

# City of Milford



## AGENDA

Council Meeting

February 24, 2014

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

7:00 P.M.

### PUBLIC HEARING

Eric Dunn of Dunn Development LLC on behalf of Walter N. Thomas, II  
Preliminary Major Subdivision/Hickory Glen/1335 Milford-Harrington Highway  
Tax Map MD-16-173.00-01-21.00 & MD-16-173.00-01-22.00

Annexation/Lands belonging to Anna M. Legates & JoAnn L. Currey  
East of State Route 1, between County Road 408A and Carpenter Pit Road  
Tax Parcel MD-174.00-02-27.00-00001

6.481 +/- Acres/Current Zone AR-1/Proposed Zone C-3

Adoption of Resolution/2014-07/Annexation of Anna M. Legates & JoAnn L. Currey Lands  
Adoption of Ordinance 2014-01/Anna M. Legates & JoAnn L. Currey/Change of Zone

### COUNCIL MEETING

Call to Order - Mayor Joseph R. Rogers

Invocation

Pledge of Allegiance

Recognition

Communications

Unfinished Business

FY2013-2014 Budget Adjustment/Can-Do Playground/Contract Increase

New Business

Permission to Convey Original City Seal/Milford Museum

Introduction of Ordinance 2014-02/Abolishing Metering Department

Introduction of Ordinance 2014-03/Sewer Code/Amends Chapter 185

Introduction of Ordinance 2014-04/Water Code/Amend Chapter 222

Introduction of Ordinance 2014-05/Electric Tariff /Amends City Code Appendix B/Electric Rules & Regulations

Authorized City of Milford Bond Issue/\$3.5 Million Water Improvements\*

Reconsideration/ Resolution 2014-04 Authorizing Borrowing (Approved 02-10-14)\*

Reconsideration/Resolution 2014-05 Scheduling Special Election (Approved 02-10-14)\*

Adjourn

### WORKSHOP

Call to Order - Mayor Joseph R. Rogers

Alarm Ordinance Options

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.**

**CITY OF MILFORD  
PLANNING COMMISSION**

*Minutes of Meeting  
February 18, 2014*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers, 201 South Walnut Street, Milford, DE 19963 on Tuesday evening, February 18, 2014.

PRESIDING: Chairman James Burk  
IN ATTENDANCE: Marvin Sharp, William Lane, Ed Holloway, Deborah O'Neill, Archie Campbell  
ALSO: City Solicitor David Rutt, Deputy City Clerk/Recording Secretary  
Christine Crouch

Chairman Burk called the meeting to order at 7:00 pm noting the absence of Mr. Fry and Ms. Mims.

***APPROVAL OF MINUTES***

Motion made by Mr. Sharp, seconded by Mr. Lane to approve the minutes of the September 2013 and October 2013 Planning Commission meeting minutes as presented. Motion carried.

***UNFINISHED BUSINESS***

***NEW BUSINESS***

**2013 Comprehensive Plan Amendment/Rt 113**

Representing the City of Milford, Mr. Gary Norris, consultant, explained since the last PLUS review of the 2013 Comprehensive Plan, there were two proposed changes. One included the changes of zone to two doctor's offices on Lakeview Ave, which the Planning Commission has already approved, and now a change of zone for multiple parcels that front Rt 113.

Ms. Mims arrived at 7:02 pm

The parcels are on the east side of Rt 113 and the City Manager requested the future land use designations be changed to highway commercial. Because these changes were not reviewed by the office of state planning during the PLUS review, once planning commission and council approve the changes the comp plan it will need to go back through the PLUS review. The mapping changes will be handled by URS as they have been in the past.

Mr. Campbell confirmed the location of the parcels along Rt 113.

Mr. Burk called for public comment and hearing none closed the public hearing.

Mr. Holloway moved to adopt the proposed changes as presented, seconded by Mr. Sharp Motion carried following a poll of the commission with Ms. Mims abstaining because of arriving late to the meeting.

**Dunn Development LLC on behalf of Walter N. Thomas II; Project No 13-196  
Preliminary Site Plan and Preliminary Major Subdivision for Hickory Glen  
1335 Milford-Harrington Hwy  
Tax Map MD-16-173.00-01-21.00; -22.00; 71.91+/- Acres  
Zoning R8  
Adoption of Resolution PC13-004 & PC13-005**

Representing the City of Milford, Mr. Scott Adkisson of Davis, Bowen & Friedel explained based on his review, the project as presented this evening meets the requirements of the code.

Mr. Burk asked if the project is including storm water ponds as part of their open space calculations. Mr. Adkisson stated they are not. He referred to the first sheet of the drawing where it states the total open space required and in parenthesis it says not including storm water ponds.

Mr. Holloway asked if this was the same development that was going to provide an assisted living accommodation. Mr. Burk confirmed it was, but as Mr. Adkisson pointed out that has been removed as part of the current plan.

Mr. Campbell recalled that component was removed on the last submission, prior to this one.

Mr. Phil Tolliver of Morris, Ritchie Associates was present on behalf of the applicant. The project has been around for quite some time, starting with being annexed and zoned as R8. Several applications for conditional uses, subdivisions and site plans have been before the Planning Commission and City Council. There were several items that were not compliant with code in those submissions and by working with the City and modifying the plans, the current preliminary subdivision and preliminary site plan are compliant.

The non-compliant issues that have been changed include 24 units per apartment building to 12 units per apartment building, an assisted living building to a vacant parcel for future land use review, one way streets on either side of the club house to two way streets by the club house, radius' that were too small to larger radius', and block lengths have been extended. Again, Mr. Tolliver stated this is a by right, code compliant plan.

Mr. Tolliver explained this project will attempt to be unique to Milford in that it will offer several walking paths and bridges connecting wetlands, berms and fencing similar to the Rookery golf course along Rt 14, the apartments will have garages and loading bays/areas in the apartment building areas for people moving.

The roads will be built to both city standards and DelDOT standards where applicable and utilities will be public. Mr. Tolliver explained this project will be helping Baltimore Air Coil because they operate with a well, which is not optimal. By cost sharing with BAC, utilities will be brought to the site and then on to BAC for them to tap into as well. Naturally the utilities design will be reviewed and approved prior to coming back to the Planning Commission for final land use approvals.

In regards to open space, which does not include wetlands and storm water ponds, 23.66 acres is required and the project is proposing 29.46 acres.

Chairman Burk asked how many lots are being created. After discussion, Mr. Tolliver determined there are 159 townhome lots, one lot for apartments, and one lot for "Lot A/Other lands of" so the total lot count is 161 lots for the subdivision.

When asked by Mr. Lane how trash is being handled Mr. Tolliver explained the apartments will have dumpster locations and the townhomes will have cans, which can be stored in their garages in the front of the buildings.

Mr. Lane asked if a statement will be added to the individual deeds explaining BAC has noise associated with it, certain hours of operation, etc. Mr. Tolliver replied that statement will be added so buyers know what to expect.

Ms. Mims asked if the project is rental or sales. Mr. Tolliver stated the apartments will be for rent and the townhomes will be for sale. When asked why this project will sell, versus other projects that have received approval from the City and then not built, Mr. Tolliver stated there are several amenities that are different than anything else being offered in Milford.

When asked how landscaping is being handled by Mr. Burk, Mr. Tolliver stated the HOA will address the open space areas and apartment areas and property owners in the townhome areas will be responsible for their lot maintenance. Mr. Burk referred to Note 15 on the plans seeking a waiver of alley requirements. He questioned how a townhome owner is going to get their lawn mower out of the garage which loads from the front of the property around to the rear of the property to mow the back yard.

Mr. Tolliver explained he lived in a townhome for many years and what people do is walk their mower out to the property line and then over to open space and around to the opposite yard. This way they are not on private property. Mr. Burk asked if that seemed logical to Mr. Tolliver. Once property markers are pulled up, how will people be able to tell where private property is and where open space is. Mr. Tolliver stated it happens all the time and it works. While he could go into why alleys are a bad idea, it will take more time and he feels a waiver is now not necessary because the subdivision ordinance says alleys are only required if the City Engineer says alleys are required. According to Mr. Tolliver, there is a letter from DBF stating they do not object to alleys not being implemented. Again, it's done all the time, coast to coast.

Mr. Burk asked if sheds will be permitted. Mr. Tolliver explained normally they do not like to allow, but if an attached shed is wanted they may allow those instead of free standing, detached sheds.

Mr. Campbell asked if there will be back doors on the town homes and how many levels the town homes will be. Mr. Tolliver confirmed there will be back doors but it has yet to be determined how many levels they will be.

Mrs. O'Neill confirmed Lot A is not part of the open space. Mr. Tolliver replied whatever is done on Lot A in the future will come back before the planning commission for approvals.

Mr. Campbell asked for details on the BAC cost sharing. Mr. Tolliver explained the cost will be shared from Holly Hill Road/Rt 14 down is going to be a shared cost. That gives the project a redundant supply of water and gives BAC water.

Mr. Burk called for public comments.

Mr. Chris Hill of 1243 Holly Hill Road stated the ponds are of a concern to him. He questioned how deep they will be and whether safety barriers will be provided. He referred to the area that proposes recreation space and asked how that will work since it is low lying ground that a lot of water drains to. Mr. Hill does not want water from this development running to his property. In addition, he would like a note added to the deeds, similar to what BAC's note will state, explaining there is an active farm next door where low lying planes are normal, manure is spread which smells, etc.

In response, Mr. Tolliver agreed to add a note to the deeds regarding the farming community nearby. He explained the drainage will be handled by the Conservation District during the final engineering stage of the process, but it will direct the water flow to the storm water ponds and will not flow to Mr. Hill's property. The depths of the ponds are determined by the conservation district, but they do require sloping which is safety driven. They also require a 10' safety bench around the ponds so that if someone slips down, there is a 10' wide ledge to land on prior to going into the water. He anticipates the depths to be somewhere between five and six feet deep.

With no further public comments offered, Mr. Burk closed the public hearing.

After reading Resolution PC13-004 into the record, a motion by Mr. Lane was seconded by Mr. Campbell to adopt it as presented with the addition of the 161 lot count added. Motion carried with the following votes:

Mr. Sharp-No because he didn't hear anything about any road improvements for Baltimore Air Coil and it still concerns him, as it has for the last two or three years.

Mr. Campbell-Yes. They have done everything they were supposed to.

Mrs. O'Neill- Yes for the same reasons.

Mr. Holloway-Yes

Ms. Mims-Yes

Mr. Lane-Yes

Chairman Burk-Yes

Mr. Lane moved to adopt resolution PC13-005, seconded by Mr. Campbell. Motion carried with the following votes:

Mr. Sharp-No for the same reasons stated earlier.

Mr. Campbell-Yes for reasons stated earlier.

Mrs. O'Neill-Yes

Mr. Holloway-Yes  
 Ms. Mims-Yes  
 Mr. Lane-Yes  
 Chairman Burk-Yes

**Anna M. Legates on behalf of Anna M. Legates and JoAnn L. Currey; Project No 13-203  
 Annexation  
 Carpenter Pit Road  
 Tax Map MD-00-174.00-02-27.00; 6.48 +/- Acres  
 Current Zoning AR, Proposed Zoning C-3  
 Adoption of Resolution PC14-001**

Representing the City of Milford, Ms. Debbie Pfeil of URS explained this annexation request was received and public meeting of the Annexation Committee was held in Council Chambers on February 6, 2014. Ms. Pfeil reviewed the findings of the Annexation Committee, which is as follows:

*TO: Mayor Ronnie Rogers & City of Milford Council Members  
 FR: Annexation Committee  
 DA: 02/06/14  
 RE: Annexation Committee Report*

*A public meeting was held in Council Chambers on February 6, 2014 to consider the annexation request for lands described as:*

<i>Property Owner:</i>	<i>Anna M. Legates and JoAnn L. Currey</i>
<i>Location:</i>	<i>The east of Delaware Route 1, between County Road 408A (east) and Carpenter Pit Road (north)</i>
<i>Size:</i>	<i>6.481 +/- Acres</i>
<i>Existing Zoning:</i>	<i>AR-1: Agricultural Residential</i>
<i>Proposed Zoning:</i>	<i>C-3</i>
<i>Tax Map and Parcel Number:</i>	<i>MD-00-174.00-02-27.00</i>

**APPLICANT**

*A petition by the property owners was submitted on December 16, 2013 to annex 6.481 +/- acres into the corporate limits of the City of Milford.*

**LOCATION**

*The property is identified as Kent County tax parcels MD-00-174.00-02-27.00 and would be located in the Third Ward of the City of Milford.*

**STREETS**

*The property fronts both County Road 408A to the east and Carpenter Pit Road to the north, both of which are maintained by the State of Delaware. Access approval will be required from DelDOT. The parcel is currently vacant.*

**DRAINAGE**

*Storm water management on the parcel will be controlled by the Kent County Soil Conservation District at the developer's expense.*

**ZONING**

*The area proposed to be annexed is currently zoned AR in Kent County under the Kent County Zoning Ordinance. The applicant requests the property to be zoned C-3 Highway Commercial under the City of Milford's Zoning Ordinance. Proposed development is unknown, currently a vacant lot.*

**SEWER**

*The area proposed to be annexed would be connected to the City of Milford's sewer system and then be treated at the Kent County Regional Sewer Authority. All costs for utility extensions to this property shall be completed at the expense of the developer and upon completion, the utility lines transferred to the City for incorporation into the City's wastewater system. Wastewater capacity cannot be guaranteed until a final site plan has been approved by the Milford Planning Commission, or a subdivision application has been approved by the Milford City Council, building permits issued, and the scheduled impact fees are remitted to the City.*

**WATER**

*The area proposed to be annexed would be connected to the City of Milford's water system. All costs for utility extensions to this property shall be completed at the expense of the developer and upon completion, the utility lines transferred to the City for incorporation into the City's water system. Water capacity cannot be guaranteed until a final site plan/subdivision has been approved by the Planning Commission/City Council, building permits issued, and the scheduled impact fees are remitted to the City.*

**ELECTRIC**

*The Electric Department has 3 phase electric currently serving Lighthouse Estates and running down Carpenters Pit Road.*

**TRAFFIC**

*The Department of Transportation will most likely require a traffic impact study based on commercial trip generations and further require entrance permits for project. The developer will pay the related costs.*

**ENVIRONMENTAL ISSUES**

*The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. The applicant has not determined if wetlands are on the property at this time, however according to Map Figure 3 titled "Natural Features" in the 2008 Comprehensive Plan there are not wetlands shown on this site. This parcel is located in a poor recharge area. The developer will have to comply with the Excellent Recharge Area Ordinance of the City of Milford and conform to the provisions of this ordinance. According to Map 3A Natural Features, of the 2008 City of Milford Comprehensive Plan, this property is not located in a Well Head Protection Area.*

**AREA LAND USES**

*The area proposed to be annexed is located east of Delaware Route 1, between County Road 408A (east) and Carpenter Pit Road (north). Lands to the north are located in the City of Milford, developed as Lighthouse Estates subdivision, and zoned R-3. Lands to the west and east are out of the City's limits with scattered single family home sites/vacant on parcels of land and are zoned AC under the Kent County Zoning Ordinance. Parcel 5-00-174.00-02-27.01 is directly west of this property and this annexation would create an enclave to the City limits.*

### **FIRE AND POLICE**

*The Carlisle Fire Company, Inc. currently provides and would continue to provide fire protection. Police protection is primarily provided by the Delaware State Police with assistance from the Milford Police Department. Upon annexation, primary police service would be provided by the City of Milford Police Department. The Carlisle Fire Company would provide ambulance service. The State Fire Marshal's Office would regulate construction issues relating to fire protection*

### **COMPREHENSIVE LAND USE PLAN**

*The City of Milford's Comprehensive Plan identifies this property within the City Urban Growth Boundary on Map Figure 10 titled "Future Land Use". It is further identified in the Neighborhood- North as shown on Map Figure 14A titled "Neighborhood Map-North". The property is recommended in the Comprehensive Plan as Highway Commercial or C-3.*

### **STRATEGIES FOR STATE POLICIES AND SPENDING**

*This property is located in State Strategies Level 3; however, the property located to the north is in Level 1 according to the 2010 plan. Investment Level 3 is described as: Investment Level 3 Areas generally fall into two categories.*

- 1. The first category covers lands that are in the long-term growth plans of counties or municipalities where development is not necessary to accommodate expected population growth during this five-year planning period (or longer). In these instances, development in Investment Level 3 may be least appropriate for new growth and development in the near term.*
- 2. The second category includes lands that are adjacent to or intermingled with fast-growing areas within counties or municipalities that are otherwise categorized as Investment Levels 1 or 2. These lands are most often impacted by environmentally sensitive features, agricultural-preservation issues, or other infrastructure issues. In these instances, development and growth may be appropriate in the near term, but the resources on the site and in the surrounding area should be carefully considered and accommodated by state Agencies and local governments with land-use authority.*

### **PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS**

*According to Christine Crouch, Deputy City Clerk for the City of Milford, there are no farmland assessments or preservation districts on the parcels under consideration. The site as surveyed is 6.481 acres at the requested C-3 zoning district, with no subdivision approval, would have an assessment estimate of \$244,804 with an annual tax liability of \$1,126. It is anticipated that the*

*property taxes, after development, will increase on this property and the City would benefit from the revenues received from building permits and real estate transfer taxes. Construction costs as well as user service fees cannot be determined at this time, as the applicant has not proposed a project to assess.*

### **ADVANTAGES TO THE CITY**

- 1. The property would be within the planning area of the City of Milford.*
- 2. The City would receive revenues (property tax, real estate transfer tax, building permits, etc.) for activity on the property.*
- 3. Potential for additional water, sewer, and electric customers.*
- 4. Identified within the Urban Growth Boundary Area of the 2008 Comprehensive Plan.*
- 5. Consistent with the Future Land Figure of the 2008 Comprehensive Plan*
- 6. Increases the amount of development opportunities within the City limits, which have the potential to spur other economic benefits to the City.*

### **DISADVANTAGES TO THE CITY**

- 1. N/A*

### **RECOMMENDATION**

*Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends approval of the application, following a 4 to 0 vote, with the following comments:*

- 1. Annexation is consistent with the "Comprehensive Land Use Plan".*
- 2. Property is contiguous to existing City Limits.*
- 3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.*
- 4. Property will be served by City Electric, Sewer, and Water at the expense of the developer. At present, these utilities are not available to the site.*
- 5. An executed Annexation Agreement is required prior to final City Council approval.*
- 6. The Municipal Annexation Plan of Services to be submitted to the Office of State Planning as soon as possible.*

*The property should be annexed with the following zoning classification: C-3*

Ms. Pfeil will be working on the Plan of Services now and it will be submitted to the Office of State Planning for approval. Once that is accepted, City Council will hold a public hearing to vote on whether to annex the property.

Mr. Lane confirmed with Ms. Pfeil the enclave she mentioned will not be a problem in the future where the City is creating a parcel no one owns. Ms. Pfeil explained not at all. There is a single family home on the property now and they may wish in the future to annex as well. She just wanted to make certain everyone is aware it may be comment from the OSP during the POS review.

Chairman Burk called for public comments.

Ms. Anna Legates, the applicant, introduced herself and asked if anyone had any questions for her. She thanked Mrs. Crouch for her assistance during the process thus far.

With no further public comments, Mr. Burk closed the public hearing.

Mr. Campbell moved to adopt resolution PC14-003 with a zoning recommendation of C3, seconded by Mr. Holloway. Motion carried unanimously following a poll of the commission.

***ADJOURN***

With no further business, the meeting adjourned at 8:15pm.

Respectfully submitted,

Christine R. Crouch  
Deputy City Clerk

# City of Milford



## **PUBLIC NOTICE CITY OF MILFORD CITY COUNCIL HEARING (Rescheduled)**

NOTICE IS HEREBY GIVEN that the City Council of the City of Milford will hold a Public Hearing on Monday, February 24, 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:

Eric Dunn of Dunn Development LLC on behalf of Walter N. Thomas, II for a Preliminary Major Subdivision of 79.47 +/- acres with 399 residential units (159 townhomes and 240 apartments) to be known as Hickory Glen in an R-8 District at 1335 Milford-Harrington Highway, Milford, Delaware. Tax Map MD-16-173.00-01-21.00; Tax Map MD-16-173.00-01-22.00.

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 302-424-3712 Extension 308.

By: Christine Crouch  
Deputy City Clerk

*111313 011714*



# Land Use Application Cover Sheet

File Name: Hickory Glen  
 File Number: 13 - 196

04.02.13  
 Date Stamp  
 "incomplete"  
 see notes

**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

**Please Type or Print Legibly**

<b>Property Owner:</b> Walter N. Thomas, II			Phone: 302-632-4463
Address: 1335 Milford-Harrington Highway			Cell:
City: Milford	State: DE	Zip: 19963	Fax:
E-Mail:			
<b>Contact Person For This Application:</b> Charlie Barnett, MRA			Phone: 302-326-2200
Address: 18 Boulden Circle, Suite 36			Cell:
City: New Castle	State: DE	Zip: 19720	Fax: 302-326-2399
E-Mail: cbarnett@mragta.com			
<b>Applicant Name and/or Company:</b> Eric Dunn, Dunn Development, LLC			Phone: 410-937-9799
Address: 160 Seneca Shore Road			Cell:
City: Perryville	State: MD	Zip: 21903	Fax: 410-287-2884
E-Mail: ericdunn6@icloud.com			
<b>Site Address:</b> 1335 Milford-Harrington Highway, Milford, DE 19963			Zoning: R-8
Tax Map & Parcel Number (s): 5-16-173.00-01-21.00 & 22.02 <u>00</u>			Acreage: 71.918
<b>Description of Proposal:</b> Residential subdivision with 240 apartment units and 128 townhomes for a total of 368 units			
<p style="color: red; font-size: 1.2em;">* Lot count ———</p>			
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 Applicant:		Date: <u>2/28/13</u>	
Signature of Property Owner:		Date: <u>2-28-13</u>	

REVISED: 05.03.11

AS OF 10.22.13 SUBMISSION, 159 TOWN HOME UNITS; 240 APARTMENT UNITS; TOTAL OF 399 UNITS. ? TOTAL LOT COUNT.



# Subdivision Application

File Name: Hickory Glen  
 File Number: 130-196

04.02.13  
 "Incomplete"  
 See notes

Proposed Subdivision Name: HICKORY GLEN

I/We wish to subdivide our lot(s) as follows : ~~128~~ # of lots and 240 # of units; consisting of 0 # of commercial units and 368 # of residential units

**399 UNITS**

### Pre Application Conference:

Any property owner or developer seeking to subdivide land within the City of Milford is strongly encouraged to consult with staff prior to submitting an application in order to become familiar with the requirements of Milford City Code Chapter 200-Subdivisions and Chapter 230-Zoning. 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, not in conflict with any provision or portion of the development plan, Official Map, Chapter 230-Zoning, or Chapter 200-Subdivision, and not greater than four lots may not be required to file for a preliminary approval, if deemed acceptable by the City Planner.

A Land Use Application for a 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.

## PRELIMINARY APPROVAL

### REQUIRED ITEMS

1. Land Use Application Cover Sheet.
2. A full legal description of the property, including the tax map and parcel number.
3. Thirty-eight folded copies of a preliminary subdivision plan (5 copies no smaller than 24" x 36" and 33 copies no larger than 11" x 17") showing:
  - A. Date, scale, north arrow and acreage of the entire site;
  - B. The name of the preliminary plat, subdivision, or dedication;
  - C. The name and address of the owner(s), developer, and any other parties of interest;
  - D. Boundary lines of the tracts to be subdivided, with the corresponding bearings and actual dimensions of the tract to be platted, subdivided or dedicated;
  - E. Calculation of units for each proposed building type, including commercial units (number of lots and number of units);
  - F. Calculation of open space requirements and parking requirements according to the Code of the City of Milford;
  - G. Location of existing structures, utilities, streets, easements, and natural features;
  - H. A layout of the proposed subdivision including proposed parcel/lot locations, lot square footage, buffering, open space, parking, street and alley layout;
  - I. Location of wetlands, delineated using the US Army Corps of Engineers Manual, latest edition;
  - J. Location of well head protection areas and recharge areas delineated per the State of Delaware.
  - K. A Master Plan and schedule if the property is intended to be developed in phases
4. A list of waivers being sought from the Code of the City of Milford and their corresponding code locations.
5. A CD with the all of the above information saved in .pdf format, except the legal description and list of waivers saved in Word format.
6. Application fee.

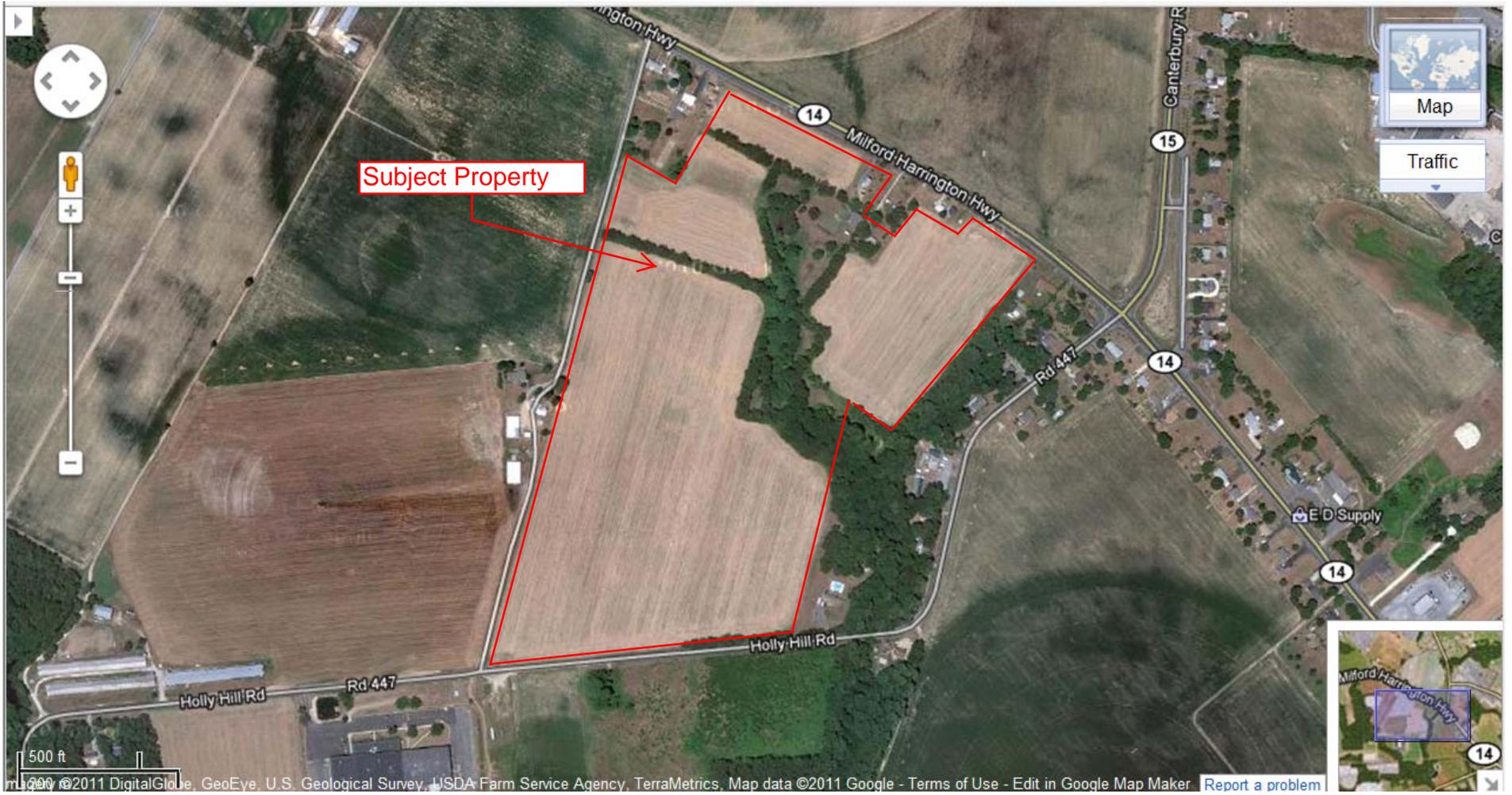
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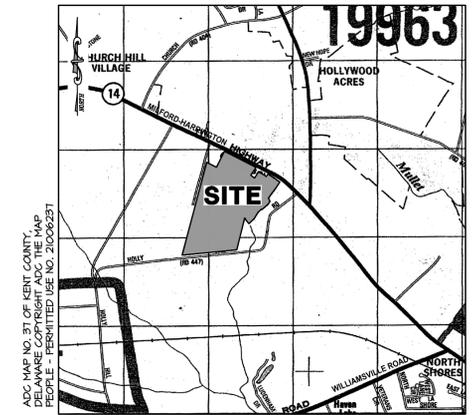
## GENERAL NOTES

- NO CERTIFICATES OF OCCUPANCY WILL BE ISSUED FOR ANY LOT UNTIL ALL STREET SIGNS ARE IN PLACE FOR THE STREETS LEADING FROM THE ENTRANCE TO THE DEVELOPMENT TO THE LOT FOR WHICH THE PERMIT IS TO BE ISSUED.
- ALL LOTS WITHIN THIS DEVELOPMENT SHALL HAVE ACCESS FROM INTERNAL SUBDIVISION STREETS ONLY. DIRECT ACCESS TO COUNTY ROADS FROM INDIVIDUAL LOTS IS PROHIBITED.
- A HOMEOWNERS ASSOCIATION SHALL BE ESTABLISHED FOR, BUT NOT LIMITED TO, ALL FUTURE MAINTENANCE AND REPAIRS OF ALL STORMWATER MANAGEMENT FACILITIES, SUBDIVISION ENTRANCE SIGNS, AND ALL OPEN SPACE AREAS.
- ALL PUBLIC UTILITIES NOT LOCATED WITHIN COUNTY ROAD RIGHT-OF-WAY SHALL BE CONTAINED WITHIN A PUBLIC DRAINAGE AND UTILITY EASEMENT.
- ALL OPEN SPACES AND STORMWATER MANAGEMENT FACILITIES SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION (H.O.A.) WITH THE RESPONSIBILITY OF MAINTENANCE FOR THE H.O.A. TO BEGIN AT THE COMPLETION OF THE PROJECT.
- THE OWNER/DEVELOPER UNDERSTANDS THAT THE TRACT DEPICTED HEREON MAY BE IMPACTED BY WETLANDS REGULATED BY THE ARMY CORPS OF ENGINEERS AND IS ADVISED TO CONTACT THE ARMY CORPS OF ENGINEERS FOR INFORMATION AND GUIDANCE IN REGARD TO JURISDICTIONAL DETERMINATIONS AND FEDERAL PERMITS PRIOR TO THE START OF CONSTRUCTION.
- THE KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS IT DEEMS NECESSARY.
- THE KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE INSPECTION.
- ALL APARTMENT BUILDINGS SHALL HAVE SPRINKLER SYSTEMS AND SHALL MEET FIRE LANE MARKING REQUIREMENTS.
- ALL FIRE LANES, FIRE HYDRANTS, EXITS, STANDPIPES, AND SPRINKLER SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS, DATED JANUARY 15, 1993 AND LAST REVISED JULY 1, 1991.
- ALL SUBDIVISION STREETS AND ENTRANCES SHALL BE ACCESSIBLE TO FIRE APPARATUS. ALL STRUCTURES SHALL PROVIDE ACCESS TO FIRE APPARATUS WITHIN 100 FEET OF THE FRONT DOOR.
- PRIOR TO FINAL PLAN APPROVAL AND RECORDATION, ALL DELAWARE FIRE MARSHAL REQUIREMENTS SHALL BE MET.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL CONFORM TO THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, DATED 1984.
- ALL ROADWAYS SHALL BE CONSTRUCTED TO CITY OF MILFORD AND STATE OF DELAWARE, DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS AND SHALL BE DEDICATED TO PUBLIC USE.
- AS PART OF THIS PRELIMINARY PLAN, A WAIVER FROM SECTION 230-19.4.B(3)(h) REFERING TO ALLEYS IN THE REAR OF TOWNHOME UNITS WILL BE REQUESTED.
- ALL ELECTRICAL, TELEPHONE, TV CABLE, COMMUNICATIONS, ETC. LINES AND CABLES SHALL BE PLACED UNDERGROUND.
- DECLARANT HEREBY GRANTS TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, DIVISION OF SOIL AND WATER CONSERVATION SEDIMENT AND STORMWATER PROGRAM OR ITS DELEGATED AGENCY, THE RIGHT, PRIVILEGE, AND AUTHORITY TO ENTER UPON SAID PREMISES AND INSPECT STORMWATER MANAGEMENT AREAS WITHIN STORMWATER MANAGEMENT EASEMENTS. IN EVENT THAT THE DELEGATED AGENCY DETERMINES THAT MAINTENANCE IS REQUIRED WITHIN SAID STORMWATER MANAGEMENT AREAS, ALL EXPENSES SHALL BE THE RESPONSIBILITY OF THE MAINTENANCE CORPORATION.
- MAINTENANCE OF ALL STORMWATER FACILITIES ON SITE INCLUDING BUT NOT LIMITED TO STORMWATER PONDS, BIO-FILTRATION AREAS AND ROCK OUTLET PROTECTION, SHALL BE THE RESPONSIBILITY OF THE DEVELOPER UNTIL SUCH TIME AS ALL MAINTENANCE IS TURNED OVER TO THE HOMEOWNERS ASSOCIATION FOR LONG TERM MAINTENANCE.
- ALL ENTRANCES SHALL CONFORM TO THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS AND WILL BE SUBJECT TO ITS APPROVAL.
- SUBDIVISION SIGNS WILL NOT BE PERMITTED WITHIN THE DEDICATED RIGHTS-OF-WAY.
- 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.
- A LANDSCAPE PLAN SHALL BE APPROVED BY THE CITY PLANNER PRIOR TO THE FINAL PLAN APPROVAL. SAID LANDSCAPE PLAN SHALL CONFORM WITH SECTION 200-5 (H)(1)(e) & (f) OF THE MILFORD CODE.
- A COMBINATION OF EARTHEN BERMS AND LANDSCAPE PLANTINGS WILL BE USED ALONG HOLLY HILL ROAD TO REDUCE NOISE FROM THE BALTIMORE AIRCOIL FACILITY.
- PRIOR TO RECORD PLAT APPROVAL, A COPY OF THE HOA DOCUMENTS WILL BE SUBMITTED TO THE CITY OF MILFORD.
- THE PURPOSE OF THE BOARDWALKS SHOWN ON THIS PLAN ARE TO ALLOW RESIDENTIAL ACCESS FROM APARTMENT BUILDINGS 1-10 TO THE CLUBHOUSE AREA. NO TREE CLEARING OR EARTHEN FILL SHALL TAKE PLACE AS A RESULT OF BOARDWALK CONSTRUCTION.
- THE PURPOSE OF THE MAINTENANCE BUILDING SHOWN WITHIN THE APARTMENT SECTION WILL BE TO STORE TOOLS AND MATERIALS NECESSARY IN THE CONTINUAL MAINTENANCE AND UPKEEP OF THE APARTMENT UNITS AND WILL BE USED BY THE HOA-EMPLOYED MAINTENANCE COMPANY.
- ALL OPEN SPACE WITHIN THE SUBDIVISION IS WITHIN AN ACCESS AND MAINTENANCE EASEMENT FOR THE RESIDENTS OF THE SUBDIVISION AND CAN THEREFORE BE USED FOR RECREATIONAL ACCESS AS WELL AS MAINTENANCE ACCESS (MOWING, ETC.)

# HICKORY GLEN PRELIMINARY PLAN

## INDEX OF DRAWINGS

SHEET 1	TITLE SHEET
SHEET 2	SITE PLAN
SHEET 3	EXISTING CONDITIONS PLAN



## LOCATION MAP

SCALE: 1" = 2000'



## VICINITY SKETCH

1" = 800'

## SITE DATA

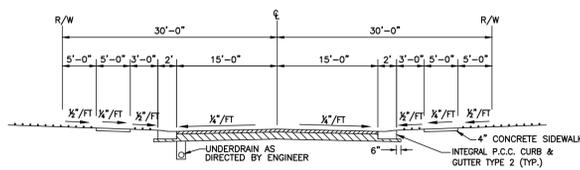
TAX MAP PARCELS:	5-16-173.00-01-21.00 5-16-173.00-01-22.00
DEED B.V.P.:	D-2521-141
OWNER:	WALTER N. THOMAS, II 1335 MILFORD-HARRINGTON HIGHWAY MILFORD, DE 19963
SITE ADDRESS:	1335 MILFORD-HARRINGTON HIGHWAY MILFORD, DE 19963
DEVELOPER/APPLICANT:	DUNN DEVELOPMENT, LLC 160 SENECA SHORE ROAD FERRYVILLE, MD 21903 ATTN: MR. ERIC DUNN
EXISTING ZONING:	R-8 (CITY OF MILFORD)
PROPOSED ZONING:	R-8 (CITY OF MILFORD)
PROPOSED USE:	RESIDENTIAL
TOTAL SITE AREA:	71.918± AC (SURVEY)
AREA OF LOT A (OTHER LANDS OF DUNN DEVELOPMENT LLC):	3.268± AC
REMAINING SITE AREA:	68.65± AC
ALLOWABLE DENSITY:	68.65 AC - 2.64 AC WETLANDS = 66.01 AC X 8 UNITS/ACRE = 528 UNITS
PROPOSED DENSITY:	399 UNITS TOTAL 20 APARTMENT BUILDINGS, 12 UNITS PER BUILDING = 240 UNITS 24 TOWNHOME GROUPS (4-8 UNITS PER GROUP) = 154 TOWNHOMES

AREA CALCULATIONS:	
WIN PROPOSED STREETS R.O.W.	9.50 ± AC (TOTAL SITE)
WIN EXISTING WOODLAND	4.29 ± AC
WIN WOODLAND PRESERVATION	3.84 ± AC
WIN WETLANDS	2.64 ± AC
WIN ZONE 3 SW PROTECTION AREA	14.69 ± AC
AREA OF APARTMENT SECTION:	34.88 ± AC (INCLUDING R/W), 32.46 ± AC (NOT INCLUDING R/W), 2.42 ± AC R/W WITHIN APARTMENT AREA
OPEN SPACE REQUIRED:	40% = 12.98 ± AC
TOTAL OPEN SPACE PROVIDED:	16.93 ± AC (NOT INCLUDING WETLANDS AND SWM AREAS)
RECREATIONAL OPEN SPACE PROPOSED:	2.62 ± AC
MAXIMUM LOT COVERAGE:	20%
AREA OF TOWNHOME SECTION:	33.77 ± AC (INCLUDING R/W), 26.69 ± AC (NOT INCLUDING R/W), 7.08 ± AC R/W WITHIN TOWNHOME AREA
AREA OF TOWNHOUSE LOTS	10.00 ± AC
MINIMUM T.H. LOT SIZE:	2,200 SF
AVERAGE T.H. LOT SIZE:	2,738 SF
MAXIMUM LOT COVERAGE:	60%
OPEN SPACE REQUIRED:	40% = 10.68 ± AC
TOTAL OPEN SPACE PROVIDED:	12.56 ± AC (NOT INCLUDING WETLANDS AND SWM AREAS)
RECREATIONAL OPEN SPACE PROPOSED:	3.16 ± AC
MAX. IMPERVIOUS WIN ZONE 3 SWPA:	35% ALLOWED, 30% PROPOSED (4.31 ± AC)

PARKING SPACES:	REQUIRED	PROPOSED
APARTMENTS (2.5 SPACES PER UNIT):	600	742
TOWNHOMES (2.5 SPACES PER UNIT):	348	348
CLUBHOUSE (1 SPACE PER 150 S.F.F.A.):	21	26 (INCLUDES 2 FOR TOT LOT)

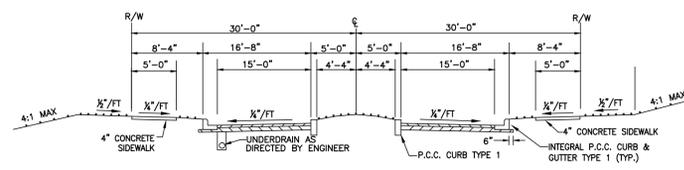
BUILDING SETBACKS:	TOWNHOMES	APARTMENTS
FRONT YARD	30'	35'
SIDE YARD	15'	N/A
REAR YARD	15'	N/A
BETWEEN UNITS (FACE/SIDE)	60'/30'	64'/45'
PROPERTY BOUNDARY	60'	35'

WATER:	CITY OF MILFORD PUBLIC WATER	
SEWER:	CITY OF MILFORD PUBLIC SEWER	
TOPOGRAPHIC REFERENCE:	HORIZONTAL - DELAWARE COORDINATE SYSTEM NAD 83/86 VERTICAL - NAVD 88	
FLOODPLAIN REFERENCE:	FEMA MAP #100010362H, EFFECTIVE MAY 23, 2003	
WETLAND REFERENCE:	DELINEATED BY GEO-TECHNOLOGY ASSOC., INC. ON JUNE 3, 2010	
BUILDING HEIGHTS:	TOWNHOMES APARTMENTS	
MAX. PERMITTED	3 STORIES or 35'	3 STORIES
MAX. PROPOSED	3 STORIES (35')	3 STORIES



## TYPICAL TOWNHOME STREET SECTION

NOT TO SCALE



## SHAGBARK DRIVE TYPICAL SECTION

NOT TO SCALE

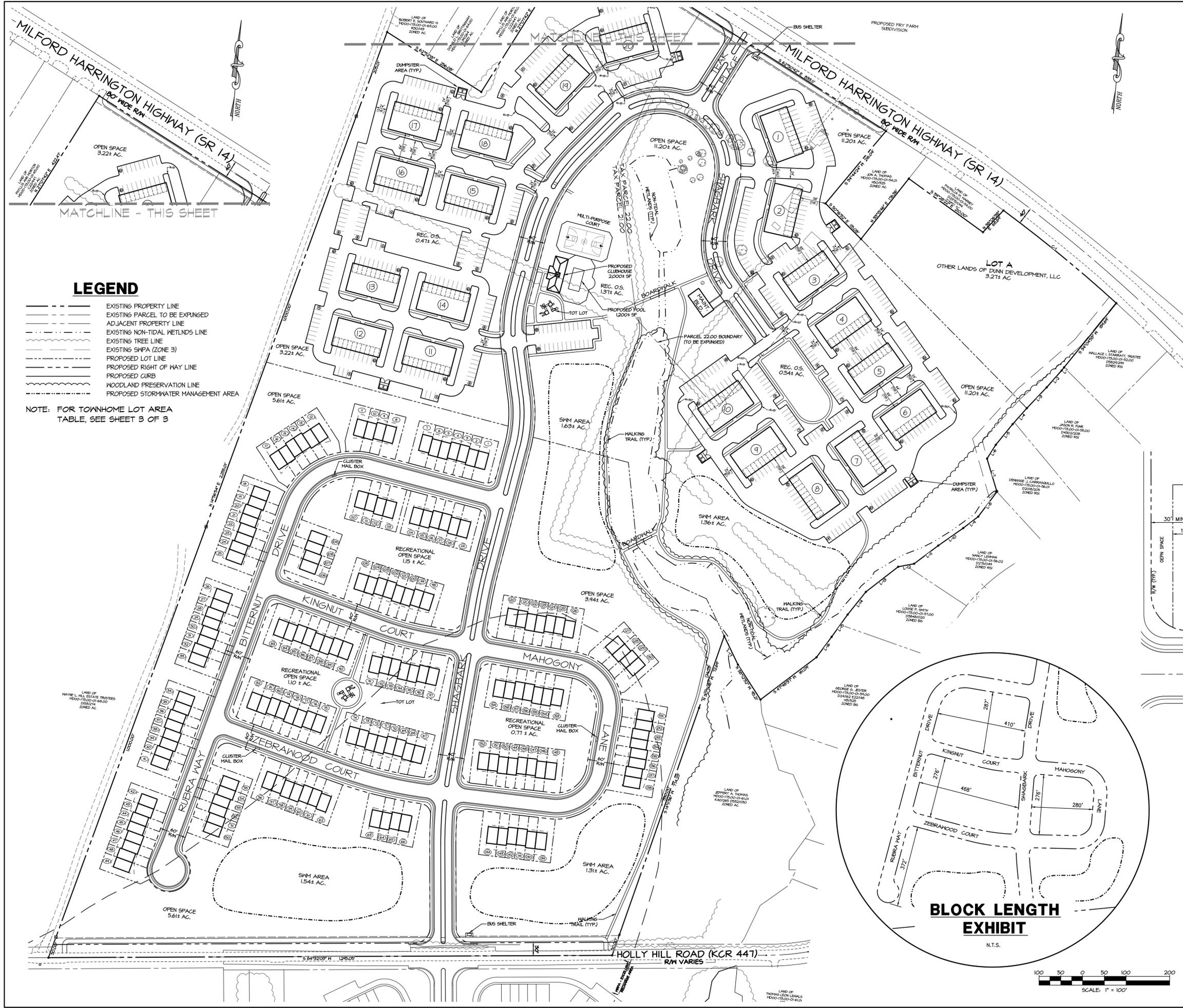
## ENGINEER'S CERTIFICATION

I, PHILLIP L. TOLLIVER, HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

PHILLIP L. TOLLIVER, P.E.

DATE

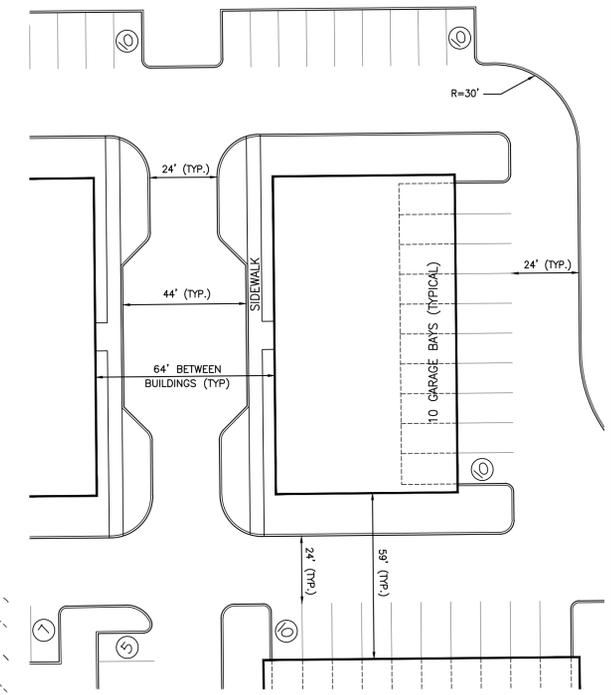
		<b>MORRIS &amp; RITCHIE ASSOCIATES, INC.</b> ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 18 BOULDEN CIRCLE, SUITE 36 NEW CASTLE, DELAWARE 19720 (302) 326-2200 FAX: (302) 326-2399 WWW.MRAGTA.COM
PRELIMINARY PLAN TITLE SHEET FOR <b>HICKORY GLEN</b>		ENGINEER'S SEAL: CITY OF MILFORD, KENT COUNTY, DELAWARE JOB NO.: 16302.01
DATE	REVISIONS	JOB NO.: 16302.01
6/03/13	PER DAC COMMENTS 4/17/13	SCALE: AS SHOWN
7/31/13	PER COMMENTS 7/16/13	DATE: 2/28/13
10/10/13	PER COMMENTS 8/16/13	DRAWN BY: CWB
11/13/13	PER COMMENTS 11/7/13	DESIGN BY: CWB
		REVIEW BY: PLT
		SHEET: 1 of 3



**LEGEND**

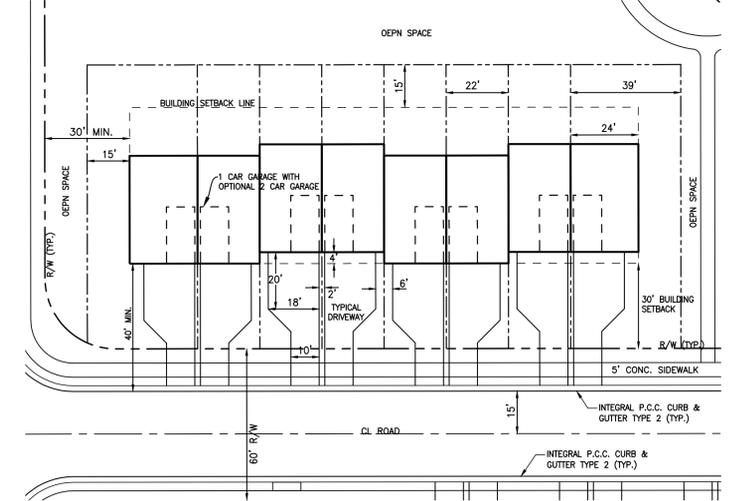
- EXISTING PROPERTY LINE
- EXISTING PARCEL TO BE EXPUNGED
- ADJACENT PROPERTY LINE
- EXISTING NON-TIDAL WETLANDS LINE
- EXISTING TREE LINE
- EXISTING SWPA (ZONE 3)
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED CURB
- WOODLAND PRESERVATION LINE
- PROPOSED STORMWATER MANAGEMENT AREA

NOTE: FOR TOWNHOME LOT AREA TABLE, SEE SHEET 3 OF 3



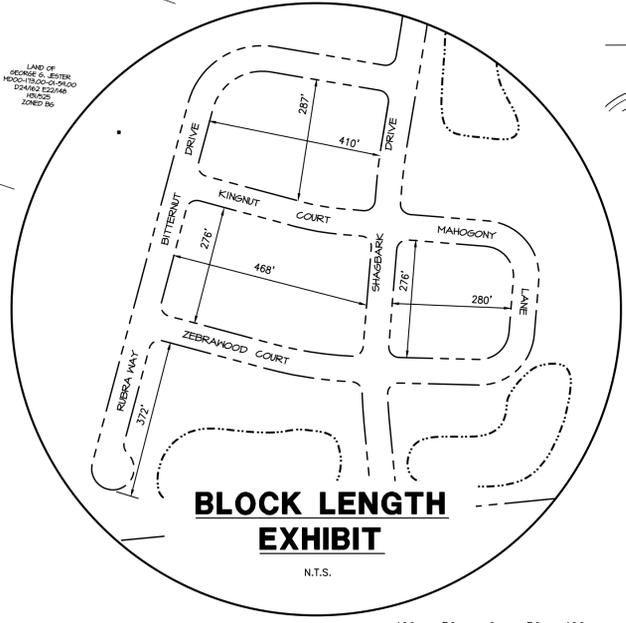
**TYPICAL APARTMENT DETAIL**

SCALE: 1" = 30'



**TYPICAL TOWNHOME BLOCK**

SCALE: 1" = 30'



**BLOCK LENGTH EXHIBIT**



		<b>MORRIS &amp; RITCHIE ASSOCIATES, INC.</b> ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 18 BOLDEN CIRCLE, SUITE 36 NEW CASTLE, DELAWARE 19720 (302) 326-2200 FAX: (302) 326-2399 WWW.MRAGTA.COM	
		<b>PRELIMINARY PLAN SITE PLAN</b> FOR <b>HICKORY GLEN</b>	
ENGINEER'S SEAL	CITY OF MILFORD	KENT COUNTY, DELAWARE	
DATE	REVISIONS	JOB NO.: 16302.01	
6/03/13	PER DAC COMMENTS 4/17/13	SCALE: AS SHOWN	
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11/13/13	PER COMMENTS 11/7/13	DESIGN BY: CWB	
		REVIEW BY: PLT	
		SHEET: 2 of 3	



**BOUNDARY CURVE TABLE**

LINE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD	TANGENT
C-1	5°34'08"	3341.87'	335.20'	555°57'04"E	335.07'	167.74'

**BOUNDARY LINE TABLE**

LINE	BEARING	DISTANCE
L-1	S32°56'34"W	9.00'
L-2	S36°27'16"W	51.77'
L-3	S38°28'07"W	65.98'
L-4	S36°37'41"W	48.90'
L-5	S34°05'54"W	61.05'
L-6	S27°13'27"W	37.34'
L-7	S21°42'17"E	77.44'
L-8	S30°53'41"W	71.70'
L-9	S47°36'00"W	43.38'
L-10	S44°53'24"W	64.97'
L-11	S47°55'06"W	64.19'
L-12	S74°09'47"W	37.17'
L-13	S47°00'07"W	94.01'
L-14	S33°44'05"W	66.74'
L-15	S30°33'37"W	62.71'
L-16	S31°20'18"W	58.11'
L-17	N30°51'16"W	72.64'

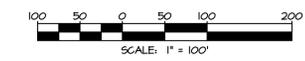
**TOWNHOME LOT AREA TABLE**

LOT #	AREA (S.F.)						
1	3843	41	3400	81	2200	121	2200
2	2200	42	3400	82	3843	122	2200
3	2200	43	2200	83	3843	123	2200
4	2200	44	2200	84	2200	124	2200
5	2200	45	2200	85	2200	125	2200
6	2200	46	2200	86	2200	126	3400
7	3400	47	2200	87	2200	127	4163
8	3400	48	2208	88	2200	128	2214
9	2201	49	4142	89	2200	129	2214
10	2228	50	3400	90	3400	130	4163
11	4088	51	2200	91	4075	131	3496
12	4228	52	2200	92	2235	132	2200
13	2270	53	2200	93	2204	133	2200
14	2210	54	2200	94	2201	134	2200
15	2210	55	3400	95	2204	135	2200
16	2270	56	3400	96	2232	136	2200
17	4228	57	2200	97	4015	137	2200
18	3880	58	2200	98	3484	138	3496
19	2200	59	2200	99	2305	139	3403
20	2200	60	2200	100	2322	140	2200
21	2200	61	2200	101	2314	141	2200
22	2200	62	3402	102	2300	142	2200
23	2200	63	3437	103	2276	143	2200
24	2200	64	2202	104	2253	144	3400
25	3400	65	2202	105	3437	145	3844
26	3400	66	3437	106	3843	146	2200
27	2200	67	3478	107	2200	147	2200
28	2200	68	2247	108	2200	148	2200
29	2200	69	2321	109	3400	149	2200
30	2200	70	2332	110	3874	150	2200
31	2200	71	2332	111	2200	151	2200
32	2200	72	2321	112	2200	152	3884
33	3400	73	2247	113	3400	153	3400
34	3400	74	3474	114	3400	154	2200
35	2200	75	3400	115	2200	155	2200
36	2200	76	2200	116	2200	156	2200
37	2200	77	2200	117	2200	157	2200
38	2200	78	2200	118	2200	158	2200
39	2200	79	2200	119	3843	159	3400
40	2200	80	2200	120	3400		

NOTE: THE NON-TIDAL WETLANDS SHOWN HEREON WERE DELINEATED BY GEO-TECHNOLOGY ASSOC., INC. ON JUNE 3, 2010

**LEGEND**

	EXISTING PROPERTY LINE
	ADJACENT PROPERTY LINE
	EXISTING NON-TIDAL WETLANDS LINE
	EXISTING SANITARY FORCE MAIN
	EXISTING OVERHEAD ELECTRIC
	EXISTING TREE LINE
	EXISTING WOODS

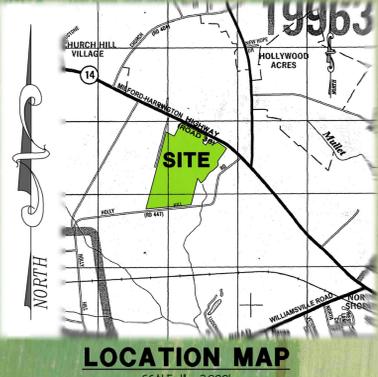




**MORRIS & RITCHIE ASSOCIATES, INC.**  
 ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
 18 BOULDER CIRCLE, SUITE 36  
 NEW CASTLE, DELAWARE 19720  
 (302) 326-2200  
 FAX: (302) 326-2399  
 WWW.MRAGTA.COM

**PRELIMINARY PLAN**  
**EXISTING CONDITIONS PLAN**  
 FOR  
**HICKORY GLEN**

ENGINEER'S SEAL	CITY OF MILFORD	KENT COUNTY, DELAWARE
DATE	REVISIONS	JOB NO.: 16302.01
6/03/13	PER DAC COMMENTS 4/17/13	SCALE: AS SHOWN
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		SHEET: 3 of 3



# Hickory Glen

CITY OF MILFORD, DELAWARE



# City of Milford



## PUBLIC NOTICE CITY OF MILFORD PLANNING COMMISSION HEARING **\*POSTPONED UNTIL FEBRUARY 18, 2014\***

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

Eric Dunn of Dunn Development LLC on behalf of Walter N. Thomas, II for a Preliminary Major Subdivision of 79.47 +/- acres with 399 residential units (159 townhomes and 240 apartments) to be known as Hickory Glen in an R-8 District at 1335 Milford-Harrington Highway, Milford, Delaware. Tax Map MD-16-173.00-01-21.00; Tax Map MD-16-173.00-01-22.00.

A Public Hearing is scheduled for Tuesday, December 17, 2013 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

*111313, 121713*

# City of Milford



## PUBLIC NOTICE CITY OF MILFORD CITY COUNCIL HEARING **\*POSTPONED UNTIL FEBRUARY 24, 2014\***

NOTICE IS HEREBY GIVEN that the City Council of the City of Milford will hold a Public Hearing on Monday, January 27, 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:

Eric Dunn of Dunn Development LLC on behalf of Walter N. Thomas, II for a Preliminary Major Subdivision of 79.47 +/- acres with 399 residential units (159 townhomes and 240 apartments) to be known as Hickory Glen in an R-8 District at 1335 Milford-Harrington Highway, Milford, Delaware. Tax Map MD-16-173.00-01-21.00; Tax Map MD-16-173.00-01-22.00.

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

111313

**CITY OF MILFORD  
PLANNING COMMISSION**

**RESOLUTION NO. PC13-004**

**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 PRELIMINARY MAJOR SUBDIVISION FOR  
HICKORY GLEN  
AT 1335 MILFORD-HARRINGTON HIGHWAY  
FOR A 161 LOT, 399 UNIT SUBDIVISION  
CONSISTING OF 240 APARTMENTS AND 159 TOWNHOMES  
IN AN R-8 ZONING DISTRICT  
TAX MAP MD-16-173.00-01-21.00 & MD-16-173.00-01-22.00**

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 February 18, 2014; and,

WHEREAS, by a vote of 6 to 1 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. n/a

APPROVED: \_\_\_\_\_  
Jamie Burk,  
Planning Commission Chairman

SIGNED: \_\_\_\_\_  
Christine Crouch,  
Deputy City Clerk

CITY OF MILFORD  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Zoning Map on Tuesday, February 18, 2014 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, February 24, 2014 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2014-01 may be adopted, with or without amendments.

ORDINANCE 2014-01

Annexation/Lands belonging to Anna M. Legates & JoAnn L. Currey  
Tax Parcel MD-00-174.00-02-27.00-00001  
6.481 +/- Acres  
Current Zone AR-1/Proposed Zone C-3

An Ordinance to Amend the Zoning Designation of the parcel of land, under the ownership of Anna M. Legates & JoAnn L. Currey, Tax Parcel MD-174.00-02-27.00-00001, situated east of Delaware Route 1, between County Road 408A (east) and Carpenter Pit Road (north), upon its annexation into the City of Milford through the adoption of a resolution by the majority members of Milford City Council.

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

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

WHEREAS, the land owned by the City of Milford is presently zoned by Sussex County as "AR-1" (Agricultural Residential District), and

WHEREAS, City Council referred the zoning of the affected territory to the Planning and Zoning Commission for a report and recommendation and after a due hearing on February 18, 2014 as provided by law, the Planning and Zoning Commission made its recommendation to City Council, and

WHEREAS, following a Public Hearing held on February 24, 2014 and consideration of the recommendation of the City Annexation Committee, City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

That the following described land situated in Sussex County, Delaware, to wit:

Tax Parcel No. MD-00-174.00-02-27.00-00001

All that certain tract, piece and parcel of land, lying and being situate in Milford Hundred, Kent County, and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated 30 July 2013, fronting on the northeasterly right-of-way line of State Highway Route 408A, at sixty (60) feet wide, and a twelve (12) foot wide access, adjoining lands now or formerly of David A. & Jean W. Morgan, lands now or formerly of Carl J. & Cindy L. Popelas, lands now or formerly of Robert E. & Edgar W. Cannon, and lands now or formerly of J. & R. Scarborough, Inc., being more particularly described as follows, to wit:

Beginning at a found iron pipe at a corner for lands now or formerly of David A. & Jean W. Morgan, and at a point on the northeasterly right-of-way line of State Highway Route 408A, at sixty (60) feet wide, said point being distant 2,600 feet, more or less, from the right-of-way intersection of N.E. Tenth Street; thence running with said right-of-way line of 408A and deflecting right along a 2,173.85 foot radius curve, the chord of which bears North 31 degrees 55 minutes 29 seconds West 230.82 feet, an arc distance of 230.93 feet to a found concrete monument at a corner for lands now or formerly of Carl J. & Cindy L. Popelas; thence proceeding with said Popelas lands the following two (2) courses and distances:

- 1) South 76 degrees 35 minutes 48 seconds East 340.28 feet to a set capped rebar, and
- 2) North 13 degrees 21 minutes 42 seconds East 208.72 feet to a set capped rebar on line of a twelve (12) foot wide access,

thence running with said access road South 76 degrees 39 minutes 47 seconds East 600.00 feet to a set capped rebar on line of lands now or formerly of Robert E. & Edgar W. Cannon; thence proceeding with said Cannon lands South 03 degrees 41 minutes 11 seconds West 337.35 feet to a found iron pipe on line of lands now or formerly of J. & R. Scarborough, Inc.; thence continuing with said Scarborough lands North 86 degrees 05 minutes 27 seconds West 487.62 feet to a found iron pipe at a corner for aforementioned Morgan lands, thence running with said Morgan lands, the following two (2) courses and distances:

- 1) North 02 degrees 23 minutes 45 seconds East 130.08 feet, and finally,
- 2) North 89 degrees 11 minutes 34 seconds West 396.68 feet to the place of beginning,

CONTAINING 6.481 acres of land, more or less.

Upon final approval of its annexation into the City of Milford, as classified under the Zoning Ordinance of the City of Milford, shall be zoned henceforth as C-3 (Highway Commercial District).

Dates:

Introduction: February 10, 2014

Planning Commission Review & Recommendation: February 18, 2014

Adoption (Projected) Date: February 24, 2014

November 26, 2013

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

Attn: Gary Norris, AICP

RE: Request - Petition for Annexation of Property  
Tax Map No. MD-00-174.00-02-27.00  
Site Address: Carpenter Pitt Road and State Hwy 408A

Ladies and Gentlemen:

We are requesting the above-referenced tax parcel be annexed into the City of Milford from Kent County, 6.481 +/- Acres, currently zoned AR.

General Location Description: The property is located east of DE Route One, situated between State Hwy 408-A (east) and Carpenter Pitt Road (north). The parcel is contiguous to lands within the City of Milford (north).

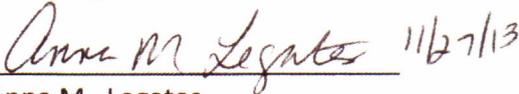
The reason for our request is to bring the property into compliance with the City of Milford's Comprehensive Plan. We are applying for C-3 Zoning, Highway Commercial, which is consistent with Milford's Plan.

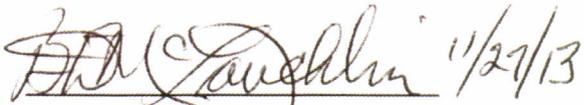
An enclosure titled "Reasons to Annex - Supplementary" provides additional rationale. We believe there are many potential benefits to the City of Milford represented by this application.

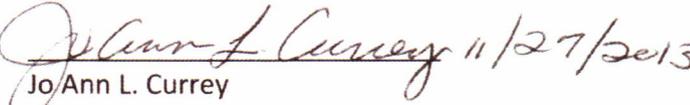
Also enclosed are the Annexation Application, Land Use Application Cover Sheet, sealed survey, deed, legal description, two aerial maps indicating the features of our unimproved land with abutting properties and roadways, and a map from the Comprehensive Plan. A check for the required fees is attached.

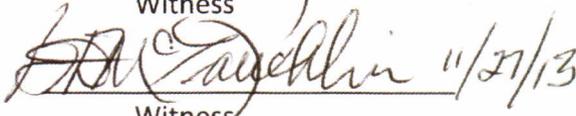
We extend a special thank you to City employees who assisted us, in person or by telephone, as we assembled the required documents. Your knowledge, guidance, and patience are appreciated.

Sincerely,

  
Anna M. Legates

  
Witness

  
Jo Ann L. Currey

  
Witness

Phone: 410-251-2672 cell  
[AnnaLegates@gmail.com](mailto:AnnaLegates@gmail.com)

Enclosures

## REASONS TO ANNEX - Supplementary

Tax Parcel #MD-00-174.00-02-27.00

Annexation: Legates – Currey

### COMPREHENSIVE DEVELOPMENT PLAN:

- The annexation complies with Milford’s Future Land Use Map, designated as Highway Commercial - part of the urban growth area.
- Milford is a viable growing community. This annexation will provide a site for good jobs. The area is prime for responsible growth indicated in the Plan. It supports the City’s goals for economic development and jobs.

### ADDITIONAL SUPPORT FOR ANNEXATION:

- **Proximity to Water System/Wastewater Collection**  
This property is near Milford’s water system and the County’s wastewater collection system which currently serves a number of developed properties in this area north of DE Route 1 and the US Route 113 split. Control of this area will permit the City to implement additional water main looping and transportation improvements as described in the City’s infrastructure plan.
- **Strategic Goals**  
This annexation is consistent with Milford’s goal for diverse and vibrant businesses. Milfordians are active and healthy and desire activities and facilities that will provide a variety of opportunities. This was acknowledged by the University of Delaware’s Institute of Public Administration when Milford was recently selected as a “Complete Community” program.
- **Multi-faceted Uses**  
If annexed, this property can fulfill a variety of needs: dining, retail, entertainment, and small to large corporate functions.
- **Uniquely Situated**  
The land is uniquely situated for commercial activity to attract both residents and visitors. Milford was described by State planning and transportation agencies as a “jurisdiction with room to grow.” This land provides ample space for smart growth.
- **Adjacent to Municipal Lands**  
This parcel borders City of Milford mixed-use properties: commercial, residential and proposed institutional; large tracts of land to the north are in the City of Milford.
- **Complete Community Options**  
This area conforms with the mixed use component of a “complete community” whereby the land can be developed for the most intense purposes to coincide with neighboring land uses of various types and levels of density.
- **Economic Development -- Employment Opportunities -- Revenue**
  - The City has an active advisory group, focused on economic development. The creation of jobs for pre and post-development projects is a major boost to the local economy with long-term benefits to residents and visitors. Fees, permits, taxes, and other potential revenues will positively affect the city’s finances, providing a positive impact in perpetuity.
  - Transfer taxes and miscellaneous fees will help offset infrastructure improvements that may require county and state participation.

### NEIGHBORING LANDS:

Adjacent to municipal lands: Hampton Inn, Lighthouse Estates, lands of a future church, proposed day care or school – recreational facility etc



TO: Mayor Ronnie Rogers & City of Milford Council Members  
FR: Annexation Committee  
DA: 02/06/14  
RE: Annexation Committee Report

A public meeting was held in Council Chambers on February 6, 2014 to consider the annexation request for lands described as:

Property Owner:	Anna M. Legates and JoAnn L. Currey
Location:	The east of Delaware Route 1, between County Road 408A (east) and Carpenter Pit Road (north)
Size:	6.481 +/- Acres
Existing Zoning:	AR-1: Agricultural Residential
Proposed Zoning:	C-3
Tax Map and Parcel Number:	MD-00-174.00-02-27.00

**APPLICANT**

A petition by the property owners was submitted on December 16, 2013 to annex 6.481 +/- acres into the corporate limits of the City of Milford.

**LOCATION**

The property is identified as Kent County tax parcels MD-00-174.00-02-27.00 and would be located in the Third Ward of the City of Milford.

**STREETS**

The property fronts both County Road 408A to the east and Carpenter Pit Road to the north, both of which are maintained by the State of Delaware. Access approval will be required from DeIDOT. The parcel is currently vacant.

**DRAINAGE**

Storm water management on the parcel will be controlled by the Kent County Soil Conservation District at the developer's expense.

**ZONING**

The area proposed to be annexed is currently zoned AR in Kent County under the Kent County Zoning Ordinance. The applicant requests the property to be zoned C-3 Highway Commercial under the City of Milford's Zoning Ordinance. Proposed development is unknown, currently a vacant lot.

## **SEWER**

The area proposed to be annexed would be connected to the City of Milford's sewer system and then be treated at the Kent County Regional Sewer Authority. All costs for utility extensions to this property shall be completed at the expense of the developer and upon completion, the utility lines transferred to the City for incorporation into the City's wastewater system. Wastewater capacity cannot be guaranteed until a final site plan has been approved by the Milford Planning Commission, or a subdivision application has been approved by the Milford City Council, building permits issued, and the scheduled impact fees are remitted to the City.

## **WATER**

The area proposed to be annexed would be connected to the City of Milford's water system. All costs for utility extensions to this property shall be completed at the expense of the developer and upon completion, the utility lines transferred to the City for incorporation into the City's water system. Water capacity cannot be guaranteed until a final site plan/subdivision has been approved by the Planning Commission/City Council, building permits issued, and the scheduled impact fees are remitted to the City.

## **ELECTRIC**

The Electric Department has 3 phase electric currently serving Lighthouse Estates and running down Carpenters Pit Road.

## **TRAFFIC**

The Department of Transportation will most likely require a traffic impact study based on commercial trip generations and further require entrance permits for project. The developer will pay the related costs.

## **ENVIRONMENTAL ISSUES**

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. The applicant has not determined if wetlands are on the property at this time, however according to Map Figure 3 titled "Natural Features" in the 2008 Comprehensive Plan there are not wetlands shown on this site. This parcel is located in a poor recharge area. The developer will have to comply with the Excellent Recharge Area Ordinance of the City of Milford and conform to the provisions of this ordinance. According to Map 3A Natural Features, of the 2008 City of Milford Comprehensive Plan, this property is not located in a Well Head Protection Area.

## **AREA LAND USES**

The area proposed to be annexed is located east of Delaware Route 1, between County Road 408A (east) and Carpenter Pit Road (north). Lands to the north are located in the City of Milford, developed as Lighthouse Estates subdivision, and zoned R-3. Lands to the west and east are out of the City's limits with scattered single family home sites/vacant on parcels of land and are zoned AC under the Kent County Zoning Ordinance. Parcel 5-00-174.00-02-27.01 is directly west of this property and this annexation would create an enclave to the City limits.

## **FIRE AND POLICE**

The Carlisle Fire Company, Inc. currently provides and would continue to provide fire protection. Police protection is primarily provided by the Delaware State Police with assistance from the Milford Police Department. Upon annexation, primary police service would be provided by the City of Milford Police Department. The Carlisle Fire Company would provide ambulance service. The State Fire Marshal's Office would regulate construction issues relating to fire protection

## **COMPREHENSIVE LAND USE PLAN**

The City of Milford's Comprehensive Plan identifies this property within the City Urban Growth Boundary on Map Figure 10 titled "Future Land Use". It is further identified in the Neighborhood- North as shown on Map Figure 14A titled "Neighborhood Map-North". The property is recommended in the Comprehensive Plan as Highway Commercial or C-3.

## **STRATEGIES FOR STATE POLICIES AND SPENDING**

This property is located in State Strategies Level 3; however, the property located to the north is in Level 1 according to the 2010 plan. Investment Level 3 is described as: Investment Level 3 Areas generally fall into two categories.

1. The first category covers lands that are in the long-term growth plans of counties or municipalities where development is not necessary to accommodate expected population growth during this five-year planning period (or longer). In these instances, development in Investment Level 3 may be least appropriate for new growth and development in the near term.
2. The second category includes lands that are adjacent to or intermingled with fast-growing areas within counties or municipalities that are otherwise categorized as Investment Levels 1 or 2. These lands are most often impacted by environmentally sensitive features, agricultural-preservation issues, or other infrastructure issues. In these instances, development and growth may be appropriate in the near term, but the resources on the site and in the surrounding area should be carefully considered and accommodated by state Agencies and local governments with land-use authority.

## **PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS**

According to Christine Crouch, Deputy City Clerk for the City of Milford, there are no farmland assessments or preservation districts on the parcels under consideration. The site as surveyed is 6.481 acres at the requested C-3 zoning district, with no subdivision approval, would have an assessment estimate of \$244,804 with an annual tax liability of \$1,126. It is anticipated that the property taxes, after development, will increase on this property and the City would benefit from the revenues received from building permits and real estate transfer taxes. Construction costs as well as user service fees cannot be determined at this time, as the applicant has not proposed a project to assess.

## **ADVANTAGES TO THE CITY**

1. The property would be within the planning area of the City of Milford.
2. The City would receive revenues (property tax, real estate transfer tax, building permits, etc.) for activity on the property.
3. Potential for additional water, sewer, and electric customers.
4. Identified within the Urban Growth Boundary Area of the 2008 Comprehensive Plan.
5. Consistent with the Future Land Figure of the 2008 Comprehensive Plan
6. Increases the amount of development opportunities within the City limits, which have the potential to spur other economic benefits to the City.

## **DISADVANTAGES TO THE CITY**

1. N/A

## **RECOMMENDATION**

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends Approval of the application, following a 4-0 vote, with the following comments:

1. Annexation is consistent with the "Comprehensive Land Use Plan".
2. Property is contiguous to existing City Limits.



# Land Use Application Cover Sheet

File Name: Legates Annexation  
 File Number: 13-203

**CITY OF MILFORD**  
 Date Stamp  
**DEC 16 2013**

**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**

<b>Property Owner:</b> Anna M. Legates + JoAnn L. Currey			Phone: 410-251-2672
Address: 12 West Street			Cell: same "
City: Dewey Beach	State: DE	Zip: 19971	Fax: 302-227-7479
E-Mail: AnnaLegates@GMAIL.COM			
<b>Contact Person For This Application:</b> Anna M. Legates			Phone: 410-251-2672
Address: 12 West Street			Cell: same "
City: Dewey Beach	State: DE	Zip: 19971	Fax: 302-227-7479
E-Mail: Anna Legates @GMAIL.com			
<b>Applicant Name and/or Company:</b> Anna M. Legates + JoAnn L. Currey			Phone:
Address: same as above			Cell:
City:	State:	Zip:	Fax:
E-Mail:			
<b>Site Address:</b> Carpenter Pitt Road + State Hwy 408A			Zoning: AR
<b>Tax Map &amp; Parcel Number (s):</b> MD-00-174.00-02-27.00-			Acreage: 6.481 +/-
<b>Description of Proposal:</b> Owners request the above tax map parcel to <u>LOO0</u> be annexed into the City of Milford, and zoned C-3, Highway Commercial in compliance with the latest approved Comprehensive Plan.			
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.			
<b>Signature of Applicant:</b>		Date: 11/27/13	
<b>Signature of Property Owner:</b>		Date: 11/27/13	

REVISED: 11.15.11



# Annexation Application

CITY OF MILFORD

File Name: Legates Annexation  
 File Number: 13-203

DEC 16 2013

RECEIVED

A Land Use Application for Annexation 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.

Current County Zoning: AR Requested Zoning: C-3 Comprehensive Plan Designation: C-3

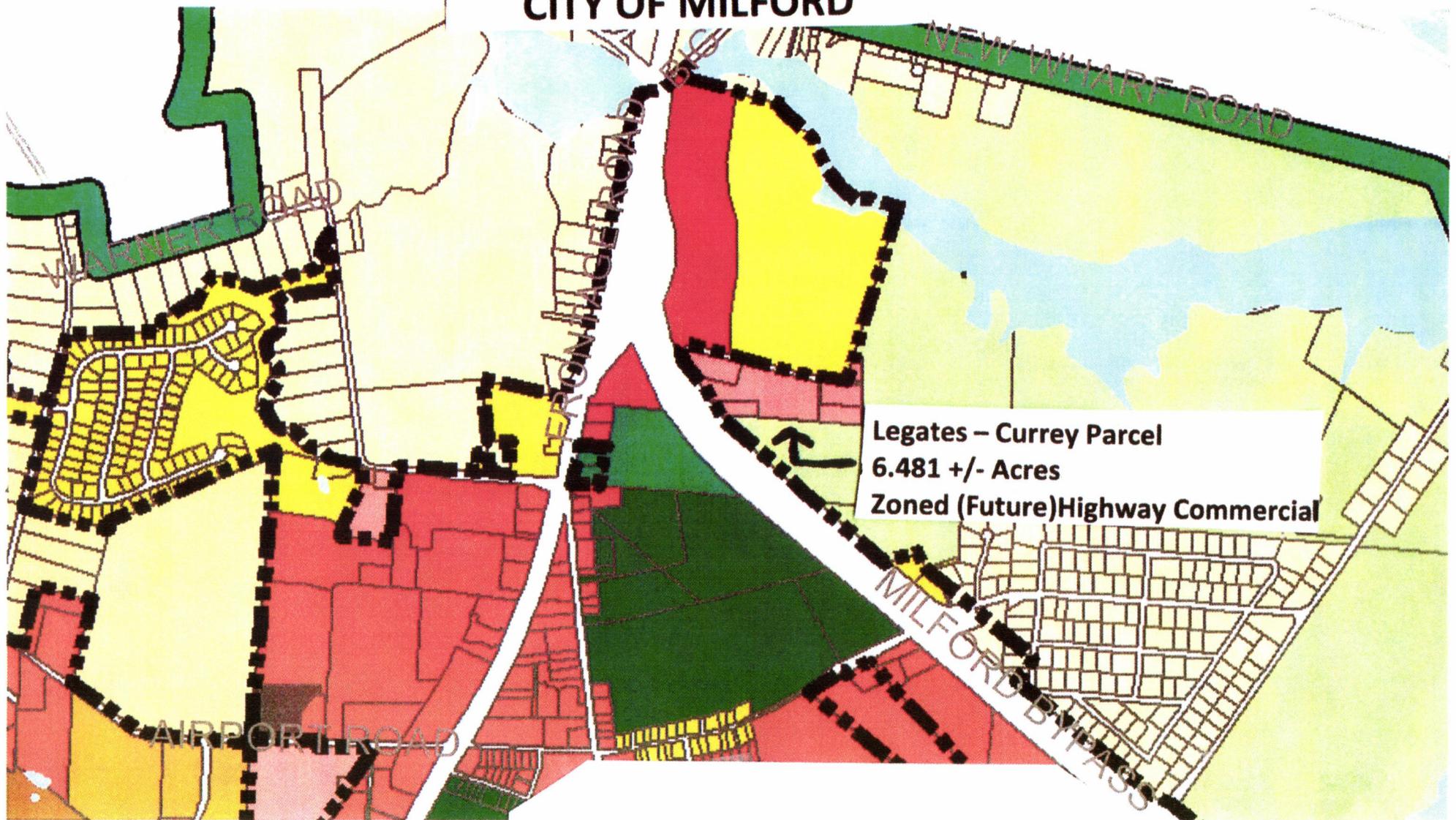
REQUIRED ITEMS		For Staff Use ONLY	
		Verified	Waived
<input checked="" type="checkbox"/>	1. Land Use Application Cover Sheet.	cc	
<input checked="" type="checkbox"/>	2. Petition for annexation, signed by ALL property owners with signature of each petitioner duly witnessed; petition must contain:	cc	
	A. Site address;		
	B. Tax map number (s);		
	C. Size of property in acres;		
	D. Reasons for request;		
	E. General location description (proximity to closest roadways, streets and intersections).		
<input checked="" type="checkbox"/>	3. A full legal description of the property in Word format.	cc	
<input checked="" type="checkbox"/>	4. Current recorded deed showing legal description and ownership.	cc	
<input checked="" type="checkbox"/>	5. Current sealed survey (no larger than 11" x 17"), drawn to scale, showing: <u>plus 2 aerial maps</u>		
	A. Property identified for annexation indicating existing location of City limits;		
	B. Date, scale and north arrow;		
	C. Existing right-of-ways and improvements;		
	D. Existing utilities; <u>Unimproved Lot - no utilities</u>		
	E. Existing natural features;		
	F. Existing structures and other improvements;		
	G. All structures, natural features and other improvements on abutting property.		
<input checked="" type="checkbox"/>	6. Application fee (see page 2). <u>5,740.50</u>	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 Applicant: Anne M. Legates Date: 11/27/13  
 Signature of Property Owner: Anne M. Legates Date: 11/27/13

FOR STAFF USE ONLY			
DAC	Planning Commission	City Council	BOA
			n/a
Applicant			
Owner			

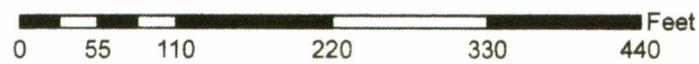
# COMPREHENSIVE PLAN CITY OF MILFORD



Supplement to Annexation Request - November 2013

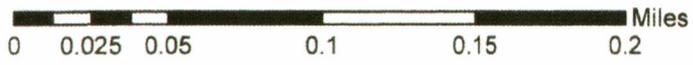


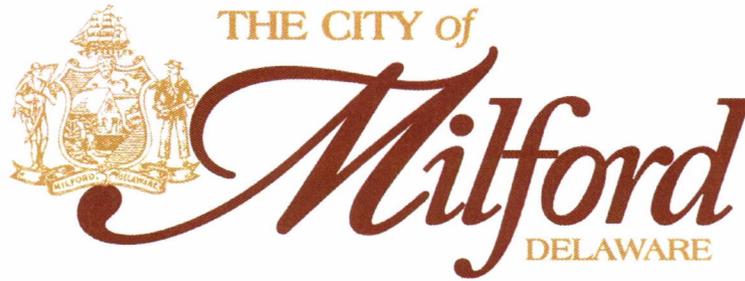
**Legates – Currey Annexation**





**Legates – Currey Annexation**





TO: Mayor Ronnie Rogers & City of Milford Council Members  
FR: Annexation Committee  
DA: 02/06/14  
RE: Annexation Committee Report

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## **AREA LAND USES**

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## **COMPREHENSIVE LAND USE PLAN**

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## **ADVANTAGES TO THE CITY**

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3. Potential for additional water, sewer, and electric customers.
4. Identified within the Urban Growth Boundary Area of the 2008 Comprehensive Plan.
5. Consistent with the Future Land Figure of the 2008 Comprehensive Plan
6. Increases the amount of development opportunities within the City limits, which have the potential to spur other economic benefits to the City.

## **DISADVANTAGES TO THE CITY**

1. N/A

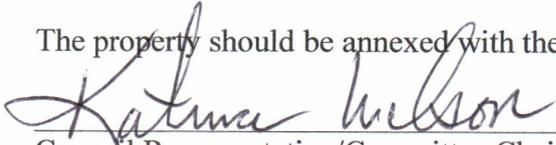
## **RECOMMENDATION**

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends \_\_\_\_\_ of the application, following a \_\_\_\_\_ vote, with the following comments:

1. Annexation is consistent with the "Comprehensive Land Use Plan".
2. Property is contiguous to existing City Limits.

3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
4. Property will be served by City Electric, Sewer, and Water at the expense of the developer. At present, these utilities are not available to the site.
5. An executed Annexation Agreement is required prior to final City Council approval.
6. The Municipal Annexation Plan of Services to be submitted to the Office of State Planning as soon as possible.

The property should be annexed with the following zoning classification: C-3

  
\_\_\_\_\_  
Council Representative/Committee Chairman Katrina Wilson

2/6/14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Council Representative Douglas Morrow

2-6-14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Council Representative S. Allen Pikus

2/6/14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Planning Commission Chairman Jamie Burk

2-6-14  
\_\_\_\_\_  
Date



KENT COUNTY DEPARTMENT OF PLANNING SERVICES  
GIS DIVISION  
555 BAY ROAD, DOVER, DE 19901  
THIS MAP IS NOT SURVEY ACCURATE OR FOR ENGINEERING USE AND IS SUBJECT TO PERIODIC CHANGES

Kent County, DE GIS Map

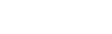
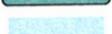
0 220 440 880 Feet

Printed 2/5/2014

# Milford Comprehensive Plan

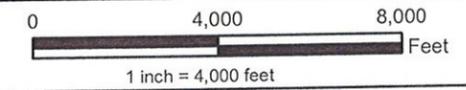
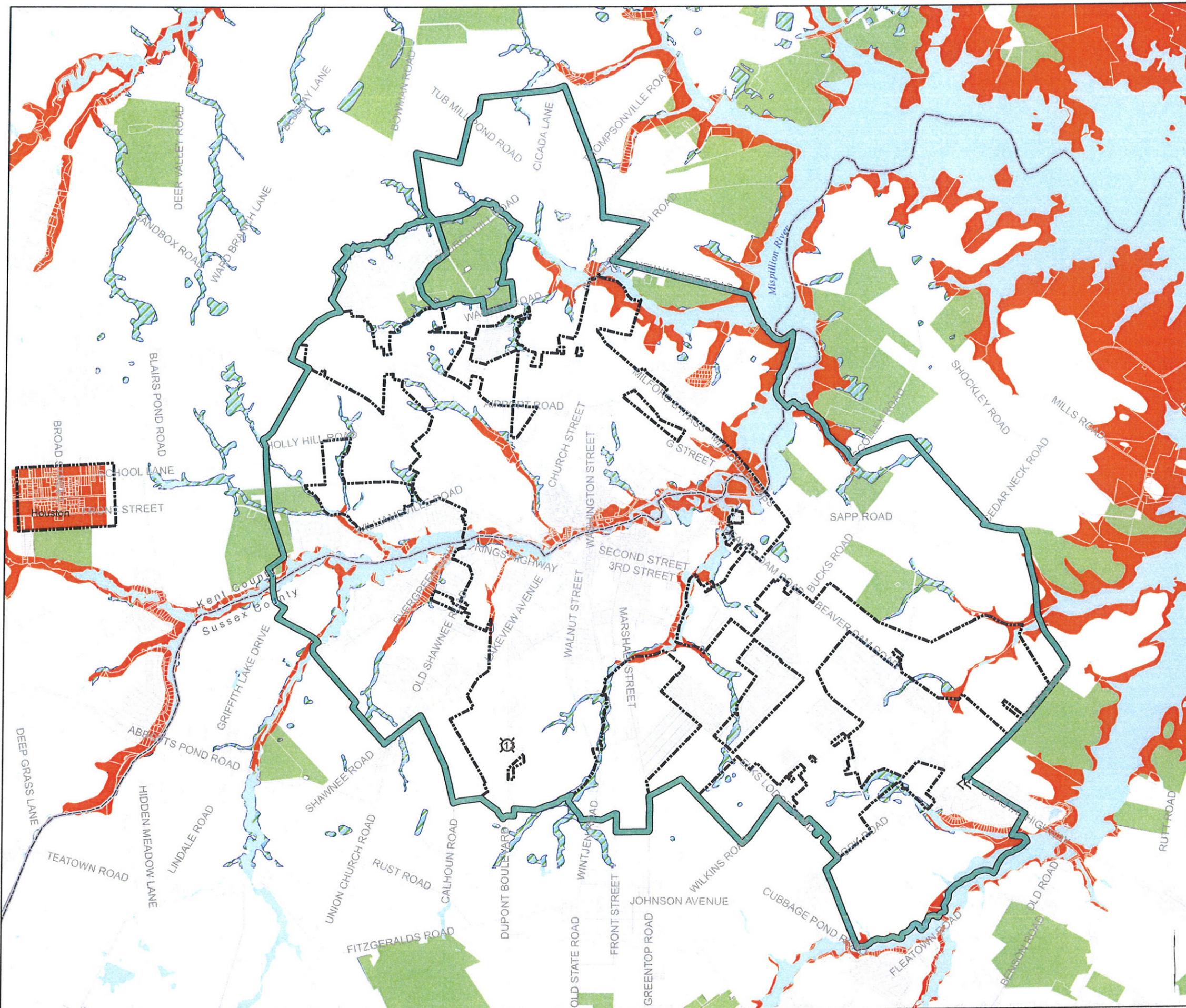
## Figure 3 Natural Features

### Legend

-  Parcel
-  City Boundary
-  County Boundary
-  Urban Growth Boundary
-  Water

### Natural Features

-  100 Year Floodplain
-  Wetland
-  Agriculture District/Easement



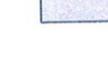
Data Sources:  
 Roads - DelDOT  
 State, County, Municipal Boundaries - State of Delaware  
 Floodplain - FEMA  
 Wetlands - National Wetlands Inventory  
 Agricultural Easement and Districts - State of Delaware

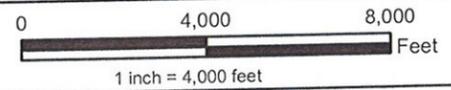
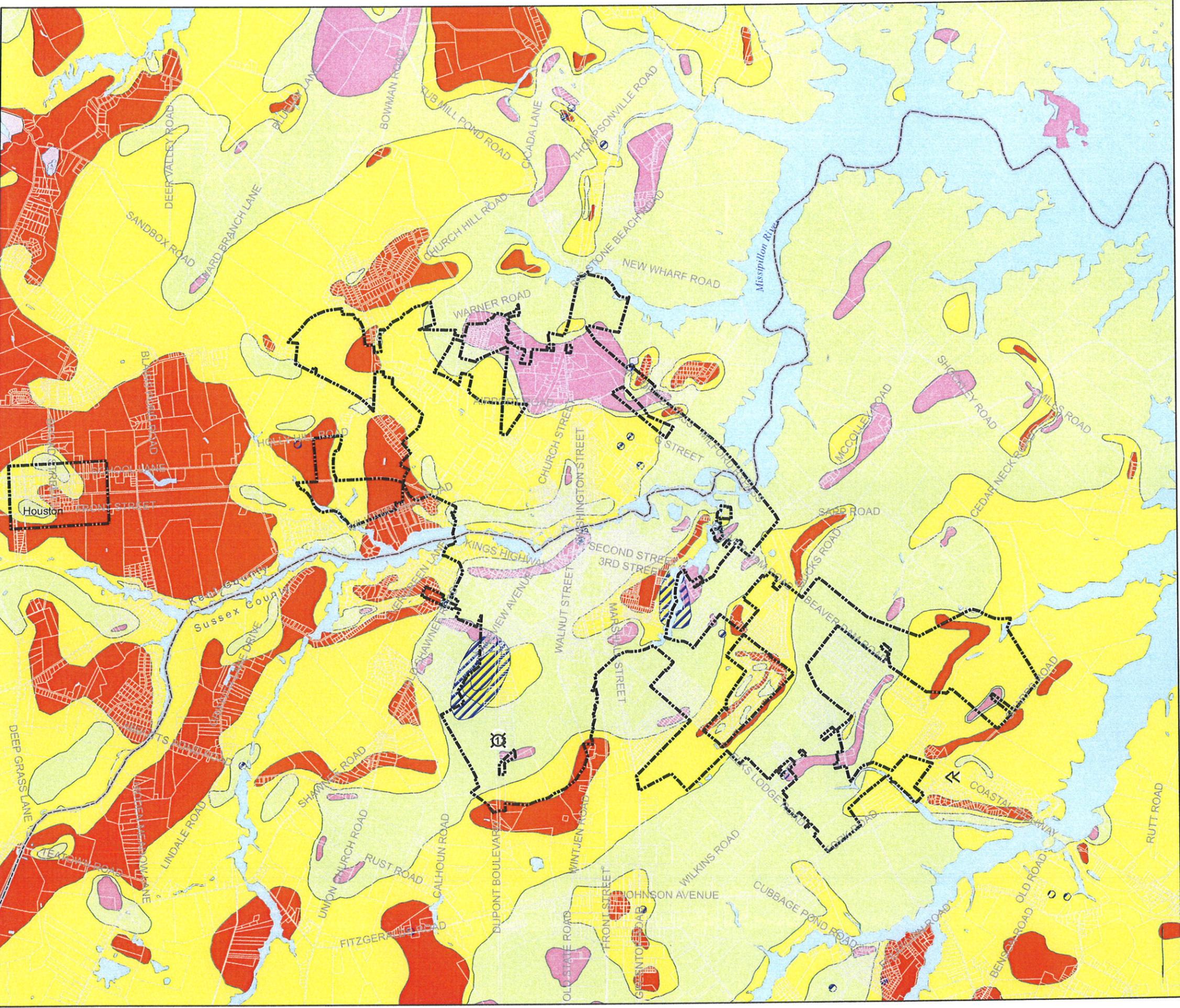
File Name: R:\DE\_Milford\20611641\GIS\_job\Maping\MapC\_Natural\_Features.mxd  
 November 3, 2008

# Milford Comprehensive Plan

## Figure 3A Natural Features

### Legend

- Parcel
  -  City Boundary
  -  County Boundary
  -  Water
  -  Well Head Protection Area
- ### Recharge Areas
-  Excellent
  -  Good
  -  Fair
  -  Poor
  -  Water/Marsh/Swamp Area
  -  Borrow Pit/Fill Area



Data Sources:  
 Roads - DelDOT  
 State, County, Municipal Boundaries - State of Delaware  
 Well Head Protection Areas, Recharge Areas - DNREC

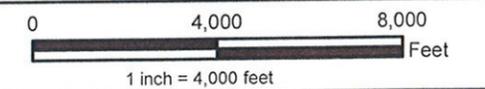
# Milford Comprehensive Plan

## Figure 10 Future Land Use

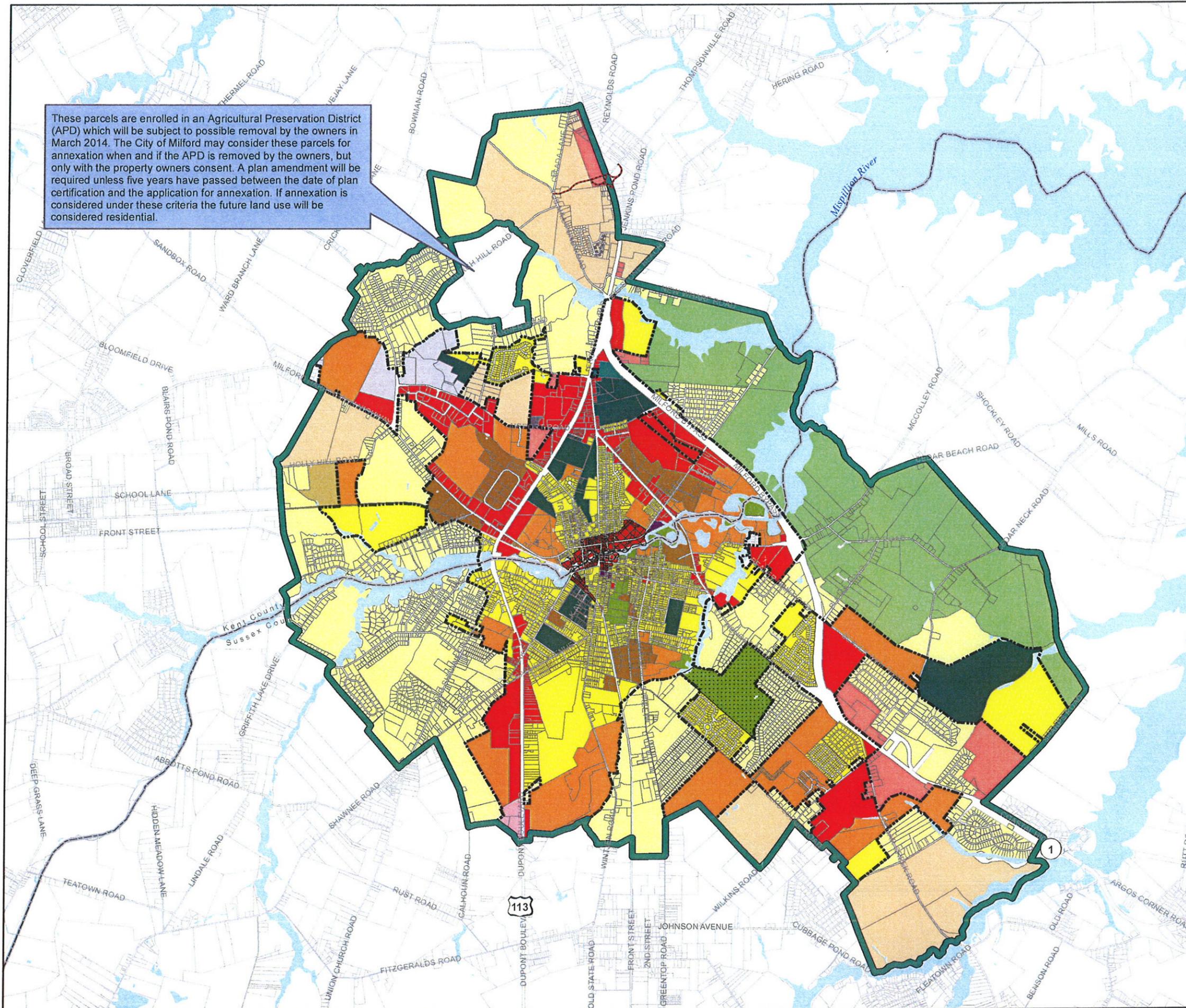
These parcels are enrolled in an Agricultural Preservation District (APD) which will be subject to possible removal by the owners in March 2014. The City of Milford may consider these parcels for annexation when and if the APD is removed by the owners, but only with the property owners consent. A plan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

### Legend

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



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



# Milford Comprehensive Plan

## Figure 14A Neighborhood Map - North

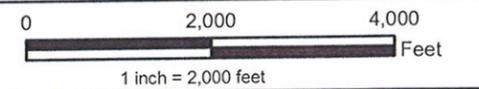
These parcels are enrolled in an Agricultural Preservation District (APD) which will be subject to possible removal by the owners in March 2014. The City of Milford may consider these parcels for annexation when and if the APD is removed by the owners, but only with the property owners consent. A plan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

### Legend

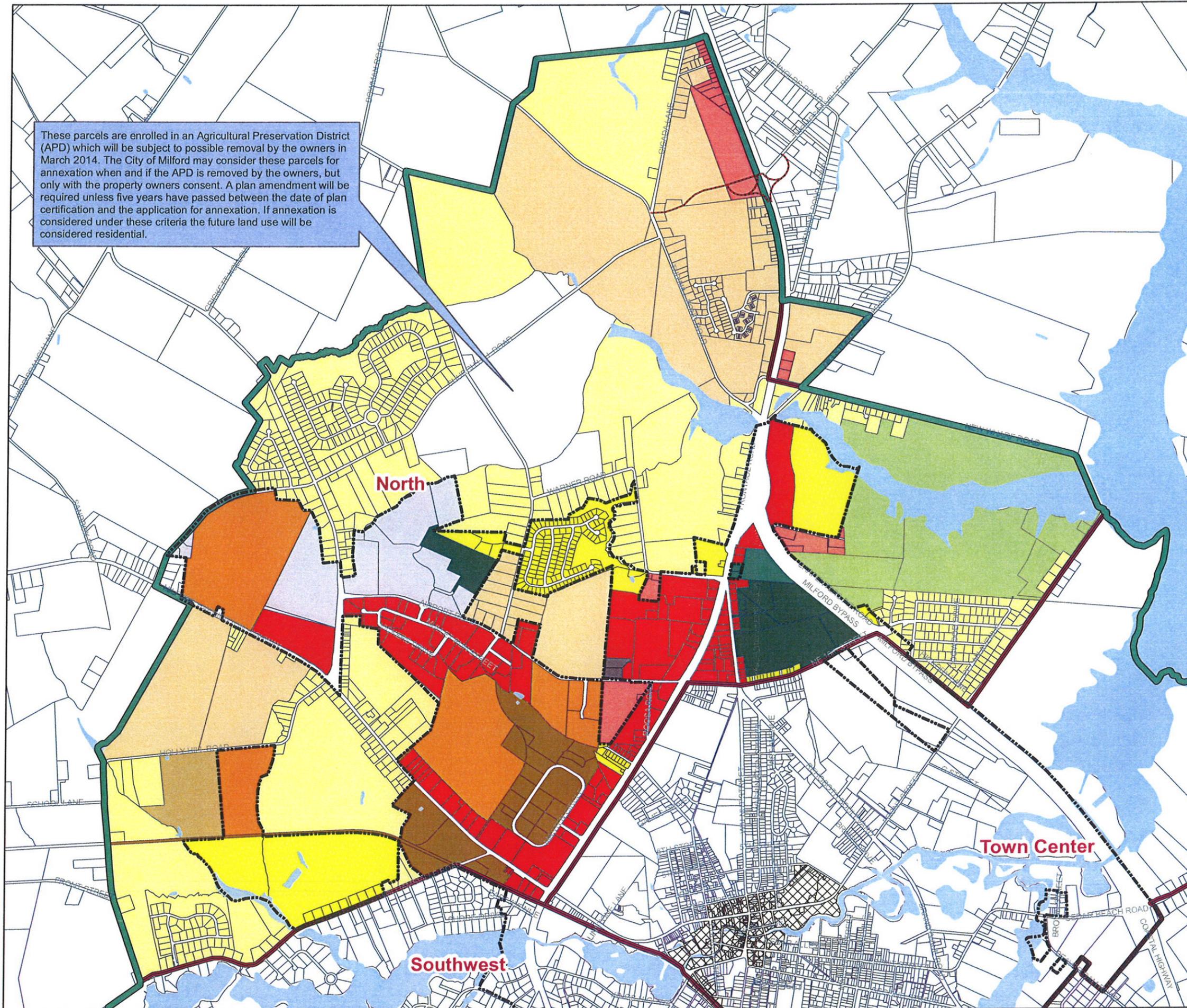
- City Boundary
- County Boundary
- Urban Growth Boundary
- Water
- Neighborhood Boundary
- Downtown

### Future Land Use

- Business Park
- Government
- Employment
- Proposed Employment
- Highway/Commercial
- Proposed Highway/Commercial
- Industrial
- Institutional
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Open Space
- Proposed Institutional
- Proposed Open Space
- Transfer Station
- Proposed Thompsonville Intersestion



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



**City of Milford**  
**RESOLUTION**  
2014-02

Annexation/Lands belonging to Anna M. Legates & JoAnn L. Currey  
Tax Parcel No. MD-00-174.00-02-27.00-00001  
6.481 +/- Acres  
Current Zone AR-1/Proposed Zone C-3

**Whereas**, the Milford City Council having considered the advantages and disadvantages of annexing into the City the following described lands, to wit:

Reference: Tax Map MD-00-174.00-02-27.00-00001

All that certain tract, piece and parcel of land, lying and being situate in Milford Hundred, Kent County, and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated 30 July 2013, fronting on the northeasterly right-of-way line of State Highway Route 408A, at sixty (60) feet wide, and a twelve (12) foot wide access, adjoining lands now or formerly of David A. & Jean W. Morgan, lands now or formerly of Carl J. & Cindy L. Popelas, lands now or formerly of Robert E. & Edgar W. Cannon, and lands now or formerly of J. & R. Scarborough, Inc., being more particularly described as follows, to wit:

Beginning at a found iron pipe at a corner for lands now or formerly of David A. & Jean W. Morgan, and at a point on the northeasterly right-of-way line of State Highway Route 408A, at sixty (60) feet wide, said point being distant 2,600 feet, more or less, from the right-of-way intersection of N.E. Tenth Street; thence running with said right-of-way line of 408A and deflecting right along a 2,173.85 foot radius curve, the chord of which bears North 31 degrees 55 minutes 29 seconds West 230.82 feet, an arc distance of 230.93 feet to a found concrete monument at a corner for lands now or formerly of Carl J. & Cindy L. Popelas; thence proceeding with said Popelas lands the following two (2) courses and distances:

- 1) South 76 degrees 35 minutes 48 seconds East 340.28 feet to a set capped rebar, and
- 2) North 13 degrees 21 minutes 42 seconds East 208.72 feet to a set capped rebar on line of a twelve (12) foot wide access,

thence running with said access road South 76 degrees 39 minutes 47 seconds East 600.00 feet to a set capped rebar on line of lands now or formerly of Robert E. & Edgar W. Cannon; thence proceeding with said Cannon lands South 03 degrees 41 minutes 11 seconds West 337.35 feet to a found iron pipe on line of lands now or formerly of J. & R. Scarborough, Inc.; thence continuing with said Scarborough lands North 86 degrees 05 minutes 27 seconds West 487.62 feet to a found iron pipe at a corner for aforementioned Morgan lands, thence running with said Morgan lands, the following two (2) courses and distances:

- 1) North 02 degrees 23 minutes 45 seconds East 130.08 feet, and finally,
- 2) North 89 degrees 11 minutes 34 seconds West 396.68 feet to the place of beginning,

CONTAINING 6.481 acres of land, more or less.

and having considered the recommendation of the Annexation Committee appointed to investigate said annexation on whether or not to proceed with said annexation, having considered the zoning recommendation of the Planning Commission subject to compliance with Chapter 230 of the City of Milford Code, having held a Public Hearing on February 18, 2014, having received acknowledgment of the accepted Plan of Services by the State of Delaware as required of Title 22, Section 101, Delaware Code, the City of Milford, hereby determines as follows:

**Now, Therefore, Be It Resolved,**

That this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in Sussex County, Delaware where said lands are situate.

The Petitioner and the City of Milford enter into an annexation agreement for purposes including, but not limited to,

the dedication of easements and/or right-of-ways to the City of Milford or State of Delaware for future utility, roads or other public improvements as determined by the City of Milford and/or State of Delaware.

That from and after the adoption date of this resolution, the territory annexed will be assessed and taxed at the same rate and basis as other taxable properties within the City of Milford.

The annexation area is contiguous to Ward 3 and City Council intends that these parcels become part of and be included within the Ward 3 area upon annexation.

That the Official Zoning Map and Boundary/Ward Map(s) of the City of Milford, Delaware be amended to include the herein described property.

**Now I, Joseph Ronnie Rogers, Mayor of the City of Milford**, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on \_\_\_\_\_ at which a quorum was present and voting throughout and that the same is still in full force and effect.

---

Mayor Joseph Ronnie Rogers  
City of Milford

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

---

Teresa K. Hudson, Notary Public  
Commission Expires 07-16-14

Attachment: Plot



## **TIME WARNER CABLE TO MERGE WITH COMCAST CORPORATION TO CREATE A WORLD-CLASS TECHNOLOGY AND MEDIA COMPANY**

*Strategic Combination Will Accelerate Delivery of Comcast's Technologically Advanced  
Products and Services to Time Warner Cable's Customers*

*Transaction Creates Multiple Pro-Consumer and Pro-Competitive Benefits,  
Including for Small and Medium-Sized Businesses*

**PHILADELPHIA and NEW YORK – (February 13, 2014) --** Comcast Corporation (Nasdaq: CMCSA, CMCSK) and Time Warner Cable (NYSE: TWC) today announced that their Boards of Directors have approved a definitive agreement for Time Warner Cable to merge with Comcast. The agreement is a friendly, stock-for-stock transaction in which Comcast will acquire 100 percent of Time Warner Cable's 284.9 million shares outstanding for shares of CMCSA amounting to approximately \$45.2 billion in equity value. Each Time Warner Cable share will be exchanged for 2.875 shares of CMCSA, equal to Time Warner Cable shareholders owning approximately 23 percent of Comcast's common stock, with a value to Time Warner Cable shareholders of approximately \$158.82 per share based on the last closing price of Comcast shares. The transaction will generate approximately \$1.5 billion in operating efficiencies and will be accretive to Comcast's free cash flow per share while preserving balance sheet strength. The merger will also be tax free to Time Warner Cable shareholders.

This transaction will create a leading technology and innovation company, differentiated by its ability to deliver ground-breaking products on a superior network while leveraging a national platform to create operating efficiencies and economies of scale.

"The combination of Time Warner Cable and Comcast creates an exciting opportunity for our company, for our customers, and for our shareholders," said Brian L. Roberts, Chairman and Chief Executive Officer, Comcast Corporation. "In addition to creating a world-class company, this is a compelling financial and strategic transaction for our shareholders. Also, it is our intention to expand our buyback program by an additional \$10 billion at the close of the transaction. We believe there are meaningful operational efficiencies and the adjusted purchase multiple is approximately 6.7x Operating Cash Flow. This transaction will be accretive and will yield many synergies and benefits in the years ahead. Rob Marcus and his team have created a pure-play cable company that, combined with Comcast, has the foundation for future growth. We are looking forward to working with his team as we bring our companies together to deliver the most innovative products and services and a superior customer experience within the highly competitive and dynamic marketplace in which we operate."

"This combination creates a company that delivers maximum value for our shareholders, enormous opportunities for our employees and a superior experience for our customers," said Robert D. Marcus, Chairman and CEO of Time Warner Cable. "Comcast and Time Warner Cable have been the leaders in all of the industry's most important innovations of the last 25 years and this merger will accelerate the pace of that innovation. Brian Roberts, Neil Smit, Michael Angelakis and the Comcast management team have built an industry-leading platform and innovative products and services, and we're excited to be part of delivering all of the possibilities of cable's superior broadband networks to more American consumers."

The new cable company, which will be led by President and CEO Neil Smit, will generate multiple pro-consumer and pro-competitive benefits, including an accelerated deployment of existing and new innovative products and services for millions of customers. Comcast's subscribers today have access to the most comprehensive video experience, including the cloud-based X1 Entertainment Operating System, plus 50,000 video on demand choices on television, 300,000 plus streaming choices on XfinityTV.com, Xfinity TV mobile apps that offer 35 live streaming channels plus the ability to download to watch offline later, and the newly launched X1 cloud DVR. Comcast is also a technology leader in broadband and has increased Internet speeds 12 times in the past 12 years across its entire footprint.

-more-

Time Warner Cable owns cable systems located in key geographic areas, including New York City, Southern California, Texas, the Carolinas, Ohio, and Wisconsin. Time Warner Cable will combine its unique products and services with Comcast's, including StartOver, which allows customers to restart a live program in progress to the beginning, and LookBack, which allows customers to watch programs up to three days after they air live, all without a DVR. Time Warner Cable also has been a leader in the deployment of community Wi-Fi, and will combine its more than 30,000 hotspots, primarily in Los Angeles and New York City, and its in-home management system, IntelligentHome, with Comcast's offerings.

Through this merger, more American consumers will benefit from technological innovations, including a superior video experience, higher broadband speeds, and the fastest in-home Wi-Fi. The transaction also will generate significant cost savings and other efficiencies. American businesses will benefit from a broader platform, and the Company will be better able to offer advanced services like high-performance point-to-point and multi-point Ethernet services and cloud-based managed services to enterprises. Additionally, the transaction will combine complementary advertising platforms and channels and allow Comcast to offer broader and more valuable packages to national advertisers.

Through the merger, Comcast will acquire Time Warner Cable's approximately 11 million managed subscribers. In order to reduce competitive concerns, Comcast is prepared to divest systems serving approximately 3 million managed subscribers. As such, Comcast will, through the acquisition and management of Time Warner Cable systems, net approximately 8 million managed subscribers in this transaction. This will bring Comcast's managed subscriber total to approximately 30 million. Following the transaction, Comcast's share of managed subscribers will remain below 30 percent of the total number of MVPD subscribers in the U.S. and will be essentially equivalent to Comcast Cable's subscriber share after its completion of both the 2002 AT&T Broadband transaction and the 2006 Adelphia transaction.

The companies said the merger agreement between Comcast and Time Warner Cable is subject to shareholder approval at both companies and regulatory review and other customary conditions and is expected to close by the end of 2014.

J.P. Morgan, Paul J. Taubman, and Barclays Plc acted as financial advisors to Comcast and Davis Polk & Wardwell LLP and Willkie Farr & Gallagher LLP are its legal advisors. Morgan Stanley, Allen & Company, Citigroup and Centerview Partners are financial advisors to Time Warner Cable and its Board of Directors, and Paul, Weiss, Rifkind, Wharton & Garrison LLP and Skadden, Arps, Slate, Meagher & Flom LLP are legal advisors.

### **Teleconference and Webcast for Financial Community**

Comcast and Time Warner Cable will host a conference call with the financial community on Thursday, February 13, 2014, at 8:30 a.m. Eastern Time (ET) to discuss this announcement. The conference call will be broadcast live via the companies' Investor Relations websites at [www.cmcsa.com](http://www.cmcsa.com) and [www.twc.com/investors](http://www.twc.com/investors). Those interested in participating via telephone should dial (800) 263-8495 with the conference ID number 22627319. A replay of the call will be available starting at 12:30 p.m. ET on February 13, 2014, on the companies' Investor Relations websites or by telephone. To access the telephone replay, dial (855) 859-2056 with the conference ID number 22627319.

### **Teleconference for Journalists**

Comcast and Time Warner Cable will also host a conference call with journalists on Thursday, February 13, 2014, at 9:45 a.m. Eastern Time (ET) to discuss this announcement. Journalists interested in participating in the call should dial (888) 290-8622 with the conference ID number 29882449. A replay of the call will be available starting at 1:30 PM (ET) on February 13, 2014. To access the telephone replay, dial (800) 585-8367 with the conference ID number 29882449.

-more-

## **About Comcast Corporation**

Comcast Corporation (Nasdaq: CMCSA, CMCSK) is a global media and technology company with two primary businesses, Comcast Cable and NBCUniversal. Comcast Cable is the nation's largest video, high-speed Internet and phone provider to residential customers under the XFINITY brand and also provides these services to businesses. NBCUniversal operates 30 news, entertainment and sports cable networks, the NBC and Telemundo broadcast networks, television production operations, television station groups, Universal Pictures and Universal Parks and Resorts. Visit [www.comcastcorporation.com](http://www.comcastcorporation.com) for more information.

## **About Time Warner Cable**

Time Warner Cable Inc. (NYSE:TWC) is among the largest providers of video, high-speed data and voice services in the United States, connecting 15 million customers to entertainment, information and each other. Time Warner Cable Business Class offers data, video and voice services to businesses of all sizes, cell tower backhaul services to wireless carriers and enterprise-class, cloud-enabled hosting, managed applications and services. Time Warner Cable Media, the advertising arm of Time Warner Cable, offers national, regional and local companies innovative advertising solutions. More information about the services of Time Warner Cable is available at [www.twc.com](http://www.twc.com), [www.twcbc.com](http://www.twcbc.com) and [www.twcmedia.com](http://www.twcmedia.com).

**###**

## **Media Contacts**

Comcast:

D'Arcy Rudnay, (215) 286-8582  
John Demming, (215) 286-8011

Time Warner Cable:

Ellen East, (212) 364-8228  
Susan Leepson, (212) 364-8281  
Bobby Amirshahi, (212) 364-8292

## **Investor Contacts**

Comcast:

Jason S. Armstrong, (215) 286-7972  
Jane B. Kearns, (215) 286-4794

Time Warner Cable:

Tom Robey, (212) 364-8218  
Laraine Mancini, (212) 364-8202

## **Important Information For Investors And Shareholders**

This communication does not constitute an offer to sell or the solicitation of an offer to buy any securities or a solicitation of any vote or approval. In connection with the proposed transaction between Comcast Corporation ("Comcast") and Time Warner Cable Inc. ("Time Warner Cable"), Comcast and Time Warner Cable will file relevant materials with the Securities and Exchange Commission (the "SEC"), including a Comcast registration statement on Form S-4 that will include a joint proxy statement of Comcast and Time Warner Cable that also constitutes a prospectus of Comcast, and a definitive joint proxy statement/prospectus will be mailed to shareholders of Comcast and Time Warner Cable. INVESTORS AND SECURITY HOLDERS OF COMCAST AND TIME WARNER CABLE ARE URGED TO READ THE JOINT PROXY STATEMENT/PROSPECTUS AND OTHER DOCUMENTS THAT WILL BE FILED WITH THE SEC CAREFULLY AND IN THEIR ENTIRETY WHEN THEY BECOME AVAILABLE BECAUSE THEY WILL CONTAIN IMPORTANT INFORMATION. Investors and security holders will be able to obtain free copies of the registration statement and the joint proxy statement/prospectus (when available) and other documents filed with the SEC by Comcast or Time Warner Cable through the website maintained by the SEC at <http://www.sec.gov>. Copies of the documents filed with the SEC by Comcast will be available free of charge on Comcast's website at <http://cmcsa.com> or by contacting Comcast's Investor Relations Department at 866-281-2100. Copies of the documents filed with the SEC by Time Warner Cable will be available free of charge on Time Warner Cable's website at <http://ir.timewarnercable.com> or by contacting Time Warner Cable's Investor Relations Department at 877-446-3689.

Comcast, Time Warner Cable, their respective directors and certain of their respective executive officers may be considered participants in the solicitation of proxies in connection with the proposed transaction. Information about the directors and executive officers of Time Warner Cable is set forth in its Annual Report on Form 10-K for the year ended December 31, 2012, which was filed with the SEC on February 15, 2013, its proxy statement for its 2013 annual meeting of stockholders, which was filed with the SEC on April 4, 2013, and its Current Reports on Form 8-K filed with the SEC on April 30, 2013, July 29, 2013 and December 6, 2013. Information about the directors and executive officers of Comcast is set forth in its Annual Report on Form 10-K for the year ended December 31, 2013, which was filed with the SEC on February 12, 2014, its proxy statement for its 2013 annual meeting of stockholders, which was filed with the SEC on April 5, 2013, and its Current Reports on Form 8-K filed with the SEC on July 24, 2013 and August 16, 2013. These documents can be obtained free of charge from the sources indicated above. Additional information regarding the participants in the proxy solicitations and a description of their direct and indirect interests, by security holdings or otherwise, will be contained in the joint proxy statement/prospectus and other relevant materials to be filed with the SEC when they become available.

#### **Cautionary Statement Regarding Forward-Looking Statements**

Certain statements in this communication regarding the proposed acquisition of Time Warner Cable by Comcast, including any statements regarding the expected timetable for completing the transaction, benefits and synergies of the transaction, future opportunities for the combined company and products, and any other statements regarding Comcast's and Time Warner Cable's future expectations, beliefs, plans, objectives, financial conditions, assumptions or future events or performance that are not historical facts are "forward-looking" statements made within the meaning of Section 27A of the Securities Act of 1933, as amended, and Section 21E of the Securities Exchange Act of 1934, as amended. These statements are often, but not always, made through the use of words or phrases such as "may", "believe," "anticipate," "could", "should," "intend," "plan," "will," "expect(s)," "estimate(s)," "project(s)," "forecast(s)", "positioned," "strategy," "outlook" and similar expressions. All such forward-looking statements involve estimates and assumptions that are subject to risks, uncertainties and other factors that could cause actual results to differ materially from the results expressed in the statements. Among the key factors that could cause actual results to differ materially from those projected in the forward-looking statements are the following: the timing to consummate the proposed transaction; the risk that a condition to closing of the proposed transaction may not be satisfied; the risk that a regulatory approval that may be required for the proposed transaction is not obtained or is obtained subject to conditions that are not anticipated; Comcast's ability to achieve the synergies and value creation contemplated by the proposed transaction; Comcast's ability to promptly, efficiently and effectively integrate Time Warner Cable's operations into those of Comcast; and the diversion of management time on transaction-related issues. Additional information concerning these and other factors can be found in Comcast's and Time Warner Cable's respective filings with the SEC, including Comcast's and Time Warner Cable's most recent Annual Reports on Form 10-K, Quarterly Reports on Form 10-Q and Current Reports on Form 8-K. Comcast and Time Warner Cable assume no obligation to update any forward-looking statements. Readers are cautioned not to place undue reliance on these forward-looking statements that speak only as of the date hereof.

**DELAWARE LEAGUE OF LOCAL GOVERNMENTS  
MONTHLY DINNER MEETING  
FEBRUARY 27<sup>TH</sup>, 2014  
DOVER DOWNS HOTEL  
4<sup>th</sup> FLOOR, DIAMOND ROOM #1  
1131 NORTH DUPONT HIGHWAY  
DOVER, DELAWARE**

\*\*\*\*\*

SOCIAL HOUR: 6:00 P.M. - 6:45 P.M.  
 OPENING: 6:45 P.M. - 7:00P.M.  
 DINNER: 7:00 P.M. - 7:30 P.M.  
 PROGRAM: 7:30 P.M. - 8:00 P.M.

**PROGRAM**

Safety Leadership & the Importance of a Culture of Safety for Your Employees: presented by Frank Dobson, President of the Delmarva Safety Association. "The **Delmarva Safety Association (DSA)** is non-profit organization who, through education, promotion and advocacy in safety, reduces injuries, occupational illnesses and economic losses in the workplace and communities on the Delmarva Peninsula." Bring your supervisors and managers to take advantage of this excellent training opportunity.

**NEXT MEETING: THURSDAY MARCH 27<sup>TH</sup>, 2014**

\*\*\*\*\*

Special diets can be accommodated with 24 hours notice

**WE MUST HAVE YOUR RESERVATIONS NO LATER THAN February 14<sup>th</sup>, 2014**

Mail To: Delaware League of Local Governments  
 P.O. Box 484  
 Dover, Delaware 19903

Telephone: 302-678-0991

Fax: 302-678-4777

Email: [gwright@udel.edu](mailto:gwright@udel.edu)

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

PLEASE LIST THE NAMES OF THOSE ATTENDING

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

- ( ) Check enclosed for ( ) dinners @ \$30.00 each
- ( ) Please direct bill the Municipality/County/Agency
- ( ) Payment will be made at the door
- ( ) Enclosed for ( ) dinners @ \$30.00 each

CITY OF MILFORD  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford Zoning Map on Tuesday, February 18, 2014 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, February 24, 2014 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2014-01 may be adopted, with or without amendments.

ORDINANCE 2014-01

Annexation/Lands belonging to Anna M. Legates & JoAnn L. Currey  
Tax Parcel MD-00-174.00-02-27.00-00001  
6.481 +/- Acres  
Current Zone AR-1/Proposed Zone C-3

An Ordinance to Amend the Zoning Designation of the parcel of land, under the ownership of Anna M. Legates & JoAnn L. Currey, Tax Parcel MD-174.00-02-27.00-00001, situated east of Delaware Route 1, between County Road 408A (east) and Carpenter Pit Road (north), upon its annexation into the City of Milford through the adoption of a resolution by the majority members of Milford City Council.

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

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

WHEREAS, the land owned by the City of Milford is presently zoned by Sussex County as "AR-1" (Agricultural Residential District), and

WHEREAS, City Council referred the zoning of the affected territory to the Planning and Zoning Commission for a report and recommendation and after a due hearing on February 18, 2014 as provided by law, the Planning and Zoning Commission made its recommendation to City Council, and

WHEREAS, following a Public Hearing held on February 24, 2014 and consideration of the recommendation of the City Annexation Committee, City Council has determined the proper classification under the zoning ordinance of the City of Milford for the property to be annexed.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

That the following described land situated in Sussex County, Delaware, to wit:

Tax Parcel No. MD-00-174.00-02-27.00-00001

All that certain tract, piece and parcel of land, lying and being situate in Milford Hundred, Kent County, and the State of Delaware, as depicted on a survey prepared by Bob Nash Associates, Inc., dated 30 July 2013, fronting on the northeasterly right-of-way line of State Highway Route 408A, at sixty (60) feet wide, and a twelve (12) foot wide access, adjoining lands now or formerly of David A. & Jean W. Morgan, lands now or formerly of Carl J. & Cindy L. Popelas, lands now or formerly of Robert E. & Edgar W. Cannon, and lands now or formerly of J. & R. Scarborough, Inc., being more particularly described as follows, to wit:

Beginning at a found iron pipe at a corner for lands now or formerly of David A. & Jean W. Morgan, and at a point on the northeasterly right-of-way line of State Highway Route 408A, at sixty (60) feet wide, said point being distant 2,600 feet, more or less, from the right-of-way intersection of N.E. Tenth Street; thence running with said right-of-way line of 408A and deflecting right along a 2,173.85 foot radius curve, the chord of which bears North 31 degrees 55 minutes 29 seconds West 230.82 feet, an arc distance of 230.93 feet to a found concrete monument at a corner for lands now or formerly of Carl J. & Cindy L. Popelas; thence proceeding with said Popelas lands the following two (2) courses and distances:

- 1) South 76 degrees 35 minutes 48 seconds East 340.28 feet to a set capped rebar, and
- 2) North 13 degrees 21 minutes 42 seconds East 208.72 feet to a set capped rebar on line of a twelve (12) foot wide access,

thence running with said access road South 76 degrees 39 minutes 47 seconds East 600.00 feet to a set capped rebar on line of lands now or formerly of Robert E. & Edgar W. Cannon; thence proceeding with said Cannon lands South 03 degrees 41 minutes 11 seconds West 337.35 feet to a found iron pipe on line of lands now or formerly of J. & R. Scarborough, Inc.; thence continuing with said Scarborough lands North 86 degrees 05 minutes 27 seconds West 487.62 feet to a found iron pipe at a corner for aforementioned Morgan lands, thence running with said Morgan lands, the following two (2) courses and distances:

- 1) North 02 degrees 23 minutes 45 seconds East 130.08 feet, and finally,
- 2) North 89 degrees 11 minutes 34 seconds West 396.68 feet to the place of beginning,

CONTAINING 6.481 acres of land, more or less.

Upon final approval of its annexation into the City of Milford, as classified under the Zoning Ordinance of the City of Milford, shall be zoned henceforth as C-3 (Highway Commercial District).

Dates:

Introduction: February 10, 2014

Planning Commission Review & Recommendation: February 18, 2014

Adoption (Projected) Date: February 24, 2014

The original contract was for \$28,000 and we have paid to date \$28,083.25. Approval is needed to increase the contract to \$35,083.25, which is an increase of \$7083.25. State funds are being used to fund half and the rotary is paying the other half.

Jeff Portmann

Finance Director

City of Milford

302-424-5141-Phone

302-424-5932-Fax

*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.*

February 18, 2014

City of Milford  
Parks & Recreation Department  
207 Franklin Street  
Milford, Delaware 19963

Attn: Mr. Gary Emory

RE: **PROPOSAL AMENDMENT**  
Can-Do Playground Site Design  
Silicato Memorial Park  
City of Milford, Delaware  
DBF 0052D003

Dear Gary:

The City of Milford previously signed our proposal for engineering services related to the Can-Do Playground project. Although the fees were all presented as estimated amounts, the City Council approved the attached proposal with a not-to-exceed amount of \$28,000.00. During the construction of the project, it became necessary for our office to provide additional services for stakeout and other construction phase services to complete the project. These services were identified as additional services in the original proposal and, as such, were not included in the original estimate.

Our office was requested to perform said additional services noting that additional funds were available within the grant from the Delaware Land Water Conservation Trust Fund and the fund-raising budget from the Milford Rotary Club. At the conclusion of the construction of the project, the fees for services rendered reached \$42,872.75. Per an agreement with the Milford Rotary Club, Davis, Bowen & Friedel, Inc. credited \$7,789.50 of those fees as a contribution to the project, thus reducing the total fee for engineering services to \$35,083.25.

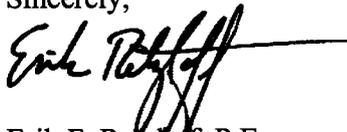
The costs for the additional services beyond the originally estimated amount of \$28,000.00 can be paid out of the grant from the Delaware Land Water Conservation Trust Fund and contributions from the Milford Rotary Club, without any further contribution from the City of Milford. However, as the engineering proposal was between the City of Milford and Davis, Bowen & Friedel, Inc., the City Council must approve the increase from \$28,000.00 to \$35,083.25.

Gary Emory  
February 18, 2014

PROPOSAL AMENDMENT  
Can-Do Playground, Milford  
Page 2 of 2

Should you have any questions or need additional information, please call.

Sincerely,

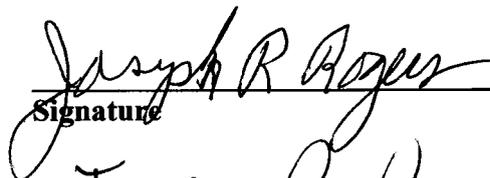


Erik F. Retzlaff, P.E.  
Associate

Milford\PROPOSAL\Can-Do Amendment

Enc.

ACCEPTED BY:

  
Signature

02/24/14  
Date

PRINTED NAME:

JOSEPH R. ROGERS

December 18, 2012

City of Milford  
Parks & Recreation Department  
207 Franklin Street  
Milford, Delaware 19963

Attn: Mr. Gary Emory

RE: **PROPOSAL**  
Can-Do Playground Site Design  
Silicato Memorial Park  
Tax Map: MD-16-173.00-01-02.00-000  
City of Milford, Delaware  
DBF #P2004A12.001

Dear Gary:

Davis, Bowen & Friedel, Inc. is pleased to present this proposal for providing surveying and engineering design services for the above-referenced project. We understand the City is working with local charitable organizations to create a playground for children of all abilities to enjoy. The proposed playground will be an expansion to the existing playground located at Silicato Memorial Park behind the Boys & Girls Club. The playground layout has been identified and will contain three separate play areas with associated equipment. The proposed layout and the associated equipment to be installed are shown on the attached plans dated December 3, 2010, from GameTime/West Recreation, Inc.

We understand the scope of our services are limited to preliminary engineering, topographic survey and site design and permitting services at this phase of the project. At the completion of this work, our office may be requested to provide services for bid procurement and construction administration which will be included under a separate proposal. Funding for the services included in this proposal is provided by the City of Milford and the Delaware Land Water Conservation Trust Fund along with some local, charitable donations.

A description of our proposed scope of services and associated fees for each phase of the work is as follows:

A. PRELIMINARY ENGINEERING SERVICES

Our office will perform the preliminary engineering services necessary to assist with the preparation of project funding applications, coordination with the various parties involved in the project, and any assistance with the purchase of the playground equipment and engineered surfaces for compliance with the requirements of the funding program.

Estimated Fee: \$3,250.00

B. TOPOGRAPHIC SURVEY SERVICES

Davis, Bowen & Friedel, Inc. (DBF) will perform the topographic survey of the project area as required to complete the site design. Features to be identified include the perimeter walking path, existing play equipment and the surrounding grass areas to be utilized for the proposed expansion (totaling approximately one acre). The survey of the approximately 1,100 LF of the existing walking path will include detailed elevation information such that any necessary modifications for compliance with ADA requirements can be identified

Estimated Fee: \$3,000.00

C. SITE DESIGN & PERMITTING SERVICES

Utilizing the survey information obtained above, our office will prepare construction documents for the proposed improvements. Once complete, the plans and specifications will be submitted to the City of Milford, Parks and Recreation Department, for review and comment. After addressing any comments, DBF will submit the construction documents to the Kent Conservation District for erosion and sediment control approval and to the City of Milford for obtaining the building permit. The construction documents to be provided include the following:

- Site Demolition Plan
- Site Layout & Dimension Plan
- Site Grading & Drainage Plans
- Sediment & Erosion Control Plan
- Site Construction Details
- Site Landscape Plan
- Specifications

Estimated Fee: \$21,750.00

*Please note the above fee does not include any necessary permitting fees, which will be the responsibility of the City. Additionally, please note the above scope assumes no additional stormwater management measures will be required due to the proposed improvements.*

D. EXCLUSIONS/ADDITIONAL SERVICES

The following items have been excluded from this proposal but, if requested, these services can be provided under a separate contract or on a unit price basis in accordance with our attached Schedule of Rates No. 44.

- Boundary Survey Services;
- Geotechnical Services;
- Structural Engineering Services;
- Additional Stormwater Management Design Services.
- Bid Procurement Services;
- Financial Administration Services;
- Contract Administration Services;
- Construction Inspection Services;
- Construction Survey and Stakeout Services;
- Application and Permitting Fees; and
- Reimbursable and Reproduction Costs.

We propose to perform the above-described work for Items A, B, C and any additional services included in Item D on a unit price basis in accordance with the enclosed Schedule of Rates No. 44. No work identified under Item D will be performed without prior authorization from the City. Billing will be submitted monthly based on the actual amount of work completed the previous month. 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.

Mr. Gary Emory  
December 18, 2012  
Page 4

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

Sincerely,



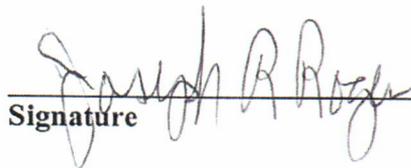
Erik F. Retzlaff, P.E.  
Associate

Proposal Municipal Milford P2004A12.001—GE CanDo Playground

Enc.

ACCEPTED BY:

Signature



Date

12-26-2012

PRINTED NAME:

JOSEPH R. ROGERS

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

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

GENERAL CONDITIONS

**INVOICES & PAYMENT**

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

**TERMINATION OF CONTRACT**

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

**LIMITATION OF LIABILITY**

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

**INDEMNIFICATION**

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

**FORCE MAJEURE**

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

**CONSTRUCTION PHASE SERVICES**

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

**OWNERSHIP OF DOCUMENTS**

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

**USE OF ELECTRONIC MEDIA**

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

**SUCCESSORS & ASSIGNS**

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

**MISCELLANEOUS PROVISIONS**

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

**REIMBURSABLE EXPENSES**

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

CITY OF MILFORD  
Ordinance 2014-02

AN ORDINANCE ABOLISHING THE METER DEPARTMENT  
OF THE CITY OF MILFORD, DELAWARE

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

- Section 1. Acting pursuant to Article IV Section 4.09 of the City of Milford Code, Action Requiring an Ordinance, the Meter Department of the City of Milford, is hereby abolished.
- Section 2. All previous functions, obligation and duties of the City of Milford Meter Department are hereby transferred and conveyed to the City of Milford Water/Wastewater Departments and Electric Department, to be overseen by the Director of Public Works for the City of Milford.
- Section 3. No contracts or liabilities in force shall be affected by such abolition, but the Public Works Department shall in all respects be the lawful successor of the department so abolished.
- Section 4. Employees of the abolished departments are hereby transferred to the service of the Water/Wastewater Departments and Electric Department without impairment of their retirement, leave or seniority rights and benefits.
- Section 5. Dates.  
Introduction February 24, 2014  
Adoption March 10, 2014  
Effective March 20, 2014

**IMPACT FEE WAIVER HISTORY**

**ENACTS IMPACT FEE WAIVER (FOR SIX MONTHS) EFFECTIVE 06-03-10--**

**ORDINANCE 2010-8**

**NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:**

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, shall be amended to add a subsection D to read as follows:

§185-24 D. The sewer impact fee described in §185-24C shall be waived for all permits issued between June 3, 2010 and December 31, 2010. The waiver shall be for a maximum of 5 EDUs per project. The City will continue to collect the impact fee charged by Kent County during this period.

§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

§185-24 D (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

**ORDINANCE 2010-9**

**NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:**

Section 1. §222-31 of the Code of the City of Milford, entitled Water, shall be amended to add a subsection I to read as follows:

§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued between June 3, 2010 and December 31, 2010. The waiver shall be for a maximum of 5 EDUs per project.

§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

§222-31 I. (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

**ORDINANCE 2010-10**

**NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:**

Section 1. Chapter 119 of the Code of the City of Milford, entitled Electrical Standards, shall be amended to add a section to read as follows:

The electric impact fee established under this Chapter shall be waived for all permits issued between June 3, 2010 and December 31, 2010.

To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 2. Dates.

Adoption Date: 05-24-10

Effective: 06-03-10

**EXTENDS WAIVER SIX MONTHS EFFECTIVE 11-18-10--**

CITY OF MILFORD ORDINANCE 2010-17

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

ORDINANCE 2010-17

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-8 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in July and August 2010 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional six months the waiver of sewer impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by extending the deadline from December 31, 2010 to June 30, 2011 as follows:

§185-24 D. The sewer impact fee described in §185-24C shall be waived for all permits issued between June 3, 2010 and June 30, 2011. The waiver shall be for a maximum of 5 EDUs per project. The City will continue to collect the impact fee charged by Kent County during this period.

Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(1) shall remain in effect until the extended deadline of June 30, 2011:

§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

§185-24 D (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Adoption Date: November 8, 2010

Effective Date: November 18, 2010

ORDINANCE 2010-18

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-9 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in July and August 2010 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional six months the waiver of water impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by extending the deadline from December 31, 2010 to June 30, 2011 as follows:

§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued between June 3, 2010 and June 30, 2011. The waiver shall be for a maximum of 5 EDUs per project.

Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect until the extended deadline of June 30, 2011:

§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

§222-31 I. (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Adoption Date: November 8, 2010

Effective Date: November 18, 2010

ORDINANCE 2010-19

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in July and August 2010 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional six months the waiver of water impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 119 of the Code of the City of Milford, entitled Electrical Standards, shall be amended by extending the deadline for the waiver of Electric Impact Fees as follows:

The electric impact fee established under this Chapter shall be waived for all permits issued between January 1, 2011 and June 30, 2011.

Section 2. The following sections of Chapter 119 of the Code of the City of Milford shall remain in effect until the extended deadline of June 30, 2011:

To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Adoption Date: November 8, 2010

Effective Date: November 18, 2010

**EXTENDS IMPACT FEE WAIVER 12 MONTHS EFFECTIVE JULY 2011--**

CITY OF MILFORD ORDINANCE 2011-16

ORDINANCE 2011-16

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-8 and Ordinance 2010-16 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010 and 2011 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional twelve months the waiver of sewer impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by extending the deadline from June 30, 2011 to June 30, 2012 as follows:

§185-24 D. The sewer impact fee described in §185-24C shall be waived for all permits issued between June 3, 2010 and ~~June 30, 2011~~ June 30, 2012. The waiver shall be for a maximum of 5 EDUs per project. The City will continue to collect the impact fee charged by Kent County during this period.

Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(1) shall remain in effect until the extended deadline of ~~June 30, 2011~~ June 30, 2012.

§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

§185-24 D (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction to City Council—June 13, 2011

Projected Adoption by City Council—June 27, 2011

Projected Effective Date—July 7, 2011 - June 30, 2012

CITY OF MILFORD ORDINANCE 2011-17

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

ORDINANCE 2011-17

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-9 and 2010-17 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010 and 2010 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional twelve months the waiver of water impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by extending the deadline from June 30, 2011 to June 30, 2012 as follows:

§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued between June 3, 2010 and ~~June 30, 2011~~ June 30, 2012. The waiver shall be for a maximum of 5 EDUs per project.

Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect until the extended deadline of ~~June 30, 2011~~ June 30, 2012.

§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

§222-31 I. (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

### Section 3. Dates

Introduction to City Council—June 13, 2011

Projected Adoption by City Council—June 27, 2011

Projected Effective Date—July 7, 2011 - June 30, 2012

### CITY OF MILFORD ORDINANCE 2011-18

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

### ORDINANCE 2011-18

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10 and Ordinance 2010-18 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010 and 2011 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional six months the waiver of water impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 119 of the Code of the City of Milford, entitled Electrical Standards, shall be amended by extending the deadline for the waiver of Electric Impact Fees as follows:

The electric impact fee established under this Chapter shall be waived for all permits issued between June 3, 2010 and ~~June 30, 2011~~ June 30, 2012.

Section 2. The following sections of Chapter 119 of the Code of the City of Milford shall remain in effect until the extended deadline of ~~June 30, 2011~~ June 30, 2012:

To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

### Section 3. Dates

Introduction to City Council—June 13, 2011

Projected Adoption by City Council—June 27, 2011

Projected Effective Date—July 7, 2011 - June 30, 2012

### **IMPACT FEE WAIVERS RESTRICTED TO REHABS, RENOVATIONS, IMPROVEMENTS AND NOT TO NEW CONSTRUCTIONS ADOPTED 09/10/12--**

#### 08/2012 Minutes:

#### *Economic Development Committee Recommendation/Impact Fee & Property Tax Waiver*

Chairman Grier reported there was a committee meeting last Thursday to discuss the impact fee waivers and tax exemption for new construction that expired on June 30<sup>th</sup>. Both had been in effect for just under the past two years. It was recommended some additional conditions apply to the new impact fee waiver. On the residential side, the committee is proposing that up to 5 EDU's remain in effect though it will no longer apply to all construction in the city. Instead, the intent will be to rehab some of the older homes in a targeted area to be determined.

Mr. Carmean agreed there are areas in town that need attention and this would be a great incentive for potential purchasers. The intent of the committee was to focus on the historic and downtown areas of Milford.

Mr. Grier said he has firsthand knowledge that some contractors have taken advantage of this waiver which he feels is an economic development incentive.

He noted that on the commercial side, the concentration will be on jobs. With every 5 jobs created, one EDU will be waived (sewer, water and electric). It will max out at 5 EDU's when 25 plus jobs are created.

In addition, the one year tax exemption will remain in place.

Mr. Gleysteen asked the city manager for a review of the last fifteen months or so and specifically how the expiration of the impact fees compares against the same period a year ago.

He would like to see the number of building permits, compared to those periods when we were not charging impact fees and whether there was an adverse or positive effect. He wants to determine whether the expiration created a slowdown, the difference in the revenue that has collected and how many permits were issued compared to the period when the impact fees were waived.

Mr. Gleysteen stated he is pleased with the proposal and particularly likes the focus on homes that need to be rehabbed. The new construction market is somewhat flat at this point and the percentage these waivers will provide a building is minimal when compared to the cost of the house.

In addition, he likes the job creation incentives which is the goal of the committee.

Mr. Grier said he hopes to have an ordinance to present at the August 27<sup>th</sup> meeting.

The city manager asked who was going to delineate the targeted areas in the ordinance; Mr. Morrow advised that we will start with the targeted areas the city used previously in the Live Near Your Work Program. He believes it falls within a one-mile radius of the center of town.

Mr. Grier said his preference is to offer the waiver to any old buildings someone is willing to rehab. Mr. Carmean agreed it can be offered citywide.

09/2012 Minutes:

Mr. Grier recalled the previous discussion regarding impact fees and asked if those recommendations were incorporated into the ordinances.

Mr. Carmean said this will not apply to new construction but only to rehabs and renovations. However, the current ordinance is unclear. Mr. Gleysteen agreed the ordinances do not specify residential rehabs. He recommends adding that wording.

Mr. Grier said that was the intent as was stated at the last meeting.

Mr. Carmean advised the only change he had made since that meeting was the waivers/exemptions would be citywide versus targeted areas as originally proposed.

Mr. Pikus asked for a clarification because he was under the impression this only applied to new construction. Mr. Gleysteen disagreed noting it will only apply to rehabilitations.

Ordinance 2012-19, 2012-20 and 2012-21 will be amended to reflect that only rehabs were eligible for impact fee waivers and not new construction.

ORDINANCE 2012-19

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

Increase redevelopment of underused buildings and sites.

(3) Increase rehabilitation, upgrade, and adaptive reuse of existing buildings.

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-8, Ordinance 2010-17 and 2011-16 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011 and 2012 when compared to those same periods in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend the period to waive sewer impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by extending the deadline to June 30, 2012 as follows:

D. The sewer impact fee described in Subsection C shall be waived for all permits issued **FOR REPAIRS OR REHABILITATION OF EXISTING STRUCTURES** between ~~June 3, 2010 and~~

June 30, 2012 SEPTEMBER 20, 2012 AND JUNE 30, 2013. The waiver shall be for a maximum of 5 EDUs per project. The City will continue to collect the impact fee charged by Kent County during this period. **WAIVER DOES NOT APPLY TO NEW CONSTRUCTION.**

Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(2) shall remain in effect through the extended deadline of June 30, 2013.

§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

(a) Waiver of Sewer Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 EDU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 EDU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 EDU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 EDU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 EDU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

§185-24 D (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

#### ORDINANCE 2012-20

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-9, Ordinance 2010-18 and Ordinance 2011-17 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011 and 2012 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend the period to waive water impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by extending the deadline to June 30, 2012 as follows:

§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued **FOR REPAIRS OR REHABILITATION OF EXISTING STRUCTURES** between June 3, 2010 and June 30, 2012 SEPTEMBER 20, 2012 and JUNE 30, 2013. The waiver shall be for a maximum of 5 EDUs per project. **WAIVER DOES NOT APPLY TO NEW CONSTRUCTION.**

Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect until the extended deadline of June 30, 2013.

§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

(a) Waiver of Water Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 EDU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 EDU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 EDU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 EDU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 EDU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

§222-31 I. (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

#### ORDINANCE 2012-21

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10, Ordinance 2010-19 and Ordinance 2011-18 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011 and 2012 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend the period to waive electric impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Appendix B-Electric Tariff-Rules and Regulations shall be amended by extending the deadline for the waiver of Electric Impact Fees.

Section 2. Rules and Regulations, Section 3-Customer Advance Usage/Impact Fees and Deposits, Subsection E(1) is hereby amended as follows:

E. The electric impact fee established under this Appendix shall be waived for ~~all~~ permits issued **FOR REPAIRS OR REHABILITATION OF EXISTING STRUCTURES** between ~~June 3, 2010 and June 30, 2012~~ SEPTEMBER 20, 2012 AND JUNE 30, 2013. **WAIVER DOES NOT APPLY TO NEW CONSTRUCTION.**

(1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

(a) Waiver of Electric Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 ESU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 ESU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 ESU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 ESU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 ESU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

(2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

**WAIVER PERIOD CHANGED TO INDEFINITE ADOPTED 11/25/13--**

11/2013 Minutes:

Mr. Carmean noted that the impact fee waiver had expired on June 30, 2013. However, he continued to provide some waivers on his own and in particular to the Halpern Office Building and the Milford Gallery Shopping Center by Ruby Tuesday. He recommends we continue the waivers for an indefinite period.

Mr. Pikus asked if the increase in building is due to the impact fee incentive. Mr. Carmean said there are people that decided to build now instead of postponing it. Milford Gallery is owned by the Laragione family who also owns Mama Maria. He thinks that is the reason they began construction at this time.

Mr. Grier asked how it is determined the number of jobs being created. He stated that is required before the waiver can be considered. The city manager said he just takes the word of the developer/builder. He said it is difficult to determine in the case of the shopping center. In that situation, he just took the total square footage and considered the type of stores or offices it will house. Presently, Sleepy's and Sno Yo Yogurt will be locating there. In Doctor Halpern and Doctor Bunting (business park lot)'s situation, they were already aware how many employees would be hired because the majority were transfers from one building to the new building.

Mr. Grier said it is very important and is used as an incentive to bring new jobs. The previous ordinance allowed the city to give away the ranch. This directly ties into economic development which was the intent and reason for the waiver.

Another component was the requirement to rehab and upgrade existing structures which he encourages. He believes those requirements need to stay in place and followed before any waiver is considered.

Mr. Carmean reported that he is still negotiating with Perdue who went from 1,100 to 1,300 jobs because of the new organic chicken product which is only handled by the Milford plant. Their water, sewer and electric consumption has increased though no new infrastructure improvements are needed. If an improvement was needed, he would need to determine the additional costs and require a percentage back.

To him, it is smart business to try and continue to get the new load. He said that any new load has a three to five-window on any rate reduction.

#### *Ordinance 2013-10/Sewer Code*

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-8, Ordinance 2010-17, 2011-16 and 2012-19 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011, 2012 and 2013 when compared to the same period in 2009; and

WHEREAS, it is the City of Milford's desire to extend the waiver of sewer impact fees for an indefinite period of time.

**NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:**

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by indefinitely extending the deadline with the following conditions:

D. The sewer impact fee described in Subsection C shall be waived for permits issued for repairs or rehabilitation of existing structures beginning DECEMBER 5, 2013. The waiver shall be for a maximum of 5 EDUs per project. The city will continue to collect the impact fee charged by Kent County. Waiver does not apply to new construction.

Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(2) shall remain in effect.

§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

(a) Waiver of Sewer Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 EDU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 EDU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 EDU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 EDU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 EDU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

§185-24 D (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

### Section 3. Dates

Adoption November 25, 2013

Effective December 5, 2013

### *Ordinance 2013-11/Water Code*

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-9, Ordinance 2010-18, Ordinance 2011-17 and Ordinance 2012-20 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011, 2012 and 2013 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is the City of Milford's desire to extend the waiver of water impact fees for an indefinite period of time.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by indefinitely extending the deadline with the following conditions:

§222-31 I. The water impact fee described in §222-31H shall be waived for permits issued for repairs or rehabilitation of existing structures beginning DECEMBER 5, 2013. The waiver shall be for a maximum of 5 EDUs per project. Waiver does not apply to new construction.

Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect.

§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

(a) Waiver of Water Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 EDU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 EDU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 EDU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 EDU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 EDU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

§222-31 I. (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Adoption November 25, 2013

Effective December 5, 2013

*Ordinance 2013-12/Electric Tariff/Appendix B*

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10, Ordinance 2010-19, Ordinance 2011-18 and Ordinance 2012-21 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011, 2012 and 2013 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is the City of Milford's desire to extend the waiver of electric impact fees for an indefinite period.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Appendix B-Electric Tariff-Rules and Regulations shall be amended by indefinitely extending the deadline for the waiver of Electric Impact Fees.

Section 2. Rules and Regulations, Section 3-Customer Advance Usage/Impact Fees and Deposits, Subsection E(1) is hereby amended as follows:

E. The electric impact fee established under this Appendix shall be waived for permits issued for repairs or rehabilitation of existing structures beginning DECEMBER 5, 2013. Waiver does not apply to new construction.

(1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

(a) Waiver of Electric Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 ESU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 ESU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 ESU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 ESU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 ESU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

(2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Adoption November 25, 2013

Effective December 5, 2013

**MAKES NEW COMMERCIAL CONSTRUCTION ELIGIBLE FOR IMPACT FEE WAIVERS  
02/2014--**

*Consideration of Water Code Amendment/Impact Fee Waiver/Add New Construction  
Consideration of Sewer Code Amendment/Impact Fee Waiver/Add New Construction  
Consideration of Electric Tariff Amendment/Impact Fee Waiver/Add New Construction*

Mr. Carmean stated that as of December 13, 2013, city council amended the water, sewer and electric codes by removing the waiver for impact fees for businesses or commercial entities. He is constantly meeting with people who are asking what incentives the city offers to expand or to bring a business here. When the waiver was in place, Mr. Carmean spoke with several entities who are now getting ready to build. Nothing was signed and no deals were made. However, they are ready to begin construction and the reason he is bringing this back before council.

Mr. Grier confirmed he is referring to the ordinance that allows up to five EDU's be waived based on the number of new jobs created. Mr. Carmean stated yes and read the following requirements:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 ESU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 ESU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 ESU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 ESU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 ESU's)

Mr. Morrow confirmed this was tied into new jobs.

Mr. Grier also recalled this only applies to rehabs to encourage older buildings be renovated. Mr. Carmean agreed but pointed out the city is not getting much in the way of renovations.

Mr. Gleysteen then asked what is presented as proof of the new jobs before the credit is provided. Mr. Carmean said we will need to set up an agreement, similar to what has been done for incentives for new loads. A history is completed and incentives are then based on expansion or new jobs. We keep spreadsheets and files, along with a signed agreement to ensure the business lives up to their end of the bargain at the time the waiver is granted.

These waivers will be handled in the same manner according to Mr. Carmean and should be added.

It was then asked how we ensure the number of new jobs are retained; Mr. Carmean said it is just a matter of trusting the person you talk to. He said the city does not have the staff to go out and inspect payrolls. We can have them sign an agreement or if something comes to our attention they have not lived up to the agreement, we would address it. We would have the agreement to take action against them and we could then fall back on the fees that were waived.

The city manager said the one business he is talking to is a franchise that many people in Milford want. He does not think that corporation is misleading on how many jobs will be created.

Mr. Grier confirmed that an agreement is signed before the waiver is provided; Mr. Carmean said we will have to get some kind of a contractual agreement. However, we do that with the new load fees.

He referenced earlier comments regarding the loss of impact fees over the years. He recalled one of our council members brought the same issue up last year when the ordinance was changed. Mr. Grier agrees that is a concern.

Mr. Carmean said he is bringing this before council because he wants to tell the people he brought it back for reconsideration. He will then report the outcome when asked.

Mr. Pikus confirmed this conversation is directed at commercial. Mr. Carmean said mostly yes. Mr. Pikus said that all the new businesses locating in the shopping centers are looking for relief from impact fees. Mr. Grier pointed out that they are mainly tenants and impact fees would not apply. Mr. Carmean agreed that anyone leasing the building does not pay impact fees.

Mr. Carmean said that during the boom years things were different. At that time, developments had to pay for all their own infrastructure that was later turned over to the city. He said we stuck by that religiously. If a developer on the outside wanted to run sewer to their property, they paid for it.

The city manager reviewed that and it appears we waived another \$500,000 for residential development though we no longer do that.

Mr. Shupe asked if it would be to our benefit to require some sort of documentation from the applicants. He does not like the idea that we simply assume they are providing us with a number by word of mouth. Mr. Carmean does not think it is difficult to track the people they hire initially. However, this involves another three years and in some cases, the business may pull up stakes and move out of town. Trying to collect the money in those situations can be difficult.

He reiterated we do not have the personnel to go out and visit Perdue or Seawatch and count heads.

Mr. Shupe said he feels we should have some documentation of payroll or something similar; Mr. Rutt stated that cannot be done because it involves personnel.

Ms. Wilson suggested that the business be required to submit something annually. The city could send a letter stating they must remain in accordance with the agreement. Mr. Morrow agrees it should be tied into the agreement they are signing at the time of the waiver.

Mr. Grier said there should not be a lot of businesses that have met this criteria. He agrees it could be done once a year. If nothing else, they should sign off on the number of people they employed last year and a comparison can be done each subsequent year.

Mr. Carmean said it could be handled in that manner which is similar to our property rental process. He asked if council really feels that someone would not locate in Milford over \$25,000 in impact fees. That was a point made last year about residences and whether that is really a factor in building here or not.

Mr. Brooks recalled Mr. Carmean stating that when Chick Fil-A initially came to Milford to locating here, they were informed they would receive the waiver. Since then, the impact fees have expired. Mr. Carmean agreed the ordinance was changed since they were given that information. All they did at that point was ask what Milford could offer them; they did not specifically ask about impact fees though they were given that information.

The city manager said when he was the Economic Development representative for the city, impact fees were being waived and new load incentives were in place. He explained that a new load applies when someone moves here as a new customer. We are able to negotiate a three-year break on the new load. The city makes a small profit while the business gets a break for three or four years.

Mr. Carmean said it worked well with a couple larger industries in Milford.

Mr. Brooks recalled that Chick Fil-A has already been through the planning commission process and were already approved. Mr. Carmean agreed adding they are currently prepared to pull their building permits.

Mr. Carmean said he talked to several council members after they read their packets. He wants to point out that should it cost the city money to get to a certain site or if more equipment is needed, the business has to pick up those costs. What cannot be determined is when there will be major problems. Extensions

and new growth can be planned and denied or approved. But when something unexpected occurs and you need \$2.5 million, it is difficult to handle. That can be a danger with waiving impact fees.

Mr. Gleysteen said his dilemma is council just agreed to ask the citizens for a \$3.5 million loan they will be paying. In the meantime we are giving certain businesses a break though he is in favor of encouraging businesses to come to Milford. He wonders if we need to borrow \$3.5 million, which is a cost to every person in Milford, do we have our rate structure for water and sewer at the correct amount to support initiatives such as waiving impact fees.

Mr. Carmean said for several years, we have increased our fees to the point we put a certain amount of money into our reserves every year. Just as we discussed with trash, we get to the point where the reserves begin to dwindle which is a signal to revisit the fees or services to determine if we can cut corners somewhere. That is the decision council needs to make. They must decide if it is worth bringing jobs and retail to the city that a lot of the citizens might want. Compare that to the fact we are not building up our reserves anymore.

Mr. Gleysteen asked the benefit this program had last year. Mr. Carmean said we had maybe three businesses who decided to proceed with construction because the waivers were in place. He is aware of one doctor that built a new facility in our business park and brought in another professional to work in their office. That resulted in another eight or nine new jobs. They would not have done that at this time and would have preferred to wait three or four years down the road. Instead they do so because of the savings of impact fees.

Mr. Carmean reported that many businesses pay \$35,000 to \$40,000 in impact fees when we include the county fees which the city takes the blame for.

Mr. Gleysteen stated that he is unsure how we get the most advantage from this program if we do not have an economic development director and are not really promoting it. Mr. Carmean said it is word of mouth and people call here all the time. The city does not have a planner right now and he feels we need both or a person who is qualified to do both jobs. He feels strongly a good planner can sell economic development.

Mr. Grier feels the problem is three or four years ago, we gave away impact fees as was alluded to earlier, to residential developers. We are not doing that anymore. If the waiver was only given to two or three businesses last year that resulted in 25 to 40 new jobs, it was worth it. He also agrees with the rehab requirement because we want to take the gateways into town and turn the older, rundown facilities into nice, modern buildings with new siding and roofs.

Mr. Carmean agreed we can continue this with rehabbed or renovated commercial sites. Mr. Grier said then he is in favor of it.

Mr. Pikus noted that building permit fees are way down; Mr. Carmean agreed. Mr. Pikus said there are communities in New Jersey and Pennsylvania who are offering free taxes for ten years if they locate their business to their cities.

Mr. Grier verified the city is no longer waiving fees for any residential development; Mr. Carmean said no, we have not done that for a long time. Mr. Grier said we need to incur those impact fees to pay for future growth.

Mr. Carmean said the other incentive is the new load incentive. As an example, we have a new industry in Milford that is adding a new product to their line. They are hiring in excess of 200 new employees. Their use numbers will increase drastically as a result.

Mr. Grier agrees with Mr. Gleysteen that we have no one selling the incentives. Mr. Carmean said he will put hiring that position on the next agenda but it cannot be done tonight. Mr. Grier believes that was done

six months ago. Mr. Pikus asked if it was approved; Mr. Carmean said council only approved a part-time position.

Mr. Grier asked if the motion should be to amend the ordinance. Mr. Carmean said it would read like it did before the change in December.

City Solicitor Rutt stated that the city manager is requesting the waiver for new construction be permitted and that is what the motion should be.

Mr. Grier asked if that means new construction on residential or commercial though he prefers commercial only.

Mr. Grier asked how the three businesses took advantage of the waiver last year; Mr. Carmean said that was before the ordinance was changed in December 2013.

Mr. Carmean advised that if council wants the ordinance brought back, the public would then have the right to comment.

Mr. Morrow asked how the amendment should be handled. Mr. Carmean said the city solicitor told him that council needs to make new construction eligible for waivers and the job creation criteria would still apply. Mr. Morrow said he thought the city manager wanted to leave it the same.

The solicitor said the ordinance states the waiver does not apply to new construction but council has been discussing the difference between residential and commercial. To clarify it, the waiver would state it applies only to new commercial.

Mr. Grier moved to proceed with the ordinance amendment. Mr. Rutt stopped Mr. Grier stating this needs to be handled through an ordinance change and the first step is the introduction. That cannot be done tonight because the discussion of the matter is only on the agenda.

Mr. Grier said a new ordinance needs to be drafted to reflect this only applies to new commercial construction.

#### *Ordinance 2014-03/Sewer Code*

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-8, Ordinance 2010-17, 2011-16, 2012-19 and 2013-10 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011, 2012 and 2013 when compared to the same period in 2009; and

WHEREAS, it is the City of Milford's desire to extend the waiver of sewer impact fees for an indefinite period of time; and

WHEREAS, as a result of decreasing construction activity on older buildings and to assist new commercial entities, the City Manager is requesting the prohibition of the waiver of sewer impact fees for new commercial construction be removed; and

WHEREAS, City Council hereby grants the city manager permission to exempt sewer impact fees for new commercial construction beginning March 20, 2014.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by indefinitely extending the deadline with the following conditions:

~~D. The sewer impact fee described in Subsection C shall be waived for permits issued for repairs and rehabilitation of existing structures.~~ The sewer impact fee described in Subsection C shall be waived for permits issued for COMMERCIAL repairs, rehabilitation and NEW CONSTRUCTION beginning MARCH 20, 2014. The waiver shall be for a maximum of 5 EDUs per project. The city will continue to collect the impact fee charged by Kent County. ~~Waiver does not apply to new construction.~~

Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(2) shall remain in effect.

~~§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:~~

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

§185-24 D (1) To qualify for the impact fee waiver, the commercial construction must be completed and a certificate of occupancy received within a twelve-month period.

(a) Waiver of Sewer Impact Fees for Commercial Entities:

To further encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 EDU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 EDU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 EDU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 EDU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 EDU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

c) Annual certification to assure the commercial customer remains compliant with the written agreement.

d) If the criteria is not met, the city may require the incentive to be repaid in full, or in part, as provided in the written agreement.

§185-24 D (2) Any commercial structure that does not receive a certificate of occupancy in accordance with ~~this schedule~~ §185-24 D (1) shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction February 24, 2014

Adoption March 10, 2014

Effective March 20, 2014

*Ordinance 2014-04/Water Code*

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-9, Ordinance 2010-18, Ordinance 2011-17, Ordinance 2012-20 and 2013-11 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011, 2012 and 2013 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is the City of Milford's desire to extend the waiver of water impact fees for an indefinite period of time; and

WHEREAS, as a result of decreasing construction activity on older buildings and to assist new commercial entities, the City Manager is requesting the prohibition of the waiver of water impact fees for new commercial construction be removed; and

WHEREAS, City Council hereby grants the city manager permission to exempt water impact fees for new commercial construction beginning March 20, 2014.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by indefinitely extending the deadline with the following conditions:

§222-31 I. ~~The water impact fee described in §222-31H shall be waived for permits issued for repairs or rehabilitation of existing structures.~~ The water impact fee described in §222-31H shall be waived for permits issued for COMMERCIAL repairs, rehabilitation and NEW CONSTRUCTION beginning MARCH 20, 2014. The waiver shall be for a maximum of 5 EDUs per project. ~~Waiver does not apply to new construction.~~

Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect.

~~§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:~~

<del>Single Family Residential</del>	<del>6 Months</del>
<del>Multi Family Residential</del>	<del>12 Months</del>
<del>Commercial</del>	<del>12 Months</del>

§222-31 I. (1) To qualify for the impact fee waiver, the commercial construction must be completed and a certificate of occupancy received within a twelve-month period.

(a) Waiver of Water Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 EDU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 EDU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 EDU's)

Creation of 20-24 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (4 EDU's)  
Creation of 25+ new jobs to last at least 3 years: Exemption of Impact Fee Waiver (5 EDU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

c) Annual certification to assure the commercial customer remains compliant with the written agreement.

d) If the criteria is not met, the city may require the incentive to be repaid in full, or in part, as provided in the written agreement.

§222-31 I. (2) Any commercial structure that does not receive a certificate of occupancy in accordance with this schedule §222-31 I. (1) shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

### Section 3. Dates

Introduction February 24, 2014

Adoption March 10, 2014

Effective March 20, 2014

### *Ordinance 2014-05/Electric Tariff/Appendix B*

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10, Ordinance 2010-19, Ordinance 2011-18, Ordinance 2012-21 and 2013-12 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011, 2012 and 2013 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is the City of Milford's desire to extend the waiver of electric impact fees for an indefinite period; and

WHEREAS, as a result of decreasing construction activity on older buildings and to assist new commercial entities, the City Manager is requesting the prohibition of the waiver of electric impact fees for new commercial construction be removed; and

WHEREAS, City Council hereby grants the city manager permission to exempt electric impact fees for new commercial construction beginning March 20, 2014.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Appendix B-Electric Tariff-Rules and Regulations shall be amended by indefinitely extending the deadline for the waiver of Electric Impact Fees.

Section 2. Rules and Regulations, Section 3-Customer Advance Usage/Impact Fees and Deposits, Subsection E(1) is hereby amended as follows:

E. ~~The electric impact fee established under this Appendix shall be waived for permits issued for repairs or rehabilitation of existing structures.~~

The electric impact fee established under this Appendix shall be waived for permits issued for COMMERCIAL repairs, rehabilitation and NEW CONSTRUCTION beginning MARCH 20, 2014.

~~Waiver does not apply to new construction.~~

~~(1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:~~

<del>Single Family Residential</del>	<del>6 Months</del>
<del>Multi Family Residential</del>	<del>12 Months</del>
<del>Commercial</del>	<del>12 Months</del>

(1) To qualify for the impact fee waiver, the commercial construction must be completed and a certificate of occupancy received within a twelve-month period.

(a) Waiver of Electric Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 ESU)
Creation of 10-14 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (2 ESU's)
Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 ESU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 ESU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 ESU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

c) Annual certification to assure the commercial customer remains compliant with the written agreement.

d) If the criteria is not met, the city may require the incentive to be repaid in full, or in part, as provided in the written agreement.

(2) Any commercial structure that does not receive a certificate of occupancy in accordance with ~~this schedule~~ Subsection E(1) shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

### Section 3. Dates

Introduction February 24, 2014

Adoption March 10, 2014

Effective March 20, 2014

END OF IMPACT FEE WAIVER HISTORY

*Ordinance 2014-03/Sewer Code*

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-8, Ordinance 2010-17, 2011-16, 2012-19 and 2013-10 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011, 2012 and 2013 when compared to the same period in 2009; and

WHEREAS, it is the City of Milford's desire to extend the waiver of sewer impact fees for an indefinite period of time; and

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WHEREAS, City Council hereby grants the city manager permission to exempt sewer impact fees for new commercial construction beginning March 20, 2014.

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Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by indefinitely extending the deadline with the following conditions:

~~D. The sewer impact fee described in Subsection C shall be waived for permits issued for repairs and rehabilitation of existing structures.~~ The sewer impact fee described in Subsection C shall be waived for permits issued for COMMERCIAL repairs, rehabilitation and NEW CONSTRUCTION beginning MARCH 20, 2014. The waiver shall be for a maximum of 5 EDUs per project. The city will continue to collect the impact fee charged by Kent County. ~~Waiver does not apply to new construction.~~

Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(2) shall remain in effect.

~~§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:~~

<del>Single Family Residential</del>	<del>6 Months</del>
<del>Multi Family Residential</del>	<del>12 Months</del>
<del>Commercial</del>	<del>12 Months</del>

§185-24 D (1) To qualify for the impact fee waiver, the commercial construction must be completed and a certificate of occupancy received within a twelve-month period.

(a) Waiver of Sewer Impact Fees for Commercial Entities:

To further encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 EDU)
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Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 EDU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 EDU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

c) Annual certification to assure the commercial customer remains compliant with the written agreement.

d) If the criteria is not met, the city may require the incentive to be repaid in full, or in part, as provided in the written agreement.

§185-24 D (2) Any commercial structure that does not receive a certificate of occupancy in accordance with ~~this schedule~~ §185-24 D (1) shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction February 24, 2014

Adoption March 10, 2014

Effective March 20, 2014

*Ordinance 2014-04/Water Code*

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-9, Ordinance 2010-18, Ordinance 2011-17, Ordinance 2012-20 and 2013-11 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011, 2012 and 2013 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is the City of Milford's desire to extend the waiver of water impact fees for an indefinite period of time; and

WHEREAS, as a result of decreasing construction activity on older buildings and to assist new commercial entities, the City Manager is requesting the prohibition of the waiver of water impact fees for new commercial construction be removed; and

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Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by indefinitely extending the deadline with the following conditions:

§222-31 I. ~~The water impact fee described in §222-31H shall be waived for permits issued for repairs or rehabilitation of existing structures.~~ The water impact fee described in §222-31H shall be waived for permits issued for COMMERCIAL repairs, rehabilitation and NEW CONSTRUCTION beginning MARCH 20, 2014. The waiver shall be for a maximum of 5 EDUs per project. ~~Waiver does not apply to new construction.~~

Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect.

~~§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:~~

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

§222-31 I. (1) To qualify for the impact fee waiver, the commercial construction must be completed and a certificate of occupancy received within a twelve-month period.

(a) Waiver of Water Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must

create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 EDU)
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Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 EDU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 EDU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

c) Annual certification to assure the commercial customer remains compliant with the written agreement.

d) If the criteria is not met, the city may require the incentive to be repaid in full, or in part, as provided in the written agreement.

§222-31 I. (2) Any commercial structure that does not receive a certificate of occupancy in accordance with ~~this schedule~~ §222-31 I. (1) shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

### Section 3. Dates

Introduction February 24, 2014

Adoption March 10, 2014

Effective March 20, 2014

*Ordinance 2014-05/Electric Tariff/Appendix B*

WHEREAS, the City of Milford is encouraging the redevelopment of underused buildings and sites by increasing rehabilitations, upgrades and reuses of existing buildings; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10, Ordinance 2010-19, Ordinance 2011-18, Ordinance 2012-21 and 2013-12 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010, 2011, 2012 and 2013 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is the City of Milford's desire to extend the waiver of electric impact fees for an indefinite period; and

WHEREAS, as a result of decreasing construction activity on older buildings and to assist new commercial entities, the City Manager is requesting the prohibition of the waiver of electric impact fees for new commercial construction be removed; and

WHEREAS, City Council hereby grants the city manager permission to exempt electric impact fees for new commercial construction beginning March 20, 2014.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Appendix B-Electric Tariff-Rules and Regulations shall be amended by indefinitely extending the deadline for the waiver of Electric Impact Fees.

Section 2. Rules and Regulations, Section 3-Customer Advance Usage/Impact Fees and Deposits, Subsection E(1) is hereby amended as follows:

E. The electric impact fee established under this Appendix shall be waived for permits issued for repairs or rehabilitation of existing structures.

The electric impact fee established under this Appendix shall be waived for permits issued for COMMERCIAL repairs, rehabilitation and NEW CONSTRUCTION beginning MARCH 20, 2014.

Waiver does not apply to new construction.

~~(1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:~~

Single Family Residential	6 Months
Multi Family Residential	12 Months
Commercial	12 Months

(1) To qualify for the impact fee waiver, the commercial construction must be completed and a certificate of occupancy received within a twelve-month period.

(a) Waiver of Electric Impact Fees for Commercial Entities:

To encourage new business and the expansion of existing businesses, the business must create a minimum of five (5) jobs to employ five (5) full-time employees in the City of Milford in accordance with the following criteria:

Creation of 5-9 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (1 ESU)
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Creation of 15-19 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (3 ESU's)
Creation of 20-24 new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (4 ESU's)
Creation of 25+ new jobs to last at least 3 years:	Exemption of Impact Fee Waiver (5 ESU's)

b) Agreement shall be executed by the commercial customer relative to the creation and retention of jobs.

c) Annual certification to assure the commercial customer remains compliant with the written agreement.

d) If the criteria is not met, the city may require the incentive to be repaid in full, or in part, as provided in the written agreement.

(2) Any commercial structure that does not receive a certificate of occupancy in accordance with ~~this schedule~~ Subsection E(1) shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

### Section 3. Dates

Introduction February 24, 2014

Adoption March 10, 2014

Effective March 20, 2014



## **RESOLUTION 2014-04**

### **RESOLUTION GIVING FINAL AUTHORIZATION FOR THE BORROWING OF FUNDS THROUGH THE ISSUANCE OF UP TO \$3,500,000 MAXIMUM PRINCIPAL AMOUNT OF A GENERAL OBLIGATION BOND TO FINANCE COSTS ASSOCIATED WITH IMPROVEMENTS TO THE WATER DISTRIBUTION SYSTEM OF THE CITY OF MILFORD.**

WHEREAS, the City of Milford, Delaware (the "City") pursuant to Article 8 of 72 Del. Laws Ch. 148, as amended (the "Charter") proposes to borrow an amount not exceeding the maximum principal amount of \$3,500,000 in order to: (i) finance the construction costs associated with the City's approved water distribution system improvement projects to remove and replace faulty valves throughout the existing water distribution system, create operational and efficiency improvements through the integration of a SCADA system and install supplemental water supply facilities and associated treatment upgrades to replace older, failing equipment; and (ii) pay certain administrative and other costs incurred in connection therewith (collectively, the "Project");

WHEREAS, the City has applied for a loan through the Delaware Department of Health and Social Services (the "Department") in order to provide funds to pay for the Project;

WHEREAS, the Department, in conjunction with the Delaware Department of Natural Resources and Environmental Control, has issued a commitment letter dated September 17, 2013, to lend the City, from the Delaware Drinking Water State Revolving Fund, up to \$3,500,000 in the aggregate principal amount for the Project at an annual interest rate of 1.5% for a period of twenty (20) years;

WHEREAS, pursuant to a Resolution adopted on January 27, 2014, the City gave notice of its intention to borrow up to \$3,500,000, with the aforementioned terms, through the issuance of a general obligation bond (the "Bond") of the City for the Project and established a public hearing on the matter for February 10, 2014; and

WHEREAS, having conducted the public hearing, after notice, in accordance with Article 8 of the Charter, the Council of the City (the "City Council") hereby determines to give its final authorization to proceed with the borrowing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milford, Delaware, as follows:

Pursuant to Article 8 of the Charter and after a public hearing conducted on February 10, 2014, after notice, all in accordance with the requirements of the Charter, the City Council hereby gives its final authorization and resolves to proceed with borrowing from the Department an amount of money not to exceed \$3,500,000, at an annual interest rate of 1.5% for a period of twenty (20)

years, to fund the Project. The City will secure the borrowing through the issuance of a general obligation bond of the City and the full faith and credit of the City will be pledged to pay the principal of and interest on the Bond. The City Council shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal of and interest on the Bond.

ADOPTED AND RESOLVED this 10<sup>th</sup> day of February, 2014.

By:  
Name: Joseph R. Rogers  
Title: Mayor

(CITY SEAL)

Attest:  
Name: Teresa K. Hudson  
Title: City Clerk



## **City of Milford RESOLUTION 2014-05**

### **RESOLUTION PROPOSING THE ISSUANCE BY THE CITY OF MILFORD, DELAWARE, OF UP TO \$3,500,000 MAXIMUM PRINCIPAL AMOUNT OF A GENERAL OBLIGATION BOND TO FINANCE COSTS ASSOCIATED WITH IMPROVEMENTS TO THE WATER DISTRIBUTION SYSTEM OF THE CITY OF MILFORD AND ORDERING A SPECIAL ELECTION IN CONNECTION THEREWITH.**

WHEREAS, the City of Milford, Delaware (the "City") pursuant to Article 8 of 72 Del. Laws Ch. 148, as amended (the "Charter") proposes to borrow an amount not exceeding the maximum principal amount of \$3,500,000 in order to: (i) finance the construction costs associated with the City's approved water distribution system improvement projects to remove and replace faulty valves throughout the existing water distribution system, create operational and efficiency improvements through the integration of a SCADA system and install supplemental water supply facilities and associated treatment upgrades to replace older, failing equipment; and (ii) pay certain administrative and other costs incurred in connection therewith (collectively, the "Project");

WHEREAS, the City has applied for a loan (the "Loan") through the Delaware Department of Health and Social Services (the "Department") in order to provide funds to pay for the Project;

WHEREAS, the Department, in conjunction with the Delaware Department of Natural Resources and Environmental Control, has issued a commitment letter, dated September 17, 2013, to lend the City, from the Delaware Drinking Water State Revolving Fund, up to \$3,500,000 in the aggregate principal amount for the Project at an annual interest rate of 1.5% for a period of twenty (20) years;

WHEREAS, pursuant to a Resolution adopted on January 27, 2014 (the "Initial Resolution"), the City gave notice of its intention to borrow up to \$3,500,000 through the issuance of a general obligation bond (the "Bond") of the City for the Project and established a public hearing on the matter for February 10, 2014; and

WHEREAS, having conducted the public hearing, after notice, and having adopted a resolution authorizing the Loan, all in accordance with Article 8 of the Charter, the Council of the City (the "City Council") hereby determines to proceed with the proposed borrowing and hereby orders a Special Election to be held not less than thirty (30) nor more than sixty (60) days after the aforementioned public hearing, for the purpose of voting for or against the proposed borrowing, all in accordance with the Charter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milford, Delaware, as follows:

1. Pursuant to the Initial Resolution and after a public hearing conducted on February 10, 2014, after notice, and following adoption of a resolution authorizing the Loan, all in accordance with the requirements of the Charter, the City Council hereby resolves to proceed with borrowing an amount of money, not to exceed \$3,500,000 to fund the Project.

2. Pursuant to Article 8 of the Charter:

Amount of Borrowing: Total principal amount not to exceed \$3,500,000.

Rate of Interest: The interest rate for the Loan shall be 1.5%.

Manner of Securing the Same: The City will borrow the funds through the issuance of a general obligation bond of the City to finance the Project and the full faith and credit of the City will be pledged to pay the principal of and interest on the Bond.

Manner of Paying or Funding: The City Council shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal of and interest on the Bond.

Purpose for Borrowing: The City Council hereby finds that the Project constitutes the following, which is a permitted purpose for which money may be borrowed under Article 8 of the Charter:

Finance the construction costs associated with the City's approved water distribution system improvement projects to remove and replace faulty valves throughout the existing water distribution system, create operational and efficiency improvements through the integration of a SCADA system and install supplemental water supply facilities and associated treatment upgrades to replace older, failing equipment. Such costs, including the costs of issuance of the Bond, are estimated not to exceed \$3,500,000.

3. The City Council hereby orders that a Special Election be held on March 29, 2014 (the "Special Election") for the purpose of voting for or against the proposed borrowing. The Special Election shall be conducted at the Milford City Hall, 201 South Walnut Street, Milford, Delaware, 19963, and the polls shall open at 12:00 p.m. (noon) and shall close at 8:00 p.m. Such Special Election shall be held not less than thirty (30) nor more than sixty (60) days after the aforementioned public hearing and adoption of the resolution authorizing the Loan.
4. At such Special Election, every person who would be entitled to vote at an annual election if held on that day shall be entitled to one vote.
5. The City Council hereby directs that notice of such Special Election be posted and published as required by the Charter, Article 8.04 by:
  - (i) Posting notices thereof in five (5) public places in the City at least two weeks prior to the day fixed for the holding of the Special Election; and
  - (ii) Publishing a copy of such notice once each week during those two (2) weeks immediately preceding that week during which the day fixed for the holding of the Special Election shall fall in a newspaper generally circulated in the City.
6. Pursuant to Article 8 of the Charter, the Special Election shall be conducted by an Election Board (the "Board of Election") whose members shall be appointed or selected in the same manner and they shall have the same qualifications as provided in the case of annual elections of the City.
7. The Board of Election shall count the votes for and against the proposed borrowing and shall announce the result thereof. The Board of Election shall make a certificate under their hands of the number of votes cast for and against the proposed borrowing, and shall deliver the same, in duplicate, to the City Council, one copy of the certificate shall be entered in the minutes of the next meeting of the City Council, and the other copy shall be filed with the papers of the City Council.

8. Pursuant to Article 8 of the Charter, the City Council shall hereby cause the notices of the Special Election to be published and/or posted as provided herein and by the Charter and to take such other actions as are necessary or appropriate and in the best interest of the City to effectuate the resolutions adopted above and the requirements of the Charter.

ADOPTED AND RESOLVED this 10<sup>th</sup> day of February, 2014.

By:  
Name: Joseph R. Rogers  
Title: Mayor

(CITY SEAL)

Attest:  
Name: Teresa K. Hudson  
Title: City Clerk

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
*February 10, 2014*

The Milford City Council held a Public Hearing on Monday, February 10, 2014 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on the matter of:

City Council has been advised that up to \$3,500,000 is required to finance the construction costs associated with the city's approved water distribution system improvement projects to remove and replace faulty valves throughout the existing water distribution system, create operational and efficiency improvements through the integration of a SCADA system and install supplemental water supply facilities and associated treatment upgrades to replace older, failing equipment; and pay certain administrative and other costs incurred in connection therewith. The City Council of the City of Milford hereby proposes to the electors that the city borrow an amount of money, not to exceed \$3,500,000. The borrowing is expected to be accomplished through an SRF package offered by the Delaware Department of Health and Social Services at an annual interest rate of 1.5% for a period of twenty (20) years.

PRESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Bryan Shupe, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Rogers called the Public Hearing to order at 7:03 p.m.

City Manager Carmean announced that he invited DBF Engineer Erik Retzlaff to answer any questions the public may have. Mr. Retzlaff will also provide a brief overview of the borrowing, the reason for the borrowing and the impact to our customer fees. Following that, city council and the public can ask questions of Mr. Retzlaff.

Mr. Carmean said that though it is not on the agenda, he recommended Mr. Retzlaff discuss the problems that have arisen at the Tenth Street Water Plant.

Mr. Retzlaff then provided a synopsis noting that the purpose of the hearing is to discuss the potential borrowing of \$3.5 million for water system improvements in Milford.

The project is a threefold project.

The first item is maintenance and repair of faulty isolation valves throughout the system. The city has approximately 2,500 water valves. Unfortunately, we do not know which valves work or are inoperable. When water mains have had breaks, we have had separate service lines that leaked and it could take up to four to six hours to find the correct valves to shut off. In addition, we do not know where all of them are. We need to go around the entire system and determine those that work and what they shut off. When a valve is in a fixed position for sometime, it doesn't always move easily. It needs to be broken free and if it breaks during the process, it will need to be replaced.

Mr. Retzlaff described the project as a large undertaking that, based on the costs and available funding, could take more than twenty years to complete. If we chose to handle it in that manner, it would take twenty years to get to all the valves that required maintenance. By the time the project is completed, we would need to start over again.

The proposed option would allow us to address all the valves at one time and then develop a routine maintenance schedule where work orders could be generated. In that manner, we would make sure the valves are properly working through a weekly or monthly schedule.

The second component of the project involves additional production and improvements to the treatment facilities. Presently, the Washington Street facility is completely down and is being reconstructed. Two of the other facilities were built around 1987 and are in need of improvements. The newest is at the Kenton facility.

Mr. Retzlaff explained that one of the plants built in 1987 is under producing. There are four wells and one is being recommended for abandonment because it is in a shallow and confined aquifer. With that well out of service, there is not much water coming to that facility. The city has already paid a significant amount of money to construct the facility and we need to find a way to continue to utilize it rather than replace it. We are already in the process of searching for additional water to feed the plant. Once we are able to find the additional water, treatment upgrades will be needed.

Some minor repairs are also needed to the facility on Tenth Street that is approximately 27 years old.

Mr. Retzlaff then informed council of a problem that occurred on this date at the largest producing facility on Tenth Street. He emphasized that a portion of the money being borrowed would be used to upgrade some of the older facilities and in this case, the largest facility in use.

The aerator contains stacked trays with wooden slats. The water comes down and falls through the various slats and trickles down into droplets. Air is used to prevent a free-fall. Today, air was coming out of the fan that sits at the bottom. When the aerator was opened, it was discovered that all the slats had collapsed and were at the bottom of the structure. Right now, the structure is being temporarily bypassed with permission of the Office of Drinking Water. Another way to relocate the chemical injection points must be found or the wooden slats will need to be replaced.

Mr. Retzlaff advised this was part of the routine maintenance that would be addressed in the project. Unfortunately, that time table had to be moved up.

He assured council that would be resolved though it will take some time.

The third component of the project is to integrate the SCADA system which would allow the various components to be monitored. Water flow, reservoir levels, pipe pressure and other factors can be tracked for any potential problems. The facility producing the least expensive water can also be determined which would allow more focus being placed on that particular facility.

He feels we will also need some redundancies throughout the system. Right now, with one facility down and the largest in a bypass mode, we are susceptible to not being able to meet our demand. The scope of the project was to make those upgrades necessary to put us in a good, safe position to do maintenance and accomplish the other goals.

Mr. Retzlaff emphasized the interest rate offered is 1.5% and that rates have significantly increased since we received the offer from the state. He said we could end up needing more than the \$3.5 million though it is a good start. This will involve an increase to the water users of approximately \$13.50 to \$14.68 per year. The average residential customer will see an increase of \$1.18 per month.

He said the loan will be paid solely by Milford's water customers.

On the other hand, Mr. Retzlaff explained that if something were to break in an emergency situation, it would cost a great deal more to repair. He believes it is better to do this now on our own terms.

Ms. Wilson confirmed this has been planned and asked how long the project has been on the table; Mr. Retzlaff advised the first application was submitted in March of 2013. A binding commitment letter was presented to the Public Works Committee in August.

She referenced the problem at the Tenth Street facility and asked if that was a part of the original scope of work; Mr. Retzlaff stated yes part of the original scope of the project was to make upgrades to some of the facilities. The problem that occurred today simply increased the time table needed for the upgrades.

Ms. Wilson asked if the city manager and finance director have both agreed to what is being presented and if everything is in order.

The city manager reported that the city was offered a low interest rate thanks to the work of DWSRF Administrator Heather Warren. The city manager began to review the work that was needed and then prioritized the projects. During the budget process, the public works director, finance director and he considered handling this in a different way if we did not have to borrow the money. They also considered our employees doing the work. He said a major portion of this money will be spent on valve replacements and related work. As Mr. Retzlaff pointed out, Mr. Carmean said our in-house crews would take twenty years to look at all the valves and make the repairs.

Mr. Carmean said that after a lot of discussion, they decided that hiring a contractor to come in to do the work would be more appropriate. He referenced the number of valves beneath Route 113. Twisting the valves and finding they do not work could be done. But if a valve were to break during the process, the road would need to be cut immediately to access the valve. This would also require our public works department to keep different sized valves on hand for replacements. The road paving would then need to be completed in a short amount of time. Our personnel would not be able to handle those type repairs.

As a result, the three of us decided this would be the best approach to take.

If the citizens prefer handling this another way, they will have to consider other options. However, the city manager feels this is the only quick way to address the problem.

The city manager agrees with Mr. Retzlaff that some of the money would go toward our treatment facilities for upgrades and repairs. Temporary fixes can be done that will not impact the quality or quantity of the water should another problem occur as did the one at Tenth Street today.

After Mr. Carmean explained the situation, Ms. Wilson said it sounds to her like we are fortunate to still have the offer on the table. However, she wants assurance we can accomplish what is necessary to do and that Finance Director Jeff Portmann is comfortable with what is being proposed including the loan and paybacks as well as the city manager's approval.

Mr. Carmean stated yes and explained this is a customer free-driven debt. A standard water customer based on national averages would see an increase of \$1.18 a month.

Mr. Retzlaff explained it is broken down based on the average of Milford's residential billings. Mr. Carmean emphasized that his bill is not average because he uses more water than an average customer. He may see an increase of \$25 a year.

Mr. Retzlaff pointed out that the scope of work included in this project is work the city will have to do over the next three to five years. The treatment facilities are going to need to be upgraded and rehabbed. Presently, they are struggling to find ways to isolate the different systems. It was difficult to determine which valves had to be shut off to complete the Southeast Front Street project. Some go six blocks out though that would be fixed once the project is complete. What was uncovered today on Tenth Street was on a five-year time table though that now needs to be accelerated.

Mr. Retzlaff referred to various pictures (attached) of the Tenth Street facility aerator and associated equipment. He explained the water comes down from the top, then down through a series of wooden slats and out the bottom. Also noted was the blower that pushes the air back up against the water and strips the contaminants out.

He explained that this is not a required treatment to stay in compliance; instead, it is more aesthetic and an odor and taste related treatment. Because it can be blended, the facility does not have to be shut off should it need to be bypassed.

He referenced the blower and where water was coming in about two inches deep. Also noted was the discharge pipe which is beneath the tower.

Bolts were removed from the access panel. The wooden slats collapsed and were sitting in the bottom. Pressure built up due to the water coming in that was unable to get out and was eventually released through other openings.

Mr. Retzlaff said there is a substantial amount of missing wood that ended up in the reservoir.

A photo depicting the area of the chemical injection and discharge from the aerator was also shown. The chemical point will need to be relocated or another means found for a partial bypass to ensure the water does not back up.

Mr. Retzlaff reiterated that upgrades at this facility were included in the original scope of the project.

Mr. Pikus said that Mr. Retzlaff alluded to the Southeast Front Street project. He asked if funds were built into that project to replace any impacted valves. Mr. Retzlaff confirmed that some valves will be replaced as part of that project which is included in the funding.

He emphasized how difficult it is to estimate the cost of the balance of the valve repair/replacement because of the unknowns.

Mr. Pikus asked if this is the last time the city will see the interest rate at 1.5%. Mr. Retzlaff said the rates are based on national interest rates. They were at zero at one point. Unless there is another financial crisis, he predicts we will not see this low rate again. He added that the current rates are close to 4%.

Mr. Pikus feels that borrowing the money at 1.5% is a no brainer.

Mr. Gleysteen said that once this work is completed, a preventive maintenance program needs to be in place. He asked if we are stacked to do that; Mr. Carmean said no adding that we will need to hire another water department employee. He said we can get a valve exerciser to use on the valves.

The city manager said we can always use another employee. He said there are storm drains that need to be cleaned regularly and a lot of maintenance done routinely. We don't have the personnel to handle it at this time.

Mr. Carmean advised that Mr. Portmann is a great numbers man but felt we should try the ten or twenty-year program. He believes that everything Mr. Portmann says about money but is unsure if the finance director understands the full scope of what could happen out in the streets when turning the valves and breaking them off. He, along with Mr. Portmann and Mr. Dennehy discussed the matter and Mr. Portmann finally said it should be taken to referendum and the money borrowed.

The city manager said that Mr. Portmann did not realize what could happen if one of the valves was snapped off.

Mr. Gleysteen asked if the valve exerciser can be used on fire hydrants or if that requires a different piece of equipment; Mr. Carmean is unsure but does not believe it is the same. He pointed out that we have always had good maintenance on our fire hydrants. We have a longtime fireman who is second in command at our water department. He is a big proponent of keeping the hydrants turned and operating though there are a few that need turning.

Mr. Retzlaff described the valve exerciser as a motor that spins the valve open and closed. It has gates that come down and clear the path which allows it to seep properly against the pipe. There are isolated ones throughout the system and a main valve that feeds the hydrant. A different device called a hydrant diffuser is used so that when you open the hydrant up, water can be more easily directed versus washing out everything around it.

The valve exerciser works the valves up and down while the packing in the top is kept lubricated so it will work when needed.

Mr. Retzlaff reported that a 10-inch valve requires 38 full rotations with a wrench to open.

Mr. Brooks agrees noting that it sounds like routine maintenance would pay for itself. Mr. Carmean feels adding another person to exclusively handle valve exercising would pay dividends.

Mr. Carmean said he even considered hiring another three-person crew before agreeing to spend the \$3.5 million. However, that would involve cutting the streets and digging a hole. The problem is if one of the valves goes down, there will be a

number of people without water for a very long time. We would then have to hire someone to do the concrete work, street work and paving work. He does not believe this could be accomplished in house.

Mr. Brooks added that one of the big problems is that no bypasses have been established. If they were in place, this project would be much simpler.

Mr. Carmean recalled someone with a leak or a main leak requires four, five or six blocks shut down in order to fix the leak. The city manager asked council to decide whether or not to proceed. He noted that the city has had very good luck with referendums for borrowing. We will try and work with the city solicitor or whichever attorney handling this to make sure we are given some flexibility in case something happens. He recalled the money that was allocated for the billing office in the last referendum. Because we came across a better deal, we were able to use that money for other improvements.

He will ask that this be written in the same manner; that will allow the city the flexibility to do something similar should it need to be changed.

Mayor Rogers asked if there are any more council comments or questions.

Mr. Brooks recalled a Public Works Committee Meeting that was held in August when this was discussed.

Mayor Rogers then opened the floor to the public.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, stated that approximately eight months ago, a statement was made that he wants to bring to everyone's attention. The city manager indicated we had 1,800 or 1,900 fire hydrants and 60% were inoperative. Because of that, he feels this is a step in the right direction. Like the rest of the country, our infrastructure is deteriorating to a point where it is a matter of safety and health and wellness and this should be done as quickly as possible.

Mr. Carmean said that is a good point and referenced the new well at Seabury Avenue, the new tower south of town with the well and treatment, the water plant reservoir and new well for this tower. He pointed out some really grand improvements have been made to our water system as well as improvements to our sewer collection system. There will be treated water and water in the tower that we are unable to get to the customers. He emphasized this will strengthen the whole backbone of our system.

Bob Connelly of 107 Barksdale Court, Hearthstone Manor, stated that two points bother him. First, we are going to bond and every water user in the city is going to pay the costs of this. He said if he is right, he questions all the impact fees that have been forgiven all these years and whether there would be sufficient money in the treasury to pay this without going to bond.

Mr. Connelly then pointed out that later this evening, council is going to discuss extending and forgiving additional impact fees. His understanding is the purpose of impact fees is to protect the users from spreading the cost to every taxpayer versus those who are creating a need for the new systems.

Mr. Carmean said the actual forgiveness of impact fees has not been a long, long program. Mr. Connelly asked if has been at least three or four years; Mr. Carmean said yes, three or four years. He said a lot of the impact fees that were forgiven were residential. Tonight he wants to discuss just commercial and job creation. If we had not had the residential impact fee program, we would have had another \$500,000 to \$600,000 that could be used. He said we like to keep \$1 million in that reserve account which we have.

He continued by explaining that if we had not forgiven impact fees, we would have more money but we would still have to borrow money to do the program in one fell swoop.

Mr. Connelly stated that what we were afraid of then was that this would be passed onto the consumer rather than paid by the developers. He pointed out that what was said then has come true and now we are going to extend the period for impact fees again. He concluded by stating he does not understand.

Mayor Rogers then asked for additional comments or questions. No one responded. The mayor closed the public hearing at this time.

*Adoption of Resolution 2014-04 Authorizing Borrowing*

Mr. Pikus moved to adopt Resolution 2014-4, seconded by Mr. Gleysteen:

RESOLUTION GIVING FINAL AUTHORIZATION FOR THE BORROWING OF FUNDS THROUGH THE ISSUANCE OF UP TO \$3,500,000 MAXIMUM PRINCIPAL AMOUNT OF A GENERAL OBLIGATION BOND TO FINANCE COSTS ASSOCIATED WITH IMPROVEMENTS TO THE WATER DISTRIBUTION SYSTEM OF THE CITY OF MILFORD.

WHEREAS, the City of Milford, Delaware (the "City") pursuant to Article 8 of 72 Del. Laws Ch. 148, as amended (the "Charter") proposes to borrow an amount not exceeding the maximum principal amount of \$3,500,000 in order to: (i) finance the construction costs associated with the City's approved water distribution system improvement projects to remove and replace faulty valves throughout the existing water distribution system, create operational and efficiency improvements through the integration of a SCADA system and install supplemental water supply facilities and associated treatment upgrades to replace older, failing equipment; and (ii) pay certain administrative and other costs incurred in connection therewith (collectively, the "Project");

WHEREAS, the City has applied for a loan through the Delaware Department of Health and Social Services (the "Department") in order to provide funds to pay for the Project;

WHEREAS, the Department, in conjunction with the Delaware Department of Natural Resources and Environmental Control, has issued a commitment letter dated September 17, 2013, to lend the City, from the Delaware Drinking Water State Revolving Fund, up to \$3,500,000 in the aggregate principal amount for the Project at an annual interest rate of 1.5% for a period of twenty (20) years;

WHEREAS, pursuant to a Resolution adopted on January 27, 2014, the City gave notice of its intention to borrow up to \$3,500,000, with the aforementioned terms, through the issuance of a general obligation bond (the "Bond") of the City for the Project and established a public hearing on the matter for February 10, 2014; and

WHEREAS, having conducted the public hearing, after notice, in accordance with Article 8 of the Charter, the Council of the City (the "City Council") hereby determines to give its final authorization to proceed with the borrowing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milford, Delaware, as follows:

Pursuant to Article 8 of the Charter and after a public hearing conducted on February 10, 2014, after notice, all in accordance with the requirements of the Charter, the City Council hereby gives its final authorization and resolves to proceed with borrowing from the Department an amount of money not to exceed \$3,500,000, at an annual interest rate of 1.5% for a period of twenty (20) years, to fund the Project. The City will secure the borrowing through the issuance of a general obligation bond of the City and the full faith and credit of the City will be pledged to pay the principal of and interest on the Bond. The City Council shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal of and interest on the Bond.

s/Mayor Joseph R. Rogers

Motion carried by unanimous roll call vote.

*Adoption of Resolution 2014-05 Scheduling Special Election*

Ms. Wilson moved to adopt Resolution 2013-05, seconded by Mr. Starling:

RESOLUTION PROPOSING THE ISSUANCE BY THE CITY OF MILFORD, DELAWARE, OF UP TO \$3,500,000 MAXIMUM PRINCIPAL AMOUNT OF A GENERAL OBLIGATION BOND TO FINANCE COSTS ASSOCIATED

WITH IMPROVEMENTS TO THE WATER DISTRIBUTION SYSTEM OF THE CITY OF MILFORD AND ORDERING A SPECIAL ELECTION IN CONNECTION THEREWITH.

WHEREAS, the City of Milford, Delaware (the "City") pursuant to Article 8 of 72 Del. Laws Ch. 148, as amended (the "Charter") proposes to borrow an amount not exceeding the maximum principal amount of \$3,500,000 in order to: (i) finance the construction costs associated with the City's approved water distribution system improvement projects to remove and replace faulty valves throughout the existing water distribution system, create operational and efficiency improvements through the integration of a SCADA system and install supplemental water supply facilities and associated treatment upgrades to replace older, failing equipment; and (ii) pay certain administrative and other costs incurred in connection therewith (collectively, the "Project");

WHEREAS, the City has applied for a loan (the "Loan") through the Delaware Department of Health and Social Services (the "Department") in order to provide funds to pay for the Project;

WHEREAS, the Department, in conjunction with the Delaware Department of Natural Resources and Environmental Control, has issued a commitment letter, dated September 17, 2013, to lend the City, from the Delaware Drinking Water State Revolving Fund, up to \$3,500,000 in the aggregate principal amount for the Project at an annual interest rate of 1.5% for a period of twenty (20) years;

WHEREAS, pursuant to a Resolution adopted on January 27, 2014 (the "Initial Resolution"), the City gave notice of its intention to borrow up to \$3,500,000 through the issuance of a general obligation bond (the "Bond") of the City for the Project and established a public hearing on the matter for February 10, 2014; and

WHEREAS, having conducted the public hearing, after notice, and having adopted a resolution authorizing the Loan, all in accordance with Article 8 of the Charter, the Council of the City (the "City Council") hereby determines to proceed with the proposed borrowing and hereby orders a Special Election to be held not less than thirty (30) nor more than sixty (60) days after the aforementioned public hearing, for the purpose of voting for or against the proposed borrowing, all in accordance with the Charter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milford, Delaware, as follows:

1. Pursuant to the Initial Resolution and after a public hearing conducted on February 10, 2014, after notice, and following adoption of a resolution authorizing the Loan, all in accordance with the requirements of the Charter, the City Council hereby resolves to proceed with borrowing an amount of money, not to exceed \$3,500,000 to fund the Project.

2. Pursuant to Article 8 of the Charter:

Amount of Borrowing: Total principal amount not to exceed \$3,500,000.

Rate of Interest: The interest rate for the Loan shall be 1.5%.

Manner of Securing the Same: The City will borrow the funds through the issuance of a general obligation bond of the City to finance the Project and the full faith and credit of the City will be pledged to pay the principal of and interest on the Bond.

Manner of Paying or Funding: The City Council shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal of and interest on the Bond.

Purpose for Borrowing: The City Council hereby finds that the Project constitutes the following, which is a permitted purpose for which money may be borrowed under Article 8 of the Charter:

Finance the construction costs associated with the City's approved water distribution system improvement projects to remove and replace faulty valves throughout the existing water distribution system, create operational and efficiency improvements through the integration of a SCADA system and install supplemental

water supply facilities and associated treatment upgrades to replace older, failing equipment. Such costs, including the costs of issuance of the Bond, are estimated not to exceed \$3,500,000.

3. The City Council hereby orders that a Special Election be held on March 29, 2014 (the "Special Election") for the purpose of voting for or against the proposed borrowing. The Special Election shall be conducted at the Milford City Hall, 201 South Walnut Street, Milford, Delaware, 19963, and the polls shall open at 12:00 p.m. (noon) and shall close at 8:00 p.m. Such Special Election shall be held not less than thirty (30) nor more than sixty (60) days after the aforementioned public hearing and adoption of the resolution authorizing the Loan.
4. At such Special Election, every person who would be entitled to vote at an annual election if held on that day shall be entitled to one vote.
5. The City Council hereby directs that notice of such Special Election be posted and published as required by the Charter, Article 8.04 by:
  - (i) Posting notices thereof in five (5) public places in the City at least two weeks prior to the day fixed for the holding of the Special Election; and
  - (ii) Publishing a copy of such notice once each week during those two (2) weeks immediately preceding that week during which the day fixed for the holding of the Special Election shall fall in a newspaper generally circulated in the City.
6. Pursuant to Article 8 of the Charter, the Special Election shall be conducted by an Election Board (the "Board of Election") whose members shall be appointed or selected in the same manner and they shall have the same qualifications as provided in the case of annual elections of the City.
7. The Board of Election shall count the votes for and against the proposed borrowing and shall announce the result thereof. The Board of Election shall make a certificate under their hands of the number of votes cast for and against the proposed borrowing, and shall deliver the same, in duplicate, to the City Council, one copy of the certificate shall be entered in the minutes of the next meeting of the City Council, and the other copy shall be filed with the papers of the City Council.
8. Pursuant to Article 8 of the Charter, the City Council shall hereby cause the notices of the Special Election to be published and/or posted as provided herein and by the Charter and to take such other actions as are necessary or appropriate and in the best interest of the City to effectuate the resolutions adopted above and the requirements of the Charter.

s/Mayor Joseph R. Rogers

Motion carried by unanimous roll call vote.

With no further business, Mayor Rogers adjourned the Public hearing at 7:39 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

Attachment: Photos of NE Tenth Street Water Treatment Facility

*MILFORD CITY COUNCIL*  
MINUTES OF MEETING  
February 19, 2014

A Meeting of the Public Works 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 Wednesday, February 19, 2014.

PRESIDING: Chairman Owen Brooks, Jr.

IN ATTENDANCE: Committee Members-Councilman Bryan Shupe & Dirk Gleysteen

City Manager Richard Carmean and City Clerk/Recorder Terri Hudson

Chairman Brooks called the meeting to order at 3:30 p.m.

He recalled at the last council meeting council approved a \$3.5 Million Bond Issue to pay for Water Improvements in the city. This meeting was called to revisit the matter. He then turned the meeting over to City Manager Carmean.

Mr. Carmean explained that at the meeting, some concern was expressed about the impact fee waivers that have occurred the past couple years. The following day, he asked Finance Director Jeff Portmann how much money we have not collected though he was informed it was not tracked in that manner. Mr. Carmean said that the only way we can determine that is to go through every building permit for the entire time frame we have waived impact fees. Unfortunately, that is a lot of work for our staff.

Mr. Carmean threw out a number out of \$500,000 and Mr. Portmann said he doubts we lost that much. He then informed the city manager that we have \$1.2 million in an account which he keeps separately.

The city manager then explained that impact fees are used for new construction. Impact fees are paid so if something is needed in the future, we could pay for that with the impact fees. He also recalled stating that during the budget meetings, Mr. Portmann, Public Works Director Dennehy and Mr. Carmean considering using some of our reserves for this project.

Mr. Shupe scheduled a meeting with Mr. Carmean to discuss several issues. He discussed this matter with Mr. Shupe who told him he wished the city could do something other than raise our water rates again. He asked Mr. Carmean if he had looked at other funds that may be available. In addition, some of our larger users had asked the impact on their fees.

The city manager then determined there was \$2.6 million in our reserves. Mr. Carmean recalled that in 2006, he convinced city council to raise water rates because we had not had a water rate increase in ten years. At that time, he had our engineers do a presentation on the present and future needs of the city. The current need was a new water tower in the southeast section of the city, additional treatment and water main work.

A referendum was then held for a substation, water tower, treatment plant and some sewer issues. The city borrowed \$15 million for those projects. It included \$5 million for water improvements.

At that time of the referendum, Mr. Carmean was able to tell the public we can borrow the money, particularly from the water and electric, build a substation, do the infrastructure work we need in the southern area and not raise taxes. He said after he thought about it, the rates had already been raised for future needs. After the rates were raised in 2006, he said that Mr. Portmann can confirm that when that money came in, instead of just leaving it in the checking account, he placed it in our investment accounts.

He said when you consider the \$1.8 million received from increased rates, \$2.6 million in regular reserves and \$1.2 million in infrastructure, that totals almost \$6 million.

Mr. Gleysteen asked if the \$1.8 million is the difference in the old and new rates over the eight years; Mr. Carmean stated yes. The city manager advised that Mr. Portmann explained that the first couple of years, he put the money into the general revenue account in a checking account. But nothing was happening with the project. The fund continued to build because it was not needed for any reason and our regular rates were sufficient. We always felt like that money should go toward that project for debt service. That is why we had enough in the raised rates to pay the debt service for the tower project

without raising the rates.

The city manager said they discussed it at length with Mr. Shupe and Mr. Brooks. Mr. Brooks felt it should be presented to the public works committee.

Mr. Carmean stated that yesterday, he spoke with each committee member individually. He said it boils down to the fact that the city has the money to do these projects. As a result, he recommends we leave the \$1.2 million in place for future needs generated by growth. This allows us to use the \$1.8 million received from the increased rates since 2006 and \$2.6 million in water reserves.

Mr. Gleysteen said it sounds good to him and alleviates his concern that our rates may not be high enough because the impact fees are supposed to do exactly this. In addition, we can also use some of those monies as incentives to attract businesses to town. It appears to him the money is in place from our rate structure and impact fees to do handle both.

If this committee agrees to this recommendation and city council decides they are comfortable using the \$1.8 million, it is the sound thing to do according to Mr. Carmean. He verified that the rates we had in place at the time of the referendum would pay for the debt which is still the case. What happened is that the finance director separated those funds out and we have not had any debt service because the \$5 million has not been borrowed from USDA. Once the project is complete, the rates will cover the cost of the debt service and no rate increase will be needed.

Mr. Carmean reiterated this is a sound and smart way to complete the projects.

Mr. Brooks confirmed that Mr. Carmean is recommending we leave the \$1.2 million in impact fees and use \$3.5 million out of the \$4.4 million. Mr. Carmean agreed noting that we can earmark \$3.5 for these projects. Mr. Brooks pointed out that will still leave almost \$1 million in water reserves.

Mr. Carmean also pointed out that anytime you borrow money from the USDA, federal prevailing rates must be paid. In some cases, we do not get the bang for the buck. For example, a flag person is paid \$38 an hour. By paying for this project with city funds, we will save a great deal of money because our bids will be based on normal wages versus using federal or state funds. In that case, a flagger may be paid \$17 an hour. He pointed out this would be another benefit of paying for this project from city funds.

Mr. Shupe stated that even though council has made a decision, he thinks it is great we went back and continued with due diligence to see if there was another answer. He feels that looking this over and seeing those debt services is the right answer. This will protect our residents from unnecessary rate increases.

Mr. Carmean advised there is one industry in town that uses 250,000 gallons of water every year. They are currently expanding by another 25% so this could have a huge impact.

He also pointed out that we may need some additional money due to increasing costs within all our departments. He said we really do not have short term capital. He estimates we will need a five or six-cent increase. He said the 29 cents needed to pay the \$3.5 million debt service and this 6-cent increase would have resulted in a 35-cent increase. Paying out of the city coffers will be a substantial savings to big industrial users. Residential customers will also appreciate not having an increase if we can kick it down the road and still keep everything moving.

Mr. Brooks pointed out the other advantage Mr. Carmean spoke to him about is the ability to start the project much sooner. If not, nothing could be started until after the referendum at the end of March.

The city manager confirmed the matter has been put on the agenda. It can be discussed and a decision made by city council. We can then proceed with the work.

Mr. Carmean said there is also an argument that the 1.5% is a great rate that we may not see again. He is unsure if we will see it again, but no one knows at this point and is possible. He said our finance director does not feel it is enough to offset the funds that already exist. We are not making a lot of money on those funds so we are just as well off utilizing that money for this project.

Mr. Gleysteen said if we are only making a .25 or .50% on investments, it should be used. Mr. Carmean pointed out we are making .15% right now. Mr. Gleysteen noted that the spread is over a percentage so we would still be losing even with that rate.

The city manager said that Mr. Portmann hopes to buy some government bonds at 1.5% in the future and we would break even. However, he must then invest that money in five-year blocks.

He said if the public asks why we voted on it, the city manager feels it is simple. That money was compartmentalized. Until he looked at it and realized we could use the \$1.8 million and possibly the \$1.2 million. But that would be a little more questionable because it was portrayed as being used for future growth so the people here already would not have to pay for the tower.

Mr. Gleysteen confirmed that DBF is clear on the different projects. For example, it should be clear that prevailing wages will not apply and the bid package should indicate such. If bid in the other manner, we are going to see higher numbers.

Mr. Carmean said that will not be a problem. Many employees of larger contractors are very happy when they receive prevailing wages. The problem is they are back to normal wages with the next project. Most projects do not involve prevailing wages and are private contracts except the larger ones through the state. He explained the bids will go out just like the remodeling bid on PNC banks where we will get more work done for a lot less money because prevailing wages do not apply.

Mr. Shupe confirmed Mr. Carmean wanted a motion.

Mr. Shupe made a motion that the public works commission recommend to city council that the funding to pay for the water improvements be paid from the debt services and reserves instead of moving forward with the referendum. Mr. Gleysteen seconded the motion. Motion carried unanimously.

Mr. Carmean believes this is a positive move for the city. He pointed out that Milford is one of most financially secure towns in the State of Delaware. He does not believe we are putting anything at risk when keeping almost \$2 million when considering the impact fees and what is left from these projects. However, he does not believe the project will cost as much as anticipated.

The city manager stressed this is a responsible way of handling these costs. If something catastrophic occurred within our water infrastructure, we would have to take money from somewhere and take care of it instantaneously. If we got in trouble, we could use the impact fees though he prefers keeping them separate and clean if possible.

Mr. Brooks recalled that during the ice storm in 1994, the city had to use more than \$4 million in reserves which was later reimbursed by FEMA.

He thanked the committee members for taking time to attend the meeting and agreeing to what has been proposed.

With no further business, Mr. Brooks moved to adjourn, seconded by Mr. Shupe. Motion carried.

The Public Works Committee meeting adjourned at 4:06 p.m.

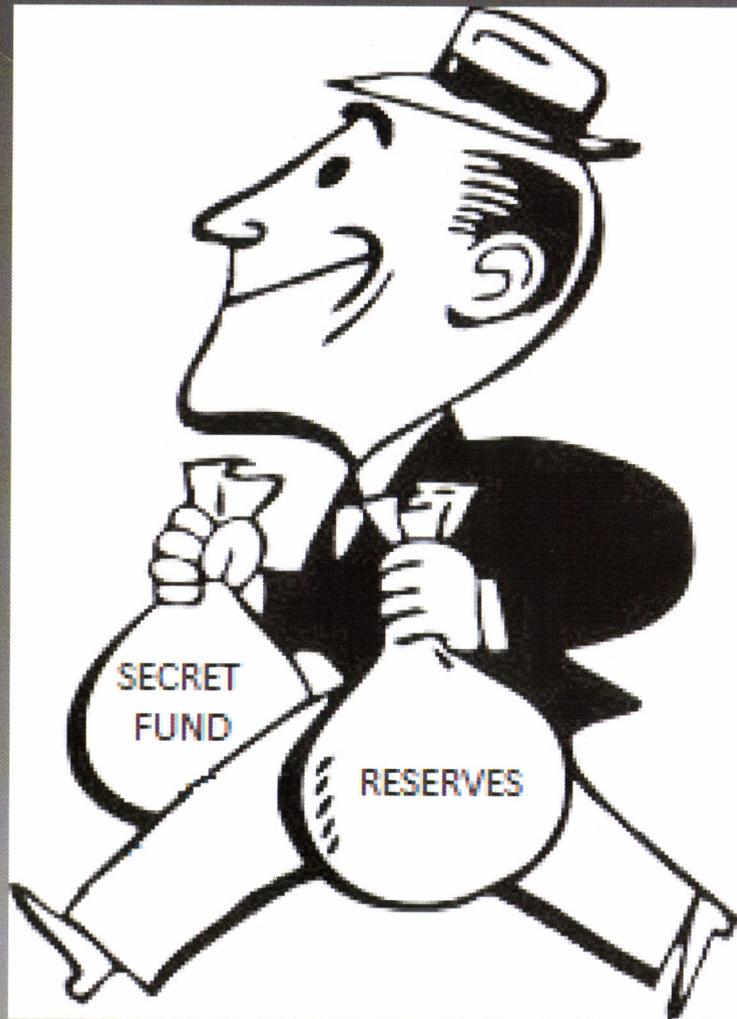
Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

# Water Improvements Funding

Richard D. Carmean  
City Manager  
02.24.14

# Water Improvements Funding



**CITY OF MILFORD  
FUND BALANCES REPORT**

Date: December 2013

Cash Balance - General Fund Bank Balance	\$3,645,502
Cash Balance - Electric Fund Bank Balance	\$4,499,698
<b>Cash Balance - Water Fund Bank Balance</b>	<b>\$1,997,716</b>
Cash Balance - Sewer Fund Bank Balance	\$468,791
Cash Balance - Trash Fund Bank Balance	\$384,267

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Solid Waste Reserves</u>
Beginning Cash Balance	464,721	1,035,000	1,677,320	0
Deposits				
Interest Earned this Month	49	129	113	
Disbursements this Month	(73,009)		(41,666)	
Investments				250,000
Ending Cash Balance	\$391,761	\$1,035,129	\$1,635,767	\$250,000

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	2,284,648	<b>5,088,281</b>	3,461,066	10,558,217
Deposits				
Interest Earned this Month	142	315	214	828
Disbursements this Month	(643)	(3,430)	(6,233)	(7,112)
Investments	250,000			
Ending Cash Balance	\$2,534,147	\$5,085,166	\$3,455,047	\$10,551,933

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>
Beginning Cash Balance	<b>1,125,823</b>	\$773,244	\$302,548
Deposits			
Interest Earned this Month	57	\$42	\$16
Disbursements this Month			
Investments			
Ending Cash Balance	<b>\$1,125,880</b>	\$773,286	\$302,564

INTEREST THROUGH THE SIXTH MONTH OF THE FISCAL YEAR:

General Fund	4,897	Water Fund	1,208
GF Capital Reserves	996	Water Capital Reserves	2,118
General Improvement Fund	232	Water Impact Fees	398
Municipal Street Aid	544	Sewer Fund	361
Real Estate Transfer Tax	752	Sewer Capital Reserves	1,494
Electric Fund	2,365	Sewer Impact Fees	288
Electric Reserves	4,866	Trash Fund	3,430
Electric Impact Fees	112		

TOTAL INTEREST EARNED TO DATE \$24,061

## WATER REVENUES AND RESERVES

Water Fund Bank Balance	\$1,997,716.00
Water Capital Reserves	\$5,088,281.00
Water Impact Fees	\$1,125,823.00

The Water Fund Bank Balance is basically a checking account from which we draw monies for small capital projects, vehicles, and equipment for the operations of the Water Department. From time to time the Finance Director will move excess funds from this account, which pays no interest, into our Reserves in order to get some interest on the money. Expected expenditures 2013-2014:

- \$305,000.00 infrastructure
- \$220,000.00 equipment
- \$200,000.00+/- debt service

Water Capital Reserves are for large capital projects with a long life expectancy. These projects are expected to provide infrastructure or equipment which will be utilized for 20-40 years. Reserves are to be maintained at a \$1,000,000.00 balance for any unexpected emergencies. Expected expenditures 2013-2014:

- S.E. Front St. infrastructure \$480,000.00
- Well 9 \$200,000.00

This will leave about 4.3 million in reserves. Subtract the needed 3.5 million required for stated projects we have \$800,000.00 in reserves. However, by using our own funds for the work needed we will save about 20% by not having to pay prevailing wages. That could mean a savings of \$600,000.00. The interest not paid on the 3.5 million loan would amount to \$500,000.00.

the field crews know which ones need to be replaced.

In the operating budget, the public works director noted there was \$50,000 added for a \$75,000 total budget to cover the cost of repairs around the Riverwalk Shopping Center. Water is constantly seen lying at the entrance of the shopping center on Northeast Front Street which has caused problems over the years. There have been numerous engineers review that area though no one was able to solve the problem.

He has decided to hire someone with an excavator and start digging. Though he is unsure, Mr. Dennehy believes it will cost \$50,000. The person they hired has a great deal of experience and he is confident they will find the problem.

The need for the chlorine tablet unit for Tenth Street well is driven by the EPA and Homeland Security due to chlorine gas no longer being used.

The \$130,000 backup generator for Tenth Street is needed because it is the biggest producer.

The shelving is needed in the yard so that the items that are stored throughout the facility can be put on shelves.

The \$305,000 budgeted for capital infrastructure involves several old water meter pits that have been leaking over the years. He plans to replace the one at LD Caulk who is one of our large commercial customers.

Mr. Dennehy recalled the number of discussions the city manager has had regarding the need to start flushing fire hydrants. He confirmed there are no fire hydrants that do not work. Some have older parts and the hydrants need to be turned on. The city crews can do this work. They only need the engineers to give them a manual instructing them where to start because it needs to be done systematically. Notification will be provided to residents before this work begins.

He asked the city manager to comment on the Northeast Water Study. Mr. Carmean confirmed it is a potential well site on the old Fry property due to Baltimore Air Coil's needs which have been discussed with council for sometime.

Mr. Carmean said they are also looking in the Northwest area though that will be discussed in the future.

Ms. Wilson noted the list of projects and plans for the year. Mr. Dennehy said there is a lot to do and work is needed so he plans to steer the employees in the right direction and crack the whip. They are going to have to do some things that have not been done for a long time. He said he does not know why the valves have not been operated over a number of years, and rather than trying to figure out why, they will simply start working on them.

Mr. Portmann then referenced a few minor changes on the sewer side. There were two new items added to the debt service. The Kent County Bypass was approved a couple months ago though the work was done a few years ago. We just started repaying the loan which is a forty-year term. Principal and interest is approximately \$50,000.

Sewer capital includes \$120,000 of equipment and \$227,000 of infrastructure for a total of \$347,000. Minor items include a replacement fence at the Truitt Avenue Pump Station for \$9,000, a muffin monster for Fisher



## **RESOLUTION 2014-04**

### **RESOLUTION GIVING FINAL AUTHORIZATION FOR THE BORROWING OF FUNDS THROUGH THE ISSUANCE OF UP TO \$3,500,000 MAXIMUM PRINCIPAL AMOUNT OF A GENERAL OBLIGATION BOND TO FINANCE COSTS ASSOCIATED WITH IMPROVEMENTS TO THE WATER DISTRIBUTION SYSTEM OF THE CITY OF MILFORD.**

WHEREAS, the City of Milford, Delaware (the "City") pursuant to Article 8 of 72 Del. Laws Ch. 148, as amended (the "Charter") proposes to borrow an amount not exceeding the maximum principal amount of \$3,500,000 in order to: (i) finance the construction costs associated with the City's approved water distribution system improvement projects to remove and replace faulty valves throughout the existing water distribution system, create operational and efficiency improvements through the integration of a SCADA system and install supplemental water supply facilities and associated treatment upgrades to replace older, failing equipment; and (ii) pay certain administrative and other costs incurred in connection therewith (collectively, the "Project");

WHEREAS, the City has applied for a loan through the Delaware Department of Health and Social Services (the "Department") in order to provide funds to pay for the Project;

WHEREAS, the Department, in conjunction with the Delaware Department of Natural Resources and Environmental Control, has issued a commitment letter dated September 17, 2013, to lend the City, from the Delaware Drinking Water State Revolving Fund, up to \$3,500,000 in the aggregate principal amount for the Project at an annual interest rate of 1.5% for a period of twenty (20) years;

WHEREAS, pursuant to a Resolution adopted on January 27, 2014, the City gave notice of its intention to borrow up to \$3,500,000, with the aforementioned terms, through the issuance of a general obligation bond (the "Bond") of the City for the Project and established a public hearing on the matter for February 10, 2014; and

WHEREAS, having conducted the public hearing, after notice, in accordance with Article 8 of the Charter, the Council of the City (the "City Council") hereby determines to give its final authorization to proceed with the borrowing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milford, Delaware, as follows:

Pursuant to Article 8 of the Charter and after a public hearing conducted on February 10, 2014, after notice, all in accordance with the requirements of the Charter, the City Council hereby gives its final authorization and resolves to proceed with borrowing from the Department an amount of money not to exceed \$3,500,000, at an annual interest rate of 1.5% for a period of twenty (20)

years, to fund the Project. The City will secure the borrowing through the issuance of a general obligation bond of the City and the full faith and credit of the City will be pledged to pay the principal of and interest on the Bond. The City Council shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal of and interest on the Bond.

ADOPTED AND RESOLVED this 10<sup>th</sup> day of February, 2014.

By:  
Name: Joseph R. Rogers  
Title: Mayor

(CITY SEAL)

Attest:  
Name: Teresa K. Hudson  
Title: City Clerk



## **City of Milford RESOLUTION 2014-05**

### **RESOLUTION PROPOSING THE ISSUANCE BY THE CITY OF MILFORD, DELAWARE, OF UP TO \$3,500,000 MAXIMUM PRINCIPAL AMOUNT OF A GENERAL OBLIGATION BOND TO FINANCE COSTS ASSOCIATED WITH IMPROVEMENTS TO THE WATER DISTRIBUTION SYSTEM OF THE CITY OF MILFORD AND ORDERING A SPECIAL ELECTION IN CONNECTION THEREWITH.**

WHEREAS, the City of Milford, Delaware (the "City") pursuant to Article 8 of 72 Del. Laws Ch. 148, as amended (the "Charter") proposes to borrow an amount not exceeding the maximum principal amount of \$3,500,000 in order to: (i) finance the construction costs associated with the City's approved water distribution system improvement projects to remove and replace faulty valves throughout the existing water distribution system, create operational and efficiency improvements through the integration of a SCADA system and install supplemental water supply facilities and associated treatment upgrades to replace older, failing equipment; and (ii) pay certain administrative and other costs incurred in connection therewith (collectively, the "Project");

WHEREAS, the City has applied for a loan (the "Loan") through the Delaware Department of Health and Social Services (the "Department") in order to provide funds to pay for the Project;

WHEREAS, the Department, in conjunction with the Delaware Department of Natural Resources and Environmental Control, has issued a commitment letter, dated September 17, 2013, to lend the City, from the Delaware Drinking Water State Revolving Fund, up to \$3,500,000 in the aggregate principal amount for the Project at an annual interest rate of 1.5% for a period of twenty (20) years;

WHEREAS, pursuant to a Resolution adopted on January 27, 2014 (the "Initial Resolution"), the City gave notice of its intention to borrow up to \$3,500,000 through the issuance of a general obligation bond (the "Bond") of the City for the Project and established a public hearing on the matter for February 10, 2014; and

WHEREAS, having conducted the public hearing, after notice, and having adopted a resolution authorizing the Loan, all in accordance with Article 8 of the Charter, the Council of the City (the "City Council") hereby determines to proceed with the proposed borrowing and hereby orders a Special Election to be held not less than thirty (30) nor more than sixty (60) days after the aforementioned public hearing, for the purpose of voting for or against the proposed borrowing, all in accordance with the Charter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milford, Delaware, as follows:

1. Pursuant to the Initial Resolution and after a public hearing conducted on February 10, 2014, after notice, and following adoption of a resolution authorizing the Loan, all in accordance with the requirements of the Charter, the City Council hereby resolves to proceed with borrowing an amount of money, not to exceed \$3,500,000 to fund the Project.

2. Pursuant to Article 8 of the Charter:

Amount of Borrowing: Total principal amount not to exceed \$3,500,000.

Rate of Interest: The interest rate for the Loan shall be 1.5%.

Manner of Securing the Same: The City will borrow the funds through the issuance of a general obligation bond of the City to finance the Project and the full faith and credit of the City will be pledged to pay the principal of and interest on the Bond.

Manner of Paying or Funding: The City Council shall provide in its budget and in fixing of the rate of tax, or otherwise, for the payment of principal of and interest on the Bond.

Purpose for Borrowing: The City Council hereby finds that the Project constitutes the following, which is a permitted purpose for which money may be borrowed under Article 8 of the Charter:

Finance the construction costs associated with the City's approved water distribution system improvement projects to remove and replace faulty valves throughout the existing water distribution system, create operational and efficiency improvements through the integration of a SCADA system and install supplemental water supply facilities and associated treatment upgrades to replace older, failing equipment. Such costs, including the costs of issuance of the Bond, are estimated not to exceed \$3,500,000.

3. The City Council hereby orders that a Special Election be held on March 29, 2014 (the "Special Election") for the purpose of voting for or against the proposed borrowing. The Special Election shall be conducted at the Milford City Hall, 201 South Walnut Street, Milford, Delaware, 19963, and the polls shall open at 12:00 p.m. (noon) and shall close at 8:00 p.m. Such Special Election shall be held not less than thirty (30) nor more than sixty (60) days after the aforementioned public hearing and adoption of the resolution authorizing the Loan.
4. At such Special Election, every person who would be entitled to vote at an annual election if held on that day shall be entitled to one vote.
5. The City Council hereby directs that notice of such Special Election be posted and published as required by the Charter, Article 8.04 by:
  - (i) Posting notices thereof in five (5) public places in the City at least two weeks prior to the day fixed for the holding of the Special Election; and
  - (ii) Publishing a copy of such notice once each week during those two (2) weeks immediately preceding that week during which the day fixed for the holding of the Special Election shall fall in a newspaper generally circulated in the City.
6. Pursuant to Article 8 of the Charter, the Special Election shall be conducted by an Election Board (the "Board of Election") whose members shall be appointed or selected in the same manner and they shall have the same qualifications as provided in the case of annual elections of the City.
7. The Board of Election shall count the votes for and against the proposed borrowing and shall announce the result thereof. The Board of Election shall make a certificate under their hands of the number of votes cast for and against the proposed borrowing, and shall deliver the same, in duplicate, to the City Council, one copy of the certificate shall be entered in the minutes of the next meeting of the City Council, and the other copy shall be filed with the papers of the City Council.

8. Pursuant to Article 8 of the Charter, the City Council shall hereby cause the notices of the Special Election to be published and/or posted as provided herein and by the Charter and to take such other actions as are necessary or appropriate and in the best interest of the City to effectuate the resolutions adopted above and the requirements of the Charter.

ADOPTED AND RESOLVED this 10<sup>th</sup> day of February, 2014.

By:  
Name: Joseph R. Rogers  
Title: Mayor

(CITY SEAL)

Attest:  
Name: Teresa K. Hudson  
Title: City Clerk

Milford, Delaware, Code of Ordinances >> PART II - GENERAL LEGISLATION >> **Chapter 75 - ALARMS**  
>> **ARTICLE I False Alarms** >>

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ARTICLE I False Alarms

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*[Adopted 6-11-2001 by Ord. No. 5-2001<sup>1</sup> ]*

§ 75-1. Definitions.

§ 75-2. Excessive false alarms prohibited.

§ 75-3. Alarm maintenance.

§ 75-4. Fines and penalties.

**§ 75-1. Definitions.**

For the purpose of this article, the following definitions shall be applicable unless the context clearly indicates to the contrary:

**ALARM SYSTEM** — Includes any mechanical or electrical device used for the detection of burglar, robbery, fire or other hazard within a building, structure or facility or for alerting others to the commission of an unlawful act or hazard, or either or both, within a building, structure or facility, including all necessary equipment designed and installed for the detection of burglar, robbery, fire or other hazard in a single building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure of facility.

**ALARM USER** — Includes any person, firm, partnership, corporation or other entity or any agent, officer or employee thereof on whose premises an alarm system is maintained within the City.

**CALENDAR YEAR** — January 1, 2003, through December 31, 2003, for the first year and shall be January 1 through December 31 for each subsequent year.

*[Added 1-13-2003 by Ord. No. 2002-11]*

**FALSE ALARM** — The activation of an alarm system through negligence of the alarm user causing the police, fire company or other emergency personnel to respond. Negligence does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes, mechanical failures, malfunctions, or improper installations. However, during the course of the calendar year, an alarm user that has had mechanical failures, malfunctions, or improper installations causing three false alarms, beginning with the fourth alarm, such mechanical failure, malfunction or improper installation within the calendar year, that occurrence, and each occurrence to follow, shall constitute negligence.

*[Amended 1-13-2003 by Ord. No. 2002-11]*

**§ 75-2. Excessive false alarms prohibited.**

Alarm users shall not cause more than three alarm signals within a calendar year that elicit notification to the Milford Police Department and/or the Carlisle Volunteer Fire Company where it is discovered that a situation requiring a response by the notified department does not exist, and that is further defined as a false alarm.

**§ 75-3. Alarm maintenance.**

Every alarm user shall maintain its alarm system in such a manner as to minimize the number of incidents of false alarms to the Milford Police Department and/or the Carlisle Volunteer Fire Company.

**§ 75-4. Fines and penalties.**

*[Amended 1-13-2003 by Ord. No. 2002-11]*

- A. Any person violating any provision of this article, and upon conviction thereof, shall be subject to a fine as set forth below for false alarms responded to by the Milford Police Department and/or the Carlisle Volunteer Fire Company within a calendar year.

Number of False Alarms	Fine Per False Alarm
<u>4</u> to 5	\$50.00
<u>6</u> to <u>9</u>	\$100.00
<u>10</u> to 15	\$200.00
<u>16</u> and over	\$250.00

- B. Payment of fines shall be to the City of Milford and forwarded to the Milford Police Department within 30 days of the violation.

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**FOOTNOTE(S):**


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*Editor's Note: This ordinance also repealed former Art. I, False Fire Alarms, adopted 2-10-1986. [\(Back\)](#)*

**MEMORANDUM**

TO: DNR  
FROM: JA  
DATE: 2/5/14  
SUBJECT: Fire Alarm Code Revision

David,

See attached for two possible revisions to the false alarm code. The first option is modeled after the State of Delaware & Milton. To be honest, the second option is not significantly different, but it does remove the administrative appeal process and makes it clear there is no other option but to pay the civil penalty. Finally, I also included a "registration requirement" section that could be added if Council deems it advisable. Many of the towns and the state require that all alarm systems be registered.

## Current Milford Code

### § 75-1. Definitions.

For the purpose of this article, the following definitions shall be applicable unless the context clearly indicates to the contrary:

**ALARM SYSTEM** — Includes any mechanical or electrical device used for the detection of burglar, robbery, fire or other hazard within a building, structure or facility or for alerting others to the commission of an unlawful act or hazard, or either or both, within a building, structure or facility, including all necessary equipment designed and installed for the detection of burglar, robbery, fire or other hazard in a single building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure of facility.

**ALARM USER** — Includes any person, firm, partnership, corporation or other entity or any agent, officer or employee thereof on whose premises an alarm system is maintained within the City.

**CALENDAR YEAR** — January 1, 2003, through December 31, 2003, for the first year and shall be January 1 through December 31 for each subsequent year.

*[Added 1-13-2003 by Ord. No. 2002-11]*

**FALSE ALARM** — The activation of an alarm system through negligence of the alarm user causing the police, fire company or other emergency personnel to respond. Negligence does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes, mechanical failures, malfunctions, or improper installations. However, during the course of the calendar year, an alarm user that has had mechanical failures, malfunctions, or improper installations causing three false alarms, beginning with the fourth alarm, such mechanical failure, malfunction or improper installation within the calendar year, that occurrence, and each occurrence to follow, shall constitute negligence.

§75-4 Fines and penalties

A.

Any person violating any provision of this article, and upon conviction thereof, shall be subject to a fine as set forth below for false alarms responded to by the Milford Police Department and/or the Carlisle Volunteer Fire Company within a calendar year.

Number of False Alarms	Fine Per False Alarm
<u>4</u> to 5	\$50.00
<u>6</u> to <u>9</u>	\$100.00
<u>10</u> to 15	\$200.00
<u>16</u> and over	\$250.00

B.

Payment of fines shall be to the City of Milford and forwarded to the Milford Police Department within 30 days of the violation.

**OPTION #1 (Milton, State)**

§75-1 Definitions

...

FALSE ALARM — The activation of an alarm system without cause that forces the police, fire company or other emergency personnel to respond. “Without cause” does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes, mechanical failures, malfunctions, or improper installations. However, during the course of the calendar year, an alarm user is [*permitted to have three false alarms without the assessment of a civil penalty*]. Beginning with the fourth [*false*] alarm [*any false alarm shall be assessed a penalty according to the schedule identified in §75-4(A)*].

§75-4 Violations and Civil Penalties

- A. Any alarm user violating any provision of this article shall be subject to a civil penalty as set forth below for false alarms responded to by the Milford Police Department and/or the Carlisle Volunteer Fire Company within a calendar year.

Number of False Alarms	Civil Penalty Per False Alarm
<u>4</u> to 5	\$50.00
<u>6</u> to <u>9</u>	\$100.00
<u>10</u> to 15	\$200.00
<u>16</u> and over	\$250.00

B. Notice of Violation:

A notice of violation [*shall/may*] be sent by [*Milford Police Department?*] to the alarm user for each false alarm. The notice shall contain the number of false alarm violations by that alarm user for the calendar year and the corresponding civil penalty being assessed, if any. The notice of violation may be issued by mailing such notice to the alarm user at the address where the alarm system is located [*or registered*].

C. Payment:

Persons electing to pay a civil penalty executed under this article shall make payments to the City of Milford within \_\_\_\_ \_days from the date the notice of violation was mailed.

*[All penalties received by the City of Milford shall be transferred to the Milford Police Department].*

*[Any person agreeing to voluntarily pay the civil penalty under this provision thereby admits to the false alarm violation and waives any right to contest or appeal the validity of the violation or charge].*

D. Procedure to Contest a Violation:

An alarm user receiving a notice of violation pursuant to this article may request a hearing to contest the violation by notifying, in writing, the [*Milford Police Department/City of Milford/\_\_\_\_\_*] within \_\_\_\_ days of the date of the mailing of the notice. Upon receipt of a timely request for a hearing, a hearing shall be scheduled and the alarm user shall be notified of the hearing by first-class mail. The administrative hearing will be performed by [*Board of Adjustment/ City Manager, Chief of Police, Director of \_\_\_\_, Mayor/ other*]. The hearing [*will/will not*] be informal.

E. Appeal of Administrative Hearing:

An alarm user [*Either party*] may elect to appeal an administrative decision to the Justice of the Peace Court, which shall have exclusive jurisdiction to hear the appeal. An appeal to the Justice of the Peace Court shall be the final right of appeal.

F. Failure to Pay Civil Penalty or Successfully Contest the Violation:

If the alarm user fails to pay the civil penalty and/or to successfully appeal the civil penalty under the terms of this article, the City of Milford may enforce the civil penalty by civil action in the Justice of the Peace Court, including seeking judgment and execution on a judgment against the alarm user [*note – a lien on the property may be an option, however many “alarm users” are tenants and not the owners*].

**OPTION #2**

§75-1 Definitions (Same as Option 1)

§75-4 Violations and Civil Penalties

- A. Any alarm user violating any provision of this article shall be subject to a civil penalty as set forth below for false alarms responded to by the Milford Police Department and/or the Carlisle Volunteer Fire Company within a calendar year.

Number of False Alarms	Civil Penalty Per False Alarm
<u>4</u> to 5	\$50.00
<u>6</u> to <u>9</u>	\$100.00
<u>10</u> to 15	\$200.00
<u>16</u> and over	\$250.00

- A. Notice of Violation:

A notice of violation [*shall/may*] be sent by [*Milford Police Department?*] to the alarm user for each false alarm. The notice shall contain the number of false alarm violations by that alarm user for the calendar year and the corresponding civil penalty being assessed, if any. The notice of violation may be issued by mailing such notice to the alarm user at the address where the alarm system is located [*or registered*].

- B. Payment:

Alarm users being issued a civil penalty with the notice of violation shall send payment to the [*City of Milford*] within [*30*] days from the date the notice was mailed.

[*All payments for civil penalties that are received under this article shall be delivered to the Milford Police Department within \_\_\_\_ days after receipt*].

C. *Procedure to Contest a Violation:*

An alarm user who wishes to contest the validity of the false alarm violation under this article may contest the violation by appealing the decision to the Justice of the Peace Court, which shall have exclusive jurisdiction to hear the appeal.

D. Failure to Pay Civil Penalty or Successfully Contest the Violation

If the alarm user fails to pay the civil penalty within \_\_\_\_\_ days from the time the notice of violation was mailed, the City of Milford may enforce the civil penalty by any means available in law or equity, including but not limited to civil action in the Justice of the Peace Court, including seeking judgment and execution on a judgment against the alarm user.

## REGISTRATION REQUIREMENT

(Optional)

### §75-5 Alarm System Registration

- (a) An alarm user shall not operate, or cause to be operated, an alarm system without first registering the alarm system. A separate alarm system registration is required for each alarm system site.
- (b) The alarm system registration application form must be submitted to [person/MPD/City of Milford] within 30 days after the alarm system at a particular site has been activated or within 30 days after a transfer in possession of the alarm system. Failure to submit a timely application will result in a nonregistered alarm system. Use of a nonregistered alarm system shall *consider the first false alarm in a calendar year to be the fourth violation, with the civil penalty being assessed accordingly*.
- (c) Each alarm system application must include the following information:
- (1) The name, complete address (including apartment/suite number) and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system;
  - (2) The name and complete address of the alarm system site, the classification of the alarm system site as either residential (includes apartment, condominium, mobile home, etc.) or commercial, and the name, address and telephone number of the person responsible for that alarm system site;
  - (3) For each alarm system located at the alarm system site, the classification of the alarm system (i.e. burglary, holdup, duress, panic alarms, etc.) and for each classification whether such alarm is audible or silent;
  - (4) The mailing address, if different from the address of the alarm system site;
  - (5) Any dangerous or special conditions present at the alarm system site;
  - (6) The names and addresses of at least 2 individuals who are able to, and have agreed to:
    - a. Receive notification of an alarm system activation at any time and who can respond to the alarm system site and, upon request, gain access to the alarm system site and deactivate the alarm system if necessary; or,
    - b. Receive notification of an alarm system activation at any time and who has access to the alarm system user for purposes of deactivating the alarm system, if necessary.
  - (7) Type of business conducted at a commercial alarm system site;
  - (8) Signed certification from the alarm system user stating the following:

- a. The date of installation, conversion or transfer of the alarm system, whichever is applicable;
- b. The name, address and telephone number of the alarm system inspection company or companies performing the alarm system installation; conversion or takeover of the alarm system installation company responsible for providing repair service to the alarm system;
- c. The name, address and telephone number of the monitoring company if different from the alarm system installation company;
- d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, has been left with the applicant by the alarm system installation company; and,
- e. That the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.

(9) Acknowledgment that any delay in law-enforcement authority response time may be influenced by factors including, but not limited to priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(d) Any false statement of material fact made by an applicant for the purpose of obtaining an alarm system registration shall be sufficient cause for refusal to issue a registration.

(e) An alarm system registration shall not be transferable to another person or alarm system site. An alarm system user shall inform the alarm system administrator of any change that alters any of the information listed on the alarm system registration application within \_\_ days of such change.

**OPTION #1 (Milton, State)**

§75-1 Definitions

...

FALSE ALARM — The activation of an alarm system without cause that forces the police, fire company or other emergency personnel to respond. “Without cause” does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes, mechanical failures, malfunctions, or improper installations. However, during the course of the calendar year, an alarm user is *[permitted to have three false alarms without the assessment of a civil penalty]*. Beginning with the fourth *[false]* alarm *[any false alarm shall be assessed a penalty according to the schedule identified in §75-4(A)]*.

§75-4 Violations and Civil Penalties

- A. Any alarm user violating any provision of this article shall be subject to a civil penalty as set forth below for false alarms responded to by the Milford Police Department and/or the Carlisle Volunteer Fire Company within a calendar year.

Number of False Alarms	Civil Penalty Per False Alarm
<u>4</u> to 5	\$50.00
<u>6</u> to <u>9</u>	\$100.00
<u>10</u> to 15	\$200.00
<u>16</u> and over	\$250.00

B. Notice of Violation:

A notice of violation [*shall/may*] be sent by [*Milford Police Department?*] to the alarm user for each false alarm. The notice shall contain the number of false alarm violations by that alarm user for the calendar year and the corresponding civil penalty being assessed, if any. The notice of violation may be issued by mailing such notice to the alarm user at the address where the alarm system is located [*or registered*].

C. Payment:

Persons electing to pay a civil penalty executed under this article shall make payments to the City of Milford within \_\_\_\_ \_days from the date the notice of violation was mailed.

*[All penalties received by the City of Milford shall be transferred to the Milford Police Department].*

*[Any person agreeing to voluntarily pay the civil penalty under this provision thereby admits to the false alarm violation and waives any right to contest or appeal the validity of the violation or charge].*

D. Procedure to Contest a Violation:

An alarm user receiving a notice of violation pursuant to this article may request a hearing to contest the violation by notifying, in writing, the [*Milford Police Department/City of Milford/\_\_\_\_\_*] within \_\_\_\_ days of the date of the mailing of the notice. Upon receipt of a timely request for a hearing, a hearing shall be scheduled and the alarm user shall be notified of the hearing by first-class mail. The administrative hearing will be performed by [*Board of Adjustment/ City Manager, Chief of Police, Director of \_\_\_\_, Mayor/ other*]. The hearing [*will/will not*] be informal.

E. Appeal of Administrative Hearing:

An alarm user [*Either party*] may elect to appeal an administrative decision to the Justice of the Peace Court, which shall have exclusive jurisdiction to hear the appeal. An appeal to the Justice of the Peace Court shall be the final right of appeal.

F. Failure to Pay Civil Penalty or Successfully Contest the Violation:

If the alarm user fails to pay the civil penalty and/or to successfully appeal the civil penalty under the terms of this article, the City of Milford may enforce the civil penalty by civil action in the Justice of the Peace Court, including seeking judgment and execution on a judgment against the alarm user [*note – a lien on the property may be an option, however many “alarm users” are tenants and not the owners*].

**OPTION #2**

§75-1 Definitions (Same as Option 1)

§75-4 Violations and Civil Penalties

- A. Any alarm user violating any provision of this article shall be subject to a civil penalty as set forth below for false alarms responded to by the Milford Police Department and/or the Carlisle Volunteer Fire Company within a calendar year.

Number of False Alarms	Civil Penalty Per False Alarm
<u>4</u> to 5	\$50.00
<u>6</u> to <u>9</u>	\$100.00
<u>10</u> to 15	\$200.00
<u>16</u> and over	\$250.00

- A. Notice of Violation:

A notice of violation [*shall/may*] be sent by [*Milford Police Department?*] to the alarm user for each false alarm. The notice shall contain the number of false alarm violations by that alarm user for the calendar year and the corresponding civil penalty being assessed, if any. The notice of violation may be issued by mailing such notice to the alarm user at the address where the alarm system is located [*or registered*].

- B. Payment:

Alarm users being issued a civil penalty with the notice of violation shall send payment to the [*City of Milford*] within [*30*] days from the date the notice was mailed.

[*All payments for civil penalties that are received under this article shall be delivered to the Milford Police Department within \_\_\_\_ days after receipt*].

C. *Procedure to Contest a Violation:*

An alarm user who wishes to contest the validity of the false alarm violation under this article may contest the violation by appealing the decision to the Justice of the Peace Court, which shall have exclusive jurisdiction to hear the appeal.

D. Failure to Pay Civil Penalty or Successfully Contest the Violation

If the alarm user fails to pay the civil penalty within \_\_\_\_\_ days from the time the notice of violation was mailed, the City of Milford may enforce the civil penalty by any means available in law or equity, including but not limited to civil action in the Justice of the Peace Court, including seeking judgment and execution on a judgment against the alarm user.

## REGISTRATION REQUIREMENT

(Optional)

### §75-5 Alarm System Registration

- (a) An alarm user shall not operate, or cause to be operated, an alarm system without first registering the alarm system. A separate alarm system registration is required for each alarm system site.
- (b) The alarm system registration application form must be submitted to [person/MPD/City of Milford] within 30 days after the alarm system at a particular site has been activated or within 30 days after a transfer in possession of the alarm system. Failure to submit a timely application will result in a nonregistered alarm system. Use of a nonregistered alarm system shall *consider the first false alarm in a calendar year to be the fourth violation, with the civil penalty being assessed accordingly*.
- (c) Each alarm system application must include the following information:
- (1) The name, complete address (including apartment/suite number) and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system;
  - (2) The name and complete address of the alarm system site, the classification of the alarm system site as either residential (includes apartment, condominium, mobile home, etc.) or commercial, and the name, address and telephone number of the person responsible for that alarm system site;
  - (3) For each alarm system located at the alarm system site, the classification of the alarm system (i.e. burglary, holdup, duress, panic alarms, etc.) and for each classification whether such alarm is audible or silent;
  - (4) The mailing address, if different from the address of the alarm system site;
  - (5) Any dangerous or special conditions present at the alarm system site;
  - (6) The names and addresses of at least 2 individuals who are able to, and have agreed to:
    - a. Receive notification of an alarm system activation at any time and who can respond to the alarm system site and, upon request, gain access to the alarm system site and deactivate the alarm system if necessary; or,
    - b. Receive notification of an alarm system activation at any time and who has access to the alarm system user for purposes of deactivating the alarm system, if necessary.
  - (7) Type of business conducted at a commercial alarm system site;
  - (8) Signed certification from the alarm system user stating the following:

- a. The date of installation, conversion or transfer of the alarm system, whichever is applicable;
- b. The name, address and telephone number of the alarm system inspection company or companies performing the alarm system installation; conversion or takeover of the alarm system installation company responsible for providing repair service to the alarm system;
- c. The name, address and telephone number of the monitoring company if different from the alarm system installation company;
- d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, has been left with the applicant by the alarm system installation company; and,
- e. That the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.

(9) Acknowledgment that any delay in law-enforcement authority response time may be influenced by factors including, but not limited to priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(d) Any false statement of material fact made by an applicant for the purpose of obtaining an alarm system registration shall be sufficient cause for refusal to issue a registration.

(e) An alarm system registration shall not be transferable to another person or alarm system site. An alarm system user shall inform the alarm system administrator of any change that alters any of the information listed on the alarm system registration application within \_\_ days of such change.