City of Milford

CITY COUNCIL AGENDA

December 12, 2016 - 7:00 P.M.

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

PUBLIC HEARINGS

ADOPTION/ORDINANCE 2016-21
Change of Zone/Lands belonging to City of Milford
Tax Parcel 3-30-11.09-030.00
.42 +/- Acres
Current Zone I1/Proposed Zone R3 Zoning District
East side of Marshall Street approximately 850 feet north of Elks Lodge Road intersection
Present Use: Vacant. Proposed Use: Watergate Subdivision

ADOPTION/ORDINANCE 2016-22
Change of Zone/Lands belonging to Liborio Watergate LLC
Tax Parcel 3-30-11.09-031.00
.42 +/- Acres
Current Zone I1/Proposed Zone R3 Zoning District
643 Marshall Street
Present Use: Vacant. Proposed Use: Watergate Subdivision

ADOPTION/ORDINANCE 2016-23
Liborio Watergate LLC for a Conditional Use
Amended Planned Unit Development and Preliminary Major Subdivision
Tax Map 3-30-11.09-029.00; -029.03-30.00 through -032.00; 3-30-11.09-101.00 through -304.00.
47.39 +/- acres in an R3 (Garden Apartment and Townhouse) Zoning District
East side of Marshall Street approximately 650 feet north of Elks Lodge Road Intersection
Present Use: Townhouses and Vacant Land
Proposed Use: 43 Single Family units, 48 Duplex units, 129 Townhouse units,
80 Apartment Units for Total of 300 Unit Subdivision

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Milford Community Parade Committee/Charles Gray/Report & Request

Proclamation 2016-17/Congratulating Milford High School Cross Country Team

Proclamation 2016-18/Congratulating Milford High School Varsity Football Team

Proclamation 2016-19/Recognizing D. Eugene Helmick for his 34 Years 9 Months of Dedicated Service on his Retirement

Proclamation 2016-20/Recognizing Norman Brady for his 23 Years 3 Months of Dedicated Service on his Retirement

Proclamation 2016-21/Recognizing Donald D. MacMillan for his 11 Years 10 Months of Dedicated Service on his Retirement

Monthly Police Report

Monthly City Manager Report

Monthly Finance Report

Committee & Ward Reports

Authorization/RiverPlace/Washington Street Downtown Development RFP

Communications & Correspondence

*Council Interest/University of Delaware and DNREC Issues**

Unfinished Business

Adoption/Ordinance 2016-25/Chapter 107/Contractors Code Amendment

Adoption/Ordinance 2016-26/Chapter 168/Peddling, Soliciting and Transient Merchant Code Amendment

Community Development Block Grant Program - Sussex County - Fiscal Year 2017
Adoption/Resolutions 2016-18, 2016-19, 2016-20

Community Development Block Grant Program - Kent County - Fiscal Year 2017
Adoption/Resolutions 2016-21, 2016-22

Introduction/Ordinance 2016-24/Amending the Code of the City of Milford
Adding a New Chapter 90 Entitled Business License

New Business

Adoption/Resolution 2016-17/Amends Planning, Zoning, Engineering and Licensing Fees

Authorize Purchase/Automatic Refuse Collection Truck/HGACBUY Cooperative Purchasing Alliance

Introduction/Ordinance 2016-09
An Ordinance Amending Chapter 79 Animal Code

Introduction/Ordinance 2016-15
Code of the City of Milford Part II-General Legislation
Chapter 230-Zoning
Article II-Designation of Districts &Article III-Use and Area Regulations
Creates New Zoning District/C2-A/Riverfront Development District

Introduction/Ordinance 2016-27
An Ordinance Amending Chapter 230 Zoning by Including a Conditional Use to Allow Chickens for Individual Domestic Purposes in a Residential Zone

Recess into Executive Session

{Pursuant to 29 Del. C. §10004(b)(4)} (Collective Bargaining Update)

Return to Open Session

IBEW Contract Negotiations

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.

102016 102416 110116 110716 112116 112916 120216

*120516 Late Info Received from by Planning Coordinator

120616 Items Removed by City Manager

**120616 Item Added Due to City Manager E-mail this Date

120716 Items Removed by City Manager

PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

DATA SHEET FOR LIBORIO WATERGATE LLC

Planning Commission Public Hearing: November 15, 2016

City Council Public Hearing: December 12, 2016

Application Number / Name	:	16-013 / Liborio Watergate, LLC
Applicant	:	Liborio Watergate LLC 903 N. French Street Wilmington, DE 19801
Owner(s)	:	City of Milford 201 S. Walnut Street Milford, DE 19963
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Moderate Density Residential
Present Zoning District	:	I-1 (Limited Industrial)
Proposed Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Vacant
Proposed Use	:	Planned Unit Development
Size and Location	:	0.42 +/- acres on the east side of Marshall Street approximately 850 feet north of the Elks Lodge Road intersection.
Tax Map & Parcel	:	3-30-11.09-030.00

ENC: Staff Recommendation Report
Exhibit A – Location & Zoning Map
Exhibit B – Comprehensive Plan Future Land Use Map

PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

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STAFF RECOMMENDATION REPORT
October 10, 2016

Application Number / Name	**:**	16-013 / Liborio Watergate LLC
Present Comprehensive Plan Designation	**:**	Moderate Density Residential
Present Zoning District	**:**	I-1 (Limited Industrial)
Proposed Zoning District	**:**	R-3 (Garden Apartment and Townhouse District)
Present Use	**:**	Vacant
Proposed Use	**:**	Planned Unit Development
Tax Map & Parcel	**:**	3-30-11.09-030.00 & 3-30-11.09-031.00
Size and Location	**:**	0.84 +/- acres on the east side of Marshall Street approximately 850 feet north of the Elks Lodge Road intersection.

I. BACKGROUND INFORMATION:

- On November 27, 2006, City Council granted Final Subdivision approval to Lyndalia Land Company for the Watergate Planned Unit Development. The subdivision proposed 303 total units, with a mixture of single family detached, semi-detached, townhouses, multi-family, live-work units and a community facility.

- In 2012, the property was sold to Liborio Watergate LLC.

- In 2015, Liborio Watergate LLC granted permission for the City of Milford to construct a new sanitary sewer force main through proposed lots 130-137 as part of capacity upgrades to the Shawnee Acres Pump Station. As a result, the owner agreed to relocate these proposed units to other areas in the subdivision and rerecord the subdivision plan.

- In the spring of 2015, while reviewing the inventory of vacant city-owned land, it was determined that the City owned a parcel adjacent to the Watergate subdivision along Marshall Street. The City contacted the owner of Watergate to see if there was any interest in purchasing the land from the City for the appraised value. The City and Liborio Watergate LLC agreed to terms and entered into a sales agreement contingent upon a change of zone and subdivision approvals.

- The applicant proposed to incorporate these parcels into the overall Watergate project.

II. STAFF RECOMMENDATION:

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

- The property is surrounded by industrial and residential zoning districts. The properties to the north and east are zoned I-1 (Limited Industrial District). The properties to the east and south are zoned R-3 (Garden Apartment and Townhouse District).

- When combined with the adjacent Watergate subdivision plan, the proposed change of zone meets all area regulations outlined in Chapter 230-11 – R-3 Garden Apartment and Townhouse District.

- The proposed rezoning meets the conditions for approval based on the following;

    A. The new zoning classification conforms to the Comprehensive Plan for the City of Milford in relation to land use and intensity of nonresidential buildings and location.

    The subject parcels are designated moderate density residential on the 2008 Comprehensive Plan Future Land Use maps. An R-3 (Garden Apartment & Townhouse District) zoning designation is a suitable zoning category within the moderate density residential future land use. The current I-1 limited industrial zoning is not in conformance with the Comprehensive Plan future land use maps.

    B. Transportation facilities, water and sewerage systems, storm drainage systems, schools and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.

    The subject parcels will be accessed through the internal roadways for the Watergate subdivision. Structures on these parcels will be connected to the existing water, sewer and electric infrastructure within the Watergate subdivision. The land development plan will require no objection letters or approval letters from the Sussex Conservation District, DelDOT and the State Fire Marshal's Office.

    C. There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the county.

    The subject parcels are adjacent to an approved Planned Unit Development with a mixture of single family detached, semi-detached, townhouse and multi-family structures. The subject parcels are also adjacent to an existing storage facility and soil, mulch and stone depot.

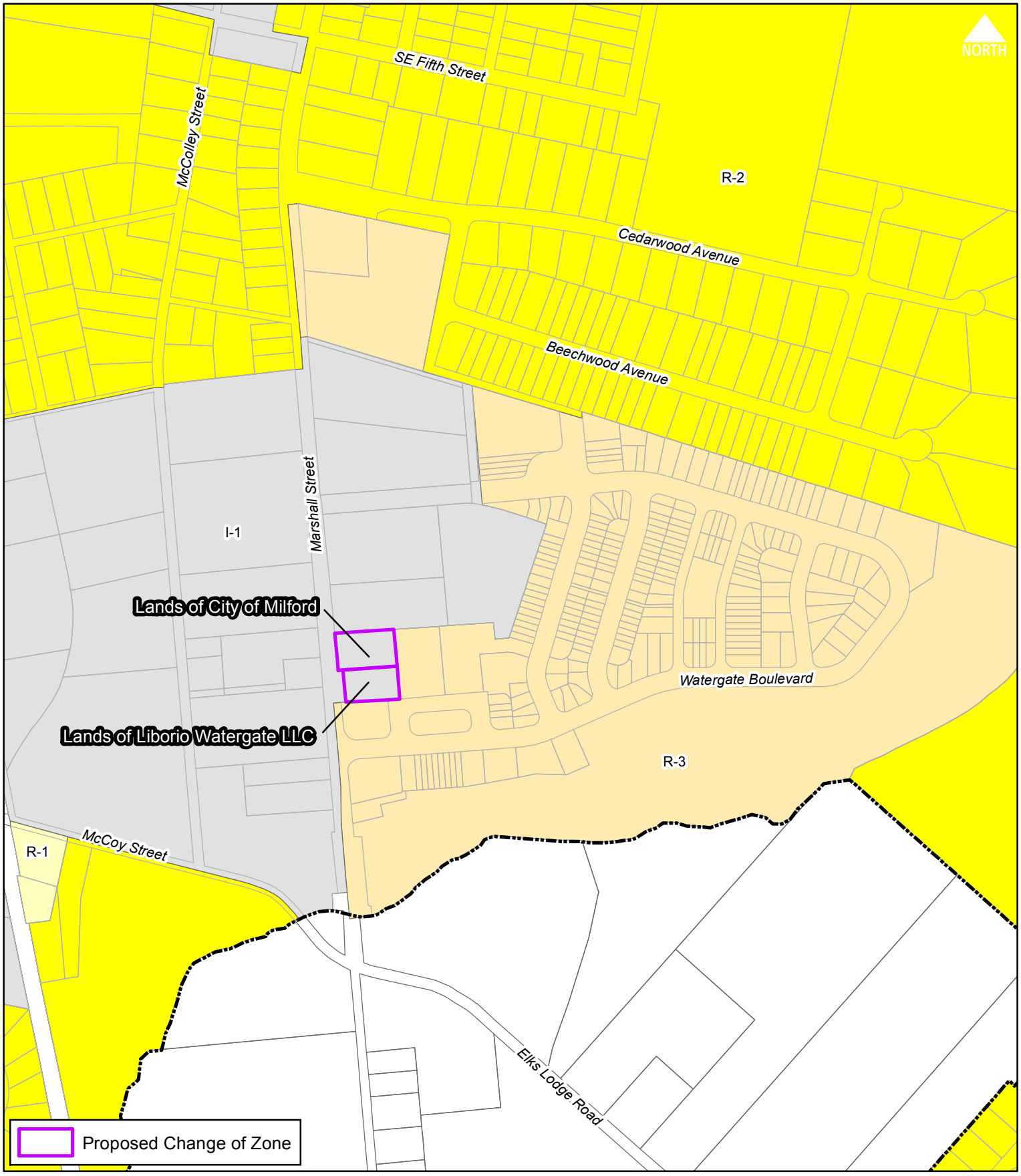
III. AGENCY COMMENTS:

- DelDOT – No comments were solicited for the change of zone application. The number of units do not increase as part of the proposed change of zone therefore there is not an increase in the number of daily trips and access will be through internal City-owned streets.

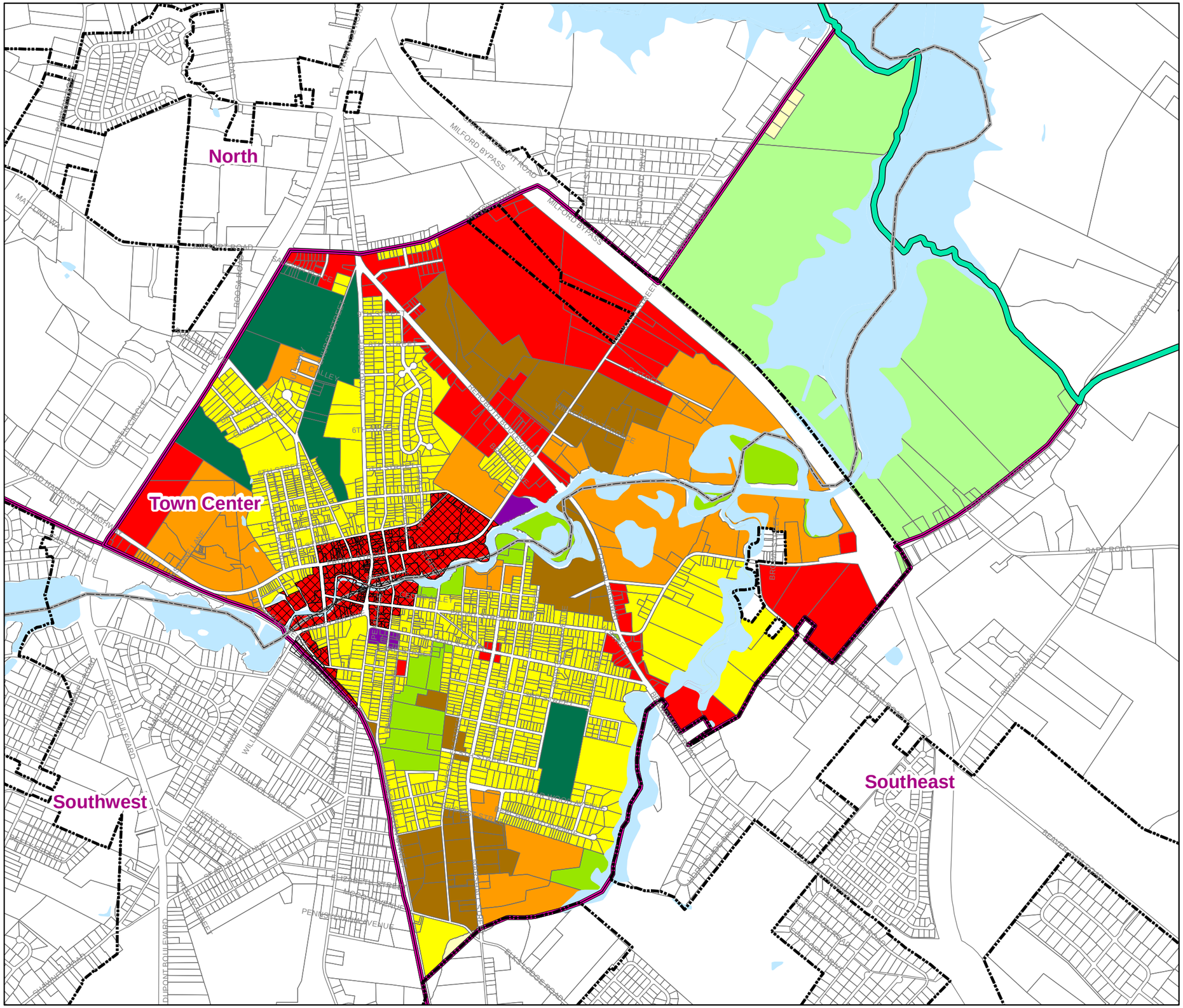
- Sussex Conservation District – No comments were solicited for the change of zone application. Subdivision Plans will require approval and adherence to State Sediment and Stormwater Regulations.

- State Fire Marshall – No comments solicited for the change of zone application. Subdivision Plans will require approval.

This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Planning & Zoning Department. The Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to City Council in this matter.



THE CITY of Milford DELAWARE	Scale: Feet 0 200 400	Title: Proposed Change of Zone **Liborio Watergate LLC** Location & Zoning Map
	Drawn by: WRP Date: 09/01/16	
Filepath: ChangeZone_LiborioWatergateLLC.mxd		



Milford Comprehensive Plan

Figure 14D
Neighborhood Map - Town Center

Legend

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

Future Land Use

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

0 1,500 3,000 Feet

1 inch = 1,500 feet

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

File Name: R:\DE_Milford\20611641\GIS_job\Mapping\MapN_Neighborhoods_Town_Center.mxd
July 9, 2008

§ 230-3. - Zoning Map.

The Zoning Map of the City of Milford is not set forth in this chapter but has been saved from repeal and may be found on file in the City Hall, where it may be examined during normal business hours.

ARTICLE II - Designation of Districts

§ 230-5. - Types of districts.

For the purpose of this chapter, the portions of the City of Milford included within the Zoning Map adopted under this chapter are divided into 15 types of districts as follows:

Designation	Characteristic Description
R-1	Single-Family Residential District
R-2	Residential District
R-3	Garden Apartment and Townhouse District
C-1	Community (Neighborhood) Commercial District
C-2	Central Business District
C-3	Highway Commercial District
H-1	Institutional Development District
I-1	Limited Industrial District
I-2	General Industrial District
OC-1	Office Complex District
OB-1	Office Building District
BP	Business Park District
IS	Institutional Service District
IM	Institutional Medical District

R-8	Garden Apartment and Townhouse District

§ 230-6. - Adoption of Zoning Map.

The Official Zoning Map shall consist of a scaled map of the City, which shall be prepared and adopted separately. The Zoning Map shall be filed in the City Hall and with both the Kent County Recorder of Deeds and the Sussex County Recorder of Deeds. The Official Zoning Map and all explanatory information that it contains are made a part of this chapter by reference.

§ 230-7. - Applicability.

A. After the date of adoption of the Zoning Map and of this chapter, with any changes or amendments, no building or premises or any part of any building in any section of the City to which the Zoning Map shall apply shall be used or maintained for any purpose other than a use permitted by this chapter for the district in which the building or premises is located.

B. Existing nonconforming uses and nonconforming buildings are exempt from these provisions to the extent provided in this chapter.

C. Where any already improved lot is hereafter divided, the division must be effected in such a manner as not to violate the provisions of this chapter applicable to such lot.

§ 230-8. - District boundary lines.

A. The zoning districts shall be shown on the Official Zoning Map, with the scale of the map and dimensions to serve as guides. In general, along any particular street, districts shall be of uniform depth and their boundaries shall parallel the street line at the distance shown on the Zoning Map. In other cases, they are intended to follow existing lot lines and street lines.

B. Uncertainty as to boundaries. Where uncertainty exists as to the boundaries of zoning districts or overlay zones as shown on the Official Zoning Map, the following rules shall apply:

   (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

   (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

   (3) Boundaries indicated as approximately following City or county limits shall be construed as following municipal or county limits.

   (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

   (5) Boundaries indicated as approximately following the center lines of streams, lakes, or other bodies of water shall be construed as following such center lines.

   (6) Boundaries indicated as parallel to or extensions of features described in this subsection shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

   (7) Where physical or cultural features existing on the ground differ from those shown on the Official Zoning Map, or in other circumstances not covered by this subsection, the determination shall solely lie with the City Council after consultation and review by the designated Administrator.

C. All public streets not otherwise zoned shall have the same zoning district to the center line of the street as the adjacent zoning district.

D. Errors or omissions.

(1) If because of error or omission, the Zoning District Map does not show a property as being in a zoning district, such property shall be classified in the least intense zoning district until changed by amendment.

(2) Parcels split by zoning districts. Where a zoning district boundary divides a lot tract, parcel or property, the location of the district boundary, unless the Zoning Map indicates its dimensions, shall be determined by applying the map scale shown on the zoning map scaled to the nearest foot.

§ 230-11. - R-3 Garden Apartment and Townhouse District.

In an R-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A. Purpose. The purpose of the R-3 District is to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.

B. Permitted uses. Permitted uses for the R-3 District shall be as follows:

(1) All uses permitted in an R-2 District and subject to its area regulations, unless otherwise indicated in this section as provided below:

(a) Single-family and two-family dwellings shall be subject to the following area regulations:

[1] Minimum lot area shall be 7,500 square feet.

[2] Maximum building coverage shall be 45%.

[3] Minimum lot width shall be 60 feet.

[4] Height of buildings shall not exceed three stories or 35 feet.

[5] Minimum building setback line shall be 30 feet.

[6] Side yards shall be provided as follows: each lot shall have at least two side yards eight feet in width, except semidetached structures, which shall have at least one side yard per lot eight feet in width.

[7] Minimum rear yard setback shall be 15 feet. For corner lots the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.

[8] Decks, subject to the following requirements:

[a] The deck cannot be located in the front yard.

[b] A minimum distance of 10 feet must be maintained from the deck to the rear property line.

(2) Garden or low-rise apartments, subject to site plan review and the following requirements:

(a) The number of dwelling units per acre shall not exceed 16.

(b) Building coverage shall be a maximum of 20% for any lot developed for garden apartments.

(c) The maximum number of dwelling units per building shall be 12.

(d) Distance between buildings or groups of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or group of buildings.

(e) Minimum lot width on any public street shall be at least 50 feet.

(f) Minimum lot size shall be one acre for garden apartment properties or complexes, with a minimum of 2,500 square feet of lot area for each dwelling unit.

(g) A minimum of 400 square feet per unit shall be designated as open space subject to the following recreational use requirements in Subsection B(2)(h) herein.

(h) Recreational use requirement. 50% of the required open space shall be set aside for recreational uses. This requirement only applies to subdivisions or developments with 15 or more lots or units.

(3) Townhouses or row dwellings, subject to site plan review and the following requirements:

(a) The number of dwelling units per group shall not exceed eight nor be fewer than three.

(b) The number of dwelling units per acre shall not exceed 12.

(c) Maximum building coverage shall be 60%.

(d) No group of townhouses shall be closer than 60 feet as to facing walls and 30 feet as to end walls from any other group of such dwellings nor closer than 60 feet from any boundary line of a designated townhouse area of which the group is a part.

(e) There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition, no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.

(f) The minimum width of any side yard abutting a street, driveway or parking area within the townhouse area shall not be less than 30 feet.

(g) Height of buildings shall not exceed three stories or 35 feet.

(h) Alleys in the rear of townhouse groups are required for access to units by owners and to facilitate City services, trash collection, meter reading and parking.

(i) Minimum lot size shall be one acre for townhouse projects or complexes, with a minimum of 2,000 square feet of lot area for each dwelling unit.

(j) A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use requirements in Subsection B(3)(k) herein.

(k) Recreational use requirement. 50% of the required open space shall be set aside for recreational uses. This requirement only applies to subdivisions or developments with 15 or more lots or units. [2]

C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter:

(1) Rooming or boarding houses.

(2) Business offices for administrative purposes only.

(3) Professional offices (nonresident).

(4) Medical clinics.

(5) Sanatoriums or nursing homes.

(6) Mobile home parks, subject to conformance with the following requirements and subject to site plan review:

(a) The total area to be developed as a mobile home park shall be at least 20 acres.

(b) The maximum density shall not exceed eight units per acre.

(c) Mobile home parks with more than 25 units shall provide at least 5,000 square feet or 400 square feet per lot of open space. At least 10% of the open space shall be developed as a recreational area.

(d) Landscape screening shall be required along all property lines. The screening shall be accomplished with an evergreen hedge, shrubs or trees. The screen shall be located not less than five feet from the property line.

(e) Common sidewalks four feet in width shall be required where pedestrian traffic is located. Individual sidewalks 2 1/2 feet wide shall connect each mobile home unit to the common walk.

(f) Off-street parking shall be provided on the basis of two spaces per lot. All parking areas shall be located not more than 400 feet from the mobile home unit. There shall be no on-street parking.

(g) Signs.

[1] An identification sign may be set up at the park entrance. This sign may be illuminated and shall have a street setback of 15 feet. It may have a maximum height of 20 feet and may not exceed 20 square feet of area on either side.

[2] Unilluminated traffic direction signs may also be erected. These signs shall have a street and property setback of 15 feet. They shall be no more than four square feet in area or two feet in height.

(h) Streets shall be required from abutting public streets to individual lots. The streets shall be designed to minimize congestion and traffic hazards and must be built to the street and storm drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two streets shall intersect at one point.

(i) Minimum requirements for mobile home lots.

[1] Lot area shall be 5,000 square feet per mobile home.

[2] Width shall be 40 feet.

[3] Public street setback shall be 50 feet.

[4] Mobile home park setback shall be 35 feet.

[5] Mobile home street or parking area setback shall be 30 feet.

[6] Distance from other mobile homes and buildings shall be 25 feet.

[7] One patio shall be required per unit, 10 feet by 40 feet paved.

[8] Landscaping shall be one tree per lot.

[9] Mobile homes must meet the requirements of the Federal Manufacturer Housing Construction and Safety Standard Act of 1974.

[10] The entire lot occupied by a mobile home park shall be maintained in single ownership throughout the entire life of the mobile home park.

(7) Art or specialty shops/galleries. The following items shall be reviewed for conformance during the site plan review hearing by the Planning Commission:

(a) The residence shall remain as the predominant feature of the site.

(b) The shop or gallery shall occupy only 40% of the residence.

(c) Public parking shall be available, with the determination of said parking requirements being made by the Planning Commission during the site plan review hearing. These determinations and recommendations must be done in conjunction with any state regulations concerning traffic control within the given site area.

(d) The Fire Marshal review must be applied for and recommendations made by the agency must be presented two weeks prior to the hearing date. All requests or recommendations shall be adhered to.

(8) Planned unit residential development.

ARTICLE XII - Amendments

§ 230-58. - Procedure.

A. The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.

B. All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.

C. The Planning Commission is granted the authority to require, as a condition to consideration of any proposal other than one originating with the City Council, that a petition be submitted accompanied by such maps, charts, sketches and other information as the Commission deems necessary for the proper and effective consideration of such proposal and to refuse to consider any proposal not complying with such requirement.

D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Milford. In case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.

E. In the event of a protest against such changes signed by 20% or more of property owners within 200 feet of the proposed change, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the City Council.

F. If, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of 3/4 of the Planning Commission or City Council.

§ 230-59. - Hearing; notice required.

No change or amendment shall become effective until after a public hearing at which parties in interest and citizens shall have had an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City of Milford. In all cases in which a proposed amendment would change the Zoning Map, notice of the amendment shall be sent by mail to all property owners of record whose property is proposed to be changed by the amendment and all property owners within 200 feet of the proposed change.

§ 230-60. - Fee.

A nonrefundable fee as set forth in § 230-57 shall accompany each application or petition, except for those petitions which have been initiated by the City Council or by the Planning Commission.

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: NOVEMBER 15, 2016
CITY COUNCIL PUBLIC HEARING: DECEMBER 12, 2016

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, November 15, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, December 12, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2016-21
Change of Zone/Lands belonging to City of Milford
Tax Parcel 3-30-11.09-030.00
.42 +/- Acres
Current Zone I1/Proposed Zone R3

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning .42 +/- acres of real property from I1 to R3 on Marshall Street, Milford, Delaware. Present Use: Vacant. Proposed Use: Watergate subdivision. Tax Map and Parcel: 3-30-11.09-030.00.

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on November 15, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on December 12, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

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

Upon the adoption of this ordinance, tax map and parcels 3-30-11.09-030.00, owned by City of Milford located on Marshall Street, is hereby zoned R3.

Dates:
Planning Commission Review & Public Hearing: November 15, 2016
City Council Introduction: November 28, 2016
City Council Public Hearing: December 12, 2016
Adoption: December 12, 2016
Effective: December 22, 2016
This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 102616

THE CITY of Milford DELAWARE

PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

DATA SHEET FOR LIBORIO WATERGATE LLC

Planning Commission Public Hearing: November 15, 2016

City Council Public Hearing: December 12, 2016

Application Number / Name	:	16-013 / Liborio Watergate LLC
Applicant	:	Liborio Watergate LLC 903 N. French Street Wilmington, DE 19801
Owner(s)	:	Liborio Watergate LLC 903 N. French Street Wilmington, DE 19801
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Moderate Density Residential
Present Zoning District	:	I-1 (Limited Industrial)
Proposed Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Vacant
Proposed Use	:	Planned Unit Development
Size and Location	:	0.42 +/- acres on the east side of Marshall Street approximately 850 feet north of the Elks Lodge Road intersection.
Tax Map & Parcel	:	3-30-11.09-031.00

ENC: Staff Recommendation Report
Exhibit A – Location & Zoning Map
Exhibit B – Comprehensive Plan Future Land Use Map

PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

STAFF RECOMMENDATION REPORT
October 10, 2016

Application Number / Name	**:**	16-013 / Liborio Watergate LLC
Present Comprehensive Plan Designation	**:**	Moderate Density Residential
Present Zoning District	**:**	I-1 (Limited Industrial)
Proposed Zoning District	**:**	R-3 (Garden Apartment and Townhouse District)
Present Use	**:**	Vacant
Proposed Use	**:**	Planned Unit Development
Tax Map & Parcel	**:**	3-30-11.09-030.00 & 3-30-11.09-031.00
Size and Location	**:**	0.84 +/- acres on the east side of Marshall Street approximately 850 feet north of the Elks Lodge Road intersection.

I. BACKGROUND INFORMATION:

- On November 27, 2006, City Council granted Final Subdivision approval to Lyndalia Land Company for the Watergate Planned Unit Development. The subdivision proposed 303 total units, with a mixture of single family detached, semi-detached, townhouses, multi-family, live-work units and a community facility.

- In 2012, the property was sold to Liborio Watergate LLC.

- In 2015, Liborio Watergate LLC granted permission for the City of Milford to construct a new sanitary sewer force main through proposed lots 130-137 as part of capacity upgrades to the Shawnee Acres Pump Station. As a result, the owner agreed to relocate these proposed units to other areas in the subdivision and rerecord the subdivision plan.

- In the spring of 2015, while reviewing the inventory of vacant city-owned land, it was determined that the City owned a parcel adjacent to the Watergate subdivision along Marshall Street. The City contacted the owner of Watergate to see if there was any interest in purchasing the land from the City for the appraised value. The City and Liborio Watergate LLC agreed to terms and entered into a sales agreement contingent upon a change of zone and subdivision approvals.

- The applicant proposed to incorporate these parcels into the overall Watergate project.

II. STAFF RECOMMENDATION:

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

- The property is surrounded by industrial and residential zoning districts. The properties to the north and east are zoned I-1 (Limited Industrial District). The properties to the east and south are zoned R-3 (Garden Apartment and Townhouse District).

- When combined with the adjacent Watergate subdivision plan, the proposed change of zone meets all area regulations outlined in Chapter 230-11 – R-3 Garden Apartment and Townhouse District.

- The proposed rezoning meets the conditions for approval based on the following;

    A. The new zoning classification conforms to the Comprehensive Plan for the City of Milford in relation to land use and intensity of nonresidential buildings and location.

    The subject parcels are designated moderate density residential on the 2008 Comprehensive Plan Future Land Use maps. An R-3 (Garden Apartment & Townhouse District) zoning designation is a suitable zoning category within the moderate density residential future land use. The current I-1 limited industrial zoning is not in conformance with the Comprehensive Plan future land use maps.

    B. Transportation facilities, water and sewerage systems, storm drainage systems, schools and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.

    The subject parcels will be accessed through the internal roadways for the Watergate subdivision. Structures on these parcels will be connected to the existing water, sewer and electric infrastructure within the Watergate subdivision. The land development plan will require no objection letters or approval letters from the Sussex Conservation District, DelDOT and the State Fire Marshal's Office.

    C. There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety and welfare of present and future residents of the county.

    The subject parcels are adjacent to an approved Planned Unit Development with a mixture of single family detached, semi-detached, townhouse and multi-family structures. The subject parcels are also adjacent to an existing storage facility and soil, mulch and stone depot.

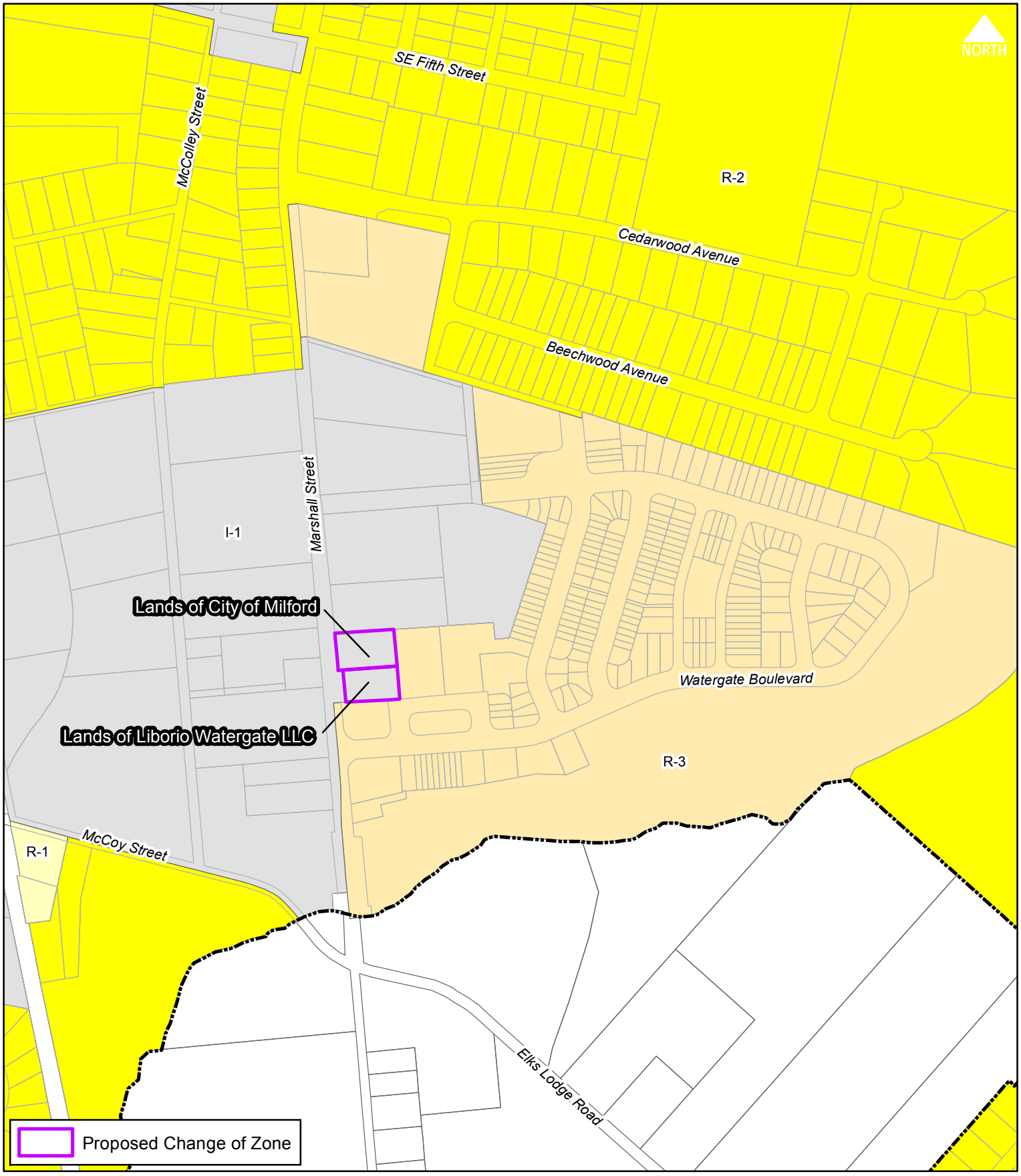
III. AGENCY COMMENTS:

- DelDOT – No comments were solicited for the change of zone application. The number of units do not increase as part of the proposed change of zone therefore there is not an increase in the number of daily trips and access will be through internal City-owned streets.

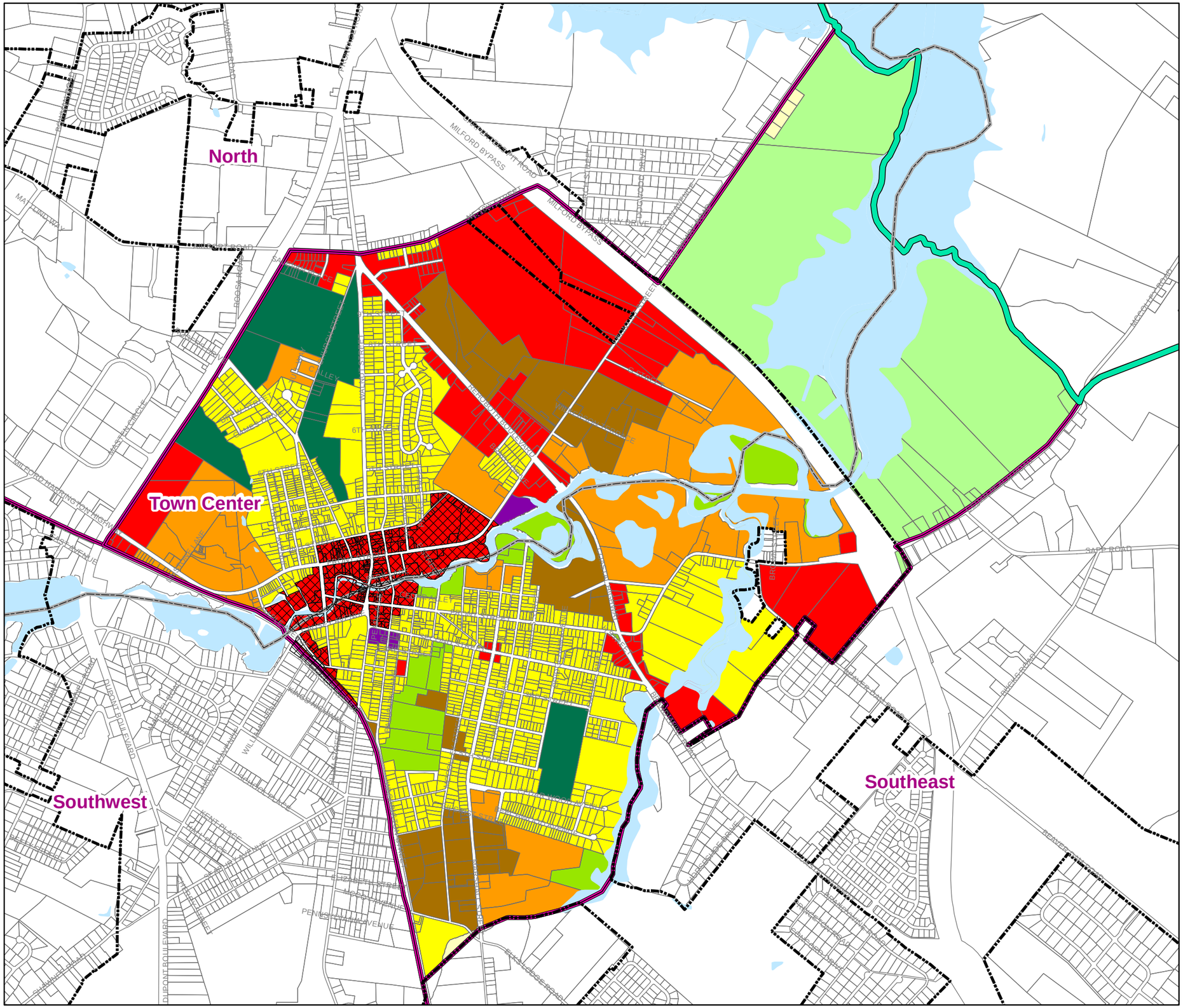
- Sussex Conservation District – No comments were solicited for the change of zone application. Subdivision Plans will require approval and adherence to State Sediment and Stormwater Regulations.

- State Fire Marshall – No comments solicited for the change of zone application. Subdivision Plans will require approval.

This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Planning & Zoning Department. The Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to City Council in this matter.



THE CITY of Milford DELAWARE	Scale: Feet 0 200 400	Title: Proposed Change of Zone **Liborio Watergate LLC** Location & Zoning Map
	Drawn by: WRP Date: 09/01/16	
Filepath: ChangeZone_LiborioWatergateLLC.mxd		



Milford Comprehensive Plan

Figure 14D
Neighborhood Map - Town Center

Legend

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

Future Land Use

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

0 1,500 3,000 Feet

1 inch = 1,500 feet

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

File Name: R:\DE_Milford\20611641\GIS_job\Mapping\MapN_Neighborhoods_Town_Center.mxd
July 9, 2008

§ 230-3. - Zoning Map.

The Zoning Map of the City of Milford is not set forth in this chapter but has been saved from repeal and may be found on file in the City Hall, where it may be examined during normal business hours.

ARTICLE II - Designation of Districts

§ 230-5. - Types of districts.

For the purpose of this chapter, the portions of the City of Milford included within the Zoning Map adopted under this chapter are divided into 15 types of districts as follows:

Designation	Characteristic Description
R-1	Single-Family Residential District
R-2	Residential District
R-3	Garden Apartment and Townhouse District
C-1	Community (Neighborhood) Commercial District
C-2	Central Business District
C-3	Highway Commercial District
H-1	Institutional Development District
I-1	Limited Industrial District
I-2	General Industrial District
OC-1	Office Complex District
OB-1	Office Building District
BP	Business Park District
IS	Institutional Service District
IM	Institutional Medical District

R-8	Garden Apartment and Townhouse District

§ 230-6. - Adoption of Zoning Map.

The Official Zoning Map shall consist of a scaled map of the City, which shall be prepared and adopted separately. The Zoning Map shall be filed in the City Hall and with both the Kent County Recorder of Deeds and the Sussex County Recorder of Deeds. The Official Zoning Map and all explanatory information that it contains are made a part of this chapter by reference.

§ 230-7. - Applicability.

A. After the date of adoption of the Zoning Map and of this chapter, with any changes or amendments, no building or premises or any part of any building in any section of the City to which the Zoning Map shall apply shall be used or maintained for any purpose other than a use permitted by this chapter for the district in which the building or premises is located.

B. Existing nonconforming uses and nonconforming buildings are exempt from these provisions to the extent provided in this chapter.

C. Where any already improved lot is hereafter divided, the division must be effected in such a manner as not to violate the provisions of this chapter applicable to such lot.

§ 230-8. - District boundary lines.

A. The zoning districts shall be shown on the Official Zoning Map, with the scale of the map and dimensions to serve as guides. In general, along any particular street, districts shall be of uniform depth and their boundaries shall parallel the street line at the distance shown on the Zoning Map. In other cases, they are intended to follow existing lot lines and street lines.

B. Uncertainty as to boundaries. Where uncertainty exists as to the boundaries of zoning districts or overlay zones as shown on the Official Zoning Map, the following rules shall apply:

   (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

   (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

   (3) Boundaries indicated as approximately following City or county limits shall be construed as following municipal or county limits.

   (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

   (5) Boundaries indicated as approximately following the center lines of streams, lakes, or other bodies of water shall be construed as following such center lines.

   (6) Boundaries indicated as parallel to or extensions of features described in this subsection shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

   (7) Where physical or cultural features existing on the ground differ from those shown on the Official Zoning Map, or in other circumstances not covered by this subsection, the determination shall solely lie with the City Council after consultation and review by the designated Administrator.

C. All public streets not otherwise zoned shall have the same zoning district to the center line of the street as the adjacent zoning district.

D. Errors or omissions.

(1) If because of error or omission, the Zoning District Map does not show a property as being in a zoning district, such property shall be classified in the least intense zoning district until changed by amendment.

(2) Parcels split by zoning districts. Where a zoning district boundary divides a lot tract, parcel or property, the location of the district boundary, unless the Zoning Map indicates its dimensions, shall be determined by applying the map scale shown on the zoning map scaled to the nearest foot.

§ 230-11. - R-3 Garden Apartment and Townhouse District.

In an R-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A. Purpose. The purpose of the R-3 District is to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.

B. Permitted uses. Permitted uses for the R-3 District shall be as follows:

(1) All uses permitted in an R-2 District and subject to its area regulations, unless otherwise indicated in this section as provided below:

(a) Single-family and two-family dwellings shall be subject to the following area regulations:

[1] Minimum lot area shall be 7,500 square feet.

[2] Maximum building coverage shall be 45%.

[3] Minimum lot width shall be 60 feet.

[4] Height of buildings shall not exceed three stories or 35 feet.

[5] Minimum building setback line shall be 30 feet.

[6] Side yards shall be provided as follows: each lot shall have at least two side yards eight feet in width, except semidetached structures, which shall have at least one side yard per lot eight feet in width.

[7] Minimum rear yard setback shall be 15 feet. For corner lots the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.

[8] Decks, subject to the following requirements:

[a] The deck cannot be located in the front yard.

[b] A minimum distance of 10 feet must be maintained from the deck to the rear property line.

(2) Garden or low-rise apartments, subject to site plan review and the following requirements:

(a) The number of dwelling units per acre shall not exceed 16.

(b) Building coverage shall be a maximum of 20% for any lot developed for garden apartments.

(c) The maximum number of dwelling units per building shall be 12.

(d) Distance between buildings or groups of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or group of buildings.

(e) Minimum lot width on any public street shall be at least 50 feet.

(f) Minimum lot size shall be one acre for garden apartment properties or complexes, with a minimum of 2,500 square feet of lot area for each dwelling unit.

(g) A minimum of 400 square feet per unit shall be designated as open space subject to the following recreational use requirements in Subsection B(2)(h) herein.

(h) Recreational use requirement. 50% of the required open space shall be set aside for recreational uses. This requirement only applies to subdivisions or developments with 15 or more lots or units.

(3) Townhouses or row dwellings, subject to site plan review and the following requirements:

(a) The number of dwelling units per group shall not exceed eight nor be fewer than three.

(b) The number of dwelling units per acre shall not exceed 12.

(c) Maximum building coverage shall be 60%.

(d) No group of townhouses shall be closer than 60 feet as to facing walls and 30 feet as to end walls from any other group of such dwellings nor closer than 60 feet from any boundary line of a designated townhouse area of which the group is a part.

(e) There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition, no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.

(f) The minimum width of any side yard abutting a street, driveway or parking area within the townhouse area shall not be less than 30 feet.

(g) Height of buildings shall not exceed three stories or 35 feet.

(h) Alleys in the rear of townhouse groups are required for access to units by owners and to facilitate City services, trash collection, meter reading and parking.

(i) Minimum lot size shall be one acre for townhouse projects or complexes, with a minimum of 2,000 square feet of lot area for each dwelling unit.

(j) A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use requirements in Subsection B(3)(k) herein.

(k) Recreational use requirement. 50% of the required open space shall be set aside for recreational uses. This requirement only applies to subdivisions or developments with 15 or more lots or units. [2]

C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter:

(1) Rooming or boarding houses.

(2) Business offices for administrative purposes only.

(3) Professional offices (nonresident).

(4) Medical clinics.

(5) Sanatoriums or nursing homes.

(6) Mobile home parks, subject to conformance with the following requirements and subject to site plan review:

(a) The total area to be developed as a mobile home park shall be at least 20 acres.

(b) The maximum density shall not exceed eight units per acre.

(c) Mobile home parks with more than 25 units shall provide at least 5,000 square feet or 400 square feet per lot of open space. At least 10% of the open space shall be developed as a recreational area.

(d) Landscape screening shall be required along all property lines. The screening shall be accomplished with an evergreen hedge, shrubs or trees. The screen shall be located not less than five feet from the property line.

(e) Common sidewalks four feet in width shall be required where pedestrian traffic is located. Individual sidewalks 2 1/2 feet wide shall connect each mobile home unit to the common walk.

(f) Off-street parking shall be provided on the basis of two spaces per lot. All parking areas shall be located not more than 400 feet from the mobile home unit. There shall be no on-street parking.

(g) Signs.

[1] An identification sign may be set up at the park entrance. This sign may be illuminated and shall have a street setback of 15 feet. It may have a maximum height of 20 feet and may not exceed 20 square feet of area on either side.

[2] Unilluminated traffic direction signs may also be erected. These signs shall have a street and property setback of 15 feet. They shall be no more than four square feet in area or two feet in height.

(h) Streets shall be required from abutting public streets to individual lots. The streets shall be designed to minimize congestion and traffic hazards and must be built to the street and storm drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two streets shall intersect at one point.

(i) Minimum requirements for mobile home lots.

[1] Lot area shall be 5,000 square feet per mobile home.

[2] Width shall be 40 feet.

[3] Public street setback shall be 50 feet.

[4] Mobile home park setback shall be 35 feet.

[5] Mobile home street or parking area setback shall be 30 feet.

[6] Distance from other mobile homes and buildings shall be 25 feet.

[7] One patio shall be required per unit, 10 feet by 40 feet paved.

[8] Landscaping shall be one tree per lot.

[9] Mobile homes must meet the requirements of the Federal Manufacturer Housing Construction and Safety Standard Act of 1974.

[10] The entire lot occupied by a mobile home park shall be maintained in single ownership throughout the entire life of the mobile home park.

(7) Art or specialty shops/galleries. The following items shall be reviewed for conformance during the site plan review hearing by the Planning Commission:

(a) The residence shall remain as the predominant feature of the site.

(b) The shop or gallery shall occupy only 40% of the residence.

(c) Public parking shall be available, with the determination of said parking requirements being made by the Planning Commission during the site plan review hearing. These determinations and recommendations must be done in conjunction with any state regulations concerning traffic control within the given site area.

(d) The Fire Marshal review must be applied for and recommendations made by the agency must be presented two weeks prior to the hearing date. All requests or recommendations shall be adhered to.

(8) Planned unit residential development.

ARTICLE XII - Amendments

§ 230-58. - Procedure.

A. The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.

B. All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.

C. The Planning Commission is granted the authority to require, as a condition to consideration of any proposal other than one originating with the City Council, that a petition be submitted accompanied by such maps, charts, sketches and other information as the Commission deems necessary for the proper and effective consideration of such proposal and to refuse to consider any proposal not complying with such requirement.

D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Milford. In case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.

E. In the event of a protest against such changes signed by 20% or more of property owners within 200 feet of the proposed change, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the City Council.

F. If, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of 3/4 of the Planning Commission or City Council.

§ 230-59. - Hearing; notice required.

No change or amendment shall become effective until after a public hearing at which parties in interest and citizens shall have had an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City of Milford. In all cases in which a proposed amendment would change the Zoning Map, notice of the amendment shall be sent by mail to all property owners of record whose property is proposed to be changed by the amendment and all property owners within 200 feet of the proposed change.

§ 230-60. - Fee.

A nonrefundable fee as set forth in § 230-57 shall accompany each application or petition, except for those petitions which have been initiated by the City Council or by the Planning Commission.

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: NOVEMBER 15, 2016
CITY COUNCIL PUBLIC HEARING: DECEMBER 12, 2016

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, November 15, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, December 12, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2016-22
Change of Zone/Lands belonging to Liborio Watergate LLC
Tax Parcel 3-30-11.09-031.00
.42 +/- Acres
Current Zone I1/Proposed Zone R3

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning .42 +/- acres of real property from I1 to R3 at 643 Marshall Street, Milford, Delaware. Present Use: Vacant. Proposed Use: Watergate subdivision. Tax Map and Parcel: 3-30-11.09-031.00.

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on November 15, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on December 12, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

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

Upon the adoption of this ordinance, tax map and parcels 3-30-11.09-031.00, owned by Liborio Watergate LLC located at 643 Marshall Street, is hereby zoned R3.

Dates:
Planning Commission Review & Public Hearing: November 15, 2016
City Council Introduction: November 28, 2016
City Council Public Hearing: December 12, 2016
Adoption: December 12, 2016
Effective: December 22, 2016
This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 102616

THE CITY of Milford DELAWARE

PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

DATA SHEET FOR LIBORIO WATERGATE LLC

Planning Commission Meeting: November 15, 2016

City Council Public Hearing: December 12, 2016

Application Number / Name	:	16-014 / Liborio Watergate LLC
Applicant	:	Liborio Watergate LLC 903 N. French Street Wilmington, DE 19801
Owner	:	Liborio Watergate LLC 903 N. French Street Wilmington, DE 19801
Application Type	:	Amended Planned Unit Development / Preliminary Major Subdivision
Present Comprehensive Plan Map Designation	:	Moderate Density Residential
Present Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Planned Unit Development
Proposed Use	:	Planned Unit Development
Size and Location	:	47.39 +/- acres located along the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection.
Tax Map & Parcel	:	PB 121 PG 123 3-30-11.09-030.00 & 031.00

ENC: Staff Recommendation Report
Exhibit A – Location & Zoning Map
Exhibit B – Preliminary Site Plan

PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

STAFF REPORT
October 10, 2016

Application Number / Name	:	16-014 / Watergate Subdivision
Present Comprehensive Plan Designation	:	Moderate Density Residential
Present Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Planned Unit Development
Proposed Use	:	Planned Unit Development
Tax Map & Parcel	:	PB 121 PG 123 3-30-11.09-030.00 & 031.00
Size and Location	:	47.39 +/- acres located along the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection.

I. BACKGROUND INFORMATION:

- On November 27, 2006, City Council granted Final Subdivision approval to Lyndalia Land Company for the Watergate Planned Unit Development. The subdivision proposed 303 total units, with a mixture of single family detached, semi-detached, townhouses, multi-family, live-work units and a community facility.

- In 2012, the property was sold to Liborio Watergate LLC.

- In 2015, Liborio Watergate LLC granted permission for the City of Milford to construct a new sanitary sewer force main through proposed lots 130-137 as part of capacity upgrades to the Shawnee Acres Pump Station. As a result, the owner agreed to relocate these proposed units to other areas in the subdivision and rerecord the subdivision plan.

- In the spring of 2015, while reviewing the inventory of vacant city-owned land, it was determined that the City owned a parcel adjacent to the Watergate subdivision along Marshall Street. The City contacted the owner of Watergate to see if they would be interested in purchasing the land from the City for the appraised value. The City and Liborio Watergate LLC agreed to terms and entered into a sales agreement contingent upon a change of zone and subdivision approvals.

- Applicant is seeking to modify the Planned Unit Development to include an additional 0.84 +/- acres of land into the subdivision plan and reduce the number of overall units from 303 to 300. Additional changes between the original approval and the proposed conditions are outlined in Section II below.

II. PROPOSED CHANGES:

Number and Type of Units – Below is a breakdown of the number and types of units based on the 2006 approved plans, the 2008 recorded plans and the proposed conditions. The overall number of units will decrease. The applicant proposes to reduce the number of duplexes and single family detached dwelling units and increase the number of mansion apartments and townhome units. The applicant proposes to remove the live-work component in its entirety.

	11/28/2006	6/9/2008	Proposed
Towhouse	127	126	129
Duplex	58	60	48
Single Family	35	34	33
Single Family Court	19	19	10
Mansion Apartments	24	24	80
Live/Work Units	40	40	0
	303	303	300

Open Space – The applicant proposes to slightly increase the amount of open space in the subdivision. The area impacted by the sewer easement will become one large community open space in the center of the subdivision.

	11/28/2006	6/9/2008	Proposed
Open Space	19.07	19.07	19.53
	40.97%	40.97%	41.21%
Density	12.88	12.88	12.41
Total Area	46.54	46.54	47.39

The City Engineer and Planning staff had concerns regarding the proposed one-way streets within the center of the community. The applicant has agreed to make these one-way streets two-way and widen them to a paved width of 24 feet. These streets are adjacent to the proposed community open space.

	11/28/2006	6/9/2008	Proposed
Recknore/Tantara ROW	30	30	40
Road Width	16	16	24

Below are the bulk standards and area requirements that were approved by City Council in 2006. The applicant will be allowed to maintain these less than minimum standards.

		SFD		Duplex		Townhouse		Mansion Apts	
		Required	Provided	Required	Provided	Required	Provided	Required	Provided
Lot Size	Interior	7500	4000	4000	1700	2000	1200		
	Corner	7500	4000	4000	1700	2000	1200		
Frontage		60	40	40	30		20	50	
Setbacks	Front	30	5	30	5		0		5
	Side	8	5	8	5		0		5
	Rear	15	15	15	5		5		5
Lot Coverage		45	44	30	43	60	75	20	61

III. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for an Amendment to a Conditional Use Planned Unit Development approval:

- Evaluation based on "Criteria for Planned Unit Residential Development" as provided in Chapter 230-48.1
    - The original Planned Unit Development was approved in 2006 and the applicant has agreed to make the changes outlined in Section II above to the subdivision layout and design that are beneficial to both the City and the applicant. If City Council decides to deny the application, the owner still has the right to construct the subdivision as previously approved without the proposed enhancements.

- The following comments must be addressed prior to final site plan approval:
    - Final Site Plan approval will require approvals or no objection letters from State Fire Marshal's Office, DelDOT and Sussex Conservation District.
    - Applicant must obtain final approval of engineering plans from the Public Works Department.
    - Address additional department and agency comments outlined in Section IV.

IV. AGENCY COMMENTS:

- **Office of State Planning Coordination**
  Contact: David Edgell – 302-739-3090

- **DelDOT Planning, Development Coordination**
  Contact: Jonathan Moore – 302-760-2145
  No comments solicited.

- **Delaware Health and Social Services – Division of Public Health**
  Contact: William Milliken – 302-741-8646
  No comments solicited.

- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
  Contact: Bryan Ashby – 302-739-9946
  No comments solicited.

- **Sussex Conservation District**
  Contact: Jessica Watson
  No comments solicited.

- **Delaware State Fire Marshal's Office**
  Contact: Duane Fox – 302-856-5298
  No comments solicited.

- **Carlisle Fire Company**
  No comments solicited.

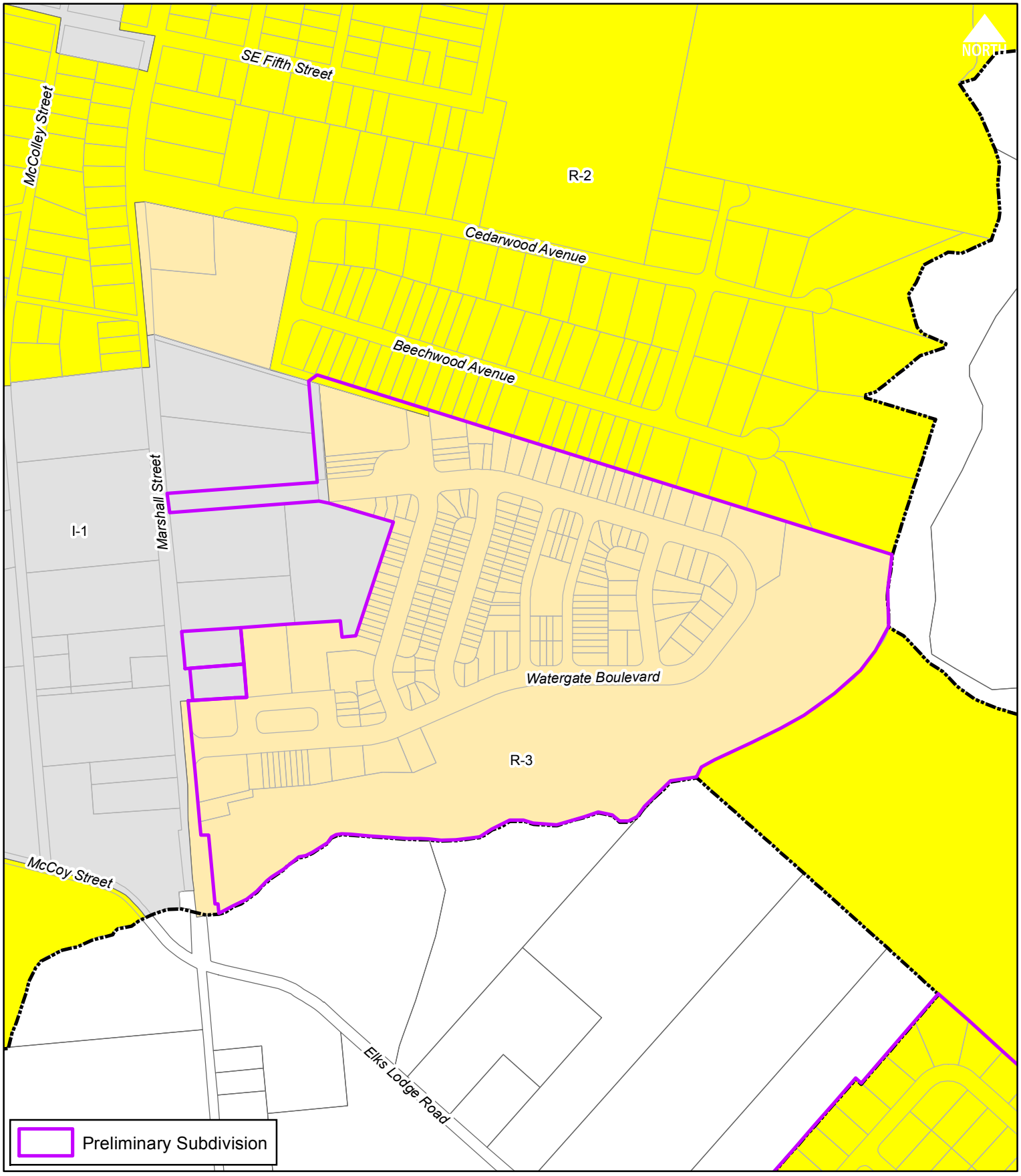
- **City of Milford Public Works Department**
  Contact: Mark Whitfield – 302-422-1110
  See attached comments.

- **City of Milford Parks and Recreation Department**
- No comments solicited.

- **City of Milford Police Department**
- No comments solicited.

- **City of Milford Building Inspector**
- No comments solicited.

- **Milford School District**
- No comments solicited.



THE CITY of Milford DELAWARE

Scale: Feet
0 200 400

Drawn by: WRP Date: 09/07/16

Filepath: Preliminary_LiborioWatergateLLC.mxd

Title:

Amended Preliminary Conditional Use Subdivision

Liborio Watergate LLC

Location & Zoning Map

PRELIMINARY LAND DEVELOPMENT PLAN

for

WATERGATE AT MILFORD

CEDAR CREEK HUNDRED, CITY OF MILFORD, SUSSEX COUNTY, DELAWARE

GENERAL PROJECT:

1. OWNER: LIBORIO WATERGATE, LLC
C/O: LOU RAMUNNO
903 N. FRENCH ST.
WILMINGTON, DE 19801
PHONE: (3025) 426-0200

2. DEVELOPER: LIBORIO WATERGATE, LLC
C/O: LOU RAMUNNO
903 N. FRENCH ST.
WILMINGTON, DE 19801
PHONE: (3025) 426-0200

3. STATE & FEDERAL WETLANDS DELINEATION: JCM/ECI
100 LAKE DR. SUITE
NEWARK, DE 19702
PHONE: (302) 77-95
FAX: (302) 77-9546
C/O: JAMES McCULLEY

4. CIVIL/SITE ENGINEER: VAN CLEEF ENGINEERING ASSOCIATES
630 CHURCHMANS RD, SUITE 105
NEWARK, DE 19702
PHONE: (302) 368-3184

5. THE TOPOGRAPHIC INFORMATION WAS PROVIDED BY THE DELMARVA SURVEY COMPANY, INC.

6. THE BOUNDARY INFORMATION IS TAKEN FROM A PLAN ENTITLED "AERIAL TOPOGRAPHIC SURVEY/BOUNDARY SURVEY" PREPARED BY THE DELMARVA SURVEY CO. DATED MAY 26, 2005 AND A PLAN ENTITLED "LANDS TO BE CONVEYED TO WESTOVER LAND COMPANY" PREPARED BY CHARLES D. MURPHY ASSOCS., INC. DATED DECEMBER 22, 2006.

7. THE "LIMIT OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM" WERE DELINEATED BY JAMES C. McCULLEY IV, ENVIROMENTAL CONSULTANTS INC. AS SHOWN ON A PLAN ENTITLED "AERIAL TOPOGRAPHIC SURVEY/BOUNDARY SURVEY" PREPARED BY JAMES C. McCULLEY IV, ENVIROMENTAL CONSULTANTS INC. DATED MAY 26, 2005.

8. THE PROJECT IS LOCATED AT THE INTERSECTION OF MARSHALL STREET & INDUSTRAIL BLVD. IN CEDAR CREEK HUNDRED, CITY OF MILFORD, SUSSEX COUNTY, DELAWARE.

9. FLOOD ELEVATIONS BASED UPON FLOOD INSURANCE RATE MAP DATED MARCH 16, 2015 (FIRM) NUMBER 10005C0043K.

10. THE PROPERTY SERVED BY THIS PLAN IS REFERENCED ON TAX MAP # 3-30-11.09 PARCEL 29, 29.03, 30, 31, AND 32.

11. LOT 218 TO BE CONVEYED TO MILFORD MINI-STORAGE, INC. 360' E/MARSHALL STREET S/INDUSTRIAL BOULEVARD PARCEL 3-30 11.09 29.09 AS PART OF THIS RECORD PLAN.
CONDITIONS:
THE CITY OF MILFORD SHALL RETAIN EASEMENT RIGHTS ON THIS PARCEL FOR THE PURPOSE OF UTILITY INSTALLATION.

12. LOT 34 TO BE CONVEYED TO MILFORD MINI-STORAGE, INC. 360' E/MARSHALL STREET S/INDUSTRIAL BOULEVARD PARCEL 3-30 11.09 29.07 AS PART OF THIS RECORD PLAN.
CONDITIONS:
MILFORD MINI-STORAGE, INC. SHALL PROVIDE FENCING AND LANDSCAPING ALONG THE PROPERTY LINE. PARCEL SHALL ONLY BE USED FOR ACCESS TO INDUSTRIAL BOULEVARD AND NOT FOR ACCESS TO WATERGATE BOULEVARD NORTH.

GENERAL CONSTRUCTION PLAN NOTES

1. HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, CONTROL MONUMENTS.
BENCHMARK - GPS IRON ROD ELEV. 18.85 (88 DATUM)

2. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.

3. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACK FILLING TRENCHES.

4. THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.

5. ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY. CITY OFFICIALS WILL CARRY OUT ALL NECESSARY VALVE CLOSURES. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY AND NOTIFY AFFECTED RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.

6. PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.

7. CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND FORCEMAIN. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATERTIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.

8. PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.

9. SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL PRIOR TO THE INSTALLATION OF THE ITEM(S).

10. ALL SANITARY SEWER MAINS AND FORCEMAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 42 INCHES AS MEASURED FROM THE TOP OF PIPE TO PROPOSED GRADE. SEWER LATERALS SHALL HAVE A MINIMUM DIAMETER OF SIX (6) INCHES AND HAVE A MINIMUM COVER OF 36 INCHES.

11. THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCEMAINS OF 10 FEET, AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORCEMAINS AT CROSSINGS. ONE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE AT CROSSINGS.

12. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 12 INCHES BETWEEN ANY STORM DRAIN PIPE AND ANY WATER MAIN OR SEWER MAIN. IF 12 INCHES CANNOT BE MAINTAINED, A MINIMUM OF SIX (6) INCHES IS REQUIRED AND PROVISIONS SHALL BE MADE ACCEPTABLE TO THE CITY OF MILFORD FOR PROPERLY ENCASING THE PIPE IN CONCRETE.

13. ALL ROADWAYS ARE TO BE SWEPT FREE OF SEDIMENT ON A DAILY BASIS.

14. THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.

15. IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE.

16. THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS, LATEST EDITION.

17. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE OWNER.

18. CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.

19. A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE SHALL BE RESPONSIBLE FOR PERMANENTLY RE-ESTABLISHING ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.

20. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE SHORT TERM (DURING CONSTRUCTION) MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS.

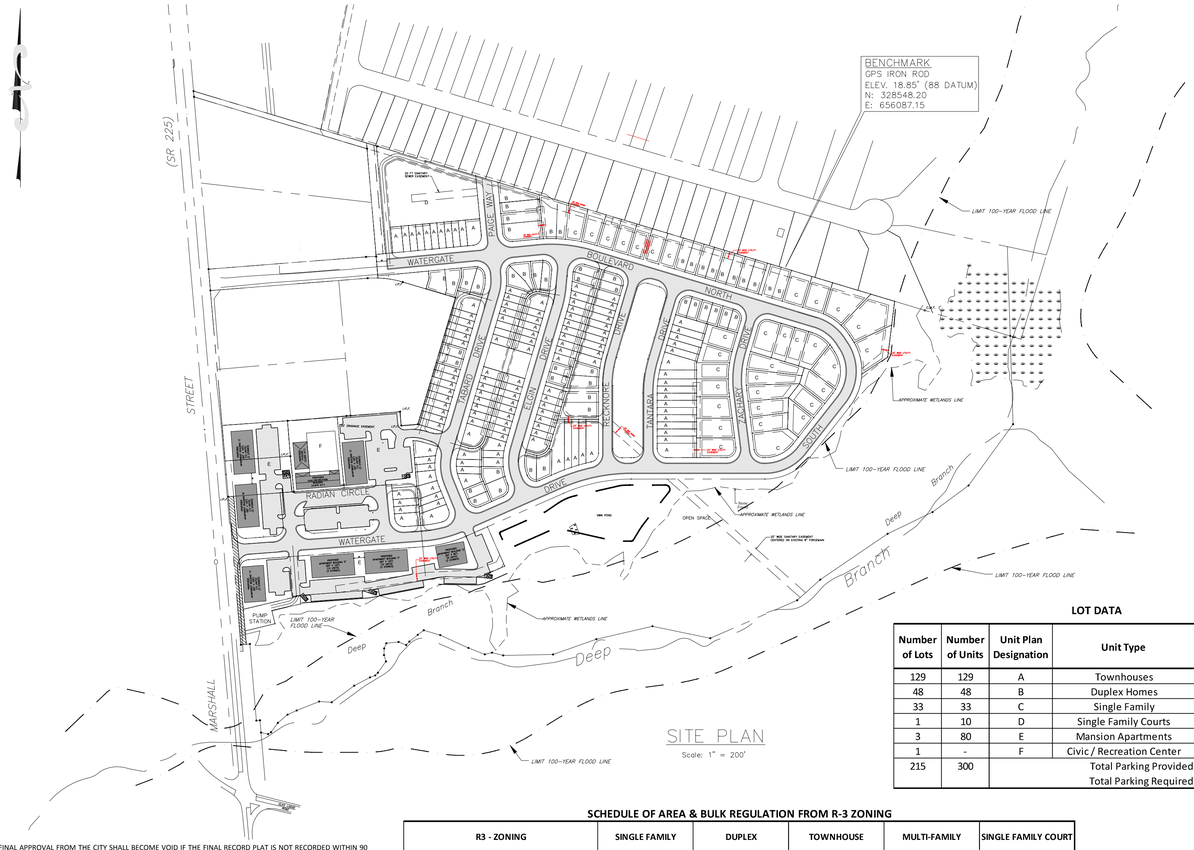
21. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF THE OPEN SPACE AND STORMWATER MANAGEMENT FACILITIES.

22. THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES INSTALLED WITHIN CITY RIGHT-OF-WAY, AND EASEMENTS DEDICATED TO THE CITY; AND, ALL STORM SEWER PIPES AND CATCH BASINS FULLY WITHIN CITY RIGHT-OF-WAY, AFTER ALL ITEMS HAVE PASSED CITY INSPECTION; AFTER THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AFTER THE RIGHTS-OF-WAY HAVE BEEN DEEDED TO THE CITY; AND AFTER ALL THE WATER, SEWER, AND STORM SEWER ITEMS HAVE BEEN TRANSFERRED TO THE CITY BY BILL OF SALE.

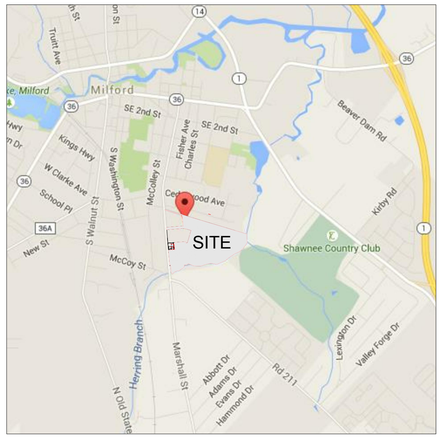
23. SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID, AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONVEYANCE, TREATMENT, AND DISPOSAL.

24. PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID AFTER ONE (1) YEAR, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED FOR GOOD CAUSE BY THE PLANNING COMMISSION PRIOR TO THE DATE OF EXPIRATION.

25. THE APPROVAL OF A CONDITIONAL USE IS VALID FOR ONE YEAR. UNLESS PERMITS ARE OBTAINED OR CONSTRUCTION OR USE IS SUBSTANTIALLY UNDERWAY, ALL PROVISIONS OF THE CONDITIONAL USE ARE AUTOMATICALLY RESCINDED.



SITE PLAN
Scale: 1" = 200'



Location Map
Scale: 1" = 2000'

RESIDENTIAL UNIT YIELD CALCULATIONS:

47.39± Ac.	GROSS LOT AREA
15.17± Ac.	LOT AREA IMPACTED BY WETLANDS OR FLOODPLAIN
32.22± Ac.	NET LOT AREA
8.05± Ac.	25% OF NET AREA
24.17± Ac.	*16 UNITS/ACRE* = 386 MAXIMUM UNITS ALLOWED * ALLOWED DENSITY UNDER R-3 ZONING

SITE DATA:

1.	TOTAL AREA:	47.39± Ac.
2.	CURRENT ZONING:	R-3
3.	PROPOSED ZONING:	R-3 WITH PLANNED UNIT RESIDENTIAL DEVELOPMENT OVERLAY (PUD)
4.	PROPOSED USE:	PLANNED UNIT DEVELOPMENT
5.	ELEVATION:	NGVD 88
6.	PUBLIC WATER AND SEWER PROVIDED BY THE CITY OF MILFORD	
7.	AREA OF WATERS OF THE U.S.:	14.39± Ac.
8.	AREA OF EXISTING FOREST:	23.56± Ac.
9.	AREA OF FOREST TO BE REMOVED:	7.45± Ac.
10.	PROPOSED ROADS TO BE DEDICATED AND MAINTAINED BY THE CITY OF MILFORD	
11.	PROPOSED ALLEYS TO BE OWNED AND MAINTAINED BY HOMEOWNERS ASSOCIATION	
12.	ACCESS: SUBDIVISION STREETS	
13.	PONDS SHOWN ARE TO BE UTILIZED FOR STORMWATER MANAGEMENT, ALONG WITH ANY OTHER FACILITIES NEEDED TO MEET THE REQUIREMENTS OF DNREC.	
14.	CURB, SIDEWALK, AND STREET LIGHTING WILL BE PROVIDED WHERE APPROPRIATE.	
15.	PROPOSED DENSITY:	300/24.17 = 12.41 UNITS PER ACRE
16.	ROAD RIGHT-OF-WAY AREA:	8.77± Ac. (18.5%)
17.	ALLEY EASEMENT AREA:	1.26± Ac. (2.7%)
18.	AREA OF STORMWATER MANAGEMENT (SWM) PONDS:	0.51± Ac. (1.1%)
19.	TOTAL AREA OF OPEN SPACE (INCLUDING PONDS, AND WETLANDS): MINIMUM RECREATIONAL OPEN SPACE:	19.53± Ac. (41.21%) 400SF/UNIT X 300 = 2.75 Ac. REQUIRED 1.77 Ac. PROVIDED

CITY OF MILFORD ORDINANCE WAIVER REQUEST (PREVIOUSLY GRANTED):

1. CHAPTER 200 - SUBDIVISION OF LAND

200-6.D(3) - BLOCK WIDTHS SHALL BE NOT LESS THAN 275 FEET OR MORE THAN 450 FEET AND SHALL BE PLANNED TO PROVIDE TWO ROWS OF LOTS
200-6.E(7) - SIDE LOT LINES SHALL BE AT RIGHT ANGLES OR RADIAL TO STREET LINES.

NOTES:
1. THIS SURVEY DOES NOT CERTIFY TO THE LOCATION AND/OR EASEMENTS AND RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.

2. THE PROJECT OWNER AND/OR THE HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE OF THE STORMWATER POND TO INCLUDE INSPECTION FOR DEBRIS AND SEDIMENT ACCUMULATION ON AN ANNUAL BASIS OR AS REQUIRED BY THE SUSSEX CONSERVATION DISTRICT IF A LESS FREQUENT INSPECTION IS REQUESTED.

LOT DATA

Number of Lots	Number of Units	Unit Plan Designation	Unit Type	Off Street Parking (Provided)	Spaces Per Unit (Provided)
129	129	A	Townhouses	194	1.5
48	48	B	Duplex Homes	116	2.4
33	33	C	Single Family	106	3.2
1	10	D	Single Family Courts	26	2.6
3	80	E	Mansion Apartments	221	2.7
1	-	F	Civic / Recreation Center	34	-
215	300		Total Parking Provided	697	2.3/unit
			Total Parking Required	750	2.5/unit

SCHEDULE OF AREA & BULK REGULATION FROM R-3 ZONING

R3 - ZONING	SINGLE FAMILY		DUPLEX		TOWNHOUSE		MULTI-FAMILY		SINGLE FAMILY COURT	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
TRACT STANDARDS										
TRACT AREA	7,500	N/A	7,500	N/A	1 Ac.	N/A	1 Ac.	N/A	N/A	N/A
REQUIRED MINIMUM OPEN SPACE	N/A	N/A	N/A	N/A	40%	N/A	40%	N/A	N/A	N/A
MAXIMUM Dus PER ACRE	6	N/A	12	N/A	12	N/A	16	N/A	N/A	N/A
MINIMUM LOT STANDARDS										
LOT AREA PER DU (SF)										
INTERIOR	7,500	4,000	3,750	1,700	2,000	1,200	2,500	1,200		4,000
CORNER	7,500								N/A	
STREET FRONTAGE PER DU (LF)	60	40	30	30		20	N/A	N/A	N/A	15
LOT WIDTH AT FRONT BLDG. LINE (FT)	60		60				50		N/A	
SETBACKS										
FRONT YARD (FEET)	30	5	30	5	25	0	12	0	N/A	5
SIDE YARD (FEET)										
ONE	8	5	8	5		0	12	5	N/A	5
INTERIOR					7					
EXTERIOR					30					
SUM OF BOTH	16	10	8	10	N/A	0	24	10	N/A	10
REAR YARD (FEET)*	15	15	15	5		5		5	N/A	5
MAXIMUM BUILDING HEIGHT										
HEIGHT (FEET)	<35	<35	<35	<35	<35	<35	<35	<35	N/A	<35
STORIES	3	3	3	3	3	3	3	3	N/A	3
MAXIMUM BLDG COVERAGE (% OF LOT)	45%	44%	45%	43%	60%	75%	20%	61%	N/A	25%
MINIMUM LOT DEPTH (FEET)		80	100	*60		60		75		80
MAXIMUM UNITS WITH COMMON WALLS	N/A	N/A	2	2	8	11	12	12	N/A	N/A

* INDICATES A VARIANCE FROM R-3 ZONING REGULATIONS
DOES NOT INCLUDE DETACHED GARAGE

26. FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERTAKEN WITHIN ONE (1) YEAR OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.

27. THE APPLICANT IS RESPONSIBLE TO ENSURE THAT ALL CITY AND/OR AGENCY CONSTRUCTION PERMIT APPLICATIONS HAVE BEEN COMPLETED, SUBMITTED, AND ALL APPLICABLE FEES HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR AN ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.

28. AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE START OF CONSTRUCTION, THE APPLICANT MAY BE REQUIRED TO ENTER INTO A FORMAL PUBLIC WORKS AGREEMENT WITH THE CITY AND TO POST A COMPLETION GUARANTY FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTY SHALL BE IN AN AMOUNT EQUAL TO 150% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTY SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. THE COMPLETION GUARANTEE SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.

29. A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE AMOUNT OF THE COMPLETION GUARANTY PRIOR TO FINAL ACCEPTANCE OF THE IMPROVEMENTS AND RELEASE OF THE COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR. AN AGREEMENT REVIEWED AND APPROVED BY THE CITY SOLICITOR SHALL ACCOMPANY THE BOND AND SHALL DESCRIBE THE TERMS OF THE BOND.

30. UPON COMPLETION AND PRIOR TO THE RELEASE OF THE DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE TOWN ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF ALL PROPERTY MONUMENTS/MARKERS; SEWER MANHOLE RIMS, PIPES SIZES & INVERTS' PUMP STATIONS' FORCE MAINS (INVERTS EVERY 50 FEET), CLEANOUTS, AIR RELEASE VALVES, AND GREASE TRAPS; ALL WATER VALVES, HYDRANTS, VAULTS, METER PITS, AND CURB STOPS; ALL STORM SEWER CATCH BASINS, MANHOLE RIMS, PIPE SIZES & INVERTS, AND ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE TOWN. RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER. A CD SHALL ALSO BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2010 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD88 VERTICAL CONTROL.

31. THE CONTRACTOR SHALL NOTIFY THE CITY A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE.
CITY OF MILFORD (302) 422-6616

32. THIS PLOT SUPERCEDES PB 121 PG 23 AND PB 111 PG 72.

33. ON-STREET PARKING IS PROHIBITED ON PAVED STREETS WITH A WIDTH LESS THEN 28 FEET.

SHEET LIST TABLE	
SHEET NUMBER	SHEET TITLE
RP1	COVER SHEET
RP2	OVERALL SITE
RP3	SITE PLAN
RP4	SITE PLAN
RP5	SITE PLAN
RP6	SITE PLAN
RP7	LINE AND CURVE TABLES

City Engineer Approval

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE TOWN OF GEORGETOWN CONSTRUCTION STANDARDS AND SPECIFICATIONS FOR WATER, SEWER AND STREETS. THE OWNER AND HIS ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR DESIGN AND ACCURACY OF INFORMATION SHOWN HEREON.

SIGNATURE:_____ DATE:_____
RANDY DUPLECHAIN, P.E.

City of Milford Approval

CITY MANAGER:_____ DATE:_____
ERIC NORENBERG

Certification of Plan Approval:

APPROVED (DATE) _____

BY (CITY MANAGER) _____
FOR DEPARTMENT OF LAND USE OF THE CITY OF MILFORD.

APPROVED (DATE) _____

BY (COUNCIL PRESIDENT) _____
FOR DEPARTMENT OF LAND USE OF THE CITY OF MILFORD.

RECORDED _____ IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY, STATE OF DELAWARE;
MICROFILM NUMBER _____ .

Engineer's Certification:

I, SCOTT E. LOBDELL, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE CITY OF MILFORD DEVELOPMENT CODE.

SCOTT E. LOBDELL, PROFESSIONAL ENGINEER NO. 12260 DATE

Certificate of Ownership:

I, LOU RAMUNNO, HEREBY CERTIFY THAT LIBORIO WATERGATE, LLC IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF CITY OF MILFORD DEVELOPMENT CODE.

LOU RAMUNNO DATE

PLAN NOTES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016

811 Know what's below. Call before you dig.

MISS UTILITY of DELMARVA
BEFORE YOU DIG CALL 1-800-282-8555 (DE & MD)
WWW.MISSUTILITYDELMARVA.COM
PROTECT YOURSELF, GIVE TWO WORKING DAYS NOTICE

PLAN NOTATION
ONLY THOSE PLANS WHICH CONTAIN AN IMPRESSED SEAL OR A RED INK SEAL OF THE RESPONSIBLE PROFESSIONAL SHALL BE CONSIDERED VALID. THIS PLAN HAS BEEN SPECIFICALLY PREPARED FOR THE OWNER DESIGNATED HEREON. ANY MODIFICATION, REVISION, DUPLICATION OR USE WITHOUT THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES IS PROHIBITED. RELIANCE ON THIS PLAN FOR ANY PURPOSE OTHER THAN THAT WHICH IS INTENDED SHALL BE AT THE SOLE DISCRETION AND LIABILITY OF THE APPLICABLE PARTY.

BY: _____
SCOTT E. LOBDELL DATE
DELAWARE PROFESSIONAL ENGINEER NO. 12260

OFFICES THROUGHOUT NJ, EASTERN PA, AND DE
Van Cleef ENGINEERING ASSOCIATES
Consulting Civil Engineering
Environmental Engineering
Municipal Engineering
Land Surveying
Professional Planning
Landscape Architecture
630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
EMAIL: NORTHERNDE@VCEA.ORG WEB: WWW.VCEA.ORG
PHONE (302) 368-3184 FAX (302) 368-7195

GRAPHIC SCALE
200 0 100 200 400 800
(IN FEET)
1 inch = 200 ft.

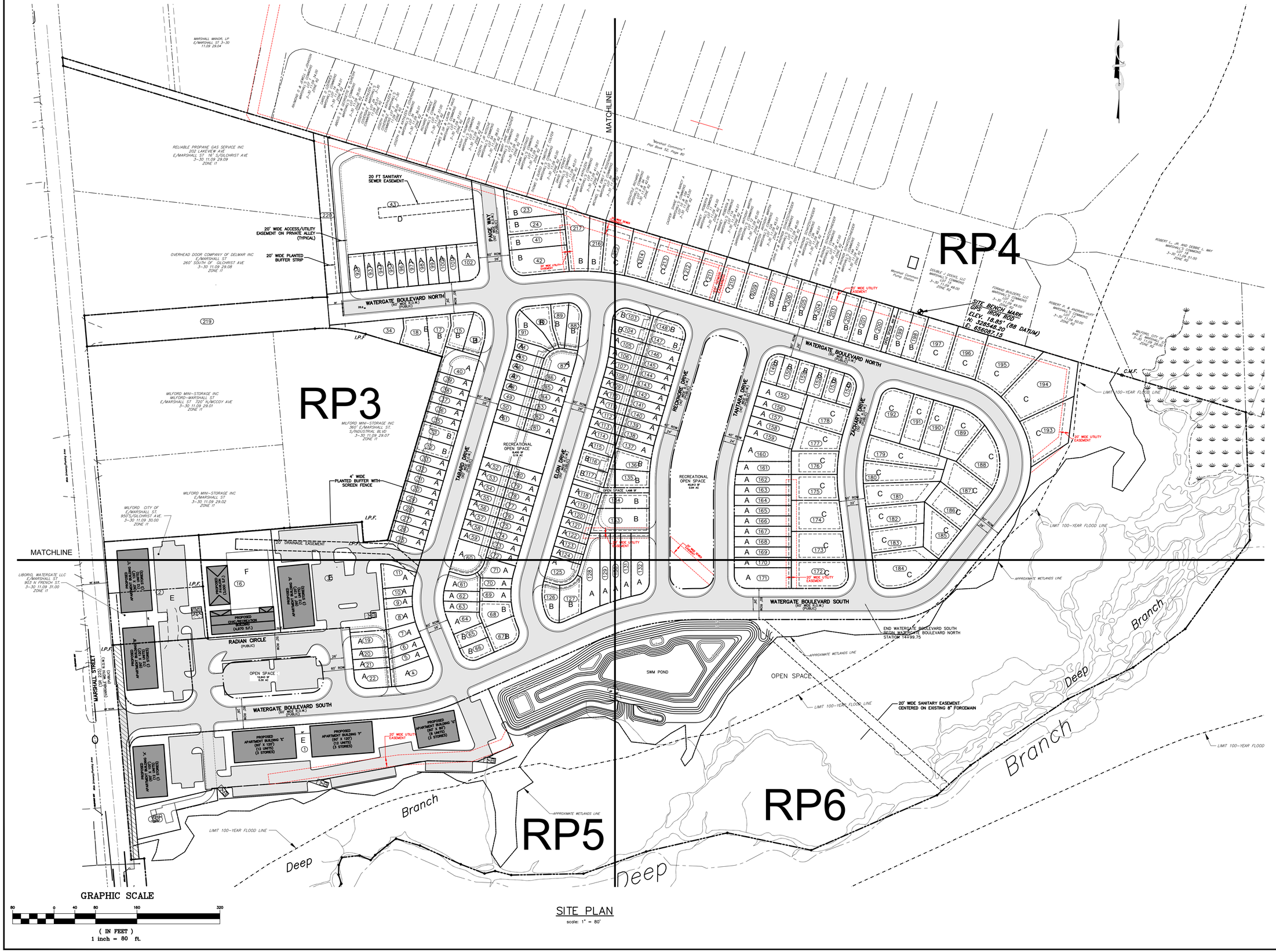
PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

TITLE
COVER

RECORD PLAN

SHEET NUMBER
RP1



SITE PLAN
scale: 1" = 80'

PLAN NOTES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016

811 Know what's below. Call before you dig.

MISS UTILITY of DELMARVA

BEFORE YOU DIG CALL 1-800-282-8555 (DE & MD)
WWW.MISSUTILITYDELMARVA.COM
PROTECT YOURSELF, GIVE TWO WORKING DAYS NOTICE

PLAN NOTATION

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BY: _____

SCOTT E. LOBDELL — DATE

DELAWARE PROFESSIONAL ENGINEER NO. 12260

OFFICES THROUGHOUT NJ, EASTERN PA, AND DE

Van Cleef ENGINEERING ASSOCIATES

Consulting Civil Engineering
Environmental Engineering
Municipal Engineering

Land Surveying
Professional Planning
Landscape Architecture

630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
EMAIL: NORTHERNDE@VCEA.ORG WEB: WWW.VCEA.ORG
PHONE (302) 368-3184 FAX (302) 368-7195

PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD

FOR

LIBORIO WATERGATE, LLC

TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32

SITUATED IN

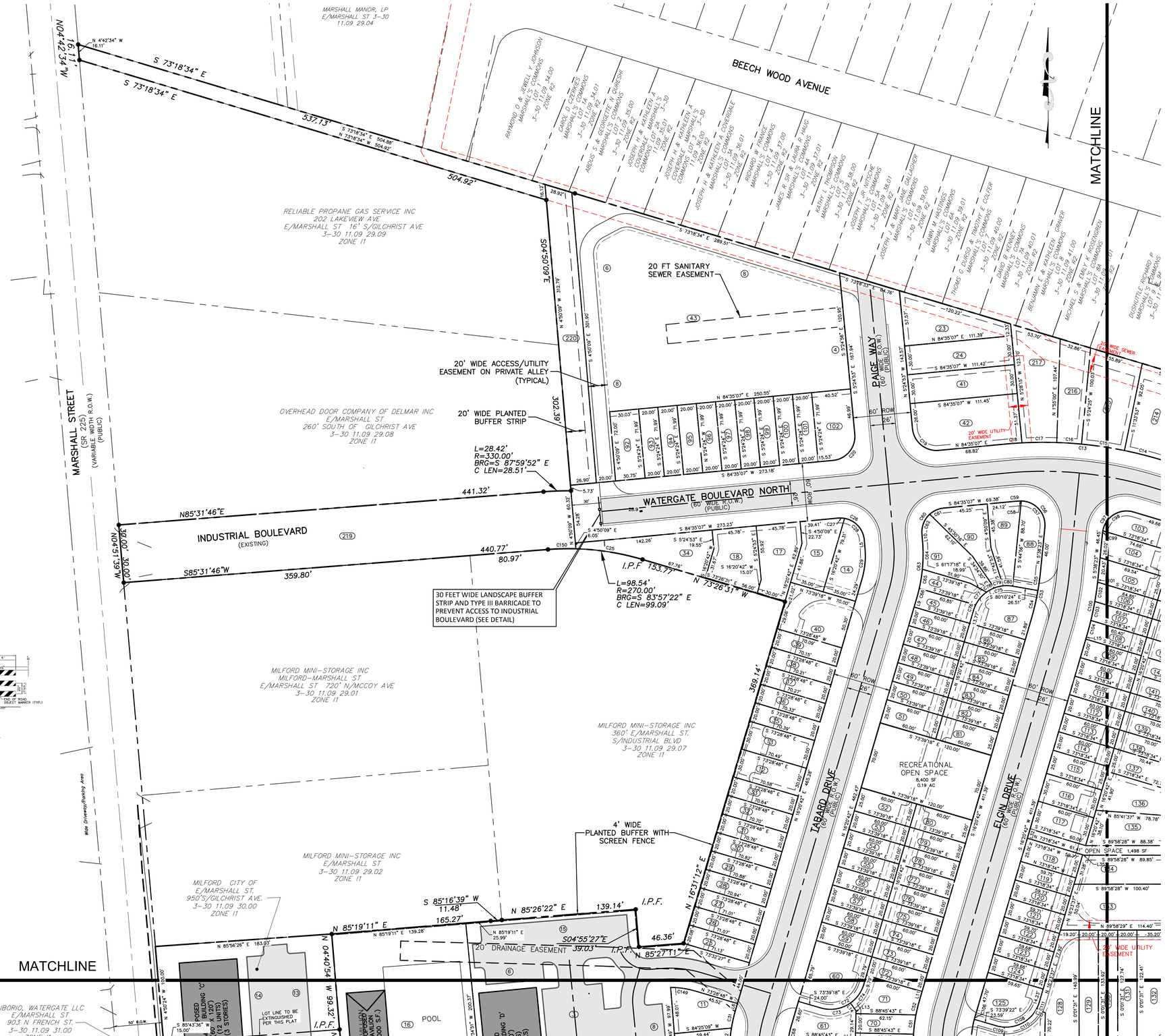
CITY OF MILFORD
KENT COUNTY, DELAWARE

TITLE

OVERALL SITE

RECORD PLAN

SHEET NUMBER RP2


MARSHALL STREET
(SR 225)
(VARIABLE WIDTH R.O.W.)
(PUBLIC)
N04°42'34"W 1,117.34'
N 4°42'34" W 16.11'
S 73°18'34" E
537.13'
S 73°18'34" E 504.88'
N 73°18'34" W 504.92'
504.92'
MARSHALL MANOR, LP
E/MARSHALL ST 3-30
11.09 29.04
RELIABLE PROPANE GAS SERVICE INC
202 LAKEVIEW AVE.
E/MARSHALL ST 16' S/GILCHRIST AVE
3-30 11.09 29.09
ZONE I1
OVERHEAD DOOR COMPANY OF DELMAR INC
E/MARSHALL ST
260' SOUTH OF GILCHRIST AVE
3-30 11.09 29.08
ZONE I1
MILFORD MINI-STORAGE INC
MILFORD-MARSHALL ST
E/MARSHALL ST 720' N/MCCOY AVE
3-30 11.09 29.01
ZONE I1
MILFORD MINI-STORAGE INC
360' E/MARSHALL ST.
S/INDUSTRIAL BLVD
3-30 11.09 29.07
ZONE I1
MILFORD MINI-STORAGE INC
E/MARSHALL ST
3-30 11.09 29.02
ZONE I1
MILFORD CITY OF
E/MARSHALL ST.
950'S/GILCHRIST AVE.
3-30 11.09 30.00
ZONE I1
LIBORIO, WATERGATE LLC
E/MARSHALL ST
903 N FRENCH ST.
3-30 11.09 31.00
ZONE I1
BEECH WOOD AVENUE
MATCHLINE
RAYMOND O. & JEWELL Y. JOHNSON
MARSHALL'S LOT 1 COMMONS
3-30 11.09 34.00
ZONE R2
CAROL D. FOWLKES
MARSHALL'S COMMONS
LOT 2
3-30 11.09 34.01
ZONE R2
ABDUS S. & GEORGETTE N. QURESHY
MARSHALL'S COMMONS
LOT 3
3-30 11.09 35.00
ZONE R2
JOSEPH H. & KATHLEEN A. LOVERDALE
COMMONS LOT MARSHALL'S
COMMONS LOT 4
3-30 11.09 35.01
ZONE R2
JOSEPH H. & KATHLEEN A. LOVERDALE
COMMONS LOT MARSHALL'S
COMMONS LOT 5
3-30 11.09 36.00
ZONE R2
JOSEPH H. & KATHLEEN A. LOVERDALE
MARSHALL'S COMMONS
LOT 6
3-30 11.09 35.01
ZONE R2
RICHARD W. PRINCE
MARSHALL'S COMMONS
LOT 7
3-30 11.09 37.00
ZONE R2
JAMES R. SR. & LAURA K. HAUS
MARSHALL'S COMMONS
LOT 8
3-30 11.09 37.01
ZONE R2
KATHY L. THOMPSON
MARSHALL'S COMMONS
LOT 9
3-30 11.09 38.00
ZONE R2
JOSEPH T. JR. MITCHELL
MARSHALL'S COMMONS
LOT 10
3-30 11.09 38.01
ZONE R2
JOSEPH J. & MARY JANE GALLAGHER
MARSHALL'S COMMONS
LOT 11
3-30 11.09 39.00
ZONE R2
DANNY M. HASTINGS
MARSHALL'S COMMONS
LOT 12
3-30 11.09 39.01
ZONE R2
THOMAS G. DURSO & TIMOTHY E. COLFER
MARSHALL'S COMMONS
LOT 13
3-30 11.09 40.00
ZONE R2
DAVID B. KENNEY
MARSHALL'S COMMONS
LOT 14
3-30 11.09 40.01
ZONE R2
BENJAMIN E. & KATHLEEN GRAVER
MARSHALL'S COMMONS
LOT 15
3-30 11.09 41.00
ZONE R2
MICHAEL S. & EMILY K. ROSENBUSH
MARSHALL'S COMMONS
LOT 16
3-30 11.09 41.01
ZONE R2
DUSHUTTE, RICHARD P.
MARSHALL'S COMMONS
LOT 9
3-30 11.09 34
20 FT SANITARY SEWER EASEMENT
20' WIDE ACCESS/UTILITY EASEMENT ON PRIVATE ALLEY (TYPICAL)
20' WIDE PLANTED BUFFER STRIP
L=28.42'
R=330.00'
BRG=S 87°59'52" E
C LEN=28.51'
441.32'
N85°31'46"E
INDUSTRIAL BOULEVARD
(EXISTING)
219
440.77'
80.97'
S85°31'46"W
359.80'
30.00'
N04°51'39"W
30 FEET WIDE LANDSCAPE BUFFER STRIP AND TYPE III BARRICADE TO PREVENT ACCESS TO INDUSTRIAL BOULEVARD (SEE DETAIL)
I.P.F 153.77'
L=98.54'
R=270.00'
BRG=S 83°57'22" E
C LEN=99.09'
N 73°26'31" W 56.00'
S04°50'27"E 304.39'
N 4°50'09" E 302.39'
N 4°50'09" E 304.00'
N 4°50'09" W 312.79'
S 4°50'09" E 6.05'
S 4°50'09" E 22.73'
S 4°50'09" E 45.78'
S 4°50'09" E 45.38'
S 4°50'09" E 24.12'
S 4°50'09" E 43.38'
S 4°50'09" E 46.00'
S 4°50'09" E 46.45'
S 4°50'09" E 74.66'
S 4°50'09" E 68.54'
S 4°50'09" E 68.54'
S 4°50'09" E 68.54

MATCHLINE

"Marshall Commons"
Plat Book 52, Page 80

DUBUTTLE RICHARD P
MARSHALL'S COMMONS
LOT 10,09 42.00
3-30 11.09 42.00
ZONE R2

CASPER SHANE W & NANCY A
MARSHALL'S COMMONS
LOT 10,09 43A
3-30 11.09 43A.00
ZONE R2

RAMEY ROBERTA A
MARSHALL'S COMMONS
3-30 11.09 44.00
ZONE R2

RAMEY ROBERTA A
MARSHALL'S COMMONS
LOT 10,09 44A
3-30 11.09 44.01
ZONE R2

DARRINGTON ANTHONY MARTIN
MARSHALL'S COMMONS
3-30 11.09 45.00
ZONE R2

DARRINGTON ANTHONY MARTIN
MARSHALL'S COMMONS
LOT 10,09 45A
3-30 11.09 45.01
ZONE R2

JOHN H & RHONDA SCHATZSCHNEIDER
MARSHALL'S COMMONS
LOT 13
3-30 11.09 46.00
ZONE R2

JOHN H & RHONDA SCHATZSCHNEIDER
MARSHALL'S COMMONS
LOT 13A
3-30 11.09 46.01
ZONE R2

JOHN H & RHONDA SCHATZSCHNEIDER
MARSHALL'S COMMONS
LOT 14
3-30 11.09 47.00
ZONE R2

JOHN H & RHONDA SCHATZSCHNEIDER
MARSHALL'S COMMONS
LOT 14A
3-30 11.09 47.01
ZONE R2

Marshall Common Pump Station

DOUBLE J DOCKS, LLC
MARSHALL'S COMMONS
LOT 15
3-30 11.09 48.00
ZONE R2

FORAND BUILDERS, LLC
MARSHALL'S COMMONS
LOT 16
3-30 11.09 49.00
ZONE R2

ROBERT P. & ANDRIAN HUFF
MARSHALL'S COMMONS
LOT 17
3-30 11.09 50.00
ZONE R2

ROBERT L., JR. AND DEBBIE L. MAY
MARSHALL'S COMMONS
LOT 18
3-30 11.09 51.00
ZONE R2

MILFORD, CITY OF
940 E. MARSHALL ST
3-30 11.09 28.00
ZONE R2

SITE BENCH MARK
GPS IRON ROD
ELEV. 18.85' (88 DATUM)
N: 328548.20
E: 656087.15

20' WIDE SEWER EASEMENT

10' WIDE UTILITY EASEMENT

596.63'

WATERGATE BOULEVARD NORTH
(60' WIDE R.O.W.)
(PUBLIC)

RECKNORE DRIVE
(60' WIDE R.O.W.)
(PUBLIC)

TANTARA DRIVE
(60' WIDE R.O.W.)
(PUBLIC)

ZACHARY DRIVE
(60' WIDE R.O.W.)
(PUBLIC)

WATERGATE BOULEVARD SOUTH
(60' WIDE R.O.W.)
(PUBLIC)

RECREATIONAL OPEN SPACE
40,913 SF
0.94 AC

OPEN SPACE 1,498 SF

20' WIDE UTILITY EASEMENT

20' WIDE SEWER EASEMENT

20' WIDE UTILITY EASEMENT

C.M.F.

LIMIT 100-YEAR FLOOD LINE

1845.89'

249.26'

20' WIDE UTILITY EASEMENT

LIMIT 100-YEAR FLOOD LINE

APPROXIMATE WETLANDS LINE

Branch

MATCHLINE

END WATERGATE BOULEVARD SOUTH
BEGIN WATERGATE BOULEVARD NORTH

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

PLAN NOTES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016

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BY: _____
SCOTT E. LOBDELL DATE
DELAWARE PROFESSIONAL ENGINEER NO. 12260

OFFICES THROUGHOUT
NJ, EASTERN PA, AND DE
Van Cleef ENGINEERING ASSOCIATES
Consulting Civil Engineering
Environmental Engineering
Municipal Engineering
Land Surveying
Professional Planning
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630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
EMAIL: NORTHERNDE@VCEA.ORG WEB: WWW.VCEA.ORG
PHONE (302) 368-3164 FAX (302) 368-7195

PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
KENT COUNTY, DELAWARE

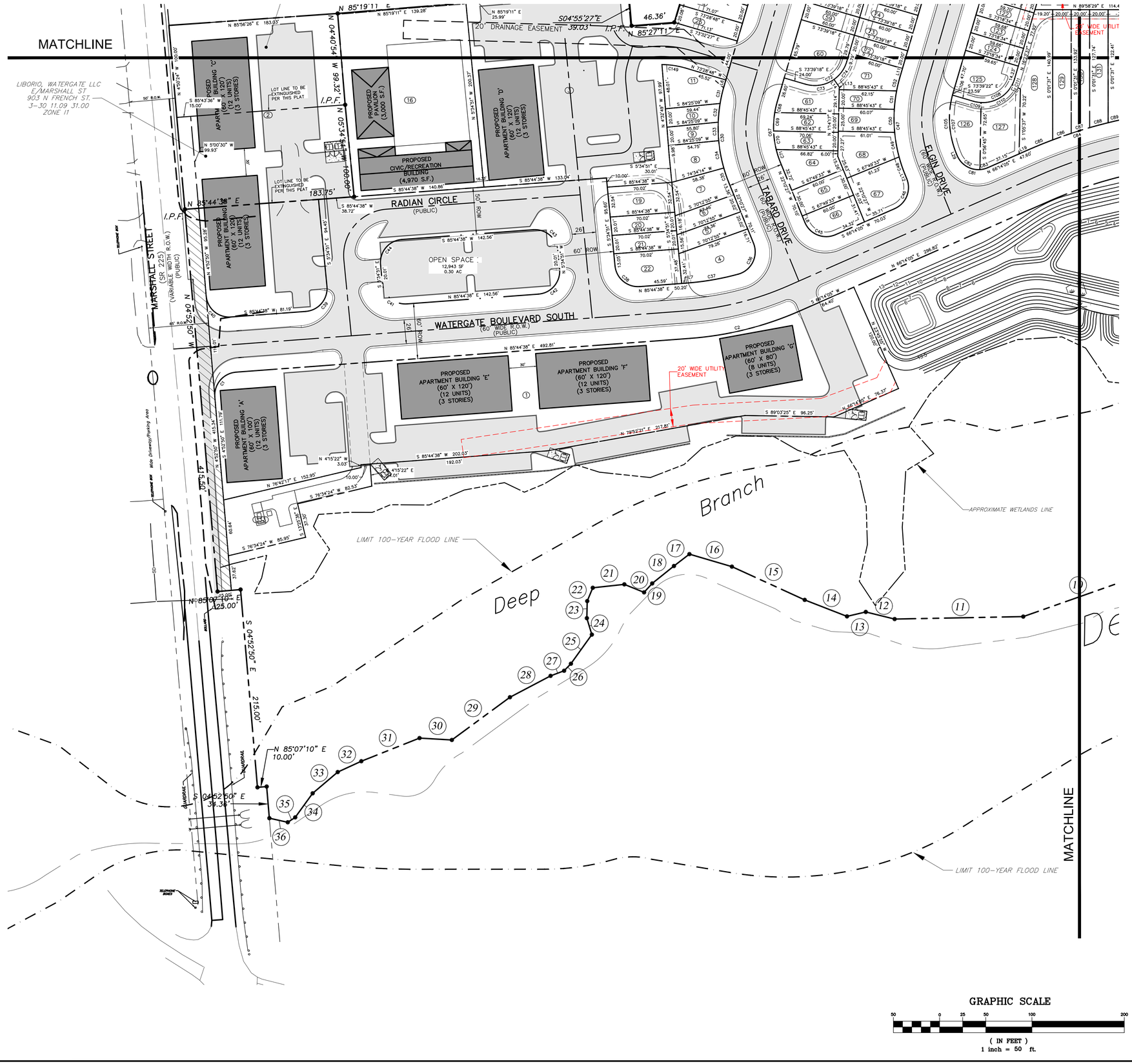
TITLE
RECORD PLAN

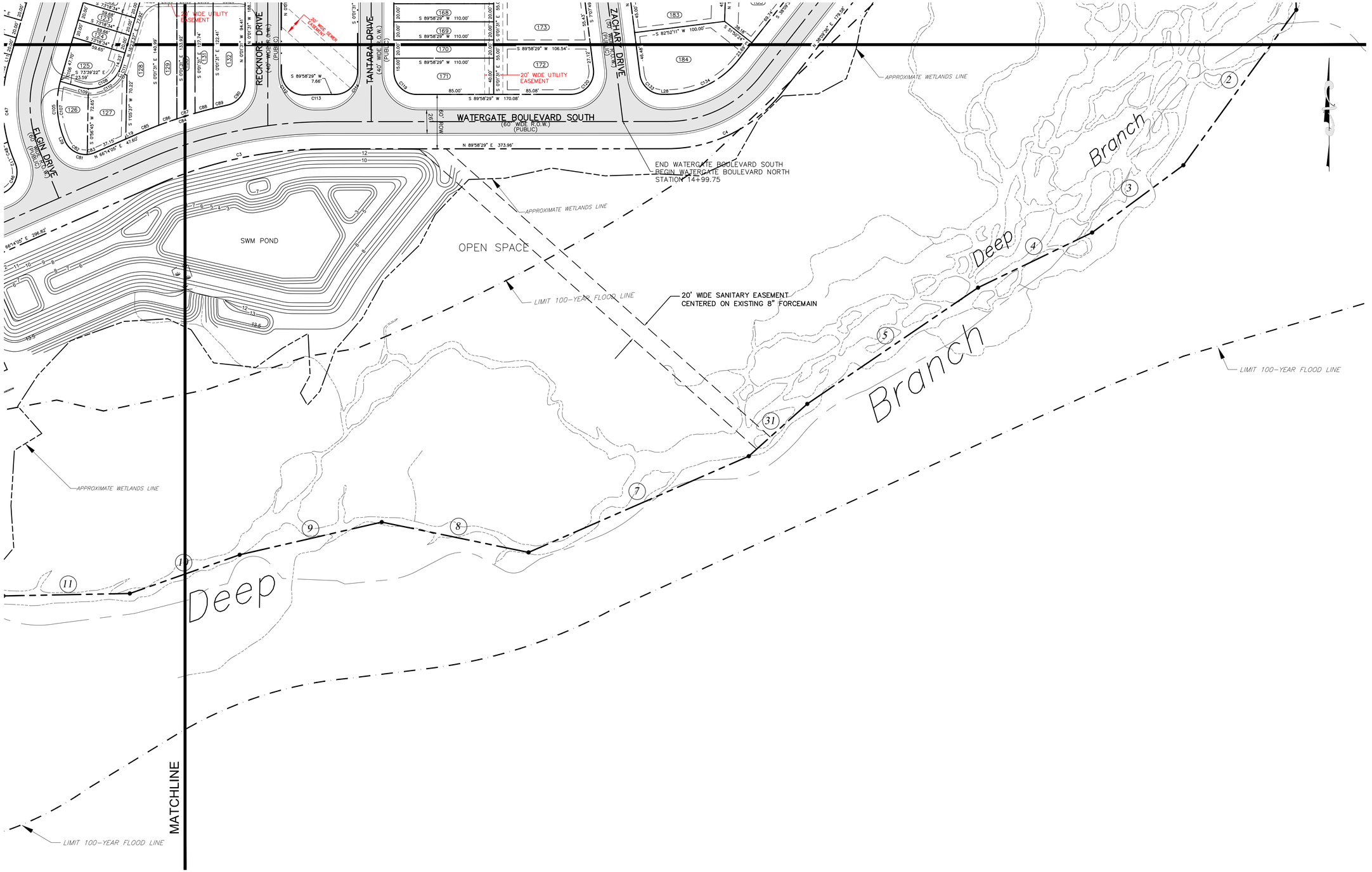
RECORD PLAN

SHEET NUMBER
RP4

BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
1	S 01°49'55" E	246.86'
2	S 35°58'52" W	211.89'
3	S 53°33'35" W	125.00'
4	S 64°12'46" W	139.60'
5	S 55°44'01" W	227.71'
6	S 48°12'36" W	86.55'
7	S 66°23'24" W	264.85'
8	N 78°19'22" W	165.20'
9	S 77°01'38" W	160.69'
10	S 70°35'00" W	128.40'
11	S 88°54'08" W	139.28'
12	N 76°09'01" W	32.21'
13	S 76°45'16" W	20.86'
14	N 68°44'00" W	49.15'
15	N 65°25'43" W	86.68'
16	N 73°35'35" W	47.93'
17	S 52°24'46" W	21.14'
18	S 51°17'41" W	30.16'
19	S 42°18'35" W	13.07'
20	N 67°57'56" W	23.05'
21	S 83°51'00" W	34.38'
22	S 22°34'02" W	15.65'
23	S 01°18'46" W	18.49'
24	S 17°02'36" E	18.59'
25	S 35°41'33" W	38.87'
26	S 44°08'12" W	10.57'
27	S 69°18'08" W	15.68'
28	S 62°13'27" W	49.76'
29	S 53°39'11" W	78.05'
30	N 86°36'49" W	35.03'
31	S 68°17'37" W	67.85'
32	S 65°19'30" W	28.13'
33	S 49°38'49" W	35.55'
34	S 36°01'32" W	32.15'
35	S 56°24'29" W	9.68'
36	N 77°22'38" W	20.41'


MATCHLINE
LIBORIO, WATERGATE LLC
E/MARSHALL ST.
903 N FRENCH ST.
3-30 11.09 31.00
ZONE 11
MARSHALL STREET
(SR 225)
(VARIABLE WIDTH R.O.W.)
(PUBLIC)
RADIAN CIRCLE
(PUBLIC)
50' ROW
WATERGATE BOULEVARD SOUTH
(60' WIDE R.O.W.)
(PUBLIC)
60' ROW
TABARD DRIVE
(60' WIDE R.O.W.)
(PUBLIC)
ELGIN DRIVE
(60' WIDE R.O.W.)
(PUBLIC)
PROPOSED CIVIC/RECREATION BUILDING (4,970 S.F.)
PROPOSED PUMP HOUSE (3,000 S.F.)
OPEN SPACE
12,943 SF
0.30 AC
PROPOSED APARTMENT BUILDING 'A' (60' X 120') (12 UNITS) (3 STORIES)
PROPOSED APARTMENT BUILDING 'B' (60' X 120') (12 UNITS) (3 STORIES)
PROPOSED APARTMENT BUILDING 'C' (60' X 120') (12 UNITS) (3 STORIES)
PROPOSED APARTMENT BUILDING 'D' (60' X 120') (12 UNITS) (3 STORIES)
PROPOSED APARTMENT BUILDING 'E' (60' X 120') (12 UNITS) (3 STORIES)
PROPOSED APARTMENT BUILDING 'F' (60' X 120') (12 UNITS) (3 STORIES)
PROPOSED APARTMENT BUILDING 'G' (60' X 80') (8 UNITS) (3 STORIES)
20' DRAINAGE EASEMENT
20' WIDE UTILITY EASEMENT
LOT LINE TO BE EXTINGUISHED PER THIS PLAT
I.P.F.
N 85°19'11" E 139.28'
N 85°56'26" E 183.03'
N 04°40'54" W 99.32'
N 05°34'54" W 166.00'
N 85°44'38" E 183.75'
S 04°55'27" E 46.36'
N 85°27'11" E 39.03'
N 89°58'29" E 114.4
S 85°44'38" W 492.81'
N 85°44'38" E 492.81'
S 85°44'38" W 202.03'
N 85°44'38" E 192.03'
N 79°52'21" E 217.81'
S 89°03'25" E 96.25'
N 68°14'05" E 208.85'
S 86°14'05" W 164.40'
N 68°14'05" E 76.57'
S 85°44'38" W 81.19'
N 85°44'38" E 142.56'
S 85°44'38" W 142.56'
S 85°44'38" W 38.72'
S 85°44'38" W 140.86'
S 85°44'38" W 133.04'
N 85°44'38" E 50.20'
S 85°44'38" W 70.02'
N 85°44'38" E 70.02



GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

PLAN NOTES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016

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BY: _____
SCOTT E. LOBDELL DATE
DELAWARE PROFESSIONAL ENGINEER NO. 12260

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FOR
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TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
KENT COUNTY, DELAWARE

TITLE
RECORD PLAN

RECORD PLAN

SHEET NUMBER
RP6

PARCEL LINE TABLE

LINE NO.	LENGTH	BEARING
L1	14.81'	S 33°04'28" E
L2	7.44'	S 73°18'34" E
L5	9.10'	N 4°50'09" W
L6	6.69'	N 16°20'42" E
L7	4.61'	N 85°44'38" E
L8	7.37'	S 22°10'27" E
L9	10.08'	S 16°20'42" W
L10	7.41'	S 4°50'09" E
L11	9.50'	N 16°20'42" E
L12	5.26'	N 22°10'27" W
L13	2.87'	S 1°14'17" W
L14	10.00'	N 35°09'18" W
L15	3.69'	S 16°20'42" W
L16	2.99'	N 16°20'42" E
L17	3.20'	N 16°20'42" E
L18	27.72'	S 16°20'42" W
L19	10.45'	N 66°14'05" E
L20	10.00'	S 62°27'07" E
L21	0.51'	S 0°01'31" E
L22	5.11'	N 73°18'34" W
L23	4.85'	N 73°18'34" W
L24	10.69'	N 7°07'49" W
L25	8.71'	S 16°20'42" W
L26	9.98'	N 73°18'34" W
L27	14.81'	N 33°04'28" W
L28	5.44'	N 89°58'29" E
L29	2.20'	N 22°10'27" W
L30	10.00'	S 73°18'34" E
L31	10.00'	N 73°18'34" W
L32	10.00'	N 16°20'42" E
L33	10.00'	S 0°01'31" E
L34	6.40'	N 0°01'31" W
L35	1.64'	S 73°18'34" E

PARCEL CURVE TABLE

CURVE NO.	RADIUS	LENGTH	DELTA	CHORD LENGTH	CHORD DIRECTION
C1	25.00'	39.54'	90°37'27"	35.55'	S 40°25'54" W
C2	360.00'	122.58'	19°30'33"	121.99'	N 75°59'22" E
C3	470.00'	194.74'	23°44'24"	193.35'	N 78°06'17" E
C4	160.00'	144.69'	51°48'53"	139.81'	N 64°04'03" E
C5	160.00'	198.92'	71°14'05"	186.36'	N 2°32'34" E
C6	160.00'	99.09'	35°29'02"	97.51'	N 20°25'05" E
C7	160.00'	91.94'	32°55'26"	90.68'	S 13°47'09" E
C8	160.00'	7.89'	2°49'36"	7.89'	S 31°39'40" E
C9	160.00'	112.36'	40°14'05"	110.06'	N 53°11'31" W
C10	160.00'	37.46'	13°24'57"	37.38'	S 39°46'57" E
C11	160.00'	60.04'	21°30'00"	59.69'	S 57°14'26" E
C12	160.00'	14.85'	5°19'08"	14.85'	S 70°39'00" E
C13	420.00'	162.04'	22°06'19"	161.04'	N 84°21'43" W
C14	420.00'	37.58'	5°07'33"	37.56'	S 75°52'21" E
C18	420.00'	17.68'	2°24'44"	17.68'	N 85°47'29" E
C19	25.00'	39.27'	90°00'00"	35.36'	S 50°24'53" E
C20	25.00'	39.27'	89°59'45"	35.36'	S 39°35'07" W
C25	270.00'	70.18'	14°53'35"	69.98'	S 80°53'18" E
C26	25.00'	39.52'	90°34'44"	35.53'	N 50°07'31" W
C27	25.00'	6.83'	15°39'11"	6.81'	N 87°35'17" W
C28	25.00'	32.69'	74°55'33"	30.41'	N 42°17'55" W
C29	85.00'	31.42'	21°10'51"	31.24'	N 5°45'17" E
C30	160.00'	107.57'	38°31'09"	105.55'	N 2°54'52" W
C31	160.00'	19.47'	6°58'14"	19.45'	N 12°51'35" E
C32	160.00'	20.41'	7°18'31"	20.40'	N 5°43'13" E
C33	160.00'	20.06'	7°11'05"	20.05'	N 1°31'35" W
C34	160.00'	30.16'	10°47'55"	30.11'	N 10°31'05" W
C35	160.00'	17.47'	6°15'24"	17.46'	N 19°02'44" W
C36	25.00'	42.30'	96°56'33"	37.43'	N 26°17'50" E
C37	300.00'	57.47'	10°58'32"	57.38'	N 80°15'22" E
C38	25.00'	38.69'	88°40'30"	34.94'	S 49°55'07" E
C39	25.00'	39.85'	91°19'30"	35.76'	S 40°04'53" W
C40	25.00'	39.00'	89°22'32"	35.16'	N 49°34'06" W
C41	25.00'	38.69'	88°40'30"	34.94'	S 49°55'07" E
C42	25.00'	39.85'	91°19'30"	35.76'	N 40°04'53" E
C43	25.00'	38.69'	88°40'30"	34.94'	N 49°55'07" W
C44	25.00'	39.85'	91°19'30"	35.76'	S 40°04'53" W
C45	25.00'	39.96'	91°35'28"	35.84'	S 67°58'11" E
C46	25.00'	38.58'	88°24'32"	34.86'	N 22°01'49" E
C47	160.00'	107.57'	38°31'09"	105.55'	N 2°54'52" W
C48	160.00'	19.84'	7°06'21"	19.83'	N 18°37'16" W
C49	160.00'	27.03'	9°40'47"	27.00'	N 10°13'42" W
C50	160.00'	25.04'	8°58'04"	25.02'	N 0°54'16" W
C51	160.00'	20.12'	7°12'20"	20.11'	N 7°10'56" E
C52	160.00'	15.53'	5°33'36"	15.52'	N 13°33'54" E
C53	270.00'	50.45'	10°42'19"	50.37'	N 10°59'33" E
C54	270.00'	30.72'	6°31'06"	30.70'	N 13°05'09" E
C55	270.00'	19.73'	4°11'13"	19.73'	N 7°44'00" E
C56	25.00'	43.46'	99°36'04"	38.19'	N 44°09'39" W
C57	25.00'	41.27'	94°34'26"	36.74'	N 41°38'50" W
C58	25.00'	2.19'	5°01'38"	2.19'	S 88°33'08" W
C59	360.00'	9.13'	1°27'12"	9.13'	S 85°18'43" W
C60	25.00'	39.02'	89°25'16"	35.18'	S 39°52'29" W
C61	25.00'	16.13'	36°58'03"	15.85'	S 66°06'05" W
C62	25.00'	22.89'	52°27'13"	22.10'	S 21°23'28" W
C63	160.00'	59.15'	21°10'51"	58.81'	S 5°45'17" W
C64	160.00'	29.06'	10°24'17"	29.02'	S 0°22'00" W
C65	160.00'	20.17'	7°13'23"	20.16'	S 9°10'50" W
C66	160.00'	9.92'	3°33'11"	9.92'	S 14°34'07" W
C67	100.00'	67.23'	38°31'09"	65.97'	S 2°54'52" E
C68	100.00'	12.24'	7°00'51"	12.23'	S 12°50'17" W
C69	100.00'	20.05'	11°29'17"	20.02'	S 3°35'13" W
C70	100.00'	20.30'	11°37'43"	20.26'	S 7°58'17" E
C71	100.00'	14.64'	8°23'18"	14.63'	S 17°58'48" E
C72	36.00'	56.55'	90°00'00"	50.91'	N 61°20'42" E
C73	36.00'	32.36'	51°30'00"	31.28'	S 80°35'42" W
C74	36.00'	24.19'	38°30'00"	23.74'	S 35°35'42" W
C75	36.00'	52.45'	83°28'54"	47.93'	S 58°05'09" W
C76	36.00'	6.27'	9°58'21"	6.26'	N 21°19'53" E
C77	36.00'	17.61'	28°01'57"	17.44'	N 40°20'01" E
C78	36.00'	9.20'	14°38'08"	9.17'	N 61°40'04" E
C79	36.00'	9.40'	14°57'16"	9.37'	N 76°28'12" E
C80	36.00'	9.98'	15°52'46"	9.95'	S 88°06'47" E
C81	25.00'	39.96'	91°35'28"	35.84'	S 67°58'11" E
C82	25.00'	31.23'	71°34'40"	29.24'	N 57°57'47" W

PARCEL CURVE TABLE

CURVE NO.	RADIUS	LENGTH	DELTA	CHORD LENGTH	CHORD DIRECTION
C83	25.00'	8.73'	20°00'48"	8.69'	N 76°14'29" E
C84	530.00'	107.67'	11°38'22"	107.48'	N 72°03'16" E
C85	530.00'	28.97'	3°07'56"	28.97'	N 67°48'03" E
C86	530.00'	21.21'	2°17'36"	21.21'	N 70°30'49" E
C87	530.00'	20.94'	2°15'48"	20.93'	N 72°47'31" E
C88	530.00'	20.70'	2°14'16"	20.70'	N 75°02'32" E
C89	530.00'	15.85'	1°42'47"	15.85'	N 77°01'04" E
C90	25.00'	33.99'	77°53'58"	31.43'	N 38°55'28" E
C91	320.50'	91.57'	16°22'13"	91.26'	N 8°09'36" E
C93	320.50'	25.40'	4°32'28"	25.40'	N 6°34'37" E
C94	320.50'	25.13'	4°29'30"	25.12'	N 11°05'36" E
C95	320.50'	16.81'	3°00'21"	16.81'	N 14°50'32" E
C96	25.00'	39.12'	89°39'16"	35.25'	N 28°28'56" W
C97	25.00'	44.09'	101°03'03"	38.60'	S 56°09'55" W
C98	25.00'	42.11'	96°30'34"	37.31'	S 58°26'09" W
C99	25.00'	1.98'	4°32'29"	1.98'	S 7°54'38" W
C100	330.00'	61.66'	10°42'19"	61.57'	S 10°59'33" W
C101	330.00'	5.04'	0°52'30"	5.04'	S 6°04'38" W
C102	330.00'	20.22'	3°30'39"	20.22'	S 8°16'12" W
C103	330.00'	20.08'	3°29'09"	20.07'	S 11°46'06" W
C104	330.00'	16.32'	2°50'02"	16.32'	S 14°55'41" W
C105	100.00'	67.23'	38°31'09"	65.97'	S 2°54'52" E
C106	100.00'	2.86'	1°38'14"	2.86'	S 15°31'35" W
C107	100.00'	64.37'	36°52'55"	63.27'	N 3°43'59" W
C108	36.00'	56.52'	89°57'01"	50.89'	N 61°22'08" E
C109	36.00'	8.43'	13°25'26"	8.42'	S 80°22'04" E
C110	36.00'	40.99'	65°14'25"	38.81'	S 60°18'00" W
C111	36.00'	7.09'	11°17'10"	7.08'	S 22°02'12" W
C112	25.00'	40.46'	92°43'14"	36.18'	N 46°23'08" W
C113	530.00'	25.17'	2°43'14"	25.16'	S 88°36'52" W
C114	25.00'	39.27'	90°00'00"	35.36'	S 44°58'29" W
C115	338.00'	96.57'	16°22'13"	96.24'	S 8°09'36" W
C116	25.00'	39.12'	89°39'16"	35.25'	S 28°28'56" E
C117	25.00'	39.42'	90°20'44"	35.46'	N 61°31'04" E
C118	280.50'	80.14'	16°22'13"	79.87'	N 8°09'36" E
C119	25.00'	39.27'	90°00'00"	35.36'	S 45°01'31" E
C120	25.00'	42.37'	97°06'18"	37.48'	N 41°25'20" E
C121	300.00'	122.92'	23°28'31"	122.06'	N 4°36'27" E
C122	300.00'	39.49'	7°32'30"	39.46'	N 3°21'34" W
C123	300.00'	45.20'	8°37'56"	45.16'	N 4°43'39" E
C124	300.00'	31.91'	6°05'38"	31.89'	N 12°05'26" E
C125	300.00'	6.32'	1°12'27"	6.32'	N 15°44'29" E
C126	25.00'	39.12'	89°39'16"	35.25'	N 28°28'56" W
C127	25.00'	39.42'	90°20'44"	35.46'	S 61°31'04" W
C128	298.00'	85.14'	16°22'13"	84.85'	S 8°09'36" W
C129	298.00'	20.13'	3°52'16"	20.13'	S 14°24'34" W
C130	298.00'	25.40'	4°52'59"	25.39'	S 10°01'56" W
C131	298.00'	20.10'	3°51'54"	20.10'	S 5°39'29" W
C132	298.00'	19.51'	3°45'03"	19.51'	S 1°51'01" W
C133	25.00'	36.17'	82°53'42"	33.10'	S 48°34'40" E
C134	100.00'	90.43'	51°48'53"	87.38'	N 64°04'03" E
C135	100.00'	124.33'	71°14'05"	116.47'	S 2°32'34" W
C136	100.00'	13.89'	7°57'33"	13.88'	N 34°10'50" E
C137	100.00'	110.44'	63°16'32"	104.91'	N 1°26'12" W
C138	100.00'	70.22'	40°14'05"	68.79'	S 53°11'31" E
C139	100.00'	8.41'	4°48'57"	8.40'	N 35°28'57" W
C140	100.00'	61.82'	35°25'09"	60.84'	N 55°35'59" W
C141	25.00'	39.42'	90°20'44"	35.46'	S 61°31'04" W
C142	250.00'	102.43'	23°28'31"	101.72'	N 4°36'27" E
C143	250.00'	41.70'	9°33'21"	41.65'	S 11°34'02" W
C144	250.00'	45.25'	10°22'11"	45.18'	S 1°36'15" W
C145	250.00'	15.49'	3°32'59"	15.49'	S 5°21'20" E
C149	91.00'	25.90'	16°18'30"	25.81'	N 81°38'03" W
C150	270.00'	28.91'	6°08'08"	28.90'	N 88°35'50" E

LOT AREA TABLE

LOT NO.	AREA (SF)	AREA (AC)
1	79,495	1.82
2	50,462	1.16
3	44,178	1.01
4	3,210	0.07
5	1,526	0.04
6	1,408	0.03
7	2,076	0.05
8	1,959	0.04
9	1,101	0.03
10	1,148	0.03
11	2,448	0.06
12	2,116	0.05
13	2,113	0.05
14	2,414	0.06
15	2,664	0.06
16	28,066	0.64
17	2,963	0.07
18	3,036	0.07
19	2,278	0.05
20	1,400	0.03
21	1,400	0.03
22	2,497	0.06
23	3,893	0.09
24	3,342	0.08
25	1,425	0.03
26	1,421	0.03
27	1,419	0.03
28	1,418	0.03
29	1,417	0.03
30	1,416	0.03
31	1,415	0.03
32	1,413	0.03
33	1,412	0.03
34	3,579	0.08
35	1,407	0.03
36	1,406	0.03
37	1,405	0.03
38	1,404	0.03
39	1,402	0.03
40	3,515	0.08
41	3,343	0.08
42	5,553	0.13
43	48,760	1.12
44	1,273	0.03
45	1,202	0.03
46	1,200	0.03
47	1,200	0.03
48	1,200	0.03
49	1,200	0.03
50	1,200	0.03
51	1,500	0.03
52	1,500	0.03
53	1,200	0.03
54	1,200	0.03
55	1,200	0.03
56	1,200	0.03
57	1,200	0.03
58	1,200	0.03
59	1,200	0.03
60	3,669	0.08
61	2,164	0.05
62	1,400	0.03
63	1,376	0.03
64	2,089	0.05
65	1,800	0.04
66	1,792	0.04
67	2,894	0.07
68	2,486	0.06
69	1,505	0.03
70	1,218	0.03
71	2,081	0.05
72	1,200	0.03
73	1,200	0.03
74	1,200	0.03
75	1,200	0.03

LOT AREA TABLE

LOT NO.	AREA (SF)	AREA (AC)
76	1,200	0.03
77	1,200	0.03
78	1,200	0.03
79	1,200	0.03
80	1,500	0.03
81	1,500	0.03
82	1,200	0.03
83	1,200	0.03
84	1,200	0.03
85	1,200	0.03
86	1,200	0.03
87	2,729	0.06
88	2,292	0.05
89	2,175	0.05
90	2,716	0.06
91	2,732	0.06
92	2,188	0.05
93	1,440	0.03
94	1,440	0.03
95	1,440	0.03
96	1,440	0.03
97	1,440	0.03
98	1,440	0.03
99	1,440	0.03
100	1,440	0.03
101	1,440	0.03
102	2,783	0.06
103	1,946	0.04
104	1,984	0.05
105	1,679	0.04
106	1,266	0.03
107	1,222	0.03
108	1,202	0.03
109	1,200	0.03
110	1,200	0.03
111	1,200	0.03
112	1,200	0.03
113	1,200	0.03
114	1,200	0.03
115	1,500	0.03
117	1,800	0.04
119	1,195	0.03
121	1,194	0.03
122	1,194	0.03
123	1,193	0.03
124	1,193	0.03
125	2,726	0.06
126	2,218	0.05
127	3,060	0.07
128	4,942	0.11
129	2,748	0.06
130	2,615	0.06
131	2,500	0.06
132	4,088	0.09
133	5,104	0.12
135	2,814	0.06
136	2,519	0.06
137	1,786	0.04
138	1,402	0.03
139	1,400	0.03
140	1,400	0.03
141	1,400	0.03
142	1,400	0.03
143	1,400	0.03
144	1,400	0.03
145	1,400	0.03
146	1,750	0.04
147	1,925	0.04
148	1,816	0.04
149	1,720	0.04
150	1,834	0.04
151	1,829	0.04
152	1,823	0.04
153	1,818	0.04
154	1,662	0.04

LOT AREA TABLE

LOT NO.	AREA (SF)	AREA (AC)
155	2,713	0.06
156	1,876	0.04
157	1,876	0.04
158	1,876	0.04
159	1,876	0.04
160	3,669	0.08
161	2,633	0.06
162	2,170	0.05
163	2,196	0.05
164	2,200	0.05
165	2,200	0.05
166	2,200	0.05
167	2,200	0.05
168	2,200	0.05
169	2,200	0.05
170	2,200	0.05
171	4,266	0.10
172	5,870	0.13
173	5,671	0.13
174	5,757	0.13
175	4,489	0.10
176	4,045	0.09
177	3,946	0.09
178	4,716	0.11
179	5,764	0.13
180	5,181	0.12
181	5,433	0.12
182	4,727	0.11
183	4,657	0.11
184	7,431	0.17
185	4,461	0.10
186	4,492	0.10
187	4,861	0.11
188	5,678	0.13
189	5,133	0.12
190	4,000	0.09
191	4,000	0.09
192	5,864	0.13
193	7,746	0.18
194	11,704	0.27
195	8,469	0.19
196	5,403	0.12
197	5,400	0.12
199	2,700	0.06
200	3,129	0.07
201	2,700	0.06
202	2,700	0.06
205	2,700	0.06
206	2,700	0.06
207	2,790	0.06
209	4,050	0.09
210	4,050	0.09
211	4,050	0.09
212	4,050	0.09
213	4,050	0.09
214	4,445	0.10
215	4,791	0.11
216	2,988	0.07
217	5,001	0.11
219	28,183	0.65
220	8,268	0.19
333	6,788	0.16

PLAN NOTES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016

Know what's below. Call before you dig.

MISS UTILITY of DELMARVA

BEFORE YOU DIG CALL 1-800-282-8555 (DE & MD)
WWW.MISSUTILITYDELMARVA.COM
PROTECT YOURSELF, GIVE TWO WORKING DAYS NOTICE

PLAN NOTATION
ONLY THOSE PLANS WHICH CONTAIN AN IMPRESSED SEAL OR A RED INK SEAL OF THE RESPONSIBLE PROFESSIONAL SHALL BE CONSIDERED VALID. THIS PLAN HAS BEEN SPECIFICALLY PREPARED FOR THE OWNER DESIGNATED HEREON. ANY MODIFICATION, REVISION, DUPLICATION OR USE WITHOUT THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES IS PROHIBITED. RELIANCE ON THIS PLAN FOR ANY PURPOSE OTHER THAN THAT WHICH IS INTENDED SHALL BE AT THE SOLE DISCRETION AND LIABILITY OF THE APPLICABLE PARTY.

BY: _____
SCOTT E. LOBDELL DATE
DELAWARE PROFESSIONAL ENGINEER NO. 12260

OFFICES THROUGHOUT NJ, EASTERN PA, AND DE
Van Cleef ENGINEERING ASSOCIATES
Consulting Civil Engineering
Environmental Engineering
Municipal Engineering
Land Surveying
Professional Planning
Landscape Architecture
630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
EMAIL: NORTHERNDE@VCEA.ORG WEB: WWW.VCEA.ORG
PHONE (302) 368-3164 FAX (302) 368-7195

PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
KENT COUNTY, DELAWARE

TITLE
LINE AND CURVE TABLES

RECORD PLAN

SHEET NUMBER
RP7

PRELIMINARY LAND DEVELOPMENT PLAN

for

WATERGATE AT MILFORD

CEDAR CREEK HUNDRED, CITY OF MILFORD, SUSSEX COUNTY, DELAWARE

GENERAL PROJECT:

1. OWNER: LIBORIO WATERGATE, LLC
C/O: LOU RAMUNNO
903 N. FRENCH ST.
WILMINGTON, DE 19801
PHONE: (3025) 426-0200

2. DEVELOPER: LIBORIO WATERGATE, LLC
C/O: LOU RAMUNNO
903 N. FRENCH ST.
WILMINGTON, DE 19801
PHONE: (3025) 426-0200

3. STATE & FEDERAL WETLANDS DELINEATION: JCM/ECI
100 LAKE DR. SUITE
NEWARK, DE 19702
PHONE: (302) 77-95
FAX: (302) 77-9546
C/O: JAMES McCULLEY

4. CIVIL/SITE ENGINEER: VAN CLEEF ENGINEERING ASSOCIATES
630 CHURCHMANS RD, SUITE 105
NEWARK, DE 19702
PHONE: (302) 368-3184

5. THE TOPOGRAPHIC INFORMATION WAS PROVIDED BY THE DELMARVA SURVEY COMPANY, INC.

6. THE BOUNDARY INFORMATION IS TAKEN FROM A PLAN ENTITLED "AERIAL TOPOGRAPHIC SURVEY/BOUNDARY SURVEY" PREPARED BY THE DELMARVA SURVEY CO. DATED MAY 26, 2005 AND A PLAN ENTITLED "LANDS TO BE CONVEYED TO WESTOVER LAND COMPANY" PREPARED BY CHARLES D. MURPHY ASSOCS., INC. DATED DECEMBER 22, 2006.

7. THE "LIMIT OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM" WERE DELINEATED BY JAMES C. McCULLEY IV, ENVIROMENTAL CONSULTANTS INC. AS SHOWN ON A PLAN ENTITLED "AERIAL TOPOGRAPHIC SURVEY/BOUNDARY SURVEY" PREPARED BY JAMES C. McCULLEY IV, ENVIROMENTAL CONSULTANTS INC. DATED MAY 26, 2005.

8. THE PROJECT IS LOCATED AT THE INTERSECTION OF MARSHALL STREET & INDUSTRAIL BLVD. IN CEDAR CREEK HUNDRED, CITY OF MILFORD, SUSSEX COUNTY, DELAWARE.

9. FLOOD ELEVATIONS BASED UPON FLOOD INSURANCE RATE MAP DATED MARCH 16, 2015 (FIRM) NUMBER 10005C0043K.

10. THE PROPERTY SERVED BY THIS PLAN IS REFERENCED ON TAX MAP # 3-30-11.09 PARCEL 29, 29.03, 30, 31, AND 32.

11. LOT 218 TO BE CONVEYED TO MILFORD MINI-STORAGE, INC. 360' E/MARSHALL STREET S/INDUSTRIAL BOULEVARD PARCEL 3-30 11.09 29.09 AS PART OF THIS RECORD PLAN.
CONDITIONS:
THE CITY OF MILFORD SHALL RETAIN EASEMENT RIGHTS ON THIS PARCEL FOR THE PURPOSE OF UTILITY INSTALLATION.

12. LOT 34 TO BE CONVEYED TO MILFORD MINI-STORAGE, INC. 360' E/MARSHALL STREET S/INDUSTRIAL BOULEVARD PARCEL 3-30 11.09 29.07 AS PART OF THIS RECORD PLAN.
CONDITIONS:
MILFORD MINI-STORAGE, INC. SHALL PROVIDE FENCING AND LANDSCAPING ALONG THE PROPERTY LINE. PARCEL SHALL ONLY BE USED FOR ACCESS TO INDUSTRIAL BOULEVARD AND NOT FOR ACCESS TO WATERGATE BOULEVARD NORTH.

GENERAL CONSTRUCTION PLAN NOTES

1. HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, CONTROL MONUMENTS. BENCHMARK - GPS IRON ROD ELEV. 18.85 (88 DATUM)

2. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.

3. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACK FILLING TRENCHES.

4. THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.

5. ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY. CITY OFFICIALS WILL CARRY OUT ALL NECESSARY VALVE CLOSURES. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY AND NOTIFY AFFECTED RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.

6. PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.

7. CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND FORCEMAIN. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATERTIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.

8. PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.

9. SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL PRIOR TO THE INSTALLATION OF THE ITEM(S).

10. ALL SANITARY SEWER MAINS AND FORCEMAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 42 INCHES AS MEASURED FROM THE TOP OF PIPE TO PROPOSED GRADE. SEWER LATERALS SHALL HAVE A MINIMUM DIAMETER OF SIX (6) INCHES AND HAVE A MINIMUM COVER OF 36 INCHES.

11. THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCEMAINS OF 10 FEET, AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORCEMAINS AT CROSSINGS. ONE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE AT CROSSINGS.

12. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 12 INCHES BETWEEN ANY STORM DRAIN PIPE AND ANY WATER MAIN OR SEWER MAIN. IF 12 INCHES CANNOT BE MAINTAINED, A MINIMUM OF SIX (6) INCHES IS REQUIRED AND PROVISIONS SHALL BE MADE ACCEPTABLE TO THE CITY OF MILFORD FOR PROPERLY ENCASING THE PIPE IN CONCRETE.

13. ALL ROADWAYS ARE TO BE SWEPT FREE OF SEDIMENT ON A DAILY BASIS.

14. THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.

15. IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE.

16. THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS, LATEST EDITION.

17. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE OWNER.

18. CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.

19. A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE SHALL BE RESPONSIBLE FOR PERMANENTLY RE-ESTABLISHING ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.

20. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE SHORT TERM (DURING CONSTRUCTION) MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS.

21. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF THE OPEN SPACE AND STORMWATER MANAGEMENT FACILITIES.

22. THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES INSTALLED WITHIN CITY RIGHT-OF-WAY, AND EASEMENTS DEDICATED TO THE CITY; AND, ALL STORM SEWER PIPES AND CATCH BASINS FULLY WITHIN CITY RIGHT-OF-WAY, AFTER ALL ITEMS HAVE PASSED CITY INSPECTION; AFTER THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AFTER THE RIGHTS-OF-WAY HAVE BEEN DEEDED TO THE CITY; AND AFTER ALL THE WATER, SEWER, AND STORM SEWER ITEMS HAVE BEEN TRANSFERRED TO THE CITY BY BILL OF SALE.

23. SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID, AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONVEYANCE, TREATMENT, AND DISPOSAL.

24. PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID AFTER ONE (1) YEAR, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED FOR GOOD CAUSE BY THE PLANNING COMMISSION PRIOR TO THE DATE OF EXPIRATION.

25. THE APPROVAL OF A CONDITIONAL USE IS VALID FOR ONE YEAR. UNLESS PERMITS ARE OBTAINED OR CONSTRUCTION OR USE IS SUBSTANTIALLY UNDERWAY, ALL PROVISIONS OF THE CONDITIONAL USE ARE AUTOMATICALLY RESCINDED.

26. FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERTAKEN WITHIN ONE (1) YEAR OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.

27. THE APPLICANT IS RESPONSIBLE TO ENSURE THAT ALL CITY AND/OR AGENCY CONSTRUCTION PERMIT APPLICATIONS HAVE BEEN COMPLETED, SUBMITTED, AND ALL APPLICABLE FEES HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR AN ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.

28. AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE START OF CONSTRUCTION, THE APPLICANT MAY BE REQUIRED TO ENTER INTO A FORMAL PUBLIC WORKS AGREEMENT WITH THE CITY AND TO POST A COMPLETION GUARANTY FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTY SHALL BE IN AN AMOUNT EQUAL TO 150% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTY SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. THE COMPLETION GUARANTEE SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.

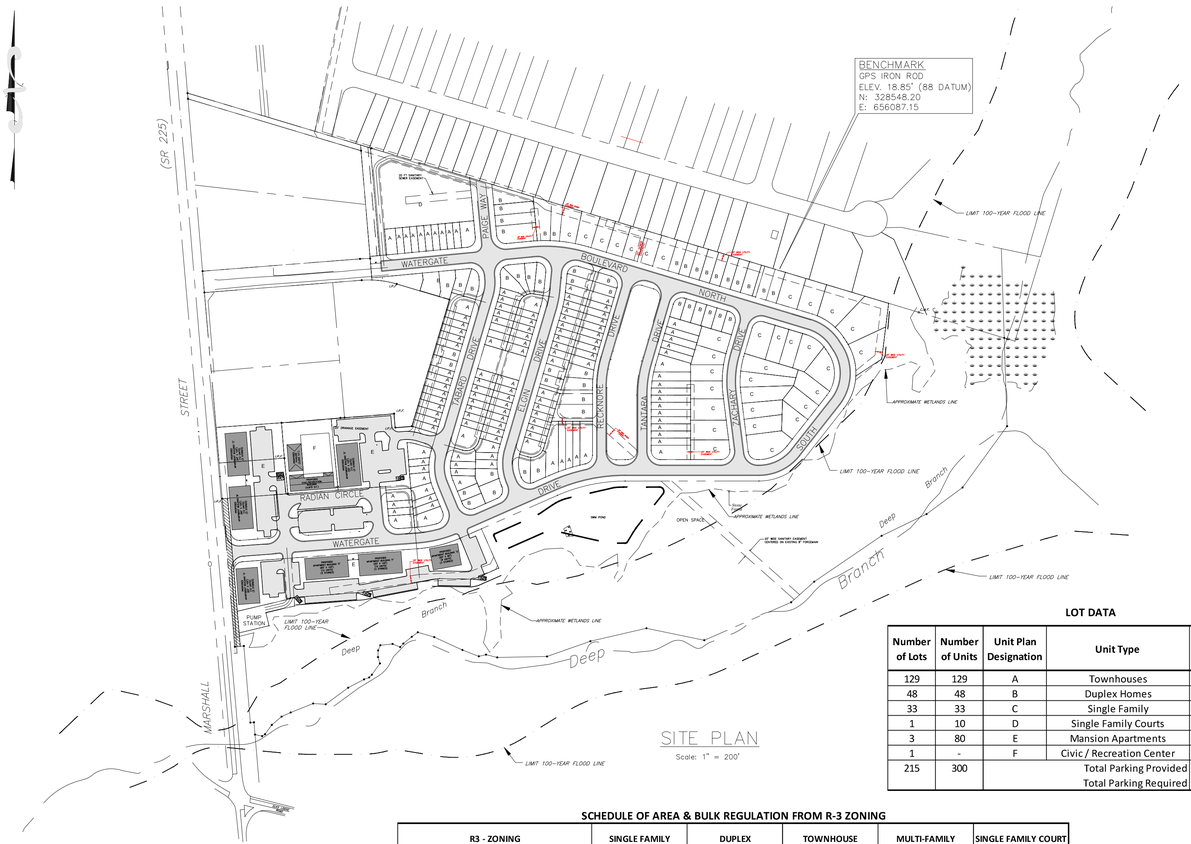
29. A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE AMOUNT OF THE COMPLETION GUARANTY PRIOR TO FINAL ACCEPTANCE OF THE IMPROVEMENTS AND RELEASE OF THE COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR. AN AGREEMENT REVIEWED AND APPROVED BY THE CITY SOLICITOR SHALL ACCOMPANY THE BOND AND SHALL DESCRIBE THE TERMS OF THE BOND.

30. UPON COMPLETION AND PRIOR TO THE RELEASE OF THE DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE TOWN ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS).. RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF ALL PROPERTY MONUMENTS/MARKERS; SEWER MANHOLE RIMS, PIPES SIZES & INVERTS' PUMP STATIONS' FORCE MAINS (INVERTS EVERY 50 FEET), CLEANOUTS, AIR RELEASE VALVES, AND GREASE TRAPS; ALL WATER VALVES, HYDRANTS, VAULTS, METER PITS, AND CURB STOPS; ALL STORM SEWER CATCH BASINS, MANHOLE RIMS, PIPE SIZES & INVERTS, AND ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE TOWN. RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER. A CD SHALL ALSO BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2010 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD88 VERTICAL CONTROL

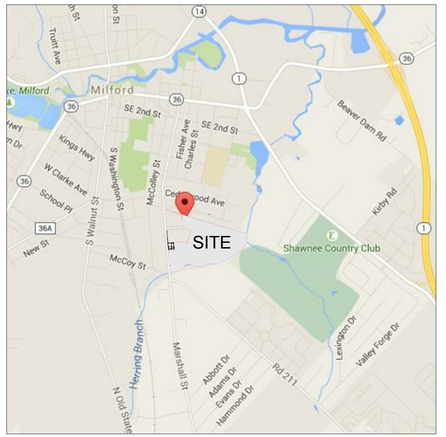
31. THE CONTRACTOR SHALL NOTIFY THE CITY A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE.
CITY OF MILFORD (302) 422-6616

32. THIS PLOT SUPERCEDES PB 121 PG 23 AND PB 111 PG 72.

33. ON-STREET PARKING IS PROHIBITED ON PAVED STREETS WITH A WIDTH LESS THEN 28 FEET.



SITE PLAN
Scale: 1" = 200'



Location Map
Scale: 1" = 2000'

RESIDENTIAL UNIT YIELD CALCULATIONS:

47.39± Ac.	GROSS LOT AREA
15.17± Ac.	LOT AREA IMPACTED BY WETLANDS OR FLOODPLAIN
32.22± Ac.	NET LOT AREA
8.05± Ac.	25% OF NET AREA
24.17± Ac.	*16 UNITS/ACRE* = 386 MAXIMUM UNITS ALLOWED
	* ALLOWED DENSITY UNDER R-3 ZONING

SITE DATA:

1.	TOTAL AREA:	47.39± Ac.
2.	CURRENT ZONING:	R-3
3.	PROPOSED ZONING:	R-3 WITH PLANNED UNIT RESIDENTIAL DEVELOPMENT OVERLAY (PUD)
4.	PROPOSED USE:	PLANNED UNIT DEVELOPMENT
5.	ELEVATION:	NGVD 88
6.	PUBLIC WATER AND SEWER PROVIDED BY THE CITY OF MILFORD	
7.	AREA OF WATERS OF THE U.S.:	14.39± Ac.
8.	AREA OF EXISTING FOREST:	23.56± Ac.
9.	AREA OF FOREST TO BE REMOVED:	7.45± Ac.
10.	PROPOSED ROADS TO BE DEDICATED AND MAINTAINED BY THE CITY OF MILFORD	
11.	PROPOSED ALLEYS TO BE OWNED AND MAINTAINED BY HOMEOWNERS ASSOCIATION	
12.	ACCESS: SUBDIVISION STREETS	
13.	PONDS SHOWN ARE TO BE UTILIZED FOR STORMWATER MANAGEMENT, ALONG WITH ANY OTHER FACILITIES NEEDED TO MEET THE REQUIREMENTS OF DNREC.	
14.	CURB, SIDEWALK, AND STREET LIGHTING WILL BE PROVIDED WHERE APPROPRIATE.	
15.	PROPOSED DENSITY:	300/24.17 = 12.41 UNITS PER ACRE
16.	ROAD RIGHT-OF-WAY AREA:	8.77± Ac. (18.5%)
17.	ALLEY EASEMENT AREA:	1.26± Ac. (2.7%)
18.	AREA OF STORMWATER MANAGEMENT (SWM) PONDS:	0.51± Ac. (1.1%)
19.	TOTAL AREA OF OPEN SPACE (INCLUDING PONDS, AND WETLANDS):	19.53± Ac. (41.21%)
	MINIMUM RECREATIONAL OPEN SPACE:	400SF/UNIT X 300 = 2.75 Ac. REQUIRED 1.77 Ac. PROVIDED

CITY OF MILFORD ORDINANCE WAIVER REQUEST (PREVIOUSLY GRANTED):

1. CHAPTER 200 - SUBDIVISION OF LAND

200-6.D(3) - BLOCK WIDTHS SHALL BE NOT LESS THAN 275 FEET OR MORE THAN 450 FEET AND SHALL BE PLANNED TO PROVIDE TWO ROWS OF LOTS
200-6.E(7) - SIDE LOT LINES SHALL BE AT RIGHT ANGLES OR RADIAL TO STREET LINES.

NOTES:
1. THIS SURVEY DOES NOT CERTIFY TO THE LOCATION AND/OR EASEMENTS AND RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.

2. THE PROJECT OWNER AND/OR THE HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE OF THE STORMWATER POND TO INCLUDE INSPECTION FOR DEBRIS AND SEDIMENT ACCUMULATION ON AN ANNUAL BASIS OR AS REQUIRED BY THE SUSSEX CONSERVATION DISTRICT IF A LESS FREQUENT INSPECTION IS REQUESTED.

LOT DATA

Number of Lots	Number of Units	Unit Plan Designation	Unit Type	Off Street Parking (Provided)	Spaces Per Unit (Provided)
129	129	A	Townhouses	194	1.5
48	48	B	Duplex Homes	116	2.4
33	33	C	Single Family	106	3.2
1	10	D	Single Family Courts	26	2.6
3	80	E	Mansion Apartments	221	2.7
1	-	F	Civic / Recreation Center	34	-
215	300		Total Parking Provided	697	2.3/unit
			Total Parking Required	750	2.5/unit

SCHEDULE OF AREA & BULK REGULATION FROM R-3 ZONING

R3 - ZONING	SINGLE FAMILY		DUPLEX		TOWNHOUSE		MULTI-FAMILY		SINGLE FAMILY COURT	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
TRACT STANDARDS										
TRACT AREA	7,500	N/A	7,500	N/A	1 Ac.	N/A	1 Ac.	N/A	N/A	N/A
REQUIRED MINIMUM OPEN SPACE	N/A	N/A	N/A	N/A	40%	N/A	40%	N/A	N/A	N/A
MAXIMUM Dus PER ACRE	6	N/A	12	N/A	12	N/A	16	N/A	N/A	N/A
MINIMUM LOT STANDARDS										
LOT AREA PER DU (SF)										
INTERIOR	7,500	4,000	3,750	1,700	2,000	1,200	2,500	1,200		4,000
CORNER	7,500								N/A	
STREET FRONTAGE PER DU (LF)	60	40	30	30		20	N/A	N/A	N/A	15
LOT WIDTH AT FRONT BLDG. LINE (FT)	60		60				50		N/A	
SETBACKS										
FRONT YARD (FEET)	30	5	30	5	25	0	12	0	N/A	5
SIDE YARD (FEET)										
ONE	8	5	8	5		0	12	5	N/A	5
INTERIOR					7					
EXTERIOR					30					
SUM OF BOTH	16	10	8	10	N/A	0	24	10	N/A	10
REAR YARD (FEET)*	15	15	15	5		5		5	N/A	5
MAXIMUM BUILDING HEIGHT										
HEIGHT (FEET)	<35	<35	<35	<35	<35	<35	<35	<35	N/A	<35
STORIES	3	3	3	3	3	3	3	3	N/A	3
MAXIMUM BLDG COVERAGE (% OF LOT)	45%	44%	45%	43%	60%	75%	20%	61%	N/A	25%
MINIMUM LOT DEPTH (FEET)		80	100	*60		60		75		80
MAXIUM UNITS WITH COMMON WALLS	N/A	N/A	2	2	8	11	12	12	N/A	N/A

* INDICATES A VARIANCE FROM R-3 ZONING REGULATIONS
DOES NOT INCLUDE DETACHED GARAGE

SHEET LIST TABLE	
SHEET NUMBER	SHEET TITLE
S1	COVER SHEET
S2	OVERALL SITE
S3	SITE PLAN
S4	SITE PLAN
S5	SITE PLAN
S6	SITE PLAN
S7	SITE PLAN

City Engineer Approval

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE TOWN OF GEORGETOWN CONSTRUCTION STANDARDS AND SPECIFICATIONS FOR WATER, SEWER AND STREETS. THE OWNER AND HIS ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR DESIGN AND ACCURACY OF INFORMATION SHOWN HEREON.

SIGNATURE:_____ DATE:_____
RANDY DUPLECHAIN, P.E.

City of Milford Approval

CITY MANAGER:_____ DATE:_____
ERIC NORENBERG

Certification of Plan Approval:

APPROVED (DATE) _____

BY (CITY MANAGER) _____
FOR DEPARTMENT OF LAND USE OF THE CITY OF MILFORD.

APPROVED (DATE) _____

BY (COUNCIL PRESIDENT) _____
FOR DEPARTMENT OF LAND USE OF THE CITY OF MILFORD.

RECORDED _____ IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY, STATE OF DELAWARE;
MICROFILM NUMBER _____ .

Engineer's Certification:

I, SCOTT E. LOBDELL, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE CITY OF MILFORD DEVELOPMENT CODE.

_____
SCOTT E. LOBDELL, PROFESSIONAL ENGINEER NO. 12260 DATE

Certificate of Ownership:

I, LOU RAMUNNO, HEREBY CERTIFY THAT LIBORIO WATERGATE, LLC IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF CITY OF MILFORD DEVELOPMENT CODE.

_____
LOU RAMUNNO DATE

GRAPHIC SCALE
200 0 100 200 400 800
(IN FEET)
1 inch = 200 ft.

PLAN NOTES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/27/16	10/2016
3	Per Planning Dep. rev. letter dated 9/7/16	10/2016

811 Know what's below. Call before you dig.
MISS UTILITY of DELMARVA
BEFORE YOU DIG CALL 1-800-282-8555 (DE & MD)
WWW.MISSUTILITYDELMARVA.COM
PROTECT YOURSELF, GIVE TWO WORKING DAYS NOTICE

PLAN NOTATION
ONLY THOSE PLANS WHICH CONTAIN AN IMPRESSED SEAL OR A RED INK SEAL OF THE RESPONSIBLE PROFESSIONAL SHALL BE CONSIDERED VALID. THIS PLAN HAS BEEN SPECIFICALLY PREPARED FOR THE OWNER DESIGNATED HEREON. ANY MODIFICATION, REVISION, DUPLICATION OR USE WITHOUT THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES IS PROHIBITED. RELIANCE ON THIS PLAN FOR ANY PURPOSE OTHER THAN THAT WHICH IS INTENDED SHALL BE AT THE SOLE DISCRETION AND LIABILITY OF THE APPLICABLE PARTY.

BY:_____
SCOTT E. LOBDELL DATE
DELAWARE PROFESSIONAL ENGINEER NO. 12260

OFFICES THROUGHOUT NJ, EASTERN PA, AND DE
Van Cleef ENGINEERING ASSOCIATES
Consulting Civil Engineering
Environmental Engineering
Municipal Engineering
Land Surveying
Professional Planning
Landscape Architecture
630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
EMAIL: NORTHERNDE@VCEA.ORG WEB: WWW.VCEA.ORG
PHONE (302) 368-3184 FAX (302) 368-7195

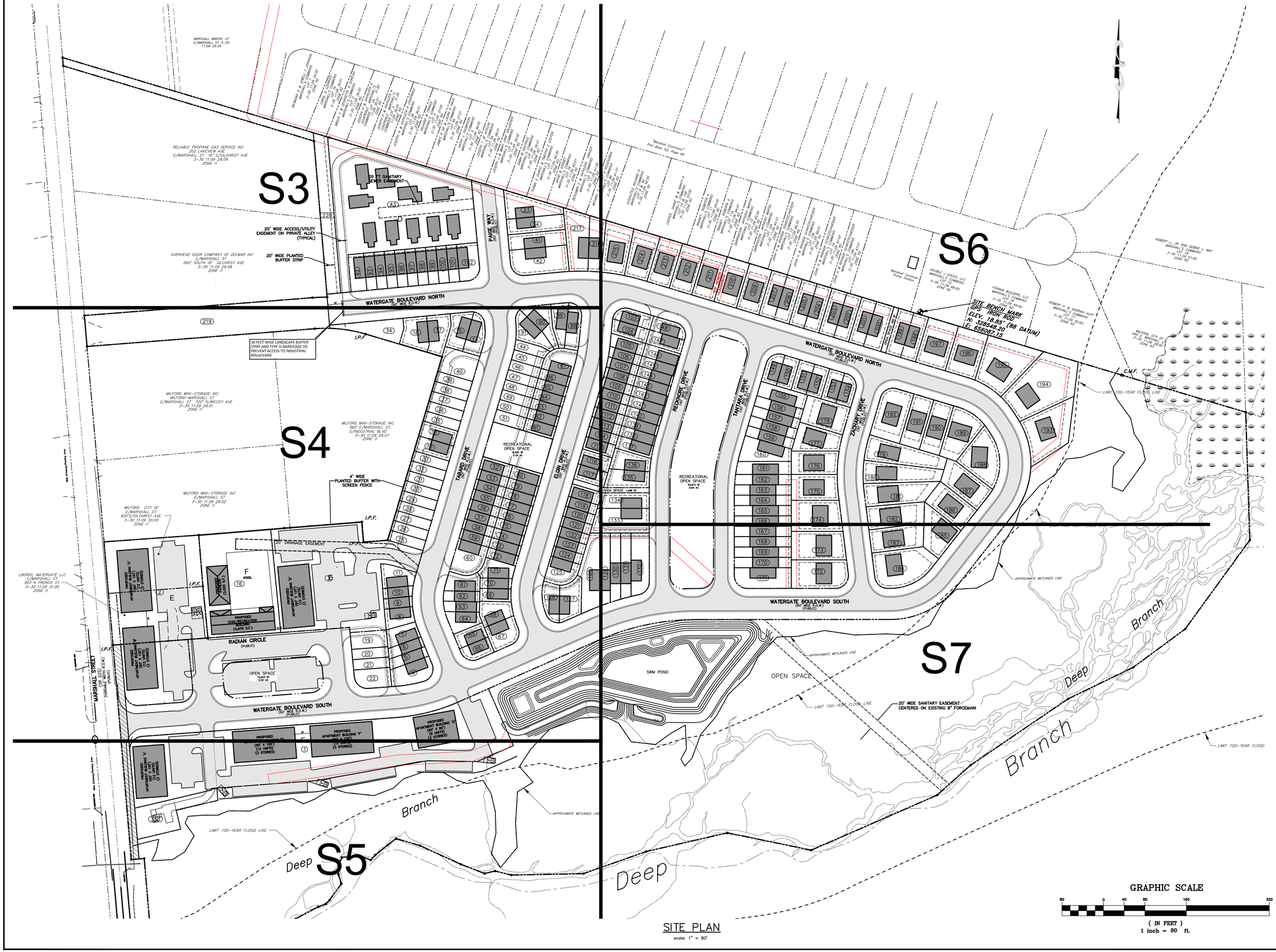
PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

TITLE
COVER

SITE PLAN

SHEET NUMBER
S1



SITE PLAN
scale: 1" = 80'

GRAPHIC SCALE
80 0 40 80 160 320
(IN FEET)
1 inch = 80 ft.

PLAN NOTES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/27/16	10/2016
3	Per Planning Dep. rev. letter dated 9/7/16	10/2016

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BY: _____
SCOTT E. LOBDELL DATE
DELAWARE PROFESSIONAL ENGINEER NO. 12260

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PHONE (302) 368-3184 FAX (302) 368-7195

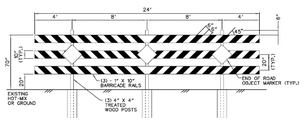
PROJECT:	1301MLD	DESIGNED BY:	S.E.L.
DATE:	5/9/2016	DRAWN BY:	E.P.C.
SCALE:	AS NOTED	CHECKED BY:	S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
KENT COUNTY, DELAWARE

TITLE
OVERALL SITE

SITE PLAN

SHEET NUMBER
S2


24'
4'
8'
8'
4'
4'
2'
2'
2

MATCHLINE (SEE SHEET S3)

N85°31'46"E 441.52'

INDUSTRIAL BOULEVARD
(EXISTING)

N04°51'39"W 30.00'

S85°31'46"W 359.80'

440.77'

80.97'

30 FEET WIDE LANDSCAPE BUFFER STRIP AND TYPE III BARRICADE TO PREVENT ACCESS TO INDUSTRIAL BOULEVARD (SEE DETAIL)

WATERGATE BOULEVARD
(60' WIDE R.O.W.)
(PUBLIC)

I.P.F 153.77'

L=98.54'
R=270.00'
BRG=S 83°57'22" E
C LEN=99.09'

N 73°26'31" W

3 – POST PERMANENT WOOD BARRICADE DETAIL
(NOT TO SCALE)

TYPE III BARRICADE DETAIL

MILFORD MINI-STORAGE INC
MILFORD-MARSHALL ST
E/MARSHALL ST 720' N/MCCOY AVE
3-30 11.09 29.01
ZONE I1

MILFORD MINI-STORAGE INC
360' E/MARSHALL ST.
S/INDUSTRIAL BLVD
3-30 11.09 29.07
ZONE I1

Wide Driveway/Parking Area

MARSHALL STREET
(SR 225)
(VARIABLE WIDTH R.O.W.)
(PUBLIC)

MILFORD CITY OF
E/MARSHALL ST.
950'S/GILCHRIST AVE.
3-30 11.09 30.00
ZONE I1

MILFORD MINI-STORAGE INC
E/MARSHALL ST
3-30 11.09 29.02
ZONE I1

LIBORIO, WATERGATE LLC
E/MARSHALL ST
903 N FRENCH ST.
3-30 11.09 31.00
ZONE I1

4' WIDE
PLANTED BUFFER WITH
SCREEN FENCE

369.14'

N 16°31'12" E

TAGGARD DRIVE
(60' WIDE R.O.W.)
(PUBLIC)

ELGIN DRIVE
(60' WIDE R.O.W.)
(PUBLIC)

RECREATIONAL
OPEN SPACE
8,400 SF
0.19 AC

60' ROW
26'

OPEN SPACE 1,4

MATCHLINE (SEE SHEET S6)

S 85°16'39" W 11.48'

N 85°26'22" E 139.14'

I.P.F.

165.27'

N 85°19'11" E

S04°55'27"E 39.03'

46.36'

I.P.F.

N 85°27'11" E

20' DRAINAGE EASEMENT

N 04°40'54" W 99.32'

I.P.F.

N 05°34'56" W 100.00'

50' R.O.W.

PROPOSED APARTMENT BUILDING 'C' (60' X 120') (12 UNITS) (3 STORIES)

PROPOSED PAVILION (3,000 S.F.)

POOL

PROPOSED APARTMENT BUILDING 'D' (60' X 120') (12 UNITS) (3 STORIES)

PROPOSED CIVIC/RECREATION BUILDING (4,970 S.F.)

183.75'

N 85°44'38" E

I.P.F.

PROPOSED APARTMENT BUILDING 'A' (60' X 120') (12 UNITS) (3 STORIES)

RADIAN CIRCLE
(PUBLIC)

50' ROW

OPEN SPACE
12,943 SF
0.30 AC

60' ROW

WATERGATE BOULEVARD SOUTH
(60' WIDE R.O.W.)
(PUBLIC)

N 04°52'56" W

65' R.O.W.

PROPOSED APARTMENT BUILDING 'E' (60' X 120') (12 UNITS) (3 STORIES)

PROPOSED APARTMENT BUILDING 'F' (60' X 120') (12 UNITS) (3 STORIES)

PROPOSED APARTMENT BUILDING 'G' (60' X 80') (8 UNITS) (3 STORIES)

20' WIDE UTILITY EASEMENT

MATCHLINE (SEE SHEET S7)

MATCHLINE (SEE SHEET S5)

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

PLAN NOTES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/27/16	10/2016
3	Per Planning Dep. rev. letter dated 9/7/16	10/2016

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BY: _____
SCOTT E. LOBDELL DATE
DELAWARE PROFESSIONAL ENGINEER NO. 12260

OFFICES THROUGHOUT
NJ, EASTERN PA, AND DE

Van Cleef ENGINEERING ASSOCIATES

Consulting Civil Engineering
Environmental Engineering
Municipal Engineering

Land Surveying
Professional Planning
Landscape Architecture

630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
EMAIL: NORTHERNDE@VCEA.ORG WEB: WWW.VCEA.ORG
PHONE (302) 368-3184 FAX (302) 368-7195

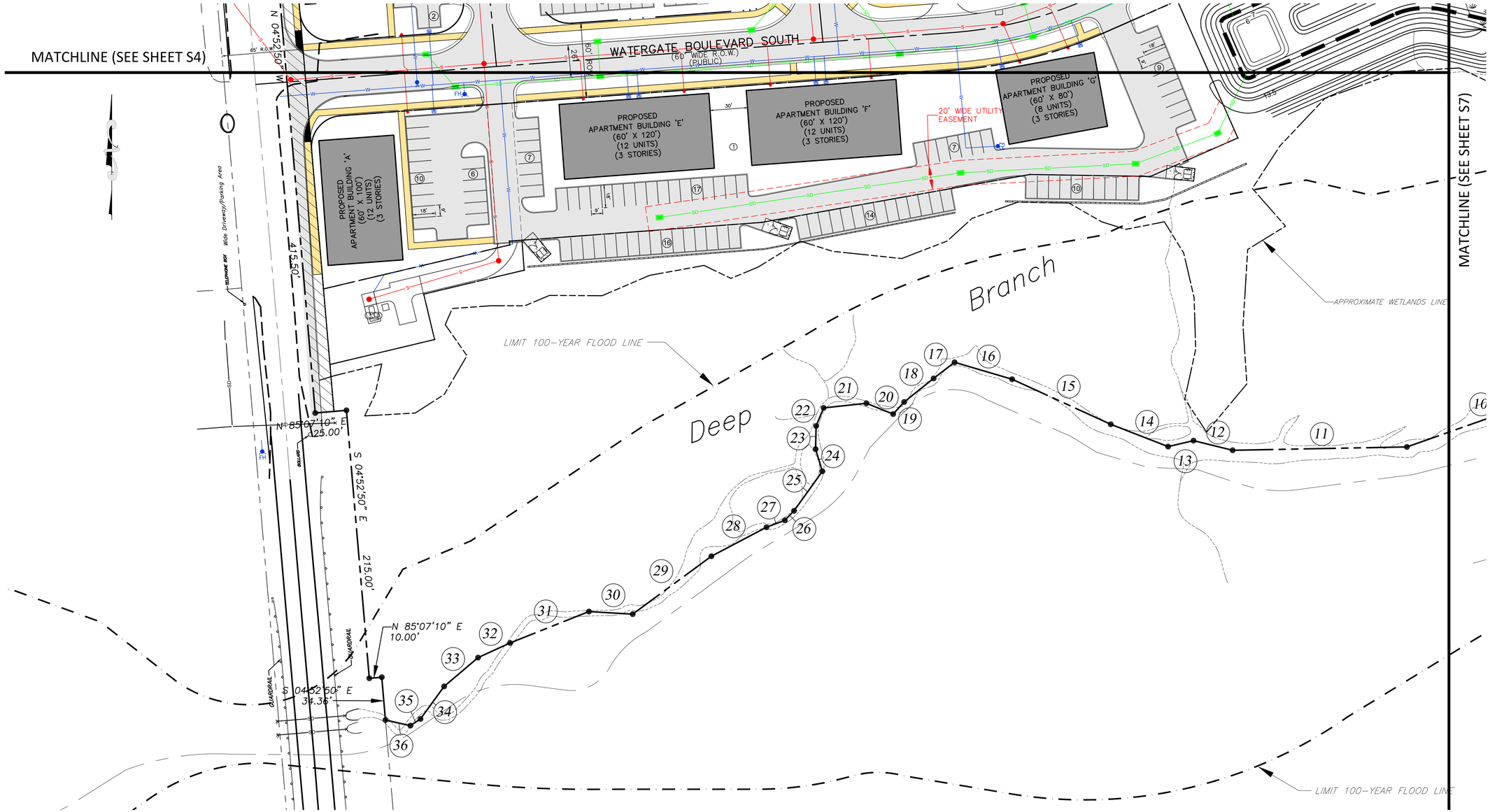
PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: 1"=40'	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
KENT COUNTY, DELAWARE

TITLE
SITE PLAN

SITE PLAN

SHEET NUMBER
S4



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40 0 20 40 80 160

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PLAN NOTES

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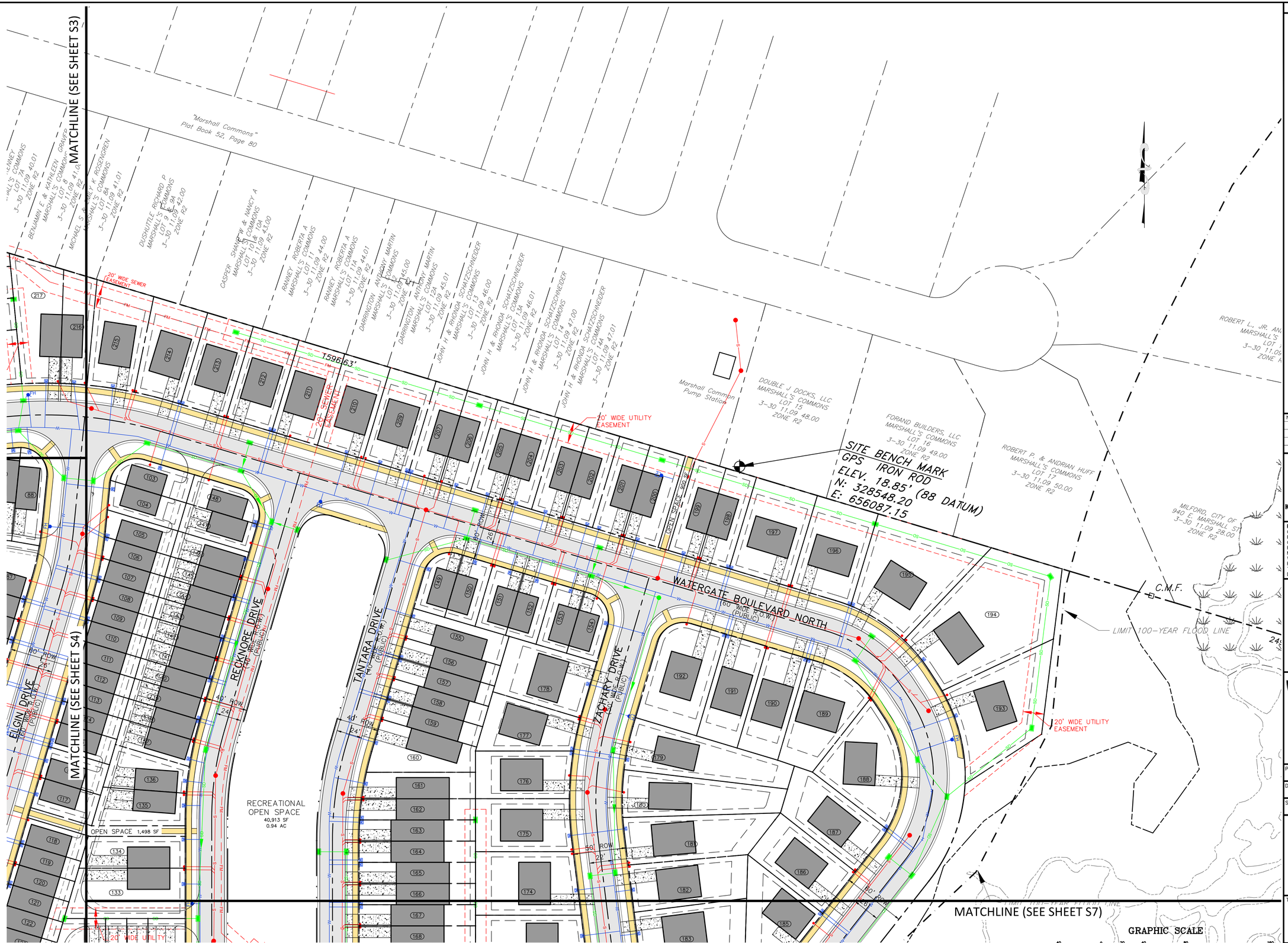
PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: 1"=40'	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
KENT COUNTY, DELAWARE

TITLE
SITE PLAN

SITE PLAN

SHEET NUMBER
S5



GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

PLAN NOTES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/27/16	10/2016
3	Per Planning Dep. rev. letter dated 9/7/16	10/2016

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EMAIL: NORTHERNDE@VCEA.ORG WEB: WWW.VCEA.ORG
PHONE (302) 368-3164 FAX (302) 368-7195

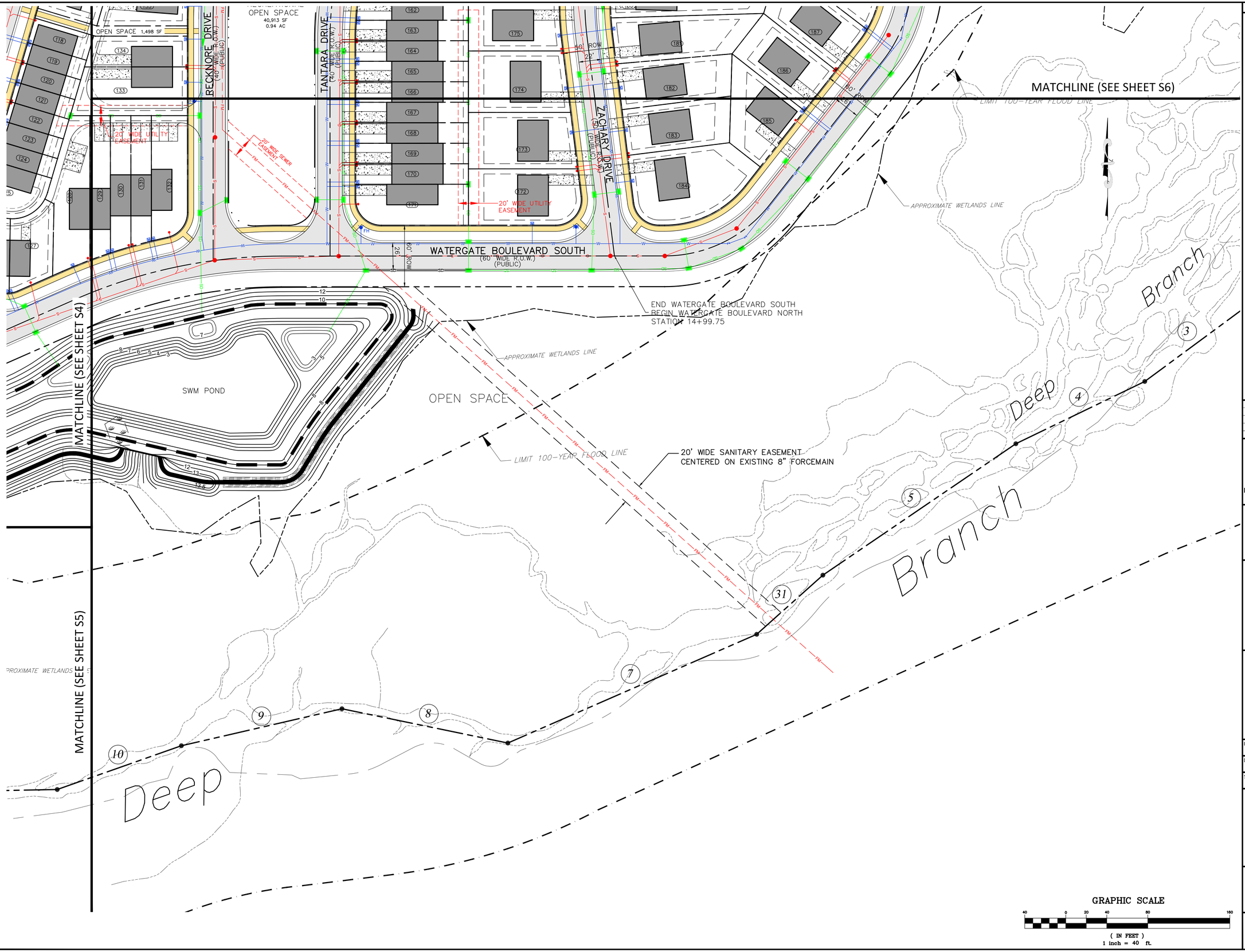
PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: 1"=40'	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
KENT COUNTY, DELAWARE

TITLE
SITE PLAN

SITE PLAN

SHEET NUMBER
S6



PLAN NOTES

NO.	REVISION	DATE
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2	Per Planning Dep. rev. letter dated 9/27/16	10/2016
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DATE:	5/9/2016	DRAWN BY:	E.P.C.
SCALE:	1"=40'	CHECKED BY:	S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
KENT COUNTY, DELAWARE

TITLE
SITE PLAN

SITE PLAN

SHEET NUMBER
S7

CITY OF MILFORD PLAN REVIEW

DAVIS, BOWEN & FRIEDEL, INC. Project Review Comments	Submittal Phase:	Revised PUD Submittal	Project No.:	NA
	Date Submitted:	UNK	Project Title:	Prelim. Development Plan-05.09.16
	Submittal No.:	4	Project A/E:	Van Cleef Engineering Associates
	DBF Job No.:	0052B002.001		
	Date Returned:	09.27.16		

DWG/PAGE NO.	COMMENT NO.	PROJECT REVIEW COMMENTS	APPLICANT RESPONSE
GENERAL	1	Recommend that scale of plans be increased for ease of viewing.	
	2	Add sheet number at matchlines.	
	3	Existing utility service connections do not match new lot alignments; double check all lots' service connections.	
	4	Utility service connections should be relocated (abandon existing and add new) where shown crossing one property to serve another.	
	5	Some lots do not have water and/or sewer service connections.	
	6	Water meter and/or clean outs shown in driveways should be relocated to grassed area.	
	7	Add sewer manholes to plans.	
	8	Add water meter locations to plans.	
Sheet 2	9	If DelDOT allows access from Industrial Blvd, access needs to be improved, if not, access needs to be barricaded off. (Sheet 3 as well)	
	10	Show Shawnee Acres PS 20' forcemain easement (Sheets 3 and 4 as well). Lot 23 will be lost due to easement.	
Sheet 3	11	Show Shawnee Acres PS forcemain and easement on plans.	
	12	Lots 23/24 water and sewer service connections do not line up.	
	13	Lots 41/42 water and sewer service connections do not line up.	
	14	Lots 17/18 water and sewer service connections do not line up.	
	15	Lots 14/15 water and sewer service connections do not line up.	
	16	Lots 90/91 water and sewer service connections do not line up.	
	17	Lots 88/89 water and sewer service connections do not line up.	

DAVIS, BOWEN & FRIEDEL, INC. Project Review Comments	Submittal Phase:	Revised PUD	Submittal No.:	1
	Reviewer:	Jason Loar	Project Title:	Watergate at Milford

		Lots 12/13 water and sewer service connections do not line up.	
		Lot 216 has two sewer service connections, properly abandon one.	
		Lot 87 service connections do not have sufficient separation.	
		Need more information on water and sewer service connections for lots 92-102 and buildings to the north.	
		Lots 118-125 water service connections do not line up.	
Sheet S4		Lot 203 is missing a water service connection.	
		Lot 135 is missing a water service connection.	
		Lot 136 is missing a water service connection.	
		Lot 150 is missing a water service connection.	
		Lot 161 is missing a water service connection.	
		Lots 201-209 services connections do not have sufficient separation.	
		Inlet near lots 153/154 has service connection conflict.	
		Lots 103/104 water and sewer connections do not line up.	
		Lots 147/148 sewer connection does not line up.	
		Lots 149/155 water service connection does not line up.	
Sheet S5		No service connections shown for apartment building on NW corner of sheet.	
		Inlet conflict om Watergate Blvd South approximately 230 feet from Marshall Street.	
		Clarification on how apartment buildings will be served. Some show one water/sewer service connection while others show multiple. Properly abandon connections not needed.	
		Lots 4/5 is missing a water service connection.	
		Lots 6/7 water and sewer service connections do not line up.	
		Lots 8/9 water and sewer service connections do not line up.	
		Lots 10/11 water and sewer service connections do not line up.	
		Lots 61/62 water and sewer service connections do not line up.	
		Lots 63/64 water and sewer service connections do not line up.	
		Lots 65/66 water and sewer service connections do not line up.	
		Lots 67/68 water and sewer service connections do not line up.	
		Lots 69/70/71 water and sewer service connections do not line up.	
		Lots 126/127 water and sewer service connections do not line up.	
		Lot 129 and 130 missing water service connections.	
Sheet S6		Lots 131/132 water and sewer service connections do not line	

		up.	
		Lot 184 has three sewer connections, properly abandon two.	

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Daniel A. Nagy, L.S. & P.P.
Samuel D. Costanzo, P.E. & P.P.

October 25, 2016

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

ATTN: Mr. Rob Pierce

Re: Watergate
Tax Map: 03-30-11.09 Parcels 29, 29.03 & 32
VCEA #07-01-MSB

Dear Mr. Pierce:

We have received the DBF review dated September 27, 2016 and offer the attached responses for your consideration.

Please contact me with any comments or concerns or if you need any additional information.

Sincerely,

Scott Lobdell, P.E.

Please Reply To:
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With Other Offices In:
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CITY OF MILFORD PLAN REVIEW

DAVIS, BOWEN & FRIEDEL, INC. Project Review Comments	Submittal Phase:	Revised PUD Submittal	Project No.:	NA
	Date Submitted:	UNK	Project Title:	Prelim. Development Plan-05.09.16
	Submittal No.:	4	Project A/E:	Van Cleef Engineering Associates
	DBF Job No.:	0052B002.001		
	Date Returned:	09.27.16		

DWG/PAGE NO.	COMMENT NO.	PROJECT REVIEW COMMENTS	APPLICANT RESPONSE
GENERAL	1	Recommend that scale of plans be increased for ease of viewing.	We have added some various colors to the line weights and the scale has been changed
	2	Add sheet number at matchlines.	Sheet numbers have been added.
	3	Existing utility service connections do not match new lot alignments; double check all lots' service connections.	We have revised the layouts to match the proposed lots.
	4	Utility service connections should be relocated (abandon existing and add new) where shown crossing one property to serve another.	We have adjusted these areas.
	5	Some lots do not have water and/or sewer service connections.	We have added where needed.
	6	Water meter and/or clean outs shown in driveways should be relocated to grassed area.	We have located them in the grass areas where feasible.
	7	Add sewer manholes to plans.	Manholes have been shown.
	8	Add water meter locations to plans.	Water meters have been shown.
Sheet 2	9	If DelDOT allows access from Industrial Blvd, access needs to be improved, if not, access needs to be barricaded off. (Sheet 3 as well)	There needs to be further discussion on this.
	10	Show Shawnee Acres PS 20' forcemain easement (Sheets 3 and 4 as well). Lot 23 will be lost due to easement.	The easement has been shown and the lot has been adjusted.
Sheet 3	11	Show Shawnee Acres PS forcemain and easement on plans.	The information is shown.
	12	Lots 23/24 water and sewer service connections do not line up.	We have addressed the connection issues.
	13	Lots 41/42 water and sewer service connections do not line up.	We have addressed the connection issues.

	14	Lots 17/18 water and sewer service connections do not line up.	We have addressed the connection issues.
	15	Lots 14/15 water and sewer service connections do not line up.	We have addressed the connection issues.
	16	Lots 90/91 water and sewer service connections do not line up.	We have addressed the connection issues.
	17	Lots 88/89 water and sewer service connections do not line up.	We have addressed the connection issues.
		Lots 12/13 water and sewer service connections do not line up.	We have addressed the connection issues.
		Lot 216 has two sewer service connections, properly abandon one.	We have addressed the connection issues.
		Lot 87 service connections do not have sufficient separation.	We have addressed the connection issues.
		Need more information on water and sewer service connections for lots 92-102 and buildings to the north.	We have addressed the connection issues.
		Lots 118-125 water service connections do not line up.	We have addressed the connection issues.
Sheet S4		Lot 203 is missing a water service connection.	We have addressed the connection issues.
		Lot 135 is missing a water service connection.	We have addressed the connection issues.
		Lot 136 is missing a water service connection.	We have addressed the connection issues.
		Lot 150 is missing a water service connection.	We have addressed the connection issues.
		Lot 161 is missing a water service connection.	We have addressed the connection issues.
		Lots 201-209 services connections do not have sufficient separation.	We have addressed the connection issues.
		Inlet near lots 153/154 has service connection conflict.	We have addressed the connection issues.
		Lots 103/104 water and sewer connections do not line up.	We have addressed the connection issues.
		Lots 147/148 sewer connection does not line up.	We have addressed the connection issues.
		Lots 149/155 water service connection does not line up.	We have addressed the connection issues.
Sheet S5		No service connections shown for apartment building on NW	We have addressed the connection

		corner of sheet.	issues.
		Inlet conflict om Watergate Blvd South approximately 230 feet from Marshall Street.	The conflict has been resolved.
		Clarification on how apartment buildings will be served. Some show one water/sewer service connection while others show multiple. Properly abandon connections not needed.	We have addressed the connection issues.
		Lots 4/5 is missing a water service connection.	We have addressed the connection issues.
		Lots 6/7 water and sewer service connections do not line up.	We have addressed the connection issues.
		Lots 8/9 water and sewer service connections do not line up.	We have addressed the connection issues.
		Lots 10/11 water and sewer service connections do not line up.	We have addressed the connection issues.
		Lots 61/62 water and sewer service connections do not line up.	We have addressed the connection issues.
		Lots 63/64 water and sewer service connections do not line up.	We have addressed the connection issues.
		Lots 65/66 water and sewer service connections do not line up.	We have addressed the connection issues.
		Lots 67/68 water and sewer service connections do not line up.	We have addressed the connection issues.
		Lots 69/70/71 water and sewer service connections do not line up.	We have addressed the connection issues.
		Lots 126/127 water and sewer service connections do not line up.	We have addressed the connection issues.
		Lot 129 and 130 missing water service connections.	We have addressed the connection issues.
Sheet S6		Lots 131/132 water and sewer service connections do not line up.	We have addressed the connection issues.
		Lot 184 has three sewer connections, properly abandon two.	We have addressed the connection issues.

DAVIS, BOWEN & FRIEDEL, INC. Project Review Comments	Submittal Phase:	Revised PUD	Submittal No.:	1
	Reviewer:	Jason Loar	Project Title:	Watergate at Milford

THE CITY of Milford DELAWARE

PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

September 7, 2016

Scott Lobdell, P.E.
Van Cleef Engineering, Inc.
630 Churchmans Road
Suite 105
Newark, DE 19720

RE: Watergate Revised Major Subdivision Plan – Review #2

Mr. Lobdell,

The City of Milford Planning & Zoning Department has reviewed the above referenced amended Planned Unit Development (PUD) Major Subdivision Plan dated May 9, 2016. The following comments must be addressed prior to scheduling these applications for Planning Commission and City Council meetings;

DWG/PAGE NO.	COMMENT NO.	PROJECT REVIEW COMMENTS
		Major Subdivision Plans
S1	1	General Project: Note 12 – add a space between "provide" and "fencing".
	2	General Construction Plan Notes: Notes 2, 4-9 – remove indentation and align similar to remaining notes.
	3	General Construction Plan Notes: Note 13 – this note can be removed since it is the same as General Project Note 9.
	4	Remove Certification of Pre-Approval, not required.
	5	Match City approval blocks with text and formatting of Engineer's Certification and Certificate of Ownership.
S2	6	Provide building numbers for Multi-family structures.
	7	Renumber lots with existing units to match original lot numbers prior to final plan approval. This will reduce the amount of confusion related to record tracking for building permits and utility bills.
	8	Easements should be provided for each alleyway to the City for refuse collection service.
	9	Label which units will have single car garages.
	10	The building closest to the existing sewage pumping station needs a trash enclosure within a reasonable distance of the building.
	11	Modify the right-of-way for Radian Circle making the majority on private property. The only portion to remain City Right of Way should be the segment extending in front of the 4 existing townhouse units leading to the proposed multi-family parking lot. All other parking lots and driveways will be privately maintained.
	12	In the same area near Radian Circle, remove the open space parcel where the proposed parking will be located.

	13	Is four feet wide enough for the landscape buffer? The location of the planted trees appears to be a potential nuisance within the alleyway and for adjacent property owners when the plantings become fully mature.
	14	The City has contacted DelDOT regarding the denial of access from industrial boulevard to the subdivision and would like to entertain keeping the entrance open.
	15	Based on addresses provided by Sussex County, the break point for Watergate Boulevard North and South occurs at the southern intersection of Zachary Drive.
	16	Lots 208 and 209 were recorded as one single family lot in the original recordation that preceded the current recorded document.
S3	17	Show sidewalk in actual/proposed location. I believe the sidewalk has been installed against the curb in some of the constructed phases.
	18	Private utility services will cross adjacent properties to serve certain units. Please add a note to the plan establishing an easement for the service laterals across private property. Include a note providing Contractors instruction to install service laterals to minimize impact on neighboring lots. How will the minimum separation requirements between sewer and water service laterals be maintained?
	19	Some units have small building envelopes which will limit the product that can be constructed on them. Also, additions will not be permitted for some units due to the small building envelopes.
S4	20	Lots 201-208 do not meet the minimum 30 ft. lot width requirement outlined on the cover sheet. Could this be accomplished by adjusting the widths of Lots 198 and 199?
S5	21	How will the buildings along Marshall Street be protected from vehicular traffic.
	22	Provide easements for utilities that will be maintained by the City on private property.
	23	Provide access easements to the City for garbage collection service through the multifamily areas. In addition, provide access easement to pumping station.
	24	Parking for lots 8-11 appears to be in the multi-family parking lot, please confirm. If so, how will these residents be guaranteed their parking spaces?
	25	Dimension a typical parking space.
	26	Provide handicap parking per ADA requirements.
	27	Label the square footage for the community center and pavilion. City Code requires 1 parking space for every 150 square feet for a community center. Please confirm if this requirement was met.
	28	Label the separation distance between the proposed community center and the multifamily building to the east. It measures at approximately 15 feet. The minimum separation distance per code is 25 feet. Please adjust, if possible.
	29	The Public Works Department requests on-street parking be restricted on any paved road with a width of less than 28 feet.
	30	The parking lot closest to the pumping station could be reconfigured to provide access to the pump station and eliminate the intersection on the bend. Closing off this parking lot at the bend could also provide additional parking and/or a location for the trash enclosure.
	31	The existing electric utilities are not shown on the preliminary

		site plans and may be in conflict with some of the proposed buildings. Owner would be responsible for any costs associated with the relocation of electric facilities.

Please revise and resubmit for review. Feel free to contact me at 302-424-3712 ext. 311 should you have any questions regarding this letter.

Sincerely,

William R. Pierce II

Rob Pierce
Coordinator of Planning &
Economic Development Activities

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Samuel D. Costanzo, P.E. & P.P.

October 25, 2016

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

ATTN: Mr. Rob Pierce

Re: Watergate
Tax Map: 03-30-11.09 Parcels 29, 29.03 & 32
VCEA #07-01-MSB

Dear Mr. Pierce:

We have received your review dated September 7, 2016 and offer the following responses for your consideration.

Major Subdivision Plans

S1

1. General Project: Note 12 – add a space between "provide" and "fencing". ***Spacing has been provided.***

2. General Construction Plan Notes: Notes 2, 4-9 – remove indentation and align similar to remaining notes. ***Notes have been updated.***

3. General Construction Plan Notes: Note 13 – this note can be removed since it is the same as General Project Note 9. **Note has been removed.**

4. Remove Certification of Pre-Approval, not required. ***There are no references to Pre-approval on the plan.***

5. Match City approval blocks with text and formatting of Engineer's Certification and Certificate of Ownership. ***Format has been updated.***

S2

6. Provide building numbers for Multi-family structures. ***We have added building identifiers as requested.***

7. Renumber lots with existing units to match original lot numbers prior to final plan approval. This will reduce the amount of confusion related to record tracking for building permits and

utility bills. ***The lot numbers for the existing buildings have remained the same as the original plan as requested.***

8. Easements should be provided for each alleyway to the City for refuse collection service. ***The easements have been depicted on the plans around each alleyway.***

9. Label which units will have single car garages. ***These will be labeled further as the developer completes the unit designs.***

10. The building closest to the existing sewage pumping station needs a trash enclosure within a reasonable distance of the building. ***We have added an additional trash enclosure to accommodate this.***

11. Modify the right-of-way for Radian Circle making the majority on private property. The only portion to remain City Right of Way should be the segment extending in front of the 4 existing townhouse units leading to the proposed multi-family parking lot. All other parking lots and driveways will be privately maintained. ***We were matching the original intent of the ROW area from the original plans. We would like to discuss this further before we completely remove but would be amenable to the request.***

12. In the same area near Radian Circle, remove the open space parcel where the proposed parking will be located. ***Same as response to #11.***

13. Is four feet wide enough for the landscape buffer? The location of the planted trees appears to be a potential nuisance within the alleyway and for adjacent property owners when the plantings become fully mature. ***The four feet wide buffer was per the original plan and is behind existing units already built. It would be very difficult to increase the width at this point.***

14. The City has contacted DelDOT regarding the denial of access from Industrial Boulevard to the subdivision and would like to entertain keeping the entrance open. ***We should discuss this further in addition to the above issues.***

15. Based on addresses provided by Sussex County, the break point for Watergate Boulevard North and South occurs at the southern intersection of Zachary Drive. ***We have noted this on the plans to match.***

16. Lots 208 and 209 were recorded as one single family lot in the original recordation that preceded the current recorded document. ***We have tweaked the lots in this area to accommodate this.***

S3

17. Show sidewalk in actual/proposed location. I believe the sidewalk has been installed against the curb in some of the constructed phases. ***We will update these plans as needed prior to final approval.***

18. Private utility services will cross adjacent properties to serve certain units. Please add a note to the plan establishing an easement for the service laterals across private property. Include a note providing Contractors instruction to install service laterals to minimize impact on neighboring lots. How will the minimum separation requirements between sewer and water service laterals be maintained? ***We have adjusted the utilities to address this issue.***

19. Some units have small building envelopes which will limit the product that can be constructed on them. Also, additions will not be permitted for some units due to the small building envelopes. ***The product will be designed for each lot to accommodate these issues.***

S4

20. Lots 201-208 do not meet the minimum 30 ft. lot width requirement outlined on the cover sheet. Could this be accomplished by adjusting the widths of Lots 198 and 199? ***We have shifted the lots in this area to address this.***

S5

21. How will the buildings along Marshall Street be protected from vehicular traffic. ***We will need to sit with you to discuss this issue further given the nature of the area. The applicant is willing to look at these concerns.***

22. Provide easements for utilities that will be maintained by the City on private property. ***The easements have been shown where required.***

23. Provide access easements to the City for garbage collection service through the multifamily areas. In addition, provide access easement to pumping station. ***We have found it easier to provide blanket easements for these situations. If this is acceptable we can add the required notes to the plan prior to final approval.***

24. Parking for lots 8-11 appears to be in the multi-family parking lot, please confirm. If so, how will these residents be guaranteed their parking spaces? ***Signage will be provide on these parking stall identifying the use.***

25. Dimension a typical parking space. ***Parking stall dimensions have been added.***

26. Provide handicap parking per ADA requirements. ***We will provide the ADA parking as needed after we receive the approval on the layout in general. Once that is complete we will have a clear idea where to place the stall for each building and change the plans accordingly.***

27. Label the square footage for the community center and pavilion. City Code requires 1 parking space for every 150 square feet for a community center. Please confirm if this requirement was met. ***The parking has been provided as required.***

28. Label the separation distance between the proposed community center and the multifamily building to the east. It measures at approximately 15 feet. The minimum separation distance per code is 25 feet. Please adjust, if possible. ***We would like to discuss this further with you and can reflect any changes prior to final plan approval.***

29. The Public Works Department requests on-street parking be restricted on any paved road with a width of less than 28 feet. ***A note has been added to reflect this.***

30. The parking lot closest to the pumping station could be reconfigured to provide access to the pump station and eliminate the intersection on the bend. Closing off this parking lot at the bend could also provide additional parking and/or a location for the trash enclosure. ***We have reconfigured the parking area.***

31. The existing electric utilities are not shown on the preliminary site plans and may be in conflict with some of the proposed buildings. Owner would be responsible for any costs associated with the relocation of electric facilities. ***Understood.***

Please contact me with any comments or concerns or if you need any additional information.

Sincerely,

Scott Lobdell, P.E.

Chapter 200 - SUBDIVISION OF LAND

§ 200-1. - Purpose.

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

§ 200-2. - Title.

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

§ 200-3. - Definitions.

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

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

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

OPEN SPACE — Areas of land within residential subdivisions or developments including planned unit developments that are available to all residents and or the public and which have the purpose to provide active and/or passive recreational opportunities, maintain land in a predominantly undeveloped and natural state including lands used for:

(1) Community gardens;

(2) Promotion of conservation and protection of wildlife;

(3) Perpetual conservation easements;

(4) Parks, plazas, walkways, sidewalks and trails;

(5) Buffers or forested areas; or

(6) For recreational uses as defined herein.

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

(1) Wetlands or stormwater management facilities;

(2) Drainage easements;

(3) Flagpole areas;

(4) Medians (unless designed as a park);

(5) Signage areas;

(6) Landscaping in parking areas;

(7) Predominantly impervious surfaces such as streets and parking lots;

(8) Required front, side, or rear yards;

(9) Any land included within designated lot lines; or

(10) Utility facilities for uses such as sewer, water, gas or electric.

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

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

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

(1) Indoor club houses;

(2) Swimming pools and pool houses;

(3) Tennis courts;

(4) Basketball courts;

(5) Athletic fields;

(6) Picnic areas with tables;

(7) Ponds for recreational use (boat, fishing or swimming);

(8) Playgrounds; and

(9) Bike or multi-model trails.

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

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

A. ARTERIAL STREET and HIGHWAY — A street primarily used for fast and/or heavy traffic.

B. COLLECTOR STREET — A street carrying traffic from minor streets to arterial streets and highways, including the principal traffic and entrance streets of a residential development.

C. MINOR STREET — A street primarily used for access to the abutting properties.

D. MARGINAL ACCESS STREET — A minor street paralleling and adjacent to an arterial street or highway and providing access to abutting properties and protection from through traffic.

E. DEAD-END STREET or CUL-DE-SAC — A street closed at one end and having only one connection with any other street.

F. HALF STREET — A street paralleling the boundary of a subdivision and lying partly in an abutting tract.

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

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

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

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

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

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

§ 200-4. - Application procedure.

A. Preliminary approval.

(1) A preliminary plan and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by the City Planner, along with the appropriate fees, as specified in § 230-57.

(2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.

(3) The Planning Commission shall review the application and provide either a recommendation of preliminary approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions or recommendation of denial, the application shall be scheduled to be heard by the City Council.

(4) City Council shall grant preliminarily approval of the application with or without conditions, deny the application, or table the application.

(5) Preliminary approval from City Council shall be void after one year, unless an extension is requested by the owner and approved by City Council prior to the expiration.

B. Final approval.

(1) A final plat and documents, as specified by the Planning Department, shall be prepared by the subdivider and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in § 230-57.

(2) The Development Advisory Committee shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.

(3) The Planning Commission shall review the application and provide either a recommendation of final approval with or without conditions, a recommendation of denial, or table the application. Upon a recommendation of approval with or without conditions, or recommendation of denial, the application shall be scheduled to be heard by City Council.

(4) City Council shall approve the application with or without conditions, deny the application, or table the application.

(5) Within 90 days of final approval from City Council, the subdivider shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must

be submitted to the City Planner for stamping and signing. Four sets will be returned to the subdivider.

(6) Upon recordation of the plat, the subdivider shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.

(7) Failure to record the approved plat within one year from the date of City Council approval shall void the final approval. In order to obtain final approval after it has been voided, the subdivider must make application for final approval again.

(8) Failure to record the approved plat in more than one year from the date of City Council approval shall void the preliminary approval and final approval. In order to obtain preliminary and final approval after they have been voided, the subdivider must make application for and receive preliminary approval, then make application for and receive final approval.

§ 200-5. - General requirements and design standards.

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

A. Streets.

(1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:

(a) Public convenience and safety.

(b) Proposed uses of the land to be served by said streets.

(c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another subdivision in a neighborhood plan, in the development plan or in the Official Map, as approved or adopted by the Commission.

(d) Topography and other land features.

(2) The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.

(3) Minor streets shall be laid out so as to discourage their use by through traffic.

(4) Where a subdivision abuts or contains an existing or proposed arterial street, limited-access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.

(5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.

(6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A(4) above.

(7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.

(8) The creation of dead-end or loop streets and superblocks will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.

(9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.

(10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.

(11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on arterial streets, 300 feet on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.

(12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.

(13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.

(14) Right-of-way widths.

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

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

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

(b) Subdivisions utilizing open swale drainage shall have a ten-foot drainage easement along the front of each property to accommodate the back slope of the drainage swales.

(15) Half streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the requirements of this chapter and where the Commission finds that it shall be practicable to require the dedication of the other half when the abutting property is subdivided. Wherever an approved half street shall be adjacent to a subdivision, the other half of the street shall be platted within said subdivision.

(16) Dead-end streets, designed to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of 76 feet and a street right-of-way diameter of 100 feet.

(17) Street names.

(a) Street names shall be selected so as not to duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Commission. It is recommended that all new streets shall be named in the following manner:

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

(b) Arterial streets shall be named "boulevards."

(18) Street grades shall not exceed 5%.

(19) Street grades shall be not less than 0.5% wherever feasible.

(20) Changes in street grades shall be connected by vertical curves of suitable length.

(21) The width of streets adjacent to areas designed, proposed or zoned for nonresidential use shall be increased by such amount as may be deemed necessary by the Commission to assure the free flow of through traffic without interference by parked or parking cars and to provide adequate and safe parking space.

(22) All required roads shall be constructed in accordance with the standard specifications as issued by the City Engineer.

B. Sidewalks and curbs.

(1) Sidewalks shall be required in all subdivisions on both sides of the street. Sidewalks shall have the following widths:

(a) In residential subdivisions: four feet unless otherwise specified.

(b) In commercial and industrial subdivisions: from the curb to property lines unless otherwise specified.

(2) Curbs or drainage swales conveying stormwater shall be required in all subdivisions.

(3) All required sidewalks shall be constructed in accordance with standard specifications as issued by the City Engineer.

C. Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a stormwater easement or drainage right-of-way of such width as will be adequate for the purpose, in accordance with requirements specified by the City Engineer. Parallel streets or parkways may be required in relation thereto.

D. Blocks.

(1) The lengths, widths and shapes of blocks shall be determined with due regard to:

(a) The provision of building sites suitable to the needs of the type of use contemplated.

(b) Zoning requirements as to lot sizes and dimensions.

(c) The control, safety and convenience of pedestrian and vehicular traffic.

(d) The characteristics of topography.

(2) Block length shall not exceed 1,200 feet.

(3) Block widths shall be not less than 275 feet nor more than 450 feet and shall be planned to provide two rows of lots.

(4) Pedestrian walkways other than in streets may be required where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Said walkways shall be not less than four feet wide.

(5) Alleys shall be provided if required by the City Engineer.

E. Lots.

(1) Lot width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.

(2) Lot sizes shall conform to the requirements of Chapter 230, Zoning.

(3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in Chapter 230, Zoning.

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

(5) All lots in a subdivision shall have frontage on a public street.

(6) Double-frontage lots shall be avoided. Reverse-frontage lots shall be provided where necessary for protection of residential properties from through traffic and adverse nonresidential uses, for separation of through and local traffic and to overcome difficulties of topography or other specific conditions. Screen planting and a fence or wall shall be provided along the rear property line within an easement 10 feet or more in width, across which there shall be no right of access.

(7) Side lot lines shall be at right angles or radial to street lines.

(8) No lots shall be platted on land subject to flooding for residential or any other use where danger to life or property or an aggravation of flood hazard may result. Such land should be set aside for uses which would not be endangered by periodic or occasional inundations.

(9) No lots shall be platted within 25 feet of land under the jurisdiction of the U.S. Army Corps of Engineers.

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

(1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, in those cases in which the Commission deems such requirements to be reasonable.

(2) Open spaces. Where deemed essential by the Commission and City Planner, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Commission or City Planner may require the dedication or reservation of sites of a character, extent and location suitable to the needs created by such development for playgrounds or parks. The Commission shall not require that more than 10% of the gross area of the open space of the subdivision to be so dedicated or reserved unless otherwise specified by the Zoning Code.[2] In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three acres and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.

(3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.

(4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.

G. General grading. No final slope on the property shall exceed the normal angle of repose of the soil of said slope as determined by the City Engineer, except where said slope consists of a natural rock formation or is supported by a retaining wall or equivalent of a design acceptable to the City Engineer.

H. Improvements.

(1) In major subdivisions the following improvements are required:

(a) Paved streets.

(b) Street signs.

(c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.

(d) Sidewalks.

(e) Streetlighting.

(f) Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.

(g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.

(h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.

(i) Water mains, culverts, storm sewers and sanitary sewers.

[1] All water installations shall be looped; all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.

[2] All of the above-listed improvements shall be subject to inspection and approval by the City Engineer, who shall be notified by the subdivider at least 24 hours prior to the start of construction. No underground installation shall be covered until inspected and approved.

[3] Utility easements shall be required to be granted and recorded by the subdivider to allow extension of utilities to neighboring properties.

(j) Swales. Conveyance of stormwater is permitted by open drainage systems where appropriate for environmental and engineering integrity and design. Such systems shall be separated from the edge of road to the top of bank by a minimum five-foot shoulder. The depth of such systems shall not exceed two feet below crown of road. The side slope shall be a maximum of 4:1. The bottom of the system shall have a minimum width of two feet. The system slope shall be such that the maximum velocity does not exceed two feet per second. The system has to be designed in such a way as to incorporate driveway and crossroad drainage pipes; such systems shall be restored with topsoil and sod. Temporary check dams shall be placed in intervals not to exceed 300 feet.

(k) Headwalls. Storm drainage pipes which are part of an open swale drainage system shall be terminated with a headwall in accordance with standard specifications.

(2) The developer shall complete all utilities and street improvements not specifically waived by the Commission in accordance with standard specifications as issued by the City Engineer and with any additional requirements specified by the Commission. Construction drawings shall be submitted in a form satisfactory to the City Engineer.

(3) When the Commission or the City Engineer, due to planning considerations extraneous to the subdivision, requires a standard of improvements higher than that which is sufficient to serve the subdivision, the amount of the bond to be posted shall be deemed to be satisfactory if it adequately covers the cost of improvements which would be normally required.

(4) The developer shall pay the review and inspection fees as set forth in Chapter 230, Zoning, § 230-57, Planning, Zoning and Engineering Fees. The cost for each segment or phase of the development shall be paid prior to commencement of utility construction.

§ 200-6. - Variances and waivers.

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

Council may specify such conditions at will, in its judgment, secure substantially the objectives of the requirements so varied or waived.

§ 230-11. - R-3 Garden Apartment and Townhouse District.

In an R-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A. Purpose. The purpose of the R-3 District is to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.

B. Permitted uses. Permitted uses for the R-3 District shall be as follows:

(1) All uses permitted in an R-2 District and subject to its area regulations, unless otherwise indicated in this section as provided below:

(a) Single-family and two-family dwellings shall be subject to the following area regulations:

[1] Minimum lot area shall be 7,500 square feet.

[2] Maximum building coverage shall be 45%.

[3] Minimum lot width shall be 60 feet.

[4] Height of buildings shall not exceed three stories or 35 feet.

[5] Minimum building setback line shall be 30 feet.

[6] Side yards shall be provided as follows: each lot shall have at least two side yards eight feet in width, except semidetached structures, which shall have at least one side yard per lot eight feet in width.

[7] Minimum rear yard setback shall be 15 feet. For corner lots the rear yard setback may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.

[8] Decks, subject to the following requirements:

[a] The deck cannot be located in the front yard.

[b] A minimum distance of 10 feet must be maintained from the deck to the rear property line.

(2) Garden or low-rise apartments, subject to site plan review and the following requirements:

(a) The number of dwelling units per acre shall not exceed 16.

(b) Building coverage shall be a maximum of 20% for any lot developed for garden apartments.

(c) The maximum number of dwelling units per building shall be 12.

(d) Distance between buildings or groups of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or group of buildings.

(e) Minimum lot width on any public street shall be at least 50 feet.

(f) Minimum lot size shall be one acre for garden apartment properties or complexes, with a minimum of 2,500 square feet of lot area for each dwelling unit.

(g) A minimum of 400 square feet per unit shall be designated as open space subject to the following recreational use requirements in Subsection B(2)(h) herein.

(h) Recreational use requirement. 50% of the required open space shall be set aside for recreational uses. This requirement only applies to subdivisions or developments with 15 or more lots or units.

(3) Townhouses or row dwellings, subject to site plan review and the following requirements:

(a) The number of dwelling units per group shall not exceed eight nor be fewer than three.

(b) The number of dwelling units per acre shall not exceed 12.

(c) Maximum building coverage shall be 60%.

(d) No group of townhouses shall be closer than 60 feet as to facing walls and 30 feet as to end walls from any other group of such dwellings nor closer than 60 feet from any boundary line of a designated townhouse area of which the group is a part.

(e) There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition, no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.

(f) The minimum width of any side yard abutting a street, driveway or parking area within the townhouse area shall not be less than 30 feet.

(g) Height of buildings shall not exceed three stories or 35 feet.

(h) Alleys in the rear of townhouse groups are required for access to units by owners and to facilitate City services, trash collection, meter reading and parking.

(i) Minimum lot size shall be one acre for townhouse projects or complexes, with a minimum of 2,000 square feet of lot area for each dwelling unit.

(j) A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use requirements in Subsection B(3)(k) herein.

(k) Recreational use requirement. 50% of the required open space shall be set aside for recreational uses. This requirement only applies to subdivisions or developments with 15 or more lots or units. [2]

C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter:

(1) Rooming or boarding houses.

(2) Business offices for administrative purposes only.

(3) Professional offices (nonresident).

(4) Medical clinics.

(5) Sanatoriums or nursing homes.

(6) Mobile home parks, subject to conformance with the following requirements and subject to site plan review:

(a) The total area to be developed as a mobile home park shall be at least 20 acres.

(b) The maximum density shall not exceed eight units per acre.

(c) Mobile home parks with more than 25 units shall provide at least 5,000 square feet or 400 square feet per lot of open space. At least 10% of the open space shall be developed as a recreational area.

(d) Landscape screening shall be required along all property lines. The screening shall be accomplished with an evergreen hedge, shrubs or trees. The screen shall be located not less than five feet from the property line.

(e) Common sidewalks four feet in width shall be required where pedestrian traffic is located. Individual sidewalks 2 1/2 feet wide shall connect each mobile home unit to the common walk.

(f) Off-street parking shall be provided on the basis of two spaces per lot. All parking areas shall be located not more than 400 feet from the mobile home unit. There shall be no on-street parking.

(g) Signs.

[1] An identification sign may be set up at the park entrance. This sign may be illuminated and shall have a street setback of 15 feet. It may have a maximum height of 20 feet and may not exceed 20 square feet of area on either side.

[2] Unilluminated traffic direction signs may also be erected. These signs shall have a street and property setback of 15 feet. They shall be no more than four square feet in area or two feet in height.

(h) Streets shall be required from abutting public streets to individual lots. The streets shall be designed to minimize congestion and traffic hazards and must be built to the street and storm drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two streets shall intersect at one point.

(i) Minimum requirements for mobile home lots.

[1] Lot area shall be 5,000 square feet per mobile home.

[2] Width shall be 40 feet.

[3] Public street setback shall be 50 feet.

[4] Mobile home park setback shall be 35 feet.

[5] Mobile home street or parking area setback shall be 30 feet.

[6] Distance from other mobile homes and buildings shall be 25 feet.

[7] One patio shall be required per unit, 10 feet by 40 feet paved.

[8] Landscaping shall be one tree per lot.

[9] Mobile homes must meet the requirements of the Federal Manufacturer Housing Construction and Safety Standard Act of 1974.

[10] The entire lot occupied by a mobile home park shall be maintained in single ownership throughout the entire life of the mobile home park.

(7) Art or specialty shops/galleries. The following items shall be reviewed for conformance during the site plan review hearing by the Planning Commission:

(a) The residence shall remain as the predominant feature of the site.

(b) The shop or gallery shall occupy only 40% of the residence.

(c) Public parking shall be available, with the determination of said parking requirements being made by the Planning Commission during the site plan review hearing. These determinations and recommendations must be done in conjunction with any state regulations concerning traffic control within the given site area.

(d) The Fire Marshal review must be applied for and recommendations made by the agency must be presented two weeks prior to the hearing date. All requests or recommendations shall be adhered to.

(8) Planned unit residential development.

ARTICLE IV - Off-Street Parking and Loading

§ 230-20. - General provisions.

A. Establishment of off-street parking area. The establishment of any off-street parking area having a capacity of four or more automobiles shall be subject to the approval of the Code Official and further subject to the following requirements. It shall:

(1) Have a buffer strip at least five feet wide between it and any adjacent residential lot.

(2) Be attractively landscaped and screened from neighboring residential lots.

(3) Not extend into any required front yard areas, except for the driveways.

(4) Be used solely for the periodic parking of private passenger (noncommercial) vehicles.

B. Parking space size. Parking space sizes shall be in accordance with § 230-21.

C. Parking spaces in driveways. Driveways shall be considered as constituting off-street parking space for one-family detached, semidetached or townhouse dwellings in residential districts, provided that sufficient space is available in such driveways to meet the requirements of this section.

D. Location of parking spaces. All parking spaces shall be set back 15 feet from any street line. Parking spaces shall be located so that no spaces are a greater distance than 600 feet from the building or use to which they are assigned, provided that this requirement shall not apply to parking spaces for auditoriums, stadiums, assembly halls, gymnasiums and other places of assembly or industrial, wholesaling and manufacturing establishments.

E. Parking spaces assigned to more than one use. Parking spaces for separate buildings or uses in all zoning districts may be combined in a single lot, provided that the number of parking spaces in the lot shall equal the sum of the parking spaces required for each building and use, except that the parking spaces required for places of assembly may include parking spaces assigned to other uses, provided that the place of assembly shall not be used at a time when the other uses are carried on.

F. No off-street parking required in the C-2 Central Business District. No on-site, off-street parking shall be required in the C-2 District for newly constructed establishments or existing structures. Existing municipal parking facilities shall provide the necessary parking areas for downtown shoppers. The location of the municipal parking lots are:

(1) North Walnut Street and Northeast Front Street.

(2) Park Avenue and Northeast Front Street and Denney Row.

(3) Park Avenue and North Washington Street.

(4) Southeast Front Street between South Walnut Street and Church Street.

(5) Southeast Front Street and South Washington Street.

G. Parking lot and garage maintenance. Ground cover, shrubs, trees and landscape screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic on the property or with sight clearance and exits.

H. Fractional spaces. When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, any fraction under 1/2 shall be disregarded and fractions of 1/2 or over shall be counted as one parking space or loading space.

I. Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.

J. Points of ingress and egress. When the parking garage buffer strip is adjacent to any public street upon which the lot has frontage, the fifteen-foot buffer strip which extends for the full frontage of the lot may be interrupted only at points of ingress and egress. Only one accessway shall be permitted for each 100 feet of frontage upon a public road. Such accessway shall be not less than 25 feet and not more than 32 feet in width. No two accessways on the same lot shall be placed within 75 feet of each other.

§ 230-21. - Parking and loading standards.

A. Design standards (general).

(1) Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:

Parking Angle	Stall Width (feet)	Aisle Way to Curb (feet)	Aisle Way Width
90º	9	18	As required by State Fire Marshal
60º	9	20	As required by State Fire Marshal
45º	9	18	As required by State Fire Marshal
Parallel	10	20	As required by State Fire Marshal

(2) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).

(3) All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.

(4) Exceptions to the design standards shall be permitted as follows.

B. Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

Types and Uses	Required Off-Street Parking Spaces
Retail stores and shops, all types, supermarkets, retail food stores and undertakers	1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees

New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions	4 per salesperson, plus 1 per per 2 employees during the period of greatest employment
Personal service establishments, laundromats and dry cleaning	1 per 200 square feet of gross floor area
Banks and other financial institutions	1 per 200 square feet of gross floor area, plus 1 for each employee
Business, governmental and professional offices	1 per 100 square feet of gross floor area
Medical and dental offices or clinics **[Amended 7-14-1997]**	From 1 per 100 square feet gross floor space for medical and dental offices or clinics to 1 per 150 square feet of gross floor area for medical and dental offices or clinics
Hospitals	1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment
Sanatorium or nursing home	1 for every 4 beds
Churches and other places of worship	1 per 5 seats
Indoor and commercial outdoor recreation	1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility
Restaurants, taverns and similar uses	1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment
Dwelling, one-family detached, semidetached or mobile home	2 1/2 per dwelling unit
Dwelling, townhouse, garden apartment or multifamily dwelling	2 1/2 per dwelling unit

Rooming and boarding house or converted unit	1 per rented unit
Museum, art gallery and similar use	1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment
Public library	1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the shift of greatest employment
Fire station	25
Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center	1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility
Social club and fraternal, social service, union and civic organization building	1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses
Public or private school	3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the auditorium and other places of assembly or facility available to the public
Industrial, manufacturing or wholesaling establishment	1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales
Hotel and motel	1 for each guest room plus 1 for each 3 employees

(1) Reduction in the required number of off street parking spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space.

The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the

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

C. Loading spaces.

(1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:

(a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:

[1] Five thousand to 7,999 square feet of floor area: one berth.

[2] Eight thousand to 19,999 square feet of floor area: two berths.

[3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.

(b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:

[1] Eight thousand to 20,000 square feet of floor area: one berth.

[2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.

(c) Each manufacturing, office research and industrial establishment with a total of 3,500 square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.

(2) Loading spaces shall not be allowed in any front yard of any property.

ARTICLE V - Landscape Screening

§ 230-22. - District requirements.

A. Residential districts.

(1) In any R-1, R-2 or R-3 District a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

(2) In any R-3 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

B. Commercial districts. In any C-1, C-2 or C-3 District a fifteen-foot buffer area shall be provided within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2 or R-3 or any contiguous

lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard.

C. Institutional, Industrial and Office Building/Complex Districts: H-1, I-1, I-2, OB-1 and OC-1.[4]

(1) Each use established in these districts shall set aside at least 20 feet in width immediately adjacent to any street upon which the lot has frontage, and extending for the full frontage of the lot, for purposes of providing for proper site distance and buffering from the public road. Within such area, the owner shall establish and maintain a planting of grass and/or horticultural ground cover. Other landscape materials may be incorporated, provided that there is no obstruction to vision, other than a tree trunk, in the area between two and seven feet above ground level. No use shall be made of this buffer area other than for a single driveway to provide access to the use for each 100 feet of frontage upon a public road. Such driveway shall not exceed 32 feet in width.

(2) Parking areas may be located in any hard area but shall not be closer than 15 feet to any street line or property line.

D. Limited Industrial District. At the boundary line between an I-1 District and any R-1, R-2 or R-3 District or any lot developed or approved for development for residential use, there shall be a fifty-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard.[5]

§ 230-23. - Maintenance.

It shall be the responsibility of the property owner of record or his delegated representative(s) to properly maintain and care for any landscape plan planted or erected.

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

A. Permitted uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.

B. Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.

C. Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.

D. Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.

E. A planned unit residential development shall be subject to the same review procedures as for a major subdivision as provided in Chapter 200, Subdivision of Land.

F. Neighborhood commercial.

(1) Permitted neighborhood commercial uses. The following neighborhood commercial uses are permitted in a planned unit development:

(a) Retail goods and services.

(b) Child-care center (care for fewer than 24 children).

(c) Food services (grocery/convenience: cafe, coffee shop, but no facility with fuel distribution).

(d) Medical and dental offices, clinics, and laboratories.

(e) Professional and administrative offices.

(f) Repair services, conducted entirely within the building. (Auto repair and similar uses are not permitted.)

(g) Mixed use building (residential, including rentals, with other permitted use).

(h) Laundromats or dry cleaners.

(i) Art, music, or photography studio.

(j) Personnel service (barbershop, salons, video rental, fitness center and similar uses).

(k) Allowable uses (e.g., swimming pools, clubhouse and associated sport and exercise areas, tennis courts).

(2) Floor area standards. Up to 25% of the total acreage within the planned unit development may be available for nonresidential uses including neighborhood commercial, nursing home and hospice care, professional and small business office use, similar uses, but excluding areas reserved for clubhouse, pool, HOA offices and other development amenities. For neighborhood commercial, the maximum interior floor area shall not exceed 6,500 square feet total for any one use on one neighborhood commercial site without a variance.

(3) Hours of operation. Except for the swimming pool, clubhouse and associated sport or exercise areas, neighborhood commercial land uses shall be limited to the following hours of operation 6:00 a.m. to 9:00 p.m.

(4) Storage. Except for plants and garden supplies, overnight storage is not permitted.

(5) Parking. Parking spaces for the commercial space shall be determined in accordance with the overall planned unit development submission but in no event shall be less than 50% of the spaces required for standard commercial space.

(6) Control. Ownership of the land and buildings comprising the commercial space may be by individuals, corporations or partnership either in fee simple or as a condominium with limited common area control and shall be subject to the rules and regulations contained in the commercial area tenants association and covenants and restrictions. All commercial tenants shall pay dues and assessments to said association for management and upkeep of the common areas.

(7) Density. The overall density otherwise permitted under planned unit development shall be reduced at the rate of one dwelling unit per 3,000 square feet of commercial floor space.

G. A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement - 50% of the required open space shall be set aside for recreational use.

NOTICE OF PUBLIC HEARINGS
PLANNING COMMISSION PUBLIC HEARING: NOVEMBER 15, 2016
CITY COUNCIL PUBLIC HEARING: DECEMBER 12, 2016

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, November 15, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, December 12, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

Ordinance 2016-23

Liborio Watergate LLC for a Conditional Use for an amended Planned Unit Development and a Preliminary Major Subdivision of 47.39 +/- acres in an R3 (Garden Apartment and Townhouse) Zoning District. Property is located on the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection, Milford, Delaware. Present Use: Townhouses and Vacant Land; Proposed Use: 43 Single Family units, 48 Duplex units, 129 Townhouse units, 80 Apartment units for a total of 300 unit subdivision. Tax Map 3-30-11.09-029.00; -029.03; -30.00 through -032.00; 3-30-11.09-101.00 through -304.00.

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on November 15, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on December 12, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for an amended Planned Unit Development and a Preliminary Major Subdivision as herein described.

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

Section l. Upon the adoption of this ordinance, Liborio Watergate LLC is hereby granted a Conditional Use Permit to allow an amended Planned Unit Subdivision and a Preliminary Major Subdivision to be known as Watergate in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

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

Section 3. Dates.
Planning Commission Review & Public Hearing: November 15, 2016
City Council Introduction: November 28, 2016
City Council Public Hearing: December 12, 2016
Adoption: December 12, 2016
Effective: December 22, 2016
This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302-424-3712.

Advertised: Beacon 102616

Milford Community Parades, Inc.

PO Box 1153, Milford, DE 19963 www.milfordparade.com

November 21, 2016

City of Milford
City Council
Eric Norberg, City Manager
Bryan Shupe, City Mayor
Milford, De 19963

Dear City Council Members, City Manager and Mayor Shupe:

I would like to request the opportunity to speak at the upcoming City Council Meeting, Monday November 28, 2016. I would like to personally thank the City of Milford on behalf of the Milford Community Parade. This year's parade had seen an increase in participation and the partnership between city departments was outstanding. At the same time, I would like to begin a dialogue with the City regarding vendors the evening of the parade. I applaud the ongoing efforts made to successfully manage the trending mobile food service industry. As it pertains to the parade, additional steps may be necessary, for which I am asking for the dialogue to continue.

Again, thank you for your support and partnership to make the annual Milford Community Parade a continued tradition and success.

Sincerely,

Charles

Charles Gray
2016 Parade Chairperson

City of Milford

PROCLAMATION
2016-17
Honoring MHS Girls Cross Country Team

WHEREAS, Cross Country is one of the more grueling high school sports, requiring dedication, determination and many hours of intense training; and

WHEREAS, the Milford Senior High School Girls' Cross Country Team began the season with a goal of winning the Henlopen South Divisional Title; and

WHEREAS, the members of the team performed at the highest level of excellence throughout the season winning twelve regular meets, three tri-meets and two quad-meets; and

WHEREAS, the Girls' Cross Country Team continued their winning streak by clinching the Kent County Championship on November 1, 2016; and

WHEREAS, not only did they accomplish their goal by bringing home the Henlopen South Divisional Title, but on November 5, 2016, they completed a sensational season by winning the 2016 Henlopen Conference Championship; and

WHEREAS, this winning team was directed by Head Coach Bobby Spath who was named the 2016 Henlopen Conference Girls' Coach of the Year; and

WHEREAS, the champion runners are Summer Arthurs, Rejene Bowe, Deja Rodriquez-Santiago, Holly Tesoro, Emily Holstein, Victoria Little, Magaly Tijerino-Chaj, Silvara Santiago, Olivia Cromer, Ainsley Kenton and Georgina Valdez.

NOW, THEREFORE, BE IT RESOLVED, that I, Bryan W. Shupe, Mayor of the City of Milford hereby congratulate and commend the Milford High School Girls Cross Country Team for their excellence and perseverance. Their success reflects credit upon themselves, their coaches, their parents and the Milford Public School District.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 28th day of November 2016.

Mayor Bryan W. Shupe

Attest:

City Clerk

City of Milford

PROCLAMATION
2016-18
Honoring MHS Varsity Football Team

WHEREAS:

The Milford High School Varsity Football Team came into the season with high expectations despite having to replace 20 seniors from their 2015 season; and

The Mayor and City Council are especially proud of this teams' hard work and impressive effort and commends the newcomers and underclassmen who were needed to step up to the plate; and

The team had a breakout season on offense, averaging 40 points a game, rushing for over 2,000 yards and passing for just under 2,000 yards; and

Quarterback William Kimmel combined for a total of 1,700 yards and 20 touchdowns; Brion Murray and Marcus Correa were respectively the number one and number two top receivers in the Henlopen Conference Southern Division; DJ Bowman obtained more than 1,000 yards in only 6 games (816 rushing and 184 receiving); and

Guided by Milford's top two tacklers Ryan Jones and Dominyc Hovington, Milford's defense came together to create one of the toughest units in all of Division II football recording three shutouts during the regular season; and

Team Captains Brion Murray, Greg Clark, Ryan Jones, and David Bowman led their team to victory along with the teammates Rashawn Price, Marcus Correa, Thomas Eisenbrey, Domynic Hovington, Nick Carlino, William Kimmel, Tyreke Benson, Josh Snowden, Ethan Hurd, Garon Little, Kaje Reynolds, Zach Johnson, Caden Oplinger, Don Scott, Tyrone Mifflin, Bryan Wynes, Chris Sampson, Joe Gaglione, Juwan Savage, Eric Bennett, Zayiere Toledo, Daulton Nordberg, Brandon Foster, Augi Joseph, Jerry Williams, Kaden Bates, Mardis Powell, Tayone Matthews, Rodney Robinson, Ritchy Corvil, Jacob Bryant, Anthony Diaz, Shawn Jester, Tyreke Stevens, Dorian Perone, Mike Edwards and Jeffrey Burchem; and

Thirteen of the teammates were selected to the All-Conference Team for outstanding athletic ability:

1st Team All Conference:	Brion Murray (Offensive and Defense), DJ Bowman, Ryan Jones, Dominyc Hovington, Greg Clark, Thomas Eisenbrey and Garon Little
2nd Team All Conference:	William Kimmell, Marcus Correa, Greg Clark, Nick Carlino and Chris Sampson
All Conference Honorable Mention:	Tyreke Benson

The Buccaneers entered the State Tournament for the first time in eight years as the fourth seed out of eight teams in Division II; and

Through outstanding leadership and inspiration of Second Year Head Coach Shaun Strickland, the Buccaneers took on every obstacle that came their way with high energy and a great attitude, concluding the season with an impressive 9-2 overall record.

NOW, THEREFORE BE IT RESOLVED that I, Bryan W. Shupe, Mayor of the City of Milford, do hereby commend and congratulate the Milford High School Varsity Football Team for their successful season on the gridiron and congratulate them for bringing home "The Bell" and also earning a State Tournament birth.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 12th day of December 2016.

Mayor Bryan W. Shupe

Attest:

City Clerk

City of Milford

PROCLAMATION 2016-19

RECOGNIZING D. EUGENE HELMICK FOR 34 YEARS 9 MONTHS OF DEDICATED SERVICE TO THE CITY OF MILFORD

WHEREAS, Eugene Helmick is retiring from the City of Milford after a distinguished career that spanned over 34 years and 9 months, that began in April 1982 when he was hired as a Laborer in the Street and Solid Waste Department; and

WHEREAS, in October of 1982, Eugene Helmick was offered the position of Construction Worker and Technician and was transferred to the Waste/Wastewater Department; thereafter, he was subsequently promoted to various positions within that department including Supervisor (1992), Foreman (1994) and Meter and Well Supervisor (2003), before being promoted to Supervisor of the City of Milford Water/Wastewater Department in July 2008, where he oversees the daily operations and maintenance activities of the City's Water and Wastewater Facilities; and

WHEREAS, during the early 1990's, Eugene Helmick devotedly served as the Superintendent of the Water/Wastewater Department until such time a full-time Public Works Director was hired; and

WHEREAS, During the course of his career, Eugene Helmick has been a part of the response of numerous sewer backups, water main breaks and every extreme weather event the City of Milford has faced, including, but not limited to the Blizzard of 1983, Hurricane Andrew in 1992, Blizzard of 1993, Ice Storm of 1994, Blizzard of 1996, Blizzard of 2003 and Hurricane Irene in 2011, and has been recognized by the citizens, fellow employees and Local and State Officials, and has received a special acknowledgment from Delaware Governor Jack Markell for his untiring efforts before, during and after Hurricane Sandy in 2012; and

WHEREAS, Eugene Helmick was nominated for Delaware's 2014 Water Operator of the Year at the Water and Wastewater Professionals Annual Awards Ceremony at Delaware Technical Community College's Owens Campus for demonstrating outstanding technical excellence and an exemplary work ethic while contributing to the high level of water quality in Delaware; and

WHEREAS, Eugene Helmick was appointed to the Delaware Water/Wastewater Agency Response Network (WARN) in 2013 and the Delaware Rural Water Association Board in 2015; and

WHEREAS, Eugene Helmick has given back to this community as a leader for the Boy Scouts of America, as was affirmed in a letter the City of Milford received in 2000 from Scout Reservation Richard A. Henson recognizing the efforts he made in Scouting the Future of America's Youth.

NOW, THEREFORE, BE IT PROCLAIMED that I, Bryan W. Shupe, Mayor of the City of Milford, on behalf of the Members of City Council, extend heartfelt thanks to D. Eugene Helmick for 34 Years and 9 Months of extraordinary public service to the citizens and businesses of the City of Milford, and congratulate him on his retirement effective January 7, 2017 and wish him many long, healthy and rewarding years to come.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 12th day of December 2016.

_____

Mayor

_____

City Clerk

City of Milford

PROCLAMATION 2016-20

RECOGNIZING NORMAN BRADY FOR 23 YEARS 3 MONTHS OF DEDICATED SERVICE TO THE CITY OF MILFORD

WHEREAS, Norman Brady began his many years of public service in September 1993 with the City of Milford and during that time has distinguished himself through his integrity, leadership and skills; and

WHEREAS, Norman Brady has served as Assistant Supervisor of Streets and Solid Waste for the past seventeen years, overseeing the daily operations and improvements needed for the safe, clean conditions of City streets, the repair to streets and storm sewers, and the safe collection and transportation of refuse, yard waste and recyclable materials; and

WHEREAS, Norman Brady has served in various capacities within the Streets and Solid Waste Department starting as a Crew Chief in the Street Division, as Acting Supervisor of the Streets and Solid Waste Department beginning in1997 and was promoted to Assistant Supervisor of the Streets and Solid Waste Department in 1999, a position in which he has excelled and devotedly served and will continue to serve until his retirement this year; and

WHEREAS, during the untimely illness and death of Streets and Solid Waste Superintendent Ronnie Vickers, Norman Brady faithfully fulfilled the duties of Superintendent when the City and its workforce needed him most; and

WHEREAS, neither icy rain, blowing snow, freezing sleet, nor bitterly cold temperatures could stop Norman Brady and his "street crews" from making their appointed rounds, even in the harshest winter weather; and

WHEREAS, though keeping the City moving during blizzard-like conditions was never easy, Norman Brady was always up to the task, responding to every storm the City of Milford faced since 1993, working with his crews around the clock to make sure snow and ice-covered streets were salted and passable; and

WHEREAS, with unmatched commitment and dedication to the City, Norman Brady has received appreciation from citizens, fellow employees and management throughout his career, and a special commendation from Delaware Governor Jack Markell for his preparedness, response and aid before, during and after Hurricane Sandy in 2012, thereby creating minimal inconvenience to our public; and

WHEREAS, with Norman Brady announcing his retirement, the City of Milford acknowledges this time is a suitable moment at which to acknowledge such extraordinary service.

NOW, THEREFORE, BE IT PROCLAIMED that I, Bryan W. Shupe, Mayor of the City of Milford, on behalf of the Members of City Council, hereby extend to Norman Brady heartfelt thanks for 23 years and 3 months of dedicated service to the citizens and businesses in the City of Milford, congratulate him on his retirement effective December 31, 2016 and wish him many long, healthy and rewarding years to come.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 12th day of December 2016.

_____

Mayor

_____

City Clerk

City of Milford

PROCLAMATION

2016-21

RECOGNIZING DONALD MACMILLAN FOR 11 YEARS 10 MONTHS OF DEDICATED SERVICE TO THE CITY OF MILFORD

WHEREAS, The residents of the City of Milford are afforded wonderful and spacious parkland in the City; and

WHEREAS, Maintenance of these spaces by City staff requires a passion for the outdoors and dedication to City residents; and

WHEREAS, Don MacMillan began his career with the City in February, 2005 as a construction worker in the Streets and Solid Waste Division; and

WHEREAS, In 2006, Don became a Streets Crew Leader and was later recognized by the Governor for his response during Hurricane Sandy in 2012; and

WHEREAS, Don transferred to the Parks and Recreation and was made the Parks Superintendent in 2013 during which time he worked closely with the then Parks & Recreation Director Gary Emory; and

WHEREAS, During his time with the Parks and Recreation Department, Don has overseen the maintenance of the many acres of parks and open space, right of ways, riverbanks, sports fields and the Community Cemetery; and

WHEREAS, Don has also been actively involved in the Milford community over the years by coaching Milford Little League.

NOW, THEREFORE BE IT RESOLVED that I, Bryan W. Shupe, Mayor of the City of Milford hereby thank Don MacMillan for his 11 years and 10 months of service to the City and its residents and wish him much prosperity on his retirement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 12th day of December 2016.

Mayor Bryan W. Shupe

Attest:

City Clerk

CITY OF MILFORD

DELAWARE

"THE GARDEN CITY OF TWIN COUNTIES"

OFFICE OF THE CHIEF OF POLICE
KENNETH L. BROWN

400 N.E. FRONT STREET
MILFORD, DE 19963
(302) 422-8081 FAX (302) 424-2330

TO: Mayor and Members of City Council

FROM: Kenneth L. Brown, Chief of Police

DATE: December 8, 2016

RE: Activity Report/November 2016

==========

Monthly Stats:

A total of 496 arrests were made by the Milford Police Department during November 2016. Of these arrests, 129 were for criminal offenses and 367 for traffic violations. Criminal offenses consisted of 29 felonies and 100 misdemeanors. Traffic violations consisted of 31 Special Duty Radar, 5 Drunk-Driving charges, 331 other.

Police officers investigated 51 accidents during the month and issued 104 written reprimands. In addition, they responded to 999 various complaints including city requests and other agency assistance.

Monthly Activities:

Three officers attended the 23rd Narcotics Conference in Ocean City, MD. Three officers attended the FBI-LEEDA Executive Leadership Course in Dover. Three officers attended a Street Crimes Seminar in Elkton, MD. Two officers attended a Fraud Investigation Techniques Course at the Academy. One officer attended a Field Training Officer (F.T.O.) Course at the Academy. One officer attended Domestic Violence Conference at Polytech.

SRO:

Sgt. Masten utilized a grant through State Farm to partner with the Delaware Office of Highway Safety to bring in Cara Filler to speak to students about safe driving. The grant also paid for items to promote safe driving that have been displayed around the campus, as well as items given away for free at one of the home football games. For more information about Cara you can visit http://carafiller.com/

Thanksgiving Meals were provided to over 40 families by our Community Policing Unit with the assistance of Avenue United Methodist Church.

K9 Unit:

For the month of November the Milford Police Department K9 unit had the following stats:

- Utilized 14
- Drugs 4
- Tracks 3
- Bite Apprehensions 1
- No Bite Apprehensions 1
- Assist Other Agencies 2
- Building Searches 1
- Deployed as Precaution 0
- Crowds 1
- Demo's 1

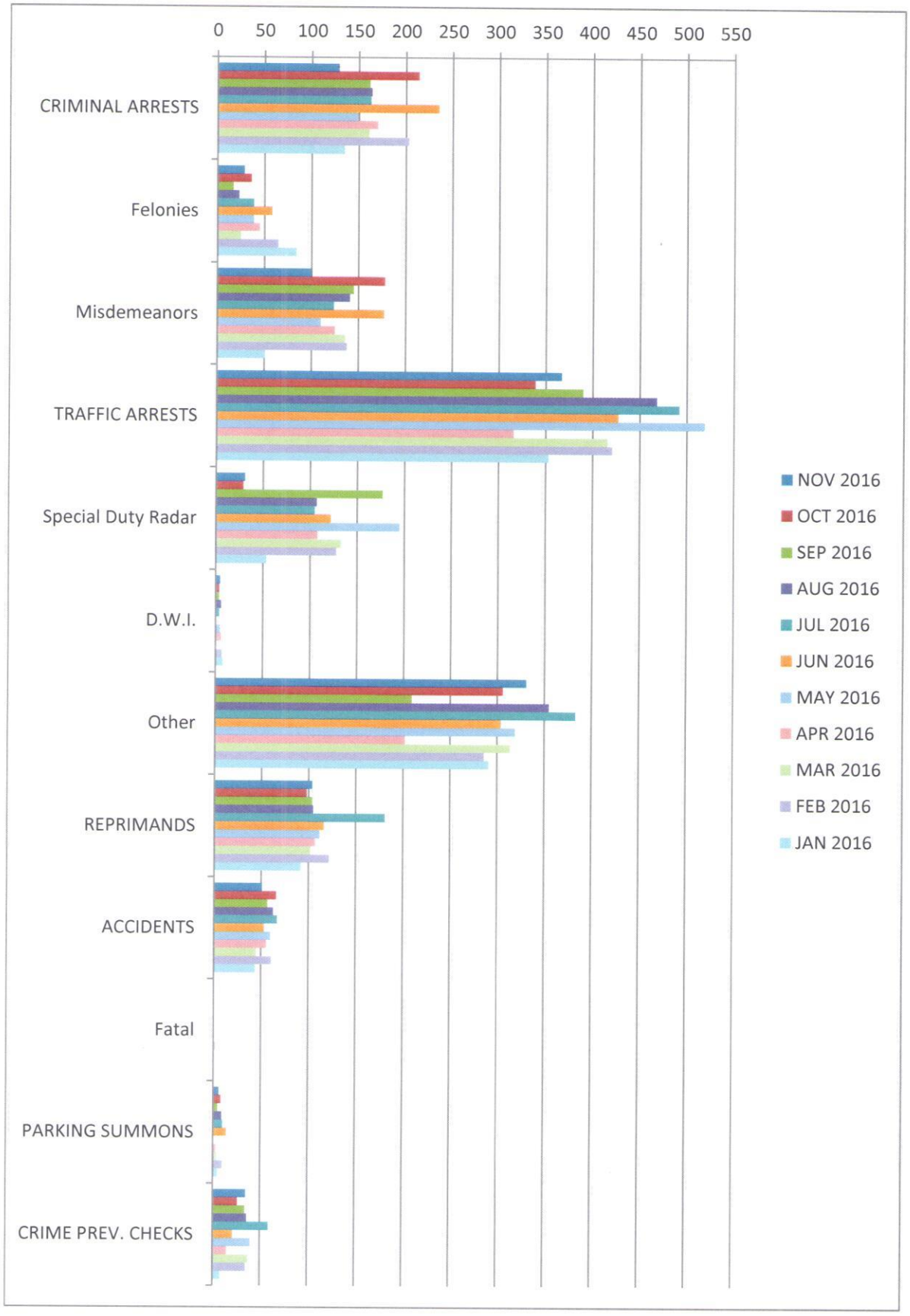
Seized Items

- Marijuana 0
- Heroin Residue
- Cocaine 0
- Crack 0
- Methamphetamine 0
- Hashish 0
- Pills 0
- Currency $301.00
- Gun 0
- Vehicles 0
- Other 0

Notes: K9 Audie missed two weeks due to vacation and sick leave, K9 Henk missed one week due to vacation leave.
K9 Henk had one bite apprehension from a vehicle pursuit where the driver fled on foot.
K9 Audie seized $301.00 from a drug investigation

NOV 2016 ACTIVITY REPORT

	NOV 2016	TOTAL 2016	NOV 2015	TOTAL 2015
COMPLAINTS	999	13444	1022	12799
CRIMINAL ARRESTS	129	1885	101	1716
Felonies	29	460	44	402
Misdemeanors	100	1425	57	1314
TRAFFIC ARRESTS	367	4508	430	5058
Special Duty Radar	31	1189	126	1835
D.W.I.	5	50	5	58
Other	331	3300	299	3165
REPRIMANDS	104	1243	120	1239
ACCIDENTS	51	623	41	633
Fatal	0	2	0	0
PARKING SUMMONS	6	75	5	102
CRIME PREV. CHECKS	35	347	44	343
FINES RECEIVED	$7,150.32	$ 86,524.30	$ 6,534.20	$ 104,323.47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CRIMINAL ARRESTS
Felonies
Misdemeanors
TRAFFIC ARRESTS
Special Duty Radar
D.W.I.
Other
REPRIMANDS
ACCIDENTS
Fatal
PARKING SUMMONS
CRIME PREV. CHECKS
NOV 2016
OCT 2016
SEP 2016
AUG 2016
JUL 2016
JUN 2016
MAY 2016
APR 2016
MAR 2016
FEB 2016
JAN 2016

OFFICE OF THE CITY MANAGER
ERIC NORENBERG, ICMA-CM
302.424.3712, FAX 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963
www.cityofmilford.com

City Manager's Report
December 12, 2016

ADMINISTRATION

Parks & Recreation

As grass cutting season came to end in November, seasonal crews shifted their attention to various maintenance projects around the City, including all things such as pressure washing timber flower beds, reinstalling post and rail fences, and general preparation for the winterization of mowers and equipment.

Two seasonal park technicians were released in November for the season, with the remaining five workers staying on until December 16 to assist with special projects and holiday decorations.

Ralph Skinner Jr. & Brad Dennehy attended a two workshop hosted by the Delaware Forest Service at Delaware State University. The nature of this course was all things tree related: planting, pruning, disease control and identification and safety when operating chainsaws and wood chippers.

Leaves were raked out of all the parking lots, downtown parks and alongside the cemetery wall and were then sucked up with the leaf vacuum.

Crews spent approximately a week installing holiday lights in the trees downtown, wrapping all the light poles with garland and fixing the red bows. They also installed green and red light bulbs for the can lights along the Mispillion River.

Staff assisted with the installation of some of the new "Happy Holidays" hanging banners.

On the Sunday after Thanksgiving crews assisted DMI with installing all the greenery in the hanging baskets.

Crews prepped for the annual Holiday Stroll by removing trash, blowing off the sidewalks, raking leaves in the park and general housekeeping along Walnut St, around the library and in the parking lots. We also organized the new port-a-johns for the Stroll and the month of December while the Santa House is open.

Dog park irrigation system was winterized and winter fertilizer was installed.

Work began on Goat Island in preparation for the building of three new overlooks and the educational pavilion. A number of trees which were on the walking trail or near the sites of construction were cut down and stumps were ground. By the end of November all three overlooks have been built, with the pavilion to be installed during the month of December. Woodchips will be applied to the walking trail sometime in the spring.

The City and DMI held a preliminary discussion to determine how best to beautify the downtown park where the Farmers Market is held. Due to high traffic in the park, shading issues and lack of irrigation, it is hard for grass to grow, therefore we are beginning to explore options.

On-going registration for winter basketball has been heavy in the month of November with tryouts to begin in December.

Youth Wrestling is continuing with over 30 participants.

Ongoing discussions continue with the Delaware Turf Sports Complex and a potential partnership in youth programming.

PLANNING & ECONOMIC DEVELOPMENT

Enforcement & Inspections Division

Code Enforcement Case Activity

New Cases: 7
Closed Cases: 89
Open at Start of Month: 175
Open at End of Month: 93
55 of the Open Cases are Weed/Grass violations which stay open until the end of the growing season.

Code Enforcement Violation Activity
Abandoned Vehicle: 0
Dangerous Tree: 0
Furniture: 0
Generic: 0
Property Maintenance: 4
Rubbish & Garbage: 3
Weeds & Grass: 0
Zoning Use: 0
Total: 7

Rental Inspections Performed: 1
Rental Licenses Issued: 2
Vendor Licenses Issued: 0
Contractors Licenses Issued: 16

Building Permits Issued
Commercial Foundation: 0
Commercial Building Permit: 9
Demolition: 4
Residential New Construction: 5
Residential Renovation/Accessory Structure: 15
Roof/Siding: 5
Solar Panels: 5
Utility (Electric/Water): 1
Total: 42

Planning & Zoning Division

Performed interviews for the new Code Official position.

Planning Commission held a workshop to review and update the Background, Community Character, Community Profile and Public Services chapters to the Comprehensive Plan. In addition, the Commission completed discussions related to updates to the plan's vision and goal statements for each chapter. Workshops will continue to be held prior to each Planning Commission meeting for the next several months. December's meeting will focus on Economic Development, Housing and Transportation. Land Use, Environmental, Parks and Open Space and Intergovernmental Coordination will be reviewed in January and February.

The Board of Adjustment approved four variances including; Menge, Rockaway Likeness, Milford School District and Wisseman.

Staff met as part of a working group revising/updating the Dover/Kent MPO Regional Bicycle Plan. The working group will continue to meet monthly over the next year to review the existing plan and set new goals and objectives.

Received the final report for the Mispillion River Water Quality Improvement Project from the Partnership for the Delaware Estuary as part of a Water Quality Improvement grant received last year from DNREC. Staff has requested a 6 month extension from DNREC in order to complete the engineering design.

Met with DelDOT in regards to a Transportation Investment District (TID) for the Southeast Neighborhood. This was an action item from the 2011 SE Master Plan document. Discussions will continue to establish the TID.

Economic Activities Division

Staff reviewed and provided Letters of Conformance to Downtown Development District large-project applicants. Downtown Properties of Milford, LLC has requested a letter of conformance for the Pikus Building for a full historic restoration of the structure. Davis, Bowen & Friedel has requested a letter of conformance for the former skating center for the renovation of the building in order to create office space. Touch of Italy has requested a letter of conformance for small-project status and has received their lite-reservation from the Delaware State Housing Authority (DSHA) for the grant program.

PUBLIC WORKS DEPARTMENT

Electric Division

Power Outages: 0
Poles replaced due to either age, rot or damage: 1
Closed Work Orders: 7
Trouble Service Calls: 35
New Electric Services Installed: 3
Preventative Maintenance/Trees Trimmed: 3
Miss Utility Locates: 121

Mark Whitfield worked with the University of Delaware through their Sustainability Program to complete an energy assessment of all city buildings.

Removed lights in the parking lot behind Touch of Italy (former M&T Bank) and pulled a new feed for the lights.

Crew shut down DEL2 for Delmarva Power for them to do maintenance on their equipment.

Took down all of the existing banners and replaced the larger banners with 50 holiday banners. Parks and Recreation assisted with replacing the smaller banners with 18 holiday banners.

Changed out all existing holiday lighting bulbs to LED bulbs and put them up throughout the City.

Water & Wastewater Division

Mark Whitfield attended the dedication of upgrades to the Kent County Regional Sewer Plant.

Flag locaters have been installed on all fire hydrants in preparation for winter snow.

Fisher Ave pump station was cleaned in preparation for reconstruction.

Two rounds of water samples were collected and send for testing, per State regulations.

Streets & Solid Waste Division

Bulk Pick Ups: 9
Additional Containers: Trash-0; Recycle-0; Yard Waste-0
Service Terminated: 0
Change Container Size: 1
Damaged/Replaced Container: 38
After Hours Calls: 0

Division received an award and recognition of a recycling grant from Governor Markell.

Leaf collection began the first week of November. Due to minor mechanical issues the vacuum was down for several days. Crews have been working in each ward throughout the month clearing leaves. Beginning in December and January the leaf collection schedule will be weekly.

Work began in the Touch of Italy parking lot on N Walnut Street. Street crews have removed concrete islands, saw cut areas for preparation of paving, and removed an old fence at the back of the parking lot.

SOLID WASTE/RECYCLING MONTHLY DIVERSON REPORT

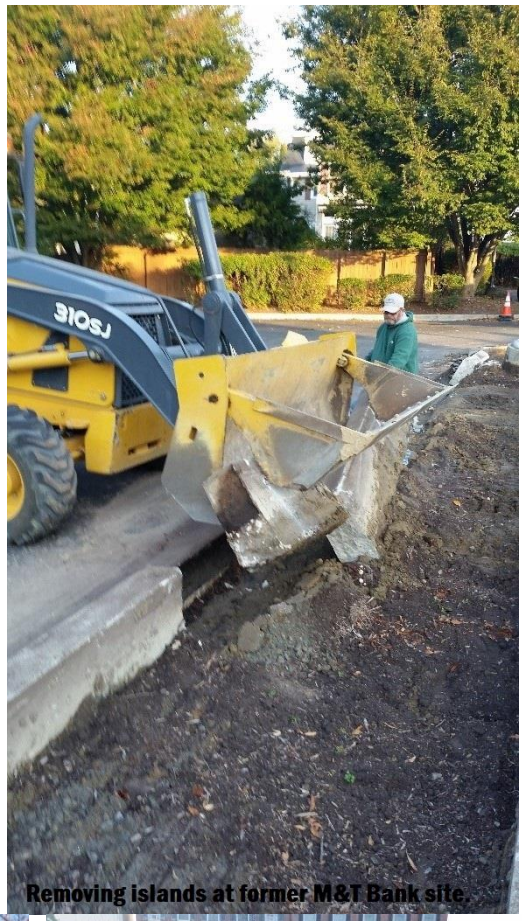
December 2016

	SOLID WASTE TONNAGE	CURBSIDE RECYCLING	DROP-OFF CENTER RECYCLING	YARD WASTE	TOTAL	DIVERSION
Aug-16	305.05	47.20	37.97	42.77	432.99	29.5%
Sep-16	255.22	60.11	41.23	32.41	388.97	34.4%
Oct-16	288.48	53.47	41.27	36.50	419.72	31.3%

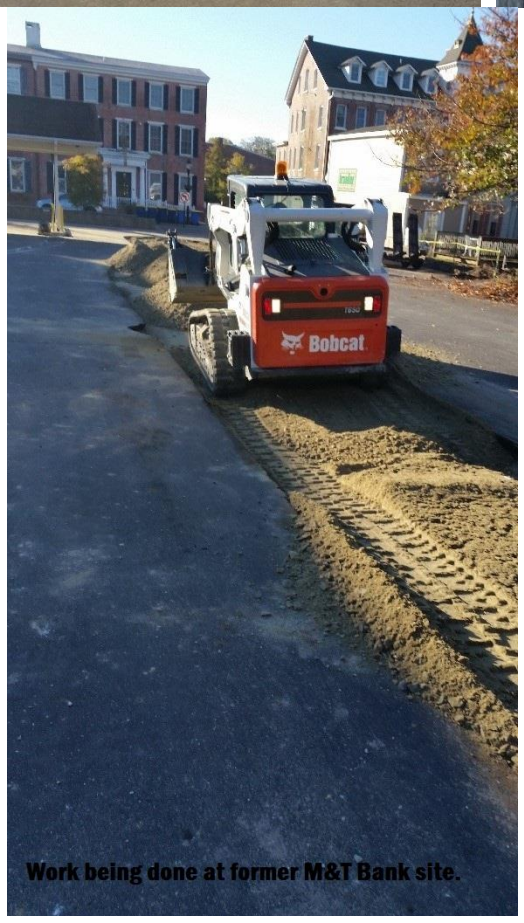
	SOLID WASTE TONNAGE	CURBSIDE RECYCLING	DROP-OFF CENTER RECYCLING	YARD WASTE	TOTAL	DIVERSION
2013	3903.34	617.90	213.77	473.85	5208.86	25.1%
2014	3206.04	645.88	243.90	472.08	4567.90	29.8%
2015	3077.95	642.20	259.49	446.27	4425.91	30.5%
2016 (YTD)	2601.43	532.49	342.3	355.21	3831.43	32.1%

**October Yard Waste is not an accurate number due to scales being down at Blessings on several occasions.

Prior to work being done at former M&T Bank.



Removing islands at former M&T Bank site.



Work being done at former M&T Bank site.

Work being completed at former M&T Bank site.

CITY OF MILFORD
FUND BALANCES REPORT

Date: OCTOBER 2016

Cash Balance - General Fund Bank Balance	$4,641,696
Cash Balance - Electric Fund Bank Balance	$3,782,420
Cash Balance - Water Fund Bank Balance	$1,786,544
Cash Balance - Sewer Fund Bank Balance	$1,414,276
Cash Balance - Trash Fund Bank Balance	$298,774

	General Improvement	Municipal Street Aid	Real Estate Transfer Tax	Solid Waste Reserves
Beginning Cash Balance	386,884	1,149,467	1,839,102	0
Deposits	13,000	56,613	41,250	
Interest Earned this Month	141	434	671	
Disbursements this Month	(14,470)	(18,038)	(41,666)	
Investments				250,000
Ending Cash Balance	$385,555	$1,188,476	$1,839,357	$250,000

	GF Capital Reserves	Water Capital Reserves	Sewer Capital Reserves	Electric Reserves
Beginning Cash Balance	1,632,869	7,252,295	3,506,460	6,959,549
Deposits				
Interest Earned this Month	8	37	18	35
Disbursements this Month	(2,063)	(52,896)	(10,777)	(49,860)
Investments	250,000			
Ending Cash Balance	$1,880,814	$7,199,436	$3,495,701	$6,909,724

	Water Impact Fee	Sewer Impact Fee	Electric Impact Fee	Economic Development Fund
Beginning Cash Balance	$1,501,456	968,903	439,515	551,804
Deposits	38,077	20,126	11,400	
Interest Earned this Month				
Disbursements this Month				
Investments				
Ending Cash Balance	$1,539,533	$989,029	$450,915	$551,804

INTEREST THROUGH THE FOURTH MONTH OF THE FISCAL YEAR:

General Fund	6,352	Water Fund	1,816
GF Capital Reserves	2,344	Water Capital Reserves	2,132
Municipal Street Aid	1,419	Sewer Fund	1,531
Real Estate Transfer Tax	2,084	Sewer Capital Reserves	1,053
Electric Fund	3,897	Trash Fund	2,497
Electric Reserves	2,034		

TOTAL INTEREST EARNED TO DATE $27,159

REVENUE REPORT

Page Two 33% of Year Expended

Date: October 2016 ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%
Economic Developent Fund	201,255	0	40,000	19.88%
General Fund Reserves	411,000	0	0	0.00%
Realty Transfer Tax-Police	500,000	41,667	166,667	33.33%
Real Estate Tax	3,762,970	(7,379)	3,751,036	99.68%
Business License	106,250	425	2,375	2.24%
Rental License	85,000	1,500	2,200	2.59%
Building Permits	75,000	14,185	30,601	40.80%
Planning & Zoning	15,000	2,700	8,252	55.01%
Grasscutting Revenue	16,000	0	16,000	100.00%
Police Revenues	440,000	12,139	196,921	44.75%
Misc. Revenues	272,820	32,101	60,608	22.22%
Transfers From	3,300,000	275,000	1,100,000	33.33%
Total General Fund Revenues	$9,185,295	$372,338	$5,374,660	58.51%
Water Revenues	2,730,500	248,954	1,022,461	37.45%
Sewer Revenues	2,506,500	215,648	896,641	35.77%
Kent County Sewer	1,850,000	153,598	642,116	34.71%
Solid Waste Revenues	1,360,440	113,751	458,972	33.74%
Electric Revenues	24,902,790	1,918,129	9,581,143	38.47%
TOTAL REVENUES	$42,535,525	$3,022,418	$17,975,993	42.26%

YTD Enterprise Expense	16,914
YTD Enterprise Revenue	38,759

LTD Carlisle Fire Company Building Permit Fund 132,672

EXPENDITURE REPORT
Page Three

Date: October 2016 33% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	461,930	$36,622	137,948	29.86%	323,982
O&M	259,095	$12,063	35,482	13.69%	223,613
Capital	0	$0	0		0
Total City Manager	$721,025	$48,685	$173,430	24.05%	547,595
Planning & Zoning					
Personnel	184,400	$13,787	54,283	29.44%	130,117
O&M	67,975	$15,223	22,372	32.91%	45,603
Capital	0	$0	0		0
Total P, C & I	$252,375	$29,010	$76,655	30.37%	175,720
Code Enforcement & Inspections					
Personnel	225,210	$11,648	44,394	19.71%	180,816
O&M	69,290	$4,946	19,003	27.43%	50,287
Capital	25,000	$0	0	0.00%	25,000
Total P, C & I	$319,500	$16,594	$63,397	19.84%	256,103
Council					
Personnel	31,225	$2,349	9,688	31.03%	21,537
O&M	44,650	$4,869	12,620	28.26%	32,030
Council Expense	17,000	$4,298	13,438	79.05%	3,562
Contributions	206,000	$0	66,000	32.04%	140,000
Codification	9,500	$900	5,064	53.31%	4,436
Employee Recognition	11,000	$0	0	0.00%	11,000
Insurance	21,740	$0	9,818	45.16%	11,922
Christmas Decorations	15,000	$378	378	2.52%	14,622
Economic Development	15,000	$96	96	0.64%	14,904
Resident Survey	15,000	$0	0	0.00%	15,000
Armory Expenses	10,000	$140	7,961	79.61%	2,039
Total Council	$396,115	$13,030	$125,063	31.57%	271,052
Finance					
Personnel	418,395	$29,885	114,689	27.41%	303,706
O&M	62,270	$2,882	17,444	28.01%	44,826
Capital	0	$0	0		0
Total Finance	$480,665	$32,767	$132,133	27.49%	348,532
Information Technology					
Personnel	148,680	$11,392	38,116	25.64%	110,564
O&M	177,450	$23,703	45,103	25.42%	132,347
Capital	55,000	$0	34,340	62.44%	20,660
Total Information Technology	$381,130	$35,095	$117,559	30.84%	263,571

EXPENDITURE REPORT
Page Four

Date: October 2016 33% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,944,180	$426,430	1,264,627	32.06%	2,679,553
O&M	507,360	$32,474	158,248	31.19%	349,112
Capital	71,600	$0	61,989	86.58%	9,611
Total Police	$4,523,140	$458,904	$1,484,864	32.83%	3,038,276
Streets & Grounds Division					
Personnel	476,960	$30,540	116,627	24.45%	360,333
O&M	407,905	$32,116	114,184	27.99%	293,721
Capital	211,000	$0	0	0.00%	211,000
Debt Service	16,475	$0	0	0.00%	16,475
Total Streets & Grounds	$1,112,340	$62,656	$230,811	20.75%	881,529
Parks & Recreation					
Personnel	605,635	$48,120	203,896	33.67%	401,739
O&M	267,370	$19,842	86,490	32.35%	180,880
Capital	126,000	$5,990	18,155	14.41%	107,845
Total Parks & Recreation	$999,005	$73,952	$308,541	30.88%	690,464
Total General Fund Operating Budget	$9,185,295	$770,693	$2,712,453	29.53%	6,472,842

EXPENDITURE REPORT
Page Five

Date: October 2016

33% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	314,350	$23,910	92,276	29.35%	222,074
O&M	1,111,675	$74,863	330,417	29.72%	781,258
Capital	402,730	$0	9,407	0.00%	393,323
Debt Service	901,745	$0	77,004	8.54%	824,741
Total Water	$2,730,500	$98,773	$509,104	18.65%	2,221,396
Sewer Division					
Personnel	314,350	$23,911	92,273	29.35%	222,077
O&M	1,144,955	$125,157	322,302	28.15%	822,653
Capital	434,725	$0	0	0.00%	434,725
Debt Service	612,470	$12,734	25,470	4.16%	587,000
Sewer Sub Total	$2,506,500	$161,802	$440,045	17.56%	2,066,455
Kent County Sewer	1,850,000	$160,490	642,004	34.70%	1,207,996
Total Sewer	$4,356,500	$322,292	$1,082,049	24.84%	3,274,451
Solid Waste Division					
Personnel	401,470	$29,518	111,120	27.68%	290,350
O&M	697,970	$54,635	220,233	31.55%	477,737
Capital	261,000	$0	0	0.00%	261,000
Total Solid Waste	$1,360,440	$84,153	$331,353	24.36%	1,029,087
Total Water, Sewer Solid Waste	$8,447,440	$505,218	$1,922,506	22.76%	6,524,934
Electric Division					
Personnel	1,254,300	$95,374	364,453	29.06%	889,847
O&M	1,755,045	$155,411	578,751	32.98%	1,176,294
Transfer to General Fund	2,500,000	$208,333	833,333	33.33%	1,666,667
Capital	450,000	$578	578	0.13%	449,422
Debt Service	346,445	$0	0	0.00%	346,445
Electric Sub Total	$6,305,790	$459,696	$1,777,115	28.18%	4,528,675
Power Purchased	18,600,000	$1,345,292	6,736,804	36.22%	11,863,196
Total Electric	$24,905,790	$1,804,988	$8,513,919	34.18%	16,391,871
TOTAL OPERATING BUDGET	$42,538,525	$3,080,899	$13,148,878	30.91%	29,389,647

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: October 2016

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	33% of Year Expended YTD%	UNEXPENDED BALANCE
Garage					
Personnel	89,850	6,779	26,041	28.98%	63,809
O&M	78,135	5,055	24,554	31.43%	53,581
Capital	0	0	0		0
Total Garage Expense	$167,985	11,834	$50,595	30.12%	117,390
Public Works					
Personnel	199,550	15,669	52,476	26.30%	147,074
O&M	171,745	12,005	67,252	39.16%	104,493
Capital	23,235	0	21,888	94.20%	1,347
Total Public Works Expense	$394,530	27,854	$141,616	35.89%	252,914
Billing & Collections					
Personnel	532,230	41,329	158,651	29.81%	373,579
O&M	225,530	16,775	64,539	28.62%	160,991
Capital	0	0	0		0
Total Billing & Collections	$757,760	58,104	$223,190	29.45%	534,570
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	61,000	4,011	25,875	42.42%	35,125
Capital	0	0	0		0
Total City Hall Cost Allocation	$61,000	4,011	$25,875	42.42%	35,125

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.

PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

TO: Mayor and City Council

FROM: Rob Pierce, Coordinator of Planning & Economic Development Activities

DATE: December 12, 2016

RE: RFP #17-01 – Washington Street Property

The objective of the RFP process is to seek a highly qualified and creative real estate development firm to lease or purchase and transform city-owned land in Downtown Milford into a vibrant, mixed use development. The intent is to receive proposals that would lead to economic development in the downtown core, while maintaining and enhancing safety and livability. The completed project would provide a welcoming environment and a sense of community for the City of Milford.

The parcels are situated on the southern banks of the Mispillion River, in Sussex County. The immediate area is improved with a mixture of commercial and residential uses and includes portions of the City's Riverwalk and park land. The site is the former location of the City's water treatment plant which was recently decommissioned and demolished. The properties are zoned C-1 Neighborhood Commercial, with a portion under consideration for a change of zone to C-2A Riverfront Development District, as shown on the attached Exhibit B and further described below.

Name: Parcel #1 - Washington Street
Tax ID: 3-30-6.20-006.00
Ownership: City of Milford
Location: On the east side of S. Washington Street between the Mispillion River and SE Front Street.
Current Use: Open Space/Recreation/Municipal Parking
Zoning: C-1 (Community Commercial), under consideration for C-2A (Riverfront Development)
Gross Acreage: 1.78 +/- acres
Special Considerations: Property is the location of the former City water treatment facility and the current location of a municipal parking lot. Portions of the site are within the 100-year floodplain as shown on Exhibit E illustrating the most recent FEMA FIRM conditions. The property is impacted by a well-head protection area, as shown on Exhibit F, as one of the City's production wells is located on the west side of the property. Portion of the land surrounding the Riverwalk shall remain under the ownership of the City. If the basketball court area is to be utilized as part of the development plan, the applicant is responsible for relocating the facility within the Downtown area.

Name: Parcel #2 - Washington Street
Tax ID: 3-30-6.20-009.00
Ownership: City of Milford
Location: On the southern banks of the Mispillion River east of parcel 006.00
Current Use: Open Space
Zoning: C-1 (Community Commercial)
Gross Acreage: 0.24 +/- acres
Special Considerations: Property is undeveloped and contains a portion of the Mispillion Riverwalk. The land surrounding the Riverwalk shall remain under the ownership of the City. Portions of the site are within the 100-year floodplain as shown on Exhibit E illustrating the most recent FEMA FIRM conditions.

Name: Parcel #3 - Washington Street
Tax ID: 3-30-6.20-010.00
Ownership: City of Milford
Location: On the north side of SE Front Street.
Current Use: Open Space/Municipal Parking
Zoning: C-1 (Community Commercial), portion under consideration for C-2A (Riverfront Development)
Gross Acreage: 0.44 +/- acres
Special Considerations: Property is the location of a municipal parking lot accessed from SE Front Street and unimproved land. The Parking lot shall remain under the ownership of the City. The property does not appear to be located within the 100-year floodplain.

The proposal area is located adjacent to the City's Central Business District and the Historic Downtown area and shall strive to create an atmosphere that encourages mixed use residential and commercial development along riverfront properties. The proposal shall preserve the character of the adjacent central business district and historic areas while providing an attractive and convenient combination of shopping and living units.

The properties are located within Milford's Downtown Development District and are eligible for a combination of State and local incentives, including up to 20% cash rebates on "hard costs", impact fee waivers, permit fee waivers and tax abatements.

The City is interested in receiving proposals that would lead to economic development in the downtown core that would benefit the City and act as a catalyst for neighborhood revitalization. Proposals should strive to ensure that the completed use is coordinated and balanced, that the development sustains walkability, and utilizes a combination of civic and environmental design considerations that includes, but is not limited to:

a. A highly aesthetic, quality mixed use project which is harmonious with the objectives of the Rivertown Rebirth Plan 2025 and the Downtown Development District Plan goals for housing, jobs, business, eateries, etc.;
b. Increasing property tax base and development of a lasting revenue stream;
c. Compactness – creating a critical mass of activities within walking distance;
d. Foster intensity of development – efficient use of land, good density and promoting vibrancy along existing and new streets;
e. Ensuring a balance of activities – day, evening and weekend vitality;
f. Building a positive identity – organize, build and sustain the image of the downtown areas as attractive, interesting and vibrant;
g. Restoring and maintaining environmental quality – reduce the amount of runoff pollution, incorporate green space, plant trees, utilization of sustainable materials and incorporation of water and energy efficient site design/construction.

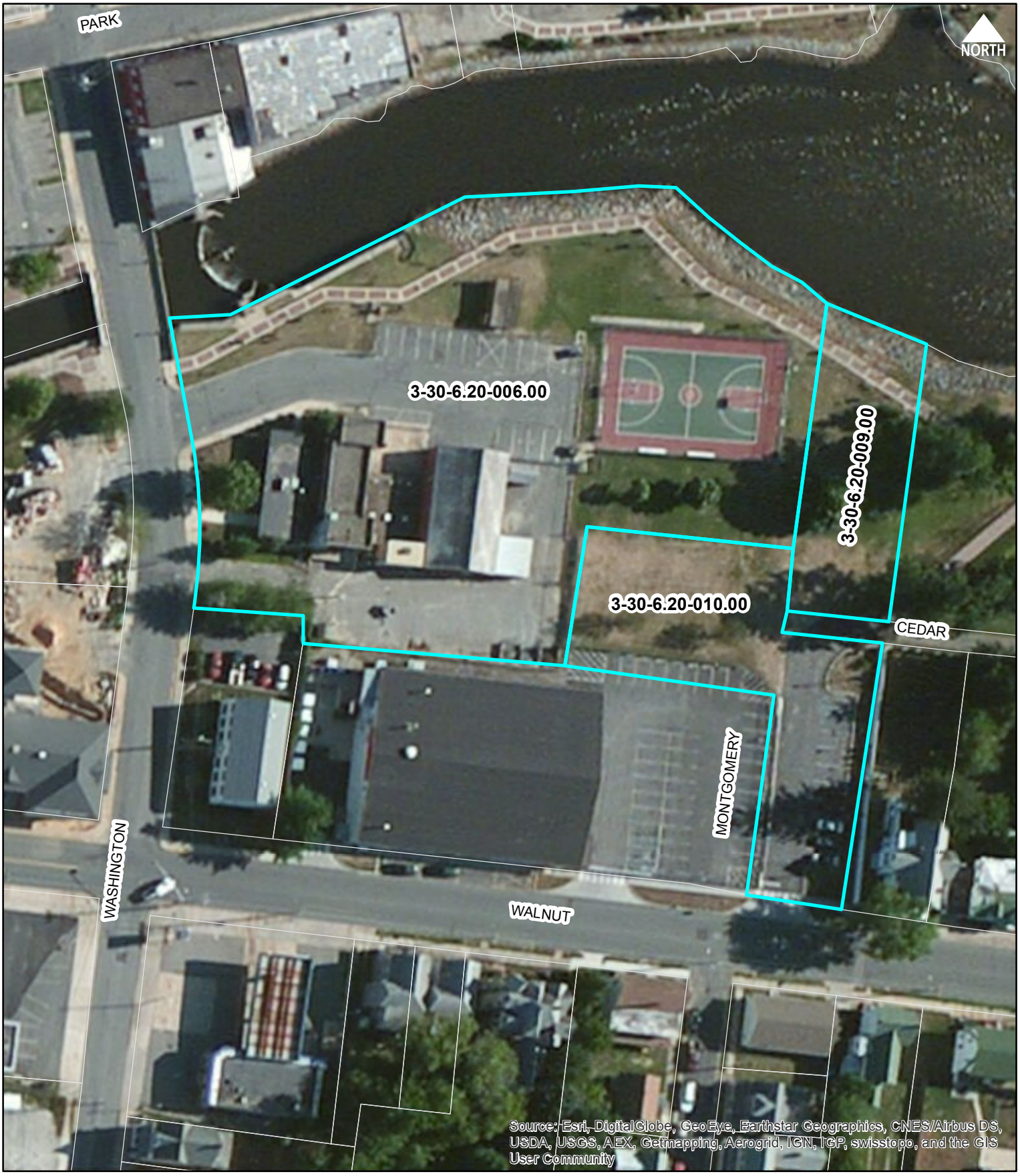
Additional items need to be addressed by the City including amendments to the zoning ordinance and zoning map that would result in a change of zone for a portion of the subject site. In addition, a portion of the land is subject to a land conservation easement imposed by the State and Federal Government as part of previous funding received for the Riverwalk and recreational facilities (See Exhibit G). The City will work with both agencies to relocate the recreation and open space uses to other areas within City limits. This process will need to coincide with the development of the RFP and should be completed prior to signing any of land disposition contract.

The proposals would be reviewed based on the responsibility and responsiveness of the proposer and proposal, in addition to price, based on the following;

a. Ability, capacity, and skill of the Proposer to provide the commodities or services required within the specified time, including future maintenance and service, and including current financial statement or other evidence of pecuniary resources and necessary facilities;
b. Proposer's character, integrity, reputation, experience and efficiency;
c. Proposer's quality of past performance on previous or existing contracts, including a list of current and past contracts and other evidence of performance ability;
d. Proposer's previous and existing compliance with laws and ordinances relating to contracts with the City and to the proposer's employment practices;
e. Evidence of adequate insurance to comply with contract terms and conditions;
f. Statement of Proposer's current work load and capacity;
g. Explanation of methods to be used in fulfilling the contract.
h. Submittal of Proposal Documents that clearly meet or exceed the program objectives as defined in the City of Milford Comprehensive Plan and the Downtown Development District Plan.

Below is a proposed outline of key dates and associated tasks over the next six (6) months.

December 20, 2016	Planning Commission reviews amendment to Chapter 230 Zoning creating C-2A Riverfront Development zoning district.
January 9, 2017	City Council reviews amendment to Chapter 230 Zoning creating C-2A Riverfront Development zoning district.
January 17, 2017	Planning Commission reviews the change of zone application for City property changing the zoning designation from C-1 Neighborhood Commercial to C-2A Riverfront Development.
January 23, 2017	City Council reviews the change of zone application for City property changing the zoning designation from C-1 Neighborhood Commercial to C-2A Riverfront Development.
January 24, 2017	RFP is officially advertised and released to the public.
February 3, 2017	Non-mandatory pre-proposal meeting with interested firms.
February 28, 2017	Questions regarding the RFP are due to the City ten (10) days prior to the proposal opening.
March 10, 2017	Proposals received shall be opened publically.
March/April 2017	Proposals shall be reviewed by staff and reports presented to City Council for consideration and selection.
May 2017	Negotiations between the City and the selected firm resulting in executed contract documents.



THE CITY of Milford DELAWARE

Scale: 0 37.5 75 Feet

Drawn by: WRP

Date: 11/16/16

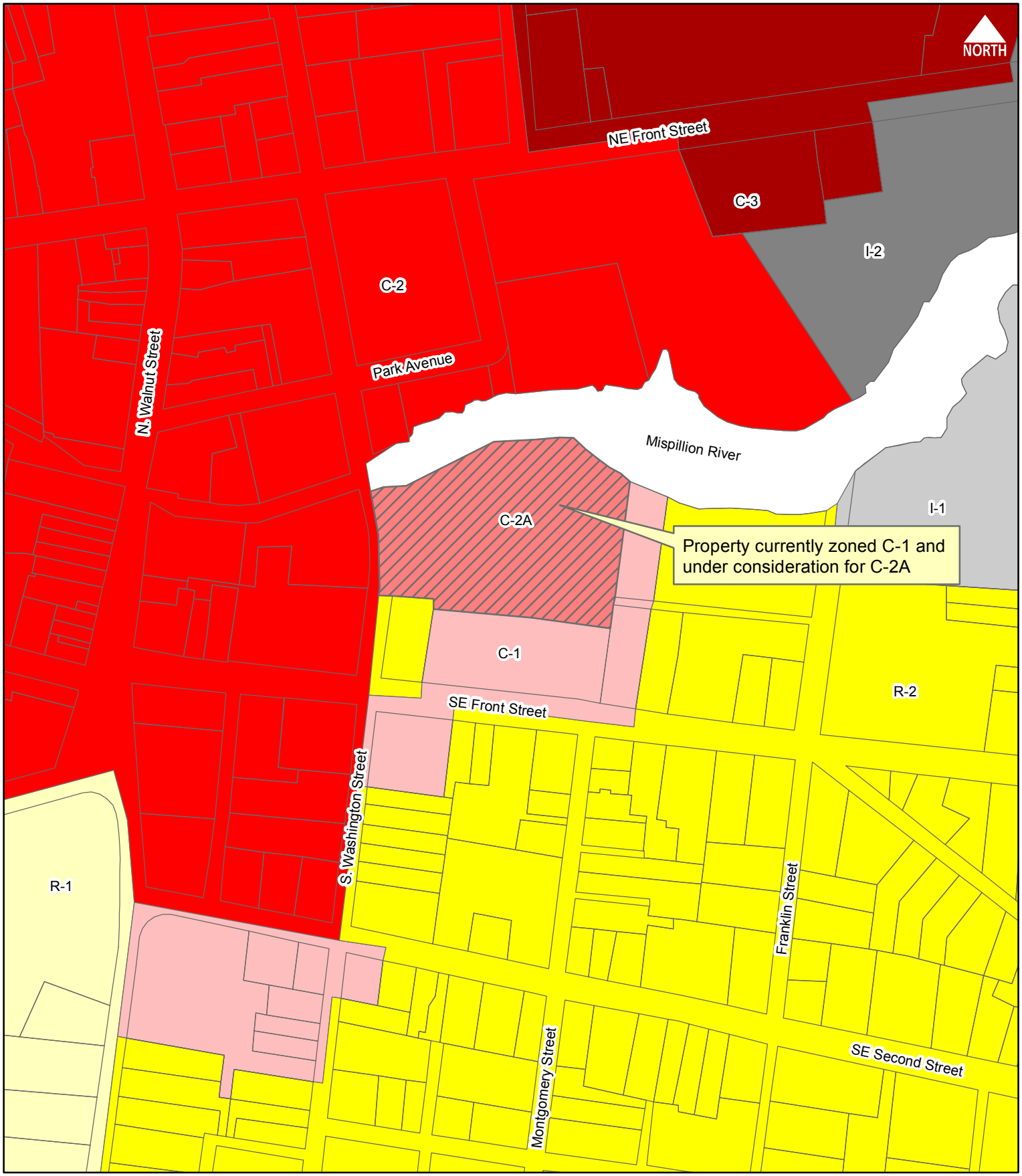
Filepath: RFP_WashingtonStreet_Aerial.mxd

Title:

Exhibit A

City of Milford

Aerial Photograph



THE CITY of Milford DELAWARE	Scale: 0 100 200 Feet	Title: Exhibit B **City of Milford** Location & Zoning Map
	Drawn by: WRP Date: 12/07/16	
Filepath: RFP_WashingtonStreet_Zoning.mxd		

THE CITY of Milford DELAWARE

Scale: 0 37.5 75 Feet

Drawn by: WRP

Date: 11/16/16

Filepath: RFP_WashingtonStreet_Environmental.mxd

Title:

Exhibit E

City of Milford

Wetlands & Floodplain

THE CITY of Milford DELAWARE

Scale: 0 37.5 75 Feet

Drawn by: WRP

Date: 11/16/16

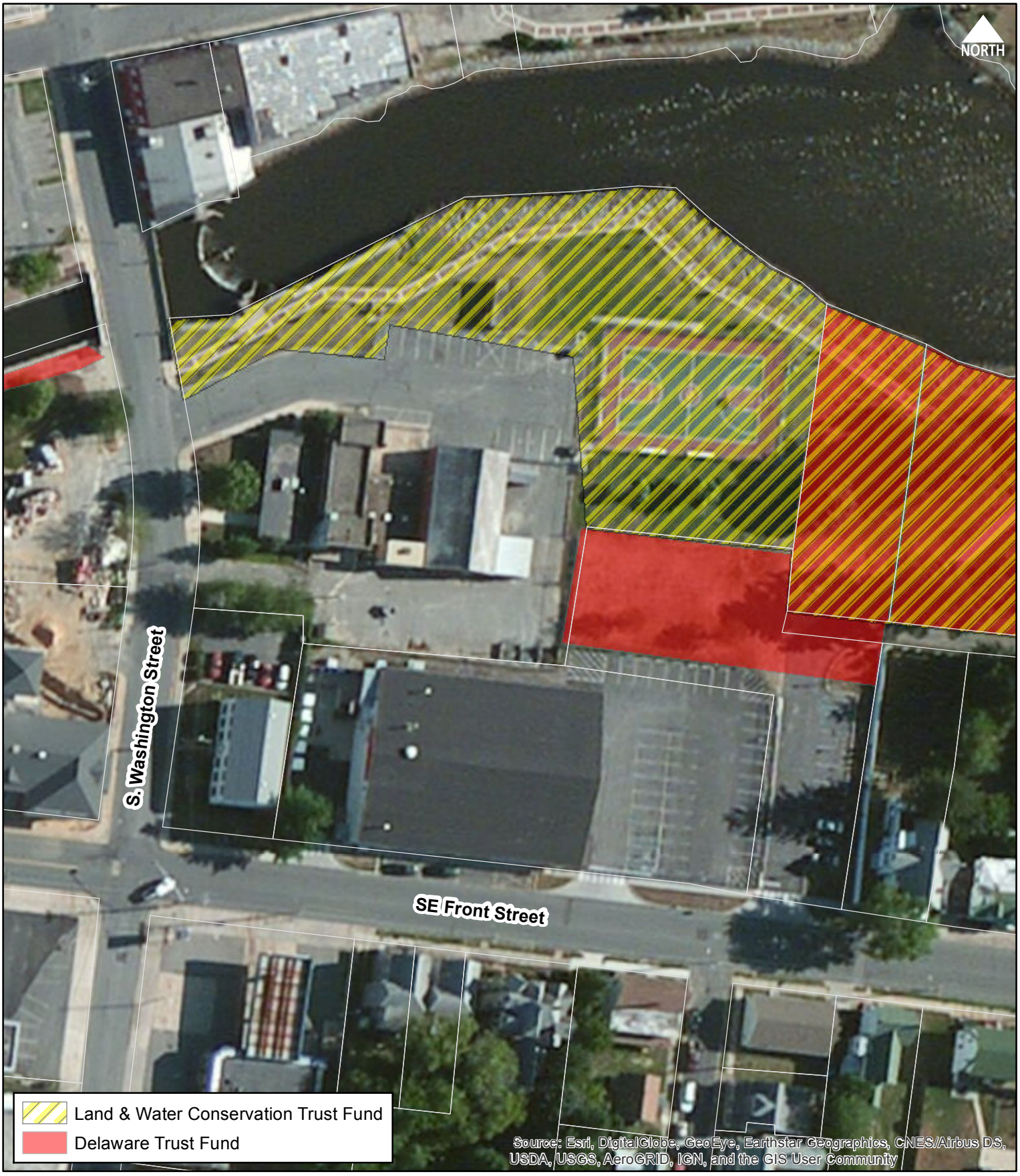
Filepath: RFP_WashingtonStreet_Utilities.mxd

Title:

Exhibit F

City of Milford

Water & Sanitary Sewer Utilities



THE CITY of Milford DELAWARE

Scale: 0 37.5 75 Feet

Drawn by: WRP

Date: 12/07/16

Filepath: RFP_WashingtonStreet_ProtectedLands.mxd

Title:

Exhibit G

City of Milford

LWCF & DTF Protected Lands

Sent: Sunday, December 4, 2016 9:25 PM
To: Hudson, Terri <thudson@milford-de.gov>; Norenberg, Eric <ENorenberg@milford-de.gov>
Subject: Climate Change training

Eric and Terri,

The University of Delaware and DNREC may be offering free training for the Planning Commission in early January on sea level rise, climate change and community resiliency. I already have an interest from the PC but wanted to see if CC would be interested in doing a combined session. Not sure of the date yet.

xfinity

RECEIVED
NOV 28 2016
By

November 18, 2016

Mr. Richard Carmean
City Manager
Milford
City of Milford
Milford, DE 19963

RE: Important Information on Price Changes

Dear Mr. Carmean:

We are committed to delivering the entertainment and services our customers in Milford rely on today, and the new experiences they will love down the road. As we continue to make improvements to our products and services, and as programmers charge more to carry their networks, our cost of doing business increases. As a result, starting January 1, 2017 prices for certain services and fees will be going up.

Fortunately, we've been able to identify some charges to be reduced or eliminated. We've simplified charges for In-Home Service Visits. Customers will no longer be charged seperately for the services performed during a service call and will instead get everything they need—including installation, activation, and relocation of additional outlets after an initial installation of service, in-home service charges and more—all for a flat rate of $40.*

While some prices may have increased, we are always investing in technology to drive innovation. We are working hard to bring our customers great value every day and exciting new developments in the near future, including the following:

- The most TV shows and movies available On Demand
- Innovative X1 Voice Remote that makes searching for shows and movies easier
- Self-service options to save our customers time and adapt to their schedule
- Access to Netflix content on XFINITY X1
- Fastest, most reliable in-home WiFi
- Fastest Internet in America according to Speedtest.net
- More than 14 million WiFi hot spots nationwide

Customers will receive notice about these changes within their bill received after November 20, 2016. A copy of the notice is enclosed. If you have any questions about these changes, please feel free to contact me at 301-836-9461.

Sincerely,

Yantee Neufville

Mr. Yantee Neufville
Manager, Government Affairs-Beltway Region

cc: Chris Comer, Director of Government and Regulatory Affairs- Beltway Region

COMCAST

* Does not apply to XFINITY Home. Prices do not include taxes and fees.
** Enclosure- Customer Notice*

IMPORTANT PRICE CHANGE INFORMATION FOR
Rehoboth, Sussex County & Georgetown

P897

Dear XFINITY Customer,

November 2016

We're committed to delivering the entertainment and services you rely on today—and the new experiences you'll love down the road.

As we continue to make improvements to our products and services, and as programmers charge more to carry their networks, our cost of doing business increases. As a result, prices for certain services and fees will be going up.

Fortunately, we've been able to identify some charges to be reduced or eliminated. We've simplified charges for Professional Installation and In-Home Service Visits. Our Professional Installation for XFINITY TV will be $79.99 which includes a standard installation, activation, and other related installation fees for all TVs you want connected to XFINITY TV. If you already have XFINITY TV installed and want us to connect additional TVs or move existing outlets, our In-Home Service Visit will be $40.00 (per visit) and covers installation, activation, and relocation of additional outlets as well as in-home service changes.*

While some prices may have increased, we're always investing in technology to drive innovation. We're working hard to bring you great value every day and exciting new developments in the near future, including:

- Fastest, most reliable in-home WiFi
- Fastest Internet in America according to Speedtest.net
- More than 14 million hot spots nationwide
- The most TV shows and movies available On Demand
- Innovative X1 Voice Remote that makes searching for shows and movies easier
- Self-service options to save you time and adapt to your schedule
- And soon, access to Netflix content on XFINITY X1

We're excited to bring you even more, and we can't wait for you to see what 2017 has in store for the future of awesome.

Thank you for choosing to be our customer.

Sincerely,

Mary McLaughlin
Regional Senior Vice President

For more information about all the taxes, fees, and surcharges on your bill go to www.xfinity.com/pricechanges.

* Does not apply to XFINITY Home. Prices do not include taxes and fees.

IMPORTANT PRICE CHANGE INFORMATION FOR
Rehoboth, Sussex County & Georgetown

Double Play PACKAGES	Current Price	New Price Eff. 01/01/17
Internet Plus	$77.95	$82.95
Internet Pro Plus with Showtime®	$81.95	$86.95
Internet Pro Plus with HBO®	$84.95	$89.95
XFINITY 2300 Latino	$106.90	$111.90
XFINITY 2450 Latino	$126.90	$131.90
XFINITY 2600 Latino	$162.80	$167.80
Premier XF Double Play	$182.99	$187.99
Internet Plus Latino	$77.95	$82.95

XFINITY® TV	Current Price	New Price Eff. 01/01/17
Broadcast TV Fee	$3.75	$6.50
Regional Sports Fee	$3.00	$3.50
Playboy®	$21.95	$15.00
Digital Adapter Additional Outlet Service (SD or HD)	$3.99	$5.99
Willow Plus with any Desi 3, 4 or Mega Pack	$7.00	$6.99
SET Asia (Sony) & STAR India PLUS (South Asian)	$24.99	$14.99
Reactivation of XFINITY TV	$1.99	$6.00

XFINITY® Internet	XFINITY Internet Service Only		with XFINITY TV or Voice Service	
	Current Price	New Price Eff. 01/01/17	Current Price	New Price Eff. 01/01/17
Performance	$69.95	$74.95	$56.95	$61.95
Performance Pro	$79.95	$84.95	$66.95	$71.95
Blast!®	$82.95	$87.95	$69.95	$74.95

Gigabit Pro Upgrade price will decrease by $5.00 on 01/01/17

COMCAST
7850 Walker Drive
Greenbelt, MD 20770

November 30, 2016

Mr. Eric Norenberg
City Manager
Milford
201 S. Walnut Street
Milford, DE 19963

Dear Franchise Administrator:

As part of our ongoing commitment to keep you informed, we want to let you know that Comcast's right to continue carrying:

- Fox College Sports Atlantic;
- Fox College Sports Central; and
- Fox College Sports Pacific

(collectively referred to as "Fox College Sports") will expire on December 31, 2016. At that time, we lose authorization to continue carrying Fox College Sports signals, so we must remove the programming from our lineup on January 1, 2017.

We are committed to keeping you and our customers abreast of the expiration of upcoming programming agreements. We regularly inform our customers in their bills, and our customers and franchising authorities in our annual notices, that we maintain a website (www.xfinitytv.com/contractrenewals) and toll free number ((866) 216-8634) that are updated regularly to reflect the programming contracts that are set to expire each month and the channels we might lose the rights to continue to carry.

Sincerely,

Donna Rattley Washington
Vice President, Government and Regulatory Affairs
Beltway Region

RECEIVED
DEC 22 2016
By

American Legion Post 8
673 North Bedford Street - PO Box 387 *Georgetown, DE* 19947
Phone Number: (302) 856-9222

December 19, 2016

Dear Donor:

You are cordially invited to a reception to thank you for your donation to the World War I Memorial on Tuesday, January 3, 2017 at 6:00 p. m. It will be at the American Legion Post (Log Cabin) on North Bedford Street in Georgetown.

If you have not had a chance to see the Memorial, please stop at the E Market Street and Circle intersection to see it. What a magnificent tribute to the 17 men who gave their lives in The Great War.

We look forward to seeing you at 6 p. m. on January 3rd, please RSVP to Judy Lawson at (302)856-1535 by December 31st.

Again, thank you for helping this single thought become the beautiful monument for all to see!

Sincerely,

Judy Lawson

Judy Lawson, Chairman
World War I Monument Fund

PUBLIC NOTICE

The following Ordinance will be considered by City Council on the date as indicated below:

Ordinance 2016-25
Contractors-Chapter 107

WHEREAS, City Staff has reviewed several Ordinances related to licensing and permitting fees; and

WHEREAS, the annual fee for a Contractor Permit is included in the codified Contractors Code Chapter 107; and

WHEREAS, there is a need to adjust fees for certain services from time to time and incorporate all adjusted and/or new fees for licensing and permitting services; and

WHEREAS, City Council finds the combination of certain fees into a single comprehensive Resolution will provide a simplified and more efficient manner for residents and those doing business in the City of Milford to access applicable fees.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by modifying Chapter 107 entitled Contractors.

Chapter 107 - CONTRACTORS

Section 2. Section 107-4 - Issuance of permit; records; payment of fees is hereby amended by removing the language indicated in strikethrough as follows:

§ 107-4. - Issuance of permit; records; payment of fees.

Upon proper application and payment of a prescribed fee, a permit, signed by the City Manager or his designated representative ~~(permit officer)~~, shall be issued to each applicant. Each such permit shall be valid and effective from the first day of January of each year or the date of issuance to the last day of December in that year. A record of all permits issued and permit fees paid shall be maintained at the City Hall. Each such permit shall be on a form provided by the City.

Section 3. Section 107-6 - Permit Fees; Refunds; Exemptions is hereby amended by removing the language indicated in strikethrough and adding the language and new Subparagraph A indicated in underline, as follows:

§ 107-6. - Permit fees; refunds; exemptions.

A. The fee for a contractor license shall be set by the City Council as part of the City Fee Schedule.

(1) The contractor license fee shall be prorated after July 1st of each year. No refund shall be given for any contractor that ceases to operate during the licensing period.

~~A. The annual permit fee shall be $100.~~

~~(1) Permit fees associated with new applications are prorated on a quarterly basis.)~~
~~(2) The annual renewal fee is $100.~~
~~(3) Second renewals are subject to a late fee of $50.~~
~~(4) The penalty fee shall be $100.~~

~~B. No prorationing, rebate or refund of any permit fee or part thereof shall be made by reason of nonuse of the permit or by reason of a change of location or business rendering the use of the permit ineffective. The City Manager or permit officer shall have the authority to refund a permit fee only if the permit fee was collected through an error. All 501(c)(3) nonprofit companies are exempt from permit fees.~~

Section 4. Section 107-12 – Violations and Penalties is hereby amended by removing the language indicated in strikethrough and adding the language indicated in underline, as follows:

§ 107-12. - Violations and penalties.

A. Any contractor/person providing services within the City without a valid permit will be subject to ***a penalty fee of $100*** ~~penalties as provided for under this section.~~
B. A stop-work order will be issued by the Code Official and will stay in effect until the contractor complies with all conditions associated with the issuance of a valid permit, including annual permit and penalty fees.
C. Continued violation of any provision of this chapter is subject to fines in accordance with Milford City Code Chapter 1, Article II General Penalty.
D. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

Section 5. Dates.

City Council Introduction: November 28, 2016
City Council Proposed Adoption: December 12, 2016
Proposed Effective Date: January 1, 2017

To review the entire chapter or a complete list of City of Milford ordinances, please access the City of Milford website at cityofmilford.com or contact the City Clerk's Office at 302-424-3712.

Chapter 107 - CONTRACTORS

[HISTORY: Adopted by the City Council of the City of Milford 1-10-1994. Amendments noted where applicable.]

GENERAL REFERENCES qc

Building construction — See Ch. 88.	Electrical standards — See Ch. 119.

§ 107-1. - Definitions.

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

CONTRACTOR — Any person, firm, corporation or jobber engaged in building, alteration, repairing, remodeling, construction and/or maintenance of buildings or engaged in any other type of construction, including but not limited to paving, curbing and sidewalk installation or repair, plumbing, electrical or other types of maintenance or construction.

[Amended 4-10-2006 by Ord. No. 2006-1]

§ 107-2. - Permit required.

No contractor shall operate, maintain or otherwise be engaged in any business as described in § 107-1 without first obtaining a permit from the City Manager or his designated representative (permit officer).

§ 107-3. - Permit application.

A. Applications for permits shall be upon forms provided by the City which shall include the following information:
   (1) The name and address of the applicant.
   (2) The trade, business or occupation for which the permit is required.
   (3) A statement that the applicant is knowledgeable of and has complied with and will continue to comply with all ordinances of the City, including but not limited to the current City of Milford Building, Zoning and Property Maintenance Codes.
   (4) Such other information as the City deems necessary.

B. The application shall be verified by the oath or affirmation of the individual permittee or of one member of a partnership, firm or association or the president, secretary or a director of a corporation applying for a permit.

C. The proper permit fee shall accompany the application.

§ 107-4. - Issuance of permit; records; payment of fees.

[Amended 4-10-2006 by Ord. No. 2006-1]

Upon proper application and payment of a prescribed fee, a permit, signed by the City Manager or his designated representative (permit officer), shall be issued to each applicant. Each such permit shall be valid and effective from the first day of January of each year or the date of issuance to the last day of December in that year. A record of all permits issued and permit fees paid shall be maintained at the City Hall. Each such permit shall be on a form provided by the City.

§ 107-5. - Denial of permit.

A. The City Manager or permit officer shall, upon disapproving any application submitted under the provisions of this chapter, refund all fees paid in advance by the applicant pursuant to the application, less a reasonable processing charge.

B. When the issuance of a permit is denied and any action is instituted by the applicant to compel its issuance, the applicant shall not engage in the business for which the permit was refused unless a permit is issued to him pursuant to a judgment ordering it.

§ 107-6. - Permit fees; refunds; exemptions.

[Amended 4-10-2006 by Ord. No. 2006-1]

A. The annual permit fee shall be $100.

   (1) Permit fees associated with new applications are prorated on a quarterly basis.)

   (2) The annual renewal fee is $100.

   (3) Second renewals are subject to a late fee of $50.

   (4) The penalty fee shall be $100.

B. No prorationing, rebate or refund of any permit fee or part thereof shall be made by reason of nonuse of the permit or by reason of a change of location or business rendering the use of the permit ineffective. The City Manager or permit officer shall have the authority to refund a permit fee only if the permit fee was collected through an error. All 501(c)(3) nonprofit companies are exempt from permit fees.

§ 107-7. - (Reserved)[]

Footnotes:

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Editor's Note: Former § 107-7, Collection of unpaid fees, was repealed 4-10-2006 by Ord. No. 2006-1.

§ 107-8. - Display of permit.

A permit issued under the provision of this chapter shall be posted in a public place in the establishment or place of business for which it is issued, or it shall be carried upon the person of the permittee.

§ 107-9. - Transfer of permit.

Each permit granted under this chapter shall be for the sole use and benefit of the person to whom it is issued and shall not be transferable. In case of the death of any individual, his personal representative shall succeed to all rights thereunder until the expiration of the permit.

§ 107-10. - Enforcement; revocation of permit.

A. The City Manager or permit officer shall make or have made all investigations reasonably necessary to the enforcement of this chapter.

B. Upon determination that a violation of any City ordinance has occurred or that a permittee is not in compliance with the provisions of this chapter, the City Manager may order a revocation of the permit. Before any permit is revoked, the City Manager shall give 30 days' written notice in advance by certified mail directed to the permittee at the usual place of business, stating the reason for the revocation, and upon the correction of the defect within 30 days following receipt of notice no revocation shall take effect. If the defect is not corrected within said thirty-day period, the permit shall be deemed to be revoked immediately.

§ 107-11. - Appeals.

A. Any person aggrieved by any decision of the City Manager or permit officer shall have the right to appeal to the City Council by filing a written appeal with the City Council within 30 days following the effective date of the action or decision complained of. The appeal shall set out a copy of the order or decision appealed from and shall include a statement of facts relied upon to avoid the order.

B. The City Council shall fix a time and place for hearing the appeal and shall serve written notice upon the person requesting the appeal informing him of the hearing. The findings of the City Council shall be final and conclusive and shall be served upon the person who requested the appeal.

§ 107-12. - Violations and penalties.

[Amended 4-10-2006 by Ord. No. 2006-1]

A. Any contractor/person providing services within the City without a valid permit will be subject to penalties as provided for under this section.

B. A stop-work order will be issued by the Code Official and will stay in effect until the contractor complies with all conditions associated with the issuance of a valid permit, including annual permit and penalty fees.

C. Continued violation of any provision of this chapter is subject to fines in accordance with Milford City Code Chapter 1, Article II, General Penalty.

D. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

PUBLIC NOTICE

The following Ordinance will be considered by City Council on the date as indicated below:

Ordinance 2016-26

PEDDLING, SOLICITING AND TRANSIENT MERCHANTS-CHAPTER 168

WHEREAS, City Staff has reviewed several Ordinances related to permitting and licensing fees; and

WHEREAS, there is a need to adjust fees for certain services from time to time and incorporate adjusted and/or new fees for licensing and permitting services; and

WHEREAS, City Council finds that combining certain fees into a single comprehensive Resolution will provide a simplified and more efficient manner for residents and those doing business in the City of Milford to access applicable fees; and

WHEREAS, it is found appropriate to update the language in Chapter 168 by which the City reviews, evaluates and acts upon applications for Peddling, Soliciting and Transient Merchants.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by modifying Chapter 168 entitled Peddling, Soliciting and Transient Merchants, as follows:

Chapter 168 - PEDDLING, SOLICITING AND TRANSIENT MERCHANTS

§ 168-1. - Definitions and word usage.

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

PERSON — Any natural person, association, partnership, firm or corporation.

SOLICITING and PEDDLING

(1) SOLICITING — The seeking or taking of contracts or orders for any goods, wares, merchandise or services for future delivery or for subscriptions or contributions upon any streets or sidewalks or from house to house within the ~~city~~***City***.

(2) PEDDLING — The selling or offering for sale of any goods, wares, merchandise or services for immediate delivery which the person selling or offering for sale carries with him***/her*** in traveling or has in his***/her*** possession or control upon any of the streets or sidewalks or from house to house within the ~~city~~***City***.

(3) Neither the word "soliciting" nor "peddling" shall apply to:

(a) Farmers seeking or taking orders for or selling or offering for sale their own produce.

(b) ~~The~~ ***Vendors at farmer's markets or special events that are approved by the City to use public streets, parks and facilities for their event.*** ~~seeking or taking of orders for or the selling or offering for sale of bread or bakery products, meat or meat products or milk and milk products by any manufacturer or producer thereof.~~

SOLICITOR or PEDDLER — Any person who shall engage in soliciting or peddling, respectively, as hereinabove defined.

FOOD ESTABLISHMENT - A business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.

MOBILE FOOD VEHICLE – A Food Establishment that is located upon a vehicle including motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared or served for individual portion service. This definition includes but is not limited to: mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks, and coffee trucks. This definition does not apply to "meals on wheels" program vehicles, or food home delivery services.

PRIVATE PARTY – A social gathering on private property not open to the public.

TRANSIENT MERCHANT — A person who engages or proposes to engage temporarily in merchandising business in the ~~city~~***City*** and occupies a room, building, tent, vehicle, ***Mobile Food Vehicle***, lot, stand or other premises for the purpose of selling, trading or bartering goods, ***food,*** wares and merchandise.

B. Word usage. The singular shall include the plural.

§ 168-2. - Registration required.

No person shall engage in soliciting or peddling or act as a transient merchant in the ~~city~~***City*** without first registering with the City Code Official.

§ 168-3. - Information to be supplied.

A. Every person desiring to engage in soliciting or peddling in the ~~city~~***City*** shall first register, under oath, with the Code Official. Upon such application, such person shall give his***/her*** name, address and age; ***undergo*** ~~his previous~~ ***a criminal background check through the Delaware State Bureau of Identification*** ~~record, if~~***with the report sent to the Code Official*** ~~any~~; the name and address of the person for whom he***/she*** works and a letter appended to the application authorizing the applicant to represent the firm the applicant purports to represent, if any; the type or types of article, device, subscription,

contribution, service or contract which he***/she*** desires to sell or for which he wishes to solicit within the ~~city~~***City***; the length of time he wishes to be registered; the type of vehicle he***/she*** uses, if any, and its registration number; and the name, address and title of a company officer upon whom process or other legal notice may be served, if the applicant is a corporation or company.

B. Where a person makes application for him***/her***self and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this chapter shall be transferable from one person to another.

C. When applying for a permit for a Mobile Food Vehicle, a current, valid Food Establishment permit from the Delaware Department of Health and Social Services Division of Public Health and any inspection reports shall be provided to the City.

§ 168-4. - Fees.

The fee for a permit or license shall be set by the City Council each year as part of the City Fee Schedule. The license or permit fee shall be prorated after July 1. No refund shall be given for any solicitor, peddler, or transient merchant that ceases to operate during the licensing period. ~~No permit or license shall be issued under this chapter except upon payment of a fee of $50.~~

§ 168-5. - Issuance of license or permit; list of vendors.

A. Upon registering with the ~~city~~***City*** as aforesaid, each solicitor or peddler shall be issued***, unless he shall have been convicted of a crime involving moral turpitude,*** a license or permit and may~~, unless he shall have been convicted of a crime involving moral turpitude,~~ be permitted to solicit or peddle or act as a transient merchant within the ~~city~~***City*** for the licensed period beginning on the date such license or permit is issued and ending on the expiration date thereof. Such license or permit shall not be transferable.

(1) No license or permit shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the ~~city~~***City*** are paid and in good standing.

B. Notwithstanding the provisions of Subsection A hereof, ***organizers of special events that are approved by the City to use public streets, parks and facilities for their event may restrict or select the vendors or transient merchants that can participate at their farmer's market or event, provided that any Mobile Food Vehicles are properly permitted in accordance with the provisions of this Chapter. Event organizers shall provide a list of the approved vendors (including Mobile Food Vehicles) to the City no less than one week prior to the event.*** ~~the Code Official shall be authorized to delegate the issuance of transient merchant licenses to the owner of any validly existing marketplace for casual retail sales and barter by independent vendors upon condition that~~

~~said owner shall provide to the Code Official a complete list of vendors to whom licenses were issued.~~

~~(1) The list required by this subsection shall contain a statement on behalf of said owner as follows: "This list constitutes a complete list of vendors for the reporting period. Each of said vendors was issued a transient merchant license in compliance with the City of Milford Municipal Code."~~

~~(2) The list shall be provided at least once each month or as required by the Code Official.~~

§ 168-6. - Evidence of registration; display of license; restrictions.

A. Every solicitor or peddler shall, at all times while engaged in soliciting or peddling in the ~~city~~***City***, carry evidence of such registration upon his***/her*** person and shall exhibit such evidence upon request to all police officers, ~~city~~***City*** officials and citizens.

B. Every person holding a transient merchant license shall post said license in a prominent place in his***/her*** business premises and shall maintain said license as such at all times.

C. No solicitor or peddler shall engage in selling or offering for sale or in seeking or taking of orders or contracts for any goods, wares, merchandise, article, device, subscription, contribution, service or contract not mentioned upon such license, nor shall any person use any vehicle for soliciting or peddling other than the vehicle registered upon his***/her*** license.

D. No license issued upon the provisions of this chapter may be transferred from one person to another. The person designated in said license shall be the only person authorized to engage in such business thereunder.

§ 168-7. - Hours of sale.

No person shall engage in soliciting or peddling at any time on Sunday or on any other day of the week before 9:00 a.m. or after 5:00 p.m. except upon invitation from or an appointment with the resident.

§ 168-8. - Noise.

No person engaged in soliciting or peddling or as a transient merchant shall hawk or cry his***/her*** goods, wares, merchandise, articles, contracts or services upon any of the streets or sidewalks of the ~~city~~***City***, nor shall he use any loudspeaker or horn or any other device on public property for announcing his***/her*** presence by which members of the public are annoyed.

§ 168-9. - Vehicles.

No person engaged in soliciting or peddling or as a transient merchant shall park any vehicle upon any of the streets or alleys of the ~~city~~***City*** in order to sort, rearrange or clean any of his***/her*** goods, wares or merchandise or any samples, order books, contracts, circulars, literature or advertising matter pertaining thereto, nor may any such person place or deposit any refuse upon

any such street or curbstone market or soliciting or peddling office by parking any vehicle upon any street or alley in the ~~city~~***City*** for longer than necessary in order to solicit from or peddle to persons residing in the immediate vicinity***, unless prior written permission is provided by the City Manager***.

§ 168-10. - Prohibited acts.

A. No person engaged in soliciting or peddling or acting as a transient merchant shall occupy any of the streets or alleys or sidewalks of the ~~city~~***City*** for the purpose of soliciting or peddling, with or without any stand or counter***, unless prior written permission is provided by the City Manager***.

B. No person engaged in soliciting or peddling shall enter upon premises for the purpose of soliciting or peddling which are posted with signs indicating that soliciting or peddling thereon is prohibited.

C. No peddler or solicitor shall peddle, vend or sell his***/her*** goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his***/her*** cart, wagon or vehicle to stand on any public highway within said distance of such school property.

D. No person shall solicit any business whatsoever at the scene of any accident within the incorporated area of the ~~city~~***City***.

E. No transient merchant shall conduct business on a residential lot in a residentially zoned area unless the merchant is permitted by the property owner to provide food, goods or services for a Private Party.

§ 168-11. - Sales at public functions on ~~city~~***City*** property.

Notwithstanding any other provision, no person shall sell merchandise at any public function held in the ~~city~~***City***, on lands owned by the ~~city~~***City***, without first obtaining written permission therefor from the City Manager.

§ 168-12. - Records; supervision of license holders.

The Code Official shall keep a record of all registrations made under this chapter, and the Code Official shall supervise the activities of all holders of such licenses.

§ 168-13. - Exemptions from license requirements.

The following persons are exempt from the license requirements of this chapter:

A. Farmers engaged in selling only produce of their own farms from a truck or other vehicle.

B. Persons engaged in the sale of goods, wares and merchandise, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

C. Persons 16 years of age or under.

§ 168-14. - Revocation of license; hearing for reinstatement.

A. Any license hereinafter issued may be revoked by the Code Official upon the failure of the licensee to comply with the standards of conduct established herein or upon ascertainment that the licensee has made any false statements in the application for the license hereunder or upon such licensee being arrested and convicted of any crime involving moral turpitude.

B. Any person whose license has been revoked shall be entitled to appear, with counsel if desired, before the City Council at a regular or special meeting and be heard on behalf of a request for reinstatement of said license.

§ 168-15. - Form and contents of permit.

Each permit shall be issued in card form, shall be carried by the person for whose benefit it is issued and shall contain the following: the number of the permit, fee paid, date of issue, expiration date and the name, age, weight, color, name of employer, address and signature of the holder. The reverse side of such permit shall contain any regulations then in effect and controlling the holder, as well as any conditions and/or limitations to which such permit is subject.

§ 168-16. – Mobile Food Vehicle Rules and Regulations

A. General. The following rules and regulations apply:

(1) No operator of a Mobile Food Vehicle shall park, stand or move a vehicle and conduct business within areas of the City where the permit holder has not been authorized to operate;

(2) The issuance of a permit does not grant or entitle the exclusive use of a location to the Mobile Food Vehicle permit holder, other than the time and place as approved for the term of the permit;

(3) No Mobile Food Vehicle shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters, unless a proposal for such seating/standup arrangements is submitted with the permit application and approved by the City Manager;

(4) Permit holders shall provide customers with single service articles, such as plastic silverware and paper plates, and a waste container for their disposal. All Mobile Vehicles shall offer a waste container for public use that the operator shall empty at his or her own expense if not provided by the Special Event sponsor.

(5) No Mobile Food Vehicle shall make or cause to be made any unreasonable or excessive noise in violation of the City's Codified Ordinances.

(6) No permittee shall employ the use of flashing or moving lights on or near a Mobile Food Vehicle as part of its operation.

(7) A Mobile Food Vehicle may not operate on public property, including right-of-way, unless the City has otherwise granted approval on the Special Event Permit application for its operation at the particular location during specific times.

(8) The City reserves the right to relocate a Mobile Food Vehicle to an alternate location as determined by the City Manager if the approved location needs to be used for emergency purposes or other public benefit.

(9) Mobile Food Vehicles shall adhere to all applicable parking regulations.

B. The operation of Mobile Food Vehicles shall at all times be in compliance with all applicable governmental rules and regulations, including but not limited to those of the Delaware Department of Health and Social Services Division of Public Health and the Delaware Department of Transportation.

§ 168-***17***~~16~~. - Violations and penalties.

A. Violation of any provision of this chapter shall be punishable, upon conviction, by a fine of not less than $100 nor more than $500. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

B. In addition to or as an alternative to the above-provided penalties, the ~~city~~***City*** may also maintain an action or proceeding in the name of the ~~city~~***City*** in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

C. In addition, any person who violates any provision of the foregoing may be subject to a loss of the license privilege herein granted.

Section 2. Dates.

City Council Introduction: November 28, 2016
City Council Proposed Adoption: December 12, 2016
Proposed Effective Date: January 1, 2017

To review the complete list of City of Milford ordinances, please access the City of Milford website at cityofmilford.com or contact the City Clerk's Office at 302-424-3712.

Chapter 168 - PEDDLING, SOLICITING AND TRANSIENT MERCHANTS

§ 168-1. - Definitions and word usage.

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

PERSON — Any natural person, association, partnership, firm or corporation.

SOLICITING and PEDDLING

(1) SOLICITING — The seeking or taking of contracts or orders for any goods, wares, merchandise or services for future delivery or for subscriptions or contributions upon any streets or sidewalks or from house to house within the city.

(2) PEDDLING — The selling or offering for sale of any goods, wares, merchandise or services for immediate delivery which the person selling or offering for sale carries with him in traveling or has in his possession or control upon any of the streets or sidewalks or from house to house within the city.

(3) Neither the word "soliciting" nor "peddling" shall apply to:

(a) Farmers seeking or taking orders for or selling or offering for sale their own produce.

(b) The seeking or taking of orders for or the selling or offering for sale of bread or bakery products, meat or meat products or milk and milk products by any manufacturer or producer thereof.

SOLICITOR or PEDDLER — Any person who shall engage in soliciting or peddling, respectively, as hereinabove defined.

TRANSIENT MERCHANT — A person who engages or proposes to engage temporarily in merchandising business in the city and occupies a room, building, tent, vehicle, lot, stand or other premises for the purpose of selling, trading or bartering goods, wares and merchandise.

B. Word usage. The singular shall include the plural.

§ 168-2. - Registration required.

No person shall engage in soliciting or peddling or act as a transient merchant in the city without first registering with the City Code Official.

§ 168-3. - Information to be supplied.

A. Every person desiring to engage in soliciting or peddling in the city shall first register, under oath, with the Code Official. Upon such application, such person shall give his name, address and age; his previous criminal record, if any; the name and address of the person for whom he works and a letter appended to the application authorizing the applicant to represent the firm the applicant purports to represent, if any; the type or types of article, device, subscription, contribution, service or contract which he desires to sell or for which he wishes to solicit within the city; the length of time he wishes to be registered; the type of vehicle he uses, if any, and its registration number; and the name, address and title of a company officer upon whom process or other legal notice may be served, if the applicant is a corporation or company.

B. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this chapter shall be transferable from one person to another.

§ 168-4. - Fees.

No permit or license shall be issued under this chapter except upon payment of a fee of $50.

§ 168-5. - Issuance of license or permit; list of vendors.

A. Upon registering with the city as aforesaid, each solicitor or peddler shall be issued a license or permit and may, unless he shall have been convicted of a crime involving moral turpitude, be permitted to solicit or peddle or act as a transient merchant within the city for the licensed period beginning on the date such license or permit is issued and ending on the expiration date thereof. Such license or permit shall not be transferable.

   (1) No license or permit shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

B. Notwithstanding the provisions of Subsection A hereof, the Code Official shall be authorized to delegate the issuance of transient merchant licenses to the owner of any validly existing marketplace for casual retail sales and barter by independent vendors upon condition that said owner shall provide to the Code Official a complete list of vendors to whom licenses were issued.

   (1) The list required by this subsection shall contain a statement on behalf of said owner as follows: "This list constitutes a complete list of vendors for the reporting period. Each of said vendors was issued a transient merchant license in compliance with the City of Milford Municipal Code."

   (2) The list shall be provided at least once each month or as required by the Code Official.

[Ord. No. 2011-7, § 2, 4-11-2011]

§ 168-6. - Evidence of registration; display of license; restrictions.

A. Every solicitor or peddler shall, at all times while engaged in soliciting or peddling in the city, carry evidence of such registration upon his person and shall exhibit such evidence upon request to all police officers, city officials and citizens.

B. Every person holding a transient merchant license shall post said license in a prominent place in his business premises and shall maintain said license as such at all times.

C. No solicitor or peddler shall engage in selling or offering for sale or in seeking or taking of orders or contracts for any goods, wares, merchandise, article, device, subscription, contribution, service or contract not mentioned upon such license, nor shall any person use any vehicle for soliciting or peddling other than the vehicle registered upon his license.

D. No license issued upon the provisions of this chapter may be transferred from one person to another. The person designated in said license shall be the only person authorized to engage in such business thereunder.

§ 168-7. - Hours of sale.

No person shall engage in soliciting or peddling at any time on Sunday or on any other day of the week before 9:00 a.m. or after 5:00 p.m. except upon invitation from or an appointment with the resident.

§ 168-8. - Noise.

No person engaged in soliciting or peddling or as a transient merchant shall hawk or cry his goods, wares, merchandise, articles, contracts or services upon any of the streets or sidewalks of the city, nor shall he use any loudspeaker or horn or any other device on public property for announcing his presence by which members of the public are annoyed.

§ 168-9. - Vehicles.

No person engaged in soliciting or peddling or as a transient merchant shall park any vehicle upon any of the streets or alleys of the city in order to sort, rearrange or clean any of his goods, wares or merchandise or any samples, order books, contracts, circulars, literature or advertising matter pertaining thereto, nor may any such person place or deposit any refuse upon any such street or curbstone market or soliciting or peddling office by parking any vehicle upon any street or alley in the city for longer than necessary in order to solicit from or peddle to persons residing in the immediate vicinity.

§ 168-10. - Prohibited acts.

A. No person engaged in soliciting or peddling or acting as a transient merchant shall occupy any of the streets or alleys or sidewalks of the city for the purpose of soliciting or peddling, with or without any stand or counter.

B. No person engaged in soliciting or peddling shall enter upon premises for the purpose of soliciting or peddling which are posted with signs indicating that soliciting or peddling thereon is prohibited.

C. No peddler or solicitor shall peddle, vend or sell his goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his cart, wagon or vehicle to stand on any public highway within said distance of such school property.

D. No person shall solicit any business whatsoever at the scene of any accident within the incorporated area of the city.

§ 168-11. - Sales at public functions on city property.

Notwithstanding any other provision, no person shall sell merchandise at any public function held in the city, on lands owned by the city, without first obtaining written permission therefor from the City Manager.

§ 168-12. - Records; supervision of license holders.

The Code Official shall keep a record of all registrations made under this chapter, and the Code Official shall supervise the activities of all holders of such licenses.

§ 168-13. - Exemptions from license requirements.

The following persons are exempt from the license requirements of this chapter:

A. Farmers engaged in selling only produce of their own farms from a truck or other vehicle.

B. Persons engaged in the sale of goods, wares and merchandise, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

C. Persons 16 years of age or under.

§ 168-14. - Revocation of license; hearing for reinstatement.

A. Any license hereinafter issued may be revoked by the Code Official upon the failure of the licensee to comply with the standards of conduct established herein or upon ascertainment that the licensee has made any false statements in the application for the license hereunder or upon such licensee being arrested and convicted of any crime involving moral turpitude.

B. Any person whose license has been revoked shall be entitled to appear, with counsel if desired, before the City Council at a regular or special meeting and be heard on behalf of a request for reinstatement of said license.

§ 168-15. - Form and contents of permit.

Each permit shall be issued in card form, shall be carried by the person for whose benefit it is issued and shall contain the following: the number of the permit, fee paid, date of issue, expiration date and the name, age, weight, color, name of employer, address and signature of the holder. The reverse side of such permit shall contain any regulations then in effect and controlling the holder, as well as any conditions and/or limitations to which such permit is subject.

§ 168-16. - Violations and penalties.

A. Violation of any provision of this chapter shall be punishable, upon conviction, by a fine of not less than $100 nor more than $500. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

B. In addition to or as an alternative to the above-provided penalties, the city may also maintain an action or proceeding in the name of the city in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

C. In addition, any person who violates any provision of the foregoing may be subject to a loss of the license privilege herein granted.

City of Milford

RESOLUTION 2016-18
Sussex County

Councilmember _____ submitted to the Council the following Proposed Resolution:

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

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

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

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

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

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

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

APPLICATION: Rehabilitation/Infrastructure/Demolition

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

NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 12th DAY OF DECEMBER 2016.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

Councilmembers

Christopher Mergner	Owen Brooks, Jr.
Arthur Campbell	Douglas Morrow
Lisa Ingram Peel	James Starling, Sr.
James Burk	Katrina Wilson

_____
Bryan W. Shupe
Mayor

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

_____
Robin A. Griffith
Clerk of the County Council

City of Milford

Resolution 2016-19
CITIZEN PARTICIPATION
CERTIFICATE OF ASSURANCE
Sussex County

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

1) made available information concerning the amount of funds that may be applied for;

2) made known the range of activities that may be undertaken with these funds;

3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;

4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies and others in a timely manner; and

5) provided a summary of other important program requirements.

The City of Milford has held a Public Hearing on November 28, 2016 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution and following a Public Hearing, endorsed this application.

_____
Mayor Bryan W. Shupe

Attest_____

Adopted: December 12, 2016

City of Milford

RESOLUTION 2016-20
Requirement for Fair Housing
Sussex County

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

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

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

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

This RESOLUTION was passed by a majority of the Council of the City of Milford on December 12, 2016.

_____
Mayor Bryan W. Shupe

Attest_____

City of Milford

RESOLUTION 2016-21
Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes its Mayor, Bryan W. Shupe, to submit the Fiscal Year 2017 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2017 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was passed by a majority of the Council of the City of Milford on December 12, 2016.

_____
Mayor Bryan W. Shupe

Attest_____

City of Milford

RESOLUTION 2016-22
Requirement for Fair Housing
Kent County

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

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

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

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

This RESOLUTION was passed by a majority of the Council of the City of Milford on December 12, 2016.

_____
Mayor Bryan W. Shupe

Attest_____

PUBLIC NOTICE

The following Ordinance will be considered by City Council on the date as indicated below:

ORDINANCE NO. 2016-24

AMENDING THE CODE OF THE CITY OF MILFORD BY ADDING A NEW CHAPTER 90 ENTITLED BUSINESS LICENSE

WHEREAS, the City of Milford desires to adopt an ordinance providing for the requirement and procedures to issue licenses to businesses operating within the corporate limits of the City; and

WHEREAS, the City of Milford will experience direct and indirect costs associated with administering the licensing registrations, making it necessary and reasonable for the City of Milford to impose a fee associated with the issuance of business licenses and the enforcement of those regulations outlined herein.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by adding thereto a new Chapter 90, to be titled "BUSINESS LICENSE".

Section 2. The Code of the City of Milford is further amended by adding the following provisions to the new Chapter 90, to hereby read as follows:

§ 90-1 Purpose

The City Council has deemed it to be in the best interest of the residents of the City and in furtherance of their health, safety and welfare to issue business licenses and establish procedures governing the issuance of business licenses in order to identify owners/operators of businesses, track changes in ownership and/or business activity, define the nature of business activities, ensure an understanding of and compliance with City codes governing business operations, and provide necessary approval, enforcement, and compliance procedures.

§ 90-2 Definitions

As used in this Chapter, the following terms shall have the meanings indicated, except where the context clearly indicates a different meaning:

BUSINESS-Any person engaged in the sale of goods or services including, but not limited to, any retail, wholesale, service, food service, professional or personal service or other general commercial activity physically located within the corporate limits of the City that requires a business license with the State of Delaware, Division of Revenue.

PERSON-Any individual, firm, corporation, company, partnership, or joint venture.

§ 90-3 Business License Required

A. Commencing ~~January~~February 1, 2017, no person shall operate, maintain or otherwise be engaged in any business within the corporate boundaries of the City of Milford without having first received a business license issued by the City for the calendar year in which the business is operating. All businesses in existence prior to January 1, 2017 shall obtain a business license prior to ~~June~~July 1, 2017, which license shall be valid for the year 2017.

B. License period; renewals. Business licenses shall be issued for each calendar year and shall expire December 31 of the year for which the business license was issued, regardless of when during the calendar year the license was issued. Licenses shall be renewed on or before January 1 of each year.

C. Display of business license. The business license shall be displayed in a public place within the establishment ~~or, if applicable, worn or carried by the person providing the service~~ in a manner that is visible at all times to the public.

D. Good standing requirements. No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and other fees due the City are paid and in good standing.

E. Multiple business locations. Each separate location or branch of the same business requires a separate business license as though it were a separate business.

F. Transferability. A business license may not be transferred from one party to another or from one location to another location of the same business. If the nature of the licensee's business activities substantially changes after the issuance of a business license, a new business license shall be obtained.

§ 90-4 Business License Application

A. Every application for a business license submitted to the City shall be in writing, verified by oath or affirmation and signed by the applicant(s), and shall include the following information:

(1) Company/business name;
(2) Phone number and street address of business (physical location, not post office box);
(3) The name, title, phone number(s) (home and cellphone), and address(es) of the owner(s);
(4) Name, cell phone number, and email address of the authorized manager or representative;
(5) Federal Employer Identification Number or owner's Social Security Number (last four digits only);
(6) The trade, business or occupation for which the license is being requested;

(7) Number of regular full time and part time or seasonal employees;
(8) A copy of any business licenses issued by the State of Delaware and/or any other approvals issued by the Division of Revenue or another governmental or quasi-governmental agency (i.e. Alcoholic Beverage Control Commission, Administrative Services, Banking Commissioner, Insurance Commissioner, Public Service Commission, Department of Natural Resources, Environmental Protection Agency, Internal Revenue Service, etc.). Possession of any such license or approval shall not exempt a person from obtaining a City of Milford business license; and
(9) A statement that the business has complied with and will continue to comply with all codes and ordinances of the City.

B. After reviewing the business license application, the City Manager may request such other information as is necessary to answer any questions raised by the application regarding the operation of the business. The City Manager shall prescribe the form of the license certificate and shall keep full and complete records of all licenses issued, the expiration dates, and the license fees collected.

§ 90-5 Business License Application Review

The City Manager or his/her representative shall investigate and review all applications for a license to do business within the City to determine whether the applicant is aware of and demonstrates a willingness to comply with all codes and ordinances of the City that relate to the business's operation, and agrees to avoid all forbidden, improper or other practices or conditions which do or could adversely affect the public health, safety or welfare.

§ 90-6 Business License Fees; Delinquencies

A. The fee for a business license shall be set by the City Council each year as part of the City Fee Schedule.

B. The business license fee for any new business applying for a business license after July 1 shall be prorated semi-annually. No refund shall be given for any business that ceases to operate during the licensing period. In the event that an existing business has not applied for and paid the business license fee on or before the first day of January, a penalty of ten percent (10%) shall be assessed for each month or portion thereof that the license fee remains unpaid. Once penalties have begun to be assessed under section 190-10, however, no additional penalties shall continue to be assessed under this section.

§ 90-7 Code Compliance; Zoning Certificate

A business operating in the City shall at all times be in compliance with all City codes and ordinances. Any business not in existence in the City as of January 1, 2017 shall not be issued its initial business license and shall not initiate its business activities until it has obtained a certificate of zoning compliance ascertaining the permissibility of the proposed business use in the location where such activity is to take place.

90-8. Exemptions.

Anything in this chapter to the contrary notwithstanding, the following activities are exempt from the business licensing requirement outlined herein:

~~(1) Deliveries of goods or property to a licensed business for use or resale in that business.~~
~~(2) Utility companies otherwise authorized by the City to operate within the City limits.~~
(3) Charitable, religious, educational, or public service facility, social association or club, or governmental agency, except to the extent that such operates a separate retail facility or other ancillary business that would require a business license.
(4) Exhibitor in a museum, the Milford Library, an educational facility, or other public building where such exhibition is part of a limited scheduled event or show.
(5) Yard or garage sales, book sales, and auctions where not part of a regularly recurring or continuous business activity.
(6) Sale of agricultural or nursery items grown on the premises of the property owner and sold seasonally.
(7) Any activities permitted pursuant to a current peddler's license or otherwise exempt from obtaining a peddler's license as outlined in Chapter 168 ("Peddling, Soliciting and Transient Merchants").
(8) Construction activities for which a license is required and has been secured in accordance with Chapter 107 ("Contractors").
(9) Business activities of insurance agents and companies specifically exempted from municipal business license fees under 18 Del. C. § 712.
(10) Rental activities for which a rental license has been obtained pursuant to Chapter 180 ("Residential Rental Operating Licenses").

§ 90-9 Inspection by City Officials

The City Manager and/or his designee shall have the authority to make or have made all inspections and investigations reasonably necessary to enforce this chapter and to inspect those portions of the commercial premises that are open and visible to the public in order to ensure that the business is being conducted as specified by the license and is in compliance with all applicable building, safety, zoning, and other City codes. All persons authorized by this chapter to inspect businesses shall have the authority to enter the premises to inspect at all reasonable times.

§ 90-10 Suspension of Business License; Penalties

A. Suspension of business license. The City Manager may order a business to cease operations in the City and suspend its business license (if a business license has been obtained) for any of the following reasons:

(1) The business is found to be operating in violation of the terms of this chapter.
(2) The business is more than 60 days late in renewing its business license.

(3) The business is in violation of any regulations of the Milford City Code or the laws of Delaware.
(4) The Fire Marshall or any public safety authority having jurisdiction has requested that the business activities cease until certain conditions have been remedied.

B. The City shall provide the business with written notice of the violation(s), which notice shall state that the business shall be ordered to cease operations and its business license (if applicable) shall be suspended without further notice if within 10 business days of the date of the notice the business fails to remedy the violations or file an appeal with the City Clerk's office. The written notice shall be either personally delivered or sent via certified mail, return receipt requested, to the business. If the business does not remedy the violations or appeal the determination of the City Manager within the prescribed time period, the business shall not be permitted to operate in the City until such violations have been remedied. Notwithstanding the foregoing, notice shall not be required to order a business to cease operations in any emergency situation that causes an immediate threat to the health, safety, or general welfare of the public.

C. Penalties. Any business that does not remedy the violations within the prescribed time period shall be assessed a penalty of $100.00 as of the date the notice of violation was delivered to the business. Each day thereafter that the violation is not remedied shall be considered a new violation subject to a new penalty, provided that no additional notices of violation shall be required. Notwithstanding the forgoing, no penalties shall be assessed if:

(1) The business remedies the violation(s) within 10 business days of the date the notice of violation was delivered to the business; or
(2) The business files an appeal with the City Council that is resolved in favor of the business. The amount of any unpaid penalty, including the unpaid business license fee, shall constitute a debt owed to the City, and the City may institute a civil suit or use any other lawful methods authorized by the City Charter or the laws of Delaware to recover any unpaid fee.

§ 90-11 Appeals Procedures

The City Council shall provide any business appealing a determination of the City Manager with 15 business days' written notice of the date, time, and place at which the City Council shall sit to hear the business's appeal. Such written notice shall be sent via certified mail, return receipt requested, and the hearing may be held as part of a regularly scheduled City Council meeting. The filing of an appeal shall stay any enforcement action by the City to compel the business to cease operations, and the business shall be permitted to continue to operate until a final decision is rendered by the City Council. If the City Council finds against the business, the business shall have five (5) business days after the decision of the City Council to remedy the violations before the City takes legal action to compel the business to cease operations. The accrual of daily violations and corresponding penalties shall not be stayed if an appeal is filed, but no penalties shall be assessed if the City Council finds in favor of the business. If the City Council finds against the business, the City Council may waive a portion or all of the accrued penalties if:

(1) The violations are remedied within five (5) business days following the decision of the City Council; and
(2) The City Council finds the appeal was filed by the business in good faith.

§ 90-12 Severability

The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

Section 3. Dates.
City Council Introduction: December 12, 2016
City Council Proposed Adoption: January 9, 2017

For a complete list of City of Milford ordinances, please access the City of Milford website at cityofmilford.com or contact the City Clerk's Office at 302-424-3712.

RESOLUTION 2016-17
PLANNING, ZONING, ENGINEERING AND LICENSE FEES

A. Planning and Zoning Fees:
   1. Site Plan: $700
      a. Amendments to a Site Plan: $100
   2. Subdivision:
      a. Minor residential: $300 plus $50 per unit
      b. Minor commercial or industrial, less than four acres: $500 plus $100 per lot
      c. Major residential: $1,000 plus $10 per unit
      d. Major commercial or industrial, in excess of four acres: $1,000 plus $100 per lot
   3. Conditional Use: $700
      a. Amendments to a Conditional Use: $700
   4. Variance/Board of Adjustment hearing:
      a. Residential: $300
      b. Commercial: $1,000
   5. Rezoning: $1,000, plus $100
   6. Commercial maintenance agreement: $500
   7. Interpretations of Subdivision or Zoning Code: $300
   8. Application resubmission or rescheduling fee (required with each resubmission as a result of a revised design or a request for change in public hearing date): $200
   9. Annexation:
      a. Residential, less than one acre: $350
      b. Residential, one acre to five acres: $2,500
      c. Residential, in excess of five acres: $2,500 plus $100 per acre
      d. Commercial: $2,500 plus $500 per acre
   10. Zoning Inspection:
      a. Proposed Use: $200
      b. Violation of Use: $200 for first visit; $500 for each subsequent visit

B. Land Use Planning Review Fees:
   Owner/Applicant shall be responsible for any and all professional service costs associated with their project, if deemed necessary, plus an additional 10% to cover City administration. These costs will be billed as encumbered.

C. Engineering Review Fees:
   Owner/Applicant shall be responsible for any and all professional service costs associated with their project, if deemed necessary, plus an additional 10% to cover City administration. These costs will be billed as encumbered.

~~D.~~ Project management and infrastructure inspection fee:
   Owner/Developer shall be responsible for any and all direct costs for construction phase services related to construction of any infrastructure improvements including but not limited to stormwater management, drainage, sanitary sewer and water systems, roads, curb, gutter and sidewalks and other systems that are to be dedicated to the City and/or impact the City's infrastructure.

E. Any construction fees (i.e., grading, curbing, gutter, subbase, traveling surface, sidewalks, etc.) incurred by the City relative to the development of any property shall be paid by the owner/developer.

F. Subdivision Agreement: $2,500 per agreement

G. Alley or Street Closing Petition: $300

H. License Fees:
   1. Contractor License: $100 annually, prorated 6 months
   2. Vendor License: $50 annually, prorated 6 months

City Council Adoption: 12/12/2016
Effective Date: January 1, 2017*

*Complies with Adoption & Effective Dates of Ordinances 2016-25 & 2016-26

CONTRACT PRICING WORKSHEET
For Standard Equipment Purchases

Contract No.:	HT06-16	Date Prepared:	11/30/2016

This Form must be prepared by Contractor, and provided to End User to attach to Purchase Order, with copy to H-GAC. The H-GAC administrative fee shall be calculated and shown as a separate line item. Please type or print legibly.

Buying Agency:	City of Milford	Contractor:	Houston Freightliner Inc
Contact Person:		Prepared By:	Michael McCarthy
Phone:		Phone:	713-580-8122
Fax:		Fax:	713-672-9449
Email:		Email:	mmccarthy@strhouston.com

Product Code:	D7	Description:	2017 Freightliner M2-106-80

69353

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Allison 3000 RDS Automatic Trans	6146	16,000 LB Front Axle	1400
Cummins ISL 345 HP	4240	16,000 LB Front Suspension	504
11/32x3.5x10 15/16 Frame	760	Hendrickson HN462 46k Rear Suspension	3906
252" Wheelbase	1028	1/4" Frame Liner	650
Air Conditoner	850	West Coast Mirrors with LH/RH Remote	324
AM /FM Radio	225	70 Gallon LH Fuel Tank	129
315/80R22.5 Front Tires	623	GS Products CS9133A CollectStar Auto Side Loader	112675
315/80R22.5 Rear Tires	3258	Subtotal From Additional Sheet(s):	
Air Driver Seat	165	**Subtotal B:**	136883

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Spare 315/80R22.5 Tire	550		0
Sit Down RH Drive Conversion	9315		0
Cummins C Brake	2159	Subtotal From Additional Sheet(s):	0
22.5x9.0 Steel Wheels	530	**Subtotal C:**	12554

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). **For this transaction the percentage is:**

D. Other Cost Items Not Itemized Above (e.g. Installation, Freight, Delivery, Etc.)

Description	Cost	Description	Cost
		Subtotal D:	0

E. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C+D) 218790

Quantity Ordered: 1 **X Subtotal of A + B + C + D:** 218790 = **Subtotal E:** 218790

F. H-GAC Fee Calculation (From Current Fee Tables) **Subtotal F:** 1500

G. Trade-Ins / Other Allowances / Special Discounts

Description	Cost	Description	Cost	
				Subtotal G: 0

Delivery Date: **H. Total Purchase Price (E+F+G):** 220290

HGACBuy THE SMART PURCHASING SOLUTION

Interlocal Contract

JOINING HGACBUY BY EXECUTING AN INTERLOCAL CONTRACT (ILC)

In order to participate in HGACBuy, you must:

1. Be a state agency, county, municipality, special district, or other political subdivision of a state, or a qualifying non-profit corporation (providing one or more governmental function or service); and
2. Possess legal authority to enter into the Contract.

End User warrants that both requirements are fulfilled by execution of an ILC.

Steps for completing and executing the ILC:

Step 1: Fill in all required information, including the date of your governing body authorization and print a copy of the appropriate **HGACBuy ILC** form.

Step 2: Secure signature by an individual with authority to contractually bind your entity.

Step 3: Scan and email a copy to H-GAC at cpcontractfax@h-gac.com or Fax it to 713-993-2424. The contract may also be mailed to H-GAC Cooperative Purchasing Program, P.O. Box 22777, Houston, TX 77227-2777.

Step 4: H-GAC will execute the contract and return a copy to you electronically.

Special Requirements For Non-Profit Corporations:

Qualifying non-profit corporations providing one or more government services (e.g. Volunteer Fire Departments, Emergency Medical Services) must also submit the following items together with the ILC documents:

1. Copy of 501(c)(3) Form
2. Copy of Charter and By-Laws highlighting section(s) demonstrating that your organization performs a governmental service.
3. Certification of the governmental service(s) that your organization performs. (Form included in the Non-Profit ILC below)

(If you require a contact original, print and sign two (2) contracts. Send both documents to H-GAC at the address indicated on the ILC form)

HGACBuy
THE SMART PURCHASING SOLUTION

INTERLOCAL CONTRACT FOR COOPERATIVE PURCHASING

ILC No.:_____
Permanent Number assigned by H-GAC

THIS INTERLOCAL CONTRACT ("Contract"), made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code (the "Act"), by and between the Houston-Galveston Area Council, hereinafter referred to as "H-GAC," having its principal place of business at 3555 Timmons Lane, Suite 120, Houston, Texas 77027, and *_____, a local government, a state agency, or a non-profit corporation created and operated to provide one or more governmental functions and services, hereinafter referred to as "End User," having its principal place of business at *_____

WITNESSETH

WHEREAS, H-GAC is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the Act; and

WHEREAS, End User has represented that it is an eligible entity under the Act, that its governing body has authorized this Contract on *_____ (Date), and that it desires to contract with H-GAC on the terms set forth below;

NOW, THEREFORE, H-GAC and the End User do hereby agree as follows:

ARTICLE 1: LEGAL AUTHORITY
The End User represents and warrants to H-GAC that **(1)** it is eligible to contract with H-GAC under the Act because it is one of the following: a local government, as defined in the Act (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state), or a combination of two or more of those entities, a state agency (an agency of the State of Texas as defined in Section 771.002 of the Texas Government Code, or a similar agency of another state), or a non-profit corporation created and operated to provide one or more governmental functions and services, and **(2)** it possesses adequate legal authority to enter into this Contract.

ARTICLE 2: APPLICABLE LAWS
H-GAC and the End User agree to conduct all activities under this Contract in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Contract.

ARTICLE 3: WHOLE AGREEMENT
This Contract and any attachments, as provided herein, constitute the complete contract between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

ARTICLE 4: PERFORMANCE PERIOD
The period of this Contract shall be for the balance of the fiscal year of the End User, which began *_____ and ends *_____. This Contract shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which the End User may make any payment due an H-GAC contractor beyond the fiscal year in which such obligation was incurred under this Contract.

ARTICLE 5: SCOPE OF SERVICES
The End User appoints H-GAC its true and lawful purchasing agent for the purchase of certain products and services through the H-GAC Cooperative Purchasing Program. End User will access the Program through *HGACBuy.com* and by submission of any duly executed purchase order, in the form prescribed by H-GAC to a contractor having a valid contract with H-GAC. All purchases hereunder shall be in accordance with specifications and contract terms and pricing established by H-GAC. Ownership (title) to products purchased through H-GAC shall transfer directly from the contractor to the End User.

(over)

ARTICLE 6: PAYMENTS
H-GAC will confirm each order and issue notice to contractor to proceed. Upon delivery of goods or services purchased, and presentation of a properly documented invoice, the End User shall promptly, and in any case within thirty (30) days, pay H-GAC's contractor the full amount of the invoice. All payments for goods or services will be made from current revenues available to the paying party. In no event shall H-GAC have any financial liability to the End User for any goods or services End User procures from an H-GAC contractor.

ARTICLE 7: CHANGES AND AMENDMENTS
This Contract may be amended only by a written amendment executed by both parties, except that any alterations, additions, or deletions to the terms of this Contract which are required by changes in Federal and State law or regulations are automatically incorporated into this Contract without written amendment hereto and shall become effective on the date designated by such law or regulation.

H-GAC reserves the right to make changes in the scope of products and services offered through the H-GAC Cooperative Purchasing Program to be performed hereunder.

ARTICLE 8: TERMINATION PROCEDURES
H-GAC or the End User may cancel this Contract at any time upon thirty (30) days written notice by certified mail to the other party to this Contract. The obligations of the End User, including its obligation to pay H-GAC's contractor for all costs incurred under this Contract prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Contract, until performed or discharged by the End User.

ARTICLE 9: SEVERABILITY
All parties agree that should any provision of this Contract be determined to be invalid or unenforceable, such determination shall not affect any other term of this Contract, which shall continue in full force and effect.

ARTICLE 10: FORCE MAJEURE
To the extent that either party to this Contract shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds. Determination of force majeure shall rest solely with H-GAC.

ARTICLE 11: VENUE
Disputes between procuring party and Vendor are to be resolved in accord with the law and venue rules of the State of purchase.

THIS INSTRUMENT HAS BEEN EXECUTED BY THE PARTIES HERETO AS FOLLOWS:

*
Name of End User *(local government, agency, or non-profit corporation)*

*
Mailing Address

*
City State ZIP Code

*By:
Signature of chief elected or appointed official

*
Typed Name & Title of Signatory Date

Houston-Galveston Area Council
3555 Timmons Lane, Suite 120, Houston, TX 77027

By:
Executive Director

Attest:
Manager

Date:

**Denotes required fields*

rev. 12/15

***Request for Information**

Please sign and return the Interlocal Contract, along with this completed form, to H-GAC by emailing it to cpcontractfax@h-gac.com or by faxing it to **713-993-2424**. The contract may also be mailed to:

H-GAC Cooperative Purchasing Program
P.O. Box 22777, Houston, TX 77227-2777

Name of End User Agency: _____ County Name: _____
(Municipality/County/District/etc.)

Mailing Address: _____
(Street Address/P.O. Box) *(City)* *(State)* *(ZIP Code)*

Main Telephone Number: (_____) _____ FAX Number: (_____) _____

Physical Address: _____
(Street Address, if different from mailing address) *(City)* *(State)* *(ZIP Code)*

Web Site Address: _____

Official Contact: _____
(Point of Contact for HGACBuy Interlocal Contract)
Title: _____
Ph No.: (_____) _____ - _____
Fx No. : (_____) _____ - _____
E-Mail Address: _____

Mailing Address: _____
(Street Address/P.O. Box)

_____
(City) *(State)* *(ZIP Code)*

Authorized Official: _____
(Mayor/City Manager/Executive Director/etc.)
Title: _____
Ph No.: (_____) _____ - _____
Fx No. : (_____) _____ - _____
E-Mail Address: _____

Mailing Address: _____
(Street Address/O.O. Box)

_____
(City) *(State)* *(ZIP Code)*

Official Contact: _____
(Purchasing Agent/Auditor etc.)
Title: _____
Ph No.: (_____) _____ - _____
Fx No. : (_____) _____ - _____
E-Mail Address: _____

Mailing Address: _____
(Street Address/O.O. Box)

_____
(City) *(State)* *(ZIP Code)*

Official Contact: _____
(Public Works Director/Police Chief etc.)
Title: _____
Ph No.: (_____) _____ - _____
Fx No. : (_____) _____ - _____
E-Mail Address: _____

Mailing Address: _____
(Street Address/O.O. Box)

_____
(City) *(State)* *(ZIP Code)*

Official Contact: _____
(EMS Director/Fire Chief etc.)
Title: _____
Ph No.: (_____) _____ - _____
Fx No. : (_____) _____ - _____
E-Mail Address: _____

Mailing Address: _____
(Street Address/O.O. Box)

_____
(City) *(State)* *(ZIP Code)*

*** denotes required fields**

THE CITY of Milford DELAWARE

PUBLIC WORKS DEPARTMENT
302.422.1110, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

To: Eric Norenberg, City Manager
From: Mark A. Whitfield, Public Works Director
Subject: New Refuse Truck
Date: December 6, 2016

The Public Works Department requests the Public Works Committee consider a recommendation to purchase a new refuse collection truck used by the Sanitation Division. The truck will be used for the collection of refuse, yard waste and recyclable materials.

The proposed truck is a one-person automated collection vehicle, which allows customer containers to be emptied using a hydraulic arm operated by the vehicle driver. A video of the truck can be viewed at: http://www.g-sproducts.com/9000_long_reach.html (The video is embedded at the lower right part of the page, and is the SINGLE AXLE truck).

The unit will allow for the efficient collection of refuse, yard waste and recyclable materials using a single person. The single axle truck unit is designed for tight street conditions, similar to the older parts of Milford. The collection arm has long reach capabilities, which also allows for collection around parked cars on city streets.

The proposed change in the type of vehicle has numerous advantages over the present system of using three people (a driver and two collectors) on a rear loading refuse truck. The new vehicle will allow a proficient operator to collect up to 1000 containers a day. (The City has just over 3500 residential customers). The unit also allows for the safe collection of materials since there is no human contact with the container. The unit eliminates lifting of containers, exposure to dust, needles, and other potential hazardous materials, exposure to weather, traffic hazards, etc. The efficiency will eliminate the need to fill two present vacancies in the Sanitation Division.

The new unit, and the efficiencies it presents, will allow the Department to make improvements to the present collection schedule. Once the vehicle is delivered and put into service, the Department recommends changing the collection schedule to allow for the weekly collection of refuse, yard waste, and recyclable materials, with refuse and recyclable materials collected on the

same day (by wards) Tuesday through Friday, and yard waste to be collected City wide on Mondays. It is recommended that bulk items would also be collected on Mondays.

The present unit will replace a 2000 Volvo with a Heil rear load refuse body. The unit has over 4700 engine hours, 100,000 travel miles and the body is rusted out. A like kind replacement (rear-loader on a tandem axle truck) unit would cost about $160,000. The proposed automated replacement unit was budgeted at $261,000 in the 2017 Budget

Staff recommends the purchase of a G S Product CS9133 CollectStar Auto Side Loader body on a single axle Freightliner truck through Houston Freightliner, Inc at a price of $220,290 (which is $40,710 under budget). The purchase can be made through the Houston Galveston Area Council (HGACBUY) cooperative purchasing alliance. HGACBUY is an approved purchasing cooperative under the Delaware State Contract. Additionally, other HGAC members include the cities of Rehoboth Beach and Dover, Sussex County, and the town of Bethany Beach. There is no cost to join the HGACBUY cooperative purchasing alliance.

Specifications for the truck and refuse body are attached, as well as the requirements for joining the HGACBUY cooperative purchasing alliance.

Staff requests the Public Works Committee of City Council consider the replacement of the refuse truck, and recommends authorizing the purchase of the unit through the HGACBUY contract to City Council.

CONTRACT PRICING WORKSHEET
For Standard Equipment Purchases

Contract No.:	HT06-16	Date Prepared:	11/30/2016

This Form must be prepared by Contractor, and provided to End User to attach to Purchase Order, with copy to H-GAC. The H-GAC administrative fee shall be calculated and shown as a separate line item. Please type or print legibly.

Buying Agency:	City of Milford	Contractor:	Houston Freightliner Inc
Contact Person:		Prepared By:	Michael McCarthy
Phone:		Phone:	713-580-8122
Fax:		Fax:	713-672-9449
Email:		Email:	mmccarthy@strhouston.com

Product Code:	D7	Description:	2017 Freightliner M2-106-80

	69353

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Allison 3000 RDS Automatic Trans	6146	16,000 LB Front Axle	1400
Cummins ISL 345 HP	4240	16,000 LB Front Suspension	504
11/32x3.5x10 15/16 Frame	760	Hendrickson HN462 46k Rear Suspension	3906
252" Wheelbase	1028	1/4" Frame Liner	650
Air Conditoner	850	West Coast Mirrors with LH/RH Remote	324
AM /FM Radio	225	70 Gallon LH Fuel Tank	129
315/80R22.5 Front Tires	623	GS Products CS9133A CollectStar Auto Side Loader	112675
315/80R22.5 Rear Tires	3258	Subtotal From Additional Sheet(s):	
Air Driver Seat	165	**Subtotal B:**	136883

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Spare 315/80R22.5 Tire	550		0
Sit Down RH Drive Conversion	9315		0
Cummins C Brake	2159	Subtotal From Additional Sheet(s):	0
22.5x9.0 Steel Wheels	530	**Subtotal C:**	12554

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).	**For this transaction the percentage is:**

D. Other Cost Items Not Itemized Above (e.g. Installation, Freight, Delivery, Etc.)

Description	Cost	Description	Cost
		Subtotal D:	0

E. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C+D)	218790

Quantity Ordered:	1	X Subtotal of A + B + C + D:	218790	= Subtotal E:	218790

F. H-GAC Fee Calculation (From Current Fee Tables)	**Subtotal F:**	1500

G. Trade-Ins / Other Allowances / Special Discounts

Description	Cost	Description	Cost		
				Subtotal G:	0

Delivery Date:		**H. Total Purchase Price (E+F+G):**	220290

HGACBuy THE SMART PURCHASING SOLUTION

Interlocal Contract

JOINING HGACBUY BY EXECUTING AN INTERLOCAL CONTRACT (ILC)

In order to participate in HGACBuy, you must:

1. Be a state agency, county, municipality, special district, or other political subdivision of a state, or a qualifying non-profit corporation (providing one or more governmental function or service); and
2. Possess legal authority to enter into the Contract.

End User warrants that both requirements are fulfilled by execution of an ILC.

Steps for completing and executing the ILC:

Step 1: Fill in all required information, including the date of your governing body authorization and print a copy of the appropriate **HGACBuy ILC** form.

Step 2: Secure signature by an individual with authority to contractually bind your entity.

Step 3: Scan and email a copy to H-GAC at cpcontractfax@h-gac.com or Fax it to 713-993-2424. The contract may also be mailed to H-GAC Cooperative Purchasing Program, P.O. Box 22777, Houston, TX 77227-2777.

Step 4: H-GAC will execute the contract and return a copy to you electronically.

Special Requirements For Non-Profit Corporations:

Qualifying non-profit corporations providing one or more government services (e.g. Volunteer Fire Departments, Emergency Medical Services) must also submit the following items together with the ILC documents:

1. Copy of 501(c)(3) Form
2. Copy of Charter and By-Laws highlighting section(s) demonstrating that your organization performs a governmental service.
3. Certification of the governmental service(s) that your organization performs. (Form included in the Non-Profit ILC below)

(If you require a contact original, print and sign two (2) contracts. Send both documents to H-GAC at the address indicated on the ILC form)

HGACBuy
THE SMART PURCHASING SOLUTION

INTERLOCAL CONTRACT FOR COOPERATIVE PURCHASING

ILC No.:_____
Permanent Number assigned by H-GAC

THIS INTERLOCAL CONTRACT ("Contract"), made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code (the "Act"), by and between the Houston-Galveston Area Council, hereinafter referred to as "H-GAC," having its principal place of business at 3555 Timmons Lane, Suite 120, Houston, Texas 77027, and *_____ _____, a local government, a state agency, or a non-profit corporation created and operated to provide one or more governmental functions and services, hereinafter referred to as "End User," having its principal place of business at *_____

WITNESSETH

WHEREAS, H-GAC is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the Act; and

WHEREAS, End User has represented that it is an eligible entity under the Act, that its governing body has authorized this Contract on *_____ (Date), and that it desires to contract with H-GAC on the terms set forth below;

NOW, THEREFORE, H-GAC and the End User do hereby agree as follows:

ARTICLE 1: LEGAL AUTHORITY
The End User represents and warrants to H-GAC that **(1)** it is eligible to contract with H-GAC under the Act because it is one of the following: a local government, as defined in the Act (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state), or a combination of two or more of those entities, a state agency (an agency of the State of Texas as defined in Section 771.002 of the Texas Government Code, or a similar agency of another state), or a non-profit corporation created and operated to provide one or more governmental functions and services, and **(2)** it possesses adequate legal authority to enter into this Contract.

ARTICLE 2: APPLICABLE LAWS
H-GAC and the End User agree to conduct all activities under this Contract in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Contract.

ARTICLE 3: WHOLE AGREEMENT
This Contract and any attachments, as provided herein, constitute the complete contract between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

ARTICLE 4: PERFORMANCE PERIOD
The period of this Contract shall be for the balance of the fiscal year of the End User, which began *_____ and ends *_____. This Contract shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which the End User may make any payment due an H-GAC contractor beyond the fiscal year in which such obligation was incurred under this Contract.

ARTICLE 5: SCOPE OF SERVICES
The End User appoints H-GAC its true and lawful purchasing agent for the purchase of certain products and services through the H-GAC Cooperative Purchasing Program. End User will access the Program through *HGACBuy.com* and by submission of any duly executed purchase order, in the form prescribed by H-GAC to a contractor having a valid contract with H-GAC. All purchases hereunder shall be in accordance with specifications and contract terms and pricing established by H-GAC. Ownership (title) to products purchased through H-GAC shall transfer directly from the contractor to the End User.

(over)

ARTICLE 6: PAYMENTS
H-GAC will confirm each order and issue notice to contractor to proceed. Upon delivery of goods or services purchased, and presentation of a properly documented invoice, the End User shall promptly, and in any case within thirty (30) days, pay H-GAC's contractor the full amount of the invoice. All payments for goods or services will be made from current revenues available to the paying party. In no event shall H-GAC have any financial liability to the End User for any goods or services End User procures from an H-GAC contractor.

ARTICLE 7: CHANGES AND AMENDMENTS
This Contract may be amended only by a written amendment executed by both parties, except that any alterations, additions, or deletions to the terms of this Contract which are required by changes in Federal and State law or regulations are automatically incorporated into this Contract without written amendment hereto and shall become effective on the date designated by such law or regulation.

H-GAC reserves the right to make changes in the scope of products and services offered through the H-GAC Cooperative Purchasing Program to be performed hereunder.

ARTICLE 8: TERMINATION PROCEDURES
H-GAC or the End User may cancel this Contract at any time upon thirty (30) days written notice by certified mail to the other party to this Contract. The obligations of the End User, including its obligation to pay H-GAC's contractor for all costs incurred under this Contract prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Contract, until performed or discharged by the End User.

ARTICLE 9: SEVERABILITY
All parties agree that should any provision of this Contract be determined to be invalid or unenforceable, such determination shall not affect any other term of this Contract, which shall continue in full force and effect.

ARTICLE 10: FORCE MAJEURE
To the extent that either party to this Contract shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds. Determination of force majeure shall rest solely with H-GAC.

ARTICLE 11: VENUE
Disputes between procuring party and Vendor are to be resolved in accord with the law and venue rules of the State of purchase.

THIS INSTRUMENT HAS BEEN EXECUTED BY THE PARTIES HERETO AS FOLLOWS:

*
Name of End User *(local government, agency, or non-profit corporation)*

*
Mailing Address

*
City State ZIP Code

*By:
Signature of chief elected or appointed official

*
Typed Name & Title of Signatory Date

Houston-Galveston Area Council
3555 Timmons Lane, Suite 120, Houston, TX 77027

By:
Executive Director

Attest:
Manager

Date:

**Denotes required fields*

rev. 12/15

***Request for Information**

Please sign and return the Interlocal Contract, along with this completed form, to H-GAC by emailing it to cpcontractfax@h-gac.com or by faxing it to **713-993-2424**. The contract may also be mailed to:

H-GAC Cooperative Purchasing Program
P.O. Box 22777, Houston, TX 77227-2777

Name of End User Agency: _____ County Name: _____
(Municipality/County/District/etc.)

Mailing Address: _____
(Street Address/P.O. Box) *(City)* *(State)* *(ZIP Code)*

Main Telephone Number: (_____) _____ FAX Number: (_____) _____

Physical Address: _____
(Street Address, if different from mailing address) *(City)* *(State)* *(ZIP Code)*

Web Site Address: _____

Official Contact: _____
(Point of Contact for HGACBuy Interlocal Contract)
Mailing Address: _____
(Street Address/P.O. Box)
_____
(City) *(State)* *(ZIP Code)*

Title: _____
Ph No.: (_____) _____ - _____
Fx No. : (_____) _____ - _____
E-Mail Address: _____

Authorized Official: _____
(Mayor/City Manager/Executive Director/etc.)
Mailing Address: _____
(Street Address/O.O. Box)
_____
(City) *(State)* *(ZIP Code)*

Title: _____
Ph No.: (_____) _____ - _____
Fx No. : (_____) _____ - _____
E-Mail Address: _____

Official Contact: _____
(Purchasing Agent/Auditor etc.)
Mailing Address: _____
(Street Address/O.O. Box)
_____
(City) *(State)* *(ZIP Code)*

Title: _____
Ph No.: (_____) _____ - _____
Fx No. : (_____) _____ - _____
E-Mail Address: _____

Official Contact: _____
(Public Works Director/Police Chief etc.)
Mailing Address: _____
(Street Address/O.O. Box)
_____
(City) *(State)* *(ZIP Code)*

Title: _____
Ph No.: (_____) _____ - _____
Fx No. : (_____) _____ - _____
E-Mail Address: _____

Official Contact: _____
(EMS Director/Fire Chief etc.)
Mailing Address: _____
(Street Address/O.O. Box)
_____
(City) *(State)* *(ZIP Code)*

Title: _____
Ph No.: (_____) _____ - _____
Fx No. : (_____) _____ - _____
E-Mail Address: _____

*** denotes required fields**

ORDINANCE 2016-09

CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
Chapter 79-ANIMALS

AN ORDINANCE OF THE CITY OF MILFORD ADOPTING AND AMENDING CHAPTER 79 OF THE CITY OF MILFORD CODE RELATED TO ANIMALS.

WHEREAS, the regulating of animals within the City is necessary in order to protect the health, safety and welfare of humans and other animals; and

WHEREAS, Chapter 79 of the Code of Ordinances provides for such regulations; and

WHEREAS, after a review of Chapter 79, City Council has determined it is in the best interest of the City to update and further clarify regulations regarding the control, possession and licensing of animals; and

WHEREAS, many of these animal regulations have been in existence for more than eight years; and

WHEREAS, local conditions and recent amendments to State statutes regarding the regulation of animals require modification of the current City Code.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Chapter 79 - ANIMALS

SECTION 1.

An Ordinance to Amend the Code of the City of Milford by Revising Chapter 79 entitled Animals.

SECTION 2.

Article I, entitled Definitions, is hereby amended to read as follows (new language will be bold and underlined and deleted language will be stricken through):

ARTICLE I - Definitions

§ 79-1. - Terms defined.

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

ANIMAL — Dog, cat and any species of mammals except human beings.

ANIMAL CONTROL AGENCY — An agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

CAREGIVER — ~~Anyone~~ **A person** who ~~puts out~~ **provides shelter, medical care, or** food ~~for~~ **to** feral **or free-roaming** cats~~.~~

~~CAT COLONY — A social group of cats who avoid human contact~~, **lacking discernible owner identification**, and ~~breed with each other to create a growing population of homeless cats; cats who group~~

~~together in an alley, corner of a parking lot or a grassy area.~~ **works to reduce their numbers by working to spay and neuter the animals. Free-roaming cat caregivers are not owners.**

FERAL CAT — ~~An untamed domestic~~ **A cat** ~~living~~**that (i) is born** in the wild~~; unaltered cats released by owners who no longer care for them;~~ **or is the** offspring of ~~such~~ an **owned or feral cat and is not socialized, (ii) is a formerly owned cat that has been** abandoned ~~cat.~~ **and is no longer socialized, or (iii) lives on a farm. Feral cats may have a temperament of extreme fear and resistance to contact with humans.**

HORSE-DRAWN VEHICLE — A carriage, wagon, cart, sled or sleigh or other device drawn by horses which has a passenger carrying capacity.

OWNER — The person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

TRAP-NEUTER_RETURN (TNR**)** PROGRAM — A ~~humane and nonlethal approach to feral cat population control; a comprehensive management plan where~~ **program in which** healthy**, feral, semi-**feral**, or free roaming** cats **lacking discernible owner identification** are sterilized ~~and~~, vaccinated~~, then~~ **against rabies, ear-tipped** and returned to ~~their habitat and provided with long-term care.~~ **a safe location near or where they were found.**

SECTION 3.

Sections 79-2 through 79-4 of Article II, entitled Control of Dogs, Cats and Other Animals, is hereby amended to read as follows (new language will be bold and underlined and deleted language will be stricken through):

ARTICLE II - Control of Dogs, Cats and Other Animals

§ 79-2. – **Dogs** Running at large; exceptions.

A. ~~It shall be unlawful for any person or persons to permit any animal owned, kept, maintained or in the custody or control of such person or persons to run at large either upon the public streets, sidewalks, highways, alleys or thoroughfares of the City of Milford or upon private property of any other person or persons without permission of the owner of that property or of the person in possession of that property.~~ **Dogs shall be maintained in accordance with Delaware State Code Title 16 Chapter 30f. Animal Welfare § 3048F Dogs running at large, as may be amended.**

(1) Exceptions:

~~(a) Such restriction shall not apply to cats.~~

~~(b~~**(a)** Such restriction shall not apply to dogs owned by the Milford Police Department or other law enforcement agencies and maintained as Police K-9 units while under the custody and control of the trainer or handler.

§ 79-3. - Dog license required.

A. The owner or lawful possessor of any dog shall obtain a license for his dog pursuant ~~to the licensing requirements of the county in which the owner or lawful possessor resides. License must be kept current. Any owner or possessor who fails to comply with the provision of the applicable county shall be subject to a fine of not less than $25 nor more than $300~~ **Delaware State Code Title 16 Chapter 30f. Animal Welfare § 3042F Fees for dog licenses; terms, as may be amended.**

~~B. The owner of the dog shall affix or cause to be affixed to said dog the identification tag associated with the license required in Section 9-3A. Said dog shall thereafter, at any and all times, have attached to it said identification tag.~~

§ 79-4. - Leash required; exceptions.

A. No animal shall be permitted in or upon any public street, sidewalk, alley, park, parkway or other public place in the City or in or upon any property belonging to said City unless said animal is on a leash and is under the complete control of the person owning or, at the time, in possession of said animal.

(1) Exceptions:

(a) Cats.

~~(b) Feral cats that have been trapped, spayed or neutered and re-released are exempt from Subsection A. Each cat would be ear-tipped, clearly identifying it as a product of the Kent County SPCA Feral Cat TNR Program.~~**(b) Dogs may run at large within the City's Dog Park in accordance with Article IV Milford Dog Park of Chapter 165 of the City of Milford Code.**

B. Notwithstanding anything in this article to the contrary, no person shall be compelled to keep any animal in his possession on a leash while in or upon any public street, alley, parkway or other public place in the City if, at the time, said animal is securely confined in an automobile **provided that the animal is safe and its welfare is not endangered by such confinement in accordance with Delaware State Code Title 11, Chapter 5, Subchapter VII, Cruelty to Animals, as may be amended.**

SECTION 4.

Sections 79-5 and 79-6, entitled Feral Cats and Outdoor Housing Facilities, Feral Housing, of Article II, are hereby rescinded in their entirety and Sections 79-7 through 79-12 renumbered as Sections 79-5 through 79-10 and amended to read as follows (new language will be bold and underlined and deleted language will be stricken through):

~~§ 79-5. - Feral cats.~~

~~A. Individuals who choose to apprehend a feral cat running at large within the City of Milford shall have the feral cat delivered to the Kent County SPCA.~~

~~B. No individual will trap a feral cat off his/her property of record except the Kent County SPCA pursuant to specific authorization from the City of Milford Police Department.~~

~~C. Each feral cat colony will be registered by the caregivers with the City of Milford and Local Animal Control Agency, which will serve as a clearinghouse for information on current caregivers and assistance for persons found in violation of this section. A caregiver who fails to register within the time allowed shall be subject to a fine of not less than $100 nor more than $300.~~

~~D. Any person or caregiver determined to be in violation of Subsections E(1) through (4) below shall be in violation and may be allowed a period of time to come into compliance, or provide satisfactory evidence of working to achieve compliance.~~

~~E. Failure to comply in the time given will result in issuing a violation citation. Caregivers of feral cat colonies shall implement proper management and sterilization practices as follows:~~

~~(1) Sterilize (spay/neuter) all adult cats that can be captured.~~

(2) Vaccinate against rabies, as required by law, all cats that can be captured.

(3) Make every attempt to remove kittens from the colony before eight weeks of age for domestication and placement.

(4) Make every attempt to sterilize all kittens over eight weeks of age and before five months of age.

(5) Make every attempt to remove sick or injured cats from the colony for immediate veterinarian care or for humane euthanasia.

(6) Assure responsibility and arrangements for feeding the cat colony regularly throughout the year, including weekends, holidays and vacations.

(7) Keep feeding areas clean and orderly.

(8) Maintain secure and safe winter shelter as required in § 79-6C of this article.

(9) A microchip implant and ear-tipping will be mandatory and used on feral cats in order to be identified as a spayed or neutered and vaccinated member of a managed colony.

(10) The feral cat caregiver shall be vaccinated for rabies; the expense will be the responsibility of the individual or rescue group.

(11) Maintain proof of sterilization, vaccination, medical records, and implant identification for all cats. These records must be provided to the animal control or law enforcement agency upon request.

F. Animal(s) creating a public nuisance. The designated agency/rescue group will be notified within 48 hours of removal of any feral cats.

G. In the event the feral cat caregiver fails to comply with this section, the designated agency/rescue group will be notified within forty-eight-hour period before removal of any animal. The designated agency/rescue group will attempt to resolve the situation prior to removal of a cat by an enforcement agency.

§ 79-6. - Outdoor housing facilities; feral housing.

A. The following categories of cats must not be kept in outdoor facilities, unless the attending veterinarian specifically approves that practice:

(1) Cats that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

(2) Breeds of cats that cannot tolerate the prevalent temperatures of the area without stress or discomfort (such as short-hair breeds in cold climates); and

(3) Sick, infirm, aged or young cats.

B. When their acclimation status is unknown, cats must not be kept in outdoor facilities when the ambient temperature is less than 50° F.

C. Shelter from the elements. Outdoor facilities for cats must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, vertically stretch and lie in a normal manner, and to turn about freely. It must be large enough to contain all the animals at one time. Shelters in outdoor structures for cats must

~~contain a roof, four sides, and a floor; building surfaces in contact with animals must be impervious to moisture. Metal boxes/barrels, cars, refrigerators or freezers, and the like must not be used as shelter structures. Shelter structures must:~~

~~(1) Provide the cats with adequate protection and shelter from the cold and heat;~~

~~(2) Provide the cats with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;~~

~~(3) Be provided with a wind break and rain break at the entrance; and~~

~~(4) Contain clean, dry bedding material if the ambient temperature is below 50° F. Additional clean, dry bedding is required when the temperature is 35° F. or lower.~~

§ ~~79-7~~. **79-5** - Noisy animals.

No person shall keep any animal which causes frequent or long-continued noise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section, in addition to the penalties set forth in § 79-12, is declared to be a nuisance and as such may be abated.

§ ~~79-8~~. **79-6** - ~~Appointment of~~ **Authorization for** Animal Control Official~~; impoundment procedure.~~

~~The Society for the Prevention of Cruelty to Animals of the State of Delaware, Kent County, 32 Shelter Circle, Camden, DE (KC SPCA) has been designated as the animal control agency for the City of Milford. It shall be the duty of the SPCA to apprehend any animal found in violation of the provisions of this article and to impound such animal in a suitable place. A record of the breed, color and sex of the animal and the number of its license, if any, shall be made at the time of impoundment and shall be maintained by the SPCA.~~

City ordinances may be enforced by Milford Police Officers and City Code Enforcement Officials as appropriate. The City of Milford Chief of Police shall designate an Animal Control Agency/Official for the City of Milford.

§ ~~79-9~~. **79-7** - Right of entry by Animal Control Official or designee; impoundment.

Upon presentation of proper credentials, an ~~official of the SPCA and/or~~ **Animal Control Official**, a City of Milford Code Official or Milford Police Officer may enter upon the yards of private property in order to enforce the provisions of this article. ~~It shall be the duty of the~~ **The** Animal Control Official or ~~his~~ duly authorized representative~~to~~**(s) may** impound all animals over the age of six months that are untagged, as provided for in this article, or that are in or upon any private property without the permission and consent of the owner of such property or that are in or upon any public street, alley, sidewalk, park or other public place unleashed.

§ ~~79-10~~. **79-8** - Redemption of impounded animals; costs.

The owner of any dog apprehended and impounded by the ~~SPCA~~ **Animal Control Official** may reclaim said dog upon the payment of any fine and cost imposed for any violation of this chapter. ~~Further, if the animal is of a character which requires a license under the laws of the State of Delaware and does not bear a license when impounded, proof of proper licensure must be demonstrated to the SPCA prior to redemption by the owner. If proof of proper licensure cannot be demonstrated by its owner, the animal cannot be reclaimed until such time as the owner has procured a proper license.~~ **or the Delaware State**

Code, in accordance with Delaware State Code Title 16 Chapter 30f. Animal Welfare, as may be amended.

§ ~~79-11~~. **79-9** - Obstruction of Animal Control Agency/Official.

No person shall willfully oppose, restrict, delay or obstruct the ~~SPCA~~ **Animal Control Officer** in the discharge or attempt to discharge or perform any act or duty authorized or prescribed herein.

§ ~~79-12~~. **79-10** - Violations and penalties.

Unless otherwise established herein, the following fines and penalties shall apply to Article II of this chapter: Any person found guilty of violating the provision of this article shall forfeit to the City of Milford a fine of not less than $25 but not more than $300, plus the costs of prosecution.

SECTION 5.

Sections 79-13 through 79-15 of Article III entitled Prohibited Animals, are hereby renumbered as Sections 79-11 through 79-13 and amended to read as follows (new language will be bold and underlined and deleted language will be stricken through):

ARTICLE III - Prohibited Animals

§ ~~79-13~~. **79-11** - Keeping or slaughtering of certain animals within City limits.

No person shall keep or slaughter any swine, cow, bull, sheep, goat, goose, duck, hen, rooster, turkey or like animal or other farm animal within the City of Milford unless in conformity with Chapter 230, Zoning, and properly licensed and inspected by the appropriate state agencies.

§ ~~79-14~~. **79-12** - Exception for parade animals.

A. Animals used in parades where a City of Milford parade permit has been issued are exempt from the provisions of this chapter.

§ ~~79-15~~. **79-13** - Violations and penalties.

Any person found guilty of violating the provision of this article shall forfeit to the City of Milford a fine of not less than $100 but not more than $500, plus the costs of prosecution.

SECTION 6.

Article IV, entitled Horse-Drawn Vehicles, is hereby amended to read as follows (new language will be bold and underlined and deleted language will be stricken through) and Subsection D renamed Subsection E and a new Subsection D inserted:

ARTICLE IV - Horse-Drawn Vehicles

§ ~~79-16~~. **79-14** - Conditions and restrictions.

The provisions of Article III shall not be applicable to any person who brings into the City a horse for the purpose of providing transportation in horse-drawn vehicles carrying passengers on a fixed route under the following terms and conditions:

A. Each route shall be approved by the City Manager.

B. The horse shall not be kept or maintained within the corporate limits of the City when not being used for the purpose of providing transportation.

C. Horse-drawn vehicles are prohibited from all other streets and areas within the City unless specifically approved by the City Manager for providing point-to-point transportation for special events, including but not limited to weddings, theatrical performances and funerals.

D. Owners/operators of horse-drawn vehicles are responsible for cleanup after the horses.

~~D~~**E.** No person shall drive or operate a horse-drawn vehicle on any day or at any time that the ~~Chief of the Milford Police Department or his designee~~ **City Manager** makes a specific determination that it would be inconsistent with other special events or public safety requirements.

SECTION 7.

Dates:
Introduction: December 12, 2016
Adoption (Projected): January 9, 2017

Chapter 79 - ANIMALS

[HISTORY: Adopted by the City Council of the City of Milford 8-25-2008 by Ord. No. 2008-15.[1] Amendments noted where applicable.]

GENERAL REFERENCES qc

Noise from animals — See Ch. 157.

§ 79-1. - Terms defined.

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

ANIMAL — Dog, cat and any species of mammals except human beings.

ANIMAL CONTROL AGENCY — An agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

CAREGIVER — Anyone who puts out food for feral cats.

CAT COLONY — A social group of cats who avoid human contact and breed with each other to create a growing population of homeless cats; cats who group together in an alley, corner of a parking lot or a grassy area.

FERAL CAT — An untamed domestic cat living in the wild; unaltered cats released by owners who no longer care for them; offspring of such an abandoned cat.

HORSE-DRAWN VEHICLE — A carriage, wagon, cart, sled or sleigh or other device drawn by horses which has a passenger carrying capacity.

OWNER — The person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of an animal.

TNR PROGRAM — A humane and nonlethal approach to feral cat population control; a comprehensive management plan where healthy feral cats are sterilized and vaccinated, then returned to their habitat and provided with long-term care.

[Ord. No. 2012-16, § 2, 9-24-2012]

ARTICLE II - Control of Dogs, Cats and Other Animals

§ 79-2. - Running at large; exceptions.

A. It shall be unlawful for any person or persons to permit any animal owned, kept, maintained or in the custody or control of such person or persons to run at large either upon the public streets, sidewalks, highways, alleys or thoroughfares of the City of Milford or upon private property of any other person or persons without permission of the owner of that property or of the person in possession of that property.

   (1) Exceptions:

      (a) Such restriction shall not apply to cats.

      (b) Such restriction shall not apply to dogs owned by the Milford Police Department or other law enforcement agencies and maintained as police K-9 units while under the custody and control of the trainer or handler.

[Ord. No. 2012-16, § 3, 9-24-2012]

§ 79-3. - Dog license required.

A. The owner or lawful possessor of any dog shall obtain a license for his dog pursuant to the licensing requirements of the county in which the owner or lawful possessor resides. License must be kept current. Any owner or possessor who fails to comply with the provision of the applicable county shall be subject to a fine of not less than $25 nor more than $300.

B. The owner of the dog shall affix or cause to be affixed to said dog the identification tag associated with the license required in Section 9-3A. Said dog shall thereafter, at any and all times, have attached to it said identification tag.

[Ord. No. 2012-16, § 3, 9-24-2012]

§ 79-4. - Leash required; exceptions.

A. No animal shall be permitted in or upon any public street, sidewalk, alley, park, parkway or other public place in the City or in or upon any property belonging to said City unless said animal is on a leash and is under the complete control of the person owning or, at the time, in possession of said animal.

   (1) Exceptions:

      (a) Cats.

      (b) Feral cats that have been trapped, spayed or neutered and re-released are exempt from Subsection A. Each cat would be ear-tipped, clearly identifying it as a product of the Kent County SPCA Feral Cat TNR Program.

B. Notwithstanding anything in this article to the contrary, no person shall be compelled to keep any animal in his possession on a leash while in or upon any public street, alley, parkway or other public place in the City if, at the time, said animal is securely confined in an automobile.

[Ord. No. 2012-16, § 3, 9-24-2012]

§ 79-5. - Feral cats.

A. Individuals who choose to apprehend a feral cat running at large within the City of Milford shall have the feral cat delivered to the Kent County SPCA.

B. No individual will trap a feral cat off his/her property of record except the Kent County SPCA pursuant to specific authorization from the City of Milford Police Department.

C. Each feral cat colony will be registered by the caregivers with the City of Milford and Local Animal Control Agency, which will serve as a clearinghouse for information on current caregivers and assistance for persons found in violation of this section. A caregiver who fails to register within the time allowed shall be subject to a fine of not less than $100 nor more than $300.

D. Any person or caregiver determined to be in violation of Subsections E(1) through (4) below shall be in violation and may be allowed a period of time to come into compliance, or provide satisfactory evidence of working to achieve compliance.

E. Failure to comply in the time given will result in issuing a violation citation. Caregivers of feral cat colonies shall implement proper management and sterilization practices as follows:

   (1) Sterilize (spay/neuter) all adult cats that can be captured.

   (2) Vaccinate against rabies, as required by law, all cats that can be captured.

(3) Make every attempt to remove kittens from the colony before eight weeks of age for domestication and placement.

(4) Make every attempt to sterilize all kittens over eight weeks of age and before five months of age.

(5) Make every attempt to remove sick or injured cats from the colony for immediate veterinarian care or for humane euthanasia.

(6) Assure responsibility and arrangements for feeding the cat colony regularly throughout the year, including weekends, holidays and vacations.

(7) Keep feeding areas clean and orderly.

(8) Maintain secure and safe winter shelter as required in § 79-6C of this article.

(9) A microchip implant and ear-tipping will be mandatory and used on feral cats in order to be identified as a spayed or neutered and vaccinated member of a managed colony.

(10) The feral cat caregiver shall be vaccinated for rabies; the expense will be the responsibility of the individual or rescue group.

(11) Maintain proof of sterilization, vaccination, medical records, and implant identification for all cats. These records must be provided to the animal control or law enforcement agency upon request.

F. Animal(s) creating a public nuisance. The designated agency/rescue group will be notified within 48 hours of removal of any feral cats.

G. In the event the feral cat caregiver fails to comply with this section, the designated agency/rescue group will be notified within forty-eight-hour period before removal of any animal. The designated agency/rescue group will attempt to resolve the situation prior to removal of a cat by an enforcement agency.

§ 79-6. - Outdoor housing facilities; feral housing.

A. The following categories of cats must not be kept in outdoor facilities, unless the attending veterinarian specifically approves that practice:

(1) Cats that are not acclimated to the temperatures prevalent in the area or region where they are maintained;

(2) Breeds of cats that cannot tolerate the prevalent temperatures of the area without stress or discomfort (such as short-hair breeds in cold climates); and

(3) Sick, infirm, aged or young cats.

B. When their acclimation status is unknown, cats must not be kept in outdoor facilities when the ambient temperature is less than 50° F.

C. Shelter from the elements. Outdoor facilities for cats must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, vertically stretch and lie in a normal manner, and to turn about freely. It must be large enough to contain all the animals at one time. Shelters in outdoor structures for cats must contain a roof, four sides, and a floor; building surfaces in contact with animals must be impervious to moisture. Metal boxes/barrels, cars, refrigerators or freezers, and the like must not be used as shelter structures. Shelter structures must:

(1) Provide the cats with adequate protection and shelter from the cold and heat;

(2) Provide the cats with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;

(3) Be provided with a wind break and rain break at the entrance; and

(4) Contain clean, dry bedding material if the ambient temperature is below 50° F. Additional clean, dry bedding is required when the temperature is 35° F. or lower.

§ 79-7. - Noisy animals.

No person shall keep any animal which causes frequent or long-continued noise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section, in addition to the penalties set forth in § 79-12, is declared to be a nuisance and as such may be abated.

§ 79-8. - Appointment of Animal Control Official; impoundment procedure.

The Society for the Prevention of Cruelty to Animals of the State of Delaware, Kent County, 32 Shelter Circle, Camden, DE (KC SPCA) has been designated as the animal control agency for the City of Milford. It shall be the duty of the SPCA to apprehend any animal found in violation of the provisions of this article and to impound such animal in a suitable place. A record of the breed, color and sex of the animal and the number of its license, if any, shall be made at the time of impoundment and shall be maintained by the SPCA.

§ 79-9. - Right of entry by Animal Control Official or designee; impoundment.

Upon presentation of proper credentials, an official of the SPCA and/or a City of Milford Code Official or Milford police officer may enter upon the yards of private property in order to enforce the provisions of this article. It shall be the duty of the Animal Control Official or his duly authorized representative to impound all animals over the age of six months that are untagged, as provided for in this article, or that are in or upon any private property without the permission and consent of the owner of such property or that are in or upon any public street, alley, sidewalk, park or other public place unleashed.

§ 79-10. - Redemption of impounded animals; costs.

The owner of any dog apprehended and impounded by the SPCA may reclaim said dog upon the payment of any fine and cost imposed for any violation of this chapter. Further, if the animal is of a character which requires a license under the laws of the State of Delaware and does not bear a license when impounded, proof of proper licensure must be demonstrated to the SPCA prior to redemption by the owner. If proof of proper licensure cannot be demonstrated by its owner, the animal cannot be reclaimed until such time as the owner has procured a proper license.

§ 79-11. - Obstruction of Animal Control Agency/Official.

No person shall willfully oppose, restrict, delay or obstruct the SPCA in the discharge or attempt to discharge or perform any act or duty authorized or prescribed herein.

§ 79-12. - Violations and penalties.

Unless otherwise established herein, the following fines and penalties shall apply to Article II of this chapter: Any person found guilty of violating the provision of this article shall forfeit to the City of Milford a fine of not less than $25 but not more than $300, plus the costs of prosecution.

ARTICLE III - Prohibited Animals

§ 79-13. - Keeping or slaughtering of certain animals within City limits.

No person shall keep or slaughter any swine, cow, bull, sheep, goat, goose, duck, hen, rooster, turkey or like animal or other farm animal within the City of Milford unless in conformity with Chapter 230, Zoning, and properly licensed and inspected by the appropriate state agencies.

§ 79-14. - Exception for parade animals.

Animals used in parades where a City of Milford parade permit has been issued are exempt from the provisions of this chapter.

§ 79-15. - Violations and penalties.

Any person found guilty of violating the provision of this article shall forfeit to the City of Milford a fine of not less than $100 but not more than $500, plus the costs of prosecution.

ARTICLE IV - Horse-Drawn Vehicles

§ 79-16. - Conditions and restrictions.

The provisions of Article III shall not be applicable to any person who brings into the City a horse for the purpose of providing transportation in horse-drawn vehicles carrying passengers on a fixed route under the following terms and conditions:

A. Each route shall be approved by the City Manager.

B. The horse shall not be kept or maintained within the corporate limits of the City when not being used for the purpose of providing transportation.

C. Horse-drawn vehicles are prohibited from all other streets and areas within the City unless specifically approved by the City Manager for providing point-to-point transportation for special events, including but not limited to weddings, theatrical performances and funerals.

D. No person shall drive or operate a horse-drawn vehicle on any day or at any time that the Chief of the Milford Police Department or his designee makes a specific determination that it would be inconsistent with other special events or public safety requirements.

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: DECEMBER 20, 2016
CITY COUNCIL PUBLIC HEARING: JANUARY 9, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on December 20, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on January 9, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2016-15
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 230-ZONING
ARTICLE II-DESIGNATION OF DISTRICTS &
ARTICLE III-USE AND AREA REGULATIONS
Creates C2-A/Riverfront Development District

WHEREAS, the City of Milford deems it necessary to classify, regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location, use and extent of use of buildings, structures and land for residence, trade, industry and other purposes; and

WHEREAS, the City creates districts for said purposes; and

WHEREAS, the City of Milford proposes the purpose of the Riverfront Development District is to create an atmosphere that encourages mixed use residential and commercial development along riverfront properties in the downtown area. The district shall preserve the character of the adjacent central business district and historic areas while providing an attractive and convenient combination of shopping and living units.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.
An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning by adding a new zoning category.

Section 2.
Article II-Designation of Districts, 230-5.-Types of Districts is hereby amended as follows:

For the purpose of this chapter, the portions of the City of Milford included within the Zoning Map adopted under this chapter are divided into ~~15~~ *16* types of districts as follows:

Designation Characteristic Description

R-1	Single-Family Residential District
R-2	Residential District
R-3	Garden Apartment and Townhouse District
C-1	Community (Neighborhood) Commercial District
C-2	Central Business District
C-2A	*Riverfront Development District*
C-3	Highway Commercial District
H-1	Institutional Development District
I-1	Limited Industrial District
I-2	General Industrial District
OC-1	Office Complex District
OB-1	Office Building District
BP	Business Park District
IS	Institutional Service District
IM	Institutional Medical District
R-8	Garden Apartment and Townhouse District

Section 3.
Article III-Use and Area Regulations is hereby amended by adding the following:

§ 230-13.1 C-2A Riverfront Development District

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

A. Purpose. The purpose of the Riverfront Development District is to create an atmosphere that encourages mixed use residential and commercial development along riverfront properties in the downtown area. The district shall preserve the character of the adjacent central business district and historic areas while providing an attractive and convenient combination of shopping and living units. The district shall be limited to those properties adjacent to the Mispillion River and shall be prohibited along North and South Walnut Street, Northwest Front Street and shall not be allowed within any of the historic districts.

B. Permitted uses. In a C2-A district, land, buildings or premises shall be used by right for one or more of the following:

(1) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.
(2) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, beer, wine or liquor, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.
(3) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.
(4) Financial institutions, loan companies and banks.
(5) Restaurants, excluding fast-food or franchised food service operated restaurants.

(6) *Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.*
(7) *Professional services and administrative activities, including such uses as offices of agents, brokers, physicians, dentists, attorneys, architects, engineers, musicians and artists and governmental offices serving the public.*
(8) *Libraries, museums, art galleries and public information centers.*
(9) *Fraternal, social service, union or civic organization.*
(10) *Studio for artists, designers, photographers, musicians, sculptors and related uses.*
(11) *Municipal and public services and facilities, including City Hall, municipal parking lots, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.*

C. *Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:*
(1) *Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.*
(2) *Laundromats and dry-cleaning establishments.*
(3) *Fast-food or franchised food service operated restaurants.*
(4) *Day-care centers.*
(5) *Community residential treatment program.*
(6) *Multifamily residential when part of a mixed-use development, with commercial uses in the same building and/or on the same site.*
(7) *Nano or microbrewery with or without associated pub.*

D. *Area and bulk requirements.*
(1) *Maximum number of units per acre shall be 16.*
(2) *Minimum lot area shall be 5,000 square feet.*
(3) *Minimum lot width shall be 50 feet.*
(4) *Maximum building coverage shall be 60%*
(5) *Front yard setback shall be 15 feet minimum*
(6) *Side yard setback shall be 14 feet aggregate total with a minimum of 6 feet.*
(7) *Rear yard setback shall be 20 feet.*
(8) *Height of buildings shall not exceed four stories or 50 feet.*
(9) *Minimum separation distance between dwelling structures on the same lot shall not be less than 15 feet.*
(10) *Parking shall comply with the requirements provided in Article IV of this chapter.*
(11) *Signs shall comply with the requirements for C-2 Central Business District as provided in Article VI of this chapter.*
(12) *For mixed use residential and commercial projects, off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission.*

Section 4. Dates.
Planning Commission Review and Public Hearing: December 20, 2016
City Council Introduction: December 12, 2016
City Council Review and Public Hearing: January 9, 2017
Adoption: January 9, 2017
Effective: January 19, 2017
This ordinance shall take effect and be in force ten days after its adoption.

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

Advertised: Beacon 112316

PUBLIC NOTICE
PLANNING COMMISSION & CITY COUNCIL PUBLIC HEARINGS
City of Milford Zoning Chapter Amendment

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 Code on Tuesday, December 20, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, January 23, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, Ordinance 2016-27, may be adopted, with or without amendments.

Ordinance 2016-27
Chapter 230

AN ORDINANCE AMENDING CHAPTER 230 ZONING OF THE CODE OF THE CITY OF MILFORD BY INCLUDING A CONDITIONAL USE TO ALLOW CHICKENS FOR INDIVIDUAL DOMESTIC PURPOSES IN A RESIDENTIAL ZONE

WHEREAS, The Community Affairs Committee (Committee) recognizes the benefits of locally produced food; and

WHEREAS, The City of Milford currently prohibits the keeping of chickens in its corporate limits; and

WHEREAS, the Committee deems it to be in the best interest of the City of Milford to allow residents to keep a limited number of chickens for providing eggs for personal consumption in its residential districts; and

WHEREAS, The Committee recommends the City Council (Council) of the City of Milford modify the Zoning Chapter by adding a conditional use to allow chickens that are used for individual domestic purposes, subject to certain regulations as set forth, and said Council finds such actions reasonably further the health, safety and general welfare of the residents of the City of Milford.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose and Authority

The purpose of this Ordinance is to amend Chapter 230 Zoning Code of the City of Milford by modifying Section 230-9 R-1 Single Family Residential District, Subsection C by including Paragraph 13 Keeping of Chickens for Individual Domestic Purposes, as follows:

§230-9. R-1 Single-Family Residential District.

In an R-1 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A. Purpose. The intent of the R-1 Residential District is to preserve the spacious residential atmosphere and quality of living of existing low-density residential development, to provide for the orderly and

appropriate development of new low-density housing and to allow related uses that would not be detrimental to the residential character of the district.

B. Permitted uses.

C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:

(13) Keeping of Chickens for individual domestic purposes subject to the following restrictions:

(a) Keeping of chickens shall be an accessory use and not permitted on lots smaller than one (1) acre in lot area.
(b) No more than four (4) chickens per acre shall be permitted on a residential lot with a maximum of twelve (12) chickens allowed on a single property.
(c) Chickens shall be registered with the Delaware Department of Agriculture.
(d) Chickens shall be penned in a coup that shall be at least four (4) square feet per chicken.
(e) All chicken coups shall be located in a rear yard and shall be a minimum of 20 feet from the side and rear property lines.
(f) Any odor associated with the chickens shall not be discernable from the property lines.
(g) Keeping of roosters shall be prohibited.
(h) Slaughtering of chickens shall be prohibited.
(i) Violations of these restrictions may lead to the revocation of the conditional use approval.

Section 2. Dates.

City Council Introduction: December 12, 2016
Planning Commission Review & Recommendation: December 20, 2016
City Council Projected Adoption Date: January 23, 2017
Effective Date: Ordinance 2016-27 shall become effective at the expiration of ten (10) days following adoption or at any later date specified by City Council.

To review the entire chapter or a complete list of City of Milford ordinances, please access the City of Milford website at cityofmilford.com or contact the City Clerk's Office at 302-424-3712.

Advertised: Beacon 11/09/16

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 24, 2016

Milford City Council held Public Hearings on Monday, October 24, 2016 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING:	Mayor Bryan W. Shupe
IN ATTENDANCE:	Councilpersons Christopher Mergner, Arthur Campbell, Lisa Ingram Peel, Owen Brooks Jr., Douglas Morrow and James Starling Sr.
	City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson
COUNSEL:	City Solicitor David Rutt, Esquire

Mayor Shupe called the Public Hearing to order at 7:01 p.m.

Final Authorization for the Borrowing (As Set Forth in Ordinance 2016-19) of Amount Not Exceeding $9,800,000 for the Refunding Program Pay Certain Costs Associated with the Issuance of its General Obligation Bonds Series of 2016 (the "2016 Bonds")
Adoption/Resolution 2016-16

Authorizing a Certain 2016 Refunding Project and Incurrence of Indebtedness; Authorizing the Issuance of General Obligation Bonds, Series of 2016 (The "2016 Bonds"); Providing Funds for and toward such Refunding Project; Setting Terms of the 2016 Bonds
Adoption/Ordinance 2016-19

City Manager Norenberg recalled the previous presentation provided by the City's Financial Advisor regarding the refinancing. He reminded Council this is not new debt but existing debt for electric and sewer bonds. The process requires multiple steps as outlined in the City Charter and tonight a Resolution and Ordinance must be adopted in order to proceed. The updated presentation is included in the Council packet.

City Bond Counsel Timothy B. Anderson from the Law Firm of Dinsmore & Shohl LLP then addressed Council reporting that his colleagues were here two weeks ago. At that time, they presented the potential for refunding the City's 2011-A Bonds and the issuance of 2016 Bonds. In order to issue the new bonds, the City is required to adopt a resolution tonight, in addition to an ordinance that will authorize the issue of the bonds based upon maximum perimeters that will establish a maximum principal amount of $9.8 million, maximum interest rate of 5% and set a final maturity date of January 1, 2037.

Mr. Anderson further explained that the estimated savings are in the neighborhood of $568,000 based upon the most recent evaluation. The ordinance would propose the issuance and authorize the proper City officials to proceed toward the bond issuance which includes setting the pricing date. At that point, a contract would be entered into, rates locked and other action taken to proceed toward the closing and signing of the various legal documents.

The Bond Attorney anticipates a potential closing date around December 6, 2016.

The City Manager then pointed out the potential savings amount is lower than what was discussed two weeks and is based on the fluctuation in interest rates. However, that savings amount will be finalized at the time the bonds are sold and the interest rate is locked in.

Mr. Norenberg also reported that last week, Mayor Shupe, Finance Director Jeff Portmann and he participated in a conference call with Standard and Poor's to discuss the City's updated rating which is expected later this week.

Mr. Anderson concluded by pointing out this will be the last formal action by City Council on this matter. Assuming the resolution and ordinance are approved, the designated officers of the City will then move ahead with the bond purchase and

closing process.

Councilmember Campbell verified the City is proceeding with Option 1 that provides the savings up front and will be used toward the Smart Meter Project.

Mayor Shupe then opened the floor to public comment. With no one responding, Mayor Shupe closed the public hearing. The Mayor then returned the floor to Council for further deliberations.

There being none, Councilmember Brooks moved to adopt Resolution 2016-16, seconded by Councilmember Morrow:

RESOLUTION 2016-16

WHEREAS, the City Council of the City of Milford, Delaware ("City Council") has been advised that the City of Milford can achieve present value debt service savings by refinancing a portion of the City's outstanding General Obligation Bonds, Series A of 2011 (the "Refunding Program").

NOW, THEREFORE, BE IT RESOLVED, and it is resolved that the City Council of the City of Milford, Delaware, after a public hearing held this day, does hereby provide final authorization for the borrowing (the provisions of which shall be set forth in an Ordinance) of an amount of money not exceeding $9,800,000 for the Refunding Program described above, and to pay certain costs associated with the issuance of its General Obligation Bonds, Series of 2016 (the "2016 Bonds"). The average rate of interest on the 2016 Bonds shall not exceed 5.00%. The 2016 Bonds shall be secured by the full faith and credit of the City, shall be paid or funded by available revenues of the City and shall in all instances comply with the terms and conditions of a certain ordinance enacted this day in connection with the issuance of the 2016 Bonds.

s/Mayor Bryan W. Shupe
Attest: s/City Clerk Teresa K. Hudson

Motion carried by unanimous roll call vote.

Mayor Shupe then reopened the floor for public comment on Ordinance 2016-14. No one from the public responded, the floor was closed for public comment and returned to City Council.

Councilmember Morrow moved to adopt Ordinance 2016-19, seconded by Councilmember Starling:

ORDINANCE 2016-19*

AUTHORIZING A CERTAIN 2016 REFUNDING PROJECT HEREIN DESCRIBED AND THE INCURRENCE OF INDEBTEDNESS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES OF 2016 (THE "2016 BONDS") TO PROVIDE FUNDS FOR AND TOWARD SUCH REFUNDING PROJECT; SETTING FORTH TERMS OF THE 2016 BONDS; PROVIDING FOR BOOK-ENTRY ONLY BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A PAYING AGENT AGREEMENT AND PROVIDING FOR THE APPOINTMENT OF A PAYING AGENT; COVENANTING TO BUDGET, APPROPRIATE AND PAY DEBT SERVICE ON THE 2016 BONDS AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY FOR PAYMENT OF THE 2016 BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF THE 2016 BONDS; PROVIDING FOR THE EXECUTION AND AUTHENTICATION OF THE 2016 BONDS; CREATING A DEBT SERVICE FUND FOR THE 2016 BONDS; PROVIDING FOR THE SALE OF THE 2016 BONDS AND AUTHORIZING THE ACCEPTANCE OF A BOND PURCHASE AGREEMENT FOR THE PURCHASE OF THE 2016 BONDS, SETTING FORTH THE MAXIMUM INTEREST RATE AND UNDERWRITER'S DISCOUNT ON THE 2016 BONDS; SETTING FORTH CERTAIN FEDERAL TAX COVENANTS; PROVIDING FOR THE APPLICATION OF 2016 BOND PROCEEDS; AUTHORIZING OFFICERS TO ACT; APPROVING THE CONTENT AND FORM OF A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE DISTRIBUTION THEREOF AND AUTHORIZING THE PREPARATION, EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT AND THE UNDERTAKING OF CERTAIN CONTINUING DISCLOSURE; SETTING FORTH BOND INSURANCE PROVISIONS; SETTING FORTH THE DATE OF THE 2016 BONDS AND OTHER DOCUMENTS; PROVIDING FOR AN ESCROW AGREEMENT;

AUTHORIZING OTHER NECESSARY ACTION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL INCONSISTENT ORDINANCES; AND STATING THE EFFECTIVE DATE

Motion carried by unanimous roll call vote.

Code of the City of Milford
Part II-General Legislation
Chapter 230-Zoning Code
Article III-Use and Area Regulations
§230-14 - C-3 Highway Commercial District (Height Increase)
Adoption/Ordinance 2016-14

City Planning Coordinator Rob Pierce explained this is an amendment to the C-3 Highway Commercial Zoning District. The intent of the zoning is to provide height exceptions for hotels, motels and a potential aquarium in the C-3 zoning district. Currently the height restriction in the C-3 zone is three stories or 35 feet. Those investors who would like taller structures are required to go through the Board of Adjustment variance process.

He explained the proposed amendment would allow a height exemption for those uses over three stories but not over five stories and not exceeding sixty feet.

An aquarium is also proposed to be added to the list of conditional uses in the C-3 zoning district.

Mr. Pierce said the ordinance was reviewed by the Planning Commission at their September meeting at which time they recommended approval by a vote of 6-1.

With no questions from City Council, Mayor Shupe opened the floor to anyone from the public wishing to speak in favor of the ordinance. No one responded and he then asked if anyone wished to speak in opposition of the ordinance.

Pat Wagner of 6509 Cedar Neck Road, Milford, asked if this relates to the next application which involves a specific property already zoned C-3 or if it is the result of the Mr. Wiggles and Thawley properties being considered for C-3; Mr. Rutt explained this is an amendment to the height requirement and a general zone ordinance. He stated it has nothing to do with the next application. Ms. Wagner disagreed and pointed out that the next property is being considered for a C-3 zone and if adopted, this ordinance would definitely impact that property, as well as any property zoned C-3 in the City of Milford.

Mr. Rutt stated that is correct.

Ms. Wagner stated for the record she is opposed to this ordinance.

Norman Wilfong of 6039 Bucks Road stated he is opposed to the ordinance and is against commercial development along Route 1. It was determined Mr. Wilfong was referring to the next application and agreed to postpone his comments until the public comment portion period is opened at that time.

Lucius Webb of 20516 Sapp Road said he feels the City fathers should not have blanket approval for anything up to sixty feet as is allowed in the rest of the County. However, they should have judicial thought when something comes forward. It can be decided at that time whether or not they want a structure to be sixty feet tall. He feels there are a number of factors that should be considered including light pollution that comes with that type of development. He feels that should apply on any parcel, including the land being discussed during the next hearing. He does not believe something should be approved for that height unless it is made public what is going to be built on the property.

Planning Coordinator Rob Pierce clarified the three uses (hotel, motel and aquarium) are all conditional uses. Those type items that Mr. Webb discussed could be addressed during the actual site plan review and it determined whether or not they would have an adverse impact to the neighboring properties with light pollution, property screening, buffering, etc.

Pat Wagner returned to podium and asked Council if they would call for a show of hands of those that are present tonight that would not be in favor of the change to the C-3 zone.

Solicitor Rutt then explained that if you look at the ordinance in its entirety, it relates to commercial uses. He further explained that in the ordinances, there are certain conditional uses. Conditional uses are not simply permitted and under that, motels and hotels require a minimum lot size of three acres. Aquariums would be added as a conditional use. Since all three apply as conditional uses, they have to go through an application and approval process which requires a public hearing. As a result, the applicant would be required to show the necessity of having excessive heights.

Mr. Rutt reiterated the height requirement being proposed strictly applies to conditional uses and that nothing can taller than three stories, other than those uses proposed tonight. He stated that the process requires the Planning Commission to review it and they can either agree or disagree to the additional height. It would then require a second public hearing before City Council.

Ms. Wagner pointed out the change in the ordinance will make the process much easier for that to happen in any C-3 properties in the future. She asked for clarification of the uses that would be permitted to be built to five stories or sixty feet. Mr. Rutt answered that a motel, hotel or aquarium are the only uses in the City Code that would be permitted to apply for the sixty feet height but only through the conditional use process. All other uses must be thirty-five feet or less.

Ms. Wagner asked if a potential C-3 property wants to build a hotel, they can come before Council through the conditional use process and ask for the sixty feet. Mr. Rutt stated they are able to request it, but it is not an automatic.

Ms. Wagner then asked those present to raise their hands if in opposition; a number of people present raised their hands.

There being no further public comments, Mayor Shupe closed the floor.

Councilman Brooks then asked if five stories is needed if the City gets an aquarium; Mayor Shupe said not necessarily and that depends on what they ask for. Councilman Morrow said more than likely they would ask for that height.

There being no further questions from City Council, Councilman Morrow moved to adopt Ordinance 2016-14, seconded by Councilman Mergner:

WHEREAS, the City of Milford deems it necessary to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers; and

WHEREAS, the City creates districts for said purpose and establishes a Board of Adjustment; and

WHEREAS, the City imposes penalties for violations, so as to lessen congestion in the streets; secure safety from fire, panic and other dangers; provide adequate light and air; prevent undue concentration of population and overcrowding of land; facilitate the adequate provision of transportation, water, sewage, school, park and other public requirements; conserve the value of buildings and encourage the most appropriate use of land; and promote the health, safety, morals and general welfare of the City of Milford.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.
An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning.

Section 2.
Article III-Use and Area Regulations, 230-14 C-3 Highway Commercial District, C. Conditional Uses is hereby amended as follows:

C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional

use permit by the City Council as provided in Article IX of this chapter:
(1) Motels or hotels with a minimum lot size of three acres.
(19) Aquarium

Section 3.
Article III-Use and Area Regulations, 230-14.-C-3 Highway Commercial District, D. Area Regulations is hereby amended as follows:

D. Area regulations.
(1) Minimum lot area shall be one acre.
(2) Maximum lot coverage shall be 80%.
(3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.
(4) Height of buildings shall not exceed three stories or 35 feet, ***with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 feet.***

Section 4. Dates.
Planning Commission Review and Public Hearing: September 20, 2016
City Council Introduction: October 10, 2016
City Council Public Hearing and Adoption: October 24, 2016

Motion carried by the following unanimous vote:

Councilmember Mergner - yes
Councilmember Campbell - yes
Councilmember Peel - yes
Councilmember Brooks - yes
Councilmember Morrow - yes
Councilmember Starling - yes

Councilman Morrow stated that he feels this will work because of the conditional use process that is in place that begins at the Planning Commission level.

Amending and Adopting by Ordinance A Third Amendment to the 2011 Southeast Master Plan of the 2008 City of Milford Comprehensive Plan East of Route 1:
Mr Wiggles LLC (3-30-11.00-056.00)
Change of future land use designation from low density residential to highway commercial.
Country Life Homes Incorporated (3-30-11.00-070.00 & 3-30-11.00-070.03)
(Former Beverly Thawley Lands)
Change of Future Land Use Designation from Low Density Residential to Highway Commercial

Adoption/Ordinance 2016-17

Mayor Shupe then asked Solicitor Rutt to explain the public hearing process for the comprehensive plan change.

The City Solicitor then stated the following:

There are a lot of people here this evening and everyone will be given an opportunity to be heard. He wants to provide some ground rules to make the process go smoothly.

When Council holds public hearings on zoning applications, they are legislative hearings because Council will use the information gathered during the hearings to decide whether to adopt or deny an ordinance to amend and, in this case, the Comprehensive Zoning Map and the Southeast Milford Master Plan as was requested by the applicant.

Milford in its zoning and land use decisions does not discriminate against persons based on race, color, religion, national

origin, disability, familial status, sex, creed, marital status, age or sexual orientation. Public comments made on the basis of bias and stereotype concerning people within these protected classes will not be taken into consideration by the Council in its deliberations.

After each application has been announced by the Mayor as has been in this situation, Planning Coordinator Rob Pierce will review with Council the minutes and testimony from the Planning Commission hearings and those minutes will become part of the record, along with any exhibits introduced at the Planning Commission hearings, and any recommendation made by the Commission.

The applicant will then be called on to present and explain its application and present reasons for supporting the application. Council, through the Mayor, may question the applicant and any of the applicants' witnesses.

After the applicant has presented its application, Council will provide an opportunity for anyone else in favor of the application to speak.

After that, any persons who oppose or question the application will be allowed to state the reasons for their opposition or questions. Following that, there will be no rebuttal per say by the applicant or applicants' counsel and the hearing will be closed unless the Council decides to seek answers to specific questions that arise from the opposing position to find out any further facts they may need.

Further, the applicant will not be allowed to question persons who speak in opposition; and persons who speak in opposition will not be allowed to question the applicant or its witnesses. They will all be directed to the Mayor who will be conducting the public hearing.

If you intend to speak, please come to the front and stand at the podium, state your name and home address before you make your statement. Because of the number of people in attendance, please use the microphone which can be adjusted to allow everyone to hear you. If you represent or speak for a group or organization, please identify whom you represent. When you make your statement, please be concise and do not repeat yourself. If you have a written statement, you can hand it to me and it will be made part of the record. If there is more than one witness for the applicant or more than one person in opposition, please do not repeat points that the prior speaker has already stated. However, you may make a statement similar to supporting another speaker's stance, for example. If you wish to rely on a letter rather than speak, you may do so.

All persons in attendance should conduct themselves in an orderly fashion. No applause, no cheers, no jeers or other disruptive behavior that will prolong the hearing or negatively affect the record being made. If you have a cell phone, pager, beeper or other telephonic device with you, please take the time to turn it off or switch it to silent service.

At the conclusion of the public hearing, Council will take the application under consideration and may either approve it, deny it or defer it to a later date. The procedure will be explained at that time.

A copy of Title 22 entitled Municipalities and specifically Chapter 7 Planning Commission was provided to City Council.

Title 22 Municipalities Chapter 7 Planning Commission Section §702(b) reads as follows:

Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues. The comprehensive planning process shall demonstrate coordination with other municipalities, the county and the State during plan preparation. The comprehensive plan for municipalities of greater than 2,000 population (applies to Milford) shall also contain, as appropriate to the size and character of the jurisdiction, a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements, goals and planning components for public and private uses of land, transportation, economic development, affordable housing, community facilities, open spaces and recreation, protection of sensitive areas, community design, adequate water and wastewater systems, protection of historic and cultural resources, annexation and such other

elements which in accordance with present and future needs, in the judgment of the municipality, best promotes the health, safety, prosperity and general public welfare of the jurisdiction's residents.

Speakers need to keep in mind what the comprehensive plan is to encompass which is something for the applicant and the opposition to consider and to present into the record.

Mayor Shupe then asked that City Planning Coordinator Rob Pierce establish the advertising that was done, as is required by law.

Mr. Pierce explained that Ordinance 2016-17 was advertised in the Milford Beacon on September 21, 2016. Letters were sent to property owners within 200 feet of the subject parcels. An information workshop was also held on October 12, 2016 at which time approximately forty people attended. This process meets the advertising and notification requirements.

The Planning Coordinator referred to the packet which included a staff report, comments resulting from the PLUS process and the Office of State Planning, along with various exhibits.

Mr. Pierce then referred to the overhead showing the site location and current zoning of the area. The three subject parcels include the Mr. Wiggles property, which is currently in city limits and consists of 70 acres zoned R-1 residential. It also includes the Thawley Farm property which is outside the City of Milford and in Sussex County's jurisdiction. The third property was annexed into the City and consists of nine acres and is already zoned C-3 highway commercial.

He then read the following report into record:

In October 2014, Key Properties Group LLC submitted an application to rezone parcel numbers 3-30-11.00-56.00 (70.07 +/- acres of land known as the Mr. Wiggles property) from R-1 Single Family Residential to C-3 Highway/Commercial. Accompanying the rezoning application was a second application to annex five parcels of land, known as the Thawley farm properties and located in the middle of the three properties, into the City as C-3 Highway/Commercial. These five parcels have since been combined into parcel 3-30-11.00-70.00 as shown in the packet. As mentioned, parcel 3-30-11.00-70.03 is already located within the City of Milford and is designated C-3 Highway Commercial.

The applications were reviewed by Davis, Bowen & Friedel, Incorporated in November 2014 where it was determined that the requests were not in compliance with the Comprehensive Plan and the Southeast Master Plan future land use exhibits. Comments were forwarded to Key Properties Group in November 2014.

On August 27, 2015, Key Properties Group submitted a letter to the City requesting an amendment to the land use exhibits for the Southeast Master Plan, requesting a change of the previously-described parcels from Residential Low Density to Highway Commercial.

City Staff prepared the State-required PLUS application for an amendment to the Comprehensive Plan. The application was presented for informational purposes only to both the Planning Commission and City Council in October 2015. The application was then submitted and reviewed by the State in November 2015. PLUS comments received by the City in December 2015 are included in the staff report. In addition to the proposed land use changes, the amendment application included relocating the TDR (Transfer of Development Rights) sending areas, currently located on the Mr. Wiggles property, to the Red Cedar Farms parcel along Bucks Road. Currently, the City does not have an active TDR program though something that will be worked on in the near future.

In August 2016, Key Properties and the City met with representatives from DelDOT to discuss transportation and property access concerns.

On September 22, 2016, parties of the original Southeast Master Plan, including the City, Office of State Planning Coordination, DelDOT, DNREC and the Delaware Department of Agriculture, met to review the proposed future land use amendment. Updated agency comments dated October 3, 2016 are also provided for review in the Council packet.

A public workshop was held on October 12, 2016 from 5:00 to 7:00 p.m. at City Hall where City staff and the City Manager

provided additional information regarding the proposed comprehensive plan amendment to the general public.

Mr. Pierce then provided information on items that were included in the Staff report for consideration under the Analysis Section:

The 2011 Southeast Master Plan was an amendment to the City's Comprehensive Plan and is used to guide growth and development in this area of the City. The goal of the Master Plan was to provide predictable, shovel ready development and proactive preservation. The Master Planning process included an extensive public participation effort with input from local residents and property owners. As mentioned in the 2015 PLUS comments, the subject parcels were considered for commercial land use during the initial phase of the Master Plan, but commercial was not ultimately recommended due to difficulty in gaining road access to the property and its proximity to low density residential. The Master Plan was approved by City Council and certified by the State of Delaware in 2011.

Also included in the packet is an overview map of the city zoning identifying large areas of undeveloped C-3 Highway Commercial properties. As shown, there is approximately 275 acres of land, currently within City limits that are zoned C-3 and undeveloped from a commercial perspective.

The surrounding transportation network around the subject properties, including Cedar Neck Road, Bucks Road and State Route 1 are State-maintained. Access to these roads will require DelDOT approval. DelDOT comments related to road access can be found in the attached 2015 PLUS comments and correspondence dated October 3, 2016. Statements from October 2016 are newer and provide additional information in comparison to what was provided in the November 2015 PLUS comments

The Knollac Acres subdivision is located within the unincorporated areas of Sussex County and is directly east of the subject property. The subdivision is not fully built-out and contains single family detached units. According to Sussex County tax maps, the Thawley property, that is under consideration for annexation, has limited access through Knollac Acres via Thawley Lane which was a concern expressed during the public workshop.

A portion of the current Bayhealth site, consisting of 110 to 115 acres, was a property owned by the applicant and was originally zoned C-3. The applicant wants to relocate that particular commercial use in the Southeast neighborhood. When Bayhealth moved their health campus to the west side of Route 1, that eliminated approximately 110 acres of C-3 Highway Commercial land.

No one from DelDOT is present this evening though they attended the Planning Commission meeting and were able to answer questions regarding access.

Mr. Pierce then explained this is only the first step in the process that would allow future land use applications to be processed by the City. If approved this evening, the proposal would require additional public hearings for the annexation and change of zone request. They would subsequently be followed by public hearings for a site plan and/or subdivision plan, based on the future use of the property.

Included in the packet is a copy of the October 18, 2016 Planning Commission meeting. The Planning Commission recommended a denial of the application to amend the Comp Plan by a vote of 6 to 0.

Mr. Pierce concluded by referring to the support correspondence from Bayhealth and Ocean Atlantic Sothebys International Realty included in the Council packet.

When questioned about access to the proposed site(s), Mr. Piece then read into record the following and most recent comments from the Office of State Planning Coordination:

This message is to provide DeIDOT's comments on a proposed amendment to Milford's Southeast Regional Master Plan. The amendment would re-designate an assemblage of parcels, presently designated for residential use, to commercial use with the intent of permitting the development of a regional shopping center or mall. The parcels, known as the Thawley and

Mr. Wiggles Properties, are located on the east, or north side of Delaware Route 1 and the north, or west side of Cedar Neck Road. As we understand it, one of the parcels, on the northwest corner of Route 1 and Cedar Neck Road, is already zoned for commercial use.

DeIDOT does not regulate land use. Commercial development on these parcels would require significant road improvements that have yet to be fully determined, much less included in our planning for the area.

Presently, the access to these parcels from Route 1 is limited to a single driveway, the use of which is limited to the existing farm and its residential use on the existing residential lots. The intersection of Route I and Cedar Neck Road is grade-separated, and the geometry of that grade separation is such that direct access from Cedar Neck Road would be difficult, if not impossible. Therefore, commercial development on these parcels presently would need to be by way of Beaver Dam Road. (Initially called Beaver Dam Road, Mr. Pierce believes that DelDOT is referring to Bucks Road though its name was changed after access onto Route 1 was eliminated).

Commercial development of the sort contemplated would require significant improvements to Beaver Dam Road and Cedar Neck Road, and likely Bucks Road, Sapp Road and Cedar Beach Road. Specific improvements would need to be determined either through a Traffic Impact Study or Land Use and Transportation Study associated with the Transportation Improvement District that DeIDOT and the City are now contemplating for this area.

We have discussed, with the City, some ways in which a developer could improve their access to the subject land. One way would be to acquire a pair of residential properties on Cedar Neck Road across from the northbound Route 1 ramps, and thereby obtain access at that ramp intersection. Another way, might be to modify the existing flyover ramp, from northbound Route 1 to northbound Route 14, to allow for access into the land. Approval for this modification would be necessary from the Federal Highway Administration as well as from DelDOT. Finally, a bridge could be built across Route I to reconnect the two halves of Beaver Dam Road.

Councilman Brooks asked if that plan would require access through the rear yards of Meadows at Shawnee. Mr. Pierce said not if the only improvements were made to the northbound side. However, it is the flyover that dumps traffic onto Route1A just south of the Meadows at Shawnee entrance.

The Planning Coordinator noted there is a transportation engineer in attendance with the applicant who may be able to share some additional thoughts.

Mr. Pierce reconfirmed the plan does not necessarily require access through the rear yards of the residents. He noted that if DelDOT representatives were present, they could clarify their previous comments. He emphasized than any proposals at this point are only hypothetical.

Councilman Campbell asked how many access roads have been considered besides going through Knollac Acres. Mr. Pierce explained that DelDOT provided three potential options. He again reviewed the three options:

(1) One way would be to acquire a pair of residential properties on Cedar Neck Road across from the off ramp from Route 1;
(2) Access the site off Bucks Road;
(3) Major improvements to Route 1 that would have to be approved by DelDOT and the Federal Highway Administration.

Councilman Campbell asked DNREC's involvement and if there is potential for water runoff. Mr. Pierce answered that DNREC made recommendations though they were not major comments which is typical during the PLUS reviews. They are concerned about any type of intense development and the development of approximately 150 acres could potentially result in a considerable amount of impervious cover which could have negative impact on water quality and stormwater management.

Mr. Pierce reiterated these are general statements that are typically made about any development.

Councilman Brooks stated the State indicates there is a potential for up to 80% of the land under consideration to be

impervious coverage causing a negative impact on area water quality and stormwater management. Mr. Pierce pointed out that per the City code, the C-3 zoning district permits up to 80% coverage though the development could use less than that amount. Depending on if this it is in an excellent recharge area, there are provisions within the City code to protect such areas.

When asked for more clarification, Mr. Pierce explained that typically during the site plan or subdivision review process, there is a need to determine if the area has been designated by DNREC as an excellent groundwater recharge areas. That involves sandy soils that allow water to percolate down into the aquifers for drinking water. Those areas need to be kept free from development so that the groundwater source can be replenished.

He reiterated there are provisions in the code for such areas with even more restrictions in terms of impervious coverage and that proof will be required that pre-development and post-development conditions will be similar.

Councilman Campbell asked how far the potential access road going through Knollac Acres would be from the residential properties. Mr. Pierce stated there has not yet been an access point determined on the property and it is only in the preliminary stages. The State has stated that access to this property would be difficult but not impossible. The main concern from many of the residents at the informational workshop and Planning Commission Public Hearing was the use of Thawley Lane through Knollac Acres. That could be closed off or not used depending on what occurs with the development plan.

Mr. Campbell asked how this could potentially impact Meadows at Shawnee. Mr. Pierce commented that any access to the site is only hypothetical at this point. He has not yet seen anything on paper showing improvements to the interchange or the flyover ramp. Councilman Campbell confirmed that realistically no one knows at this point.

With no further questions for Mr. Pierce, Mayor Shupe called the applicant to comment.

Attorney James Griffin from Griffin and Robertson, P.A. was representing applicants' Country Life Homes and Key Properties and stated that he owns two residential units in Milford.

Mr. Griffin asked to start with a clarification on what Mr. Rutt was reading from the Delaware Code as to the areas and guidelines that are considered when adopting or amending a comprehensive development plan. At the very end {Section 702(B)}, it talked about the things that can be considered, the planning components, transportation, economic development, community facilities, community design, adequate water and sewer. He said that is followed by the words "in the judgment of the municipality, best promote the health, safety, prosperity and general public welfare of the jurisdictions' residents". He asked Council to keep in mind that the jurisdiction is the City of Milford and the residents of this jurisdiction are those that live within its borders. When a comprehensive plan is adopted, it is done for the people in that City to better promote the growth of the City and to provide a good standard of living to those people living within its borders. He mentions that because he is not sure the Planning Commission held those precepts in very high regard when they voted.

Mr. Griffin recalled the hearing that was held here last week, pointing out there were eighteen people who spoke against the proposal. Of the eighteen, fourteen were nonresidents of the City and of the fourteen who spoke in opposition, 78% were nonresidents opposing the change. Only 22%, or four people, were residents of the City. He stated that the applicant had a presentation and people also spoke in their favor.

He said he is not trying to cast aspersions on the intentions of the many people who were nonresidents who came and spoke.

He then asked Council to be very clear and when talking about amending a comprehensive plan, it is a play to pay proposition. Council is acting in the highest regard for the City's residents and not promoting quality of life for people outside the borders.

He feels Delaware Law is very clear on that and talks about what is best for the City residents.

Mr. Griffin pointed out there have been several prior annexations of land east of Route 1 including the seventy-acres Wiggles property and the nine-acre Thawley piece. Under the 2008 City comp plan, all three pieces totaling approximately 120 acres were shown as C-3 highway commercial. He said it is not as if these commercial properties have never been C-3 highway commercial.

He noted that the 2011 Southeast Master Plan essentially downgraded the future land uses of two of those parcels and left the nine acres as C-3 highway commercial.

Mr. Griffin stated that when the Planning Commission voted, the findings that were given by them did not emphasize any of the touchstones or guidelines that are in Delaware Law for amending a comp plan. The findings that were given by those Commissioners who stated their findings, picked and chose negative comments out of the 2016 PLUS review and really did not give any play to the September 2016 PLUS comments which are more favorable. Their findings cited and relied heavily on the proximity to low density, existing planned residential communities such as Knollac Acres and major impacts on established communities, such as Knollac Acres and residential housing along Bucks, Cedar Neck and roads east of these properties.

Mr. Griffin reiterated there have been several annexations east of Route 1. In connection with those annexations, opportunities would have been given for a number of the folks that live there but who are not city residents and don't want this to happen to themselves and do not want to become citizens of the City. They obviously did not chose to do that and if they had, they would be paying City taxes and City utilities.

He is asking Council to focus on tonight taking this first step that would allow the applicant to come back at a later date with a fully developed plan. He stated that many of the comments that Council will hear tonight deal with issues that would not even come up in the planning process until someone presents a site plan though Council is well aware of that having approved a number of site plans. He said you will hear things such as what happens if you do this and it gets zoned for a shopping center and if there is a McDonalds and I'm trying to sleep and we can hear the microphone from people placing orders twenty-four hours. Those are things that would not come up until this gets in the site plan review.

The attorney stated that this step would simply restore a future land use designation that existed for several years before the 2011 downgrade. If you understand the 2011 downgrade history, that happened at a time when the economy was in a free fall between 2008 and until 2011. At that time, there was a mindset on the part of the State Planning Office not to allow commercial development east of Route 1.

He believes that has changed which is evident from the fact that the comments from the 2016 State Planning Commission review have become more favorable. In 2015, there were concerns from DNREC and if one reads the comments from the September 2016 comments that DNREC identified three areas of environmental concern back in 2015. The comments today as of September are saying none of those are located anywhere near these three parcels of ground.

Mr. Griffin said in other words, these three parcels of ground do not infringe on that. Regarding impervious cover and related issues, DNREC is now saying they recommend the developer use native grasses and named a number of other recommendations that the developer could follow and they would be obliged to say that would satisfy the issues of water runoff.

In addition, he pointed out that DelDOT's comments from 2015 were more negative. He believes there was a comment in the 2015 report that the Office of State Planning basically said there could be a better piece of ground somewhere else for this type of use. In the September 2016 DelDOT comments, they very clearly point out there are options for access. It is not a negative thing the State would have to approve the options for access and instead is a good thing. It is also not a negative thing the federal government could be involved and that is understandable because the money to build Route 1 was either an 80/20 federal/state or a 70/30 federal/state match of funds.

He said of course any changes to Route 1 for access will be through either of the overpasses so tying into this development would have to be approved by the federal government. It would extend the time for obtaining those approvals and he believes that in the planning process for updating the comp plan is ten years in terms of vision.

The project, according to Mr. Griffin, will probably be within that time frame. There could be two to three years of obtaining official approvals necessary for the site plan, which would have to come with a preliminary site plan though a final site plan could not be acquired until all the governmental agency approvals are received. He anticipates that to be a fairly lengthy process.

Mr. Griffin said if they get through all of those steps, they then begin construction and locating possible uses. He said this

could take a five to seven year buildout which would dovetail with the City's considerations of what is good for the residents of the City over the next ten years.

He then referred to Section 702(E) of Delaware Title 22 which states at least every five years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary...

Mr. Griffin mentioned that because the Southeast Master Plan that was adopted in 2011, has been amended four times in four years; once in 2012 and three times in 2015. Therefore, it would be difficult to say it is inappropriate to make another amendment. In his opinion, the number of changes suggest the 2011 Southeast Master Plan possibly is not in keeping with the direction in which the City is moving and perhaps some consideration should be given to doing away with the 2011 update and restoring the future land use designation as it existed in the 2008 comp plan.

He stated that his client's reason for asking that the Southeast Master Plan be changed to restore the highway commercial uses that previously existed under the 2008 comp plan is because his client wants to relocate the commercial zoning it had planned for the Bayhealth parcel which is about 160 acres compared to the 120 acres that make up the Thawley and Mr. Wiggles properties. For a number of years prior to the slowdown in the economy, some of Council may remember that his client did a considerable amount of work to market the City of Milford as an appropriate location for a major shopping facility with the idea of locating it on the property the hospital chose to go. He would clearly like to fulfill that dream on the other side of the road which is Route 1.

He recalled that the City approved that concept and the use for that parcel back before it was sold to Bayhealth. The seventy acres of Mr. Wiggles property is already in the City but its land use was downgraded from highway commercial to residential. The nine acres of the Thawley property is also in the City and was designated for highway commercial though it is not a very large parcel of ground. In terms of any type of use that could be made of that property as a C-3 highway commercial parcel, given the fact it does not a very deep depth limits its use to something that would be not be very desirable in that area.

Mr. Griffin continued by explaining the City code highway commercial definition talks about a fairly wide variety of uses and includes a strip shopping center though there seems to be a lot of that in Milford on Route 113, Route 14 and other areas of the City. Something at least more comprehensive than a strip center would be more in keeping with the direction in which the City wants to go as far as future development. It could be something like a mini storage or a warehouse which are uses that are not the most attractive type of use but could involve extended usage.

His client is thinking of something that is more complimentary and would serve the need of not only the people that reside in the southeast quadrant of the City but also serve the need of the users of the hospital complex. Once that is built out, people coming will need a place to stay, a place to eat and a place to buy soft goods. All of that could play into a very nice orderly planned area on both sides of Route 1 and be within City limits.

With the seventy acres and the nine acres already in the City, the only one that needs to be annexed is the forty acres in between the other two which is the site of the former Thawley Property.

Mr. Griffin stated that as Council knows, redesignating the future land use to restore what it was before 2011 does not mean his client gets permission to do anything. It only means that his client would then have the right to ask that application that was filed two years ago and has sat dormant for two full years be allowed to take the orderly process of going to hearings before the Planning Commission and City Council, all of which involves the opportunity for public input.

He said they are not here tonight to tell Council what his client is going to do to a certainty and every use that will be put there because it is all theoretical. It would be mute unless the uses were restored that existed until 2011. At that time, there were no issue with the seventy and forty acres being designated highway commercial before the 2011 change.

Mr. Griffin said they have heard, which was part of the City Planner's presentation, the City has 275 acres of undeveloped commercially-zoned land which is a lot. However, very little of that is east of Route 1 though one of the pieces is the nine acres of the Thawley property.

He emphasized that development will happen and money will be invested in commercially-zoned area that is desirable for

development. The fact there is 275 acres does not mean this is not a good location and he reminded Council they thought it was a good location for highway commercial until 2011.

Mr. Griffin asked Council to consider the big picture and not get focused on the fact that there is other land that has not been developed. If there were investors clamoring to invest monies in the 275 acres, Council would be seeing those applications. Some may be in the process though he is unaware of that, but it should be a point of consideration and it is an area the developer is willing to bear his fair share of the infrastructure costs and make the investment necessary to make it possible.

He noted that his client is not, under any stretch of imagination, asking that the residents of the City of Milford to bear any of the costs of any infrastructure that would only serve his development.

Mr. Griffin then informed Council that if they say they will not consider restoring the highway commercial designation these two properties enjoyed for a number of years before they were downgraded. His client did not own the properties at that time and did not have the right to come in and say hold up, what are you doing. He said that Council may be saying no to a developer contribution that would pay for the extension of utilities to the east side of Route 1 and infrastructure improvements required to bring electric and sewer to that side of Route 1. He believes there may already be a 12-inch water main that has been installed.

He pointed out that Council would be saying no to the developer paying its fair share of the City's engineering fees, utility impact fees, building permit fees and the possibility of benefitting from roadway infrastructure improvements financed by the developer who would pay his fair share of contributions necessary to make those roadway improvements.

He said if the Federal and State Highway is changed to benefit only one development, that developer has to pay for all of it. If there is an after-analysis by those agencies and those infrastructure improvements serve that development but also promote the better flow of traffic, the accessibility of traffic in and out of the city, then there is a formula for accessing the part the developer has to pay versus the part being paid by the Federal and State governments.

Mr. Griffin further stated that if Council says they will not consider this, they are saying no to the receipt of transfer taxes on the sale and to the lease of out parcels and pad sites; they are saying no to the payment of City property taxes and utility user fees from the developer and the tenants of this commercial center.

Statistics have shown that many seniors must continue working through their retirement years due to inadequate savings or increases in cost of living or health issues, not covered by insurance. A shopping facility of this type would provide employment to many seniors who reside in the City. He will ask other speakers who are part of their presentation to explain that.

Mr. Griffin reiterated that his client is not trying to pass along the cost of improvements that would be needed to develop these properties to the City or the residents of the City.

Mr. Griffin noted that the comments of the Planner basically state that the proposed commercial land use area will replace the previously designated commercial area changed to employment center as part of the Bayhealth submission earlier this year. The City anticipates ancillary commercial needs close to its planned medical campus. This development would provide those ancillary commercial needs.

Mr. Griffin then presented a petition signed by 41 people of which 39 are residents and live within the town limits of the City of Milford. Two are non-residents.

Mr. Griffin then asked City Council if they had any questions.

It was confirmed that no site plan has been presented. Mr. Griffin explained it is not anticipated or required at this level. It would only be something that his client is required to do if the comp plan is upgraded and his client goes through the hearings for annexation. In connection with annexing the forty-acre property, the zoning status is assigned and at that level, site plans are expected and required. They have not been asked to do that because they know it would be irrelevant if the future land use of highway commercial is not restored.

Councilman Campbell asked about the comments in which the State objected to the fact that the City wanted to revise the comprehensive plan in this area; Mr. Griffin confirmed if what Councilman Campbell is referring to is connected to his client's applications. Mr. Griffin explained that when his client filed these application back in 2014, one reason for the long delay is that State law requires an application that involves a different zoning category, for instance changing from residential to commercial, is only made possible if the comprehensive plan shows the future land use development for the piece involved to match. Instead it showed the City downgraded these parcels from highway commercial to residential in 2011 making an inconsistency with the 2008 comp plan. They were told they could only proceed to the level of annexation and zoning if they could get City Council to restore the land uses that existed before 2011.

Mr. Griffin asked if Councilman Campbell is referring to the Office of State Planning discouraging frequent amendments to the comp plan. He said that as he pointed out, the City has done four amendments in the last four years, three within 2015 alone. As a result, that argument loses credence when it was found necessary and reasonable to make four amendments in four years to a plan that comes up for renewal in 2018. The Office of State Planning only oversees this; the City determines the uses and zoning categories within the City limits. If Council agrees to restore the highway commercial uses before they were downgraded, the Office of State Planning is obligated to respect that and that will become part of the City code and the fact that these properties could then be used for a commercial purpose. The Office of State Planning has no right to overrule the City's decision on land use and the City is paramount.

Solicitor Rutt asked to clarify one of Mr. Griffins' statements. Mr. Rutt said Mr. Griffin has been talking the 2008 comp plan versus the 2011 amendment. He confirmed that Mr. Griffin's client did not purchase the property until after the 2011 amendment. Mr. Griffin stated yes. Mr. Rutt asked if Mr. Griffin is looking for a by-right type of restoration. Mr. Griffin stated no he is making the point that up until 2011, these properties had the commercial use category that his client is now trying to ask be restored.

Mr. Rutt asked if Mr. Griffin was aware there was a Memorandum of Understanding (MOU) between the City of Milford and the State of Delaware that there would be no approval granted for any development east of Route 1 until the master plans had been adopted.

Mr. Griffin asked the date of the MOU. The solicitor deferred to City Planning Coordinator Rob Pierce who stated it was signed in March 2008. Mr. Griffin pointed out that was about the same time the update was completed. He said regardless of that, there have been four updates made in four years since that time so he does not see where that Memorandum of Understanding was followed.

Mr. Rutt emphasized the MOU specifically related to the properties east of Route 1 and those updates have not occurred. Mr. Rutt then pointed out that Mr. Griffin indicated that his client wants to restore the commercial development opportunity he lost as a result of the hospital land purchase. The Solicitor asked if the property that Bayhealth is now developing was not just gifted but instead was sold to the hospital; Mr. Griffin agreed it was sold.

Mr. Rutt noted then there was a realization of the use of that commercial property though not for shopping centers or something to that effect. Mr. Griffin said that is why the City changed it from C-3 back to the employment center designation.

Mr. Rutt then stated that even though the property east of Route 1 might not be commercial, it could still be used as residential; Mr. Griffin said that is how it is currently zoned. Mr. Rutt said that would require improvements of infrastructure, impact fees, permit fees, utility extension, etc. Mr. Griffin said not to the extent the City would have with a commercially developed center.

Mr. Rutt asked if Mr. Griffin is aware that the City is in the process of updating its comp plan so that it will meet the 2018 date; Mr. Griffin answered as is every other City.

Mayor Shupe asked if Council had any other questions.

Councilman Campbell stated that when he was reading the State Agency comments, many red flags came up. The review by the Office of State Planning, the Department of Transportation and the Department of Natural Resources all raised very serious concerns as to the advisability of amending the plan to change the designation to commercial. The Office of State

Planning made comments that summarized that the request represents a significant deviation from land use, concept put forward, in the comprehensive and master plan that could result in a domino effect theory with wide ranges of consequences upon other elements that include transportation, environmental, agricultural and preservation issues. Commercial use of this property is not recommended in either the comprehensive plan or the master plan due to the difficulty of road access and proximity of low density, existing planned residential communities.

Mr. Griffin said he is familiar with those which were part of the December 23, 2015 comments from the Office of State Planning. As he suggested earlier, that is what the Commission focused on. But if you look at the more recent comments from the Office of State Planning, they do not repeat those comments. The portion that was given to City Council relates to the position taken now, as of last month, by DelDOT, saying there are ways the developer could improve access to the land and they describe the options. Also DNREC states the proposed amendment to the master plan changing some lands east of Route 1 from residential to commercial zoning does not occur in or near their three areas of environmental concern.

He emphasized the comments were quite different in 2015 when it appeared that the clear effort of the Office of State Planning was to not move forward. If you look at the comments in September 2016, they do not say that. It says the message is to provide comments on the Southeast Regional Master Plan amendments. It basically says that DelDOT or the Office of State Planning does not regulate land use and instead the City of Milford does. If City Council says they want to designate those areas back to the commercial they were at one time, then they will have to accept that and the State will have to work with the City and cannot overrule the City.

Councilman Campbell said he is not arguing that but is only bringing up facts and is trying to figure out how this would fit. There continues to be a lot of unanswered questions on the City side as well as the State's side. In the meantime, Mr. Griffin is not giving any information that helps him. Mr. Griffin said he does not speak for the Office of State Planning. Hopefully, Council would hold in advance an opinion on these issues until all the information comes in from the hearing and this is thoroughly discussed by all of Council and the votes are given.

Mr. Griffin then called Mark Muller of Sierra US and asked him to explain who he is, his employment and how he would be involved in the effort to develop this property in a commercial fashion if the City sought to change the future land use designation as it was prior to 2011 and the processes of rezoning and annexing if this is approved.

Mark Mueller of 364 Point to Point Road, Bel Air, Maryland 21015 stated he is a commercial real estate broker who has been involved actively in development and leasing of retail real estate, both in Maryland and Delaware for 35 years. He has leased approximately two million square feet of retail space during that time. He works in partnership with another brokerage firm, KLNB Retail. Mr. Kevin Barrett, who is very familiar with the applicant, also worked with the applicant the first time around when they were trying to develop the site that has since become the hospital campus. He was also with KLNB and left that company in 2010 though he and Mr. Barrett continue to work closely on various projects including this project.

Mr. Mueller explained the whole goal is to look at a site in its entirety from a critical mass. He cannot speak for any of the retailers specifically though they have talked to some in the past that needs a site with some size. The nine-acre site is too shallow and would probably be developed similar to a Royal Farms or Grottos Pizza considering the depth is not there.

He agreed there is retail on Route 113, but retailers prefer access, visibility and parking. Those retailers do not have the best visibility on Route 113 according to Mr. Mueller.

He reported that they represent several retailers including a movie theater chain and a home center that have expressed an interest in Milford in the past. However, they want to be seen from the road.

In addition, Mr. Mueller noted that a large piece of parcel is needed to develop some kind of mixed use. That could involve a combination of entertainment with the theater or it could be the home center. It could also have some soft uses such as offices that would be relative to the hospital.

They also see soft goods as a good potential. Currently the town only has Walmart and Peebles as far as department stores. They think there are definite users like a Kohls, though they have not yet expressed an interest. However, that type of junior box store could have some interest in coming to Milford.

He said this has to be developed properly and the same concerns that everyone has expressed about access are the same concerns these retailers have. The current access would not work and no national retailer would even consider it. It has to be a carefully planned design for it to take place.

Mr. Mueller said the recession took its toll and there were several retailers that Mr. Barrett was working with that backed out because their entire expansion program was stopped. That is no longer the case and he believes that a number of large retailers could be interested. However, it has to be of a sizable nature and he cannot see anything in the nine-acre range that would be anywhere close to accommodating the needs of these retailers.

He confirmed this would be a large project. If retailers don't see something that is easy to get to, they will not develop there. Therefore, a joint effort is needed to ensure it is properly developed.

Mr. Griffin asked Mr. Mueller, based on other centers in which they have found customers for, and considering this will be in the range of 100 to 120 acres, what examples of other type stores would be attractive to similar sized centers. Mr. Mueller explained that he was involved locally in the Capano Shopping Center, where Dollar Tree recently opened though that is a 60,000 to 80,000 square foot shopping center. A center that would attract retailers like they want to get into Milford will most likely require a 300,000 to 400,000 square feet center.

Mr. Griffin asked Mr. Mueller what types of stores or brands he would attempt to attract; Mr. Mueller answered Kohls, Lowes Home Center and possibly Home Depot. They think one thing that is needed is a better restaurant and beyond those normal restaurants you see on Route 113. They believe chains such as Cheddars and other lifestyle restaurants would express an interest.

Mr. Mueller said a combination of home goods, soft goods, convenient services and other softer semi-office users would most likely go there.

Mr. Griffin said before you can attract specific tenants to a center not in existence, are you required to have approvals in place approvals for zoning as well as access plans. Mr. Mueller explained these retailers receive submissions constantly from perspective developers across the country. They only have so much time and if you send them a site that is not properly zoned or does not have an access plan, they are not going to give you the time of day. A very specific site plan is needed to attract retailers and it must be zoned properly to do that. They would not attempt to approach that with those items in place.

Mr. Griffin then asked if Mr. Mueller has put together a booklet he would like to make available to City Council. Mr. Mueller stated yes adding this is a booklet that highlights the location of the three parcels and provides some architectural treatments. He added that retailers and consumers no longer want to see the same old big box shopping centers. Design elements that are state of the art must be included and examples have been included in the booklet.

Mr. Griffin asked if the design elements include any proposed housing units; Mr. Mueller said it is possible to have housing on the second and third stories and apartments above some of the service-oriented retailers. However, that would not happen with national chains like Kohls. This would be a mixed use element of everything including residential, offices and retailers.

Councilman Brooks then asked if Mr. Mueller has visited the site and is familiar with the surrounding roads and asked if they are sufficient; Mr. Mueller stated he has observed the roads and the road are absolutely not sufficient. Councilman Brooks asked about access off Bucks Road into this property. Mr. Mueller said he is not an engineer and would assume there would be a secondary access though that is not his area of expertise. He said the site is large enough to justify retail as far as the market but they would not go on the site with the current access and would have to be a situation that satisfactory to them and DelDOT.

Councilman Brooks pointed out that DelDOT has limited access on Route 1 from New Castle County to Nassau. Mr. Griffin said he will have a traffic engineer that will later testify with regard to that statement.

Councilman Campbell responded to Mr. Griffin's earlier comment regarding the residents who live outside the City and the fact they are not paying City taxes. He said they are bringing revenue into the City and are shopping in Milford and supporting our restaurants and their children go to school here. He feels that was an inappropriate statement.

Councilman Mergner asked Mr. Mueller if there is a certain distance or time expectation for retails such as a Home Depot in relation to exiting from a highway and getting to their store. Mr. Mueller said they want access, visibility and parking. The retailers have to put themselves in a consumer's shoes. If a center is difficult to get in and out, they ask themselves if people will really want to shop there. There is no scientific method but more of a feel in his opinion.

Councilman Brooks then referenced the State Planning comments stating Delaware Code Title 17, Section 145 authorizes DelDOT to develop and maintain a Corridor Capacity Preservation Program (CCPP) on Delaware Route 1 from Dover Air Force Base to Nassau. Because the subject lands have other access as was discussed, DelDOT will not permit these lands to have commercial access on Route 1.

Mr. Griffin responded by saying that DelDOT in September 2016, discussed with the city ways in which the developer can improve their access to the subject land. He said what Councilman Brooks is reading is in conflict with what DelDOT is saying now. He said to be honest about it, DelDOT cannot say to a person who owns land that they don't have access to their road and if they do say that, they have to buy your land and pay you fair market value for it.

Councilman Brooks again referenced Delaware Code Title 17, Section 145 which authorizes DelDOT to develop the CCPP and that commercial development will not be permitted access off Route 1. Mr. Griffin reiterated DelDOT is saying access is there and it may be expensive, but it is there and there is a means to get it. He suggests that Councilman Brooks ask the City's esteemed Counsel for an interpretation of that. He added he is not allowed to give Councilman Brooks legal advice.

Mr. Griffin then called Alex Schmidt of 694 Milford Neck Road, Milford, Delaware. Mr. Schmidt stated he is an employee of Century Engineering and is present on behalf of Key Properties. He is a registered professional engineer in the State of Delaware and his entire career has been spent working on projects with DelDOT and project development.

Mr. Schmidt stated that Key Properties initially approached them in July of this year and informed them they had parcels on the east of Route 1. They informed him they had been before DelDOT and had discussions with DelDOT who had taken the stance that no access would be allowed to these parcels.

Key Properties asked him to discuss the access issues with DelDOT. A meeting followed with himself, DelDOT Assistant Planning Director Drew Boyce, Corridor Capacity Preservation Program Manager Tom Felice and Mark Cote' Subdivision Engineer Development Coordination. The purpose of the meeting was to discuss these parcels and whether access could be granted. DelDOT first asked what the developer was planning to propose at this site. Mr. Schmidt said they do not know because the developer cannot get any interest until they get through this process first.

Mr. Schmidt then explained that DelDOT cannot make a commitment until the point when the developer can say there is a potential to put something specific on this property. They were able to discuss some very basic concepts of what could go there. There were a couple of options that DelDOT brought up and a couple that Mr. Schmidt suggested. One was access off Bucks Road and DelDOT stated that the Routes 36 and 30 interchanges are there to provide access east of Route 1 and a plan that calls for improvements to the local roads in that area. The developer would then be able to utilize Bucks Road to get to that site.

He said the developer is concerned about that, as Council will hear from many people tonight, because that will have a large impact on all the local residents in that area. The preference would be for access directly off Route 1. DelDOT initially stated, as Councilman Brooks earlier mentioned, that there will be no access off Route 1 to properties east of Route 1. However, they understood the position the developer was in and agreed there were some alternatives that could be explored.

He reported that three options were discussed. One would be realigning the Route 30 interchange as was mentioned. Another would be improvements to the Route 1 Business/South Rehoboth Avenue interchange which is a flyover; the third would be the construction of a collector distributor road along the east side of Route 1 though that is a unique situation. The engineer explained it could actually collect many exits and distribute them separately.

Mr. Schmidt explained the Route 30 and 36 and State Route 1 business interchanges would all be separated from Route 1 and combined into one exit that would also have a local road with access to the site.

The engineer further reported that these are not unusual configurations and there is actually one being proposed for Dover

Mall from Scarborough Road and south of Dover Downs. The purpose of that is exactly what the developer is asking for in this situation which is to provide better access to Dover Mall and Dover Downs.

He recalled that at the workshop held a couple weeks ago, a lot of people expressed concern about the existing interchange for Route 1A/South Rehoboth Avenue. The existing flyover allows people to come off Route 1 at highway speeds and get dumped directly in front of the Meadows at Shawnee doing 70 miles an hour. If the developer were allowed to move forward with his plan, they could go back to DelDOT with concepts that would help address those traffic concerns that exist in the area.

Mr. Schmidt stated the one key item he wants to leave Council with is that DelDOT has said there are options available and while they will not be easy and will require DelDOT review and approval and the Federal Highway Administration involvement, there are options that exist and there is potential.

In regard to the PLUS comments, Mr. Schmidt explained that one of their concerns is that the PLUS review focuses on a very broad high level view and is informational only. The original comments in 2015 stated that no access would be allowed. After they met with DelDOT and showed them a little more about what the developer was willing to do, the comments changed to say there is a potential for access. As this project moves further along, those comments will begin to align more with what those options the developer can do. As the State receives more information, they will be able to provide better comments.

Mr. Schmidt stated that Thawley Lane is a concern as is the road that goes through Knollac Acres. The developer is willing to commit to not using that road for commercial access. Potentially, it could become a three-way intersection with no commercial traffic using Thawley Lane.

Councilman Brooks then questioned the three-way intersection; Mr. Schmidt explained that would be on Thawley Lane coming from Bucks Road through Knollac Acres. Currently it has deeded access onto the parcel that the applicant now owns. The applicant is willing to cede that access so the residents in Knollac Acres will not have commercial traffic coming through their development.

Mr. Griffin confirmed that Mr. Schmidt is saying there will be no interconnection between the developed commercial land and Knollac Acres. Mr. Schmidt stated that is correct. He referenced Thawley Lane on the map that continues onto the parcel. He noted that currently there is a potential for it to be utilized for access to the parcel. The developer is willing to cede that option and turn at a three-way intersection so that no traffic would utilize the subdivision to access the commercial parcels.

Councilman Brooks asked if Mr. Schmidt is stating that in this situation, Bucks Road would not be needed.

Mr. Schmidt referenced a map showing Bucks Road and Thawley Lane. He said he did not want to get into too much detail, but local roads could be used with access through a private parcel and traffic coming off the two interchanges and accessing the parcel.

He said the two options discussed–one being the collector distributor road that could provide access on the east side and not require the acquisition of any privately owned property, are based on the concepts discussed with DelDOT.

The other option is the reconfiguration of the interchange that would provide northbound Route 1 access onto and off the commercial property without acquiring any private property. The Route 1 southbound access would need to be considered requiring a lane behind Meadows at Shawnee and a crossover to get to the property.

Mr. Schmidt feels that is the only one he can really see that would potentially require the acquisition of private property and something the developer would have to deal with. He noted that the developer does not have the right to condemnation. Councilman Campbell asked where the Meadows at Shawnee fit into this scenario. Mr. Schmidt said that is the only development he would be concerned about if a southbound ramp was needed to exit. If they were unable to do that, the developer would have to decide if this could be done without Route 1 southbound access directly onto the site. In that situation, vehicles would have to travel to the Route 30 interchange, exit, come back and cross over.

Mr. Griffin stated that according to the procedures explained by the City Solicitor, the applicant has no right of rebuttal after the people speak in opposition of this amendment. Therefore, he wants to make some remarks to try and summarize what has been presented.

Mr. Rutt then explained that everyone will have an opportunity to speak even if the hearing lasts until 1:00 a.m.

Mr. Griffin then asked Council not to make a snap decision on this. He said there is a lot of information that needs to be considered. He referenced his earlier comment about the State law that states Councils' decision should be for the benefit of its residents. He explained that he was in no way being critical of people who do not live in the City but only informing Council what the law says.

Mr. Griffin asked that Council consider deferring the decision considering all the issues and comments and what would be to the best interest of the City and its residents. They are asking Council to decide differently from the recommendation of the Planning Commission and are asking Council to approve the amendments to the 2011 Master Plan that would designate two properties–the 70 acres Mr. Wiggles property and the 40-acre Thawley property to have the land uses they had until 2011.

He asked other people who were present to speak in favor of this amendment.

Solicitor Rutt noted that Mr. Griffin provided two documents. One being the petition he presented and one document from KLBN Retail which become part of the record.

Mayor Shupe then asked for anyone wishing to speak in favor of the application to come forward. No one responded. Mayor Shupe repeated the request for anyone in favor of the amendment to come to the podium.

Henry Lacaillade of 4402 Fullerton Court, Hearthstone Manor, stated he is in favor of the plan being returned to what it should have been in 2011. He said this could be an opportunity missed for potential income into the City of Milford. He said the City of Milford should consider themselves, first and foremost.

No other person responded to speak in favor of the amendment.

Mayor Shupe then stated Council will now hear testimony from those persons opposed to the application.

Mr. Ken Naegeli of 20949 Surrey Court stated the following:

We moved down here four years ago from Pennsylvania. When anyone asks them where we live, we say we live in Milford, Delaware. My nephew is a junior college soccer coach and I got him a player from Milford High School. We pay taxes to Milford School District and just got a tax increase probably for higher than most people in Milford because of the property values in this development. We have put a lot of money into our properties even though we are not rich by any means. We did things frugally during our lifetime and this was a good place to bring our grandchildren who visit Grampy and Grammy a lot more because we are down by the ocean and were fortunate to be able to afford it.

We are very close to Milford and we go to church in Milford and we buy everything in Milford and the same applies to everyone in our development. We don't go to Lewes or Dover and instead we choose to shop, eat and get our cars fixed in Milford and just support the community of Milford. We hire a plumber and other repair people from Milford. I believe in supporting the local community. For that gentleman to slyly say that we are outside the City limits and Council needs to do this for Milford residents. Well guess what? We are Milford and I don't like that at all.

The gentleman talked about Thawley Lane. He said we are going to cede access to Thawley Lane. This is a private development and we have rules in our development and he cannot just say he is going to cede access and we won't allow access to that. We can change our bylaws and somewhat shut if off if we want to. He does not know where he is coming from to be able to do this because commercial traffic has no relevance there.

Down the road, if Milford ever wants to annex Knollac Acres, we are a private development and have rules. We don't want that to happen because we don't want to change and make our happy people unhappy. DelDOT at the meeting the other

night, suggested no related access from Route 1. They did not say it was impossible but said that they would not suggest it at all. The Planning Commission at length not only voted against it, but talked quite a bit before they voted no. They talked about safety. There are safety issues with any kind of commercial development. If they wanted to, they could go with the conditional uses for special requirements. They could put a methadone clinic in there if they really wanted. This is something we are concerned with.

The planning commission voted unanimously to keep the zoning on the three parcels on east of Route 1. They referenced a commercially approved area on Route 1 adjacent to the new hospital and suggested that site. Safety issues were brought up by the Planning Commission relating to future mission statements for the City of Milford. This was the current mission statement they somewhat adopted and is the direction they wanted to go. Many times in that process they mentioned safety. We don't have protection from the Milford Police Department and have to go through the State Police. If you were living in that development and I ask you, would you want this to happen to you? Would you be comfortable with it? Because you could very well end up in that situation too.

What we have is the State Police and their response time. We had an alarm go off at the house and it took the State Police 2½ hours to show up. If someone is coming through our development that is a problem because increased crime is always an issue with commercial. Do you want the increased crime on the perimeter of your City and a little further away from your downtown? I do not think so. That should be a major issue.

If someone is stealing something or shoplifting and running or driving through our area and through our yards because someone is chasing them, they could potentially get into our house with a gun and we could do nothing about it. There is a lot just on the mind play and psych issues involved with this plan. There is a lot of anxiety.

The valuation lost to our homes is an automatic. We had a developer who abandoned our development and nothing was being done. I was trying to get the community going and I used to cut the community grass that was supposed to be handled by the developer. We were going to get the potholes fixed because we wanted people to come and invest into this community. It is a very nice community and we were at that point when a new developer finally came in and did that. The main reason he did that is because the hospital will be built and he sees the potential and wants to make some money. He is building some nice houses and we are meeting with him on Thursday.

There will also be major increases in noise and light pollution to the community which is inherent with any commercial project. There is the probability of increasing crime to our community and to the City of Milford itself. It will require the Milford Police Department to go on the east side of Route 1 which will take them away from other areas. It is not a quick and easy access for them from the west side of Route 1.

We had no advance warning of development by the developers and absolutely zero communication. I respect the Hearthstone Manor residents, who at the Planning Commission meeting, spoke against this development. The previous gentleman talked about 24 emails he received in favor of it and that he had only received one against it. Basically the other residents said we thought it was a joke and don't want to get involved but most of the people in that area don't want it. I am sure there will be people here tonight from Hearthstone that will speak against it.

They were asked to poll the Hearthstone residents to ask what type of stores they would want. As noted by the people speaking for the Fannins, nobody asked anyone east of Route 1 and this will be beside us. Why was that? There is no known plan as to what will go onto the land and it is somewhat subjective at this point. Once you get the approval, they can more or less do what they want with it. It will eventually receive some kind of approval.

Our development is a private development and the State would not take over the roads. If this is developed commercially, it will stop houses from being built and people will not want to live next door to a big shopping area. We will never get to the point where the State will take the road maintenance over and now the development has to deal with doing it ourselves.

There is also a fiduciary responsibility relating to the Thawley commitment and I believe there was something in writing that says she has to look out for the well being of the Knollac Acres development and homeowners. I think we have a legal issue and will look into that and whether it can be purchased for a commercial use.

I ask you to consider living in Knollac Acres and how you would feel about this intrusion. There are a lot of areas on Route 113 that could be developed and other areas around Milford that would not have this kind of impact to the surrounding residential areas. This is not just Knollac Acres but includes the houses on Bucks Road, Cedar Neck Road and other areas. There are a lot of people here from those areas. Many of these people have lived there a lot longer that I have and some have lived in this area fifty and sixty years. Could they be displaced? Sure.

One person said that cars travel 70 miles an hour on the flyover exit and he has got to be kidding. That exit has a 90-degree turn and if you were going 70 miles an hour you would be up in the air traveling off of it. You might pick up speed when you come off the ramp and enter Alternate Route 1, but definitely not when you exit on Route 1.

The attorney mentioned the comments from the Office of State Planning from December 2015 to September 2016. There was no need to mention it again. It was already stated and nothing changed.

Thank you very much. I appreciate your time.

Debbie Campbell of 103 Hickory Branch Court, Hearthstone Manor, provided the following statement:

I reiterated everything that Mr. Naegeli stated including the quality of life issues. A lot of the things presented tonight I don't need to reinforce because everyone has heard the proposals as far as the details on how it will impact this area. The thing I want to say is I moved here almost ten years ago from upstate New York. Basically I moved here for quality of life. I came by myself and I have no family here. I used to vacation here and actually started to look in Lewes and Rehoboth and loved it there. I came up here and this was where I wanted to be immediately. I seriously researched for almost two years before I bought a home here. I feel a bit betrayed because I bought my home from Country Life Homes and I expected to live in the country. I have cow fields down the road from me and it smells like the country and I love it.

The culture in the area I love. We have yards, we have music and we have a theater in town. We have stores. I tell all of my family that everything I want is seven minutes from home. If I need something that is not in town or if I am shopping for a wedding, I can go north to Dover in thirty minutes or thirty minutes south to Rehoboth. But I don't want to live in those places. I want to live here and I want to live in the country and have the life that Milford offered us. It somewhat upsets me that the applicant is someone that sold my home and that was my expectation to live here. When I mentioned upstate New York where I came from, I lived about 80 miles north of New York City. After 9-11, New York City just exploded into my area and I don't even recognize it today and I seriously mean that. It is now elevated highways and a new shopping mall. What happened? Not only the old downtown but even the downtown of the seventy's, which was somewhat like we have on Route 113, all died. Everything moved to another area and all the businesses that previously had supported the area where I lived, went away or became empty buildings or warehouses. So we got nothing from it. Before everything was invaded, there was a ten minute ride to my local hospital. Where I worked, now takes a half hour to forty-five minutes at night because of having to sit through all the traffic lights. I do not want that here and I do not think most of us want that. The convenience of shopping is here and available.

I am all in favor in change. I think change is good but it has to be well planned and well thought out and just as important, it has to be welcomed. I do not think that most of us welcome this kind of change.

It is sad when someone buys property and they cannot do with it what they want. But that property was purchased by the developer after the developer knew it was zoned residential. Those developments are all in place and I suspect that part of why that zoning may have changed is because of all the residential development in that area. It is not that we have no commercial property available for development. If those properties have already been improved, then that is part of the City's master plan and that is where the future development should go. I do not think we should be turning property that is in the middle of a big residential area and is going to impact the country roads. I think the hospital will already change a lot of the area where we live. My back yard is Wilkins Road and that is something we will have to deal with. But to throw a major shopping mecca in the middle will bring people from all over and through our town to get to it. I just think this is not meeting the dreams of the people who live here. Thank you.

Komba Kpakiwa of 30063 Stage Coach Circle, Milford provided the following statement:

Could I please ask the planner to bring back the pictures from the area I live?

Ladies and gentleman, I live in this neighborhood and my lot is right there. You can see what they are trying to ask for and the zoning change. I have to tell you one thing before I proceed. If you look at the house, it currently sits on a farm. The farmer has a requirement to have a buffer between my property and the farm. Guess what? When I moved there in 2007 and bought the property, there was a buffer between my house which was larger than you can find today. Guess what they did? They said according to County law, he had the right to take 132 feet of my land to meet the zoning requirement for the farm.

I will be making some comments here but this reminds me of something. You see everyone sitting here? Anybody who is familiar with the comprehensive plan knows it is nothing more than something we can imagine we would want to be like in five years, ten years or twenty years. That is why anybody who is familiar with comprehensive planning or economic development planning, has a temporary limit on describing what they are going to do.

In 2007, we made sure that the land that was adjacent to mine was zoned R-1 residential. That made my wife and me to invest every penny we had in Delaware after 32 years of work with the State of Pennsylvania. I had a lady that said she did her research. My background is planning, policy. If I came down here, not only did I want to know what the City looks like, I wanted to know from the FBI statistics and where I should live. At that point, I didn't have any problem. Milford became my home and I moved here.

Now you want to change the land use. Why do you need to change it? It was changed to R-1 and the comprehensive plan says that in the future there would be no commercial on that side of Route 1. What changed? I know what changed. Somebody sold the commercial area which is the land that we are all happy about having a hospital there and love it. I don't have to go to Baltimore, don't have to go all the way up north to the hospital or back to Hyattsville to find a doctor. That is wonderful and I am going to be near a hospital.

To be fair with you, I am not here to tell you about the impact of the hospital and the potential impact on the economy and currently my land. Anybody who is coming here with planning has to tell you if they are honest. Just like a realtor says location, location, value. When I bought my house in 2007, in fact that was before the market went down, it was valued at more than $700,000 and has 5,200 square feet, sits on 1.025 acres because I love the country. When I was in Harrisburg between Hershey, I lived on 3.5 acres. When I decided to come down here, I liked to live somewhere that I can eat my spaghetti and my neighbors are not going to smell it. Seriously. So I decided to move there. Milford was perfect for me. But now what you are trying to do to me, if you look at what I just showed you, and the current value of my land will go way down. Which means you are basically telling me that you should call me and ask to rezone my property commercial. That way I can keep the value. But I know you guys are too busy.

A few things for discussion. I have already told you about the comprehensive plan. There was a comment about residents and non-residents of Milford. I kept looking at you guys and somebody probably put a big smile on your face. What are you talking about? You are a lawyer. In this country, the way to happiness is through the constitution and you know what it says? Liberty, freedom, justice. He did not care what his client was going to do to us. That is not representative of what you and I believe of that constitution.

I can stand here and say the constitution will let me sue them. Take them to court. But you and I know, the most explicit thing to do in this country, even though the constitution guarantees that I can sue you, is the cost of suing you won't stop me from taking anything from you. So if you are big enough and have enough money, you can walk all over me. I will probably go back and sit in my house and start crying. I don't have money. But you can protect the little guy and I don't have money to take Key Properties on.

At this point, you can prevail just like the Planning Commission did. They talked about the adverse impact on our properties and our quality of life. I think you see the quality of life. I thought the comprehensive plan was supposed to maintain that.

Are we forgetting? I recall I told you I came here for quality of life. Why would you entertain the thought and indiscretion about calling me 'not in Milford'? My taxes just went up almost $900. You tell me why I pay my money. I am not a kid. I am 71 years old. I know people that live in Hyattsville but it's cheaper to pay my taxes here. Could the gentleman really

consciously think in the context of this great country, then turn around and tell me that I am not from Milford? Guess what? You cannot take my land without due process. Even if you were to say you want my land for public use, we have to bargain. That commercial land will devalue my property. If Key Properties wants to buy up this place, they need to work it. He is a guy with a deep pocket. Buy all of these properties then we will see. Buy them all. Go for them. Then we are out. But don't ask these honorable people to cover your responsibility.

Yes, we love business. But I don't think business should be an inconvenience to us or destroy us, when we are too old or could die. I am 71 and I don't have any more money. I live on a fixed income. The last time the Planning Commission talked about the income impact and we all sat down here and listened to a lecture about impact and businesses. Is the gentleman aware of the facts that some of us have done this before? What information Key Properties presented to you here should be resolved by site analysis.

The gentleman who came from Maryland to talk about the economic impact on the City forgot that people live in the City. You have to stop it. If your conscience says no, you should support the Planning Commission.

Finally, I know we don't have time but I am going to end this by explaining this to you or at least making sure you understand where I'm coming from. One more time. In this great country of ours, the way to happiness is through happiness. Liberty is freedom. Liberty and justice for all. You will not be doing us justice if you allow this to go ahead. You already know, the State agency has said no. It does not take into account the comprehensive plan because he forgot to make the transportation analysis. Do you have anything in front of you? Anybody? I don't think so. All they can say is --here's a big shopping plan. We have this honorable guy from Maryland who is going to make this wonderful place. Someone asked how fast would you be exiting from the highway into that development. No, he is not a transportation analyst. And if you look at the engineer, he came theoretically. You are dealing with people's lives, not theory. I am asking you one more time. Like your Planning Commission said, that project is a no go. Please save us and keep us happy. That is what the constitution says. Thank you.

Bill McTheny of 5567 Bucks Road stated the following:

I am very concerned about both sides of the project. I don't know how many of you have been on Bucks Road. But let's face it, those roads are very narrow. When they were built, they were literally farm roads. I had an opportunity the last time when Bucks Road and Sapp Road were repaved, to talk with the supervisor. In the conversation I had with him, he said these roads are too narrow. Ideally, they should be at least a foot or two feet wider than they were built.

Traffic out there even now is horrendous. There are people that drive up and down that road 45 to 50 miles an hour. There are a number of people in that area, including me, that walk our dogs, we walk, we run, we ride our bicycles in those areas. That is a gift to me.

The other factor is years ago, when DelDOT closed off both sides of Beaver Dam Road and the side east of Route 1, it was my understanding the reason they did that is because they wanted to make Route 1 as limited an access to the highway as they could for beach traffic and all other traffic. If you have stood out there on Sunday afternoon watching the traffic going north, it can be horrendous.

My understanding is that when it was closed, DelDOT intended to make it as limited an access as they possibly could. If any of the projects go forward, it seems like it would be reversing what DelDOT has intended this to be for all of those years.

Those are the two reasons I am very, very opposed to this. I am concerned about the impact to my side as well as the other side. I am afraid the quality of life would just go down hill tremendously if these projects move forward.

Norman L Wilfong of 5396 Bucks Road stated the following:

The other people have done all the complaining I wanted to say. The only thing I want to add is the property is not in the City limits. We are thankful for that. They told me when I bought that property from the State that they would not annex that area. They have annexed in the area and right in the front on my road but the property we own is not in the City. And we are thankful because of the recent tax increase as a result of Milford School District. So we cannot afford to pay any

more property taxes.

The roads are not adequate to accommodate more traffic. We have too much traffic now with Knollac Acres and the apartment house that is there now.

They had to have a reason for DelDOT not to want any commercial property to have access off Route 1. When he bought his property, they told him that no commercial would be allowed east of Route 1. They had reasons because there are all kinds of commercial developments in Milford. Anything you want, you can get there. I can't see any reason to have a commercial development in this area with all the children out there who will be jeopardized by all the additional traffic.

As far as the road, they have never been blacktopped. DelDOT put stone down and sprinkled a little oil on top and that is what the road is made of. How in the heck are you going to have big tractor trailers coming in there and running up and down the road? They will demolish the roads.

I have been in construction all my life. These engineers will do anything to make a dollar.

That one councilman has my respect for asking all those questions. Nobody else has sense enough to do that.

Sara Donald of 38 Lexington Drive, Shawnee Acres, stated the following:

I want to acknowledge what everyone else has said. I don't want to take up too much time because it is late. I found some things really interesting tonight. I have voiced a lot of my concerns about living in Shawnee Acres and things that were done with the Hearthstone Community by this developer that were not done the way they were supposed to be done. The land was attempted to be taken from people in Shawnee Acres because the buffer zones weren't allowed and there were other issues. I am not sure all of that is in the minutes but it is concerning. I do think that is going to happen with Knollac Acres residents and I do think that the overpass being turned into a flyover will be a concern for the Meadows at Shawnee residents. To listen to a developer with a prior history of not completing things the way it was supposed to be done is something that should be taken into consideration.

The other interesting thing is that Mr. Mueller is from Bel Air, Maryland where I grew up. I lived right across the street from him on Hunters Drive and my sister lived in Point to Point Square. I don't know if he was involved in any of the development that occurred in Bel Air, but I lived there twenty years ago and go back multiple times every year. And I cannot stand the traffic.

My grandfather owned a little car dealership called Luby Chevrolet. It was a place where my dad grew up. Everyone knew everyone. It was a lot like Milford. You went to the same family restaurants. We all go to Abbotts and Arenas. I saw the Mayor at the International Food Festival last week in the park. Those things do not happen when you bring in retail or commercial space like is being considered. We don't need a Cheddar's but we still need Abbotts. We don't need a Lowes because we go to Ace Hardware and we can travel if we need something bigger. Losing those little family places and the people is what is going to happen. Though we may not technically live in the City limits, my kids go to school in the same place that City Councils' kids go to school. They don't know or care if I pay the same taxes you do. It doesn't matter. Milford is a family regardless of your tax situation.

I think we really need to remember that when we make these decisions, we are going to impact future generations. Do you want them to grow up in a place like downtown Wilmington, Dover or Bel Air as it exists today? Or do we want them to grow up in the Milford that we all know and love where we can go to Irish Rose and get cool Christmas presents for someone and where we know the shop owner? Where we do the Holiday Stroll and we all see each other and know who everybody is. We are supporting local business and I find it really interesting the City brought in a consulting firm to discuss what we need to do to revitalize our downtown. And the meeting before the last hearing was about what was needed to make this a more attractive place and a better family place and a place that doesn't have empty retail downtown. On the other hand we want to create more highway commercial and take all that business away from those businesses downtown.

It does not make sense. If you bringing in a firm and you decide to change the zoning, then you might as well let them go. It is just an oxymoron. I just want you to remember the Milford that we live in and what it could become if Council approves

this change.

Joanne Burbage of 32 Hidden Meadows Terrace, Milford stated the following:

I have been a resident of Delaware for 72 years, 42 of which have been spent in Milford. First we lived in Woodshaven, then on a small poultry farm, I raised my children here and who are all grown, then I retired and we now live in Hidden Meadows. My children attended Avenue Church Preschool, attended Milford Public Schools where they graduated. They went to college and I have great gratitude to the Milford School District, their coaches and the roots of Milford. I think that is part of the legacy and the heritage that we have here in Milford.

Also, I would like to ask a quick question. Can you tell me the population as listed in the City of Milford versus the population of the Greater Milford area? In the reports, projects and places we have been, there are two statistics and I have a reason for asking that.

Mayor Shupe said the population is just under 10,000 in the City limits and anticipates the Greater Milford area to be approximately 25,000 which includes City of Milford residents.

Ms. Burbage continued by stating:

The first time I experienced the people of Milford, and not just the City, but the countryside and contiguous beaches, and there was a vote to preserve the areas of Milford including the marshes, the beaches and farmlands east of Route 1. Back in the 60s, there was a proposal for wind-powered turbines and offshore oil facilities along the coastal beaches like Slaughter Beach. The City people of Milford rejected it. I was not a resident at the time but was here teaching a night course at Milford High School in archeology and was with the Archeological Board of Delaware. The people of Milford welcomed us, opened their farms for excavation and gave us a preview of the artifactual collections. All the excavations and artifacts provided great information of the history of Milford and the State of Delaware. It was then provided to the Smithsonian. But all these people spoke at that time. There was a petition and the project was rejected and the outcome was there would be no commercialization east of Route 1.

The people understood that we are more than just the City and all the outlying areas including the farms, coast and wetlands and we just don't have the Delaware Bay, but instead go all the way to the Chesapeake Bay.

Every Native and Aboriginal who was transported through here knows that process and we know it too. It is not just what we do here, but it connects and touches everyone.

In the 1960s, Milford was ahead of everyone. Then in the 1970's, the Coastal Zone Act was enacted. The first sentence of the Coastal Zone Act says "It is hereby determined that the Coastal Areas of Delaware are most critical for the future of this State in terms of the quality of life."

That is what resonated through the last meeting here and all the conversations that Milford cares and has a heritage which is something they want to preserve, protect and pass on.

Consider Route 1 and the east side and the west side. The requested zoning for the approximately 120 acres of commercialization east of Route 1 is in an area that if you went from Route 1 and 113 at the north end of Milford, to Nassau straight down linear miles would be about 20 miles. There is no heavy commercialization along that strip. What is east of Route 1 is 50,000 acres of the Delaware Bay, Milford Neck Wildlife area, woods, fields, DuPont Nature Center, wetlands, Marvel Preserve at Slaughter Beach, farms, golf course, residences, Prime Hook Wildlife Refuge, Fowler Beach, Shorts Beach, Broadkill Beach and Rum Island Nature Preserve. These are things east of Route 1. To put a spot commercial 120-acre development within that 50,000 acres of farmland, residential and wetlands is contrary to every principal the people for Milford rejected fifty years ago. Milford has been very wise in trying to zone commercially and zone historically with preservation in mind. I feel they have done a wonderful job and it is now the responsibility of the people of Milford and our planners to respect that.

There is adequate commercial property available in other places and Key properties probably has other lands they can develop

commercially. Commercial on the west side perhaps should be considered. But on the east side in the coastal zone area does not seem appropriate. It is possible they are not aware of the history that Milford has had in preserving and protecting and even going ahead of the State in preserving this area. It is very possible they do not understand that is a legacy of Milford and they might not understand the environmental impact. It is very possible they could consider alternatives to their zoning requests and embrace and contribute and support the stewardship and guardianship east of State Route 1 to the bay. Thank you very much.

Angela Muncie of 30036 Stage Coach Circle, Knollac Acres stated as follows:

When my family moved to Knollac Acres seven years ago, there were few children in our neighborhood. But I had hoped for a thriving community. Today that wish has come true. There are more than fifty children in Knollac Acres with the majority between the ages of 6 to 12. That number is growing because of U&I Builders who is building many new homes in our neighborhood. Our children run from yard to yard, riding bikes throughout our development. Many of these people live in Knollac Acres and know my family is seen walking around the neighborhood every night with my dogs, my children and my baby stroller. It is our modern day Mayberry. I stand here today and ask you to vote against this plan for us because it butts up against our development and there is absolutely no buffer as Mr. Komba says between the farm and our community.

For decades, concerns over residential market impacts from commercial land uses have been discussed in a wide array of academic literature and political debates and agendas such as this. The potential negative spillover effects are the primary rationale for zoning in many American cities is an effort to protect the residential neighborhoods such as ours from noise pollution, traffic, excessive night lighting and aesthetic deterioration. We ask that you follow the same sound judgment of many cities before you that have encountered the same dilemma. With the addition of the new hospital, there is a growing need for nearby residential neighborhoods who can meet the needs of the new doctors, nurses and medical staff moving to this area. Knollac Acres is one of these communities. Please don't risk the safety and welling being of our children, a growing number of fifty children, by bringing into our front yards a commercial development. Help us keep our Mayberry.

Mr. Griffin says the people that are outside the City limits don't matter. If that is true, who is fighting for us and who is going to be our voice. My children go to Lulu Ross School and I am a member of the PTP and I promote this town's events to the 150 members of my Mom's Club of Coastal Delaware. I shop locally and I think my money and I think my family matters. I think the people in this room and their discretionary income matters too. I hope you feel the same. Thank you.

Kathy Stetson of 147 Hickory Branch Court, Hearthstone Manor stated the following:

I am a fairly new resident in Milford and I concur with the testimony that was previously mentioned. I want to remind the Council that good planning must consider adjacent uses and buffers even if the occupants aren't residents of the City. Buffer zones in planning are vital. One usually does not put commercial uses right next to low density. It is usually buffered up to even medium density, higher density, residential uses and on up. A commercial development is going to have a very big impact. If you look at the map, it creates this designation and would create an island of commercial zoning in a sea of residential zoning which does not make sense from a planning perspective.

I thought it was interesting that the zoning of these properties were designated as low density at the time the current owner purchased the property. He presumably understood what that meant and the limitations on what type development could be done. If you look at the map, that whole area could be residential which makes much more sense and there would be much less impact to the current development that exists there. Someone mentioned that the new hospital will require some places for these people to live. It seems like there is a market there. Now is the time to protect this property before it goes any further. I think that in 2011 when the designation was changed, it seemed like that was a good decision.

Chad Roberts of 20951 Surrey Court, Knollac Acres stated as follows:

One of the Councilmembers asked how close the road would be and that answer is 15 feet, which is just about as close as you and I are. That is how close the road would be if it came through that development. I agree with the quality of life concerns that everyone has stated. I love Knollac Acres and I love Milford and I have lived here longer than I have anywhere else during my life.

I just want to reiterate a couple of things. The 2011 decision to reverse that future land use back to R1 residential seems like the logical thing to do. Back before then when development was going buck wild, it could have been a good idea to make that commercial. But if you look at the map like Ms. Stetson just stated, it makes perfect sense for that land to stay residential. I am personally for development and I talked to the City Planner at the meeting a couple weeks ago and yes, I am dying for a movie theater. I am not against development and if I was against development, I would not be living in Knollac Acres but instead would still be living in the house that was taken from us for the Route 30 overpass.

We were not forced to move from that property, but volunteered to go early. We specifically picked Knollac Acres because it is on the east side of Route 1 where we were assured that no commercial development would ever happen. That is the reason we moved there.

There was some mention of complimentary commercial areas for the hospital. I am looking at a map now and I see a gigantic red piece of C-3 property right next to the hospital. That seems like a pretty easy place to put those needs instead of way on the other side of Route 1 where you will have all kinds of issues getting to and from it.

One other quick thing. I was also talking to Mr. Pierce about the thru way on Thawley Lane because I was one of the ones that was very concerned about that. I understand the deeded access is restricted to R1 which means it is conditionally deeded to residential. They are ceding something or giving away something that is not theirs to give.

Tom Chilton of 38 Meadow Lark Drive, Milford, stated the following:

I live at the Meadows at Shawnee that is right across from the property proposed to be zoned commercial. I am extremely worried about the drainage in the area of the Meadows at Shawnee. A few weeks ago we had a major rain and water filled up both ponds and it was basically flowing directly from the farm and across Route 1, through our development and partially next to my yard. When we had frozen weather like we did in the spring, there was a tremendous problem because the water had no place to go except right through all the properties.

I am very worried about drainage and just as worried about traffic. There are a lot of kids on the road, a lot of schools buses and I have no idea how they would make the traffic pattern re-circle back to Route 1 to this commercial property. I just don't understand how Council could even consider making that land commercial tonight without some sort of a site plan. These guys say the site plan will come, but some sort of a plan should be presented together to show how the traffic could be managed, how the drainage could be managed with engineered input. It could show where a bridge might be built.

I just don't know how this can even be considered at this point. Once this land is changed to commercial and all the arguments start about what goes here and there, it is pretty much a done deal as has been the case in the past.

I do not support making the land commercial.

Kay Webb of 5536 Cedar Neck Road stated the following:

I am a lifelong resident of Delaware of which 44 years have been spent in Milford. My husband and I have the Century Farm on Cedar Neck Road which runs down Sapp Road and Bucks Road. Our children are the fifth generation on our farm. At any given time, we have 300 to 400 beef animals on the farm. We raise grain and we have vegetables.

Mr. Griffin said there is City electric. We are City of Milford electric and have three electric meters on our farm. One for just our grain tanks so you can imagine what we pay the City of Milford. I agree with everything that everyone else has said. I don't really need to go over it. I think Milford does need to preserve the farming aspect east of Route 1 which is called Cedar Neck. The City always said it was going to remain residential and farming. So I just ask you to reconsider and really think hard, but we are Delaware Century Farm and were one of the first ones in the State of Delaware to get that designation. Thank you.

Mayor Shupe asked to check for lobby area for anyone that wished to speak.

Karen Gillespie of 6552 Cedar Neck Road stated the following:

I agree with everything everyone has said. I am in their court. I want to bring out my background. My grandmother was Indian. She moved every two years. She has lived in just about every house in the City of Milford during the 1960's and 1970's. My dad took up that same trait and moved our family every two to three years. I have been to several schools in Milford, then we moved over the line and I ended in Milton. Then we moved into the Lake Forest School District. I made up my mind that when I got married and had kids, I wanted to go somewhere and stay. I did not want to move. When we built the house we built, we did that with the intention that we were going to stay there until we died.

We have been there since 2000 and wanted to buy the land that was next door to the property we were on. We were told by Mrs. Beverly Thawley that if we would move next door, she would take $1,500 off the price of the land. She said that land was going to be made a dead-end road and that there would never be another home beside us and there would never be anything built on that side of us. That is what she told us when we bought the land though all of that has changed now.
I was one of the advocates to try to get the bypass or intersection fixed because our first two to three years, we saw many accidents and deaths. The overpass built in front of our house has greatly changed our way of living. I am not as safe there with my grandchildren playing in the front yard and we have many people that come up to our home that don't belong there. It has just brought a lot more people and cars into this area. I do not feel as safe as I used to living there even though I don't regret that decision based on the number of people who were suffering from accidents and the number of people that were killed at that intersection. There wasn't one night I didn't worry about what was going to happen at that intersection until my kids were safe at home because I knew they had to cross that intersection. I don't know why we need a Lowes when I can be at Lowes in 20 minutes if I go north or 20 minutes if I go south. What is going to happen to 84 Lumber in Milford if Lowes comes here? I think if this is approved, we are going to see a lot of the area businesses suffer.

I may not be in City limits, but our land butts up against the property where they are planning to build and I believe that should be considered.

When the overpass was being built, it created damage to our home. And everyone walked away and no one would claim responsibility for it because they knew we did not have the money to fight them. My husband was recovering from a brain trauma injury and they knew that. I had a spider bite and almost lost my right leg and they knew that. But everyone walked away and we were unable to get any help with the house damage that was a result of the overpass construction. I don't think we could take a lot more construction next door to us and don't want to go through that again.

I agree with everyone's concerns and you see the representation that is here who are against it. No one is against the City of Milford and I have lived here since 1965 and have always supported the stores and businesses in this area. We raised our kids in this area and love this area.

I only ask that you vote for the people.

Bill Pfaffenhauser of 25 Goldenrod Circle, Milford stated as follows:

We should preface the concerns by keeping in mind the number of accidents that have occurred at the Route 1 and 206 intersection prior to the overpass and the results of those horrific accidents we all remember. We all like to beat up on DelDOT but the end results of their efforts speak for themselves by the life savings difference it has made for the residents east of Route 1. Going forward now that the overpass is complete would be a crime to even think about putting people's life and limbs in jeopardy again in that vicinity.

We have heard a lot of talk about how traffic could be routed into the area that is under consideration. As far as routing that traffic through residential areas, we have heard plenty of reasons from a road standpoint and how they were never built for commercial traffic to the impact that would have on people's property values and sanity.

That leaves the options of accessing by a collector distributor, or the modification to Route 1 flyover. Not having seen any proposed route for the collector distributor road, one can only conjure up images of lights on the east side of the Route 1/206 overpass and the resurgence of accidents we had at the intersection prior to the grade separation.

The problem with the lights is that it won't look and feel like what I thought the City seemed to want east of Route 1. As far as modifying the flyover, think of the issues raised with traffic coming from the south on Route 1. Residents east of Route

1will all converging at, or near the flyover ramp, in order to get into the commercial area or onto South Rehoboth Boulevard.

Imagine the confluence of moving vehicles during the holidays or Sunday-homebound summer traffic.

Furthermore, we have heard a lot about getting into the area. How are people going to get back onto Route 1? If it is going to be by a C-D road, we are we are back to the traffic light or intersection that was previously eliminated. If it is by the flyover solution, I can only imagine it would need to be directly onto Route 1 from the commercial area. If that is going to be anything like the entrance to Route 1 from the Royal Farms site that was built between NE Front Street and Tenth Street, it will surely end up being another death trap given the blind spot created by the curve the flyover is on.

In conclusion, have we as a community become so preoccupied with shopping and so tight on time that we cannot drive the ten minutes to take advantage of the shopping opportunities available to all of us west of Route 1? Is the land in question truly big enough for any kind of shopping complex per say and if not, are we looking at yet another strip mall when the ones we have in town are not full to capacity? Perhaps as part of the effort to re-energize Milford, the City needs to offer seminars helping us to adjust our lifestyles in order to enjoy that river town, art town and hometown feeling the City is promoting. Thank you.

Howard Webb of 5536 Cedar Neck Road, Milford stated the following:

I am a nonresident but I buy electric from the City and I feel fully engaged as a citizen of Milford. I would like to touch on three points.

Sixty-six years ago I started school here. The school bus route was Bucks Road. I think I am as familiar with Bucks Road as anyone here or possibly could be. The flyover bridge that is being discussed will not make any significant improvement. And I think the State has it right when it says there are significant access problems off Bucks Road.

The second thing is this developer did a good deed when he sold his commercial property for a new hospital. But he sold it at a profit. So we are not obligated to provide him C-3 on another property that will destroy our neighborhoods–yours or mine.

Third point is, if this was a good idea, in July of 2011, this Council unanimously approved a TDR program in southeast Milford. The area under consideration now was a sending area where they would have to buy the increased density. We are not talking about residential density tonight but we are certainly talking about density of atmosphere which is not much difference. Thank you.

Mr. Pasquale Visioli of 6294 Bucks Road, Milford stated the followed:

Everybody took the wind out of my sails. They covered everything I wanted to talk about. But I want to expand on something that Mr. Rutt spoke about earlier when he mentioned that Mr. Fannin sold the property to the hospital. Also, Mr. Griffin tonight, and last week, stated that Mr. Fannin had a dream for a regional shopping center. Well I am old school and I still read the paper and I didn't embrace the electronic age. I still read the paper, especially the business section. The so-called anchorage, Macys, Sears and JC Penney are all phasing down and some stores are being closed. So Mr. Fannin's dream regional shopping center, I think would have turned into a nightmare, if it wasn't for the hospital taking that land off of his hands.

Could I have the map back up please? If you put a legitimate service road through Mrs. Thawley's property, it will take up quite a bit of space and the only thing you will be left with is another strip mall in that section. We have five strip malls in Milford now and I don't think we need another strip mall. When we talk about a service road, are we talking about a legitimate service road or are we talking about two white lines down the middle of the parking lot? That is what we have at Milford Plaza where Peebles and Advance Auto is located. Just a traffic line being used to depict a road.

The other point I want to make is about the flyover. One of the flyovers that was discussed last week would be at the corner of where Bucks Road makes the sharp right turn at the point of the Mr. Wiggles property. That is the point where the City

of Milford Electric Department extends around and down Bucks Road and serves the front of approximately ten to eleven properties down Bucks Road.

Using Mr. Griffin's logic that you should only take care of people inside of your corporate lines, I am glad the City of Milford's electric department decided to come down Bucks Road and not ignore those residents because they are not inside City limits.

The other point I want to make is that Mr. Griffin said that Mr. Fannin is going to pay for all the utilities and whatever expenses are required. He is not doing that out of the bigness of his heart, because he is going to pass those expenses along to the tenants and someone else is going to pick up those costs. That will not be coming out of Mr. Fannin's pocket.

What I am asking you to do is think across the line and not just listen to Mr. Griffin. If you do, you will have to stop at the corporate line. He somewhat contradicts himself and in one sentence he is saying what you decide here tonight is for the benefit of the area and then he gets upset because 40 people last week who were opposed lived outside of the City limits. If he takes a head count tonight, he is really going to be upset. I ask you to use common sense and make the right decision. Thank you.

Lucius Webb of 20516 Sapp Road stated the following:

The reason why I am here tonight is to give you a perspective of a realtor and talk about the trend in retail and what kind of money does a developer really makes when they buy a property and then having it rezoned. I have great respect for Mr. Fannin's ability to make money. He buys a property like Mrs. Thawley's for about $15,000 an acre. Once it is rezoned, it is worth about $500,000 an acre. Pad sites are worth even more than that.

We can be enticed and say, well, we really need a Cheddars. If we really need a Cheddars, Mr. Silicato has sufficient space up by Grottos. We do not need a Cheddars in this area when we have much more appropriate land by Royal Farms and Grottos. Regarding the trends in retail, retail is really on the demise and most people are shopping on line and especially the younger people who have adapted technically.

We have some sadness in that retail front with Kmart and Sears' stores basically going out of business. Macy's is closing a hundred stores next year. Kmart is closing 78 stores; Ralph Lauren is closing 50 stores and Sports Authority is closing 400 stores. Walmart is closing 289 stores and it goes on and on. I have been working with developers trying to have a property rezoned and we are not getting there because the interest of retailers no longer exists. Milford does not have the economic base for the type of retailers they would really like to have as were once espoused by the sales staff at Hearthstone. People were told at one time when they walked in that there was going to be a Neiman Marcus where the hospital is now being built. Neiman Marcus would never think about coming to Milford. I could go on and on but I have great admiration for the Mayor and what this City Council is doing and their focus on downtown Milford. There is true promise for our community. Please stay focused. Thank you.

Tammy Sturgeon of 6246 Bucks Road. Milford stated the following:

I am probably the poor person on the block. I live right next door to the Wiggles Farm and I guess my concern is how are you guys going to protect me from big business. When I moved there, there were very few houses. The community has built up and it is a nice little community. When I walk, I see people walk their dogs and we all say hi to one another. It is just a very scary thing happening and I have to put my trust in you guys and hope you do the right thing by protecting me. Thank you.

Mayor Shupe asked if anyone else who wished to provide testimony in opposition of the application. No one responded.

The Mayor then asked if there is anyone else who would like to give testimony that are not opposed nor in support of the application. No one responded.

Mayor Shupe then asked for a show of hands for those in favor of the application. It was noted there were five people who raised their hand.

Mayor Shupe then asked for a show of hands of those persons who are opposed to the application. Solicitor Rutt counted 67 persons whose hands were raised in opposition.

Mayor Shupe stated that after hearing and accepting testimony from the applicant and representatives, those in favor of the change to the comprehensive plan and those opposed to the comprehensive plan, he closed the public comment portion of the meeting.

Solicitor Rutt asked to raise a point of order before the Council discussed the matter. He stated that under the City Code Section230-58(d), in the event there had been an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of three-fourths of City Council. He explained that since the City Planning Commission denied the application, to overturn their recommendation would require the affirmative vote of six members of City Council.

Mayor Shupe then provided City Council the opportunity to ask additional questions or to discuss the matter before them.

There being no comments or questions, Solicitor Rutt informed Council there are three options:

*Vote to deny the application;
*Vote to reverse the recommendation of the Planning Commission who recommended denial;
*Table the matter and consider it at a later date.

Councilwoman Peel then moved to deny the application, seconded by Councilman Campbell. Motion carried by the following 6-0 vote:

Councilmember Mergner stated as followed:

I vote to deny the application. It does not make sense and for me to sit here representing my ward which is Ward One who had a number of residents present tonight who were opposed and a lot of other residents who are not present. They have expressed their opinion by opposing the proposal to have this area be developed commercially. I am also in a younger area in my development where we do want change and I want change. I would not mind some commercial but it has to be in the right area and planned the right way. This area is not adequate for this type of development and many of the people are not in favor it because of safety issues, traffic issues and there was a little support so he does not support the application and votes to deny.

Councilmember Campbell stated as follows:

I also vote to deny the application mainly because of the situation with the developments and access roads and I think that being a representative of Ward One makes this a definite no in my eyes along with my constituents. Because of the comments from the State, the Planning Board recommendation and the red flags raised by the Planning Commissioners and being a former Commissioner, I feel it is important to support their concerns and recommendation.

Councilmember Peel states as follows:

I agree with what was mentioned and vote to deny the application on behalf of all the residents of Milford and those that are here and the concerns they have expressed tonight. Because we value their business, we value their citizenship and we want them to be a part of Milford and that to me, includes much more than the in-town area and I appreciate everyone being here to share those concerns.

Councilmember Brooks states as follows:

I vote to deny the amendment for the same reason Councilman Mergner, Councilman Campbell and Councilwoman Peel stated and also comments that DNREC made during the State planning process, as well as the safety concerns that have been mentioned. And I agree with the people there are problems with Bucks Road as was stated and I vote to deny it.

Councilmember Morrow states as follows:

I vote to deny the amendment based on the reasons stated by my other four colleagues and also based on the recommendation of the Planning Commission and feel it is very important to support their recommendation.

Councilmember Starling states as follows:

I vote to deny the amendment because of the reasons that have been stated by the residents who are here opposing it as well.

Mayor Shupe reported the motion to deny the proposed change to the comprehensive plan that is before City Council passed by a 6 to 0 vote of City Council.

There being no further business, Councilman Mergner moved to adjourn, seconded by Councilman Brooks. Motion carried.

The Public Hearing adjourned at 10:21 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Attachment:

Comp Plan Amendment Support/Petition

CITIZEN PETITION

THE UNDERSIGNED RESIDENT PROPERTY OWNERS OF THE CITY OF MILFORD RESPECTFULLY PRESENT THIS PETITION AND REQUEST THAT CITY COUNCIL REJECT THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION REGARDING PROPOSED CITY ORDINANCE 2016-17 AND REQUEST THAT COUNCIL VOTE IN FAVOR OF AMENDING THE 2011 S.E. MASTER PLAN AND THE 2008 MILFORD COMPREHENSIVE PLAN FOR THE AREA EAST OF ROUTE 1 TO CHANGE THE FUTURE LAND USE DESIGNATIONS FOR THE PROPERTIES KNOWN AS MR. WIGGLES, LLC (TAX PARCEL #3-30-22-056) AND THE FORMER BEV THAWLEY LANDS (TAX PARCELS #3-30-11-70 AND 70.03) FROM LOW DENSITY RESIDENTIAL (R-1) TO HIGHWAY COMMERCIAL (C-3).

SIGNATURE	MAILING ADDRESS
Carol Wilkins	608 New Street Milford, DE 19963
SIGNATURE	MAILING ADDRESS
	910 West Ln Milford, DE 19963
SIGNATURE	MAILING ADDRESS
	514 MATTHEWS CIRC. MILFORD, DE 19963
SIGNATURE	MAILING ADDRESS
	203 MATTHEWS CIR MILFORD, DE 19963
SIGNATURE	MAILING ADDRESS
	4803L Summerbrook Lane Milford, DE 19963
SIGNATURE	MAILING ADDRESS
	664 Milford Road
SIGNATURE	MAILING ADDRESS
	1 Rockers Dr Milford, DE 19963
SIGNATURE	MAILING ADDRESS
	10381 N. Old State Rd. Lincoln DE 19960
SIGNATURE	MAILING ADDRESS
	9008 Greentop Rd Lincoln DE 19960
SIGNATURE	MAILING ADDRESS
	424 S Walnut St
SIGNATURE	MAILING ADDRESS
	424 S Walnut St

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SIGNATURE	MAILING ADDRESS
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Nolan S Williams	111 BANKSDALE CT MILFORD, DE 19963
Debra L. Williams	111 Banksdale Ct. Milford, DE 19963
SIGNATURE	MAILING ADDRESS

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Gil Trani	707 cedarwood ct. milford
Carol Trani	707 Cedarwood ct milford

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Gerald Hoffman	3401 D. N Sagamore Dr Milford De. 19963
Terri Talbert	3401 C N SAGAMORE DR MILFORD DE 19963

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SIGNATURE	MAILING ADDRESS
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SIGNATURE	MAILING ADDRESS

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SIGNATURE Ruth Roach

MAILING ADDRESS 141 Hickory Branch Milford

SIGNATURE Connie A Winkler

MAILING ADDRESS 4201 D Fullerton Ct Milford, De 19963

SIGNATURE Don Roach

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SIGNATURE Kelli L Cain

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SIGNATURE	MAILING ADDRESS
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NANCY CARR	#1 LITTLE BIRCH DRIVE MILFORD DEL. HEARTHSTONE MANOR
Charles Gindrick	5 Little Birch DR
Jacquelyn Gindrick	5 Little Birch Dr Milford

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SIGNATURE	MAILING ADDRESS
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SIGNATURE	MAILING ADDRESS
Linda Kozlowski	36 Clearview Drive Milford, De. 19963
SIGNATURE	MAILING ADDRESS
Gary L Thompson	34 CLEARVIEW DR MILFORD, DE 19963
SIGNATURE	MAILING ADDRESS
Martha Clad-Thompson	34 Clearview Dr Milford, DE 19963

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 7, 2016

A Meeting of the Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, November 7, 2016.

PRESIDING: Public Works Committee Chairman Owen Brooks Jr.

IN ATTENDANCE: Committee Members:
Councilmembers Lisa Ingram Peel & Douglas Morrow

Mayor Bryan Shupe

City Manager Eric Norenberg and City Clerk Terri Hudson

Chairman Brooks called the Committee Meeting to order at 5:33 p.m.

City Manager Norenberg turned the meeting over to Public Works Director Mark Whitfield.

Purchase Recommendation/Sewer Jet Vacuum Truck

Mr. Whitfield recalled that for the past three years, City Council has authorized $130,000 be set aside in the sewer and water funds for the purchase of a replacement sewer jet vacuum truck. The truck is used for sanitary sewer, manholes and lines. It is also used at the pump station and the vacuum part is used once everything is removed from the lines. Any dirt and debris and gravel is vacuumed up and disposed of.

The Public Works Director hopes to use the truck on a regular rotation to clean lines which is something that has not been done by the City in the past. That is a program he is planning to implement to help reduce the potential for sewage clogs, particularly in basements.

The quote came in for a dual axle Vactor truck at $378,647. Over the past three years, $390,000 was budgeted and set aside for this purchase making this it under budget.

Mr. Whitfield is asking the Committee to make a recommendation to City Council to authorize the purchase through the NJPA National Contract.

Chairman Brooks wants it clear that even though this was special ordered, it does not have to be bid.

City Manager Norenberg recalled that Council has discussed using the National Joint Powers Alliance, which is essentially the same process as the State of Delaware contracting purchasing to prevent bidding the truck out. Chairman Brooks said he thought so and wanted the public to know that.

Councilmember Peel moved to recommend the purchase of a Vactor truck, with the specifications as presented in the meeting packet, in the amount of $378,647 through the NJPA contract, seconded by Councilmember Morrow. Motion carried.

Update/Airport Road Project

PE Jason Loar of Davis, Bowen and Friedel, stated that other than the survey has been completed and is proceeding with the detailed design. They hope to be able to meet Public Works Director Whitfield on site to confirm the preliminary design so that the bid can be ready by the end of December/first of January.

Mr. Norenberg added that in the past week, there has been a legal hurdle based on the interpretation of the language in the bond bill. If the City proceeds at this point, prevailing wages would apply based on the fact there is state money involved. Initially everyone understood the language; however, the epilogue has created a need for a legal opinion.

As a result, the bond bill will need to be amended in January even though some municipalities are moving ahead with their prevailing wage projects because of the urgency to complete and the small impact. However, considering the size of the Airport Road project could add another $200,000 to $300,000. Though it may delay the overall project by a month or so, it was agreed to wait until the legislature had an opportunity to correct the language. Instead of bidding in early January, we may be in the situation of waiting to bid until early February.

Mayor Shupe and the City Manager met with Senator Simpson and Representative Kenton on Wednesday who are both committed to getting this fixed in early January.

Update/Recycling Grant

Mr. Whitfield then discussed two different recycling grants.

The City received notice we were awarded a portion of the grant he talked about at the last Public Works Committee Meeting in which $138,000 was requested and the City was awarded $83,622. Not funded were the readers that track the containers' serial numbers and the software that maintain the database where the information is downloaded and stored. However, the serial numbers that will be installed on the containers are being funded.

As a result, he is considering budgeting the unfunded items in the next fiscal year. He plans to place the readers on the new trucks at the time they are purchased so that they are ready at the point the system is operational. The cost of each reader is approximately $7,000 or a total of $21,000 for all three. His recommendation is to add the reader when a new truck is purchased making its overall cost $7,000 higher.

The software was estimated at $35,000 for the three-year period. Amortized, it is roughly $7,000 per year.

In addition to providing customer information, it will help the City track its assets in terms of the number and locations of its containers.

That grant agreement has not yet been received though we are in receipt of the Notice of Award.

The second grant is for the purchase of recycling containers in the downtown park areas. The City had requested a grant for both recycling and refuse containers in the amount of $84,000. However, we only received funding for the recycling containers or half of the request.

As spring approaches, Mr. Whitfield hopes to use other savings in the refuse fund to purchase the other containers.

Mayor Shupe is concerned of the more than $40,0000 cost to track our containers. He understands that we want to encourage increased recycling in order to reduce the tonnage of our refuse costs. He asked if we can get an opinion on how much that tracking will impact recycling versus paying more than $40,000 to get this system in place.

Councilman Morrow pointed out that we are receiving $83,622 through the grant and feels that would be difficult to turndown.

When asked if not purchasing the readers and software will disqualify the City from receiving the additional grant money, Mr. Whitfield stated no. The decision to purchase the readers and software can come at a later date.

Councilmember Peel asked the benefit of the software other than the database of tracking. Mr. Whitfield said it will provide how often a customer recycles, how much is recycled, knowing the location of each of our containers and how often each container is being collected. Any violation can be immediately handled electronically verus having to write it on a piece of paper and taking that information back to public works.

Councilman Brooks asked if we need to know how much each customer is putting out; the Public Works Director feels it is helpful to know where there may or may not be issues. For example, a customer who has a 90-gallon container versus a 35-gallon container versus what is being put out. When reviewing the number of customers that Milford has, our crews are not collecting the same number of containers which means not everyone is putting out trash out on a weekly basis.

Councilman Brooks said he only put out one bag today because that is all the trash he had. He also did not feel like pushing his container out to the sidewalk. When asked if the crews picked it up the loose bag, he confirmed they did.

Councilmember Morrow noted that we are not making a decision tonight and this will allow us to think about it before City Council makes that decision.

Councilman Brooks again asked if we have to purchase everything to receive the grant; Mr. Whitfield reiterated we are not committed to purchasing the readers at this point but have committed to the educational component as was previously discussed. That is in addition to adding the serial numbers to the containers so they are prepared should we later decide to purchase the readers and software.

City Manager Norenberg stated the education is important to reduce the amount of recyclables that end up in the landfill which will lower our overall tipping costs. He hopes this effort will reduce the City's overall operating cost in the future.

Update/Automated Refuse Truck

Mr. Whitfield advised that two weeks ago, two different trucks were brought in and demonstrated. One truck they liked; the other one they did not. The one they liked worked well in the downtown area and tight environments such as narrow streets with parked vehicles. Its arm has a fairly long reach that is parallel with the roadway without having a big swing. It pulls the container back and then dumps it.

He feels efficiency will come as the operator becomes more accustomed to the equipment. This was the first time the operator ran it and he was surprised at how well he did in terms of the number of cans being collected. The operator expected a lot of difficulty getting in and around some of our areas, particularly the smaller streets and tighter downtown areas but really did not experience any problems as a result.

A quote was requested through the Delaware State Contract for two different truck types. One is a traditional truck cab which will work well if the driver does not have to get in and out of the truck. The other is a low-mount truck cab that allows the driver to get in and out of the truck much easier. However, that truck cab is roughly $45,000 more than the traditional truck cab.

He plans to present something more to the Committee in December.

He confirmed the truck can be used for refuse, recycling and yard waste.

When asked if this truck will help with the plan to recycle on a weekly basis, Mr. Whitfield stated that this truck will be able to replace one of the reloaders being used.

Councilman Brooks said his daughter has a side dumper where she lives and likes it. When asked if there is a problem with parked cars, she told him that everyone parked in the driveway so the side dumper works great.

The Public Works Director verified that in more narrow streets with parking on both sides, the driver will have to get out of the truck and reposition the can, particularly if a vehicle is parked in between the truck and the container. For the most part,

people will have to learn where to place their containers to prevent being blocked by a parked car. Some education is needed as far as the container location, but once that is determined, they should place it in the same location every week. However, there will always be occasions when the driver has to exit the vehicle to reposition the container.

Mr. Whitfield verified that these trucks are one-man automated trucks.

Mr. Norenberg said he followed the demonstration vehicle for a few minutes and witnessed a container being picked from a sidewalk between two parked cars. He was very surprised to learn that one of the city employees was driving the truck after only an hour and originally thought it must have been one of the sales representatives.

Mr. Whitfield confirmed that the new truck works well in both the newer neighborhoods as well as the older areas of town.

He said there were some reservations from the crews initially, but the person that drove the truck was impressed with how easy the process was.

The Public Works Director also pointed out it is not their intent to eliminate any solid waste positions because these are one-person trucks. There are several vacancies where these employees can be moved in lieu of doing only refuse work.

In addition, the employees understand they will no longer have to be out in the weather and will not have to deal with snow or slippery conditions, or dust in their faces when having to dump a can as they do now. This will prevent them from touching anything in the future. This makes it a much safer operation in terms of the employee and their health.

Mr. Whitfield pointed out that any change comes with some apprehension. However, having the demo truck relieves a lot of anxiety in his opinion.

Mr. Whitfield had hoped to present the Committee with a video of the truck in action though he will forward an e-mail containing a link for those that did not see the demo trucks when they were in Milford.

They then propose to schedule a follow-up meeting once the quote is in hand and the Committee members have had a chance to review the video. In the meantime, they will arrange to have the technology available so that it can be viewed in the Council Chambers.

If that is the only item, he would recommend a short Public Works meeting right before the Council meeting.

Update/Washington Street Water Treatment Facility

Jason Loar readdressed the Committee stating that the Washington Street project is moving forward. There was a successful startup of the aerators last week. A startup of the high lift pumps was scheduled but had to be canceled due to the startup rep having an emergency in the family so it will have to be rescheduled. Once completed, all that will be left is some programming, disinfection and the obtaining State approval to operate.

Mr. Loar believes the December deadline will be easily met.

Update/Fisher Avenue Pump Station Rehabilitation Project

Mr. Loar reported the Fisher Avenue Pump Station is part of the miscellaneous USDA Sewer Improvement Project. A preconstruction meeting is scheduled for Monday, November 14th with the contractor. The bonds and insurance are currently under review.

Some bypass pumping is needed to prevent any interruptions though they hope to start construction in December.

Consideration/Professional Contract/DBF/Shawnee Acres Pump Station Replacement

Public Works Director Whitfield recalled at the last meeting, there were four options considered with regard to the rehabilitation of the Shawnee Acres Pump Station. Staff recommended the fourth option for a complete replacement of the station and the committee concurred. The next step is to enter into a professional services contract with Davis, Bowen and Friedel to start the design.

An agreement will need to be created for any future development to reimburse the City for the loan portion of the USDA grant.

Mr. Whitfield advised they met with City Solicitor David Rutt and some items are needed on the City's behalf prior to the creation of the professional services agreement.

Chairman Brooks asked how many people live in Shawnee Acres; Mr. Norenberg explained this does not only involve Shawnee Acres but will serve other areas in the southeastern portion of Milford including Orchard Hill, Hearthstone I, Meadows at Shawnee, West Shores, Bayhealth Phase I, Wilson Property, Wickersham, Matlinds Estates (when served), Hearthstone II and fifteen acres of miscellaneous commercial development. This includes an area of 1,720 EDU's that have not been approved nor has any type of development agreement that would allow an addition special assessment to help recoup the loan repayment and interest.

The City Manager explained the City Solicitor confirmed that is a viable financing mechanism to help pay off the debt to the USDA. Mr. Rutt recommended an ordinance be created to structure this and identify who will be responsible for the additional fee on top of the impact fee associated with those EDU's.

Mr. Whitfield said they will proceed as indicated and the contract for the design of the project will be brought back before City Council.

Councilmember Morrow made a motion to recommend proceeding to Council with the professional services contract for the design of the project as has been discussed, seconded by Councilmember Peel. Motion carried.

Schedule/December Public Works Committee Meeting

The next Public Works Committee meeting will be held at 6:00 p.m. on Monday, December 12th prior to the Council Meeting.

Adjourn

There being no further business, Councilmember Peel moved to adjourn, seconded by Councilmember Morrow. Motion carried.

The Committee Meeting adjourned at 6:10 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 14, 2016

The City Council of the City of Milford met in Workshop Session on Monday, November 14, 2016 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Peel, James Burk, Owen Brooks Jr. and Douglas Morrow

City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe called the Council Workshop to order at 5:33 p.m.

City Planner Rob Pierce was also present.

City Manager Norenberg reported that the City is trying to go through a thoughtful and thorough consideration and felt that this workshop would provide another step in considering the proposed business license that has been discussed with City Council during the budget process and the Community Affairs Committee meeting. Earlier this summer, the concept was presented to the Chamber of Commerce Board of Directors. Tonight the City is providing the opportunity for some public feedback.

City Planning Coordinator Rob Pierce followed with a presentation about the proposed ordinance after which Mayor Shupe will invite public comment.

Presentation/City of Milford Business License Proposed Ordinance

Planning Coordinator Pierce then reviewed the following details of the proposed ordinance:

Program Details-

Require businesses to register annually (Jan-Dec) with the City through the business license program.
Business is defined as "any person engaged in the sale of goods or services including, but not limited to, any retail, wholesale, service, food service, professional or personal service or other general commercial activity that requires a business license with the State of Delaware, Division of Revenue."

He noted that we already require licensing for contractors. Anyone that works on your homes, landscaping, paving, etc. is required to register with the City.

Peddlers, solicitors and vendors are also required to register with the City.

The new ordinance will bring the other businesses into alignment with those types of services.

Exemptions-

Deliveries of goods or property to a licensed business.
Utility companies authorized by the City to operate.
Charitable, religious, educational, public service facility, social association or club, governmental agency.
Exhibitor in a museum, the Milford Library, an education facility.
Yard or garage sales not part of a regularly recurring activity.
Sale of agricultural or nursery items grown on the premises of the property owner and sold seasonally.

Business activities of insurance agents and companies specifically exempted from municipal business license fees under 18 Del. Code Chapter 712.
Any activities permitted pursuant to Chapter 168 Peddling, Soliciting and Transient Merchants, Chapter 107 Contractors, or Chapter 180 Residential Rental Operating Licenses.

Time Line/New Businesses-

Beginning January 1, 2017, new businesses will be required to obtain a business license from the City.
New businesses will be required to obtain a certificate of zoning from the Planning & Zoning Department prior to issuance of the business license.
Fee for certificate of zoning will be included in the cost of the business license for new businesses.

Time Line/Existing Businesses-

Existing businesses can begin registering with the City January 1, 2017. All existing businesses will have until June 1, 2017 to obtain their business license.

Application and Fee-

Application will include the company name, phone number and street address; owner name, phone number, street address; EIN or SS# (last four digits only); type of business; number of employees; copy of other licenses issued by the State or other agencies; statement of compliance with City ordinances.
The proposed fee will be $120/year. For new businesses registering after July 1, the fee will be prorated at $60 for the half year.

Protection of Business Community-

Ensure Businesses within the City are legitimately licensed and insured.
Provides data that can enable Milford Police Department, City services/utilities, or other first responders to contact business owners in emergency situations.
Enforcement tool to address businesses with illegal activities.
Ensure business properties are compliant with City ordinances.

Exposure and Networking-

Supports creation of a comprehensive database that tracks business activity within the City. The dataset will allow the City to track new businesses, closed businesses and estimated employment figures.
The dataset will provide a list of available commercial/industrial buildings and suites that can be incorporated into the City's mapping system and be shared with economic development agencies.
The City will be able to provide specific information regarding available commercial space to potential investors and entrepreneurs which will promote full build out and occupancy of existing commercial space.
Can also assist existing business with expansion needs.
The City may have the ability to provide basic business, contractor and solicitor information – based on registration data – on the City's website to view.

Mr. Pierce referenced the City Manager's comments in relation to the March Community Affairs Committee meeting and the June Budget Hearings when this ordinance was discussed. A follow-up meeting with the Community Affairs Committee was held in June during which time some of the general perimeters were discussed and laid out. At that time, we had accumulated a list of other municipalities that require business licenses and were able to compare fees and requirements, which were used to develop Milford's plan of action.

With no questions from City Council, Mayor Shupe opened the floor for public comments.

Randy Marvel of Marvel Agency first addressed Council stating he has been in business since 1975. Every year it seems as though they have to put up another license and pay another fee to somebody. His wall is covered with licenses and there are a lot of towns around the state that require business licenses. There are a number of people present from the real estate community and he wants to make sure it is clear that the City is not requiring a license for each individual agent and instead only for the company. If he reads the ordinance correctly, it references the Division of Revenue business license and not a professional license from the Division of Regulation.

Mr. Norenberg confirmed that is correct.

Mr. Marvel reconfirmed that an individual real estate agent would not have to get a business license. Mr. Norenberg stated that is correct the draft before Council is only a proposal and the reason the City is taking feedback tonight.

Mr. Marvel said that will relieve a lot of people in the real estate community,

Mr. Marvel stated his other concern is that when they went through the proposed residential rental license of $50 per unit four or five years ago, they were told at that time certain things would be provided to them. Most of the people present this evening feel that has not been the case with regard to inspections. They feel it was just another way for the City to accumulate additional money and a license should be a quid pro quo with something received or a benefit provided. They hope that is not the case with the business license and instead will get something in return.

Planning Coordinator Pierce reiterated the proposal is for only the broker to register. In terms of the rental license, he does not disagree with Mr. Marvel. However, the City is in the process of creating a proactive rental inspection campaign and the intent is to do 800 unit a year or approximately one half of the total rentals. The City intends to be much more proactive on rental inspections beginning with the new year.

He stated a comparison of similar rates statewide was made; some municipalities utilized gross receipts and based it on the amount of revenue the businesses were generating. Others had a flat rate. We have attempted to pick a fee that is competitive with those communities and feel in addition to being fair, it covers the expenses associated with running the operation.

Mr. Pierce further explained that the license will mainly apply to brick and mortar operations. Many businesses involve contracting work and are required to register under the Contracting Ordinance. An attorney coming into Milford to do work is not a concern. It would include certain home occupations but if you are selling items on line and work from home for another company, that would not be a concern. However, if you have a sign in the front of your residence or a computer repair business, with customers coming and going, the City would want them registered.

Councilman Burk asked if a business license would be required if there were no sign and no clients or if someone was working from home and had a business license with the Division of Revenue, would they automatically be required to register. Mr. Pierce stated that all businesses physically located in Milford are required to have a license.

Mr. Pierce then referenced the following list of exemptions:

(1) Deliveries of goods or property to a licensed business for use or resale in that business.
(2) Utility companies otherwise authorized by the City to operate within the City limits.
(3) Charitable, religious, educational, or public service facility, social association or club, or governmental agency, except to the extent that such operates a separate retail facility or other ancillary business that would require a business license.
(4) Exhibitor in a museum, the Milford Library, an educational facility, or other public building where such exhibition is part of a limited scheduled event or show.
(5) Yard or garage sales, book sales, and auctions, where not part of a regularly recurring or continuous business activity.
(6) Sale of agricultural or nursery items grown on the premises of the property owner and sold seasonally.
(7) Any activities permitted pursuant to a current peddler's license or otherwise exempt from obtaining a peddler's license as outlined in Chapter 168 ("Peddling, Soliciting and Transient Merchants").
(8) Construction activities for which a license is required and has been secured in accordance with Chapter 107 ("Contractors").
(9) Business activities of insurance agents and companies specifically exempted from municipal business license fees under 18 Del. C. § 712.

(10) Rental activities for which a rental license has been obtained pursuant to Chapter 180 ("Residential Rental Operating Licenses").

Councilman Burk questioned whether a real estate agency who is based out of town but has several properties listed in Milford would be required to obtain a license. He recalled a previous conversation about anyone doing business in town having to register. Mr. Pierce stated that will not apply.

Councilmember Burk confirmed that the local real estate agent's brokerage firm who has a business in town would apply. Mr. Burk referenced an equal playing field comparing a local agency to Rehoboth Realty. The local agency is required to have a license but the Rehoboth agency does not. He noted that other municipalities handle this differently.

Mr. Pierce explained this ordinance can be tailored however Council feels is most appropriate.

City Manager Norenberg reiterated this is still the information gathering phase for staff and City Council. A draft was prepared but is not being introduced for Council action. Tonight provides an opportunity for questions and answers that will provide staff and City Council some direction. Changes can be made before it is officially prepared for action by City Council.

Emmett Venett stated he has six rental units in town and is a real estate agent. He has another concern unrelated to the business. Recently he has employed home health care providers for his wife. Generally they involve small businesses who are trying to minimize their fees. He anticipates using the Caring Hearts or a different agency the next time. It will be prohibitively expensive for those types of service providers to get a business license. He does not think the City wants the ordinance to be punitive on the population.

He referenced the $60 and asked if that means someone could only purchase a half years license in case they are seasonal workers. For example, he may hire someone to clean up the grounds and they may be summer students. He asked if they will have to pay the full $120 license when they are only working in the summer.

Mr. Pierce said the topic of health care providers can be left up to City Council. However, he does not think this ordinance was drafted to make those people register.

Councilmember Peel pointed out it could apply to someone working for a larger agency who has already registered and should be looked at, similar to a real estate agency. Mr. Pierce feels the focus is more on an operation that has their business/headquarters physically located within the City.

Councilmember Brooks feels that kids cutting grass for money do not need a license. Mr. Pierce pointed out that technically, landscaping businesses must be registered under the existing contractors license. Mr. Pierce is unaware if there is an age limit in the Contractor Code which has been on the books for several years and many of those contractors are already registered. However, he doubts the intent is to go after high school students to register so they can cut grass for a few dollars.

Councilmember Burk pointed out it is required with other municipalities. He agreed that landscapers are already required to be registered in the City. There are people contracted in the City to do property maintenance who are already licensed in the City. He emphasized that will have no impact on the business licenses.

Craig Crouch of Kent Sussex Industries stated for the record, they are one of the exemptions and he appreciates that consideration. He is not here to speak for or again the proposal, but wants to seek additional information. The first question he wants to ask is 'why now' because many of these businesses have been in the city a long time. He also asked how much the contractor fee is now.

Mr. Crouch said he has become concerned about fees that pop up out of budget discussions. When people say it's not about the money, it's always about the money.

He then asked the estimated revenues for the business license. He is also curious to know if there is an ongoing expense to the City going forward to enforce and maintain and how much that is. It is easy for things to come into play according to Mr. Crouch, and then become bigger than themselves later on.

He said this seems to be a fee that is associated with those that want to follow the rules. The people that will apply already have a State of Delaware business license so we know who they are and that they are in good standing with the State of Delaware.

He understands the need to make sure the people are reputable who are providing business to our citizens and are doing so in a safe manner and have insurance and other required things but questions the City requiring people that already have a State of Delaware business license to be the only ones that have to apply and missing the guy the City should be going after.

Mr. Pierce said in answer to why now, these discussions started back in February shortly after the new City Manager was hired. Mr. Pierce has been here about eighteen months and there are issues he has seen that this business license would address. The City is not in contact with the businesses at the forefront of their investment in Milford and there have been some occasions where people have gotten fairly far down the road of setting up their business and investing money before a problem is found. It could involve a tenant fit out or something similar, after which they find out they do not meet the zoning requirements. Or there are things they were unaware of that this license application would have prevented if the business owner had been informed ahead of time.

As his department tries to enforce the zoning regulations, Mr. Pierce is sure there are quite a few businesses around town that have popped up over the years that should not be in the locations they are in. This will help alleviate a lot of those issues.

The contractor fee is currently $100 annually, the vendor fee is $50 annually and the contractor fee can be prorated quarterly. The City estimated there are approximately 500 brick and mortar businesses though that number may be higher. Estimated revenue is $60,000.

The intent is to add a Code Enforcement Official to handle the rental inspections. These duties will be split among two Code Officials plus an administrative position in that department. They will be issuing approximately 500 licenses annually.

Mr. Pierce has not estimated the amount of hours needed to issue and renew the licenses. The City has the ability to maintain this program based on what will be provided in the fees and anticipated staffing as of January.

He agrees the businesses are registered with the State of Delaware though it seems appropriate for them to register with the City in order to have a better pulse on the business climate. We hope to be able to provide information to a business before it opens up, operates and expands.

Mr. Norenberg clarified the definition revolves around the businesses required under the Delaware Code to register. That does not mean that every business registered with the State has to register with the City. We are simply using the State's definition and we are not trying to say we will only register those that are registered at the State. Someone failing to register with the State of Delaware does not exempt them from being registered with the City of Milford.

Mr. Pierce added that we have more local enforcement capabilities than the Division of Revenue to be able to address licensing and insurance compliance.

According to Mr. Norenberg, some of the other municipalities that require business licenses list every business category and charge a different fee for each.

Councilwoman Peel is curious about the process for the State to enforce an illegitimate business or doing something that is not regulation. She asked if the State is enforcing that; Mr. Piece explained that if the businesses were caught, they could do something though he does not think they are proactively looking for those violations.

Councilwoman Peel asked if they are reported if something happens; Mr. Pierce stated he is unsure.

The Planner reported that the proposed violation for a business license is $100 and each day would be considered an infraction or $100 per day.

Councilwoman Peel asked if anything would make this worth their money because that has not been talked about. She stated that Mr. Pierce talked about what would be provided but is curious if it were something he was looking for. Mr. Pierce agrees

that if the business owners feel any additional information should be provided or there are things the City could add, he welcomes those comments and will incorporate those ideas he can.

(Inaudible-speaking from audience.)

The City Planning Director responded by stating that those people that apply for permits will be run through the system to ensure they are registered as a contractor. His staff finds people who are in violation of the contractor license requirement and in fact, found two contractors today that were unlicensed and were required to pay the pro-rated $25 fee for the remainder of 2016.

Robert Pingue stated he is the Project Engineer with Sound-n-Secure. He asked if there will be an actual enforcement panel who will oversee this. Or what happens if someone comes along and doesn't have a license but does a job and it is reported. He compared the $120 license fee to the $100 fine. Mr. Pierce clarified the fine is $100 per day.

Mr. Pingue asked what happens if it is a one-day job. Mr. Pierce explained that depends whether it falls under the current contractor's license that has separate rules and regulations. He said anyone repairing, remodeling, altering, plumbing or electrical work or paving work, etc. is required to have a City contractor's license.

Mr. Pingue asked if security and sound work falls under that. Mr. Pierce said home security would be considered contracting work in his opinion. Mr. Pingue said he is licensed through the State of Delaware and has four different State licenses in addition to background checks.

Mr. Pierce confirmed that Mr. Pingue sets up internal security systems. Mr. Pingue added setting up security systems, fire alarm systems, paging systems, PA systems, audio and security.

Mr. Norenberg then read the following definition from the Contractor Code:

Any person, firm, corporation or jobber engaged in building, alteration, repairing, remodeling, construction and/or maintenance of buildings or engaged in any other type of construction, including but not limited to paving, curbing and sidewalk installation or repair, plumbing, electrical or other types of maintenance or construction.

Mr. Pingue then stated that his firm would then be exempt because they are not builders or carpenters. Mr. Norenberg asked if his work involves electrical work; Mr. Pingue said no. Mr. Norenberg asked again if no electrical work is required. Mr. Pingue said no it is all low voltage and reiterated they would be exempt. He said it is considered a low voltage situation and they are not contractors but security and communication people who perform work similar to a PA system. They do repairs to PA systems and install PA systems.

Mr. Pingue continued by stating that with all due respect to City Council and the City, is this being moved along a little farther and referenced the January start date, adding there seems to be a lot of questions. He said we need to have a little more talk with the local businesses instead of having it so near the starting date. He is aware Mr. Pierce spoke with the local business organizations such as the Jaycees.

Mr. Pingue then asked again why the fine is only $100 and why not charge someone $200 if they get caught. In his opinion, there is no reason to get a license. If someone gets caught, they just pay the $100 which is less than the license. Mr. Pierce explained that they will have to pay the $100 fine but must also register and pay for the $120 license.

Mr. Pingue understands there are a lot of transient people but he is just saying if there is going to be a fine, then make it a fine. He said they run into a lot of people who are not licensed, not bonded and do not have the proper documentation or background checks especially for the State of Delaware. If there is a problem with the State license, the State Police handle it. He thinks there should a fine that is more than what the businesses are being charged for the actual license.

Mr. Pingue then noted that the vendors who sell agricultural items are exempt and referenced the Farmer's Market. He informed Mr. Pierce that there are actual craft and other vendors at the Farmer's Market that are not related to agriculture. He asked if they would be exempt and considered under the umbrella of the Farmer's Market.

The Planning Coordinator referenced the proposed revisions to the Peddling, Soliciting and Transient Merchants Code which clarifies language related to the Farmer's Market. It is not in the Business License Ordinance and as he mentioned earlier, there are other licenses already in place that apply to other licensing areas. If they fall under the Peddling, Soliciting and Transient Merchants licensing requirement, for example, that is an exemption under the Business License Code.

Mr. Pierce said that the City Manager was more involved with the amendments to the Peddling, Soliciting and Transient Merchants Code and asked if Mr. Norenberg would elaborate more on the Farmer's Market. Mr. Norenberg said it has been awhile since he worked on that draft and when they realized there were several corresponding and existing sections of the code that needed to be changed, potential edits were submitted. For example, the Peddling, Soliciting and Transient Merchants Ordinance does not address food trucks and related language will be added to their more recent popularity. Other exemptions included vendors related to the Farmer's Market and other community festivals. He said they feel it is not necessary for a vendor to get a permit for only one day if tied to a special event. That is covered in another area though Council has not yet seen that proposal.

Mr. Pingue asked when that would be available; Mr. Norenberg explained the Business License Code is a pivot point and based on tonight's feedback, Council will be reviewing the amendments proposed in other codes.

When asked if there will be another town hall meeting regarding this matter, Mayor Shupe said he is pleased there have been a lot of comments and concerns expressed this evening. His recommendation is that this ordinance to go back to Community Affairs and determine first, whether this needs to move forward and second, how it will look. He would then recommend it come back to Council and hear from the business community again. He agrees we do not want to produce something that is not clear.

Cathy Jackson then stated she has a full time job in the community though she is also an independent consultant with Tastefully Simple and became an independent consultant with jewelry and candles more recently. She lives outside the City limits but does public events including the Bug and Bud and Riverwalk Festival. She asked if she will be required to have a license and noted there are other independent consultants throughout the City this may apply to as well.

Mr. Pierce asked if her consulting business requires a business license from the State of Delaware. Ms. Jackson stated that when she got her business started with Tastefully Simple, as independent consultants they are only required to file a tax return using their individual social security number. Therefore, she does not have a business license with the State.

Mr. Norenberg stated that based on the current definition, she would not be required to have a Milford business license because she does not have a State of Delaware business license. Any vending done at local festivals is also exempt. He added that we are working through this feedback and emphasized the proposed document is not final.

Councilman Burk feels we should first review the State of Delaware law because Ms. Jackson may have been given good counsel from her company even though they may not be familiar with Delaware's laws for business licenses.

Joe Wiley of Milford Rental stated that when he first started his business, they were required to have a license for the rentals. A few years ago, the State of Delaware went on a witch hunt to get more revenue and went to businesses like Mr. Wiley's because they also had retail items. As a result, Mr. Wiley now is required to have multiple business licenses including one to rent equipment and another license to sell spray paint. In his mini store business, a license is required to rent mini storage units but they also need a license to sell boxes. They need yet another license to rent trucks.

They now have multiple business licenses and he is curious what Milford's intent is and because he has six business licenses through the State and asked if he will need six City of Milford business licenses.

Mr. Wiley asked what other towns require business license and the fees they charge. Also if the City anticipates issuing 500 to 600 licenses, do they anticipate making a profit from the licenses.

The Planning Coordinator reported that the list of business licenses is a result of a query from those that responded to the City Clerk's office several months ago. However, he is aware that there are other towns that require business licenses that are not included:

Blades	$100
Camden	$100 for General; $250 for Professional
Clayton	$50
Dewey Beach	$109; $382
Fenwick Island	$75 if less than $1500 annually; $185 if over $1500 annually
Frederica	$50
Harrington	$100
Lewes	$125; $300
Millville	$100
Milton	$100; $125
Newark	$100 to $500 depending on type of business
Newport	$75
Ocean View	$150
Dover	Varies based on type of business and/or Gross Receipts
Smyrna	$

Mr. Pierce explained that if the various businesses are under the umbrella of Milford Rental, the City would only require one license. If Milford Rental has a separate entity inside that is called another name, that business would need to be registered as well.

(Inaudible–speaking from audience.)

Mr. Pierce responded by stating he believes Mr. Wiley would just submit all of this licenses with the one application at this point.

(Inaudible–speaking from audience.)

Ramsey Schrader of Arena's recalled a comment that a business license would somehow prevent someone from being in the wrong zoning district. He said that people have to through the Building Inspector and Code Enforcement process and does not understand how that would apply. He pointed out that if an electrical and structural sign off is needed, where does the business license do anything to help that person from being in the wrong.

Mr. Schrader said Mr. Pierce also mentioned a new Code Enforcement person and he is curious if that is the reason for the license is to pay that new employee's salary.

Mr. Pierce said there have been a few incidents where people were pretty far into their building improvements. Some did receive building permits though they should have been funneled through the planning and zoning department to clarify what actual uses were allowed in those districts. He said there are also cases where someone did not require a building permit and simply moved their business into an existing building though the use was not permitted. The City simply wants to be able to catch those businesses at the earliest point of investment. Once people understand the City has a business license, we would be able to resolve those type issues at that time.

(Inaudible-speaking from audience.)

Mr. Pierce responded by stating it should be on the responsibility of the business owner to find those things but there are instances where people do not follow the proper procedure. It is one of the benefits listed.

(Inaudible-speaking from audience.)

Mr. Pierce then responded by stating the addition of the business license would help offset the budget in terms of hiring the new employee. It would reduce the need for a tax increase that may be needed to fund the position.

(Inaudible-speaking from audience.)

The Planning Coordinator stated it will cover the expenses for the additional Code Enforcement position.

(Inaudible-speaking from audience.)

Mr. Pierce responded by stating the rental license revenue was used to balance the budget.

(Inaudible-speaking from audience.)

Joe Wells stated he has been a long time realtor and appraiser in the Milford area. He said while he didn't own a business in a brick and mortar location in the City, he does business in the City on a daily basis. As an example, his wife does appraisals in the City of Milford on a regular basis as a service. He asked if she would be required to be registered to provide appraisal services.

His point goes back to a couple of programs already in place and in particular, the landlords' registration program and the contractor registration program. Mr. Wells understands the justification of those two programs on the sense the City has a building code specific to the contracting profession which makes sense. He agrees that things need to be done to code and that contractors should be registered to do business in the City to ensure they are on track with the City code.

Mr. Wells also understands the Landlord/Tenant Code even though he was not in favor at the time. But from a health and safety point of view, there was a need for a Code Enforcement Officer to bring up the quality of rental units and to make sure smoke detectors were in place, etc.

In both cases, the City is charging a fee and there is a benefit. There is a benefit in terms of code conformance and to tenants to make sure things are safe.

However, in this situation, in the area of real estate sales or appraisal, they are already governed by State boards and commissions. There are already vehicles in place that people can complain to if they were unjustly treated in that service being provided. He asked what this will do for the public and how this will protect them from business people who are doing business in town.

He stated that if Milford is interested in registering businesses who already have a business license, the City already has a registration in a sense because landlords are required to register. He then asked if that includes commercial landlords as well as residential. If only residential, he said that perhaps commercial should be considered. Perhaps a commercial lessor needs to be included in the residential licensing requirement that could require the lessors who rent commercial space to provide a copy of their business license to assure it is a licensed business in the State.

As far as people who already own brick and mortar businesses, he pointed out the City already has a data base of people who are paying taxes and own property in the commercial zones. The City could require they submit a copy of their business license to show they are in good standing.

Mr. Wells believes these are easy ways to handle this. The broader picture is the number of people who come and go in and out of the City on a daily basis providing various services. He is unsure how that can be monitored.

Mr. Wells had a for sale sign in the City of Harrington this year and received a phone call from the City telling him he needed a business license. They saw him as an independent contractor as opposed to an employee of the company. He was informed that each individual realtor had to have a license to list properties in their town.

He does not feel the consumer will complain to the town that they were unfairly treated by an unscrupulous realtor. Instead they are going to go to the real estate commission.

Mr. Wells has an appraisal corporation and a business license and wonders if that means he has to have a City of Milford business license? To him, he feels this is a thinly veiled tax. If more revenue is needed to hire additional enforcement people, the City should be able to figure that out.

Louis Fevrin then addressed Council stating is an All State Insurance Agent who is fairly new to town. He said it seems the reason we are trying to get this license is because we are trying to fix some zoning issues as well as find some of the 'ghost' businesses in town that are unable to be found. It seems the legitimate businesses are the ones that will pay the fee to find

these mysterious businesses. He asked why we can't just grandfather legitimate business that we know are here who already have State licenses and then go after any new business or that the City discovers do not have licenses. He feels those are the ones that should be required to get a City of Milford license.

He said it also sounds like the City is going to be looking at businesses that have addresses in Milford and what will stop someone from having a post office box which causes the same problem the federal government has where businesses are moving money out of the country just to avoid taxes, which is what he feels this is.

The last comment is that it sounds to him like nothing is really being provided, other than someone's salary or additional revenue.

Mr. Pierce explained that he only mentioned addressing as a way to simplify the process though the intent is mainly brick and mortar businesses. The City does not only use an address to attempt to find a business. Instead they want the ones that are physically within the City to be able to track that particular business activity and acquire a better idea of what businesses are here, which ones have moved out and associated employment figures.

He stated that we would keep that database available for anyone coming into the office and asking about what spaces are available. This would allow Mr. Pierce to point them in the right direction and provide them with maps, contact information, etc.

(Inaudible-multiple people speaking from audience.)

With regard to the zoning and ghost businesses, the Planning Coordinator stated that as we get the registrants in, the City will proactively go out and enforce the ones not registered and make them come into compliance. It is not a case where the City will only collect a license from those honest business owners. Instead we will proactively pursue those that are avoiding the process.

(Inaudible-speaking from audience.)

Mayor Shupe asked City Solicitor Rutt to comment.

Solicitor Rutt stated that one piece of the proposed ordinance that has not been addressed is the good standing requirement that states "no license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and other fees due the City are paid and in good standing."

The Solicitor stated that one of the things he finds in other municipalities is this is a good tool to find businesses who have City licenses but haven't paid their electric bill, water bill or taxes. Then their license is revoked or not issued. The City can put them out of business or make them current and bring those accounts up to date. That protects the good businesses in his opinion. For example, if a business wasn't up to date on their bills and they came in to request a zoning change or wanted a building permit because they planned to renovate their office, they would need to pay these other bills. If they are not up to date on what they owe the City and are not up to date on their business license, they can be denied any permits.

He continued by stating that one of the enforcement and penalty provisions is not clear in the proposed draft though believes it will be in the final version. It states that the City can institute a civil suit or use any other lawful methods authorized by the City charter or the laws of Delaware to recover any unpaid fee. One of the things that should be added is an injunction to shut them down. If a business is not operating within the rules that everyone else is operating within, the City could get an injunction and close them down. This would keep the business community in good standing.

Mr. Rutt agrees the good standing is very important and provides the ability to collect a lot of those back charges. He believes that everyone will be surprised on how much could be collected as a result.

Mike Perfetti, owner of Delaware Branding Company stated most of his questions have been addressed but not answered. He asked what fund the collected revenues will go into, will there be additional hires for inspections, who has been performing this function, even though there hasn't been business licenses in the past and what caused the tax to be necessary now. He said his big question is whether the additional license is business friendly.

Mr. Perfetti said he asked and found out that a lot of other cities do this. So he jumped on line and did a cursory search and found out that a lot of cities are now repealing it because it is adverse to the goal. He then read the following quote "our community is open for business and ready for growth. The only barriers are our potential for economic growth and the limits we place on ourselves" made by Ed Murray who is the Chair of the Business Advocacy Committee when they repealed the City license tax for Tallahassee, Florida.

Mr. Pierce responded by stating the revenue generated from this will be placed in the general fund. His department is already in the process of hiring an additional Code Enforcement Official whom he believes will be hired regardless of if the business license is adopted.

(Inaudible-speaking from audience.)

Mayor Shupe asked if anyone else in the audience wished to comment.

Elizabeth Alban stated her husband is Dr. Steven Alban who operates a dental business in the community. Speaking on behalf of her husband, he had commented that there could be language in the ordinance that the amount of the license cannot be raised beyond that of the State license. She thinks that would be bizarre because in their opinion the State has more things they are concerned about and more things the license pays for.

Ramsey Schrader of Arena's readdressed Council and asked is we are we lacking the ability to enforce some of the things we are looking to enforce already. Or are we just doubling up and adding yet another fee and license where if someone is operating a business that is not legal and we do not have the ability to enforce it through a municipal code or police activities.

Mr. Pierce explained that once we have the additional Code Official, we will be able to focus more on property maintenance, rental licenses and business licenses while having the ability to sustain all of that. Right now we are only finding these businesses by accident, many times after they are too far along. It is hard to proactively go after something that we don't have a good inventory of. He agrees we could try and cross reference a number of different datasets. But that would still not provide a good clean list of which businesses are doing business in the City.

(Inaudible-speaking from audience.)

The City Planning Coordinator stated that one example would be a business owner who comes in and needs a zoning certificate from the City in order to perform a certain type of service. Mr. Pierce sometimes has to tell that person he can't give them a zoning certificate because they are in violation of the City Zoning Code.

If someone opened a business in an area that is not properly zoned, and no building permits were required, that person may have already invested a substantial amount of money and time in getting that business up and running. Mr. Pierce then has to work with that person to try and get that rectified.

Mr. Pierce explained it is not a solo case and it is difficult for him to discuss specific cases without providing too much information. Essentially the City would like to be able to track business activity in the City, store in a database, weed out illegitimate business, help identify businesses that are not in conformance with the zoning ordinance and just make sure we are moving collectively in the right direction with the types of businesses and where they are located.

(Inaudible-speaking from audience.)

Mr. Pierce responded by stating if the landlord is delinquent on their taxes, the city would proceed with a monition sale.

(Inaudible-speaking from audience.)

Mr. Pierce stated that if the customer is behind on water and sewer or some other utility, the City has the right to disconnect that service. However, is someone is behind on taxes, the City has the ability to lien the property through a long process and eventually take it to monition sale.

(Inaudible-speaking from audience.)

Councilman Mergner arrived at this time.

Health Felker owns and operates Sing with Me on Front Street stated that obviously for her tiny boutique this burden is much greater than some of the big businesses out on Route 113. It seems to be in direct opposition to the downtown revitalization last year. She pointed out this is a year later and those same spaces are still sitting open. However, they could be businesses of the caliber of hers though we are now making it harder to get those small businesses in.

(Inaudible-speaking from audience.)

Mr. Pierce stated that a portion of the program is collecting the data. We need to account for the time spent to accumulate and maintain the data. That is a portion of this program. However, the City needs to generate some fee to account for that time, paperwork and putting the data in.

An unknown person in the audience stated the Chamber of Commerce has the information and between the different chambers, they have the bulk of the information that the City needs. The City can simply ask for it. It was also recommended to put out a memo asking for the information from businesses and it will gladly be sent.

(Inaudible-speaking from audience.)

Mr. Pierce responded by stating that he has a lot of people that come into his office who want to open a business. Before they get too far, he wants to inform them what areas can be considered for their business, based on the City's Zoning Ordinance. He will also tell them not to look at an area their use is prohibited. It gives them the ability to narrow down their focus to appropriate sites.

He does not specifically drive them to these locations, nor does he unlock the door and show them a building. However, he will give them a list of properties within the City limits where a use is permitted or a conditional use. At that point, he explains the process of how to obtain a conditional use if required.

If they come back and need more information, Mr. Pierce can pull in the Building Inspector to talk about renovating a portion of an existing building, for example. That establishes a line of communication with the City that they will need and use throughout the process to make sure their project is successful and done correctly.

Mr. Pierce emphasized he does not have the time to replace a real estate agent and does not represent individual properties. However, he can provide a starting point for an interested party to focus on certain sites where they can legally operate that specific business from.

He said this is not a big part of his duties but does take a decent amount of time, particularly with the downtown area the City is working on. Having an inventory of potential sites allows him to direct them. He believes one of his economic development responsibilities is to provide information about what is available and to try to help fill those vacant spaces and lots.

It was determined there is one Building Inspector and one Code Official in the City of Milford.

There being no further comments, Mayor Shupe stated that the ordinance being proposed for a business license has not been presented to City Council and not something that Council will be voting on tonight. It will be presented to City Council during an open session.

In his opinion in moving forward, Mayor Shupe stated that there are a lot of questions that need to be answered before anything goes back to the Community Affairs Committee, where he thinks this should go. That would be done before City Council would host the public again. He appreciates the businesses coming here and though he is a business owner himself, he is not an expert in all of these areas nor are the members of City Council. He said it is great to have so many experts in business here to go through the questions and provide information to City Council.

Mayor Shupe said his recommendation would be to have the Community Affairs Committee review and discuss this.

Councilmember Peel then stated that she chairs the Community Affairs Committee and took three pages of notes. She heard many concerns tonight loud and clear. They will be considered before moving forward with this proposal. She noted it is still at the Committee level and the draft is still under review. Part of the review process was to get everyone's feedback early rather than a final document that is before City Council and ready for a vote.

ADJOURN

There being no further business, Councilmember Peel moved to adjourn the Council Workshop Session, seconded by Councilmember Campbell. Motion carried.

The Council Meeting adjourned at 6:57 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 14, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, November 14, 2016.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Peel, James Burk, Owen Brooks Jr. and Douglas Morrow

City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:03 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilmember Burk.

APPROVAL OF PREVIOUS MINUTES

Motion to approve the September 13, October 4, October 10, October 24 (Council Meeting only) and November 2, 2016 Committee and Council Meeting minutes made by Councilmember Brooks, seconded by Councilmember Mergner. Motion carried.

RECOGNITION

Code Purple 2016-17 Update

Avenue United Methodist Church Pastor Tom Pasmore and Cold Purple Chair Joyce Bonani

Pastor Pasmore reported that Avenue Church has been a proud part of the community for over 200 years and we are blessed to continue in that relationship.

As the newest installment of the Code Purple Shelter program, Avenue Church is excited to announce that the work of their volunteers will make this shelter possible. They are looking to supplement the work that Pastor Richie Portalatin of the Milford Community Center has been doing the last couple of years by housing women and children in Milford on cold weather nights. They plan to do the same thing for men.

Ms. Bonani explained they will be open in November and December whenever the temperature is below 32 degrees. Beginning in January and February through March 12th, they will be open every night regardless of the temperature. At that point, they will be back to the point of 32 degrees.

She stated that this is a community effort and not just an Avenue mission.

They will welcome people in at 7:00 p.m. after which they will be provided a warm meal and a place to sleep. They will also try to address any particular needs. They would then be provided with a peaceful place to sleep and would leave at 7:00 a.m. after they have had breakfast.

Ms. Bonani advised they also want to provide them with bags to take with them that would include food for the day.

She said they were open on Saturday night and learned a lot from that experience. They also understand they will need to reach out to the homeless community because they are not hearing the public announcements on television, radio, newspaper and electronically.

Rebecca Gasperetti then introduced herself as the current Miss Wilmington 2017. She said she began her journey as Miss Milford 2016 which was an incredible experience and thanked Mayor Shupe and City Manager Norenberg for their help. She explained that with their help, she started a program called "Code Backpack". She would collect backpacks and fill them with non-perishable food items, reusable water bottles, socks, toiletries and $5 Wawa gift cards. She would then ride around and deliver them to the homeless in Milford, Magnolia and other areas of Delaware.

Ms. Gasperetti advised that she has been trying to compose a proclamation and finally Governor Jack Markel proclaimed December 2016 as Homelessness Awareness and Prevention Month. She then followed with a reading of the Governor's proclamation. Several fundraisers are planned for Code Purple.

Mayor Shupe thanked Milford Police Department for their assistance in past years by providing information to individuals who needed a place when the temperatures get low. He concluded by stating it is a great private/public partnership which benefits those that are unfortunate.

Recognition/Milford Police Department Officers

Chief Brown recognized and commended Sergeant Shane Young, Corporal Al Sargent and Patrolman Brandon Hartlove. He reported the three officers were working when the department received a call about a subject who was attempting suicide. They arrived and found the subject had hung himself from a tree. Sergeant Young was able to get beneath the subject and lift him enough to take weight off the ligature. Patrolman Hartlove climbed the tree and cut the subject down. Sergeant Young and Corporal Sargent then accessed the subject but found no pulse at the time. All three officers successfully provided CPR which restored his pulse. The Carlisle ambulance then arrived and transported him to the hospital.

As a result of their actions, the subject is alive today, has since been released from the hospital and is in good health.

Chief Brown then presented the following certificate to Sergeant Young, Corporal Sargent and Patrolman Hartlove:

Certificate of Recognition presented in recognition of your lifesaving efforts in responding to a suicide in progress on October 9, 2016. Your immediate action of removing the ligature from around the subject's neck and performing CPR saved his life.

The Chief also issued life saving pins to wear on their uniforms after which photos were taken of Chief Brown, Mayor Shupe and the officers.

MONTHLY POLICE REPORT

Police Committee Chairman Burk presented the monthly report on behalf of Chief Brown noting the officers were extremely busy in October in comparison to the same month in 2015.

Councilmember Mergner pointed out the arrests and complaints have really increased over the past three months. He asked if there is anything specific causing this or if it is the result of additional officers. Chief Brown pointed out they are only one officer below full staff, in addition to things continuing to become busier.

Chief Brown announced that in conjunction with the City Manager's Workplace Halloween contest, the women at the police department decorated the department's lobby where Chief Brown and his secretary who gave out candy. The secretary dressed up along with Chief Brown's fiancé.

Councilmember Burk moved to accept the police report, seconded by Councilmember Morrow. Motion carried.

CITY MANAGER REPORT

Mr. Norenberg referenced his report in the packet and referred to the summary report for the previous month.

He also announced an event that will compliment Shop Small Saturday the weekend following Thanksgiving. The City's Tree Lighting Ceremony is returning and is scheduled at 5:30 p.m. in front of City Hall.

The City Manager announced that we continue to work on the City Charter process so tomorrow night's Charter Review Committee meeting will be canceled tomorrow night while we prepare the final draft for Council consideration.

Councilmember Burk confirmed the City has nineteen new code enforcement cases that were opened in October and sixty-six closed cases. He also referenced the interviews that were conducted in early November for the new Code Official position and asked if anyone applied. Mr. Norenberg stated that of the six applicants, five were interviewed.

Councilmember Burk asked if we need to implement the business license to fund the new position; Mr. Norenberg stated he will need to review the finances to make that determination.

Councilman Burk does not want to hire someone and then find out there is no money and recalled that situation happening in the past.

Mr. Norenberg explained if we do not institute the business license and we lose that potential income, we would need to consider other methods to balance the budget. He will provide Council with a year-to-date revenue report so they can decide whether the position could be filled or a supplemental appropriation would be needed.

The consensus at the meeting was to schedule a Community Affairs Committee meeting to discuss the matter further. Prior to that, the City Manager will obtain the information so he is able to provide answers to that question.

Councilmember Brooks moved to accept the monthly City Manager report, seconded by Councilmember Morrow. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the third month of Fiscal Year 2016-2017 with 25% of the fiscal year having passed, 35% of revenues have been received and 23% of the operating budget expended. He explained that revenues show higher during the first quarter of the fiscal year due to the real estate taxes that are paid.

Councilmember Burk moved to accept the September Finance Report as presented, seconded by Councilman Campbell. Motion carried.

COMMITTEE & WARD REPORTS

Public Works Committee

Chairman Brooks reported his Committee met on November 7th and talked about the sewer vacuum truck, Airport Road project, recycling grant, Washington Street Water Treatment Plant and other things. It was a good meeting and the next meeting is scheduled for December 12th at 6:00 p.m.

Ward Two

Councilman Burk reported that he and Councilwoman Peel met with a constituent this past weekend about some concerns over a City real estate transaction and specifically, about the procedure for unloading surplus property. He suggests we look at that process during the charter review.

COMMUNICATIONS & CORRESPONDENCE

December 27th Council Meeting/Canceled

Mayor Shupe reported that as always, we are trying to cancel the second meeting in December so that everyone can spend more time with their families. As a result, they are proposing the Tuesday, December 27th meeting be canceled. It was noted that observed City holidays are Friday, December 23rd and Monday, December 26th and City offices will be closed on those days.

The City Manager prefers full council support in lieu of a one-person decision.

Councilmember Peel moved to authorize the cancellation of the December 26th meeting, seconded by Councilmember Burk. Motion carried.

UNFINISHED BUSINESS

There being no unfinished business, Council proceeded with new business.

NEW BUSINESS

Bid Award/Sewer Jet Vacuum Truck/NJPA Purchasing Plan

Public Works Director Mark Whitfield reported on the need for the replacement of the sewer jet/vacuum truck used by the Water/Sewer Division. The present 1995 unit has over 4,100 hours of use and has reached the point that repair parts are no longer readily available. City Council authorized $130,000 be set aside in its Capital Budget for the past three years to cover the anticipated cost of the unit. Presently $390,000 is available for the purchase.

The truck is used for the maintenance of sewer lines, manholes and pump stations and removes grease, roots and other debris from the sewer mains.

The Water/Sewer Division staff has evaluated several different units and decided the Vactor unit available on the NJPA Purchasing Contract, which can be obtained through the Delaware State Contract, is the most suited unit. The price is $378,647.00 which is approximately $11,000 under budget.

The Public Works' Committee and he recommend authorization of this purchase as presented.

Councilmember Campbell moved to award the bid through the NJPA Purchasing Agreement/Delaware State Contract to Maryland Industrial Trucks for a Vactor Sewer Jet Vacuum Truck in the amount of $378,647.00, and funded from the Water/Sewer Capital Reserves, seconded by Councilmember Mergner. Motion carried.

ADJOURN

There being no further business, Councilman Mergner moved to adjourn the Council Meeting, seconded by Councilwoman Peel. Motion carried.

The Council Meeting adjourned at 7:31 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 21, 2016

A Meeting of the City of Milford Police Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, November 21, 2016.

PRESIDING: Chairman James Burk

IN ATTENDANCE: Committee Members:
Councilmembers Owen Brooks Jr. and Katrina Wilson

City Manager Eric Norenberg & City Clerk Terri Hudson

Chairman Burk called the Committee Meeting to order at 5:31 p.m.

Certified Police Officer $5,000 Recruitment Bonus

Chairman Burk advised that Chief Brown is having a very difficult time attracting certified police officers. They have been posting the openings recently and have had no response. As a result, the Chief has come up with a new recruitment tool to attract certified officers versus hiring someone that will have to go through the academy.

Chief Brown advised that they have advertised on two different occasions for a certified officer since the contract was signed. He believed that once the contract was signed, Milford would begin to attract certified officers. But they immediately began to advertise but have not received any applications. A second advertising was done three to four weeks ago and there have still not been any applications received.

As a result, he would like to offer a $5,000 sign-on bonus because Milford's starting pay is still low as can be seen in the comparison chart included in the packet. He said the departments that start with lower salaries offer take home cars which is something that is not in Milford's near future. He said that take-home cars are a big deal to Millennials and the smaller departments are attracting certified officers in lieu of a higher salary and better benefits.

The Chief is confident the $5,000 bonus will attract a great deal of interest.

He said if they can't hire a certified officer, his staff will have to immediately begin the hiring process in order to get someone into the next academy that starts in March. They will have to work hard to get all those things accomplished in time. That candidate would then spend six months in the police academy and be on FTO for at least three additional months. It would be at least this time next year before they would actually see that officer on the street.

The Chief then reviewed the expenses of sending someone to the academy. He said there is a cost of $5,030 which includes $1,500 for food, $400 for physical fitness clothing, $530 for departmental clothing and $2,600 in ammo. The pay and benefit of that recruit while in the academy is $62,500.

He noted that providing that certified officer with a $5,000 bonus would eliminate all those additional costs. That officer could also be released and put on the road within a month's time.

Chief Brown also pointed out that having one candidate in the academy creates a shortage over that six-month period which generates a great deal of overtime. He said there is no way to calculate those costs but because one shift is short, any officer that calls out due to sick or annual leave, creates a need for someone to be called in and paid overtime.

Chairman Burk asked what stipulations would apply to this bonus and specifically, the time of service. Chief Brown said they would be required to sign a three-year contract at a minimum. The sign-on bonus would not be paid until the FTO program is completed and that officer has been released and on their own for at a minimum of two months. That ensures the officer is going to work out.

Chief Brown stated that the Teamsters' union fully supports the bonus. However, there are a couple officers who do not like the idea but only out of jealousy.

Chairman Burk asked if the current members are feeling the stress of being down one officer; Chief Brown stated yes. The Chairman recommends selling the idea by informing them this will prevent them from pulling additional shifts until they are up to full staff. Chief Brown stated he has done that and has informed the other officers the hiring process would need to be started by his staff immediately in order to get an applicant into the academy in March. He told them it would take at least nine months until that new officer is able to pass everything and be released for regular duty.

Chief Brown also noted that because the academy is so highly rated, recruits frequently drop out. If that were to happen in this situation, his staff would have to start the hiring process again. That second officer would not be on the street until the summer of 2018.

He has explained that the majority of officers at the department support the bonus because they understand it is the easiest and quickest way to fill that one vacancy.

Councilwoman Wilson stated that she reviewed the packet and it appears to be self explanatory adding that the cost to put someone into the academy is astronomical.

Chairman Burk agrees this will give Chief Brown an officer that can hit the road almost immediately. He pointed out there could also be other officers that may want to retire over the next few months. That would leave two spots that need to be filled. He agrees that these certified officers move around and certainly understands they have to do what is best for them.

Councilwoman Wilson agreed with Chairman Burk and confirmed this is a one-time deal.

Chief Brown said there is one other drawback because he wanted to talk with the other Chiefs about this first. Milford would be setting a precedent in this situation. Once he pays this bonus, he expects other towns will do the same thing because these departments are all competing against one another. He then referenced the numerous advertisements that other departments have out right now.

Chairman Burk pointed out that once a department completes their contract negotiations, the next department uses it as a benchmark in their negotiations.

Chief Brown said every department is competing for the few certified officers that are available right now. He said it wasn't that way when he was hired, but today police departments are at the mercy of the certified applicants.

Councilman Brooks pointed out it is not an easy job being a police officer today compared to thirty years ago.

Councilman Brooks feels that $5,000 is a lot of money to give one officer. He also asked if this only a one-time deal; Chief Brown reiterated the new officer will receive this only one time. Mr. Brooks reiterated that Milford will only do this one time. Chief Brown said hopefully but as he stated, this will start a precedent and he is unsure what will happen in the future.

Councilman Brooks asked how often other certified officers stay at Milford after they are hired from other departments and what kind of police officers are they for the most part. Chief Brown said that Milford has done a great job with backgrounds and only choose the best. So far, he feels they have done a good job with the certified officers that have been hired the past several years.

Referring to the starting salary comparison, Councilman Brooks understands why someone who is making $37,000 in Harrington would want to come to Milford and start at $45,000 which is an $8,000 increase for that officer. Chief Brown noted that Harrington has take home cars which is one of the big benefits. He said that is very appealing to the younger officers.

Councilman asked how many officers in Milford have take home cars; Chief Brown stated no one in the patrol division except for the K-9 units.

Chairman Burk likes the idea and feels that when the department has two postings and has not received one application,

there is a problem and other things need to be considered. His main objective is to get this tied to some length of service which he noted is basic when it comes to any hiring bonus. That prevents someone from coming here, receiving the bonus and then leaving for another department.

Chairman Burk's other concern is how the union will feel about the bonus.

City Manager Norenberg stated that he met with Chief Brown on Friday and together, they contacted Labor Attorney Gary Simpler who handles the labor relations for the police department. He confirmed that a letter of understanding is needed whereby the Teamsters and City must both sign off. That becomes an appendix to the contract. He said that Chief Brown indicated he wanted to first discuss this with the other Delaware Chiefs. Assuming that the Police Committee and City Council are supportive, it will need to be formalized because it relates to compensation for the officers under the Teamsters' contract.

Mr. Norenberg indicated that Chief Brown stated on Friday there will not be an automatic bonus every time he has an opening. The Chief said it will only apply to specific situations which he will articulate in the letter of understanding. In this situation, Chief Brown has explained the hardship being created because the department is down by one officer. However, it will not necessarily be offered a year or two years from now when other recruitment situations occur. He said the Chief will have it made clear that a bonus will not be provided from here on out.

Councilman Brooks said he does not really like the idea, but will agree to support it. Chairman Burk pointed out that what the City Manager and Police Chief have stated is this will be a one-time deal to see how it turns out as an attempt to bring the department to full staff.

There being no more comments, Chairman Burk moved to recommend to City Council that a one-time $5,000 bonus be given to the next certified officer hired which will require a three-year commitment and successful completion of the training process.

Ms. Wilson asked at what point the new officer would be paid. Chief Brown feels they should be at the department long enough to get through the FTO program. Chairman Burk restated his amended motion "moved to approve a one-time $5,000 bonus be given to the next certified officer hired which will require a three-year commitment and successful completion of the FTO program."

Chief Brown added that most of the time the FTO program is not a problem and is basically set up for them to become familiar with the way Milford conducts business and allow enough time for them to get used to the town and familiar with the streets.

Ms. Wilson seconded motion. Motion carried.

There being no further business, Councilwoman Wilson moved to adjourn, seconded by Councilman Brooks. Motion carried.

The Committee Meeting adjourned at 5:52 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 21, 2016

A Meeting of the City of Milford Community Affairs Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Tuesday, November 21, 2016.

PRESIDING: Chairperson Lisa Ingram Peel

IN ATTENDANCE: Committee Member:
Councilmember James Burk

Mayor Bryan Shupe

City Manager Eric Norenberg and City Clerk Terri Hudson

Chairperson Peel called the Committee Meeting to order at 6:00 p.m.

Planning and Economic Activities Coordinator Rob Pierce was also present.

Ordinance Review/Chapter 90 Business License

Chairperson Peel advised that this discussion began at a Community Affairs Committee Meeting several months ago. The Committee looked at the opportunity to offer some sort of registry and ways to maintain the registry in the same manner as other municipalities. Milford is currently one of three municipalities without that requirement.

The Committee agreed to open the discussion to business owners which was the reason for the public workshop. In that manner, they could determine where everyone stood by listening to their concerns.

Chairperson Peel emphasized that she heard loud and clear that many business owners were concerned about the proposed fee. The Committee will resume that conversation though she wants the business owners who are present to understand the business license is not something that has been presented to Council and is only in the initial stages of discussion.

She then offered the floor to Committee Member Burk to speak on the matter.

Councilman Burk agreed the Committee heard what everyone had to say about the business license and he appreciates those that took time from their busy schedules to attend tonight's meeting. He understands that time is money to small business owners and is grateful they are willing to be involved.

He explained that City Council first started talking about this during the budget hearings in June as a way to offset the cost of an additional code enforcement officer. It has progressed since that time. He has mixed feelings because he is also in the code enforcement business and believes there is some value in this and could result in some additional code enforcement within the City of Milford. But he is also pro business and in particular pro small business. He said it was great seeing so many business owners come out last week and he understands what they said and where they were coming from.

Councilman Burk explained that City Council put together a packet of economic development incentives recently. One of the things at the top of the list was the waiver of a proposed business license. He questioned the goal of enticing businesses to come to Milford and providing a waiver would be a benefit. In the same breath, the City wants to enact a business license.

Councilman Burk said he looked at this from two different sides of the coin adding that we do have to pay for every employee hired by the City. But the business owners last week questioned why they were having to pay for the enforcement of their individual business. They also questioned the businesses that don't pay or don't register which is also a concern of his.

He pointed out the in-town only requirement versus all businesses which he feels is also worrisome. He believes that would

disproportionally impact Milford-based businesses. His example was Lingo versus Masten (real estate). He noted that a home could be listed with Lingo, who is not required to have the license, though it is mandatory for Masten. As a result, it puts Masten at a disadvantage.

Councilman Burk also noted that every brick and mortar business is also an electric customer which is another cost to that business. He stressed that Council continually hears about the high electric rates in Milford. He asked what happens if a pizza shop opens just outside City limits and delivers in town. They are able to sell their pizza cheaper because they don't have to purchase a business license. That gives them an advantage over an in town business.

He said this Saturday, the City is promoting Small Business Saturday. He sees the Mayor promoting Small Business Saturday. If the City values small business, he feels we should be helping them as much as possible without adding any undue costs.

Another concern is the flat rate across the board with Perdue paying the same fee as Dolce. He asked how many coffees have to be sold to pay for the business license in comparison to the thousands of chickens Perdue sells on a daily basis.

Councilman Burk is wondering if the City should take an opposite approach and instead support small businesses by not having a business license.

Being a code official himself, Councilman Burk believes we could end up in court with a business that does not pay the license. That business may be fined $100 for not having a $120 license. The City only receives the $100 fine if the business is caught and found guilty. He feels that needs to be worked on as well.

In addition, he believes we need to be very clear about the waivers and exemptions.

The Councilman recalled that the City Planning Coordinator stated that he wants to be able to provide a list of businesses when requested, so it is easier to explain where there are available properties, for example. Councilman Burk does not believe we want our businesses paying to make the City's life easier.

He is sure there are other thoughts, but this is where he is coming from and he feels we can do a better job of coming up with some things to get everyone on board. In the meantime, he recommends we do a voluntary registration of businesses to come up with this list without getting all our businesses upset and having the perception that Milford is anti-business.

Chairperson Peel said she agrees with Councilman Burk. She has the same concerns and continues to hear some of the same concerns from her constituents. One of the things that Council wanted to prioritize is code enforcement which is an ongoing concern that she hears on a regular basis.

The Chairperson believes these things may go hand in hand once we have an additional code enforcement officer. However, that does not mean the City can't be more proactive when trying to address code enforcement. She believes that at this point, we need to look at it from a different angle by simply being more proactive.

Councilwoman Peel feels we can accomplish that by engaging community members and business owners by saying we do have an open complaint system and it is anonymous. She hears from people all the time with complaints but we do no seem to be driving traffic to that complaint system. In order to do that, she feels the City needs to make a bigger effort, and sort of take back our neighborhoods and say it is not ok because I own a business and what is happening is deterring business and clients from patronizing my business. Therefore, we need to look at a way to do that.

Chairperson Peel cannot see the benefit of having the registry. One of the things that was promising to hear from those businesses that were represented (though she understands it was a small number when compared to the total number of businesses in Milford) is that people are open to participating and sharing information with the City to provide a way to track all these businesses and look at what exists.

The other thing she wants to do is clarify some of the other ordinances that are being reviewed. In addition to updating the business license, they are also reviewing the contractor and transient merchant codes. She asked Mr. Pierce to explain each

of those so our business owners understand what I being updated and that each code is different.

City Planning Coordinator Pierce then explained that the transient merchant ordinance has also gone through the Community Affairs Committee a couple of times with proposed amendments pertaining to mobile food vendors. They wanted to clarify the language and strengthen some of the points which are the major modification to that ordinance.

Mr. Pierce also noted that the fees were going to be moved from the individual ordinances and referenced in a City fee schedule so that a code amendment would not be required each time a change was needed.

The only modification to the contractor ordinance was moving the fee out of the code and into the fee schedule.

Mr. Pierce further explained that a fee schedule resolution already exists for planning and zoning services. He was going to add the license fees to the resolution and our goal is to eventually work toward an overall Citywide fee schedule.

Chairperson Peel asked Mr. Pierce if there is anything he wants to discuss with any potential revisions based on the memo. Mr. Pierce stated that in regard to the business license, last Monday they reviewed the original ordinance that provided the requirement for all business activity in the City. The proposed revisions would be a second option which would limit the requirement to brick and mortar businesses. However, both were only proposed and the final draft of the ordinance to be presented to City Council would be determined by the Community Affairs Committee.

He reiterated there were two versions presented. One impacted all businesses and the other strictly the brick and mortar operations in the City.

Councilman Burk noted that the Town of Smyrna just added some tougher restrictions on food vendors.

Mr. Pierce then clarified that Milford is one of three municipalities in the top twenty that does not require a business license and believes there could be more than three in the entire State of Delaware.

Based on the information that Chairperson Peel has received, she then moved to withdraw the proposed Chapter 90 Business License Code and consider that discussion once they have reviewed some code enforcement issues without imposing a fee on the businesses.

Mr. Burk asked if the Committee is able to hear some additional feedback from those business owners who are in attendance. Mayor Shupe pointed out this is not a public hearing and suggests that people stay for the next item on the agenda which is strategic planning. The Committee Members can then individually speak with the business owners following the meeting.

The Chairperson then stated that if the City still wants a business registry, with the voluntary participation, it could probably be done in house.

She reiterated that is someone sees something that is wrong, there is a system in place for recording complaints. Chairperson Peel said that is an issue that keeps coming up and needs to be addressed as well.

Mr. Burk then seconded the motion. Motion carried.

Ordinance Review/Chapter 107-Contractors

Ordinance Review/Chapter 168-Peddling, Soliciting and Transient Merchants

Chairperson Peel asked Councilmember Burk if he wanted to discuss anything related to this ordinance. Mr. Burk stated that it looks good to him.

Mr. Pierce asked the Committee to consider the contractor fee and recalled the discussion about increasing it from $100 to $120. At that time, they looked at the number of contractors who were registered a year ago. The increase in the fee would generate another $6,000. However, the Committee also has the option of keeping it at its current $100 fee.

The Planning Coordinator added that the other amendment to the code is allowing it to be prorated over a six-month time frame versus quarterly so that everyone would be on the same proration schedule.

Mr. Pierce recalled the decision to increase the vendor permit to coincide with the contractor permit. He recommends that whatever fee the Committee decides, should be the same in both codes. He noted that the vendor currently pays $50 per year which is not prorated and a proration would also be added to that code.

He said that the number of vendors a year ago was very minimal.

Councilman Burk asked the reason for the increase in both fees; Mr. Pierce recalled the discussion to make the three fees (business license, contractor permit, vendor permit) the same amount. However, the committee can also opt to leave the amounts as they are currently stated.

City Manager Norenberg feels the number of registered vendors will increase once the amendment is adopted. It will ensure mobile food vendors are included which will result in additional staff time. If the Committee prefers, the fees can be left at the same level and evaluated each year. If left at their current rates, a recommendation can then be made based on a more accurate staff analysis.

Councilman Burk stated that he prefers seeing the increased number of man hours created by the change before a decision is made. He has seen other municipalities get in trouble without any justification to increase a fee. He feels Mr. Norenberg's suggestion is a great one and that we should postpone any increase at this time.

Mr. Pierce then explained the processing time of each license will be the same. He recommends the same fee to make the process more consistent and uniform.

The Chairperson said she agrees with the schedule though she questions the fee.

Mr. Pierce reiterated that we can justify the increase in the vendor fee because it involves the same process for contractors.

Chairperson Peel suggests the fees not be increased until such time we are able to provide more detailed information in case it is needed. Councilman Burk agrees that more data is needed and asked that staff keep track of it.

When asked if one can be done without the other, Mr. Norenberg stated that both ordinances have recommended fee increases and that the fees are being moved out of the ordinance and added to a fee schedule. In that way, City Council can easily review the fees during the budget process, in addition to anyone who is looking on line.

The City Manager agrees that the staff time involved in contractor registration and vendor registration is the same. He is willing to track it for one year to see if there is any substantial difference though he feels the fees should be equalized at some point.

In the future, Mr. Norenberg would like an annual review of all fees and charges to determine if the cost of administering each service has increased substantially. At least every three to four years, fees need to be adjusted. With a fee schedule, some things may jump out versus having them buried in each individual code.

Chairperson Peel asked if it would make more sense to review all of these fees during the budget hearings; Mr. Pierce recalled that was done during the previous budget review. Leveling the fees was also discussed with Council over the summer.

Councilman Burk said this is being considered right now because we are approaching the first of the year when all license renewals are due.

Mr. Pierce agreed he was trying to avoid changing fees mid year which would require much more paperwork. He reemphasized he does not see the difference in the two processes and asked that perhaps $95 be considered for both fees adding there is a lot more contractor permits than vendors.

Chairperson Peel asked for assurance the vendor permit is not required for anyone selling at the Farmer's Market. Ms. Norenberg agreed they are exempt.

Councilman Burk asked how much food trucks will pay annually. Mr. Pierce explained they were being treated as transient merchants in the past. He noted that some language changes were made to prevent them from being in the middle of a residential area and instead only permitted in non-residential commercial areas.

Chairperson Peel expressed concern that it is difficult enough to get food trucks to Milford for an event. As we increase the number of festivals downtown, we need to have a good relationship with all of them in her opinion.

She then asked if the contractors are getting more for their $100 permit versus a food truck; Mr. Pierce explained that we are only making sure our contractors are licensed and insured appropriately so that they are capable of performing work on housing and commercial buildings in Milford.

He noted that the transient merchants also take into consideration door-to-door solicitors who are required to get background checks to protect our residents and children.

Chairperson Peel stated that she does not want this to be a deterrent for people to register. If a criminal background is needed because they are going door-to-door, she would hate to think the City is charging them a higher fee to do that.

Mr. Pierce reiterated he was only trying to make them equal because the same administrative work is needed though there may be a little more work for the applicant because of the background check.

When the Chairperson asked who would incur the cost of the background check, Mr. Pierce stated he would need to double check that.

Chairperson Peel said that is an additional expense that the contractors do not have. She noted that the responsibility of the fee is not stated in the ordinance.

Councilman Burk also pointed out the food trucks also are required to have a license from the Department of Health. In this case, the City is giving them another fee to duplicate.

The Chairperson explained that this is needed because the City needs to know more than anything else who is out there going door-to-door. Mr. Pierce confirmed that was required for a solicitor permit. The transient merchant is for enforcement capabilities and to make sure they are setting up operations correctly in non-residential areas.

Councilman Burk said food trucks are really big right now. He recalled the Mayor's Volunteer Fair and the Boys and Girls' Club events, including the Kid's Fest, and how difficult it was to get food trucks to come. He does not want to give the food truck owners the perception that Milford is anti-business.

Chairperson Peel agreed adding that we need to leave the vendor fee at $50 though she will agree to the fee schedule.

Mr. Norenberg stated that would be the only change to the contractor code and asked for a motion. Then they can discuss in more detail the amendment to the transient vendor code.

Councilman Burk then moved to recommend to Council the changes to Chapter 107 Contractors, with no changes to the fee, seconded by Chairperson Peel. Motion carried.

Councilman Burk then moved to recommend the changes to Chapter 168 Peddling, Soliciting and Transient Merchants as the Planning Coordinator described, with no changes to the fee, seconded by Chairperson Peel. Motion carried.

Strategic Planning

Chairperson Peel stated that this item is partially derived from the City Council Retreat where they looked at the need for

a strategic plan, mission statement and a combination of the other planning tools as well as the information gathered for the Master Plan from the various stakeholders that were involved. She pointed out this will become critical as we continue to grow and the need for incentivizing businesses becomes bigger and more work is needed on the downtown master plan for the downtown development district and some of the grants.

City Manager Norenberg stated that one of the things they talked about during the retreat was that the city does not have a strategic planning and usual mission/vision statement.

Mr. Norenberg stated they have taken a few first steps toward trying to identify some of the priorities of City Council. A longer five-year vision strategic vision would be helpful so that more of the City operational and capital plans can be established to align to that five-year vision.

Once that longer vision is established, he said this will enable them to work toward establishing budget priorities and tying them into those visions and priorities and establishing performance metrics for staff.

He pointed out a strategic plan can be very beneficial to the organization by setting priorities for City staff to follow.

Mr. Norenberg stated that the best methodology he has experienced in the past is one that engages the City Council and the community in a variety of mechanisms in terms of focus groups, surveys and other input processes so that we can get feedback from the community in terms of the City's mission, vision and strategic priorities for the community.

He feels this is an intensive process and much more than one staff person can take on his/her own over the next few months. He believes it is probably best to get a proposal from one or two different organizations and have someone facilitate this process for City Council. They can then help engage the community and the various stakeholder groups throughout the community who will provide input in that process.

Mr. Norenberg referred to the various links he found in several cities that have benefitted from doing this.

Councilman Burk stated that the links the City Manager emailed to the Committee Members were helpful. He thinks we have a lot of resources we can tap into similarly to what we tapped into for the business license process. He believes it is beneficial to have people come out and provide input.

He thinks a plan is great and referenced the Oberlin document though Councilman Burk came up with his own and will e-mail the City Manager and Committee.

Chairperson Peel said she sees a couple things of value in strategic planning though hers is mainly with her day job, and how that drives any company or entities' business or goals. Another benefit of the strategic plan is that anything presented during the budget process needs to be connected to the strategic plan. In that manner, everyone moves toward a common goal without an outlandish idea though it may seem like a good idea at the time. Everyone is then familiar with the five-year vision and everyone works toward executing that as a common goal. It could have different tiers and priorities but everything in the budget should be aligned.

She said the other part of that is looking at performance and evaluating and driving everyone's work toward the same goal. It is hard to do that in an organization that is as large as the City because everyone may have a different vision and/or competes with one another or other departments which could make it hard to manage.

Chairperson Peel was very surprised the City did not have a strategic plan. Now that it has been identified, in her opinion it is needed. The question is who and how this can be done because it is beyond the scope of the City Planner and Council and something all stakeholders need to be involved with.

She said that leads us to who will execute that task.

Chairperson Peel proposes we look at consultants, agencies or non-profits that may be willing to do this and consider the associated costs and how that will work. We will then have more information to be evaluated and brought forward.

The Chair then asked the City Manager if he would do that research; Mr. Norenberg said he is willing to seek some proposals and quotes in terms of time and costs involved. In terms of timing, Council could make the determination if we can afford to fit this into the current fiscal year budget or if we should wait and budget it for next year. He believes the IPA program did a great job at the retreat for a very affordable price and they may be able to provide a price tag and scope of work that can accomplish the goals at a reasonable price. Therefore, he believes this can be squeezed into this year's budget and started after the first of the year.

Chairperson Peel said she thinks about this as her house and if she has a crack in the foundation, she does not really want to fix it but wants to paint it and do landscaping. It is one of those things that if you keep going will benefit you in the long run by having a strategic vision with budgeting.

Chairperson Peel made a motion to move forward with pursing some quotes so that Council can determine the best way to accomplish this.

Councilman Burk feels we should also open it to local colleges as was done with the retreat through the University of Delaware Public Administration Department. Perhaps there may be a local college who would feel this is a fun project for them and could be cutting edge as far as what they come up with.

Councilman Burk then shared what he came up with. He said that Mr. Norenberg shared with the Committee Oberlin's core values which were spelled out as O B E R L I N.

The Councilman came up with the following core values for Milford:

M-Milford
I-Inviting Downtown
L-Lots to Do
F-Family Friendly Fun
O-On the Move
R-Respective of our Past
D-Determined to Create a Brighter Future

He agrees a plan is always good moving forward and agrees with Chairperson Peel that it is always nice to put flowers in the window boxes but if your foundation is crumbling, that should be addressed first.

Councilman Burk seconded the motion. Motion carried.

Chairman Peel concluded by stating that Mr. Norenberg will move forward with quotes for potential strategic planners.

There being no further business, Councilman Burk moved to adjourn ,seconded by Chairperson Peel. Motion carried.

The Committee Meeting adjourned at 6:43 p.m.

Audience members began to ask questions and the City Manager reminded the Committee Members that individual conversations could occur only and that the two Committee Members formed a quorum which was prohibited by FOIA when City business was being discussed.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 28, 2016

A Meeting of the City of Milford Economic Development Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, November 28, 2016.

PRESIDING: Chairman Christopher Mergner

IN ATTENDANCE: Committee Members:
Councilpersons Lisa Ingram Peel and James Starling Sr.

Mayor Bryan Shupe

City Manager Eric Norenberg & City Clerk Terri Hudson

Chairman Mergner called the Committee Meeting to order at 6:01 p.m.

Economic Development and Planning Coordinator Rob Pierce was also present.

Economic Development Incentives

Bayhealth Medical Campus Agreement:
Easements, Utilities, Responsibilities, Permits

City Manager Norenberg explained the main topic of discussion this evening are potential code changes. City staff and Bayhealth representatives have been meeting to discuss a series of incentives and cost reductions that have been requested by Bayhealth.

The City Manager referred to a letter from Bayhealth CEO Terry Murphy to Mayor Shupe dated August 8, 2016 and a draft of an Economic Development Agreement from Bayhealth. He emphasized it is only a draft at this stage though it provides a scope of the requested incentives.

He also referenced a draft of potential City of Milford code changes that will be required because many are outlined in our various codes and limited to a smaller number than what is being requested.

A chart was handed out at the meeting which outlines the estimated costs related to the Bayhealth project and the requested reduction(s).

Mr. Norenberg explained that according to the calculation that Bayhealth provided, they project 71 EDUs. Broken down, the water impact fee for the new hospital is estimated at $201,640. However, based on the number of new jobs being created by the project, up to 5 EDUs can be waived per the current code.

He recalled that more than five years ago, the City entered into an economic development agreement with Perdue and Seawatch at which time 5 EDUs were waived for water, sewer and electric as a result of the additional jobs created by expansion at both plants. Bayhealth is requesting a greater number of EDUs being waived which is why the code amendments are needed. The committee will need to make a recommendation to full Council for an ordinance to be created for Bayhealth and any other major projects so that a larger number of EDUs can be waived.

Mr. Norenberg referenced the following proposal:

To qualify for the impact fee waiver, commercial construction of projects costing $1,000,000 or less, must be completed and a certificate of occupancy received within a twelve-month period. Projects costing between $1,000,001 and $5,000,000 must be completed in twenty-four months and projects costing more than $5,000,000 must be completed within thirty-six 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 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 EDUs).
* Creation of 15-19 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (3 EDUs).
* Creation of 20-24 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (4 EDUs).
* Creation of 25-30 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (5 EDUs).
* Creation of 31-35 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (6 EDUs).
* Creation of 36-40 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (7 EDUs).
* Creation of 41-45 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (8 EDUs).
* Creation of 46-50 new jobs to last at least 3 years: Exemption of Impact Fee Waiver (9 EDUs).
* Creation of 50 or more new jobs to last at least 3 years: Exemption of Impact Fee Waiver (10 EDUs).

He explained that similar changes would be needed in all utility codes–water, wastewater and electric chapters.

The other option is to pull the incentives out of the codes and consolidate them in a separate section within the Economic Development Code.

Mr. Norenberg also reported that Bayhealth has requested additional items, including the reduction of the Carlisle Enhancement Fee, that is collected on each building permit and occasionally paid out to the fire department for various projects.

Another major request is the reduction of building permit fees. He stated that the City could potentially refund some of the unspent building permit fees after the City has paid all their bills related to the inspection of the project.

He continued by noting that there are also some fixed costs related to providing utility services to the campus. The City has been working with Bayhealth, their engineering team and our public works staff on getting the utility connection from the City electric substation to the new campus in the most cost effective manner as possible which calculates to a $531,500 savings from their original cost.

The City Manager emphasized the Kent County Sewer Impact Fees cannot be waived even though the City collects it on their behalf after which it is forwarded to them.

Bayhealth is also requesting an electric rate discount. The City is presently working with DEMEC, our wholesale power provider, to develop an incentive package for them. A meeting was held last week with Bayhealth, DEMEC and City staff to discuss the scope and how to structure the reduced rate.

Mr. Norenberg reported that a number of the potential incentives and related issues need to be memorialized in a development agreement though not exactly what Bayhealth has proposed though it will be similar.

He reiterated that code changes will be needed and the process of drafting the ordinance and review by City Solicitor David Rutt is required prior to the ordinance being introduced and adopted by City Council.

Councilwoman Peel confirmed that this was done for Seawatch and Perdue. Several Councilmembers noted that was done before they were on Council.

Councilwoman Peel continued by stating this is a much larger project and the problem being presented is the limited number of EDUs as they are written in the code. Mr. Norenberg stated that specific to the impact fee waiver, five is the maximum number that can currently be waived. Both the Perdue and Seawatch projects were approximately $1 million of which 5 EDUs were waived for water, sewer and electric.

According to Mr. Norenberg, a few other factors were included in the agreements. Though the City Clerk has been able to find some related records, the history is vague when it comes to the creation of the formulas that were used then. Because

both were for-profit industries, one was granted a partial property tax abatement in addition to water and electric rate incentives that were based on incremental increase usages.

Chairman Mergner stated that based on this project in the southeast area of the City, how are we set up for future growth and as we waive these fees, will we make that money back as we continue to expand and handle the repair of those utilities. His concern is that we could potentially handicap ourselves in the future by not collecting these fees.

The Chairman agrees the hospital is a great project, but this is a substantial reduction and potentially could strain these funds.

Planning and Economic Activities Coordinator Pierce explained it is his understanding we received some feedback from the Finance Department on the balance of the impact fee funds. Mr. Norenberg agreed there is approximately $2.2 million in the impact fee account that is used for future projects. However, he is unsure how that is broken out between water, wastewater and electric.

Mr. Pierce stated that with regard to water infrastructure, the water tower was built as part of the USDA-funded project. The wastewater infrastructure will be constructed and paid for by the private developers in addition to the City's contribution. The electric service is typically built to meet the developers' needs in the area.

The Coordinator explained that one aspect considered was that at some point, the new force main coming from the new southeast pump station will need to be relocated and discharged at the Northeast Front Street facility. As a result, there will be some expense related to that relocation at some future point.

Mr. Norenberg added that the force main will be factored into any other development in the southeast area which could accelerate construction of the force main serving the area. In terms of electric future projects, the City has a fairly new substation though they only have a lifespan of 20 to 25 years. At some point, there will be some major upgrades needed. Depending on growth, a third substation may be needed ten or so years from now.

Chairman Mergner asked for more detailed information on the Carlisle Enhancement Fee and asked if the City Manager feels the fire company will be receptive to permitting Bayhealth to reduce that amount. Mr. Norenberg said there have been ongoing conversations though he hopes to sit down with Bayhealth and the Fire Company to come up with a win-win solution that would benefit both the hospital and Fire Company. He wasn't part of the conversation though Bayhealth discussed reducing the fee in exchange for some features that are being built into the hospital. However, he does not believe that has been resolved. Bayhealth hopes to reduce that fee by providing some land for a future fire substation in that area or other amenities that will be included in the new emergency room including the helipad.

He informed the Committee that the Carlisle funds are collected and put into a fund until such time the Fire Company needs funding for new equipment or facilities. They are then required to submit a written request after which the City releases the funds as was done a few months ago for the ambulance garage.

Mr. Norenberg continued by stating that the Fire Company's concern right now is that their largest aerial tower truck is close to 25 years old and once it reaches that age, it will be considered obsolete even though it does not have a lot of hours and miles. As a result, insurance rating agencies will consider that which will impact Citywide insurance rates and cause increases.

He estimates a new aerial truck to cost approximately $1 million and noted that the hospital is the tallest structure in town and would need that type of equipment.

Chairman Mergner confirmed the original permit cost to Bayhealth is $1.269 million and the reduction is $1.158 million or a reduction of $111,055.

The City Manager explained that he prepared the chart to reorganize the City fee versus our hard costs as shown on the chart:

	Original Cost	Revised Cost	
Water Meter	$500	$500	
Water Service Connection	$35	$35	
Irrigation Meter	$350	$350	
New Milford Sewer Pumping Station Fair Share	$550,000	$550,000	
Temporary Electric	$150	$150	City is Loaning Transformers to Bayhealth
Electric Service Connection	$50	$50	
City Electric Substation Improvements	$750	$218,500	October 12th Estimate
SUBTOTAL	**$1,301,085**	**$769,686**	
Difference		**$531,500**	

Mr. Norenberg reiterated these are hard costs though the permitting fees can be more easily revised.

Chairman Mergner confirmed that their recommendation is to reduce both hard costs and permitting fees; the City Manager stated that is correct and pointed out the electric substation improvement costs were reduced. If Council agrees to increase the reduction of EDU costs from the current maximum of 5 to 50, that would increase the $111,055 of permit reductions to $330,000.

The City Manager also noted that because Bayhealth has provided the City with an easement to the southeast tower and wells, a reimbursement to Bayhealth is being considered through a water impact fee of $50,000. In addition, the City has agreed to grant them the triangle lot that will square off their property in the area the chicken houses were previously located. The City is currently getting an appraisal on the easement which means that could potentially change that number.

Jerry Peters, Bayhealth's Director of Health Campus Project, then informed the Committee they were looking for a partner when they agreed to stay in Milford and purchase the 169 acres where they are presently building. He hopes to continue that partnership adding that they have had discussions with the City Manager, City Planner and Officials.

Mr. Peters said he appreciates the City Manager's comment on the easement through the Bayhealth property emphasizing that they donated seven to eight acres of easements back to the City at no cost to the City.

He reported that for large projects like this, most cities either prorate the fee structure as projects escalate in costs, or cap them at a certain maximum cost.

Mr. Peters stated that they agree and accept the premise that there is a cost to the City to review documents, including staff and consultant times. He also understands the idea of fees is to pay for those costs. One of the obstacles of hospital construction is it is extremely expensive per square foot which in their case is approximately 400,000 square foot. He said if that was just 400,000 square feet of residential construction or a big box store, it could be built at a fourth of the cost per square foot compared to what Bayhealth is spending.

He does not believe it will take four times the amount of time to review those plans though the City's fee structure is based on a cost per square foot and does not prorate or cap the fees which most cities do to encourage larger projects.

Mr. Peters pointed out the hospital will have a lot of showers, sinks and toilets that are required by code which calculates to a lot of EDUs. He noted that they would not have the impact a family of four would have, for example, who would take

four showers a night. He stated that the hospital will have a shower in each patient room even though those patients will not take a shower every night.

According to Mr. Peters, every sink in the hospital will not be used as a sink in a home nor use the same amount of water which is what the EDUs are valued at.

As a result, he said the hospital will have an excess of showers, sinks and toilets though they are required by code for the convenience of staff when they do handwashing. Overall, the amount of water going into the sewage system is much less per sink than a sink in a private residence.

He noted that the hospital agreed to contribute toward the sewage pumping station by approximately 30% or $550,000. On top of that, the City is asking the hospital to pay to use what has already been paid which is a little upsetting to him.

Mr. Peters said he appreciates any reduction or relief the City can provide.

Planning Coordinator Pierce then reported that the EDU calculation for the hospital is based on number of beds and not number of fixtures. He emphasized that if that number was based on fixtures, it would be outrageously high. The 142 beds calculate to 72 EDUs .

Chairman Mergner asked for clarification about the pumping station fee; Mr. Pierce explained that is the cost to develop the infrastructure required to serve the property. Bayhealth, along with two other entities, signed an agreement some time ago. In addition, the City of Milford is carrying a substantial number of units.

Mr. Pierce confirmed the money was put into an escrow account though the City is still waiting for acquisition of the easements in order to submit permits to DNREC for the force main that will serve Bayhealth.

Councilperson Peel confirmed that the scale for creating new jobs and the waiver of impact fees requires each job being created to last at least three years; Mr. Norenberg stated that is how the current code is written though it limits the waiver at 25 or more new jobs.

He is presenting another option for Bayhealth which he feels is a special project and unique. He reiterated the code will need to be amended if we proceed and that it should not only apply to the hospital project.

Mr. Norenberg further explained that we could continue using the maximum of 25 new jobs. However, his draft provides that in addition to the waiver based on the number of new jobs created, a developer constructing an employment center with at least 250 jobs and $100 million of capital investment receive a waiver of up to 'X' additional EDUs.

He suggests the Committee consider that number based on their comfort level though this could set a precedent. The Committee may also want to think about capping or limiting the EDU count or provide another type of calculation.

Councilmember Peel noted that for every new five jobs created, Bayhealth is receiving another EDU waiver and asked if this should be written using a multiplier of five versus the way it is currently written; Mr. Norenberg said this mirrors the way the code is currently written.

Chairman Mergner agrees there may be a better way to rewrite this, but stressed the need for new jobs to be part of the calculation and not just the amount of the capital investment. He said the goal is to create new jobs and that has to be the biggest factor.

City Manager Norenberg reported that a couple weeks ago, he was told that the new hospital could add fifty new jobs compared to the current campus.

Chairman Mergner asked the Bayhealth representatives how many new jobs will be created as a result of the new hospital; Milford Memorial Hospital Administrator Michael Ashton stated that they estimate between 800 and 850 total employees. He pointed out there is also a multiplier known in hospital construction projects from a community standpoint and an

estimate of 1.85 other community jobs are created with every hospital full-time employee equivalent.

Mayor Shupe said it is important to make the distinction between the manufacturer who is expanding an existing building and creating 25 new jobs, compared to the hospital who is building a new campus and has chosen to stay in Milford in city limits and is creating 50 new jobs, may be understated.

Chairman Mergner said he is still contemplating how to make this prorated or possibly a loan or fee payback into the future and help provide some additional funding up front. After a certain amount of years, it would then become more of a payback to the City once things were up and running. At that point, the hospital could budget that amount versus having to provide these start-up costs now.

The Chair asked if there are fees that can be postponed so the hospital can proceed with a little more ease at this point. He does not know that answer but was something he had considered.

Mayor Shupe feels the City should be more than happy to waive X amount of EDUs considering the addition of 250 jobs and a $100 million in capital investments. Mr. Pierce suggested that job creation not even be considered and instead base the waiver(s) on the $150 to $200 million in construction costs.

The City Manager again noted the original code was based on job creation, which is why he referenced the 50 new jobs that are anticipated at the new campus. He was told there are 800 plus jobs being created from his conversation with Vice President Corporate Support Services Mike Metzing.

Mr. Norenberg noted that the current Bayhealth campus will also be vacated and they are in the process of finding a buyer. Also considered was transferring EDUs from that location and crediting the new campus. But that runs the risk of the new buyer having to pay EDUs at the old site. There will also be additional jobs created at the old site that should be taken into consideration.

The last thing is to negotiate and bring forward the development agreement to City Council in January.

Mr. Norenberg then suggested a motion be made with regard to the number of EDUs. He will then work on the code changes for the December Council meeting and suggests that Chairman Mergner report to Council at tonight's meeting.

When asked the cost of the EDUs being recommended to be waived, Mr. Pierce explained the 71 EDUs calculates to $201,000 for water and $106,000 for sewer.

Chairman Mergner confirmed the City is comfortable with that waiver amount. Mr. Norenberg pointed out that the $201,000 and $106,000 is what would be collected according to the current code. Council may be more comfortable waiving $40,000, $50,000 or $60,000 based on job creation which is the economic development driver. In the meantime, the City will do their best to collect all other impact fees and budget accordingly for all other projects. Short of that, there is the potential that other rate payers will have to chip in on some of those projects.

Mayor Shupe verified that 50 EDUs would be the same scale as 250 new jobs; Mr. Norenberg explained that all three of those utilities turned into 50 EDU reductions is another $220,000 reduction and the $111,000 increasing to $330,000. Mayor Shupe stated he is basing that on Section E of the City Manager memo in the packet. He feels that if we do this, it needs to be scaled up to 50 EDUs.

Mr. Norenberg clarified the difference in the two sections. He stated that A is related to job creation and E is based on the amount of capital investment with a minimum of 250 existing jobs and not the creation of new jobs.

He further stated that Section A and E could be stacked together because the new hospital will create 50 new jobs and qualifies for 10 EDUs under Section A. An additional waiver could then be granted based on the capital investment. He is willing to come up with a new structure that makes more sense for the hospital.

Councilwoman Peel asked if we are now piecing two sections of the code to grant more waivers; Mr. Norenberg explained

that he is coming up with a way to enable the code to be used for any project and not just the hospital.

Councilwoman Peel prefers to simplify the code and feels it is difficult to interpret as it currently exists.

Mayor Shupe feels a scale is needed on Section E based on additional EDUs. He said they have also discussed a way to compensate the hospital for the easement that was granted which would be another incentive on top of the EDUs though that can be later discussed.

The mayor recalls considering another incentive though he does not remember it.

Mr. Norenberg asked if Mayor Shupe is referring to their electric discount though that requires another code amendment; Mayor Shupe stated that he prefers it be done to scale.

Chairman Mergner is in favor of ways to assist the hospital and if the code needs to be changed, that can be considered. He suggests it be done in house though he is unsure if that can be accomplished in tonight's meeting.

He said it could require a follow up meeting because it took more time than was expected to really understand what was being presented.

The Chairman recommends City staff create the proposal based on tonight's discussion.

Downtown Development Projects/RiverPlace & South Washington Street Properties

Planning Coordinator Pierce referred to the memo outlining the highlights of the Rivertown Rebirth Plan/Downtown Master Plan adopted by City Council last January and included in the Downtown Development District application. Some of the mixed use projects were outlined as larger scale development opportunities.

He then referenced to o ne of the potential mixed use development projects, identified in the plan as the RiverPlace concept. This proposal would utilize the former site of the Washington Street water treatment facility and two additional City-owned parcels along the southern banks of the Mispillion River. He referenced an excerpt from the Rivertown Rebirth Plan pertaining to the RiverPlace project along with a location map for reference. The Plan recommended first floor commercial/dining with residential uses above.

Mr. Pierce explained that if the Committee supports developing these parcels, the next step would be agreeing to a method for disposing of the land. A Land Development Request for Proposals (RFP) can then be prepared. That would allow the City to set requirements and restrictions on the development. Private investors interested in developing the project would be asked to submit a proposal outlining the project; the firm's qualifications would also have to be reviewed by staff and City Council. The land disposition would not be solely based on the bid price for the land, but the proposed development scheme, timeline and design/physical characteristics of the project all taken into consideration.

Mr. Pierce is seeking a recommendation from the Committee on how to proceed with the RFP needed to develop the property.

Chairman Mergner confirmed the property is the location of the former Washington Street Water Treatment Plant and includes a couple adjacent properties as referenced on the exhibit as well as the current basketball court.

Mr. Pierce confirmed the property is currently zoned C-1 which is Community/Neighborhood Commercial. However a new Riverfront Development District is under consideration that would allow an increase in density and an additional one story of height for mixed use projects in the downtown area. That has not yet been formally reviewed by the Planning Commission for a recommendation though that will be on their December agenda and before Council at the January 9, 2017 meeting.

The goal is to have all three of the parcels rezoned to the newly created district.

Chairman Mergner feels something is needed in that area and believes this would be a nice addition.

The City Manager added that in conjunction with the RFP, staff would need to initiate a couple other procedures related to the land provided to the City through the Delaware Trust Program as well as the grant assistance provided to develop the basketball court.

After speaking with State Parks, Mr. Norenberg believes they can free up the related restrictions by ensuring new parkland is provided elsewhere. The basketball court would have to be moved to a new location.

The City Manager asked the Committee to make a recommendation to City Council to identify the three parcels and use the RFP as the vehicle to solicit private sector proposals for development.

Chairman Mergner asked if there are additional costs that were not part of the current budget should Council agree to pursue this. Mr. Pierce said there could be some legal expenses and though the City could make the survey a condition of the RFP and require the potential developer to perform the survey and consider any issues.

Councilmember Peel moved to recommend supporting the land disposition and proceed with the RFP process as has been discussed, seconded by Councilman Starling. Motion carried.

Adjourn

There being no further business, Councilmember Starling moved to adjourn the Committee Meeting, seconded by Councilwoman Peel. Motion carried.

The Committee Meeting adjourned at 6:54 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 28, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, November 28, 2016.

PRESIDING:	Mayor Bryan W. Shupe
IN ATTENDANCE:	Councilpersons Christopher Mergner, Arthur Campbell, Lisa Ingram Peel, James Burk, Owen Brooks Jr., Douglas Morrow and James Starling Sr.
	City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson
COUNSEL:	City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:01 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilmember Starling.

RECOGNITION

Proclamation 2016-15/Congratulating Milford High School Boys Soccer Team

Mayor Shupe recognized the MHS Soccer Team by presenting the team with the following proclamation:

PROCLAMATION 2016-15
Commending MHS Boys' Varsity Soccer Team

WHEREAS, the Milford High School Boys' Varsity Soccer Team ended another successful winning season with a record of 8-6-1; and

WHEREAS, this was the fourth winning season in the past five years and back-to-back years of making the DIAA State Tournament; and

WHEREAS, Milford Soccer continues to play one of the toughest schedules in the entire state, playing seven state tournament teams; and

WHEREAS, the team was directed by Head Coach Todd French and Assistant Coach Ed Evans; and

WHEREAS, Managers Rebecca Castenada, Wendy Lara and Morgan Dawson provided support throughout the season; and

WHEREAS, Team Captains Kiki Torres, Matt Mitzel and Zach Domercant led their team to victory along with Team Members Ricardo Florestal, Eshnighdter Estime, Alex Toledo, Kyle Barbutes, Sametone Corvil, Khi Hovington, Ronalson Corvil, Daniel Sanchez, Jaxson Turner, Erens Mondelus, Lensky Legros, Miguel Morales-Lopez, Davidson Marcellus, Josh Strassle and Edwin Perez; and

WHEREAS, Kiki Torres earned All-State and All-Conference Honors and Matt Mitzel, Zach Domercant, Jaxson Turner and Erens Mondelus earned All-Conference Honors; and

NOW, THEREFORE BE IT RESOLVED that I, Bryan W. Shupe, Mayor of the City of Milford hereby honor and congratulate the Milford High School Boys' Soccer Team for their excellence and perseverance. Their success reflects credit upon themselves, their coaches, their parents and the Milford Public School District.

Photos followed the presentation.

Proclamation 2016-16/Congratulating Milford High School Field High Team

Mayor Shupe recognized the MHS Field Hockey Team by presenting the team with the following proclamation:

PROCLAMATION 2016-16
Honoring MHS Varsity Field Hockey Team

WHEREAS, led by eight hard-working, strong Seniors, the unparalleled reputation of the Milford High School Varsity Field Hockey Team continued to grow during the 2016 season; and

WHEREAS, under the direction of Head Coach Andrea Fleming, Assistant Coach Dawn Robinson and Assistant Coach Brittany Blacksten, the team triumphed over its opponents scoring 63 goals (2nd in the state), recording 7 shutouts and only allowing twelve goals during the entire season; and

WHEREAS, earning a bid in DIAA Tournament, they beat Concord in overtime action during the First Round, becoming MHS's only Field Hockey Team to accomplish a playoff victory since 1996; and

WHEREAS, the Lady Bucs finished out their season with an extraordinary 13-2 record of which the only two losses were at the hands of the eventual 2016 State Champion Delmar Wildcats; and

WHEREAS, Team Members Rajene Bowe, Megan Fry, Daphne Leighty, Katelyn Melvin, Deja Rodriquez-Santiago, Hayden Shockley, Margaret Sollie, Megan Wolfe, Leah Barnett, Darby Brennan, Kaylee Groce, Cameron Quinn, Samantha Remus, Anna Marie Sollie, Emily Sylvester, Brianna Wells, Vanasha Daniels, Allie Davis, Jessica Donovan, Courtney Kohel, Silvara Santiago, Emma Shockley, Sara Wallace, Olivia Cromer and Kayleigh Wright have had an outstanding season; and

WHEREAS, Darby Brennan was named First Team All-State; Kate Melvin and Rajene Bowe named Second Team All-State; Reagan Bowe, Megan Fry, Darby Brennan, Hayden Shockley and Kate Melvin named First Team All-Conference; Daphne Leighty and Deja Rodriquez-Santiago named Second Team All-Conference and Margaret Sollie received All-Conference Honorable Mention honors; and

WHEREAS, Managers Kaitlyn Davies, Michaela Roach, Christina Kimmel provided support throughout the season; and

WHEREAS, the successful season is a testament to the skill and dedication of each of the student-athletes, the leadership of the coaches and staff, and the enthusiastic support of the entire Milford High School community.

NOW, THEREFORE BE IT RESOLVED that I, Bryan W. Shupe, Mayor of the City of Milford, do hereby congratulate and commend the Milford High School Varsity Field Hockey Team for their excellence and teamwork. Their success reflects credit upon themselves, their coaches, their parents and the Milford Public School District.

Photos followed the presentation.

Proclamation 2016-17/Congratulating Milford High School Cross Country Team

Mayor Shupe presented those members of the MHS Cross Country Team with the following proclamation*:*

PROCLAMATION 2016-17
Honoring MHS Girls Cross Country Team

WHEREAS, Cross Country is one of the more grueling high school sports, requiring dedication, determination and many hours of intense training; and

WHEREAS, the Milford Senior High School Girls' Cross Country Team began the season with a goal of winning the Henlopen

South Divisional Title; and

WHEREAS, the members of the team performed at the highest level of excellence throughout the season winning twelve regular meets, three tri-meets and two quad-meets; and

WHEREAS, the Girls' Cross Country Team continued their winning streak by clinching the Kent County Championship on November 1, 2016; and

WHEREAS, not only did they accomplish their goal by bringing home the Henlopen South Divisional Title, but on November 5, 2016, they completed a sensational season by winning the 2016 Henlopen Conference Championship; and

WHEREAS, this winning team was directed by Head Coach Bobby Spath who was named the 2016 Henlopen Conference Girls' Coach of the Year; and

WHEREAS, the champion runners are Summer Arthurs, Rejene Bowe, Deja Rodriquez-Santiago, Holly Tesoro, Emily Holstein, Victoria Little, Magaly Tijerino-Chaj, Silvara Santiago, Olivia Cromer, Ainsley Kenton and Georgina Valdez.

NOW, THEREFORE, BE IT RESOLVED, that I, Bryan W. Shupe, Mayor of the City of Milford, do hereby congratulate and commend the Milford High School Girls Cross Country Team for their excellence and perseverance. Their success reflects credit upon themselves, their coaches, their parents and the Milford Public School District.

Photos followed the presentation.

Proclamation 2016-18/Congratulating Milford High School Varsity Football Team

Mayor Shupe read the proclamation into record though it was reported by the audience that the team had been advised they would be recognized at the December Council meeting.

The matter will be put on hold for confirmation.

Proclamation 2016-14/Honoring Retired Police Chief E. Keith Hudson for 39 Years of Service

Mayor Shupe referenced the following proclamation that was presented to Retired Chief Hudson at a celebration held in his honor on November 9th:

PROCLAMATION 2016-14
Honoring Chief E. Keith Hudson On the Celebration of His Retirement from the Milford Police Department

WHEREAS:

We are here today to pay honor to and celebrate the thirty-nine year career of Retired Police Chief E. Keith Hudson;

Retired Chief Hudson began his public safety career when he joined the Milford Police Department in May 1977 as a Police Dispatcher;

Recognized for his diligent work and demonstrated ability, he was hired in September 1978 as a Law Enforcement Officer after which he graduated from the Delaware State Police Training Academy in December of that year;

He advanced through the ranks serving as Patrolman, Patrolman First Class, Corporal, Sergeant, Staff Sergeant, Patrol Lieutenant, Administrative Lieutenant, Captain and most notably as Police Chief beginning in June 2002;

Having attended the Northwestern University Center of Public Safety and the University of North Florida Institute of Police Technology and Management, he is also a graduate of Delaware Technical and Community College and the 158th Session of the FBI National Academy;

A recipient of many accolades throughout his career, in 1990 he was named Milford Police Officer of the Year by the

Benevolent and Protective Order of Elks Lodge 2401 for showing Exemplary Leadership and Service to the Community, in 2011 received the Department of Defense Patriot Award from the United States Secretary of Defense for Model Employment Practices of Employees who Serve in the United States Armed Services, in 2012 received the Community Blue Diamond Award from the Milford Public School District for Ongoing Support of the School Resource Officer Program and Commitment to Student and Teacher Safety and in 2016 was nominated for Citizen of the Year for Distinguished Police Service to the Community by the Greater Milford Chamber of Commerce, just to name a few;

Some of the achievements occurring during his administration include the implementation of a Seasonal Cadet Program, Senior Volunteer Program, Upgraded Car Camera System, Computer-Aided Dispatch System, Increased School Resource Officer Presence, Upgraded Communications Room, Addition of a Second Workstation and Police Dispatcher, Reestablishment of the Department's K-9 Program and Addition of a Second Unit and the Twenty-Five Year Building Rededication;

Recognizing the need to reduce the number of Officer injuries associated with violent encounters and decrease the number of injuries to violent and resistive suspects, under his command, the Milford Police Department continued to be a leader in the use of technology in law enforcement, becoming the first Agency in Delaware to purchase and equip the Departments' Officers with Taser devices; and

Involved in many law enforcement and community organizations, Retired Chief Hudson is a Lifetime Member of the Delaware Police Chiefs' Association, Lifetime Member of the International Association of Chiefs' of Police (IACP), Member of the Sussex Chiefs' Association, Kent County Chiefs' Association, Delaware Police Chiefs' Goals Committee, Special Law Enforcement Assistance Fund Committee, Maryland-Delaware Chapter FBI National Academy Associates, Delaware Police Chiefs' Foundation, Former Member of the IACP Victim Services Committee, Former Member of the Fraternal Order of Police Lodge #3 and Former Fourteen-Year Member of Carlisle Fire Company.

Now, Therefore, Be It Proclaimed, that on this 9th day of November 2016, I, Bryan W. Shupe, Mayor of the City of Milford, on behalf of the entire Milford City Council, express gratitude to Retired Chief E. Keith Hudson for his untiring service and unselfish contributions to the Milford Police Department and the Milford community at large, and I personally wish him the very best in this new chapter of his life.

s/Mayor Bryan W. Shupe

RECESS

Councilman Mergner moved to recess the Council Meeting to proceed with the Public Hearing, seconded by Councilwoman Peel. Motion carried.

The Council meeting recessed at 7:18 p.m.

RETURN TO COUNCIL MEETING

Mayor Shupe called for a motion to reconvene. Councilman Mergner moved to reconvene the Council Meeting at 7:29 p.m., seconded by Councilman Campbell. Motion carried.

COMMUNICATIONS & CORRESPONDENCE

Community Affairs Recommendation:

Ordinance 2016-24/Amending the Code of the City of Milford by Adding a New Chapter 90 Entitled Business License

Chairperson Peel reported a Committee Meeting was held on November 21st following a Public Workshop held the week prior. Several business owners attended the workshop at which time they presented their concerns regarding the proposed City of Business License.

After that workshop, the Committee recommended the City not move forward with the business license considering the overwhelming concern expressed from those business owners present.

The Chair also reported there were two other code changes considered at that time. They will be discussed and introduced later this evening.

Councilman Mergner asked if any of the fees related to the business license were part of the balanced budget approved by City Council in June; Mr. Norenberg explained that when the business license was reviewed during the budget process, and after the initial discussions by the appropriate committee, the intent was for the fee to supplement the general fund for code enforcement. He explained that should City Council accept the recommendation of the Community Affairs Committee not to proceed with the business license program, other funding alternatives will have to be considered.

Councilman Mergner recalled that this business license would help with the organization of all the businesses in Milford to ensure zoning and use compliance. In addition, it would provide the City with data and the ability to know exactly who is doing business in Milford as well as the types of services/goods being offered.

Community Affairs Chair Peel stated that based on the information received from the business owners, they are already licensed by another agency and this would create another layer. In the discussion, several of the businesses said they would be willing to provide the City with whatever information was needed to create a registry. Based on that discussion, they are already licensed and regulated by the State of Delaware so the information already exists.

Councilman Campbell stated that he gathered from the meeting, that most of the businesses were licensed with the State of Delaware and that they felt the $120 was excessive considering the licensing fees they are already paying. He noted that he has worked in various cities and towns, of which required a business license.

Chairperson Peel explained that her impression was that they felt there was no return on the license fee which was a key concern. They also referenced a past increase in the rental license fee and believed there was no return on that investment. As a result, many of their concerns were based on previous increases.

According to Councilman Brooks, City Council approved hiring another rental person to do inspections. A year or two later, City Council found out the person had never been hired.

Concern was expressed by Councilman Campbell and Mergner about the need for a business license and the cost of doing business.

Mr. Mergner asked if there is a fear that businesses will not come to Milford because of the business license fee. He asked if the business license fee should be reduced from the proposed $120 to $50 a year.

It was agreed that the businesses have already agreed to provide the information to create a registry.

Ms. Peel agreed that originally she felt the business license would provide a better way to police businesses in the City though the Committee was told that they would be punishing those that already have a State license versus those that are operating without a license or someone who is violating our code.

Mr. Burk noted that the Committee was also told that each business has to pay $75 for a State license who provides state regulatory boards for doctors, realtors, etc. The business owners felt like they were receiving a service for the $75 State fee and complained the City fee was $120.

He also pointed out that the business owners did not want to pay $120 and an example was given that if we know someone is coming in town, the City can prevent them from putting their business in an area that isn't zoned properly. He heard from several business owners who felt they were being penalized for someone not doing their research on where they could legally put their business.

Mr. Burk said they felt it was the business owner's responsibility to do their own research before they leased a building to ensure the zoning was proper.

When asked if this can be reconsidered, City Solicitor Rutt then explained that there is a recommendation from the Committee not to introduce the ordinance; however, any Councilperson has the right to introduce an ordinance. There is no motion pending at this time and only a committee recommendation.

Mr. Brooks said he thinks the people were told that they could come back and listen to Council and then speak. Mr. Rutt reported that if an ordinance is introduced, it would be put on an agenda at a later date and a public hearing would be required. The people from the community could then voice their pros and cons prior to City Council voting on it and this would create a record on the ordinance. That would be done in lieu of a workshop where the Council only listened to comments.

Mayor Shupe questioned the public hearing and recalled that only zoning matters required a public hearing. Solicitor Rutt agreed a public hearing is not required on the ordinance in this case though Council has the right to ask for comments and people are able to submit correspondence.

Councilman Campbell recalled the consensus of the businesses was that a portion of the business license fee was going to assist with the costs of the new code official which they did not feel that was appropriate. Councilman Burk stated that a few business people indicated that when the rental license was instituted in Milford, a person was supposed to be hired to do the rental inspections and that did not work out. The more tenured business owners were concerned about that because they had been down the road with the City in a similar situation.

Councilman Campbell feels this matter should be revisited.

When asked the process, Solicitor Rutt explained an ordinance must be formally introduced and added to an agenda. Any Councilperson has the right to introduce an ordinance.

City Manager Norenberg explained that because the Committee considered three different ordinances at its last meeting, two were supported by the Committee and both are on the agenda for introduction later in the meeting. They are also on the December 12th agenda for potential adoption. At that time, City Council can discuss the ordinances prior to taking any action.
The City Manager will have the business license ordinance added to the next agenda for introduction only; it will be on the next Council meeting for further discussion and possible adoption in January.

Police Committee Recommendation:
Certified Police Officer Hiring Bonus

Police Committee Chairman Burk reported that the Police Committee met on November 21st. Because the department was not receiving any police applications, an incentive was discussed to attract certified police officers.

At this time, Chairman Burk prefers to postpone any discussion.

Economic Development Committee Recommendation:

Economic Development Committee Chairman Mergner reported that his Committee met prior to the Council meeting to discuss the City's current ordinance related to impact fees. They are proposing a code change which would support $1 million projects and stimulate economic growth. There are several options under consideration though the Committee asked that additional work be done. Therefore, no further discussion is needed on that matter at this time.

Chairman Mergner announced the second item involves the RiverPlace and South Washington Street development projects. The Rivertown Rebirth plan cited both areas and the Planning Coordinator is requesting to move forward with the potential development(s).

The Committee is recommending City Council support these projects and that we move forward with the Land Development Request for Proposals (RFP).

City Manager Norenberg offered to provide a presentation on the RFP process at the next meeting if Council wants more

information.

COMMUNICATIONS

Mayor Shupe reported that the return of the Tree Lighting Ceremony was very successful this past Saturday evening. He was pleased with the turnout and thanked those that attended.

The Mayor also expressed appreciation for those people that came out for Small Business Saturday. He said that as a small business owner personally, he was grateful for the support. He has spoken with a lot of businesses in the downtown area, as well as a few others, who expressed their gratitude.

He also reminded City Council that the Holiday Stroll is scheduled for Friday night, December 2nd and encouraged everyone to support the downtown businesses during this event.

Mayor Shupe acknowledged the many new holiday lights that are up and operating throughout the City adding that the decorated poles and trees look very festive.

UNFINISHED BUSINESS

There being no unfinished business items, Mayor Shupe proceeded with new business.

NEW BUSINESS

Milford Community Parade Committee/Charles Gray/Report & Request

The City Clerk advised that Mr. Gray was unable to attend this evening and the item will be moved to the December 12th agenda.

Introduction/Ordinance 2016-21
Introduction/Ordinance 2016-22
Introduction/Ordinance 2016-23

Mayor Shupe introduced Ordinances 2016-21, 22 and 23:

ORDINANCE 2016-21
Change of Zone/Lands belonging to City of Milford
Tax Parcel 3-30-11.09-030.00
.42 +/- Acres
Current Zone I1/Proposed Zone R3

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning .42 +/- acres of real property from I1 to R3 on Marshall Street, Milford, Delaware. Present Use: Vacant. Proposed Use: Watergate subdivision. Tax Map and Parcel: 3-30-11.09-030.00.

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on November 15, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on December 12, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

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

Upon the adoption of this ordinance, tax map and parcels 3-30-11.09-030.00, owned by City of Milford located on Marshall

Street, is hereby zoned R3.

Dates:
Planning Commission Review & Public Hearing: November 15, 2016
City Council Introduction: November 28, 2016
City Council Public Hearing: December 12, 2016
Adoption: December 12, 2016

ORDINANCE 2016-22
Change of Zone/Lands belonging to Liborio Watergate LLC
Tax Parcel 3-30-11.09-031.00
.42 +/- Acres
Current Zone I1/Proposed Zone R3

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning .42 +/- acres of real property from I1 to R3 at 643 Marshall Street, Milford, Delaware. Present Use: Vacant. Proposed Use: Watergate subdivision. Tax Map and Parcel: 3-30-11.09-031.00.

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on November 15, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on December 12, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a change of zone as herein described.

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

Upon the adoption of this ordinance, tax map and parcels 3-30-11.09-031.00, owned by Liborio Watergate LLC located at 643 Marshall Street, is hereby zoned R3.

Dates:
Planning Commission Review & Public Hearing: November 15, 2016
City Council Introduction: November 28, 2016
City Council Public Hearing: December 12, 2016
Adoption: December 12, 2016

ORDINANCE 2016-23
Liborio Watergate LLC
Conditional Use/Amended PUD & Preliminary Major Subdivision

Liborio Watergate LLC for a Conditional Use for an amended Planned Unit Development and a Preliminary Major Subdivision of 47.39 +/- acres in an R3 (Garden Apartment and Townhouse) Zoning District. Property is located on the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection, Milford, Delaware. Present Use: Townhouses and Vacant Land; Proposed Use: 43 Single Family units, 48 Duplex units, 129 Townhouse units, 80 Apartment units for a total of 300 unit subdivision. Tax Map 3-30-11.09-029.00; -029.03; -30.00 through -032.00; 3-30-11.09-101.00 through -304.00.

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on November 15, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on December 12, 2016 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for an amended Planned Unit

Development and a Preliminary Major Subdivision as herein described.

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

Section l. Upon the adoption of this ordinance, Liborio Watergate LLC is hereby granted a Conditional Use Permit to allow an amended Planned Unit Subdivision and a Preliminary Major Subdivision to be known as Watergate in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

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

Section 3. Dates.
Planning Commission Review & Public Hearing: November 15, 2016
City Council Introduction: November 28, 2016
City Council Public Hearing: December 12, 2016
Adoption: December 12, 2016

Planning Coordinator Pierce explained that all three ordinances relate to the Watergate project; the first two involve change of zone applications. The third ordinance is an amendment to the conditional use/planned unit development (PUD) for the subdivision.

Mr. Brooks asked the location; Mr. Pierce explained it is toward the south end of Marshall Street on the east side.

Mr. Brooks said he thought the property had already been sold and recalled when a certain amount of money was offered for the land and Councilman Grier said the City needed to sell it. At that time, Council voted to sell it. Solicitor Rutt explained there is a contingency in the contract that the land be rezoned.

Mr. Pierce noted that public hearings are scheduled for all three ordinances at the December 12th Council meeting.

Introduction/Ordinance 2016-25/Chapter 107/Contractors Code Amendment

Mayor Shupe introduced the following ordinance:

ORDINANCE 2016-25
Contractors-Chapter 107

WHEREAS, City Staff has reviewed several Ordinances related to licensing and permitting fees; and

WHEREAS, the annual fee for a Contractor Permit is included in the codified Contractors Code Chapter 107; and

WHEREAS, there is a need to adjust fees for certain services from time to time and incorporate all adjusted and/or new fees for licensing and permitting services; and

WHEREAS, City Council finds the combination of certain fees into a single comprehensive Resolution will provide a simplified and more efficient manner for residents and those doing business in the City of Milford to access applicable fees.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by modifying Chapter 107 entitled Contractors.

Chapter 107 - Contractors

Section 2. Section 107-4 - Issuance of permit; records; payment of fees is hereby amended by removing the language indicated in strikethrough as follows:

§ 107-4. - Issuance of permit; records; payment of fees.

Upon proper application and payment of a prescribed fee, a permit, signed by the City Manager or his designated representative ~~(permit officer)~~, shall be issued to each applicant. Each such permit shall be valid and effective from the first day of January of each year or the date of issuance to the last day of December in that year. A record of all permits issued and permit fees paid shall be maintained at the City Hall. Each such permit shall be on a form provided by the City.

Section 3. Section 107-6 - Permit Fees; Refunds; Exemptions is hereby amended by removing the language indicated in strikethrough and adding the language and new Subparagraph A indicated in underline, as follows:

§ 107-6. - Permit fees; refunds; exemptions.

~~*A. The annual permit fee shall be $100.*~~

~~*(1) Permit fees associated with new applications are prorated on a quarterly basis.)*~~
~~*(2) The annual renewal fee is $100.*~~
~~*(3) Second renewals are subject to a late fee of $50.*~~
~~*(4) The penalty fee shall be $100.*~~

~~*B. No prorationing, rebate or refund of any permit fee or part thereof shall be made by reason of nonuse of the permit or by reason of a change of location or business rendering the use of the permit ineffective. The City Manager or permit officer shall have the authority to refund a permit fee only if the permit fee was collected through an error. All 501(c)(3) nonprofit companies are exempt from permit fees.*~~

A. The fee for a contractor license shall be set by the City Council s part of the City Fee Schedule.

(1) The contractor license fee shall be prorated after July 1st of each year. No refund shall be given for any contractor that ceases to operate during the licensing period.

Section 4. Section 107-12 – Violations and Penalties is hereby amended by removing the language indicated in strikethrough and adding the language indicated in underline, as follows:

§ 107-12. - Violations and penalties.
A. Any contractor/person providing services within the City without a valid permit will be subject to ***a penalty fee of $100*** ~~*penalties as provided for under this section.*~~
B. A stop-work order will be issued by the Code Official and will stay in effect until the contractor complies with all conditions associated with the issuance of a valid permit, including annual permit and penalty fees.
C. Continued violation of any provision of this chapter is subject to fines in accordance with Milford City Code Chapter 1, Article II General Penalty.
D. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.
Section 5. Dates.

Council Introduction: November 28, 2016
Council Adoption: December 12, 2016

Planning Coordinator Pierce explained this amendment involves minor amendments that were discussed by the Community Affairs Committee.

Introduction/Ordinance 2016-26/Chapter 168/Peddling, Soliciting and Transient Merchant Code Amendment

Mayor Shupe introduced the following ordinance:

ORDINANCE 2016-26
Peddling, Soliciting and Transient Merchants-Chapter 168

WHEREAS, City Staff has reviewed several Ordinances related to permitting and licensing fees; and

WHEREAS, there is a need to adjust fees for certain services from time to time and incorporate adjusted and/or new fees for licensing and permitting services; and

WHEREAS, City Council finds that combining certain fees into a single comprehensive Resolution will provide a simplified and more efficient manner for residents and those doing business in the City of Milford to access applicable fees; and

WHEREAS, it is found appropriate to update the language in Chapter 168 by which the City reviews, evaluates and acts upon applications for Peddling, Soliciting and Transient Merchants.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by modifying Chapter 168 entitled Peddling, Soliciting and Transient Merchants, as follows:

Chapter 168 - Peddling, Soliciting and Transient Merchants

§ 168-1. - Definitions and word usage.

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

PERSON — Any natural person, association, partnership, firm or corporation.

SOLICITING and PEDDLING

*(1) SOLICITING — The seeking or taking of contracts or orders for any goods, wares, merchandise or services for future delivery or for subscriptions or contributions upon any streets or sidewalks or from house to house within the ~~city~~ **City**.*

*(2) PEDDLING — The selling or offering for sale of any goods, wares, merchandise or services for immediate delivery which the person selling or offering for sale carries with him**/her** in traveling or has in his**/her** possession or control upon any of the streets or sidewalks or from house to house within the ~~city~~ **City**.*

(3) Neither the word "soliciting" nor "peddling" shall apply to:

(a) Farmers seeking or taking orders for or selling or offering for sale their own produce.

*(b) ~~The~~ **Vendors at farmers' markets or special events that are approved by the City to use public streets, ~~p~~ds and facilities for their event.** ~~seeking or taking of orders for or the selling or offering for sale of bread or bakery products, meat or meat products or milk and milk products by any manufacturer or producer thereof.~~*

SOLICITOR or PEDDLER — Any person who shall engage in soliciting or peddling, respectively, as hereinabove defined.

FOOD ESTABLISHMENT - A business operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.

MOBILE FOOD VEHICLE – A Food Establishment that is located upon a vehicle including motorcycles and bicycles, or which is pulled by a vehicle, where food or beverage is cooked, prepared or served for individual portion service. This definition includes but is not limited to: mobile food kitchens, pushcart vendors, bicycle cart vendors, mobile food trucks, canteen trucks, and coffee trucks. This definition does not apply to "meals on wheels" program vehicles, or food home delivery services.

PRIVATE PARTY – A social gathering on private property not open to the public.

*TRANSIENT MERCHANT — A person who engages or proposes to engage temporarily in merchandising business in the ~~city~~ **City** and occupies a room, building, tent, vehicle, **Mobile Food Vehicle**, lot, stand or other premises for the purpose of selling, trading or bartering goods, **food,** wares and merchandise.*

B. Word usage. The singular shall include the plural.

§ 168-2. - Registration required.
*No person shall engage in soliciting or peddling or act as a transient merchant in the ~~city~~ **City** without first registering with the City Code Official.*

§ 168-3. - Information to be supplied.
*A. Every person desiring to engage in soliciting or peddling in the ~~city~~ **City** shall first register, under oath, with the Code Official. Upon such application, such person shall give his/**her** name, address and age; **undergo** ~~his previous~~ **a criminal background check through the Delaware State Bureau of Identification** ~~record, if~~ **with the report sent to the Code Official** ~~any~~; the name and address of the person for whom he/**she** works and a letter appended to the application authorizing the applicant to represent the firm the applicant purports to represent, if any; the type or types of article, device, subscription, contribution, service or contract which he/**she** desires to sell or for which he wishes to solicit within the ~~city~~ **City**; the length of time he wishes to be registered; the type of vehicle he/**she** uses, if any, and its registration number; and the name, address and title of a company officer upon whom process or other legal notice may be served, if the applicant is a corporation or company.*
*B. Where a person makes application for him/**her**self and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this chapter shall be transferable from one person to another.*
C. When applying for a permit for a Mobile Food Vehicle, a current, valid Food Establishment permit from the Delaware Department of Health and Social Services Division of Public Health and any inspection reports shall be provided to the City.

§ 168-4. - Fees.
The fee for a permit or license shall be set by the City Council each year as part of the City Fee Schedule. The license or permit fee shall be prorated after July 1. No refund shall be given for any solicitor, peddler, or transient merchant that ceases to operate during the licensing period. ~~*No permit or license shall be issued under this chapter except upon payment of a fee of $50.*~~

§ 168-5. - Issuance of license or permit; list of vendors.
*A. Upon registering with the ~~city~~ **City** as aforesaid, each solicitor or peddler shall be issued**, unless he shall have been convicted of a crime involving moral turpitude,** a license or permit and may~~, unless he shall have been convicted of a crime involving moral turpitude,~~ be permitted to solicit or peddle or act as a transient merchant within the ~~city~~ **City** for the licensed period beginning on the date such license or permit is issued and ending on the expiration date thereof. Such license or permit shall not be transferable.*
*(1) No license or permit shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the ~~city~~ **City** are paid and in good standing.*
*B. Notwithstanding the provisions of Subsection A hereof, **organizers of special events that are approved by the City to use public streets, parks and facilities for their event may restrict or select the vendors or transient merchants that can participate at their farmer's market or event, provided that any Mobile Food Vehicles are properly permitted in accordance with the provisions of this Chapter. Event organizers shall provide a list of the approved vendors (including Mobile Food Vehicles) to the City no less than one week prior to the event.*** ~~*the Code Official shall be authorized to delegate the issuance of transient merchant licenses to the owner of any validly existing marketplace for casual retail sales and barter by independent vendors upon condition that said owner shall provide to the Code Official a complete list of vendors to whom licenses were issued.*~~
~~*(1) The list required by this subsection shall contain a statement on behalf of said owner as follows: "This list constitutes a complete list of vendors for the reporting period. Each of said vendors was issued a transient merchant license in compliance with the City of Milford Municipal Code."*~~
~~*(2) The list shall be provided at least once each month or as required by the Code Official.*~~

§ 168-6. - Evidence of registration; display of license; restrictions.
*A. Every solicitor or peddler shall, at all times while engaged in soliciting or peddling in the ~~city~~ **City**, carry evidence of such registration upon his/**her** person and shall exhibit such evidence upon request to all police officers, ~~city~~ **City** officials and citizens.*
*B. Every person holding a transient merchant license shall post said license in a prominent place in his/**her** business*

premises and shall maintain said license as such at all times.

*C. No solicitor or peddler shall engage in selling or offering for sale or in seeking or taking of orders or contracts for any goods, wares, merchandise, article, device, subscription, contribution, service or contract not mentioned upon such license, nor shall any person use any vehicle for soliciting or peddling other than the vehicle registered upon his/**her** license.*

D. No license issued upon the provisions of this chapter may be transferred from one person to another. The person designated in said license shall be the only person authorized to engage in such business thereunder.

§ 168-7. - Hours of sale.

No person shall engage in soliciting or peddling at any time on Sunday or on any other day of the week before 9:00 a.m. or after 5:00 p.m. except upon invitation from or an appointment with the resident.

§ 168-8. - Noise.

*No person engaged in soliciting or peddling or as a transient merchant shall hawk or cry his/**her** goods, wares, merchandise, articles, contracts or services upon any of the streets or sidewalks of the ~~city~~ **City**, nor shall he use any loudspeaker or horn or any other device on public property for announcing his/**her** presence by which members of the public are annoyed.*

§ 168-9. - Vehicles.

*No person engaged in soliciting or peddling or as a transient merchant shall park any vehicle upon any of the streets or alleys of the ~~city~~ **City** in order to sort, rearrange or clean any of his/**her** goods, wares or merchandise or any samples, order books, contracts, circulars, literature or advertising matter pertaining thereto, nor may any such person place or deposit any refuse upon any such street or curbstone market or soliciting or peddling office by parking any vehicle upon any street or alley in the ~~city~~ **City** for longer than necessary in order to solicit from or peddle to persons residing in the immediate vicinity**, unless prior written permission is provided by the City Manager**.*

§ 168-10. - Prohibited acts.

*A. No person engaged in soliciting or peddling or acting as a transient merchant shall occupy any of the streets or alleys or sidewalks of the ~~city~~ **City** for the purpose of soliciting or peddling, with or without any stand or counter**, unless prior written permission is provided by the City Manager**.*

B. No person engaged in soliciting or peddling shall enter upon premises for the purpose of soliciting or peddling which are posted with signs indicating that soliciting or peddling thereon is prohibited.

*C. No peddler or solicitor shall peddle, vend or sell his/**her** goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his/**her** cart, wagon or vehicle to stand on any public highway within said distance of such school property.*

*D. No person shall solicit any business whatsoever at the scene of any accident within the incorporated area of the ~~city~~ **City**.*

E. No transient merchant shall conduct business on a residential lot in a residentially zoned area unless the merchant is permitted by the property owner to provide food, goods or services for a Private Party.

*§ 168-11. - Sales at public functions on ~~city~~ **City** property.*

*Notwithstanding any other provision, no person shall sell merchandise at any public function held in the ~~city~~ **City**, on lands owned by the ~~city~~ **City**, without first obtaining written permission therefor from the City Manager.*

§ 168-12. - Records; supervision of license holders.

The Code Official shall keep a record of all registrations made under this chapter, and the Code Official shall supervise the activities of all holders of such licenses.

§ 168-13. - Exemptions from license requirements.

The following persons are exempt from the license requirements of this chapter:

A. Farmers engaged in selling only produce of their own farms from a truck or other vehicle.

B. Persons engaged in the sale of goods, wares and merchandise, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

C. Persons 16 years of age or under.

§ 168-14. - Revocation of license; hearing for reinstatement.

A. Any license hereinafter issued may be revoked by the Code Official upon the failure of the licensee to comply with the standards of conduct established herein or upon ascertainment that the licensee has made any false statements in the application for the license hereunder or upon such licensee being arrested and convicted of any crime involving moral turpitude.

B. Any person whose license has been revoked shall be entitled to appear, with counsel if desired, before the City Council at a regular or special meeting and be heard on behalf of a request for reinstatement of said license.

§ 168-15. - Form and contents of permit.

Each permit shall be issued in card form, shall be carried by the person for whose benefit it is issued and shall contain the following: the number of the permit, fee paid, date of issue, expiration date and the name, age, weight, color, name of employer, address and signature of the holder. The reverse side of such permit shall contain any regulations then in effect and controlling the holder, as well as any conditions and/or limitations to which such permit is subject.

§ 168-16. – Mobile Food Vehicle Rules and Regulations

A. General. The following rules and regulations apply:

(1) No operator of a Mobile Food Vehicle shall park, stand or move a vehicle and conduct business within areas of the City where the permit holder has not been authorized to operate;

(2) The issuance of a permit does not grant or entitle the exclusive use of a location to the Mobile Food Vehicle permit holder, other than the time and place as approved for the term of the permit;

(3) No Mobile Food Vehicle shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters, unless a proposal for such seating/standup arrangements is submitted with the permit application and approved by the City Manager;

(4) Permit holders shall provide customers with single service articles, such as plastic silverware and paper plates, and a waste container for their disposal. All Mobile Vehicles shall offer a waste container for public use that the operator shall empty at his or her own expense if not provided by the Special Event sponsor.

(5) No Mobile Food Vehicle shall make or cause to be made any unreasonable or excessive noise in violation of the City's Codified Ordinances.

(6) No permittee shall employ the use of flashing or moving lights on or near a Mobile Food Vehicle as part of its operation.

(7) A Mobile Food Vehicle may not operate on public property, including right-of-way, unless the City has otherwise granted approval on the Special Event Permit application for its operation at the particular location during specific times.

(8) The City reserves the right to relocate a Mobile Food Vehicle to an alternate location as determined by the City Manager if the approved location needs to be used for emergency purposes or other public benefit.

(9) Mobile Food Vehicles shall adhere to all applicable parking regulations.

B. The operation of Mobile Food Vehicles shall at all times be in compliance with all applicable governmental rules and regulations, including but not limited to those of the Delaware Department of Health and Social Services Division of Public Health and the Delaware Department of Transportation.

*§ 168-**17**~~16~~. - Violations and penalties.*

A. Violation of any provision of this chapter shall be punishable, upon conviction, by a fine of not less than $100 nor more than $500. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

*B. In addition to or as an alternative to the above-provided penalties, the ~~city~~ **City** may also maintain an action or proceeding in the name of the ~~city~~ **City** in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.*

C. In addition, any person who violates any provision of the foregoing may be subject to a loss of the license privilege herein granted.

Section 2. Dates.

City Council Introduction: November 28, 2016

City Council Proposed Adoption: December 12, 2016

Mr. Pierce advised the ordinance involves various changes to Chapter 168, in addition to some clarifications that were needed involving mobile food permits, all of which were discussed by the Community Affairs Committee.

ADJOURN

There being no further business, Councilmember Peel moved to adjourn the Council Meeting, seconded by Mr. Mergner. Motion carried.

The Council Meeting was adjourned by Mayor Shupe at 7:55 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 28, 2016

Milford City Council held a Public Hearing on Monday, November 28, 2015 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Ingram Peel, James Burk, Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

City Manager Eric Norenberg. Police Chief Kenneth Brown and City Clerk/Recorder Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe called the Public Hearing to order at 7:18 p.m.

Community Development Block Grant Program - Sussex & Kent County - Fiscal Year 2017

Mayor Shupe advised the City of Milford, Delaware, in cooperation with Sussex County Council, Kent County Levy Court and the Delaware State Housing Authority, is holding a public hearing for the purpose of providing any interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant Program.

Mike Jones from Sussex County Community Development and Housing and Albert Biddle from Kent County Housing and Community Development were in attendance to present the information.

Mr. Jones thanked the Mayor and City Council explained they are both with the Community Development Block Grant (CDBG) program. The CDBG program receives funds from HUD (Department of Housing and Urban Development) and the Delaware State Housing Authority (DSHA) administers State's CDBG Program.

The purpose of DSHA is to provide affordable, decent, safe and sanitary housing to low and moderate income persons. The funding has been used for mainly housing rehabilitation and demolition, including basic repairs, doors, windows, electrical, plumbing etc.

Mr. Jones stated that approximately $2.2 million is available for the various towns in both Sussex and Kent Counties. He explained the Delaware State Housing Authority, thru their consolidated plan, lists the activities the funding can be used for.

The current guidelines, established by HUD, are as follows:

	Kent County			Sussex County		
	30% OF MEDIAN	LOW	MODERATE	30% OF MEDIAN	LOW	MODERATE
1 Person	13,200	22,050	35,250	13,000	21,650	34,650
2 Person	16,020	25,200	40,250	16,020	24,750	39,600
3 Person	20,160	28,350	45,300	20,160	27,850	44,550
4 Person	24,300	31,450	50,300	24,300	30,900	49,450
5 Person	28,440	34,000	54,350	28,440	33,400	53,450
6 Person	32,580	36,500	58,350	32,580	35,850	57,400
7 Person	36,730	39,000	62,400	36,730	38,350	61,350
8 Person	40,890	41,550	66,400	40,800	40,800	65,300

Mr. Jones explained the homes have to be the primary residence and occupied by the homeowner. All property taxes must be current on both the county and municipal sides. The homes must be insurable in order for the work to be performed. Liens are placed on the properties; a five-year lien is placed on homes in which the property owner is older than 62 years of age and a ten-year lien is placed on the home for those owners younger than 62.

Over the past fifteen years on the Sussex side, Milford has received more than $487,000 for 35 different homes. Currently there are 14 people on the waiting list. Nothing has been received on the Sussex side for a couple years though Kent County did receive Milford funding in FY16.

Mr. Jones stated that typically Milford receives money for housing rehabs. Other areas, such as sidewalk repairs/replacements, sewer connections, etc. can be requested, though their main focus is on rehabs. Anything other than rehabs requires matching grants from the municipality.

Mr. Biddle then addressed Council stating that Kent County operates under the same guidelines though the income limits, established by HUD, are slightly higher.

He emphasized that funding is available for the fiscal year that began July 1, 2016 with $74,000 earmarked for four properties. Of those, some are under contract and some are still in the application process. Other homeowners are working with other agencies to find ways to partner in order to maximize the funding benefits.

Mr. Biddle explained that they are here this evening to discuss the program that begins July 1, 2017. The application process has started. The Housing Authority requires the applications be submitted before the end of February. Shortly before July 1, 2017, they will be informed whether or not the City of Milford receives any awards for housing rehabilitation.

He reported that the Housing Authority has been funding Milford every other year or so. Milford has the ability to receive funding from Kent County one year and Sussex the next year which is a benefit.

Mr. Biddle noted that the available $2.2 million is for all municipalities as well as the unincorporated areas in Kent and Sussex Counties, including the City of Dover. Though not a lot of money, if they continue to work on the problems, it does help and does make a difference. He emphasized it is not a cure all or fix all, but provides the municipality with some assistance particularly with those projects the City has to address on a continuous basis. It is a source of funding that can help eliminate some of the problems in Milford.

Mr. Biddle said the purpose of the hearing is to solicit information from the public to decide if the City should turn in an application.

He encouraged anyone with questions to contact their office in the appropriate county.

There being no questions from City Council, Mayor Shupe opened the floor for public comment. No one responded and the public comment portion of the hearing was closed.

Mayor Shupe announced the associated resolutions will be on the December 12th meeting for adoption, after which time, they will be forwarded to Mr. Jones and Mr. Biddle.

The Public Hearing was adjourned at 7:28 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder