

City of Milford



CITY COUNCIL AGENDA

January 9, 2017

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

WORKSHOP - 6:00 P.M.

Call to Order - Mayor Bryan Shupe

UFS Presentation-City Electric Rate Study & Recommendation

Adjourn

PUBLIC HEARING - 7:00 P.M.

Call to Order - Mayor Bryan Shupe

Adoption/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

Creation of New Zoning District/C2-A/Riverfront Development District

Adjourn

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

City of Milford Promotions

Milford Police Department Officer Recognition*

Proclamation 2017-01/Martin Luther King Day

Proclamation 2017-02/School Choice Week

Monthly Police Report

Monthly City Manager Report

Monthly Finance Report

Committee & Ward Reports

Communications & Correspondence

Unfinished Business

Adoption/Ordinance 2016-09
Amending Chapter 79 Animal Code

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

New Business

Acceptance/City of Milford Fiscal Year 2015-2016 Audit

Introduction/Ordinance 2017-01
Downtown Properties of Milford LLC/Conditional Use to allow Dwellings with Nonresidential Uses
Southwest corner of the NW Front Street and N Walnut Street Intersection
Present Use: Commercial Retail; Proposed Use: Commercial Retail with Apartments.
.05+/- Acres in a C2 (Central Business District) Zoning District
Tax Map MD-16-183.10-04-46.00; MD-16-183.10-04-46.01

Introduction/Ordinance 2017-04
Change of Zone/Lands belonging to City of Milford
East Side of South Washington Street abutting Mispillion River
Current Zone C1/Proposed Zone C2A
1.78 +/- Acres
Tax Parcel 3-30-6.20-006.00 & 3-30-6.20-010.00 (portion)

Authorization/Progressive Engineering 2017 Miscellaneous Services Contract and Per Diem Rate Schedule

Authorization/Funding Source/City of Milford Parking Lot Paving & Striping Project

EXECUTIVE SESSION

Recess into Executive Session

{Pursuant to 29 Del. C. §10004(b)(9)}Personnel Matter**

Return to Open Session

Personnel Matter

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 113016 120716 121415 122016 *010617 Late Addition by Police Chief **Late Addition by Mayor

City of Milford

Electric Rate Preliminary Study Results

Mark Beauchamp, CPA, CMA, MBA
President
Utility Financial Solutions
616-393-9722

Objectives

- Review Electric Department
 - Financial Projections & Targets
 - Debt Coverage Ratios
 - Minimum Cash Reserves
 - Target Operating Income
- Review Cost of service results
 - Cost to service each class of customers
 - Monthly Customer Charges

Assumptions

- Annual Inflation 2.5%
- Annual Growth 0.66%
- Capital Plan
 - 2018 - \$900k
 - 2019 - \$900k
 - 2020 - \$900k
 - 2021 - \$900k
 - 2022 - \$900k
- Power Supply Change
 - 2018 - 5% Decrease
 - 2019 - 0.3% Increase
 - 2020 - 0%
 - 2021 - 2.5% Increase
 - 2022 - 2.5% Increase

Projection without Rate Change

Fiscal Year	Projected Rate Adjustments	Debt Coverage Ratio	Projected Expenses	Projected Revenues	Adjusted Operating Income	Target Operating Income	Projected Cash Balances	Recommended Minimum Cash
2018	0.0%	8.44	\$24,378,015	\$ 26,337,865	\$ 1,959,850	\$ 810,849	\$ 6,042,803	\$ 4,732,677
2019	0.0%	7.98	24,702,326	26,511,695	1,809,369	835,173	7,586,082	4,777,493
2020	0.0%	7.78	24,994,147	26,686,672	1,692,525	859,547	9,056,338	4,816,739
2021	0.0%	6.23	25,755,313	26,862,804	1,107,491	884,033	9,985,157	4,907,484
2022	0.0%	4.62	26,538,580	27,040,098	501,518	908,673	10,349,048	5,003,744

Recommended Rate Track

Fiscal Year	Projected Rate Adjustments	Debt Coverage Ratio	Projected Expenses	Projected Revenues	Adjusted Operating Income	Target Operating Income	Projected Cash Balances	Recommended Minimum Cash
2018	-3.0%	6.19	\$24,378,015	\$ 25,553,279	\$ 1,175,263	\$ 810,849	\$ 5,258,216	\$ 4,732,677
2019	0.0%	5.71	24,702,326	25,721,930	1,019,605	835,173	6,007,808	4,777,493
2020	1.5%	6.59	24,994,147	26,280,070	1,285,923	859,547	7,063,571	4,816,739
2021	1.5%	6.17	25,755,313	26,850,322	1,095,009	884,033	7,969,944	4,907,484
2022	1.5%	5.72	26,538,580	27,432,947	894,366	908,673	8,716,607	5,003,744

Debt Coverage Ratio (No Change)

Description	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022
Debt Coverage Ratio					
Net Income	\$ 1,830,988	\$ 1,659,688	\$ 1,555,664	\$ 983,228	\$ 387,299
Add Depreciation/Amortization Expense	935,591	953,591	989,591	1,025,591	1,061,591
Add Interest Expense	184,845	179,895	174,791	169,545	164,145
Cash Available for Debt Service	\$ 2,951,425	\$ 2,793,175	\$ 2,720,047	\$ 2,178,364	\$ 1,613,035
Debt Principal and Interest	\$ 349,845	\$ 349,895	\$ 349,791	\$ 349,545	\$ 349,145
Projected Debt Coverage Ratio (Covenants)	8.44	7.98	7.78	6.23	4.62
Minimum Debt Coverage Ratio	1.4	1.4	1.4	1.4	1.4

Electric Department Minimum Cash Reserve

Description	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022
Minimum Cash Reserve Allocation					
Operation & Maintenance Less Depreciation Expense	12.3%	12.3%	12.3%	12.3%	12.3%
Purchase Power Expense	11.0%	11.0%	11.0%	11.0%	11.0%
Historical Rate Base	3%	3%	3%	3%	3%
Current Portion of Debt Service Payment	74%	74%	75%	76%	76%
Five Year Capital Improvements - Net of bond proceeds	20%	20%	20%	20%	20%
% Plant Depreciated	56%	58%	59%	61%	62%
Calculated Minimum Cash Level					
Operation & Maintenance Less Depreciation Expense	\$ 647,684	\$ 663,876	\$ 680,473	\$ 697,485	\$ 714,922
Purchase Power Expense	1,997,227	2,016,440	2,029,749	2,094,224	2,160,747
Historical Rate Base	930,307	957,307	984,307	1,011,307	1,038,307
Current Portion of Debt Service Reserve	257,459	259,870	262,211	264,470	269,769
Five Year Capital Improvements - Net of bond proceeds	900,000	880,000	860,000	840,000	820,000
Minimum Cash Reserve Levels	\$ 4,732,677	\$ 4,777,493	\$ 4,816,739	\$ 4,907,484	\$ 5,003,744
Projected Cash Reserves	\$ 6,042,803	\$ 7,586,082	\$ 9,056,338	\$ 9,985,157	\$ 10,349,048

Slide 7

M1

Current Debt Service is 100% of regular debt and 1 month of off system debt

Mike, 8/29/2015

Electric Department

Target Operating Income

Description	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022
Target Operating Income Determinants					
Net Book Value/Working Capital	\$ 13,531,905	\$ 13,478,314	\$ 13,388,722	\$ 13,263,131	\$ 13,101,539
Outstanding Principal on Debt	4,720,000	4,550,000	4,375,000	4,195,000	4,010,000
System Equity	\$ 8,811,905	\$ 8,928,314	\$ 9,013,722	\$ 9,068,131	\$ 9,091,539
Target Operating Income Allocation					
Interest on Debt	3.92%	3.95%	4.00%	4.04%	4.09%
System Equity	7.10%	7.34%	7.60%	7.88%	8.19%
Target Operating Income					
Interest on Debt	\$ 184,845	\$ 179,895	\$ 174,791	\$ 169,545	\$ 164,145
System Equity	\$ 626,004	\$ 655,278	\$ 684,756	\$ 714,488	\$ 744,528
Target Operating Income	\$ 810,849	\$ 835,173	\$ 859,547	\$ 884,033	\$ 908,673
Projected Operating Income	\$ 1,959,850	\$ 1,809,369	\$ 1,692,525	\$ 1,107,491	\$ 501,518
Rate of Return in %	6.0%	6.2%	6.4%	6.7%	6.9%

Electric Cost of Service Results

Customer Class	Cost of Service	Projected Revenues	% Change
Residential Service (RES)	\$ 9,154,781	\$ 9,770,811	-6.3%
Small General Service (SGS)	1,224,605	1,312,794	-6.7%
City Lighting	120,476	86,266	39.7%
Security Lighting	24,029	27,605	-13.0%
Medium General Service (MGS)	4,841,417	4,898,582	-1.2%
Large General Service (LGS)	768,587	820,401	-6.3%
General Service Primary Voltage (GSP)	3,338,532	3,617,760	-7.7%
Special Contract Service (SCS)	5,174,792	5,253,547	-1.5%
City Accounts	356,658	365,112	-2.3%
Total	\$ 25,003,877	\$ 26,152,877	-4.4%

Monthly Charge

Customer Class	COS Customer Charge	Current Average Customer Charge
Residential Service (RES)	\$ 16.63	\$ 4.00
Small General Service (SGS)	23.37	6.00
Medium General Service (MGS)	75.67	7.00
Large General Service (LGS)	152.78	18.00
General Service Primary Voltage (GSP)	286.89	21.00
Special Contract Service (SCS)	385.99	-

Next Steps

- Rate Design
 - UFS to present results and seek guidance on rate change
 - 2% bandwidth (assume -3% approval)
 - Largest decrease 5%
 - Smallest decrease 1%
 - UFS design rates based on guidance

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

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 ~~45~~ **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
<i>C-2A</i>	<i>Riverfront Development District</i>
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 stores 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



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

TO: Planning Commission

FROM: Rob Pierce, Coordinator of Planning & Economic Development Activities

DATE: November 28, 2016

RE: C-2A – Riverfront Development District

In September 2015, Arnett Muldrow & Associates conducted a series of public meetings and focus group sessions to develop a master plan for Downtown Milford. Over 250 citizens gathered together during the three day charrette to create the Rivertown Rebirth Plan 2025. Below is a link to this master plan on the City's website.

<http://www.cityofmilford.com/documentcenter/view/1846>

In January 2016, City Council adopted the Plan as the guide to development and revitalization in the Downtown Area. In May 2016, the City submitted an application to the State of Delaware for the next round of Downtown Development District (DDD) designations, for which the Rivertown Rebirth Plan 2025 was a primary component. In August 2016, the Governor announced Milford as one of the next five cities/towns that will be part of the DDD program. The program combines State and local incentives to encourage private investment within the District areas. State incentives include grants, historic preservation tax credit set asides, and other resources for both residential and commercial development/redevelopment projects. As part of the designation, the City has committed to impact and other fee waivers and tax abatements for qualifying projects.

The Rivertown Rebirth Plan contains a series of recommendations to further enhance the downtown and address some of the opportunities and concerns identified by stakeholders during the September meetings. Some of these recommendations were tied to physical locations and included several larger mixed use projects located along the Mispillion River. In order to facilitate these proposed projects, staff recommends creating a new zoning category that would promote higher densities and building heights than what is currently allowed under the C-2 Central Business District zoning designation.

In May 2016, the City Manager and I presented information to the Community Affairs Committee outlining the height and density requirements for several town's in Kent and Sussex County, our current C-2 standards, and potential modifications to Chapter 230 – Zoning. As a result of the meeting, the Committee recommended pursuing a new zoning category similar to the C-2 Central Business District that would permit 16 units per acre

www.cityofmilford.com

and four story structures. Staff has prepared the enclosed draft zoning ordinance for the Planning Commission's review and comment.

At the August Planning Commission meeting, several commissioners expressed concerns related to the exact location in which the new zoning category would be permitted. Included in your packet is an excerpt from the City's 2008 Comprehensive Plan which describes the relationship between future land use and actual City zoning categories. All commercial areas within the City, including the downtown area, are designated under one large Highway/Commercial category in the Comprehensive Plan. The City currently has three commercial zoning categories, C-1, C-2, & C-3, which are allowed within the Highway/Commercial future land use area. Planning Commission and City Council are tasked with determining what areas are appropriate for each of these three commercial zoning districts within the Highway/Commercial future land use areas. The same would be required of the Planning Commission and City Council for any newly created commercial district, like the proposed C-2A category.

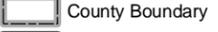
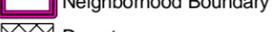
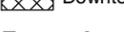
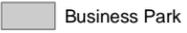
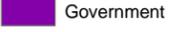
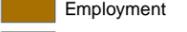
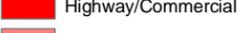
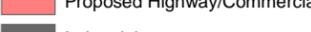
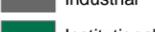
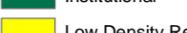
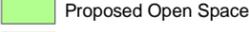
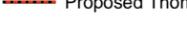
As presented at the October Planning Commission meeting, staff has revised the proposed ordinance to include additional language in the purpose paragraph. "The District shall be limited to those properties adjacent to the Mispillion River and shall be prohibited along North and South Walnut Street, Northwest Front Street and shall not be allowed within any of the historic districts." This eliminates the possibility of these types of developments disrupting the historic core and main street areas.

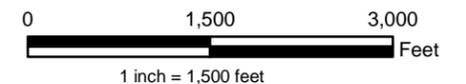
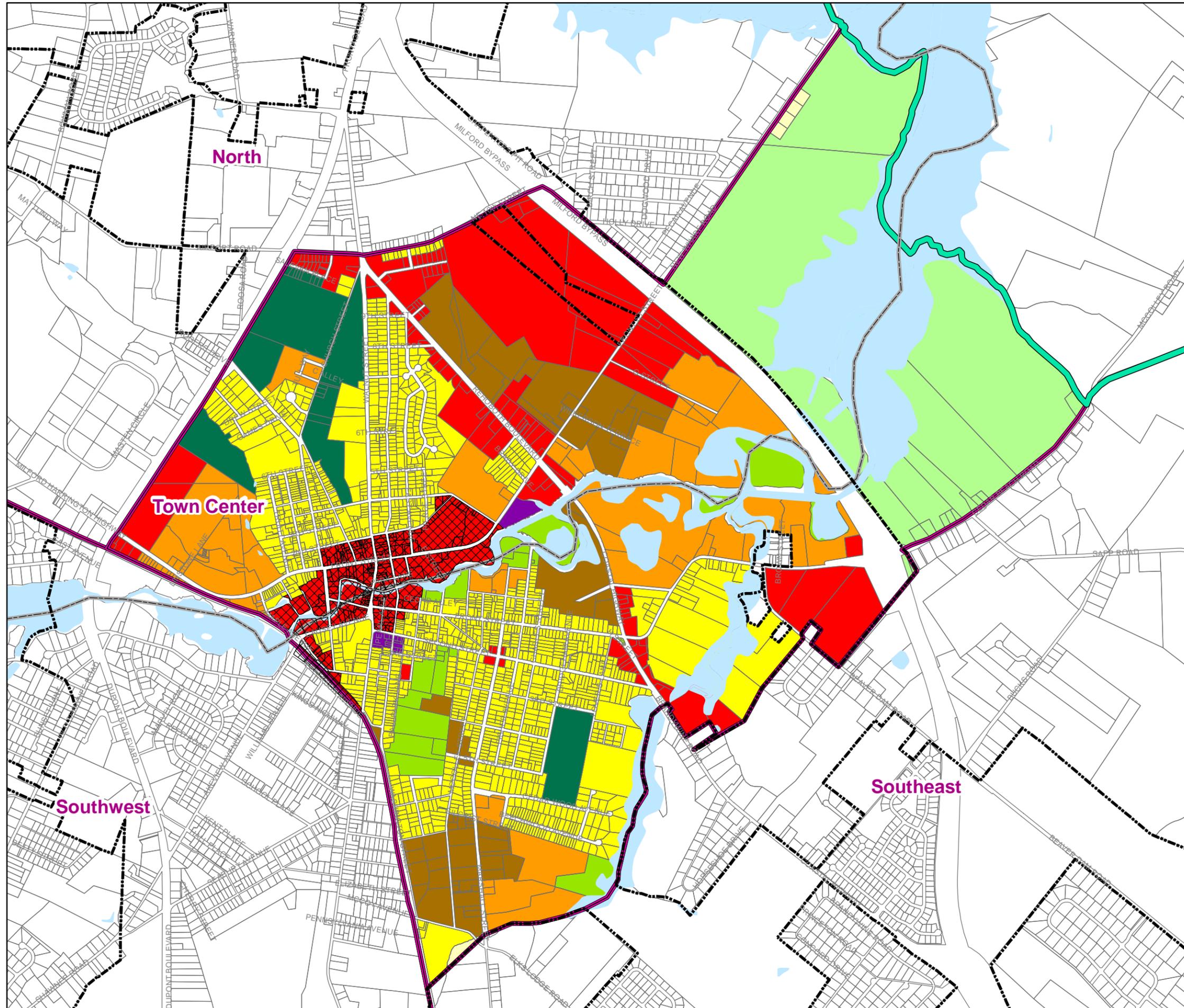
Staff is seeking a recommendation to move the draft ordinance forward for City Council approval.

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 Intersestion

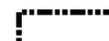


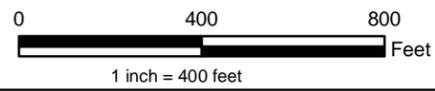
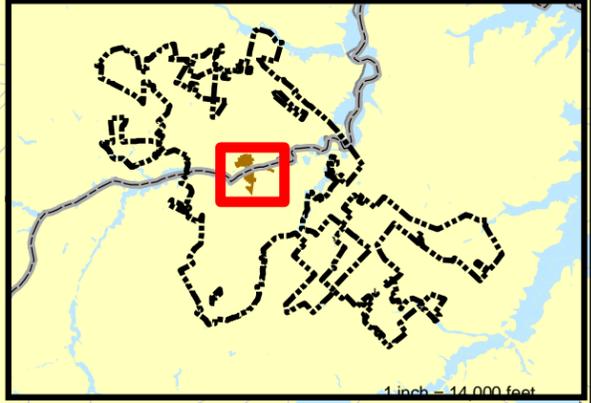
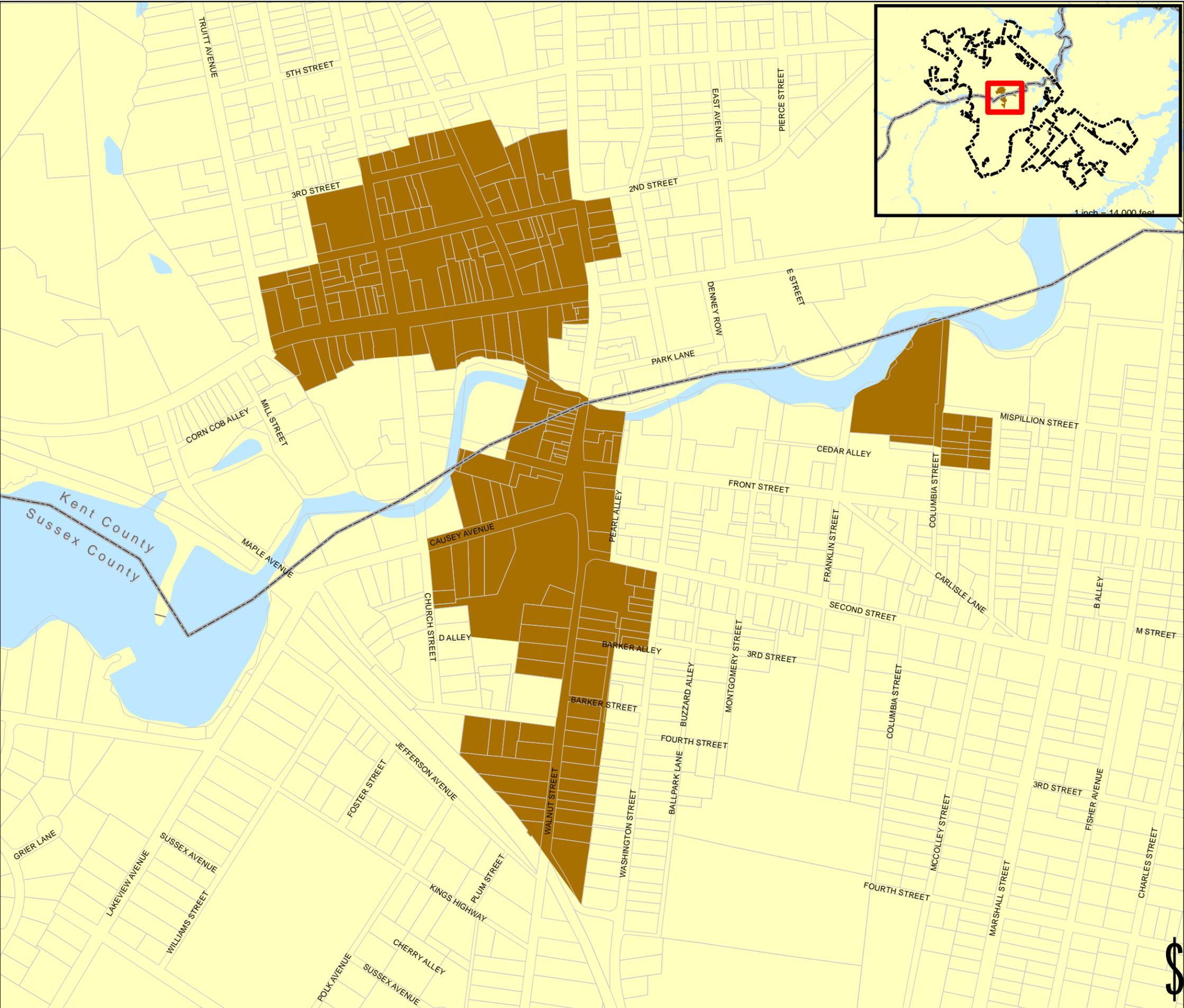
Data Sources:
 Roads - DELDOT
 State, County, Municipal Boundaries - State of Delaware
 Future Land Use, Neighborhood Boundaries - City of Milford

Milford Comprehensive Plan

Figure 6 Historic Districts

Legend

-  Parcel
-  City Boundary
-  County Boundary
-  Water
-  Historic Districts



Data Sources:
 Roads - DelDOT
 State, County, Municipal Boundaries - State of Delaware
 Historic District - City of Milford

City of Milford



PROCLAMATION

2017-01

Martin Luther King Jr. Day

WHEREAS, the Reverend Dr. Martin Luther King, Jr. was born in Atlanta, Georgia, on January 15, 1929, and has made a lasting impression as a key leader in the American Civil Rights Movement during the 1950s and 1960s; and

WHEREAS, Dr. King dedicated his life to the advancement of the fundamental principles of freedom, opportunity, and equal justice for all; and

WHEREAS, Dr. King's outstanding leadership, inspiring speeches and diligent efforts on behalf of our nation's at-risk and minority population have encouraged millions of Americans to share his dream of civil equality and to bring this dream closer to reality; and

WHEREAS, Dr. King promoted nonviolence and compassion and his followers of all races and creeds rallied around him and his vision for universal equality, camaraderie and peace, which we continue to strive for today in our homes and communities; and

WHEREAS, his vision of a world free of hatred and injustice has changed the face of American society and continues to inspire people around the world; and

WHEREAS, let us reflect on the words and deeds of Martin Luther King Jr., and consider what each of us can do today to help keep his dream alive.

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, do hereby proclaim January 16, 2017 as Martin Luther King Jr. Day in the City of Milford and ask that each of us honor Dr. King's legacy and focus on bringing people together to break down the barriers that have divided us as a nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 9th day of January 2017.

Mayor Bryan W. Shupe

Attest:

City Clerk



PROCLAMATION REQUEST MEMORANDUM

TO: The Honorable Bryan Shupe
Mayor, City of Milford

FROM: Andrew R. Campanella
President, National School Choice Week

SUBJECT: City of Milford School Choice Week (Jan. 22 – 28)

DATE: November 28, 2016

I am writing to respectfully request that you issue an official proclamation commemorating January 22 - 28, 2017 as City of Milford School Choice Week.

I have attached draft proclamation text for your convenience. The proclamation, along with National School Choice Week, provides you with an opportunity to recognize the excellent education options available to families in City of Milford as a part of a nationwide celebration.

Held every January, National School Choice Week shines a spotlight on effective education options for children – including traditional public schools, public charter schools, public magnet schools, private schools, online learning, and homeschooling.

National School Choice Week 2017 will feature nearly 20,000 independently-planned events across all 50 states, which will make it the largest celebration of educational opportunity in American history. Schools and community organizations in almost every city and county across America are participating.

As a nonpolitical, nonpartisan public awareness campaign, National School Choice Week does not advocate for legislation. We have enjoyed wide support from elected officials of both parties. During our celebration in 2016, more than 250 mayors and county executives, along with 33 governors, issued proclamations recognizing the Week. The US Senate also unanimously passed a bipartisan resolution recognizing NSCW.

I hope you will join us in celebrating National School Choice Week by issuing an official proclamation. If you have any questions, please contact National School Choice Week's outreach manager, Noelle DeLaney, at noelle@schoolchoiceweek.com, or by telephone at 202-480-2927 ext. 820. Thank you in advance for your consideration.

CITIES AND COUNTIES ISSUING SCHOOL CHOICE WEEK PROCLAMATIONS IN 2016

Albany County, New York	Columbus, Georgia	Hillsborough County, Florida
Allen, Texas	Concord, New Hampshire	Hilo County, Hawaii
Amador County, California	Costa Mesa, California	Hilton Head Island, South Carolina
Amarillo, Texas	Crest Hill, Illinois	Hoover, Alabama
Apple Valley, California	Crook County, Wyoming	Indian River County, Florida
Arlington Heights, Illinois	Davenport, IA	Indio, California
Arlington, Texas	Dayton, Ohio	Irving, Texas
Armstrong County, Pennsylvania	De Baca County, New Mexico	Irvington, New Jersey
Atlantic City, New Jersey	Dearborn, Michigan	Jackson County, Missouri
Aurora, Colorado	Deltona, Florida	Jackson County, Oregon
Austin, Texas	Denton, Texas	Jackson, Mississippi
Avondale, Arizona	Denver, Colorado	Jacksonville, Florida
Baker County, Oregon	DeSoto County, Florida	Jefferson County, Missouri
Baltimore, Maryland	Echo, Minnesota	Johnson County, Kansas
Bannock County, Idaho	El Cajon, California	Johnson County, Wyoming
Bay St. Louis, Mississippi	Elgin, Illinois	Joliet, Illinois
Beaverton, Oregon	Erie , New York	Kalamazoo, Michigan
Benewah County, Idaho	Fort Bend County, Texas	Kansas City, Missouri
Bessemer, Alabama	Fort Lauderdale, Florida	Kent County, Michigan
Bethlehem, Pennsylvania	Frederick County, Maryland	Kent, Washington
Billings, Montana	Fremont County, Wyoming	Killeen, Texas
Biloxi, Mississippi	Fullerton, California	Kissimmee, Florida
Birmingham, Alabama	Fulton County, Georgia	La Paz County, Arizona
Bloomington, Illinois	Gainesville, Florida	Laguna Niguel, California
Bolingbrook, Illinois	Garden Grove, California	Laguna Niguel, California
Boynton Beach, Florida	Garland County, Arkansas	Lake , Florida
Broome County, New York	Gary, Indiana	Lake County, Oregon
Bucks County, Pennsylvania	Gilbert, Arizona	Lakeland, Florida
Cache County, Utah	Gilchrist County, Florida	Lakewood, Colorado
Camden, New Jersey	Goldsboro, North Carolina	Largo, Florida
Carbon County, Pennsylvania	Gooding County, Idaho	Las Cruces, New Mexico
Cascade County, Montana	Greeley, Colorado	Lauderhill, Florida
Charleston, South Carolina	Greene County, New York	League City, Texas
Charlotte, North Carolina	Greenville, South Carolina	Lee County, Florida
Chattanooga, Tennessee	Hamilton County, Ohio	Lehigh County, Pennsylvania
Chautauqua County, New York	Hancock County, Maine	Lewis County, New York
Clark County, Nevada	Hawaii County, Hawaii	Lewisville, Texas
Cleveland, Ohio	Henderson, Nevada	Los Angeles County, California
Clifton, New Jersey	Hernando County, Florida	Loudon County, Virginia
Cloud County, Kansas	Hesperia, California	Lyon County, Nevada
Cobb County, Georgia	Highland Village, Texas	Madera County, California

CITIES AND COUNTIES ISSUING SCHOOL CHOICE WEEK PROCLAMATIONS IN 2016

Madison County, Alabama	Peoria County, Illinois	Springfield, Massachusetts
Mahoning County, Ohio	Peoria, Arizona	St. Charles, Missouri
Maitland, Florida	Pharr, Texas	St. Louis, Missouri
Manatee County, Florida	Phoenix, Arizona	Stanislaus County, California
Mansfield, Ohio	Placer County, California	Sumner County, Tennessee
Manteca, California	Plantation, Florida	Sumter County, Florida
Marion County, Florida	Pompano Beach, Florida	Suwannee County, Florida
Marion County, Kansas	Portsmouth, Virginia	Tacoma, Washington
Mariposa County, California	Prince George's County, Maryland	Tampa, Florida
Medford, Oregon	Prince William County, New York	Temecula, California
Melbourne, Florida	Racine County, Wisconsin	Thornton, Colorado
Memphis, Tennessee	Redondo Beach, California	Thousand Oaks, California
Miami Gardens, Florida	Reno, Nevada	Tracy, California
Miami, Florida	Richardson, Texas	Tulsa, Oklahoma
Midland, Texas	Richland County, South Carolina	Tuscaloosa, Alabama
Milpitas, California	Richmond, Virginia	Tyler, Texas
Miramar, Florida	Rio Ranch, New Mexico	Uintah County, Utah
Mission Viejo, California	Rockland County, California	Upland, California
Modoc County, California	Rockland County, New York	Vacaville, California
Montgomery, Alabama	Roseville, California	Vallejo, California
Moreno Valley, California	Sacramento County, California	Vancouver, Washington
Nashville, Tennessee	Sacramento, California	Venango County, Pennsylvania
Nassau County, Florida	Saint Charles City, Missouri	Victorville, California
Nassau County, New York	Saint Joseph, Missouri	Volusia County, Florida
New Bedford, Massachusetts	San Antonio, Texas	Waldo County, Maine
New Orleans, Louisiana	San Luis Obispo County, California	Walton County, Florida
Newport News, Virginia	San Mateo County, California	Warren County, Pennsylvania
Norfolk, Virginia	San Ramon, California	Warwick, Rhode Island
O'Fallon, Missouri	Santa Clara, California	Wasatch County, Utah
Oakland County, Michigan	Santa Cruz County, Arizona	Washington County, Pennsylvania
Oceanside, California	Santa Rosa, California	Washington, DC
Orange County, New York	Scottsdale, Arizona	Waterbury, Connecticut
Orange, New Jersey	Sedgwick County, Colorado	Watertown, South Dakota
Orlando, Florida	Sedgwick County, Kansas	West Palm Beach, Florida
Oswego County, New York	Sedgwick County, Kansas	Wichita Falls, Texas
Ozark, Missouri	Sheridan County, Wyoming	Will County, Illinois
Palatine, Illinois	Shreveport, Louisiana	Will County, Illinois
Palm Bay, Florida	Sioux City, Iowa	Woodbury, Minnesota
Pasco County, Florida	Smith County, Texas	Woodstock, Georgia
Paterson, New Jersey	Somerset County, Pennsylvania	Yamhill, Oregon
Pembroke Pines, Florida	Sonoma County, California	Yavapai County, Arizona
Pensacola, Florida	Springdale, Arkansas	

City of Milford



PROCLAMATION

2017-02

School Choice Week

WHEREAS all children in the City of Milford should have access to the highest-quality education possible; and

WHEREAS City of Milford recognizes the important role that an effective education plays in preparing all students in City of Milford to be successful adults; and

WHEREAS quality education is critically important to the economic vitality of City of Milford; and

WHEREAS City of Milford is home to a variety of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS City of Milford has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, do hereby proclaim January 22-28, 2017 as School Choice Week and call this observance to the attention of all of our citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 9th day of January 2017.

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: January 5, 2017

RE: Activity Report/December 2016

Monthly Stats:

A total of 465 arrests were made by the Milford Police Department during December 2016. Of these arrests, 130 were for criminal offenses and 335 for traffic violations. Criminal offenses consisted of 32 felonies and 98 misdemeanors. Traffic violations consisted of 121 Special Duty Radar, 3 Drunk-Driving charges, 211 other.

Police officers investigated 44 accidents during the month and issued 110 written reprimands. In addition, they responded to 1047 various complaints including city requests and other agency assistance.

Monthly Activities:

Entire Staff attended the 2016 Delaware Police Chief's Annual Christmas Luncheon. At the luncheon Sergeant Timothy Lord was awarded Policemen of the Year by Delaware Crime Stoppers.

Two officers and four dispatchers attended a NIMS/ICS 100 Course. Twelve officers viewed a Patrol Safe, Arrive Alive video for training in safe driving habits. One officer attended a Cultural Diversity Course at the DSP Academy. One officer attended a 2-day Glock Armorer Course at the Ocean View Police Department.

SRO:

The Community Policing Unit took part in a toy collection with the assistance of the Johnson Family and some members of Avenue United Methodist Church. Toys were collected and this year forwarded to the Division of Family Services, who then distributed them to children who are in their custody. Our donation was greatly appreciated as their demand was very high this year for gifts.

Community Policing, Criminal Investigations, and Staff Officers all took part in serving holiday lunches to school throughout the Milford School District. This was a very enjoyable event and we've asked the school district to include us in the holiday lunch next year.

Pfc. Stanton took part in a coat drive that provided much needed coats for local children this winter.

Cpl. Bloodsworth participated in a "Meet A Hero" event in downtown Milford at Sugar Bee.

Cpl. Bloodsworth gave a presentation on dealing with an intruder to bus drivers in the Milford School District.

Cpl. Bloodsworth took part in a joint tabletop top exercise with staff from Lulu Ross and Mispillion Elementary, in which safety procedures discussed through using a mock scenario.

Sgt. Masten prepared and sent nine news releases to area media outlets, with several of those releases getting regional coverage from media outlets. Milford Police Facebook posts reached over 96,000 people between December 6th and January 2nd, with over 28,000 people engaging with the posts (source Facebook Insights).

K9 Unit:

For the month of December the Milford Police Department K9 unit had the following stats:

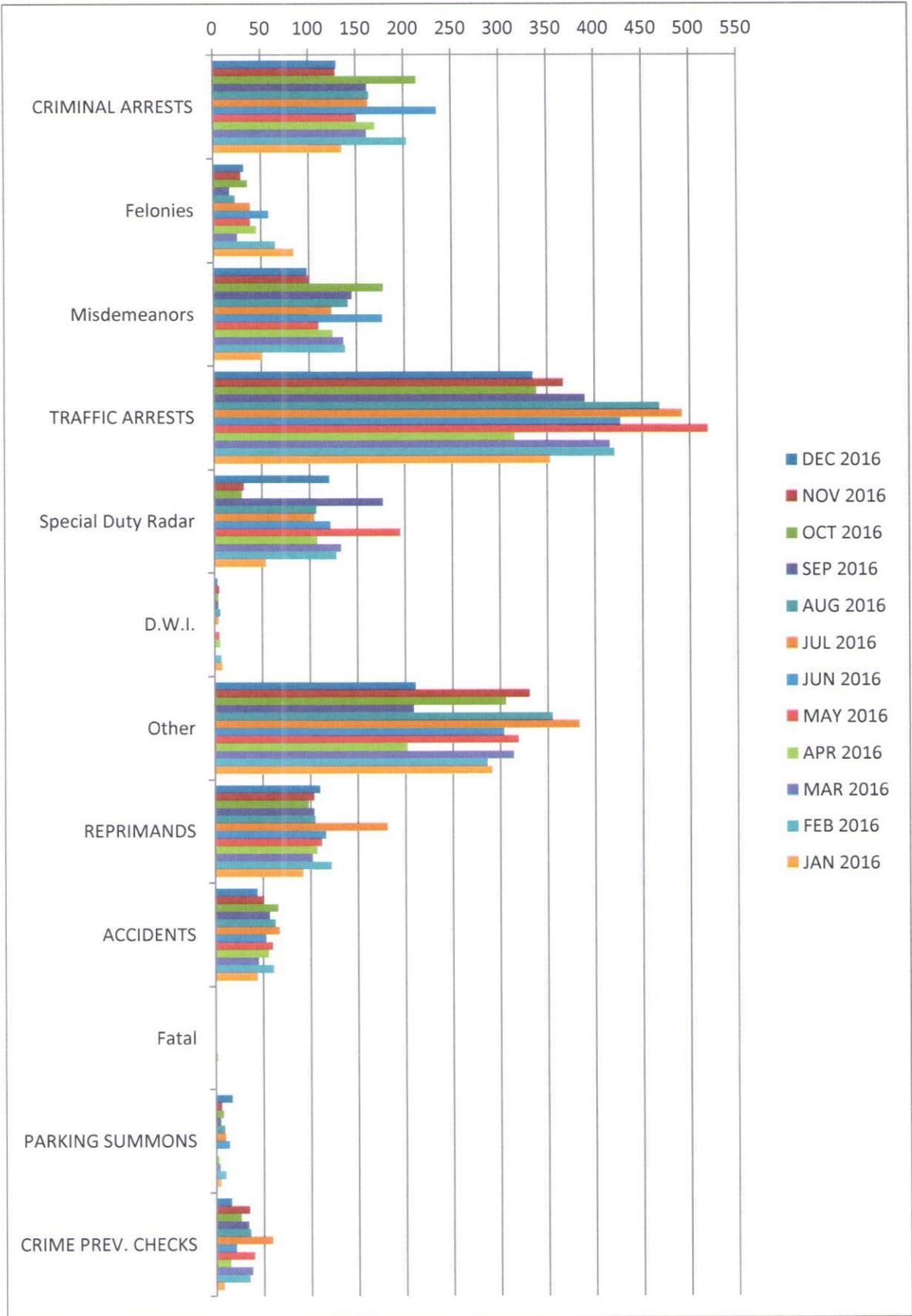
- Utilized 13
- Drugs 3
- Crowds 1
- Assist Other Agencies 2
- Building Searches 2
- Deployed as Precaution 3
- Area Search 0
- Article Search 0
- Bite Apprehensions 0
- No Bite Apprehensions 0
- Tracks 1
- Demo 1

<u>Seized Items</u>	<u>Amount</u>	<u>Value</u>
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Notes: K9-1 (Henk) was on vacation for two weeks.

DEC 2016 ACTIVITY REPORT

	DEC 2016	TOTAL 2016	DEC 2015	TOTAL 2015
COMPLAINTS	1047	14491	945	13744
CRIMINAL ARRESTS	130	2015	111	1827
Felonies	32	492	33	435
Misdemeanors	98	1523	78	1392
TRAFFIC ARRESTS	335	4843	305	5363
Special Duty Radar	121	1310	103	1938
D.W.I.	3	53	2	60
Other	211	3511	200	3365
REPRIMANDS	110	1353	92	1331
ACCIDENTS	44	667	53	686
Fatal	0	2	0	0
PARKING SUMMONS	17	92	1	103
CRIME PREV. CHECKS	16	363	11	354
FINES RECEIVED	\$6,958.60	\$ 93,482.90	\$ 7,015.43	\$ 111,338.90





OFFICE OF THE CITY MANAGER
ERIC NOREBERG, ICMA-CM
302.424.3712, FAX 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963
www.cityofmilford.com

City Manager's Report January 9, 2017

ADMINISTRATION

Finance/Customer Service

No report available.

Parks & Recreation

Park Staff assisted with a successful Holiday Stroll and we have had many people thank us for providing the port-a-johns for both the Stroll and the month of December for Santa's House.

Construction on Goat Island continues with work on the educational pavilion beginning in early January. Test footers were dug late December, and it was determined that the pavilion would have to be relocated to higher ground due to the high water table. The park was temporarily shut down to prepare the site.

An area of the Riverwalk suffered some minor vandalism which included some posts and handrails being damaged. This was quickly repaired by park staff.

December 16 marked the final day for seasonal park technicians and a retirement party was held for the outgoing Park Superintendent, Don McMillian. The Mayor attended the retirement function as did a number of former employees. Don's last day was December 31 and Ralph Skinner, Jr has been promoted to Park Superintendent.

'Lil Bucs' wrestling concluded and the program coordinator Roy Rigby declared after 20 plus years that this would be his last year.

Basketball tryouts were held December 3 at the Boys and Girls club. There are almost 150 players this season with two more teams added.

The bathroom at Tony Silicato Memorial Park has been winterized and an additional valve was installed to help prevent pipes from freezing over the winter months.

Water fountains were winterized at the Dog Park and are shut down over the winter months, however a frost free spigot remains available for our four legged friends.

PLANNING & ECONOMIC DEVELOPMENT

Enforcement & Inspections Division

Code Enforcement Case Activity

New Cases: 26

Closed Cases: 54

Open at Start of Month: 93

Open at End of Month: 67

Code Enforcement Violation Activity

Abandoned Vehicle: 6

Dangerous Tree: 0

Furniture: 2

Generic: 5

Property Maintenance: 6
Rubbish & Garbage: 5
Weeds & Grass: 0
Zoning Use: 0
Total: 26

Rental Inspections Performed: 1
Rental Licenses Issued: 110
Vendor Licenses Issued: 0
Contractors Licenses Issued: 32

Building Permits Issued
Commercial Foundation: 0
Commercial Building Permit: 10
Demolition: 1
Residential New Construction: 1
Residential Renovation/Accessory Structure: 6
Roof/Siding: 9
Solar Panels: 2
Utility (Electric/Water): 4
Total: 33

Planning & Zoning Division

Staff completed the required NIMS training for the Code Enforcement and Administrative positions. University of Delaware and DNREC held a climate change mapping workshop as part of a voluntary pilot program related to community vulnerabilities that is being performed in conjunction with the City's Comprehensive Plan Update. The mapping exercise allowed attendees to identify critical and vulnerable areas that could be subject to increased temperatures and sea level rise. A similar workshop and presentation is being offered to City Council, Planning Commission and City management on January 10, 2017 beginning at 5:30 pm in Council chambers.

Planning Commission approved a 12-month extension for the Bayhealth Health Campus site plan application. Planning Commission tabled amendments to Chapter 230 that would allow chickens as a conditional use in R-1 and R-2 districts. The amendment will be reviewed again at the January meeting.

Planning Commission continued its work to craft updates to the Comprehensive Plan. The December workshop reviewed chapters on Housing, Economic Development and Transportation. Upcoming meetings in January and February will discuss Parks & Open Space, Environment, Implementation and Land Use.

Met with Sussex County Planning & Mapping, State Planning and the United States Post Office to discuss the process of modifying zip code boundary lines so that all properties within the corporate limits of Milford would have a Milford zip code. Currently there are several parcels in the southeast neighborhood that receive service from the Lincoln post office, including the proposed Bayhealth site.

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

The Downtown Development District large project application deadline was December 12, 2016. There were two applications for properties within the City of Milford. Dan Bond submitted an application for the former Lou's Bootery building for a complete historic restoration of the structure. Mr. Bond proposes retail or restaurant use on the first floor with two residential apartments above. The second application was submitted by Davis, Bowen & Friedel on behalf of Dennis Silicato for a project that would convert of the former skating center into office space. An announcement ceremony is scheduled on January 10th in downtown Milford where the Governor will announce the awarded projects for all DDD communities.

PUBLIC WORKS DEPARTMENT

Worked with University of Delaware Sustainability Program to complete an energy assessment of all city buildings.

Updated job description for the department.

Electric Division

Power Outages: 1 (On 12/25 behind Abbott’s Grill; cause was bird in wires causing circuit to trip.)

Poles replaced due to either age, rot or damage: 1

Closed Work Orders: 7

Trouble Service Calls: 17

New Electric Services Installed: 4

Preventative Maintenance/Trees Trimmed: 6

Miss Utility Locates: 107

Crew installed new vehicle charging stations at Royal Farms on Route 1 and removed dirt pile. All lights in the warehouse have been replaced with LED for efficiency purposes.

Water & Wastewater Division

Crews placed locator flags on fire hydrants in preparation for snow.

Pump at Silicato pump station was repaired due to an article of clothing caught in pump.

Streets & Solid Waste Division

Bulk Pick Ups: 16

Additional Containers: Trash-0; Recycle-2; Yard Waste-0

Service Terminated: 3

Change Container Size: 4

Damaged/Replaced Container: 16

After Hours Calls: 0

Leaf collection is winding down.

10 Downtown District signs were installed throughout town.

Installed salt spreaders and snow plows on trucks for upcoming winter season.

SOLID WASTE/RECYCLING MONTHLY DIVERSION REPORT

January 2017

	<u>SOLID WASTE TONNAGE</u>	<u>CURBSIDE RECYCLING</u>	<u>DROP-OFF CENTER RECYCLING</u>	<u>YARD WASTE</u>	<u>TOTAL</u>	<u>DIVERSION</u>
<i>Sep-16</i>	255.22	60.11	41.23	32.41	388.97	34.4%
<i>Oct-16</i>	288.48	53.47	41.27	36.50	419.72	31.3%
<i>Nov-16</i>	249.43	45.97	36.82	33.00	365.22	31.7%

	<u>SOLID WASTE TONNAGE</u>	<u>CURBSIDE RECYCLING</u>	<u>DROP-OFF CENTER RECYCLING</u>	<u>YARD WASTE</u>	<u>TOTAL</u>	<u>DIVERSION</u>
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)	2850.86	578.46	379.12	388.21	4196.65	32.1%

**November Yard Waste is not an accurate number due to scales being down at Blessings on several occasions.

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: NOVEMBER 2016

Cash Balance - General Fund Bank Balance	\$4,263,840
Cash Balance - Electric Fund Bank Balance	\$3,831,637
Cash Balance - Water Fund Bank Balance	\$1,481,724
Cash Balance - Sewer Fund Bank Balance	\$1,464,577
Cash Balance - Trash Fund Bank Balance	\$289,523

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Solid Waste Reserves</u>
Beginning Cash Balance	385,555	1,188,476	1,839,357	0
Deposits			33,739	
Interest Earned this Month	135	440	678	
Disbursements this Month	(21,908)		(41,667)	
Investments				250,000
Ending Cash Balance	\$363,782	\$1,188,916	\$1,832,107	\$250,000

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	1,630,814	7,199,436	3,495,701	6,909,724
Deposits				
Interest Earned this Month	6	196	13	25
Disbursements this Month	(24,099)	(23,292)	(2,947)	(837)
Investments	250,000			
Ending Cash Balance	\$1,856,721	\$7,176,340	\$3,492,767	\$6,908,912

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>	<u>Economic Development Fund</u>
Beginning Cash Balance	\$1,539,533	989,029	450,915	551,804
Deposits	10,793	5,705	5,750	
Interest Earned this Month				
Disbursements this Month				
Investments				
Ending Cash Balance	\$1,550,326	\$994,734	\$456,665	\$551,804

INTEREST THROUGH THE FIFTH MONTH OF THE FISCAL YEAR:

General Fund	8,476	Water Fund	2,365
GF Capital Reserves	492	Water Capital Reserves	2,158
Municipal Street Aid	1,859	Sewer Fund	2,073
Real Estate Transfer Tax	2,762	Sewer Capital Reserves	1,066
Electric Fund	5,316	Trash Fund	3,149
Electric Reserves	2,059		

TOTAL INTEREST EARNED TO DATE \$31,775

REVENUE REPORT

Page Two

42% of Year Expended

Date: November 2016	AMOUNT BUDGETED	MTD	YTD	YTD%
ACCOUNT				
Economic Development Fund	201,255	0	40,000	19.88%
General Fund Reserves	411,000	0	0	0.00%
Realty Transfer Tax-Police	500,000	41,666	208,333	41.67%
Real Estate Tax	3,762,970	2,892	3,753,928	99.76%
Business License	106,250	475	2,850	2.68%
Rental License	85,000	100	2,300	2.71%
Building Permits	75,000	7,086	37,687	50.25%
Planning & Zoning	15,000	2,574	10,826	72.17%
Grasscutting Revenue	16,000	0	16,000	100.00%
Police Revenues	440,000	10,040	206,961	47.04%
Misc. Revenues	272,820	25,864	86,472	31.70%
Transfers From	3,300,000	275,000	1,375,000	41.67%
Total General Fund Revenues	\$9,185,295	\$365,697	\$5,740,357	62.50%
Water Revenues	2,730,500	230,077	1,252,538	45.87%
Sewer Revenues	2,506,500	212,354	1,108,995	44.24%
Kent County Sewer	1,850,000	150,637	792,753	42.85%
Solid Waste Revenues	1,360,440	113,302	572,274	42.07%
Electric Revenues	24,925,790	1,807,967	11,389,110	45.69%
TOTAL REVENUES	\$42,558,525	\$2,880,034	\$20,856,027	49.01%
YTD Enterprise Expense		25,357		
YTD Enterprise Revenue		44,787		
LTD Carlisle Fire Company Building Permit Fund		133,926		

EXPENDITURE REPORT

Page Three

Date: November 2016

42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	461,930	\$36,444	174,392	37.75%	287,538
O&M	259,095	\$17,349	52,831	20.39%	206,264
Capital	0	\$0	0		0
Total City Manager	\$721,025	\$53,793	\$227,223	31.51%	493,802
Planning & Zoning					
Personnel	184,400	\$13,749	68,032	36.89%	116,368
O&M	67,975	\$2,357	24,729	36.38%	43,246
Capital	0	\$0	0		0
Total P, C & I	\$252,375	\$16,106	\$92,761	36.76%	159,614
Code Enforcement & Inspections					
Personnel	225,210	\$11,651	56,045	24.89%	169,165
O&M	69,290	\$2,154	21,157	30.53%	48,133
Capital	25,000	\$0	0	0.00%	25,000
Total P, C & I	\$319,500	\$13,805	\$77,202	24.16%	242,298
Council					
Personnel	31,225	\$1,935	11,623	37.22%	19,602
O&M	44,650	\$1,463	14,083	31.54%	30,567
Council Expense	17,000	\$230	13,668	80.40%	3,332
Contributions	206,000	\$0	66,000	32.04%	140,000
Codification	9,500	\$0	5,064	53.31%	4,436
Employee Recognition	11,000	\$700	700	0.00%	10,300
Insurance	21,740	\$0	9,818	45.16%	11,922
Christmas Decorations	15,000	\$9,322	9,700	64.67%	5,300
Economic Development	15,000	\$0	96	0.64%	14,904
Resident Survey	15,000	\$0	0	0.00%	15,000
Armory Expenses	10,000	\$143	8,104	81.04%	1,896
Total Council	\$396,115	\$13,793	\$138,856	35.05%	257,259
Finance					
Personnel	418,395	\$29,886	144,575	34.55%	273,820
O&M	62,270	\$4,761	22,205	35.86%	40,065
Capital	0	\$0	0		0
Total Finance	\$480,665	\$34,647	\$166,780	34.70%	313,885
Information Technology					
Personnel	148,680	\$11,393	49,509	33.30%	99,171
O&M	177,450	\$2,671	47,774	26.92%	129,676
Capital	55,000	\$0	34,340	62.44%	20,660
Total Information Technology	\$381,130	\$14,064	\$131,623	34.53%	249,507

EXPENDITURE REPORT
Page Four

Date: November 2016

42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,944,180	\$292,138	1,556,765	39.47%	2,387,415
O&M	507,360	\$19,972	178,220	35.13%	329,140
Capital	71,600	\$434	62,423	87.18%	9,177
Total Police	\$4,523,140	\$312,544	\$1,797,408	39.74%	2,725,732
Streets & Grounds Division					
Personnel	476,960	\$31,137	147,764	30.98%	329,196
O&M	407,905	\$19,907	134,091	32.87%	273,814
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	\$51,044	\$281,855	25.34%	830,485
Parks & Recreation					
Personnel	605,635	\$45,791	249,687	41.23%	355,948
O&M	267,370	\$19,083	105,573	39.49%	161,797
Capital	126,000	\$19,897	38,052	30.20%	87,948
Total Parks & Recreation	\$999,005	\$84,771	\$393,312	39.37%	605,693
Total General Fund					
Operating Budget	\$9,185,295	\$594,567	\$3,307,020	36.00%	5,878,275

EXPENDITURE REPORT

Page Five

Date: November 2016

42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	314,350	\$23,521	115,797	36.84%	198,553
O&M	1,111,675	\$75,586	406,003	36.52%	705,672
Capital	402,730	\$0	9,407	0.00%	393,323
Debt Service	901,745	\$0	76,525	8.49%	825,220
Total Water	\$2,730,500	\$99,107	\$607,732	22.26%	2,122,768
Sewer Division					
Personnel	314,350	\$23,517	115,790	36.83%	198,560
O&M	1,144,955	\$50,299	372,601	32.54%	772,354
Capital	434,725	\$0	0	0.00%	434,725
Debt Service	612,470	\$0	25,470	4.16%	587,000
Sewer Sub Total	\$2,506,500	\$73,816	\$513,861	20.50%	1,992,639
Kent County Sewer	1,850,000	\$150,749	792,753	42.85%	1,057,247
Total Sewer	\$4,356,500	\$224,565	\$1,306,614	29.99%	3,049,886
Solid Waste Division					
Personnel	401,470	\$25,713	136,833	34.08%	264,637
O&M	697,970	\$62,996	283,229	40.58%	414,741
Capital	261,000	\$0	0	0.00%	261,000
Total Solid Waste	\$1,360,440	\$88,709	\$420,062	30.88%	940,378
Total Water, Sewer Solid Waste	\$8,447,440	\$412,381	\$2,334,408	27.63%	6,113,032
Electric Division					
Personnel	1,254,300	\$94,870	459,323	36.62%	794,977
O&M	1,775,045	\$111,228	689,979	38.87%	1,085,066
Transfer to General Fund	2,500,000	\$208,334	1,041,667	41.67%	1,458,333
Capital	450,000	\$0	578	0.13%	449,422
Debt Service	346,445	\$0	0	0.00%	346,445
Electric Sub Total	\$6,325,790	\$414,432	\$2,191,547	34.64%	4,134,243
Power Purchased	18,600,000	\$1,345,179	8,081,983	43.45%	10,518,017
Total Electric	\$24,925,790	\$1,759,611	\$10,273,530	41.22%	14,652,260
TOTAL OPERATING BUDGET	\$42,558,525	\$2,766,559	\$15,914,958	37.40%	26,643,567

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: November 2016

ACCOUNT	AMOUNT BUDGETED	MTD	42% of Year Expended		UNEXPENDED BALANCE
			YTD	YTD%	
Garage					
Personnel	89,850	6,687	32,728	36.43%	57,122
O&M	78,135	5,882	30,436	38.95%	47,699
Capital	0	0	0		0
Total Garage Expense	\$167,985	12,569	\$63,164	37.60%	104,821
Public Works					
Personnel	199,550	15,603	68,079	34.12%	131,471
O&M	185,772	7,692	74,944	40.34%	110,828
Capital	21,708	0	21,708	100.00%	0
Total Public Works Expense	\$407,030	23,115	\$164,731	40.47%	242,299
Billing & Collections					
Personnel	532,230	40,760	199,411	37.47%	332,819
O&M	225,530	14,976	79,515	35.26%	146,015
Capital	0	0	0		0
Total Billing & Collections	\$757,760	55,736	\$278,926	36.81%	478,834
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	61,000	3,953	29,828	48.90%	31,172
Capital	0	0	0		0
Total City Hall Cost Allocation	\$61,000	3,953	\$29,828	48.90%	31,172

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.

Come celebrate the birthday of Reverend Dr. Martin Luther King, Jr.

Participate in the vision to make the world a place of peace,
where all persons are treated with dignity, and have
the opportunity to pursue life, liberty and happiness.

By God's grace, we can make a difference!

Come and worship in unity and love!
Come and support the youth in *your* community!

*Youth Praise Dancers, Youth Praise Band,
Middle School Choir, Scholarship Recipient Speakers*

January 16th
12 Noon
Banneker Elementary School
449 North St.
Milford, Delaware



Martin Luther King, Jr. Day



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

THURSDAY, JANUARY 26, 2017

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

DINNER: 6:30 P.M. – 7:15 P.M.

PROGRAM: 7:15 P.M.

PROGRAM:

Two speakers will make presentations at this month’s meeting:

- Brenna Goggin, Delaware Nature Society, on their Clean Water: Delaware’s Clear Choice Campaign.
- Ed Hallock, Program Administrator, State Office of Drinking Water, on proposed cross connection control regulations and EPA’s new Drinking Water Plan.

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

The DLLG wishes to thank Strategic Insurance Partners for sponsoring this month’s dinner meeting and complimentary social hour drinks.

Next Meeting: Thursday, February 23, 2017

WE MUST HAVE YOUR RESERVATIONS NO LATER THAN JANUARY 20, 2017

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

_____ will have _____ attendees
(Municipality/County/Agency)

PLEASE LIST THE NAMES OF THOSE ATTENDING

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

- () Check enclosed for () dinners @ \$30 each
- () Payment will be made at the door
- () Check mailed for () dinners @ \$30 each



**A New President.
A New Administration.
A New Congress.**

**A NEW
OPPORTUNITY**

Advocacy and Education

- Hear from policy makers and experts about the current and emerging issues of the first 100 days of the new Congress and Administration.
- Advocate alongside fellow local leaders for the priorities of cities at our Capitol Hill Advocacy Day.
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in support of
America's cities
and towns.**

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Conference, the federal advocacy conference
of the National League of Cities!**

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 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, cans, 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

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~~ February 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.~~
- (1) 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.
- (3) 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.
- (4) Yard or garage sales, book sales, and auctions where not part of a regularly recurring or continuous business activity.
- (5) Sale of agricultural or nursery items grown on the premises of the property owner and sold seasonally.
- (6) 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").
- (7) Construction activities for which a license is required and has been secured in accordance with Chapter 107 ("Contractors").
- (8) Business activities of insurance agents and companies specifically exempted from municipal business license fees under 18 Del. C. § 712.
- (9) 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 foregoing, 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

- A. 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.
- B. 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.

Council Introduction: December 12, 2016

Council Adoption: January 9, 2017

Effective: February 1, 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.

121216 121316

Advertised: Beacon, 01/04/17

CITY OF MILFORD

Milford, Delaware

Financial Statements

For The Year Ended June 30, 2016

CITY OF MILFORD, DELAWARE

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10 S.E. 2nd Street
Milford, DE 19963
302.424.5140

www.cityofmilford.com

TRANSMITTAL LETTER

October 28, 2016

The Honorable Mayor
and Members of the City Council
City of Milford
Milford, Delaware

The Finance Department and City Manager's Office are pleased to submit the Annual Financial Report for the City of Milford, Delaware for the fiscal year ended June 30, 2016.

This report is published to provide the City Council, City staff, our citizens, our bondholders and other interested parties with detailed information concerning the financial condition and activities of the City government. Responsibility for both the accuracy of the presented data and the completeness and fairness of the presentation, including all disclosures, rests with the City.

To the best of our knowledge and belief the enclosed data is accurate in all material respects, and is organized in a manner designed to fairly present the financial position and results of operations of the City as measured by the financial activity of its various funds. We also believe that all disclosures necessary to enable the reader to gain the maximum understanding of the City's financial affairs have been included.

THE REPORT

The accompanying financial section includes a Management's Discussion and Analysis (MD&A), basic financial statements and combining and individual fund statements and schedules, as well as the independent auditor's report on the basic financial statements. Beck, Villata & Co., P.C., Certified Public Accountants, has issued an unmodified ("clean") opinion on the City's financial statements for the year ended June 30, 2016. The independent auditor's report is located at the front of the financial section of this report.

The MD&A is a narrative introduction, overview, and analysis to accompany the basic financial statements. This letter of transmittal is designed to complement and should be read in conjunction with the MD&A. The City of Milford's MD&A can be found immediately following the report of the independent auditors.

The Financial Section described above is prepared in accordance with generally accepted accounting principles for governments as prescribed by the Governmental Accounting Standards Board (GASB) and other professional associations, as applicable.

CITY PROFILE

Location

The City of Milford is the sixth largest city in population in the State of Delaware, serving over 9,000 residents within a rapidly growing corridor along U.S. Route 113/DE Route 1 in Kent and Sussex Counties. Located on the Mispillion River, within both Kent and Sussex Counties, the City is approximately 95 miles from Philadelphia, Pennsylvania, 85 miles from Baltimore, Maryland, and 100 miles from Washington, D.C. Locally, the City is 19 miles south of Dover, the State Capital.

The City is a home rule city operating under the Council-Manager form of government. The City Council is comprised of the Mayor and eight Council members, who enact local laws, determine policies and adopt the annual budget. The City Manager is appointed by the City Council and is responsible for the daily management of the City. The Basic Financial Statements of the City include all government activities, organizations and functions for which the City is financially accountable as defined by the GASB. Based on these criteria no other governmental organizations are included in this report.

FINANCE

Services Provided

The City provides to its citizens those services that have proven to be necessary and meaningful and which the City at the least cost can provide. Major services provided under general government and enterprise functions are: police protection, water and sewer services, electric services, sanitation services, park and recreational facilities, street improvements and general administrative services.

Accounting System and Budgetary Control

The City's accounting records for general governmental operations are maintained on a modified accrual basis with the revenues being recorded when available and measurable and expenditures being recorded when the services or goods are received and the liabilities are incurred. Accounting records for the City's utilities and other proprietary activities are maintained on the accrual basis.

In developing and maintaining the City's accounting system, consideration is given to the adequacy of the internal control structure. Internal accounting controls are designed to provide reasonable, but not absolute, assurance regarding (1) the safeguarding of assets against loss from unauthorized use or disposition; and (2) the reliability of financial records for preparing financial statements and maintaining accountability for assets. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived, and (2) the evaluation of costs and benefits requires estimates and judgments by management.

All internal control evaluations occur within the above framework. We believe that the City's informal accounting controls adequately safeguard assets and provide reasonable assurance of proper recording of financial transactions.

The City charter provides that the City Council shall adopt the annual budget prepared by City Management. This budget is reviewed by the City Council and is formally adopted by the passage of a budget ordinance. The City Manager is authorized to transfer budgeted amounts between the items and departments within any fund; however, any revisions that alter the total expenditures of any fund must be approved by the City Council.

Budgetary control has been established at the general fund level. Financial reports are produced showing budget and actual expenditures by line item, and are distributed monthly to City departmental and divisional management and to others upon request.

Individual line items are reviewed and analyzed for budgetary compliance. Personnel expenditures are monitored and controlled at a position level and capital expenditures are monitored and controlled item by item. Revenue budgets are reviewed monthly.

OTHER INFORMATION

Independent Audit

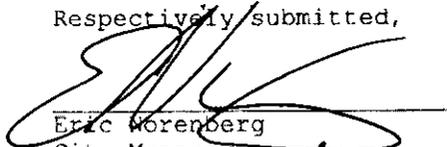
The City Charter requires an annual audit of the accounts, financial records and transactions of the City by independent certified public accountants selected by the City Council. This requirement has been complied with, and the independent auditor's report has been included in this report. Additionally, the City of Milford's Director of Finance hears and reviews all recommendations made by the independent auditors.

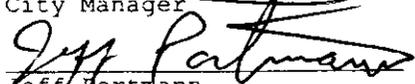
Acknowledgments

The preparation of this report on a timely basis could not have been accomplished without the efficient and dedicated services of the entire staff of the Finance Department. Appreciation is expressed to City employees throughout the organization, especially those employees who were instrumental in the successful completion of this report.

We would like to thank the members of the City Council for their interest and support in planning and conducting the financial operation of the City in a responsible and progressive manner.

Respectively submitted,


Eric Worenberg
City Manager


Jeff Fortmann
Finance Director



Certified Public Accountants

Member Firm Private Companies Practice Section
AICPA Division for CPA Firms

BECK, VILLATA & CO., P.C.
www.beckvillata.com

Frank C. Beck, CPA/ABV
Vincent P. Villata, Jr., CPA
Robert K. Griffin, CPA

INDEPENDENT AUDITOR'S REPORT

To the Mayor and City Council
City of Milford, DE

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, and each major fund of the City of Milford, DE as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the City of Milford, DE, as of June 30, 2016, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 4-13 and page 20 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Milford, DE's basic financial statements. The introductory section is presented for purposes of additional analysis and is not a required part of the basic financial statements. The schedule of expenditures of federal awards is presented for purposes of additional analysis as required by Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, and is also not a required part of the basic financial statements.

The schedule of expenditures of federal awards is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

The introductory section has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated October 28, 2016, on our consideration of the City of Milford, DE's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering City of Milford, DE's internal control over financial reporting and compliance.

Beck Villata & Co PC

Voorhees, NJ
October 28, 2016

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis

For the Year Ended June 30, 2016

Amounts in Thousands Unless Stated Otherwise

(Unaudited)

As management of the City of Milford, we offer readers of the City's financial statements this narrative overview and analysis of the financial activities and financial position of the City for the fiscal year ended June 30, 2016. In the broadest context, the financial well-being of a government lies in the underlying wealth and willingness of its citizens and property owners to pay adequate taxes combined with the vision of the government's elected and appointed leadership to spend those taxes strategically so that the City's tax base, service levels, City assets and the City's desirability will be maintained not just for the current year but well into the future. Financial reporting is limited in its ability to provide this "big picture" but rather focuses on financial position and changes in financial position. In other words, are revenues and or expenses higher or lower than the previous year? Have net assets (containing both short and long term assets and liabilities) or fund balances (the current "spendable" assets less current liabilities) of the government been maintained? We encourage readers to consider the information presented here in conjunction with additional information that we have furnished in our letter of transmittal (pages i-iii of this report) as well as information on the City's annual budget and other community information found on the City's website at www.cityofmilford.com. It should be noted that the Independent Auditor's Report describes the auditor's association with the various sections of this report and that all of the additional information from the website and other City sources is unaudited and has not been updated for events that may have occurred subsequent to the issuance of the respective report.

IN BRIEF

- The assets of the City exceeded its liabilities at the close of the most recent fiscal year by approximately \$73.4 million (net position). This number must be viewed in the context that a significant portion of the City's net position, \$36.6 million (49.9%) are invested in capital assets, net of related debt, and that most capital assets in government do not directly generate revenue nor can they be sold to generate liquid capital. Those net assets restricted for specific purposes total \$5.9 million (8.1%). The remaining \$30.9 million are unrestricted net assets and may be used to meet the government's ongoing obligations to citizens and creditors in accordance with the City's fund designation and fiscal policies. Unrestricted net position increased by approximately \$3.9 million in fiscal year 2016

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis

For the Year Ended June 30, 2016

Amounts in Thousands Unless Stated Otherwise

(Unaudited)

- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$8.2 million. Within this total \$1.1 million is restricted by specific legal requirements and \$2.4 million has been committed and assigned to specific types of expenditures. The remaining \$4.7 million is unassigned fund balance in the general fund and can be used for any lawful purpose.
- The City's liabilities increased by \$3.5 million due primarily to borrowings in connection with a new water storage and treatment facility in the southeast area and a new water treatment plant to replace the old Washington Street plant.
- The City has seen certain revenues start to increase as the recovery from the economic downturn continues due to the economic conditions and has also moved aggressively to reduce expenditures accordingly. The City also benefits from strong fund balances and conservative financial practices. The Economic Factors and Next Year's Budget section on the last page of this discussion provide additional information on the subject.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements are comprised of four components: 1) government wide financial statements, 2) fund financial statements 3) notes to the financial statements and 4) required supplementary information which includes this management's discussion and analysis. In addition to the basic financial statements, this report also contains other supplementary information as listed in the Table of Contents.

Government Wide Financial Statements - The government wide financial statements are designed to provide readers with a broad overview of the City's finances, in a manner similar to a private-sector business. The Statement of Net Position presents information on all of the City's assets and liabilities, with the difference between the two reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the City is improving or deteriorating. The Statement of Activities presents information showing how the City's net assets changed during the fiscal year. All changes in net assets are reported when the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused compensated absences.)

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CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis

For the Year Ended June 30, 2016

Amounts in Thousands Unless Stated Otherwise

(Unaudited)

Both of the government-wide financial statements distinguish between functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include general government and administration, public safety, public works, and cultural and recreation. The business-type activities of the City include water and sewer, electric and sanitation operations. The government-wide financial statements can be found on pages 14 and 15 of this report.

Fund Financial Statements - A fund is a self-balancing set of accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into two categories-governmental funds and proprietary funds.

Governmental Funds - Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on current sources and uses of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Non-financial assets such as governmental buildings, roads, drainage ways, park land and long term liabilities such as bonds payable or long term liabilities that will not be paid with current assets are excluded. Such information may be useful in evaluating a government's near term financing requirements. Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near term financing decisions. Both the governmental funds balance sheet and the governmental funds statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

Proprietary Funds - The City maintains two types of proprietary funds. Enterprise funds are presented as business-type activities in the government-wide financial statements. The City uses enterprise funds to account for its water, sewer, electric and sanitation operations.

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CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis
For the Year Ended June 30, 2016

Amounts in Thousands Unless Stated Otherwise
(Unaudited)

Internal service funds are an accounting device used to accumulate and allocate costs internally among the City's various functions. The City uses its internal service funds to account for its fleet services, billing services and city hall building maintenance cost allocation programs. Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for the Water, Sewer, Electric, and Sanitation funds, since all are considered to be major funds of the City. All internal service funds are combined into a single aggregated presentation in the proprietary fund financial statements. The basic proprietary fund financial statements can be found on pages 21 to 23 of this report.

Notes to the Financial Statements - The notes provide additional information that is essential to a full understanding of the data provided in the government wide and fund financial statements. The notes to the financial statements can be found on pages 25 through 43.

Other Information - In addition to the basic financial statements and accompanying notes, the basic financial statements contain required supplementary information including this discussion and analysis.

GOVERNMENTAL-WIDE FINANCIAL ANALYSIS

As noted earlier, net position and especially net position by category may serve over time as a useful indicator of a government's financial position. In the case of the City, total net position was \$73.4 million as of June 30, 2016.

The largest portion of the City's net position, \$36.6 million (49.9%) reflects its investments in capital assets (e.g., land, building, equipment, improvements and infrastructure), less any debt used to acquire those assets that is still outstanding. The City uses these capital assets to provide service to citizens; consequently these assets are not available for future spending, and with exception of business type assets, do not generate direct revenue for the City.

They do represent, however, an obligation on the part of the City to maintain these assets into the future. Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis

For the Year Ended June 30, 2016

Amounts in Thousands Unless Stated Otherwise

(Unaudited)

An additional portion of the City's net position \$5.9 million (8.1%) represents resources that are subject to external restriction on how they may be used. The remaining balance of unrestricted net position of \$30.9 million (42%) may be used to meet the government's ongoing obligations to citizens and creditors. The current and other assets increased in the Governmental activities by \$400 thousand and increased in the Business type activities by \$4.7 million. The City's long-term liabilities increased by \$3.3 million to borrowings for its capital projects.

Overall the City had an increase in net position of \$3.9 million (5.7%).

Governmental Activities - Governmental activities net position increased by \$216 thousand. Net position invested in capital assets, net of related debt increased by \$146 thousand or 1%. Unrestricted net position increased by \$150 thousand or 2.3%.

Excluding transfers from business-type activities and special items, total revenues for governmental activities decreased from the previous year by \$1.2 million. General revenue (excluding transfers and special items) had a net increase of \$141 thousand or 2.7%. In Program Revenues, fees and fines decreased by \$22 thousand and operating grants and contributions increased by \$1.3 million. Total expenses for governmental activities decreased by \$132 thousand or 1.6%.

Business-Type Activities - Net position from business-type activities increased by \$3.7 million, or 7.9% from \$47.1 million to \$50.8 million. Net position invested in capital assets, net of related debt, decreased by \$1.2 million. Unrestricted net position increased by \$3.3 million, while restricted net position increased by \$1.6 million from the previous year.

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis
For the Year Ended June 30, 2016

Amounts in Thousands Unless Stated Otherwise
(Unaudited)

CITY OF MILFORD'S NET POSITION
(Amounts in Thousands)

	Governmental Activities		Business-Type Activities		Total	
	2015	2016	2015	2016	2015	2016
Current and other assets	\$ 8,680	\$ 9,086	\$ 27,840	\$ 32,531	\$ 36,520	\$ 41,617
Capital assets, net	14,922	15,081	38,934	41,183	53,856	56,264
Total Assets	<u>23,602</u>	<u>24,167</u>	<u>66,774</u>	<u>73,714</u>	<u>90,376</u>	<u>97,881</u>
Deferred Outflows of Resources	-	-	88	83	88	83
Long term liabilities	876	924	16,360	19,647	17,236	20,571
Other liabilities	384	605	3,311	3,311	3,695	3,916
Total Liabilities	<u>1,260</u>	<u>1,529</u>	<u>19,671</u>	<u>22,958</u>	<u>20,931</u>	<u>24,487</u>
Net Position						
Net investment in capital assets	14,857	15,003	22,832	21,623	37,689	36,626
Restricted	1,077	1,077	3,265	4,874	4,342	5,951
Unrestricted	6,408	6,558	21,094	24,342	27,502	30,900
Total Net Position	<u>\$ 22,342</u>	<u>\$ 22,638</u>	<u>\$ 47,191</u>	<u>\$ 50,839</u>	<u>\$ 69,533</u>	<u>\$ 73,477</u>

As of June 30, 2016, the City has positive balances in all three categories of net position, both for the government as a whole, as well as for its separate governmental and business-type activities. The same situation held true for the prior fiscal year.

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis
For the Year Ended June 30, 2016

Amounts in Thousands Unless Stated Otherwise
(Unaudited)

The following table provides a summary of the City's operations for the year ended June 30, 2016 with comparative totals for the year ended June 30, 2015.

CITY OF MILFORD'S CHANGES IN NET POSITION
(Amounts in Thousands)

	Governmental Activities		Business-Type Activities		Total	
	2015	2016	2015	2016	2015	2016
Revenues						
Program Revenues:						
Fees, fines and charges for services	\$ 106	\$ 84	\$ 33,391	\$ 34,507	\$ 33,497	\$ 34,591
Operating grants and contributions	1,703	385	-	-	1,703	385
General Revenues:						
Property taxes	4,122	4,347	-	-	4,122	4,347
Franchise taxes	437	441	-	-	437	441
Impact fees	-	-	170	254	170	254
Investment earnings	18	20	31	33	49	53
Miscellaneous	710	620	33	18	743	638
Total revenues	<u>7,096</u>	<u>5,897</u>	<u>33,625</u>	<u>34,812</u>	<u>40,721</u>	<u>40,709</u>
Expenses						
General government	2,031	2,121	-	-	2,031	2,121
Public safety	4,504	4,431	-	-	4,504	4,431
Public works	854	719	-	-	854	719
Culture and recreation	922	907	-	-	922	907
Interest on long term debt	2	3	636	557	638	560
Electric	-	-	22,991	21,949	22,991	21,949
Water	-	-	1,495	1,552	1,495	1,552
Sewer	-	-	3,664	3,496	3,664	3,496
Trash	-	-	1,056	1,031	1,056	1,031
Total expenses	<u>8,313</u>	<u>8,181</u>	<u>29,842</u>	<u>28,585</u>	<u>38,155</u>	<u>36,766</u>
Increase (decrease) in net assets before transfers and special items	(1,217)	(2,284)	3,783	6,227	2,566	3,943
Transfers	<u>2,500</u>	<u>2,500</u>	<u>(2,500)</u>	<u>(2,500)</u>	<u>-</u>	<u>-</u>
Change in net position	1,283	216	1,283	3,727	2,566	3,943
Net position, July 1	21,138	22,421	45,829	47,112	66,967	69,533
Net position, June 30	<u>\$ 22,421</u>	<u>\$ 22,637</u>	<u>\$ 47,112</u>	<u>\$ 50,839</u>	<u>\$ 69,533</u>	<u>\$ 73,476</u>

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis

For the Year Ended June 30, 2016

Amounts in Thousands Unless Stated Otherwise

(Unaudited)

Financial Analysis of the Government's Funds

Governmental Funds - The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unreserved fund balances may serve as a useful measure of a government's net resources available for spending in the next fiscal year. At the end of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$8.2 million. Within this total \$1.1 million is restricted by specific legal requirements, for street improvements, and \$2.4 million has been committed and assigned to specific types of expenditures. The remaining \$4.7 million is unassigned fund balance in the general fund and can be used for any lawful purpose. In the general fund, the City budgeted (as amended) a fund balance decrease in the current year of \$453 thousand prior to the use of prior balances and reserves. The actual general fund balance increased by \$50 thousand as the result primarily of reductions in general government costs. Actual general fund expenditures were within 3% of total budgeted expenses.

Proprietary Funds - The City's proprietary fund statements provide the same type of information found in the government-wide financial statements, but in more detail. Unrestricted net position of the respective enterprise funds are \$9.2 million for water, \$4.3 million for sewer, \$10.2 million for electric and \$573 thousand for Sanitation. The total of all enterprise funds' net position at the end of the fiscal year was \$50.8 million. Change in net position for enterprise funds in 2016 were an increase of \$1.3 million in the water, an increase of \$1.8 million in the sewer, an increase of \$643 thousand in the electric (net of \$2.5 million transfer to the general fund) and an increase of \$8 thousand in the sanitation fund.

General Fund Budgetary Highlights - The City made revisions to the original appropriations approved by the City Council. Overall these changes resulted in an increase in budgeted expenditures from the original budget of .4% or \$28 thousand. Management's estimate of the General Funds budgeted revenues increased \$35 thousand or .7% from original budget based on year to date experience.

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis
 For the Year Ended June 30, 2016

Amounts in Thousands Unless Stated Otherwise
 (Unaudited)

DEBT ADMINISTRATION

At the end of the current fiscal year, the City had a total bonded debt and note obligations of \$19,663 million, all backed by the full faith and credit of the government.

**Outstanding Debt at Year End
 Bonds and Notes Payable**

	Government Activities		Business-Type Activities		Total	
	<u>2015</u>	<u>2016</u>	<u>2015</u>	<u>2016</u>	<u>2015</u>	<u>2016</u>
General Obligation Bonds	\$ 92	\$ 78	\$ 10,813	\$ 9,827	\$ 10,905	\$ 9,905
DE Revolving Fund Loans	-	-	2,360	3,999	2,360	3,999
USDA Loan	-	-	1,774	4,539	1,774	4,539
Kent County Note	-	-	1,243	1,220	1,243	1,220
Total	<u>\$ 92</u>	<u>\$ 78</u>	<u>\$ 16,190</u>	<u>\$ 19,585</u>	<u>\$ 16,282</u>	<u>\$ 19,663</u>

During the fiscal year, the City's total debt increased by \$3.4 million or 20.8%. As the City continued payments of its general obligation bonds, there were additional borrowings in connection with capital projects under agreements with the United States Department of Agriculture (USDA) as well as under a Delaware State Revolving Loan agreement.

The City's General Obligation Bond rating is AA- as rated by Standard & Poor's. Additionally, several of the City's bonds are insured.

Additional information on the City's long term debt can be found in footnote 10 on pages 37 to 40 of this report.

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis
For the Year Ended June 30, 2016
(Unaudited)

CAPITAL ASSETS

The City's investment in capital assets for its governmental and business-type activities as of June 30, 2016 amounts to \$56.2 million (net of accumulated depreciation). This investment in capital assets includes land, building, equipment, intangibles, improvements, and infrastructure assets. The total increase in the City's investment in capital assets, net of accumulated depreciation, for the current fiscal year was \$2.4 million or 4.4%. Additional information on the City's capital assets can be found in note 9 on pages 36 and 37 of this report. Major capital asset events during the current fiscal year included the following:

General Fund

- o \$115 thousand for a dump truck and snow plow for the Streets Department.
- o \$71 thousand for public safety vehicles.
- o \$63 thousand in IT costs for software and server.
- o \$26 thousand for a parks and recreation passenger van.
- o \$28 thousand for a mower and water reel and pump.

Electric Fund

- o \$92 thousand for GIS software and hardware.
- o \$186 thousand to extend electric to SE Milford

Water Fund

- o \$1.5 million for continued construction of the SE Milford Water Tower, Well & Treatment Plant.
- o \$1.5 million for continued construction of the Washington Water Well & Treatment Plant.
- o \$53 thousand for a service truck with attached crane.
- o \$72 thousand for a mower and an excavator.

Sewer Fund

- o \$450 thousand in pumping station improvements.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS

The fiscal 2016 budget for general fund revenues increased 2.9% over fiscal 2015. In the upcoming fiscal year, the City continues to see signs of improvements from the recent economic downturn. Rates charged for water, sewer and electric remained unchanged. The solid waste revenue was increased by \$50 cents per customer per month to offset additional costs of recycling and yard waste disposal. The City is building a new water storage and treatment facility in the southeast area and building a new water treatment plant to replace the old Washington Street plant.

REQUEST FOR INFORMATION

The financial report is designed to provide our citizens, customers, investors and creditors with general overview of the City's finances. If you have questions about this report or need any additional information, contact the Department of Finance, Attention: Finance Director, 10 SE 2nd Street, Milford, DE 19963 or call 302-424-5141 or email: jportmann@milford-de.gov.

CITY OF MILFORD, DE
STATEMENT OF NET POSITION
June 30, 2016

	<u>Governmental Activities</u>	<u>Business-type Activities</u>	<u>Total</u>
ASSETS			
Cash and Equivalents	\$ 6,666,909	\$ 8,398,414	\$ 15,065,323
Investments	2,033,712	17,766,019	19,799,731
Receivables	315,900	5,153,814	5,469,714
Inventories	23,501	1,212,865	1,236,366
Other Assets	44,958	-	44,958
Capital Assets			
Land, Infrastructure and Other Assets not being depreciated	15,981,948	1,460,444	17,442,392
Utility System	-	56,795,544	56,795,544
Buildings	4,352,426	7,048,390	11,400,816
Equipment and Furniture	6,251,983	6,644,553	12,896,536
Construction in Progress	199,136	-	199,136
Less: Accumulated Depreciation	<u>(11,703,833)</u>	<u>(30,765,602)</u>	<u>(42,469,435)</u>
 Total Assets	 <u>24,166,640</u>	 <u>73,714,441</u>	 <u>97,881,081</u>
 Deferred Outflows of Resources			
Deferred Charges on Refundings	<u>-</u>	<u>82,651</u>	<u>82,651</u>
LIABILITIES			
Accounts Payable and Accrued Expenses	605,331	2,642,006	3,247,337
Customer Deposits	-	540,475	540,475
Long-Term Liabilities			
Due Within One Year			
Bonds and Notes Payable	14,873	1,179,310	1,194,183
Compensated Absences	168,976	43,072	212,048
Due in More Than One Year			
Bonds and Notes Payable	64,177	18,381,289	18,445,466
Compensated Absences	<u>675,904</u>	<u>172,285</u>	<u>848,189</u>
 Total Liabilities	 <u>1,529,261</u>	 <u>22,958,437</u>	 <u>24,487,698</u>
NET POSITION			
Net Investment in Capital Assets	15,002,610	21,622,730	36,625,340
Restricted	1,077,027	4,874,093	5,951,120
Unrestricted	<u>6,557,742</u>	<u>24,341,832</u>	<u>30,899,574</u>
 Total Net Position	 <u>\$ 22,637,379</u>	 <u>\$ 50,838,655</u>	 <u>\$ 73,476,034</u>

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016**

Functions/Programs	Expenses	Program Revenue			Net (Expense) Revenue and Changes in Net Assets		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government		
					Governmental Activities	Business-Type Activities	Total
Primary Government							
Governmental Activities							
General Government	\$ 2,124,078	\$ 6,585	\$ 42,734	\$ -	\$ (2,074,759)		\$ (2,074,759)
Public Safety	4,430,813	-	-	-	(4,430,813)		(4,430,813)
Public Works	719,200	-	341,628	-	(377,572)		(377,572)
Culture and Recreation	906,728	77,620	-	-	(829,108)		(829,108)
Total Governmental Activities	8,180,819	84,205	384,362	-	(7,712,252)		(7,712,252)
Business-Type Activities							
Electric Fund	22,135,624	25,183,637	-	-		3,048,013	3,048,013
Water Fund	1,736,388	2,822,939	-	-		1,086,551	1,086,551
Sewer Fund	3,681,330	5,467,685	-	-		1,786,355	1,786,355
Trash Fund	1,031,354	1,032,778	-	-		1,424	1,424
Total Business-Type Activities	28,584,696	34,507,039	-	-		5,922,343	5,922,343
Total Primary Government	\$ 36,765,515	\$ 34,591,244	\$ 384,362	\$ -	\$ (7,712,252)	\$ 5,922,343	\$ (1,789,909)
General Revenues:							
Taxes:							
Property Taxes, Levied for General Purposes					4,346,999	-	4,346,999
Franchise Taxes					440,975	-	440,975
Impact Fees					-	253,816	253,816
Unrestricted Investment Earnings					20,344	32,693	53,037
Miscellaneous					627,999	17,932	645,931
Change in Net Position in Internal Service Fund					(8,205)	-	(8,205)
Transfers					2,500,000	(2,500,000)	-
Total General Revenues, Special Items, and Transfers					7,928,112	(2,195,559)	5,732,553
Change in Net Position					215,860	3,726,784	3,942,644
Net Position- Beginning of Year					22,421,519	47,111,871	69,533,390
Net Position - End of Year					\$ 22,637,379	\$ 50,838,655	\$ 73,476,034

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
BALANCE SHEET
GOVERNMENTAL FUNDS
June 30, 2016**

	<u>General Fund</u>	<u>Special Revenue Fund</u>	<u>Parks and Recreation Fund</u>	<u>Total Governmental Funds</u>
ASSETS				
Cash and Cash Equivalents	\$ 3,094,011	\$ 3,457,847	\$ 17,970	\$ 6,569,828
Investments	2,033,712	-	-	2,033,712
Taxes Receivable, Net of Allowance for Doubtful Accounts	76,207	31,108	-	107,315
Other Receivables	119,168	76,169	-	195,337
Prepaid Expenses	44,958	-	-	44,958
Total Assets	<u>\$ 5,368,056</u>	<u>\$ 3,565,124</u>	<u>\$ 17,970</u>	<u>\$ 8,951,150</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts Payable	\$ 134,479	\$ 101,008	\$ 3,385	\$ 238,872
Compensated Absences - Current	157,715	-	-	157,715
Other Accrued Expenses	312,086	-	-	312,086
Other Payables	-	-	349	349
Total Liabilities	<u>604,280</u>	<u>101,008</u>	<u>3,734</u>	<u>709,022</u>
Fund Balances:				
Restricted	-	1,077,027	-	1,077,027
Nonspendable	44,958	-	-	44,958
Assigned	-	2,387,089	14,236	2,401,325
Unassigned	4,718,818	-	-	4,718,818
Total Fund Balances	<u>4,763,776</u>	<u>3,464,116</u>	<u>14,236</u>	<u>8,242,128</u>
Total Liabilities and Fund Balances	<u>\$ 5,368,056</u>	<u>\$ 3,565,124</u>	<u>\$ 17,970</u>	<u>\$ 8,951,150</u>

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET TO THE STATEMENT OF NET
June 30, 2016

Total Fund Balance, Governmental Funds

Amounts reported for governmental activities in the Statement of Net Assets are different because:

Capital assets used in governmental activities are not current financial resources and therefore are not reported in the fund financial statements, but are reported in the governmental activities of the Statement of Net Assets.

Internal Service funds are used by management to charge the costs of centrally managed services to using funds and departments. The assets and liabilities of the internal service fund is included in governmental activities in the Statement of Net Position. The increase is equal to the Internal Service Net Position.

Certain other long-term assets are not available to pay current period expenditures and therefore are not reported in the fund financial statements, but are reported in the governmental activities of the Statement of Net Assets.

Some liabilities, (such as Notes Payable, Long-term Compensated Absences, and Bonds Payable), are not due and payable in the current period and are not included in the fund financial statements, but are included in the governmental activities of the Statement of Net Assets.

Net Position of Governmental Activities

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	<u>General Fund</u>	<u>Special Revenue Fund</u>	<u>Parks and Recreation Fund</u>	<u>Total Governmental Funds</u>
REVENUES				
Property Taxes	\$ 3,767,182	\$ -	\$ -	\$ 3,767,182
Real Estate Transfer Taxes	-	579,817	-	579,817
Fees and Fines	185,870	-	-	185,870
Licenses and Permits	255,105	-	-	255,105
Intergovernmental	42,734	341,628	-	384,362
Charges for Services	6,585	-	77,620	84,205
Investment Earnings	13,858	6,486	-	20,344
Miscellaneous	536,188	91,811	-	627,999
	<hr/>	<hr/>	<hr/>	<hr/>
Total Revenues	4,807,522	1,019,742	77,620	5,904,884
EXPENDITURES				
Current:				
General Government	1,465,183	-	-	1,465,183
Public Safety	4,266,351	164,462	-	4,430,813
Public Works	719,200	-	-	719,200
Culture and Recreation	838,953	-	67,775	906,728
Debt Service:				
Principal	14,664	-	-	14,664
Interest	3,156	-	-	3,156
Capital Outlay	525,440	207,568	-	733,008
	<hr/>	<hr/>	<hr/>	<hr/>
Total Expenditures	7,832,947	372,030	67,775	8,272,752
(Deficiency) Excess of Revenues Over Expenditures	<hr/>	<hr/>	<hr/>	<hr/>
	(3,025,425)	647,712	9,845	(2,367,868)
OTHER FINANCING SOURCES (USES)				
Transfers In	3,075,000	-	-	3,075,000
Transfers Out	-	(575,000)	-	(575,000)
	<hr/>	<hr/>	<hr/>	<hr/>
Total Other Financing Sources and Uses	3,075,000	(575,000)	-	2,500,000
Net Change in Fund Balances	49,575	72,712	9,845	132,132
Fund Balances - Beginning	<hr/>	<hr/>	<hr/>	<hr/>
	4,714,201	3,391,404	4,391	8,109,996
Fund Balances - Ending	<hr/>	<hr/>	<hr/>	<hr/>
	\$ 4,763,776	\$ 3,464,116	\$ 14,236	\$ 8,242,128

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND
BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016**

Net change in fund balances - total governmental funds:	\$ 132,132
Amounts reported for Governmental Activities in the Statement of Activities are different because:	
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenses in the statement of revenues, expenditures and changes in fund balance.	(4,927)
Internal Service funds are used by management to charge the costs of centrally managed services to using funds and departments. The decrease is equal to the net change in the Internal Service Net Position.	(8,205)
Governmental funds report outlays for capital assets as expenditures because such outlays use current financial resources. In contrast, the Statement of Activities reports only a portion of the outlay as expense. The outlay is allocated over the assets' estimated useful lives as depreciation expense for the period. This is the amount by which capital outlays of \$733,008 exceeded depreciation expense of \$650,812 in the current period.	82,196
Governmental funds report repayment of bond principal as an expenditure, In contrast, the Statement of Activities treats such repayments as a reduction in long-term liabilities.	<u>14,664</u>
Change in net position of governmental activities	<u><u>\$ 215,860</u></u>

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
BUDGETARY COMPARISON SCHEDULE
GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2016**

	Budgeted Amounts		Actual Amounts, Budgetary Basis	Variance with Final Budget - Positive (Negative)
	Original	Final		
REVENUES				
Property Taxes	\$ 3,701,000	\$ 3,701,000	\$ 3,767,182	\$ 66,182
Fees and Fines	165,000	165,000	185,870	20,870
Licenses and Permits	195,000	198,200	255,105	56,905
Intergovernmental	-	-	42,734	42,734
Charges for Services	16,000	16,000	6,585	(9,415)
Investment Earnings	6,500	6,500	13,858	7,358
Miscellaneous	483,500	433,500	536,188	102,688
	<u>4,567,000</u>	<u>4,520,200</u>	<u>4,807,522</u>	<u>287,322</u>
EXPENDITURES				
Current:				
General Government	1,509,705	1,518,395	1,465,183	53,212
Public Safety	4,231,380	4,264,505	4,266,351	(1,846)
Public Works	929,135	929,135	719,200	209,935
Culture and Recreation	839,895	839,895	838,953	942
Debt Service:				
Principal	14,664	14,664	14,664	-
Interest and Other Charges	2,476	2,476	3,156	(680)
Capital Outlay	493,185	479,570	525,440	(45,870)
	<u>8,020,440</u>	<u>8,048,640</u>	<u>7,832,947</u>	<u>215,693</u>
Deficiency of Revenues Over Expenditures	(3,453,440)	(3,528,440)	(3,025,425)	503,015
OTHER FINANCING SOURCES				
Real Estate Transfer Tax (from Special Revenue Fund)	500,000	575,000	575,000	-
Transfers In From Electric Fund	2,500,000	2,500,000	2,500,000	-
	<u>(453,440)</u>	<u>(453,440)</u>	<u>49,575</u>	<u>503,015</u>
DEFICIENCY FUNDED BY				
General Fund Prior Balance and Reserves	453,440	453,440	(49,575)	(503,015)
Net Revenues, Other Financing Sources, Prior Fund Balances and Expenditures	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
STATEMENT OF NET POSITION
PROPRIETARY FUNDS
June 30, 2016

Business Type Activities - Enterprise Funds						Governmental Activities - Internal Service Fund
	Electric	Water	Sewer	Trash	Total	
ASSETS						
Current Assets:						
Cash and Cash Equivalents	\$ 3,473,389	\$ 1,935,711	\$ 2,710,303	\$ 279,011	\$ 8,398,414	\$ 97,081
Investments	6,738,592	7,165,404	3,612,023	250,000	17,766,019	-
Accounts Receivable, net of allowance for doubtful accounts	2,661,143	252,808	385,588	127,240	3,426,779	13,248
Other Receivables	3,000	1,711,129	12,406	500	1,727,035	-
Inventories	1,185,302	27,563	-	-	1,212,865	23,501
Total Current Assets	14,061,426	11,092,615	6,720,320	656,751	32,531,112	133,830
Non-Current Assets:						
Capital Assets:						
Land and Improvements	1,404,437	27,369	28,638	-	1,460,444	-
Utility System	17,864,460	20,317,264	18,613,820	-	56,795,544	-
Buildings and Improvements	6,981,196	10,853	50,691	5,650	7,048,390	-
Equipment and Furniture	3,327,656	1,567,708	749,730	999,459	6,644,553	118,198
Less Accumulated Depreciation	(14,072,607)	(7,677,545)	(8,207,540)	(807,910)	(30,765,602)	(70,472)
Total Non-Current Assets	15,505,142	14,245,649	11,235,339	197,199	41,183,329	47,726
Total Assets	29,566,568	25,338,264	17,955,659	853,950	73,714,441	181,556
Deferred Outflows of Resources						
Deferred Charges on Refundings	-	61,234	21,417	-	82,651	-
LIABILITIES						
Current Liabilities:						
Accounts Payable	1,687,755	409,112	289,236	28,689	2,414,792	54,024
Salaries Payable	55,488	13,650	13,648	13,509	96,295	-
Other Accrued Expenses	130,919	-	-	-	130,919	-
Customer and Other Deposits	522,575	-	-	17,900	540,475	-
Compensated Absences	26,077	6,104	6,104	4,787	43,072	11,261
Bonds, Notes and Loans Payable	156,335	645,026	377,949	-	1,179,310	-
Total Current Liabilities	2,579,149	1,073,892	686,937	64,885	4,404,863	65,285
Non-Current Liabilities:						
Compensated Absences	104,306	24,415	24,415	19,149	172,285	45,044
Bonds, Notes and Loans Payable	4,781,111	7,988,713	5,611,465	-	18,381,289	-
Total Non-Current Liabilities	4,885,417	8,013,128	5,635,880	19,149	18,553,574	45,044
Total Liabilities	7,464,566	9,087,020	6,322,817	84,034	22,958,437	110,329
NET POSITION						
Net Investment in Capital Assets	10,567,696	5,611,910	5,245,925	197,199	21,622,730	47,726
Restricted for Capital Improvements	1,295,164	1,500,265	2,078,664	-	4,874,093	-
Unrestricted	10,239,142	9,200,303	4,329,670	572,717	24,341,832	23,501
Total Net Position	\$ 22,102,002	\$ 16,312,478	\$ 11,654,259	\$ 769,916	\$ 50,838,655	\$ 71,227

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
PROPRIETARY FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	<u>Business Type Activities - Enterprise Funds</u>					Governmental Activities - Internal Service Fund
	<u>Electric</u>	<u>Water</u>	<u>Sewer</u>	<u>Trash</u>	<u>Total</u>	
REVENUES						
Charges for Services	\$ 24,847,947	\$ 2,795,451	\$ 4,427,133	\$ 1,028,883	\$ 33,099,414	\$ 1,146,132
Miscellaneous	335,690	27,488	1,040,552	3,895	1,407,625	-
Total Operating Revenues	<u>25,183,637</u>	<u>2,822,939</u>	<u>5,467,685</u>	<u>1,032,778</u>	<u>34,507,039</u>	<u>1,146,132</u>
OPERATING EXPENSES						
Personal Services	1,865,490	311,940	466,103	619,348	3,262,881	708,885
Contractual Services	18,448,800	65,367	2,362,694	285,934	21,162,795	114,752
Utilities	7,945	212,760	476	-	221,181	990
Repairs and Maintenance	509,080	85,884	33,971	53,258	682,193	175,662
Other Supplies and Expenses	145,768	509,626	228,190	26,078	909,662	133,916
Insurance Claims and Expenses	82,863	16,613	5,252	12,196	116,924	4,440
Depreciation	888,794	349,833	399,155	34,540	1,672,322	15,692
Total Operating Expenses	<u>21,948,740</u>	<u>1,552,023</u>	<u>3,495,841</u>	<u>1,031,354</u>	<u>28,027,958</u>	<u>1,154,337</u>
Operating Income (Loss)	<u>3,234,897</u>	<u>1,270,916</u>	<u>1,971,844</u>	<u>1,424</u>	<u>6,479,081</u>	<u>(8,205)</u>
NON-OPERATING REVENUES (EXPENSES)						
Interest and Investment Revenues	12,055	8,409	5,284	6,945	32,693	-
Impact Fees	65,400	188,416	-	-	253,816	-
Miscellaneous Revenue	17,932	-	-	-	17,932	-
Interest Expense	(186,859)	(184,365)	(185,489)	-	(556,713)	-
Miscellaneous Expenses	(25)	-	-	-	(25)	-
Total Non-Operating (Expenses) Revenues	<u>(91,497)</u>	<u>12,460</u>	<u>(180,205)</u>	<u>6,945</u>	<u>(252,297)</u>	<u>-</u>
Income (Loss) Before Transfers	3,143,400	1,283,376	1,791,639	8,369	6,226,784	(8,205)
Transfers Out	<u>(2,500,000)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(2,500,000)</u>	<u>-</u>
Change in Net Position	643,400	1,283,376	1,791,639	8,369	3,726,784	(8,205)
Net Position - Beginning of Year,	<u>21,458,602</u>	<u>15,029,102</u>	<u>9,862,620</u>	<u>761,547</u>	<u>47,111,871</u>	<u>79,432</u>
Net Position - End of Year	<u>\$ 22,102,002</u>	<u>\$ 16,312,478</u>	<u>\$ 11,654,259</u>	<u>\$ 769,916</u>	<u>\$ 50,838,655</u>	<u>\$ 71,227</u>

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
STATEMENT OF CASH FLOWS
ALL PROPRIETARY FUND TYPES
FOR THE YEAR ENDED JUNE 30, 2016**

	ENTERPRISE FUNDS					Internal Service Fund
	Electric	Water	Sewer	Trash	Total	
Cash Flows from Operations:						
Receipts from Customers	\$ 24,739,913	\$ 2,744,056	\$ 4,349,190	\$ 1,039,749	\$ 32,872,908	\$ 1,132,884
Other Operating Receipts	343,298	22,544	1,040,552	3,895	1,410,289	-
Payments to Suppliers	(19,413,701)	(797,639)	(2,559,945)	(380,340)	(23,151,625)	(397,376)
Payments to Employees	(1,838,167)	(304,762)	(458,926)	(621,976)	(3,223,831)	(714,073)
Insurance Premiums Paid	(82,863)	(16,613)	(5,252)	(12,196)	(116,924)	(4,440)
Net Cash Provided by Operating Activities	3,748,480	1,647,586	2,365,619	29,132	7,790,817	16,995
Cash Flows from Non-Capital Financing Activities:						
Operating Transfers (Out)	(2,500,000)	-	-	-	(2,500,000)	-
Net Cash Flows Used in Non-Capital Financing Activities	(2,500,000)	-	-	-	(2,500,000)	-
Cash Flows from Capital and Related Financing Activities:						
Net cash for additions to Property, Plant and Equipment	(299,498)	(197,692)	(494,206)	-	(991,396)	(17,285)
Principal Paid on Debt	(155,000)	(691,457)	(412,504)	-	(1,258,961)	-
Interest Paid on Debt	(186,859)	(184,365)	(185,489)	-	(556,713)	-
Non-Operating Capital	17,932	-	-	-	17,932	-
Impact Fees Received	65,400	188,416	-	-	253,816	-
Net Cash Flows Used in Capital and Related Financing Activities	(558,025)	(885,098)	(1,092,199)	-	(2,535,322)	(17,285)
Cash Flows from Investing Activities:						
Net Proceeds/(Purchases) from Sales and Maturities of Short-Term Investments	(2,411,071)	(1,400,398)	(454,387)	-	(4,265,856)	-
Income on Investments	12,055	8,409	5,284	6,945	32,693	-
Net Cash Flows Provided by (Used in) Investing Activities	(2,399,016)	(1,391,989)	(449,103)	6,945	(4,233,163)	-
Net Increase (Decrease) in Cash and Cash Equivalents	(1,708,561)	(629,501)	824,317	36,077	(1,477,668)	(290)
Cash and Cash Equivalents at Beginning of Year	5,181,950	2,565,212	1,885,986	242,934	9,876,082	97,371
Cash and Cash Equivalents at End of Year	\$ 3,473,389	\$ 1,935,711	\$ 2,710,303	\$ 279,011	\$ 8,398,414	\$ 97,081
Reconciliation of Operating Income to Net Cash Flows from Operating Activities:						
Operating Income	\$ 3,234,897	\$ 1,270,916	\$ 1,971,844	\$ 1,424	\$ 6,479,081	\$ (8,205)
Adjustments to Reconcile Operating Income to Net Cash Provided by Operating Activities:						
Depreciation and Amortization	888,794	349,833	399,155	34,540	1,672,322	15,692
Effect of Changes in Operating Assets and Liabilities:						
Accounts Receivable, net	(169,242)	(56,339)	(77,943)	(7,034)	(310,558)	(13,248)
Inventory	(25,302)	(4,409)	-	-	(29,711)	9,797
Accounts Payable and Accrued Expenses	(276,806)	80,407	65,386	(15,070)	(146,083)	18,147
Salaries Payable	13,958	3,225	3,224	(325)	20,082	-
Customer Deposits	68,816	-	-	17,900	86,716	-
Liability for Compensated Absences	13,365	3,953	3,953	(2,303)	18,968	(5,188)
Net Cash Provided by Operating Activities	\$ 3,748,480	\$ 1,647,586	\$ 2,365,619	\$ 29,132	\$ 7,790,817	\$ 16,995
Noncash Capital Financing Activities						
Additions to Property, Plant and Equipment Financed by:	\$ (299,498)	\$ (3,148,094)	\$ (494,206)	\$ -	\$ (3,941,798)	\$ (17,285)
Delaware Revolving Loan	-	332,067	-	-	332,067	-
USDA Loan	-	2,618,335	-	-	2,618,335	-
Net Cash	\$ (299,498)	\$ (197,692)	\$ (494,206)	\$ -	\$ (991,396)	\$ (17,285)

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
STATEMENT OF FIDUCIARY NET POSITION
June 30, 2016

ASSETS	<u>AGENCY</u>
Cash and Cash Equivalents	<u>593,834</u>
Total Assets	<u><u>\$ 593,834</u></u>
 LIABILITIES	
Due to Other Governments	168,603
Deferred Revenue - Trust Fund	<u>368,841</u>
Total Liabilities	<u><u>\$ 537,444</u></u>

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

Introduction

The City of Milford, Delaware (the "City"), operates under a Council-Manager form of government and provides the following services as authorized by its charter adopted on May 24, 1977: public safety (police), highways and streets, sanitation, health and social services, electric, water, parks and recreation, public improvements, planning and zoning, and administrative services.

The accounting and reporting policies of the City relating to the funds included in the accompanying basic financial statements conform to accounting principles generally accepted in the United States of America (GAAP) applicable to state and local governments. Generally accepted accounting principles for local governments include those principles prescribed by the Governmental Accounting Standards Board (GASB).

The accounting and reporting framework and the more significant accounting policies and practices are discussed in subsequent sections of this Note. The remainder of the notes is organized to provide explanations, including required disclosures, of the City's financial activities for the year ended June 30, 2016.

Financial Reporting Entity

The City's basic financial statements include the accounts of all City operations. The criteria for including organizations as component units within the City's reporting entity, as set forth in Section 2100 of GASB's *Codification of Governmental Accounting and Financial Reporting Standards*, include whether:

- the organization is legally separate (can sue and be sued in their own name)
- the City holds the corporate powers of the organization
- the City appoints a voting majority of the organization's board
- the City is able to impose its will on the organization
- the organization has the potential to impose a financial benefit/burden on the City
- there is fiscal dependency by the organization on the City

Based on the aforementioned criteria, the City has no component units.

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Actual results may differ from those estimates.

Encumbrances

Encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of funds are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budgetary integration in governmental funds. Encumbrances as of the year end are reported as reservations of fund balance since they do not constitute expenditures or liabilities but serve as authorization for expenditures in the subsequent year. As of the end of the period, the City had no such encumbrances.

Government-Wide and Fund Financial Statements

The government-wide financial statements (statement of net position and statement of activities) report information on all of the non-fiduciary activities of the

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Government-Wide and Fund Financial Statements (continued)

primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and inter-governmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or activity. Program revenues include 1) charges to customers who directly benefit from goods or services provided by a given function or activity and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or activity. Taxes and other items not properly included among program revenues are reported as general revenues.

Separate financial statements are provided by governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

The City reports the following governmental funds:

General Fund - The general fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund.

Special Revenue Funds - The special revenue funds account for revenues derived from earmarked revenue sources. Separate self-balancing funds are established to account for each restricted special revenue source.

Parks and Recreation Fund - The parks and recreation fund accounts for revenues derived from activities provided by the City's parks and recreation department, which include youth and adult sports leagues, summer camps and clinics, special events and festivals as well as fund raising activities.

The City reports the following proprietary funds:

Enterprise Funds - The Enterprise Funds of the City include the electric, water, sewer and trash funds. Enterprise funds are used to account for operations (a) which are financed and operated in a manner similar to private business enterprises; where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods and services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body had decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, or accountability.

Internal Service Fund - Consists of three internal funds which are used to account for the financing of goods and services provided by one department to other departments of the City on a cost-reimbursement basis.

The City reports the following fiduciary fund types:

Agency Fund - The agency fund accounts for assets held by the City in a trustee capacity for fees collected on behalf of Kent County and the Carlisle Fire Department. In addition, a trust fund was established by an individual during fiscal 2013 to benefit Kent County residents by offsetting individual tax bills in the future. The balance of the fund as of June 30, 2016 was \$425,230.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

Measurement Focus, Basis of Accounting and Financial Statement Presentation

Measurement focus refers to what is being measured; basis of accounting refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurement made, regardless of the measurement focus.

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Financial resources used to acquire capital assets are capitalized in the government-wide financial statements, rather than reported as expenditures. Proceeds of long-term debt are recorded as a liability in the government-wide financial statements, rather than as another financing source. Amounts paid to reduce long-term debt of the City are reported as a reduction of the related liability, rather than as an expenditure in the government-wide financial statements.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter (within sixty days) to pay liabilities of the current period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt-service expenditures are recorded only when payment is due. Also, compensated absences are recorded as expenditures when paid.

Sales taxes, franchise taxes, permits and fees, recreation fees, fines and court fees, other miscellaneous revenues and earned but unreimbursed state and federal grants associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Property taxes are measurable as of the date levied (assessed) and are recognized as revenues when they become available. Available means when due, or past due, and received within the current period or collected soon enough thereafter to be used to pay liabilities of the current period. All other revenues are considered to be measurable and available only when the City receives cash.

Budgets and Budgetary Accounting

The City Council follows these procedures in establishing the budgetary data reflected within the financial statements:

- (1) In accordance with the City Charter, prior to June 1, the City Manager submits to the City Council a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them for the upcoming year, along with estimates for the current year. The City Charter requires that the budget be submitted in summary form. In addition, more detailed line item budgets are included and provided for administrative control.
- (2) Public hearings are conducted to obtain taxpayer comment.
- (3) Prior to June 30, the budget is legally enacted through passage of an ordinance.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Budgets and Budgetary Accounting (continued)

- (4) The City Manager is required by the City Charter to present a monthly report to City Council explaining any variances from the approved budget.
- (5) Formal budgetary integration is employed as a management control device during the year for the general fund.
- (6) The budget for the general fund is adopted on a basis consistent with GAAP as applicable to governments.
- (7) The budgets for the special revenue fund are approved on a program by program basis by the funding agencies.
- (8) Budgetary amendments are approved by City Council as required throughout the year. If revenues in excess of those estimated in the budget become available, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

Cash and Cash Equivalents

Cash and cash equivalents consist of cash, checking and money market accounts generally maturing in three months or less.

Receivables

Receivables are shown net of the allowances for estimated uncollectible accounts. The allowance for uncollectible accounts is based upon historical data established according to experience and other factors which in the judgment of City officials should be recognized in estimating possible losses. Management believes that they have adequately provided for future probable losses.

Interfund Receivables/Payables

Advances between funds are accounted within the appropriate interfund receivable and payable accounts. These advances (reported as "due from/to other funds") are considered "available spendable resources."

Inventory

Inventory is carried at cost for the water fund, and at replacement cost for the electric fund, and is determined using the first-in, first out (FIFO) method.

Inventory in the general fund consists of gasoline and diesel fuel held for consumption. Inventory in the internal service fund consists of garage and meter supplies held for consumption. The inventory acquisitions are recorded in the inventory accounts initially and charged to expenditures when used. The cost value of such inventory has been presented on an average cost basis.

Fixed Assets

Fixed assets which include land, buildings, improvements, equipment, vehicles and infrastructure assets, consisting of roads, bridges, curbs and gutters, streets and sidewalks, drainage and lighting systems, are reported on the applicable governmental or business-type activities columns in the government-wide financial statements and the proprietary fund financial statements. Fixed assets are recorded at historical cost if purchased, and at fair market value if donated. The capitalization threshold for all fixed assets is \$5,000. No dollar threshold is set for land. Fixed asset depreciation is recognized using the straight-line method over the estimated lives of the respective assets.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Compensated Absences

A maximum of 30 days of vacation and 130 days of sick leave may be accumulated by each employee except for those hired before 1992, whose carry-over is not limited. The City accrues a liability for compensated absences which meet the following criteria:

- The City's obligation relating to employees' rights to receive compensation for future absences is attributable to employees' services already rendered.
- The obligation relates to rights that vest or accumulate.
- Payment of the compensation is probable.
- The amount can be reasonably estimated.

In accordance with the above criteria, the City has accrued a liability for vacation and sick pay which has been earned but not taken by City employees. For governmental funds, the liability for compensated absences is reported as a long term liability in the government-wide financial statements since it is anticipated that none of the liability will be liquidated with expendable available financial resources. The liability for compensated absences is recorded in proprietary fund types as an accrued liability in accordance with Statement of Financial Accounting Standards No. 43, Accounting for Compensated Absences.

Long-Term Liabilities

In the government-wide financial statements, and in the proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business type activities, or proprietary fund type statement of net position. Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the straight-line method. Bonds payable are recorded net of the applicable bond premium or discount. Bond issuance costs are reported as deferred charges and are amortized over the life of the related debt. In the fund financial statements, governmental fund types recognize bond premium and discounts, as well as debt issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

Pensions

For purposes of measuring the net pension liability, pension related deferred outflows and inflows of resources, and pension expense, City specific information about its Fiduciary Net Position in the State of DE County/Municipal Pension Plans (DEMRS) and additions to/deductions from the City's Fiduciary Net Position are determined on the same basis as they are reported by DEMRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when the contribution is legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Information regarding the City's Total Pension Liability is obtained from DEMRS through a report prepared for the City by DEMRS consulting actuary in compliance with Governmental Accounting Standards Board (GASB) Statement No. 68, Accounting and Financial Reporting for Pensions.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position and/or balance sheet will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The City only has one item that qualifies for reporting in this category. It is the deferred charges on refundings reported in the government-wide statement of net position. This deferred charge results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding bond.

In addition to liabilities, the statement of financial position and/or balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents and acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The City did not have any items that qualified for reporting in this category.

Government-wide and Proprietary Fund Net Position

Net position represents the difference between assets and liabilities. Net investment in capital assets consists of capital assets net of accumulated depreciation and the outstanding balances of any borrowing spent for the acquisition, construction or improvements of those assets. Net position is reported as restricted when there are limitations imposed on their use either through the enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors or laws or regulations of other governments.

Governmental Fund Balances:

In the governmental fund financial statements, fund balances are classified as follows:

- **Non-spendable** - Amounts that cannot be spent either because they are in a non-spendable form or because they are legally or contractually required to be maintained intact.
- **Restricted** - Amounts that can be spent only for specific purposes because of the City Charter, the City code, state or federal laws, or externally imposed conditions by grantor or creditors.
- **Committed** - Amounts that can be used only for specific purposes determined by a formal action by City Council ordinance or resolution. This included the Budget Reserve Account.
- **Assigned** - Amounts that are designated by the Mayor for a particular purpose but are not spendable until a budget ordinance is passed or there is a majority vote approval (for capital projects or debt service) by City Council.
- **Unassigned** - All amounts not included in other spendable classifications.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Inter-Fund Transactions

During the course of normal operations, the City has transactions between funds to subsidize operations in certain funds, to allocate administrative costs, to construct assets, to distribute grant proceeds, etc. These transactions are generally reflected as operating transfers, which are transfers from a fund authorized to receive certain revenues to the fund through which the resources are to be expended.

Interest Capitalization

Interest costs incurred for the acquisition and/or construction of capital assets are capitalized based on the guidelines established by the Statement of Financial Accounting Standards No. 34, Capitalization of Interest Cost.

The interest capitalization period begins when the following conditions are present:

- Expenditures for the capital asset have been made.
- Activities that are necessary to get the capital asset ready for its intended use are in progress.
- Interest expense is being incurred.

The amount of interest expense to be capitalized is based on the weighted-average amount of accumulated expenditures for the period multiplied by the interest rate for the obligation incurred specifically to finance the construction of capital assets. No capitalizable interest was incurred during the year ended June 30, 2016.

NOTE 2 - RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS:

Explanation of Certain Differences between the Governmental Fund Balance Sheet and the Government-Wide Statement of Net Assets.

The governmental fund balance sheet includes a reconciliation between total governmental fund balances and net assets of governmental activities in the government-wide statement of net assets. This difference primarily results from the long-term economic focus of the statement of net assets versus the current financial resources focus of the governmental fund balance sheets.

Capital Asset Differences

When capital assets (land, building, improvements and equipment) are purchased or constructed for use in governmental fund activities, the costs of those assets are reported as expenditures in the governmental funds. However, these costs are reported as capital assets in the statement of net assets. The details of these differences are presented below:

Land, Infrastructure and Other Assets	\$15,981,948
Building and Improvements	4,352,426
Equipment and Furniture	6,133,785
Construction in Progress	199,136
Less: Accumulated Depreciation	<u>(11,633,361)</u>
Net Capital Asset Difference	<u>\$15,033,934</u>

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

**NOTE 2 - RECONCILIATION OF GOVERNMENT-SIDE AND FUND FINANCIAL STATEMENTS
(CONTINUED):**

**Explanation of Certain Differences between the Governmental Fund Balance Sheet
and the Government-Wide Statement of Net Position (Continued).**

Long-Term Liability Differences

Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the governmental fund balance sheet. All liabilities (both current and long-term) are reported in the statement of net assets. The details of these differences are presented below:

Long-Term Portion of Compensated Absences	\$ 630,860
Current Portion of Bonds Payable	14,873
Long-Term Portion of Bonds Payable	64,177
Total Current and Long-Term Liability Differences	<u>\$ 709,910</u>

Explanation of certain differences between the Governmental Fund Statement of Revenues, Expenditures and Changes in Fund Balances and the Government-Wide Statement of Activities.

The governmental fund financial statements include a reconciliation between changes in fund balances in the governmental funds and changes in net assets in the government-wide statement of activities. The difference primarily results from the long-term economic focus of the statement of activities versus the current financial resources focus of the governmental fund financial statements.

Capital Outlay Differences

Capital Outlays are reported as expenditures in the statement of revenues, expenditures and changes in fund balances. They are reported as capital assets, with the costs allocated over the useful lives of the assets, as depreciation, in the statement of activities. The details of these differences are reported below:

Capital Outlay	\$ 733,008
Depreciation	<u>(650,812)</u>
Net Difference	<u>\$ 82,196</u>

Long-Term Debt Issuance and Repayment Differences

When long-term debt is issued, it is reported as an other financing source. Repayments are reported as expenditures in the statement of revenues, expenditures and changes in fund balance. Issuance of debt is reported as a long-time liability and repayments are reported as reductions of those liabilities in the statement of activities. The detail of this difference is reported below:

Principal Repayment	<u>\$ 14,664</u>
---------------------	------------------

NOTE 3 - FINANCIAL INSTRUMENTS

The City has a number of financial instruments. The City estimates that the fair value of all financial instruments as of June 30, 2016, does not differ materially from the aggregate carrying values of its financial instruments recorded in the accompanying balance sheet and statement of net assets.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 4 - REAL ESTATE TAXES

The tax on real estate in the City area for the fiscal year 2016 was [46 mills (\$1,000 of assessed valuation)] as levied by the City Council. The City bills and collects its own real estate taxes. Delinquent taxes are liened by the City. The schedules of real estate taxes levied for the fiscal year 2016 are:

- July 1 - Levy Date (effective date of enforceable lien)
- August 1 - September 30 - Face Payment Period
- October 1 - 1% Penalty for each subsequent month not paid

NOTE 5 - IMPACT FEES

All new water, sewage, and electric services within the City of Milford are required to pay a one-time "impact fee." The purpose of the fee is to compensate for the impact of new users to the existing water and sewage systems, in order to provide for future expansion. All impact fees collected are restricted for capital improvements, as specified and approved by City Council that will be required as the result of population growth. The cost of the impact fee for water, sewage, and electric for the year ended June 30, 2016 was \$2,525 (\$2,428 in fiscal year 2015), \$1,334 (\$1,283 in fiscal year 2015), and \$600 per Estimated Discharge Usage (EDU)(\$600 in fiscal year 2015), respectively.

The City has recorded as revenue in the proprietary funds Statement of Revenues, Expenses and Changes in Net Assets and in the government-wide Statement of Activities the impact fee monies, as required by GASB No. 33. Resulting restricted net assets at June 30, 2016 from impact fees is \$2,269,148.

NOTE 6 - INTERFUND TRANSACTIONS

During the course of normal operations, the City has numerous transactions between funds including expenses or expenditures and transfers of resources primarily to provide services. The financial statements of the governmental and proprietary fund types generally reflect such transactions as transfers. Transfers that are not considered operating or residual equity transfers give rise to individual fund, interfund receivables and payables. As of June 30, 2016, there are no outstanding interfund balances.

NOTE 7 - INTERGOVERNMENTAL RECEIVABLES

Amounts due from other governmental units represent receivables for revenues earned by the City or collections made by another governmental unit on behalf of the City.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 8 - CASH AND INVESTMENTS

Custodial credit risk is the risk that in the event of bank failure, the City's deposits may not be returned to it. The City does not have a formal deposit policy for custodial credit risk. Deposits are classified as *Category 1* if they are fully insured, registered or held by the City's agent in the City's name. Deposits would be classified as *Category 2* for those deposits which are collateralized with securities held by the pledging financial institution's trust department or agent(s) in the City's name, or *Category 3* for those deposits which are not collateralized, including bank balances that are collateralized with securities held by the pledging financial institution, or by its trust department or agent but not in the City's name. As of June 30, 2016, all of the City's bank balances were Category 1 deposits, and the financial institution balances were the same as the carrying amounts.

The City's investments are categorized according to the level of credit risk assumed as of the balance sheet date. *Category 1* includes investments that are insured, registered or are held by the City's agent in the City's name. *Category 2* includes uninsured and unregistered investments held by the counterparty's trust department or agent in the city's name. *Category 3* includes uninsured and unregistered investments held by the counterparty, its trust department or its agent but not in the City's name. As of June 30, 2016, the City's investments consist of the following:

<u>Description</u>	<u>Category</u>	<u>Amount</u>	
		<u>Market</u>	<u>Carrying</u>
Money Market Funds	1		
PFM Asset Management LLC - City Reserves		\$19,299,731	\$19,299,731
Certificates of Deposit	1		
Delaware Federal Credit Union		<u>500,000</u>	<u>500,000</u>
Total		<u>\$19,799,731</u>	<u>\$19,799,731</u>

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 9 - FIXED ASSETS

The following schedule presents the capital activity of the governmental activities for the year ended June 30, 2016:

Description	Year Ended June 30, 2016				
	Balances 07/01/15	Additions	Deletions	Adjustments & Transfers	Balances 06/30/16
City Department:					
Land	\$ 7,871,610	\$ 191,881	\$ -	\$ -	\$ 8,063,491
Buildings and Improvements	4,163,457	-	3,948	-	4,159,509
Vehicles and Equipment	4,537,481	226,996	73,305	118,198	4,809,370
Construction in Progress	-	199,136	-	-	199,136
Total City Depreciation	16,572,548	618,013	77,253	118,198	17,231,506
Accumulated Depreciation	(5,648,596)	(354,288)	(77,253)	(70,471)	(5,996,102)
Total City Department, Net	\$10,923,952	\$ 263,725	\$ -	\$ 47,727	\$11,235,404
Street Department:					
Land Improvements	\$ 7,918,457	\$ -	\$ -	\$ -	\$ 7,918,457
Buildings and Improvements	192,916	-	-	-	192,916
Vehicles and Equipment	1,331,857	114,996	4,240	-	1,442,613
Total City Department	9,443,230	114,996	4,240	-	9,553,986
Accumulated Depreciation	(5,415,446)	(296,525)	(4,240)	-	(5,707,731)
Total Street Department, Net	\$ 4,027,784	\$(181,528)	\$ -	\$ -	\$ 3,846,256

Description	Year Ended June 30, 2016				
	Balances 07/01/15	Additions	Deletions	Adjustments & Transfers	Balances 06/30/16
Total Government					
Capital Assets:					
Land	\$15,790,067	\$ 191,881	\$ -	\$ -	\$15,981,948
Buildings and Improvements	4,356,373	-	3,947	-	4,352,426
Vehicles and Equipment	5,869,338	341,992	77,545	118,198	6,251,983
Construction in Progress	-	199,136	-	-	199,136
Total Governmental Capital Assets	26,015,778	733,009	81,492	118,198	26,785,493
Accumulated Depreciation	(11,064,042)	(650,812)	(81,492)	(70,471)	(11,703,833)
Total Governmental Capital Assets, Net	\$14,951,736	\$ 82,197	\$ -	\$ 47,727	\$15,081,660

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 9 - FIXED ASSETS (CONTINUED)

The following schedule presents the capital activity of the business-type activities for the year ended June 30, 2016:

Description	Year Ended June 30, 2016				
	Balances 07/01/15	Additions	Deletions	Adjustments & Transfers	Balances 06/30/16
Electric Fund:					
Land	\$ 1,404,437	\$ -	\$ -	\$ -	\$ 1,404,437
Buildings and Improvements	6,981,196	-	-	-	6,981,196
Electric System	17,831,269	207,163	173,972	-	17,864,460
Vehicles and Equipment	3,266,618	92,335	31,297	-	3,327,656
Total Fixed Assets	29,483,520	299,498	205,269	-	29,577,749
Accumulated Depreciation	(13,389,082)	(888,794)	(205,269)	-	(14,072,607)
Net Book Value	\$16,094,438	\$ (589,296)	\$ -	\$ -	\$15,505,142
Water Fund:					
Land	\$ 27,369	\$ -	\$ -	\$ -	\$ 27,369
Buildings and Improvements	17,248	-	6,395	-	10,853
Water System	17,378,920	3,020,106	106,983	25,221	20,317,264
Vehicles and Equipment	1,439,720	127,988	-	-	1,567,708
Total Fixed Assets	18,863,257	3,148,094	113,378	25,221	21,923,194
Accumulated Depreciation	(7,441,090)	(349,833)	(113,378)	-	(7,677,545)
Net Book Value	\$11,422,167	\$2,798,261	\$ -	\$ 25,221	\$14,245,649
Waste Water Fund:					
Land	\$ 28,638	\$ -	\$ -	\$ -	\$ 28,638
Buildings and Improvements	50,691	-	-	-	50,691
Waste Water System	18,211,237	451,079	48,496	-	18,613,820
Vehicles and Equipment	710,236	43,127	3,633	-	749,730
Total Fixed Assets	19,000,802	494,206	52,129	-	19,442,879
Accumulated Depreciation	(7,860,917)	(399,155)	(52,532)	-	(8,207,540)
Net Book Value	\$11,139,885	\$ 95,051	\$ (403)	\$ -	\$11,235,339
Trash Fund:					
Buildings and Improvements	\$ 5,650	\$ -	\$ -	\$ -	\$ 5,650
Vehicles and Equipment	1,037,634	-	38,175	-	999,459
Total Fixed Assets	1,043,284	-	38,175	-	1,005,109
Accumulated Depreciation	(811,545)	(34,540)	(38,175)	-	(807,910)
Net Book Value	\$ 231,739	\$ (34,540)	\$ -	\$ -	\$ 197,199
Total Enterprise Funds					
Land	\$ 1,460,444	\$ -	\$ -	\$ -	\$ 1,460,444
Buildings and Improvements	7,054,785	-	6,395	-	7,048,390
Electric System	17,831,269	207,163	173,972	-	17,864,460
Water System	17,378,920	3,020,106	106,983	25,221	20,317,265
Waste Water System	18,211,237	451,079	48,496	-	18,613,820
Vehicles and Equipment	6,454,208	263,450	73,105	-	6,644,553
Total Fixed Assets	68,390,863	3,941,798	408,952	25,221	71,948,932
Accumulated Depreciation	(29,502,634)	(1,672,323)	(409,354)	-	(30,765,603)
Net Book Value	\$ 38,888,229	\$2,269,475	\$ (403)	\$ 25,221	\$41,183,329

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 10 - LONG-TERM DEBT OBLIGATIONS

Long-Term liability activity for the year ended June 30, 2016 is summarized as follows:

Governmental Activities:

	Beginning Balance	Additions	Reductions	Ending Balance	Amounts Within One Year
Bonds Payable: Series B of 2011 General Obligation Bonds	\$ 92,261	\$ -	(\$ 14,664)	\$ 77,597	\$ 14,359
Bond Premium	2,056	-	(603)	1,453	514
Other Liabilities: Compensated Absences	843,153	1,727	-	844,880	168,976
Governmental Activities Long-Term Liabilities	<u>\$ 937,470</u>	<u>\$ 1,727</u>	<u>(\$ 15,267)</u>	<u>\$ 923,930</u>	<u>\$183,849</u>

Business Activities:

Bonds Payable: Series 1992A Capital Appreciation Bond	\$ 1,250,000	\$ -	(\$ 465,000)	\$ 785,000	\$395,000
Series A of 2011 General Obligation Bonds	8,145,000	-	(295,000)	7,850,000	300,000
Series B of 2011 General Obligation Bonds	1,417,739	-	(225,336)	1,192,403	220,641
	10,812,739	-	(985,336)	9,827,403	915,641
Add: Bond Premium	112,419	-	(11,729)	100,690	2,312
Less: Bond Discounts	(199,789)	-	74,186	(125,603)	(3,837)
Total Bonds Payable	10,725,369	-	(922,879)	9,802,490	914,116
Revolving Funds Loans - State of Delaware	712,881	-	(92,972)	619,909	95,782
State of Delaware 2010	847,816	-	(48,990)	798,826	49,975
State of Delaware 2011	798,970	1,781,117	-	2,580,087	-
Note Payable - Kent County	1,243,186	-	(23,164)	1,220,022	23,689
Note Payable - USDA	1,773,786	2,873,978	(108,499)	4,539,265	95,748
Total Bonds and Notes Payable	16,102,008	4,655,095	(1,196,504)	19,560,599	1,179,310
Other Liabilities: Compensated Absences	196,389	18,968	-	215,357	43,072
Business-Type Activities Long-Term Liabilities	<u>\$16,298,397</u>	<u>\$ 4,674,063</u>	<u>(\$1,196,504)</u>	<u>\$19,775,956</u>	<u>\$1,222,382</u>

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2015

NOTE 10 - LONG-TERM DEBT OBLIGATIONS (CONTINUED)

Bonds payable at June 30, 2016 are comprised of the following individual issues:

	Interest Rate %	Issue Date	Maturity Date	Amount Outstanding				Total
				General Fund	Electric Fund	Sewer Fund	Water Fund	
General Obligation Bonds								
Series 1992A Capital Appreciation	0.00	4/1/1992	4/1/2018	\$ -	\$ -	\$ -	\$ 785,000	\$ 785,000
Series A 2011	2.00-4.40	6/30/2011	11/1/2037	-	4,890,000	2,960,000	-	7,850,000
Series B 2011 Refunding	2.00-3.00	6/30/2011	11/1/2021	77,597	-	358,648	833,755	1,270,000
Total Amounts Outstanding				\$ 77,597	\$ 4,890,000	\$ 3,318,648	\$ 1,618,755	\$ 9,905,000

The annual aggregate maturities for all of the general obligation bonds as of June 30, 2016 are as follows:

Year Ending June 30,	General Obligation Bonds		
	Principal	Interest	Total
2017	\$ 930,000	\$ 326,582	\$ 1,256,582
2018	950,000	311,657	1,261,657
2019	575,000	294,632	869,632
2020	590,000	277,157	867,157
2021	610,000	259,157	869,157
2022-2026	1,885,000	1,087,858	2,972,858
2027-2031	2,270,000	689,183	2,959,183
2032-2036	1,750,000	253,029	2,003,029
2037-2041	345,000	7,592	352,592
Total	\$ 9,905,000	\$ 3,506,847	\$ 13,411,847

The City issues general obligation bonds to provide funds for the acquisition and construction of major capital facilities. General obligation bonds are direct obligations and pledge the full faith and credit of the City. The City is required to compute, at the time taxes are levied, the rate of tax required to provide a fund to pay interest and principal at maturity. The City is in compliance with this requirement.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 10 - LONG-TERM DEBT OBLIGATIONS (CONTINUED)

General Obligation Bonds (continued)

The 1992 General Obligation Enterprise Bonds, Series A, represents the remaining principal portion, net of unamortized appreciation of \$649,349 with variable interest rates of 5.50% to 6.95%. The bonds were used to defease in-substance a portion of the 1989 Bond Issue and to finance additional waste water system improvements. The general obligation bonds have various maturity dates through April 2018.

On June 1, 2005, the City issued \$3,790,000 in General Obligation Refunding Bonds with the average rate of interest not to exceed 4.50%. The City issued the bonds to advance refund the total amount outstanding under the Series of 2000 General Obligation Bonds of \$3,580,000 with interest rates ranging from 4.70% to 5.65% per annum. On September 2, 2014, the City bought back it's 2005 Bond Issue in the amount of \$2,600,000, plus accrued interest of \$49,937.

On June 30, 2011, the City issued \$9,000,000 in General Obligation Bonds in connection with planned electric and sewer capital projects, with interest rates ranging from 2.0% to 4.4%. The bonds are scheduled to mature January 1, 2037. Annual principal payments commenced January 1, 2013, with semi-annual interest payments commencing January 1, 2012. The bonds had an original issue premium of \$108,620, the unamortized portion of which is included in the balance reflected in the financial statements at June 30, 2016.

On June 30, 2011, the City issued \$3,720,000 in General Obligation Bonds with interest rates ranging between 2.0% and 3.0%. The City issued the bonds in order to currently refund \$3,770,000 of outstanding 2002 Refunding Bonds with interest rates ranging from 3.2% to 4.35%. The Series B 2011 General Obligation Bonds are scheduled to mature January 1, 2021, with annual principal payments commencing January 1, 2012. Semi-annual interest payments also commenced January 1, 2012. The current refunding reduced total debt service payments over the 10 year term by \$276,000. This resulted in an economic gain (difference between the present values of the debt service payments on the old and new debt) of \$259,000.

Note Payable - USDA

In June 2013, the City issued bonds in the amount of \$5 million in connection with its Southeast Water Expansion project. The funding for the project is being provided by the United States Department of Agriculture (USDA) under the federal direct loan for water and waste disposal systems program. Under the program, the City receives proceeds from the loan only after incurring project expenditures. The balance of the loan as of June 30, 2016 is \$4,539,265, which represents total expenditures incurred on the project to date less principal payments made. Under the terms of the note, the City is making quarterly payments in the amount of \$46,500, which include interest calculated at a rate of 2% on the balance outstanding. The agreement with the USDA also calls for the City to utilize the remaining unliquidated funds for the project by September 30, 2016.

Note Payable - Kent County

In connection with previous sewer problems, Kent County was forced to construct a new sewer line, a significant portion of which runs through the City of Milford. The county issued bonds to cover the cost, and it was agreed that the City would pay for the portion of the line that runs through its jurisdiction. Under the agreement, the City is paying the County in quarterly installments of \$12,735, which include interest at a rate of 2.25% per annum. The balance of the obligation as of June 30, 2016 is \$1,220,022 and is scheduled to mature November 10, 2050. The total cost to the City for the line was \$1,298,871, and was recorded as a period expense in the fiscal year ended June 30, 2013, as the City does not have title to the asset.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 10 - LONG-TERM DEBT OBLIGATIONS (CONTINUED)

Notes Payable - State of Delaware

In connection with its Wastewater Collection System Expansion Project, the City entered into a financing agreement with the Delaware Water Pollution Control Revolving Fund, acting by and through the Delaware Department of Natural Resources and Environmental Control, a public agency of the State of Delaware. Under terms of the agreement, interest only payments were due semi-annually at a rate of three percent (3%) per annum on the amounts that had been advanced to fund the project. Semi-annual payments of principal and interest (at 3%) are due through scheduled maturity of July 1, 2022. The balance on this related note as of June 30, 2016 is \$619,909. The note is secured by the full faith and credit of the City.

The City received additional funds under this program in connection with the second part of its System Expansion Project which is still in progress. The balance on this related note as of June 30, 2016 is \$798,826. Semi-annual payments commenced January 1, 2013 which include interest calculated at an annual rate of 2.0%. The note is scheduled to mature July 1, 2030.

Aggregate maturities of these two notes are as follows:

Year Ending <u>June 30,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2017	\$145,757	\$33,613	\$179,370
2018	149,656	29,714	179,370
2019	153,665	25,705	179,370
2020	157,781	21,589	179,370
2021	162,013	17,357	179,370
2022-2026	398,495	43,687	442,182
2027-2031	<u>251,368</u>	<u>11,444</u>	<u>262,812</u>
	<u>\$1,418,735</u>	<u>\$183,109</u>	<u>\$1,601,844</u>

The City has also received funds from the State of Delaware in connection with its Washington Street Water Treatment Facility Replacement Project. The funds are being provided by the DE Drinking Water State Revolving Fund only as expenditures are incurred by the City and approved by the State. Interest only payments commenced September 1, 2012 and are due semi-annually at 1% per annum. Upon completion of the project, if the City has complied with all of the requirements of the State, thirty-five percent of the amounts advanced will be forgiven, and the remaining balance will be amortized over a twenty-year period with interest at 1% per annum. The balance outstanding as of June 30, 2016 is \$2,580,087, which represents the total amount of advances received on the project, net of \$45,000 received which was forgiven during fiscal 2014.

NOTE 11 - COMMITMENTS AND CONTINGENCIES

In the normal course of business, there are outstanding various commitments and contingent liabilities in addition to the normal encumbrances for the purchase of goods and services. The City does not anticipate losses as a result of these transactions.

Government Grant/Award Programs

The City participates in a number of federal and state assisted programs. These programs are subject to program compliance audits by the grantors or their representatives. Accordingly, the City's compliance with applicable program requirements will be established at some future date. The amount, if any, of expenditures, not already disclosed, which may be disallowed by the granting agencies cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 12 - DEFERRED COMPENSATION PLAN

The City has a deferred compensation plan under Internal Revenue Code (IRC) 457(b) which is available to substantially all City full-time employees. Participants may make salary deferral contributions from their base salaries to the Plan during a calendar year of up to 100% of their net compensation up to the allowable maximum under IRC 457(b)(2). The City will match 100% of the participant's salary deferral contributions up to a maximum of 6% of the participant's base salary. Total contributions to the Plan by the City for the year ended June 30, 2016 was \$225,911.

NOTE 13 - PENSION PLANS

Defined Contribution Plan

The City has a defined contribution plan under IRC 401(a) which was available to substantially all City full-time employees through December 31, 2004. For plan years beginning January 1, 2005, the City no longer makes contributions to the plan, coinciding with the effective date it elected to participate in the State of Delaware's County and Municipal Pension Plans. All participants in the plan remain in the plan until they separate employment from the City and can continue to invest funds in their respective accounts. The plan is administered by VOYA Financial, and was last amended and restated January 25, 2016 in order to comply with applicable IRS rules and regulations.

State of Delaware's County and Municipal Pension Plans

Effective January 1, 2005, City Council elected, under provisions of the Delaware Code, to participate in the County and Municipal Police/Firefighter and the General Employees Retirement Funds. In connection with this election, the City agreed to fund prior service cost up to a maximum of fifteen (15) years for all eligible employees. Such funding was provided for from the City's reserves in its Water and Sewer Funds, as well as from assets of its existing retirement fund. Below is a description of each of these plans:

Police and Firefighters' Pension Plan

The City contributes to a governmental cost-sharing multiple-employer defined benefit pension plan administered by the Delaware Public Employees' Retirement System and managed by its Board of Pension Trustees (the Board). The plan, which is Delaware's County and Municipal Police and Firefighter Pension Plan, covers City sworn police officers. The State of Delaware General Assembly is responsible for setting benefits and amending plan provisions. The State Board of Pension Trustees determines the contributions required. The board is comprised of five members appointed by the Governor and confirmed by the State Senate, plus two ex officio members.

Service benefits under the plan include 2.5% of final average monthly compensation multiplied by years of credited service up to 20 years, plus 3.5% of final average monthly compensation multiplied by years of service in excess of 20 years. The final monthly compensation is the monthly average of the highest three years of compensation. There are also disability benefits as well as survivor benefits provided by the plan. An employee is vested upon 5 years of credited service.

CITY OF MILFORD, DELAWARE
NOTES TO BASIC FINANCIAL STATEMENTS
JUNE 30, 2016

NOTE 13 - PENSION PLANS (CONTINUED)

Police and Firefighters' Pension Plan (continued)

Employer contributions to the plan are determined annually by the Board of Pension Trustees. The employer contribution policy is set by State law and required contributions by active members and by participating employers. The contributions required by participating employers are based on an actuarial valuation and are expressed as a percentage of annual covered payrolls during the period for which the amount is determined. The employer contribution rate in fiscal year 2016 was 13.77% of payroll. In addition, employees are required to contribute 7% of compensation.

Other Employees' Pension Plan

The City contributes to a governmental cost-sharing multiple-employer defined benefit pension plan administered by the Delaware Public Employees' Retirement System and managed by its Board of Pension Trustees (the Board). The plan, which is Delaware's County and Municipal Police and Firefighter Pension Plan, covers all full-time non-uniformed City employees as well as elected officials. The State of Delaware General Assembly is responsible for setting benefits and amending plan provisions. The State Board of Pension Trustees determines the contributions required. The board is comprised of five members appointed by the Governor and confirmed by the State Senate, plus two ex officio members.

Service benefits include 1/60th of final average monthly compensation multiplied by years of credited service, subject to maximum limitations. For this plan, the final average monthly compensation is the monthly average of the highest five years of compensation. There are also disability benefits as well as survivor benefits provided by the plan. An employee is vested upon 5 years of credited service.

Employer contributions to the plan are determined annually by the Board of Pension Trustees. The employer contribution policy is set by State law and required contributions by active members and by participating employers. The contributions required by participating employers are based on an actuarial valuation and are expressed as a percentage of annual covered payrolls during the period for which the amount is determined. The employer contribution rate in fiscal year 2016 was 6.76% of payroll. In addition, employees are required to contribute 3% of compensation in excess of \$6,000.

Recent Accounting Pronouncement

The GASB has issued Statement No. 68, "Accounting and Financial Reporting for Pensions—an amendment of GASB Statement No. 27", which became effective in fiscal 2015. The primary objective of this Statement is to improve accounting and financial reporting by state and local governments for pensions. Management has determined that there was not a material impact of this Standard on its financial statements.

NOTE 13 - SUBSEQUENT EVENTS

Subsequent events were evaluated through October 28, 2016, which is the date the financial statements were available to be issued. Management of the City has determined that there were no other such events that warranted adjustment to or disclosure in these financial statements.

**CITY OF MILFORD, DE
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016**

Federal Grantor/Pass-Through Grantor/Program Program Title	Federal CFDA Number	Pass- Through Entity Identifying Number	Federal Expenditures
U.S. Department of Agriculture, Rural Utilities Service Direct Loan for Water and Waste Disposal Systems	10.760	N/A	\$ 4,539,285
Environmental Protection Agency Passed through State of DE Department of Health and Social Services Capitalization Grants for Drinking Water State Revolving Funds	66.458	51-6000177	<u>1,023,267</u>
Total Expenditures of Federal Awards			<u>\$ 5,562,552</u>

See accompanying notes to schedule of expenditures of federal awards.

CITY OF MILFORD, DELAWARE
NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Reporting Entity

The City of Milford, DE Schedule of Expenditures of Federal Awards (Schedule) includes the activity of all federal award programs administered by the City.

Basis of Presentation

The Schedule presents total federal awards expended for each individual federal program in accordance with OMB Circular A-133. Federal award program titles are reported in the Catalog of Federal Domestic Assistance (CFDA). Federal award programs included expenditures, pass-throughs to non-state agencies (i.e. payments to subrecipients), non-monetary assistance, and loan programs.

Basis of Accounting

The expenditures for each of the federal assistance programs are presented in the Schedule on the accounting basis as presented on the fund financial statements. For the governmental funds, expenditures are presented on the modified accrual basis. For expenditure in proprietary funds, expenditures are presented on the accrual basis. Both the modified accrual and accrual basis of accounting incorporate an estimation approach to determine the amount of expenditures incurred if not yet billed by a vendor.

NOTE 2 - RELATIONSHIP TO FEDERAL FINANCIAL REPORTS

The regulations and guidelines governing the preparation of federal financial reports vary by federal agency and among programs administered by the same agency. Accordingly, the amounts reported in the federal financial reports do not necessarily agree with the amounts reported in the accompanying Schedule which is prepared on the basis explained in Note 1 to this Schedule.

NOTE 3 - INDIRECT COST RATE

The City of Milford has elected to use the 10% de minimis indirect cost rate allowed by the Uniform Guidance.

NOTE 4 - FEDERALLY FUNDED LOAN PROGRAMS

Water and Waste Disposal Systems for Rural Communities (CFDA 10.760)

In June 2013, the City issued bonds in the amount of \$5 million in connection with its Southeast Water Expansion project. The funding for the project is being provided by the United States Department of Agriculture (USDA) under the federal direct loan for water and waste disposal systems program. Under the program, the City receives proceeds from the loan only after incurring project expenditures. The balance of the loan as of June 30, 2016 is \$4,539,285, which represents total expenditures incurred on the project to date, less principal payments made. Under the terms of the note, the City is making quarterly payments of \$46,500, which include interest calculated at a rate of 2% on the balance outstanding. The agreement with the USDA also calls for the City to utilize the remaining unliquidated funds for the project by October 31, 2016.

Clean Water State Revolving Funds (CFDA 66.458)

The City receives loans from the State of Delaware by way of capitalization grants awarded to the state to create and maintain Clean Water State Revolving Funds (CWSRF) programs. The state uses the funds to provide long-term sources of financing for construction of wastewater treatment facilities and implementation of water management activities. CWSRF outstanding loans for which the related project is completed do not have continuing compliance requirements.



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www.beckvillata.com

Frank C. Beck, CPA/ABV
Vincent P. Villata, Jr., CPA
Robert K. Griffin, CPA

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

To the Mayor and City Council
City of Milford
Milford, Delaware

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Milford, Delaware, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City of Milford, Delaware's basic financial statements and have issued our report thereon dated October 28, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered City of Milford, Delaware's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of, but not for the purpose of expressing an opinion on the effectiveness of the City of Milford, Delaware's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We did identify a deficiency in internal control, described in the accompanying schedule of findings and questioned costs that we consider to be a significant deficiency.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether City of Milford, Delaware's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

City of Milford, Delaware's Response to Finding

City of Milford, Delaware's response to the finding identified in our audit is described in the accompanying schedule of findings and questioned costs. City of Milford, Delaware's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Beck Villalobos & Co PC

Voorhees, New Jersey
October 28, 2016



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**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM
AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE**

To the City Council
City of Milford, Delaware

Report on Compliance for Each Major Federal Program

We have audited City of Milford, Delaware's compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of City of Milford, Delaware's major federal programs for the year ended June 30, 2016. City of Milford, Delaware's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of City of Milford, Delaware's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about City of Milford, Delaware's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of City of Milford, Delaware's compliance.

Opinion on Each Major Federal Program

In our opinion, City of Milford, Delaware, complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2016.

Report on Internal Control Over Compliance

Management of City of Milford, Delaware, is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered City of Milford, Delaware's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of City of Milford, Delaware's internal control over compliance.

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Beck Villatoro & Co PC

Voorhees, NJ
October 28, 2016

CITY OF MILFORD, DELAWARE
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
YEAR ENDED JUNE 30, 2016

SUMMARY OF AUDITOR'S RESULTS

1. The auditor's report expresses an unmodified opinion on whether the financial statements of City of Milford, DE were prepared in accordance with GAAP.
2. One significant deficiency disclosed during the audit of the financial statements is reported in this schedule of findings and questioned costs. No material weaknesses are reported.
3. No instances of noncompliance material to the financial statements of City of Milford, DE, which would be required to be reported in accordance with *Government Auditing Standards*, were disclosed during the audit.
4. No material weaknesses in internal control over major federal award programs for the City of Milford, DE are reported.
5. The auditor's report on compliance for the major federal award programs for City of Milford, DE expresses an unmodified opinion on all major federal programs.
6. Audit findings that are required to be reported in accordance with 2 CFR section 200.516(a) are reported in this Schedule.
7. The program tested as a major program was:
 - U.S. Department of Agriculture, Rural Utilities Services, *Direct Loan for Water and Waste Disposal Systems*, CFDA No. 10.760.
8. The threshold used for distinguishing between Type A and B programs was \$750,000.
9. City of Milford, DE was determined to be a low-risk auditee.

CITY OF MILFORD, DELAWARE
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (continued)
FOR THE YEAR ENDED JUNE 30, 2016

SIGNIFICANT DEFICIENCY

Financial Statement Preparation

Condition: The City of Milford, like many governmental units, has historically relied on its auditors to assist in drafting its annual financial statements and required disclosures as part of the year-end audit process. Upon completion of audit fieldwork, management reviews and approves any adjustments made to the general ledger, and then reviews and approves the audited financial statements prior to issuance.

While the City's accounting personnel have possessed the level of skill necessary to produce the basic financial statements, they have lacked the technical expertise needed to ensure compliance with the current reporting standards promulgated by GAAP. Further, the city does not have the necessary technical reference materials and resources needed to ensure the propriety and completeness of all of the required financial disclosures applicable to its financial statements. We believe these resource limitations would limit the organization's ability to comply with the requirements as outlined and as such would be deemed an internal control deficiency with respect to the financial reporting control.

Criteria: U.S. generally accepted auditing standards require management be responsible for the preparation of an organization's financial statements and all required disclosures in accordance with U.S. generally accepted accounting principles (GAAP). Accordingly, to comply with these standards an organization must not only have accounting personnel that have the expertise in the area of financial reporting standards, but a system in place that ensures on-going training for its personnel in the area of financial reporting and the necessary reference materials or other resources to ensure compliance with financial reporting standards.

Recommendation: We acknowledge that this is an element of internal control embodied in the standards that may be difficult for some organizations to overcome. For many governmental units like the City of Milford, it has been more cost effective to rely on its auditors for this technical expertise. We recommend that the City continue to monitor the cost/benefit of this control as its operations evolve as to whether it would ever be appropriate to develop all of the internal resources necessary to remedy this condition.

Management response: We have a small and limited staff but we do provide city council monthly and year-end financial reports, as well as all budgetary reports. Our annual audited financial statements and footnotes have been outsourced to our auditors because of the cost/benefit standpoint and our auditors have direct knowledge that aids in preparing the annual audited financial statement package. Our trial balance and financial package is used for basis in preparation of the annual audited financial statement package.

CITY OF MILFORD
PLANNING COMMISSION

*Minutes of Meeting
December 20, 2016*

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, DE on Tuesday, December 20, 2016.

PRESIDING: Marvin Sharp
IN ATTENDANCE: Ed Holloway, Andrew Fulton, Sara Pletcher, Raymond Lynch, Michael Boyle
Also: Associate City Solicitor Jason W. Adkins, Esq., Planning & Economic Activities Coordinator Rob Pierce, Deputy City Clerk Christine Crouch

Chairman Sharp called the meeting to order at 7:13 pm noting the absence of Ms. Mims.

APPROVAL OF MINUTES

Planning Coordinator Pierce explained an attendee at the November meeting had requested the draft minutes be corrected to reflect Milford Rent All LLC instead of Inc and Milford Mini Storage Inc and not LLC. Planning Coordinator Pierce handed the Deputy City Clerk the revised minutes, however as Mrs. Crouch explained the attendee reached out to her as well and as was explained to him the minutes must read what was stated at the meeting, not the intent, therefore the minutes presented are what must be reviewed.

The minutes from the November 2016 Planning Commission were approved unanimously as presented.

UNFINISHED BUSINESS

NEW BUSINESS

*Becker Morgan Group Inc on behalf of Bayhealth Medical Center Inc; Project 15-231
Extension 1 / Preliminary Site Plan
Wilkins Road and Cedar Neck Road
Tax Map 3-30-15.00-050.01, -050.11, -058.00, -058.01, -058.03, -058.04, -059.00 & -059.01
Zoning: IS (Institutional Service District)*

Planning Coordinator Pierce explained the Planning Commission approved the preliminary site plan for the Bayhealth Health Campus about a year ago. He expects the final site plan approval to come before the commission in the next few months.

Mr. Greg Moore with Becker Morgan Group was present to answer any questions. Outside agency approval were just obtained.

Mr. Boyle confirmed this is just a normal approval and Mr. Fulton confirmed the applicant does not need to go before Council for this extension.

A motion by Mr. Holloway, seconded by Mr. Boyle, to approve the one year preliminary site plan extension carried unanimously.

Ordinance 2016-15/Chapter 230; Creating C2-A Riverfront Development District Zoning Category

As has been discussed, this ordinance will create a new zoning district. Planning Coordinator Pierce referred to a memo and map in the packet that further explains the proposed ordinance. This should accommodate most of the recommendations by the commission in the previous meetings regarding this zoning category.

Ms. Pletcher noted a grammatical error in Section 3 of the ordinance, in the purpose statement. And under D of the same section it should read *stories* not *stores*.

Chairman called for public comments. Hearing none, he closed the public hearing.

A motion by Mr. Fulton to recommend approval of Ordinance 2016-15 was seconded by Mr. Holloway. Motion carried unanimously.

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	<i>Riverfront Development District</i>
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 ~~d~~ 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 ~~stores~~ 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

Ordinance 2016-27/Chapter 230; Adding a Conditional Use to Allow Chickens

Planning Coordinator Pierce referred to a memo in the packet to further explain the ordinance. Essentially residents are seeking to keep chickens as pets and for their eggs and an amendment needed to be made to Chapter 230 in order to allow chickens in City limits. Hence, chickens being kept in the city are proposed to be a conditional use with additional requirements as outlined in the ordinance.

Chairman Sharp called for public comments.

Suzannah Frederick-405 S Walnut St-stated she is one of the residents that would like to have a small flock, backyard chickens. She has just over 1/3 acre of land, and this proposed change requires one acre. She requested 1/3 acre of land be considered.

Planning Coordinator Pierce thought a motion could be made to change the minimum lot size requirement to 1/3 acre, however what is before the Commission this evening went through the Community Affairs Committee, which is comprised of three council persons. He knows the size limitation on the land, he originally had 1/4 acre like the City of Dover, but they were not... he did not get general support from them for 1/4 acre which is when he revised it to one acre minimum.

Mr. Lynch asked if something could be changed to allow for unique properties to have chickens when they are less than one acre.

Mr. Boyle referenced the numbers as well. Would that then allow a chicken and 1/3? It has to relate to the numbers.

The Commissioner's packet included a letter from Mr. Phillips which refers to the City of Dover's ordinance where he states 25 chickens are permitted. Mr. Lynch asked if that is correct however Planning Coordinator Pierce did not believe that was completely accurate based on the information he was provided by the City of Dover. He confirmed ¼ acre is what Dover allows though.

Again, the original draft that went before the Community Affairs Committee showed ¼ acre; they were not in agreement with that, so he modified it to one acre. So with the advice of the Community Affairs Committee, this is what he has drafted. Not to say the Commission could not recommend something different.

Associate Solicitor Adkins stated minor deviations, such as acreage, could be recommended, but cannot recommend pigs as well because that is not within the scope of what is being discussed. But if the Commission would like to consider a limit lower than one acre, his opinion is that is within the scope.

Planning Coordinator Pierce asked if the Commission did recommend a smaller lot size, could Council approve the ordinance without the smaller lot size and Associate Solicitor Adkins replied yes. Council is not obligated to approve the recommendations of the Commission.

Ms. Pletcher asked if the lot size is changed, can the number of chickens be reduced as well? So if the land is one acre, four chickens are ok and if the lot is ½ acre, two chickens are ok.

Chairman Sharp asked if anyone else wished to speak.

Mr. Joseph Phillips-2 Causey Ave-stated he has the Causey Mansion Bed & Breakfast on 3.14 acres and wants to have something extra for guests who come to town to spend money. He researched stipulations in Dover via the internet and they could be incorrect. He would like to offer fresh eggs for customers.

Mr. Lynch noted Mr. Phillips requested 16 but is fine with 12. He thought a deal was being made at the Community Affairs Committee meeting he attended.

Mr. Lynch questioned if Dover had any negative feedback for ¼ acre lot size. Planning Coordinator Pierce felt the Community Affairs Committee was concerned about trying to narrow it down enough that you wouldn't have chickens on every property in Milford.

Mr. Fulton stated being as Milford's economic base is lower, there is a possibility of increased chicken production.

Hearing no additional public comments, Chairman Sharp closed the public hearing.

Mr. Fulton asked the commission felt about adding another section item under C.13(a) to read: “Special waivers may be granted for lot sizes less than one acre, no smaller than 1/3 acre, in size.”

Associate Solicitor Adkins explained it would be difficult to prove the hardship case, as this line states a waiver may be granted, which is a variance approval via the Board of Adjustment. It is unclear, should one acre be adopted, if someone who has less than one acre could apply for a variance as either a use variance or an area variance.

Again, Associate Solicitor Adkins suggested the Commission modify the lot size as part of their recommendation and Council may accept that recommendation or not.

Mr. Fulton felt the one acre size may have been put in there because of avian flu, which was a problem last year. If someone’s chickens are found to be carriers or sick, since the chickens are registered by the Department of Agriculture, there is a quarantine area around the domicile of a three mile radius because we have such a large poultry industry here. The quarantine area must stay dormant for six months, every chicken slaughtered and mulched into the ground. These are still active regulations in case another epidemic comes.

So one of the concerns with recommending less than one acre lot size is that more people will have chickens and what will this do to our community if another avian flu type outbreak occurs. While Mr. Fulton doesn’t have a problem with people having chickens and getting the fresh eggs, he understands that if an epidemic similar to avian flu came to Delaware it would severely impact our poultry industry and create massive economic turmoil.

Mr. Boyle confirmed the Community Affairs Committee has already seen this proposed ordinance and one acre was acceptable to them and is safe footing. When asked if other lot sizes were discussed, again Planning Coordinator Pierce stated ¼ acre was first drafted for their review and it was changed to one acre based on discussion with the Committee. There was no discussion of any other lot size.

Mr. Holloway stated there are several subdivisions within the City that have deed restrictions. He asked how those developments would be affected by this ordinance. Associate Solicitor Adkins stated this ordinance does not prevent deed restrictions in a community from prohibiting chicken coops. Deed restrictions are at least as restrictive as City Code and can be more restrictive. In addition, this ordinance is a conditional use, so a public hearing would be required.

Mr. Holloway questioned whether this would open Pandora’s Box whereby someone wants to declare a snake as a pet, or rabbits or squirrels.

A motion by Mr. Fulton, seconded by Mr. Lynch, to recommend approval of the ordinance subject to changing the lot size to 1/3 acre as follows:

(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~~ 1/3 acre in lot area.*

Motion failed with the following votes:

Mr. Holloway-No on anything less than one acre.

Mr. Fulton-Yes because the smaller acreage requirement is still above most subdivisions which are 1/4 acre and it would allow for the production of eggs for personal consumption.

Ms. Pletcher-No. Must need one acre.

Mr. Lynch-Yes. It is more strict than Dover and maybe other municipalities and it will allow residents to have fresh eggs.

Mr. Boyle-No. The fact Community Affairs Committee has discussed this in detail, there is a reason for the one acre.

Chairman Sharp-No. It doesn't make good sense.

A motion by Mr. Boyle, seconded by Mrs. Pletcher, to recommend approval of the ordinance as presented. Motion failed with the following votes:

Mr. Holloway-Yes based on the recommendations from the Community Affairs Committee.

Mr. Fulton-No because it is too restrictive.

Ms. Pletcher-Yes based on the Community Affairs Committee recommendations and access to fresh eggs.

Mr. Lynch-No because it is too restrictive.

Mr. Boyle-Yes for reasons given.

Chairman Sharp-No. He just doesn't think we need chickens.

A motion to postpone the ordinance to the January Planning Commission meeting after the Community Affairs Committee has discussed possible changes in lot size was made by Mr. Boyle and seconded by Mr. Fulton. Motion carried unanimously.

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

ADJOURN

With no further business, the meeting adjourned at 7:57 pm.

Respectfully submitted,

Christine R. Crouch, CMC
Deputy City Clerk



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

DATA SHEET FOR DOWNTOWN PROPERTIES OF MILFORD, LLC

Planning Commission Public Hearing: January 17, 2017

City Council Public Hearing: January 23, 2017

Application Number / Name	:	16-017 / Downtown Properties of Milford, LLC
Applicant	:	Daniel L. Bond 119 N. Walnut Street Milford, DE 19963
Owner	:	Downtown Properties of Milford, LLC 119 N. Walnut Street Milford, DE 19963
Application Type	:	Conditional Use
Comprehensive Plan Designation	:	Highway/Commercial
Zoning District	:	C-2 (Central Business District)
Present Use	:	Commercial Retail
Proposed Use	:	Commercial Retail with (2) apartments
Area and Location	:	0.05 +/- acres situated at the southwest corner of the Front Street and Walnut Street intersection.
Property Identification Numbers	:	MD-16-183.10-04-46.00 & 46.01

ENC: Staff Analysis Report
Exhibit A - Location & Zoning Map
Exhibit B – Survey
Exhibit C – Written Summary of Proposal



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

**STAFF ANALYSIS REPORT
November 30, 2016**

Application Number / Name : 16-017 / Downtown Properties of Milford, LLC

Application Type : Conditional Use

Comprehensive Plan Designation : Highway/Commercial

Zoning District : C-2 (Central Business District)

Present Use : Commercial Retail

Proposed Use : Commercial Retail with Apartments

Property Identification Numbers : MD-16-183.10-04-46.00 & 46.01

Area and Location : 0.05 +/- acres situated at the southwest corner of the Front Street and Walnut Street intersection.

I. BACKGROUND INFORMATION:

The applicant is proposing to renovate the former Lou’s Bootery building located at 48 N. Walnut Street into a mixed-use structure with first floor commercial and second and third floor residential. The owner proposes to do a complete historic restoration of the building to preserve the historic character of the structure. The owner has submitted a Downtown Development District (DDD) large-project application to the Delaware State Housing Authority (DSHA) for the expenses associated with the restoration of the Pikus Building.

The first floor use is not known at this moment but the applicant anticipates either a retail or food service use which is permitted in the C-2 zoning district. The second and third floor will be converted into two two-bedroom apartment units. Per Chapter 230-13(C)(10), apartment units in conjunction with a non-residential use (mixed-use) is a conditional use subject to City Council approval.

A summary of the proposal provided by the applicant is attached outlining the goals and objectives of the project.

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for a Conditional Use:

- Conditional Use evaluation based on the following criteria provided in Chapter 230-48:

The presence of adjoining similar uses.

Staff Response: The Central Business District has several buildings with first floor commercial and residential uses above. The proposed use would be similar to several other properties along NW Front Street and Walnut Street, and is consistent with the character of the neighborhood.

An adjoining district in which the use is permitted.

Staff Response: The addition of apartment units above the existing commercial is consistent with the goals and objectives of the C-2 (Central Business District) zoning category.

There is a need for the use in the area proposed as established by the Comprehensive Plan.

Staff Response: The Comprehensive Plan promotes mixed-use development in the Central Business District. The combination of first floor commercial and residential uses would be consistent with the Comprehensive Plan and the goals of the Downtown Development District Plan. The proposal would provide additional housing options in the downtown area along with prime commercial space at the City's main downtown intersection.

There is sufficient area to screen the conditional use from adjacent different uses.

Staff Response: The C-2 (Central Business District) zoning category does not have setback requirements for structures. The applicant's building is touching the building to the south and only has a few feet of separation from the building to the west.

The use will not detract from permitted uses in the district.

Staff Response: The applicant proposes to do a complete historic restoration of the existing aging structure. Restoration of the building should only have positive impacts on the surrounding properties and businesses. The proposal will improve the quality of the structure and introduce a residential component on the second and third floors. Staff does not anticipate any adverse impacts to other permitted uses in the CBD.

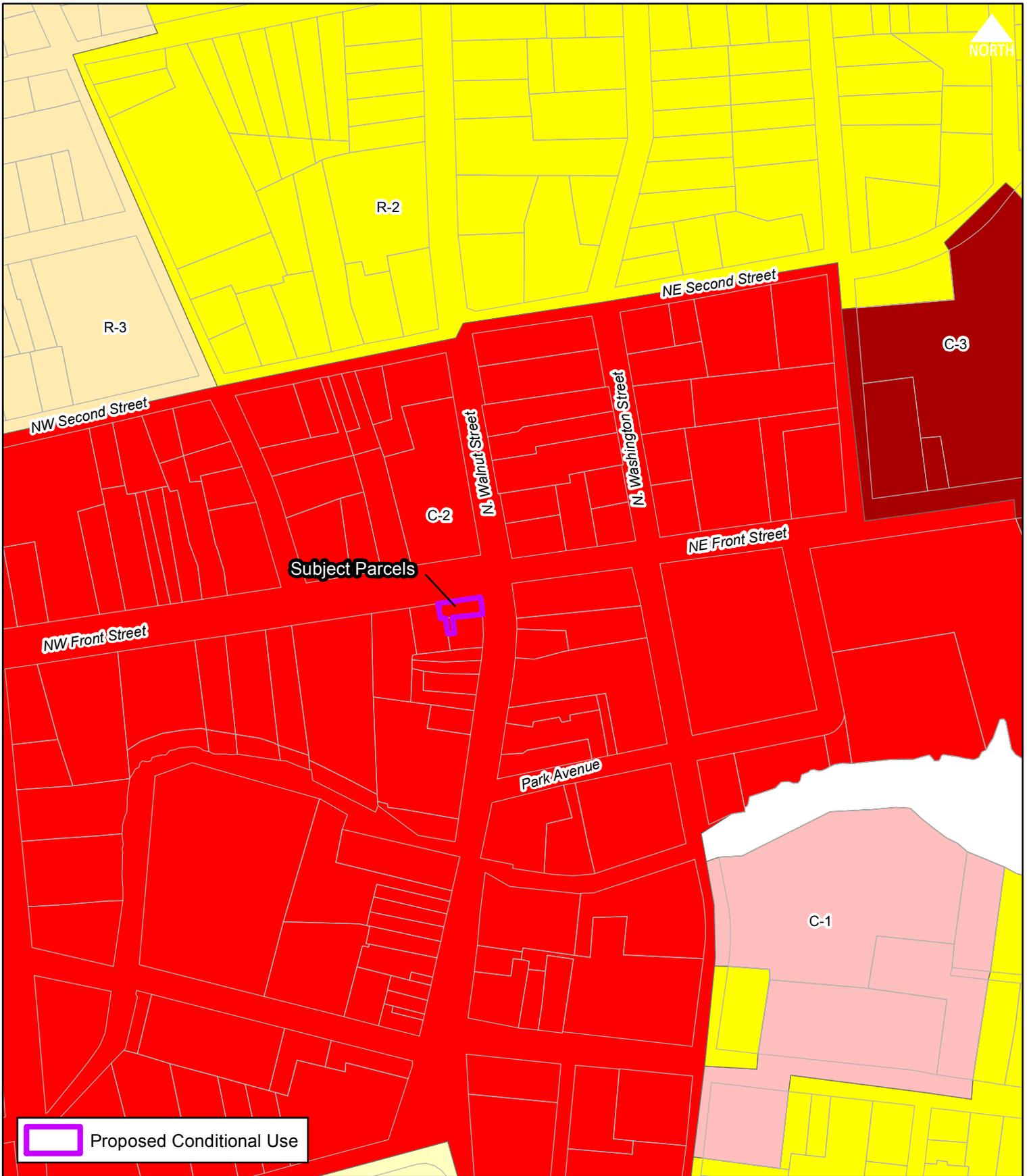
Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

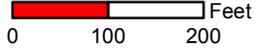
Staff Response: The subject parcel is located within the C-2 Central Business District zoning category, and according to Chapter 230, does not require off-street parking. On-street and municipal parking lots would be utilized by customers and residents of the proposed use. Traffic control, screening and setbacks do not appear to be an adverse impact on adjoining uses.

III. AGENCY & DEPARTMENT COMMENTS:

Enforcement and Inspection Division: Applicant will be required to apply for necessary permits and all building construction must be in accordance with Chapter 88 Building Construction. Applicant will be required to obtain approval or letter of no objection from the Delaware State Fire Marshal's Office and State of Delaware Department of Health. In addition, the building construction will have to comply with Chapter 130 Floodplain Management.

Public Works Department: The applicant is responsible for any and all improvements required to provide adequate water, sanitary and electric service to the structure. Service requests should be coordinated through the Public Works Department.



	<p>Scale:</p> 	<p>Title:</p> <p style="text-align: center;">Conditional Use Downtown Properties of Milford, LLC Location & Zoning Map</p>
<p>Filepath: ConditionalUse_DowntownPropertiesOfMilford.mxd</p>	<p>Drawn by: WRP Date: 12/01/16</p>	

§ 230-13. - C-2 Central Business District.

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

- A. Purpose. The purpose of the C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an integrated unit. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.
- B. Permitted uses. Permitted uses for the C-2 District shall be as follows:
- (1) Those uses permitted in the C-1 District.
 - (2) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.
 - (3) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.
 - (4) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.
 - (5) Financial institutions, loan companies and banks.
 - (6) Restaurants, excluding fast-food or franchised food service operated restaurants.
 - (7) Taverns and tap rooms.
 - (8) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.
 - (9) 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.
 - (10) Libraries, museums, art galleries and public information centers.
 - (11) Churches and other places of worship.
 - (12) Fraternal, social service, union or civic organization.
 - (13) Tourist home, boardinghouse, rooming house or lodging house.
 - (14) Studio for artists, designers, photographers, musicians, sculptors and related uses.
 - (15) Commercial parking lot, public garage or multilevel parking garage and off-street parking.
 - (16) Municipal and public services and facilities, including City Hall, 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.
 - (17) Publishing, printing and reproduction establishments.
 - (18) Repair and servicing as an accessory activity of any article for sale in the same establishment.
 - (19) Indoor storage facilities as an accessory use to any of the permitted uses in this district.

- (20) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Code Official. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.
- (21) Family day care, which shall involve a maximum of six full-time and two after-school children, as specified by state regulations.

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) Undertakers.
- (4) Motels and hotels.
- (5) Instructional, business or trade stores.
- (6) Fast-food or franchised food service operated restaurants.
- (7) Day-care centers.
- (8) Small convenience grocery shops with gas pumps.
- (9) Community residential treatment program.

(10) All dwellings other than single-family with a maximum density of 12 units per acre and in conjunction with nonresidential use.

D. Area regulations.

- (1) Minimum lot area shall be 2,500 square feet for any permitted use, together with its accessory buildings, provided that parking and loading space are provided in accordance with Article VI of this chapter.
- (2) Minimum lot width shall be 50 feet.
- (3) Height of buildings shall not exceed 35 feet.
- (4) There shall be no required setback, rear yard or side yard.

§ 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.

§ 230-22. - 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 ¶

ARTICLE VI - Signs

§ 230-24. - Permitted and prohibited signs.

For the purpose of this article of this chapter, the regulations are hereby set forth as follows:

- A. Signs permitted without limitation in all zoning districts shall be as follows:
- (1) Authorized signs regulating traffic under state or city authority.
 - (2) Signs designating public transportation pickup points.
 - (3) Informational signs: those erected for safety or those installed to provide directional information and those erected for the identification of public rest areas, public parking areas, entrances or exits and loading or unloading zones (not to exceed 2 1/2 square feet in area and nonilluminated).
 - (4) Warning signs and no trespassing signs.
 - (5) Memorial plaques, corner stones and signs designating historical sites.
 - (6) Signs required to be posted by law.
 - (7) Duly authorized governmental signs, public notices and signs posted or maintained by governmental order, rule or regulation.
 - (8) Flags or emblems of governmental, educational or religious organizations.
 - (9) Address signs, not to exceed one for each principal building or premises, not to exceed 160 square feet in area. The signs shall show only numerical address designations of premises upon which they are affixed/maintained.
 - (10) Signs designating permanent subdivisions, not to exceed 20 square feet in area, with only two per each street frontage.
 - (11) Signs which are attached or are integral to fuel dispensing pumps or devices, to be no larger than the servicing device to which they are attached.
 - (12) Temporary sign for sale (realty, private owner, etc.), rental or lease of premises at location. Allowance shall be determined by the Code Official.
- B. Signs prohibited in all zoning districts shall be as follows:

- (1) Flashing signs.
- (2) Animated signs.
- (3) Signs producing noise or sounds.
- (4) Signs emitting visible smoke, vapor, particles or odor.
- (5) Signs/advertising materials which obstruct visibility of motorists or pedestrians at any location.
- (6) Signs which, by reason of wording, position, shape or color, may cause interference with or obstruction of view or may be confused with authorized traffic signage. The allowance shall be determined by the Code Official.
- (7) Signs attached to fire-fighting equipment, emergency egress doors, windows and like emergency purposes.
- (8) Signs causing radio, television or other communication interference because of lighting or control mechanism(s).
- (9) Flags (other than United States flags), banners, twirling/spinning, sandwich/A-type, sidewalk/curb signs (nonpermanent) and balloons or other gas-filled figures. Allowance shall be determined by the Code Official.
- (10) Signs attached to trees, fences, utility poles or any other means not designated by this article or that which is not approved by a City Code Official. Exceptions are public notices and public announcements (as previously stated).
- (11) Portable signs, fixed on movable stands or chassis, or those self-supported types not permanently embedded or any sign that allows ready transport from site to site.

§ 230-25. - Construction; violations and penalties.

- A. All signs permitted by this article shall be erected/placed in accordance with the zoning requirement set forth by this chapter (regarding setbacks, sizes and height limitations) and shall be constructed so as to withstand loadings imposed by wind or the direct result of the sign's weight or stresses that may be otherwise imposed. All signage applications shall be accompanied by scale drawings and shall meet the approval of the Plans Review Official.
- B. Any violations of city code(s)/ordinance(s) regarding the laws governing signs within the City of Milford shall be grounds for the removal of the sign in question, fines, imprisonment or all of the preceding. This shall be determined by the Code Official.

§ 230-26. - General standards.

The chart, found at the end of this chapter, shall determine the size and height requirements allowed within the designated zoning district. Additional requirements are as follows:

- A. Setback.
 - (1) Commercial/industrial districts: 10 feet from front right-of-way line.
 - (2) Noncommercial districts (nonresidential):
 - (a) Advertising: 10 feet from front right-of-way line.
 - (b) Nameplate, identification and instruction: five feet from right-of-way line.
- B. Sign standards chart (end of chapter).
- C. Guidelines for all zoning districts. The following are the general guidelines for signage in all zoning districts:
 - (1) Sidewalk or pedestrian areas are not to be obstructed in any way by signs of any type.

- (2) Variances for dimensional increases in area, height or coverage must be submitted for review and determination by the Board of Adjustment of the City of Milford. Violations of the requirements set forth in the attached chart shall be deemed as a violation of this chapter and will be subject to the penalties herein described.
- (3) All signs whose primary function it is to direct attention to the identity of the business, professional or industrial activity and which describes said nature of such operation shall be deemed a business sign. Such signs shall not exceed two in number on any one road frontage.

D. Guidelines for C-2 Zoning District. The following are the general guidelines for signage within the C-2 Downtown Commercial District:

- (1) Signs shall reflect simplicity, using graphics and minimum information.
- (2) Light-colored lettering should be used over dark matte background as the dominant motif.
- (3) Signs should have a singular theme.
- (4) A maximum of three colors may be used.
- (5) Signs should employ a style consistent with the age of the building.
- (6) Signs should fit into the size and proportions of the building.
- (7) Wall signage shall be placed directly above the storefront.
- (8) Wall signs should be made of natural materials, when feasible.
- (9) Awning signs shall be carefully mounted and add variety and color to the streetscape. All awning signage and the awning assembly shall be kept properly maintained and shall be repaired as needed.

E. Political signs.

- (1) Residential and Downtown Commercial Districts.
 - (a) Political signs shall not exceed 24 inches by 36 inches or six square feet.
 - (b) The maximum height of any political sign shall not exceed three feet.
 - (c) All political signs shall be removed within seven days after the election.
- (2) Other zoning districts.
 - (a) Political signs shall not exceed 48 inches by 60 inches or 20 square feet.
 - (b) The maximum height of any political sign shall be no more than five feet.
 - (c) All political signs shall be removed within seven days after the election.

F. EMB signs. The following are the guidelines for all EMB signage:

- (1) EMB signs are only permitted in the C-3 Zoning District.
- (2) Contain static messages for at least eight seconds before changing the message and shall not have animation on any part of the sign, nor shall such sign have varying light intensity during the display of any single message.
- (3) May not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at a distance of 150 feet.
- (4) The owner of said EMB sign shall provide a certification by an independent contractor of the lumens showing compliance at time of building permit application.
- (5) Each sign shall have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.

- (6) Shall meet the same installation and permitting requirements and inspections as set out for all other signs.
- (7) The owner of said sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- (8) The owner of said sign shall provide to the City of Milford contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs. If, at any time the EMB display lights malfunction or are no longer working, the owner of said sign shall make repairs to the sign within 60 days or the sign will require removal.
- (9) Each sign located on a state maintained road must comply with all Delaware Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this [article].
- (10) All EMB signs shall have a height of no less than a minimum of two feet and no greater than a maximum of five feet. All EMB signs shall have a width of no greater than a maximum of 12 feet and shall be no larger than 32 square feet total.

§ 230-48. - Criteria for evaluation.

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

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

§ 230-49. - Conditions for approval; expiration.

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.
- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

Summary of the Proposal

Since the Pikus Building, which was constructed in the 1840s, is an important contributing structure to the North Milford Historic District and the oldest building in downtown Milford, we plan to do a complete historic restoration of the building following the guidelines of the Secretary of the Interior's Standards for the Treatment of Historic Properties. These guidelines are available at <https://www.nps.gov/tps/standards/four-treatments/treatment-guidelines.pdf>. Discussions have already been held with Joan Larrivee, Delaware's State Historic Preservation Officer, about the specific measures needed to conform to these standards. The exterior of the building will be restored to approximate its 19th century appearance by refinishing the stucco exterior, replacing the modern overhang on the east end and northeast corner and reopening all the windows and doors that have been covered over in recent renovations. The roof will be replaced and the exterior end chimneys rebuilt. The interior will be largely gutted and the wood timber frame reinforced as necessary with steel beams and columns.

The before and after presentation of the building as included in Milford's "Rivertown Rebirth Plan" (see next page) gives a good impression of our intentions. (The east façade of the building is structurally unsound due to cracking and will be taken down and rebuilt.)

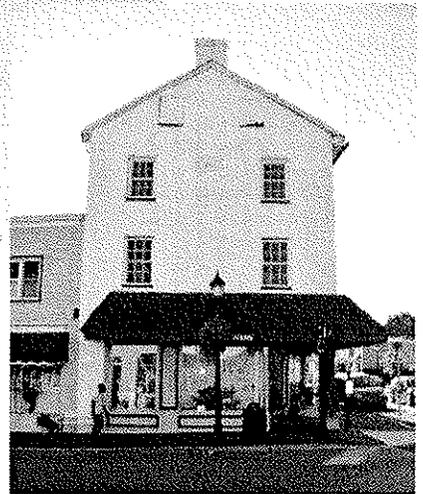
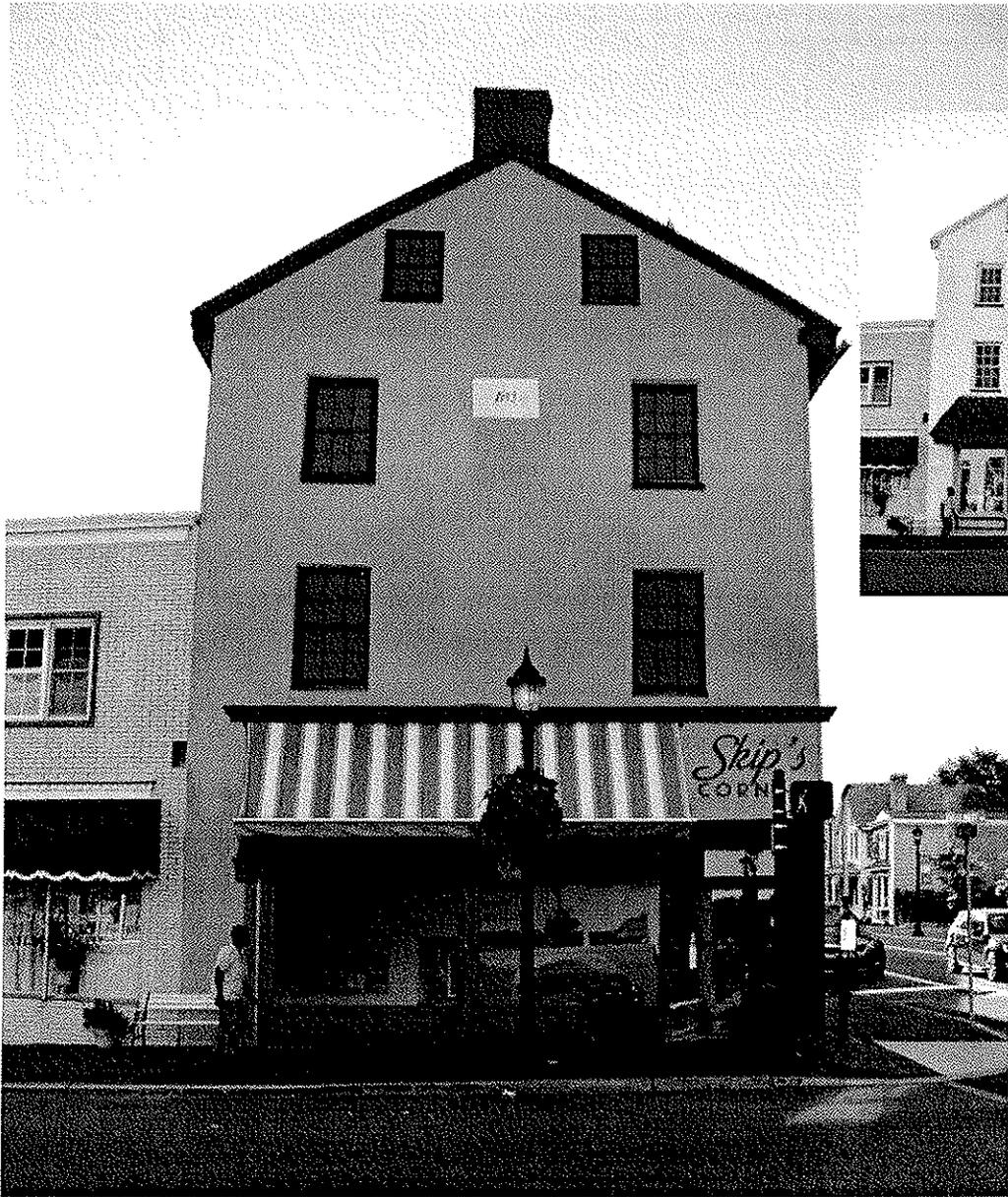
The first floor will be rented to an as yet unknown business for commercial use (preferably retail or food service) conforming to those uses permitted in the C-1 District - or one of the specified conditional uses for a C-1 District after obtaining a conditional use permit from the City Council. Since a commercial tenant has yet to be identified it is not possible at this time to include information about hours of operation, number of employees, and any proposed storage or use of hazardous materials.

The second and third floors as residential rental units (each floor will have a single two-bedroom apartment). The existing staircase will be removed and two new staircases built. One will be in the south-east corner of the building with an entrance for the apartments on North Walnut Street. The second will be in the north-west corner of the building with an entrance on Front Street (using the historic entrance that is still in place). The attic will be used only for mechanical systems serving the building.

The Pikus Building is built to the property line and there are no exterior spaces other than the sidewalks along the east and north sides of the building and a pedestrian alley between it and the adjoining building on NW Front. The proposed use of the building – a mixture of commercial and residential – is already existing in several other buildings in the same block.

There is on-street parking available for the customer and tenants on both N. Walnut and N.W. Front Streets. There is off-street parking in the City parking lot on the north-east corner of Walnut and Front and in the new City parking lot formerly owned by M&T Bank. (A site plan is included with this application.)

The section of the City of Milford Code addressed by this application is § 230-13. - C-2 Central Business District, paragraph (10) that states that all dwellings other than single-family with a maximum density of 12 units per acre and in conjunction with nonresidential use require conditional use approval.



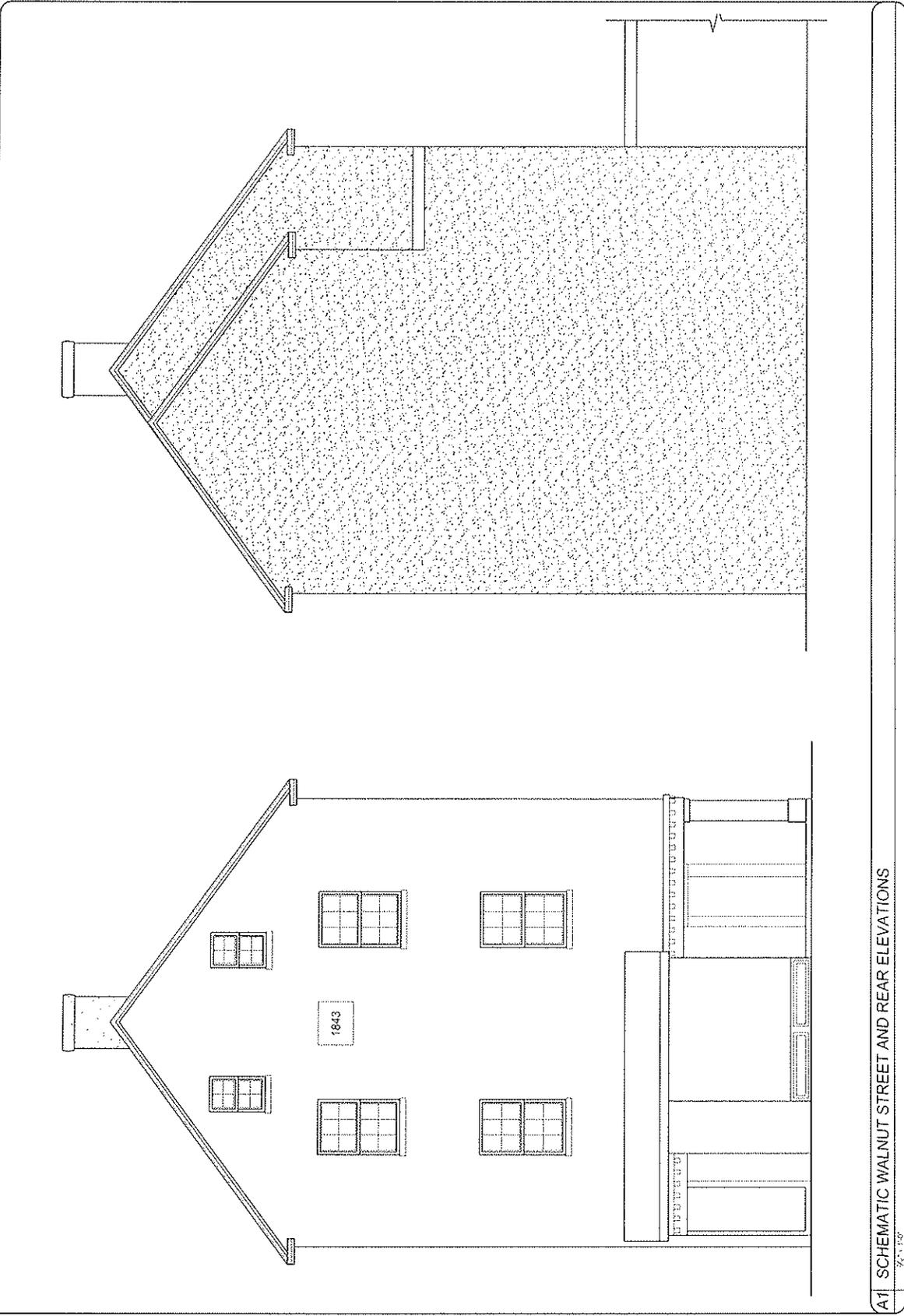


ARCHOLOG ARCHITECTURE & DESIGN SERVICES
1000 10th Street, Suite 1000, San Francisco, CA 94103
Tel: 415.774.1111 Fax: 415.774.1112
www.archolog.com

NO. _____
DATE _____
BY _____
CHECKED _____
SCALE _____

CONSTRUCTION DRAWING FOR THE NEW
PIKUS BUILDING
 1900 WALNUT STREET
 PHOENIX, AZ 85002
 PROJECT # 10220
 SCHEMATIC ELEVATIONS

DATE 11/18/2016
 SHEET # SD-3-04



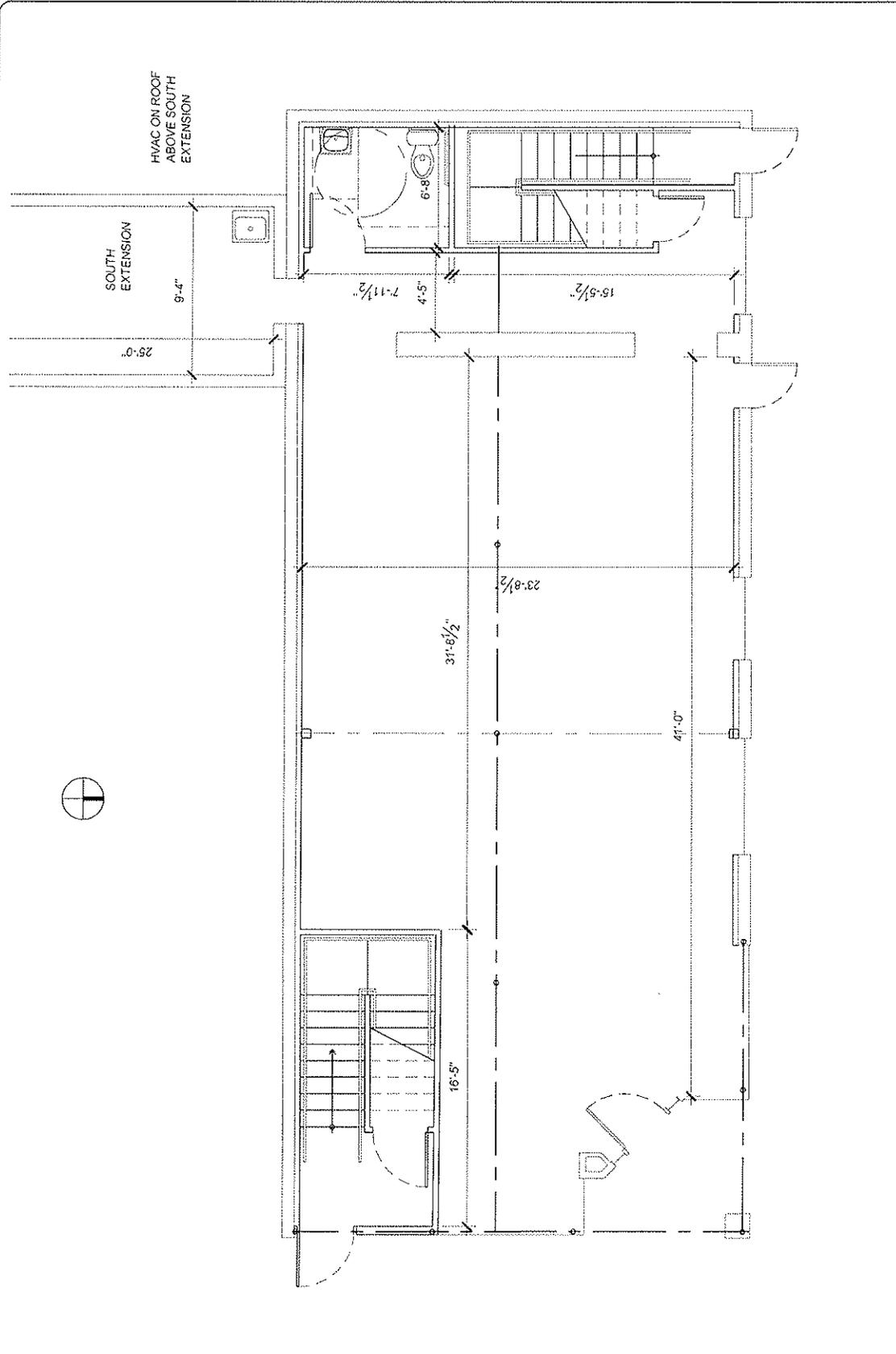
A1 SCHEMATIC WALNUT STREET AND REAR ELEVATIONS
 1/4" = 1'-0"



ARCHOLOG
 100 S. W. 10th Ave., Suite 100
 Fort Lauderdale, FL 33304
 Phone: (954) 561-1111
 Fax: (954) 561-1112
 Website: www.archolog.com

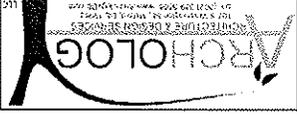
PROJECT #	10220
DATE	11/18/2016
PROJECT NAME	PIKUS BUILDING
PROJECT ADDRESS	100 S. W. 10th Ave., Suite 100
PROJECT CITY	Fort Lauderdale, FL
PROJECT STATE	FL
PROJECT ZIP	33304
PROJECT TYPE	SCHEMATIC PLANS
PROJECT PHASE	SCHEMATIC PLANS
PROJECT STATUS	SCHEMATIC PLANS
PROJECT DESCRIPTION	CONSTRUCTION DRAWING FOR THE 1ST FLOOR
PROJECT OWNER	PIKUS BUILDING
PROJECT ARCHITECT	ARCHOLOG
PROJECT ENGINEER	ARCHOLOG
PROJECT CONTRACTOR	
PROJECT SUBMITTER	
PROJECT DATE	

DATE
11/18/2016
 SHEET #
SD-3.01



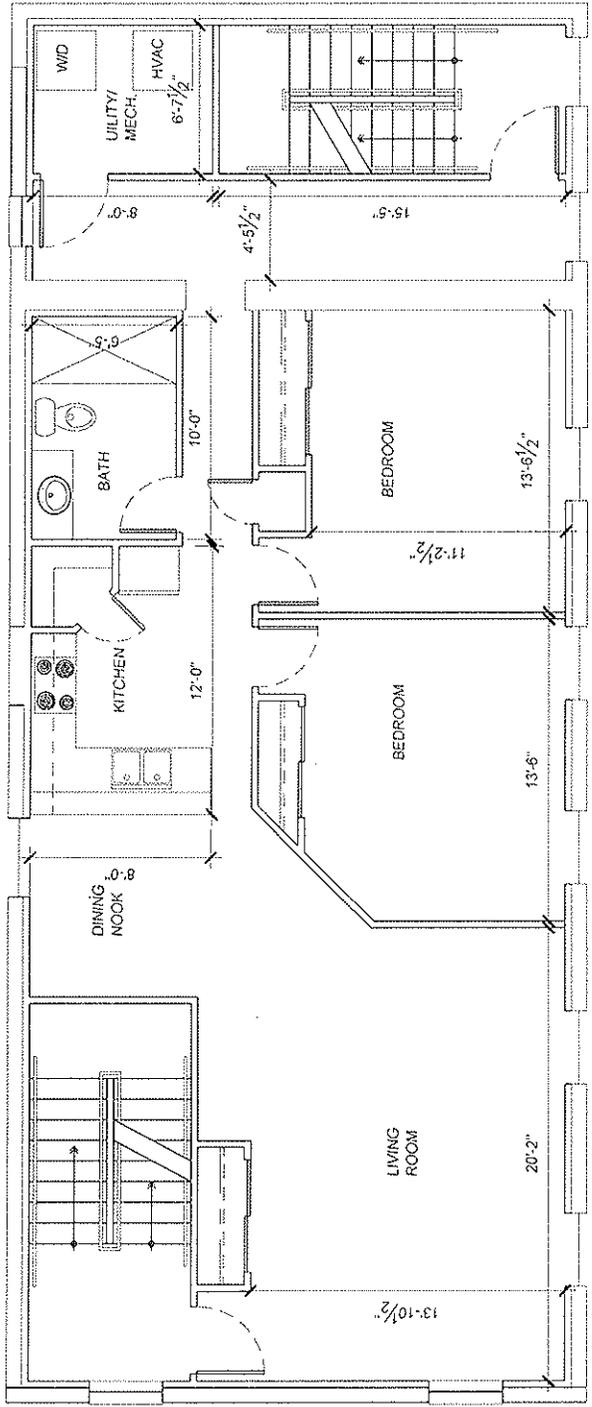
A1 SCHEMATIC FIRST FLOOR PLAN

1/8" = 1'-0"



CONSTRUCTION DRAWING FOR THE BEST
 POKUS BUILDING
 16220
 11/18/2016

DATE	11/18/2016
SHEET #	SD-3.02
PROJECT #	16220
PROJECT NAME	POKUS BUILDING
DESIGNED BY	ARCHITECTURE & DESIGN SERVICES
CHECKED BY	ARCHITECTURE & DESIGN SERVICES
DATE	11/18/2016



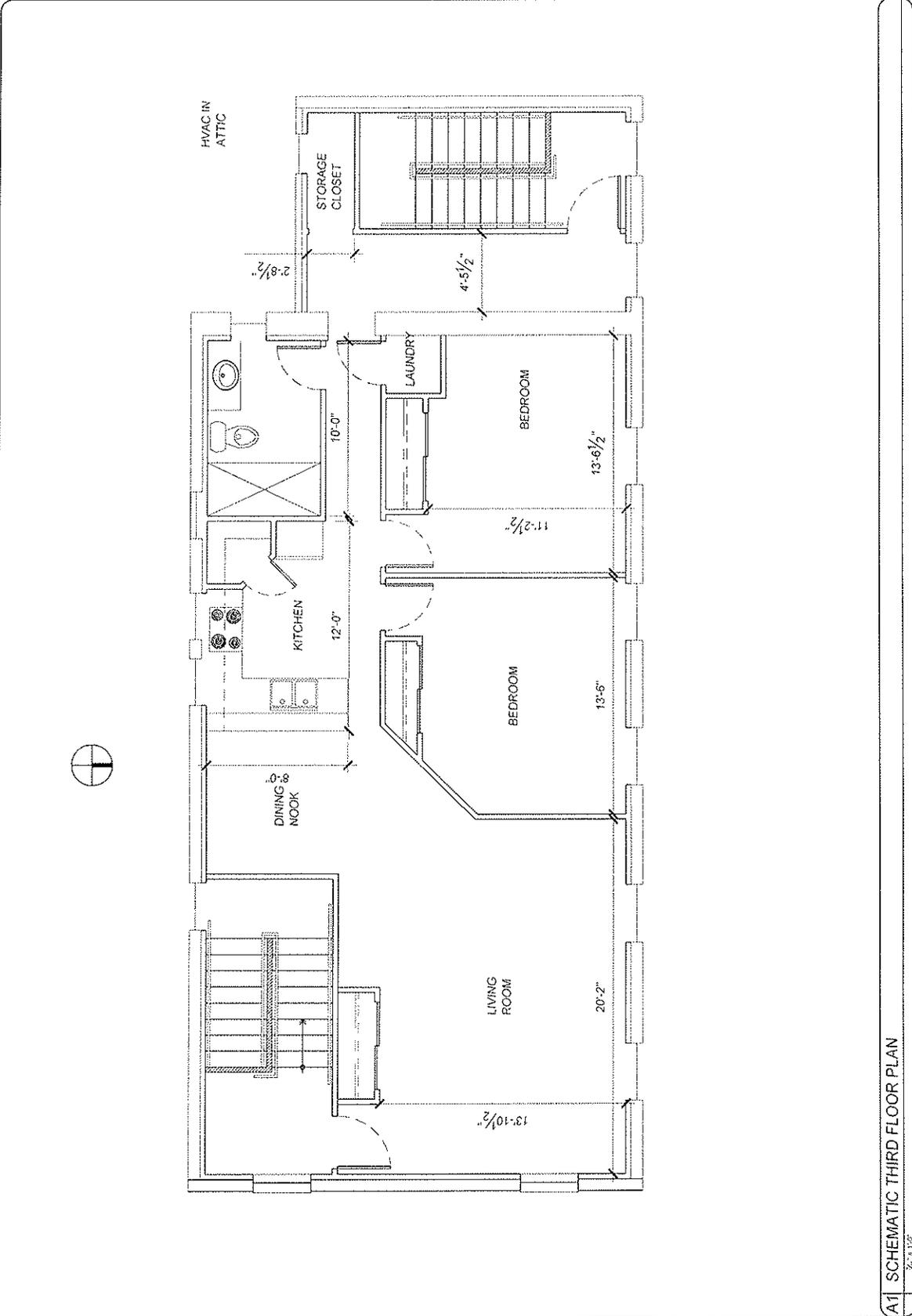
A1 SCHEMATIC SECOND FLOOR PLAN
 1/8" = 1'-0"



1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. FINISHES TO BE DETERMINED BY THE ARCHITECT.
 3. SEE NOTES ON SHEET A1 FOR FINISHES AND MATERIALS.
 4. SEE NOTES ON SHEET A2 FOR MECHANICAL AND ELECTRICAL.
 5. SEE NOTES ON SHEET A3 FOR PLUMBING AND SANITARY.
 6. SEE NOTES ON SHEET A4 FOR STRUCTURAL AND FOUNDATION.
 7. SEE NOTES ON SHEET A5 FOR EXTERIOR AND LANDSCAPE.
 8. SEE NOTES ON SHEET A6 FOR INTERIORS AND FURNITURE.
 9. SEE NOTES ON SHEET A7 FOR SPECIALTIES AND MILLWORK.
 10. SEE NOTES ON SHEET A8 FOR FINISHES AND MATERIALS.

PROJECT #	16220
PROJECT NAME	PIKUS BUILDING
PROJECT ADDRESS	100 WEST 10TH STREET, DENVER, CO 80202
DATE	11/18/2016
DESIGNER	ARCHOLOG
SCALE	AS SHOWN
PROJECT STATUS	SCHEMATIC PLANS

DATE: 11/18/2016
 SHEET #: SD-3.03



A1 SCHEMATIC THIRD FLOOR PLAN

2'-1/4" = 1'-0"

Summary table of project statistics

Location:	48 N. Walnut Street, Milford, Kent County
Tax Map:	MD-16-183.10-04-46.00 and MD-16-183.10-04-46.01
Zoning:	C-2 Central Business District
Site area:	1,9515.8 square feet; 0.0448 acres
Building coverage:	100% of site
Impervious surface:	100% of site
Proposed parking:	On-street spaces on Walnut and Front; off-street spaces in City parking lots on the north-east corner of Walnut and Front and adjacent to former M&T Bank Building (future site of Touch of Italy restaurant)
Flood plan:	The building is located partially in the Mispillion River floodplain zone AE. An elevation certificate was obtained that shows the base flood elevation to be 9.3 feet.
Required parking:	None
Proposed parking:	On-street and nearby City parking lots

Conditional Use Application

Full Legal Description of the Property

48 N. Walnut Street, Milford, DE 19963 (referred to below as the Pikus Building)

Main Structure:

City of Milford: Parcel ID MD-16-183.10-04-46.00-000 Map-Block- Lot 1 3189

Kent Co.: Location ID 25857; Tax ID 25857; Parcel ID 62681; Map Number 5-16-18310-04-4601-00001;

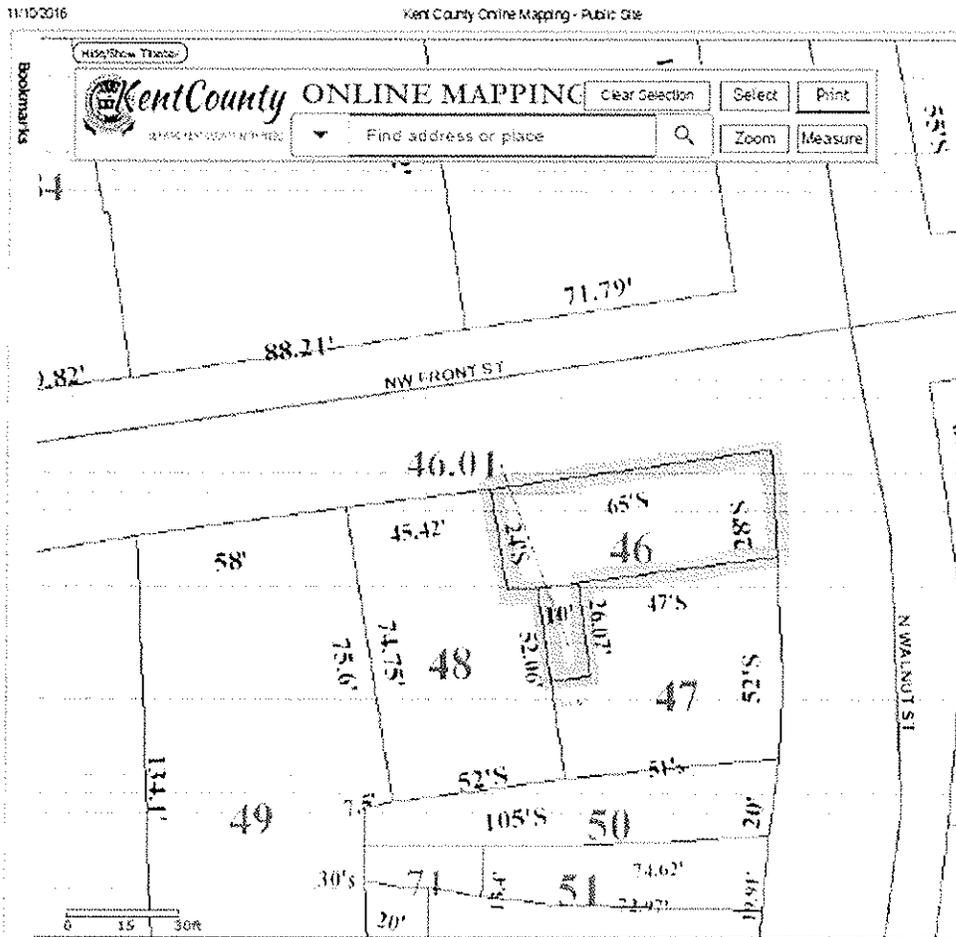
Deed BVP D 2977-0029-O-0054-0251; Tax Account Number 25857

Extension to the South:

City of Milford: Parcel ID MD-16-183.10-04-46.01-000 Map-Block- Lot 1 4175

Kent Co.: Location ID 57470; Tax ID 64214; Parcel ID 62770; Map Number 5-16-18310-04-4601-00001;

Deed BVP D 30040-0261; Tax Account Number 64214



NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017
CITY COUNCIL PUBLIC HEARING: JANUARY 23, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, January 17, 2017 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, the ordinance may be adopted, with or without amendments.

ORDINANCE 2017-01

Downtown Properties of Milford LLC for a Conditional Use to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use of .05+/- acres in a C2 (Central Business District) Zoning District. Property is located at the southwest corner of the NW Front Street and N Walnut Street intersection, Milford, Delaware. Present Use: Commercial Retail; Proposed Use: Commercial Retail with Apartments. Tax Map MD-16-183.10-04-46.00; MD-16-183.10-04-46.01

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on January 17, 2017; and

WHEREAS, Milford City Council will hold a Public Hearing on January 23, 2017 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 to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use as herein described.

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

Section 1. Upon the adoption of this ordinance, Downtown Properties of Milford LLC is hereby granted a Conditional Use Permit to allow dwellings other than single family with a maximum density of 12 units per acre and in conjunction with nonresidential use, 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: January 17, 2017

City Council Introduction: January 9, 2017

City Council Public Hearing: January 23, 2017

Adoption: January 23, 2017

Effective: February 2, 2017

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 12/28/16

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017

CITY COUNCIL PUBLIC HEARING: FEBRUARY 27, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, January 17, 2017 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, February 27, 2017 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2017-01

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Advertised: Beacon 12/28/16



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

DATA SHEET FOR CITY OF MILFORD

Planning Commission Public Hearing: January 17, 2017

City Council Public Hearing: January 23, 2017

Application Number / Name	:	16-015 / City of Milford
Applicant	:	City of Milford 201 S. Walnut Street Milford, DE 19963
Owner	:	Same
Application Type	:	Change of Zone
Present Zoning District	:	C-1 (Neighborhood Commercial District)
Proposed Zoning District	:	C-2A (Riverfront Development District)
Present Use	:	Vacant/Recreation
Proposed Use	:	Mixed Use Commercial and Residential
Size and Location	:	1.78 +/- acres on east side of Washington Street along the Mispillion River.
Tax Map & Parcel	:	3-30-6.20-006.00 & 3-30-6.20-010.00 (portion)

ENC: Staff Recommendation Report
Exhibit A – Location & Zoning Map
Exhibit B – 2008 Comprehensive Plan – Future Land Use Exhibit
Exhibit C – Rivertown Rebirth Plan 2025 (excerpt)



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

STAFF RECOMMENDATION REPORT
December 21, 2016

Application Number / Name	:	16-015 / City of Milford – Washington Street
Present Zoning District	:	C-1 (Neighborhood Commercial District)
Proposed Zoning District	:	C-2A (Riverfront Development District)
Present Use	:	Vacant/Recreation
Proposed Use	:	Mixed Use Commercial and Residential
Tax Map & Parcel	:	3-30-6.20-006.00 & 3-30-6.20-010.00 (portion)
Size and Location	:	1.78 +/- acres on east side of Washington Street along the Mispillion River.

I. BACKGROUND INFORMATION:

- The subject parcels are located east of Washington Street along the Mispillion River and were home to the former Washington Street water treatment facility. This area was identified in the Rivertown Rebirth Plan 2025 and in the City’s Downtown Development District (DDD) application as a potential site for mixed-use development. The concept would involve first floor retail and dining with apartments or condominiums on the upper floors.
- The Rivertown Rebirth Plan 2025 was adopted by City Council in January 2015 as the redevelopment strategy for Downtown Milford. In addition, the City received DDD designation from the State of Delaware in August 2015.
- Development of the site would require site plan review by the City. The property would be developed through a Request for Proposals (RFP) process where proposals would be solicited from private developers for the purchase and use of the land consistent with the City’s redevelopment goals.

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 park/open space areas, multi-family housing, single-family detached residential, commercial and community facilities. The properties to the north are zoned C-2 (Central

Business District). The properties to the south are zoned C-1 (Neighborhood Commercial District) and R-2 (Residential District).

- The project site is impacted by the 100-year flood plain as delineated on the 2015 FEMA FIRM exhibits. The project site is also impacted by a well-head protection area surrounding one of the City's production wells that feeds the Washington Street Water Tower. Any land development on the property would have to comply with Federal, State and local requirements related to these impacts along with other laws and ordinances.
- The proposed change of zone meets all area regulations outlined in Chapter 230-13.1 – C-2A Riverfront Development 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.

The new zoning classification would be in compliance with the Future Land Use exhibits and text of the Comprehensive Plan.

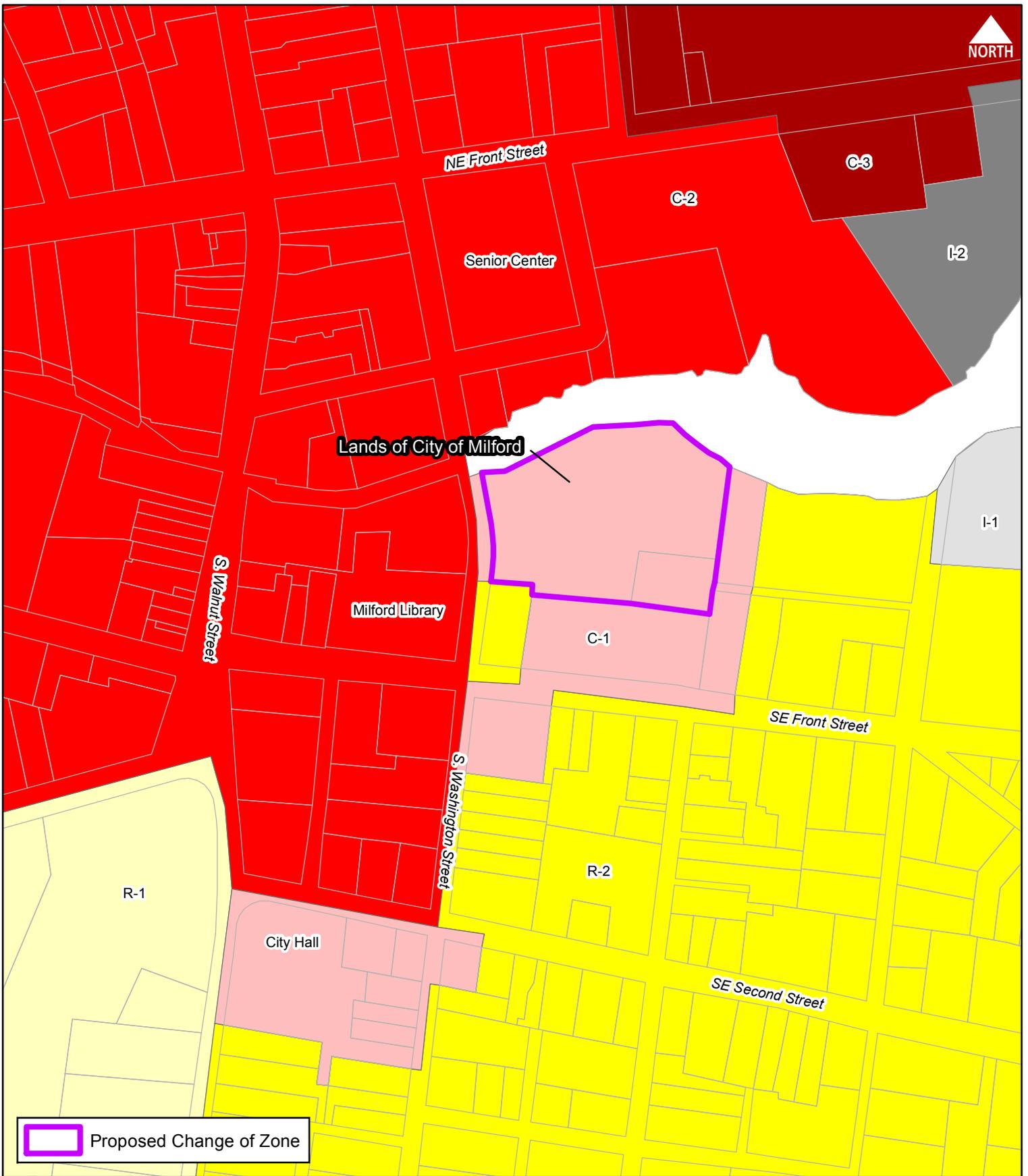
- B. Transportation facilities, water and sewerage systems, storm drainage systems, schools and fire suppression facilities adequate to serve the proposed use are either in existence or programmed for construction.

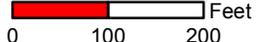
The project site will be served by City water, sewer and electrical services which are currently available to the property. In addition, the site is located along an established local road (Washington Street) as depicted on DelDOT's functional classification map (2015). The Public Works Department, School District, Fire Marshall and other State Agencies will have the opportunity to review and provide comment during the site plan process.

- 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.

Mixed-use structures and increased density are promoted within the City's Central Business District (CBD) and downtown core and similar uses can be found in the surrounding area. The permitted and conditional uses outlined in the C-2A (Riverfront Development District) zoning category are very similar to those provided under the C-2 zoning category. The Riverfront Development District zoning designation would allow for a slight increase in unit density when compared to the adjacent CBD, increasing from 12 to 16 units per acre. In addition, any development would be permitted to construct a four story structure as opposed to the CBD three story limitation.

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.

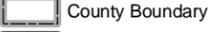
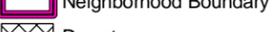
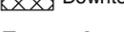
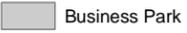
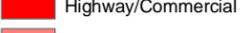
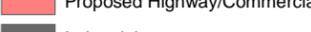
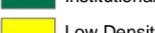
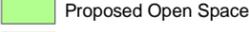
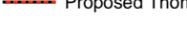


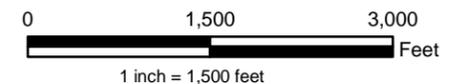
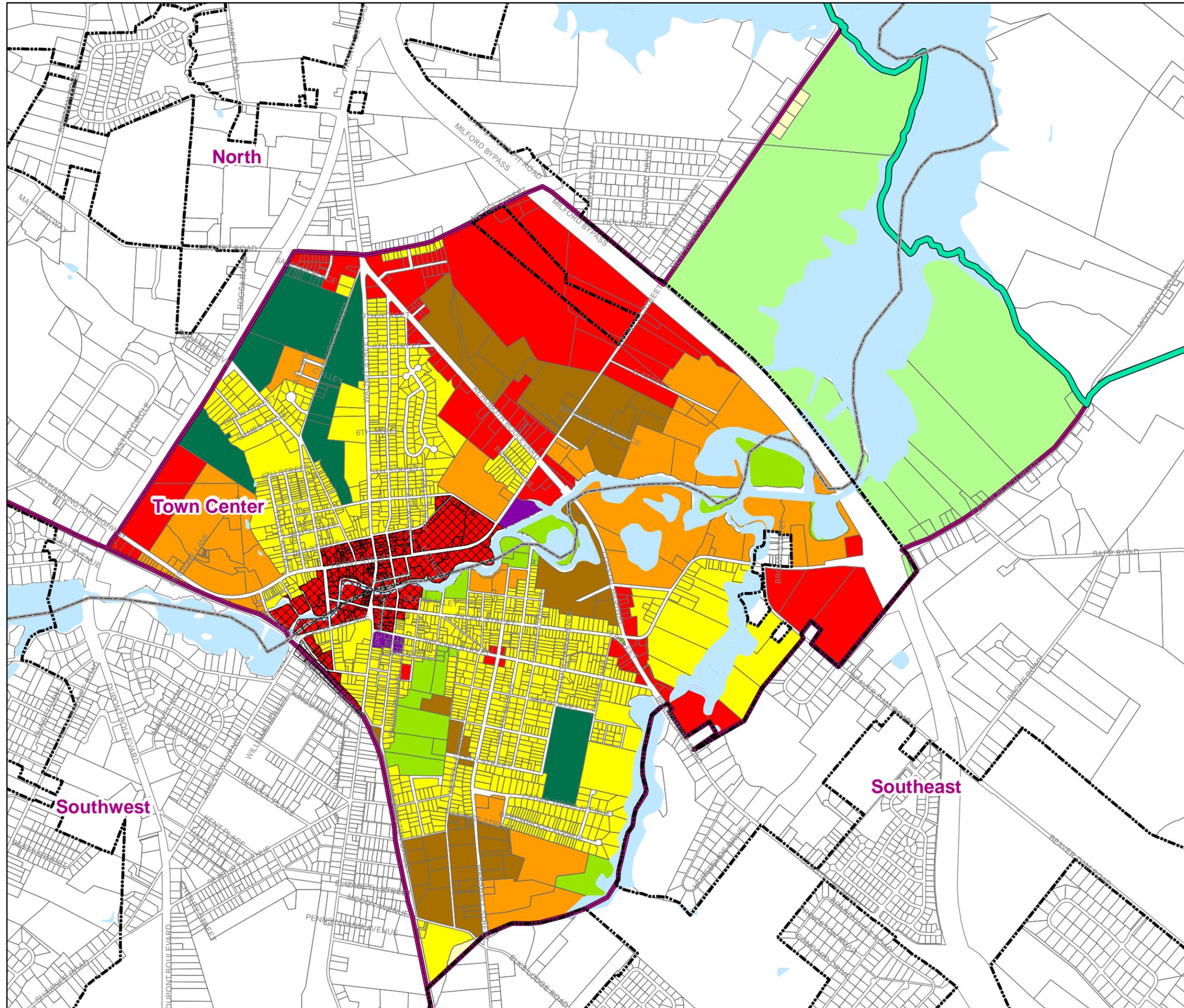
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<p>Filepath: ChangeZone_Milford.mxd</p>	<p>Drawn by: WRP Date: 11/28/16</p>	

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 Intersestion



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



Development

N. Walnut Street

STREET

RIVER

FRONT STREET

NORTHEAST FRONT STREET

Park Avenue District

BICE

B

C

D

E

P

Q

R

O

S

T

U

SOUTHEAST FRONT STREET

SHINGTON STREET



3.1 Downtown Core

The Downtown Core is the true heart of our community. This is the area where retail density should be achieved and destination status cultivated.



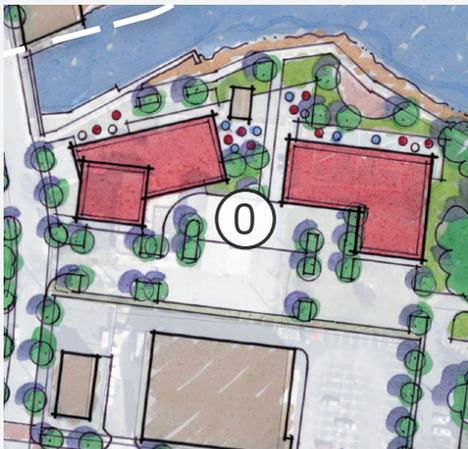
DOWNTOWN CORE

Big Moves

1. RiverPlace Mixed Use

Relocate the basketball courts to Marvel Square Park and develop this important site with mixed-use development. Development is important in this location to further activate the riverfront and provide more uses and downtown living options close to the core. Specific considerations include:

- Utilize multi-story structures with active restaurant/retail uses on the lower level
- Consider upper floor residential or office uses.
- Utilize large windows to leverage views of the water and provide “eyes” on the Riverwalk and Bicentennial Park.
- Locate the buildings along the riverfront and include outdoor patios and dining areas to take advantage of river views.
- Locate parking on the south side of the development, away from the riverfront.





3.2 Riverplace

RiverPlace (Existing Conditions):

The riverwalk along the Mispillion River is an unmistakable asset that provides a pedestrian circulation route and ordering system to the downtown area. At this location a basketball court exists that could be relocated to make room for a significant infill development to address stated needs for downtown, namely additional residential options. Moreover, by coupling residential uses with retail uses, this section of the riverwalk would become activated like the other side of the river and the additional “eyes on the riverwalk” would promote safety and likely mitigate the current vagrant issue plaguing this area.



RiverPlace (Proposed Conditions, Phase 1):

The first floors of any proposed infill development should include restaurant and retail uses that front the riverwalk. By including outdoor dining ‘decks’ for the restaurants, the riverwalk would be further activated as people like to “see and be seen.” The upper two floors should include housing options such as apartments and/or condominiums as preferred by the developer. The third floor should step back from the second to both introduce balcony/rooftop deck options as well as to cause the dominant architectural form to be two stories in height similar to most of the buildings in downtown Milford.



3.2 Riverplace



***RiverPlace** (Proposed Conditions, Phase 2 (above) and 3):*

In addition to everything noted previously, this version simply shows the impact of significant shade trees as they mature on the site in conjunction with the architectural development. The first floors of any proposed infill development should include restaurant and retail uses that front the riverwalk. By including outdoor dining 'decks' for the restaurants, the riverwalk would be further activated as people like to "see and be seen." The upper two floors should include housing options such as apartments and/or condominiums as preferred by the developer. The third floor should step back from the second to both introduce balcony/rooftop deck options as well as to cause the dominant architectural form to be two stories in height similar to most of the buildings in downtown Milford.

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

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 ~~45~~ **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
<i>C-2A</i>	<i>Riverfront Development District</i>
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 stores 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

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017

CITY COUNCIL PUBLIC HEARING: JANUARY 23, 2017

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, January 17, 2017 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, the ordinance may be adopted, with or without amendments.

ORDINANCE 2017-04

Change of Zone/Lands belonging to City of Milford
Tax Parcel 3-30-6.20-006.00 & 3-30-6.20-010.00 (portion)
1.78 +/- Acres
Current Zone C1/Proposed Zone C2A

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 1.78 +/- acres of real property from C1 (Neighborhood Commercial) to C2A (Riverfront Development) on the east side of S. Washington Street along the Mispillion River, Milford, Delaware. Present Use: Vacant/Recreation. Proposed Use: Mixed Use Commercial and Residential. Tax Map and Parcel: 3-30-6.20-006.00 & 3-30-6.20-010.00 (portion).

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on January 17, 2017; and

WHEREAS, Milford City Council will hold a Public Hearing on January 23, 2017 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 3-30-6.20-006.00 & 3-30-6.20-010.00 (portion), owned by the City of Milford located on the east side of S. Washington Street along the Mispillion River, is hereby zoned C2A.

Dates:

Planning Commission Review & Public Hearing: January 17, 2017

City Council Introduction: January 9, 2017

City Council Public Hearing: January 23, 2017

Adoption: January 23, 2017

Effective: February 2, 2017

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 12/28/16

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: JANUARY 17, 2017

CITY COUNCIL PUBLIC HEARING: JANUARY 23, 2017

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Dates:

Planning Commission Review & Public Hearing: January 17, 2017

City Council Introduction: January 9, 2017

City Council Public Hearing: January 23, 2017

Adoption: January 23, 2017

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Advertised: Beacon 12/28/16

Progressive Engineering Consultants, Inc.

P.O. Box 690638, Charlotte, NC 28227-7011

Telephone: (704) 545-7327

Fax: (704) 545-2315

progress@pecinc.net

December 20, 2016

City of Milford
201 S. Walnut Street
Milford, DE 19963
Attn: Ms. Teresa Hudson

Re: 2017 Miscellaneous Engineering Services Contract and Per Diem Rate Schedule

Ms. Hudson;

Attached please find Progressive Engineering Consultants' Contract for Miscellaneous Engineering Services and Per Diem Rate Schedule for Engineering Services effective January 1, 2017. If these documents meet with your approval, please execute Pages 1 and 4 and return one (1) fully executed copy to our office.

Please note that our 2017 Per Diem Rate Schedule reflects a modest increase of approximately 5%.

Should you have questions, please do not hesitate to call.

Respectfully Submitted,

Progressive Engineering Consultants, Inc.



R. Alan Cobb, P.E.
President

Attachment(s)

CONTRACT FOR MISCELLANEOUS ENGINEERING SERVICES

STATE OF DELAWARE

COUNTY OF KENT AND SUSSEX

THIS CONTRACT made effective this the _____ day of _____, 20____ by and between the **CITY OF MILFORD, DELAWARE** hereinafter referred to as the "**City**", and **PROGRESSIVE ENGINEERING CONSULTANTS, INC.** of Charlotte, North Carolina, hereinafter referred to as the "**Engineer**".

WITNESSETH:

WHEREAS, the City desires for the Engineer to perform various miscellaneous engineering services (hereinafter referred to as "Services") in conjunction with the operation and maintenance of the City's utility systems on an as needed basis; and

WHEREAS, the Engineer is qualified and prepared to provide such services.

NOW, THEREFORE, in consideration of the promises and the mutual covenants herein contained, the parties hereto agree as follows:

ARTICLE I - COMPENSATION

The City shall pay the Engineer for the performance of the Services in accordance with Attachment I (Per Diem Rate Schedule).

The Engineer shall invoice the City for the Services on a monthly basis and the City agrees to make payment within thirty (30) days after receipt of the Engineer's invoice.

ARTICLE II - GENERAL OBLIGATIONS OF THE ENGINEER

The Services to be performed by the Engineer shall be engineering services relating to the operation and maintenance of the electric utility system of the City which the City has requested the Engineer to perform.

The Engineer shall exercise the care, skill, and diligence customarily provided by a Professional Engineer in the performance of the Services described herein.

ARTICLE III - INDEPENDENT CONTRACTOR

The Engineer undertakes the performance of this Contract as an Independent Contractor and shall be wholly responsible for the methods followed in the performance of the Services. The Engineer shall work closely with the City in performing the Services provided for in this Contract.

CONTRACT FOR MISCELLANEOUS ENGINEERING SERVICES

ARTICLE IV - COMPLIANCE WITH LAWS

The Engineer will comply with all applicable regulatory requirements including federal, state, and local laws, rules and regulations, codes, criteria and standards.

ARTICLE V - INSURANCE

During the performance of the Services under this Contract the Engineer shall maintain the following insurance:

- (1) For the protection of the City, Professional Liability Insurance in the amount of \$250,000.00. If the City requests additional coverage, the Engineer shall be reimbursed by the City for the additional cost associated with such coverage, with such coverage to remain in full force and effect during the term of this contract.
- (2) Comprehensive General Liability Insurance with bodily injury limits of not less than \$1,000,000.00 for each occurrence and not less than \$2,000,000.00 in the aggregate, and with property damage limits of not less than \$1,000,000.00 for each occurrence and not less than \$2,000,000.00 in the aggregate.
- (3) Worker's Compensation Insurance in accordance with statutory requirements and Employers Liability Insurance with limits of not less than \$100,000.00 for each accident.
- (4) Automobile Insurance with bodily injury limits of not less than \$1,000,000.00 and property damage limits of not less than \$250,000.00.

ARTICLE VI - INDEMNIFICATION

The Engineer shall save harmless and indemnify the City from any and all claims occurring as a result of the Engineer's negligent acts, errors or omissions, patent infringement or breach of contract of the Engineer.

ARTICLE VII - CITY'S RESPONSIBILITIES

The City shall supply to the Engineer, either directly or indirectly from others, all available information and data which is reasonable and required by the Engineer. The City shall also be responsible for the following:

- (1) Approving all procedures established to govern the relationships between the City, the Engineer, and third parties.
- (2) Making final planning decisions utilizing information supplied by the Engineer.
- (3) Providing designated personnel to represent the City in matters involving the Engineer.
- (4) Providing general assistance in the performance of the services necessary as a part of this Contract.

CONTRACT FOR MISCELLANEOUS ENGINEERING SERVICES

ARTICLE VIII - OWNERSHIP OF DOCUMENTS

The City shall own all documents which are deemed to be a work product of the performance of this Contract. Original documents, however, shall remain in the files of the Engineer unless otherwise directed, in writing, by the City.

The City agrees to save harmless and indemnify the Engineer from any and all claims occurring as a result of the re-use of documents created under this Contract on any other project without the Engineer's prior knowledge and consent in writing.

ARTICLE IX - TERM

The Term of this contract shall be through December 31, 2017 unless otherwise agreed upon in writing by both parties.

ARTICLE X - ASSIGNMENT

This Contract shall not be assigned in whole or in part, unless approved in writing by both parties.

ARTICLE XI - INTERPRETATION

This Agreement shall be deemed to have been made in the State of Delaware, and its validity, construction and effect shall be governed by the laws of the State of Delaware.

ARTICLE XII - WAIVER

Failure or delay on the part of the Engineer or City to exercise any right, remedy, power or privilege hereunder shall not operate as a waiver on any other default or on the same type default on a future occasion.

ARTICLE XIII - AMENDMENT

No revision to this Contract shall be valid unless made in writing and signed by an officer of the Engineer and an authorized Official of the City.

ARTICLE XIV - TIME

Unless prevented by strikes, accidents, weather or other reasonable cause, Engineer shall deliver the services to be provided hereunder in accordance with the schedule specified by the City.

ARTICLE XV - COUNTERPARTS

This Agreement shall be simultaneously executed in two (2) counterparts, each of which so executed shall be deemed to be original, and such counterparts together shall constitute but one and the same instrument.

CONTRACT FOR MISCELLANEOUS ENGINEERING SERVICES

IN WITNESS, WHEREOF, the parties have executed this Contract by their duly authorized representatives effective the day and year first above written.

**CITY OF MILFORD
MILFORD, DELAWARE**

By: _____

ATTEST:

Print Name: _____

Title: _____

SEAL

**PROGRESSIVE ENGINEERING
CONSULTANTS, INC.**

By: _____



R. Alan Cobb, P.E.
President

ATTEST:



Robert F. Thomas, Jr., P.E.
Vice President

Progressive Engineering Consultants, Inc.

P.O. Box 690638, Charlotte, NC 28227-7011

Telephone: (704) 545-7327

Fax: (704) 545-2315

progress@pecinc.net

Attachment I

Per Diem Rate Schedule for Engineering Services Effective January 1, 2017

<u>Employee</u>	<u>Job Classification</u>	<u>Hourly Rate</u>	<u>Per Diem Rate</u>
R. Alan Cobb, P.E.	Design Engineer 1	\$ 151.50	\$ 1212.00
R. F. Thomas, Jr., P.E.	Design Engineer 2	\$ 146.25	\$ 1170.00
M. A. Dawson, P.E.	Design Engineer 3	\$ 137.25	\$ 1098.00
	Design Engineer 4	\$ 129.50	\$ 1036.00
L. G. Weatherman	Field Engineer 1	\$ 134.75	\$ 1078.00
R. A. Martin	Field Engineer 2	\$ 127.00	\$ 1016.00
	Associate Engineer 1	\$ 106.75	\$ 854.00
	Associate Engineer 2	\$ 100.50	\$ 804.00
	CAD Operator	\$ 85.50	\$ 684.00
	Clerical	\$ 85.50	\$ 684.00

Plus, the following charges:

- Mileage @ IRS Recommended Business Mileage Rate
- Additional Travel Expenses at Cost
- Meals & Lodging at Cost
- All Other Out-of-Pocket Expenses at Cost

- Daily Rate is Per Eight (8) Hours Portal-to-Portal
- All Over Eight (8) Hours Per Day to be Billed at the Hourly Rate Multiplied by 1.5

- All Charges will be for a Minimum of two (2) Hours unless Scheduling Allows for Reassignment of Personnel to an Alternate Project

- Invoices for Per Diem Charges will be Submitted Monthly and are Due Upon Receipt



OFFICE OF THE CITY MANAGER
ERIC NORENBURG, ICMA-CM
302.424.3712, FAX 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963
www.cityofmilford.com

January 6, 2017

TO: Mayor and City Council
FROM: Eric Norenberg
SUBJECT: City Parking Lot Renovation Expenses

It is recommended that the City Council authorize the expending funds from the Economic Development Fund to renovate the City parking lot at the northwest corner of Walnut and NW Front Street. This lot was purchased in June and is adjacent to the future Touch of Italy restaurant. The parking lot will serve not only the restaurant's customers and staff, but patrons of nearby businesses.

Rather than contracting with one vendor at possibly greater expense, the Public Works Department is managing the project and is doing some work in house and subcontracting other aspects. Projected expenses are:

Concrete curb and sidewalk	\$23,000
Pavement repairs	\$18,500 * (This will not pave the entire lot; only patching)
Lighting (poles and lights)	\$ 8,000 (Powder coating old poles and new LED light heads)
Repl. vinyl privacy fence	\$ 8,000 * (Expect to cost split with adjacent property owner)
Consulting engineer	\$ 5,000 *

As this project will be done in phases over the next couple of months, it is recommended that the Council approve expending up to \$65,000 from Economic Development Fund for rehabilitation of the City parking lot located at the northwest corner of Walnut and NW Front Street.

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 12, 2016

A Meeting of the Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, December 12, 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 6:05 p.m.

City Manager Norenberg then deferred to Public Works Director Mark Whitfield to present the agenda items.

Review & Recommendation/Bid Award/Automated Refuse Truck

The Public Works Director recalled previous discussions about a one-man refuse vehicle that would replace the existing 2000 rear loader. He observed the 2000 vehicle this past week and is unsure if it will even hold refuse right now as a result of several holes in its bottom which confirms the desperate need to replace it.

Mr. Whitfield noted the one-man collection vehicle has a very short wheel which will allow maneuverability in some of the tight areas in and around Milford. It also has a fairly long arm reach of just over eight feet. As a result, getting in and around parked cars will be much easier.

He noted that the unit will also allow the sufficient collection of the trash by only using one person versus the two collectors and one driver presently needed with our trucks. Thus, the new vehicle will eliminate two positions in that department. He then emphasized that the Solid Waste Department currently has two vacancies; as a result, no one will be losing their job as a result of the change.

He believes a proficient collector is capable of collecting up to 1,000 containers a day. The City has approximately 3,500 customers though we, on an average, collect 2,800 containers a week. He feels that is the result of seasonal residents that do not always put their container out or those that only need a pick up every third week or so.

Once the new truck is in operation, the Public Works Director is very confident our crews will be able to collect the entire City within four days.

Because there will be no human contact with the container, the operation will be much safer for our employees and reduce the possibility of needle sticks, back strains, flying dust situations and slip and fall incidents due to inclement weather. Currently, we have one person out on a workmen compensation claim due to an injured shoulder. This should eliminate those type of claims in relation to refuse collection.

Mr. Whitfield reminded Council that the collection schedule will be changed to four-days with one ward a day picked up, Tuesday to Friday. Mondays will be used for yard waste and bulk item collection.

Provided the truck will be delivered by April and allowing six to eight weeks for the driver to become sufficient, the refuse schedule should be changed by July 1st. The City will only be publishing the January to June 2017 schedule due to the anticipated change in July.

The purchase price is available through the Houston-Galveston Area Council (HGAC), a recognized purchasing agency by the State of Delaware. The City of Rehoboth Beach, City of Dover and Sussex County are members of that Area Council; the City of Milford would need to join though there is no associated costs.

The truck is available for \$220,290 or \$40,700 under budget.

Mr. Whitfield also pointed out that the cost of a new rear loader is roughly \$160,000. The automated vehicle is approximately \$60,000 more but eliminates two positions. He reported this should easily pay for itself within the first year.

The committee then viewed a video showing the vehicle in use.

Chairman Brooks asked how long the body of the truck is expected to last; Mr. Whitfield predicts approximately eight years. He noted that the trucks are manufactured in Somerset, Pennsylvania and should we experience any problems, their repair crew will come to Milford to make the repairs.

The truck has a fairly standard package and most repair parts that can be purchased from local auto parts store.

It was confirmed the truck has a one-year warranty.

Mr. Morrow then asked if the City is able to track items that are improperly mixed or prohibited in recycling, such as a car battery. Mr. Whitfield feels that some spot inspections can be done though he is unsure if that is needed on a weekly basis. However, the biggest problem is people placing the wrong items in recycling versus the trash side. Milford's crews have become very good at spotting those items though that can no longer be done with this type of vehicle. However, periodic spot inspections of recycling containers will still be needed.

Mr. Norenberg added that cities whom have implemented recycling programs have employees checking containers in advance of the refuse truck making the collection. They issue tags to customers in violation which prevents the driver from emptying the prohibited items into the recycling truck and instead ensures collection by the trash truck.

DNREC and the Solid Waste Authority will be placing much stricter regulations on the cities and private haulers who are delivering trucks containing contaminated recycling material. Recycling is not very profitable and is worth less or nothing if contaminated. The City will be penalized and Mr. Norenberg feels our employees will need to do a better job educating our residents.

Chairman Brooks recalled the identification portion of the DNREC grants in the amount of approximately \$60,000 was not granted; the Public Works Director explained that the grant did not include the ID readers which would have helped the City track the containers though ID's will still be added to the containers. The City could purchase the ID readers at some point in the future even though that was not included in the grant.

Mr. Whitfield noted that of the \$152,000 allocated for municipalities, \$138,000 was awarded to Milford for its first ever recycling grant.

The City Manager said this is on the Council agenda later this evening and he wants to make sure any questions or concerns the Committee have will be addressed and that they are ready to make a recommendation.

Councilwoman Peel noted that the Public Works Director has done a very thorough job adding that the City will have an annual savings with the new truck. Chairman Brooks agreed we will have save in salaries and benefits by eliminating two positions.

When asked if another automated truck should be considered, Mr. Whitfield stated that long-term, he would recommend three vehicles if we continue collecting yard waste and recycling materials. Two would be used on a regular basis and the third vehicle as a backup. Until such time a third vehicle can be purchased, the City will continue to use the rear loader though that will take two additional people or a total of three employees each day.

Chairman Brooks said we are going to save \$40,000 so we need to get started on the next truck. He then pointed out the other truck is going to cost \$100,000 to fix. Mr. Whitfield commented the second truck in the fleet is also in bad shape. Chairman Brooks said he is only speaking as the Committee Chairman.

Councilwoman Peel moved to recommend to Council the purchase authorization of an automated refuse collection truck using the HGACBuy Cooperative Purchasing Alliance in the amount of \$220,290, seconded by Councilman Morrow. Motion carried.

Update/M&T Bank Parking Lot

Public Works Director Whitfield then recalled the City recently purchased the M&T Bank parking lot, which will be used by various residents, but most importantly, the new patrons of the Touch of Italy. He has been working with the Touch of Italy owners, in addition to the City Crews who are handling the necessary changes in the parking configuration.

He explained that DBF had originally developed a plan to bid the project. Because of the tight time frame for Touch of Italy, DBF agreed to handle it as a turn key operation and only called when needed. They worked up a price for the concrete work with local contractor Mike Shea and are also working with Jerry's Paving to provide a price.

Mr. Whitfield hopes to have the majority of the work, including the electrical and lighting work, completed by the end of the year. His intent is to have the project paid from the Economic Development fund.

Additional work will be needed this spring at which time the parking lot will be seal coated and a complete overlay added with new striping. Crews are doing what they can at this point though it will be completed no later than the opening of the Touch of Italy which is anticipated in early March.

He reported that while the canopy at the old drive-thru held the project up, it was removed last week. The City will be completing the final restoration in that area by the end of December.

Chairman Brooks wants it made clear that this work must be done right and that Mike Shea and Jerry's Paving will be handling the contracting work.

The Public Works Director confirmed that both contracts are under \$30,000 and neither has to be publicly bid.

When asked how many additional parking spaces were added, Mayor Shupe said that 67 parking spaces can now be used for public use. In the past, it was used as a private parking lot.

Mr. Whitfield believes that 17 additional spaces were added with the center drive (drive-thru) removed.

Update/UFS Electric Cost of Service Study

Mr. Whitfield informed the Committee that UFS will be here on January 9th to do a presentation for both this Committee as well as City Council. One of the things they had discussed was to make sure everything was accounted for in terms of infrastructure and depreciation. In that manner, the Committee will have a picture of all associated costs and the minimum fee needed before the range is selected.

He explained that one of the biggest changes will be the new customer charge. Right now, the City has a very low customer charge which does not cover the cost of infrastructure and depreciation. In reverse, the kilowatt hour will be lowered. As a result, there will be some winners and there will be some losers.

Mayor Shupe confirmed that the customer charge is assessed on each monthly bill. Mr. Brooks confirmed that each customer will have the same charge with no increase. Mr. Whitfield emphasized that will depend on their usage though the average user will see virtually little or no increase. However, a very low-end user will most likely see a higher increase because of the customer charge.

Mr. Whitfield explained the City has to charge infrastructure to get electricity to the homes. The customers need to bear part of that cost. He stated that the City still has to supply infrastructure to a home where a customer has installed a whole array of solar panels though they may not be generating much demand for kilowatt hours. That is the type of situation that is being looked at and a fair and balanced way to handle.

Chairman Brooks indicated that is a big cost; the Public Works Director agreed it is a significant portion noting that the customer charge is probably a quarter to one-third of the bill.

Update on University of Delaware Industrial Assessment Center/Energy Assessments/City Office Buildings

The Public Works Director advised that the University of Delaware was hired to do an environment assessment in terms of energy usage on all buildings. The City contracted a professor and four college students who did a review of each City building at a cost of \$1,600 per day for two days. However, they came up with a list of items that will save the City \$1,600 a year. A preliminary report will be provided later this week with a final report expected in January.

Mr. Whitfield will share that report with the Committee after which those recommendations will be implemented.

Mr. Norenberg said this is a smart thing to do and recalled that during the retreat, City Council asked him to look at all City departments in order to operate more efficiently. As a result, better purchasing procedures and policies are being considered, greater efficiency of utilities and greater cooperation with other local governments are all under consideration with regard to spending taxpayer money.

He said this Committee will be seeing a lot more evaluations and recommendations over the next few months with regard to spending less money while still providing the quality of service the public expects.

Schedule January/February Meeting

City Manager Norenberg reported that UFS is going to need at least an hour for their presentation. He asked the Committee if they wish to schedule the presentation as a Council Workshop versus a separate presentation before the Public Works Committee and a repeat at the Council Meeting. City Council will then need to provide feedback on various items such as the increased customer charge.

Chairman Brooks prefers it be presented to the full Council on January 9th. The City Manager will confirm that UFS is available on that date and will follow-up with the Committee upon receipt.

When asked if anything else will need to be presented to the Public Works Committee, Mr. Whitfield said he will have more items in February. He recommends meeting on either February 6th or February 13th before the Council Meeting.

It was agreed that Public Works would next meet on February 13th at 6:00 p.m.

Adjourn

There being no further business, Councilwoman Peel moved to adjourn the Public Works Committee meeting, seconded by Councilman Morrow. Motion carried.

The Committee Meeting adjourned at 6:40 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 12, 2016

Milford City Council held a Public Hearing on Monday, December 12, 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: Councilmembers Arthur Campbell, Lisa Ingram Peel, James Burk,
Owen Brooks Jr., Douglas Morrow, James Starling Sr. and Katrina Wilson

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 7:00 p.m.

City Planning Coordinator Rob Pierce was also present.

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 II/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 II/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*

Mr. Pierce explained that he will talk about all three items on the agenda at the same time because it all relates to the Watergate Subdivision project.

He noted that the parcels are located along Marshall Street north of the Elks Lodge Road intersection. They are currently zoned I-1 and the request is to downzone to R3.

Because the Comprehensive Plan designation is moderate density residential, the applications would bring the land into compliance. Currently both parcels are vacant and the plan is to incorporate them into the existing planned unit development (PUD) known as the Watergate Subdivision.

Of the two parcels proposed for the change of zone, one parcel is owned by the City of Milford and the other is owned by Liborio Watergate LLC.

The Planning Coordinator recalled the final approval of the PUD was granted by Council to Lyndalia Land Company in November 2006. The subdivision proposed 303 total units with a mixture of single family detached, semi detached, townhouses, multi-family and live/work units in a community facility. In 2012, the property was sold to Liborio Watergate. In 2015, Liborio Watergate granted permission for the City to construct a new sanitary sewer forcemain thru a portion of the lots in the center of the community as part of the Shawnee Acres capacity upgrades. The owner agreed to relocate those units which, according to Mr. Pierce, is being handled in the next application.

In the spring of 2015, it was determined the City owned a parcel adjacent to Watergate. The City contacted the owner who expressed an interest in purchasing the property. An appraisal was then done and Liborio and the City of Milford agreed to the terms of the appraised value which is reason that parcel is proposed to be rezoned.

Mr. Pierce then referenced an analysis of the adjacent uses. This community is surrounded by industrial residential zoning districts. Properties to the north and west are zoned I-1 and those east and south are zoned R-3. When combined with the Watergate Subdivision, the proposed change of zone meets the area regulations outlined in Section 230-11 of the City of Milford Code.

The application was reviewed by the Planning Commission at their November meeting who recommended approval by a unanimous vote.

There being no questions of City Council, Mayor Shupe asked the applicant for comments.

Scott Lobdell of Van Cleef Engineering spoke on behalf of the applicant. He stated that the City Planning Coordinator covered the items from their perspective. The rezoning of the two parcels help fix some subdivision issues that were found through the redesign process. He feels Council will have a better understanding of the need for the change of zone once the next matter is discussed.

The Planning Coordinator continued by referencing the next staff analysis report for the amended PUD/Conditional Use application. He explained the applicant is seeking a modified PUD which would include the two parcels for an additional .84 acres. This would essentially reduce the number of overall units in the subdivision from 303 to 300. The proposed conditions are outlined in the staff report.

Mr. Pierce also referenced the breakdown in the number of types of units based on the 2006 approved plans and the overall decrease. The applicant proposes to reduce the number of duplexes and single family detached units and increase the number of mansion apartments and townhouse units.

The applicant also proposes to remove the live-work component that was included in the original application.

Also proposed is a slight increase of open space in the subdivision which is impacted by the installation of the sewer easement through the cluster of townhouses. They have been relocated which will result in a large community open space in the center of the subdivision.

In addition, to accommodate another twelve-townhouse unit, there was a redesign of a semi-circle with a handful of townhouses to create a more traditional appearance.

Most of the units lost in the central location are being relocated to the front of the community which include the two parcels under consideration for rezoning and originally planned for townhouses.

Some of the irregularly shaped duplex and clustered lots that created non-perpendicular property lines and caused odd building envelopes on some of the lots, will be squared off and cause fewer challenges for the developer.

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 change the one-way streets to two-way streets and widen them to a width of 24 feet. These streets are also adjacent to the proposed community open space.

Mr. Pierce further explained that many of the standard requirements, set by the Planning Commission over ten years ago, does not meet the current code due to a number of waivers, including lot widths, sizes and setbacks. That will remain and should Council decide to deny the application, the owner still has the right to construct the units as was previously approved, without the proposed enhancements.

Councilman Mergner asked if the developer will be required to install sidewalks and will there be any frontage or beautification buffer to separate the unit from the street. For example, he asked if some trees or some other form of landscaping be used for separation; the Planning Coordinator explained that DelDOT took some land off the front of the existing property which was the area the live-work units were planned. He anticipates an extension of the sidewalk will be required to the northern end of the right-of-way.

Mr. Pierce confirmed the City did not require any plantings in the front on the Marshall Street side.

He reported that the owner of Milford Mini Storage has requested the screening be at least 85 feet from the right-of-way to prevent obstruction of their property by vehicles headed north on Marshall Street. He believes that will bring it back more toward the edge of the parking lot.

When questioned about sidewalks, Mr. Pierce stated that DelDOT will review the amended plan. Because they were requiring sidewalks in the previous plan, he believes that will not be changed. In addition, the City can require the extension of sidewalks to be reconnected back into Marshall Street.

Councilwoman Wilson recalled that sidewalks were required in the City and asked if that has changed; Mr. Pierce explained this facility is along a state right-of-way so DelDOT has to approve the plan. If they were installing a multi-modal sidewalk, it would need to be consistent though he will make sure it gets installed.

Mr. Mergner expressed concern there will be rear yards abutting Marshall Street which is a heavily-traveled road. Added is the sidewalk that will be used by pedestrians and appears to be in the rear yard of the two units.

Mr. Pierce pointed out the two existing buildings that have no screening. He then referenced some changes which have created a little more open space when compared to the original plan.

Because the approved plan has been on the books for several years, Ms. Wilson asked if it would be grandfathered in based on the old regulations.

Mr. Pierce noted that the Planning Commission recommended approval of the application by unanimous vote, with conditions, though one member abstained due to arriving late and not being privy to the entire presentation.

The recommended conditions that would apply prior to final subdivision and plan recordation are as follows:

- * Pursuant to final terms and conditions of settlement agreement related to pending legal action in Chancery Court between the applicant and neighboring property in which the City of Milford is also named;
- * Amend Note 12 regarding access to parcel 34 pending details and agreement between the neighboring property owners;
- * Amend Note 11 on the title page of the plan to read "Lot 218 to be conveyed to Milford Rental Incorporated..."
- * Amend the buffer requirement to 3' on the north side of parcel -030.00 with an 85 depth off Marshall Street.

When asked about the time span of the litigation, Mr. Pierce explained it started with the original owner in 2006.

Mr. Lobdell readdressed Council stating that the area of the original plan is where the parking is shown, That was initially a small portion of open space with a proposed city right-of-way. The Planning Commission also discussed eliminating it. Because it is now parking, they are going to take the right of way off and make it part of the apartment lots otherwise the parking lot would have been the City's responsibility. They wanted to eliminate that responsibility and remove the right-of-way line.

He also pointed out that with the exception of the one lot and the widening of the two lanes, the subdivision layout is basically the same in regard to the right-of-way of the streets, pond location, etc. They tried to minimize the impact of what was originally recorded but tried to fix some of the issues that Mr. Pierce alluded to.

They hoped to make a better product than what was initially proposed.

Councilman Mergner referred to his earlier comment regarding the three units on Marshall and asked if there are any plans to separate the rear yards of those units with possibly a fence or something similar. Mr. Lobdell said they are not at that point which would be included in the landscaping plan.

He deferred to the owner who was in attendance and asked if there were any issues with adding a fence or landscaping to the area on Marshall Street.

Owner Lee Ramunno then stated that he has no problem with putting something there though he prefers a fence because landscaping is an ongoing problem.

Mr. Ramunno reiterated that the City of Milford wanted to put a very large sewer line through the development which was not for Watergates' benefit. By doing that, it eliminated some of the units. The City then suggested making the entire area open space and they agreed to that even though they would lose some units.

The purpose of trying to refigure the layout and agreeing to purchase the land the City sold them was to get as many units as were originally planned. They are making up for the loss by having apartment units compared to townhouses though apartment units are not as valuable.

He wanted City Council to understand this is a request of the City of Milford because of the need for the sewer line. The City also asked to have the streets widened and they agreed to that as well.

Mr. Ramunno emphasized they are both trying to make the project better and believes this will make that happen.

City Solicitor Rutt advised that City Council is addressing the change of zone at this time. The developer will still have to come back with the site plans and design. He would assume this is a preliminary sketch plan though other approvals will be needed on many of the items being discussed.

City Planning Coordinator Pierce explained that this process gives the developer their marching orders to provide a final design. Any other items Council wants should be included as a conditional in the motion. When they come back for the finals, all agency approvals will be required and any Planning Commission and City Council concerns will be addressed.

Mayor Shupe then opened the floor to anyone who wished to speak in favor of the application.

Attorney John Paradee from the firm of Baird, Mandalas and Brockstedt then spoke on behalf of his client, Joseph Wiley of Milford Mini Storage Incorporated and Milford Rental Incorporated. He commented that both properties are to the north adjacent to the area being modified.

He explained that his client was initially in opposition of the plan; however, they met prior to the hearing and based on the changes and that discussion, Mr. Paradee's client is now in favor of the project and believes it is a better plan provided a couple issues of concern are addressed.

Mr. Paradee stated there is a settlement agreement in place for the litigation previously mentioned and the City of Milford

has signed it along with Mr. Wiley. Mr. Ramunno has indicated he will sign it when and if the plan is approved. The settlement agreement will require Mr. Ramunno to convey some excess lands to his client as part of the settlement, which will not be defined until this plan is approved. If the plan is approved, the litigation will be resolved and all parties satisfied.

He noted there were three technical comments that have been incorporated in the Planning Commission's recommendation of approval as stated below:

1. Change Note 11 on the title page of the plan to read "Lot 218 to be conveyed to Milford Rent All Inc..." The change is from Milford Mini Storage Incorporated (Planning Commission Page 10 of 11 11.15.16)
2. Note 12 on the title page of the plan, second sentence under Conditions reads "Parcel shall only be used for access to Industrial Blvd and not for access to Watergate Blvd North". Mr. Paradee's client would like to have that sentence be revised in some fashion to reflect that the parcel (lot 34) would be able to have access to Industrial Blvd and just a portion of Watergate Blvd North. He is agreeable with one direction access only from Watergate subdivision to Mr. Wiley's property in order to prevent traffic from entering into the subdivision and enable residents of Watergate subdivision to gain access to the mini storage site.
3. On parcels currently identified as -030.00 and -031.00, 85' from the right of way to the rear of the parcel, the landscaping have a height limitation of 3' tall in order to prevent blocking visibility to Mr. Wiley's businesses.

No one else wished to speak in favor of the application.

Mayor Shupe then asked if anyone wished to speak in opposition of the plan.

Dirk Gleysteen of 426 South Walnut Street, Milford, then stated that he owns the business at 640 Marshall Street, directly across from the parcels being rezoned. He wanted to go on record being against the application. In looking at the plan, what is being discussed is only what is occurring on the east side of the street and nothing on the west side. The west side is all commercial and his business makes a lot of noise. His employees will be entering an OSHA Mandated Hearing Conservation Program in the next couple of weeks. There is no heat in the building. As a result, in the summer, the doors are wide open and there is a lot of noise coming out of the plant. They are growing and have acquired a lot more equipment.

Mr. Gleysteen noted that in particular, they have acquired a new grinder that grinds up big chunks of raw plastic and makes a tremendous amount of noise. He thinks the zoning changes in Ordinance 2016-21 and 22 from industrial to residential is a big mistake because some type of buffer is needed for the quality of living that people will expect in this development and they will not like this type of noise.

Likewise, he does not think it is a good idea to replace the live-work structures with multi-family structures for the same reasons. He thinks that a substantial buffer is needed between the commercial/industrial use which will create noise and his company is a good example.

Paul Warnell, owner of Mill Pond Properties, noted that Mr. Gleysteen is one of their tenants. He reiterates Mr. Gleysteen's concern noting that this has been an industrial neighborhood for thirty plus years. They have had noise complaints from other neighbors and this is a case where a residential area is being built up against them which will generate noise complaints if this is approved. That will result in some unhappy tenants and potentially result in having to restrict their ability to do business.

There being no additional persons who wished to speak, Mayor Shupe closed the public comment portion of the hearing.

Council had no additional comments.

Solicitor Rutt noted there are three separate applications; a vote is needed on each application and a reason provided for the vote.

Councilwoman Wilson moved to adopt Ordinance 2016-21, seconded by Councilman Morrow. Motion carried by the following unanimous vote:

Councilman Mergner votes in favor of the application based on recommendation of the Planning Commission.

Councilman Campbell stated he also agrees with the recommendation of the Planning Commission and votes yes.

Councilwoman Peel stated she is in favor of the application and agrees with the recommendation of the Planning Commission.

Councilman Burk said he votes yes for the reasons already stated.

Councilman Brooks votes yes for Planning and Zoning.

Councilman Morrow also votes yes and agrees with the Planning Commission in addition to this being an improvement to the previously approved plan already in place.

Councilman Starling votes yes and agrees with the recommendation of the Planning Commission.

Councilwoman Wilson votes yes based on the recommendation of the Planning Commission considering this has been an approved plan since 2006 when it was originally initiated.

Councilwoman Wilson then moved to adopt Ordinance 2016-22, seconded by Councilman Morrow. Motion carried by the following unanimous roll vote:

Councilman Mergner states he is in favor of the change of zone based on the Planning Commission's comments and recommendation.

Councilman Campbell stated that he agrees with Councilman Mergner's reasons and votes yes.

Councilwoman Peel votes yes and is in agreement the Planning Commission.

Councilman Burk votes yes based on the recommendation of the Planning Commission.

Councilman Brooks votes yes based on Planning and Zoning.

Councilman Morrow votes yes and agrees with the recommendation of the Planning Commission.

Councilman Starling votes yes based on the Planning Commission recommendation.

Councilwoman Wilson votes yes based on the Planning Commission recommendation and the original plans approved in 2006.

Solicitor Rutt then pointed out that any motion made on Ordinance 2016-23 should take into consideration the conditions that were recommended by the Planning Commission should council agree to adopt the ordinance and also reference the conditions presented by Mr. Paradee.

Councilwoman Wilson moved to adopt Ordinance 2016-23 based on the recommendations as stated by the legal counsel, seconded by Councilwoman Peel. Motion carried by the following unanimous roll call vote:

Councilman Mergner votes yes based on the recommendations and conditions set by the Planning Commission.

Councilman Campbell votes yes based on the resolution of the litigation.

Councilwoman Peel stated she is in favor of the ordinance based on the facts she has heard tonight.

Councilman Burk votes yes based on the recommendation of the Planning Commission and the conditions.

Councilman Brooks votes yes based on the Planning Commission.

Councilman Morrow votes yes based on the recommendations of the Planning Commission and believes this is a better overall plan than what was approved in 2006.

Councilman Starling votes yes based on the Planning Commission's recommendations.

Councilwoman Wilson votes yes based on the Planning Commissions' recommendation and conditions as were stated.

There being no further business, Councilman Burk moved to adjourn the Public Hearing, seconded by Councilman Brooks. Motion carried.

The Public Hearing adjourned at 7:39 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 12, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, December 12, 2016.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Peel, James Burk, Owen Brooks Jr., Douglas Morrow, James Starling Sr. and Katrina Wilson

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 7:39 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance, led by 2016 Milford High School Football Quarterback William Kimmel, followed the invocation given by Councilmember Starling.

APPROVAL OF PREVIOUS MINUTES

Motion to approve the October 24, 2016 Public Hearing, November 7, November 14, November 21 and November 28, 2016 Committee and Council Meeting minutes made by Councilmember Burk, seconded by Councilmember Mergner. Motion carried.

RECOGNITION

Milford Community Parade Committee/Charles Gray/Report & Request

Parade Committee Member Charles Gray addressed Council, recognizing Board Chairman Jim Gray who was also in attendance. He thanked City Council, Mayor Shupe, City Manager and his staff and the City departments for their assistance over the years.

He reported there were more than 100 entries this year with 106 scheduled to appear which calculates to approximately 1,000 participants. Mr. Gray advised that some street lights went out the last minute but with the aid of city staff, the lights were restored very quickly.

He reported that their theme "America the Beautiful" seemed to have lent a lot of enthusiasm for the national election adding that their participants were a class act with no problems.

Mr. Gray did advise there was an issue with vendors and explained that with mobile vending becoming more popular, one of the challenges they face is ensuring all vendors adhere to the management policy of the Committee. He would like to speak to either a Committee or specific departments about these mobile vendors. He pointed out the parade is different from festivals because of its long route and use of the roadway. There can be a problem when a vendor has not go thru their approval process and parks close to the intersection of Walnut and Front Streets to do business. As a result, the Committee has no way to manage that, nor are there any repercussions from this situation because they did not receive prior approval as the other vendors did.

Mr. Gray is anxious to have that discussion with whoever is needed to resolve the issue.

Mr. Gray concluded by stating they look forward to Wednesday, October 18, 2017 for the next Community Parade.

Mayor Shupe suggested Mr. Gray speak with Planning Director Pierce who is in charge of the ordinances involving licensing. If another step is needed, it can be taken to the Community Affairs Committee.

City Manager Norenberg referenced two later agenda items that will update the code in relation to Peddling, Soliciting and Transient Merchants. Some of the proposed changes address food trucks, mobile food vendors and how they will be monitored and regulated by the City as well as managed during special events.

He thinks some of Mr. Gray's concerns will be addressed with those updates. If not, Mr. Gray can follow up with Mr. Pierce or the City Manager.

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

The proclamation was on a prior Council agenda but added to this agenda due to some confusion as to the presentation date.

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

This proclamation was also on the November 28th agenda but added to this agenda due to the same issue. Additional information had since been received since the initial proclamation was created by the City Clerk. Several members of the football team were in attendance to accept the revised proclamation which states as follows:

*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 team's 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 Domyinc 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, Domyinc 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:

<i>1st Team All Conference:</i>	<i>Brion Murray (Offensive and Defense), DJ Bowman, Ryan Jones, Domyinc Hovington, Greg Clark, Thomas Eisenbrey and Garon Little</i>
<i>2nd Team All Conference:</i>	<i>William Kimmel, Marcus Correa, Greg Clark, Nick Carlino and</i>

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 and Council congratulated the team prior to photographs being taken.

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

Mayor Shupe presented the following proclamation to Mr. Helmick for his years of service to the City of Milford and in recognition of his upcoming retirement effective January 7, 2017:

PROCLAMATION 2016-19

Honoring D. Eugene Helmick on his Retirement from 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 and Council congratulated Mr. Helmick prior to photos being taken.

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

Mayor Shupe presented the following proclamation to Mr. Brady in honor of his years of service and retirement on December 31, 2016:

*PROCLAMATION 2016-20
Honoring Norman Brady on his Retirement from 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 in 1997 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 on December 31, 2016; 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 and Council congratulated Mr. Brady prior to photos being taken.

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

Mayor Shupe read the following proclamation, honoring Donald MacMillan, for his service to the City and Milford and his retirement on December 31, 2016:

PROCLAMATION 2016-21

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 on December 31, 2016.

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.

Mr. MacMillan was not in attendance though arrangements will be made to present the proclamation at a later date.

MONTHLY POLICE REPORT

Police Committee Chairman Burk presented the monthly report on behalf of Chief Brown noting the officers were again very busy during the month of November. He acknowledged the various educational opportunities available for Milford's Officers and the importance of continuing to provide updated training for them.

Councilmember Burk moved to accept the November Police Report, seconded by Councilmember Morrow. Motion carried.

CITY MANAGER REPORT

Mr. Norenberg referenced his report in the packet.

There being no questions, Councilmember Morrow moved to accept the November City Manager Report, seconded by Councilmember Mergner. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the fourth month of Fiscal Year 2016-2017 with 33% of the fiscal year having passed, 42% of revenues have been received and 30% of the operating budget expended. He noted that revenues are up and expenses are down as the Finance Director and City Manager continue to keep an eye on the overall financial picture of the City.

Chairman Morrow moved to accept the October 2016 Finance Report, seconded by Councilman Burk. Motion carried.

COMMITTEE & WARD REPORTS

Circle of Light Task Force

Councilmember Wilson recalled the Circle of Light Program that was in existence for almost ten years. She reported there has been a decision to dissolve the program due to lack of funds and because many of the members, who were seniors, are no longer involved.

An active member of the Task Force, she recalled the nonprofit corporation worked to address the needs of homeless in Milford by raising community awareness, identifying local homeless populations and providing assistance to groups who were addressing the homeless problem in this area.

Because there are a number of organizations working with the homeless today, she recommends that assistance continue through the Multi-Cultural Church Shelter for their women's shelter and the Avenue United Methodist Church who sponsor a men's shelter. Both are accepting donations to support the local programs.

Haiti Donations/Hurricane Relief

Councilmember Wilson also thanked those that assisted the victims of the most recent hurricane in Haiti, adding that a large number of donations were received.

Authorization/RiverPlace/Washington Street Downtown Development RFP

City Manager Norenberg advised that he added this item to the agenda for the Economic Development Committee to make a recommendation. He then deferred to Planning/Economic Development Coordinator Rob Pierce for a presentation.

Mr. Pierce referenced the memo indicating City Staff recommends soliciting an RFP 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.

Exhibits show the parcels that 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 the newly created C-2A Riverfront Development District, as shown on the attached exhibit 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

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.

Considerations for the development include:

- * 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.;
- * Increasing property tax base and development of a lasting revenue stream;
- * Compactness – creating a critical mass of activities within walking distance;
- * Foster intensity of development – efficient use of land, good density and promoting vibrancy along existing and new streets;
- * Ensuring a balance of activities – day, evening and weekend vitality;
- * Building a positive identity – organize, build and sustain the image of the downtown areas as attractive, interesting and vibrant;
- * 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.

The proposals would be reviewed based on the responsibility and responsiveness of the proposer and proposal, in addition to price, based on the following:

- * 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;
- * A proposer's character, integrity, reputation, experience and efficiency;
- * 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;
- * Proposer's previous and existing compliance with laws and ordinances relating to contracts with the City and to the proposer's employment practices;
- * Evidence of adequate insurance to comply with contract terms and conditions;
- * Statement of Proposer's current work load and capacity;
- * Explanation of methods to be used in fulfilling the contract.
- * Submission 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.

Mr. Pierce also provided a proposed outline of key dates and associated tasks that will be needed over the next six months.

He questioned whether City Council would want to see the detailed RFP document before it is issued though it could be prepared for the January 9th meeting.

Consideration for the change of zone would not be finalized until the end of January or beginning of February, at which time the RFP would be issued.

The proposal would be received by mid March followed by a review by staff after which reports would be presented to City Council for consideration and selection in March-April. In May, the City would finalize negotiations with the selected firm.

Economic Development Committee Chair Mergner reported that the Committee unanimously recommended the City proceed with the RFP and determine the interest in developing this area which would benefit Downtown Milford. His opinion is that Council does not need to see the RFP before it is issued.

Mr. Pierce stated that the proposal can be tailored to retain the area around the riverwalk as land or an easement if the basketball court or parking area is a concern. Otherwise, they can leave it open to creative ideas in reworking the uses on the property.

Chairman Mergner is anxious to see the type of ideas that will be considered by the developers though we still have the ability to make a decision on whether to say no or proceed.

Councilman Campbell confirmed that Downtown Milford continues to sponsor the Third Thursday event each month and asked if it has been successful. Mayor Shupe reported that City Manager Norenberg and he meet with the Downtown Milford Entrepreneur Network on a monthly basis who have indicated that foot traffic has increased as a result of the event. The Mayor continued by stating that part of the Downtown Master proposal was to create some commercial viability on that side of the downtown. They would include some residential uses above the businesses with the intent of increasing the diversity of housing options in the area. This could potentially provide walkability for thirty to forty families, not only on that end of the river at Arena's, but also in the library and Walnut Street areas.

Mr. Pierce explained he is soliciting something consistent with the RiverPlace concept which involves retail/restaurant on the first floor with living units above.

Mayor Shupe emphasized the intent of the RFP is to obtain some great ideas from developers though residential consideration is vital to protect the river, riverwalk and surrounding park areas.

Councilmember Wilson asked if there has been any other interest expressed in the downtown area; Mayor Shupe reported there is a lot of business movement with the newest being Life Cycle which opened in the old Milford Florist location across from Milford Library. It is a bicycle company that repairs old bikes and sells them.

Mayor Shupe added that Touch of Italy plans to open at the old M&T building by March 1st and he is confident it will create a lot more foot traffic in the downtown area.

The old Lou's Bootery has also been purchased by Dan Bond and is being rehabbed with approximately 1,300 square feet of commercial space on the first floor and nice, high-end two-bedroom apartments on the second and third floors. The project should be completed by the spring of 2018 though it could take until 2019 due to a tremendous amount of work that is needed according to Mayor Shupe.

The Mayor also informed Council that Davis, Bowen and Friedel (DBF) will be moving their offices into the former Milford Skating Center building. The building will be restored with facade and other improvements. That will leave space on Walnut Street for additional retail and businesses.

He also reported there are some new businesses locating near Abbotts Grill in the Riverwalk Shopping Center, including a shoe repair shop that recently opened.

Mayor Shupe is confident the Downtown Master Plan helped secure the foundation for the many new retail businesses locating downtown, in addition to the recent Downtown Development District (DDD) designation by the State of Delaware.

He concluded by stating the three major projects--Touch of Italy, Lou's Bootery and DBF, are applying for the DDD funding in the first round.

He is also familiar with additional individuals who have expressed interest in next year's application process.

Mayor Shupe believes the corner of Walnut and Front Street will be a major cornerstone for the downtown and getting some ideas for the project on the other end of the river will also help.

Mr. Norenberg explained the full RFP is under review by the City Solicitor though if Council prefers, there is sufficient time for it to be placed on the next Council agenda. However, if Council is comfortable with the material presented by Mr. Pierce, they will proceed accordingly.

Councilmember Wilson stated she is comfortable with it though she prefers receiving feedback before we actually dive into any big project. Mayor Shupe agreed with Councilwoman Wilson stating she is correct.

Councilmember Mergner pointed out the City is not committing to anything other than getting a feel for the interest. The City Manager clarified that the purpose of the RFP is to determine what is needed to develop the properties. However, in the meantime, we will move ahead with the change of zone. The City will also start conversations with Delaware State Parks to discuss what is needed to relocate the basketball court. The land currently designated for parks and recreation will need to be replaced and replicated acre for acre should private development occur there.

Mr. Norenberg said they will keep Council apprized as they move ahead with those parts that will enable a potential developer to apply for the DDD funding at some point in 2017.

It was determined that no motion was necessary and that Mr. Pierce was only seeking approval, according to Mr. Rutt.

Police Department/Growmark FS Land Purchase

Police Committee Chairman Burk asked the status of the contract to purchase the Growmark property for the new police facility. He stated that he is very anxious to move forward with the project and begin scheduling workshops in 2017.

City Solicitor Rutt said he spoke with Growmark's attorney two weeks ago after he was finally able to track him down. They reviewed the contract at that time and a couple items still needed to be tweaked.

COMMUNICATIONS & CORRESPONDENCE

Home of the Brave Benefit

Councilmember Burke reported that he and his wife started a benefit three Christmas' ago for the homeless veterans who reside at the Home of the Brave. The event is scheduled tomorrow at Arena's from 6:00 to 9:00 p.m. Items such as food, toiletries, clothes, blankets, pillows and bus passes, to fill holiday baskets, can be dropped off in several locations or tomorrow at Arena's.

Council Interest/University of Delaware and DNREC Issues

Mr. Pierce then informed Council that as part of the Comprehensive Plan update, the University of Delaware was hired to assist with the process. In doing so, the University of Delaware is assisting with climate adaptation and its integration into the comp plan process. Milford was selected by the State of Delaware to be a pilot program as a result.

An informational session, related to sea level rise, climate change and community resiliency has been scheduled by the University of Delaware and DNREC on Tuesday, January 10, 2017 at 5:30 p.m. The Planning Commission is invited and Mr. Pierce is asking any Councilmember who wishes to attend to contact him.

A community mapping workshop, related to some of these items, is scheduled on Wednesday.

Mr. Brooks indicated his interest in attending.

UNFINISHED BUSINESS

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

Mr. Pierce reminded Council that the ordinance involves revisions to the Contractor Code and removes the fee within the chapter and into the Planning and Zoning Departments' fee schedule. It also changes the contractor proration fee from quarterly to semi-annually.

Councilmember Peel moved to adopt Ordinance 2016-25 as presented, seconded by Councilmember Brooks:

*ORDINANCE 2016-25
Chapter 107-Contractors Code*

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

Effective Date: January 1, 2017

Motion carried.

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

Mr. Pierce explained the modification to this chapter adds language related to mobile food vehicles, clarifies the permitted locations, moves the fee from within Chapter 168 into the Planning and Zoning Department's fee schedule and allows the fee to be prorated semi-annually.

Councilmember Peel moved to adopt Ordinance 2016-26, as presented, seconded by Councilmember Campbell:

*ORDINANCE 2016-26
Chapter 168-Peddling, Soliciting & Transient Merchant Code*

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, 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/herself 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-~~16~~17. 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.

Council Introduction: November 28, 2016

Council Adoption: December 12, 2016

Effective Date: January 1, 2017

Motion carried.

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

City Manager Norenberg recalled the Public Hearing at the last meeting and presentations by representatives from Kent and Sussex Counties on the program. The resolutions are being presented for Council action this evening.

Councilmember Peel moved to adopt Resolution 2016-18, seconded by Councilmember Burk:

RESOLUTION 2016-18
Sussex County

Councilmember Peel submitted to the Council the following Proposed Resolution:

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

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

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

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

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

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

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

APPLICATION: Rehabilitation/Infrastructure/Demolition

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

NOTE: To be used for infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 12th DAY OF DECEMBER 2016.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

Councilmembers

<i>Christopher Mergner</i>	<i>Owen Brooks, Jr.</i>	
<i>Arthur Campbell</i>	<i>Douglas Morrow</i>	
<i>Lisa Ingram Peel</i>	<i>James Starling, Sr.</i>	<i>s/Bryan W. Shupe</i>
<i>James Burk</i>	<i>Katrina Wilson</i>	<i>Mayor</i>

Motion carried.

Councilman Burk moved to adopt Resolution 2016-19, seconded by Councilwoman Peel:

*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.

s/Mayor Bryan W. Shupe

Motion carried.

Councilwoman Peel moved to adopt Resolution 2016-20, seconded by Councilman Mergner:

*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.

s/Mayor Bryan W. Shupe

Motion carried.

Councilman Burk moved to adopt Resolution 2016-21, seconded by Councilman Mergner:

*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.

s/Mayor Bryan W. Shupe

Councilwoman Wilson asked if there was any mention of a process for our Code Officials to oversee projects taken on by Kent County through this program; Councilman Brooks confirmed that was not discussed.

The City Clerk recalled that both representatives assured Council they will work with City Staff throughout the year on these projects. Mr. Pierce agreed they are now required to obtain permits for each project to ensure it is properly inspected and that there is more collaboration between the County and the City.

Motion carried.

Councilman Burk moved to adopt Resolution 2016-22, seconded by Councilwoman Peel:

*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.

s/Mayor Bryan W. Shupe

Motion carried.

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

City Manager Norenberg advised the version of this ordinance, as was considered by the Community Affairs Committee, is only being reintroduced this evening at the request of Councilmember Campbell. The dates will need to be adjusted and based on the timing.

City Planning Coordinator Pierce recommends that Sections 90-3 and 90-7 that presently reference January 1, 2017, be changed to February 1, 2017 (as noted):

*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 February 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.~~
- (1) 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.*
- (2) 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.*

- (3) *Yard or garage sales, book sales, and auctions where not part of a regularly recurring or continuous business activity.*
- (4) *Sale of agricultural or nursery items grown on the premises of the property owner and sold seasonally.*
- (5) *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").*
- (6) *Construction activities for which a license is required and has been secured in accordance with Chapter 107 ("Contractors").*
- (7) *Business activities of insurance agents and companies specifically exempted from municipal business license fees under 18 Del. C. § 712.*
- (8) *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 foregoing, 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

- A. *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.

- B. 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.

Council Introduction: December 12, 2016

Council Adoption: January 9, 2017

Effective Date: February 1, 2017

NEW BUSINESS

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

As a result of Ordinance 2016-25 (Contractors) and Ordinance 2016-26 (Vendors), the licensing fees have been added to the previous Planning, Zoning and Engineering Fee Schedule as previously discussed.

The Community Affairs Committee recommended no increase in either fee. As a result, they will remain at \$100 for a contractor permit and \$50 for a vendor permit with no increase as was discussed during the budget hearings.

City Manager Norenberg added that he will be working with the Finance Department to reformat the schedule so it is clear how often the fees are reviewed and amended. This will make it easier to access fees in one place versus having to look in the City Code.

Staff will be working to gather fees in other codes to combine into one document though that will take a few months.

Ms. Peel moved to adopt Resolution 2016-17, seconded by Mr. Mergner:

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*

Council Adoption: 12/12/2016

Effective Date: 01/01/2017

Motion carried.

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

Public Works Director Mark Whitfield informed Council he gave a presentation to the Public Works Committee prior to this meeting with regard to the replacement of a 2000 reloading refuse truck with a one-man hydraulic-operated arm truck. He explained the truck will allow for more efficient collection of refuse, yard waste and recycling materials by using a single person. They have opted to go with a single axle truck due to the narrow streets and tight radius' within the City of Milford. The collection arm also has a long reach which will allow collection in and around parked cars on the streets.

This type of vehicle has many advantages including the elimination of three employees (driver and two collectors) currently required on a rear-loading truck. The new truck will allow a proficient operator to collect up to 1,000 containers a day. The City has slightly more than 3,500 residential customers. The unit will also provide for safer collection of materials since there

is no human contact with the container or the refuse. It eliminates the hazards of lifting containers, exposure to dust, needles and other potential hazards. It also eliminates the exposure to inclement weather and traffic hazards.

It will also eliminate the need to fill two present vacancies within the Department.

The new unit will also allow the Department to make improvements to the present collection schedule. Once the vehicle is delivered and put into service, it is recommended the schedule of refuse, yard waste and recyclable materials be changed. Refuse and recyclable materials will be collected Tuesday through Friday, with the day determined by the ward in which the customer lives. Yard waste and bulk items would be collected Citywide every Monday with no collection on weeks in which a holiday falls on a Monday.

The present unit will replace a 2000 Volvo with a Heil rear load refuse body. The unit has more than 4,700 engine hours, 100,000 travel miles and the body is rusted out. A similar replacement (rear-loader on a tandem axle truck) would cost about \$160,000. The automated replacement unit was budgeted at \$261,000 this year.

It is recommended the City purchase a G S Product CS9133 CollectStar Auto Side Loader body on a single axle Freightliner truck through Houston Freightliner, Incorporated. The cost is \$220,290, which is \$40,710 under budget. The purchase can be made through the Houston Galveston Area Council (HGACBuy) Cooperative Purchasing Alliance which is an approved purchasing cooperative under the Delaware State Contract. Other HGAC members in Delaware include Rehoboth Beach, Dover, Bethany Beach and Sussex County.

Provided the truck will be delivered by April and allowing the vehicle operator six to eight weeks to become proficient, the refuse schedule will be changed by July 1st. The January to June 2017 schedule will only be published at this point due to the anticipated change in July.

When asked if there is anyone on staff capable of making repairs to the arm, Mr. Whitfield explained it is similar to the tipper that is currently used. The unit is made in Southwestern Pennsylvania and if we encounter a problem the City Mechanic is unable to handle, a repairman from Somerset, Pennsylvania will be sent to Milford.

Mr. Mergner asked how we will handle containers that are placed incorrectly for pickup. Mr. Whitfield noted that an education process is required on where and how to place containers and anticipates a two-month learning period. Parked cars, mailboxes, trees, fences, etc. will create obstacles for our drivers. Initially, we will have an employee ahead of the refuse truck who will tag any container that needs to be addressed. That employee will also align the container so it can be picked up at that time. The tag will provide the customer the information on its proper placement.

Solicitor Rutt advised that Sussex County recently purchased a mobile command unit through the same organization who offered a trade. He believes HGACBuy was going to take it on consignment basis. Mr. Whitfield explained that from past experience, he has had better success selling the vehicle outright through a competitive process.

The City Manager added that earlier this year, the City was very successful selling vehicles through GovDeals.com and that is most likely how we will proceed.

Councilmember Peel moved to approve the recommendation of the Public Works Committee by authorizing the purchase of a GS Product CS9133 CollectStar Auto Side Loader body at a price of \$220,290, through the Houston Galveston Area Council (HGACBuy) Cooperative Purchasing Alliance as discussed, seconded by Councilmember Campbell. Motion carried.

Introduction/Ordinance 2016-09

An Ordinance Amending Chapter 79 Animal Code

City Manager Norenberg introduced Ordinance 2016-09 and explained that he has been working with the Police Department and the Delaware Office of Animal Welfare, who is now handling the duties previously contracted through the SPCA. As a result, a number of updates were needed to the Animal Code.

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** 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 nontlethal 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.***
- ~~E.~~ **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:

Council Introduction: December 12, 2016

Council Adoption: January 9, 2017

The ordinance is scheduled for adoption on January 9, 2017.

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

Mayor Shupe introduced Ordinance 2016-15:

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 (new language will be bold and underlined):

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:

<i>Designation</i>	<i>Characteristic Description</i>
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
<u>C-2A</u>	<u>Riverfront Development District</u>
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

Council Introduction: December 12, 2016

Council Adoption: January 9, 2017

Planning Coordinator Pierce explained this addresses the new zoning category C2-A, Riverfront Development District. According to the Planning Director, it was drafted and reviewed by the Planning Commission and is scheduled for a Public Hearing on December 20, 2016. Their recommendation will be presented to Council on January 9, 2017.

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

Mayor Shupe introduced Ordinance 2016-27:

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.

Planning Commission Review & Recommendation: December 20, 2016

Council Introduction: December 12, 2016

Council Adoption: January 23, 2017

Mr. Pierce reported this was originated by the Community Affairs Committee due to a request from one of their constituents. It provides a conditional use allowance for chickens.

A public hearing is scheduled before the Planning Commission on December 20, 2016 and their recommendation will be presented to City Council at their January 23rd meeting.

EXECUTIVE SESSION

Councilmember Mergner moved to go into Executive Session reference below reasons, seconded by Councilmember Peel:

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

Motion carried.

Chief Brown left at this time.

Mayor Shupe recessed the Council Meeting at 8:42 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 8:49 p.m.

IBEW Contract Negotiations

Mayor Shupe announced that no action is needed as a result of the discussion in Executive Session.

ADJOURN

With no further business, Councilmember Mergner moved to adjourn the Council Meeting, seconded by Councilmember Peel. Motion carried.

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Attachment:
C2-A Zoning District Presentation



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.

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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.

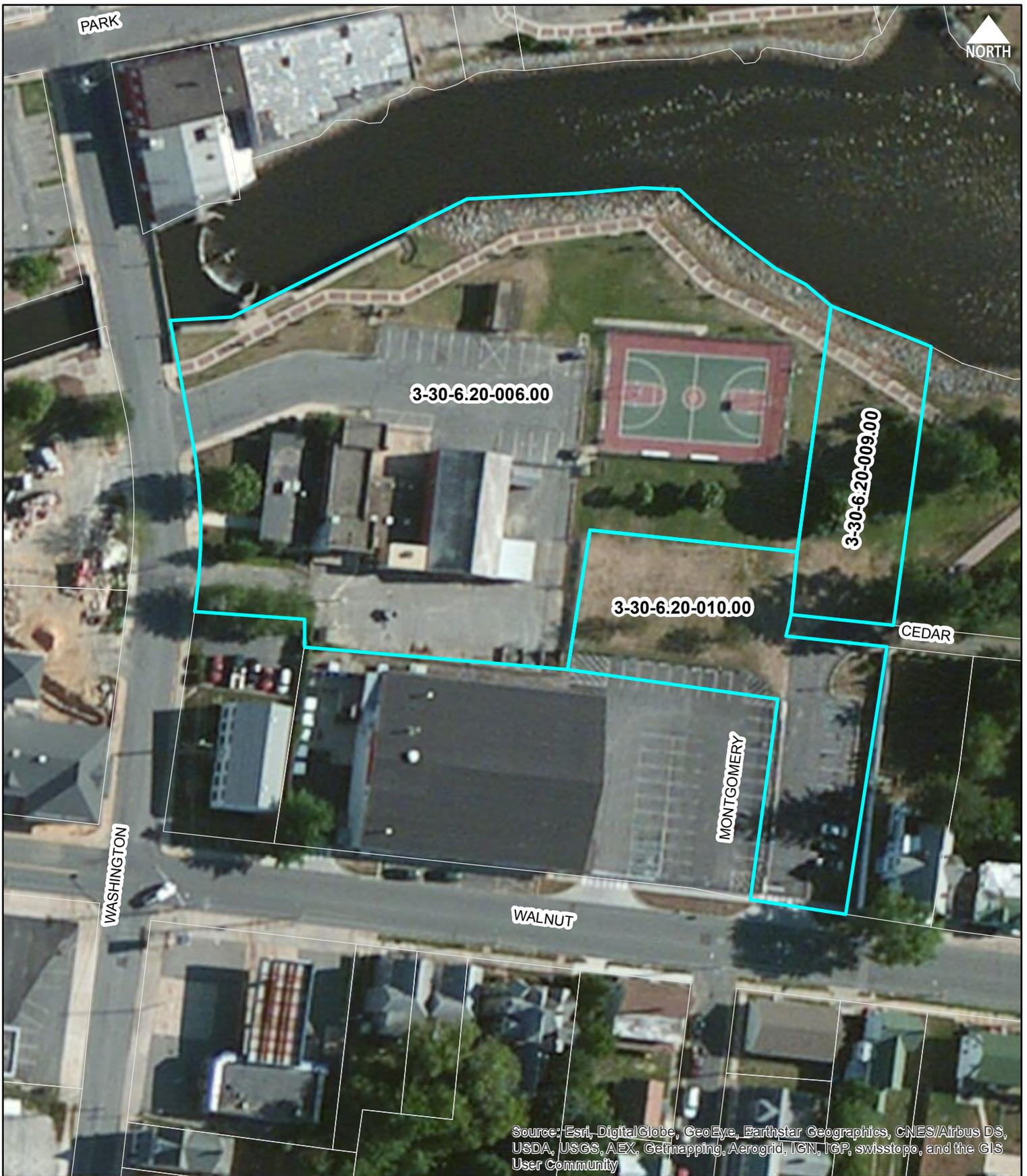
Additional items need to be addressed by the City including amendments to the zoning ordinance and zoning map that would result in a change of zone for a portion of the subject site. In addition, a portion of the land is subject to a land conservation easement imposed by the State and Federal Government 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.

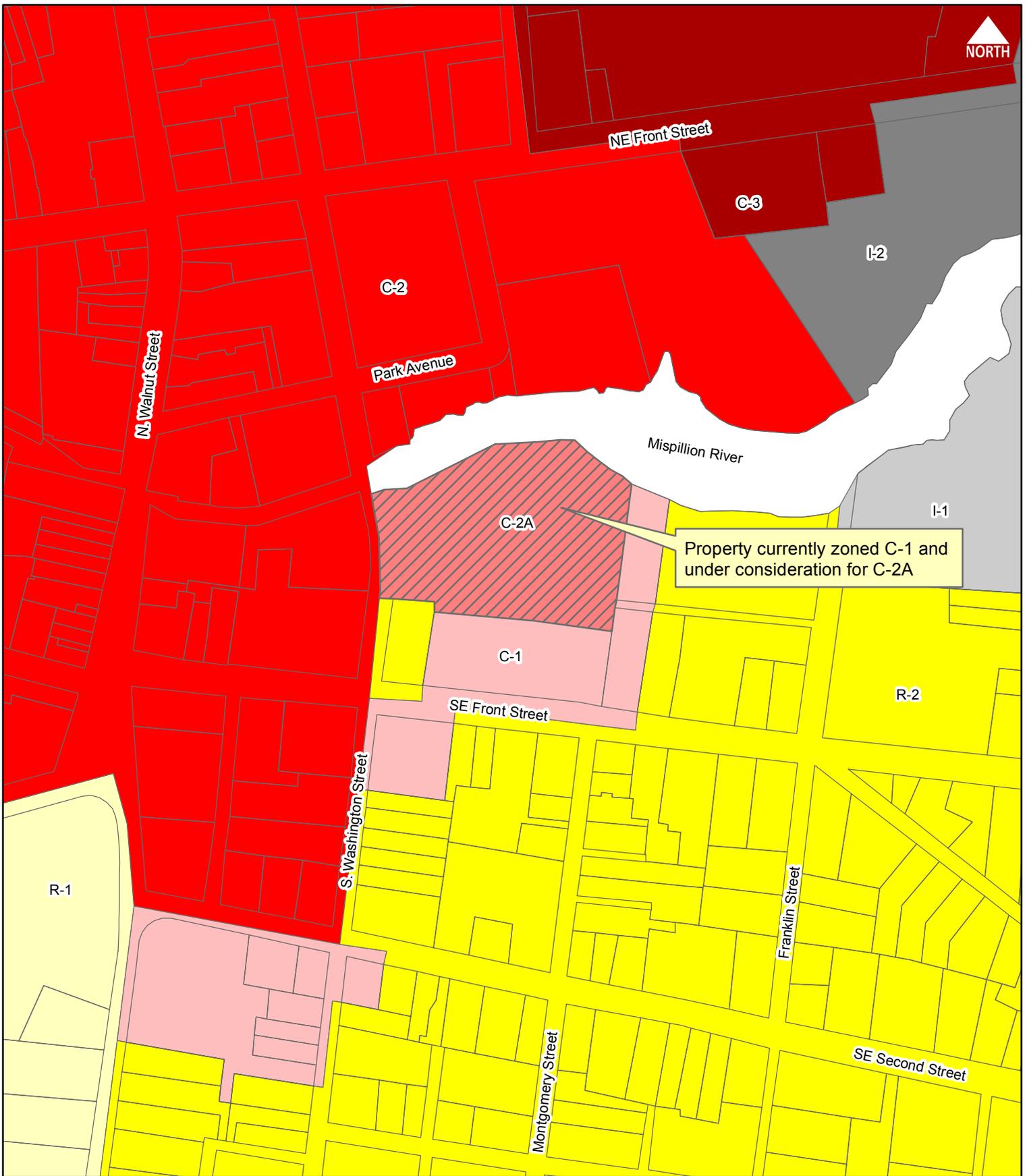
Below is a proposed outline of key dates and associated tasks over the next six (6) months.

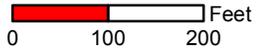
December 20, 2016	Planning Commission reviews amendment to Chapter 230 Zoning creating C-2A Riverfront Development zoning district.
January 9, 2017	City Council reviews amendment to Chapter 230 Zoning creating C-2A Riverfront Development zoning district.
January 17, 2017	Planning Commission reviews the 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.

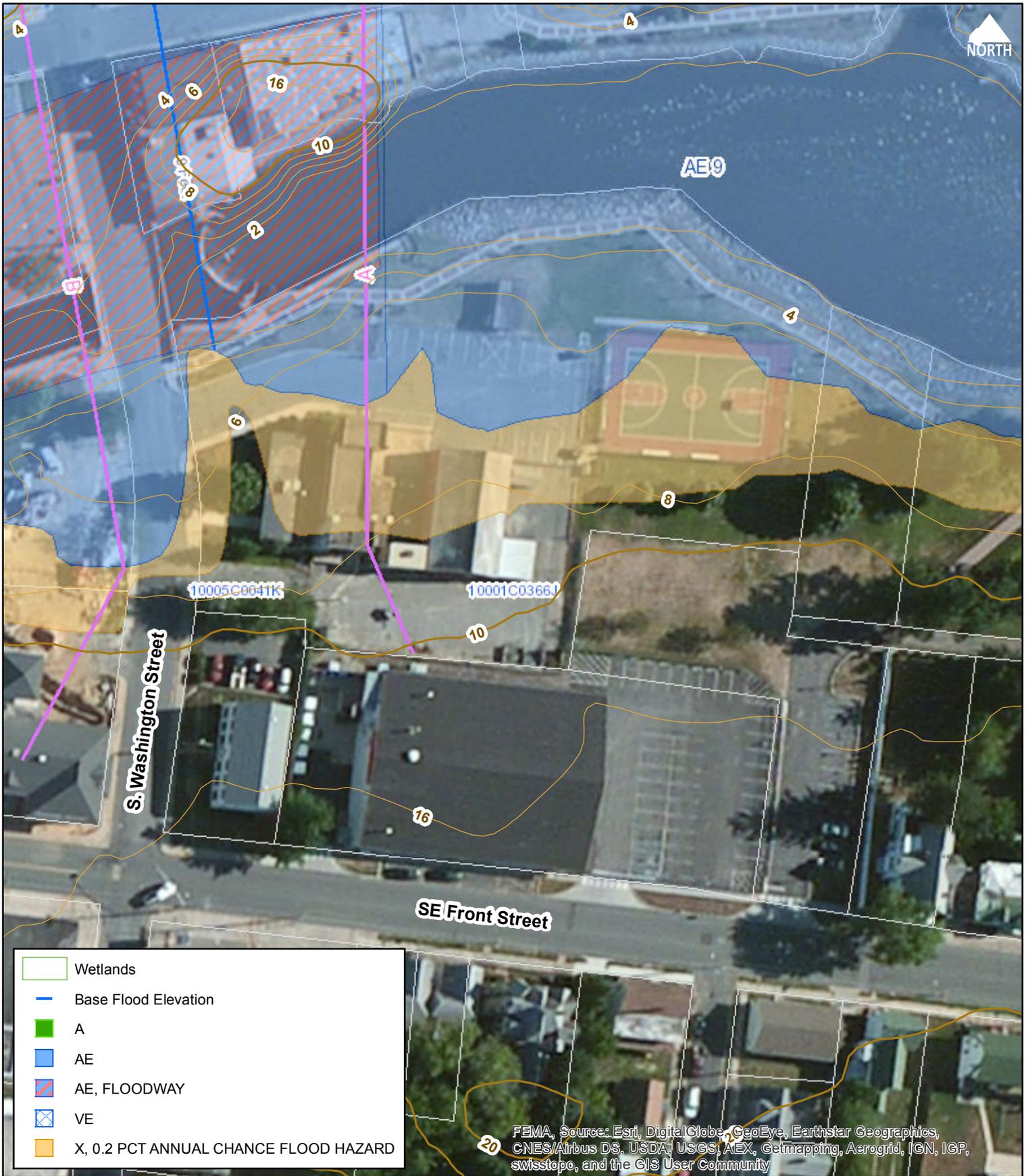


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

	Scale:  Feet 0 37.5 75	Title: Exhibit A City of Milford Aerial Photograph
	Drawn by: WRP Date: 11/16/16	
Filepath: RFP_WashingtonStreet_Aerial.mxd		



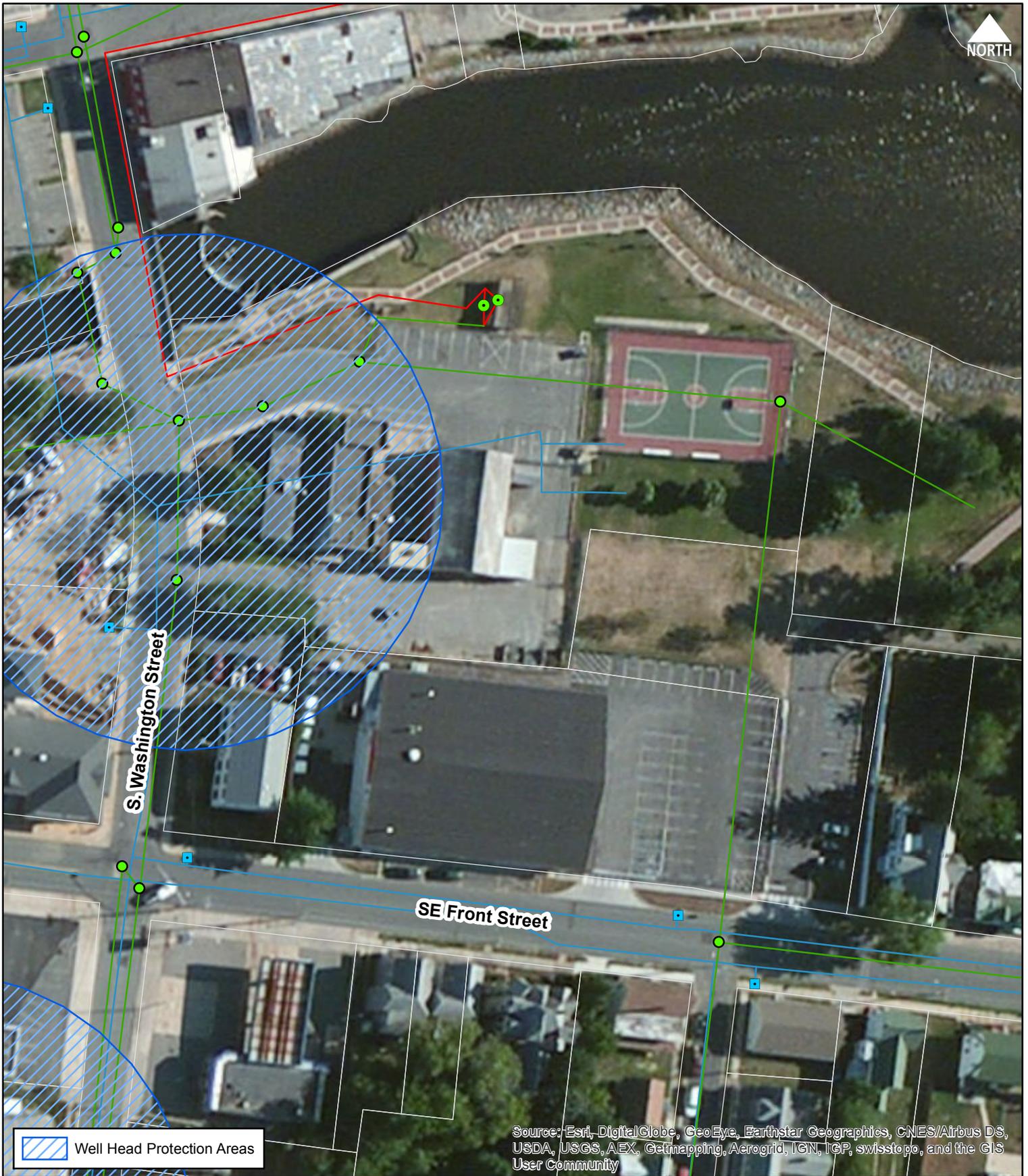
	Scale:  Feet 0 100 200	Title: <p style="text-align: center;">Exhibit B City of Milford Location & Zoning Map</p>
	Drawn by: WRP Date: 12/07/16	
Filepath: RFP_WashingtonStreet_Zoning.mxd		



- Wetlands
- Base Flood Elevation
- A
- AE
- AE, FLOODWAY
- VE
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

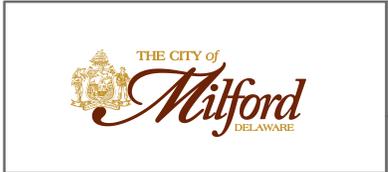
FEMA, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

	Scale: 	Title: <h2 style="text-align: center;">Exhibit E</h2> <h3 style="text-align: center;">City of Milford</h3> <h3 style="text-align: center;">Wetlands & Floodplain</h3>
	Drawn by: WRP Date: 11/16/16	
Filepath: RFP_WashingtonStreet_Environmental.mxd		



 Well Head Protection Areas

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



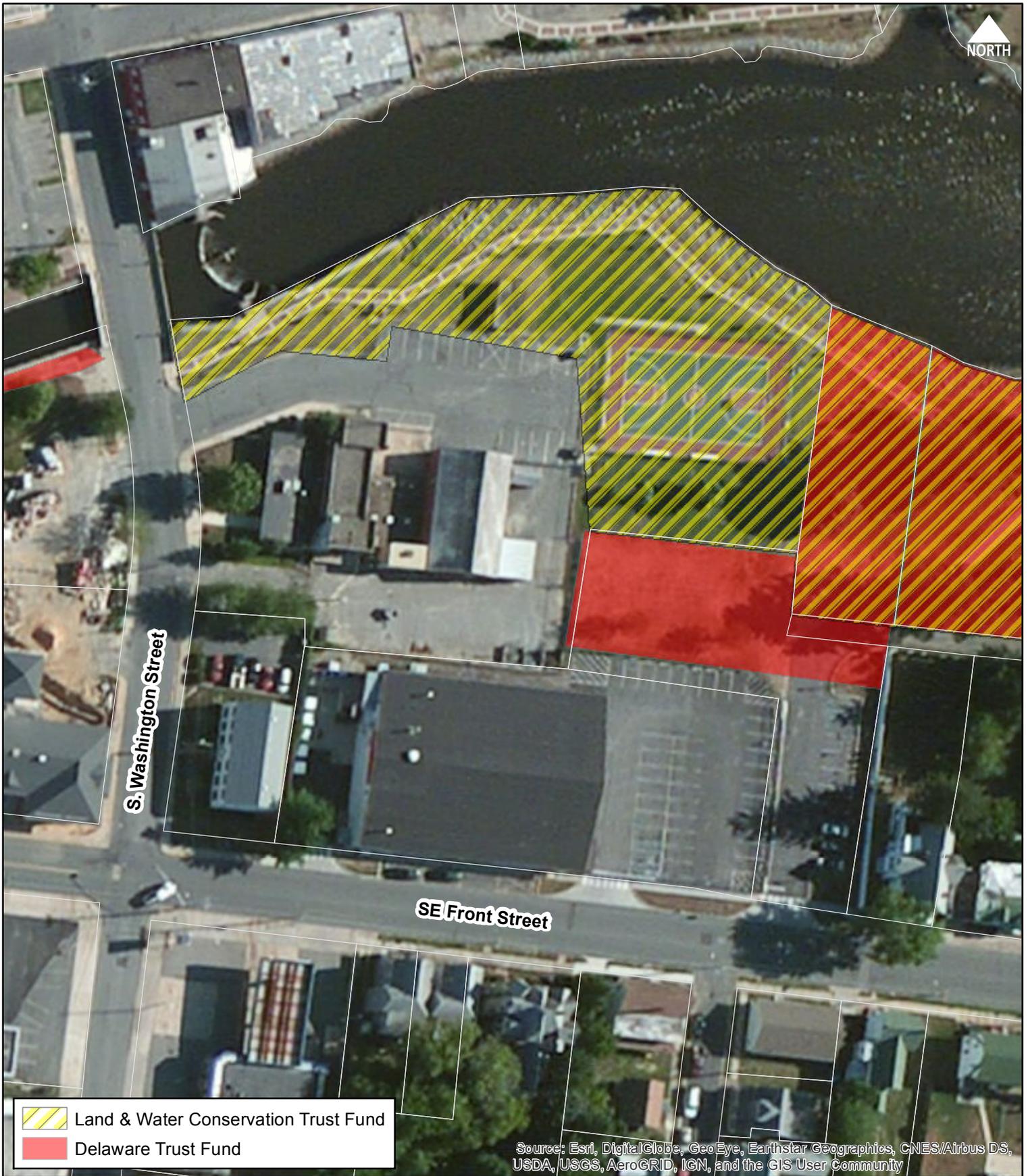
Scale:  Feet
 0 37.5 75

Drawn by: WRP Date: 11/16/16

Title:

Exhibit F
City of Milford
Water & Sanitary Sewer Utilities

Filepath: RFP_WashingtonStreet_Uilities.mxd



-  Land & Water Conservation Trust Fund
-  Delaware Trust Fund

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

	Scale:  Feet 0 37.5 75	Title: Exhibit G City of Milford LWCF & DTF Protected Lands
	Drawn by: WRP Date: 12/07/16	
Filepath: RFP_WashingtonStreet_ProtectedLands.mxd		

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 12, 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, December 12, 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 8:50 p.m.

Economic Development and Planning Coordinator Rob Pierce was also present.

Proposed Amendment/Chapter 19/Economic Development and Redevelopment

City Manager Norenberg recalled the November 28, 2016 Economic Development Committee meeting when potential amendments to the City Code regarding impact fee waivers as economic development incentives were discussed.

He then referred to the proposed ordinance and asked Mr. Pierce to review what has been changed since the last Committee Meeting. Mr. Pierce referred and reviewed Section 19-10 entitled "Citywide Job Creation and Capital Investment Program" as indicated below:

§19-10. - Citywide Job Creation and Capital Investment Program

A. Eligibility

Eligible Projects shall include any new business or expansion of any existing business within the City. Eligibility shall be based on the creation of full-time equivalent jobs and/or capital investment as outlined Section §19-10 Paragraph D. The Incentive Beneficiary shall enter into an agreement with the City of Milford to ensure the eligibility criteria are met and maintained.

B. Target Area - Citywide

The corporate limits of the City of Milford. A copy of the municipal boundary map shall be on file at City Hall, 201 S. Walnut Street, Milford, Delaware.

C. Development Incentives

(1) Impact Fee Waivers

a) Job Creation Impact Fee Waivers

i) To encourage new businesses and the expansion of existing businesses, an employer creating new full-time equivalent jobs in accordance with Table A is eligible to receive impact fee waivers. Jobs must be new to the community.

b) Capital Investment Impact Fee Waiver

i) An employer expanding a facility and/or a developer constructing an employment facility with significant capital investment is eligible to receive impact fee waivers in accordance with Table B.

c) An agreement shall be executed by the Incentive Beneficiary and the City Manager to document the terms of the creation of jobs and the terms of impact fee waiver.

i) Documentation sufficient to satisfy the City Manager or designee that full-time equivalent jobs are being

- created in accordance with the incentives described in this SEDIP, and that said full-time equivalent jobs are retained for a minimum of three years shall be provided as requested.*
- ii) Annual reports and certification shall be provided to ensure the commercial customer remains compliant with the written agreement and the terms of the impact fee waiver.*
 - iii) If the criteria are not met, the Incentive Beneficiary shall be required to repay the incentives in full, or in part, as provided in the written agreement.*
- d) To qualify for impact fee waivers, the commercial construction of projects;*
- i) Costing \$1,000,000 or less must be completed and a certificate of occupancy received within a twelve-month period;*
 - ii) Costing between \$1,000,001 and \$5,000,000 must be completed in twenty-four months; and projects*
 - iii) Costing more than \$5,000,000 must be completed within thirty-six months.*

D. Economic Incentive Program Tier Incentives

(1) Job Creation Impact Fee Waivers

TABLE A-JOB CREATION			
<i>TIER</i>	<i>Full-Time Equivalent Job Created/Retained</i>	<i>Impact Fee Waivers (EDUs)</i>	<i>2016 (\$)</i>
1*	5-9	1	\$4,264.00
2*	10-14	2	\$8,528.00
3*	15-19	3	\$12,792.00
4*	20-24	4	\$17,056.00
5	25-29	5	\$21,320.00
6	30-34	6	\$25,584.00
7	35-39	7	\$29,848.00
8	40-44	8	\$34,112.00
9	45-49	9	\$38,376.00
10	50+	10	\$42,640.00

****Staff would like the Committee to consider removing the Citywide job creation incentive for Tiers 1-4. This is currently provided for in the Water, Sewer and Electric Ordinances. As a result, only larger investments would be eligible for the impact fee waivers. This would not affect projects within the Downtown Development District or Greater Milford Business Park, as these areas are under separate SEDIPs.***

(2) Capital Investment Impact Fee Waiver

TABLE B-CAPITAL INVESTMENT			
<i>TIER</i>	<i>Capital Investment</i>	<i>Impact Fee Waivers (EDUs)</i>	<i>2016 \$</i>
1	\$1,000,000 to \$4,999,999	10	\$42,640.00
2	\$5,000,000 to \$9,999,999	20	\$85,280.00
3	\$10,000,000 to \$49,999,999	30	\$127,920.00
4	\$50,000,000 to \$99,999,999	40	\$170,560.00
5	\$100,000,000 +	50	\$213,200.00

He explained the first four tiers of Table A are similar to what currently exists in the water, sewer and electric code relating to job creation. However, it is being expanded up to a Tier 10 which requires the creation of 50 plus jobs and allow a waiver of 10 EDUs. Currently, the City’s maximum allowance is 5 EDUs.

In addition to the job creation incentive, a capital investment fee waiver has been added which is a new incentive and would establish levels based on project costs of \$1 million to \$100 million and more.

He recalled the Committee review of this at the previous meeting and the concern expressed at that time. His impression was that the Committee felt this could be abused. He is recommending the retention requirement be removed and the waivers would be strictly based on the number of jobs created and the amount of money invested.

Mr. Pierce referred to the Table A, blocks Tier 1-4 highlighted with a callout. He noted that staff is recommending the Committee consider removing the smaller job creation incentives that have been in place for several years and only the larger investments would receive incentives.

He emphasized this will have no impact on the Downtown Development District program or Business Park program though it would eliminate the lower number of incentives (5-24 jobs created).

Mr. Pierce explained that typically, the City does not use this as a tool to attract smaller companies. In most cases, it is something they realize after the fact and then ask for the incentive during the building permit process or later.

Mr. Pierce noted this is a slight revision to what the Committee discussed and removes the job retention requirement.

He also noted that the incentives can be a combination of the two tables. For example, if a project is creating 50 plus jobs and costs \$100 million or more, a total of 60 EDU (combined) waivers could be granted.

City Manager Norenberg explained the columns shaded in gray is only for reference and is presently based on the current year’s impact fee EDUs though the dollar amount would be removed when added to the actual code.

Mr. Pierce also noted the electric fee waiver may vary because based on the type of user/service level. In this case, he only used the base level so it could potentially be a higher number.

Mr. Pierce confirmed that a new business could receive a waiver of 20 EDU’s by meeting the Tier 10 requirement in Table

A and the Tier 1 requirement in Table B. Any combination of the two tables is possible.

Mayor Shupe referenced an earlier comment that the City is waiving \$200,000 in fees though he feels it is worth that because 50 plus new positions are being created in the community, in addition to acquiring a huge project. In speaking with Baltimore Air Coil, they recently suggested connecting the City to some larger employers.

The City Manager stated that if the Committee is comfortable with what is being proposed by Mr. Pierce, the smaller levels in Table A (Tiers 1-4) and the shaded columns will be removed before adding it to the January 9, 2017 agenda for ordinance introduction.

Mr. Pierce noted that additional language will have to be prepared to eliminate the references in the water, sewer and electric codes. It was confirmed that will involve three additional (separate) ordinances.

There being no further business, Chairman Mergner moved to adjourn the Committee Meeting, seconded by Councilmember Peel. Motion carried.

The Committee Meeting concluded at 8:58 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Attachment:
§19-10 Citywide Job Creation & Capital Investment Program

§19-10. – City-wide Job Creation and Capital Investment Program

A. Eligibility

Eligible Projects shall include any new business or expansion of any existing business within the City. Eligibility shall be based on the creation of full-time equivalent jobs and/or capital investment as outlined Section §19-10 Paragraph D. The Incentive Beneficiary shall enter into an agreement with the City of Milford to ensure the eligibility criteria are met and maintained.

B. Target Area – City-wide

The corporate limits of the City of Milford. A copy of the municipal boundary map shall be on file at City Hall, 201 S. Walnut Street, Milford, Delaware.

C. Development Incentives

(1) Impact Fee Waivers

- a) Job Creation Impact Fee Waivers
 - a. To encourage new businesses and the expansion of existing businesses, an employer creating new full-time equivalent jobs in accordance with Table A is eligible to receive impact fee waivers. Jobs must be new to the community.
- b) Capital Investment Impact Fee Waiver
 - a. An employer expanding a facility and/or a developer constructing an employment facility with significant capital investment is eligible to receive impact fee waivers in accordance with Table B.
- c) An agreement shall be executed by the Incentive Beneficiary and the City Manager to document the terms of the creation of jobs and the terms of impact fee waiver.
 - i. Documentation sufficient to satisfy the City Manager or designee that full-time equivalent jobs are being created in accordance with the incentives described in this SEDIP, and that said full-time equivalent jobs are retained for a minimum of three years shall be provided as requested.
 - ii. Annual reports and certification shall be provided to ensure the commercial customer remains compliant with the written agreement and the terms of the impact fee waiver.
 - iii. If the criteria are not met, the Incentive Beneficiary shall be required to repay the incentives in full, or in part, as provided in the written agreement.
- d) To qualify for impact fee waivers, the commercial construction of projects;
 - i. Costing \$1,000,000 or less must be completed and a certificate of occupancy received within a twelve-month period;
 - j. Costing between \$1,000,001 and \$5,000,000 must be completed in twenty-four months; and projects
 - k. Costing more than \$5,000,000 must be completed within thirty-six months.

D. Economic Incentive Program Tier Incentives

(1) Job Creation Impact Fee Waivers

Tier	Full-time Equivalent Jobs Created or Retained	Impact Fee Waivers (EDUs)	2016 (\$)
1	5-9	1	\$ 4,264.00
2	10-14	2	\$ 8,528.00
3	15-19	3	\$ 12,792.00
4	20-24	4	\$ 17,056.00
5	25-29	5	\$ 21,320.00
6	30-34	6	\$ 25,584.00
7	35-39	7	\$ 29,848.00
8	40-44	8	\$ 34,112.00
9	45-49	9	\$ 38,376.00
10	50+	10	\$ 42,640.00

Staff would like the Committee to consider removing the City-wide job creation incentive for Tiers 1-4. This is currently provided for in the Water, Sewer and Electric Ordinances. As a result, only larger investments would be eligible for the impact fee waivers. This would not affect projects within the Downtown Development District or Greater Milford Business Park, as these areas are under separate SEDIPs.

(2) Capital Investment Impact Fee Waiver

Tier	Capital Investment	Impact Fee Waivers (EDUs)	2016 (\$)
1	\$1,000,000 to \$4,999,999	10	\$ 42,640.00
2	\$5,000,000 to \$9,999,999	20	\$ 85,280.00
3	\$10,000,000 to \$49,999,999	30	\$ 127,920.00
4	\$50,000,000 to \$99,999,999	40	\$ 170,560.00
5	\$100,000,000 or more	50	\$ 213,200.00