

# City of Milford



## CITY COUNCIL AGENDA

Monday, July 24, 2017

7:00 P.M.

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

### PUBLIC HEARING

#### ORDINANCE 2017-16

Susan Frketic of Kids First Academy on behalf of Faulton LLC for a Conditional Use to allow a public, private or professional school on 2.00+/- acres in a BP (Business Park) Zoning District. Property is located on the south side of Mullet Run Street, 550.1 feet west of Hickman Door Way and Mullet Run St intersection; 156/158 Mullet Run Street, Milford, Delaware. Present Use: Warehouse & Office; Proposed Use: Warehouse & Private School.  
Tax Map MD-16-173.00-01-03.07

#### ORDINANCE 2017-19

Perdue Real Estate Holdings Inc for a Conditional Use to allow chicken processing on 24.70+/- acres in an I2 (General Industrial) Zoning District. Property is located on the east side of N Rehoboth Blvd, 1,130 feet north of NE Front Street intersection; 255 N Rehoboth Blvd, Milford, Delaware. Present Use: Poultry Processing Plant; Proposed Use: Same.  
Tax Map MD-16-174.19-01-09.00

### COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition  
Police Department/Promotion

Communication & Correspondence

Unfinished Business

Ethics Policy

Service Club Sign Display Concept Design

New Business

Milford Community Parade/Utility Bill Insert

Downtown Milford Inc/Riverwalk Farmers Market/Alcohol Vendor

Transportation Alternatives Program (TAP) Design/Funding

FY18 Tax Warrant

Ratify the Purchase of Police Vehicles

Adjourn

Motion to Enter Executive Session

- A. Executive Session pursuant to 29 *Del. C.* §10004 (b)(9) for the purpose of the discussion of personnel matters in which the names, competency and abilities of individual employees are discussed
- B. Executive Session pursuant to 29 *Del. C.* §10004 (b)(9) for the purpose of the discussion of personnel matters in which the names, competency and abilities of individual employees are discussed

Return to Public Session

- A. Potential vote related to Police Chief employment agreement
- B. Potential vote related to survivor benefits

Adjourn

All items on the agenda are subject to a potential vote.

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.**

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CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS

The Planning Commission will hold a Public Hearing regarding the below ordinance on TUESDAY, JUNE 20, 2017 to hear evidence from interested parties and make a recommendation to City Council regarding the ordinance.

The City Council will hold a Public Hearing regarding the below ordinance on MONDAY, JULY 24, 2017 to hear evidence from interested parties and make a final determination regarding the ordinance.

Both meetings begin at 7:00 p.m. and will take place in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware at which times, the following ordinance will be considered:

**ORDINANCE 2017-16**

Susan Frketic of Kids First Academy on behalf of Faulton LLC for a Conditional Use to allow a public, private or professional school on 2.00+/- acres in a BP (Business Park) Zoning District. Property is located on the south side of Mullet Run Street, 550.1 feet west of Hickman Door Way and Mullet Run St intersection; 156/158 Mullet Run Street, Milford, Delaware. Present Use: Warehouse & Office; Proposed Use: Warehouse & Private School.

Tax Map MD-16-173.00-01-03.07

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on June 20, 2017 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on July 24, 2017 to consider all information presented by City Staff, the Applicant, and written and verbal public testimony; and

WHEREAS, it is deemed reasonable, beneficial, and in the best interest of the City of Milford to allow a Conditional Use to allow a public, private or professional school as herein described.

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

*Section 1.* Upon the adoption of this ordinance by City Council, Susan Frketic of Kids First Academy on behalf of Faulton LLC is hereby granted a Conditional Use Permit to allow a public, private or professional school, in accordance with the application, effective on the date so noted.

*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: June 20, 2017

City Council Introduction: July 10, 2017

City Council Public Hearing: July 24, 2017

Adoption: July 24, 2017

Effective: August 3, 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](mailto:RPierce@milford-de.gov) or by calling 302.424.8396.

*Advertised: Beacon 05/24/17*

## DATA SHEET FOR KIDS FIRST ACADEMY

Planning Commission Meeting: June 20, 2017

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<b>Application Number / Name</b>	:	17-009 / Kids First Academy
<b>Applicant</b>	:	Susan Frketic 17038 Deer Run Milford, DE 19963
<b>Owner</b>	:	Faulton, Inc. 112 Drummond Farms Lane Newark, DE 19711
<b>Application Type</b>	:	Conditional Use
<b>Present Comprehensive Plan Map Designation</b>	:	Highway/Commercial
<b>Present Zoning District</b>	:	BP (Business Park)
<b>Present Use</b>	:	Warehouse & Office
<b>Proposed Use</b>	:	Warehouse & Private School
<b>Size and Location</b>	:	2.0 +/- acres located at 156 Mullet Run within the Greater Milford Business Complex.
<b>Tax Map &amp; Parcel</b>	:	MD-16-173.00-01-03.07-000

ENC: Staff Recommendation Report  
Exhibit A – Location & Zoning Map  
Exhibit B – Existing Site Plan  
Exhibit C – Parking Lot Re-striping Plan

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**STAFF REPORT**  
**May 12, 2017**

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<b>Application Number / Name</b>	:	17-009 / Kids First Academy
<b>Present Comprehensive Plan Designation</b>	:	Highway/Commercial
<b>Present Zoning District</b>	:	BP (Business Park District)
<b>Present Use</b>	:	Warehouse & Office
<b>Proposed Use</b>	:	Warehouse & Private School
<b>Tax Map &amp; Parcel</b>	:	MD-16-173.00-01-03.07-000
<b>Size and Location</b>	:	2.0 +/- acres located at 156 Mullet Run within the Greater Milford Business Complex.

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**I. BACKGROUND INFORMATION:**

- The property was originally approved in 2003 for 2,400 square foot of office space and 11,400 square foot of warehouse space. The site plan also showed a future expansion area containing an additional 24,000 square feet of building space. To date, only the 2,400 square foot office and 11,400 square foot of warehouse space has been constructed.
- The applicant proposes to convert the existing 2,400 square foot office and a portion of the existing warehouse (6,000 square feet) into a private school. The proposed school would serve pre-kindergarten through 12<sup>th</sup> grade with approximately 35 students. The school will employ five (5) instructors and one (1) administrator. Hours of operation will be 7:00 am through 5:30 pm. The location would offer a before/after school care program. The area behind the existing warehouse space would be used as outdoor recreation/play area for the students.
- Chapter 230-19.1(C)(1) states “public, private or professional schools” are conditional uses within the Business Park zoning district.

## 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 the Conditional Use:

- According to Chapter 230 Zoning, the following parking rationales apply to the proposed conditions;
  - Public or Private School
    - 3 spaces per room used for administrative offices
    - 1 space per room used for class instruction
    - 1 space for each 5 seats in places of assembly
  - Warehouse
    - 1 space per 2 employees
    - 1 space per 200 square feet devoted to sales

Use Category	Number of Spaces Required	Number of Spaces Required
School	1 administrative office	3
	5 classrooms	5
Warehouse	4 employees	2
	0 square feet devoted to sales	0
Total		10

- The existing site does not meet the minimum parking criteria found in Chapter 230 Zoning for the proposed uses. Additional parking needs to be provided and approved by the City and State Fire Marshal’s Office. The applicant proposes to restripe the parking lot as shown in the attached exhibit which will provide a total of eighteen (18) parking spaces for the site. Please note that the above rationales are the minimum parking standards required by the Code, however, Chapter 230-19.1 states that “adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article V of this chapter and are deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.”
- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

A. The presence of adjoining similar uses.

*The property is primarily surrounded by light industrial, warehouse and office type uses.*

B. An adjoining district in which the use is permitted.

*The proposed uses are permitted within the residential zoning districts R-1, R-2, R-3 and R-8 and are permitted in the IS and IM zoning categories.*

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

*The Comprehensive Plan designates this area as Highway/Commercial. The proposed uses are consistent with the land use plan for the Comprehensive Plan and would provide additional private educational opportunities for residents and families in the Milford area.*

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

*The site is located within a business park containing offices and light industrial uses. The neighboring properties are warehouse type uses containing fenced in storage yards. There is no existing vegetative screening on the subject property nor the adjacent properties.*

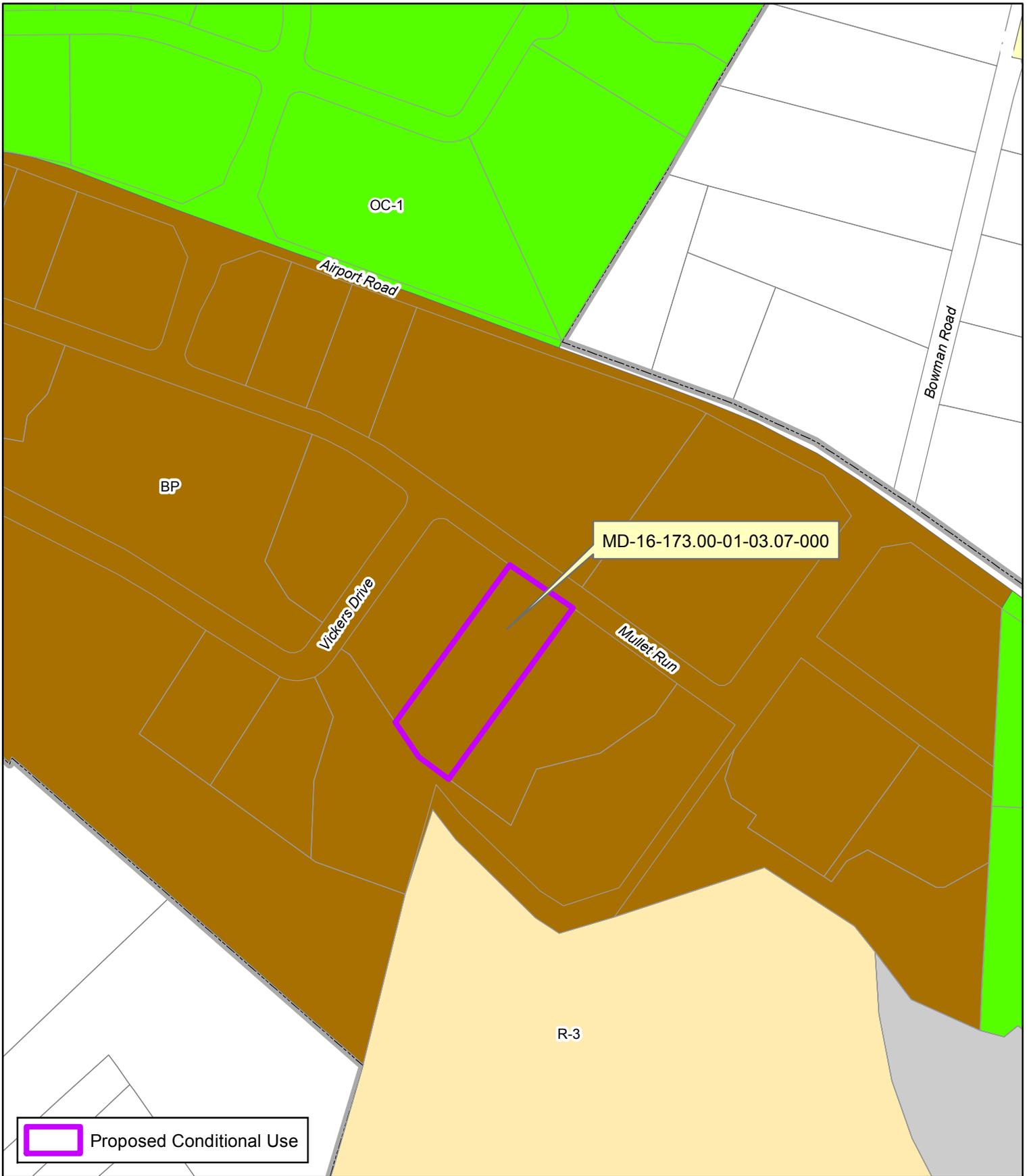
- E. The use will not detract from permitted uses in the district.

*Permitted uses in the district include light manufacturing, research facilities, professional offices, medical offices and other types of light industrial uses.*

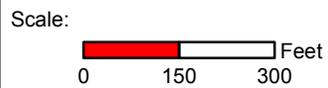
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

*The site is located within the Greater Milford Business Complex. The site under the proposed parking lot re-striping conditions would meet the parking and loading requirements set forth in Chapter 230 for the proposed use. All parking must be contained on the site and no parking shall be permitted along Mullet Run or adjoining properties. The site meets the established setback requirements. There are no anticipated adverse impacts due to lack of screening.*

- Staff recommends approval of the conditional use application based on the following conditions:
  - The applicant must obtain approval from the State Fire Marshal's Office for the proposed parking lot re-striping. All parking shall be contained within the site and no parking will be permitted on Mullet Run or adjacent properties.
  - The applicant will be required to obtain all necessary State approvals for the operation of a private school.
  - The applicant must obtain a building permit from the City for the interior renovations and change in use, which will require a commercial plumbing permit from the Division of Public Health and approval from the State Fire Marshal's Office.



 Proposed Conditional Use



Drawn by: WRP Date: 05/12/17

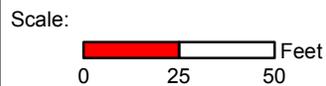
Title:

Proposed Conditional Use  
**Kids First Academy**  
 Location & Zoning Map

Filepath: ConditionalUse\_KidsFirstAcademy.mxd



Digital Aerial Solutions, LLC



Drawn by: WRP      Date: 05/12/17

Title:

Proposed Conditional Use  
**Kids First Academy**  
 Parking Lot Re-striping Plan

Filepath: ConditionalUse\_KidsFirstAcademy\_Parking.mxd

§ 230-19.1. - BP Business Park District.

In a BP District, no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements indicated:

- A. The purpose of a Business Park District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas while still providing attractive landscaping, on-site recreation and a better working environment. The emphasis will be on employment rather than warehouse space. Also, the purpose is to provide guidelines and performance standards, which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.
- B. Permitted uses. Permitted uses of the BP District shall be as follows:
  - (1) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices and cafeterias for the exclusive use of in-house staff and employees.
  - (2) Research, design, testing and development laboratories.
  - (3) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.
  - (4) Business, professional or administrative offices.
  - (5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.
  - (6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be any closer than 500 feet from existing residence, residential district, school or building(s) used for assembly.
  - (7) Farm machinery manufacture, sales, storage and repairs.
  - (8) Heating, ventilating, cooling and refrigeration manufacturing.
  - (9) Building contractor yards.
  - (10) Veterinary clinics.
  - (11) Beverage blending, bottling (all types), but not distilling.
  - (12) Boat manufacture and repair (vessels less than five tons), boat sales and service.
  - (13) Dairy operations and dairy products, ice cream and cheese.
  - (14) Fruit and vegetable processing, including canning, preserving, drying and freezing.
  - (15) Greenhouses, commercial, wholesale or retail.
  - (16) Ice manufacture, including dry ice.
  - (17) Sign fabrication and painting shops.
  - (18) Wood product manufacture, including baskets, boxes, crates, barrels and veneer.
- C. Conditional uses. The following uses are permitted in the BP District in accordance with the provisions within Article IX (conditional use portion) of this chapter:
  - (1) Public, private or professional schools.

- (2) Schools for vocational training.
  - (3) Day-care centers.
  - (4) Radio-television facilities.
  - (5) Any use not permitted in any other zoning districts.
- D. Prohibited uses. The following are expressly prohibited in the BP District:
- (1) Residences.
  - (2) Manufacturing uses involving production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals; aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); and soaps, including fat rendering.
  - (3) Dumps, junkyards, automobile salvage and dismantling plants/yards, storage areas or operations for the storage or resale of used automobile or other machine parts.
  - (4) Operations involving slaughterhouses, stockyards or slag piles.
  - (5) Storage of explosives and bulk or wholesale storage of gasoline above ground.
  - (6) Quarries, stone crushers, screening plants and all associated uses.
  - (7) The following processes: refining, smelting and alloying of metal or metal ores; refining petroleum products such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.
  - (8) Drilling for the removal of any hydrocarbon substances.
- E. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.
- (1) Accessory uses shall not be permitted without a principal use.
  - (2) All uses must be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen that may include a fence or wall.
  - (3) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.
  - (4) All fencing and landscaping shall be properly maintained.
  - (5) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.
  - (6) All loading and unloading operations shall be conducted at the side or rear of the building. In the loading and unloading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.
  - (7) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).
  - (8) Dust or particle debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such

emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

- (9) Internal roads, driveways and parking areas for public, in-house employee or truck/vehicular traffic shall be paved. All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.
  - (10) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.
  - (11) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.
  - (12) All BP District projects and proposals are subject to site plan review by the Planning Commission.
  - (13) Installation of a berm will be required adjacent to any residentially zoned area. The berm shall be constructed as follows: 10 feet from any residential property line, then 60 feet with a six-foot-high berm at 4 to 1 slope, with three rows of trees, including evergreens spaced 15 feet on center along the berm slope adjacent to the residential district, one row of evergreens spaced at 48 feet on center along the toe of the berm and deciduous trees, spaced 192 feet on center along the opposite toe of the berm. The berm may not be required in areas contiguous to residential districts that have an existing mature wooded area that has a minimum depth of 10 feet or where adjacent to road frontage that has a combined right-of-way width of 75 feet.
- F. Area and height regulations.
- (1) Minimum area for a business park will be 40 acres.
  - (2) Minimum lot area shall be one acre (43,560 square feet).
  - (3) Maximum impervious lot coverage shall be 75%, with the remainder being that of grass and landscaped area.
  - (4) Minimum lot width shall be 150 feet.
  - (5) Maximum building height shall be 50 feet.
  - (6) Minimum front yard setback shall be 30 feet.
  - (7) Minimum side yard setback shall be 15 feet. The setback shall be computed from the berm line, not the property line.
  - (8) Minimum rear yard shall be 25 feet. The setback shall be computed from the berm line, not the property line.
  - (9) Parking may be permitted in the setback area but may not be located any closer than five feet from any property line and 15 feet from the right-of-way line. No parking may be permitted within a berm area or a landscaped area. No parking will be permitted on the streets or between public street pavement and the property line.
  - (10) Landscape screening. Where adjacent to residential districts, the buffer shall include a landscape screen not less than six feet high. Each planted area of buffer shall retain as much natural vegetation as possible and be planted with indigenous evergreens, deciduous and ornamental trees or shrubs. All landscaping shall be installed within 90 days of occupancy of building, or as soon as weather will allow if such period falls within the winter months. All landscaping shall be properly maintained throughout the life of any use on the lot.

- (11) City water and sewerage shall serve the park. Mains shall be in place at the time of construction on the lot. Service to the lot shall be installed by the City to the property line of the lot after site plan approval.
- (12) No pipe, conduit, cable or line for water, gas, sewerage, steam, electricity or any other energy or service shall be installed or maintained upon a parcel outside of the building above the surface of the ground. All auxiliary machinery, equipment or facilities used on any parcel outside of any building in connection with such energies or services shall be located upon the parcel in such manner and upon such conditions as may be specifically approved by the Planning Commission during site plan review.
- (13) Site will be served by a central stormwater management system. Each lot shall be reviewed by the City Engineer to access the central stormwater area.
- (14) Walls.
  - (a) Exterior front and side walls are subject to site plan approval and must be finished on the exterior with the following:
    - [1] Architectural masonry units, excluding concrete block and cinder block.
    - [2] Natural stone.
    - [3] Precast concrete.
    - [4] Steel.
    - [5] Aluminum.
    - [6] Glass materials or their equivalent.
  - (b) Rear walls may be masonry block if the masonry block wall is appropriately painted. Finished building materials shall be applied to all sides of a building which are visible to the general public as well as from adjacent residential property and streets. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. The Planning Commission shall have the sole right to approve or disapprove materials and colors.

G. Signage requirements.

- (1) A single wall and/or low-profile freestanding sign announcing the name or logo (or both) of all establishments or businesses housed therein shall be allowed.
- (2) The sign shall be applied to the wall of the building and shall not exceed 10% of the wall area to which it is affixed.
- (3) The freestanding low-profile sign shall be no more than six feet in height and eight feet in width.
- (4) If the sign is illuminated, the illumination shall be of an indirect nature. All light sources shall be shielded from the view of adjacent properties or streets.

H. Off-street parking and loading.

- (1) Off-street parking and loading shall have a buffer strip of at least five feet wide between it and any adjacent lot.
- (2) A parking space shall not be less than 162 square feet, with a minimum of nine feet wide.
- (3) All parking spaces shall be set back 15 feet from any street line.
- (4) Ground cover, shrubs, trees and landscaped 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.
- (5) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).
- (6) Aisleway width shall be as required by the Office of the State Fire Marshal.

- (7) All parking spaces for use in conjunction with public parking areas, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.
- (8) Required off-street parking spaces shall be as per Article IV.
- (9) No building or structure shall be erected in any district for the uses listed in Article IV unless loading space for the accommodation of trucks is provided on the premises in accordance with requirements stated in Article IV.
- (10) Loading spaces shall not be permitted in any front yard of any property.
- (11) Areas designated for exterior storage in trailers shall be shown on the site plan. The area will be dimensioned and include the number of units located within the area. Storage will not exceed 30 days.
- (12) Trash containers and dumpsters must be properly screened and shall be designated on the site plan.
- I. Antennas and satellites shall be shown on the site plan.
- J. Mailbox receptacles will be placed as required by the Postmaster, Milford, Delaware, and shall be shown on the site plan.
- K. Chain link fencing may be used in the park.
- L. No parcel may be subdivided.
- M. In the event that any purchaser of any parcel of land within the business park shall not commence construction of a building thereon within two years from the date of settlement, the City of Milford shall have the option of purchasing said land from the owner at any time prior to the commencement of said construction, at the purchase price paid therefor as shown on the owner's settlement sheet.
- N. Each owner of any parcel, by acceptance of a deed, agrees to pay to the City of Milford an annual fee for the maintenance of stormwater management areas, open space, landscaping and berms. Said easement fee must be fixed at a uniform rate based upon the assessment of the parcel and the improvements thereon. The assessments levied by the City of Milford pursuant to this Zoning Code shall be used exclusively for said purposes and for such other purposes as the City deems appropriate.

§ 230-21. - Parking and loading standards.

A. Design standards (general).

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

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

- (2) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).
  - (3) All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.
  - (4) Exceptions to the design standards shall be permitted as follows.
- B. Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

Types and Uses	Required Off-Street Parking Spaces
Retail stores and shops, all types, supermarkets, retail food stores and undertakers	1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees
New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions	4 per salesperson, plus 1 per per 2 employees during the period of greatest employment
Personal service establishments, laundromats and dry cleaning	1 per 200 square feet of gross floor area
Banks and other financial institutions	1 per 200 square feet of gross floor area, plus 1 for each employee
Business, governmental and professional offices	1 per 100 square feet of gross floor area
Medical and dental offices or clinics <b>[Amended 7-14-1997]</b>	From 1 per 100 square feet gross floor space for medical and dental offices or clinics to 1 per 150 square feet of gross floor area for medical and dental offices or clinics
Hospitals	1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment
Sanatorium or nursing home	1 for every 4 beds

Churches and other places of worship	1 per 5 seats
Indoor and commercial outdoor recreation	1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility
Restaurants, taverns and similar uses	1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment
Dwelling, one-family detached, semidetached or mobile home	2 1/2 per dwelling unit
Dwelling, townhouse, garden apartment or multifamily dwelling	2 1/2 per dwelling unit
Rooming and boarding house or converted unit	1 per rented unit
Museum, art gallery and similar use	1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment
Public library	1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the shift of greatest employment
Fire station	25
Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center	1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility
Social club and fraternal, social service, union and civic organization building	1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses
Public or private school	3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the

	auditorium and other places of assembly or facility available to the public
Industrial, manufacturing or wholesaling establishment	1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales
Hotel and motel	1 for each guest room plus 1 for each 3 employees

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

The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

C. Loading spaces.

- (1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:
- (a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:
    - [1] Five thousand to 7,999 square feet of floor area: one berth.
    - [2] Eight thousand to 19,999 square feet of floor area: two berths.
    - [3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.
  - (b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:
    - [1] Eight thousand to 20,000 square feet of floor area: one berth.
    - [2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.
  - (c) Each manufacturing, office research and industrial establishment with a total of 3,500 square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses

shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.

(2) Loading spaces shall not be allowed in any front yard of any property.

§ 230-46. - Purpose.

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

§ 230-47. - Application and approval procedures.

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

§ 230-48. - Criteria for evaluation.

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

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

§ 230-49. - 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.

CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS

The Planning Commission will hold a Public Hearing regarding the below ordinance on TUESDAY, JUNE 20, 2017 to hear evidence from interested parties and make a recommendation to City Council regarding the ordinance.

The City Council will hold a Public Hearing regarding the below ordinance on MONDAY, JULY 24, 2017 to hear evidence from interested parties and make a final determination regarding the ordinance.

Both meetings begin at 7:00 p.m. and will take place in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware at which times, the following ordinance will be considered:

**ORDINANCE 2017-16**

Susan Frketic of Kids First Academy on behalf of Faulton LLC for a Conditional Use to allow a public, private or professional school on 2.00+/- acres in a BP (Business Park) Zoning District. Property is located on the south side of Mullet Run Street, 550.1 feet west of Hickman Door Way and Mullet Run St intersection; 156/158 Mullet Run Street, Milford, Delaware. Present Use: Warehouse & Office; Proposed Use: Warehouse & Private School.  
Tax Map MD-16-173.00-01-03.07

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on June 20, 2017 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on July 24, 2017 to consider all information presented by City Staff, the Applicant, and written and verbal public testimony; and

WHEREAS, it is deemed reasonable, beneficial, and in the best interest of the City of Milford to allow a Conditional Use to allow a public, private or professional school as herein described.

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

*Section 1.* Upon the adoption of this ordinance by City Council, Susan Frketic of Kids First Academy on behalf of Faulton LLC is hereby granted a Conditional Use Permit to allow a public, private or professional school, in accordance with the application, effective on the date so noted.

*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: June 20, 2017

City Council Introduction: July 10, 2017

City Council Public Hearing: July 24, 2017

Adoption: July 24, 2017

Effective: August 3, 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](mailto:RPierce@milford-de.gov) or by calling 302.424.8396.

*Advertised: Beacon 05/24/17*

CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS

The Planning Commission will hold a Public Hearing regarding the below ordinance on TUESDAY, JULY 18, 2017 to hear evidence from interested parties and make a recommendation to City Council regarding the ordinance.

The City Council will hold a Public Hearing regarding the below ordinance on MONDAY, JULY 24, 2017 to hear evidence from interested parties and make a final determination regarding the ordinance.

Both meetings begin at 7:00 p.m. and will take place in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware at which times, the following ordinance will be considered:

**ORDINANCE 2017-19**

Perdue Real Estate Holdings Inc for a Conditional Use to allow chicken processing on 24.70+/- acres in an I2 (General Industrial) Zoning District. Property is located on the east side of N Rehoboth Blvd, 1,130 feet north of NE Front Street intersection; 255 N Rehoboth Blvd, Milford, Delaware. Present Use: Poultry Processing Plant; Proposed Use: Same.

Tax Map MD-16-174.19-01-09.00

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on July 18, 2017 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on July 24, 2017 to consider all information presented by City Staff, the Applicant, and written and verbal public testimony; and

WHEREAS, it is deemed reasonable, beneficial, and in the best interest of the City of Milford to allow a Conditional Use to allow chicken processing as herein described.

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

*Section 1.* Upon the adoption of this ordinance by City Council, Perdue Real Estate Holdings Inc is hereby granted a Conditional Use Permit to allow chicken processing, in accordance with the application, effective on the date so noted.

*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: July 18, 2017

City Council Introduction: July 10, 2017

City Council Public Hearing: July 24, 2017

Adoption: July 24, 2017

Effective: August 3, 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](mailto:RPierce@milford-de.gov) or by calling 302.424.8396.

*Advertised: Beacon 06/28/17*

## DATA SHEET FOR PERDUE FARMS, INC.

Development Advisory Committee: June 21, 2017

Planning Commission Meeting: July 18, 2017

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<b>Application Number / Name</b>	:	17-010 / Perdue Farms, Inc.
<b>Applicant</b>	:	Perdue Farms, Inc. 255 North Rehoboth Boulevard Milford, DE 19963
<b>Owner</b>	:	Perdue Farms, Inc. PO Box 1537 Salisbury, MD 21802
<b>Application Type</b>	:	Conditional Use & Final Site Plan
<b>Present Comprehensive Plan Map Designation</b>	:	Employment
<b>Present Zoning District</b>	:	I-2 (General Industrial District)
<b>Present Use</b>	:	Poultry Processing Plant
<b>Proposed Use</b>	:	Poultry Processing Plant
<b>Size and Location</b>	:	24.7 +/- acres located along the east side of N. Rehoboth Boulevard approximately 1,130 feet north of NE Front Street. Addressed as 255 N. Rehoboth Boulevard.
<b>Tax Map &amp; Parcel</b>	:	MD-16-174.19-01-09.00-000

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

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**STAFF REPORT**  
**June 30, 2017**

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<b>Application Number / Name</b>	:	17-010 / Perdue Farms, Inc.
<b>Present Comprehensive Plan Designation</b>	:	Employment
<b>Present Zoning District</b>	:	I-2 (General Industrial District)
<b>Present Use</b>	:	Poultry Processing Plant
<b>Proposed Use</b>	:	Poultry Processing Plant
<b>Tax Map &amp; Parcel</b>	:	MD-16-174.19-01-09.00-000
<b>Size and Location</b>	:	24.7 +/- acres located along the east side of N. Rehoboth Boulevard approximately 1,130 feet north of NE Front Street. Addressed as 255 N. Rehoboth Boulevard.

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**I. BACKGROUND INFORMATION:**

- The applicant proposes to construct a 1,890 square foot trailer wash enclosure, a 13,630 square foot live receiving addition and a 1,044 square foot sanitation supply room as indicated on the attached site plan. No utility site work is proposed. All work is limited to building construction.
- A meat processing, chicken processing or seafood processing operation is a conditional use under Chapter 230-17(D)(9).

**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 the Conditional Use Site Plan approval:

- The proposed trailer wash enclosure and the live receiving addition do not meet the setback requirements of 50 feet set forth in Chapter 230 of the City Code; therefore, the applicant is required to obtain a variance from the Board of Adjustment for these encroachments. The application is scheduled for the July 13<sup>th</sup> Board of Adjustment hearing. Final approvals shall be conditioned upon obtaining these variances.

- Excluding the above comment related to the rear setback requirement, the proposed addition and alterations are consistent with Chapter 230 Zoning of the City Code.
- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

A. The presence of adjoining similar uses.

*The property is surrounded by industrial, commercial, residential and agricultural uses. The properties to the north and west are primarily industrial and commercial in nature, while the properties to the east and south are agricultural lands. There is some residential intermixed with existing commercial and industrial uses to the south and west of the subject parcel.*

B. An adjoining district in which the use is permitted.

*The existing/proposed use is not permitted in any other zoning category. I-2 General Industrial is reserved for large and heavy manufacturers which may produce some objectionable conditions and are typically found in areas that would least impact neighboring uses.*

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

*The Comprehensive Plan designates this area as Employment, which is intended to serve as a primary location for non-retail employment, providing flexibility for the location of manufacturing, processing, food processing and other industrial type uses.*

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

*The applicant proposes improvements to an existing processing facility along the eastern side of the property, for which the adjacent uses are agricultural in nature. There is an existing fence and vegetative screen located along the eastern property line that serves as a screen or buffer.*

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

*The applicant has requested an amendment to the final site plan and conditional use for an existing poultry processing plant. The proposed improvements should improve negative noise and dust impacts on neighboring properties.*

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

*The proposed improvements do not impact current parking and traffic control for the site. The owner/applicant has submitted a variance request for two proposed encroachments into the rear property setback which will require Board of Adjustment approval to proceed with the site plan as shown. There is an existing fence and vegetative screen located along the eastern property line separating the existing facility from the adjacent agricultural use. The applicant has stated that the proposed Controlled Atmosphere*

*Stunning addition will serve to enclose the unloading operation which should reduce current noise and dust impacts on neighboring properties.*

### **III. AGENCY COMMENTS:**

See below and attached for required agency approvals and related agency comments.

- **DelDOT Planning, Development Coordination**  
The applicant is in the process of obtaining DelDOT approval and the City will not issue a building permit until approval is received. Remaining comments are related to easements adjacent to right-of-ways, future sidewalk construction and the modification of the bus stop along Rehoboth Boulevard.
- **Kent Conservation District**  
See attached “Non-Residential Construction” application approval dated June 6, 2017.
- **Delaware State Fire Marshal’s Office**  
See attached “Fire Protection Plan Review Report” dated June 26, 2017.
- **DNREC, Division of Water, Surface Water Discharge Section**  
Comments were received from DNREC dated 6/21/17.
  - Submit for a WPCC permit, if applicable.
  - The facility will need to update the Storm Water Plan to reflect all site changes, if applicable.
  - The facility will need to coordinate with Kent County in regards to the Pre-Treatment Program.

**Conditional Use Summary**

**Perdue Foods, LLC**

**June 1, 2017**

The Perdue property is zoned I-2 General Industrial which allows for a meat processing operation under section 230, (D) (9). The operation has existed on this site since prior to 1979 under several company names over the years. The plant does process on two shifts with a third cleanup shift so it is occupied 24 hours per day.

The structures covered under this application are a trailer wash enclosure that is a small separate building near the water treatment tank and the live receiving addition to the main plant to allow installation of a new live receiving system. Also shown is a sanitation supply room that will provide improved cleaning chemical storage for better personnel safety and security. All of these buildings are at the rear of the site and will not be noticed from the main road – North Rehoboth Blvd. Summary of building areas, coverage etc. is shown on site plan.

These projects will not cause any change in truck or car traffic since there will not be an increase in production associated with the process change or number of employees (currently approx. 1630). The operation will remain a normal hazard factory use (no change).



# KENT CONSERVATION DISTRICT

800 BAY ROAD, SUITE 2 • DOVER, DELAWARE 19901 • (302) 741-2600 EXT. 3 • FAX (302) 741-0347

June 6, 2017

Ms. Heather Smith  
AWB Engineers  
1942 Northwood Drive  
Salisbury, Maryland 21801

Re: Perdue CAS Process Addition  
Milford  
Review #1

Dear Ms. Smith

Kent Conservation District has reviewed the Standard Plan Application and the sediment and stormwater management plans submitted for the above referenced project. The Application is approved and a copy of the approved Application is attached

Sincerely,  
THE KENT CONSERVATION DISTRICT

Raymond D Richter, P.E.  
Sediment and stormwater Engineer

cc: Mr. Rob Peirce, City of Milford  
Perdue Real Estate Holding, Owner



The Kent Conservation District  
 800 Bay Road Suite 2  
 Dover, Delaware 19901  
 (302) 741-2600 ext.3  
 Fax: (302) 741-0347

RECEIVED MAY 30 2017

APPLICATION FOR STANDARD PLAN APPROVAL  
**NON-RESIDENTIAL CONSTRUCTION  
 WITH LESS THAN 1.0 ACRE DISTURBED**

Approval of this Standard Sediment and Stormwater Plan may be granted if all of the following criteria are met:

1. The disturbed area for construction of the improvements will not exceed 1.0 acre.
2. Within the disturbed area, the pre-development land use is not classified as "wooded" based on the 2007 Delaware Land Use/Land Cover data.
3. **One of the following is met:**
  - a. Project site location is within an area previously managed for stormwater quantity and quality under an approved Sediment and Stormwater Plan, AND the post construction condition meets the original stormwater design criteria.
  - b. Comparison of the existing parcel curve number (CN), based upon 2007 Delaware Land Use/Land Cover data to the proposed CN for the parcel after non-residential construction results in less than one whole number change in the CN
  - c. No new impervious area is proposed as a result of construction.

**Site Information**

Project Name: Perdue Farms, CAS Process Addition Parcel Total Acres (nearest 0.1ac): 33.4  
 Site Location: Renoboth Blvd, Milford, DE Disturbed Area (nearest 0.1ac): 35,816 SF  
 Previous Plan Name: \_\_\_\_\_ Proposed Impervious Area (square feet): 0  
 Previous Plan Approval Number: \_\_\_\_\_ Wooded area to be cleared (square feet): N/A  
 Tax Parcel ID: \_\_\_\_\_ Pre CN: 98 Post CN: 98

**Applicant Information**

Owner: Perdue Real Estate Holding Applicant: Andrew W. Booth & Associates  
 Mailing Address: P.O. Box 1537 Mailing Address: 1942 Northwood Drive  
Salisbury, MD 21802 Salisbury, MD 21801  
 Owner Phone: 302-424-2674 Applicant Phone: 410-742-7299

**Applicant Certification**

I, the undersigned, certify that the information supplied on this Application for Standard Plan Approval is accurate, the proposed land disturbing activity meets the criteria established, and all conditions of this Standard Plan Approval will be met by the applicant, builder, contractor, and owner during construction and post construction.

Applicant Signature: Heather Smith Date: 5/22/17  
 Applicant Printed Name: Heather Smith Title: Staff Civil Engineer

**Fees: Make checks payable The Kent Conservation District.**  
 \$500.00 for projects up to 1/2 acre. \$1000.00 for projects 1/2 acre to 1 acre.

Approval Information (for office use only)

Permit # 170437

Fee Paid: \$ 1,000.00

Check # 9667  Cash

APPROVED

KENT CONSERVATION DISTRICT

APPROVED BY RAL DATE 6/6/2017

VALID FOR 5 YEARS



# OFFICE OF STATE FIRE MARSHAL



2307 MacArthur Road  
 New Castle, DE 19720-2426  
 Phone: 302-323-5365  
 Fax: 302-323-5366

### Technical Services

1537 Chestnut Grove Road  
 Dover, DE 19904-9610  
 Phone: 302-739-4394  
 Fax: 302-739-3696

22705 Park Avenue  
 Georgetown, DE 19947  
 Phone: 302-856-5298  
 Fax: 302-856-5800



## FIRE PROTECTION PLAN REVIEW REPORT

Plan Review Number 2017-03-0124-MJS-01

Tax Parcel Number MD-16-174.19-01-10.00-000

Review Status APPROVED AS SUBMITTED

Review Date 06/26/2017

### PROJECT

PERDUE FARMS CAS PROCESS ADDITION  
 PERDUE FARMS  
 Phase# \_\_\_\_\_ Building # \_\_\_\_\_ Unit # \_\_\_\_\_  
 225 N REHOBOTH BLVD  
 MILFORD, DE 19963

### SCOPE OF PROJECT

Project Type <u>MJS Major Site</u>	
Number of Stories <u>1</u>	Occupant Load _____
Square Footage _____	Occupancy Code <u>9791</u>
Construction Class <u>II (000) NON-COMBUSTIBLE</u>	Fire District <u>42</u>

### APPLICANT

### OWNER

ANDREW W BOOTH & ASSOCIATES  1942 NORTHWOOD DR  SALISBURY, MD 21801	BRANDON COHEE  PO BOX 1537  SALISBURY, MD 21802
---	---

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

  
 STEVEN CALLAWAY, SR FIRE PROTECTION SPECIALIST

# FIRE PROTECTION PLAN REVIEW COMMENTS

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**Project Name** PERDUE FARMS GAS PROCESS ADDITION

**Plan Review Number** 2017-03-0124-MJS-01

**Tax Parcel Number** MD-16-174.19-01-10.00-000

**Review Status** APPROVED AS SUBMITTED

**Review Date** 06/26/2017

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## PROJECT COMMENTS

- 1002            This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) Effective March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov). These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 
- 1180            This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
- 
- 1190            Separate plan submittal is required for the building(s) proposed for this project.
- 
- 1299            The required Fire Lane Access and Perimeter Access and all fire lane markings shall be in accordance with the site plan as approved by this Agency. This will be field verified at the final inspection. Noncompliance may cause a delay in approval for Certificate of Occupancy.
- 
- 1501            If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.
- 



Please Print

OFFICE OF STATE FIRE MARSHAL

Please Print

APPLICATION FOR FIRE PROTECTION PLAN REVIEW - **SITE**

Sussex County  
Delaware Fire Service Center  
22705 Park Avenue  
Georgetown, DE 19947-6303  
302-856-5298/Fax 302-856-5800

Kent County  
Delaware Fire Service Center  
1537 Chestnut Grove Road  
Dover, DE 19904-1544  
302-739-4394/Fax 302-739-3696

New Castle County  
Delaware Fire Service Center  
2307 MacArthur Road  
New Castle, DE 19720-2426  
302-323-5365/Fax 302-323-5366

1. Project Name: Perdue Farms, CAS Process Addition Phase 1  
Subdivision/Complex / Address: Rehoboth Boulevard 255 N Rehoboth Blvd  
City: Milford Zip Code: 19963 County (NC, K, S): Kent  
Complete Tax Parcel Number: 5-16-17418-01-100-001; 5-16-17418-01-0900-001; 5-16-17418-01-0100-001; 5-16-17418-01-0101-001; 5-16-17418-01-0200-001 MD-16-17419-01-10,00

2. Project Description:  Residential Subdivision  Commercial  Other \_\_\_\_\_

3. Fee Calculation: Site Plan Review Fee: \$150 Check # 9668 ~~Deposit~~ Return Date: 5/31/17  
Exempt Status:  State  County  Federal  DSHA  Fire Company/Amb  Municipality  No Impact  
(Check or Money Order made payable to the "State of Delaware") **NO CASH ACCEPTED** DLB

4. Applicant/Engineer Phone: 410-742-7299  
Cell Phone: \_\_\_\_\_  
\*Signature required in Item #6 Fax: 410-742-0273  
Applicant's Name: Heather Smith  
Company Name: Andrew W. Booth & Associates  
Address: 1942 Northwood Drive  
City: Salisbury State: MD ZipCode: 21801  
Email: hsmith@awbengineers.com

5. Property Owner Phone: 302-424-2669  
Cell Phone: 302-25-7987  
Fax: \_\_\_\_\_  
Name: Brandon Cohee  
Address: P.O. Box 1537  
City: Salisbury State: MD ZipCode: 21802  
Email: \_\_\_\_\_

*Any approval of the submitted project documents does not relieve the owner, designer, contractor, or designated representative from their responsibility to comply with applicable provisions of the Delaware State Fire Prevention Regulation.*

6. Applicant Signature: Heather Smith Date: 5/22/17

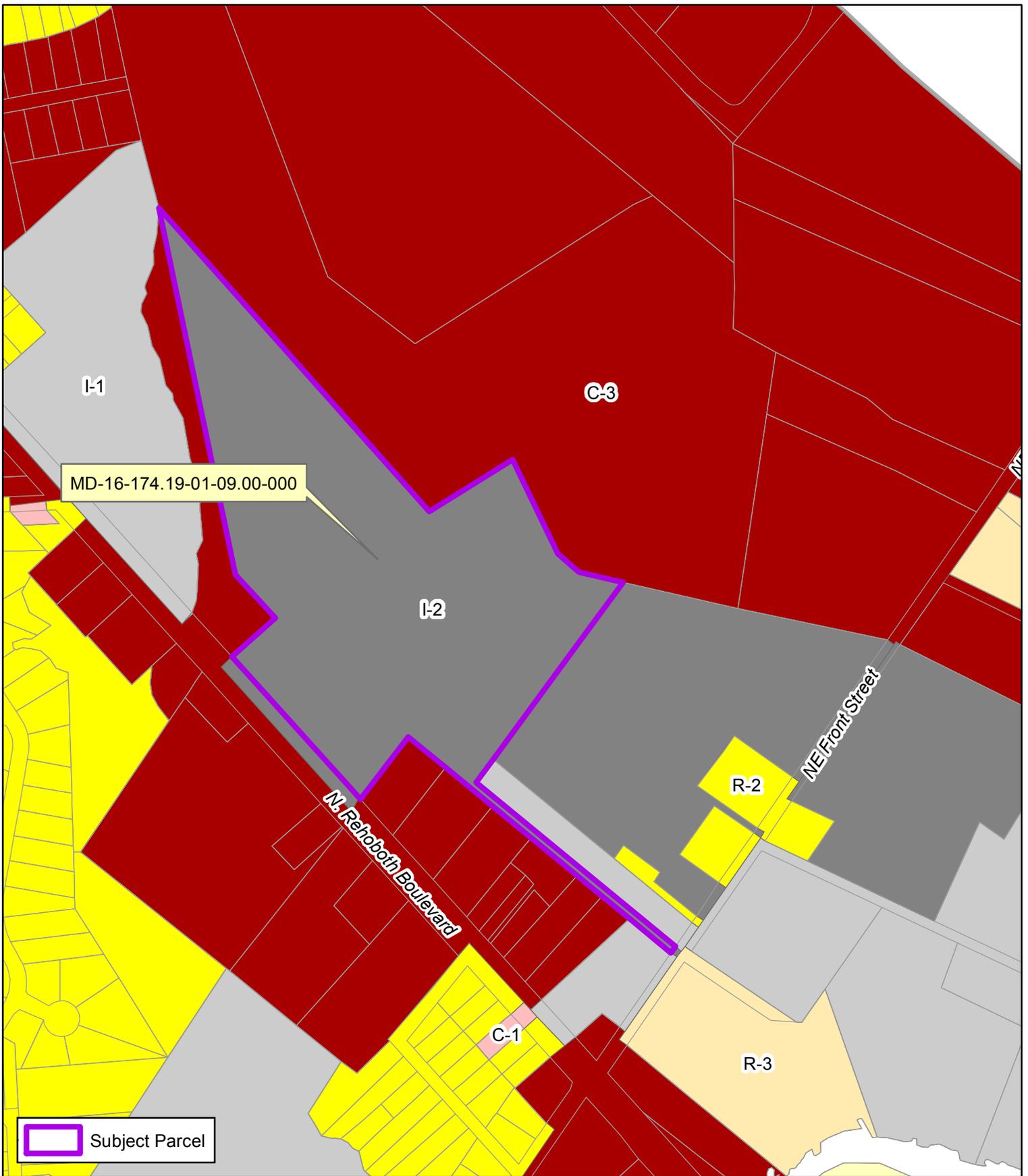
FOR OFFICE USE ONLY:

[Signature]  
FIRE PROTECTION SPECIALIST

5/31/17  
DATE

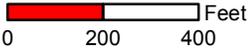
I.D.# 64312 Plan Review # 2017-03-0124-MJS-01  Rolled plans

**RECEIVED**  
30  
**MAY 26 2017**  
Delaware State Fire Marshal  
Headquarters



 Subject Parcel



Scale:  Feet  
0 200 400

Drawn by: WRP Date: 06/05/17

Title:

Conditional Use Site Plan  
**Perdue Farms, Inc.**  
 Location & Zoning Map

Filepath: ConditionalUseSitePlan\_PerdueFarms.mxd





§ 230-17. - I-2 General Industrial District.

In an I-2 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

- A. The purpose of the I-2 General Industrial District shall be to provide locations for the development of large or heavy manufacturing, warehousing, wholesale and research establishments, which may include those that may produce some objectionable conditions, and also to concentrate the more intensive industrial uses in areas that would least impact neighboring zoning districts or uses.
- B. Permitted uses. Permitted uses for the I-2 District shall be as follows:
  - (1) All items allowed in the I-1 District.
  - (2) Heavy manufacturing, assembling, converting, altering, finishing, cleaning or any other processing, handling or storage of products or materials, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.
  - (3) Research, design and development laboratories.
  - (4) Wholesale storage and warehousing.
  - (5) Building contractors' yards.
  - (6) Large public utility facilities, or major uses thereof.
- C. Prohibited uses. The following are expressly prohibited in an I-2 District:
  - (1) Residences.
  - (2) Manufacturing uses involving primary production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals: carbide, ammonia, aniline dyes, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, gelatin, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); soaps, including fat rendering; and starch.
  - (3) Dumps, junkyards, automobile salvage and dismantling plants/yards, public storage areas or operations for the storage or resale of used automotive or other machine parts.
  - (4) Operations involving slaughterhouses, stockyards or slag piles.
  - (5) Quarries, stone crushers, screening plants and all associated uses.
  - (6) The following processes: nitrating of cotton or other materials; magnesium foundry; milling or processing of flour; large-scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; distillation of wood or bones; and reduction and processing of wood pulp and fiber, including paper mill operations and sawmills.
  - (7) Storage of explosives and bulk or wholesale storage of gasoline above ground.
- D. Conditional uses. The following uses are permitted in the I-2 District in accordance with the provisions within Article IX (conditional use portion) of this chapter:
  - (1) Airfields or airpark facilities.
  - (2) Tractor-trailer storage and parking facilities.
  - (3) Farm machinery and truck manufacture, sales, storage and repairs.

- (4) Fertilizer storage and distribution centers.
  - (5) Heating, ventilating, cooling and refrigeration manufacturing.
  - (6) Trash compaction: transfer station and solid waste management system, not to include hazardous waste.
  - (7) Recycling or collection facilities for paper, glass, plastics and metal.
  - (8) Grain storage and processing.
  - (9) Meat processing, chicken processing and seafood processing.
  - (10) Aluminum recycling and smelting (small scale).
  - (11) Food and vegetable cleaning, canning and freezing.
- E. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.
- (1) Accessory uses shall not be permitted without a principal use.
  - (2) Any uses not permitted, as previously listed, are prohibited.
  - (3) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except in areas approved by the Planning Commission during the site plan review hearing.
  - (4) In a planned industrially zoned I-2 District, no building/structure, accessory structure or sign shall be located closer than 250 feet to any existing nonindustrial district boundary.
  - (5) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.
  - (6) Fencing is required in any and all areas which would pose a threat to public safety and the security of the facility. All fencing shall be properly maintained.
  - (7) All front yard areas shall be maintained in a neat and attractive condition. All side and rear yard areas shall be kept uncluttered and free from any conditions that would constitute a safety hazard for employees or anyone visiting the site.
  - (8) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.
  - (9) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks or chimneys and internal combustion engines must comply with the requirements set forth by the DNREC, State of Delaware.
  - (10) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of DNREC, State of Delaware.
  - (11) All internal roads, driveways and parking areas (for public, in-house employee or truck/vehicular traffic) shall be paved.
  - (12) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.
  - (13) The proposed use shall not endanger the surrounding facilities or communities to the possibility of fire or explosion. All uses shall comply with state regulations which control or govern their

operation. There shall be no allowances for the storage of radioactive materials or those materials deemed to be toxic or dangerous.

(14) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties.

(15) All I-2 District projects and proposals are subject to site plan review by the Planning Commission.

F. Area and height regulations.

(1) Minimum lot area shall be 2 1/2 acres.

(2) Maximum lot coverage shall be 50%, with the remainder being that of grass and landscaped areas. Parking areas shall be landscaped.

(3) Minimum lot width shall be 150 feet.

(4) Maximum building height shall be 50 feet.

(5) Minimum front yard setback shall be 75 feet.

(6) Minimum side yard setback shall be 50 feet.

(7) Minimum rear yard setback shall be 50 feet.

(8) Off-street parking. See Article IV of this chapter.

(9) Landscape screening. See Article V of this chapter.

(10) Sign requirements. See Article VI of this chapter.

(11) Accessory structures shall occupy no more than 10% of the lot area.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall be located at least 50 feet from the rear lot line.

§ 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.

§ 230-52. - Review procedure.

A. Preliminary approval.

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

(2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. Upon confirmation by the City Planner that all

DAC issues have been addressed satisfactorily, the application will then be scheduled to be heard by the Planning Commission.

- (3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.
- (4) Preliminary approval from the Planning Commission shall be void after one year, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.

B. Final approval.

- (1) A final plat and documents, as specified by the Planning Department, shall be prepared by the applicant and submitted in accordance with the submission schedule as determined by City Planner, along with the appropriate fees, as specified in § 230-57.
- (2) The Development Advisory Committee (DAC) shall review the application and plan. Comments from the DAC must be addressed via either submitting revised plans and/or necessary documents or via a narrative submitted to the City Planner. The final plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City. The final plan shall also be reviewed by the City Engineer for confirmation that the application is designed consistent with the preliminary plan, if applicable, and in accordance with the construction standards and specifications of the City. Upon confirmation by the City Planner and City Engineer that all issues have been addressed satisfactorily, the application will be scheduled to be heard by the Planning Commission.
- (3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.
- (4) Prior to receiving final site plan approval, the City Engineer shall provide a copy of the signed subdivision agreement to the City Planner.
- (5) Within 90 days of final approval from Planning Commission, the applicant shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Three sets will be returned to the applicant.
- (6) Upon recordation of the plat, the applicant shall provide the Land Data Manager of the City a mylar copy of the plat including the deed book and page printed thereon.
- (7) Failure to record the plat within 90 days of Planning Commission approval will result in the approval being voided.

- C. The site plan review by the Planning Commission shall be limited to those proposed developments enumerated by this chapter and to those proposed developments that require a site plan review as determined by the City Planner. No other site plans shall be considered by the Planning Commission for review.

CITY OF MILFORD  
NOTICE OF PUBLIC HEARINGS

The Planning Commission will hold a Public Hearing regarding the below ordinance on TUESDAY, JULY 18, 2017 to hear evidence from interested parties and make a recommendation to City Council regarding the ordinance.

The City Council will hold a Public Hearing regarding the below ordinance on MONDAY, JULY 24, 2017 to hear evidence from interested parties and make a final determination regarding the ordinance.

Both meetings begin at 7:00 p.m. and will take place in the Joseph Ronnie Rogers Council Chambers of Milford City Hall at 201 South Walnut Street, Milford, Delaware at which times, the following ordinance will be considered:

**ORDINANCE 2017-19**

Perdue Real Estate Holdings Inc for a Conditional Use to allow chicken processing on 24.70+/- acres in an I2 (General Industrial) Zoning District. Property is located on the east side of N Rehoboth Blvd, 1,130 feet north of NE Front Street intersection; 255 N Rehoboth Blvd, Milford, Delaware. Present Use: Poultry Processing Plant; Proposed Use: Same.

Tax Map MD-16-174.19-01-09.00

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on July 18, 2017 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on July 24, 2017 to consider all information presented by City Staff, the Applicant, and written and verbal public testimony; and

WHEREAS, it is deemed reasonable, beneficial, and in the best interest of the City of Milford to allow a Conditional Use to allow chicken processing as herein described.

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

*Section 1.* Upon the adoption of this ordinance by City Council, Perdue Real Estate Holdings Inc is hereby granted a Conditional Use Permit to allow chicken processing, in accordance with the application, effective on the date so noted.

*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: July 18, 2017

City Council Introduction: July 10, 2017

City Council Public Hearing: July 24, 2017

Adoption: July 24, 2017

Effective: August 3, 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](mailto:RPierce@milford-de.gov) or by calling 302.424.8396.

*Advertised: Beacon 06/28/17*

## Washington Street Pump Station

Saturday, July 15, 2017 at 4:30 AM I responded to an alarm for flooding on basement (1<sup>st</sup>) floor of Washington Street pump station. A Maxi fit coupling had come loose on a 12" discharge line causing waste fluid to pour into the basement when the pumps kicked on. I called Clean Delaware to assist in pumping the wastewater out of the first floor so it would not reach the second floor and destroy motors on that floor. I also called in Vince Waydellis, Shawn O'Neil, and Bill Hughes to help out. We brought in a by-pass pump and hooked up outside to bypass the pump station. We had trouble finding an 8x6 fitting to connect the bypass hose but after making several phone calls we found one at Blair Road Supply in Selbyville. I also call Wayne Brennaman and Erik Retzlaff to help me out, knowing Mr. Retzlaff did the engineering work and Mr. Brennaman was the inspector when this pump station was refurbished about three years ago. They were a big help in controlling what could have been a major problem. A long, hot, busy day for us all. Everyone worked together great and we had no major issues we could not handle. Once again, I would like to thank the following people that were involved in the activities.

Marvin Millman – Kent County Treatment Plant

Bill Bradley – Town of Georgetown

Rodney Marvel – Sussex County

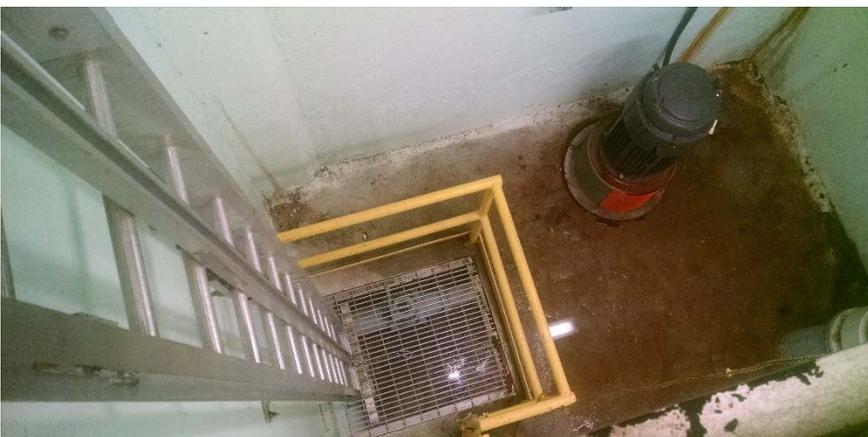
Kevin Reichold - HD Supply

A special Thanks to Tony DiBuo of Blair Road Supply in Selbyville who had the part we needed.

Below are some pictures of work that was done along with captions explaining our issues.



This is the fitting that came loose.



This is the second floor where the motors are located, the floor below is the one that flooded.



Start of the morning.



Clean Delaware pumping out first floor.



Bypass pump set up.

Sunday, July 23, 2017 we were called to Washington Street pump station because the pump stop working. We put in another pump supplied by Godwin Pumps of New Jersey. A big thanks for Dale Bracken of Godwin Pumps for his assistance. What we found was the screen had plugged up with rags and other unmentionables. The pump had run all night and ran out of fuel. We cleaned the screen several times that day. Not a pretty job.... Below is a picture of the clogged screen.



Erik Retzlaff is assisting in getting a company to come in and repair the pipe and clean up / grease pumps and check everything well to get the station back up and running.

*Submitted by Steve Ellingsworth, Assistant Supervisor for Water and Sewer Plant Operations*

**DRAFT CODE OF CONDUCT ORDINANCE**

There is hereby established a new Chapter 120 of the Code of the City of Milford as follows:

**CHAPTER 120 – CODE OF CONDUCT AND ETHICS COMMISSION**

**§ 120-1 Purpose**

In order to preserve public respect and confidence in our local government and to avoid any conduct that would create even a justifiable impression of impropriety or breach of the public trust, The City of Milford has deemed it both appropriate and necessary to adopt a code of conduct that will establish specific ethical standards of conduct that will apply to all elected and appointed officials and employees of the City along with uniform mechanisms to guarantee both interpretation and enforcement of such standards.

**§ 120-2 Applicability**

This Code shall be applicable to all elected and appointed officials and all employees of the City of Milford as of \_\_\_\_\_, except as otherwise provided.

**§ 120-3 Definitions**

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

“City” means the City of Milford, a political subdivision of the State of Delaware, and its elected and appointed officials, councils, boards, commissions, departments, employees, committees, or other public bodies existing by virtue of the Charter and/or Code of the City of Milford or an act of the General Assembly or Constitution of the State of Delaware.

“Close relative” means a person's parents, spouse, guardian, grandparents, children and grandchildren (natural or adopted), and siblings of the whole and half-blood , aunt, uncle, first cousin, corresponding in-law, corresponding step-relative, or any member of an employee’s household. “Commission” and “Ethics Commission” means the City Ethics Commission established by this Code.

"Compensation" means any money, thing of value or any other economic benefit of any kind or nature whatsoever conferred on or received by any person in return for services rendered or to be rendered by oneself or another.

“Employee” means all persons who receive compensation as an employee of the City or any department thereof, whether full time, part time, temporary or seasonal, but not persons that are elected or appointed to serve as Mayor, City councilmember or a member of any City committee, commission or board, whether paid or unpaid.

"Financial interest" in a private enterprise applies to any of the following:

(1) The person has or intends to purchase or acquire a legal or equitable ownership interest in the enterprise of more than 10% (1% or more in the case of a corporation whose stock is regularly traded on an established securities market);

(2) The person is associated with the enterprise and received from the enterprise during the last calendar year or might reasonably be expected to receive from the enterprise during the current or the next calendar year income in excess of \$5,000 for services as an employee, officer, director, trustee or independent contractor; or

(3) The person is a creditor of a private enterprise in an amount equal to 10% or more of the debt of that enterprise (1% or more in the case of a corporation whose securities are regularly traded on an established securities market).

"Matter" means any application, petition, request, business dealing, contract, subcontract, or any other transaction of any sort with the City.

"Official" means any elected or appointed official of the City, including all members of any committee, commission or board appointed by the Mayor or City Council by virtue of their powers and authority pursuant to the Charter and/or Code of the City of Milford, or an act of the General Assembly or Constitution of the State of Delaware, and including the members of the Ethics Committee established in this Code and the City Manager, Chief of Police, Department Head, or other person authorized to represent the City in an official capacity.

"Official responsibility" means any direct administrative or operating authority at any level, either exercisable alone or with others, either personally or through subordinates, to approve, disapprove, recommend or otherwise direct action on behalf of the City.

"Person" means an individual, partnership, corporation, trust, joint venture and any other association of individuals or entities.

"Political Candidate" means any person who is a candidate or nominee to be an official of the City, any person who has been identified officially as a prospective nominee, and any person who is openly considering becoming a candidate to become an official at the next City election.

"Private enterprise" means any activity conducted by any person, whether conducted for profit or not for profit which includes the ownership of real or personal property. Private enterprise does not include any activity of the City or of any agency, authority or instrumentality thereof.

#### **§120-4 Prohibitions Relating to Conflict of Interest**

A. General. Each official and employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that such employee or official is engaging in acts which are in violation of the public trust or which will reflect unfavorably upon the City. Each official and employee shall further avoid any conduct that may justifiably be viewed by the public as an act of impropriety even if such conduct is not specifically prohibited or considered by such official or employee to be improper absent receipt of a waiver or opinion from the Ethics Commission.

B. Restrictions on exercise of official authority.

(1) Prohibited participation: No employee or official may participate on behalf of the City in the review or disposition of any matter pending before the City in which he or she has a personal or private interest, provided that, upon request from any person with official responsibility with respect to the matter, any such person who has such a personal or private interest may nevertheless respond to questions concerning any such matter.

(a) Personal or private interest: A personal or private interest in a matter is an interest which tends to impair a person's independence of judgment in the performance of his or her duties with respect to that matter.

(b) Impairment of judgment: A person has an interest which tends to impair his or her independence of judgment in the performance of his or her duties with respect to any matter when:

(i) Any action or inaction with respect to the matter would result in a financial benefit or detriment to accrue to the person or a close relative to a greater extent than such benefit or detriment would accrue to others who are members of the same class or group of persons; or

(ii) The person or a close relative has a financial interest in a private enterprise which enterprise or interest would be affected by any action or inaction on a matter to a lesser or greater extent than like enterprises or other interests in the same enterprise.

(2) Representing another person before the City: No employee, officer or official may represent or otherwise assist any person with respect to any matter before the City with which the employee, officer or official is associated by employment or appointment, unless such employee, officer or official is assisting such person with respect to any matter in the exercise of his or her official duties.

(3) Personal Benefit: No employee or official or private enterprise in which such employee holds a financial interest shall enter into or benefit from any contract with the City (other than an employment contract).

(4) Private Enterprise:

(a) No City employee, officer or official may represent or otherwise assist any private enterprise with respect to any matter before the City with which the employee, officer or official is associated by employment or appointment.

(b) No City officer may represent or otherwise assist any private enterprise with respect to any matter before the City.

(c) This subsection shall not preclude any City employee, officer or official from appearing before the City or otherwise assisting any private enterprise with respect to any matter in the exercise of such person's official duties.

#### C. Close Relatives.

The City will use sound judgment in the placement of related employees in accordance with the following guidelines:

(1) No close relative may be hired as an employee if such employment would result in another close relative directly or indirectly supervising such employee.

(2) There will be no direct reporting or supervisor to subordinate relationship allowed.

(3) No relatives of Department Directors will be permitted to work within the chain of command of his/her department.

(4) No relatives of City Council Appointees or the Human Resources Director will be permitted to work in any department.

(5) Employees who marry or become part of the same household while employed are treated in accordance with this policy and may be transferred at the earliest practicable time.

(6) The prohibition against indirect supervision would encompass any person who is a close relative of any Official, the City Manager or Chief of Police.

(7) No relatives of the Mayor or a City councilmember shall be hired by the City during that elected official's term in office.

(8) Any employees that were hired prior to \_\_\_\_\_[*effective date or adoption of this Code*]\_\_\_\_\_ may remain an employee in their current position notwithstanding any prohibition under this section provided that the employee or official who is a close relative of such employee abstains from any matter that would directly or indirectly effect such employee. No employee exempted by this subsection may be promoted or transferred to a different position in the City without first receiving the prior written consent of the Ethics Commission. Once an employee is promoted or transferred to a different position, or separated from employment and later rehired, no exemptions shall apply.

D. Political Activities: No official or employee may solicit political contributions from any person, including other officials or employees during the course of performing his or her official duties on behalf of the City.

#### E. Gifts and Favors

(1) No employee or official shall accept any gift in excess of \$50,00, whether in the form of service, loan, thing or promise, from any person who, to the employee's or official's

knowledge, is interested directly or indirectly in any matter with the City and where said contact can be construed as having or attempting to improperly influence said employee or official, or which may result in any of the following:

- (a) Impairment of independence of judgment in the exercise of official duties;
- (b) An undertaking to give preferential treatment to any person;
- (c) The making of a governmental decision outside official channels; or
- (d) Any adverse effect on the confidence of the public in the integrity of the government of the City.

(2) No employee or official shall grant, in the discharge of duties, any improper favor, service or thing of value.

(3) Gifts or favors from any individual person, entity, organization or related combination thereof aggregating \$250.00 or more in the City's fiscal year.

#### F. Abuse of Office

(1) Political contributions. No official shall agree to sponsor legislation, or to influence in any manner the formulation or passage of legislation, in exchange for political contributions or promises thereof.

(2) Substantial interest. No official shall vote for, or promote in any manner whatsoever, legislation affecting any subject matter in which he or she has a substantial interest. Any such interest shall be disclosed by said official prior to a vote on any such legislation, and said official shall not participate in any discussion on such matters and shall vote "abstain" when called upon to vote.

(3) Use of City property. No official or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided for the use of such official or employee in the conduct of official business as a matter of municipal policy.

(4) Personal gain. No official or employee shall utilize the influence of his office or position for personal pecuniary gain, or to avoid the legal consequences of his or her personal conduct, or to secure unwarranted privilege, private advancement or gain, nor shall such official or employee acquire a financial interest in any private enterprise which such official has reason to believe may be directly involved in decisions to be made by such official in an official capacity on behalf of the City.

(5) Sexual favors. No employee or official, in the course of his or her public responsibilities, may use the granting of sexual favors as a condition, either explicit or implicit, for an individual's favorable treatment by that person or a City agency.

#### G. Post Office or Employment Restrictions.

(1) No person who has served as a employee or official shall represent or otherwise assist any private enterprise on any matter involving the City, for a period of two years after termination of his or her employment or elected or appointed status with the City, if he or she gave an opinion, conducted an investigation or otherwise was substantially involved in such matter in the course of his or her official duties as an employee or official, nor shall any former City employee or official disclose confidential information gained by reason of his public position, nor shall he otherwise use such information for personal gain or benefit.

(2) For all full-time employees, their employment with the City shall take precedence over all other occupational interests of such employee. All outside employment for salaries, wages, commission and self-employment must be reported to the employee's supervisor, who in turn will report to the City Manager or Chief of Police for review. The City Manager or Chief of Police will review such employment for possible conflicts of interest and/or impact upon the efficiency of the employee. Conflicting outside employment or outside employment which inhibits an employee's efficiency will be grounds for disciplinary action, up to and including dismissal. Findings, approvals, and denials of said outside employment requests shall be documented in writing to the employee and the employee's personnel file.

#### H. Restrictions on Contracting with the City.

No City employee, officer and no private enterprise in which a City employee or officer has legal or equitable ownership of more than 10% (more than 1% in the case of a corporation whose stock is regularly traded on an established securities mark shall enter into any contract with the City) other than an employment contract unless such contract was made or let after public notice and competitive bidding.

#### I. Disclosure.

Any City employee or officer who has a financial interest in any private enterprise which is subject to the regulatory jurisdiction of, or does business with, any City agency shall file with the Ethics Commission a written statement fully disclosing the same. Such disclosure shall be confidential and the Ethics Commission shall not release such disclosed information, except as may be necessary for the enforcement of this Code. The filing of such disclosure statement shall be a condition of commencing and continuing employment or appointed status with the City.

#### J. Exceptions

(1) Statutory responsibility. In any case where a person has a statutory responsibility with respect to action or inaction on any matter where such person has a personal or private interest and there is no provision for the delegation of such responsibility to another person, the person may exercise responsibility with respect to such matter, provided that, promptly after becoming aware of such conflict of interest, such person files a written statement with the Ethics Commission, fully disclosing the personal or private interest and explaining why it is not possible to delegate responsibility for the matter to another person.

(2) Waiver. Any employee or official who has acted in reliance upon a waiver from the Ethics Commission that was received in writing before the action or inaction that would otherwise be a violation under this Code is not a violation under this Code unless it is proven that the Ethics Commission granted such waiver without having received a full and fair disclosure of all material information from such employee or official.

(3) Advisory Opinions. Any employee or official who acts or fails to act in accordance with a reasonable interpretation of an advisory opinion that was issued by the Ethics Commission shall be valid and not considered a violation of this Code. For purposes of this exception, no employee or official may rely upon an advisory opinion that has been overturned or superseded by a subsequent advisory opinion of the Ethics Commission.

### **§120-5 Disclosure and Confidentiality of Information**

A. Confidential Information. No employee or official shall engage in any activity beyond the scope of his or her public position which might reasonably be expected to require or induce such person to disclose confidential information such person may have acquired by reason of public position nor shall the person otherwise use such information for personal gain or benefit.

B. Disclosure of Information. No employee or official shall, beyond the scope of such person's public position, disclose confidential information gained by reason of the public position, nor shall such employee or official disclose any information required to be maintained confidential by the Ethics Commission under this Code.

### **§120-6 Structure of the Ethics Commission**

A. Established; composition; removal. The Ethics Commission is hereby established to administer and implement this Code. The Ethics Commission shall consist of five members appointed by the Mayor and confirmed by the City Council. No member of the Ethics Commission shall hold any elected or appointed office under the government of the United States or the government of the State of Delaware or any county or city thereof, nor shall the member or a close relative be an employee of the City or be an appointee by the Mayor or City Council to any other position within the City. Members of the Ethics Commission may be removed by the Mayor, with the concurrence of the City Council, for substantial neglect of duty, gross misconduct in office or a violation of this Code.

B. Terms of office; vacancies. A member of the Ethics Commission shall be appointed for terms of office of five years that may be renewed. Upon the expiration of a member's term, such member shall remain a member until such a time as a new member has been confirmed by the City Council. The initial members shall be appointed for staggered terms of office. When a vacancy occurs in the membership of the Ethics Commission, it shall be filled by appointment for the unexpired portion of the term in the same manner as the original appointment.

C. Chairperson; quorum. The Ethics Commission shall elect a chairperson from among its membership. Three members of the Ethics Commission shall constitute a quorum and, if a quorum is present, a vacancy on the Ethics Commission shall not impair the right of the

remaining members to exercise all the powers of the Ethics Commission. Disciplinary hearings may be conducted and sanctions may be imposed only by the affirmative action of at least three members; otherwise, the Ethics Commission may delegate authority to the chairperson to act for the Ethics Commission between meetings.

D. Compensation. Members of the Ethics Commission shall receive no compensation.

E. Commission counsel. The City Solicitor appointed pursuant to the Charter of the City shall provide legal counsel to the Ethics Commission and shall be the legal representative of the Ethics Commission in connection with its duties hereunder, on a case-by-case basis, or determine that outside counsel is needed and obtain such outside counsel for a particular matter. In furtherance of its representation, counsel shall have the power and duties to:

(1) Assist the Ethics Commission in preparing and publishing manuals and guides explaining the duties of individuals covered by this Code and in other activities, such as seminars and workshops, educating individuals covered by this Code about its requirements and purposes, and giving instructions and public information materials to facilitate compliance with, and enforcement hereof.

(2) Provide legal counsel to the Ethics Commission concerning any matter arising in connection with the exercise of its official powers or duties.

(3) Review information coming to the attention of the Ethics Commission relating to potential violations of this Code.

(4) Investigate information coming to the attention of the Ethics Commission that, if true, could constitute a violation of any provision of this Code and/or to recommend that possible violations of these, or other state and federal laws, be referred by the Ethics Commission to the Attorney General or the United States Attorney for investigation and prosecution. Matters may be so referred to the Attorney General or the United States Attorney only upon a determination by at least a majority of the Ethics Commission that there are reasonable grounds to believe that a violation may have occurred.

(5) Prosecute disciplinary proceedings, if a determination has been made by at least a majority of the Ethics Commission that there are reasonable grounds to believe that a violation may have occurred before the Ethics Commission and to assist the Ethics Commission in drafting educational materials, waiver decisions and advisory opinions.

(6) Employ and supervise staff necessary to perform investigatory and prosecutorial functions.

(7) Maintain its files and records of all advisory, waiver, investigatory and prosecutorial matters for as long as appointed, at which time they shall be made available to the City.

(8) Perform any other tasks requested by the Ethics Commission concerning any matter arising in connection with the exercise of its official powers or duties.

(a) The Commission Counsel may be recused from a matter before the Ethics Commission when, in the view of Commission Counsel or of the Ethics Commission, such recusal is deemed necessary or appropriate. In situations where Commission Counsel recuses, the duties of the Commission Counsel may be exercised by outside counsel chosen by the Ethics Commission.

(9) The Commission Counsel shall not represent the Ethics Commission until adequate funds have been appropriated for such purpose.

### **§120-7 Powers and Duties of Ethics Commission**

A. The powers, duties and obligations of the Ethics Commission include the following:

(1) Rules of conduct. To recommend to the Mayor and City Council, from time to time, such rules of conduct for public employees and officials as it shall deem appropriate.

(2) Waivers. Upon the written request of any City agency or of any individual who is or was an employee or official, the Ethics Commission may grant a waiver to the specific prohibitions contained in this Code if the Ethics Commission determines that the literal application of such prohibition in a particular case is not necessary to achieve the public purposes of this Code or would result in an undue hardship on any employee or official. Any such waiver may be granted only by written decision of the Ethics Commission. Any person who acts in good faith reliance upon any such waiver decision shall not be subject to discipline or other sanction hereunder with respect to the matters covered by the waiver decision, provided there was a full disclosure to the Ethics Commission of all material facts necessary for the waiver decision.

(3) Advisory opinions. Upon the written request of any employee or official, the Ethics Commission may issue an advisory opinion as to the applicability of this Code to any particular fact or situation. Any person who acts in good faith reliance upon any such advisory opinion shall not be subject to discipline or other sanction hereunder with respect to the matters covered by the advisory opinion, provided there was a full disclosure to the Ethics Commission of all material facts necessary for the advisory opinion.

(4) Referrals to solicitor. To refer to the City Solicitor for investigation any alleged violation of this Code and, after notice and hearing, to recommend such disciplinary action as it may deem appropriate to such appropriate official or agency as the Ethics Commission shall determine, or to take such other disciplinary action as authorized by this Code. The Ethics Commission may dismiss, without reference to the City Solicitor, any complaint which the Ethics Commission determines is frivolous or fails to state a violation.

(5) Report of crimes. To report to the appropriate federal, state or City authorities any substantial evidence of a violation of any criminal law which may come to its attention in connection with any proceeding, whether advisory or disciplinary.

(6) Records. To maintain a file of its proceedings, waiver decisions and advisory opinions with a view toward achieving consistency of opinions and recommendations subject to the confidentiality requirements of this Code.

(7) Procedures. The Ethics Commission may adopt such other procedures as it deems appropriate in order to fairly and efficiently fulfill its duties and meet the goals of this Code.

(8) To prescribe forms for reports, statements, notices and other documents required by law. The Ethics Commission may permit the filing of reports, statements, notices and other documents by electronic means and may specify the form and contents of such filings.

(9) To prepare and publish manuals and guides explaining the duties of individuals covered by this Code; and giving instructions and public information materials to facilitate compliance with and enforcement hereof.

(10) To provide assistance to appropriate agencies, employees and officials in administering the provisions of this law.

(11) To prepare an annual report to City Council each year describing its activities for the previous year and to prepare such other reports and studies as may advance the purposes of this Code.

(12) Confidentiality. Any application for a waiver or advisory opinion and any proceeding and any decision with respect thereto shall be maintained confidential by the Ethics Commission, unless disclosure is warranted by any of the following:

(a) Upon the written request of the applicant.

(b) Upon determination by the Ethics Commission after a hearing that a violation has occurred.

(c) Upon the determination by the Ethics Commission that public disclosure is required in connection with the prosecution of any violation of this Code.

(d) Substantial evidence of a criminal violation that is reported to the appropriate federal, state and/or City authorities.

(e) All waivers approved by the Ethics Commission, including the record thereof, shall be open to the public for inspection.

(f) The record of all proceedings relating to any decision of the Ethics Commission which is appealed to the Superior Court shall automatically be made available for public inspection.

## B. Complaints and Hearing Procedures.

(1) Upon the sworn complaint of any person or on its own initiative, the Ethics Commission may refer to the Commission Counsel for investigation any alleged violations of this Code. The Commission Counsel shall be the prosecuting attorney in disciplinary proceedings before the Ethics Commission. In any such investigation or proceeding, a defendant shall be given an opportunity to be heard after notice, to be advised and assisted by legal counsel, to produce witnesses and offer evidence, and to cross-examine witnesses. A transcript of any such proceeding shall be made and retained, subject to the confidentiality requirements of subsection (h) of this section.

(2) A member of the Ethics Commission shall be ineligible to participate, as a member of the Ethics Commission, in any Ethics Commission proceeding relating to such member's conduct. A member of the Ethics Commission who has been found by the Ethics Commission to have violated this Code shall be ineligible to serve again as a member of the Ethics Commission.

(3) A member of the Ethics Commission may disqualify himself or herself from participating in any investigation of the conduct of any person upon submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision in the case in which the member seeks to disqualify himself or herself.

(4) In any proceeding before the Ethics Commission, upon the request of any person charged with a violation of this Code, such person shall be permitted to inspect, copy or photograph books, papers, documents, photographs or other tangible objects which will be used as evidence against that person in a disciplinary hearing and which are material to the preparation of a defense.

(5) Evidence. The Ethics Commission may subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require, by subpoena, the production of books, papers, records or other evidence needed for the performance of the Ethics Commission's duties or exercise of its powers.

(6) In any proceeding before the Ethics Commission, if the Commission Counsel or the Ethics Commission at any time receives any exculpatory information respecting an alleged violation against any person, it shall automatically and forthwith make such information available to such person, and upon request of the person charged shall make any evidence that may be used or relied upon by the Ethics Commission available for inspection and copying.

(7) Any person charged with a violation of this Code may apply to the Ethics Commission for the issuance of subpoenas for the appearance of witnesses and for the production of documents on the person's behalf. The application shall be granted upon a concise showing by such person that the proposed testimony or evidence is relevant (or is reasonably calculated to lead to the discovery of relevant evidence) and is not otherwise available. The application shall be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(8) All proceedings relating to a charged violation of this Code shall be maintained confidential by the Ethics Commission unless (i) public disclosure is requested in writing by the

person charges; or (ii) the Ethics Commission determined after a hearing that a violation has occurred.

(a) Notwithstanding the confidentiality requirements of paragraph (1) of this subsection, the Ethics Commission shall make available for public inspection the record of all proceedings relating to any decision of the Ethics Commission which is appealed to Superior Court and the Ethics Commission shall report to appropriate federal or state authorities any substantial evidence of a violation of any criminal law which comes to its attention in connection with any proceeding under this Code.

(b) The chairperson of the Ethics Commission shall, with the approval of the Ethics Commission, establish such procedures as in the chairperson's judgment may be necessary to prevent the disclosure of any record of any proceedings or other information received by the Ethics Commission or its staff except as permitted by this Code.

#### **§120-8 Enforcement and penalties.**

A. Enforcement authority. With respect to any violation with which a person has been charged and which the Ethics Commission has determined as proved, the Ethics Commission may take any one or more of the following actions:

(a) Issue a written reprimand or censure of that person's conduct.

(b) With respect to a City employee, remove, suspend, demote or take other appropriate disciplinary action with respect to that person, without regard to any limits imposed by this Code, but within the limits of the constitution, the laws of the state, the Charter of the City, and ordinances and existing collective bargaining agreements.

(c) With respect to an appointed official, recommend that appropriate action be taken to remove the official from the appointed position.

(d) With respect to an elected City official, recommend that such official be fined in an amount recommended by the Ethics Commission

B. Contracts voidable by Court action. Any contract entered into by any City agency in violation of this Code shall be voidable by the City agency; provided that in determining whether any court action should be taken to void such a contract pursuant to this subsection, the City agency shall consider the interests of innocent third parties who may be damaged thereby. Any court action to void any transaction must be initiated within 30 days after the City agency involved has, or should have, knowledge of such violation.

C. Penalties. The Ethics Commission shall have the authority to refer any person who knowingly or willfully violates any provision of this Code to the State of Delaware Office of Attorney General for prosecution pursuant to 29 Del.C., Section 5806(f).

## **§120-9 Judicial Review**

In the event the Ethics Commission finds that any person has violated any provision of this Code, said person shall have a right of appeal to the Superior Court of any such finding, and of any sanctions imposed with respect thereto, by filing a notice of appeal with the Superior Court within 30 days of the final action by the Ethics Commission in a particular case. The appeal shall be on the record without a trial de novo. If the Court determines that the record is insufficient for its review, it shall remand the case to the Ethics Commission for further proceedings on the record. The Court's review, in the absence of actual fraud, shall be limited to a determination of whether the Ethics Commission's decision was supported by substantial evidence on the record. The burden of proof in any such appeal shall be on the appellant.

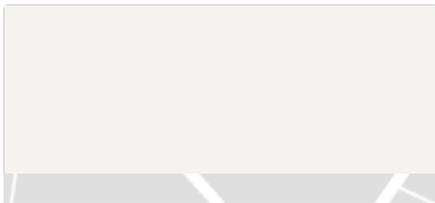
Google Maps 400 NE Front St



Image capture: Apr 2012 © 2017 Google United States

Milford, Delaware

Street View - Apr 2012



# WELCOME TO LOCKPORT



# LARAMIE'S SERVICE CLUBS



# Welcome to MECHANICSBURG

A GOOD PLACE TO LIVE



Rotary Club  
1000 W. 1st St.  
Mechanicsburg, PA 17055  
HOURS: MON-FRI 7:30-11 AM

ELKS  
Lodge No. 302  
100 W. 1st St.  
Mechanicsburg, PA 17055

MECHANICSBURG CLUB  
100 W. 1st St.  
Mechanicsburg, PA 17055





# Support the 2017 Milford Community Parade! "To the Stars and Beyond!"

Milford's longest running family tradition marches on Walnut Street!

Keep the tradition alive. Your sponsorship of \$20, \$40, \$50, or \$100 will help defray the cost associated with the Milford Community Parade. You can now include your sponsorship in a separate check when you mail in your electric bill.

Here's how you can help us reach our goal of \$10,000 in sponsorships: Just write a check in the amount of your sponsorship to Milford Community Parades, Inc. and include the check in your electric bill with the bottom portion of this flyer. The City of Milford will forward your contribution to the Milford Parade Committee. Then join us on Walnut Street, Wednesday, October 18, 2017 at 6:30 p.m. for "To the Stars and Beyond!" Find us on our Facebook page at "Milford Parade" for fun facts and updates. Download an entry form at [www.milfordparade.com](http://www.milfordparade.com).

Thank you for your continued support!

YES! Keep the tradition alive---

Please accept my donation of \_\_\_\$20 \_\_\_\$40 \_\_\_\$50 \_\_\_\$100 Campaign\*\*

Sponsorship on behalf of:

\_\_\_\_\_

Individual/ family/ company name

\_\_\_\_\_

Street address

\_\_\_\_\_

City or town/state/ZIP

Check #



Please return this bottom portion and separate check with your electric bill.

**\*\*RECEIVE A YARD SIGN FOR YOUR YARD OR WINDOW!**



PUBLIC WORKS DEPARTMENT  
180 Vickers Drive  
Milford, DE 19963

PHONE 302.422.1110  
FAX 302.422.1117  
[www.cityofmilford.com](http://www.cityofmilford.com)

## City of Milford to Install Smart Meters for City Electric and Water Customers

Beginning in September 2017, the City of Milford, through American Municipal Power, Inc (AMP) and Delaware Municipal Electric Cooperative (DMEC), will begin installing new smart meters on all electric and water service connections served by the City. The \$\_\_\_\_\_ project is being funded from water, sewer and electric reserve funds, and there will be no additional cost to the customer. Below are some Frequently Asked Questions regarding the new meters. If you have further questions, please visit the City's website at [www.cityofmilford.com](http://www.cityofmilford.com) or call a Customer Service Representative at 302-422-6616.

### **What is a smart meter?**

A smart meter is a digital meter that can transmit, through a network interface, real time records of consumption to the City for monitoring and billing. This two-way communication will allow consumers to retrieve their energy and water usage on an hourly or daily basis, allowing for more precise and informed decisions to manage utilities.

### **Why is the City changing meters?**

The City will be changing meters to improve operational efficiency and benefit our customers. This advanced technology will assist in keeping up with customer needs and service demands.

### **What are the advantages of switching to smart meters?**

Smart meters facilitate a better understanding of usage trends, which allows for the ability to lower costs for both the City and consumer. Additionally, the City will be able to remotely read meters and provide a faster response in the event of issues such as water leaks and power outages.

### **How long will my service be disrupted during the meter installation?**

In most cases the power will be out approximately 60 seconds, but it could take up to 10 minutes. Water services will not be disrupted.

### **When will the meters be installed?**

The City's contractor will begin installing meters late August and the project will run through November. Meters will be installed Monday through Friday, 8 am through 5 pm. If you have a medical condition or need special arrangements, please call the City's Customer Service Representatives at 302-422-6616. More detailed information may be found on the City's website, [www.cityofmilford.com](http://www.cityofmilford.com).

---

TO: City of Milford  
FROM: Downtown Milford, Inc. – Riverwalk Farmer’s Market Committee  
DATE: July 10, 2017  
SUBJECT: Addendum to Special Event Permit

The Riverwalk Farmer’s Market would like to accept Harvest Ridge Winery, a local winery, to our farmer’s market. They make excellent wines from local grapes and obtain their fruit from local sources whenever possible. Their business model stays within the theme of our own Riverwalk Farmer’s Market where we like to promote local farmers and local homemade product vendors. They would provide samples of their product to attendees; which will include wine and cider. Vendors like this have started participating in local farmer’s market throughout the state and have helped the farmer’s market to expand. The winery and Riverwalk Farmer’s Market will adhere to all state laws, and Downtown Milford, Inc. would hold the gathering license. The Riverwalk Farmer’s Market is requesting that this vendor be added to the Special Event Permit and be able to participate in the market.

**TO:** Mayor and City Council

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

**DATE:** July 24, 2017

**RE:** **DeIDOT Transportation Alternatives Program (TAP)  
NE & NW Front Street (State Route 14)**

---

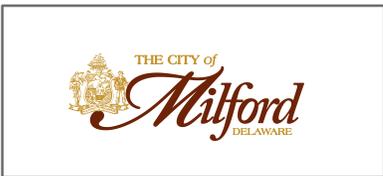
In December 2016, the City submitted an application to the State of Delaware, Department of Transportation (DeIDOT) for Transportation Alternatives Program (TAP) funding for bicycle and pedestrian improvements along NE & NW Front Street between Route 113 and Rehoboth Boulevard. The proposed project would include new sidewalks and curb, multi-use paths, landscaping and bump-outs where necessary, bicycle facilities, crosswalks, potential elimination of shoulders in some areas and narrowing of travel lanes to reduce speed.

The TAP program would fund the concept design and 80% of the final design and construction phases. Each project cannot exceed \$1 million dollars, which means the NE & NW Front Street project may need to be broken into multiple phases if the construction costs exceed the \$1 million dollar limit.

The State anticipates beginning conceptual design in October 2017 and beginning final design in April 2018. The State will complete the final design and provide a detailed cost estimate prior to advertising the project for bids. The final design phase could take up to 18 months to complete, placing the start of construction and the need for the 20% construction match into the Fall of 2019.

In order to proceed with the application process, the City must commit the 20% final design match, which is anticipated to be \$30,000. The City does not have to commit to the construction match until the final design and construction cost estimate are complete. The City may elect to proceed with a portion or all of the final design depending on funding and budgetary constraints.

At this time, staff recommends proceeding with the conceptual and final design phases for the entire project area and recommends City Council allocate \$30,000 from the Economic Development Fund to cover these expenses.

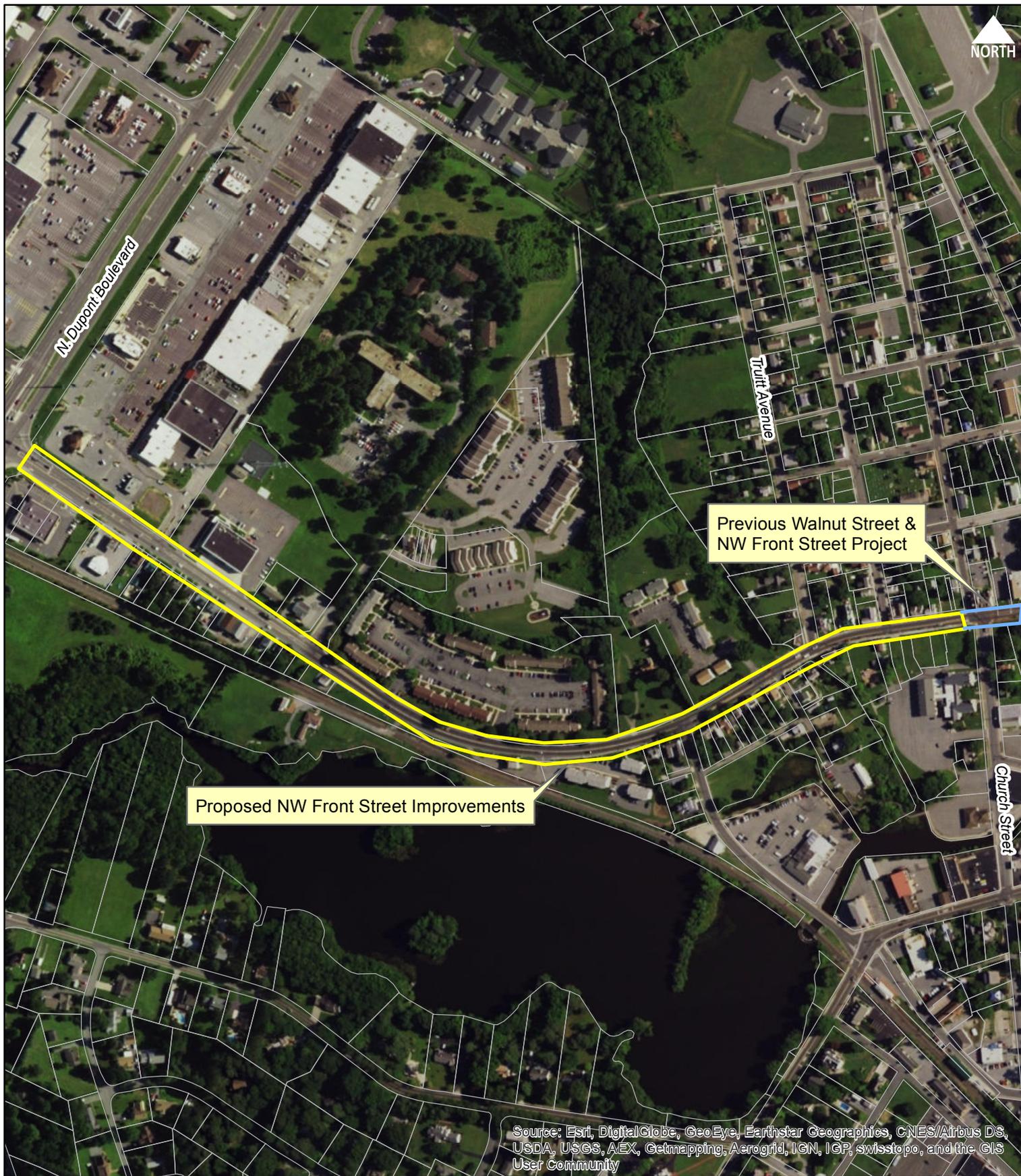


Drawn by: WRP Date: 06/23/16

Title:

Exhibit A  
**Downtown Milford Street Improvements**  
 NE Front Street

Filepath: TAP\_FrontStreet\_ExhibitA.mxd



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Scale: Feet  
 0 250 500  
 Drawn by: WRP Date: 08/08/16

Title:  
**Exhibit B**  
**Downtown Milford Street Improvements**  
**NW Front Street**

Filepath: TAP\_FrontStreet\_ExhibitB.mxd

# City of Milford



## GREETINGS:

The Charter of the City of Milford provides the following:

"Article VII, Section 7.12: Attached to said tax list shall be a warrant, under the Seal of the City of Milford, Signed by the Mayor and Attested to by the City Clerk, commanding the City Manager to make collection of Taxes as stated in the Tax Lists."

THEREFORE, YOU, THE CITY MANAGER, DULY APPOINTED BY THE COUNCIL OF THE CITY OF MILFORD, ARE HEREBY COMMANDED TO COLLECT THE TAXES AS LEVIED IN THE FOUR WARDS, AS FOLLOWS:

Assessed Per Billing Register	\$1,061,148,804.00
Exemptions	[\$222,104,400.00]
TOTAL ASSESSED VALUE	\$839,044,404.00
	<u>x.0046</u>
ESTIMATED TAX PER PROPERTY VALUES	\$3,859,604.26
Senior Citizen Discount	[\$31,648.00]
<b>TOTAL TAXABLE (Fiscal Year 2017-2018)</b>	<b>\$3,827,956.26</b>
Due Date:	September 30, 2017

Mayor Bryan W. Shupe

Attest: \_\_\_\_\_  
Acting City Clerk

Adopted this 24<sup>th</sup> day of July, 2017.

Prepared For:  
Milford Police Dept

Prepared By:  
administrator



## 2016 Fleet/Non-Retail Chevrolet Tahoe 2WD 4dr Commercial CC15706

### **SELECTED MODEL & OPTIONS**

---

#### **SELECTED MODEL - 2016 Fleet/Non-Retail CC15706 2WD 4dr Commercial**

---

<u>Code</u>	<u>Description</u>
CC15706	2016 Chevrolet Tahoe 2WD 4dr Commercial

---

#### **SELECTED VEHICLE COLORS - 2016 Fleet/Non-Retail CC15706 2WD 4dr Commercial**

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<u>Code</u>	<u>Description</u>
-	Interior: No color has been selected.
-	Exterior 1: No color has been selected.
-	Exterior 2: No color has been selected.

---

#### **SELECTED OPTIONS - 2016 Fleet/Non-Retail CC15706 2WD 4dr Commercial**

---

##### **CATEGORY**

<u>Code</u>	<u>Description</u>
<b>SUSPENSION PKG</b>	
Z56	SUSPENSION, HEAVY-DUTY, POLICE-RATED front, independent torsion bar, and stabilizer bar and rear, multi-link with coil springs (Included and only available with (9C1) Police Vehicle only.)
<b>EMISSIONS</b>	
NE1	EMISSIONS, CONNECTICUT, DELAWARE, MAINE, MARYLAND, MASSACHUSETTS, NEW JERSEY, NEW YORK, OREGON, PENNSYLVANIA, RHODE ISLAND, VERMONT AND WASHINGTON STATE REQUIREMENTS
<b>ENGINE</b>	
L83	ENGINE, 5.3L ECOTEC3 V8 WITH ACTIVE FUEL MANAGEMENT, DIRECT INJECTION AND VARIABLE VALVE TIMING includes aluminum block construction (355 hp [265 kW] @ 5600 rpm, 383 lb-ft of torque [518 N-m] @ 4100 rpm) (STD)
<b>TRANSMISSION</b>	
MYC	TRANSMISSION, 6-SPEED AUTOMATIC, ELECTRONICALLY CONTROLLED with overdrive and tow/haul mode (STD)

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 481.0, Data updated 3/7/2017  
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Customer File:



## 2016 Fleet/Non-Retail Chevrolet Tahoe 2WD 4dr Commercial CC15706

### **SELECTED MODEL & OPTIONS**

#### SELECTED OPTIONS - 2016 Fleet/Non-Retail CC15706 2WD 4dr Commercial

##### **CATEGORY**

<b>Code</b>	<b>Description</b>
<b>AXLE</b>	
GU4	REAR AXLE, 3.08 RATIO (Not available with (NHT) Max Trailering Package.)
<b>PREFERRED EQUIPMENT GROUP</b>	
1FL	COMMERCIAL PREFERRED EQUIPMENT GROUP Includes Standard Equipment *CREDIT*
<b>WHEEL TYPE</b>	
RAP	WHEELS, 17" X 8" (43.2 CM X 20.3 CM) STEEL, POLICE, BLACK (Included and only available with (9C1) Police Vehicle.)
<b>TIRES</b>	
QAR	TIRES, P265/60R17 ALL-SEASON, POLICE, V-RATED (Included and only available with (9C1) Police Vehicle.)
<b>SPARE TIRE</b>	
ZAK	TIRE, SPARE, P265/60R17 ALL-SEASON, POLICE, V-RATED (Included and only available with (9C1) Police Vehicle.)
<b>PAINT SCHEME</b>	
ZY1	PAINT SCHEME, SOLID APPLICATION
<b>PAINT</b>	
GBA	BLACK
<b>SEAT TYPE</b>	
AZ3	SEATING, FRONT 40/20/40 SPLIT-BENCH, 3-PASSENGER includes 6-way power driver and 2-way front passenger seat adjuster, driver and front passenger power lumbar control and power reclining, center fold-down armrest with storage, storage compartments in seat cushion (includes auxiliary power outlet), adjustable outboard head restraints and storage pockets (With vinyl, does not include (AG1) Driver 6-way power seat adjuster or (AG2) Front passenger 6-way power adjuster.) (STD)
<b>SEAT TRIM</b>	
H0U	JET BLACK, CLOTH SEAT TRIM
<b>RADIO</b>	

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Customer File:



2016 Fleet/Non-Retail Chevrolet Tahoe 2WD 4dr Commercial CC15706

**SELECTED MODEL & OPTIONS**

SELECTED OPTIONS - 2016 Fleet/Non-Retail CC15706 2WD 4dr Commercial

**CATEGORY**

<u>Code</u>	<u>Description</u>
RADIO	
IO3	AUDIO SYSTEM, AM/FM STEREO WITH CD PLAYER AND AUXILIARY INPUT JACK includes USB port (STD)
GVWR	
C5U	GVWR, 6800 LBS. (3084 KG) (Included and only available with (9C1) Police Vehicle.)
ADDITIONAL EQUIPMENT	
9C1	IDENTIFIER FOR POLICE PATROL VEHICLE (Must be specified.)
NZZ	FRONT UNDERBODY SHIELD (Requires a Fleet or Government sales order type. Included and only available with (9C1) Police Vehicle.)
K4B	BATTERY, AUXILIARY, 730 CCA
—	POWER SUPPLY, 100-AMP, AUXILIARY BATTERY, REAR ELECTRICAL CENTER (Included and only available with (9C1) Police Vehicle only.)
—	POWER SUPPLY, 50-AMP, POWER SUPPLY, AUXILIARY BATTERY passenger compartment wiring harness (Included and only available with (9C1) Police Vehicle only.)
—	POWER SUPPLY, 120-AMP, (4) 30-AMP CIRCUIT, PRIMARY BATTERY relay controlled, passenger compartment harness wiring (Included and only available with (9C1) Police Vehicle only.)
KW7	ALTERNATOR, 170 AMPS, HIGH OUTPUT (Included and only available with (9C1) Police Vehicle only.)
RM7	WHEEL, 17" X 8" (43.2 CM X 20.3 CM) FULL-SIZE, STEEL SPARE includes P265/60R17 V-rated tire (Included and only available with (9C1) Police Vehicle.)
—	LUGGAGE RACK, DELETE (Included and only available with (9C1) Police Vehicle only.)
9G8	HEADLAMPS, DAYTIME RUNNING LAMPS AND AUTOMATIC HEADLAMP CONTROL DELETE deletes standard Daytime Running Lamps and automatic headlamp control features from the vehicle for police stealth surveillance (Requires (9C1) Police Vehicle.)

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

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Customer File:



## 2016 Fleet/Non-Retail Chevrolet Tahoe 2WD 4dr Commercial CC15706

### **SELECTED MODEL & OPTIONS**

#### SELECTED OPTIONS - 2016 Fleet/Non-Retail CC15706 2WD 4dr Commercial

---

#### **CATEGORY**

<b>Code</b>	<b>Description</b>
ADDITIONAL EQUIPMENT	
7X6	SPOTLAMP, LEFT-HAND (Requires (9C1) Police Vehicle. Not available with (7X7) left and right-hand spotlamps.)
—	EXTERIOR ORNAMENTATION DELETE (Included and only available with (9C1) Police Vehicle only.)
VK3	LICENSE PLATE FRONT MOUNTING PACKAGE (Included on orders with ship-to-states that require a front license plate.)
6J3	WIRING, GRILLE LAMPS AND SIREN SPEAKERS (Requires (9C1) Police Vehicle.)
6J4	WIRING, HORN AND SIREN CIRCUIT (Requires (9C1) Police Vehicle.)
—	DOOR HANDLES, BODY-COLOR (Included and only available with (9C1) Police Vehicle only.)
UN9	RADIO SUPPRESSION PACKAGE, WITH GROUND STRAPS (Included and only available with (9C1) Police Vehicle.)
ATD	SEAT DELETE, THIRD ROW PASSENGER (Deletes rear storage compartment.) (Included with (9C1) Police Vehicle.) *CREDIT*
—	INSTRUMENTATION, ANALOG with certified 150 mph speedometer, odometer with trip odometer, engine hour meter, fuel level, voltmeter, engine temperature, oil pressure and tachometer (Included and only available with (9C1) Police Vehicle only.)
6N6	DOOR LOCKS AND HANDLES, INSIDE REAR DOORS INOPERATIVE (doors can only be opened from outside) (Requires (9C1) Police Vehicle.)
BTV	REMOTE VEHICLE START
AMF	REMOTE KEYLESS ENTRY PACKAGE includes 6 additional transmitters NOTE: programming of remotes is at customer's expense. Programming remotes is not a warranty expense (Requires (9C1) Police Vehicle.)
—	KEY, 2-SIDED (Included and only available with (9C1) Police Vehicle only.)
5HP	KEY, 6 ADDITIONAL KEYS NOTE: programming of keys is at customer's expense. Programming keys is not a warranty expense

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

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Customer File:



2016 Fleet/Non-Retail Chevrolet Tahoe 2WD 4dr Commercial CC15706

**SELECTED MODEL & OPTIONS**

**SELECTED OPTIONS - 2016 Fleet/Non-Retail CC15706 2WD 4dr Commercial**

**CATEGORY**

<b>Code</b>	<b>Description</b>
<b>ADDITIONAL EQUIPMENT</b>	
6N5	SWITCHES, REAR WINDOW INOPERATIVE (rear windows can only operate from driver's position) (Requires (9C1) Police Vehicle.)
—	THEFT-DETERRENT SYSTEM, VEHICLE, PASS-KEY III (Included and only available with (9C1) Police Vehicle only.)
—	POWER OUTLETS, 4 AUXILIARY, 12-VOLT includes 1 on the instrument panel, 1 in armrest, and 2 in the cargo area (Included and only available with (9C1) Police Vehicle.)
6C7	LIGHTING, RED AND WHITE FRONT AUXILIARY DOME Red and white auxiliary dome lamp is located on headliner between front row seats (red is LED, white is incandescent). The auxiliary lamp is wired independently from standard dome lamp (Requires (9C1) Police Vehicle.)
R9Y	FLEET FREE MAINTENANCE CREDIT This option code provides a credit in lieu of the free oil changes, tire rotations and inspections (2 maximum), during the first 24 months and 24,000 miles period for this ordered vehicle. The invoice will detail the applicable credit. The customer will be responsible for all oil change, tire rotations and inspections costs for this vehicle. (Requires one of the following Fleet or Government order types: FBC, FBN, FCA, FCN, FLS, FNR, FRC or FGO. Not available with FDR order types.)
VQ2	FLEET PROCESSING OPTION
—	BID ASSISTANCE Authorization code: 505554
<b>SPECIAL EQUIPMENT OPTIONS</b>	
5T5	SEATS, 2ND AND 3RD ROW VINYL WITH FRONT CLOTH SEATS Provides vinyl second and third row seats and cloth front seats (Requires interior trim (HOU) Jet Black and RPO (AZ3) front 40/20/40 split-bench seat.)
VPV	SHIP THRU, PRODUCED IN ARLINGTON ASSEMBLY and shipped to Kerr Industries and onto Arlington Assembly

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 481.0, Data updated 3/7/2017  
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Customer File:

Prepared For:  
Milford Police Dept

Prepared By:  
administrator



2016 Fleet/Non-Retail Chevrolet Tahoe 2WD 4dr Commercial CC15706

***SELECTED MODEL & OPTIONS***

SELECTED OPTIONS - 2016 Fleet/Non-Retail CC15706 2WD 4dr Commercial

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**CATEGORY**

<u>Code</u>	<u>Description</u>
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Customer File:

March 14, 2017 1:34:10 PM

Prepared For:  
Milford Police Dept

Prepared By:  
administrator



2016 Fleet/Non-Retail Chevrolet Tahoe 2WD 4dr Commercial CC15706

### QUOTE WORKSHEET

QUOTE WORKSHEET - 2016 Fleet/Non-Retail CC15706 2WD 4dr Commercial

Invoice		\$43,710.00
Destination Charge		\$1,195.00
Optional Equipment		(\$13,474.84)
Dealer Advertising		\$863.63
Taxable Price		\$32,293.79 *
Accessories		
2009 Ford Interceptor 86k miles Vin # 9X105334	(\$1,500.00)	
Total Accessories		(\$1,500.00)
TOTAL		\$30,793.79



NO TRADE IN

Customer Signature / Date

Dealer Signature / Date

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