City of Milford

CITY COUNCIL AGENDA

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

Monday, January 8, 2018

6:00 P.M.
WORKSHOP

Review of Chapter 180 Rental Licensing and Inspection Program, 2008-2018

7:00 P.M.
COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

- Tribute 2017-31/Honoring George C. Wright Jr.'s Life
- Proclamation 2018-01/Recognizing Martin Luther King Day

Monthly Police Report

Monthly City Manager Report

- Pothole Patching Promotional Proposal

Monthly City Finance Report

Committee & Ward Reports

- Police Committee/Salary Recommendation

Communication & Correspondence

Unfinished Business

- Realtor Commission/Business Park & Independence Commons Lot Sales Authorization
- Authorization/Sewer Reserve Funds/DBF Invoice/SE Second Street Water/ Wastewater Project Video Inspection Services

New Business

- Adoption/Resolution 2018-01/City Council Rules of Procedure
- Introduction/Ordinance 2017-24/2018 City of Milford Comprehensive Plan Update

Authorization/Bayhealth Development Agreement

Authorization/Bayhealth Electric Service Agreement

Delinquent Property Tax Accounts Update

Airport Road Final Change Order

City Policy on FOIA Responses

International Brotherhood of Electrical Workers (IBEW) Memorandum of Agreement Regarding Sick Leave and Overtime/Authorization

International Brotherhood of Teamsters (Teamsters) Agreement Amendment regarding Overtime/Authorization

Motion to Enter Executive Session

A. Executive Session pursuant to 29 Del. C. §10004 (b)(4) for the purpose of the discussion of strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation.

B. Executive Session pursuant to 29 Del. C. §10004 (b)(2) for the purpose of discussing site acquisitions for any publicly funded capital improvements, or sales or leases of real property.

C. 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 or students are discussed, unless the employee or student requests that such a meeting be open.

Return to Public Session

A. Potential vote related to strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation. (Teamsters Negotiations)
B. Potential vote related to site acquisitions for any publicly funded capital improvements, or sales or leases of real property. (Authorization/Property Purchase(s))
C. Potential vote related to personnel matters in which the names, competency and abilities of individual employees or students are discussed, unless the employee or student requests that such a meeting be open. (Appointee Evaluations)

Adjourn

All items on the Council Meeting Agenda are subject to a potential vote.

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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RESIDENTIAL RENTAL OPERATING LICENSES

Planning Department

January 8, 2018

Adoption of Chapter 180

- Chapter 180 – Residential Rental Operating Licenses
  - Adopted in 2004, Amended in 2008 – current ordinance governing the registration and inspection of residential rental properties in the City of Milford
    - References compliance with Chapter 174 – Property Maintenance, Chapter 230 Zoning and other City ordinances.
  - Ordinance 2008-8 provided the City with the ability to inspect rental properties and provided the intent to proactively inspect all units.
    - City Council Public Hearing minutes from November and December 2008

Rental Inspections

- The Department has been performing rental inspections internally since 2008, but has not had sufficient staffing levels to proactively complete all inspections as intended under the adoption of the amendments to Chapter 180.
- Note: Revisions to Chapter 180 are not needed to perform rental inspections.
- Inspections review compliance with Chapter 174, and are based on International Property Maintenance Code (IPMC) 2015
- Rental Inspection Checklist

Exterior Structure

- PM.302.1 – Sanitation
- PM.302.2 – Grading and Drainage
- PM.302.3 – Sidewalks and Driveways
  - Approved parking surface
- PM.302.4 – Weeds
- PM.302.5 – Rodent Harborage
- PM.302.6 – Exhaust Vents
- PM.302.7 – Accessory Structures
- PM.302.8 – Motor Vehicles
- PM.302.9 – Defacement of Property
- PM.302.10 – Indoor Furniture in Outdoor Areas
- PM.303.1 – Swimming Pools, Spas & Hot Tubs
- PM.303.2 – Swimming Pool - Enclosures









Exterior Structure (cont.)

- PM.304.1 – Unsafe Conditions
- PM.304.2 – Protective Treatment
- PM.304.3 – Premises Identification
- PM.304.4 – Structural Members
- PM.304.5 – Foundation Walls
- PM.304.6 – Exterior Walls
- PM.304.7 – Roofs and Drainage
- PM.304.8 – Decorative Features
- PM.304.9 – Overhead Extensions
- PM.304.10 – Stairways, Decks, Porches, Balconies







Exterior Structure (cont.)

- PM.304.11 – Chimneys and Towers
- PM.304.12 – Handrails and Guards
- PM.304.13 – Windows, Skylight, and Door Frames
- PM.304.13.1 – Glazing
- PM.304.13.2 – Openable Windows
- PM.304.14 – Insect Screens
- PM.304.15 – Doors
- PM.304.16 – Basement Hatchways
- PM.304.17 – Guards for Basement Windows
- PM.304.18 – Building Security
- PM.304.18.1 – Building Security - Doors
- PM.304.18.2 – Building Security – Windows
- PM.304.18.3 – Building Security – Basement Hatchway
- PM.304.19 – Gates

Interior Structure



- PM.305.1 – Unsafe Conditions
- PM.305.2 – Structural Members
- PM.305.3 – Interior Surfaces
- PM.305.4 – Stairs and Walking Surfaces
- PM.305.5 – Handrails and Guards
- PM.305.6 – Interior Doors
- PM.306.1 – Component Serviceability – Unsafe Conditions
- PM.307.1 – Handrails and Guardrails
- PM.308.1 – Accumulation of Rubbish or Garbage
- PM.308.2 – Disposal of Rubbish
- PM.308.2.1 – Rubbish Storage Facilities

Interior Structure (cont.)

- PM.308.2.2 – Refrigerators
- PM.308.3 – Disposal of Garbage
- PM.308.3.1 – Garbage Facilities
- PM.308.3.2 – Containers
- PM.309.1 – Infestation
- Section 402 – Light
- Section 403 – Ventilation
- Section 404 – Occupancy Limits
- Chapter 5 – Plumbing Facilities and Fixture Requirements
- Chapter 6 – Mechanical and Electrical Requirements
- Chapter 7 – Fire Safety Requirements

Next Steps

- Ordinance 2008-8 pertaining to Chapter 180 was adopted with the intent of performing rental inspections. In order for the Department to fulfill its obligations to that Council action, staff provides three options;
  - **OPTION 1:** Authorize a contract to outsource rental inspections (approx. $45,000/year);
  - **OPTION 2:** Authorize the Department to hire an additional Code Official to perform rental inspections (approx. $70,000/year); or
  - **OPTION 3:** Repeal or Amend Chapter 180 Residential Rental Operating Licenses limiting the City's ability to inspect rental properties.

Chapter 180 - RESIDENTIAL RENTAL OPERATING LICENSES

[HISTORY: Adopted by the City Council of the City of Milford 12-8-2008 by Ord. No. 2008-8.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 88.	Zoning — See Ch. 230.
Property maintenance — See Ch. 174.	

Footnotes:

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Editor's Note: This ordinance also repealed former Ch. 180, Residential Rental Operating Licenses, adopted 9-27-2004 by Ord. No. 2004-1.

§ 180-1. - Title.

This chapter shall be known as the "Residential Rental Operating License Ordinance."

§ 180-2. - Purpose.

This chapter is adopted to protect the health, safety and welfare of the City residents and to prevent deterioration of the housing stock in the City.

§ 180-3. - Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

CITY — The City of Milford, Delaware.

CODE OFFICIAL — The Building Inspector and/or Code Enforcement Official.

LANDLORD — A person and/or an authorized representative, heir, successor or assignee of a person who leases or otherwise permits another person to occupy a rental unit for money or other consideration.

PERSON — An individual, proprietorship, partnership, corporation, association, or other legal entity.

RENTAL UNIT — — Any house, building, structure or portion thereof, which is occupied, rented or leased as the home or residence of one or more persons. "Rental unit" does not include motel, hotel or bed-and-breakfast rooms where paying guests stay on a temporary basis. "Rental unit" also does not include rehabilitation or mental health group homes where residents may pay rent but the home is managed and owned by nonprofit entities for the benefit of the renters' special needs.

TENANT — A person who occupies a rental unit for which said person pays money or gives other consideration.

§ 180-4. - Rental operating license required.

No landlord shall operate a rental unit in the City unless an application has been filed and a current rental operating license has been issued for the specified rental unit for the current year.

§ 180-5. - Application for rental operating license and agreement to comply.

A. Every landlord shall apply for a rental operating license and shall agree to comply with all provisions of this and any other applicable City ordinance.

B. The application shall be in the form provided by the Code Enforcement Department and shall be accompanied by a check or money order payable to the City of Milford in the amount set forth by City Council.

C. It shall be unlawful for any person to operate any rental dwelling without obtaining a license from the Licensing Division of the Department of Planning and Inspections in order to determine compliance. The license shall expire annually on December 31. The fee for the annual license shall be $50 for each unit.

D. In the event that the license fee set forth herein is not paid on the date due, then the licensee shall incur a penalty fee in the amount of $25 per month per unit until the license fee is paid.

E. An owner whose license has been suspended shall pay a reinstatement fee of $100.

F. The owner or occupant of any rental shall not be entitled to receive utilities until the license fee required is paid in full, and City personnel shall refuse to provide sewage, water and electric to the property until satisfactory proof is furnished that such fee has been paid.

§ 180-6. - Contents of applications.

Every landlord shall supply the following information to the City as part of the annual application for a rental operating license and agreement to comply:

A. The mailing and street address of the rental units.

B. Name of responsible party leasing the unit and telephone number at time of application.

C. The total number of persons living in the rental unit at time of application.

D. Landlord's name, mailing address and telephone number.

§ 180-7. - Regulations for issuance of licenses.

A. If violations are found that pose a health or safety risk to the tenants, the unit may be judged as unfit for occupancy by the Code Official.

B. Expiration of permits. Each rental operating license shall expire on December 31 of the year in which it was issued. No prorating, rebate or refund shall be made because of nonuse of the permit.

C. Timing for reapplication.

(1) Application to renew a rental operating license shall be made at least 60 days prior to the expiration date of the current license.

(2) When reapplication is made fewer than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the license.

D. Every rental unit owned shall have a "caretaker" designated by the owner.

(1) The caretaker may be the property owner if residing within a ten-mile radius of Milford, Delaware.

(2) The caretaker shall be an adult person(s) 18 years or older, specifically identified in writing by the owner on the rental license application (stating name, address and telephone numbers) and reside in such proximity to the City as to allow him or her to meet with the Code Enforcement Official at the rental unit within 48 hours of receipt of notice from the Code Enforcement Official. The caretaker may also be a management company (corporation, LLC and/or partnership); however, the management company must assign a contact person.

(3) The caretaker shall be charged, by the owner, with responsibility and authority to deal with occupants of the premises on behalf of the owner, to make repairs to the rental unit, to maintain the premises and the common areas thereof, and to accept service of process on behalf of the owner.

(4) Once notified of a defective condition and unless circumstances are beyond the caretaker's control, the caretaker will be given an amount of time to make repairs as deemed reasonable by the Code Official.

(5) The owner shall notify the City in writing of any changes in the name, address, and/or telephone number of the caretaker.

E. No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

F. The owner is subject to penalties as defined in § 180-9 for failure to comply.

[Ord. No. 2011-8, §§ 2, 3, 4-11-2011]

§ 180-8. - Inspections.

A. The Code Enforcement Official reserves the right to inspect property at any time to ensure compliance with all property maintenance (Chapter 174), zoning (Chapter 230) and other codes.

B. When such inspections are deemed necessary, the Code Enforcement Official will provide 48 hours' notice to the owner or caretaker. Exceptions to this rule will apply when health or safety conditions exist that require immediate inspection.

C. A rental unit shall be deemed to be not in substantial compliance if:

(1) There are one or more violations that pose a serious and substantial threat to the health, safety or welfare of the occupants.

(2) There are an extensive number of minor violations that, cumulatively, pose a significant threat to the health, safety, and welfare of the occupants.

D. When the Code Enforcement Official schedules an inspection, it is the responsibility of the property owner to make sure the structure/property is ready by the time the inspector arrives on site.

(1) If an inspection needs to be cancelled or rescheduled, the Code Enforcement Official must be notified by 8:30 a.m. the day of the inspection.

(2) If an inspector arrives on site and the structure/property is not ready and the inspection was not cancelled or rescheduled, a fee of $100 must be paid at City Hall before the inspection can be rescheduled. This fee may be waived if the property is not ready for inspection due to circumstances beyond the control of the landlord/caretaker.

E. When conditions of a property are such that cause more than one follow-up inspection, for the purpose of ensuring compliance, a fee of $50 per inspection will be imposed.

§ 180-9. - Violations and penalties; enforcement.

A. Penalty for violation.

(1) Any property owner who shall violate any provisions of this chapter or who fails to comply with any notice or order issued by a Code Enforcement Official pursuant to the provisions of this chapter shall be guilty of violating the provisions of this chapter and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000. The minimum fine is not subject to suspension or reduction.

(2) Except where an appeal is taken, each day of a separate and continuing violation shall be deemed a separate offense.

B. Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served, then the property covered by this chapter will be assessed for the unpaid penalties, which shall be collected in the same manner and at the same time as City taxes.

C. If any of the cited violations are not remedied, the Code Enforcement Official shall revoke the residential rental operating license.

D. The remedies contained within this section shall further not be exclusive, but shall be in addition to any other remedy provided by law, so long as not inconsistent herewith, nor shall the invoking of any remedy or procedure contained within this section preclude the pursuit of any and all other remedies, and the same are intended to be cumulative.

Yes-Mr. Starling votes yes.

Mayor Marabello advised the application has been denied by a vote of 4-3. It was questioned whether a super majority of council was needed to overturn the planning commission recommendation as has been previously discussed.

Solicitor Willard said that in any event, four affirmative votes are needed. The application was not denied though it was not approved. Mr. Willard then referred to section 230-58 (F) of the zoning code which states if, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of three-fourths of the Planning Commission or City Council.

He explained that in the case of an unfavorable report or recommendation for denial by the planning commission, such amendment or change shall not become effective except for a three-fourths vote. They gave a favorable report. If it was not to pass this, a super majority was needed.

Mr. Willard clarified the motion to approve the final site plan for Phase I of Hearthstone II did not receive approval.

When asked the procedure to come back to this body by Mr. Griffin, Mr. Willard explained the application was denied. He explained that in some instances you can bring back some applications if there are super majorities as noted in the zoning code, though he is unsure if that applies to a subdivision. He offered to confer with Mr. Griffin tomorrow on how to proceed in order to verify the rules. Currently, the vote stands that it did not pass.

Mr. Baird said he feels the applicant will pursue any options and asked Mr. Willard to inform council of the outcome of any conversations.

Ordinance 2008-8 CHAPTER 180 Residential Rental Operation License

The City Council of the City of Milford held a Public Hearing on the following amendment to the City of Milford Zoning Code:

Following the hearing, Ordinance 2008-8 may be adopted, with or without amendments.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MILFORD, CHAPTER 180 THEREOF, ENTITLED RESIDENTIAL RENTAL OPERATING LICENSE, FOR THE PURPOSE OF AMENDING THE LICENSE FEE

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by deleting and repealing Chapter 180, Residential Rental Operating License, in its entirety.

Section 2. The Code of the City of Milford is hereby amended by adding thereto a new chapter, to replace Chapter 180, hereinabove repealed, to be Chapter 180, Residential Rental Operating License, to read as follows:

Section 3.
§ 180-1. Title.
This chapter shall be known as the "Residential Rental Operating License Ordinance."

§ 180-2. Purpose.
This chapter is adopted to protect the health, safety and welfare of the City residents and to prevent deterioration of the housing stock in the City.

§ 180 3. Definitions.
For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

CITY — The City of Milford, Delaware.
CODE OFFICIAL — The Building Inspector and/or Code Enforcement Official.
LANDLORD — A person and/or an authorized representative, heir, successor or assignee of a person who leases or otherwise permits another person to occupy a rental unit for money or other consideration.
PERSON — An individual, proprietorship, partnership, corporation, association, or other legal entity.
RENTAL UNIT — Any building or any portion of a building in which a person resides in consideration of which money or other goods or services are paid or provided to the owner of such building, the owner's authorized representative or another tenant.
TENANT—A person who occupies a rental unit for which said person pays money or gives other consideration.

§180-4. Rental operating license required.
No landlord shall operate a rental unit in the City unless an application has been filed and a current rental operating license has been issued for the specified rental unit for the current year.

§ 180-5. § Application for rental operating license and agreement to comply.

A. *Every landlord shall apply for a rental operating license and shall agree to comply with all provisions of this and any other applicable City ordinance.*
B. *The application shall be in the form provided by the Code Enforcement Department and shall be accompanied by a check or money order payable to the City of Milford in the amount set forth by City Council.*
C. *It shall be unlawful for any person to operate any rental dwelling without obtaining a license from the licensing division of the department of planning and inspections in order to determine compliance. The license shall expire annually on December 31. The fee for the annual license shall be $75.00 for each unit.*
D. *In the event that the license fee set forth herein is not paid on the date due then the licensee shall incur a penalty fee in the amount of $25.00 per month per unit until the license fee is paid*
E. *An owner whose license has been suspended shall pay a $100.00 reinstatement fee.*
F. *The owner or occupant of any rental shall not be entitled to receive utilities until the license fee required is paid in full and City personnel shall refuse to provide sewage, water and electric to the property until satisfactory proof is furnished that such fee has been paid.*

§180-6. Contents of Applications.

A. *Every landlord shall supply the following information to the City as part of the annual application for a rental operating license and agreement to comply:*
   1) *The mailing and street address of the rental units.*
   2) *Name of responsible party leasing the unit and telephone number at time of application.*
   3) *The total number of persons living in the rental unit at time of application.*
   4) *Landlord's name, mailing address and telephone number.*

§180-7. Regulations for the issuance of licenses.

A. *If violations are found that pose a health or safety risk to the tenants, the unit may be judged as unfit for occupancy by the Code Official.*
B. *Expiration of permits. Each rental operating license shall expire on December 31 of the year in which it was issued. No prorating, rebate or refund shall not be made because of nonuse of the permit.*
C. *Timing for reapplication.*

1) Application to renew a rental operating license shall be made at least 60 days prior to the expiration date of the current license.

2) When reapplication is made fewer than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the license.

D. Every rental unit owned shall have a "caretaker" designated by the owner.

1) The caretaker may be the property owner if residing within a 10 mile radius of Milford, Delaware.

2) The caretaker shall be an adult person(s) 18 years or older, specifically identified in writing by the owner on the rental license application (stating name, address and telephone numbers) and reside in such proximity to the City as to allow him or her to meet with the Code Enforcement Official at the rental unit within 24 hours of receipt of notice from the Code Enforcement Official.

3) The caretaker shall be charged, by the owner, with responsibility and authority to deal with occupants of the premises on behalf of the owner, to make repairs to the rental unit, to maintain the premises and the common areas thereof, and to accept service of process on behalf of the owner.

4) Once notified of a defective condition and unless circumstances are beyond the caretaker's control, the caretaker will be given an amount of time to make repairs as deemed reasonable by the Code Official.

5) The owner shall notify the City in writing of any changes in the name, address, and/or telephone number of the caretaker.

E. The owner is subject to penalties as defined in § 180-9 for failure to comply.

§180-8. Inspections.

A. The Code Enforcement Official reserves the right to inspect property at any time to insure compliance with all property maintenance (Chapter 174), zoning (Chapter 230), and codes.

B. When such inspections are deemed necessary, the Code Enforcement Official will provide 24 hours' notice to the owner or caretaker.

1) Exceptions to this rule will apply when health or safety conditions exist that require immediate inspection.

C. A rental unit shall be deemed to be not in substantial compliance if:

1) There are one or more violations that pose a serious and substantial threat to the health, safety or welfare of the occupants.

2) There are an extensive number of minor violations that, cumulatively, pose a significant threat to the health, safety, and welfare of the occupants.

D. When the Code Enforcement Official schedules an inspection, it is the responsibility of the property owner to make sure the structure/property is ready by the time the inspector arrives on site.

1) If an inspection needs to be cancelled or rescheduled the Code Enforcer Officer must be notified by 8:30 a.m. the day of the inspection.

2) If an inspector arrives onsite and the structure/property is not ready and the inspection was not cancelled or rescheduled, a fee of $100 must be paid at City Hall before the inspection can be rescheduled.

E. When conditions of a property are such that cause more than one follow up inspection, for the purpose of ensuring compliance, a fee of $50 per inspection will be imposed.§

§180-9. Violations and penalties; enforcement.

A. Penalty for violation.

1) Any property owner who shall violate any provisions of this chapter or who fails to comply with any notice or order issued by a Code Enforcement Official pursuant to the provisions of this chapter shall be guilty of violating the provisions of this chapter and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000. The minimum fine is not subject to suspension or reduction.

2) Except where an appeal is taken, each day of a separate and continuing violation shall be deemed a separate offense.

B. Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is

served, then the property covered by this chapter will be assessed for the unpaid penalties, which shall be collected in the same manner and at the same time as City taxes.

C. *If any of the cited violations are not remedied, the Code Enforcement Official shall revoke the residential rental operating license.*

D. *The remedies contained within this section shall further not be exclusive, but shall be in addition to any other remedy provided by law, so long as not inconsistent herewith, nor shall the invoking of any remedy or procedure contained within this section preclude the pursuit of any and all other remedies, and the same are intended to be cumulative.*

Section 4.
Dates.
Introduction: October 13, 2008
Effective Date: Ten Days Following Adoption by City Council

The city manager then read portions of the ordinance into record. Mr. Workman asked for assurance the code enforcement official will enforce this ordinance if adopted because he feels this is primarily part of his job duties.

Mr. Baird feels the proposal will be labor intensive from a manpower standpoint. Should council want to proceed, another code enforcement official would be hired though that would take some time. They will be doing a bit of everything and one person will not handle only licensing issues. However, if adopted, he agrees it will be part of their job function to adhere to the requirements set forth in this ordinance.

Mr. Workman asked how many rental units are in the city; Mr. Baird said it is an estimate based on the fact that all rental units are not licensed in the city. He thinks there is approximately 1,300 to 1,500 units.

Mr. Workman then asked how this code official will have time to do other things with that number of units. Mr. Baird advised we have one full time official and this could help that department with the costs of a second. Presently, our building inspector is able to assist the code official with his duties because of the slowdown in construction.

Mr. Oechsler verified that the fees generated by this ordinance will be used toward the salary and benefits costs of the new code official.

Mr. Ambrose then confirmed this includes the large apartment complexes noting they were excluded from the original ordinance. Mr. Baird emphasized this will apply to all residential rental units in the city. Mr. Oechsler asked if it is possible to reduce the fee considering the 1,300 to 1,500 units. Mr. Baird advised the fee is up for debate though he does not recommend anything lower than $50 because of the issuance costs that need to be factored in.

Mr. Morrow asked what costs are involved in hiring a code official; Mr. Baird said total costs will be between $60,000 and $70,000. Mr. Brooks verified the increase will cover the costs of salary, benefits, training and a vehicle; Mr. Baird stated yes.

Mr. Ambrose noted that 1,300 units at $50 calculates to $65,000 and recalled the $50 fee is what was originally discussed during the budget hearings. He recommends we decrease that fee from $75 to $50. Mr. Brooks stated that in 2004, the ordinance started with a $25 per unit and was reduced to a $25 fee per landlord. At that time, it was agreed that fee would cover the costs of putting things in place. Now there is a need to hire someone to actively enforce the ordinance.

Mr. Baird feels that if the fees do not cover all the costs of the new employee, there is still a community wide value which could easily be supported by the general tax base.

The mayor then opened the floor for public comment.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, said that if council decides to hire an additional code enforcement officer, he would recommend it be done in-house. He said there are a number of people in the building department and with the market flat, it would be prudent to use someone already familiar with the codes and ordinances which would save the city the added costs of a salary. He said if it is decided to hire a new city code agent, let it be in house.

Emmett Venett of 810 N.E. Tenth Street, advised he has six units in Milford. He would like to reiterate what Mr. Ambrose had stated about deferring the initial costs to his tenants the first year. But, ultimately the costs will be transmitted to 1,300 families or residents and not the whole population. He believes that should be taken into consideration. Most of the people renting are not an affluent class of people so we are burdening them ultimately with these costs although it seems like the landlord initially. He thinks that most businesspeople will eventually transmit that cost to the 1,300 residents.

He said he is unfamiliar with what has driven the code enforcement interest by council though he has heard various members talk about their concerns. Because Mr. Venett has one Section 8 housing, he must make sure the inspector comes around in order to meet their requirements. From his own perspective, he is unsure what has prompted the interest in this particular segment of the population.

Mr. Workman explained that since he has been involved with council, he has walked around his ward and other areas of town. He has come to the conclusion that many homes and some landlords do not care about what their properties look like. His concern is if it does not look good from the outside, he cannot imagine how it looks inside, though he could be wrong. Something like this is put in place to help with this type of rental unit. However, he also understands the landlords who take care of their properties may feel like this is a slap in the face.

Mr. Venett said that he would like to conclude by saying that decisions are really good in government. He spent thirty years in government and his approach to problems was always to try to look at a database decision. If data is kept which says this is when the public needs to have this service, but perhaps at some point they don't. He is thinking that in the future, the revenues will be somewhat less, just like other communities who are struggling during these hard times. He would say that 1,300 units times $50 is $65,000 out of the city budget. If a code enforcement official is established, then look at what data or measurements can be used to determine whether it is meeting the objectives the city has, then only sustain that to the extent it is needed. He thinks that is in the best public interests and certainly would be a win-win for everyone.

Joe Wiley of 202 Lakeview Avenue advised he has operated businesses in Milford for 25 years which include Milford Rental, Milford Mini Storage and a rental company called JRW Rentals. They rent about 35 houses in the City of Milford. He sent e-mails out to city council and the mayor. His concern is the status of the proposal.

Mr. Baird explained that council asked for a public hearing on the matter. Anytime after an ordinance is introduced, council has the right to take action on it. It will be a decision of council this evening or can be addressed at a later date.

Mr. Wiley then quoted some statistics he obtained off Google though he is unable to vouch for their reliability. He reported that according to Google in 2007, there were 8,200 people that lived in Milford. There were approximately 3,000 houses in Milford. Approximately 48% of those houses are owner-occupied. It stated that 14% of the people live below the poverty level so those people are restricted on the amount of money they have to spend.

Mr. Wiley said that when the rental license was first passed a few years ago, there was a great deal of discussion about the ordinance and the idea was to raise fees. The city council basically said it wasn't to raise fees and instead indicated

it was about keeping a database on absentee landlords so they could contact them about violations, etc. To prove that, the city assessed only one fee per landlord. At that time, it was $25 regardless of if the landlord had one unit or one hundred. Today, the ordinance will assess a landlord $75 per rental unit. His fee would go from $25 to $2,550. That is a 9,000% increase. Like most landlords, he will pass that increase along to his tenants. A lot of his tenants have already been affected by the strain of the economy at the present time.

In regard to hiring a code official to do this job, he said Milford just went through the largest housing boom ever. During that period of time, there were two officers. One was a code enforcement officer and one was a building inspector. Today, we still have those same two people. According to Google in 2003, there were 92 houses built in Milford; in 2004, there were 193; in 2005, there was 191; in 2006, there was 108; in 2007 there was 57. He asked if anyone knows how many were built this year. He asked if it was even 10.

Mr. Wiley said if we had two inspectors that handled 153 units, today we may be building 10 or less. He asked what they are doing with the rest of their time. He said the point is we are all in stressed times and his businesses are in stressed times.

He said he is not really opposed to the rental ordinance because he thinks it is a good idea that rental houses need be maintained. However, when someone walks around, not all of the homes that are in bad condition are rental houses. There are houses within walking distance of city hall in this condition that are owners occupied.

Mr. Wiley said he cares about his properties and maintains them. His point is if the fee increases to $75, there will be an inspection of the property, and someone, whether it is himself or someone from his office will need to be present for the inspection. Therefore, there are other costs involved. He asked if those costs need to be passed along and should it be $25 a month. He has to live within a budget, but thinks it is a burden on the taxpayers and residents of the City of Milford to actually be passing an ordinance at this particular time which causes the cost of living in Milford to increase. He feels the cost to live in Milford is already very expensive compared to the other four towns he operates properties in.

His suggestion is because there are two inspectors that basically have ten houses to inspect right now, why not pass the ordinance and not have a fee increase until the economy improves and there is more work to do. When the amount of work increases, then go ahead and hire an inspector who could be needed at that time. He does not agree with hiring another city employee and burdening the taxpayer and users in Milford with unnecessary expenses.

Mr. Oechsler asked if Mr. Wiley has raised the rent in any of his rental properties over the past five years. Mr. Wiley said he has not raised rent in the last two years, however, during the housing boom, his rent did increase some.

Shirley Renzi of Harrington ERA Realty said she is a rental management agent for that company. She handles eighteen rental units in Hearthstone Manor and five in the City of Milford. She first learned about this ordinance when another landlord contacted her when the city first started charging the $25 fee. He was very concerned and enraged that he had to pay that kind of money.

Ms. Renzi contacted the city's inspection department and spoke with them. Her understanding was the purpose was to identify the owner of the proper who was referred to as an absentee owner. If it was becoming dilapidated and the city needed to contact someone nearby, they would have that information. She does not enforce this fee because she leaves it to the city. The city has IT people who can run a list of property owners, who is being billed for property taxes and who is paying the electric bill. If it is not the same person, it is obviously a rental. None of her owners have been contacted by the city about the fee.

Ms. Renzi said that of the eighteen, fifteen live out of state. The Hearthstone owners pay city taxes and county taxes and also pay two fees at Hearthstone. They are already burdened with a lot of costs and raising it to $75 is unfair. Especially

considering that in the beginning it was not to raise revenue, but to have the $25 fee to identify the owners which the city is capable of doing through their own records.

Ms. Renzi recalled the big fire downtown a few years ago. She had the building for sale where the fire started. Several realtors that showed the property called city hall and complained about the horrible conditions of that property. Ms. Renzi also complained. She is aware of three other real estate agents that complained to the building inspector but he never walked into that building. The fire started with candles because there was no electricity. There were electric wires running down the hall, there were no lights in the hallway and no lights in the stairwells. The city had a building inspection department that could have walked in there and shut that owner down. The apartment had 2x4's with paneling and a door which became the wall between the apartments.

She said they were horrible conditions and she is not surprised a fire started there that ruined all the downtown properties and put the city through a nightmare. But no one did anything about it. Whether it is raised to $75 or $100 will not address those things unless they are inspected.

Spyro Stamat of 10284 Webb Farm Road, Lincoln, stated he is opposed as he said before. He said he actually received a registered letter at his house though he is unsure if anyone else has heard about the registered letters from Milford. They contain a digital photograph of either a garbage can or a piece of furniture. This involved a small wooden desk and a chair and the letter said it was interior furniture.

Mr. Stamat went to the house and looked at the furniture. He thought if he got some white paint and painted it, he could argue the point that it was exterior furniture, but he didn't. Instead he knocked on the door and told the tenant to remove it because he does not want to play a game like that.

But he has actually heard from people who get digital photographs of a garbage can because their garage is facing differently on the side of the street and their garbage can needs to be moved to the back of the property. But if your garage is facing sideways, your garbage can stay there. He said this is what he hears about one of the inspectors who is driving around.

Mr. Stamat said we don't need an extra person doing that especially since the housing boom is no longer in play. He feels it is easy to think of landlords as piggybanks, but the economy needs to be considered and the tenants.

Mr. Stamat said that though Mr. Ambrose seems to be a really nice landlord and is willing to absorb all of these costs and maybe he will extend it to the rest of us, they will then let this ordinance pass. But he does not think that will happen.

He also heard that a survey was taken about what other towns charged such as Dover and Seaford. The result was that $75 was a fair price. Mr. Stamat would accept that except when the town raised sewer, water and electric rates, there was no survey taken so it nullifies that angle.

Mr. Stamat said that Peoples Place was here and testified earlier. He hears they have housing and rentals. He wants to know if they will fall under this ordinance.

Also, he was talking to a realtor from Dover who has a spec house in Milford that is a vacant lot and they get a lot of calls because it is one of the cheapest houses listed. Because of the price, people call up and say they are interested in this house. When they ask where it is and he tells them it is in Milford, they ask where in Milford and he tells them the downtown area. They then answer that because of Milford's electric, sewer and water–no thank you. He said he is not making that story up. Milford has a bad reputation and if they keep adding fees on and keep coming to the well, the city is going to tap it out and make it dry. This is just another burden to put on the people. Milford does not have that great a reputation. He said it is hard economic times and the town is saying lets do it again and nail them with another one.

He referred to Mr. Workman's statement about driving around. He wishes that fellow with the digital camera would go see where those big piles of garbage are. That is a big indication there are too many people there or they are not taking care of it. Things can be done with the present personnel the city has now.

Randy Marvel of Marvel Agency advised that his agency manages about a hundred rental units in Milford. He reiterated that if something looks bad, that does not mean it is a rental unit because there are plenty of homes in town that are owner occupied that the same rules apply. He said if you read the violations, it says that if violations are found, that poses safety risks to tenants. If you substitute owners there, he would hope the city feels the same way about wanting to shut them down.

He said he is willing to pay his fair share of anything that is decided as long as everyone has to pay it. He had written a letter to the city manager in October and thanked council for addressing three of those issues in those letters.

Mr. Marvel explained the fourth issue was the language and definitions were unclear. He is sure someone will say it does not apply to them. The definition of rental unit remains very vague. If he reads it in a broad fashion, it could include motels, hotels, extended stay units, bed and breakfast units, boarding houses and incidents where a parent owns a home and allows their child to live there and pay the mortgage. He asked if all of those groups will be included.

Mr. Baird said that hotels and motels will not be included. The city solicitor added that is not councils' intention and something should be added to exclude them. Mr. Marvel feels the definition needs to be made clearer.

Mr. Baird answered that if the definition needs to be tightened up, that will certainly be considered.

Jay Donovan of 16425 Fitzgeralds Road, Lincoln, Delaware says he has been here all of his life. He added he also has a house at 1020 S.E. Second Street on Marshall's Pond where he has his home office, a store and an office behind Wilmington Trust Store on 18 N.W. Second Street. His friend Spyro asked why hotels and motels would be excluded and he wants to know why also. He called today and asked them if he was going to rent a room in a hotel or a motel how long could he stay and how much is the rent and could he rent it by the week or the month and they all said yes. According to the description, they are a landlord and a renter. Therefore, they should have to pay for each and every rental unit in their hotel or motel. Peoples Place was in here earlier and they mentioned that they had places to stay for their women in transition. He said there are people that pay for those rooms. He has rented to Peoples Place and supplied them with homes for their women in transition. There are other houses that are not listed as landlords because of the houses they acquire are through other people.

Mr. Donovan said those people should also have to pay this fee to be fair to all of the landlords. He knows all of the landlords in here. Everyone here tonight keeps their properties up very well. He has done a lot of work for many of these people because he was a contractor here all of his life. He knows everybody on a personal basis. He has done work for them. He knows Mr. Ambrose and is familiar with his houses and he always keeps them up. He has done work for him. He said that Mr. Ambrose knows he has houses in Milford and that his houses are kept up very well.

Mr. Donovan does not think there is a problem with houses being kept up as far as landlords go. He brought this up before when he came before council. If the house next door to his house is in disrepair, then why doesn't he have the same fee just because he is a homeowner. He said why should he be subject to this when a homeowner isn't. He does not think it is right.

He wants to know if there has been any code violations since this has been passed. Mayor Marabello said the code enforcement official is not here to respond. Mr. Donovan said he has not heard of any safety issues. He did not know it was a major problem in Milford like they are being led to believe.

Mr. Donovan said he has a problem with some of the language. The fees they charge for the inspections. His friend wrote a letter to one of his tenants, giving a 48-hour notice required by law to do an inspection. His friend gave this guy the 48-hour notice by law and when he got to the house that morning, he notified the person he was there for the inspection. The tenant said he did not want him to do that today. He showed him a copy of the letter and proceeded to go into the house. The tenant called Milford Police to have him arrested. The police took him off the property and he has to go to court at a later date. He went to the court to get the tenant out of the property. The tenant was still living in the house and then sued him for double his deposit while still living on the man's property. He was found guilty for entering the property because the tenant asked him to leave. All because he didn't want him to inspect the property that day.

According to the description, Mr. Donovan said that if for any reason, they don't show up or cancel without giving the proper notice to the inspector, they are charged a $100 fee. Because the law says in Delaware the person has the right to deny entry into the property for inspection that day, he asked how the inspection can be done with the code official. He thinks that is going to be a problem.

Mr. Donovan did not know this law existed until his friend told him about it. He also has a problem with the $500 fine if there is a violation on his property that does not get fixed. He does all the work on his properties himself and does not hire somebody. He is working on such a tight budget with some of these properties, and he cannot afford to hire someone to do all of this work. There is not as much money as people think that is made on these rental properties.

He said that renters do not take care of these houses like the property owners do. They seem to wear them out a lot faster. He had a tenant move out last month and twenty years ago, it would have cost $300 to $500 to get the house ready to rent again. This house last month cost him $4,000 so he did not make much money off the rent that year because of the $4,000 reinvestment back into that property. He was collecting $650 a month rent which does not allow much overhead.

Mr. Donovan feels that if the city keeps adding fees on, he will pass them onto his tenants. He did that a few years ago when the city enacted a new fee. The tenant moved because she couldn't afford it anymore. A lot of the renters are single parents. The rents that have to be charged to live in Milford need more than one family to afford them. The rents are now up to $800, $900 and $1,000 a month. He requires proof of income for the last three to six months. From what he sees in the pay statements, Walmart and Perdue are the best paying jobs around other than a few construction jobs that are not doing very much work right now. All the tenants he had that were in construction have all moved because they couldn't afford to rent here anymore.

He explained that with people averaging $600 every two weeks clear, he requires the family to make in one week what the rent is. Mr. Donovan does not know many people in Milford that make $800 to $900 a week clear unless there are at least two good jobs in that family. It is stretched to the point that nobody can afford it anymore. Times are tough.

Mr. Donovan sold quite a few of the houses because of the last ordinance council adopted. He had to sell some of his properties because he was overcharging the people that were living in the City of Milford. When they started moving out, the houses got harder and harder to rent to quality people because of downtown situations. The only people who can afford those type properties at $800 a month are usually someone on government assistance. Someone that works at a good job will not want to work in town and are usually seeking something out of town or something of a higher quality like a newer home. Most of the homes in downtown Milford are older homes. He fixed his up to modernize them and bring them all up to code. They are all efficient as far as heating. But he is at the limit that he cannot raise the rents anymore. If this is passed and puts more stress on it, he will probably end up getting rid of the rest of his houses. He said who knows what they will turn into after he lets them go because he takes good care of his properties.

Mr. Donovan said no one has ever had a hard time finding him if there was something wrong with one of his rental properties. He usually takes care of them as soon as he gets the phone calls as the other landlords he knows do. They all take good care of their properties.

He asked that council reconsider the fee for a new building inspector. Mr. Donovan does not think it is something that Milford can afford right now. The fee is sufficient and covers the paperwork which was the reason for the ordinance and $25 fee. It covers the cost of the town keeping up with caretakers and those records. He asked that everything be kept the same and the fee not raised.

Martha Pileggi of 607 S.E. Second Street said she has a rental property on one side of her home and an owner-occupied property on the other side. She has had problems with the condition of both properties. Although she has noticed that a lot of rentals, particularly in the summer, are really left unkept. She feels that if the city has a code officer, he should enforce the codes. She also believes he has the time to do so. There are a lot of codes in this town and she has read them all. She feels that most of them are not enforced. She believes that if they were all enforced, the city would have enough money to cover his salary.

Mayor Marbello then closed the public hearing and opened the floor to further comment from the council.

Mr. Spillane asked Mr. Baird if the ordinance says if someone is out of town that owns the house and they don't pay the fee on time, you can shut everything down on the house. He has a problem with that because if an owner doesn't live in town and is out of state, he may get a bill in the mail and not pay it on time. Then the city would have the right to turn the power off and it is not the person's fault who is living in the house.

Mr. Ambrose explained that if they live out of town, there is supposed to be a property manager on record who lives within ten miles of the city. That person would be contacted before anything would be done.

Mr. Baird added the occupant would also be made aware in advance as well.

Mr. Workman clarified his previous statement earlier. When he walks around and sees a violation, he gets the address and takes it to the code official. That is when he learns whether it is a rental or owner-occupied home. When he goes in the code official's office, that information is provided immediately.

Mr. Workman confirmed that the annual fee would be a tax write-off for the landlord. Mr. Ambrose reiterated that the $50 annual fee calculates to a $4.16 a month increase.

The mayor announced that this does not have to be voted on this evening.

City Manager Baird then reviewed the four proposed amendments to this ordinance:

1) The first would be a change in the fee from $75 to $50 (highlighted).

2) Add that the caretaker can also be a management company (corporation, LLC and/or partnership) though a contact person must be assigned (highlighted).

3) The third amendment would be changing the notification time to 48 hours (highlighted).

4) Clarification of the rental unit definition so intentions are clearly stated.

Mr. Oechsler moved to postpone action on this ordinance in order to have these four items addressed in the ordinance before it is brought back before council. He said his other concern is the $100 fine because if there is proof the landlord has sent a letter to that person and that person is unwilling to allow the landlord and code official to enter, he does not believe the landlord should be charged. It also needs to be cleared up about whoever else has to get involved to get an inspection of the property. Mr. Workman seconded the motion.

Because of the lengthy discussions on this matter, it was agreed that once the amendments are made, action would be taken without rehashing what has been considered tonight and during the previous meetings. In addition, no further public comment would be taken. Mr. Workman added the only discussion considered would be if council had another problem.

Motion carried by a unanimous roll call vote.

Mr. Ambrose moved to adjourn the Public Hearing, seconded by Mr. Spillane. Motion carried.

Mayor Marabello then adjourned the Public Hearing at 9:35 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

I, Daniel Marabello, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at a meeting held on December 8, 2008, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Mayor Daniel Marabello

Motion carried by the following 7-1 vote:

Yes-Ambrose, Spillane, Oechsler, Brooks, Morrow, Starling, Wilson
No-Workman.

Mr. Workman stated that in consideration of the annexation committee recommendation, he feels all four parcels should be zoned R-2 when annexed and votes no.

Ordinance 2008-8/Chapter 180 Residential Rental Operating License-Revised

Mr. Baird advised that based on council recommendations, five changes were made to the ordinance since the proposal was originally presented. The modifications were noted in the draft.

If adopted this evening, the effective date will be December 18, 2008 which is on schedule for the 2009 calendar year.

Mr. Brooks confirmed that if this ordinance is adopted, there will be results and improvements; Mr. Baird stated that is the intent of the ordinance.

Mr. Brooks also asked if a report can be provided after the first of the year detailing what action has been taken and the overall results. Mr. Baird confirmed that he would have a report prepared by the code official. Mr. Ambrose agrees with Mr. Brooks considering the amount of time, work and aggravation this proposal has created. He agrees we need to see some very positive results and would like to see a report that everyone could access.

Mr. Ambrose then moved to adopt Ordinance 2008-8, seconded by Mr. Oechsler. Motion carried by the following 7-1 vote:

Yes-Ambrose, Workman, Oechsler, Brooks, Morrow, Starling, Wilson
No-Spillane

Mr. Spillane said he votes no because it is not the right time.

Mr. Workman agrees that economic times are very difficult right now. However, there is a need for this ordinance and feels it is important for the overall city. In addition, he said it has worked in other towns he has lived. He agrees that no one likes change, but believes that in the long run, it will pay for itself. He said that taking into consideration the economy and though it is being adopted tonight, it may be appropriate to become effective at a later date, but votes yes.

Mr. Oechsler said that as a landlord in the city, he believes we need the ordinance. He also agrees with Mr. Workman that if it is possible, we might consider deferring the fee until 2010, but feels it needs to be adopted and votes yes.

Ms. Wilson explained that this ordinance came about because of the living conditions within our city. She said we all wish we could say that all landlords in the city are caring and keep their properties decent, but everyone knows that is not true. In her mind and in her heart, that is why this ordinance was needed. In the fourth ward alone, she has had major concerns and complaints which have caused her to contact the city planner and code officials many times. The purpose was not to cause a hardship on anyone especially during hard times, but was something council was forced to do. The intent was not just to hire a new person, whenever that will happen, if it ever happens. The ordinance was needed and she votes yes.

NEW BUSINESS

THE CITY of Milford DELAWARE

CITY OF MILFORD
RENTAL UNIT INSPECTION FORM

Date:_____

Appt. Time: _____

License Number:_____ **Inspector:**_____

Contact Name: _____ **Phone #:**_____

Rental Property Location: _____

Street Address **Unit Number**

Email Address:_____ **Inspection #:**_____ **Invoice #:**_____

GENERAL EXTERIOR		**PASS**	**FAIL**	**NOTES**
PM.302.4	Weeds	☐	☐	_____
PM.308.1	Accumulation of Rubbish and Garbage	☐	☐	_____
PM.308.3.2	Rubbish and Garbage Containers	☐	☐	_____
PM.302.3	Sidewalks and Driveways	☐	☐	_____
PM.304.7	Roofs and Drainage	☐	☐	_____
PM.304.11	Chimneys and Towers	☐	☐	_____
PM.304.9	Overhang Extensions	☐	☐	_____
PM.304.2	Protective Treatment	☐	☐	_____
PM.304.13	Windows, Skylight, and Door Frames	☐	☐	_____
PM.304.13.1	Glazing	☐	☐	_____
PM.304.10	Stairways, Decks, Porches, Balconies	☐	☐	_____
PM.304.4	Structural Members	☐	☐	_____
PM.304.5	Foundation Walls	☐	☐	_____
PM.604.3	Electrical System Hazard	☐	☐	_____
PM.304.12	Handrails and Guards	☐	☐	_____
PM.702.3	Locked Doors / Egress	☐	☐	_____

GENERAL INTERIOR		**PASS**	**FAIL**	**NOTES**
PM.304.15	Doors	☐	☐	_____
PM.305.3	Interior Surfaces	☐	☐	_____
PM.305.4	Stairs and Walking Surfaces	☐	☐	_____
PM.305.5	Handrails and Guards	☐	☐	_____
PM.701.2	Fire Safety Requirements	☐	☐	_____
PM.305.6	Interior Doors	☐	☐	_____
PM.309.1	Infestation	☐	☐	_____
PM.602.3	Heat Supply	☐	☐	_____
PM.603.1/607.1	Mechanical Appliances/Duct Systems	☐	☐	_____
PM.603.2	Removal of Combustion Products	☐	☐	_____
PM.605.1	Electrical Equipment - Installation	☐	☐	_____
PM.403.5	Clothes Dryer Exhaust	☐	☐	_____
PM.704.2.1.2	Smoke Detector	☐	☐	_____

(RIF 110316)

LIVING ROOM		**PASS**	**FAIL**	**NOTES**
PM.304.13.2	Openable Windows	☐	☐	_____
PM.304.14	Insect Screens	☐	☐	_____
PM.305.3	Interior Surfaces	☐	☐	_____
PM.305.4	Stairs and Walking Surfaces	☐	☐	_____
PM.604.3	Electrical System Hazard	☐	☐	_____
PM.704.2	Single and Multiple Station Smoke Alarms	☐	☐	_____

DINING ROOM				**NOTES**
PM.304.13.2	Openable Windows	☐	☐	_____
PM.304.14	Insect Screens	☐	☐	_____
PM.305.3	Interior Surfaces	☐	☐	_____
PM.305.4	Stairs and Walking Surfaces	☐	☐	_____
PM.604.3	Electrical System Hazard	☐	☐	_____

KITCHEN				**NOTES**
PM.304.13.2	Openable Windows	☐	☐	_____
PM.304.14	Insect Screens	☐	☐	_____
PM.305.3	Interior Surfaces	☐	☐	_____
PM.305.4	Stairs and Walking Surfaces	☐	☐	_____
PM.504.1	Plumbing Systems and Fixtures - General	☐	☐	_____
PM.505.1	Water System – General	☐	☐	_____
PM.603.1	Mechanical Appliances	☐	☐	_____
PM.604.3	Electrical System Hazards	☐	☐	_____

HALLWAYS		**PASS**	**FAIL**	**NOTES**
PM.304.13.2	Openable Windows	☐	☐	_____
PM.304.14	Insect Screens	☐	☐	_____
PM.305.3	Interior Surfaces	☐	☐	_____
PM.305.4	Stairs and Walking Surfaces	☐	☐	_____
PM.604.3	Electrical System Hazards	☐	☐	_____
PM.704.2	Single and Multiple Station Smoke Alarms	☐	☐	_____

BATHROOM #1		**PASS**	**FAIL**	**NOTES**
PM.304.13.2	Openable Windows	☐	☐	_____
PM.305.3	Interior Surfaces	☐	☐	_____
PM.305.4	Stairs and Walking Surfaces	☐	☐	_____
PM.607.1	Operational Exhaust	☐	☐	_____
PM.504.1	Plumbing Systems & Fixtures	☐	☐	_____
PM.604.3	Electrical System Hazards	☐	☐	_____

BATHROOM #2		**PASS**	**FAIL**	**NOTES**
PM.304.13.2	Openable Windows	☐	☐	_____
PM.305.3	Interior Surfaces	☐	☐	_____
PM.305.4	Stairs and Walking Surfaces	☐	☐	_____
PM.607.1	Operational Exhaust	☐	☐	_____
PM.504.1	Plumbing Systems & Fixtures	☐	☐	_____
PM.604.3	Electrical System Hazards	☐	☐	_____

BEDROOM #1		**PASS**	**FAIL**	**NOTES**
PM.304.13.2	Openable Windows	☐	☐	_____
PM.304.14	Insect Screens	☐	☐	_____
PM.305.3	Interior Surfaces	☐	☐	_____
PM.305.4	Stairs and Walking Surfaces	☐	☐	_____
PM.305.6	Interior Doors	☐	☐	_____
PM.604.3	Electrical System Hazards	☐	☐	_____
PM.704.2	Single and Multiple Station Smoke Alarms	☐	☐	_____

BEDROOM #2		**PASS**	**FAIL**	**NOTES**
PM.304.13.2	Openable Windows	☐	☐	_____
PM.304.14	Insect Screens	☐	☐	_____
PM.305.3	Interior Surfaces	☐	☐	_____
PM.305.4	Stairs and Walking Surfaces	☐	☐	_____
PM.305.6	Interior Doors	☐	☐	_____
PM.604.3	Electrical System Hazards	☐	☐	_____
PM.704.2	Single and Multiple Station Smoke Alarms	☐	☐	_____

BEDROOM #3		**PASS**	**FAIL**	**NOTES**
PM.304.13.2	Openable Windows	☐	☐	_____
PM.304.14	Insect Screens	☐	☐	_____
PM.305.3	Interior Surfaces	☐	☐	_____
PM.305.4	Stairs and Walking Surfaces	☐	☐	_____
PM.305.6	Interior Doors	☐	☐	_____
PM.604.3	Electrical System Hazards	☐	☐	_____
PM.704.2	Single and Multiple Station Smoke Alarms	☐	☐	_____

DEN (IF APPLICABLE)		**PASS**	**FAIL**	**NOTES**
PM.304.13.2	Openable Windows	☐	☐	_____
PM.304.14	Insect Screens	☐	☐	_____
PM.305.3	Interior Surfaces	☐	☐	_____
PM.305.4	Stairs and Walking Surfaces	☐	☐	_____
PM.604.3	Electrical System Hazards	☐	☐	_____

OTHER VIOLATIONS

CODE SECTION:_____ VIOLATION:_____

CODE SECTION:_____ VIOLATION:_____

NOTES:_____

NOTES:

☐ Rental unit is found to be in compliance with all codes/ordinances. **No Further action required**.

☐ The above non-compliant items must be remedied within _____ calendar days from the date of inspection. The Inspection Office will contact you in regards to scheduling a re-inspection. Be advised that if the property is still not found to be in compliance, a $50 fee will be assessed for each additional re-inspection scheduled.

I, the owner/caretaker of the above referenced rental unit, acknowledges the property must comply at all times with Chapter 174 (Property Maintenance), including the 2015 International Property Maintenance Code (IPMC), Chapter 230 (Zoning) and other City ordinances. By signing below, I acknowledge that the residential rental unit inspection has been performed by the Inspection Official in my presence and agree that any non-compliant items must be corrected within the time frame provided above.

_____ _____

Property Owner/Landlord **Date**

_____

Print Name

_____ _____

Inspector **Date**

PUBLIC NOTICE
ORDINANCE 2017-20

The City Council will hold a Public Hearing regarding the below ordinance on MONDAY, JANUARY 22, 2018 to hear evidence from interested parties and make a final determination regarding the ordinance.

The meeting will 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:

CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 180
RESIDENTIAL RENTAL OPERATING LICENSE

WHEREAS, the City of Milford enacted a Residential Rental Operating License Ordinance, to protect the health, safety, and welfare of its residents and to prevent the deterioration of the housing stock in the City; and

WHEREAS, from time to time, City Council determines a need for amendments and additions to the Residential Rental Operating License Ordinance of the City of Milford; and

WHEREAS, it is recommended that the transfer of a license during the licensing period be permitted upon payment of administrative fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Section 180-5. Application for rental operating license and agreement to comply is hereby amended by removing text indicated in strikethrough and incorporating new text in red and underlined as follows:

C. It shall be unlawful for any person to operate any rental dwelling without obtaining a rental license from the ~~Licensing Division of the Department of Planning and Inspections~~ City in order to determine compliance. The license shall expire annually on December 31. The fee for the annual license shall be ~~$50 for each unit.~~ set by City Council as part of the City Fee Schedule.

Section 2. Section 180-6. Contents of applications is hereby amended by removing text indicated in strikethrough and incorporating new text in bold and red as follows:

D. Landlord's name, mailing address, ~~and~~ telephone number, email address, website and leasing agent contact information, if different from the landlord.

Section 3. 180-7. Regulations for issuance of licenses is hereby amended by removing text indicated in strikethrough and incorporating new text in red and underlined as follows:

C. ~~Timing for reapplication.~~
~~(1) Application to renew a rental operating license shall be made at least 60 days prior to the expiration date of the current license.~~
~~(2) When reapplication is made fewer than 30 days before the expiration date, the pendency of the application will not prevent the expiration of the license.~~
Transfer of license. If a rental property is purchased or sold during the annual licensing period, the license may be transferred from owner to owner upon payment of $50 for administrative expenses. Purchaser must make application as outlined in §180-6.

D. Every rental unit owned shall have a "caretaker" designated by the owner.

(1) The caretaker may be the property owner if residing within a ten-mile radius of Milford, Delaware.
(2) The caretaker shall be an adult person(s) 18 years or older, specifically identified in writing by the owner on the rental license application (stating name, address and telephone numbers) and reside in such proximity to the City as to allow him or her to meet with the Code ~~Enforcement~~ Official at the rental unit within 48 hours of receipt of notice from the Code ~~Enforcement~~ Official. The caretaker may also be a management company (corporation, LLC and/or partnership); however, the management company must assign a contact person.

Section 4. 180-8. Inspections is hereby amended by removing text indicated in strikethrough and incorporating new text in red and underlined as follows:

A. The Code ~~Enforcement~~ Official reserves the right to inspect property at any time to ensure compliance with all property maintenance (Chapter 174), Building Construction (Chapter 88), Z~~z~~oning (Chapter 230) and other City codes.
B. When such inspections are deemed necessary, the Code ~~Enforcement~~ Official will provide at least 48 hours' notice to the owner or caretaker. Exceptions to this rule will apply when health or safety conditions exist that require immediate inspection.
C. A rental unit shall be deemed to be not in substantial compliance if:
(1) There are one or more violations that pose a serious and substantial threat to the health, safety or welfare of the occupants.
(2) There are an extensive number of minor violations that, cumulatively, pose a significant threat to the health, safety, and welfare of the occupants.
D. When the Code ~~Enforcement~~ Official schedules an inspection, it is the responsibility of the property owner to make sure the structure/property is ready by the time the inspector arrives on site.
(1) If an inspection needs to be cancelled or rescheduled, the Code ~~Enforcement~~ Official must be notified by ~~8:30 a.m. the day of the inspection~~ 4:00 p.m. the day before the inspection.
(2) If an inspector arrives on site and the structure/property is not ready and the inspection was not cancelled or rescheduled, a fee of ~~$100~~ $50 must be paid at City Hall before the inspection can be rescheduled. This fee may be waived if the property is not ready for inspection due to circumstances beyond the control of the landlord/caretaker.
E. When conditions of a property are such that cause more than one follow-up inspection, for the purpose of ensuring compliance, a fee of $50 per inspection will be imposed.

Section 5. 180-9. Violations and penalties; enforcement is hereby amended by removing text indicated in strikethrough as follows:

A. Penalty for violation.
(1) Any property owner who shall violate any provisions of this chapter or who fails to comply with any notice or order issued by a Code ~~Enforcement~~ Official pursuant to the provisions of this chapter shall be guilty of violating the provisions of this chapter and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000. The minimum fine is not subject to suspension or reduction.
(2) Except where an appeal is taken, each day of a separate and continuing violation shall be deemed a separate offense.
B. Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served, then the property covered by this chapter will be assessed for the unpaid penalties, which shall be collected in the same manner and at the same time as City taxes.
C. If any of the cited violations are not remedied, the Code ~~Enforcement~~ Official shall revoke the residential rental operating license.

Section 6. Dates.
City Council Introduction: September 25, 2017
City Council Public Hearing: November 13, 2017

City Council Public Hearing: January 22, 2018
Adoption: January 22, 2018
Effective: February 1, 2018
This ordinance shall take effect and be in force ten days after its adoption.

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office or by accessing the city website at www.cityofmilford.com.

Advertised: Beacon, 12/27/17

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 13, 2017

The City Council of the City of Milford met in Workshop Session on Monday, November 13, 2017 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

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

City Manager Eric Norenberg, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe called the Council Workshop to order at 6:03 p.m.

Code of Conduct Training/Public Integrity Commission/Legal Counsel Deborah Moreau

City Manager Norenberg referenced those in attendance from the Town of Milton and the City of Harrington. In addition, he reported that Milford employees received this training as well as Milton and Harrington employees.

Ms. Moreau then introduced herself as Counsel to the Public Integrity Commission. This organization is responsible for the oversight of the State of Delaware Code of Conduct, commonly referred to as the Ethics Code.

She explained that the Commission has jurisdiction over all State Executive Branch employees, as well as municipalities and counties in Delaware who have not adopted their own Code of Conduct. Each county or municipality is eligible to adopt their own code though it would have to be drafted and submitted to the Commission for approval. It would then need to be added to the City or County Charter. Until that is done, the municipalities and counties fall under the jurisdiction of the Commission.

Ms. Moreau then reported the following:

Approximately 53,000 people in the State of Delaware fall under the Commissions' jurisdiction due to most municipalities electing not to adopt their own Code of Conduct. However, the City of Dover, City of Wilmington, Town of Smyrna, Delaware City, New Castle County, along with a couple of entities in Sussex County, have adopted their own versions. The reason most entities do not adopt their own code is because a board has to be formed and maintained.

All government officials are watched by the public to make sure that whatever is being done as part of their official duties is done properly. That applies to any person, whether elected or appointed to a commission or board, or city employee.

A number of articles in the news were referenced in which elected officials were forced into resigning over ethic violations. In one case, a governor had to resign when it was alleged his fiancé' was leveraging his public position to benefit her private business.

In New York State, the State Assembly Speaker was convicted of accepting $4 million worth of bribes in December of 2015 though he is appealing the conviction. The appeal is based on the situation involving the former Governor of Virginia whereby he and his wife were accused and convicted of receiving gifts from a wealthy resident who sold herbal supplements. The resident purchased the Governor's wife a designer wardrobe and gifted them the price of their daughter's wedding, vehicles and other items. Both the former Governor and his wife were convicted and each received prison time. However, he appealed to the US Supreme Court and was successful in getting the conviction overturned.

The court grew a distinction at that point between buying influence and buying official action. The court felt the Governor had only introduced the resident to the right people and they could not find proof that he had accepted a bribe in that case because there was no official action involving legislation so the conviction was overturned.

Ms. Moreau believes that opinion was based only on the fact the prosecutors were pursing a criminal conviction where the standard of proof is higher and why the court overturned it. If the code of conduct statute had been used, she believes they would have been successful.

As indicated, the New York Assembly Speaker's case is on appeal based on the overturned conviction of the Virginia Governor even though the Justice described the former governor's actions as tawdry or inappropriate in accepting the gifts.

She then recalled the Delaware Medical Examiner's case in 2014 in which he pled no contest to misuse of public office. He was using his state lab, state personnel and state email to run a private business on the side. Any government worker can have their own business, but the question is how to draw the line between your government position and your private position. In one month, it was determined he had sent 800 emails in one month related to his private business. They found fault in the amount of work he was contributing to his personal business while working for the State of Delaware and not the fact that he had a private business on the side. His plea means there is enough evidence to convict him but he would not admit his guilt. When he entered the no contest plea, he was fined $100,000 in restitution.

Another case in June 2016 involved seven State of Delaware case workers who were accused and indicted of stealing money from one of the welfare programs totaling approximately $1 million. They created fake food stamp benefit accounts for personal use or to sell and one of their friends would come in and collect the money every week. The people who were supposed to be monitoring their files were not doing their job either so this continued for quite sometime.

Anything that happens in the State or Local Governments will always be highlighted in the newspapers.

The ethics law was drafted in 1974 as a result of Watergate. The State of Delaware adopted their version in 1991. That commission was made up of State Employees and did not work well because they were monitoring other State Employees. As a result, in 1994, they reformed the committee with commissioners not affiliated with the State. They do not work for the State, contract with the State and are completely independent in their decision making. It includes seven commissioners with a variety of backgrounds including community service people, attorneys, retirees, etc. With a good mix, they are able to get a viewpoint from every background.

The commission also handles financial disclosure collection from state officials and lobbyist registrations. Presently there are 350 lobbyists in the State who lobby for approximately 1,000 organizations from Phillip Morris and Walmart, to a small privately owned businesses.

Their website provides a great deal of information. Should anyone have questions, Ms. Moreau recommends the website be reviewed first.

The opinion synopsis page provides information on every opinion the commission has issued since 1991 though the identifying information has been removed. It provides some answers about whether a situation applies and whether or not an opinion is needed.

The statutory purpose of ethic rules is to ensure the public has respect for their government. However, there is always a balancing test going on to prevent having so many rules that no one wants to work for the government.

When someone is serving in their official capacity, that person cannot have a personal or private interest that impairs their judgment when performing their official duty. For example, if an agenda item requires a vote and a relative is involved in the matter in someway, you need to recuse yourself. Recusal is more extensive than simply not voting.

The Delaware Department of Corrections put out a bid for someone to provide medical care for its prisoners. Two bids were received and three people reviewed them. The one reviewer reported that his wife worked for the one company so he was not going to vote. However, he stayed on that committee and discussed the two bids though he volunteered not to vote.

When the court looked at it, his appearance or mere presence during the discussion had tainted the process. He should not have been involved in any manner because a person is able to communicate a wealth of information just through body language or facial expressions without saying a word. That is the reason recusal means 'leave the room'. A person cannot just sit in the room during the discussion and not vote. Instead, that person has to physically leave the room to prevent one's colleagues from

facing a decision of whether they should look at you and try and attempt to prevent being influenced by that person's body language. Leaving the room eliminates any issues.

Another local case involved a State Board that requires anyone who wishes to offer a specific medical service, to apply and obtain approval from the board. A person cannot simply put up a sign that states some type of medical service is being offered. Two hospitals, Beebe and Nanticoke, wanted to start offering cardiac services at the same time. Both applied to the board for the new service.

Nanticoke was helped by someone who had been a previous member of the board. He was no longer on the board and had been gone for approximately eighteen months. However, he helped them with the paperwork and the process in addition to attending the public hearing. He only sat and listened during the hearing but did not say anything.

The board ended up voting to grant the application to Nanticoke but not to Beebe. Beebe's application was not as well thought out and planned. As a result, they had to wait a year and resubmit. Two weeks later, the person who had helped Nanticoke made an announcement they were going to partner with someone to provide cardiac services at Milford Memorial Hospital. This person was the CEO of Milford Memorial Hospital board at the time. So in addition to the connection that he had previously served on the medical needs board, he now has a financial connection because his hospital will benefit from this as well.

As a result, Beebe filed suit based on the process of having too much intermingling and decided to let the court decide. The court took notice and asked whether this person has attended the public hearing. He responded by saying yes, but he did not say anything. The judge pointed out that his presence in the room still tainted the process.

Officials must consider the requirement to remove themselves from the room when there is a topic of conflict. Being present continues to be a conflict even if the person does not participate in the vote.

The process will be determined invalid if someone with a conflict does not leave the room during the discussion. It resulted in the process starting over again which was expensive and time consuming.

Another situation involved a Department of Corrections Hiring Committee and a new job was posted for the motor pool which is a very coveted spot. This employee worked in the yard or handled transportation and most of the guards preferred that type of position because they did not have to work with the inmates. Of the three people that applied for the job, one worked for and had a very close relationship with one of the board members making the decision, one was a nephew to one of the board members and the third person (Brice) had no relationship to any applicants. During a personal conversation between the wife of the third applicant and the aunt whose nephew applied, the aunt revealed that her nephew had gotten the job.

The wife reported the results to her husband (Brice) before the aptitude test was even taken by the applicants. The test resulted in the applicant who had a relationship with the board member receiving the highest score, followed by the husband of the wife who was given the advanced information, then the nephew who received the lowest score. As a result, the applicant receiving the highest score was hired.

Mr. Brice filed a grievance with the union board. Following a hearing, the job had to be reposted and Brice won and was hired for the position. He then filed a claim in the Supreme Court who awarded him the cost of his legal fees.

Another situation involved a State employee who was in charge of the summer school program whereby students who receive free food during the school year are eligible to get lunches throughout the summer. She received $130,000 to cover the cost of the project. It was put out to bid and she assigned her fiancé to be the administrator of the fund and paid him $60,000. The auditor's office was investigating how many houses received two checks from the State of Delaware and the reason for the two checks. They determined that in addition to her paycheck, her fiancé was receiving pay as a contractor. The contractor was signed by both of them. The Attorney General's Office charged her with Misuse of Public Office and her fiancé with tax fraud because he was not claiming the income. Both were convicted.

Ms. Moreau also pointed out that if an official has a friend or relative who wants to contract with the City, that official is unable to come before Council and help them. They can help them at home, help them put their documents together but the official

is unable to speak for them or handout documents on their behalf.

She also reported there is a two-year restriction on leaving a position as a councilmember, for example, and coming back as a contractor and doing the same job. She stressed that an employee of a town cannot leave to work for a contractor and do the same job. This prevents companies from being encouraged to cherry pick their employees.

As an example, a Bridge Engineer at DelDOT who worked on the Roth Bridge, is able to leave his DelDOT job to take another job working on the Delaware Memorial Bridge only because it is a different project.

The attorney referenced a new standard called the Appearance of Impropriety (Prohibited Conduct) 29 Del. C. 5806 (a) and (b). It involves a reasonable person who knowing these facts, would need to think an employee can continue to do their job fairly and impartially. Some items do not fall into a specific category though it may make you question yourself. If someone has to ask that question, more than likely the official should not be doing that.

An official cannot buy an interest in one of the City's contractors as well. City Employees become familiar with the contractors but because an official becomes confident in that contractor's work, does not allow them to buy stock in that business. If that were allowed, every decision made about them would be tainted by that officials' financial interest in that company.

She further stated that no other employment, gift, payment of expenses, compensation, or anything of monetary value can be accepted if there is the slightest chance it will result in impaired independence of judgment, preferential treatment to any person, official decisions or have any adverse effect on public confidence in the government.

Ms. Moreau said this comes up as in relation to dinners, lunches or Christmas presents. They always tell everyone not to accept those type things. They want to prevent any perception that someone wants to buy an official a present because they want to buy that official's good will. The code of ethics say officials cannot accept gifts from contractors plain and simple.
For example, a company wanted to give a sales pitch during lunch and provide lunches to the State Employees. They came before the commission who informed them they could do it on their lunch hour, but cannot provide them with lunch. The company's representative felt that if they didn't feed them, the employees would not attend. Unfortunately, that is similar to a bribe and is an illegal act.

If citizens want to come in and provide tokens of appreciation, the City needs to be careful in case that person has a later zoning request or something similar. Officials need to be aware of those situations so it is better to have a 'no gift' policy.
People have asked if a dollar limit can be placed on gifts and the answer is no. Ms. Moreau stated that if someone goes to a conference and gets a lanyard, a pen or key chain or something similar, that is fine. But nothing of monetary value like gift cards or anything with a dollar value. She noted that some officials may be bought for $10 and another official can be bought for $500 which is the reason a dollar value is inappropriate.

If an organization that is not the City of Milford is going to pay for an official's travel, that official has to consider whether that is a gift or not. The definition of a gift is something given with nothing in return. She referenced a government official who flies a private jet to Hawaii for a five-day stay though the conference is only half of one day. They play golf, drink cocktails, eat at five star restaurants and stay at five star hotels. That is a gift because they did not get anything in return other than sitting in a room for half a day.

But if an employee flies coach the day before the conference and flies back the afternoon of the conference, stayed in a conference hotel and eats regular meals and are required to make a presentation at the conference, then they have given something back. There is an exchange that makes it no longer a gift.

She stressed that officials should be very aware of a situation when a person offers to send that official somewhere and expects nothing in return. That ends up being a gift in the eyes of this law.

One State Employee worked for a Social Services Agency and would go into people's homes and take care of them. One gentleman became an acquaintance and thought it would be a good idea to repay her kindness by putting her in his will. She informed her supervisor of the situation. That could be perceived as coercing him in taking his money when she was at his home. The supervisor went back with her and told the gentleman she could not be added to his will. He responded that it is

his money and he will do what he wants with it. The agency's attorney then had to discuss it with his attorney and finally, they got him to relent and take her out of the will even though he wanted to do something nice for her. That would have been overshadowed by the fact that he took money from one of her clients.

She then discussed several prohibited activities:

If an official knows the City is getting ready to annex land, do not go out and buy it so you can get more money.

Do not use your public office for unwarranted privileges, private advancement or gain.

If you have access to confidential information, do not use that to your advancement.

Ms. Moreau then shared that a Florida resident, who worked for a social service agency had collected a list of all the HIV positive people in the State and disseminated it to his friends so they knew who not to date.

The same applies to computer access. Employees should not be using their computer to surf the web during working hours but also access programs within the State. Employees are unable to access criminal records through DELJIS for anything other than official business.

Ms. Moreau worked for the Department of Justice for nine years. She recalled an employee who was transferred to that department after working elsewhere in the State for twelve years. She was in the middle of a divorce and her soon to be ex had a new girlfriend. She could not resist from looking her up and found out that she had a criminal record and posted it on Facebook. She was terminated the following day.

Another situation involved a very reputable judicial secretary that had been with the State thirty years. She used DELJIS to look up addresses so she could send Christmas cards. When they found that out, she was terminated.

Ms. Moreau pointed out that it makes no difference what the motive is. The rules apply across the board. Government information cannot be used for your own benefit.

Do not engage in activities that might reasonably be expected to require or induce you to disclose confidential information. If an official/employee goes into a restaurant or pub and discusses something you are aware of only because of your official position, do not allow other people to hear you.

She personally observed two witnesses talking about the Exelon merger in a coffee shop in Dover. They proceeded to talk about who they knew in State government and how much influence they had. Ms. Moreau knew everyone they were talking about. She emphasized that officials need to be aware of the small communities in Delaware and if the official is out in the public, people can hear you and chances are it will get back to someone.

Councilman Mergner arrived at this time.

Ms. Moreau reported that the State Commission will also provide advisory opinions. If there is a question about a vote that is coming up and an official is wondering if they have a conflict of interest because they know the people involved. That official can send Ms. Moreau an email and ask for an advisory opinion from the Commission. That information is confidential and they will provide an opinion on the matter.

She further stated that if the town itself wanted to ask about an employee's involvement in a matter, the town can request the advisory opinion. However, that has to be in writing and an email is sufficient.

Ms. Moreau will not tell anyone unless that person is committing a crime. She is then obligated to turn that official/employee in.

There are circumstances in which there are rules that need to be followed though a waiver can be requested by the Commission for an emergency or some other specific situation. However, in these cases, the whole entire opinion will be published so

everyone knows that yes, that official is doing something that may look suspicious, but were given permission to do it.

For example, the Delaware State Police (DSP) has an aviation unit. Their pilots have to be FAA-certified and to obtain that, seven hours training is required on an aircraft with retractable landing gear. DSP has their own plane though it has fixed landing gear. They did not want to buy a whole new plane just so their pilots can train seven hours a year because of the expense. As a result, the head of the Aviation Unit went around to the local airports including Salisbury, Dover Air Force Base and other airports to receive quotes on borrowing an airplane. It turned out the person who had the lowest bid was a State employee. That State employee got the contract with a State Agency which always raises eyebrows. However, DSP did not want to publicly notice and bid the contract because they were on a tight deadline.

There is a requirement in a State contract when it involves a person who is contracting with the government entity and also works for that entity. In that situation, a public notice and bidding requirement is needed though that was not done because it was an urgent matter. As a result, they asked for a waiver of the public notice and bidding requirement. They brought in their paperwork that showed the research that was done and proof that this gentleman had the least expensive option. The waiver was approved to make it easier for them to accomplish this but only because they had already done their homework.
In addition, there are waivers that come after the fact. For example, an emergency occurs as a result of a water/sewer issue and the contractor's equipment breaks. That then results in a large portion of the town being without water and sewer and the contractor is unable to get his equipment repaired for two days. This is an emergency because it involves a public health issue and the utility needs to be put back on line as soon as possible.

She recalled one of the Sussex County Commissioners, who had a farm several years ago, also had a piece of equipment that was able to handle the digging and repairing. He used his equipment to fix the repair and charged less than the contractor. However, it was necessary to come to the Commission, after the fact because this was considered an emergency, though they asked for their blessings as to how it was handled. The Commission also granted the waiver in that situation.

Ms. Moreau then commented on their complaint procedure though an official/employee can request an advisory opinion for themselves and the City can request one as well. The public is unable to request an advisory opinion though they can file a complaint. Complaints are sworn affidavits saying that an official has violated the code of conduct. It has to be notarized and in that case, the person's name will be revealed because a hearing will be scheduled and that official has the right to confront their accuser.

Because the accused identity is revealed, the Commission does not receive many official complaints. She noted that many people are very averse to revealing who they are though the Commission receives a lot of anonymous letters. But there are very few complaints where people are willing to identify themselves.

If a complaint is received, the Commission is not going to let you know in the beginning. They receive a lot of complaints that have no substance. For example, someone from the prison wrote that a judge had a personal interest in his sentencing and he was sentenced too harshly as a result. The Commission does not have jurisdictions over the judges so she is not going to call that judge and inform them of the complaint for no reason and get everyone upset. They typically have the Commission review it and dismiss it for lack of jurisdiction.

A person would be notified if there was some substance if it was properly alleged and notarized. In that situation, the person would be contacted, a copy of the complaint provided and a hearing scheduled. All evidence will be provided to the person as well. If a hearing is scheduled and subpoenas are needed for witnesses, Ms. Moreau will issue them. If a person is found in fault of a violation, in an elected official's case, the Commission has no power to remove them from officer because it is a constitutional issue. However, they will publish the opinion and let the voters decide what they want to do at the next election.

If an anonymous complaint is received, she will call that person if there is something to it. Ms. Moreau will inform the person that a letter was received and provide the allegations. They will then be offered an advisory opinion which is confidential. However, that person has the benefit of knowing what was alleged and the violation of the rules. If it is a violation, that person gets advice on how to fix it and the letter serves as legal protection should someone later file a formal complaint.

However, there is no requirement to come in.

Ms. Moreau explained there are a lot of employees who submit anonymous complaints because they are afraid of retaliation. One employee in a State agency contacted her to tell her their boss is supervising his two sons though she is uncomfortable coming forward because of retaliation. She contacted the head of that agency and asked them if they would like to come in and get an advisory opinion. The head of that agency said certainly and by the time they came in, the two sons had been reassigned to other supervisors. They felt that had fixed the problem though really there is still a problem because there are still three supervisors, one of which is the father, who works with the other two supervisors on a daily basis. As a result, the Commission would question whether those supervisors would be independent during a performance review or when assigning projects because their father is always present.

In addition, it is not always a benefit. For example, the son could be made miserable every day of his life if they didn't like his father. The best way to handle it was to move the son to a different county to prevent any crossover, which is what they ended up doing. Each of the three family members worked in three separate counties.

She emphasized that the finding is not always punishment. Often there is a solution worked out to make things more appropriate and in line with the code of conduct.

It was noted there are criminal sanctions for some portions of the code and mainly the conflict of interest and the post employment areas.

The Commission can recommend to the Governor, who appoints board members, a person be removed though they do not have the ability to remove them either.

Other employees can be terminated and merit rules in those situations do not protect them. An employee can be fired, demoted or given a letter of reprimand, in addition to a number of administrative sanctions.

The concluded Ms. Moreau's presentation. She then opened the floor to questions.

There was a question from the audience about a nepotism policy. Ms. Moreau responded by stating actually there is not a policy though what used to be the Office of Management and Budget has since been split and is now the Office of Personnel and Human Resources. This is a new cabinet position and they are currently working on a nepotism policy. While an employer may be able to arrange things where it does not violate the code of conduct, it still affects the morale of the agency.
A question from the audience was then asked by a Milton official about elected officials receiving donations (inaudible). For example, someone makes a donation in the elected official's name whereby a third party benefits.

Ms. Moreau explained that if someone makes the donation and then that person has a matter come before the board, the elected official will need to consider whether the donation was made in hopes of some return favor.

Further inaudible conversation continued from the audience.

Ms. Moreau responded by stating she is sure that someone saw him with this person and would be very willing to tell everyone. She added that even if this Milton official bought his own dinner and had the receipt to prove it, the problem is how it was perceived.

Mayor Shupe then referenced the annual budget reviews noting there are many different aspects of the budget. As an example, one of the organizations the City gives money to is the Milford Museum. If a Council or Mayor is on the board of that museum, it sounds as though that councilperson would need to recuse themselves and leave the room. If that is part of a larger budget being discussed over a two-day period, he asked at what point you recuse yourself outside of the room for that one issue and then vote on the budget as a whole.

Ms. Moreau recommends speaking with the City Solicitor and believes that the budget can be presented and voted on in separate pieces. She recalled a complaint about a councilperson who had a problem voting on a specific portion of the budget. The commission asked him not to vote on the budget because of the conflict. The councilperson stated no, that is the reason the residents elected him and that is only a small piece of what he does. The commission recommended he check with the town solicitor to see if he can vote on the budget by taking that one category out. That councilperson would then be required to leave while any discussion occurred and not vote on the one matter of conflict. The solicitor agreed that would work.

There being no further questions, Councilmember Peel moved to adjourn the Workshop Session, seconded by Councilmember Burk. Motion carried.

Mayor Shupe adjourned the Workshop at 6:59 p.m.

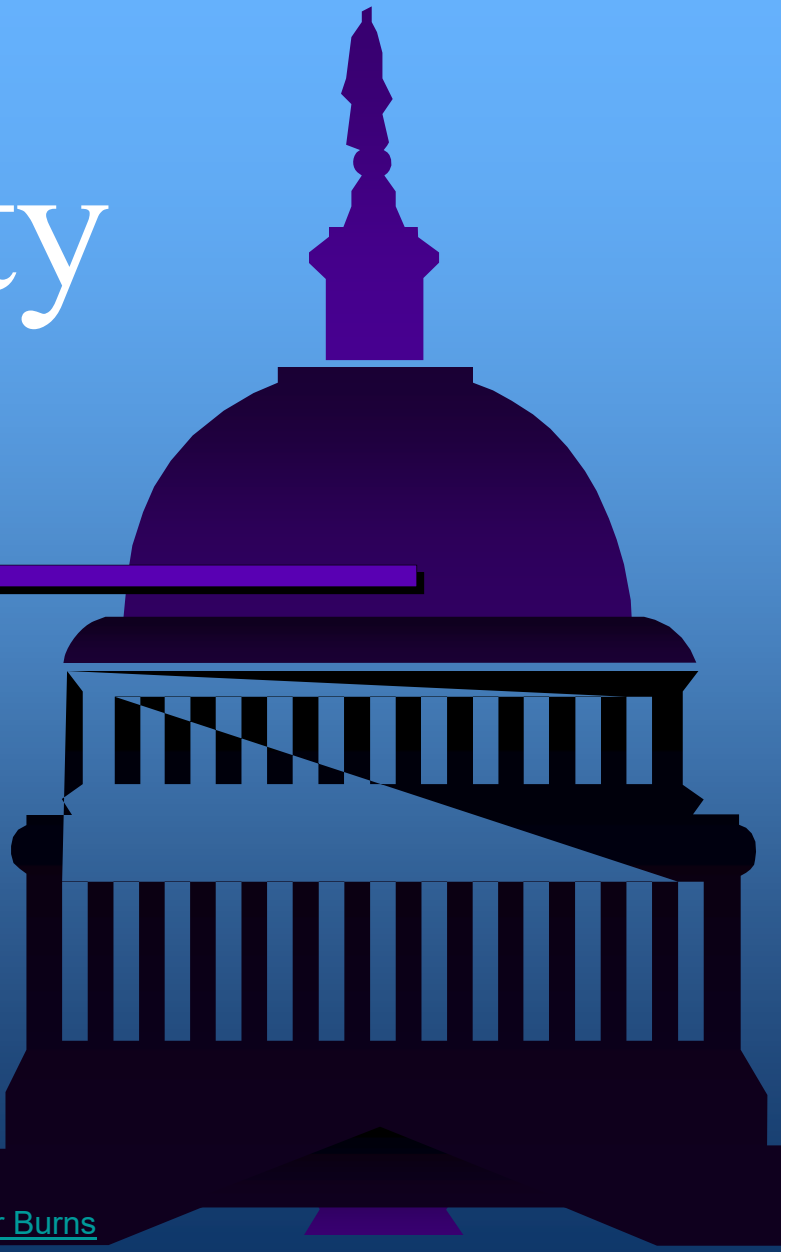
Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

Attachments:
Ethics Presentation
Ethics Brochure

Public Integrity Commission

Ethics in Government



"Divorced from ethics, leadership is reduced to management and politics to mere technique".

James MacGregor Burns

Home / News / Politics /

Lt. Gov. Darr resigns amid ethics violations, possible impeachment

By ArkansasOnline
This article was published January 10, 2014 at 6:30 p.m.

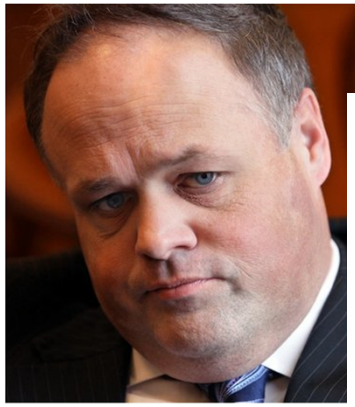


PHOTO BY BENJAMIN KRAIN



AP Photo

Oregon governor facing ca state probe

By JONATHAN TOPAZ | 2/9/15 3:10 PM EST

John Kitzhaber won a fourth term as Oregon's g
but he is now facing perhaps the starkest challe

Ex-speaker, once a big powerbroker, convicted in N.Y.

Associated Press

NEW YORK — Former state Assembly Speaker Sheldon Silver was convicted Monday in a $5 million corruption case that took down one of New York's most powerful politicians and stunned a capital that had become accustomed to scandal.

The jury verdict came after a three-week trial in which federal prosecutors claimed that the 71-year-old Democrat traded favors to enrich himself and then lied about it. The defense countered that the government was trying to criminalize the longtime routines of Albany politicians.

Even in a state capital where more than 30 lawmakers have left office facing criminal charges or allegations of ethical misconduct since 2000, the case against Silver was an extraordinary turn. An assemblyman since 1976, Silver was one of Albany's most storied political figures, a consummate backroom operator with the power to decide the fate of legislation single-handedly.

Silver, who remains free on bail until a sentencing date not yet set, plans to appeal.

"I'm disappointed right now. Ultimately, I believe that after the legal challenges, we'll get results," he said as he left court after being convicted of all charges against him: honest-services fraud, extortion and money laundering. They carry the potential for decades in prison.



Sheldon Silver

His prosecution was a marquee case in Manhattan U.S. Attorney Preet Bharara's quest to clean up a state government he has called a "cauldron of corruption," an effort that has led to the ongoing corruption trial of Republican state Senate leader Dean Skelos.

With Monday's verdict, "Sheldon Silver got justice, and at long last, so did the people of New York," Bharara, who had watched from the courtroom audience, said in a statement.

With the conviction, Silver automatically loses his Assembly seat. He had kept it while fighting the charges, although after his arrest he was stripped of the speakership he had held since 1994.

The leader of the Assembly's Republican minority, Brian Kolb, called the conviction "a clear signal — again — to Albany: Enough is enough."

Current Speaker Carl Heastie, a Democrat and Silver's successor, said he would "continue to work to root out corruption and demand more of elected officials when it comes to ethical conduct."

After Silver's arrest, the Legislature passed modest changes, including a requirement that lawmakers disclose more about their private income.

But so far, lawmakers have balked at significant reforms, such as term limits, restrictions on legislators' outside income, tighter campaign finance limits and tougher enforcement of ethics rules.

Prosecutors had argued that they proved Silver traded his office for riches: $4 million in kickbacks from a cancer researcher and real estate developers. Prosecutors say Silver earned a million dollars more through investments.

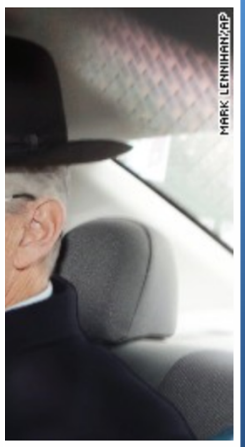
"This was corruption," not politics as usual, Assistant U.S. Attorney Andrew Goldstein told jurors.

Dec. 1, 2015

U.S. Edition

ent Living Travel Money

speaker



:11

Supreme Court overturns corruption conviction of former Va. governor McDonnell

Supreme Court overturns corruption conviction of former Va. governor McDonnell

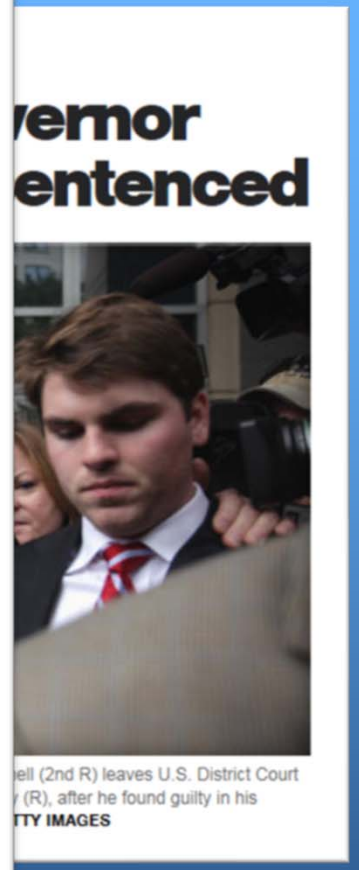
The Supreme Court unanimously voted to overturn the public-corruption conviction of former Virginia governor Robert F. McDonnell. Here's what you need to know about the decision. (Monica Akhtar/The Washington Post)

By Robert Barnes

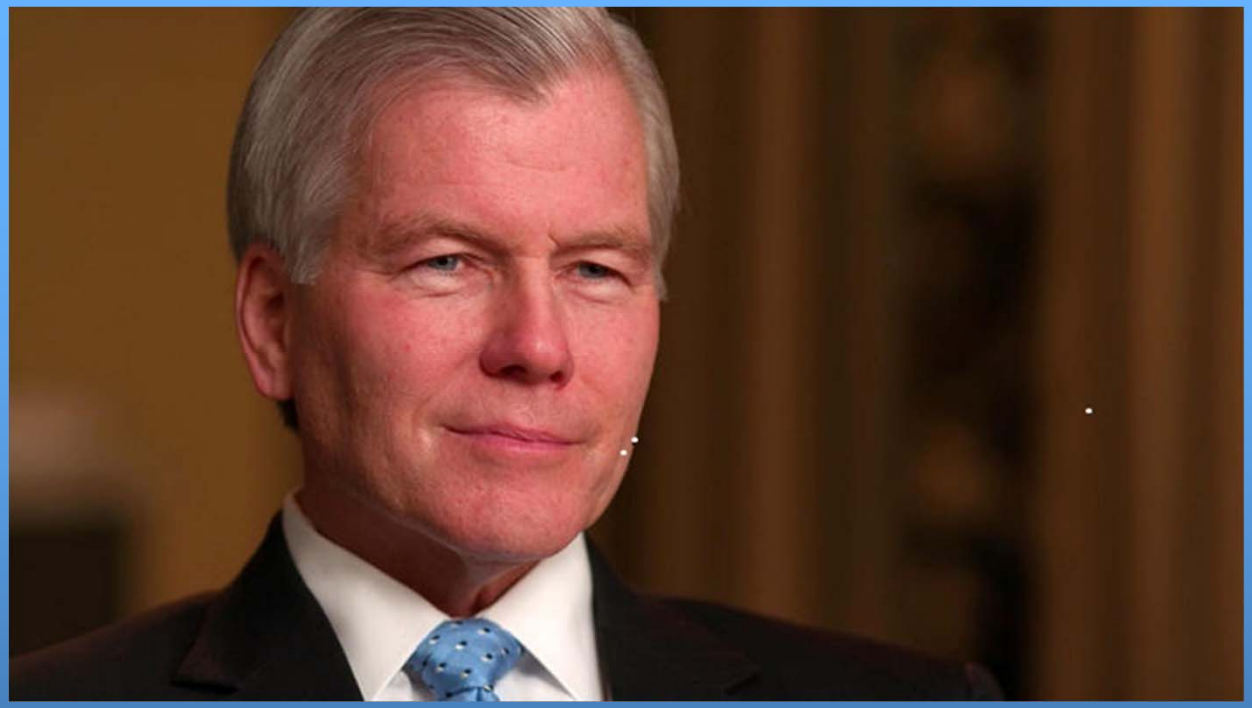
Politics

June 27 at 7:09 PM

'There is no doubt that this case is distasteful; it may be worse than that. But our concern is not with tawdry tales of Ferraris, Rolexes, and ball gowns," Roberts wrote. "It is instead with the broader legal implications of the Government's boundless interpretation of the federal bribery statute." CJ Roberts



June 2016



July 2017

Delaware medical examiner suspended in drug probe

Jonathan Starkey and Sean O'Sullivan, The (Wilmington, Del.) News Journal 8:36 p.m. EST February 28, 2014

Richard T. Callery oversees the state drug lab, which is being investigated for missing and tampered-with evidence.



(Photo: Suchat Pederson, The (Wilmington, Del.) News Journal)

f 26 CONNECT | 30 TWEET | in 2 LINKEDIN | 1 COMMENT | EMAIL | MORE

WILMINGTON, Del. -- Delaware Chief Medical Examiner Richard T. Callery, who oversees the state drug lab that is now the subject of a State Police criminal investigation over missing evidence, has been suspended with pay, officials said Friday.

Callery has led the Medical Examiner's Office since 1997 and earned a $198,500 salary last year, making him the seventh highest-salaried state employee. He was suspended on Tuesday pending the results of an internal human resources investigation.

In an interview Friday afternoon, Gov. Jack Markell said "we certainly have a number of concerns about the management of the office."

"There are a number of things the investigation is reviewing and I can't talk about them today," Markell said.

STORY HIGHLIGHTS

- State waited 3 days to announce Callery's suspension
- Investigators have identified 21 cases affected by tainted evidence
- Lab handled drug evidence for all Delaware law enforcement agencies

Drug lab scandal still haunts Delaware

Jessica Masulli Reyes and Cris Barrish, The News Journal 9:28 p.m. EDT June 10, 2015

Callery's plea

Callery will plead no contest – which is treated the same at sentencing as a conviction – to two counts of official misconduct. The crime is a Class A misdemeanor punishable by up to one year in prison and a $2,300 fine. A plea of no contest, technically called "nolo contendere," is not an admission of guilt.

Both Joseph Grubb, chief New Castle County prosecutor, and Callery's lawyer Dan Lyons confirmed that the plea hearing will be held Thursday in Superior Court before Judge Fred S. Silverman.

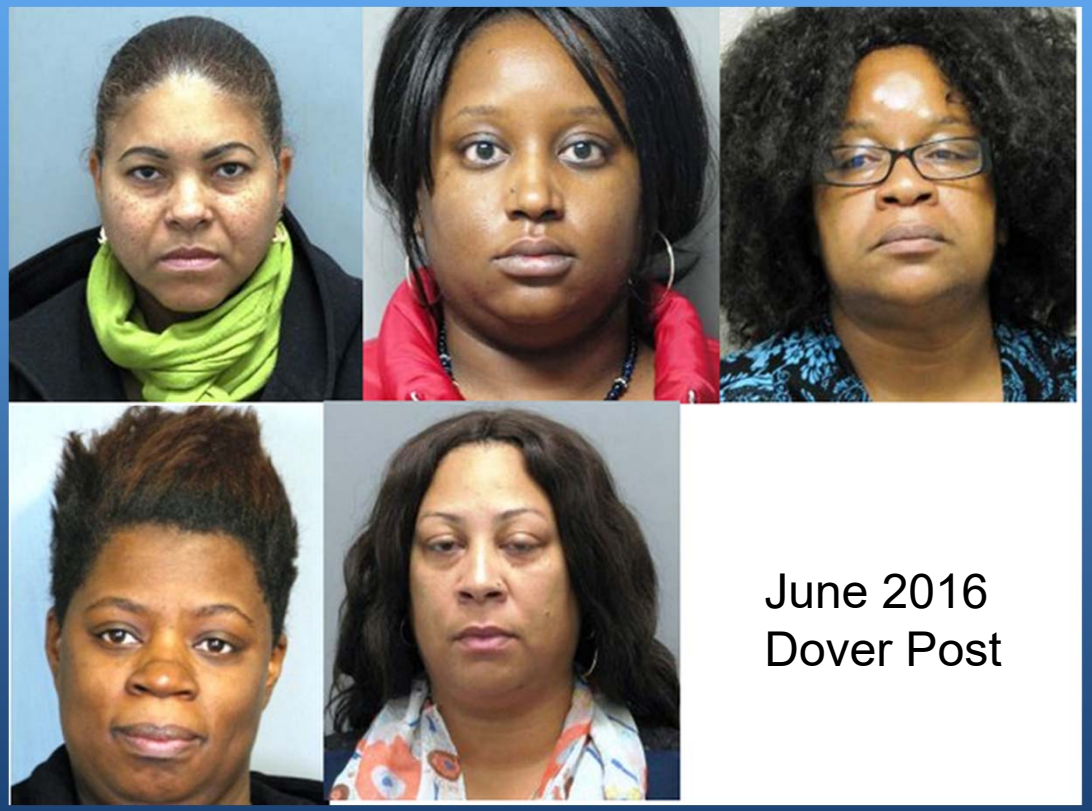
Grubb would not comment further, but Lyons stressed that Callery's plea will be for using state employees and supplies such as his government car to conduct a private consulting business as an expert in other states.

Lyons said Callery, 63, also will pay $100,000 restitution, an amount the lawyer said far exceeds the value of supplies and employee time he used, and will surrender his medical license for two years.



Seven steal from SNAP, says state

Seven state employees indicted in $950,000 theft



June 2016
Dover Post

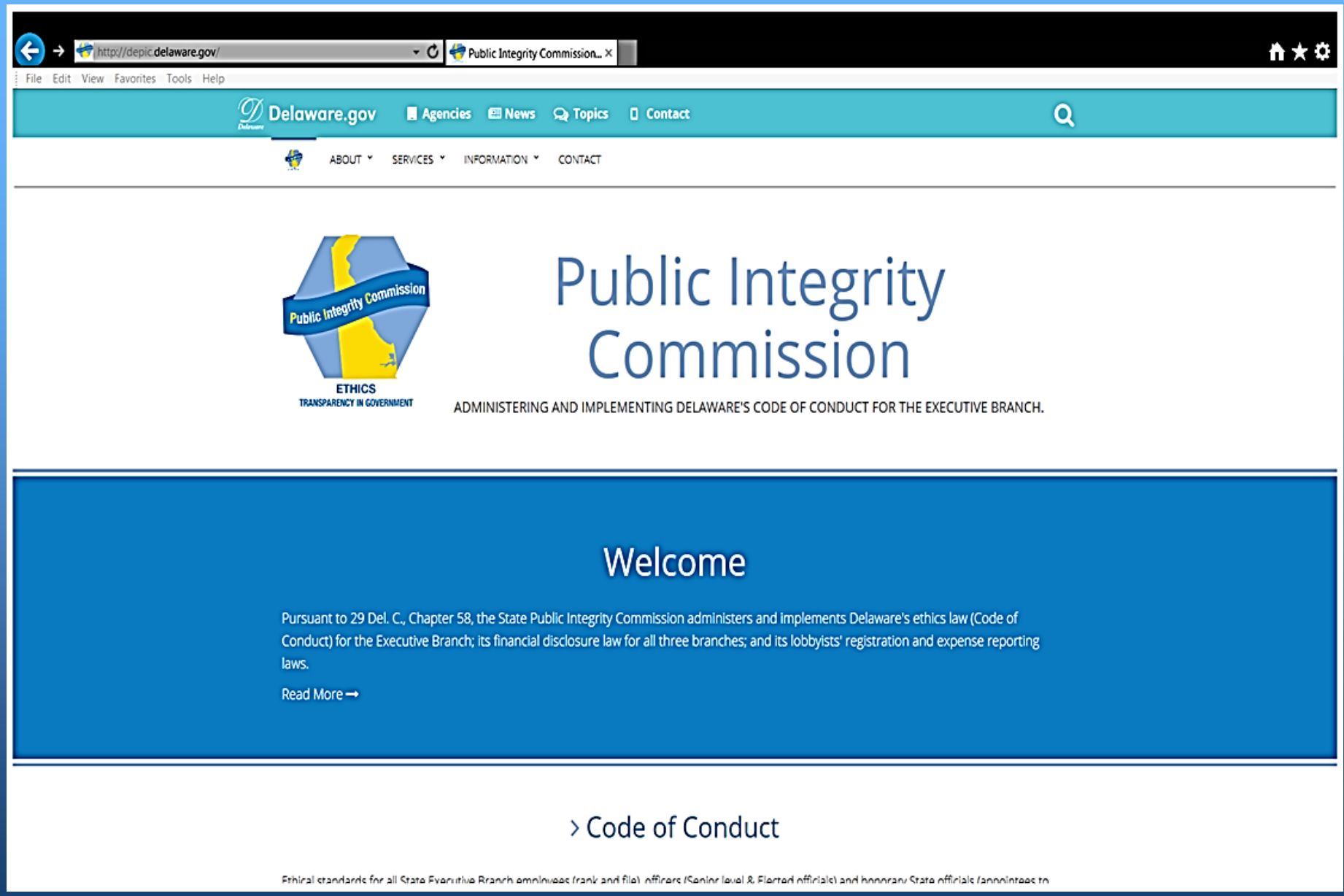
Background

- Ethics Law Passed -1974
- Ethics Commission Created - 1991
- Public Integrity Commission - 1994
- Full-time Staff Hired - 1995
- Commission Members' Background

Laws Regulating Conduct

Title 29, Chapter 58

- Code of Conduct: *Sets Standards of Conduct*
- Financial Disclosure: *Annual Disclosure by Public Officers*
- Compensation Policy: *Prevents "Double-Dipping"*
- Lobbyists' Registration: *Disclosure of Expenditures on General Assembly Members and/or State Employees*


http://depic.delaware.gov/
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Public Integrity Commission
ETHICS
TRANSPARENCY IN GOVERNMENT
Public Integrity Commission
ADMINISTERING AND IMPLEMENTING DELAWARE'S CODE OF CONDUCT FOR THE EXECUTIVE BRANCH.
Welcome
Pursuant to 29 Del. C., Chapter 58, the State Public Integrity Commission administers and implements Delaware's ethics law (Code of Conduct) for the Executive Branch; its financial disclosure law for all three branches; and its lobbyists' registration and expense reporting laws.
Read More
› Code of Conduct

Easy Reference

Code of Conduct Opinion Synopsis

Listen

- 1991-2016 Contracting With The State
- 1991-2016 Jurisdiction & Procedure
- 1991-2016 Local Codes of Conduct
- 1991-2016 Outside Employment
- 1991-2016 Things of Monetary Value
- 1991-2016 Personal or Private Interest
- 1991-2016 Post Employment

Note: If looking for specific term in a category, hit CTRL F once you have opened the link

Statutory Purpose

- Insure public respect and confidence by setting standards of conduct for honorary state officials without unduly circumscribing their activities

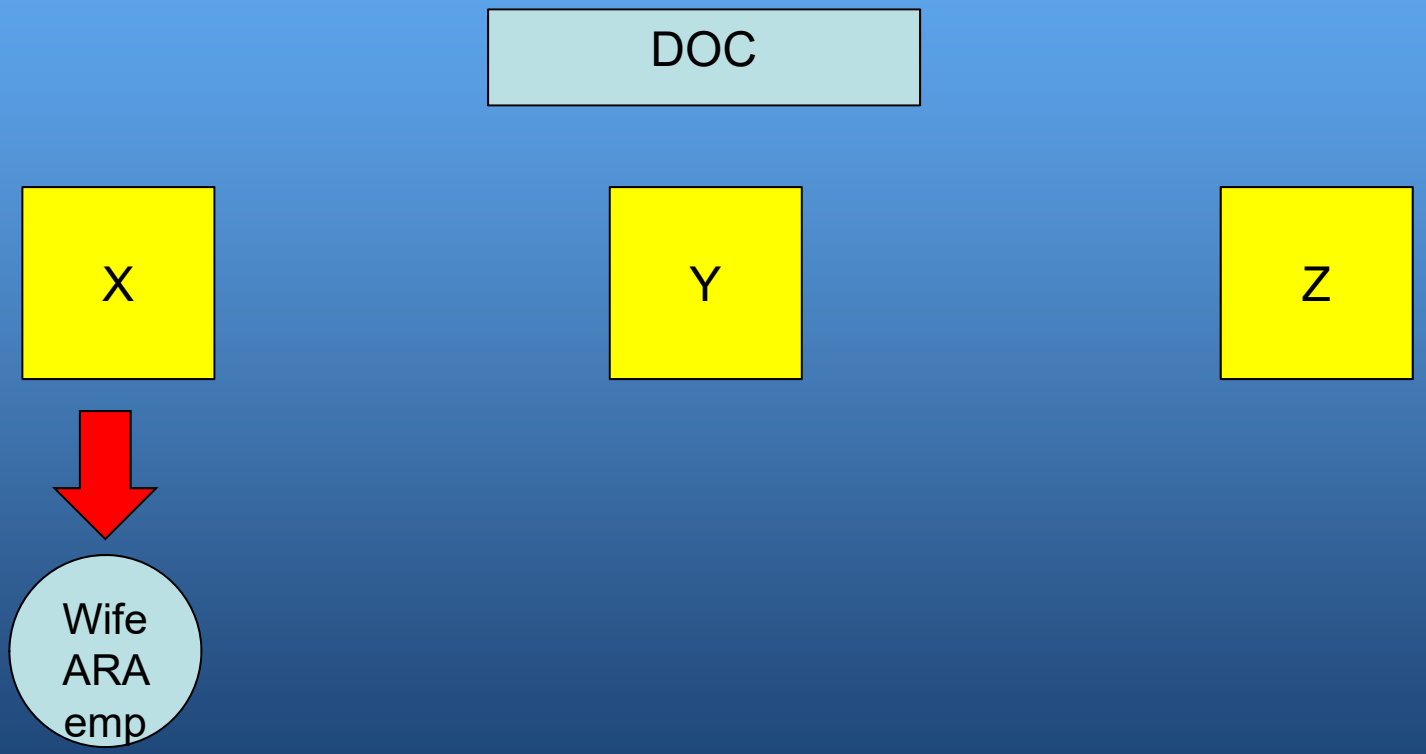
Conflict of Interest

Exercising Authority - 29 Del. C. § 5805 (a) and (b)

- No Personal or Private Interest That Tends to Impair Judgment in Performing Board Duties
- *Interests Which <u>Will</u> Impair Judgment*
  - **Financial benefit to self or a close relative**
  - **Benefit to a private enterprise if you or a close relative have a financial interest**

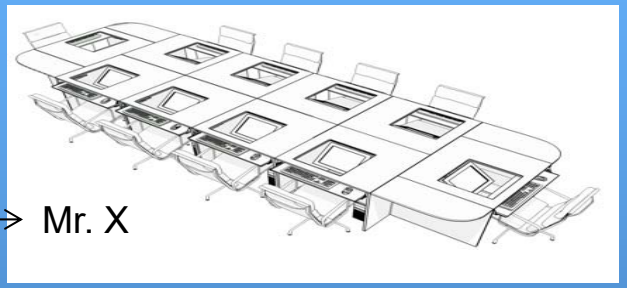
Personal Interest

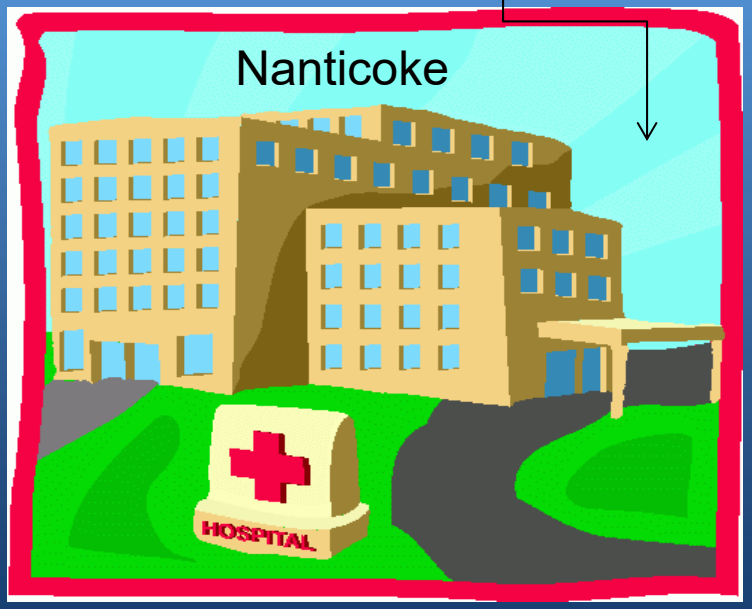
Prison Health Systems v. ARA

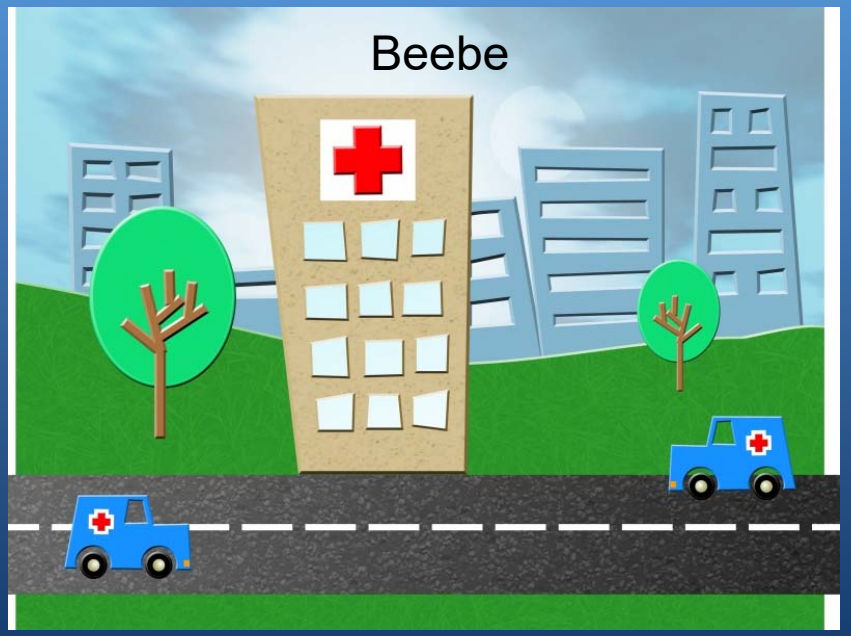


Personal Interest cont.

Beebe v. Cert of Medical Needs Board







Personal Interest cont.

Brice v. DOC

Christiano

Ma son

Sestito
Nephew
3

David
Outten's Sec

Coleman
Highest
score
7



Brice
5

Conflict of Interest

Representation - 29 Del. C. § 5805(b)

- Do not represent or assist a private enterprise before your own Board
- Officers may not represent or assist a private enterprise before the State
  - *Exception:* You may assist a private enterprise within the scope of official duties.

Conflict of Interest

Post-Employment - 29 Del. C. § 5805(d)

- Two-year Restriction
  - Cannot represent/assist private enterprise on matters involving your Board if you:
    - Gave an opinion
    - Conducted an investigation
    - Were otherwise directly and materially responsible
- Prohibition on use of confidential information

Code of Conduct

Prohibited Conduct - 29 Del. C. § 5806 (a) and (b)

- No Appearance of Impropriety
  - Reasonable person, knowing all the facts, would think the employee could perform their duties fairly and with impartiality.
- No interest in a private enterprise or any obligation in substantial conflict with performing your board duties

Code of Conduct

Prohibited Conduct - 29 Del. C. § 5806(b)

- No other employment, gift, payment of expenses, compensation, or anything of monetary value if it may result in:
  - *Impaired independence of judgment; or*
  - *Preferential treatment to any person; or*
  - *Official decisions outside official channels; or*
  - *Any adverse effect on public confidence in government*

Code of Conduct

Prohibited Conduct - 29 Del. C. § 5806 (c)

Do not acquire a financial interest in a private enterprise if you have reason to believe it may be directly involved in decisions to be made by you in your official capacity.

Code of Conduct

Prohibited Conduct - 29 Del. C. § 5806(e)

Public office shall not be used to secure unwarranted privileges, private advancement or gain.

Code of Conduct

Prohibited Conduct - 29 Del. C. § 5806 (f) and (g)

- You may not:
  - Engage in activities that might reasonably be expected to require or induce you to disclose confidential information;
  - Disclose confidential information beyond the scope of employment;
  - Use confidential information for personal gain or benefit.

Waivers and Advisory Opinions

Procedure - 29 Del. C. § 5807

- Written Request
- Confidential *unless:*
  - Applicant Requests in Writing
  - Required for Prosecution
  - Used to Report Substantial Evidence of a Criminal Violation
  - Waiver Granted

Complaints

Procedure - 29 Del. C. § 5810

- Sworn Complaint or Commission Acts
- Person Charged Has the Right to:
  - **Notice & Hearing**
  - **Legal Counsel**
  - **Call Witnesses, Offer Evidence, Cross- Examine**
  - **Examine Tangible Material Evidence**
  - **Exculpatory Evidence**
  - **Apply for Subpoenas**
  - **Confidential *unless:* Person Charged asks for Open Proceedings or a Violation is Found**
  - **Judicial Review by Superior Court**

Sanctions

- *Criminal Sanctions* - 29 Del. C. § 5805(f) Up to 1 Year or $10,000 Fine
- *Administrative Sanctions* - 29 Del. C. § 5810(d)

➢ Written Reprimand

➢ Other than Elected Officials: Remove, suspend, demote or other appropriate action

➢ Honorary Officials: Recommend Removal

The Rules of Conduct

(1) Do not review or dispose of City matters if you have a "personal or private interest" that tends to impair judgment in performing official duties. ***29 Del. C. § 5805(a).***

Ex. **Board appointee's "neutral" & "unbiased" remarks on an application were improper when the applicant before his Board had a business agreement with the official's private employer.**

--Beebe Medical Center v. Certificate of Need Appeals Board, Del. Super., C.A. No. 94-A-01-004, Terry, J. (June 30, 1995), aff'd., Del Supr., No. 304 (January 29, 1996).

Ex. **Government employee's "unsubstantial" & "indirect" participation in a contract that his wife's employer was seeking, was "undoubtedly improper" although he was not on the contract committee & she was a "low-level employee" in the company.**

--Prison Health Services, Inc. v. State, Del. Ch., C.A. No. 13,010, Hartnett III, V.C. (July 2, 1993).

Ex. **Uncle wrote test for government job & sat on hiring panel. His nephew was selected. The Court said it was "the most blatant discrimination based on nepotism & favoritism."**

--Brice v. State, 704 A.2d 1176 (Del., 1998).

(2) Do not represent or assist a private enterprise before the City. ***29 Del. C. § 5805(b).***

Ex. **State appointee wanted private contract with his agency. Court upheld agency's decision to deny him the contract, as the award of State contracts "has been suspect, often because of alleged favoritism, undue influence, conflict and the like."**

--W. Paynter Sharp & Son v. Heller, 280 A.2d 748 (Del. Ch., 1971).

(3) Do not contract with the City for more than $2,000 unless there is public notice & bidding. If less than $2,000, there must be "arms' length negotiations." ***29 Del. C. § 5805(c).***

(4) For 2 years after leaving City employment, you may not represent or assist a private enterprise on City matters where you: (a) gave an opinion; (b) conducted an investigation; or (c) were otherwise directly and materially responsible. ***29 Del. C. § 5805(d).***

Ex. **Former State appointee represented client before his former Board. He was not "directly & materially responsible" for the matter before the Board, as it was not considered by him before he left the State.**

--Beebe Medical Center, supra.

(5) Do not incur any obligation or interest that substantially conflicts with public duties. ***29 Del. C. § 5806(b).***

Ex. **Where a State officer placed his personal interest first, "it necessarily follows that…he violated the duty that he owed to the public."**

--In re Ridgely, 106 A.2d 527 (Del. 1954).

(6) Do not accept other employment, compensation, gifts, or anything of monetary value if it may result in: (a) impaired judgment; (b) preferential treatment; (c) official decisions outside official channels; or (d) any adverse effect on the public's confidence in the City. ***29 Del. C. § 5805(b).***

Ex. This prohibition includes luncheons, gift certificates, flowers, holiday gift boxes, etc.

(7) To commence & continue City employment, or Board appointment, you must file a full disclosure with PIC if you have a financial interest in a private enterprise that does business with, or is regulated by the City. ***29 Del. C. § 5806(d).***

"Financial Interest" includes:

- ***ownership or investment interest;***
- ***receiving $5,000 or more as an employee, officer, director, trustee or independent contractor;***
- ***creditor of private enterprise. 29 Del. C. § 5804(5).***

"Private Enterprise" is any activity by any person, for profit or not for profit. 29 Del. C. § 5804(9).

(8) Do not acquire financial interests in a private enterprise that may be directly involved in your City decisions. ***29 Del. C. § 5806(c).***

(9) Do not use public office for unwarranted privileges, private advantage or gain. ***29 Del. C. § 5806(e).***

Ex. **State official had a duty not to personally profit from the State's services & property by using School materials & employees during State work hours at his home. His action was more than an ethics violation. It violated the criminal law on "Misconduct in Office."**

--Howell v. State, 421 A.2d 892 (Del., 1980).

(10) Do not improperly disclose or use confidential information. ***29 Del. C. § 5805(d); 5806(f) & (g).***

Ex. **"Indeed, common decency and the most modest norms of privacy command that the State not permit its files to be used in the manner here alleged"—that confidential information on State clients was made public.**

--Pajewski v. Perry, 363 A.2d 429 (Del., 1976).

(11) Do not use sex as a condition for an individual's favorable treatment by you or by the City. ***29 Del. C. § 5806(h).***

Ex . Requiring a bidder on a City contract to grant sexual favors in exchange for awarding the contract. This is not sexual harassment in the workplace. Please refer to your City personnel manual for the appropriate policy.

(12) Your conduct must not "raise suspicion" of violating the public trust. ***29 Del. C. § 5806(a).***

Ex. **Close relatives had no financial interest in government decision, but it would "be prudent" for officials to recuse themselves.**

--Harvey v. Zoning Board of Adjustment of Odessa, Del. Super., C.A. No. 00A-04-007 CG, Goldstein, J. (November 27, 2000), aff'd, 781 A.2d 697 (Del, 2000).

--Actual misconduct is not required; only the appearance thereof. --*Commission Op. No.92-11.*

To Whom Does the Law Apply?

The Code of Conduct applies to all Executive Branch employees (rank & file), officers (Division Directors & above), and honorary officials (appointees to State and Boards and Commissions); & local government officers, employees, board and commission members, unless they adopt a Code at least as stringent as the State's. The Judicial & Legislative Branches have their own Code of Conduct or Conflict of Interests laws.

Why Ethics?

In our democratic form of government, the conduct of State officers & employees must hold the respect & confidence of the people. Thus, State officers & employees must avoid conduct that violates the public trust or creates a justifiable impression by the public that such trust is being violated.

How Can I Promote Ethics?

By following the Code of Conduct rules.

How Can I Comply with the Rules?

Know the Rules
Follow the Rules
Get Advice When Unsure

Where are the Rules?

Delaware Code, Title 29, Chapter 58. The law and opinions are on the Public Integrity Commission's (PIC's) web site at www.depic.delaware.gov under the heading, "Code of Conduct." Opinions are grouped by topic to narrow your search.

How Can I Understand the Rules?

Read the Statute ---- Read Commission Opinions --- Go to "Ethics in Government" classes offered by PIC through the City ---- Call the Public Integrity Commission with questions --- Seek an Advisory Opinion from the Commission

What is an Advisory Opinion?

An interpretation of the rules by the Public Integrity Commission based on the proposed conduct of a City employee, officer or board member. It gives guidance on whether the conduct will or will not violate the public trust.

Why Would I Seek an Opinion?

It will clarify if you should or should not engage in such conduct. It also can protect you against complaints. If you fully disclose your situation to the Commission and follow its advice, the law provides protection against disciplinary action.

How Can I Seek an Opinion?

Your request must be in writing; there is no formal format. Before you start to write, contact the Commission's office, at 302-739-2399, to obtain help in writing your request.

Should I E-Mail My Request?

By law, you are entitled to confidentiality concerning your requests. If you are confident in your system's security, the Commission accepts email submissions.

When Will I Know if the Conduct is Permitted?

If the situation has been clearly addressed by the Commission, the Commission's staff will provide you with that information. If there is no clear ruling, your written request will be sent to the Commissioners one week prior to the monthly meeting. On the meeting day, the Commission likes to have the requestor present so that if there are questions not answered by the written request, it can obtain the answers at the meeting and issue an oral opinion that same day with a written opinion to follow.

What If a Complaint is Filed Against Me?

You will be formally notified of the allegations against you, and of the rights you have, such as a right to legal counsel, right to a hearing, right to cross-examine, right to examine evidence, etc. If a violation is found, you have the right to appeal to the Superior Court.

What are the Penalties?

Criminal Violations: Up to a year in prison and/or a $10,000 fine.

Administrative Discipline includes: Letter of Reprimand --- Suspension, demotion, removal or other appropriate disciplinary action.

How Can I Reach the Commission?

Public Integrity Commission
410 Federal St., Suite 3
Dover, DE 19901
Phone: 302- 739-2399
www.depic.delaware.gov

ETHICS BROCHURE BY:

State Public Integrity Commission

Public Integrity Commission
ETHICS
TRANSPARENCY IN GOVERNMENT

IN COOPERATION WITH

THE CITY of Milford DELAWARE

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 13, 2017

Milford City Council held Public Hearings on Monday, November 13, 2017 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

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

City Manager Eric Norenberg, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

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

City Planning Coordinator Rob Pierce was also present.

F. Jerry & Jan W. Kovach
Final Minor Subdivision of 16.46+/- acres
R1 (Single Family Residential) and C3 (Highway Commercial) Zoning District
560 S DuPont Boulevard and 17776 Oak Hill Drive, Milford Delaware
Present Use: Residential; Proposed Use: Same
Tax Map 1-30-3.11-002.00 and 1-30-3.11-009.00

Rob Pierce reviewed the application and read the data sheet/staff report.

The Kovach property is located at 17776 Oak Hill Drive, involves a small parcel off Route 113. The property is designated low Density Residential (1-30-3.11-002.00) and Highway Commercial (1-30-3.11-009.00) in the City Comprehensive Plan and is zoned R-1 (Single-Family Residential District) and C-3 (Highway Commercial District).

The applicant is the owner of both parcels that will be impacted by the lot line adjustment. The parcels are located partially in the City of Milford and within the unincorporated area of Sussex County. The lot line adjustment will require administrative approval from Sussex County prior to formal recordation and legal adjustment of the property line.

Mr. Pierce believes this is the only property partially in the City at this time. As a result of the properties being split by the municipal boundary, the properties are split zoned. The applicant proposes to convey seventy-six (76) feet of property from parcel 002. to parcel 009. to get some additional buffering from an accessory building they have on their primary residence.

The application was advertised in the Milford Beacon on August 30, 2017. All properties within 200 feet received a notice of the request.

The application was reviewed by the Planning Commission in September and received unanimous recommendation for approval.

A survey is included in the packet showing the proposed conveyance.

R.B. Kemp, Professional Land Surveyor from Adams-Kemp Associates, represented the application on behalf of Mr. and Mrs. Kovach who were also present. In addition to the information presented by Mr. Pierce, Mr. Kemp stated that he has contacted Sussex County Planning and Zoning and presented the plan to ensure there would be no issues. They have indicated the request is standard and they have no problem with it.

City Solicitor Rutt asked Mr. Kemp for clarification. He confirmed the parcel is partially in Sussex County and partially in the City of Milford and that the portion in the City is the focus of the request. Sussex County would continue to have jurisdiction over the balance of the property. Mr. Kemp stated that is correct and referenced the drawing included in the packet.

Mayor Shupe then opened for the floor for public comment. No one responded. The public comment period was then closed.

Councilman Brooks to approve the Kovach Final Minor Subdivision Plan of 16.46+/- acres as described, seconded by Councilwoman Wilson. Motion carried by the following unanimous roll call vote:

Councilman Mergner voted to approve based on the recommendation of the Planning Commission.
Councilman Campbell votes to approve the application based on review and vote of the Planning Commission.
Councilwoman Peel votes to approve to uphold the Planning Commission recommendation.
Councilman Burk votes to approve based on the recommendation of the Planning Commission.
Councilman Brooks votes yes based on the Planning and Zoning Commission.
Councilman Morrow votes yes based on the approval recommendation of the Planning Commission.
Councilwoman Wilson votes yes based on the approval recommendation of the Planning Commission.

ORDINANCE 2017-20

An ordinance to amend Chapter 180-Residential Rental Operation License to allow the transfer of a license during the licensing period upon payment of administrative fees and request an inspection prior to occupancy by a new renter.

Rob Pierce referenced the memo included in the packet outlining the proposed amendments to Chapter 180 Residential Rental Operating License involving three main subjects.

Moving the annual license fee to the City Fee Schedule.

It is recommended the monetary amount for the annual license be moved from the ordinance to the City Fee Schedule as was previously done for Contractor Licensing, Building Permits, Vendor Licensing, and Planning & Zoning Fees.

Adding the Ability to Transfer a License

It is recommended that language be added to allow rental property owners the ability to transfer their license with the transfer of property as was discussed at the July Community Affairs Committee meeting.

The current code states that every landlord shall apply for a rental operating license which historically was interpreted by the Department as requiring new landlords to register a rental property after a real estate transaction. For example, if Owner A registers a one-hundred unit apartment complex in January and pays the required $5,000, and that is later sold to Owner B, in the past, the City has collected the $5,000 fee for a second time that same year.

The current code is silent on the transfer of licenses. However, City staff believes this places an unnecessary financial burden on larger multi-family complex owners and recommends associated language to allow a transfer of the rental license as a result of property transfers. The new language would permit the property owners to transfer the rental license for an administrative fee of $50 per license (property), not per unit. That fee should cover the cost of updating the information and issuing the new license.

Timing of Rental Inspection

Over the past few months, staff has advertised and reviewed proposals from inspection firms to outsource the City rental inspection duties. However, the City retains the right to inspect any residential rental property within forty-eight hours of notice to the property owner. The most appropriate time to inspect a rental unit is between tenants which makes it easier to

conduct inspections and perform repairs. It is also less intrusive on the tenant and would allow the City to deny occupancy or revoke the rental license without displacing tenants for substantial violations.

Mr. Pierce said they are in the process of evaluating proposals from inspection firms to conduct residential rental inspections, which will result in scheduling dozens of inspections each week throughout the entire year. He hopes to present the proposal to Council in December.

Concluding his presentation, Councilman Burk followed up by asking what problems do the amendments solve; Mr. Pierce stated that mainly the $50 fee needs to be removed from the Rental License Ordinance and added to the Fee Schedule. He did not want to bring that before Council until other changes needed to be considered.

The second issue came up in a transaction that occurred a few months ago when the $50 fee for a new license had to be paid mid-year. When reviewing the code, it was unclear whether or not a license could be transferred though historically, the full amount had been collected. Clarification was needed as a result.

The Planner further stated that the final proposal requiring landlords to request an inspection between tenants came up as a result of the rental inspection program that will be started in January. He felt it would make the process simpler one for both the landlords, tenants and the City if done between occupancies. If this is not approved, Mr. Pierce stated the City will continue to inspect properties after 48-hours of notification.

Councilman Burk asked how quickly we will be able to do a rental inspection; for example, a tenant moves out on the 31st of the month and the next tenant wants to move in on the 2nd. This occurs frequently because they have to leave their old rental by the 31st. He asked if this will place a burden on the tenant because we are delaying the relocation. Another problem is the landlord may want to paint between tenants or have an exterminator come between tenants. He asked what the timeline will be in getting a new tenant in the unit especially when this service is being outsourced.

Mr. Pierce explained the firm they have been negotiating with is considering allocating three days for the primary initial inspection. That would leave two remaining days for follow up or unscheduled inspections such as an emergency. There is no intent to hold any tenant up from occupying the rental unit though Mr. Pierce is aware that landlords need some time to get in and clean things up. In addition, most tenants give notice and if the landlord is aware in advance, they have the option of scheduling something at that point.

Mr. Pierce emphasized that the impromptu tenants that move out most likely left the landlords with some work that is needed.

He reiterated this is to help ease the rental inspection scheduling process and the City is not requesting an inspection at each transfer of a tenant. It is also being considered that if the property passes the initial inspection in year one, that property would not need to be revisited for several years. As a result, the City is trying to reward those landlords who are compliant with no reinspecting each time a tenant moves.

When asked what happens if the property fails the inspection, Mr. Pierce said they would be given a certain number of days to remedy or correct the violations. However, if they continue to violate City codes, they would be issued a fine.

Councilman Burk asked what would fail a rental property and Councilman Mergner asked how long would an inspection take for a two-bedroom unit. Mr. Pierce said there are approximately 1,600 units in Milford and the goal is to inspect half each year. An inspection checklist is being created which includes items from the property maintenance code. The inspector would walk through with the caretaker/landlord and review any issues that are found.

Councilman Burk asked if chipped paint on the exterior would fail an inspection and prohibit someone from moving in; Mr. Pierce stated no. The Councilman then suggested providing a list of those items that would prohibit a new tenant from moving in due to the overwhelming number in the property maintenance code.

Mr. Pierce pointed out that code states that something significant involving a life/safety issue would fail the property. A lot of small minor issues that compound one another, should not prevent the unit from being occupied. They would be given

time to correct those issues. For example, if the issues are corrected by the end of a 30-day deadline, that would require reinspections and at some point violations of the City code.

He stressed that these will not be violation notices nor fines. The caretaker/landlord will be advised to address the issues and then be called for the reinspection.

Mayor Shupe asked if a new tenant could move in during the 30-day timeline while the minor infractions are being addressed; Mr. Pierce said he does not believe that would be a problem adding that the amendments require the landlord to request an inspection though that does not mean the inspection has to be performed. The intent is to get in within the first couple of days to make it less intrusive on the tenant.

When asked who this change benefits, Mr. Pierce explained that the City will inspect all rental units regardless of how long someone has lived in the rental unit.

City Manager Norenberg explained there are two independent focuses. One is to fulfill the obligations the City has under the rental licensing program. Right now, he pointed out that we only have the manpower to handle inspections on a request/complaint basis. The goal is to ensure our residents are living in quality, safe housing.

The other reason we want an inspection of these properties is to ensure the internal premises are safe for habitation. At that time, a full inspection of the outer unit should also be done to make sure the property is well maintained and we are keeping our eyes on all the property maintenance and code concerns that Council has been discussing over the past couple of years. In that manner, we can target concerns that are structural or property maintenance needed that is the responsibility of the landlord or something that falls under the tenant. This will hopefully ramp up the quality of our neighborhoods.

Councilman Campbell asked how to handle properties within the City that are really bad; Mr. Norenberg said that assuming they are rentals, we will add them to the list of inspections. However, we are continuing to follow up on code violations in general.

The City Manager said this has taken some time and will provide some additional inspectors to help the City do this on a more regular basis. Mr. Pierce believes this will involved two to three inspectors. He then added that he hopes the inspection program will move forward regardless of the amendments before Council this evening.

Councilwoman Peel asked if this is only request-driven; Mr. Pierce answered no. The City will reach out to the property owners and try to divide the pool in half and inspect half in year one and the second half in year two. The plan is to pro-actively move forward with inspections.

Mr. Brooks asked if all empty houses have to be inspected before they can be rented; Mr. Pierce stated no. He is only asking that the landlords request an inspection. The City has the authority to request an inspection upon 48 hours notice to the property owner.

As a result, they could send letters to every rental unit and inform them they want to inspect that unit in two days. However, he does not feel that is sufficient time to make sure everything is in compliance with the checklist. Councilman Burk pointed out the landlords also are required to give their tenants forty-eight hours notice. Mr. Pierce agreed and clarified the code states the City reserves that right. His intent is to work with the landlords to find a convenient time for everyone involved. In addition, the plan is to give the landlord several weeks notice in scheduling these inspections over the next couple years.

Councilman Mergner asked who will coordinate all the efforts and oversee the communication; in his opinion, it seems to be a lot of work in his department. He pointed out there will be letters, communication, follow-ups, documentation, etc. His concern is we go through this process which is great, but are able to keep this up because it seems like a big expense as well.

Councilman Burk agreed that was the pitfall in the past.

Councilman Mergner likes the idea but is concerned about the execution.

Mr. Pierce said some additional discussions are planned in a few weeks. The administrative functions of this process will be split between the consultant and the City. The City will handle the initial outreach requesting the landlord contact and the inspection company. In addition, the City will be responsible for following up on those properties that are not compliant. However, the majority of scheduling will be handled by the consultant.

When asked how many we inspect now per year, Mr. Pierce said a few dozen or so. Councilmember Brooks asked how many inspectors are needed to do the job correctly; Mr. Pierce said the department wants to do 20 to 25 inspections a week over the next couple years.

Mr. Pierce then confirmed that nothing before Council this evening will create additional work and aligns with the current code that the City would do annual inspections.

Councilman Morrow asked the cost; Mr. Pierce stated approximately $40,000 a year. Councilman Burk asked the unit cost and if the City will lose money on the program. Councilman Burk pointed out we have talked about these things in the past though later it was determined the costs were higher than what was being charged.

Mr. Pierce said he will have additional information though he believes we have the funds within our current budget to cover these expenses. Councilman Burk asked the cost of an inspection and whether the rental license even covers the inspection costs. Mr. Norenberg pointed out those type things that are still being developed. Councilman Burk prefers to determine the facts before we proceed adding this has been a recurring theme. He does not own rentals but is anxious to hear what the landlords in our community have to say.

Mr. Pierce said the negotiated cost is $50 an inspection.

Councilwoman Wilson then noted that when a resident requests the City come in as a result of a complaint, it is typically because they have not been able to work it out with the landlord. As a result, they use the City as a last resort. What this program is doing is putting things in order to support the City in addressing these problem homes. She understands that we are also not able to do this with two or three in-house inspectors. This will protect the tenants as she has personally witnessed a number of units that have been ignored and not been kept up to code.

Mr. Norenberg explained that there is no reason this ordinance has to be adopted tonight. It was reviewed with the Community Affairs Committee in July who recommended approval. It was presented to Council in October and carried over for a public comment session tonight. In the meantime, the inspection contract will be added to the December agenda for additional action.

If Council is more comfortable, this ordinance could be postponed until December as well. In that manner, Council will have the recommended contract in hand before final consideration is given on the ordinance. He added there is not intent to rush the ordinance.

Mr. Pierce pointed out that he continues to hear complaints that the City has not been able to handle the rental inspections which is the reason he is bringing this plan forward without hiring another employee. Once we get through the first two years of the rental program, he anticipates the number of inspections will decrease as we reward those who pass their initial inspections.

Mayor Shupe then thanked Mr. Pierce and his staff for finding ways to solve this problem and to address the code enforcement issues that have been brought before Council. This is also a way to do inspections that many Milford Realtors have asked for in the most economic manner.

Mayor Shupe noted that the public comments should not address the rental program, but instead the ordinance that is before Council.

Solicitor Rutt agreed that the only thing that can be discussed publicly is the amendments proposed to the code. The ordinance already exists so that program is unrelated issue to any comment. There are three points up for discussion–moving the annual license fee to the fee schedule, adding the ability to transfer a license and requiring a landlord to request inspections between tenants.

Mayor Shupe then opened the floor to public comment. He asked anyone that wishes to speak in favor of Ordinance 2017-20 come forward.

Emmett Vennett of 810 NE Tenth Street stated he only has four houses comprising six units. Most of the landlords in attendance have many more properties. He recalled that when the inspection and fee schedule was first established, it was with the intent of improving properties throughout the City as far as appearance and standards.

Mr. Vennett noted there are 1,600 units which come to $80,000 a year for inspections. The last couple of years, these inspections have not been conducted. He has one Section 8 unit that is administered by the State of Delaware. They already do an annual inspection and he agrees it benefits both the tenant and the property owner. He also agrees that sometime a landlord may get complacent with the condition of the property. He added that sometime tenants do not tell him things they should. He believes there is a value in inspection and a value for the community and a value to the tenants. It also can be somewhat of a value to the landlord to provide a point in time and a non-confrontational approach to go in and look at a unit.

However, Mr. Vennett is a little suspicious about moving something to a fee schedule because then it can go from $50 to $200 without any input from the community. He noted that the landlords are already contributing $80,000 though not many inspections are being done. The next thing you know, someone realizes the City is not getting enough money and that the third party needs more money. It is then increased.

Joe Wiley of 202 Lakeview Avenue announced that he has a few questions. The ordinance states that a landlord can request a rental inspection and asked that really means; he asked if a landlord can request one not be done or does it mean it must be requested in a timely manner.

Mr. Wiley stated that the other question is how to handle situations in which there will only be one inspection per year and asked what occurs when a property turns over twice. If one inspection has been done with the first tenant, is another inspection needed for the second tenant.

The other question is how to handle situations in which you have joint tenants and one of those tenants asked that their name be removed from the lease. A new lease is then required for the other person. At that point, the other person will want their electric deposit back from the City and will also ask for a second deposit for the new person. Currently, the City checks to see if there is a rental license in those situations. His concern is the City staff will also check to see if an inspection has been requested while the entire time, the same tenant remains there.

Mr. Wiley noted that most landlords have Section 8 properties. The State inspects those properties every year which is great because that provides an opportunity for the landlord to go into the property and see it as well. The tenant can refuse to let a landlord in if they request to see it. They have the right to their own privacy just as anyone who owns their property. He is unsure if the ordinance coincides with the State law because the Delaware law will override any local ordinance. He then asked if there has been any type of comparison done.

He then asked if when the State has already inspected the Section 8 house, is a second inspection needed by the City.

Mr. Wiley also heard the concerns of the rental program adding that a rental license is $50. He believes the City is already aware that the inspection process is going to cost more than $50 per the bidding process. When at the time of the inspection a violation is found, a second inspection will be needed. He is curious whether the cost of the inspections will become so high it will make Milford appear to be a non-business friendly community.

He then noted that there is a perception that all derelict properties in the City are owned by landlords. Mr. Wiley emphasized that is not true. He has been with inspectors who have stated a garage had to be torn down that has existed for one hundred

years and if wasn't touched, it will still be there in another hundred years. But it is torn down because it has to be torn down. At the same time, you are looking at a street and see three roofs in a row with shingles missing, and plywood on the back of the houses. Mr. Wiley already knows they are owner-occupied houses though the perception is that all the derelict properties owned by landlords. Instead it is found they are owned by low-income hard-working people who have a home and can't afford to get the work done.

Mr. Wiley asked what happens when a rental home is cited for peeling paint though right now it is complaint-driven by a neighbor who doesn't like it because of the paint peeling off the home. He understands the intent of raising money because of the fee structure. But the City has to be careful and should ensure that the existing codes are enforced and that a new code is not needed.

Mark Davis of 228 Cicada Lane said he owns numerous rental properties. He said he was the one that went to Councilman Brooks when he paid half the rental license and the other half was forgotten in an envelope beside the desk until he received a late notice three months later. The reason this occurred according to the City is because they were already overwhelmed and understaffed when receiving money from rental licenses. Now the City is planning to conduct 800 licenses. He thinks the City is behind two people or more. He asked where the money is in the budget except for more fees and pointed out there are a lot of them.

Sam Passwaters of 315 Columbia Street thanked everyone for doing the jobs they do. He had the chance to go and inspect one of his rental houses at 510 Fisher Avenue five years ago. He did it occasionally to look for leaks or other problems. The gentleman met him at the door and told him he was not allowed to come into the rental. Mr. Passwaters proceeded to tell him he had sent him a letter and had spoken with the man's wife the night before.

The tenant again stated he was not allowed in. Mr. Passwaters left and the tenant went to Milford Police Department and requested that Mr. Passwaters be arrested for trespassing though they would not arrest him because they did not see where any crime was convicted. The tenant then went to a judge who made Milford Police arrest him because he talked after he asked him to leave.

The judge told him he didn't have any record and didn't need a lawyer though that was bad information. He said it ended up costing Mr. Passwaters $9 in the end thought it is probably on his record still. The judge told Mr. Passwaters that he did not care what type of letter was sent or what he did, but when someone asks you to leave a property, you don't own it anymore. He said Mr. Passwaters had turned it over to that gentleman and that he no longer had a say in the property. The judge said the tenant wants to let him in, he can, but if he does not want to let you in, Mr. Passwaters needs to leave and stop talking.
The judge asked Mr. Passwaters to stay later and said if you ever enter anyone's property without them there, they can call the police and tell them they have lost $3,000 cash. He would then come before the judge who would make him pay it.

He pointed out that is another side the City needs to look at and suggested they be prepared when an inspector is sent in. Mr. Passwaters thought he had the right to go in to inspect and keep the property looking right. He loves Milford which is a beautiful community and the City is doing wonderful things.

Mr. Passwaters agrees that a lot of houses are in bad shape though they are not all failing inspection. Mr. Passwaters said he is a contractor and does a lot of work for different landlords. He sees a lot. He rented a house one year and the City Code Enforcer condemned it. He was unaware that the tenants were tearing his house apart. The code enforcer was upset with Mr. Passwaters and asked him to meet there. The code enforcer did not believe Mr. Passwaters had nothing to do with the condition of the house.

But Milford Police Department went with the City Code Enforcer one day because he had to go in and he needed a witness. The police officer said 'oh my God what happened to this house?' The Code Enforcer said why and the police officer continued to say he had been in that home many times for domestic complaints or fights and it was never in that condition. But within no time, that house had been destroyed. He agrees it can happen but it is not necessarily the fault of the landlords. He did not want that to happen $6,000 later which is what it took to get it back to where it was before they moved in.

Mr. Passwaters has no problem with the inspection. He would love for the City to inspect it because fire alarms and extinguishers need to be updated. He would rather the City have that responsibility after it has been inspected and it is on file that the landlord had those things there before they pulled all the batteries out or removed them or whatever the situation is.

He agrees that tenants change things though he agrees with Mr. Wiley that there are many owner-occupied homes with issues too.

Mr. Wiley returned to the podium to correct his comments later adding that he did not understand the Mayor was asking at that point for people to speak who were in favor of the ordinance. Instead he wanted to be on record that he is not necessarily in favor of the proposed changes though he is in favor of an ordinance if he is able to get some answers to his questions.

No one else was willing to speak in favor of the ordinance.

Mayor Shupe then asked if anyone wanted to speak against the amendment to the ordinance. No one responded.

Mayor Shupe then asked if anyone neutral wanted to speak.

Pat Davis of 1 Misty Vale Court in Milford stated she is not sure but just wanted to listen to people that had interest in rental properties. She is unsure if any Councilmembers have an interest or rent properties. She said that perhaps when these sessions are being done, privately Councilmembers may want to pull some of the people in attendance and put them on a committee. It seems to her like they have really good comments and seem to know more about it.

Nadia Zychal of 303 South Walnut Street stated she does not own a rental property and is a homeowner. Her primary concern is the actual enforcement of the ordinance. In theory it sounds wonderful to have it inspected but in actual practice when you call for very obvious code violations on a person living next door to you and there is no follow up for something that only happens a couple dozen times a year, she is unsure how realistic it is to follow up on 800 units. She stated that the primary problem that needs to be addressed is the low hanging fruit in conjunction with the obvious problems, after which a simple follow up and systemic property-by-property inspection can be done if needed.

There being no further comments, the public comment portion of the meeting was closed by the Mayor.

City Planner Rob Pierce then proceeded to respond to the earlier concerns.

He referenced the proposed amendments showing the additions and omissions. With regard to Mr. Wiley's question, Mr. Pierce explained there is already a $50 reinspection fee on the books even if it is necessary to come out multiple times to reinspect a rental property. There are no proposed changes to the fee.

In addition, Mr. Pierce explained the City is proposing to reduce a fee that should an inspector arrive and the property is not ready for inspection, a fee of $100 is assessed. That is proposed to be reduced to $50. The intent is to provide an initial inspection and one follow-up at no cost to the landlord. The fee of the third inspection would then be reduced to $50 and is already part of the ordinance adopted in 2008.

He continued by stating the regulation that allows the City Inspector to enter or request an inspection within 48 hours is already part of the City ordinance adopted in 2008. This is not a new item being proposed.

Mr. Pierce is willing to look at the validity of that requirement compared to the State of Delaware Landlord-Tenant Code and will follow up with the City Solicitor. However, that is not part of the amendment before Council this evening.

The intent is to have the landlord request the inspection to reduce the inconvenience of the tenants while making the properties easier to inspect. The goal is not to inspect the units multiple times per year. Once the inspection is completed in year one and the property passes, the City will not be back until year five. If the property fails, the City will follow-up until the items are addressed. Another inspection will be done in year three.

Mr. Pierce explained that if multiple tenants are moving in and out, the property is not going to be inspected each time.

The point of the program is to have a more regular routine of inspections on an every-other-year basis which will be his proposal to Council in a couple weeks.

Another question involved the number of inspections though Mr. Pierce believes that related to the number of times an inspection would be done between tenants.

The Planner shared with those present he is willing to consider the State of Delaware Inspections within this program. It is not being proposed at this time and there is nothing on the books right now stating the City would accept a third party inspection. Mr. Pierce is aware of other jurisdictions that permit it, though it is something that will needs to be considered internally as they proceed with the inspection contract.

Again, Mr. Pierce emphasized that is not included in the amendment to this code.

When asked about the privacy laws Mr. Pierce stated that he previously mentioned the code already states the code enforcement official reserves the right to inspect property at anytime to ensure compliance. It further stated that when such inspections are deemed necessary, the Code Enforcement Official will provide 48 hours notice to the owner or caretaker. Exceptions will apply when health or safety conditions exist that require immediate inspections.

Mr. Pierce said if that needs to be modified then it will be corrected.

Solicitor Rutt then addressed the landlord-tenant code. He explained that is in Title 25 of the Delaware Code, Section 5509(a) state:

The tenant shall not unreasonably withhold consent for the landlord to enter into the rental unit in order to inspect the premises, make necessary repairs, decorations, alterations or improvements, supply services as agreed to or exhibit the rental unit to prospective purchasers, mortgagees or tenants. A tenant shall have the right to install a new lock at the tenant's cost, on the condition that (1) The tenant notifies the landlord in writing and supplies the landlord with a key to the lock; (2) The new lock fits into the system already in place; and (3) The lock installation does not cause damage to the door. The landlord shall not abuse this right nor use it to harass a tenant. The landlord shall give the tenant at least forty-eight hours notice of the landlord’s intent to enter and shall enter only between 8:00 a.m. and 9:00 p.m.

Mr. Rutt reiterated it is built into the landlord-tenant code to allow for inspections. Therefore, the landlord has the right to do that. He stated he is unsure of Mr. Passwaters’ situation and what it specifically involved.

When asked what happens in a case such as Mr. Passwaters, as the landlord, had to go to court and where it ends. Mr. Rutt stated he is unable to give legal advice as to what should have happened. But if one of Mr. Rutt’s clients informed him that his tenant would not allow him into the home, he would have advised the landlord to go to the JP Court and get an order against the tenant to allow him to enter the property.

Mr. Pierce explained the last item involved moving the fees, as well as the building, code, planning and zoning fees and licensing fees into a fee schedule with the intent that all fees in the City would be in one document for easy access and an annual review by Council during their budget hearings. Right now they have to be pulled out of every chapter of the code and are difficult to analyze.

City Manager Norenberg agreed that was done when a number of fees including the parks and recreation fees and planning and zoning fees were placed in one document. Eventually, this will be added to the website.

Mr. Pierce added that any change to those fees would be modified through the adoption of a resolution by City Council.

Councilwoman Peel then referenced section 401-88(b) adding that in her opinion, the inspection must be requested and no one is able to move in until that request has been made. Mr. Pierce stated that is correct though the request should be done

between tenants.

When a new tenant moves in, Mr. Pierce explained that is the initial inspection of the year and if the property passes, no further inspection is needed if within a few months later another tenant moves out. Should they property fail on several items, another inspection will be done in year three. If the property passes and is compliant following the first inspection, another inspection is not needed until year five.

Councilman Mergner suggested putting them on an annual three-year-inspection cycle and not worry about changing out of tenants. He is unsure why we would want to inspect the property each time a tenant transfers. Mr. Pierce reiterated an inspection is not done each time a tenant moves.

Councilmembers Mergner and Peel both agree that is how it reads. Mr. Pierce explained that if the property has already been inspected and passed, it is good. They will be informed the property does not have to be inspected until a certain year.

Councilmember Burk recommends the language read that way in the code. Three Councilmembers believe that is not how the amendment reads and are recommending more clarification. He does not want it left to someone's discretion.

Councilmember Peel stated the amendment reads contradictorily to what was just said with tenant turnover. Mr. Pierce clarified that if the landlord requests the inspection, as opposed to the City saying the property will be inspected in 48 hours, is less intrusive and more convenient to all parties.

Councilmember Peel believes she is hung up on 'occupy after a vacancy and it cannot be occupied by any person other than the owner or a person directly related unless an inspection has been requested'. That implies to her that any time there is a turnover, there would be another inspection.

Councilmember Wilson suggests the language simply be tweaked.

City Manager Norenberg said there has been a lot of good feedback tonight, some on the actual proposal, and some not related to the proposal. However, because the inspection proposal is scheduled on December 11th, he recommends that Mr. Pierce work on some alternative language to ensure it is clear. At that point, Council can consider that amendment at the December 11th meeting and carried over under unfinished business.

Councilman Burk said if the intent is to make it more convenient for the landlords and tenants, he recommends we reach out to the landlords to get their input.

Solicitor Rutt informed Councilman Burk that could only be done in a public meeting. He further explained that if this ordinance is amended, it would need to be readvertised and another public hearing scheduled on the new amendment. In that manner, other persons will have the ability to provide input. However, to take comments outside the public hearing process would create problems with FOIA.

Mayor Shupe asked if a workshop could be scheduled that would involve the landlords and possibly some tenants to make sure the information on the street level is what it should be as far as the code. Solicitor Rutt stated that could be done or it could go all the way back to the committee though all that is delaying it further.

He feels the best option is to have Mr. Pierce make the changes based on the comments tonight. When it is put back on the agenda, he suggests the public comment session be reopened solely for the purposes of discussing the amendments and nothing else in the code.

Councilmember Wilson moved to defer action until December 11th on Ordinance 2017-20 to allow additional changes to be made, seconded by Councilmember Peel. Motion carried by unanimous roll call vote.

ORDINANCE 2017-22

An ordinance to amend Chapter 178-Realty Transfer Tax in order to limit the first-time home buyer exception solely to the grantee's portion of the City realty transfer tax (typically one-half (1/2) of the total City transfer tax) and require grantors to pay grantor's portion of the City realty transfer tax (typically one-half (1/2) of the total City transfer tax) and prohibit first-time home buyer grantors and grantees from contractually modifying the apportionment of the transfer tax to decrease the grantor's portion of the transfer tax.

City Manager Norenberg stated that earlier this summer. Sussex County adopted an ordinance related to the collection of the property transfer tax by eliminating the portion of the homebuyers' exception that was benefitting the seller, thus allowing the exemption to only apply to the buyer. As a result, we were getting questions from a number of attorneys and realtors after which our code was reviewed and it was agreed the exemption should be revisited. In the meantime, Kent County and other municipalities are also considering this change though the City Manager is unaware of their status.

He shared that real estate transactions in Milford for the first six months of 2017 records were then reviewed by staff. It was determined that 29 transactions involved first-time homebuyers (22 in Sussex County and 8 in Kent County). Sale prices ranged from $45,000 to $476,500, with an average of $164,890. As a result of the first-time homebuyer exemption, the City gave up $71,727 in six months to both buyers and sellers.

He stated that if the City follows the lead of Sussex County, and sales continue at an annual rate consistent with the first six months of 2017, by applying the exemption only to the first-time homebuyer and not the seller, the City would receive approximately $71,000 in additional revenue. This additional revenue, along with current realty transfer tax revenue, must be segregated from the City's general fund and expended solely for the capital and operating costs of public safety services, economic development programs, public works services, capital projects and improvements, infrastructure projects and improvements and debt reduction.

Mr. Norenberg stated that the real estate transfer tax is 4% at the State level and 1.5% for the City. The first time homebuyer exemption has been around for a while this amendment will continue to provide the exemption for the buyer but no longer for the seller. This would be a savings of approximately $70,000 to Milford's taxpayers. It would mimic the amendment Sussex County implemented earlier this year.

Councilman Burk asked how much of the money that went to the seller was given back to the buyer as help; Mr. Norenberg explained we receive the new deeds from the Recorder of Deeds and do not receive the HUD1 forms.

Councilman Burk agreed that the City would have received another $71,000, but the complaints he is getting from the realtors are that seller typically gives that amount to the buyer as an incentive. However, if there is no data to prove that, it is a mute point at this time.

City Solicitor Rutt stated that does occur but it is not limited to a first-time home buyer because it is already exempted.

Solicitor Rutt then stated that Title 9 addresses Counties and the Real Estate Transfer Tax of 4% of which the County can assess 1.5% of the transfer tax. However, Title 9 specifically states "and further provided that the County government, shall by ordinance, exempt from such taxation first time home buyers'. He noted that it does not say 'buyers and sellers'. That program was started in 1998.

He referenced State Code's Title 22 which addressed the municipal transfer tax. It also allows municipalities to impose a transfer tax of up to 1.5% which is a division with the State of Delaware. He emphasized that the language does not say the municipalities are obligated to exempt first time home buyers.

Mr. Rutt further stated is there are a lot of municipalities that assess the transfer tax. This year when the State of Delaware increased the transfer tax from 3% to 4%, Sussex County went back and reviewed it to pattern exactly what the statute says that it only apply to first time home buyers. There is no mention of the sellers. As a result, the seller would pay the additional 3.75%.

Under the Delaware Code for municipalities, there is no obligation to exempt first time home buyers.

Councilman Mergner asked why this can't be made part of a sale and not identify what a buyer or a seller has to pay. In other words, he recommends the buyer and seller negotiate who pays what. He does not care who, though it thinks it should be paid at the time of the property transfer.

Councilwoman Wilson stressed that it was provided as an incentive for the first time home buyer to purchase a home.

City Solicitor Rutt stated it is much easier to address when it is included in the statute versus negotiating it.

Councilman Campbell then asked if there should be some sort of cap on the first time home buyer exemption; Mr. Norenberg stated there is presently no cap and that one of the properties purchased by a first time home buyer was almost $500,000.

Solicitor Rutt explained that if there is no first time home buyer, the 4% State rate is equally divided between the seller and buyer. Of that, 2.5% goes to the State and 1.5% goes to the municipality. For example, the transfer tax on a $100,000 purchase is $4,000. Of that, $2,500 would go to the State and $1,500 to the City though it is equally divided and paid between the buyer and seller. If the property is in an unincorporated area, the 1.5% goes to the County.

Solicitor Rutt confirmed that Title 22 does not mention first time home buyers and leaves that discretion to each municipality as a result. However, the maximum is 1.5%.

Councilman Burk said that this has always been called a first time home buyer incentive which intent was to attract first time home buyers. He noted that people complain about landlords and tenants but a first time home buyer is owner-occupied which is part of the intent. However, we do not have data to prove if the buyer or seller paid the transfer tax.

Councilman Burk emphasized that Kent County has still not made a decision and he does not want Milford to do something that will detract a first time home buyer. He pointed out we have a new hospital and wants to attract doctors and medical professionals who will purchase Milford's electric and pay Milford's property taxes and have their children go to school here. He would not want to remove the incentive.

Councilman Burk said he is constantly asking what problem we are trying to solve. If the problem is the $71,000, he asked where it went; if the seller gave it back to the buyers as an incentive to get them to the settlement table, then it's working. That is how he feels about it and added that he does not have any financial interest in the matter.

Councilman Mergner clarified that he does not want the seller to be penalized when selling to a first time home buyer. If he is working with a realtor, though he knows they are unable to choose whom they sell their property to, someone is able to figure it out. Solicitor Rutt pointed out if a seller tries to limit the sale to a first time home buyer, that would be a violation of the fair housing issues.

The Mayor noted that the staff's perspective in looking at the incentive is trying to determine if it is worth the return. That return investment may come in many forms such as a dollar amount or bringing a first time home buyer into the City of Milford, according to Mayor Shupe. He feels a case can be made on whether the $71,000 should be collected or whether this incentivizes the first time home buyer.

Councilman Burk then referenced to the amount of incentives that have been given to businesses who locate to Milford. He stated that many businesses have been granted waivers of impact fees, licenses, permits, etc.

Councilwoman Wilson agreed adding that the Milford Housing Authority is pushing hard to get first time home buyers here.

Solicitor Rutt stated that a buyer must complete an affidavit in which they have to state where they have lived over the past ten years. By definition, a first time home buyer is anyone who has never owned an interest in real property anywhere in the United States and not just Delaware. However, this is taken at their word after they complete the affidavit. The State of Delaware sometime randomly audits them to verify addresses and if they find the information was incorrect, they can go back and penalize that person.

City Manager Norenberg then stated this was presented to Council as an option because Sussex County had made the change and we were receiving a number of questions about it. The fact is this revenue, must by law, go into a fund that would be used to help improve property values in the surrounding areas through the paving and up keep of streets and sidewalks, for example. He recalled the report provided to Council by the interns who assessed our paving conditions last summer. This is one way we could creatively look at having more money in that fund for those projects. At this point, it is really a public policy decision for Council to decide.

Mayor Shupe then opened the floor to those persons in favor of the ordinance. No one responded.

Mayor Shupe then opened the floor to those persons who wished to speak against the ordinance.

Randy Marvel of 4 Archers Way stated he has lived in Milford all of his life and has been in the real estate business for forty years. He spoke in 1989 when the City was against it. He spoke again in 1998 when Milford considered it. But in their wisdom at that time, Council decided to exempt first time home buyers, which included the seller, as a way to encourage first time home buyers to move into and buy property in Milford.

Mr. Marvel feels this should be considered a tax increase because Council will be increasing taxes on top of what the State Legislators did at the last hour by increasing that same tax by 1%. He said that Delaware now has the highest transfer tax in the United States though he thinks that perhaps New York City may be higher.

Mr. Marvel told the City Solicitor that the seller side of the first time home buyer exemption, in about 90% of the cases, is used as seller help for the buyer. He could have dug out records from last year just like the City did showing the $71,000. He pointed out the first time home buyer is able to finance 95 to 100% of the value of the property. However, they run into problems with closing costs which can run as high as 10% depending on the mortgage. As a result, they have convinced sellers to contribute to that otherwise they would not be able to sell to first time home buyers because they do not have cash though a few may be lucky and are able to get the money from their parents. The realtors are able to convince the sellers to sell the house to them by contributing to their costs and the 3/4% is always part of the negotiations. He noted that if this change is made, it will come out of the buyers' pocket.

He continued by stating Milford is sending the wrong message to the public. Milford already has issues with competition and people wanting to buy homes, regardless of if they live in town or out of town. The current electric rates are about $300 a year higher than comparable companies and buyers know that. People will come to Mr. Marvel and say they want to purchase a home in Delaware Coop's territory, for example. A homeowner in the City pays City and County property taxes which is at least twice of what it would be in the County.

Mr. Marvel emphasized that most buyers do not perceive any value for living in the City. It does not make any difference to the general public and they instead prefer to go where it is cheaper. Adding the additional City taxes on top of the mortgage payment and dividing it by twelve is another $40 a month they have to pay.

According to Mr. Marvel, this will reduce the number of homeowner-occupied properties in Milford. He said there are a lot of first time home buyers who are buying lower priced homes in Milford. If this is eliminated, the number of first time home buyers will be reduced which creates a whole group of other issues. The electric write offs are much higher because that is who will end up buying a lot of properties when a first time home buyer no longer does. There will be more rentals, more issues with crime which makes the police busier, in addition to people moving in and out which creates trash issues.

Mr. Marvel also informed Council that owner-occupied properties participate more in City activities and are involved in City groups, government, schools and make better citizens in the long run to help the community grow.

He stated that his response will be if the City needs money, which it sounds like they do, he recommends the City tax everyone in Milford and not just people who buy and sell houses.

Mr. Marvel also encouraged Council to use the transfer tax revenues for capital improvements. He is aware for the last twenty years, that $500,000 of that money has been used for operating costs at the police department. If that money had been saved,

there would have been enough money to build the new police station.

Gloria Markowitz of 8 East Thrush Drive, Meadows at Shawnee, stated that she takes offense to proposed Ordinance 2017-22, exempting grantors who are first time home buyers in the City of Milford, for the following reasons. Number one, hypothetically speaking, this ordinance amendment is intended to entice first time home buyers to purchase in Milford. She said that we pay a realty transfer tax when we moved here twelve years ago which was $4,106. She asked if the developer Mario Capano of Capano Development or Beazer Homes paid a realty transfer tax when they sold them their home and bets they did not.

Ms. Markowitz also stated that if a first time home buyer can afford to buy a home here, they can afford their share of the realty transfer tax. It is simply incorporated into their mortgage.

She said that point two, hypothetically speaking, this ordinance amendment is encouraging young families to purchase a home in Milford. Young families have children. Our schools are beyond capacity right now. She asked where will these children be put.

Point three, she continued, is that new home owners with children will vote yes to building new schools. They will not have remembered what happened here during the summer of 2016 when our school taxes skyrocketed.

Ms. Markowitz stated she is opposed to being outnumbered by new property owners who have no idea of what happened here in Milford last year.

She said that theoretically, point four, this ordinance is discriminating against older property owners because at a certain point in life, they need to sell and relocate to a 55 and older community or to an assisted living facility. They will pay a realty transfer tax to move in and now will pay another realty transfer tax to move out, according to Ms. Markowitz. She emphasized that the first time home buyers are exempt and feels that is discriminating.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, stated that when he first heard about this amendment, he was astounded and in disbelieve. He indicated that as a senior citizen who just turned 70, he experienced a substantial increase in our school taxes and now the State of Delaware has added on another percentage point to the transfer tax. Now the City is going to turn around and try and pass an ordinance that will increase our taxes.

He further stated that a majority of the residents that are here create a bedroom community of senior citizens. At one point they may no longer be able to handle the home because of financial reasons or because of health. Should they decide to downsize to a condo or a co-op, they will have to pay a State of County transfer tax and now a City transfer tax along with a real estate commission of 5 to 8%. He said that when all of that is added up along with all the incidentals, it is a considerable amount of money. He asked Council to look at the senior citizens who are the little guys and is on a fixed income. He concluded by saying to remember, when a hidden tax is passed, they are the ones that will be hit most because they are on a fixed income.

Dave Markowitz of 8 East Thrush Drive, Meadows at Shawnee, said he only has only one thing to say. He thinks that whatever the intentions are, the result is not going to be what the City wants if this ordinance is passed. People are going to sell a house and people will buy a house and are going to pay the selling price. He and his wife have sold three homes themselves without a realtor. They can testify that if they don't want to sell a house to someone, they are not going to sell the house. He said sorry, but a person can work successfully without a realtor in the same manner. If a person says to a realtor don't give us a first time home buyer, and that realtor wants to sell that home, that is what they are going to do. Whatever the intentions are, Mr. Markowitz does not believe it will work and should not work because it is a form of discrimination.

He added that they have paid their taxes in Milford for twelve years. It would be hard for him to imagine that on their way out, the City is going to stick it to them one time. It doesn't seem fair to Mr. Markowitz.

Mayor Shupe then clarified that the ordinance involves only a first time home buyer. The realty transfer tax would be set

at the same rate it currently exists unless it involves a first time home buyer.

Inaudible conversation occurring.

Joe Wiley of 202 Lakeview Avenue readdressed Council stating that he is trying to follow the comments though some of them are very confusing. Some of the questions about proposing an ordinance perhaps should come from a group of buyers and sellers. Mr. Wiley is unsure how this ordinance was created and feels that it should be made by multiple people.

Mr. Wiley pointed out there are 1,600 rentals in Milford and if he is not mistaking, the rental stock in Milford is about 50% of the existing homes. He feels the City's goal is to have more owners in town because they generally take more interest in their properties. The idea of trying to change this ordinance, which would limit the first time home buyer exemption, is playing against what Milford is trying to do. He noted that a buyer can choose to sell to whomever they want. You are unable to discriminate even though the buyer has the right to choose one offer over another for any reason. He stressed that buyers do not always take the highest offers.

Mr. Wiley does not understand why the City wants to stop incentivizing first time home owners and instead say that anyone living in the house will be exempted, period. He is sure that will get more people to buy houses in town.

Mr. Wiley said he is against them doing away with the ordinance and not continuing with the first time home buyers exemption. He said that if the City had reviewed the HUD1's, almost all of the money that goes on the buyer or seller side goes back into the pocket of the person buying the house. The first time home buyers come to the table with no money and need all the help they can get. He would hate to see them lose this exemption.

Inaudible conversation occurring.

Solicitor Rutt then read the proposed amendment adding it appears there is some confusion:

On transfers where all grantees qualify as first-time home buyers, no transfer tax shall be imposed on the grantee's (buyer's) portion of any transfer tax as defined in §178-2A. hereof. For purposes of this article, "first-time home buyer" shall have that meaning given in §178-1H. The first-time home buyer exception shall apply only to the grantee's (buyer's) portion of the transfer tax and shall not relieve the grantor (seller) from payment of grantor's portion of the transfer tax.

He explained that right now, there is a 1.5% transfer tax that the City collects on property transfers. If the person who is buying is a first time home buyer, that tax is waived for both the buyer and the seller. The ordinance is proposing that only the buyer's portion, would be waived in a first-time homebuyer situation. The City would then collect the transfer tax by the seller.

Mr. Rutt further explained that if a property is sold to anyone else, other than a first time home buyer, all parties have to pay the realty transfer tax. Presently, if a first time home buyer purchases the house, the seller is also exempt from paying the real estate transfer tax.

Inaudible conversation occurring.

The Solicitor continued by stating the seller's portion is .75 or 1.5% divided by two. The buyer's portion in a first time home buyer situation, or .75%, would still be waived. The seller would then be required to pay their .75%.

There being no further comments, Mayor Shupe closed the floor to further comment.

Mr. Burk moved to deny Ordinance 2017-22, Chapter 178, Real Estate Realty Transfer Tax, and to keep the language in the code as it currently exists, as an incentive to first time home buyers, seconded by Councilwoman Wilson. Motion carried by a unanimous roll call vote:

Councilmembers Burk, Morrow and Wilson both said denying the ordinance is a positive incentive for the City.

Mayor Shupe thanked everyone for coming out for public comment to ensure Council made the right decisions.

A motion was then made by Councilwoman Peel, seconded by Councilman Mergner to adjourn the Public Hearings. Motion carried.

The Public Hearing was adjourned at 8:50 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 13, 2017

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, November 13, 2017.

PRESIDING: Mayor Bryan Shupe

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

City Manager Eric Norenberg, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 8:59 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilmember Wilson.

APPROVAL OF PREVIOUS MINUTES

Councilmember Brooks made a motion to approve the October 9, 2017 Council Meetings, seconded by Councilmember Burk. Motion carried.

RECOGNITION

Police Officer Promotion

Mayor Shupe announced this item will be postponed until the November 27th meeting.

City Manager Eric Norenberg

International City/County Management Association *(*ICMA) Fellow Evan Miller asked that any City employees present at the meeting to join him at podium.

Mr. Miller then stated 'that tonight we would like to recognize someone who has been an invaluable member of the community and has dedicated himself to the services that the City of Milford provides. He tirelessly represents the City with distinction for the betterment of the community and in the highest professional manner'.

He shared that last month, the ICMA celebrated their members' dedication to public service and professional management at the local level. Among the celebration, Milford's City Manager Eric Norenberg was individually recognized for his thirty years of local government service during the Celebration of Service to the Profession which took place during the ICMA Annual Conference. He stated that every day, Mr. Norenberg brings a level of expertise and commitment to the City of Milford that is simply unparalleled. We express our gratitude for his service and look forward to his continued success as a City Manager.

Mr. Evan stated that on behalf of the City of Milford Staff, he congratulates Mr. Norenberg on his achievement and presents him with a plaque from ICMA for his achievement.

Mr. Norenberg thanked everyone for the honor.

MONTHLY POLICE REPORT

Police Committee Chairman Burk presented the report on behalf of Chief Brown noting that activity has increased. Councilman Mergner also publicly thanked the police officers who were in his neighborhood on Halloween.

Chairman Burk also noted that he, along with Chief Brown and five other Milford Officers, attended the IACP Conference in Philadelphia, adding it is a good training opportunity for the officers and is money well spent.

Chairman Burk moved to accept the October Police Report, seconded by Councilman Campbell. Motion carried.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced the report in the packet. He noted that Code Enforcement had 104 cases that were closed during the month and those that are open continue to be worked on.

He reported that we had the first ever City Garage sale and Staff was surprised on how much interest there was. As a result, the City was able to sell a lot of obsolete and miscellaneous items and netted approximately $2,000.

Mr. Norenberg reported that the Community Conversations continue with eight held to this point. The next one will be held on Wednesday, November 15th and a list of upcoming meetings, agendas and minutes can be found on the City's Website. Meetings have been scheduled for each of the four wards and the Haitian Community. He welcomes any suggestions in the meantime.

Councilman Mergner then asked what a resident does when they miss a trash collection due to a holiday; he asked if they are able to call and make a special request for a pickup.

Public Works Director Mark Whitfield was present. He explained it is difficult to go back around in another neighborhood when it is not scheduled. However, if they have a lot of debris, they can request a special pickup though the City prefers they wait until the next regularly scheduled pickup.

When asked if there is an additional cost, Mr. Whitfield stated yes and that is currently under review.

Councilman Brooks informed Public Works Director Whitfield that last Tuesday his trash and recycling were picked up at different times with trash being last at 5:00 p.m. He has never seen it done at that time and his concern was the dark, rainy conditions and the two employees on the back of the truck. Because of the speeding problem on Tenth Street, he paid particular attention and noticed this was slowing the vehicles down. Councilman Brooks was concerned someone was going to get hit in those conditions. He did acknowledge the employees were dressed in the appropriate safety clothing and was pleased with that.

Mr. Whitfield stated he is surprised and will check into that. He said that normally they get done between 4:00 and 4:30 p.m.

The Public Works Director did report that his Public Works Crews have gone to a new uniform with reflective piping so that they can be more easily seen. Councilman Brooks said the uniforms are very nice and everything has gone very smooth until that late pickup adding that they were on the old trash truck.

Councilman Burk then referenced the memo that stated the City only received one proposal for residential rental inspections. He is unsure if it was mailed to multiple companies or asked if we are getting three bids; Mr. Norenberg said that was the intent. However, for professional services, there are fewer stringent requirements though it was advertised and a complete RFP issued in late August/early September.

Mr. Norenberg was also surprised there was no more interest. As a result, we will most likely enter into a one or two-year contract to see how it works out. In the meantime, the Planning Director has been negotiating with them to get the best results.

He pointed out that he is familiar with a number of companies who are not presently operating in Delaware though they have an interest in relocating here. They are meeting with one tomorrow and will continue to find the best solution.

Councilman Mergner moved to accept the Monthly City Manager Report, seconded by Councilman Burk. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the third month of Fiscal Year 2017-2018 with 25% of the year having passed, 33% of revenues have been received and 21% of the operating budget expended.

Mr. Morrow said it is early in the year and we need to continue spending cautiously and saving money where possible in order to prepare for next year's budget.

It was confirmed the City's financial reports are available on line. Mr. Norenberg referenced the fund balances on the first page of the monthly report. He noted that a number of those funds are dedicated to particular utilities and reserves are in place for emergencies and planned capital improvements.

Councilman Brooks moved to accept the September 2017 Finance Report, seconded by Councilman Campbell. Motion carried.

COMMITTEE & WARD REPORTS

Councilman Brooks reported that their Community Conversation for the third ward will be held Wednesday night at 6:00 p.m. After the first of the year, he plans to have monthly ward meetings because he is now permitted to have them.

Mr. Norenberg recalled discussing this with Councilman Brooks last week. He stated that he will be happy to make sure the City Clerk's Office and Staff is available on those evenings and there is proper notification and recordkeeping as is required under FOIA.

Councilman Burk reported the second ward held their meeting and a number of people were in attendance. Some things were surprising and he looks forward to City Council receiving the information. He was surprised that bike trails were a higher priority to most residents than a new police facility. He said that means we need to continue working as we move forward with the new facility but refocus accordingly.

Mayor Shupe said he has attended several meetings and it is very interesting to see the differences in what is important to people based on the wards and/or their interests when it comes to other groups.

Councilwoman Wilson reported the Fourth Ward Community Conversations will be held Tuesday, December 5th.

Minutes from all Community Conversation meetings are available on the City website.

COMMUNICATION & CORRESPONDENCE

None to report.

UNFINISHED BUSINESS

Authorization & Implementation/Classification and Compensation Study

Mr. Norenberg recalled the discussion a month ago related to this topic. At that time, the City's HR Administrator was on vacation. She is in attendance tonight and is present to answers any questions regarding the study.

He then referred to the following memo:

Overview and Background

It has been approximately ten years since the City of Milford has done a job classification and compensation study for general employee positions. A compensation study was done in 2016 for the sworn police officers and sergeants in conjunction with union negotiations. During the FY 2016-17 budget process a classification and compensation study for our general employees was budgeted to be sure that we were staying competitive in the market place. Through an RFP process, Paypoint HR was selected and work began in early-2017.

Dr. Rick Campbell and Ms. Karen Campbell from Paypoint HR have worked with every department to update job descriptions in order to ensure that each position is accurately described in order to make appropriate compensation comparisons. On

October 9, Paypoint HR presented their research and general findings for the City's Job Classification and Compensation Study. The report includes recommendations for an updated pay grade chart so that City of Milford positions are competitive in the market place, to retain our workforce and to be attractive for future recruitments. In addition, Paypoint HR has made other recommendations for improving human resources practices and employee compensation.

Discussion

Paypoint HR's report, details recommendations in several key areas and the team has provided the City with several deliverables. Following is a list of each of those key recommendations and next steps for implementation, as well as the deliverables and how they will be used:

• Updated Job Descriptions: Job descriptions have been updated by Paypoint HR, in consultation with City department heads, supervisors and human resources staff. Once the study is accepted by the City, job descriptions will be posted on the City website, so that current and prospective employees can review their job descriptions and assigned pay grades (see next item). As many of the job descriptions have changed (and a few titles), HR staff and supervisors will meet with everyone to review the updated versions. Paypoint HR will provide the City with the tools to use in reviewing new or changed positions in the future, so that the continued administration of our job descriptions and classification plan is consistent.

• Updated Pay Grades: The report provided to City Council shows the new pay grades (salary schedule) on page 45 of their report. This chart, and an example shown on Exhibit A, will also be added to the City's website so potential candidates know the range of pay for a position that they might be interested in applying for. In the future, Paypoint HR recommends that the pay grades be adjusted based on the CPI annually. The study found that most positions are at or possibly slightly above the market average, in particular those in the Teamsters and IBEW bargaining units (as the City Council will recall, early results from this study were presented in late-spring that resulted in the successful negotiation of the IBEW collective bargaining agreement that was approved by City Council in June). The recommendation is to adjust salaries of positions not yet at the market average (see fiscal impact below).

• Merit Pay and Special Recognition: Paypoint HR recommends moving away from standard, across the board pay adjustments to a system that is based on a combination of cost of living adjustments and merit pay. As a result, staff will be recommending changes to the personnel ordinance in the coming weeks. Staff feels these changes will motivate our current high performers, while giving extra motivation to those employees who may not feel inspired by a pay structure that rewards every employee with the same pay increase each year.

• Restructured Performance Appraisal System: Paypoint HR recommends employees have a more active role in performance evaluations than in the past. This could initially involve a self-assessment and in the future the use of a 360-degree performance appraisal for all positions. In addition, with the completion of the Strategic Plan, individual goals and objectives will be linked to division and department goals that are then linked to strategic goals set by City Council.

Next Steps

Once the study is accepted by City Council and authorization is given to the City Manager and Police Chief to proceed with implementation, the following activities will take place in the coming weeks:

• Rollout and Implementation: The results of the study will need to be presented to each employee. This will include a review of their updated job description, along with any position title changes or pay grade modification that has been as a result of the study.

• Public Posting: The new pay grades and job descriptions will be posted to the City's website, so that it is easily accessible to all staff and prospective employees.

Fiscal Impact

Over the past few weeks, we have looked at a variety of options and financial scenarios related to implementing the recommendations to adjust the compensation of the positions that the study identified were below the market. Keeping in mind that many of our employees are at the market level and will need no adjustment, and that the collective bargaining agreements for Police Officers and Sergeants (approved last year) and for unionized electric employees (approved earlier this fiscal year) brought those employees to market rates, the Finance Director, Human Resources Administrator and I sought to find a way to responsibly bring these remaining employees up to the market. Our goal was to be able to make the adjustments for below market employees (identified in the Paypoint HR study) and associated benefit-related costs with no adverse impact on the budget or on revenue sources.

Several scenarios were modeled, including:

• Making adjustments retroactive to July 1, 2017

• Making mid-year adjustments at various implementation dates,

• Making 50% adjustments for supervisory and management employees this year and 50% next fiscal year, etc.

Concurrently, we identified savings in both the general fund departments and enterprise fund operations that can offset the cost of additional compensation. As we are partially through the fiscal year, the impact will be less than the impact of making the

change for the full year. However, once implemented, these adjustments will carry on into the full fiscal year starting in July 2018. Accordingly, any savings that were identified had to be ongoing, not one-time savings or one-time revenues. The result is the scenario shown on Exhibit B that will not result in the need for a revenue increase.

Alternatives
1. Set competitive compensation target to less than Market Average: Paypoint HR and staff agree that in order to attract and retain a quality workforce, we should aim to compensate our employees at the market average. Choosing to be at less than the market average would reduce the fiscal impact of the recommendations now and in the future. During the course of the study, scenarios were modeled that would result in financial savings and reduce the number of positions to be adjusted. However, choosing those options would likely result in reduced morale, increased turnover and difficulty in attracting or promoting into key positions. This alternative is not recommended.
2. Delay implementation of compensation adjustments: The scenario that is modeled and recommended in Exhibit B would implement changes in mid-November. City Council could choose to delay implementation. Each month of delayed implementation would reduce the fiscal impact by approximately $19,000.

Recommendation
It is recommended that the City Council authorize implementation of the recommendations of the Paypoint HR Job Classification and Compensation Study, including the compensation adjustments

Mr. Norenberg noted that the next step of the implementation plan is to meet with supervisors and every employee to ensure that everyone understands the changes and scope of their job. All of the updated job descriptions will then be available on line.

He noted there are a few minor job title changes but nothing substantial. The upgraded paygrades will be posted on line as well. The 1992 Personnel Ordinance continues to be updated. The merit pay and special recognition that the PayPoint HR Consultants discussed internally with City Staff will move away from the flat across-the–board payraise, to ones that are linked more closely with merit pay increases for anyone non-union.

Mr. Norenberg recalled that the implementation of the pay adjustments was recommended to be November 1st though that was delayed.

In terms of a policy making role, it was discussed whether we need to be competitive when setting our compensation at the market average or if we want to be above or below that. HR Paypoint Consultants and City Staff agreed during the process that we need to be attracting and retaining a quality work force and should aim to compensate our employees at the market average. If less, that would save money but we would risk losing employees and create greater challenges as we are currently experiencing in terms of recruitment.

Councilman Campbell asked if the compensation increases include a COLA. Mr. Norenberg explained that at this point, there is a need to adjust the pay ranges for specific positions/titles not considered to be near the market average. However, the majority of our employees are either in the police department union or the IBEW bargaining unit. Neither of those groups will be impacted by the results of the study. A number of other employees are at or near the market average and will not be adjusted.

The City Manager noted there are only about twenty positions that need minor mid-year adjustments. Cost savings have already been identified to cover those twenty increases to prevent any rate adjustment that may be needed at this point to pay for them.

In terms of COLA, if the recommendations of the study are rolled out properly, staff may propose the employees receive a small COLA of .5 or 1% and include some money for merit increases to reward the high performance employees and to help motivate the others. He feels that will be a better strategy moving forward versus all employees receiving the same increase.

Mr. Norenberg said that according to Consultant Karin Campbell's presentation a month ago, the majority of employees felt that everyone receiving the same increase each year is de-motivating and not as encouraging as being rewarded.

Councilman Campbell asked if that includes the four staff officers in the police department; Mr. Norenberg confirmed the positions that still need adjustments included the four senior officers in the police department that are non-union employees, along with a couple other positions. However, Mr. Norenberg pointed out that Chief Brown, the City Clerk and he are not included in the list because those three positions report to Council. He feels that most of those positions are pretty close and

recalled Chief Brown asking about increases for his staff. As a result, their salaries are being adjusted to ensure there is an adequate gap between the senior union members and the Department's supervisory command staff to encourage others officers to want to be promoted into those positions.

Councilman Burk asked if Chief Brown had received anything more than Council has received in regard to this study and to be specific, data on his employees. Chief Brown stated no.

Councilman Burk pointed out the study states that the City Manager and Police Chief should implement upon authorization. He recommends that Chief Brown be provided the raw data that both the City Manager and HR Person have had during the study. He asked if Chief Brown can have access to that data for his employees and specifically any data related to police employees.

City Manager Norenberg stated that Chief Brown has received the updated job descriptions for each of the six positions in the police department that will be adjusted. He asked if Councilman Burk is referring to the data from other police departments that was used in comparison; Councilman Burk stated he is asking about comparable data that was received from other police departments and referenced the current negotiations whereby the teamsters will receive the comparables being used in the discussions. He feels that because the police fall under Chief Brown, he should be privy to that information. Councilman Mergner agreed that information should be provided to every department including public works or parks and recreation or any other department.

Mr. Norenberg stated that each of the department heads had a meeting with the consultants prior to the presentation given at the Council meeting. He was unaware of anything that Chief Brown needed though the Public Works Director had a follow-up on one position that needed further review by the consultants in addition to a few other follow-up conversations about individual job descriptions or confirmation they were benchmarked appropriately with accurate positions in other communities or private employers. However, if Chief Brown needs something else, Mr. Norenberg will provide it and sit down with the consultants if necessary to resolve it.

Councilmember Peel explained that one of the things that stood out to her was about the merit-based pay. She said the consultants emphasized our employees wanted that as motivation. She also wants to talk about the implementation plan in moving forward to include the opportunity for training and education to increase salaries and that the City pay for training as a benefit. She is unsure how all of that works.

Mr. Norenberg explained that Councilmember Peel is talking about a number of things that are already in place though the Personnel Ordinance that dates back to the early 1990's. As a result, there are a number of sections that need to be added or overhauled. Those details are currently being worked on by HR. The department heads have reviewed that document four to five times during staff meetings. It will then need to be reviewed by the City's Labor Attorneys to make sure nothing has been missed. He is hoping to introduce that ordinance in December.

Councilmember Peel then stated that she works for an agency that does not have merit-based pay so she sees everyone making the same salaries and agrees it is discouraging for productive employees. One of the things they have implemented is an innovation award which is a financial incentive. She explained it is similar to a person applying for a grant and there are points for collaborating with another interagency to solve a problem. They would then post their priorities and employees would come up with ways to solve them. She recommends that as well.

Councilmember Peel pointed out that people who are living and breathing the problems firsthand may have some insight to the solutions.

Mr. Norenberg said one thing they have talked about in terms of the strategic plan are the goals and priorities that will be established for the next five years will be tied to the goals and objectives for the City Manager and each department head. That will then filter down to every employee who will have them linked into their performance appraisal process. They want to recognize not only individuals, but teams that may be working to solve a problem or get a grant or implement a new program.

Councilwoman Peel continued by explaining it is twofold for them. They applied for the grant and there are more people awarded the grant money to put toward the problem. At the end, they do a write up explaining the progress and one team is

selected as the innovation winner for coming up with the most progress.

Mr. Norenberg added that lots of private organizations have that type of recognition in the way of suggestion or similar awards. He agrees we definitely need to reward creativity and innovation as well as cost savings. He knows that is something the City has been focusing on and we have been identifying ways to shave costs by doing things more efficiently but still providing great customer service.

Councilman Mergner agrees and likes the 'good idea' award concept.

Councilwoman Peel feels it provides motivation for those employees who are already doing things that are not being recognized. That is something that stood out to her in the focus group. It was apparent that people were frustrated about working harder than someone else though they received the same pay.

Councilman Burk asked how morale is between employees and asked the reasons our employees are giving for leaving during the exit interviews. He asked if it is because of benefits, pay or merit-based increases.

HR Manager Lisa Carmean stated it is definitely a combination. She stated that the City has a workforce that has been here a long time so we are running into the situation where people are retiring. There has been four people retire this year. In the next coming years, there will be more people retiring. In certain positions, she stated that people are looking at the fact that they can go and make more money elsewhere. A lot of them involve our younger force. They feel money is more important at times than the benefits.

Ms. Carmean said that even though our benefit package is very rich, one thing that came out of the study was that a lot of other municipalities do as well and the City of Milford doesn't always realize it.

She further stated that a lot of times, the other municipalities and herself feed off one another and exchange ideas. The HR Manager emphasized that there are other municipalities that have some very rich benefit packages as well.

Councilman Burk said he just received from his employer a double explanation of the benefits. It showed the current pay and the value of each benefit received. He asked if we provide that to our employees; Ms. Carmean said she has plans to do that and was hoping that would be in place by now. Unfortunately, she is only one person and does not have the time to do everything. The City's software allows that information to be pulled at the end of the calendar year. She tried last year, but was just a little bit short when she realized exactly what needed to be pulled before the payroll had to be closed to start the new year. She agrees it is very important our employees see that information.

Ms. Carmean captured that information at the end of the fiscal year in hopes to do again. But in turn, between then and now, we have had a lot of turnover involving employees that have left and new hires. That turnover creates a lot of paperwork for her. Because we piggyback with the State medical and pension plans, the State of Delaware has reduced its workload by pushing the paperwork toward our HR Manager. In turn, what used to be the employee filling a form out was sent to the pension office or OMB to load. That is all done by Ms. Carmean and she is responsible for any updates as well. Though it doesn't sound like much, when something needs to be updated, it takes her a lot of time. She spends a lot of time adding all the information on a new employee or removing an employee that is leaving.

Councilman Burk said he received the benefit breakdown last week. He learned the cost of his benefit package is twice what his salary is. That helps him think that he is getting a good value which convinces him it is not worth looking for another job because of the overall value and feels overall it is beneficial.

Councilman Burk then asked about morale. Ms. Carmean said that at the time it is mixed because we have employees that are embracing a lot of the changes in the City but we also have employees who don't like any change and it brings fear.

Councilman Burk asked if the increase in pay for everybody will alleviate that fear; Ms. Carmean stated that the fact is because our employees know that City Council took it upon themselves in the budget to pass this compensation study showed everyone that Council was interested in knowing where our employees need to be in the market value. She feels they have seen the

different groups, meaning the two unions and what has happened with them. The latest one being the IBEW union which was included in this study and the salary increases already implemented and approved by City Council. She thinks that is because of the fact that employees talk to on another. A lot of the employees are looking at the fact that the compensation study has been done and they are waiting to see the results.

Ms. Carmean also thinks that when the last study was done ten years ago, from the results she has seen the fact is we still have a few people who are not where they need to be only because that last study was never completely implemented. At this point, she thinks, and has discussed with the City Manager, that bringing everyone to market value and providing a firm foundation to build upon, will cause our employees to get even more motivated which will be seen through improved employee evaluations, more training and things like that.

Councilman Burk agreed that developing more talent is a good way and because Ms. Carmean is referring to a great deal of pending retirements, we need to make sure we look at our bench and that we have experienced people that are going to matriculate into these vacant positions.

Councilman Mergner asked if we are tracking turnover rate. Ms. Carmean stated that within the last year, we have had eighteen people leave and fifteen new hires. She has had to process each of those so she is familiar.

Councilman Mergner asked if there is a ballpark number of what it costs the City to retrain a new hire and any other associated costs. He feels that if we don't have that now, it is something that needs to be tracked. Ms. Carmean stated she does not have the number off the top of her head. However, she does know that it not only affects the new hire, but affects all of the other employees, plus the department, plus the services we are giving to our citizens.

Councilman Mergner agreed it is a struggle when there is a high turnover and there are definitely associated costs. The City needs to determine that cost though he also understands that each department is different and specifically public works, police and city hall. But it needs to be considered especially after losing eighteen people in one year.

Councilwoman Peel said that is most likely impacting morale as well.

Mayor Shupe stated that when we talk about finance and wanting to make sure all of our employees are at the market rate, have we also looked at spending some of the salary increase costs to hire additional employees; he asked if our current employees would be happier if our departments had more employees to support one another. Councilwoman Peel asked if Mayor Shupe was referring to a trade off from the pay increases.

Mayor Shupe continued by stating that our Planning and Code Department, for example, has a very small number of staff who try to handle rental licenses, business licenses, inspections, etc.

Councilman Burk pointed out that Ms. Carmean has wanted to do the benefit summary for sometime but doesn't have the time.

Mayor Shupe reiterated that possibly adding employees to each department to help with the duties is an important step or if Ms. Carmean thinks the pay increase will be more important. Ms. Carmean stated that at this moment, because there was a staff reduction approximately eight years ago. Over those years, we have continued to ask our current employees to do more and more but with less and less. She thinks it would be somewhat of a morale hit and though it would be nice to have the extra hands to help, at the same point our employees have gone above and beyond to do that extra mile. Now all of a sudden, they do not feel like they were valued in what they have done.

Councilwoman Peel agreed stating that they just want to be paid for the work they have been doing all these years and especially any extra work. Ms. Carmean stated it is something we definitely need to consider but also feels the current City work force needs to be brought to a level where all of groups of our employees are on the same level.

Councilman Mergner said there will be a lot learned when the job descriptions are completed. He feels there will be a better understanding of what our employees do and should actually help determine what each department does a lot of and those departments that are understaffed. Until the job descriptions are completed and provided to each employee, it will not be understood.

Councilman Burk then reconfirmed that eighteen people left last year; Ms. Carmean stated yes though four were retirees and fifteen new employees have been hired. Right now, there are two open positions though one is going to be filled.

Councilman Burk suggests removing the four retirees from the equation because they would most likely have retired regardless. Of the remaining fourteen, what was the reason for leaving. Ms. Carmean stated that she knows at least four to five went to another employer to make more money.

Councilman Burk asked if we have an opportunity to counteroffer in that situation; Ms. Carmean said if it is not budgeted we do not have the funding to do that. She has handled that in the past by telling those employees that were leaving that the City was doing the compensation study that was going to show exactly what salaries were needed. However, they left anyway because they had the opportunity to make more money.

According to the City Manager, in two department cases, the employees are in bargaining units and is unable to negotiate by offering more money.

When asked if the City requires pre–employment drug testing, Ms. Carmean said we require pre-employment drug testing and physicals for all full-time and part-time positions.

Councilman Brooks asked Ms. Carmean to provide a list of the fourteen positions that employees left. Ms. Carmean stated that we had an accounting position that left but has since been filled. We also had some police officers leave and other police staff leave. We also had a retirement from the Street Department and a retirement from the Parks and Recreation Department. The building inspector left to take another job that was motivated by an increase in salary.

Councilman Burk pointed out that the building inspector left to take a city manager position in another town.

Mr. Norenberg said he will have Ms. Carmean get the entire tally for the year to date and provide that by email to City Council. He does not want Ms. Carmean to do this off the top of her head.

Councilman Burk said he wants to get a read on the morale and if we are doing exit interviews, would really like to know what they are saying. As the attorney from the State Integrity Commission stated, Milford is a small town and if people aren't happy, you hear about it. He had heard some things previously about a specific department that he brought before Council so we could get ahead of it. That is why he is asking for this information.

Councilwoman Peel asked if fourteen is an average turnover or a lot; Ms. Carmean stated that is a really high number. Councilwoman Wilson agreed.

Councilman Campbell stated that if he looks at the money needed to bring these salaries to market, $172,000 is needed which means there are a lot of people below the midpoint. Councilman Mergner prefers the City to get ahead of the problems and we need to react to that though he feels we should have already been in front of this.

Councilman Morrow asked for the current salary grade structure and referenced the new one. He would like to see exactly what has changed.

Ms. Carmean feels the new pay structure is not going to be a true comparison because the new structure is based differently. That will be one of the things she will need to convey to the employees. Their first thought will be 'I was this and now I'm this'. Councilman Morrow recommends that before it is conveyed to the employees, it needs to be conveyed to the eight Councilmembers exactly what has changed.

Ms. Carmean pointed out this is a brand-new scale and has nothing to do with the old structure. It is based on one created by PayPoint solely. Councilman Morrow understands but is asking to see where the money is going based on the changes. In other words, the plan to implement so he understands it from a financial aspect.

Councilman Brooks agreed stating that Council used to know everything. Now everything is a secret. Councilman Morrow said he simply wants to see where we are starting at to get a better understanding.

Councilman Brooks said when he was Vice Mayor, he and the Mayor would sign checks weekly and he knew what was being paid by the City. He knows nothing more than a man on the street at this point in time.

Councilman Burk stated that is a good point and asked where the money is coming from. He recalled the previous discussion stopped before specific accounts were talked about and exactly where the $163,904 is being transferred from.

City Manager Norenberg stated that Ms. Carmean, in conjunction with the Finance Director and him, scoured through the current year's budget and identified areas with potential savings that would carry over. They did not want this to be a one-time savings that could not be replicated in next year's budget.

He stated that in some cases, new hires had chosen the single health insurance coverage versus a family plan, or similar healthcare situations. It was also broken down by department to make sure it is touching the right funds and specifically general fund versus the enterprise accounts. They have also incorporated the costs of the fringe benefits. As Councilman Burk referenced earlier, Mr. Norenberg stated that our fringe benefits are 27% of those salary increases. As a result, Ms. Carmean was able to find the exact savings in the HR-related line items. A minor adjustment may be needed later by Council when other minor adjustments are done, but it will not be appropriating any new money though some money may need to be moved from one department to the right department though it will remain in the general or enterprise fund.

When asked about the second question, Councilman Burk said that the funds have been identified and asked how that came about noting it is a sizable amount of money.

Ms. Carmean stated that she took a fine tooth comb and went through each budget.

Mayor Shupe emphasized that eighteen employees leaving here is the canary in the coal mine and a major problem. Our City employees need to be taken care of and rewarded with a rate they deem at least market value so that we can retain our employees who are productive and also attract new employees. He feels the City needs a strong work force in order to move the City forward considering the growth and new projects that we have on board.

The Mayor further stated that is also needed in the private business and he also compares salaries to where they need to be in order to retain the employees that are doing well as well as attract new ones. He feels that salaries and benefits are the two items that most employees look at.

Ms. Carmean informed Council that the City of Seaford did their study two years ago and just brought their employees up to the level they needed to be. Councilman Burk asked that if the study was done two years ago, why are they just now implementing the increased salaries; Ms. Carmean explained that they implemented those salaries last year though the study was done two years ago. She is also aware that Kent County did a study not too long ago as well. It is often recommended to do a study every five to seven years and in Milford's case, it has been ten years. When she compares the old study to the new study, she feels we would not have as many positions to adjust if the last study had been completely implemented.

Councilman Brooks asked why that study wasn't implemented. Ms. Carmean stated it was probably due to the changes in management though she is unsure. All she knows is that it was never followed through. Looking back at the old study, part of it was put in place and the rest of it was supposed to follow. And it was never done though maybe they thought the annual increases were taking care of it. But the new study shows it was never implemented like it should have been and did not include the increases that were needed.

Councilwoman Wilson stated that she somewhat knew when Mr. Norenberg was interviewing and going through his hiring process, that the HR Department needed a great deal of help with becoming current and determining the best way to benefit our employees. Way back then, she can remember conversations about that. Even further back, when Councilwoman Martha Flick was here, who worked in HR at the college level, she was putting together increases for the employees in the City of Milford. She has seen us drag our feet for the non-union employees for a really long time. She is glad it is happening now and believes it is scary to know that fourteen people have resigned from the City. She was unaware of that but hopefully, the City will be able to recruit good employees because of these increases who will want to stay here and feel this is a great place to work.

Councilwoman Peel noted that as part of the transition, there are almost all new department heads though that is a natural transition. Councilman Campbell said he has seen the incorporation of the union and had heard that several union employees

left.

Mayor Shupe feels that Councilman Mergner made a good point and the City does not want to wait until something happens to ask what needs to happen. Councilman Mergner added that he sees it all the time. Someone comes in and starts taking qualified and experienced employees which can decimate a business. Having eighteen employees resign requires the City to be on the forefront. We need our other current employees to be recruiting and bringing in potential employees. Because of the loss, he agrees there is a need for competitive salaries and benefits. He also agrees that plays into the morale and is all intertwined into one package. He feels the benefits are good but it sounds like the non-union compensation needs to be bumped up. Hopefully, this will help any morale issue that needs to be focused on as quickly as possible.

Councilwoman Peel agrees though Council may ask for the fine tooth comb Ms. Carmean referred to again at budget time.

Mayor Shupe recalled this being discussed during the last budget and agreed it did not need to be considered at that time because it would have immediately impacted the budget adversely. He is very happy that the City Manager and HR Manager went back and began to look at retirements and benefits to realize the savings over the last couple months. He agrees they have worked hard to make a case of how this can be done by not adversely impacting the budget and he appreciates that.

Councilman Mergner pointed out that he is aware of the difference of someone who went from a state-funded compensation package to a private compensation package that was huge and in the double digits. Councilman Burk agreed that even if Ms. Carmean is unable to do this individually, perhaps an example can be given showing the salary and the amount of the benefit package if it involves a single person or someone who is married. He emphasized that the employee cost of the benefit package for health insurance in Milford is really low in the market and referenced the 27% number used when calculating the costs of the new pay increases.

Councilman Mergner agreed it should be at least included in the portfolio provided to a new employee when they are hired. Councilwoman Wilson suggests that the employer share also be compared to the employee share. Councilman Morrow agree that is also done by his employer for new employees as well.

Councilman Burk asked if the City is participating in recruitment events such as job fairs, colleges, etc. He feels that is an inexpensive way to put the City's name out there and present what we offer. Ms. Carmean said that has been discussed though it is not being done yet.

Mr. Norenberg said that Chief Brown can speak to this better than he can, but believes the police officer area is a place that has even more challenges. He thinks this is impacting police agencies across the State of Delaware. Chief Brown agreed adding it is actually affecting police nationwide.

Mr. Norenberg feels that whatever needs to be done for police should be addressed and supported. He feels we always target our advertising where we think it is best for that market. He said we don't have to recruit out of state for entry-level electric workers and we actually got the newest employee for the electric department right here in Milford on Marshall Street. Sometimes we can find what we are looking for within our own community and usually they are the ones we want to retain, grow and develop.

Councilman Mergner said the best form of recruiting is the City of Milford employees. He suggests an incentive also works well in many cases.

When asked for additional thoughts, Councilwoman Wilson feels we need to move forward. All of the groundwork has been done and a collection of impartial data has been obtained. We also know the state of the employees is more of an urgency and it will only increase if we wait. We need to take care of our employees and be able to recruit qualified ones.

Councilwoman Wilson moved to authorize the implementation of the job classification compensation study.

Councilman Brooks said he does still not understand who, what and how this is being done. Councilman Morrow agrees with Councilman Brooks and added that he does not think Council was given enough information. He may be missing something, but there has not been a straight answer about how this is being paid for. Nor has he seen a comparison between the old classification and the new classification.

Councilman Campbell said he was under the impression it has already been paid for; Councilman Mergner agreed and thought it was already budgeted. Councilman Morrow pointed out that is the cost to implement this during the second half of this fiscal year. However, it does not count on July 1st when it will have a more than $320,000 financial impact.

Mr. Norenberg reiterated that Ms. Carmean, Finance Director Jeff Portmann and he have identified the part-year savings for this implementation, which will carry through into next year for continued savings. He does not plan to come back and have to deal with an increase strictly related to employee increases. However, that does not mean there won't be a need for a tax increase as a result of the Teamsters' negotiations or because of an adjustment in the State of Delaware benefits. At this point, the savings will carry into next year.

Mr. Brooks noted that next year the impact will be more than $300,000 for a twelve-month time frame in addition to another three to four-percent payraise.

Mr. Norenberg emphasized that another three to four-percent payraise is not under consideration. Councilman Brooks noted there is a payraise given to employees every year. The City Manager explained their proposal this evening is to change the focus as a result of the study and to move more toward a merit-based pay though there may be a small cost of living adjustment to make sure the ranges keep pace with inflation. However, the increases will be based more on performances as Councilmember Peel described earlier in the innovation program they offer. Employees would be recognized based on their individual performances and teams as opposed to doing a flat-across-the-board pay adjustment as has been done automatically each year. That does not mean it will be less expensive than doing it the other way, but it will be much more rewarding and beneficial to all the employees.

Councilman Morrow feels the only cost change would be if only half the employees received a merit increase. He emphasized the City has great employees and they need to be recognized fairly. Councilman Brooks stated that he worked at DuPont for thirty-six years and they had six pay groups. Everyone in each of the six groups made the same amount of money. There was no juggling or opinions related to merits.

Councilman Morrow stated that he has no problem taking care of all the employees, but does not feel Council has been given adequate information.

Mayor Shupe asked for confirmation that the finances or ongoing expenses will cover next year's fiscal year budget as well. Mr. Norenberg stated that at this proposed rate, it will. However, when they will need to consider other budget issues next year, including the union contract negotiations, additional pay related to individual performances and cost of living increases. However, the changes related to the collective bargaining agreement for the electric department are already programmed in. The other outstanding issue is the cost of the State's benefits which are anticipated as new costs and are not part of this recommendation.

Councilman Campbell pointed out that we give raises to our employees every year. This study shows we are $172,000 substantially lower than each position's mid range. So whatever has been done in the past is no longer working. He also asked if there is a reserve for salary increases that can be used; Mr. Norenberg stated that we do not have a specific reserve set aside for salary increases. A huge amount of the City budget each year is pay and benefits for employees. Reserve accounts are linked to capital purchases or projects.

Councilman Campbell looks at this report and sees $200,000 in the red in employee costs so whatever has been done in the past has kept all City employees below the midpoint and not even at the average. He reiterated that in his opinion, it is not working.

Councilman Burk asked if there are other employees that are above the market rate. Ms. Carmean stated yes, that is correct.

Councilman Morrow said if we are not doing it right now, how will this ensure everyone is correct which is his concern. According to Ms. Carmean, the last study wasn't done correctly though Council was never told that.

Councilman Burk then asked if those employees who are above the market value will receive a COLA or possibly a small increase. Councilman Campbell asked if there will be no raises for specific employees; Councilwoman Wilson said there will be raises for everyone. Councilman Burk then pointed out that healthcare costs will also increase. We still have a lot of good employees and because someone's tenure makes them above their market value though that is all based on what the consultants

have said because Council has not seen the raw data. Those employees will not receive the 3% that Council fought to give them last year. But those same employees are going to be hit with higher benefit costs. He also has some concerns about how and where the money is coming from. He prefers to see a breakdown of where that funding is being taken from to make sure there will be enough money to cover all of next year's increases.

Councilman Burk also stated that he would really like to see the results of the exit interviews of those fourteen employees that left and specifically, why they left and where they went. That is the purpose of an exit interview.

Councilman Campbell understands and added that employees are always going to leave. Though benefits are costly, he knows that the paycheck matters most to our younger employees.

Councilman Brooks pointed out that younger people need money to take care of their kids. Older people need the benefits to take care of themselves.

Councilwoman Wilson sees everyday people with full-time jobs who are still getting State benefits because they are low income. She noted that most of these people don't make anything and need those benefits to live at a certain standard. They need the primary and secondary insurances to pick up the additional medical benefits.

When asked about reserve funds, Mr. Norenberg explained that we have reserve funds, but don't want to deplete them because they are used for capital items.

Councilman Brooks again questioned how we will have the $300,000 for next year's increases. Ms. Carmean interjected by stating that we have to look at the fact of what Council can approve this based on their ability versus the City being in a position of where Council has to give increases, just like they are now doing with the unions. She pointed out how much money has been spent on lawyer fees for the negotiations. This involves employees that are not part of either union but will consider that if that is needed to an increase. She said that unfortunately they may become unionized even though they didn't want to do that in the beginning. She emphasized that will then cost the City even more but in legal costs.

Mayor Shupe announced there is a motion on the floor to approve the implementation of the study. Ms. Carmean continued (inaudible–everyone talking at once)

Councilman Campbell stated that if it takes $200,000 to get our City employees up to the mid range, that needs to be done. Councilman Brooks said his question is next year how to cover the more than $300,000 will be needed.

Councilman Morrow said the elephant in the room is that one penney of a property tax equals $46,000. Doing some quick math, this will require a fifteen-cent tax increase.

Mr. Norenberg confirmed that $163,904 is predicated on the time frame of November 13, 2017 thru June 30, 2018. However, Council has the option of changing it to January 1st or December 1st if they prefer.

Mr. Norenberg also reiterated that based on the savings as has been determined this year by Ms. Carmean, those savings will extend into next year's budget though that does not include any COLA increases that may be given to all employees.

Councilman Brooks asked if the $163,904 is only going to certain employees. Councilman Burk responded by stating it is only going to the people that the consultants determined are below the mid range. He again asked why the City of Seaford did this study two years ago and did not implement it until last year. He wonders if they mulled over it a little bit.

He prefers to have this conversation during a budget hearing.

Councilman Morrow agrees with Councilman Brooks that this needs to be fair to everyone. There are still a number of questions out there that have not been answered and specifically where the money is coming from.

Councilwoman Peel said the numbers are reflected in the report and it is nebulous where the money is coming from. However, each department has identified cost savings based on the current status of employees. There are a lot of variables like certain

employees who have a certain healthcare plan that is less expensive than was calculated during the budget hearings. However, that plan could become a family plan next fiscal year. She asked if we the variables that have been considered are realistic; Mr. Norenberg stated that every year when benefits for a vacant position are budgeted, the worst case scenario or most expensive is used. For example, if there are three vacancies, three family medical plans will be budgeted. As there is turnover, a new employee selecting single coverage results in a savings within that department's budget.

According to Ms. Carmean, most of the savings she identified and she assured Council that all variables were taken into consideration and whether or not there could be change next year. However, she agrees nothing is guaranteed.

Councilman Burk asked for confirmation that the savings to pay for the increases is based on healthcare savings. Ms. Carmean answered that it will cover a large majority. Councilman Burk said Council is only asking where the savings is coming from and asked for more explanation. Ms. Carmean said a large majority was from healthcare which she based on the fact that she had someone with single employee coverage though she knew that their spouse was working for the State and had their children on the State policy. She then tried to determine if the spouse will keep the State insurance plan and more than likely, she is 99% sure that these employees will remain with the single employee coverage. Anyone that was questionable was not included in the calculation.

Councilwoman Peel asked if Ms. Carmean used conservative variables; Ms. Carmean answered yes definitely.

Councilwoman Wilson then moved to withdraw her original motion and because there continues to be a lot of questions, she feels it should be postponed and the matter revisited in addition to the fact it is 10:18 p.m. Councilman Morrow seconded the motion.

Councilman Mergner then pointed out the costs are already covered in the current budget. He said that no one knows what will happen next year. To worry about next year's budget is a waste of time. He feels we need to entrust the analysis done by our staff who have overseen this study and their financial recommendations. He said they are feeding this to Council and are doing a great job. At some point, Council needs to take their hands off of it a little bit and entrust that they know what they are talking about. It sounds to him like there is a problem here with salaries and because it is way out there, Council needs to act on it quickly.

Councilwoman Peel agrees it is not going away.

Councilman Mergner said Council can worry about next year but no one knows what will happen then. There is always the option to have cutbacks somewhere else as has been done in the past.

Councilman Morrow pointed out that Councilwoman Wilson is not asking to wait until next year. Right now, she is proposing to talk more about it with more explanation. We need to make sure its fair across the board.

Councilman Mergner noted that it has been talked about for three meetings and now we are recommending it be posted until December.

Councilman Brooks said that Ms. Carmean and Mr. Portmann have found $163,000. If we did not have that $163,000, he asked what would be done. Councilman Campbell said there would be no action taken because the money would not be available.

Councilwoman Peel said we would definitely have bigger questions and it would have to be looked at more strategically with the implementation over a period of time.

Mr. Norenberg said he would not have made the recommendation if the money had not been identified. He said they spent at least a month wrapping up other parts of the study, doing the research and a financial analysis as Ms. Carmean described. He was not going to bring Council a problem that had no solution. His plan was to bring a proposal that could be easily accepted and supported and move forward to address potential morale concerns. If our employees feel there is not support, then we could have a bigger challenge as Ms. Carmean indicated. This will show them that Council is behind a study that has identified some problems and solutions and will satisfy our employee's compensation needs. He thought it was a very workable proposal that has been made in good faith and supported by the Finance and HR Departments.

Ms. Carmean informed Council that she looks at the City as having three groups of employees. There is the police union, the electric union and now these employees being talked about tonight. Both of the unions have received Councils' blessings. What she is asking for is that this third group be rewarded with the same fairness the other two have. She said to remember that this third group is not in a group who is trying to put the City in a position where they have to be forced into this position. These involve employees that come to work and are an asset to the City every day. She added that it may not involve a piece of equipment or something like that, but she looks at each and every employee as a true asset of the City.

Councilman Morrow asked how many employees are we talking about in this third group; Ms. Carmean said there are approximately 64. Out of the 64, Mr. Morrow asked how many are not in the union because they are supervisors or directors and would not normally be part of a union. Ms. Carmean said fifteen to twenty.

Councilman Morrow pointed out that 33% would not be in the union anyway. Councilman Burk agreed that 33% would not qualify anyway to be in the union. As a result, Mr. Morrow said there are actually two groups among the 64 employees. He does not know how many pieces of that increase pie are these twenty supervisors getting when compared to the other forty plus that are actually hourly and rank and file who could unionize.

He again asked what part of the $163,000 is going to management versus the rank and file; Ms. Carmean said there were only a few management positions that were pinpointed as needing to go up to the market level. But most of this is going to the actual working people. Councilman Morrow asked for confirmation that two-thirds of the working employees will receive this increase.

City Solicitor Rutt stated that the question is how many people are below the midpoint and how many are above who will not be receiving an increase and asked if those above the midpoint are mainly in the union. Ms. Carmean said they are not included in the $163,000 because the police and electric unions have already been satisfied and brought to market.

Solicitor Rutt asked if Ms. Carmean is referring to the fifty employees who are non-union, non-supervisory. Ms. Carmean stated that is correct. Councilwoman Wilson agreed the lower middle class employees are being taken are of. She stated that she always refers to the two sets of middle class–the lower middle class and then the others.

Mr. Norenberg did point out that the employees who will be touched by the last aspect of the compensation adjustment are scattered in a variety of positions. They include staff in the police department, the public works department and almost every department. If a position was vacant and then refilled later, it might have been brought in closer to the market because of recruiting that was done at the time. So often some of the employees that have been here the longest are not where they need to be, based on the study that was never fully implemented eight years ago. However, new employees have come in and are benchmarked are closer to where they should be.

The City Manager stated that if Council prefers to defer action until the December meeting, he wants to know exactly what other information needs to be brought to the meeting.

Councilman Morrow reiterated that he needs more time to soak this in and ensure it is fair.

Based on the motion to postpone action until December, Mayor Shupe asked for a vote.

Councilwoman Peel asked what will happen in December. Councilwoman Wilson feels we are at a deadlock. Councilman Mergner said we will only sit in here and do the same thing again. He pointed out it is not fair to Ms. Carmean and Mr. Norenberg who have done all of this work and asked what other questions remain unanswered so that they can answer them.

Councilwoman Wilson said one of the questions is more information on how this will be paid for; Councilman Burk said that some of the money is coming from healthcare and some is coming from somewhere else but we don't know where somewhere else is. Councilman Mergner confirmed we are covered for this year. He respects Councilman Morrow's opinion because he has a lot of history with the City and has a great deal of experience in human resources.

Councilman Morrow said he only needs to know how we can pay for this moving forward. Councilman Mergner said there is a question about how we will cover anything next year. That is the reason he is listening to Councilman Morrow and comprehends what he is saying. He is fine with postponing it but does not want to come back in this chamber and repeat the

same information. That does not appear to be fair to him.

Councilman Morrow feels that Mr. Norenberg needs to come up with a plan to show where it is going and how it can be paid for next year assuming our financials will increase every year. He has to come up with a plan to move forward with the $300,000. Though it is not etched in stone, as a Councilman, he has a duty to understand more about it and making sure it is fair. He has no problem with all employees getting an increase, but still questions the information that has been provided.

Councilman Morrow asked if we can get our Finance Director involved in these questions; Mr. Norenberg reiterated that the money has been identified as continuing savings. They are not just one-time dollars and are a savings that were identified by Ms. Carmean that will continue into next year to prevent a problem in June of not having enough money. He tried to explain it different ways though he is unsure he has presented it the right way. The money identified to cover the adjustments starting in November have been identified as money that will carry through into next fiscal year. There is no money for a cost-of-living adjustment and no money for merit increases though we are unaware of those costs at this point in time. We also do not know what the Teamsters will propose and that impact on the budget. But right now, he stated they are only aware of the cost increase for the IBEW for next year. But there will be many unknowns for next year.

Councilwoman Peel said that is why she needed to ask Ms. Carmean about the health insurance savings -and she verified that it was looked at from a conservative perspective.

Ms. Carmean reiterated that she looked at it from a conservative perspective but will throw out to Mr. Norenberg and Mayor Shupe, that she is willing to forego her increase. She stated that after the last pay study, the lowest and most out-of-whack salary of all City employees was herself. Even with her situation, that is how much she feels we need to value these other employees.

Solicitor Rutt then stated to summarize, it would be right to say that the money or equalization at this point, has been identified in this year's budget and will be carried forward. What will need to be found next year in the budget, is the same thing found every year and involves the cost of living increase and other pay raises. It will be no different next year than any other year in the past.

Councilwoman Wilson then withdrew her motion to postpone. Solicitor Rutt then asked if Councilman Morrow is willing to withdraw his motion.

The procedural process was then discussed.

Ms. Carmean interrupted the conversation adding that she wants Council to remember that our employees know this is going on and asked Council to consider employee morale. She said this will have an impact. Councilman Burk pointed out that Seaford's did as well and they waited a year to put into effect. Ms. Carmean continued by stating she really is unsure of the time frame in Seaford though it was a couple of years ago and thinks it may have been approved possibly the beginning of the year.

Mr. Rutt stated that the motion on the floor is to postpone action on the matter until December 11th.

According to City Solicitor Rutt, if the person who made the motion withdraws it, there is no motion. If there was an amendment to the original motion, the person who seconded the amendment would have to agree to withdraw the amendment. In this case the person making the motion also amended the motion and is withdrawing the motion.

Councilwoman Wilson again withdrew her motion.

Councilwoman Wilson made a motion to authorize implementation of the PayPoint HR Job Classification Study, seconded by Councilman Campbell. Motion carried.

Motion carried by the following 5-2 vote:

Yes	No
Councilman Mergner	Councilman Brooks
Councilman Campbell	Councilman Morrow
Councilwoman Peel	

Councilman Burk
Councilwoman Wilson

Councilman Burk would have preferred to have more data, but will agree at this time.

Councilman Brooks said he will not authorize it. He has been through a number of budget hearings and cannot approve it with so little information.

Councilman Morrow said he will not agree to authorize it at this point. There is a need for more specific information and to figure out how we will be able to pay for it in the future. He is not against the employees receiving increases, but wants to ensure this is fair and the way it was presented to Council does not give enough data.

Councilwoman Wilson votes yes based on the information presented by Mr. Norenberg and Ms. Carmean adding that she trusts that information, which included the Financial Director recommendation as well.

Councilwoman Wilson left at 10:39 p.m. due to an early next day appointment.

NEW BUSINESS

Proclamation 2017-28/Small Business Saturday

Mayor Shupe presented the following proclamation:

SMALL BUSINESS SATURDAY

WHEREAS,

The Mayor and Council of the City of Milford celebrate our local small businesses and the contributions they make to our local economy and community; and

According to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States; and

Small businesses represent 99.7 percent of all businesses with employees in the United States and are responsible for 63 percent of net new jobs created over the past 20 years, and

Small businesses employ 48 percent of the employees in the private sector in the United States; and

On average, 33 percent of consumers' holiday shopping will be done at small, independently-owned retailers and restaurants; and

Of all consumers, 91 percent believe that supporting small, independently-owned restaurants and pubs are important and 76 percent plan to go to one or more small businesses as part of their holiday shopping; and

The City of Milford supports local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

Advocacy groups, as well as public and private organizations across the country, have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, do hereby proclaim, November 25, 2017, as

SMALL BUSINESS SATURDAY

and urge the residents of this community to support small businesses and merchants on Small Business Saturday and throughout the year.

Proclamation 2017-30/Veterans Day

Mayor Shupe presented the following proclamation:

VETERANS APPRECIATION DAY

WHEREAS,

Our Great Nation was founded on the belief that all Americans are created equal, and are guaranteed the inalienable rights of life, liberty, and the pursuit of happiness; and

Our Nation's Veterans have sacrificed to preserve and protect our Country and Constitution from all enemies foreign and domestic; and

November 11, 1919, was initially proclaimed as "Armistice Day" to honor our Country's World War I Veterans, and in order for a grateful Nation to pay homage to Veterans of all wars; and

On June 1, 1954, Dwight Eisenhower the 34th President of the United States, signed into law the renaming of Armistice Day to Veterans Day; and

The quality of life we enjoy today was purchased at great cost by the unselfish devotion of these Veterans, as many of our soldiers lost their lives during wars to defend our freedom, and some are still missing in action; and

The City of Milford recognizes the contributions of all men and women in the military who have served our Country, and who continue to serve their Communities today.

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, hereby proclaim Saturday, November 11, 2017 as

VETERANS APPRECIATION DAY

in the City of Milford, and urge all citizens to honor the sacrifices of the loyal and courageous Veterans who have given so much for the cause of peace by taking a moment to kindly acknowledge them.

Streets Division/Pavement Patcher Purchase Authorization

Public Works Director Mark Whitfield submitted the following memo:

The Public Works Department requests City Council consider a recommendation to purchase a trailer-mounted pothole patcher to be used by the Street and Utility Division. The pothole patcher will be used for the permanent patching of street, alley, and parking lot potholes.

The filling of potholes is critical in reducing water intrusion into the subbase of the pavement structure. Water intrusion into the subbase during freeze-thaw cycles contributes to the premature failure of the pavement structure. Additionally, potholes can be a hazard to vehicles traversing the roadway, and expedient patching reduces the hazard potential. The proposed unit uses an emulsion that creates a permanent patch, without the need to return and repatch with a "hot mix" of asphalt.

The Street and Utility Division staff has evaluated the proposed unit, and viewing demonstrations as well as checking various references, staff recommends Durapatcher Trailer Mounted Patcher, Model 125DJT be purchased from Cimline Pavement Maintenance Group-Duraco/Cimline for $60,000, which is the same amount authorized by Council in the 2018 Budget. The purchase can be made through the HGACBuy Purchasing Agreement (Contract #SW10-16) through the Delaware State Contract.

Specifications for the pothole patcher trailer unit are included in packet.

Staff requests City Council consider the purchase of the Durapatcher, and recommends authorizing the purchase of the unit through HGACBuy to City Council.

Councilman Brooks moved to authorize the purchase of a Durapatcher Trailer Mounted Patcher, Model 125DJT from Cimline Pavement Maintenance Group-Duraco/Cimline in the amount of $60,000, through the HGACBuy Purchasing Agreement Contract #SW10-16, seconded by Councilman Burk. Motion carried.

Electric Division/Bucket Truck Purchase Authorization

Public Works Director Mark Whitfield submitted the following memo:

Staff requests City Council consider a recommendation to replace the existing 2008 Ford X56 Service Bucket truck (Unit E-112) used by the Electric Division with a 2017 Terex Hi-Ranger LT40 Articulating/Telescoping Aerial Service Bucket Truck. The existing bucket truck has 78,839 miles, and is ten years old. Ten years is the recommended standard replacement term for bucket trucks, based on annual dielectric testing performed on all bucket trucks within the Electric Division's fleet.

The purchase of this truck will be made through the NJPA Purchasing Agreement through the Delaware State Contract. Specifications for the 2017 Terex Hi-Ranger LT40 Aerial are attached. The Electric Division budgeted $175,000.00 for the purchase of this unit, and the NJPA final cost is $131,844.00.

Staff requests City Council consider the replacement of the service bucket truck, and recommends authorizing the purchase of the new unit through the NJPA National Contract.

Councilman Brooks moved to authorize the purchase of a 2017 Terex Hi-Ranger LT40 Aerial through the NJPA Purchasing Agreement through the Delaware State Contract, in the amount of $131,844.00, seconded by Councilwoman Peel. Motion carried.

Council Rules Discussion

Councilman Burk moved to postpone discussion on the Council Rules matter until the December 11, 2017 Council Meeting, seconded by Councilwoman Peel. Motion carried.

EXECUTIVE SESSION

Councilmember Mergner moved to go into Executive Session reference below statute, seconded by Councilmember Peel:

Pursuant to 29 Del. C. §10004 (b)(4)Discussion of strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property

Motion carried.

Mayor Shupe recessed the Council Meeting at 10:41 p.m. for the purpose as permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Burk moved to return to the Regular Session, seconded by Councilmember Campbell. Motion carried.

City Council returned to Open Session at 10:50 p.m.

Potential vote related to strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation (Teamsters Contract)

Potential vote related to site acquisitions for any publicly funded capital improvements, or sales or leases of real property (Police Department Site)

Mayor Shupe announced that no action is needed as a result of the discussion in Executive Session.

ADJOURN

There being no further business, Councilmember Mergner moved to adjourn the Council Meeting, seconded by Councilmember Morrow. Motion carried.

The Council Meeting adjourned at 10:51 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 27, 2017

A Meeting of the City of Milford Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, November 27, 2017.

PRESIDING: Chairman Owen Brooks Jr.

IN ATTENDANCE: Committee Members: Councilpersons Lisa Peel and Douglas Morrow

STAFF: City Manager Eric Norenberg and Deputy City Clerk Christine Crouch

Chairman Brooks called the Committee Meeting to order at 6:01 p.m.

Public Works Director Mark Whitfield was also in attendance.

Long Term Vision of Refuse Collection Program and Financing

Public Works Director Whitfield brought the Committee up to date on the solid waste collection and recommendations in terms of moving forward. The manner in which it has been handled in the past has been labor intensive with the rear loader truck using a driver and two employees on the back of each, lifting and tossing trash into the back.

In addition, we were only able to do trash collection once a week and recycling every other week due to time constraints.

In terms of improving service without increasing costs, a new automated truck was purchased which has been operating for seven months. Instead of a three-person crew hoisting cans and bags into trucks, a single driver uses a joystick to make a mechanical claw grab and dump standardized cans. As a result, services were increased by adding citywide yard waste and recycling collection once a week.

As a result, there has been an increase in participation and volume in recycling. Because of the additional recycling, the tonnage requests related to normal trash has been reduced.

Mr. Whitfield stated that another automated truck was budgeted for the upcoming budget year. He noted that an automated truck will not work everywhere within a City so while looking at other alternatives and considering future growth, a split body truck was recommended. The semi-automated truck is used for refuse and recycling and is operated by one employee. The fourth truck in the fleet would continue to be a rear loader which is extremely handy for bulk item collection and as a back-up to replace a truck that has to be taken off the road.

He explained that the cost of these trucks are in the $250,000 range as opposed to the rear loaders that run around $160,000 which roughly last eight years. In terms of labor, the two rear loaders have required six full-time employees though that is reduced to three full-time employees under this plan. As a result, the cost savings over that eight-year time frame will be approximately $1 million.

While the vehicle is much more expensive, the result is a savings in manpower and better service for our residents by offering more frequent yard waste and recycling collections. The convenience has already created additional participation by our customers.

Chairman Brooks confirmed the City will have three trucks, one of which will be used as a backup.

Councilman Morrow confirmed the additional overtime being paid to our solid waste employees are calculated into the savings.

Mr. Whitfield also shared that the backup staff on the solid waste trucks actually came from the Street Department. As a result, their labor was not charged to the refuge account though it would have been helped had that been added. Employees in the Street Department are paid from general fund dollars though in this situation, were working in the Solid Waste

Department. In moving forward, he wants to assure the true costs of collection are captured.

Chairman Brooks again expressed concern about the safety of the solid waste employees on the back of the trucks at 5:00 p.m. in dark and rainy conditions. He noted that Tenth Street is a racetrack and drivers were not slowing down even with the presence of the truck and employees.

Mr. Whitfield pointed out that moving to an automated truck will eliminate employees on the back of the truck as is needed on a rear loader. Chairman Brooks pointed out that he has observed the automated truck actually slow speeding vehicles down.

Councilwoman Peel recalled a previous discussion when there were several vacancies in the Solid Waste Department. He confirmed that is still true and the number of employees has been reduced by half.

Mr. Whitfield confirmed that no one will be laid off and several employees will be repositioned as our needs change.

Councilman Mergner arrived at this time.

Recommendation on Purchase of New Refuse Truck

The following memo was included in the packet:

The Public Works Department requests the Public Works Committee consider a recommendation to purchase a new refuse collection truck used by the Solid Waste Division. The truck will be used for the collection of refuse, yard waste and recyclable materials.

The proposed truck is a one-person automated collection vehicle, which allows customer containers to be emptied using a hydraulic arm operated by the vehicle driver, similar to the vehicle purchased earlier this year. The unit will allow for the efficient collection of refuse, yard waste and recyclable materials using a single person.

The proposed change in the type of vehicle has numerous advantages over the present system of using three people (a driver and two collectors) on a rear loading refuse truck. The unit also allows for the safe collection of materials since there is no human contact with the container. The unit eliminates lifting of containers, exposure to dust, needles, and other potential hazardous materials, exposure to weather, traffic hazards, etc. The efficiency will eliminate the need to fill two present vacancies in the Solid Waste Division.

The present unit will replace a 2005 International with a Leach rear load refuse body. The unit has over 18,450 engine hours, 110,334 travel miles and the body is rusted out. A like kind replacement (rear-loader on a tandem axle truck) unit would cost about $160,000. The proposed automated replacement unit was budgeted at $227,000 in the 2018 Budget.

Staff recommends the purchase of a G S Product CS9133 CollectStar Auto Side Loader body on a single axle Peterbilt truck through Hunter Truck Sales & Service, Inc. at a price of $255,865.60. The purchase can be made through the National Joint Powers Alliance Contract (NJPA).

The purchase price of $255,865.60 is $28,865.60 over the amount budgeted for the unit. Staff recommends using $24,450 which was budgeted for downtown containers (the City received a grant to cover this cost) and $4,415.60 from the container line item to make up the shortfall for the purchase. Because of the favorable quotes on container replacement, staff anticipates a savings within this line item.

The proposed unit was evaluated by the present operators, who took into consideration needed changes from the unit which was purchased earlier this year. Their 6-month experience yielded some recommended changes.

The price of the vehicle is higher than originally budgeted and anticipated due to the need for a cab-over configuration for the vehicle. The cab-over allows for a tighter truck turning radius, allowing for better maneuverability. Additionally, the cab-over feature allows easier entry/exit for the driver. Due to the multiple times of exiting and entering the truck during the work day, the cab-over not only provides a safer means, but also allows for better time efficiency and less wear and tear

on the driver.

Specifications for the truck and refuse body are attached, as well as the requirements for joining the NJPA cooperative purchasing alliance.

Mr. Whitfield recommends the replacement of the refuse truck, and the purchase authorization through the National Joint Purchase Alliance (NJPA) to City Council. Item to be added to the December 11, 2017 meeting.

Councilwoman Peel moved to authorize the matter be placed on the December 11, 2017 City Council agenda, seconded by Councilman Morrow.

Sidewalk Inspection/Improvement Program for 2018

The following memo was included in the packet for Committee review:

The Public Works Department Engineering Division is planning to conduct a sidewalk inspection program beginning in 2018.

Preliminary Inspection

Presently, the Engineering Assistant is conducting an assessment of the present condition of all existing sidewalks within the City. Based on this assessment, a dollar value can be placed on the potential replacement of sidewalks. This will allow staff to evaluate the scope of repairs, both in terms of volume and dollar value, needed to bring sidewalks up to standards as set forth in the Sidewalk Ordinance.

Inspection Program

Staff proposes to begin a formal inspection process in late spring. First priority for inspection will be:

2018:
1. The Downtown Development District;
2. Collector streets (Walnut, Marshall, SE Front, Causey, Lakeview, Seabury, Washington, McColley, North, and Church);
3. Streets used for school access (SE Third, SE Fourth, SE Fifth, Bridgeham, NW Fourth, NE Tenth, and Buccaneer)

2019: Remaining sidewalks not covered in Year 1, in Ward 2

2020: Remaining sidewalks not covered in Year 1, in Ward 3

2021: Remaining sidewalks not covered in Year 1, in Ward 1

2022: Remaining sidewalks not covered in Year 1, in Ward 4

Future Years: Complete inspection in one ward each year; with every ward completed once every four years.

Funding Options

In accordance with the Ordinance, the property owner is responsible for the repair, maintenance and replacement of the sidewalk adjacent to their property. The City may elect to replace the sidewalk along properties where owners fail to complete replacements in a timely manner, and place a lien on the property for the work. This however ties up City funds, potentially for a long period of time, until the property is sold.

There are several funding considerations Council may want to consider in moving forward.

Revolving Loan Fund - Council may elect to set aside reserve funds for maintenance and repair and allow property owners

to borrow funds with a 3-5 year repayment schedule at no or low interest. Place lien on property until loan is repaid.

Public Works Projects - On streets identified as needing to be repaved, deteriorated curb will also need to be replaced. In many cases, curb abuts the sidewalk, and the curb replacement will necessitate sidewalk replacement. This work will be completed by the City. Sidewalk repair should not be identified on streets where a public works project is planned within the next five years. Sidewalks not needing to be replaced due to curb work could be identified, and the property owner could elect to piggyback on the public works project to have their sidewalk replaced as part of the project, or elect to replace on their own within one year.

Community Development Block Grants, Community Transportation Funds or other Grants - In areas of low income properties, investigate the possibility of obtaining state or federal monies for assistance.

Sidewalk Replacement Project - The Public Works Department would identify all needed repairs and obtain a price from a contractor to complete all work. Property owner could elect to have City replace the sidewalk under that contract, or complete on their own. Property owners would be billed for the work and would include the City's overhead and project inspection costs.

Next Steps

Complete inventory of sidewalks for extent of repairs needed

Decision on funding options

Budget funds for 2018

Begin formal inspection in July 2018, with replacement by property owners within 90 days of notification.

As proposed, this will create a four-year program and provide a break for residents who may need an annual expenditure to repair sidewalks. In addition, covering the entire town with one inspector in one year is nearly impossible. Breaking it out into wards makes it much more manageable for the residents.

Chairman Brooks confirmed the homeowners will continue to be responsible for their sidewalks because the City does not need that responsibility. He agrees this program is badly needed throughout the City.

Councilwoman Peel reported that a number of residents complain to her about the condition of their sidewalk even though it is their responsibility. She does not think most people understand that the sidewalk conditions are their responsibility. The Councilwoman feels if walkability, bikeability and safer passages downtown are going to be priorities in our strategic plan, she recommends the City create some sort of campaign to educate them. She does not want the City showing up at someone's house to fix a sidewalk, only to learn later that resident is also being billed.

Mr. Norenberg pointed out there is a notification process required in the Code that would occur before any repairs would begin. They also talked with the media to inform them of several of these projects though he agrees that public education is important.

They also understand that a homeowner may want to do something differently. For example, if the City inspected ten sections of sidewalk and four or five were repaired or replaced, someone may prefer to do their entire sidewalk versus piecemealing the repairs.

The City Manager also pointed out that financing is not something the City wants as a first choice, because of the time it takes to recover. They have not yet identified how to determine low-income criteria for financial assistance, in addition to the percentage, payback period, etc.

Councilwoman Peel has heard multiple complaints through the Community Conversations though it is identified repeatedly

as a concern and priority.

Councilman Morrow asked how the City plans to address what has been done in the past and what is being considered now. He agrees the City has wrestled with this for at least twenty years though we never really followed through unless it was a complete street project with curbs and sidewalks repaired at the same time. The last project he recalled was on Southeast Front Street.

The Public Works Director explained that one of the things looked at as part of the capital improvement plan will be prioritizing streets where work is needed. Prior to that resurfacing, he recommends replacing any bad curbing along the street. When the curbing is adjacent to the sidewalk, the City has no recourse but to replace the sidewalk block. If there is a grassy area between the curb and the sidewalk, then the sidewalk does not have to be disturbed. However, a resident with a bad sidewalk against a bad curb, would be the City's responsibility.

He further stated that he does not want to identify sidewalk blocks to be replaced, only to find out three years later the City has to tear up that new sidewalk to replace the curb. As a result, the curbing and sidewalk projects need to be coordinated.

Mr. Norenberg agreed he has heard from a few residents that the City was able to get grant funds from the State or Federal government in the past to do some enhancement programs. In those cases, there were no City dollars used and instead was other government money. For example, there was a decision made at the time by Council that it was important for downtown redevelopment and such funds were accepted and invested. Those property owners received the benefit as a result.

Only outside funding would be eligible for ADA ramps that need to be included at intersections and in particular, where crosswalks are needed. There are a number of intersections where crosswalks cannot be added because the ADA ramps do not meet code. In such situations, CDBG funds could potentially pay for those ramps with the hope of acquiring federal funds through the County to complete the projects.

Councilwoman Peel asked if there is funding available for walkability to encourage residents to use less vehicle transportation; Mr. Norenberg is unaware of funds for that purpose. He is aware of the Safe Routes to School funding which is designed to fix or create a sidewalk where there are gaps children need to walk. They will continue to work with the school district to identify those though in most instances it has been used mainly for infill where sidewalks gaps exist.

Mr. Whitfield announced that one of the areas being considered was the cemetery property particularly after considering the amount of foot traffic on the North Walnut side where there is no sidewalk. That would be an appropriate place for Safe Routes to School.

Councilwoman Peel feels that a crosswalk on Tenth Street over Rehoboth Boulevard to get to the high school should also be considered.

Chairman Brooks prefers the entire Council make this decision.

Mr. Norenberg hopes that Public Works will be able to bring recommendations on capital improvements earlier than the normal budget cycle and address the operational portion in May and June. He prefers discussing the capital improvement planning, including streets and sidewalks, in late winter/early spring.

Councilman Brooks said he has always complained that the City spends millions of dollars and there should more than two nights of budget hearings.

Mr. Norenberg encouraged the Committee Members to get in touch with him should they have any additional questions.

Review Potential Parking Lot Layout for City Hall Parking Lot and City Parking Lot at Northeast Front Street/Denny Row

The Public Works Director then informed the Committee that they have reviewed some of the parking in the downtown areas. In particular, improvements in terms of the number of spaces, as well as the circulation and maneuverability, in and around

the parking lots, are being considered. Right now they are looking at City Hall Parking Lot and the City Parking Lot at Northeast Front Street/Denny Row.

Councilman Burk arrived at 6:40 p.m.

Mr. Whitfield then referred to the existing Arena's Parking Lot at Denny Row and NE Front Street. He pointed out some angled parking that is at a 45-degree angle. That angle requires a nineteen-foot drive out though only a ten-foot drive out exists.

There is also a line that separates the two parking spaces that should be perpendicular instead of at a skew. That causes vehicles to park further back in the space than where they should be. That just exacerbates an already bad situation in terms of the drive outs which become very narrow especially when it involves a large SUV or pickup.

A couple different layouts were then reviewed. One was to use ninety-degree spaces. He personally likes that because the number of spaces can be maximized. Changing to ninety-degree spaces will provide 116 spaces in that existing lot. Some minor improvements would be needed at the entryways. Seal coating would also be needed on the entire lot to help preserve it. Presently there is a lot of oxidation on the pavements and a sealant would alleviate the lamination of the pavement as well as cover up all current white lines and allow for restriping.

For what Mr. Whitfield believes will be a fairly low cost, an additional eighteen spaces or so could be added. It would also make it ADA compliant.

If the angled spaces are preferred, 109 spaces can be created. It would entail a ten-foot travel aisle at a thirty-degree parking angle.

The aisles are most suitable in width in terms of the angle. The division line would be perpendicular to the parking aisle and also gain some spaces toward the end which presently contains no parking though there is an extremely wide aisle.

The parking lot at Milford City Hall presently has 43 parking spaces. Some minor modifications to this lot would include relocating the existing entrance to the north and installing a second entrance where a utility pole currently exists but can be removed. The guy wire was no longer needed so the pole is obsolete. The entryway can then be installed and visitor parking spaces placed near the building.

The asphalt should also be resealed.

The reconfiguration would allow another fifteen or so spaces with some minor work.

Mr. Whitfield noted that the parking lots across from DBF, across from Penney Lane, behind the Georgia House and next to the City's Customer Service Department will also need some work.

Councilwoman Peel feels the parking lot by Arena's is a priority adding that she will not even use that lot and chooses to park on the street instead. She is unsure how full the City Hall Parking Lot gets though additional spaces and safer passages should be considered in both lots.

Councilman Mergner agrees that labeling the actual parking lots would help as well. He recommends one sign stating it is a City of Milford Public Parking Lot.

Councilwoman Wilson arrived at 6:50 p.m.

Mr. Norenberg stated that the City will talk with the owner of the Arena's building because they own the first row of spaces and coordinate the effort in terms of striping, sealing and especially the provision of the ADA spaces.

The branding and associated duties are being handled by the City Planner according to Mr. Norenberg. That includes a

parking study that is being funded by the Dover-Kent MPO and a collaboration through the USDA Downtown Marketing Plan that will allow some identification signage. He agrees signage is needed in addition to posting regulations regarding snow removal.

Councilman Brooks recommends adjourning this meeting in preparation for the Council Meeting that beings at 7:00 p.m. Due to the time, Councilman moved to recess the Public Works Committee Meeting until after the completion of the City Council meeting, seconded by Councilwoman Peel. Motion carried.

The Meeting was recessed at 6:53 p.m. by Chairman Brooks. The balance of the items on this agenda will be addressed when the Committee Meeting is resumed after the completion of the Council Meeting.

Councilmember Peel moved to reconvene the Public Works Committee meeting, seconded by Chairman Brooks. Motion carried. The Committee Meeting resumed at 7:17 p.m.

Update on Five-Year Capital Improvement Plan (CIP)

Public Works Director Whitfield reported a five-year capital improvement plan is currently being developed. He said it will be very different from what has been done in the past.

Mr. Whitfield emphasized this is a plan and not a budget. His goal is to identify every item that will need to be addressed over the next five years, with the estimated cost. He recommends this be created at this point, without any concerns for financing.

He recalled the inventory done this past summer regarding City streets and their conditions. The next step is to review the infrastructure beneath the pavement to prevent having to repave a street when it involves a bad sewer or water line. In addition, should those utilities lines need to be replaced, that enterprise or reserve fund should pay a portion of that street's resurfacing.

As we move forward, signage will be addressed, along with water improvements, sewer and pump station issues.

Mr. Whitfield stressed the need to get these projects listed, with an approximate estimate over the next five years. After that, the next step will be to prioritize and determine the financing. Any items that can be addressed through legislative money or grant funding can then be considered. Any projects that will need a bond issue or enterprise funds can also be considered in terms of rate structures or increases.

A data sheet will be included in this year's budget to identify each project. After that, the projects will be prioritized at budget time. Projects that are not funded will be deferred until such time the funding can be identified.

Councilwoman Wilson pointed out that in the past, Council was asked to identify problem areas in their wards though she is unsure whether or not they would all be considered capital projects. Mr. Whitfield welcomed any input and asked Council to look at infrastructure in terms of buildings, roads, street lighting, electric water, sewer, etc.

Councilman Brooks said that Council used to ride the whole City and itemize each problem that was included in the five-year plan.

International City/County Management Association (ICMA) Local Government Management Fellow Evan Miller, then echoed Mr. Whitfield's comments that the CIP is a great planning tool. Mr. Miller shares his time with the City of Rehoboth Beach and is also currently working on their CIP.

Mr. Miller agrees this is a great time to focus on an inventory of the infrastructure and equipment needed by all Departments. He then referred to samples he has used in the past. A survey will be provided to the Department Heads who will be given a time frame to return. That document includes a project title, description, justification, estimated cost, estimated time frame and if applicable, any impact on the annual budget.

The draft CIP he completed for the City of Rehoboth is approximately one-hundred pages though he added general information about a CIP, why it is needed, how prepared, the various roles of the department heads, Councilmembers and the City Manager.

He feels this is a great way to provide transparency to residents. It is also a great tool on determining the funding as well.

Mr. Miller then referred to CIP's from Northborough, Massachusetts, State College, Pennsylvania and the five-year three-page Budget Plan for Rehoboth Beach (see Council packet). He agrees this plan can sometimes take several months before the surveys are returned. After that time, a meeting will be held with each Department Head, after which the projects will be reviewed and estimates obtained.

City Manager Norenberg stated that once this information is acquired and added to the CIP, it will be presented as part of the budget for 2018. It will be handled by staff and funneled into a one project that will be overseen by the Finance Department, Public Works Director and Mr. Miller primarily.

Councilmembers Brooks and Wilson both agreed it is a great way to handle.

When asked who prioritizes the projects, Mr. Miller explained it is a combination. It is crucial the City Manager and the Department Heads work together on the document. When he prepared the Departmental survey, he asked for three identifying priorities—essential, deferrable or desirable. The Department Heads do prioritize, which then falls under the City Manager, who then turns it over to City Council for further action. However, priorities are mainly categorized by the Department Heads and the City Manager.

Update on Smart Meter Project

Mr. Whitfield then reported that the City is close to deploying smart meters which should occur late in February or the first part of March. The meters have been received and all data collectors, but two are in place. A number of meters of various sizes have been deployed and are currently being tested to ensure everything is working.

The biggest holdup has been the financial software being able to talk to the software currently used by the meters. Getting that code written to ensure the customer does not see any change in the billing will ensure a seamless process other than a slight blip when their electric meter is pulled and the new one put into place.

The Public Works Director stated that he is aware of other cities that have deployed smart meters and considered an opt-out provision for customers who may have a concern with the radio frequency waves of a smart meter. The realty is the smart meter has less radio frequency waves than a baby monitor, a microwave or cell phone. However, there are residents who have concerns with regard to the radio frequency and the possibility of associated medical issues. Some locations have provided an opt-out provision in which the meters are actually manually read. That customer must then pay for the additional manual service on a monthly basis which is typically in the range of $25 to $30.

Mr. Whitfield stated that most cities have not provided that opt-out provision and is what he recommends to the City of Milford. He reiterated there is no more basis for a health concern than a cell phone or other items previously mentioned.

Mr. Norenberg added that this past summer, an informational sheet was included in the utility bill. That generated a few phone calls and questions to Customer Service. At the same time, an informational page was added to the City's website which is still available and includes factual information prepared by Mr. Miller. Customers with concerns have been referred to this page and related links. Many fears were alleviated as a result.

The City Manager directed our Customer Service staff to refer to him anyone with concerns after they have accessed this information or were provided additional information by that Department. To date, he has not heard from any of our residents.

The topic also came up during one of the Community Conversations. Mr. Norenberg referred that person to our website and provided his business card though he has not heard back from him either. Therefore, he feels this is a nominal issue and does

not believe it will go very far as is the case with other utility companies.

If an opt-out program is needed, the Electric Tariff will need to be amended and fees applied.

Councilman Brooks said he will not agree to charging a City Customer just to have our employees go out and read their meter. Mr. Norenberg pointed out the reason for the fee is that a special service is being provided that is not provided to our other customers. He does not recommend that at this point, but if they choose not to use a smart meter, a policy decision would have to be made because it will require a dedicated employee to read the meter.

Councilwoman Peel stated that it sounds to her as though we are complicating this matter unnecessarily. She believes that if the education materials are available, it will not be an issue with our customers.

Mr. Norenberg stated that he wanted Council aware of the possibility.

Update on Southeast Regional Pump Station Project

Davis, Bowen and Friedel Engineer Jason Loar stated that he was asked to provide updates on several projects. The first is the Southeast Regional Pump Station Project that is currently under construction. This project is key to add sewer service to the southeast area of the City and is being funded primarily by those developments, including the hospital.

The project is about 33% complete. The majority of the work left is at the pump station site and involves bigger, heavy duty construction.

It is on schedule and on budget with final completion scheduled in March 2018.

Update on Shawnee Acres Pump Station Project

Mr. Loar reported this is part of the $4 million USDA Sewer Project that began a few years ago with Fisher Avenue being the first project completed. This project is also critical to the southeast area of the City because it actually goes through the Shawnee Acres Pump Station.

The project funding included a $2 million grant, $1.6 million in loans and $400,000 in City reserves.

It is being designed to accommodate current and future flow for development of the southeast area and is approximately 50% designed. At the Public Works Director request, they are preparing a meeting with local residents to provide them with information and obtain feedback.

Update on NE & NW Front Street Sewer & Water Improvement Project

Mr. Loar proceeded by explaining this includes two projects. The sewer portion is also part of the USDA-funded project and the water portion is being paid from the City's water reserves.

A key issue to this project is that DelDOT plans to repave Front Street over the next couple years. As a result, any utilities need to be corrected before the repaving begins.

The project is approximately 30% designed. The first priority was to camera the existing sewer lines to determine their condition. The review is almost complete and it has been determined that the majority will only need to be lined. That portion should be fairly quick though a portion of sewer will need to be replaced on the northwest side of Milford closer to the Truitt Avenue Pump Station.

The water project will involve a complete replacement of the lines from Business Route 1 over to Walnut Street. That is being scheduled to start as soon as possible and is presently out to bid.

Adjourn

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

The Public Works Committee Meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

Attachments:
Long Term Plan

Solid Waste Operations

Past

	Cost	Number of Employees	Annual Depreciation	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Cost Over 8 Years
Wages ($33,296/employee)	$33,396	6		$200,376	$200,376	$200,376	$200,376	$200,376	$200,376	$200,376	$200,376	
Benefits ($21,375/person)	$21,375	6		$128,250	$128,250	$128,250	$128,250	$128,250	$128,250	$128,250	$128,250	
Rearload Truck (8yr depr)	$160,000		$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	
Rearload Truck (8yr depr)	$160,000		$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	
Rearload Truck (8yr depr)	$160,000		$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	
Rearload Truck (8yr depr)	$160,000		$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	
Total Cost				$408,626	$408,626	$408,626	$408,626	$408,626	$408,626	$408,626	$408,626	$3,269,008

Proposed Future

Wages ($33,296/employee)	$33,396	3		$100,188	$100,188	$100,188	$100,188	$100,188	$100,188	$100,188	$100,188	
Benefits ($21,375/person)	$21,375	3		$64,125	$64,125	$64,125	$64,125	$64,125	$64,125	$64,125	$64,125	
SideLoader (8yr depr)	$220,290		$27,536	$27,536	$27,536	$27,536	$27,536	$27,536	$27,536	$27,536	$27,536	
SideLoader (8yr depr)	$255,866		$31,983	$31,983	$31,983	$31,983	$31,983	$31,983	$31,983	$31,983	$31,983	
Split Body Semi Auto (8yr depr)	$290,000		$36,250	$36,250	$36,250	$36,250	$36,250	$36,250	$36,250	$36,250	$36,250	
Rearload Truck (8yr depr)	$160,000		$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	$20,000	
Total Cost				$280,082	$280,082	$280,082	$280,082	$280,082	$280,082	$280,082	$280,082	$2,240,656
Annual Savings				$128,544	$128,544	$128,544	$128,544	$128,544	$128,544	$128,544	$128,544	
								Savings over 8 Years				$1,028,352

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 27, 2017

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, November 27, 2017.

PRESIDING: Vice Mayor Douglas Morrow

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

City Manager Eric Norenberg, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilmember Burk.

RECOGNITION

Milford Police Department Promotions

Chief Brown introduced Miles Kosiorowski noting that he was promoted to the rank of Corporal last month. Corporal Kosiorowski began his career at Milford as a dispatcher.

Chief Brown also acknowledged Patrolman Lester Shaffer who was promoted to Patrolman First Class on November 15, 2017. PFC Shaffer came to Milford after spending 22 years at the Georgetown and Laurel Police Departments.

Certificates were issued to each officer and a photo taken with Chief Brown and Mayor Shupe.

COMMUNICATION & CORRESPONDENCE

Vice Mayor Morrow referenced the letter included in the packet from Comcast (see packet).

In addition, Councilman Campbell submitted a letter from a resident that will be forwarded to the City Manager for delivery to the Code Enforcement Official. At the December meeting, Mr. Norenberg will provide a follow-up.

UNFINISHED BUSINESS

None to report.

NEW BUSINESS

Fisher Ave Pump Station Change Order

Public Works Director Whitfield submitted the following memo for consideration:

See Council packet for deduction Change Order to close out the Fisher Avenue Pump Station project. The Change Order and Final Acceptance has been reviewed by our consultant engineer, who is recommending approval. The Change Order includes changes in the quantity of work items performed, resulting in a credit back to the City.

Recommendation: I recommend Council authorize the execution of Change Order #1 for the Fisher Avenue Pump Station Rehabilitation Project to M2 Construction, Inc. of Landisville, PA for a credit of $14,031.71.

Councilman Brooks moved to authorize the Fisher Avenue Change Order for a credit of $14,031.71, seconded by Councilwoman Peel. Motion carried.

Airport Road/NE Tenth Street Change Order

Public Works Director Whitfield submitted the following memo for Council consideration:

A portion of NE 10th Street is in very poor condition and needs resurfacing. Because this section contains pavement loops and is part of the Airport Road/113 intersection, staff recommends City Council consider authorizing the resurfacing of about 340 feet of NE 10th Street, immediately east of US 113 intersection as part of the Airport Road Rehabilitation Project. This section of roadway will require pavement milling, pavement wedging (to rebuild roadway crown), and resurfacing. Presently, a pavement seam exists approximately 340 feet east of US 113, where a portion of NE 10th Street was resurfaced as part of the Wawa Development.

All work items will be incorporated within the bid items of the Airport Road Project. It is expected this section will cost approximately $63,181.50 and approximately five days to complete. All work will be completed at night, as per DELDOT requirements.

The original contract for Airport Road was for $1,655,177.50. Based on past and projected payments, the final cost will be about $1,648,150, or about $7,027 under the contract amount. With the added NE 10th Street work, the projected final cost will be about $1,738,000. The total budgeted amount for construction of Airport Road was $2,187,864, with another $273,483 estimated for engineering and inspection, bringing the total budget for the project to $2,461,347.

In review of expenses to date as well as anticipated expenses, sufficient budgeted funds are available to complete the NE Tenth Street work, which was verified by the Finance Director.

Recommendation: I recommend Council authorize the resurfacing of approximately 340' of NE 10th Street from the intersection US 113 going west and to add the work through a final Change Order onto the Airport Road Rehabilitation Project, with all work to be completed by December 15, 2017.

The Public Works Director apologized for instructing the contractor to proceed because of timeliness, but is still asking for Council approval. It will be completed under the existing pay items in the Airport Road Project as a final change order at a later date though he wanted it presented with an estimate of $63,000.

He said the work is scheduled to begin tonight.

Councilman Burk moved to authorize the resurfacing of approximately 340 feet of NE Tenth Street from the intersection US 113 going west and to add the work through a final Change Order onto the Airport Road Rehabilitation Project, with all work to be completed by December 15, 2017, seconded by Councilman Mergner.

Councilwoman Wilson stated that as long as the City cannot find money to install sidewalks in this area, she will vote in favor of this.

Motion carried with no one opposed.

Budget Adjustment/General Fund Reserves-Enforcement & Inspections Demolition $17,000

City Planning Director Rob Pierce submitted the following memo for Council consideration:

The Department requests an appropriation of $17,000 from General Fund Reserves to the Enforcement and Inspections Demolition budget item to cover expenses associated with the emergency demolition of 419 South Washington Street. Enclosed is a copy of the signed contract with John Macklin and Son Demolition, Inc. for the work performed. Staff obtained three (3) written quotes to remove the structure from the property, however, the second lowest bid was selected in order to perform the

work in a timely manner.

The City will attempt to recoup these funds from the property owner's insurance company and/or place a lien against the real estate.

Mr. Pierce noted that the second lowest bid was accepted due to a time constraint on the lowest bidder and the urgent need for the structure to be demolished as quickly as possible. The work began immediately and has been completed.

Councilman Brooks moved to approve a budget transfer in the amount of $17,000 from the General Fund Reserve Account to the Enforcement and Inspections Department budget to cover the costs of the demolition project, seconded by Councilwoman Wilson. Motion carried.

Impact Fee Waiver Request/Carlisle Fire Company

Vice Mayor Morrow announced that Carlisle Fire Company requested this item be removed from the agenda. As a result, no action is needed.

EXECUTIVE SESSION

Pursuant to 29 Del. C. §10004 (b)(4) for the purpose of the discussion of strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation.

Vice Mayor Morrow also announced there is no need for an Executive Session at this time.

ADJOURN

There being no further business, Councilman Mergner moved to adjourn the Council Meeting.

Councilman Campbell then questioned the letter that he received from a Central Academy Student and its discussion. According to Solicitor Rutt, in terms of FOIA, it can fall under correspondence only because the letter was received. However, the actual item will have to be added to an agenda in order to be discussed.

Motion seconded by Councilwoman Peel and carried.

Vice Mayor Morrow adjourned the meeting at 7:16 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 11, 2017

A Meeting of the City of Milford Police Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, December 11, 2017.

PRESIDING: Chairman James Burk

IN ATTENDANCE: Committee Members:
Councilmember Owen Brooks Jr.

Mayor Bryan Shupe and Councilman Christopher Mergner

City Manager Eric Norenberg, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

Chairman Burk called the Committee Meeting to order at 6:30 p.m.

He asked Chief Brown if he preferred to discuss any matters in Open Session; Chief Brown answered no. Solicitor Rutt verified that Councilman Mergner did not have to leave because he was not a member of the Police Committee.

EXECUTIVE SESSION

Councilmember Brooks moved to go into Executive Session reference the below statute, seconded by Chairman Burk:

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

Motion carried.

Chairman Burk recessed the Council Meeting at 6:32 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Chairman Burk asked the City Manager to leave at this point due to the discussion involving the Police Chief. Prior to removing himself from Executive Session, Mr. Norenberg stated that he, along with HR Manager Lisa Carmean and Paypoint HR Consultant Rick Campbell, will be available in the lobby should the committee have questions.

Mr. Norenberg left at this time

Return to Open Session

Councilman Brooks moved to return to Open Session, seconded by Chairman Brooks. Motion carried. The Committee returned to the Regular Session at 7:02 p.m.

Chairman Burk moved to recommend a $10,000 pay increase as discussed, seconded by Councilman Brooks. Motion carried.

ADJOURN

There being no further business, Chairman Burk moved to adjourn the Police Committee Meeting, seconded by Councilman Brooks. Motion carried.

The Police Committee Meeting adjourned at 7:04 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 11, 2017

Milford City Council held a Public Hearing on Monday, December 11, 2017 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan W. Shupe

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

City Manager Eric Norenberg. Police Chief Kenneth Brown and Deputy City Clerk/Recorder Christine Crouch

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe called the Public Hearing to order at 7:06 p.m.

Community Development Block Grant Program - Sussex & Kent County - Fiscal Year 2018

Mayor Shupe advised the City of Milford, Delaware, in cooperation with Sussex County Council, Kent County Levy Court and the Delaware State Housing Authority, is holding a public hearing for the purpose of providing interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant Program.

Brad Whaley from the Sussex County Community Development and Housing and Albert Biddle from Kent County Housing and Community Development were in attendance to present the information.

Mr. Whaley explained that their offices apply for and administer the Community Development Block Grant (CDBG) Fund Programs because neither Kent nor Sussex County is large enough to be entitlements. Therefore, both counties are unable to ask HUD (Department of Housing and Urban Development) directly for funding. As a result, the Delaware State Housing Authority (DSHA) administers the State's CDBG Program on behalf of the municipalities and rural communities within the State.

The purpose of the funding is to provide affordable, safe and sanitary housing to low and moderate income persons. The funding is used mainly for housing rehabilitation and demolition, including small infrastructure projects including sewer and water connections.

One of the requirements is to hold a public hearing to explain the program. Both offices are currently in the process of preparing the FY18 application. The current guidelines, established by HUD, are as follows:

	Kent County			Sussex County		
	30% OF MEDIAN	LOW	MODERATE	30% OF MEDIAN	LOW	MODERATE
1 Person	13,650	22,750	36,400	13,850	23,100	36,900
2 Person	16,240	26,000	41,600	16,240	26,400	42,200
3 Person	20,420	29,250	46,800	20,420	29,700	47,450
4 Person	24,600	32,500	52,000	24,600	32,950	52,700
5 Person	28,780	35,100	56,200	28,780	35,600	56,950
6 Person	32,960	37,700	60,350	32,960	38,250	61,150
7 Person	37,140	40,300	64,500	37,140	40,900	65,350
8 Person	41,320	42,900	68,650	41,320	43,500	69,600

Mr. Whaley then explained the process noting that a rehab specialist is sent to the home for a review of the problem(s).

Bid meetings are then held and the construction is managed until the contract is done and the contractor paid.

Over the past fifteen years on the Sussex side, Milford has received more than $485,000 for housing rehab and small infrastructure projects. There was no funding in the current year though a waiting list is maintained. Approximately 15 property owners remain on that list.

Mr. Biddle then addressed Council stating that Kent County operates under the same guidelines though the income limits, established by HUD, are slightly different.

He emphasized that funding is mainly awarded for housing rehabs on the Kent County side.

The State Housing Authority also lists projects, with a slightly lower priority and emphasis, demolition of vacant and condemned structures. Included are infrastructure projects that are typically smaller sidewalk projects, curbs and possibly a small repaving project.

Mr. Biddle emphasized there is not a lot of money available for all of Sussex and Kent Counties, excluding the City of Dover. Approximately $2 million is split between the two county governments and around forty municipalities. However, Milford over the years has received a reasonable amount of money which is similar to what has been awarded on the Sussex County side.

He noted that funding will be awarded every year though it can help solve some problems and improve neighborhoods. All the projects—whether infrastructure or a housing rehab, must benefit what is defined as a low to moderate income persons.

Councilman Burk asked if each office has received from the City of Milford a list of applicants or potential projects. Mr. Biddle stated his answer is no. He said they are here once a year for the public hearing though this is an ongoing project throughout the year. They are always looking for new applicants adding there are less than 15 in Kent County. If someone has a need, they should be encouraged to get on their waiting list. If their offices are unable to help, they typically refer the resident to another agency that can.

Mr. Biddle encouraged Council as they go out and about, to refer residents to them.

City Manager Norenberg added that one of the things the City is working on is a potential sidewalk improvement project that would help fill some of the gaps in eligible neighborhoods. To reinforce walkability and pedestrian accessibility, in addition to repairing private sidewalks, they are hoping to use some of the CDBG funding to fill gaps where there is no sidewalk at the present time. The plan also includes ADA ramps in those neighborhoods.

Mr. Biddle was pleased adding that is a perfect example of thinking ahead which allows more time to develop a project and put the ideas together.

Councilwoman Wilson expressed some concerns based on the past two years. First of all, she pointed out the City of Milford appreciates any help and efforts from the counties. She thanked them from the individuals who have received funding support. However, she is aware that more recently, they discussed a check-in system in which the City of Milford would be aware of the projects so that the City can review them to make sure things are in order.

The Councilwoman noted that a few residents had concerns about some of the work that was not being completed to their satisfaction. As a result, they needed a clarification on the expectations of the individuals receiving the work as well an explanation by the County's Housing Authorities.

Councilwoman Wilson asked that the City of Milford be informed of any projects planned for the year should there be concerns.

Mr. Biddle stated that they welcome any assistance they are able to get. He explained they operate a modern, rehabilitation program and not a substantial reconstruction program. The program is limited to $25,000 which is often spent very

quickly. He emphasized that in most cases, they are unable to take care of every project a homeowner wants due to the funding limitations.

Any inspection or help would be appreciated because substandard conditions must be met. Anything else they can do, up to that limit, will be done.

Mr. Whaley added that they are required to go through the building permit process in both the City and County. Usually the building and code departments are informed in that manner. However, they will keep an eye on that concern to make sure it is being done correctly.

There being no further comments from City Council, Mayor Shupe opened the floor for public comment. No one responded and the public comment portion of the hearing was closed.

Councilman Burk then moved to adopt Resolution 2017-10, 2017-11, 2017-12, 2017-13 and 2017-14, seconded by Councilwoman Wilson:

RESOLUTION 2017-10
Sussex County

Councilmember Burk submitted to the Council the following Proposed Resolution:

ENDORSING PROJECT TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AUTHORIZING TODD F. LAWSON, SUSSEX COUNTY ADMINISTRATOR TO SUBMIT APPLICATION.

WHEREAS, the City of Milford resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants State of Delaware Program for Block Grants as contained in Sections 570.488-499 24 CFR U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Milford has met the application requirements of (Attachment E Delaware Community Block Grant Program Policies and Procedures) Citizen Participation requirements; and

WHEREAS, Sussex County plans on accomplishing the requested projects with CDBG funds; and

WHEREAS, the City of Milford hereby agrees to allow Sussex County to accomplish the projects in the targeted areas of Milford; and

WHEREAS, the City of Milford and Sussex County are in agreement with this activity.

NOW, THEREFORE, BE IT RESOLVED by the City of Milford and Sussex County that they endorse and grant permission for the following activity:

APPLICATION: Rehabilitation/Infrastructure/Demolition

Total Infrastructure project cost is $_____ , total CDBG grant request is $_____. Matching funds in the amount of $_____ will be provided by the City of Milford general funds.

NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 11th DAY OF DECEMBER 2017.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

Councilmembers

Christopher Mergner	Owen Brooks, Jr.
Arthur Campbell	Douglas Morrow
Lisa Ingram Peel	~~James Starling, Sr.~~ (Absent)
James Burk	Katrina Wilson

_____
Bryan W. Shupe
Mayor

I DO HEREBY CERTIFY THAT THE FOREGOING TITLE OF RESOLUTION ADOPTED BY THE CITY OF MILFORD IS THE SAME TITLE OF RESOLUTION NO. ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE DAY OF .

_____
Robin A. Griffith
Clerk of the County Council

RESOLUTION 2017-11
Citizen Participation
Certificate of Assurance
Sussex County

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware, has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

1) made available information concerning the amount of funds that may be applied for;

2) made known the range of activities that may be undertaken with these funds;

3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;

4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies and others in a timely manner; and

5) provided a summary of other important program requirements.

The City of Milford has held a Public Hearing on December 11, 2017 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution, following a Public Hearing, endorsed this application.

Mayor Bryan W. Shupe

Adopted: December 11, 2017

RESOLUTION 2017-12
Requirement for Fair Housing
Sussex County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

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

This RESOLUTION was passed by a majority of the Council of the City of Milford on December 11, 2017.

Mayor Bryan W. Shupe

RESOLUTION 2017-13
Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes its Mayor, Bryan W. Shupe, to submit the Fiscal Year 2018 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2017 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was passed by a majority of the Council of the City of Milford on December 11, 2017.

Mayor Bryan W. Shupe

RESOLUTION 2017-14
Requirement for Fair Housing
Kent County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

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

This RESOLUTION was passed by a majority of the Council of the City of Milford on December 11, 2017.

Mayor Bryan W. Shupe

Solicitor Rutt noted that Resolution 2017-10 identifies all members of Council and because Councilman Starling is absent, his name would be stricken from the resolution.

Motion carried by unanimous roll call vote of those Councilmembers present.

The Public Hearing was adjourned at 7:21 p.m.

Respectfully submitted,

Terri K. Hudson, MMC

City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
December 11, 2017

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, December 11, 2017.

PRESIDING: Mayor Bryan Shupe

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

City Manager Eric Norenberg, Police Chief Kenneth Brown and Deputy City Clerk Christine Crouch

CALL TO ORDER

Mayor Shupe officially called the Council Meeting to order at 7:21 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation previously given by Councilmember Burk.

APPROVAL OF PREVIOUS MINUTES

Councilmember Wilson a motion to approve the October 30, 2017, November 13, 2017 and November 27, 2017 Committee and Council Meetings, seconded by Councilmember Morrow. Motion carried.

RECOGNITION

No special guests in attendance.

MONTHLY POLICE REPORT

Police Committee Chairman Burk presented the monthly Police Report on behalf of Chief Brown and expressed pleasure about the amount of training our police officers are receiving. He also noted the increase in police complaints.

Chairman Burk moved to accept the November 2017 Police Report, seconded by Councilman Brooks. Motion carried.

MONTHLY CITY MANAGER

City Manager Norenberg referenced his report that included a number of photos submitted by the Parks and Recreation Director. Councilman Burk thanked the City Code Enforcement Department after explaining that he called in some recent complaints that were addressed very quickly. He recommends the online submission form be more frequently used by our residents as he found it to be quick and easy to use.

Councilman Morrow moved to accept the Monthly City Manager Report, seconded by Councilwoman Wilson. Motion carried.

City Manager Norenberg then advised the Public Works Committee met the end of November. He then asked Public Works Director Mark Whitfield to provide the committee report.

Mr. Whitfield reported Public Works is moving ahead with the Smart Metering Project with a time frame of late February to first part of March for installations. Initially there was a glitch with our billing software though that has since been resolved.

A number of meters were recently tested, along with the installation and testing of data hubs, all with positive results.

The Committee also discussed a possible opt-out program for customers who may not want a smart meter due to some potential health risks. However, only a small handful expressed concerns and once the correct information was provided to them, it seemed to quell any doubts and there have been no follow-up calls to the City. The Committee felt it was sufficiently handled and that the opt-out program was not necessary.

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the fourth month of Fiscal Year 2017-2018 with 33% of the fiscal year having passed, 40% of revenues have been received and 27% of the operating budget expended. He noted that our building permits have already exceeded their anticipated budget for the year.

Councilman Burk moved to accept the October 2017 Finance Report as submitted, seconded by Councilwoman Peel. Motion carried.

COMMITTEE & WARD REPORTS

Public Works Committee

Public Works Committee Chairman Brooks reported that they met on November 27th and spoke on a long term vision, refuge collection program and financing, purchase and financing of a new automated refuge truck, 2018 Sidewalk Inspection Program and the five-year Capital Improvement Plan that is being developed.

He noted that the next Public Works Committee Meeting is planned prior to the January Workshop Meeting.

Police Committee

Police Committee Chairman Burk reported that his Committee met prior to this meeting to discuss Chief Brown's compensation. He asked if the recommendation should be made at this point or during a future meeting.

City Solicitor Rutt stated that it cannot be voted on tonight and will need to be added to a future agenda.

Fourth Ward Community Conversation

Councilwoman Wilson said the turnout was smaller than expected though those in attendance were very active and interested in becoming more involved in the City. Two of the individuals who attended are in the audience this evening.

The Councilwoman complimented the University of Delaware and their collaboration with the City adding it was very educational.

COMMUNICATIONS & CORRESPONDENCE

Building Inspection Schedule

Councilman Burk also reported that a number of realtors contacted him today about the agenda and minutes for tonight in regard to the November 13th meeting. He said it was indicated that evening that the realtors would be able to discuss the inspection schedule proposal. However, the agenda did not include a public comment period.

Mayor Shupe referenced the Council rules which are the next agenda item. He recalled that matter being on the last agenda but because of the late night, the matter was postponed to allow more time for discussion.

Solicitor Rutt confirmed that if Council Rules are established this evening, they can be made effective whenever the motion is approved.

UNFINISHED BUSINESS

Council Rules Discussion

City Manager Norenberg explained this is a follow up to the City Charter update that required City Council establish rules by resolution. He sought feedback in August and September though there was very little response. As a result, in collaboration with the City Clerk's Office, a list of options was created which includes public comment and council meeting procedures. Right now, there are only required public hearings for rezonings, conditional uses, etc. which are established by law. He recalled that City Council adopted Rules of Procedure for Public Hearings effective September 1, 2017.

The follow up is to consider additional public comment on particular items permitted during regular Council Meetings, Committee Meetings, Workshops and so forth.

Four items–ordinances, resolutions, purchases (over $50,000) and various contracts and agreements require Council approval. Right now, none of those items have public comment options. However, Council has the right to create rules of procedure that would allow comments on other specific items. These rules could also apply to Committee and Workshop meetings if Council so desired.

Also a typical three-minute time limit on public comment should be added. However, in a situation such as one person who is speaking on behalf of a large group, Mayor Shupe could be given the option of extending the time limit.

The last item is the consideration of a consent agenda that would include routine items such as the Mosquito Control Agreement, approval of minutes and similar matters. Only one motion approving the consent agenda would be needed to cover the routine agenda items. Council has the right at any meeting to ask that an item be removed so it can be discussed.

He asked for feedback regarding items that should be available for public comment in the future.

Councilman Brooks then asked if he can get information in the packet more frequently; he read the packet Saturday and Sunday and wanted to read the Public Works Committee Meeting minutes which were not included until tonight. He said he has to speak with people about other things.

He pointed out that the packet went from 130 pages to 260 plus pages today. He explained that he needs time to study it and the citizens also need it to be ready so they can contact him with questions.

It was noted that the City Clerk was working diligently to get the minutes completed and the majority were included during the initial publication of the packet. However, there was an additional set of minutes added today which was emailed to each Councilmember beforehand. Councilman Brooks said he did not receive it. Councilman Morrow stated that it was emailed early this afternoon.

Councilman Brooks said when it is on line, he moves it into a bank where his history is. Today, he kept looking for the Committee Meeting minutes and never found them though they are in the packet tonight.

The City Manager will speak to the City Clerk about it. Councilman Brooks reiterated that he needs time to read his packet and study it.

When asked about comments regarding Council procedures, Councilman Brooks said that he feels that if someone wants to speak before Council, they should have that right.

Mayor Shupe explained the reason Council Rules are needed is because Council has been very inconsistent on when and how a citizen may speak. He feels a set of rules will provide information in advance so that everyone is aware of how public comments are handled.

The Mayor is in favor of taking public comments as long as it is done consistently and not a case by case situation.

Councilman Brooks said if someone comes here to have a discussion, they should be able to speak if that is their intention. If they don't get a chance to speak, they walk out to the door complaining that no one wants to listen to them and that leaves a

bad taste in their mouths. He said Council represents these people.

Councilman Morrow agreed that having a consent agenda will speed up the meeting and allow more time for discussion on other items, but it may reduce the amount of time that Council discusses things which takes the thought process in governance away.

Mayor Shupe agrees that there may be occasions when the topics are grouped together and a reason one Councilmember wishes an item removed from the consent agenda. That is a simple process and should not be a problem.

Councilman Morrow feels that because they are getting the packet on Friday and Saturdays, there may be an event scheduled that weekend that would prevent him from reading the packet.

City Solicitor Rutt explained that the Mayor would reference the consent agenda and ask if there is any item that needs to be removed; at that point, a matter would be removed for purposes of discussion. Even though it may show on the agenda as a consent item, Council always has the ability to amend it. Councilperson Wilson agreed stating it would allow some flexibility.

Councilman Brooks said he thought the agenda was either related to the City Manager or Mayor to add and remove an item. Solicitor Rutt further explained that at the beginning of the meeting, the presiding officer, who in Milford is the Mayor, would reference the consent agenda items and ask if any item should be removed for discussion.

Councilmember Peel said she understands the concept of routine items such as approval of minutes, which should be eligible for the consent agenda, along with any other item that is typically approved without discussion.

Councilmember Campbell recalled his Planning Commission days, when the packet was sent at least two weeks in advance. He said he typically does not read it until Sunday night and asked if it is possible to get it earlier than the Friday before the meeting.

The City Manager explained that the process would need to be overhauled with earlier deadlines and submissions. However, if Council wishes to put that in place, reports, publishings and notification periods would have to be changed though it can be added to the new rules. Again, we would need to be consistent. Based on FOIA, the agenda must be set in advance though the staff reports, exhibits and minutes may not be completed by mid week. He is willing to move up the publication deadline though he would need to talk with Mrs. Hudson and Mrs. Crouch to determine what is technically feasible with our workload.

Councilmember Wilson feels that public comments are welcomed. However, from past experience it has to be managed very strictly. She feels the rules need to be very clear and concise because some topics should not be discussed, and some may be more important to one person who may influence Council and other residents may feel a different way though they were unable to attend the meeting.

Councilmember Wilson believes it will attract more people. She recalled this has been considered several times since she has been a member of Council. She emphasized it is all based on how well it is managed. The rules must be very clear and followed. She would not want someone to stand up there for three minutes to simply repeat themselves over and over. They would need to be stopped if that occurs.

Councilman Burk recommends getting a stop clock. In that manner, the speaker is able to see the time that is left. The City Manager agrees that would help if it were visible to everyone. He agrees it is as important for the public to see as well. He will look into that and has actually seen some municipalities re-purpose an old traffic signal for this purpose.

Mayor Shupe recommends a digital clock.

City Manager Norenberg said it sounds as though there is a consensus to allow public comment on the four items listed, allow a three-minute time limit and create some related rules for a consent agenda.

Solicitor Rutt said there are many ways to approach this. Most legislative bodies that allow public comment require a three-minute time limit. The amount of time must be consistent for everyone who speaks and if not, there may be some first amendment violations.

He noted that some bodies allow a public comment period at the beginning of the meeting though only agenda items can be discussed.

Mr. Rutt reported that the City of Rehoboth is the only municipality that allows comments on each and every item, with a three-minute limit. He added that their meetings regularly last until midnight Councilwoman Peel agreed that would be a problem.

The Solicitor also noted that almost every municipality and county has a form that the person who wishes to speak is required to complete. They would have to identify themselves, as well as the topic they wish to discuss, to prevent any topics from being illegally discussed.

Councilwoman Peel asked if anyone can speak and if they would need to be a City resident or a registered property owner; Mr. Rutt said that could be included in the Council rules though typically it is an open mic.

Councilman Morrow recalled the last time it was allowed, it was scheduled prior to the official start of the Council meeting with only fifteen minutes allocated.

Councilman Burk expressed concern about someone publicly commenting before the start of the meeting about a presentation that is later provided. They would not have heard the presentation at that point, though their question may be answered during the presentation. He recalled that occurring at the November 13th meeting. He recalled the one property owner had additional questions though the public comment period had been closed. He has heard that from a number of residents during the past couple weeks.

Solicitor Rutt explained that a non-council person would have the ability to speak, but they do not have the right to deliberate and keep going back and forth to the podium.

Councilman Burk said his concern with taking public comments on purchases is that most are approved during the budget hearings. The public ha the right to express their opinion to their Councilperson at any point. Another problem that can occur is when it involves a capital item, such as a pump truck, in which half the money was allotted the year before and half the following year. Someone from the public may suddenly not like pump trucks. He is unsure if he agrees to taking comment on all four items. He thinks purchases and contracts need some more thought. He also noted there are some thresholds in which Council is not included in the approval process in both situations.

Councilman Burk does support ordinance and resolution comments. Councilwoman Peel agrees with the concerns about purchases. Most of those items have been approved, either out of Committee, or through the budget process for a number of years.

Councilwoman Peel also feels that public comments during Committee Meetings should be handled on a case by case scenario. Some items are brought to a Committee meeting by a constituent and other times there is a need for the Committee to discuss the item and make a recommendation. If it involves something that requires a substantial change and is being handled through an ordinance or resolution to allow public comment, all of Council should hear the comments at the same time versus it being privately discussed by a Councilperson or by a Committee only.

Councilman Campbell feels it is Councils' responsibility to tell someone who has an outrageous idea that it may not be a good idea. Councilman Brooks feels that it is the Mayor's responsibility to run the meeting and handle that.

It was agreed to move forward with creating a more in-depth policy related to ordinances and resolutions.

Mayor Shupe asked if Council is willing to open the floor for public comment at this meeting for ordinances and resolutions; Mr. Rutt pointed out there is nothing to vote on at this point so it would be illegal. Mr. Norenberg also pointed out there are no additional ordinances and resolutions on the agenda this evening.

Council agreed to move forward with establishing a more in-depth public comment process.

NEW BUSINESS

Impact Fee Waiver Request/Carlisle Fire Company

City Manager Norenberg reported that request was withdrawn by the Fire Company.

Automated Side Loading Solid Waste Truck Purchase Approval

Public Works Director Mark Whitfield submitted the following memo:

The Public Works Department requests the Public Works Committee consider a recommendation to purchase a new refuse collection truck used by the Solid Waste Division. The truck will be used for the collection of refuse, yard waste and recyclable materials.

The proposed truck is a one-person automated collection vehicle, which allows customer containers to be emptied using a hydraulic arm operated by the vehicle driver, similar to the vehicle purchased earlier this year. The unit will allow for the efficient collection of refuse, yard waste and recyclable materials using a single person.

The proposed change in the type of vehicle has numerous advantages over the present system of using three people (a driver and two collectors) on a rear loading refuse truck. The unit also allows for the safe collection of materials since there is no human contact with the container. The unit eliminates lifting of containers, exposure to dust, needles, and other potential hazardous materials, exposure to weather, traffic hazards, etc. The efficiency will eliminate the need to fill two present vacancies in the Solid Waste Division.

The present unit will replace a 2005 International with a Leach rear load refuse body. The unit has over 18,450 engine hours, 110,334 travel miles and the body is rusted out. A like kind replacement (rear-loader on a tandem axle truck) unit would cost about $160,000. The proposed automated replacement unit was budgeted at $227,000 in the 2018 Budget.

Staff recommends the purchase of a G S Product CS9133 CollectStar Auto Side Loader body on a single axle Peterbilt truck through Hunter Truck Sales & Service, Inc. at a price of $255,865.60. The purchase can be made through the National Joint Powers Alliance Contract (NJPA).

The purchase price of $255,865.60 is $28,865.60 over the amount budgeted for the unit. Staff recommends using $24,450 which was budgeted for downtown containers (the City received a grant to cover this cost) and $4,415.60 from the container line item to make up the shortfall for the purchase. Because of the favorable quotes on container replacement, staff anticipates a savings within this line item.

The proposed unit was evaluated by the present operators, who took into consideration needed changes from the unit which was purchased earlier this year. Their 6-month experience yielded some recommended changes.

The price of the vehicle is higher than originally budgeted and anticipated due to the need for a cab-over configuration for the vehicle. The cab-over allows for a tighter truck turning radius, allowing for better maneuverability. Additionally, the cab-over feature allows easier entry/exit for the driver. Due to the multiple times of exiting and entering the truck throughout the work day, the cab-over not only provides a safer means, but also allows better time efficiency and less wear and tear on the driver.

Specifications for the truck and refuse body are attached, as well as the requirements for joining the NJPA cooperative purchasing alliance.

Staff requests the Public Works Committee of City Council consider the replacement of the refuse truck, and recommends authorizing the purchase of the unit through the National Joint Purchase Alliance (NJPA) to City Council.

Councilman Morrow asked why we would need four trucks when have only used three in the past. Mr. Whitfield explained the City currently has four rear loader trucks, two of which were used as backups. One is in bad shape and the body is rusted out. The other has close to 18,000 engine hours which equate to approximately 900,000 miles. In moving forward, three trucks will be used full-time with one used as a backup.

Councilman Brooks confirmed the new purchase will be a sideloader; Mr. Whitfield stated that is correct and though the sideloader has been used for both recycling and solid waste, one will now be dedicated to solid waste and the other used for recycling. He added that approximately 85% of the City can be accommodated with the automated refuge truck. As is typical in most cities, an automated truck is not practical to use everywhere due to street widths, parking, one-way streets, etc. Looking forward, the Solid Waste Department will be utilizing a one-person split body truck that collects both recycling and solid waste in one truck and the other 15%, where there are width and area restrictions, will need to be picked up.

He added that the new side loader will be utilized in the newer developments. As they are built, its use will be expanded.

Councilman Brooks agreed that Fisher, Charles, Donovan and Rogers Drive are almost impossible to get onto and the older trucks will have to be used on those streets. He thinks the new automated truck takes a lot longer than the old trucks. Mr. Whitfield said that he is willing to share with Councilman Brooks some related time studies. The older truck can only go as fast as two Solid Waste employees can move. Councilman Brooks said the one guy runs all the time.

When asked how much is not budgeted, Mr. Whitfield confirmed that $4,415.60 is not covered though they believe they will have surplus money within the container line item that can be transferred to cover the deficit.

According to the City Manager, even though the trucks are more expensive initially, there is a longer term savings. Mr. Whitfield agreed and referenced the spreadsheet included in the Council with the Public Works Committee meeting minutes. In addition, automated trucks are safer in terms of collection, and employees are not out in the weather, so there are less safety issues and the City is also able to reduce the amount of labor. Over an eight-year time frame, an amortization of the trucks and labor shows a savings of approximately $1 million.

Councilwoman Peel moved to authorize the purchase of a GS Product CS9133 CollectStar Auto Side Loader body on a single axle Peterbilt truck, through Hunter Truck Sales and Service, Incorporated at a price of $255,865.60, through the National Joint Powers Alliance Contract (NJPA), seconded by Councilwoman Wilson. Motion carried with no one opposed.

Realtor Commission/Business Park & Independence Commons Lot Sales

Mr. Norenberg referenced the following memo in the packet:

Purpose and Background
The purpose of this memo is to review the status of the Greater Milford Business Park and Independence Commons and review options to stimulate sales of the remaining lots. The City has one (1) lot remaining for sale in the Business Park and eight (8) Independence Commons as shown on the provided exhibits. Lot prices range from $100,000.00 for a one (1) acre lot to $460,000 for an eleven (11) acre lot. Only one lot in Independence Commons has been sold in the past thirty (30) months. Funds from the sales of lots in the Business Park and Independence Commons go into the City's Economic Development reserve fund which is primarily used for capital improvement projects and onetime projects. Previously, a policy was set that the City would not pay a commission to a realtor representing the buyer of a City-owned parcel in the Business Park and Independence Commons. At the time lot sales were brisk and no commission would maximize City revenue.

Discussion
Recently, it has been suggested that if the City was willing to pay a commission on lot sales in the Business Park and Independence Commons, there would be more incentive for realtors to bring potential buyers to the City and we could possibly speed the sales and development of remaining lots. Typically, a real estate commission is set at six percent, with three percent going to the seller's agent and three percent going to the buyer's agent.

Options
1. *Offer a Commission of 1% to 3% to a Buyer's Agent: This would cost the City approximately $1,000 to $3,000 per lot. Advantage: There could possibly be additional realtors marketing the lots. Disadvantage: There would be the expense of paying a commission.*
2. *Hire a Realtor and Pay Commissions: Prepare an RFP to solicit proposals from realtors to represent the City and select one or multiple realtors based on their proposed marketing plan and commission rates. Advantage: A realtor would actively be marketing the lots, featuring on the MLS, etc. Competition through an RFP process could ensure we get the lowest*

commission.
Disadvantage: There would be the expense of paying a commission to both the seller and the buyer.
3. No Change: Continue current practice.

Mayor Shupe pointed out there is no incentive for local realtors to become interested in this area. He feels that by providing professional marketing on these lots, the City will benefit from the proceeds that go into the Economic Development Fund, which supports creating more jobs.

It was confirmed that Touch of Italy has one of the undeveloped lots reserved.

Councilman Mergner recommends Option 1.

Councilman Burk asked who suggested the change and why were realtors not compensated in the past; Mayor Shupe explained this came up during a discussion with local realtors. Councilman Morrow stated that from what he remembers, the land given to the City came with some restrictions on whom and how it was sold. He thinks it excluded realtors though he agrees it needs to be researched to make sure that was the case.

It was confirmed that Mr. Norenberg spoke to the City Clerk who agreed that has always been the rule. She also recalled that the lots were selling quickly at a very reasonable price for quite sometime.

He noted that since then, land sales have tapered off as a result of the recession. However, Mrs. Hudson has been asked to research the policy in the past though she was never able to find anything in writing. As a result, Mr. Norenberg believes it can be changed by a motion of Council.

Councilman Burk moved to postpone action until the matter has been investigated, seconded by Councilman Morrow. Motion carried.

Residential Rental Inspection Program/Inspection Agency Approval and Funding Appropriation Approval

City Planning Director Rob Pierce included the following memo in the Council packet:

Background and Recommendation

During September and October 2017, the Planning Department solicited proposals from qualified firms for Residential Rental Inspection Services. The Department received one proposal in response to the Request for Qualifications (RFQ) from First State Inspection Agency, Inc. (FSIA). Enclosed is a copy of the submission. Staff reviewed the submission and found the firm qualified to perform the work as outlined in the RFQ documents. The City met with the firm and negotiated a unit price of fifty ($50.00) dollars per initial and follow-up inspections as outlined in the attached draft contract/agreement.

Discussion

The Department intends to initiate a rental inspection program that will inspect each residential property once over a two-year period. Those properties that require a follow-up inspection in years one and two will then be reinspected in years three and four. Those properties that do not require a follow-up inspection will not be inspected again until year 5, unless an inspection is found necessary by the Department Based on this schedule, the City can anticipate approximately 800 inspections in year one and year two, and 600 inspections in year three and year four.

Each inspection would include general exterior, general interior, structural, plumbing, electrical and fire inspections as outlined in the International Property Maintenance Code (IPMC) 2015. See attached for a sample inspection checklist. A copy of the IPMC 2015 can be found at https: //codes.iccsafe.org/public/document/toc/551/. The City will provide landlords with information related to inspection guidelines and scheduling procedures with renewal notices in early December. The same information and links to the checklist, IPMC, Chapter 174, Chapter 88 and other ordinances will be provided on the Department page on the City's website. The majority of the administrative functions of the rental inspection program will be performed by FSIA, including the scheduling of the initial and subsequent re-inspections. Properties that do not comply after

reinspection will be forwarded to the Department for formal issuance of violations. The City will issue violation notices to those property owners who fail to respond, register or remedy infractions after re-inspections are completed.

Violations are subject to fines and penalties as outlined in Chapters 180 and 174 of the City Code. Based on the negotiated price, the total cost for the four-year program will be approximately $140,000 as shown in the table below.

	YEAR ONE		YEAR TWO		YEAR THREE		YEAR FOUR	
	Inspections	Cost	Inspections	Cost	Inspections	Cost	Inspections	Cost
Initial Inspection	500	25,000	500	25.000	300	15,000	300	15,000
Follow-Up Inspection	300	15,000	300	15.000	300	15,000	300	15,000
TOTAL	800	**40,000**	800	**40,000**	600	**30,000**	600	**30,000**
								$140,000

The outsourcing of the rental inspection services was included in the overall "Contract Services" expense line item in the Enforcement and Inspection Division's FY18 Budget, totaling $72,000.00. "Contract Services" included the outsourcing of all building plan review, building inspection and residential rental inspection services.

Fiscal Impact

It appears, based on the first third of the fiscal year, that the budgeted amount of $72,000.00 will only cover the building plan review and inspection services. This is due to an increased number of commercial and residential building permits issued during the first four months of the year. With the increased number of permits comes an increase in building permit revenue, which the Department projects will cover the additional expenses of all building and rental inspection services for the remainder of the year. The City projected $80,000.00 in building permit revenue which has already been surpassed in the first four months. The City would need approximately $34,500.00 in additional building permit revenue over the next eight months to fund the rental inspection contract for this year. See the table below for more information on year-to-date, budgeted And projected expenses and revenue related to contract services and permit/licensing fees.

	Year to Date (FY2018)	Budgeted (FY2018	Projected (FY2018)	
Plan Review & Inspection Expenses	$ 35,433.25	$ 40,000.00	$ 72,000.00	
Rental Inspection Expenses		$ 32,000.00	$ 40,000.00	
	$ 35,433.25	$ 72,000.00	$ 112,000.00	$ (40,000.00)
Building Permit Revenue	$ 82,117.00	$ 80,000.00	$ 116,400.00	
Rental Registration Revenue	$ 88,600.00	$ 85,000.00	$ 88,600.00	
	$ 170,717.00	$ 165,000.00	$ 205,000.00	$ 40,000.00

Recommendation

Staff recommends the following;

A motion to accept the proposal from the qualified firm and authorize the Mayor to execute the provided contract for

Residential Rental Inspection Services with First State Inspection Agency, Inc. for a period of eighteen months, scheduled to terminate on June 30, 2019,

AND

A motion to appropriate $40,000.00 from additional Building Permit and Residential Rental Operating License revenue to the Enforcement and Inspections Contract Services account to fund the Residential Rental Inspection Services contract through the end of FY2018.

Councilman Brooks asked if there are any other way besides outsourcing this service; Mr. Pierce explained the Department intended to hire a code official last year and while attempting to generate revenue for the new hire, Council declined the opportunity. At this point, a new position would cost approximately $65,000 to $70,000 including benefits. This is a way of adding more code officials without bringing on the cost of a new employee.

Mr. Pierce noted that currently First State Inspections Agency has been handling building inspections and plan reviews for residential and commercial permits since February 1, 2017.

Councilman Burk asked if the funding involved the proposal for the Business Licenses; Mr. Pierce clarified it involved an increase in revenues from Contractor Licenses, Vendor Permits, Licenses, etc. He further stated that the cost per inspection is $50 per inspection, for initial and follow ups which is reduced from the initial proposal of $40 and $70.

As has been discussed, there will be an attempt to inspect all rental units over a two-year period with half performed in year one and the other half in year two. When asked how individual units in a large complex would be handled, Mr. Pierce said that depending on the arrangement with the complex, one unit may be chosen per building, or one per floor per building. If a very large complex, a handful may be selected. They will work with the management company to inspect the units that are empty which provides a general idea of the condition of the entire complex.

All single family homes will be inspected. Mr. Pierce emphasized that all units in a complex can be inspected though that would stretch the inspection period out over a possible four-year period and cost the City more money per year.

Councilwoman Peel feels there is a difference in random selection and/or inspecting empty units. Mr. Pierce confirmed the City will continue to respond to complaint-driven inspection requests. Those are received throughout the year on apartments/condos/single family homes being rented.

City Manager Norenberg stated that at a recent Community Conversation with some of our immigrant residents, there was a lot of concern expressed about some of the more dense multi-family complexes. He advised that those type concerns would be addressed first and then random samplings that will not be based on complaints due to the high number of residents who feel there will be potential retaliation.

Councilwoman Peel asked for confirmation Mr. Pierce is comfortable with 800 inspections; Mr. Pierce stated yes, they will provide two to three dedicated inspectors who are capable of handling approximately 60 units per month. They would also reserve days for follow-up or short-notice inspections.

When asked, Mr. Pierce said he would need to research the number of units inspected last year.

Councilman Burk emphasized that he has received a lot of phone calls from property owners. He cautions Mr. Pierce about random sampling and prefers treating every unit the same, regardless of if whether it is in a complex or not. He then asked who would determine who is picking and choosing. He reiterated that a lot of municipalities have been sued over this type of practice.

Secondly, Councilman Burk stated that several people did not attend because they did not believe they could speak this evening. He referenced the minutes from November 13th at which time City Manager Norenberg said there has been a lot of good feedback tonight, some related to the proposal and some not. However, because the Inspection Proposal is scheduled on December 11th, he recommends Mr. Pierce work on some alternative language. At that point, Council can consider the

amendment at the December 11th meeting under unfinished business.

Councilman Burk said that is not happening tonight and the changes to the proposed ordinance have not been presented. He questioned signing a contract before the matter is cleared up.

Mr. Pierce explained the proposed amendments to the code are not needed to execute the contract. Instead they involved some housecleaning items. However, the code is already written in a way that the City should be performing inspections though it has not been done.

Councilman Burk pointed out he is only providing the feedback from the public who was told one thing and now something else is being done. The agenda indicates it was a late addition and the perception is it is something they were discouraged from being involved in or providing input. That was the feedback he was given.

Councilman Burk also noted that several Councilmembers had issues with the wording.

Mr. Pierce explained the only thing he is seeking is some additional assistance with rental inspections It does not impact the ordinance in any way. He recalled that some of the landlord issues involved tenants being slowed down from moving into a new unit, for example. That language is not necessary to perform the inspections as was mentioned at the last meeting.
At the same time, Mr. Pierce explained that Mr. Rutt verified the State Landlord/Tenant Law allows the City to provide 48 hours notice for an inspection. That is the case even though they plan to provide several weeks notice before an inspection is scheduled.

With regard to the amendment of Chapter 180, it may only involve the transfer of a license amendment and moving the fee to the fee schedule. The Planning Director reiterated that neither item is needed to execute the contract for rental inspection assistance.

Mr. Norenberg stated that the topic most expressed during the public comment period was the section added to 180(8) which stated that no rental unit shall be occupied after a vacancy by a new person other than the owner, etc. He said that concern focused on someone moving out and someone else moving in. When he talked to the City Clerk's Office about deleting that section, he was told the entire ordinance would need to be re-advertised without the section that most landlords were concerned with. As a result, it will be re-advertised and have to be added to the January agenda.

As stated, the City Manager confirmed that this inspection contract complies with the current Code. On the interim agenda, there was some miscommunication and an item was removed on Tuesday morning because the contract had not been fully reviewed by Solicitor Rutt. As a result, it was off the agenda for approximately six hours and then added back and the reason it was flagged as a late addition even though it was on the initial agenda.

Mr. Norenberg further explained that we have been trying to fulfill those concerns expressed at the previous discussion. He apologized if there is an appearance that something is not fully transparent. However, he personally has not heard any complaints. Councilman Burk explained those people usually call Council with those type complaints. He added that Councilman Mergner and he have received phone calls. He said that may have been attributed to the minutes not being available to ensure their comments were written down, though they were.

Councilman Burk emphasized that he fully supports inspections on rentals; his concern is not to do samplings. He wants us to be as open and get the players involved who want to talk about this. They were told they could talk about it tonight but were unable to based on the agenda. In addition, they did not see the minutes from the November 13th meeting which would have confirmed that intent.

Councilman Morrow said he has received a number of calls from landlords with the same problems.

Solicitor Rutt referenced the agenda item which states First State Agency Contract Approval and Funding Appropriation Approval.

Councilman Burk said his constituents want to be involved in the process. They show up and there is no public comment so

they feel like they are being ignored. When they see a late entry added to the agenda, that compounds the perception. He supports postponing the matter in order to get it clarified and added there are several members of Council who feel the same way he does.

Councilman Campbell stated that he understands this has been going on for three years; Councilman Brooks said whether or not it has gone on for two to three years, the problem is the City has been taking rental money for at least that long and never had to outsource it before.

Councilwoman Wilson emphasized that their previous policy on inspections was only complaint-driven. When someone had a concern, inspections were done. In addition, the City never had the manpower to go out and inspect 1,600 units with one code official. She believes that is how we got to this point.

Councilman Campbell recalled that one of the landlords that spoke during the public comment session said he was told he could not legally enter the unit for inspections. He asked what happens if that occurs when an inspection is scheduled; Councilman Burk said an order will have to be obtained from the JP Court.

Councilman Campbell asked if we charge the landlord for the second inspection; Councilman Burk agrees that is a good point and asked what the City is charged by the Inspection Agency in that situation.

Councilman Mergner said he has a lot of problems with the contract, but we are taking the money and a standard needs to be established. He feels we need a buy-in from the landlords to work together and come up with the right way to do this. He does not feel the City has all the right answers adding that a lot of people have full-time jobs renting homes and apartments. He recommends engaging them to come together. He agrees that we may not need to go into every single unit and is unsure why we are doing it.

Solicitor Rutt agreed there are questions regarding the Fair Housing Act.

Councilman Mergner recommends engaging the landlords versus forcing it down their throats.

Councilman Mergner then asked whose checklist is included; Mr. Pierce stated that is directly from the International Property Maintenance Code which is adopted by the City for minimum housing standards. Councilman Mergner said he did the survey on his house which is eleven years old and found several areas it would fail. He feels it is an intense inspection.

Mr. Pierce explained that approximately one-third of properties in the City are rentals. This will also provide an additional set of eyes for the exterior concerns that the City and Council have been hearing about over the past few years.

Mayor Shupe pointed out that we have renters in Milford who do not feel safe in the houses they are living in and we have a number of properties that developers are unwilling to invest in because of the way they look on the outside. He recommends code enforcement be addressed. He referenced the survey that was sent out in which our residents responded with code enforcement being a high priority. He feels like we continue to postpone issues instead of working together to get things done.

Councilman Brooks stated that we added a rental license several years ago and we told those people that the money would be used for something other than what it was used for. In his opinion, the City caused this problem.

Mr. Pierce agrees the revenue was generated and that money was instead used to balance the budget. He also believes the new position that it was supposed to pay for, was defunded. Since that time, the Department has not had the staff to perform the rental inspections as was initially planned.

According to Councilman Brooks, it was two years before City Council found out that a code official was never hired. Councilman Morrow recalled one was hired and laid off two weeks later.

Councilman Campbell feels that the overall goal is to beautify Milford. A new $300 million hospital is being built and the old hospital is being re-purposed. Both projects together will generate 400 new jobs. He feels a lot of people will be looking to buy homes. If our properties are not improved in appearance, they potential buyers are going to move to Milton, Lewes and

Frederica. Something is needed now and we cannot keep putting it off.

Councilman Brooks said he has lived here his whole life and has never seen grass as high as it is and sidewalks need repairs so badly.

Mr. Pierce stressed there are not just rental properties that need enforcement as was pointed out by some of the landlords. Getting another set of eyes on the rental properties will allow our one code official to focus on the properties that are owner-occupied or are vacant and don't have owners. There are a lot of properties that are going to require a lot of attention and time so that the proper action can be taken. This contract will help free up some of the in-house staff to focus on the other problems.

Councilwoman Peel asked if by outsourcing these inspections, we will have better code enforcement, more cases closed and more vigilance from our current code official. Mr. Pierce responded she can expect that from the entire department.

Councilman Burk pointed out that we also need to pay for all of these services. Now he has heard about random sampling of rentals and he has already heard from a property owner who said they will be treated different with a single family home versus someone in a complex. That is a concern.

Councilman Burk recommends a solid procedure; Councilman Mergner said his direction would be to sit down and figure out a mutual plan that will work for all parties as was stated during the public comment period.

Solicitor Rutt agreed that we cannot randomly select rental units. To comply with the Federal Fair Housing Act, they all need to be inspected in a consistent manner.

Councilman Burk asked that the matter be postponed. He feels all Council does is ask for additional information which he feels is a result of not getting what they should be receiving. He does not want to be responsible for being sued for screwing this program up. A lot of time has passed, and enough damage has been done up to this point. He prefers we get this right.

Councilman Morrow moved to postpone action on this matter, seconded by Councilman Burk. Motion carried with no one opposed.

Introduction/Ordinance 2017-23

The following ordinance was introduced by Mayor Shupe:

ORDINANCE 2017-23
Glenn and Donna Watson for a Conditional Use to allow multiple permitted uses
.253+/- acres in a C2 (Central Business) Zoning District
Property is located at the northeast corner of intersection NE Front Street & N Washington Street;
111 N Washington Street, Milford, Delaware
Present Use: Office; Proposed Use: Office & Restaurant
Tax Map MD-16-183.10-03-71.00 & -72.00

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on December 19, 2017 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on January 22, 2018 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 multiple permitted uses on a property as herein described.

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

Section l. Upon the adoption of this ordinance by City Council, Glenn and Donna Watson are hereby granted a Conditional Use Permit to allow multiple permitted uses on a property, 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: December 19, 2017
City Council Introduction: December 11, 2017
City Council Public Hearing: January 22, 2018
Adoption (Scheduled): January 22, 2018
Effective (Scheduled): February 1, 2018

No comment taken.

EXECUTIVE SESSION

Councilmember Mergner moved to go into Executive Session reference below statute, seconded by Councilmember Campbell:

Pursuant to 29 Del. C. §10004 (b)(4)Discussion of strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation (Teamsters Local 326)

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed (Paypoint HR Salary and Classification Study).

Motion carried.

Mayor Shupe recessed the Council Meeting at 8:49 p.m. for the purpose as permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Burk moved to return to the Regular Session, seconded by Councilmember Campbell. Motion carried.

City Council returned to Open Session at 9:37 p.m.

Mayor Shupe announced that no action is needed as a result of the discussion in Executive Session.

ADJOURN

There being no further business, Councilmember Mergner moved to adjourn the Council Meeting, seconded by Councilmember Wilson. Motion carried.

The Council Meeting adjourned at 9:38 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

City of Milford

TRIBUTE 2017-31

HONORING THE LIFE AND MEMORY OF GEORGE C. WRIGHT JR, FORMER MAYOR OF SMYRNA AND EXECUTIVE DIRECTOR OF THE DELAWARE LEAGUE OF LOCAL GOVERNMENTS

WHEREAS, George C. Wright, Jr. has dedicated a significant amount of time to public service, having served as a Smyrna Town Councilman for twelve years; and

WHEREAS, in 1981, he became the first African American Mayor elected in the State of Delaware where he served seven consecutive terms (14 years) until choosing not to run for reelection in 1995; and

WHEREAS, George C. Wright Jr. also served as Executive Director of the Delaware League of Local Governments (DLLG) and in that capacity worked closely with elected officials from the entire State of Delaware and across the United States, serving as only one of two Delawareans to have been elected to the Board of the National League of Cities; and

WHEREAS, for more than 26 years, George C. Wright Jr. provided assistance to Municipalities concerning State and Federal programs and regulations, represented Municipal interests before State and Federal legislative bodies and agencies and developed League policies and programs before retiring on June 26, 2014; and

WHEREAS, George C. Wright Jr. proudly served as an effective and respected advocate for Delaware and all with whom he worked with have great respect and admiration for his diligence, his integrity, his friendly manner and genuine concern for others, as well as his high level of commitment to excellence in local government; and

WHEREAS, gentle by nature, but persistent when necessary, he always conducted himself at all times with dignity, grace, optimism, and integrity; and

WHEREAS, former Mayor and Executive Director George C. Wright Jr. died on December 21, 2017 and will long be remembered for his excellent leadership skills, vision, compassion, and unwavering dedication to the State of Delaware and the Local League of Government, which he used to make it a better place to live.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed hereto this 29th day of December 2017.

Mayor Bryan W. Shupe

Attest: Teresa K. Hudson

City Clerk

City of Milford

PROCLAMATION 2018-01

HONORING DR. MARTIN LUTHER KING JR.

Whereas, Dr. Martin Luther King Jr. devoted his life to advancing equality, social justice, and opportunity for all, and challenged all Americans to participate in the never-ending work of building a more perfect union; and

Whereas, Dr. King's teachings can continue to guide and inspire us in addressing challenges in our communities; and

Whereas, the King Holiday and Service Act, enacted in 1994, designated the King Holiday as a national day of volunteer service, and charged the Corporation for National and Community Service with leading this effort; and

Whereas, since 1994 millions of Americans have been inspired by the life and work of Dr. Martin Luther King Jr. to serve their neighbors and communities on the King Holiday; and

Whereas, serving on the King Holiday is an appropriate way to honor Dr. King, meet local and national needs, bring our citizens together, and strengthen our communities and nation; and

Whereas, the King Day of Service is the only federal holiday commemorated as a national day of service, and offers an opportunity for Americans to give back to their communities on the holiday and make an ongoing commitment to service throughout the year; and

Whereas, King Day of Service projects are being organized by a wide range of nonprofit and community organizations, educational institutions, public agencies, private businesses, and other organizations across the nation; and

Whereas, each of us can and must contribute to making our communities better with increased opportunity for all our citizens, and

Whereas, the residents of the City of Milford have the opportunity to participate in events throughout our city on the King Day of Service, January 15, 2018, as well as create and implement community service projects where they identify the need.

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, Delaware, proclaim the Martin Luther King Jr. Holiday as a Day of Service in our City and call upon the people of Milford, Delaware to pay tribute to the life and works of Dr. Martin Luther King Jr. through participation in community service projects on Martin Luther King Day and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Milford to be affixed hereto this 8th day of January 2018.

Mayor Bryan W. Shupe

Attest:

City Clerk

OFFICE OF THE CHIEF OF POLICE
KENNETH L. BROWN
kenneth.brown@cj.state.de.us

THE CITY of Milford DELAWARE

400 NE Front Street
Milford Delaware 19963
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council

FROM: Kenneth L. Brown, Chief of Police KLB

DATE: January 4, 2018

RE: Activity Report/December 2017

Monthly Stats:

A total of 576 arrests were made by the Milford Police Department during December 2017. Of these arrests, 158 were for criminal offenses and 418 for traffic violations. Criminal offenses consisted of 19 felonies and 139 misdemeanors. Traffic violations consisted of 97 Special Duty Radar, 13 Drunk-Driving charges, 308 other.

Police officers investigated 55 accidents during the month and issued 116 written reprimands. In addition, they responded to 1119 various complaints including city requests and other agency assistance.

Monthly Activities:

Training –

Chief Brown and numerous other officers participated in Advanced Law Enforcement Rapid Response Training (Active Shooter Level 1) held at the old Milford Middle School.

One Staff Officer and two dispatchers attended Active Shooter Incidents for Public Training held at Delaware State University.

Three officers attended a Field Training Officer (FTO) Training held at the Delaware State Police Academy.

Two officers attended a Background Investigator's Course held at the Delaware State Police Academy.

SRO –

The Community Policing Unit Completed another successful toy drive with the assistance of several community organizations and individuals. Toys received were distributed to Telamon Head Start, the Division of Family Services Foster Care Unit, and the Milford Senior High School's LEO Club Toy Drive. This is the second year of our partnership with the Division of Family Services Foster Care Unit and those toys will be distributed to area families who take children in prior to the holiday.

Cpl. Bloodsworth visited Telamon Head Start and read to the students in what will be the beginning of SRO's making more frequent stops there to read to the children.

K9 Unit –

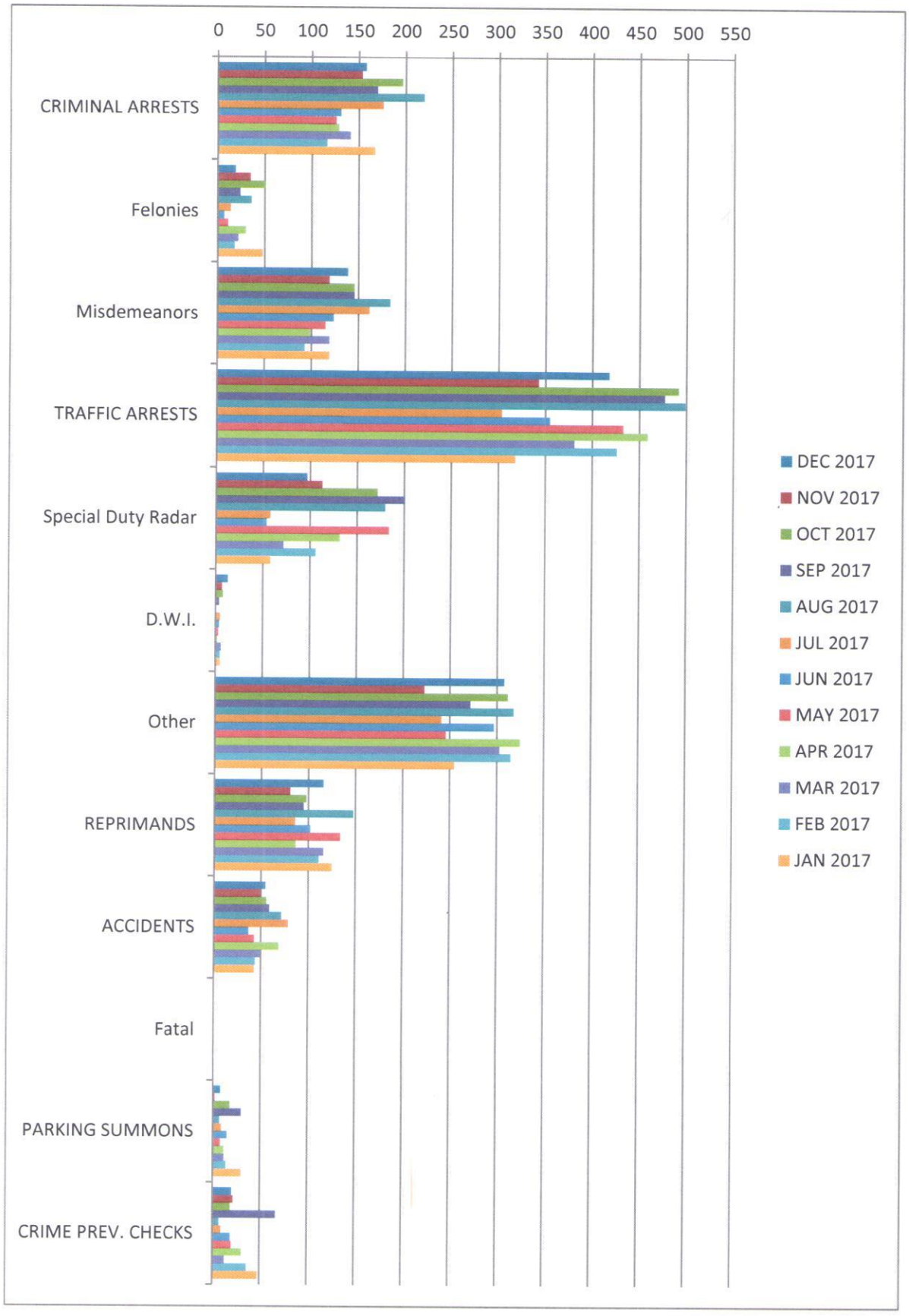
For the month of December 2017 the Milford Police Department K9 unit had the following stats:

- Utilized 10
- Drugs 0
- Crowds 0
- Assist Other Agencies 1 (DSP)
- Building Searches 3
- Deployed as Precaution 0
- K9 Demo 1
- Foot Patrols 4
- Drug Sniff 4
- Currency Sniff 0
- No Bite Apprehensions 1

Seized Items	Amount	Value
• Marijuana	4.8 grams	
• Heroin	2.87 grams	
• Cocaine	.5 grams	
• Crack	0	
• Methamphetamine	0	
• Hashish	0	
• Pills	0	
• Currency	0	
• Gun	0	
• Vehicles	0	
• Other	Drug Paraphernalia	

DEC 2017 ACTIVITY REPORT

	DEC 2017	TOTAL 2017	DEC 2016	TOTAL 2016
COMPLAINTS	1119	14517	1047	14491
CRIMINAL ARRESTS	158	1885	130	2015
Felonies	19	315	32	492
Misdemeanors	139	1565	98	1523
TRAFFIC ARRESTS	418	4905	335	4843
Special Duty Radar	97	1427	121	1310
D.W.I.	13	63	3	53
Other	308	3415	211	3511
REPRIMANDS	116	1299	110	1353
ACCIDENTS	55	656	44	667
Fatal	0	0	0	2
PARKING SUMMONS	8	165	17	92
CRIME PREV. CHECKS	20	311	16	363
FINES RECEIVED	$ 8,050.85	$ 107,176.58	$ 6,958.60	$ 93,482.90


0
50
100
150
200
250
300
350
400
450
500
550
CRIMINAL ARRESTS
Felonies
Misdemeanors
TRAFFIC ARRESTS
Special Duty Radar
D.W.I.
Other
REPRIMANDS
ACCIDENTS
Fatal
PARKING SUMMONS
CRIME PREV. CHECKS
DEC 2017
NOV 2017
OCT 2017
SEP 2017
AUG 2017
JUL 2017
JUN 2017
MAY 2017
APR 2017
MAR 2017
FEB 2017
JAN 2017

OFFICE OF THE CITY MANAGER
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Milford, DE 19963
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THE CITY of Milford DELAWARE

ERIC NORENBERG, ICMA-CM
City Hall 302.422.1111
Direct 302.424.8394
ENorenberg@milford-de.gov

City Manager's Report
January 8, 2018

ADMINISTRATION

Parks & Recreation

- "Lil Buc's wrestling"-This program began on Nov. 6th. It is held at the MHS wrestling room on Mon. & Thur. evenings. It is for boys in grades 1st-6th. We have over 35 participants in this program. The 1st and 2nd grade program ended before the holiday break. The 3-6th graders will continue through February 2018.
- "Santa Bingo" was held on Wed. Dec. 6th at Milford Parks and Rec. Santa was in attendance and gave out the prizes. Everyone had great fun! There were about 25 people in attendance.
- The holiday break trip, scheduled for Wed. Dec. 27th to the Delaware Children's Museum was cancelled due to lack of participants. We will reevaluate this next year to see how we may get more people on the trip by changing location, etc.
- Registration for winter programming continued including youth indoor soccer (6-18 year olds) and Gymnastics and Tumbling for 3-10 year olds.
- Youth basketball practices and scrimmages continued throughout the month of December, with the season due to start in early January.
- Seasonal part techs were released in December reducing the park staff down to two full time members. Park Superintendent Ralph "RJ" Skinner has been assisting with coaching a basketball team and assisting Keith Short with the basketball program.
- The move from the old Growmark building was completed in December with the Park staff now operating out of the rear building at the Armory. Improvements continued to be made to the building and we are hopeful to get new bathrooms installed sometime in the spring. The building has already proven to be of an added benefit as there is now a workshop area where equipment, vehicles, etc. can be worked on with electricity and lights.
- Water fountains and the bathroom at Tony Silicato Memorial Park were winterized and are shut down over the winter, however there is still a portable bathroom onsite.
- A final cut of the fields at Tony Silicato was performed in December and a layer of lime was applied.
- A scope of work for the remove and replacement of sections of the Riverwalk was began in December. A designer has been consulted to start getting ideas together of what can be achieved with money the City has placed in capital reserve and received as a grant from the State. In the next coming months we will put bid documents together and bid the project out with hopes of beginning work in the spring/early summer.
- Letters were sent out to local service clubs to gauge their desire to contribute towards a new free standing sign for all the service clubs as they enter Milford on Front Street.

FINANCE DEPARTMENT

Customer Service Division

Report Criteria:

Date From	Date To
12/1/2018	12/31/2018

Customer Billing:

	Total
Residential	5950
Small General	744
Medium General Service	347
Contract Services	3
Large General Service	6
General Service Primary	15
City Accounts	51
Lights: Street/Security	179
Total	7,294

Delinquencies and New and Final Set-up:

	Total
Customer Payment Plans	138
Customers sent to collections	1
Delinquent Notices Mailed	1,725
Disconnected-nonpayment	63
Disconnected-Still off	2
Door Tags	27
Final Bills Sent	17
Number of New Services	123
Number of Finalled Services	65
Total	2161

Payments processed:

	Total
Cash	$124,110.80
Check	$1,682,862.26
Money Orders	$8,451.86
OTC Credit Card-Utilties	$82,790.56
Online Payments-CC Utilties	$228,510.13
Online Payments-Echeck-Utilties	$72,850.75
City Accounts	$43,130.15
Direct Deposit Payments	$418,149.67
Online Tax Payments-CC	$6,833.91
Online Tax Payments-Echecks	$1,016.42
Total	$2,668,706.51

Customer Service Activity Report

- We bill 1 cycle each week along with having a due date each week. We also disconnect a cycle each week. Along with Solars, TOU's and Interdepartmental being billed separately.
- We have been involved in conference calls and other items in preparing the system for the smart metering projects.
- Staff answers calls from customers all day on account information, payment arrangements, trash phone calls, and general information.
- We have been working with Finance in the Monition Sales process and collecting Past due taxes.
- Staff helps customers daily at the counter with opening new accounts and closing accounts, along with payment arrangements.
- December was a busy month for Customer Service in assuring that billing was processed on time. With holidays and vacations and a medical issue our team pulled together to insure everything was accomplished.

Information Technology Division

Issues Addressed	
Administration/Council	3
Customer Service	8
Finance	2
Parks & Recreation	0
Planning	5
Police	0
Public Works	4
Information Technology	39
Vendor/3rd Party	1
Total	62

· Includes routine maintenance items such as changing back up tapes, performing morning system checks, etc.

PLANNING DEPARTMENT

Code Enforcement & Licensing Division

Case Activity	
New Cases	6
Closed Cases	54
Open at Start of Month	159
Open at End of Month	111

Case Violations	
Abandoned Vehicle	2
Dangerous Tree	0
Furniture	0
Generic	1
Property Maintenance	2
Rubbish/Garbage	1
Weeds & Grass	0
Zoning Use	0
Total	6

Inspections & Licensing	
Rental Inspections Performed	0
Rental Licenses Issued	210
Vendor Licenses Issued	1
Contractors Licenses Issued	20

- Conducted income surveys in the West Street vicinity in an effort to seek CDBG funding for sidewalk and curb ramp installations. CDBG may provide up to 90% funding for infrastructure projects in income eligible neighborhoods. The City is working with Kent County CDBG who will submit an application on behalf of the City in February.

Building Inspections & Permitting Division

Building Permits Issued	
Commercial Foundation	0
Commercial New Construction	4
Commercial Sign	1
Demolition	0
Residential New Construction	3
Residential Renovation/Accessory Structure	1
Roof/Siding	2
Solar Panels	4
Utility (Electric/Water)	3
Total	18

Planning & Zoning Division

- The Planning Commission reviewed and recommended approval of the Comprehensive Plan update which will be on the City Council agenda on January 22, 2018 for final adoption. The commission also approved the final site plan for Gator & Associates, LLC and recommended approval of the Watson Conditional Use application for a restaurant and office space in downtown Milford. The Planning Commission also recommended revisions to the West Shores at New Milford major subdivision record plan.
- The Board of Adjustment reviewed and approved five variance requests for the West Shores at New Milford subdivision related to front and rear yard setback encroachments. The Board also adopted rules and procedures.
- The City met with DelDOT and their consultant for a “kick-off” meeting for the NE Front Street Transportation Alternative Program (TAP). The design team anticipates concept plans for review this spring.

Economic Development Division

- The City of Milford has seen a committed investment of over $4.13 million (an increase of $130k from last month) within the Downtown Development District (DDD) area since September 2016 (based on permit valuations from submitted applications). The State of Delaware has committed or awarded over $463k (a decrease of $96k from last month) in grant funds for both large and small commercial and residential projects in Milford. The City has waived over $83k (an increase of $6k from last month) in permit and/or utility impact fees associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines.

PUBLIC WORKS DEPARTMENT

Electric Division

Power Outages	8
Poles Replaces (due to age, rot or damage)	0
Closed Work Orders	5
Trouble Service Calls	15
After Hours Calls	12
New Electric Service Installed	2
Preventative Maintenance/Trees Trimmed	1
Miss Utility Locates	148

- Manuel Caballero-Rodriguez attended Flagger Certification training.
- Dale Breeding resigned his position of 3rd Class Line Technician.
- 110 regulators were sent for refurbishment and were reinstalled at DEL1 substation.
- Crew finished making ready and installing transformers and a riser for Phase II at Lighthouse Estates.
- Crew finished loop and second half of new service at Starbucks.

Engineering Division

- Staff attended Flagger Certification training
- Pipe break at Well 4 & 5. Repaired and running properly.
- Washington Street Water Plant out of service for aerator door panel repair. Back in service on 12/19.



Public Service Division

Bulk Pick Ups	44
Brush Collections	0
New Service Deliveries	
Trash	9
Recycle	10
Yard Waste	5
Change Container Size	5
Damaged/Replaced Container	9

- Crews installed flags on all fire hydrants for winter preparation.
- In preparation for the first snowfall on December 5, crews installed snow plows and salt spreaders on all trucks. Completed a Winter Emergency Response Plan for crews to follow.
- Staff attended Flagger Certification training.
- The new automated trash truck was ordered on December 15, 2017. Delivery is expected on 01/30.
- Working with C2Logix for route optimization of our trash trucks. This project is expected to be complete by the end of January.

- Crews replaced a fire hydrant at 945 South Dupont highway due to a traffic accident.







Monthly Diversion Report*

	Solid Waste	Curbside Recycling	Drop-Off Recycling	Yard Waste	Total	Diversion
Jan-17	262.81	51.05	34.26	16.34	364.46	27.9%
Feb-17	218.05	44.12	26.63	14.41	303.21	28.1%
Mar-17	251.73	54.83	32.34	26.01	364.91	31.0%
Apr-17	254.18	44.77	31.44	45.51	375.90	32.4%
May-17	282.76	51.99	33.11	54.45	422.31	33.0%
Jun-17	258.95	73.84	32.13	39.52	404.44	36.0%
Jul-17	269.83	60.63	32.01	50.06	412.53	34.6%
Aug-17	297.28	73.67	0	85.06	456.01	34.8%
Sep-17	265.5	49.93	0	39.31	354.74	25.2%
Oct-17	245.87	60.51	0	54.56	360.94	31.9%
Nov-17	246.64	53.99	0	81.73	382.36	35.5%
TOTAL	2853.6	619.33	221.92	506.96	4201.81	32.1%

	Solid Waste	Curbside Recycling	Drop-Off Recycling	Yard Waste	Total	Diversion
2013	3903.34	617.9	213.77	473.85	5208.86	25.1%
2014	3206.04	645.88	243.90	472.08	4567.90	29.8%
2015	3077.95	642.20	259.49	446.27	4425.91	30.5%
2016	3104.05	651.45	415.39	462.27	4633.16	33.0%
2017 (YTD)	2853.6	619.33	221.92	506.96	4201.81	32.1%

Delaware Solid Waste Authority no longer provides totals.

**The amount of waste diverted from the landfill through recycling and yard waste program.*

Pothole Patching Promotional Proposal – Verbal (Norenberg)

CITY OF MILFORD
FUND BALANCES REPORT

Date: November 2017

Cash Balance - General Fund Bank Balance	$5,230,510
Cash Balance - Electric Fund Bank Balance	$4,503,700
Cash Balance - Water Fund Bank Balance	$1,888,815
Cash Balance - Sewer Fund Bank Balance	$249,965
Cash Balance - Trash Fund Bank Balance	$349,862

	General Improvement	Municipal Street Aid	Real Estate Transfer Tax	Economic Development Fund
Beginning Cash Balance	90,080	901,229	2,137,146	$467,906
Deposits	307,479		46,594	
Interest Earned this Month	224	372	1,310	
Disbursements this Month	(30,647)	(292,569)	(41,667)	
Investments				
Ending Cash Balance	$367,136	$609,032	$2,143,383	$467,906

	GF Capital Reserves	Water Capital Reserves	Sewer Capital Reserves	Electric Reserves
Beginning Cash Balance	1,937,230	7,422,716	3,480,589	8,068,748
Deposits				
Interest Earned this Month	66	238	129	260
Disbursements this Month	(27,445)	(903)	(489)	(984)
Investments				
Ending Cash Balance	$1,909,851	$7,422,051	$3,480,229	$8,068,024

	Water Impact Fee	Sewer Impact Fee	Electric Impact Fee
Beginning Cash Balance	1,793,671	$1,125,335	$523,265
Deposits	25,944	$13,708	$7,200
Interest Earned this Month			
Disbursements this Month			
Investments			
Ending Cash Balance	$1,819,615	$1,139,043	$530,465

INTEREST THROUGH THE FIFTH MONTH OF THE FISCAL YEAR:

General Fund	12,844	Water Fund	4,945
GF Capital Reserves	2,574	Water Capital Reserves	9,284
Municipal Street Aid	3,165	Sewer Fund	556
Real Estate Transfer Tax	6,383	Sewer Capital Reserves	5,038
Electric Fund	12,430	Trash Fund	1,028
Electric Reserves	10,114		

TOTAL INTEREST EARNED TO DATE $68,361

REVENUE REPORT

Page Two 42% of Year Expended

Date: November 2017 ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%
Economic Development Fund	95,000	0	0	0.00%
General Fund Reserves	585,000	0	0	0.00%
Realty Transfer Tax-Police	500,000	41,666	208,333	41.67%
Real Estate Tax	3,850,560	4,841	3,835,553	99.61%
Business License	45,000	750	4,700	10.44%
Rental License	80,000	50	2,775	3.47%
Building Permits	80,000	14,130	99,508	124.39%
Planning & Zoning	15,000	4,766	10,741	71.61%
Grasscutting Revenue	16,000	0	8,000	50.00%
Police Revenues	446,750	11,234	240,431	53.82%
Misc. Revenues	286,065	38,673	100,464	35.12%
Transfers From	3,324,000	277,000	1,385,000	41.67%
Total General Fund Revenues	$9,323,375	$393,110	$5,895,505	63.23%
Water Revenues	2,734,500	233,587	1,237,866	45.27%
Sewer Revenues	2,508,000	215,254	1,098,359	43.79%
Kent County Sewer	1,850,000	153,244	784,722	42.42%
Solid Waste Revenues	1,384,815	116,444	587,515	42.43%
Electric Revenues	25,016,000	1,815,045	10,751,860	42.98%
TOTAL REVENUES	$42,816,690	$2,926,684	$20,355,827	47.54%
YTD Enterprise Expense		(40,236)		
YTD Enterprise Revenue		53,769		
LTD Carlisle Fire Company Building Permit Fund		128,201		

EXPENDITURE REPORT
Page Three

Date: November 2017 — 42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	505,220	$38,472	187,597	37.13%	317,623
O&M	129,250	$12,457	38,472	29.77%	90,778
Capital	0	$0	0		0
Total City Manager	$634,470	$50,929	$226,069	35.63%	408,401
Planning & Zoning					
Personnel	137,180	$13,018	62,383	45.48%	74,797
O&M	50,875	$1,563	10,265	20.18%	40,610
Capital	0	$0	0		0
Total P, C & I	$188,055	$14,581	$72,648	38.63%	115,407
Code Enforcement & Inspections					
Personnel	130,630	$7,734	37,062	28.37%	93,568
O&M	116,950	$39,461	72,054	61.61%	44,896
Capital	0	$0	0		0
Total P, C & I	$247,580	$47,195	$109,116	44.07%	138,464
Council					
Personnel	31,225	$1,111	8,331	26.68%	22,894
O&M	41,200	$2,050	12,112	29.40%	29,088
Council Expense	20,000	$329	10,176	50.88%	9,824
Contributions	206,000	$0	66,000	32.04%	140,000
Codification	10,000	$0	7,977	79.77%	2,023
Employee Recognition	11,000	$0	0	0.00%	11,000
Insurance	23,000	$0	8,236	35.81%	14,764
Christmas Decorations	10,000	$933	933	9.33%	9,067
Economic Development	5,000	$0	898	17.96%	4,102
Strategic Plan	20,000	$0	5,000	25.00%	15,000
Armory Expenses	12,000	$281	3,383	28.19%	8,617
Total Council	$389,425	$4,704	$123,046	31.60%	266,379
Finance					
Personnel	405,510	$29,902	133,766	32.99%	271,744
O&M	84,650	$8,660	36,611	43.25%	48,039
Capital	0	$0	0		0
Total Finance	$490,160	$38,562	$170,377	34.76%	319,783
Information Technology					
Personnel	157,195	$12,256	57,933	36.85%	99,262
O&M	187,950	$938	44,759	23.81%	143,191
Capital	63,000	$8,173	60,300	95.71%	2,700
Total Information Technology	$408,145	$21,367	$162,992	39.93%	245,153

EXPENDITURE REPORT
Page Four

Date: November 2017 42%of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	4,025,455	$317,646	1,420,187	35.28%	2,605,268
O&M	497,700	$33,633	185,969	37.37%	311,731
Capital	83,340	$424	80,021	96.02%	3,319
Total Police	$4,606,495	$351,703	$1,686,177	36.60%	2,920,318
Streets & Grounds Division					
Personnel	381,565	$29,030	128,731	33.74%	252,834
O&M	397,345	$20,079	114,567	28.83%	282,778
Capital	538,000	$0	0	0.00%	538,000
Total Streets & Grounds	$1,316,910	$49,109	$243,298	18.47%	1,073,612
Parks & Recreation					
Personnel	642,235	$45,262	270,716	42.15%	371,519
O&M	284,900	$27,788	112,153	39.37%	172,747
Capital	115,000	$2,373	2,795	2.43%	112,205
Total Parks & Recreation	$1,042,135	$75,423	$385,664	37.01%	656,471
Total General Fund					
Operating Budget	$9,323,375	$653,573	$3,179,387	34.10%	6,143,988

EXPENDITURE REPORT
Page Five

Date: November 2017 42% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	287,840	$21,853	100,904	35.06%	186,936
O&M	1,186,575	$92,879	436,208	36.76%	750,367
Capital	535,320	$0	0	0.00%	535,320
Debt Service	724,765	$0	79,039	10.91%	645,726
Total Water	$2,734,500	$114,732	$616,151	22.53%	2,118,349
Sewer Division					
Personnel	287,840	$21,903	101,291	35.19%	186,549
O&M	1,177,425	$56,703	426,918	36.26%	750,507
Capital	384,015	$0	59,427	0.00%	324,588
Debt Service	658,720	$0	339,220	51.50%	319,500
Sewer Sub Total	$2,508,000	$78,606	$926,856	36.96%	1,581,144
Kent County Sewer	1,850,000	$153,244	784,722	42.42%	1,065,278
Total Sewer	$4,358,000	$231,850	$1,711,578	39.27%	2,646,422
Solid Waste Division					
Personnel	344,810	$20,293	127,883	37.09%	216,927
O&M	803,655	$52,322	323,893	40.30%	479,762
Capital	236,350	$0	0	0.00%	236,350
Total Solid Waste	$1,384,815	$72,615	$451,776	32.62%	933,039
Total Water, Sewer Solid Waste	$8,477,315	$419,197	$2,779,505	32.79%	5,697,810
Electric Division					
Personnel	1,240,350	$99,361	469,439	37.85%	770,911
O&M	2,061,020	$122,053	628,812	30.51%	1,432,208
Transfer to General Fund	2,500,000	$208,334	1,041,667	41.67%	1,458,333
Capital	721,665	$3,969	32,117	4.45%	689,548
Debt Service	192,965	$0	0	0.00%	192,965
Electric Sub Total	$6,716,000	$433,717	$2,172,035	32.34%	4,543,965
Power Purchased	18,300,000	$1,325,516	7,376,252	40.31%	10,923,748
Total Electric	$25,016,000	$1,759,233	$9,548,287	38.17%	15,467,713
TOTAL OPERATING BUDGET	$42,816,690	$2,832,003	$15,507,179	36.22%	27,309,511

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: November 2017

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	42% of Year Expended YTD%	UNEXPENDED BALANCE
Garage					
Personnel	92,590	7,108	33,856	36.57%	58,734
O&M	77,855	5,098	27,736	35.63%	50,119
Capital	0		0		0
Total Garage Expense	$170,445	12,206	$61,592	36.14%	108,853
Public Works					
Personnel	428,039	29,189	135,225	31.59%	292,814
O&M	168,161	11,281	69,146	41.12%	99,015
Capital	11,100	0	10,122	91.19%	978
Total Public Works Expense	$607,300	40,470	$214,493	35.32%	392,807
Billing & Collections					
Personnel	554,850	41,786	202,332	36.47%	352,518
O&M	221,975	15,927	88,763	39.99%	133,212
Capital	0		0		0
Total Billing & Collections	$776,825	57,713	$291,095	37.47%	485,730
City Hall Cost Allocation					
Personnel	0		0		0
O&M	44,200	3,069	16,382	37.06%	27,818
Capital	0		0		0
Total City Hall Cost Allocation	$44,200	3,069	$16,382	37.06%	27,818

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.

December 08, 2017

City Council
201 S. Walnut St.
Milford, DE 19963

Dear City Council,

As you know, Martin Luther King Day is a federal holiday held each third Monday of January. It celebrates the life and achievements of Martin Luther King Jr., an influential American civil rights leader. People of all faiths will gather to promote equal rights for all Americans, regardless of their background.

This year, as is our custom, the Milford Area Ministerial Association, jointly with the Milford Interdenominational Minister's Alliance, will be hosting a public gathering January 15, 2018 at Noon at the Benjamin Banneker Elementary School, 449 North St. Milford, DE 19963. These two organizations together represent over two dozen churches in the city of Milford.

We are writing to invite your participation. The future of the City of Milford is one of the chief goals for celebrating with our students. Your work is of vital importance to the city, and you and the office of mayor will be in our prayers. Depending on your availability, we would be happy to acknowledge you as an honored guest, have you share words of welcome, or even offer a prayer of your own, if you would choose to do so.

If you can arrange to attend, please let us know, and we will make time for you in the schedule.

Thanking you in advance,

Sincerely,

Ruth Houston-Behrens
Secretary
Milford Area Ministerial Association

Milford Area Ministerial Association
c/o Rev. Ruth Houston-Behrens, secretary

400 Pierce Street
Milford, DE 19963
302-228-8541
https://www.facebook.com/MilfordAreaMinisterialAssociation/
reh2056@gmail.com

DELAWARE LEAGUE OF LOCAL GOVERNMENTS

THE DUNCAN CENTER
500 W. LOOCKERMAN STREET, 5TH FLOOR, DOVER

****

THURSDAY, JANUARY 25, 2018
REGISTRATION/SOCIAL HOUR: 5:30 P.M. - 6:15 P.M.
DINNER: 6:30 P.M. – 7:15 P.M.
PROGRAM: 7:15 P.M.

PROGRAM:

The DLLG is pleased to kick off the New Year with a presentation by the Delaware Municipal Electric Corporation. DEMEC topics for review and discussion include an overview of their services, importance of the Beasley Power Station to the State of Delaware, joint education and training opportunities, and energy and public power issues/legislation benefiting all local governments. Advantages of using DEMEC resources for community electric utilities will also be presented.

The Office of State Planning Coordination will outline changes in its organization to benefit municipalities and counties.

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

The DLLG wishes to thank the Delaware Municipal Electric Corporation for sponsoring this month's dinner meeting and complimentary social hour drinks.

PLEASE RSVP TO CHRISTINE NO LATER THAN 01/16/18

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

City of Milford will have X attendee(s)

List Attendees:

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

****

Next Meeting: Thursday, February 22, 2018

DELAWARE LEAGUE OF LOCAL GOVERNMENTS

P.O. BOX 484, DOVER, DE 19903-0484
Phone: 302-678-0991 Fax: 302-678-4777 Email: cfluft@udel.edu

President Jermaine Hatton *Executive Director Carl F. Luft*

To: Delaware League of Local Governments
From: Nominating Committee
Subject: Report of Nominating Committee
Date: October 27, 2017

The Nominating Committee presents the following names to be submitted for election at the January 25, 2018 meeting of the Delaware League of Local Governments, as approved by the Executive Committee on October 26, 2017:

Executive Committee

Patricia Correll	Bridgeville	Term Expired
Walter Curran	Ocean View	Term Expired
Matthew Meyer	New Castle County	Term Expired
Michael Purzycki	Wilmington	Term Expired
Polly Sierer	Newark	Replace Steve Burg
Michael Spencer*	Newport	Replace Don Tinari

* Unexpired term ending 12/31/18

OFFICE OF THE CITY MANAGER
201 South Walnut Street
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

ERIC NORENBERG, ICMA-CM
City Hall 302.422.1111
Direct 302.424.8394
ENorenberg@milford-de.gov

December 4, 2017

TO: Mayor and City Council

FROM: Eric Norenberg and Rob Pierce

SUBJECT: Greater Milford Business Park and Independence Commons Lot Sales Commission

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Purpose and Background

The purpose of this memo is to review the status of the Greater Milford Business Park and Independence Commons and review options to stimulate sales of the remaining lots.

The City has one (1) lot remaining for sale in the Business Park and eight (8) Independence Commons as shown on the provided exhibits. Lot prices range from $100,000.00 for a one (1) acre lot to $460,000 for an eleven (11) acre lot. Only one lot in Independence Commons has been sold in the past thirty (30) months.

Funds from the sales of lots in the Business Park and Independence Commons go into the City's Economic Development reserve fund which is primarily used for capital improvement projects and one-time projects. Previously, a policy was set that the City would not pay a commission to a realtor representing the buyer of a City-owned parcel in the Business Park and Independence Commons. At the time lot sales were brisk and no commission would maximize City revenue.

Discussion

Recently, it has been suggested that if the City was willing to pay a commission on lot sales in the Business Park and Independence Commons, there would be more incentive for realtors to bring potential buyers to the City and we could possibly speed the sales and development of remaining lots. Typically, a real estate commission is set at six percent, with three percent going to the seller's agent and three percent going to the buyer's agent.

Options

1. Offer a Commission of 1% to 3% to a Buyer's Agent: This would cost the City approximately $1,000 to $3,000 per lot. Advantage: There could possibly be additional realtors marketing the lots. Disadvantage: There would be the expense of paying a commission.
2. Hire a Realtor and Pay Commissions: Prepare an RFP to solicit proposals from realtors to represent the City and select one or multiple realtors based on their proposed marketing plan and commission rates. Advantage: A realtor would actively be marketing the lots, featuring on the MLS, etc. Competition through an RFP process could ensure we get the lowest commission. Disadvantage: There would be the expense of paying a commission to both the seller and the buyer.
3. No Change: Continue current practice.

70 2016 00296594

Kent County
Betty Lou McKenna
Recorder of Deeds
Dover, DE 19901

Instrument Number: 2016-296594

Recorded On: May 25, 2016 **As-Miscellaneous Without Notation**

Parties: INDEPENDENCE COMMONS

To INDEPENDENCE COMMONS **# of Pages: 18**

Comment:

DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT

Miscellaneous Without Notatior	**201.00**
# of Pages	17
	0
Total:	**201.00**

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Kent County,

DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT

File Information:

Document Number: 2016-296594
Receipt Number: 360913
Recorded Date/Time: May 25, 2016 08:39:10A
Book-Vol/Pg: BK-RE VL-8104 PG-278
User / Station: C Yerkes - Cashier 3

Record and Return To:

CITY OF MILFORD
10 SE 2ND STREET
MILFORD DE 19963

Betty Lou McKenna

Accepted for Filing in:
Kent County
Doc# 296594
On: May 25,2016 at 08:39A

17
RZ
9Z.06

Tax Parcel # MD-16-173.00-01-20.00-000; MD-16-173.00-01-02.24-000; MD-16-173.00-01-02.23-000; MD-16-173.00-01-02.22-000; MD-16-173.00-01-02.21-000; MD-16-173.00-01-02.20-000; MD-16-173.00-01-02.19-000; MD-16-173.00-01-02.18-000; MD-16-173.00-01-02.17-000; MD-16-173.00-01-02.16-000; MD-16-173.00-01-02.15-000; MD-16-173.00-01-02.14-000; MD-16-173.00-01-02.13-000; MD-16-173.00-01-02.12-000; MD-16-173.00-01-02.11-000; MD-16-173.00-01-02.10-000; MD-16-173.00-01-02.09-000; MD-16-173.00-01-02.08-000; MD-16-173.00-01-02.07-000; MD-16-173.00-01-02.06-000; MD-16-173.00-01-02.05-000; MD-16-173.00-01-02.03-000; MD-16-173.00-01-02.02-000; MD-16-173.00-01-02.01-000; MD-16-173.00-01-02.00-000

Prepared By & Return To:
City of Milford
201 S Walnut Street
Milford, DE 19963

THE CITY of Milford DELAWARE

RESOLUTION 2016-05

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
Independence Commons in the City of Milford, Kent County, Delaware

WHEREAS, in 1998, the City of Milford ("City") purchased and subdivided 211 +/- acres of property on the north and south sides of County Road 409 (Airport Road and east side of State Route 15 (Canterbury Road) for economic development benefits; and

WHEREAS, the City of Milford initially sold the property for $24,000 an acre with appraisals of the properties completed in 2006, 2008 and 2016; and

WHEREAS, it is deemed to be in the best interest of the City of Milford and its taxpayers to sell the land in accordance with its most recent assessment; and

WHEREAS, as the owner of the subdivision and infrastructure shown and described in Exhibit B, attached hereto, and known as Independence Commons ("property"), the City intends that this property continue to provide employment opportunities and economic benefits to all City residents; and

WHEREAS, the City desires to create, establish, preserve and maintain a unified commercial development upon the property and finds it appropriate to subject the property to certain easement, covenants and other restrictions for the orderly development and operation of the property and mutual benefit of all owners of the property as a unified commercial development, regardless of time of purchase or zoning district; and

WHEREAS, the City deems it desirable and in the best interest of all present and future owners of the property and all portions thereof, to subject the property to this Declaration.

NOW, THEREFORE, the City hereby declares that the real property described in Exhibit B, effective March 14, 2016, is and will be held, conveyed, acquired and encumbered subject to the terms and provisions of the Declaration, all of which shall run with the land and binds any respective successors, heirs and assigns.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford:

1) City Council approves the Declaration of Covenants, Conditions, Restrictions and Easements attached as Exhibit A.
2) This Resolution shall supersede Resolutions passed by the majority of City Council on February 13, 2006, March 12, 2007 and September 22, 2008 in relation to Independence Commons.

Mayor

City Clerk

Adopted: March 14, 2016

EXHIBIT A
Declaration of Covenants, Conditions, Restrictions and Easements

Article 1
OC – 1 Office Complex District

A. The Property is zoned OC-1. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
B. The Property shall be developed in accordance with this declaration and the terms of the OC-1 zoning district that are in place at the time the Property is purchased. The City shall provide a copy of the OC-1 regulations to the purchaser prior to settlement.

Article 2
Sign Requirements

A. Each office structure may have one sign which pertains only to the permitted use on the premises and shall indicate only the name, insignia and/or address of the use.
B. Wall signs must be integral with or attached flat against the building. (The sign must face the major thoroughfare that the property abuts).
C. The monument signs for this development shall incorporate architectural features and colors common to the buildings. Monument signs shall include individually mounted reverse pan channel letters with internal lighting. Metal cabinets with white Plexiglas shall not be allowed. All signs shall require separate sign permit review and approval.
D. Signs allowed under this section may be a maximum of fifty (50) square feet and may only be indirectly illuminated with non-color light, shall not be

flashing or moving, shall be constructed of stone or brick. Signs constructed of other material will be reviewed and approved by the City Planner and the Planning Commission for conformance and architectural appearance with the Independence Commons concept. No more than 5% of the façade may be used for additional signage.

E. One free standing directional sign of no more than two (2) square feet may be hung at the office driveway entrance.

F. Signs may not overhang the street right-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.

G. Portable signs and commercial vehicles serving as portable signs are prohibited.

Article 3

Easements

A. Easements to Facilitate Construction, Installation and Maintenance. The City of Milford hereby reserves to itself and it successors and assigns, a non-exclusive blanket easement over and through each lot twenty-five (25) feet of any boundary line of such lot to the extent such boundary line runs along any roadway or the 100 year flood plain, and otherwise fifteen (15) feet of any boundary line of such lot, for all purposes reasonably related to the development, installation, completion, maintenance and operation On Community Features on the Property, including without limitation: temporary slope and construction easements; and drainage, erosion control and storm and sanitary sewer easements (including the right to cut or remove trees, bushes or shrubbery, to regrade the soil and to take any similar actions reasonable necessary; provided, however, that thereafter The City of Milford shall cause to be restored the affected area as near as practicable to its original condition; easements for the storage (in a slightly manner) of reasonable supplies of building materials and equipment necessary to complete, repair, operation or maintain such Community Features; and easements for the construction,

installation, and Upkeep of improvements (e.g. structures, landscaping, street lights, signage, sidewalks, etc.) on the Property or reasonably necessary to serve the Property.

B. Storm water Management Easement. The City Of Milford hereby reserves to itself and its successors and assigns an easement and the right to grant and reserve easements over and through each lot within twenty-five (25) feet of any boundary line of such lot to the extent such boundary line runs along any roadway or the 100 year flood plain, and fifteen (15) feet of all other boundary lines of such lot, for the construction installation, maintenance, repair, operation and replacement of storm water management facilities, including storm water retention areas, which are Community Features. The City of Milford shall assign its right, title and interest therein to the Association. Storm water shall be conveyed across lots only by means of storm sewers and appurtenant facilities and piping which shall be designed, installed and maintained in accordance with the requirements of state and local government authorities having jurisdiction and not by means of trenches, ditches and swales. Each Owner shall bear the cost of installation of pipes necessary to provide underground conveyance features on adjoining lots. The City of Milford and/or the Association shall also have the right to allow adjacent properties to connect their storm water management facilities into the Storm water Facility for the Property; provided, however that the Owners of such adjacent properties shall be required to agree to bear a portion of the expense of Upkeep for the storm water management facilities for the Property in such amount as may be deemed appropriate by The City of Milford and/or the Association. No such use shall be such as to prevent the Owners of each of the lots from enjoying and making full use of the Storm water Facilities in accordance with their applicable design and capacity requirements under applicable laws and regulations.

C. Easements for Utilities and Related Services. A non-exclusive perpetual blanket easement is hereby granted over and through each lot within twenty-five (25) feet of any boundary line of such lot to the extent such boundary line runs along

any roadway or the 100 year flood plain, and fifteen (15) feet of any other boundary line of such lot, for ingress, egress and for installation and Upkeep of the facilities for providing as Community Features for any portion of the Property, and utilities, including without limitation water, sewer, drainage. Gas, electricity, cable, fiber optic, telephone and television service, whether public or private, to any person installing or providing Upkeep for the aforesaid services. By virtue of this easement, it shall be expressly permissible and proper for The City of Milford or the Person providing the service to install and maintain the necessary equipment on the Property within the area of such easement and to affix and maintain wires, circuits, conduits, installations and other features and facilities underground. Any pipes, conduits, lines, wires, transformers and any other apparatus necessary for the provision of metering of any utility may be installed, maintained or relocated where contemplated on any site plan approved by the City of Milford, within the easement areas described above. No water, sewer, gas, telephone, electrical, television, or communication lines, systems or facilities may be installed or relocated unless approved by The City of Milford. Should any Person providing utilities or services covered by the foregoing general easement request a specific easement by separate recordable document, The City of Milford shall have, and is hereby given, the right and authority to grant such easement without conflicting with the terms hereof, and, if so requested, the Owner of each lot to be burdened thereby shall join in such document without charge or consideration. Any Person using the easement created herein shall use its best efforts to install and maintain the utilities and services provided for herein with minimal disturbance to the Owners; complete its installation and Upkeep activities as promptly and expeditiously as possible; and restore the surface of the ground to substantially its original condition after completion.

Article 4

Common Expenses

A. 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 storm water management areas, open space, landscaping and landscaped buffers. Said such fee is set at $400.00 per lot.

Article 5

General Conditions

A. Each Owner shall be responsible for the management and upkeep of all parking areas, landscaping, entrance features, project signage, storm water management facilities and structures, utilities facilities and associated lighting and irrigation systems located on its lot that are not part of the Community Features.

B. The City of Milford shall be responsible for the management and upkeep of all the Community Features, the cost of which shall be assessed as Common Expense. The City of Milford shall not have any responsibility for the Upkeep of any other portion of the lots (except those lots of which The City of Milford is an Owner) except for the Community Features. The City of Milford shall establish the standard for Upkeep of Community Features in its sole discretion.

C. Each Owner shall keep such Owner's lot and all improvements located on the lot in good order, condition and repair and in a clean and sanitary condition, including without limitation all necessary grounds maintenance, except to the extent maintained by The City of Milford. Each Owner shall perform this responsibility in such manner as shall not unreasonably disturb or interfere with the other Owners. If any Owner shall fail to keep such Owner's lot in as good repair and condition as when acquired and in neat and orderly condition, consistent with such Rules and Regulations as The City of Milford may promulgate, then The City of Milford may give notice to that Owner of the condition complained of, specifying generally the action to be taken to rectify that condition. If the Owner fails to take the actions specified by The City of Milford or to otherwise rectify the condition within thirty (30) days after the date of notice is given, or such other period as may be specified in the notice if

the circumstances warrant a different period, The City of Milford shall have the right to rectify that condition by taking such action as was specified in the notice. The costs incurred in rectifying the condition shall be assessed against such Owner's lot.

D. Sidewalks. If the public right-of-way adjacent to any lot is improved by a concrete sidewalk or similar structure, the Owner of such lot must maintain the sidewalk adjacent to such Owner's lot to the extent not maintained by The City of Milford as a Community Feature or by the appropriate governmental agency.

E. No person shall make any additions, alteration or improvement in or to any portion of the Property (other than normal Upkeep) which is visible from the exterior of such portion of the Property, without the prior written consent of The City of Milford.

F. No lot may be subdivided or its boundaries otherwise relocated without the approval of The City of Milford, and Mortgagee of the affected lots, any Owner affected and the appropriate governmental entity. No portion less than all of any lot shall be conveyed or transferred by an Owner without the prior written approval of The City of Milford.

G. Any person obtaining approval of The City of Milford shall commence construction or alteration in accordance with plans and specifications approved within six (6) months after date of approval and shall substantially complete any construction or alteration within such period as within six months after approval, or such other time period determined by The City of Milford, then approval shall lapse.

H. In the event that any purchaser of land within the Property 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 therefore as shown in the Owner's settlement sheet.

I. Trash. Except in connection with construction activities, no burning of any trash and no accumulation of storage of litter, refuse, bulk materials, building

materials or trash of any other kind shall be permitted on any lot. Trash containers shall not be permitted to remain in public view from another lot except on days of trash collection. Trash containers and refuse disposal systems must be maintained in enclosures or screened in compliance with the Rules and Regulations. No portion of the lot shall be used as an auto junk yard or salvage yard.

J. It is prohibited to have any outdoor storage buildings and outdoor storage of any kind, located on the property.

Article 6
Architectural Review

A. The City of Milford shall develop Design Guidelines. Such Guidelines are hereby incorporated by this reference and shall be enforceable as if set forth herein in full. Such Guidelines include:
   1. Exterior front and side walls are subject to site plan approval and must be finished on the exterior with the following:
      a. Architectural masonry units, excluding concrete block and cinder block
      b. Natural stone
      c. Precast concrete
      d. Steel
      e. Aluminum
      f. Glass materials or the equivalent
      g. Vinyl siding

Article 7
Reconstruction and Repair

A. If a building or other major improvement located upon a lot is damaged or destroyed, the Owner thereof shall restore the site either by repairing or

reconstructing such building or other major improvements or by clearing away the debris and restoring the site to an acceptable condition compatible with the remainder of the Property. Unless The City of Milford permits a longer time period, such work must be commenced within six months after the casualty and substantially within twenty-four months after the casualty.

Article 8
Compliance

A. Failure to comply with any of the terms hereof or the Design Guidelines or the Rules of Regulations shall be grounds for relief, including without limitation, of an action to recover any sums due for money damages, injunctive relief, foreclosure of the lien for payment of all assessments, any other relief provided for herein and any other relief afforded by a court of competent jurisdiction, including attorneys' fees, all of which relief may be sought by The City of Milford and/or its managing agent. Before an action may be sought, the City shall notify the Owner against whom such action would be brought, the reason for the action, and shall be given an opportunity to be heard in a public hearing before the Board of Adjustment.

Article 9
Amendments

This Declaration of Covenants, Conditions, Restrictions and Easements, as herein stated, may, from time to time, be amended by Resolution. Such amendment, supplement, or change shall not become effective except by majority vote of City Council

IN WITNESS WHEREOF, the City of Milford, has caused this Resolution to be executed this 14th day of March, 2016.

CITY OF MILFORD

By: _____
Mayor

(Seal)
Attest: _____
City Clerk

STATE OF DELAWARE
COUNTY OF SUSSEX SS:

On this 14th day of March 2016, before me, a Notary Public in and for said County, personally came Bryan W. Shupe, Mayor of the City of Milford, Delaware, a Municipal Corporation, to me personally known to be the respective officer of said Municipal Corporation and the identical person whose name is affixed to the foregoing instrument.

WITNESS my hand and Notarial Seal the day and year last above written.

_____
Notary Public

KATRINA L. WHITE
NOTARY PUBLIC
State of Delaware
My Commission expires on Aug. 5, 2017

_____
Notary Name

Aug 5, 2017
Commission Expiration

EXHIBIT B
Legal Description

LANDS OF MILFORD INDEPENDENCE COMMONS

September 19, 2008

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the northerly side of Airport Road, the easterly side of Canterbury Road and being located in Milford Hundred, Kent County, Delaware, being all of Parcels 3,4,5,6,7,8,9,10,11, 12,13,14,15,16,17,18, lands of the City of Milford, lands of the State of Delaware, Delaware Veterans Boulevard, Patriots Way, West Liberty Way and East Liberty Way as shown on a plat entitled "Milford Independence Commons", completed by Davis, Bowen & Friedel, Inc., dated July 2005 and revised September 2008; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northerly right-of-way line of Airport Road, (County Road 407) 60 feet wide, with the easterly right-of-way line of Delaware Veterans Boulevard, width varies, said point being the southerly end of a daylight easement to Airport Road,

1) Thence, leaving said right-of-way line of Delaware Veterans Boulevard and coincident with said right-of-way line of Airport Road the following (5) courses and distances, North 69 degrees 39 minutes 23 seconds West 488.77 feet to a point,

2) Thence, along a curve to the left having a radius of 860.89 feet, an arc length of 308.55 feet and a chord bearing and distance of North 79 degrees 52 minutes 40 seconds West 306.91 feet to a point,

3) Thence, South 89 degrees 50 minutes 48 seconds West 625.08 feet to a point,

4) Thence, North 85 degrees 22 minutes 25 seconds West 113.11 feet to a point,

5) Thence, South 89 degrees 51 minutes 46 seconds West 250.00 feet to a point

at the southerly end of a daylight easement to Canterbury Road, (Delaware Route 15) width varies,

6) Thence, leaving said right-of-way line of Airport Road and coincident with said daylight easement North 54 degrees 03 minutes 53 seconds West 58.55 feet to a point on the easterly right-of-way line of aforementioned Canterbury Road,

7) Thence, coincident with said right-of-way line of Canterbury Road the following (2) courses and distances, along a curve to the left, having a radius of 2580.67 feet, an arc distance of 254.27 and a chord bearing and distance of North 01 degrees 49 minutes 13 seconds West 254.17 feet to a point,

8) Thence, North 16 degrees 51 minutes 33 seconds West 64.34 feet to a point on the southerly line of lands of, now or formerly Donald B. & Renee A. Smith as recorded in the Office of the Recorder of Deeds in and for Kent County and the State of Delaware in deed book D-485, page 249,

9) Thence, leaving aforementioned right-of-way of Canterbury Road and coincident with said Smith lands, the following (2) courses and distances, North 83 degrees 51 minutes 24 seconds East 268.17 feet to a point,

10) Thence, North 06 degrees 09 minutes 25 seconds West 160.12 feet to a point, on the easterly line of lands of, now or formerly Beverly H. Messick, as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-681, page 186,

11) Thence, leaving said Smith lands and coincident with said Messick Lands North 06 degrees 09 minutes 50 seconds West 275.24 feet to a point, on the easterly line of lands of, now or formerly Richard F. & Emma I. Farley, as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-424, page 69,

12) Thence, leaving said Messick lands and coincident with said Farley lands, North 03 degrees 36 minutes 52 seconds West 165.08 feet to a point at the easterly end of a private road,

13) Thence, leaving said Farley lands and coincident with said end of private road and in part coincident with lands of, now or formerly Kevin J. & Christine I. Docherty, as recorded in the aforementioned Office of the Recorder of Deeds in deed book M-42, page 62, North 03 degrees 03 minutes 55 seconds East 143.13 feet to a point, on the southerly line of lands of, now or formerly Paynter A. & Joyce E. Lynch, as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-424, page 273,

14) Thence, leaving said Docherty lands and coincident with said Lynch lands the following (2) courses and distances, South 87 degrees 07 minutes 56 seconds East 221.36 feet to a point,

15) Thence, North 02 degrees 49 minutes 41 seconds East 197.76 feet to a point on the easterly line of lands of, now or formerly Dr. Brent & Gwendlyn Elliott, as recorded in the aforementioned Office of the Recorder of Deeds in deed book B-33, page 117, said point also being in the centerline of Swan Creek Branch,

16) Thence, leaving said Lynch lands and coincident by and with the centerline of said branch also coincident with said Elliott lands also coincident with lands of now or formerly Ronald & Debbie Lavere as recorded in the aforementioned Office of the Recorder of Deeds in deed book, A-46 page 229, also coincident with lands of, now or formerly Edward Ripper as recorded in the aforementioned Office of the Recorder of Deeds in deed book P-49, page 239, also coincident with lands of, now or formerly Marty A. & Robin Lavere Messick as recorded in the aforementioned Office of the Recorder of Deeds in deed book 2123, page 193, also coincident with lands of, now or formerly Roger & Ruth Ann Minner as recorded in the aforementioned Office of the Recorder of Deeds in deed book I-30, page 53, also coincident with lands of, now or formerly James A. Bowman as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-397, page 3, the following (20) courses and distances, North 02 degrees 36 minutes 13 seconds West 24.24 feet to a point,

17) Thence, North 26 degrees 41 minutes 21 seconds East 74.64 feet to a point,

18) Thence, North 73 degrees 46 minutes 40 seconds East 40.42 feet to a point,

19) Thence, North 60 degrees 55 minutes 03 seconds East 45.25 feet to a point,

20) Thence, North 64 degrees 17 minutes 03 seconds East 70.86 feet to a point,

21) Thence, North 31 degrees 59 minutes 01 seconds East 40.16 feet to a point,

22) Thence, North 33 degrees 34 minutes 30 seconds East 52.71 feet to a point,

23) Thence, North 37 degrees 04 minutes 53 seconds East 56.03 feet to a point,

24) Thence, North 01 degrees 26 minutes 29 seconds West 27.35 feet to a point,

25) Thence, North 84 degrees 23 minutes 10 seconds East 69.26 feet to a point,

26) Thence, North 56 degrees 08 minutes 29 seconds East 357.40 feet to a point,

27) Thence, North 05 degrees 30 minutes 15 seconds East 30.70 feet to a point,

28) Thence, North 43 degrees 22 minutes 30 seconds East 137.43 feet to a point,

29) Thence, North 38 degrees 15 minutes 15 seconds East 111.56 feet to a point,

30) Thence, North 84 degrees 35 minutes 41 seconds East 160.76 feet to a point,

31) Thence, North 65 degrees 09 minutes 48 seconds East 148.49 feet to a point,

32) Thence, North 27 degrees 47 minutes 42 seconds East 92.54 feet to a point,

33) Thence, North 46 degrees 29 minutes 11 seconds East 146.05 feet to a point,

34) Thence, North 81 degrees 54 minutes 47 seconds East 126.16 feet to a point,

35) Thence, North 73 degrees 40 minutes 00 seconds East 19.83 feet to a point on the westerly line of lands of, now or formerly Delaware Hospice, Inc. as shown on aforementioned plat of "Milford Independence Commons"

36) Thence, leaving the centerline of aforementioned Swan Creek Branch and coincident with said Delaware Hospice lands, South 11 degrees 05 minutes 32 seconds East 937.30 feet to a point on the northerly line of lands of, now or formerly Darren J. & Judith M. Sobota as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-170, page 321,

37) Thence, leaving said Delaware Hospice lands and coincident with said Sobota lands South 73 degrees 28 minutes 51 seconds West 178.71 feet to a point on the southerly line of lands of, now or formerly P.J. Walker as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-543, page132,

38) Thence, leaving said Sobota lands and coincident with said Walker lands, also coincident with lands of, now or formerly Melody Booker-Gardner as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-704, page 292, also coincident with lands of, now or formerly Randy E. Marvel, as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-543, page 128, South 65 degrees 33 minutes 59 seconds East 1525.85 feet to a point on the westerly line of lands of, now or formerly John K. & Joseph A. Huber as recorded in the aforementioned Office of the Recorder of Deeds in deed book Q-51, page 151,

39) Thence, leaving said Marvel lands and coincident with said Huber lands, also coincident with lands of, now or formerly Anthony & Elizabeth Cadiz as recorded in the aforementioned Office of the Recorder of Deeds in deed book Z-53, page 310, also coincident with lands of, now or formerly Henry F. & Barbara G. Traute as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-152, page 219, also in part coincident with lands of, now or formerly Raymond D. & Marianne Flavin Jr. as recorded in the Office of the Recorder of Deeds in deed book I-54, page 27, South 31 degrees 53 minutes 34 seconds West 850.72

feet to a point on the northerly line of lands of, now or formerly Tim Johnson as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-286, page 59, being designated as Parcel 2 on aforementioned plat of "Milford Independence Commons"

40) Thence, leaving said Flavin lands and coincident with said Parcel 2, also coincident with other lands of, now or formerly Tim Johnson as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-592, page 1, being designated as Parcel 1 on aforementioned plat of "Milford Independence Commons" the following (9) courses and distances, North 58 degrees 09 minutes 09 seconds West 420.55 feet to a point,

41) Thence, South 31 degrees 42 minutes 14 seconds West 214.19 feet to a point,

42) Thence, along a curve to the right, having a radius of 95.00 feet, an arc distance of 130.17 and a chord bearing and distance of South 70 degrees 57 minutes 28 seconds West 120.22 feet to a point,

43) Thence, North 69 degrees 47 minutes 16 seconds West 323.55 feet to a point,

44) Thence, along a curve to the left, having a radius of 30.00 feet, an arc distance of 47.12 and a chord bearing and distance of South 65 degrees 12 minutes 44 seconds West 42.43 feet to a point,

45) Thence, South 20 degrees 12 minutes 44 seconds West 110.55 feet to a point,

46) Thence, South 12 degrees 20 minutes 44 seconds West 75.74 feet to a point,

47) Thence, South 20 degrees 20 minutes 58 seconds West 47.82 feet to a point,

48) Thence, South 24 degrees 39 minutes 02 seconds East 106.01 feet to the point and place of beginning;

CONTAINING 98.25 acres of land, more or less.

011998017476

Prep. By: FUQUA AND YORI, P.A.
P.O. Box 250
Georgetown, DE 19947

Tax Map #MD 16-173.00-01-02.00-000
MD 00-173.00-02-09.01-000
MD 16-173.00-01-03.00-000
MD-16-173.00-01-03.00-000 (part of)

DEED

THIS DEED, made this 10th day of NOVEMBER, 1998,

00286 0059

B E T W E E N

TIMOTHY S. JOHNSON and JEANNIE N. JOHNSON, of 119 Coursey Mill Road, Felton, Delaware 19943, party of the first part,

A N D

THE CITY OF MILFORD, a Political Subdivision of the State of Delaware, P.O. Box 159, Milford, Delaware 19963, party of the second part,

W I T N E S S E T H

That the said party of the first part, for and in consideration of the sum of One Dollar and No Cents ($1.00) and other good and valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto parties of the second part, their heirs and assigns:

SEE EXHIBIT A HERETO ATTACHED.

Being the same lands conveyed to Timothy S. Johnson and Jeannie N. Johnson by deed from Ralph B. Fry and Clara P. Fry dated November 21, 1995 and recorded in the Office of the Recorder of Deeds in and for Kent County in Deed Book 150 Page 152.

IN WITNESS WHEREOF, the said party of the first part has hereunto set their hand and seal, the day and year aforesaid.

Witness _____ Timothy S. Johnson (SEAL)
TIMOTHY S. JOHNSON

Witness _____ Jeannie N. Johnson (seal)
JEANNIE N. JOHNSON

$ E/E Delaware
Realty Transfer Tax Paid.
1.5% 2.0% Received by LBS

$ E/E Transfer Tax
paid to K.E.R.F.F. Milfold
Received by LBS

D 00286 0060

STATE OF DELAWARE *
: SS
COUNTY OF SUSSEX *

BE IT REMEMBERED, that on this 10th day of NOVEMBER, 1998, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, TIMOTHY S. JOHNSON and JEANNIE N. JOHNSON, party to this indenture, known to me personally to be such, and acknowledged this indenture to be their act and deed.

GIVEN under my hand and seal of Office, the day and year aforesaid.

Karen W. Rowe
Notary Public
Notary Name: KAREN W. ROWE
Com. Expires: 5/22/99

Charles D. Murphy Associates, Inc.

Surveying & Land Design
14 South Maple Avenue Milford, Delaware 19963
(302) 422-7327 • (302) 422-3929 fax

D 00286 0061

October 31, 1995

DESCRIPTION
Lands of: Ralph B. Fry - Parcel B (formerly Parcel 3)
To be conveyed to: Timothy S. Johnson
City of Milford
Kent County, Delaware

Reference: Tax map MD-16-173.00-01-02.00-000

All that certain piece, parcel and tract of land, lying and being in the City of Milford, Kent County and the State of Delaware, fronting on the northerly right-of-way of County Road #407 and on the easterly right-of-way of State Route #15, adjoining lands of Norman Kauffman, William C. Zook, the subdivision known as Hollywood Acres, lands of Dr. Brett Elliott, lands of William H. Plump, lands of Robert Lavere, lands of Roger Minner, lands of Donald W. Clifton and other lands of Ralph Fry, being more particularly described as follows, to wit:

Beginning at the intersection of the easterly right-of-way line of State Route #15 at sixty (60) feet wide and the northerly right-of-way line of County Route #407 at fifty (50) feet wide; thence running with said easterly right-of-way line of Route #15 and deflecting left along a 6342.53 foot radius curve, the chord of which bears North 03 degrees 48 minutes 09 seconds West 364.48 feet, an arc distance of 364.53 feet to a corner for lands of Norman Kauffman, from which point a found rebar bears South 83 degrees 48 minutes 57 seconds West 0.34 feet; thence running with said Kauffman lands the following two (2) courses and distances: 1) North 83 degrees 48 minutes 57 seconds East 275.695 feet to a found rebar and 2) North 06 degrees 11 minutes 52 seconds West 160.12 feet to a found rebar at a corner for lands of William C. Zook; thence proceeding along said Zook lands the following two (2) courses and distances: 1) North 06 degrees 12 minutes 26 seconds West 275.14 feet to a found rebar and 2) South 73 degrees 28 minutes 34 seconds West 17.86 feet to a corner for the Hollywood Acres Subdivision; thence running along said Hollywood Acres Subdivision North 02 degrees 50 minutes 06 seconds East 511.08 feet to a corner for lands of Dr. Bratt Elliott; thence following line of said Elliott lands South 87 degrees 09 minutes 54 seconds East 219.95 feet

Exhibit "A"

to the centerline of a small branch; thence following said centerline, lands of Dr. Brett Elliott, lands of William H. Plump, lands of Robert Lavere and lands of Roger Minner the following twenty (20) courses and distances: 1) North 02 degrees 54 minutes 33 seconds West 24.13 feet, 2) North 26 degrees 38 minutes 54 seconds East 74.64 feet, 3) North 73 degrees 44 minutes 13 seconds East 40.42 feet, 4) North 60 degrees 52 minutes 36 seconds East 45.25 feet, 5) North 64 degrees 14 minutes 36 seconds East 70.86 feet, 6) North 31 degrees 58 minutes 50 seconds East 40.16 feet, 7) North 33 degrees 31 minutes 21 seconds East 52.71 feet, 8) North 37 degrees 01 minutes 44 seconds East 56.03 feet, 9) North 01 degrees 29 minutes 38 seconds West 27.35 feet, 10) North 84 degrees 20 minutes 01 seconds East 69.26 feet, 11) North 56 degrees 05 minutes 20 seconds East 357.40 feet, 12) North 05 degrees 27 minutes 06 seconds East 30.70 feet, 13) North 43 degrees 19 minutes 21 seconds East 137.43 feet, 14) North 38 degrees 12 minutes 06 seconds East 111.56 feet, 15) North 84 degrees 32 minutes 32 seconds East 160.76 feet, 16) North 65 degrees 06 minutes 39 seconds East 148.49 feet, 17) North 27 degrees 44 minutes 33 seconds East 92.54 feet, 18) North 46 degrees 26 minutes 02 seconds East 146.05 feet, 19) North 81 degrees 51 minutes 38 seconds East 126.16 feet and 20) North 73 degrees 51 minutes 32 seconds East 19.82 feet to a corner for other lands of Ralph Fry; thence running with said otherlands of Ralph Fry South 11 degrees 08 minutes 45 seconds East 937.47 feet to a point on line of lands of Donald W. Clifton; thence proceeding along said Clifton lands the following three (3) courses and distances: 1) South 73 degrees 26 minutes 24 seconds West 178.73 feet 2) South 65 degrees 36 minutes 26 seconds East 1526.25 feet and 3) South 31 degrees 48 minutes 53 seconds West 1408.66 feet to aforementioned northerly right-of-way line of County Road #407; thence running with said northerly right-of-way line of Road #407 the following three (3) courses and distances: 1) North 69 degrees 41 minutes 00 seconds West 1194.57 feet to a point of curvature, 2) deflecting left along a 854.65 foot radius curve the chord of which bears North 79 degrees 55 mintues 53 seconds West 304.11 feet, an arc distance of 305.74 feet to a point of tangency, and finally 3) South 89 degrees 49 minutes 11 seconds West 1045.42 feet to the place of beginning; containing 108.5716 Acres of land, more or less. SUBJECT TO THE FOLLOWING EASEMENTS:

Beginning at a point on the intersection of the northerly right-of-way line of County Road #407, at fifty (50) feet wide, and the easterly right-of-way line of State Route #15 at sixty (60) feet wide, thence proceeding along said easterly right-of-way line of Road #15, and deflecting left along a 6342.53 foot radius curve, the chord of which bears North 03 degrees 48 minutes 09 seconds West 364.48 feet to a corner for lands of Norman Kaufman; thence running with said Kaufman lands North 83 degrees 48 minutes 57 seconds East 15.00 feet to a point; thence running thru said lands of Ralph Fry the following four (4) courses and distances: 1) deflecting right along a 6357.53 foot radius curve, the chord of which bears South 03 degrees 52 minutes 07 seconds East 351.05 feet, an arc distance of 351.095 feet, 2) North 89 degrees 41 minutes 11 seconds East 1030.95 feet to a point of curvature, 3) deflecting right along an 869.65 foot radius

D 00286 0062

curve, the chord of which bears South 79 degrees 55 minutes 53 seconds East 309.45 feet an arc distance of 311.10 feet to a point of tangency, and 4) South 89 degrees 41 minutes 00 seconds East 1197.63 feet to a point on line of lands of Donald W. Clifton; thence running with said Clifton lands South 31 degrees 48 minutes 53 seconds West 15.31 feet to aforementioned northerly right-of-way line of County Road #407; thence following said northerly right-of-way line of Road #407 the following three (3) courses and distances; 1) North 67 degrees 41 minutes 00 seconds West 1194.57 feet to a point of curvature, 2) deflecting left along an 854.65 foot radius curve the chord of which bears North 79 degrees 55 minutes 53 seconds West 304.11 feet, an arc distance of 305.74 feet to the point of tangency and finally, 5) South 89 degrees 49 minutes 11 seconds West 1045.42 feet to the place of beginning; containing 43,512 Square Feet of land, more or less.

Beginning at the intersection of an easement abutting County Road #407 with an easement abutting State Route #15, thence proceeding along said easement abutting State Route #15 and deflecting left along a 6357.53 foot radius curve, the chord of which bears North 03 degrees 52 minutes 07 seconds West 351.05 feet, an arc distance of 351.09 feet to a point on line for lands of Norman Kauffman; thence running with said Kauffman lands North 83 degrees 48 minutes 57 seconds East 5.00 feet to a corner for other lands of Ralph B. Fry; thence running with said other Fry lands and deflecting right along a 6362.53 foot radius curve, the chord of which bears South 03 degrees 53 minutes 26 seconds East 346.57 feet, an arc distance of 356.62 feet to a point; thence continuing with other Fry lands the following three (3) courses and distances: 1) North 89 degrees 49 minutes 11 seconds East 1026.13 feet to a point of curvature, 2) deflecting right along a 874.65 foot radius curve, the chord of which bears South 79 degrees 55 minutes 53 seconds East 311.23 feet, an arc distance of 312.90 feet to a point of tangency, and 3) South 69 degrees 41 minutes 00 seconds East 1198.64 feet to a point on line for lands of Donald W. Clifton; thence running with said Clifton lands South 31 degrees 48 minutes 53 seconds West 5.10 feet to a corner for an existing fifteen (15) foot wide easement; thence running with the northerly side of said existing easement the following three (3) courses and distances: 1) North 69 degrees 41 minutes 00 seconds West 1197.63 feet to a point of curvature, 2) deflecting left along a 869.65 foot radius curve, the chord of which bears North 79 degrees 55 minutes 53 seconds West 309.45 feet, an arc distance of 311.11 feet to a point of tangency, and 3) South 89 degrees 49 minutes 11 seconds West 1030.95 feet to the place of beginning, containing 14,438 Square Feet of land, more or less.

D 00286 0063

POOR ORIGINAL

Charles D. Murphy Associates, Inc.

Surveying & Land Design
14 South Maple Avenue Milford, Delaware 19963
(302) 422-7327 • (302) 422-3929 fax

D 00286 0064

October 31, 1995

DESCRIPTION
Lands of: Ralph B. Fry - Parcel C (formerly Parcel 2)
To be conveyed to: Timothy S. Johnson
City of Milford
Kent County, Delaware

Reference: Tax man MD-16-173.00-01-03.00-000

All that certain piece, parcel and tract of land, lying and being in the City of Milford, Kent County and the State of Delaware, fronting on the easterly right-of-way of State Route #15 and on the southerly right-of-way of County Road #407, adjoining lands of James V. Gallagher, et al., lands of Masten-Thawley, L.P., lands of Crerar Bennett, lands of Mary H. Hollis, and lands of David W.Helsdon, being more particularly described as follows, to wit:

Beginning at the intersection of the aforementioned easterly right-of-way line of State Route #15 at sixty (60) feet wide, with the southerly right-of-way line of Road #407 at fifty (50) feet wide; thence proceeding along said southerly right-of-wayline of Road #407 the following six (6) courses and distances: 1) North 89 degrees 49 minutes 11 seconds East 1043.89 feet to a point of curvature, 2) defelcting right along an 804.65 foot raduis curve, the chord of which bears South 79 degrees 55 minutes 54 seconds East 286.32 feet, an arc distance of 287.85 feet to a point of tangencey, 3) South 69 degrees 41 minutes 00 seconds East 1190.91 feet, 4) South 70 degrees 07 minutes 59 seconds East 432.55 feet to a point of curvature, 5) deflecting right along an 1185.12 foot radius curve, the chord of which bears South 62 degrees 02 minutes 37 seconds East 333.54 feet, an arc distance of 334.65 feet to a point of tangency; and 6) South 53 degrees 57 minutes 14 seconds East 435.51 feet to a corner for lands of James V. Gallagher, et al; thence running with said Gallagher lands South 02 degrees 55 minutes 06 seconds West 994.05 feet, passing over a found iron pipe at 0.21 feet, to the centerline of Mullet Run; thence following said centerline of Mullet Run and lands of Masten-Thawley, L.P., and lands of Crerar Bennett the following ten (10) courses and distances: 1) North 63 degrees 13 minutes 04 seconds West

178.29 feet, 2) North 33 degrees 46 minutes 40 seconds West 93.58 feet, 3) North 39 degrees 08 minutes 41 seconds West 126.19 feet, 4) North 57 degrees 05 minutes 00 seconds West 249.83 feet, 5) South 72 degrees 34 minutes 53 seconds West 284.91 feet, 6) South 67 degrees 46 minutes 18 seconds West 100.74 feet, 7) South 73 degrees 53 minutes 34 seconds West 115.32 feet, 8) North 57 degrees 23 minutes 39 seconds West 65.78 feet, 9) North 45 degrees 32 minutes 53 seconds West 259.81 feet, and 10) North 38 degrees 28 minutes 31 seconds West 88.59 feet, to a corner for lands of said Crerar Bennett; thence continuing with said Bennett lands South 15 degrees 01 minutes 12 seconds West 676.63 feet to a corner for lands of Mary H. Hollis; thence running with said Hollis lands the following five (5) courses and distances: 1) North 48 degrees 28 minutes 50 seconds West 1095.15 feet, 2) South 22 degrees 24 minutes 59 seconds West 15.59 feet, 3) North 45 degrees 59 minutes 08 seconds West 653.03 feet, 4) North 05 degrees 23 minutes 32 seconds East 312.25 feet to a found concrete monument and 5) North 81 degrees 33 minutes 07 seconds West 386.20 feet to a found rebar at a conner for lands of David W. Helsdon; thence running with said Helsdon lands the following two (2) courses and distances: 1) North 01 degrees 03 minutes 03 seconds East 212.10 feet to a found rebar and 2) North 88 degrees 57 minutes 22 seconds West 354.17 feet, passing over a found rebar at 353.33 feet, to aformentioned easterly right-of-way line of State Route #15; thence running with said right-of-way line the following two (2) courses and distances: 1) North 01 degrees 02 minutes 24 seconds East 87.96 feet to a point of curvature and finally 2) deflecting left along a 6342.53 foot radius curve, the chord of which bears North 00 degrees 19 minutes 55 seconds West 303.73 feet, an arc distatance of 303.76 feet to the place of beginning containg 91.0655 Acres of land, more or less. SUBJECT TO THE FOLLOWING EASEMENTS:
Beginning at the intersection of the southerly right-of-way line of County Road #407 at fifty (50) feet wide and with the easterly right-of-way line of State Route #15, at sixty (60) feet wide, thence proceeding along said southerly right-of-way line of Road #407 the following six (6) courses and distances: 1) North 89 degrees 49 minutes 11 seconds East 1043.89 feet to a point of curvature, 2) deflecting right along an 804.65 foot radius curve, the chord of which bears South 79 degrees 55 minutes 54 seconds East 286.32 feet, an arc distance of 287.85 feet to a point of tangency, 3) South 69 degrees 41 minutes 00 seconds East 1190.91 feet, 4) South 70 degrees 07 minutes 59 seconds East 432.55 feet to a point of curvature 5) deflecting right along an 1185.12 foot radius curve, the chord of which bears South 62 degrees 02 minutes 37 seconds East 333.54 feet, an arc distance of 334.65 feet to a point of tangency, and 6) South 53 degrees 57 minutes 14 seconds East 435.51 feet to a corner for lands of James V. Gallagher et al; thence following line of said Gallagher lands South 02 degrees 55 minutes 06 seconds West 17.91 feet; thence running thru lands of said Ralph Fry the following eight (8) courses and distances: 1) North 53 degrees 57 minutes 14 seconds West 445.30 feet to a point of curvature, 2) deflecting left along a 1170.12 foot radius curve the chord of which bears North 62 degrees 02 minutes 37 seconds West 329.32 feet to a point of tangency 3) North 70 degrees 07 minutes 59 seconds West 432.93 feet; 4) North 69 degrees 41 minutes 00 seconds West 1190.65. feet to a point of

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curvature; 5) deflecting left along an 789.65 foot radius curve, the chord of which bears North 79 degrees 55 minutes 54 seconds West 280.89 feet, an arc distance of 282.485 feet to a point of tangency 6) North 89 degrees 49 minutes 11 seconds West 1028.51 feet, and 7) deflecting right along an 6357.53 foot radius curve; the chord of which bears South 00 degrees 15 minutes 45 seconds East 289.05 feet, an arc distance of 289.07 feet, to a point of tangency; 8) South 01 degrees 02 minutes 24 seconds West 87.96 feet to a point in line of lands of David W. Helsdon; thence running with said Helsdon lands North 88 degrees 57 minutes 22 seconds West 15.00 feet to the aforementioned westerly right-of-way line of State Route #15; thence following said right-of-way line of Route #15, North 01 degrees 02 minutes 24 seconds East 87.96 feet to a point of curvature; thence finally continuing with said right-of-way line of Route #15 and deflecting left along an 6342.53 foot radius curve, the chord of which bears North 00 degrees 19 minutes 55 seconds West 303.73 feet, an arc distance of 303.76 feet to the place of beginning; containing 1.4126 Acres of land, more or less.

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Beginning at a point on line of lands of J.R.J. Partnership said point being the southeasterly corner for an existing fifteen (15) foot easement to the City of Milford; thence proceeding with said lands of J.R.J. Partnership South 02 degrees 55 minutes 05 seconds West 5.97 feet to a point on line for other lands of Ralph B. Fry; thence running with said Fry lands the folloving eight (8) courses and distances: 1) North 53 degrees 57 minutes 14 seconds West 448.56 feet, to a point of curvature, 2) deflecting left along a 1165.13 foot radius curve, the chord of which bears North 62 degrees 02 minutes 37 seconds West 327.91 feet, an arc distance of 329.01 feet to a point of tangency, 3) North 70 degrees 07 minutes 59 seconds West 432.95 feet, 4) North 69 degrees 41 minutes 00 seconds West 1190.67 feet to a point of curvature, 5) deflecting left along a 784.65 foot radius curve, the chord of which bears North 79 degrees 55 minutes 54 seconds West 279.2 feet, an arc distance of 280.70 feet to a point of tangency, 6) South 89 degrees 49 minutes 11 seconds West 1023.39 feet to a point on curve, 7) running with said curve, and deflecting right along a 6362.53 foot radius curve, the chord of which bears South 00 degrees 14 minutes 22 seconds East 284.15 feet, an arc distance of 284.18 feet to a point of tangency, and 8) South 01 degrees 02 minutes 24 seconds West 87.96 feet to a point on line for lands of David W. Helsdon: thence running with said Helsdon lands North 88 degrees 57 minutes 22 seconds West 5.00 feet to a point on line for an existing fifteen (15) foot easement to the City of Milford: thence running with said existing easement the folloving eight (8) courses and distances: 1) North 01 degrees 02 minutes 24 seconds East 87.96 feet to a point of curvature, 2) deflecting left along a 6357.53 foot radius curve, the chord of which bears North 00 degrees 15 minutes 45 seconds West 289.05 feet, an arc distance of 289.07 feet to a point on curve, 3) North 89 degrees 49 minutes 11 seconds East 1128.51 feet to a point of curvature, 4) deflecting right along a 789.65 foot radius curve, the chord of which bears south 79 degrees 55 minutes 54 seconds East 280.98 feet, an arc distance of 282.48 feet to a point of

POOR ORIGINAL

tangency, 5) South 69 degrees 41 minutes 00 seconds East 1190.65 feet, 6) South 70 degrees 07 minutes 59 seconds East 432.93 feet to a point of curvature, 7) deflecting right along a 1170.12 foot radius curve, the chord of which bears South 62 degrees 02 minutes 37 seconds East 329.32 feet, an arc distance of 330.42 feet to a point of tangency, and finally, 8) South 53 degrees 57 minutes 14 seconds East 445.30 feet to the place of beginning, containing 20, 412 Square Feet of land, more or less.

EXCEPTING AND EXCLUDING from said parcel (T.M. MD-16-173.00-01-03.00-000), the following described lands containing 9.99 acres of land which shall be retained by the Grantor:

D 00286 0067

POOR ORIGINAL

Charles D. Murphy Associates, Inc.

Surveying & Land Design

14 South Maple Avenue Milford, Delaware 19963
(302) 422-7327 • (302) 422-3929 fax

D 00286 0068

DESCRIPTION

Lands to be Retained by: Timothy S. Johnson
City of Milford
Kent County, Delaware

Reference: MD-16-173.00-01-03.00-000 part of

All that certain tract, piece and parcel of land lying and being situate in the City of Milford, Kent County and the State of Delaware, depicted on a survey prepared by Charles D. Murphy Associates, Inc., 26 October 1998, fronting on the southwesterly rightof-way of County Road #407 and on the northeasterly side of Mullett Run, adjoining lands now or formerly of Richard P. Dushuttle, lands now or formerly I. C. Isaacs & Co., Inc., and other lands of Timothy S. Johnson, being more particularly described as follows, to wit:

Beginning at a point on the aforementioned southwesterly right-of-way line of County Road #407, twenty-five (25) feet from the centerline thereof and at the northwesterly corner of lands now or formerly of Richard P. Dushuttle; thence running with said Dushuttle land South 02 degrees 55 minutes 06 seconds West 994.06 feet to the centerline of Mullett Run and line of lands now or formerly of I. C. Isaacs & Co., Inc.; thence proceeding along said centerline of Mullett Run and said lands now or formerly of I. C. Isaacs & Co., Inc., the following four (4) courses and distances:

1) North 63 degrees 13 minutes 04 seconds West 178.29 feet
2) North 33 degrees 46 minutes 40 seconds West 93.58 feet
3) North 39 degrees 08 minutes 41 seconds West 126.19 feet and
4) North 57 degrees 05 minutes 00 seconds West 159.27 feet to a corner for other lands of Timothy S. Johnson;

thence following line of said other lands of Timothy S. Johnson North 02 degrees 55 minutes 06 seconds East 957.62 feet to the aforementioned southwesterly right-of-way line of County Road #407; thence proceeding along said right-of-way line of County Road #407 and deflecting right along an 1,185.13 foot radius curve, the chord of which bears South 56 degrees 07 minutes 02 seconds East 89.47 feet, an arc distance of 89.49 feet to a point of tangency; thence finally continuing along said right-of-way line of County Road #407 South 53 degrees 57 minutes 14 seconds East 435.51 feet to the place of beginning, containing 9.9900 acres of land, more or less.

Charles D. Murphy Associates, Inc.
Surveying & Land Design
14 South Maple Avenue Milford, Delaware 19963
(302) 422-7327 • (302) 422-3929 fax

D 00286 0069

October 31, 1995

DESCRIPTION
Lands of: Ralph B. Fry - Parcel A
To be conveyed to: Timothy S. Johnson
Milford Hundred
Kent County, Delaware

Reference: Tax map MD-00-173.00-02-09.01-000

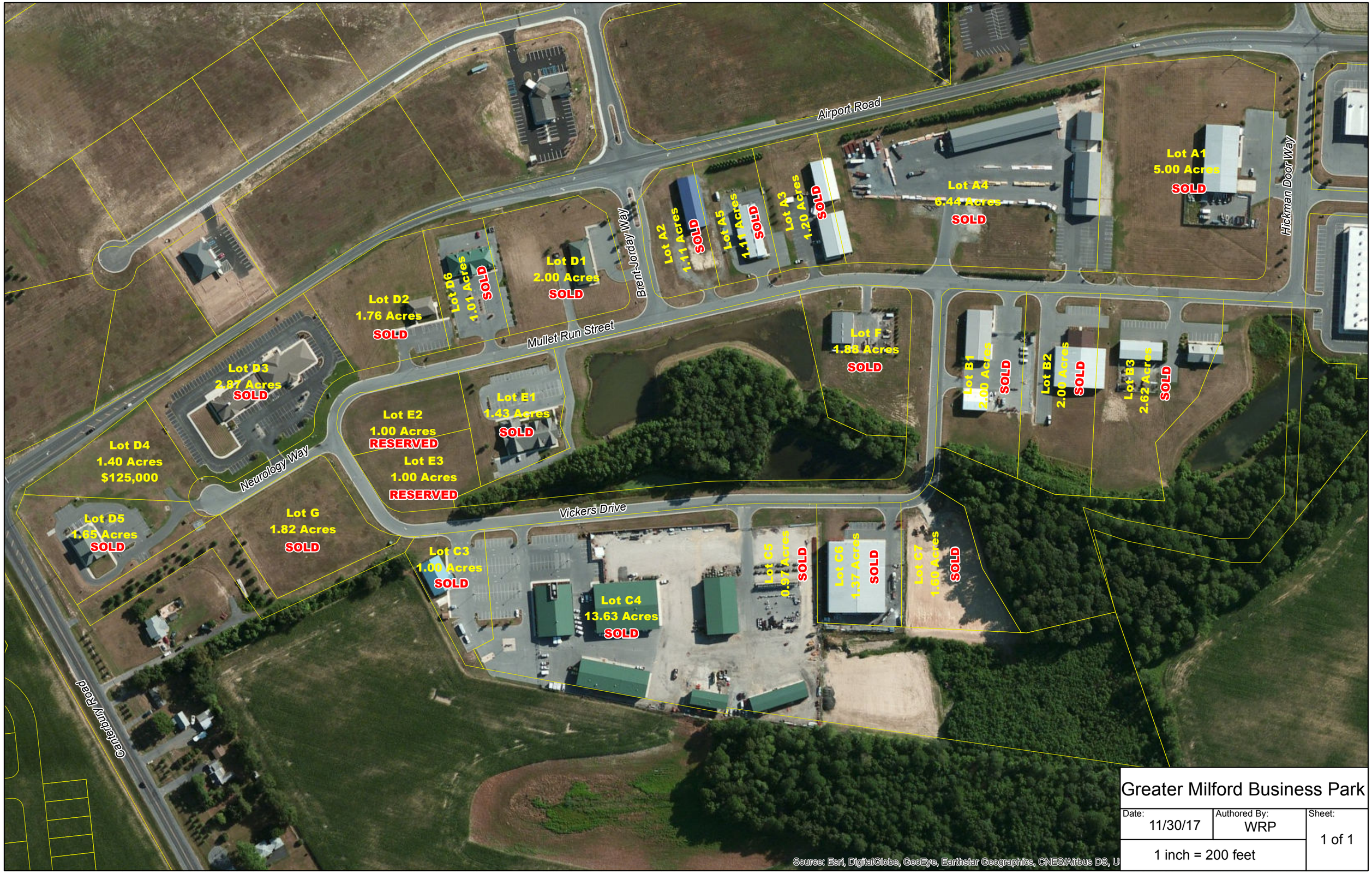
All that certain piece, parcel and tract of land, lying and being situate in Milford Hundred, Kent County and the State of Delaware, lying north of, but not contiguous to County Road #407, adjoining Parcel B, land now or formerly of Roger Minner, of William P. Bowman of Donald W. Clifton and of an unknown owner, being more particularly described as follows, to wit:

Beginning at a point on line for lands of Donald W. Clifton, being a corner for Parcel B; thence proceeding with Parcel B North 11 degrees 08 minutes 45 seconds West 937.47 feet to a point on line for lands of Robert Minner, being in the center of a ditch; thence running with said Minner lands, lands of William P. Bowman and the center of said ditch the following seventeen (17) bearings and distances: 1) North 72 degrees 08 minutes 55 seconds East 90.88 feet, 2) North 26 degrees 25 minutes 42 seconds East 34.63 feet, 3) South 63 degrees 25 minutes 46 seconds East 40.53 feet, 4) North 88 degrees 54 minutes 58 seconds East 37.01 feet, 5) North 61 degrees 32 minutes 25 seconds East 58.62 feet, 6) North 37 degrees 31 minutes 11 seconds East 38.58 feet, 7) North 36 degrees 40 minutes 42 seconds East 7.33 feet, 8) North 76 degrees 41 minutes 18 seconds East 20.07 feet, 9) South 45 degrees 59 minutes 12 seconds East 17.64 feet, 10) North 79 degrees 21 minutes 28 seconds East 44.82 feet, 11) North 65 degrees 12 minutes 33 seconds East 137.24 feet, 12) North 75 degrees 55 minutes 54 seconds East 13.33 feet, 13) South 46 degrees 49 minutes 00 seconds East 9.44 feet, 14) South 27 degrees 34 minutes 09 seconds East 47.43 feet, 15) South 50 degrees 58 minutes 26 seconds East 22.09 feet, 16) North 69 degrees 59 minutes 31 seconds East 42.44 feet, and 17) North 62 degrees 23 minutes 34 seconds East 10.07 feet to a corner for an unknown owner; thence running with said unknown owner South 07 degrees 23 minutes 36 seconds East 903.23 feet to a corner for lands of Donald W. Clifton; thence finally, running with said Clifton lands South 73 degrees 26 minutes 24 seconds West 519.75 feet to the place of beginning, containing 11.8493 Acres of land, more or less.

STATE DOCUMENT
FEE PD

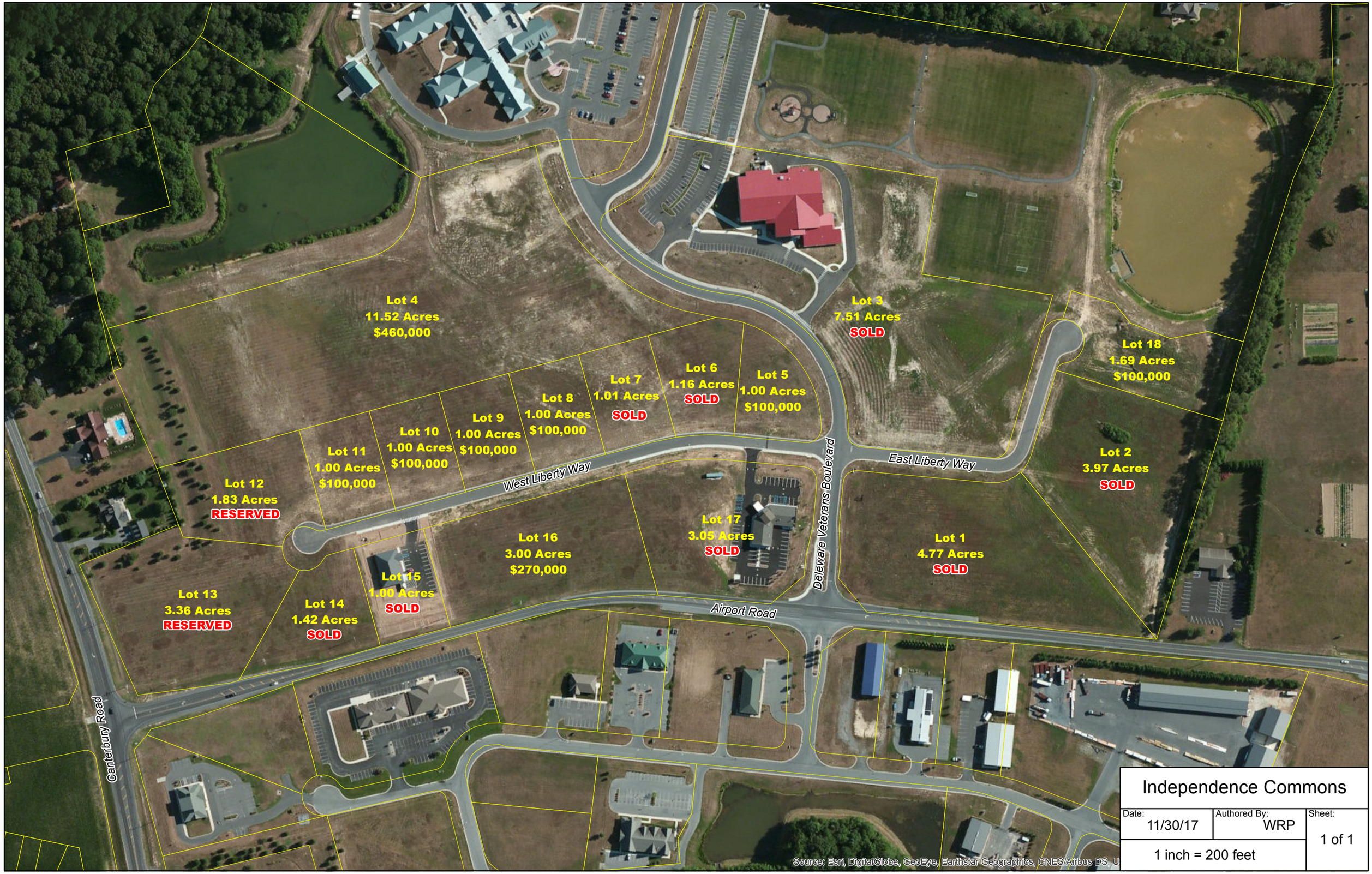
Nov 12 7 09 PM '98

RECEIVED BY
R.M. WARNER, JR
RECORDER OF DEEDS
KENT CO. DELAWARE



Greater Milford Business Park

Date:	Authored By:	Sheet:
11/30/17	WRP	1 of 1
1 inch = 200 feet		



Independence Commons

Date:	Authored By:	Sheet:
11/30/17	WRP	1 of 1

1 inch = 200 feet

PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.422.1110
FAX 302.422.1117
www.cityofmilford.com

To: Eric Norenberg, City Manager
From: Mark A. Whitfield, Public Works Director
Subject: Approve Use of Sewer Reserves to Pay for Sewer Line Televising and Engineering
Date: December 29, 2017

Attached for Council's consideration is an invoice for $24,424.93 for the televising of the sanitary sewers on SE 2nd Street. DELDOT plans to resurface SE2nd Street in the summer of 2018. In order to determine if any necessary sanitary sewer infrastructure needed repaired prior to the resurfacing, it was necessary to televise the lines. The contractor, Standard Pipe Services, worked through Davis, Bowen and Friedel to complete the work. The contractor also completed similar work for lines on NE and NW Front Street, therefore, in staff's opinion, it made sense to piggy-back on the same contract to complete the work for SE 2nd Street. Reserve funds were identified in the sewer budget for the SE 2nd Street sewer work in the amount of $1,550,000, therefore funds are available for the work. Engineering for the rehab work will be completed by the City Engineer. If necessary, the rehab work will be bid for construction in late winter, early spring 2018.

Recommendation: I recommend Council authorize the use of $24,424.93 from Sewer Reserves to pay for the Davis Bowen and Friedel invoice for televising the sewer lines on SE 2nd Street.

Invoice

DAVIS BOWEN & FRIEDEL, INC.
ARCHITECTS • ENGINEERS • SURVEYORS

REMIT TO: 601 E. Main Street, Suite 100
Salisbury, MD 21804
Tel: 410.543.9091 Fax: 410.543.7937

Faith Argo
City of Milford
Accounts Payable
10 SE Second Street
Milford, DE 19963

December 15, 2017
Invoice No: 127874

Project 0052A019.014 SE 2nd Street CCTV Sewer Inspection - On-call Services

Invoice Submittal: fargo@milford-de.gov

Estimate: $23,000

Billing Message: DelDOT PERMIT COORDINATION, INPSECTION SERVICES, & CCTV REVIEW

For Professional Services Rendered from October 28, 2017 to December 1, 2017

Professional Personnel

		Hours	Rate	Amount	
PRINCIPAL		3.00	170.00	510.00	
ENGINEER		52.75	120.00	6,330.00	
	Totals	55.75		6,840.00	
	Total Labor				**6,840.00**

Consultants

REIMB -OTHER OUTSIDE SERVICES

10/28/2017	STANDARD PIPE SERVICES	JOB SITE - LCLEAN & TV 6 & 8 SANITARY SEWER / TRAFFIC CONTROL	17,584.93	
	Total Consultants		**17,584.93**	**17,584.93**

Current Invoice Total **$24,424.93**

Please disregard outstanding invoices listed above that were paid prior to the distribution of this invoice. Please reference invoice number(s) when remitting payment.

City of Milford

RESOLUTION 2018-01

ADOPTING MILFORD CITY COUNCIL RULES OF PROCEDURE

WHEREAS, the government of the City and exercise of all powers conferred by the Charter of the City of Milford is vested in an elective body consisting of the Mayor and eight Councilpersons ("City Council"); and

WHEREAS, the Mayor and City Council has traditionally followed Robert's Rules of Order, with modifications, to provide structure for the conduct of business during its meetings; and

WHEREAS, Article IV, Section 4.08(b) of the Charter states that the City Council "shall determine its own rules and order of business"; and

WHEREAS, the City Council of the City of Milford recognizes that rules are necessary for the orderly conduct of business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milford, Delaware that the Procedural Rules hereto attached, as 'Exhibit A', are hereby adopted.

_____

Bryan W. Shupe
Mayor

IN WITNESS WHEREOF, the foregoing was adopted by the City Council of the City of Milford, Delaware on January 8, 2018 as Resolution 2018-01.

_____

Teresa K. Hudson, MMC
City Clerk

Attachment:
Exhibit A

EXHIBIT A

City of Milford
City Council
Rules of Procedure

Regular meetings of City Council shall be held on the second and fourth Monday of each month at Milford City Hall and shall commence at 7:00 p.m. In the case of a holiday on said Monday, the meeting shall be on the next business day. There shall be only one regular City Council meeting held on the second Monday of the month in December. Additional meetings, workshop meetings and/or committee meetings may be held on alternate Mondays, prior to regular meetings, or alternate days of the week with start and end times to be set at the discretion of the Mayor or Committee Chair.

City Council Regular Meetings
Order of Business

1. Call to Order
2. Invocation & Pledge of Allegiance
3. Approval of Previous Minutes (On second Monday only.)
4. Public Hearing (On fourth Monday only, if needed. See below for procedures.)
5. Approval of Consent Agenda

6. Council Business
   a. Recognition (If needed, this item is for recognition of City staff (new or special achievements) or Proclamations or Tributes for community members who have made special contributions to improve the quality of life of our community.)
   b. Special Informational Presentations
   c. Communications and Correspondence (On second Monday only.)
      i. Committee and Ward Reports
      ii. City Manager's Report
      iii. Police Chief's Report
      iv. Finance Report
   d. Appointments to Boards, Committees and Commissions (if needed)

7. Unfinished Business (Items included in this section are ordinances introduced at a prior meeting, or items postponed from previous City Council meetings. The order in which items will be addressed is as follows:)
   a. Presentation / Report by staff, consultants or others
   b. City Council Discussion / Questions
   c. Public Comment as applicable, see below
   d. City Council Deliberation
   e. Council Action (Approve, Deny or Postpone)

8. New Business (The order in which items will be addressed is as follows:)
   a. Presentation / Report by staff, consultants or others
   b. City Council Discussion / Questions
   c. Public Comment as applicable, see below
   d. City Council Deliberation
   e. Council Action (Approve, Deny or Postpone)

9. Executive Session (If needed and only if included on agenda.)
10. Adjourn

City Council Workshop Meetings
Order of Business

1. Call to Order
2. Unfinished Business
3. New Business (The order in which items will be addressed is as follows:)
   a. Presentation / Report by staff, consultants or others
   b. City Council Discussion / Questions
   c. Public Comment as applicable, see below
   d. City Council Deliberation
4. Adjourn

City Council Committee Meetings
Order of Business

1. Call to Order
2. Approval of Previous Minutes
3. Unfinished Business
4. New Business (The order in which items will be addressed is as follows:)
   a. Presentation / Report by staff, consultants or others
   b. City Council Discussion / Questions
   c. Public Comment as applicable, see below
   d. City Council Deliberation
5. Adjourn

City Council Public Hearing
Procedures
Effective: September 1, 2017

The Mayor shall preside over Public Hearings and follow these steps:

1. Call the Public Hearing to order.
2. Mayor or City Solicitor will explain the procedure.
3. Mayor will identify the application or subject by name and number.
4. In the case of land use or similar matters, the Mayor will call on the City Planner or other appropriate staff to establish advertising was done as required by law and to review the application or subject.
5. Mayor will then call on the applicant or representative to concisely present their application. The applicant is asked to limit their presentation to 15 minutes. If the application is sufficiently complex that more time is necessary, the applicant should notify the City Clerk prior to the meeting and the Mayor will determine and announce if additional time is granted.

   Questions may be asked by the City Council or the Mayor during the testimony to clarify comments or statements made during the remarks. The Mayor must recognize speakers first. However, City Councilmembers should reserve discussion or expression of opinions until the deliberation portion of the Public Hearing.

6. The Mayor will then invite testimony from all who favor the application (up to three minutes per person).
7. The Mayor will then invite testimony from all opposed to the application (up to three minutes per person).
8. The Mayor will then invite testimony from those not opposed or in support of the application (up to three minutes per person).

9. After everyone has spoken, the Mayor declares the public hearing closed.
10. The City Council discusses the application based on the merits presented, after which the Mayor will call for a motion.
11. A roll call vote will be conducted on the motion with each Councilmember voicing her/his vote (aye or nay) followed by a brief reason for supporting or opposing the motion based information presented on the record. The order of the roll call vote will change with each such vote and will be tracked by the City Clerk.

City Council Public Comment Procedures

Public Comment (non-Public Hearings) is an opportunity for individuals to speak before City Council at designated times during meetings.

1. The public may comment on Ordinances and Resolutions that are on the agenda for consideration by City Council. Those agenda items on which the public may comment will be designed with a symbol on the published agenda.
2. Individuals wishing to speak during said times shall complete a colored Public Comment card provided at the entrance of the Council Chamber and place the completed card in the box at the end of the Council desk prior to the start of the meeting.
3. Public Comment on Ordinances or Resolutions will follow any staff report and any discussion by the City Council.
4. At the appropriate time, individuals who have signed up for public comment will be called forward to the podium by the Mayor or Committee Chair to speak. When recognized by the Mayor or Committee Chair, a speaker should approach and speak from the podium, if they are able, state their name and address and commence with their comments. Speakers are asked to please be sure to speak into the microphone so comments are recorded and to provide the City Clerk with a copy of any comments read into the record. Speakers are limited to three minutes each. These time limits may be extended by the Mayor or Committee Chair, if in his/her opinion, the speaker is representing a contingent of individuals present at the meeting and the speaker is acting as spokesperson so that every individual will not need to speak.
5. If the speaker has items to be distributed to the City Council or to staff, they are asked to please provide them to the City Clerk's Office by noon on the Wednesday prior to the meeting. No items will be distributed during the meeting.
6. Speakers shall remain polite, civil and respect the decorum of the City Council meeting. Comments are to be addressed to the Mayor and City Council as a whole, and should not include insults, personal attacks, etc. Certain topics are not appropriate for public discussion or to be addressed to City Council per the City Charter and the Delaware Code. Accordingly, speakers are asked to refrain from addressing personnel matters, topics that should only be discussed in Executive Session, or subjects that are not otherwise within the authority or responsibility of the City of Milford or the City Council. Speakers who, in the opinion of the Mayor or Committee Chair, are not following these expectations may be cut off and asked to leave the podium. Once the comments are completed, the speaker should be seated or may leave the Council Chambers.
7. Audience members are asked to please be courteous to those who are speaking during public comment by refraining from applause, cheers or commenting from while others are speaking.

Additional Procedures

Public Posting Compliance: In accordance with state FOIA regulations and the Charter, the final agenda for all City Council meetings will be prepared and posted by the City Clerk at least seven days prior to the meeting. The final agenda will be posted on the City website and the link will be emailed to the Mayor, City Council members, the City Manager and department heads no later than seven days prior to the meeting.

Agenda items will be established by the City Manager, the Mayor or Committee Chair and the City Clerk. Staff reports, supporting materials, presentations, memos, etc. for the packet shall be emailed to the City Clerk's Office no later than the Wednesday prior to the meeting. The packet will be posted on the City website and the link emailed to the Mayor, City Councilmembers, the City Manager and department heads no later than the Friday morning prior to the meeting.

Councilmembers are encouraged to review the agenda and packet prior to the meeting and are requested to contact the City Manager or Police Chief, in the case of items originating from the Police Department, with questions that may require additional information or research by noon on the day of the meeting.

Cancellation of Meetings: Cancellation of any meeting shall be at the discretion of the Mayor as circumstances may require. In any case, as much notice of said cancellation as is practical shall be given through the City Clerk's Office to City Council members, the City Manager and department heads and shall be posted on the City's website.

Minutes: Minutes shall be kept of all City Council meetings, including the language of and votes upon all motions. The City Clerk's Office will strive to have minutes of the prior meeting prepared and included in the appropriate monthly packet. Audio recordings shall record the business transacted at all City Council meetings and shall be stored for future reference according to the approved Record Retention Schedule for the State of Delaware. Minutes shall be prepared of all executive session meetings by the City Clerk and shall be maintained under the custody, control, and supervision of the City Clerk.

Consent Agenda: A Consent Agenda may be used to approve a group of matters with one motion and vote at the beginning of the meeting. This is used for routine matters and/or items that have been vetted through committees or prior City Council discussion. Prior to approving the Consent Agenda, the items are to be read aloud by the City Clerk so that everyone in the room is aware of the items that will be approved together, with one vote. Prior to the vote, any Councilmember may request an item be removed from the Consent Agenda for more detailed discussion.

Parliamentary Procedure: The Mayor or Committee Chair shall have authority to manage meetings in accordance with the Charter and these procedures, with the City Solicitor serving as Parliamentarian when in attendance. In matters not covered by these Rules, and where not in conflict with the Laws of Delaware or the Ordinances of the City of Milford, Robert's Rules of Order (most current published edition) shall be the parliamentary authority.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

ORDINANCE NO. 2017-24
2018 COMPREHENSIVE PLAN

WHEREAS, Title 22, Section 702 of the Delaware Code, the Livable Delaware program of the Governor of the State of Delaware and House Bill 255 amending Title 9, Title 22 and Title 29 of the Delaware Code authorize Delaware municipalities to carefully prepare and adopt Comprehensive Land Use Plans to guide and regulate future growth and community development; and

WHEREAS, Delaware's Office of State Planning Coordination provides guidance to municipalities in order to effectuate the goal of having well-drawn and executed Comprehensive Plans for all Delaware counties and municipalities, including the provision that Comprehensive Plans be approved and certified by the Governor of Delaware upon their completion, and further requires that certified Comprehensive Plans be revised, updated and amended as necessary, and readopted on a ten-year cycle; and

WHEREAS, the City of Milford's Comprehensive Plan was last adopted in 2008, as amended, and requires revision to account for physical changes and revitalization accomplishments which have since occurred in both the built and natural environments of the community; and

WHEREAS, the City of Milford Planning Commission has prepared and approved, in consultation with the public, interested parties, and government agencies, a Comprehensive Plan for the City of Milford, which articulates an overall vision for the community's future, including goals, objectives, policies and action project recommendations for achieving that vision and has conducted a duly advertised public hearing for public review and comment on May 16, 2017 and September 19, 2017 and, at its meeting on December 19, 2017 recommends the 2018 City of Milford Comprehensive Plan be adopted by Milford City Council at their January 22, 2018 meeting; and

WHEREAS, the 2018 City of Milford Comprehensive Plan will be the foundation for revision or improvement of the City's Zoning Ordinance, Subdivision Regulations, Housing and Maintenance Codes, Capital Improvement Program, Community Development Program, Public-Private Agreements, Potential Annexation Plans, Strategic Plan and other implementation tools; and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the Plan on January 22, 2018, at which time the 2018 City of Milford Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the 2018 City of Milford Comprehensive Plan is hereby adopted pending certification from the Governor of the State of Delaware and made effective this 22nd day of January, 2018.

Dates:
Planning Commission Recommendation of Approval: December 19, 2017
City Council Adoption: January 22, 2018
Effective: (Pending) Governor Certification Date

Advertised: Beacon 11/29/17

CITY HALL
201 South Walnut Street
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

TO: Mayor and City Council

FROM: Rob Pierce, Planning & Development Director

DATE: January 8, 2018

RE: Comprehensive Plan Update – Final Draft

Planning Process and Public Participation

Below is the sequence of events and meetings that were held in the preparation and review of the draft Comprehensive Plan;

April 2016 –	Planning Commission training
May & June 2016 –	Planning Commission reviewed goals and objectives from the 2008 plan
September 2016 –	Planning Commission training from UD IPA on comprehensive planning
October 2016 –	Visioning session
November 2016 –	Continued visioning session and reviewed Chapters 1-4 (Background, Community Character, Community Profile, Community Services and Infrastructure)
December 2016 –	Public mapping workshop for areas and populations vulnerable to flooding and increased temperatures
December 2016 –	Reviewed Chapters 5-7 (Housing, Transportation, Economic Development and Redevelopment)
January 2017 –	Reviewed Chapters 8 & 9 (Natural Resources, Parks, Recreation and Open Space)
February 2017 –	Began discussions on Chapter 10 (Land Use and Growth Management)
March 2017 –	Completed discussions on Chapter 10 & 11 (Land Use and Growth Management, Implementation)
April 2017 –	Planning Commission reviewed the final draft
May 2017 –	Public informational sessions to review the draft plan
May 2017 –	Planning Commission public hearing
June 2017 –	City Council public hearing
July 2017 –	PLUS meeting with the State of Delaware
August 2017 –	Received PLUS comments from the State
September 2017 –	Planning Commission public hearing and review of PLUS comments
December 2017 –	Planning Commission public hearing and recommendation to adopt Comprehensive Plan

Including the June 22, 2018 City Council adoption public hearing, the City has held seven (7) public meetings, five (5) public hearings and three (3) community workshops regarding the draft plan.

PLUS Comments and Comprehensive Plan Final Draft

A detailed presentation was made to City Council on June 26, 2017 outlining the major components of the draft plan, including specifics on housing, transportation, demographics, open space, natural resources, community services, infrastructure, land use and related goals and objectives.

Enclosed is a copy of the Comprehensive Plan final draft for adoption, including revisions based on Preliminary Land Use Service (PLUS) comments and City Council concerns identified during the June 26, 2017 public hearing. The Planning Commission reviewed the State's PLUS comments and text revisions are highlighted in yellow. A copy of the PLUS comments dated August 25, 2017 and staff's response dated October 6, 2017 are included in the packet. In addition, a copy of the June 26, 2017 City Council public hearing minutes are included for reference.

The primary revisions since June, include adding a position statement on housing and population growth, additional objectives and implementation strategies for each of the outlined goals, and strengthening the language in the future land use and zoning link sections.

The final draft will require some minor additions regarding the final adoption process and public meetings along with a few additional pictures and cover page. If City Council elects to adopt the Plan, final copies including those revisions outlined above will be forwarded to the Office of State Planning Coordination (OSPC) and the Governor's Office for certification. Please note the Plan does not go into effect until it is certified by the Governor.

Future Land Use and Zoning Changes

Enclosed are six exhibits showing forty-one (41) properties that will require a zoning change as a result of the adoption of the Comprehensive Plan. Many of these are "house-keeping" items from the current 2008 Plan, while others are a result of specific requests from property owners.

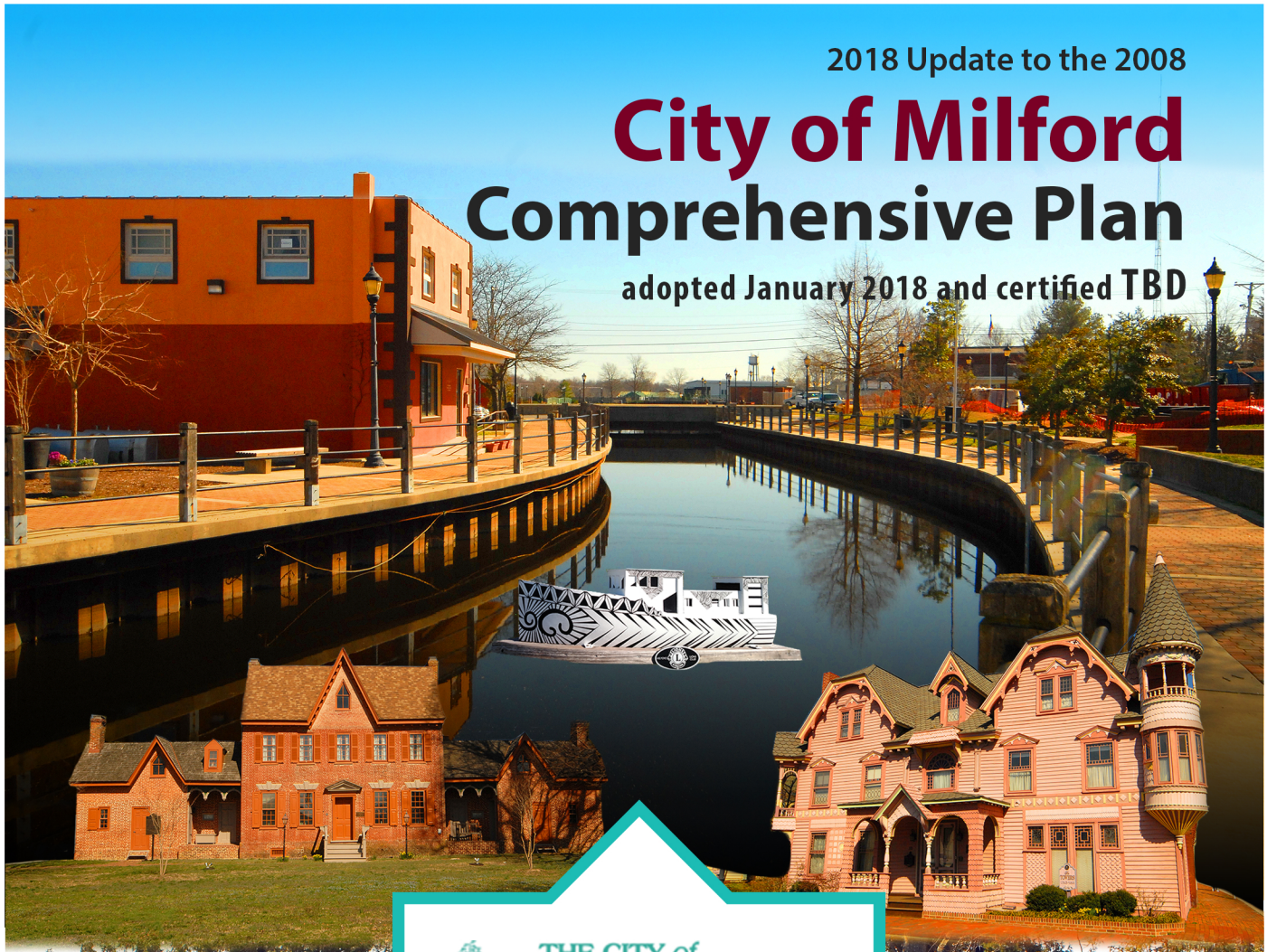
The draft Plan addresses concerns highlighted by Council at the June 26, 2017 public hearing. The areas surrounding Bayhealth's current Clarke Avenue facility will remain the same land use type (Institutional/Employment) shown in the 2008 Comprehensive Plan future land use exhibits. Based on the current 2008 Plan and the draft update, these properties may request a zoning change to H-1, IM or IS.

Please note, the adoption of the Comprehensive Plan will not change the zoning of these properties and the City is required by Code to hold public hearings prior to rezoning each property after the Plan adoption. These exhibits are included as part of the Comprehensive Plan adoption public hearings so that it is clear to the Planning Commission, City Council and the public which properties are impacted by the Plan update.

2018 Update to the 2008

City of Milford
Comprehensive Plan

adopted January 2018 and certified TBD



THE CITY of Milford DELAWARE



University of Delaware | IPA Institute for Public Administration

www.ipa.udel.edu

serving the public good, shaping tomorrow's leaders

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

October 30, 2017

Mr. Rob Pierce
Coordinator of Planning &
Economic Development Activities
City of Milford
201 South Walnut Street
Milford, DE 19963

RE: Milford Comprehensive Plan 2017 – final review
PLUS 2017-07-08

Dear Mr. Rob Pierce:

I have received and reviewed the revised version of Milford's 2017 Comprehensive Plan. The plan has been revised to incorporate the comments found in our August 25, 2017 PLUS letter. I am pleased to inform you that all certification items have been addressed and our office will accept this version of the plan for certification. When adopting the plan, please be sure to adopt the plan "pending certification from the Governor." Notify our office once your Planning Commission and City Council have adopted the revised plan. Submit two final hard copies of the plan, an electronic copy and a copy of the adopting ordinance or resolution with your notification. We will then forward the plan and the other documentation to the Governor for his consideration.

We look forward to hearing from you regarding plan adoption. As always, please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

David L. Edgell, AICP
Principal Planner

cc: Connie Holland
William Decoursey, UD IPA

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www. stateplanning.delaware.gov

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CITY, COUNTY, AND STATE OFFICIALS

City of Milford

Mayor and Council	Bryan W. Shupe, Mayor Douglas E. Morrow, Vice Mayor Arthur J. Campbell, Council Christopher H. Mergner, Council James F. Burk, Council Lisa Ingram Peel, Council Owen S. Brooks Jr., Council James O. Starling Sr., Council Katrina E. Wilson, Council
Planning and Zoning Commission	Marvin C. Sharp, Chair Michael J. Boyle Andrew P. Fulton W. Ed Holloway Raymond E. Lynch Rae M. Mims Sara M. Pletcher
City Staff	Eric Norenberg, Town Manager Jeff Portmann, Finance Director Teresa Hudson, City Clerk Rob Pierce, Coordinator of Planning & Economic Dev. Activities Christine Crouch, Deputy City Clerk/Executive Assistant

Kent County

County Administrator	Michael J. Petit de Mange, AICP
Department of Planning Services	Sarah E. Keifer, AICP - Director

Sussex County

County Administrator	Todd F. Lawson
Planning and Zoning Office	Janelle Cornwell, AICP - Director

State of Delaware

Governor	John C. Carney Jr.
Senate	F. Gary Simpson, Senator 18th District
House of Representatives	Harvey R. Kenton, Representative 36th District
Office of State Planning Coordination	Constance Holland, AICP

INSTITUTE FOR PUBLIC ADMINISTRATION

This plan was prepared by the City of Milford Planning and Zoning Commission with assistance from the Institute for Public Administration (IPA), a unit within the School of Public Policy & Administration at the University of Delaware. IPA links the research and resources of the University of Delaware with the management and information needs of local, state, and regional governments in the Delaware Valley. IPA provides assistance and research projects as well as training programs and policy forums.

Comprehensive plans produced by IPA are a true team effort. Troy Mix managed the IPA Planning Services group. William DeCoursey served as project manager for the Milford Comprehensive Plan. IPA Senior Planner, Linda Raab, was instrumental in assisting with training and visioning. Mapping and geo-spatial analysis was performed by Nicole Minni. Mr. Robert Pierce, the City's Planner, actively participated in the process and writing and contributed significantly. Mr. Martin Wollaston, IPA's retired Planning Services Group Manager, was instrumental in initiating the process and developing the scope of work.

Institute Director
Jerome R. Lewis, Ph.D.

IPA Planning Services Manager
Troy Mix, AICP

Milford Comprehensive Plan Team
Rob Pierce – City of Milford Planner
William J. DeCoursey – IPA Assistant Policy Scientist
Phil Barnes – IPA Associate Policy Scientist
Linda Raab, AICP - IPA Planner
Scott Eisenhart - IPA Graduate Research Assistant
Jeel Oza – IPA Undergraduate Research Assistant

Mapping and GIS Development
Nicole M. Minni – IPA GIS/Graphics Specialist

Editorial Review and Cover Design
Sara M. Pragg – IPA Policy Specialist

CHAPTER 1. Background

1-1. Authority to Plan

The City has vested the authority to plan with the Planning Commission, the City Planner and the City Manager, through its Charter. The Charter dictates there shall be a City Planning Commission consisting of nine (9) members appointed by the City Council. The Commission's responsibilities include the formulation of, and recommendation to, the City Manager a comprehensive plan and any amendments or updates. After receipt of the recommendations of the Planning Commission, City Planner and City Manager, the Council will hold a public hearing on the proposed plan and recommend it be approved with or without amendment. Once the plan is recommended by the Planning Commission and City Council and certified by the Office of State Planning Coordination, the Commission may also review and make recommendations regarding proposed Council action dealing with the implementation of the Comprehensive Plan.

Title 22, Chapter 7 of the Delaware Code provides that the City will review the Comprehensive Plan (a document of text, maps and other graphics) at least every five years and update the Plan at least every ten years. Under Title 29, Chapter 91 the proposed plan will also be submitted to the Office of State Planning Coordination for the Preliminary Land Use Service (PLUS) review process. The adopted Plan may be certified by the Governor, and will serve as a guide for future growth, development, and redevelopment within and around Milford.

1-2. Planning Process

The City has developed this Comprehensive Plan in recognition of the goals and objectives set forth in the comprehensive planning checklist for municipalities over 2,000 residents and Title 22.

1-2a. Reason for Plan Update

Since the adoption of its first comprehensive land use and development plan in 1990, Milford has actively planned for and sought economic growth, development, and vitality. The original plan was updated in 1995 and 2003. In 2008, Milford adopted an updated Comprehensive Plan.

Milford, and the surrounding areas, has seen significant growth and changes in that timeframe. The housing downturn in 2008 has given way to steady growth again. Milford has become an attractive destination for retiring boomers. Also, the city has seen major investments and expansion plans in some of its key industries and employment centers, most notably, healthcare. Milford has also applied for, and won, designation in the State's Downtown Development District (DDD) program and completed a comprehensive master plan for its Southeast Neighborhood.

Concurrently, the City worked to incorporate these developments into its planning process. The 2008 Plan was amended in July 2011 to reflect the results of the Southeast Master Plan effort. Another amendment in 2012 adjusted the City's Urban Growth Boundary to accommodate future utilities.

Three amendments were adopted in 2015. Two were largely housekeeping, to rectify the City's future land use map with its zoning ordinance. In July 2015, an amendment was adopted to the Southeast Master Plan allowing for medical and employment uses west of S.R. 1.

The City has chosen to update its Comprehensive Land Use and Development Plan at this time to incorporate its master planning activities, recent amendments, aspirations for its Downtown Development District, flood vulnerabilities and new demographic and utilities data into a unified, up-to-date, planning document.

1-2b. Comprehensive-Planning Approach

Milford understands that planning is a continuous process. The plan is based on the foundation that if a community knows where it wants to go, it possesses better prospects of getting there. From the outset, Milford has endeavored to cast as wide a net as possible and to gain a fuller understanding of its citizens' concerns, business community's interests, and the regional context, in which, the Milford Plan will function.

The comprehensive-planning process involves establishing goals for the future of a municipal government, analyzing current and projected conditions, and laying out steps that can be taken to help a municipality reach its goals. Considerable time was invested in updating information and data to summarize existing and projected conditions Milford faces, and will likely face in terms of demographic, infrastructure, environmental, economic, and land-use conditions.

Enhancing community resiliency in Milford was a common theme throughout the planning process. Resiliency is enhanced when the community can identify and reduce its vulnerabilities to external forces and factors, such as natural hazards and macroeconomic trends. Should unforeseen and undesirable events transpire, a resilient community "weathers the storm" and bounces back quickly because it has systems and programs in place that provide a buffer against negative consequences. Enhancing community resiliency also involves seizing opportunities when they present themselves, particularly when they involve avoiding long-term risk and creating a more diverse, balanced approach to development that benefits all members of the community.

As part of the effort to project future conditions in Milford and better plan for resilient community development that reduces vulnerabilities to current and future hazards, the city analyzed the impact of increased flooding from heavy precipitation events and sea level rise, as well as higher temperatures due to climate change. Data used in the City's climate impact assessment comes from a variety of sources. Data for flooding comes from the Federal Emergency Management Agency (FEMA)-designated Flood Insurance Rate Maps. Data for sea level rise is derived from the three rise scenarios of 0.5 meters, 1.0 meters, and 1.5 meters that were developed by the Delaware Department of Natural Resources and Environmental Control (DNREC). For more information on the methods used to generate these scenarios, please visit http://maps.dnrec.delaware.gov/dcmpslr/InundationDisclaimer_Methods.pdf. Temperature projections for Milford are gathered from the State's climate portal and were produced during the Delaware Climate Change Impact Assessment. For more information on the temperature data, please visit http://climate.udel.edu/declimateprojections/portal/ and select "Milford" from the drop-down menu.

It is critical to point out that there is strong evidence that the FEMA-designated flood zones underestimate flood risk (Brody, Blessing, Sebastian, & Bedient, 2014; Galloway et al., 2006; Highfield, Norman, & Brody, 2013). These FEMA zones are based on historic flood data and topography. They are not forward looking, nor do they consider the impact of recent development on local hydrologic processes and flows. The underestimation of risk is therefore due to intervening changes in impervious surfaces coverage, changes to local topographies through development, and the impact of future sea level rise.

The City began by utilizing the Pre-PLUS review process. The Preliminary Land Use Service (PLUS Process) is a program run by the Office of State Planning Coordination (OSPC). It is a preliminary review, typically of major subdivisions and developments and comprehensive plans. The intent being to advise developers, builders, and municipalities of potential issues very early in the process. Pre-PLUS is a relatively new service OSPC has added. Municipalities may submit their existing comprehensive plans, just prior to the update process to effectively receive input and guidance from all relevant state agencies and PLUS partners before beginning to draft the plan. In September 2016, Milford arranged for a "Planning 101" training session for its planning commission members as a refresher course. The City also produced and undertook an extensive public polling/community survey in the late summer and early fall of 2016. It was offered in English, Spanish, and Creole and received a robust 263 returns. The City also initiated early outreach to many of its major employers, civic groups, and law enforcement partners. Each was invited to speak at one of the first visioning sessions for this update.

1-3. Public Participation

A number of Planning and Zoning Commission meetings have been held throughout the City plan update process. After initially experimenting with discussing comprehensive plan update business within the normal order of the commission's meetings, a determination was made to expand the regularly scheduled planning and zoning meetings to ensure there was adequate time to discuss the comprehensive plan.

Throughout the process, the City utilized a number of outreach tools, including email, the city's website, local media, and social media, in addition to legally required notifications and postings.

Town officials and staff began the update process in May of 2016. Commissioners reviewed goals and objectives in May and June 2016 during the City's normal, public planning commission meetings. The Institute for Public Administration at the University of Delaware (IPA) joined the effort in July 2016.

In July 2016, the City distributed a citizen survey in English, Spanish, and Creole. Over 260 responses were received, tabulated, and presented to the planning commission. A copy of the citizen survey results can be found at http://cityofmilford.com/DocumentCenter/View/2436.

Beginning in September 2016, the commission decided to begin holding duly advertised, open to the public, comprehensive plan meetings at 5:30 p.m., just before the City's regularly scheduled planning commission meetings the third Tuesday of each month. The September meeting was a "Planning 101" presentation given by IPA.

A public engagement and visioning meeting was held in October 2016, with follow up in November 2016. Key business, civic, and government leaders were invited to, and did, speak. Public involvement was significant, with well over 50 residents attending the October meeting. The City's citizen survey was conducted from August through the end of September 2016. Planning meetings continued to be held monthly during December 2016 and into the new year in January and February 2017 as the commission worked its way through chapters of the update.

December 2016 public mapping workshop **-** Prolonged periods of high temperatures impact certain residents more than others. Research shows that the elderly, non-native English speakers, and families of lower economic means are at higher risk of heat-related health impacts such as heat stroke,

exhaustion, asthma, and other temperature-related complications. To ensure that Milford's most heat-vulnerable residents are provided adequate care and attention during heat waves, it is helpful to identify where, geographically, these residents live so that health services can be efficiently delivered and highly effective (see Section 4-2). This geographic information was collected at a public mapping workshop held at the Milford Public Library on December 14th, 2016.

The City was proactive in recruiting participants to attend the workshop, reaching out to civic leaders in the Haitian and Latino communities and asking them to help spread the word. Fliers were posted and the event and advertised on the City's Facebook page. Residents who attend watched a brief presentation on heat impacts and were then asked to help identify the locations in town where there are concentrations of low-income residents, non-native English speakers, and elderly residents. The attendees did this by placing colored sticker dots on large printed maps in locations corresponding to greater concentration of each demographic group (Figure 1 below). These resident-generated maps were then digitized and combined to create a single heat vulnerability map for Milford that is useful for planning the extension of public health services during periods of high temperature.



Figure 1 - Attendees at the December 14th, 2016 mapping workshop

March 2017 was the first detailed discussion of future land use. Between February and March, City staff conducted extensive outreach to landowners and stakeholders. All were encouraged to attend the March meeting or to submit any requests in writing and summaries of all discussions were presented to the commission during the March 2017 meeting. A number of local businesses took the opportunity to attend and share their visions at the March meeting. City staff also held meetings with the planning departments of Kent and Sussex Counties and requested, and received, written confirmation and suggested minor revisions from each.

On April 18 2017, the Planning Commission signed off on a plan draft to release for public scrutiny and the City held two public workshops (one afternoon, one early evening) on May 3, 2017, at the Milford Library. The commission considered the feedback received from the workshops, as well as input from a local developer during the May 16, 2017 comprehensive plan meeting/public hearing and approved a motion to submit the draft, with noted edits, for review by City Council and council's endorsement to submit the draft for PLUS review. Milford City Council held a public hearing on the plan draft June 26, 2017, passed a motion making a minor revision to the draft, and released the draft for state review.

The comprehensive plan PLUS meeting was held July 26, 2017. Written comments from the state agencies were sent to Milford late the following month. The Milford Planning Commission reviewed and deliberated on the agencies' comments at the Sept. 20, 2017 planning meeting and…

Planning and Zoning recommends for adoption by Council

Council Adoption

1-4. Overall Community Vision and Goals

Milford's Vision - Milford takes great pride in the beauty of its riverfront and its rich historic and cultural heritage, which dates back to the 18th Century. The City wishes to build upon these enduring and desirable attributes while enhancing community resiliency and see Milford grow into the "Riverfront Gateway to Southern Delaware."

With a commitment to thoughtful economic development, appropriate growth that is resilient to environmental change, and preservation and protection of its most cherished assets, the City envisions itself as a year-round, vibrant, employment and economic center that stays true to its small town roots and feel…. A small-town city where residents are able to live, work, go to school, and recreate.

Position on Housing and Population Growth – The City of Milford is prepared and poised for growth. The City has an ample housing pipeline, several developments coming online, recent infrastructure improvements, and construction of a regional health campus. The City seeks this growth in population and housing, as it works to fulfill its vision of becoming the "Riverfront Gateway to Southern Delaware."

Community Character

Goal - Encourage compatible, resilient, connected development, redevelopment, and growth within Milford's municipal boundary

Objective - Maintain a dialogue with the City's major employers and industries in order to anticipate and maximize potential investment in the City of Milford.
Objective - Ensure connections for all modes between commercial and residential uses, existing and proposed residential uses, and the southeast area and greater Milford.

Objective – Consider pursuing Certified Local Government (CLG) status to potentially access technical and financial assistance through the national CLG Program, administered by SHPO.

Objective – Consider an updated survey of municipal lands within Sussex County that may be eligible for the National Registry of Historic Places.

Objective – Review and update the City's sign ordinance.

Objective - Investigate the development of architectural design standards for new projects, specifically those within the City's designated historic districts.

Objective – Review and update site plan design requirements.

Goal - Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.

Objective - Encourage infill and redevelopment of vacant, under-utilized, or in-need of repair properties, particularly within the Downtown Development District.

Goal - Entertain annexation or growth opportunities within the municipality's established Urban Growth Boundary (UGB), provided cost-effective services can be provided.

Objective - Systematically consider and evaluate annexation requests from within the existing Urban Growth Boundary, accounting for projected revenues from annexation, the cost of service provision, capacity and capability of municipal service providers, and preservation of adequate utility capacity for growth expected or desired already within the City of Milford.

Government, Community Services, and Infrastructure

Goal – Ensure the safety and security of Milford's residents with first-class police, EMS, and fire protection services and provide adequate public utilities to provide for planned and desired growth in a managed, cost-effective manner.

Objective – Consult police, fire, and EMS personnel when considering significant development and redevelopment proposals, particularly in regards to response time and access.

Objective – Plan for and provide adequate utilities and services to accommodate occurring and planned for growth in Milford.

Objective – Consider additional electricity demand from increased air conditioning usage into electric infrastructure planning processes to ensure that power supply and system reliability are maintained during periods of sustained high temperature.

Objective – Encourage the appropriate use of low-impact development and resilient stormwater management practices contained in the Delaware Green Infrastructure Primer.
Objective – Review mutual aid agreements with surrounding jurisdictions and confirm the adequacy of Advanced Life Support (ALS) services for Milford residents. The City may wish to pursue offering these services.

Objective – Work with natural gas provider to service residential, commercial and industrial customers within City limits.

Objective – Incorporate language in the code related to commercial recycling and making recommendations on commercial site plans for space for recycling dumpsters and other facilities.

Objective – Engage with DNREC's Allocation Division to ensure all wells in service appear on a revised allocation permit for the City and that the City is able to document sufficient supply for present needs.

Objective – Engage with DNREC's Allocation Division to proactively coordinate anticipated future water allocation demands and needs and ensure that any new wells or infrastructure upgrades are coordinated with DNREC's approval process.

Housing

Goal – Encourage a balanced range of housing types and home-ownership opportunities for existing and future residents.

Objective –Engage DSHA in the City's planned Northeast Area Master Plan, particularly in regards to Census Tract 425, which DSHA characterizes as having an oversupply of subsidized rentals.

Goal – Promote opportunities for the creation of new clean, safe, and affordable housing, as well as ensure the continued quality of the existing stock of affordable units.

Objective - Market the low-income home weatherization assistance program that is designed to improve energy efficiency for low-income households.

Goal – Encourage the construction and maintenance of housing that is resilient to current and future hazards such as flooding and heat waves.

Objective – Update the City's floodplain ordinance and consider adopting a freeboard requirement.

Objective - Consider upgrading the City's building code standard from International Building Code 2006 to the most recent 2015 version that recommends stronger energy efficiency measures.

Transportation

Goal – Enable the safe and efficient mobility of residents utilizing all modes of travel, be they pedestrians, cyclists, drivers, or transit riders, via a safe and interconnected transportation system.

Objective – Work to address deficiencies and maintenance issues in the City's bicycle and pedestrian network by cataloging identified issues, engaging with DelDOT, and programming any available transportation funding.

Objective – Incorporate key recommendations from the City's Bicycle and Pedestrian Master Plan into its subdivision and street design standards.

Objective – Study and/or address parking deficiencies in the central business district.

Objective – Ensure connections for all modes between commercial and residential uses, existing and proposed residential uses, and the southeast area and greater Milford when considering development or redevelopment applications.

Objective – Continue to make use of the Riverwalk as a first-class recreational opportunity, as well as the connected pedestrian spine of the community.

Objective – Coordinate with DelDOT/DART regarding future transit needs and opportunities.

Objective – Preserve traffic capacity and prevent undue future congestion on the City's highways and arterials by planning for future growth and development with connected local streets and bicycle/pedestrian networks.

Objective – Coordinate with DelDOT and local businesses to address noted concerns of congestion, truck traffic, and difficult pedestrian crossings.

Objective - Collaborate with DelDOT to conduct a climate change vulnerability analysis to identify at-risk transportation assets and strategies for mitigating those risks.

Objective – Install electric vehicle charging stations in the central business district with designated parking spaces.

Goal - Pursue, in coordination with DelDOT, the creation of a Transportation Improvement District for areas subject to the updated Southeast Master Plan

Objective – Enter into a written agreement or MOU with DelDOT regarding a TID for the Southeast area, and develop an agreed-upon schedule of implementation steps.

Objective – Collaborate with DelDOT to investigate an east-west transportation solution between Route 113 and the new Bayhealth Health Campus.

Economic Development and Redevelopment

Goal – Pursue land-use, growth, and preservation strategies that will ensure that farms, agricultural properties, and agri-businesses remain an economically viable anchor to the Milford economy.

Objective - Promote preservation of agricultural and environmental resources beyond the city limits of Milford.

Objective - Systematically consider and evaluate annexation requests from within the existing Urban Growth Boundary, accounting for projected revenues from annexation, the cost of service provision, capacity and capability of municipal service providers, and preservation of adequate utility capacity for growth expected or desired already within the City of Milford.

Goal – Ensure the City's future land uses and zoning accommodate and allow for a variety of commercial and employment activities.

Objective - Encourage infill and redevelopment of vacant, under-utilized, or in-need of repair properties, particularly within the Downtown Development District.

Objective – Consider the development of a vacant building ordinance to address blighted and abandoned properties, possibly including a vacant building registration program.

Goal – Implement the policies and recommendations within the Southeast Master Plan and the Downtown Development District, both key tools for future development and redevelopment.

Objective – Incorporate and adopt the Southeast Master Plan as part of the Comprehensive Plan

Objective – Amend the municipality's zoning and subdivision ordinance, and any other relevant procedures, to reflect the updated master plan.

Goal – Broaden Milford's economic activity beyond Monday to Friday, nine to five by encouraging businesses, activities, and festivals that will help develop Milford's identity as a great place to have fun, as well as work and live.

Objective – Encourage and promote nightlife and cultural destinations in the Town Center

Objective – Consider the City's desire for cultural and evening destinations when deliberating conditional use applications.

Objective – Consider relaxing parking requirements, or permitting shared parking arrangements, for adjoining uses, or areas, where peak demands would be expected to occur at different points in the day/evening.

Goal – Enhance the City's economic resiliency by reducing the risk of flood damage and promoting the long-term cost savings of energy efficiency and renewable energy upgrades.

Objective – Support energy efficiency and renewable energy upgrades in new and existing developments by taking advantage of state-sponsored financial incentives.

Objective – Promote electrical vehicle charging in the central business district.

Natural Resources

Goal – Coordinate with relevant agencies and committees to improve water quality in the Mispillion and its tributaries.

Objective – Consider refining the City's buffering regulations to distinguish between built-up areas where the existing ten-foot buffer is the default, and more open areas where a more effectively sized buffer may be feasible.

Objective – Continue to pursue and support living shoreline installations along hardened sections of the Mispillion River.

Objective – Review parking and loading standards to ensure new site plans have adequate parking while limiting the amount of impervious coverage.

Objective – Consider relaxing parking requirements, or permitting shared parking arrangements, for adjoining uses, or areas, where peek demands would be expected to occur at different points in the day/evening.

Objective – Review and update the City's impervious coverage standards to ensure environmentally friendly site design.

Objective – Enhance the urban tree canopy by planting new trees in sparsely planted areas, for instance near parking lots and other impervious coverage areas near the downtown core.

Objective – Continue to avoid development in ecologically sensitive and flood-prone areas.

Objective - Participate in the Mispillion River Tributary Action Team to assist in the development of pollution control strategies for the river.

Objective - Promote the elimination of individual septic systems, where feasible near and adjacent to the Mispillion River.

Goal – Pursue agricultural preservation of high-value agricultural parcels, consistent with the master plan.

Objective – Incorporate and adopt the Southeast Master Plan as part of the Comprehensive Plan

Objective – Develop and implement a TDR program in the Southeast neighborhood and expand the developed program into the anticipated Northeast Master Plan

Objective – Amend the municipality's zoning and subdivision ordinance, and any other relevant procedures, to reflect the updated master plan.

Goal – Limit the growth of harmful atmospheric emissions attributable to Milford

Objective – Support energy efficiency and renewable energy upgrades in new and existing developments by taking advantage of state-sponsored financial incentives.

Objective – Promote electrical vehicle charging in the central business district.

Objective - Reduce future congestion, distance commuting, and emissions by developing as a year-round, live where you work community.

Goal – Protect the City's social and economic assets by enhancing environmental resiliency.
Objective – Form a Climate Change Adaptation Committee that will review Milford's climate vulnerabilities, evaluate appropriate adaptation options, and make recommendations to the City.
Objective – Consider a partnership with the Delaware Coastal Program's (DCP) Resilient Community Partnership to potentially access staff support, technical assistance, and funding in the coming years.

Objective - Utilize new data and analytical techniques to begin planning for elevated water levels and increasing periods of heat.

Parks, Recreation, and Open Space

Goal – Continue to enhance, improve, and promote the Riverwalk as a cornerstone of the community and make practical use of it as a connection to established, and future, recreational open spaces and parks.

Objective – Promote recreational activities and events

Objective – Consider existing, smaller, vacant or preserved parcels for use as community gardens.

Goal – Encourage the inclusion of connected, accessible parks and open spaces in new development.

Objective - Incorporate recreational opportunities into redevelopment plans and programs.

Objective - Actively support a regional blueway canoe and kayak trail from Abbott's Mill Nature Center through Haven Lake and Silver Lake to Goat Island. Extend to all of Mispillion to the new nature center at Slaughter Beach.

Objective – Establish a unified open space and greenways network that connects with City parks, areas adjacent to the Riverwalk and bicycle and pedestrian ways.

Goal - Encourage the preservation of areas along all streams, lakes and ponds as recreational uses.

Objective - Preserve and enhance buffer areas around water bodies to mitigate environmental and visual impact from adjacent uses and activities.

Objective – Develop and implement a TDR program in the Southeast neighborhood and expand the developed program into the anticipated Northeast Master Plan

Objective – Consider refining the City's buffering regulations to distinguish between built-up areas where the existing ten-foot buffer is the default, and more open areas where a more effectively sized buffer may be feasible.

Objective – Engage with DDA's Forestry Section to explore urban forestry programs

Land Use and Growth Management

Goal - Encourage compatible, resilient, connected development, redevelopment, and growth within Milford's municipal boundary and entertain annexation or growth opportunities within the municipality's established Urban Growth Boundary, provided cost-effective services can be provided.

Objective – create a variety of suitable zoning categories and targeted land use areas within the City to accommodate the assortment of business sectors.

Objective – update the zoning ordinance to reflect the objectives of the City's comprehensive plan.

Objective – refer to the Comprehensive Plan for rezoning and annexation agreements.

Objective – use the State Strategy mapping to guide growth.

Objective – Ensure that the design of new developments complement and enhance the City's unique character by developing and implementing architectural review standards for major residential and commercial developments.

Objective - Encourage infill and redevelopment of vacant, under-utilized, or in-need of repair properties, particularly within the Downtown Development District.

Objective - Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.

Objective – Establish a process to review Comprehensive Plan amendment requests once a year, which may be needed in order to harmonize proposed development plans with the Comprehensive Plan.

Objective - Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.

Objective - Systematically consider and evaluate annexation requests from within the existing Urban Growth Boundary, accounting for projected revenues from annexation, the cost of service provision, capacity and capability of municipal service providers, and preservation of adequate utility capacity for growth expected or desired already within the City of Milford.

Objective – Review and update Chapter 230 zoning, specifically the use and area regulations, to ensure the code is modern.

Objective – Review and update Chapter 200 subdivision in an effort to update project review and approval procedures, inclusion of a sunset provision, and the allowance for administrative review of minor applications.

Goal – Conduct a Master Plan for the City's Northeast Neighborhood

Objective – Work with OSPC to develop a Memorandum of Agreement and identify key stakeholders and state agency partners for master planning.

Objective - Undertake a master plan exercise, similar to that conducted for the City's southeastern area, for its northeastern neighborhood. Adopt the master plan's findings and results as an addendum to this document and fully incorporate it during the next comprehensive rewrite of Milford's Comprehensive Plan.

CHAPTER 2. Community Character

A community's character is what makes it a unique place. Milford is blessed with a rich historic and cultural heritage, and a riverfront location that contribute greatly to its identity and character. The City is committed to protecting and enhancing those qualities that have made it the desirable, identifiable community it is today. This chapter details some of the elements that define Milford's character and recommends approaches designed to protect and enhance those elements, while allowing for the growth and vitality Milford seeks to build upon and add to its relevance and identity in the coming decades.

2-1 Location

Figure 2 depicts Milford's regional location and the *Aerial View* map provides an aerial view of the city and surrounding area. Milford is located on the Mispillion River, within Kent and Sussex Counties. The historic center of Milford adjoins the river between U.S. Rt. 113 on its west and Delaware Business Route 1 to the east. The City is located in the Milford Hundred in Kent County and the Cedar Creek Hundred in Sussex.

It is also quite central to major regional cities, situated 95 miles from Philadelphia, Pennsylvania, 85 miles from Baltimore Maryland, and 100 miles to the national capitol, Washington, D.C. Milford is within 20 miles of the Kent and Sussex County seats, Dover and Georgetown, respectively.

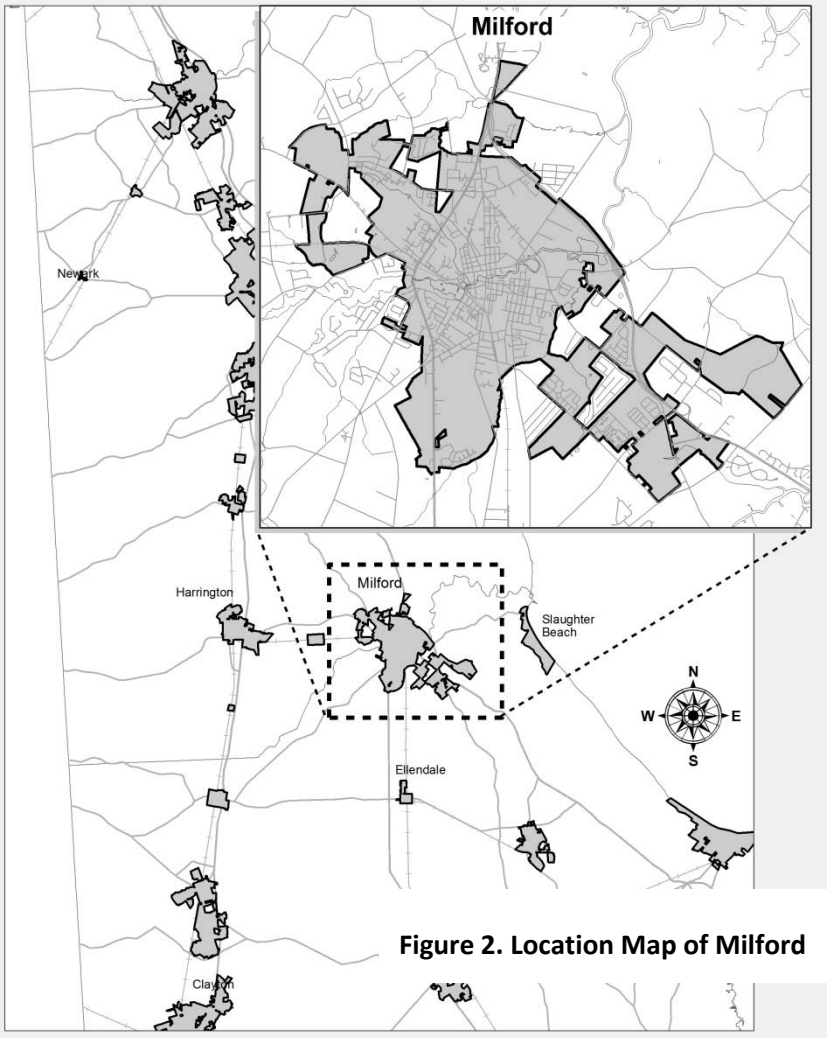


Figure 2. Location Map of Milford

2-2 History, Historic & Cultural Resources

While the Milford Hundred in eastern Kent County and the Cedar Creek Hundred in northeastern Sussex County were settled in colonial times as farming districts, the site of Milford was selected as a small, riverside manufacturing and shipping community organized by the Reverend Sydenham Thorne and Joseph Oliver in 1787. Oliver subdivided his farm into town lots and Thorne erected wharves and a sawmill. The

town grew rapidly on the north bank of the river and spread north and east, from the mill site that was located at Mill Street on the River. This mill was followed by a number of additional mills in the same area. The industries that first prospered in Milford, either supplied goods needed by the local farming community or processed products of the farms and forests. In 1807, the town on the north bank of the Mispillion was incorporated and a Board of Commissioners was established.

When Milford was first laid out in 1787, William Johnson took up a lot on the northwest corner of Walnut and Park Avenue and built a home and conducted a day school. The Methodist Church also received land at the same time and conducted a school, as did the Quaker Meeting. The most famous of Milford schools was the Milford Academy (later North Milford High School) that was in operation as early as 1803. Sometime after 1810, the Academy moved to a one-story brick building on the corner of NW Second Street and North Street. It was enlarged sometime around 1818 to two stories. This was a private school until 1846, when it was purchased for a public school. Other private schools in town were the Classical Academy, as well as a number of small schools conducted in people's homes.

With a good supply of different varieties of wood in the area, shipbuilding became an important industry in the 1820's and it expanded to its height between 1850 and 1890, when over 150 ships of 100 to 600 gross tons were built. Most of these were two masted wooden schooners. However, with the advent of the steel hull, the steamboat and the railroad, shipbuilding in Milford declined until the last yard, the Vinyard Shipyard, remained during the first half of the 20th century. During World War I, this yard built three submarine chasers and four Navy tugboats. During World War II, the shipyard launched 14 submarine chasers and 12 Navy leave boats.

Fortunately, other enterprises formed a diversified economy in Milford. In 1815, P.F. Causey and his family moved to Milford, and he and his son managed a variety of mercantile businesses and industries. The Causey's engaged in the mining of bog ore, operated two saw mills, a tannery and two flour mills. They made good use of the Mispillion River by shipping products to Philadelphia and New York. Eventually, the junior partner Peter F. Causey became sole owner of the business and in 1854 was elected Governor of Delaware.

The middle of the 19th century also saw Milford's economy participate in the industrial revolution. The City's industries included machine shops to support the surrounding agricultural businesses with the repair of steam engines, fruit evaporators and corn shellers.

In 1856 the town's population was 2000, according to one of Milford's newspapers, The Gleaner. The town had 25 stores, 2 hotels, and 12 schooners and sloops running to Philadelphia. Export items shipped to the major east coast ports included grains and other farm products, wood products and holly. As the economy grew, so did the need for financial services and in 1876, the First National Bank was established. At this time period, the First National Bank and most of Milford's businesses were headquartered in Kent County.

Milford continued to thrive into the 20th century. In 1887, the town re-incorporated to include the developed areas to the south, in Sussex County, and with the new charter, the City gave women the right to vote. Also in 1887, the first electric light plant built south of Wilmington was started as a private enterprise in Milford. Until the 1920's, electricity was provided only during nighttime hours. The construction of Delaware's first highways in the early 1900's assured continued transportation options for produce and manufactured goods from Milford. In 1925, the fire company raised funds to support a community building. Throughout the 1930's Milford's conservative business habits assisted in insulating

the local economy from the more serious impacts of the Great Depression. In 1936, a new sewage treatment plant began operations that began the slow recovery of the polluted Mispillion River.

The Milford Public Library was founded in 1882 with the organization of the Milford Library Association. The Grange Hall acted as Milford's first library with one room dedicated to the cause, and a librarian was hired who earned a salary of $30 per year. As the library grew in size, a children's library was added around 1912 making children's books and storytelling available.

2-2a Historic Structures and Districts

Most prominent of the historic structures preserved in Milford is the Parson Thorne Mansion located on NW Front Street. Surrounded by a spacious lawn and ancient linden trees, the building's beginnings date back to the early 1730's. During the subsequent 200 years, varied owners of the home added their own architectural imprints with additions in the Georgian and Victorian styles.



Parson Thorne Mansion

Three other notable historic homes include the Banking House (two brick buildings built in 1787 and 1811) and The Towers, a "Steamboat Gothic" inn, originally built in 1793, on NW Front Street and Causey Mansion, a Greek Revival-style home.

Three separate historic districts are found in the City of Milford. The *North Milford Historic District* is located north of the Mispillion River in Kent County. South of the Mispillion River in Sussex County are the *Shipyard* and the *Victorian Historic Districts*. These Districts are shown on the *Historic Resources* map.



The Banking House

The *North Milford Historic District* encompasses the area of Milford's earliest beginnings as a small riverside community. Its significance is defined by its development as an economic center, bringing craftsmen, farmers, carpenters and coopers to the area. These craftsmen relied on the local resources and also the river for transporting goods and materials. The District contains approximately 25 acres, extending from an easterly boundary of N Walnut Street, a westerly boundary near Truitt Avenue and a northerly boundary as far as NW Third Street. NW Front Street runs through the District and contains early nineteenth century structures. Federal, Greek and Gothic Revival structures are other examples of architecture represented in this District.

The *Shipyard Historic District* is the smallest district, containing only 4 acres. It is found along the Mispillion River in Sussex County and is bounded on the east by Franklin Street, extends across Columbia Street to McColley Street south of Mispillion Street. While small in size, this District contains Milford's only surviving shipyard and examples of worker's housing. Shipyards were established in Milford in the late eighteenth century. The river economy was of great importance to the area and to the movement of goods and materials, and eventually passenger traffic. Milford became second to Wilmington in the size and number of shipyards in the State of Delaware by 1859.



Vinyard Shipyard

The *Victorian Historic District* represents a building period during the prosperous decades of Milford's history when the south side of the River became integrated into Milford's society. It is also considered the last stage of Milford's early development as a community, with building in this area beginning after 1870. It consists of approximately 24 acres, starting at the southern bank of the Mispillion River and following a stretch of S Walnut Street to the railroad tracks and a part of S Washington Street. This District also extends along a portion of Causey Avenue. This District contains examples of the variety of decorative and ornamental elements used, as well as a breakaway from the traditional domestic floor plans.



The Towers

2-3 Historic and Cultural Resources Plan

Milford has a rich history that contributes to its community character and the quality of life within the City. Preservation of the physical artifacts that relate to this history, as well as protection of the environment of the Mispillion River, the heart of so much of that history, will maintain and enhance the appearance and ambience of the City and will continuously remind its citizens of their community's past.

Milford is fortunate to have the Milford Historical Society and the Milford Commission of Landmarks and Museum, two community-based organizations dedicated to history and its preservation. In addition, Milford has three designated Historic Districts, which include residential and historic industrial properties in both Kent and Sussex County. The City will continue to support these organizations through recognition and provision of City services to support their events and functions.

For historic properties that are vulnerable to current flooding and future inundation from sea level rise, the city should collaborate with the Milford Historical Society and the Milford Commission of Landmarks and Museum to mitigate risk to these assets. Supporting these groups to develop a historic preservation plan that places climate impacts at the center of the analysis, with adaptation strategies for the city's

historic assets, is recommended. The city could apply for funding assistance for plan development through the state's Surface Water Matching Planning Grant. Possible adaptation options that might be included in a plan include flood proofing, elevating vulnerable structures, and the installation of green storm water management landscaping such as swales, rain gardens, water retention systems, and permeable paving. Special care must be taken to avoid compromising the integrity of historic structures during any adaptation project, including attention to setting, materials, and workmanship. Funding for implementing adaptation efforts may be sourced from the Delaware Historic Preservation Tax Credit program as a qualified rehabilitation expenditure. In a future flood incident where there is a state declaration of disaster, the city could look to fund implementation by applying to the Delaware Emergency Management Agency's (DEMA) Hazard Mitigation Grant Program.

Markers have been placed to indicate the Historic Districts through a partnership with private interest groups. Promotion of the City's historic and cultural resources is one key to the success of Milford's integration of the Mispillion Riverwalk master plan and economic redevelopment of the Central Business District.

The City of Milford through Downtown Milford, Inc. was designated as a "Main Street" municipality which would further enhance the Downtown area and the three adjoining Historical Districts. Under this Update, the municipal departments and commissions will continue to work with private groups to recognize properties which are of significance to the Nation, to the State of Delaware or to the community. If requested to assist private preservation efforts, the City will support property owners' requests for federal funding for historic preservation.

Most recently, the City undertook an ambitious effort to gain designation as a Downtown Development District (DDD) through a competitive process administered by the State of Delaware, and was successful. The City's outlined district centers on Milford's historic central business district and the Mispillion River, and Riverwalk. Portions of each identified historic district fall within the DDD.

While the area does contain individual cultural and historic resources, the City has taken a broader view. It sees the entirety of its historic central business district and riverfront as an invaluable resource. A resource that has, because of the general economic patterns seen by nearly all communities over the past 50 years, experienced a lack of investment and maintenance.

Beginning in 2015, the City developed a comprehensive "Rivertown Rebirth" Plan. The Downtown Development District and the rebirth plan are discussed in detail in the economic development chapter of this document. However, each has a special bearing on the city's historic and cultural assets. Overall, the plans call for the revitalization of the district through the promotion of homeownership and neighborhood revitalization. Special attention is given to the adaptive re-use of vacant or underutilized properties, façade and streetscape programs, and the re-integration of the historic shipyard into the fabric of the community. Other initiatives to improve public space, encourage dining and retail, and improve the pedestrian experience are all intended not to simply preserve the city's historic core, but to re-energize and re-connect it to greater Milford.

The city has created a package of locally provided incentives, in addition to those offered by the state, to encourage the desired re-investment. These include utility fee impact waivers, property and realty tax abatements and rebates, and a simplified approval process for desired projects within the zone.

2-4 Community Design

Dating back to the previous 2008 plan document, Milford has taken the approach of identifying and planning for community character and design at the neighborhood level. The identified neighborhoods and boundaries are not regulatory divisions or set in stone. Their creation was solely for their utility as a planning tool.

Generally speaking, the City considers five areas on the neighborhood scale: Town Center, Southwest, Northeast, Northwest and Southeast.

The **Town Center** is comprised of roughly 75 square city blocks anchored upon the Riverwalk and Mispillion River. It links the water experience and the urban environment, and features an old-downtown feel with wide pedestrian pathways, accessible, walkable retail shopping, historic buildings, parks, schools, and employment.

Opportunities and Challenges

City representatives were supportive of the varied and intermixed land uses in the Town Center Neighborhood and didn't envision significant changes. It was this mix of uses, abundance of destinations, presence of sidewalks, and storefront retail that lead them to describe it as the City's classically walkable area.

With good bones, city representatives saw a lot to be optimistic about. However, some significant challenges were noted. The area hosts the vast majority of the City's older homes and some are not aging well and are in need of maintenance. Some noted that parking may sometimes be an issue. Semi-frequent flooding from the river was also a significant concern.

One thing, both an opportunity and a challenge, that City representatives made very clear, was that the area suffers from a lack of foot traffic and is in need of more anchor activities or businesses that would create a vibrant and active destination.

Volunteers noted several possible amenities, such as a small children's park. All felt that the Rivertown Rebirth plan and the Downtown Development District program would be key to the area's revitalization.

The **Southwest Neighborhood** is anchored by Route 113 as the spine and commercial area of this largely developing area slated for significant residential and some commercial growth. The former Milford Middle School and its associated open spaces and recreational offerings is central to this neighborhood.

Opportunities and Challenges

The future character of this neighborhood is not yet set. Nearly 2,000 residential units are slated to be built in the southern portion of this neighborhood; however, the closing of the middle school and the eventual relocation of the hospital has left the area with less of an identity.

Volunteers noted the area would be an excellent candidate as another master-planned area. The historic high school was seen as a potential asset, but also a possible hurdle, as redevelopment of older structures of its type can be difficult and buildings of its size are not easily repurposed.

City representatives tended to favor mixed use development and redevelopment that could co-exist with existing or future light industrial. Professional/office and residential, and multi-family residential were favored, as well as a strong desire to preserve open space and recreational opportunities. City representatives were also mindful of the potential, even likely, need for a new school, given the residential activity planned nearby.

The area often hosts walk-a-thons and the middle school facilities are enjoyed by the community. Some suggested a walking trail around the old middle school, or a marked, one-mile exercise/activity trail.

The **Northwest Neighborhood** is characterized as primarily an employment and commercial area with interwoven pockets of residential. Major employers include GROWMARK FS, Southern States, the Greater Milford Business Park, the veteran's home, a Boys and Girls Club, and the commercial shopping complex, anchored by Wal-Mart. Significant vacant and yet developed lands border this area.

Opportunities and Challenges

The industrial park was seen as a key opportunity for the Northwest Neighborhood. City volunteers wondered if tenants could be found, or incentives offered, to encourage occupants to also offer retail services in the Town Center.

The western edge of the neighborhood is residential and it was felt that protecting the character of these areas, as well as screening these from any more vigorous uses elsewhere in the neighborhood would be important. Though no parcel-specific changes in land-use were suggested, participants noted that some of the more central residentially planned areas were long-dormant and existed only on paper. This was viewed as an opportunity to reconsider or rebalance the land-use of the neighborhood.

Volunteers favored lower-impact, lower traffic commercial and professional services for the area. The existing proximity of retail and community services also make this an attractive area to consider affordable housing.

The **Northeast Neighborhood** is characterized as primarily an employment and commercial area with some areas of residential. Major employers include Perdue and Kent-Sussex Industries (KSI), along with several industrial-type uses along Rehoboth Boulevard and Route 14. The high school is also within this neighborhood. Significant vacant and yet developed lands border this area.

Proposed Northeast Master Plan

In 2013, a property owner east of Route 1 approached the City regarding annexation and a change in the future land use of several acres of undeveloped land from open space to commercial. As a result, the City prepared a Comprehensive Plan amendment to be reviewed by the Planning Commission, City Council, and the Office of State Planning Coordination through the PLUS process. In the end, State agencies recommended the development of a Master Plan for the Northeast area.

The City plans to work with the Office of State Planning Coordination (OSPC) to develop a Memorandum of Agreement (MOA) and identify key stakeholders and state agency partners. The development of a Master Plan will be done separate from this update and will be incorporated as an amendment to the adopted Comprehensive Plan.

Opportunities and Challenges

City volunteers indicated they felt the future of the Northeast Neighborhood was as an economic and industrial driver for the municipality and the region. Industrial and commercial was favored over future residential use and most felt new residential should be discouraged and existing homes shielded.

The likely expansion of the area's poultry industry was seen as a significant opportunity. The fact that the high-school is operating at capacity, can't expand, and may have to move was seen as a challenge, but also a significant opportunity to finish the neighborhood's transition to an employment center. A lack of pedestrian and bicycle connectivity to the central City was seen as a challenge, as was the volume of truck traffic. City representatives hoped this may be improved by the proposed overpass at NE Front St.

The possibility of conducting a master plan for this area is another significant opportunity. Such activities may align the visions and enable consensus from a range of important state and county agencies, potentially allowing for significant economic development.

The **Southeast Neighborhood** is the most recent addition and is comprised largely of areas along S.R. 1 that were annexed into Milford over the past fifteen years. The confluence of S.R. 1 and Business Route 1 center this large, developing neighborhood area. East of S.R. 1, the community envisions agricultural preservation and lower-impact residential development, while preserving some capacity for employment and some commercial. West of S.R. 1, closer to historic Milford, the City envisions significant development, including major healthcare services and employment centers, a range of residential densities, and highway commercial with some set asides for agricultural preservation.

Opportunities and Challenges

The Southeast Neighborhood has already been master-planned and the City has amended and adjusted the plan periodically in an attempt to see it realized. Clearly, the significant investments pledged by a major medical provider and the area's development as a regionally significant medical campus are key opportunities.

City representatives also saw the area as an important opportunity for agricultural preservation outside City limits and its ability to serve as a defined edge, or gateway, to the City.

The scale of the proposed economic activity was noted as a challenge. Presumably, the many employees who will one day work here would benefit from public transportation, which is not currently provided to the Eastern side of S.R. 1. Likewise, the Town Center neighborhood could certainly use the economic activity and foot traffic this area has the potential to produce. However, at present, the pedestrian and cycling connections to this area are marginal. The Southeast Master Plan is available for review on the City of Milford's website.

Since having broadly identified these neighborhood planning areas, the City has taken demonstrable steps towards fleshing out and implementing its vision. After an extensive visioning, outreach, analysis, and coordination effort, the City adopted and refined a Southeast Master plan for the aforementioned Southeast Neighborhood. Portions of which were in the process of being updated during this comprehensive plan update period. The final, updated master plan will be reflected in the future land use and economic development portions of this document and maps.

Also, the Downtown Development District designation broadly overlaps with the previously titled, "Town Center" neighborhood. It details, at length, the town-center neighborhood characteristics prevalent in the area. A mix of civic, residential, and commercial uses are interwoven with almost all uses directly addressing the street with porches or retail windows. The DDD applications also puts forth a number of development (amphitheater, mixed-use, apartments, and retail) projects favored for this neighborhood. Taken together, the Southeast Master Plan and the DDD Action Plan underline the City's strategies for future design.

2-5 Strategies for Future Design

Southeast Master Plan

The Southeast Master Plan lays out a detailed plan for residential, commercial, and employment clusters on both sides of S.R. 1 and provides for agricultural preservation. Its integration into this comprehensive plan and its associated future land uses (see Future Land-Use chapter) are likely to drive and shape the bulk of new development in the City of Milford in the coming years.

Downtown Development District

The Downtown Development District created by Milford is heavily focused on generating compatible reinvestment, homeownership, revitalization, and connectivity in the City's traditional/historic business district. Utilizing available local and state-offered incentives, the district plan aims to not only shape, but promote new uses, and adaptive re-uses within its boundaries compatible with a walkable downtown area.

Municipal Initiatives

The City has long held a commitment to cost-effective provision of public services for its citizens. Water, sewer and electric service are continuously maintained, and periodically expanded to meet the needs of a growing population. Long-range plans put forward by both Kent and Sussex Counties acknowledges and compliment Milford's role for the future. The City will continue to use a series of long-range facility management plans for expansion evaluation and implementation.

In addition to utility services, the City also plays a role in protecting the value of property and public safety. The City will continue to maintain its zoning map and will continue to work with Kent and Sussex Counties and the Office of State Planning Coordination to share Geographic Information Systems (GIS) data regarding annexations, zoning and tax parcels. The GIS data collected from the Census for this Plan Update will be utilized to review the City boundaries and update them in accordance with the City Charter.

The Zoning Ordinance will be updated to reflect the objectives, goals, and implementation strategies of the City's Comprehensive Plan. The current Zoning and Subdivision ordinances will first be reviewed for consistency with the Land Use Plan. Properties with zoning classifications that are not consistent with the Land Use Plan will be re-zoned. This process must be accomplished within 18 months of certification.

As re-zoning, conditional use and annexation agreements are being negotiated, the City will refer to this Plan Update to identify items which property owners and developers can provide to further the City's overall Community Development Plan.

The Annexation and Land Use Plan presented in the Update document will be used to assess the City's interest and ability to support annexation requests.

2-6 Community Character and Design Goals and Recommendations

Goal - Encourage compatible, resilient, connected development, redevelopment, and growth within Milford's municipal boundary

Objective - Maintain a dialogue with the City's major employers and industries in order to anticipate and maximize potential investment in the City of Milford.

Objective - Ensure connections for all modes between commercial and residential uses, existing and proposed residential uses, and the southeast area and greater Milford.

Objective – Consider pursuing Certified Local Government (CLG) status to potentially access technical and financial assistance through the national CLG Program, administered by SHPO.

Objective – Consider an updated survey of municipal lands within Sussex County that may be eligible for the National Registry of Historic Places.

Objective – Review and update the City's sign ordinance.

Objective - Investigate the development of architectural design standards for new projects, specifically those within the City's designated historic districts.

Objective – Review and update site plan design requirements.

Goal - Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.

Objective - Encourage infill and redevelopment of vacant, under-utilized, or in-need of repair properties, particularly within the Downtown Development District.

Goal - Entertain annexation or growth opportunities within the municipality's established Urban Growth Boundary (UGB), provided cost-effective services can be provided.

Objective - Systematically consider and evaluate annexation requests from within the existing Urban Growth Boundary, accounting for projected revenues from annexation, the cost of service provision, capacity and capability of municipal service providers, and preservation of adequate utility capacity for growth expected or desired already within the City of Milford.

CHAPTER 3. Community Profile

3-1. Population Trends

Though an economic downturn in 2008 dampened growth statewide, Milford seemingly emerged from it quicker than most and has seen continued interest in growth and development of all types. The city continues to be an attractive, year-round option for retiring boomers, still attracts families, and is in the process of absorbing once in a generation type investment from a regional healthcare provider, as well as significant continuing investment from some of its traditional major employers.

Just with approved and planned development, Milford can expect significant growth and development for the next decade. This growth is likely to bring with it increases in resident income, housing values, and average education levels. Milford's population is expected to increase from 9,559 to between 10,995 and 13,573 by 2020, based on statistical projections. However, in practical terms, the city's future population will hinge on the materialization (or not) of development in the housing pipeline, the build-out of major regional employment hubs, the availability of utilities and municipal services, and continued in-migration of retirees and families from elsewhere in Delaware and from neighboring states; more so than births or deaths among its current population.

Table 1. Population and Housing Units, 1940 to 2010

Year	Population				Housing Units			
	Milford	Kent County	Sussex County	Delaware	Milford	Kent County	Sussex County	Delaware
1940	4,214	34,441	52,502	266,505	1,425	10,362	17,617	75,567
1950	5,179	37,870	61,336	318,085	1,914	12,242	21,870	97,013
1960	5,795	65,651	73,195	446,292	2,039	19,915	29,122	143,725
1970	5,314	81,892	80,356	548,104	1,961	25,242	34,287	180,233
1980	5,366	98,219	98,004	594,338	2,290	35,354	54,694	238,611
1990	6,040	110,993	113,229	666,168	2,601	42,106	74,253	289,919
2000	6,732	126,697	156,638	783,600	2,897	50,481	93,070	343,072
2010	9,559	162,310	197,145	897,934	4,126	65,338	123,036	405,885

Source: 1940 through 2010 Censuses

3-1a. Population Projections

Table 1 summarizes the city's population between 1940 and 2010, alongside those of Kent and Sussex Counties. After having grown steadily, but slowly, each decade since 1940, the populations of Kent and Sussex began growing at a more significant rate from the late 1970's to present. Beginning in 1980, Milford's population began to increase at a similar pace. Milford's population has nearly doubled since that time.

Population projections for intermediately sized cities, particularly those undergoing rapid growth, are difficult to make with a significant degree of accuracy. This is because economic, more so than demographic, variables will weigh much more heavily on future population than standard variables such

as birthrate and deaths. A detailed discussion of Milford's housing pipeline and needs is discussed in the housing chapter. However, at the time of this update, planning staff indicated a sufficient number of already-approved residential units for the city to accommodate an additional 10,000 residents, assuming build-out. In this scenario, the City could see its population more than double by 2035.

For the purposes of this demographic section, projections will rely upon the established methodology used by the Delaware Population Consortium and estimates derived from the U.S. Census. Table 2, below, shows the projected population for Milford by year 2020.

Table 2. Milford Population Scenarios

Scenario 1 - Recent Growth Boom Continues				
2010	**2020**	**2030**	**2040**	**2050**
9559	11,662	14,228	17,359	21,179
Scenario 2 - Historic 30-year Growth Rate				
9559	11,160	13,029	15,211	17,758
Scenario 3 - Growth Follows Kent County Projections				
9559	10,655	11,369	11,940	12,383
Scenario 4 - Growth Follows Sussex County Projections				
9559	11,127	12,064	12,547	12,867

There is little doubt that Milford has been and will continue to grow, in terms of housing and overall population.

Population projections for communities like Milford (under 50,000 residents) are difficult. There are few Milford-specific data and even small errors in projected growth rates can equal wild swings in potential population levels over 20-30 years. Moreover, recent history has shown that growth and population are indeed often influenced by political events, market forces, or other factors beyond the purview of traditional demography. Milford is also very pro-growth and is actively working to attract new businesses, residents, and development. How successful the City is in these endeavors will, undoubtedly, have a much greater effect on its ultimate population that projected births, deaths, and migration.

A somewhat more reliable option is to try and establish a range, given certain assumptions, applicable to possible scenarios.

Scenario 1 – After steady, incremental growth from 1970 until 2000, growth in Milford picked up markedly, with the City adding roughly 2,800 residents from 2000 to 2010. Kent and Sussex also saw robust growth from 1990 on. Scenario one assumes major infrastructure upgrades (S.R. 1 and U.S. 113) have fundamentally altered the landscape in southern Kent/northern Sussex, and that growth of the type seen since 2000 is likely to continue. It should be noted that Milford has sufficient permit approvals and developable land to accommodate even this most aggressive scenario. If growth were to continue apace for the next 30-plus years, the City could be home to well over 20,000 residents by mid-century.

Scenario 2 – Takes a longer view in assigning a potential growth rate and somewhat discounts the housing bubble by utilizing a less aggressive growth rate (1970 to 2010). After a modest contraction

from 1960 to 1970, Milford has steadily grown, decade on decade. If Milford can maintain the reasonable sixteen percent decadal growth it has fairly steadily maintained since 1970, it could expect in excess of 17,000 residents by 2050.

Scenarios 3 and 4 – Another approach is to project Milford's growth relative to projections for Kent and Sussex Counties. Projections for larger geographic areas are more reliable than for small cities and towns. While there may be greater certainty regarding likely populations, there is more variability in where, within these larger areas, that population will reside.

The Delaware Population Consortium projects growth to slow considerably for Kent and Sussex Counties in the coming decades. They project decadal growth rates to almost halve from 2010 to 2020, and to halve again from 2020 to 2030, continuing a slow decline out as far as 2050. In the fairly near-term, Milford could expect to grow a bit faster if it were to follow Sussex's trend line, but in either case, the City could expect to still be shy of 13,000 residents by 2050.

3-1b. Demographic Characteristics

The Census Bureau has changed the method by which it now collects and disseminates much of its information. The Bureau no longer distributes the old long-form survey that historically provided data on a number of demographic factors that were published as "Summary File 3 & 4." These included indicators on social statistics such as education, poverty, income, and commuting patterns. These summary files were replaced by the American Community Survey (ACS) data, available in one, three, and five-year estimates.

The difference in the ACS (survey) and the old long form (count) data is analogous to polls versus elections. A poll extrapolates likely data based on a sampling of respondents. Whereas a full on counting of all respondents is akin to tallying votes. Obviously, a full count is much more accurate, but is also more costly. Surveys can be conducted more often. Unfortunately, in the case of municipalities or geographic areas below a threshold population of 50,000, the margin of error for the survey data can be very significant.

Household and Families

Table 3 summarizes household and family characteristics for Milford, Sussex and Kent Counties, and the State of Delaware. A household is any occupied housing unit comprising all of those people living in the unit. A family is a household with a householder and at least one other related person, whether it is by marriage, birth, or adoption. Families are also households, but households can sometimes consist of unrelated persons.

Milford's average family size was reportedly the same as the State's, roughly equal to Kent Counties and a little higher than that of Sussex. Sixty-three percent of Milford's households were classified family households. This was a marginally lower proportion than for Kent (70%), Sussex (67.6%) and the State of Delaware, (67.4%)

Table 3. Household and Family Characteristics, 2010

Item	Milford	Kent	Sussex	Delaware

		County	County	
Total Population	9,559	162,310	197,145	897,934
Total Households	3,743	60,278	79,368	342,297
Total Family Households	2,356	42,290	53,698	230,731
Average Household Size	2.48	2.62	2.45	2.55
Average Family Size	3.06	3.09	2.89	3.06

Source: 2010 Census

Racial Composition, Hispanic or Latino Origin

Tables 4 and 5 summarize changes in Milford's racial composition from 1990 to 2010 and compare its 2010 racial characteristics to those of the state and Kent and Sussex County. Milford's racial diversity in 2010 was on par for figures from Kent County and the State as a whole, with Sussex showing as somewhat less diverse. Milford's racial diversity increased significantly from 1990 to 2000 with little change from 2000 to the most recent figures. Residents reporting themselves as of Hispanic or Latino origin increased five percent and seven percent each reporting period for a total of nearly 16 percent in 2010.

Table 4. Racial Composition Milford, Kent and Sussex Counties, and State, 2010

Race	Milford		Kent County		Sussex County		Delaware	
	Number	%	Number	%	Number	%	Number	%
White	6,215	65	109,999	67.8	155,663	79	618,617	68.9
Black	2,128	22.3	38,913	24	25,115	12.7	191,814	21.4
Other	1,216	12.7	13,398	8.3	16,367	8.3	87,503	9.7
Totals	9,559	100	162,310	100	197,145	100	897,934	100

Source: 2010 Census, * White = reporting one race, Black- (or African American reporting one race) Other (including those reporting two or more races)

Table 5. Changes in Milford's Racial Composition, 1990-2010

Race	1990		2000		2010		Change, 2000 - 2010	
	Number	%	Number	%	Number	%	Number	%
White	4,763	78.9	4,576	68	6,215	65	1,639	+35.8
Black	1,130	18.7	1,566	23.3	2,128	22.3	562	+35.9
Other	147	2.4	590	8.8	1,216	12.7	626	+106.1
Totals	6,040	100	6,732	100	9,559	100	2,827	+42

Source: 1990, 2000, and 2010 Censuses, * White = reporting one race, Black- (or African American reporting one race) Other (including those reporting two or more races)

Table 6. Milford Population Reporting Hispanic or Latino Origin, 1990, 2000, and 2010

Item	1990		2000		2010	
	Number	Percent	Number	Percent	Number	Percent
Hispanic or Latino (of any race)	225	3.7	594	8.8	1,510	15.8
Not Hispanic or Latino	5,815	96.3	6,138	91.2	8,049	84.2
Total Population	6,040	100	6,732	100	9,559	100

Source: 1990, 2000, and 2010 Censuses

Table 7. Age Distribution, 2010

Age	Milford		Kent County		Sussex County		Delaware	
	Number	%	Number	%	Number	%	Number	%
Under 5 Years	743	7.8	11,150	6.9	11,487	5.8	55,886	6.2
5 to 19 Years	1,807	18.9	34,775	21.4	33,013	16.7	177,917	19.8
20 to 59 Years	4,749	49.7	85,429	52.6	95,836	48.6	481,741	53.6
60 Years and Over	2,260	23.6	30,956	19.1	56,809	28.8	182,390	20.7
Totals	9,559	100	162,310	100	197,145	100	897,934	100
Median Age	37.9		36.6		45.4		38.8	

Source: 2010 Census

Table 7 shows Milford's age distribution of its population. The City has a slightly higher percentage of children under five than either county or the state as a whole and slightly fewer school-aged children than all but Sussex County. Given that this data is several years old, the percentages may be higher for school aged. Roughly half of Milford's residents are in their prime working years, a touch lower than the state and Kent County, and a percentage point higher than Sussex. Adults over 60 years of age accounted for nearly a quarter of the population, higher than any other jurisdiction aside from Sussex County.

Table 8. Milford Age Distribution Change, 2000 to 2010

Age	2000		2010		Change	
	Number	Percent	Number	Percent	Number	Percent
Under 5 Years	469	7	743	7.8	274	+58.4
5 to 19 Years	1,534	22.8	1,807	18.9	273	+17.8
20 to 59 Years	3,315	49.2	4,749	49.7	1,434	+43.3
60 Years and Over	1,414	21	2,260	23.6	846	+59.8
Totals	6,732	100	9,559	100	2,827	+42

Source: 2000 and 2010 Censuses

Table 8 shows which age cohorts grew fastest in Milford from 2000 to 2010. Every category saw a substantial increase, as did the City's population. Most noteworthy is that Milford saw the smallest increase of all among school-aged children, but the largest among seniors and children under 5 years old. Working-aged adults ranked third. Based on these trends, the City can expect increased service demand on schools and senior care in the very near-term.

Education

Table 9 compares Milford's educational attainment for the population age 25 years or more with that of both counties and the state. As the table shows, Milford compares on-par or favorably with the counties and the state in regards to high school graduation, but trails when comparing two and four year degrees, particularly in regards to Sussex County and the state.

Table 9. Educational Attainment, 2014

Educational Level	Milford		Kent County		Sussex County		Delaware	
	#	%	#	%	#	%	#	%
Not HS Graduates	1,290	18.6	15,422	13.5	22,488	14.1	72,355	11.1
Graduated HS, No Degree	3,820	55.2	64,925	57	78,851	49.6	325,796	50
Associate's Degree	491	7.1	9,357	8.2	16,061	10.1	52,556	8.1
Bachelor's Degree or Greater	1,319	19.1	24,266	21.3	41,606	26.2	201,929	30.9

Source: 2010-2014 and 2015 American Community Survey

Educational attainment, particularly at the higher levels, may be a longer-term concern for the City as it endeavors to become a regional driver of economic growth that may require an increasingly skilled workforce.

Economic Characteristics

Tables 10 and 11 summarize 2010-2014 ACS income and poverty data for Milford, Kent and Sussex Counties, the state, and nation as a whole.

Table 10. Household and Family Annual Income, 2014

Income	Amount in Dollars				
	Milford	Kent County	Sussex County	Delaware	United States
Median Household Income	52,274	55,169	53,505	60,231	53,482
Median Family Income	59,365	64,357	62,502	72,683	65,443

Source: 2010-2014 American Community Survey

Milford trails Kent, Sussex, and the state in terms of median household income, with its median income of $52,274 close to the national median. Likewise, Milford's median family income sits significantly lower than the state's median and marginally lower than median incomes for both counties and the national median.

ACS data suggest poverty may also be an issue in Milford. On most indicators it ranked higher than either county or the state. Over a quarter of reporting households had an income of under $25,000 a year. Likewise, a smaller percentage of households reported being relatively affluent. Over thirteen percent of reporting households fell below the federal poverty line. Single-parent, female headed households appear to account for a significant proportion of struggling households.

Table 11. Selected 2014 Income Distribution and Poverty Data

Item	Milford		Kent County		Sussex County		Delaware		United States	
	#	%	#	%	#	%	#	%	#	%
Households with annual income under $25,000	995	26.7	12,213	20.7	7,450	13.9	63,368	18.7	26,987,652	23.2
Households with annual income of $100,000 or more	611	16.5	11,924	20.2	13,050	24.4	88,137	26	26,826,850	23
Families below poverty level	316	13.1	4,019	9.7	4,875	9.1	18,683	8.2	8,850,177	11.5
Female-headed families, no husband present, with related children under 18 years, below poverty level	184	53.2	2,014	31.7	2,226	36.3	9,332	30.5	4,018,530	40.5
Individuals below poverty level	1,378	14.4	20,938	12.9	26,583	13.3	107,101	12	47,755,606	15.6
Individuals 65 years and over, below poverty level	166	10.2	1,635	6.9	2,955	6.6	9,673	7.1	3,926,219	9.4

Source: 2010-2014 American Community Survey

3-2. Summary of Key Issues

Milford is clearly poised for growth. Demographic analysis and existing approved plans all but ensure the City is capable of growth in the coming decade, as it has seen in the past ten years. This growth may strain available resources and infrastructure if not thoughtfully planned for and addressed. A comparative influx of very young and over 60-year-old residents does not necessarily support the City's vision as an employment hub and regional economic driver. Certainly, care will need to be taken to be sure these net service-consuming demographic categories are provided for in the City's growing economy.

While lower than average wages may suggest the presence of a cost-effective source of labor for potential employers, recent U.S. Census data suggests the available workforce may require more additional training or education than similar labor pools in the surrounding county or elsewhere in the state. Also, though all demographic age-groups did show growth, adults in their prime working years was the second slowest growing cohort.

The City might consider measures to encourage local hiring to offset this and to help address poverty statistics that suggest some households in Milford are struggling more than their regional counterparts.

CHAPTER 4. Government, Community Services, and Infrastructure

4-1. Government

Milford's governing body consists of a mayor and eight council members. The council members are elected in staggered two (2) year terms. The mayor and four (4) council members are elected in even-numbered years. The remaining four (4) council members are elected in odd-numbered years. Elections for city officials are held on the fourth Saturday in April at City Hall located at 201 S. Walnut Street. The City includes four wards, of which there are two elected council members from each ward.

A Planning Commission has been established in accordance with Title 22, Section 701 of the Delaware Code. Section 702(a) charges municipal planning commissions with the task of preparing comprehensive plans. The Planning Commission also has the responsibility to review zoning changes, propose amendments to the zoning and subdivision ordinances, and make recommendations to the council on planning and development matters. The Mayor, with consent of the council, appoints members to the Planning Commission. There are nine members on the Planning Commission.

The Board of Adjustment has been established according to Chapter 3, Title 22 of the Delaware Code for the task of granting or denying variances and special exceptions and hearing appeals of administrative decisions. Board of Adjustment members are appointed by the Mayor with consent of the council. There are three members on the Board of Adjustment.

Along with a City Manager and Chief of Police, Milford employs a City Clerk, Finance Director, Public Works Director, Parks and Recreation Director and Planning Director for the administration and operation of city services. These Directors are in charge of the electric, water, wastewater, streets, maintenance, parks and recreation, planning and zoning, economic development, enforcement and inspections, finance and customer service departments. City employees number 105, including the Milford Police Department

4-2. Community Services

Police Service

The City of Milford currently maintains a full-time police force of 32 sworn officers and six full-time communication specialists assigned to the dispatch center. The Department is often called to provide Police assistance to the Delaware State Police and other local municipalities.

The Police Department's responsibilities include a wide range of security activities including investigating citizens' complaints, initiating criminal and traffic arrests, responding to accidents and performing crime prevention checks. While specifically organized to serve the citizens within the City limits, the Department is dispatched to calls beyond the City, and the security of persons living within the Greater Milford Area does have an impact on the operation of the Department.

The Department supports a variety of equipment and policing methods, including bike and foot patrol, drug unit, K-9 unit and community policing. The Department also utilizes social media to enhance its interaction with the public and community policing activities. The Milford Police Department headquarters are located at 400 NE Front Street.

Fire Protection and Emergency Medical Services (EMS)

The Carlisle Fire Company provides fire and emergency response for Milford and the surrounding area. The Fire Company is located at 615 NW Front Street, in Kent County, with approximately 65 volunteer members and full-time Basic Life Support Emergency Medical Services staffing. Sussex and Kent County governments provide Advanced Life Support Emergency Medical Services for the City and surrounding areas.

During heat waves and days with extremely high temperatures, certain populations are more likely to be at risk of heat stroke, exhaustion, and other temperature-related complications. These populations include the elderly, non-native English speakers, and those with lesser economic means. As part of the climate change vulnerability assessment and public engagement process for this plan, information was gathered from City residents to identify areas of City where there are higher concentrations of these vulnerable populations (see Section 1-3). The resulting map analysis showed where at-risk residents are likely to reside, which can be useful information for EMS and public health professionals during periods of extreme heat. For instance, cooling centers – which are public spaces where residents can find heat relief through air conditioning, shade, hydration, and on-site medical attention – can be set up at municipal facilities nearest to the populations that are most vulnerable. The exercise indicated that there is a concentration of non-native English speakers and low-income residents near the downtown area, whereas elderly residents are more dispersed to the west and southeast. Based on this information, if local EMS felt that a public cooling center was required during a period of extended high temperatures, the Milford Public Library would be a good location since it is near these heat-vulnerable populations.

Code Purple of Kent County and Sussex County are non-profit groups that provide shelters for the homeless when temperatures drop to 32 degrees. Guests are provided with dinner and breakfast, a warm bed, clothes, toiletries, blankets, tents and sleeping bags. Assistance with medical, employment and financial issues are also provided.

Solid-Waste Disposal

Milford provides weekly residential refuse and biweekly recycling and yard waste service to approximately 3,550 customers. The Streets Department collects and disposes of yard waste (grass, leaves and brush).

Libraries

The Milford Public Library was founded in 1882 with the organization of the Milford Library Association. The current Milford Public Library location opened in 1993 and underwent a 10,000-square foot addition in 2011. The Library provides a Children's Library, computers with English and bilingual educational programs, a Teen area, a computer lab, the Delaware Research Room and meeting rooms to accommodate small to large groups.

Postal Service

Milford is served by the United States Postal Service with Post Office buildings located at 110 Causey Avenue, Milford and 8419 Front Street, Lincoln. The City of Milford includes two zip codes; Milford 19963 and Lincoln 19960.

Senior Services

The Milford Senior Center is a non-profit organization which provides free services Monday through Friday, during business hours. Services include nutrition, counseling and recreational activities. Milford is also home to a number of nursing homes and senior care facilities. The City also includes housing specifically designated for seniors, including a private assisted living facility.

Health Care

The City of Milford is the location of the Bayhealth Milford Memorial Hospital located at 21 West Clarke Avenue. Bayhealth is currently in the process of relocating the hospital to 160-acres of land located at the intersection of Wilkins Road and Cedar Creek Road as part of a larger health campus.

State Service Center

Milford is serviced by the two State Service Centers located at 13 SW Front Street and in the Riverwalk Shopping Center at 253 NE Front Street. These centers offer a wide variety of public services to help people with their health and human- needs. The center can assist the public in obtaining services provided through the state Department of Health and Social Services, the State Department of Services for Children, Youth, and their Families, and the Delaware Department of State, as well as many nonprofit community service groups.

Veterans Services

Established in 2007, the Delaware Veterans Home provides long-term care to Delaware Veterans with the mission of upholding dignity and respect while sustaining and improving quality of life. The 150-bed facility is located in the Independence Commons Business Park in the Northwest Neighborhood and provides skilled nursing care. The facility is recognized as a state and national leader in long-term veteran care.

4-3. Education

Milford is located within the Milford School District. During the 2016-2017 school year, the district will have served over 4,100 students in southern Kent County and northern Sussex County. The district currently operates one early childhood center, three elementary schools, one middle school and one high school. Mispillion Elementary, Benjamin Banneker Elementary, Lulu M. Ross Elementary, Milford Central Academy and Milford Senior High School are located within City limits. The Evelyn I. Morris Early Childhood Center is located in Lincoln. Table 1 provides the enrollment for each school from 2006-2017.

Table 12. Milford School District Enrollment, 2006-2016

School	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Evelyn I. Morris Early Childhood Center	698	738	724	696	696	421	406	440	417	383	391
Mispillion Elem.						536	567	579	563	579	559
Benjamin Banneker Elem.	636	634	620	618	618	526	540	537	523	525	526
Lulu M. Ross Elem.	604	630	664	653	670	566	561	581	627	607	640
Milford Middle School	969	969	965	930	620	619	663				
Milford Central Academy					590	645	604	1002	1024	1017	969
Milford Senior H.S.	1103	1156	1178	1217	896	842	854	1064	1043	1008	1016
District Totals	4010	4127	4151	4114	4090	4155	4195	4203	4197	4119	4101

The City recognizes the importance of maintaining high-quality public education facilities. A connection exists between the land use decisions of a local jurisdiction and the ability of the public school facilities to handle the number of students attracted to the district through expanded residential development. An appropriate mix of land uses that include residential, commercial, institutional and industrial is needed to provide the adequate tax base for the school district to meet its financial needs of the future.

4-4. Water Supply, Wastewater Disposal, and Stormwater Management

4-4a. Water Supply

The City of Milford provides water service to approximately 3,500 residential customers and approximately 530 commercial/industrial customers. The City operates and maintains its own system of wells, water towers and pressure mains. The Public Works Department maintains twelve (12) wells, four (4) water towers, five (5) treatment facilities, and 450,000 feet of pressurize mains. Treatment facilities include iron removal and aeration, along with chlorination. The City averages 2,600,000 gallons per day in consumption.

Table 13. Proposed Water Demand

Projection	Projected 2020 Population	Projected 2020 Peak Daily Water Demand (gallons)	Projected 2020 Annual Water Demand (gallons)
Low Population Projection†	10,995	3,875,000	883,550,000
High Population Projection‡	13,573	4,780,000	1,090,695,000

†Low Population Projection based on exponential growth rate from 2010 Census to 2015 population estimate
‡High Population Projection based on exponential growth rate from 2000 Census to 2010 Census

Table 14. Milford Water Allocations

DNREC Water Allocation No.	88-0007-A	88-0007-B	88-0007-C	88-0007-D
Aquifer (per Allocation Permit)	Columbia	Frederica	Federalsburg	Cheswold
Daily Allocation per Aquifer (gallons)	691,000	623,000	618,000	707,000
Combined Daily Allocation All Aquifers (gallons)				2,369,000
30-day Allocation per Aquifer (gallons)	11,400,000	16,800,000	19,500,000	16,750,000
Combined 30-day Allocation All Aquifers (gallons)				64,000,000
12-month Allocation per Aquifer (gallons)	136,800,000	201,600,000	228,600,000	201,000,000
Combined 12-month Allocation All Aquifers (Gallons)				768,000,000

The current water demand and the projected 2020 annual water demand (low and high population projections) are in conflict with the combined 12-month allocation for all aquifers provided in Table 3. The City has submitted a request to the State of Delaware Department of Natural Resources and Environmental Control (DNREC) to update the City's allocation in regards to both production wells and volume allowed to be withdrawn from the aquifers. The City will continue this dialogue in order to meet the current and projected city water demands.

The City of Milford produced a Water Facilities Plan in 2011 outlining system components and recommended improvements to increase capacity and preserve water quality. Since the 2008 Comprehensive Plan update, the City has completed the following upgrades that will ensure adequate water capacity for the city's remaining development:

- Installation of Replacement Wells 3R, 4R and 11R
- Installation of New Production Wells 15 and 16
- Tenth Street Water Treatment Facility (WTF) Variable Frequency Drive (VFD) Enhancements
- Washington St. Water Treatment Facility Replacement & Elevated Storage Tank Improvements
- Construction of New SE Milford Water Treatment Facility and Elevated Storage Tank
- SE Milford Water Extension to New WTF and across Route 1
- NE, NW & SE Front Street Water Main and Service Improvements
- Miscellaneous Treatment, Monitoring and Controls Improvement

4-4b. Source Water Assessment and Protection (SWAP) Program

The Safe Drinking Water Act Amendments of 1996 mandated that each state develop a Source Water Assessment and Protection (SWAP) Program to better protect drinking water sources. There are three basic components of all SWAP Programs:

- Delineate the boundaries of the land area most important to public water sources.
- Identify the potential sources of contamination within those boundaries.
- Assess the susceptibility of the public water source to these contaminants.

SWAP Program requirements were established in the Delaware Code in Title 7, Chapter 60, Subchapter VI. The program is coordinated by DNREC and the State Division of Public Health. DNREC developed the majority of source-water assessments for public water in Delaware, including Milford. The assessment for Milford was completed in May 2005.

The Delaware Code also requires all jurisdictions with populations greater than 2,000 to adopt ordinances to protect these important source-water areas. In March 2008, Milford council originally adopted its source water protection ordinance and subsequently amended the ordinance in May 2009. The ordinance, §230-19.5, establishes three (3) types of source water resource protection zones within the City. Zone 1 includes a surface area extending in a radius of 150 feet around the wellhead. Zone 2 includes the remaining area of a delineated wellhead protection area outside zone 1. Zone 3 includes those areas of excellent groundwater recharge. Development in these areas must adhere to the criteria established by this ordinance which provides an additional layer of protection for these areas critical to maintain the quality and quantity of drinking water supplies located within city boundaries. The State is responsible for updating and revising the maps depicting the source water protection areas, and the City's ordinance must be applied to these areas as amended.

4-4c. Drinking Water Sources

Milford's drinking water supply is quite diverse, drawing from five aquifers and twelve wells. The City taps one unconfined aquifer, the Columbia, and the deeper, confined Milford, Frederica, Federalsburg, and Cheswold aquifers. Production from the unconfined aquifer is limited to one well, because the shallow water requires filtration for iron removal. Approximately 89% of the City's water production is from the deeper, confined aquifers: the Milford, Frederica and Federalsburg. Confinement in aquifers naturally protects the City's supply from surface contamination and reduces the City's exposure to reduced productivity during drought conditions.

The City's wellhead protection areas have been delineated by DNREC and are shown on the Environmental Features map in combination with the Excellent Groundwater Recharge zones as "Water Resource Protection Zone." To assure adequate water supplies, the City adjusted its land use ordinance, for areas designated "Water Resource Protection Zone" per DNREC regulations (in conformance with the Source Water Protection Law, Title 7, Delaware Code, Chapter 60, Subchapter VI). These regulations required the City to protect excellent recharge areas and recharge areas for wells in the unconfined aquifer. This was accomplished by placing limitations on the allowed uses on the land and the percent of impervious area permitted by new development in these identified areas.

4-4d. Excellent Recharge Areas

A recharge area is land on top of an aquifer. Precipitation falling on the land surface provides the water that recharges aquifers. Recharge areas are classified as excellent, good, fair, and poor according to how rapidly rain water filters through the ground to the underlying aquifer.

Aquifers are layers of gravel and sand, within which, water is stored and moves underground. Maintaining good water quality in local aquifers is especially important because Milford obtains drinking water from wells drilled into aquifers. Care must be taken when developing within recharge areas to ensure that precipitation is not contaminated with surface pollutants which could potentially carry these contaminants into the aquifers.

It is also vital that excellent recharge areas remain permeable and allow sufficient infiltration to recharge the aquifer below. Impervious surfaces such as rooftops, roads, parking lots, and soils compacted through construction or landscaping generally cause runoff, not infiltration.

The ability of soils to recharge groundwater resources has been approximated and mapped by the Delaware Geological Survey. Areas of excellent recharge are shown on the Environmental Features map. In general, large areas of excellent recharge have been mapped to the west of US Route 13, in both Kent and Sussex County. There are three excellent-recharge areas within the City's limits. Excellent-recharge areas consist of predominantly sandy soils that allow precipitation to rapidly infiltrate to the underlying aquifer. Good-, fair-, and-poor recharge areas have respectively slower infiltration rates.

DNREC regulations require the City to protect excellent recharge areas, through limitations on the percent of impervious area permitted by new development. These regulations have been incorporated into the land-use code.

4-4e. Wastewater Disposal

The City of Milford provides sewer service to approximately 3,500 residential customers and approximately 530 commercial/industrial customers. Milford is a municipal contract user with Kent County Levy Court for wastewater conveyance and treatment at the Kent County Regional Wastewater Treatment Facility (KCRWTF) located in Frederica, Delaware. In 2016, the KCRWTF has a permitted and hydraulic capacity of 20 million gallons per day.

The Public Works Department maintains an extensive gravity collection system comprised of approximately 275,000 feet of gravity sewer, 17 pumping stations and 52,000 feet of pressurized mains. Discharge to Kent County occurs at two locations, Pump Station 7 located on NE Front Street (owned by Kent County) and Pump Station 16 in Lighthouse Estates (owned by the City). There are two main transmission force mains (18"/24") between the City of Milford and the KCRWTF that provide additional capacity during high flow periods or redundancy during emergency repairs or maintenance. The City averages 2,600,000 gallons per day in discharge.

The City developed a Wastewater Facilities Plan in 2012 detailing system components and capital improvement recommendations. Since the 2008 Comprehensive Plan update, the City has completed the following upgrades that will ensure adequate sewer capacity for the city's remaining development:

- Truitt Avenue Pump Station Rehabilitation & Improvements
- Washington Street Pump Station Rehabilitation & Improvements
- Collection System Infiltration & Inflow (I&I) Repairs
- Shawnee Acres Discharge Forcemain Upgrades
- NE & NW Front Street Sewer Improvements
- SE Front Street Sewer Improvements

4-4f. Stormwater Management

Milford and DNREC have jurisdiction over stormwater management within the City. The stormwater-management system was constructed as a separate system from the sanitary sewer system, consisting of a series of drains, conveyance lines, and catch basins that direct stormwater into natural storm-water management areas or into the Mispillion River. Stormwater drainage on new construction is required to be constructed in conformance with DNREC erosion and sediment-control regulations and requires approval from the Kent or Sussex County Conservation District.

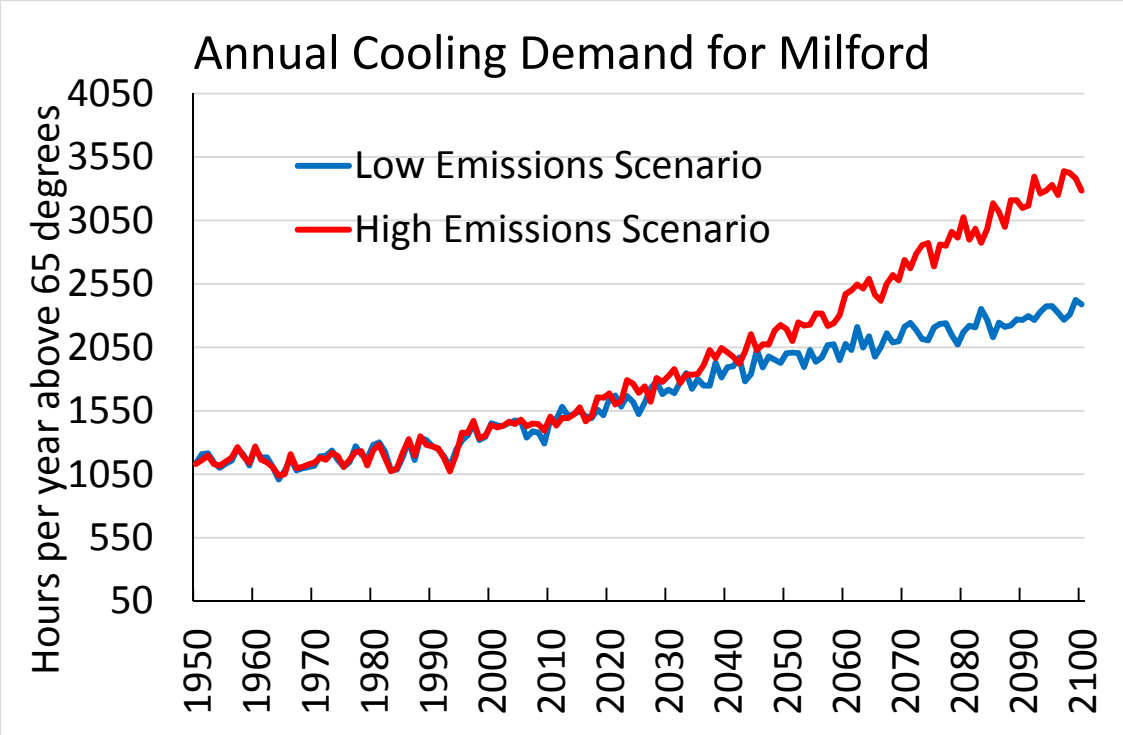
Stormwater management planning and flood risk mitigation efforts will be critically important processes for Milford as it seeks resilient growth and redevelopment of its core downtown area on the river. Some resilient stormwater management options include rain gardens, vegetated swales, tree boxes, green roofs, and rainwater barrels. Information on these and other low-impact development practices are contained in DNREC's Green Infrastructure Primer released in 2016 (see http://www.dnrec.delaware.gov/GI/Pages/index.aspx).

4-5. Electricity

Milford currently provides electric service to approximately 6,700 residential and 469 commercial/industrial customers. The City of Milford continues to be a member of the Delaware Municipal Electric Corporation (DEMEC). Through this corporation, the City, along with eight (8) other municipalities, negotiates the purchase of electricity for its customers.

During the past decade, the City has constructed a second substation in order to increase system reliability. Planned improvements to the City's electric system include the installation and integration of Smart Metering. This will both enable customers to more efficiently manage their usage and provide more efficient operation of the electric distribution system.

Temperature increases are expected for Milford and electricity demand will likewise increase during warmer periods when air conditioning is needed to cool indoor areas. Statistics from Delaware's Climate Projections Portal indicates that the number of hours above 65 degrees in Milford – a proxy for the air conditioning demand – will increase by a minimum of one third by 2050 (see the Figure below which was created using data from http://climate.udel.edu/declimateprojections/portal/).



4-6. Telecommunications

The City of Milford Electric Department has installed approximately 18 miles of fiber optic cable throughout the City to help connect the City's facilities (i.e. administrative offices and utility infrastructure) in order to run operations more efficiently and effectively. In addition, the City leases fiber optic space to major employers within the City limits.

Comcast and Verizon provide telephone and cable services throughout the City.

4-7. Natural Gas

Chesapeake Utilities provides natural gas service to approximately 1,169 residential and 169 commercial/industrial customers within the City of Milford.

4-8. Government, Community Services, and Infrastructure Goals and Recommendations

Goal – Ensure the safety and security of Milford's residents with first-class police, EMS, and fire protection services and provide adequate public utilities to provide for planned and desired growth in a managed, cost-effective manner.

Objective – Consult police, fire, and EMS personnel when considering significant development and redevelopment proposals, particularly in regards to response time and access.

Objective – Plan for and provide adequate utilities and services to accommodate occurring and planned for growth in Milford.

Objective – Consider additional electricity demand from increased air conditioning usage into electric infrastructure planning processes to ensure that power supply and system reliability are maintained during periods of sustained high temperature.

Objective – Encourage the appropriate use of low-impact development and resilient stormwater management practices contained in the Delaware Green Infrastructure Primer.

Objective – Review mutual aid agreements with surrounding jurisdictions and confirm the adequacy of Advanced Life Support (ALS) services for Milford residents. The City may wish to pursue offering these services.

Objective – Work with natural gas provider to service residential, commercial and industrial customers within City limits.

Objective – Incorporate language in the code related to commercial recycling and making recommendations on commercial site plans for space for recycling dumpsters and other facilities.

Objective – Engage with DNREC's Allocation Division to ensure all wells in service appear on a revised allocation permit for the City and that the City is able to document sufficient supply for present needs.

Objective – Engage with DNREC's Allocation Division to proactively coordinate anticipated future water allocation demands and needs and ensure that any new wells or infrastructure upgrades are coordinated with DNREC's approval process.

CHAPTER 5. Housing

Vision *- The City of Milford envisions itself transitioning into a year-round economic and employment center. It strives to provide and maintain a balanced housing inventory capable of accommodating residents from senior level executives to the many hourly-wage employees the City hopes to attract.*

Position on Housing and Population Growth – The City of Milford is prepared and poised for growth. The City has an ample housing pipeline, several developments coming online, recent infrastructure improvements, and construction of a regional health campus. The City seeks this growth in population and housing, as it works to fulfill its vision of becoming the "Riverfront Gateway to Southern Delaware."

5-1. Housing Characteristics

Significant growth, development, and new construction are changing the size and composition of Milford's housing stock. Most recent, and anticipated, residential construction is occurring on the City's periphery in greenfield development. The City's historic homes and older structures tend to be centered in the historic area of the city, close to the river. Milford does differ somewhat; however, from the typical pattern of a central core of older historic structures surrounded by new development of single-family detached homes. A significant portion of anticipated and approved growth is set for townhomes and multi-family development.

Given that Milford's population grew by nearly a third between 2000 and 2010, and that building seems to have recovered from the 2007-2008 downturn, it is reasonable to expect continued growth for the City in terms of population and residential structures.

5-2. Housing Inventory

Table 15 summarizes the distribution of housing unit types in Milford and contrasts Milford's housing stock with the counties it straddles, the state, and the nation. Milford's proportion of single-family detached units is marginally higher than the state's proportion, but very much in line with figures from Kent and Sussex Counties, and the national average, and the City hosts comparatively fewer attached homes or duplexes.

However, Milford far exceeds all comparison areas in the availability of multi-family housing. Nearly a third of the City's units are multi-family, two to three times the ratio for Kent and Sussex, respectively, near twice that of the State of Delaware, and six percentage points higher than the national figure.

Table 15. Housing Stock Composition, 2014

Housing Type	Milford		Kent County		Sussex County		Delaware		United States	
	#	%	#	%	#	%	#	%	#	%
Single-family detached	2,780	63.3	43,320	65	77,849	61.8	240,246	58.4	81,840,073	61.7
Single-family attached	209	4.8	5,650	8.5	10,328	8.2	60,677	14.8	7,725,793	5.8
Multi-family	1,404	32	8,949	13.4	14,438	11.4	73,024	17.7	34,559,219	26
Manufactured or other	0	0	8,733	13.1	23,394	18.5	37,303	9	8,615,948	6.5

Source: U.S. Census American Community Survey 2010-2014

Table 16 shows the occupancy status for structures in Milford, Kent County, Sussex County, and Delaware. As of the 2010-2014 American Community Survey, Milford's vacancy rate of 15.3 percent was just higher than that of Kent County, but compared very favorably to Sussex's rate and was generally in line with the figures for the entire state.

Table 16. Occupancy Status, 2014

Status	Milford		Kent County		Sussex County		Delaware	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Occupied	3,720	84.7	59,142	88.7	78,361	62.2	339,046	82.4
Vacant	673	15.3	7,510	11.3	47,648	37.8	72,204	17.6
Total	4,393	100	66,652	100	126,009	100	411,250	100

Source: U.S. Census American Community Survey 2010-2014

Table 17 compares the age of Milford's occupied housing stock to both counties, the state, and the nation. As with all geographies listed, a significant proportion of Milford's housing stock has been constructed since 2000, with nearly 1,200 units built from 2000 to 2009. The growth boom appears to have come a bit later to Milford, as both Kent and Sussex Counties showed stronger growth from 1990 to 1999, but are otherwise comparable to its host counties and nearly twice as robust as the state as a whole. Taken all together, the housing stock is fairly evenly distributed, with roughly half having been built prior to 1970, and half since.

Table 17. Age of Occupied Housing Units, 2014

Built	Milford		Kent County		Sussex County		Delaware		United States	
	#	%	#	%	#	%	#	%	#	%
2010 to present	50	1.1	1,806	2.7	2,337	1.9	6,019	1.5	1,315,426	1
2000 to 2009	1,199	27.3	19,034	28.6	37,125	29.5	81,093	19.7	19,803,260	14.9
1990 to 1999	397	9	12,552	18.8	24,160	19.2	67,167	16.3	18,512,067	13.9
1980 to 1989	389	8.9	8,966	13.5	23,468	18.6	61,682	15	18,346,272	13.8
1970 to 1979	674	15.3	8,344	12.5	15,496	12.3	50,385	12.3	20,978,482	15.8
1960 to 1969	433	9.9	5,978	9	8,726	6.9	46,353	11.3	14,626,326	11
1950 to 1959	500	11.4	4,277	6.4	5,242	4.2	42,469	10.3	14,374,462	10.8
1940 to 1949	178	4.1	1,492	2.2	2,623	2.1	18,786	4.6	7,119,373	5.4
1939 or earlier	573	13	4,203	6.3	6,832	5.4	37,296	9.1	17,665,365	13.3
Total	4,393	100	66,652	100	126,009	100	411,250	100	132,741,033	100

Source: U.S. Census American Community Survey 2010-2014

Census data suggests homeownership is relatively more affordable in Milford, compared to Sussex and Kent County, and the state. The median value of owner-occupied units in Milford was reported by the 2010-2014 American Community Survey as $181,300, significantly less than Kent ($200,200), Sussex ($231,400) or the State of Delaware ($232,900).

Home values have increased significantly across the board. In 2000, the U.S. Census reported the median owner-occupied home value in Milford as $93,600. The 2014 median value of $181,300 equals nearly a 94% increase in median value.

However, median home values in Milford have not risen as fast as some. Sussex County saw a 132 percent increase. Kent County's median home value grew at the same 94 percent rate as Milford. The state's median home value increased by 91 percent.

Data available from the Delaware State Housing Authority's (DSHA) October, 2016 Real Estate Report reinforces what is shown in the Census data. As of the third quarter of 2016, it showed median home prices for Kent County at $203,745 and Sussex at $312,479. Moreover, it depicted a sharp rise in home prices in Sussex since 2010, but only modest increases in Kent.

A cursory review of home listings late in 2016 suggest that newly constructed homes were available in the range of $240,000 - $280,000, though some extravagant homes were listed much higher. Existing homes that appeared to be in good condition were readily available in the $90,000 - $180,000 range, and handyman specials were available for roughly $50,000. Though somewhat anecdotal, it would seem Milford's home values are tracking more closely with Kent County's than those of Sussex.

5-3. Housing Pipeline

Milford appears to have weathered the housing downturn better than most, and permitting activity from 2010 on has held steady for single-family units and is beginning to show growth in other types.

There is significant growth potential in Milford's housing pipeline. As of late 2016, 5786 units are approved, awaiting construction. Of that number, 2,770 are multi-family, 1,596 single-family detached, 1,274 single-family attached, and 146 are approved duplexes.

Depending upon sales and construction, these figures have the potential to incrementally alter the composition of the City's housing stock. As of 2008, the City estimated that roughly two-thirds of its housing stock was single-family and one-third multi-family or apartments. At present, approved construction is split almost exactly in half. Fifty percent is slated for single family (attached and detached) and 50 percent is anticipated multi-family and duplex.

For the past several years, the majority of new construction has been single-family detached units. In 2010, 34 were built, with an additional 29, 33, 23, 25, 37, and 30 units added in the years 2011 to 2016, respectively.

However, recently, the City has seen villas and multi-family housing beginning to come online. After no permits being issued from 2010 through 2013, 54 have been approved since 2014, 16 villas, 12 multi-family units, and 26 townhomes.

Table 18. Existing and Planned Milford Residential Units

Unit Types	Census	2010 - Present	Approved to build	Total Existing or Proposed	% at build out
Single-Family Detached	2,701	191	1596	4,488	44.5%
Single-Family Attached	201	42	1274	1,517	15.0%
Duplex	183	20	146	349	3.5%
Multiple-Dwelling Units	892	12	2770	3,674	36.4%
Manufactured, Mobile	65	0	0	65	0.6%
Total Housing Units	4,042	265	5786	10,093	

Source: 2010 American Community Survey and City of Milford

5-4. Housing Needs

The preservation and provision of affordable housing for Milford's lower-income residents is always a concern, particularly given the sharp increase in home prices over the past two decades, only partially offset by the housing downturn. Equally important for the City of Milford, with significant growth, development, and employment aspirations, is the provision of a housing stock suitable for the residents, employees, and employers it wants to attract.

Demographics and Milford's future aspirations should both be impactful considerations. As the baby-boom generation retires, and, in Delaware's case, moved here from New Jersey and Pennsylvania, the migration drove home sales and construction. Today, the textbook boomer is nearly 60, and the true postwar cohort born between 1946 and 1964 is much closer to 70. It is reasonable to assume that demand for large, four-bedroom, suburban homes may not be this group's first choice, given cost, maintenance, and transportation considerations.

Likewise, the millennial generation, which now outnumbers boomers, has yet to demonstrate the same commitment to home-ownership and the suburban lifestyle.

Fortunately, the City of Milford appears to be very well positioned to accommodate these potential trends. Milford's zoning and subdivision regulations allow for a mix of housing types as well as communities and developments that blend a mixture of uses.

The City's Southeast Master Plan and its Downtown Development District are excellent examples of the municipality's pro-active efforts to encourage and support new, varied, residential, commercial, and employment activities in close proximity and its desire to stabilize and improve the diverse and affordable residential housing stock in the traditional town center.

Moreover, Milford has been successful. Beyond simply allowing for, or encouraging, the City has seen nearly 3,000 multi-family or duplex units approved for construction, and over 1,200 townhomes. Single-family detached homes account for less than half of all approved construction.

5-5. Affordable Housing and Housing Rehabilitation

Despite its diverse housing stock, according to the 2011 – 2015 American Community Survey, Milford does have a number of residents reportedly devoting unaffordable (over 30 percent) portions of their income to housing.

According to the survey, 43.7 percent of Milford renters pay over 30 percent of their income towards rent and over a quarter of renters spend at least half of their income on housing. Milford's figure is in line with Sussex County's 42.5 percent. The City's rents are reportedly more affordable to its resident renters than Kent County, 50.7 percent, or the State of Delaware, 46.2 percent.

Milford also compares favorably to both counties and the state in reported rent charged, according to the 2011-2015 American Community Survey. Median rent per-month in Milford was only $831, significantly lower that Kent County's median rent of $985, Sussex's $974, and the state's median of $1,018.

Given the City's comparatively lower rents, moderate increases in home prices, and availability of homeownership opportunities in most every price-point, it would be easy to assume that the City's housing and rental stock must be affordable. However, compared to the counties and state, a portion of Milford's residents are decidedly less well off. Roughly a quarter of families reported having median annual incomes below $25,000. A third of the full value equates to under $700 a month that could be affordably allocated to housing costs.

With the City's median rents already less that surrounding regions, this population could be especially vulnerable to the rising rents and home prices typically associated with strengthening economies, as they would have few alternatives.

Fortunately, the City has a number of properties and landlords that take part in the state's subsidized rental program to help insulate its most vulnerable residents from shifting market forces. According to DSHA records, 394 units receive rental subsidies and another 482 are income restricted.

Quality of affordable housing, still, is always a concern. While it is certainly desirable from an affordable housing standpoint that there are houses of a variety of ages, sizes, and values in a community, it is equally desirable that the housing stock be in adequate and safe condition.

Housing professionals suggest:

- The continuation of land use regulations that support a diverse housing stock
- Coordination with non-profits, county governments, DSHA, and private landlords and developers
- Ensuring all town regulations adhere fully with the Fair Housing Act
- Pursuing available funding and available tax credits from DSHA and the State Historic Preservation Office
- Encouraging Universal Design in any new independent living or retirement facility construction

5-6. Resilient Housing

Portions of Milford's housing stock are vulnerable to current flooding and future sea level rise. The inundation analysis conducted for this comprehensive plan update indicates that 60 acres of residential land lies within the FEMA-designated floodplain. For new housing development in these vulnerable areas, the City's floodplain ordinance currently permits minimal flood risk avoidance by allowing the lowest floor of new structures to be built at base flood elevation. Requiring a safety zone above base flood elevation (known as "freeboard") for new development would reduce vulnerability to future floods and enhance housing resiliency. The City could revise the floodplain management regulations so that projects involving new construction or substantial improvement in the FEMA-designated floodplain include a freeboard requirement. With an enhanced freeboard policy, the City would need to review and eliminate any barriers to development such as maximum building height restrictions and stair projections into setback areas. To further mitigate flood risk, projects in areas vulnerable to inundation should take additional floodproofing measures such as elevating critical systems (fuel tanks, HVAC, water heaters, electrical switches, etc.) above base flood elevation and future sea levels. Backflow check valves for wastewater systems can also be added. Limiting development in the floodplain, or requiring adequate setbacks, would also add resilience to the City's housing stock.

As noted in the section above, a large percentage of Milford residents spend one third or more of their income on rent. These same residents are more vulnerable to increased temperatures because they have less income to spend on electricity for air conditioning. Furthermore, they may live in housing conditions that are substandard, leaky, and energy-inefficient. The City could encourage and support the adoption of energy efficient building and property maintenance practices that foster increased energy efficiencies and resiliency to increasing temperatures, particularly for affordable housing.

5-7. Housing Goals and Recommendations

Goal – Encourage a balanced range of housing types and home-ownership opportunities for existing and future residents.

Objective –Engage DSHA in the City's planned Northeast Area Master Plan, particularly in regards to Census Tract 425, which DSHA characterizes as having an oversupply of subsidized rentals.

Goal – Promote opportunities for the creation of new clean, safe, and affordable housing, as well as ensure the continued quality of the existing stock of affordable units.

Objective - Market the low-income home weatherization assistance program that is designed to improve energy efficiency for low-income households.

Goal – Encourage the construction and maintenance of housing that is resilient to current and future hazards such as flooding and heat waves.

Objective – Update the City's floodplain ordinance and consider adopting a freeboard requirement.

Objective - Consider upgrading the City's building code standard from International Building Code 2006 to the most recent 2015 version that recommends stronger energy efficiency measures.

CHAPTER 6. Transportation

This chapter provides an inventory of the transportation system in Milford and identifies issues that may need to be addressed. It details planned transportation improvements and makes recommendations to foster maximum mobility, via all modes, for residents and visitors using Milford's transportation network.

The *Roads and Boundaries* map in the appendix shows Milford's transportation network. It includes streets and roads, sidewalks, trails, and bicycle routes.

6-1. Transportation Planning Trends and Developments

Since Milford's last plan update, the State has increasingly focused on non-motorized transportation modes, namely walking and cycling, in many of its planning and policy initiatives. Motor vehicle projects do, and likely will continue to be the largest recipient of infrastructure projects. However, the State has made significant investments in a series of trails and paths within major population and employment centers. Moreover, updated planning and engineering procedures have been enacted with the goal of ensuring bicycle and pedestrian improvements are incrementally built into the State's transportation network as regularly scheduled maintenance and construction is carried out.

Governor Jack Markell signed Executive Order Number Six in 2009, providing the policy underpinning of the administration's Complete Streets policy. A key provision of the order was that it compels DelDOT to ensure that the needs of bicyclists and pedestrians are taken into account whenever the state builds or does significant maintenance work to existing state-maintained roadways. Effectively, the order strengthened the standard concerning the presence of bike and pedestrian amenities to the level where their exclusion must be demonstrated to be wholly infeasible or impracticable.

In 2011, the State established dedicated funding with the passage of Senate Concurrent Resolution #13, to explore and plan how "to create contiguous systems or networks of walkways and bikeways within and between cities and towns in Delaware in order to provide travelers with the opportunity for safe, convenient, cost-effective and healthy transportation via walking and bicycling." Later that year, a memorandum of understanding (MOU) between DNREC and DelDOT was initiated to implement the resolution. A number of projects have been completed, are underway, or are being planned. Over 75 miles of trails and pathways have reportedly been installed since 2011 alone. For more information, please visit http://trails.delaware.gov/

Operationally, DelDOT has been making a concerted effort to connect directly with its customers electronically. In addition to traditional tools like variable message signs, traffic hotlines, and traffic radio, the State has deployed an interactive website and, more recently, a smartphone traffic application, the DelDOT App.

One feature in particular, the "Where's My Bus" tool, allows subscribed transit users to see when their bus will arrive and also to track their bus in real time. DelDOT also shares this data with Google, so transit riders using that service's navigation services will also see actual bus arrivals and departures, not scheduled times. This feature came online late in 2016 and its full impact has yet to be determined. However, it has the potential to make transit a much more attractive and viable option.

Most recently, in May 2016, Senate Bill 130 was signed into law, creating the framework for Complete Community Enterprise Districts. These districts would encourage master planning, development supportive of transit, and an interior transportation network conducive to the first and last mile pedestrian and cycling trips that are so often the weakest link in fixed-route transit. Creation of said districts would require one or several jurisdictions to enter into an MOU with DelDOT. No initiatives were yet underway at the time of this plan's completion.

Regionally, the proposed re-alignment of U.S. Rt. 113 has been tabled for the Milford and Lincoln areas. The 2008 Bond Bill specifically said, "DelDOT shall be prohibited from proceeding with the US 113 South/North Improvements Project in the Lincoln and Milford area as proposed in the Department's Capital Transportation Program," until a local consensus could be reached. Early in 2008, the State's Transportation Secretary reported to the General Assembly that no consensus could be reached and that DelDOT was suspending work on the proposed re-alignment in the Milford/Lincoln area.

6-2. Roads and Traffic

The transportation system in the City of Milford consists of roadways, rail, sidewalks, bicycle lanes and rideable shoulder, the Riverwalk, and DART First State buses. This section of the transportation chapter provides a brief overview of the major modes of transportation currently found in Milford.

6-2a. Roadways

The City lies at the dividing point between two major north-south transportation corridors. DE Route 1, also known as the Coastal Highway, runs southeast from Milford parallel to the Delaware Bay shoreline to Rehoboth Beach, where the highway swings south along the Atlantic Coast. DE Route 1 is a major hurricane evacuation route away from the Atlantic coast. US Route 113 runs south through Milford, which is located approximately midway between Dover and Georgetown. Also radiating out from Milford are: DE Route 36 east to Slaughter Beach, and west to Greenwood; DE Route 14 west to Harrington; DE Route 15 northwest to Camden and DE Route 30 south-southeast to the Milton area and onto Millsboro. Growth trends and pressures across central and eastern Sussex County will have significant impacts at Milford's location as an economic and employment designation.

Like most historic towns, the City of Milford's historic core is generally laid out in a grid pattern with frequent intersections and sidewalks. More contemporary development has tended to occur a significant distance from the historic town core. In some cases, the street networks are the familiar stem-and leaf pattern so typical of the recent suburban boom. However, in many cases this is not so. A number of recent subdivisions and developments in and around Milford have fairly good internal connectivity. More recent growth, particularly on the eastern and western edges of the City, do lack sidewalks and dedicated bicycle facilities.

Much of the City's street and roadway network; however, is still yet to be built. The City has significant vacant and developable land between existing subdivisions and other recent or proposed subdivisions, and between newer development and the historic town center. Unlike some other growing communities where rapid growth, in effect, established the transportation network, Milford still has a significant opportunity to affect the ultimate layout and disposition of its street network, ensuring adequate connections within and between developments, and sufficient connectivity to preserve capacity on its major and minor arterials.

According to DelDOT's counts of Average Annual Daily Traffic (AADT), automotive traffic has been fairly static for the past ten years. DelDOT maintains a system of automatic traffic recorders (ATRs) throughout the state and supplements its data with additional sources, such as required traffic impact studies.

ATR # 8062, located on US 113 immediately south of the confluence with S.R. 1, showed an AADT of 21,956 for 2015. This figure is only slightly higher than the 20,831 AADT recorded in 2006. As would be expected for any counter on a major north-south access route, the numbers peeked in the summer beach season and fell off sharply in the winter, spring, and fall.

ATR # 8092 monitors volumes bypassing the core of Milford at Tenth St. Volumes here were reportedly higher than in 2006. The 2015 AADT was 26,109. The 2014 AADT was 23,617. Both were higher than any recorded observation in the past ten years and up significantly from the 2006 mark of 19,685. Again, flows peeked during the traditional beach season. It is important to note that these increases are in traffic bypassing Milford. However, as the City realizes its Southeast Master Plan and grows beyond S.R. 1 to the east of its currently built-up areas, these volumes will be passing through, not around the City.

ATR # 8070 monitors traffic entering and exiting Milford on S.R. 36. The station is located outside the municipal boundary. The 2015 AADT of 15,362 was actually down slightly from the 2006 measure of 15,653.

Kent and Sussex Counties have yet to meet the population thresholds for a Congestion Management Plan (CMP), typically overseen by the Metropolitan Planning Organization (MPO). The Delaware Population Consortium estimates this may happen by 2035. According to the Dover/Kent MPO, CMP has not yet been a major factor in its project prioritization process.

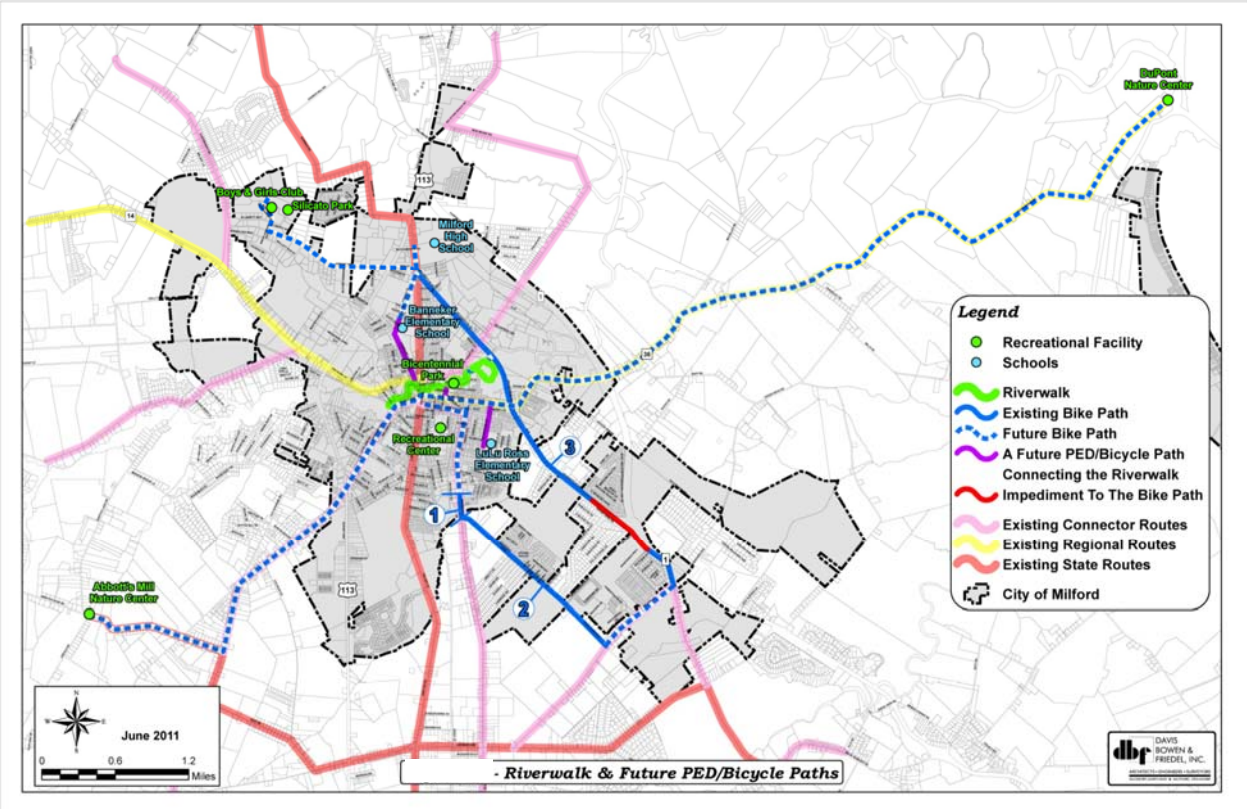
6-3. Non-Automotive Travel

6-3a. Bicycle Traffic

According to DelDOT's datasets, which can be viewed at www.bikemap.com/de/ , the entirety of South Walnut St./North Old State Road is a State bicycle route, bisecting the City north to south. It also lists the full east to west extent of North and Southeast Front Street as a regional bicycle route.

The City has actively planned for improved bicycle and pedestrian connections and facilities. In 2011, it published its Bicycle and Pedestrian Master Plan. Figure 3, below, shows existing and proposed cycling routes.

Figure 3. Proposed Cycling Routes



Milford's full Bicycle and Pedestrian Master Plan can be seen at http://cityofmilford.com/82/Projects. According to the plan, at least two connections to the Riverwalk are sought to expand its reach and utility and future bike paths would connect the City's core with the Abbott's Mill nature preserve to the southwest and the Boy's and Girl's Club in the northwest. Other improvements along S.R. 36 heading out of town to the northeast, along an existing regional bicycle route, would serve to better connect Milford residents to the DuPont nature preserve, and would offer ride of some distance.

The Bicycle and Pedestrian Master Plan makes a number of recommendations prioritizing connectivity to the town center, connectivity between population centers, and facility design of the type appropriate for use by children and seniors. Its recommendations are recounted in the goals and recommendations of this chapter.

Another, relatively new, way of gauging bikeability is Level of Traffic Stress, also known as Low-Stress Cycling. The central premise of the approach is that people choose to ride, or not to ride, their bicycle in very large part due to their discomfort interacting with motor vehicles. Recent research suggests that nearly all other factors, such as signs denoting a bike path, the presence of sharrows, or shoulders have a minimal comparative impact.

Potential users are categorized into four groups: Strong and fearless, the avid cyclists that ride racing-style bicycles and who will ride almost anywhere, Enthusiastic and Confident can generally be envisioned as high-school and college students, along with the cycle commute to work crowd.

Over 60 percent of users fall into the next category, interested but concerned. This is basically the rest of us. There are four bicycles in the garage that they'll ride around the neighborhood or put on a bike carrier and haul to the park and ride, but are uncomfortable venturing beyond purely residential streets where they would need to ride in proximity to more than the occasional car. The fourth group simply does not or will not ride bicycles.

The rationale is that to increase cycling, facilities must be offered that connect meaningful origins and destinations while not exceeding the interested but concerned group's tolerance for traffic stress. DelDOT planners have adapted this segment-scoring methodology into a Delaware-specific tool that can graphically depict levels of traffic stress. These levels correspond to the user groups. Level one is suitable for grade-school aged children, Level two for the interested but concerned, Level three for the enthusiastic, and Level four only for strong and fearless.

The *Level of Stress Analysis* map in the appendix shows a draft of this analysis for Milford. Please note, this is a new methodology and these results are offered as a planning tool and as an illustration Milford may use for critical analysis, NOT as a finding of fact. Key factors are vehicle speed, traffic volume, physical separation of cyclists from passing traffic, and the suitability of intersections.

For more information on Low-Stress Cycling and for a full explanation of how streets are scored, please visit http://www.ipa.udel.edu/publications/bikeability-assessment-tool.pdf

The map quickly reveals that the interior of Milford is quite accessible to cyclists, and while there are sections of red and yellow in Milford's interior, would be cyclists have any number of ways to avoid these without adding significantly to their trip. However, access to the Northwest and Southeast neighborhoods becomes more problematic, as do trips to either of the nature preserves, outlined in the City of Milford Bicycle and Pedestrian Master Plan. DelDOT's area analysis would seem to support the City's findings that further improvements would be needed to successfully catalog these routes as bike paths.

6-3b. Pedestrian Ways

The *Roads and Boundaries* map in the appendix details all existing sidewalks, paths, and trails in Milford, as well as the Riverwalk. The historic core of Milford has a high prevalence of sidewalks. Nearly every street bound by DuPont Boulevard and North Rehoboth has a sidewalk. Likewise, some of the more disparate developments in the northwest neighborhood have internal walkways. However, they do not connect to the rest of the system. The City's southwest and southeast neighborhoods have few, if any sidewalks.

Though the City and the Bicycle and Pedestrian Master plan note some concern with the maintenance of existing sidewalks, beyond the town core, the issue quickly becomes one of existence. Given the City's goal of revitalizing and drawing foot traffic to its central core, establishing theses connections may be a priority not only for transportation, but also economic development. The bulk of the City's anticipated growth is slated to occur outside of its historic core and some have already expressed concern that parking for more vehicles may be in issue downtown. Providing additional pedestrian and bicycle connections may be a more cost-effective way of achieving this goal, particularly in the context of cultural and night-life type attractions.

The 2011 City of Milford Bicycle and Pedestrian Master Plan recommends installing sidewalks in all new developments, ensuring adherence to the State's Complete Streets Policy in any municipal street improvements, and pedestrian and bicycle connectivity between any residential and adjoining commercial, as well as, at a minimum, bicycle and pedestrian connections between neighboring subdivisions, even if the vehicular connections dead end and cul-de-sacs or stub streets.

The Mispillion Riverwalk links the downtown business district on both sides of the River with pleasant sidewalks, boardwalk and footbridges. The Riverwalk Masterplan includes expansion of the greenway across the City's historic center. The Riverwalk and Streetscape projects are also central to linking the municipal parking lots with shopping, office use and cultural activities in the downtown district. Proposed additions include linking the Riverwalk with the two elementary schools through a system of pedestrian and bicycle trails and with future residential development.

6-3c. Railroads

The major north-south railroad line on the Delmarva Peninsula runs roughly parallel with S.R. 14, as it enters the City from the west and then turns due south, roughly following U.S. Rt. 13. The line is owned and operated by Norfolk Southern and presently only hauls freight. It connects Milford with the northeast corridor, providing important linkages to statewide and regional destinations.

6-3d. Public Transportation

Milford's public transportation is provided by DART First State. DART First State operates fixed-route service in all three counties. DART Paratransit service provides door-to-door transportation service for elderly and disabled riders statewide. Rides need to be arranged at least one day in advance.

Milford has five designated fixed-route bus stops. Only one, at North Walnut and Park Ave, services the core of the City. There is another further west on DuPont Highway near the Hardee's and Applebee's. The other three are clustered in the northwestern area of the City, west of U.S. 113 near the Super Wal-Mart and at Airpark Plaza.

Only one DART route, the 303, services Milford's bus stops. It provides weekday, commuter-style connections to and from Dover and Georgetown, roughly between the hours of 5:30a.m. and 7p.m.

The City should coordinate efforts with DART to establish local and regional public transportation loops to the Southeast Neighborhood and new hospital location consistent with the recommendations from the Southeast Master Plan document.

6-3e. Aviation

The Delaware Coastal Airport in Georgetown Delaware is the closest private airport to Milford. It provides small plane services, a tower, operates on visual flight rules, and has a 5,500' runway. The closest larger facility is the Dover Air Force Base's Civil Air Terminal, offering a 13,000-foot-long paved runway. The nearest regular passenger air services are provided at the Philadelphia International Airport and Baltimore-Washington International, each roughly 100 miles away. The Delaware Airpark in Cheswold, Del., 30 miles due North, is home to 45 aircraft and Delaware State University's flight-training program, serving corporate and recreational flyers year-round. The Wicomico Regional Airport located in Salisbury, Maryland, 50 miles due South, is the only commercial airport on the Delmarva Peninsula.

6-4. Planned Transportation Improvements and Studies

Since the City's most recent plan, a handful of transportation improvements have been completed, according to DelDOT. At-grade intersection improvements at S.R. 14 and S.R. 15 and a grade-separated interchange at S.R. 1 and Wilkins Road have been completed.

As previously explained, the significant study and associated work with the potential re-alignment of U.S. Rt. 113 in the Milford region has been indefinitely tabled due to lack of consensus. Likewise, slated interim improvements to Northeast Tenth Street and Northeast Front Street were cancelled due to community opposition.

SR1, NE Front Street Grade Separated Intersection – Following the S.R. 1 Corridor Capacity Study's recommendations, a grade-separated intersection is envisioned at Northeast Front Street and S.R. 1. Front Street is to be elevated to cross above S.R. 1 and a connector built to redirect at-grade traffic to the overpass. At present, right-of-way is being procured with a scheduled completion of construction late in 2019.

Corridor Capacity Preservation Program (CCPP) – This program impacts design considerations and future development patterns on both major highways (S.R. 1 and U.S. 13) in, or very near Milford. The CCPP approach began as a pilot project in the early 1990's. The aim was, and is, to avoid the cycle of building a highway, attracting economic development (driveways, intersections, traffic lights), experiencing congestion, building a bypass, and repeating the cycle on the bypass. The stretch of S.R. 1 from Dover Del., to Nassau passes directly past (partially through) Milford. The other preservation corridor follows U.S. 113 from Milford, south to the Maryland State line.

The program's main goals are to:

- Maintain a road's ability to handle traffic safely and efficiently
- Minimize the impacts of increased economic growth
- Preserve the ability to make future improvements
- Prevent the need to build an entirely new road
- Sort local and through traffic

The program is well coordinated and delineates areas, and potential remedies, based on the desirability of investment of State funds, very much in line with the 2015 State Strategies for Policies and Spending.

Dover/Kent County MPO Metropolitan Transportation Plan (MTP) 2040 update, 2013 – The MTP is a long-range, big picture, regional planning and guidance document compiled by the Dover/Kent MPO, in close coordination with Kent County, DelDOT, the Office of State Planning Coordination (OSPC), and municipalities, including Milford, which is discussed at some length in the document.

The most recent iteration was adopted in January 2013. The public engagement process for the next update is already underway. Update details, as well as the most recent document, can be viewed at http://doverkentmpo.delaware.gov/metropolitan-transportation-plan/.

The MTP's primary focus is to:

- Preserve the existing system to meet adopted standards of "good repair"
- Manage the system to meet adopted performance measures
- Expand travel options beyond the private automobile.
- Increase the highway system capacity where needed.
- Focus transportation investments so they match county and state growth and development goals

City of Milford Bicycle and Pedestrian Master Plan, 2011 – Milford has developed a comprehensive plan for the enhancement of its non-automotive transportation network. Elements and key recommendations from the master plan have been incorporated into this document. The plan delineates available pedestrian and bicycle infrastructure, notes deficiencies, and highlights desirable future projects and design features.

The master plan was a direct outgrowth of the City's 2008 plan and is very innovative in that it concerns itself, primarily, with allowing and encouraging transportation options for non-driving populations (children and seniors) and functional, utilitarian connections between meaningful convenience origins and destinations. It is far less concerned with cycling as pure recreation or providing bike-rack driving destinations for cycling. Furthermore, it makes significant land-use and street-standard recommendations aimed at encouraging, or even requiring, the provision of sidewalks, connections between adjacent, or existing and planned developments, and adherence to the state's Complete Streets policy during road construction and maintenance. It is available for review at http://cityofmilford.com/DocumentCenter/Home/View/686

6-5. Additional Transportation Issues

Parking – Parking may be an issue in City's downtown and steps may be required to address deficiencies. A parking study or inventory may be advisable to clearly illustrate the number of available spaces at various times of the day, and days of the week. The construction of parking can be expensive, and large areas of off-street parking, unless carefully designed, aren't entirely compatible with the City's vision for its downtown revitalization. A careful analysis may reveal if less intrusive options, such as shared parking for uses that draw patrons at different times of the day, or simply better signage to municipal or shared lots could ameliorate current issues. It may also reveal if existing spaces are being used for long-term parking or vehicle storage.

Truck Traffic – The City reported few traffic concerns. However, Northwest Front Street does have a significant volume of heavy truck traffic associated with the nearby industries/major employment centers. Though the traffic volumes don't seem to be causing significant congestion, some concerns have been expressed that the continual vibrations could eventually undermine close-by historic structures. As of this plan's drafting, the town was in discussions with industry representatives regarding possible solutions.

Transit and Multi-Modal Connectivity – Milford has grown significantly and embraces future growth. However, the City feels strongly that this new, planned growth (much of which borders or sits opposite S.R. 1 on the City's eastern edge) should connect to, and benefit, the established neighborhoods and businesses in the City. Once fully realized, the development and employment centers envisioned in the Southeast Master Plan could see hundreds of new jobs and residents in Milford. However, without convenient, direct, and accessible connections to the city's established neighborhoods, much of the potential economic impact, particularly upon the city's identified downtown development district, could

be left unrealized. Likewise, an employment center of the hoped for magnitude may benefit from a dedicated transit stop or transit hub.

Transportation Resiliency – There are 3.5 miles of roads vulnerable to inundation in the FEMA-designated floodplain. During intense storms coupled with future sea level rise, major transportation routes may be impacted due to inundation. Areas of potential inundation include S. Rehoboth Boulevard, NE Front Street, Park Avenue, N. & S. Walnut Street, SW Front Street, N. Maple Avenue, N. Church Street, N. Washington Street and Denny Road.

Higher temperatures can also impact the City's transportation infrastructure. Asphalt pavement softens and expands under elevated temperatures, making it more vulnerable to rutting and potholes. These impacts are important to consider when planning for long-term durability and functionality of Milford's road network.

The volatility of gasoline prices coupled with the improved range offered by today's electric vehicles (EV) means that more and more Delawareans are opting to purchase EVs. Electrical charging stations, where owners can "refuel" their vehicles while they are parked, are also becoming more popular as the EV infrastructure grows. However, there are currently no operational EV charging stations located within the City.

Transportation Improvement District (TID) – The City's Southeast Master Plan envisioned the creation of a Transportation Improvement District for the entire area in order to comprehensively plan for and anticipate necessary improvements, and also to spur timely development by relieving individual developers and/or builders from the necessity of conducting individual traffic impact studies.

DelDOT is amenable to such an agreement which requires an affirmative statement of intent in an adopted comprehensive plan (this document) and a map detailing the proposed TID's boundaries. A partnership would be formed between DelDOT and the City for the creation and operation of the TID. DelDOT also requested that recent changes in land use and layout in the Southeast Master Plan be updated in that document and reflected in the comprehensive plan.

6-6. Transportation Goals and Recommendations

Goal – Enable the safe and efficient mobility of residents utilizing all modes of travel, be they pedestrians, cyclists, drivers, or transit riders, via a safe and interconnected transportation system.

Objective – Work to address deficiencies and maintenance issues in the City's bicycle and pedestrian network by cataloging identified issues, engaging with DelDOT, and programming any available transportation funding.

Objective – Incorporate key recommendations from the City's Bicycle and Pedestrian Master Plan into its subdivision and street design standards.

Objective – Study and/or address parking deficiencies in the central business district.

Objective – Ensure connections for all modes between commercial and residential uses, existing and proposed residential uses, and the southeast area and greater Milford when considering development or redevelopment applications.

Objective – Continue to make use of the Riverwalk as a first-class recreational opportunity, as well as the connected pedestrian spine of the community.

Objective – Coordinate with DelDOT/DART regarding future transit needs and opportunities.

Objective – Preserve traffic capacity and prevent undue future congestion on the City's highways and arterials by planning for future growth and development with connected local streets and bicycle/pedestrian networks.

Objective – Coordinate with DelDOT and local businesses to address noted concerns of congestion, truck traffic, and difficult pedestrian crossings.

Objective - Collaborate with DelDOT to conduct a climate change vulnerability analysis to identify at-risk transportation assets and strategies for mitigating those risks.

Objective – Install electric vehicle charging stations in the central business district with designated parking spaces.

Goal - Pursue, in coordination with DelDOT, the creation of a Transportation Improvement District for areas subject to the updated Southeast Master Plan

Objective – Enter into a written agreement or MOU with DelDOT regarding a TID for the Southeast area, and develop an agreed-upon schedule of implementation steps.

Objective – Collaborate with DelDOT to investigate an east-west transportation solution between Route 113 and the new Bayhealth Health Campus.

CHAPTER 7. Economic Development and Redevelopment

Vision - *The City of Milford is dedicated to providing a quality living and working environment that will ensure a balanced mix of commercial development and employment opportunities, that serve its residents, and promotes its image as a desirable and economically stable community.*

Milford's economic base is strong through diversification. The business community is comprised of a mixture of small and mid-sized local businesses-and national firms such as Perdue Farms, Inc. and Dentsply Sirona, Inc. The business base includes manufacturing and industrial enterprises, an expanding healthcare sector, professional, educational and government services, and retail businesses.

7-1. Major Employers

The largest employers within the City are shown in Table 7-1 and include agribusiness, food processing facilities, manufacturing firms and medical service providers.

Table 19. Milford Major Employers, 2017

Employer Name	Type of Business	Number of Employees
Perdue Farms, Inc.	Poultry Processing	1550
Bayhealth, Inc.	Health Care	800
Milford School District	Education	558
Dentsply Sirona, Inc.	Dental Supply Manufacturer	525
Seawatch International, Inc.	Seafood Processing	280
Kent-Sussex Industries, Inc.	Sheltered Workshop	117
City of Milford	Government	105
First State Manufacturing, Inc.	Industrial Sewing	100
	Total	4035

Source: City of Milford, 2017

Perdue Farms, Inc. operates a poultry processing plant within the City. The plant provides employment opportunities for unskilled labor and is a significant employer for Milford's growing minority populations.

Bayhealth, Inc. currently owns and operates the Milford Memorial Hospital located along Clarke Avenue near downtown Milford. In 2016, Bayhealth began construction of a new state-of-the-art hospital and health campus on 160 acres of land located in the Southeast Neighborhood. This long-term investment in the City will secure quality healthcare for both local and regional residents. It is anticipated that the project will lead to additional residential, commercial and institutional growth in the Southeast Neighborhood along with other areas of the City. The new hospital facility is expected to be fully functional by January 2019.

Dentsply-Sirona is the world's largest manufacturer of professional dental products and technologies. The company maintains two facilities within City limits, one located on Lakeview Avenue and one located in the Masten Business Park.
Founded in Milford, Seawatch International, Inc. continues to be one of the biggest employers. The company is known as the largest harvester and processor of clam products in the world. Recent

company investments have expanded operations and employment at the Milford site, fueling the local economy.

First State Manufacturing (FSM) operates an industrial sewing facility located at the corner of Columbia Street and SE Fourth Street. FSM works with a wide range of products and businesses, from aircraft textiles and bus upholstery to restaurant refurbishments and contract sewing. FSM continues to expand production which may lead to additional employment opportunities.

The Milford School District is a major employer in the community and continues to expand to meet the growing needs of Milford's young residents. More information can be found in Chapter 4 related to the school district.

Kent-Sussex Industries is a non-profit vocational rehabilitation organization aimed at assisting people with disabilities attain employment and meaningful participation in their communities. The non-profit was founded in 1962 in Camden, DE and grew into multiple locations over the past few decades until consolidating into the current Milford location.

These organizations employ over 4,000 people, and together with many other smaller businesses, contribute to a healthy demand for employees, transportation options and housing within the City.

7-2. Employment and Unemployment

Information provided by the Delaware Department of Labor and the 2015 American Communities Survey showed Milford with an estimated labor force of 5,423 persons, and an unemployment rate of 4.1 Percent. Table 20 represents the employment status for persons in the labor force in Milford, Kent County, Sussex County, State of Delaware and the United States.

Table 20. Employment Status

Employment Status	Milford		Kent County		Sussex County		Delaware		United States	
	#	%	#	%	#	%	#	%	#	%
Employed	5,201	95.9	74,707	95.8	91,606	95.6%	449,673	95.7	159,640,000	95.3
Unemployed	222	4.1	3,131	4	4,239	4.4	20,380	4.3	7,529,000	4.7
Labor Force	5,423		77,983		95,845		470,053		152,111,000	

Sources - Delaware Department of Labor, U.S. Bureau of Labor Statistics. Figures from Dec., 2016.
Milford labor force drawn from 2015 American Communities Survey

7-3. Commuting to Work

According to 2015 ACS 5-year Estimates, the average commute time for employees within Milford is 20.9 minutes. This is lower than the averages for both Kent County, 25.2 minutes, and Sussex County, 23.7 minutes. The City maintains the policy to minimize commuting times and optimize alternative modes of travel.

7-4. Occupations

As shown in Table 7-3, Milford residents' employment by occupational category in 2010 was fairly stable. Due to changes in the methodology used by the U.S. Census Bureau, the table compares full-count data from 2000 to survey results as recent as 2014. Slight variations in how occupations are classified prevent direct comparisons in some cases.

Just under a third of Milford's residents were employed in management/professional fields, steady from 2000. These figures are on-par with Kent and Sussex Counties, but slightly less that the state or national averages.

Looking at production, transportation, and manufacturing, the data suggest Milford has made modest gains and employs a higher percentage of its residents in traditional blue-collar jobs than either county, the state, or the nation. Likewise, the City has a slightly lower percentage of its labor force employed in the service industry.

Table 21. Occupations in Milford, Kent County, Sussex County, Delaware and the United States

Occupational Category	Percent									
	Milford		Kent County		Sussex County		Delaware		United States	
	2000	2014*	2000	2014*	2000	2014*	2000	2014*	2000	2014*
Management, Professional, and Related (Business, Science, Arts)	29.6	29.9	28.5	32.7	27.2	30	35.3	38.1	33.6	36.4
Service	15.7	14.3	17	19.1	16.7	20.9	14.6	18.1	14.9	18.2
Sales & Office	24.8	21.7	26.9	24.1	25.3	24.5	27.6	24.4	26.7	24.4
Farming, Fishing and Forestry**	0.8	N	0.7	N	1.3	N	0.5	N	0.7	N
Construction, Extraction & Maintenance**	10	N	11.6	N	12.8	N	9.5	N	9.4	N
Natural Resource, Construction & Maintenance Operations**	N	14.2	N	10.6	N	11.4	N	8.6	N	9
Production, Transportation & Material Moving	19.2	19.9	15.3	13.5	16.6	13.3	12.5	10.8	14.6	12.1

N = No Data

*2014 data from the American Community Survey 5-year estimates program was collected from 2010-2014 and represents the average value over that time.

**In the latest datasets the categories "Farming, Fishing, and Forestry" and "Construction, Extraction, and Maintenance Occupations" were not included, but a new category entitled "Natural Resource, Construction, and Maintenance Operations" was created.

Source: 2000 Census; American Community Survey, 2010-2014.

7-5. Economic-Development Plan

One of Milford's strengths is the variety of business sectors and business sizes which operate within the City. This is the key to providing economic opportunity to all the citizens of Milford and the Greater Milford Area. Beyond the City limits, the City recognizes that agriculture and associated businesses are intimately tied to many of the City's large employers and product producers. The City Supports State and County programs that keep farming profitable, such as agricultural preservation and transfer development rights.

The fundamental principle to providing economic opportunity to the citizens of Milford is to encourage employment opportunities within the City. The City is committed to continuing its policy of providing suitable zoning categories and land areas within the City to accommodate the variety of business sectors that promote a diversified and stable economy. Manufacturing, retailing and other commercial enterprises, and profit and non-profit providers of educational and medical arts all have a place within the City as sources of quality employment, as directed by the land use plan.

The City will continue to promote Milford as an employment center through the provision of adequate water, sewer and natural gas, competitive electric rates and state-of-the-art telecommunications. Expansion of Milford's fiber optic data lines provides the latest technologies to existing companies. This infrastructure is an attractive amenity for which the City can market and use as a business recruitment tool.

To stimulate private investment in the community, the City has developed Specific Economic Development Incentive Programs (SEDIP) outlined in Chapter 19 Economic Development & Redevelopment of the City Code. Currently, there are SEDIPs for the Greater Milford Business Park and the Downtown Development District, as well as city-wide incentives for employment generation. These incentive programs provide targeted assistance for areas of desired economic growth.

7-5a. Redevelopment, Economic and Community Development

Milford recognizes that maintaining the appearance and functionality of the existing developed properties is an important aspect of providing a high quality of life for people living and working in the City.

Redevelopment of under-utilized properties will continue to be promoted by the City's Planning Department through partnerships with non-profit organizations and private investors. The City will coordinate with Downtown Milford, Inc. (DMI) to integrate downtown redevelopment efforts consistent with the Downtown Development District Plan. The City will also coordinate with the Delaware Economic Development Office to widen its opportunities to keep constructed facilities fully utilized.

Downtown Milford, Incorporated

The most successful redevelopment program has been through the public/private partnership with Downtown Milford, Inc. The non-profit organization has assisted with implementing Milford's streetscape projects and working with private developers on the rehabilitation of existing buildings in the center of the city.

DMI is organized to stimulate economic development: 1) by encouraging cooperation and building leadership in the business community, 2) by creating a positive image for the downtown area by promoting it as an exciting place to live, shop and invest, 3) through the improvement of the appearance of downtown, and 4) by rebuilding and diversifying the downtown economy.

DMI coordinates several downtown festivals and campaigns throughout the calendar year including Pub Crawl, Bud and Bug Festival, Brewgrass Festival, International Food Festival, Eat in the Street, Holiday Stroll, Farmers Market, Shop Local Campaign, Third Thursday, and Milford in Bloom. These events are designed to attract visitors to the downtown area and strengthen the sense of community.

DMI administers a "mini" revolving loan fund program and provides other types of financial assistance to downtown business and property owners. The goals and objectives of DMI are promoted by the City through the Central Business District zoning classification and the Mispillion Riverwalk master plan.

The City and DMI will continue efforts to develop a Historical Preservation Ordinance to improve and protect buildings in the three established Historical Districts.

Chamber of Commerce for Greater Milford

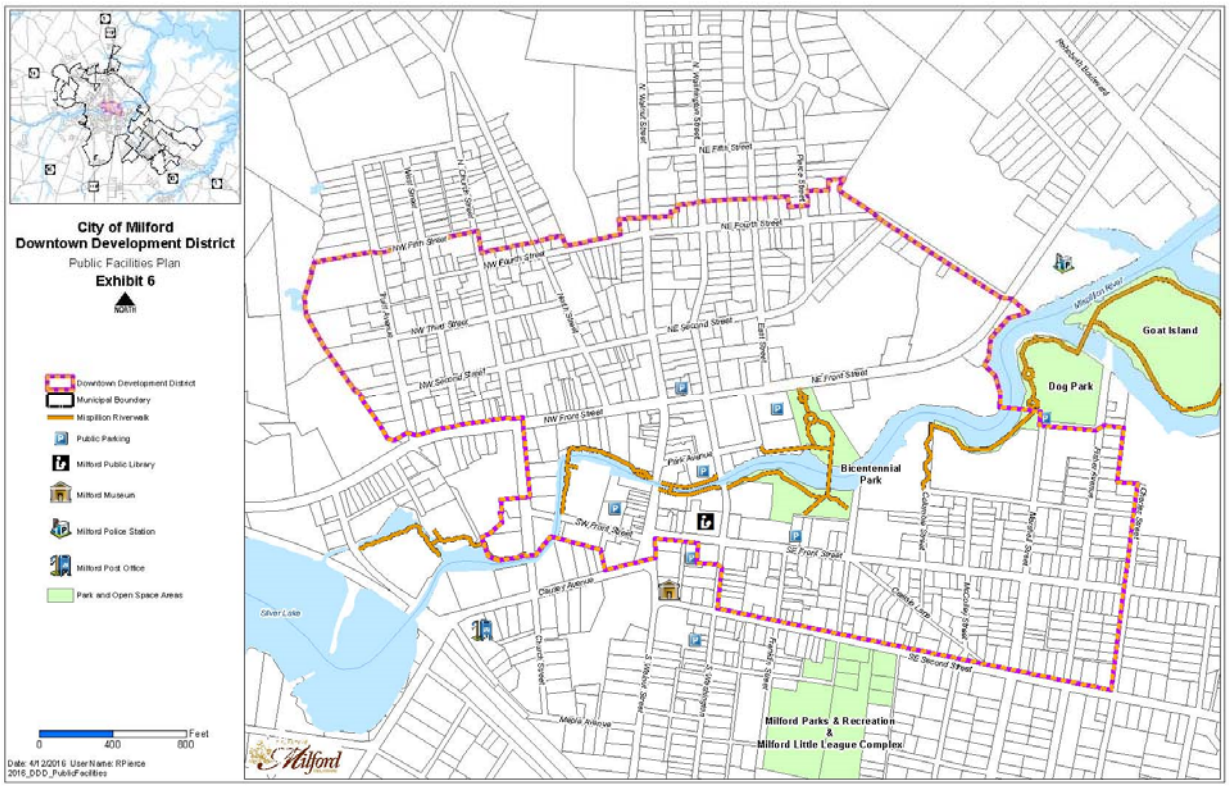
The Chamber of Commerce for Greater Milford (CCGM) serves the business community as a resource information center, referral source and networking base to facilitate and actively promote Milford. The Chamber of Commerce has established an Economic Development Commission comprised of seventeen (17) members representing education, government, health care, manufacturing, and commerce sectors serving the Greater Milford area. The Chamber and the Commission play an integral part in promoting existing businesses and attracting new businesses to the community and downtown area.

Downtown Development District

In September 2015, Arnett Muldrow & Associates conducted a series of public meetings and focus group sessions to develop a master plan for Downtown Milford. Over 250 citizens gathered together during the three-day charrette to create the Rivertown Rebirth Plan 2025. A copy of the Rivertown Rebirth Plan 2025 can be found at http://www.cityofmilford.com/documentcenter/view/1846. In January 2016, City Council adopted the Plan as the guide to development and revitalization in the Downtown Area.

In May 2016, the City submitted an application to the State of Delaware for the next round of Downtown Development District designations, for which the Rivertown Rebirth Plan 2025 was a primary component. In August 2016, the Governor announced Milford as one of the next five communities that received designation. The program combines State and local incentives to encourage private investment within the District area. State incentives include grants, historic preservation tax credits, and other resources for both residential and commercial development/redevelopment projects. As part of the designation, the City has committed to impact and other fee waivers and tax abatements for qualifying projects. Details can be found in Chapter 19 Economic Development & Redevelopment in the City Code. For more information on the City's Downtown Development District program, please go to www.cityofmilford.com/DDD.

Figure 4. Downtown Development District Map



The Rivertown Rebirth Plan 2025 contains a series of recommendations to further enhance the downtown and address some of the opportunities and concerns identified by stakeholders during the charrette. Some of these recommendations were tied to physical locations and included several large mixed-use projects located along the Mispillion River.

In addition to the Rivertown Rebirth Plan, the District Plan focuses on community redevelopment through the promotion of homeownership and neighborhood revitalization. The City has partnered with several non-profit and governmental agencies in promoting community development programs with the goal of reducing vacancy rates and code violations, and increasing safety and economic activity.

Greater Milford Business Park & Independence Commons Business Park

In the early 2000's, the City invested in developing a business park along the south side of Airport Road, west of Route 113 and Route 1. Called the Greater Milford Business Park (GMBP), this project created shovel-ready sites zoned BP (Business Park) ranging from one to twelve acres in size. The GMBP is home to the City's Public Works Department administrative office and warehouse, medical and dental clinics, contracting companies, supply warehouses and light manufacturing. There are only a few undeveloped lots remaining within the GMBP.

Located north of the GMBP along Airport Road, Independence Commons offers affordable land for medical and professional office-type uses. The complex includes Delaware Hospice, Veterans Home, Boys & Girls Club, Can-do Playground, Milford Parks and Recreation athletic fields and other professional offices. There are several one-acre lots available, along with larger tracts of land ranging from three to

eleven acres in size. The main sewer, water and electric infrastructure was installed by the City of Milford to promote quick development.

The Greater Milford Business Park and Independence Commons will be promoted through the City's own initiatives. The City has developed a SEDIP for new development in the Greater Milford Business Park, providing fee waivers and other incentive options for projects providing new employment opportunities for area residents.

7-5b. Economic Resiliency

Efforts to lower energy consumption in the City can bring local economic benefits in the form of energy cost savings, and DNREC's Division of Energy and Climate along with the Sustainable Energy Utility (SEU) offer a number of energy efficiency incentives that reduce operating costs of buildings. DNREC's Energy Efficiency Investment Fund is designed to assist commercial and industrial customers with swapping out their old, inefficient equipment with newer, more efficient replacement units. Their Revolving Loan Fund offers low-interest loans to public and private end-users for purchase of renewable energy systems and energy efficiency measures. The SEU's Solar Hot Water and Geothermal Grant offers financial assistance to non-residential users for the purchase and installation of solar hot water heaters. In addition to the long-term cost savings that renewable energy and energy efficiency upgrades achieve, these types of projects also help boost the local economy by making use of skilled labor for electrical, heating and plumbing, and other construction-related work.

In the Transportation chapter, it was noted that electric vehicle (EV) infrastructure does not yet exist in Milford. The installation of EV charging stations in the central business district would incentivize the growing number of EV owners into the downtown area, boosting economic activity. DNREC currently offers a rebate program that reimburses commercial businesses 75% of the cost of a charging station (up to a maximum of $2,500).

7-6. Economic Development and Redevelopment Goals and Recommendations

Goal – Pursue land-use, growth, and preservation strategies that will ensure that farms, agricultural properties, and agri-businesses remain an economically viable anchor to the Milford economy.

Objective - Promote preservation of agricultural and environmental resources beyond the city limits of Milford.

Objective - Systematically consider and evaluate annexation requests from within the existing Urban Growth Boundary, accounting for projected revenues from annexation, the cost of service provision, capacity and capability of municipal service providers, and preservation of adequate utility capacity for growth expected or desired already within the City of Milford.

Goal – Ensure the City's future land uses and zoning accommodate and allow for a variety of commercial and employment activities.

Objective - Encourage infill and redevelopment of vacant, under-utilized, or in-need of repair properties, particularly within the Downtown Development District.

Objective – Consider the development of a vacant building ordinance to address blighted and abandoned properties, possibly including a vacant building registration program.

Goal – Implement the policies and recommendations within the Southeast Master Plan and the Downtown Development District, both key tools for future development and redevelopment.

Objective – Incorporate and adopt the Southeast Master Plan as part of the Comprehensive Plan

Objective – Amend the municipality's zoning and subdivision ordinance, and any other relevant procedures, to reflect the updated master plan.

Goal – Broaden Milford's economic activity beyond Monday to Friday, nine to five by encouraging businesses, activities, and festivals that will help develop Milford's identity as a great place to have fun, as well as work and live.

Objective – Encourage and promote nightlife and cultural destinations in the Town Center

Objective – Consider the City's desire for cultural and evening destinations when deliberating conditional use applications.

Objective – Consider relaxing parking requirements, or permitting shared parking arrangements, for adjoining uses, or areas, where peak demands would be expected to occur at different points in the day/evening.

Goal – Enhance the City's economic resiliency by reducing the risk of flood damage and promoting the long-term cost savings of energy efficiency and renewable energy upgrades.

Objective – Support energy efficiency and renewable energy upgrades in new and existing developments by taking advantage of state-sponsored financial incentives.

Objective – Promote electrical vehicle charging in the central business district.

CHAPTER 8. Natural Resources

Milford owes its very identity to the river and rich farmland in and around the municipality. It is committed to playing its part in protecting and preserving these invaluable resources for the next generation of residents.

The Environmental Plan's place within the City's suite of policies is to assure that economic development can occur while recreational and natural assets are sustainably utilized. Milford is committed to the preservation of the Mispillion River as a cultural and economic asset. This chapter presents a summary of these natural resources and environmental policies, identifies issues of concern and provides recommended actions for implementing natural resource management policies.

8-1. Physical Characteristics

The City's physiographic location is described as the Atlantic Coastal Plain, and the Delmarva Peninsula. The significant feature of the province is its flat to rolling ground surface that lies at less than 50 feet above sea level and falls steadily to the Delaware Bay shore to the east. The City is less than 10 miles from the Bay, which generates a mild climate year-round. Average monthly temperatures range from 76° to 32° F. The average annual rainfall is 45 inches. Rainfall runoff flows to ditches, small streams and rivers dependent on the ground surface topography.

Milford is at the center of the Mispillion River Watershed, which is a tributary to the Delaware Bay drainage basin. The bay coastline is dominated by tidal wetlands, and is an area marked for preservation through National Wildlife Refuges, state and private reserves, enrollment in Delaware's agricultural preservation program, and wetland regulations.

8-2. Water Resources

The quality and quantity of water available in the City of Milford is key to both the health and well-being of its residents and to achieving the growth and development the City desires. This section discusses water-quality issues and actions the City can take, and has taken, to minimize negative impacts on water quality within Milford and the surrounding watershed.

Watersheds

A watershed is all of the land that water moves across or under while flowing to a specific body of water and includes the plants, animals, and humans who live within it. Milford is located within the Mispillion River watershed which has been assigned a range of nutrient (nitrogen and phosphorus) and bacterial Total Maximum Daily Load (TMDL) reduction requirements by the State of Delaware. These reductions must be met in order to comply with the State's Water Quality Standards.

Under Section 303(d) of the 1972 Federal Clean Water Act (CWA), States are required to identify all impaired waters and establish TMDLs to restore their beneficial uses (e.g. swimming, fishing, and drinking water). A TMDL defines the amount of a given pollutant that may be discharged to a water body from point, nonpoint, and natural background sources and still allows attainment of maintenance of the applicable narrative and numerical water quality standards. A TMDL is the sum of the individual Waste Load Allocations (WLAs) for point sources and Load Allocations (LAs) for nonpoint sources and natural background sources of pollution. A TMDL may include a reasonable margin of safety (MOS) to

account for uncertainties regarding the relationship between mass loading and resulting water quality. In simplistic terms, a TMDL matches the strength, location and timing of pollution sources within a watershed with the inherent ability of the receiving water to assimilate the pollutant without adverse impact. A Pollution Control Strategy (PCS) specifies actions necessary to systematically achieve pollutant load reductions specified by a Total Maximum Daily Load for a given water body, and must reduce pollutants to levels specified by State Water Quality Standards.

Wetlands

Tidal wetlands are present within the City along the banks of the Mispillion on Milford's east side. Small areas of tidal wetlands also touch the City's northern edges and the eastern boundary of the South East neighborhood. Non-tidal wetlands are also present, largely adjacent to the blue-line streams.

Much of the River has been diverted, channelized or impounded as part of the historic development of Milford. The Mispillion Riverwalk has sections of boardwalk, which elevate the system above the banks, and new wetlands landscaping has been introduced. The Parks and Recreation Department recently completed an extension of the Riverwalk system to the east, to a wooded wetland area called Goat Island. This natural area includes a walking trail and elevated boardwalk through some of these sensitive areas, providing education guideposts highlighting the wetland environment. Additional improvements to this nature area on Goat Island are outlined in the Parks Plan.

In addition to providing wildlife habitat, wetlands provide protection from flooding and protect water quality by naturally filtering runoff on its way to water bodies. Protection of wetlands falls under the regulatory jurisdiction of Section 404 provisions of the Federal Clean Water Act. In Delaware, tidal and non-tidal wetlands are regulated by the U.S. Army Corps of Engineers (USACE) under this act; however, tidal wetlands are subject to additional and more stringent regulatory protection under Title 7, Chapter 66 provisions of the Delaware State Code.

The Code of the City of Milford, Part II, Chapter 230-45.2 requires that wetlands delineation including jurisdictional determination is required as part of any conditional use, site plan or subdivision approval process. In addition, for cluster-type and planned unit development wetlands are excluded from gross area calculations.

Floodplains

A floodplain is the land area adjoining a stream or channel that is inundated or has been or may be covered by flood waters. Though each flood event is unique, the 100-year (commonly depicted in flood maps as, "AE") floodplain is accepted as the regulatory boundary for insurance purposes and for many municipal zoning and development standards. The term, "100-year" is often misunderstood. It does not mean that a flooding event should, or will, only occur once every 100 years. It is simply a statistical measure indicating that a flood event has an estimated one percent chance of occurring in any given year. The 100-year moniker is also given to weather events such as storms and droughts.

As shown on the *Floodplains* map, the 100-year floodplain in Milford bisects the historic core of the city east to west, covering significant areas of the town center, and south western neighborhoods. It also extends down the city center's eastern municipal boundary to the south, touches the norther extremes of the municipality, and impacts the far southeastern corner of the South East neighborhood. The

maintenance and protection of floodplains in the city are important to minimize property damage during storm events and maintain the natural filtration of stormwater runoff.

8-3. Relevant Programs, Policies, and Regulations

8-3a. Surface-Water Protection—Total Maximum Daily Load (TMDL)

Table 22. TMDL (Nitrogen, Phosphorus, Bacteria) Requirements for the Mispillion Watershed

Delaware River and Bay Drainage	N- reduction requirements	P- reduction requirements	Bacteria- reduction requirements
Mispillion	57%, 88% in Kings Causeway Branch	57%, 88% in Kings Causeway Branch	87%

The Clean Water Act and the U.S. Environmental Protection Agency's Water Quality Planning and Management Regulations were developed to maintain the health of our nation's waters. They provide for the regulation of impaired waters (those polluted to the extent that they no longer meet their designated uses). Designated uses are identified in state water-quality standards. The Mispillion watershed's uses are primarily recreation, fish and wildlife habitat, and agricultural/industrial water supply. When waters do not meet these designated uses, TMDLs are required. They serve to specify the maximum amount of pollution that may be allowed to enter a water body and allow it to still meet water-quality standards. The Mispillion Watershed's TMDL was most recently updated in 2006 (http://www.dnrec.delaware.gov/swc/wa/Documents/TMDL_TechnicalAnalysisDocuments/12_MispillionCedarTMDLAnalyses.pdf).

With participation from local stakeholders, DNREC developed a Pollution Control Strategy (PCS) to meet the TMDL designated reductions. Milford representatives were active partners in the Mispillion and Cedar Creek Watershed Tributary Action Team that coordinated with DNREC to develop the PCS. A PCS is a document that specifies where pollution reductions can be made to meet TMDL targets. The strategy was completed in December 2012 (http://www.dnrec.delaware.gov/swc/wa/Documents/WatershedPlans/Mispillion%20Pollution%20Control%20Strategy%202012%20final.pdf).

The strategy was designed to reduce nutrient loadings from existing and future land-use practices. If implemented as designed, the combination of actions delineated in the strategy should lead to the achievement of the TMDL. DNREC reviews the strategies every ten years to assess if adequate progress is being made.

8-3b. Subdivision Regulations

Sourcewater Protection

Article III, Section 230-29.5 of Milford's code delineates the City's wellhead protection standards and sets wellhead protection areas of 150 feet for confined wellheads and buffers determined by DNREC analysis for unconfined. It also prescribes maximum percentages of allowable impervious surfaces (20 percent), or requires an engineering assessment concluding a higher percentage will not impact upon water quality and supply. The code also restricts permitted uses in wellhead protection areas and regulates above, and underground storage tanks.

Wetlands and Buffers

Article VIII, Section 230-45.2 of the Milford code details the City's wetland preservation and protection regulations. Development activity in proximity to mapped wetlands requires a wetland delineation prior to any conditional use, site plan, or subdivision approval. Barring permission from multiple state, local, and federal agencies, wetlands are not allowed to be subdivided, filled, cleared of vegetation, or otherwise disturbed. It also establishes a buffer of 25 feet from delineated wetlands that must remain undisturbed.
Article VIII, Section 230-45.3 of the Milford code establishes 25 foot riparian buffers from the high-water mark of any tidal features and 50 feet from any non-tidal waterbodies or wetlands. A significant portion of Milford was developed during the Colonial era, close to, or within wetlands. In previously disturbed or developed areas, the code seeks a minimum of ten feet of buffer.

8-3c. Air Quality

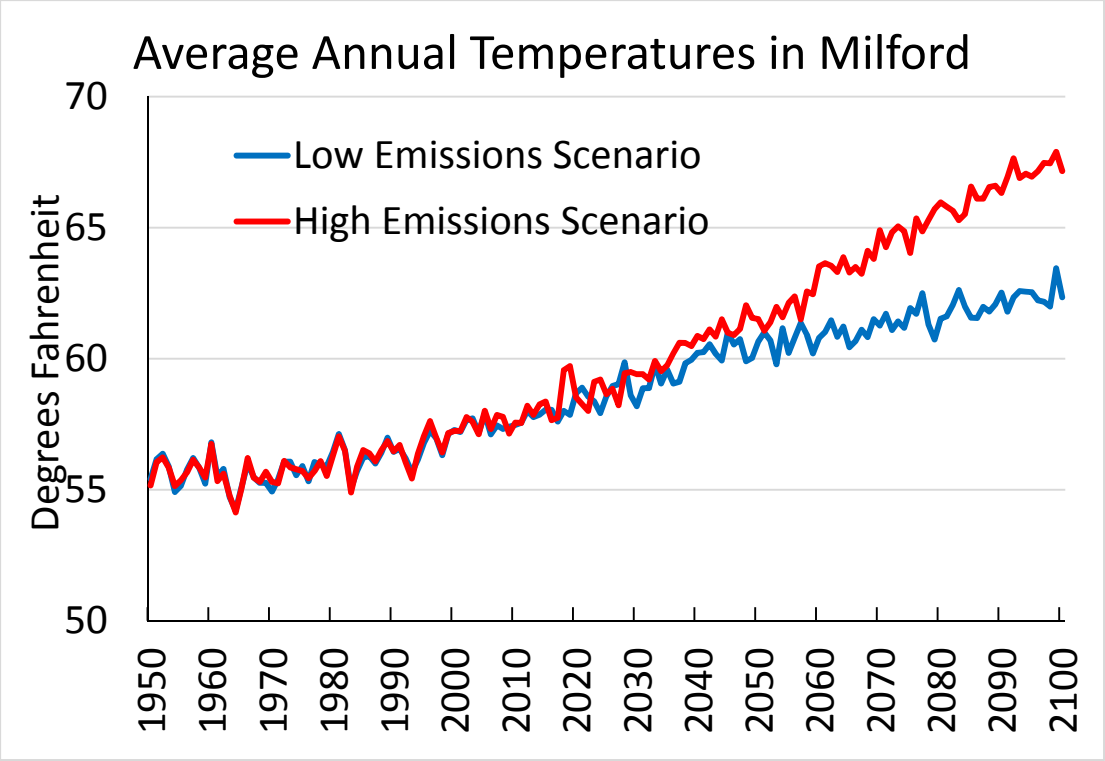
Though there have been marginal improvements in the past several years, according to the American Lung Association's "State of the Air" report (February 2017), air quality remains a significant regional concern. Kent County was graded a "B," and Sussex a "D."

The City is committed to playing its part in regional air quality. Though land-use regulations in Delaware for moderately sized municipalities don't typically regulate air quality, Milford's preference for a "Live Where You Work," pattern of development, it's commitment to multi-modal transportation, and its openness to electric vehicles may continue to incrementally improve the region's air quality.

8.4 Climate Change Impact Assessment

Like all towns and cities across Delaware, Milford is exposed to the impact of climate change. The two main consequences of climate change that are most critical to the City are rising temperatures and rising water levels along the Mispillion River.

As part of this comprehensive plan update, an analysis was conducted to determine Milford's vulnerability to these two major climate change impacts. The data used to predict future temperatures was pulled from the State's climate portal (http://climate.udel.edu/declimateprojections/portal/) and the data for sea level rise was pulled from DNREC's sea level rise assessment. The temperature data in the Figure below shows that under a low global greenhouse gas emissions scenario, Milford will experience a warmer environment (approximately 4-degree Fahrenheit increase).



To determine the impact of sea level rise on the City, there different sea level rise projections for the year 2100 (0.5 meter, 1.0 meter, and 1.5 meter rise) were mapped to give a range of possible inundation scenarios at the end of the century. These three scenarios, along with the current FEMA flood zone, were overlain onto a digital representation of the City to determine the impact of inundation on critical municipal assets such as roads, buildings, land, and economic assets. The resulting sea level rise map is shown in the *Delaware Sea Level Rise* map. The State currently recommends planning for a 1.0 meter sea level rise by 2100.

Environmental Resilience

Maintaining a thriving, ecologically diverse, and healthy natural environment is a critical step toward mitigating hazard vulnerabilities. For instance, as noted above, healthy wetland habitats act as absorptive buffers during storm surge and flooding events. A dense urban tree canopy cools and cleans the ambient air and minimizes heat island effects during extended periods of elevated temperatures. The benefits to the community from these ecological services are significant.

One strategy for regenerating degraded environments is through living shoreline projects. Living shorelines are an alternative approach to land stabilization near the water's edge. Bulkheads, concrete seawalls, riprap, and other inorganic shoreline stabilization techniques do not provide a suitable environment for a healthy, thriving ecosystem at the critical interface between land and water. Living shorelines are generally constructed using rolled coir logs made of natural fibers, oyster and shellfish reefs, and are planted with native grasses to maintain stability. The result is a land-water interface that still prevents shoreline erosion but has the important benefit of providing valuable ecosystem services. Much of Milford's tidal wetlands, riverbanks, and streambanks, have been developed for hundreds of years. The City's Living Shoreline Initiative was undertaken, in collaboration with the Partnership for the

Delaware Estuary, to determine the feasibility of utilizing living shorelines along specific tidal areas of Milford. A Surface Water Matching Planning Grant, provided through DNREC, that funded the initiative, is overseen by the Water Infrastructure Advisory Council. The project scope explores ways to increase ecotourism, remove a problematic causeway, and reduce runoff into the river. As part of the project, The Partnership for the Delaware Estuary recently completed a conceptual plan and study along sections of the Mispillion River and found it suitable for the installation of living shorelines. Because the riverfront area is also susceptible to flooding, replacing hard stabilization structures with living shorelines would help mitigate some of the inundation vulnerability.

Another strategy to mitigate against climate impacts is to support tree planting. Trees provide numerous benefits such as absorbing stormwater runoff, filtering air pollutants, limiting urban heat island effects, raising nearby property values, and providing natural shading and cooling effects during heat waves which saves energy on air conditioning. Street trees are also cost effective, as a recent study in California concluded that for every dollar spent on planting and management, nearly six dollars in benefits are returned to the municipality in the form of ecosystems services (McPherson, van Doorn, & Goede, 2016). The Delaware Forest Service has mapped the tree canopy in Milford (see http://delawaretrees.com/urbanmaps/Milford.pdf) and the results indicate that the sea level rise-vulnerable area along the Mispillion River between Goat Island and Silver Lake is sparsely planted.

Riparian buffers, which the City maintains at 25' from tidal waters and 50' from non-tidal waters, also help to improve environmental resilience. Limiting development in ecologically sensitive areas, such as along streams and near wetlands, preserves the critical environmental services that these ecosystems provide. If these areas are developed, it is prudent to utilize them as low-impact land uses, for instance parks and open space, to help maintain environmental quality, manage stormwater runoff, and avoid costly flood damage.

There are a wide range of additional climate adaptation and resiliency-enhancing development strategies that could be considered for Milford. The scope of the challenge – and opportunity – that the City faces can be met but it will require the dedication and effort of a wide range of community stakeholders. Truly effective solutions are more likely to come through the collective knowledge and cooperative involvement of residents, the business community, City administrators, and civil society groups. These sorts of bottom-up climate adaptation efforts can be more effective, feasible, efficient, and environmentally sound. The City could catalyze and support the formation of a Climate Change Adaptation Committee made up of diverse community stakeholders to start the process of a homegrown climate change adaptation response. The committee would review available evidence on future climate vulnerabilities, evaluate various adaptation options, and present recommendations to the City for consideration.

8.5 Natural Recourse Goals and Recommendations

Goal – Coordinate with relevant agencies and committees to improve water quality in the Mispillion and its tributaries.

Objective – Consider refining the City's buffering regulations to distinguish between built-up areas where the existing ten-foot buffer is the default, and more open areas where a more effectively sized buffer may be feasible.

Objective – Continue to pursue and support living shoreline installations along hardened sections of the Mispillion River.

Objective – Review parking and loading standards to ensure new site plans have adequate parking while limiting the amount of impervious coverage.

Objective – Consider relaxing parking requirements, or permitting shared parking arrangements, for adjoining uses, or areas, where peek demands would be expected to occur at different points in the day/evening.

Objective – Review and update the City's impervious coverage standards to ensure environmentally friendly site design.

Objective – Enhance the urban tree canopy by planting new trees in sparsely planted areas, for instance near parking lots and other impervious coverage areas near the downtown core.

Objective – Continue to avoid development in ecologically sensitive and flood-prone areas.

Objective - Participate in the Mispillion River Tributary Action Team to assist in the development of pollution control strategies for the river.

Objective - Promote the elimination of individual septic systems, where feasible near and adjacent to the Mispillion River.

Goal – Pursue agricultural preservation of high-value agricultural parcels, consistent with the master plan.

Objective – Incorporate and adopt the Southeast Master Plan as part of the Comprehensive Plan

Objective – Develop and implement a TDR program in the Southeast neighborhood and expand the developed program into the anticipated Northeast Master Plan

Objective – Amend the municipality's zoning and subdivision ordinance, and any other relevant procedures, to reflect the updated master plan.

Goal – Limit the growth of harmful atmospheric emissions attributable to Milford

Objective – Support energy efficiency and renewable energy upgrades in new and existing developments by taking advantage of state-sponsored financial incentives.

Objective – Promote electrical vehicle charging in the central business district.

Objective - Reduce future congestion, distance commuting, and emissions by developing as a year-round, live where you work community.

Goal – Protect the City's social and economic assets by enhancing environmental resiliency.

Objective – Form a Climate Change Adaptation Committee that will review Milford's climate vulnerabilities, evaluate appropriate adaptation options, and make recommendations to the City.

Objective – Consider a partnership with the Delaware Coastal Program's (DCP) Resilient Community Partnership to potentially access staff support, technical assistance, and funding in the coming years.

Objective - Utilize new data and analytical techniques to begin planning for elevated water levels and increasing periods of heat.

CHAPTER 9. Parks, Recreation, and Open Space

The City is committed to providing high quality public open space facilities and services. The City recognizes that public open space and recreational activities are an integral part in the development of the City.

The *Parks and Open Space* map shows Milford's parks, recreation areas, and open spaces. Some of these areas have passive and active recreation opportunities or stormwater-management facilities. It also details natural areas, nature preserves, and agricultural preservation districts, or parcels with agricultural easements, in the Milford area. This chapter also details state and county parkland and recreational opportunities in the Milford area.

9-1. Dedicated Open Space

Roughly 50 acres have been set aside in Milford as public open space and another 280 acres is set aside as private. Dedicated open space is generally associated with residential subdivisions. Some dedicated land is retained in its natural state. Other parcels are available for passive or active recreation. Stormwater-retention facilities cannot be developed, but can serve as water amenities and have been included in the discussion of open space.

Part II, Chapter 200 of the Milford code specifies that the planning department, planning commission, and city council may require up to a ten percent open space set aside, particularly in considering larger projects, of the project's gross area for the creation of parks and open space. Parcels of three to five acres, at a minimum, are preferred, though smaller areas can be considered.

Such lands may be dedicated to the city, or otherwise preserved. The commission also has latitude to require the intact preservation of natural features and to require set-asides for future schools. This ten percent maximum covers all areas within the city, unless the zoning ordinance dictates a higher set aside. Chapter 230, Article III of Milford's zoning ordinance specifies a 25% open space set-aside for major residential developments under its Planned Residential Neighborhood Development district. Set asides in this district may not contain wetlands, floodways, or other unusable/unbuildable areas.

9-2. Environmental Open Space

Environmental open space includes tidal and non-tidal wetlands, the 100-year floodplain, as well as lakes, ponds, and streams. They are show on the *Environmental Features* map as part of Milford's environmental resources, but also function as part of the city's open space inventory. As referenced in the environmental chapter, Milford's regulations significantly restrict new development within the floodplain and prohibit the development or subdivision of wetlands. In some instances, historic development is within the floodplain, or abuts wetlands or waterway buffers.

9-3. Parks and Recreation

Milford hosts a number of small community parks and recreational sites of which many are maintained by the City. Others are privately owned, or located at public school sites. There are also a handful of county and state parks and recreation areas within a reasonable drive of Milford.

9-3a. Local Park and Recreation Facilities

The *Parks and Open Space* map shows the locations of Milford's park and recreation facilities within its corporate limits, as well as natural areas and agricultural preservation parcels in its surrounds. Table 23 details the features of Milford's park and recreation facilities.

The largest facility is the Tony Silicato Memorial Park in the northwest corner of Milford. At nearly 18 acres, it boasts a highly accessible playground, and facilities for soccer, disc-golf, a walking track, and a large grassy area.

The Milford Memorial and Bicentennial Park areas are the city's key offering in its historic core. At over five acres, if offers activities appropriate for wide swaths of the population such as basketball, bocce ball, fishing, walking, and picnicking. It is also anchored by, and accessible from, the Milford Riverwalk.

Milford's public and private schools also have age-appropriate playgrounds, recess areas, and athletic fields and facilities, but are restricted largely to student use.

Table 23. Park and Recreation Facilities in Milford

Facility Name	Location	Acres	Features
Banneker Park	NW Fourth Street	2.5	Basketball Court, Gas Grills Permitted, Grassy Area, Limited Parking, No Shade
Bicentennial Park	NE Front Street	2.8	Benches, Electric, Grassy Area, Ample Parking, Pavilion, Pedestrian/Fishing Bridge, Picnic Tables, Ample Shade, Water
Riverwalk/Dog Park	Marshall Street	4.5	Benches, Drinking Fountain, Grassy Area, Limited Parking, Limited Shade
Goat Island	Marshall Street	6	Ample Shade, Walking Trail
Marshall's Pond Park	Lovers Lane	6.6	Amphitheatre, Gas Grills Permitted, Grassy Area, Open Space for Activities, Limited Parking, Picnic Tables, Pond, Ample Shade
Marvel Square	SE Second Street	1.82	Bocce Ball Court, Electric, Gas Grills Permitted, Grassy Area, Open Space for Activities, Ample Parking, Playground, Limited Shade, Water
Memorial Park/Riverwalk	Downtown	4.81	ADA Accessible, Amphitheatre, Basketball Court, Bocce Ball Court, Benches, Electric, Fishing, Gas Grills Permitted, Ample Parking, Picnic Areas, Ample Shade, Walking Track
Parks & Recreation Building	207 Franklin Street	2.51	Electric, Kitchen, Meeting Rooms, Ample Parking, Restrooms, Water
Tony Silicato Memorial Park	101 Patriots Way	17.83	Can-Do Playground (boundless park), Disk Golf Course, Grassy Area, Parking, Limited Shade, Soccer Fields, Walking Track, bathroom, water fountain.

Source: City of Milford

9-3b. County, State, and Federal Park and Recreation Facilities

Milford residents have a number of regional parks and recreational facilities to choose from, though most are beyond typical walking and biking distance.

Killen's Pond State Park – is the nearest State Park. The 66-acre Mill Pond is the park's centerpiece, supporting public boating and fishing activities. There is also a campground, playgrounds, exercise trail and waterpark.

Brown's Branch County Park – is the nearest county park. Opened in 2004 by Kent County, the park protects nearly 40 acres of forested wetland. The upland, formerly agricultural, portions of the park converted to active recreation (baseball, soccer, volleyball, horseshoes). Significant forested buffers and natural areas remain and support more passive activities like hiking and bird-watching.

Milford Neck Wildlife Area – Operated by the state, the wildlife area acts as a nature preserve and accommodates hunting, photography, and wildlife observation. It also boasts a 350-acre open area for the training of hunting dogs.

DuPont Nature Center – As much a cultural resource as a park, the DuPont Nature Center is one of the state's premier birding observatories, boasting well over 200 species. The surrounding wetlands team with undisturbed wildlife. The facility has a visitor's center, observation deck, and runs year-round educational programs.

Abbott's Mill Nature Center – Operated by the Delaware Nature Society, Abbott's Mill sports a working grist-mil, extensive nature preserve, visitor's center, miles of trails, and seasonal educational programming.

Redden State Forest – Operated by the Delaware Department of Agriculture (DDA), at 12,400 acres, Redden is the largest state forest in Delaware. Its 44 miles of trails support hiking, horseback riding, cycling, and birdwatching.

Cape Henlopen State Park – is somewhat distant, but provides sun and fun within a reasonable drive of Milford. Surf fishing, picnic areas, and a variety of recreational activities accompany its sandy shoreline offerings.

Prime Hook National Wildlife Refuge – the 10,144-acre refuge located along the Delaware Bay serves as a sanctuary for migratory birds. Activities such as lecture programs, bird walks and educational activities are provided throughout the year.

Cedar Creek Boat Ramp – Located in Slaughter Beach, the facility provides eight 16-foot wide concrete launch lanes, five floating boarding docks and a lighted parking area to accommodate 141 vehicle/trailer combinations.

Several private campgrounds operate close to Milford, as well as privately owned BMX facility for its most adventurous residents. A planned regional sports complex is being constructed in Frederica, Delaware, which will host soccer, lacrosse and field hockey sporting tournaments and events.

9-4. Recreation Needs—State Comprehensive Outdoor Recreation Plan (SCORP)

The State Comprehensive Outdoor Recreation Plan (SCORP) is a statewide plan prepared by DNREC every five years. It assesses public outdoor recreation use, analyzing the estimated supply and demand for various activities. Data is gathered via an extensive phone survey and the results assist the state in future planning and investment for recreation facilities.

Recurring recommendations include incorporating sidewalks and paths into comprehensive planning efforts; identifying and implementing routes for cyclists, pedestrians, and joggers; integrating regional greenways and regional trails with new development; collaboration with DelDOT on bicycle/pedestrian improvements in municipalities; and using the collected data to fill gaps in an area's recreational offerings.

Milford straddles two of the SCORP's identified analysis zones, region three and region five. Region three covers all areas north, as far as the New Castle County line. Region five includes all of south eastern Sussex County east of Georgetown. The 2013-2018 SCORP lists the following facilities as high priorities for Region Three:

- Walking/Jogging Paths
- Swimming Pools
- Bike Paths
- Fishing Areas
- Playgrounds
- Community Gardens
- Picnic Areas
- Off-Leash Dog Areas

Region Five lists the same activities as high priorities and also identifies basketball courts as a key need.

9-5. Agricultural Open Space

The Milford region hosts a great deal of agriculture, working farms, and agri-industry. The City is ringed by agricultural uses. Many of these larger parcels are under some form of preservation, be they agricultural easements or through designation as a State Agricultural Preservation District (See the *Environmental Features* map).

Participants in the State Agricultural Preservation district designate a minimum of 200 contiguous acres that must be used for agriculture or forest land for ten years. Owners of smaller tracts of land can also enroll in the program, provided the parcel is within three miles of an established district. This is presently the case for all farmland south of the C&D Canal. After this period, the owner may withdraw, continue in the program, or apply for an agricultural easement. Those wishing to sell a preservation easement to the state may do so after being enrolled as a preservation district for a full year.

Participants in the State Agricultural Easement program have participated in the preservation district program for at least ten years. Once property owners have agreed to compensation for potential development rights foregone in favor of continued agricultural use, a permanent agricultural conservation easement is applied to the parcel(s).

9-6. Acquiring and Preserving Open Space

Looking, in total, at the facilities in and around Milford in comparison to the priorities identified in the SCORP, the city and its surrounding recreational facilities appears to quite neatly address most of the key concerns. However, it is advisable for the City to continue taking advantage of opportunities to provide these amenities. As a rapidly growing area, the most obvious way to obtain the areas and uses residents of Milford and the region require is to continue to conscientiously utilize the open-space set aside regulations in the Milford Code (particularly the 25 percent set aside for large planned residential) to gain important, usable open space as the City builds out.

Municipal support for community gardens is becoming increasingly popular in Delaware. Community gardens provide many benefits such as offering an active recreational option for residents, increasing nearby property values, and fostering local food security. They are also a high priority on the SCORP assessment, and are the only high priority item not readily found in the area. Open land acquisition is a major challenge to setting up and starting a community garden, and local governments can facilitate the process by permitting gardens on municipally-owned property. Another strategy is to offer tax breaks to property owners who own vacant land and make it available to residents. At present, there are no community gardens in Milford.

For homes and structures that experience repetitive flood damage and that wish to voluntarily participate in the FEMA buyout programs, in order to receive funding those properties become deed-restricted so they cannot be redeveloped. The property is generally converted to open space to restore the natural floodplain functions. Participating in such a program would avoid future economic loss, provide the City with additional open space, and conserve a vital flood mitigation service.

Mispillion Riverwalk

Though not technically a park, the Riverwalk is a key asset in the City's plans for future recreational offerings. The City recently expanded the Riverwalk to the east to Goat Island and constructed a nature trail and raised boardwalk around the island. As a result, City envisions adding additional overlooks and a pavilion on the island for the public to enjoy the natural beauty of the Mispillion River and the sensitive ecosystems along its banks. The City's vision is to promote additional events and activities that highlight the River. It wishes to construct an additional kayak launch on the northern banks of the River in the immediate downtown area for more recreational activities on the river. It also wishes to establish pedestrian and bicyclist-friendly connections to the Riverwalk wherever possible, so that it may serve as to move people from place to place, as well as for recreation. A key theme discussed was linking the walk to as many of the city's park and recreation sites as possible. This will require a thoughtful, long-term strategy of securing open space, easements, and rights-of-way as opportunities present themselves.

The City's Parks and Recreation Department is faced with the challenge of maintaining the Riverwalk infrastructure, including aging wooden boardwalks, and is developing a long-term maintenance plan to repair and replace its components.

9-7. Parks, Recreation, and Open Space Goals and Recommendations

Goal – Continue to enhance, improve, and promote the Riverwalk as a cornerstone of the community and make practical use of it as a connection to established, and future, recreational open spaces and parks.

Objective – Promote recreational activities and events

Objective – Consider existing, smaller, vacant or preserved parcels for use as community gardens.

Goal – Encourage the inclusion of connected, accessible parks and open spaces in new development.

Objective - Incorporate recreational opportunities into redevelopment plans and programs.

Objective - Actively support a regional blueway canoe and kayak trail from Abbott's Mill Nature Center through Haven Lake and Silver Lake to Goat Island. Extend to all of Mispillion to the new nature center at Slaughter Beach.

Objective – Establish a unified open space and greenways network that connects with City parks, areas adjacent to the Riverwalk and bicycle and pedestrian ways.

Goal - Encourage the preservation of areas along all streams, lakes and ponds as recreational uses.

Objective - Preserve and enhance buffer areas around water bodies to mitigate environmental and visual impact from adjacent uses and activities.

Objective – Develop and implement a TDR program in the Southeast neighborhood and expand the developed program into the anticipated Northeast Master Plan

Objective – Consider refining the City's buffering regulations to distinguish between built-up areas where the existing ten-foot buffer is the default, and more open areas where a more effectively sized buffer may be feasible.

Objective – Engage with DDA's Forestry Section to explore urban forestry programs

CHAPTER 10. Land Use and Growth Management

This chapter begins with a discussion of Milford's existing land use and highlights of approved and ongoing development projects. It then focuses on the discussion of planning efforts that have been considered during the development of Milford's future land uses. The future land uses are designated for the area within the Urban Growth Boundary (UGB), and the link between land use and zoning is provided. The chapter discusses recommendations concerning land use and zoning, concluding with a discussion on growth and annexation.

10-1. Existing Land Use

Existing land use is a snapshot of the City's current development pattern. This development pattern is depicted on the *Existing Landuse* map. The map identifies the land use for each parcel as of September 2016.

10-1a. Existing Land Use Designations

Table 24 explains how land was classified into the uses shown on the *Existing Landuse* map.

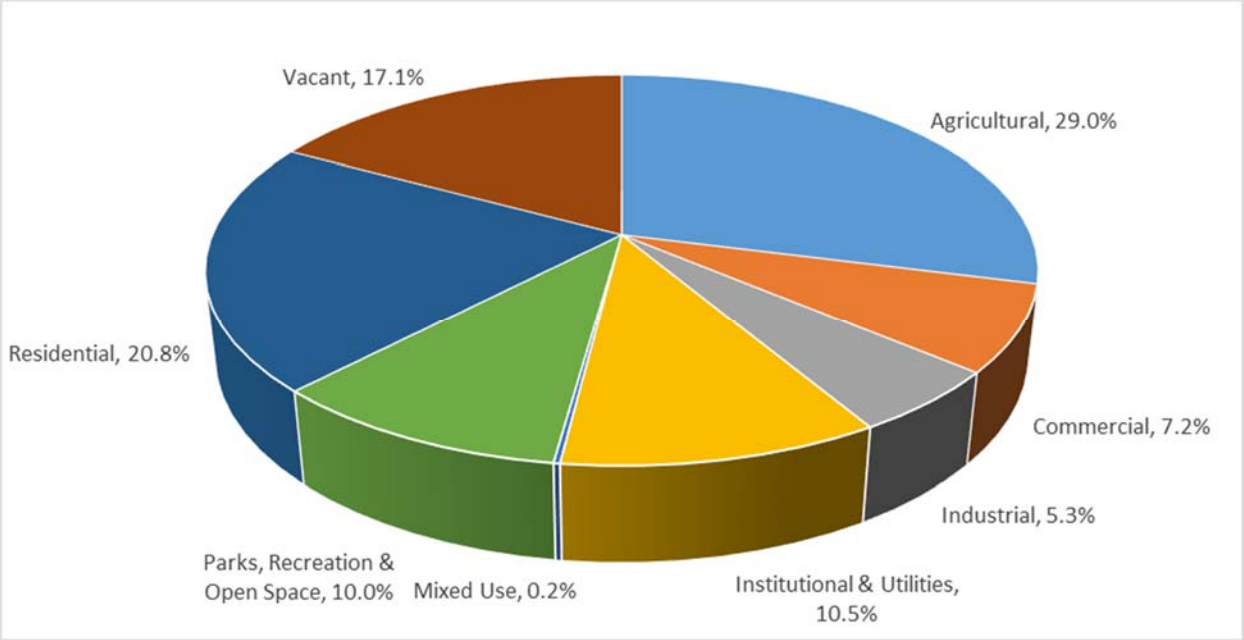
Table 24. Existing Land Use Designations

Land Use	Description
Agriculture	Land actively being farmed.
Park, Recreation & Open Space	Public and private open space primarily dedicated in connection with land development; stormwater facilities; parks; recreation facilities.
Residential	Areas developed with any type of dwelling unit.
Commercial	Areas developed with retail, office, service and similar uses.
Institutional & Utilities	Federal, state, and local facilities, public safety facilities, public and private schools; places of worship; public works buildings; water and wastewater facilities.
Industrial	Areas developed with manufacturing, processing and similar uses.
Mixed Use	Areas developed with a mixture of commercial and residential uses.
Vacant Land	Undeveloped lots in recorded subdivisions, other undeveloped lots not being farmed.

Figure 6 summarizes the distribution of land uses within the City. As shown below, 29 percent of the City is designated agricultural land that consists of recorded subdivisions that have not begun site construction or unrecorded land development sites. Vacant land makes up approximately 17 percent and includes vacant lots within the developed areas, but is primarily comprised of vacant lots within recorded subdivisions. Vacant and Agricultural land makes up almost 50 percent of the land area within City limits. Development should be encouraged on these lands before focusing on annexation for new development.

The second largest category is residential at a little over 20 percent, with Institutional/Utilities and Parks/Recreation/Open Space at 10 percent each. Commercial and Industrial total approximately 12 percent, while mixed use is less than 1 percent.

Figure 6. Milford's Land Use Distribution, 2016



10-1b. Land Use Highlights

This section provides information about undeveloped areas and areas that are undergoing development. Tables 25 and 26 provide information about the types and statuses of these areas. Figures 7 and 8 depict their locations.

Residential – As earlier noted in the housing chapter, there is significant growth potential in Milford's housing pipeline. As of late 2016, 5786 units are approved, awaiting construction. Of that number, 2,770 are multi-family, 1,596 single-family detached, 1,274 single-family attached, and 146 are approved duplexes. Significant vacant developable lands remain available for future development within the city's existing municipal boundary, with an ample reserve identified within Milford's Urban Growth Boundary.

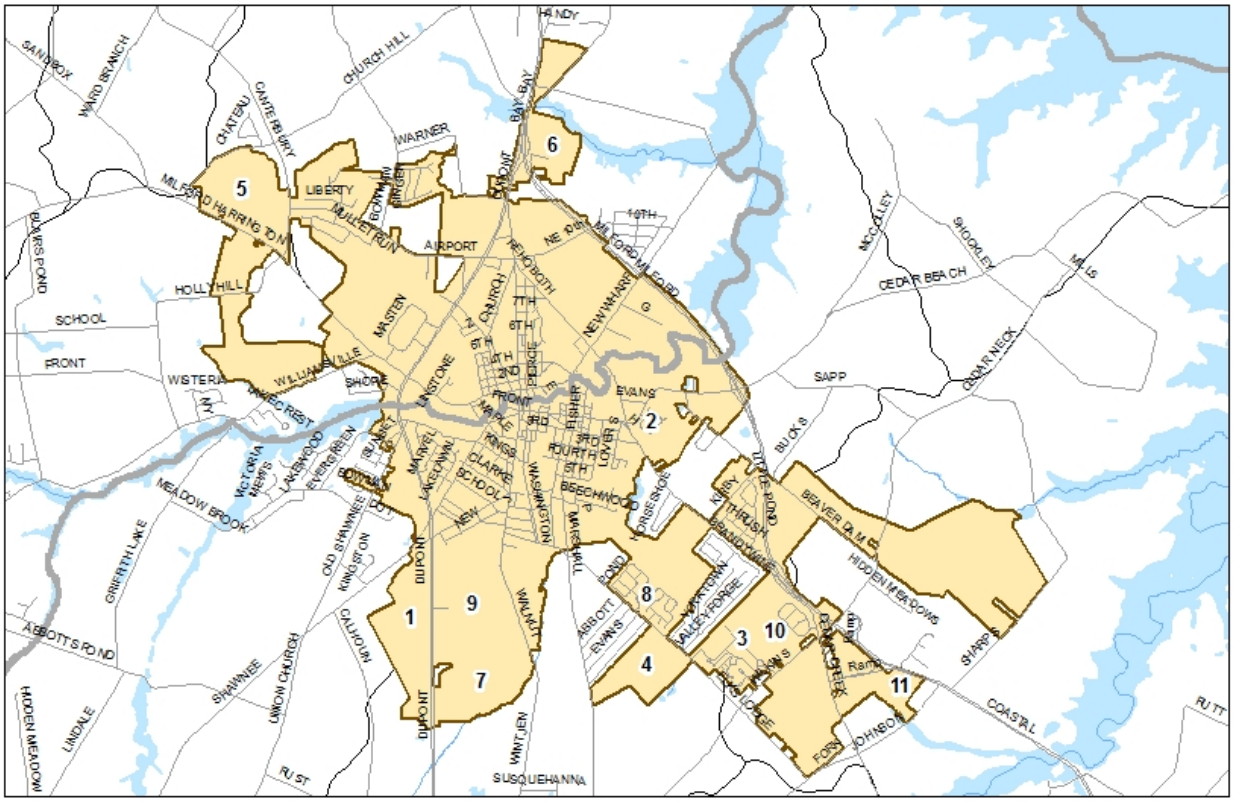
For the most part, the new development outlined in Table 25 is occurring on the periphery of the city's established neighborhoods, or in relatively recently annexed areas. Fork Landing sits aside the City's established downtown areas.

Lighthouse Estates and Homestead sit at the city's northern and northwester extremes. Cypress Hall, Simpson Crossings, and Milford Ponds represent significant residential growth due south of the city's established center. Orchard Hill, Hearthstone Manor, and West Shores are clustered in the City's southeastern neighborhood.

Table 25. Residential Land Use Highlights

Map Ref	Subdivision Name	Status
1	Cypress Hall	A 384 unit Planned Unit Development project that is currently vacant.
2	Fork Landing	A development originally recorded with both single family detached and duplex type housing options. The current owner recently consolidated the remaining duplex lots into single family detached units. The project totals 65 units, of which 6 duplexes and 22 single family detached homes have been constructed.
3	Hearthstone Manor I	A 1,130 unit Planned Unit Development project consisting of 178 single family detached units and 952 condominium and villa units.
4	Hearthstone Manor II	A Planned Unit Development subdivision, approved for Phase I consisting of 40 single family detached, 24 villa units, and 176 apartment units.
5	Homestead	A Planned Unit Development currently undeveloped consisting of 151 single family detached lots, 148 single family villas, 82 duplex units, 276 townhouse lots and 400 condominiums for a total of 1,057 residential units.
6	Lighthouse Estates	A community under construction containing 68 single family detached lots.
7	Milford Ponds - Phase I & II	A Planned Unit Development community located in the Southwest neighborhood that has infrastructure installed but no homes built. There are 300 planned single-family detached units and 182 planned townhouses.
8	Orchard Hill	A single family detached unit development consisting of 187 single family detached units.
9	Simpsons Crossing	A 1,023 unit Planned Unit Development consisting of 450 single family detached, 231 multifamily townhouse, and 342 townhouses.
10	West Shores at New Milford	A single family detached unit development with most infrastructure installed but no homes constructed. Consists of 112 buildable lots.
11	Wickersham	A planned townhouse community in the Southeast neighborhood consisting of 200 units. Currently undeveloped.

Figure 7. Residential land Use Highlights



Non-Residential – Milford also boasts a diverse inventory of commercial, retail, agri-industry, and employment uses. Similar to its residential offerings, the City has significant, as of yet undeveloped, acreage that should be sufficient to meet demand in the short to medium term.

In the City's northwest neighborhood, the Greater Milford Business Park is largely built-out while there is still significant land available in the Independence Commons professional park. Aside from various medical and dental facilities, Independence Commons hosts a number of civic and recreational uses. The business park also has medical and dental tenants, along with heavier commercial uses, as well as the City's Department of Public Works.

Southwest of the established city center, the Cypress Hall commercial development includes a large grocery store and several retail and service oriented businesses. The commercial center is not completely built-out and has available retail strip and pad site space.

To the east, non-residential projects and properties are still largely undeveloped. The McColley property and the Milford Marina property have highway commercial potential, sitting adjacent to S.R. 1 at existing or proposed grade separated interchanges.

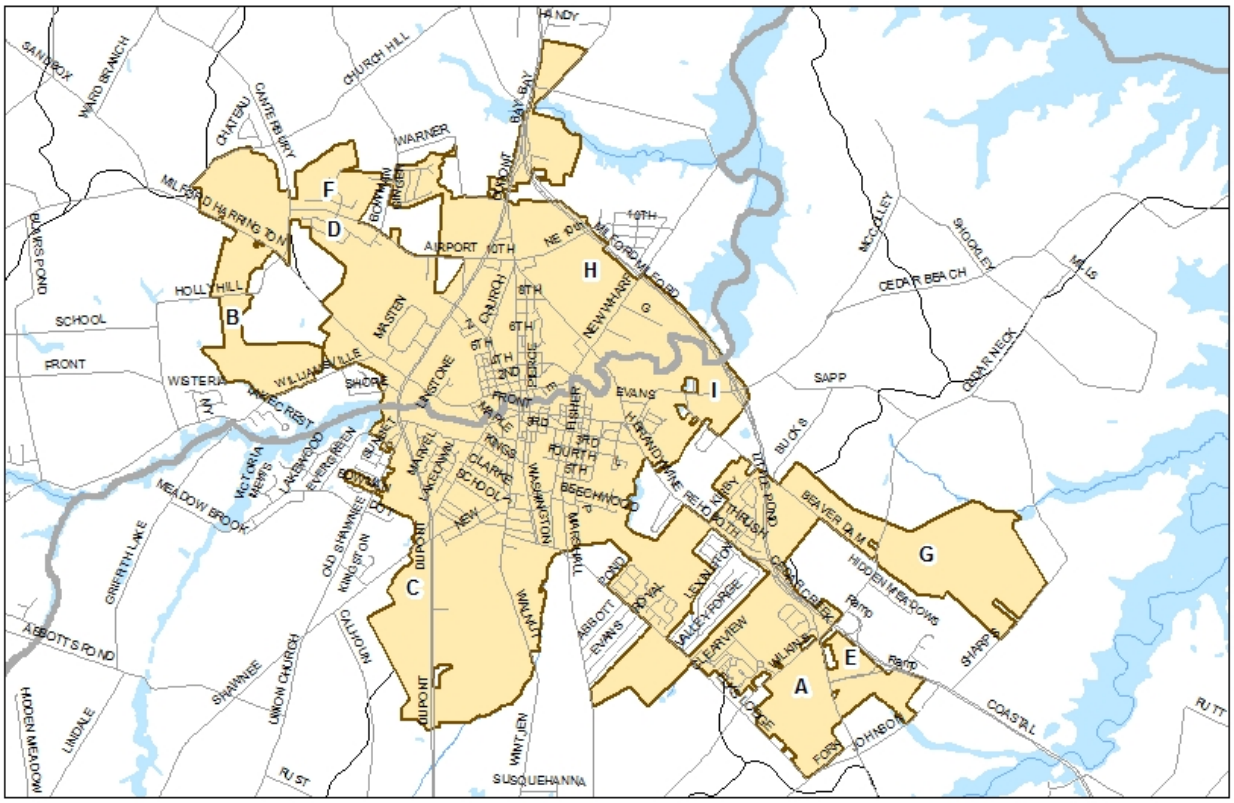
In the southeast area, west of S.R. 1, the Bayhealth property is approved and moving forward, culminating in the development of a full health campus, anchored by a five-story hospital and emergency room. The Hall property, adjacent to Bayhealth, has commercial potential. East of S.R. 1, Innovation Park is presently undeveloped with no approved plans. It has potential employment uses.

All projects in the City's southeastern area are governed by the Southeast Master Plan, which has been incorporated into this document.

Table 26. Non-Residential Land Use Highlights

Map Ref	Name	Status
A	Bayhealth	A 160 acre property which will be home to the planned 142 bed, five story hospital, emergency room and ambulatory care facility. With ample room for growth, the health campus will develop into a major employment center for Milford and the Delmarva peninsula.
B	Crop Production Services	The proposed site of a fertilizar distribution facility. The will be moving their Rehoboth Boulevard operation in hopes for expansion and utilization of the adjacent rail.
C	Cypress Hall	A commercial shopping center containing the recently built Redner's grocery store and other commercial retail pace.
D	Greater Milford Business Park	A City business park, this complex is home to the Public Works department office and maintenance yard, various medical and dental clinics, contractors offices and yards, warehouses and other businesses.
E	Hall Property	A vacant commercial parcel adjacent to the developing health campus facility.
F	Independence Commons	A City professional park, this complex is home to the Veterans Home, Hospice, Boys and Girls Club, Can-Do Playground, Milford Parks and Recreation athletic fields, medical and dental offices and other
G	Innovation Park	The former proposed location for the hospital facility, this property still has potential employment capabilities.
H	McColley Property	Undeveloped highway commercial property adjacent to Milford High School. This property will benefit from the planned NE Front Street and SR1 Grade Separated Interchange project.
I	Milford Marina Property	Undeveloped highway commercial located at the Route 36 and SR1 interchange. The property has highway exposure and easy access to Route 1.

Figure 8. Non-Residential Land Use Highlights



10-2 Planning Environment

10-2a. Strategies for State Policies and Spending

In 1999 the Cabinet Committee on State Planning Issues adopted the Strategies for State Policies and Spending, outlining needs and concerns for future state planning and growth, and identifying geographic areas where the state was most prepared for growth. This document was updated in 2004, 2010, and again in 2015. Consisting of text and maps, the Strategies document is important for municipal planning because it depicts graphically, as well as describes, the areas to which the State will channel its financial resources.

It also identifies the areas that are not intended for development. While the state does not intend that this document direct local land use decisions, it does intend that the Strategies document guide its funding decisions. Delaware local governments must incorporate these strategies in their comprehensive plans and land use decisions, because they form the basis for state review of local land use actions as required under the Preliminary Land Use Service (PLUS).

The Strategies document classifies the entire state into four investment levels based on the predominant type of development. These levels form the basis for identifying locations where state-supported growth should occur and establishes guidelines for state investment in those areas. The state is most prepared for growth to occur in Levels 1 and 2 and plans to channel intensive investments, such as new schools, roads, state service centers, and public-safety facilities, in these areas. In Level 3 areas,

development, and therefore state investment, is not anticipated in the immediate future. These areas are adjacent to, and sometimes within, built-up areas in Levels 1 or 2. In Level 4 areas, state investment will be made only when necessary to preserve the rural character of these lands.

The state strategies are important because municipal and county comprehensive plans must consider them in the development of future land use within their boundaries and, for municipalities, the identification of annexation areas. As the *State Strategies for Policy and Spending* map shows, Milford's corporate limits are mostly within Levels 1 and 2 with a small portion in Level 3 in the western and southern edges. Except for lands in either the state or the county's agricultural-preservation programs, or areas that are environmentally sensitive, the areas within the Urban Growth Boundary (UGB) are in Levels 1, 2, or 3. The environmentally sensitive areas are "Out of Play" and much of the area adjacent to the City's UGB is in Level 4.

10-2b. Kent County

As of this plan's writing, Kent County was in the process of publishing its ten-year update to its 2007 Comprehensive Plan.

A longstanding principle of the county, that appears largely unchanged from a review of 2018 update materials, is its growth overlay feature. Kent has long sought to direct and encourage residential growth to areas and municipalities within the identified zone. It aims to discourage unnecessary sprawl, preserve high-value agricultural lands, promote growth near existing infrastructure and services, and increase efficiencies in the provision of public services.

A key feature of this approach is the county's recognition of municipalities as central to this approach. The county's 2008 Plan shows Milford as almost entirely within this favored growth zone. Only the City's eastern extremes and a small area east of S.R. 1, within the City's southeast master plan, were not in the county's growth overlay in 2008. It is recommended that the City perform outreach and reciprocal engagement with Kent County, as each is concurrently updating its comprehensive plan.

10-2c. Sussex County

Sussex County's most recent comprehensive plan was produced in 2008. Since that time, the county has made a number of housekeeping and text revisions to the County Code to keep the plan relevant. This was accomplished most recently in 2016. It has retained its underlying goals throughout the revision process.

Sussex also has in interest in directing growth to areas with existing services, or developing areas where services can be provided affordably. Its plan makes specific mention of agricultural preservation. Much like Milford, the Sussex plan also seeks growth and development in commercial and industrial sectors to spur job creation.

Sussex does not have a delineated growth zonel; however, its existing land use and future land use maps show the portions of Milford that are within Sussex County as "Town Center" which denotes the most permissive growth and development. The City's recent annexations and all of the southeast master-planned areas are within this category.

It is recommended that the City continue to perform outreach and engagement with Sussex County.

10-2d. Southeast Master Plan

The Southeast Neighborhood contains the newest and fastest growing section of the City. The neighborhood includes several Planned Unit Development subdivisions, the Bayhealth Health Campus and approximately 650 acres of undeveloped commercial, institutional and residential land. The neighborhood was subject to a Master Plan that resulted from the signing of a Memorandum of Agreement (MOA) between the City and the State in 2008. The Master Plan was finalized in 2011 and addressed utility and road infrastructure, protection of agricultural and natural resources and ensured an appropriate mix of land uses in the developed area.

The partners in the SE Master Plan included the City, the Office of State Planning Coordination (OSPC), the Delaware Department of Transportation (DelDOT) and the Delaware Department of Agriculture (DDA), the Delaware Department of Natural Resources and Environmental Control (DNREC), the Delaware State Housing Authority (DSHA), and the State Historic Preservation Office (SHPO).

The master plan was revised in 2015 changing commercial land west of Route 1 to employment to accommodate the new regional healthcare complex.

City commitments from the SE Master Plan included the development of a Transfer of Development Rights (TDR) program, the implementation of a Transportation Improvement District (TID), the installation of water infrastructure and the design and permitting of wastewater infrastructure for the planned area. These commitments, along with future land use designations, have been included in this Comprehensive Plan update.

The Southeast Master Plan has been routinely updated, amended, and adopted. It continues as the City's vision for growth and development in the delineated areas. The master plan is again being adopted as part of the 2017 Comprehensive Plan Update and is included in the appendix to this document. The maps and verbiage of this update make every effort to accurately describe and reflect the Southeast Master Plan. In any instances where mapping inconsistencies are discovered or ambiguity in language may exist or arise between this comprehensive land use plan update and the Southeast Master Plan (as shown in the appendix), the Southeast Master Plan's maps, language, and descriptions should be considered to be controlling for the area defined.

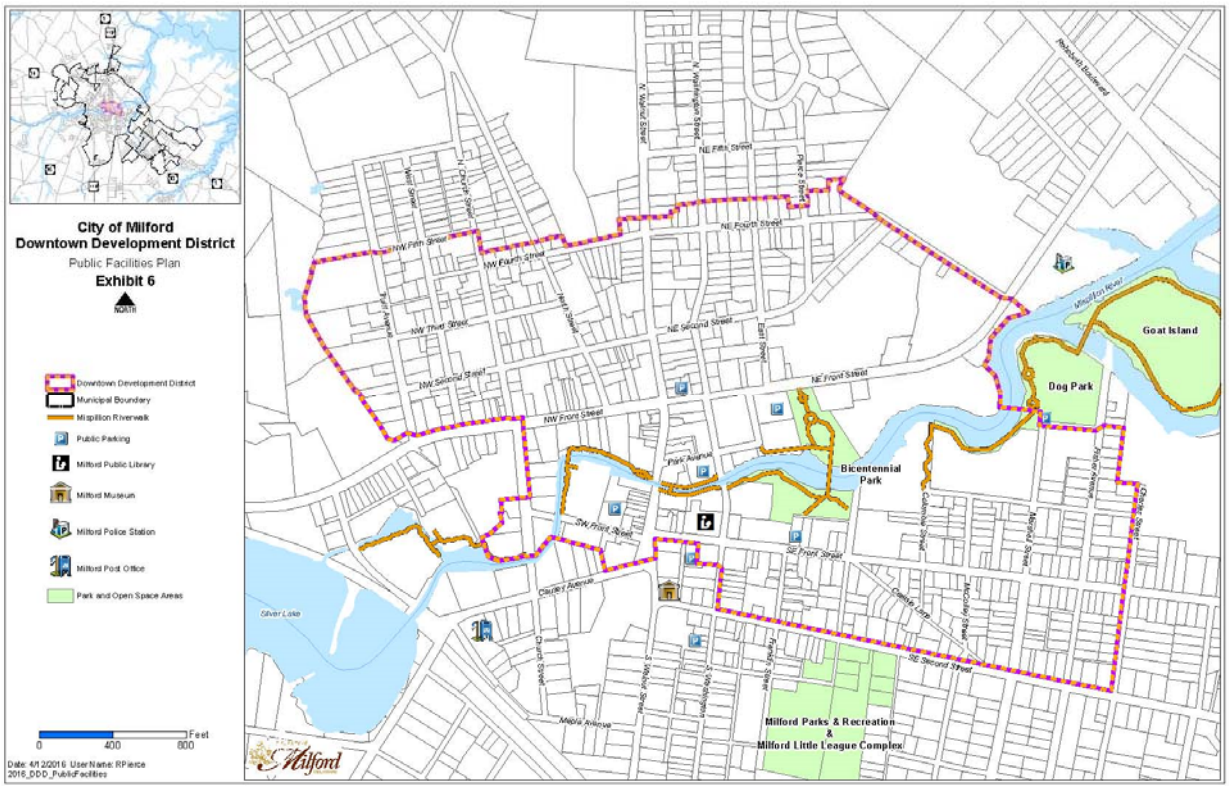
10-2e. Downtown Development District

The Downtown Development District Plan, depicted in Figure 8, is a redevelopment strategy for the City's historic central business district and surrounding residential areas. In September 2015, Arnett Muldrow & Associates conducted a series of public meetings and focus group sessions to develop a master plan for Downtown Milford. Over 250 citizens gathered together during the three-day charrette to create the Rivertown Rebirth Plan 2025. In January 2016, City Council adopted the Plan as the guide to development and revitalization in the Downtown Area.

In May 2016, the City submitted an application to the State of Delaware for the next round of Downtown Development District (DDD) designations, for which the Rivertown Rebirth Plan 2025 was a primary component. In August 2016, the Governor announced Milford as one of the next five communities to received designation. The program combines State and local incentives to encourage private investment within the District area. State incentives include grants, historic preservation tax credits, and other resources for both residential and commercial development/redevelopment projects.

As part of the designation, the City has committed to impact and other fee waivers and tax abatements for qualifying projects. Details can be found in Chapter 19 Economic Development & Redevelopment in the City Code. For more information on the City's Downtown Development District program and the Rivertown Rebirth 2025 plan, please go to www.cityofmilford.com/DDD.

Figure 9. Downtown Development District Plan



The Rivertown Rebirth Plan 2025 contains a series of recommendations to further enhance the downtown and address some of the opportunities and concerns identified by stakeholders during the charrette. Some of these recommendations were tied to physical locations and included several large mixed-use projects located along the Mispillion River.

In addition to the Rivertown Rebirth Plan, the District Plan focuses on community redevelopment through the promotion of homeownership and neighborhood revitalization. The City has partnered with several non-profit and governmental agencies in promoting community development programs with the goal of reducing vacancy rates and code violations, and increasing safety and economic activity.

10-3. Future Land use Within Town

The *Future Landuse and Urban Growth Boundary map* depicts future land use within the City of Milford. Milford has also created a series of neighborhood-scale maps depicting future land use, also available in the appendix.

With the obvious exception of the Southeast Master Planned Area, future land use is largely unchanged from the City's most recently adopted comprehensive plan. Staff and commission propose a number of housekeeping adjustments to ensure the adopted future land use map would coincide with the municipality's zoning ordinance. The plan proposes the substantial preservation of open space east of S.R. 1, with the exception of parcels and properties across the highway from the Bayhealth facility and a few existing or approved residential areas. The plan also proposes that a master plan be conducted for the City's northeast area to more fully explore development capacity, preferred land uses, and engage the community to solicit consensus. Significant tracts of land along S.R. 1 and U.S. 113 are envisioned as highway commercial, with a general commercial pocket also shown in the city's northwest. The City also envisions preserving substantial industrial uses throughout the municipality. The remainder of lands within town are largely designated as low or medium density residential. A discussion of each neighborhood appears in the community character section of this document.

Milford has given considerable thought to the connection between future land use and zoning (see section 10-4). Readers should rely upon the specifics outlined there, and within the municipal zoning ordinance, for a more detailed description of anticipated and allowable uses.

Milford's development of its future land use map was done with several key considerations in mind.

1) The City wished to logically and rationally illustrate its preferred pattern of future growth and development with an understandable connection to its anticipated zoning, in order to provide a measure of predictability and assurance to property owners, builders, and developers.
2) Limiting the potential need for comprehensive plan amendments – Milford is aware of its obligation to demonstrate continuity between its future land use map and its zoning ordinance. Accordingly, City staff proactively reached out to a number of property owners during the comprehensive land-use plan update and discussed, whenever possible, likely re-zonings.
3) Maintaining flexibility for future growth – Related to item two, the City prefers to entertain requests for re-zonings from property owners and generally prefers not to initiate significant re-zonings on its own (though it, of course, reserves its right to do so). The City's future land use map is largely a reflection of its understanding of likely growth and development. Wherever possible, the future land use attempts to anticipate likely changes. A key feature of the 2017 update is the "transition" future land use category.

The "transition" future land use designation, conceptually, helps with all three key considerations. It is straightforward and simple to see on the overall and neighborhood maps. It limits the potential need for plan amendments, in that each time a residential property requests re-zoning to a commercial or industrial use, it will still be in compliance with the existing future land use map. It maintains flexibility in the identified areas. If and when properties petition for re-zoning, procedural changes can be made to the zoning ordinance without it conflicting with the comprehensive plan.

The transitional future land use classification has the added benefit of allowing the existing, largely residential uses, as by-right uses to ensure that existing property owners who wish to remain residential are not classified as non-conforming uses.

10-4. Land Use and Zoning

10-4a. Future Land Use Categories

Employment

The employment category is intended to serve as a primary location for a large employer to bring jobs and economic development to the City. Potential uses include schools and health-care related uses that would provide many jobs and services for the region. This land use category is similar to the H-1, IM, and IS zoning districts found in the Milford Zoning Ordinance.

Commercial

The commercial category allows for different levels of commercial development intensity. This category includes neighborhood commercial, central business district, highway development, office buildings and medical services. The *Future Land Use and Urban Growth Boundary* map designates all commercial areas in one category, but the individual characteristics of each site would be considered before identifying the level of commercial development that is suitable for each property. Each level of commercial use differs by the size of the site and use intensity. This land use is similar to the C-1, C-2, C-2A, C-3, BP, OC-1 and H-1 zoning districts found in the Milford Zoning Ordinance.

Regular Highway Commercial for the City of Milford is located along Major State Transportation Routes, including DEL 1, Route 113, Route 14 and Business 1.

Industrial

The industrial category is intended to serve as a primary location for light to moderate industrial and manufacturing uses. This land use is similar to the I-1 and I-2 zoning districts found in the Milford Zoning Ordinance.

Institutional

The institutional category includes government, civic and community facilities such as libraries, schools, colleges, hospitals, medical facilities, community centers, places of worship, nursing homes, assisted living facilities and other similar uses. Institutional uses may be found within residential, commercial and employment areas.

Low Density Residential

The Low Density Residential District represents typical single family detached dwellings and duplex development. These units receive full urban services. Other dwelling types may be allowed as part of a Density Bonus by providing additional Open Space and amenities of development or through a conditional use of a Planned Unit Development by City Council. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-1, R-2, C-1 and OB-1 zoning districts found in the Milford Zoning Ordinance.

Moderate Density Residential

The Moderate Density Residential District represents typical single family detached dwellings, attached single family dwelling units, patio homes, duplexes, triplexes, quadplexes, townhomes/row houses, condominiums, apartments and loft style units. Availability of open space and walkable sidewalks are also key components. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-3, R-8, C-1 and OB-1 zoning districts and the PUD conditional use for residential development found in the Milford Zoning Ordinance.

Transitional Commercial and Industrial Areas

These areas are designed to allow for a migration from residential to the underlying future land use categories depicted on the *Future Landuse and Urban Growth Boundary* map. There are two main transitional areas, commercial and industrial. The commercial transition areas are located along major roadways, including Route 113 and Rehoboth Boulevard (Route 1A). The Industrial transition area is located along Route 14 between Route 1A and Route 1.

The transitional areas will allow the property owners to maintain their current residential zoning until such time they wish to change their zoning to either commercial or industrial. This will allow the area to transition slowly along these corridors, without forcefully rezoning properties and potentially creating non-conforming properties and uses. Once the property owner changes the zoning of the property from residential to commercial or industrial, the property will remain industrial or commercial unless there is an amendment to the comprehensive plan that would allow otherwise. The comprehensive plan will be reviewed again in 5-years, where the future land use exhibits can be updated to permanently show the properties that have transitioned from the residential categories to the more intense uses, and reduce the footprint of the transitional area on the maps.

Open Space

The Open Space category includes both existing open space owned by the City as well as the large area of Open Space located east of DEL 1. The City may elect to annex existing developed residential properties within the proposed Open Space future land use areas at the lowest intensity residential zoning category and provide services if deemed cost effective.

One of the recommendations of the Comprehensive Plan is to prepare an Open Space Preservation Plan. Local governments and conservation groups offer many tools to preserve farmland and other open space. Some rely on the donation or sale of property development rights by a property owner, while other tools may include marketing assistance or protective planning and zoning. The primary goals of the Open Space designation east of DEL 1 are the following:

- Promote the Transfer of Development Rights (TDR) – A TDR is a legal agreement that allows a developer who wants to build at a higher density that is permitted to purchase or trade for additional development rights from a willing seller who owns land in an area designated for preservation. The goal of the Open Space designation for this area is to use this area as a sending area either into designated areas of the City of Milford or designated areas of Sussex County, thus protecting the open space area.

- Promote Conservation Easements – A conservation easement is a legal agreement between a landowner and a land trust or government agency whereby a landowner sells or donates the rights to develop his or her property to a conservation organization.
- Protective Rural Zoning – this type of zoning allows a very low density per acre. This is one of the most effective ways to protect rural and agricultural land and to maintain a mass of land required to support agriculture economies without buying conservation easements.
- Purchase of Land – In the interest of City Council to protect our recharge areas, funding could be used to protect our recharge areas and preserve open space.

10-4b. Land Use and Zoning Link

The link between land use and zoning is important because Title 22, Section 702(c) of the Delaware Code requires that Milford:

"…within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan."

Table 27 shows the link between the future land use designations depicted on the *Future Landuse and Urban Growth Boundary* map and the zoning districts summarized in Table 28. Table 27 provides guidance as to the zoning districts that would be considered consistent with each land use designation.

Table 27. Land Use and Zoning Link

Future Land Use Designation	Corresponding Zoning District(s)
Employment	H-1 - Institutional Development
	IM - Institutional Medical
	IS - Institutional Service
Commercial	C-1 - Community Commercial
	C-2 - Central Business
	C-2A - Riverfront Development
	C-3 - Highway Commercial
	OC-1 - Office Complex
	BP - Business Park
	H-1 - Institutional Development
Industrial	I-1 - Limited Industrial
	I-2 - General Industrial
Institutional	Institutional uses may be permitted or conditionally permitted in residential, commercial and employment zones
Low Density Residential	R-1 - Single Family Residential
	R-2 - Residential
	C-1 - Community Commercial
	OB-1 - Office Building
Moderate Density Residential	R-3 - Garden Apartment & Townhouse
	R-8 - Garden Apartment & Townhouse
	C-1 - Community Commercial
	OB-1 - Office Building
Open Space	Designed for Preservation. Existing residential properties may be zoned R-1.

Disclaimer: Table 27 shows the relationship between the future land use designations depicted on the future land use map and the zoning districts summarized in Table 28. This table describes how Milford's zoning districts might match up with the land uses recommended on the future land use map. These match ups are intended as guidance for the City Council to consider during the rezoning process. They are not intended to preclude the development of new zoning districts or revisions to the zoning ordinance, the subdivision ordinance or any other land use regulations.

10-4c. Zoning Districts

The current zoning map depicts Milford's zoning districts and Table 28 provides a list of the current zoning classifications.

Table 28. Milford Zoning Districts

Zoning District
BP - Business Park
R-1 - Single Family Residential
R-2 - Residential
R-3 - Garden Apartment & Townhouse
R-8 - Garden Apartment & Townhouse
C-1 - Community Commercial
C-2 - Central Business
C-2A - Riverfront Development
C-3 - Highway Commercial
H-1 - Institutional Development
IM - Institutional Medical
IS - Institutional Service
I-1 - Limited Industrial
I-2 - General Industrial
OB-1 - Office Building
OC-1 - Office Complex

As of the date of the plan adoption, Table 28 and the existing zoning exhibit represent a fixed period in time and the City reserves the right to create new zoning categories and change property zonings as long as the intent of the Comprehensive Plan is upheld. This table and section is for informational purposes only.

Zoning is the chief means for implementing the comprehensive plan, consisting of a written document and a series of maps. The maps show a number of districts or zones into which the municipality is divided in order to regulate the use of land. The document specifies the types of activities (uses) that can occur in each district either as a matter of right (in all circumstances) or under certain conditions (conditional uses). It also regulates building height, lot sizes, setbacks, yards and green space, the number and sizes of signs, and space for off-street parking. Some municipalities incorporate environmental-protection standards in zoning ordinances, while others have stand-alone ordinances with cross-references to zoning standards.

Zoning works with subdivision regulations. Subdivision refers to the process of splitting up or assembling land for development. The regulations governing this process designate utility locations, street rights-of-way, open space, and common areas. They also outline the services, such as water, sewer, gas, and electricity, and amenities that a developer must supply prior to sale of subdivided (or assembled) land. Increasingly, the distinction between zoning and subdivision regulations is becoming blurred.

Development plan approvals cannot take place without making sure that plans are in compliance with zoning and subdivision codes. Over the past several years, a number of Delaware municipalities have consolidated subdivision and zoning regulations into a single land use code.

10-5. Land Use and Growth Management Goals and Recommendations

The City has, and continues to, work diligently to build its economic and employment base through development of all types. It has also made significant efforts to include relevant state agencies, county and municipal governments, school districts, property owners, and development interests. The city has successfully utilized a master planning approach for its southeastern areas and now envisions undertaking a similar initiative for potential growth, development, and redevelopment in its northeastern areas.

Goal - Encourage compatible, resilient, connected development, redevelopment, and growth within Milford's municipal boundary and entertain annexation or growth opportunities within the municipality's established Urban Growth Boundary, provided cost-effective services can be provided.

Objective – create a variety of suitable zoning categories and targeted land use areas within the City to accommodate the assortment of business sectors.

Objective – update the zoning ordinance to reflect the objectives of the City's comprehensive plan.

Objective – refer to the Comprehensive Plan for rezoning and annexation agreements.

Objective – use the State Strategy mapping to guide growth.

Objective – Ensure that the design of new developments complement and enhance the City's unique character by developing and implementing architectural review standards for major residential and commercial developments.

Objective - Encourage infill and redevelopment of vacant, under-utilized, or in-need of repair properties, particularly within the Downtown Development District.

Objective - Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.

Objective – Establish a process to review Comprehensive Plan amendment requests once a year, which may be needed in order to harmonize proposed development plans with the Comprehensive Plan.

Objective - Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.

Objective - Systematically consider and evaluate annexation requests from within the existing Urban Growth Boundary, accounting for projected revenues from annexation, the cost of service provision, capacity and capability of municipal service providers, and preservation of adequate utility capacity for growth expected or desired already within the City of Milford.

Objective – Review and update Chapter 230 zoning, specifically the use and area regulations, to ensure the code is modern.

Objective – Review and update Chapter 200 subdivision in an effort to update project review and approval procedures, inclusion of a sunset provision, and the allowance for administrative review of minor applications.

Goal – Conduct a Master Plan for the City's Northeast Neighborhood

Objective – Work with OSPC to develop a Memorandum of Agreement and identify key stakeholders and state agency partners for master planning.

Objective - Undertake a master plan exercise, similar to that conducted for the City's southeastern area, for its northeastern neighborhood. Adopt the master plan's findings and results as an addendum to this document and fully incorporate it during the next comprehensive rewrite of Milford's Comprehensive Plan.

10-6. Growth and Annexation

This section discusses areas proposed for annexation into Milford and areas of concerns.

10-6a. Urban Growth Boundary

The Urban Growth Boundary (UGB) is a planning tool that promotes more efficient, orderly, and compact development. The UGB for the City of Milford is part of a growth management program that is designed to uphold the character of the City, protect the water supply and other natural resources, promote efficient development and use of public infrastructure, stimulate community and economic development, and impart long term, comprehensive thinking about the community's future.

The UGB for the City of Milford is a line on a map showing the demarcation between land that has or may receive concentrated development and land that has or may receive less development. On the outside of the UGB are predominantly low-density land uses, such as farms and large residential lots, and natural or protected lands. On the inside of the UGB are more intensive land uses and densely developed lands, such as commercial and industrial uses, multi-family and small lot residential, schools, government facilities, and transit services. For the City of Milford, we have designated a large part of the area east of Del 1 which is inside of the UGB as Open Space. The explanation for this area is that the City would like to maintain the existing uses in this area and consider this designated area of Open Space as a sending area for future development under a proposed Transfer of Development Rights program to ensure that property owners receive fair compensation for their land or purchase of the land for future open space uses and opportunities.

The UGB is an area in which urban services will be provided and outside the UGB services will not be extended thus hopefully discouraging development sprawl, with the exception of the areas designated as Open Space in which development will be discouraged and conservation will be encouraged. Within the UGB, the City of Milford will plan for, coordinate and maintain municipal services and facilities such as sewer, water, and public services such as fire, police and coordination with the school district. The area within the UGB will hopefully stimulate infill development and provide more efficient use of land, preserve more usable open space, recreation areas and expand the opportunities for the development of affordable housing and housing that is close to employment opportunities.

The area within UGB contains the primary retail shopping area, the location of a majority of the public school facilities, and the location of the greater part of the churches and other service organizations as well as the major employers.

The UGB was developed in conjunction with the 2008 Comprehensive Plan update and is a product of City Council, the Planning Commission and various land owners. The initial development of this concept was that both City Council and members of the Planning Commission were given blank base maps and instructed to draw what they thought would be the Urban Growth Boundary for the City of Milford. After this exercise various surrounding land owners expressed an interest in being included within the UGB for reasons such as the availability of public utilities and public services. Thus a map was developed showing the Urban Growth Boundary for the City of Milford. During the 2017 plan update, the Planning Commission eliminated an enclave within the UGB in the northwest neighborhood but did not expand the overall limits of the boundary.

In summary, an UGB is an officially adopted and mapped line beyond which the City of Milford does not support development for a specified period of time. Growth is supported inside the boundary with utilities and development-friendly policies. Growth is discouraged outside the boundary. The UGB for the City of Milford hopefully will include enough land for development over a twenty (20) year period and will be reviewed every five (5) years to ensure that adequate land remains win the boundary.

10-6b. Annexation Recommendations

Objective - Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.

Objective - Systematically consider and evaluate annexation requests from within the existing Urban Growth Boundary, accounting for projected revenues from annexation, the cost of service provision, capacity and capability of municipal service providers, and preservation of adequate utility capacity for growth expected or desired already within the City of Milford.

10-7. Resilient Land Use

As outlined in this chapter, The City has land use practices in place that help decrease vulnerability to natural hazards such as flooding and sea level rise. Areas east of Del 1 are prone to these impacts, and are largely designated as open space, thus preserving a valuable flood risk mitigation function. The TDR program also assists in avoiding potentially costly development in these vulnerable areas. The desire to increase density through infill development enhances walkability, bikeability, and potential for successful public transit service. Recommendations contained in other chapters of this plan will further enhance resilient land use practices, such as conversion of chronically-flooded properties to open space through FEMA buyout programs, the maintenance of riparian buffer and ecologically sensitive areas, and the use of vacant parcels for community gardening activities.

CHAPTER 11. IMPLEMENTATION AND INTERGOVERNMENTAL COORDINATION

11-1. Post-Plan Requirements

This section summarizes the provisions of the *Delaware Code* that must be complied with following adoption of this plan.

- Section 702(c) – Adopt comprehensive rezoning within 18 months after adopting this plan.
- Section 702(e) - Within five years following adoption, review this plan to determine if its provisions are still relevant.
- Section 702(f) – Submit annual reports to OSPC each July 1.

11-2. Recommendations for Consideration

Table 29, below, summarizes all of the City's goals and objectives for each issue area.

Table 29. Summary of Goals and Objectives

Milford's Vision Statement	
Milford takes great pride in the beauty of its riverfront and its rich historic and cultural heritage, which dates back to the 18th Century. The City wishes to build upon these enduring and desirable attributes while enhancing community resiliency and see Milford grow into the "Riverfront Gateway to Southern Delaware." *With a commitment to thoughtful economic development, appropriate growth that is resilient to environmental change, and preservation and protection of its most cherished assets, the City envisions itself as a year-round, vibrant, employment and economic center that stays true to its small town roots and feel…. A small-town city where residents are able to live, work, go to school, and recreate.*	
Community Character	
Goal - Encourage compatible, resilient, connected development, redevelopment, and growth within Milford's municipal boundary	
Objective - Maintain a dialogue with the City's major employers and industries in order to anticipate and maximize potential investment in the City of Milford.	Ongoing
Objective - Ensure connections for all modes between commercial and residential uses, existing and proposed residential uses, and the southeast area and greater Milford.	Ongoing
Objective – Consider pursuing Certified Local Government (CLG) status to potentially access technical and financial assistance through the national CLG Program, administered by SHPO.	Medium
Objective – Consider an updated survey of municipal lands with Sussex County that may be eligible for the National Registry of Historic Places.	Medium
Objective – Review and update the City's sign ordinance.	Medium
Objective - Investigate the development of architectural design standards for new projects, specifically those within the City's designated historic districts.	Medium
Objective – Review and update site plan design requirements.	Medium
Goal - Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.	
Objective - Encourage infill and redevelopment of vacant, under-utilized, or in-need of repair properties, particularly within the Downtown Development District.	Ongoing
Goal - Entertain annexation or growth opportunities within the municipality's established Urban Growth Boundary (UGB), provided cost-effective services can be provided.	
Objective - Systematically consider and evaluate annexation requests from within the existing Urban Growth Boundary, accounting for projected revenues from annexation, the cost of service provision, capacity and capability of municipal service providers, and preservation of adequate utility capacity for growth expected or desired already within the City of Milford.	Ongoing
Government, Community Services and Infrastructure	
Goal – Ensure the safety and security of Milford's residents with first-class police, EMS, and fire protection services and provide adequate public utilities to provide for planned and desired growth in a managed, cost-effective manner.	
Objective – Consult police, fire, and EMS personnel when considering significant development and redevelopment proposals, particularly in regards to response time and access.	Ongoing
Objective – Plan for and provide adequate utilities and services to accommodate occurring	Ongoing

and planned for growth in Milford.	
Objective – Consider additional electricity demand from increased air conditioning usage into electric infrastructure planning processes to ensure that power supply and system reliability are maintained during periods of sustained high temperature.	Ongoing
Objective – Encourage the appropriate use of low-impact development and resilient stormwater management practices contained in the Delaware Green Infrastructure Primer.	Ongoing
Objective – Review mutual aid agreements with surrounding jurisdictions and confirm the adequacy of Advanced Life Support (ALS) services for Milford residents. The City may wish to pursue offering these services.	Medium
Objective – Work with natural gas provider to service residential, commercial and industrial customers within City limits.	Medium
Objective – Incorporate language in the code related to commercial recycling and making recommendations on commercial site plans for space for recycling dumpsters and other facilities.	Medium
Objective – Engage with DNREC's Allocation Division to ensure all wells in service appear on a revised allocation permit for the City and that the City is able to document sufficient supply for present needs.	Short
Objective – Engage with DNREC's Allocation Division to proactively coordinate anticipated future water allocation demands and needs and ensure that any new wells or infrastructure upgrades are coordinated with DNREC's approval process.	Short
Housing	
Vision - The City of Milford envisions itself transitioning into a year-round economic and employment center. It strives to provide and maintain a balanced housing inventory capable of accommodating residents from senior level executives to the many hourly-wage employees the City hopes to attract.	
Goal – Encourage a balanced range of housing types and home-ownership opportunities for existing and future residents.	
Objective –Engage DSHA in the City's planned Northeast Area Master Plan, particularly in regards to Census Tract 425, which DSHA characterizes as having an oversupply of subsidized rentals.	Medium
Goal – Promote opportunities for the creation of new clean, safe, and affordable housing, as well as ensure the continued quality of the existing stock of affordable units.	
Objective - Market the low-income home weatherization assistance program that is designed to improve energy efficiency for low-income households.	Ongoing
Goal – Encourage the construction and maintenance of housing that is resilient to current and future hazards such as flooding and heat waves.	
Objective – Update the City's floodplain ordinance and consider adopting a freeboard requirement.	Short
Objective - Consider upgrading the City's building code standard from International Building Code 2006 to the most recent 2015 version that recommends stronger energy efficiency measures.	Short
Transportation	
Goal – Enable the safe and efficient mobility of residents utilizing all modes of	

travel, be they pedestrians, cyclists, drivers, or transit riders, via a safe and interconnected transportation system.	
Objective – Work to address deficiencies and maintenance issues in the City's bicycle and pedestrian network by cataloging identified issues, engaging with DelDOT, and programming any available transportation funding.	Ongoing
Objective – Incorporate key recommendations from the City's Bicycle and Pedestrian Master Plan into its subdivision and street design standards.	Medium
Objective – Study and/or address parking deficiencies in the central business district.	Short
Objective – Ensure connections for all modes between commercial and residential uses, existing and proposed residential uses, and the southeast area and greater Milford when considering development or redevelopment applications.	Ongoing
Objective – Continue to make use of the Riverwalk as a first-class recreational opportunity, as well as the connected pedestrian spine of the community.	Ongoing
Objective – Coordinate with DelDOT/DART regarding future transit needs and opportunities.	Long
Objective – Preserve traffic capacity and prevent undue future congestion on the City's highways and arterials by planning for future growth and development with connected local streets and bicycle/pedestrian networks.	Ongoing
Objective – Coordinate with DelDOT and local businesses to address noted concerns of congestion, truck traffic, and difficult pedestrian crossings.	Short
Objective - Collaborate with DelDOT to conduct a climate change vulnerability analysis to identify at-risk transportation assets and strategies for mitigating those risks.	Long
Objective – Install electric vehicle charging stations in the central business district with designated parking spaces.	Medium
Goal - Pursue, in coordination with DelDOT, the creation of a Transportation Improvement District for areas subject to the updated Southeast Master Plan	
Objective – Enter into a written agreement or MOU with DelDOT regarding a TID for the Southeast area, and develop an agreed-upon schedule of implementation steps.	Short
Objective – Collaborate with DelDOT to investigate an east-west transportation solution between Route 113 and the new Bayhealth Health Campus.	Medium
Economic Development and Redevelopment	
Vision - The City of Milford is dedicated to providing a quality living and working environment that will ensure a balanced mix of commercial development and employment opportunities, that serve its residents, and promotes its image as a desirable and economically stable community.	
Goal – Pursue land-use, growth, and preservation strategies that will ensure that farms, agricultural properties, and agri-businesses remain an economically viable anchor to the Milford economy.	
Objective - Promote preservation of agricultural and environmental resources beyond the city limits of Milford.	Ongoing
Objective - Systematically consider and evaluate annexation requests from within the existing Urban Growth Boundary, accounting for projected revenues from annexation, the cost of service provision, capacity and capability of municipal service providers, and preservation of adequate utility capacity for growth expected or desired already within the City of Milford.	Ongoing

Goal – Ensure the City's future land uses and zoning accommodate and allow for a variety of commercial and employment activities.	
Objective - Encourage infill and redevelopment of vacant, under-utilized, or in-need of repair properties, particularly within the Downtown Development District.	Ongoing
Objective – Consider the development of a vacant building ordinance to address blighted and abandoned properties, possibly including a vacant building registration program.	Medium
Goal – Implement the policies and recommendations within the Southeast Master Plan and the Downtown Development District, both key tools for future development and redevelopment.	
Objective – Incorporate and adopt the Southeast Master Plan as part of the Comprehensive Plan	Short
Objective – Amend the municipality's zoning and subdivision ordinance, and any other relevant procedures, to reflect the updated master plan.	Medium
Goal – Broaden Milford's economic activity beyond Monday to Friday, nine to five by encouraging businesses, activities, and festivals that will help develop Milford's identity as a great place to have fun, as well as work and live.	
Objective – Encourage and promote nightlife and cultural destinations in the Town Center	Ongoing
Objective – Consider the City's desire for cultural and evening destinations when deliberating conditional use applications.	Ongoing
Objective – Consider relaxing parking requirements, or permitting shared parking arrangements, for adjoining uses, or areas, where peak demands would be expected to occur at different points in the day/evening.	Medium
Goal – Enhance the City's economic resiliency by reducing the risk of flood damage and promoting the long-term cost savings of energy efficiency and renewable energy upgrades.	
Objective – Support energy efficiency and renewable energy upgrades in new and existing developments by taking advantage of state-sponsored financial incentives.	Ongoing
Objective – Promote electrical vehicle charging in the central business district.	Medium
Natural Resources	
Goal – Coordinate with relevant agencies and committees to improve water quality in the Mispillion and its tributaries.	
Objective – Consider refining the City's buffering regulations to distinguish between built-up areas where the existing ten-foot buffer is the default, and more open areas where a more effectively sized buffer may be feasible.	Medium
Objective – Continue to pursue and support living shoreline installations along hardened sections of the Mispillion River.	Medium
Objective – Review parking and loading standards to ensure new site plans have adequate parking while limiting the amount of impervious coverage.	Medium
Objective – Consider relaxing parking requirements, or permitting shared parking arrangements, for adjoining uses, or areas, where peek demands would be expected to occur at different points in the day/evening.	Medium
Objective – Review and update the City's impervious coverage standards to ensure environmentally friendly site design.	Medium
Objective – Enhance the urban tree canopy by planting new trees in sparsely planted areas, for instance near parking lots and other impervious coverage areas near the downtown	Long

core.	
Objective – Continue to avoid development in ecologically sensitive and flood-prone areas.	Ongoing
Objective - Participate in the Mispillion River Tributary Action Team to assist in the development of pollution control strategies for the river.	Long
Objective - Promote the elimination of individual septic systems, where feasible near and adjacent to the Mispillion River.	Long
Goal – Pursue agricultural preservation of high-value agricultural parcels, consistent with the master plan.	
Objective – Incorporate and adopt the Southeast Master Plan as part of the Comprehensive Plan	Short
Objective – Develop and implement a TDR program in the Southeast neighborhood and expand the developed program into the anticipated Northeast Master Plan	Short
Objective – Amend the municipality's zoning and subdivision ordinance, and any other relevant procedures, to reflect the updated master plan.	Medium
Goal – Limit the growth of harmful atmospheric emissions attributable to Milford	
Objective – Support energy efficiency and renewable energy upgrades in new and existing developments by taking advantage of state-sponsored financial incentives.	Medium
Objective – Promote electrical vehicle charging in the central business district.	Long
Objective - Reduce future congestion, distance commuting, and emissions by developing as a year-round, live where you work community.	Ongoing
Goal – Protect the City's social and economic assets by enhancing environmental resiliency.	
Objective – Form a Climate Change Adaptation Committee that will review Milford's climate vulnerabilities, evaluate appropriate adaptation options, and make recommendations to the City.	Medium
Objective – Consider a partnership with the Delaware Coastal Program's (DCP) Resilient Community Partnership to potentially access staff support, technical assistance, and funding in the coming years.	Medium
Objective - Utilize new data and analytical techniques to begin planning for elevated water levels and increasing periods of heat.	Ongoing
Parks, Recreation and Open Space	
Vision - The City is committed to providing high quality public open space facilities and services. The City recognizes that public open space and recreational activities are an integral part in the development of the City.	
Goal – Continue to enhance, improve, and promote the Riverwalk as a cornerstone of the community and make practical use of it as a connection to established and future recreational open spaces and parks.	
Objective – Promote recreational activities and events	Ongoing
Objective – Consider existing, smaller, vacant or preserved parcels for use as community gardens.	Ongoing
Goal – Encourage the inclusion of connected, accessible parks and open spaces in new development.	
Objective - Incorporate recreational opportunities into redevelopment plans and programs.	Ongoing
Objective - Actively support a regional blueway canoe and kayak trail from Abbott's Mill Nature Center through Haven Lake and Silver Lake to Goat Island. Extend to all of Mispillion	Long

to the new nature center at Slaughter Beach.	
Objective – Establish a unified open space and greenways network that connects with City parks, areas adjacent to the Riverwalk and bicycle and pedestrian ways.	Long
Goal - Encourage the preservation of areas along all streams, lakes and ponds as recreational uses.	
Objective - Preserve and enhance buffer areas around water bodies to mitigate environmental and visual impact from adjacent uses and activities.	Long
Objective – Develop and implement a TDR program in the Southeast neighborhood and expand the developed program into the anticipated Northeast Master Plan	Short
Objective – Consider refining the City's buffering regulations to distinguish between built-up areas where the existing ten-foot buffer is the default, and more open areas where a more effectively sized buffer may be feasible.	Medium
Objective – Engage with DDA's Forestry Section to explore urban forestry programs	Medium
Land Use and Growth Management	
Goal - Encourage compatible, resilient, connected development, redevelopment, and growth within Milford's municipal boundary and entertain annexation or growth opportunities within the municipality's established Urban Growth Boundary, provided cost-effective services can be provided.	
Objective – create a variety of suitable zoning categories and targeted land use areas within the City to accommodate the assortment of business sectors.	Ongoing
Objective – update the zoning ordinance to reflect the objectives of the City's comprehensive plan.	Medium
Objective – refer to the Comprehensive Plan for rezoning and annexation agreements.	Ongoing
Objective – use the State Strategy mapping to guide growth.	Ongoing
Objective – Ensure that the design of new developments complement and enhance the City's unique character by developing and implementing architectural review standards for major residential and commercial developments.	Medium
Objective - Encourage infill and redevelopment of vacant, under-utilized, or in-need of repair properties, particularly within the Downtown Development District.	Ongoing
Objective - Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.	Ongoing
Objective – Establish a process to review Comprehensive Plan amendment requests once a year, which may be needed in order to harmonize proposed development plans with the Comprehensive Plan.	Short
Objective - Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.	Ongoing
Objective - Systematically consider and evaluate annexation requests from within the existing Urban Growth Boundary, accounting for projected revenues from annexation, the cost of service provision, capacity and capability of municipal service providers, and preservation of adequate utility capacity for growth expected or desired already within the City of Milford.	Ongoing
Objective – Review and update Chapter 230 zoning, specifically the use and area regulations, to ensure the code is modern.	Medium
Objective – Review and update Chapter 200 subdivision in an effort to update project review and approval procedures, inclusion of a sunset provision, and the allowance for administrative review of minor applications.	Medium

Goal – Conduct a Master Plan for the City's Northeast Neighborhood	
Objective – Work with OSPC to develop a Memorandum of Agreement and identify key stakeholders and state agency partners for master planning.	Medium
Objective - Undertake a master plan exercise, similar to that conducted for the City's southeastern area, for its northeastern neighborhood. Adopt the master plan's findings and results as an addendum to this document and fully incorporate it during the next comprehensive rewrite of Milford's Comprehensive Plan.	Medium

11-3. Continuing Intergovernmental Coordination

Planning is a process, and even a fully reviewed, certified, and adopted comprehensive plan represents only a point in that process. As Milford plans for its future, it recognizes that other municipalities in the region, as well as the two counties it straddles, are doing likewise.

Moreover, Milford has existing MOUs with DelDOT, OSPC, and other state agencies in regards to its southeastern area, and hopes to implement a similar process and agreements regarding its northeast neighborhood.

Planned for initiatives such as Transportation Improvement Districts, master plans, agricultural preservation, school siting and redevelopment, and annexation all require significant, ongoing cooperation with state agencies and county governments. Milford has no immediate municipal neighbors. However, it is more than willing to meet and correspond with nearby municipalities on any areas of common interest or concern.

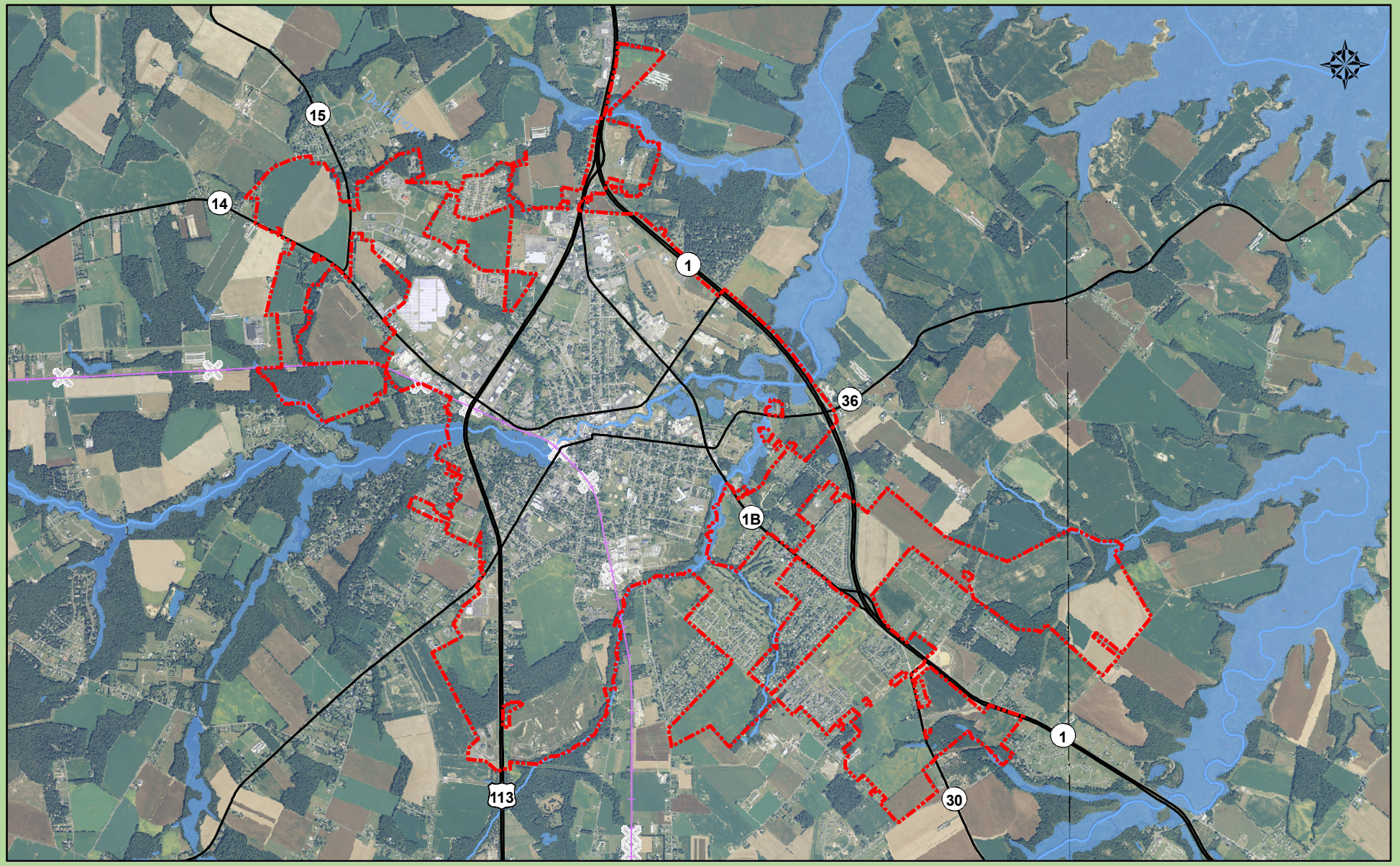
This plan recommends that Milford consider the following:

- Notifying affected jurisdictions and agencies of proposed development-related actions in Milford.
- Requesting information on, and opportunities to provide input into, proposed actions of governments and quasi-governments that affect Milford.
- Sending copies of and/or web links to city council and planning commission agendas to Kent County, Sussex County, OSPC, and any neighboring municipalities that request them.
- Requesting comment from affected jurisdictions and agencies on proposed development-related actions in Milford that are of interest to them.
- Attending meetings of other agencies and jurisdictions when appropriate.
- Asking other agencies and jurisdictions to send agendas and request the opportunity to review and comment on proposed actions in and around Milford when relevant.

Acronym Index

AADT – Average Annual Daily Traffic
USACE – United States Army Corps of Engineers
ACS – American Community Survey
ALS – Advanced Life Support
ATR – automatic traffic recorder
BP – Business Park
CCGM – the Chamber of Commerce for Greater Milford
CCP - Corridor Capacity Preservation
CMP – Congestion Management Plan
CWA – Federal Clean Water Act
DART – Delaware Area Regional Transit
DDD – Downtown Development District
DelDot – Delaware Department of Transportation
DEMA –Delaware Emergency Management Agency
DEMEC – the Delaware Municipal Electric Corporation
DMI – Downtown Milford, Inc.
DNREC – Delaware Department of Natural Resources and Environmental Control
DSHA – Delaware State Housing Authority
EMS – Emergency Medical Services
EV – electrical vehicle
FEMA – Federal Emergency Management Agency
FSM – First State Manufacturing
GIS – Geographical Information Systems
GMBP – Greater Milford Business Park
HVAC – Heating, Ventilation, and Air Conditioning
I&I – Infiltration & Inflow
IPA – The Institute for Public Administration at the University of Delaware
KCRWTF – Kent County Regional Wastewater Treatment Facility
KSI – Kent-Sussex Industries
LA – Load Allocation
MOA – Memorandum of Agreement
MOS – Margin of Safety
MOU – memorandum of understanding
MPO – Metropolitan Planning Organization
MTP – Metropolitan Transportation Plan
OSPC – Office of State Planning Coordination
PCS – Pollution Control Strategy
PLUS – the Preliminary Land Use Service
SCORP – State Comprehensive Outdoor Recreation Plan
SEDIP – Specific Economic Development Incentive Program
SEU – Sustainable Energy Utility
SHPO – State Historic Prosecution Office
SWAP – Source Water Assessment and Protection
TDR – Transfer of Development Rights
TMDL – Total Maximum Daily Load
TID – Transportation Improvement District

UGB – Urban Growth Boundary
VFD – Variable Frequency Drive
WLA – Waste Load Allocation
WTF – Water Treatment Facility



City of Milford
Major Routes
Major Rivers
Water Bodies
Rail lines
Railroad crossing

City of Milford, Delaware

Aerial View

DRAFT - September 2017

0 0.2 0.4 0.8 1.2 1.6 Miles

Sources:
Orthophotography - DEMAC 2013.
Municipal Boundaries - City of Milford, Delaware, 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.

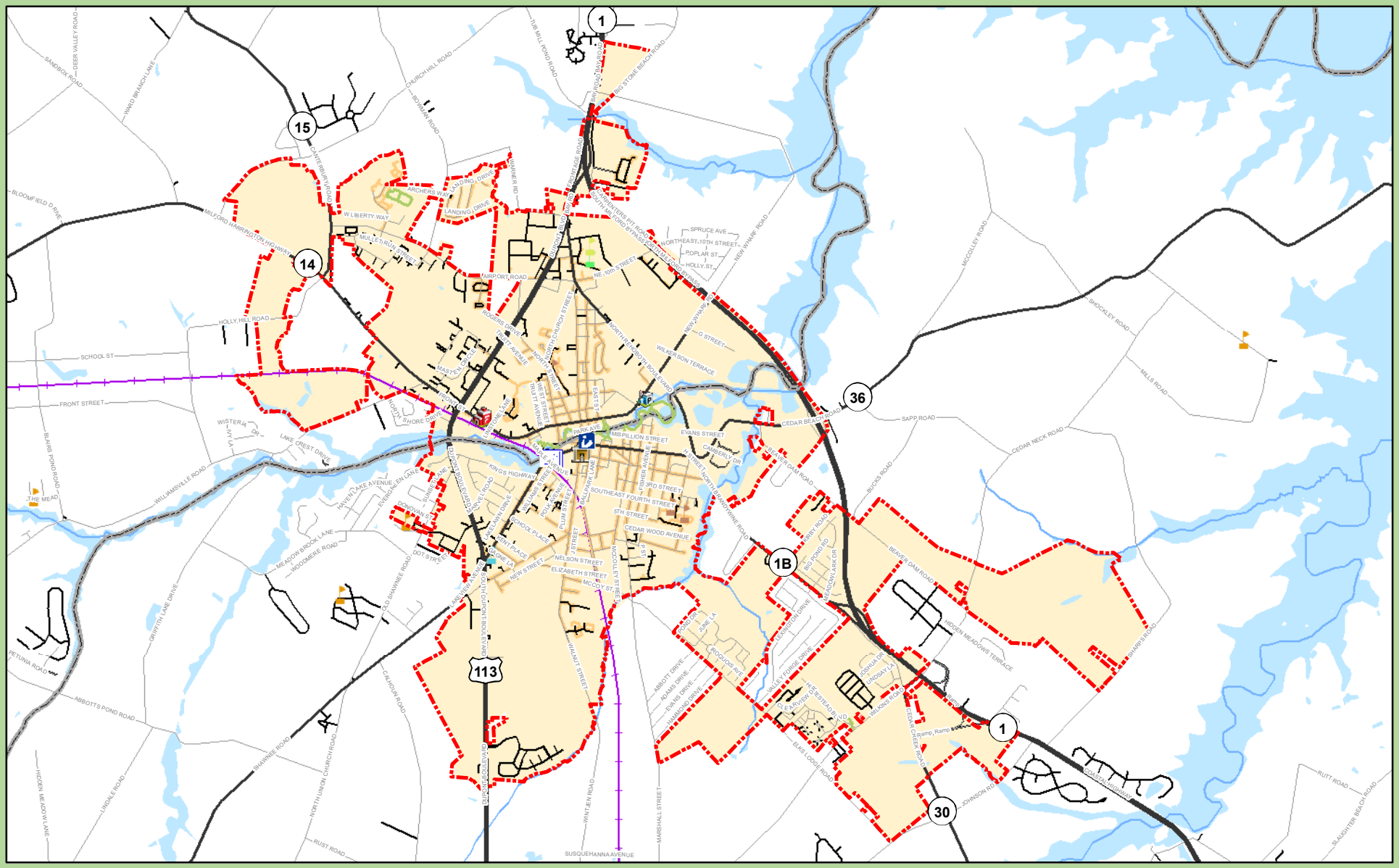
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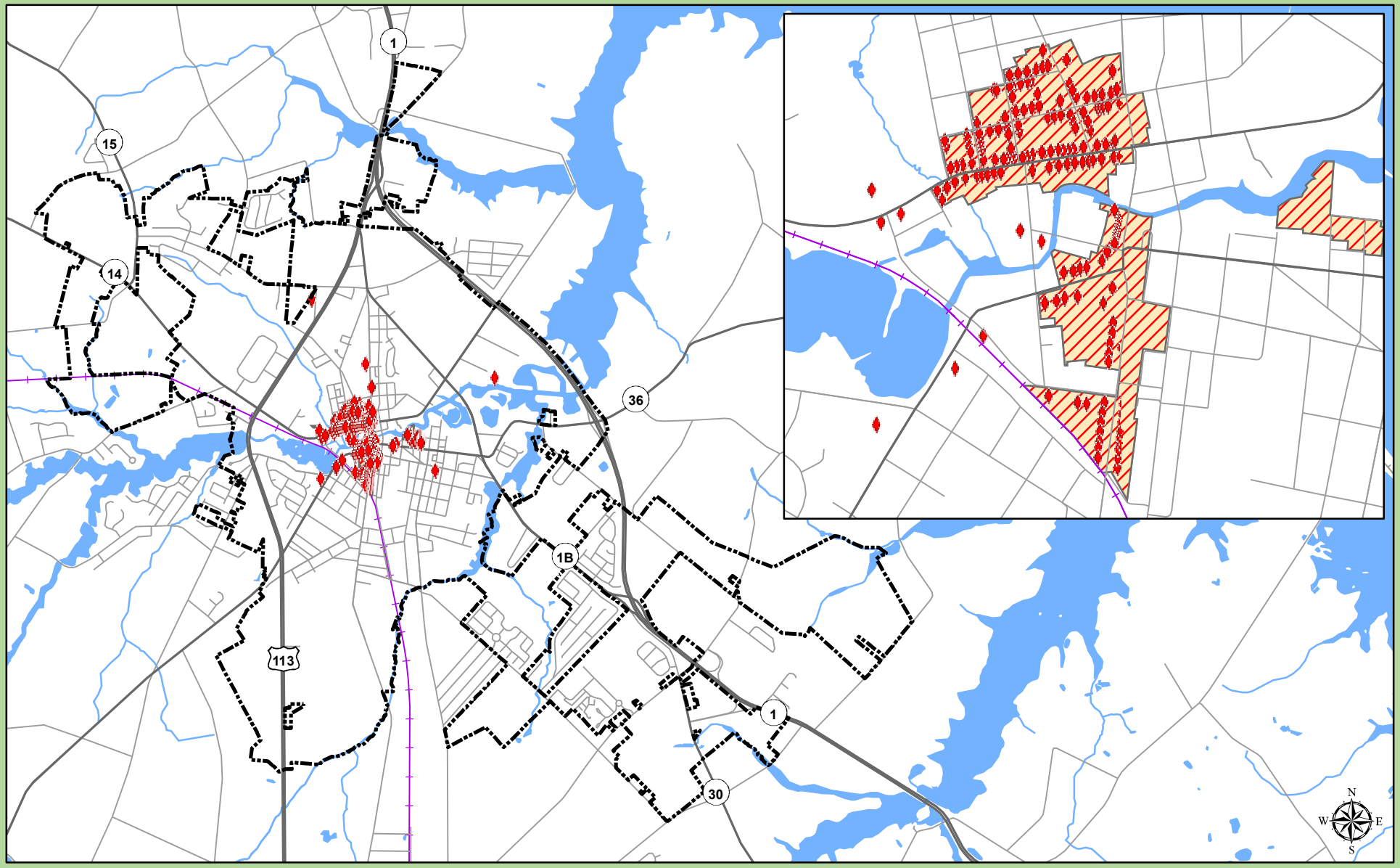
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1
15
14
36
1B
113
30
SUSQUEHANNA AVENUE
KINGS HIGHWAY
SOUTHEAST FOURTH STREET
NORTHEAST FRONT STREET
FRONT STREET
SCHOOL ST
WILLIAMSVILLE ROAD
HOLLY HILL ROAD
AIRPORT ROAD
CEDAR BEACH ROAD
SAPP ROAD
CEDAR NECK ROAD
BEAVER DAM ROAD
BUCKS ROAD
MILLS ROAD
SHOCKLEY ROAD
MCCOLLEY ROAD
NEW WHARF ROAD
BIG STONE BEACH ROAD
CHURCH HILL ROAD
ROSEDALE AVENUE
CEDAR WOOD AVENUE
MISPILLION STREET
EVANS STREET
WILKINS ROAD
CEDAR CREEK ROAD
HIDDEN MEADOWS TERRACE
SHAWNEE ROAD
NORTH UNION CHURCH ROAD
RUST ROAD
SLAUGHTER BEACH ROAD
JOHNSON ROAD
ABBOTTS POND ROAD
PETUNIA ROAD
LINDALE ROAD
HIDDEN MEADOW LANE
WINTER ROAD
MARSHALL STREET
CALHOUN ROAD
GRIFFITH LAKE DRIVE
BLAIRS POND ROAD
BLOOMFIELD DRIVE
SANDBOX ROAD
DEER VALLEY ROAD
WARD BRANCH LANE
CANTERBURY ROAD
MILFORD HARRINGTON HIGHWAY
ROMAN ROAD
108 MILL POND ROAD
WARNER RD
W LIBERTY WAY
MULLET RUN
ARCHERS WAY
LANDING DRIVE
SPRUCE AVE
NORTHEAST 10TH STREET
POPLAR ST
HOLLY ST
NE 10TH STREET
ROGERS DRIVE
NORTH WALNUT STREET
NORTH CHURCH STREET
EAST STREET
NORTH WASHINGTON STREET
NORTH WEST STREET
NORTH WALNUT STREET
MASTEN LANE
NORTH SHORE DRIVE
WISTERIA DR
LAKE CREST DRIVE
THE MEAD
HAVEN LAKE AVENUE
EVERGREEN LANE
SUNSET LANE
MEADOW BROOK LANE
WOODMERE ROAD
DOT STREET
NOVA ST
SOUTH SHORE DRIVE
SOUTH WALNUT STREET
SOUTH CHURCH STREET
SOUTH WASHINGTON STREET
SOUTH WEST STREET
SOUTH RIVERSID



Municipal Boundary
National Historic Landmark
National Register
National Register Historic Districts
Routes
Centerline
Rail Lines

City of Milford, Delaware

Historic Resources

DRAFT - September 2017

0 0.275 0.55 1.1 1.65 2.2 Miles

Sources:

Municipal Boundaries - Delaware OSPC and the City of Milford, 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Historic Locations - National Register of Historic District and Places, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.

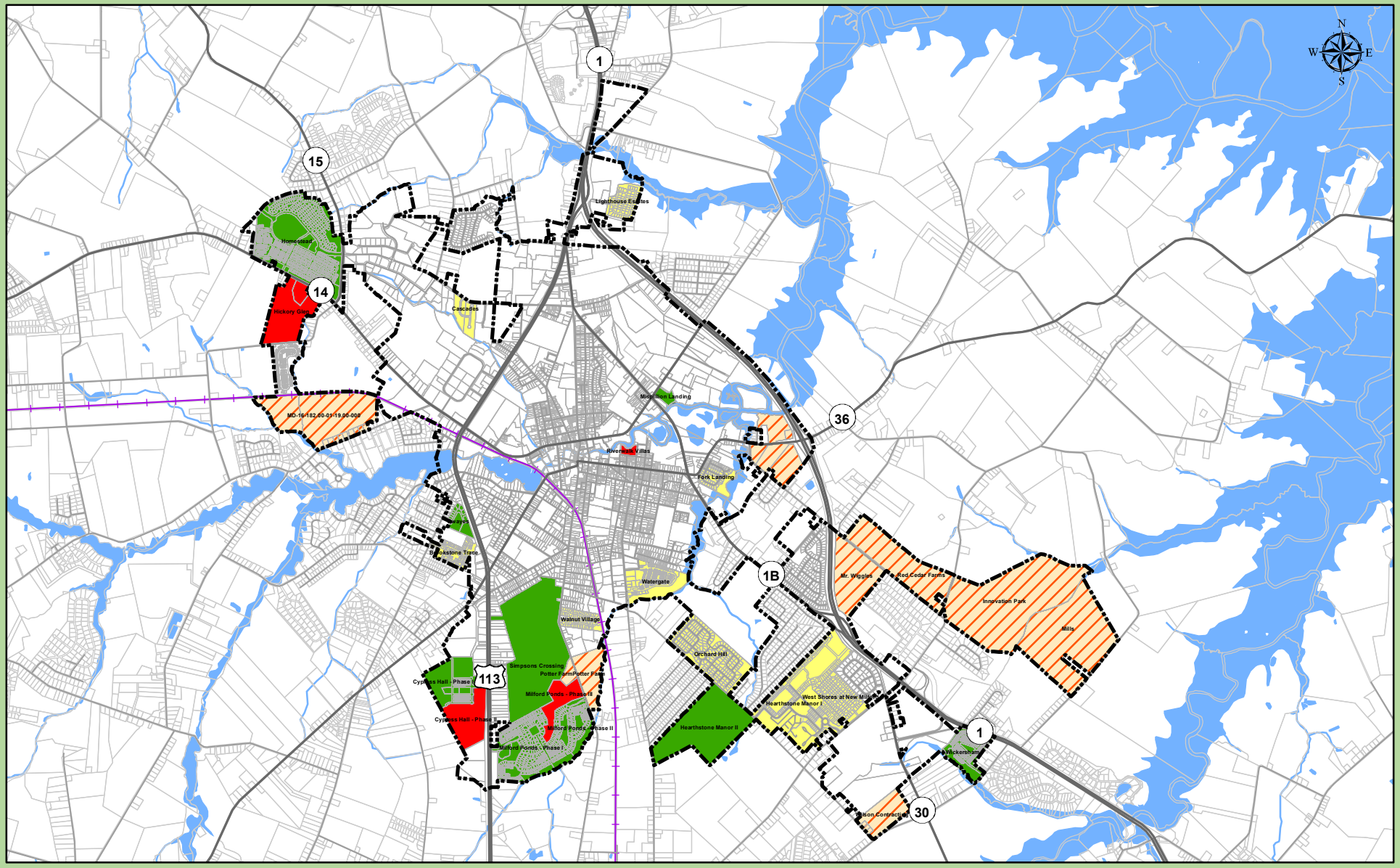
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Municipal Boundary

Housing Pipeline Status

- In Progress
- Proposed
- Recorded
- Other

Parcel Boundaries

Routes

Centerline

Rail Lines

City of Milford, Delaware

Housing Pipeline

DRAFT - September 2017

0 0.275 0.55 1.1 1.65 2.2 Miles

Sources:

Municipal Boundaries - Delaware OSPC and the City of Milford, 09/17.
Housing Pipeline - City of Milford, Delaware 10/16.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.

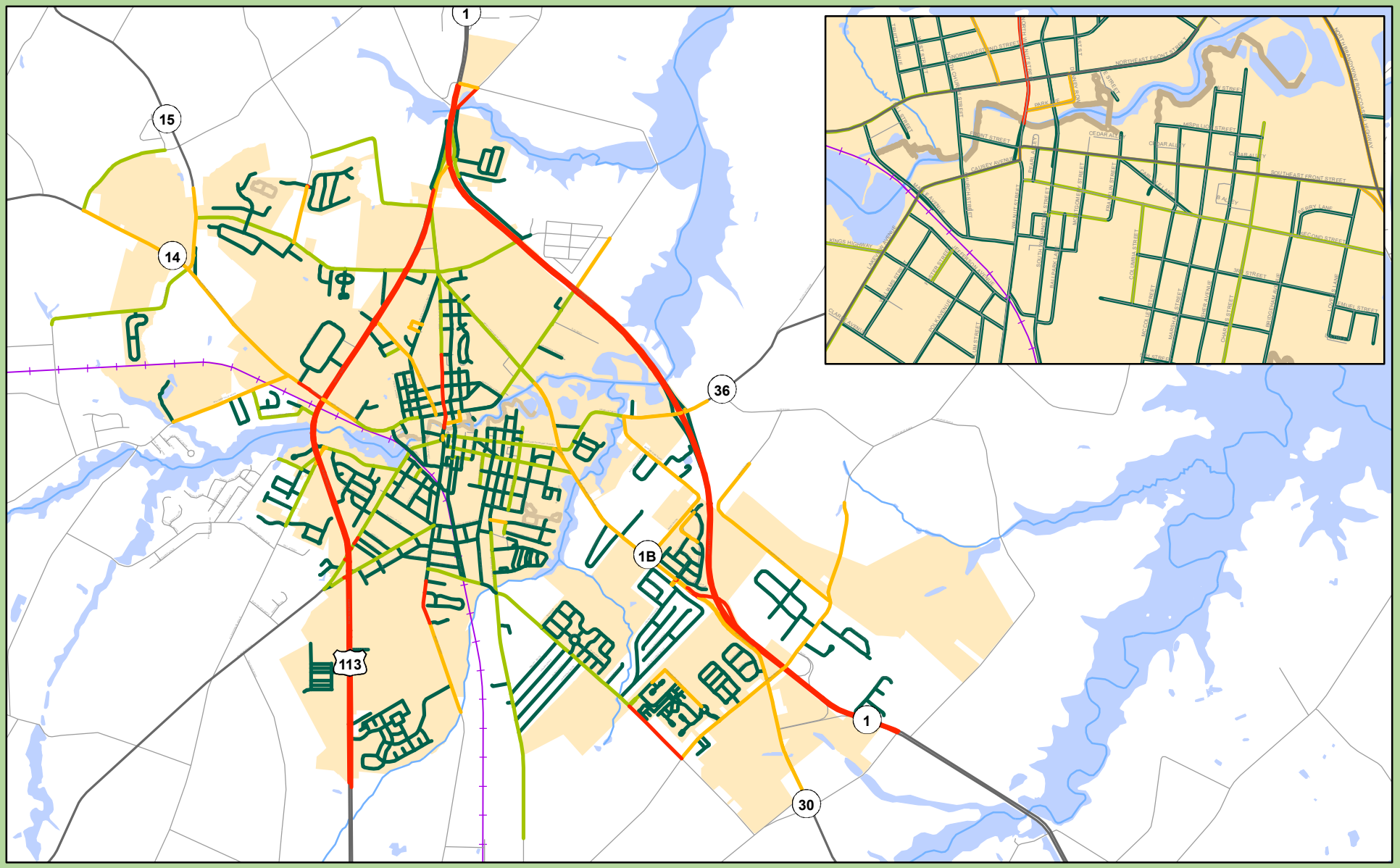
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Municipal Boundary
Routes
Level of Traffic Stress
Centerline
1
Rail Lines
2
Major Rivers
3
Water Bodies
4
Trails

City of Milford, Delaware

Level of Stress Analysis

DRAFT - September 2017

0 0.25 0.5 1 1.5 2 Miles

Sources:

Municipal Boundaries - Delaware OSPC and the City of Milford, 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Level of Stress Analysis - DelDOT, 09/17.
Trails - Delaware State Parks, 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.

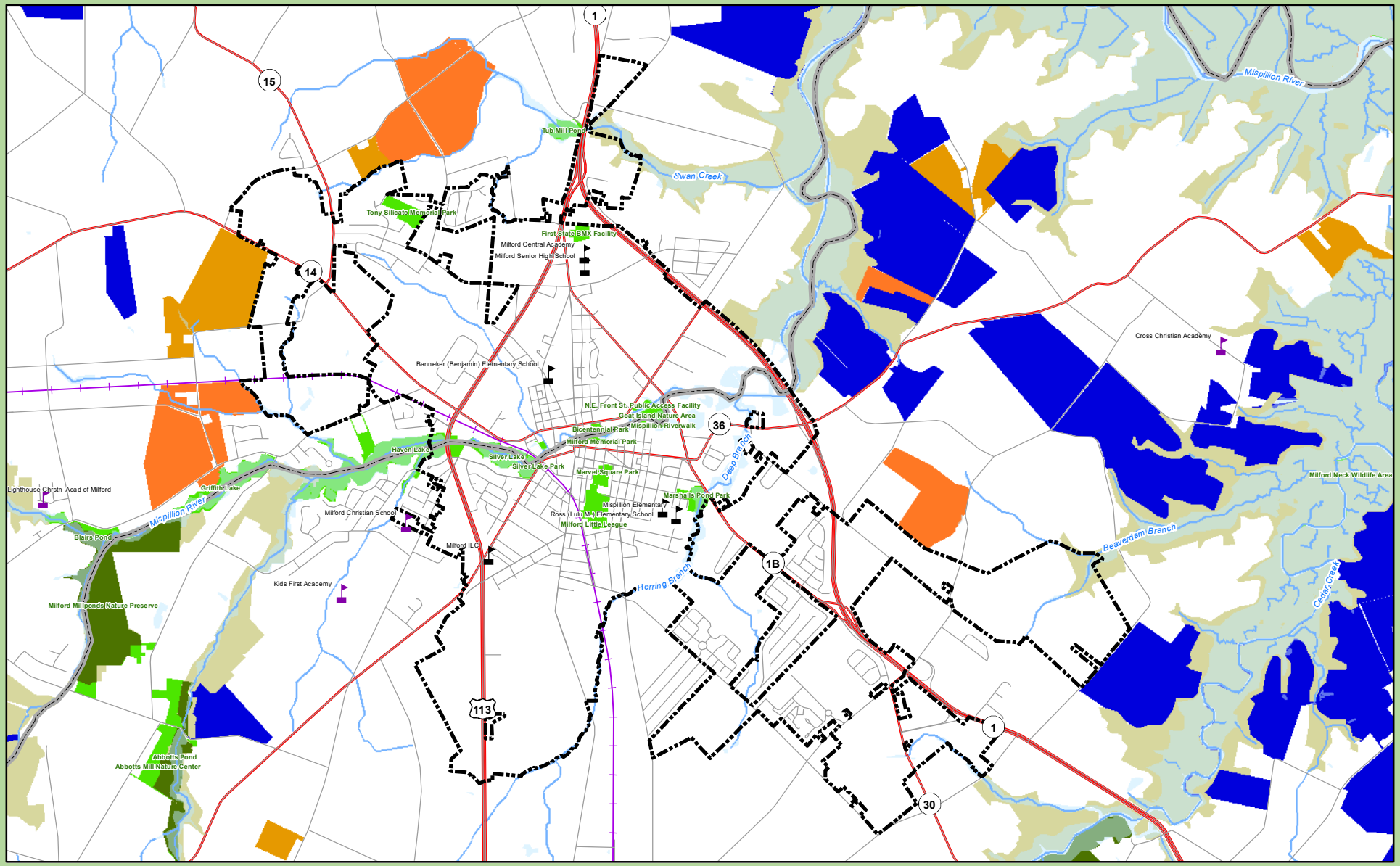
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Nature Preserves
Natural Areas
Municipal Boundary
Public Protected Lands
Agricultural Easement
Agricultural District
Agricultural Expansion

Private Schools
Public Schools
County Boudaries
Routes
Centerline

Major Rivers
Water Bodies
Rail Lines

City of Milford, Delaware

Parks and Open Space

DRAFT - September 2017

0 0.275 0.55 1.1 1.65 2.2 Miles

Sources:

Municipal Boundaries - Delaware OSPC and the City of Milford, 09/17,
Schools - Delaware Department of Education, FirstMap 09/17.
Public and Protected Lands - DNREC Parks and Recreation, FirstMap 09/17.
Ag Lands Preservation - Delaware Department of Agriculture, FirstMap 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.

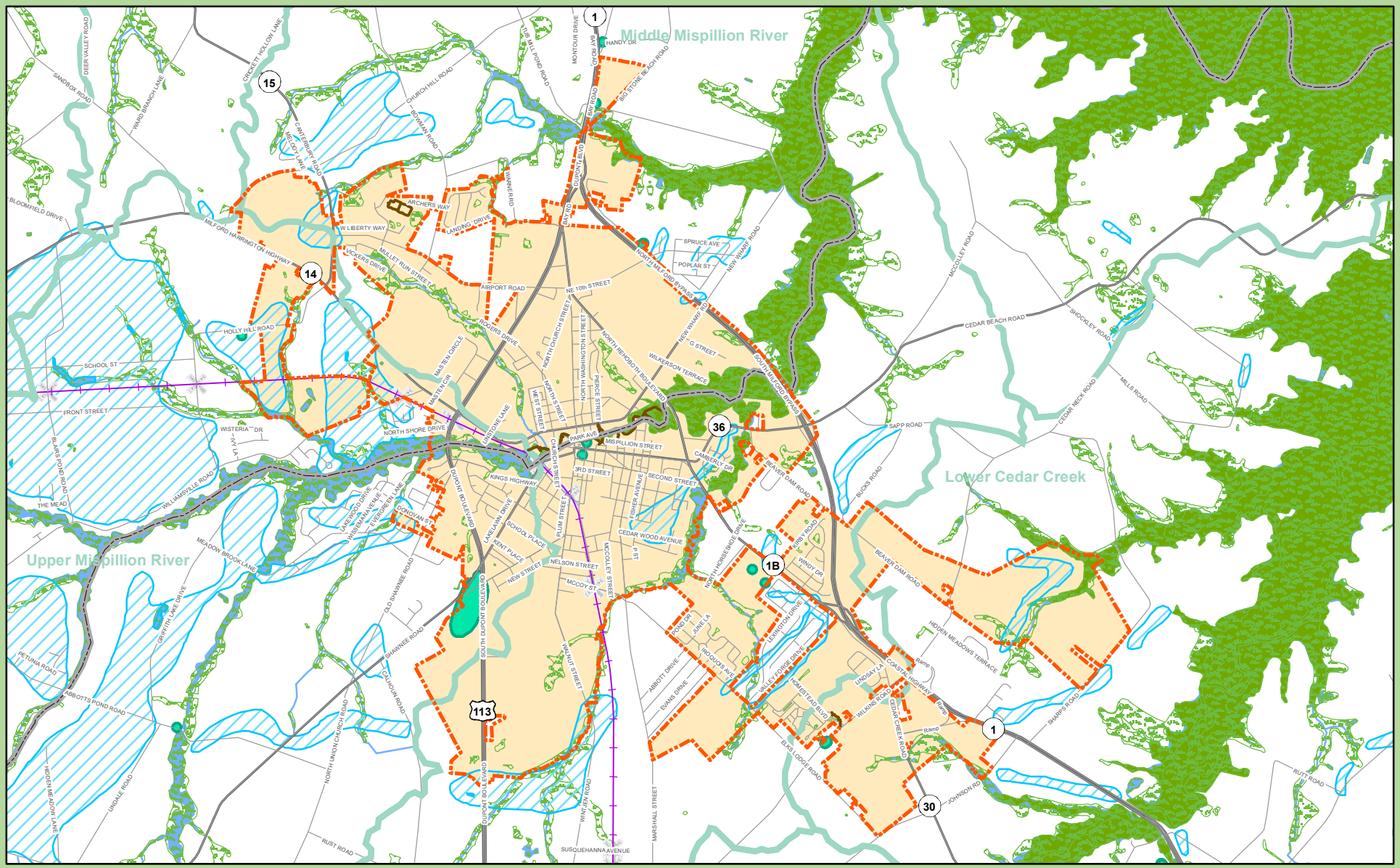
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City of Milford, Delaware

Environmental Features

DRAFT - September 2017

0 0.275 0.55 1.1 1.65 2.2 Miles

Sources:

Municipal Boundaries - Delaware OSPC and the City of Milford, 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.
Groundwater Recharge Area - Delaware Geological Survey, FirstMap 09/17.
Wetlands - Head of Tide Wetlands 2007, FirstMap 09/17.
Wellhead Protection Areas - DNREC, FirstMap 09/17.

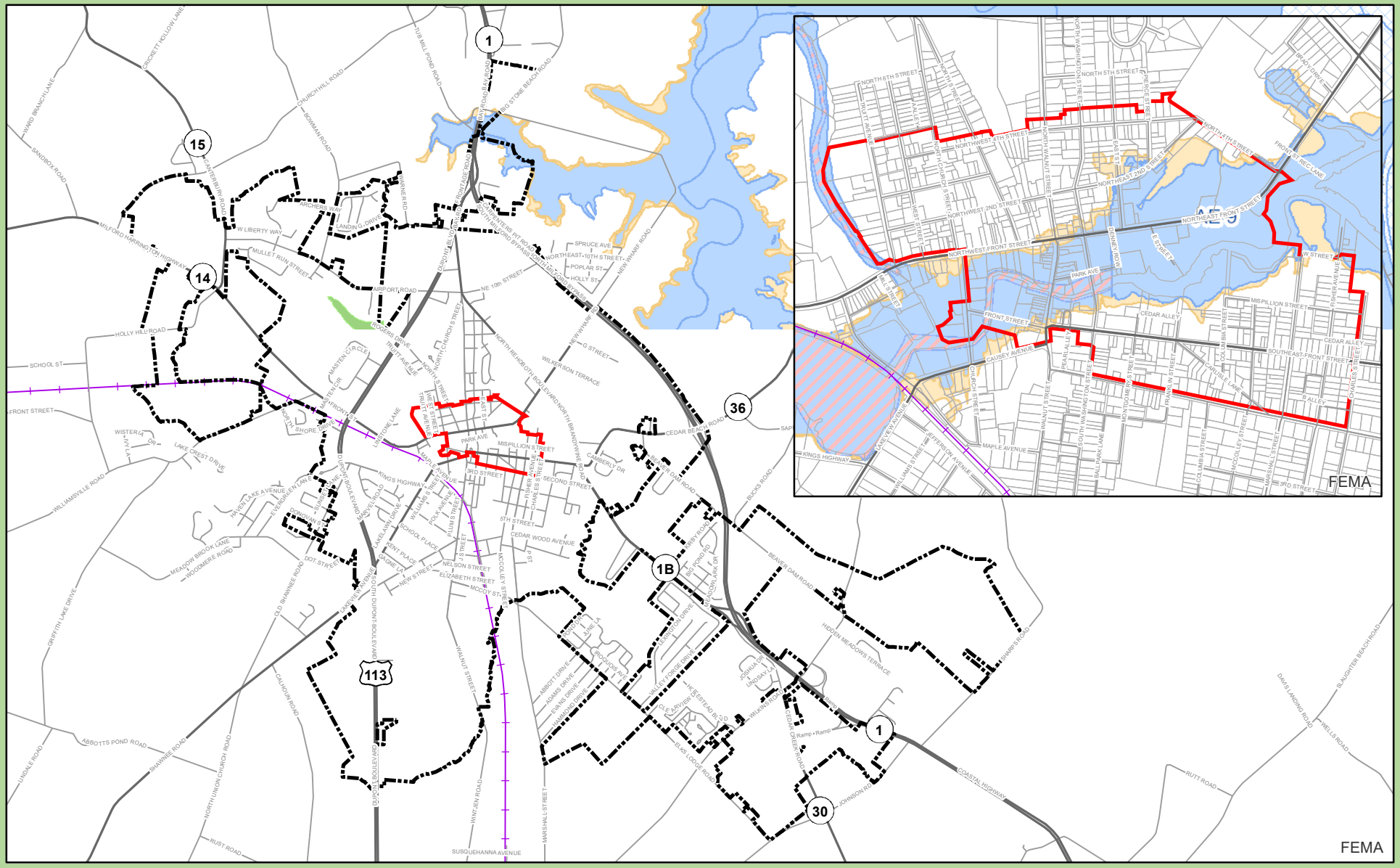
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Flood Zone

- A
- AE
- AE, FLOODWAY
- AO
- VE
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- Municipal Boundary
- Downtown Development Districts
- Routes
- Centerline
- Rail Lines

City of Milford, Delaware

Floodplains

DRAFT - September 2017

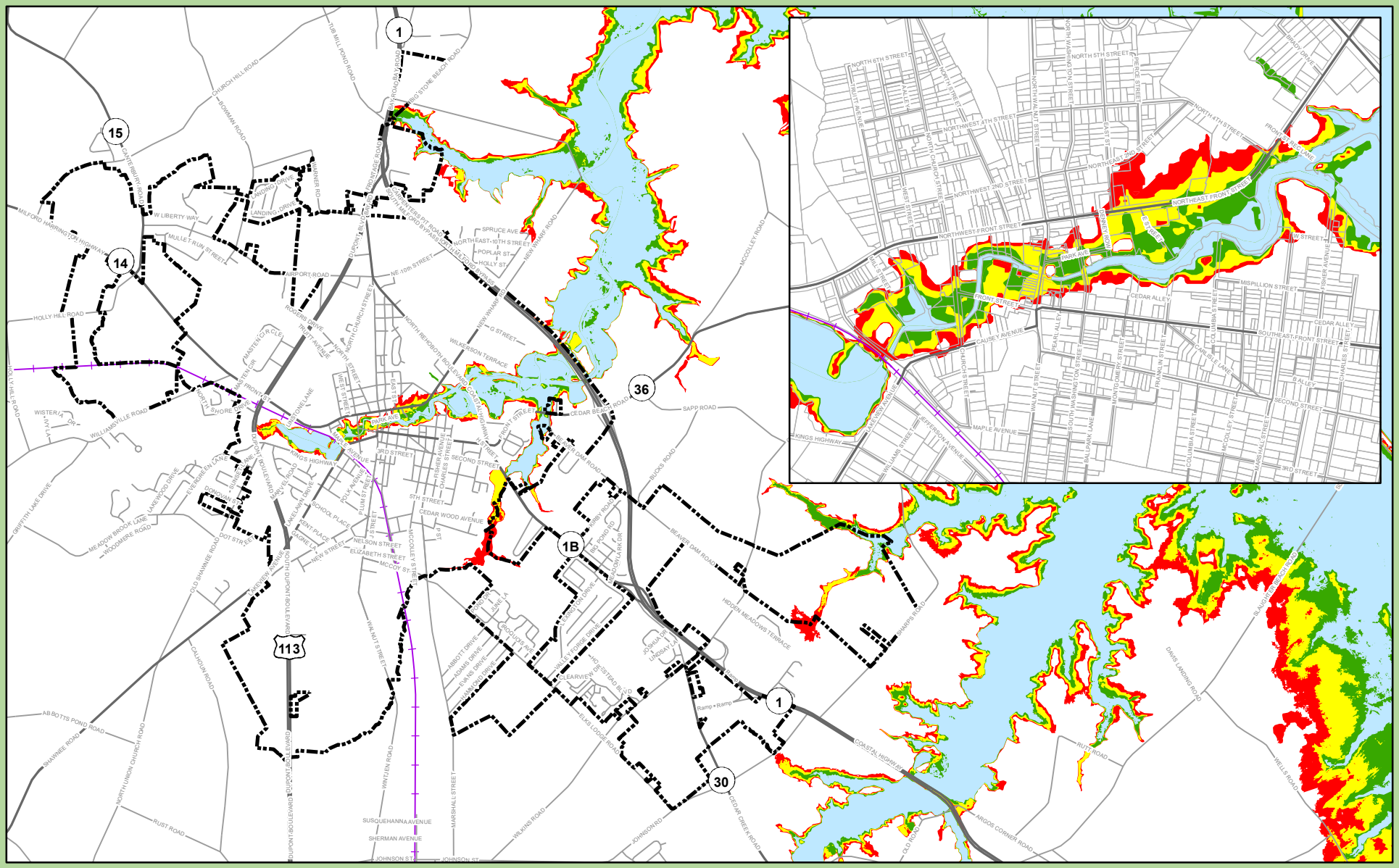
0 0.275 0.55 1.1 1.65 2.2 Miles

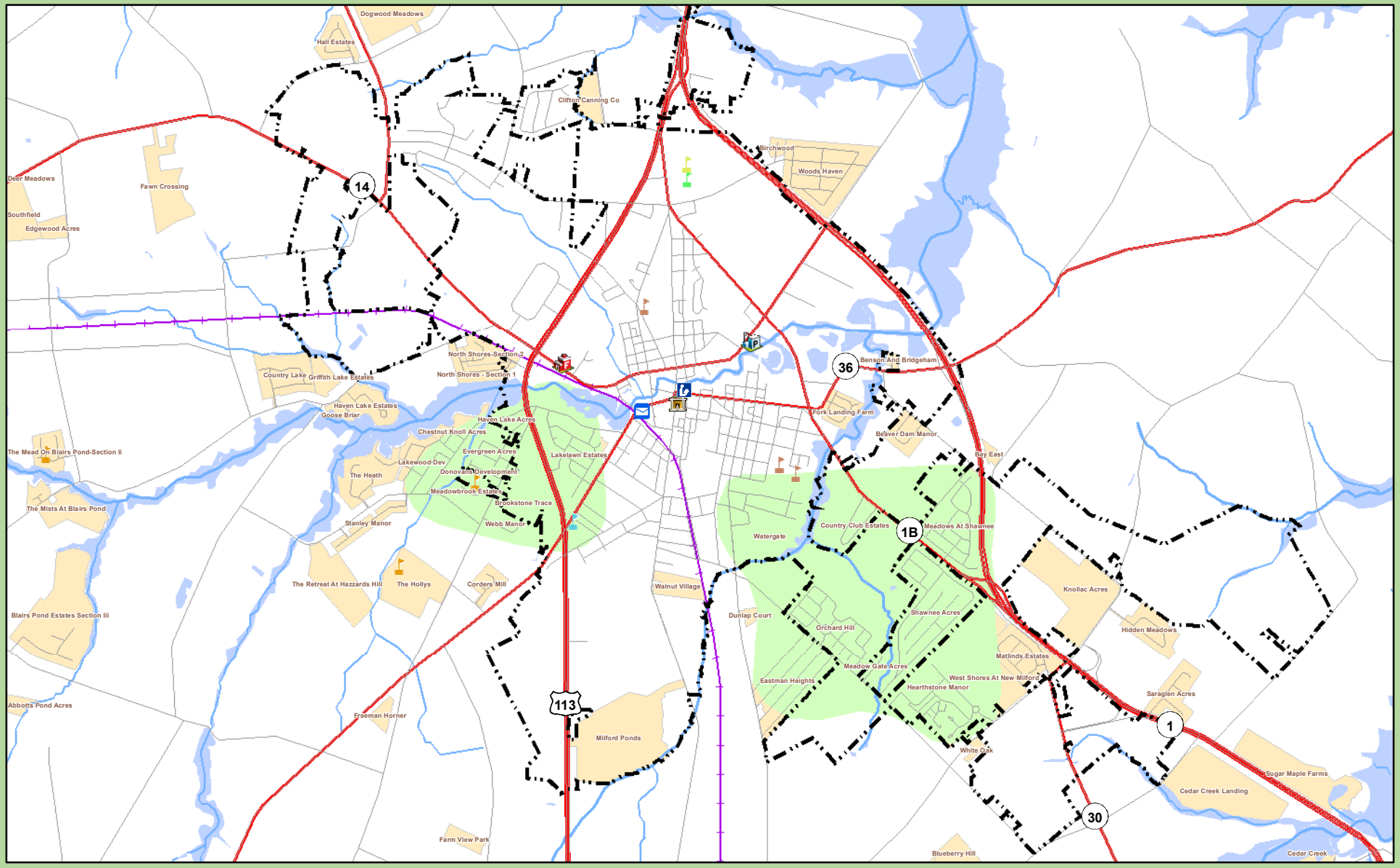
Sources:

Municipal Boundaries - Delaware OSPC and the City of Milford, 09/17.
Downtown Development District - OSPC, FirstMap 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Floodplains - FEMA, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.

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1
15
14
36
1B
113
30
1
Environmental / Seal Level Rise
Mean Higher High Water (MHHW)
0.5 Meters
1.0 Meter
1.5 Meters
Municipalities
Routes
Centerline
Rail Lines
City of Milford, Delaware
Delaware Sea Level Rise
DRAFT - September 2017
0
0.275
0.55
1.1
1.65
2.2
Miles
Sources:
Delaware Sea Level Rise - Delaware Coastal Programs, FirstMap 09/17.
Municipal Boundaries - Delaware OSPC and the City of Milford, 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.
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Communities
Elderly Area Clusters
Elementary School
High School
Intensive Learning Center
Middle School
Private Schools
Museum
Library
Fire Station
Police Station
Post Office
Municipal Boundary
Centerline
Routes
Rail Lines
Major Rivers
Water Bodies

City of Milford, Delaware

Elderly HEAT Map

DRAFT - September 2017

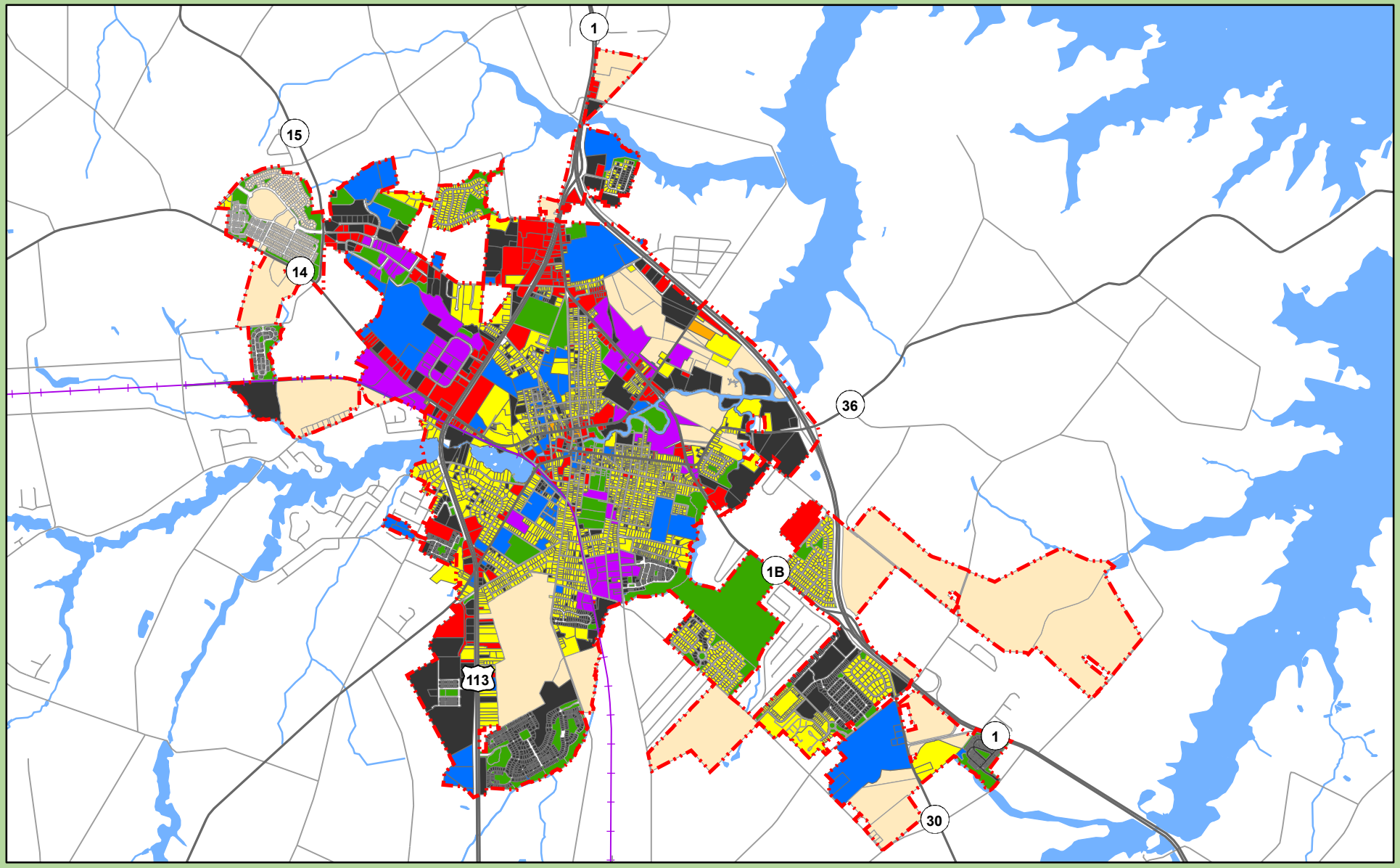
0 0.225 0.45 0.9 1.35 1.8 Miles

Sources:

Low Income Cluster Areas - Data collected by the citizens of the City of Milford, 01/17.
Municipal Boundaries - Delaware OSPC and the City of Milford, 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.
Schools - Delaware Department of Education, FirstMap 09/17.

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Agriculture
Parks, Recreation & Open Space
Residential
Mixed Use
Commercial
Industrial
Institutional & Utilities
Vacant

Municipal Boundary
Routes
Centerline
Rail Lines

City of Milford, Delaware

Existing Landuse

DRAFT - September 2017

0 0.25 0.5 1 1.5 2 Miles

Sources:

Municipal Boundaries - Delaware OSPC and the City of Milford, 09/17.
Existing Landuse - City of Milford, Delaware 10/16.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.

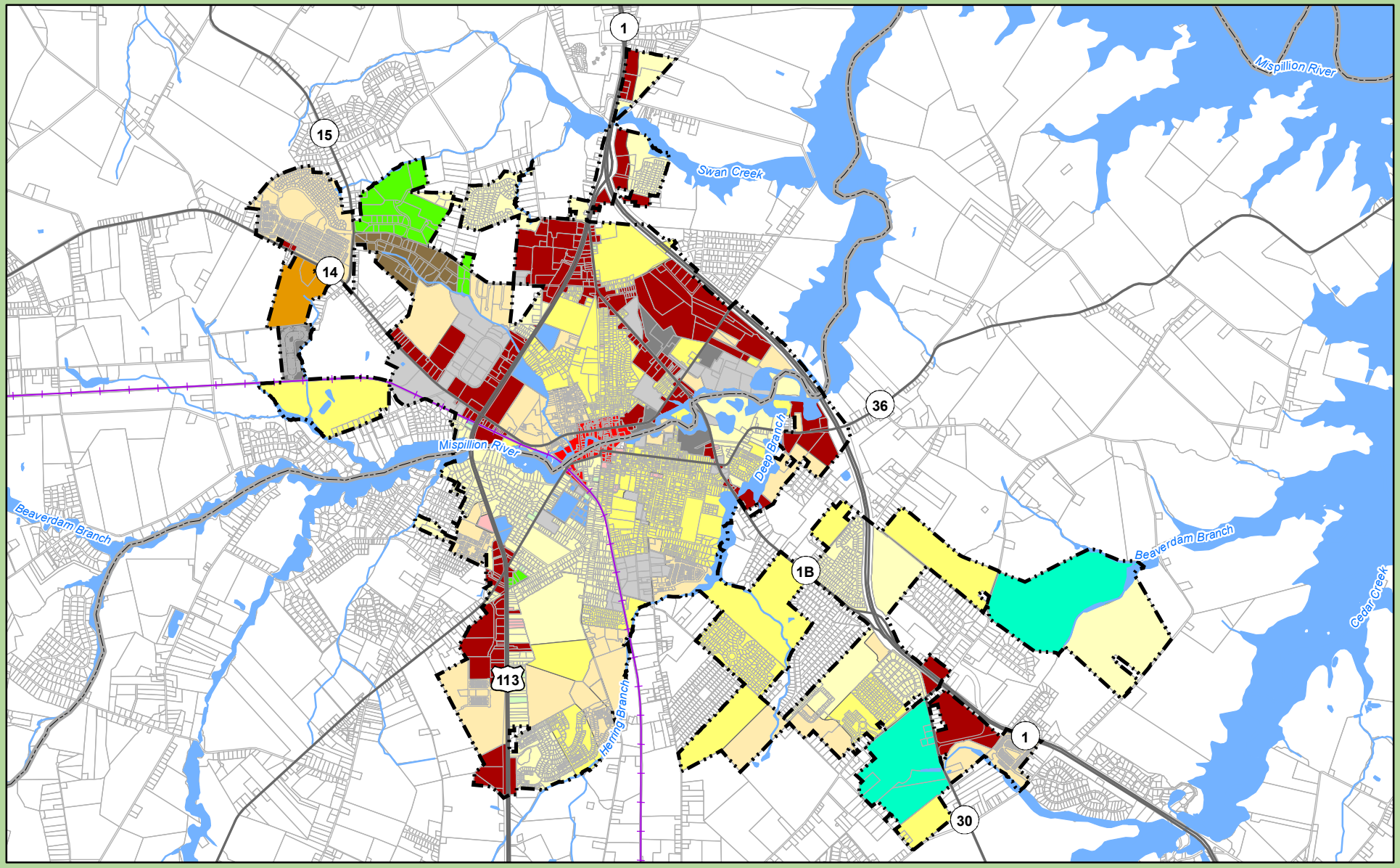
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ZONE CLASS

- BP
- C-1
- C-2
- C-2A
- C-3
- H-1
- I-1
- I-2
- IS
- OB-1
- OC-1
- R-1
- R-2
- R-3
- R-8

- County Boundaries
- Municipal Boundary
- State Parcels
- Routes
- Future US 301
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Zoning Map

DRAFT - September 2017

0 0.25 0.5 1 1.5 2 Miles

Sources:

Municipal Boundaries - Delaware OSPC and the City of Milford, 09/17.
DRAFT Zoning - City of Milford, Delaware 04/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.

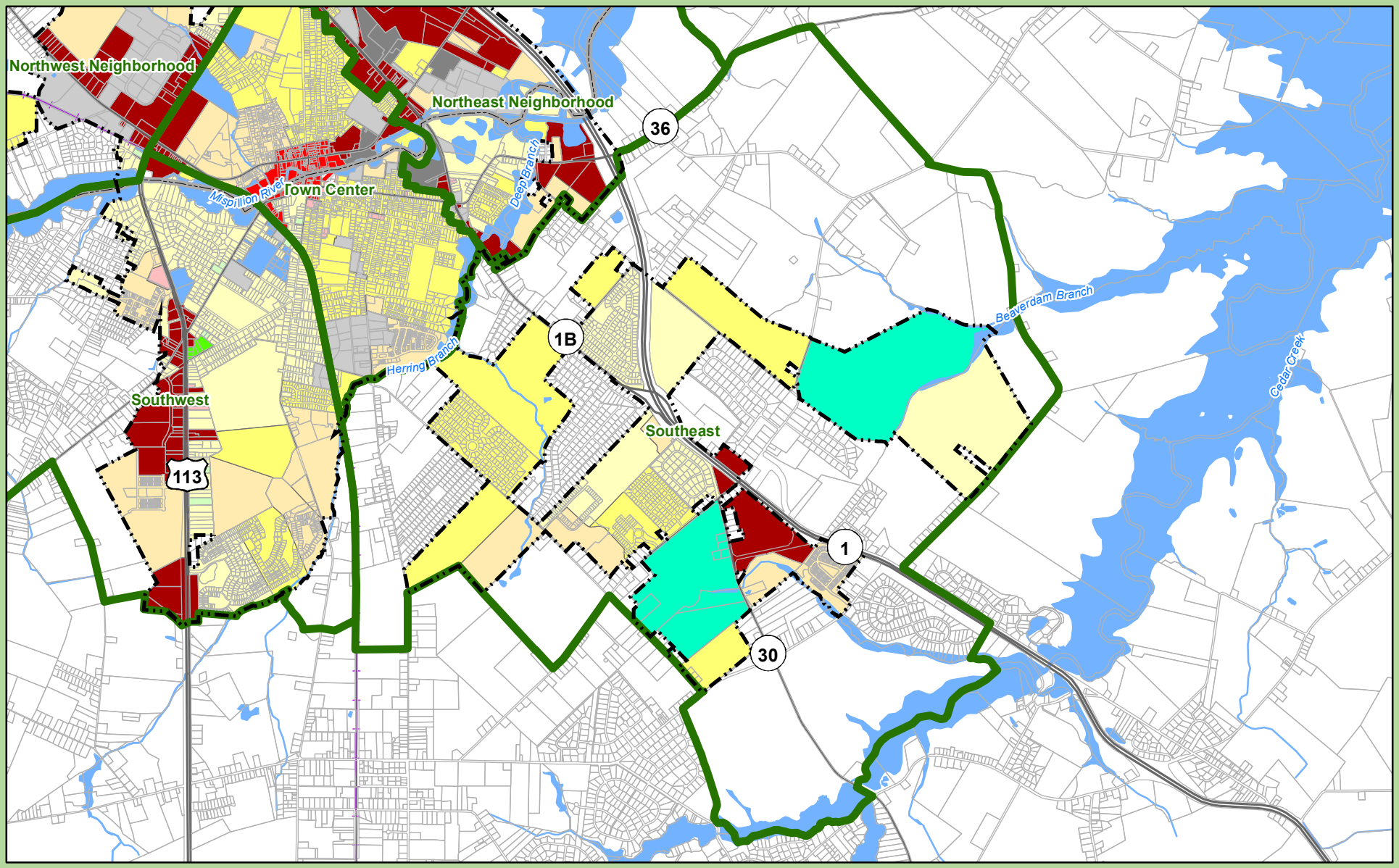
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Municipal Boundary

ZONE CLASS

BP
C-1
C-2
C-2A
C-3
H-1
I-1
I-2
IS
OB-1
OC-1
R-1
R-2
R-3
R-8

Neighborhoods
County Boundaries
State Parcels
Routes
Rail Lines
Hydrology
Bodies of Water

City of Milford, Delaware

Zoning

Southeast

DRAFT - September 2017

0 0.2 0.4 0.8 1.2 1.6 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 09/17.
DRAFT Zoning - City of Milford, Delaware 04/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.

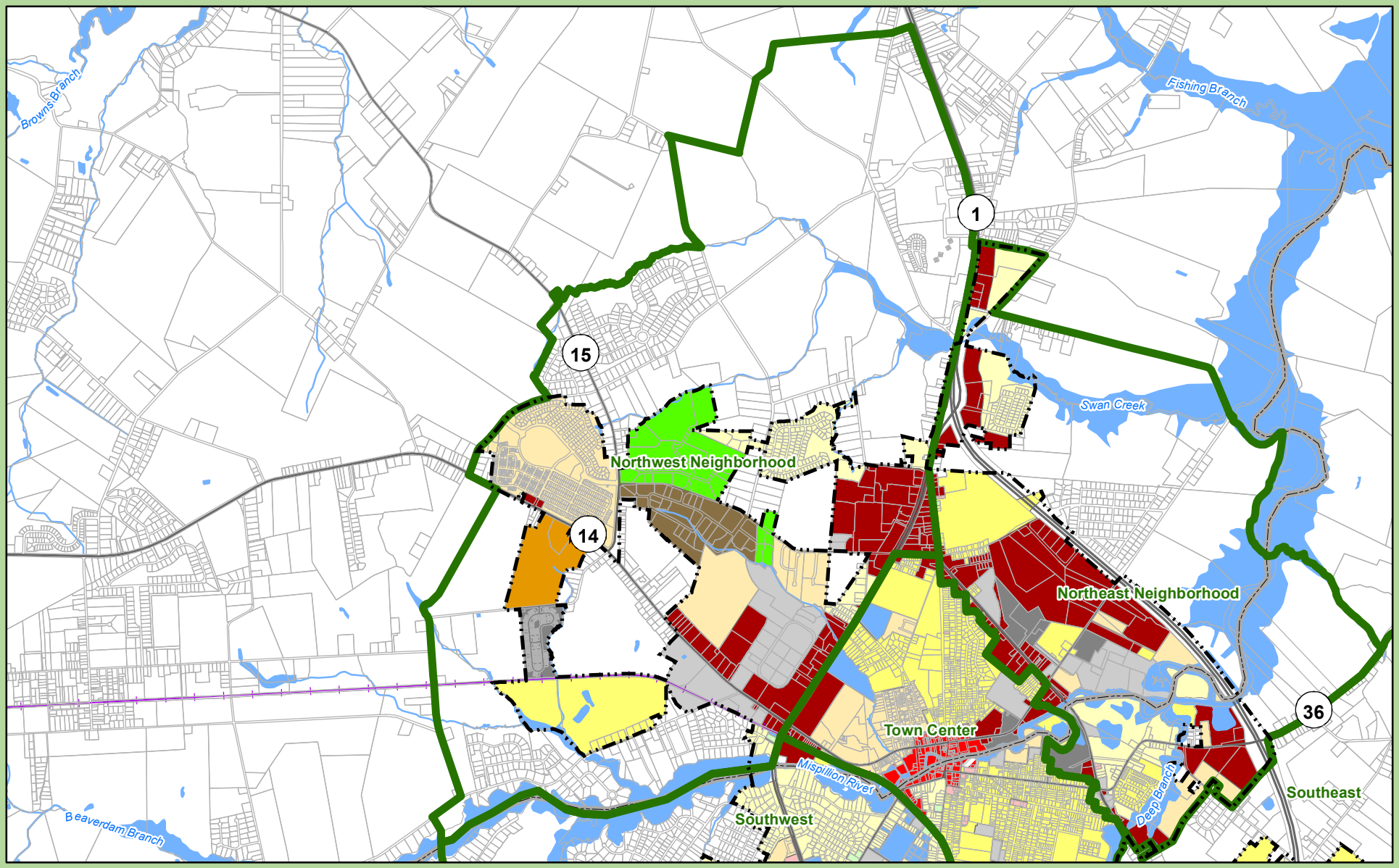
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Municipal Boundary

ZONE CLASS

- BP
- C-1
- C-2
- C-2A
- C-3
- H-1
- I-1
- I-2
- IS
- OB-1
- OC-1
- R-1
- R-2
- R-3
- R-8

Neighborhoods
County Boundaries
State Parcels
Routes
Rail Lines
Hydrology
Bodies of Water

City of Milford, Delaware

Zoning

Northwest Neighborhood

DRAFT - September 2017

0 0.2 0.4 0.8 1.2 1.6 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 09/17.
DRAFT Zoning - City of Milford, Delaware 04/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.

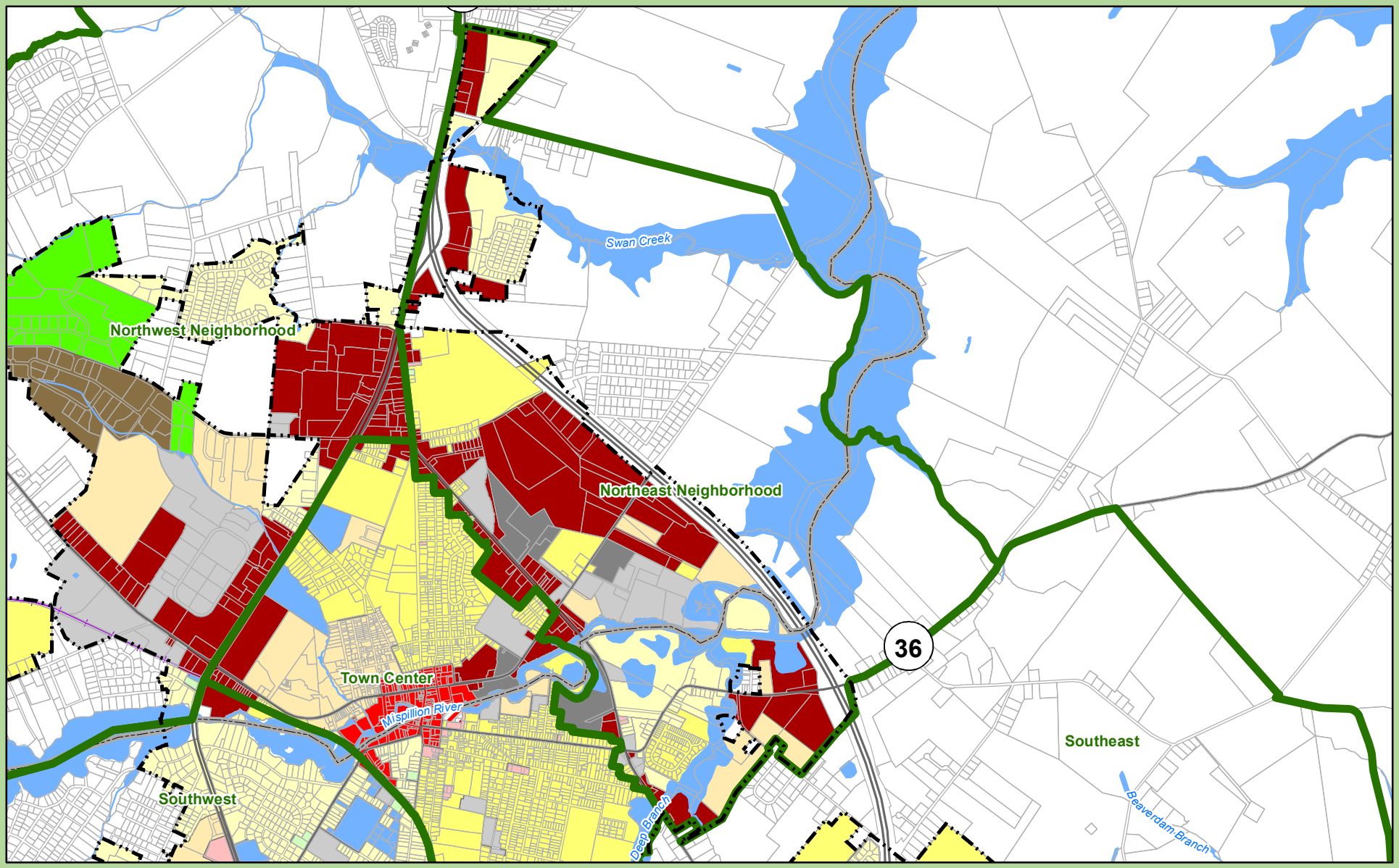
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Municipal Boundary

ZONE CLASS

- BP
- C-1
- C-2
- C-2A
- C-3
- H-1
- I-1
- I-2
- IS
- OB-1
- OC-1
- R-1
- R-2
- R-3
- R-8

Neighborhoods
County Boundaries
State Parcels
Routes
Rail Lines
Hydrology
Bodies of Water

City of Milford, Delaware

Zoning

Northeast Neighborhood

DRAFT - September 2017

0 0.15 0.3 0.6 0.9 1.2 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 09/17.
DRAFT Zoning - City of Milford, Delaware 04/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.

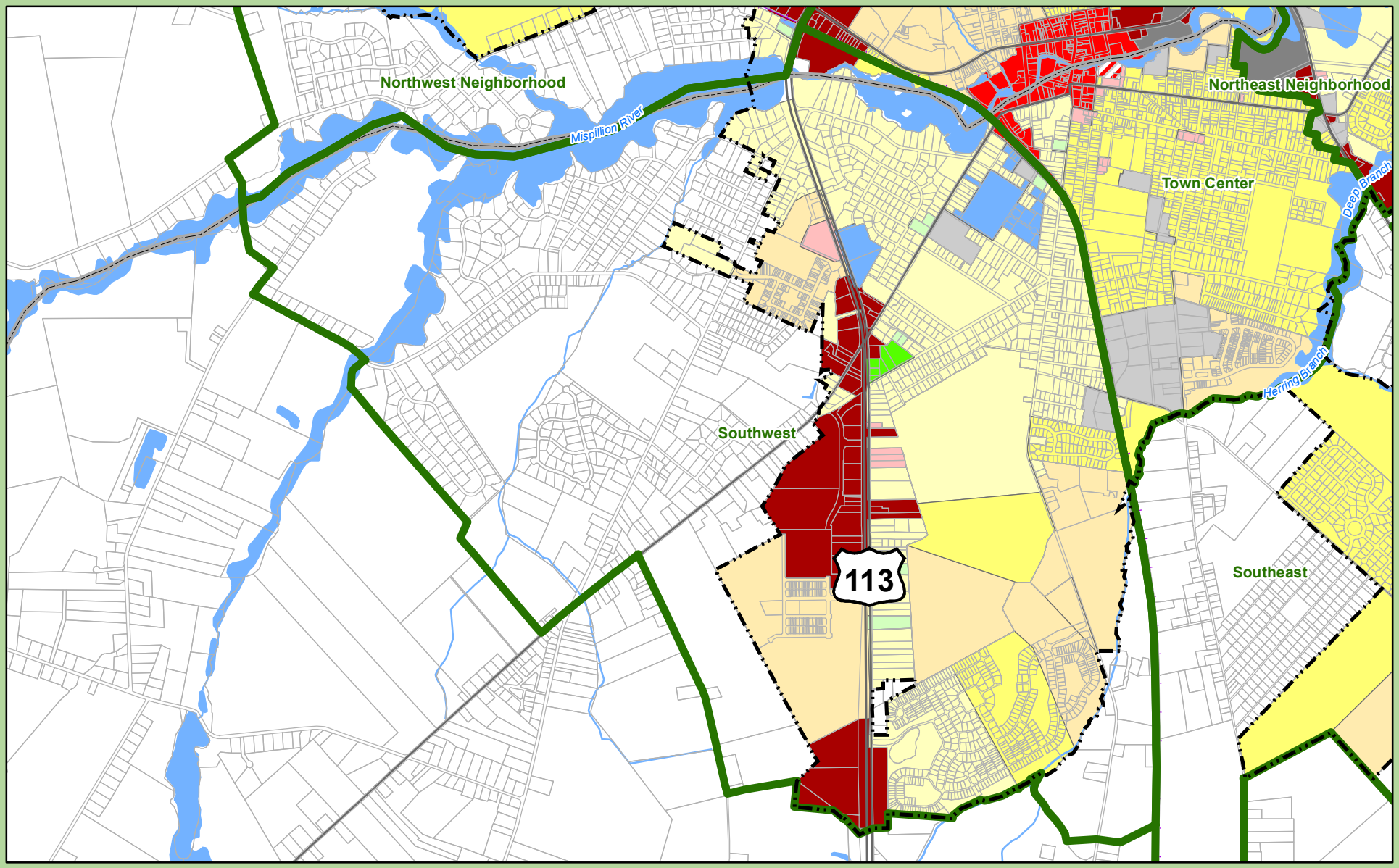
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Municipal Boundary

ZONE CLASS

- BP
- C-1
- C-2
- C-2A
- C-3
- H-1
- I-1
- I-2
- IS
- OB-1
- OC-1
- R-1
- R-2
- R-3
- R-8

Neighborhoods
County Boundaries
State Parcels
Routes
Rail Lines
Hydrology
Bodies of Water

City of Milford, Delaware

Zoning

Southwest

DRAFT - September 2017

0 0.1 0.2 0.4 0.6 0.8 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 09/17.
DRAFT Zoning - City of Milford, Delaware 04/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17.

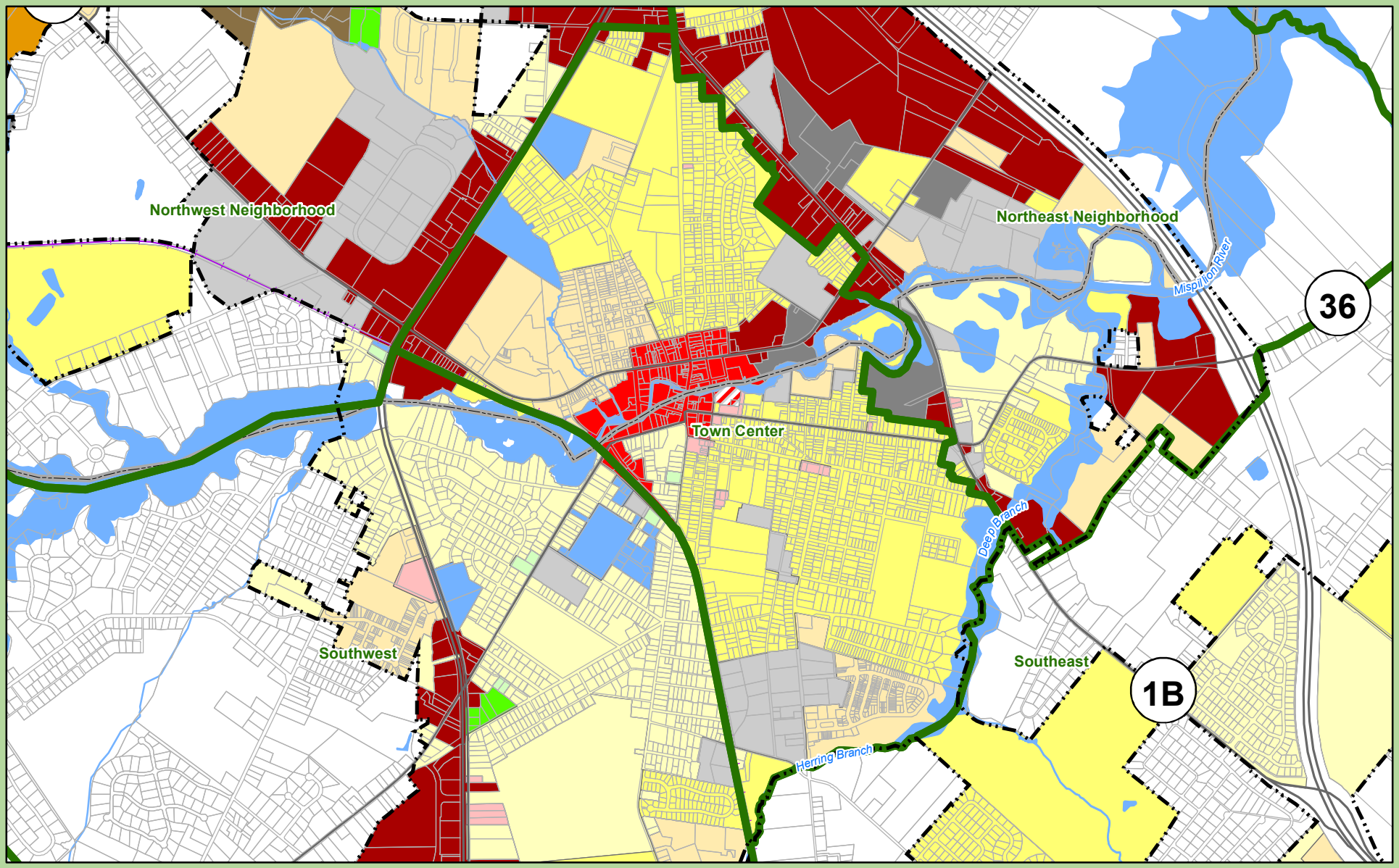
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Municipal Boundary

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- OB-1
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- R-1
- R-2
- R-3
- R-8

Neighborhoods
County Boundaries
State Parcels
Routes
Rail Lines
Hydrology
Bodies of Water

City of Milford, Delaware

Zoning

Town Center

DRAFT - September 2017

0 0.1 0.2 0.4 0.6 0.8 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 09/17.
DRAFT Zoning - City of Milford, Delaware 04/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
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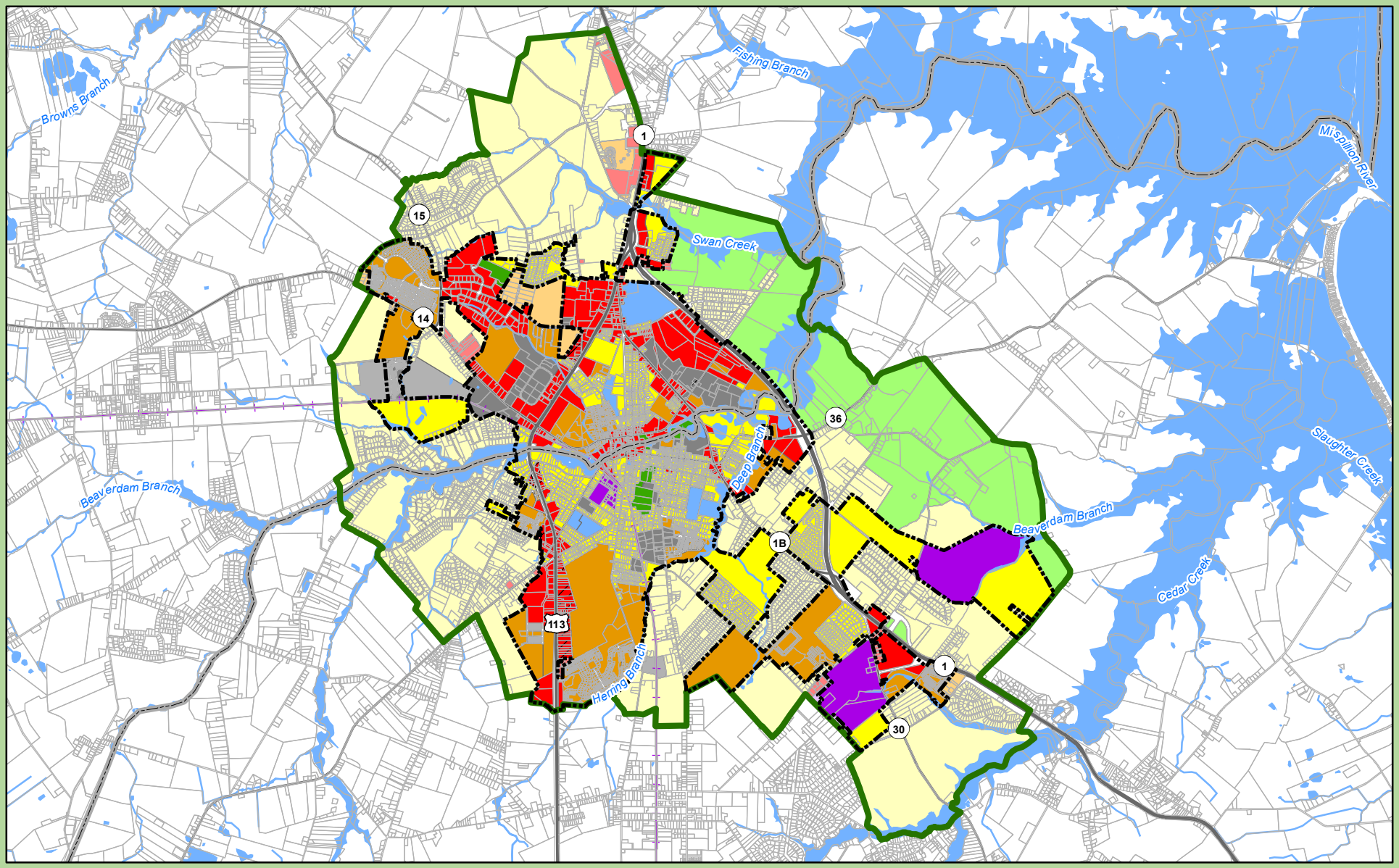
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Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition
- Municipal Boundary
- Urban Growth Boundary
- County Boundaries
- State Parcels
- Routes
- Future US 301
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use and Urban Growth Boundary

DRAFT - September 2017

0 0.35 0.7 1.4 2.1 2.8 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 09/17.
DRAFT Future Landuse - City of Milford, Delaware 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17..
Hydrology - USGS and EPA, FirstMap 09/17.

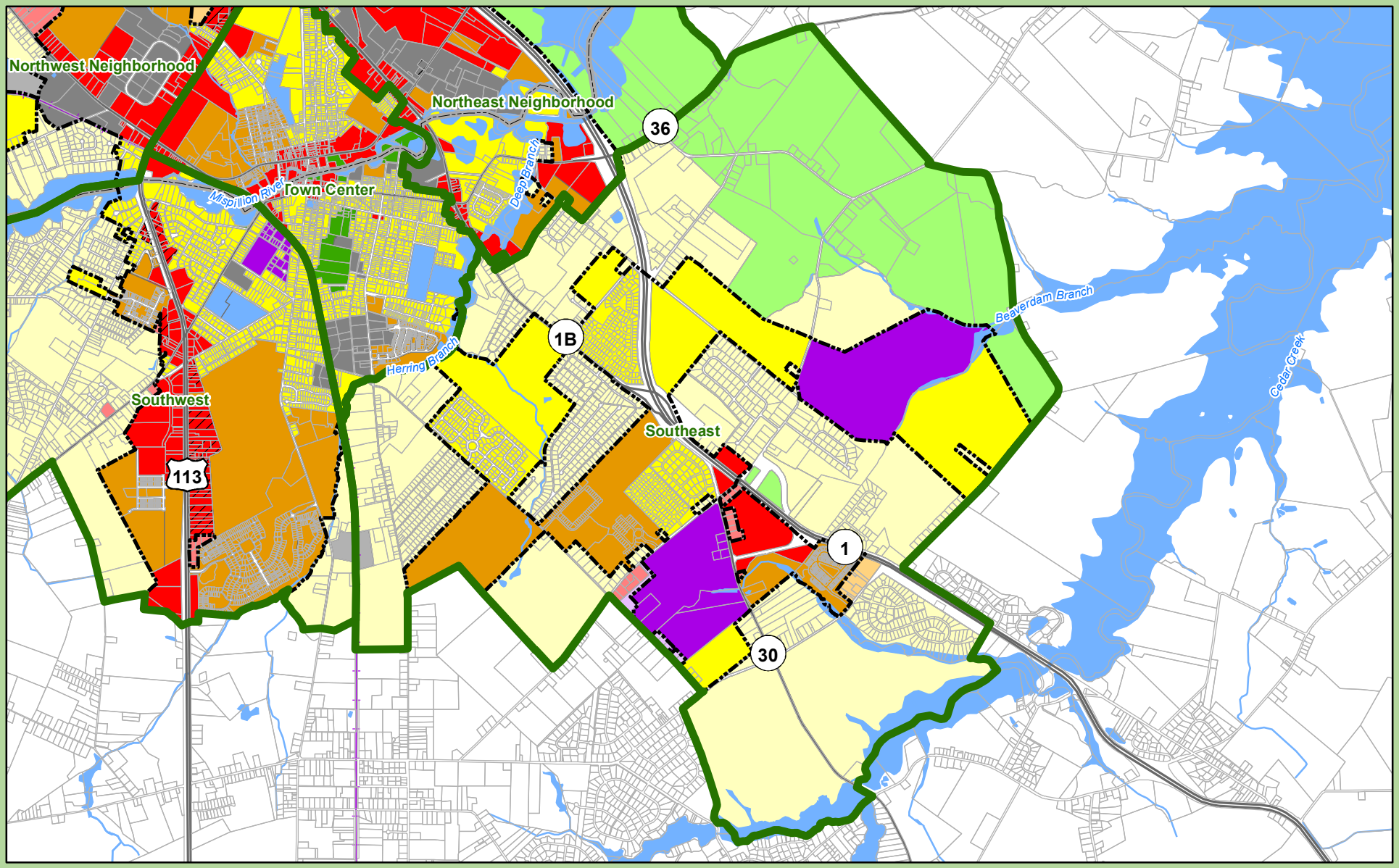
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Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Southeast

DRAFT - September 2017

0 0.2 0.4 0.8 1.2 1.6 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 09/17.
DRAFT Future Landuse - City of Milford, Delaware 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17..

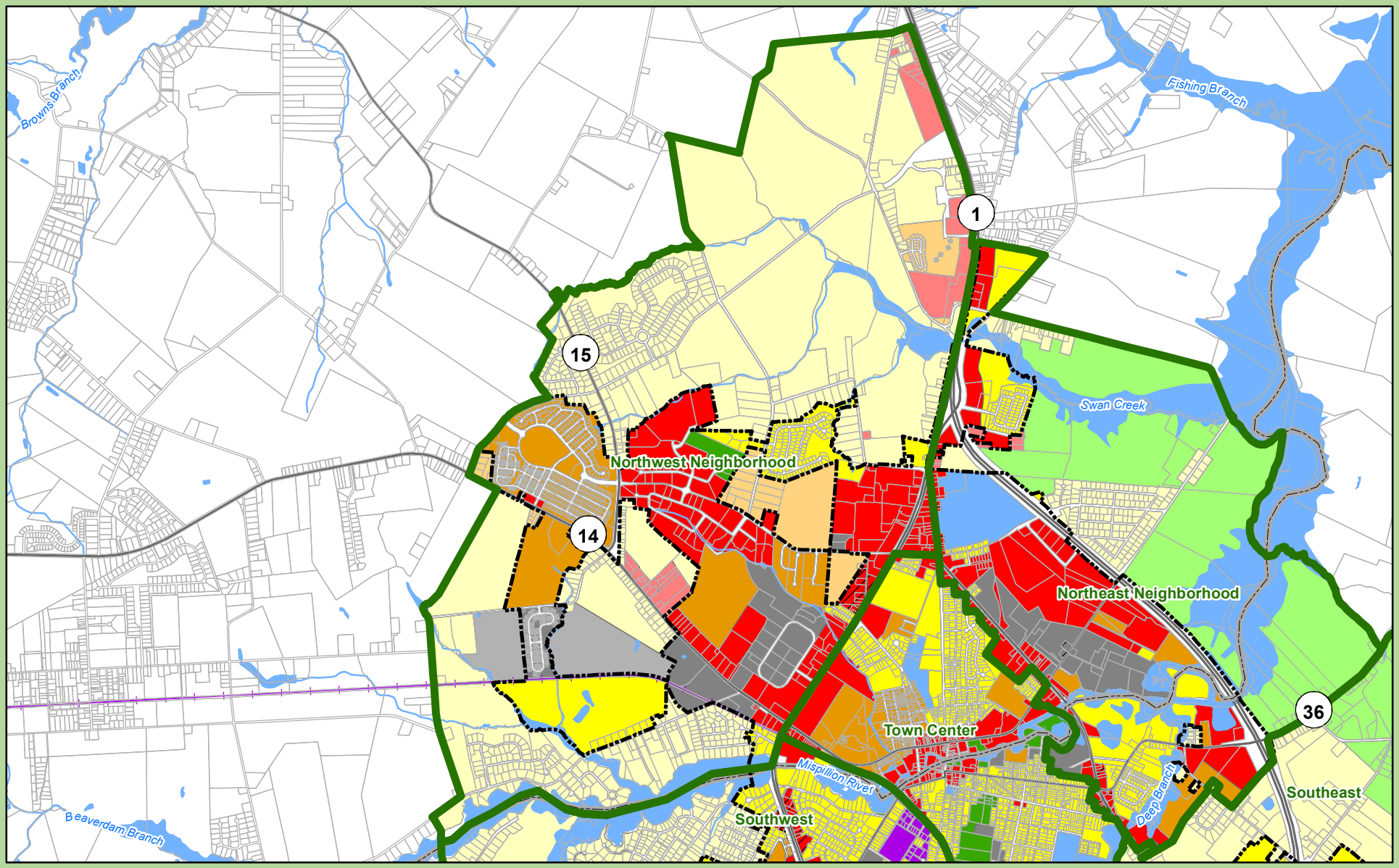
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Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Northwest Neighborhood

DRAFT - September 2017

0 0.2 0.4 0.8 1.2 1.6 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 09/17.
DRAFT Future Landuse - City of Milford, Delaware 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
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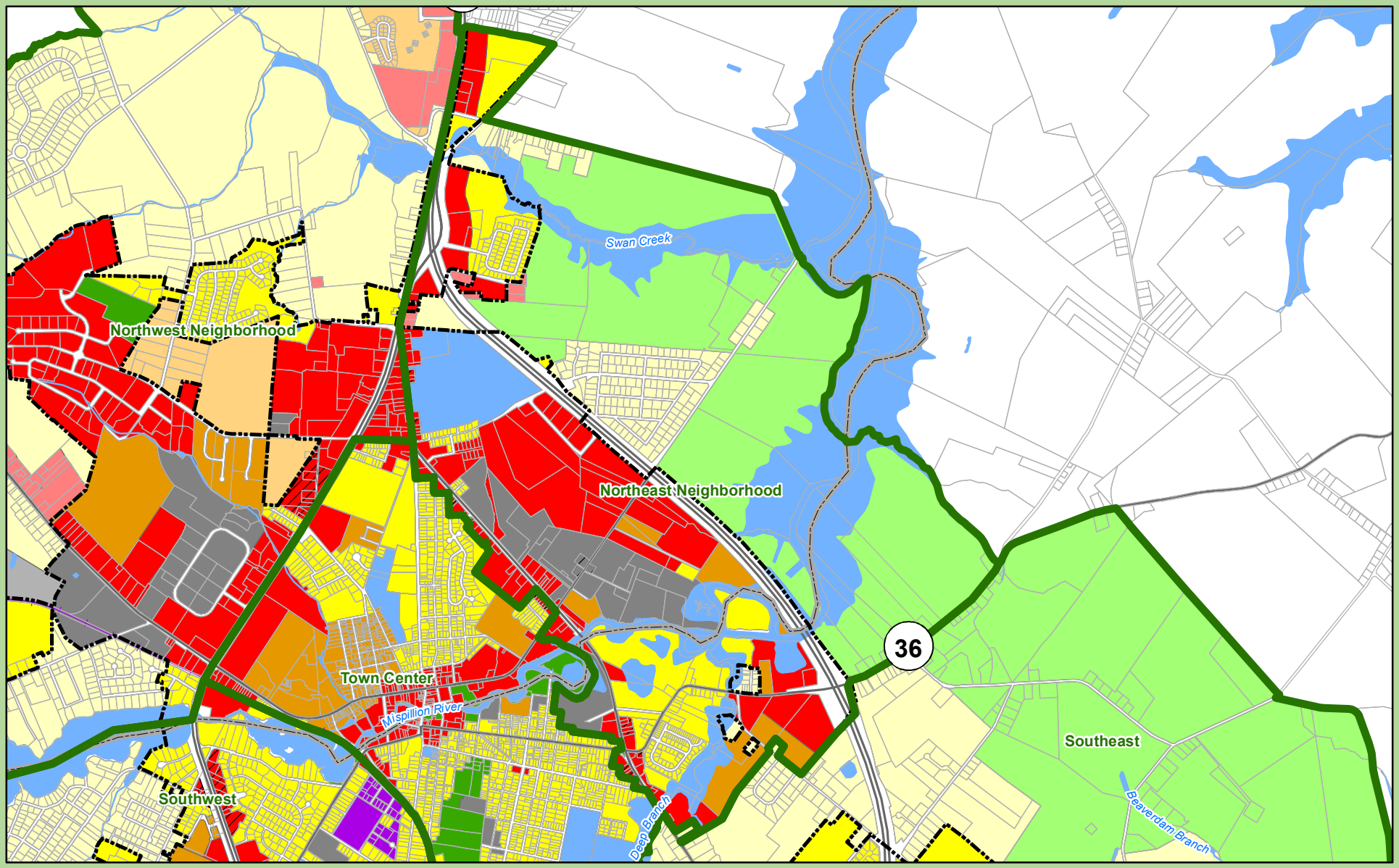
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Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Northeast Neighborhood

DRAFT - September 2017

0 0.15 0.3 0.6 0.9 1.2 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 09/17.
DRAFT Future Landuse - City of Milford, Delaware 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17..

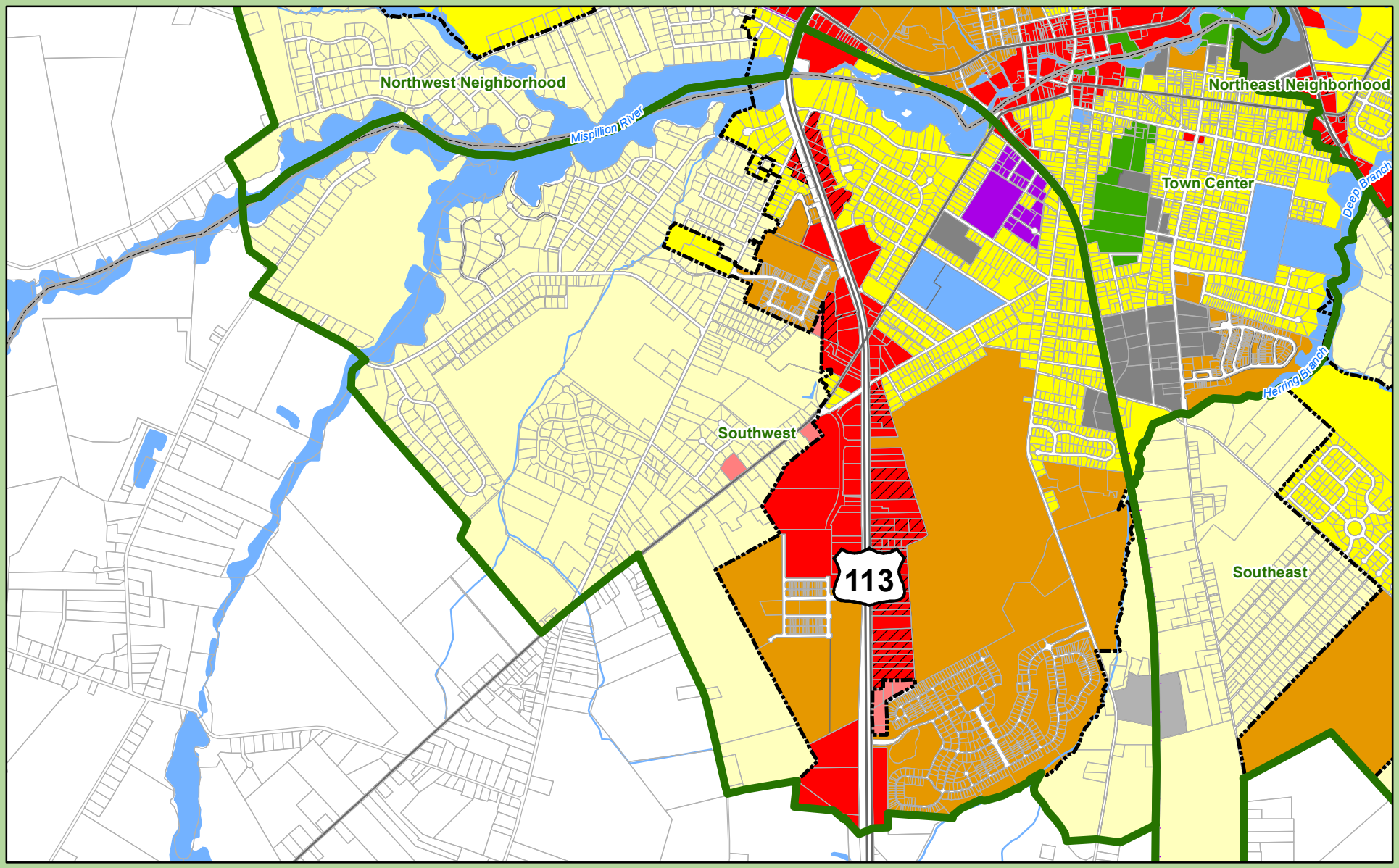
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Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Southwest

DRAFT - September 2017

0 0.1 0.2 0.4 0.6 0.8 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 09/17.
DRAFT Future Landuse - City of Milford, Delaware 09/17.
Road and Rail Network - Delaware Department of Transportation, FirstMap 09/17.
Hydrology - USGS and EPA, FirstMap 09/17..

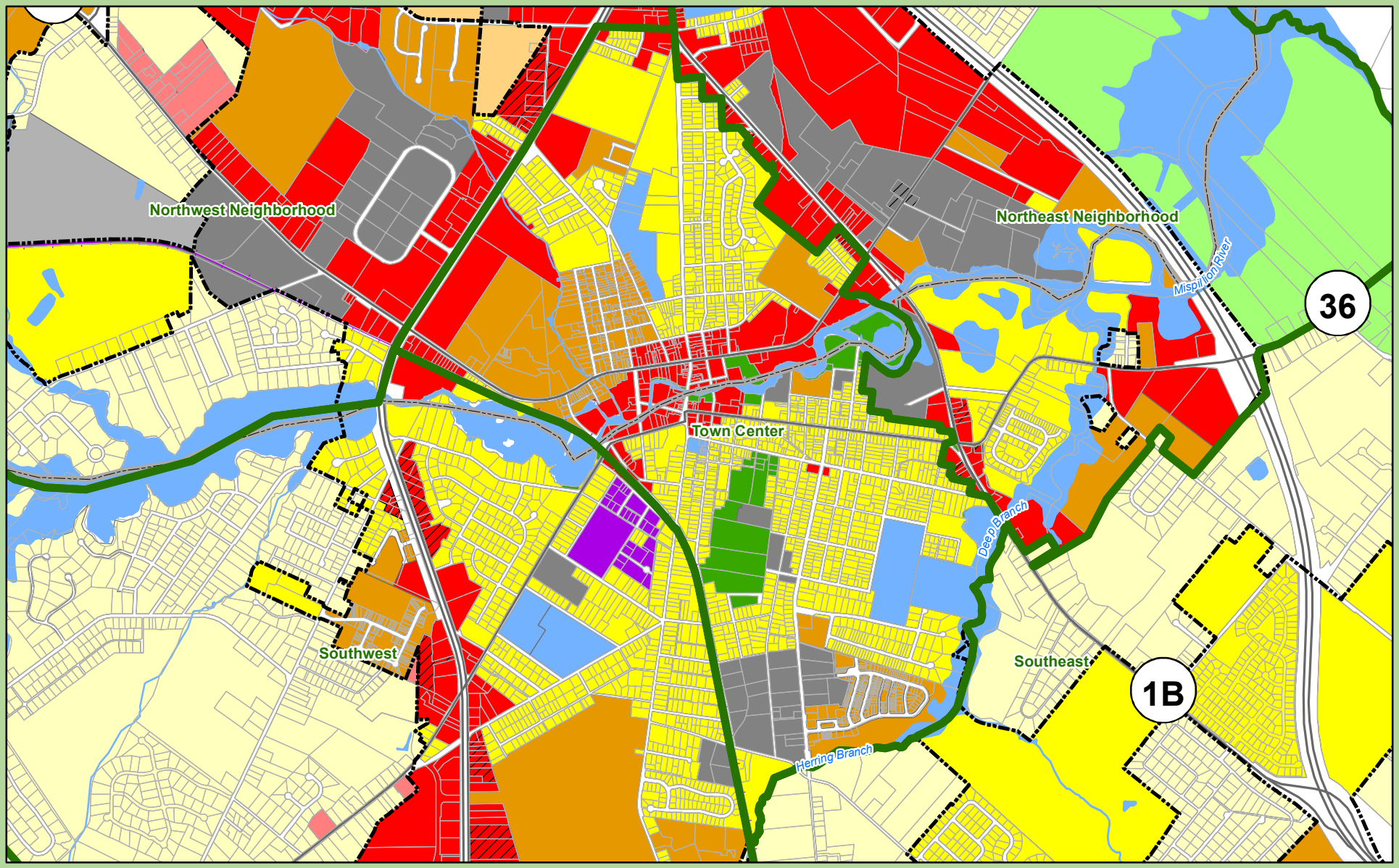
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Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Town Center

DRAFT - September 2017

0 0.1 0.2 0.4 0.6 0.8 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 09/17.
DRAFT Future Landuse - City of Milford, Delaware 09/17.
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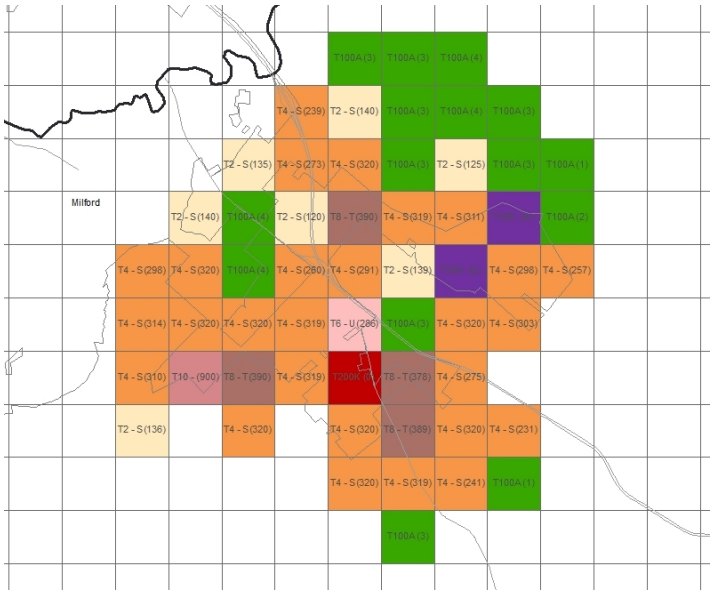
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Appendix A Southeast Master Plan

Milford Southeast Neighborhood Master Plan

July 25, 2011



Adopted and Certified as an Amendment to the
City of Milford Comprehensive Plan
July 25, 2011

Prepared by

The City of Milford, Delaware

In conjunction with

The State of Delaware

With assistance from the

University of Delaware
Sustainable Coastal Communities Initiative

Acknowledgements

The Milford Southeast Neighborhood Master Plan was developed as a partnership between the City of Milford and the State of Delaware and its Agencies. The University of Delaware's Sustainable Coastal Communities Initiative provided invaluable support during the public participation workshops and through the use of their UD-SCC Model for land use modeling throughout the project.

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State of Delaware

Constance C. Holland, AICP, Director
Office of State Planning Coordination

Acknowledgements, continued

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Sustainable Coastal Communities Initiative

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Chapter 1
Overview of the Master Plan

Milford's Comprehensive Plans

The City of Milford has a long history of comprehensive planning. In the early 1990s the City developed a comprehensive plan that included land use, growth, and annexation recommendations for an area that surrounded the existing city. Despite a rather large growth area, annexations were slow during this time. In 2003 Milford updated that plan with a new comprehensive plan designed to comply with the State's new planning statutes. That plan was eventually reviewed and certified by the State of Delaware in accordance with the new requirements in the Delaware Code.

During the mid-2000s, the national economy experienced what was then thought of as a "housing boom." Milford was not immune to this economic force and experienced a rapid increase in annexation and subdivision requests during this time period. The development community aggressively sought to take advantage of new market opportunities, eventually subdividing over 8,000 lots in the city alone. Some of these lots were in projects that were not recorded or otherwise did not move forward, so the current estimate is that approximately 4,500 lots were created in Milford during this period. Several of the annexations requested required amendments to Milford's plan. Milford amended its plan in 2004, 2005 and 2006 to address new annexation opportunities, among other changes to its plan document.

Annexation in the Southeast Neighborhood

Prior to 2005, the land to the east of State Route 1 (SR 1) Southeast of Milford was farmland interspersed with a few large-lot subdivisions and various rural homes on large lots. In 2005 a developer proposed a major subdivision consisting of approximately 780 single-family homes in this area. The developer's intention was to develop this subdivision under existing Sussex County regulations. This property was not adjacent to the City of Milford but was very close to property that was already within the City limits. The City became concerned that if this subdivision were to be constructed, it would be the *de facto* provider of services (fire, police, library, parks, and eventually even sewer and water) without the benefit of a tax base to support those services.

Milford engaged in discussions with the developer, other adjacent property owners, and the Office of State Planning Coordination to explore the annexation of this area. The City was neutral on whether or not this area should be developed. However, if the area was to be

developed the City's position was that they would rather have it in the municipal jurisdiction in order to provide necessary public services and infrastructure in a cost-effective manner. The State and its agencies were concerned about "urban sprawl" in this area compromising active, productive farmland, some of which had been permanently protected using State tax dollars. There are also many environmentally sensitive resources in this area associated with Cedar Creek and its tributaries. And finally, the location east of SR1 was difficult and dangerous to access due to an at-grade cross over and heavy traffic, especially during the summer months.

After much discussion, a consensus was reached. The State supported a comprehensive plan amendment that would allow for annexation and development of this area. The caveat was that the development must occur in accordance with a Master Plan to be developed collaboratively by the city and the state. This Master Plan would address detailed strategies to protect farmland and open space, provide needed transportation and utility infrastructure, and prevent further development activities to the east of this area. This document is the Master Plan that was envisioned during these discussions.

Milford's comprehensive plan was amended in 2006 to include this area as an annexation area, subject to the Master Plan. Annexations of some of these parcels began shortly thereafter.

The Memorandum of Agreement

The process of developing this Master Plan began in earnest with the signing of a Memorandum of Agreement (MOA) by the City and the State in March 2008. The MOA set out the general parameters that formed the consensus of all parties for working together on development in this area. These parameters included a commitment to work collaboratively, include other stakeholders, address utility and road infrastructure in a comprehensive manner, protect the agricultural economy through farmland preservation and limits on further utility expansions, protect natural resources, and ensure an appropriate mix of land uses in the developed area.

The original signatories of the MOA included the city, the Office of State Planning Coordination, the Delaware Department of Transportation (DelDOT) and the Delaware Department of Agriculture (DDA). As the development of this document has progressed, the Delaware Department of Natural Resources and Environmental Control (DNREC), the Delaware State Housing Authority (DSHA), and the State Historic Preservation Office (SHPO) have all contributed materials and have become partners in this endeavor.

The project area covered by the MOA was originally limited to areas east of SR1. In 2008 the City engaged in a complete re-write of its comprehensive plan which culminated in an entirely

new document that was adopted in early 2009. The new plan separated the city into several "neighborhoods" for planning purposes. The area covered by the MOA was located in the Southeast Neighborhood, which also included lands west of SR1, including a number of existing and developing subdivisions. By mutual consent, all parties agreed that it made sense to adopt the entire Southeast Neighborhood as the project boundary for this Master Plan. The City's new 2009 comprehensive plan included other planning concepts that have been integrated into the Master Plan, including an urban-growth boundary and a greenbelt with open space and farmland within and adjacent to the eastern edge of the project area.

What is a Master Plan?

> Definition of a Master Plan
>
> A land use plan focused on one or more sites within an area that identifies access and general improvements, and is intended to guide growth and development over a number of years or in phases.
>
> From the Planners Dictionary, American Planning Association

While the City's comprehensive plan forms the foundation for the Master Plan, the Master Plan differs from a local government's comprehensive plan in a number of ways:

- A more detailed plan for land use, including build-out calculations
- Detailed planning for the provision of infrastructure and services, including timing, phasing, and funding
- Partnerships and collaborative planning between and among various levels of government
- A more predictable plan that addresses items necessary for implementation
- Commitments, agreements and timeframes for implementation coordinated among the various partners in the planning process.

The Master Plan Process

The development of the Master Plan has proceeded from 2008 until today. The City and the Office of State Planning Coordination have been the co-chairs of this planning effort. The process was kicked off with a series of three public meetings to consider ideas and public opinions about the future of this area. The University of Delaware's Sustainable Coastal

Communities Initiative provided support for these workshops and has continued to work with the city to assist with land use modeling and phasing of development.
After gathering public input, Milford's City Planner developed a consensus land use plan that reflected a composite of the public's input. That land use plan has continued to be revised based on input from the other stakeholder agencies and the City's plans for utilities in the area. All of the stakeholder agencies have worked with the co-chairs to develop chapters for this Master Plan. The stakeholders have included the city itself, DDA, DNREC, and DelDOT. In addition, DSHA and SHPO have provided valuable input.

The Result: Predictable, Shovel-Ready Development Along with Proactive Preservation
This process has resulted in the achievement of two complementary goals for this Master Plan Area.

Ready for Economic Development
The detail of this Master Plan has addressed many of the infrastructure issues that would have been managed in an ad-hoc manner through conventional development practices. As such, in the areas that are identified for future development, developers will know in advance how utilities will be provided and what their other contributions and requirements would be. Notably, the City and State have designed the following "package" of infrastructure improvements for the area:

- DelDOT will be constructing a new grade-separated intersection at SR1 and SR30. Construction is currently scheduled for 2012 and 2013, with completion due in late 2013. This improvement will allow safe, efficient movement of traffic between the east and west sides of the Master Plan Area and enable the development of the area east of SR 1. See Chapter 8 for more details.

- The City will be constructing a new water system in the Master Plan Area that will include a water tower and distribution lines. Depending on the acquisition of easements and other siting factors, this infrastructure may extend east of SR 1. Funding is in place to construct this system in the immediate-term future. See Chapter 9 for more details.

- The City has commissioned its engineering consultant to design the sewer transmission system for the Master Plan Area. The basics of the design are described further in Chapter 9. The City's commitment extends to actually completing the engineering necessary to have the system installed and permitted so that it is ready to be constructed as soon as there is a user ready to build a new project and tie in to it. The City will work with interested developers to identify financing options that will enable development to occur in accordance with the Master Plan.

The impact of these infrastructure commitments is that virtually any parcel within the Master Plan Area will be ready for development and occupancy. Areas to the west of SR 1 could be constructed at any time, pending completion of the water system. Areas to the east of SR 1 could be ready for occupancy in late 2013, which is when the road access is projected to be completed by DelDOT.

Poised for Preservation

The Master Plan is not only about preparing land for development. Much of the detailed work that has gone into preparing this Master Plan has been done to assure that any new development is completed in a way that does not negatively impact the natural environment or the viability of the agricultural lands located in the Master Plan Area.

- The Delaware Department of Agriculture has developed an innovative Transfer of Development Rights (TDR) program that provides land owners incentives and options to preserve the lands that are identified as Open Space Agriculture in this plan. This program is but one of many options land owners have to remain in farming and protect their land. The Land Use Plan clearly identifies where land is to be protected and where development is to be promoted so that issues of fragmentation and encroachment are minimized. See Chapter 4 for more details.

- DNREC has identified significant natural resources in the Master Plan Area and promoted design guidelines to protect these areas. Most of the critical resources are located along the tributaries of Cedar Creek and include wooded areas, rare species, excellent wildlife habitat, wetlands, and sensitive watercourses. The Master Plan directs dense development away from these areas. When parcels that contain sensitive resources are subject to future development, DNREC has offered design guidelines that will enable development that does not degrade or encroach on these important natural features. See Chapter 5 for more details.

Chapter 2
Public Workshop Sessions

To kick off the Master Plan process, the City held three public workshops at the Carlyle Fire Hall in September and October of 2009. The goal was to engage citizens and property owners in the Master Plan area in a discussion about the future of the neighborhood. Over 1,000 invitations were mailed to those who lived or owned property in this area. Only a portion of this land is currently in the city limits, so both city and county residents were included in this mailing. The meetings were also widely advertised through newspapers and on the city's website.

The University of Delaware's Sustainable Coastal Communities Initiative was engaged to help structure and run the workshops to maximize public participation and ensure that productive input was received. UD devised the three workshops as a series: the expectation was for residents to attend all three in sequence as each built upon the last. More than 70 individuals attended the first workshop, and of those more than 30 remained with the process for all three.

The UD project team used CommunityViz® (an ArcGIS software extension from Placeways, LLC) geographic information system software to develop the "University of Delaware SCC Land Use Model (UD-SCC Model)." This model was developed for use throughout Sussex County and was immediately useful for this process because the entire Southeast Neighborhood is in Sussex County. The model uses 100-acre tiles in a grid across Sussex County to illustrate potential development patterns. A palette of colors ("crayons") represents 13 typical land use types (4 rural, 6 suburban/urban mixed, and 3 non-residential), each with its associated residential and non-residential densities, population, employment, tax, water and wastewater usage, and traffic-generation characteristics. To help people visualize the land uses, the team used computer graphics programs including CommunityViz® Scenario 3D and Google Earth to create three-dimensional models for each of the 13 land use types.

At Meeting One, citizens reviewed current plans for the neighborhood, learned about constraints to development, and identified their values. They viewed and deliberated about three potential long-range growth scenarios based on 3D representations of land use types and their associated demographics.

At Meeting Two, citizens used a table exercise to plan the Southeast Neighborhood, using colored tile "crayons" placed on an aerial map. The attendees produced seven plans that were

merged into three scenarios: "Current Trends," "New Community," and "Suburban." Build-outs of each scenario were analyzed in numeric terms, mapped, and visualized in 3D, and had their associated demographic impacts estimated.

At Meeting Three, citizens viewed the results of the analyses and discussed the benefits, challenges, and cost implications of each. They used keypads to vote on preferred scenarios. A resulting Composite Scenario was developed by Milford's City Planner and has become the basis for this Master Plan for the neighborhood.

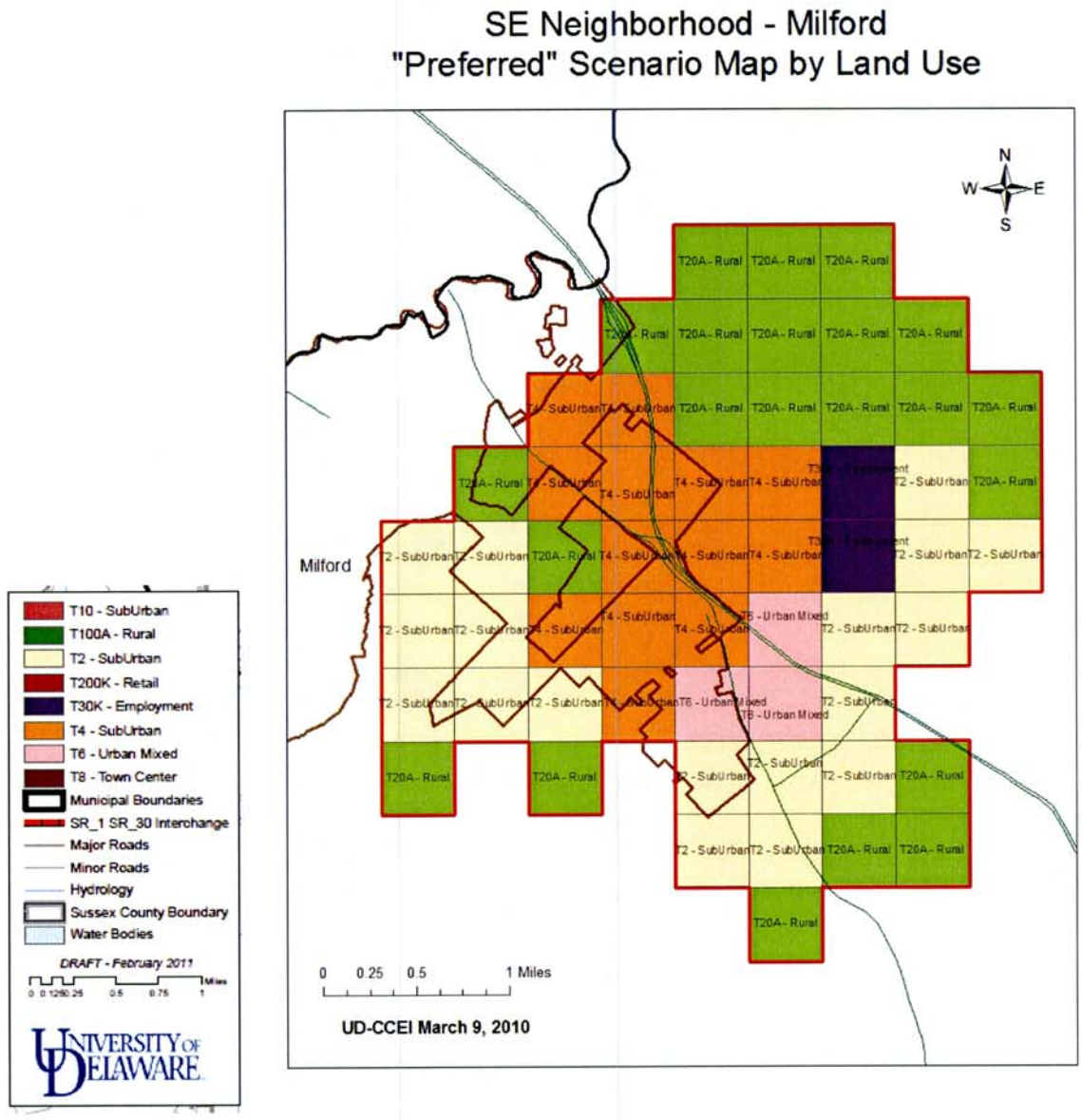
The project modeled an expanded public process combining scenario development and deliberation, analysis, and decision-making. According to UD project leaders, citizens were astounded to be able to significantly influence the resulting plan. The County Plan had envisioned approximately 18,000 dwelling units for the area, and the City Plan showed approximately 15,000 dwelling units. The agreed-upon Composite Scenario (labeled Preferred – Alt) results in only 8,500 dwelling units, incorporates open space, consolidates commercial areas, and retains areas of farmland. Map 2.1 shows the Preferred-Alt Scenario developed at the workshops.

UD has continued to assist the partners as they have developed detailed plan elements. UD-SCC Model has been very helpful to estimate build-out potential for the area and phasing for infrastructure improvements. The final version of the land use plan (known as Preferred – Revised) contains the potential for approximately 11,700 dwelling units and corresponding increases in commercial space and jobs. The increases over the Preferred-Alt scenario are due to a more accurate accounting of existing units and approved and recorded subdivisions, as well as a reflection that the base density in the city is approximately 3 du/acre corresponding to the least dense zoning district available. The Preferred-Revised Scenario is more fully described in the Land Use Plan, Chapter 3.

Portions of this chapter have been adapted from a CommunityViz® case study titled "Community Planning with Digital Crayons and Real-Time 3D" written by Carol Bason and Bill McGowan of the University of Delaware Sustainable Coastal Communities Initiative. This document has been used with permission. The software vendor, Placeways LLC, has this case study on their website. To view the full case study, please visit:

http://placeways.com/communityviz/gallery/casestudies.php

Map 2.1. The Preferred – Alt Scenario



Chapter 3
Land Use Plan

The standard way of thinking about land use for the Southeast Neighborhood was that it would continue as it had in the past, in a rather haphazard way, commonly referred to as "urban sprawl." As a result of public input at the workshop series and through many meetings and with input from state agencies including the Office of State Planning Coordination, DelDOT, DNREC, and DDA, as well as the University of Delaware, and the City of Milford, a new planning concept has emerged. As proposed, this new "planning model" protects and preserves valuable farm land from development through a program called Transfer of Development Rights, conserving approximately over 500 acres of agricultural lands for future generations. This plan shields the environment through recommendations from DNREC concerning encroachment of the flood plain, storm water management in designated water-recharge areas, and the protection of aquifer areas. With the cooperation of DelDOT, a Transportation Element has been developed for the Southeast Neighborhood Planning Area that identified and analyzed the transportation improvements that will be required to accommodate the expected changes in land use and increases in traffic volumes for this area. The City of Milford's part in this program was the preparation of a master plan for the construction of water and sewer utilities to serve this neighborhood in a cost-efficient manner, ensuring that development would be served adequately and that this new development would pay its fair share through a variety of options. The second contribution from the City was the preparation of a Land-Use Plan for this area, which would reflect the actual development presently occurring in this neighborhood and guide future development in accordance with this Master Plan.

Public Input: The "Preferred – Alt" Plan

The public input received at the three public meetings described in Chapter 2 formed the basis for this Land-Use Plan. The final result of these three meetings was the development, by the public, of three (3) Future Land-Use Map Scenarios. The first was labeled "Current Trends" because it reflected a business-as-usual approach to development. The second was called "New Community" because it consolidated growth, particularly non-residential uses, around the grade separated intersection that was to be built at SR30 and SR1. The third was labeled "Suburban." This scenario drastically reduced density and removed most commercial or employment uses. At the last civic meeting the participants voted on the three Scenarios. After the vote was tallied, there was no clear-cut preference for the most representative Future Land Use Map. Milford's City Planner took the three scenarios and consolidated them into the "best choice" Future Land Use Map. This version of the map was titled Preferred – Alt (see Map 2.1).

All of the partners agreed that this map reflected the goals of the public during the public workshops, while also reflecting existing conditions, approved subdivisions, and known infrastructure improvements occurring in the neighborhood. Density and commercial development were reduced from the current comprehensive plan, development was concentrated around the interchange, and open space and agricultural lands were protected around the periphery of the planning area.

Refining the Public's Vision: The "Preferred – Revised" Plan

The City and the partner agencies worked over the next year and a half to refine the Preferred – Alt Land Use Plan into the plan that has become the Future Land Use Plan for this Master Plan. The important components of the revision process are described below.

Moving from 100-Acre Grids to Parcels

The UD-SCC model was designed using 100-acre grids as a unit of measure. This makes it easy for planners and members of the public to visualize various land use and neighborhood types. It is easy to move the grids around to create various land use scenarios, even in public meeting settings such as those held at the fire hall. The relative simplicity of this model allows the software to "recalculate" the impact of new land use scenarios quickly, even when using a standard laptop computer.

While this model is perfect for working with the public to visualize various land use scenarios, it is not accurate enough to plan for new infrastructure such as sewer, water, and roads. DelDOT, a partner in this project, offered its staff expertise to provide detailed mapping of the Master Plan Area using its geographic information system (GIS) software. Very early on in the process, the project team worked with DelDOT GIS and planning staff to develop a version of the preferred scenario at the parcel level. This map has continued to be refined and is now known as the Land Use Map, Map 1.

Accurately Reflecting Existing Units and Approved Subdivisions

The Master Plan Area currently contains many existing houses, subdivisions, and approved subdivisions. Moving to a parcel-based map allowed the project team to accurately count those units. Although the area is quite large and has a lot of land left to develop, the team quickly realized that many of the parcels already had approved and recorded subdivisions located on them. Some of those subdivisions had already started to be constructed, although construction had slowed by this time due to economic conditions. The decision was made to assume that these subdivisions would eventually be built as they are currently designed. This

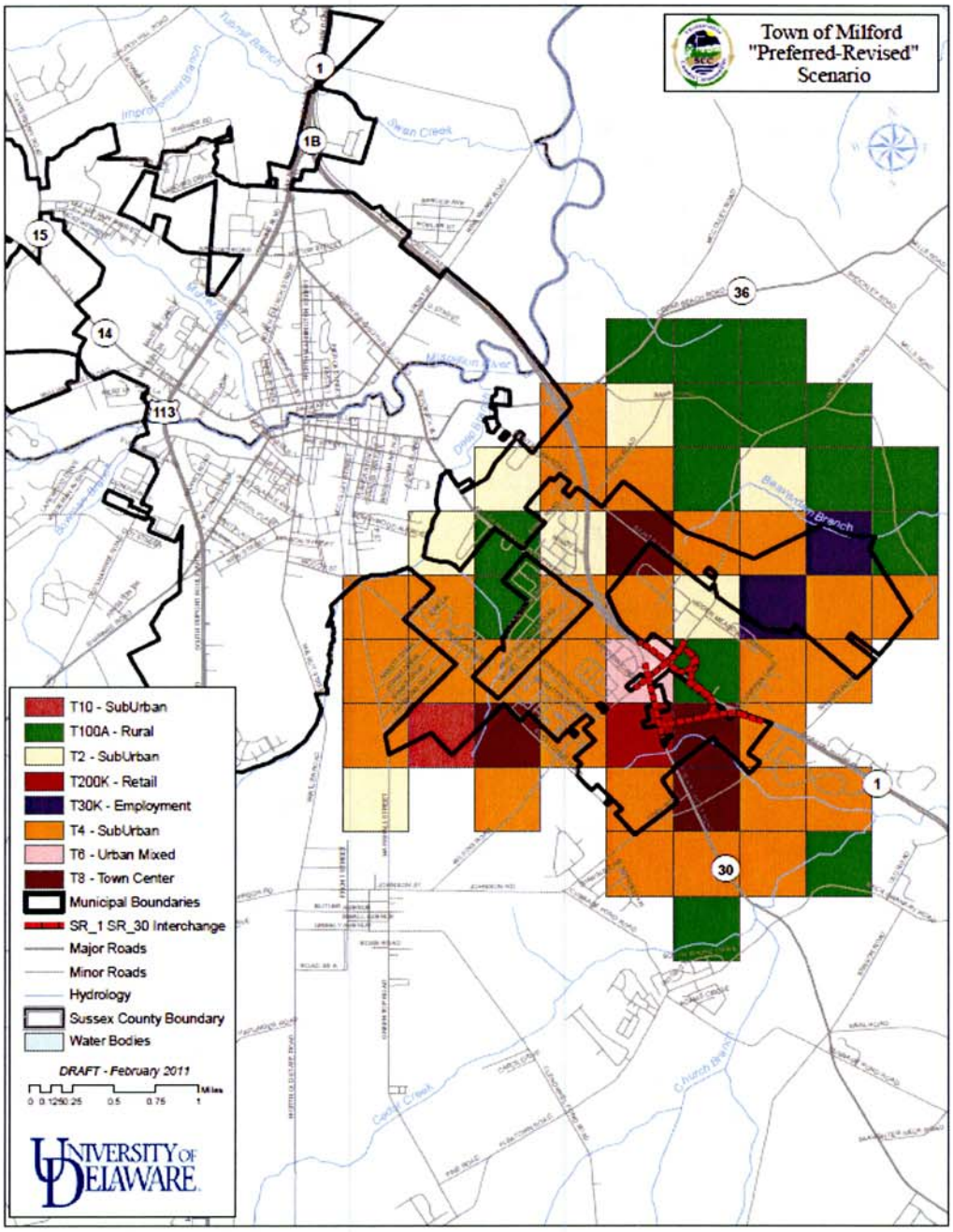
left a smaller subset of parcels that would be the focus of new residential, commercial, and employment land uses. This information is reflected on the Future Land Use Map (Map 1), and eventually was fed back in to the UD-SCC Model to become the Preferred – Revised Scenario (Map 3.1).

Coordinate Land Use Plan with Agricultural Preservation

As a partner in this project, the Delaware Department of Agriculture (DDA) worked to develop a strategy to preserve the agricultural lands along the eastern portion of the Master Plan Area. A number of large farms have already been preserved in this area, and they developed a program to encourage land owners of nearby farms to preserve their land as well. This program is called Transfer of Development Rights (TDRs) and is fully described in Chapter 4.

DDA evaluated the lands within the Master Plan Area in detail and determined which farms had the characteristics and suitability to remain productive. These were identified for future preservation and have been shown as Open Space Agriculture on Map 1. Should the land owners choose to preserve their land using the TDR program, they would be compensated for their "development rights," and those rights would be transferred to another area. Those areas would be called "receiving areas," where higher densities would be permitted only by redeeming rights purchased from landowners willing to sell them and protect their land. The land use plan identified three receiving areas where up to eight units per acre would be permitted. These areas are shown as hatch marks on Map 1.

Map 3.1. The Preferred – Revised Scenario



The Land Use and Transportation Connection

As DelDOT was developing its transportation plan for the Master Plan Area (see Chapter 8), it identified the concept of transit loops that would link residential, employment, and commercial uses in the developing area with the existing downtown. Transit service is not viable at the low densities that are present in the area today. In order for transit to be efficient and cost effective, there must be "nodes" or locations of activity where people or jobs are clustered together, so that they might take advantage of bus service or other transit.

The Master Plan initially provided two important nodes of activity. The first is a commercial center or district that is planned west of SR 1 in the vicinity of the planned grade-separated intersection at SR1 and SR30. The other is the proposed employment center located to the east of the same interchange. Both areas will provide a concentration of jobs and services that make them ideal locations for future bus stops. The TDR receiving areas conceived by DDA would also be ideal locations because they would allow for higher-density residential uses, up to 8 du/acre. The project team carefully planned the location of the TDR receiving areas so that they would be along the bus routes, providing bus stop locations to ensure the future viability of transit service for the Master Plan Area.

Base Density in Milford

The Preferred – Alt land use scenario developed as a composite of the public input received at the workshops identified a large portion of the land area to be for single family housing at a density of 2 du/acre. This is consistent with the density permitted by-right under Sussex County's regulations with access to sewer and water. The City's position is that any lands that will receive sewer and water must annex into the City limits. Milford's zoning ordinance allows for a minimum base density of approximately 3 du/acre through their R-1 Zoning District. The City finds that sewer and water utilities are not cost effective with densities of less than this. This information was loaded back into the Community Viz model as a part of the Preferred – Revised scenario.

Milford Southeast Neighborhood Master Plan - Land Use Plan

The final map that will guide future land use in the Master Plan Area is the Land Use Plan, included as Map 1. The land uses identified on this are described as follows:

Residential – Low Density. The majority of the residential land uses in the Master Plan Area are low density, which includes many existing homes and subdivisions, some of which are unbuilt. It

Is assumed that undeveloped lands would be built as mostly single-family homes at a density of about 3 units per acre if annexed into Milford.

Residential – High Density. This land use category is assigned to three approved subdivisions that range from 5 to 12 dwelling units per acre. It is expected and encouraged that these subdivisions will build out as currently approved and/or recorded. Any new residential subdivisions or land developments in this land use category are to be constructed at a density not to exceed 6 dwelling units per acre.

Open Space Agriculture. The eastern portion of the Master Plan Area is identified for open space and agriculture. This will protect the viability of the agricultural industry in this area, protect the environment, and create a "greenbelt" to prevent future development from encroaching to the east toward Slaughter Beach and the sensitive coastal environment near the Delaware Bay.

Employment Center. This land use category is identified with a large employer to bring jobs and economic development to the Master Plan Area. The current concept is a medical campus and/or educational institution that would provide many jobs and services for the region.

Commercial. This land use category is used to identify a future commercial use or district in the vicinity of the proposed interchange at SR 1 and SR 30. It is expected and encouraged that this commercial district may include some mixed uses, such as residential condos or apartments overstores, to provide a vibrant community center that will serve the entire Master Plan Area with needed services and recreation.

TDR Receiving Areas. In these areas the City will allow residential development of up to 3 du/acre "by-right." In addition to this, developers will be given the opportunity to purchase TDR credits through the program described in Chapter 4 and build at a density of up to 8 du/acre. The areas are hatch-marked to indicate that the boundaries are subject to change based on the design review at the time of development. The only criterion is that all of the higher-density units must be within 1.4 mile of a current or future transit stop. Mixed uses, such as small scale commercial to serve the residents, may be considered at the time of development.

Table 3.1 shows a comparison of the land use categories used on Map 1 with the land use categories used by the UD-SCC Model. This table will allow the reader to compare the

Preferred-Revised Scenario (Map 3.1) to Map 1. Keep in mind that the Preferred-Revised Scenario shown as Map 3.1 is the result of UD's modeling work. Map 3.1 was completed using 100 acre grids, not parcels, so it is not possible to directly compare the two maps. Although Map 3.1 was important in developing the land use concept for the Southeast Neighborhood, please be aware that Map 1 is the final map which guides future land use in the Southeast Neighborhood governed by this plan.

Table 3.1 Land Use Categories in Map 1 Compared to Land Use Categories in Map 3.1

Land Use Category on Map 1, Land Use	Land Use Category in Preferred Revised Scenario, Map 3.1
Residential – Low Density	T2 Suburban; T4 Suburban
Residential – High Density	T10 Suburban
Open Space Agriculture	T100 Rural
Employment Center	T30 Employment
Commercial	T6 Urban Mixed; T8 Town Center; T200 Retail
TDR Receiving	T8 Town Center
DelDOT-Owned Property	T100 Rural

Sources: Map 1 created by City of Milford with assistance from the Office of State Planning Coordination and DelDOT. Map 3.1 created by the City of Milford with assistance from the Office of State Planning Coordination and the University of Delaware Sustainable Coastal Communities Initiative. Map 3.1 developed using the UD-SCC Model.

By the Numbers: Build-Out Timing and Phasing

The land use details included in Map 1 were loaded back into the UD-SCC Model in order to generate build-out calculations for the area. This allowed the project team to compare the Land Use Plan with the Preferred – Alt scenario developed as a composite from the workshops. It also allowed comparisons to the current Milford Comprehensive Plan. See Table 3.2 for a summary of the differences and Appendix 1 for a more detailed review of the model output.

Build-Out: How Much Could be Built Some Day?

Planners use the term "build-out" to describe how much development could be achieved in a given plan or planning area. This is a very effective and necessary exercise for this Master Plan, as it has allowed the project team to properly design and size infrastructure improvements such as roads, water, and sewer.

The current Milford Comprehensive Plan would allow for up to 15,000 new dwelling units and approximately 39,700 new residents. The Preferred – Alt scenario yielded approximately 7,600 new homes and 19,500 residents. The Land Use Plan, reflected by the Preferred – Revised scenario on Table 3.1, has room for about 11,800 homes and 30,700 residents. This is less than

the current comprehensive plan but more than the Preferred – Alt scenario. The increases are due to Milford's base density for low-density development and the higher accuracy in accounting for existing homes as well as approved subdivisions.

In terms of jobs and non-residential space, the relationship is similar. The current comprehensive plan would allow for a massive amount of commercial space, almost 8 million square feet and 10,200 jobs. In the workshops, the public drastically reduced this amount of commercial to just less than 1 million square feet and about 2,500 jobs. Perhaps more importantly, the commercial activities and employment land uses were clustered around the new grade separated intersection to allow for safe road access. Other positive effects of this choice were that these areas can be served by transit and have the potential to serve as a commercial district for the new community. The project team revised the amount of building square footage up to about 3 million and 4,800 jobs to account for developer's plans for these areas, but it did not increase the overall amount of land devoted to commercial and employment uses. In fact, the team realized that some of the commercial lands identified in the current comprehensive plan were not able to be safely accessed from the roadways and were thus changed to low-density residential future land use.

Timing and Phasing: How Long Will This Take?

While the "build-out" exercise is important for planners and engineers, the question that most people want to know the answer to is, "When will all of this development be built?" The answer to this question is very important to planners as well because it is necessary to develop timing and phasing plans to ensure that infrastructure is in place when it is needed by new residents and businesses. It is not a cost effective use of tax dollars to build infrastructure before it is needed, either. So timing is critical.

The project team developed some realistic assumptions about the pace and timing of development based on regional and statewide data about population growth and data specific to Milford in the form of building and development permits. Many people can remember the frantic pace of building and land-development activity just a few short years ago in the mid-2000s. We all know now that this was what economists call a "bubble" and was an unusual and short term phenomenon that does not reflect what might happen in the future over a longer period of time. Actual growth and development rates will be much more modest and sustainable based on economic realities, not market "bubbles."

The team selected a growth rate of approximately 2% per year for Milford, including the Master Plan Area. This averages out to about 40 new houses and 80 new residents per year, which is similar to the historic average experienced in Milford. Using the UD-SCC Model, two future scenarios were developed to reflect what is expected in future years. In 2020 it is expected that an additional 491 houses and 1,251 residents would be in the Master Plan Area. This scenario also assumes that a small amount of new commercial is constructed, only 160,000 square feet employing 462 people. The second scenario assumes the same rate for residential growth, with an additional 525 houses and 1,330 people. However, by 2030 the team assumed that some of the larger commercial and employment uses would be constructed and operational (perhaps a new shopping center, or even a medical campus at the Innovation Park site). As such, more than 1 million non-residential square feet of building space and over 1,100 new employees would be expected by 2030.

Table 3.2. Summary of Alternative Plan Scenarios from Community Viz

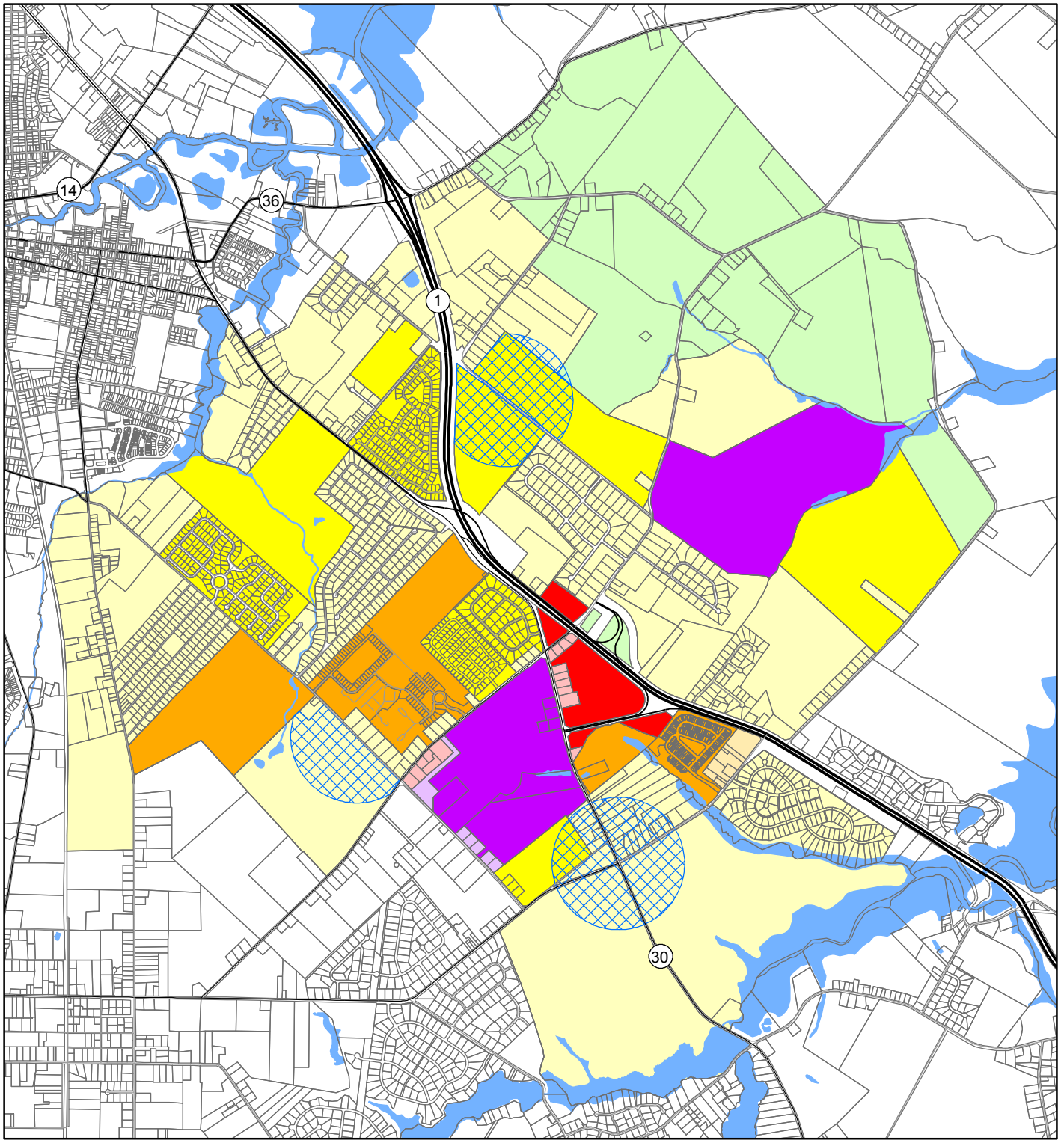
	Existing Land Use	Preferred Alt (at buildout)	Preferred Revised (at buildout)	Growth 2020	Growth 2030	Milford Comp Plan as adopted (at buildout)
Dwelling Units	1,943	7,626	11,769	2,434	2,959	15,083
Number of Residents	4,709	19,459	30,739	5,960	7,290	39,659
Commercial Floor Area	0	995,000	2,985,000	160,000	1,185,000	7,970,000
Employees	262	2,519	4,875	724	1,854	10,275
Date Created	Oct. 2009	Oct. 2009	Dec. 2010	Apr. 2011	Apr 2011	Jan. 2009

Sources: University of Delaware Sustainable Coastal Communities Initiative. Growth 2020 and 2030 scenarios developed by City of Milford, Office of State Planning Coordination, and UD based on Delaware Population Consortium growth rates and City of Milford building permit information.

Milford South East Neighborhood Master Plan

Map #1 Land Use

Revised March 2017



Legend

- TDR Receiving Areas
- Employment Center
- Commercial
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Employment
- Proposed Commercial
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

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Chapter 4
Agricultural Preservation

The Delaware Department of Agriculture (DDA) supports and endorses the City of Milford Southeast Neighborhood Master Plan. The Department is especially encouraged to see the large area of farmland to southeast designated as continued agricultural use. The state has already made a significant investment of taxpayer's money to permanently preserve a number of farms in this area through the Delaware Agricultural Lands Preservation Foundation (DALPF). In addition, the Department has performed a Land Evaluation/Site Assessment (LESA) analysis of the parcels designated as Open Space-Agricultural in the plan. The LESA model was developed by the United State Department of Agriculture (USDA) to evaluate a parcel of land's suitability to remain in agriculture for the foreseeable future. The analysis showed all of the parcels are well-suited, and best used, for agricultural in the future. The DDA will continue to work with land owners in this area to preserve their farms permanently, and build on the investment the state has already made.

Simply preserving farmland is not enough to encourage and support farming in the state. State government and municipalities must make the occupation of farming a viable and rewarding living for the farmer and their family. The Department offers some suggestions below that are mutually beneficial to both the city and the surrounding farms. In addition, the Department has outlined a plan for a transfer of development rights (TDR) program whereby the city and DALPF can partner to permanently preserve the farmland identified in the master plan.

In addition to providing a living to farmers, farmland provides a number of intangible benefits to the cities and people who live around them. In the case of Milford, preserving the farmland to the southeast will create a predictable city limit, with no threat that the land can be developed into residential developments through Sussex County. This would ensure that city's services and infrastructure will not be stressed and overextended without additional tax base to support it.

The farmland will also provide a visual amenity of open green space to city residents along the southeast boundary of the city. There are also environmental benefits such as cleansing precipitation before it recharges the underlying aquifers that feed the city's well fields. The surrounding farm businesses will also be a source of income for the city's businesses, when farm families shop in city. Nearby farms also present the possibility of providing fresh local fruits and vegetables to city residents via roadside produce stands or "u-picks."

Milford Southeast Neighborhood Master Plan
Transfer of Development Rights Program

The Delaware Agricultural Lands Preservation Foundation (DALPF) will partner with the City to develop a Transfer of Development Rights (TDR) program. The Department suggests a program whereby the city selects which farms it wants to permanently preserve, and which properties within the city would be allowed to use the TDR credits to build additional dwelling units.

Although the city would have discretion in choosing which farms to preserve, the Department recommends the farms be enrolled in the DALPF program first in order to be eligible. The DALPF is a voluntary program whereby the landowner initially agrees not to develop the land for 10 years. During that 10-year period, the landowner is eligible to sell his/her developments rights to the state and receive money in exchange for permanently preserving the property in agriculture. In this area, the landowner will also have the option to sell Transfer of Development Rights through the program that will be described in this chapter. Landowners will have at least two options for preservation from which to choose.

The DALPF is a well-established program for preserving farmland. It has been in operation for nearly 20 years and has permanently preserved over 100,000 acres in Delaware. This 100,000 acres represents nearly 20% of the state's available farmland and approximately 8% of the state's total land area.

By partnering with DALPF, the City will avoid the initial financial expenditures required to preserve a parcel of land. These expenditures include paying to survey the property, paying the legal costs of a real estate settlement, and other associated administrative costs. DALPF would bear those costs. In addition, the City would avoid the future obligation of monitoring the preserved farms to make sure they remain in compliance with the preservation agreement (easement). DALPF would assume that responsibility and would add any properties preserved by Milford to the hundreds of permanently preserved farms it already monitors. In addition, should any future litigation be required to uphold the preservation easement, the City would not have to incur any legal costs.

How a Transfer of Development Rights (TDR) Program Works:

In order for a TDR program to work, a viable market has to be created through a number of steps, including ordinances.

The first step in the process is for the City of Milford to identify "sending areas" and "receiving areas." TDR sending areas are defined as the areas, and properties, from which TDR credits will come. The goal is to permanently preserve these areas as farmland and open space through deed restriction/easement. In return for agreeing to permanently preserve a farm, the landowner would be compensated monetarily. The number of dwelling units (DUs) that could have been built on the property would then be "sent," or "transferred," to a previously designated receiving area where the City is prepared for development at higher densities.
In addition to sending areas, the City would also have to identify "receiving areas" within its municipal boundary. These areas would have to have the available infrastructure to accept higher density. The City would also need strong ordinances in place that would only allow additional density if the developer participated in the city's TDR program. In addition, the ordinance must make the addition of more DUs (higher density) through the TDR program "by right."

Milford's TDR Program

Selecting the Sending Areas

In order to identify suitable sending areas, DDA performed a GIS analysis of properties just outside, or straddling, the city's future projected growth boundary to the southeast. In order to determine which farm parcels would be most suitable for preservation, the department applied the same qualifying criteria used by the state's Agricultural Lands Preservation Program. The analysis identified 11 farm parcels encompassing 720 acres. These properties are shown in Table 4.1 and on the Agriculture Map, Map 2. This area is ideal because a number of farms have already been permanently preserved by the Delaware Agricultural Lands Preservation Program. In addition, there are several other farms in the area that are currently enrolled in the DALPF program, waiting to be permanently preserved. The farms in the sending area are currently zoned for two (2) units to the acre under the Sussex County zoning code. Therefore, approximately 1,452 dwelling units could be transferred into the City of Milford and used on properties designated as receiving areas. The proposed sending areas are shown as "Open Space Agriculture" (green color on legend) on the land use map (Map 1).

Selecting the Receiving Areas

Finding eligible farms willing to sell their development rights is only one side of the equation. The City must also identify areas prepared to accept additional dwelling units above the maximum number allowed by the underlying zoning. The additional DUs would only be allowed if the developer participated in the city's TDR program. Receiving areas have been identified based on a number of enabling factors, including sewer and water availability, road and traffic

considerations, availability of public transportation, existing density in the area, proximity to public services, environmental considerations, and other factors.

After considering and weighing all the factors previously discussed, DDA supports the city using the three (3) areas defined by the hatch-marked areas on the Land Use Map (Map 1). These areas are centered on future public transportation locations, or nodes. These areas are in proximity to future employment centers and commercial services and are not located on environmentally sensitive lands as identified by DNREC. See Table 4.2 for more details.

Some the land in the receiving areas is already within Milford's municipal boundaries. In order for the other lands to participate as receiving areas through this program, they will have to be annexed into the City of Milford. Upon annexation, these lands will be zoned at the base density, currently known as R-1 under Milford's existing zoning ordinance. This ordinance currently allows development at up to approximately 3 du/acre. Property owners/developers would be allowed to develop at that density under the current regulations. However, if the property owner/developer choose to participate in the TDR program, the land could be developed at up to 8 du/acre if there is a transfer of units from the sending area. This transfer would be "by-right," meaning that there is no special approval needed to complete the transfer as long as the parameters and requirements of the program are met. The developer's plan would still have to go through the standard subdivision review process through the Planning Commission and City Council, to ensure it meets city code requirements. The area encompassed by the hatch-marked areas equals approximately 280 acres. Therefore, multiplying that area by five (5) additional units per acre would allow up to 1,400 units to be transferred, potentially preserving 720 acres of farmland in the receiving area.

Table 4.1. TDR Sending Area Analysis

Parcel Number	LESA Score	Acres	Zoning Yield[1]
330-12.00-10.00	185.08	60	120
330-08.00-47.00	220.19	14.7	28
330-12.00-08.00	222.51	117.4	235
330-08.00-28.00	172.61	46.2	92
330-08.00-24.00	189.26	41.29	101
330-12.00-01.03[2]	210.7	118.18	236
330-12.00-01.02[2]	Part of 330-12.00		
330-12.00-01.02[2] (Unit 21805)	Part of 330-12.00		
330-12.00-01.00	181.54	66.8	132
330-08.00-19.00	192.19	85.5	170
330-08.00-19.02	192.19	16.3	32
330-08.00-20.00	232.5	105.6	210
330-07.00-75.00	184.27	48.4	96
Totals		*720.37*	***1,452***

Source: Delaware Department of Agriculture

[1] Zoning Yield reflects 2 dwelling units per acre, which is currently allowed in the Sussex County AR-1 Zoning District

[2] Shaded parcels are currently enrolled in an existing Agricultural District.

Table 4.2. TDR Receiving Area Analysis

Milford TDR Receiving Areas: Located within ¼ Mile of Public Transportation Nodes				
Node	Acres	Base Zoning at 3 DU / Acre	TDR Zoning at 8 DU / Acre	Additional DUs through TDR Use
1	58	174	696	522
2	118	354	1,416	1,062
3	104	312	1,248	936
Totals	*280*	*840*	*2,240*	***1,400***

Source: Delaware Department of Agriculture, City of Milford, and Office of State Planning Coordination

<u>Purchasing Development Rights Using a TDR Bank Concept</u>

Some traditional TDR programs require the developer to find a suitable farm to preserve and a landowner willing to sell his/her development rights. The developer would have to negotiate a price with the owner and handle all of the legal and administrative requirements to permanently preserve a parcel of land from future development. This process typically requires a lot of time and money from the developer. This is generally not in the developer's best interest if they are trying to take advantage of prevailing real estate market conditions favoring building at higher densities.

DDA will assist the city in the creation and administration of a TDR bank in lieu of the aforementioned process. In a TDR bank concept, the City would begin with either seed money or TDR credits from lands already preserved. Developers would purchase TDR units to allow them to build at higher density from the bank. An administrative fee may also be assessed to account for legal and other costs that may be necessary to complete the transfer. The City (aka "the bank") would aggregate all the funds it collects from developers who purchase these rights and use that money to purchase the development rights on properties enrolled in the DALPF program and located in the city's designated sending area. These units would then be available to be re-sold to future developers. The City would choose which farms it wanted to purchase based on predetermined criteria they establish.

In addition to the funds the City would have, the City would also be eligible for state-matching funds from DALPF, as well as any federal matching funds from United States Department of Agriculture (USDA) Farm and Ranch Lands Protection Program (FRPP). As allowed by law, these matching funds would be awarded to the city based on availability. If the City were able to capture state and federal matching funds, it could significantly leverage funds with additional money and preserve additional farm land.

Setting the Cost of TDR Credits or Units

DALPF recommends that the value/cost of a unit of development rights for transfer be based on the most recent real estate appraisals done on properties near the designated sending areas. If there are insufficient real estate appraisals to determine a value, DALPF could undertake a sample appraisal process to establish a fair value. The value could be established for a given calendar year, or on any other schedule the City deems appropriate. Pricing could be done by land classification if the rights were variable in the city's system, again based on recent appraisal information. As another option, the City could set values based on the presumed value of the rights, with a deduction for the developer's profit. Studies have shown that a developer needs to realize a 35 percent profit margin when buying TDR credits in order to have an incentive to buy them.

Summary of Benefits of this Program

- The TDR bank allows developers to purchase rights as pre-set prices. No need to locate willing land owners and negotiate prices.
- Farmers and landowners can sell directly to the TDR bank at pre-set prices, determined through fair appraisal methods. No need to negotiate with developers.

- TDRs can be sold and purchased in appropriate increments based on needs and market conditions at the time. No need to match a farmer/landowner with a developer who needs exactly the number of TDRs they wish to sell.
- Additional density would be allowed "by right," and the developer will not have to go through a separate public approval process to use the credits.
- As a part of this program, the use of TDRs will entitle the builder/developer to all of the benefits of expedited review and processing that accrue to those who adhere to the recommendations and requirements in the Master Plan area.
- The City and the State will also dedicate a permanent plaque or marker in the development, and the farmland that was preserved, that memorializes and recognizes the developer's contribution.

Additional Recommendations for Implementation of Agricultural Preservation:

1) DDA recommends that the City require any property developed adjacent to land designated as Open Space Agriculture to include a forested buffer between the property and adjacent farmland. This is already required by Sussex County. As a courtesy to Sussex County, DDA's Forest Service reviews the effectiveness of the buffer and makes a recommendation to the county on whether or not to accept the buffer as is, or require modifications. The Department would offer the same service to the city.

2) In addition to a forested-buffer requirement, DDA also asks that the City work with developers on where they "mass" their houses or buildings. Whenever practical the Department requests that the City require developers to cluster their approved building lots and place as much of the residual community open space near adjacent farm parcels. This would further help eliminate or mitigate any conflict that may arise from dissimilar land uses.

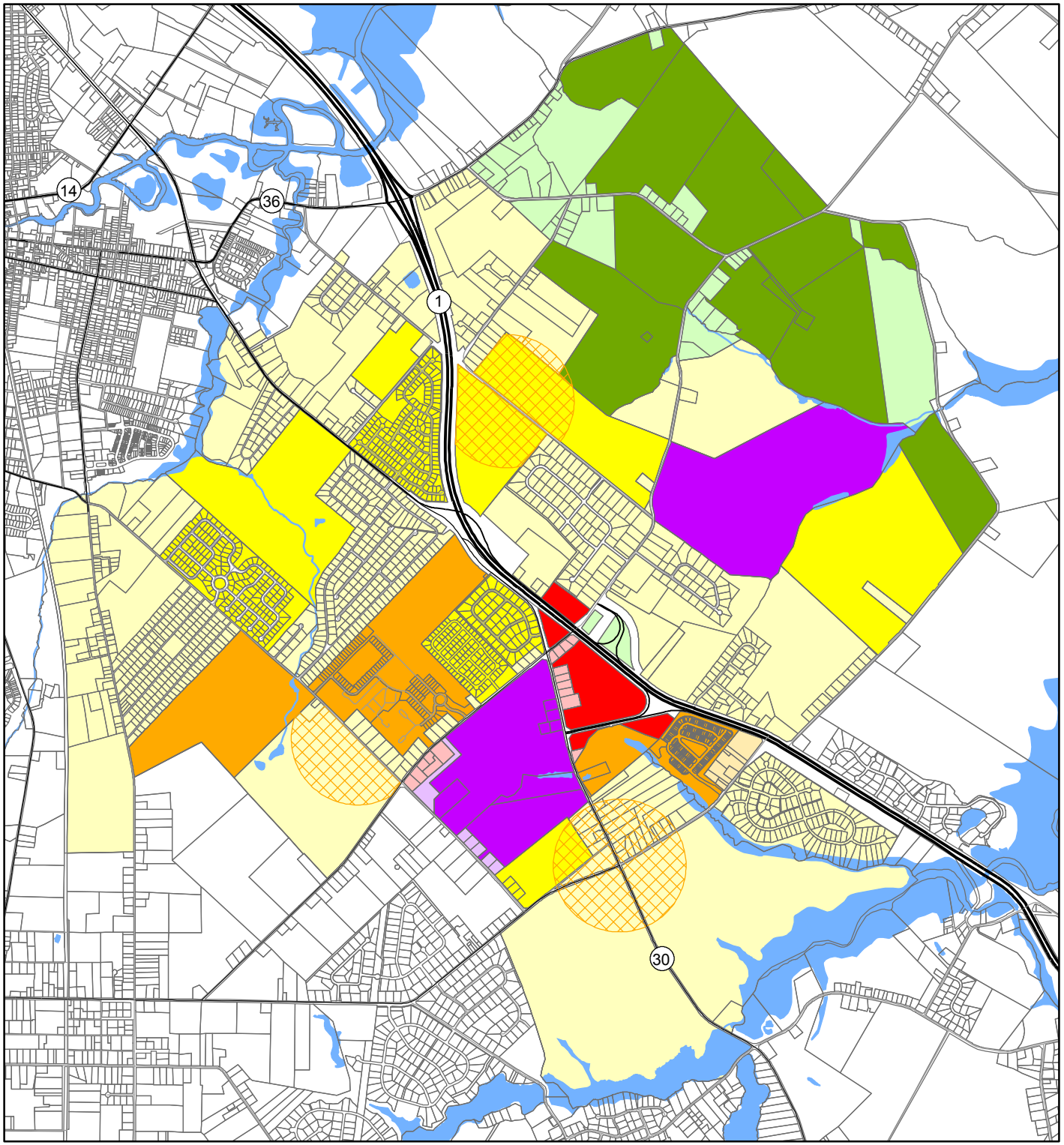
3) DDA asks that the city review its zoning ordinances for compatibility with future agricultural business or agriculture related uses. It is important to provide provisions and flexibility in the zoning code to accommodate future agriculture related activities.

4) DDA would note that all properties enrolled in the state's farmland preservation program are afforded the protections listed in Appendix 3. In addition, Sussex County adopted a "mirror" ordinance to provide these protections to all farms located in Sussex County. These protections should be considered during the city's planning process in an attempt to place more compatible land uses next to properties engaged in agriculture. In addition, there is a restriction on the location of water wells in DNREC's regulations that should be considered.

Milford South East Neighborhood Master Plan

Map #3 Land Use & Environment

Revised March 2017



Legend

- TDR Receiving Areas
- TDR Sending Areas
- Employment Center
- Commercial
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Employment
- Proposed Commercial
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

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Chapter 5
Environmental Protection

The Delaware Department and Natural Resources and Environmental Control (DNREC) has evaluated Milford's Southeast Neighborhood in order to develop a proactive environmental protection strategy to be a part of this plan. This plan will allow the development of the master plan area to proceed while protecting key resources and creating more livable and connected communities in that area. DNREC utilized GIS resources and a collaborative planning process involving several programs within the Department to identify three opportunity areas for preservation and environmental protection. The first area is the medical/commercial area east of SR1 (Area 1). The second is the mixed-use shopping area at the intersection of SR30 and Johnson Road (Area 2). The third area is the southernmost boundary of the Southeast Neighborhood along Swiggetts Pond and Cedar Creek (Area 3).

Environmental Overview of the Master Plan Area

Delaware's natural life-support system (often referred to as green infrastructure) is a network of natural areas, parks, conservation areas, and working lands all with conservation value. Many of these areas are carefully planned and managed by federal, state, or local governments, not-for-profit organizations and individual landowners. These components support native species, maintain natural ecological processes, sustain air and water resources and agricultural enterprises, and contribute to the health and quality of life for Delaware's communities and people.

DNREC has embraced as its core policy for natural-resource protection, the following eight Ecological Guidelines:

1) Maintain large areas of contiguous habitat and avoid fragmenting these areas.
2) Maintain meaningful wildlife corridors and potential non-consumptive bicycle and pedestrian connections between habitat areas and adjacent land uses.
3) Protect rare landscape elements, sensitive areas, and associated species.
4) Allow natural patterns of disturbance to continue to maintain diversity and resilience of habitat types.
5) Minimize direct and indirect human disturbances and the introduction and spread of non-native species and favor native plants and animals.
6) Minimize human introduction of nutrients, chemicals, and pollutants.

7) Avoid land uses that deplete natural resources over a broad area and allocating such land uses to areas of minimal natural resource impacts.
8) Compensate for adverse effects of development on natural processes.

Excellent Recharge Areas

There are several excellent recharge areas within the Southeast Neighborhood, notably in the vicinity of the employment center proposed east of SR 1 (Area One). The protection of excellent-recharge areas offers multiple long-term environmental benefits. These benefits include water quantity, water quality, and the preservation of stream/wetland ecological functions. An estimated one-third of Milford's total drinking water supply is withdrawn from a shallow unconfined aquifer known as the Columbia aquifer. The Columbia aquifer's major source of water recharge is from those areas delineated as areas of excellent recharge. Therefore, using this area of excellent recharge to site building structures and/or water-infiltration structures may reduce the quality and quantity of water available to existing and future residents from wells that obtain drinking water from this aquifer. Moreover, the impact to water quality and quantity is likely to extend to those residents who live far beyond the proposed project site, as the Columbia aquifer is a major drinking water source for a significant portion of the population who reside in Kent and Sussex counties. The upshot to development in the area of excellent water recharge is to pass those water-quality and water-quantity impacts in the form of increased water utility rates to existing and future residents as the waters of the Columbia aquifer are depleted and/or contaminated.

Regional Stormwater Management

Originally DNREC had urged the City to consider regional approaches to stormwater management for new development in the planning area. A GIS review of the terrain and natural features indicated that a regional stormwater-management approach is not practical at this time. In order to obtain sufficient drainage area for a regional system to work, existing subdivisions would need to be retrofitted and stormwater from DelDOT roads and road improvements would have to be included. Neither is likely to happen in the short term, or on a regional scale in this area. This is due to both the topography as well as the fact that there are numerous existing developments that are not likely to re-develop in the foreseeable future.

However, there is an opportunity for greater communication and coordination between DNREC and DelDOT with regard to stormwater management and road improvements. This coordination will be ongoing throughout the development of this master-plan area.

Opportunities to share facilities and streamline the review process will be continually evaluated and implemented as individual properties within the master plan area develop and re-develop.

A stormwater utility is a legal and financial structure to allow stormwater facilities to be constructed, managed, and maintained in common by a local government or other entity that functions as a public utility. A stormwater utility would be modeled after a sewer or water utility, only the infrastructure would be stormwater ponds, pipes, outfalls, ditches, drainage ways and the like. Stormwater-management facilities rarely impact only one property, which is what makes the utility approach a logical tool for managing drainage. This master-plan area is well suited to such a utility, although there are many ways to structure such an entity. Both the City and DNREC agree to explore this option in more detail as this area develops in accordance with this master plan.

Cedar Creek Natural Area.

Sections of the wooded areas of the Milford Southeast Master Plan Area are part of the Cedar Creek Natural Area (see Map 5.1). Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. The Milford Southeast Area Master Plan acknowledges and provides protection for the Cedar Creek Natural Area.

Natural Area protection recommendations are listed below. These protections are included as Design Guidelines in Chapter 10:

1. Prohibit/limit the removal of trees within the Natural Area.
2. Provide buffers to the Natural Area. Prohibit additional development within 300 ft. of the existing Natural Area.
3. Prohibit storm water structures in the Natural Area.
4. Require green technologies to manage stormwater in the master-plan area, and particularly in the vicinity of the Natural Area. These best management practices use the natural processes of vegetation to filter stormwater, take up harmful pollutants, and improve groundwater recharge without expensive infrastructure.

Cedar Creek Nature Preserve

Cedar Creek Nature Preserve is adjacent to the south end of the Southeast Planning Area (see Map 5.1). A number of rare species can be found in association with this habitat type. To protect the rest of this contiguous forest area, it should be preserved as a Nature Preserve. A Nature Preserve is a special designation that provides additional protection for this important natural-resource area. Such a designation would be achieved with the assistance of the State Office of Nature Preserves within DNREC. Should these areas be annexed as envisioned by the Master Plan, Milford will work with private landowners and the State Office of Nature Preserves to promote the dedication of the Natural Area as a Nature Preserve.

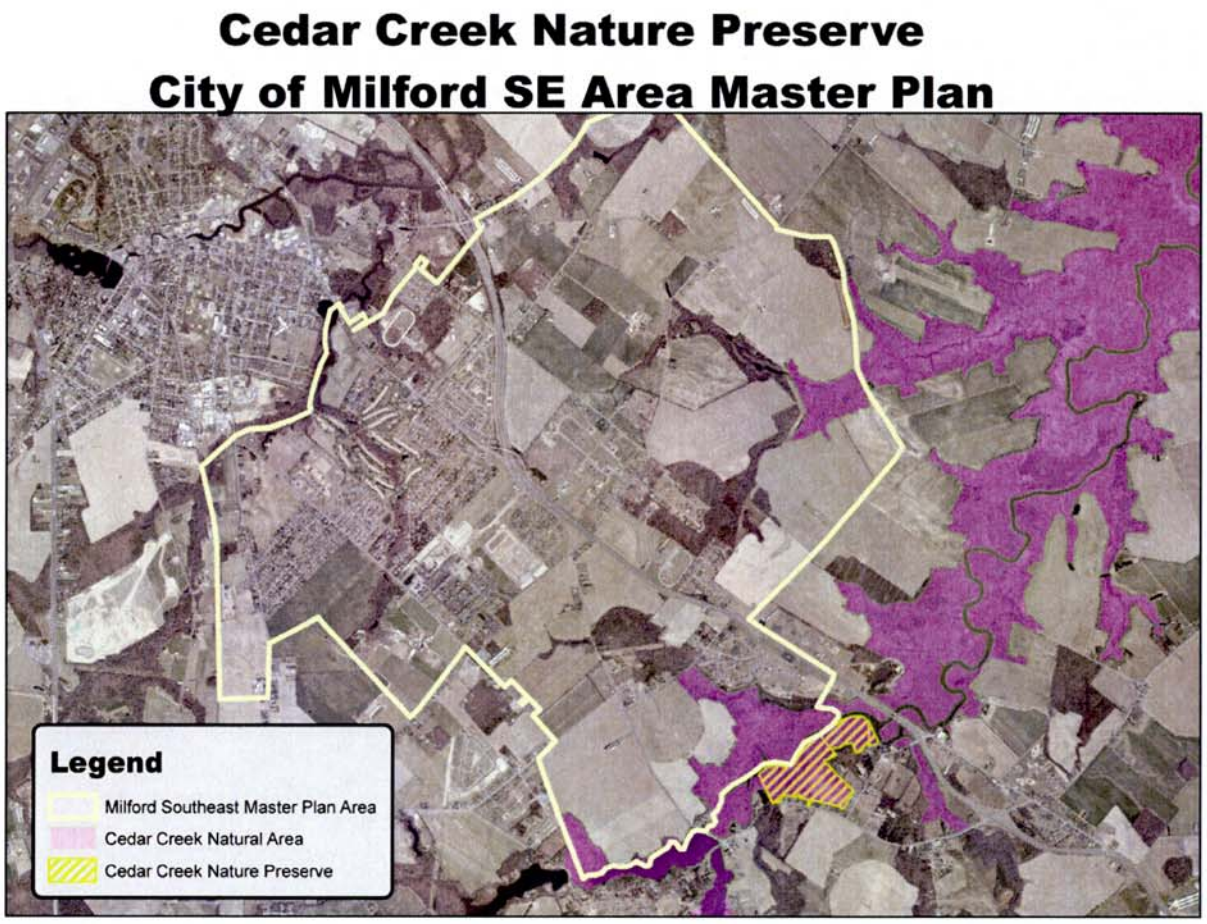
Wildlife Habitat

There are several significant natural features in the Southeast Master Plan Area, including the aforementioned Cedar Creek Natural Area and Cedar Creek Nature Preserve, which provide habitat for a wide variety of plant and animal species. Key Wildlife Habitats (KWH), a designation found within the Delaware Wildlife Action Plan (DEWAP) are rare, have special significance in Delaware, are particularly sensitive to disturbance, and/or have a high diversity of rare plants. Large blocks of unfragmented forests and wetlands are also considered to be KWH because of their importance to area-sensitive species, particularly vertebrates.

Priority areas include riparian buffers, contiguous forest blocks, and forested corridors. In order to retain the ecological function of the forests within the Southeast Master Plan Area, fragmentation of existing forest blocks would need to be minimized. Preserving larger, connected areas of forest as open space will provide wildlife with needed food, water, shelter, and places to raise young.

A 300-foot minimum upland buffer is recommended in all areas that support State-rare Atlantic White Cedar Wetlands (AWCW), specifically in Area One and Area Three. Swamp pink, a federally threatened plant, occurs within the AWCW and is very sensitive to changes in hydrology, especially increases in pH and sediment. To protect water quality for other wetlands, water courses, and water bodies, and to provide wildlife habitat for wetland dependent species, upland buffers of at least 100 feet are recommended within the planning area.

Map 5.1. Cedar Creek Natural Area and Nature Preserve

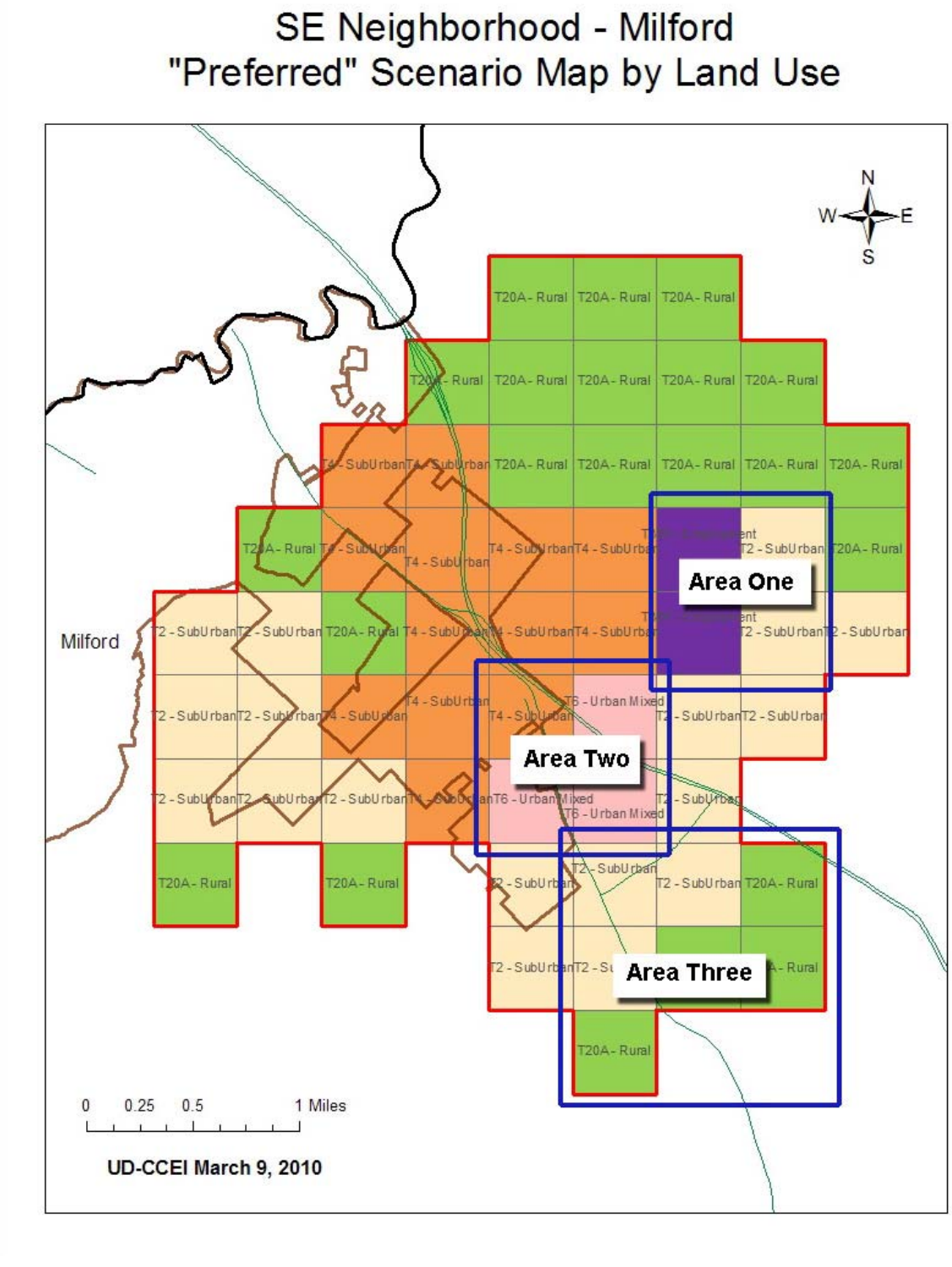


Parks and Recreation

The City of Milford has been awarded a grant through the Delaware Land and Water Conservation Trust Fund (DTF) to develop a Pedestrian/Multi-Modal Master Plan. The purpose of this plan will be to identify new routes within the City of Milford that need to be designated for bicycle facilities and multi-modal paths as well as gaps in the existing connectivity system and links to other modes of transportation. The plan will expand the existing transportation system and will support economic activity and growth by integrating land use and transportation planning through coordinated bike and multi-modal routes. The recommendations and findings of this plan will be implemented in the Master Plan area in coordination with Chapter 8, Transportation.

The 2008 - 2011 Statewide Comprehensive Outdoor Recreation Plan (SCORP) provides guidance for investments in needed outdoor recreation facilities. Citizens surveyed in Milford and eastern Sussex County list the following as high priorities for recreation: walking/jogging paths, bicycle paths, public swimming pools, playgrounds, open space/passive recreation, picnic areas, hiking trails, and fishing areas. In the Master Plan area, these outdoor recreation priorities will be implemented through the development of complete streets and a multi-modal transportation network as described in Chapter 8, Transportation. They will also be addressed through the design of new communities in accordance with Chapter 10, Design Guidelines, and the other ordinances found within the City of Milford Subdivision Ordinance.

Map 5.2. Specific Conservation Areas in the Master Plan



Specific Conservation Areas

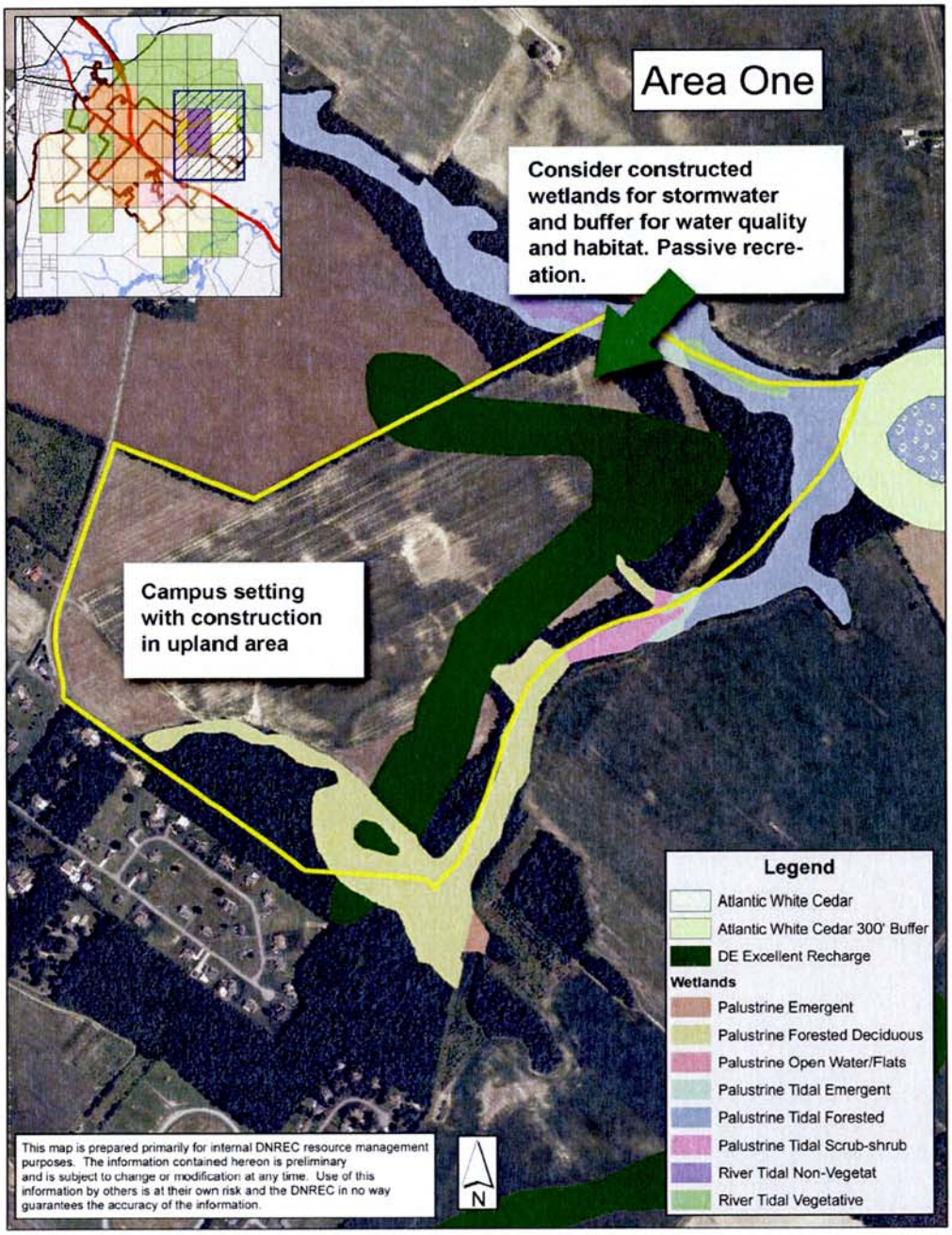
Area One - Employment Center

Area One consists of the lands proposed for an employment center in the master plan. The current proposal for the development of this area contains a commercial and medical campus. This area contains a large excellent-recharge area (see Map 5.3, Area One) and forested tidal wetlands on its easternmost edge.

The current developers have said they intend for this complex to be developed as a campus, with the likelihood of multiple stories and even structured parking. Such an approach is necessary to limit impervious cover and protect these key resources. Intense development should be clustered on the upland portion of the parcel, and the eastern portion would be used for passive recreation and open space.

The Downer and Ingleside soils in Area One are the preferred location for stormwater infiltration. The excellent-recharge areas should be protected so that they may function for the maximum benefit possible to limit the generation of stormwater runoff. When these areas are to be utilized for any stormwater runoff-management practices, the pretreatment of stormwater may be necessary prior to infiltration. Another possibility is to construct wetlands between the excellent-recharge area and the forested tidal wetlands to manage stormwater and strengthen the buffer between the tidal areas and the developed portion of the property. This is one area that could benefit from a stormwater utility approach. Revenues from a stormwater utility could be used to purchase easements and/or construct and maintain those wetlands as stormwater facilities by the city or other management entity identified in the design of the utility.

Map 5.3. Area One

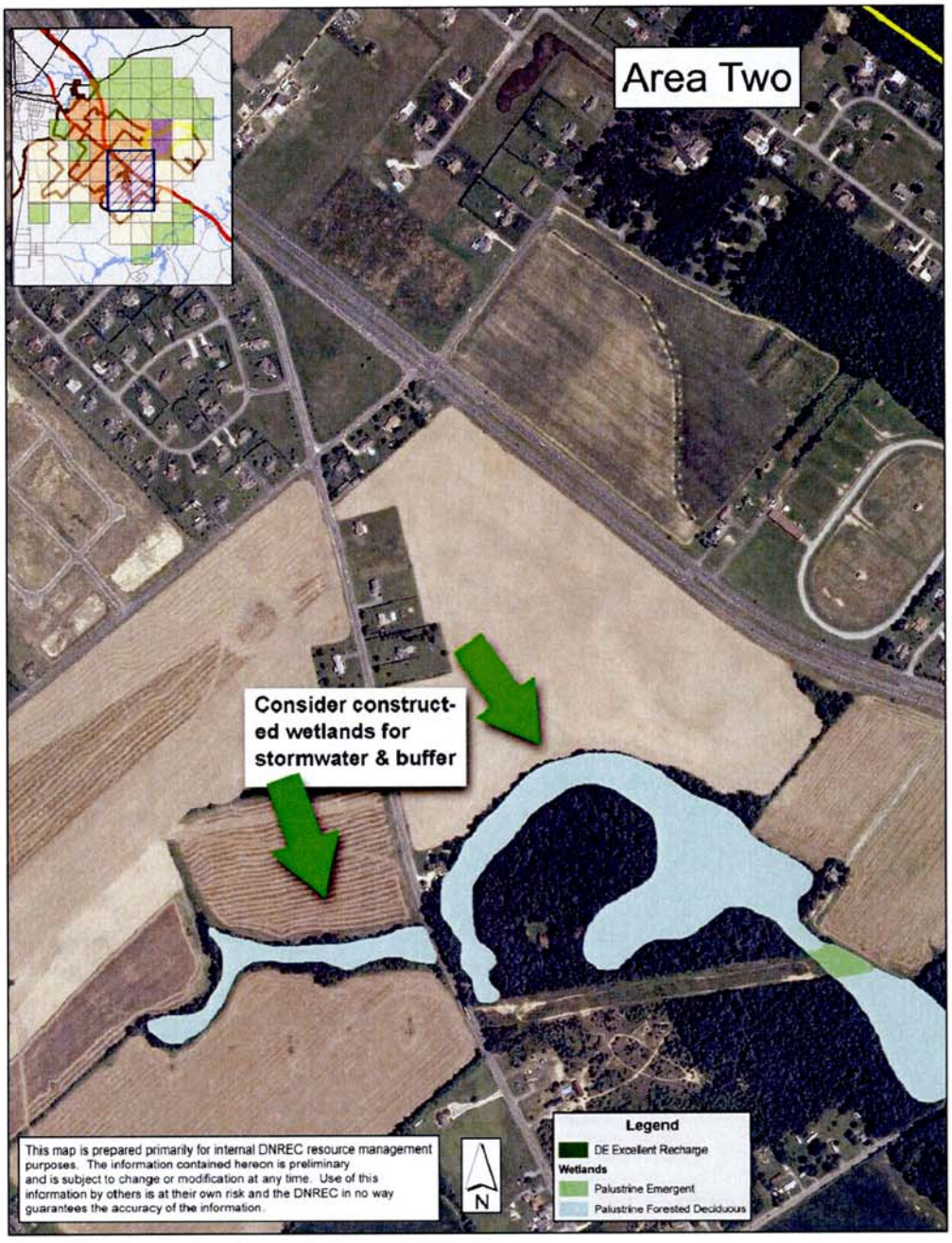


Area Two- Commercial/Mixed-Use Area

A large mixed-use residential and retail development is planned for Area Two (see Map 5.4, Area Two). Our chief area of concern here is protecting the forested wetlands that are mapped in the southern end of this area, on both sides of SR 30. Because of the falling elevations from the north end of this area toward the mapped wetlands, optimal stormwater management would be constructed wetlands or other green-technology best management practices in the area immediately north of the forested wetlands, on either side of SR 30. They would help buffer the wooded wetlands from development.

The wooded section in this area also supports Key Wildlife Habitat. Generous riparian buffers (300 feet or greater) are important to protect water quality and preserve forested areas surrounding the tributaries of Cedar Creek to enable these rare species to thrive.

Map 5.4. Area Two



Area Three – Southern Master Plan Area

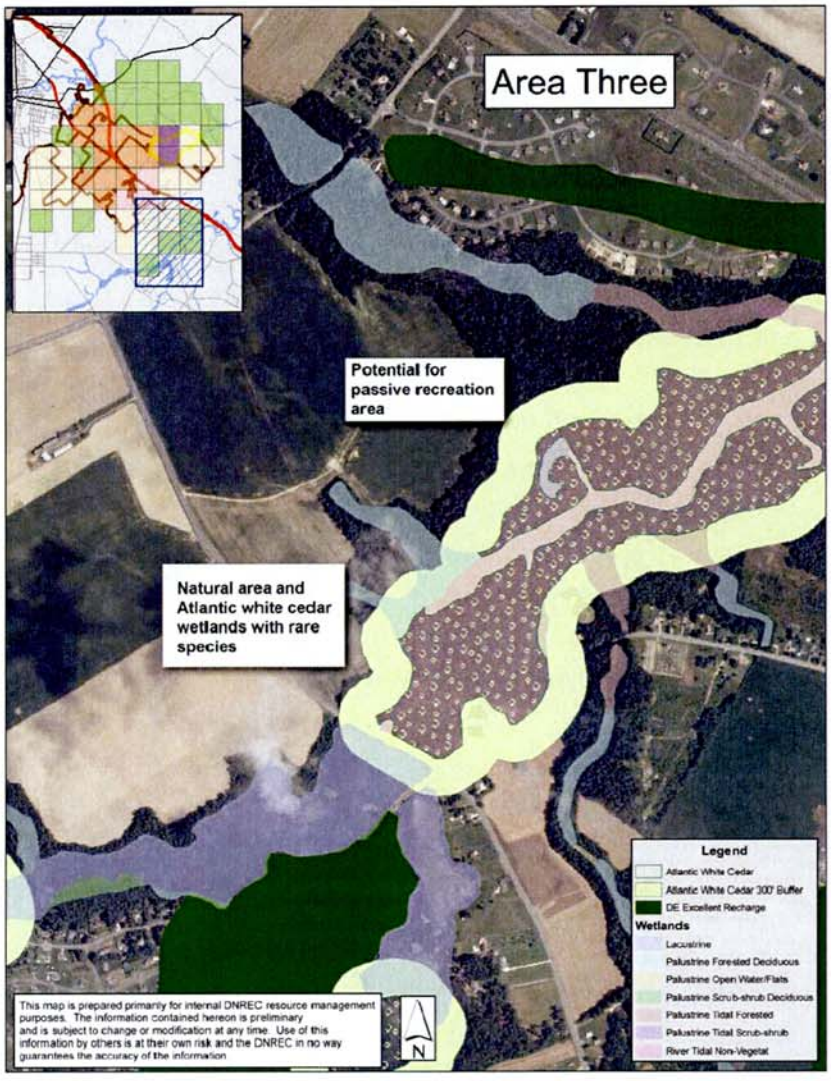
Area Three (see Map 5.5, Area Three) contains Atlantic White Cedar Wetlands, which are considered very rare within the state and support rare species. This vegetative community grows under unique conditions and is sensitive to changes in water quality, especially pH. Adequate upland buffers are extremely important to the persistence of these wetlands and the species it supports.

Rare plant, insect, mussel, fish, and birds occur within the forest and wetland areas associated with the Cedar Creek drainage, as well as impoundments such as Swiggetts Pond and Cubbage Pond. Known occurrences of the federally threatened plant swamp pink (Hellonias bullata) have been documented within wetlands associated with Beaverdam Branch and Cedar Creek.

In most cases, a 300 foot minimum upland buffer is recommended primarily due to the presence of or potential for swamp pink. The buffer would also be instrumental in achieving the Total Maximum Daily Load (TMDL) pollution limits for this portion of the Mispillion watershed.

It is believed that the recommended buffer also provides an opportunity for Milford to work with landowners, DNREC, and other partners to establish a passive-recreation resource that could include a kayak launch and allow for birding and hiking on unpaved trails in and around the Cedar Creek Natural Area.

Map 5.5. Area Three



Chapter 6
Housing

The Delaware State Housing Authority (DSHA) supports the inclusion of affordable housing in the Master Plan area. The Master Plan area includes all of the elements of a complete community, including employment, transit, commercial services, and opportunities for the construction of a variety of housing types, especially in Transfer of Development Rights (TDR) receiving areas. Consider these factors:

- Moderate-income working families benefit the most from having access to transit, employment, retail, and services. They are also the most likely to use transit. Typically, well-designed developments on transit and nearby community amenities become desirable places to live. As a result, if left unchecked, prices quickly rise beyond the reach of the families that would most benefit.

- Even though there is a surplus of housing on the market, most of the surplus are large homes for move-up buyers. As a result, there is a significant mismatch between product available and housing demand. To better meet demand, these master-planned areas should provide various types of housing in more compact configurations to create more housing choices, which often means more affordable options.

How DSHA can contribute to the current master planning efforts

Low Income Housing Tax Credit Program

DSHA administers the Low Income Housing Tax Credit program, which provides direct federal income tax credit to qualified owners and investors to build, acquire, or rehabilitate rental housing units. DSHA has just revised its Qualified Allocation Plan (QAP), which is the selection criteria to be used to determine housing priorities, to ensure developments facilitated through the LIHTC program are well integrated into communities.

Up to fifteen (15) points can now be awarded to developments that demonstrate overall quality of location, access to services and transit, community design and compatibility, connectivity to surrounding communities (via Complete Streets), and protection of environmental resources. DSHA is exploring other incentives to include in the QAP to prioritize affordable housing in areas that are considered "strategically important" by the state. Master Plan areas such as this

one in Milford may be considered as we work with the Office of State Planning Coordination to define "strategically important" and integrate those areas into our criteria.

Affordable Housing Resource Center

DSHA has developed an online Affordable Housing Resource Center that communities can access to learn about various strategies that can be used to encourage affordable housing. In addition, DSHA has a range of homeownership, rental, and rehabilitation programs, as well as relationships with nonprofits, that are familiar with DSHA's programs that we can bring into these master planning efforts.

Design Assistance

DSHA finds value in Form-Based Codes (FBCs) in that they emphasize the physical character of development and de-emphasize the regulation of land use. FBCs provide greater predictability about the look and feel of development and offer developers a clearer understanding of what the community seeks. More importantly, they emphasize site design and building form over density and land uses and, therefore, encourage a mix of uses and housing types. As this master plan area develops, DSHA would be willing to work with the City of Milford, the Office of State Planning Coordination and others to develop a FBC or something similar to ensure good design in the master plan area.

Future Grant Opportunities

The Partnership for Sustainable Communities is a national effort to coordinate the activities of the Department of Housing and Urban Development (HUD), the Department of Transportation (DOT), and the Environmental Protection Agency (EPA) to help communities become economically strong and environmentally sustainable. Through the Partnership and guided by six Livability Principles, the three agencies are coordinating investments and aligning policies to support communities that want to give Americans more housing choices, make transportation systems more efficient and reliable, reinforce existing investments, and support vibrant and healthy neighborhoods that attract businesses. Last year, this Partnership provided several grant opportunities that supported activities similar to those being considered in the Milford and Georgetown master plan areas.

While we realize that the federal government is going through severe budget cuts and that these initiatives may suffer as a result, DSHA would be interested in participating on a working group to do some of the pre-planning work that would be needed if another grant opportunity is available, either from the Sustainable Communities effort or some other effort, that the master planning efforts would be competitive.

Chapter 7
Historic and Cultural Preservation

The Division of Historical and Cultural Affairs/State Historic Preservation Office (DHCA/ SHPO) is the state agency responsible for promoting and protecting Delaware's historic identity through its leadership in museums, collections, historic preservation, and stewardship of historic properties. The DE SHPO Research Center manages information collected statewide about historic buildings and structures, archaeological sites, and cultural landscapes. SHPO provides project developers, interested parties, and agencies with information on historic buildings and sites that may be affected by their projects and makes recommendations on how to avoid or reduce any adverse effects.

In general, SHPO performs the following services:

- Reviews federally funded, permitted, or licensed undertakings/projects and advises the sponsors of the effects on cultural resources that include historic properties and sites
- Reviews and comments on land use and development proposals under the state Preliminary Land Use Service
- Leads efforts in securing and accepting nominations of significant properties and sites to the National Register of Historic Places in conjunction with the Delaware State Review Board for Historic Preservation
- Encourages and assists local governments in securing Certified Local Government designation for potential awarding of federal grants for historic-preservation activities
- Administers federal and state historic preservation tax incentive programs for the rehabilitation of properties listed in the National Register of Historic Places
- Monitors and enforces the terms of maintenance and public benefit covenants and easements under the stewardship of the Division of Historical and Cultural Affairs
- Provides guidance upon the discovery of historical unmarked human remains and for the identification, treatment, and disposition of non-Native-American historical unmarked human burials and/or skeletal remains

- Conducts, or supports others in conducting, statewide cultural-resource surveys of historic properties

- Maintains a central research repository of historical and cultural-resource information related to historic properties and sites in Delaware

- Provides technical assistance to the public regarding historic-preservation topics

- Provides and participates in educational programs about Delaware history, archaeology, and historic architecture

- Drafts every five years and maintains a commitment to Delaware's State Historic Preservation Plan

- Disseminates historic-preservation information via the latest information technology

DHCA is responsible for overseeing the requirements of three major preservation laws in Delaware: the National Historic Preservation Act of 1966 (as amended), the State Antiquities Act of 1933 (last amended 2005), and the Unmarked Human Remains Act of 1987. All of these laws are applicable to future preservation and development activities in the Milford Master Plan Area.

National Historic Preservation Act

The National Historic Preservation Act established a federal-state partnership approach to the identification, study, and preservation of historic properties, creating the National Register of Historic Places as the standard for determining if a property is worthy of preservation. Section 106 of the Act mandates a review process for all federally funded, permitted, or licensed projects that may impact properties listed or eligible for listing, in the National Register. The main purpose of the Section 106-review process is to minimize potential harm to historic properties and sites. A federal agency whose project (undertaking) may harm a historic property must consider alternative plans for its project. If it is believed that such a project would not have an adverse effect, the federal agency is required to document this finding. If an adverse effect is expected, the agency is required to work with SHPO to ensure that all interested parties are given an opportunity to review the proposed work and provide comments. SHPO staff members assist planners, developers, research consultants, agencies,

and interested parties in planning for projects while maintaining compliance with applicable laws and regulations and protecting important resources from adverse effects. This federal review often requires that an agency or its client conduct architectural and/or archaeological surveys and mitigations prior to any construction. Much of the information and reports in the Research Center has been generated by these reviews.

Delaware State Antiquities Act

The State Antiquities Act requires that archaeological excavations on state-owned or controlled lands must be done under a permit from the Director of DHCA. Recent amendments also give the Director authority to close or restrict access to state lands, including sections of public beaches and shorelines, if needed, to protect an archaeological resource from damage.

Delaware Unmarked Human Remains Act

SHPO administers provisions under Delaware's Unmarked Human Burials and Human Skeletal Remains law, 7 Delaware Code, Chapter 54. The law is generally triggered when, in the course of construction or archaeological activities, human remains are discovered. The law assigns certain duties to the Division of Historical and Cultural Affairs to investigate, attempt to identify, protect, and ensure the proper treatment of historical unmarked human remains that do not fall under the jurisdiction of the State Medical Examiner.

SHPO staff carries out procedures under this law relating to public notification, assisting in the development of treatment and disposition plans, and, where indicated, conducting the dignified reburying of disturbed remains.

Discovery of Forgotten Burials and Cemeteries

On occasion, historical human remains (that is, remains that were interred a long time ago) are accidentally discovered in Delaware. These discoveries are often made during construction and other earth-moving activities. In such cases, state law protects the historical remains from further damage, first by requiring that the actions that uncovered the remains stop immediately, and then that the Division of Historical and Cultural Affairs and the state Medical Examiner's Office be notified.

Within 24 hours of notification, a SHPO archaeologist will visit the discovery site to determine if the remains are human and to ascertain the approximate time period in which the remains were interred. Any time that remains are determined to be of human origin, the Division of Historical and Cultural Affairs is required to notify the state Medical Examiner's Office of the

discovery. The Medical Examiner's Office then determines whether or not the case is under its jurisdiction.

The preferred approach for managing historical human remains that have been discovered is to leave them *in situ*—that is, to keep them where they have been found—until a treatment and disposition plan can be developed. In the event that historical remains need to be removed for safekeeping, they will be transported to SHPO's curation facility. SHPO holds any recovered remains for appropriate study and storage until they can be respectfully re-interred. Generally, the project, developer, or agency that inadvertently disturbed the remains pays for historical research and an archaeological survey of the area to determine the extent of possible other burials or remains that could be damaged by the project, and the approximate date and origin of the remains. (Because this process is costly in both money and time, SHPO often advises developers to hire an archaeological consultant prior to any construction and have the project area investigated for the presence of a small family cemetery or Native American site with burials.)

If the remains are determined to be from a historical period cemetery or burial, SHPO advertises for next-of-kin, based on the date of the burials and the ownership history of the property. If the remains are determined to be Native American, a committee defined by law convenes to develop a treatment and disposition plan.

In both cases, SHPO writes the plan for the treatment and ultimate disposition of the remains in consultation with the next-of-kin (if any come forward), or the committee, the land owner, and the project developer, or other representative. Once agreement is reached, the plan is put into action.

The preferred option for reburial is always in the original location. If this is possible, a preservation covenant recorded with the deed is usually placed on the area to prevent any disturbance of the remains in the future. If removal and re-interment in another location is the decision, any associated archaeological, acreage, reburial, and marking costs are borne by the project, developer, or agency requiring the removal. Next-of-kin have the option of claiming their kin and paying for re-interment in a cemetery and plot of their choice.

What if one uncovers or sees remains that may be human?

First, the finder should leave them in place if at all possible. If he/she thinks the remains are recent in origin, perhaps due to accident or criminal action, he/she should notify the police (911) immediately. If not, call SHPO at 302-736-7400.

Historic Properties Research and Assistance

DHCA staff members are available to assist agencies and developers with questions about any of these processes and with information on historic properties. The SHPO Research Center is open Monday through Friday, 8:30 a.m. to 4:00 p.m., except for state holidays; an appointment is recommended to use the Center. DHCA also has an on-line web portal, the Cultural and Historical Resource Information System (CHRIS). While the public has some access, full access to archaeological site location information and other features requires a password. Information on this system and an application form for a password can be found at http://history.delaware.gov/preservation/research/gis.shtml.

Historical and Cultural Resources in the Milford Master Plan Area

This area falls within Cedar Creek Hundred. Native Americans began populating this area thousands of years ago. European settlement began in Cedar Creek as early as the 1670s. Milford was an early crossing point, and the area around it quickly became farmland.

The first historic-architecture survey of Cedar Creek Hundred was in 1983. The located buildings and structures included 19th- and 20th-century farms with dwellings, barns, and other outbuildings; a school; and bridges. These have not been evaluated for their importance to Delaware's history at this point, but theses probably would contribute to our understanding of farming, settlement, education, and transportation in this area.

More recently, DelDOT hired consultants to perform further historic-architecture survey of this area in preparation for the U.S. Route 113 project. This survey added a number of early- to mid-20th-century dwellings and commercial buildings to DHCA's inventory. Much of this area, however, is now outside of the narrowed project area under consideration, and these properties will not be evaluated further. They, too, probably contribute to our understanding of changes in settlement in this area during the 20th century.

The area has not been comprehensively surveyed for archaeological sites. Two small projects have been done, with reports on file at DHCA. There are several areas of high probability for the location of prehistoric, colonial, and 19th-century sites. Such sites have the potential to contain significant information to our understanding of prehistoric and historic settlement and ways of life in Delaware.

Because many family farms included family cemeteries, this area also has a high potential for containing unmarked human burials. Two cemeteries are recorded in the area. Unmarked human remains are protected in state law (see 7 Del. Code Ch. 57).

A table describing known historic properties and sites and some aerial pictures showing their locations is included as Appendix 4.

Milford South East Neighborhood Master Plan

Map #3 Land Use & Environment

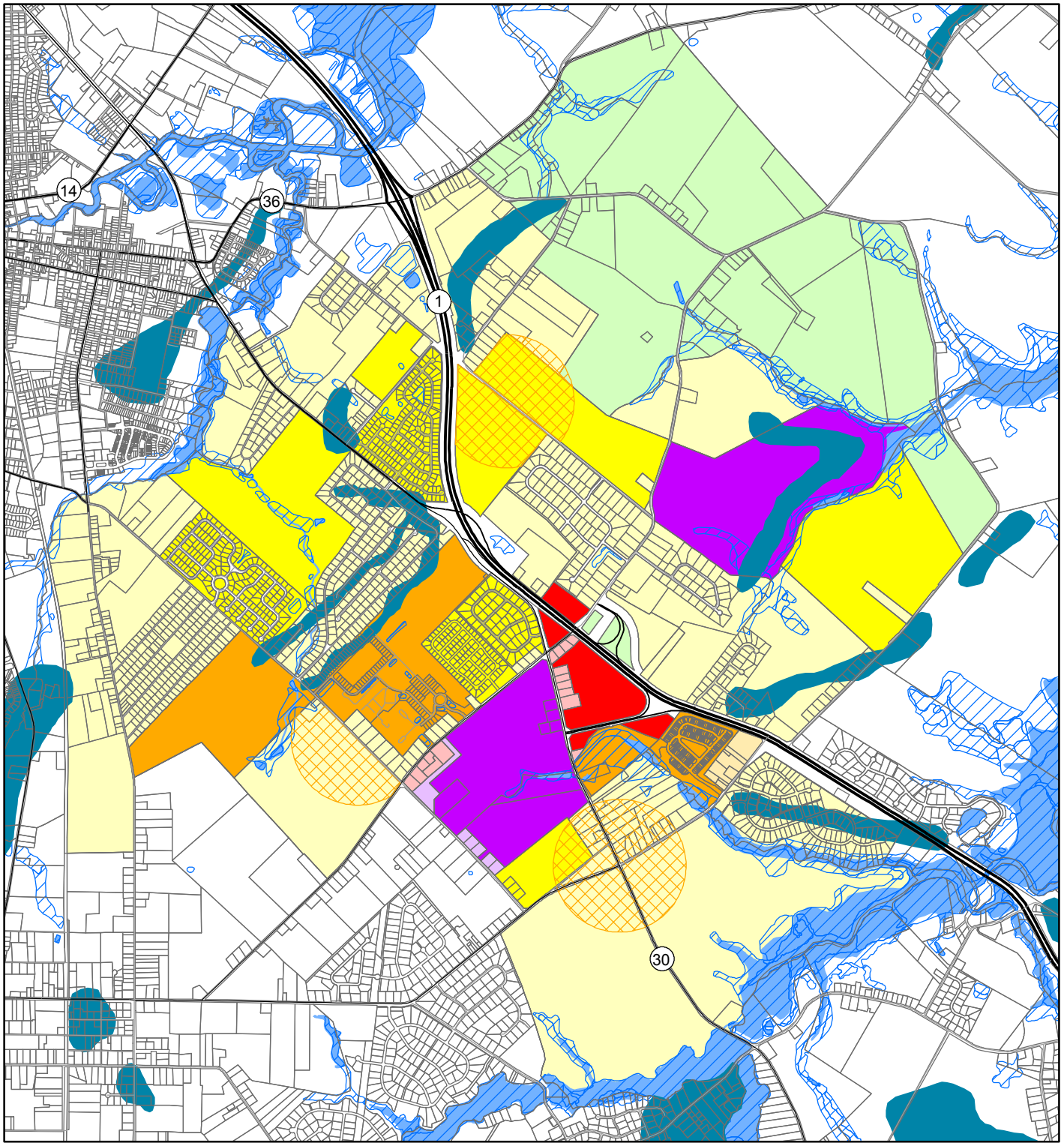
Revised March 2017

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- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Employment
- Proposed Commercial
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

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Chapter 8
Transportation Plan

This chapter documents transportation recommendations developed by the Delaware Department of Transportation (DelDOT) Division of Planning that are required to support the implementation of the Milford Southeast Neighborhood Master Plan (the Master Plan). The Master Plan was developed by the city (with assistance from the Office of State Planning Coordination, State agencies including DelDOT, and the University of Delaware) to provide the community with a plan that will be used to oversee the orderly development of southeast Milford, including those areas identified in the City's Comprehensive Plan Urban Growth Boundary.

The Master Plan also seeks to ensure that new residential and commercial growth within the study area encompasses the goals and objectives of good planning practice, including:

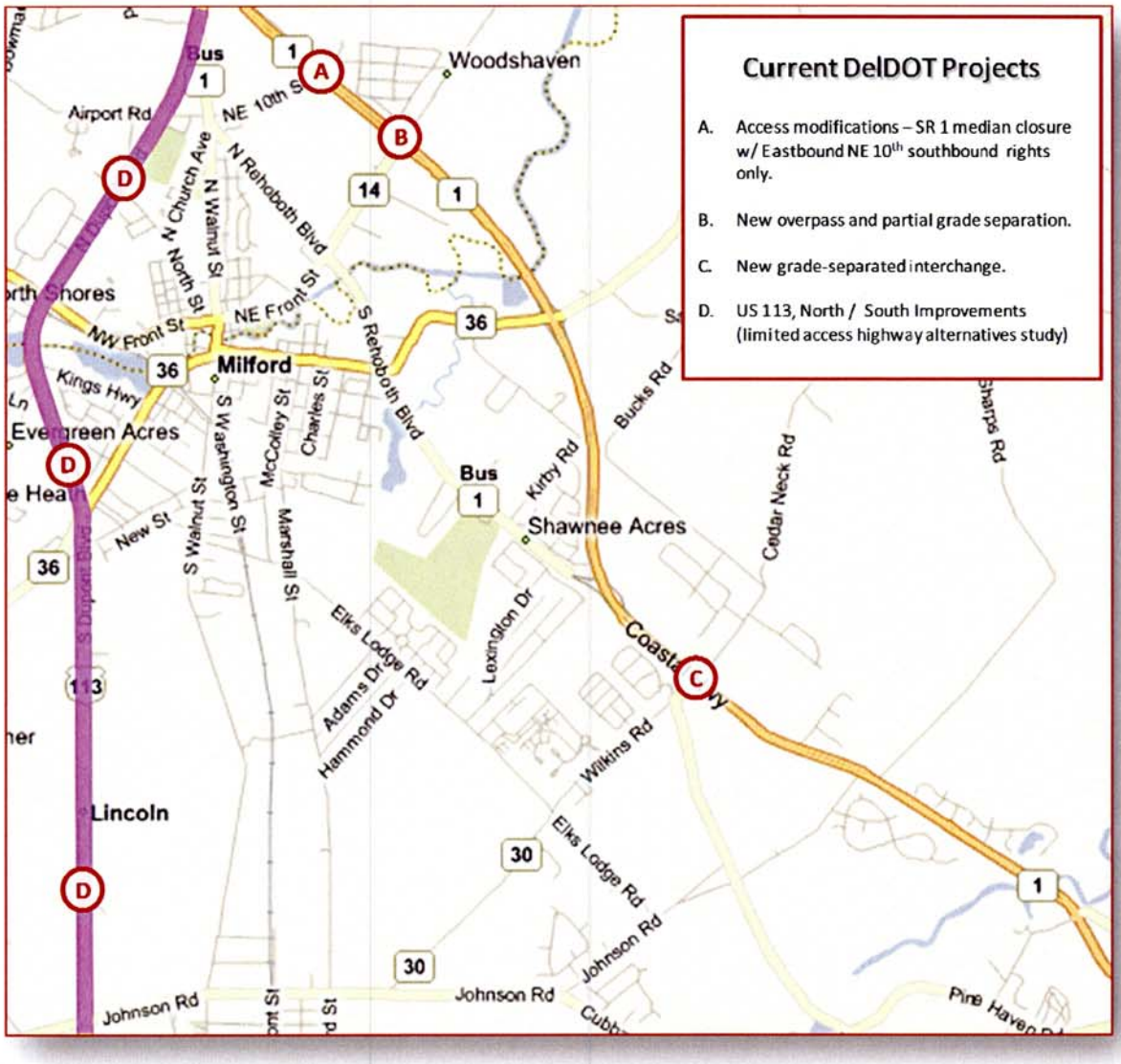
- More efficient and land use
- Farmland preservation
- Greater variety in housing types and affordability
- More bicycle and pedestrian facilities and connections
- Transit Opportunities
- Natural Resource Preservation

Current DelDOT Projects

DelDOT currently has several capital projects (see Map 8.1) within or near the study area that are either in the planning, design, or construction stages. The DelDOT Capital Transportation Program (FY 2010-2015) contains the following major projects:

(a) SR 1 / NE 10th Street – access modifications
(b) SR 1 / NE Front Street – new overpass and partial grade separation
(c) SR 1 / SR 10 – new grade-separated intersection
(d) U.S. 113 – limited access highway study

Map 8.1. Current DelDOT Projects



Master Plan – Transportation Element

The primary role of DelDOT in the development and implementation of the Master Plan is to identify and analyze transportation improvements that will be required to accommodate projected traffic volume associated with the Plan's land use designations and demographic projections. Many of the transportation project recommendations found in this report will be implemented in conjunction with private and/or public land use development as it occurs. This document provides a framework by which those future projects will be identified and implemented and includes the following goals and objectives:

- Establish the Master Plan study area as a DelDOT Transportation Investment District (TID).

- Increase the mode share of non-vehicle trips by supporting and proposing transportation projects that enhance the expansion of pedestrian, bicycle, and transit facilities within the study area.

- Formally partner with the development community and the public to ensure that transportation improvements are constructed and sequenced in a proper order that supports the quality of life goals and objectives of the Master Plan.

- Ensure that traffic studies associated with DelDOT projects or new development are coordinated in a manner that improves efficiency and reduces costs.

- Support smart growth concepts and design in all future proposed land use development and implement the DelDOT Complete Streets program when designing and constructing any transportation projects deemed necessary to support the Master Plan.

Similar to other Master Plan agreements within the state, DelDOT will work with the city, development community, and the public to forge an agreement that encompasses the following responsibilities:

1. DelDOT – Conduct traffic analysis for the purposes of identifying needed roadway improvements, rights-of-way, and funding requirements by the public and private sectors.

2. City – Plan and identify and funding mechanisms for needed electrical, water, and sewer service.

3. Development Community – contribute equitable funding to roadway projects, donate rights-of-way where necessary, and work with the city and DelDOT to maximize the most efficient vehicle, transit, bicycle, and pedestrian connections and services.

Master Plan Preferred Land Use Scenario

The Master Plan preferred land use scenario was developed by the city with assistance from the Office of State Planning Coordination and the University of Delaware. Community VIZ software was utilized at several public workshops to gather input from the public regarding what type of land uses they desired for the study area. Land use preferences derived from the public workshops were at the grid level and did not follow any natural or man-made boundaries. A final land use map produced at the tax parcel level that also included three transfer-of-development right (TDR) receiving areas was created and adopted by the technical working group in October, 2010 (see Map 1 and Map 4).

Outputs from the UD-SCC Model included daily residential and commercial vehicle trips for each grid within the study area. The Preferred Land Use Scenario is considered a build-out plan.

Projected demographic changes (Table 8.1) associated with the scenario, as compared to existing land use, are as follows:

* +5,581 dwelling units (+272%)
* +14,503 population (+292%)
* +2,268 employment (+903%)
* +76,260 daily residential vehicle trips (+272%)
* +24,875 daily commercial vehicle trips (n/a)

Editor's Note: DelDOT model runs are based upon the first UD SCC Model future land use scenario, labeled "Preferred Alt" in Table 8.1 below. The City of Milford and the University of Delaware continued to refine this scenario from October 2009 through December 2010. The resulting final scenario, labeled "Preferred Revised," reflects a more accurate count of existing dwelling units, approved and recorded subdivisions, and a based density of approximately 3 du/acre in Milford's R-1 zoning district, the least dense available. This resulted in +9,826 dwelling units and corresponding increases in population and employment as well. At time of publication we consider these model runs adequate to address growth for the foreseeable future. Growth projections indicate that only +1,016 dwelling units are expected through 2030 (see Chapter 3). Additional model runs can be considered in the future if the pace and timing of growth changes.

Table 8.1. Summary of Alternative Plan Scenarios from UD-SCC Model

	Existing Land Use	Preferred Alt (at buildout)	Preferred Revised (at buildout)	Growth 2020	Growth 2040	Milford Comp Plan as adopted (at buildout)
Dwelling Units	1,943	7,626	11,769	2,434	2,959	15,083
Number of Residents	4,709	19,459	30,739	5,960	7,290	39,659
Commercial Floor Area	0	995,000	2,985,000	160,000	1,185,000	7,970,000
Employees	262	2,519	4,875	724	1,854	10,275
Date Created	Oct. 2009	Oct. 2009	Dec. 2010	Apr. 2011	Apr 2011	Jan. 2009

Source: University of Delaware's Sustainable Coastal Communities Initiative, UD-SCC Model

Methodology

DelDOT utilized the following methodology for incorporating and analyzing the daily vehicle trip outputs from Community VIZ into the DelDOT Travel Demand Model (CUBE 5):

1. Create new traffic analysis zones (TAZs) in CUBE 5 model to match UD-SCC Model grids.
2. Create additional road network detail in CUBE 5 model to match the study area.
3. Import UD-SCC Model daily trip data into CUBE 5 model.
4. Run CUBE 5 model.
5. Analyze outputs (Level of Service and Volume/Capacity ratio) from model to compare existing conditions with Preferred Scenario.
6. Create and analyze additional road network improvements as necessary.
7. Develop recommendations.

Recommendations

Project recommendations contained in this chapter are broken into the following categories and are reflective of both quantitative results from the travel demand model and qualitative goals aimed at improving transportation choices for residents and employees within the study area:

- Bicycle facilities
- Pedestrian facilities
- Transit facilities
- Park-and-ride facilities
- Intersection upgrades or modification

- Road upgrades
- Smart growth
- Policy

The project and policy recommendations contained in this report are also reflective of the DelDOT Complete Streets policy, which was adopted in 2009. This policy mandates that any new transportation projects in the state right-of-way (road reconstruction and/or widening) take into consideration all transportation modes and accommodate accordingly. This includes public transit users, bicyclists, pedestrians and motorists.

Please note that a summary listing of this report's transportation recommendations can be found in Table 8.2 at the end of this chapter.

Bicycle Facilities

Currently, there are no DelDOT designated bicycle routes within the study area. While bicycle use is allowed by law on all of the study area roads (with the exception of SR 1) many of these roads do not include shoulders, which enhance rider safety (see Map 8.2). Approximately 28% of the study area roadways have hard surface shoulders with a width of three feet or greater. Similarly, there are few sidewalks or other pedestrian facilities within the study area.

Recommendations:

On-road bicycle facilities should be included as part of any new roadway construction, entrance plans, widening and rehabilitation of existing roadway facilities. Implement specific bicycle recommendations as per Table 8.2.

Pedestrian Facilities

Currently, there are limited pedestrian facilities within the study area (see Map 8.2). The City of Milford does now require, however, the construction of sidewalk facilities for new residential streets within its municipal boundaries.

DelDOT is in the process of implementing the Delaware Statewide Pedestrian Action Plan, which includes the following elements:

(1) Inventory of pedestrian facilities
(2) Transition Plan identifying all gaps and facilities not in compliance with the Americans with Disabilities Act (ADA).
(3) Complete Streets policy and implementation plan

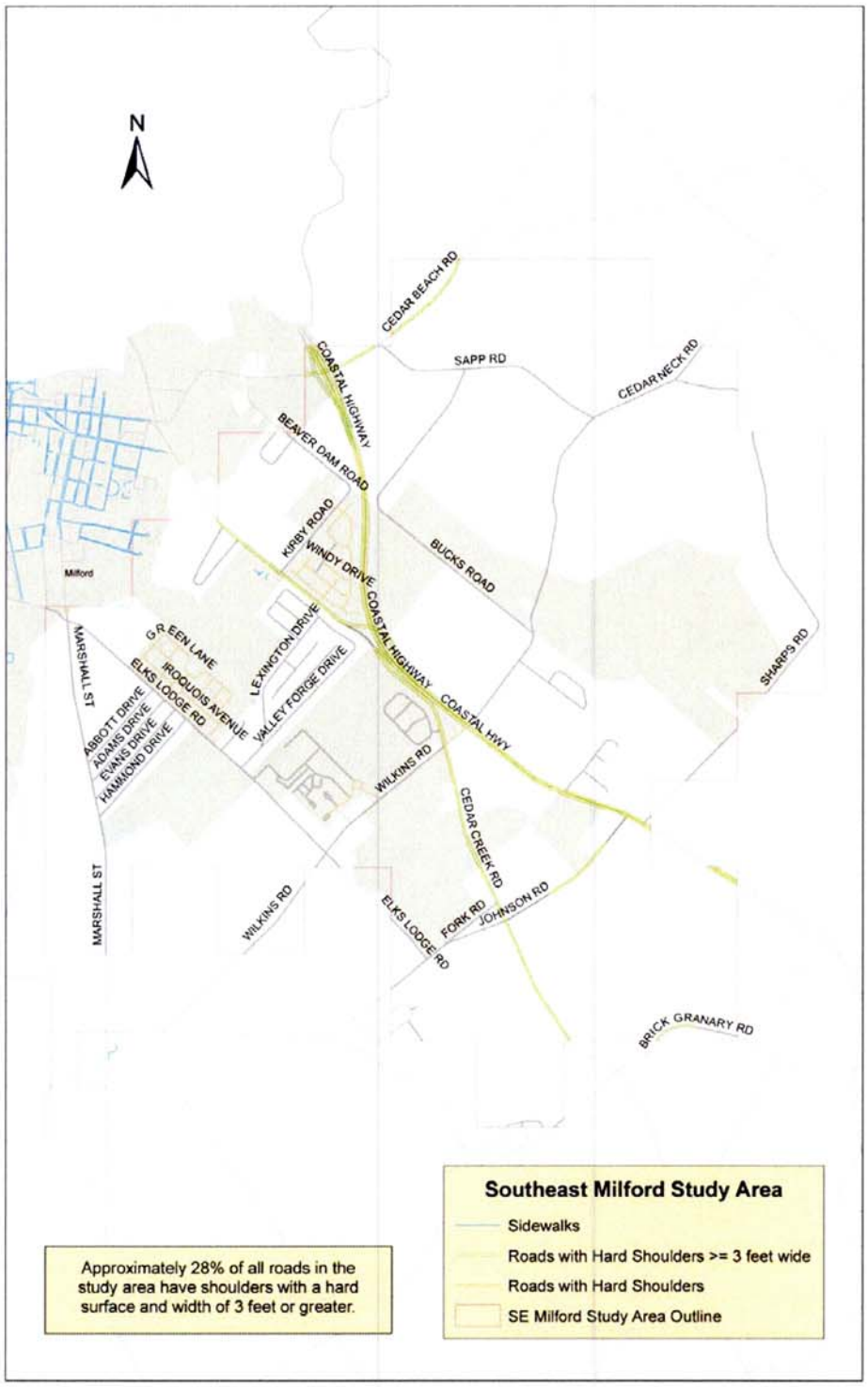
(4) Development of a transition plan

The Pedestrian Action Plan will identify gaps in the system and opportunities for enhanced pedestrian facilities for the City of Milford. It will also highlight access issues to transit locations and include recommendations for improvements.

Recommendations:

Evaluate the need for bicycle and pedestrian facilities and transit stops as part of any new roadway construction, entrance plans, widening and rehabilitation of existing roadway facilities in accordance with the Complete Streets Policy, the Statewide Bicycle Plan, and the Statewide Pedestrian Action Plan. Implement specific recommendations as per Table 8.2.

Map 8.2. Existing Pedestrian and Roadway Shoulder Facilities



Transit Facilities

Between 2,500 and 4,900 new employees are projected to be added to the City of Milford's Southeast Neighborhood under the adopted Master Plan. Many of these new employees are expected to work at a new major employment center east of SR 1 along Cedar Neck Rd. This employment center, currently known as "Innovation Park" presents DelDOT with a unique opportunity to establish a new transit loop that would service the employment center while also making a connection to currently established residential neighborhoods and businesses west of SR 1.

Recommendations:

Establish a new DART transit loop to connect existing and new development on the east and west sides of SR 1. The transit loop would consist of the following three phases and locations:

Phase I – Establish a new transit route adjacent to existing and developing residential and employment areas west of SR 1 utilizing the following road network:

- Business Route 1
- Wilkens Rd.
- SE Front St.
- State Route 36
- Marshall St.
- Elks Lodge Rd.

Phase II – Establish a new transit route east of SR 1 for the purpose of providing access between the eastern and western side of Milford and to service the proposed "Innovation Park" employment center utilizing the following road network:

- Cedar Neck Rd.
- Bucks Rd.
- Sapp Rd.
- State Route 36

Phase III – Establish a new transit route west of SR 1 in the southern portion of study area for the purpose of servicing proposed new residential and employment areas utilizing the following road network:

- Elks Lodge Rd.
- Johnson Rd.
- State Route 30

Intersection Upgrades or Modifications

A projected increase of nearly 100,000 new daily residential and commercial vehicle trips in the study area will require upgrades or modifications to several existing intersections within the study area.

The proposed adoption by the City of Milford to require traffic-impact studies for new residential and employment developments within the study area will serve to provide DelDOT with additional analysis needed to determine the various geometric improvements required for each intersection to function in an efficient manner. It is anticipated that additional intersections will need to be improved as development of the study area progresses in the future.

Preliminary traffic-capacity analysis has identified the following intersections that would require improvements under the land use projections of the Master Plan:

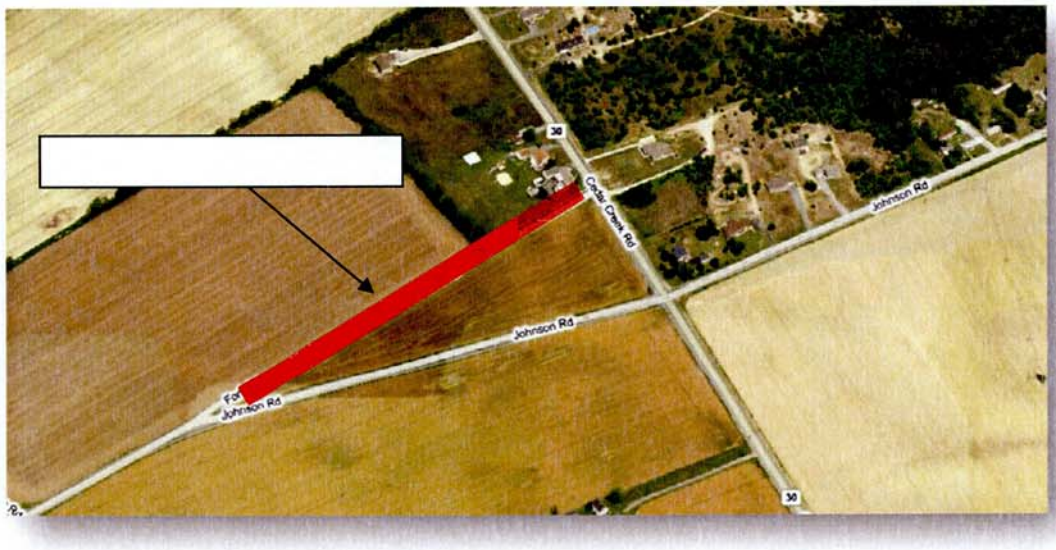
- State Route 30 and Johnson Rd.
- Elks Lodge Rd and Wilkens Rd.
- Cedar Neck Rd and Bucks Rd.

The following intersections or road segments have been identified for either removal or access modifications:

- SR 30 (Cedar Creek Rd) and Fork Rd. – the removal of Fork Rd. has inherent safety benefits that would result from the shifting of vehicles from Fork Rd. to the Johnson Rd. / SR 30 intersection.

The existing intersection approaches (Fork Rd at Johnson Rd/SR 30) are under-utilized and not necessary for area traffic-flow needs.

Map 8.3: Fork Rd and SR 30



- SR 1 and Sharps Rd / Johnson Rd

DelDOT is aware of and actively involved in identifying and proposing solutions for potentially unsafe median crossings onto SR 1. The SR 1 / Sharps Rd. – Johnson Rd. intersections are two closely spaced (425 ft.) facilities that gain access to SR 1 via a median crossing. Due to the close proximity of the intersections it is recommended that DelDOT investigate possible re-configuration alternatives that could enhance the safety of the intersection.

Roadway Upgrades

Much of the study area road network east of SR 1 and south of Wilkins Rd. on the west side of SR 1 has served primarily rural and/or agricultural land uses in the past. A majority of these roads do not include any shoulders. In fact, only 28% of the entire study area roadways contain hard surface shoulders with a width of three feet or greater. As the study area continues to accommodate new and projected future residents and employers much of the transportation network will require upgrades including shoulders, intersection improvements, capacity increases, and possible new connections.

Recommendations:

Improve the following roadway facilities to meet a minimum standard of two 11-ft. travel lanes and 5-ft. shoulders:

(1) Kirby Rd. (from RD 14 to Cedar Beach Rd.)
(2) Bucks Rd. – (from Sapp Rd to Cedar Neck Rd.)
(3) Sapp Rd. (from Bucks Rd. to Cedar Beach Rd.)
(4) Cedar Neck Rd. (from Sapp Rd. to SR 1)
(5) Sharps Rd. (from 1 mile north of SR 1 to SR 1)
(6) Business Route 1 (from Wilkins Rd. to SE Front St)
(7) Cedar Beach Rd./SR 36 (from Sapp Rd. to Business Route 1)
(8) Wilkens Rd.
(9) Elks Lodge Rd. south of Wilkins Rd.

The preceding road-segment improvements also overlap proposed new transit routes, which will, in turn, support pedestrian and bicycle accessibility to future bus stop locations.

Smart Growth

DelDOT seeks to further support the land use designations contained in the Milford Master Plan by implementing projects and policies that encourage the construction of smart growth-based residential and commercial spaces.

Smart growth is a set of principles and guidelines that attempts to create a nexus between land use and transportation in which zoning, subdivision regulations, architectural standards, and transportation design act as mutually supporting entities, leading to greater efficiencies in vehicle and person movements and an enhanced sense of quality of life.

DelDOT supports the creation and adoption of a unified development ordinance by the City of Milford as a means for maximizing DelDOT's transportation investments in the study area.

Map 8.4. Bucks Rd Area - Conceptual New Residential Development



Map 8.5. Bucks Rd Area - Conceptual New Residential Development



Policy

The successful adoption and implementation of several policy initiatives are necessary for the Transportation Element to function as a successful component of the overall Master Plan for southeast Milford.

Recommendations:

- Work with the City to assist in the creation of a Transportation Investment District (TID) for the purpose of allowing the City to enter into agreements with the private sector community for the development and implementation of cost-sharing mechanisms to fund transportation improvements identified in this report.

- Adoption of provision requiring traffic studies by the City of Milford to be undertaken when proposed residential or commercial development exceeds particular dwelling unit and/or commercial square footage thresholds.

- Adoption of development ordinances by the City of Milford for the purpose of providing land development standards that support transportation improvement projects.

Table 8.2. Transportation Recommendations

Improvement	Area or Location	Type	Goal
Bicycle	Statewide connector, regional, and statewide bike routes within Study Area	Install bike facilities as part of roadway improvements as per the Delaware Bicycle Facility Master Plan.	Improve multi-modal options for residents.
Pedestrian	Existing DART bus stop locations	Provide safe pedestrian access to stops.	Improve multi-modal options for residents.
	Existing bus stops in the study area	Install improvements at bus stops (bus stop signs, bus pad, benches, lighting, shelters).	Improve multi-modal options for residents.
Transit	New Local Circulator Routes Phase I (see Map 4) Phase II Phase III	Increase frequency of bus service to provide access to downtown and new residential development / employment centers east of SR 1.	Improve multi-modal options for residents .
Park and Rides	To be identified		Reduce congestion
Intersection Upgrades	(1) Elks Lodge Rd. / Wilkins Rd. (2) SR 30 / Johnson Rd. (3) Bucks Rd. / Cedar Neck Rd. (4) SE Front St. / Marshall St.	Add turn lanes and/or signalization to be determined by existing and projected traffic-count data and studies.	Improve safety and reduce delay.

Intersection Modifications	(1) SR 1 / Johnson Rd. (2) SR 1 / Sharps Rd.	Revise movements to rights-in and rights-out only. Remove SR 1 median crossover. Add NB SR 1 acceleration lane.	Improve safety.
Road Upgrades	(1) Kirby Rd. (from SR 14 to Cedar Beach Rd.) (2) Bucks Rd. – (from Sapp Rd. to Cedar Neck Rd.) (3) Sapp Rd. (from Bucks Rd. to Cedar Beach Rd.) (4) Cedar Neck Rd. (from Sapp Rd. to SR 1) (5) Sharps Rd. (from 1 mile north of SR 1 to SR 1) (6) Business Route 1 (from Wilkins Rd. to SE Front St.) (7) Cedar Beach Rd./SR 36 (from Sapp Rd. Business Route 1) (8) Wilkins Rd. (9) Elks Lodge Rd. south of Wilkins Rd.	Improve to a minimum of two 11 ft. travel lanes and 5 ft. shoulders	Improve safety, reduce delay, enhance multi-modes of travel.
Smart Growth	Master Plan Study Area	Assist city with integration of smart growth transportation designs and principles.	Enhance quality of life.

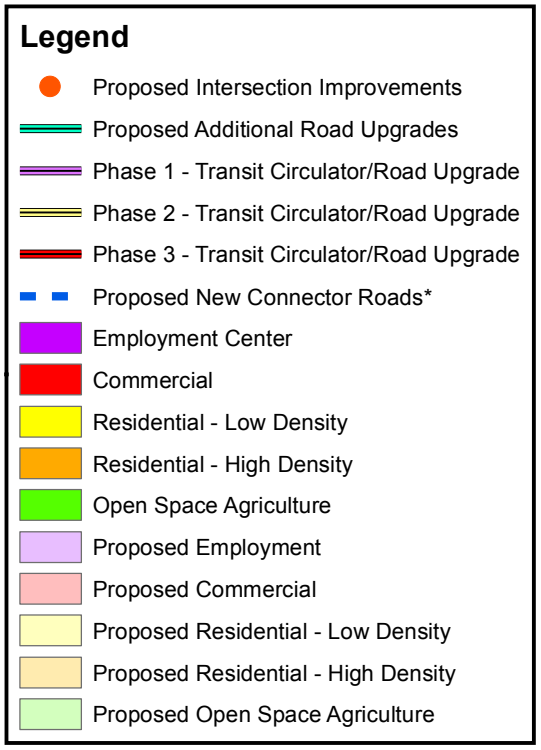
Table 8.2 – Transportation Recommendations (cont.)

Policy	Master Plan study area	Transportation Investment District (TID)	(1) Coordination of land use and transportation projects as per DelDOT Complete Streets Policy (2) Private / Public partnership to identify and share costs associated with required capital transportation projects within study area
Policy	Master Plan study area	Development Ordinances	Efficient use of land use and transportation design standards
Policy	Assist City of Milford with drafting a traffic impact study requirement.	City code	Collection of existing and projected traffic data

Milford South East Neighborhood Master Plan

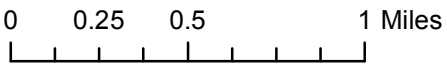
Map #4 Land Use & Transportation Recommendations

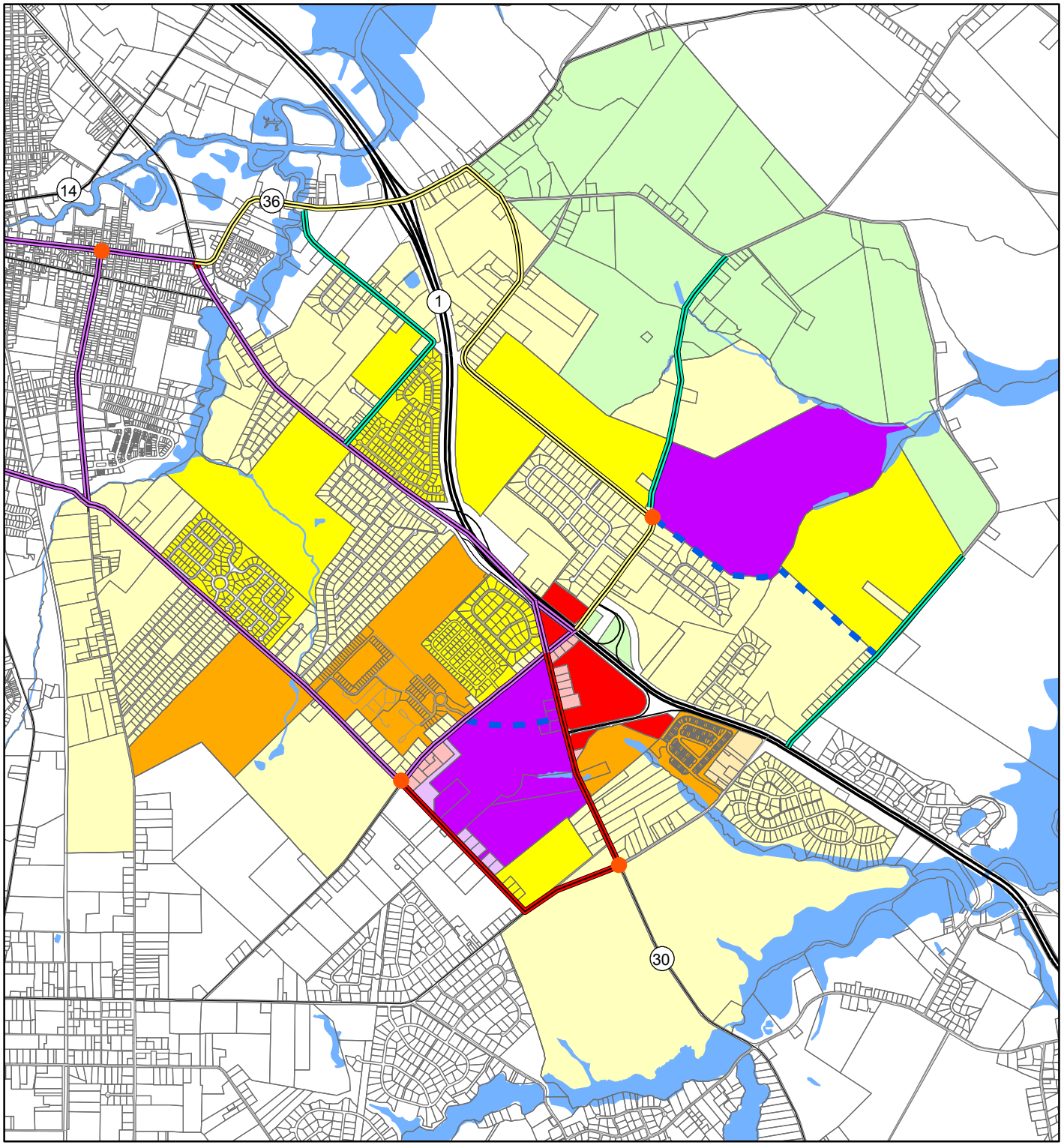
Revised March 2017



*Conceptual alignment subject to change







Chapter 9
Water and Sewer Infrastructure

One responsibility of the City of Milford for the Southeast Neighborhood is the planning, financing, and construction of public utilities for this area. These public utilities include water, sewer and electricity.

The City of Milford has engaged the engineering firm of Davis, Bowen, & Friedel (DB&F)to prepare the water and sewer extensions east of SR 1. After reviewing proposed and existing development, DB&F has prepared cost estimates and schematic drawings showing the proposed location of these public utilities (see Map 5).

Public Water System Improvements

The water extensions include a new elevated storage facility, water treatment facility and a new proposed well either east of SR 1 or west of SR 1, depending on the availability of land and locating a sufficient water source. Additional water facilities include extension of a 12 inch water line from an existing connection near Meadows at Shawnee running southward near the three major properties east of SR 1 (Dugan Property, Isaac Property, and the Mills Property) then westward along Johnson Road until it meets Cedar Creek Road. At this intersection the water line is reduced to a 10 inch water line then continues in a westerly direction until it meets Elks Lodge Road. At Elks Lodge Road it continues in a northerly direction until it connects with an existing water line near the Orchard Hills development. This proposed extension of the water utility into the Southeast Neighborhood includes additional wells and will loop with the existing City of Milford water system to provide improved water supply and storage and fire fighting capabilities.

The estimated cost of these improvements according to DB&F is approximately $5.25 million. Presently the City of Milford has funding in place through the U.S. Department of Agriculture for the construction of these water facilities.

Public Sewer System Improvements

Regarding the proposed sewer extensions for the Southeast Neighborhood, again DB&F has provided cost estimates and schematic drawings showing the proposed location of these public utilities. The sewer extensions include the construction of a proposed 12 inch force main from an existing 18 inch force main near the Meadows of Shawnee along Rehoboth Blvd. running eastward then southward along the Dugan property, which would serve the area east of SR 1.

Additional construction in this area would include the erection of a pump station on the Isaacs property.

Proposed sewer extension for the area west of SR1 include the construction of a 12 inch force main near the Meadows at Shawnee on Rehoboth Blvd., continuing southward along Rehoboth Blvd. then along the right-of-way of SR 1 near the Matlinds Estate housing development, then southward along Cedar Creek Road. This proposed sewer extension would serve all the proposed development west of SR 1 and south of existing development within the corporate limits of the City of Milford (see Map 6).

Costs estimates prepared by DB&F for this sewer extension amount to $9 million.

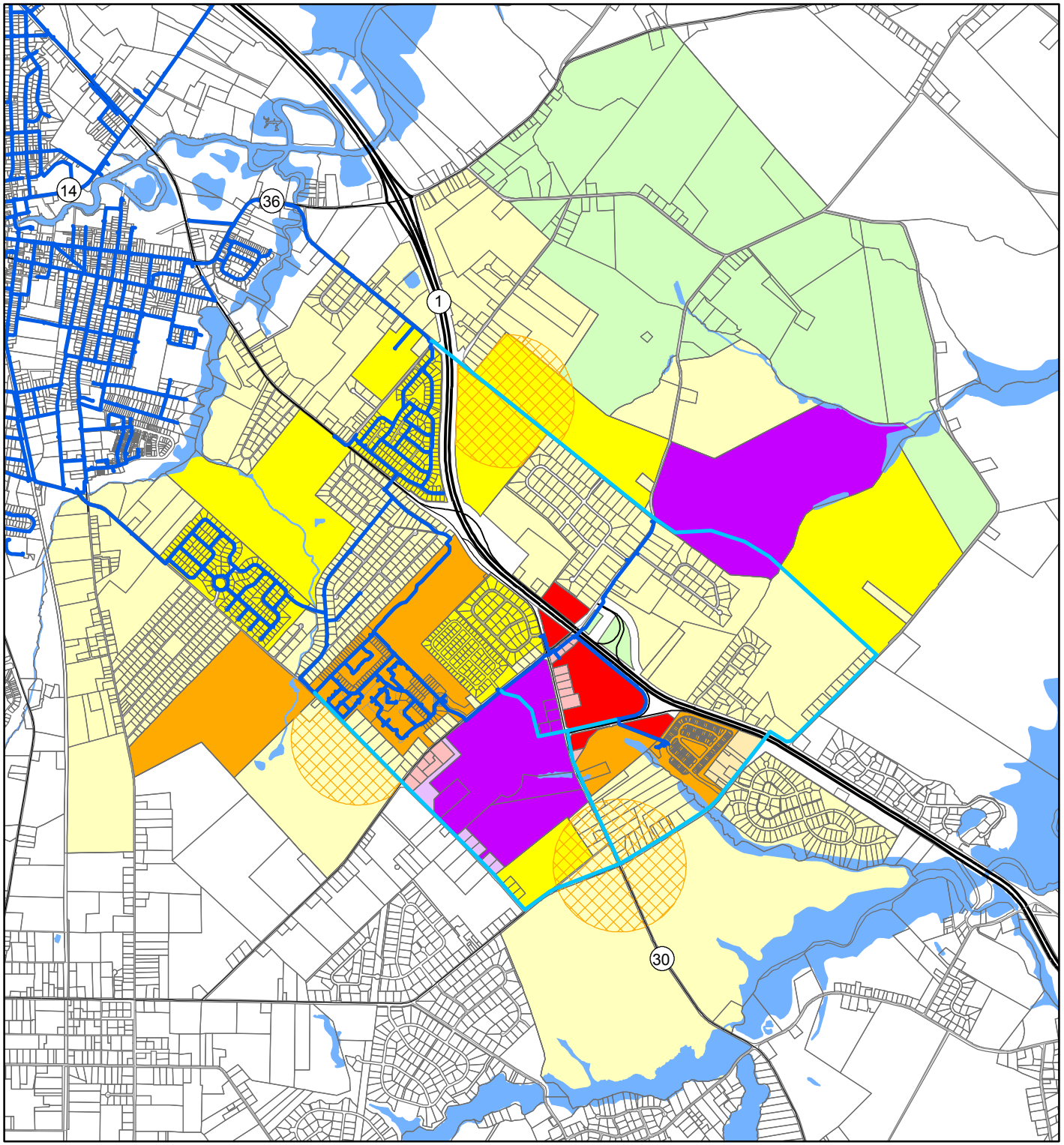
Electric Utility

The City's electric utility currently serves a majority of the area included in the Southeast Neighborhood planning area. Areas currently not included in the City's service territory will e added once they are annexed in to the City limits.

Milford South East Neighborhood Master Plan

Map #5 Land Use & Water

Revised March 2017



Legend

- Proposed Water System
- Existing Water System
- TDR Receiving Areas
- Employment Center
- Commercial
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Employment
- Proposed Commercial
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

*Conceptual alignment subject to change

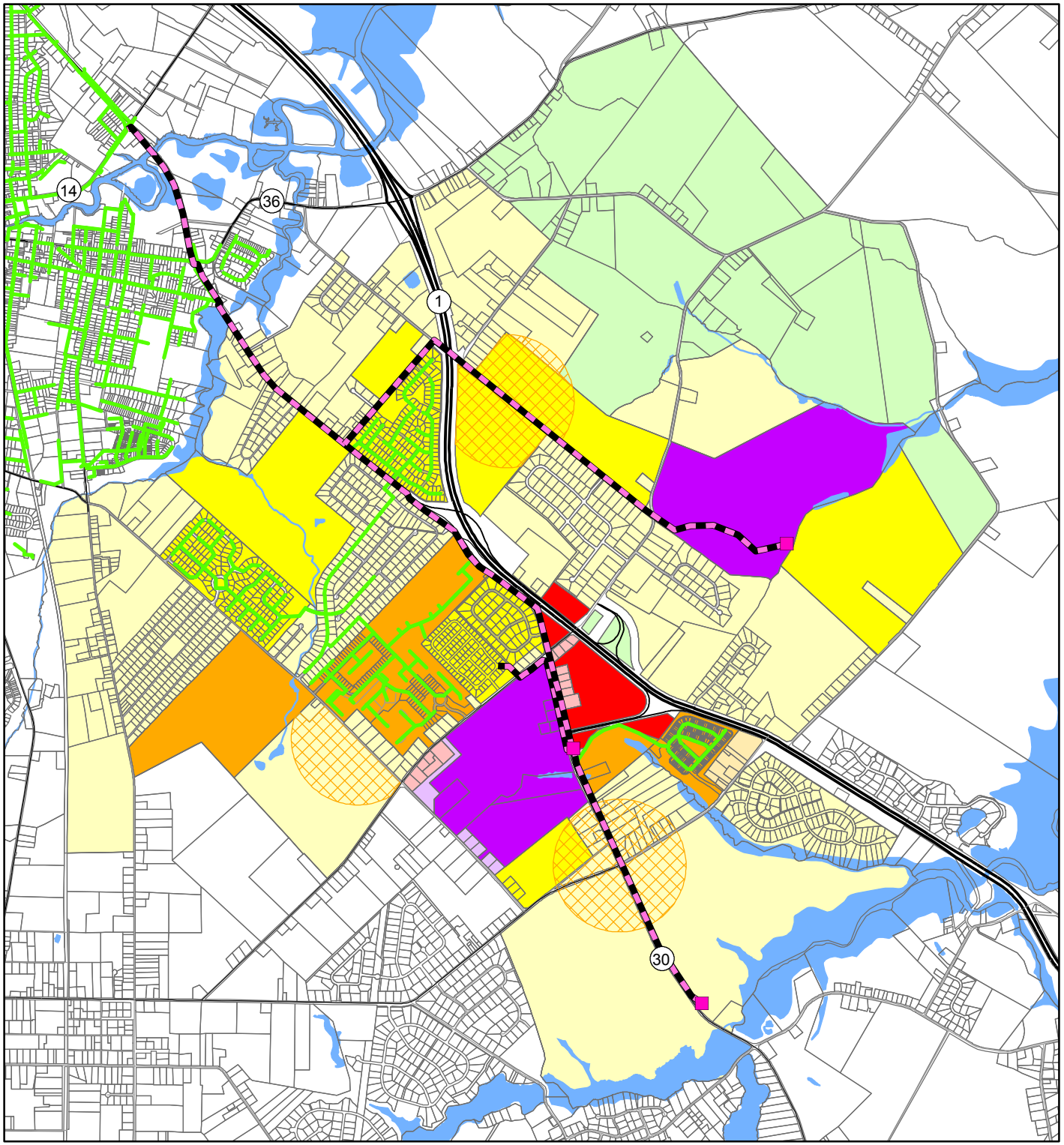
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Milford South East Neighborhood Master Plan

Map #6 Land Use & Wastewater

Revised March 2017



Legend

- Proposed PS
- Proposed FM
- Existing Gravity Sewer
- TDR Receiving Areas
- Employment Center
- Commercial
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Employment
- Proposed Commercial
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

*Conceptual alignment subject to change

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Chapter 10
Design Guidelines

1. DDA recommends that the city require any property developed adjacent to land designated as Open Space Agriculture to include a forested buffer between the property and adjacent farmland. This is already required by Sussex County. As a courtesy to Sussex County, the DDA Forest Service reviews the effectiveness of the buffer and makes a recommendation to the County on whether or not to accept the buffer as is, or require modifications. DDA would offer the same service to the City.

2. In addition to a forested buffer requirement, the DDA also asks that the City work with developers on where they "mass" their houses or buildings. Whenever practical, the Department requests that the City require developers to cluster their approved building lots and place as much of the residual community open space near adjacent farm parcels. This would further help eliminate or mitigate any conflict that may arise from dissimilar land uses.

3. When considering site plan and subdivision design, the placement of active and passive open space is important. Passive open space should be located to give a priority to protecting existing natural resources on the site. Active open space (for recreational use) is better placed in a more centralized location in order to be more accessible to future residents of the subdivision.

4. As each new project is proposed, the City, DNREC, DelDOT, and the developer should discuss opportunities to develop shared stormwater management facilities that integrate best practices for maximum flood protection and water quality protection and enhancement.

5. Utilize green technologies to manage stormwater. Green technology stormwater management is a best practice that uses the natural processes of vegetation to filter stormwater, and take up harmful pollutants, and improve groundwater recharge without expensive infrastructure.

6. Minimize the removal of trees within the Cedar Creek Natural Area to the greatest extent possible with the goal of preserving all existing trees and all contiguous forested blocks (see map 5.1).

7. Provide buffers to the Cedar Creek Natural Area and the Cedar Creek Nature Preserve. DNREC recommends prohibiting additional development within 300 ft. of the existing Natural Area (see map 5.1).

8. Do not place stormwater structures, including stormwater outfalls, in the Cedar Creek Natural Area (see map 5.1).

9. Incorporate sidewalks, bike lanes, and multi-modal paths in the Master Plan Area in accordance with Chapter 8 and the Milford Pedestrian/Multi-Modal Master Plan.

10. Specific Conservation Areas, Area One (see Chapter 5 and Map 5.3, Area One)
    a. Avoid building and/or stormwater infiltration in the area of excellent recharge
    b. Limit intense development to the upland portion of the parcel; the eastern portion should be used for passive recreation and open space.
    c. The Downer and Ingleside soils in Area One should be the preferred location for stormwater infiltration.

11. Specific Conservation Areas, Area Two (see Chapter 5 and Map 5.4, Area Two)
    a. Protect the forested wetlands that are mapped in the southern end of Area Two, on both sides of SR 30. Because of the falling elevation from the north end of this area toward the mapped wetlands, we advise that optimal stormwater management would be constructed wetlands or other green-technology best management practices in the area immediately north of the forested wetlands, on either side of SR 30.
    b. The wooded section in this area also supports Key Wildlife Habitat. Generous riparian buffers (300 feet or greater) are recommended to protect water quality, and preserve forested areas surrounding the tributaries of Cedar Creek to enable rare species to thrive.

12. Specific Conservation Areas, Area Three (see Chapter 5 and Map 5.5, Area Three)
    a. Provide at least a 300 ft upland buffer because of the presence of or potential for swamp pink. The buffer would also be instrumental in protecting the Atlantic

White Cedar wetlands as well as achieving the Total Maximum Daily Load (TMDL) pollution limits for this portion of the Mispillion watershed.

Chapter 11
Implementation

Commitments:

The City of Milford

1. The City will develop and adopt an ordinance to enable to use of transfer-of-development rights (TDRs) credits in receiving zones. This ordinance will enable developers build at up to eight (8) units per acre by-right through the purchase of TDR credits from farms in the sending areas.
2. A stormwater utility is a legal and financial structure to allow stormwater management facilities to be constructed, managed, and maintained in common by a local government or other entity. This master plan area is well suited to such a utility, although there are many ways to structure such an entity. Both the City and DNREC agree to explore this option in more detail as this area develops in accordance with this master plan.
3. The City will construct a public water system as described in Chapter 9 to serve the Master Plan Area. This is a funded project.
4. The City will design and permit a sewer system to serve the Master Plan Area as described in Chapter 9. Private developers will be responsible for funding and constructing this system. The City will discuss various financing and construction options with any developer.

Delaware Department of Agriculture

1. The Delaware Department of Agriculture (DDA) and the Delaware Agricultural Lands Preservation Foundation (DALPF) will partner with the City to establish a Transfer of Development Rights program as described in the Agricultural Preservation chapter of this document (Chapter 4).
2. By partnering with DALPF, the City will avoid the initial financial expenditures required to preserve a parcel of land. These expenditures include paying to survey the property, paying the legal costs of a real estate settlement, and other associated administrative costs. DALPF would bear those costs.
3. The City would avoid the future obligation of monitoring the preserved farms to make sure they remain in compliance with the preservation agreement (easement). DALPF would assume that responsibility and add any properties preserved by Milford to the hundreds of permanently preserved farms it already monitors. In addition, should any

future litigation be required to uphold the preservation easement, the City would not have to incur any legal costs.

4. DDA will assist the City in the creation and administration of a TDR bank as described in the Agricultural Preservation chapter of this document (Chapter 4). This includes assistance with appraisals to set the fair market value of TDR units.
5. In addition to any funds the City would have for agricultural preservation and the TDR bank, they would also be eligible for state matching funds from DALPF, as well as any federal matching funds from United States Department of Agriculture (USDA) Farm and Ranch Lands Protection Program (FRPP). As allowed by law, these matching funds would be awarded to the city based on availability. If the City were able to capture state and federal matching funds, it could significantly leverage its funds with additional money and preserve additional farmland.

Delaware Department of Natural Resources and Environmental Control (DNREC)

1. There is an opportunity for greater communication and coordination between DNREC and DelDOT with regard to stormwater management and road improvements. This coordination will be ongoing throughout the development of this master plan area. Opportunities to share facilities and streamline the review process will be continually evaluated and implemented as individual properties within the master plan area develop and re-develop. Streamlined review and approval processes will only be available in return for implementing "best practice" designs.
2. DNREC will work with the city to explore and implement the concept of a stormwater utility in the master plan area as development occurs.

Delaware State Housing Authority (DSHA)

If requested, the DSHA stands ready to assist in the development of affordable housing opportunities in the Master Plan Area in the following ways:

1. Work with the Office of State Planning Coordination to further refine its criteria for tax credits, which may give more weight to Master Plan areas such as this one in the future.
2. Continue to provide developers information and resources through its Affordable Housing Resource Center and other sources.
3. Work with the City and the Office of State Planning Coordination on the development of ordinances, such as Form Based Codes, to ensure quality design in the Master Plan Area.
4. Participate with the City on future grant applications to facilitate development in the Master Plan Area.

Delaware Department of Transportation (DelDOT)

1. DelDOT will fund and construct the grade separated interchange at SR 1 and SR 30 as per the current Capital Transportation Plan (CTP). The current timeline involves construction in 2012 and 2013, with completion in late 2013. Please note that the CTP is subject to amendment annually.
2. Work with the City of Milford to adopt this master plan area as a Transportation Improvement District (TID) to enable equitable and timely funding for roadway improvements within the area in accordance with the recommendations in this Master Plan.
3. DelDOT will work with the City to ensure that the road improvements identified in this report are implemented by the public and/or private sector in a phased manner that is paced with the timing of development activities.

Requirements:

Division of Historical and Cultural Resources: Delaware State Historic Preservation Office

1. Any project that involves federal funds or permits must comply with Section 106 of the National Historic Preservation Act.
2. The State Antiquities Act requires that archaeological excavations on state-owned or controlled lands must be done under a permit from the Director of DHCA.
3. Any unmarked human remains that are disturbed during construction must be respectfully handled in conformance with the Delaware Unmarked Human Remains Act.

Recommendations:

Recommendations for Implementation of Agricultural Preservation:

1. DDA recommends the that the city require any property developed adjacent to land designated Open Space Agriculture to include a forested buffer between the property and adjacent farmland. This is already required by Sussex County. As a courtesy to Sussex County, the DDA Forest Service reviews the effectiveness of the buffer and makes a recommendation to the County on whether or not to accept the buffer as is, or require modifications. The Department would offer the same service to the City.

2. In addition to a forested-buffer requirement, the Department also asks that the City work with developers on where they "mass" their houses or buildings. Whenever

practical, DDA requests that the City require developers to cluster their approved building lots, and place as much of the residual community open space near adjacent farm parcels. This would further help eliminate or mitigate any conflict that may arise from dissimilar land uses.

3. DDA asks that the city review its zoning ordinances for compatibility with future agricultural business or agriculture related uses. It is important to provide provisions and flexibility in the zoning code to accommodate future agriculture related activities.

4. DDA would note that all properties enrolled in the state's farmland preservation program are afforded the protections listed in Appendix 3. In addition, Sussex County adopted a "mirror" ordinance to provide these protections to all farms located in Sussex County. These protections should be considered during the city's planning process in an attempt to place more compatible land uses next to properties engaged in agriculture. In addition, DNREC's regulations include a restriction on the location of water wells that should be considered.

Recommendations for Protection of the Cedar Creek Natural Area

1. Sections of the wooded areas of the Milford Southeast Neighborhood Master Plan Area are part of the Cedar Creek Natural Area (see Map 5.1). All developments near or adjacent to this Natural Area are recommended to follow the design guidelines regarding protection of the Natural Area, found in Chapter 5.
2. Cedar Creek Nature Preserve is adjacent to the south end of the Southeast Planning Area (see Map 5.1). A number of rare species can be found in association with this habitat type. To protect the rest of this contiguous forest area, it should be designated as a Nature Preserve, a special designation that provides additional protection for an important natural resource area. Such a designation would be achieved with the assistance of DNREC's State Office of Nature Preserves. Should these areas be annexed as envisioned by the Master Plan, Milford will work with private landowners and the State Office of Nature Preserves to promote the dedication of the Natural Area as a Nature Preserve.

Recommendations for the Protection of Specific Conservation Areas

1. When designing development projects within Specific Conservation Areas One, Two and Three (see Chapter 5 and Maps 5.3, 5.4 and 5.5), the land developers and the City will collaborate to ensure that the specific design guidelines related to these important conservation areas are incorporated into the site designs. The design guidelines are specifically listed in Chapter 10.

Transportation Recommendations

1. Upgrade primary circulation and transit routes (see Chapter 8, and Map 4) to 11 ft. lanes and 5 ft. shoulders.
2. Along these same routes, construct bicycle and pedestrian improvements to ensure interconnectivity, multi-modal connections, and "complete streets."
3. In order to accommodate increased traffic from new development activities, upgrade the intersections identified in Chapter 8 and shown on Map 4.
4. Encourage the use of TDR to enable higher density developments (up to 8 du/acre) at the designated TDR receiving areas. These areas are planned around bus stops to enable the transit improvements envisioned to operate smoothly.

Signatures:

The undersigned agree to honor the above stated commitments, agreements, requirements and recommendations as they relate to the development and preservation of land within the Milford Southeast Neighborhood Master Plan area. This document, including text and maps, shall guide land development, agricultural preservation, environmental protection, and infrastructure investments in the Southeast Neighborhood Master Plan Area described herein. This document shall be in full force and effect until such time as all parties reconvene and mutually consent to amend this document and the commitments, agreements, requirements, and recommendations.

Mayor, City of Milford

Director, Office of State Planning Coordination

Secretary, Delaware Department of Agriculture

Secretary, Delaware Department of Natural Resources and Environmental Control

Secretary, Delaware Department of Transportation

Appendices

Appendix 1. Southeast Neighborhood Master Plan Land Use Scenarios Comparison

Appendix 2. TDR Sending and Receiving Area Analysis

Appendix 3. Proposed Agricultural Use Protections

Appendix 4. Historic and Cultural Resources in or Near the Master Plan Area

Appendix 1.

Southeast Neighborhood Master Plan Land Use Scenarios Comparison

South Milford Master Plan

SE Neighborhood Land Use Scenarios - Demographic Comparative Analysis

April 2011

Build-Out Results	Existing Land Use	Master Plan Build-Out Scenarios				Milford Comp Plan (SE Neighborhood)
		SE_Neighborhood Public Option Preferred (ALT) Scenario[2] October, 2009	SE_Neighborhood Master Plan Preferred (Revised) Scenario[3] December, 2010	Growth 2020[4] April, 2011	Growth 2030[4] April, 2011	July, 2008
Build-Out Numeric Dwelling Units	1,943	7,626	11,769	2,434	2,959	15,083
Build-Out Numeric Buildings	1,943	6,815	10,103	2,438	2,693	7,570
Build-Out Numeric Floor Area	0	995,000	2,985,000	160,000	1,185,000	7,970,000
RESIDENTIAL						
Dwelling Units	1,943	7,626	11,769	2,434	2,959	15,083
Residents	4,709	19,459	30,739	5,960	7,290	39,659
Children	1,360	3,885	4,692	1,608	1,884	4,414
Residential Taxes	184,295	756,930	1,153,035	234,535	287,905	1,384,985
Residential VTD	19,430	76,260	114,596	24,340	29,590	134,488
Residential Waste Water	582,900	2,287,800	3,530,700	730,200	887,700	4,524,900
Residential Water Use	582,900	2,287,800	3,530,700	730,200	887,700	4,524,900
NONRESIDENTIAL						
Commercial FloorArea (SQFT)	0	995,000	2,985,000	160,000	1,185,000	7,970,000
Employees[1]	262	2,519	4,875	724	1,854	10,275
Commercial Taxes	0	49,539	137,065	7,966	65,371	320,632
Commercial VTD	0	24,875	70,692	4,000	30,692	178,000
Commercial Waste Water	0	32,875	70,158	8,000	30,158	186,000
CommercialWater Use	0	41,094	87,698	10,000	37,698	232,500

[1] *Existing Land Use Scenario employees are calculated as home-based employees, therefore no associated nonresidential space.*

[2] *SE_Neighborhood "Preferred (ALT)" Scenario - composite of scenarios developed at Public Workshop, October, 2009*

[3] *SE_Neighborhood "Preferred (Revised)" - Public Option composite revised December 2010 by City of Milford Planning after reviewing State Agency input & PLUS project constraints*

[4] *Growth 2020 and Growth 2030 Scenarios assume a growth rate of 2% per year*

*Source: **UD-SCC Community Land Use Model***

Analysis performed by the University of Delaware, Sustainable Coastal Communities (SCC) Program, 2011

UNIVERSITY OF DELAWARE

5/3/2011 SE_Neighborhood_Indicators_22APR11_UD Page 1 of 1

Appendix 2.
TDR Sending and Receiving Area Analysis

TDR Sending Area Analysis for Select Parcels East of Milford

Parcel Number	Owner Name	LESA Score	Acres	Zoning Yield[1]	Build Yield[2]	Septic Yield[3]
330-12.00-10.00	Ruth Williams	185.08	60	120	78	78
330-08.00-47.00	Richard,Fay Shockley	220.19	14.7	28	19	19
330-12.00-08.00	GW Shockley & Sons, Inc.	222.51	117.4	235	153	99
330-08.00 28.00	Alan and Arenath Mills	172.61	46.2	92	60	60
330-08.00-24.00	Beverely & Louis C'Day	189.26	41.29	101	66	66
330-12.00-01.03	Howard & Katherine Webb[4]	210.7	118.18	236	153	99
330-12.00-01.02	Howard & Katherine Webb[4]	Part of 330-12.00				
33C-12.00-01.02 (Unit 21805)	Howard & Katherine Webb[4]	Part of 330-12.00				
330-12.00-01.00	BKW Farm Limited	181.54	66.8	132	86	86
330-08.00-19.00	Alan & Arenath Mills	192.19	85.5	170	111	99
330-08.00-19.02	Alan & Arenath Mills	192.19	16.3	32	21	21
330-08.00 20.00	Warnock Farms, LLC	232.5	105.6	210	137	99
330-07.00-75.00	GW Shockley & Sons, Inc.	184.27	48.4	96	63	63
Totals			**720.37**	**1,452**	**947**	**789**

[1] Sussex County AR-1 zoning provides for 2 units to the acre

[2] In practice, the average subdivision yields 1.3 units per acre

[3] Del Code Title 7, Chapter 60 limits the number of individual on-site septic systems to 99, a community wastewater system is required to achieve the max. dwelling units allowed by zoning.

[4] Existing Agricultural District

Milford TDR Receiving Areas
Located within 1/4 Mile of Public Transportaion Nodes

Node	Acres	Base Zoning 3 DUs/acre	TDR Zoning 8 DUs/acres	Additional DUs through TDR use
1	58	174	696	522
2	118	354	1416	1062
3	104	312	1248	936
Total	280	840	2240	**1,400**

Appendix 3.
Proposed Agricultural Use Protections

The following is sample language that the Delaware Department of Agriculture recommends the City of Milford integrate into their review of any subdivision located adjacent to an Agricultural Preservation District:

The proposed development is near two properties currently enrolled in the State's Agricultural Lands Preservation Program (Example: N & M Burton Farm Agricultural District, (Parcel Numbers # 2.34-16.00-11.00 and 2.34-16.00-17.00). Therefore, the activities conducted on these preserved properties will be protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District. Please take note of these restrictions as follows:

> § 910. Agricultural use protections.
> (a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:
>
> > (1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:
> >
> > > This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is

expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Section 1. Chapter 99, Code of Sussex Section 99-6 may also apply to this subdivision. The applicant should verify the applicability of this provision with Sussex County. This Section of the Code states:

G. Agricultural Use Protections.

(1) Normal agricultural uses and activities conducted in a lawful manner are preferred. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural

chemicals and nighttime farm operations, land uses adjacent to land used primarily for agricultural purposes shall be subject to the following restrictions:

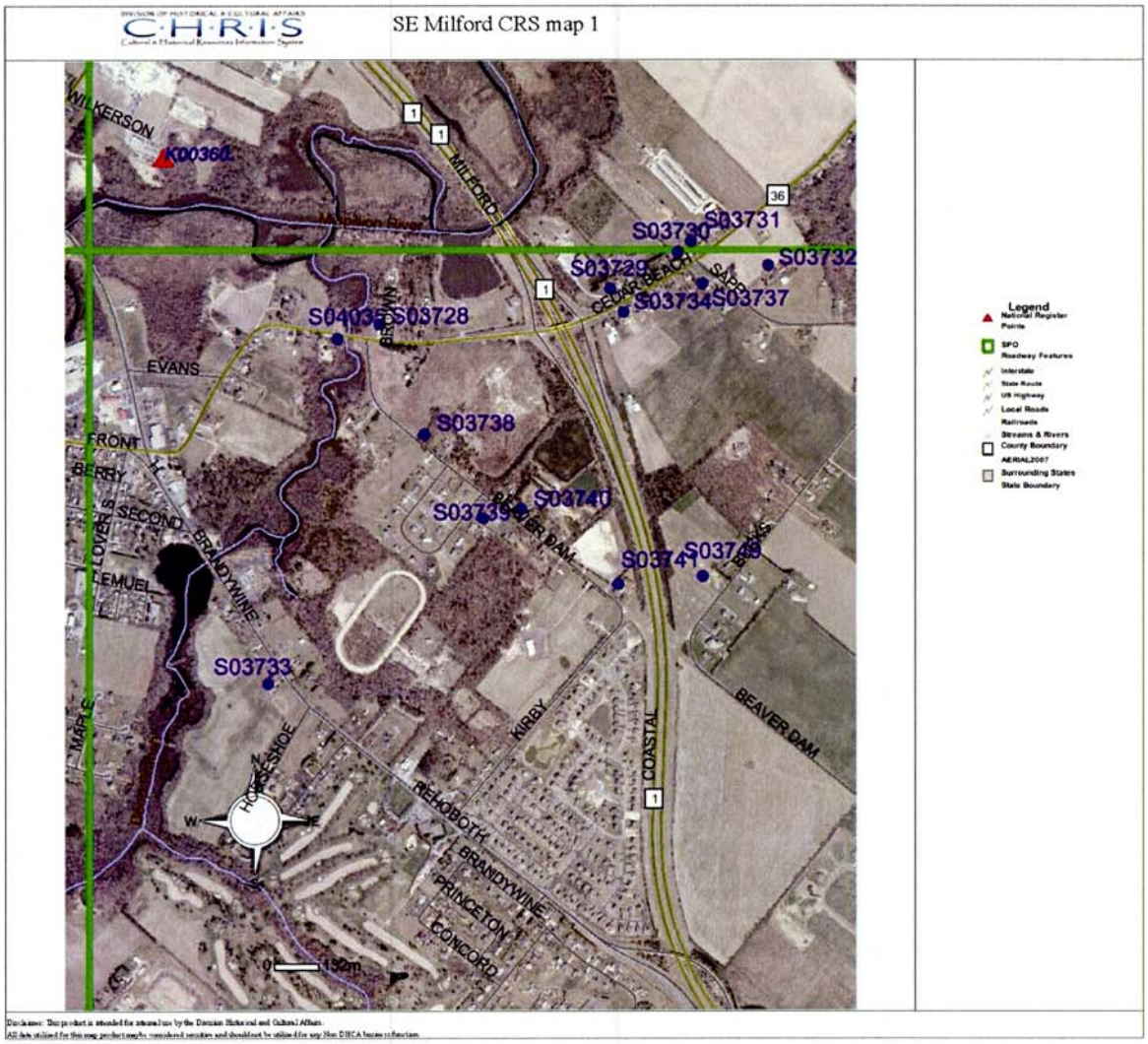
(a) For any new subdivision development located in whole or in part within three hundred (300) feet of the boundary of land used primarily for agricultural purposes, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

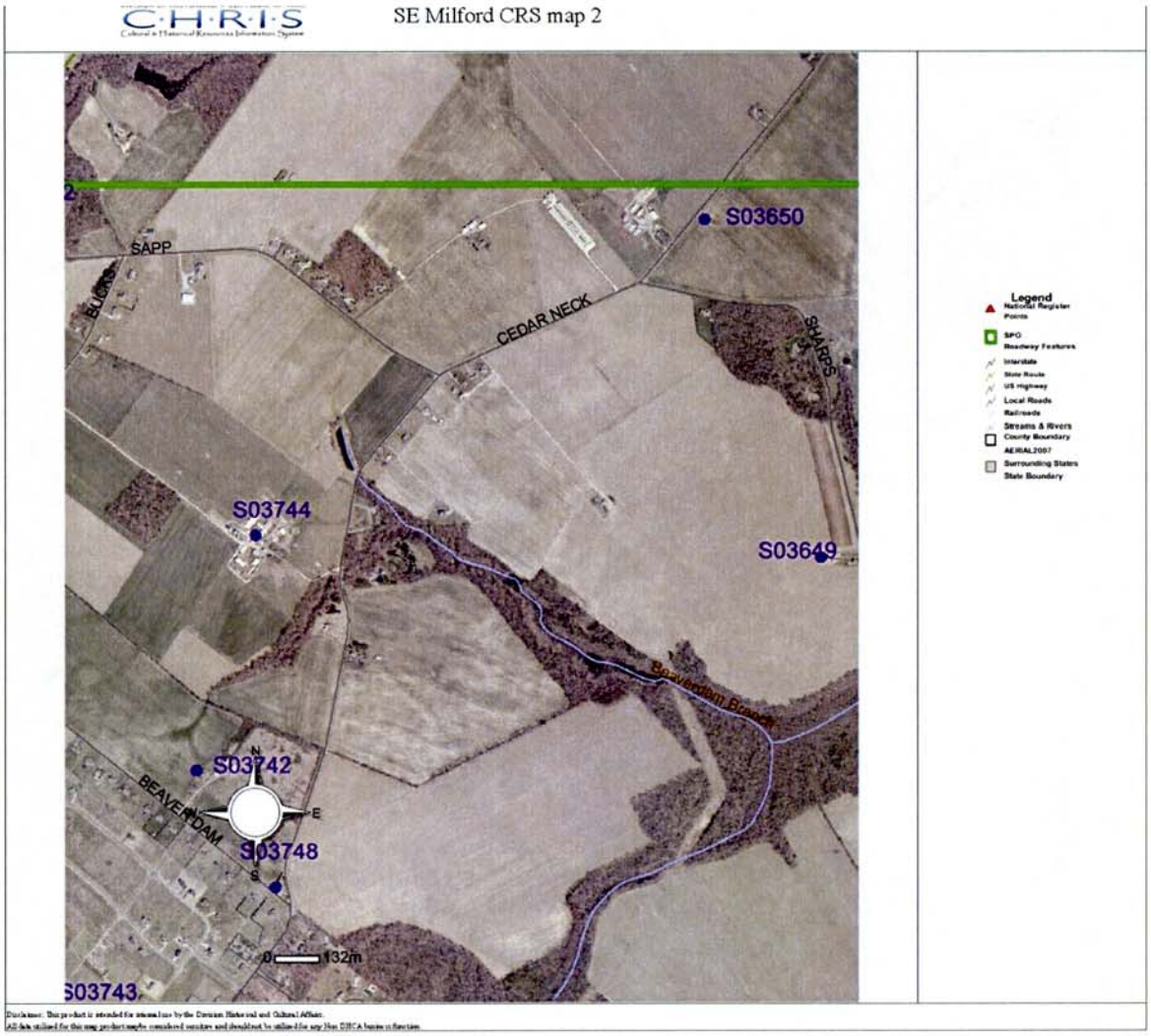
"This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

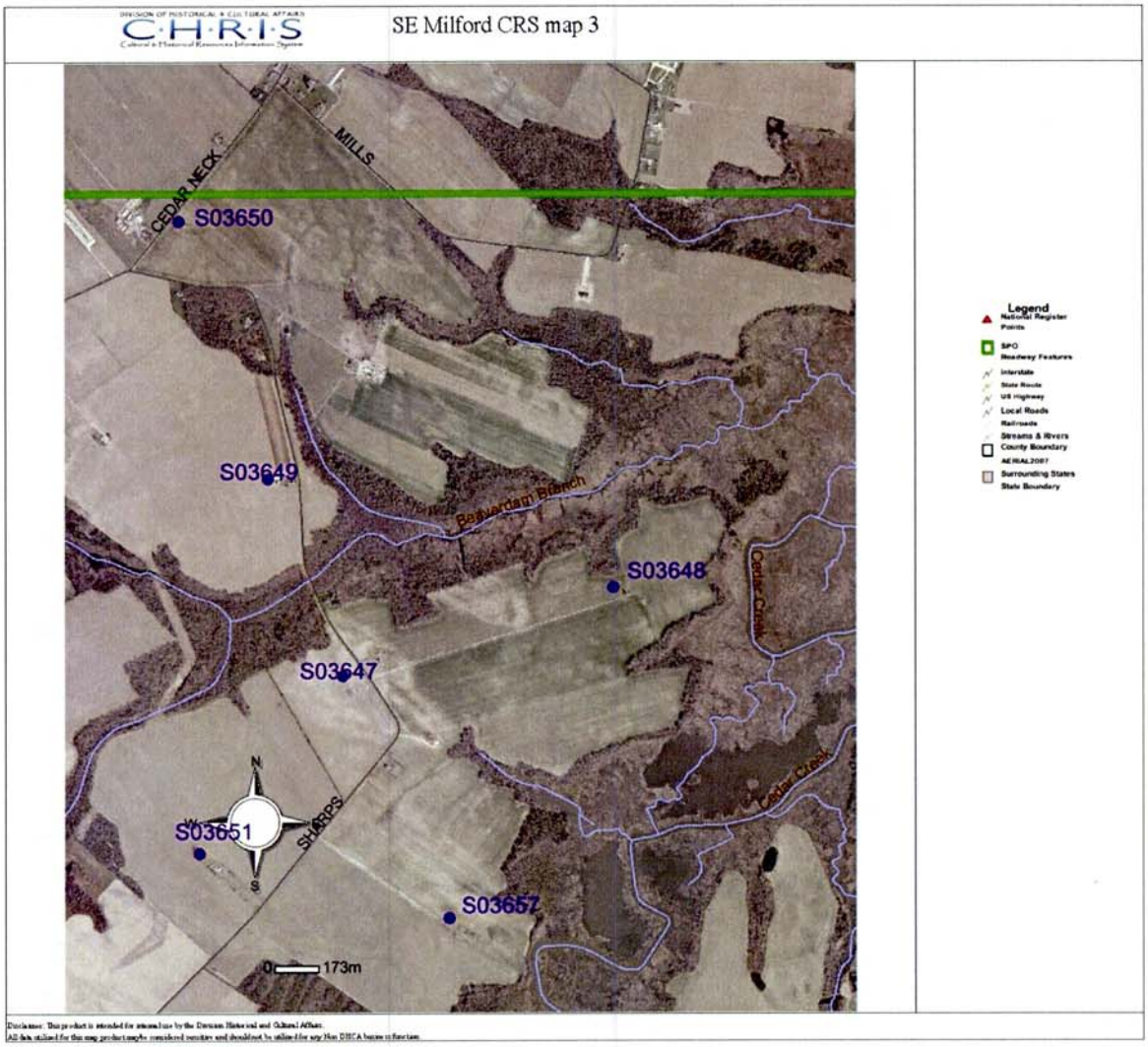
(b) For any new subdivision development located in whole or in part within fifty (50) feet of the boundary of land used primarily for agricultural purposes no improvement requiring and occupancy approval for a residential type use shall be constructed within fifty (50) feet of the boundary of land used primarily for agricultural purposes.

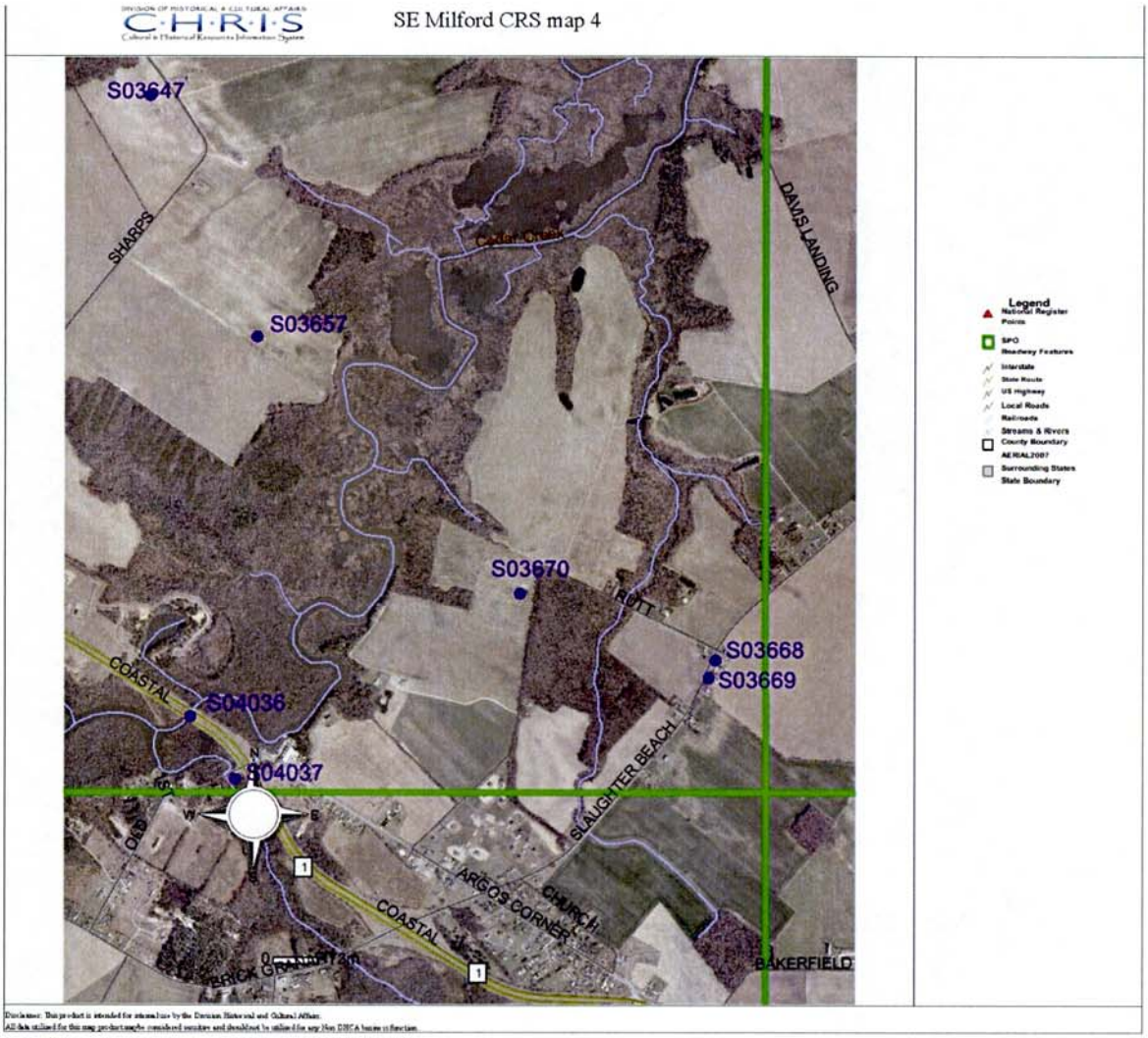
Appendix 4.

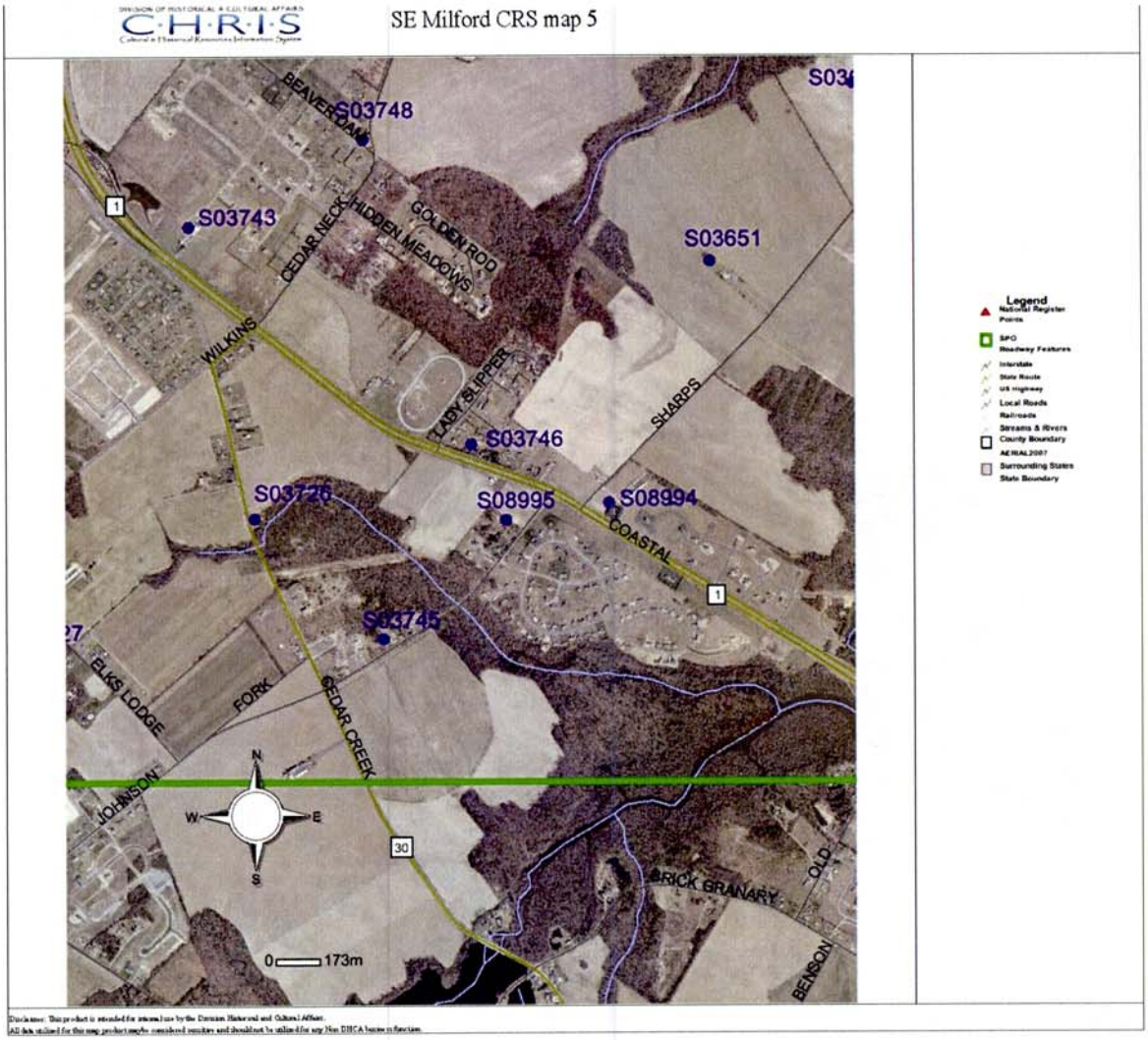
Historical and Cultural Resources in or Near the Master Plan Area

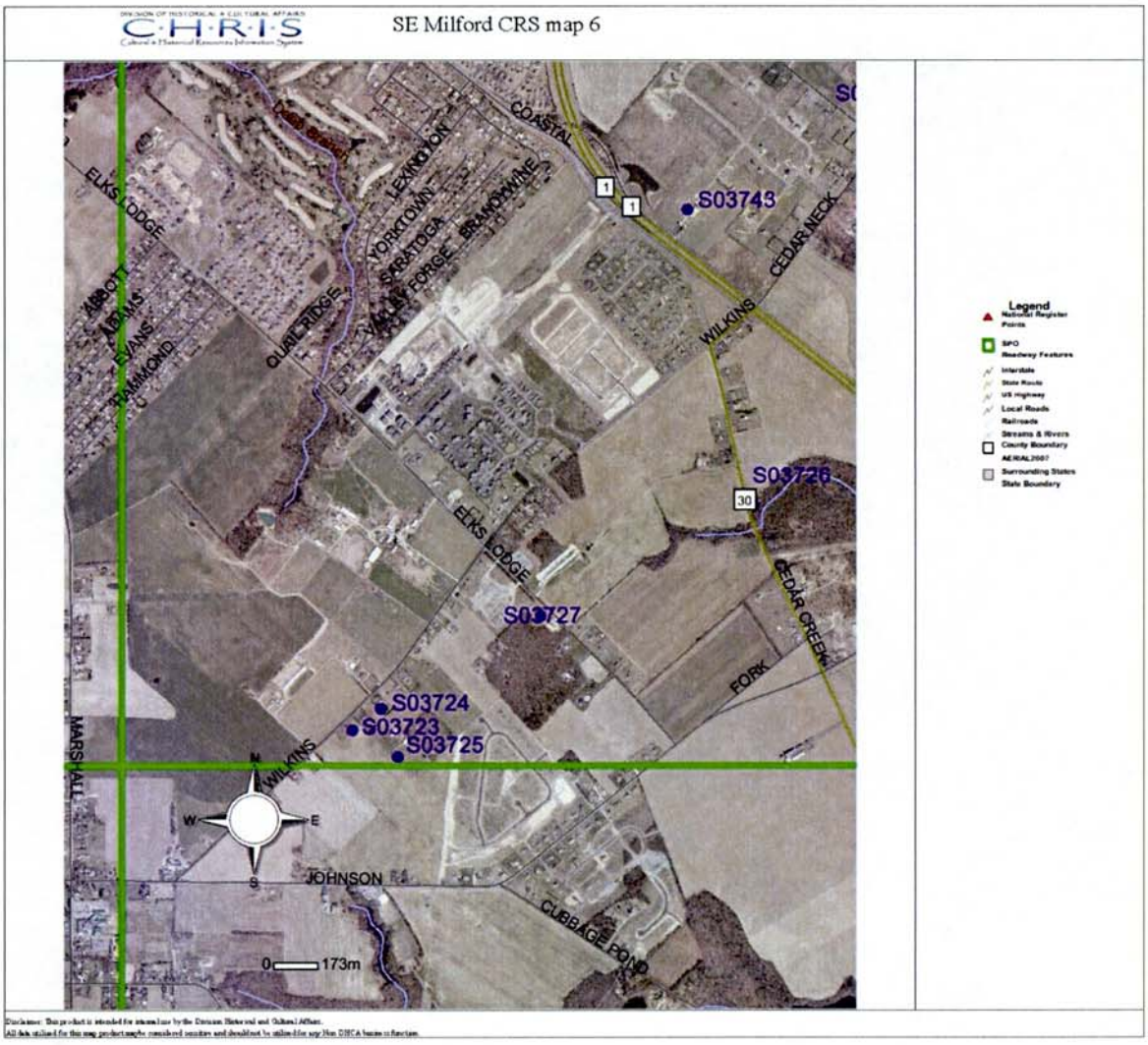



C·H·R·I·S
SE Milford CRS map 2
S03650
SAPP
CEDAR NECK
SHARPS
S03744
S03649
S03742
S03748
S03743
BEAVERDAM
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132m
Legend
Streams & Rivers
County Boundary
AERIAL2007
Surrounding States
State Boundary


DIVISION OF HISTORICAL & CULTURAL AFFAIRS
C·H·R·I·S
Cultural & Historical Resources Information System
SE Milford CRS map 3
CEDAR NECK
MILLS
S03650
S03649
Beaverdam Branch
S03648
Cedar Creek
S03647
Cedar Creek
N
W
E
S
SHARPS
S03651
S03657
0
173m
Legend
National Register Points
SPO Roadway Features
Interstate
State Route
US Highway
Local Roads
Railroads
Streams & Rivers
County Boundary
AERIAL2007
Surrounding States
State Boundary
Disclaimer: This product is intended for research use by the Division Historical and Cultural Affairs.
All data utilized for this map product may be considered sensitive and should not be utilized for any Non DHCA business function.


C·H·R·I·S
SE Milford CRS map 4
S03647
SHARPS
DAMS LANDING
S03657
S03670
FOTT
S03668
S03669
COASTAL
S04036
S04037
SLAUGHTER BEACH
ARGOS CORNER
CHURCH
COASTAL
BAKERFIELD
Legend


CHRIS
SE Milford CRS map 5
S03748
S03743
S03651
S03746
S03726
S08995
S08994
S03745
BEAVER DAM
CEDAR NECK
HIDDEN MEADOWS
GOLDEN ROD
WILKINS
LADY SLIPPER
SHARPS
COASTAL
ELKS LODGE
FORK
CEDAR CREEK
JOHNSON
BRICK GRANARY
OLD
BENSON
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Legend
National Register Points
SPG
Roadway Features
Interstate
State Route
US Highway
Local Roads
Railroads
Streams & Rivers
County Boundary
AERIAL2007
Surrounding States
State Boundary


C·H·R·I·S
SE Milford CRS map 6
COASTAL
LEXINGTON
YORKTOWN
SARATOGA
VALLEY FORGE
BRANDYWINE
ELKS LODGE
ABBOTT
ADAMS
EVANS
RAMMOND
QUAIL RIDGE
WILKINS
CEDAR NECK
S03743
S03726
S03727
S03724
S03723
S03725
CEDAR CREEK
FORK
MARSHALL
JOHNSON
CUBBAGE POND
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Legend
Disclaimer:

State Historic Preservation Office Map Key			
Map Number	**Item**	**Type**	**Location**
CRS Map 3, 4	S03647	dwelling	Sharps Rd
CRS Map 3	S03648	agricultural complex	Sharps Rd
CRS Map 2, 3	S03649	dwelling	Sharps Rd
CRS Map 2, 3	S03650	dwelling	Cedar Neck Rd
CRS Map 3, 5	S03651	agricultural complex	Sharps Rd
CRS Map 3, 4	S03657	agricultural complex	Sharps Rd
CRS Map 4	S03668	dwelling	Slaughter Beach Rd
CRS Map 4	S03669	dwelling	Slaughter Beach Rd
CRS Map 4	S03670	dwelling	Rutt Rd
CRS Map 6	S03723	agricultural complex	Wilkins Rd
CRS Map 6	S03724	agricultural complex	Wilkins Rd
CRS Map 6	S03725	dwelling	Wilkins Rd
CRS Map 5, 6	S03726	dwelling	Cedar Creek Rd
CRS Map 6	S03727	dwelling	Elks Lodge Rd
CRS Map 1	S03728	dwelling	Cedar Beach Rd
CRS Map 1	S03729	dwelling	Cedar Beach Rd
CRS Map 1	S03730	dwelling complex	Cedar Beach Rd
CRS Map 1	S03731	agricultural complex	Cedar Beach Rd
CRS Map 1	S03732	dwelling complex	Sapp Rd
CRS Map 1	S03733	agricultural complex	Rehoboth Blvd
CRS Map 1	S03734	dwelling	Cedar Beach Rd
CRS Map 1	S03737	dwelling	Sapp Rd
CRS Map 1	S03738	dwelling	Beaver Dam Rd
CRS Map 1	S03739	dwelling	Beaver Dam Rd
CRS Map 1	S03740	agricultural complex	Beaver Dam Rd
CRS Map 1	S03741	agricultural complex	Beaver Dam Rd
CRS Map 2	S03742	agricultural complex	Beaver Dam Rd
CRS Map 2, 6	S03743	agricultural complex	Coastal Hwy
CRS Map 2	S03744	agricultural complex	Cedar Neck Rd
CRS Map 5	S03745	dwelling	Johnson Rd
CRS Map 5	S03746	dwelling	Coastal Hwy
CRS Map 2, 5	S03748	school	Cedar Neck Rd
CRS Map 1	S04035	State Bridge No. 927	Cedar Beach Rd
CRS Map 4	S04036	State Bridge No. 933A	Coastal Hwy
CRS Map 4	S04037	State Bridge No. 934	Brick Granary Rd
CRS Map 5	S08994	Promise Land Farm	Coastal Hwy
CRS Map 5	S08995	dwelling	Coastal Hwy

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

August 25, 2017

Mr. Rob Pierce
City of Milford
119 S. Walnut St.
Milford, DE 19963

RE: PLUS review 2017-07-08; City of Milford Comprehensive Plan

Dear Rob:

Thank you for meeting with State agency planners on July 26, 2017 to discuss Milford's comprehensive plan. State agencies have reviewed the documents submitted and offer the following comments. Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Certification Comments: These comments must be addressed in order for our office to consider the plan update consistent with the requirements of Title 22, § 702 and Title 29, § 9103 of the Del. Code.

- Document via letter or email that the plan has been reviewed by Kent County and Sussex County, and any comments or recommendations they note have been addressed.
- Page 8, Section 1-1 – The Office of State Planning Coordination does not certify comprehensive plans. Plans are certified by the Governor. Please amend this section.
- Page 8, Section 1-1 – There is an incorrect reference to the Delaware Code. Comprehensive plan requirements for municipalities are in Title 22, Chapter 7. Also, the requirement is that the plans be at least reviewed every five years and updated every 10 years. Please amend the text.
- Articulate the City's position on population growth. Chapter 3 provides detailed data and population projections, and the "Summary of Key Findings" on page 36 includes some statements and ideas for policies. But the City's policy position on population growth is not clearly articulated.

- Page 95, there is language which states that future land use designations are not strictly literal, and that community scale commercial may be allowed in areas shown as residential. As written, this seems to indicate that the City does not need to abide by future land use when making zoning decisions. If this is the case, then the plan does not meet the requirements of Del. C. because the future land use is to be the basis for developing zoning ordinances and maps that implement the plan. Please clarify what is meant here, and demonstrate that the plan meets this basic requirement of Del. C.

- Section 10-6, pages 101-102. The annexation text describes the City's intention to preserve open space E of Rt. 1 inside the UGB, but then in the next paragraph states that "The UGB is an area in which urban services will be provided. . ." Presumably urban services will not be provided in preserved open space. Please clarify this section.

- Page 40-41, please be aware that DNREC's water section is reviewing the City's water allocation. There may be additional issues that become a certification issue. Please reserve a section in the plan for such issues.

- Page 42, please be aware that no comments were available for source water protection at the time this letter was issued. Comments may be forthcoming. Please reserve a section in the plan for such issues.

Recommendations: Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

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

The Office of State Planning Coordination would like to commend the City of Milford for holding a very inclusive planning process, and creating a very detailed and thoughtful plan document that reflects the community's character and addresses the City's needs as it grows. Each plan chapter and element was carefully drafted and clearly represented community input as well as operational considerations that will allow for implementation by the City and other partners. The format if this plan is streamlined when compared to the 2008 plan, resulting in a document that is easier to read. The integration of climate change resiliency throughout the plan elements is noteworthy in that it is much easier to see the steps that the City and the development community can take to prepare for a changing climate. Overall the plan's balance of open space preservation, economic development, and quality of life will serve the City well as it grows in the next decade and beyond.

The following recommendations are intended to help clarify and strengthen the plan document.

- As the plan is formatted, each section has "Goals" which are policy statements / aspirations and "Objectives" which are actionable steps the City intends to take to achieve the Goals.

  - Objectives are only provided some of the Goals. Objectives should be provided for each Goal. Why have a Goal if the City does not intend to work towards achieving it?
  - Some of the Objectives are written is such general terms that they don't identify what is to happen to achieve the goal. Objectives should be actionable and measurable.
  - Throughout the text there are items that should be tied to Goals and Objectives, but are not. Review the text and add Goals and Objectives as necessary.
    - Example: the text of the water supply chapter identifies a shortfall in water allocation, and indicates that the City is "working with DNREC." This should be translated into a Goal to "obtain an adequate water allocation to supply future growth" and an Objective to "obtain the proper water allocation permits from DNREC in advance of growth and increased water demand."

- It is not recommended that the zoning map be included in the comprehensive plan. The zoning map and ordinance implement the comprehensive plan, they need not be a part of it. The plan is a ten year document, and zoning and other land use regulations may need to be amended and updated within that time period in order to implement the plan and respond to changing conditions. Because the comprehensive plan has the force of law, a plan amendment (PLUS review, PC, Council action) may be required every time there is a rezoning. Please discuss this with the City Solicitor.

- As currently written Chapter 10 confuses the role of zoning and land use. Starting at Section 10-4 it is recommended that the section on "Future Land Use Categories" be moved to the beginning, and that discussion of the "land use and zoning link" be simplified and placed after the future land use categories. The comprehensive plan and the future land use categories and map guide future development. The zoning ordinance and other land use regulations implement the plan

- The Future Land Use Maps have one commercial designation, Highway Commercial. It is recommend that this be changed to simply "Commercial" so that it is applicable in all commercial areas. For instance, "Highway Commercial" does not appear to be the proper designation for downtown in the DDD area.

- It is unusual that there is not an "Institutional" future land use category. Churches, schools, government buildings and the like all appear to be categorized as "Residential." Is this the intended future land use? If the use is institutional and is intended to remain so, it is recommended that it be categorized as such. Otherwise, the City is signaling that it intends all institutional uses be transitioned to residential uses over time.

- Pages 96 – 100, Section 10-4 – The use of the land use and zoning table may not provide the City with the desired flexibility to implement the plan over the next decade. When discussing the land use and zoning link, it is recommended that a disclaimer be added that reserves the City's right to create new zoning districts or modify existing districts as

needed in order to implement the comprehensive plan. As such, appropriate zoning districts for each land use category would not limited to those shown on Table 28.

- Here is an example of plan text from the Camden 2014 Plan Amendment for your reference:

  "Table 2013-4 shows the relationship between the future land use designations depicted on the future land use map and the zoning districts summarized in Table 2013-3. This table describes how Camden's zoning districts might match up with the land uses recommended on the future land use map. These match ups are intended as guidance for the Town Council to consider during the rezoning process. They are not intended to preclude the development of new zoning districts or revisions to the zoning ordinance, the subdivision ordinance, or any other land use regulations."

- Page 104, Chapter 11 – It is recommended that the City review the Objectives and develop a short, medium and long term work plan to implement the comprehensive plan. What projects will the City initiate in the first year? What should be done within five years, and in ten?

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- In the list of City, County and State Officials, note that the County Administrator is a member of the American Institute of Certified Planners (AICP).

- On page 52, in Section 6-1, in the first paragraph, consider amending the third sentence to read "However, the State has made significant investments in a series of trails and paths within major population and employment centers." While there are exceptions, most of our investments in bicycle and pedestrian projects have been within developed areas, rather than linking developed areas.

- On page 54, in Section 6-2a, the location of Automated Traffic Recorder (ATR) #8062 is described incorrectly, apparently due to an error on a map in DelDOT's Vehicle Volume Summary Manual. The ATR is on US 113 immediately south of that road's confluence with Delaware Route 1.

- On page 58, in Section 6-4, there are references to a "Corridor Capacity Preservation Study" that more properly should be references to the "Corridor Capacity Preservation Program (CCPP)." There were initial studies that DelDOT has since updated but this effort is an ongoing DelDOT program. While the discussion in the Plan seems adequate, more information on the CCPP is available from DelDOT's CCPP manager, Mr. Tom Felice. He can be reached at (302) 760-2338 or Tom.Felice@state.de.us.

- On pages 56 and 59, and perhaps elsewhere in the Plan, there are references to "City representatives" and "The City" having concerns and reporting things to the author(s) of the Plan. While DelDOT appreciates that the University of Delaware is assisting the City

with the Plan, ultimately it is the City that will adopt the document as theirs and the document should be written from that perspective.

- On page 60, in the paragraph on Transportation Resiliency, there are two statements that DelDOT believes warrant further discussion in the Plan. First, the Plan states that 3.5 miles of roads are vulnerable to inundation in the FEMA designated floodplain. For the reader's convenience, DelDOT recommends that the Plan include a list of those road segments.

  Second, the Plan states that DEMA-designated evacuation routes are "likely to be impassable due to inundation." As written, the statement is vague and alarmist. If the City wants to keep it in the Plan, DelDOT recommends that they include more information that would give that reader a better idea of the circumstances under which that inundation might occur. As necessary, Dr. Silvana Croope, Ph.D., DelDOT's Sustainability Strategist, may be contacted for assistance in quantifying the risk to the evacuation routes. Dr. Croope can be reached at (302) 760-2708 or Silvana.Croope@state.de.us.

- Again on page 60, in the section regarding the Transportation Improvement District (TID) there is a reference to "traffic improvement studies," where it appears that "Traffic Impact Studies" was intended.

  Perhaps more importantly, the statement that "DelDOT staff…requires only an affirmative statement of intent in an adopted comprehensive plan (this document) and a map detailing the proposed TID's boundaries," could mislead a casual reader. While these requirements do appear in Section 2.4.2.7 of DelDOT's Development Coordination Manual, and are things that DelDOT requires as preconditions for entering a TID Agreement, the City should be aware that a significant effort on their part will be necessary to create and operate a TID in partnership with DelDOT.

- On page 61, there is an Objective "Collaborate with DelDOT to investigate an east-west transportation solution between Route 113 and the new Bayhealth Health Campus." DelDOT recommends that supporting text be added to the Plan, explaining what is meant and why it is important. If "an east-west transportation solution" means improvements to Johnson Road and Wilkens Road, DelDOT is committed to managing these roads as they are to managing all State-maintained roads and will consider the need for improvements as it arises. The planning effort associated with the TID for the Southeast Master Plan should be helpful in this regard.

  If it means adding through lanes to these roads or building new roads in that general corridor, DelDOT believes such an effort would be subject to the same lack of consensus that stopped them from proceeding with the US 113 North/South Improvements Project in the Lincoln and Milford area in 2008. Complicating that effort, ongoing development in the area in the nine years since then has created further constraints on what can be done in that regard.

State Historic Preservation Office – Contact: Terrence Burns 302-736-7404

- The City should build on their preservation efforts, regarding the Certified Local Government (CLG) Program. Local governments that recognize the importance of historic preservation, are encouraged to pursue Certified Local Government (CLG) status. This program strengthens preservation efforts, by providing technical and financial assistance, while encouraging preservation programs and practices. (As part of the nationwide CLG Program, Delaware's CLG Program is administered by the Delaware State Historic Preservation Office, in partnership with the National Park Service).

- The City of Milford has a large area on the Sussex County side which may now be eligible and could be included in an expanded National Register historic district. The City should consider an updated survey and a possible expansion of the district. Our office would be happy to provide technical assistance for this effort; if interested, please contact Madeline Dunn (302-736-7417), National Register Coordinator.

State Housing Authority – Contact: Karen Horton 739-4263

- DSHA has no objections and supports the City's goals and objectives as they relate to housing. The City critically examined the range of housing challenges facing their community and developed integrated strategies to encourage compatible, resilient, connected development and redevelopment that represents a variety of housing types.
- DSHA also supports the public participation process used to engage all residents of Milford, including those who do not speak English as a primary language, in participating in the Comprehensive Plan update.
- We take this opportunity to advise that the DSHA *Live Near Your Work* program listed on page 64 is no longer active.
- The plan proposes that a master plan be conducted for the City's northeast area (which encompasses most of Census Tract 425) to more fully explore development capacity, preferred land uses, and engage the community to solicit consensus. DSHA shares the City's interest in this area as we have identified census tract 425 as being distressed due to its' very low homeownership rate and high percentage of subsidized rental units. DSHA would welcome the opportunity to participate in the master plan process.

If you have any questions, please feel free to call me at (302) 739-4263 or via e-mail at karenh@destatehousing.com. Thank you.

Department of Agriculture – Contact: Scott Blaier 698-4532

- The Department of Agriculture (DDA) would like to congratulate the city on a well-written comprehensive plan update. DDA appreciates the city's attention, discussion, and support of agriculture and farmland preservation throughout the plan (i.e. page 16 Natural

Resources and page 83 Agricultural Open Space). Please consider the following suggestions and comments.

Page 83 (9-5. Agricultural Open Space)

- Please note that parcels smaller than 200 acres are also eligible for the Agricultural Lands Preservation Program. Smaller parcels can enroll in the program by "expanding" off existing 200 acre districts if they are located within 3 miles of the district. All farm parcels in the state located below the C&D Canal are within 3 miles of an established district, and therefore eligible to participate in the program based on that criterion.

- Please note that landowners do not have to wait for 10 years (as a district or expansion) to sell a preservation easement to the state. Landowners may sell their development rights as soon as 1 year after they enroll in the Agricultural Lands Preservation Program.

Page 93 (10-2d. Southeast Master Plan)

- The department continues to endorse and support the city's SE Master Plan. At the city's request, the department will continue consult with the city to "fine tune" and implement their TDR program.

- The department encourages the city to contact its Forestry Section (698-4578) to learn about urban forestry programs that may help it meet its tree canopy and green infrastructure goals.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

The Department envisions a Delaware that offers a healthy environment where people embrace a commitment to the protection, enhancement and enjoyment of the environment in their daily lives; where Delawareans' stewardship of natural resources ensures the sustainability of these resources for the appreciation and enjoyment of future generations; and where people recognize that a healthy environment and a strong economy support one another.

In the Plan's Overall Community Vision and Goals (pp. 12-18), Milford is to be commended for identifying and discussing in more detail throughout the Plan the following: resiliency, high temperatures, green stormwater management practices, weatherization, energy efficiency, flooding, and climate change.

DNREC's intent is to offer recommendations to improve conservation and protection of the City's resources and to improve the plan elements related to environmental protection, open space, recreation and water quality and supply. DNREC would welcome the opportunity to meet with the City in a collaborative manner to discuss these recommendations and possible future ordinances.

Recommendations for Comprehensive Plan Revisions

Recycling (p. 38).

- The Universal Recycling Law (7 *Del. C.* §6053) requires all waste service providers (including a municipality that uses contractors for service) to provide recycling collection to their residential customers (including multi-family settings). Municipalities that provide trash and recycling services can demonstrate some of the lowest prices in Delaware. Municipalities should plan for outreach/educational strategies for constituents, as well as continued implementation.

- Delaware Law (7 *Del. C.* §6053) and Regulations (7 *Del. Admin. C.* §1305) specify that the 'commercial sector' shall participate in a comprehensive recycling program. As such, all those involved with the planning of the commercial sector should give consideration to space for collection of recyclables that would be typically generated. For example, space for a recycling dumpster should be provided adjacent to each trash dumpster. The commercial sector includes all for-profit, not-for-profit, institutional, charitable, educational, health care, and government organizations.

- For more information or assistance related to recycling requirements, benefits, tools, and assistance, please call 302-739-9403.

Stormwater Management.

- The Department recommends that the City of Milford incorporate a requirement for a stormwater review into the City's preliminary approval requirements for new development requests. The *Delaware Sediment and Stormwater Regulations* have been revised and became effective January 1, 2014. A three-step plan review process is now prescribed in the regulations:

    1. Submit a Stormwater Assessment Study for the project limits of disturbance and hold a project application meeting with the reviewing delegated agency,
    2. Submit stormwater calculations, and
    3. Submit construction drawings

- Following the project application meeting, a Stormwater Assessment Report will be completed by the reviewing agency and the developer and forwarded to the City. This Stormwater Assessment Report will rate the anticipated engineering effort necessary to overcome certain stormwater assessment items such as soils, drainage outlets, and impervious cover. The Sediment and Stormwater Program recommends that the City consider the ratings from the Stormwater Assessment Report in making a decision to issue preliminary approval for any development request. Further, the Sediment and Stormwater Program recommends that the City incorporate the Stormwater Assessment Report as a required element when a plan is submitted to the City's preliminary plan approval process.

- The revised *Delaware Sediment and Stormwater Regulations*, effective January 1, 2014, have a goal of reducing stormwater runoff for rainfall events up to the equivalent one-year storm, 2.7 inches of rainfall in 24 hours. Runoff reduction encourages runoff to infiltrate back into the soil as in the natural pre-development system and results in pollutant removal and stream protection. Best management practices (BMPs) that encourage infiltration or reuse of runoff, such as porous pavements, rain gardens, rain barrels and cisterns, green roofs, open vegetated swales, and infiltration systems should be allowed for new development sites within the City. Furthermore, limiting land disturbance on new development projects and limiting impervious surfaces by allowing narrower street widths, reducing parking requirements, and allowing pervious sidewalk materials will be necessary to help achieve the runoff reduction goals in the revised regulations.

Economic Resiliency (p. 69).

- The Energy Efficiency Investment Fund is administered by DNREC's Division of Energy and Climate, not the Sustainable Energy Utility (SEU).

Water Resources (pp. 71-72).

- Recommend moving the sections on Drinking Water Sources (pp. 71-72) and Excellent Recharge Areas (p. 72) to the Section on Water Supply (pp. 40-42).

Wetlands and Buffers (p. 75).

- While we appreciate that riparian buffers are considered in the Comprehensive Plan, Milford could do more to improve their buffer requirements. The comprehensive plan indicates that in areas previously disturbed or developed, the code will only seek a 10-foot buffer. While larger buffers may not always be feasible in these areas, there are likely cases where there is space available to expand a buffer through plantings. Milford should consider incorporating language to encourage riparian buffer expansion in these areas, where feasible, so that these sites are not limited to 10-foot buffers.

Sea Level Rise.

- The Plan appears to have assessed Sea Level Rise issues and set goals. The Delaware Coastal Programs has resources that may assist the City of Milford in achieving its goals.

  Delaware Sea Level Rise Advisory Committee

  To adapt to sea level rise the Delaware Sea Level Rise Advisory Committee published the Preparing for Tomorrow's High Tide: Recommendations for Adapting to Sea Level Rise in Delaware, (September 2013) http://www.dnrec.delaware.gov/coastal/Documents/SeaLevelRise/FinalAdaptationPlanasPublished.pdf

Executive Order Number Forty-One

"Preparing Delaware for Emerging Climate Impacts and Seizing Economic Opportunities from Reducing Emissions" was signed on September 12, 2013. http://governor.delaware.gov/wp-content/uploads/sites/24/2016/12/EO041.pdf

Determination of Future Sea-Level Rise Planning Scenarios

- The Delaware Geological Survey will review recent scientific literature and assessments of sea-level change in Delaware and identify appropriate scenarios to use for planning purposes throughout the state. The release of the International Panel on Climate Change (IPCC) Fifth Assessment Report (AR5) in 2013 and the NOAA National Climate Assessment indicates that the rate of sea level rise is likely to increase. This project will also develop new inundation maps along Delaware's coast that correspond to the identified projections. It is not clear if this project will be completed in time for the City's new plan but it should be helpful for the City of Milford to have the information when it is available. http://www.dgs.udel.edu/projects/determination-future-sea-level-rise-planning-scenarios-delaware

Resilient Community Partnership

- The Delaware Coastal Programs (DCP) intends to repeat implementation of its "Resilient Community Partnership" program to assist a community with improving its resilience to hazardous weather and climate change. Resilience planning improves a community's capacity to prepare for and recover from coastal and inland flooding, erosion, sea level rise and other impacts.

- Through the partnership, DCP offers direct staff support, policy expertise, technical assistance and funding to help a community through the resilience planning process. Recognizing communities may just be starting the process or several steps along the way, the DCP will provide the support necessary to further a community's efforts through the stages of assessment, planning and implementation.

- Typical eligible communities are any incorporated municipality or county within the State of Delaware. An unincorporated area may also apply with an expressed commitment by the county in which it is located to serve as a project sponsor and support its efforts throughout the process.

- If you have questions or would like additional information about the partnership, please contact the Delaware Coastal Programs at (302) 739-9283 to speak with (or email) Danielle Swallow or Dr. Bob Scarborough.

Coastal Training Program

- The Delaware National Estuarine Research Reserve's Coastal Training Program is serving on the Steering Committee for the Delaware Resilient and Sustainable Communities League (RASCL). RASCL is made up of practitioners from across Delaware who interface with community decision makers in order to help them create more sustainable and resilient communities. Members include representatives from several DNREC Divisions, DelDOT, DEMA, Sea Grant, Delaware Geographic Survey, UD Institute for Public Administration, Delaware Center for Inland Bays, and the Office of State Planning Coordination.

  For more information, please contact Kelly Valencik, the Coastal Training Program Coordinator at kelly.valencik@state.de.us or (302) 739-6377.

Sea Level Rise Inundation Maps

- Portions of the City of Milford and its surroundings will be subject to direct and permanent inundation from sea level rise. For more information on the Sea Level Rise Inundation Maps please see: (http://www.dnrec.delaware.gov/Pages/SLRMaps.aspx).

- Sea levels in Delaware have risen by about a foot over the past century (NOAA, 2014). This rate of sea level rise is likely to accelerate in the coming decades as a result of global climate change and local subsidence. Accelerated sea level rise will result in permanent flooding of low-lying coastal areas and increased risk of flood damage during storms (DNREC, 2012).

Recommendations:

1. The City should consider additional land use controls for the areas subject to 1.5 meter of sea level rise.

2. To reduce the costs of providing infrastructure the City should consider not permitting roads, sewer or water to be extended into areas subject to 1.5 meter of sea level rise.

3. The City should consider avoiding new structures within a mapped Sea Level Rise Area. Where such development cannot be avoided, new structures should be built with an additional 18 inches of freeboard to protect the health, safety and general welfare of people occupying and using the structures.

4. If you would like any additional information please contact Delaware Coastal Programs at (302) 739-9283.

References:

NOAA (National Oceanic and Atmospheric Administration). (2014). Mean Sea Level Trend, Lewes, DE. Retrieved from http://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?stnid=8557380.

DNREC Delaware Coastal Programs. (2012). Preparing for Tomorrow's High Tide: Sea Level Rise Vulnerability Assessment for the State of Delaware. Dover, DE: Department of Natural Resources and Environmental Control. Retrieved from http://www.dnrec.delaware.gov/coastal/Pages/DESLRAdvisoryCommittee.aspx

Air Quality.

- The American Lung Association released its latest "State of the Air" report in February of this year. Although the air quality has somewhat improved in Sussex County, Sussex County as a whole still received a grade of "D." Air quality remains a regional issue in Delaware. In addition, according to the comprehensive plan document, the City of Milford has "seen the smallest increase of all in school-aged children but the largest among seniors and children under 5 years old" (page 33). Both children under 5 years old and the elderly as well as those with pre-existing cardiopulmonary conditions such as those with asthma or emphysema are at an increased risk of experiencing negative health effects due to air pollution.

- DNREC was pleased to see that Milford has been taking steps to facilitate non-automotive travel options including the publishing of a robust bike plan in 2011 (page 54). The City of Milford is encouraged to continue its pursuit of multi-modal transportation options in the area including expanding its bicycle and pedestrian network. Another crucial component to driving the push from vehicle-centric travel to other modes is the availability of transit. The City of Milford is urged to coordinate with DART and the Delaware Transit Corporation to ensure adequate opportunities for transit are made available. DNREC is in full support of innovative technologies that allow real time tracking of transit including DelDOT's "Where is My Bus?" tool. Technologies such as these ensure the efficiency of transit customer service and promote transit as a viable option for travel.

- DNREC also supports the City of Milford's goal of promoting electric vehicle charging including dedicated parking areas for alternatively fueled vehicles (page 70). Implementing changes such as these will help to promote electricity as not merely a service but another fuel that will be readily available to commuter. DNREC encourages the continuation of telecommuting where possible and creative options that decrease vehicular travel and congestion such as Milford's year round "Live Where you Work" program.

- In addition, DNREC was delighted to see the inclusion of enhancing the city's urban tree canopy listed as a goal in the "Natural Resources" portion of the document. According to the Delaware Forest Service, in 2014 the City of Milford had an urban tree canopy of 20.7%. DNREC supports the City of Milford's efforts to expand its existing urban tree canopy. Planting trees, particularly in parking areas, helps to reduce heat island effects while also trapping harmful particulate matter, which has the ability to be inhaled and has the potential to cause negative health effects.

- Other suggestions that DNREC would provide are finding creative solutions to alleviate the city's truck traffic issues through Northwest Front Street as well as parking problems but that does not dramatically increase impervious surface cover (page 59). One suggestion would be to use the minimal amount of parking spaces when possible and to also make parking spaces smaller so that they take up less surface area. DNREC also noticed in the "Housing" section of the document that up to 63.3% of the development in the City of Milford primarily contains housing that is single-family detached while only 4.8% is single family attached (page 46). The City of Milford is urged to continue incorporating mixed-use development when and where possible including the use of compact (cluster) development which has the effect of preserving open space and minimizing the scope of environmental effects. Mixed use developments also help to support non-automotive forms of travel and would add to the existing and expanding bicycle and pedestrian networks.

- Should the developer have any more questions or concerns, the Division of Air Quality (DAQ) point of contact is Lauren DeVore, and she may be reached at (302) 739-9437 or lauren.devore@state.de.us.

Recommendations for Ordinances and Plan Implementation

Wetlands Delineations:

- *Recommendation*: Require all applicants to submit to the City a copy of the development site plan showing the extent of State-regulated wetlands (as depicted by the State Wetland Regulatory Maps), and a United States Army Corps of Engineers (USACE) approved wetlands delineation as conditional approval for any new commercial and/or residential development. Additionally, the site plan should depict all streams and ditches which are jurisdictional pursuant to the Subaqueous Act (7 Del. C., Chapter 72) as determined by DNREC.

Freshwater Wetlands Protections:

- *Recommendation*: Implement regulations to protect freshwater wetlands where regulatory gaps exist (i.e., isolated wetlands and headwater wetlands).

100 Foot Upland Buffer:

- Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review.* J. Environ. Qual. 23: 878-882.), an adequately-sized buffer that effectively protects water

quality in wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from all water bodies (including ditches) and wetlands.

Recommendation: Require a 100-foot upland buffer width from all delineated wetlands (approved by the USACE and DNREC) or water bodies (including ditches).

Impervious Surface Mitigation Plan:

- *Recommendation*: Require the calculation for surface imperviousness (for both commercial and residential development) take in to account all constructed forms of surface imperviousness - including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water storm water management structures.

- *Recommendation*: To encourage compact development and redevelopment in the City's central business area, require an impervious surface mitigation plan for all residential and commercial developments exceeding 20% imperviousness outside that area, or at least in excellent recharge areas outside that area. The impervious surface mitigation plan should demonstrate that the impervious cover in excess of 20% will not impact ground water recharge, surface water hydrology, and/or water quality of the site and/or adjacent properties. If impacts to groundwater recharge, surface water hydrology will occur, the plan should then demonstrate how these impacts will be mitigated. If the impacts cannot be mitigated, the site plan should then be modified to reduce the impacts from impervious cover.

Poorly Drained (Hydric) Soils:

- *Recommendation*: Prohibit development in poorly or very poorly-drained (hydric) soil mapping units. Building in such areas predictably leads to flooding and drainage concerns from homeowners, as well as significant expense for them and, often, taxpayers. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel, or through the submission of a field soil survey of the parcel by a licensed soil scientist.

Green Technology Stormwater Management:

- *Recommendation*: Require the applicant to use "green-technology" storm water management in lieu of "open-water" storm water management ponds whenever practicable.

Stormwater Utility:

- *Recommendation*: Explore the feasibility of a stormwater utility to fund upgrades to existing stormwater infrastructure. Upgrades to the stormwater system may reduce pollutant loads and help reach the established total maximum daily load for nitrogen, phosphorus, and bacteria. Reach out to Kent and Sussex Counties, the Kent and Sussex

Conservation Districts, and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.

Drainage Easements:

- *Recommendation*: The City should pursue drainage easements along waterways and storm drains where currently there is none.

Approval Procedures:

- Once all edits, changes and corrections have been made to the Plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them. Substantial changes to this draft could warrant another PLUS review.

- Our office will require a maximum of 20 working days to complete this review.
  - If our review determines that the revisions have adequately addressed all certification items (if applicable), we will forward you a letter to this effect.
  - If there are outstanding items we will document them in a letter, and ask the town to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.

- Once you receive our letter stating that all certification items (if applicable) have been addressed, the Planning Commission and Council should adopt the plan pending State certification. We strongly recommend that your Council adopt the plan by ordinance. The ordinance should be written so that the plan will go into effect upon receipt of the certification letter from the Governor.

- Send our office a copy of the adopted plan along with the ordinance (or other documentation) that formally adopts your plan. We will forward these materials to the Governor for his consideration.

- At his discretion, the Governor will issue a certification letter to your Town.

- Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records.

Thank you for the opportunity to review this Comprehensive Plan. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP
Director, Office of State Planning Coordination

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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

October 6, 2017

Constance Holland, AICP
State Planning Director
Office of State Planning Coordination
122 William Penn Street, Suite 302
Haslet Building, Third Floor
Dover, DE 19901

RE: PLUS 2017-07-08; City of Milford Draft Comprehensive Plan Update

Dear Mrs. Holland,

Thank you for your letter of August 25, 2017 regarding the PLUS comments for the City of Milford Comprehensive Plan Update. This letter, in response to those comments, provides the City's response to specific agencies' comments, suggestions, and observations, as well as its response to certification comments. Please note that the page numbers offered with each response refers to the page number from the PLUS letter. The City wishes to thank all the reviewing agencies for their thoughtful comments

Certification Issues

Page 1, first bullet – Attached, are emails demonstrating correspondence and cooperation with Kent and Sussex Counties.

Sussex's planning department noted a handful of sentences that, because of grammar or style, could confuse the reader as to which plan (Sussex's or Milford's) the text was referring, and to updates to plans vs. codes. Sussex planning also asked for a statement expressing the City would proactively coordinate and work with Sussex County.

All of these concerns were addressed with minor text revisions in section 10-2c, and are reflected in the plan's intergovernmental coordination section.

Page 1, second bullet – Plan amended to reflect that comp plans are certified by the Governor.

Page 1, third bullet – Erroneous reference to the Delaware Code was corrected. Also, an edit was made to convey that the Governor certifies plans, and that plans are to be reviewed every five years and updated every ten. All accomplished with minor text revisions to section 1-1.

Page 1, fourth bullet – Position on population and housing growth. The City's position on both issues is bullish and intertwined. The planning commission crafted a formal position on

population and housing growth at its September meeting. The position is now featured prominently in section 1-4 and at the top of the housing chapter.

Page 2, first bullet – The specific sentence referenced has been deleted to avoid any confusion over compliance with the Delaware Code. The explanation that areas shown on the FLU map as residential, may, in some cases, not preclude community commercial is made more appropriately in section 10-4a, where textual descriptions are given for the intent of each FLU category. Milford, in fact, has no residential FLU designation (or residential zoning category) that absolutely precludes non-residential uses the City deems compatible. "Residential" is a bit of a legacy title common to Milford, and most other municipalities within the State.

Page 2, second bullet – Text amended in section 10-6a to note an exception to service provision in preserved areas.

Page 2, third bullet and fourth bullets – City staff corresponded with DNREC, following the receipt of the PLUS comments letter. It is the City's understanding that there were no certification issues. Goals and objectives have been added to the government services section that should facilitate a more orderly process between the city and the allocation division.

Recommendations/Additional Information

Office of State Planning Coordination (OSPC)

Page 2, Last Bullet (and sub-bullets) – The goals and objectives were reformatted throughout the plan in order to list the most applicable objectives beneath the parent goal. Also, at the September 2017 PC meeting, City staff and IPA proposed a number of new objectives (many a result of the PLUS letter). These are generally less aspirational, more achievable, and more reportable. The specific example regarding water allocation was addressed.

Page 3, First Bullet – Disclaimers were added to the text and zoning maps to clarify that they illustrate the City's zoning as it exists/existed as the plan was being prepared and adopted. They do not represent the updated zoning and subdivision ordinance that will follow the adoption of this plan. Language is included that explicitly reserves, for the City, the right to develop or amend zoning districts and classifications to achieve the goals and vision of the plan.

Page 3, Second Bullet – The order of discussing the FLU Zoning link and FLU areas was reversed and simplified, as suggested.

Page 3, Third Bullet – "Highway Commercial" designation changed to simply "Commercial," as suggested.

Page 3, Fourth Bullet – "Institutional" added to the shapefile and appears as a FLU category in Chapter 10.

Page 3, Fifth Bullet – Disclaimers were added to the text and zoning maps to clarify that they illustrate the City's zoning as it exists/existed as the plan was being prepared and adopted. They do not represent the updated zoning and subdivision ordinance that will follow the adoption of this plan. Language is included that explicitly reserves, for the City, the right to develop or

amend zoning districts and classifications to achieve the goals and vision of the plan. The example language, kindly provided, was adapted and inserted into Milford's Plan.

Page 4, First Bullet- Following a discussion at the September 2017 PC meeting, City staff ordered the agreed-upon objectives into short-, medium-, and long-term, as well as ongoing. This is not reflected in the implementation table in the final chapter.

Department of Transportation (DelDOT)

Page 4, Second Bullet – AICP added for County Administrator

Page 4, Third Bullet – suggested wording change made

Page 4, Fourth Bullet – ATR location description fixed as suggested

Page 4, Fifth Bullet – Corridor Capacity Preservation Study… "Study" replaced with "Program," as suggested.

Page 4, Last Bullet – addressed. The City now speaks for itself.

Page 5, First Bullet – The language regarding the likely impassability of evacuation routes has been removed. The City identifies the 3.5 miles of at-risk roadways as "major transportation routes" and provided specific road names.

Page 5, Second Bullet – "improvement" replaced with "impact." Also, the "only," in regards to TID was removed. The plan also has a specific goal of pursuing a TID with DelDOT, for the master-planned area. An objective was also added to illustrate it is a considerable endeavor

Objective – Enter into a written agreement or MOU with DelDOT regarding a TID for the Southeast area, and develop an agreed-upon schedule of implementation steps.

Page 5, Last Bullet – The City is aware of the potential difficulties associated with this language. Nevertheless, it is committed to the development and orderly, efficient function of the health campus. The City prefers the somewhat open-ended language currently in the plan. Also, "collaborate to investigate" isn't very compulsory. The objective is listed as medium-term (2-5) years, and the City would like to leave it as is, as a placeholder, should substantial private sector investment help to achieve consensus.

State Historic Preservation Office (SHPO)

Page 6, First Bullet – exploring CGL certification added to plan objectives

Page 6, Second Bullet – objective added to explore an updated survey with Sussex County.

Delaware State Housing Authority

Page 6, Fifth Bullet – Live Near Your Work reference removed

Page 6, Seventh Bullet – Objective added to Housing chapter to engage DSHA when conducting the proposed NE Master Plan.

Department of Agriculture

Page 7, First Two Bullets – text amended to describe how smaller parcels can enroll, and that participants need not wait ten years to sell a preservation easement.

Page 7, Fourth Bullet – objective added to Parks, Rec, and Open Space section to engage with the department's forestry section.

Department of Natural Resource and Environmental Control (DNREC)

Page 8, Second Bullet – Objective added to plan to amend code and site plan review to accommodate commercial recycling.

Page 8, Fourth and Fifth Bullet, Page 9, First Bullet – The City appreciates the importance of stormwater management and has added an objective to consider more robust buffers. However, stormwater approvals for Milford are not run in house and flow through either to Kent or Sussex Conservation Districts.

Page 9, Second Bullet – agency name change noted and made, as suggested.

Page 9, Third Bullet – Drinking water sources and excellent recharge discussion moved to water supply section of document, as suggested.

Page 9, Fourth Bullet – an objective was added to the plan's natural resources section encouraging the city to distinguish between heavily built up, and more open areas in its buffering requirement.

Page 9 and 10 – As a river-city, Milford takes a deep interest in state-level efforts for adapting to sea-level rise. Specific to page ten, bullet four, an objective was inserted into the natural resources section to consider a partnership and engagement with DCP.

Page 11, Recommendations 1,2 and 3 – The City is considering adjusting its floodplain ordinance to increase the minimum freeboard. Hypothetical goals and objectives were presented to the City regarding avoiding additional and future development in areas at risk of inundation. The economic core of Milford is in such an area. The commission was uncomfortable with the "retreat" approach to climate change adaptation and takes more of an "entrench" mentality.

Page 12, First Bullet – reference to the state of the air report added to plan text in environmental chapter, as well as Milford's desire to do its part to improve air quality. This is expressed in one of the plan objectives to reduce harmful emissions by developing as a live where you work destination.

Page 12, Third Bullet – The transportation section of the plan includes an objective to work with DTC on ensuring adequate public transit.

Page 13, Second Bullet – The natural resources objectives in the plan now encourage shared parking for compatible uses, and a review of site plan procedures to ensure adequate parking without unnecessarily adding impervious surface area.

Page 13, Last Three Bullets – Milford's regulations do require wetland delineations. The City is not aware of any wetlands within its regulatory purview that are not adequately regulated. The Cities' buffers are regulated, largely, by the KCD and SCD, though an objective was added to consider flexibility in built up areas above the 10' required.

Page 14, First Bullet – The plan contains an objective to "Review and update the City's impervious coverage standards to ensure environmentally friendly site design." Accounting for all impervious surfaces is an expected outcome.

Page 14, Second Bullet – Milford has a sourcewater protection ordinance and will be exploring methods of reducing impervious cover.

Page 14, Third Bullet – Milford agrees with DNREC's sentiment on development on poorly drained soils. It will consider such regulation in its code rewrite.

Page 14, Last Two Bullets – Milford works closely with the KCD and SCD, and relies on stormwater approvals from those agencies. The City is certainly amenable go green stormwater management practices. Very initial discussions were had regarding possibly exploring a stormwater utility. However, they have not progressed far enough for the City to comfortably document expected steps in this plan document.

Page 15, First Bullet – the City is not aware of significant lengths of storm drains or waterways where it lacks easements

The City anticipates placing the 2017 Draft Comprehensive Plan on the November and December Planning Commission and City Council agendas for adoption; therefore, the City respectfully requests a timely review of the provided revised draft plan. Feel free to contact me at 302-424-8395 or via email at rpierce@milford-de.gov should you have any questions or additional concerns.

Sincerely,

William R. Pierce II

Rob Pierce
Coordinator of Planning &
Economic Development Activities

cc: David Edgell, State of Delaware, Office of State Planning Coordination
William DeCoursey, University of Delaware, IPA

The conditional use application was reviewed by the Planning Commission on May 16, 2017, at which time they recommended approval of the application by unanimous decision.

Mr. Pierce referred to the site plan showing entrances off Route 113/North Street, the three existing medical buildings and an existing parking lot that extends to the northeast. The proposed building would be constructed at the end of the parking lot with some minor improvements to the curbing and sidewalk, as well as additional handicapped accessible parking. Utilities would be extended from North Street to the building.

Michael Reed from Becker Morgan Group, the architects and engineers representing Bayhealth, was present.

Councilwoman Wilson asked what will happen to the existing main building; Mr. Reed said to the best of his knowledge, that building will be renovated and continue to be used. The goal of the proposal is to provide the community with top doctors for improving the general health of the community.

When questioned by Solicitor Rutt, Mr. Reed concurred with the former facts presented by Planning Coordinator Pierce.

Mayor Shupe opened the floor to public comment; no one responded. The Mayor closed the public hearing to further comments.

Councilwoman Wilson moved to adopt Ordinance 2017-15 to allow a Conditional Use requested by Bayhealth Medical Center, Incorporated at the Milford Professional Center at 800 N Dupont Boulevard, Milford, Delaware, seconded by Councilman Starling. Motion carried by the following unanimous 7-0 vote:

Councilman Mergner votes yes based on the Planning Commission's recommendation.

Councilman Campbell votes yes based on the recommendation and report from the Planning Commission.

Councilman Burk votes yes based on the unanimous recommendation for approval by the Planning Commission.

Councilman Brooks votes yes based on the recommendation of the Planning Commission's recommendation.

Councilman Morrow votes yes based on the unanimous recommendation of the Planning Commission.

Councilman Starling votes yes based on the recommendation of the Planning Commission. He noted this was the site of a drive-in theater years ago.

Councilwoman Wilson votes yes based on the Planning Commission's recommendation adding it is a good land use of that area.

2017 City of Milford Comprehensive Plan

The Comprehensive Plan sets forth in graphic and textual form policies to govern the future physical development of the City. Title 22 Municipalities § 702 of the Delaware Code states the City shall review the Plan every five years to determine if its provisions are still relevant and the adopted plan shall be revised, updated and readopted at least every ten years. Such plan shall cover the entire City as well as areas delineated as the Greater Milford Area and all of its functions and services and/or a combination of plans governing specific functions and services of specific geographic areas.

This plan shall serve as a municipal development strategy setting forth the City's position on population and housing growth, expansion of boundaries, development of adjacent areas, redevelopment potential, community character, the general uses of land within the community and critical community development and infrastructure issues. The enactment of the comprehensive plan is through final adoption by City Council.

Mr. Pierce reviewed the plan and asked for authorization from City Council to submit the draft plan to the Office of State

-Community Profile
-Government, Community Services & Infrastructure
-Housing
-Transportation
-Economic Development and Redevelopment
-Natural Resources
-Parks, Recreation and Open Space
-Land Use and Growth Management
-Implementation and Intergovernmental Coordination

Mr. Pierce then presented the following population projections. The bottom two numbers were provided by the Delaware Population Consortium:

Demographics--Milford Population Scenarios
Table 2-Recent Growth Boom Continues

	Scenario 1-Recent Growth Boom Continues				
2010	2020	2030	2040	2050	
9559	11,662	14,228	17,359	21,179	-
	Scenario 2-Historic 30-year Growth Rate				
9559	11,160	13,029	15,211	17,758	
	Scenario 3-Growth Follows Kent County Projections				
9559	10,655	11,369	11,940	12,383	
	Scenario 4 - Growth Follows Sussex County Projections				
9559	11,127	12,064	12,547	12,867	

The Housing Pipeline is another exercise performed in the plan update. The 2010 Census indicates Milford has slightly more than 4,000 housing units. An estimate based on public records in the Planning Department shows we have had 265 building permits issued since 2010. Based on the land development plans, almost 5,800 have been approved to be built.

In the Transportation Chapter, the existing bicycle and pedestrian master plan prepared by our previous planner was highlighted. Public transportation was discussed along with SR1 and NE Front Street, the proposed overpass, downtown parking, downtown truck traffic studies and a transportation improvement district associated with the SE Master Plan.

Major employers in Milford continue to be as follows:

Perdue Farms, Inc.
Bayhealth, Inc. Health Care
Milford School District
Dentsply Sirona, Inc.
Seawatch International, Inc.
Kent-Sussex Industries, Inc.
City of Milford
First State Manufacturing, Inc.

It was noted that the City of Milford has a slightly lower employment rate than Sussex County, Delaware and the nation on average.

The plan focuses on Natural Resources including:

Sourcewater protection
Wetlands and Buffers
Floodplains

Planning for PLUS review. He is not asking Council to adopt the plan or change any zoning within the City. At this point, he is only asking to move onto the next step.

Mr. Pierce then introduced the City's Comprehensive Plan Team that includes the University of Delaware Institute for Public Administration's Assistant Policy Scientists William DeCoursey and Dr. Philip Barnes. He then thanked them for all of their efforts in keeping the plan update on track.

He then summarized the plan schedule. He explained that they began the plan process last April with Solicitor Rutt. In the meantime, Deputy City Clerk Christine Crouch prepared information for the Planning Commission to review that included the 2008 plan goals, objectives and related items.

The review continued in May at which time a community questionnaire was released over the summer to obtain some feedback on particular land development questions.

University of Delaware staff was hired to assist with the update process. They joined our efforts at the September Planning Commission meeting at which time they provided a comprehensive plan training course.

The Commission then held a visioning session with representatives from major employers, the school district, police department, fire company and other civic organizations to discuss the short and long range plans.

From November to March, the Commission met monthly to review an update of each component of the plan.

All meetings were properly advertised and open to the public. Staff held an informational session at Milford Public Library in early May to review the draft plan.

The Commission also held a public hearing in late May to solicit additional comments and discuss any further land use changes that were not included in the initial discussion. In total, the City has held nine public meetings and two community workshops.

The City is hoping to submit 2017 Draft Comprehensive Plan to the Office of State Planning Coordination for Preliminary Land Use Service (PLUS) review in early July and the PLUS hearing scheduled at the end of the month. Comments would be received by the end of August and brought back to the Planning Commission to be discussed at both the September and October meetings.

A response to those comments would be sent to the State of Delaware before it was returned to the Planning Commission and Council for the final adoption hearings. The overall goal is to have this completed by the end of the calendar year though three to four more public meetings are scheduled.

At the vision sessions in October and November 2016, the Planning Commission developed the following statement:

Milford's Vision for Development – Milford takes great pride in the beauty of its riverfront and its rich historic and cultural heritage, which dates back to the 18th Century. The City wishes to build upon these enduring and desirable attributes while enhancing community resiliency and see Milford grow into the "Riverfront Gateway to Southern Delaware."

With a commitment to thoughtful economic development, appropriate growth that is resilient to environmental change, and preservation and protection of its most cherished assets, the City envisions itself as a year-round, vibrant, employment and economic center that stays true to its small town roots and feel....a small-town city where residents are able to live, work, go to school, and recreate.

The plan components are as follows:

-Background
-Community Character

Environmental Resiliency
Sea Level Rise
Heat vulnerability assessment

Two of the main focuses were sea level rise and heat vulnerability. DNREC recommends planning for a one- meter sea level rise by the year 2100. Some of the components were goals in the Floodplain Management Ordinance.

Parks and Open Space was addressed with the Mispillion Riverwalk, Recreational Needs, Agricultural Open Space and Community Gardens given a great deal of attention.

It was determined that approximately 46% of the land within the City is either vacant or being used for agricultural purposes. This ties in with the Housing Pipeline and a number of the approved developments that remain vacant.

Mr. Pierce then referred to maps showing the existing land use and existing zoning map.

In coordination with a study prepared by the Office of State Planning of the Route 1 and Route 13 corridor between Smyrna and Milford, there was a breakdown of existing and future commercial development planned along that stretch. As part of that exercise, the City went in-depth with its C3 Highway Commercial zone. The existing C3 category includes about 304 acres of developed land. Approximately 386 acres are vacant or under utilized.

He explained that Delaware Code requires the official zoning map to comply with the comp plan within 18 months of adoption. The future land use and zoning link table illustrates the connection between the land use categories and our underlying zoning districts. During the public hearings, there will be a breakdown of the parcels that will require a change of zone related to this land use and zoning link table.

Simplifying the land use and zoning link table minimizes the need to rezone a lot of properties. They broadened the land use categories to allow for more flexibility in determining what category could be approved by the Planning Commission and City Council for a particular property.

Written requests from property owners were evaluated by the Planning Commission and if appropriate, were incorporated into the draft plan. Some property owners were also notified that their properties could be affected by the potential change of zone.

Mr. Pierce recalled that around 2013, Planning Commission and City Council analyzed an area east of Route 113 for a change to commercial. Based on the Title 22, all of those properties would have to be rezoned.

The Planning Commission developed a concept of a transitional area which would allow the migration from residential to the underlying future land use zoning category over time. This would eliminate the need to forcefully rezone properties within 18 months. Therefore, the City would entertain commercial rezoning applications property by property and allow that area to slowly migrate.

It is recognized that the SE Master Plan will govern all land use developments in that area and no major changes are proposed.

In 2013, the Planning Commission and City Council also discussed a proposed land use change east of Route 1 on New Wharf Road which prompted a discussion to create a potential NE Neighborhood Plan. That isn't going to be carried into this plan and instead they may move forward with a master plan and exercise in this neighborhood though that does not mean the land use will change.

The 2008 plan included a recommendation to develop an Open Space Preservation Plan. That would include the implementation of a transfer of development right's program, conservation easements and potential purchase of land. The Open Space Preservation Plan recommendation has been included in the 2017 update.

At the end of Land Use Chapter, the Planning Commission provided some recommendations on how we should analyze

annexations and our position on expanding our boundaries. They felt we should prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.

Anything outside our municipal boundaries should be systematically considered and evaluated based on projected revenues, utility capacity and capability and the cost of providing services.

Finally, the implementation includes rezoning properties within 18 months of the plan adoption to bring them into compliance with the land use scenario. Within five years of adoption, the plan should be reviewed to determine if its provisions are still relevant. Annual reports shall be submitted to the Office of State Planning and the goals and objectives analyzed that are outlined in the plan.

One of the key items was to develop a procedure for reviewing annual comprehensive plan amendment requests.

Mr. Pierce announced there is an application on the website that illustrates the proposed land use scenario for properties. A property owner can type their address in and be provided with the zoning designation of that area as well as other land data.

He explained that the area east of US 113 contains few commercial properties but there are a number that are residential in nature. The City would entertain a commercial zoning application but will not forcefully rezone any residential property which would put the city in a non-conforming use situation or impact someone's capability of receiving a traditional home loan, for example.

Mayor Shupe asked if there were any recommendations made by the Planning Commission for a change of zone in the various areas. Also, at this point what does that mean in moving forward.

Mr. Pierce explained this document includes a draft plan they would like to submit to the Office of State Planning. At that point, the State will comment on the overall text and exhibits in the plan. Modifications can be made in the fall. If there are public hearings next year, Council can deny a change of zone request though the land use scenario would have to be changed in order to be compliant.

Tonight is an informative presentation only.

Solicitor Rutt explained the comp plan is a vision or a recommendation of what the City would like to see in moving forward. For example, there are properties that were zoned industrial, but are not legally industrial and should be commercial. In that case, it should be changed to commercial. Mr. Pierce has been in contact with those property owners who seem receptive to that change.

During the 18 months, Mr. Rutt explained the rezonings have to either occur or the plan must stay as it is.

Mayor Shupe confirmed that as we move forward, the public needs to understand that this is a vision with how the City wants to move forward, but does not change those zones at the time of the adoption.

Solicitor Rutt said there is no adoption tonight. Council needs to give the City Planner the authority to move forward with the State's PLUS process though it can still be based on tonight's comments. It then comes back to the City and eventually goes to the Governor's office. If the Governor does not sign off on it, it comes back to the City. The ultimate approval is through City Council. There are numerous steps and this is just one.

Councilman Mergner referenced the employment land use category and the highway commercial area in the area near the hospital. He assumes that employment is the parcel the hospital is on and asked if that means there is some flexibility there; Mr. Pierce explained that employment is either I-S (institutional service) or I-M (institutional medical) or H-1 (institutional development). Employment is primarily institutional categories, but when the SE Master Plan was done, those areas were identified as employment. To avoid making a lot of modifications to that SE Master Plan, the employment designation was added.

When asked the process, Solicitor Rutt said recommendations can be made this evening. Mr. Pierce explained that any recommendations from the public and Council this evening, can be combined with the PLUS comments received at the end of August and incorporated in the future discussions with the Planning Commission and Council in the fall.

Solicitor Rutt said this is not the final go-around. However, as Mr. Pierce suggested, any comments can be considered.

Mr. Pierce noted the one thing he wants to do this fall is to make it easier for everyone to see what areas would be affected. He would provide a list of properties with the current zoning designation and proposed zoning designation. It would be a list of possibly two dozen properties so Council can see which will be impacted and coming back in for a change of zone request.

The area the Solicitor was referring to is the memorial business and a couple of businesses near the intersection of Rehoboth Boulevard and Southeast Front. There is a hodgepodge of properties and Mr. Pierce told them their use would be permitted in a commercial zoning district and how it should be made into a local commercial corridor. The same applies to the collision center and auto business by the river. They are non-conforming industrial lots and not large enough to be industrial.

Mr. Pierce understands there are some residents present that would like to comment on the hospital. He is aware there are some smaller parcels with houses that were converted to medical offices. They had H-1 designations and he is making recommendations to change some of those even though it is more of a compliance issue with the zoning ordinance. A lot have minimal impact on neighboring properties and the uses are not going to change like the hospital site where there is some redevelopment discussion that is occurring.

Councilman Burk then read the following letter into record from Councilwoman Peel dated June 26, 2017 who was unable to attend due to being on vacation:

Dear City Council and Mayor Shupe:

I regret that I cannot be in attendance at tonight's meeting. I had hoped to participate in the discussion about updates to the City's comprehensive plan. I understand the need to update this plan to reflect the vision and expected development in Milford, and I would like to share feedback from Ward 2 residents regarding the proposed changes at the Clarke Avenue property recently acquired by Nationwide.
In an effort to understand the request for changes in the comprehensive plan, I have been in communication with Nationwide representatives. On June 20, 2017, Nationwide's CEO Meir Gelley and counsel Alan Levin presented the initial plans for the property. Neighbors of the property, residents of Ward 2, Mayor Shupe, Councilman Burk and I attended to learn more about the upcoming project. For many residents this was the first time they had heard the proposal in full and had an opportunity to ask questions about this project. Residents, in general, felt positively about the Nationwide project on the current Clarke Avenue footprint as well as the partnership with DENTSPLY to move its executive offices into the current Bayhealth facility. There were concerns raised, however, regarding the increased density housing on the parcels along Jefferson Avenue and Kings Highway.
While the residents of Ward 2 and I are pleased that Nationwide has acquired this property and wholeheartedly support the wellness village endeavor to be completed by this reputable company, we need time to consider the best use for all the portions of the property involved in the acquisition. I am reassured that the dialogue will remain open between the residents of Ward 2, the city planner, City Council, and Nationwide.
Although submitting the comprehensive plan to the State for feedback is an initial step, it does outline proposed changes to include moderate residential housing. Based on the feedback from Ward 2 residents, I respectfully request a review of these changes to the comprehensive plan and would like to take steps to reconsider any increase in the housing density of the parcels along Jefferson Avenue and Kings Highway.

Councilman Burk, Councilwoman Peel and Mayor Shupe met with Alan Levin and Nationwide's CEO to hear some concerns from Ward 2 residents. They are concerned about the R-3 (higher density) request in a traditional R-1 setting.

Mr. Pierce explained the large tract of land is the current Bayhealth/Milford Memorial Hospital who has purchased several of the lots surrounding the hospital site. They were converted into medical offices though some of the land has been

converted into parking.

He referred to the current zoning map showing properties designated H-1(industrial development) and properties designated OB-1 (office building). One property was zoned I-1 (limited industrial). There is also a parcel that includes the walk-in that is designated C-2 (central business district). Others are low density single family residential zoning parcels. As a result, there is a hodgepodge of zoning categories in that area.

Mr. Pierce then referred to the 2008 comprehensive land use plan that identifies the parcels as institutional. Currently the zoning categories are not in compliance with the state mandate of 18 months.

With the announcement that Nationwide was going to purchase the hospital site, they also approached the City about the ten acres of residual land made up of a dozen or so parcels. They are trying to redevelop an adaptive use of those properties that would compliment the skilled nursing care and other proposed uses of the main hospital site.

Nationwide presented a very general concept with some potential multi-family housing in that area. There have been discussions from the meeting on June 20th that Councilwoman Peel, Councilman Burk and Mayor Shupe attended about trying to make the proposal age-restricted. The idea was to provide 55 and over apartment type complex adjacent to the skilled nursing care. There are some benefits from the nursing care side of things though consideration must be given to the public and surrounding property owners.

They presented the land use change request at the May Planning Commission hearing at which time the Planning Commission agreed to move forward in concept knowing that additional meetings and public hearings are scheduled. They recommended Nationwide reach out to the Ward 2 residents to try and get some feedback on what they would like to see.

Mr. Pierce emphasized this is still in the very early preliminary stages and it can go to PLUS this way; if it is changed, he does not feel it will impact the re-certification process with the State. They are willing to have some meetings regarding the proposal in the fall as well. Ultimately, City Council will need to make a proposed land use decision by the end of the calendar year.

It was confirmed that the earlier 5,000 plus housing unit number presented does not include this area. Mr. Pierce explained this is ten acres and in theory, 16 units per acre can be developed, but typically that is governed by the required amount of parking needed on the site.

Councilman Mergner expressed concerned about building more condos and townhomes versus single family homes.

Mr. Pierce said from the planning perspective, a lot of the multi-family concept is tied up as condominiums in a couple of proposals. A lot are located on the outskirts of the City. Traditional planning requires higher density in the downtown where more services are available.

Solicitor Rutt then informed Council that they are unable to impose a 55 and older requirement. It could be considered contract zoning, but more important, it would be in violation of fair housing regulations and statutes.

However, if Nationwide added a deed restriction or made an offer of a condition that it be restricted to 55 and older, Council could adopt that as a condition. But the City cannot require that.

Mr. Rutt said one of the other things to consider are the long plans of Nationwide. He is unsure if Council is familiar with the Westminister Village in Dover. They have assisted living units which are similar to apartment buildings. They then transition into the nursing home and so forth. However, he is unsure if that is something they are considering or not. But that is an example of where it is technically multi-family under the zoning in Dover, even though they are not being used by families so to speak.

Councilman Brooks asked how many stories the buildings were; Mr. Rutt said some are three but most are two. Councilman Brooks said he rode down to this area by the hospital where Downing and the lumber yard used to be. He thinks there are

only two houses on the whole block.

Mr. Pierce asked if the deed restriction would run with the land; Mr. Rutt confirmed it would. Councilman Burk asked if it could be removed; Mr. Rutt said it could be removed by the owner of the property. However, if it was a condition of the approval, the removal would be in violation. Regardless of any transfers, the restriction is still locked in.

Mayor Shupe asked if there are any other properties that need to be discussed; Mr. Morrow asked if there are any properties that need to be rezoned upon the City's request and implied there may be a dozen or so according to Mr. Pierce. Mr. Pierce said the properties need to be rezoned to comply with the comp plan or the land use plan needs to be changed.

Mr. Pierce asked who would bear the cost of those rezonings and would that be the City or would it be the owner. Mr. Pierce said that it is his opinion if it is needed part of the comp plan update, the City would not make the property owner financially responsible.

Mr. Brooks asked if the owners are contacted before the zonings are changed. Mr. Pierce said he does and he has already been in contact with an overwhelming majority of those affected and has received approval to move forward. As we get closer to the fall meetings, he will try to identify which owners have consented to the change of zone. At that point, Council can decide if it is an overall benefit to the community. If it is a nonconforming use and the change will make it conforming, he thinks it is something we should move forward with. If we have a commercial property in an R1 district, that needs to be made commercial.

He will identify that in the outline table this fall. He will also contact the property owners as part of the process.

Mr. Pierce hopes to obtain written consent from each property owner.

Mayor Shupe pointed out there are more than 300 acres that are already developed and 380 commercial acres that have been zoned commercial but have not yet been developed.

When asked for an example of a transition from commercial to residential, Mr. Pierce explained the Route 113 corridor Planning Commission reviewed in 2013 as a possible amendment to the comp plan. There was some interest from a property owner that wanted highway commercial status. He referenced a number of the areas near the SE Front Street and Rehoboth Boulevard area, in addition to the Route 113 corridor area. In the 2008 plan, it was actually shown as commercial but it was another item where the City did not enforce the 18-month provision.

Mr. Pierce referenced the various parcels along Rehoboth Boulevard that is a business route. They will also be given this opportunity. There is one little parcel of land in the middle of the industrial area that would request I-1 or I-2, which would naturally be in the City's best interest to consider.

The Planning Coordinator also referenced the parcels adjacent to the hospital site in the SE Master Plan Land Use that are out of town and being identified as potential commercial. Councilman Mergner likes that specific area for some potential commercial such as a convenience store or something similar. Mr. Pierce pointed out the commercially-zoned areas surrounding the hospital.

Councilman Mergner asked if there is a possibility for a multi-purpose zone. It was noted that a PUD would allow up to 25% of the site to contain small-sized commercial that could serve the local residents and visitors to the hospital.

Councilwoman Wilson recalls doing this in 2008 and emphasized that Council wants to feel good about the plan they will present. It is important to take the entire area into consideration and not be one-sided. Basically whatever decisions are made need to be supported by Council before it is submitted.

Councilman Mergner thanked Mr. Pierce for the work he has put into this.

Mayor Shupe then opened the floor to the 2017 City of Milford Comprehensive Plan and asked for any public comments.

Virginia Boutin lives at 308 South Walnut Street and has lived there almost fifty years. She is concerned about the new hospital zoning. She agrees that most of the people that attended the meeting were well satisfied with Nationwide's decision, but now the 5,600 number has been thrown out and at the meeting they were told housing would be placed on the little 10-acre area that would accommodate 160 individual people. She pointed out that most people live with someone. So doubling 160 is 320 people. Now we are talking an additional 400 people living on a 10-acre lot backing onto Jefferson Avenue.

Ms. Boutin's concern is that today, it sometimes takes three to four minutes to back out of her driveway on Walnut Street. In addition, they have to deal with a train that impacts traffic when it goes through town. As a result, there is congestion on that street and she cannot imagine adding another 300 people. Because it may not be age restricted, it could involve young families which means even more people. She likes the idea of that, but the problem is when you talk about the word density, that does not meet her idea of a small town. She and her neighbors have bought homes to live by themselves and that residential feeling will be gone once these large buildings are constructed. Their idea was that the people who are working for Nationwide would not have far to walk to work. Instead they will be renting the houses. At this point, Nationwide does not know that and neither does she.

Ms. Boutin is not happy there will be any type of housing complex in this area.

She also hears the terms "Council feels" and "Council wants". She feels that her representative is supposed to be representing their people and not themselves. She is aware that some of the people here are only interested in their own little group and are only open to feedback from them. She feels like she is her own voice and does not believe her Councilperson is representing her, or if he is siding with the developer which makes her very nervous.

Ms. Boutin said this bothers her about this town. When they moved her in 1965, young people went to the Tastee Freeze. When her kids were in Middle School, they wanted to go to the skating rink. An all-night skating rink for twelve hours and they loved that. Her grandchildren came along and wanted to do the same thing. It makes her sad that there is no place like the skating rink for them to go anymore. She sees children playing basketball on the courts which is wonderful. But they need a place and having to walk out to the Boys and Girls Club is a distance. She asked how many children are actually going to be allowed to walk out to the Boys and Girls Club. She also remembers people walking by her house to go to the football games.

They would walk from this side of town all the way at to the high school. They could do that then and they loved that. She compared this to watching people at the boardwalk in Rehoboth but instead they would watch people walking to the game and then coming home. It was a wonderful, loving hometown feeling. She does not want Milford to lose that because a developer wants to start constructing buildings and putting lots of people in them. She feels she is connected because she has invested fifty years here and she wants to feel like she still lives in a neighborhood. She wants to end her life with people that are interested in Milford and not just passing through. She thinks it is important to keep in mind Milford is a small town and wants to stay a small town.

Ms. Boutin does want Council to think about kids only being able to play basketball. That can only be done for so long. If there is no room in your backyard, they are going to go somewhere they shouldn't go or somewhere it is dangerous to go. She asked Council to think about that.

Alan Levin then addressed Council stating he is with the law firm of Drinker Biddle and is representing Nationwide Healthcare. He thanks the City for the reception they have given to Nationwide Healthcare. It has proven that Milford wants to see things happen and move forward.

Mr. Levin would like to correct a statement that Councilman Burk said. Nationwide Healthcare has not acquired the property yet. It is conditioned on a number of contingencies and due diligence in moving forward. It will probably not happen until Bayhealth vacates the property and moves to their new location.

Councilman Burk clarified that was a comment made by Councilwoman Peel.

Mr. Levin said they have every intention of moving forward and their vision for the property is to be a wellness village which

relates to the continuum of life. It will have every facet of life from infant daycare, adult daycare to nursing homes and every with every stage between. They have worked with Dentsply so they can rent 30,000 square feet and expand and continue to grow in Milford where LD Caulk started back in the 1800's.

Mr. Levin reported they are also working with Milford School District so they can take their Pathways to Prosperity Program for Culinary Arts and Healthcare to this facility. The intent is that Milford School District and Del Tech take over the culinary program and provide the food service for the facility to prevent bringing a company in from the outside. These kids would then get the experience needed for jobs immediately in the food service are because they have had the proper training and are ready to go.

They are also working with Bayhealth for a daycare. Daycare has been a terrible problem for Bayhealth. They have a daycare facility in Dover but need daycare in Milford. Dentsply needs daycare, Perdue needs daycare and this facility would provide that. They intend to take out the heliport and turn that into a gym area for kids to run around with exercise equipment and a grass area as opposed to asphalt. But they will also have a 10-acre area that is of concern to the residents of Ward 2.

Mr. Levin will say that restricting it to a 55 and older community provides for that continuum of life. There will be less individuals living there. Ms. Boutin is correct because they do not know what the density will be, but they do know that at 55 and older, that restricts it to only 20% that can be under the age of 55. Anything over 80% has to be 55 and older.

He further explained the owners of Nationwide are willing to make that part of the deed restrictions because they feel it is important to the success of that entire project. Mr. Gelley mentioned that these people may be working in the facility. They also may be making the transition from that facility to the nursing home. Mr. Levin pointed out that is a fact of life because we are all getting older.

The last thing he wants to discuss is that they will be contracting with St. Francis Healthcare. St. Francis has the exclusive for doing senior care through a program called a 'Life Center' where they take individuals who are confined to their homes. They pick them up every day and bring them to the facility, where they have activities, are fed two meals a day and are then taken back to their homes so they can live in their homes where they are most comfortable.

St. Francis would take over the care for these individuals and when they needed nursing home care, they would go into the facility at Nationwide. If they needed hospital care, they would not go to St. Francis but would go to Bayhealth. That gives them the opportunity to stay in this community and work within a ten-mile radius of Milford. The only thing he disagrees that the Planning Coordinator said relates to the numbers, which actually came from Kent County. He feels Milford is going to grow a lot more than 1,000 people in the next thirty years. He thinks that Milford is on the verge of amazing things and the Bayhealth Campus will be the epicenter of the State of Delaware in his opinion. He feels that 1,000 people is a great understatement but politicians do what they have to though he is talking about Kent County politicians and not Milford.

Nationwide wants to work this out and they feel it is important that the recommendation as presented moves forward. He reminded Council that they appeared before the Planning Commission who unanimously recommended the plan move forward. However, the door is open and they are happy to further discussion.

Mr. Levin emphasized that both Mayor Shupe and Councilman Burk know Meir Gelley who is the CEO of Nationwide and believe he is very reasonable. He wants to make this work and wants this project to move forward.

Linda Barr of 226 Jefferson Avenue then asked what happens if Nationwide does not get the zoning that is being requested and will they not purchase the hospital; Mr. Levin stated no. Ms. Barr said she hopes that will not be used to influence City Council's decision.

Mr. Levin responded by stating it is not a do all or end all, but is part of the success of the project and an interval part of the 55 and older complex. Something will go into that residential area. They think this is the least onerous of the building construction that can go on there. This will involve 55 and older individuals, or at least 80% of them, who are helping pay the City tax base, but not taxing the schools because they will not have children going to our schools. So the school district benefits from that.

In addition, he pointed out that people 55 and older drive less and have fewer cars. They just think this would make the easiest transition. Mr. Levin said they can put single family homes there but that may involve a lot more kids and a lot more problems though he cannot provide exact answers to that situation.

Ms. Barr personally does not think there will be that many 55 and older that will want to live there. If that plan goes through and it does not go well, she asked what will happen with the empty building. Mr. Levin said there is nothing they can do at that point because of the deed restrictions. They will find people to live there. Ms. Barr said she does not believe 55 and over. He agreed that the rent would need to be lowered or (unintelligible).

Ms. Boutin then asked for clarification about the red strip on the map next to the railroad track. She can see it starting at Lakeview Avenue, coming by the doctors' offices and extending to Walnut Street. She asked if that is the area Mr. Pierce is talking about putting in these housing units.

Mr. Levin said no; Mr. Pierce referred to the area of Kings Highway and Jefferson Street. Ms. Boutin indicated that when they canvassed the area and everyone supported it, she is hoping they did not only talk to the residents on Lakeview Avenue because the rear of most of their properties is on Williams Street. Those neighbors will not be impacted because their houses front Lakeview and the rear is on a street that is only used to access their properties and park their vehicles. Therefore, they will not encounter the problems the other residents in the area will. She emphasized that not everyone was contacted that will be affected by this.

Mr. Pierce said she is correct, he did not canvass the area regarding this particular change. He only contacted the property owners whose zoning would be impacted. In the case of the area surrounding hospital, there are two houses that were converted to office buildings. He has contacted those two doctors and they have agreed to a change of zone to OB-1 (office building) as opposed to the H-1 (industrial).

Stuart Barr of 319 South Walnut Street then asked if Nationwide is stating that they cannot fit or won't construct an apartment building on the strip between Jefferson and the railroad track; Mr. Pierce explained it is less than an acre so an apartment complex is prohibited on that individual piece of property. However, portions of the right-of-way could be eliminated to create a larger parcel of land. But in theory, the R-3 category has some restrictions on the minimum lot size sin addition to the setbacks that would make it nearly impossible to develop it as it stands today.

Mr. Barr asked if there will be additional offices built there; he understands they are looking for internal investments and will do whatever they can. Mr. Levin responded by stating that would be zoned residential and not zoned for an office so it could not become an office (inaudible).

Councilman Mergner asked if this apartment complex has to be right there or if it can be considered in another area. He asked if it has to be in proximity of the main facility or can another space make it work.

Mr. Levin explained that the synergies you get from having it in that area help make the project work better. Part of the contract is the purchase of that land. If it is purchased, something has to be done there. This is a use at that site that makes sense for the entire project. He said if Councilman Mergner is talking about the strip, he is unsure what they could do with the strip because it is not big enough to do anything with.

Mr. Barr said that is nice to hear (inaudible); Mr. Levin said he understands but it is being zoned residential. Mr. Barr pointed out that density was not there when he born though it built out quickly when he was ten years old or so.

Mr. Pierce emphasized that property is zoned C-2, which is a Central Business District. There are minimal lot area requirements and pretty much no setback requirements in that category. However, it is primarily downtown commercial type uses that could be medical offices and is probably how they fit those buildings there.

Mr. Barr then stated the other problem is trying to find the volume to fill 160 units with 55 and older persons. When you don't do that and now Mr. Levin says they are willing to lower the rent. He asked if Nationwide intends on selling or renting them. Mr. Levin said they are not there yet so he is unable to answer that.

Mr. Barr noted that Nationwide wants to jam 160 units in and potentially 300 people as has been discussed. Now 30 of those units will have the ability to house people under the age of 55 which could be 120 on top of that. He said this is all being jammed into Ward 2 which is disrupting the voter base and everyone will be located in one concentrated area. He feels that will be very disruptive and asked if that is being considered.

Mr. Barr then continued by stating that single family dwellings were also mentioned and he asked if that is off the table; Mr. Levin said it is not off the table but there is a question of what the area can afford. The cost of land (inaudible) return on investment. He is not sure that a $275,000 or $300,000 per home can be sold there. They would also be on small lots, maybe quarter-acre sized lots.

Mr. Barr asked about completely selling off those assets and if that is out of the question as well. Mr. Levin said that nothing is off the table at this point.

Mr. Barr concluded by stating that where they are building appears to be on the ten acres on the south side of Jefferson Avenue. Mr. Levin confirmed it is between Kings Highway and Jefferson. Mr. Barr verified the location of the planned area and asked about the front. Mr. Levin explained the front would be the current hospital.

Solicitor Rutt asked Mr. Pierce to display the slide showing the current use/zoning of the property. It was confirmed it is H-1 (institutional development) and I-1 (limited industrial). In addition, the office buildings are OB-1 (office building).

Mr. Rutt emphasized that if the change of zone does not occur, there could be manufacturing, assembling, finishing, baking, cooking, research, design, printing, publishing, municipal services, truck or large vehicle repairs on the gray area shown on the map. In addition, there are numerous conditional uses that could be approved as well.

Mr. Pierce confirmed that permitted uses would include medical and surgical hospitals, medical and dental centers, medical arts offices and buildings, accessory uses incidental to the permitted uses and all types of municipal services. It also has a list of conditional uses such as nursing homes, sanatoriums, multi-level parking facilities and community residential treatment programs.

The OB-1 is similar, but more low profile, low traffic medical office buildings or professional office buildings, geared for a residential setting.

Mr. Rutt announced there can also be a number of uses allowed that are not residential in nature.

There being no more comments from the public, Mayor Shupe closed the floor to comments regarding the comprehensive plan.

Councilman Burk moved to recommend the Planning Coordinator present the comprehensive plan to State Planning Office with the condition that the R-3 request for the ten acres not be included.

Mr. Pierce asked for clarification on what it should be; Councilman Burk stated that he recommends the current zone remain. Mr. Pierce stated it is currently institutional; Councilman Burk noted that it is residential and institutional. Mr. Pierce stated the 2008 comprehensive land use plan shows institutional. Councilman Burk asked which lot; Mr. Pierce explained that is on the zoning map, but the 2008 land use plan shows it green, which is institutional. Councilman Burk said he cannot support the R-3 zone.

Councilman Mergner then seconded the motion.

When asked if Mr. Pierce understands the motion, he stated that the motion is to keep the zoning institutional. Councilman Burk reiterated the motion is not to change it to R-3 and what it is now is what it will be until a future amendment is made.

Mayor Shupe asked if he is talking about the current zoning maps; Councilman Burk stated land use maps.

When asked for discussion, Councilwoman Wilson confirmed that Councilman Burk wants it stopped as it is and he does not want it to go further. Councilman Burk repeated he is not in favor of moving ahead with the R-3. That is the feedback he has gotten from his constituents and he has had only one person support it. That is what happened in the meeting the other night. He tried to read the Planning Commission minutes though they are not on line and he was unable to get a feel of what happened at that meeting. He noted that Council is not permitted to go to Planning Commission meetings and this is his motion.

Councilwoman Wilson asked if his constituents went to the Planning Commission meeting; Councilman Burk stated he is unsure because he does not go to those meetings. However, he stated that they did have a full board room at the hospital last week, including people in the hallway.

Solicitor Rutt stated that for the record, there was no one present at the Planning Commission meeting to voice any comment about the matter.

Councilwoman Wilson said she is concerned without considering other possibilities and we do not know what we will end up with. Councilman Burk understands. Councilwoman Wilson feels that with the possibilities, we can still voice our concerns and possibly even the density concerns. But to not allow it at all appears as though we are hindering a new business that is coming to our town that is needed and will enhance our town.

Councilman Burk shared that he lives across the street from an abandoned building and he does not want to see another abandoned building like the hospital. But if there was a similar proposal for the area around the old middle school, he would have the same problem. He has to voice the concerns of his constituents. He understands it and it was explained at the meeting that this ten-acres was not going to be a deal breaker. He is making this motion with that in mind.

He also commends Councilwoman Peel for going door-to-door to get people involved and get people to the meeting. He knows she is sorry she is not here but she had some positive feedback and some additional comments to add. As of right now, he cannot see 160 units on that ten-acre parcel. It is not downtown and not in an area where there are other multi-family complexes. In the pipeline, Milford has 2,770 multi-family units approved so there is no shortage of that type of housing.

From Mr. Pierce's definition, it establishes the goals for the future of the City and he does not think that R-3 in this ten-acre parcel is in the best interest of the residential area surrounding this site. He does not like the idea of a vacant building either and that is not where he is coming from.

Councilman Campbell asked if it could be zoned something other than an R-3; Mr. Pierce explained that if we leave the land use as institutional, which will become employment, it remains consistent with the 2008 comp plan. The parcels would have to be rezoned to either H-1 (medical offices), I-S or I-M. He referred to the previous uses permitted for each.

Mr. Pierce clarified that the I-S permits:

Any residential housing owned, maintained and operated by a healthcare organization for the primary benefit of its patients, patient families, students and/or residents and/or healthcare employers and their employees.

The I-M zone permits:

Any residential housing owned, maintained and operated by a healthcare organization for the primary benefit of its patients, patient families, and/or healthcare employers and their employees as well as overnight accommodations for patient families and individuals that are receiving treatment from a hospital or other healthcare facility.

Councilman Burk asked the density for I-S if it were going to be housing; Mr. Pierce stated that the code says all permitted uses within the R-8 so it would allow 8 units per acre.

Councilman Burk confirmed it would be reduced from 16 to 8 units. He is willing to work with them and confirmed we have an R-8 designation. Mr. Pierce stated that is correct and if Council were to make that area moderate density residential,

Council could decide whether it was R-3 or R-8. Those are two of the uses within that zoning designation.

Councilwoman Wilson agrees with what the residents are saying but feels the R-8 zoning would be a compromise. If the wish would be to move forward with Nationwide, they could still construct the multi-dwelling units there. Councilman Burk confirmed that Councilwoman Wilson is proposing that instead of R-3 making it R-8 on the land use plan; Councilwoman Wilson feels they are still getting what they want, just not at the high density they originally requested.

It was confirmed the motion was to not go forward with the R-3.

Mr. Pierce reminded Council this will only allow him to go to PLUS. They can continue these discussions at upcoming Planning Commission and City Council meetings to get a better feel of what both bodies want and what the public would like to see. If there is some additional research that Council would like, it could be brought back at a later date with additional possibilities.

Mr. Pierce reiterated that we have heard the concerns from City Council and the residents this evening in addition to the meeting that was held last Tuesday. He is willing to continue on this property and find the City's vision for the property. It does not have to be determined this evening though it is good to get the dialogue started.

Councilwoman Wilson said she is in agreement with part of Councilman Burk's motion, but in the best scenario, she would prefer for the motion to allow the Planning Coordinator to move forward without the stipulation.

Councilman Mergner thinks he is in agreement with Councilman Burk to leave it as is and not change it. Because it really does not matter in his opinion. He said let it go to PLUS and allow them to have continued dialogue to determine the best fit for the community and the City. There will be a final vote at some point. At that point, he hopes everything can be resolved.

Councilman Morrow confirmed that Councilman Burk's motion is not to allow R-3. Councilman Burk said because of the push back in that area, he prefers to come out of the meeting without the R-3 because that worries him and it worries his constituents. He wasn't even thinking about R-8 because only the R-3 was presented. He is not in agreement with it and he feels the density is too high for that area. He may consider something different down the road, but at this point that is the motion that is on the floor.

Solicitor Rutt asked for clarification purposes, is the orange on the map representing R-3 or residential. Mr. Pierce explained it is moderate density residential and could be R-8 or R-3. Mr. Rutt explained it is moderate residential without a designation of a specific zone. Mr. Pierce stated that is correct adding that there is some flexibility in the land use plan. Councilman Burk said he apologizes but was told in the meeting it was R-3.

Councilman Morrow asked if it is R-3; Councilman Mergner said it is moderate density housing which he was unaware of as well. Councilman Burk said that would have been good to bring up at last week's meeting.

City Manager Norenberg stated that the motion can be amended and if Councilman Mergner agrees, move forward with the plan. The record tonight will establish that the Councilmembers and their constituents could work with the applicant to discuss and explore some alternatives which may provide a more workable solution. This could be done in parallel to the Office of State Planning working on the PLUS review.

Councilman Burk said he is happy with his motion.

Mayor Shupe asked Solictor Rutt to repeat the motion.

Solicitor Rutt explained the motion is to authorize the Planning Coordinator to present the comp plan to PLUS but to exclude the R-3 in the designated 10-acre multi-family area as has been discussed.

Motion carried by the following 7-0 vote:

Councilman Mergner stated he is voting yes based on the residents' desires in that ward and the feedback. He feels it is too much for such a small piece of property.

Councilman Campbell stated he is voting yes and is concerned with the density.

Councilman Burk votes yes and feels the density allowed in the R-3 is too high. He has heard the constituents and believes it can be worked out but at this point votes yes in favor of the motion.

Councilman Brooks votes yes to support the other Councilmembers.

Councilman Morrow votes yes and feels that the R-3 density is too high. There are a ton of options that can be considered and we can get to home plate a lot faster and votes yes.

Councilman Starling votes yes.

Councilwoman Wilson votes yes now that she has been educated only because she knows there is still a possibility we can get a blend of residential within that area.

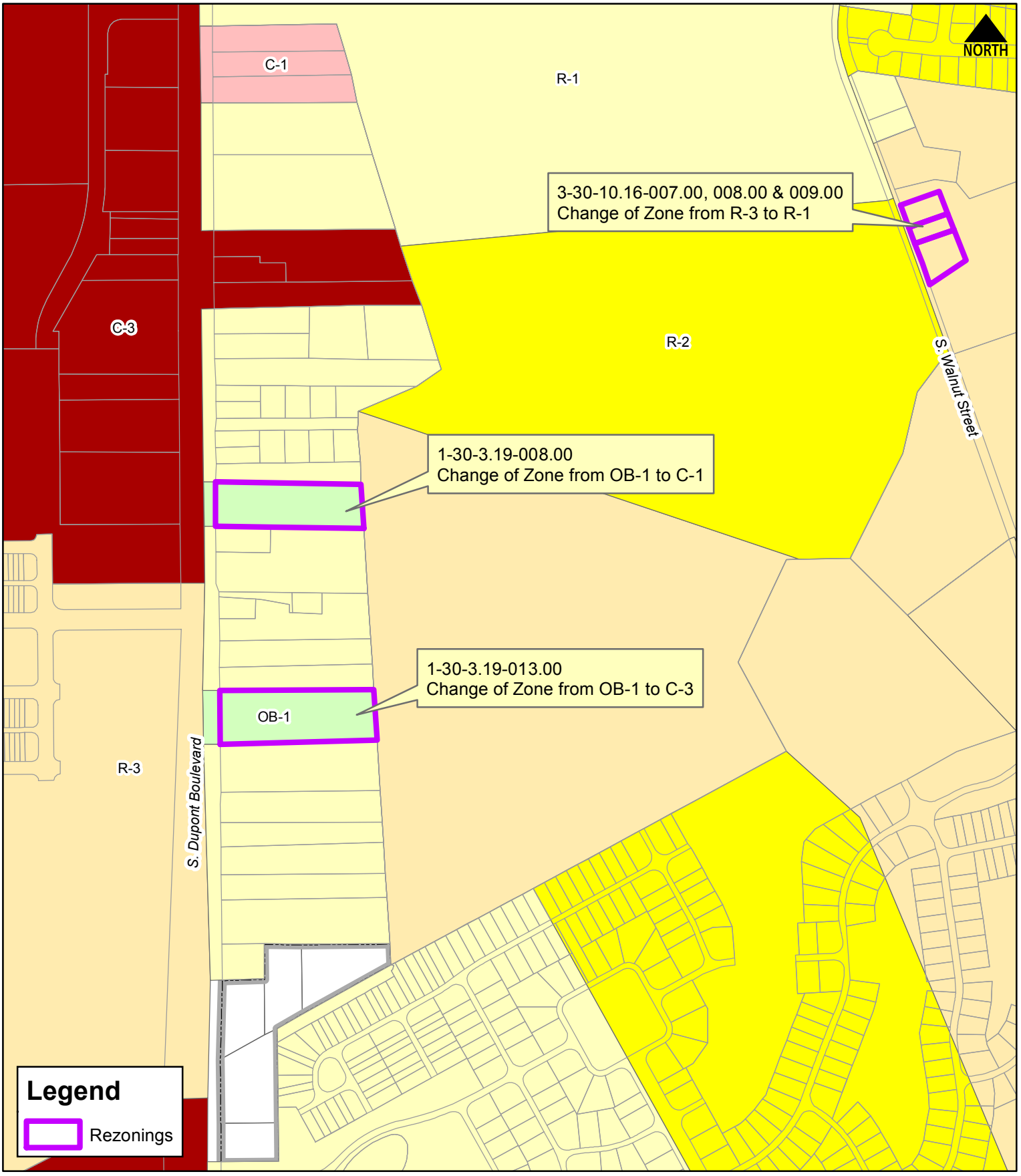
Mayor Shupe said let the record show that Council has approved by a 7-0 vote that the comp plan be presented to the State Planning Office for the PLUS process with the exclusion of the R-3 designation of the 10-acre property as discussed and that one Councilmember was absent.

There being no further business, Mayor Shupe adjourned the Public Hearing at 9:05 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

Parcel	2008 FLU	Current Zoning	2017 FLU	Proposed Zoning	Exhibit
3-30-10.16-007.00	Low Density Residential	R-3	Low Density Residential	R-1	A
3-30-10.16-008.00	Low Density Residential	R-3	Low Density Residential	R-1	A
3-30-10.16-009.00	Low Density Residential	R-3	Low Density Residential	R-1	A
1-30-3.19-008.00	Low Density Residential	OB-1	Commercial	C-1	A
1-30-3.19-013.00	Low Density Residential	OB-1	Commercial	C-3	A
1-30-3.08-007.00	Low Density Residential	H-1	Low Density Residential	OB-1	B
1-30-3.08-026.00	Low Density Residential	H-1	Low Density Residential	OB-1	B
1-30-1.20-009.00	Institutional	R-1	Employment	H-1, IM, OR IM	B
1-30-3.08-107.00	Institutional	R-1	Employment	H-1, IM, OR IM	B
1-30-3.08-106.00	Institutional	R-1	Employment	H-1, IM, OR IM	B
1-30-3.08-105.01	Institutional	R-1	Employment	H-1, IM, OR IM	B
1-30-3.08-105.00	Institutional	R-1	Employment	H-1, IM, OR IM	B
1-30-3.08-102.00	Institutional	R-1	Employment	H-1, IM, OR IM	B
1-30-3.08-101.00	Institutional	R-1	Employment	H-1, IM, OR IM	B
1-30-3.08-100.00	Institutional	R-1	Employment	H-1, IM, OR IM	B
1-30-3.08-098.00	Institutional	R-1	Employment	H-1, IM, OR IM	B
1-30-3.08-096.00	Institutional	OC-1	Employment	H-1, IM, OR IM	B
1-30-3.08-104.00	Institutional	I-1	Employment	H-1, IM, OR IM	B
1-30-3.11-051.00	Highway/Commercial	R-1	Commercial	C-3	B
1-30-3.11-052.01	Low Density Residential	R-1	Commercial	C-3	B
3-30-7.17-269.00	Highway/Commercial	I-1	Commercial	C-3	C
3-30-7.17-270.00	Low Density Residential	R-2	Commercial	C-3	C
3-30-7.18-010.00	Highway/Commercial	I-1	Commercial	C-3	C
3-30-7.18-011.00	Open Space	I-1	Open Space	R-2	C
3-30-7.18-022.00	Highway/Commercial	I-1	Commercial	C-3	C
3-30-7.18-023.00	Highway/Commercial	I-1	Commercial	C-3	C
3-30-7.13-002.00	Moderate Density Residential	I-1	Commercial	C-3	C
3-30-7.13-001.00	Employment	I-1	Commercial	C-3	C
3-30-10.08-064.00	Low Density Residential	C-1	Low Density Residential	R-2	D
3-30-10.08-065.00	Low Density Residential	C-1	Low Density Residential	R-2	D
3-30-10.08-066.00	Low Density Residential	C-1	Low Density Residential	R-2	D
3-30-10.08-067.00	Low Density Residential	C-1	Low Density Residential	R-2	D
3-30-10.08-068.00	Low Density Residential	C-1	Low Density Residential	R-2	D
MD-16-183.07-01-65.00-000	Moderate Density Residential	I-1	Moderate Density Residential	R-3	D
MD-16-183.10-04-23.00-000	Highway/Commercial	I-2	Commercial	C-3	D
MD-16-183.10-04-27.00-000	Highway/Commercial	I-2	Commercial	C-3	D
MD-16-183.10-04-70.00-000	Highway/Commercial	I-2	Commercial	C-3	D
3-30-7.17-293.00	Low Density Residential	C-1	Low Density Residential	R-2	D
MD-16-182.00-01-04.00-000	Highway/Commercial	I-1	Commercial	C-3	E
MD-16-183.09-01-52.00-000	Low Density Residential	H-1	Low Density Residential	OB-1	E
MD-16-183.06-02-14.00-000	Employment	R-2	Low Density Residential	OB-1	F



THE CITY of Milford DELAWARE

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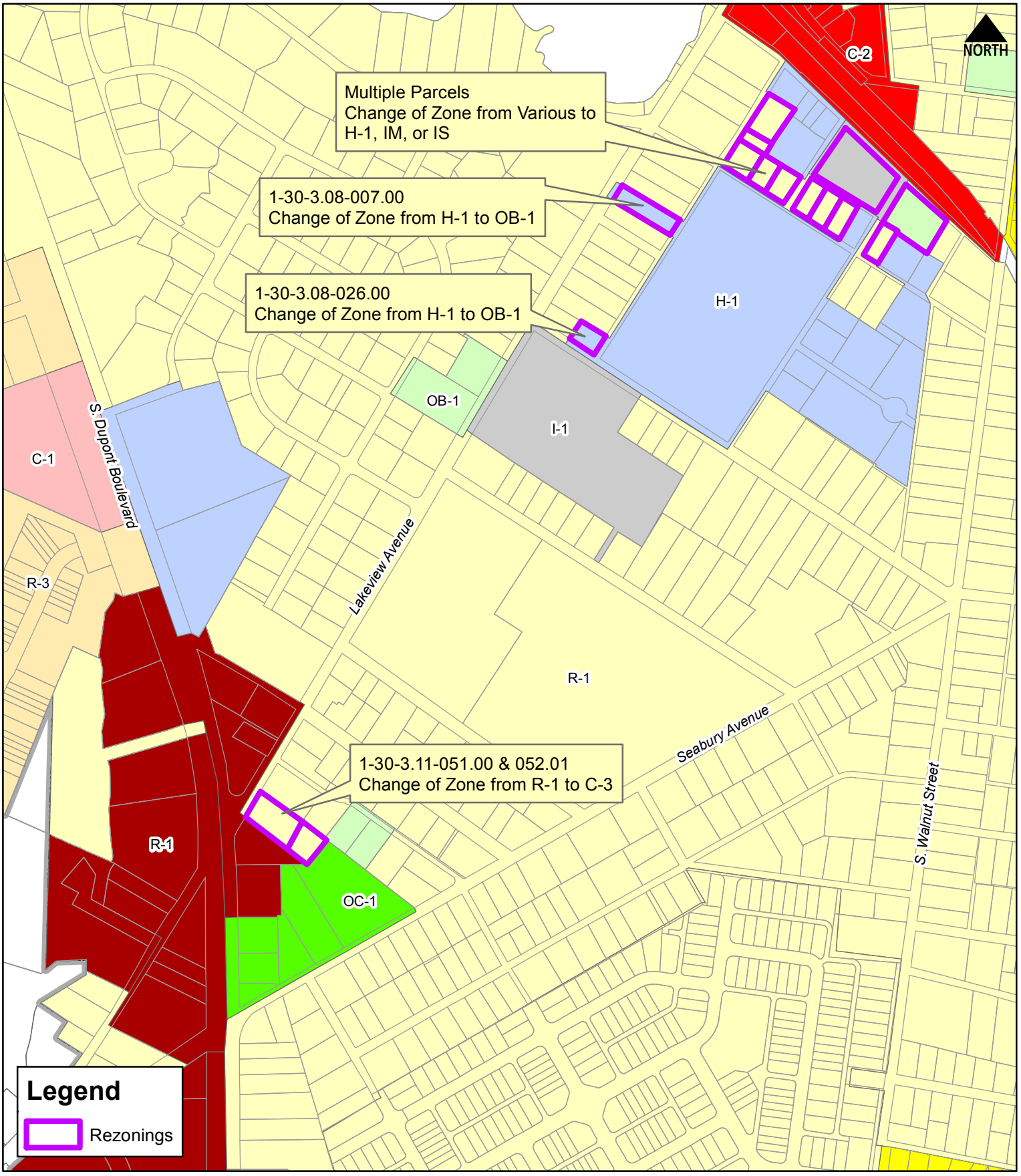
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Title:

Exhibit A - Rezonings

2017 Comprehensive Plan Update

Location & Zoning Map



THE CITY of Milford DELAWARE

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Drawn by: WRP

Date: 09/06/17

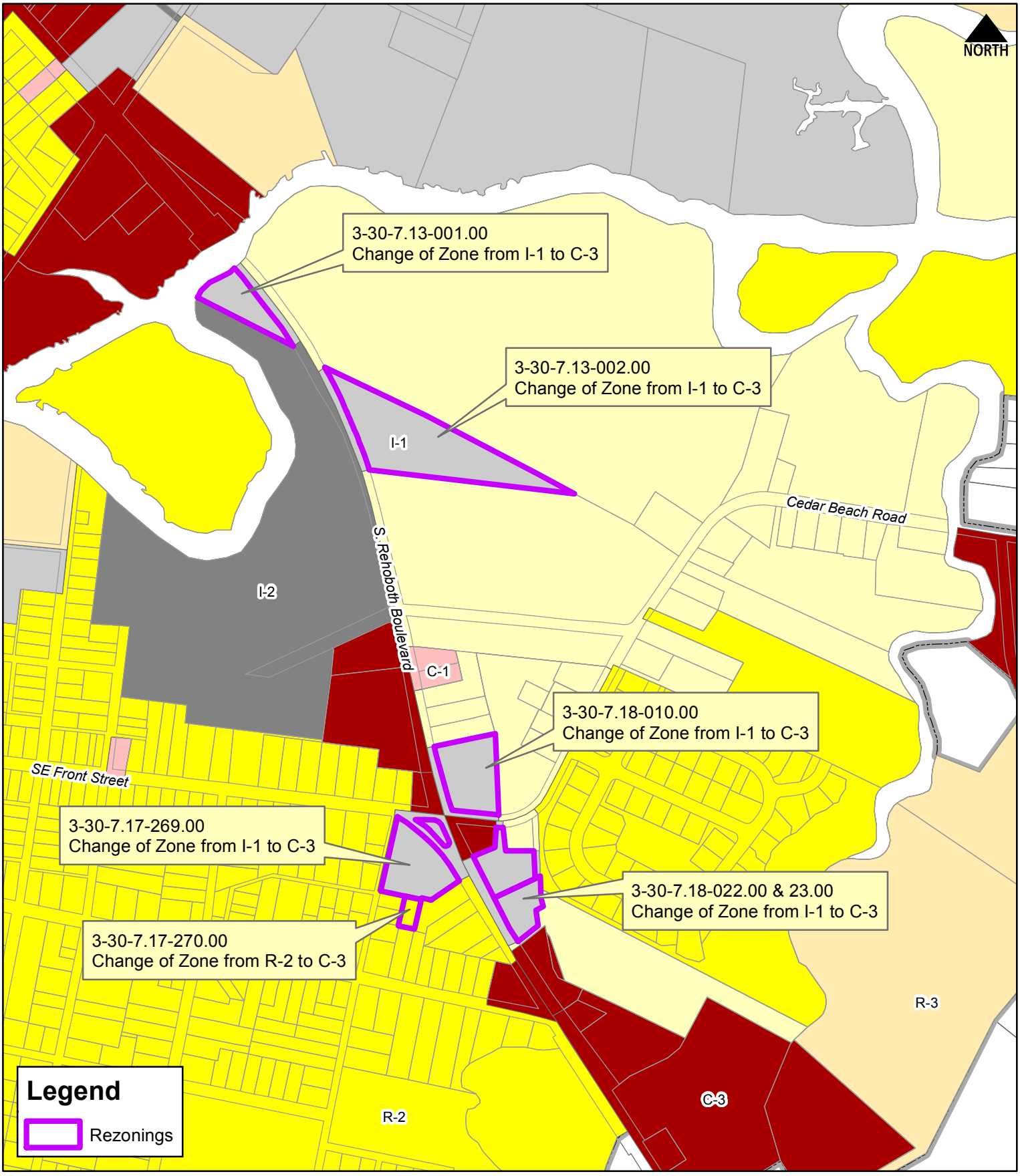
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Title:

Exhibit B - Rezonings

2017 Comprehensive Plan Update

Location & Zoning Map



THE CITY of Milford DELAWARE

Scale: 0 250 500 Feet

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Date: 09/06/17

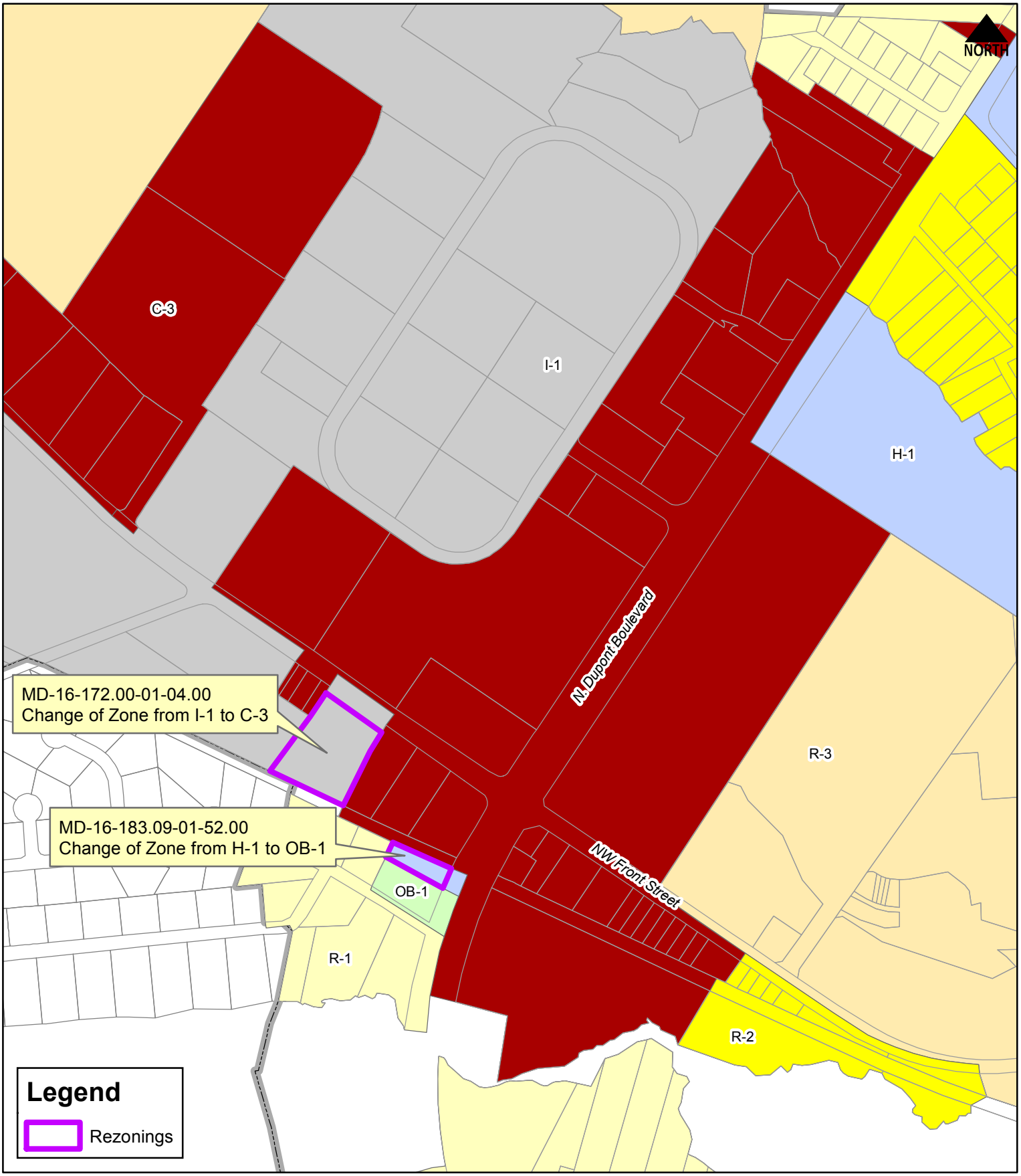
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Title:

Exhibit C - Rezonings

2017 Comprehensive Plan Update

Location & Zoning Map



THE CITY of Milford DELAWARE

Scale: Feet
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Drawn by: WRP Date: 09/06/17

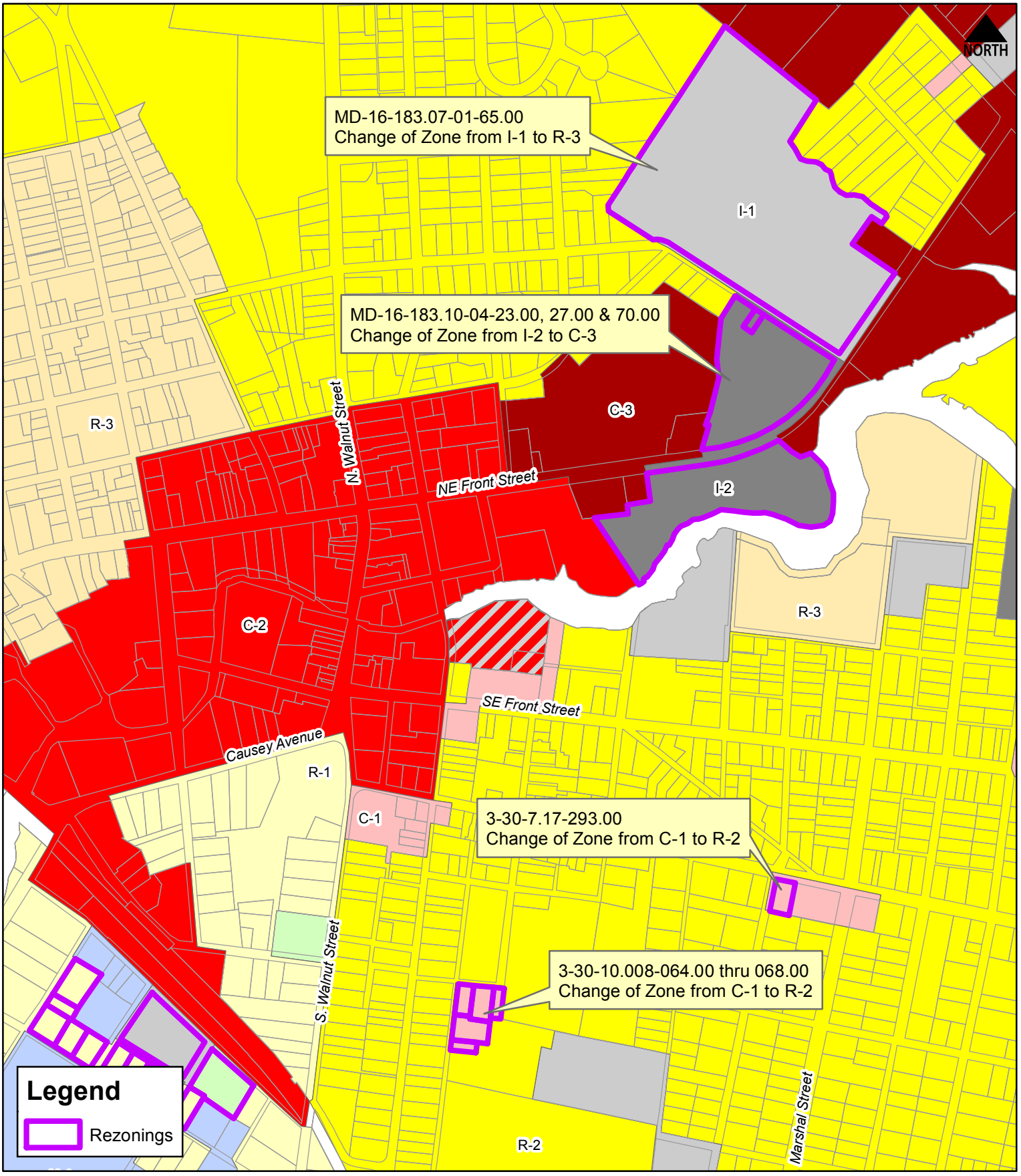
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Exhibit E - Rezonings

2017 Comprehensive Plan Update

Location & Zoning Map



THE CITY of Milford DELAWARE

Scale: 0 250 500 Feet

Drawn by: WRP

Date: 09/06/17

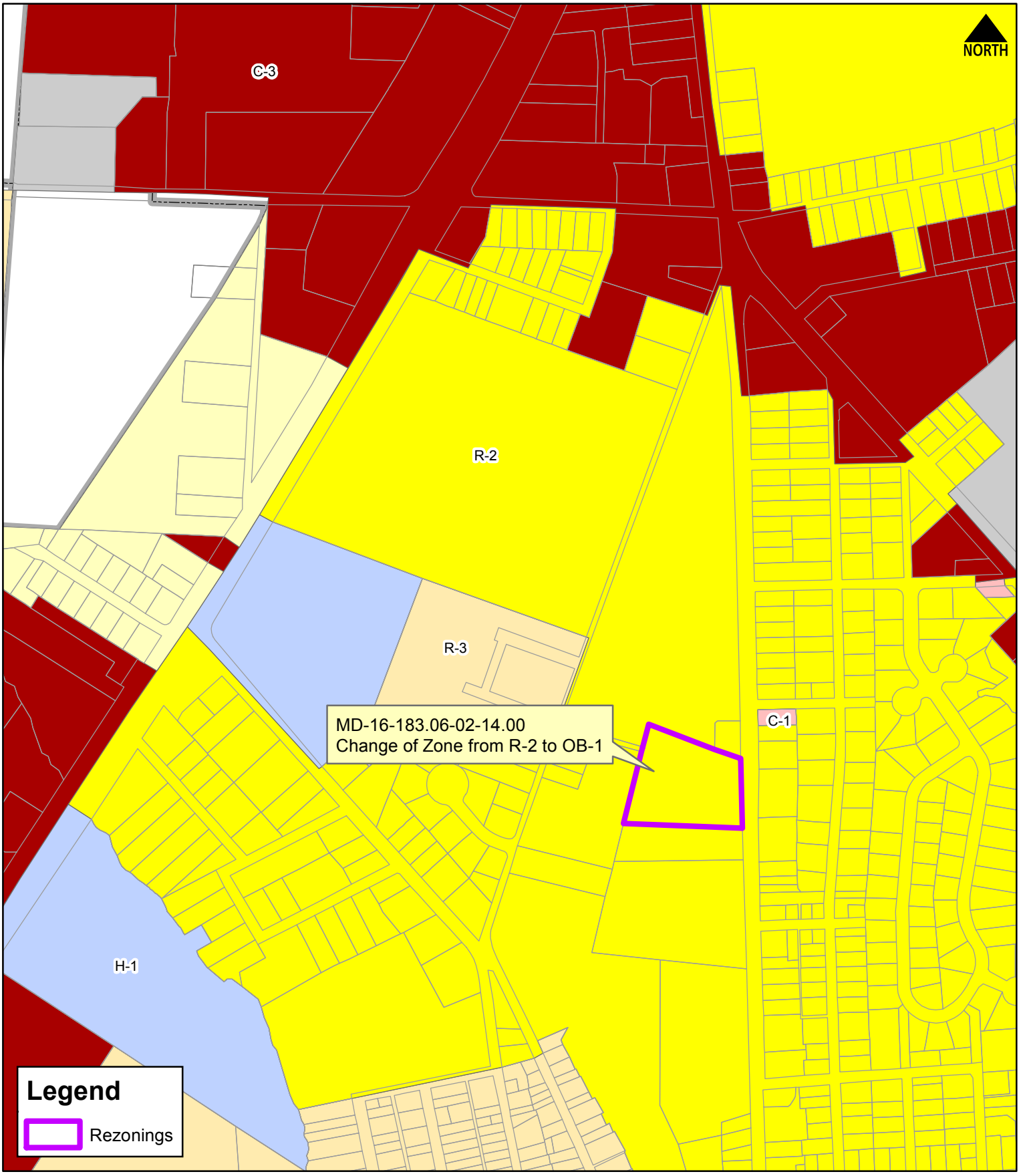
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Title:

Exhibit D - Rezonings

2017 Comprehensive Plan Update

Location & Zoning Map



THE CITY of Milford DELAWARE

Scale: 0 250 500 Feet

Drawn by: WRP

Date: 09/06/17

Filepath: ComprehensiveRezoning_ExhibitF.mxd

Title:

Exhibit F - Rezoning

2017 Comprehensive Plan Update

Location & Zoning Map

OFFICE OF THE CITY MANAGER
201 South Walnut Street
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

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January 2, 2018

TO: Mayor and City Council

FROM: Eric Norenberg

SUBJECT: Bayhealth Agreements

Purpose and Background

Over the past year and one-half, Bayhealth representatives and City staff have negotiated two agreements related to the new health campus under construction in Milford. Both agreements will have positive benefits and memorialize subjects that were discussed with City Council in late-2016 and in 2017. Since those City Council meetings, negotiations continued between teams from both organizations as the project proceeded. Recently, attorneys for both parties completed reviews and final edits.

Discussion

Development Agreement: Development agreements are often established between municipalities and private developers to address on-site and off-site improvements. This agreement with Bayhealth is no different. It addresses responsibility for water, wastewater and electric improvements that are being constructed to serve the new health campus, both on-site and off-site, including those constructed by Bayhealth contractors and City crews. The agreement addresses warranties and other responsibilities into the future.

The development agreement also addresses easements dedicated by Bayhealth, contributions made by Bayhealth to utility improvements in the area (e.g. the southeast pumping station now under construction), fee schedules, inspections, etc. In addition, this agreement addresses Economic Development Incentives in Article 12. In addition to the economic development incentives available to projects with large scale investment and employment that are available anywhere in the City (approved by City Council in 2017), this section addresses two incentives discussed with City Council previously: refunding up to $50,000 in permit fees, if the City expends less than the full fee payment for inspection services, etc. and a transfer of a remnant parcel of City land in exchange for the easements.

Electrical Service Agreement: Some of Milford's major electrical customers have electrical service agreements with the City, including Seawatch and Perdue Farms. This agreement was developed with the assistance of the Delaware Municipal Electric Corporation (DEMEC) in mid-2017 and then reviewed and refined with representatives of both parties and their respective attorneys. The agreement sets out terms for the provision of electric service for five years, including rates approved by City Council last spring for this classification.

Recommendation

It is recommended that both agreements be approved.

CITY OF MILFORD, DELAWARE / BAYHEALTH MEDICAL CENTER, INC.

ECONOMIC DEVELOPMENT AGREEMENT

This Agreement ("**AGREEMENT"),** is dated this _____ day of _____, 2018, by and between

B**ayhealth Medical Center, Inc.** a not for profit, tax exempt charitable Delaware Corporation, ("**BAYHEALTH**"),

AND

The **City of Milford**, a municipal corporation of the State of Delaware, (the "**CITY**").

WHEREAS, the **CITY COUNCIL** and **ECONOMIC DEVELOPMENT COMMITTEE** identified in its **ECONOMIC DEVELOPMENT STRATEGY** (the "**STRATEGY**"), that the Healthcare Sector is an economic mainstay of a healthy, vibrant and growing community; and,

Whereas, the **STRATEGY** identified the need to develop a medical business park as part of the **SOUTHEAST NEIGHBORHOOD MASTER PLAN** (the "Master Plan") for stimulating growth and economic activity within the region; and,

WHEREAS, **BAYHEALTH** is proposing to develop a Health Campus, (the "**CAMPUS**"), on approximately 169 acres of land located at the corner of Cedar Creek Road (Route 30) and Wilkins Road, within the **CITY'S MASTER PLAN** area; and,

WHEREAS, **BAYHEALTH**, intends to develop the property in accordance with the **CAMPUS MASTER PLAN,** attached as **ATTACHMENT 1** of this **AGREEMENT;** and,

WHEREAS, **BAYHEALTH** is constructing on the **CAMPUS** an approximate 440,000 square foot replacement hospital and ambulatory care center, (the "**FACILITIES**"), and related roads and site amenities, (collectively, the "**PROJECT**") and,

WHEREAS, Bayhealth has submitted plans for the construction of the Facilities and Project referred to collectively as the **PROJECT PLANS** (the "Project Plans") which are presently under review by the **CITY;** and,

WHEREAS, the City acknowledges and agrees that the Project will create substantial Community Benefits which will materially support and advance the goals of the **City's Strategy**, including:

- The Project will retain or create over 800 skilled, high-paying Full-Time Job Equivalents ("FTE") positions in the community;

- According to recognized industry studies, each FTE employed in the Project creates or maintains 1.8 FTE positions in supporting businesses and occupations in the local economy;

- This $300,000,000 Project will anchor the intended development of the Southeast Neighborhood Master Plan and is critical to realization of the Strategy;

- Construction of the Project will create an estimated 1,850 construction and related jobs over the next 3 years.

- The project will include an enlarged emergency department and trauma services, as well as a helipad for medical evacuation services, to better support police, fire, ambulance and paramedic services (collectively, "First Responders") and assure effective delivery of public health, safety and emergency services to meet the needs of the **Master Plan** and growing Milford community;

- Easements which have been or will be granted by **Bayhealth** in and through the Health Campus, at no cost to the **City**, will facilitate realization of the **Strategy** and development of the Southeast Neighborhood **Master Plan**.

- Utility easements on the Health **Campus**, granted by **Bayhealth** at no cost to the **City**, will enable the City to provide sewer, water and electric services to surrounding properties, facilitating and supporting realization of the Strategy;

- An electric easement through the Health **Campus**, granted by **Bayhealth** at no cost to the **City**, will enable the **City** to extend electric service to the **City's** new water tower and to the **Campus** parcel at substantially reduced cost to the **City**;

- A 12-inch water main to be installed by **Bayhealth** through the Health **Campus**, at no cost to the **City**, will connect the **City's** water tower to the existing **City** water mains on Wilkins Road;

- **Bayhealth** and surrounding sites are contributing equitable shares to the construction of a Sewer pump station to serve the Project as well as surrounding development sites in the **Master Plan** area, and

WHEREAS, the **City** finds that the improvements, services and utility easements provided by **Bayhealth** in support of the **City's Strategy**, and in response to identified needs of the **City** and First Responders, represents a substantial and critical contribution to the intended development of the **Master Plan** area and realization of the **Strategy**; and

WHEREAS, the **CITY COUNCIL**, in accordance with **CHAPTER 19 - ECONOMIC DEVELOPMENT AND REDEVELOPMENT** of the **CODE OF THE CITY OF MILFORD**,

in order to promote development and redevelopment, **CITY COUNCIL** has determined that incentives in the form of impact fee waivers should be made available to qualifying projects; and,

WHEREAS, the **CITY,** having determined that the substantial benefit provided by Bayhealth has further determined that incentives to **BAYHEALTH** in accordance with the terms and conditions set forth in this **AGREEMENT** will further the objectives of the **CITY**, will benefit the **CITY** and its citizens, and will promote local economic development and stimulate business and commercial activity within the **CITY**; and,

WHEREAS, the assurances provided by this **AGREEMENT** are necessary in order to provide the certainty which will allow **BAYHEALTH** to make the long-term commitments involved in expanding its facilities and operations in the **CITY**; and,

WHEREAS, the **CITY** has determined that the substantial new capital investments and creation and maintenance of employment opportunities provided by the **PROJECT** will add to and retain load in the **CITY's** electric service territory and support establishment of an agreement for an Economic Development Rate under the **CITY's** Electric Tariff Rules & Regulations;

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and other good and valuable consideration, including the economic benefits to the **CITY** and **BAYHEALTH** and to encourage well planned development by **BAYHEALTH**, the receipt and sufficiency of such consideration being hereby acknowledged, and intending to be bound hereby, the **CITY** and **BAYHEALTH** agree as follows:

ARTICLE ONE

DEFINITIONS

1.1 BENEFICIAL OCCUPANCY means satisfactory completion and inspection of the sanitary sewer, water and electrical systems as installed by Bayhealth; a "Notice to Operate" from the Delaware Division of Public Health; and as-built plans provided by BAYHEALTH'S engineer. BAYHEALTH will operate the utilities during BENEFICIAL OCCUPANCY at the expense of BAYHEALTH.

1.2 CITY means "the City of Milford."

1.3 COMMUNITY BENEFIT means an improvement, facility, activity, grant, concession, waiver, donation, service, or program offered or provided by Bayhealth to the City, or as a public service to other entities or organizations serving the community (such as emergency responders, health agencies, etc.), directly or indirectly, at no cost or reduced cost to the beneficiary, in response to identified community needs, plans and/or objectives, the value of which inures in whole or in part to the City, emergency responders, or the community at large, and as such, serves a greater good and purpose.

1.4 CONDITIONAL ACCEPTANCE means completion of the improvements required by the PROJECT PLANS following an inspection by the CITY of such

improvements and completion of any unresolved issues identified during the inspection by BAYHEALTH. CONDITIONAL ACCEPTANCE begins the one (1) year warranty period.

1.5 CONTRACTOR means a licensed contractor, which is contracted, or to be contracted, by BAYHEALTH to construct and complete the improvements required by the PROJECT PLANS.

1.6 ENGINEER means the engineer, which is contracted, or to be contracted, by BAYHEALTH to provide professional consultant services for the PROJECT.

1.7 FINAL ACCEPTANCE means the improvements required by the PROJECT PLANS have been satisfactorily installed, inspected and approved by the CITY, and BAYHEALTH has been released from any and all obligations associated with the PROJECT or that portion of the project.

1.8 PROJECT means and includes the improvements required by the PROJECT PLANS and any and all facilities, accessories, equipment and other incidentals required to provide satisfactory and complete use of such project for its development and intended purposes.

1.9 SPECIFICATIONS mean the CITY of Milford Standard Specifications for Installation of Utility Construction Projects

ARTICLE TWO

EASEMENTS, UTILITIES

2.1 It is a requirement of **CITY'S** Ordinance that properties within the **CITY** are connected to the **CITY'S** electrical, water and sewer systems, where available and provided for as part of the **CITY'S Comprehensive Plan**.

2.2 **BAYHEALTH** shall provide **UTILITY EASEMENTS** to the **CITY,** as set forth on **ATTACHMENT 2,** for the conveyance of **UTILITIES** required by the **CAMPUS**. Additional **UTILITY EASEMENTS** along the perimeter of the **CAMPUS** where the **CAMPUS** abuts Cedar Creek Road and Wilkins Road shall not be unreasonably denied, so that in partnership with other parties to the S.E. Milford Sewer Utility Agreement Route 30 Corridor Agreement, development of utilities to serve the **PROJECT** and neighboring properties can occur**.** Because these easements are in support of the City's Strategy and in response to the identified needs of the City and First Responders, they are a Community Benefit.

2.3 **BAYHEALTH** shall provide a **UTILITY EASEMENT** through the **CAMPUS** adjacent to the **Delmarva Power and Light**, ("**DP&L") Utility Easement**, **as set forth on ATTACHMENT 2,** to facilitate the installation of an electrical pole line and corresponding service to serve the **CITY'S SOUTHEAST WATER TOWER** in furthering the **CITY'S MASTER PLAN.** Because this **EASEMENT** shall convey utilities that will serve neighboring development as well as the **CAMPUS,** they are a **COMMUNITY BENEFIT.**

2.4 **BAYHEALTH** shall contribute to the building of a **SEWAGE PUMPING STATION** and related service piping required to serve the **CAMPUS** and in furthering the **CITY'S MASTER PLAN** in accordance with the **S.E. Milford Sewer Utility Agreement Route 30 Corridor**. EASEMENTS will be granted by Bayhealth to the City through the CAMPUS, as identified in **ATTACHMENT 2**, required for the conveyance of **SEWAGE** to and from the new SEWAGE PUMPING STATION. Connection Fee and related EDU assessment for the project shall be as provided for in this **AGREEMENT.** The Point of Service for sewer shall be at the inlet for Manhole 4, located in the existing Easement at the intersection of Cedar Creek Road and Wellness Way. **Bayhealth** shall own and maintain the sewer piping upstream of this point of service, however the other sewer lines constructed on the **CAMPUS** shall require approval of the **CITY** and inspection.

2.5 **BAYHEALTH** requires two (2) – nominal 12,470 volt, three (3) phase electrical services capable of conveying ten (10) megawatts of power each to serve the **CAMPUS**, and most notably the HOSPITAL. Because highly reliable power is critical to the provision of life saving hospital based services, the **CITY** agrees to work with **BAYHEALTH** in determining the most reliable and cost effective means to provide this required electrical service, the cost of which and related Connection Fee shall be as provided for in this **AGREEMENT**. The Point of Service for the Campus electrical service shall be at the load side of the incoming service disconnect switches. Bayhealth shall own and maintain the feeders exiting these switches, and all related infrastructure downstream of these service points.

2.5.1 **BAYHEALTH** requires two temporary electrical services to provide power for the construction of the **PROJECT**. Temporary Service 1 shall be three phase – 208 volts / 600 amps to serve the Construction Trailer complex. Temporary Service 2 shall be three phase, 480 volts / 1000 amps to power the hospital and outpatient buildings while they are being constructed. The **CITY** shall provide the meter cabinet and transformers required serve these temporary services. The cost to build these temporary electrical services shall be as provided in this Agreement. Power used shall be billed to **Bayhealth** per the **City's** published electrical fee schedule.

2.6 **BAYHEALTH** requires domestic **WATER SERVICE** and **FIRE WATER SERVICE** to serve the **CAMPUS** and most notably, the **HOSPITAL. BAYHEALTH** will partner with the **CITY** to connect to an existing 12-inch water main and route the new piping through the **CAMPUS** as set forth on **ATTACHMENT 3**. Connection Fee and related EDU assessment for the project shall be as provided for in this **AGREEMENT**.

ARTICLE THREE

PROJECT EXECUTION RESPONSIBILITIES

3.1 All design and construction work required for the satisfactory completion of the **PROJECT** shall be the responsibility of the respective **PARTY** as specified in this **AGREEMENT**, and subject to the approval of the **CITY** and the other governing authorities having jurisdiction (collectively, the "**AGENCIES**"), under applicable Statutes, Regulations and Ordinances.

3.2 All design and construction shall be subject to the approval of all Federal, Regional, State, County, **CITY**, and other Agencies,

3.3 Close cooperation between the **AGENCIES** and **BAYHEALTH** is intended in order that the interests of the **AGENCIES** and the Milford Community may best be served. The **CITY** agrees to work collaboratively with representatives of the AGENCIES, in an effort to ensure timely reviews and approvals related to the **CAMPUS** and **PROJECT. BAYHEALTH** shall maintain a continuing and close liaison with the **CITY** and **AGENCIES** in order to resolve questions and obtain needed approvals so as to permit the **PROJECT** work effort to continue uninterrupted.

3.4 **BAYHEALTH**, its ARCHITECT and ENGINEER and CONSTRUCTION MANAGER, (the "**PROJECT TEAM**") will have the right to cause the **PROJECT TEAM** or individual members to participate in the planning and meetings and determination of the course of design, scheduling and construction of the work to be performed, as it affects the **PROJECT**.

3.5 **BAYHEALTH** shall provide administration of the construction contract documents.

3.5.1 **BAYHEALTH** shall be allowed to construct the project in phases in accordance with the **PROJECT** phasing plan approved by the **CITY** prior to start of construction, and assure that all infrastructure necessary to support each phase is installed and completed to the satisfaction of the **CITY** and **AGENCIES** prior to proceeding to the next phase.

3.6 **CITY**

3.6.1 The **CITY** shall promptly review all plans and submittals relating to the **PROJECT**. Any changes to the approved PROJECT **PLANS** may result in a resubmission by **BAYHEALTH** to the **CITY** for re-approval. Said changes must be submitted in writing with appropriate supporting documentation by **BAYHEALTH** to the **CITY** for determination of the process necessary to approve or disapprove such a change.

3.6.2 The **CITY** shall promptly conduct construction inspection on improvements to the entire **PROJECT** within the public right-of-way and/or improvements to be dedicated to the **CITY** or connecting to the **CITY'S** systems.

3.6.3 The **CITY** shall promptly review plans for building construction of the **PROJECT** and promptly conduct inspections thereof.

3.6.4 The **CITY** shall set all water meters. **BAYHEALTH** will set the meter pit and sewer cleanout frame and cover in and flush as provided for in the approved **PROJECT** documents. Where no sidewalk is proposed meter and cleanout structures shall be set in a concrete pad extending a minimum of 6 inches beyond the meter lid or cleanout cover in all directions.

3.7 PROJECT SCHEDULE

3.7.1 **BAYHEALTH** shall file with the **CITY** two (2) copies of the **PROJECT SCHEDULE**, and thereafter, shall provide the **CITY** a monthly report

identifying progress actually made, and anticipated efforts to be accomplished over the next monthly period. Any changes to the **SCHEDULE** will be promptly communicated to the **CITY.**

ARTICLE FOUR

FEE STRUCTURE

4.1 The Project shall be subject to the Fees provided for in the **CITY'S** Commercial Fee Schedule, dated May 26, 2016, and included as **ATTACHMENT 4** of this **AGREEMENT**, provided however, all fees to be collected by the city for the Carlisle Enhancement Fund shall be negotiated between Bayhealth and the Carlisle Volunteer Fire Company which fee shall supersede the fee stated in attachment 4.

4.2 The **PROJECT FEES** are based on a **PROJECT** construction value of $159,379,000.

4.3 **ATTACHMENT 5**, the **HEALTH CAMPUS PROJECT FEE MATRIX,** reflects the calculated fees and assessments due the **CITY**. The **CITY** agrees that this list includes all **FEES** due to construct the **PROJECT**, and that no other **FEES** or Assessments, including costs associated with external **CITY** resources, shall be levied against the **PROJECT** by the **CITY**, unless the **PROJECT** scope changes outside the parameters identified in this Agreement. Any changes to the scope necessitating additional **FEES** will be agreed to in writing by both parties. Direct costs associated with providing services necessary for the **PROJECT** shall not be included on the **MATRIX**.

4.4 Engineering Plan Review Fees, and any and all professional service costs associated with the **PROJECT** incurred by the **CITY** shall be billed at cost to BAYHEALTH.

4.6 Project Management and Infrastructure Inspection Fees incurred by the **CITY,** and any and all direct costs for construction phase services, as well as **CITY** administration costs related to construction of any infrastructure improvements including but not limited to storm water drainage, sanitary sewer and water systems, roads, curb, gutter, and sidewalks, and other systems that are to be dedicated to the **CITY** and/or which impact the **CITY'S** infrastructure related to the **PROJECT** shall be billed at cost to Bayhealth.

4.7 All work provided for under this **AGREEMENT** shall be exempt from the **CITY'S** Collateral Bond Requirement. Bayhealth shall ensure that contracts let for the building of the Utilities shall include a one (1) year materials and workmanship warranty to cover the one (1) -year guarantee period between **CONDITIONAL ACCEPTANCE** and **FINAL ACCEPTANCE.**

4.8 Customer acknowledges that the Kent County impact fees and fees that may be charged by any other utility or governmental entity or another government entity are not subject to this Agreement, such fees being outside the exclusive jurisdiction of Utility. In the event Customer negotiates a different impact fee with Kent County, or another government entity or utility having jurisdiction of such fees, the amended fees shall apply and the attached fee schedule shall be amended accordingly.

ARTICLE FIVE

BUILDING PERMITS / CERTIFICATES OF OCCUPANCY

5.1 A building permit shall be issued for the **PROJECT** upon approval of the building plans by the **CITY**. Utility work shall not proceed until the **PROJECT** PLANS are approved by the **CITY**.

5.2 Street addresses for the lots within the **PROJECT** shall be obtained from the County 911 address system prior to the issuance of any building permits.

5.3 A Certificate of Occupancy shall not be issued until all approvals are obtained from the various **AGENCIES** and related Inspections Services for safe occupation of the building and for access to the site. Additionally, all water, sewer, storm drainage, streets and electric utilities must be complete, tested and accepted, and the **CITY** must have issued Beneficial Occupancy of the installed **CAMPUS** water, sewer and electric utilities prior to issuance of a Certificates of Occupancy.

ARTICLE SIX

BAYHEALTH'S RESPONSIBILITIES

6.1 **BAYHEALTH** shall employ a Registered Architect licensed in the State of Delaware to perform any architectural work required for the **PROJECT**. All plans and specifications containing architectural work shall be stamped with the seal of a Registered Architect, registered in the State of Delaware.

6.2 **BAYHEALTH** shall employ a Registered Professional Engineer licensed in the State of Delaware to perform any engineering work required for the **PROJECT**. All plans and specifications containing engineering work shall be stamped with the seal of a Professional Engineer registered in the State of Delaware.

6.3 **BAYHEALTH** shall employ the services of a Registered Professional Land Surveyor licensed in the State of Delaware to perform any survey work required for the scope of services required for the **PROJECT**. All plans and specifications containing survey work shall be stamped with the seal of a Professional Land Surveyor registered in the State of Delaware.

6.4 **BAYHEALTH** warrants that in the event errors or omissions are found in the final design documents after the construction contract has been awarded, and these errors or omissions result in increased cost, whether design, construction or otherwise, **BAYHEALTH** shall be liable for all additional cost incurred as a result of such error or omission by **BAYHEALTH** and **BAYHEALTH'S** agents or employees; this provision does not prohibit **BAYHEALTH** from recovering such costs from any person liable or found liable for such errors or omissions.

6.5 **BAYHEALTH** warrants that it has not employed or retained any company or person, other than **BAYHEALTH'S** agent or a bona fide employee working solely for it to solicit or secure this **AGREEMENT**, and that **BAYHEALTH** has not paid or agreed to pay any

company or person, other than **BAYHEALTH's** agent or a bona fide employee working solely for it, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the making of this **AGREEMENT**. For breach or violation of this warranty the **CITY** shall have the right to terminate this **AGREEMENT** without liability, at its discretion and retain the fees paid pursuant to Section 4.3 of this **AGREEMENT**.

6.6 **BAYHEALTH** shall ensure that **FIRMS** contracted by **BAYHEALTH** to construct the work associated with the **PROJECT** shall protect itself from claims under the Workmen's Compensation Act by having insurance as required by law from an insurance company authorized to do business in the State of Delaware at the following minimums:

6.6.1 Bodily injury liability insurance in an amount not less than $250,000.00 for injuries including accidental death, to any one person, and subject to the same limits for each person, in an amount not less than $500,000.00 for any one accident issued by an insurance company authorized to do business in the State of Delaware.

6.6.2 Comprehensive property damage insurance for the PROJECT.

6.6.3 Automobile bodily injury liability insurance in an amount not less than $250,000.00 for injuries including death, to any one person, and, subject to the same limits for each person, in an amount not less than $500,000.00 on account of any one accident issued by an insurance company authorized to do business in the State of Delaware.

6.6.4 Automobile property damage liability insurance in an amount not less than $100,000.00 for any one accident issued by an insurance company authorized to do business in the State of Delaware.

6.6.5 Certificate of Liability Insurance naming the **CITY** as an additional insured.

6.6.6 The procuring of all insurance as set forth in this Article or elsewhere in this **AGREEMENT** shall be in addition to and not in any way in substitution for all the other protection provided under this **AGREEMENT**.

6.7 **FIRMS** contracted with by **BAYHEALTH** to construct the work required by the PROJECT shall secure, maintain and furnish the **CITY** copies of its **CITY** and State of Delaware business licenses. **BAYHEALTH** shall also furnish the **CITY** with such copies of licenses and authorizations for its agents and consultants.

6.8 **BAYHEALTH** shall comply with all Federal, Regional, State, County, City, and all other laws applicable to the work to be done under this **AGREEMENT**.

6.9 **BAYHEALTH** shall provide all labor, all services, all materials and the like necessary to satisfactorily complete the **PROJECT**.

6.10 **BAYHEALTH** shall be responsible for **BAYHEALTH'S** costs for the testing and inspection of materials and equipment to ascertain that all such materials and equipment are in accordance and in compliance with the approved PROJECT **PLANS**. The results of

such tests shall be made available to the **CITY** as requested or otherwise provided for in this **AGREEMENT**.

6.11 **BAYHEALTH** shall be liable for any damage to the utility systems being constructed as part of the **PROJECT**, including off-site and/or third party damages that are a result of acts of omissions by **BAYHEALTH** or its Agents related to the development of the **PROJECT**, until the **PROJECT** is completed and passed FINAL ACCEPTANCE.

6.12 Project, plans, maps, descriptions, specifications, records and documents made by **BAYHEALTH** and its **PROJECT TEAM** related to the utility distribution systems associated with the **PROJECT** shall be delivered to the **CITY**, and become the property of the **CITY** after **BENEFICIAL OCCUPANCY** of the **PROJECT**.

6.13 **BAYHEALTH** and its **FIRMS** shall confer with the **CITY** during the **PROJECT** as to the interpretation of the PROJECT **PLANS,** and for the correction of errors and omissions, and shall prepare any necessary design plan revisions as may be required to complete and document the work.

6.14 Any required easements are to be in effect prior to **BENEFICIAL OCCUPANCY** of the **PROJECT**.

6.15 Prior to **BENEFICIAL OCCUPANCY**, **BAYHEALTH** shall provide two sets of prints and a CD in AutoCAD 2006 Format to the **CITY** depicting the "as-built" conditions of the satisfactorily completed **PROJECT**. All prints shall bear the **ENGINEER'S** seal and signature.

6.16 Prior to FINAL ACCEPTANCE, **BAYHEALTH** shall obtain from all **FIRMS** associated with the **PROJCET**, and other persons and organizations executing portions of the work for the **PROJECT,** a standard release of liens from all applicable parties, excepting the CITY, stating that the PROJECT has been satisfactorily completed within the terms and conditions of its contract and is free and clear of any and all liens, claims, security interests and/or encumbrance and provide a copy to the **CITY**.

ARTICLE SEVEN

CITY'S RESPONSIBILITIES

7.1 The **CITY** shall schedule, administer and coordinate a pre-construction meeting of all applicable parties prior to the issuance of a written notice to proceed to **BAYHEALTH** to begin the utility construction work.

7.2 The **CITY** shall make periodic visits at least once each calendar week and more often if required to the construction site of the **PROJECT** to determine in general if the work being executed is proceeding in sequence and accordance with the PROJECT **PLANS**. The **CITY** shall determine the quality of the executed work during its periodic visits. The **CITY** shall endeavor to guard against defects and deficiencies in the work. The **CITY** shall not approve any work executed that fails to conform to the approved PROJECT **PLANS**.

7.3 The **CITY** shall review and approve or disapprove all shop drawings, samples, the results of tests and inspections and other data which is required to be submitted for conformance with the design concept of the **PROJECT** and compliance with the PROJECT **PLANS**. The **CITY** shall receive and review maintenance and operating instructions, schedules, guarantees and certificates of inspection, which are to be assembled and submitted in accordance with the submittal requirements of the **CITY**.

7.4 The **CITY** shall have the authority to reject all work executed which does not conform to the PROJECT **PLANS**. Whenever in its reasonable opinion the **CITY** considers it necessary or advisable to insure the proper implementation of the intent of the PROJECT **PLANS**, the **CITY** shall have the authority to require special inspection or testing of all work executed in accordance with the PROJECT **PLANS** whether or not such work be then fabricated, installed and/or completed.

7.5 PROCEDURES FOR PROJECT CLOSEOUT

7.5.1 BENEFICIAL OCCUPANCY

7.5.1.1 Prior to the completion of each phase of the **PROJECT**, a **BENEFICIAL OCCUPANCY** inspection will be performed by the **CITY**. The **CONTRACTOR** and the **CITY** will determine when the PROJECT is ready for an inspection in accordance with the terms discussed during the preconstruction meeting.

7.5.1.2 The **CITY**, after receipt of "Notice to Operate" from the State of Delaware Department of Health, will schedule the **BENEFICIAL OCCUPANCY** inspection and notify **BAYHEALTH**.

7.5.1.3 If construction is found satisfactory at the inspection, and upon receipt of the "Notice to Operate" from the Delaware Division of Public Health, the **CITY** will grant **BENEFICIAL OCCUPANCY,** thus enabling **BAYHEALTH** to make connections to the sanitary sewer and water systems.

7.5.1.4 No sewer or water connections will be permitted until after **BENEFICIAL OCCUPANCY** by the **CITY**.

7.5.2 CONDITIONAL ACCEPTANCE

7.5.2.1 **BAYHEALTH** and **CITY** will determine when the **PROJECT** is ready for the **CONDITIONAL ACCEPTANCE** inspection in accordance with the terms agreed to and memorialized in the minutes of the preconstruction meeting.

7.5.2.2 All roadway pavement will be in place and all concrete installation and grading around the sewer clean outs, water meter pits and electrical transformers shall be completed prior to the **CONDITIONAL ACCEPTANCE** inspection.

7.5.2.3 The **CITY** will schedule the **CONDITIONAL ACCEPTANCE** inspection with **BAYHEALTH**.

7.5.2.4 If all construction is found satisfactory at the inspection, the **CITY** will recommend **CONDITIONAL ACCEPTANCE** of the **PROJECT** to the **CITY** COUNCIL.

7.5.3 FINAL INSPECTION

7.5.3.1 Prior to the end of the one-year guarantee period, a **FINAL ACCEPTANCE** inspection may be scheduled by the **CITY**.

7.5.3.2 If all construction is satisfactory, then **FINAL ACCEPTANCE** has been achieved.

7.5.3.3 If corrections are needed, a punch list will be compiled by the **CITY** and sent to **BAYHEALTH** for action.

7.5.3.4 Upon completion of the corrections, the **CITY** will verify the acceptance of the corrections. If all corrections are found to be satisfactory, then **FINAL ACCEPTANCE** will have been achieved.

7.6 Except as required by the **CITY**'s Charter and City Code, and except to the extent that the parties may otherwise expressly provide by written amendment to this Agreement, future development of the Health Campus and construction of improvements thereon, including any subdivision(s) thereof, shall be governed by the terms and conditions of this Agreement, and by the **CITY**'s Code, Ordinances and regulations then in effect.

ARTICLE EIGHT

INDEPENDENT CONTRACTOR

8.1 The FIRMS employed by BAYHEALTH in constructing the PROJECT shall be responsible for their own acts and those of subordinates, employees and subcontractors during the term of this AGREEMENT. BAYHEALTH shall indemnify, hold harmless and defend the CITY, its members, officers, agents and employees of, from and against all claims, suits, judgments, expense, actions, damages, and cost of every name and description, arising out of and or resulting from negligence of the FIRMS under this AGREEMENT; provided, however, such indemnification shall not affect the right of BAYHEALTH to reimbursement from the FIRMS.

ARTICLE NINE

AMENDMENT OF AGREEMENT; TERMINATION

9.1 This AGREEMENT may only be amended, modified or terminated by a written agreement of the parties. If, by reason of the terms of this Agreement or conditions encountered by BAYHEALTH or the CITY, such party is or may be in violation of any law or regulations applicable to or affecting the performance of the party under this Agreement, the affected party shall give prompt notice thereof to the other party and the parties shall work in good

faith to amend this Agreement to resolve such issues or amicably terminate this AGREEMENT. Upon termination, the balance of Fees held in escrow, if any, shall be returned to BAYHEALTH.

ARTICLE TEN

SUCCESSORS AND ASSIGNMENTS

10.1 This AGREEMENT is binding on the parties and their successors and assigns. To the extent permitted by law, this AGREEMENT shall be a covenant running with the land.

ARTICLE ELEVEN

ELECTRIC SERVICE AGREEMENT

11.1 The **CAMPUS** Electrical Service shall be provided under the SCS—SPECIAL CONTRACT SERVICE-PRIMARY VOLTAGE SCHEDULE, in accordance with the terms and conditions set forth in the current CITY Electric Tariff.

11.2 **TERM OF SERVICE**. Service under the SCS Service Schedule shall be provided for five years commencing on the date of BENEFICIAL OCCUPANCY as provided for in the Electric Service Agreement to be executed between BAYHEALTH and the CITY.

ARTICLE TWELVE

Other ECONOMIC DEVELOPMENT Incentives

12.1 The CITY agrees to refund to BAYHEALTH building permit fees that have been paid by BAYHEALTH but that not been spent by the CITY on direct or indirect expenses or payments related to the plan review, inspections, monitoring activities or other related activities as outlined or required in Articles Four, Five and Seven of this agreement, up to $50,000.

12.2 BAYHEALTH and the CITY agree that there is value in the easements granted to the CITY for utilities as part of the PROJECT. Both parties agree that BAYHEALTH will be compensated for those easements with the following:

- The triangle property (portion of 3-30-15.00-058.02) requested by BAYHEATH and deemed surplus by the City Council in 2016 will be transferred to BAYHEALTH at no additional charge; and
- Waiver of the difference between the total EDU count of water impact fees due to be paid for the PROJECT and the number of impact fees that are eligible to be waived under the CITY’s Economic Development ordinance;

ARTICLE THIRTEEN

MISCELLANEOUS

13.1 This AGREEMENT incorporates by reference as fully set forth herein the following documents. All other terms and conditions of these referenced documents shall remain the same and unchanged.

13.1.1 "City of Milford Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design", as revised.

13.1.2 Site Plan Review procedures as stated in Article X of the Code of the City of Milford §230-50 to 230-52.1.

13.1.3 Additional Conditions of Final Site/Record Plan Approval

13.1.5 S.E. Milford Sewer Utility Agreement Route 30 Corridor

13.1.6 Code of the City of Milford, Appendix B, Electric Tariff, Rules and Regulations, Adopted: 06-22-2015 and Effective: 07-02-2015.

13.2 This AGREEMENT shall be governed by the laws of the State of Delaware.

[Signatures appear on the next page]

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their officers and their seals to be herewith affixed, this day and year first above written.

Signed, sealed and delivered in the presence of:

Bayhealth Medical Center, Inc.

_____ _____(SEAL)

Attest By: _____

Sworn to and subscribed before me this ____ day of _____, 2017.

_____ _____

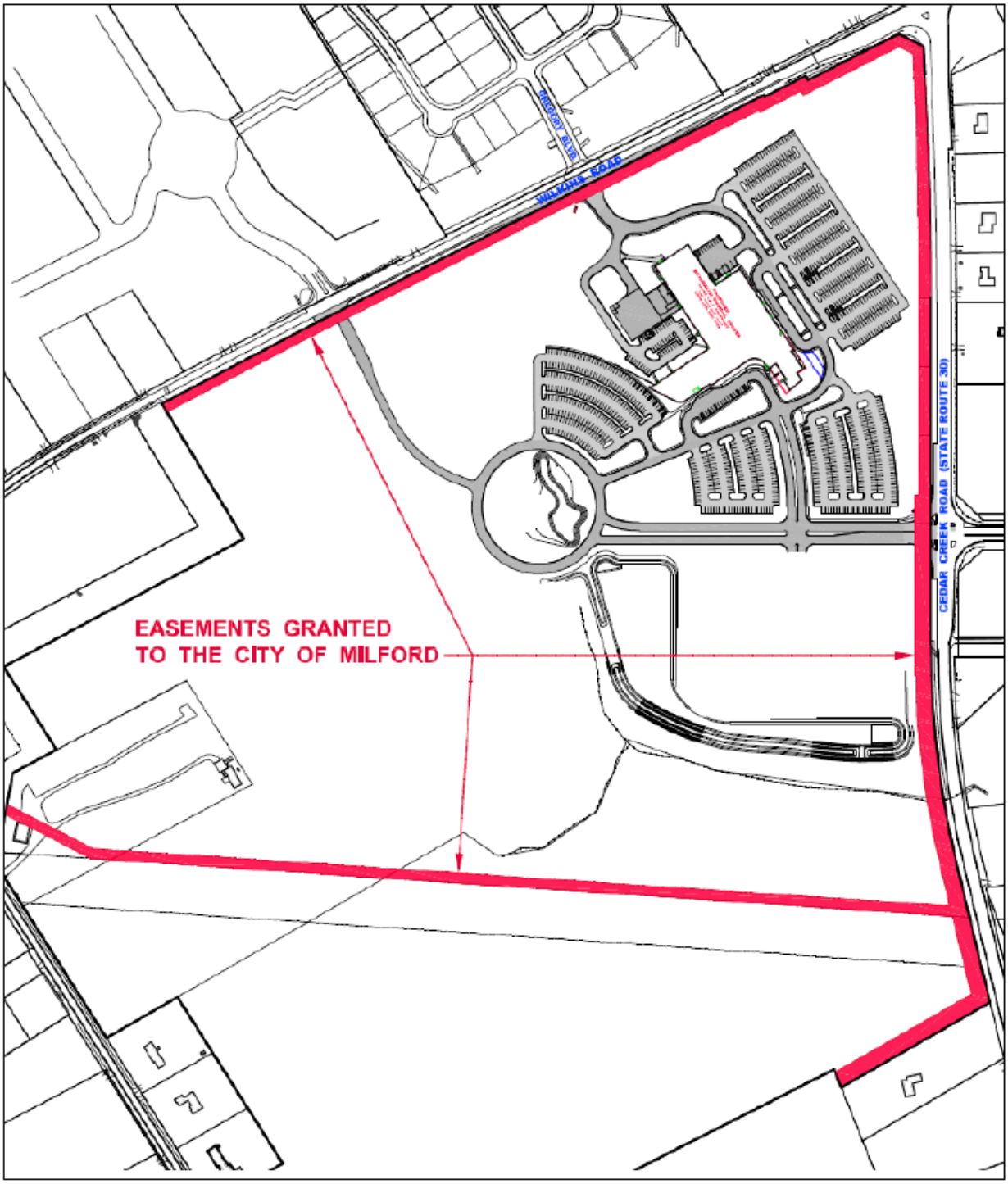
Notary Public Date Commission Expires

CITY OF MILFORD

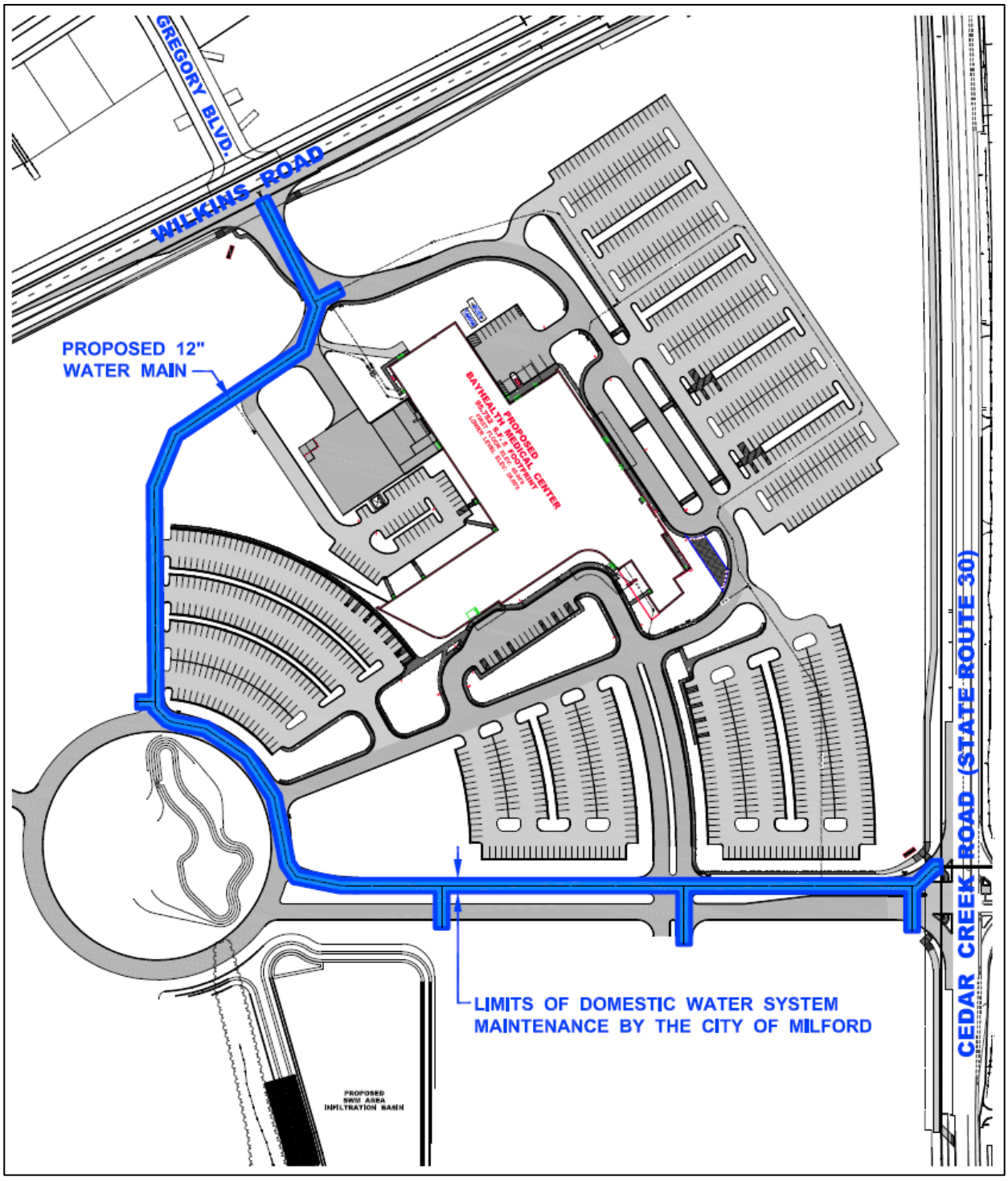
_____ _____(SEAL)

Attest/City Clerk By:

ATTACHMENT 2
HEALTH CAMPUS UTILITY EASEMENTS



ATTACHMENT 3
CAMPUS DOMESTIC WATER DISTRIBUTION PLAN



ATTACHMENT 4
CITY OF MILFORD COMMERCIAL FEES SCHEDULE

ENFORCEMENT & INSPECTIONS DEPARTMENT
P 302.424.3712 , F 302.424.3559

201 S WALNUT ST
MILFORD, DE 19963

www.cityofmilford.com

SCHEDULE OF COMMERCIAL FEES

THIS IS NOT A QUOTE. FEES ARE SUBJECT TO CHANGE WITHOUT NOTICE AND MAY NOT BE ALL INCLUSIVE.
The City of Milford cannot provide a quote until all required documentation has been submitted for review and approval.

ITEM	FEE
Certificate of Occupancy	$10
Permit Fee	$5/$1000 up to1M, $2/$1000 over 1M
Carlisle Enhancement Fund	¼ of 1% of heated square ft cost
CITY WATER: Contact the Water Department for confirmation.	
Water Meter- Commercial	$350 / 1" $475 / 2"
Water Impact	$2525/EDU
Water Service Connection	$35
Irrigation Meter	$350
CITY SEWER:	
Sewer Impact	$1334/EDU
CITY ELECTRIC: Contact the Electric Department for confirmation.	
Electric Service Connection	$50
Temp Electric	$150
Electric Impact Single Phase (120/240)	$600 200 amp /ESU $1200 400 amp
Commercial Three Phase (120/208)	$1200 200 amp /ESU $2400 400 amp $3600 600 amp $4800 800 amp
Commercial Three Phase (277/480)	$2750 200 amp /ESU $5500 400 amp $8250 600 amp $11000 800 amp
Industrial Three Phase (120/208)	$1500 200 amp /ESU $3000 400 amp $4500 600 amp $6000 800 amp $7500 1000 amp
Industrial Three Phase (277/480)	$3450 200 amp /ESU $6900 400 amp $10350 600 amp $13800 800 amp $17250 1000 amp $34500 2000 amp $51750 3000 amp
MISC:	
Kent County Impact	$2194/EDU
Fire Connection	2" $2500 4" $3000 6" $3500 8" $4000 10" $6000

Last Updated: 5.26.16

ATTACHMENT 5
HEALTH CAMPUS PROJECT FEE SCHEDULE

Permit Type	Estimated Cost
Certificate of Occupancy	$10
Permit 1 - Foundation	$15,385
Permit 2 - Structure & Skin	$74,371
Permit 3 - Final Building Permit	$238,017
Maybe reduced, per Section 12.1, up to	-$50,000
Demolition Permit	$30
Preliminary Site Submission	$700
Final Site Submission	$700
Subdivision/Utility Agreement Fee	
Water Impact $2,626/EDU (71 EDU's)	$186,446
One time waiver of 60 EDUs	-$157,560
Waived per Section 12.3	-$28,886
Sewer Impact $1,388/EDU (71 EDU's)	$98,548
One time waiver of 60 EDUs	-$83,280
Temporary Electric Impact (Estimated)	$0
Electric Impact (Estimated)	$215,975
One time waiver of 60 ESUs	-$15,000
Fire Connection	$6,000

ELECTRIC SERVICE AGREEMENT

This ELECTRIC SERVICE AGREEMENT ("ESA" or "Agreement") is entered into as of _____, 2017 by and between the City of Milford, Delaware, a municipal corporation organized under the laws of the State of Delaware (hereinafter, "Utility") and Bayhealth Medical Center, Inc. (hereinafter "Customer").

WHEREAS, Utility owns, maintains, and operates an electric system for transmission and distribution within its city boundaries; and

WHEREAS, Customer is a large electric customer of Utility and accounts for a significant portion of Utility's electric revenues; and

WHEREAS, Utility agrees to sell and Customer agrees to purchase electric capacity and energy in accordance with the terms and conditions of this Agreement including the appendices and tariffs, all of which are attached hereto and made a part hereof;

NOW THEREFORE, in consideration of these premises and the mutual promises set forth herein, Utility and Customer ("the Parties", or individually "Party"), each intending to be legally bound, hereby agree to the following:

1. The initial term of this Agreement is for five (5) years, commencing on _____, 2018. At the conclusion of the initial term, the Agreement and all of its terms and conditions shall continue in effect for successive terms of five (5) years unless terminated by either party giving notice of termination in writing to the other, such notice to be given at least three (3) years prior to the date of termination of the initial term or any extension thereof.

2. During the term of this Agreement and any extensions thereof, Utility agrees to sell and provide to Customer and Customer agrees to purchase from Utility in accordance with the provisions of this Agreement all of Customer's requirements for electric energy, except that permitted in paragraphs 12 and 13 of this agreement, at its facilities now or hereafter located within the boundaries of Utility as they now exist or may hereafter be altered or at such other facilities located outside the boundaries of Utility pursuant to the mutual agreement of the parties.

3. The electric energy furnished Customer shall be delivered by Utility at the delivery points and voltage levels that are mutually agreed to in writing by both parties, and at such additional points and different voltage levels as the parties may mutually agree upon hereafter.

4. If, for the purposes of reliability and firm electric service, Utility determines that it is necessary to change, add, or remove any of Customer's delivery points to provide and maintain an adequate and firm power supply to Customer, Customer will not object to such changes, additions, or deletions.

5. During the term of this Agreement and any extensions thereof, Utility shall bill Customer for such electric energy monthly on or about the fifteenth day of each month at the rates set forth in Appendix A attached hereto and made a part hereof, except as otherwise provided in this Agreement. Such monthly bills are due upon receipt.

6. Upon a request from Customer, Utility will make available to Customer the data, records, and calculations relating to Utility's billings for power supply to Customer. Utility will be required to retain such data, records, and calculations for at least three years.

7. Utility agrees that it will not, during the term of this Agreement or any extension thereof, increase or change the demand and energy charges applicable to Customer which are set forth in Appendix A hereto, except as follows:

   (A) Whenever the wholesale rates for electric energy which Utility is required to pay any other power supplier under their tariff(s) or contract(s) filed with the Federal Energy Regulatory Commission or any other authority having jurisdiction over Utility's wholesale power rates, should increase or decrease, the rates charged Customer shall be adjusted as hereinafter provided.
   (B) Whenever Utility elects to increase or decrease the retail rates charged to its electric customers so that its total electric revenues are either increased or decreased thereby, the rates charged Customer will be adjusted accordingly.

8. If, from time to time in the future, Utility should adopt any rate classification for which Customer would be eligible, and the new rate classification would result in lower electric charges to Customer than those imposed by this Agreement, Customer may elect to be served and billed under such rate classification. The decision to change the rate classification pursuant to this article is Customer's responsibility and Customer shall communicate its decision to change the rate classification to Utility. Such changes may necessitate the renegotiation of other terms in this agreement.

9. During the term of this Agreement and any extension thereof, the electric rates charged Customer shall be determined solely in accordance with the terms of this Agreement, and any electric tariffs adopted by Utility which are not consistent with

this Agreement and which are not charged to other commercial customers with similar usage demands, shall not be binding upon Customer.

10. If Utility is required to make substantial addition(s) to its electric system during the term of this Agreement because of the construction of new facilities by Customer, the Parties agree to consider any necessary modifications of this Agreement including the rates charged to Customer which take such addition(s) into account.

11. Customer agrees to jointly evaluate with Utility the feasibility of any and all peak shaving, load shifting, load control, and load management mechanisms during the term of this Agreement. If it is determined that the installation of load management mechanisms by Customer is beneficial to the Parties, the parties agree to collaborate on installation and operation of said systems.

12. Customer shall not install its own power generating facility or participate in the operation and/or ownership of any generating facility without an explicit written approval from Utility.

13. Notwithstanding Customer's obligation to purchase all electric power requirements from Utility, as incorporated in paragraph 2 above, Customer may install standby emergency power supply generators and operate said generators during emergencies.

14. Utility will continue to work with Customer to assure a reliable power supply service to Customer. In furtherance of that end, Customer shall promptly convey to Utility any anticipated increase or decrease in its power supply requirements as soon as they become known to Customer in order to facilitate Utility's planning to meet such power requirements.

15. Force Majeure:

(a) Definition of Force Majeure: "Force Majeure" shall mean a cause or event that actually and proximately prevents a Party, in whole or in part, from performing any of its obligations under this ESA including, acts of God; unusually severe actions of the elements or severe weather such as floods, earthquake, hurricanes or tornadoes; war; sabotage, acts or threats of terrorism; riots or public disorders; and actions or failures to act of any governmental authority to the extent preventing or delaying the performance of the Party claiming Force Majeure; or any other event beyond the reasonable control of the Party claiming Force Majeure, whether or not foreseeable, but only to the extent the Party claiming Force Majeure is unable to prevent, avoid or overcome such event through the exercise of commercially reasonable efforts, and such event is not the result of the fault or negligence of the Party claiming Force Majeure.

(b) Effect of Force Majeure:

i. Each Party shall be excused from performance when non-performance is caused, directly or indirectly, by a Force Majeure event but only and to the extent thereof, and only if: (1) the non-performing Party gives the other Party written notice within 5 days of the occurrence of the Force Majeure event, describing the event and its anticipated duration, and indicating any obligations hereunder that may be affected by the event; (2) the non-performance is of no greater scope and of no longer term than is required by the Force Majeure event; and (3) the non-performing Party uses commercially reasonable efforts to remedy its inability to perform.

ii. The existence of a condition of Force Majeure event shall not relieve the Parties of obligations under this ESA to the extent such performance of such obligations is not precluded by the condition of the Force Majeure event.

(c) The Party claiming that a Force Majeure event has occurred shall notify the other Party of the cessation of the Force Majeure event or of the conclusion of the affected Party's cure for the Force Majeure event within 2 business days thereof.

16. Duty to Mitigate: Each Party agrees that it has a duty to mitigate damages and covenants that it will use commercially reasonable efforts to minimize any damages that may occur as a result of another Party's performance or non-performance under this ESA, including, but not limited to, the disposal of any electricity not taken by the Customer under this ESA.

17. Assignment: Except as provided below, no Party shall assign, pledge or otherwise transfer this ESA or any right or obligation under this ESA without first obtaining the other Party's written consent, which consent shall not be unreasonably withheld. A Party may, without the other Party's prior written consent, transfer, sell, pledge, encumber or assign this ESA or the accounts, revenues or proceeds hereof in connection with any financing or other financial arrangements, provided that such Party shall not be relieved of any obligation hereunder; provided, however, that any such assignee shall agree in writing to be bound by the terms and conditions hereof.

18. Non-Waiver: The failure of any Party to insist in any one or more instance upon strict performance of any of the provisions of this ESA or to take advantage of any of its rights under this ESA shall not be construed as a general waiver of any such provision or the relinquishment of any such right, except to the extent such waiver is in writing and signed by an authorized representative of such Party.

19. Termination: Either party may elect to terminate this Agreement upon the material breach by the other party of a material provision of this Agreement. In order to exercise this remedy, the party who is not in breach (the "Non-Breaching Party") must deliver to the party in breach (the "Breaching Party") written notice of the breach, specifying the nature of the breach and the Non-Breaching Party's intention to terminate this Agreement (a "Breach Notice"). The Breaching Party shall then have thirty (30) days from the delivery of the Breach Notice to cure such breach and its adverse consequences and effects to the Non-Breaching Party if the Breaching Party immediately begins to actively and diligently do so upon receiving the Breach Notice. If the breach is curable but cannot reasonably be cured within a thirty (30) day period using diligence and good faith efforts, the Breaching Party shall have such additional period as is reasonably necessary to cure such breach, not to exceed thirty (30) days, so long as the Breaching Party pursues such cure to completion with diligence and good faith efforts. If a Breaching Party does so cure its Breach, then the Non-Breaching Party may not terminate this Agreement with respect to that Breach. Notwithstanding the foregoing, a Non-Breaching Party need not deliver a Breach Notice to the Breaching Party to exercise the Non-Breaching Party's remedies hereunder if the Breaching Party persistently and materially breaches its material obligations under this Agreement. Any such election to terminate this Agreement, or not to terminate notwithstanding a material breach of a material term thereof, shall be without prejudice to and shall not be deemed as a waiver of, the Non-Breaching Party's rights and remedies under this Agreement, at law, in equity or otherwise; provided, however, that any right of the Non-Breaching Party to money damages for such breach shall, in the absence of a formal judicial determination of bad faith or willful misconduct on the part of the Breaching Party, be limited to the direct, actual and necessary costs incurred by the Non-Breaching Party to mitigate or remedy the breach.

20. Dispute Resolution and Waiver of Jury Trial:

(a) In the event of any disputes arising out of or relating to this ESA, any related documents, the transactions contemplated by this ESA, or any dealings between them relating to this transaction or any related transactions, each of the Parties hereto irrevocably and unconditionally consents to submit to the sole and exclusive jurisdiction of (i) the Delaware Court of Chancery, if the Court of Chancery has subject matter jurisdiction over the matter; or (ii) the Complex Commercial Litigation Division of the Delaware Superior Court (only if the Court of Chancery does not have subject matter jurisdiction). In the event that the dispute is not eligible for or cannot be resolved in the Complex Commercial Litigation Division of the Delaware Superior Court for any reason, the Parties irrevocably and unconditionally consent to the exclusive jurisdiction of the Superior Court of the State of Delaware.

(b) The Parties irrevocably waive their rights to a jury trial for any claim or cause of action arising out of this ESA, any related documents, or the transactions contemplated by this ESA, or any dealings between them relating to this transaction or any related transactions. This waiver shall apply to any subsequent amendments or supplements to this ESA or any related documents.

21. This ESA will be deemed to have been executed in the State of Delaware, and all rights, remedies, liabilities, powers and duties of the parties to this Agreement will be governed by the law of the State of Delaware without regard to conflicts of law principles.

22. The terms of this Agreement shall apply to all billings made to Customer on and after _____ , 2018.

23. All notices under this Agreement shall be made by registered mail delivered to:

For Utility:	For Customer:
Eric Norenberg, City Manager	_____
201 S. Walnut Street	_____
Milford, DE 19963	_____

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals as of the day and year first above written.

City of Milford

By _____

Name _____

Title _____

City Clerk _____

Bayhealth Medical Center, Inc.

By _____

Name _____

Title _____

Secretary _____

Special Contract Service (SCS)

Rates	Year 1	Year 2	Year 3
Monthly Facilities Charge:			
All Customers	$385.00	$385.00	$385.00
Energy Charge:			
On Peak Energy	$0.0794	$0.0767	$0.0756
Off Peak Energy	$0.0694	$0.0667	$0.0656
Demand Charge:			
Winter Demand	$9.00	$10.50	$12.00
Summer Demand	$10.17	$11.46	$12.68

Finance
10 SE Second Street
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

SUZANNAH FREDERICK
Finance 302.424.5140
Direct 302.424.5145
SFrederick@milford-de.gov

January 5, 2018

TO: Mayor and City Council

THROUGH: Eric Norenberg, City Manager

FROM: Suzannah Frederick, Accountant

SUBJECT: Tax Collection and Monition Sales Update

Purpose and Background

This memo is an update on the current properties with delinquent tax accounts with the City and are currently in the monition sale process. In addition, this memo provides a brief update of our changes in collection processes.

City of Milford "Top 10"

In July 2017, a list of top delinquent accounts was prepared. Three accounts were put on the watch list, as they were owner occupied and a decision to hold them for round two was made. Two properties were being taken to Sheriff Sale by Sussex County. The combined delinquent balance of these 12 properties was $200,725; ranging from $26,685.86 to $5,149.36. On July 21, 2017, a letter was sent by the City of Milford to the Top 10 delinquent accounts. After 30 days of no response, these properties were listed on the City's website (http://www.cityofmilford.com/417/3312/Delinquent-Taxpayers).

- 2 (McColley & Blue Hen Ventures) Paid in full $41,137.55.
- 1 (Young's Funeral Home) Sold through Kent County Sheriff Sale on 10/31/17 $15,000 (City was owed $24,266.58).
    - Before sales are final, original owner has 90-day redemption period to buy back property at sale price plus 15%. City of Milford and Kent County will split sale proceeds pro-rata.
- 1 (Thayer) Signed a payment agreement to be paid in full by 10/31/2018 and the sale was stayed, the second payment was not made. Kent County is holding sale on 01/30/18.
- 1 (Webb) Signed payment agreement to be paid in full by 08/28/2018. Failure to make 3rd payment resulted in monitions process being resumed; agreed if December through March payments are received on time the sale will be stayed.
- 1 (Sherman) Signed payment agreement to be paid in full by 11/30/18 and sale was stayed.
- 1 (Cohen) Did not sell at 12/19/17 sale; rescheduled for sale 3/20/18. Original starting bid thought to be too high, new starting bid lowered to recover City's current out of pocket expense in selling the property, and hopefully increase from there.
- 1 (Parson) In process of bank acquisition.
- 2 (Tonwe) Listed to sell 01/30/18.

Sussex County-led sales

- 114 Marshall St (Mason) Sold 11/21/17 $12,000 (owed to City $5,149.36).
- 110 Southeast Front St (Malkowski/Hummell) Sold 11/21/17 $13,000 (owed to City $5,441.48).
    - Before sales are final, original owner has 90-day redemption period to buy back property at sale price plus 15%. City of Milford and Sussex County will split sale proceeds pro-rata.

City of Milford "Next 25"

On December 6, 2017 a letter was sent to the next top 25 delinquent accounts. The combined delinquent balance of this selection totaled approximately $157,460; ranging from $16,205 to $2,683. Since then, Customer Service and the City Manager's Office has fielded walk-ins and calls related to this mailing. We have offered payment plans to anyone that cannot pay their balance in full. Our first offer is to have them fully paid by August 31, 2018, before the 2019 bills are due. If August is not attainable, we have offered 12 months, or to have their current balance and penalties paid in full by December 31, 2018. No payment plans are greater than 12 months.

- 1 (Residential) Paid in full $10,675.26.
- 1 (Residential) Signed a payment agreement and began monthly payments in the amount of $575 to have their balance paid in full by 09/30/18.
- 1 (Residential) Paid $3,000 and signed agreement to be paid-in-full by 12/31/18.
- 1 (Business) Paid $6,500, with a signed letter stating they would pay the balance ($3,466) in monthly installments by check until paid in full. Official payment plan $455/month to be paid in full by 08/31/18, pending signature.
- 1 (Residential) Signed a payment agreement to be paid in full by 12/31/18.
- Three additional owners have been in communication, though no final agreements made at this time.
- Lien searches for this list of properties has been ordered, so that the monition process can be started promptly as soon as the 30-day period expires (01/08/18) for properties not in a payment plan, or if a payment plan defaults.
- The plan is to have several properties per month go to sale, so not to flood the market, as there are limited potential buyers for these sales.

SUMMARY

Total collection amount due that is in monitions process:		$358,185
Total collected to date:		$ 74,622
Total percentage collected of Top Ten:	% 26.06	
Total percentage collected of Next 25:	% 14.18	

There was a tax penalty forgiveness incentive offered in April 2016. Very few accounts took advantage of this program. Several property owners have requested penalties (1% per month) be removed from the account balance once they received the letters warning of monition sales. To be consistent, we have given no penalty forgiveness.

The City of Milford will continue our drive for collections of delinquent accounts. An updated delinquent statement was sent out the third week of November with an additional notification:

"Delinquent unpaid property tax balances are subject to Liens and/or
**********Sheriff Sale by the City**********"

A second notice of delinquency will be mailed by January 12, 2018. At this time, we will prepare a call list to reach out to clients that are not yet on our monitions list, in a continued effort to collect the unpaid accounts.

DAVIS BOWEN & FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.

January 4, 2018

City of Milford
City Hall
201 S. Walnut Street
Milford, Delaware 19963

Attention: Mr. Eric Norenberg
City Manager

Re: Airport Road Rehabilitation Project
City of Milford
Sussex/Kent County, Delaware
Final Acceptance Recommendation
Change Order No. 2 – Final Change Order
DBF# 052A171.F01

Dear Mr. Norenberg:

We have reviewed the requirements of the contract documents for the above-referenced project and are recommending Final Acceptance be granted to Diamond Materials, LLC as of December 15, 2017. All construction improvements are complete and any outstanding documentation as required for project closeout are in process. As part of the close out procedure, you will find attached four (4) copies of Change Order No. 2 – Final Change Order in the amount of $16,309.72. The contract amount increase if due to expansion of the scope which included additional paving and several inlet repairs/replacements. We have reviewed the change order and find it to be in order and thus recommend approval to City.

Should you have any questions, comments, concerns, or would like to discuss this further, please feel free to call at your convenience.

Sincerely,
DAVIS, BOWEN AND FRIEDEL, INC.

Jason P. Loar, P.E.
Principal

JPL
P:\MILFORD\052A171 Airport Road\Construction Administration\Change Orders\No. 2\Norenberg.010418.jpl.docx

cc: Mark Whitfield, Director of Public Works – City of Milford
Erik Retzlaff, City Engineer – City of Milford

Change Order No. 2

Date of Issuance: January 4, 2018	Effective Date: January 4, 2018
Owner: City of Milford	Owner's Contract No.: N/A
Contractor: Diamond Materials, LLC	Contractor's Project No.: N/A
Engineer: Davis, Bowen & Friedel, Inc.	Engineer's Project No.: 052A171
Project: Airport Road Rehabilitation	Contract Name: N/A

The Contract is modified as follows upon execution of this Change Order:

Description: Balancing change order to adjust quantities bid verse quantities installed along with the additional authorized work as follows: Repair of seven (7) existing inlets and replacement of two (2) inlets.

Attachments: Balancing Change Order Worksheet

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: $ 1,655,177.50	Original Contract Times Substantial Completion: January 13, 2018 Ready for Final Payment: February 12, 2018
Modification due to previously approved Change Order No. 1: $ N/A	Modification due to previously approved Change Order No. 1: Substantial Completion: December 14, 2017 Ready for Final Payment: January 13, 2018
Contract Price prior to this Change Order: $ 1,655,177.50	Contract Times prior to this Change Order: Substantial Completion: N/A Ready for Final Payment: N/A
Modification due to this Change Order: $ 16,309.72	Modification due to this Change Order: Substantial Completion: N/A Ready for Final Payment: N/A
Contract Price incorporating this Change Order: $ 1,671,487.22	Contract Times with all approved Change Orders: Substantial Completion: December 14, 2017 Ready for Final Payment: January 13, 2018

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: _____
Engineer	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: Principal	Title Mayor	Title _____
Date: _____	Date _____	Date _____

ATTACHMENT A
Change Order No. 2
Airport Road Rehabilitation

Item No.	Description	Size/ Depth	Units	Est. Qty.	As-Bid		Actual		Variance	
					Unit Price	Total Price	Units	Extension	Units	Extension
1	Mobilization/Demobilization (Max. 3% of total bid contract)	---	LS	1	$ 35,000.00	$ 35,000.00	1	$ 35,000.00	0	$ -
2	Remove and Dispose of Existing Sidewalk including Saw Cutting; regardless of thickness	---	SF	1,350	$ 1.45	$ 1,957.50	1,097.05	$ 1,590.72	-252.95	$ (366.78)
3	Furnish and Install Standard Sidewalk including 4” Stone Base Material	4"	SF	400	$ 9.10	$ 3,640.00	180	$ 1,638.00	-220	$ (2,002.00)
4	Remove and Dispose of Existing Concrete Island	---	LS	1	$ 340.00	$ 340.00	1	$ 340.00	0	$ -
5	Remove and Dispose of Existing Concrete Curb or Curb and Gutter including Saw Cutting, Full Depth	Varies	LF	900	$ 4.00	$ 3,600.00	998.75	$ 3,995.00	98.75	$ 395.00
6	Furnish and Install New Concrete Curb or Curb and Gutter Regardless of Type, Including Stone Base	---	LF	700	$ 39.00	$ 27,300.00	723.75	$ 28,226.25	23.75	$ 926.25
7	Furnish and Install Handicap Curb Ramps Including 6” Stone Base	6"	SF	950	$ 13.50	$ 12,825.00	1,011.96	$ 13,661.46	61.96	$ 836.46
8	Furnish and Install Truncated Domes	---	SF	160	$ 27.00	$ 4,320.00	113	$ 3,051.00	-47	$ (1,269.00)
9	Saw Cut, Remove and Dispose of Existing Asphalt Paving to Proposed Pavement Subgrade.	---	SY	12,100	$ 16.00	$ 193,600.00	13,320.87	$ 213,133.92	1,220.87	$ 19,533.92
10	Skim Mill Existing Asphalt Pavement in Preparation of Pavement Overlay	1/2" min	SY	18,000	$ 1.30	$ 23,400.00	78,042.89	$ 101,455.76	60,042.89	$ 78,055.76
11	Roto-Mill Existing Asphalt Pavement in Preparation of Pavement Overlay	2"	SY	1,800	$ 5.75	$ 10,350.00	1,844.44	$ 10,605.53	44.44	$ 255.53
12	Furnish and Install GABC Type B Stone Pavement Base Material including Preparation and Compaction of Pavement Subgrade	---	SY-IN	101,000	$ 1.65	$ 166,650.00	106,566.85	$ 175,835.30	5,566.85	$ 9,185.30
13	Furnish and Install Type BCBC Hot Mix Asphalt Base Material	4"	TON	3,000	$ 81.00	$ 243,000.00	3,249.77	$ 263,231.37	249.77	$ 20,231.37
14	Furnish and Install Type B Super Pave Asphalt. (This Item also includes wedge paving as necessary to bring existing paving to proper grade prior to 2 inch overlay.)	3" min	TON	2,600	$ 82.50	$ 214,500.00	2,485.15	$ 205,024.88	-114.85	$ (9,475.12)
15	Furnish & Install Type C Super Pave Asphalt	2"	TON	3,800	$ 86.00	$ 326,800.00	3,665.48	$ 315,231.28	-134.52	$ (11,568.72)
16	Remove and Replace Existing Manhole Frame and Cover Supplied by the City	---	EA	2	$ 1,150.00	$ 2,300.00	2	$ 2,300.00	0	$ -
17	Remove and Replace Existing Valve Box Supplied by the City	---	EA	15	$ 340.00	$ 5,100.00	0	$ -	-15	$ (5,100.00)
18	Adjust Existing Manhole Frame and Cover Prior to Paving	---	EA	2	$ 1,150.00	$ 2,300.00	0	$ -	-2	$ (2,300.00)
19	Adjust Valve Box Prior to Paving	---	EA	7	$ 60.00	$ 420.00	16	$ 960.00	9	$ 540.00
20	Remove and Replace Existing 18 inch Stormdrain Pipe at Brent Jordan Way Incl. new Flared End Section	---	LS	1	$ 3,100.00	$ 3,100.00	1	$ 3,100.00	0	$ -
21	Furnish & Install New 18 inch ADS N-12 Stormdrain Pipe from West Liberty Way to Airport Road Incl. new Flared End Section	---	LS	1	$ 14,900.00	$ 14,900.00	1	$ 14,900.00	0	$ -
22	Regrade, Topsoil and Stabilize Existing South Roadside Swale from Approx. Stations 36+50 to 39+25.	4 to 1 Max.	LS	1	$ 4,200.00	$ 4,200.00	1	$ 4,200.00	0	$ -
23	Regrade, Topsoil and Stabilize Existing South Roadside Swale from Approx. Stations 43+50 to 52+75.	4 to 1 Max.	LS	1	$ 14,000.00	$ 14,000.00	1	$ 14,000.00	0	$ -
24	Regrade, Topsoil and Stabilize Existing South Roadside Swale from Approx. Stations 52+75 to 56+30.	4 to 1 Max.	LS	1	$ 5,400.00	$ 5,400.00	1	$ 5,400.00	0	$ -
25	Regrade, Topsoil and Stabilize Existing South Roadside Swale from Approx. Stations 57+35 to 68+50.	4 to 1 Max.	LS	1	$ 16,800.00	$ 16,800.00	1	$ 16,800.00	0	$ -
26	Regrade, Topsoil and Stabilize Existing North Roadside Swale from Approx. Stations 59+50 to 62+35.	4 to 1 Max.	LS	1	$ 4,400.00	$ 4,400.00	1	$ 4,400.00	0	$ -
27	Regrade, Topsoil and Stabilize Existing North Roadside Swale from Approx. Stations 62+35 to 69+30.	4 to 1 Max. Side	LS	1	$ 10,600.00	$ 10,600.00	1	$ 10,600.00	0	$ -
28	Furnish and Install 6” d50 Riprap 18 inch thick over MIRAFI 600X Fabric	---	SF	400	$ 11.00	$ 4,400.00	72.25	$ 794.75	-327.75	$ (3,605.25)
29	Detours, Maintenance of Traffic, Traffic Control During Construction	---	LS	1	$ 116,000.00	$ 116,000.00	1	$ 116,000.00	0	$ -
30	Allowance for Signage Beyond what is Shown and Noted on the MOT and Detour Plans	---	--	1	$ 25,000.00	$ 25,000.00	1.13	$ 28,142.50	0.13	$ 3,142.50
31	Epoxy Pavement Striping & Thermoplastic Pavement Markings	---	LS	1	$ 33,000.00	$ 33,000.00	1.15	$ 37,788.50	0.15	$ 4,788.50
32	Furnish and Install Permanent Stop Signs	---	EA	5	$ 225.00	$ 1,125.00	5	$ 1,125.00	0	$ -
33	Sediment and Erosion Control	---	LS	1	$ 15,400.00	$ 15,400.00	1	$ 15,400.00	0	$ -
	Sub-Total Base Bid					**$ 1,545,727.50**		**$ 1,647,931.22**		**$ 102,203.72**

ATTACHMENT A
Change Order No. 2
Airport Road Rehabilitation

Item No.	Description	Size/ Depth	Units	Est. Qty.	As-Bid		Actual		Variance	
					Unit Price	Total Price	Units	Extension	Units	Extension
	Contingencies									
34	Undercut, Furnish and Install #57 Stone	---	CY	50	$ 100.00	$ 5,000.00	38.11	$ 3,811.00	-11.89	$ (1,189.00)
35	Undercut, Furnish, Install, and Compact Select Backfill from Off-Site Source	---	CY	1,000	$ 52.00	$ 52,000.00	0	$ -	-1,000	$ (52,000.00)
36	Test Pitting, including Pavement Removal and Temporary Restoration	---	CY	50	$ 210.00	$ 10,500.00	0	$ -	-50	$ (10,500.00)
37	Furnish and Install Miscellaneous Concrete including Removal and Disposal of Existing	---	CY	20	$ 640.00	$ 12,800.00	0	$ -	-20	$ (12,800.00)
38	Secure Modified Proctor Tests	---	EA	5	$ 330.00	$ 1,650.00	0	$ -	-5	$ (1,650.00)
39	Secure Field Density Tests	---	EA	250	$ 110.00	$ 27,500.00	0	$ -	-250	$ (27,500.00)
	Sub-Total Contingencies					**$ 109,450.00**		**$ 3,811.00**		**$ (105,639.00)**
	Original Contract Total					**$ 1,655,177.50**		**$ 1,651,742.22**		**$ (3,435.28)**
	Change Orders									
CO1	Schedule Change	---	LS	0	$ -	$ -	0	$ -	0	$ -
40	Repair Existing Inlets	---	EA	0	$ 1,575.00	$ -	7	$ 11,025.00	7	$ 11,025.00
41	Replace Existing Inlets	---	EA	0	$ 4,360.00	$ -	2	$ 8,720.00	2	$ 8,720.00
	Total Change Orders							**$ 19,745.00**		**$ 19,745.00**
	Totals of all Change Order plus Original Contact Amt.							**$ 1,671,487.22**		**$ 16,309.72**
	Net Change to the Contract					**$ 16,309.72**				

City Policy on FOIA Responses – Verbal (Rutt)

OFFICE OF THE CITY MANAGER
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THE CITY of Milford DELAWARE

ERIC NORENBERG, ICMA-CM
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January 2, 2018

TO: Mayor and City Council

FROM: Eric Norenberg

SUBJECT: Collective Bargaining Agreement Amendments

Purpose and Background

Recently, two minor amendments to the City's collective bargaining agreements (one with the IBEW and one with the Teamsters) have been negotiated. Both changes will have positive benefits for operations and administration of respective departments and neither change will have adverse financial impact to either party and both sides for each agreement have approved of the changes. Though minor in scope, such amendments to a CBA approved by City Council must be approved of by City Council.

Discussion

Teamsters: As the City began planning to implement the new timekeeping system, Police Department and Payroll staff identified procedural changes that would needed in order to implement the new software, as well as changes that would help maximize the efficiencies possible with the new software. One change that was identified and discussed with the union in the fall requires an amendment to the current collective bargaining agreement. The concept was tentatively agreed to in the fall and details were worked out during the current contract negotiations.

The amendment changes the definition of "regular work period" to 80 hours within a 14-day period. Hours worked in excess of 80 hours would be compensated at time and one-half. Other details are shown in the accompanying amendment. Using this definition will reduce the manual data entry by officers as well as the subsequent manual calculations by administrative staff currently required.

IBEW: When the current agreement was negotiated in June, parties agreed to a provision that did not count sick time towards the calculation of overtime in a given week. However, in emergencies employees may be called on to work later in the week when they are well again. As an incentive to work overtime in such situations, both parties agree that sick leave should count towards overtime calculations as long as there is no pattern of abusing sick leave.

Recommendation

It is recommended that both be approved as each have been agreed to already by City staff, attorneys and union representatives.

DRAFT
November 9, 2017

MEMORANDUM OF AGREEMENT

This Agreement is between the City of Milford ("City") and the International Brotherhood of Electrical Workers, Local 126 ("Union").

WHEREAS, the City and the Union are parties to a collective bargaining agreement with a term ending June 30, 2020, unless otherwise extended ("CBA"); and

WHEREAS, the City and the Union seek to clarify when sick leave will be counted as "hours worked" for purpose of calculating overtime under the CBA.

NOW, THEREFORE, the City and Union agree as follows:

1. Sick leave taken under Article XV of the CBA shall count as hours worked under Section 4 of Article XVIII of the CBA unless the employee is notified by the City that employee's pattern of sick leave use suggests sick leave abuse, including, but limited to, the following:

> (1) a pattern of using sick leave, or other leave in lieu of sick leave, as soon as it is earned; (2) a pattern of unscheduled sick leave or requests on Mondays or Fridays or preceding or following a holiday; (3) habitual tardiness based on reports of illness; (4) information that an employee's justification for using sick leave is false; and (5) use of sick leave following the denial of a vacation request.

2. This Agreement shall be binding on the City and Union as if set forth in the CBA.

3. Any dispute over the application of this Agreement shall be subject to the grievance and arbitration procedures of the CBA.

CITY OF MILFORD	IBEW LOCAL 126
_____	_____
Dated: _____	Dated: 12/7/17

AMENDMENT TO AN AGREEMENT

JULY 1, 2014 – JUNE 30, 2018

BETWEEN THE

MILFORD POLICE DEPARTMENT

GENERAL TEAMSTERS LOCAL 326

AND THE

CITY OF MILFORD, DELAWARE

AMENDMENT EFFECTIVE

March 4, 2018

ARTICLE 7: WORK DAY, WORK WEEK AND SPECIAL DUTY; Section 7.3 is replaced in its entirety by the following:

7.3 A "regular work period" for employees covered by this Agreement shall consist of Eighty (80) hours within the work period of 14 calendar days. The regular work period shall begin on Sunday. All hours worked in excess of Eighty (80) hours per work period shall be compensated at the rate of time and one-half (1 ½). Vacation leave, sick leave, holiday accrual leave, bereavement leave and paid holidays are included in calculating hours worked. Any additional hours paid for, but not worked, and hours paid for at premium time, under grants and for special duty are not included in calculating hours worked. Except for hours worked beyond an officer's normal shift due to training, the Department will not require officers to take time off during their normal workweek to avoid earning overtime pay.

IN WITNESS WHEREOF, the parties hereto agree to and have caused this Amendment to be signed in their respective names by their representatives hereunto duty authorized dated:

_____ _____

Signature for General Teamsters Local 326 Date

Title: _____

_____ _____

Signature for the City of Milford Date

Title: _____

_____ _____

Attest/City Clerk Date