City of Milford

CITY COUNCIL AGENDA

Monday, March 26, 2018
7:00 P.M.

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

PUBLIC HEARING

ORDINANCE 2018-03
Mispillion Realty LLC for a Conditional Use Amendment to allow a Planned Unit Development and Preliminary Major Subdivision
23.348+/- acres in an R-3 Zoning District. Property is located
between Old Shawnee Road and S DuPont Blvd, Milford, Delaware. Present Use: Vacant Land
Proposed Use: Planned Unit Development (Brookstone Trace).
Tax Map 1-30-3.00-80.02; 1-30-3.00-443.00 thru -561.00; 1-30-3.00-77.01; 1-30-3.00-78.00

ORDINANCE 2018-04
Greater Milford Development Co LLC for a Conditional Use to allow a hotel
1.86+/- acres in a C-3 Zoning District. Property is located on Silicato Parkway,
approximately 900 feet south of NE Tenth Street intersection, Milford, Delaware.
Present Use: Vacant Land; Proposed Use: Hotel (Microtel Inn).
Tax Map MD-16-174.15-01-01.04

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition
- Jefferson Award Recipients
- City Employee Recognition

Communication & Correspondence
- Scheduling/Committee Meetings

Unfinished Business

Ordinance 2018-07/Chapter 88 Building Code Ⓟ
Ordinance 2018-08/Chapter 55 Personnel Code Ⓟ

New Business

Approval/City of Milford 2018 Election Board

Executive Session

Motion to Recess into Executive Session
{Pursuant to 29 Del. C. 29 §10004 (b)(9) Personnel Matters

Return to Open Session
Performance Evaluations (Council Appointees)

Adjourn

Ⓟ *Public Comment, up to three minutes per person, will be accepted.*

All items on Council 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.

Ⓟ Public Comment Permitted

021418 022218 030818 031418 031918 032018

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

The Planning Commission will hold a Public Hearing regarding the below ordinance on TUESDAY, FEBRUARY 20, 2018 to hear evidence from interested parties and make a recommendation to City Council regarding the ordinance.

The City Council will hold a Public Hearing regarding the below ordinance on MONDAY, MARCH 26, 2018 to hear evidence from interested parties and make a final determination regarding the ordinance.

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

ORDINANCE 2018-03
Mispillion Realty LLC for a Conditional Use Amendment to allow a
Planned Unit Development and Preliminary Major Subdivision
on 23.348+/- acres in an R-3 Zoning District. Property is located
between Old Shawnee Road and S DuPont Blvd, Milford, Delaware. Present Use: Vacant Land
Proposed Use: Planned Unit Development (Brookstone Trace).
Tax Map 1-30-3.00-80.02; 1-30-3.00-443.00 thru -561.00; 1-30-3.00-77.01; 1-30-3.00-78.00

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on February 20, 2018 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on March 26, 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 a Planned Unit Development as herein described.

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

Section l. Upon the adoption of this ordinance by City Council, Mispillion Realty LLC is hereby granted a Conditional Use Permit to allow a Planned Unit Development, 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: February 20, 2018
City Council Introduction: March 12, 2018
City Council Public Hearing: March 26, 2018
Adoption: March 26, 2018
Effective: April 5, 2018
This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Beacon 013118

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

DATA SHEET FOR BROOKSTONE TRACE

Development Advisory Committee: January 26, 2018

Planning Commission Meeting: February 20, 2018

Application Number / Name	:	11-156 / Brookstone Trace
Applicant	:	Mispillion Realty, LLC 715 S. Dupont Boulevard Milford, DE 19963
Owner	:	Same
Application Type	:	Revised Preliminary Major Subdivision/PUD
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Vacant Land and Planned Unit Development
Proposed Use	:	Planned Unit Development
Area and Location	:	23.34 +/- acres including the recorded Brookstone Trace subdivision and adjacent vacant lands. Project site is located between Old Shawnee Road and Route 113.
Property Identification Numbers	:	1-30-3.00-80.02, 1-30-3.00-443.00 thru 561, 1-30-3.00-77.01, 1-30-3.00-78.00

ENC: Staff Analysis Report
Exhibit A - Location & Zoning Map
Preliminary Major Subdivision Plans

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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
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STAFF ANALYSIS REPORT
January 26, 2018

Application Number / Name	:	11-156 / Brookstone Trace
Application Type	:	Revised Preliminary Major Subdivision/PUD
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Vacant Land and Planned Unit Development
Proposed Use	:	Planned Unit Development
Property Identification Numbers	:	1-30-3.00-80.02, 1-30-3.00-443.00 thru 561, 1-30-3.00-77.01, 1-30-3.00-78.00
Area and Location	:	23.34 +/- acres including the recorded Brookstone Trace subdivision and adjacent vacant lands. Project site is located between Old Shawnee Road and Route 113.

I. BACKGROUND INFORMATION:

- The Townhouse development portion of the property was originally annexed into the City on November 28, 2005 as R-3 (Garden Apartment and Townhouse District).
- City Council approved a Planned Unit Development Townhouse community consisting of 119 townhouses on September 25, 2006.
- The applicant submitted a petition for annexation of 2.0 +/- acres adjacent to the recorded subdivision on October 17, 2014.
- A Comprehensive Plan Map Amendment was approved by City Council on October 26, 2015, changing the Future Land Use from low density residential to moderate density residential.
- City Council approved the annexation of the 2.0 +/- acres of R-3 (Garden Apartment and Townhouse District) on January 25, 2016.

- The Planning Commission and City Council approved a revised Preliminary Major Subdivision/PUD and Preliminary Site Plan in May and June 2016. An extension of these preliminary approvals was granted by the Planning Commission and City Council in May 2017.

- The amended Planned Unit Development would include 128 townhouse lots, and two (2) 5,600 sf apartment buildings containing 24 units, which is an increase in townhouse units and a decrease in apartment units from the preliminary approval granted in 2016. In addition, the applicant proposes to remove the community recreation building and replace with other recreational amenities.

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for a revised Preliminary Major Subdivision/PUD approval:

- Evaluation based on "Criteria for Planned Unit Residential Development" as provided in Chapter 230-48.1

Permitted Uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.

The proposed townhouse and garden apartment uses are permitted within the R-3 zoning district.

Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.

Under the R-3 zoning designation, the minimum lot size required for a townhouse is 2,000 square feet and there is no minimum lot width requirement. The minimum lot size for garden apartment projects is one (1) acre with a minimum of 2,500 square feet of lot area for each unit.

The smallest townhouse lot provided within the development is 2,000 square feet and the smallest lot width is 20 feet. The garden apartment parcel is 2.4794 acres in area with an average of 4,500 square feet for each unit.

Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.

R-3 Garden Apartments permits 16 units/acre. R-3 Townhouses permits 12 units/acre. The actual density provided within the proposed subdivision is 6.51 units/acre. The previously approved planned unit development (townhouse only) arrangement has a density of 5.57 units/acre.

Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.

The application meets or exceeds the requirements of Chapter 230 Zoning, R-3 Garden Apartment and Townhouse District for the building height, building separation distance, number of units, parking requirements, and lot coverage. The multifamily area will meet the requirement for landscaping and buffering.

The front, side and rear setbacks provided for the townhouse portion have changed from the original plan approval and are provided on the record plan sheets. The revisions have provided greater distance from the front and side property lines to alleviate concerns regarding off-street parking, intersection site distances and building separation distances. The proposed setbacks are as shown for the Garden Apartment parcel.

Neighborhood Commercial.

No neighborhood commercial is proposed.

A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement – 50% of the required open space shall be set aside for recreation use.

With a total of 152 dwelling units, the project requires 1.40 acres of open space of which 0.70 acres must be designated recreational open space. The development provides 4.06 acres of open space of which 1.65 acres are designated as recreational open space. The recreational open space includes a walking path, park benches, picnic tables and a play area.

- The following comments must be addressed prior to final major subdivision approval;
    - Final Major Subdivision Plan approval will require approvals or no objection letters from DelDOT, State Fire Marshal's Office, Sussex Conservation District, DNREC and DHSS;
    - Applicant must address remaining Preliminary Major Subdivision and Site Plan review comments (copy of which is included in the packet);
    - Applicant must obtain final approval of engineering plans from the City Engineer; and
    - Address additional department and agency comments outlined in Section III.

III. AGENCY & DEPARTMENT COMMENTS:

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

- **DelDOT**
  Contact: Derek Sapp – 302-760-4803
  The applicant has submitted plans for review.

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

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

- **Sussex Conservation District**
  Contact: Jessica Watson – 302-856-2105
  No comments provided.

- **Delaware State Fire Marshal's Office**
  Contact: Duane T. Fox – 302-856-5298
  See attached comments.

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

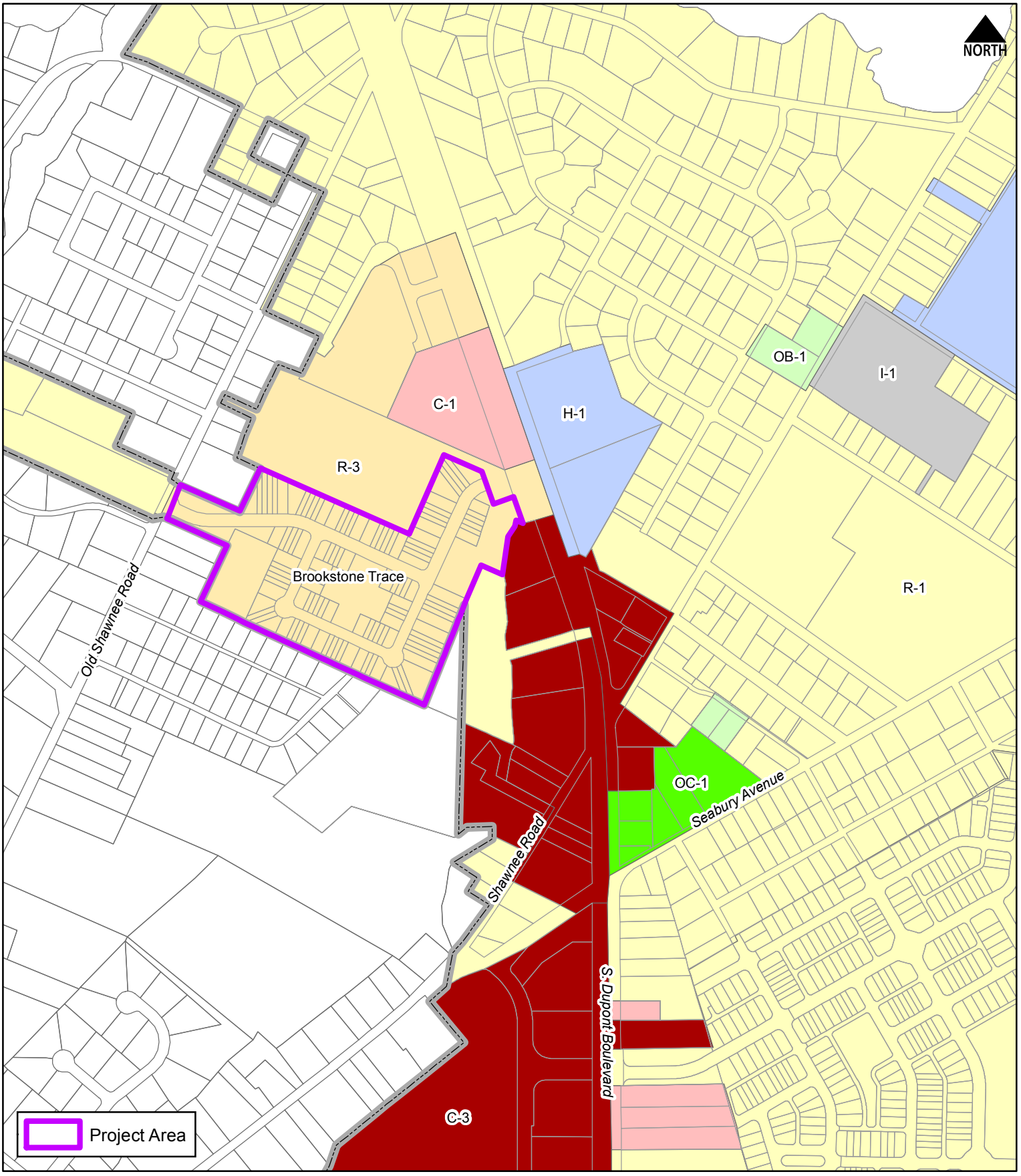
- **City Engineer**
  Contact: Erik Retzlaff, P.E. – 302-422-1110
  See attached Preliminary Major Subdivision and Site Plan review comments.

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

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

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

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



THE CITY of Milford DELAWARE

Scale: 0 300 600 Feet

Drawn by: WRP

Date: 01/15/18

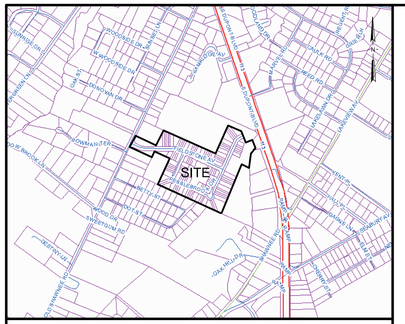
Filepath: PreliminaryMajorSub_BrookstoneTrace.mxd

Title:

Preliminary Major Subdivision/PUD

Brookstone Trace

Location & Zoning Map



LOCATION MAP SCALE: 1" = 1000'

GENERAL NOTES

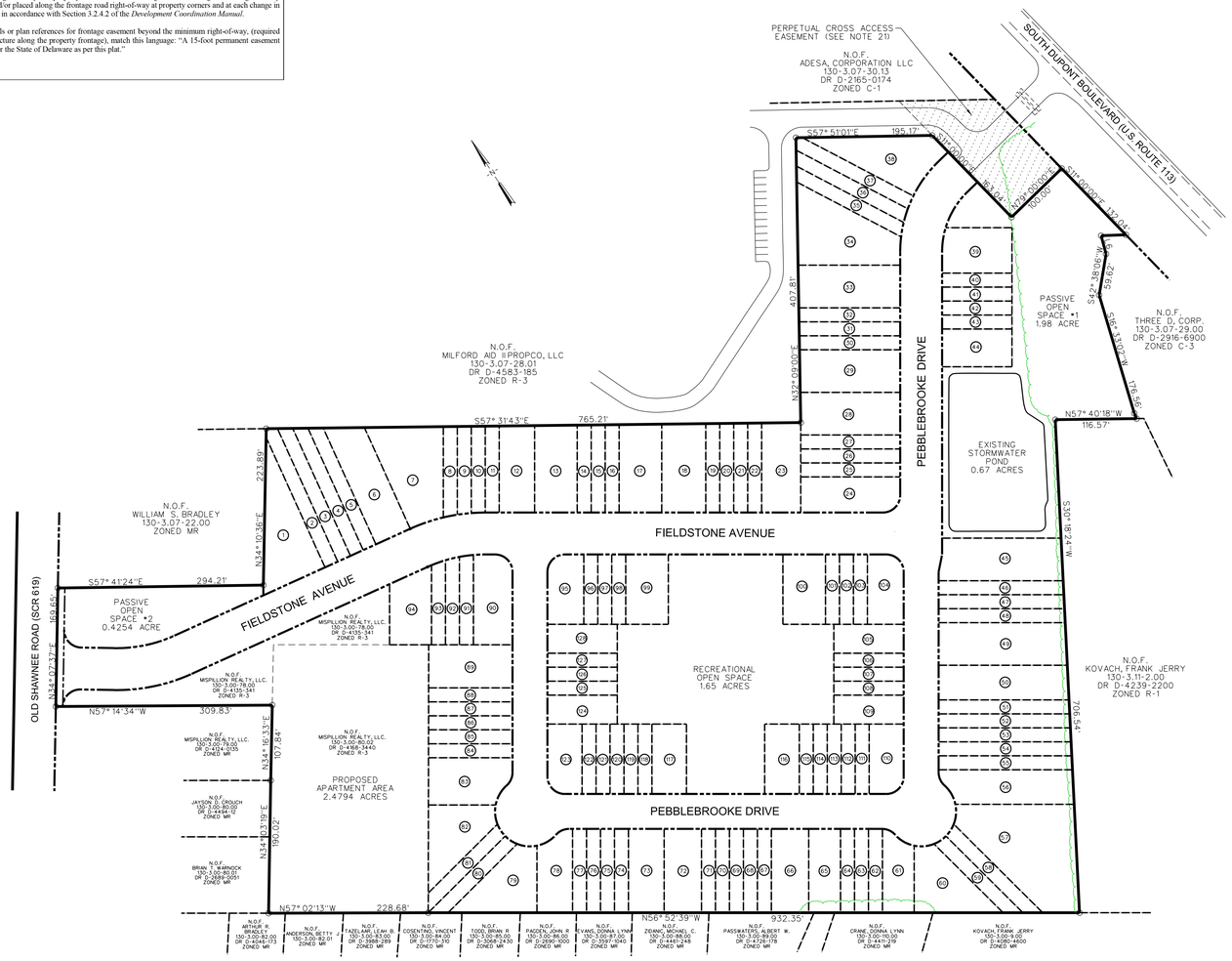
1. THE EXISTING UTILITIES SHOWN WERE TAKEN FROM THE BEST AVAILABLE RECORDS. THE CONTRACTOR(S) SHALL CONTACT MISS UTILITY OF DELMARVA (1-800-282-8555) TO VERIFY THEIR EXACT LOCATION PRIOR TO THE START OF ANY CONSTRUCTION. ANY DAMAGE INCURRED TO ANY UTILITIES SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTORS EXPENSE. IF THE CONTRACTOR RELIES ON THE UTILITY LOCATIONS SHOWN HEREON, HE DOES SO AT HIS OWN RISK AND WILL NOT BE ENTITLED TO ADDITIONAL COMPENSATION DUE TO TIME DELAYS FROM SAID RELIANCE.
2. THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS OF CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE COMPLETED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AND ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS.
3. ALL WORK WITHIN STATE MAINTAINED ROAD RIGHT-OF-WAYS SHALL MEET THE REQUIREMENTS AS SET FORTH IN THE CURRENT REVISION OF THE STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION, BY THE DELAWARE DEPARTMENT OF TRANSPORTATION.
4. TRAFFIC AND SAFETY CONTROL SHALL BE MAINTAINED DURING CONSTRUCTION IN CONFORMANCE WITH THE CURRENT VERSION OF THE DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR CONSTRUCTION AND MAINTENANCE OPERATIONS.
5. TEMPORARY REPAVING SHALL BE PROVIDED AND MAINTAINED FOR ALL PAVED AREAS WITHIN STATE MAINTAINED ROADS DISTURBED BY CONSTRUCTION ACTIVITIES UNTIL FINAL REPAVING.
6. ALL HANDICAPPED PARKING DEMARCATIONS, STALLS, BUILDINGS, AND ACCESSIBLE ROUTES SHALL COMPLY WITH THE "AMERICANS WITH DISABILITIES ACT" AND ANSI A117.1-1998 "ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES"
7. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH ALL THE STATE FIRE PREVENTION REGULATIONS, PART V, CHAPTER 5.
8. STORMWATER MANAGEMENT AND SEDIMENT AND EROSION CONTROL SHALL BE MARKED IN ACCORDANCE WITH THE 1991 DELAWARE SEDIMENT AND STORMWATER REGULATIONS, PART V, CHAPTER 5.
9. BEFORE THE CONTRACTOR CAN BEGIN CONSTRUCTION HE MUST OBTAIN THE PROPER PERMITS AND/OR APPROVALS FROM THE CITY OF MILFORD, SUSSEX CONSERVATION DISTRICT, THE DELAWARE DEPARTMENT OF TRANSPORTATION AND ALL OTHER APPROPRIATE STATE AND COUNTY AGENCIES.
10. ALL MATERIALS AND WORKMANSHIP SHALL MEET THE CURRENT STATE OF DELAWARE AND CITY OF MILFORD STANDARDS AND SPECIFICATIONS.
11. THE FRONT 18 FT. AND THE REAR AND SIDE 10 FT. OF EACH LOT SHALL BE RESERVED AS EASEMENTS FOR DRAINAGE AND UTILITIES UNLESS OTHERWISE NOTED.
12. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT OF WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE CITY OF MILFORD FOLLOWING COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE CITY. THE CITY ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET RIGHT OF WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE CITY.
13. A HOMEOWNER'S ASSOCIATION SHALL BE ESTABLISHED FOR, BUT NOT LIMITED TO ALL FUTURE MAINTENANCE AND REPAIRS OF ALL STORMWATER MANAGEMENT FACILITIES FOR THIS SUBDIVISION.
14. ALL ELECTRIC AND TELEPHONE CABLES SHALL BE PLACED UNDERGROUND.
15. THIS SITE IS AFFECTED BY THE 100 YEAR FLOOD PLAIN AS DEPICTED ON FEMA COMMUNITY PANEL NUMBER 10005C0039J, DATED JANUARY 6, 2005.
16. BOUNDARY AND TOPOGRAPHIC SURVEY DATA FOR THE BROOKSTONE TRACE SUBDIVISION SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, INC., DATED APRIL 2005 AND RECORDED ON 3-21-07 IN PB 112, PGS 105 THROUGH 107. BOUNDARY INFORMATION FOR PARCEL 130-3.00-80.02 IS BASED ON A BOUNDARY SURVEY PERFORMED BY BOB NASH ASSOCIATES RECORDED ON 10-15-13 IN PB 112, PG 44.
17. A WETLANDS INVESTIGATION WAS CONDUCTED ON THIS SITE BY TEN BEARS ENVIRONMENTAL, LLC IN MAY 2005. FRESHWATER WETLANDS WERE FOUND TO EXIST AND ARE SHOWN ON THIS PLAN.
18. PROPOSED STORM DRAIN EASEMENTS ARE 10' WIDE AND CENTERED ON THE UTILITY ALIGNMENT.
19. A HOMEOWNER'S ASSOCIATION SHALL BE ESTABLISHED FOR FUTURE MAINTENANCE AND REPAIRS OF ALL OPEN SPACE AREAS WITHIN THIS SUBDIVISION.
20. PERPETUAL CROSS ACCESS EASEMENT SHOWN ON THESE PLANS WAS TAKEN FROM AN EASEMENT PLAN ENTITLED "MILFORD PLACE ASSISTED LIVING", AS PREPARED BY CHARLES D. MURPHY ASSOCIATES, INC. DATED APRIL 8, 1998. SAID EASEMENT WAS TO BE CONVEYED FROM GENESIS HEALTH VENTURES, INC. TO RIVERBANK ASSOCIATES AND ADESA CORPORATION, LLC.
21. ALL REQUIRED LANDSCAPE BUFFERS SHALL BE PLANTED AND ALL ACTIVE RECREATION AMENITIES INSTALLED PRIOR TO ISSUANCE OF 50% OF THE CERTIFICATES OF OCCUPANCY, AND MAINTAINED BY THE DEVELOPER UNTIL 75% OF THE CERTIFICATES OF OCCUPANCY HAVE BEEN ISSUED. THE LANDSCAPE BUFFER AREA AND ANY OTHER LANDSCAPE PLAN DEPICTED ON THE RECORD PLAN SHALL BE MAINTAINED IN PERPETUITY BY THE HOMEOWNERS ASSOCIATION OR MAINTENANCE CORPORATION. THESE DEED RESTRICTIONS SHALL RUN WITH THE LAND AND MAY NOT BE VACATED BY THE HOMEOWNERS' ASSOCIATION OR THE MAINTENANCE CORPORATION.
22. THIS PLAN SUPERSEDES IN ITS ENTIRETY THE PREVIOUSLY RECORDED PLAN FOR THE BROOKSTONE TRACE SUBDIVISION RECORDED IN THE SUSSEX COUNTY RECORDER OF DEEDS IN PLAT BOOK 190, PAGE 44, AND PLAT BOOK 112, PAGES 105 THROUGH 107.

Record/Site Plans
GENERAL NOTES *(*Last revised May 23, 2016)*

The following notes shall appear on all Record/Site Plans:

1. All entrances shall conform to the Delaware Department of Transportation's (DelDOT's) current Development Coordination Manual (DCM) and shall be subject to its approval.
2. Shrubbery, plantings, signs and/or other visual barriers that could obstruct the sight distance of a driver preparing to enter the roadway are prohibited within the defined departure sight triangle area established on this plan. If the established departure sight triangle area is outside the right-of-way or projects onto an adjacent property owner's land, a sight easement should be established and recorded with all affected property owners to maintain the required sight distance.
3. Subdivision streets constructed within the limits of the right-of-way dedicated to public use shown on this plan are to be maintained by the City of Milford. The State of Delaware assumes no maintenance responsibilities for the future maintenance of these streets.
4. The sidewalk and shared-use path shall be the responsibility of the developer, the property owners or both within this subdivision. The State of Delaware and the City of Milford assumes no responsibility for the future maintenance of the sidewalk and/or shared-use path.
5. All lots shall have access from the internal subdivision street.
6. Driveways will not be permitted to be placed at catch basin locations.
7. To minimize rutting and erosion of the roadside due to on-street parking, driveway and building layouts must be configured to allow for vehicles to be stored in the driveway beyond the right-of-way, without interfering with sidewalk access and clearance.
8. The developer shall be required to furnish and place right-of-way markers to provide a permanent reference for re-establishing the right-of-way and property corners on local and higher order frontage roads. Right-of-way markers shall be set and/or placed along the frontage road right-of-way at property corners and at each change in right-of-way alignment in accordance with Section 3.2.4.2 of the *Development Coordination Manual*.
9. Ensure that any labels or plan references for frontage easement beyond the minimum right-of-way, (required to provide for infrastructure along the property frontage), match this language: "A 15-foot permanent easement is hereby established for the State of Delaware as per this plat."

MAJOR SUBDIVISION PLAN
BROOKSTONE TRACE
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE



PLAN SCALE: 1"=100'

PLAN LEGEND

- PROPERTY BOUNDARY
- RIGHT-OF-WAY LINE
- STREET CENTERLINE
- LOT LINE
- BUILDING SETBACK LINE
- STREAM BUFFER LINE
- WETLANDS LINE
- WOODS LINE
- LOT NUMBER (23)
- EXISTING CONTOUR 26
- PROPOSED CONTOUR 26
- EXISTING STORM DRAIN
- PROPOSED STORM DRAIN
- EXISTING SANITARY SEWER S
- EXISTING WATER LINE W
- PROPOSED SANITARY SEWER S
- PROPOSED WATER LINE W
- EXISTING UTILITY POLE

DATA COLUMN

TAX MAP PARCEL NOS.

1-30-3.00-77.01, 1-30-3.00-78.00, 1-30-3.00-80.02
1-30-3.00-443.00 THRU 1-30-3.00-561.00

OWNER OF RECORD:

MISPILLION REALTY, LLC
715 S. DUPONT BLVD
MILFORD, DE 19963
(302) 422-1850

SURVEY BENCHMARK:

FOUND CONCRETE MONUMENT
NORTHWEST CORNER OF PROPERTY
NAVD 88 - ELEVATION 32.97

EXISTING ZONING:	R-3 (CITY OF MILFORD)
PROPOSED ZONING:	R-3 (CITY OF MILFORD)
EXISTING USE:	PLANNED UNIT DEVELOPMENT
PROPOSED USE:	PLANNED UNIT DEVELOPMENT
TOTAL SITE AREA:	23.3484 ACRES
NUMBER OF TOWNHOUSES:	128 UNITS
NUMBER OF GARDEN APARTMENTS:	24 UNITS
TOTAL UNITS:	152 UNITS
TOTAL UNITS PER BUILDING:	12 UNITS
TOTAL AREA IN STREETS:	4.1398 ACRES
TOTAL AREA IN LOTS:	12.6337 ACRES (TOWNHOUSE)
DEDICATED R-O-W AREA:	0.0390 ACRES
AREA IN WETLANDS:	0.61 ACRES
NET DEVELOPMENT AREA:	(0.75)(23.3484-0.61)-17.05 AC
SITE DENSITY:	152 UNITS/17.05 ACRES •8.91 UNITS/ACRE
MINIMUM LOT AREA ALLOWED:	2,000 S.F.
ACTUAL MINIMUM LOT AREA:	2,000 S.F.
AVERAGE LOT AREA:	4,299 S.F.
OPEN SPACE REQUIRED:	60,800 S.F. (1.40 ACRES)
OPEN SPACE PROVIDED:	176,705 S.F. (4.06 ACRES)
RECREATIONAL OPEN SPACE REQUIRED:	30,400 S.F. (0.70 ACRES)
RECREATIONAL OPEN SPACE PROVIDED:	71,868 S.F. (1.65 ACRES)
TOTAL AREA OF S.W.M. AREA:	0.99 ACRES
SOURCE OF WATER:	CITY OF MILFORD
SOURCE OF SANITARY SEWER:	CITY OF MILFORD
SOURCE OF GAS:	CHESAPEAKE UTILITIES
SOURCE OF ELECTRIC:	CITY OF MILFORD
ESTIMATED NUMBER OF EDU'S:	152
VERTICAL DATUM:	NAVD88
HORIZONTAL DATUM:	NAD83
OLD SHAWNEE RD:	35 MPH POSTED SPEED LIMIT
SOUTH DUPONT HIGHWAY:	50 MPH POSTED SPEED LIMIT
INVESTMENT LEVEL AREA:	LEVEL 1

R-3 ZONING REQUIREMENTS TOWNHOUSES	REQUIRED	PROVIDED
MINIMUM LOT SIZE ALLOWED:	2,000 S.F.	2,000 S.F.
MINIMUM LOT WIDTH:	20'	20'
FRONT YARD SETBACK:	N/A	20'
SIDE YARD SETBACK:	N/A	20'
REAR YARD SETBACK:	N/A	15'
MAXIMUM LOT COVERAGE:	60%	60%
MAXIMUM HEIGHT:	35'	35'

R-3 ZONING REQUIREMENTS GARDEN APARTMENTS	REQUIRED	PROVIDED
MINIMUM LOT SIZE ALLOWED:	1 ACRE	3.58 ACRES
MINIMUM LOT WIDTH:	50'	320' ±
FRONT YARD SETBACK:	N/A	20'
SIDE YARD SETBACK:	N/A	20'
REAR YARD SETBACK:	N/A	15'
MAXIMUM LOT COVERAGE:	20%	10.4%
MAXIMUM HEIGHT:	35'	35'

PARKING REQUIREMENTS

APARTMENT PARKING REQUIRED:	(2.5 SPACES/UNIT)X(24 UNITS)= 60 SPACES
APARTMENT PARKING PROVIDED:	60 SPACES
TOWNHOUSE PARKING REQUIRED:	(2.5 SPACES/UNIT)X(128 UNITS)= 320 SPACES
TOWNHOUSE PARKING PROVIDED:	320 SPACES

OWNER CERTIFICATION

I, JAMIE MASTEN OF MISPILLION REALTY, LLC, HEREBY CERTIFY THAT THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

JAMIE MASTEN DATE

ENGINEER CERTIFICATION

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

KEVIN R. MINNICH, PE #9027 DATE

CITY OF MILFORD APPROVAL

CITY MANAGER: _____ DATE: _____
Eric Norenberg

CITY ENGINEER: _____ DATE: _____
Erik Retzlaff P.E.

SHEET INDEX

SHEET R1 RECORD PLAN COVER SHEET
SHEET R2 RECORD MAJOR SUBDIVISION PLAN

BROOKSTONE TRACE
SUBDIVISION
SITUATE IN: CITY OF MILFORD
SUSSEX COUNTY, DELAWARE
0 50 100 200
SCALE: 1" = 100' DATE: 02/16/2016

Minnich Engineering & Land Planning
Designing Quality Not Quantity
250A Camden Wyoming Avenue
Camden, DE 19934
(302) 697-2238 Voice - (302) 697-2293 Fax

REVISIONS:
JOB NUMBER: 14-146 DGN. NUMBER: 14-146

RECORD PLAN COVER SHEET

SHEET R1

BROOKSTONE TRACE SUBDIVISION

SITUATE IN: CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

SCALE: 1" = 60' | DATE: 02/16/2016

0 30 60 120

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD BEARING	CHORD
C1	25.00'	90° 00' 02" RT	39.27'	S 10° 52' 24" E	35.36'
C2	200.00'	25° 23' 18" RT	88.62'	S 68° 34' 04" E	87.90'
C3	260.00'	24° 23' 04" RT	110.65'	N 69° 04' 11" W	109.82'
C4	25.00'	90° 00' 00" RT	39.27'	N 78° 07' 21" E	35.36'
C5	180.00'	45° 52' 39" RT	144.13'	S 56° 03' 41" W	140.31'
C6	120.00'	45° 52' 39" RT	96.09'	N 56° 03' 40" E	93.54'
C7	25.00'	48° 11' 23" RT	21.03'	N 09° 01' 40" E	20.41'
C8	50.00'	173° 37' 14" RT	162.65'	S 78° 07' 21" E	99.85'
C9	25.00'	48° 11' 23" RT	21.03'	N 32° 46' 58" W	20.41'
C10	25.00'	48° 11' 23" RT	21.03'	N 80° 58' 20" W	20.41'
C11	50.00'	173° 37' 14" RT	162.65'	S 11° 52' 39" E	99.85'
C12	25.00'	48° 11' 23" RT	21.03'	N 57° 13' 02" E	20.41'
C13	25.00'	90° 00' 00" RT	39.27'	N 11° 52' 39" W	35.36'
C14	200.00'	24° 23' 04" RT	85.12'	N 69° 04' 11" W	84.48'
C15	260.00'	25° 23' 18" RT	115.21'	S 68° 34' 04" E	114.27'
C16	25.00'	89° 27' 08" RT	39.03'	S 79° 24' 01" W	35.19'
C17	25.00'	90° 00' 00" RT	39.27'	S 78° 07' 21" W	35.36'
C18	25.00'	90° 00' 00" RT	39.27'	N 11° 52' 39" W	35.36'
C19	25.00'	90° 00' 00" RT	39.27'	N 78° 07' 21" E	35.36'
C20	25.00'	90° 00' 00" RT	39.27'	S 11° 52' 39" E	35.36'
C21	260.00'	04° 29' 32" RT	20.38'	N 67° 58' 22" W	20.38'
C22	260.00'	04° 26' 16" RT	20.14'	N 63° 30' 28" W	20.13'
C23	260.00'	04° 24' 41" RT	20.02'	N 59° 04' 59" W	20.01'
C24	180.00'	06° 40' 52" RT	20.99'	N 43° 18' 04" E	20.98'
C25	180.00'	06° 29' 19" RT	20.38'	N 49° 53' 10" E	20.37'
C26	180.00'	06° 23' 13" RT	20.06'	S 56° 19' 26" W	20.06'
C27	50.00'	23° 42' 49" RT	20.58'	S 66° 15' 56" W	20.55'
C28	50.00'	23° 34' 42" RT	20.58'	S 89° 46' 37" W	20.43'
C29	50.00'	23° 26' 49" RT	20.46'	S 23° 32' 07" E	20.43'
C30	50.00'	23° 42' 34" RT	20.58'	N 00° 02' 34" E	20.43'
C31	200.00'	05° 47' 06" RT	20.19'	N 64° 37' 47" W	20.18'
C32	200.00'	05° 53' 50" RT	20.59'	N 70° 28' 15" W	20.58'
C33	200.00'	06° 05' 03" RT	21.24'	S 76° 27' 41" E	21.23'
C34	200.00'	01° 45' 30" RT	6.14'	S 80° 22' 58" E	6.14'

LOT AREA TABLE

LOT #	AREA (SQ FT)	AREA (ACRES)
1	9,921	0.2278
2	4,234	0.0972
3	4,095	0.0940
4	3,919	0.0900
5	3,743	0.0859
6	9,223	0.2117
7	11,261	0.2585
8	2,559	0.0587
9	2,501	0.0574
10	2,475	0.0568
11	2,474	0.0568
12	6,293	0.1445
13	7,630	0.1747
14	2,504	0.0575
15	2,509	0.0576
16	2,513	0.0577
17	7,694	0.1766
18	7,991	0.1834
19	2,546	0.0585
20	2,551	0.0586
21	2,555	0.0587
22	2,560	0.0588
23	7,192	0.1651
24	7,126	0.1636
25	2,847	0.0654
26	2,847	0.0654
27	2,847	0.0654
28	8,701	0.1997
29	8,761	0.2011
30	2,885	0.0662
31	2,892	0.0664
32	2,899	0.0666
33	8,886	0.2040
34	11,767	0.2701
35	3,419	0.0785
36	3,537	0.0812
37	3,677	0.0844
38	9,132	0.2096
39	6,442	0.1479
40	2,000	0.0459
41	2,000	0.0459
42	2,000	0.0459
43	2,000	0.0459

LOT AREA TABLE

LOT #	AREA (SQ FT)	AREA (ACRES)
44	5,400	0.1240
45	10,606	0.2435
46	3,576	0.0821
47	3,596	0.0825
48	3,615	0.0830
49	11,148	0.2559
50	9,191	0.2110
51	3,744	0.0859
52	3,763	0.0864
53	3,783	0.0868
54	3,803	0.0873
55	3,822	0.0878
56	8,999	0.2066
57	19,206	0.4409
58	3,339	0.0767
59	2,937	0.0674
60	7,593	0.1743
61	4,918	0.1129
62	2,400	0.0551
63	2,400	0.0551
64	2,400	0.0551
65	5,460	0.1253
66	6,420	0.1474
67	2,400	0.0551
68	2,400	0.0551
69	2,400	0.0551
70	2,400	0.0551
71	2,400	0.0551
72	6,420	0.1474
73	6,320	0.1405
74	2,400	0.0551
75	2,400	0.0551
76	2,400	0.0551
77	2,400	0.0551
78	5,578	0.1281
79	7,593	0.1743
80	2,937	0.0674
81	2,938	0.0675
82	7,508	0.1724
83	7,582	0.1740
84	2,405	0.0552
85	2,405	0.0552
86	2,404	0.0552

LOT AREA TABLE

LOT #	AREA (SQ FT)	AREA (ACRES)
87	2,403	0.0552
88	2,402	0.0552
89	7,403	0.1699
90	7,100	0.1630
91	2,547	0.0585
92	2,472	0.0567
93	2,352	0.0540
94	6,021	0.1382
95	5,066	0.1163
96	2,000	0.0459
97	2,000	0.0459
98	2,000	0.0459
99	6,100	0.1400
100	6,100	0.1400
101	2,000	0.0459
102	2,000	0.0459
103	2,000	0.0459
104	5,066	0.1163
105	4,140	0.0950
106	2,000	0.0459
107	2,000	0.0459
108	2,000	0.0459
109	4,140	0.0950
110	4,816	0.1106
111	2,000	0.0459
112	2,000	0.0459
113	2,000	0.0459
114	2,000	0.0459
115	2,000	0.0459
116	4,950	0.1136
117	4,950	0.1136
118	2,000	0.0459
119	2,000	0.0459
120	2,000	0.0459
121	2,000	0.0459
122	2,000	0.0459
123	4,816	0.1106
124	4,140	0.0950
125	2,000	0.0459
126	2,000	0.0459
127	2,000	0.0459
128	4,140	0.0950

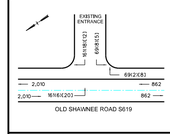
PARCELS TO BE CONSOLIDATED

TAX PARCEL NO.	AREA (SQ FT)	AREA (ACRES)
130-3.00-78.00 (PART OF)	21,395	0.4912
130-3.00-80.02 (ALL)	86,684	2.4794
COMBINED LOT AREA	108,079	2.9706

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 79° 00' 00" E	19.75'
L2	N 79° 00' 00" E	19.75'
L3	N 44° 25' 51" E	25.50'
L4	N 56° 52' 39" W	14.06'
L5	N 59° 05' 00" W	35.48'
L6	S 18° 08' 32" W	27.16'
L7	S 08° 46' 18" W	8.20'

TRIP GENERATION - OLD SHAWNEE ROAD (S619)
(FULL MOVEMENT)

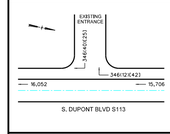


TRAFFIC GENERATION DIAGRAM
TRIPS PER DAY (VEHICLES IN A/M,(P.M. PEAK HOUR)

ROAD TRAFFIC DATA:
FUNCTIONAL CLASSIFICATION - MAJOR COLLECTOR
POSTED SPEED LIMIT: 35 MPH
AADT = 4,556 (FROM 2016 DELDOT TRAFFIC SUMMARY)
10 YR PROJECTED AADT=1.16 x 4,556 TRIPS=5,284 TRIPS
10 YR PROJECTED AADT + SITE ADT=5,744 TRIPS
TRAFFIC PATTERN GROUP 3 (2016 TRAFFIC SUMMARY)
DESIGN HOURLY VOLUME = 11,777 x 5,744=676 TRIPS

SITE TRAFFIC DATA:
SOURCE: ITE TRIP GENERATION MANUAL 9TH EDITION
104 TOWNHOUSE UNITS (230)
60 APARTMENT UNITS (220)
ONE ENTRANCE - FULL MOVEMENT
DESIGN VEHICLE: SU-30
SITE ADT = 1,153 = 40(X + 460 (40(X OF TOTAL)
DIRECTIONAL DISTRIBUTION:
30(Y TO AND FROM THE SOUTH:
1153 x .30 = 346 (173 IN, 173 OUT PK)
70(Y TO AND FROM THE NORTH:
1153 x .70 = 807 (403 IN, 404 OUT PK)
(121 TRIPS(H 24 AM PK(H ,32 PM PK)
10.56x' TRUCKS & BUSES x 161 = 17

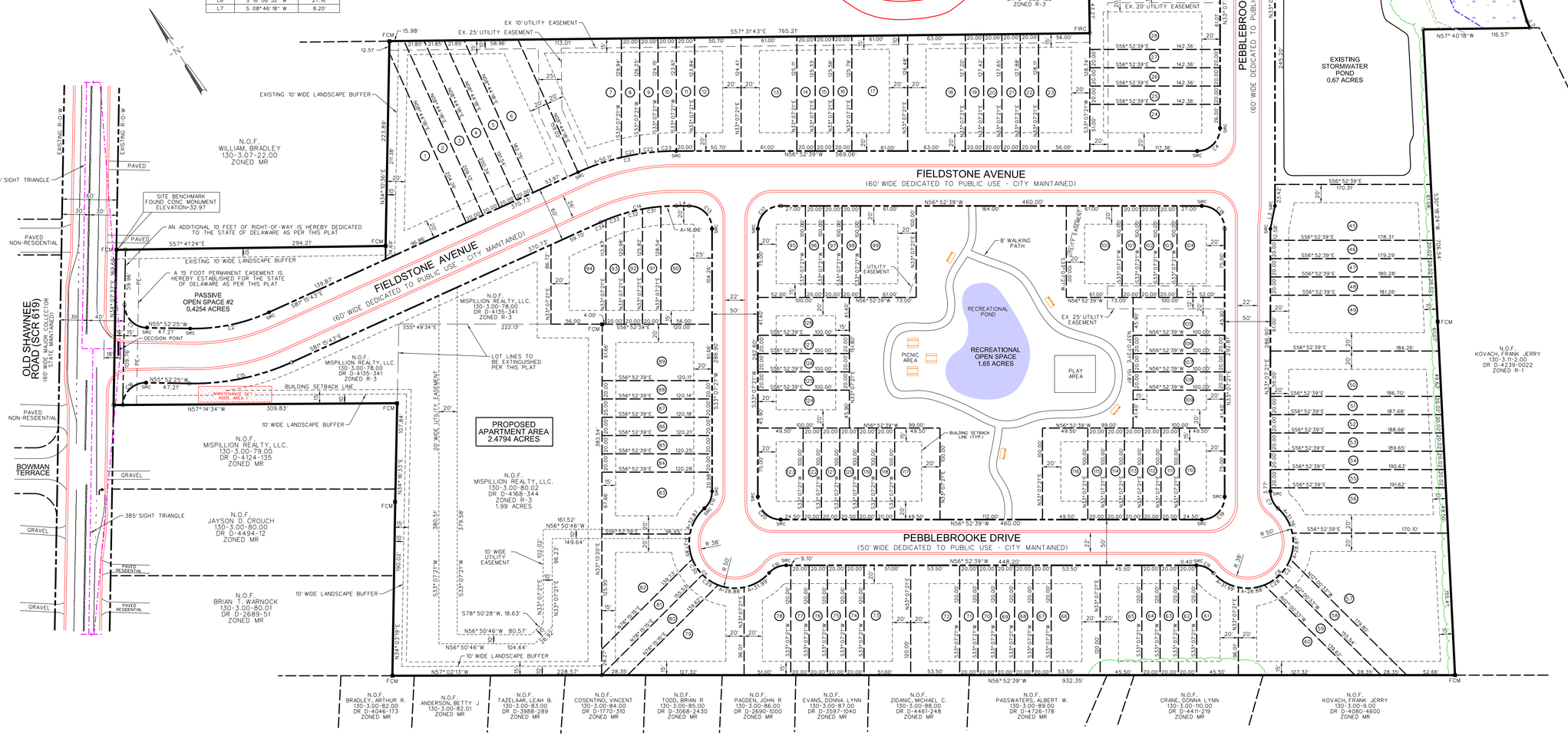
TRIP GENERATION - S. DUPONT BLVD (S113)
(FULL MOVEMENT)



TRAFFIC GENERATION DIAGRAM
TRIPS PER DAY (VEHICLES IN A/M,(P.M. PEAK HOUR)

ROAD TRAFFIC DATA:
FUNCTIONAL CLASSIFICATION - PRINCIPAL ARTERIAL
POSTED SPEED LIMIT: 50 MPH
AADT = 26,493 (FROM 2016 DELDOT TRAFFIC SUMMARY)
10 YR PROJECTED AADT=1.16 x 26,483=30,720 TRIPS
10 YR PROJECTED AADT + SITE ADT=31,412 TRIPS
TRAFFIC PATTERN GROUP 2 (2016 TRAFFIC SUMMARY)
DESIGN HOURLY VOLUME = 10,755 x 31,412=3,377 TRIPS

SITE TRAFFIC DATA:
SOURCE: ITE TRIP GENERATION MANUAL 9TH EDITION
104 TOWNHOUSE UNITS (230)
60 APARTMENT UNITS (220)
ONE ENTRANCE - RIGHTS IN/RIGHTS OUT
DESIGN VEHICLE: SU-30
SITE ADT = 1,153 = 460 + 692 (60(X OF TOTAL)
DIRECTIONAL DISTRIBUTION:
100(Y TO THE SOUTH:
(346 TRIPS)(40 AM PK(H 25 PM PK)
100(Y FROM THE NORTH:
(346 TRIPS)(12 AM PK(H 42 PM PK)
6.24'x' TRUCKS & BUSES x 346 = 22



RECORD MAJOR SUBDIVISION PLAN

SHEET R2

Minnich
Engineering & Land Planning
Designing Quality Not Quantity
250A Camden Wyoming Avenue
Camden, DE 19934
(302) 697-2283 Voice - (302) 697-2293 Fax

REVISIONS:

JOB NUMBER: 14-146 | JOB NUMBER: 14-146

Brookstone Trace
Sediment and Stormwater Management Plans

City of Milford
Delaware Bay Watershed
Tax Parcel: 1-30-3.00-77.01, 1-30-3.00-78.00
1-30-3.00-443.00 THRU 1-30-3.00-561.00
Sussex County, Delaware

DATA COLUMN

1. TAX PARCEL NUMBER: 1-30-3.00-77.01 AND 1-30-3.00-78.00
   1-30-3.00-443.00 THRU 1-30-3.00-561.00
2. OWNER OF RECORD:

   MISPILLION REALTY, LLC
   715 S DUPONT BLVD
   MILFORD, DE 19963
3. ENGINEER:

   MINNICH ENGINEERING, INC.
   250A CAMDEN WYOMING AVENUE
   CAMDEN, DE 19934
5. DEED BOOK: 03328 PAGE 010
6. TOTAL SITE ACREAGE: 23.3484 ACRES
7. TOTAL AREA OF LOTS: 12.6337 ACRES
8. TOTAL AREA OF OPEN SPACE: 4.06 ACRES
9. EXISTING ZONING: R-3 (CITY OF MILFORD)
10. EXISTING USE: PLANNED UNIT DEVELOPMENT
11. PROPOSED USE: PLANNED UNIT DEVELOPMENT
12. R-3 ZONING SETBACKS:

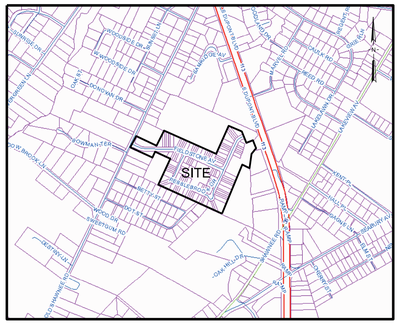
    20' FRONT SETBACK
    25' SIDE SETBACK (UNATTACHED) 0' (ATTACHED)
    15' REAR SETBACK
13. STORMWATER MANAGEMENT AREA: 0.99 ACRES
14. AREA IN WETLANDS: 0.61 ACRES
15. LOT TYPES: 128 TOWNHOMES (2 STORY) & 24 APARTMENT UNITS
16. NET DEVELOPMENT AREA: (0.75)(23.3484-0.61)=17.05 AC
17. SITE DENSITY:152 UNITS/17.05 ACRES=8.91 UNITS/ACRE
18. MAXIMUM BUILDING HEIGHT: 35 FEET
19. CONSTRUCTION TYPE: CONCRETE FOUNDATION, WOOD STRUCTURE
20. SOURCE/PROPOSED WATER: CITY OF MILFORD
21. SOURCE/PROPOSED SANITARY: CITY OF MILFORD
22. SOURCE OF GAS: CHESAPEAKE UTILITIES
23. TOTAL LIMIT OF DISTURBANCE: 11.3423± ACRES
24. ALL KNOWN EASEMENTS ARE SHOWN ON THE PLAN. NO NEW EASEMENTS ARE PROPOSED PER THIS PLAN.

SHEET INDEX

SHEET S1 COVER SHEET AND GENERAL NOTES
SHEET S2 SEDIMENT & STORMWATER PLAN
SHEET S3 SEDIMENT & EROSION CONTROL DETAILS
SHEET S4 STREET PLAN & PROFILE PEBBLEBROOK DRIVE
SHEET S5 INTERSECTION DETAILS & STORM PROFILES
SHEET S6 TOWNHOUSE FIRE PROTECTION PLAN
SHEET S7 STORM AND SANITARY SEWER STRUCTURE SCHEDULES

LEGEND

PROPERTY BOUNDARY
RIGHT-OF-WAY LINE
STREET CENTERLINE
LOT LINE
BUILDING SETBACK LINE
STREAM BUFFER LINE
WETLANDS LINE
WOODS LINE
LOT NUMBER (23)
EXISTING CONTOUR 26
PROPOSED CONTOUR 26
EXISTING STORM DRAIN
PROPOSED STORM DRAIN
EXISTING SANITARY SEWER S
EXISTING WATER LINE W
PROPOSED SANITARY SEWER S
PROPOSED WATER LINE W
EXISTING UTILITY POLE
EXISTING ROAD SIGN
EXISTING SPOT ELEVATION 26×27
PROPOSED SPOT ELEVATION (26×27)



LOCATION MAP *SCALE: 1" = 1000'*

SEDIMENT AND STORMWATER CONSTRUCTION NOTES:

1. THE SUSSEX CONSERVATION DISTRICT MUST BE NOTIFIED IN WRITING FIVE (5) DAYS PRIOR TO COMMENCING WITH CONSTRUCTION TO SCHEDULE A PRE-CONSTRUCTION MEETING. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED SEDIMENT AND STORMWATER MANAGEMENT PLAN.
2. REVIEW AND APPROVAL OF THE SEDIMENT AND STORMWATER MANAGEMENT PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM HIS OR HER RESPONSIBILITIES FOR COMPLIANCE WITH THE REQUIREMENTS OF THE SEDIMENT AND STORWATER REGULATIONS. NOR SHALL IT RELIEVE THE CONTRACTOR FROM ERRORS OR OMISSIONS IN THE APPROVED PLAN.
3. IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY THE SUSSEX CONSERVATION DISTRICT.
4. THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE INSPECTION.
5. FOLLOWING SOIL DISTURBANCE OR REDISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN 14 CALENDAR DAYS AS TO THE SURFACE OF ALL PERIMETER SEDIMENT CONTROLS, TOPSOIL STOCKPILES, AND ALL OTHER DISTURBED OR GRADED AREAS ON THE PROPOSED SITE.
6. ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL COMPLY WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK 1989 OR LATEST EDITION.
7. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO MAINTAIN AND REPAIR ALL EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT PRACTICES DURING UTILITY INSTALLATION.
8. ALL SEDIMENT AND STORMWATER MANAGEMENT PLANS SHALL CONTAIN CERTIFICATION BY THE OWNER OR DEVELOPER OF THE RIGHT OF THE DEPARTMENT OR DELEGATED INSPECTION AGENCY TO CONDUCT ON-SITE INSEPCTIONS.
9. IT SHALL BE THE RESPONSIBILITY OF THE OWNER TO PROVIDE LONG-TERM MAINTENANCE OF THE STORMWATER MANAGEMENT FACILITIES SHOWN ON THIS PLAN UNTIL IT IS TURNED OVER TO A HOMEOWNERS ASSOCIATION OR MAINTENANCE CORPORATION.
10. APPROVED PLANS REMAIN VALID FOR 3 YEARS FROM THE DATE OF APPROVAL.
11. AS-BUILT SURVEYS AND DRAWINGS ARE TO BE SUBMITTED TO THE DISTRICT WITHIN 60-DAYS OF STORMWATER MANAGEMENT FACILITY COMPLETION.
12. APPROVAL OF A SEDIMENT AND STORM WATER PLAN DOES NOT GRANT OR IMPLY A RIGHT TO DISCHARGE STORMWATER RUNOFF. THE OWNERDEVELOPER IS RESPONSIBLE FOR ACQUIRING ANY AND ALL AGREEMENTS, EASEMENTS, ETC., NECESSARY TO COMPLY WITH STATE DRAINAGE AND OTHER APPLICABLE LAWS.
13. TO PREVENT OR REDUCE THE MOVEMENT OF DUST FROM DISTURBED SOIL SURFACES THE SITE SHALL BE SPRINKLED WITH WATER UNTIL THE SURFACE IS MOIST AND REPEATED AS NECESSARY. ALTERNATIVE METHODS OF DUST CONTROL REQUIRE APPROVAL OF SCD.
14. SCD RESERVES THE RIGHT TO WITHHOLD PERMITS AND LETTERS OF NO OBJECTION RELATED TO OBTAINING CERTIFICATES OF OCCUPANCY FROM THE LOCAL JURISDICTION FOR NON COMPLIANCE WITH THE PLANS AND SPECIFICATIONS FOR STORMWATER MANAGEMENT PRACTICES DURING UTILITY INSTALLATION.
15. THE CONTRACTOR SHALL REQUEST AN INDIVIDUAL LOT PERMITE AND A PERMIT ISSUED BY SCD PRIOR TO THE START OF HOME CONSTRUCTION ON THAT LOT. SCD ALSO REQUIRES A FINAL LOT INSPECTION PRIOR TO THE CONTRACTOR REQUESTING A CERTIFICATE OF OCCUPANCY.
16. ALL EROSION AND SEDIMENT CONTROL DEVICES AND STABILIZATION SHALL CONFORM TO SUSSEX CONSERVATION DISTRICT STANDARDS AND SPECIFICATION.
17. SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE SEDIMENT CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.
18. ALL TEMPORARY STOCKPILES ARE TO BE LOCATED ON AREAS WITH LITTLE OR NO SLOPE AND PROTECTED BY SILT FENCE OR A STABILIZED EARTHEN BERM AND ARE TO BE TEMPORARILY STABILIZED.
19. ALL POINTS OF CONSTRUCTION INGRESS AND EGRESS SHALL BE PROTECTED TO PREVENT TRACKING OF MUD ONTO PUBLIC WAYS BY A STABILIZED CONSTRUCTION ENTRANCE.
20. EROSION AND SEDIMENT CONTROL WILL BE STRICTLY ENFORCED.
21. SEDIMENT CONTROL FOR UTILITY CONSTRUCTION IN AREAS OUTSIDE OF DESIGNED CONTROLS:
    A. EXCAVATED TRENCH MATERIAL SHALL BE PLACED ON THE HIGH SIDE OF THE TRENCH.
    B. IMMEDIATELY FOLLOWING PIPE INSTALLATION THE TRENCH SHALL BE BACK FILLED, COMPACTED AND STABILIZED.
    C. TEMPORARY SILT FENCE OR STRAW BALE DIKES SHALL BE PLACED IMMEDIATELY DOWNSTREAM OF ANY DISTURBED AREA INTENDED TO REMAIN DISTURBED LONGER THAN ONE WORKING DAY.
22. EROSION CONTROL MATTING IS REQUIRED ON SLOPES OF 3:1 OR GREATER IN AREAS OF CONCENTRATED FLOW, MATTING TYPE IS TO BE NORTH AMERICAN GREEN S-75.
23. CONTRACTOR TO ENSURE WATERTIGHT SEALS AT ALL STORM DRAIN PIPE AND CATCH BASIN CONNECTIONS.
24. PRIOR TO START OF HOME CONSTRUCTION ON EACH RESIDENTIAL LOT WITHIN A SUBDIVISION A GENERAL PERMIT FOR WORK ON THAT LOT MUST BE APPROVED BY SUSSEX CONSERVATION DISTRICT.

OWNER'S CERTIFICATION:

I, JAMIE MASTEN OF MISPILLION REALTY, LLC, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING AT A DEPARTMENTAL SPONSORED OR APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT CONTROL BEFORE INITIATION OF THE PROJECT.

MISPILLION REALTY, LLC DATE
715 S DUPONT BLVD
MILFORD, DE 19963
(302) 422-1850 Voice
(302) 422-8020 FAX

ENGINEER'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.

KEVIN R. MINNICH, PROFESSIONAL ENGINEER DATE
MINNICH ENGINEERING & LAND PLANNING INC.
250A CAMDEN WYOMING AVENUE
CAMDEN, DE 19934
(302) 697-2239 VOICE
(302) 697-2293 FAX

Minnich Engineering & Land Planning
Designing Quality Not Quantity
250A Camden Wyoming Avenue
Camden, DE 19934
(302) 697-2239 Voice - (302) 697-2293 Fax

REVISIONS:

PROJECT NO: 14-146 | DGN FILE: 14-146

COVER SHEET
BROOKSTONE TRACE SUBDIVISION

SITUATE IN: CITY OF MILFORD - SUSSEX COUNTY, DELAWARE

0 25 50 100

DATE: 2/16/16 | SCALE: 1" = 100' | SHEET: S1

GENERAL NOTES

1. BOUNDARY AND TOPOGRAPHIC SURVEY DATA SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, INC., DATED APRIL 2005. VERTICAL DATUM IS BASED ON NAVD 88. HORIZONTAL DATUM IS BASED ON DEED REFERENCE 02649.
2. A PORTION OF THE ONE HUNDRED YEAR FLOOD PLAIN IS SHOWN BASED ON FIRM MAP#10005C0039J, PANEL 39 OF 660, DATED JANUARY 6, 2005. PORTIONS OF THE SITE LIE WITHIN ZONE AE - BASE FLOOD ELEVATION 20.0' (NAVD 88). THE REMAINDER OF THE SITE IS LOCATED IN ZONE X - AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1.0% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN ONE FOOT OR WITH DRAINAGE AREAS LESS THAN ONE SQUARE MILE; AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
3. A WETLANDS INVESTIGATION WAS CONDUCTED ON THIS SITE BY TEN BEARS ENVIRONMENTAL, L.L.C. IN MAY 2005. FRESHWATER WETLANDS WERE FOUND TO EXIST AND ARE SHOWN ON THIS PLAN.
4. THE EXISTING UTILITIES SHOWN WERE TAKEN FROM THE BEST AVAILABLE RECORDS. THE CONTRACTOR(S) SHALL CONTACT MISS UTILITY OF DELMARVA (1-800-282-8555) TO VERIFY THEIR EXACT LOCATION PRIOR TO THE START OF ANY CONSTRUCTION. ANY DAMAGE INCURRED TO ANY UTILITIES SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTORS EXPENSE. IF THE CONTRACTOR RELIES ON THE UTILITY LOCATIONS SHOWN HEREON, HE DOES SO AT HIS OWN RISK AND WILL NOT BE ENTITLED TO AO. DITIONAL COMPENSATION DUE TO TIME DELAYS FROM SAID RELIANCE.
5. THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS OF CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE COMPLETED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AND ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS.
6. ALL WORK WITHIN STATE MAINTAINED ROAD RIGHT-OF-WAYS SHALL MEET THE REQUIREMENTS AS SET FORTH IN THE CURRENT REVISION OF THE STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION, BY THE DELAWARE DEPARTMENT OF TRANSPORTATION.
7. TRAFFIC AND SAFETY CONTROL SHALL BE MAINTAINED DURING CONSTRUCTION IN CONFORMANCE WITH THE CURRENT VERSION OF THE DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR CONSTRUCTION AND MAINTENANCE OPERATIONS.
8. TEMPORARY REPAVING SHALL BE PROVIDED AND MAINTAINED FOR ALL PAVED AREAS WITHIN STATE MAINTAINED ROADS DISTURBED BY CONSTRUCTION ACTIVITIES UNTIL FINAL REPAVING.
9. ALL HANDICAPPED PARKING DEMARCATIONS, STALLS, BUILDINGS, AND ACCESSIBLE ROUTES SHALL COMPLY WITH THE "AMERICANS WITH DISABILITIES ACT" AND ANSI A117.1-1998 " ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES"
10. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH ALL THE STATE FIRE PREVENTION REGULATIONS, PART V, CHAPTER 5.
11. STORMWATER MANAGEMENT AND SEDIMENT AND EROSION CONTROL SHALL BE IN ACCORDANCE WITH THE 1991 DELAWARE SEDIMENT AND STORMWATER REGULATIONS BY THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.
12. BEFORE THE CONTRACTOR CAN BEGIN CONSTRUCTION HE MUST OBTAIN THE PROPER PERMITS AND/OR APPROVALS FROM THE CITY OF MILFORD, SUSSEX CONSERVATION DISTRICT, THE DELAWARE DEPARTMENT OF TRANSPORTATION AND ALL OTHER APPROPRIATE STATE AND COUNTY AGENCIES.
13. ALL MATERIALS AND WORKMANSHIP SHALL MEET THE CURRENT STATE OF DELAWARE AND CITY OF MILFORD STANDARDS AND SPECIFICATIONS.
14. THE FRONT 18 FT. AND THE REAR AND SIDE 10 FT. OF EACH LOT SHALL BE RESERVED AS EASEMENTS FOR DRAINAGE AND UTILITIES UNLESS OTHERWISE NOTED.
15. SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT OF WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE CITY OF MILFORD FOLLOWING COMPLETION OF THE STREETS BY THE DEVELOPER TO THE SATISFACTION OF THE CITY. THE CITY ASSUMES NO MAINTENANCE RESPONSIBILITES WITHIN THE DEDICATED STREET RIGHT OF WAY UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE CITY.
16. A HOMEOWNER'S ASSOCIATION SHALL BE ESTABLISHED FOR, BUT NOT LIMITED TO ALL FUTURE MAINTENANCE AND REPAIRS OF ALLSTORMWATER MANAGMENT FACILITIES FOR THIS SUBDIVISION.
17. ALL ELECTRIC AND TELEPHONE CABLES SHALL BE PLACED UNDERGROUND.
18. PROPOSED STORM DRAIN EASEMENTS ARE 10' WIDE AND ARE CENTERED ON THE UTILITY ALIGNMENT.
19. A HOMEOWNER'S ASSOCIATION SHALL BE ESTABLISHED FOR FUTURE MAINTENANCE AND REPAIRS OF ALL OPEN SPACE AREAS WITHIN THIS SUBDIVISION.

SEQUENCE OF CONSTRUCTION

1. NOTIFY SUSSEX CONSERVATION DISTRICT TO ARRANGE AND HOLD A PRE-CONSTRUCTION MEETING AT LEAST FIVE (5) DAYS PRIOR TO THE START OF CONSTRUCTION. CONTRACTOR MUST STRICTLY ADHERE TO SEQUENCE, ANY CHANGES MUST BE APPROVED BY THE SUSSEX CONSERVATION DISTRICT PRIOR TO IMPLEMENTATION. THE LIMITS IN THE FIELD WILL BE MARKED WITH SILT FENCE.
2. OBTAIN ALL COUNTY AND STATE PERMITS PRIOR TO THE START OF CONSTRUCTION.
3. INSTALL STONE CONSTRUCTION ENTRANCES, PERIMETER CONTROLS AT LOCATIONS SHOWN ON THE EROSION & SEDIMENT CONTROL PLAN (SHEET 2). NOTIFY THE SUSSEX CONSERVATION DISTRICT FOR INSPECTION BEFORE PROCEEDING TO STEP NO. 4.
4. CLEAR AND GRUB AREAS NECESSARY FOR INSTALLATION OF PROPOSED IMPROVEMENTS.
5. INSTALL UNDERGROUND UTILITIES INCLUDING ELECTRIC, TELEPHONE, CABLE, WATER, SEWER, AND STORM DRAINAGE. INSTALL INLET PROTECTION AROUND ALL CATCH BASINS.
6. INSTALL CURB, FINAL GRADE ROADWAY, AND INSTALL CRUSHER RUN AS SPECIFIED IN THE CONSTRUCTION DRAWINGS.
7. HOME CONSTRUCTION MAY BEGIN UPON RECEIVING STANDARD PLAN APPROVAL FOR EACH LOT FROM THE SUSSEX CONSERVATION DISTRICT. REFER TO SHEET 3 FOR TYPICAL LOT DETAIL.
8. INSTALL TYPE "B" BASE COURSE AND SIDEWALKS THROUGHOUT PROJECT.
9. TOPSOIL, SEED AND STABILIZE ALL DISTURBED AREAS AS PER STABILIZATION AND SEEDING NOTES (SEE SHEET 3)
10. REMOVE ACCUMULATED SEDIMENT FROM POND NO. 1 AND STORE IN TEMPORARY SOIL STOCKPILE AREA, PROVIDE ADDITIONAL SEEDING AND STABILIZATION AS NECESSARY. PREPARE POND FOR LINER INSTALLATION. SEE THIS SHEET FOR INSTALLATION PROCEDURE. SEDIMENTS SHALL BE REMOVED FROM STORM DRAIN SYSTEM FOLLOWING CONSTRUCTION COMPLETION, REMOVE DEWATERING DEVICE AND PLUGS FROM OUTLET STRUCTURE. INSTALL POND LINER AND APPLY COVER SOIL OVER LINER TO CONSTRUCT POND TO FINAL GRADE.
11. REMOVE ANY REMAINING PERIMETER CONTROLS AFTER STABILIZATION IS COMPLETED AND APPROVAL FROM EROSION & SEDIMENT CONTROL INSPECTOR IS OBTAINED.
12. AN AS-BUILT OF THE STORMWATER MANAGEMENT POND MUST BE SUBMITTED PRIOR TO INITIATING HOME CONSTRUCTION

SOILS DESCRIPTION

SASSAFRAS - THE SASSAFRAS SERIES CONSISTS OF DEEP, WELL DRAINED SOILS ON UPLANDS. THESE SOILS FORMED IN VERY OLD, PREDOMINANTLY SANDY SEDIMENTS. IN MOST AREAS THE SLOPES ARE SMOOTH AND LESS THAN 300 FEET LONG. INCLUDED IN MAPPING WERE SOME AREAS WHERE THE SURFACE IS IRREGULAR AND IS DIMPLED WITH SMALL POTHOLES, DEPRESSIONS OR WET SPOTS.

RUMFORD - THE RUMFORD SERIES CONSISTS OF DEEP, SOMEWHAT EXCESSIVELY WELL DRAINED SOILS ON UPLANDS. THESE SOILS FORMED IN BEDS OF VERY SANDY SEDIMENTS THAT CONTAINED RATER SMALL AMOUNTS OF CLAY AND VERY LITTLE SILT.

JOHNSTON - THE JOHNSTON SERIES CONSISTS OF VERY WET, POORLY DRAINED SOILS ON FLOOD PLAINS. THESE SOILS FORMED IN RECENT ACCUMULATIONS THAT CONSIST OF BOTH SEDIMENTS AND LARGE AMOUNTS OF ORGANIC MATTER.

EVESBORO - THE EVESBORO SERIES CONSISTS OF VERY DEEP, EXCESSIVELY DRAINED SOILS ON UPLANDS. THE NATIVE VEGETATION CONSISTS CHIEFLY OF HARDWOODS.

BROOKSTONE TRACE SUBDIVISION

SITUATE IN: CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

SCALE: 1" = 60' 0 30 60 120 DATE: 02/00/2016

Minnich
Engineering & Land Planning
Designing Quality Not Quantity
250A Camden Wyoming Avenue
Camden, DE 19934
(302) 697-2538 Voice - (302) 697-2293 Fax

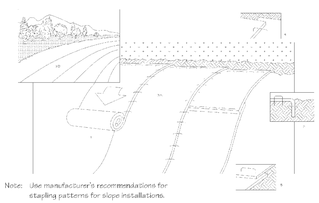
REVISIONS:
4-15-16 - REVISED PER CITY AND TOWN ENGINEER COMMENTS

JOB NUMBER: 14-146 | JOB NUMBER: 14-146

SEDIMENT & STORMWATER MANAGEMENT PLAN

SHEET S2

Standard Detail & Specifications
Stabilization Matting - Slope



Note: Use manufacturer's recommendations for stapling patterns for slope installations.

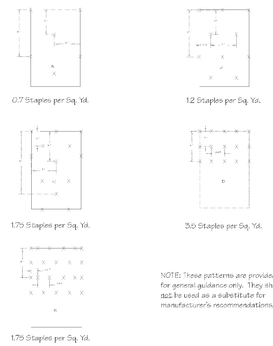
Perspective

Construction Notes:

1. Prepare soil before installing matting, including application of lime, fertilizer, and seed.
2. Begin at the top of the slope by anchoring the mat in a 6" deep X 6" wide trench. Backfill and compact trench after stapling.
3. Roll the mats (A) down or (B) horizontally across the slope.
4. The edges of parrallel mats must be stapled with approx. 2' overlap.
5. When mats must be spliced down the slope, place mats end over end (shingle style) with approx. 4" overlap. Staple through overlapped area, approx. 12" apart.

Source:	Symbol:	Detail No.
Adapted from North American Green, Inc.	SM-S	DE-ESC-3.4.6.1 Sheet 1 of 2 Date: 12/03

Standard Detail & Specifications
Stabilization Matting - Slope

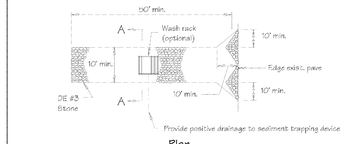


NOTE: These patterns are provided for general guidance only. They shall not be used as a substitute for manufacturer's recommendations.

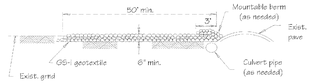
Stapling Patterns

Source:	Symbol:	Detail No.
Adapted from North American Green, Inc.	SM-S	DE-ESC-3.4.6.1 Sheet 2 of 2 Date: 12/03

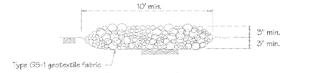
Standard Detail & Specifications
Stabilized Construct. Entrance



Plan



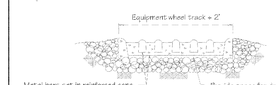
Profile



Section A-A (Std.)

Source:	Symbol:	Detail No.
Adapted from VA ESC Handbook	SCE	DE-ESC-3.4.7 Sheet 1 of 2 Date: 12/03

Standard Detail & Specifications
Stabilized Construct. Entrance



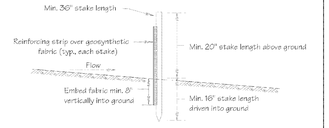
Section A-A (Opt.)

Construction Notes:

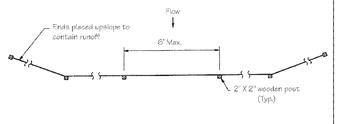
1. Stone size - Use DE #3 stone.
2. Length - As required, but not less than 50 feet (except on a single residence lot where a 30 foot minimum length would apply).
3. Thickness - Not less than size (6) inches.
4. Width - Ten (10) foot minimum, but not less than the full width at points where ingress or egress occurs.
5. Geotextile - Type GS-I placed over the entire area prior to placing of stone.
6. Surface Water - All surface water flowing or diverted toward construction entrances shall be piped across the entrance. If piping is impractical, a mountable berm with 5:1 slopes will be permitted.
7. Maintenance - The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanout of any measures used to trap sediment. All sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately.
8. Washing - Vehicle wheels shall be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it shall be done on an area stabilized with stone and which drains into an approved sediment trapping device.
9. Inspection - Periodic inspection and needec maintenance shall be provided after each rain.

Source:	Symbol:	Detail No.
Adapted from MD Stds. & Specs. for ESC	SF	DE-ESC-3.1.2.1 Sheet 2 of 2 Date: 12/03

Standard Detail & Specifications
Silt Fence



Section



Plan

Source:	Symbol:	Detail No.
Adapted form MD Stds. & Specs. for ESC	SF	DE-ESC-3.1.2.1 Sheet 1 of 2 Date: 12/03

PERMANENT SEEDING AND SEEDING DATES

Mix No.	SEEDING MIXTURES	SEEDING RATES Use certified seed!	Lbs/ Acre	Lbs/1000 Sq.Ft.	OPTIMUM SEEDING DATES (d) COASTAL PLAN 2/1-4/30	COASTAL PLAN 5/1-8/14	COASTAL PLAN 8/15-10/31	PIEDMONT 3/1-4/30	PIEDMONT 5/1-7/31	PIEDMONT 8/1-10/15
1	Kentucky 31" TallFescue		60	1.38	x	--	x	x	--	x
2	Kentucky 31" TallFescue "Blue" "Lehmmg" Weeping Lovegrass (a)		60 2	1.38 .05	--	x	--	--	x	--
3	Kentucky 31" TallFescue+ "Korean" lespedeza, inoculated (b)(g)		50 15	1.15 .34	x	--	--	x	--	--
4	Kentucky 31" TallFescue+ Interstate" Serica lespedeza, inoculated(b)(g)		40 20	.92 .46	x	--	x	x	--	x
5	Chemung Crownvetch, inoculated (g) Redtop		15 3	.34 .07	x	--	--	x	--	--
6	Chemung Crownvetch, inoculated (g) Kentucky 31" TallFescue+		15 40	.46 .92	x	--	--	x	--	--
7	Kentucky 31" TallFescue (50%) Ginnip (50) Conds Bluegrass (10%) Kentucky Bluegrass (10%)		90	2	x	--	x	x	--	x
8	Kentucky Bluegrass (50%) Pennlawn" or "Jamestown" Red Fescue (40%) Redtop (10%)		90	2	x	--	x	x	--	x
Droughty Areas										
9	Kentucky 31" Fescue+ Redtop		30 5	.69 .11	x	--	x	x	--	x
10	Weeping lovegrass Serecia lespedeza, inoculated (b)(g)		2 20	.05 .46	x	x	--	x	x	--
Poorly Drained Areas										
11	"Kentucky 31" Fescue+		30	.69	x	--	x	x	--	x
12	Reed canarygrass (c)		10	.23	--	--	x	--	--	x
Shaded Areas										
13	"Kentucky 31" Fescue+		10	.23	--	--	x	--	--	x
14	Pennlawn" or "Jamestown" Red Fescue		40	.92	x	--	x	x	--	x
Lawns & High Maint. Areas										
15	"Push", "Birka", "Parade", "Vantage", "Columbia" "Monopoly" "Nugget" "South Dakota" or "Kendue" Kentucky Bluegrass+ (90%) Pennlawn" or "Jamestown" Red Fescue (10%)		90 10	2 .23	x	--	x	x	--	x
16	Kentucky 31" Fescue+		220-260	5-6	x	x(e)	x	x	x(e)	x

VEGETATIVE STABILIZATION WITH TEMPORARY SEEDING

1. ALL TEMPORARY SEEDING PRACTICES TO BE IN ACCORDANCE WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, 1989.
2. LIME - APPLY DOLOMITIC LIMESTONE AT A RATE OF 2 TONS PER ACRE.
3. PREFERRED TEMPORARY SEEDING MIXTURE:
   A. RYEGRASS - APPLY AT 40 POUNDS PER ACRE
   B. WEEPING LOVEGRASS - APPLY AT 3 POUNDS PER ACRE
4. FERTILIZER - APPLY 10-10-10 AT A RATE OF 600 POUNDS PER ACRE
5. MULCHING MATERIALS AND AMOUNTS:
   A. STRAW - APPLY AT A RATE OF 2 BALES PER 1,000 SQUARE FEET
   B. WOOD CHIPS - APPLY AT A RATE OF 275 POUNDS PER 1,000 S.F.
   C. WOOD CELLULOSE FIBER - APPLY AT A RATE OF 35 POUNDS/1,000 SQUARE FEET BY HYDROSEEDING
6. MULCH ANCHORING TOOL - TRACKING AND/OR LIQUID MULCH BINDERS.

VEGETATIVE STABILIZATION WITH PERMANENT SEEDING

1. ALL PERMANENT SEEDING PRACTICES TO BE IN ACCORDANCE WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, 1989.
2. LIME - APPLY DOLOMITIC LIMESTONE AT 2 TONS PER ACRE.
3. PREFERRED PERMANENT SEEDING MIXTURES:
   A. KENTUCKY 31 TALL FESCUE APPLIED AT 60 POUNDS PER ACRE
   B. KENTUCKY BLUEGRASS APPLIED AT 90 POUNDS PER ACRE
4. FERTILIZER - APPLY 10-10-10 AT A RATE OF 1,000 POUNDS PER ACRE WORKED INTO THE TOP 4-6 INCHES OF SOIL
5. MULCHING MATERIALS AND AMOUNTS:
   A. STRAW - APPLY AT A RATE OF 2 BALES PER 1,000 SQUARE FEET
   B. WOOD CHIPS - APPLY AT A RATE OF 275 POUNDS PER 1,000 S.F.
   C. WOOD CELLULOSE FIBER - APPLY AT A RATE OF 35 POUNDS/1,000 SQUARE FEET BY HYDROSEEDING
6. MULCH ANCHORING TOOL - TRACKING AND/OR LIQUID MULCH BINDERS.
7. IRRIGATION - APPLY ADEQUATE MOISTURE FOR SEED GERMINATION AND PLANT GROWTH
8. MAINTENANCE - RE-ESTABLISH FAILED AREAS AS SOON AS POSSIBLE. INSPECT, IRRIGATE, AND RE-FERTILIZE FOR ONE YEAR FROM PLANTING.

Standard Detail & Specifications
Site Pollution Prevention

Notes:

The Construction Site Pollution Prevention Plan should include the following elements:

1. Material Inventory

Document the storage and use of the following materials:

a. Concrete
b. Detergents
c. Paints (enamel and latex)
d. Cleaning solvents
e. Pesticides
f. Wood scraps
g. Fertilizers
h. Petroleum based products

2. Good housekeeping practices

a. Store only enough product required to do the job.
b. All materials shall be stored in a neat, orderly manner in their original labeled containers and covered.
c. Substances shall not be mixed.
d. When possible, all of a product shall be used up prior to disposal of the container.
e. Manufacturers' instructions for disposal shall be strictly adhered to.
f. The site foreman shall designate someone to inspect all BMPs daily.

3. Waste management practices

a. All waste materials shall be collected and stored in securely lidded dumpsters in a location that does not drain to a waterbody.
b. Waste materials shall be salvaged and/or recycled whenever possible.
c. The dumpsters shall be empted a minimum of twice per week, or more if necessary. The licensed trash hauler is responsible for cleaning out dumpsters.

Source:	Symbol:	Detail No.
Adapted from USEPA Pub. 840-B-92-002		DE-ESC-3.6.1 Sheet 1 of 3 Date: 12/03

Standard Detail & Specifications
Site Pollution Prevention

Notes (cont.)

d. Trash shall be disposed of in accordance with all applicable Delaware laws.
e. Trash cans shall be placed at all lunch spots and littering is strictly prohibited. Recycle bins shall be placed near the construction trailer.
f. If fertilizer bags can not be stored in a weather-proof location, they shall be kept on a pallet and covered with plastic sheeting which is overlapped and anchored.

4. Equipment maintenance practices

a. If possible, equipment should be taken to off-site commercial facilities for washing and maintenance.
b. If performed on-site, vehicles shall be washed with high-pressure water spray without detergents in an area contained by an impervious berm.
c. Drip pans shall be used for all equipment maintenance.
d. Equipment shall be inspected for leaks on a daily basis.
e. Washout from concrete trucks shall be disposed of in a temporary pit for hardening and proper disposal.
f. Fuel nozzles shall be equipped with automatic shut-off valves.
g. All used products such as oil, antifreeze, solvents and tires shall be disposed of in accordance with manufacturers' recommendations and local, state and federal laws and regulations.

5. Spill prevention practices

a. Potential spill areas shall be identified and contained in covered areas with no connection to the storm drain system.
b. Warning signs shall be posted in hazardous material storage areas.
c. Preventive maintenance shall be performed on all tanks, valves, pumps, pipes and other equipment as necessary.
d. Low or non-toxic substances shall be prioritized for use.

Source:	Symbol:	Detail No.
Adapted from USEPA Pub. 840-B-92-002		DE-ESC-3.6.1 Sheet 2 of 3 Date: 12/03

Standard Detail & Specifications
Site Pollution Prevention

Notes (cont.)

e. Contact information for Delaware's Emergency Response Team, shall be prominently posted.

6. Education

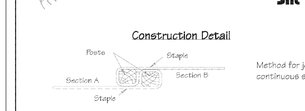
a. Best management practices for construction site pollution control shall be a part of regular progress meetings.
b. Information regarding waste management, equipment maintenance and spill prevention shall be prominently posted in the construction trailer.

CONTACT INFORMATION

DNREC 24-Hour Toll Free Number	**800-662-8802**
DNREC Emergency Response Team	**302-739-3694**
DNREC Solid & Hazardous Waste Branch	**302-739-3689**

Source:	Symbol:	Detail No.
Adapted from USEPA Pub. 840-B-92-002		DE-ESC-3.6.1 Sheet 3 of 3 Date: 12/03

Standard Detail & Specifications
Silt Fence



Top

Construction Notes:

1. Geosynthetic fabric to be fastened securely to fence posts with wire ties or staples.
2. When two sections of filter cloth adjoin each other they shall be overlapped by six inches and folded.
3. Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.

Materials:

1. Stakes: Steel (either T or U) or 2" hardwood
2. Geosynthetic Fabric: Type GD-I
3. Reinforcing strip: Wooden lath, plastic strip or other approved equivalent
4. Prefabricated Unit: Geofab, Envirofence, or approved equivalent

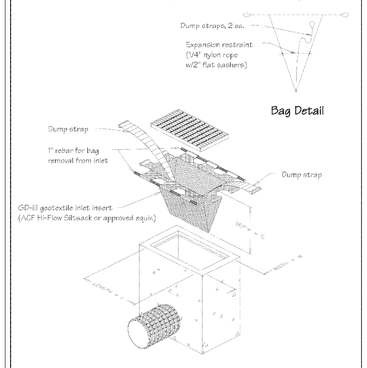
Source:	Symbol:	Detail No.
Adapted from MD Stds. & Specs. for ESC	SF	DE-ESC-3.1.2.1 Sheet 2 of 2 Date: 12/03

TABLE TS.1
TEMPORARY SEEDINGS BY RATES, DEPTHS AND DATES

Species 3/	Seeding Rate Per Acre	Lbs/1000 Sq.Ft.	Planting Depth 2/ (inches)	Seedings Dates 6/ COASTAL PLAIN 2/1-4/30	COASTAL PLAIN 5/1-8/14	COASTAL PLAIN 8/15-11/30	PIEDMONT 3/1-4/30	PIEDMONT 5/1-8/14	PIEDMONT 8/15-11/15
Choose one: Barley	2 1/2bu.	2.8	1-2	5/ x	--	By 10/15	5/ x	--	By 10/15
Oats	3bu.	2.2	2-2	x	--	--	x	--	--
Rye	2 1/2bu.	3.2	1-2	x	--	x	x	--	x
Italian perennial ryegrass1/	40 lbs.	1.0	1/4-1/2	5/ x	--	By 11/1	5/ x	--	By 11/1
Millet	40 lbs.	1.0	1/2	--	x	--	--	x	--
Weeping, Boer or Lehmann's lovegrass	3 lbs.	.1	1/4-1/2	--	x	--	--	x	--
Sudangrass 4/	40 lbs.	1.0	1-2	--	x	--	--	x	--

1/ Use only on areas where seed stalks and volunteer growth are acceptable.
Applicable on slopes 3:1 or less.
Use varieties currently recommended for delaware. Use certified seed when available.
Use common sudangrass varieties only. Do not use hybrids.
Twenty pounds per acre of annual lespedeza may be added to 1/2 the seeding rate of any species used for seeding.
For additional spring seeding dates, use mulching only or sodding practices.
Replacate during entire period.
Not applicable in period.

Standard Detail & Specifications
Inlet Protection - Type 2



Source:	Symbol:	Detail No.
Adapted from ACF Products, Inc.	IP-2	DE-ESC-3.1.5.2 Sheet 1 of 2 Date: 12/03

Standard Detail & Specifications
Inlet Protection - Type 2

Notes:

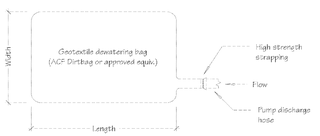
1. This practice shall only be used in situations in which Inlet Protection - Type 1 cannot be used due to site constraints. These include, but are not limited to partially completed parking areas, streets, roads, etc.
2. It may be necessary to transition from Type 1 to Type 2 inlet Protection as construction proceeds.
3. For areas where there is a concern for oil run-off or spills, insert shall meet one of the above specifications with an oil-absorbant pillow or shall be made completely from an oil-absorbant material with a woven pillow.

Materials:

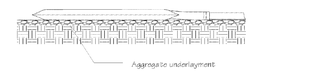
The geotextile inlet insert shall meet or exceed the specifications of Type GD-III geotextile in accordance with Appendix A-3 of the Delaware Erosion & Sediment Control Handbook.

Source:	Symbol:	Detail No.
Adapted from ACF Products, Inc.	IP-2	DE-ESC-3.1.5.2 Sheet 2 of 2 Date: 12/03

Standard Detail & Specifications
Geotextile Dewatering Bag



Plan



Profile

Source:	Symbol:	Detail No.
Adapted from ACF Products, Inc.	GB	DE-ESC-3.2.1.2 Sheet 1 of 2 Date: 12/03

Standard Detail & Specifications
Geotextile Dewatering Bag

Construction Notes:

1. The dewatering bag should be placed so the incoming water flows into and through the bag, and then flow off the site without creating more erosion. The neck should be tied off lightly to stop the water from flowing out of the bag without going through the walls. The dewatering bag should be placed on a gravel bed to allow water to flow in all directions.
2. The dewatering bag is considered full and should be disposed when it is impractical for the bag to filter the sediment out at a reasonable flow rate. At this point, it should be replaced with a new bag.
3. Disposal may be accomplished as directed by the construction reviewer. If the site allows, the bag may be buried on site and seeded, visible fabric removed and seeded or removed from site to a proper disposal area.

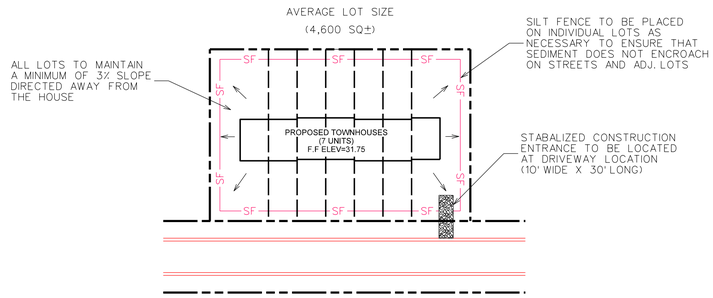
Materials:

1. The geotextile fabric shall be a Type GD-IV.
2. The dewatering bag shall be sewn with a double needle machine using high strength thread. All structural seams will be sewn with high strength, double stitched "J" type. Seam strength test will have the following minimum average roll values:

Type	TEST METHOD	TEST RESULT
Heavy duty	ASTM D-4884	100 lb / in

3. The dewatering bag shall have an opening large enough to accommodate a four (4) inch discharge hose with attached strap to tie off the hose to prevent the pumped water from escaping from the bag without being filtered.

Source:	Symbol:	Detail No.
Adapted from ACF Products, Inc.	GB	DE-ESC-3.2.1.2 Sheet 2 of 2 Date: 12/03



E&S PLAN FOR TYPICAL TOWN HOUSE LOT

Minnich Engineering & Land Planning
Designing Quality Not Quantity
250A Camden Wyoming Avenue
Camden, DE 19934
(302) 697-2239 Voice • (302) 697-2293 Fax

REVISIONS:

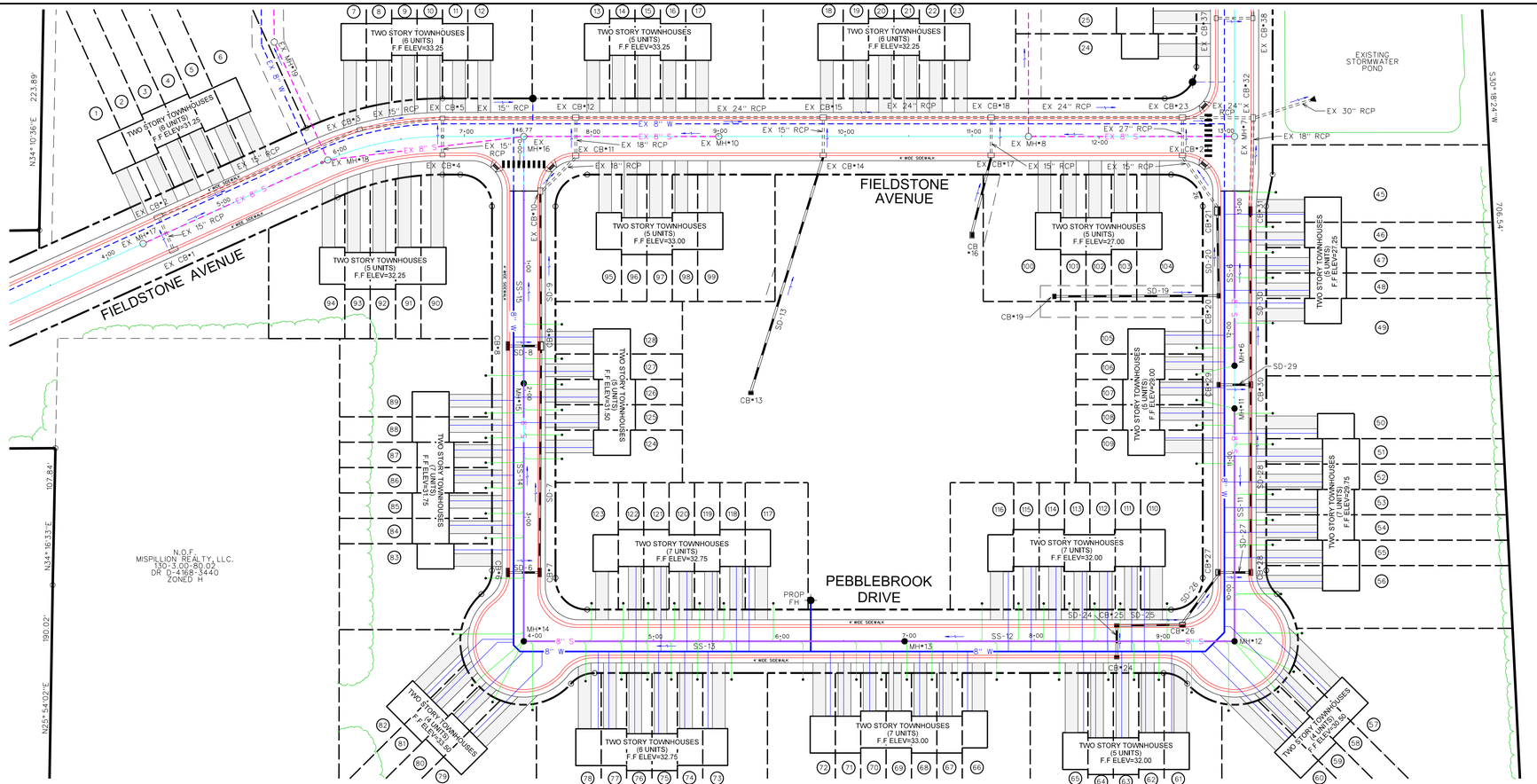
PROJECT NO: 14-146 | DGN FILE: 14-146

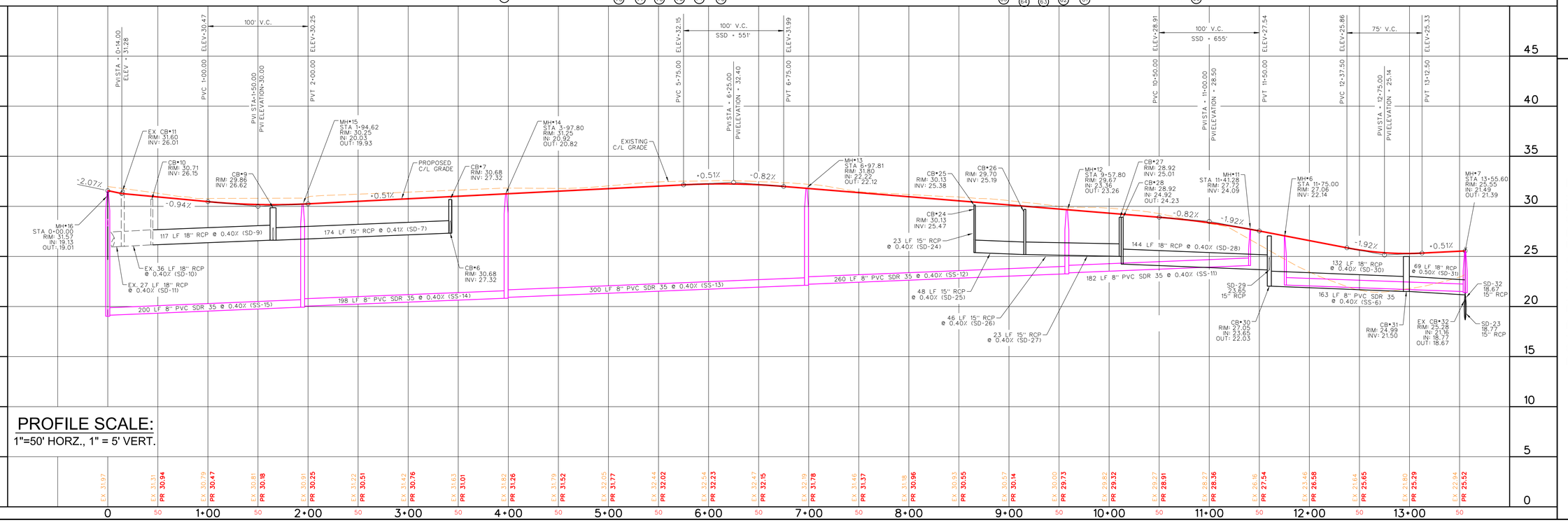
SEDIMENT & EROSION CONTROL DETAILS

BROOKSTONE TRACE SUBDIVISION

SITUATE IN: CITY OF MILFORD - SUSSEX COUNTY, DELAWARE

DATE: 2/16/16 | NOT TO SCALE | SHEET: S3





BROOKSTONE TRACE SUBDIVISION

SITUATE IN: CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

SCALE: 1" = 50' DATE: 6/25/15

0 25 50 100

MINNICH ENGINEERING AND LAND PLANNING INC.
250 A CAMDEN-WYOMING AVENUE
CAMDEN-WYOMING, DE. 19934
(302) 697-9500 (VOICE)
(302) 697-2293 (FAX)

REVISIONS:

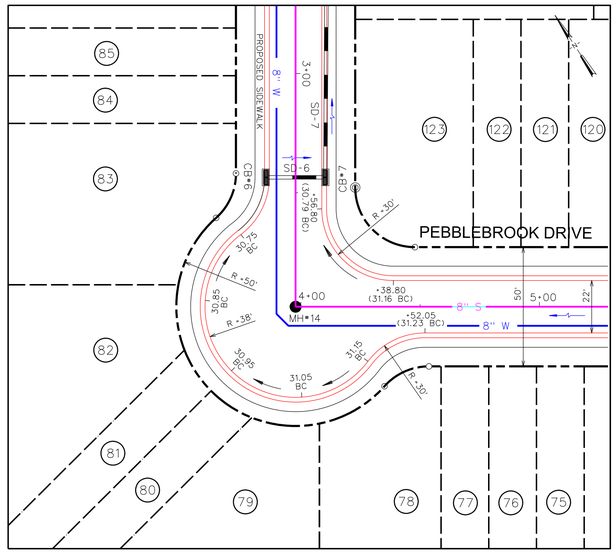
JOB NUMBER: 14-146

ROAD PLAN & PROFILE

PEBBLEBROOK DRIVE

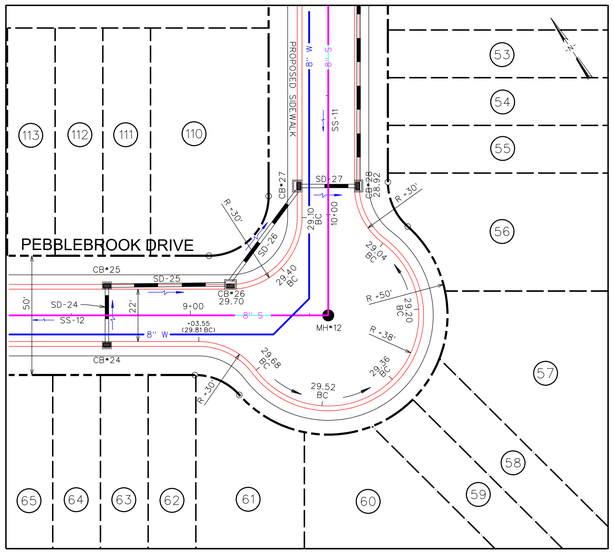
STATION 0+00 TO STATION 13+00

SHEET S4



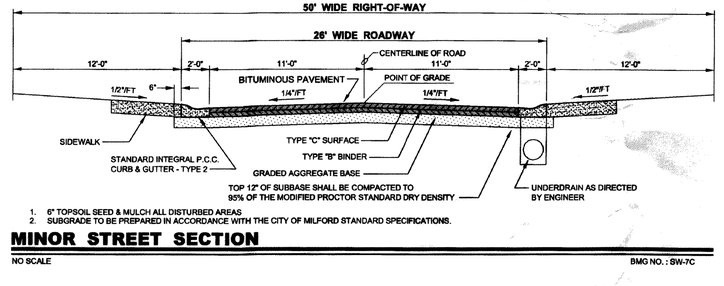
PEBBLEBROOK KNUCKLE DETAIL

SCALE: 1" = 30'



PEBBLEBROOK KNUCKLE DETAIL

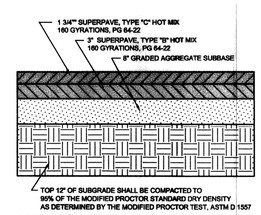
SCALE: 1" = 30'



1. 6" TOPSOIL SEED & MULCH ALL DISTURBED AREAS
2. SUBGRADE TO BE PREPARED IN ACCORDANCE WITH THE CITY OF MILFORD STANDARD SPECIFICATIONS.

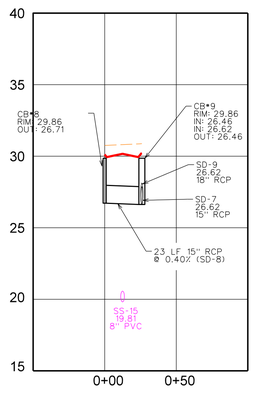
MINOR STREET SECTION

NO SCALE — BMG NO. : SW-7C



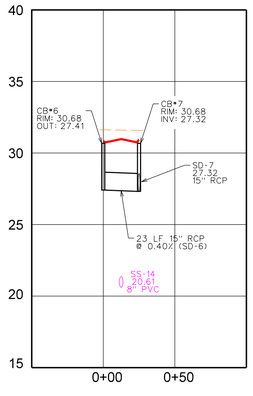
MINOR STREET
PAVEMENT SECTION DETAIL

NO SCALE — SN: 2.74 — BMG NO. : SW-2C



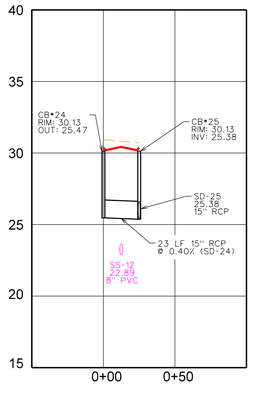
PROFILE: CB#8 TO CB#9

SCALE: VERT. 1" = 5', HORZ. 1" = 50'



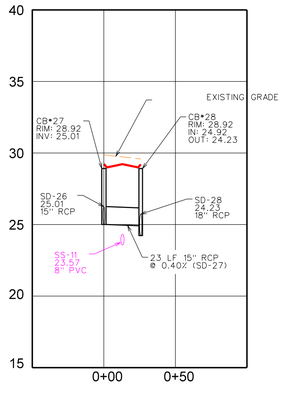
PROFILE: CB#6 TO CB#7

SCALE: VERT. 1" = 5', HORZ. 1" = 50'



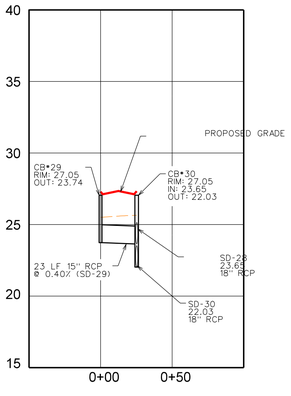
PROFILE: CB#24 TO CB#25

SCALE: VERT. 1" = 5', HORZ. 1" = 50'



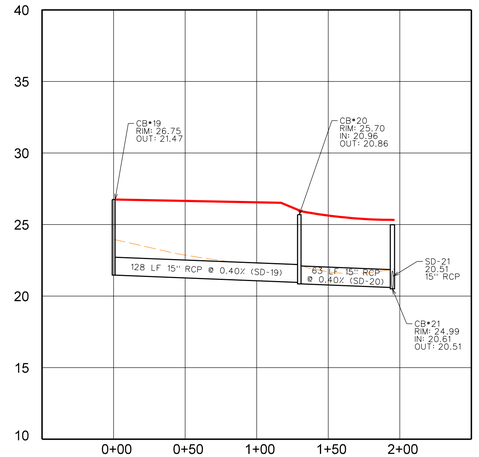
PROFILE: CB#27 TO CB#28

SCALE: VERT. 1" = 5', HORZ. 1" = 50'



PROFILE: CB#29 TO CB#30

SCALE: VERT. 1" = 5', HORZ. 1" = 50'



PROFILE: CB#19 TO EX CB#21

SCALE: VERT. 1" = 5', HORZ. 1" = 50'

BROOKSTONE TRACE SUBDIVISION

SITUATE IN: CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

SCALE: 1" = 60' — 0 30 60 120 — DATE: 02/00/2016

Minnich
Engineering & Land Planning
Designing Quality Not Quantity
250A Camden Wyoming Avenue
Camden, DE 19934
(302) 697-2233 Voice - (302) 697-2293 Fax

REVISIONS:
4-15-16 - REVISED PER CITY AND TOWN ENGINEER COMMENTS

JOB NUMBER: 14-146 | JOB NUMBER: 14-146

STORM DRAIN PROFILES AND MISCELLANEOUS DETAILS

SHEET S5

DATA COLUMN

TAX MAP PARCEL NOS.

1-30-3.00-77.01, 1-30-3.00-78.00, 1-30-3.00-80.02
1-30-3.00-443.00 THRU 1-30-3.00-561.00

OWNER OF RECORD:

MISPILLION REALTY, LLC
715 S DUPONT BLVD
MILFORD, DE 19963
(302) 422-1850

SURVEY BENCHMARK:

FOUND CONCRETE MONUMENT
NORTHWEST CORNER OF PROPERTY
NAVD 88 - ELEVATION 32.97

EXISTING ZONING:	R-3 (CITY OF MILFORD)
PROPOSED ZONING:	R-3 (CITY OF MILFORD)
EXISTING USE:	PLANNED UNIT DEVELOPMENT
PROPOSED USE:	PLANNED UNIT DEVELOPMENT
TOTAL SITE AREA:	23.3484 ACRES
NUMBER OF TOWNHOUSES:	119 UNITS
NUMBER OF GARDEN APARTMENTS:	24 UNITS
FLOOR AREA RECREATION CENTER:	2,800 S.F.
TOTAL UNITS:	143 UNITS
SOURCE OF WATER:	CITY OF MILFORD
SOURCE OF SANITARY SEWER:	CITY OF MILFORD
SOURCE OF GAS:	CHESAPEAKE UTILITIES
SOURCE OF ELECTRIC:	CITY OF MILFORD
ESTIMATED NUMBER OF EDU'S:	143
VERTICAL DATUM:	NAVD88
HORIZONTAL DATUM:	NAD83
INVESTMENT LEVEL AREA:	LEVEL 1
CITY OF MILFORD APP NO:	11-156
MAXIMUM BUILDING HEIGHT:	35 FEET
CONSTRUCTION TYPE:	TYPE V

GENERAL NOTES

1. THE EXISTING UTILITIES SHOWN WERE TAKEN FROM THE BEST AVAILABLE RECORDS. THE CONTRACTOR(S) SHALL CONTACT MISS UTILITY OF DELMARVA (1-800-282-8555) TO VERIFY THEIR EXACT LOCATION PRIOR TO THE START OF ANY CONSTRUCTION. ANY DAMAGE INCURRED TO ANY UTILITIES SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTORS EXPENSE. IF THE CONTRACTOR RELIES ON THE UTILITY LOCATIONS SHOWN HEREON, HE DOES SO AT HIS OWN RISK AND WILL NOT BE ENTITLED TO ADDITIONAL COMPENSATION DUE TO TIME DELAYS FROM SAID RELIANCE.
2. THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS OF CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE COMPLETED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AND ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS.
3. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH ALL THE STATE FIRE PREVENTION REGULATIONS.
4. ALL TOWNHOUSES AND RECREATION CENTER BUILDING FOR THIS SUBDIVISION WILL NOT BE SPRINKLERED.
5. BOTH OF THE APARTMENT BUILDINGS WILL BE PROTECTED WITH AUTOMATIC SPRINKLERS.
6. THE TOWNHOUSE UNITS ARE TO BE SEPARATED WITH UL DESIGN NO. U336 PARTITION WALL AS PER DETAIL.

PARTITION WALL DETAIL (TYP.) - UL DESIGN NO. U336

NO SCALE — BEARING WALL RATING - 2 HOUR

PLAN LEGEND

- PROPERTY BOUNDARY
- RIGHT-OF-WAY LINE
- LOT LINE
- BUILDING SETBACK LINE
- STREAM BUFFER LINE
- WETLANDS LINE
- WOODS LINE
- LOT NUMBER (23)
- EXISTING CONTOUR 26
- PROPOSED CONTOUR 26
- EXISTING WATER LINE W
- PROPOSED WATER LINE W
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT

BROOKSTONE TRACE SUBDIVISION

SITUATE IN: CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

SCALE: 1" = 60' — 0 30 60 120 — DATE: 9/29/2017

Minnich Engineering & Land Planning
Designing Quality Not Quantity
250A Camden Wyoming Avenue
Camden, DE 19934
(302) 697-2538 Voice - (302) 697-2293 Fax

REVISIONS:

JOB NUMBER: 14-146

JOB NUMBER: 14-146

TOWNHOUSE FIRE PROTECTION PLAN

SHEET S6

CATCH BASIN SCHEDULE

INLET NO.	BOX SIZE	TOP UNIT	GRATE	STATION	OFFSET	T.G. ELEV	DEPTH
CB#6	72" x 24"	B	TYPE 1	0+98.46	11.00	31.09	3.59
CB#7	72" x 24"	B	TYPE 1	3+43.56	-11.00	30.68	3.43
CB#8	72" x 24"	B	TYPE 1	1+81.45	11.00	29.86	3.12
CB#9	72" x 48"	B	TYPE 1	1+81.44	-11.00	29.91	3.29
EX CB#10	48" x 48"	B	TYPE 1	0+43.00	-11.00	30.71	4.56
CB#13	34" x 24"	A		9+25.77	203.50	28.50	3.69
EX CB#14	48" x 30"	B	TYPE 1	9+82.74	13.00	30.69	6.65
CB#16	34" x 24"	A		11+00.70	79.70	27.48	4.00
EX CB#17	48" x 30"	B	TYPE 1	11+15.00	13.00	26.79	3.56
CB#24	34" x 24"	B	TYPE 1	5+59.41	11.00	30.13	4.66
CB#25	34" x 24"	B	TYPE 1	5+59.41	-11.00	30.13	4.75
CB#26	48" x 48"	B	TYPE 1	6+11.22	-11.00	29.70	4.51
CB#27	48" x 48"	B	TYPE 1	7+06.46	-11.00	28.92	3.91
CB#28	48" x 30"	B	TYPE 1	7+06.46	11.00	28.92	4.69
CB#29	34" x 24"	B	TYPE 1	8+54.41	-11.00	27.05	3.31
CB#30	48" x 30"	B	TYPE 1	8+54.41	11.00	27.05	5.02
EX CB#31	72" x 24"	B	TYPE 1	9+91.30	11.00	24.99	3.49
CB#40	34" x 24" Type A	A	TYPE 1	2+55.34	0.00	31.92	2.75
CB#41	34" x 24" Type A	A	TYPE 1	1+30.11	0.00	31.15	2.75
CB#42	34" x 24" Type A	A	TYPE 1	0+00.00	0.00	30.35	3.00
CB#43	34" x 24" Type A	A	TYPE 1	1+68.58	115.00	32.18	3.23
CB#44	34" x 24" Type A	A	TYPE 1	8+73.30	114.93	31.58	4.62
CB#45	34" x 24" Type A	A	TYPE 1	6+28.57	0.00	31.66	2.75
CB#46	34" x 24" Type A	A	TYPE 1	7+41.68	0.00	30.83	2.80
CB#47	34" x 24" Type A	A	TYPE 1	8+49.31	0.00	30.05	3.22

STORM DRAIN PIPE SCHEDULE

PIPE NO.	SIZE/TYPE	CLASS	SPAN (FT)	SLOPE (FT/FT)	INV IN (FT)	INV OUT (FT)	Q 10 (CFS)	Q cap (CFS)	V act (FT/S)	V full (FT/S)
SD-06	15" RCP	Concrete	63	0.400	27.50	27.25	3.90	4.09	3.18	3.81
SD-07	15" RCP	Concrete	156	0.400	27.25	26.62	4.79	4.09	3.91	4.01
SD-08	15" RCP	Concrete	23	0.500	26.73	26.62	1.01	4.59	0.82	2.99
SD-09	18" RCP	Concrete	133	0.350	26.62	26.15	6.78	6.23	3.84	3.94
SD-13	15" RCP	Concrete	194	0.400	24.81	24.04	2.70	4.07	2.20	3.56
SD-16	15" RCP	Concrete	64	0.390	23.48	23.23	1.57	4.05	1.28	3.08
SD-24	15" RCP	Concrete	23	0.390	25.47	25.38	2.44	4.04	1.98	3.46
SD-25	15" RCP	Concrete	48	0.390	25.38	25.19	3.47	4.05	2.83	3.68
SD-26	15" RCP	Concrete	47	0.380	25.19	25.01	3.74	4.00	3.05	3.72
SD-27	15" RCP	Concrete	23	0.390	25.01	24.92	3.89	4.04	3.17	3.73
SD-28	18" RCP	Concrete	144	0.400	24.23	23.65	6.01	6.67	3.40	4.24
SD-29	15" RCP	Concrete	23	0.390	23.74	23.65	0.98	4.04	0.80	2.69
SD-30	18" RCP	Concrete	132	0.400	22.03	21.50	7.67	6.66	4.34	4.45
SD-41	15" RCP	Concrete	122	0.629	29.17	28.40	1.44	5.12	1.17	3.57
SD-42	15" RCP	Concrete	127	0.629	28.40	27.60	2.42	5.12	1.97	4.11
SD-43	18" RCP	Concrete	113	0.350	27.35	26.96	4.34	6.21	2.46	3.80
SD-44	15" RCP	Concrete	167	0.396	28.95	28.29	0.98	4.07	0.80	2.74
SD-45	18" RCP	Concrete	19	0.298	26.96	26.90	5.86	5.74	3.32	3.66
SD-46	15" RCP	Concrete	110	0.801	28.91	28.03	1.67	5.78	1.36	4.07
SD-47	15" RCP	Concrete	105	1.143	28.03	26.83	2.74	6.91	2.23	5.30
SD-48	15" RCP	Concrete	49	0.539	26.83	26.57	3.87	4.74	3.16	4.29

BROOKSTONE TRACE
SUBDIVISION

SITUATE IN: CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

SCALE: 1" = 50' 0 25 50 100

DATE: 9/22/2017

Minnich Engineering & Land Planning
Designing Quality Not Quantity
250A Camden Wyming Avenue
Camden, DE 19934
(302) 697-2239 Voice, (302) 697-2293 Fax

REVISIONS:

JOB NUMBER 14-146

STORM AND SANITARY SEWER
STRUCTURE SCHEDULES

SHEET 7

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

January 5, 2018

Kevin Minnich, P.E.
Minnich Engineering
250A Camden-Wyoming Avenue
Camden, DE 19934

RE: Application Number: 11-156
Application Name: Brookstone Trace
Application Type: Preliminary Site Plan & Rev. Preliminary Major Subdivision (PUD)
Tax Parcel Number(s):

Mr. Minnich,

The City of Milford has reviewed the above referenced Preliminary Site Plan and Preliminary Major Subdivision applications and provide the following review comments;

DWG/PG NO.	COMMENT NO.	PROJECT REVIEW COMMENTS
		Preliminary Major Subdivision
R1	1	Data Column: Include the actual density and the permitted density based on the PUD density calculation found in Chapter 230-48.1.
	2	Data Column: You have the actual minimum lot area as 2,000 sf for Lot 40. Provide the minimum lot area allowed by the code above or underneath this line.
	3	Data Column: The open space required should be 152 x 400 sf/unit = 60,800 sf. Recreational open space required should be 50% of this value.
	4	Data Column: Change the estimated number of EDUs to 152. Provide an estimated EDU value for the community building.
	5	Data Column: Under the R-3 zoning requirements for townhouses, you state the minimum lot size provided is 2,263 sf, however, the data column above references Lot 40 and 2,000 sf. Please adjust.
	6	Data Column: The side yard setback is listed as 10 feet in the table, however, the plan shows areas with 20' and 10'. Chapter 230-11(B)(3)(f) states "the minimum width of any side yard abutting a street, driveway or parking area within the townhouse area shall not be less than 30 feet. Based on the provided building footprints, there is enough side yard area to accommodate this requirement. Please adjust.
	7	Data Column: Under the R-3 zoning requirements for apartments, the minimum lot size is 1 acre, not 2,500 sf. The 2,500 sf is used to calculate the minimum lot size based on the number of units. Please

		change the language to make this clear.
	8	Data Column: Under the R-3 zoning requirements for apartments, change minimum lot coverage to read minimum building coverage to be consistent with Chapter 230-11 (B)(2)(b). The minimum building coverage provided on the apartment site plan shows 10.4%. Please adjust the value in the table to be consistent.
	9	Data Column: Parking Requirements – There are only 59 parking spaces provided in the apartment area. Please change the table and modify the site plan to meet the minimum parking requirements.
	10	Data Column: Add the maximum number of units per building as 12 as outlined in Chapter 230-11 (B)(2)(c).
	11	General Note 11 contradicts the setback requirements listed in the table. Staff recommends a minimum 20 foot front yard setback to accommodate off-street parking.
	12	General Note 22 can be removed or changed to reflect the purpose of the revised subdivision plan.
	13	Add Erik Retzlaff, P.E. under the City Engineer signature statement.
	14	Under the DelDOT general notes, item 4, add the City's name to the statement regarding the responsibility of the sidewalk and shared-use path. The City will not maintain these either.
	15	Adjust the sheet index to reflect the actual sheet numbers, R1, R2 and R3.
R2	16	Please label Old Shawnee Road and S. Dupont Boulevard as State Maintained
	17	Chapter 230-11(B)(3)(f) states "the minimum width of any side yard abutting a street, driveway or parking area within the townhouse area shall not be less than 30 feet." Based on the provided building footprints, there is enough side yard area to accommodate this requirement. Please adjust.
	18	The pond maintenance set aside area is shown different on this sheet when compared to S2.
R3	19	Is this sheet needed per DelDOT? If not, it can be removed from the record plan set.
S1	20	This plan set is titled Sediment and Stormwater Management Plans. Please note that the City will need to review the revised general construction plans for the project, including roads, sewer, water etc.
	20A	Modify the existing use statement to be consistent with sheet R1.
	21	Modify the setbacks listed to match those provided on R1 of the record plan set.
	22	Update the number of units to 128 townhouses and 24 apartment units.
	23	Include the actual density and the permitted density based on the PUD density calculation found in Chapter 230-48.1.
	24	Add sheets S6 and S7 to the sheet index. If they are not part of this plan set, they should be added to the proper title sheet.
S2	25	The pond maintenance set aside area shown is located in the middle of the apartment site plan stormwater pond and is not consistent with the location provided on sheet R2.
	26	Indicate the property lines that are to be deleted for the apartment

		parcel as shown on sheet R1.
	27	Show the locations of the existing water and sewer services to the lots along Fieldstone Avenue and Pebblebrooke Drive
	28	Label the square footage of the community building.
	29	Label the number of stories for the proposed townhouse units. The applicant needs to provide a note to ensure the townhouse lots will meet the City's parking requirement either with driveways, garages or both.
	30	Show the proposed driveway locations. Engineer should make every effort to ensure that water meter pits and sewer laterals are not situated within driveways. Please specify which lots were not able to achieve this request.
	31	Show the locations of the existing and proposed sidewalks.
	32	Provide architectural renderings of the townhouse units and apartment buildings, if available.
S4	33	Label the square footage of the proposed community building.
	34	Indicate the property lines that are to be deleted for the apartment parcel as shown on sheet R1.
	35	Show the proposed building locations, proposed driveways and proposed sidewalks, including curb ramps.
	36	Show the proposed water services.
	37	Show the existing water and sewer services for Fieldstone Avenue and Pebblebrooke Drive to ensure there are no conflicts with driveways and the relocated property lines.
		Preliminary Site Plan
SP-1	1	Data Column: Update the parcel numbers to reflect only those included in the proposed apartment site.
	2	Data Column: Update the open space required to reflect 24 x 400 sf/unit.
	3	Data Column: Under the R-3 zoning requirements for apartments, the minimum lot size is 1 acre, not 2,500 sf. The 2,500 sf is used to calculate the minimum lot size based on the number of units. Please change the language to make this clear.
	4	Data Column: Parking Requirements – There are only 59 parking spaces provided in the apartment area. Please change the table and modify the site plan to meet the minimum parking requirements.
	5	Data Column: Add the maximum number of units per building as 12 as outlined in Chapter 230-11 (B)(2)(c).
	6	Data Column: Include the actual density and the permitted density based on the PUD density calculation found in Chapter 230-48.1.
	7	Change the zoning of parcel 1-30-3.11-2.00 to R-1 and MR.
	8	Change the zoning of parcel 1-30-3.07-30.13 to C-1.
	9	Add Erik Retzlaff, P.E. under the City Engineer signature statement.
	10	Show the apartment area improvements and gray out the rest of the subdivision on the cover sheet to highlight that this pertains to the apartment area.
SP-2	11	Rename this sheet to Apartment Site and Utility Plan
	12	Double check the total value for the westernmost parking area, I only

		count 32. Please add an additional parking space on the site to meet the minimum parking standards for Chapter 230.
	13	Provide curbing for the 11 parking spaces on the eastern side of the apartment buildings.
	14	Staff would like a sidewalk installed between lots 82 and 83 connecting Pebblebrooke Drive with the apartment complex. Ownership should be the HOA or Apartment complex.
	15	Provide more screening around the trash enclosures and indicate the distance between the enclosures and the property lines.
	16	Provide screening between the apartment parcel and the proposed townhouse lots 81 through 94.
	17	Extend the sidewalk from Fieldstone Avenue into the west side of the entrance and relocate the hydrant so it is not in conflict with the sidewalk. Provide a crosswalk across the apartment site entrance and from the sidewalk coming into the site to the sidewalk around the buildings. Curb ramps must meet ADA requirements.
	18	Provide sidewalk along the back of the parking spaces between the two garage buildings. Provide crosswalks from the apartment complex to the sidewalks at the ends of the parking aisle and garage buildings.
	19	Provide crosswalks and ADA ramps from the handicap parking spaces to the apartment complex sidewalks.
	20	Label the height of the landscape screen and width of the buffer area where landscaping will be planted.
	21	Dimension the typical sidewalk width within the site.
	22	Add a ten (10) foot wide landscape buffer along the property line shared with parcel 1-30-3.00-79.00 from the entrance to the provided landscape screening.
	23	Provide a street name for the loop around the apartment complex and provide Sussex County approval of the street name.
	24	Final Site Plan will require a full set of utility plans for review and approval, and will require approvals from the Fire Marshal, DHSS, WPCC, and SCD.

Please revise and resubmit for review. These comments must be addressed or acknowledged before the application can be scheduled for Planning Commission review. Feel free to contact me at 302-424-8396 should you have any questions.

Sincerely,

William R. Pierce II

Rob Pierce
Coordinator of Planning &
Economic Development Activities

cc: Erik Retzlaff, P.E. - City Engineer

Milford Review Comments 1-5-2018

Tuesday, January 9, 2018 12:34 PM

DWG/PG NO.	COMMENT NO.	PROJECT REVIEW COMMENTS
		Preliminary Major Subdivision
☑ R1	1	Data Column: Include the actual density and the permitted density based on the PUD density calculation found in Chapter 230-48.1.
☑	2	Data Column: You have the actual minimum lot area as 2,000 sf for Lot 40. Provide the minimum lot area allowed by the code above or underneath this line.
☑	3	Data Column: The open space required should be 152 x 400 sf/unit = 60,800 sf. Recreational open space required should be 50% of this value.
☑	4	Data Column: Change the estimated number of EDUs to 152. Provide an estimated EDU value for the community building.
☑	5	Data Column: Under the R-3 zoning requirements for townhouses, you state the minimum lot size provided is 2,263 sf, however, the data column above references Lot 40 and 2,000 sf. Please adjust.
☑	6	Data Column: The side yard setback is listed as 10 feet in the table, however, the plan shows areas with 20' and 10'. Chapter 230- 11(B)(3)(f) states "the minimum width of any side yard abutting a street, driveway or parking area within the townhouse area shall not be less than 30 feet. Based on the provided building footprints, there is enough side yard area to accommodate this requirement. Please adjust. *The setbacks in the plan view have been adjusted to 20' front, 20' side and 15' rear. The data column has been updated accordingly.*
☑	7	Data Column: Under the R-3 zoning requirements for apartments, the minimum lot size is 1 acre, not 2,500 sf. The 2,500 sf is used to calculate the minimum lot size based on the number of units. Please
		change the language to make this clear.
☑	8	Data Column: Under the R-3 zoning requirements for apartments, change minimum lot coverage to read minimum building coverage to be consistent with Chapter 230-11 (B)(2)(b). The minimum building coverage provided on the apartment site plan shows 10.4%. Please adjust the value in the table to be consistent.
☑	9	Data Column: Parking Requirements – There are only 59 parking spaces provided in the apartment area. Please change the table and modify the site plan to meet the minimum parking requirements.
☑	10	Data Column: Add the maximum number of units per building as 12 as outlined in Chapter 230-11 (B)(2)(c).

☑		11	General Note 11 contradicts the setback requirements listed in the table. Staff recommends a minimum 20 foot front yard setback to accommodate off-street parking.
☑		12	General Note 22 can be removed or changed to reflect the purpose of the revised subdivision plan.
☑		13	Add Erik Retzlaff, P.E. under the City Engineer signature statement.
☑		14	Under the DelDOT general notes, item 4, add the City's name to the statement regarding the responsibility of the sidewalk and shared-use path. The City will not maintain these either. *Note number 4 was revised as requested.*
☑		15	Adjust the sheet index to reflect the actual sheet numbers, R1, R2 and R3.
☑	R2	16	Please label Old Shawnee Road and S. Dupont Boulevard as State Maintained
☑		17	Chapter 230-11(B)(3)(f) states "the minimum width of any side yard abutting a street, driveway or parking area within the townhouse area shall not be less than 30 feet." Based on the provided building footprints, there is enough side yard area to accommodate this requirement. Please adjust.
☑		18	The pond maintenance set aside area is shown different on this sheet when compared to S2.
☑	R3	19	Is this sheet needed per DelDOT? If not, it can be removed from the record plan set.
☑	S1	20	This plan set is titled Sediment and Stormwater Management Plans. Please note that the City will need to review the revised general construction plans for the project, including roads, sewer, water etc.
☑		20A	Modify the existing use statement to be consistent with sheet R1.
☑		21	Modify the setbacks listed to match those provided on R1 of the record plan set.
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☑		23	Include the actual density and the permitted density based on the PUD density calculation found in Chapter 230-48.1.
☑		24	Add sheets S6 and S7 to the sheet index. If they are not part of this plan set, they should be added to the proper title sheet.
☑	S2	25	The pond maintenance set aside area shown is located in the middle of the apartment site plan stormwater pond and is not consistent with the location provided on sheet R2.
☑		26	Indicate the property lines that are to be deleted for the apartment
			parcel as shown on sheet R1.
Locations will be shown at the final plan review		27	Show the locations of the existing water and sewer services to the lots along Fieldstone Avenue and Pebblebrooke Drive

☑	28	Label the square footage of the community building.
☑	29	Label the number of stories for the proposed townhouse units. The applicant needs to provide a note to ensure the townhouse lots will meet the City's parking requirement either with driveways, garages or both.
☑	30	Show the proposed driveway locations. Engineer should make every effort to ensure that water meter pits and sewer laterals are not situated within driveways. Please specify which lots were not able to achieve this request.
☑	31	Show the locations of the existing and proposed sidewalks.
☑	32	Provide architectural renderings of the townhouse units and apartment buildings, if available. *None are available at this time, however we can have some before final approval.*
S4	33	Label the square footage of the proposed community building. *The community building and pool have been removed from the open space area and a walking path with picnic area , benches and play area added instead.*
☑	34	Indicate the property lines that are to be deleted for the apartment parcel as shown on sheet R1.
☑	35	Show the proposed building locations, proposed driveways and proposed sidewalks, including curb ramps. *Proposed building locations, driveways, sidewalks, curb ramps have been added to Sheet S4. The proposed sewer and water services have also been added to this sheet.*
☑	36	Show the proposed water services. *Proposed water and sewer services have been added and revised as requested.*
☑	37	Show the existing water and sewer services for Fieldstone Avenue and Pebblebrooke Drive to ensure there are no conflicts with driveways and the relocated property lines. *Existing water and sewer services will be added to the plan before final plan review. Additional time is needed for field location of the services.*
		Preliminary Site Plan
☑ SP-1	1	Data Column: Update the parcel numbers to reflect only those included in the proposed apartment site.
☑	2	Data Column: Update the open space required to reflect 24 x 400 sf/unit.
☑	3	Data Column: Under the R-3 zoning requirements for apartments, the minimum lot size is 1 acre, not 2,500 sf. The 2,500 sf is used

		to calculate the minimum lot size based on the number of units. Please change the language to make this clear.
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☑	12	Double check the total value for the westernmost parking area, I only

		count 32. Please add an additional parking space on the site to meet the minimum parking standards for Chapter 230.
☑	13	Provide curbing for the 11 parking spaces on the eastern side of the apartment buildings.
☑	14	Staff would like a sidewalk installed between lots 82 and 83 connecting Pebblebrooke Drive with the apartment complex. Ownership should be the HOA or Apartment complex. *Since there will be no connection point for the sidewalk behind the parking area between the garages, this sidewalk will not be proposed. There is adequate sidewalk throughout for apartment residents to walk to the recreational open space along fieldstone avenue.*
☑	15	Provide more screening around the trash enclosures and indicate the distance between the enclosures and the property lines.
☑	16	Provide screening between the apartment parcel and the proposed townhouse lots 81 through 94.
☑	17	Extend the sidewalk from Fieldstone Avenue into the west side of the entrance and relocate the hydrant so it is not in conflict with the sidewalk. Provide a crosswalk across the apartment site entrance and from the sidewalk coming into the site to the sidewalk around the buildings. Curb ramps must meet ADA requirements.
☑	18	Provide sidewalk along the back of the parking spaces between the two

		garage buildings. Provide crosswalks from the apartment complex to the sidewalks at the ends of the parking aisle and garage buildings. *As discussed, this was a recommendation and the client/developer feels this sidewalk would essentially serve no purpose being on the back side of the parking area. With the omission of the sidewalk, the crosswalks and curb ramps would not be necessary.*
☑	19	Provide crosswalks and ADA ramps from the handicap parking spaces to the apartment complex sidewalks.
☑	20	Label the height of the landscape screen and width of the buffer area where landscaping will be planted.
☑	21	Dimension the typical sidewalk width within the site.
☑	22	Add a ten (10) foot wide landscape buffer along the property line shared with parcel 1-30-3.00-79.00 from the entrance to the provided landscape screening.
☑	23	Provide a street name for the loop around the apartment complex and provide Sussex County approval of the street name. *A Sussex County approved street name will be provided before final plan review.*
☑	24	Final Site Plan will require a full set of utility plans for review and approval, and will require approvals from the Fire Marshal, DHSS, WPCC, and SCD.

Please revise and resubmit for review. These comments must be addressed or acknowledged before the application can be scheduled for Planning Commission review. Feel free to contact me at 302-424-8396 should you have any questions.

Sincerely,

William R. Pierce II

Rob Pierce
Coordinator of Planning & Economic Development Activities

cc: *Erik Retzlaff, P.E. - City Engineer*

City of Milford, Delaware
Development Advisory Committee

Comment Sheet
****

DATE OF REVIEW: January 16, 2018

REVIEWING AGENCY: **Delaware State Fire Marshal's Office, Sussex Office**

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**
Dennett E. Pridgeon, CFPS, CFPE, CFI, Sr. Fire Protection Specialist
Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist
Joseph Moran, CFI, Sr. Fire Protection Specialist
Desiree B. McCall, Fire Protection Specialist

AGENCY PHONE NUMBERS: **302-856-5298, Fax: 302-856-5800**

RE: BROOKSTONE TRACE (11-156 REVISED)

The reasons and conditions applied to this project and their sources are itemized below:
****

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements**:
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Apartments and Townhouses)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**
- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

c. **Accessibility**
   - All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Old Shawnee Rd and S duPont Blvd must be constructed so fire department apparatus may negotiate it.
   - Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
   - Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
   - The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
   - The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**
   - Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes**:
   - Provide a note on the final plans submitted for review to read " All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
   - Proposed Use
   - Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
   - Square footage of each structure (Total of all Floors)
   - National Fire Protection Association (NFPA) Construction Type
   - Maximum Height of Buildings (including number of stories)
   - Townhouse 2-hr separation wall details shall be shown on site plans
   - Note indicating if building is to be sprinklered
   - Name of Water Provider
   - Letter from Water Provider approving the system layout
   - Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
   - Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE

Chapter 200 - SUBDIVISION OF LAND

§ 200-1. - Purpose.

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

§ 200-2. - Title.

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

§ 200-3. - Definitions.

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

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

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

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

(1) Community gardens;

(2) Promotion of conservation and protection of wildlife;

(3) Perpetual conservation easements;

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

(5) Buffers or forested areas; or

(6) For recreational uses as defined herein.

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

(1) Wetlands or stormwater management facilities;

(2) Drainage easements;

(3) Flagpole areas;

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

(5) Signage areas;

(6) Landscaping in parking areas;

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

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

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

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

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

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

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

(1) Indoor club houses;

(2) Swimming pools and pool houses;

(3) Tennis courts;

(4) Basketball courts;

(5) Athletic fields;

(6) Picnic areas with tables;

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

(8) Playgrounds; and

(9) Bike or multi-model trails.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 200-4. - Application procedure.

A. Preliminary approval.

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

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

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

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

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

B. Final approval.

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

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

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

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

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

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

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

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

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

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

A. Streets.

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

(a) Public convenience and safety.

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

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

(d) Topography and other land features.

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

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

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

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

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

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

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

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

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

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

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

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

(14) Right-of-way widths.

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

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

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

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

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

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

(17) Street names.

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

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

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

(18) Street grades shall not exceed 5%.

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

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

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

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

B. Sidewalks and curbs.

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

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

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

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

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

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

D. Blocks.

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

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

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

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

(d) The characteristics of topography.

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

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

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

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

E. Lots.

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

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

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

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

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

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

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

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

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

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

(1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the

subdivision, in those cases in which the Commission deems such requirements to be reasonable.

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

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

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

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

H. Improvements.

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

(a) Paved streets.

(b) Street signs.

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

(d) Sidewalks.

(e) Streetlighting.

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

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

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

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

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

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

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

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

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

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

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

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

§ 200-6. - Variances and waivers.

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

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

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

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

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

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

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

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

[2] Maximum building coverage shall be 45%.

[3] Minimum lot width shall be 60 feet.

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

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

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

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

[8] Decks, subject to the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Maximum building coverage shall be 60%.

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

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

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

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

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

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

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

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

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

(1) Rooming or boarding houses.

(2) Business offices for administrative purposes only.

(3) Professional offices (nonresident).

(4) Medical clinics.

(5) Sanatoriums or nursing homes.

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

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

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

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

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

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

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

(g) Signs.

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

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

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

(i) Minimum requirements for mobile home lots.

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

[2] Width shall be 40 feet.

[3] Public street setback shall be 50 feet.

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

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

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

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

[8] Landscaping shall be one tree per lot.

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

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

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

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

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

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

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

(8) Planned unit residential development.

ARTICLE V - Landscape Screening

§ 230-22. - District requirements.

A. Residential districts.

(1) In any R-1, R-2 or R-3 District a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

(2) In any R-3 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

B. Commercial districts. In any C-1, C-2 or C-3 District a fifteen-foot buffer area shall be provided within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2 or R-3 or any contiguous lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard.

C. Institutional, Industrial and Office Building/Complex Districts: H-1, I-1, I-2, OB-1 and OC-1. [4]

(1) Each use established in these districts shall set aside at least 20 feet in width immediately adjacent to any street upon which the lot has frontage, and extending for the full frontage of the lot, for purposes of providing for proper site distance and buffering from the public road. Within such area, the owner shall establish and maintain a planting of grass and/or horticultural ground cover. Other landscape materials may be incorporated, provided that there is no obstruction to vision, other than a tree trunk, in the area between two and seven feet above ground level. No use shall be made of this buffer area other than for a single driveway to provide access to the use for each 100 feet of frontage upon a public road. Such driveway shall not exceed 32 feet in width.

(2) Parking areas may be located in any hard area but shall not be closer than 15 feet to any street line or property line.

D. Limited Industrial District. At the boundary line between an I-1 District and any R-1, R-2 or R-3 District or any lot developed or approved for development for residential use, there shall be a fifty-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard. [5]

§ 230-23. - Maintenance.

It shall be the responsibility of the property owner of record or his delegated representative(s) to properly maintain and care for any landscape plan planted or erected.

§ 230-48.1. - Criteria for planned unit residential development.

A. Permitted uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.

B. Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.

C. Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.

D. Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.

E. A planned unit residential development shall be subject to the same review procedures as for a major subdivision as provided in Chapter 200, Subdivision of Land.

F. Neighborhood commercial.

(1) Permitted neighborhood commercial uses. The following neighborhood commercial uses are permitted in a planned unit development:

(a) Retail goods and services.

(b) Child-care center (care for fewer than 24 children).

(c) Food services (grocery/convenience: cafe, coffee shop, but no facility with fuel distribution).

(d) Medical and dental offices, clinics, and laboratories.

(e) Professional and administrative offices.

(f) Repair services, conducted entirely within the building. (Auto repair and similar uses are not permitted.)

(g) Mixed use building (residential, including rentals, with other permitted use).

(h) Laundromats or dry cleaners.

(i) Art, music, or photography studio.

(j) Personnel service (barbershop, salons, video rental, fitness center and similar uses).

(k) Allowable uses (e.g., swimming pools, clubhouse and associated sport and exercise areas, tennis courts).

(2) Floor area standards. Up to 25% of the total acreage within the planned unit development may be available for nonresidential uses including neighborhood commercial, nursing home and hospice care, professional and small business office use, similar uses, but excluding areas reserved for clubhouse, pool, HOA offices and other development amenities. For neighborhood commercial, the maximum interior floor area shall not exceed 6,500 square feet total for any one use on one neighborhood commercial site without a variance.

(3) Hours of operation. Except for the swimming pool, clubhouse and associated sport or exercise areas, neighborhood commercial land uses shall be limited to the following hours of operation 6:00 a.m. to 9:00 p.m.

(4) Storage. Except for plants and garden supplies, overnight storage is not permitted.

(5) Parking. Parking spaces for the commercial space shall be determined in accordance with the overall planned unit development submission but in no event shall be less than 50% of the spaces required for standard commercial space.

(6) Control. Ownership of the land and buildings comprising the commercial space may be by individuals, corporations or partnership either in fee simple or as a condominium with limited common area control and shall be subject to the rules and regulations contained in the commercial area tenants association and covenants and restrictions. All commercial tenants shall pay dues and assessments to said association for management and upkeep of the common areas.

(7) Density. The overall density otherwise permitted under planned unit development shall be reduced at the rate of one dwelling unit per 3,000 square feet of commercial floor space.

G. A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement - 50% of the required open space shall be set aside for recreational use.

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

A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.

B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.

C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.

D. See fee schedule.

E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.

F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

ARTICLE X - Site Plan Review

§ 230-50. - Purpose.

The site plan review has a twofold purpose. It is to assure that the large-scale developments are in accord with the Comprehensive Plan and that such developments comply with the regulations of this chapter. Site plans are required to assure good arrangement and appearance of new development; ensure harmony with existing structures; assure consistency with the City's adopted building and design standards, the Comprehensive Plan, and the City's Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design; to provide an understanding of the impacts of proposed development on public facilities and services and ensure the availability and adequacy of the same; and to otherwise meet the purposes of this chapter.

§ 230-51. - Guidelines.

Guidelines for determining what site plans shall be reviewed by the Planning Commission shall be as follows:

A. Automatic determination of review. Certain types of developments, due to the nature of their impact on the entire community, shall automatically have their site plans reviewed by the Planning Commission, including the following:

(1) Residential:

(a) Townhouses.

(b) Garden apartments.

(c) Planned unit developments.

(d) Mobile home parks.

(2) Commercial: shopping centers.

(3) Institutional: hospitals.

(4) Industrial: all industrial developments.

B. Discretionary determination of a review. The Code Official shall have discretion in determining what proposed developments other than those enumerated above shall have their site plans reviewed by the Planning Commission. When making such a decision, the Code Official shall consider but not be limited to the following factors:

(1) If the traffic flow will be greatly altered. Flow includes:

(a) Pattern.

(b) Volume.

(c) Hazard involved.

(d) Time involved.

(2) If parking on a large scale is required.

(3) If public utilities or works must be expanded to accommodate the development.

(4) If there is a change in the existing land use pattern.

(5) If there are incompatible uses within the proposed development or in relation to the abutting districts.

(6) If there may be difficulty in meeting existing performance standards.

§ 230-52. - Review procedure.

A. Preliminary approval.

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

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

(3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.

(4) Preliminary approval from the Planning Commission shall be void after one year, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.

B. Final approval.

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

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

(3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.

(4) Prior to receiving final site plan approval, the City Engineer shall provide a copy of the signed subdivision agreement to the City Planner.

(5) Within 90 days of final approval from Planning Commission, the applicant shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Three sets will be returned to the applicant.

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

(7) Failure to record the plat within 90 days of Planning Commission approval will result in the approval being voided.

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

§ 230-52.1. - Site plan expiration.

If construction of approved buildings and improvements is not substantially undertaken within one year of final site plan approval, the site plan approval shall be void. The applicant may, however, request and the Planning Commission may grant a one-year extension for good cause.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

The Planning Commission will hold a Public Hearing regarding the below ordinance on TUESDAY, FEBRUARY 20, 2018 to hear evidence from interested parties and make a recommendation to City Council regarding the ordinance.

The City Council will hold a Public Hearing regarding the below ordinance on MONDAY, MARCH 26, 2018 to hear evidence from interested parties and make a final determination regarding the ordinance.

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

ORDINANCE 2018-04
Greater Milford Development Co LLC for a Conditional Use
to allow a hotel on 1.86+/- acres in a C-3 Zoning District.
Property is located on Silicato Parkway,
approximately 900 feet south of NE Tenth Street intersection, Milford, Delaware.
Present Use: Vacant Land; Proposed Use: Hotel (Microtel Inn).
Tax Map MD-16-174.15-01-01.04

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on February 20, 2018 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on March 26, 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 a hotel as herein described.

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

Section l. Upon the adoption of this ordinance by City Council, Greater Milford Development Co LLC is hereby granted a Conditional Use Permit to allow a hotel, 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: February 20, 2018
City Council Introduction: March 12, 2018
City Council Public Hearing: March 26, 2018
Adoption: March 26, 2018
Effective: April 5, 2018
This ordinance shall take effect and be in force ten days after its adoption.

For additional information, please contact Rob Pierce in the Planning Department at Milford City Hall either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Beacon 013118

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

DATA SHEET FOR MICROTEL

Development Advisory Committee: January 19, 2018

Planning Commission Meeting: February 20, 2018

Application Number / Name	:	18-001 / Microtel
Applicant	:	Beacon Management Associates, LLC PO Box 5 18977 Munchy Branch Road Rehoboth Beach, DE 19971
Owner	:	Silicato-Wood Partnership, LLC 36932 Silicato Drive, Suite 10 Millsboro, DE 19966
Application Type	:	Conditional Use & Preliminary Site Plan
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-3 (Highway/Commercial District)
Present Use	:	Vacant
Proposed Use	:	Hotel
Size and Location	:	1.86 +/- acres of land located along Silicato Parkway, approximately 900 feet south of the NE Tenth Street intersection.
Tax Map & Parcel	:	MD-16-174.15-01-01.04-000

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

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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

STAFF REPORT
January 19, 2018

Application Number / Name	**:**	18-001 / Microtel
Present Comprehensive Plan Designation	**:**	Highway Commercial
Present Zoning District	**:**	C-3 (Highway Commercial District)
Present Use	**:**	Vacant
Proposed Use	**:**	Hotel
Tax Map & Parcel	**:**	MD-16-174.15-01-01.04-000
Size and Location	**:**	1.86 +/- acres of land located along Silicato Parkway, approximately 900 feet south of the NE Tenth Street intersection.

I. BACKGROUND INFORMATION:

- The subject parcel is Lot 4 of the Silicato-Wood Commercial Development, which was approved by City Council on May 26, 2009.

- The applicant proposes to construct a 39,592 square foot, four (4) story structure, with a total of seventy-seven (77) rooms. The hotel will not include a restaurant or bar, but there is a planned pool on the northwest side of the building. Primary access to the property will be from Silicato Parkway, with secondary access from the existing and proposed interconnections with the adjacent commercial parcels.

- Chapter 230-14(C)(1) states "motels or hotels with a minimum lot size of three acres" is a conditional use subject to special requirements set forth by City Council.

II. STAFF ANALYSIS:

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

- The Preliminary Site Plan is subject to three variance requests which were reviewed by the Board of Adjustment on February 8, 2018.

- The applicant sought relief from Chapter 230-14(C)(1) which states "motels or hotels with a minimum lot size of three acres" are permitted subject to conditional use approval from City Council. The applicant proposes to construct the hotel on a 1.86 acre parcel.
- The second variance sought relief from Chapter 230-21(C)(1)(b) which states "for hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows: [1] Eight thousand to 20,000 square feet of floor area, one berth; [2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area, one additional berth." The applicant has requested permission to only provide one loading space, while City Code requires two.
- The third variance sought relief from Chapter 230-21 (B) which states that hotels and motels must have 1 parking space per hotel room and 1 per 3 employees. The site should have 80 parking spaces per the City Code, however the applicant has only provided 77 parking spaces.

- Other than the three variance requests stated above, the Preliminary Site Plan application meets all use and area regulations set forth in Chapter 230 Zoning.

- General Note 34 must be removed from the plan stating "a well is proposed to supplement pool water and irrigation." Chapter 222-32 of the City Code states irrigation wells on properties less than three acres in size are prohibited. The applicant can request to have an irrigation meter installed for these purposes.

- The plans have been reviewed for general compliance with the City's Standard Construction Specifications by the City Engineer.

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

A. The presence of adjoining similar uses.

The property is surrounded by developing commercial uses. The properties to the north, west and south are zoned C-3 (Highway Commercial). The property is bounded by SR1 to the east. There is an existing gas station/convenience store and restaurant in the immediate vicinity.

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

The proposed use is only allowed by conditional use approval within the C-3 Highway Commercial zoning district.

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

The Comprehensive Plan designates this area as Highway Commercial. The proposed use is consistent with the land use plan for the Comprehensive Plan and addresses additional goals and objectives related to economic development and business growth.

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

The site is located adjacent to similar commercially zoned property where screening is not necessary. The applicant has provided some screening along the property line shared with the Royal Farms. The area around the pool will also be landscaped.

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

The proposed use should not detract from other permitted uses in the district and should provide economic benefits to both existing and future uses in the immediate vicinity through increased customer traffic.

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

The site is located along an established state maintained road and the applicant will be required to obtain DelDOT approval prior to final site plan approval for entrance improvements. The site does not meet the minimum parking requirements as stated above. Landscape screening is not necessary based on the adjacent uses, however, the applicant has provided screening along the southern property line to screen the hotel building from the Royal Farms property.

- The following comments must be addressed prior to final site plan approval:
  - Final Site Plan approval will require approvals or no objection letters from DelDOT, State Fire Marshal's Office, Office of Drinking Water and Kent Conservation District;
  - Address Preliminary Site Plan and Conditional Use review comments (a copy of which is provided in the packet);
  - Applicant must obtain final approval of engineering plans from the City Engineer; and,
  - Additional department and agency comments outlined in Section III.

III. AGENCY COMMENTS:

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

- **DelDOT Planning, Development Coordination**
  Contact: Stephen Wright – 302-760-2768
  No comments provided.

- **Delaware Health and Social Services – Division of Public Health**
  Contact: William Milliken – 302-741-8646
  See attached comments.

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

- **Kent Conservation District**
  Contact: Jared Adkins – 302-741-2600
  No comments provided.

- **Delaware State Fire Marshal's Office**
  Contact: Duane Fox – 302-856-5298
  See attached comments.

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

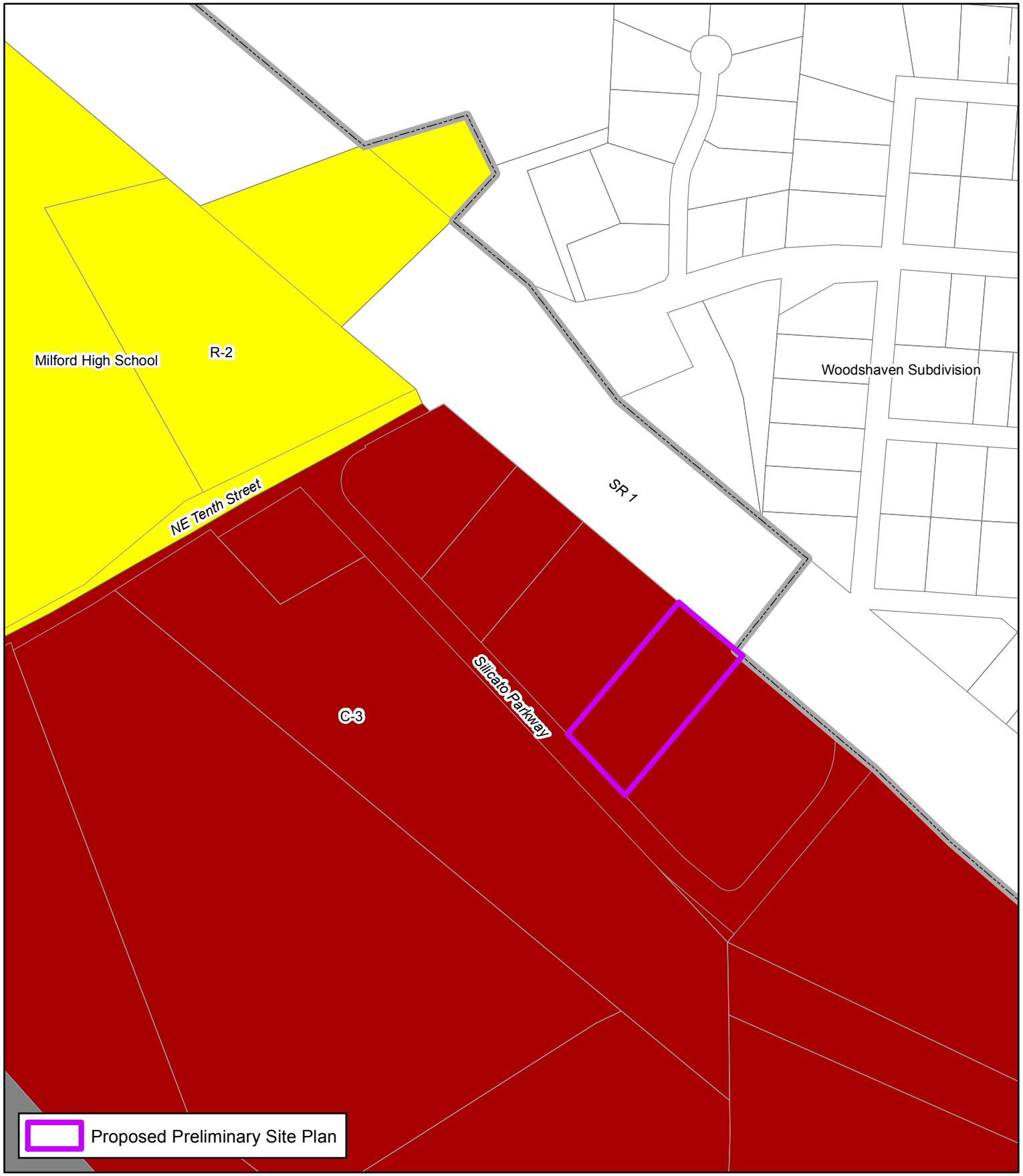
- **City Engineer**
  Contact: Erik Retzlaff, P.E. – 302-422-1110
  See attached Preliminary Site Plan review comments.

- **City of Milford Public Works Department**
  Contact: Mark Whitfield – 302-422-1110
  No comments provided.

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

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

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



THE CITY of Milford DELAWARE

Scale: Feet
0 150 300

Drawn by: WRP Date: 01/09/18

Filepath: PreliminarySitePlan_Microtel.mxd

Title:

Preliminary Conditional Use Site Plan & Variance

Microtel

Location & Zoning Map

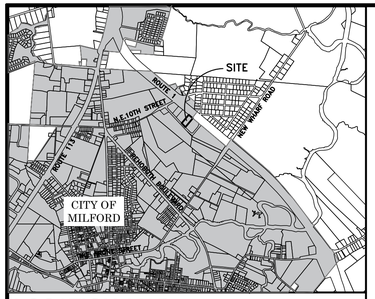
MICROTEL INN & SUITES

PRELIMINARY CONDITIONAL USE SITE PLAN

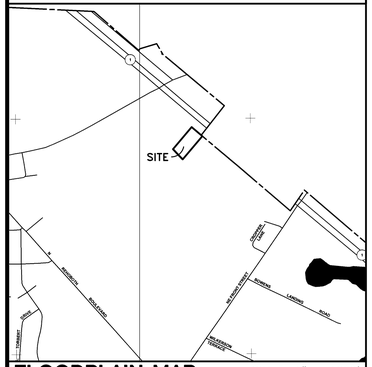
CITY OF MILFORD

KENT COUNTY, DELAWARE

DBF PROJECT #2953A001.C01

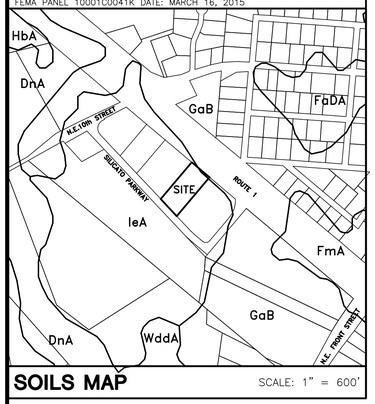


LOCATION MAP SCALE: 1" = 1/2-MILE



FLOODPLAIN MAP SCALE: 1" = 1000'

FEMA PANEL 10001C0041K DATE: MARCH 16, 2015



SOILS MAP SCALE: 1" = 600'

DATA COLUMN

TAX MAP NUMBER: MD-16-174.15-01-04.00

EXISTING ZONING: HIGHWAY COMMERCIAL DISTRICT (C-3)
PROPOSED ZONING: HIGHWAY COMMERCIAL DISTRICT (C-3)

EXISTING USE: VACANT
PROPOSED USE: HOTEL/MOTEL

(C-3) ZONING REQUIREMENTS:

MINIMUM LOT AREA:	3 ACRES
EXISTING LOT ACREAGE:	1.860± ACRES
MAXIMUM LOT COVERAGE:	80%
PROPOSED LOT COVERAGE:	66.0%
MINIMUM LOT WIDTH:	150 FEET (INTERIOR LOT)
EXISTING LOT WIDTH:	195.29 FEET
MAXIMUM BUILDING HEIGHT:	5 STORIES OR 60 FEET
PROPOSED STORIES:	4 STORIES
MINIMUM FRONT YARD SETBACK:	30 FEET
SIDE YARDS:	TWO SIDE YARDS OF 20 FEET, MINIMUM AGGREGATE WIDTH OF TWO SIDE YARDS OF 50 FEET
MINIMUM REAR YARD:	50 FEET

PERCENT IMPERVIOUS CALCULATION:
TOTAL SITE AREA: 1.860 ACRES, 81,006.4 SF
TOTAL IMPERVIOUS AREA: 53,445 SF
MAXIMUM IMPERVIOUS COVER: 80%
PROPOSED IMPERVIOUS COVER: 66.0%

REQUIRED PARKING SPACES: 1 PER EACH GUEST ROOM PLUS 1 PER 3 EMPLOYEES
77 GUEST ROOMS = 77 SPACES
9 EMPLOYEES ÷ 3 SPACES
80 REQUIRED SPACES

PROPOSED PARKING SPACES: 77

UTILITIES:
ELECTRIC-CITY OF MILFORD
WATER-CITY OF MILFORD
SEWER-CITY OF MILFORD
EDU's = 1 + (77 ROOMS/3) = 27 EDU's

FIRE DISTRICT:	CARLISLE
SCHOOL DISTRICT:	MILFORD
CITY WARD:	3RD
PERMANENT MONUMENTS FOUND:	0
PERMANENT MONUMENTS TO BE PLACED:	2
PROPERTY CORNERS FOUND:	0
PROPERTY CORNERS TO BE PLACED:	2
VERTICAL DATUM:	NAVD 88
HORIZONTAL DATUM:	NAD83

TOPOGRAPHICAL SURVEY PERFORMED BY DAVIS, BOWEN AND FRIEDEL, INC. ON JANUARY 20, 2018.

"WETLANDS DO NOT EXIST ON SITE" WHICH WAS TAKEN FROM THE PREVIOUSLY APPROVED AND RECORDED SILICATO-WOOD COMMERCIAL DEVELOPMENT (PLOT BOOK 111 PAGE 33) RECORDED OCT 8, 2010.

SITE DOES NOT CONTAIN 100-YR FLOOD PLAIN BASED ON FEMA FLOOD PANEL 10005C0041K, DATED MARCH 16, 2015.

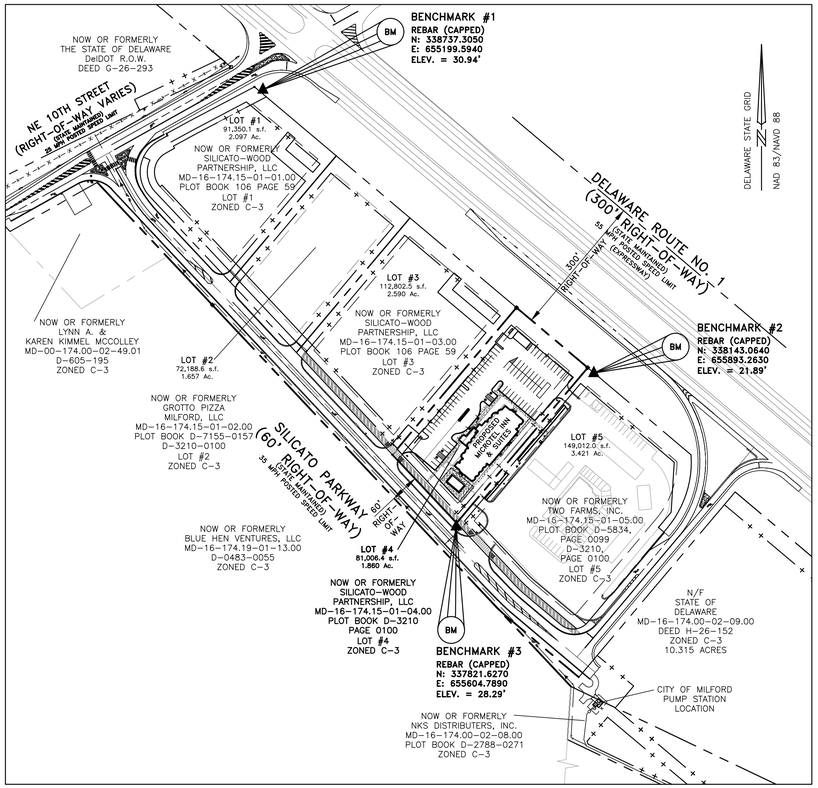
THERE IS NO SOURCE WATER PROTECTION AREA ON THIS SITE ACCORDING TO DNREC.

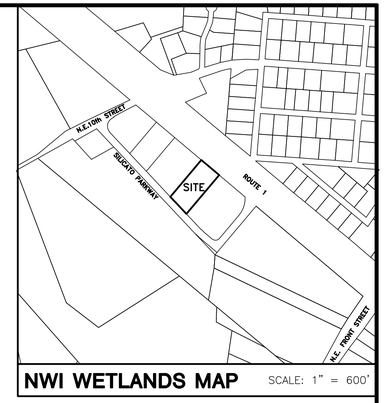
OWNER:
GREATER MILFORD DEVELOPMENT CO., LLC
36932 SILICATO DRIVE, SUITE 10
MILLSBORO, DE 19966
302-945-3350
CONTACT: DENNIS SILICATO

DEVELOPER:
BEACON MANAGEMENT ASSOCIATES, LLC.
15 COVENTRY ROAD
REHOBOTH BEACH, DE 19971
724-321-4231
CONTACT: CHAD MOORE

PREPARED BY:
DAVIS, BOWEN, AND FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DE 19963
302-424-1441
CONTACT: RING W. LARDNER, P.E.

PROPERTY ADDRESS:
106 SILICATO PARKWAY
MILFORD, DELAWARE 19963





NWI WETLANDS MAP SCALE: 1" = 600'

SHEET INDEX

TITLE SHEET – PRELIMINARY CONDITIONAL USE SITE PLAN	PL-01
NOTES	PL-02
PRELIMINARAY CONDITIONAL USE SITE PLAN	PL-03
LANDSCAPE PLAN AND DETAILS	LA-01
DETAIL SHEET	DT-01

LEGEND

EXISTING		PROPOSED	
BOUNDARY LINE		SANITARY SEWER CLEANOUT, PIPE, FLOW ARROW, PIPE SIZE	SSS
ADJACENT PROPERTY OWNER		SANITARY SEWER LATERAL	
EASEMENT		WATER MAIN, TEE W/ VALVES, PIPE SIZE	8W
SETBACK		WATER LATERAL	
ROAD CENTERLINE / BASELINE & STATIONING	1+00	CATCH BASIN, STORM PIPE, STORM MANHOLE, FLOW DIRECTION	
CONTOUR ELEVATION AND LABEL	33	TREES	
SANITARY SEWER MANHOLE, PIPE, FLOW ARROW, PIPE SIZE	EX-12SS	SIDEWALK	
SANITARY SEWER CLEANOUT		PROPOSED MONUMENT	
WATER MAIN, W/ VALVES	EX-8W	PROPERTY CORNER TO BE SET	
FIRE HYDRANT ASSEMBLY		PROPOSED SITE LIGHTING	
UTILITY POLE			
SIGN			
FENCE			
SWALE			
LOT IDENTIFICATION NUMBER	##		

OWNERS STATEMENT

I, _____ HEREBY STATE THAT WE ARE THE LEGAL OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

_____
DATE

ENGINEER'S STATEMENT

I, RING W. LARDNER, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

_____
DAVIS, BOWEN & FRIEDEL, INC.
by RING W. LARDNER, P.E.

APPROVED BY:

_____ _____
ERIC NORENBERG – CITY MANAGER DATE
CITY HALL
201 S. WALNUT STREET
MILFORD, DE 19963

APPROVED BY:

_____ _____
ERIK RETZLAFF, P.E. – CITY ENGINEER DATE
PUBLIC WORKS FACILITY
180 VICKERS DRIVE
MILFORD, DE 19963

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

TITLE SHEET - PRELIMINARY CONDITIONAL USE SITE PLAN

MICROTEL INN & SUITES
CITY OF MILFORD
KENT COUNTY, DELAWARE

2018-01-19 CITY OF MILFORD

Date: DECEMBER, 2017
Scale: AS NOTED
Dwn.By: KJB
Proj.No.: 2953A001.B01
Dwg.No.: PL-01

P:\Beacon Hospitality\Microtel\Design\Preliminary Plan\After Comments\2953A001.B01-TITLE SHEET - PL-01.dwg Jan 19, 2018 - 1:52pm

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DELDOT GENERAL NOTES

1. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.
2. ALL MATERIALS AND WORKMANSHIP WITHIN THE STATE OF DELAWARE RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH CURRENT STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, SUPPLEMENTAL SPECIFICATIONS, STANDARD CONSTRUCTION DETAILS, SPECIAL PROVISIONS AND DESIGN GUIDANCE MEMORANDUMS.
3. ALL DISTURBED AREAS WITHIN THE STATE RIGHT-OF-WAY, BUT NOT IN THE PAVEMENT, SHALL BE TOP-SOILED (6" MINIMUM), FERTILIZED, SEEDED AND MULCHED. IF SOD IS USED NEXT TO SIDEWALK OR SHARED-USE PATH, CONTRACTOR SHALL GRADE TOPSOIL ADJACENT TO THE SIDEWALK OR SHARED-USE PATH PRIOR TO PLACEMENT OF SOD TO ENSURE THAT SOD IS PLACED FLUSH OR JUST BELOW EDGE OF SIDEWALK OR SHARED-USE PATH TO AVOID WATER PONDING ON THE SIDEWALK OR SHARED-USE PATH.
4. A 72-HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DELDOT DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ENTRANCE CONSTRUCTION.
5. MISS UTILITY OF DELAWARE SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
6. ALL SIGNING, STRIPING AND MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN THE DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (DE MUTCD) FOR STREETS AND HIGHWAYS (LATEST EDITION). THE OWNER OR MAINTENANCE CORPORATION SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL SIGNS INSTALLED AS PART OF THIS PROJECT.
7. PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE DELDOT INSPECTOR.
8. A COPY OF THE UP TO DATE APPROVED CONSTRUCTION DOCUMENTS AND DELDOT APPROVAL LETTERS SHALL BE MAINTAINED ON THE PROJECT SITE AT ALL TIMES AND BE AVAILABLE FOR INSPECTION BY DELDOT PERSONNEL.
9. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48-HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELAWARE (SEE NOTE #5).
10. SHOULD UTILITY RELOCATION BE REQUIRED, THE DEVELOPER MUST SUBMIT A UTILITY RELOCATION PLAN FOR DELDOT REVIEW, ALONG WITH CORRESPONDENCE FROM THE UTILITY COMPANIES STATING PRELIMINARY APPROVAL TO THE RELOCATION AND DESIGN OF THE UTILITIES PRIOR TO THE DELDOT PRE-CONSTRUCTION MEETING. NO PHYSICAL CONSTRUCTION CAN OCCUR UNTIL THE UTILITY PLANS ARE APPROVED, THE INDIVIDUAL UTILITY COMPANIES ISSUE FINAL APPROVAL, AND A DELDOT UTILITY PERMIT IS ISSUED TO THE UTILITY COMPANY.
11. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. THESE DISTURBED AREAS SHALL BE TOP-SOILED (6" MINIMUM), FERTILIZED, SEEDED AND MULCHED. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S "SHARED-USE PATH AND/OR SIDEWALK TERMINATION POLICY".
12. DELDOT WILL NOT PROVIDE THE RESPECTIVE LOCAL LAND USE AGENCY WITH A 'NO OBJECTION TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY NOTICE' UNTIL THE ENTRANCE(S) ARE COMPLETED TO THE SATISFACTION OF THE DEPARTMENT.
13. DESIGN, FABRICATION AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE LATEST VERSION OF THE DE MUTCD.
14. DESIGN AND INSTALLATION OF ALL PAVEMENT MARKINGS AND STRIPING SHALL BE AS OUTLINED IN THE LATEST VERSION OF THE DE MUTCD. FOR FINAL PERMANENT PAVEMENT MARKINGS:
    a) EPOXY RESIN PAINT SHALL BE REQUIRED FOR LONG LINE STRIPING.
    b) THERMO PLASTIC (EXTRUDED OR PREFORMED MATERIAL) WILL BE REQUIRED ON ASPHALT SURFACES, FOR SHORT LINE STRIPING, I.E. SYMBOLS/LEGENDS.
    c) PERMANENT PAVEMENT MARKING TAPE (PER DELDOT APPROVED MATERIALS LIST) WILL BE REQUIRED ON CONCRETE SURFACES, FOR SHORT LINE STRIPING, I.E. SYMBOLS/LEGENDS.
15. REMOVAL OF LONG LINE PAVEMENT STRIPING SHALL BE PERFORMED USING: SHOT, SAND OR HYDRO-BLASTING
16. BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING ALL SIGNS. REFERENCE DELDOT STANDARD CONSTRUCTION DETAIL T-15.
17. THE ENDS OF ALL CURBS SHALL BE TRANSITIONED TO BE FLUSH WITH THE PAVEMENT AT A RATIO OF TWELVE TO ONE (12:1).
18. MAINTENANCE OF ALL LANDSCAPING SHOWN ON THIS PLAN WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE HOMEOWNERS ASSOCIATION OR BOTH. THE STATE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE LANDSCAPING. DELDOT MUST REVIEW AND APPROVE ANY PLANTINGS PROPOSED WITHIN THE RIGHT OF WAY PRIOR TO INSTALLATION. IF ANY PLANTINGS ARE PLANTED WITHOUT DELDOT'S KNOWLEDGE AND/OR APPROVAL, THEN DELDOT HAS THE RIGHT TO HAVE THE DEVELOPER REMOVE THE PLANTINGS, WITH ALL COSTS BEING PAID FOR BY THE DEVELOPER.
19. VERIFY IF ANY UTILITIES WILL NEED TO BE RELOCATED DUE TO THE ADDITION OF THE SHOULDER. FOR CLEAR ZONE PURPOSES, ALL UTILITIES ARE TO BE A MINIMUM OF 10-FEET FROM THE EDGE OF TRAVEL LANE AND 5-FEET FROM THE EDGE OF PAVEMENT. ANY UTILITY THAT DOES NOT MEET THIS REQUIREMENT SHALL BE RELOCATED.
20. ALL PAVING WITHIN THE STATE OF DELAWARE RIGHT-OF-WAY IS INSTALLED TO THE ELEVATIONS SHOWN AND NO PONDING OF WATER EXISTS AFTER PAVING IS COMPLETE.
21. FOR INFORMATION ON OBTAINING A UTILITY PERMIT IN KENT COUNTY CONTACT M&O-CENTRAL DISTRICT-PUBLIC WORKS AT (302) 760-2424.
22. FOR INFORMATION ON GETTING APPROVAL FOR PROPOSED OUTDOOR ADVERTISING IN KENT COUNTY CONTACT M&O-CENTRAL DISTRICT-PUBLIC WORKS AT (302) 760-2424.
23. ALL SUBGRADE SHALL BE COMPACTED TO 95% OF THE MAXIMUM STANDARD T-99 DRY DENSITY.

GENERAL NOTES

1. THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY DAVIS BOWEN AND FRIEDEL, INC, DELAWARE AND RECORDED SILICATO-WOOD COMMERCIAL DEVELOPMENT (PLOT BOOK 111 PAGE 33) RECORDED OCT 8, 2010.
2. A TOPOGRAPHIC SURVEY WAS PERFORMED BY DAVIS BOWEN AND FRIEDEL, INC. DELAWARE ON DECEMBER 20, 2017. ELEVATIONS ARE BASED ON CONTROL MONUMENT BENCHMARK #1 (IRCS), WITH AN ELEVATION OF 30.94 NGVD88.
3. HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, CONTROL MONUMENTS BENCHMARKS #1, #2 AND #3.
4. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.
5. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. MATERIALS AND WORKMANSHIP SHALL MEET THE REQUIREMENTS OF THE CITY OF MILFORD STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION AND SUBDIVISION PAVEMENT DESIGN, AND ALL APPLICABLE AGENCIES HAVING JURISDICTION OVER THE PROPOSED IMPROVEMENTS.
6. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACK FILLING TRENCHES.
7. THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.
8. ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY. CITY OFFICIALS WILL CARRY OUT ALL NECESSARY VALVE CLOSURES. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY AND NOTIFY AFFECTED RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.
9. PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.
10. CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND FORCEMAIN. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATERTIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.
11. PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.
13. SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL PRIOR TO THE INSTALLATION OF THE ITEM(S).
14. ALL SANITARY SEWER MAINS AND FORCEMAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 42 INCHES AS MEASURED FROM THE TOP OF PIPE TO PROPOSED GRADE. SEWER LATERALS SHALL HAVE A MINIMUM DIAMETER OF SIX (6) INCHES AND HAVE A MINIMUM COVER OF 36 INCHES.
15. THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCEMAINS OF 10 FEET, AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORCEMAINS AT CROSSINGS. ONE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE AT CROSSINGS.
16. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 12 INCHES BETWEEN ANY STORM DRAIN PIPE AND ANY WATER MAIN OR SEWER MAIN. IF 12 INCHES CANNOT BE MAINTAINED, A MINIMUM OF SIX (6) INCHES IS REQUIRED AND PROVISIONS SHALL BE MADE ACCEPTABLE TO THE CITY OF MILFORD FOR PROPERLY ENCASING THE PIPE IN CONCRETE.
17. ALL ROADWAYS ARE TO BE SWEPT FREE OF SEDIMENT ON A DAILY BASIS.
18. THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.
19. IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE.
20. THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DEVELOPMENT COORDINATION MANUAL, LATEST EDITION.
21. ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
22. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE OWNER.
23. DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY, ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
24. CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.
25. A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE SHALL BE RESPONSIBLE FOR PERMANENTLY RE-ESTABLISHING ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.
26. INSERT A NOTE DECLARING WHO WILL BE RESPONSIBLE FOR THE SHORT TERM (DURING CONSTRUCTION) MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS.
27. INSERT A NOTE DECLARING WHO WILL BE RESPONSIBLE FOR THE LONG TERM (AFTER FINAL ACCEPTANCE BY THE CITY) MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS.
28. FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERTAKEN WITHIN ONE (1) YEAR OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.
29. THE APPLICANT IS RESPONSIBLE TO ENSURE THAT ALL CITY AND/OR AGENCY CONSTRUCTION PERMIT APPLICATIONS HAVE BEEN COMPLETED, SUBMITTED, AND ALL APPLICABLE FEES HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR AN ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.
30. THE CONTRACTOR SHALL NOTIFY THE CITY A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE. CITY OF MILFORD (302) 422-6616.
31. DRAINAGE, STORMWATER MANAGEMENT, AND EROSION AND SEDIMENT CONTROLS SHALL BE IN ACCORDANCE WITH THE DELAWARE SEDIMENT & STORMWATER REGULATIONS OF 2014, OR AS LATER AMENDED. MAINTENANCE OF DRAINAGE, STORMWATER MANAGEMENT, AND SEDIMENT & EROSION CONTROL PRACTICES WILL BE THE RESPONSIBILITY OF THE SITE CONTRACTOR DURING THE CONSTRUCTION PHASE OF THE PROJECT, INCLUDING CONSTRUCTION OF THE UTILITIES. WHEN THE PERMANENT DRAINAGE AND STORMWATER MANAGEMENT PRACTICES HAVE BEEN COMPLETED TO THE SATISFACTION OF THE APPLICABLE AGENCIES, MAINTENANCE WILL ULTIMATELY BECOME THE RESPONSIBILITY OF THE PROPERTY OWNER.
32. EROSION AND SEDIMENT CONTROL SHALL BE IN ACCORDANCE WITH THE DELAWARE EROSION & SEDIMENT CONTROL HANDBOOK (LATEST EDITION). THE KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURE AS DEEMED NECESSARY.
33. THERE SHALL BE NO DEBRIS DISPOSAL ON THIS SITE.
34. A WELL IS PROPOSED TO SUPPLEMENT POOL WATER AND IRRIGATION.

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

NOTES

MICROTEL INN & SUITES
CITY OF MILFORD
KENT COUNTY, DELAWARE

2018-01-19 CITY OF MILFORD

Date:	DECEMBER, 2017
Scale:	AS NOTED
Dwn.By:	KJB
Proj.No.:	2953A001.B01
Dwg.No.:	PL-02

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SILICATO PARKWAY
(60' RIGHT-OF-WAY)
35 MPH POSTED SPEED LIMIT
(STATE MAINTAINED)

DELAWARE ROUTE NO. 1
(300' RIGHT-OF-WAY)
55 MPH POSTED SPEED LIMIT
(STATE MAINTAINED)
(EXPRESSWAY)

NOW OR FORMERLY
BLUE HEN VENTURES, LLC
MD-16-174.19-01-13.00
D-0483-0055
ZONED C-3

CATCH BASIN 4
GRATE: 27.02
INV A: 22.37 18"RCP
INV B: 22.24 18"RCP

CATCH BASIN 2
GRATE: 27.15
INV A: 22.50 18"RCP
INV B: 22.53 18"RCP

DELAWARE STATE GRID
NAD 83/NAD 88

LOT #3
112,802.5 s.f.
2.590 Ac.

NOW OR FORMERLY
SILICATO-WOOD
PARTNERSHIP, LLC
MD-16-174.15-01-03.00
PLOT BOOK D-3210, PAGE 0159
LOT #3
ZONED C-3

EXISTING SHARED USE PATH

30' CROSS ACCESS EASEMENT

N 40°09'06" E 426.21'

INV IN: 21.62
8" HDPE

INV OUT: 20.25
8" HDPE

PYLON SIGNAGE

25' SETBACK

DIRECTIONAL SIGNAGE

WELL

20' WIDE UTILITY EASEMENT

14 SPACES

12 SPACES

LOT #4
81,006.4 s.f.
1.860 Ac.

WATER METER PIT

ADA COMPLIANT RAMP

7 SPACES

2 SPACES

TRASH ENCLOSURE

300'
RIGHT-OF-WAY

S 49°53'08" E 195.29'

SMH 2
GRATE: 28.56
INV A: 17.96 8"PVC
INV B: 17.98 8"PVC
INV C: 17.88 8"PVC

196.61'

N 43°13'04" W

LIMIT OF CITY OF MILFORD MAINTENANCE

8.57'

FLAGPOLES

PROPOSED
MICROTEL
INN & SUITES
9,898 SF
PER FLOOR,
4 FLOORS =
39,592 SF
77 ROOMS

NOW OR FORMERLY
SILICATO-WOOD PARTNERSHIP, LLC
MD-16-174.15-01-04.00
PLOT BOOK D-3210, PAGE 0100
LOT #3, ZONED C-3

OUTDOOR POOL

11 SPACES

10 SPACES

9 SPACES

12 SPACES

LOADING ZONE

35' WIDE STORM WATER MANAGEMENT/ DRAINAGE EASEMENT

30' SETBACK

60' RIGHT-OF-WAY

30' SETBACK

15' WIDE PERMANENT EASEMENT

CATCH BASIN 5
GRATE: 27.63
INV A: 19.78 18"RCP
INV B: 19.71 18"RCP

CATCH BASIN 1
GRATE: 27.64
INV A: 19.59 18"RCP
INV B: 19.54 18"RCP

S 40°09'06" W 403.38'

20' WIDE DRAINAGE EASEMENT

POB
N:338154.4971
E:655880.4318

LANDSCAPE PLANTER

LANDSCAPE PLANTER

SIGN
ROYAL
FARMS

STOP SIGN

BENCHMARK #3
REBAR (CAPPED)
N: 337821.6270
E: 655604.7890
ELEV. = 28.29'

CATCH BASIN 6
GRATE: 24.60
INV A: 19.13 18"RCP
INV B: 19.27 18"RCP
INV C: 19.10 30"RCP
INV D: 19.24 18"HDPE

ADA COMPLIANT RAMP

CATCH BASIN 7
GRATE: 24.37
INV A: 18.60 30"RCP
INV B: 18.66 18"RCP
INV C: 18.65 30"RCP
INV D: 18.68 18"HDPE

INV OUT: 18.36
30" RCP W/ FLARED
END-SECTION

BENCHMARK #2
REBAR (CAPPED)
N: 338143.0640
E: 655893.2630
ELEV. = 21.89'

EXISTING PAVED AREA

NOW OR FORMERLY
TWO FARMS, INC.
MD-16-174.15-01-01.05
PLOT BOOK D-5834,
PAGE 0099
&
PAGE 0100
LOT #5
ZONED C-3

EXISTING FUELING AREA

LOT #5
149,012.0 s.f.
3.421 Ac.

EXISTING PAVED AREA

EXISTING PARKING AREA

EXISTING PARKING AREA

EXISTING BUILDING
"ROYAL FARMS"

EXISTING PARKING AREA

EXISTING FUELING AREA

EXISTING PARKING AREA

0' 30' 60' 90'
SCALE: 1" = 30'

PAVEMENT SECTIONS

LIGHT DUTY PAVEMENT

HEAVY DUTY PAVEMENT

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

PRELIMINARY CONDITIONAL USE SITE PLAN

MICROTEL INN & SUITES
CITY OF MILFORD
MILFORD, DELAWARE 19963

2018-01-19 CITY OF MILFORD

Date:	DECEMBER 2017
Scale:	AS NOTED
Dwn.By:	KJB
Proj.No.:	2953A001.C01
Dwg.No.:	PL-03

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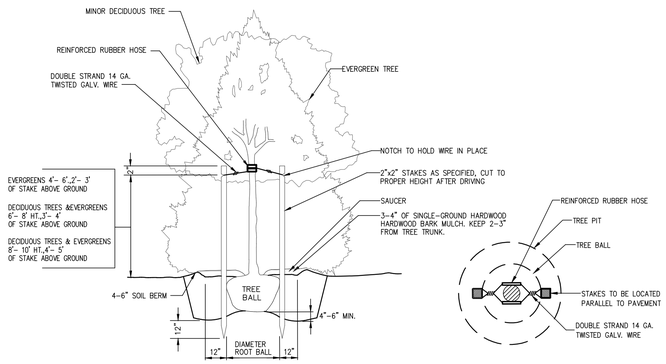
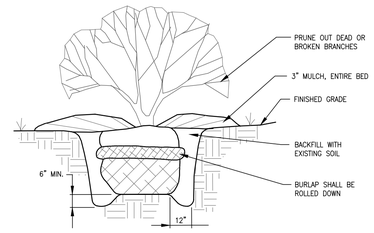


STAKING DETAIL
NO SCALE



SHRUB PLANTING DETAIL
NO SCALE

GENERAL LANDSCAPE NOTES

1 QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF ROOT BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".

2 CONTRACTOR SHALL BE REQUIRED TO GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER INSTALLATION IS COMPLETE AND FINAL ACCEPTANCE OF PHASE I SITE WORK HAS BEEN GIVEN. AT THE END OF ONE YEAR ALL PLANT MATERIAL WHICH IS DEAD OR DYING SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE AS ORIGINALLY SPECIFIED.

3 CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.

4 NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.

5 ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)

6 EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.

7 ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.

8 THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF SHREDDED HARDWOOD MULCH PER SPECIFICATIONS.

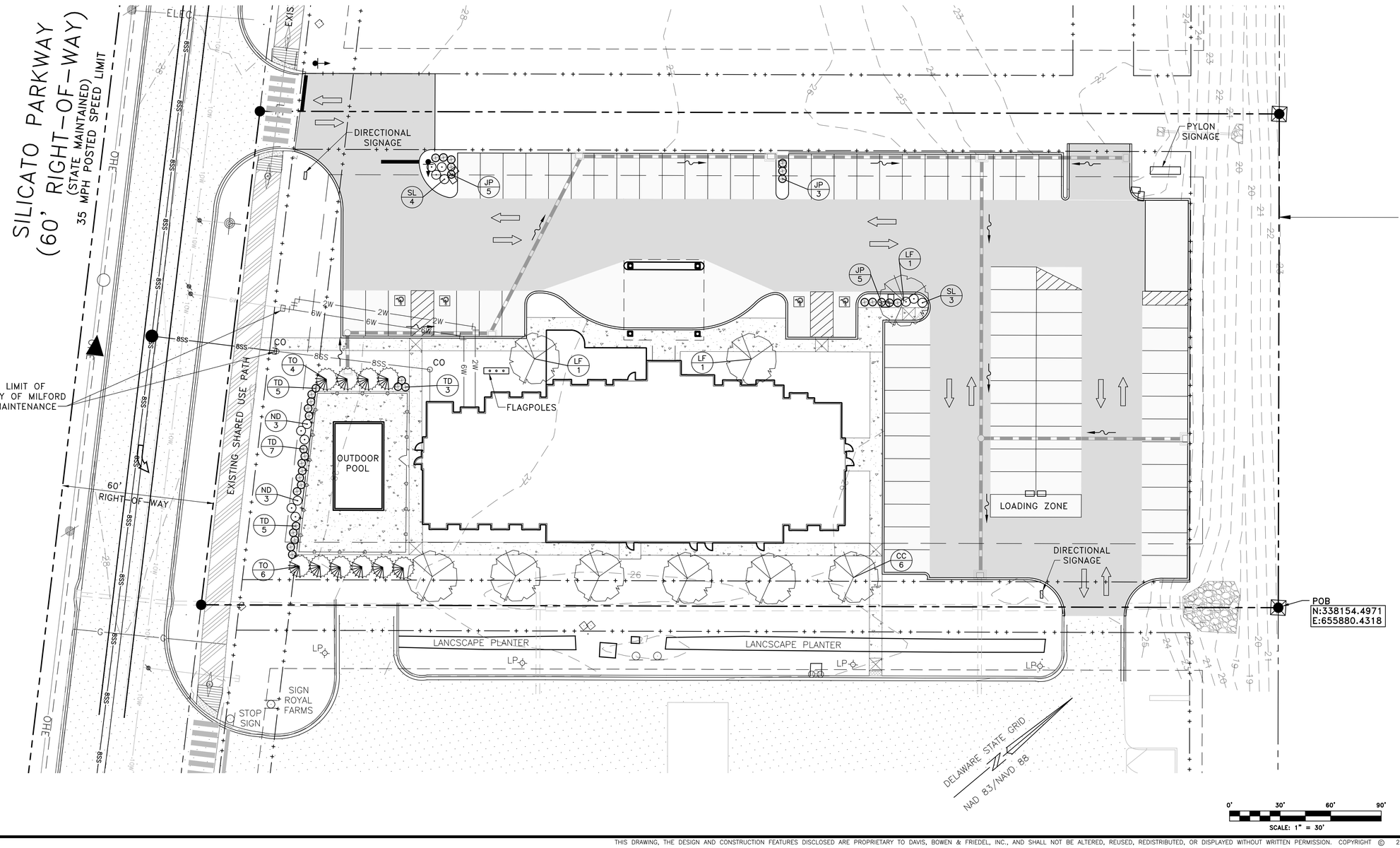
9 THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.

10 ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.

11 THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.

LANDSCAPE PLANT SCHEDULE

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
		DECIDUOUS TREE			
	CC	Cercis canadensis	EASTERN REDBUD	6-7' Ht., B&B	6
	LF	Lagerstroemia indica x fauriei 'TUSCARORA'	TUSCARORA CRAPE MYRTLE	6-7' Ht., B&B	3
		EVERGREEN TREE			
	TO	Thuja occidentalis 'NIGRA'	DARK AMERICAN ARBORVITAE	5-6' Ht., B&B	10
		DECIDUOUS SHRUB			
	ND	Nandina domestica 'FIRE POWER'	FIRE POWER NANDINA	15-18" Cont.	6
	SL	Spiraea japonica 'LITTLE PRINCESS'	LITTLE PRINCESS SPIRAEA	15-18" Cont.	7
		EVERGREEN SHRUB			
	JP	Juniperus chinensis 'PFITERIANA COMPACTA'	COMPACT PFITZER JUNIPER	2-3' Ht., B&B	13
	TD	Taxus x media 'DENSIFORMIS'	DENSE YEW	2-3' Ht., B&B	20



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ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

LANSCAPE PLAN AND DETAILS

MICROTEL INN & SUITES
CITY OF MILFORD
KENT COUNTY, DELAWARE

2018-01-19 CITY OF MILFORD

Date: DECEMBER, 2017
Scale: AS NOTED
Dwn.By: KJB
Proj.No.: 2953A001.B01
Dwg.No.:

LA-01

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Proposal Summary

This conditional use application is for a Microtel Inn and Suites, a hotel chain by Wyndham that offers standard rooms as well as suites with kitchenettes and additional workspace. Entry will be from Silicato Parkway.

The site is currently zoned C-3, Highway Commercial District. A motel or hotel with a minimum lot size of three acres is a conditional use permitted as per Chapter 230, Article 3, Section 14 of the City of Milford Code. A separate variance application has been submitted as the lot size is less than three acres.

The proposed hotel has 77 rooms on 4 floors, with an anticipated 9 employees. As per City of Milford Code, Chapter 230, Article 4, Section 21B, 80 parking spaces are required (1 per room and 1 per 3 employees). 77 parking spaces are currently provided. As per ADA requirements, 3 of these will be accessible spaces and 1 will be van accessible. We are asking for a 3 parking space reduction via a variance application.

This paragraph describes additional items that are required or allowed as per Chapter 230, Article 3, Section 14. The proposed structure is 4 stories with a height of (less than 60 feet). The building setback is 30 feet, rear yard of 50 feet, and side yards of 25 feet each (for an aggregate width of 50 feet). The lot width is 195 +/- feet.

The property is abutted completely by lots also zoned as C-3. As per Chapter 230, Article 5, Section 22B, landscape buffers are not required. However, a buffer is provided between the lot and the lot currently occupied by Royal Farms (to the south) for the length of the physical structure.

Entry Signage is proposed and will comply with Chapter 230, Article 6 of the code.

The property along with the others along Silicato Parkway were already accounted for in stormwater management. As such, the only stormwater design will be to ensure that runoff reaches the existing stormwater management facilities on site.

The site will share access and have interconnectivity with adjacent sites. It will not detract from permitted uses in this district and in fact may positively impact the district via increased business. This includes the Royal Farms immediately adjacent to the site and Grotto's, one lot away. Silicato Parkway, including entrance stubs and curb cuts, is already constructed, so entrance approvals will not be needed as they will not change.

We believe this hotel would serve the many people who will and do utilize the recently built Kent County Sports Complex and the new hospital, as well as a number of other local county and city events (NASCAR, Firefly, etc.) and beach-goers. This hotel would not only provide a place for those visiting the City of Milford to stay, but it would also encourage people who may not otherwise visit local attractions to do so.

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

January 18, 2018

Ring Lardner, P.E.
Davis, Bowen & Friedel
1 Park Avenue
Milford, DE 19963

RE: Application Number: 18-001
Application Name: Microtel
Application Type: Preliminary Conditional Use Site Plan & Variance
Tax Parcel Number(s): MD-16-174.15-01-01.04-000

Mr. Lardner,

The City of Milford has reviewed the above referenced Preliminary Conditional Use Site Plan and Variance applications and provide the following review comments;

DWG/PG NO.	COMMENT NO.	PROJECT REVIEW COMMENTS
		Variance Application
	1	See below Site Plan comments.
		Conditional Use
	1	Update paragraph 3 of the conditional use narrative to be consistent with the provided site plan.
	2	Include some information regarding the number of employees expected at the facility.
		Preliminary Site Plan
PL-01	1	Data Column: Remove reference to the growth zone, local land use agency, minimum lot depth, proposed discharge location, and proposed building construction. These are not required by the City.
	2	Data Column: Move the actual lot area/acreage of the site underneath or above the statement regarding minimum lot area.
	3	Data Column: Provide the actual lot coverage above or underneath the maximum lot coverage statement.
	4	Data Column: Provide the actual lot width above or underneath the minimum lot width statement.
	5	Data Column: Change the existing use to vacant.
	6	Data Column: Change the maximum building height to 5 stories or 60 feet and remove the exceptions statement and the reference to 3 stories

		and 35 feet.
	7	Data Column: Remove the item "conditional use: 1 acre." This should be accounted for under the minimum lot area and actual lot area statements.
	8	Data Column: Add "front" to the minimum building setback statement.
	9	Data Column: Add City of Milford electric under utility providers.
	10	Data Column: Under the parking rationale, add the word "plus" at the end of line one.
	11	Data Column: EDUs should be calculated at 1 + (number of standard rooms/3). Please adjust your calculation.
	12	Data Column: Provide the date of the survey and the source of the boundary survey.
	13	Data Column: Indicate the source of the wetland investigation.
	14	Data Column: Update the FEMA FIRM panel number to the most recent edition.
	15	Data Column: Provide a phone number for both the owner and the developer.
	16	Data Column: Add variance notes near the minimum lot area and parking rationale information if variances are approved by the Board of Adjustment.
	17	Data Column: Add a statement regarding the absence or presence of a source water protection area.
	18	Data Column: Provide more information regarding the identified benchmarks, including their x,y,z values.
	19	Supplement the general notes shown on the cover sheet with the attached general construction notes.
	20	Rename the title sheet Preliminary Conditional Use Site Plan.
	21	Remove reference to US Route 113. Indicate that Route 1, Silicato Parkway, and NE Tenth Street are State Maintained roads.
	22	Label the City's pump station parcel.
	23	Add P.E. after Erik Retzlaff in the City Engineer approval block.
PL-02	24	Is there a reason why the building was not situated closer to the center of the lot so that both interconnections with Royal Farms could be utilized? The small parking area directly east of the building could be relocated to the west side of the building and shift the hotel and pool to the east. If the building cannot be relocated, the City requests the owner abandon the dead end interconnection on the Royal Farms property and plant grass.
	25	Label the total square footage of the proposed building.
	26	Does the outdoor pool need a separate drain or water service connection? Possibly an irrigation meter.
	27	Do not plant trees on top of the proposed utility lines. Adjust the landscaping or relocate the utility service lines.
	28	Label Silicato Parkway as State Maintained and provide the ROW width. Correct the label showing US 113. This is only SR1 at this location. Indicate this road as State Maintained and provide the ROW width.

	29	Show the preliminary stormwater management infrastructure.
	30	Show the location of the water meter pit and sanitary sewer cleanout.
	31	Show and label the 2 benchmarks listed on the cover page.
	32	Provide proof that there are cross-access easements in place for the interconnection with the Royal Farms property.
	33	Provide a landscaping plan showing plantings in front of the hotel, screening around the trash enclosures, landscaping throughout the parking lot and property.
	34	Dimension the distance between the proposed pylon sign and the property lines. Note that the sign will require a City building permit and DelDOT approval.
	35	Provide a sidewalk extension on the east side of the property from the hotel to the Royal Farms parking lot.
	36	Provide ADA ramps at the entrance of the hotel near the drop off location. Provide an ADA ramp at the northern limit of the first parking aisle east of the hotel structure. Provide an ADA ramp adjacent to the loading space and in front of the double doors on the east side of the hotel. Provide a space for access in front of the double doors by eliminating a parking space. You could possibly extend the paved surface of this parking row south so that the loading space is flush with the drive aisle curbing coming from the Royal Farms interconnection.
	37	Please note that the proposed directional signs are located with utility or drainage easements and may be disturbed by the City during the installation or repair of utilities.
	38	The City has concerns about the traffic configuration at the entrance to the site. The proposal shows a shared access road for the hotel property and the vacant parcel to the north. The hotel entrance is located very close to the shared entrance along Silicato Parkway and may cause problems for vehicles leaving the hotel site. Additionally, the future use of the site to the north is unknown and it is unclear based on the provided site plan, what the long-term traffic configuration for these sites will be. The City would like to avoid a three way intersection upon the immediate entry to the cross-access easement, or offset entrances, or entrances located too close the Silicato Parkway stop sign.
	39	Add a landscaped island in front of the entire northern parking row abutting the access drive (future).
	40	Provide an interconnection between the parking area closest to Route 1 and the vacant parcel to the north, similar to what was provided for Royal Farms. Relocate parking spaces to comply with parking requirements.
	41	Provide ADA curb ramps in front of the ADA parking.
	42	Submit a parking lot lighting plan with the final site plan submission.
	43	The applicant must obtain approval from the City Engineer, DelDOT, DHSS, DNREC, KCD and the State Fire Marshal before the plan can be scheduled for Final Site Plan approval

Please revise and resubmit for review. These comments must be addressed or acknowledged before the application can be scheduled for Planning Commission review. Feel free to contact me at 302-424-8396 should you have any questions.

Sincerely,

William R. Pierce II

Rob Pierce
Planning & Development Director

cc: Erik Retzlaff, P.E. - City Engineer

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 19, 2018

City of Milford
201 South Walnut Street
Milford, DE 19963

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

RE: **Microtel Preliminary Site Plan Comment Responses**
Tax Map #: MD-16-174.15-01-01.04-000
DBF #2953A001.C01

Dear Mr. Pierce:

On behalf of our client Beacon Management Associates, LLC, we are pleased to submit preliminary site plan application comment responses for the proposed Microtel Inn and Suites, located at 106 Silicato Parkway in Milford. City of Milford comments are italicized, while our responses are in bold.

DWG/PG NO.	*COMMENT NO.*	*PROJECT REVIEW COMMENTS*
		Variance Application
	1	*See below Site Plan comments.* – **Site Plan Comments have been addressed as indicated below.**
		Conditional Use
	1	*Update paragraph 3 of the conditional use narrative to be consistent with the provided site plan.* – **Paragraph 3 has been updated. The narrative is included in this comment response package. Please note that the parking situation may change based on the results of the variance hearing.**
	2	*Include some information regarding the number of employees expected at the facility.* – **Please see the updated Paragraph 3.**
		Preliminary Site Plan
PL-01	*1*	*Data Column: Remove reference to the growth zone, local land use agency, minimum lot depth, proposed discharge location, and proposed building construction. These are not required by the City.* – **These items have been removed from the data column.**
	2	*Data Column: Move the actual lot area/acreage of the site underneath or above the statement regarding minimum lot area.* – **Actual lot acreage has been moved beneath the minimum lot area.**

	3	*Data Column: Provide the actual lot coverage above or underneath the maximum lot coverage statement.* – **Actual lot coverage is located beneath maximum lot coverage.**
	4	*Data Column: Provide the actual lot width above or underneath the minimum lot width statement.* – **Actual lot width is located beneath the minimum lot width.**
	5	*Data Column: Change the existing use to vacant.* – **Existing use updated.**
	6	*Data Column: Change the maximum building height to 5 stories or 60 feet and remove the exceptions statement and the reference to 3 stories and 35 feet.* – **Data column updated as noted.**
	7	*Data Column: Remove the item "conditional use: 1 acre." This should be accounted for under the minimum lot area and actual lot area statements.* **Removed.**
	8	*Data Column: Add "front" to the minimum building setback statement.* – **"Front" added.**
	9	*Data Column: Add City of Milford electric under utility providers.* **Utility providers updated.**
	10	*Data Column: Under the parking rationale, add the word "plus" at the end of line one.* – **"PLUS" added.**
	11	*Data Column: EDUs should be calculated at 1 + (number of standard rooms/3). Please adjust your calculation.* **-EDU calculation confirmed as correct, calculation wording updated.**
	12	*Data Column: Provide the date of the survey and the source of the boundary survey.* **Date and source provided.**
	13	*Data Column: Indicate the source of the wetland investigation.* – **Wetland information source indicated.**
	14	*Data Column: Update the FEMA FIRM panel number to the most recent edition.* **FEMA information updated and consistent.**
	15	*Data Column: Provide a phone number for both the owner and the developer.* – **Owner and developer phone numbers added.**
	16	*Data Column: Add variance notes near the minimum lot area and parking rationale information if variances are approved by the Board of Adjustment.* **Approved Variance information will be added to final plans.**
	17	*Data Column: Add a statement regarding the absence or presence of a source water protection area.* – **Statement regarding the absence of source water protection area added.**
	18	*Data Column: Provide more information regarding the identified benchmarks, including their x,y,z values.* – **Benchmark information provided.**

	19	*Supplement the general notes shown on the cover sheet with the attached general construction notes.* **Attached general construction notes added to plan set. Required creation of additional sheet.**
	20	*Rename the title sheet Preliminary Conditional Use Site Plan.* **Plan set re-named.**
	21	*Remove reference to US Route 113. Indicate that Route 1, Silicato Parkway, and NE Tenth Street are State Maintained roads.* **All roads indicated as State Maintained and US 113 designation removed.**
	22	*Label the City's pump station parcel.* **Tax parcel listed as per Kent County Records which currently indicates NKS ownership. The easement that is shown came from the recorded Silicato-Wood Commercial Development Record Plan.**
	23	*Add P.E. after Erik Retzlaff in the City Engineer approval block.* – **P.E. designation added.**
PL-02	*24*	*Is there a reason why the building was not situated closer to the center of the lot so that both interconnections with Royal Farms could be utilized? The small parking area directly east of the building could be relocated to the west side of the building and shift the hotel and pool to the east. If the building cannot be relocated, the City requests the owner abandon the dead end interconnection on the Royal Farms property and plant grass.* – **The placement of the building enables parking lots to be clustered together to minimize maintenance while meeting parking and fire marshal regulations. The Developer will approach Royal Farms about abandoning the interconnection.**
	25	*Label the total square footage of the proposed building.* – **Square footage shown.**
	26	*Does the outdoor pool need a separate drain or water service connection? Possibly an irrigation meter.* **-Initial location shown for irrigation meter. Final pool site design, to include drains, etc. to be shown on Final plans.**
	27	*Do not plant trees on top of the proposed utility lines. Adjust the landscaping or relocate the utility service lines.* – **A landscaping plan is provided that shows no trees on top of proposed utility lines.**
	28	*Label Silicato Parkway as State Maintained and provide the ROW width. Correct the label showing US 113. This is only SR1 at this location. Indicate this road as State Maintained and provide the ROW width.* **Right of way width positioning adjusted to be seen better. 113 reference removed. Roads labeled as state maintained.**
	29	*Show the preliminary stormwater management infrastructure.* **Preliminary stormwater drainage infrastructure shown.**
	30	*Show the location of the water meter pit and sanitary sewer cleanout.* – **Water meter pit and sanitary sewer cleanout location shown.**

	31	*Show and label the 2 benchmarks listed on the cover page.* – **Benchmarks shown.**
	32	*Provide proof that there are cross-access easements in place for the interconnection with the Royal Farms property.* **According to PB 111-PG 33 and PB114 – PG 58 there are no cross access easements. However, PB114 – PG 58 shows two interparcel connections.**
	33	*Provide a landscaping plan showing plantings in front of the hotel, screening around the trash enclosures, landscaping throughout the parking lot and property.* **Landscaping as required shown. Details for the trash enclosure have been provided.**
	34	*Dimension the distance between the proposed pylon sign and the property lines. Note that the sign will require a City building permit and DelDOT approval.* **Distances dimensioned.**
	35	*Provide a sidewalk extension on the east side of the property from the hotel to the Royal Farms parking lot.* **Sidewalk extended.**
	36	*Provide ADA ramps at the entrance of the hotel near the drop off location. Provide an ADA ramp at the northern limit of the first parking aisle east of the hotel structure. Provide an ADA ramp adjacent to the loading space and in front of the double doors on the east side of the hotel. Provide a space for access in front of the double doors by eliminating a parking space. You could possibly extend the paved surface of this parking row south so that the loading space is flush with the drive aisle curbing coming from the Royal Farms interconnection.* **ADA ramps are now shown.**
	37	*Please note that the proposed directional signs are located with utility or drainage easements and may be disturbed by the City during the installation or repair of utilities.* **This is understood.**
	38	*The City has concerns about the traffic configuration at the entrance to the site. The proposal shows a shared access road for the hotel property and the vacant parcel to the north. The hotel entrance is located very close to the shared entrance along Silicato Parkway and may cause problems for vehicles leaving the hotel site. Additionally, the future use of the site to the north is unknown and it is unclear based on the provided site plan, what the long-term traffic configuration for these sites will be. The City would like to avoid a three way intersection upon the immediate entry to the cross-access easement, or offset entrances, or entrances located too close the Silicato Parkway stop sign.* **The site entrance is the same as Royal Farms and Grotto's. However, this project is only constructing the road up to their entrance. The Developer of Lot 3 will complete the remaining entrance configuration that is appropriate for both Lots 3 and 4.**

	39	*Add a landscaped island in front of the entire northern parking row abutting the access drive (future).* **Landscaping is not required here and as the design for the abutting property has not be completed yet, landscaping is not shown.**
	40	*Provide an interconnection between the parking area closest to Route 1 and the vacant parcel to the north, similar to what was provided for Royal Farms. Relocate parking spaces to comply with parking requirements.* **This will or will not be added pending the variance hearing.**
	41	*Provide ADA curb ramps in front of the ADA parking.* **ADA curb ramps are provided.**
	42	*Submit a parking lot lighting plan with the final site plan submission.* **Lighting plan will be submitted with final plan submission.**
	43	*The applicant must obtain approval from the City Engineer, DelDOT, DHSS, DNREC, KCD and the State Fire Marshal before the plan can be scheduled for Final Site Plan approval* **Approvals will be obtained.**

The following documents are enclosed with these responses:

- Updated Conditional Use Proposal Summary
- Additional Variance Application – Parking Reduction to be signed later (as per conversation between Rob and Ring on January 19, 2018)
- Preliminary Conditional Use Plan
    - 2 Sets – Paper
    - 1 CD

Should you have any questions regarding this submission, please contact me at (302) 424-1441 or via e-mail at anm@dbfinc.com.

Sincerely,
Davis, Bowen & Friedel, Inc.

Ashton N. McLaughlin, P.E.
Civil Engineer

City of Milford, Delaware
Development Advisory Committee

Comment Sheet

****

DATE OF REVIEW: January 16, 2018

REVIEWING AGENCY: **Delaware State Fire Marshal's Office, Sussex Office**

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**
William C. Kelly, Sr Fire Protection Specialist

AGENCY PHONE NUMBERS: **302-739-4394, Fax: 302-739-3696**

RE: MICROTEL (18-001)

The reasons and conditions applied to this project and their sources are itemized below:

****

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements**:
   - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Hotel)
   - Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**
   - All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
   - Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
   - Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
   - Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**
   - All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This

means that the access road to the subdivision from Silicato Way and Bay Rd must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**
   - Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes**:
   - Provide a note on the final plans submitted for review to read " All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
   - Proposed Use
   - Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
   - Square footage of each structure (Total of all Floors)
   - National Fire Protection Association (NFPA) Construction Type
   - Maximum Height of Buildings (including number of stories)
   - Note indicating if building is to be sprinklered
   - Name of Water Provider
   - Letter from Water Provider approving the system layout
   - Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
   - Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE

DELAWARE HEALTH AND SOCIAL SERVICES
Division of Public Health

Office of Engineering
Phone: (302) 741-8640
Fax: (302) 741-8641

January 10, 2018

Mr. Rob Pierce
City of Milford Planning & Zoning Department
201 South Walnut Street
Milford, DE 19963

Re: January 19, 2018 Development Advisory Committee

Dear Mr. Pierce:

The Division of Public Health Office of Engineering is in receipt of the following application. Below are comments by the Office of Engineering regarding the proposed project for the September 20, 2016 Planning Commission Meeting

1. ***Application:*** ***18- 001 / Microtel***

   The water will be supplied by the City of Milford. This project will require plan review and a Certificate to Construct by the Office of Engineering before construction is started. In order to obtain a Certificate to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by the Office of Engineering prior to construction.

   A Certificate to Operate will be issued to the City of Milford after all applicable requirements are met. Please contact Bill Milliken or Doug Lodge, PE, at (302) 741-8640 for further information.

   The preliminary plans indicate that a public pool is proposed. All public pools must go through plan review and receive an Approval to Construct from the Office of Engineering. Please contact Monica Truempy, Engineer II, Office of Engineering at (302) 741-8647 for further information.

   A commercial plumbing review and Approval to Construct will be required from the Office of Engineering prior to receiving a Plumbing Permit. Please contact Bill Milliken at 302-741-8646 for further information.

Please do not hesitate to contact me at the Office of Engineering (302) 741-8646 with questions or comments.

Sincerely,

William J. Milliken, Jr.
Engineer III
Office of Engineering

§ 230-14. - C-3 Highway Commercial District.

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

A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.

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

(1) Those uses permitted in the C-2 District.

(2) Warehouses.

(3) Large retail outlets.

(4) Indoor storage accessory building.

(5) Fast-food restaurants and drive-in restaurants.

(6) Supermarkets.

(7) Truck and trailer rentals.

(8) Roadside produce market.

(9) Memorial stone shop.

(10) Outdoor commercial recreational facilities, not motorized vehicles.

(11) Swimming club.

(12) Indoor facility for amusement or assembly.

(13) Bus station.

C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:

(1) Motels or hotels with a minimum lot size of three acres.

(2) Commercial greenhouse.

(3) Wholesale establishment.

(4) Newspaper publishing or printing establishment.

(5) Contractors', craftsmen's or general service shops, including welding and similar shops.

(6) Laboratory, testing and research.

(7) Car repair shops.

(8) Used car lots.

(9) Telephone central office or television cable central office.

D. Area regulations.

(1) Minimum lot area shall be one acre.

(2) Maximum lot coverage shall be 80%.

(3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.

(4) Height of buildings shall not exceed three stories or 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 feet.

(5) Minimum building setback shall be 30 feet.

(6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.

(7) Minimum rear yard shall be 50 feet.

(8) Parking shall comply with the requirements provided in Article IV of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Signs shall comply with the requirements provided in Article VI of this chapter.

ARTICLE IV - Off-Street Parking and Loading

§ 230-20. - General provisions.

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

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

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

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

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

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

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

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

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

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

(1) North Walnut Street and Northeast Front Street.

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

(3) Park Avenue and North Washington Street.

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

(5) Southeast Front Street and South Washington Street.

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

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

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

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

§ 230-21. - Parking and loading standards.

A. Design standards (general).

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

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

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

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

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

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

Types and Uses	Required Off-Street Parking Spaces
Retail stores and shops, all types, supermarkets, retail food stores and undertakers	1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees
New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions	4 per salesperson, plus 1 per per 2 employees during the period of greatest employment
Personal service establishments, laundromats and dry cleaning	1 per 200 square feet of gross floor area
Banks and other financial institutions	1 per 200 square feet of gross floor area, plus 1 for each employee
Business, governmental and professional offices	1 per 100 square feet of gross floor area
Medical and dental offices or clinics **[Amended 7-14-1997]**	From 1 per 100 square feet gross floor space for medical and dental offices or clinics to 1 per 150 square feet of gross floor area for medical and dental offices or clinics
Hospitals	1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment
Sanatorium or nursing home	1 for every 4 beds
Churches and other places of worship	1 per 5 seats
Indoor and commercial outdoor recreation	1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility
Restaurants, taverns and similar uses	1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment

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

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

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

C. Loading spaces.

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

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

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

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

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

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

[1] Eight thousand to 20,000 square feet of floor area: one berth.

[2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.

(c) Each manufacturing, office research and industrial establishment with a total of 3,500 square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.

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

ARTICLE V - Landscape Screening

§ 230-22. - District requirements.

A. Residential districts.

(1) In any R-1, R-2 or R-3 District a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

(2) In any R-3 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

B. Commercial districts. In any C-1, C-2 or C-3 District a fifteen-foot buffer area shall be provided within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2 or R-3 or any contiguous lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard.

C. Institutional, Industrial and Office Building/Complex Districts: H-1, I-1, I-2, OB-1 and OC-1. [4]

(1) Each use established in these districts shall set aside at least 20 feet in width immediately adjacent to any street upon which the lot has frontage, and extending for the full frontage of the lot, for purposes of providing for proper site distance and buffering from the public road. Within such area, the owner shall establish and maintain a planting of grass and/or horticultural ground cover. Other landscape materials may be incorporated, provided that there is no obstruction to vision, other than a tree trunk, in the area between two and seven feet above ground level. No use shall be made of this buffer area other than for a single driveway to provide access to the use for each 100 feet of frontage upon a public road. Such driveway shall not exceed 32 feet in width.

(2) Parking areas may be located in any hard area but shall not be closer than 15 feet to any street line or property line.

D. Limited Industrial District. At the boundary line between an I-1 District and any R-1, R-2 or R-3 District or any lot developed or approved for development for residential use, there shall be a fifty-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard. [5]

§ 230-23. - Maintenance.

It shall be the responsibility of the property owner of record or his delegated representative(s) to properly maintain and care for any landscape plan planted or erected.

ARTICLE IX - Conditional Uses

§ 230-46. - Purpose.

A. The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.

B. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in accordance with the provisions of this chapter after duly advertised hearings held in accordance with the provisions of Article XII.

§ 230-47. - Application and approval procedures.

A. The application for a conditional use shall first be made with the Code Official, who shall then forward the materials to the Planning Commission.

B. The Planning Commission shall study such information and make recommendations to the City Council within 60 days of the Code Official's referral to the Commission after holding a public hearing.

C. The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this chapter.

§ 230-48. - Criteria for evaluation.

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

A. The presence of adjoining similar uses.

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

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

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

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

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

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

A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.

B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.

C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.

D. See fee schedule.

E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.

F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

ARTICLE X - Site Plan Review

§ 230-50. - Purpose.

The site plan review has a twofold purpose. It is to assure that the large-scale developments are in accord with the Comprehensive Plan and that such developments comply with the regulations of this chapter. Site plans are required to assure good arrangement and appearance of new development; ensure harmony with existing structures; assure consistency with the City's adopted building and design standards, the Comprehensive Plan, and the City's Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design; to provide an understanding of the impacts of proposed development on public facilities and services and ensure the availability and adequacy of the same; and to otherwise meet the purposes of this chapter.

§ 230-51. - Guidelines.

Guidelines for determining what site plans shall be reviewed by the Planning Commission shall be as follows:

A. Automatic determination of review. Certain types of developments, due to the nature of their impact on the entire community, shall automatically have their site plans reviewed by the Planning Commission, including the following:

(1) Residential:

(a) Townhouses.

(b) Garden apartments.

(c) Planned unit developments.

(d) Mobile home parks.

(2) Commercial: shopping centers.

(3) Institutional: hospitals.

(4) Industrial: all industrial developments.

B. Discretionary determination of a review. The Code Official shall have discretion in determining what proposed developments other than those enumerated above shall have their site plans reviewed by the Planning Commission. When making such a decision, the Code Official shall consider but not be limited to the following factors:

(1) If the traffic flow will be greatly altered. Flow includes:

(a) Pattern.

(b) Volume.

(c) Hazard involved.

(d) Time involved.

(2) If parking on a large scale is required.

(3) If public utilities or works must be expanded to accommodate the development.

(4) If there is a change in the existing land use pattern.

(5) If there are incompatible uses within the proposed development or in relation to the abutting districts.

(6) If there may be difficulty in meeting existing performance standards.

§ 230-52. - Review procedure.

A. Preliminary approval.

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

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

(3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.

(4) Preliminary approval from the Planning Commission shall be void after one year, unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration.

B. Final approval.

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

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

(3) The Planning Commission shall review the application and shall approve the application with or without conditions, deny the application, or table the application.

(4) Prior to receiving final site plan approval, the City Engineer shall provide a copy of the signed subdivision agreement to the City Planner.

(5) Within 90 days of final approval from Planning Commission, the applicant shall record the plat at the County Recorder of Deeds office and provide the City Planner a receipt of the recordation including the deed book and page number. Prior to recording the plat, five copies of the plat must be submitted to the City Planner for stamping and signing. Three sets will be returned to the applicant.

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

(7) Failure to record the plat within 90 days of Planning Commission approval will result in the approval being voided.

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

§ 230-52.1. - Site plan expiration.

If construction of approved buildings and improvements is not substantially undertaken within one year of final site plan approval, the site plan approval shall be void. The applicant may, however, request and the Planning Commission may grant a one-year extension for good cause.

"Be the **CHANGE** you want to **SEE** in the **WORLD**."
--Gandhi

JEFFERSON AWARDS FOUNDATION

LEAD360 Awards Ceremony

THE CITY of Milford DELAWARE

City of Milford
March 26, 2018

LEAD 360

The LEAD360 Challenge, an initiative of the Jefferson Awards Foundation, is one of the largest youth service contests in America. The Challenge taps into the energy and idealism of young people, encouraging and facilitating them to share their stories of service with millions.

★★★★★★★★★★

LEAD360 will become the platform that powers youth service ideas:

to realize their vision, act as the megaphone for their voices, and empower them and the country to **ACT** with **MAXIMUM IMPACT**.

LEAD 360

To date LEAD360 has seen:

- ✓ More than 6,500 projects and BIG IDEAS
- ✓ Engaged 1 Million young people
- ✓ Worked with over 40 National Partners
- ✓ More than 1Million impressions on Twitter and Instagram
- ✓ Impacted more than 12Million lives

LEAD 360

Delaware's 2018
Phase 1 National
Finalist

Congratulations!

Buckets of Love

LEAD 360

This year we had 7 Mayors in Delaware commit to host and promote the LEAD360 Challenge in their city.

City of Dover: Mayor Robin Christiansen

Town of Georgetown: Mayor Bill West

City of Lewes: Mayor Ted Becker

City of Milford : Mayor Bryan Shupe

City of Newark: Mayor Polly Sierer

City of Seaford: Mayor David Genshaw

City of Wilmington: Mayor Mike Purzycki

LEAD 360

2017-2018 State of Delaware

Phase 1 Results

136 Projects

38,631 Volunteers

222,010 Volunteer Hours

374,529 Lives Impacted

Over $5,150,632 Financial Impact

LEAD 360

2017-2018 State of Delaware

Phase 2 Results

27 Activation Projects Completed

Delaware LEAD360 Impacted Lives 13,230

=

A $119,070 value

LEAD 360

Milford Central Academy Jobs for Delaware Graduates

Abbott's Mill Nature Center Cleanup

LEAD 360

Mayor's Top Project

Jenna Dewey

Children's Library

LEAD 360

City of Milford

Phase 1 Results

2 Projects

30 Volunteers

316 Volunteer Hours

4,650 Lives Impacted

Over $7,331 Financial Impact

THE CITY of Milford DELAWARE

LEAD 360

2017 Phase 2 Activation Participants

Bank of America
Caesar Rodney High School JDG
Cape Henlopen High School JDG
Central Middle School Senators In Action
City of Wilmington
Delaware 87ers
Delmar High School JDG
Fall Leadership Conference
Jobs for Delaware Graduates Staff
Milford Central Academy
MOT Charter Elementary
NCC Police Department
Newark High School JDG
Oberod Donor Reception
Reagan and Payton Garnsey
Seaford High School JDG Team
Smyrna High School JDG Team
St. Elizabeth High School SIA Team
St. Georges High School
The Buccini Pollin Group
The Charter School of Wilmington SGA
The Jefferson School
University of Delaware Athletics
Western Sussex Boys & Girls Club
Wilson Elementary
Woodbridge Middle School
Wraparound Delaware

Thank you for participating!

LEAD 360

2017 Phase 2 Delaware Winners!

Congratulations!

Emma's Art Kits Activation Winners

The Charter School of Wilmington

10,055 Art Kits = **$90,495** Financial Value

The Buccini Pollin Group

750 Art Kits = **$6,750** Financial Value

MOT Charter 1st and 2nd Grades

332 Art Kits = **$2,988** Financial Value

LEAD 360

PHASE 2 – 2018 National Winner & Project

Buckets of Love

Health & Wellness

Reagan and Payton Garnsey

LEAD 360

Over the course of this year, we will track
the collective impact of this project all over the country.

Reagan and Payton Garnsey

Health & Wellness

Buckets of Love

We invite individuals, organizations, schools, companies, and communities to participate in LEAD360 through Buckets of Love! Jefferson Awards will be given to those who make the biggest impact in the State of Delaware.

"Be the **CHANGE** you want to **SEE** in the **WORLD**."
--Gandhi

JEFFERSON AWARDS FOUNDATION

LEAD360

Thank you to all of our participants, and to Mayor Shupe for supporting LEAD360.

Communication & Correspondence

Mayor and Council:

Please confirm your availability for the following committee meetings for the month of April.

Joint Public Works and Finance Committee Meeting
(Brooks, Morrow, ~~Peel~~, Morrow, Burk, Mergner)
Monday, April 9, 2018
6:00 pm (prior to Council meeting)

***Public Works Committee Meeting**
(Brooks, Morrow, Peel)
Monday, April 16, 2018
5:30 pm

Police Committee Meeting
(Burk, Wilson, Brooks)
Monday, April 23, 2018
6:00 pm (prior to Council meeting)

Economic Development Committee Meeting
(Mergner, Peel, Starling)
Monday, April 30, 2018
6:00 pm

**All members have confirmed their availability. Added to this document as a reminder.*

April 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9 Council mtg	10	11	12	13	14
15	16	17	18	19	20	21
22	23 Council mtg	24	25	26	27	28
29	30					

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May 2018

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14 Council Mtg	15	16	17	18	19
20	21	22	23	24	25	26
27	28 Memorial Day	29 Council Mtg	30	31		

print-a-calendar.com

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: March 26, 2018

RE: Residential and Commercial Building Code Update

Chapter 88 – Building Construction

The construction and alteration of all residential or commercial structures within the City of Milford is governed by Chapter 88 – Building Construction. Chapter 88 adopts the 2006 International Residential Code (IRC) and the 2006 International Building Code (IBC) which regulate residential and commercial building construction within City limits. These standardized codes are developed by the International Code Council (ICC) and are typically updated every three years.

Building and Residential Code Comparisons

The adopted codes of each county and larger municipalities are provided below for comparison;

Kent County – 2012 IRC, 2012 IBC
Sussex County – 2012 IRC, 2012 IBC
Wilmington – 2012 IRC, 2012 IBC
Dover – 2009 IRC, 2009 IBC
Newark – 2012 IRC, 2012 IBC
Middletown – 2012 IRC, 2012 IBC
Smyrna – 2012 IRC, 2012 IBC
Seaford – 2009 IRC, 2009 IBC
Georgetown – those adopted by Sussex County
Elsmere – 2000 IRC, 2000 IBC
New Castle – 2000 IRC, 2000 IBC
Millsboro – 2003 IRC, 2003 IBC
Laurel – 2009 IRC, 2009 IBC
Harrington – 2012 IRC, 2012 IBC
Camden – 2006 IRC, 2006 IBC

Each community may have different additions, insertions or deletions of specific portions of the adopted IRC or IBC code.

ISO Building Code Effectiveness Grading Schedule (BCEGS)

In 2017, the City was graded by Insurance Services Office, Inc (ISO) under the Building Code Effectiveness Grading Schedule (BCEGS) which assesses the building codes in effect in a particular community and how the community enforces those building codes. Municipalities with well-enforced, up-to-date codes should demonstrate better loss experience, and insurance rates can reflect that.

The BCEGS program assigns each community a grade from 1 (best) to 10 (worst). ISO develops and provides BCEGS classifications, advisory credits and related underwriting information to insurers.

The 2017 audit returned a grade of 10 for the City, primarily due to the fact that the City operates under an older version of the ICC. For comparison, the City had underwent a similar audit in 2011 where the City scored a 6 on both the residential and commercial building codes. By adopting the 2012 IRC and IBC, the City would improve their BCEGS grade to 5.

Public Outreach

In January 2017, the Department notified homebuilders and individual contractors of the proposed code update and offered to meet with them to discuss concerns in an effort to gather input prior to presenting a code amendment to the Economic Development Committee and City Council. These same contractors were invited to attend the Economic Development Committee meeting.

Additions, Insertions and Changes

The Department compared the current City additions, insertions and deletions with those adopted by both Kent and Sussex County to formulate the draft additions, insertions and changes in the provided code amendment. The main modifications include the following;

- R311.7.5.1 Risers (similar to Kent and Sussex County) – increases the maximum riser height from 7 ¾ inches to 8 ¼ inches.
- R311.7.5.2 Treads (similar to Kent and Sussex County) – decreases the minimum tread depth from 10 inches to 9 inches.
- R313 Automatic Fire Sprinkler Systems – Deleted in its entirety. (similar to Kent and Sussex County)

Recommendation

Staff recommends adopting the 2012 International Residential Code and 2012 International Building Code along with the provided additions, insertions and deletions.

Facts and Figures about BCEGS® Grades around the Country

Facts and Figures about BCEGS® Grades around the Country

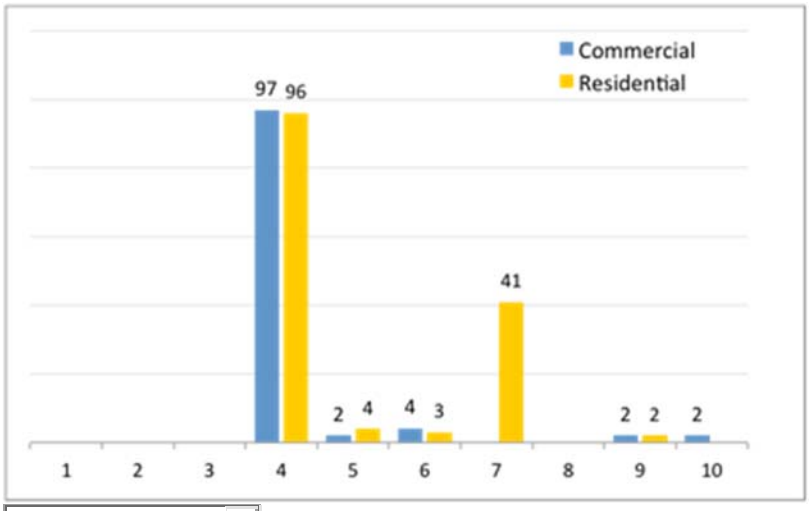
This page has information describing the state of building code enforcement in the United States.

The information can help you benchmark your community's level of enforcement against other cities and towns in your state and in the country as a whole.

Select from options below for distribution by state:

Building Code Class for Delaware

Distribution of Communities by BCEGS Class Number within Classification



Delaw are

The personal lines classification addresses building code adoption and enforcement for 1- and 2-family dwellings. The commercial lines classification is for all other buildings.

ORDINANCE 2018-07

CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 88
BUILDING CONSTRUCTION

WHEREAS, the City regulates construction practices and standards by means of technical codes to protect the health, safety and welfare of its citizens; and

WHEREAS, such codes must be updated from time to time; and

WHEREAS, at least one copy of the 2012 International Residential Code, which is hereby to be adopted by reference, has been filed with the City Clerk's office and made available for public use, inspection and examination; and

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 88 is hereby repealed and replaced as follows:

ARTICLE I - International Residential Code

§ 88-1. - Adoption of code.

That a certain document, three (3) copies of which are on file in the office of the Department of Planning of the City of Milford, being marked and designated as the International Residential Code, 2012 edition, including Appendix Chapters C, G and J, be and is hereby adopted as the Residential Code of the City of Milford, in the State of Delaware, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Residential Code on file in the office of the City of Milford are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions, and changes, if any, prescribed in § 88-2 of this chapter.

§ 88-2. - Additions, insertions and changes.

The following sections are hereby revised:

A. Chapter 1, Administration.
   (1) **Section R101.1**. Insert: City of Milford
   (2) **Section R105. Permits.**
      (a) **Section R105.2, Work exempt from permit**, is deleted in its entirety.

(b) Add: **R105.5.1. Time limitation of permit.** A permit for any activity for which a permit is required shall be valid for one year from the date of issuance.

(c) Add: **R105.5.2. Completion of construction.** All construction for which a building permit is required must be completed and pass final inspection within one year after issuance of a building permit. One extension of six months, accompanied by a renewal fee of a minimum of $50 or 10% of the original building permit fee, whichever is greater, may, at the discretion of the Code Official, be granted.

(3) **Section R108, Fees.**

(a) Add: **R108.6.1. Violation fee.** When obtaining a building permit after the start of construction, the building permit fee shall be $100 plus the permit fee or double the normal permit fee, whichever is less.

(4) Add: **109.1.1.1. Waterproofing inspection.** A waterproofing inspection will be required for all dwelling units with basements. The inspection will be required before the basement walls are backfilled.

(5) **Section R112. Board of Appeals**, is deleted in its entirety and replaced with the following;

R112.1. General. Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, shall proceed as described in Article III of this Chapter.

(6) Replace: **R113.4. Violation penalties.** Any person who shall violate a provision of this code or fails to comply with any of the requirements thereof or who shall erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor, punishable by a fine of not more than $500. Each day that a violation continues after due notice has been served shall be deemed as a separate offense.

(7) Replace: **R114.2. Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition shall be liable to a fine of not less than $500.

B. Chapter 2, Definitions. Adopt without changes.

C. Chapter 3, Building Planning.

(1) Add: **TABLE R301.2(1)**

Climatic and Geographic Design Criteria

Ground	Wind Speed (mph)	Seismic Design	Subject To Damage From	Winter	Ice Barrier		Air Freezi	Mean Annu	

Snow Load	Speed (mph)	Topo. Effects	Category	Weathering	Frost line depth	Termite	Design Temp	Underlayment Required	Flood Hazards	ng Index	al Temp	Assumed Soil Bearing
25	90	NO	A	SEVERE	24”	MOD-HEAVY	14	NO	9/14/92 3/16/15 7/7/14 1/6/05	368	55.7F	2000 psf

(2) **Section R311, Means of Egress.** Replace the following:

(a) **Section R 311.7.5.1 Risers.** The maximum riser height shall be 8-1/4 inches (209.6 mm). The riser shall be measured vertically between leading edges of the adjacent reads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The riser height at landings with hinged doors shall be measured from the landing vertically to the top of the threshold (not the compression strip). The riser height at landings with sliding doors shall be measured from the landing vertically to the top of the highest projection of the door track. Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 6-inch-diamter (102 mm) sphere.

Exception: The opening between adjacent treads is not limited on stairs with a total rise of 8-1/4 inches (209.55 mm) or less.

(b) **R311.7.5.2 Treads.** The minimum tread depth shall be 9 inches (229 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread’s leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

(3) **Section R313. Automatic Fire Sprinkler Systems.** Deleted in its entirety.

(6) Section R319. Site Address.

(a) Add: **R319.1. Street Identification.** Permanent street signs shall be in place prior to the issuance of the Certificate of Occupancy.

D. Chapter 4, Foundations. Adopt without changes.

E. Chapter 5, Floors. Adopt without changes.

F. Chapter 6, Wall Construction. Adopt without changes.

G. Chapter 7, Wall Covering. Adopt without changes.

H. Chapter 8, Roof-Ceiling Construction. Adopt without changes.

I. Chapter 9, Roof Assemblies. Adopt without changes.

J. Chapter 10, Chimneys and Fireplaces. Adopt without changes.

K. Chapter 11, Energy Efficiency. Deleted in its entirety. Refer to the current adopted State Energy Code

L. Chapter 12, Mechanical Administration. Adopt without changes.

M. Chapter 13, General Mechanical System Requirements. Adopt without changes.

N. Chapter 14, Heating and Cooling Equipment. Adopt without changes.

O. Chapter 15, Exhaust Systems. Adopt without changes.

P. Chapter 16, Duct Systems. Adopt without changes.

Q. Chapter 17, Combustion Air. Adopt without changes.

R. Chapter 18, Chimneys and Vents. Adopt without changes.

S. Chapter 19, Special Fuel-Burning Equipment. Adopt without changes.

T. Chapter 20, Boilers and Water Heaters. Adopt without changes.

U. Chapter 21, Hydronic Piping. Adopt without changes.

V. Chapter 22, Special Piping and Storage Systems. Adopt without changes.

W. Chapter 23, Solar Systems. Adopt without changes.

X. Chapter 24, Fuel Gas. Adopt without changes.

Y. Chapter 25, Plumbing Administration. Delete in its entirety. Refer to current adopted State Plumbing Code.

Z. Chapter 26, General Plumbing Requirements. Delete in its entirety. Refer to current adopted State Plumbing Code.

AA. Chapter 27, Plumbing Fixtures. Delete in its entirety. Refer to current adopted State Plumbing Code.

BB. Chapter 28, Water Heaters. Delete in its entirety. Refer to current adopted State Plumbing Code.

CC. Chapter 29, Water Supply and Distribution. Delete in its entirety. Refer to current adopted State Plumbing Code.

DD. Chapter 30, Sanitary Drainage. Delete in its entirety. Refer to current adopted State Plumbing Code.

EE. Chapter 31, Vents. Delete in its entirety. Refer to current adopted State Plumbing Code.

FF. Chapter 32, Traps. Delete in its entirety. Refer to current adopted State Plumbing Code.

GG. Chapter 33, Storm Drainage. Delete in its entirety. Refer to current adopted State Plumbing Code.

HH. Chapter 34, General Requirements. Delete in its entirety. Refer to current adopted State Electrical Code.

II. Chapter 35, Electrical Definitions. Delete in its entirety. Refer to current adopted State Electrical Code.

JJ. Chapter 36, Services. Delete in its entirety. Refer to current adopted State Electrical Code.

KK. Chapter 37, Branch Circuit and Feeder Requirements. Delete in its entirety. Refer to current adopted State Electrical Code.

LL. Chapter 38, Wiring Methods. Delete in its entirety. Refer to current adopted State Electrical Code.

MM. Chapter 39, Power and Lighting Distribution. Delete in its entirety. Refer to current adopted State Electrical Code.

NN. Chapter 40, Light Fixtures. Delete in its entirety. Refer to current adopted State Electrical Code.

OO. Chapter 41, Appliance Installation. Delete in its entirety. Refer to current adopted State Electrical Code.

PP. Chapter 42, Swimming Pools. Delete in its entirety. Refer to current adopted State Electrical Code.

QQ. Chapter 43, Class 2 Remote-Control Signaling and Power-Limited Circuits. Delete in its entirety. Refer to current adopted State Electrical Code.

RR. Chapter 44, Referenced Standards. Adopt without changes.

SS. Appendix C, Exit Terminals of Mechanical Draft and Direct-Venting Systems

TT. Appendix G, Swimming Pools, Spas, and Hot Tubs.

(1) **Section AG102. Definitions.**

(a) Add: Swimming Pool: Any structure intended for swimming or recreational bathing that contains or is capable of containing water over 24 inches (610 mm) deep or more water. This includes in-ground and on-ground swimming pools, hot tubs and spas.

(2) **AG105.2 Outdoor swimming pool.** Add:

11. For split rail fences, 14 gauge wire with opening no greater than 2 inches (51 mm) wide and 4 inches (102 mm) high shall be permitted. The fence must be 48 inches (1219 mm) high with the top edge securely fastened to the top rail. The wire must be applied on the side away from the pool (outside).

UU. Appendix J, Existing Buildings and Structures. Adopt without changes.

§ 88-3. - Fee schedule.

Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office.

ARTICLE II - International Building Code

§ 88-4. - Adoption of code.

A certain document, three (3) copies of which are on file in the office of the Department of Planning of the City of Milford, State of Delaware, being marked and designated as the International Building Code, 2012 edition, be and is hereby adopted as the Building Code of the City of Milford for regulating and governing the conditions and maintenance of all property, buildings, and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations; provisions, penalties, conditions and terms of said Building Code on file in the office of the City of Milford and hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions, and changes, if any, prescribed in § 88-5 of this chapter.

§ 88-5. - Additions, insertions and changes.

The following sections or portions are hereby revised as follows:

A. Chapter 1, Administration.

(1) **Section R101.1.** Insert: City of Milford

(2) **Section 105, Permits.**

(a) **Section 105.2. Work exempt from permit**, is deleted in its entirety.

(b) Add: **105.5.1. Time limitation of permit.** A permit for any activity for which a permit is required shall be valid for two years from the date of issuance.

(c) Add: **105.5.2. Completion of construction.** All construction for which a building permit is required must be completed and pass final inspection within two years after issuance of a building permit. One extension of six months, accompanied by a renewal fee of a minimum of $50 or 10% of the original building permit fee, whichever is greater, may, at the discretion of the Code Official, be granted.

(3) **Section 109. Fees.**

(a) Add: **109.4.1. Violation fee.** When obtaining a building permit after the start of construction, the building permit fee shall be $100 plus the permit fee or double the normal permit fee, whichever is less.

(4) **Section 113, Board of Appeals**, is deleted in its entirety and replaced with the following;

113.1. General. Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, shall proceed as described in Article III of this Chapter.

(5) Replace: **114.4. Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect,

construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Enforcement Official, or of a permit or certificate issued under the provisions set forth under this code shall be guilty of a misdemeanor, punishable by a fine of not more than $500. Each day that a violation continues after due notice has been served shall be deemed as a separate offense.

(6) Replace: **115.3. Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as would be necessary to correct said violation(s) or unsafe conditions, shall be liable to a fine of not less than $500.

(7) Replace: **116.5. Restoration.** A building or structure condemned by the Code Enforcement Official is permitted to be restored to a safe and fully code compliant condition, provided that said restoration or repairs do not exceed 50% of the value of said building or structure as determined by the assessment given by the City for tax purposes. This valuation figure shall be exclusive of foundations. Said repairs shall be made to comply, in all respects, with the requirements for materials and methods of construction of structures hereafter erected. To the extent that the repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

B. Chapter 2, Definitions. Adopt without changes.

C. Chapter 3, Use and Occupancy Classification. Adopt without changes.

D. Chapter 4, Special Detailed Requirements Based on Use and Occupancy. Adopt without changes.

E. Chapter 5, General Building Heights and Areas. Adopt without changes.

F. Chapter 6, Types of Construction. Adopt without changes.

G. Chapter 7, Fire Resistance-Rated Construction. Adopt without changes.

H. Chapter 8, Interior Finishes. Adopt without changes.

I. Chapter 9, Fire Protection Systems. Adopt without changes.

J. Chapter 10, Means of Egress. Adopt without changes.

K. Chapter 11, Accessibility. Adopt without changes.

L. Chapter 12, Interior Environment. Adopt without changes.

M. Chapter 13, Energy Efficiency. Delete in its entirety. Refer to current State Energy Code.

N. Chapter 14, Exterior Walls. Adopt without changes.

O. Chapter 15, Roof Assemblies and Rooftop Structures. Adopt without changes.

P. Chapter 16, Structural Design.

1612.3. Establishment of flood hazard areas. Insert: “City of Milford” for Name of Jurisdiction and “dated most recently enacted” for Date of Issuance.

Q. Chapter 17, Structural Tests and Special Inspections. Adopt without changes.

R. Chapter 18, Soils and Foundations. Adopt without changes.

S. Chapter 19, Concrete. Adopt without changes.

T. Chapter 20, Aluminum. Adopt without changes.

U. Chapter 21, Masonry. Adopt without changes.

V. Chapter 22, Steel. Adopt without changes.

W. Chapter 23, Wood. Adopt without changes.

X. Chapter 24, Glass and Glazing. Adopt without changes.

Y. Chapter 25, Gypsum Board and Plaster. Adopt without changes.

Z. Chapter 26, Plastic. Adopt without changes.

AA. Chapter 27, Electrical. Delete in its entirety. Refer to current adopted State Electric Code.

BB. Chapter 28, Mechanical Systems. Adopt without changes.

CC. Chapter 29, Plumbing Systems. Delete in its entirety. Refer to current adopted State Plumbing Code.

DD. Chapter 30, Elevators and Conveying Systems. Adopt without changes.

EE. Chapter 31, Special Construction. Adopt without changes.

FF. Chapter 32, Encroachments into the Public Right-of-Way. Adopt without changes.

GG. Chapter 33, Safeguards During Construction. Adopt without changes.

HH. Chapter 34, Existing Structures. Adopt without changes.

II. Chapter 35, Referenced Standards. Adopt without changes.

JJ. Appendix E, Supplementary Accessibility Requirements. Adopt without changes.

KK. Appendix F, Rodentproofing. Adopt without changes.

LL Appendix H, Signs. Adopt without changes.

§ 88-6. - Fee schedule.

Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office.

ARTICLE III - Board of Appeals

§ 88-7. - General.

In order to hear and decide appeals of orders, decisions, or determinations made by the building or code official relative to the application and interpretation of the code, there shall be and is hereby created a board of appeals. The Board of Appeals shall be appointed by City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

§ 88-8. - Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

§ 88-9. - Membership of the board.

The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. City Council shall appoint three members for terms of three years, provided that the terms of the original members shall be established in a manner that the term of at least one member shall expire each year and the successor shall be appointed for a term of three years.

§ 88-10. - Alternate members.

City Council shall appoint an individual of its choice to be an alternate during those times where one of the permanent members is unable to attend an appeals hearing or in cases where a conflict of interest may exist. Said appointment shall be made for a two-year term.

§ 88-11. - Chairperson.

The Board shall annually select one of its members to serve as chairperson.

§ 88-12. - Disqualification of member.

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

§ 88-13. - Secretary.

The City Manager shall designate a qualified clerk or staff as Secretary to the Board. The Secretary shall file a detailed record of all proceedings with the office of the City Clerk. Secretary shall have no right to vote on matters coming before the board.

§ 88-14. - Compensation of members.

Compensation of members shall be determined by ordinance of City Council.

§ 88-15. - Application for appeal.

Any person directly affected by a decision of the Code Official or an notice or order issued under this code shall have the right to appeal a decision of the Code Enforcement and/or Building Official to the Board of Appeals provided the application is filed within 20 days of the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not apply or that an equivalent form of construction is to be used.

§ 88-16. - Hearing fee.

The following nonrefundable fee schedule shall apply for hearings of the Board of Appeals:

International Residential Code: $ 300.00

International Building Code: $1,000.00

International Property Maintenance Code: $ 300.00

§ 88-17. - Notice of meeting.

The Board shall meet upon notice from the Chairperson. The meeting date and time shall be scheduled in accordance with the state guidelines for public hearings. Surrounding property owners within 200 feet of the property or building in question shall be notified by mail.

§ 88-18. - Open hearing.

All hearings before the Board shall be open to the public. The appellant's representative, the Code Official and any other person or persons that may be deemed necessary as witnesses and all other persons whose interests are affected shall be given an opportunity to be heard.

§ 88-19. - Procedure.

The hearing shall address only those issues or items that may be deemed relevant to the case being heard. The Board shall adopt and publish, for public information, the procedures under which the hearing will be conducted.

§ 88-20. - Postponed hearing.

When there are fewer than two members of the Board available and the authorized or appointed alternate is unavailable, notification shall be given to the interested parties.

§ 88-21. - Board decision.

The Board shall affirm, modify or reverse the decision of the Code Official by means of a simple majority.

§ 88-22. - Records and copies.

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the appropriate Building or Code Official.

§ 88-23. - Administration.

The appropriate Building or Code Official shall take immediate action in accordance with the decision of the Board.

§ 88-24. - Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the Superior Court of the State of Delaware in the applicable county for a writ of certiorari to correct

errors of law. Application for review shall be made in the manner and time required by law, following the filing of the Board's decision in the Office of the City Clerk.

§ 88-25. - Stays of enforcement.

Appeals of notices and orders (other than Imminent Danger Notices) shall stay the enforcement of the notice and order until the appeal is complete or the stay is lifted by the Superior Court.

Section 2. Dates.

Introduction: March 12, 2018
Adoption (Proposed): March 26, 2018
Effective (Proposed): April 5, 2018

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THE CITY of Milford DELAWARE

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March 22, 2018

TO: Mayor and City Council

FROM: Eric Norenberg
Lisa Carmean

SUBJECT: Ord. 2018-08 – Revisions to Part 1 – Administration Legislation Chapter 55 – Personnel

Purpose and Background

The City's personnel ordinance (policies and regulations contained in Chapter 55 of the Milford Code) has had minimal updates since 1992. A review and update began in 2009 but was not completed. The purpose of this memo is to outline the recent review of the City's personnel policies and regulations and recommended changes.

Discussion

City administration began review of the current personnel ordinance in 2016. By 2017, a first draft was ready for review by the management team that includes the all Department Directors, the Chief of Police, the City Clerk, the Human Resources Administrator and the City Manager. During several meetings over many hours, this team reviewed the old document and the new document, section by section, to assess needed updates and additions for the updated document. The draft Employee Policy Manual was then reviewed and edited by labor attorney Molly DiBianco, a partner at the firm of Smith, Katzenstein & Jenkins LLP, for compliance and inclusions of all policies required under federal and state laws.

Following is a review of the key updates and changes from the existing City of Milford Personnel Ordinance to the new Employee Policy Manual:

- Rename to Employee Policy Manual for a better connection with employees. The final, approved document will be provided to all employees in whatever form they prefer (hard copy or electronic) and will be available online. Training will also be provided and each employee will be asked to sign an acknowledgement of receipt of the Manual.
- Simplify or define topics for a clearer understanding by employees.
- Update to include processes, rules or other practices that have been followed over the years, but never formally documented in the personnel ordinance.
- Document the change from Probationary Period to Introductory Period. (Defines the first six months of employment in a more positive perspective.)
- Authorize and document the use of Flex Time, which can be beneficial in controlling overtime costs and work needs of the City, while creating flexibility for employees.
- Clearly define the existing practices for Lunch and Break Periods.

- Emergency Conditions was slightly modified in making the decision of City closings, to address the best interest of the citizens of Milford, while maintaining the concerns for safety of City employees.
- Vacation Sell Back was previously approved. Now the program is now incorporated into the manual for a clear explanation of when and how it can be used.
- Sick Leave has been updated to help administer for abuse of sick leave, but also to reward employees that use their sick leave only when absolutely needed, by increasing the at time of termination compensation from 156 hours to 240 hours.
- Update to include all current benefits with description highlights.
- Bereavement Leave is clearly defined as to who are immediate family members and who are extended family members.
- Family and Medical Leave is updated and includes the designation of tracking on a rolling year, instead of a calendar year.
- Jury Duty/Court Appearance was updated to clarify policy for situations when an employee must appear in court vs. actually serving jury duty.
- Harassment and Discrimination was updated to reflect current Federal and State laws and practices.
- Participation in Political Activity was condensed for a simpler explanation.
- Gifts and Gratuities is updated to indicate compliance with the Delaware Code of Conduct (ethics laws and related statutes/opinions).
- Volunteer Fire Response was added to clarify approval of an employees' volunteer fire service, during work hours, to help support Carlisle Fire Company's needs to respond to fire calls during regular business hours.
- Internet & Email Policy and the Telephone, Cellular Phone and Data Service Policy were updated to make clear the responsibility that employees have using the City's devices and systems safely and responsibly.
- Employee Recognition was added to help develop a practice of recognizing employees who uniquely distinguish themselves through outstanding performance or innovation that exemplifies dedication, creativity and personal integrity.
- Grievance Policy was changed to more clearly define the steps that an employee must follow when they have a grievance.
- Smoke-Free/Tobacco-Free Environment was updated to reinforce the State law and to remind employees that they may smoke during approved break times and only at approved locations. It also includes contacting HR to obtain information about quitting.
- Glossary of Definitions and Terms was added for helping employees to understand terms that they may not be familiar with and need defined.

Please contact either Lisa or me if you have questions prior to the City Council meeting. Otherwise, we will both be on hand during the City Council meeting for a presentation and questions.

STATEMENT

This Personnel Manual was adopted by City Council at a regularly scheduled meeting on March 9, 1992.

City Council
City of Milford

Welcome new employee!

On behalf of your colleagues, I welcome you to the City of Milford and wish you every success here.

We believe that each employee contributes directly to the City's growth and success, and we hope you will take pride in being a member of our team.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with this organization.

We hope that your experience here will be challenging, enjoyable and rewarding. Again, welcome!

Sincerely,

Richard D. Carmean
City Manager
City of Milford

INTRODUCTION

This handbook is designed to acquaint you with the City organization and provide you with information about working conditions, employee benefits and some of the policies affecting your employment. You should read, understand and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the City to benefit our employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or questions about policy. As the City continues to grow, the need may arise to change policies described in the handbook. The City, therefore, reserves the right to revise, supplement or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about the City organization, and I understand that I should consult the Department Director regarding any questions not answered in the handbook.

Since the information, policies and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the City Council of the City of Milford has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that I have received a copy of the handbook, and I understand that it is my responsibility to read and comply with the policies contained herein and any revisions which may occur.

_____ _____

EMPLOYEE'S SIGNATURE DATE

_____

EMPLOYEE'S NAME (TYPED OR PRINTED)

ARTICLE I. THE CLASSIFICATION SYSTEM

GENERAL PRINCIPLES

The Position Classification Plan is a basic tool of personnel management and is widely used both in private and public management. These agencies have learned that an organized, systematic approach to settling rates of pay for employees is of critical importance.

The process of determining the worth of a job or position to an organization in comparison with other jobs in the organization is commonly referred to as job evaluation.

A properly managed job evaluation system will result in the following basic benefits:

- Equity. Rates of pay can be established on the basis of an equitable relationship among positions, based on difficulty and responsibility of work performed.
- Consistency. Positions of equal difficulty and responsibility can be treated alike for pay purposes throughout the jurisdiction. Equal pay for equal work under like working conditions can be achieved.
- Understandability. Managers, supervisors and employees can be advised of the basis on which pay levels are determined. A systematic approach makes it easier to explain job evaluation decisions.

It should be understood that a classification plan is an inventory of positions and not employees. A position is one cell in the organizational structure and remains so unless formally changed. Personnel, on the other hand, are highly mobile. The formal classification plan consists of classes of positions, each having a title; definition of work; typical tasks; knowledges, skills, and abilities; and education and experience in the class specification. Each individual position is assigned to one of the classes.

Regardless of where they are located in the City organization, positions are placed in the same class if their duties and responsibilities are similar enough (1) to require the same basic knowledges and skills; (2) to be called appropriately by the same descriptive title; and (3) to deserve to be assigned to the same salary level.

CLASS SPECIFICATIONS

In reviewing the recommended Class Specifications, the following points should be kept in mind.

- Most CLASSES include more than one position. Therefore, the class specification is usually not a description of the work of one person but may summarize that of several persons doing similar work.
- The TITLES proposed were selected on the following basis:
  - to be as clear and descriptive as possible
    - to use commonly understood terms
  - to be as brief as possible
  - to indicate the level of difficulty

- to conform to applicable state and federal laws

- The GENERAL DEFINITION OF WORK takes the following into consideration:
  - It is a concise statement of the level and characteristics of the work performed.
  - It contains a definitive statement of the level of supervision received and the type of supervision exercised.
  - The statement "does related work as required" is included to indicate that the definition and the balance of the class specification, is not intended to be all inclusive or totally restrictive. Reasonably related duties and responsibilities may be assigned as necessary. On the other hand, it is not intended to encourage the assignment of completely unrelated duties.
- The TYPICAL TASKS should be read with the following in mind:
  - The tasks listed are examples only
  - In most cases none of the positions will include all the tasks listed
  - Most positions will include tasks other than those listed

- The list of KNOWLEDGES, SKILLS AND ABILITIES should be considered as general and not all inclusive. Qualifications desirable in all employees, such as honesty, accuracy, loyalty and courtesy, for example, generally are not specifically mentioned.
- The EDUCATION AND EXPERIENCE standards should be considered in the following manner:
    - The standards are for future use only. They do not apply to the present incumbent.
    - They are intended as guides only. It is strongly urged that any reasonable equivalent combination of education, training and experience be considered appropriate in future hiring.
    - The standards proposed are kept at the lowest possible level so that no one who could do the work would be barred from consideration.

110POSITION CLASSIFICATION SUMMARY

CITY OF MILFORD

POSITION GRADES and CLASSIFICATIONS

GRADE 6:	**CLERK TYPIST** **CUSTODIAN** **REFUSE COLLECTOR**
GRADE 8:	**CONSTRUCTION WORKER I** **DATA ENTRY CLERK** **OFFICE COORDINATOR (Parks and Recreation)** **RECEPTIONIST** **DISPATCHERS**
GRADE 9:	**CASHIER** **METER READER**
GRADE 10:	**BILLING CLERK** **CONSTRUCTION WORKER II** **EQUIPMENT OPERATOR I** **GROUNDMAN** **METER TECHNICIAN**
GRADE 12:	**APPRENTICE LINEMAN** **ASSISTANT DIRECTOR (Parks and Recreation)** **CREW CHIEF (Streets and Solid Waste)** **PIPEFITTER** **WAREHOUSEMAN** **PERSONNEL OFFICER**
GRADE 14:	**BUILDING INSPECTOR/CODE OFFICER** **EXECUTIVE SECRETARY/CITY CLERK**

	MECHANIC
	STAFF ACCOUNTANT
	SYSTEM COORDINATOR/PERSONNEL DIRECTOR
	WATER/SEWER TECHNICIAN
	ASSISTANT BILLING SUPERVISOR
GRADE 18:	**LINEMAN**
GRADE 22:	**JOURNEY LINEMAN**
	PARKS AND RECREATION DIRECTOR
	SUPERVISOR (Streets and Solid Waste)
GRADE 24:	**SUPERVISOR (Water and Wastewater)**
	SUPERVISOR (Electric)
	SUPERVISOR (Billing)
GRADE 26:	**ASSISTANT CITY MANAGER**
	FINANCE DIRECTOR
	ELECTRIC SUPERINTENDENT

Sworn police officers will be classified according to their rank within the Police Department.

120 INSTALLATION AND ADMINISTRATION

GENERAL PRINCIPLES

It is the fundamental policy of the City of Milford that a fair and uniform personnel management system be established for its employees in order to insure the most effective provision of services to the citizens of the community. It shall be the policy of the City of Milford that:

- Employment shall be based on merit and fitness, without regard to age, sex, race, religion, physical handicap or political affiliation.
- Just and equitable incentives and conditions of employment shall be established and maintained.
- City employees shall be paid in relation to the value of the work they perform and performance shall be a major factor in justifying salary adjustments and increases.

The rules and regulations contained herein shall supersede all previous personnel rules and regulations in the event that any conflict may be found to exist.

Objectives and Scope

The specific objectives of the City's Personnel Management System shall be:

- to establish and maintain a sound salary structure which will attract and retain qualified employees;

- to establish and maintain salary ranges which will assure internal equity of compensation based on the systematic evaluation of each job;
- to maintain salary structure in proper relationship with competitive pay practices in the labor market in which the City competes;
- to assure each City employee a performance and salary review at specified intervals;
- to provide effective control of salary payments on a uniform basis; and
- to furnish City management with a consistent and effective means of recognizing and rewarding improved and outstanding performance.

130 DEFINITIONS AND APPLICATIONS

a. Administrative Decrease shall be defined as a reduction within the pay range of a class as disciplinary action from the result of unsatisfactory job performance or misconduct. An administrative decrease requires a letter of justification submitted by the respective department head to the City Manager. Anniversary dates are not affected by an administrative decrease.

b. Administrative Increase shall be defined as an increase within the pay range of a class that is awarded to an employee displaying exceptionally outstanding meritorious service. Employees may be recommended for an administrative increase upon submission of a letter of justification by the respective department head to the City Manager. An administrative increase shall only be awarded to full-time, permanent employees.

c. Administrative Termination. Employees who are hired by appointing authorities to fill positions that are later determined to be unavailable in the budget of the respective departments, or who are found not to meet the minimum qualifications of the position, following the actual start of work, shall have their employment administratively terminated as soon as convenient following the determination of the discrepancy.

d. Anniversary Date. The anniversary date shall be defined as the date on which the employee becomes eligible for a merit increase. Generally, this date shall be one calendar year from the implementation date of this plan or one calendar year following the employee's initial employment, reemployment, demotion,

reclassification, last merit increase, or transfer to a position dissimilar to the position they are vacating.

e. Completion of Temporary Employment shall be the separation from employment of a temporary employee who has worked through the last workday the temporary position is available. Employees separating prior to last workday shall be governed by the appropriate separating action.

f. A Demotion shall be defined as a reduction in the pay range of an employee in conjunction with a change in job duties and responsibilities. When an employee is reduced to a lower pay range, their salary within the new pay range shall be determined by the City Manager. The anniversary date of eligibility for merit increases shall not be adjusted unless the work of the lower position is determined by the City Manager to be not significantly similar to the type of work from which the employee was demoted.

g. Dismissal - A dismissal shall be defined as an involuntary separation from employment initiated by the employing authority as a result of the employee's unsatisfactory work performance or misconduct.

h. Failure to Appear shall be defined as a failure by an employee to report to work during the first scheduled workday following appointment without previous notification to the appointing authority. Such employee shall be considered as having failed to appear and the employee's record noted accordingly.

i. General Increase shall be defined as an increase to a higher pay range for all classes of employees simultaneously. This shall be recommended by the City Manager and approved by the City Council. General increases are not dependent

on an employee's individual performance or job class, but rather take effect as cost of living adjustments.

j. Merit Increase shall be defined as an increase within the pay range of a class that is awarded to an employee upon the successful completion of his or her probationary period. Employees will be considered for additional merit increases after each successive twelve (12) calendar months of service. Merit increases shall be awarded based on above average job performance. Should a merit increase be delayed, the employee's anniversary date and eligibility for the next merit increase will be amended to one year from the date the merit increase finally becomes effective.

k. Original Employment shall be defined as the status of an employee's initial period of continuous employment with the City. An individual beginning employment with the City for the first time shall usually be placed at the minimum of the pay range established for the class in which employed. Occasionally, however, based on a new employee's prior experience and proficiency in the same or related capacity, placement may be made above or below the minimum rate for the class based on a decision of the City Manager within current budget restraints.

l. Promotion shall be defined as an advancement to a higher pay range granted to an employee in conjunction with increased job duties and responsibilities. When employees are promoted, their salary shall be increased to the minimum for that class or to an appropriate step in the new range which will provide at least a five percent (5%) increase. The effective date of all promotions will be the first day of the period. Employees who are promoted on

their anniversary date and are eligible for a merit increase may receive a larger increase over their former salary level.

m. Reclassification shall be defined as a reassignment of the appropriate job title and pay range to an employee whose classification does not accurately reflect the actual duties performed. When such position cannot accurately be described or compensated by assignment to an existing class, the City Manager shall establish a new class with appropriate range and title. Reclassification differs from promotion in that the actual duties of the employee have not changed. A reclassification is reassignment of the employee's regular and continuing duties to a more descriptive and commensurate class. Reclassification does not adjust the employee's anniversary date.

n. Re-employment shall be defined as the status if the returning employee's employment period following a separation from City employment of more than thirty (30) consecutive calendar days from the date of the separation. A new anniversary date shall be effective one year from the first day of the pay period following his return to service. Such anniversary date will be the basis for computation of all merit increases and other salary adjustments. A returning employee who is re-employed will usually be placed at the minimum step of the position's approved pay range. Occasionally, however, based on the returning employee's prior proficiency and experience in the same or related capacity, an acceleration above the minimum of the assigned range may be made upon recommendation by the department head and approval of the City Manager. All time earned in previous employment shall not be counted towards the

probationary period, annual leave, service awards, or other longevity based on employment conditions or benefits. Rather, only that time earned following actual reemployment shall be counted.

o. Reinstatement shall be defined as the status of the returning employee's employment period following a return to duty in the same class within thirty (30) consecutive calendar days from the date of separation. An individual returning to the employ of the City within thirty (30) calendar days of separation, shall return to duty in the same position and class subsequent to the approval of the department head and the City Manger. The appropriate pay within the approved range of the class for all reinstated employees shall be determined by the City Manager. Anniversary dates for all reinstated employees will remain unchanged, excepted when a reinstated employee has missed one full pay period or more from their position prior to reinstatement, in which case the anniversary date will be amended to reflect the days missed to the nearest full pay period. All time earned previous to reinstatement shall be counted towards the probationary period, annual leave, etc. However, actual time missed prior to reinstatement shall be discounted from actual annual leave accrual to the nearest pay period.

p. Resignations shall be defined as a voluntary separation from employment through written notification to the employing authority initiated by the employee. Written notification shall indicate the actual date and hour the resignation is to become effective and be signed by the employee.

q. Retirement shall be defined as the separation of a full-time employee who reaches a maximum age for employment. Retirement from full-time service with the City is mandatory age 70 for all employees.

r. Suspension - A suspension shall be defined as the temporary prohibition of an employee from the performance of his/her duties. The suspension period shall be without pay.

s. Transfer between Departments shall be defined as the transfer of an employee from one department to another. If a transfer between departments involves a promotion or demotion, the rules of the appropriate action shall apply. When employees transfer between departments to the same class of position no change of status or anniversary date occurs.

t. Verbal Reprimand - A verbal reprimand shall be defined as a discussion between the supervisor and the employee wherein the employee is advised and cautioned with reference to unsatisfactory work performance or misconduct.

u. Withholding of Merit Increase - The withholding of a merit increase shall be defined as the withholding of customary increase within the pay range of a class which would normally have been awarded upon the employee's completion of twelve (12) calendar months of successful job performance.

v. Written Reprimand - A written reprimand shall be defined as a written documentation to the employee from the supervisor wherein the employee is advised and cautioned with reference to his or her unsatisfactory work performance or misconduct.

140 APPOINTMENT AND REMOVAL

The City Manager shall appoint and remove all officers and employees of the City, except otherwise provided by law. Neither the City Council nor any of its members shall direct the appointment of any persons to or his removal from any office or employment by the City Manager or by his subordinates.

150 INDEPENDENT DEPARTMENTS

If independent departments exist, the title of the appropriate department executive shall be inserted in the place of "City Manager" for purposes of the personnel system administration as it relates to that specific department.

160 POWERS AND DUTIES

1) Authority The City Council and the City Manager are empowered under the Code of the State of Delaware and the City Charter to establish departments, to employ personnel and to set salaries. These regulations are intended to cover all facets of the City's Personnel Management System in accordance with that grant of authority. The City Manager is the City's Chief Personnel Officer. The duties of this position may be delegated.

2)Exempt Service All officers of the City shall be divided into the classification and the exempt service.

The exempt service shall include the following:

a. all elected officials;

b. members of boards and commissions;

c. volunteer personnel and personnel appointed to serve without pay;

d. consultants and counsel rendering professional service;

e. positions involving seasonal or temporary employment;

f. student interns and work-study employees; and,

g. such other positions as may be designated by the City Council

3) The Classified Service The classified service shall include all employees who work under all those rules, regulations, policies and procedures as approved by the City Council and administered by the City Manager. All current and future employees not excluded by paragraph 1.2 above shall be in the classified service and shall be subject to the provisions of these regulations unless herein otherwise provided.

4) Purposes

Personnel regulations are developed and adopted to provide for the recruitment and development of the best available employee for each position in the classified service at all times. The regulations provide for establishing orderly procedures for administering the Personnel Management System in such a way as to insure:

a. that employment in the classified service shall be made attractive as a career;

b. that all appointments and promotions in the classified service shall be made on the basis of merit and fitness, which insofar as practicable, shall be determined by means of job-related, fair and competitive standards.

c. that the position classification and compensation plan will conform with the principle of equal pay for equal work under like working conditions; and,

d. that each employee in the classified service shall be encouraged to render his best service at all times.

5) Interpretation These regulations are intended to cover most personnel problems and actions for which the City Manager is responsible. Those not specifically covered shall be interpreted by the City Manager or his designee in keeping with the intent of these regulations.

6) Appeals and Grievances Any employee or applicant may appeal in writing to the City Manager concerning any official action of any department head relating to these regulations or the City's Classification and

Compensation Plan. After providing a reasonable opportunity for all interested parties to be heard, the City Manager shall render a decision, which shall be final. If should be noted that conditions of employment and law and policy established by the City Council are not grievable under the City's grievance procedure. Likewise, wages, salaries and fringe benefits are not grievable.

7) Enforcement and Administration

The responsibility and authority for the enforcement and administration of the rules and regulations set forth herein are the responsibility of the City Manager or his designee.

170 POSITION CLASSIFICATION PLAN

1) Definitions The Position Classification Plan is the official or approved system of grouping positions into appropriate classes, including (1) schematic index to the class specifications; (2) the class specifications and (3) rules for administration.

a. For position classification purposes, a position is a group of currently assigned duties and responsibilities requiring the full-time or part-time employment of one person. A position may be occupied or vacant.

b. A class is a group of positions (or one position) that: (1) has similar duties and responsibilities, (2) requires like qualifications and (3) can be compensated equitably by the same salary range.

c. The class title is the official designation or name of the class as stated in the class specification. It shall be used on all personnel records and actions. Informal working or "office" titles may be used for purposes of internal administration.

2) Allocation of Positions: Creation of Classes

After the establishment of a new position has been approved, the head of the department involved shall complete a position description covering the duties and responsibilities of each proposed position. The City Manager shall allocate the position to one of the classes in the classification plan. If a suitable class does not exist, he shall establish a new class and shall allocate the position to it.

3) Maintenance of Plan

a. It shall be the duty of each department head to submit to the City Manager new position descriptions for all affected positions each time a department or division under his jurisdiction is permanently or substantially reorganized.

b. The City Manager may require departments or employees to submit position descriptions on a periodic basis, or at any time he had reason to believe that there has been a change in the duties and responsibilities of one or more positions.

c. Each time a new class is established, a class specification shall be written and incorporated into the existing plan. The class title shall be added to the Schematic List of Classes. Likewise an abolished class shall be deleted from the classification plan by removing the class title from Schematic list of Classes.

d. Periodically, after the adoption of these regulations, the City Manager may conduct a general review of the classification plan.

4) Interpretation of Class Specification

The class specifications are descriptive and not restrictive. The use of a particular description as to duties, qualifications or other factors shall not be held to exclude others of similar kind or quality. Descriptions are intended to indicate the kinds of positions which shall be allocated to the classes established.

5) Official Copy of the Position Classification Plan

The City Manager shall maintain an official copy of the Position Classification Plan. The official copy shall include a schematic list of class titles

and class specifications plus all amendments thereto. A copy of the official plan shall be available for inspection by the public under reasonable conditions during business hours.

6) Amendments to the Position Classification Plan

The City Manager may from time to time establish or abolish classes of positions as required subject to the provisions of the adopted annual budget. Such changes shall take the form of amendments as specified herein.

7) Position Classification Plan in Force

a. The Position Classification Plan shall be considered a part of this section and have the same force and effect as these personnel regulations.

b. The Position Classification Plan may be amended by a majority vote of the City Council based on a recommendation by the City Manager.

180 COMPENSATION PLAN

1) Establishment of Compensation Plan

There is hereby established a formal pay plan to be approved by the City Council upon recommendation of the City Manager. The official pay plan for the City service shall consist of a schedule showing established annual pay ranges and the title of classes of all positions in the classified service. The City Council shall determine the salary plan in the form of a salary resolution and amend the plan by resolution periodically. The ordinary procedure for securing needed amendments to the official salary plan shall involve investigation and recommendation by the City Manager on the appropriate action to be taken by the City Council.

2) Pay Rates to be in Accordance with Pay Plan

The rates of pay of City employees shall be in accordance with the scheduled salary ranges as adopted and amended by appropriate action of the City Council. The schedule shall be effective in all cases except as otherwise provided for in this section.

3) New Appointees

Generally, a new employee shall be paid the minimum rate of pay for his or her class. Exceptions may be made by the City Manager in the following cases:

a. The minimum rate for each class is based upon the assumption that a new employee meets the minimum qualifications stated in the class

specifications. If it is decided to appoint a new employee of lesser qualifications, he or she should be appointed as a trainee at one or possibly two steps below the minimum rate for the class. A new employee in a probationary status shall be paid at 95% of the starting rate for that position and advanced to the starting rate at the end of the probationary period.

b. If a new employee more than meets the minimum qualifications and will not accept appointment at he minimum rate of the class, the City Manager may appoint the employee at the second step or in unusual cases at a higher step. Such cases should be thoroughly analyzed and measured against objective standards. In no case will a new employee be hired at a rate higher than the rate of the employee he or she is replacing without consultation with the City Council.

ARTICLE II. EMPLOYMENT

205 NATURE OF EMPLOYMENT

This handbook is intended to provide employees with a general understanding of our personnel policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with the City.

However, this handbook cannot anticipate every situation or answer every question about employment. It is not an employment contract and is not intended to create contractual obligations of any kind.

In order to retain necessary flexibility in the administration of policies and procedures, the City reserves the right to change, revise or eliminate any of the policies and/or benefits described in this handbook. The only recognized deviations from the stated policies are those duly authorized by the City Council of the City of Milford and signed by the City Manager.

210 EMPLOYEE RELATIONS

The City believes that the work conditions, wages and benefits if offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are encouraged to voice these concerns openly and directly to their immediate supervisor.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the City amply demonstrates its commitment to employees by responding effectively to employee concerns.

215 AFFIRMATIVE ACTION PROGRAM AND EQUAL EMPLOYMENT OPPORTUNITY POLICY

Purpose

The purpose of this program is to outline the steps implementing the City of Milford's Policy of Non-Discrimination and Equal Opportunity. This Affirmative Action Program extends to recruiting and hiring and related terms, conditions and privileges of employment. Any violation of the letter or spirit of this program by any employee of the City of Milford shall result in appropriate disciplinary action including discharge, if warranted.

Policy

It is the policy of the City of Milford to provide equal opportunity to all qualified individuals in its recruitment, hiring and promotion practices, and to assure there shall be no discrimination against any person on the grounds of race, color, religion, sex, handicap, political affiliation or national origin.

Communications of Non-Discrimination and Equal Opportunity Policy and Affirmative Action Program

A. Internal This policy and program shall be thoroughly disseminated and discussed at new employee orientation and management training programs. This program and efforts towards achieving City objectives in this area shall be published in memoranda to employees. The intent of this policy and program and the individual responsibility for effective implementation of same shall be explained to Staff Management and

Supervisory Personnel. Equal Employee Opportunity Posters shall be prominently displayed in places readily accessible to both employees and to applicants. The City's policies on equal opportunity and our firm intention to comply fully with all applicable laws shall be communicated in writing to all departments. The City Manager's letter on this matter shall be posted on all bulletin boards. All employment advertising shall display the tag lines: "An Equal Opportunity Employer", or its equivalent (minority, female and handicapped persons).

B. External All sources of applicants for employment shall be notified in writing of the City's policy of Non-Discrimination and Equal Opportunity and Affirmative Action Program. These sources shall be requested to actively recruit and refer minority, female and handicapped applicants for positions listed. The City of Milford shall notify minority, female and handicapped organizations, community agencies, community leaders, secondary schools and colleges of the City's policies of Non-Discrimination and Equal Opportunity and the Affirmative Action Program.

Responsibilities for Implementation

A. The City Manager

1) The City Manager of the City of Milford shall be responsible for the institution of this plan by the City. The Department Head of each Department of the City shall be responsible for the implementation of the

Affirmative Action program for their department and shall be accountable for the achievement of the City's objective.

2) The City Manager shall be responsible for auditing and continual review of the City's hiring practices and progress in Affirmative Action Programs. The City Manager shall be notified of and consulted regarding all facility surveys by EEO compliance inspectors, of any complaints initiated against the City and of any requests from private organizations wishing to discuss our employment practices.

Identification of Problem Areas

A continuing analysis will be made of the composition of the work force, the applicants for employment and the results of employment activities. The selection process including position descriptions, application forms, interview and test procedures if applicable, test validity referral procedures, final selection process, as well as transfer and promotion practices shall be constantly monitored to assure equal opportunity to minority groups, female and the handicapped.

Recruitment

The City of Milford is making and will continue to make special efforts to convince minority groups, female and handicapped in the community that the City offers equal opportunity and a congenial employment environment. In this connection, effective communications will be maintained with the local Office of Equal Opportunity and the State Employment Office to encourage minority group members to seek employment with the City of Milford.

Moreover, to broaden the recruitment base with respect to placing minority, female and handicapped employees in the professional categories, the City of Milford communicates its needs to public and private employment offices emphasizing opportunity that are available. The City has maintained and will continue to maintain a relationship with all organizations which have as an objective the improvement of the employment opportunities for minority, female and handicapped persons. In all employment advertising the City of Milford will identify itself as an Equal Opportunity Employer, abiding by all the provisions of Title VII, Civil Rights Act.

Any person applying for employment with the City of Milford shall be given the opportunity to file a written application for employment whether or not there are any positions available at that specific time. Employment applications will be maintained in an active file for a period of not less than six (6) months. At least six (6) months after the date of application it will be retired to a non-active file where it will be retained for a period of not less that twelve months from the date of application.

If an applicant who has previously completed an application returns to the employment office at any time after his or her application has been retired to the non-active file, the applicant must complete a new employment application which will be maintained in the active files for six (6) months from its date as provided above.

Applicants are told upon inquiry that their application will be kept under active consideration for six (6) months after the date of application.

A. A system of quotas shall not be employed in the recruitment and selection of employees.

B. Qualifications and standards shall not be compromised. However, requirements shall be reasonable rather than excessive so as not to unwittingly discourage or eliminate minority, female or handicapped individuals whose backgrounds may be minimal in these areas.

C. Minority, female and handicapped applicants for exempt and for office positions as well as for hourly shall be energetically recruited in keeping with all the provisions and intent of this policy.

D. Employment practices shall be applied consistently for all applicants and shall be put in writing in sufficient detail to facilitate administration by all employees assigned to work in that area.

Practices to be followed shall include but not be limited to the following considerations:

1. Establish scheduled hours for employment activity and adhere to them.
2. If written applications are being taken, then all comers must be permitted to file.
3. If qualified applicant(s) are being referred to department supervisors, then all those persons with comparable qualifications shall be referred.
4. The rejected applicant(s) who are interviewed for a position with the City shall be told why they were rejected.
5. The City of Milford will not use any testing procedures to screen applicants other than validated typing and shorthand speed tests and other recognized, validated tests as established.

6. Applications of validated aptitude-tested referrals from State Employment Services, if not hired, shall also be retained in files with reasons why not hired for a minimum of twelve (12) months. (As in the case of private employment agencies, the responsibility rests with the City for weighing the effectiveness of State Employment Services in referring applicants in keeping with the requirements of all applicable State and Federal laws against discrimination).

7. All applications accepted shall be retained for twelve (12) months with documentation of the basis for hiring or not hiring.

Advancement

Minority, female or handicapped employees who have previous experience or who have demonstrated abilities and comparable qualifications to others shall be considered for promotional opportunities, particularly where training or educational refund is to be afforded. They shall be encouraged to undertake training opportunities. The City has no formal training programs other than "on the job" training.

Involvement in Community Activities

Personal Involvement - Both the elected and full-time City Officials are encouraged to donate their free time to minority organizations in giving talks, greetings or attending affairs sponsored by such groups.

220 PRE-EMPLOYMENT PHYSICAL EXAMINATIONS

After a job offer is extended and before beginning work, each Full-Time and Part-Time employee must undergo a pre-employment physical examination performed at the City's expense by a physician of the City's choice.

Offers of employment and assignment to job duties are contingent upon satisfactory completion of the physical examination.

Temporary and Seasonal employes are not required to undergo a pre-employment physical.

225 IMMIGRATION LAW COMPLIANCE

The City of Milford is committed to employing only United States citizens and aliens who are authorized to work in the United States and complies with the Immigration Reform and Control Act of 1986.

As a condition of employment, each new employee must properly complete, sign and date the first section of the Immigration and Naturalization Service Form I-9. Before commencing work, newly rehired employees must also complete the form if they have not previously filed an I-9 with this organization, if their previous I-9 is more than three years old, or if their previous I-9 is no longer valid.

230 CONFLICTS OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the City wishes to conduct business. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the City's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts or leases, it is imperative that he or she disclose to the City Manager of the City of Milford as soon as possible the existence of any actual or potential conflict of interest so that safeguards may be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City does business, but also when an employee or relative receives any kickback, bribe, substantial gift or special consideration as a result of any transaction or business dealings involving the City of Milford.

The materials, products, designs, plans, ideas and data of the City are the property of the City of Milford and should never be given to an outside firm or individual except through normal channels and with appropriate authorization. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, up to and including possible discharge.

235 OUTSIDE EMPLOYMENT

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with the City of Milford. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements.

If the City Manager determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City of Milford, as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the City of Milford.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the City organization.

240 NON-DISCLOSURE

The protection of confidential business information and trade secrets is vital to the interests and the success of the City of Milford. Such confidential information includes but is not limited to the following examples:

Compensation data

Financial information

Pending projects and proposals

Employees who are exposed to confidential information may be required to sign a non-disclosure agreement as a condition of employment. Any employee who discloses trade secrets or confidential business information will be subject to disciplinary action (including possible discharge), even if he or she does not actually benefit from the disclosed information.

ARTICLE III. EMPLOYMENT STATUS AND RECORDS

310 EMPLOYMENT CATEGORIES

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws.

In addition to the above categories, each employee will belong to one of the following employment categories:

REGULAR FULL-TIME employees are those who are not in a temporary or probationary status and who are regularly scheduled to work the City's full-time schedule. Generally, they are eligible for the City's full benefit package, subject to the terms, conditions, and limitations of each benefit program.

PART-TIME employees are those who are not assigned to a temporary or probationary status and who are scheduled to work less than 32 hours per week. While they do receive all legally-mandated benefits (such as worker's compensation and Social Security), they are ineligible for all of the City's other benefit programs.

PROBATIONARY employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the organization is

appropriate. Employees who satisfactorily complete the probationary period will be notified in writing of their new employment classification.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific program or project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified in writing of a change. Temporary employees receive all legally-mandated benefits (such as workers' compensation insurance and Social Security) and may elect to participate in any of the City's other benefit programs. Temporary employees may also choose to keep their existing medical policy paid by the City in an amount not to exceed the City's current cost whether for family or individual coverage.

SEASONAL employees are those who are hired as extra staff to help out during the peak business season or to assist in the completion of a specific program or project. While they receive all legally-mandated benfits (such as workers' compensation insurance and Social Security), they are ineligible for all of the City's other benefit programs.

320 ACCESS TO PERSONNEL FILES

Personnel files are the property of the City of Milford, and access to the information they contain is restricted. Generally, only administrative officials and representatives of the employer who have a legitimate reason to review information in a file are allowed to do so. With reasonable advance notice, an employee may review material in his or her file but only in City Hall and in the presence of the individual appointed by the City to maintain the file.

330 EMPLOYMENT REFERENCE CHECKS

To ensure that individuals who join the City organization are well-qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment reference of all applicants.

We will respond to all reference check inquires from other employers. Responses to such inquiries will confirm only dates of employment, wage rates and position(s) held.

340 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify the City of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments and other such status reports should be accurate and current at all times.

350 PROBATIONARY PERIOD

1) Objective

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work for securing the most effective adjustment of a new employee to his position and for rejecting any employee whose performance is not satisfactory.

2) Duration

The probation period for most employees shall be six (6) calendar months of employment following an original employment or reemployment with the City. The probationary period for uniformed members of the Police Department shall be 12 months.

3) Promotional Appointments

The probationary period may be used in connection with promotional appointments in the same manner as it is used for original entrance appointments. If a person is removed during his or her probationary period following a promotion, he or she shall be entitled to reemployment rights in his former class.

4) Probationary Evaluation

Before the end of the probationary period, the department head shall indicate in writing to the City Manager:

a. that he has discussed with the employee the employee's accomplishments, failures, strengths and weaknesses;

b. whether the employee is performing satisfactory work;

c. whether the employee should be retained in the position;

d. whether the employee, if a new appointee, should be dismissed; or

e. whether the employee, if on probation following a promotion, should be reinstated in his or her former class.

5) Salary Increase

Salary for probationary employee shall be 95% of the stated rate for that position and shall be increased to the stated rate at the successful completion of the probationary period.

360 EMPLOYMENT APPLICATIONS

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications or material omissions in any of this information or data may result in the City of Milford's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

370 PERFORMANCE EVALUATION

1) Objective

The purpose of the employee evaluation shall be primarily to inform employees about how well they are performing their work and how they can improve their work performance. The performance evaluation may also be used in determining salary increments; as a factor in determining order of lay-off; as a basis for training, promotion, demotion, transfer or dismissal; and for such other purposes as set forth in these regulations.

2) Period of Evaluation

From the date of original appointment or promotion, all employees except temporary workers shall be evaluated at the end of the twelfth month of service and annually thereafter. An employee shall not be eligible for a pay raise until the performance evaluation form has been completely processed. An evaluation shall be done for employees in the maximum step of their salary range even though they may not be eligible for an additional increase. Employees shall also be evaluated at the time of separation.

3) Evaluation

Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the appropriate department head. An employee in a supervisory position who is leaving a position shall be required to submit performance evaluation forms on all the employees under his supervision who have not been evaluated within the previous six-month period.

4) Review with Employee

Each employee shall have the opportunity to review every evaluation made of him or her. Upon a review of the evaluation, the employee shall sign the evaluation form to indicate that it has been reviewed with him or her.

5) Appeal of Employee Evaluation

Any City employee who feels that his or her performance evaluation is not correct shall have the right to appeal the evaluation through higher levels of authority until the appeal reaches the department head, who will make a final attempt to resolve any disagreement prior to referring it to the City Manager, who shall have final administrative authority.

ARTICLE IV. EMPLOYEE BENEFIT PROGRAMS

410 EMPLOYEE BENEFITS

Eligible employees in the City organization are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification, and your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

The following benefit programs are available to eligible City employees:

Auto Mileage
Benefit Conversion at Termination
Bereavement Leave
Credit Union
Educational Financial Assistance
Employee Health Program
Family leave
Holidays
Jury Duty Leave
Life Insurance
Long-term Disability
Meal Allowances
Medical Insurance
Membership Dues
Military Leave
Parking
Pay Advances
401(k) Pension Plan
457(b) Deferred Compensation Plan
Severance Pay
Sick Leave Benefits (Short-Term Disability)
Travel Allowances

Uniform and Uniform Maintenance
Vacation Benefits
Voting Time Off
Witness Duty Leave

Some benefit programs require contributions from employees, but most are fully paid by the City. The benefit package for regular full-time employees represents an additional cost to the city of approximately 35 percent of wages.

415 VACATION BENEFITS

The following employee classification are eligible for vacation benefits according to the guidelines set forth in this policy:

Regular full-time employees

Employees will be entitled to take vacation time off in the year following its accrual. A benefit year is the twelve-month period following assignment to an eligible employment classification. This benefit year will be adjusted to reflect the length of any unpaid leave of absence.

Vacation pay will be calculated based on the employee's straight-time pay rate (in effect when vacation benefits are used) times the number of hours the employee would otherwise have worked on the day(s) of absence. Vacation pay does not include shift differentials, incentive pay, bonuses, or other special forms of compensation. Vacation benefits for salaried employees will be based on their normal wages.

Employees who have satisfied all eligibility requirements may submit vacation requests to their supervisors. Requests will be evaluated based upon various factors, including anticipated operating requirements and staffing considerations during the proposed period of absence.

Employees are strongly encouraged to take earned vacation during the benefit year following its accrual. In the event that an employee has not used all vacation benefits by the end of the benefit year, he or she will be allowed to carry over the balance and continue to accrue vacation benefits up to a maximum accumulation of thirty (30)

days. At that time, accrual will be suspended until the vacation time balance has been reduced.

Upon termination of employment, employees will be paid for vacation benefits that have accrued through the last day of work. For the purposes of this calculation, any partial month of service will be treated as a full month of service.

Employees earn vacation benefits over the course of a benefit year, the twelve-month period following the anniversary of assignment to an eligible employment classification. (This benefit year will be adjusted to reflect the length of any unpaid leave of absence.)

Vacation benefits are accrued in one year but are not available until the next year. The Eligibility Table below defines when vacation benefits become available to employees. The Rate of Accrual Table defines how much vacation is accrued per month by employees.

Vacation benefits will be awarded to eligible employees according to the following schedules:

VACATION BENEFITS ELIGIBILITY TABLE

LENGTH OF SERVICE	VACATION ACCRUAL	RATE OF AVAILABLE PER YEAR
0 months through 12 months	0 days per month	0.833 of a day
after 12 months	10 days	0.833 of a day per month
after 48 months	15 days	1.250 of a day per month
after 180 months	20 days	1.667 of a day per month

420 HOLIDAYS

The City will grant holiday time off to all employees on all legal holidays officially adopted by the State of Delaware.

According to applicable restrictions, the City will grant paid holiday time off to all eligible nonexempt employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

Regular full-time employees

To be eligible for holiday pay, nonexempt employees must work the last scheduled day immediately preceding the holiday and the first scheduled day immediately following it.

If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave, etc.), holiday pay will be provided instead of the time off benefit that would otherwise have applied.

If an eligible employee works on a recognized holiday, he or she will receive holiday pay plus wages at one and one-half times his or her straight-time rate for the hours worked on the holiday or equivalent compensatory time.

Paid time off for holidays will not be counted as hours worked for the purposed of determining overtime.

430 WORKERS' COMPENSATION INSURANCE

The City provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Any employee who sustains a work-related injury or illness should inform his or her supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither the City nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by the City or otherwise.

440 SICK LEAVE BENEFITS

The City provides paid sick leave benefits to all eligible employees for period of temporary absence due to illnesses or injuries. Eligible employee classification(s):

Regular full-time employees
Probationary employees

Eligible employees will accrue sick leave benefits at the rate of 12 days per year (1 day per month).

An eligible employee may use sick leave benefits for an absence due to illness or injury sustained by either that employee or a family member who resides in the employee's household.

Employees who are unable to report to work due to an illness or injury should notify their supervisor before the scheduled start of their shift if possible. The supervisor should also be contacted each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement must be provided verifying the nature of the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be the basis for payment authorization of sick leave benefits.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. As an additional condition of eligibility for sick leave benefits, an employee must apply for any other available compensation and benefits, such as state disability insurance. Sick leave benefits will be

used to supplement any state disability insurance or workers' compensation benefits that an employee is eligible to receive. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal earnings.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 130 calendar days worth of sick leave benefits. Further accrual of sick leave benefits will be suspended until the employee has reduced the balance below this limit. Because sick leave benefits are intended to provide income protection in the event of an actual illness or injury, unused sick leave benefits cannot be used for any other paid or unpaid absence.

At the time of termination, accumulated sick leave will be compensated at the rate of 15 percent of the number of days accumulated.

450 TIME OFF TO VOTE

The City strongly encourages employees to fulfill their civic responsibilities by voting. If an employee is unable to vote in a statewide election during his or her nonworking hours, the City will grant up to one hour of paid time off to vote. Employees should request time off to vote from their supervisor at least two working days prior to election day so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

460 BEREAVEMENT LEAVE

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her supervisor immediately.

Up to three days of paid bereavement leave will be provided to eligible employees in the following classification(s):

Regular full-time employees
Probationary employees

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses or shift differentials.

Approval of bereavement leave will occur in the absence of unusual operating requirements. Any employee may, with the supervisor's approval, use any available paid leave for additional time off as necessary.

The City defines "immediate family" as the employee's spouse, parent, child, sibling, the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

470 JURY DUTY

The City encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request up to two weeks of paid jury duty leave over any one year period. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave:

Regular full-time employees
Probationary employees

If any employee is required to serve jury duty beyond the period of paid jury duty leave, he or she may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. Of course, the employee is expected to report for work whenever the court schedule permits.

Either the City or the employee may request an excuse from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties.

Insurance benefits will remain in effect and unchanged for the full term of the jury duty absence.

Accrual for benefits calculations, such as vacation, sick leave or holiday benefits, will not be affected during unpaid jury duty leave.

480 WITNESS DUTY

The City encourages employees to appear in court for witness duty whenever subpoenaed to do so.

Employees will be granted unpaid time off for absence due to witness duty. Employees are free to use any available paid leave benefit (e.g., vacation leave) to receive compensation for the period of this absence.

The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

If the employee has been subpoenaed as a witness of the City as a result of a job-related event, he or she will receive paid time off for the entire period of witness duty.

ARTICLE V. TIMEKEEPING/PAYROLL

510 TIMEKEEPING

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

All nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Tampering, altering or falsifying time records, or recording time on another employee's time record may result in disciplinary action, including discharge.

Nonexempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without express, prior authorization from their supervisor.

If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

520 PAYDAYS

All employees are paid bi-weekly every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off (e.g., a weekend or holiday), employees will receive pay on the last day of work before the regularly scheduled payday.

530 EMPLOYMENT TERMINATION

Terminations are an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

RESIGNATION - employment termination initiated by an employee who chooses to leave the City organization voluntarily.

DISCHARGE - employment termination initiated by the city organization.

LAYOFF - involuntary employment termination initiated by the City organization for nondisciplinary reasons.

MEDICAL TERMINATION - employment termination initiated by the employee or by the City organization when an employee is unable, for health reasons, to continue to work.

RETIREMENT - voluntary retirement from active employment status initiated by the employee.

Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions and limitations of such continuance.

540 SEVERANCE PAY

The City does not grant severance pay to employees whose employment is terminated. However, the City reserves the right to make exceptions to this policy in its sole and absolute discretion.

550 PAY ADVANCES

In the event of a personal emergency, an employee may submit a written request for a pay advance to the supervisor and manager, indicating the nature of the emergency involved. The supervisor and manager will evaluate the request and determine whether a pay advance can be granted.

If a regular payday falls during an employee's vacation, the employee may receive his or her earned wages before departing for vacation if a written request is submitted at least one week prior to departing for vacation.

560 ADMINISTRATIVE PAY CORRECTIONS

The City takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the City so that corrections can be made as quickly as possible.

Once underpayments are identified, they will be corrected in the next regular paycheck.

Overpayments will also be corrected in the next regular paycheck unless this presents a burden to the to the employee (where there is a substantial amount owed). In that case, the City will attempt to arrange a schedule or repayments with the employee to minimize the inconvenience to all involved.

570 PAY DEDUCTIONS AND SETOFFS

The law requires that the City make certain deductions from every employee's compensation. Among these are applicable federal, state and local income taxes. The City also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The employer matches the amount of Social Security taxes paid by each employee.

The City also offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

Pay setoffs or wage attachments are pay deductions taken by the City, usually to help pay off a debt or obligation to the City or others.

If you have questions concerning why deductions were made from your pay check or how they were calculated, your supervisor can assist in having your questions answered.

ARTICLE VI. WORK CONDITIONS AND HOURS

610 SAFETY

Establishment and maintenance of a safe work environment is the shared responsibility of the City and employees from all levels of the organization. The City will attempt to do everything within its control to assure a safe environment and compliance with federal, state and local safety regulations. Employees are expected to obey safety rules and to exercise caution in all their work activities. They are asked to immediately report any unsafe conditions to their supervisor. Not only supervisors, but employees at all levels of the organization are expected to correct unsafe conditions as promptly as possible

All accidents that result in injury must be reported to the appropriate supervisor, regardless of how insignificant the injury may appear. Such reports are necessary to comply with laws and initiate insurance and workers' compensation procedures.

620 WORK SCHEDULES

The normal work schedule for all ADMINISTRATIVE employees is eight (8.0) hours a day, five days a week.

The normal work schedule for all PUBLIC WORKS employees is eight (8.0) hours a day, five days a week.

The normal work schedule for all POLICE employees is eight (8.0) hours a day, five days a week.

Supervisors will advise all employees of the times their schedules will normally begin and end.

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

630 USE OF PHONE AND MAIL SYSTEMS

Personal use of telephones for outgoing calls while on duty, including local calls, is not permitted. Employees may be required to reimburse the City for any charges resulting from their personal use of the telephone. Phones may be available for personal outgoing calls during breaks, meal periods or at other times with the supervisor's permission.

The use of City-paid postage for personal correspondence is not permitted.

To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

640 MEAL PERIODS

All City employees are provided with one meal period each work day. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal period and will not be compensated for that time.

650 OVERTIME

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization.

Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation shall be paid to all nonexempt employees in accordance with federal and state laws.

As required by law, overtime pay is based on actual hours worked. Time off on sick leave, vacation leave or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible discharge.

660 USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using City property, employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines.

Please notify the supervisor if any equipment, machines, tools or vehicles appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including discharge.

670 EMERGENCY CLOSINGS

Emergency conditions, such as severe weather, fire, flood or earthquake, can disrupt company operations and interfere with work schedules, as well as endanger employees' well-being. These extreme circumstances may require the closing of the work facility. In the event that such an emergency occurs during non-working hours, local radio/TV stations will be asked to broadcast a closing notification.

When operations are required to close, the time off from scheduled work will be unpaid. Employees who work on a day when operations are officially closed will receive regular pay.

ARTICLE VII. LEAVES OF ABSENCE

710 FAMILY LEAVE

In accordance with the guidelines set forth in this policy, the City will provide unpaid family leave to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to the birth or adoption of a child. The employee classification(s) eligible for family leave are:

Regular full-time employees

Employees may request family leave only after having completed 180 working days of service in an eligible employment classification. Eligible employees may request up to one week of unpaid family leave over any 12 month period. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than ten working days. Pending the supervisor's approval, employees may take any available vacation leave prior to the effective date of the family leave of absence.

Requests for family leave will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

The City will continue to provide insurance benefits for the full period of the approved family leave.

Vacation, sick leave and holiday benefits will continue to accrue during the approved family leave period.

To the extent possible, employees returning from family leave will be reinstated to their former position or will be offered the first available comparable position for which they are qualified.

If an employee fails to report to work promptly after the expiration of the approved leave period, the City will assume that the employee has resigned.

720 PERSONAL LEAVE

In accordance with the guidelines set forth in this policy, the City will provide unpaid personal leave to eligible employees who wish to take time off from work duties to fulfill personal obligations. The employee classification(s) eligible for person leave:

Regular full-time employees

Employees may request personal leave only after having completed 180 working days of service in an eligible employment classification. Personal leave may be granted for a period of up to three calendar days every one year. Pending the supervisor's approval, employees may take any available sick leave or vacation leave prior to the effective date of the personal leave of absence.

Requests for personal leave will be evaluated based on a number of factors, including anticipated operational requirements and staffing considerations during the proposed period of absence.

The City will continue to provide insurance benefits for the full term of the personal leave.

Accruals for benefit calculations, such as vacation, sick leave or holiday benefits, will not be affected by the taking of personal leave.

To the extent possible, employees returning from personal leave will be returned to their former position or will be offered the first available comparable position for which they are qualified.

If an employee fails to report to work at the expiration of the approved leave period, the City will assume that the employee has resigned.

730 EDUCATIONAL LEAVE

In accordance with the guidelines set forth in this policy, the City will provide paid education (one course per semester including books, materials, etc.) to Full-Time eligible employees who wish to pursue course work that is applicable to their job duties with the organization. Eligible employee classification(s):

Regular full-time employees

Employees who have completed 180 days of service in an eligible employment classification may request educational leave for a period of up to one month every year and take one class per semester that is paid for by the City. Requests will be evaluated based on a number of factors, including anticipated operational requirements and staffing conditions during the proposed period of absence. The City will cover all associated costs (books, materials,registration fee, training fee, etc.)upon completion of course work for educational leave.

The City will continue to provide insurance benefits for the full term of the educational leave.

Employees who wish to enroll in classes must have the course approved by the City Manager. All classes must meet outside normal City hours and should not interfere with the employee's ability to perform his or her job.

Accruals for benefit calculations, such as vacation, sick leave or holiday benefits, will not be affected by the taking of educational leave.

To the extent possible, employees returning from educational leave will assume their former position or will be offered the first available comparable position for which they are qualified

If an employee fails to report to work at the expiration of the apporved leave period, the city will assume that the employee has resigned.

740 MILITARY LEAVE

A leave of absence without pay will be granted to any employee who enters any branch of the United States armed services. Benefit accruals for any employee serving on active duty longer than 30 consecutive days will be calculated in accordance with applicable federal laws.

The employee will be reinstated with full seniority to his or her former position or to a comparable position if application for re-employment is made within 90 calendar days of the date of an honorable discharge or the date of release from hospitalization following discharge.

Any employee who is a member of a reserve component of the armed forced will be placed on unpaid leave for his or her annual two-week training duty. Benefit programs will be unaffected by the leave, and the employee may elect to use any vacation entitlements for the absence. Training leaves will not normally exceed two weeks per year, plus reasonable travel time.

750 MATERNITY-RELATED ABSENCES

The City will not discriminate against any employee who requests an excused absence for medical disabilities associated with a pregnancy. Such leave requests will be made and evaluated in accordance with the medical leave policy provisions outlined in this handbook and in accordance with all applicable federal and state laws.

Requests for time off associated with pregnancy and/or childbirth (apart from medical disabilities associated with these conditions) will be considered in the same manner as any other request for an unpaid personal leave.

ARTICLE VIII. EMPLOYEE CONDUCT, DISCIPLINARY ACTION AND GRIEVANCE PROCEDURE

810 EMPLOYEE CONDUCT AND WORK RULES

To assure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interest and safety of all employees and citizens. It is not possible to list all the forms of behavior that are considered unacceptable in the work place, but the following are examples of infractions of rules of conduct that may result in disciplinary action, including suspension or termination of employment.

Theft or inappropriate removal or possession of property

Falsification of timekeeping records

Working under the influence of alcohol or illegal drugs

Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the work place, while on duty, or while operating City-owned vehicles or equipment

Fighting or threatening violence in the work place

Boisterous or disruptive activity in the work place

Negligence or improper conduct leading to damage of City-owned or citizen-owned property

Insubordination or other disrespectful conduct

Violation of safety or health rules

Sexual or other unlawful harassment

Possession of dangerous or unauthorized materials, such as explosives or firearms, in the work place

Excessive absenteeism or any absence without notice

Unauthorized absence from work stations during the work day

Unauthorized use of telephones, mail system, or other City-owned equipment

Unauthorized disclosure of confidential information

Violation of personnel policies

Unsatisfactory performance or conduct

815 DRUG AND ALCOHOL USE

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the work place. No employee may be under the influence of any illicit drug or alcohol while in the work place, while on duty or while operating a vehicle or equipment owned or leased by the City of Milford.

In accordance with The Drug-Free Workplace Act of 1988, the City must maintain a drug-free work place. Failure to comply with this law could jeopardize the important government funds that the City of Milford receives. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use or being under the influence of alcoholic beverages or illegal drugs while on City property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the City is strictly prohibited and may lead to disciplinary action, including suspension without pay or discharge. When appropriate, the City may refer the employee to approved counseling or rehabilitation programs.

Any employee engaged on government contract or grant work must comply with this policy as a condition of employment. Should an employee be convicted of a drug-related crime that occurred in the work place, he or she must notify the City within five (5) days of the conviction. The City is required to notify the appropriate government agency within ten (10) days of the conviction. Appropriate personnel action, including possible discipline and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received. Employees may use physician-prescribed medication, provided that the use of such drugs does not adversely

affect job performance or the safety of the employee or other individuals in the work place.

Employees who voluntarily admit to having drug or alcohol problems that have not resulted in disciplinary action may be eligible for unpaid time off to participate in a rehabilitation program. Such a leave will be granted if the employee abstains from the use of the problem substance while on leave, abides by all other city policies, rules and prohibitions relating to conduct in the work place, and if the City will not suffer an "undue hardship" as a consequence of granting the leave.

820 SEXUAL AND OTHER FORMS OF IMPERMISSIBLE HARASSMENT

The City is committed to providing a work environment that is free of discrimination. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, religion or any other legally-protected characteristic will not be tolerated. As an example, sexual conduct (both overt and subtle) can serve to create an offensive work environment and is thus prohibited.

Anyone engaging in any improper harassment will be subject to disciplinary action, including possible discharge.

825 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on City operations. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

830 PERSONAL APPEARANCE

Dress, grooming and personal cleanliness standards contribute to the morale of all employee and affect the business image we present to our citizens and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of the their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstance, employees will not be compensated for the time away from work.

Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

835 RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all property of the City of Milford that is in their possession or control in the event of termination of employment, resignation or layoff, or immediately upon request.

840 RESIGNATION

Resignation is a voluntary act initiated by the employee to terminate employment with the City. Although advance notice is not required, the City requests at least two weeks' written resignation notice from all employees.

If an employee does not provide advance notice as requested, the employee will be considered ineligible for rehire.

845 SECURITY INSPECTIONS

The City wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives or other improper materials. To this end, the City prohibits the control, possession, transfer, sale or use of such materials on its premises. The City requires the cooperation of all employees in administering this policy.

Desks, lockers and other storage devices may be provided for the convenience of employees but remain the sole property of the City. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the City at any time, either with or without prior notice.

The City likewise wishes to discourage theft or unauthorized possession of the property of employees, the employer, visitors and citizens. To facilitate enforcement of this policy, the City or its representatives may inspect not only desks, but also packages and persons entering and/or leaving the premises. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the City's premises.

850 SOLICITATION

In an effort to assure a productive and harmonious work environment, persons not employed by the City of Milford may not solicit or distribute literature in the work place at any time for any purpose.

The City recognizes that employees may have interests in events and organizations outside the work place. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks or any other period in which employees are not on duty.)

In addition, the posting of written solicitations on City bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

Affirmative action statement

Employee announcements

Internal memoranda

Job openings

City announcements

Payday notice

Workers' compensation insurance information

State disability insurance/unemployment insurance information

If any employee has a message of interest to the work place, he or she may submit it to the City Manager for approval. All approved messages will be posted by the City Manager.

855 DRUG TESTING

The City is committed to providing a safe, efficient and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to provide body substance samples (e.g., blood, urine) to determine the illicit use of marijuana, cocaine, opiates, amphetamines, alcohol, and phencyclidine (PCP). The City will attempt to protect the confidentiality of all drug test results. Drug tests may be conducted in any of the following situations:

PRE-EMPLOYMENT - As a pre-qualification to assuming any position, prospective employees are required to provide a body substance sample for drug testing. This occurs in connection with the pre-employment medical examination.

PERIODIC - This testing occurs in connection with qualifying medical examination every two years.

REASONABLE CAUSE - Testing of this kind occurs when workplace behavior indicates that an employee is under the influence of drugs. Such behavior must be witnessed by at least one supervisor.

POST-ACCIDENT - Any current employee who is involved in a serious incident or accident while on duty, whether on or off the City's premises, may be asked to provide a body substance sample.

RANDOM TESTING - Employees holding safety-sensitive positions may be subject to testing at any time on a random basis.

Subject to any limitations imposed by law, a refusal to provide a body substance sample under the conditions described above may result in disciplinary action, up to and including discharge.

Any driver who refuses to be tested under the provision of the DOT regulations will not be permitted to operate a commercial motor vehicle. Any driver who tests positive for drugs will be immediately disqualified and taken off the road. Where test results are positive, the driver will be advised by the Medical Review Officer as to what drug was discovered.

An individual who is involuntarily relieved of duty solely because of drug testing will be paid for time away from scheduled work if the drug test results are negative.

Any employee who tests positive and who successfully completes rehabilitation will be subject to unscheduled testing for a twelve month period following reinstatement.

Questions concerning this policy or its administration should be directed to the City Manager.

860 POLITICAL ACTIVITIES

Employees may not:

a. Use their official authority or influence for the purpose of interfering with of affecting the results of an election or nomination for office;

b. Directly or indirectly coerce, attempt to coerce, command or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

c. Attempt to coerce or advise persons acting as agents or representatives of companies or firms conducting business with the City to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes; or

d. Be a candidate for elective office in a partisan election; or

e. Take an active part in political management and political campaigns in partisan elections; or

f. Be a candidate in a partisan election for any public office or for any political party office which is obtained through a partisan election. Primary and run-off elections to nominate candidates of partisan political parties are partisan elections.

These prohibitions are aimed at activities such as threatening to deny promotion to any employee who does not vote for certain candidates; requiring employees to contribute a percentage of their pay to a political fund; influencing subordinate

employees to buy tickets to political fund raising dinners and similar events. These provisions principally affect supervisors, but they are applicable to all employees.

Employees may:

a. Be candidate in non-partisan elections. These are elections in which none of the candidates is to be nominated or elected as representing a political party whose candidates for presidential election received votes at the last preceding presidential election;

b. Express opinions on political subjects and candidates;

c. Display stickers or posters on personal automobiles and in homes;

d. Make financial contributions to a political party of organization with the exception of financial contributions to candidates for election to Milford City political offices.

The above listed activities are not all inclusive. Any questions concerning political activities should be referred to the City Manager. It shall be the responsibility of the City Manager to determine political activities which are prohibited and those which are permitted.

865 GIFTS AND GRATUITIES

Employees shall not accept gifts, gratuities, or loans from organizations, business firms or individuals with whom they have official relationships because of City Government business. These limitations do not prohibit the acceptance of articles of negligible value which are distributed generally or prohibit employees from obtaining loans from public lending institutions. It is particularly important that inspectors, officers, and enforcement officers guard against relationships that might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

870 LOANS

Supervisors are not permitted to make loans to anyone working for them or for the City in any capacity. Violation of this regulation is considered misconduct and will result in disciplinary action.

875 TRAVEL ON OFFICIAL CITY BUSINESS

Whenever you are authorized to travel out of town on official business, the City will allocate you a $40 per deim rate for travel expenses incurred during the trip. In addition, if your trip expenses exceed $40, then you will be reimbursed the extra money upon presentation of receipts involving proir approved travel.

Use of personal vehicles will entail compensation at established rates. If more than one individual is involved, the City encourages the sharing of vehicles to conserve fuel and City funds. If a City vehicle can be used, this is preferred over the use of private vehicles for in-state travel.

880 DISCIPLINARY ACTION

1) Purpose

The purpose of this policy is to provide a guideline to correct an employee's unsatisfactory work performance or misconduct in an effort to promote maximum utilization of employee potential.

2) Definitions

Verbal Reprimand - A verbal reprimand shall be defined as discussion between the supervisor and the employee wherein the employee is advised and cautioned with reference to unsatisfactory work performance or misconduct.

Written Reprimand - A written reprimand shall be defined as a written documentation to the employee from the supervisor wherein the employee is advised and cautioned with reference to their unsatisfactory work performance or misconduct.

Suspension - A suspension shall be defined as the temporary prohibition against an employee's performance of his or her duties. The suspension period shall be without pay.

Withholding of Merit Increase - The withholding of a merit increase shall be defined as the denial or postponement of the customary increase within the pay range of a class which is normally awarded upon the employee's completion of twelve (12) calendar months of successful job performance.

Administrative Decrease - An administrative decrease shall be defined as a reduction within the pay range of a class.

Demotion - A demotion shall be defined as a reduction in the pay range of an employee in conjunction with a change in job duties and responsibilities.

Dismissal - A dismissal shall be defined as an involuntary separation from employment initiated by the employing authority as a result of employee's unsatis- factory work performance or misconduct.

3) Applicability

All classified employees shall be covered under this policy.

4) Policy Statement

The City of Milford shall support the practice whereby all part-time, temporary, probational and permanent employees shall be disciplined by the same process. The discipline of an employee shall be a progressive process. Disciplinary actions of lesser severity than dismissal shall be taken in an attempt to correct an employee's unsatisfactory work performance or misconduct before a dismissal is initiated. Generally, a dismissal may be considered as appropriate only as a last resort or may be undertaken only when an extremely serious policy violation has occurred. Disciplinary actions may take any of the following forms and are not necessarily restricted to the order set forth below:

a. verbal reprimand

b. written reprimand

c. suspension

d. withholding a Merit Increase

e. administrative decrease

f. demotion

g. dismissal

5) Reprimands

A reprimand may be either verbal or written.

a. No reprimand shall be relied upon as basis for further disciplinary action unless it is documented in writing and a copy had been forwarded to the City Manager's office for inclusion in the employee's official personnel file. Written reprimands shall be signed by both the supervisor and the employee.

b. Once a reprimand is reduced to writing, as provided above, a copy shall be hand delivered and signed received or mailed to the employee by certified mail (return receipt requested).

c. Reprimands shall be appealable through the grievance procedure.

d. Reprimands not appealed within the appropriate time limits specified by the grievance procedure shall become part of the official personnel file until it is purged by the employing authority.

e. All reprimands, unless revoked through the grievance procedure, shall remain in the employee's personnel file for a period of six months.

6) Suspensions

Department heads shall have the authority to suspend an employee for a period not to exceed five consecutive calendar days. Suspensions for a period or

more than five consecutive days shall have the prior approval of the City Manager.

a. A written notice of suspension including the items listed below shall be hand delivered and signed received or mailed by certified mail (return receipt requested) to the employee;

1. a statement of the reasons for the suspension;

2. a warning of what further disciplinary action could result, if the situation is not corrected;

3. a statement of the employee's right to appeal (if any) in accordance with the City's grievance policy.

b. A copy of such written notice shall be forwarded to the City Manager's office for its inclusion in the employee's official personnel file.

7) Withholding of Merit Increase

a. A written notice of the withholding of a merit increase including the item listed below shall be hand delivered or mailed to the employee by certified mail (return receipt requested):

1. a statement of the reasons for withholding of a merit increase;

2. an approximate amount of time the increase will be withheld or re-evaluated;

3. a warning of what further disciplinary action could result, if the situation is not corrected;

4. a statement of employee's rights to appeal (if any) in accordance with the City's grievance policy.

b. A copy of such written notice shall be forwarded to the City Manager's office for its inclusion in the employee's official personnel file.

8) Administrative Decrease

An administrative decrease shall require a letter of justification submitted by the department head to the City Manager's office. Such decrease shall be subject to the approval of the City Manager.

a. Once an administrative decrease has been authorized, a written notice of the decrease including the items listed below shall be hand delivered and signed received or mailed by certified mail (return receipt requested) to the employee:

1. a statement of the reasons for the decrease;

2. a warning of what further disciplinary action could result, if the situation is not corrected;

3. a statement of employees rights to appeal (if any) in accordance with the City's grievance policy.

b. A copy of such written notice shall be forwarded to the City Manager's office for its inclusion in the employee's official personnel file.

9) Demotion

a. A written notice of the demotion including the items listed below shall be hand delivered or mailed to the employee by certified mail (return receipt requested):

1. a statement of the reasons for the demotion
2. in cases where the demotion is not voluntary, including a warning of what further disciplinary action could result if the situation is not corrected;
3. a statement of employee rights to appeal (if any) in accordance with the City's grievance policy.

b. A copy of such written notice shall be forwarded to the City Manager's office for its inclusion in the employee's official personnel file.

c. A demotion shall not be used as a disciplinary action if the employee involved cannot qualify for the lower-ranked position or if the demotion would require the displacement of another employee.

10) Dismissal

A dismissal is the most serious form of discipline.

a. a written notice including the items listed below shall be hand delivered or mailed by certified mail (return receipt requested) to the employee:

1. A statement of the reasons for dismissal

2. A statement of employee's rights to appeal (if any), in accordance with the City's grievance policy.

b. A copy of such written notice shall be forwarded to the City Manager's office for its inclusion in the employee's official personnel file.

11) Unsatisfactory Work Performance or Misconduct

Each need for discipline has varying circumstances and requires the exercise of discretion on the part of the supervisor. Disciplinary action may be taken against an employee for any of the following examples of unsatisfactory work performance and misconduct:

a. re-occurring tardiness without reasonable explanation;

b. absence without leave;

c. violation of policy on intoxicants;

d. sleeping on the job;

e. serious neglect of work;

f. serious neglect of duty or refusal to comply with instructions of a supervisor;

g. insubordination

h. deliberate or careless conduct endangering the safety of oneself or other employees;

i. negligence in the care and handling of City property;

j. theft of City property or of another employee's property;

k. incompetence or inefficiency in the performance of required job duties;

l. use of offensive, abusive, threatening, coercive, indecent or discourteous language toward supervisors, other employees, or members of the public;

m. intentional falsification of personnel records, time records, or any other City records or reports;

n. provoking, instigating or participating in a fight while on duty or on City property; and,

o. unauthorized carrying of a concealed weapon during work hours or on City property.

These examples are not in any way to be construed as a comprehensive listing of possible violations nor are they to be considered as rigid guidelines.

12) City Manager's Review

The City Manager's office shall review disciplinary actions to insure that they conform with the intent of this policy.

890 GRIEVANCE POLICY

When an employee thinks or feels that a decision made by his supervisor creates a condition that is unjust, inequitable, creates a problem or is a hindrance to effective operation, the employee shall use the following procedure for the solution of such problem(s) and this right may be exercised without fear of retribution or recrimination.

In establishing this procedure for handling grievances and complaints, employees are advised that conditions of employment and law and policy established by the City Council are not grievable. In addition, wages, salaries, and fringe benefits are likewise not grievable. However, the application or interpretation of the above listed items are grievable. If there is a question whether or not an employee's concern is clearly a grievance, the City Manager must contact the City Attorney who has full and final authority to determine grievability and the City Attorney shall respond within five (5) working days.

In addition it is to be understood that the establishment of this procedure shall in no way remove the right of the City government to do the following, provided, however, that none of these rights may be exercised in an arbitrary or capricious manner:

a. Direct the work of its employees

b. Hire, promote, transfer, and assign employees

c. Demote or dismiss employees for cause

d. Maintain the efficiency of governmental operations

e. Relieve employees from duty because of a lack of work or for other legitimate reason

f. Take actions necessary to carry out duties of an agency in emergencies

g. Determine the methods, means and personnel necessary to carry out operations

1) Grievance Procedure

An employee wishing to file a grievance shall have the right to follow all the steps of this procedure as listed below with complete freedom from reprisal. This does not, however, confer the right upon anyone to make slanderous or libelous statements.

a. STEP I. An employee who has a grievance, as defined herein, shall within (5) work days of the occurrence of the action or event causing the grievance or of the date when the employee could have reasonably been expected to have learned of the act or event, contact his or her immediate supervisor for a discussion of the grievance. The supervisor shall immediately discuss the grievance with the employee if possible or practicable, but in any case within 24 hours, Saturdays and Sundays excluded. The supervisor shall thereafter give the employee a reply with in two (2) work days.

b. STEP II. If the grievance is not resolved as a result of STEP I, the employee may within five (5) work days thereafter request a hearing by his Department Head. The Department Head and the employee's immediate supervisor will then meet with the employee within two (2) work days. If more than one level of supervision exists between the employee and the Department

Head, the Department head may request the presence or the additional supervisor(s). The employee may also have a representative of his choice at this meeting. The Department Head shall, after the conclusion of this hearing, give the employee a reply within five (5) work days.

c. STEP III. If the Department Head's response does not resolve the grievance, the employee may within five (5) work days thereafter file a written request with the City Manager for a hearing before a Hearing Panel. The Hearing Panel shall be composed of three (3) City employees appointed by the City Manager or Chief of Police. No more than one (1) of the Panel members shall be a Department Head or Supervisor. Members of the Panel shall be appointed from three (3) different departments. None of the Panel members shall have been involved in any earlier phases of the grievance. The Panel shall select its own Chairman and set the time for the hearing as soon as practicable after appointment.

The Panel has the responsibility to hear both sides of the grievance and render an advisory recommendation to the City Manager concerning disposition of the grievance. The Panel has the responsibility to interpret the application of appropriate City policies and procedures in the case. It does not have the prerogative to formulate or to change policies or procedures. The

City Attorney shall serve as legal and technical advisor to the panel.

The Panel shall within three (3) days after conclusion of the hearing, give the City Manager a written copy of their findings and recommendations with a copy being supplied to the grievant and to the Department Head involved.

d. STEP IV. The City Manager shall within five (5) days after receiving the Panel's findings, grant a hearing to the grievant. He may also request the presence of the Department Head or any other City official at the hearing, and the employee may also have a representative of his or her choice present. The City Manager shall, after conclusion of the hearing and consideration of the facts, evidence and recommendation of the Hearing Panel, give the employee a written reply to the grievance. The determination of the City Manager shall be final and binding.

All time periods listed in this grievance procedure may be extended by mutual agreement of the employee and the City Manager. However, the employee's failure to process a grievance within the time limits shall constitute termination of the grievance.

ARTICLE IX. MISCELLANEOUS

910 EMPLOYMENT STATUS OF INDIVIDUALS WITH LIFE-THREATENING ILLNESSES

The City recognizes that employees with life-threatening illnesses, such as cancer, heart disease and AIDS, may wish to continue their normal pursuits, including work, to the extent that their condition allows. The decision to continue work will be based on the ability to meet normal performance standards and on the receipt of satisfactory medical evidence that the employees does not present an immediate threat to themselves or others. Evaluation of the potential dangers presented by individuals with life-threatening diseases will occur on a case-by-case basis and will consider existing medical and scientific evidence.

ARTICLE X. CONFLICT WITH POLICE BILL OF RIGHTS

Where instances of conflict between this ordinance and the Police Bill of Rights occur, the Police Bill of Rights will take precedence over the provisions of this ordinance.

ARTICLE XI. REPEALER

Any resolution or ordinance or part of any resolution or ordinance inconsistent herewith, and amendments thereof, are hereby expressly repealed.

The Personnel Ordinance adopted September 14, 1981 is hereby repealed.

Ordinance No. 2003-1

Notice is hereby given the following ordinance was adopted by Milford City Council on January 27, 2003:

An Ordinance to amend the Code of the City of Milford, Chapter 55, thereof, entitled Personnel, that describes information, policies and benefits for City of Milford employees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Section 660 of Chapter 55, Personnel, is hereby amended by adding guidelines and criteria for civilian employees utilizing take home and on-call vehicles and related compensation as required by IRS laws.

Section 2. A complete copy of Section 660 is available at Milford City Hall, 201 South Walnut Street, Milford, Delaware or can be obtained by calling (302) 422-6616, Extension 11.

Section 3. This ordinance was introduced and reviewed at the January 13, 2003 Monthly Meeting of Milford City Council in the Council Chambers of Milford City Hall.

Section 4. This ordinance was adopted by majority vote of Milford City Council on January 27, 2003 and was effective the first payroll of 2003.

By: Terri Hudson
City Clerk

Notice of City of Milford Ordinance Adoption

NOTICE IS HEREBY GIVEN that on December 16, 2015, during a Special Meeting of Milford City Council, the following ordinance was adopted:

AN ORDINANCE AMENDING CHAPTER 55 "PERSONNEL"
OF THE CODE OF THE CITY OF MILFORD

Ordinance 2015-27

Chapter 55-Personnel

Section 1.

WHEREAS, City Council finds that it is in the best interests of the City that employees remain informed and trained in activities, developments and professional trends affecting the affairs of the City; and

WHEREAS, City Council believes that attendance at institutions, meetings, conferences and other gatherings are of value to the City and its citizens; and

WHEREAS, public resources should only be used when there is a benefit to the City; and

WHEREAS, an updated policy that provides guidance to City employees on the use and expenditure of City resources is needed.

Section 2.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 875 of Article VIII Employee Conduct, Disciplinary Action and Grievance Procedure of Chapter 55 of the City of Milford Code, is hereby repealed and replaced with the following language:

Section 875 TRAVEL ON OFFICIAL CITY BUSINESS

The following information will amend Section 875, Travel on Official City Business:

Whenever an employee travels for City related business (training, meeting, seminar, conference, etc.), the employee must obtain prior authorization from their supervisor(s), including authorization of budget expenditures, for the estimated cost of the travel. Per Diem Rates (www.gsa.gov/perdiem) and Mileage Reimbursement Rates (www.gsa.gov/mileage) should be confirmed with the Finance Department, by contacting the Accounts Payable Administrator with the details, which should include the date(s), location(s) of the travel and any services that will be included in any registration fees, before processing a purchase order, for the employee's per diem and or mileage reimbursement.

The City encourages, the use of any authorized available City vehicle, especially for local travel; however, if the employee has been approved to use their privately-owned vehicle, they can request mileage reimbursement for the actual miles (round trip) between locations. If more than one

employee is traveling to the same event, the City encourages the sharing of vehicles to conserve fuel and City funds. When two or more employees travel together in a privately-owned vehicle, only one mileage reimbursement will be approved.

When employees are booking hotel reservations, they should obtain the lowest rate possible. Some conferences have discounted blocks of rooms reserved and most hotels offer a government rate, which may be lower than an advertised rate. After obtaining the hotel rates, the employee must obtain approval from their supervisor, of the hotel expense, prior to the final booking of the hotel reservation.

Employees must acquire receipts for any expenses (hotel, parking, gas, rental car, taxi, tolls, etc.), which are being charged directly to the City or those which will be submitted for reimbursement to the employee. The receipts, with an itemized expense sheet should be turned in to the employee's supervisor, immediately upon the employee's return to work. The supervisor, after the review and approval of the receipts, should complete a purchase order for any reimbursement due to the employee or for any expenses that had not previously been processed through the purchase order system. The supervisor should then submit the signed approved receipts to the Accounts Payable Administrator to be processed for payment, with the next payment cycle.

Section 3.

WHEREAS, special or emergency circumstances arise from time to time warranting the closure of city offices during prescribed hours for the support and protection of the health, safety and welfare of the citizens and staff of the City of Milford; and

WHEREAS, it is in the best interests of the citizens and staff of the City of Milford that the City Manager or designee be authorized to direct the temporary closure of city offices in such circumstances for the efficient operation of the city, safety to employees and citizens or other special or emergency circumstances.

Section 4.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 670 (Emergency Closings) of Article VI Work Conditions and Hours of Chapter 55 of the Code of the City of Milford, is hereby repealed and replaced with the following language:

Section 670 EMERGENCY CONDITIONS

Emergency conditions, including but not limited to severe weather, fire, flood, natural disaster, acts of terrorism, State of Emergency, etc. can disrupt City of Milford operations and interfere with work schedules. These extreme circumstances may require the City Manager or designated appointee, to issue an emergency closing because of expected or existing conditions. To help determine when an emergency closing is needed, the City of Milford will follow the State of Delaware and/or Kent County and Sussex County emergency closing alerts, but is not limited to just those closings. In the event that such an emergency closing occurs before 8:00 am or after 4:30 pm (normal business hours), the closing will be posted on the city's website (www.cityofmilford.com) and the City Manager or designated appointee will contact each department supervisor, who will then notify their staff if or when they need to report during the emergency closing. City of Milford emergency closing

information will also be provided to local media.

Since, the City of Milford is responsible for providing essential public services during emergency conditions, each department supervisor or appointed designee will determine which employees are essential to their department's operation or department's designated duties, during the emergency closing. The supervisor or appointed designee will notify each employee that is classified as "essential" when they are required to work during the emergency closing.

When an emergency closing occurs during normal M-F work hours, "non-essential" non-exempt and exempt employees that have been allowed to leave work, report to work on a delay opening or not report for work shall receive a supplement of hours to ensure that they have 8 hours of pay or salary for the day. "Essential" non-exempt employees which are required to work shall be paid their regular 8 hours of pay for the day, plus time and one half for the actual number of hours worked during the emergency closing. "Essential" exempt employees which are required to work shall receive their salary for the day and be granted compensatory time off, as approved by the City Manager.

Police Department patrol officers and dispatchers are classified "essential" personnel and are required to work their normal scheduled shifts. Depending on the circumstances of the emergency closing, the Chief of Police will determine which other police officers will be considered essential and may require additional staff to report.

The Police Department officers and dispatchers will be granted compensatory time, equal to the number of hours, that the City of Milford emergency closing was in effect during a normal 8 hour business day. These compensatory hours will be added to the holiday accrual bank, for each officer and dispatcher.

If inclement weather does not result in an emergency closing for the City of Milford, and an employee is unable to commute to work, due to the weather conditions, the employee should contact their supervisor prior to the start of their shift, to make arrangements to obtain transportation to work or be approved to use vacation leave.

Section 5.

WHEREAS, quality protective footwear, which meets or exceeds current OSHA Standards is needed to support the safety of a number of designated Employees throughout the City; and

WHEREAS, it is in the best interest of the City that a clear policy regarding the purchase of safety shoes by City Employees be available for them to follow.

Section 6.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

A new Section 615 entitled “Safety Work Boots” is hereby added to Article VI Word Conditions and Hours of Chapter 55 of the City of Milford Code to read as follows:

Section 615 SAFETY WORK BOOTS

Safety Work Boots, which meet or exceed the requirement and safety standards, as defined in each

departments' duties, will be purchased for employees who hold the following positions, each fiscal year, during the month of October.

DEPARTMENT	POSITION
Public Works:	Director, Public Works
Electric:	Superintendent, Electric Electric Line Foreman Electric Lineman, Lead Lineman Electric Lineman, First Class Electric Lineman, Second Class Electric Lineman, Third Class Electric Utility Groundsman Meter/SCADA Technician Warehouse Manager Meter Technician
Garage:	Head Mechanic
Water/Sewer:	Supervisor, Water & Sewer Water Treatment Operator Utility Crew Leader Utility Worker Water & Sewer Technician Meter Technician
Streets & Solid Waste:	Supervisor, Streets & Solid Waste Assistant Supervisor, Streets & Solid Waste Streets Crew Leader Equipment Operator Construction Worker/Equipment Operator Solid Waste Driver Solid Waste Driver/Refuse Collector Refuse Collector
Customer Service:	Meter Technician
Code Enforce/Inspections:	Code Enforcement Official
Parks & Recreation:	Director, Parks & Recreation Superintendent, Parks Park Technician I

A newly hired employee filling any of the above eligible positions, will have their initial pair of safety work boots purchased for them after a successful three months evaluation of their six month introductory period.

Supervisors or their appointed department designee will be responsible to select the appropriate safety

shoe(s) from an approved vendor of safety work boots, which meet the safety requirements of their department's approved positions, with a maximum price to be established by the City Manager.

The Supervisor, or appointed department designee, will arrange appointed times to take their employees to have a fitting of the shoes. Shoe purchases must be charged to the Supervisor's City of Milford credit card and once a purchase order has been completed, the credit card receipts should be forwarded to the Finance Department's Accounts Payable Administrator.

Police Officers of the Milford Police Department are hereby exempt from the provisions of Section 615 of Chapter 55 of the Code of the City of Milford.

Section 7. Introduction 12-14-2015
Adoption 12-16-2015

To view a complete version, please contact the City Clerk's Office at Milford City Hall either by e-mail at thudson@milford-de.gov or by calling 302-424-3712. Applicable information is also available on the City of Milford website.

NOTICE OF CITY OF MILFORD ORDINANCE ADOPTION

NOTICE IS HEREBY GIVEN that on July 11, 2016 during a meeting of Milford City Council, the following ordinance was adopted:

ORDINANCE 2016-10

CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 55-PERSONNEL

WHEREAS, the City of Milford created a Personnel Ordinance and Manual in1992 which, from time to time, has been updated to address new or changing practices, government regulations or technologies; and

WHEREAS, the City of Milford provides training, facilities, tools and equipment to enable employees to do their jobs; and

WHEREAS, the City Council budgets funds for the purchase and maintenance of such items, but expects the funds to be spent prudently and for the City Manager to administer reasonable expenditures of such budgeted funds while regularly monitoring; and

WHEREAS, the terms of said Personnel Ordinance and Manual need to be updated once again to address new technology and recruitment practices.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. That the City of Milford Code, Chapter 55 Personnel, Section 630. USE OF PHONE AND MAIL SYSTEMS is hereby repealed in its entirety:

~~Personal use of telephones for outgoing calls while on duty, including local calls, is not permitted. Employees may be required to reimburse the City for any charges resulting from their personal use of the telephone. Phones may be available for personal outgoing calls during breaks, meal periods or at other times with the supervisor's permission.~~

~~The use of City-paid postage for personal correspondence is not permitted.~~

~~To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.~~

Section 2. That the City of Milford Code, Chapter 55 Personnel, Section 630, is hereby inserted to read as follows:

630. USE OF TELEPHONE, MAIL, COPIERS, CELLULAR TELEPHONES, INTERNET AND EMAIL SYSTEMS

Personal use of the City telephone or cellular phone system is limited to emergency or pressing reasons, preferably during breaks and meal periods. Employees may be required to reimburse the City for any charges resulting from the personal use of telephones or cell phones. Staff should refer to the detailed Cellular Telephone Policy.

The use of City-paid postage for personal correspondence is not permitted. Excessive personal use of City copiers, fax machines or printers by employees is not permitted. Reimbursement for such use will be in accordance with procedures and policy established the City Manager.

City employees may be issued a cellular telephone, smart phone or similar device to accomplish their assigned duties. Alternatively, under specific circumstances, a "communications allowance" may be paid to compensate employees for their use of personal cellular telephone, smart phone or similar device for City business. The City Manager and Police Chief are authorized by City Council to have either a City-issued cellular telephone or a "communication allowance" per written agreement with City Council.

The determination of employees to receive a City issued cellular telephone, smart phone or similar device *or* a communications allowance, will be based on criteria and procedures established in the City's Cellular Telephone Policy issued by the City Manager.

Cellular phone and smart phone use must be in compliance with the City's Safety Manual, the Vehicle Use Policy, local ordinances and Delaware State Law.

Internet access is to be conducted in a responsible and professional manner, reflecting the City's commitment to ethical and non-discriminatory government practices. It is also the City's desire to protect the organization, as much as possible, from viruses or illicit attempts to access the City's servers. The City of Milford maintains an electronic mail system to conduct City business. All email messages composed, sent, received and/or stored are the property of the City and not the property of any employee. The City has a Computing Resource Use Policy which explains how email and the Internet must be utilized. Before using email or the Internet, employees must acknowledge that they have reviewed and understand the City's Computing Resources Use Policy.

Section 3. That the City of Milford Code, Chapter 55 Personnel, Section 416, is hereby added as follows:

416. Vacation Leave for New Hires

As a recruitment tool for FLSA-exempt employees, the City Manager may award up to 120 hours of annual leave prior to the completion of one year of service and approve the rate of accrual thereafter.

Section 4. That the City of Milford Code, Chapter 55 Personnel, Section 661, is hereby added as follows:

661. Vehicle Allowance

The City Manager and Police Chief are authorized by City Council to have either a City-issued vehicle or a vehicle allowance per written agreement with City Council. Department Heads who must travel extensively for their job and who must be able to respond to afterhours emergencies may either have a take home vehicle or a vehicle allowance as determined by the City Manager. Employees receiving a vehicle allowance are responsible for paying liability, property damage and comprehensive insurance coverage upon such vehicle and are responsible for all expenses in relationship to the purchase, operation, maintenance, repair and regular replacement of the vehicle. Proof of insurance levels satisfactory to the City shall be provided upon request by the City. The City of Milford shall reimburse employees with a vehicle allowance, at the established mileage rate of the vehicle for any City business use beyond Kent or Sussex Counties, if a City-owned vehicle is unavailable for such trip. The City shall maintain an "accountable plan" in accordance with related IRS regulations.

Section 5. Dates.

Introduction:	06/27/2016
Adoption:	07/11/2016
Effective:	07/21/2016

ORDINANCE 2018-08

CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATION LEGISLATION
CHAPTER 55
PERSONNEL

WHEREAS, Chapter 55 of the City of Milford Code governs personnel practices for all City of Milford employees; and

WHEREAS, the City Council for the City of Milford desires to update Chapter 55 in its entirety to conform to and comply with Federal and State law and current personnel practices as set forth herein.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 55 is hereby repealed and replaced as follows:

CITY OF MILFORD

EMPLOYEE POLICY MANUAL

Table of Contents

NOTE: Policies and procedures referenced, but not contained within this manual can be obtained from your supervisor, Department Director or the Human Resources Office.

General Provisions

1. Purpose

The purpose of this manual is to set forth the policies and procedures that will be followed by the City of Milford in the administration of its Human Resources program. The City's policies and procedures are intended to establish an efficient, equitable and functional system of Human Resources administration based on merit principles which govern employee selection, promotion, transfer, layoff, dismissal, discipline and other conditions of employment.

The information contained in the City of Milford Employee Policy Manual has been prepared as a guide to general human resource methods at the City of Milford. If anything has been stated that is different from actual provisions of benefit plan documents, the actual provisions will govern.

No employee manual can anticipate every circumstance or questions about policy. As the City continues to grow, the need may arise to change policies and procedures contained in the manual. The City of Milford, therefore, reserves the right to revise, supplement or rescind any policies or portion of the manual, from time to time, at the City's discretion for any reason, with or without notice. The policies and statements contained in the manual, as in other provisions

that may be modified or added from time to time, are not direct or implied contractual commitments between the City of Milford and its employees with respect to duration of employment, level of compensation, or any other terms or conditions that are a part of the employment relationship. It does not promise that the policies mentioned will be applicable in any given instance.

For those who are at-will employees, the policy manual does not change the employment-at-will relationship in any way. Employees, who fall under the provisions of an executed Collective Bargaining Agreement shall be guided by relevant provisions regarding the employment relationship.

The policy manual is not an employment contract and does not provide any enforceable contractual rights to the employee with respect to his/her terms or conditions of employment. Neither these guidelines, nor any written or oral policies, practices nor procedures, which may develop from these guidelines, create either an express or implied employment contract.

2. Scope

This manual is prepared for all employees of the City of Milford. For employees who are covered under collective bargaining agreements (CBA), the provisions in those agreements/documents will prevail, if and when there is conflict between this manual and a CBA. Specific department rules and standard operating procedures that have been reviewed and approved by the Appointing Authority will also prevail (see section 4 below).

3. Administration and Approval

The City's Appointing Authorities (or his/her designee), shall be responsible for the overall administration of these policies and procedures, the City's Human Resources Administrator shall serve as the Appointing Authority's designee, for questions on any of the policies and procedures that are part of or referenced by this manual. City Council approval may be required for some of the policies referenced herein.

4. Department Policies and Procedures

Individual Department Directors have the right to establish certain policies and procedures that are unique to the department, and if reviewed and approved by the Appointing Authority, they are given the same weight as if they were contained in this manual.

Responsibilities for Managing Information and Serving the Public

1. Contact with the Public

The City of Milford's employees will, at all times, treat the residents of Milford and the general public with patience, courtesy, dignity and respect.

Beyond acts that are obviously illegal and/or unethical, any behavior that is not conducive to properly and effectively serving the citizens of Milford is prohibited and may be subject to corrective action.

In addition, the City of Milford and its employees will make every effort in dealings with the general public to make reasonable accommodations for persons with disabilities.

While employees are encouraged to be helpful and courteous to the public, responses to requests for information should comply with the *City's Public Records Policy*, which is available in the City's Clerk's Office. Questions about the City's policy should be referred to the employee's supervisor.

2. Contact with City Council

All employees are expected to respond to requests from City Council through the appropriate Appointing Authority in a timely manner.

Neither City elected officials nor Commission members can act directly to resolve employee concerns or issues. Thus, employees are encouraged to use steps under the section covering *Grievance* of this manual to address and resolve issues and concerns.

3. Contact with the Media

Representatives of the media who are seeking information or opinions concerning pending legislation, litigation, or other matters of apparent interest to the general public may contact City of Milford employees from time to time. Any requests for non-routine information from media representatives must be immediately referred to the appropriate Department Director and be reported to the Appointing Authority. It is important that the media be provided accurate and timely information. Accordingly, in the context of City government business, employees should not initiate contact with the media unless assigned as his/her responsibility by an Appointing Authority.

4. Release of Information and Public Records

It is the policy of the City of Milford that openness leads to better informed citizens, which leads to better government and better public policy. The City of Milford policies and practices regarding release of information and public records adhere to the State of Delaware Public Records Law; Freedom of Information Act (FOIA) and employees receiving requests for public records should refer and adhere to the City's *Public Records Policy*.

All requests for information regarding the plans or business affairs of the City, or the personal and/or business affairs of its employees, except routine matters relating to day-to-day operations, shall be immediately referred to the Department Director or Appointing Authority. Employees are prohibited from releasing such information without specific authorization of the Appointing Authority, Department Director or as may be authorized by departmental policies and procedures.

Employment Policies and Procedures

1. Equal Employment Policies

The City of Milford's policy is to employ and treat all employees and employment applicants without discrimination on the basis of race, creed, color, religion, citizenship status, gender, age, national origin, ancestry, disability, sexual orientation, gender identity or expression, marital status, pregnancy, military veteran status, political beliefs or affiliation, genetic history, or other characteristic protected by law. These protections apply to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, dismissal, layoff, compensation, benefits, social and recreational programs.

Questions and concerns should be addressed to the employee's supervisor, Department Director, or to the Human Resources Administrator, who serves as the City of Milford's EEO compliance officer.

2. Accommodations for Persons with Disabilities

It is the policy of the City to comply with all the relevant and applicable provisions of the Americans with Disabilities Act and corresponding state and local laws. The City does not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability.

A person with a disability who believes that he or she may require an accommodation should contact the Human Resources Administrator, who will work with the individual in an interactive manner in order to assess a needs-based accommodation.

3. Anti-Harassment

A. Purpose

The City strives to maintain a workplace that fosters mutual employee respect and promotes harmonious, productive working relationships. Our organization believes that harassment in any form constitutes misconduct that undermines the integrity of the employment relationship. Therefore, the City is committed to a work environment which is free of harassment (which includes harassment based on gender, gender identity, pregnancy, childbirth, or related medical conditions), as well as harassment based on such factors as race, color, creed, national origin, ancestry or citizenship, age, physical or mental disability, marital status, genetic history, or any other categories protected by law.

The City disapproves of and will not tolerate harassment of employees by managers, supervisors, or coworkers. Similarly, the City will not tolerate harassment by its employees of non-employees with whom its employees have a business, service or professional relationship. The City also will attempt to protect employees from harassment by non-employees in the workplace.

B. Harassment Defined

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment that interferes with an employee's work performance. Such conduct constitutes harassment when:

- Submission to the conduct is made either an explicit or implicit condition of employment;
- Submission to or rejection of the conduct is used as the basis for an employment decision; or
- The harassment has the purpose or effect of interfering with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

1. Examples of Harassing Conduct

Harassing conduct can take many forms and includes, but is not limited to, the following: slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons based upon an employee's sex, race, color, national origin, religion, age, physical disability, mental disability, medical condition, ancestry, marital status, sexual orientation, gender, gender identity, or physical appearance.

2. Examples of Sexually Harassing Conduct

Sexually harassing conduct in particular includes all of these prohibited actions as well as other unwelcome conduct, such as: unwelcome sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; subtle pressure or requests for sexual activities; unnecessary touching of an individual; graphic comments about an individual's body; a display in the workplace of sexually suggestive objects or pictures; sexually explicit or offensive jokes; or physical assault. Sexually harassing conduct can be by a person of either the same or opposite sex.

C. Reporting & Investigating Harassing Conduct

The City understands that victims of harassment are often embarrassed and reluctant to report acts of harassment for fear of being blamed, concern about being retaliated against, or because it is difficult to discuss sexual matters openly with others. But no employee should have to endure harassing conduct and the City therefore requires employees to promptly report any incidents of harassment so that corrective action may be taken.

1. Reporting Harassment

Any incidents of harassment, including work-related harassment by any personnel or any other person, must be reported immediately to the employee's supervisor or Department Director. An employee is not required to complain to that person if that person is the individual who is harassing the employee but may instead report the harassment to any other member of management. Supervisors and managers who receive complaints or who observe harassing conduct must immediately inform the Department Director or Appointing Authority or other appropriate City official so that an investigation may be initiated.

2. Investigating Harassment

Every reported complaint of harassment will be investigated thoroughly and promptly. Typically, the investigation will include the following steps: (1) an interview of the employee who lodged the harassment complaint to obtain complete details regarding the alleged harassment; (2) interviews of anyone who is alleged to have committed the acts of harassment to respond to the claims; and (3) interviews of any employees who may have witnessed or who may have knowledge of the alleged harassment.

The investigating City official will notify the complainant of the results of the investigation. The investigation will be handled in as confidential a manner as possible consistent with a full, fair, and proper investigation.

D. Corrective Action

The City will not tolerate retaliation against any employee for making a complaint of harassment or for cooperating in an investigation. If harassment or retaliation is established, the City will take corrective action. Corrective action may include, for example: training, referral to counseling, or disciplinary action ranging from verbal or written warnings to termination of employment, depending on the circumstances.

E. Non-Retaliation

The City's mission can only be accomplished in an environment that promotes integrity, honesty and open communication which is free from any form of discrimination, harassment or retaliation. Retaliation by part of management and/or employees against any employee for reporting of any real or perceived incident involving alleged discrimination or harassment or unethical, illegal in good faith, unsafe conduct, or for participating in the investigation of any such allegations are not be tolerated.

4. Pregnancy Notice

The Delaware Discrimination in Employment Act prohibits discrimination against any employee based on pregnancy, childbirth, or related condition, including, but not limited to, lactation. If you believe that you have been subjected to pregnancy discrimination or harassment, please inform a member of management as soon as reasonably possible. The company is committed to providing a workplace free of discrimination and harassment and will take prompt action to investigate and address any such allegations.

The Delaware Discrimination in Employment Act also entitles employees to reasonable accommodation of known limitations related to pregnancy, childbirth, and related conditions, provided that the accommodation does not impose an undue hardship on the company. An employee need not be disabled to request a reasonable accommodation related to pregnancy, childbirth, or a related condition(s). If you suffer from a limitation that prevents you from performing the essential duties of your job, please inform your supervisor promptly so that we can begin the process of identifying a reasonable accommodation. Employees are encouraged to request a reasonable accommodation as soon as possible before performance problems arise.

5. Methods of Appointment

City vacancies shall be filled either by original appointment, promotion, reassignment, transfer, demotion, or re-employment, and shall require submission of an application. Police officers, except as provided otherwise by ordinance of City Council, are competitive class positions and those positions shall be filled by competitive testing.

In the event that a vacancy must be filled immediately, the Appointing Authority may make an interim, temporary appointment, for a period of no longer than ninety (90) days; additional periods of temporary appointment, not to exceed ninety (90) days, may be granted only through written agreement and approval of the Appointing Authority. During the period of such interim appointment, the recruitment and selection processes will proceed (refer to *Recruitment Guidelines* document).

No person shall hold more than one City of Milford position at the same time without prior approval of both Department Heads (if applicable) and the respective Appointing Authority(ies).

6. Types of Appointments

Employees shall be appointed to one of the following classifications in consultation with the respective Appointing Authority or the Human Resources Administrator:

(a) Regular full-time: A position which requires working a full department schedule per week, which is generally between thirty (30) and forty (40) hours per week. Regular full-time positions will be classified as either FLSA exempt (salaried) or FLSA non-exempt (hourly), depending on their job duties, in accordance with the Fair Labor Standards Act. These positions may or may not fall under provisions of one of the City's collective bargaining agreements.

(b) Regular part-time: A position which requires consistently working a part-time schedule, which is generally between twenty (20) hours, but less than thirty (30) hours per week and which is not classified as an intermittent, seasonal or special classification. Regular part-time employees will be classified as either FLSA exempt (salaried) or FLSA non-exempt (hourly), depending on their job duties, in accordance with the Fair Labor Standards Act.

(c) Intermittent/Seasonal/Special: A position which requires working either a full-time, part-time or variable schedule, and requires working to complete special projects where additional resources are required, to cover fluctuations in work, to fill vacancies for employees absent from the workplace or to fill other employment needs that may arise. Intermittent/Seasonal/Special positions may be classified as either FLSA exempt (salaried) or FLSA non-exempt (hourly), and may be paid on various pay schedules, including piece rate, depending on their job duties, in accordance with the Fair Labor Standards Act. Volunteers and contracted temporary agency workers do not qualify as any type of City employment.

All required payroll forms must be completed, along with employee orientation administered by the Human Resources Administrator, at the start of employment with the City.

In situations where an employee retirement or resignation can be anticipated or planned for, a position may be filled, with the approval of the Appointing Authority, up to several months early to allow for education and training for the individual replacing the departing employee.

7. Present Employee Consideration

When a City position becomes vacant, the City may initiate both internal and external recruitment processes simultaneously to find the best candidate to fill the vacant position. If, in the determination of the Appointing Authority, a sufficient pool of internal candidates exists, to comply with collective bargaining agreements or to promote career development and succession planning, the City may elect to only open a recruitment internally.

8. Employment of Relatives

The City of Milford permits the employment of qualified relatives of employees, of the employee's household or immediate family as long as such employment does not create actual conflicts of interest. That is, the intent is that no employee is permitted to work within the chain of command of one's relative and be in a position of influence over the work responsibilities, salary, schedule, career progress, benefits or other terms and conditions of employment. For purposes of this section, relative is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, step relation, or any member of the employee's household.

The following guidelines control hiring of relatives:

- There will be no direct reporting or supervisor to subordinate relationship allowed;
- No relatives of Department Directors will be permitted to work within the chain of command of his/her department;
- No relatives of City Council Appointees or the Human Resources Administrator will be permitted to work in any department;
- Employees who marry, become part of the same household while employed, or are in a relationship are treated in accordance with this policy and may be transferred at the earliest practicable time;
- No relatives of the Mayor or of a City Councilmember shall be hired by the City during that elected official's term in office.

The only exceptions to this policy are seasonal employees, with the approval of the Appointing Authority and pre-existing situations which are grandfathered in and may remain in place, as long as the employees are retained by the City in those employment positions. Once an employee is transferred or separated from employment, these pre-existing situations are no longer permitted.

9. Length of Service/Anniversary Dates

The employee's anniversary date is defined as the date an employee reports to work following appointment to a regular full-time or regular part-time position with the City. The anniversary date is important in relation to any type of merit pay consideration, certain benefits and paid

vacation. Specific application of anniversary dates and length of service information are covered in other sections of this manual.

10. Employee Eligibility

Federal law requires that all individuals who become employees of any organization be authorized to work in the United States. Upon hiring, every individual will be required to submit documentation and complete an I-9 form to prove his or her authorization to work in accordance with relevant federal regulations.

11. New Employee Orientation

To help each employee get off to a good start in his/her employment with the City of Milford, a New Employee Orientation will be provided. This orientation will include a range of information, administrative matters, and personal introductions.

12. Introductory Periods

The introductory six (6) month period shall be utilized as an opportunity to observe a new employee's work, to train and aid the new employee in adjustment to his/her position, and to terminate any new employee whose work performance fails to meet required work standards.

All new exempt and non-exempt employees shall serve a six (6) month non-contestable introductory period. A newly hired introductory employee may be terminated at any time, with or without cause, during the introductory period.

Supervisors shall observe the employee's work performance and counsel any introductory employee whose work performance is marginal or inadequate. Supervisors shall document said counseling and any deficiencies.

Promotional employees placed internally shall serve an introductory period of up to six (6) months in the new position. Such promotional appointees, at the discretion of the Appointing Authority, who exhibit inadequate performance during the introductory period, may be placed in another position, terminated, or subject to a six (6) month introductory period in the new position.

The introductory period may be extended for employees which the Appointing Authority, Director and supervisor determine to have the ability to succeed in the position.

During the introductory period, vacation leave will only be approved for an emergency and must have the approval of the Department Director.

13. Layoffs

The Appointing Authority may lay off any employee due to lack of funds, curtailment of work or abolishment of a position. At the discretion of the Appointing Authority, employees shall be laid off in reverse order of anniversary date unless there are compelling operational needs. No

regular full-time employee will be laid off while there are newly-hired introductory or intermittent employees working in the same or related classes of positions in that department, unless the introductory employee is applying a special and unique skill set, or the intermittent employee is working on a unique project for which training another individual is exceptionally costly or time-consuming.

To the extent available, an employee who is laid off may retain reinstatement rights for up to one year. Questions concerning reinstatement rights should be directed to the respective Appointing Authority.

14. Resignations/Retirement/Separation from Service

An employee who resigns from the City is expected to present a letter of resignation to his/her supervisor, including reason for leaving, at least two (2) weeks prior to his/her departure. Department Directors, Superintendents and Administrators are encouraged to provide at least ninety (90) days' notice of resignation.

Employees may retire pursuant to the provisions of the State of Delaware County & Municipal General Pension Plan or State of Delaware County & Municipal Police & Firefighters' Pension Plan. Employees are encouraged to provide at least four (4) months' notice of their retirement by presenting a letter to his/her supervisor with a copy to the Human Resources Administrator who will initiate the employee's pension application process.

In the event a non-introductory employee is involuntarily terminated, the employee may follow the grievance procedure to appeal the termination.

Prior to final separation, it will be the supervisor's responsibility, in collaboration with the Human Resources Administrator, to see that all administrative matters of the retirement, separation or resignation, including the return of City property, computer access, reimbursement of any reimbursable training and an exit interview, are managed in a timely and appropriate manner.

Hours of Work/Attendance

1. Hours of Work

Regular hours of work for full-time employees consist of forty (40) hours per week for all general employees, or eighty (80) hours bi-weekly for all police officers, as assigned by the Appointing Authority. For police officers, hours of work will be in accordance with the applicable requirements of the Fair Labor Standards Act.

2. Attendance Recording

In order to ensure accurate reporting of an individual's time for payroll purposes and attendance record maintenance, each non-exempt employee is required to complete entries into the City's Time Keeping System, or by other approved documentation, in a timely and accurate manner and each exempt employee is required to complete entries into the City's Time Keeping System

or by approved documentation for any leave of absence (in accordance with the forms and deadlines established by the Finance Department), including employee signature and supervisory approval and signature, as required.

Non-exempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without express prior authorization from their supervisor.

Employee time from 1 to 7 minutes will be rounded down, and thus not counted as hours worked, but employee time from 8 to 14 minutes will be rounded up and counted as a quarter hour of work time.

3. Work Schedules

Work schedules shall be determined by the Department Directors for employees in their departments, subject to the Appointing Authority's approval, and may vary to meet a department's unique needs. Work schedules shall be arranged to meet the needs of the City.

Use of flex time is permitted in accordance with the FLSA by exempt and non-exempt personnel. Flex time practices must be pre-approved by the Appointing Authority and specific situations must be approved by the employee's supervisor. Use of flex time may not be approved if absence from work will cause impairment to the performance of the department or the City.

Appointing Authorities may permit exempt employees to occasionally work from home, in lieu of regular work hours, where circumstances are deemed appropriate for an employee to be compensated for performing assigned responsibilities while working at home. Working from home requests must be pre-approved following the determination that all or significant components of the work can be done at home, operational needs of the department are met, and the work is considered official City business. In all cases while working from home, employees may be requested to provide additional documentation of work records, as deemed necessary by their supervisor. The employee must adhere to the *Work from Home Policy*.

Alternative work schedules may be approved by Appointing Authorities when customer service needs, weather or other circumstances dictate modified schedules.

4. Attendance and Tardiness

Regular and punctual attendance at work is required of all employees. If an employee will be detained or unable to report for work, he/she must notify their supervisor before the scheduled start of their shift. An employee who fails to notify a supervisor that he/she is unable to report to work prior to the scheduled start of his/her shift shall result in the employees' loss of pay for that day unless circumstances outside of the control of the employee prevented the employee from giving notice.

5. Lunch and Break Periods

All regular, full-time employees working 7.5 hours or more in a day, as designated by State of Delaware Labor Law, will be provided with one half hour unpaid lunch break, each regularly scheduled day. Meal breaks will be given sometime after the first two hours of work or before the last two hours of work as designated by the Department Director/Superintendent/supervisor. Employees will be relieved of all active responsibilities and restrictions during their meal break and will not be compensated for that time.

Each employee is normally entitled to two (2) paid fifteen (15) minute breaks per work day, which shall be taken separately unless authorized in advance by the Department Director/Superintendent/supervisor to use to extend the one-half hour unpaid lunch break. Breaks are subject to the discretion and approval of the Department Director/Superintendent/supervisor, depending on, but not limited to, staffing levels, level of work and temporary fluctuations in workload. Break periods must be used as assigned.

Classification, Performance Evaluation, and Compensation

1. The Classification Plan

A position classification plan is in place to provide a basis for evaluating positions, assigning a pay grade to each position, and ensuring that individual employees are compensated competitively, taking into account both internal and external equity.

A position description will be maintained for each position, including position title, reporting relationship, summary of position, specific duties, education and experience requirements, and any special knowledge and skill requirements, along with FLSA status and pay grade.

2. Maintenance of the Position Classification Plan

The respective Human Resources Administrator shall be responsible for the proper and continuous maintenance of the Position Classification System.

3. Pay Grades

Each position within the classification system will be assigned a pay grade that indicates the minimum and maximum pay rates for employees within a particular pay grade. Periodic adjustments may be made to the pay grades, with the approval of City Council.

4. Work Week and Pay Periods

The normal work week for all employees shall begin on Sunday 7:00 a.m. through the following Sunday 6:59 a.m. Paydays shall be on a bi-weekly schedule and will occur on Fridays, unless otherwise scheduled.

5. Compensation

Employee compensation may be comprised of, but not limited to, the wage rate and/or any other special provisions outlined in this Manual or under a collective bargaining agreement.

Wage increases, initiated by the respective Department Director and approved by the respective Appointing Authority, under the direction of City Council, may be granted for meritorious service. Except as otherwise provided, no employee shall receive pay in addition to the wages authorized by the pay plan for services rendered.

6. Overtime Compensation

Eligibility: All FLSA non-exempt employees shall be eligible for overtime compensation. (*NOTE: There are special rules for police officers, please refer to the FLSA Special 7[k] Work Periods rules.)

Scheduling: When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. Overtime scheduling in all departments must be approved by the Department Director, Superintendent or supervisor prior to overtime work, except in the case of an emergency.

Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime Pay: FLSA non-exempt employees shall be compensated at the rate of one and one-half times the equivalent hourly rate of the employee for overtime hours worked. The work week starts at 7:00 a.m. Sunday and ends at 6:59 a.m. the following Sunday. Hours worked in excess of forty (40) hours in the work week, for regular non-exempt employees or 80 hours in a pay period for non-exempt police officers, will be paid at overtime rate. Vacation leave, bereavement, and paid holidays will be considered hours worked for purposes of performing overtime calculations, unless otherwise specified in a collective bargaining agreement. Hours worked by regular full-time employees on a holiday, which has been approved by City Council as an observed City holiday, shall be compensated at the rate of one and one-half times the equivalent hourly rate of the employee. When a holiday occurs on a Saturday or Sunday the holiday will be observed and paid on Friday or Monday (in accordance with the section of this manual regarding pay periods). An employee shall receive only one paid holiday per holiday.

7. Flex Time

This policy applies to all non-exempt employees whose employment status is regular full-time and regular part-time. All non-exempt employees are subject to the overtime pay provisions of the Fair Labor Standards Act and must be compensated for all hours worked, including all hours worked on and off work premises. They cannot donate their services and are not permitted to work, in excess of their regularly scheduled work hours, without prior supervisory approval.

Exempt and non-exempt employees are eligible in certain circumstances to adopt a flexible work schedule, either continuous or intermittent. The flexible work schedule, whether only for a particular day or week, must be arranged in advance and the employee and supervisor must mutually agree upon the schedule and then obtain the written approval of the Department Director or Appointing Authority. At all times, normal business hours as well as the operational needs of the department must be maintained. In addition, the immediate supervisor is to conduct a periodic review of the staff member's flexible work schedule to determine whether it should continue or not. No flex schedule is to be considered as permanent or in perpetuity. Flex time is not to be used as a means of facilitating or responding to tardiness. Employees are expected to be on time for the designated starting hour of work. Flextime should be documented on the employee's timesheet.

8. Emergency Conditions

Emergency conditions, including severe weather, can disrupt the City's operations and interfere with work schedules.

The City Manager or designated appointee will determine whether and the extent to which the City will operate in inclement weather. Employees in positions designated as Essential Employees are required to report to work during emergency closures.

In the event that such an emergency closing occurs before 8:00 am or after 4:30 pm (normal business hours), the closing will be posted on the city's website (www.cityofmilford.com) and the City Manager or designated appointee will contact each Department Director, who will then notify their staff if or when they need to report during the emergency closing. City of Milford emergency closing information will also be provided to local media.

Since the City of Milford is responsible for providing essential public services during emergency conditions, each department/division supervisor or appointed designee will determine which employees are essential to their department's operation or department's designated duties during the emergency closing. Employees that have been designated essential for an emergency should report as instructed during the emergency. The supervisor or appointed designee will notify each employee that has not previously been designated as essential when and if they are required to work during the emergency closing. When an emergency closing occurs during normal M-F work hours, non-essential non-exempt and exempt employees that have been allowed to leave work, report to work on a delay opening or not report for work shall receive a supplement of hours to ensure that they have eight (8) hours of pay or salary for the day. Essential non-exempt employees which are required to work shall be paid their regular eight (8) hours of pay for the day, plus time and one half for the actual number of hours worked during the emergency closing. Essential exempt employees which are required to work shall receive their salary for the day and be granted compensatory time off, as approved by the City Manager.

All Police Department officers and dispatchers are classified Essential personnel and are required to work their normal scheduled shifts. Depending on the circumstances of the emergency closing and with the authorization of the Chief of Police, the Police Department may require additional staff to report. The Police Department officers and dispatchers will be granted compensatory time equal to the number of hours that the City of Milford emergency closing was in effect

during a normal eight (8) hour business day. These compensatory hours will be added to the holiday accrual bank for each officer and dispatcher.

If inclement weather does not result in an emergency closing for the City of Milford and an employee is unable to commute to work due to the weather conditions, the employee should contact their supervisor prior to the start of their shift to make arrangements to obtain transportation to work or be approved to use vacation leave.

9. Compensable Benefits

In accordance with IRS regulations, certain benefits, such as those pertaining to vehicles, communication services/devices or uniforms, may be considered compensable and therefore subject to certain taxes.

10. Bilingual Pay Differential Allowance

A pay differential allowance may be paid to employees required to use a second language as designated and approved by the Appointing Authority. Designation of bilingual differential positions is the sole prerogative of the City. Positions can only be designated to receive the Bilingual Pay Differential Allowance when it benefits the immediate needs of the City.

11. Performance Review

The City of Milford recognizes that timely, candid performance feedback and discussion with employees is essential to good work performance and employee development. To that end, supervisors should review each employee's individual performance at least annually.

The purpose of the Performance Review program is to create an understanding with the employee as to how well he/she is performing and establish a plan for improved work performance and future job/professional growth in accordance with the procedures and guidelines for Performance Evaluation as established by the respective Appointing Authority. In accordance with a merit-based pay system, the results of a Performance Evaluation may impact an employee's pay.

The performance of all regular full-time and part-time employees will be reviewed at approximately mid-point (3 months) of their introductory period and again prior to when their introductory period (6 months) ends. Individual employees may be required to complete a self-appraisal as part of the overall performance review process.

Human Resources, supervisors, Department Directors, and Appointing Authorities are responsible to see that this program is implemented in a timely and consistent manner.

12. Employee Records

The following individual employee records will normally be maintained by the Human Resources Office:

- Application/Job Description
- Compensation History/Status Changes
- Performance Reviews
- Disciplinary Documents
- Training/Certifications
- Commendations/Miscellaneous
- Employment Verifications
- Benefit Documents
- Medical/HIPAA Documents (which are kept separately from other personnel documents)

The Finance Department will maintain records relating to payroll, taxes, garnishments, wage attachments and unemployment compensation. The City's Human Resources Administrator will maintain records relating to workers compensation, FMLA leaves, and other non-payroll employee-related items.

Employee records are the property of the City of Milford and access to the information is restricted. Generally, only administrative officials of the employer who have a legitimate reason to review information in a file are allowed to do so. With reasonable advance notice, an employee may review material in his or her personnel records, but only in the Human Resources Office and in the presence of the individual appointed to maintain the file. Employees should contact the Human Resources Administrator if they would like to review their personnel records.

Employee Benefits

1. Vacation

Regular, full-time employees will be entitled to take vacation time off upon the accrual of usable vacation hours with the approval of their supervisor. For newly hired full-time employees who are completing an introductory period, vacation leave will only be approved for an emergency and must have the approval of the Department Director.

Vacation pay will be calculated based on the employee's straight time pay rate (in effect when vacation benefits are used) times the number of hours the employee would otherwise have worked on the day(s) of absence.

Employees who have accrued usable vacation hours may submit scheduled vacation requests through the submission of a leave request into the City of Milford time keeping system which their supervisors will then review. Vacation requests will be granted on a City seniority basis. Employees who desire to schedule vacation time for periods of more than one (1) day during the calendar year must submit the leave request into the City of Milford time keeping system by January 31st each year. Requests for vacation time for periods of one (1) day or less shall be

submitted into the City of Milford time keeping system at least five (5) working days in advance. Requests will be granted based upon anticipated operating requirements and staffing considerations during the proposed period of absence. In the event that an employee's request is submitted after January 31st it shall be handled on a first-come, first-serviced basis without regard to City seniority.

Employees are strongly encouraged to use their earned vacation. A maximum balance of 240 vacation hours may be carried forward as the employee's beginning balance at the employee's anniversary each year, except to the extent it is necessary to carry over vacation hours because the employee is not permitted to take his or her vacation hours subject to approval by the Department Director or Appointing Authority.

Upon termination of employment employees will be paid for vacation benefits that have accrued through the last day of work, up to the maximum of 240 hours. For the purposes of this calculation any partial month of service will be treated as a full month of service.

Vacation benefits accrue monthly and are available as updated to the employee's usable vacation leave. The Vacation Benefits Eligibility Table below defines when vacation benefits become available to employees and how much vacation is accrued per month by employees. Vacation benefits will be awarded to eligible employees according to the following schedules:

Vacation Benefits Eligibility Table

Years of Service	Hours of Leave	Monthly Hours Accrued
1 year – 5 years	80 hours	6.67 hours
6 years – 9 years	120 hours	10.00 hours
10 years – 14 years	160 hours	13.33 hours
15 years plus	200 hours	16.67 hours

Employees with six (6) years or more of service are eligible to sell back up to 40 hours of unused vacation each fiscal year provided that the employee has used at least two (2) weeks of vacation during the course of the year. An employee's vacation sell back request must be given to their supervisor for approval prior to budget submission for their department/division. Any approved vacation sell back will be confirmed with the employee at least two (2) weeks before being paid out and will be paid with the first payroll of December at the rate then in effect for the employee.

The City Manager may negotiate and approve vacation leave as part of an offer to hire for exempt employees not to exceed 120 hours.

Employees can accrue vacation hours monthly but at their anniversary their beginning balance will not exceed 240 hours. (Employee is paid 100% of vacation time accrued up to 240 hours upon termination.) In the event of an employee's death, any remaining compensation will be forwarded to the employee's estate.

2. Sick Leave

Regular, full-time employees (including introductory employees) will be provided with paid sick leave benefits for periods of temporary absence due to illness or injuries. Sick leave benefits will accrue at the rate of eight (8) hours per month and can accumulate up to a maximum of 1,040 hours.

An eligible employee may use sick leave benefits for an absence due to illness or injury sustained by either that employee or a family member. For this section, family member shall mean: employee's spouse, parent, child, step-child, grandparents, grandchildren or siblings.

Employees who are unable to report to work due to an illness or injury must notify their supervisor before the scheduled start of their shift. An employee who fails to notify a supervisor that he or she is unable to report to work prior to the scheduled start of his or her shift, shall result in the employees' loss of pay for that day unless circumstances outside of the control of the employee prevented the employee from giving notice. The supervisor should also be contacted regarding each additional day of absence.

If an employee is absent for three (3) or more consecutive days due to illness or injury, a physician's statement must be provided verifying the nature of the disability and its beginning and expected ending dates. Such verification may be requested for sick leave absences of less than three (3) days when the employee uses leave in a pattern that suggests sick leave abuse, including but not limited to, the following: (1) 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 Monday's or Friday's 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. Verification may be the basis for payment authorization of sick leave benefits.

If an employee with the written authorization and restrictions from their physician is able to do work from home and their supervisor approves the employee and supervisor must agree on a schedule and what work will be done which adheres to the physician's restrictions. If an employee must be at home to care for a family member but is able to still do work from home and their supervisor approves, the employee and supervisor must agree on a schedule and what work will be done. Written approval must then be obtained from the Director or Appointing Authority before the employee may do work from home. The employee must adhere to the *Work from Home Policy*.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence. As an additional condition of eligibility for sick leave benefits, an employee must apply for any other available compensation and benefits, such as state disability insurance. Sick leave benefits will be used to supplement any state disability insurance or workers' compensation benefits that an employee is eligible to receive. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal earnings.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a maximum total of 1,040 hours' worth of sick leave benefits. Accrual will begin again if the

employee's sick leave balance drops below the maximum total of 1,040 hours until which time they again reach the maximum total. Because sick leave benefits are intended to provide income protection in the event of an actual illness or injury, unused sick leave benefits cannot be used for any other paid or unpaid absence.

At the time of termination, accumulated sick leave which was provided by the City will be compensated up to 240 hours of sick hours accumulated.

If an employee has exhausted all of their available leave and is not eligible for disability benefits, the Approving Authority may approve donated sick leave, in accordance with the *Voluntary Leave Donation Policy*.

Employees that do not require the use of their sick leave benefit will be eligible for recognition through the *Employee Recognition Policy*.

3. Holiday

The City will grant holiday time off to all employees on all legal holidays officially adopted and approved by the Milford City Council each calendar year. Holiday pay will be calculated based on the employee's straight time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

To be eligible for holiday pay, employees must work or be on approved leave the last scheduled day immediately preceding the holiday and the first scheduled day immediately following it.

If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave, etc.), holiday pay will be provided instead of the time off benefit that would otherwise have applied.

If an eligible employee works on a recognized holiday, he or she will receive holiday pay plus wages at one and one-half times his or her straight time rate for the hours worked on the holiday.

The City will provide to employees a list of holidays each year after approval of the City Milford Council.

When a holiday falls on a Saturday, the preceding Friday will be the observed holiday. When a holiday falls on a Sunday, the following Monday will be the observed holiday.

If an employee is absent from work the day before or after a holiday, holiday pay will not be provided until proof of sickness or excusable absence is established to the satisfaction of the Department Director.

4. Employee Assistance Program (EAP)

The City of Milford recognizes that problems of a personal nature can have an adverse impact on an employee's family life and job performance. To provide resources to employees dealing with personal problems, the City, in connection with the State of Delaware health insurance plan, provides access to an employee assistance organization to provide confidential counseling and

referral services.

The Employee Assistance Program (EAP) is designed to assist with a broad range of problems including family and marital discord, nervous or emotional disorders, drug or alcohol abuse, poor physical health and other personal problems. Services provided by EAP counselors may include some combination of assessment, direct problem assistance, referral and follow-up.

The Employee Assistance Program (EAP) provides early identification, short-term problem solving and referral to appropriate care in order to enhance the treatment process.

The EAP is available to all City employees, their spouses, and dependents residing in the employee's home. Participation in the program and all records and discussions will be handled in a strictly confidential manner, in accordance with applicable law.

If employees or their dependents realize they have personal problems that could be resolved through the EAP, they are encouraged to seek assistance on their own by contacting the EAP directly. In certain situations, management may opt to refer an employee (or employees) to the EAP.

Charges for additional services beyond those covered by the EAP will be subject to insurance coverage and/or may be the personal responsibility of the employee. For additional information about the EAP, employees are encouraged to contact the Human Resources Administrator or their supervisor.

5. Health Insurance

Regular full-time employees, including any eligible family members, are eligible to enroll in the City's health insurance plans. Initial enrollment takes place the first of the month following the employee's date of hire. Employees may also enroll during the City's annual open enrollment or within 30 days of an involuntary loss of coverage.

The employee and the City share the cost for this benefit. Plan coverages and employee contribution amounts, as determined and adjusted periodically by the City, are available from Human Resources or Payroll.

6. Dental Insurance

Regular full-time employees, including any eligible family members, are eligible to enroll in the City's optional dental insurance plans. Initial enrollment takes place the first of the month following the employee's date of hire. Employees may also enroll during the City's annual open enrollment or within 30 days of an involuntary loss of coverage.

The employee assumes the cost for this optional benefit. Plan coverages and Employee contribution amounts, as determined and adjusted periodically by the City, are available from Human Resources or Payroll.

7. Vision Insurance

The City currently provides employee vision coverage, to regular full-time employees. Regular full-time employees may voluntarily, at their cost, add eligible family members in the City's vision insurance plan. Initial enrollment takes place the first of the month following the employee's date of hire. Employees may also enroll eligible family members, during the City's annual open enrollment.

Plan coverages and employee contribution amounts, as determined and adjusted periodically by the City, are available from Human Resources or Payroll.

8. Life, AD&D and LTD Insurance

The City currently provides regular full-time employees, without charge, life, accidental death and dismemberment and long-term disability insurance coverage. Coverage for the employee begins the first of the month following the employee's date of hire.

9. Voluntary Short-Term Disability Insurance

The City currently offers Voluntary Short-Term Disability Insurance. Regular full-time employees are eligible to enroll at time of hire. Coverage, which is at the employee's cost, would begin the first of the month following the employee's date of hire. For eligibility after hire, contact Human Resources.

10. Pension Plan

Regular full-time employees will be enrolled in either the State of Delaware County and Municipal General Pension Plan or the State of Delaware County and Municipal Police and Firefighter Pension Plan and are subject to the terms and conditions of the Plan as determined by the Trustees of the Plan.

11. 457(b) Deferred Compensation Plan

Regular full-time employees will be eligible to enroll in the City's 457(b) Deferred Compensation Plan at hire for their own contributions.

To be eligible for the City's approved match, the employee must be employed by the City one (1) year or one thousand (1,000) hours with the match commencing with the first payroll of January or July.

The City's approved match information is available from Human Resources or Payroll.

12. Workers' Compensation

In accordance with applicable state laws, employees may be eligible for workers' compensation benefits in the event of accidental injury or occupational disease arising out of employment with the City of Milford, requiring medical treatment, hospitalization or loss of work time.

In the case of an accidental injury to a regular full-time employee which occurs while on the job and is covered by Workman's Compensation Insurance, the City shall guarantee 100% of the injured employee's gross salary less State and Federal and employment taxes and regular benefit and voluntary deductions for the first ninety (90) calendar days that the employee is absent from work under a licensed physician's care. In each situation where the employee must be absent from work because of an on-the-job injury beyond the ninety (90) days period, the City Manager, after reviewing the employee's case, may at his/her discretion, grant extensions of the employee's 100% pay for additional periods of time not to exceed a total of 180 calendar days. The employee will sign over their workers compensation checks received during the period in which the employee is paid by the City.

13. Unemployment Insurance

In accordance with applicable state laws, City of Milford employees may be eligible to receive unemployment compensation if laid off for reasons including budgetary or grant limitations and elimination of positions.

Continuing Education

The City encourages employees to share information with each other and to continually enhance their knowledge and skills. This process will assist in keeping current with technology changes and will result in improved service to our residents. Following are two (2) approaches to continuing education:

1. Attendance at Conferences and Seminars

The Appointing Authority or Department Director may approve attendance at non-mandatory conferences and seminars and other training sessions that are work related and in the best interest of the City after recommendation of the supervisor and if funds are available. At times the City may opt to provide on-site training in City facilities to meet employee training needs.

If approved, the City will normally cover costs of conference, seminar and other training sessions including registration, travel, lodging, parking and meals. Employees will be paid at their regular pay rates while attending training sessions, in accordance with the Fair Labor Standards Act. Budgetary constraints may limit or negate conference attendance. Participants are encouraged to share information obtained at conferences and seminars with other interested employees.

The Appointing Authority or Department Director when approving job related training will determine if the training is deemed to be reimbursable to the City if the employee leaves employment within one (1) year of completing the training. If so, prior to the training the employee may be required to sign an agreement to repay the City if the employee leaves employment within one (1) year of completing the training.

Time Away from Work

There are times for a variety of reasons when an employee must be away from work. The following guidelines will apply to time away from work:

1. Leave Application Process

Prior to any planned absence from work, employees must complete a leave request into the City of Milford time keeping system indicating date(s) of absence and the type of leave being requested. The employee must submit the form to his/her immediate supervisor for approval.

In the event of an unplanned absence, the employee should complete a leave request at the earliest opportunity following the initial absence from work.

The approved leave request must be reconciled with the time keeping entry by the Department or Division Supervisor and then submitted to the payroll office.

For employees utilizing flex time, they must adhere to the *Flex Time Policy*. (See *Flex Time* section in this manual.)

2. Bereavement Leave

In the event of a death in the immediate family of an employee the employee shall be granted up to three (3) working days with pay not charged to any leave balance to arrange for and/or attend the funeral service or related matters. In the event of a death in the extended family of an employee the employee shall be granted one (1) working day with pay not charged to any leave balance to attend the funeral service or related matters.

Immediate family shall be defined as the employee's spouse, parent, child, step-child, grandparents, grandchild or sibling; the employee's spouse's parent, child, step-child, grandparents, grandchild or sibling; the employee's child's spouse. Extended family defined: Described as the employee's aunt, uncle, niece, nephew or first cousin; employee's spouse's aunt, uncle, niece, nephew or first cousin. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

Payment for absences due to a death in the family will not be made in addition to sick leave payments or holidays which may occur simultaneously.

An employee may request additional available leave time as approved by the Appointing Authority beyond the time provided. The Department Director may grant such additional time to be charged against the employee's sick leave.

Hours granted as bereavement time shall be counted as hours worked for the purpose of calculating overtime and shall not be charged as vacation if the employee is on vacation at the time of the death.

3. Family and Medical Leave Act Procedure (FMLA)

The Family and Medical Leave Act of 1993 (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job protected leave to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

In certain circumstances, employees may be eligible for Family and Medical Leave. This benefit is designed to assist certain eligible employees who need time away from work to care for themselves or certain family members when they are experiencing a serious health condition, as defined by the Family and Medical Leave Act (FMLA). This benefit has also been expanded to provide leave for eligible employees when certain circumstances arise that cause a qualifying exigency arising out of service in the Armed Forces, or to care for certain family members experiencing a serious injury or illness when those members are covered service members of the Armed Forces.

The employee should provide thirty (30) days advance notice, to their supervisor and Human Resources, when the leave is foreseeable. If a thirty (30) day notice is not possible due to a medical emergency or the employees' uncertainty as to when the leave will be required to begin, notice must be given as soon as it is practical to do so.

Employees who are or will be absent for more than three (3) days should notify Human Resources of their absence and obtain a Certification of Health Care Provider form to have completed by the attending physician of the employee or qualified family member for verification of a qualifying serious health condition.

While the Family Medical Leave Act provides for 12 weeks of unpaid job protection the City permits the employee to use his or her accrued leave time in conjunction with FMLA leave in order to avoid a loss in wages. The use of accrued leave does not extend one's FMLA leave. Accrued sick leave may be used for any medical related absences and accrued vacation leave may be used for any non-medical absences.

The City will track FMLA leave on a rolling year which is a 12-month period measured backward from the date an employee uses any FMLA leave and not a calendar year, which is a defined 12-month period, such as a calendar, anniversary or fiscal year.

Leave as the result of a workers' compensation injury will be counted as FMLA leave.

For more specific information and procedures pertaining to the FMLA, contact Human Resources. The employee must adhere to the *FMLA Procedure Policy*.

4. Military Leave

A leave of absence without pay will be granted to any employee who enters any branch of the United States armed services. Benefit accruals for any employee serving on active duty longer

than 30 consecutive days will be calculated in accordance with federal laws or as approved by the Approving Authority.

The employee will be reinstated with full seniority to his/her former position or to a comparable position if application for re-employment is made within ninety (90) calendar days of the date of an honorable discharge or the date of release from hospitalization following discharge.

Any employee who is a member of a reserve component of the armed forces will be placed on unpaid leave for his/her annual two-week training or one weekend per month required duty. Benefit programs will be unaffected by the leave and the employee may elect to use any vacation entitlements for the absence. Training leaves will not normally exceed two weeks per year, plus reasonable travel time.

5. Jury Duty/Court Appearance

Any regular full-time employee called for jury duty or as a witness in any civil or criminal legal proceeding will be given a leave of absence with pay (at their base rate of pay for the hours served) for the duration of their service on jury duty. If employee is dismissed from jury duty at least three hours prior to the end of the employee's work day, the employee shall report to work. This obligation to work applies both to the end of the employee's jury duty and on each day during the employee's jury service.

Employees will be required to obtain documentation from the court as to a record of their attendance.

Leave time without pay or approval to use vacation leave, as deemed appropriate by the Appointing Authority or Department Director, shall be granted for court attendance when an employee is the defendant or is engaged in personal litigation, unless such actions are a result of an act performed as a part of the employee's duties as a City employee; provided, however, that an employee will not be paid for court attendance if the employee is pursuing a claim against the City.

If an employee is required to serve beyond this period of paid leave, he/she may request to use vacation leave or request an unpaid leave of absence which would not affect accrual for benefit calculations.

6. Leave Without Pay

a) Requests for leave without pay will be evaluated on a case-by-case basis and approved at the sole discretion of the Appointing Authority.

b) During a period of leave without pay of 30 days or less, an employee will be retained on the City of Milford's health plan under the same conditions that applied before the leave commenced. To continue health coverage and any other optional benefits that are eligible to be continued, the employee must continue to make any contributions that he/she made before taking leave (please refer to section §1 of Employee Benefits, above). Vacation and sick leave will not accrue during an employee's leave without pay.

c) At certain times, the City may implement temporary periods during which employees may request a voluntary leave to mitigate certain financial hardship issues facing the City. This decision will be made jointly by the City's Appointing Authorities.

7. Unauthorized Absence

Any unauthorized absence of an employee from duty shall be considered an absence without pay and may be grounds for disciplinary action. Any employee who is absent for three (3) or more days without authorized leave arranged through his/her Department Director, Superintendent or supervisor may be discharged for cause. In the event extenuating circumstances are found, a leave may be granted retroactively based upon recommendations of the Department Director, Superintendent or supervisor and approval of the Appointing Authority.

Voluntary Leave Donation

The City recognizes that employees may have a personal or family medical emergency or major disaster resulting in a need for additional time off in excess of their available sick/vacation time. To address this need, all eligible employees will be allowed to donate sick time from their unused balance to their co-workers in need of leave in accordance with the policy outlined below. This policy is strictly voluntary.

1. Eligibility Criteria

A. Eligible Employees

Employees must be employed by the City for a minimum of one (1) year and have no disciplinary actions for abuse of leave time to be eligible to donate and/or receive donated sick time. For an employee to be eligible to receive donated leave they must have exhausted all available paid leave down to a vacation balance of 40 hours which may be reserved for future use. An employee who is on an approved leave of absence may not donate.

B. Eligible Events

Leave donations may be requested only for a medical emergency and/or major disaster, which are defined as follows:

A "medical emergency" is a medical condition of the employee or a family member that will require the extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. A family member is defined as a spouse, child or parent.

A "major disaster" is a disaster declared by the President of the United States under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the President pursuant to 5 U.S.C. §6391 for federal government agencies. An employee is considered to be adversely affected by a major disaster if the disaster has caused severe

hardship to the employee or to a family member of the employee that requires the employee to be absent from work.

C. Eligible Donations

Donations must be made in no less than four (4) hour increments. An employee may not receive more than 480 hours (12 weeks) of donated time in any rolling 12-month period. Donations may be made only of time already accrued; employees may not borrow against future sick leave to donate.

Employee Conduct, Disciplinary Action and Grievance Procedure

1. Disciplinary Action

The City of Milford expects each employee to work productively, responsibly, and professionally at all times, and to treat all persons with consideration, dignity and respect. Employees will conduct themselves in strict conformity with all local, state and federal laws and ordinances. No employee shall attempt to further his/her self-interests through the use of his/her position.

On occasion, negative work performance or negative behavior may arise. It is the objective of the City to correct performance and behavior issues as quickly as possible. Such correction efforts may include a management referral or directive to the Employee Assistance Program.

Examples of unacceptable behavior include, but are not limited to:

- Unsatisfactory work performance, including failure to work productively or in accordance with standards and procedures.
- Failure to respond to an assigned emergency call.
- Poor attendance and tardiness, including failure to adhere to department rules regarding notification of absences.
- Failure to treat all persons with consideration, dignity and respect.
- Unauthorized or careless use of tools, vehicles, equipment or financial resources.
- Operating equipment and vehicles in a careless or unsafe manner. Refer to *Safety and Health, Item 3. Vehicle Use/Insurability*.
- Illegal gambling while on duty or while on City property.
- Providing confidential or sensitive information to unauthorized individuals or entities.
- Repeated instances of creating or contributing to unsanitary conditions or poor housekeeping at work.
- Failure to follow prescribed timekeeping procedures.
- Disregard for safety policies, procedures and use of safety equipment and/or clothing.
- Failure to report any personal injury, accident, or unsafe condition to the employee's supervisor in a timely manner.
- Violation of City *Smoke-Free Environment Policy*.
- Directing abusive or profane language toward co-workers, residents, business representatives, government officials or anyone involved in City business.

- Violation of department policies.
- Failure to adhere to City *Dress Code Policy*.
- Performing personal work on City time or with City property.
- Unauthorized entry to City facilities.
- Unauthorized use or possession of alcohol, controlled substances or illegal drugs.
- Unauthorized possession of a weapon on municipal property or in a City vehicle.
- Insubordination or refusal to carry out assigned duties.
- Theft or unauthorized possession of City property.
- Sexual harassment or other forms of harassment.
- Fighting, issuing threats or verbal or physical abuse or other disorderly conduct while performing City of Milford business.
- Scandalous or disgraceful conduct, either on or off duty where conduct brings employee's department or City into public disrepute.
- Unauthorized absence.
- Conviction of a felony or misdemeanor involving moral turpitude, casting doubt on ability to perform the job. Moral turpitude is defined as an act of baseness, vileness or depravity in private or social duties. Examples of moral turpitude include income tax evasion, perjury or its subornation, theft, indecent exposure, sex crimes, conspiracy to commit a crime, defrauding the government and illegal drug sales.

Depending on the severity of the offense, the corrective action procedure may include any or all of the following, including termination:

A. Verbal Reprimand – A verbal warning to an employee that if his/her actions continue the formal discipline process will begin. (Supervisors must document the verbal reprimand and have the employee sign acknowledging that they have received the verbal reprimand.)

B. Written Reprimand – A written warning that places the employee on notice that additional incidents will result in more severe disciplinary action. The notice shall detail the specifics of the problem as well as what further action can be taken. This warning shall be placed in the employee's personnel file.

C. Suspension – Suspension is the temporary removal from duty status, without pay, of an employee for cause for a period of one (1) to thirty days. The City also reserves the right to suspend with pay, at the discretion of the Appointing Authority. Suspension shall be recommended by the Department Director and approved by the Appointing Authority.

D. Demotion – An employee may be moved to a position in a class with a lower maximum salary rate for serious misconduct. Demotion shall be recommended by the Department Director and approved by the Appointing Authority. This action may be used in selected situations that would not be disruptive to other employees or to the level of service to the public. If a position for demotion is unavailable the City may implement a period of disciplinary probation in which the terms and conditions of probationary status are applied to the employee's appointment for a period of time to be determined by the Appointing Authority, not to exceed one (1) year.

E. Dismissal –An administrative review session shall be held for the employee to challenge anything in the employer's report. The Appointing Authority shall make the final decision.

2. Discrimination & Harassment

The City of Milford is committed to providing a work environment that is free of discrimination and harassment. Employees will not, by means of speech, touching or body language, abuse, harass or be discourteous to their fellow employees or members of the general public for any reason including someone's age, race, color, creed, citizenship status, sexual orientation, gender/sex, marital status, gender identity or expression, religious or political beliefs, military/veteran status, ancestry, national origin or disability.

All employees must also be allowed to work in an environment free from all forms of harassment and intimidation.

All employees are to refrain from sexual harassment. Unwelcome sexual advances, flirtations, propositions or requests for sexual favors, or other verbal or physical conduct of a sexual nature are considered sexual harassment under the following conditions:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as a basis for any employment decisions affecting that individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

The display in the workplace of sexually suggestive objects or pictures is prohibited. The Delaware Discrimination in Employment Act prohibits discrimination against any employee based on pregnancy, childbirth, or related condition, including, but not limited to, lactation. If you believe that you have been subject to pregnancy discrimination, please inform a member of management as soon as reasonably possible. The City is committed to providing a workplace free of discrimination and harassment and will take prompt action to investigate and address any such allegations.

The Delaware Discrimination in Employment Act also entitles employees to reasonable accommodation of known limitations related to pregnancy, childbirth, and related conditions, provided that the accommodation does not impose an undue hardship on the company. An employee need not be disabled to request a reasonable accommodation related to pregnancy, childbirth, or a related condition(s). If you suffer from a limitation that prevents you from performing the essential duties of your job, please inform your supervisor so that we can promptly begin the process of identifying a reasonable accommodation. Employees are encouraged to request a reasonable accommodation as soon as possible before performance problems arise.

3. Participation in Political Activity

Employees may not engage in political activity during working times. Political activities include:

- Solicitation, distribution, or receipt of any assessment, subscription or contribution for any political party or cause; and
- Campaigning for any candidate or issue, including posting, wearing or distributing political material of any kind.

4. Gifts and Gratuities

City of Milford employees will not accept any gratuities, loans, gifts, merchandise, meals or other items of other than nominal value in connection with or resulting from their employment with the City in compliance with the City of Milford and State of Delaware's ethics laws and policies. Solicitation of gratuities of any sort by City employees is strictly prohibited. Employees are referred to the Delaware Ethics Law and Related Statutes published by the Delaware Public Integrity Commission.

5. Outside Employment

Employees must notify their supervisor and Department Director of any outside employment. The City of Milford will not object to an employee having outside employment as long as the employee is successfully and competently performing his/her job duties as determined by the Department Director or Appointing Authority and without negative impact on attendance and so long as it would not create a potential conflict of interest. Secondary employment is prohibited if:

- The secondary employment is doing business with or seeking to do business with the City.
- Such employment will create a conflict of interest or the appearance of a conflict of interest.
- Such employment is a direct conflict with any municipal functions or ordinances.

6. Volunteer Fire Response

Employees must notify their supervisor and Department Director of any outside employment. Any regular full-time employee who is an active volunteer fire fighter with the Carlisle Fire Company of Milford may, with the approval of the employee's supervisor and Department Director, in consultation with the Appointing Authority, be permitted to respond to fire calls during regular business hours without loss of pay. Special consideration will be given to other active volunteer fire fighters when Carlisle Fire Company is in need of extra fire fighters.

7. Dress Code/Appearance/Uniforms/Safety Work Boots

All employees are required to maintain a neat and clean personal appearance including clothing, personal hygiene and grooming appropriate for their positions and to follow any department dress code and appearance guidelines.

The City may provide uniforms and clothing items for employees in certain positions. The City reserves the right, in the City's best interest, to determine the type(s) of clothing worn by City employees. Employees may not wear hats which display advertising. The City will provide hats to employees as needed. Employees who are provided uniforms are expected to wear them while at work and may wear them while traveling to and from work only. At any time while wearing City issued uniforms or clothing employees are expected to act as a representative of the City of Milford.

All City provided uniforms and City marked clothing must be returned upon separation of employment. Employees should return all items to their supervisor or Department Director.

Safety Work Boots which meet or exceed the requirement and safety standards as defined by each department's duties will be purchased for the employees who hold certain positions as defined in the *Safety Work Boots Policy* each fiscal year during the month of October.

A newly hired employee filling any of the eligible positions will have their initial pair of safety work boots purchased for them after a successful three (3) month evaluation of their six (6) month introductory period.

Supervisors or their appointed designee will be responsible to select the appropriate safety work boots from an approved vendor of safety work boots which meet the safety requirements of their department's approved positions with a maximum price to be established by the City Manager.

8. Internet & Email

Internet access is to be conducted in a responsible and professional manner reflecting the City's commitment to ethical and non-discriminatory government practices. It is also the City's desire to protect the organization as much as possible from viruses or illicit attempts to access the City's servers. The City of Milford maintains an electronic mail system to conduct City business. All email messages composed, sent, received and/or stored are the property of the City and not the property of any employee. The City has a *Computing Resource Use Policy* which explains how email and the internet must be utilized. Before using email or the internet employees must acknowledge that they have reviewed and understand the City's *Computing Resources Use Policy*. Employees have no expectation of privacy in any information or message sent, received, or stored in or through the City's computer or network.

If you have questions regarding appropriate use of the internet and City email, please contact your supervisor or your respective Appointing Authority.

9. Telephone, Cellular Phone and Data Service

Personal use of the City telephone or cellular phone system is limited to emergency or pressing reasons preferably during breaks and meal periods. Staff should refer to the detailed policy.

The Appointing Authority and his/her appointees are authorized to have cellular phones or smart phones, to conduct City business. In addition, Appointing Authorities may receive or authorize a monthly communications allowance in lieu of use of a City issued cell phone, smart phone or data device. The amount of such communications allowance will be established in the City's policy regarding telephones and data devices. All other City employees must obtain approval from their Appointing Authority for use of a City cellular phone, smart phone or data device. Cellular phone use must be in compliance with the City's *Safety and Vehicle Usage Policies.*

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City telephones and cellular phones. Please refer to the City's *Cell Phone Policy*.

10. Employee Recognition

The City will recognize employees who uniquely distinguish themselves through outstanding performance or innovation that exemplifies dedication, creativity and personal integrity. Upon recommendation by the Department Director and approval by the Appointing Authority, the employee may receive a letter of commendation and/or may become eligible for consideration for an additional salary increase at the time of their annual review. Please refer to the City's *Employee Recognition Policy* for procedures.

11. Grievance

A grievance shall be defined as any difference, dispute or complaint regarding the interpretation or application of the terms of this Policy. All grievances filed shall contain a concise statement of the facts alleged to support the grievance. Grievances shall be processed in accordance with the following procedure and shall be determined by application of the terms of this Policy.

Step 1:

An employee who has completed the Introductory Period shall within five (5) business days of the date of the occurrence, the action or event from which the grievance arose, or within five (5) business days when the employee obtains knowledge or should have obtained knowledge of the act or event, contact his/her Superintendent or supervisor to discuss and attempt to resolve the grievance. The Superintendent or supervisor shall discuss the grievance with the employee and shall reply in writing to the employee within five (5) business days of the meeting held with the employee. For the purposes of this section a business day is defined as any day between and including Monday through Friday, between 8:00 a.m. and 4:00 p.m.

Step 2:

If, after receipt of the decision of the Superintendent or supervisor, the grievance has not been satisfactorily resolved, the aggrieved employee may, within five (5) business days of receiving the reply, file a written grievance with the Department Director or designee. The appeal shall be set forth in the form of a written statement explaining the grievance, giving the date of the occurrence, and the remedy sought. The Department Director or designee may schedule a meeting with the employee to discuss the grievance. Within five (5) business days of the meeting, or the receipt of the grievance if no meeting is held, the Department Director or designee shall respond to the employee in writing.

Step 3:

If, after receipt of the written decision of the Department Director or designee, the grievance has not been satisfactorily resolved, the employee shall meet with the City Manager or designee in an attempt to resolve the grievance within ten (10) business days. The City Manager or designee shall respond in writing within five (5) business days of the conclusion of the meeting and this decision will be final.

Safety and Health

1. General Considerations

The City of Milford will provide a reasonably safe and healthy work environment for its employees and the general public. City safety leadership includes sponsorship of safety committees, safety orientation for new employees, employee education and relevant health and safety training, provisions for personal protective equipment as appropriate, accident and/or unsafe acts investigations, as well as other directed training opportunities.

City employees are expected to:

- Work in a safe manner at all times.
- Maintain proper housekeeping in individual work areas.
- Be alert for unsafe acts or conditions; correct them or report them *immediately* to a supervisor.
- Ask for assistance, every time, when attempting to lift, pull or push heavy objects; lift in a proper manner.
- Follow the reporting requirements when he/she has been injured or *could have been* injured on the job (please refer to your supervisor for more information).

For more information, please refer to the City's *Safety Manual*.

2. Accident Reporting

Any employee sustaining an on-the-job injury, following the receipt of any appropriate first-aid treatment, shall immediately report the injury to his/her supervisor. In the event that an incapacitated employee requires professional medical care, the supervisor is required to report the injury to Human Resources as soon as practical. Failure to report injuries in a timely manner may result in disciplinary action. The supervisor will investigate the accident in a timely manner,

secure whatever assistance is required, prepare required reports, and determine what preventive measures should be taken in the future. A review of the incident may be done by the City's Safety Committee as warranted.

3. Vehicle Use / Insurability

City of Milford employees are constantly in the public eye and those who drive a vehicle in the performance of their duties are representing the City. Employees are not only responsible for their own safety and security, but the safety and security of residents and visitors to the City. As a result, employees are required to exercise the utmost care and caution while operating a motor vehicle and other vehicle, tools and equipment on City business. Employees who operate City owned vehicles or personally owned vehicles while performing City business are required to abide by all applicable State laws in addition to the following rules and regulations.

City owned or leased vehicles are to be used for the following purposes:

a. Transportation to conduct official City business during the normal working day.
b. Transportation to conduct official City business before and/or after the normal business day.
c. Transportation between the employee's principal work location and the employee's residence in order to facilitate quick response by those authorized and assigned to drive take home City vehicles by the respective Appointing Authority.
d. Transportation to conventions, conferences, meetings and training programs. If using a personal vehicle for approved City business when no City vehicle is available employees will receive the current mileage reimbursement at the mileage rate as determined by the Internal Revenue Service.
e. Rental Cars may be used for both in-state and out-of-state travel, if authorized by the respective Department Director or Appointing Authority.

Use of City vehicles for day-to-day operations must be approved by the Department Director/Superintendent/supervisor. Assignment of a City vehicle to an individual for a continuous, regular or indefinite period must be approved by the Appointing Authority (please refer to the *Use of Equipment and Vehicles Policy*).

Employee Responsibilities: Those driving vehicles in the course of their employment:

- Must have a valid license for the type of vehicle being driven and must obey all traffic laws.
- Must provide a copy of their driver's license to their Appointing Authority when hired in order to verify that the driver's license is valid.
- Will have their driver's license reviewed at least annually to verify validity.
- Are responsible for ensuring a current, valid copy of their license is on record with the City.

Any employee who is required to operate a City owned or private vehicle to perform City business must immediately report any license suspension, revocation or serious violation to his/her supervisor, ideally within 24 hours of the action. An employee must immediately report

to the Department Director any motor vehicle violations while performing City business, including parking violations incurred while utilizing a City vehicle before the end of the work day in which the violations occur. The supervisor will notify the Appointing Authority of any suspensions, revocations and violations that affect the employee's ability to drive. Any license suspension, revocation or serious violation not reported immediately to the supervisor will be subject to disciplinary action up to and including termination.

If operating a vehicle to perform City business, employees are required to be insurable through the City's insurance carrier.

Employees must wear a seat belt at all times when operating or riding in a City vehicle.

City vehicles and/or fuel shall not be used for personal use. Only City employees may operate City vehicles. No employee under the age of eighteen (18) is allowed to operate a City vehicle.

Employees are prohibited from transporting passengers except: 1) other City employees; or 2) individuals conducting business with or on behalf of the City.

Personal vehicles shall not be used to pull trailers or haul equipment while being used in City related business.

Employees are prohibited from making any modifications, alterations or additions to any City vehicle or equipment without the prior express approval of his/her supervisor.

4. Smoke-Free / Tobacco-Free Environment

The City respects the rights of employees who do not smoke. The following policy applies:

In accordance with State law there is no smoking allowed in any City building. In order that we convey a professional image to the public and are respectful of other current and future users of City vehicles, smoking is prohibited in City vehicles and while working. Use of e-cigarettes is prohibited in City facilities and City vehicles.

Smokers may smoke during approved break times and at approved locations. If you have any questions about appropriate times and/or locations, please contact your supervisor. If you are a smoker and would like information about quitting, please contact Human Resources. Questions concerning the application of this policy should be directed to the individual's supervisor.

5. Alcohol & Drug-Free Workplace

The goal of this policy is to maintain a safe and healthy work environment. The successful implementation of this policy will also enable the City to provide quality service to the public by maintaining efficiency and productivity. The use of illegal drugs and/or the misuse of alcohol or legal drugs are inconsistent with this goal.

The City of Milford does not permit the use of illegal drugs by employees or the misuse of alcohol, the sale, purchase, transfer, trafficking, use or possession of any illegal drugs, or arrival

or return to work under the influence of any drug (legal or illegal) or alcohol to the extent that job performance is affected. Use of prescription drugs are only permitted when prescribed by a physician who has determined that the substance will not adversely affect the employee's ability to safely perform his or her duties. Specific requirements and implementation procedures are detailed in the *Drug-Free Safety Program Policy*, and the City requires full compliance with said policy.

Employees will receive and acknowledge a copy of the *Drug-Free Safety Program Policy* during new employee orientation. Additional copies are available in Human Resources.

Administration

1. Travel on Official City Business

Whenever an employee travels for City-related business (training, meeting, seminar, conference, etc.) the employee must obtain prior authorization from their supervisor, including authorization of budget expenditures for the estimated cost of the travel. Meal and Incident Expense (M&IE) Per Diem Rates (www.gsa.gov/perdiem) and Mileage Reimbursement Rates (www.gsa.gov/mileage) should be confirmed with the Finance Department by contacting the Accounts Payable Administrator with the details which should include the date(s), location(s) of the travel and any services that will be included in any registration fees before processing a purchase order for the employee's M&IE and/or mileage reimbursement.

The City encourages the use of any authorized available City vehicle, especially for local travel; however, if the employee has been approved to use their privately-owned vehicle, they can request mileage reimbursement for the actual miles (round trip) between locations. If more than one employee is traveling to the same event, the City encourages the sharing of vehicles to conserve fuel and City funds. When two or more employees travel together in a privately-owned vehicle, only one mileage reimbursement will be approved.

When employees are booking hotel reservations, they should obtain the lowest rate possible. Some conferences have discounted blocks of rooms reserved and most hotels offer a government rate which may be lower than an advertised rate. After obtaining the hotel rates, the employee must obtain approval from their supervisor of the hotel expense prior to the final booking of the hotel reservation.

Employees must acquire receipts for any expenses (hotel, parking, gas, rental car, taxi, tolls, etc.), which are being charged directly to the City or those which will be submitted for reimbursement to the employee and that are not included in the M&IE allowance. The receipts with an itemized expense sheet should be turned in to the employee's supervisor immediately upon the employee's return to work. The supervisor, after the review and approval of the receipts, should complete a purchase order for any reimbursement due to the employee or for any expenses that had not previously been processed through the purchase order system. The supervisor should then submit the signed approved receipts to the Accounts Payable Administrator to be processed for payment with the next payment cycle.

Employees receiving an M&IE allowance adhere to GSA and IRS regulations regarding covered incidental expenses. Accordingly, the following expenses will not be reimbursed by the City except under extraordinary circumstances and with approval of the Appointing Authority:

- All meals,
- Room service,
- Laundry, dry cleaning and pressing of clothing, and
- Fees and tips for persons who provide services, such as food servers and luggage handlers.

Employees travelling to conferences, training or other events that include meals which meet the employee's nutritional requirements for some or all days, should reduce the per diem accordingly based on the breakdown on the GSA website. In addition, the first and last days of travel are at a reduced M&IE rate. Please note that amount on the GSA website and on travel request forms.

2. Other Expense Reimbursement

The City will reimburse employees for necessary business expenses beyond travel provided these expenses have been approved by a Department Director or Appointing Authority and are submitted on the proper form with supporting receipts.

Modifications to This Manual

This manual will be modified from time to time as conditions change. Members of management will normally initiate modifications and updates; however, any employee may suggest changes and discuss them with his/her supervisor. The City Council will be involved appropriately to review and approve changes. Appointing Authorities will be responsible for reconciling modifications with the City Charter.

Glossary of Definitions and Terms

Anniversary Date: The date an employee reports to work following appointment to a regular full-time or regular part-time position with the City of Milford. For purposes of performance evaluation, the review date shall be date of the most recent appointment or promotion.

Appointing Authority: City Manager or designee having the power of appointment over subordinate positions in any office, department, or division, or any person or group of persons having the power by virtue of ordinance or other lawfully delegated authority to make appointments to positions in the municipal service; Police Chief or designee having the power of appointment over subordinate positions in the Police Department.

Appointment: The designation of an individual to a position who has qualified for the appointment through an appropriate selection process.

Class: A grouping of positions that is sufficiently similar in responsibility, education and experience requirements that the positions will carry the same salary range, also known as Pay Grade.

Corrective Action: The process of correcting or addressing negative or unprofessional work performance and employee behavior.

Demotion: The movement of an employee from a position in one class to a position in another class having a lower salary range.

Department: A grouping of positions by function (i.e. Public Works Department, Finance Department).

Department Director: The individual responsible for overall operations of a department.

Discharge for Cause: Involuntary separation or dismissal from employment with the City of Milford due to unsatisfactory work performance or behavior.

Division or Office: A grouping of positions by function within a Department (i.e. Electric Division or Customer Service Office).

Exempt Employee: Professional, administrative and executive employees who are paid a fixed salary rather than an hourly wage and who are exempt from overtime provisions in the Fair Labor Standards Act (FLSA). Exempt employees do not receive payment for overtime hours worked.

Extended Family: Extended family shall mean: employee's aunt, uncle, niece, nephew or first cousin; employee's spouse's aunt, uncle, niece, nephew or fist cousin.

FLSA (Fair Labor Standards Act): An act passed by the Federal Government in 1938, regulating minimum wage payments and overtime payments for non-exempt employees.

Family Member: Family member shall mean: employee's spouse, parent, child, step-child, grandparents, grandchildren, or siblings.

Immediate Family: Immediate family shall mean: employee's spouse, parent, child, step-child, grandparents, grandchild or sibling; the employee's spouse's parent, child, step-child, grandparents, grandchild or sibling; the employee's child's spouse.

Introductory Period: A trial period of six (6) months for a newly appointed or six (6) months for a promoted employee, during which an employee will receive frequent feedback regarding his/her performance. An employee may be placed on introductory status when transferred or promoted into a different position.

Job Description: See *Position Description* (below)

Layoff: The temporary, indefinite or permanent separation of an employee due to lack of funds, curtailment of work or abolishment of a position.

Non-exempt Employee: An employee who is not exempt from the provisions of the Fair Labor Standards Act of 1938. Non-exempt employees are normally paid overtime for hours worked beyond 40 in a week.

Office or Division: *See Division or Office* (above)

Pay Grade: The minimum and maximum compensation that a position can be paid.

Position Description: A summary document which defines the position title, i.e. department, reporting relationship, status, pay grade, schedule, summary of position, specific duties, education and experience requirements and any special knowledge and skill requirements essential to successful job performance.

Promotion: The movement of an employee from one position in one class to a position in another class with a higher maximum salary rate.

Pyramiding: Overtime pyramiding or overtime doubling is the (often mistaken) practice of counting the same hours against two different overtime limits. The most common example of overtime pyramiding is using hours that have been counted against daily overtime to calculate a weekly overtime limit.

Qualifying Exigency: Qualifying exigencies may arise when the employee's spouse, son, daughter, or parent who is a member of the Armed Forces (including the National Guard and Reserves) and who is on covered active duty or has been notified of an impending call or order to covered active duty. For purposes of qualifying exigency leave, an employee's son or daughter on covered active duty refers to a child of any age.

Regular Full-time Employee: An employee who normally and regularly works a full department weekly schedule.

Regular Part-time Employee: An employee who normally and regularly works less than a full department schedule, generally between twenty (20), but less than thirty (30) regularly scheduled hours per week.

Suspension: Involuntary time away from work imposed on the employee as part of the corrective action process.

Transfer: The movement of an employee from one department, division or unit of the municipal government to another.

Vacancy: An officially created, approved and funded position not currently filled.

EMPLOYEE ACKNOWLEDGEMENT FORM

The Employee Policy Manual describes important information about the City organization and I understand that I should consult with the Department Director or Human Resources Administrator regarding any questions not answered in the manual.

Since the information, policies and benefits described here are necessarily subject to change, I acknowledge that revisions to the manual or external policies, referenced within the manual, may occur. All such changes will be communicated through official notices and I understand that revised information may supersede, modify or eliminate existing policies. Only the City Council of the City of Milford has the authority to adopt any revisions to the policies in this manual, except as noted within the manual which designates authority to the Appointing Authority for external policy changes and updates.

Furthermore, I acknowledge that I have received a copy of the Employee Policy Manual and I understand that it is my responsibility to read and comply with the policies contained herein and any revisions which may occur.

_____ _____

Employee's Signature Date

_____

Employee's Name (Typed or Printed)

Section 2. Dates.

Introduction: March 12, 2018
Adoption (Proposed): March 26, 2018
Effective (Proposed): April 5, 2018

City of Milford

03-19-2018

Notice is hereby given the following residents have been appointed as members of the City of Milford Election Board for the 2018 City of Milford Election on April 28, 2018:

City of Milford Election Board:

Karen Boone	402 N.E. Fourth Street
Joanne Leuthauser	509 Ashley Way
Katrina White	203 Allen Way

For additional information, please contact the City Clerk's Office at 302-422-1111.

03/13/17