

City of Milford



CITY COUNCIL AGENDA

Monday, October 22, 2018

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

6:00 P.M.

WORKSHOP

DEMEC & City of Milford Relationship
Electric Rate Design
AMI / Smart Meter

7:00 P.M.

PUBLIC HEARINGS

ORDINANCE 2018-22

Mispillion Realty LLC on behalf of JGC&J Incorporated
Conditional Use to Allow a Billboard
.5.39+/- acres in a C3 Zoning District
910 and 916 S DuPont Blvd, Milford, Delaware
Present Use: Vacant; Proposed Use: Billboard
Tax Map 1-30-3.19-001.00 & 1-30-3.19-003.00

Bayhealth Medical Center Incorporated
Final Major Subdivision of 168.48 +/- acres in an IS Zoning District
100 Wellness Way, Milford, Delaware
Present Use: Vacant Land; Proposed Use: Medical Office Building
Tax Map 3-30-15.00-058.00

Lynn A. & Karen K. McColley and Blue Hen Ventures, LLC
Final Minor Subdivision of 34.27+/- acres in a C3 Zoning District
416 NE Tenth Street and 0 NE Tenth Street
Present Use: Single Family Dwelling and Vacant; Proposed Us: Commercial Development
Tax Map MD-16-174.19-01-01.01; -013.00; -014.00

ORDINANCE 2018-24

Change of Zone of Annexed Land belonging to City of Milford
Current Zone AR1/Proposed Zone IS

ORDINANCE 2018-28

Final Authorization/Annexation/Lands belonging to the City of Milford
20167 Elks Lodge Road, Lincoln, DE
Tax Map 3-30-15.00-058.02
6.50 +/- Acres

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Recognition

Proclamation 2018-15/Boy Scout Troop 116/Appreciation Week

Proclamation 2018-11/Extra Mile Day

Communication & Correspondence

Unfinished Business

Adoption/Ordinance 2018-23/Chapter 204/Taxation/Milford Lodging Tax®

Authorization/Funding Appropriation/Police Department/Engineering Proposal/HVAC

New Business

Authorization/Funding Appropriation/Planning & Code/Inspections Departments/Modular Offices

DEMEC/Municipal Electric Utilities Renewable Portfolio Standard 2017/2018 Compliance Year Report

Adoption/Resolution 2018-19/Schedules Halloween Trick or Treat*

EXECUTIVE SESSION

Pursuant to 29 Del. C. 29 §10004(b)(4) Collective Bargaining Matters

Pursuant to 29 Del. C. 29 §10004(b)(2) Site Acquisition

Return to Open Session

MPD Teamsters Negotiations

Property Acquisition

Adjourn

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

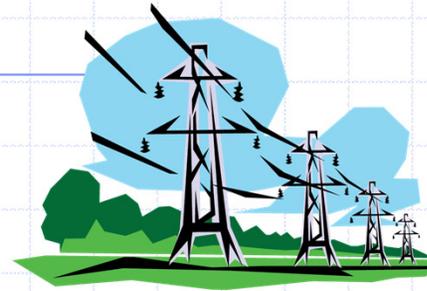
SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING; NO PAPER DOCUMENTS WILL BE ACCEPTED OR DISTRIBUTED AFTER PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE.

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

071118 081518 082018 091418 091818 100118 100218 100518 100918 101018 101518 *Added by CC 101618 Omitted by Error & Item Removed **101718 Added by Mayor Campbell as Urgent Issue Due to Training Schedule 011918 Item Removed

DEMEC

Delaware Municipal Electric Corporation



Value of Joint Action Agency

Patrick McCullar, President & CEO

October 22, 2018



DEMEC Overview

- DEMEC is a Joint Action Wholesale Electric Utility incorporated in 1979.
- DEMEC members are all of the nine municipal distribution utilities in the state of Delaware.
- Eight of the members receive 100% of their electric requirements from DEMEC through Full Requirements contracts and seven participate in DEMEC's existing Beasley Generation Project. City of Dover receives partial requirements service.
- DEMEC's power supply value comes from a portfolio of existing self-supply generation assets, staggered short, medium, and long term power contracts, and spot market purchases. This optimized portfolio provides low-cost wholesale power supply to our members.



DEMEC MEMBER COMMUNITIES

Newark	New Castle	Middletown	Clayton	Smyrna
	Dover	Milford	Lewes	Seaford

Joint Action Agency

What is it?

- A wholly-owned **extension of your community** electric utility
- **Jointly pooled resources** for efficiency and lower cost
- An efficient vehicle to finance, build and acquire power supply and technology
- Manager of regulatory and market complexities
- Implementer of public policy
- Provider of **value added electricity-related joint services**



Joint Action Agency (Continued)

The **aggregation** of power generation and related value added services yields:

- **Higher reliability** of electric service
- **Lower costs**
- **More efficiency**
- **Local benefits & services** for our communities

(Benefits and services that the state does not have to pay from their budget.)

To include:

- Police and Fire Protection
- Streets
- Parks
- **Higher quality of life**





DEMEC Responsibilities

- **Provide reliable, lowest-cost, competitive, energy supply** and services to our member communities.
- **Provide stable prices** to our communities by managing risk and price volatility in the competitive markets.
- **Meet projected demand growth**, load requirements and reserve margins by building or contracting for adequate generation resources.
- **Provide training** in technology and best utility practices to our community utility staffs to help them operate more efficiently.
- **Promote Public Power** by educating and defending the business model in all forums
- **Serve as a technical resource** to our federal, state and local elected officials and community utility staffs.



Electric Utility Industry Challenges

- **Essential Service** – Modern civilization and the American quality of life depends on electricity
- **Complex** – Our industry is rapidly evolving, creating complexity and uncertainty
- **Capital-Intensive** – Facilities such as generators, wires and transformers are high-cost, long-life assets
- **Intensely Regulated** – Ever increasing
- **Connected** – Electrical infrastructure is an interconnected and increasingly intelligent web of devices



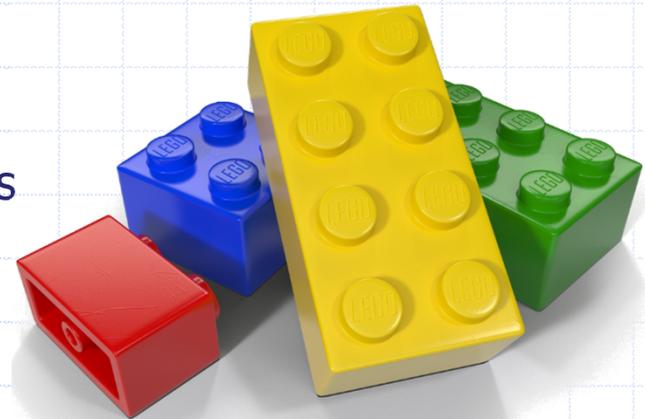
The Components of Power Supply

Fixed Costs:

- **Capacity** – The ability of an electric generator to be ready to produce electricity *on demand*. Capital and fixed O&M Costs. “Steel in the Ground”.
- **Transmission** – Facilities such as wires and transformers to move energy from the generation source to the end user.
- **Distribution** – Local delivery of electric power to homes and businesses.
- **Regulatory Compliance** – Cost of meeting mandates such as Federal Energy Regulatory Commission (“FERC”) rules, NERC Reliability, EPA Clean Power Plan rules and State Renewable Portfolio Standards.

Variable Costs:

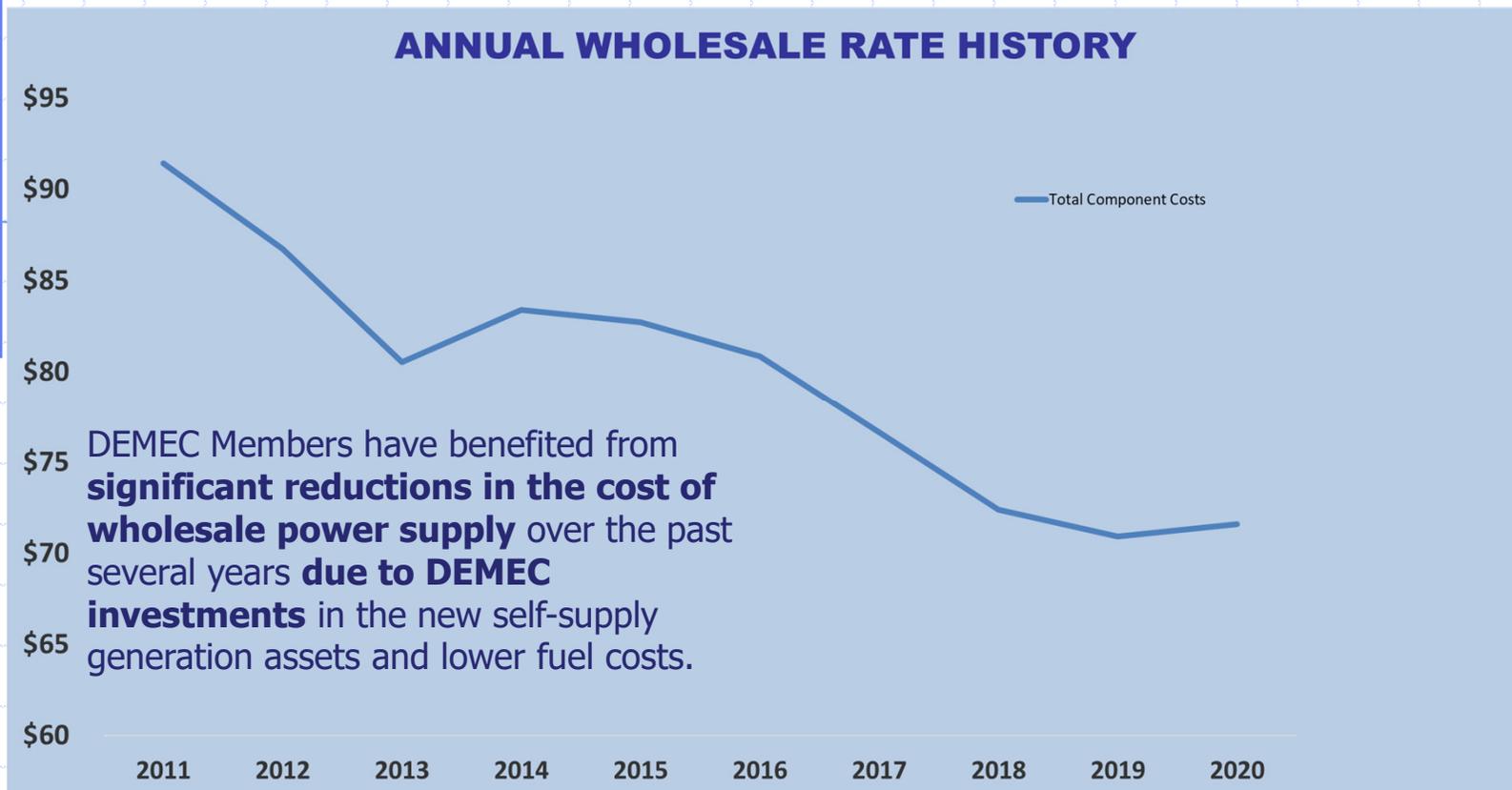
- **Energy** – The generated electrons that do the work to power your home or business. Cost of fuel and variable O&M.



Past Power Supply Costs



Power supply cost to DEMEC communities reduced **18%** over 8 years from new self-supply assets replacing market-based contracts





DEMEC Assets Mitigate Costs

- DEMEC, by virtue of the investments in efficient generation assets we have made in the past few years, is **better positioned to mitigate cost increases for our communities.**
- Our generation assets' value will result in **lower cost for DEMEC communities** compared to others that do not own generation assets.
- DEMEC will continue to seek assets and services that benefit our member communities as we grow into the future.





Strategic Investments in Generation

DEMEC has made investments in high efficiency, low emissions generation assets:

- 1) Beasley Power Station – 100MW NG Combustion Turbines
- 2) Fremont Energy Center – 100MW NG Combined Cycle

(This does not include our investments of over 92+MW of renewables.)

Benefits:

- Assets are cost-effective, environmentally friendly alternatives to higher-cost wholesale energy and capacity markets
- DEMEC generation provides certainty and reliability
- Current low cost of NG fuel is a direct benefit for our members
- DEMEC continues to seek generation investments to benefit its members into the future





**Milford Solar:
62,000
crystalline-silicon
solar panels**

Electric Utility of the Future

Customer Attitudes & Behaviors:

- More Renewable Energy in their power supply (Now at 16%)
- Self-generation from solar, wind, etc. (69MW & 25MW)
- Interested in energy efficiency (New DEMEC Program)
- More information about how they use power (AMI)
- More control over their power consumption
- Cheap power, of course
- Independent but secure (Grid Backup)
- Utility as resource and enabler



DEMEC actively works with members and their customers to meet their varying special and individualized needs.

DEMEC's Commitment



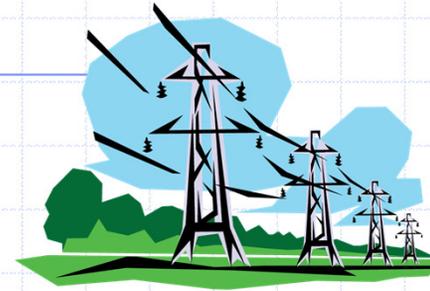
Member Focused

- **Provide Reliable and Economic Power Supply** to our Communities and our State.
- **Deliver the benefits of our investments** and changes in the electric industry to our Communities and our State economy.
- **Provide resources, technology and industry knowledge** to our members as needed by maintaining a highly-trained, industry experienced staff.
- **Protect the Rights** of our Public Power Communities.
- **Support Local Control** for our Communities' social and economic welfare.
- **Capitalize on industry innovations** for the benefit of our members.



DEMEC

Delaware Municipal Electric Corporation



If you have questions or need further information:

www.PublicPowerDE.com

302-653-2733

Patrick McCullar, President & CEO



Thank You



Utility Financial Solutions, LLC

- International consulting firm providing cost of service and financial plans and services to utilities across the country, Canada, Guam and the Caribbean
- Instructors for cost of service and financial planning for APPA, speakers for organizations across the country.
- Hometown Connections preferred vendor for cost of service and financial analysis.

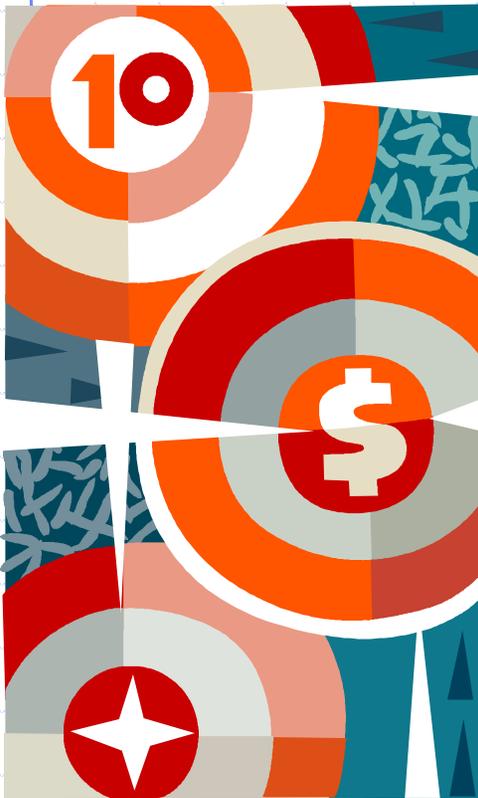
**Hometown
Connections**
partner

Financial Projection and Cost of Service

- ◆ Financial projection with budget process to monitor targets – know where you are today and where you need to be moving to the future
- ◆ Cost of Service Study every 3-5 years or major change
 - Change in power supply contract,
 - Adding additional generation resources
 - Major distribution or transmission upgrade or investment



Why is Cost of Service Important?



- ◆ Cost of service is:
 - A method to equitably allocate the revenue requirements of the utility among the various customer classes of service
 - Defendable document
 - Helps ensure proper cost recovery and proper pricing signals

Three Important Objectives of COS

- ◆ ONE: Ensure rates recover costs to provide service to customers (Revenue Requirements)
- ◆ Objective Two: Defines optimal rate structure
 - Customer Charge
 - kWh Charge
 - Demand Charge
 - Power Cost Adjustment
- ◆ Objective Three: Reduce cross -subsidization between classes



Questions?



Hometown
Connections®
partner

Dawn Lund
Vice-President
Utility Financial Solutions
231-218-9664

City of Milford

Rate Design

4/13/2017

Utility Financial Solutions, LLC
185 Sun Meadow Court
Holland, MI USA 49424
(616) 393-9722
Fax (616) 393-9721
Email: mbeauchamp@ufswest.com

Submitted Respectfully by:
Mark Beauchamp, CPA, CMA, MBA
President, Utility Financial Solutions



City of Milford
Rate Design
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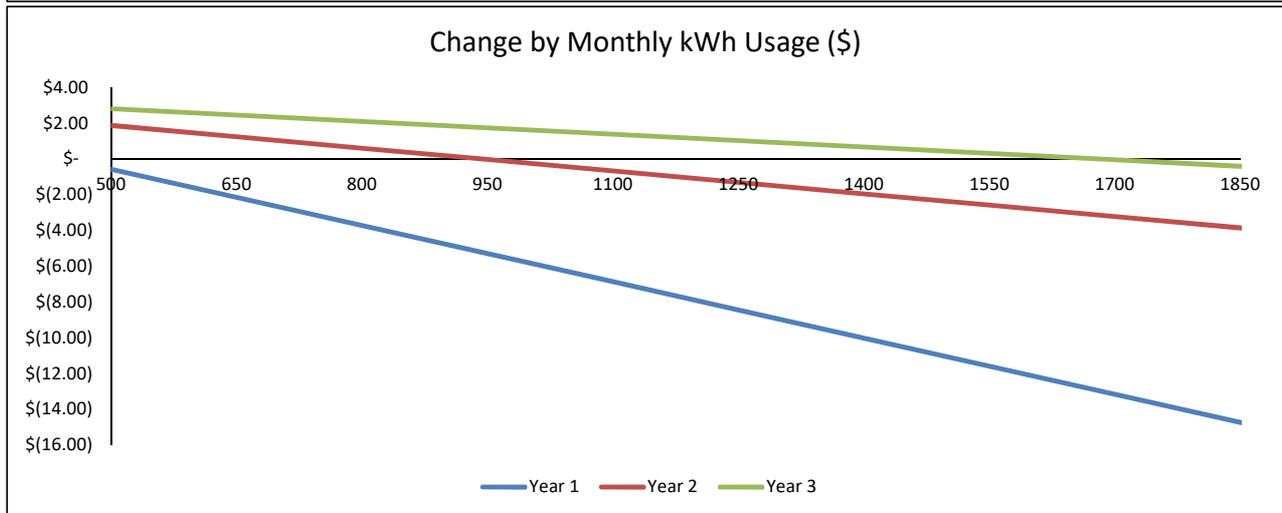
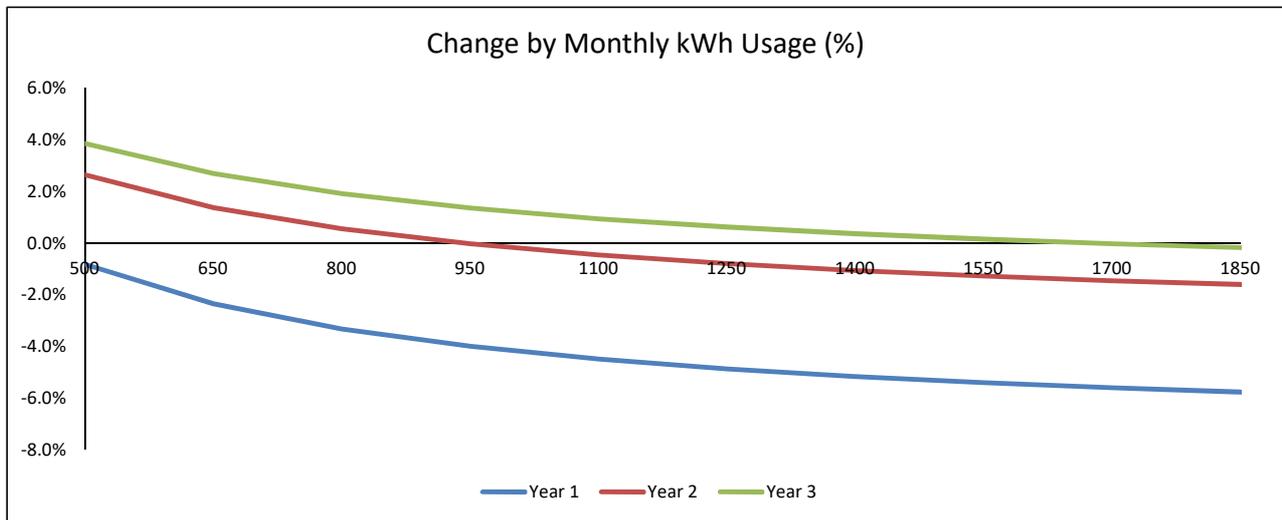
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City of Milford
Rate Design
Rate Design Summary

Customer Class	Projected Revenues Under Current Rates	Revenues Under Projected Rates Year 1	Revenues Under Projected Rates Year 2	Revenues Under Projected Rates Year 3	Change Year 1	Change Year 2	Change Year 3
Residential Service (RES)	\$ 9,770,811	\$ 9,368,134	\$ 9,351,538	\$ 9,463,756	-4.12%	-0.18%	1.20%
Small General Service (SGS)	1,312,794	1,258,691	1,256,461	1,271,539	-4.12%	-0.18%	1.20%
City Lighting	86,266	85,403	85,830	87,979	-1.00%	0.50%	2.50%
Security Lighting	27,605	26,255	26,208	26,340	-4.89%	-0.18%	0.50%
Medium General Service (MGS)	4,898,582	4,840,371	4,852,472	4,945,737	-1.19%	0.25%	1.92%
Large General Service (LGS)	820,401	784,194	782,805	792,199	-4.41%	-0.18%	1.20%
General Service Primary Voltage (GSP)	3,617,760	3,459,966	3,450,666	3,488,941	-4.36%	-0.27%	1.11%
Special Contract Service (SCS)	5,253,547	5,191,118	5,204,096	5,304,119	-1.19%	0.25%	1.92%
City Accounts	365,112	354,159	355,044	361,868	-3.00%	0.25%	1.92%
Totals	\$ 26,152,877	\$ 25,368,291	\$ 25,365,120	\$ 25,742,477	-3.00%	-0.01%	1.49%

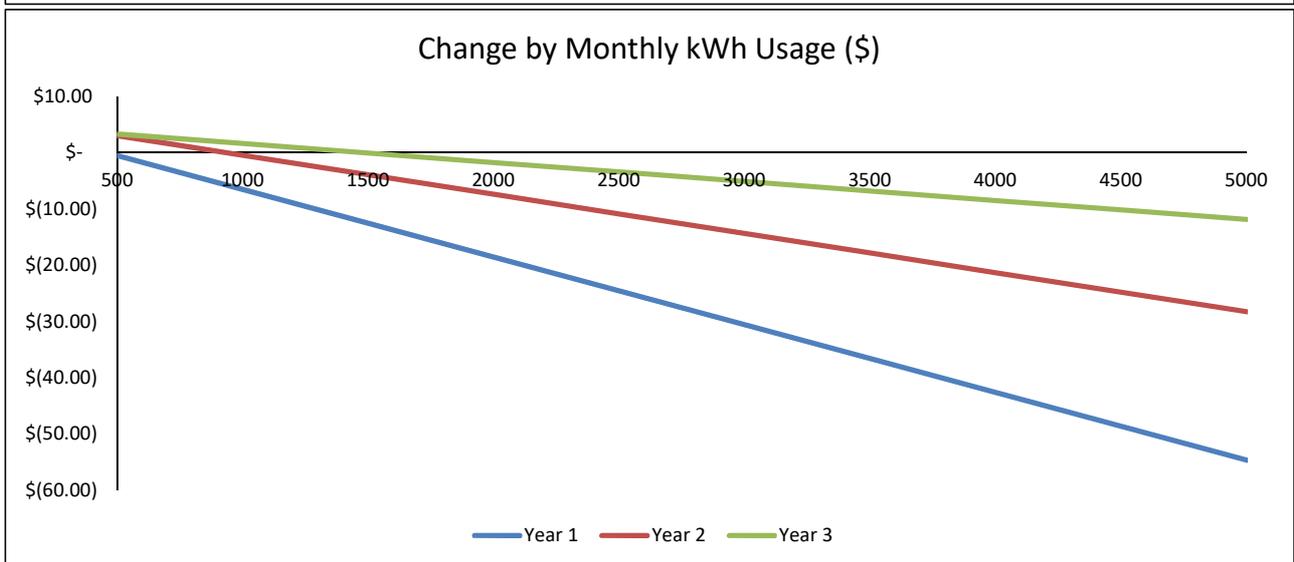
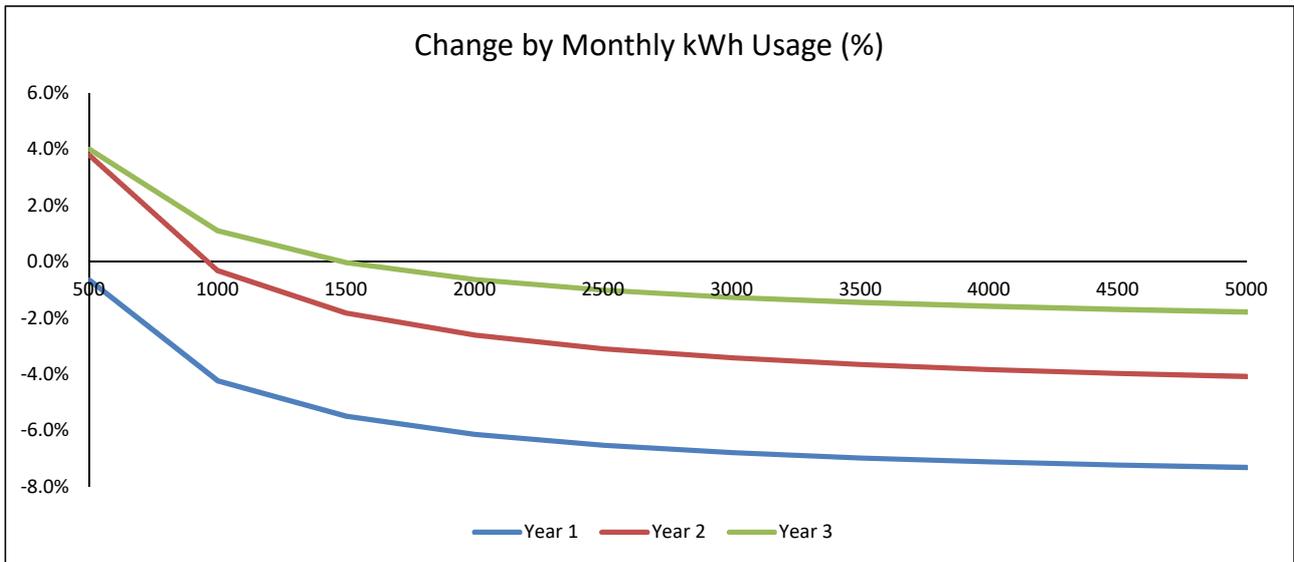
City of Milford
Rate Design
Residential Service (RES)

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 4.00	\$ 8.00	\$ 12.00	\$ 16.00
Energy Charge:				
Winter				
Winter Block 1 (0 - 5 kWh)	\$ -	\$ 0.12251	\$ 0.11825	\$ 0.11587
Winter Block 2 (6 - 2,500 kWh)	\$ 0.12800	\$ 0.12251	\$ 0.11825	\$ 0.11587
Winter Block 3 (Excess)	\$ 0.14000	\$ 0.13451	\$ 0.13025	\$ 0.12787
Summer				
Summer Block 1 (0 - 5 kWh)	\$ -	\$ 0.13251	\$ 0.12825	\$ 0.12587
Summer Block 2 (6 - 2,500 kWh)	\$ 0.13800	\$ 0.13251	\$ 0.12825	\$ 0.12587
Summer Block 3 (Excess)	\$ 0.15000	\$ 0.14451	\$ 0.14025	\$ 0.13787
Power Cost Adjustment:				
All Energy	\$ 0.00500	\$ -	\$ -	\$ -
Revenue from Rate	\$ 9,770,811	\$ 9,368,134	\$ 9,351,538	\$ 9,463,756
Change from Previous	\$ -	-4.1%	-0.2%	1.2%



City of Milford
Rate Design
Small General Service (SGS)

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 6.00	\$ 11.50	\$ 18.00	\$ 23.00
Energy Charge:				
Winter Energy	\$ 0.14000	\$ 0.13297	\$ 0.12601	\$ 0.12264
Summer Energy	\$ 0.15000	\$ 0.14297	\$ 0.13601	\$ 0.13264
Power Cost Adjustment:				
All Energy	\$ 0.00500	\$ -	\$ -	\$ -
Revenue from Rate	\$ 1,312,794	\$ 1,258,691	\$ 1,256,461	\$ 1,271,539
Change from Previous		-4.1%	-0.2%	1.2%



City of Milford
Rate Design
City Lighting

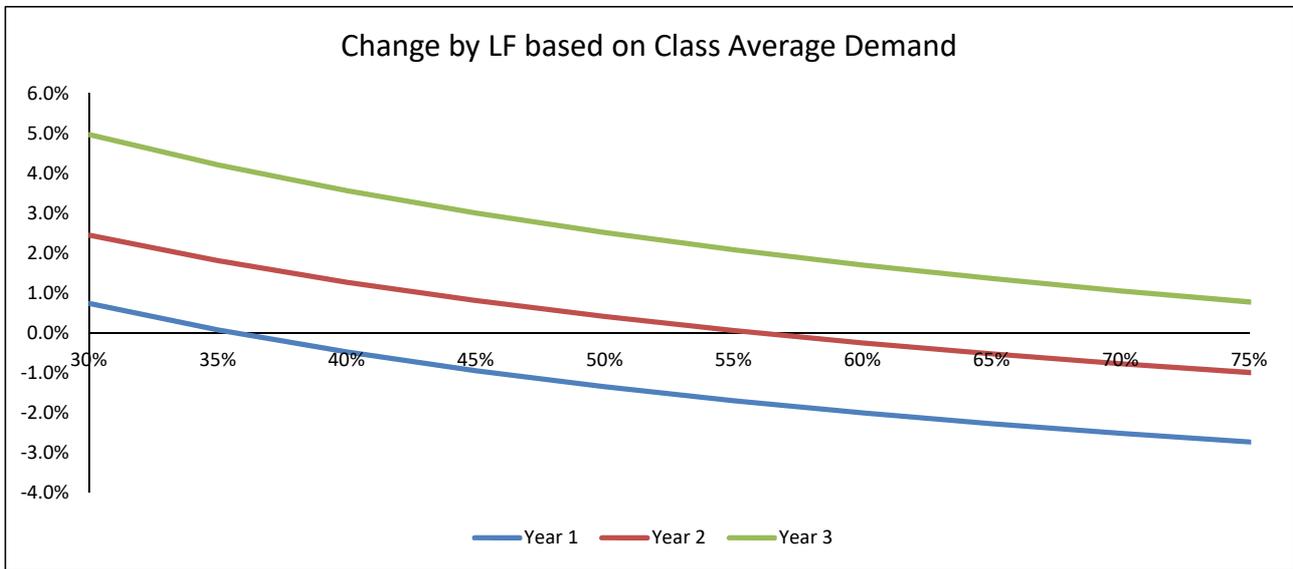
Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
City Security Lights - CISL	\$ 1,080.00	\$ 1,385.34	\$ 1,392.26	\$ 1,427.12
City Street Lights - CIST	\$ 5,681.50	\$ 5,681.50	\$ 5,709.87	\$ 5,852.84
Street Lights - State - STAT	\$ 50.12	\$ 50.12	\$ 50.37	\$ 51.63
Power Cost Adjustment:				
All Energy	\$ 0.00500	\$ -	\$ -	\$ -
Revenue from Rate	\$ 86,266	\$ 85,403	\$ 85,830	\$ 87,979
Change from Previous		-1.0%	0.5%	2.5%

City of Milford
Rate Design
Security Lighting

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
LED (100W)	\$ 8.00	\$ 7.87	\$ 7.85	\$ 7.89
LED (400W)	\$ 11.00	\$ 10.82	\$ 10.80	\$ 10.85
HPS (9500 Lumens)	\$ 8.00	\$ 7.87	\$ 7.85	\$ 7.89
HPS (16000 Lumens)	\$ 11.00	\$ 10.82	\$ 10.80	\$ 10.85
Mercury (22500 Lumens)	\$ 23.00	\$ 22.61	\$ 22.57	\$ 22.69
HPS (50000 Lumens)	\$ 24.60	\$ 24.19	\$ 24.14	\$ 24.27
Mercury (8600 Lumens)	\$ 11.50	\$ 11.31	\$ 11.29	\$ 11.34
250 Watt	\$ 12.53	\$ 12.32	\$ 12.30	\$ 12.36
MH (110000 Lumens)	\$ 54.00	\$ 53.09	\$ 53.00	\$ 53.27
MH (40000 Lumens)	\$ 24.60	\$ 24.19	\$ 24.14	\$ 24.27
Power Cost Adjustment:				
All Energy	\$ 0.00500	\$ -	\$ -	\$ -
Revenue from Rate	\$ 27,605	\$ 26,255	\$ 26,208	\$ 26,340
Change from Previous		-4.9%	-0.2%	0.5%

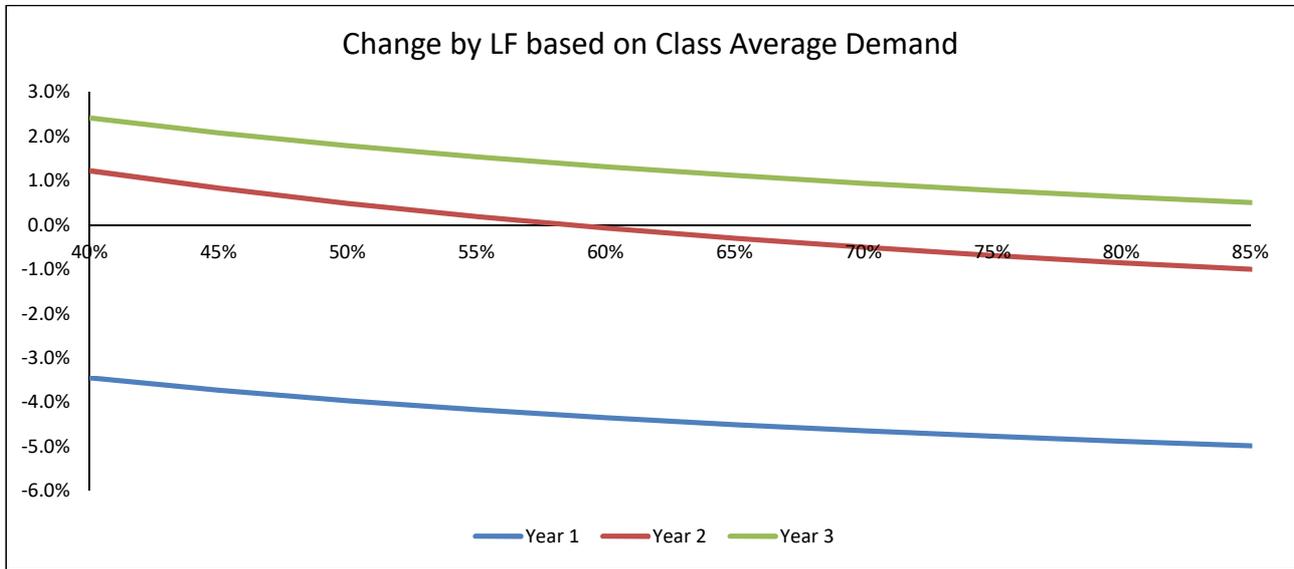
City of Milford
Rate Design
Medium General Service (MGS)

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 7.00	\$ 20.00	\$ 40.00	\$ 75.00
Energy Charge:				
Winter Energy	\$ 0.0700	\$ 0.0698	\$ 0.0660	\$ 0.0627
Summer Energy	\$ 0.0800	\$ 0.0798	\$ 0.0760	\$ 0.0727
Demand Charge:				
Winter Demand	\$ 10.50	\$ 11.25	\$ 12.25	\$ 13.25
Summer Demand	\$ 13.95	\$ 14.80	\$ 14.80	\$ 14.80
Power Cost Adjustment:				
All Energy	\$ 0.0050	\$ -	\$ -	\$ -
Revenue from Rate	\$ 4,898,582	\$ 4,840,371	\$ 4,852,472	\$ 4,945,737
Change from Previous		-1.2%	0.3%	1.9%



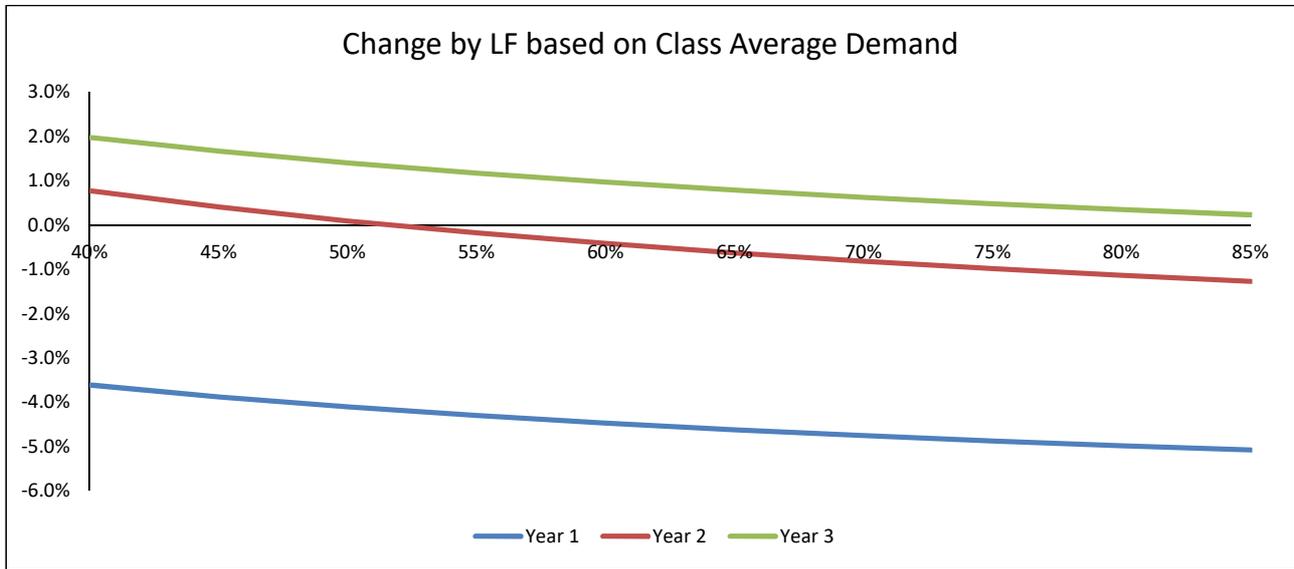
City of Milford
Rate Design
Large General Service (LGS)

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 18.00	\$ 50.00	\$ 100.00	\$ 150.00
Energy Charge:				
On Peak Energy	\$ 0.0800	\$ 0.0794	\$ 0.0764	\$ 0.0748
Off Peak Energy	\$ 0.0700	\$ 0.0694	\$ 0.0664	\$ 0.0648
Demand Charge:				
Winter Demand	\$ 10.50	\$ 10.75	\$ 11.75	\$ 12.75
Summer Demand	\$ 13.00	\$ 13.25	\$ 14.25	\$ 15.25
Power Cost Adjustment:				
All Energy	\$ 0.0050	\$ -	\$ -	\$ -
Revenue from Rate	\$ 820,401	\$ 784,194	\$ 782,805	\$ 792,199
Change from Previous		-4.4%	-0.2%	1.2%



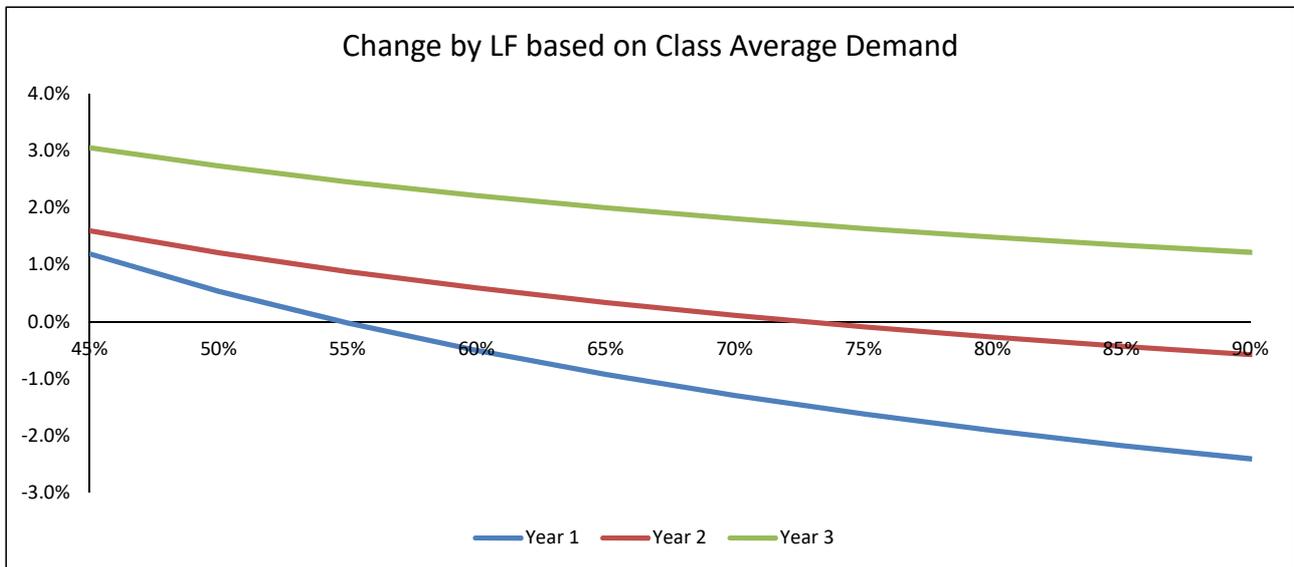
City of Milford
Rate Design
General Service Primary Voltage (GSP)

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 21.00	\$ 225.00	\$ 250.00	\$ 290.00
Energy Charge:				
On Peak Energy	\$ 0.0800	\$ 0.0794	\$ 0.0764	\$ 0.0748
Off Peak Energy	\$ 0.0700	\$ 0.0694	\$ 0.0664	\$ 0.0648
Demand Charge:				
Winter Demand	\$ 10.55	\$ 10.55	\$ 11.62	\$ 12.62
Summer Demand	\$ 12.00	\$ 12.00	\$ 13.12	\$ 14.29
Power Cost Adjustment:				
All Energy	\$ 0.0050	\$ -	\$ -	\$ -
Revenue from Rate	\$ 3,617,760	\$ 3,459,966	\$ 3,450,666	\$ 3,488,941
Change from Previous		-4.4%	-0.3%	1.1%



City of Milford
Rate Design
Special Contract Service (SCS)

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ -	\$ 385.00	\$ 385.00	\$ 385.00
Energy Charge:				
On Peak Energy	\$ 0.0800	\$ 0.0794	\$ 0.0767	\$ 0.0756
Off Peak Energy	\$ 0.0700	\$ 0.0694	\$ 0.0667	\$ 0.0656
Demand Charge:				
Winter Demand	\$ 7.00	\$ 9.00	\$ 10.50	\$ 12.00
Summer Demand	\$ 8.00	\$ 10.17	\$ 11.46	\$ 12.68
Power Cost Adjustment:				
All Energy	\$ 0.0050	\$ -	\$ -	\$ -
Revenue from Rate	\$ 5,253,547	\$ 5,191,118	\$ 5,204,096	\$ 5,304,119
Change from Previous		-1.2%	0.2%	1.9%



City of Milford Electric Rate Design

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

Objectives

- Review Rate Track
- Review Cost of service results
 - Cost to service each class of customers
 - Monthly Customer Charges
- Review Rate Designs

Rate Track

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

Electric Cost of Service Results

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

Monthly Charge

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

Rate Design

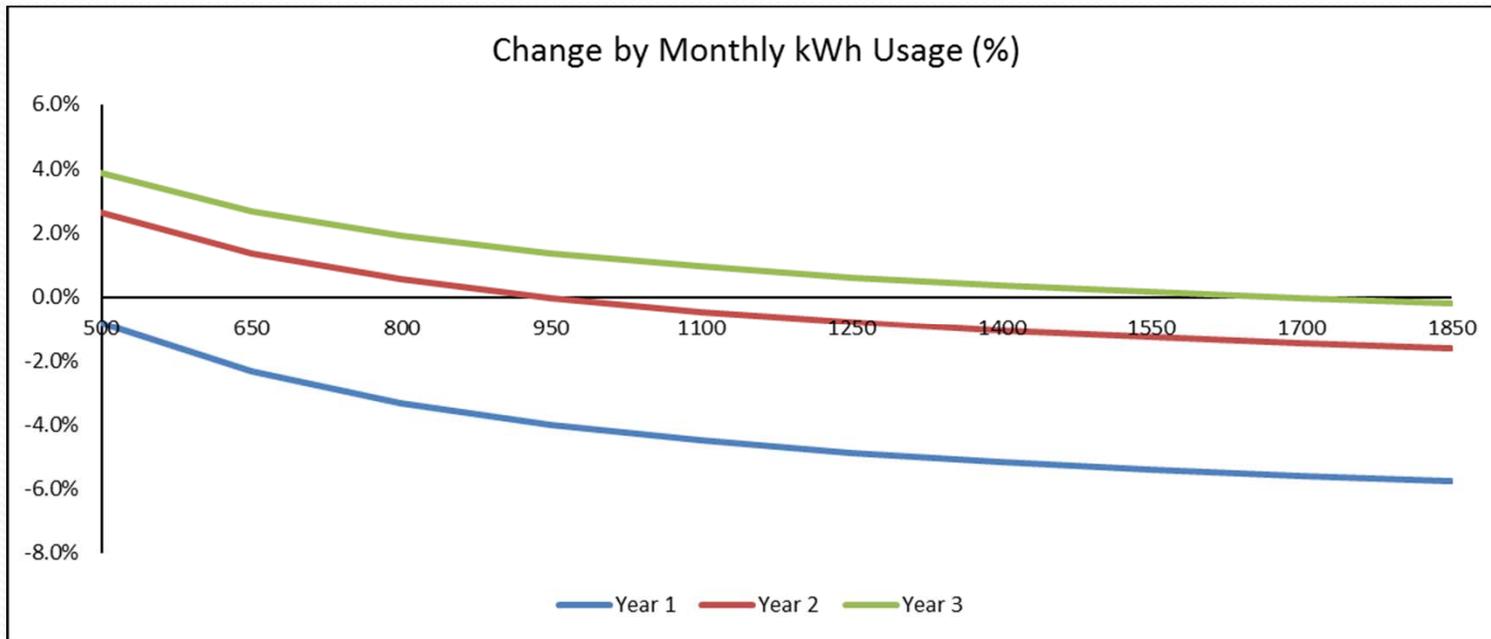
- Rate Design
 - Year 1 - 2% bandwidth (-3% rate change)
 - Largest decrease 5%
 - Smallest decrease 1%
 - Year 2 – 0.5% bandwidth (0% Rate Change)
 - Largest increase 0.5%
 - Largest decrease 0.5%
 - Year 3 – 1% bandwidth (1.5% Rate Change)
 - Largest increase 2.5%
 - Smallest increase 0.5%

Residential Rate

- Annual customer charge increase
- Reduced energy
- Merge blocks 1 and 2

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 4.00	\$ 8.00	\$ 12.00	\$ 16.00
Energy Charge:				
Winter				
Winter Block 1 (0 - 5 kWh)	\$ -	\$ 0.12251	\$ 0.11825	\$ 0.11587
Winter Block 2 (6 - 2,500 kWh)	\$ 0.12800	\$ 0.12251	\$ 0.11825	\$ 0.11587
Winter Block 3 (Excess)	\$ 0.14000	\$ 0.13451	\$ 0.13025	\$ 0.12787
Summer				
Summer Block 1 (0 - 5 kWh)	\$ -	\$ 0.13251	\$ 0.12825	\$ 0.12587
Summer Block 2 (6 - 2,500 kWh)	\$ 0.13800	\$ 0.13251	\$ 0.12825	\$ 0.12587
Summer Block 3 (Excess)	\$ 0.15000	\$ 0.14451	\$ 0.14025	\$ 0.13787
Power Cost Adjustment:				
All Energy	\$ 0.00500	\$ -	\$ -	\$ -
Change from Previous	\$ -	-4.1%	-0.2%	1.2%

Residential Change (%) by Usage



Residential Change Monthly \$ by Usage

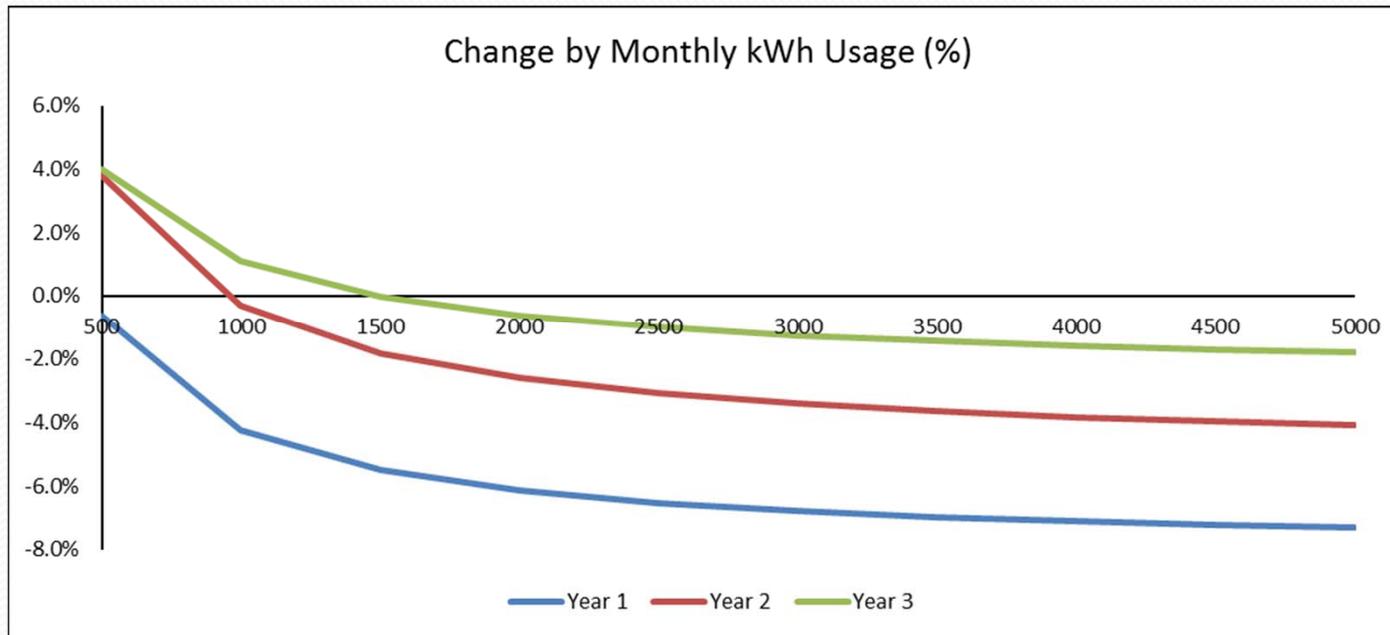
Usage	Change in Monthly Bill		
	Year 1	Year 2	Year 3
500 \$	(0.59) \$	1.87 \$	2.81
650 \$	(2.16) \$	1.24 \$	2.45
800 \$	(3.74) \$	0.60 \$	2.09
950 \$	(5.31) \$	(0.04) \$	1.73
1100 \$	(6.89) \$	(0.68) \$	1.38
1250 \$	(8.46) \$	(1.32) \$	1.02
1400 \$	(10.04) \$	(1.95) \$	0.66
1550 \$	(11.61) \$	(2.59) \$	0.30
1700 \$	(13.18) \$	(3.23) \$	(0.06)
1850 \$	(14.76) \$	(3.87) \$	(0.41)

Small General Rate

- Annual customer charge increase
- Reduced energy

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 6.00	\$ 11.50	\$ 18.00	\$ 23.00
Energy Charge:				
Winter Energy	\$ 0.14000	\$ 0.13297	\$ 0.12601	\$ 0.12264
Summer Energy	\$ 0.15000	\$ 0.14297	\$ 0.13601	\$ 0.13264
Power Cost Adjustment:				
All Energy	\$ 0.00500	\$ -	\$ -	\$ -
Change from Previous		-4.1%	-0.2%	1.2%

Small General Change (%) by Usage



Small General Change Monthly \$ by Usage

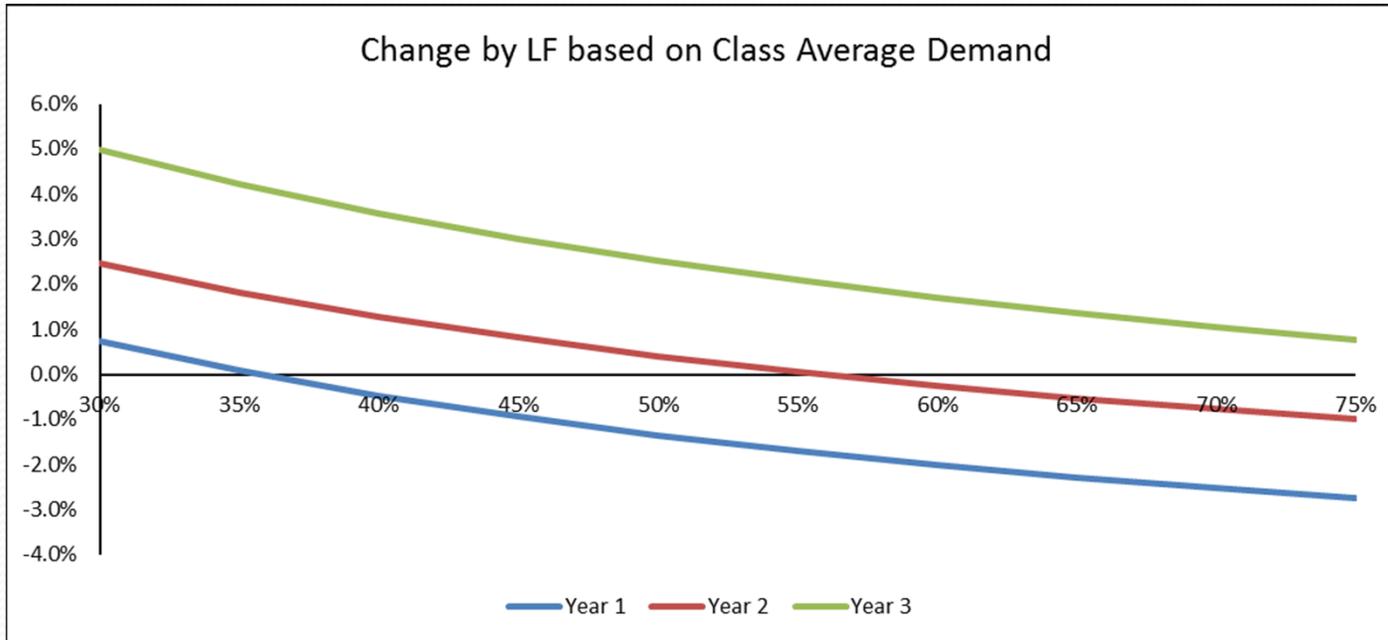
Usage	Change in Monthly Bill		
	Year 1	Year 2	Year 3
500 \$	(0.52) \$	3.02 \$	3.31
1000 \$	(6.53) \$	(0.46) \$	1.63
1500 \$	(12.55) \$	(3.93) \$	(0.06)
2000 \$	(18.56) \$	(7.41) \$	(1.75)
2500 \$	(24.58) \$	(10.89) \$	(3.43)
3000 \$	(30.60) \$	(14.37) \$	(5.12)
3500 \$	(36.61) \$	(17.84) \$	(6.81)
4000 \$	(42.63) \$	(21.32) \$	(8.50)
4500 \$	(48.64) \$	(24.80) \$	(10.18)
5000 \$	(54.66) \$	(28.28) \$	(11.87)

Medium General Rate

- Annual customer charge increase
- Demand charge increase
- Reduced energy

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 7.00	\$ 20.00	\$ 40.00	\$ 75.00
Energy Charge:				
Winter Energy	\$ 0.0700	\$ 0.0698	\$ 0.0660	\$ 0.0627
Summer Energy	\$ 0.0800	\$ 0.0798	\$ 0.0760	\$ 0.0727
Demand Charge:				
Winter Demand	\$ 10.50	\$ 11.25	\$ 12.25	\$ 13.25
Summer Demand	\$ 13.95	\$ 14.80	\$ 14.80	\$ 14.80
Power Cost Adjustment:				
All Energy	\$ 0.0050	\$ -	\$ -	\$ -
Change from Previous		-1.2%	0.3%	1.9%

Medium General Change (%) by Load Factor

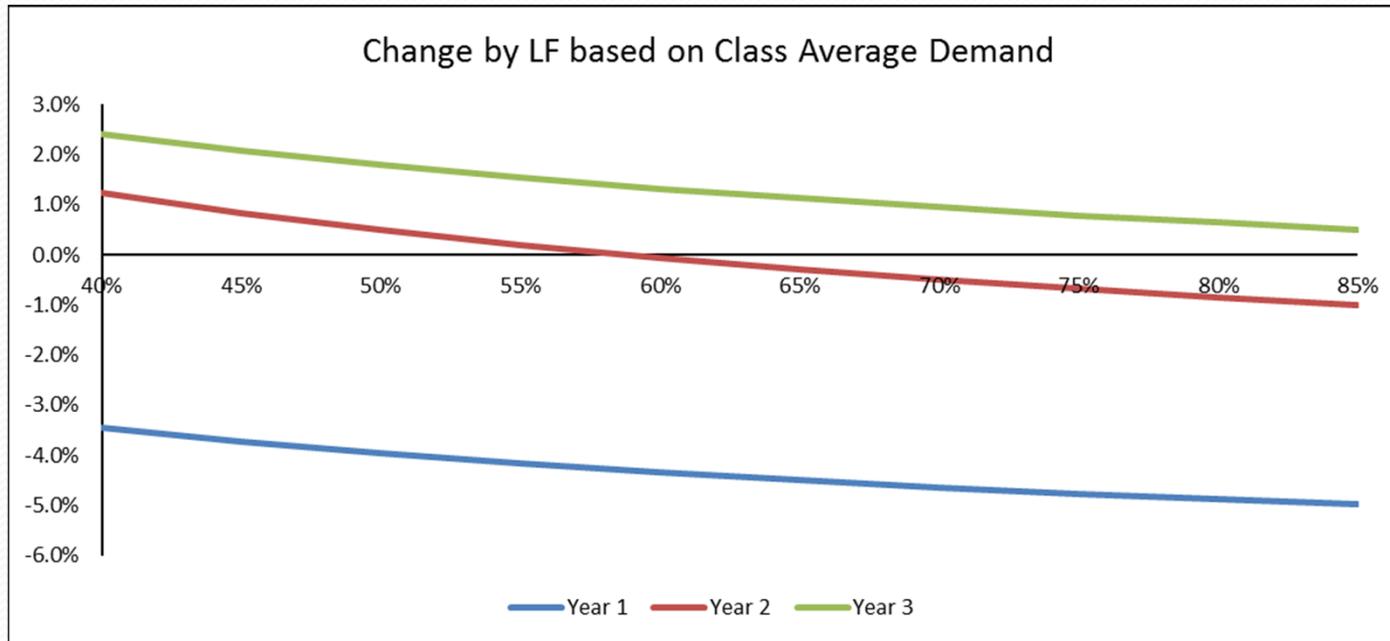


Large General Rate

- Annual customer charge increase
- Demand charge increase
- Reduced energy

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 18.00	\$ 50.00	\$ 100.00	\$ 150.00
Energy Charge:				
On Peak Energy	\$ 0.0800	\$ 0.0794	\$ 0.0764	\$ 0.0748
Off Peak Energy	\$ 0.0700	\$ 0.0694	\$ 0.0664	\$ 0.0648
Demand Charge:				
Winter Demand	\$ 10.50	\$ 10.75	\$ 11.75	\$ 12.75
Summer Demand	\$ 13.00	\$ 13.25	\$ 14.25	\$ 15.25
Power Cost Adjustment:				
All Energy	\$ 0.0050	\$ -	\$ -	\$ -
Change from Previous		-4.4%	-0.2%	1.2%

Large General Change (%) by Load Factor

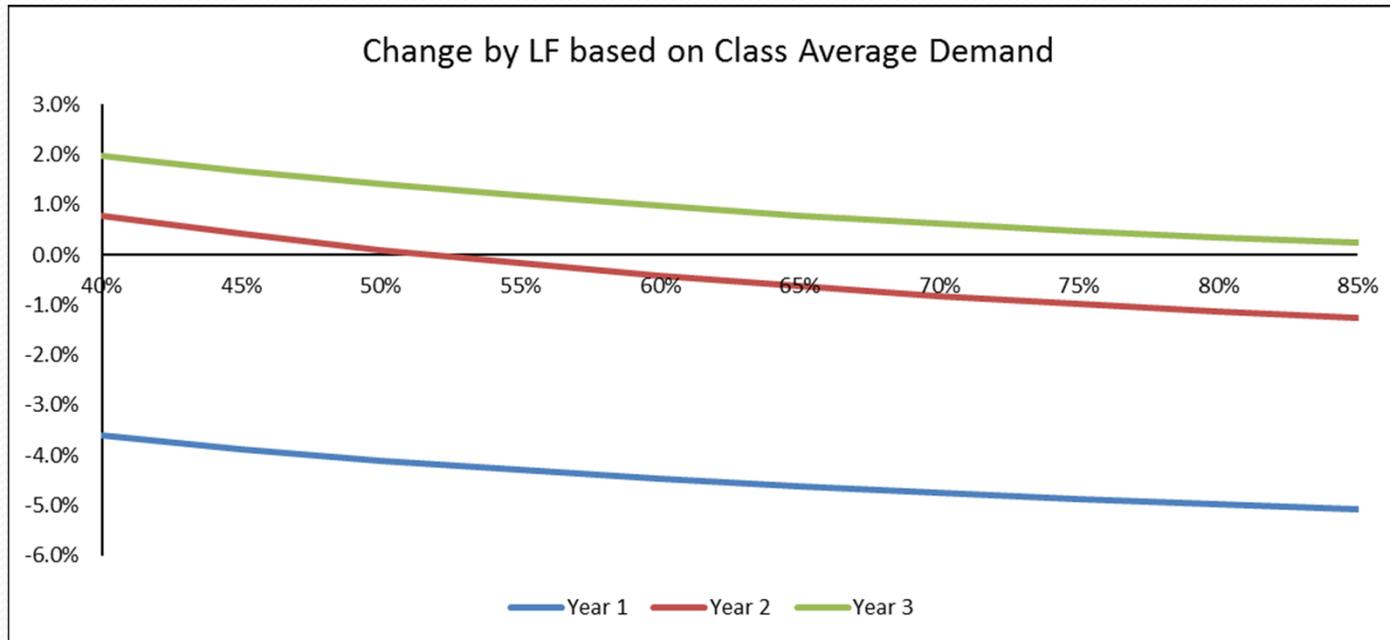


General Service Primary Rate

- Annual customer charge increase
- Demand charge increase
- Reduced energy

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ 21.00	\$ 225.00	\$ 250.00	\$ 290.00
Energy Charge:				
On Peak Energy	\$ 0.0800	\$ 0.0794	\$ 0.0764	\$ 0.0748
Off Peak Energy	\$ 0.0700	\$ 0.0694	\$ 0.0664	\$ 0.0648
Demand Charge:				
Winter Demand	\$ 10.55	\$ 10.55	\$ 11.62	\$ 12.62
Summer Demand	\$ 12.00	\$ 12.00	\$ 13.12	\$ 14.29
Power Cost Adjustment:				
All Energy	\$ 0.0050	\$ -	\$ -	\$ -
Change from Previous		-4.4%	-0.3%	1.1%

General Service Primary (%) Change by Load Factor

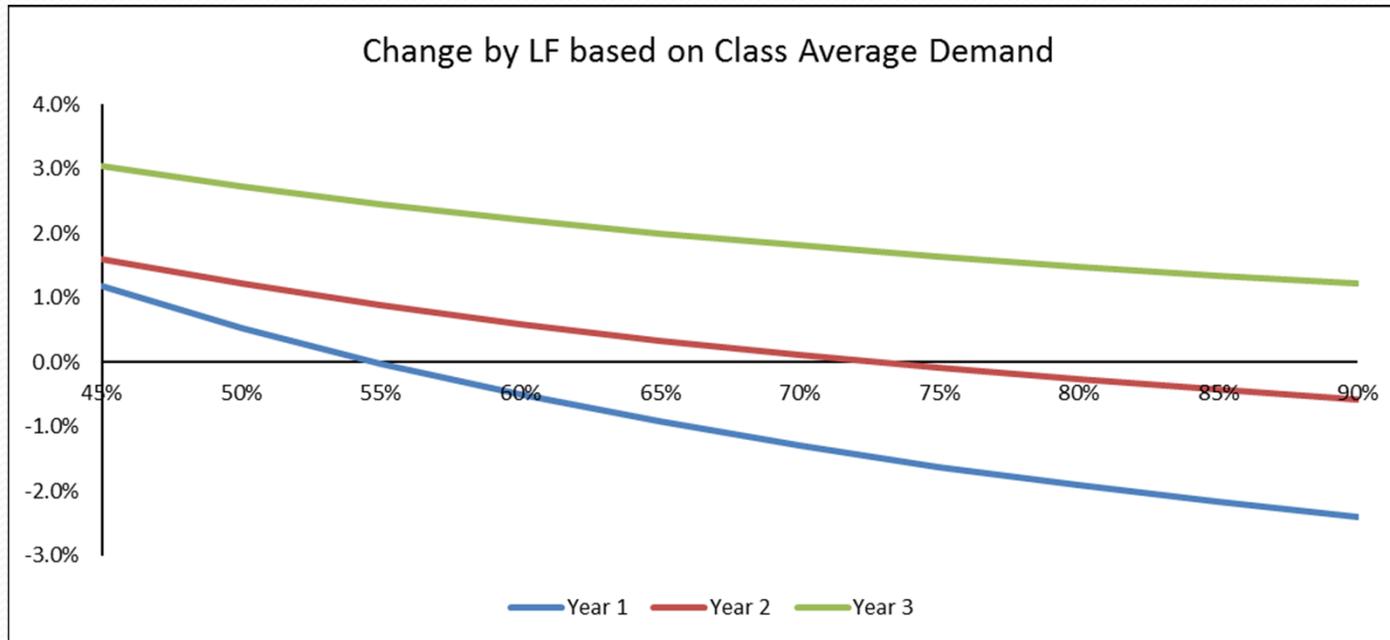


Special Contract Service Rate

- Annual customer charge increase
- Demand charge increase
- Reduced energy

Rates	Current	Year 1	Year 2	Year 3
Monthly Facilities Charge:				
All Customers	\$ -	\$ 385.00	\$ 385.00	\$ 385.00
Energy Charge:				
On Peak Energy	\$ 0.0800	\$ 0.0794	\$ 0.0767	\$ 0.0756
Off Peak Energy	\$ 0.0700	\$ 0.0694	\$ 0.0667	\$ 0.0656
Demand Charge:				
Winter Demand	\$ 7.00	\$ 9.00	\$ 10.50	\$ 12.00
Summer Demand	\$ 8.00	\$ 10.17	\$ 11.46	\$ 12.68
Power Cost Adjustment:				
All Energy	\$ 0.0050	\$ -	\$ -	\$ -

Special Contract Service (%) Change by Load Factor



AMP – Joint Action Agency

- **AMP formed as “not-for-profit” corporation to aggregate power supply requirements**
 - Private Letter Ruling permits tax-exempt financings “on behalf of” Members
 - Financial Strength – Line of Credit to provide underlying support
 - Owned and governed by its 135 Members in 9 states
 - Operates within two Regional Transmission Authorities
 - Midcontinent Independent System Operator, Inc. (MISO)
 - PJM Interconnection, LLC (PJM)
- **Enables Joint Action**
 - Stronger voice
 - Buying power
- **Projects Based Organization**
 - Members subscribe to projects of their choice
 - Dedicated to Member Services

The Advanced Metering Program

- **AMP did this because:**
 - AMP's history to solve complex municipal utility problems. These same concepts were applied to advanced metering.
 - AMP's member's needed help and asked AMP to get involved.
- **The Advanced Metering Infrastructure (AMI) Program Is:**
 - Purpose built for municipals and scales from the smallest to the largest.
 - Fully leverages the benefits of Joint Action & collaboration with other Municipals.
 - A program managed approach to deployment of meters, field equipment, systems, and integrations.
 - Backed and fully supported by AMP's Board of Trustees

The Advanced Metering Program

- **Joint Action at Work:**

- AMP combined member requirements to performed a feasibility study, followed by an RFI and RFP for a solution.
- Program provides shared labor in systems operations and support.
- Greater participation results in lower costs to all participants.
- Collaboration between Municipals and sharing of best practices in utility operations.
- Enables Municipal Electric Systems, no matter how small, to implement state-of-the-art technologies to serve their community.

The Advanced Metering Program

- **Lessons learned from Independent Action (AMP Smart Grid Advisory Committee)**
 - Many Advanced Metering Infrastructure (AMI) projects failed to meet expectations:
 - poor scoping resulted in systems that were not fully integrated.
 - Results in “swivel chair operations” (where users have to manually move data from one application to another to maintain synchronization of data).
 - Lack of central project management caused scope creep and delays.
 - Need to maximize teamwork and minimize “finger pointing” when bumps occur.
 - Deficiency of local expertise caused long term challenges with operations.
 - Shortcomings around AMI data analytics, Disaster Recovery, and Cyber Security.

The Advanced Metering Program

- **The AMI program addresses these problems**
 - Complete, fully-supported end-to-end AMI system. Meter-to-data center applications, integrations and operations.
 - Fully Managed from Subscription through Operations:
 - Education
 - Business Case Design
 - Community Presentation(s)
 - System Design
 - Customer Engagement
 - Financing Assistance
 - System Deployment
 - Long Term Support.
 - Strong focus on managed operations including Cyber Security of systems and Disaster Recovery.

HCI and National Expansion

- **Jan 2017:**
 - Branndon Kelley and Marc Gerken talk about the Advanced Metering Infrastructure (AMI) Program on a national stage at the APPA Joint Action Workshop.
- **2017 – May 2018:**
 - AMP staff along with other Joint Action Agencies meet around the idea expanding the concept of AMI and other technology solutions to a national scale.
- **June 1, 2018:**
 - AMP and four other Joint Action Agencies acquire the assets of Hometown Connections and become Hometown Connection, Inc (HCI).
 - HCI acquires the AMP Advanced Metering Infrastructure (AMI) program, which allows them to now offer the program nationally. Thereby, achieving a larger audience. Which lowers the risk and the cost to all participants.

Milford's AMI Deployment

- **Milford's Business Drivers for AMI**

- Upgrades to aging metering environment were a budgeted improvement to the City's Utility Operations.
 - Existing Itron system was old and no longer supported.
 - More accurate meters.
- Advanced Metering Infrastructure (AMI) data will enhance utility operations – better analysis, system loss improvements, enhanced outage response.
- Advanced Metering Infrastructure (AMI) also provides the foundation for future Smart City operations.
- Partnering with AMP/DEMEC benefited the City. No need to incur the expense of a separate market analysis via RFI/RFP by a retained consulting firm. Collaborative effort with other AMP & DEMEC Members.
- Better service to customers.
 - Able to provide customers their hourly electric and water usage information via a web-based portal.

Milford's AMI Deployment

- **Project Update**

- Project kicked Q2 2017. Bi-Weekly Project meetings since then.
- Lots of pre-work led up to electric meter deployment, which started this past May. Water meter deployment kicked off in July.
- Have worked through issues during project:
 - Milford team has continued to work together with the support of DEMEC and AMP to ensure issues get resolved and the project continues moving forward.
 - Biggest issue right now is related to wall mount radio module on water meters and we are very near resolution.
- As of October 5th there were 6,312 active electric meters and 1,029 active water deployed.
- Electric meter deployment expected to wrap up Q4 of this year and water in Q1 of 2019.
- Rollout of remaining applications and system modules (including customer portal) will continue through 1st half of 2019

NOTICE OF PUBLIC HEARINGS
PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 18, 2018
CITY COUNCIL PUBLIC HEARING: OCTOBER 22, 2018

The City of Milford Planning Commission will hold a Public Hearing on **Tuesday, September 18, 2018** at 7:00 pm to hear evidence from interested parties and make a recommendation to City Council regarding the ordinance. The City of Milford City Council will hold a Public Hearing on **Monday, October 22, 2018** at 7:00 pm to hear evidence from interested parties and make a final determination regarding the ordinance.

All Public Hearings are held in the Joseph Ronnie Rogers Council Chambers, Milford City Hall, 201 South Walnut Street, Milford, Delaware.

ORDINANCE 2018-22

Mispillion Realty LLC on behalf of JGC&J Inc for a Conditional Use to
allow a billboard.

5.39+/- acres in a C3 Zoning District;

Located at 910 and 916 S DuPont Blvd, Milford, Delaware.

Present Use: Vacant; Proposed Use: Billboard

Tax Map 1-30-3.19-001.00 & 1-30-3.19-003.00

WHEREAS, the City of Milford Planning Commission considered the ordinance, as described, at a duly noticed Public Hearing on September 18, 2018 and recommended its adoption to City Council; and

WHEREAS, Milford City Council conducted a duly noticed Public Hearing on October 22, 2018 to consider all information presented by City Staff, the Applicant, and written and verbal public testimony; and

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

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

Section 1. Upon the adoption of this ordinance by City Council, Mispillion Realty LLC on behalf of JGC&J Inc is hereby granted a Conditional Use Permit to allow a billboard, 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: September 18, 2018

City Council Introduction: October 8, 2018

City Council Public Hearing: October 22, 2018

Projected Adoption: October 22, 2018

Projected Effective: November 1, 2018

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 08/29/18

DATA SHEET FOR MISPELLION REALTY - BILLBOARD

Planning Commission Meeting: September 18, 2018

Application Number / Name	:	18-016 / Mispillion Realty - Billboard
Applicant	:	Mispillion Realty 715 S. Dupont Highway Milford, DE 19963
Owner	:	JGC & J Inc 1775 Wiehle Avenue, Suite 400 Reston, VA 20190
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Vacant
Proposed Use	:	Billboard
Size and Location	:	5.396 +/- acres located along the west side of S. Dupont Boulevard (Route 113) approximately 2,500 feet south of the Seabury Avenue intersection.
Tax Map & Parcel	:	1-30-3.19-001.00 & 003.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Aerial Map
Exhibit C – Floor Plan

STAFF REPORT
August 30, 2018

Application Number / Name	:	18-016 / Mispillion Realty - Billboard
Present Comprehensive Plan Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Vacant
Proposed Use	:	Billboard
Tax Map & Parcel	:	1-30-3.19-001.00 & 003.00
Size and Location	:	5.396 +/- acres located along the west side of S. Dupont Boulevard (Route 113) approximately 2,500 feet south of the Seabury Avenue intersection.

I. BACKGROUND INFORMATION:

- The applicant proposes to construct two (2) 12'x48', 30-foot tall billboards on the above referenced parcels as shown on the provided survey.

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:

- Per Chapter 230, the Billboard shall be constructed and maintained in accordance with Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions, a copy of which is provided in the packet.
- The applicant's request is for a traditional billboard with a static message sign face and does not include an electronic message board.

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

A. The presence of adjoining similar uses.

The property to the south is the site of the proposed Cypress Hall residential development which will consist of a mixture of apartments, single-family detached and townhome housing units. The portion of Cypress Hall that abuts the subject parcel is the site of the proposed stormwater management pond for the subdivision. The property to the west is zoned C-3 Highway Commercial and is currently vacant. The property to the north is zoned C-3 and contain a home-based occupation. The properties to the east on the opposite side of Route 113 are zoned R-1 Single Family Residential and OB-1 Office Building. These properties contain a mixture of single-family detached residences, small office buildings, and churches. The area on the east side of Route 113 is shown as Transitional Commercial in the City's 2018 Comprehensive Plan, with the intent that this corridor will become commercially zoned on both sides of Route 113 road in the future.

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

Billboards are only permitted by conditional use 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 does not discuss a specific need for Billboard signage.

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

As mentioned above, the property to the south contains a future stormwater pond and screening should not be a concern for the southernmost billboard. The property to the west is zoned C-3 and screening should not be a concern along the western property line. The property to the north contains an existing home based occupation. Based on the provided survey, the northernmost billboard would be constructed 25 feet from the property line and approximately 55 feet from the existing residential dwelling. The location of the northernmost billboard would be even with the front face of the dwelling unit and visible from the front yard area. Since the intent of the billboard is to be visible from traffic along Route 113, it would be difficult to screen the proposed structure from the adjacent use while maintaining sign visibility along Route 113. The applicant should consider moving the proposed northernmost sign further to the south to minimize negative impacts on the adjacent property.

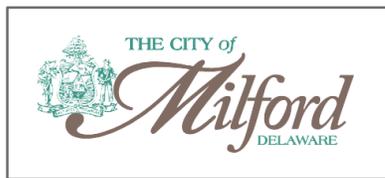
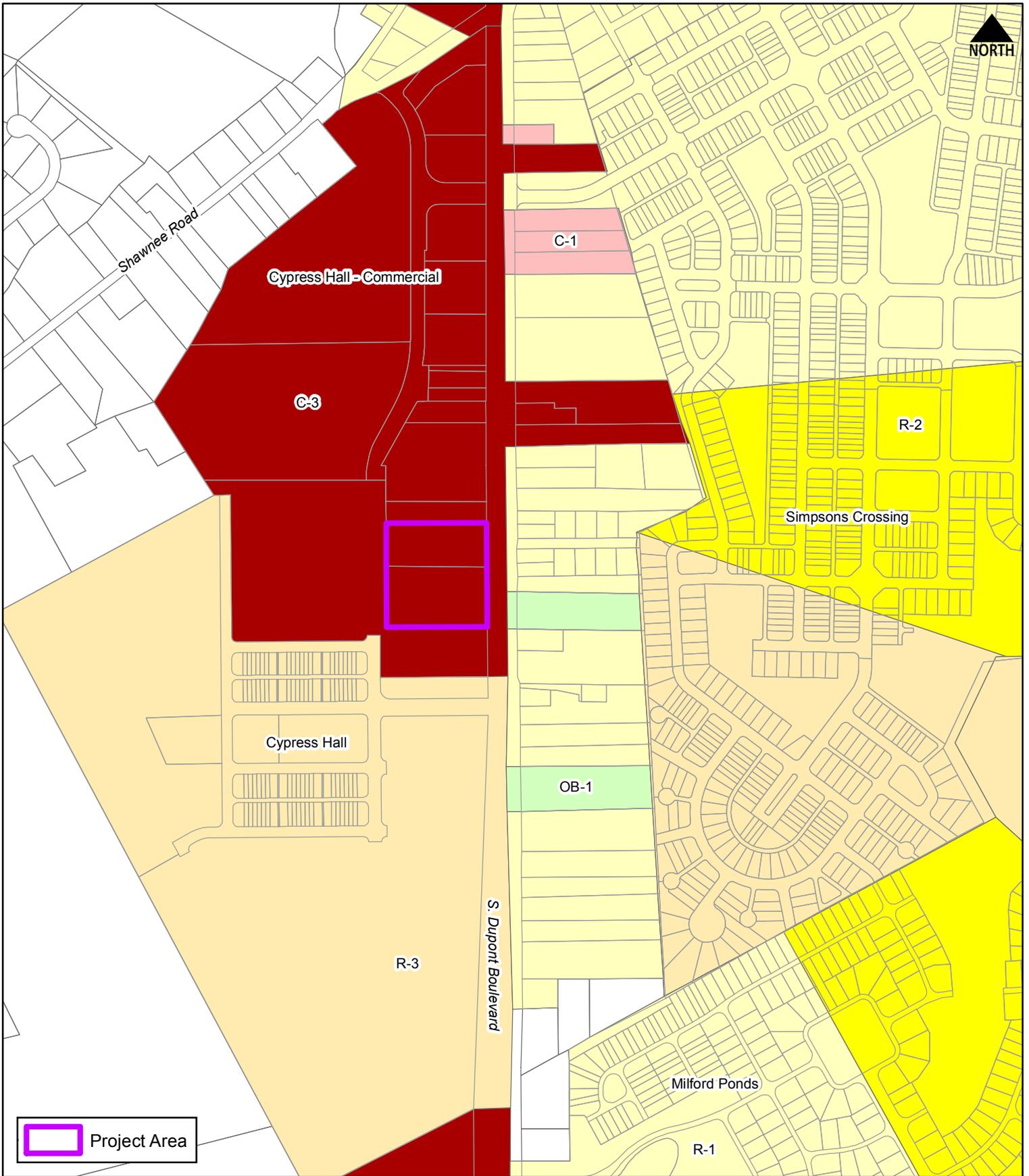
E. The use will not detract from permitted uses in the district.

The proposed use should not detract from existing and future commercial uses in the area, but may negatively impact some of the existing residential uses. The sign will be illuminated and may impact the neighboring property immediately to the north. However, as mentioned above, both sides of Route 113 are designated as Transitional Commercial in the 2018 Comprehensive Plan, with the intent that this corridor will develop with commercial type uses on both sides of Route 113 in the future.

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

The proposed use does not impact traffic patterns or require any off-street parking, except for the maintenance road access points for the two signs. Staff recommends that the billboards be located outside of the required front yard setback area, with a minimum setback of 30 feet from the edge of the right-of-way to the edge of the sign. Currently, the applicant proposes a 25' setback distance for each sign. In addition, staff recommends that the signs be located at least a minimum of the billboard height (30 feet) from the side property lines to reduce potential adverse influences on adjoining properties. The applicant should consider moving the northernmost sign further south to minimize impacts on the adjacent property to the north.

- If the Planning Commission and City Council elect to approve the applicant's request, staff recommends the following minimum conditions of approval:
 - The sign should be constructed a minimum of 30 feet from the front property line and a distance of at least the height of the billboard from both side property lines.
 - The applicant must obtain approval from DelDOT per Title 17, Chapter 11-Regulation of Outdoor Advertising.
 - The applicant must obtain a building permit from the City of Milford for the construction of the sign, which will requires the submission of engineering plans.

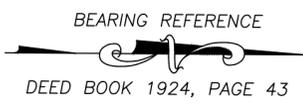
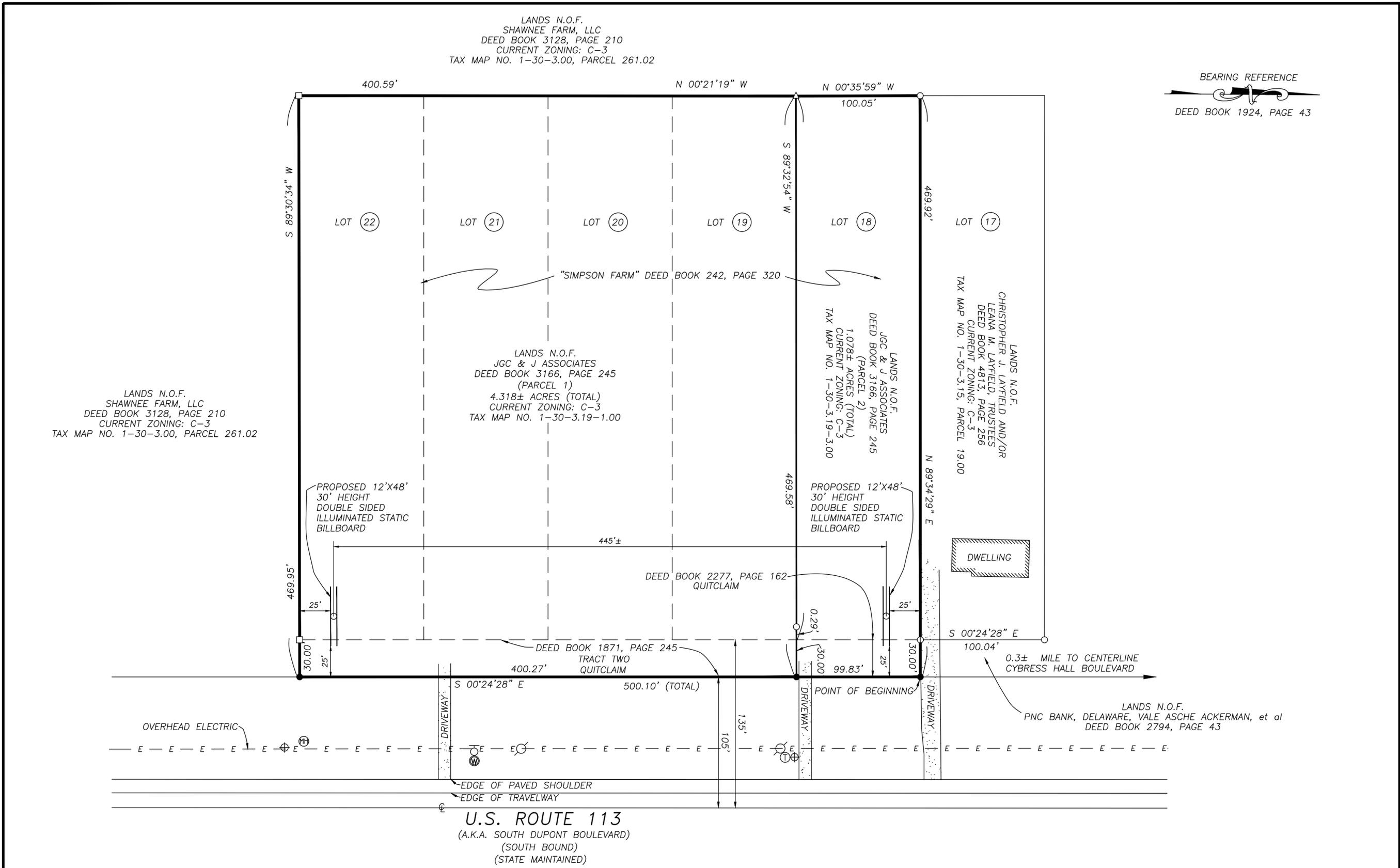


Scale: Feet
0 300 600

Drawn by: WRP Date: 08/20/18

Title:
**Conditional Use
Mispillion Realty - Billboard
Location & Zoning Map**

Filepath: ConditionalUse_MispillionRealtyBillboard.mxd



<p>NOTES:</p> <ol style="list-style-type: none"> 1) CLASS "B", SUBURBAN SURVEY 2) SOURCE OF TITLE: DEED BOOK 3166, PAGE 245 3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH 4) CURRENT ZONING: C-3 5) PROPOSED BILLBOARD HEIGHT: 30' 	<p>LEGEND:</p> <ul style="list-style-type: none"> □ FOUND CONCRETE MONUMENT ○ FOUND IRON PIPE △ FOUND NAIL IN TREE ● FOUND IRON BAR ⊕ WATER VALVE ⊙ FIRE HYDRANT ⊕ CABLE SERVICE BOX ⊕ MANHOLE ⊕ TELEPHONE SERVICE BOX ⊕ UTILITY POLE 	<p>I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.</p> <p>R.B. KEMP, III, P.L.S. 541</p>	<p>Prepared By ADAMS-KEMP ASSOCIATES, INC. PROFESSIONAL LAND SURVEYORS AND PLANNERS 217 SOUTH RACE STREET GEORGETOWN, DELAWARE 19947 PHONE: (302) 856-6699 WWW.ADAMSKEMP.COM</p>	<p>BOUNDARY SURVEY & PROPOSED BILLBOARD SIGN LOCATION PLAN</p> <p>PREPARED FOR MISPILLION REALTY, L.L.C.</p> <p>SITUATED IN CITY OF MILFORD, CEDAR CREEK HUNDRED SUSSEX COUNTY, STATE OF DELAWARE AREA: 5.388± ACRES (TOTAL) SCALE: 1" = 50' DATE: AUGUST 13, 2018, REVISED: AUGUST 15, 2018</p>
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Project Statistics	Vacant Commercial Land
Site Area	5.396 Acres
Building Coverage	N/A – Vacant
Impervious Surface	100 Square Feet per Sign
Required Parking	None
Proposed Parking	None



§ 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.
 - (10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
 - (11) Shopping center, subject to site plan review and the following site requirements:
 - (12) Day-care centers, with site plan required.
 - (13) Car wash, all types (staffed, automatic, self-service, etc.).
 - (14) Convenience stores with gas pumps.

- (15) Community residential treatment program.
- (16) All dwellings other than single-family with a maximum density of 12 units per acre.
- (17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Billboard, subject to the following:

(a) Shall be constructed and maintained in accordance with the Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions.

- (19) Aquarium.

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 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.

Chapter 11 REGULATION OF OUTDOOR ADVERTISING Subchapter I General Provisions

§ 1101 Purpose and policy.

The rapid growth in the use of motor vehicles throughout this State and the concurrent extension of highways built or improved at public expense has led to great changes in the extent and character of public travel. The investment of this State, municipalities and towns in good roads, parks, parkways, playgrounds and reservations, and the safety, convenience and welfare of the inhabitants have been affected.

The regulation and control of outdoor advertising signs, displays and devices of all kinds is provided for in order to promote the general welfare, especially in the particulars hereinafter recited.

The people of this State would suffer economically if the State failed to participate fully in the allocation and apportionment of federal-aid highway funds since a reduction in federal-aid highway funds would necessitate increased taxation to support and maintain the state road program and system. It is, consequently, the intention of this chapter, among other things, to provide a statutory basis for regulation of outdoor advertising consistent with the public policy relating to areas adjacent to federal-aid interstate and primary systems declared by the Congress of the United States in Title 23, United States Code.

(42 Del. Laws, c. 182, § 1; 17 Del. C. 1953, § 1101; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1102 Scope and definitions.

(a) The powers and authority granted in this chapter are in derogation of no other powers or authority granted by or created by or exercised under any other statute, or by a planning or zoning board or authority, or other public officer, but shall be construed as in addition to any such power or authority, which shall remain unaffected.

(b) As used in this chapter:

(1) "Commercial or industrial activities for purposes of unzoned commercial and industrial areas" means those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

- a. Outdoor advertising structures;
- b. Forestry, ranching, grazing and farming including, but not limited to, wayside fresh produce stands;
- c. Transient or temporary activities;
- d. Activities more than 600 feet from the nearest edge of the right-of-way along the interstate and federal-aid primary route;
- e. Activities conducted in buildings principally used as a residence;
- f. Railroad tracks and minor sidings;
- g. Activities not visible from the main traveled way.

(2) "Controlled areas" means and includes any area inside the boundaries of this State which is adjacent to the right-of-way of a highway of the interstate or primary systems, except that areas beyond 660 feet of the right-of-way inside urban areas shall be excluded from this chapter.

(3) "Department" means the Department of Transportation.

(4) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of a sign or sign structure.

(5) "Gateway sign" means any sign, display, or device intended for its purpose to provide information to the travelling public advising motorists that they are entering the boundaries of a political subdivision or established nonincorporated area of the State. A gateway sign may include a slogan or related graphic, or both, subject to the approval of the Department.

(6) "Information center" means an area or site established and maintained at a rest area for the purpose of informing the public of places of interest within the State and providing such other information as the Department may consider desirable.

(7) "Interstate system" means that portion of the national system of interstate and defense highways located within this State, as officially designated, or as may hereafter be so designated, by the Department and approved by the Secretary of Transportation of the United States, pursuant to Title 23, United States Code, "Highways."

(8) The "laws of this State" shall include a provision of the Constitution or statutes of the State, or an ordinance, rule or regulation enacted or adopted by an agency or political subdivision of this State pursuant to the Constitution or statutes.

(9) "Maintain" means to allow to exist in accordance with state law.

(10) "Outdoor advertising" or "outdoor advertising signs, displays and devices" shall include any outdoor sign, display, device, picture, emblem, trademark, figure, painting, drawing, message, placard, poster, billboard, light or other thing which is designed,

intended or used to advertise, to inform or to attract the attention of the traveling public, which is within 660 feet and visible or beyond 660 feet and visible and erected with the purpose of being read from the main traveled way of any state highway.

(11) "Primary system" means that portion of connected main highways of this State officially designated as such, or as may hereafter be designated as such, by the Department and approved by the Secretary of Transportation of the United States, pursuant to Title 23, United States Code, "Highways."

(12) "Rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public.

(13) "Unzoned commercial or industrial areas" means those areas not zoned by any state, county or local ordinance or regulation on which there are located 1 or more permanent structures devoted to a business or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 800 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of the pavement of the highway.

(14) "Urban areas" means and includes those areas designated as such by the Bureau of the Census and whose boundaries have been approved by the Secretary of the United States Department of Transportation.

(15) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(16) "Zoned commercial or industrial areas" means those areas which are zoned for business, industry, commerce or trade pursuant to a state or local zoning ordinance or regulation, except that those areas beyond 660 feet outside urban areas shall not be recognized as commercial, industrial, unzoned commercial or unzoned industrial in the application of this chapter.

(42 Del. Laws, c. 182, § 1; 17 Del. C. 1953, § 1102; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 1, 2; 60 Del. Laws, c. 290, § 1; 61 Del. Laws, c. 262, §§ 1-6; 79 Del. Laws, c. 320, § 1.)

§ 1103 Enforcement of chapter; rules and regulations; examinations; territorial limitations.

(a) The Department shall:

(1) Enforce this chapter; and

(2) Make, publish and enforce such regulations for the proper control and restriction of outdoor advertising signs, displays and devices as may be necessary or advisable to implement the policy and accomplish the purposes of this chapter.

(b) All employees of the Department, or any peace officer of this State, when so directed by the Department or its officers, may enter into and upon any land or building to make any examination or survey which the Department deems necessary to the effective administration of this chapter or to enforce this chapter.

(c) This chapter shall apply only to outdoor advertising signs, displays and devices situate outside the corporate limits of any incorporated city or town in this State and to those outdoor advertising signs, displays and devices situate in controlled areas within such corporate limits.

(42 Del. Laws, c. 182, §§ 2, 14; 17 Del. C. 1953, § 1103; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, § 7; 61 Del. Laws, c. 262, § 7.)

§ 1104 Application and issuance of permits; revocation.

(a) Except as otherwise provided, no person, whether engaged in the business of outdoor advertising or not, shall erect, maintain or display any outdoor advertising sign, display or device, above or upon real property, without first obtaining a permit from the Department.

(b) A separate application for a permit shall be made for each separate outdoor advertising sign, display or device on a form furnished by the Department, which application shall contain such information as it may require. For the purpose of this subsection, each single sign panel or face shall be interpreted as constituting an outdoor advertising sign, display or device. Each application shall be accompanied by the written consent of the owner or tenant of the real property upon which such sign, display or device is to be erected or maintained. No new application shall be made for a permit to maintain any existing outdoor advertising sign, display or device or to renew a permit.

(c) The Department, in accordance with this chapter, shall issue or renew permits for a period of at least 1 year for the erection and maintenance of all types of outdoor advertising signs, displays and devices; provided, however, that all new permits issued shall expire at the next regular renewal period established by the Department. No permit shall be issued for the erection or construction of any sign which would be in violation of local law or ordinance at the time application is filed.

(d) The Department may establish and collect fees for the issuance of permits and renewals thereof. The amount of such charge shall be so fixed as to provide the Department with the funds deemed necessary by it to defray the costs of the administration of this chapter.

(e) When an application for a permit or for a renewal thereof is made by a nonresident or by a foreign corporation engaged in the business of outdoor advertising, the Department, at its discretion, as a condition to the issuance of such permit or renewal, may require such corporation to deposit with the Department a bond, in an amount and with surety to be approved by the Department, to secure such corporation's compliance with this chapter.

(f) All sign permits issued under this section shall terminate and become void if the sign structure for which the permit is issued is not under construction within 6 months and is not fully constructed in full compliance with the terms of this chapter within 1 year after its issuance. Under no circumstances shall there be any refund of a permit fee which has become void.

(42 Del. Laws, c. 182, § 3; 17 Del. C. 1953, § 1104; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 8, 9; 61 Del. Laws, c. 262, §§ 8-10.)

§ 1105 Advertising identification.

The Department shall require that each outdoor advertising sign, display or device shall bear an identifying tag or plate to be issued by the Department, and, upon erection shall bear the name of the party responsible for the erection and maintenance of the sign and the Department shall make provisions for the details thereof.

(42 Del. Laws, c. 182, § 4; 17 Del. C. 1953, § 1105; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 60 Del. Laws, c. 290, § 3; 61 Del. Laws, c. 262, § 11.)

§ 1106 Removal upon expiration or revocation of permit.

All outdoor advertising signs, displays and devices shall be removed by the outdoor advertiser or other person erecting, owning, maintaining or displaying the same, or, in the event of that person's default, by the owner or tenant of the premises upon which any such sign, display or device is located, within 30 days from the date of the expiration or revocation of the permit for the same.

(42 Del. Laws, c. 182, § 5; 17 Del. C. 1953, § 1106; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 70 Del. Laws, c. 186, § 1.)

§ 1107 Unlawful to remove or damage road markers, etc., or place advertising on highways.

(a) No person shall willfully or maliciously displace, remove, destroy or injure a mileboard, milestone, danger sign or signal, guide sign or guide post or any inscription thereon, lawfully within the right-of-way of a public highway.

(b) No person shall in any manner paint, print, place, put or affix any outdoor advertising, outdoor advertising signs, displays or devices upon or to any rock, stone, tree, fence, stump, pole, milestone, danger signal, guide sign, guide post, building or other object lawfully within the right-of-way of any public highway.

(42 Del. Laws, c. 182, § 7; 17 Del. C. 1953, § 1107; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 61 Del. Laws, c. 262, § 12.)

§ 1108 Location and condition of advertising regulated.

(a) Subject to subsection (c) of this section, no outdoor advertising sign, display or device, except a directional, gateway, or warning sign, official sign or notice erected by or with the approval of the Department, shall be erected subsequent to July 14, 1969, within 25 feet of the right-of-way line of any public highway if visible from any portion of the same.

(b) Subject to subsection (c) and subsection (d) of this section, no outdoor advertising sign, display or device, except a gateway sign or historical marker erected with the approval of the Department, shall be erected or maintained:

- (1) On the right-of-way of any public highways;
- (2) Within 25 feet of any public playground, school or church if visible from any portion of the same;
- (3) Upon the inside curves or at or near a railroad crossing or a highway intersection, if such would obstruct or interfere with the view of a train, locomotive, streetcar or other vehicle at or approaching such crossing or intersection or so as to obstruct the view of such intersection or crossing or of a turn or a sharp change in alignment or in any manner dangerous to the public;
- (4) If such sign, display or device is obsolete or is not in good physical condition;
- (5) If such sign, display or device is not securely affixed to a substantial structure or in any way endangers traffic on any public highway.

(c) Subsection (a) of this section shall not apply to outdoor advertising signs, displays or devices which advertise the sale or lease of, or activities conducted upon, the real property where they are located, or any outdoor advertising signs displayed on any school bus waiting shelter located and approved by the State Department of Education.

(d) Beautification/landscape planting sponsorship signs located within the right-of-way of any public highway shall be erected or placed as defined below and as such are exempt from this chapter and section:

- (1) Signs under the above provision denoting the name of the person or persons or organization sponsoring/or donating, planting and/or maintaining beautification/landscape projects shall require an approved right-of-way use agreement issued by the Department of Transportation;
- (2) Such signs shall not exceed 6 square feet and shall be constructed, painted and lettered according to standards for material and fabrication as required by the Department of Transportation.

(42 Del. Laws, c. 182, §§ 6, 11; 17 Del. C. 1953, § 1108; 53 Del. Laws, c. 87, § 1; 55 Del. Laws, c. 407; 56 Del. Laws, c. 178; 56 Del. Laws, c. 351, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 10, 11; 61 Del. Laws, c. 262, §§ 13-15; 62 Del. Laws, c. 267, §§ 1, 2; 71 Del. Laws, c. 318, § 1; 79 Del. Laws, c. 320, § 1; 80 Del. Laws, c. 23, § 1.)

§ 1109 Forbidden advertising.

No outdoor advertising signs, displays or devices shall display copy which violates any federal or state law, or which is offensive to the moral standards of the community at the time the copy is offered for display, or which is false, misleading or deceptive.

(42 Del. Laws, c. 182, § 10; 17 Del. C. 1953, § 1109; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1110 Delaware Byways Program.

In order to provide criteria for the size, spacing and lighting of signs which effectively control the erection of outdoor advertising signs, displays and devices erected subsequent to July 14, 1969, other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, the Department establishes the following criteria for use in making, publishing and enforcing regulations:

(1) In zoned commercial and industrial areas, the Department shall certify to the administrator as notice of effective control that there have been established within such areas regulations which are effective and are enforced with respect to the size, lighting and spacing of outdoor advertising signs, displays and devices. In such areas, the size, lighting and spacing requirements set forth below shall not apply.

(2) In all other zoned and unzoned commercial and industrial areas, the criteria set forth below shall apply:

a. *Construction of signs.* —

1. The maximum area for any 1 sign shall be 1,200 square feet with a maximum height of 25 feet and maximum length of 60 feet, inclusive of any border and trim but excluding ornamental base or apron, supports and other structural members.

2. The area of the sign shall be computed by the sign maker utilizing the most practical method which encompasses the entire sign and this data shall be submitted to the Division of Highways upon application for permit.

3. A sign structure may contain 1 or 2 signs per facing and 2 sign facings may be placed back to back or V-type at 1 location but in no event shall the total area of any facing exceed 1,200 square feet.

4. A sign which exceeds 600 square feet in area may not be on the same sign facing with any other sign.

5. All newly erected, rebuilt or replaced sign structures shall be constructed in accordance with the applicable wind pressure standards of the local building code, or, in the absence of such requirement, shall be constructed to withstand a minimum wind pressure of 25 pounds per square foot.

b. *Spacing of signs.* —

1. *Interstate and federal aid primary highways.* — Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic. Except for roof signs, wall signs and free standing signs against the wall of a building, no ground sign shall be placed within 35 feet of either highway right-of-way at an intersection where they converge, unless the base of such sign shall be at least 8 feet above ground level or road bed, whichever is higher.

2. *Interstate highways and controlled access highways on the federal aid primary system.* —

A. No 2 structures shall be spaced less than 500 feet apart.

B. Outside of incorporated cities and towns, no structure may be located within 500 feet of an interchange, intersection at grade, rest area or information center (measured along the interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

3. *Noncontrolled access federal aid primary highways.* —

A. Outside of incorporated cities and towns, no 2 structures shall be spaced less than 300 feet apart.

B. Within incorporated cities and towns, no 2 structures shall be spaced less than 100 feet apart.

4. The above spacing-between-structures provisions do not apply to structures separated by buildings or other obstructions in such a manner that only 1 sign facing located within the above spacing distances is visible from the highway at any 1 time.

5. Official and "on premise" signs, as defined in subsection (c) of § 131 of Title 23, United States Code, and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

6. The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

c. *Lighting.* — Signs may be illuminated, subject to the following restrictions.

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or traffic conditions, or as defined in paragraph (2)c.5. of this section.

2. Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of an interstate or federal-aid primary highway and which are of such intensity or brilliance as to cause glare or to impair the vision of a driver of a motor vehicle or which otherwise obscure or interfere with a driver's operation of a motor vehicle are prohibited.

3. A sign may not be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic control device such as a sign or signal.

4. All lighting is subject to any other provisions of law relating to the lighting of signs presently applicable to all highways under the jurisdiction of the State.

5. Notwithstanding the provisions of paragraphs (2)c.1. through (2)c.4. of this section, signs commonly known as variable message signs may be changed at intervals by electronic or mechanical process or remote control, and are permitted within 660 feet of the edge of the right-of-way of any interstate or federal-aid primary highway so designated as of June 1, 1991, and of the National Highway System. These variable message signs are permitted, except as prohibited by local ordinance or zoning regulation or by the Delaware federal-state outdoor advertising agreement of May 1, 1968, and are not considered to be in violation of flashing, intermittent, or moving lights criteria provided that:

A. Each message remains fixed for a minimum of at least 10 seconds.

B. When the message is changed, it must be accomplished in 1 second or less, with all moving parts or illumination changing simultaneously and in unison.

C. A variable message sign along the same roadway and facing in the same direction of travel may not be placed, as measured along the centerline of the roadway, within 2,500 feet of another variable message sign, or within 500 feet of a static billboard sign regulated by this section, or within 1,000 feet of an interchange, interstate junction of merging or diverging traffic, or an at-grade intersection.

D. A variable message sign must contain a default design that will freeze the sign in 1 position if a malfunction occurs or, in the alternative, that will shut down.

E. A variable message sign may not contain or display any lights, effects, or messages that flash, move, appear to be animated or to move, scroll, or change in intensity during the fixed display period. A variable message sign must appropriately adjust display brightness as ambient light levels change.

F. A sign that attempts or appears to attempt to direct the movement of traffic or which contains wording, color, shapes, or likenesses of official traffic control devices is prohibited.

G. A sign may not be placed along designated Delaware byways.

d. The State and local political subdivisions shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes and the action of the State and local political subdivisions in this regard will be accepted for the purposes of this chapter. At any time that a political subdivision adopts regulations which include the size, lighting and spacing of outdoor advertising, the State shall so certify to the administrator and control of outdoor advertising in commercial or industrial areas will transfer to paragraph (1) of this section.

(17 Del. C. 1953, § 1110; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 3-6; 60 Del. Laws, c. 290, § 2; 61 Del. Laws, c. 262, § 16; 76 Del. Laws, c. 144, § 1; 77 Del. Laws, c. 367, § 1.)

§ 1111 Public nuisance; abatement.

(a) Any outdoor advertising sign, display or device which is erected or maintained in violation of this chapter or any regulations lawfully adopted pursuant to this chapter is declared to be a public nuisance and may be forthwith removed, obliterated or abated by the Department, its employees or any peace officer of this State, when such violation is not corrected after 30 days' written notice of the violation to the owner of the sign, display or device or to the owner, lessee or occupant of the land upon which the sign, display or device is located. All costs incurred by the Department in abating a nuisance pursuant to this section shall be the responsibility of the owner of the sign, display or device and the Department shall have an action at law to recover such costs, as well as the expenses of suit.

When any sign is damaged, or falls into disrepair to the extent that obvious repairs are needed, the owner shall be notified in writing by the Department to make all necessary repairs. If the sign is not repaired, rebuilt or removed within 30 days of the notification, the applicable sign permit shall lapse and become null and void.

(b) Any person, business or company which knowingly paints, builds and erects or maintains an outdoor advertising sign without a permit shall be in violation of the chapter.

(c)(1) Any outdoor advertising sign, display or device which is erected or maintained in violation of § 1108(b)(1) of this title shall be subject to immediate removal and the other enforcement provisions of § 525 of this title, without regard to the clear zone distance limitations of that section.

(2) Paragraph (c)(1) of this section shall not apply during the 30-day period immediately preceding and the 30-day period after an election administered pursuant to Title 15, in those election districts affected by such election or elections.

(42 Del. Laws, c. 182, § 13; 17 Del. C. 1953, § 1111; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, § 12; 60 Del. Laws, c. 290, §§ 4, 5; 75 Del. Laws, c. 98, § 124.)

§ 1112 Injunctive relief.

The Department or any taxpayer may maintain an action for an injunction to restrain any violation or threatened violation of this chapter or of any regulation lawfully adopted pursuant thereto.

(42 Del. Laws, c. 182, § 13; 17 Del. C. 1953, § 1112; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1113 Penalties.

Whoever violates this chapter or any regulation lawfully adopted pursuant to this chapter shall be fined not less than \$10 nor more than \$50.

Each day that a violation is allowed to continue after 30 days' written notice of its existence shall constitute a separate offense.

(42 Del. Laws, c. 182, § 13; 17 Del. C. 1953, § 1113; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1114 Signs excepted from provisions of this subchapter.

The classes of signs described below are excepted from all provisions of this subchapter other than the provisions of § 1103(a)(2) insofar as those provisions may be implemented by regulations controlling and restricting outdoor advertising signs, displays and devices in controlled areas:

- (1) Outdoor advertising signs, displays and devices 32 square feet or less erected or maintained upon real property and placed on the premises to identify a business conducted thereon.
- (2) Outdoor advertising signs, displays and devices (containing 12 square feet or less in areas zoned residential or 32 square feet or less in areas zoned otherwise) upon real property stating that the property, or a part thereof, is for sale or for rent.
- (3) A notice or advertisement required by law in any legal proceeding or put upon the property by public authority.
- (4) A danger or precautionary sign containing 2 square feet or less relating to the premises or a sign warning of the condition of or danger of travel on a highway.
- (5) Any notice or sign of any railroad or other transportation or transmission or communication company necessary for the direction or information or safety of the public.
- (6) Any sign containing 6 square feet or less and directing travelers to any town, village, city, historical site or attractions, provided the same is maintained at public expense.
- (7) Nonofficial signs displayed on transit shelters under contracts approved by the Department.

(42 Del. Laws, c. 182, § 8; 17 Del. C. 1953, § 1114; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 60 Del. Laws, c. 290, § 6; 61 Del. Laws, c. 262, §§ 17, 18; 63 Del. Laws, c. 178, §§ 1, 2; 71 Del. Laws, c. 318, §§ 2, 3.)

§§ 1115 -1119. [Reserved.]

§ 1120 Severability.

If any exception, section, part, phrase, or provision of this chapter or the application thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the exception, section, part, phrase, provision, or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the remainder of this chapter or the application thereof.

(71 Del. Laws, c. 318, § 4.)

Subchapter II

Areas Adjacent to Highways of the Interstate and Primary Systems

§ 1121 Limitations of outdoor advertising in controlled areas.

Subject to § 1122 of this title, no outdoor advertising sign, display or device, any part of the advertising, informative or attention attracting contents of which is visible from the main traveled way of a highway of the interstate system or primary system, shall be erected or maintained within a controlled area, unless it shall come within 1 or more of the following categories:

- (1) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historic attractions as authorized or required by the laws of this State;
- (2) Signs, displays and devices advertising the sale or lease of the real property upon which they are located;
- (3) Signs, displays and devices advertising activities conducted on the real property upon which they are located;
- (4) Signs, displays and devices located either:
 - a. In controlled areas adjacent to the interstate system and within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property is subject to municipal regulation and control, which are zoned industrial or commercial; or
 - b. In other controlled areas adjacent to the interstate system zoned industrial or commercial which were zoned industrial or commercial as of September 21, 1959;
- (5) Signs, displays and devices located in controlled areas adjacent to highways of the primary system which are zoned industrial or commercial;
- (6) Signs, displays and devices located in unzoned commercial and industrial controlled areas adjacent to highways of the primary system and defined by regulations to be promulgated by the Department;
- (7) Any school bus waiting shelter displaying a sign provided such sign does not exceed 32 square feet in area and with a limit of 2 signs per shelter. Should the State Department of Education determine that there is no longer a need for a waiting shelter at its present location, the exemption provided by this paragraph shall then terminate.

Such outdoor advertising signs, displays and devices as are permitted in controlled areas under this section shall be erected and maintained only in conformity with such applicable regulations as may be promulgated by the Department under § 1103 of this title.

(17 Del. C. 1953, § 1121; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, § 13; 61 Del. Laws, c. 262, §§ 19-21; 71 Del. Laws, c. 318, § 5.)

§ 1122 Removal of nonconforming advertising; fair compensation.

(a) Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays and devices:

- (1) Those lawfully in existence on July 14, 1969;
- (2) Those lawfully on any highway made a part of the interstate or federal-aid primary system on or after July 14, 1969; and
- (3) Those lawfully erected on or after July 14, 1969.

(b) The Department is authorized to acquire the necessary right in and to property and is directed to pay compensation therefor in the same manner as with other property acquired for state highway purposes with respect to the foregoing outdoor advertising signs, displays and devices. The compensation to be paid shall be for the following:

- (1) The taking from the owner of such sign, display or device of all right, title, leasehold and interest in such sign, display and device; and
- (2) The taking from the owner of the real property on which such sign, display or device is located, of the right to erect and maintain such signs, displays or devices thereon. Notwithstanding these provisions, no rights in and to property shall be acquired with respect to any outdoor advertising sign, display or device except to the extent that federal funds authorized to be appropriated pursuant to the federal Highway Beautification Act of 1965, as amended, to reimburse the State for 75% of the cost thereof, are in fact appropriated and allocated to the State for that purpose.

(17 Del. C. 1953, § 1122; 57 Del. Laws, c. 276.)

§ 1123 Advertising in rest areas.

In order to provide information in the specific interest of the traveling public, the Department is authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at rest areas and to establish information centers in such areas for the purpose of informing the public of places of interest within the State and providing such other information as may be considered desirable, provided, however, that no such information centers shall be established within controlled areas adjacent to the interstate system without the approval of the Secretary of Transportation of the United States.

(17 Del. C. 1953, § 1123; 57 Del. Laws, c. 276; 61 Del. Laws, c. 262, § 22.)

§ 1124 Signs, displays and devices providing information for the traveling public; location.

Signs, displays and devices giving specific information in the interest of the traveling public may be erected and maintained, pursuant to agreement between the Department and the Secretary of Transportation of the United States, within the right-of-way of highways of the interstate system, at appropriate distances from interchanges on such systems.

(17 Del. C. 1953, § 1124; 57 Del. Laws, c. 276.)

§ 1125 Agreements with federal government or agencies.

The Department may enter into agreements, consistent with this chapter, with the Secretary of Transportation of the United States relating to the control of outdoor advertising in controlled areas and take action in the name of the State to comply with the terms of such agreements.

The Department may accept allotment of funds by the United States, or any department or agency thereof, authorized by the Federal-Aid Highway Act of 1958, or any subsequent legislation supplementary to or amending such Act, in connection with any agreement entered into by the Department and the Secretary of Transportation of the United States relating to the control of outdoor advertising in controlled areas adjacent to the interstate and/or primary system.

(17 Del. C. 1953, § 1125; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 61 Del. Laws, c. 262, § 23.)

§ 1126 Relationship of subchapter to other provisions of chapter.

The provisions of this subchapter relating to the regulation of outdoor advertising in controlled areas are in addition to, and not in lieu of, subchapter I of this chapter.

(61 Del. Laws, c. 262, § 24.)

Subchapter III

Limited Access, State Toll Roads

§ 1131 Limitations of outdoor advertising along limited access, state toll roads.

The provisions of subchapter II of this chapter shall be applicable to any limited access, state toll road in this State.

(68 Del. Laws, c. 417, § 1.)

§ 1132 Sign limitations on state toll highways.

(a) Notwithstanding any other provisions of this Code to the contrary, variable message signs (VMS) may not be erected or placed, facing in the same direction of travel, and directed toward and able to be read by travelers along state toll highways, within 1,000 feet of any toll highway listed in subsection (c) of this section, except for those signs installed within the rights-of-way of a toll highway for official Department use.

(b) As used in this section, "variable message sign" ("VMS") means a sign or portion of a sign on which the message copy includes characters, letters, or illustrations that can be changed or rearranged electronically or mechanically without touching or physically altering the primary surface of the sign. Message copy for a VMS may be changed in the field or from a remote location.

(c) The provisions of this section apply to the following: the portion of State Route 1 running from the point at which it merges with U.S. Route 13 below State Route 71 to the point where it merges with the southbound on-ramp of State Route 9.

(78 Del. Laws, c. 138, § 1.)

NOTICE OF PUBLIC HEARINGS
PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 18, 2018
CITY COUNCIL PUBLIC HEARING: OCTOBER 22, 2018

The City of Milford Planning Commission will hold a Public Hearing on **Tuesday, September 18, 2018** at 7:00 pm to hear evidence from interested parties and make a recommendation to City Council regarding the ordinance. The City of Milford City Council will hold a Public Hearing on **Monday, October 22, 2018** at 7:00 pm to hear evidence from interested parties and make a final determination regarding the ordinance.

All Public Hearings are held in the Joseph Ronnie Rogers Council Chambers, Milford City Hall, 201 South Walnut Street, Milford, Delaware.

Bayhealth Medical Center Inc for a Final Major Subdivision
168.48 +/- acres in an IS Zoning District
Property is located at 100 Wellness Way, Milford, Delaware.
Present Use: Vacant Land
Proposed Use: Medical Office Building
Tax Map 3-30-15.00-058.00

All interested parties are hereby notified to be present for the review and recommendation by the Planning Commission to City Council and express their views before a final decision is rendered by City Council. If unable to attend the hearings, written comments will be accepted up to one week prior to the hearings.

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.

By: Christine Crouch, CMC
Deputy City Clerk

Advertised: Beacon 08/29/18

DATA SHEET FOR BAYHEALTH MEDICAL CENTER, INC.

Planning Commission Meeting: September 18, 2018

Application Number / Name	:	17-025 / Bayhealth Medical Center, Inc.
Applicant	:	Bayhealth, Inc. 640 S. Staet Street Dover, DE 19901
Owner	:	Bayhealth Medical Center, Inc. 640 S. State Street Dover, DE 19901
Application Type	:	Final Major Subdivision
Comprehensive Plan Designation	:	Employment
Zoning District	:	IS – Institutional Service District
Present Use	:	Vacant
Proposed Use	:	Medical Office Building
Area and Location	:	168.48 +/- acres of land located within the Southeast Neighborhood between Wilkins Road, Cedar Creek Road, Johnson Road and Elks Lodge Road.
Property Identification Numbers	:	3-30-15.00-058.00

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



STAFF ANALYSIS REPORT
August 20, 2018

Application Number / Name	:	17-025 / Bayhealth Medical Center, Inc.
Application Type	:	Final Major Subdivision
Comprehensive Plan Designation	:	Employment
Zoning District	:	IS – Institutional Service District
Present Use	:	Vacant
Proposed Use	:	Medical Office Building
Property Identification Numbers	:	3-30-15.00-058.00
Area and Location	:	168.48 +/- acres of land located in the Southeast Neighborhood between Wilkins Road, Cedar Creek Road, Johnson Road and Elks Lodge Road.

I. BACKGROUND INFORMATION:

- The applicant proposes to subdivide the 168 +/- acre parcel into two parcels of land in order to separate the hospital use from the remainder of the institutional uses on the health campus. Lot 1 will include approximately 39 acres and the hospital building. Lot 2 will comprise of approximately 128 acres of vacant land where the remainder of the health campus will be developed. There is a pending site plan for Lot 2 for the Bayhealth/Nemours medical office building.
- The applicant received preliminary site plan approval from City Council on February 26, 2018.

II. STAFF ANALYSIS:

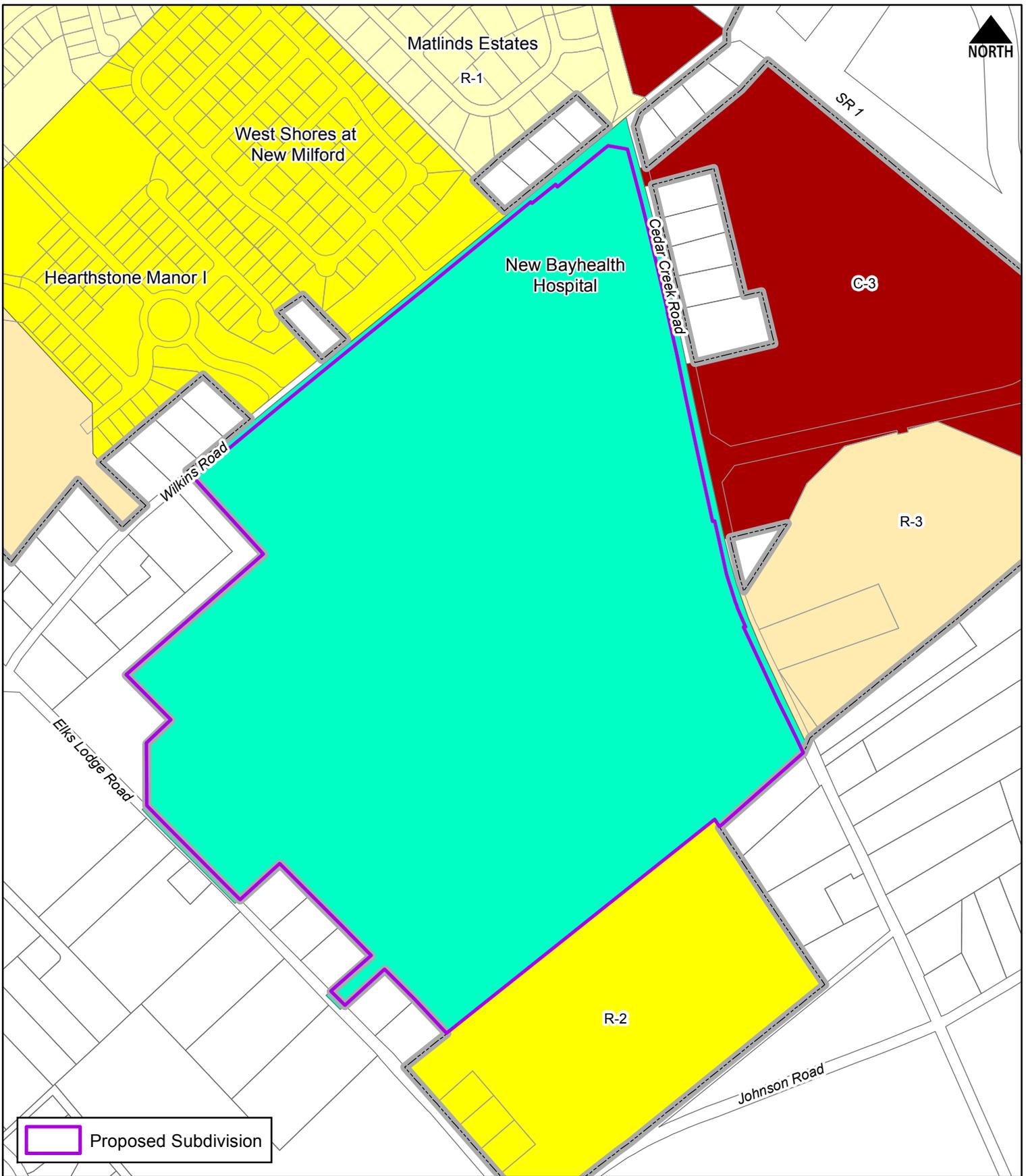
Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for Final Major Subdivision approval:

- The Final Major Subdivision is consistent with Chapter 230 Zoning and Chapter 200 Subdivision of Land of the City Code.

- The applicant has obtained approvals or letters of no-objection from DelDOT and Sussex Conservation District.

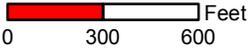
III. AGENCY & DEPARTMENT COMMENTS:

- **DelDOT Planning, Development Coordination**
See attached for “Letter of No-Objection to Recordation” dated August 16, 2018.
- **Sussex Conservation District**
See attached “Letter of No-objection” dated May 4, 2018.



 Proposed Subdivision


 THE CITY of
Milford
 DELAWARE

Scale:  Feet
 0 300 600

Drawn by: WRP Date: 04/10/18

Title:

Final Major Subdivision
Bayhealth Medical Center, Inc.
Location & Zoning Map

Filepath: FinalSub_Bayhealth.mxd



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

August 16, 2018

Ms. Janelle Cornwell, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

**SUBJECT: Minor Subdivision - Letter of No Objection to Recordation
Bayhealth Medical Center, Inc.
Tax Parcel # 330-15.00-58.00
SCR206 WILKENS ROAD
SCR212 CEDAR CREEK ROAD
Milford, Cedar Creek Hundred, Sussex County**

Dear Ms. Cornwell:

The Department of Transportation has reviewed the Minor Subdivision Plan dated November 17, 2017 (last revised August 14, 2018), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

Entrances(s) must be installed prior to the sale of the lot(s). All entrances shall conform to DelDOT's Development Coordination Manual and shall be subject to its approval. **This letter does not authorize the commencement of entrance construction.**

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel



Bayhealth Medical Center, Inc.
Ms. Janelle Cornwell
Page 2
August 16, 2018

that jurisdiction to modify or reject this proposed plan even though DeIDOT has established that these enumerated transportation improvements are acceptable.

The owner shall be responsible to submit a copy of the **recorded Minor Subdivision Plan** showing all appropriate signatures, seals, plot book and page number to the South District Public Works office (302) 853-1341 in order to obtain the entrance permit(s) for the proposed minor subdivision.

Sincerely,



Joshua Schwartz
Kent County Reviewer
Development Coordination

cc: Steve Fortunato, Becker Morgan Group, Inc.
Rusty Warrington, Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
William Kirsch, South District Entrance Permit Supervisor
Shannon Anderson, South District Public Work Admin Specialist
Todd Sammons, Subdivision Engineer, County Reviewer
Steve Sisson, Sussex County Review Coordinator



May 4, 2018

Mr. Steve Fortunato
Becker Morgan Group, Inc.
309 S. Governors Avenue
Dover, Delaware 19904

RE: **Bayhealth Medical Campus Subdivision Plat
Milford, DE**

Mr. Fortunato:

Sussex Conservation District has reviewed the Subdivision Plat plan and Draft Declaration of Easement document submitted for the above referenced project by email on May 03, 2018. The District has no objection to the subdivision of the parcel as shown in the exhibit.

If you should have any questions concerning these comments, please do not hesitate to call.

Sincerely,

SUSSEX CONSERVATION DISTRICT

Jim Elliott

Jim Elliott
Sediment & Stormwater Reviewer

CC:

CITY OF MILFORD
PLANNING COMMISSION
Minutes of Meeting
January 16, 2018

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, DE on Tuesday, January 16, 2018.

PRESIDING: Chairman Marvin Sharp

IN ATTENDANCE: Ed Holloway, Andrew Fulton, Sara Pletcher, Raymond Lynch, Michael Boyle
Also: City Solicitor David N. Rutt, Esq., Planning & Economic Activities Coordinator Rob Pierce, Recording Secretary Carlene Wilson

Chairman Sharp called the public hearing to order at 7:04 pm noting the absence of Rae Mims.

Coordinator Pierce read the Public Hearing procedures into the record.

The procedure of the public hearing at each Planning Commission meeting shall be as follows:

- a) The Chair calls the public hearing to order.
- b) The Chair calls on the City Planner or designee to read or explain the City's public hearing procedure.
- c) The Chair identifies the application by name and number.
- d) The Chair calls for the City Planner or designee to establish the hearing has been advertised as required by law and provides explanation of the application.
- e) The Chair calls for the applicant or their representative to present the application.
- f) The Chair accepts testimony from all those who favor the application.
- g) The Chair accepts testimony from all those who oppose the application.
- h) The Chair accepts testimony from all those who neither in favor nor opposed to the application, but wish to provide relevant information.
- i) During the receipt of testimony, individual Commissioners may interrupt the person speaking from time to time in order to ask questions of clarification, provided he/she receives permission from the Chair. Others may also wish to do so and will be given that opportunity after first receiving recognition from the Chair.
- j) Not more than one person may speak at a time.
- k) When everyone has had an opportunity to speak, the Chair declares the public hearing on the application closed.
- l) The Commissioners discuss the application based on the merits presented and the Chair will call for a motion.

*Bayhealth Medical Center Inc for a Preliminary Major Subdivision
of 168.48+/- acres in an I-S District at
Wilkins Road, Milford, Delaware.
Tax Map 3-30-15.00-058.00*

Coordinator Pierce referred to the Staff Report included in the packet, stating the applicant proposes to subdivide the 168 +/- acre parcel into two parcels of land with the intention of separating the hospital use from the remainder of the uses on the health campus. Lot 1 will include approximately 39 acres and the hospital/medical center. Lot 2 will comprise of approximately 128 acres of vacant land where the remainder of the health campus will be developed.

Mr. Greg Moore with Becker Morgan Group was present on behalf of the applicant. Mr. Moore confirmed what Coordinator Pierce has already stated.

Chairman Sharp called for public comment and hearing none closed the public comment.

Mr. Holloway moved to recommend approval of the application as presented, seconded by Mr. Fulton. Motion carried following a poll of the commission.

Chairman Sharp called the regular meeting to order at 7:12 pm and moved the order of business to Minutes, Bayhealth, Dunn Development, then State of Delaware.

APPROVAL OF MINUTES

The minutes from the September and December meetings were approved as submitted.

NEW BUSINESS

Bayhealth Medical Center Inc; Project 17-025

Preliminary Site Plan

Wilkins Road

Tax Map 3-30-15.00-058.00 (p/o)

Zoning: IS (Institutional Service District)

Coordinator Pierce read the specifics of plan per the Data Sheet and Staff Recommendation Report included the packet, which read in part as follows:

- The applicant proposes to construct a new 85,000 square foot medical office building just south of the new hospital site, on lands owned by Bayhealth Medical Center, Inc. The proposed site is located south of the proposed entrance on Cedar Creek Road, between Wellness Way and the stormwater management pond for the health campus.
- The applicant proposes to subdivide the 168 +/- acre health campus parcel, separating the hospital use from other uses on the property. The proposed building will be placed on the newly created parcel.

Based on the information presented, the City of Milford Code, the Comprehensive Plan, and the Southeast Master Plan, Coordinator Pierce submits the following regarding the request for the Preliminary Site Plan:

- The Preliminary Site Plan is consistent with Chapter 230 – Zoning and meets use and area regulations, parking and loading requirements and landscape screening requirements.

- Coordinator Pierce recommends the applicant modify the stopping configuration for the main intersection within the site by adding a stop sign for the incoming traffic. Coordinator Pierce believes there is enough room in these travel lanes to allow for stacking and would make the intersection safer.
- Coordinator Pierce recommends the applicant provide a left turn lane on Wellness Way for traffic wishing to enter the site from the east. This may require modifying the planned left turn lane heading east on Wellness Way approaching the stop sign at Cedar Creek Road.
- The following comments must be addressed prior to final site plan approval:
 - o Final Site Plan approval will require approvals or no objection letters from DelDOT, the State Fire Marshal's Office, Office of Drinking Water and Sussex Conservation District.
 - o Applicant must obtain final approval of engineering plans from the City Engineer and the Public Works Department.
 - o Address any additional department and outside agency comments.

Mr. Fulton confirmed all of these items need to be addressed before final site plan is submitted.

Mr. Boyle questioned the number of vehicle trips the opening of the hospital will generate. Coordinator Pierce replied the applicant is working with DelDOT now to determine this. Mr. Greg Moore with Becker Morgan Group stated there are three entrances into the hospital and traffic will be split between them, depending on where the vehicle is coming from and where going to in the hospital. Their hope is there will be a light at Cedar Creek Rd/Wellness Way. There is a two-lane system coming in off Cedar Creek Rd, which he feels is adequate to allow a right turn into the hospital or a left turn into Nemours.

Mr. Lynch asked what percent of traffic coming into the site will come from Cedar Creek Rd. 70% according to Mr. Moore, who referenced a breakdown DelDOT provided.

Mr. Fulton questioned what services will be in the Nemours building. Mr. Moore replied it will be a medical office building, so the Nemours program will take the first floor, Bayhealth will use the second floor and a mix of specialty services on the third floor.

Mr. Lynch referenced the sidewalk or walking trail to nowhere. It doesn't extend to the southern property line of the new facility and asked why. In addition, he would like to see it loop around to other sidewalks. Mr. Moore stated his discussions with DelDOT is to extend that down to the wetlands and stop there for this phase. Mr. Lynch stated the site plan does not show that. Mr. Moore stated he believes it will go past that and that will be part of DelDOT's review as part of the entrance plan because that is going to be a DelDOT facility that's part of the entire frontage, shared use path, they call it. Mr. Lynch asked if it will connect to any other trails on the site to which Mr. Moore replied there are longer term plans to create trails through the site, but have not been developed yet. Mr. Lynch understands the approval was to create the walking trails as developed, but he's going to be dead by the time the property is fully developed. Mr. Moore reiterated additional trails are being planned and he is working with Bayhealth to decide where they will go including in and around the main circle.

The Nemours project is being done as a separate project from Bayhealth. Nemours is the major tenant and it will be a land lease by Bayhealth to Nemours and Bayhealth will also occupy the building. There are a number of tenants in the building and that's why he is not trying to develop the rest of the site. Bayhealth will take that on as it... Mr. Lynch asked if the plan is to continue to subdivide off the 128 acres down the road.

Mr. Moore replied no, it will be to lease parcels to entities that want to be in the campus and this is the first lease being entertained. He stated they do not plan to subdivide additional parcels.

Mr. Fulton moved to accept the preliminary site plan as presented, seconded by Mr. Lynch. Motion carried unanimously following a poll of the commission.

*Morris & Ritchie Associates Inc on behalf of Dunn Development LLC; Project 13-196
Extension 4 / Preliminary Site Plan & Preliminary Major Subdivision
Milford-Harrington Highway
Tax Map MD-16-173.00-01-21.00; -22.00
Zoning: R8 (Garden Apartment and Townhouse District)*

Coordinator Pierce referred the commission to the packet containing the letter requesting the extension, a letter approving their last extension, and few pages of their plans. On January 5, 2018 the applicant filed for their final subdivision and final site plan approval, and the City Engineer is reviewing them. Once outside agency approvals have been submitted to the City, the final approval can be placed on the appropriate agendas.

Mr. Boyle confirmed this is the fourth extension request. The reasoning is vague in the request.

Mr. Phil Tolliver with Morris Ritchie Associates on behalf of the owner agreed the project has been around a little while. He reviewed the process the project has gone through from annexation to previous approvals that were then modified to what was preliminarily approved in 2013. He is looking to break ground at the end of 2018 or early 2019.

Mr. Lynch asked what will begin first. Mr. Tolliver replied the apartment area is closest to the entrance off Milford-Harrington Hwy, therefore they will be first. The apartments will be 12 units per building with parking underneath, in addition the clubhouse will be in phase I as well.

Mr. Holloway informed the original annexation was in 2010. The plan we are looking at tonight was originally approved in 2014 and this is now the fourth extension request. Each time, he has asked the same question with the same reply "It's market driven." Mr. Holloway's concern is it will be nine years from concept to construction. He hates to see the commission start setting a precedent where we approve multiple extensions.

In response, Mr. Tolliver pointed out the code has not changed, which is very important, so the plan is still code compliant. And all along, the owners have been paying City taxes. He would love to have started construction by now, but it's up to the developer because it's his money. Finally, the construction drawings have been submitted to the City Engineer for approval, as Coordinator Pierce stated earlier.

Mr. Fulton asked what will change if the stormwater approvals expire. Mr. Tolliver confirmed the changes will be very significant. The site would have to be redesigned from scratch because of the new stormwater codes.

Ms. Pletcher confirmed the apartment will be rentals and asked if a turn lane will be installed on Milford-Harrington Hwy. Mr. Tolliver replied there is a dedicated turn lane.

Mr. Lynch confirmed there is an area for buses to pull off near the entrance.

Solicitor Rutt redirected the commission to the extension request instead of the use as that was addressed during preliminary approval.

Mr. Boyle moved to approve a fourth one-year extension on the application as presented, seconded by Ms. Mims. Motion carried unanimously following a poll of the commission.

*State of Delaware; Project 17-016
Preliminary Site Plan
1161 Airport Road
Tax Map MD-16-174.00-01-05.01 & -06.00
Zoning: I1 (Limited Industrial District)*

Coordinator Pierce read the specifics of plan per the Data Sheet and Staff Recommendation Report included the packet, which read in part as follows:

- The applicant proposes to construct a new 4,160 square foot office building on the existing DNREC Mosquito Control site located at 1161 Airport Road. The site plan includes a new paved parking area in front of the proposed building and expansion of an existing gravel parking area that will be located to the rear of the proposed building. In addition to the proposed principal structure, the State would like to construct a new 32' x 40' accessory building and relocate the existing deer cooler within the front yard area. The proposed accessory building will be located adjacent to an existing storage building to the northwest of the proposed principal structure.
- The Site Plan, as shown, will require variance approvals from the Board of Adjustment (BOA) for the front setback encroachment of the principal structure, the location of the deer cooler in the front yard area, the oversized accessory building, the gravel parking area, the reduction of the front screening area, and the proposed number of parking spaces. These variance applications will be heard by the BOA on January 11, 2018 and will affect the preliminary approval.
- The State must consolidate the two parcels prior to final site plan approval to avoid additional setback encroachments, lot coverage concerns and the need for utility easements.

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

- Aside from the variance requests noted above, the Preliminary Site Plan is consistent with Chapter 230 – Zoning and meets use and area regulations, parking and loading requirements and landscape screening requirements.
- The applicant has requested a waiver from Chapter 197 – Streets and Sidewalks which states “in all new construction sites and subdivisions, the City shall require the building and/or developer to install curb, gutter and sidewalk in cases where no such improvements previously existed or where, if in existing, they are in need of repair...” The applicant requests a waiver from installing sidewalk along Airport Road.
- The following comments must be addressed prior to final site plan approval:
 - o Final Site Plan approval will require approvals or no objection letters from the State Fire Marshal’s Office, Office of Drinking Water and DNREC Sediment and Stormwater Program.
 - o Applicant must obtain final approval of engineering plans from the City Engineer and the Public Works Department.

Coordinator Pierce reported the Board of Adjustment met on January 11, 2018 and approved all seven variance requests.

Mr. Holloway asked who determines the waiver of the sidewalks to which Coordinator Pierce replied that will be a recommendation from the Planning Commission to City Council who will have the final determination.

Jennifer Cinelli, 715 New Street, stated there is a sidewalk that runs in front of Halpren Associates and does not connect to the sidewalk existing on the road, it’s her understanding DelDOT prefers there be sidewalks and walkable streets, so as a resident of Milford, she prefers the sidewalks are required if a state agency is making improvements.

Mr. Lynch stated he looked at the site and there isn’t a need for a sidewalk as there is a sidewalk across the street as well as no connecting sidewalks on either side of the subject property. We would have a sidewalk to nowhere in both directions. The property to the left is in the County.

For clarification, Coordinator Pierce stated there is a sidewalk along the Wal Mart entrance that terminates at the corner and does not run the front of the Halpren property.

Patricia Cannon with RKK Engineers on behalf of the applicant stated overall the plan is the improve operations of Mosquito Control. There is more than ample parking, have received variance approvals, and this is for future improvements.

Solicitor Rutt advised the commission there will need to a motion on the site plan and a separate motion on the sidewalk waiver recommendation.

Mr. Lynch moved to recommend to City Council the approval of the sidewalk waiver, seconded by Ms. Pletcher. Motion carried unanimously following a poll of the commission.

Mr. Fulton moved to approve the preliminary site plan as presented, seconded by Mr. Holloway. Motion carried unanimously following a poll of the commission.

ADJOURN

With no further business, the meeting adjourned at 8:08 pm.

Respectfully submitted,

Christine R. Crouch, CMC
Deputy City Clerk

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 26, 2018

The City Council of the City of Milford met in Workshop Session on Monday, February 26, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:49 p.m.

PRESIDING: Mayor Bryan Shupe

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

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Christopher Mergner and James Starling Sr.

Carlisle Fire Company Report

Joe Mriss was present on behalf of Carlisle Fire Company. He recalled back in June as the City was preparing its budget, they presented some information on the various expenses the company uses the money received from the City.

He is presenting a breakdown of some of the costs incurred throughout the year, specifically on the ambulance side.

Mr. Mriss referred to the following report, stating this covers the first six to seven months from this fiscal year:

AMBULANCE PROFIT/LOSS 2018
1 July 2017 - 22 January 2018

Income

Ambulance Billing	330,871
Appropriations	85,702
TOTAL INCOME	416,573

Expenses:

Salaries	210,799
Payroll Taxes	16,699
Employee Insurance	19,523
Ambulance Billing	25,487
Ambulance Supplies	6,814
Ambulance Maintenance	9,343
Training/IT	678
Fuel	5,600
Money for replacement Ambulance	40,000
TOTAL EXPENSES	334,943

Net Profit 81,630

Ambulance Calls (same time-frame)	1,804
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MAJOR PURCHASES THIS YEAR

Ambulance Building	\$270K
Update SCBA	\$325K

JANUARY Fire Calls	74
JANUARY Ambulance Calls	320

YTD Fire Calls	74
YTD Ambulance Calls	302

Mr. Mriss indicated the \$81,680 net profit is not a realistic figure as that is most likely going to change in the future.

He noted that the ambulance calls during this time (July 2017 - January 2018) is a little more than 1,800. In 2007, there were just over 2,000 ambulance calls for the entire year; in 2012, the company was slightly below 3,000 calls. Based on those figures, they anticipate ambulance calls this year to run between 3,200 and 3,300 or 250 to 260 per month.

From the first of July through the October 2017, there was only one full-time employee, in addition to the Company's secretary. One full-time EMT covered the ambulance and everyone else is a part-time employee.

They have since added a supervisor and are preparing to hire a second full-time employee to ensure the best coverage Monday through Friday 24/7.

Ambulances are presently being rotated every seven years because of the high mileage and use. They do not have long transport times to the hospital in town; however, 200 plus ambulance calls per month add up. The cost for an ambulance is approximately \$200,000.

The cost of the new building will be approximately \$270,000. An order was just placed for all new air bags to meet today's standards that are estimated at \$325,000. Profits are also eaten into by overtime and additional employees.

They have met with the City Manager and Mayor on several occasions to inform that the next three budget years, or between now and 2021, a new ladder truck will need to be purchased at the cost of \$1 million.

Mr. Mriss noted that the small profit made on the ambulance side will need to be saved for these future expenses.

He also noted that the Company continues to maintain a volunteer name though the EMS side is paid coverage in order to meet the community's demands. The expenses should be compared to what the Police Department experiences in regard to equipment and personnel expenses throughout the year.

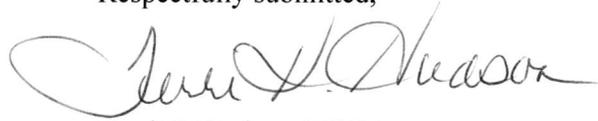
Concluding, he emphasized the Fire Company relies heavily on state funding, county funding and fund drives.

Councilman Burk confirmed their intent is to remain volunteer; Mr. Mriss stated yes, aside from the ambulance because of the round-the-clock coverage that is needed.

Mayor Shupe thanked Mr. Mriss on returning and educating Council on how busy the Fire Company is as well as the associated costs. He noted Milford is fortunate to have such a dedicated and reliable Fire Company.

The Workshop Session concluded at 6:58 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with a large initial "T" and "H".

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 26, 2018

Milford City Council held Public Hearings on Monday, February 26, 2018 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilmembers Christopher Mergner, Arthur Campbell, Lisa Peel, James Burk,
Owen Brooks Jr. and Katrina Wilson

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilmembers Douglas Morrow and James Starling Sr.

Mayor Shupe called the Public Hearing to order at 7:00 p.m.

Planning Director Rob Pierce was also present.

*Bayhealth Medical Center Inc. for a Preliminary Major Subdivision
168.48+/- acres in an I-S District
Wilkins Road & State Route 30
Tax Map 3-30-15.00-058.00*

Mr. Pierce reported the application was published in the Milford Beacon on December 27, 2017. All properties within 200 feet of the parcel received a copy of the Public Notice in the mail.

The property is currently designated Employment in the Comprehensive Plan and zoned Institutional Service District.

The applicant proposes to subdivide the 168 +/- acre parcel into two parcels of land to separate the hospital use from the remainder of the uses on the health campus. Lot one, the site of the new hospital/medical facility, contains approximately 39 acres. Lot two consists of approximately 128 acres of vacant land to its south. A road through the property will divide the two areas.

Staff has reviewed the application for compliance with Chapter 230 Zoning and Chapter 200 Subdivision of Land and determined that all requirements have been met.

The Planning Commission recommended approval at their January meeting by unanimous vote.

Councilman Brooks asked if the City talked to anyone about a new bypass going to the hospital or in that area. Planner Pierce referenced the recently adopted Comprehensive Plan that recommends working with DelDOT to consider an east-west connector solution that would provide access from US Route 113 to the health campus.

However, that was only discussed at the Comprehensive Plan level; some informal conversations with DelDOT have occurred over the past few months in an attempt to work out a possible transportation solution from US Route 113. He recalled it was one of the goals in the recent Comprehensive Plan though everything is all very preliminary at this point.

Planner Pierce explained this could involve some inline improvements to assist vehicles accessing the hospital from the western side of Milford. He then reiterated these are all preliminary conversation stages and a possible concept of the future. DelDOT will need to do a lot of studies and research before anything can be considered.

Councilman Brooks asked if Planner Pierce had an idea of where it would begin and end; Mr. Pierce responded by stating

no, it is all too preliminary at this time.

City Manager Norenberg stated that in a letter sent about a month ago regarding the Comprehensive Plan, included in his Friday update to Council, stated the City of Milford felt the connection needed to be considered again because it had been put on the shelf several years ago. However, there are no specific options or plans and will start at the beginning to review the possibility.

Councilman Brooks asked if the City of Milford started it; Mr. Norenberg stated that is correct though it had been discussed in the past.

Mayor Shupe added that DelDOT had called some of the local legislators on the state and local level. They were reminded of the conversation many years ago and asked if there was any interest in starting the conversation again. Everyone agreed there was no harm in discussing it particularly because the hospital is developing in that area though that was not a consideration previously. However, at this point, there is not even a date scheduled for a formal discussion.

City Solicitor Rutt stated that he received a call from Bayhealth's attorney and asked that the site plan shows easements and utilities that match the Economic Development Agreement previously entered into. He asked that Mr. Rutt make that comment on their behalf though it appears there is not a lot of overlap.

Planner Pierce pointed out that this is just the preliminary major subdivision though they will be required to submit a final record plan. In the meantime, they are working out some of the details in terms of easements for City utilities and ensuring there are easements and agreements in place for the maintenance of stormwater. Presently lot one conveys onto lot two for stormwater management. He is hoping to work that out over the next month or so and anticipates returning with their final subdivision approval in the next couple of months.

Planner Pierce noted this is in conjunction with the Site Plan Review by the Planning Commission for the Nemours Building on lot two. That is a permitted use site plan and only needs review and approval by the Planning Commission.

Greg Moore of Becker Morgan Group and Bayhealth's Mike Messing were both present.

Mr. Moore confirmed the plan presented by the Planning Director is accurate to what Bayhealth is doing. The hospital will maintain the entire property and they are trying to separate the hospital from leased-parcels that will happen in the future. The first will be the Nemours project whose plan has already been submitted, though they are not connected other than they are the hospital's first leased entity. However, that will only be seen by the Planning Commission as Planner Pierce alluded to.

There being no further questions from City Council, Mayor Shupe opened the floor for public comments. No one responded. The public hearing portion of the meeting was then closed.

Councilmember Wilson moved to approve the Bayhealth Medical Center Incorporated application for a Preliminary Major Subdivision of 168.48+/- acres in an I-S District at Wilkins Road & SR 30, Milford, Delaware. Tax Map 3-30-15.00-058.00, seconded by Councilmember Burk. Motion carried by the following 5-0-1 roll call vote with Councilman Morrow abstaining because he is on Bayhealth's Board of Directors.

Councilman Campbell votes yes to approve the Preliminary Subdivision as a result of the Planning Commission's recommendation and tonight's comments.

Councilwoman Peel votes yes adding that it makes sense and is part of the next step of delegating the entities the property will be leased to.

Councilman Burk votes yes adding that it meets all the criteria in our codes.

Councilman Brooks votes yes adding it is much needed.

Councilwoman Wilson votes yes based on the Planning Commission's recommendation and the needs of our community that this will address in time.

ADJOURNMENT

The Public Hearing adjourned at 7:12 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Terri K. Hudson". The signature is fluid and cursive, with the first name "Terri" being the most prominent.

Terri K. Hudson, MMC
City Clerk/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
February 26, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, February 26, 2018.

PRESIDING: Mayor Bryan Shupe

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

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

COUNSEL: City Solicitor David Rutt, Esquire

ABSENT: Councilpersons: Christopher Mergner and James Starling Sr.

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:12 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Milford Police Department Recognition

Chief Brown recognized the following individuals:

Captain Lewis Sacks of Carlisle Fire Company
Sergeant Robert Masten
PFC Niger Golding
Dispatcher Valerie Springer
Detective/Corporal Timothy Maloney

Chief Brown reported that Officer Joles made a traffic stop in the Milford Plaza on Saturday, February 17, 2018 at approximately 11:00 a.m. The driver was wanted and became resistant to the arrest and began to physically resist the Officer. Captain Sacks saw the altercation and assisted with restraining the driver until further backup arrived.

Chief Brown presented Captain Sacks with a Certificate for going above and beyond in helping with the apprehension of a local fugitive.

Chief Brown then reported that next officers had already received their awards, but he wanted additional public recognition.

Sergeant Robert Masten was presented the Milford Elks Lodge 2401 Police Officer of the Year on February 16, 2018. Sergeant Masten began his career in 2002 and was promoted to Sergeant in December 2015. He is presently the School Resource Officer who supervises two other SRO's. He is also in charge of the Community Policing Unit. He also maintains the Department's social media pages 24/7 and is in constant communication with Chief Brown which is the reason Sergeant Masten was selected for this award.

Patrolman First Class Nigel Golding was awarded Officer of the Quarter for the last quarter of 2017. He received that award because he volunteers for a lot of extra duty and always steps up when he is needed. He is a true ambassador to the Police

Department with the Downtown Merchants and is often complimented by them.

Dispatcher Valerie Springer was awarded the 2017 Civilian of the Year for her dedication to the department because of the amount of time she puts in. She always filling in for someone who is unavailable which often involves double shifts.

Dispatcher Springer also provides animal welfare services to animals in need and most recently nursed an injured owl back to health. She is an all around dedicated employee.

Detective/Corporal Timothy Maloney is Milford Police Department's 2017 Officer of the Year. Detective Maloney was also awarded the second Officer of the Quarter in 2017. He was chosen out of four officers who receive quarterly awards.

Detective Maloney goes above and beyond, is a great investigator always willing to handle what comes his way according to Chief Brown. He makes himself available to patrol units for information and advice. He is also the Department's representative at Delaware Special Olympics and heads the Department's Relay for Life Team. In addition, he is also a Public Information Officer.

Chief Brown then introduced his newest recruits Patrolman Kyle Breckner and Patrolman Brett Malone who began training at the Delaware State Police Academy in September 2017 and graduated February 16, 2018.

Patrolman Breckner is also an active Air Force Reservist and Patrolman Malone completed his Master's Degree this past spring. He worked last summer as a Rehoboth Beach Seasonal Officer. They are presently in the 12-week field training program at the Department.

Chief Brown then asked to have photos taken.

COMMUNICATIONS AND CORRESPONDENCE

Mayor Shupe referenced the Notice to Qualified Voters in the City of Milford announcing that special voter registration times are scheduled on February 28, March 8 and March 24, 2018. The information is available on the City's website or people may call the City Clerk's Office who can confirm someone's eligibility and/or voter status.

UNFINISHED BUSINESS

Authorization/Green Energy/City Fund Amendment

City Manager Norenberg reported that a few weeks ago, the Public Works Committee met and one item discussed was the recommendation from the Public Works Staff and DEMEC related to the Green Energy Fund.

The City of Milford Green Energy Fund was implemented on January 1, 2007 pursuant to the Delaware Renewable Energy Portfolio Standards Act. This policy enabled Milford to establish an independent, self-administered fund separate from the state's Green Energy Fund, to support energy efficiency technologies, renewable energy technologies or demand side management programs. To date, Milford customers have received grants for 19 photovoltaic and 23 geothermal projects.

This program was discontinued at the end of 2017 in favor of a better free option offered by the United States Energy Star Program mainly due to the number of applicants and long waiting list to be funded.

The City of Milford is building its account up again and currently has \$22,055.59 in the Green Energy Fund. DEMEC recommends the City of Milford shift its focus from individual grants to supporting community wide energy improvements such as LED streetlights or municipal building climate system upgrades. Those items will benefit the entire community and match a similar path taken by several other DEMEC members.

Councilmember Peel moved to authorize support of the community-wide project for Green Energy Funds, seconded by Councilmember Morrow. Motion carried.

Schedule/Joint Public Works & Finance Committee Meeting

Mayor Shupe asked the members of this committees to let him know if they are available March 19th to discuss the Capital Improvements Plan.

NEW BUSINESS

DNREC Mosquito Control Agreement

Councilmember Wilson moved too approved the annual Mosquito Control Agreement for spraying services in Milford, seconded by Councilmember Burk. Motion carried.

When asked about the time frame, Mr. Norenberg advised that anyone can sign up through the statewide website and notifications will be provided via email or text if their zone(s) are scheduled for spraying that evening. In addition, notices are typically added to the City website if received early enough during the day.

Opioid Crisis Discussion

City Manager Norenberg advised that there has been a lot of attention given to the opioid crisis and how the products are being produced by various pharmaceutical companies.

Jamie Nutter introduced himself stating he is an attorney with Parkowski, Guerke & Swayze, P.A., with offices in Dover, Rehoboth Beach and Wilmington. Along with Marc J. Bern and Partners, a New York-based firm, they have been retained by and are representing local jurisdictions in Delaware which include the City of Dover and Kent County. They are engaged in lawsuits against the manufacturers and distributors, prescribers and/or the pharmacists who have been the most egregious in fueling the epidemic. It is an epidemic because more than 300 Delawareans died in 2006 from overdoses and more than 42,000 people nationally.

Mr. Nutter reported that the rate of overdose deaths in Delaware exceeds deaths by car accidents.

Of the slightly less than one million people in Delaware, last year there were 860,000 opioid prescriptions issued in Delaware with a total of more than 50 pills per person prescribed. That includes those that use and those that do not but does not include all the illicit opioids available through the market.

He noted this the first time he has presented this in an open session though it is intended to be informative and that no action be taken this evening.

He reported that Kent County Levy Court commissioners agreed to bring a lawsuit against the pharmaceutical industry, alleging it has played a major role in the current opioid epidemic.

The decision to retain legal representation was made in a 5-1 vote at the county's Tuesday meeting. Kent County first responders spoke at one of their meetings sharing that they had been dispatched to almost 700 overdose incidents last year.

According to the National Institute on Drug Abuse, more than 115 Americans die from opioids every day.

Commissioners retained Parkowski Guerke and Swayze P.A. and Marc J. Bern & Partners who has been involved in several opioid-related suits. The litigation will be brought at no cost to the county unless a settlement in the case is reached or the lawsuit is won.

Dover City Council announced its plan to do the same earlier in February — retaining the same legal team. Kent County and Dover joined in the national trend of municipalities, counties and states bringing suits against large pharmaceutical companies.

He then referred to several handouts (see packet) involving litigation and associated payouts as a result of the abuse of

prescription opioids.

Mr. Nutter pointed out there are medical uses for which opioids are appropriate including post traumatic surgical procedures, particularly for cancer and end of life care. However, the medical community was misled about the safety of opioids when used to treat chronic pain for longer than twelve weeks.

Between 2015 and 2016, Delaware saw a 40% increase in overdose deaths which is considered statistically significant. Delaware has one of the highest opioid prescribing rates in the Country is shown on 2012 Prescribing Rate Map.

Mr. Nutter then spoke about the role of small local jurisdictions and the reason they are bringing litigation and lawsuits. He explained that many local jurisdictions are heavily affected by the crisis and have decided to take action. It has been analogized to tobacco litigation. However, the opioid crisis impact to local jurisdictions is unique because they do not have the medical resources needed to properly respond. It has societal and economic implications that are profound. It is destroying the fabric of these communities in many ways, causing havoc to their budgets. The head of Sussex County EMS confirmed they also responded to more than 700 calls last year for opioid overdoses.

Though he is unable to provide the economic analysis of how certain things that can be attributed to litigation, they believe that litigation has a beneficial impact in that it is already changing the behavior of the companies and manufacturers. He referenced one company has stated they will stop marketing the drug to US Doctors and will no longer have a sales force that is contacting doctors to solicit their business and request they prescribe Oxycontin as opposed to other drugs.

He emphasized there are other drugs that are not as addictive that offer pain relief.

Mr. Nutter explained these suits are important to help combat the ongoing opioid crisis. Aggressive marketing has flooded the state with highly addictive drugs under a false pretense that the risk was very low. Grant money is being allocated for opioid addition treatment and recovery programs. However, they are funded through private entities and not the manufacturer or distributor who has really profited. The litigation will hopefully force them to despar the massive amount of money they made and force them to change their marketing and informational campaigns being used to induce doctors and prescribers to turn to this as a first choice treatment as opposed to a more conservative treatment approach.

Highmark recently announced they will no longer pay for a new patient, first-time user any longer than a seven-day supply.

The attorney emphasized these are some changes as a result of the much needed attention and litigation. He added that Delaware is number one in the Country in the rate of high dose opioid prescriptions, number two for prescribing of extended release prescription opioids and has a neonatal abstinence syndrome three times the national average. In addition, it estimated that about 32,000 people use prescription opioids for non-medical purposes.

He reported that the litigation is brought under a no-cost basis for any town or jurisdiction interested for a straight contingency. Costs are only recoverable if there is a recovery or financial settlement.

Mr. Nutter concluded by stating that the litigation is more personal to his law firm. The firm's Founding Partner Mark Bern's 31-year-old son died of an opioid dosage as a result of a shoulder injury and was provided pain medication which he became addicted to. There are estimates that as many as 80% of today's heroin users started with prescription medications.

When questioned, Mr. Nutter reported that this involves all ages, all demographics, incomes, etc.

Mayor Shupe asked what the money recovered from the litigation is used for in terms of damages; Mr. Nutter stated the amount of grants, policing and emergency responses. For example, Narcan or Naltrexone are direct damages. There are also indirect damages such as simulation of the tax base. The CVS has placed a value on every dose and the loss of that person as a productive member of society though that is more difficult to quantify. In Delaware, damages do not have to be named up front. In most cases, a forensic economist would come in to look at the budget and what is being paid, the tax revenue, the rate of delinquency and see if there is any statistical correlation to be found.

Perspective relief can also be considered and what the City will need in the future to meet this crisis. Even if there were no

opioids around today, there is still a segment of the population that is addicted and struggling with addiction and going to need services.

Councilwoman Peel asks if that includes implications for the School District in the special ed services that are provided for the children who are born addicted. Mr. Nutter said he is unsure if that has been made a direct damage at this point though he has seen that in Delaware, of the more than 1,000 new students, 80% classify as special ed which is significant though it needs to be more on a State level.

City Solicitor Rutt then questioned Mr. Nutter.

He asked how many total jurisdictions the New York firm Mr. Nutter works with has across the country. Mr. Nutter stated more than fifteen in Pennsylvania, many in South Carolina, some in Delaware and some in Virginia. He said there are more than 3,000 counties in the United States where individuals are so deeply involved at this point, that by the end of the year, approximately 85% will be pursuing something.

Mr. Rutt said of this firm, asked if it is 50; Mr. Nutter said he does not want to misspeak, but knows that in Pennsylvania there are more than 15 and in Delaware there are two as well as multiple cases in South Carolina and Virginia.

Mr. Rutt asked how many total across the county have joined in this litigation; Mr. Nutter explained they would bring their suits in either New Castle or Sussex County Superior Court. They believe the people of Kent and/or Sussex County should determine the damages.

Mr. Rutt confirmed that it would not be brought in federal court to be consolidated with the other litigation in Cleveland; Mr. Nutter stated that is one avenue that others are going to, though it is not his firm's preferred choice, because they believe there are active negotiations ongoing. At some point, a global settlement will be reached which will be brought down to the local level as well. The State of Delaware has filed in Delaware Superior Court and a lot of individual jurisdictions are filing within their own State Courts though the manufacturers want everything brought in front of one judge to try and reach a global settlement more quickly. However, his firm believes the best way to maximize recovery and impact for local communities are through that community's state court.

Mr. Rutt asked who would be the defendants and whether it is the individual drug companies or advocacy groups like Pharma, Cardinal Health, etc. Mr. Nutter explained the individual manufacturers and distributors, all of which have already paid fines and/or substantial settlements with government entities. Some pharmacies have also been named in Delaware's complaint. Eventually the individual doctors may be involved.

Mr. Rutt said that one theory of recovery would be misrepresentation and asked if there are other theories of causation or is that being advanced in the litigation that has been filed; Mr. Nutter stated yes, there is consumer fraud action, an individual cause of action under the Delaware Consumer Fraud Act. There are other actions though they are limited to action by the Attorney General.

Mr. Rutt stated that Mr. Nutter referenced damages and some are not hard fast damages adding that Milford does not provide emergency medical such as ambulance services. The City's expenditures in this situation would probably only be the Police Department. To quantify that, he asked if it would be necessary for the City to look at what was expended by the Police above and beyond the normal routine work the officers provide.

Mr. Nutter responded by stating there is a definitely a tie-in between how the population has grown versus how the number of police officers has grown. One of the theories of defense is that the government has a duty to perform these essential government services anyway and therefore, there are no damages and is one of the defendant's potential arguments in the case of local governments.

The support for organizations like Carlisle Fire Company and if they have grown in a statistically significant manner and the effect on their funding is being used along with a host of other things that will need to be examined.

Mr. Rutt asked if the City would have to do an analysis first to provide data to the forensic economist and in fact, spend its

own time and expense to provide this information. Mr. Nutter noted that most of the budgetary and historical data is available to the extent there would be a collaborative relationship where they would anticipate the laboring work while working with someone in the town to provide the information.

Mr. Rutt explained that he is trying to find out the expectation of the City in the litigation because the client does not just sit there and let it happen in front of them. Instead the client must be involved so there is a need for input from the client and what does his firm expect from the City and staff to provide; Mr. Nutter said they would work together to pin down a division of labor. The purpose tonight was to bring more of an introductory aspect and to engage input. If there is interest in moving forward, he would be able to answer a lot of those questions more fully. But basically, they cover everything.

Mr. Rutt asked what the percentage if there is a recovery; Mr. Nutter stated 25%. Mr. Rutt then confirmed if there was no recovery, there would be no cost. Mr. Nutter agreed adding that is inclusive of costs that are advanced.

Mr. Rutt said if there is a recovery, how would the costs be determined and would it be the hourly rate of the forensic expert or a shared cost across all plaintiff recovery; Mr. Nutter explained that some jurisdictions have suggested they want their own but if they depose one doctor who was the opinion leader and pay for the video taping of the deposition that is used in all of the cases, it would only be that proportional share.

Mr. Rutt asked if one forensic expert will be used for everyone or would there be a forensic expert for each individual jurisdiction; Mr. Nutter answered that they would use one individual forensic expert most likely, though he was suggesting more on the deposition side or in relation to the larger carrying costs associated with all the claims common to the litigation.

There being no further questions by Mr. Rutt, Mayor Shupe thanked Mr. Nutter for providing the information.

EXECUTIVE SESSION

Councilmember Peel moved to go into Executive Session reference the below statutes, seconded by Councilmember Wilson:

Pursuant to 29 Del. C. §10004(b)(4) Collective Bargaining Matters
Pursuant to 29 Del. C. §10004(b)(9) Discussion of Personnel Matters

Motion carried.

Mayor Shupe recessed the Council Meeting at 8:11 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 9:12 p.m.

MPD Teamsters Negotiations
Performance Evaluations (Council Appointees)

Mayor Shupe announced that no action was required.

ADJOURNMENT

There being no further business, Councilmember Burk moved to adjourn the Council Meeting, seconded by Councilmember Campbell. Motion carried. The Council Meeting adjourned at 9:13 p.m.

Respectfully submitted,



Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
PLANNING COMMISSION PUBLIC HEARING: OCTOBER 16, 2018
CITY COUNCIL PUBLIC HEARING: OCTOBER 22, 2018

The City of Milford Planning Commission will hold a Public Hearing on **Tuesday, October 16, 2018** at 7:00 pm to hear evidence from interested parties and make a recommendation to City Council regarding the following matter. The City of Milford City Council will hold a Public Hearing on **Monday, October 22, 2018** at 7:00 pm to hear evidence from interested parties and make a final determination regarding the following matter.

All Public Hearings are held in the Joseph Ronnie Rogers Council Chambers, Milford City Hall, 201 South Walnut Street, Milford, Delaware.

Lynn A. & Karen K. McColley and Blue Hen Ventures, LLC
For a Final Minor Subdivision of
34.27+/- acres in a C3 Zoning District
Properties are located at 416 NE Tenth Street and 0 NE Tenth Street
Present Use: Single Family Dwelling and Vacant
Proposed Us: Commercial Development
Tax Map MD-16-174.19-01-01.01; -013.00; -014.00

All interested parties are hereby notified to be present for the review and recommendation by the Planning Commission to City Council and express their views before a final decision is rendered by City Council. If unable to attend the hearings, written comments will be accepted up to one week prior to the hearings.

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.

By: Christine Crouch, CMC
Deputy City Clerk

Advertised: Beacon 09/26/18



DATA SHEET FOR BLUE HEN VENTURES, LLC

Planning Commission Meeting: October 16, 2018

Application Number / Name	:	18-017 / Blue Hen Ventures, LLC
Applicant	:	Blue Hen Ventures, LLC 20283 Cedar Beach Road Milford, DE 19963 Lynn A. & Karen K. McColley 20283 Cedar Beach Road Milford, DE 19963
Owner	:	Same
Application Type	:	Final Minor Subdivision
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Single-family Detached and Vacant Land
Proposed Use	:	Commercial
Size and Location	:	34.27 +/- acres of land along the west side of Silicato Parkway and along the south side of NE Tenth Street.
Tax Map & Parcel	:	MD-16-174.19-01-01.01, 13.00 & 14.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Final Minor Subdivision Plans

STAFF REPORT
August 20, 2018

Application Number / Name	:	18-017 / Blue Hen Ventures, LLC
Present Comprehensive Plan Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Single-family Detached and Vacant Land
Proposed Use	:	Commercial
Tax Map & Parcel	:	MD-16-174.19-01-01.01, 13.00 & 14.00
Size and Location	:	34.27 +/- acres of land located along the west side of Silicato Parkway and along the south side of NE Tenth Street.

I. BACKGROUND INFORMATION

- The applicant proposes to subdivide parcels 13.00 and 14.00 above into four commercial building lots and provide 60 feet of road frontage along Silicato Parkway to parcel 01.01 for future commercial development. Subsequent development on these lots will be subject to site plan review by the Planning Commission.

II. STAFF ANALYSIS:

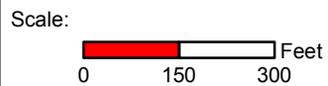
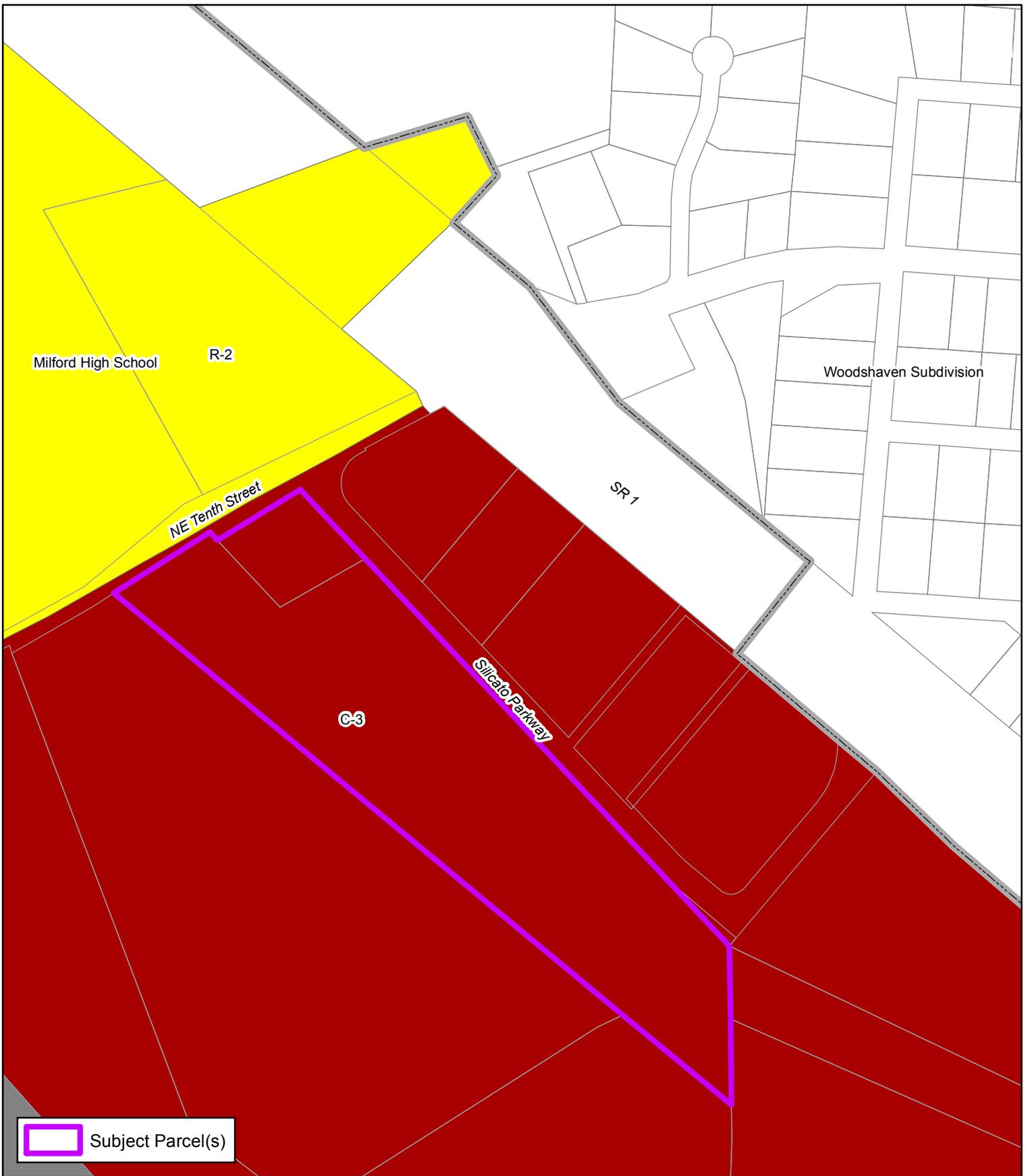
Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for Final Minor Subdivision approval:

- The Final Minor Subdivision is consistent with Chapter 200 Subdivision of Land and Chapter 230 Zoning.
- The applicant has obtained approvals or no-objection letters from DelDOT and Kent Conservation District.

III. AGENCY & DEPARTMENT COMMENTS:

See below and attached for required agency approvals.

- DeIDOT Planning, Development Coordination
See attached for “Letter of No-Objection” dated July 23, 2018.
- Kent Conservation District
See attached for “Letter of No-Objection” dated August 8, 2018.
- City of Milford Public Works Department
See attached for “Letter of No-Objection” from the City Engineer dated August 20, 2018.



Drawn by: WRP Date: 06/11/18

Title:

Final Minor Subdivision
McColley Property
 Location & Zoning Map

Filepath: FinalMinorSub_McColley.mxd

GENERAL CONSTRUCTION PLAN NOTES:

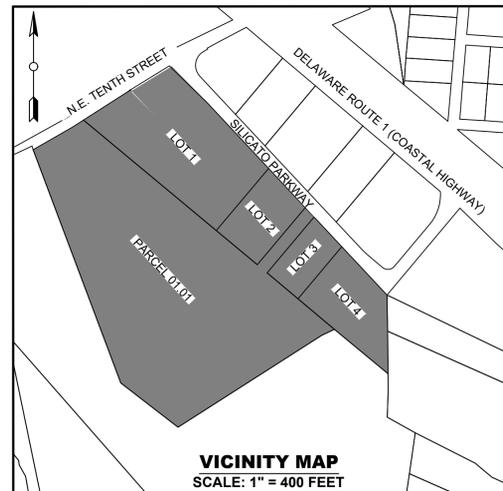
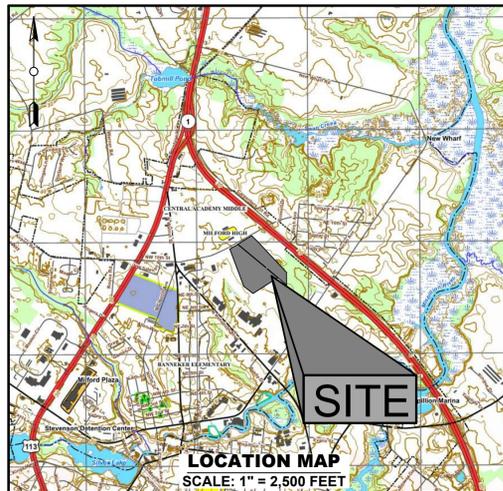
- THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY DOUGLAS J. ANNAND, PLS ON FEBRUARY 12, 2008 AND REVISED ON JUNE 27, 2012 AND RECORDED IN THE KENT COUNTY RECORDER OF DEEDS OFFICE ON PLOT BOOK 118, PAGE 65. NO FIELD SURVEY WAS PERFORMED BY PENNONI ASSOCIATES INC.
- NO TOPOGRAPHIC SURVEY HAS BEEN PERFORMED FOR THIS SITE. EXISTING CONTOURS SHOWN ARE BASED ON LIDAR.
- HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83. CONTROL MONUMENTS ARE SHOWN AND LABELED ON THE PLAN.
- 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.
- 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.
- USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACK FILLING TRENCHES.
- 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.
- 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.
- 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.
- CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES, AND ALONG ALL SEWER LATERALS AND FORCE MAIN. 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.
- PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM LOCATION.
- 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).
- ALL SANITARY SEWER MAINS AND FORCE MAINS 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.
- THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCE MAINS 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 FORCE MAINS 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.
- 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.
- THE PROPERTY IS LOCATED IN ZONE "X" ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 10005C0041K MAP REVISED MARCH 16, 2015. ZONE "X" IS AN AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN (NO IMPACT).
- ALL ROADWAYS ARE TO BE SWEEPED FREE OF ANY SEDIMENT ON A DAILY BASIS.
- THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDED, 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.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE.
- THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DEVELOPMENT COORDINATION MANUAL, LATEST EDITION.
- ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
- 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.
- 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.
- 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.
- A PROFESSIONAL SURVEYOR LICENSED IN THAT STATE OF DELAWARE SHALL BE RESPONSIBLE FOR PERMANENTLY RE-ESTABLISHING ANY PROPERTY MARKERS ON MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY 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.
- DURING CONSTRUCTION, SHORT-TERM MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS SHALL BE THE RESPONSIBILITY OF OWNERS THEREOF.
- LONG-TERM MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS SHALL BE THE RESPONSIBILITY OF OWNERS THEREOF.
- THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES INSTALLED WITHIN CITY RIGHT-OF-WAY, AND EASEMENTS DEDICATED TO THE CITY; AND, ALL STORM SEWER PIPES AND CATCH BASINS FULLY WITHIN CITY RIGHT-OF-WAY, AFTER ALL ITEMS HAVE PASSED CITY INSPECTION; AFTER THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AFTER THE RIGHTS-OF-WAY HAVE BEEN DEEDED TO THE CITY; AND AFTER ALL THE WATER, SEWER, AND STORM SEWER ITEMS HAVE BEEN TRANSFERRED TO THE CITY BY BILL OF SALE.
- SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID, AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONVEYANCE, TREATMENT, AND DISPOSAL.
- PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID AFTER ONE (1) YEAR, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED FOR GOOD CAUSE BY THE PLANNING COMMISSION PRIOR TO THE DATE OF EXPIRATION.
- THE APPROVAL FOR 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.
- FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAN 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.
- 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 AND/OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.
- AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE START OF CONSTRUCTION, THE APPLICANT MAY BE REQUIRED TO ENTER INTO A FORMAL PUBLIC WORKS AGREEMENT WITH THE CITY AND TO POST A COMPLETION GUARANTEE FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTEE SHALL BE IN AN AMOUNT EQUAL TO 150% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTEE SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND GUARANTEE SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. THE COMPLETION GUARANTEE SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.
- A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE AMOUNT OF THE COMPLETION GUARANTEE PRIOR TO FINAL ACCEPTANCE OF THE IMPROVEMENTS AND RELEASE OF THE COMPLETION GUARANTEE. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR. AN AGREEMENT REVIEWED AND APPROVED BY THE CITY SOLICITOR SHALL ACCOMPANY THE BOND AND SHALL DESCRIBE THE TERMS OF THE BOND.
- UPON COMPLETION AND PRIOR TO THE RELEASE OF THE DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE TOWN ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATION AND HORIZONTAL LOCATIONS OF ALL PROPERTY MONUMENTS/MARKERS, SEWER MANHOLE RIMS, PIPE SIZES & INVERTS, PUMP STATIONS, FORCE MAINS (INVERTS EVERY 50 FEET), CLEANOUTS, AIR RELEASE VALVES, AND GREASE TRAPS; ALL WATER VALVES, HYDRANTS, VAULTS, METER PITS, AND CURB STOPS; ALL STORM SEWER CATCH BASINS, MANHOLE RIMS, PIPE SIZES & INVERTS, AND ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE CITY. RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER. A CD SHALL ALSO BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCADD FORMAT (VERSION 2010 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD83 HORIZONTAL CONTROL, AND NAVD83 VERTICAL CONTROL.
- THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER 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.
- IN ORDER TO SECURE FINAL SITE PLAN APPROVAL ON ANY OF THE NEWLY SUBDIVIDED LOTS SHOWN, THE OWNER/DEVELOPER SHALL PREPARE ANY NECESSARY DESIGN DOCUMENTS AND CONSTRUCT ANY SUCH IMPROVEMENTS REQUIRED PER THE FINDINGS OF THE UTILITY FEASIBILITY STUDY DATED AUGUST 2018.
- FINAL SITE PLANS FOR THE FIRST OF THE NEWLY SUBDIVIDED LOTS SUBMITTED FOR APPROVAL SHALL INCLUDE THE RELOCATION OF THE ELECTRIC UTILITY POLES SHOULD THE RELOCATION WORK NOT OCCUR BY OCTOBER 18, 2018 THE OWNER/DEVELOPER SHALL SECURE AN UPDATED QUOTE FROM THE CITY ENGINEER DEPARTMENT TO COMPLETE SAID WORK.
- PROPOSED SEWER STUBS SHALL BE CORED INTO EXISTING MANHOLES. METHODS AND MATERIALS USED FOR THE CONNECTION AT THE MANHOLE SHALL BE SUBMITTED TO THE CITY ENGINEER FOR APPROVAL PRIOR TO INSTALLATION. A PRESSURE-TREATED 4"x4" SHALL BE INSTALLED AT THE CAPPED END OF THE STUB, EXTENDED 18" ABOVE GRADE AND PAINTED GREEN TO DENOTE ITS LOCATION FOR FUTURE CONNECTION.
- PROPOSED WATER SERVICE LINES SHALL HAVE A PRESSURE-TREATED 4"x4" INSTALLED AT THE CAPPED END OF THE STUB, EXTENDED 18" ABOVE GRADE AND PAINTED BLUE TO DENOTE ITS LOCATION FOR FUTURE CONNECTION.

LANDS N/F OF BLUE HEN VENTURES, L.L.C. MINOR SUBDIVISION PLANS

**MILFORD HUNDRED, KENT COUNTY
8/9/18**

**PREPARED FOR:
OWNER/DEVELOPER**

**BLUE HEN VENTURES, LLC
20238 CEDAR BEACH ROAD
MILFORD, DE 19963
(302) 393-1777**



DEVELOPER BLUE HEN VENTURES, LLC. 20238 CEDAR BEACH ROAD MILFORD, DE 19963 (302) 393-1777
SURVEYORS/ENGINEERS PENNONI ASSOCIATES INC. 18072 DAVIDSON DRIVE MILTON, DE 19968 (302) 684-8030
SCHOOL DISTRICT MILFORD
FIRE DISTRICT MILFORD
WATER UTILITY CITY OF MILFORD
SEWER UTILITY CITY OF MILFORD
POSTAL DISTRICT MILFORD
ELECTRIC CITY OF MILFORD
TELECOMMUNICATIONS VERIZON
CATV COMCAST

MINOR SUBDIVISION SET		
SHEET NUMBER	DRAWING NUMBER	SHEET TITLE
1	V-0201	COVER SHEET
2	V-0202	KEY SHEET
3	V-0203	MINOR SUBDIVISION PLAN
4	V-0204	MINOR SUBDIVISION PLAN
5	V-0205	MINOR SUBDIVISION PLAN

ENGINEER CERTIFICATION:
IT IS HEREBY CERTIFIED 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.

SIGNATURE _____ DATE _____
ALAN M. DECKTOR, PE (DE PE#17771) (302) 684-8030
PENNONI ASSOCIATES, INC.
18072 DAVIDSON DRIVE MILTON, DE 19968

CITY OF MILFORD APPROVAL:

SIGNATURE _____ DATE _____
ERIC NORENBERG, ICMA-CM (302) 422-1111 x1304
CITY MANAGER
201 SOUTH WALNUT STREET
MILFORD, DE 19963

OWNER CERTIFICATION:
IT IS HEREBY CERTIFIED THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT. IT IS MY DESIRE TO HAVE THE PLAN RECORDED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

BLUE HEN VENTURES, LLC. DATE _____
20238 CEDAR BEACH ROAD
MILFORD, DE 19963
(302) 393-1777

CITY OF MILFORD ENGINEER APPROVAL:

SIGNATURE _____ DATE _____
ERIK RETZLAFF, PE (302) 422-1110 x1108
CITY ENGINEER
180 VICKERS DRIVE
MILFORD, DE 19963

OWNER CERTIFICATION:
IT IS HEREBY CERTIFIED THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT. IT IS MY DESIRE TO HAVE THE PLAN RECORDED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

LYNN A. MCCOLLECHY DATE _____
20238 CEDAR BEACH ROAD
MILFORD, DE 19963
(302) 393-1777

**PREPARED BY:
PENNONI ASSOCIATES INC.**



18072 Davidson Drive
Milton, DE 19968
T 302.684.8030
F 302.684.8054

CALL BEFORE YOU DIG
Call Miss Utility of Delmarva
800-282-8555
Ticket Number(s): # _____



ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

TM: MD-16-174-19-01-13.00 & 14.00,
LANDS N/F OF BLUE HEN VENTURES, LLC.
SILICATO PARKWAY, CITY OF MILFORD,
MILFORD HUNDRED, KENT COUNTY, DELAWARE
COVER SHEET
BLUE HEN VENTURES, LLC.
20238 CEDAR BEACH ROAD
MILFORD, DELAWARE 19963

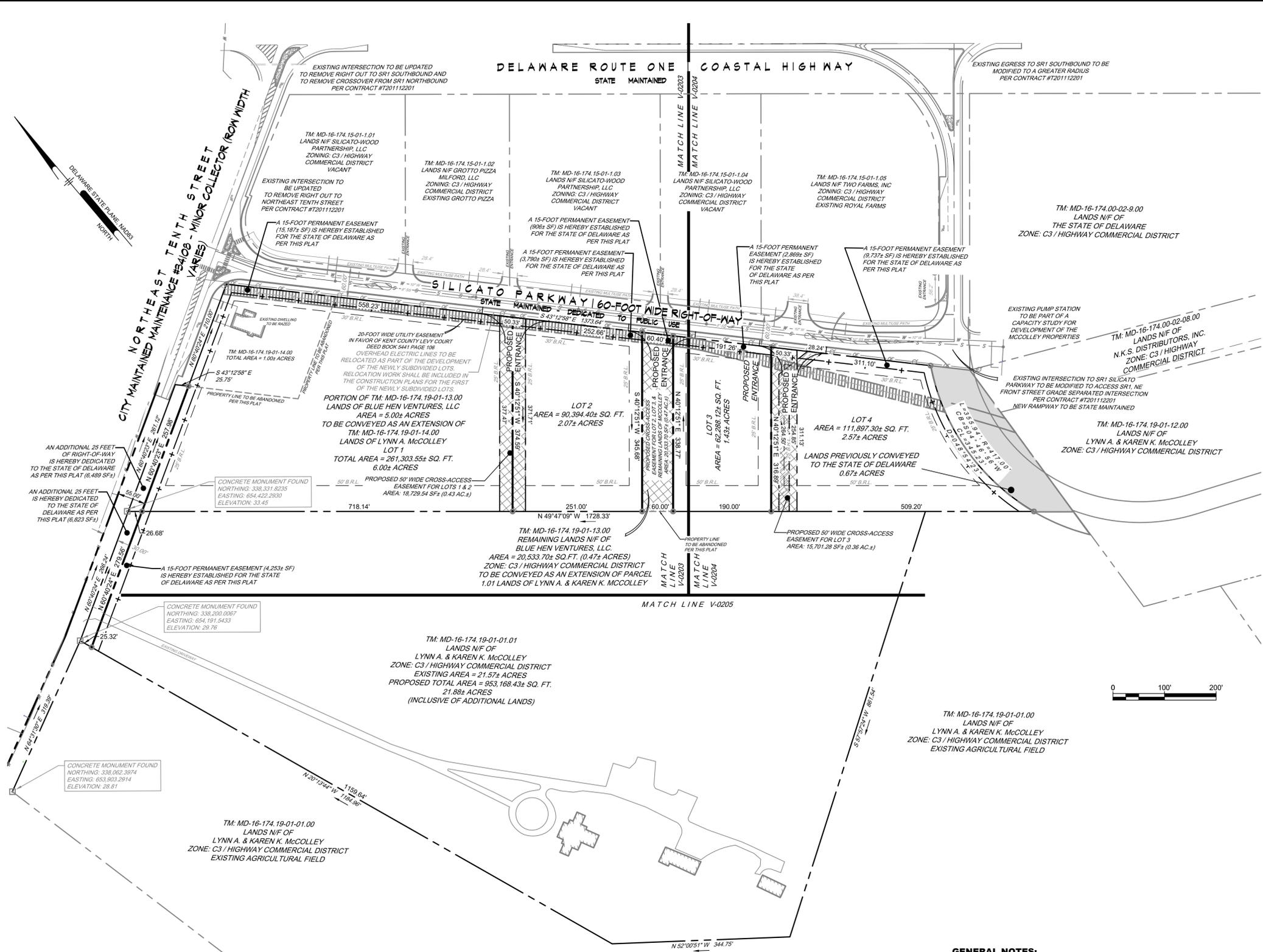
NO.	DATE	REVISIONS	BY
1	8/31/18	REVISED PER CITY OF MILFORD COMMENTS	MW
2	8/31/18	REVISED PER CITY OF MILFORD COMMENTS	MW
3	7/17/18	REVISED PER DELODOT COMMENTS	MW
4	7/22/18	REVISED PER DELODOT COMMENTS	MW
5	6/22/18	REVISED PER DELODOT COMMENTS	MW

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT: BHNVN18001
DATE: 2018-08-08
DRAWING SCALE: 1" = 100'
DRAWN BY: KMD/MW
APPROVED BY: AMD/IHD
V-0201
SHEET 1 OF 5

PLOTTED: 8/10/2018 10:50:19 AM BY: Mel.Walk
 PROJECT STATUS: —
 PLOTTED BY: Pennoni Associates, Inc.

U:\Account\BHV\BHV18001 - BHN Commercial\DESIGN\BHN18001-01-01-01-00-00001 - 18 Subdivision\Drawing
 PLOTTED: 05/20/21 10:59:11 BY: MFW/MWA
 PLOT STYLE: Pennoni.rvt.ctb
 PROJECT STATUS: —



SITE DATA:

- TAX MAP NUMBERS : MD-16-00-174-19-01-13-00-00001
 MD-16-00-174-19-01-14-00-00001
 MD-16-00-174-19-01-01-01-00001
- OWNER INFO: PARCEL 13.00 BLUE HEN VENTURES, LLC. 20238 CEDAR BEACH ROAD MILFORD, DE 19963
 PARCEL 14.00 LYNN A. & KAREN K. MCCOLLEY 20238 CEDAR BEACH ROAD MILFORD, DE 19963
 PARCEL 1.01 LYNN A. & KAREN K. MCCOLLEY 20238 CEDAR BEACH ROAD MILFORD, DE 19963
 - SITE ADDRESS : 600 NE TENTH STREET MILFORD, DE 19963
 - PRESENT USE: COMMERCIAL
 - ACREAGE WITHIN BOUNDARY: 34.27 ACRES± (TOTAL)
 - PARCEL ACREAGE: PARCEL 13.00 AREA: 11.70 ACRES± EXISTING
 PARCEL 13.00 AREA: 6.07 ACRES± (PROPOSED)
 LOT 2: 2.07 ACRES±
 LOT 3: 1.43 ACRES±
 LOT 4: 2.57 ACRES±
 PARCEL 14.00 AREA: 1.00 ACRES± EXISTING
 PARCEL 14.00 AREA (LOT 1): 6.00 ACRES± (PROPOSED)
 PARCEL 1.01 AREA: 21.57 ACRES± EXISTING
 21.88 ACRES± PROPOSED
 R.O.W. DEDICATIONS: PARCEL 14.00 (LOT 1): 0.15 ACRES±
 PARCEL 1.01: 0.16 ACRES±
 TOTAL: 34.27 ACRES±
 - TOTAL NUMBER OF LOTS: 3 EXISTING
 5 PROPOSED
 - MONUMENTS FOUND: 3
 - MONUMENTS TO BE SET: 14
 - ZONING (ALL PARCELS): C3/HIGHWAY COMMERCIAL DISTRICT
 - SEWER PROVIDER: CITY OF MILFORD
 - WATER PROVIDER: CITY OF MILFORD
 - ELECTRICITY PROVIDER: CITY OF MILFORD
 - POSTED SPEED LIMIT: 35 MPH (SILICATO PARKWAY)
 25 MPH (NE TENTH STREET)
 - PROXIMITY TO TRANSPORTATION IMPROVEMENT DISTRICT (TID): UNKNOWN
 - INVESTMENT LEVEL: LEVEL 1
 - PROPOSED EDU BREAKDOWN:
 LOT 1:
 LOT 1A (HOTEL): 56.00 ESTIMATED EDUS
 LOT 1B (RESTAURANT): 12.00 ESTIMATED EDUS
 LOT 1C (DAY CARE): 9.00 ESTIMATED EDUS
 LOT 1 SUBTOTAL: 77.00 ESTIMATED EDUS
 LOT 2 (ASSUMED COMMERCIAL): 11.00 ESTIMATED EDUS
 LOT 3 (CAR REPAIR): 3.00 ESTIMATED EDUS
 LOT 4:
 LOT 4A (RESTAURANT): 9.00 ESTIMATED EDUS
 LOT 4B (RETAIL/RESTAURANT): 2.00 ESTIMATED EDUS
 LOT 4C (RETAIL/RESTAURANT): 2.00 ESTIMATED EDUS
 LOT 4D (RETAIL/RESTAURANT): 2.00 ESTIMATED EDUS
 LOT 4E (RETAIL/WAREHOUSE): 6.00 ESTIMATED EDUS
 LOT 4 SUBTOTAL: 21.00 ESTIMATED EDUS
 TOTAL: 112.00 ESTIMATED EDUS
 - C-3 ZONE AREA REGULATIONS (230-14 D) APPLIES TO ALL PROPOSED LOTS AND RESIDUAL LANDS
 MINIMUM LOT AREA: 1 ACRE
 MINIMUM LOT WIDTH: 150 FEET (INTERIOR LOTS)
 170 FEET (CORNER LOTS)
 MAXIMUM BUILDING HEIGHT: 35 FEET (THREE STORIES)
 60 FEET (FIVE STORIES) FOR HOTELS, MOTELS, & AQUARIUMS
 MAXIMUM IMPERVIOUS COVERAGE: 80%
 MINIMUM SETBACKS:
 FRONT: 30 FEET
 SIDE: 20 FEET (50' AGGREGATE)
 REAR: 50 FEET

PROPOSED LOT AREA BREAKDOWNS

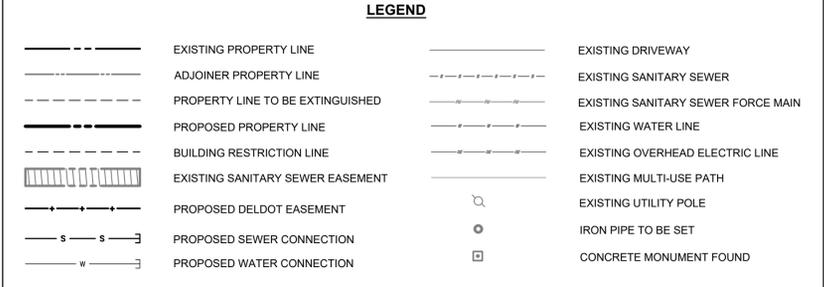
LOT	AREA	WIDTH	LENGTH	IMPERVIOUS COVER
1	6.00 AC±	558.23	374.59	1.3%
2	2.07 AC±	252.66	345.68	0%
3	1.43 AC±	191.26	316.89	0%
4	2.57 AC±	311.10	316.89	0%
RESIDUAL	21.88 AC±	279.59	1728.33	4.7%

GENERAL NOTES:

- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD AND A SURVEY PREPARED BY DOUGLAS J. ANNAND - PROFESSIONAL LAND SURVEYOR ON FEBRUARY 12, 2008 AND REVISED ON JUNE 07, 2012, AND RECORDED IN KENT COUNTY PLOT BOOK 118, PAGE 65 AND IS NOT THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES, INC. BEARING SYSTEM SHOWN IS BASED ON DELAWARE STATE PLANE COORDINATE SYSTEM, HORIZONTAL DATUM NAD 83.
- DEED & PLAT REFERENCES: PARCEL 13.00 - DEED BOOK 5975, PAGE 302; PLAT BOOK 118, PAGE 65
 PARCEL 14.00 - DEED BOOK 605, PAGE 195; PLAT BOOK 63, PAGE 9
- THIS SURVEY DOES NOT VERIFY THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
- THESE PROPERTIES APPEAR ON THE KENT COUNTY TAX MAP AS MD-16-00-174-19-01-13-00-00001, MD-16-00-174-19-01-14-00-00001 AND PART OF MD-16-00-174-19-01-01-01-00001.
- THE PROPERTY IS LOCATED IN ZONE "X" ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 10055C0041K MAP REVISED MARCH 16, 2015. ZONE "X" IS AN AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN (NO IMPACT).
- BASED ON THE DNREC ENVIRONMENTAL NAVIGATOR NAVMAP WEBSITE, THERE ARE NO STATE OR FEDERAL WETLANDS, OR WELLDHE PROTECTION AREAS LOCATED ON ANY OF THE SUBJECT PARCELS.
- UTILITY WORK THAT OCCURS AFTER DELDOT'S FINAL PAVING OF SILICATO ROAD MAY REQUIRE COMPLETE REPAIRING OF THE ROADWAY FROM NORTHEAST TENTH STREET TO THE SR1 OFF-RAMP AND EVERY EFFORT SHOULD BE MADE BY THE APPLICANT TO COORDINATE UTILITY SERVICES WITH DELDOT PRIOR TO THE COMPLETION OF THE SR1/NORTHEAST FRONT STREET GSI PROJECT.
- FUTURE DEVELOPMENT OF THE SUBDIVIDED LOTS AND RESIDUAL LANDS WILL REQUIRE SITE PLAN REVIEW FROM THE CITY OF MILFORD, WHICH WILL INCLUDE DELDOT, KCD, FIRE MARSHALL AND OFFICE OF DRINKING WATER APPROVALS.
- THE PROPOSED WATER AND SANITARY SEWER LATERAL STUBS SHALL BE INSTALLED PER CITY OF MILFORD STANDARDS AND SPECIFICATIONS.
- FINAL APPROVAL WILL REQUIRE APPROVALS OR LETTERS OF NO OBJECTION FROM DELDOT, KENT CONSERVATION DISTRICT, AND THE CITY ENGINEER.
- IN ORDER TO SECURE FINAL SITE PLAN APPROVAL ON ANY OF THE NEWLY SUBDIVIDED LOTS SHOWN, THE OWNER/DEVELOPER SHALL PREPARE ANY NECESSARY DESIGN DOCUMENTS AND CONSTRUCT ANY SUCH IMPROVEMENTS REQUIRED PER THE FINDINGS OF THE UTILITY FEASIBILITY STUDY DATED AUGUST 2018.
- FINAL SITE PLANS FOR THE FIRST OF THE NEWLY SUBDIVIDED LOTS SUBMITTED FOR APPROVAL SHALL INCLUDE THE RELOCATION OF THE ELECTRIC UTILITY POLES. SHOULD THE RELOCATION WORK NOT OCCUR BY OCTOBER 18, 2018 THE OWNER/DEVELOPER SHALL SECURE AN UPDATED QUOTE FROM THE CITY ELECTRIC DEPARTMENT TO COMPLETE SAID WORK.

DELDOT RECORD PLAN - RED NOTES:

- THIS RECORD PLAN - RED SATISFIES THE DEPARTMENTS RECORDATION REQUIREMENTS AND ARE BASED ON THE PARCELS LOCATION. NO COMMITMENTS ARE STATED OR IMPLIED BY DELDOT THROUGH THE ISSUANCE OF THIS LETTER WITH RESPECT TO ENTRANCE LOCATIONS, ACCESS CONFIGURATIONS, AUXILIARY LANES AND/OR ROADWAY IMPROVEMENTS WHICH WILL BE EVALUATED AND REQUIRED AS NECESSARY AT THE TIME OF ENTRANCE CONSTRUCTION PLAN REVIEW OR APPROVAL FOR THE SITE.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN R/W UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL (DCM).
- 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 OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL. 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.



PENNONI ASSOCIATES INC.
 18072 Davidson Drive
 Milton, DE 19968
 T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

KEY SHEET

TM: MD-16-174-19-01-13.00 & 14.00, LANDS N/F OF BLUE HEN VENTURES, LLC.
 SILICATO PARKWAY, CITY OF MILFORD
 MILFORD HUNDRED, KENT COUNTY, DELAWARE

BLUE HEN VENTURES, LLC.
 20238 CEDAR BEACH ROAD
 MILFORD, DELAWARE 19963

NO.	DATE	REVISIONS	BY
5	8/31/18	REVISED PER CITY OF MILFORD COMMENTS	MW
4	8/01/18	REVISED PER CITY OF MILFORD COMMENTS	MW
3	7/17/18	REVISED PER DELDOT COMMENTS	MW
2	7/02/18	REVISED PER DELDOT COMMENTS	MW
1	6/22/18	REVISED PER DELDOT COMMENTS	MW

PROJECT: BHNVN18001
 DATE: 2018-06-12
 DRAWING SCALE: 1" = 100'
 DRAWN BY: KMD/MW
 APPROVED BY: AMD/IHD

V-0202
 SHEET 2 OF 5



PENNONI ASSOCIATES INC.
 18072 Davidson Drive
 Milton, DE 19968
 T 302.664.8030 F 302.664.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

TM: MD-16-174-19-01-13.00 & 14.00,
 LANDS N/F OF BLUE HEN VENTURES, LLC.

SILICATO PARKWAY, CITY OF MILFORD
 KENT COUNTY, DELAWARE
MAJOR SUBDIVISION PLAN

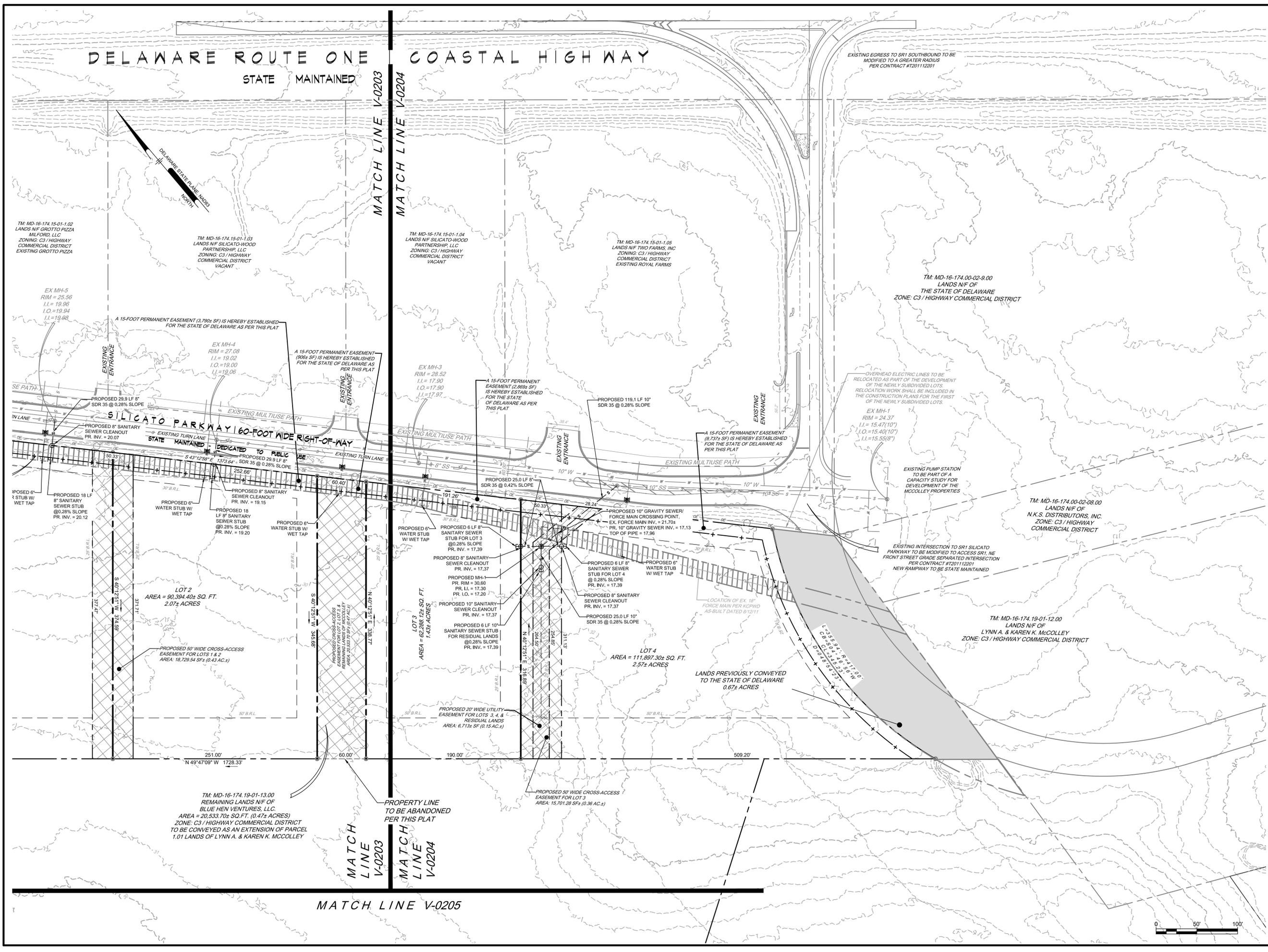
BLUE HEN VENTURES, LLC.
 20238 CEDAR BEACH ROAD
 MILFORD, DELAWARE 19963

NO.	DATE	REVISIONS	BY
5	8/31/18	REVISED PER CITY OF MILFORD COMMENTS	MW
4	8/9/18	REVISED PER CITY OF MILFORD COMMENTS	MW
3	7/17/18	REVISED PER DELDOT COMMENTS	MW
2	7/2/18	REVISED PER DELDOT COMMENTS	MW
1	6/22/18	REVISED PER DELDOT COMMENTS	MW

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES. AN OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

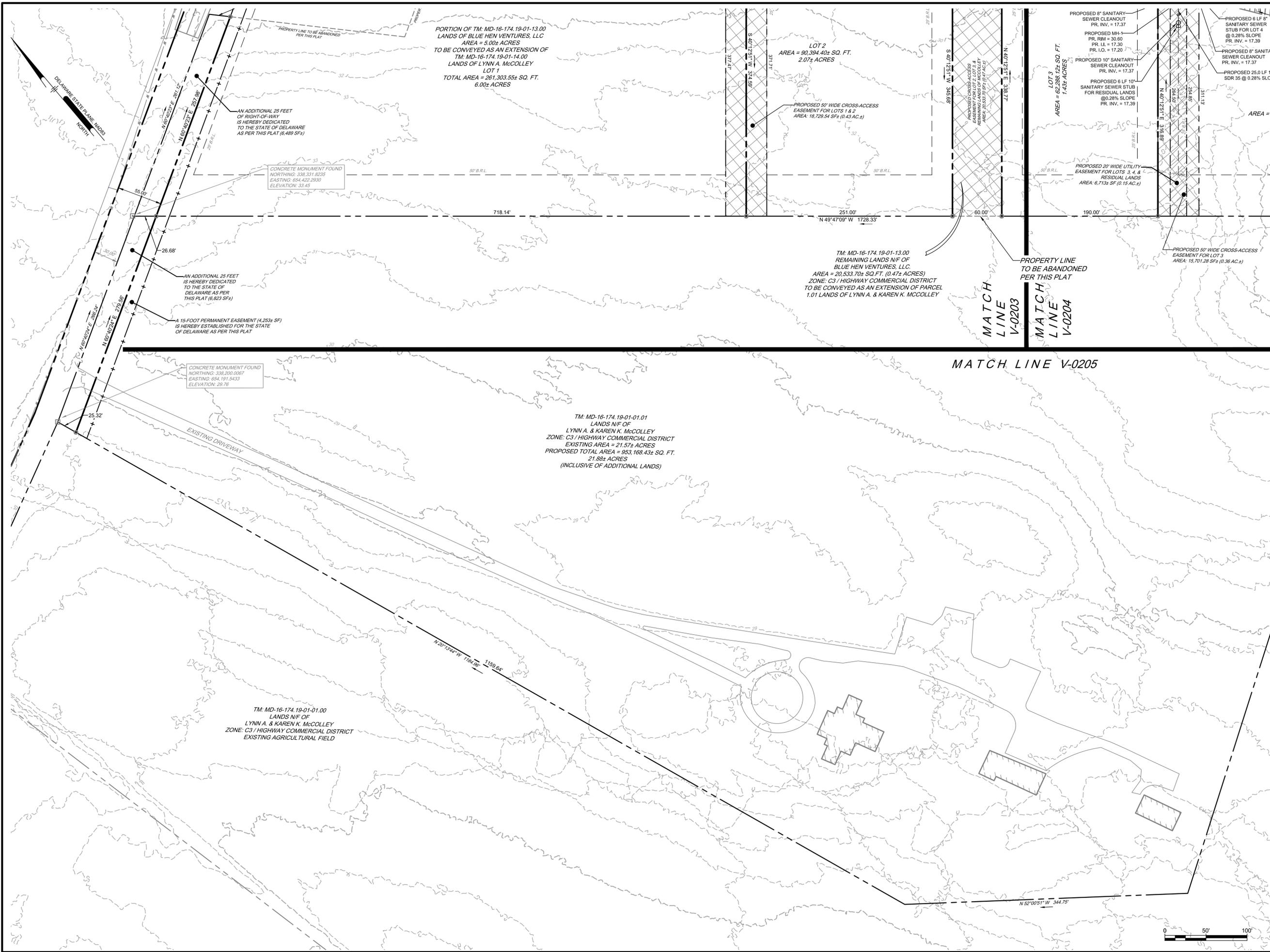
PROJECT: BHNVN18001
 DATE: 2018-06-12
 DRAWING SCALE: 1" = 50'
 DRAWN BY: KMD/MW
 APPROVED BY: AMD/IHD

V-0204
 SHEET 4 OF 5



U:\Account\BHNVN18001 - Major Commercial\DESIGN\BHNVN18001-V-0204-18 Subdivision Plan.dwg
 PLOTTED: 8/10/2018 10:59:11 AM BY: MEI/MWA
 PLOTTED BY: Pennoni VCS Lab
 PROJECT STATUS:

U:\Account\BHN\BHN18001 - Milford Commercial\DESIGN\BHN18001-01-01-13-00-18 Subdivision\Drawing
 PLOTTED: 05/10/2018 10:50PM BY: MIA/MIA
 PLOTSTYLE: Pennoni VCL.dwg PROJECT STATUS: —



Pennoni
PENNONI ASSOCIATES INC.
 18072 Davidson Drive
 Milton, DE 19968
 T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

TM: MD-16-174-19-01-13-00 & 14-00,
 LANDS N/W OF BLUE HEN VENTURES, LLC.
 SILICATO PARKWAY, CITY OF MILFORD
 KENT COUNTY, DELAWARE
MAJOR SUBDIVISION PLAN
 BLUE HEN VENTURES, LLC.
 20238 CEDAR BEACH ROAD
 MILFORD, DELAWARE 19963

DATE	NO.	REVISIONS	BY
8/31/18	5	REVISED PER CITY OF MILFORD COMMENTS	MW
8/9/18	4	REVISED PER CITY OF MILFORD COMMENTS	MW
7/17/18	3	REVISED PER DELODOT COMMENTS	MW
7/27/18	2	REVISED PER DELODOT COMMENTS	MW
6/22/18	1	REVISED PER DELODOT COMMENTS	MW

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	BHNVN18001
DATE	2018-06-12
DRAWING SCALE	1" = 50'
DRAWN BY	KMD/MW
APPROVED BY	AMD/IMH

V-0205
 SHEET 5 OF 5



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN
SECRETARY

July 23, 2018

Mr. Kristopher Connelly, County Supervisor
Kent County
Department of Planning Services
555 Bay Road
Dover, Delaware 19901

**SUBJECT: Letter of No Objection to Boundary Plat Recordation
Lands Now or Formerly of Blue Hen Ventures LLC**
Tax Parcel # 5-16-17419-01-1300-00001, 5-16-17419-01-1400-00001
KCR34108-NE 10Th STREET
Milford, Milford Hundred, Kent County

Dear Mr. Connelly:

The Department of Transportation (**DelDOT**) has determined that there is a need to establish additional Right-of-Way (ROW) and/or Permanent Easements (PE's) with respect to this parcel. This Boundary Plat dated June 12, 2018 (last revised July 17, 2018), satisfies the Department's recordation requirements that are known at this time, based on the parcel's location and roadway frontage as referred to above. No commitments are stated or implied by DelDOT through the issuance of this letter with respect to: entrance location(s), access configuration, auxiliary lanes and/or roadway improvements which will be evaluated and required as necessary at time of Entrance/Construction Plan review or approval for this site.

Prior to Entrance/Construction Plan approval, recordation of a Letter Agreement will be required to capture any of the following items (if determined to be applicable) which shall be coordinated with DelDOT, and executed or recorded:

- 1) Traffic Impact Study (TIS)/Traffic Operational Analysis (TOA) improvements
- 2) Signal Agreements
- 3) Site Distance Easements
- 4) Project specific notes (Site restrictions)

Lands Now or Formerly of Blue Hen Ventures LLC
Mr. Kristopher Connelly
Page 2
July 23, 2018

This "No Objection to Boundary Plat Recordation" letter (LONO-BPR) does not authorize the commencement of entrance construction. Entrance plans shall be developed in accordance with DelDOT's [Development Coordination Manual](#) and submitted to the Development Coordination Section for review and approval.

This **LONO-BPR** approval shall be valid for a period of **five (5) years**. If the Boundary Plat is not recorded prior to the expiration of the **LONO-BPR**, then the plan must be updated to meet current requirements and resubmitted for DelDOT review and approval.

This "No Objection to Boundary Plat Recordation" letter is not a DelDOT endorsement of any proposed project or conceptual site plan. Rather, it is a confirmation that ROW and/or PE's are required to meet current DelDOT requirements in advance of future development. Future development plans require further review by DelDOT with respect to: transportation improvements which the applicant may be required to make; entrance/access configurations; notes regarding site development restrictions; deed restrictions or recorded agreements. If transportation investments are determined to be necessary, they will be based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. Such improvements will conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject a proposed plan independent of any action that DelDOT may have undertaken with regard to this site/parcel.

If I can be of any further assistance, please call me at (302) 760-2266.

Very truly yours,



Steve Sisson
Sussex County Subdivision Engineer
Development Coordination

Enclosure

cc: Lynn McColley, Lynn McColley
Mark Davidson, Pennoni Associates, Inc.
Jared Adkins, Kent Conservation District

Lands Now or Formerly of Blue Hen Ventures LLC

Mr. Kristopher Connelly

Page 3

July 23, 2018

R. Stephen McCabe, Central District Public Works Engineer

Todd Sammons, Subdivision Engineer

Derek Sapp, Kent County Reviewer



KENT CONSERVATION DISTRICT

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

August 8, 2018

Mr. Eric Norenberg, City Manager
City of Milford
P.O. Box 159
Milford, DE 19963

Re: Lot Line Adjustment Plan,
MD-16-174.19-01-13.00
MD-16-174.19-01-14.00

Dear Mr. Norenberg:

Kent Conservation District has reviewed the site plan for the above referenced project and has no objection to the lot line consolidation being proposed.

If, in the future the earth disturbance is greater than 5,000 square feet, a detailed Sediment and Stormwater Management Plan must be approved by the Kent Conservation District prior to the start of any earth disturbing activity.

If you should have any questions regarding this matter, please do not hesitate to call our office at (302) 741-2600 ext. 3

Sincerely,
KENT CONSERVATION DISTRICT

Jessica L. Verchick, EIT

Cc: Blue Hen Ventures, LLC
Alan Decktor, Pennoni

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: OCTOBER 16, 2018

CITY COUNCIL PUBLIC HEARING: OCTOBER 22, 2018

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, October 16, 2018 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, October 22, 2018 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2018-24

Change of Zone of Annexed Land belonging to City of Milford

Tax Parcel 3-30-15.00-058.02

6.50 +/- Acres

Current Zone AR1/Proposed Zone IS

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 6.5 +/- acres of real property from AR1 to IS on Elks Lodge Road, Milford, Delaware. Present Use: Municipal Electric Substation. Proposed Use: Same. Tax Map and Parcel: 3-30-15.00-058.02

WHEREAS, the City of Milford Planning Commission will consider the change of zone application at a Public Hearing on October 16, 2018; and

WHEREAS, Milford City Council will hold a Public Hearing on October 22, 2018 to allow for public comment and further review of the ordinance; and

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

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

Upon the adoption of this ordinance, tax map and parcels 3-30-15.00-058.02, owned by City of Milford located on Elks Lodge Road, is hereby zoned IS.

Dates:

Planning Commission Review & Public Hearing: October 16, 2018

City Council Introduction: May 14, 2018

City Council Public Hearing: October 22, 2018

Adoption: October 22, 2018

Effective: November 1, 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 302-422-1111.

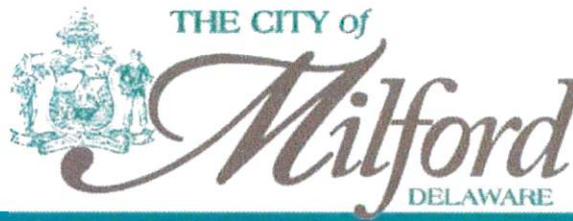
Advertised: Beacon 09/26/18



DATA SHEET FOR CITY OF MILFORD – ELECTRIC SUBSTATION

Annexation Committee: June 11, 2018
Planning Commission Meeting: October 16, 2018
City Council Meeting: October 22, 2018

Application Number / Name	:	16-004 / City of Milford – Electric Substation
Applicant	:	City of Milford 201 S. Walnut Street Milford, DE 19963
Owner	:	Same
Application Type	:	Annexation
Comprehensive Plan Designation	:	Employment
Current Zoning District	:	AR-1 (Sussex County)
Proposed Zoning District	:	IS (Institutional Service District)
Present Use	:	Municipal Electric Substation
Proposed Use	:	Municipal Electric Substation
Area and Location	:	6.5 +/- acres located along the east side of Elks Lodge Rd, approx. 300 feet south of the Wilkins Road intersection
Property Identification Numbers	:	3-30-15.00-058.02
ENC:		Annexation Committee Report Exhibit A - Location & Zoning Map Exhibit B – Comprehensive Plan Land Use Map Exhibit C – Written Petition Exhibit E – OSPC Approval



TO: Mayor Campbell & City of Milford Council Members
FROM: Annexation Committee
DATE: June 11, 2018
RE: Annexation Committee Report

A public meeting was held in Council Chambers on June 11, 2018 to consider the annexation request for lands described as:

Property Owner:	City of Milford
Location:	Elks Lodge Road
Size:	6.5 +/- acres
Existing Zoning:	AR-1 – Agricultural Residential (Sussex County)
Proposed Zoning:	IS (Institutional Service District)
Tax Map and Parcel Number:	3-30-15.00-058.02

APPLICANT

The City of Milford requests the 6.5 +/- acres of land containing the City’s electrical substation be annexed into the corporate limits of the City of Milford.

LOCATION

The property is identified as Sussex County tax parcels 1-30-3.00-80.02 and would be located in the 1st Ward of the City of Milford. The property is off of Elks Lodge Road and is the current location of the City’s electric substation.

STREETS

No Streets.

DRAINAGE

No Drainage.

ZONING

The area proposed to be annexed is currently zoned AR-1 in Sussex County under the Sussex County Zoning Ordinance. The City requests the property to be zoned IS (Institutional Service District) under the City of Milford’s Zoning Ordinance.

SEWER

No sewer.

WATER

No water.

ELECTRIC

Existing City electric.

TRAFFIC

Entrances to Elks Lodge Road are controlled by DelDOT.

ENVIRONMENTAL ISSUES

The U.S. Army Corp of Engineers will control provisions under Section 404 of wetlands on the parcel. According to the DNREC Navigator website, the property does not contain state mapped wetlands. The property is not located within the 100-year floodplain according to the most recent FEMA Flood Insurance Rate Maps (FIRMs). The property does not contain areas of excellent groundwater recharge.

AREA LAND USES

The parcel is surrounded on the west by the Delmarva Power electrical substation, to the south and east by the proposed Bayhealth Health Campus property and to the north by residential uses.

FIRE AND POLICE

The Carlisle Fire Dept. will provide fire protection services to this parcel. The City will provide police service.

COMPREHENSIVE LAND USE PLAN

The annexation is consistent with the 2018 Comprehensive Plan Future Land Use Plan and the SE Master Plan and is designated as Employment.

PROPERTY TAXES AND OTHER ECONOMIC CONSIDERATIONS

The property is owned by the City of Milford; therefore, no taxes or other economic benefits are anticipated. City Council agreed to convey a small portion of the property to Bayhealth in exchange for utility easements located throughout the medical campus.

ADVANTAGES TO THE CITY

1. The property would be within the planning area of the City of Milford and is identified within the Urban Growth Boundary Area of the 2018 Comprehensive Plan.
2. The proposed zoning is consistent with the 2018 Comprehensive Plan Future Land Use Map.
3. The annexation would allow the conveyance of a small unused portion of the parcel to Bayhealth to be incorporated into the proposed health campus property per the executed Bayhealth development agreement.

DISADVANTAGES TO THE CITY

1. None.

RECOMMENDATION

Based on the issues and comments discussed in this report, the Annexation Committee of the City of Milford recommends approval of the application, following a unanimous vote, with the following comments:

1. Annexation is consistent with the "Comprehensive Land Use Plan".
2. Property is contiguous to existing City Limits.

3. Any changes to the property are subject to review by the City of Milford Planning Commission and/or City Council.
4. Upon approval of the annexation committee report, a Municipal Annexation Plan of Services will be submitted to the Office of State Planning for their approval.

The property should be annexed with the following zoning classification: IS

Owen S Brooke Jr
Council Representative/Committee Chairman

2/9/18
Date

James O. [Signature]
Council Representative

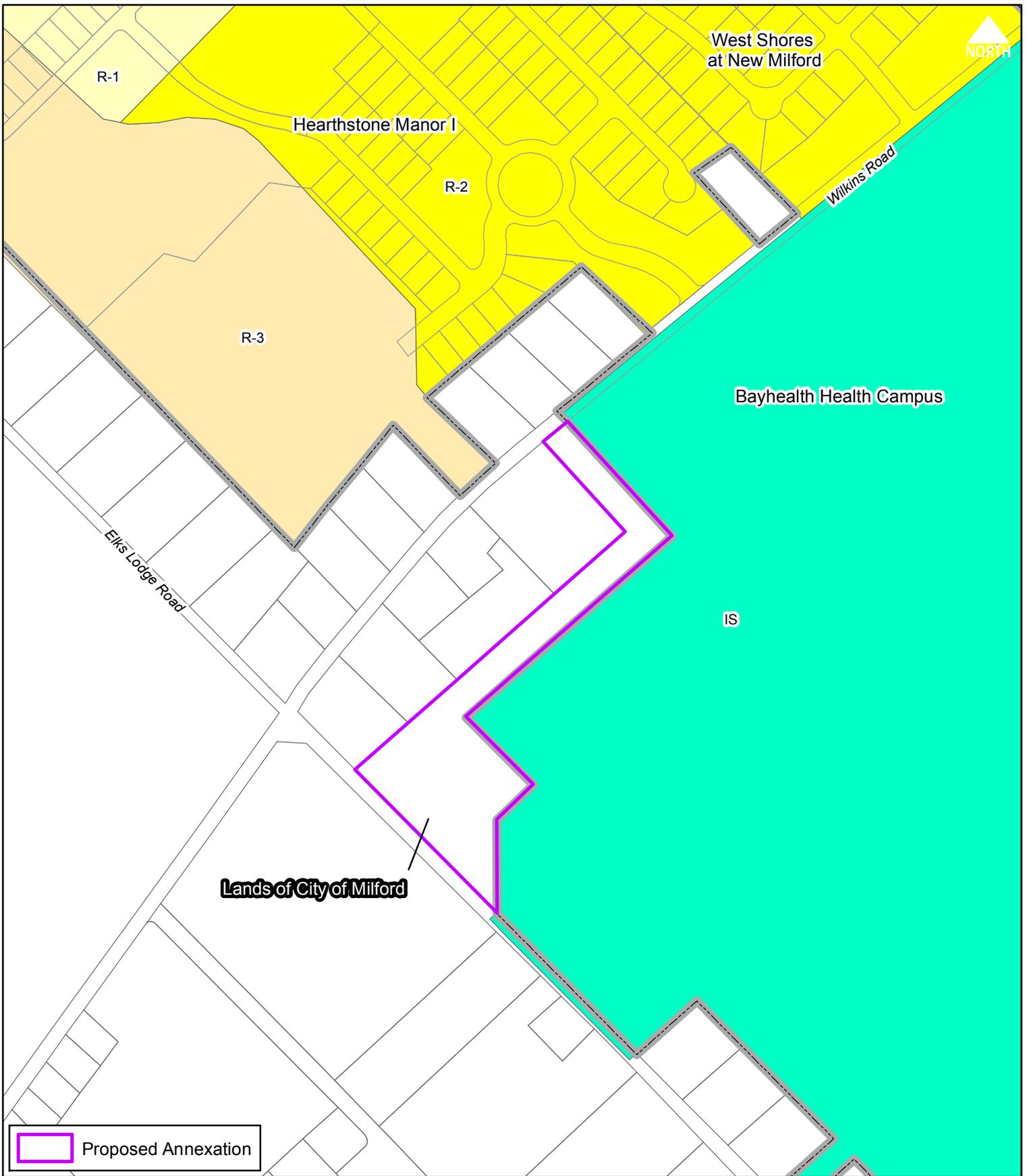
2/8/18
Date

[Signature]
Council Representative

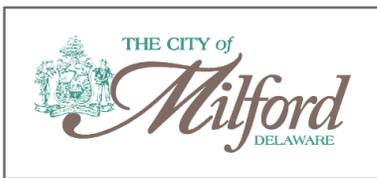
1/9/18
Date

Not in attendance
Planning Commission Chairman

1/9/18
Date



 Proposed Annexation

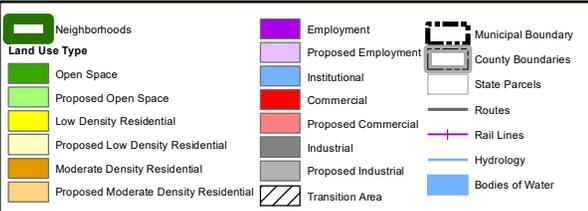
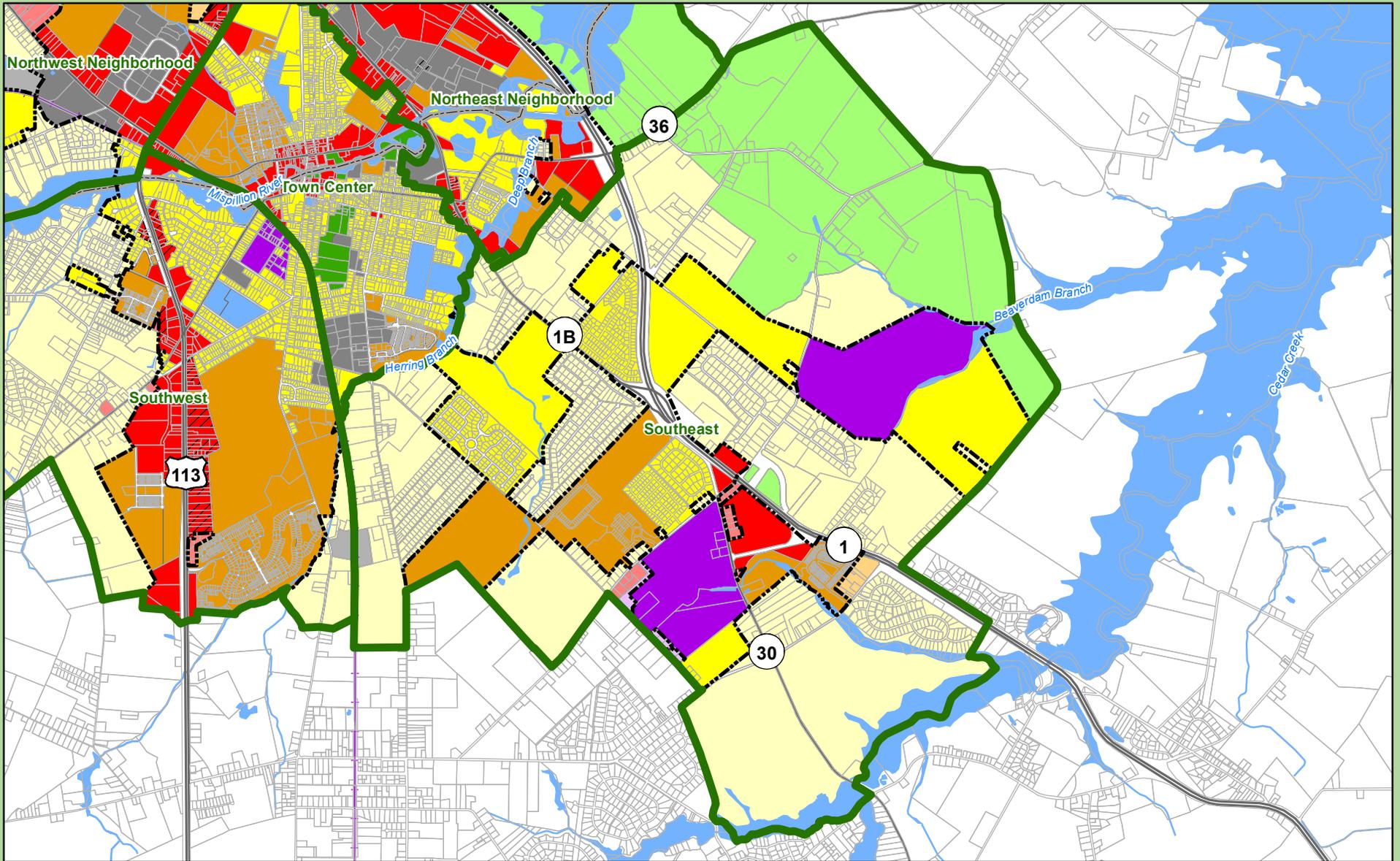


Scale:  Feet
0 200 400

Drawn by: WRP Date: 04/17/18

Title:
**Proposed Annexation
City of Milford
Location & Zoning Map**

Filepath: Annexation_CityofMilford.mxd

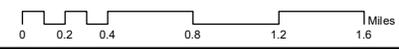


City of Milford, Delaware

Future Land Use

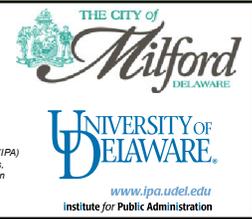
Southeast

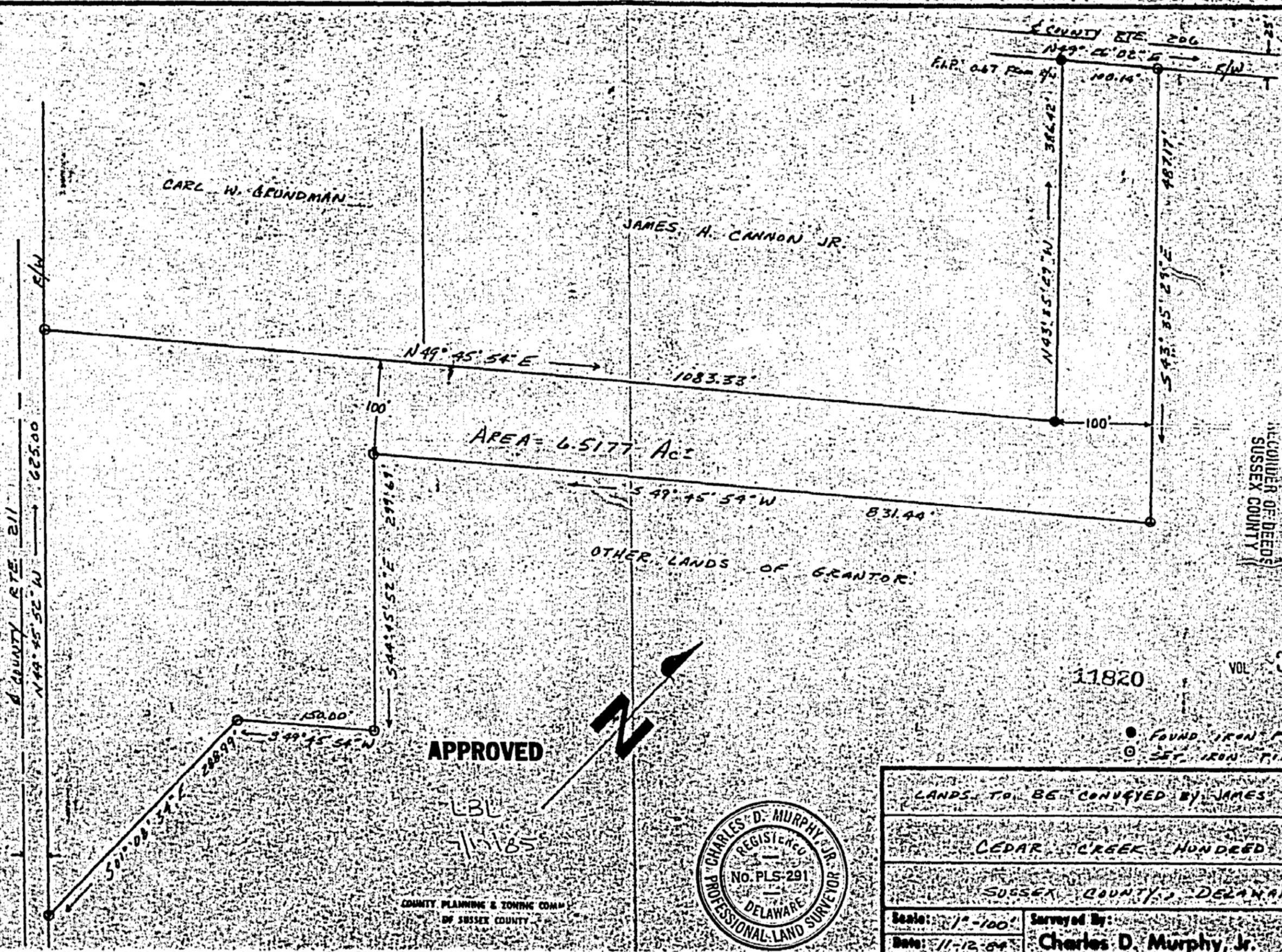
Adopted Jan. 22, 2018, Certified TBD



Sources:
 Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.
 DRAFT Future Landuse - City of Milford, Delaware 01/18.
 Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.
 Hydrology - USGS and EPA, FirstMap 01/18.

Note: This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.





RECEIVED
MAY ANI IANHOHD
1905 JUL 18 PM 2 31
RECORDER OF DEEDS
SUSSEX COUNTY

11820 VOL 32 PAGE 316

APPROVED

LBL
7/11/85

COUNTY PLANNING & ZONING COMM.
OF SUSSEX COUNTY



LANDS TO BE CONVEYED BY JAMES H. VREGLAND	
CEDAR CREEK HUNDRED	
SUSSEX COUNTY, DELAWARE	
Scale: 1" = 100'	Surveyed By: Charles D. Murphy, Jr.
Date: 11-12-84	PLS-291

270198 (5) 7-00

LEGAL DESCRIPTION
LANDS OF
CITY OF MILFORD
3-30-15.00-058.02

ALL that certain tract, piece and parcel of land, lying and being in Cedar Creek Hundred, Sussex County and State of Delaware, fronting on the northeasterly side of County Road 211 and on the southeasterly side of County Road 206, adjoining lands of Carl W. Grundman, lands of James H. Cannon, Jr. and other lands of grantor, and more particularly described as follows, to wit:

BEGINNING at a set iron pipe on aforementioned northeasterly right of way line of County Road 211, 25 feet from the centerline thereof, and at a corner for other lands of grantor; thence running with said right of way line of County Road 211 North 44 degrees 45 minutes 52 seconds West 625.00 feet to a set iron pipe at the southerly corner of lands of Carl w. Grundman; thence proceeding along said lands of Carl w. Grundman and lands of James H. Cannon Jr. North 49 degrees 45 minutes 54 seconds East 1083.33 feet to a found iron pipe at a corner for said Cannon lands: thence following line of said Cannon lands North 43 degrees 35 minutes 29 seconds West 386.42 feet, passing through an iron pipe found at 385.75 feet to a point on aforementioned southeasterly right of way line of County Road 206; thence following said right of way line of County Road 206, 25 feet from the centerline thereof, North 49 degrees 26 minutes 02 seconds East 100.14 feet to a set iron pipe at a corner for other lands of grantor; thence proceeding along said other lands of grantor the following 5 courses and distances: 1) South 43 degrees 35 minutes 29 seconds East 487.17 feet to a set iron pipe; 2) South 49 degrees 45 minutes 54 seconds West 831.44 feet to a set iron pipe; 3) South 44 degrees 45 minutes 52 seconds East 299.69 feet to a set iron pipe; 4) South 49 degrees 45 minutes 54 seconds west 150.00 feet to a set iron pipe; and finally 5) South 01 degrees 08 minutes 34 seconds East 288.99 feet to the place of beginning, containing 6. 5177 acres of land, more or less, as filed in Plot Book 32, page 316.

BEING a portion of the lands devised to Mary L. Vreeland, James H. Vreeland, Mary Lou Webb and Kay V. Klute by the Last Will and Testament of Howard s. Vreeland as filed in the Office of the Register of Wills, Georgetown, Sussex County, Delaware.



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

September 10, 2018

Mr. Rob Pierce
Planning Director
City of Milford
201 S. Walnut Street
Milford, DE 19963

**RE: Plan of Services 2018-17 City of Milford Substation
Tax Parcel(s) 3-30-15.00-58.02**

Dear Mr. Pierce,

This letter is to confirm that we have received and accepted the completed Plan of Services for the above referenced annexation. The City has completed all relevant annexation requirements of Title 22, Section 101, and subsection (3) of the Delaware Code.

After this property has been annexed please notify our office in writing so that we may update our records and maps. A copy of the annexation committee report and the official annexation resolution should accompany this notification. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell", written over a large, light-colored oval scribble.

David L. Edgell, AICP
Principal Planner

City of Milford

ORDINANCE 2018-28

An Ordinance Annexing a 6.5+/- acre Industrial Parcel at
20167 Elks Lodge Road, Lincoln, DE, owned by the City of Milford
Tax Map 3-30-15.00-058.02

WHEREAS, the City of Milford has been requested to annex the lands set forth in Exhibit A, attached hereto, by the owner of the area proposed to be annexed; and

WHEREAS, on October 16, 2018, the Planning Commission reviewed the annexation petition and zoning request; and

WHEREAS, the requested annexation and zoning complies with the City of Milford Comprehensive Land and Future Land Use Map; and

WHEREAS, after a thorough review of the findings submitted by the City of Milford Annexation Committee and a favorable recommendation of Planning Commission, the Council of the City of Milford desires to extend the city boundary lines to include said tract of land.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The present boundary of the City of Milford, as presently established, is hereby extended to include by annexation all that certain tract of land consisting of 6.5+/- acres, as the same is shown on a plan denoted Exhibit A, attached hereto and made a part hereof.

Section 2. A Plan of Services has been completed in accordance with Delaware Code and accepted by all necessary agencies.

Section 3. The hereinto described 6.5+/- acre parcel of land is hereby zoned I-S Institutional Service District.

Section 4. Said area thus annexed is hereby included in the geographical and political subdivision of the City of Milford known as Ward 1.

Section 5. The City Planner is hereby directed to secure the description and plot of the territory to be recorded in the Office of the Recorder of Deeds in Sussex County, Delaware, in accordance with the Charter of the City of Milford.

Section 6. This ordinance, introduced on the 8th day of October, 2018, is hereby adopted by an affirmative vote of at least two-thirds of the members of City Council this 22nd day of October 2018, thus becoming effective on the 1st day of November 2018.

SEAL

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson

City of Milford



Office of the Mayor

CERTIFICATION OF APPRECIATION

presented to

Boy Scout Troop 116 Milford, Delaware

WHEREAS:

A great City is only as great as those persons who give exemplary service to their communities through either participation in voluntary programs, through unique personal achievements or through an act of good citizenry; and

Often, many services and acts often go unrecognized and unrewarded; and

Members, Leaders and Families of Boy Scout Troop 116 proved they are outstanding citizens and worthy of the esteem of both the community and the City of Milford; and

Jointly, they demonstrated untiring efforts and great dedication by answering an urgent call during a very vulnerable time, thus resulting in a significant contribution to this City.

Now, Therefore, I, Archie J. Campbell, of the City of Milford, do consider it an honor and a privilege to publicly recognize the following individuals for helping to preserve years of valuable City and historical records from contamination and deterioration as a result of a flooding situation at City Hall on September 11, 2018:

Krakon Patrol

Logan Huey
Nicholas Schreiber
Peyton Adams
Thomas Davis
Zachary Wilt

Spartan Patrol

Hayden Giuttari
Stephen Jones Jr.
Luke Stutzman
Nathan Nagy
Conner Wooten

Black Panther Patrol

Coty Holloway
Zach Wheyway
Zach Stutzman

Arrow of Light

Ben Stutzman

Scorpion Patrol

Alexander "Quinn" Humes

Adult Leaders

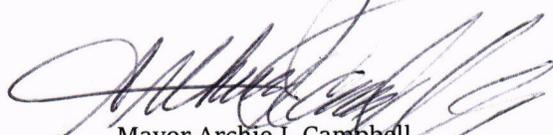
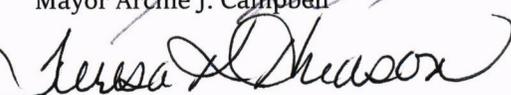
Bill Holloway Jr, Scoutmaster
Stephen Jones Sr, Asst Scoutmaster
Steve Stutzman, Arrow of Light Leader
Derrick Giuttari, Committee Chairperson
Cynthia Wooten, Committee Chairperson Cub Scouts

Parents & Siblings

Lauren Corsiglia
Mike Wilt
Steve Stutzman
Cassandra Schreiber



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Milford to be affixed hereto this 22nd day of October 2018.


Mayor Archie J. Campbell
Attest: 
City Clerk Teresa K. Hudson

City of Milford



PROCLAMATION 2018-11 EXTRA MILE DAY

WHEREAS, the City of Milford is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Milford is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

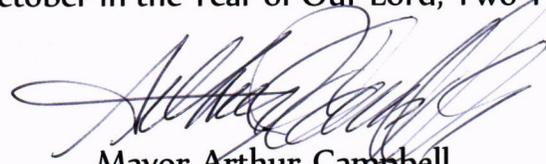
WHEREAS, Milford is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Milford acknowledges the mission of Extra Mile America to create 575 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2018.

NOW THEREFORE, I, Arthur Campbell, Mayor of the City of Milford do hereby proclaim November 1, 2018, to be Extra Mile Day and urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 22nd day of October in the Year of Our Lord, Two Thousand Eighteen.




Mayor Arthur Campbell

Attest: 
City Clerk Teresa K. Hudson



Sussex County Association of Towns

20 W Fourth Street, Blades, Delaware 19973

S.C.A.T. Dinner for Wednesday, November 7, 2018

- Town of Bethany Beach*
- Town of Bethel*
- Town of Blades*
- Town of Bridgeville*
- Town of Dagsboro*
- Town of Delmar*
- Town of Dewey Beach*
- Town of Ellendale*
- Town of Fenwick Island*
- Town of Frankford*
- Town of Georgetown*
- Town of Greenwood*
- Town of Henlopen Acres*
- Town of Laurel*
- City of Lewes*
- City of Milford*
- Town of Millsboro*
- Town of Millville*
- Town of Milton*
- Town of Ocean View*
- City of Rehoboth Beach*
- City of Seaford*
- Town of Selbyville*
- Town of Slaughter Beach*
- Town of South Bethany*
- Sussex County Council*

LOCATION: Bridgeville Fire Hall
311 Market Street
Bridgeville, Delaware 19933

TIME: 6:00 pm - Social (cash bar)
6:30 pm - Dinner

HOST: Town of Bridgeville

SPEAKER: Joseph Thomas, Sussex County EOC

COST: \$23.00 per person

MENU: Buffet Dinner:
Roast Beef & Dumplings
Fried Chicken
Mashers / Gravy
Winter Mix Veggies
Cole Slaw
Baked Pineapple
Yeast Rolls / Butter
Baby Cheesecake / Topping
Tea and/or Coffee

PLEASE RSVP TO CHRISTINE NO LATER THAN 10/25/18

For those bringing guests, please mail and make checks payable to:
Town of Bridgeville
Attn: April Buckler
101 N Main Street
Bridgeville, Delaware 19933

TO: Mayor and City Council

FR: Eric Norenberg
City Manager

DA: October 16, 2018

RE: Milford Lodging Tax

Background and Purpose

Senate Bill 264 amended the City of Milford's Charter to permit City Council to impose and collect a lodging tax of no more than 3% on any room or rooms in a hotel, motel or tourist home located in the City of Milford. Under current state law, this tax does not apply to rental properties or bed and breakfast style establishments.

Overview

The State of Delaware currently collects a lodging tax of 8% on rooms within hotels, motels and tourist homes as defined in §6101 of Title 30 of the Delaware Code. The 8% collected is then distributed as follows:

- 5% towards the State's General Fund
- 1% towards the Beach Preservation Program (Beach Replenishment)
- 1% towards the local Chambers of Commerce
- 1% towards the Delaware Tourism Office

During the last legislative session that ended in June 2018, the City of Newark, Town of Middletown and the City of Milford submitted Charter changes to the General Assembly that mirrored state law and authorized each to enact and collect a lodging tax of no more than 3%. In early September, Governor Carney signed the bill into law and since, City staff has developed an ordinance to authorize the levy. The 3% charged by the City of Milford would be in addition to the State's existing 8%, for a total of 11%.

Discussion

Hotel lodging taxes are primarily paid by visitors, which reduces the tax burden on residents. Out-of-town visitors depend on our police service, roads, infrastructure and other City services while they're here. Furthermore, visitors come to Milford for a number of reasons including our Riverwalk and regular events. A lodging tax would more fairly distribute service and infrastructure costs generated by the City to all who use them.

Visitors are looking for location as their primary objective when searching for lodging. Additionally, research shows that hotel taxes have a negligible impact on tourism due to it being a small fraction of the overall trip cost. For example, a visitor paying a room rate of \$150 per night would pay only \$4.50 more in tax each night.

Room Rate Per Night	Current Tax	Proposed Tax	Net Change
\$100	\$8.00	\$11.00	\$3.00
\$150	\$12.00	\$16.50	\$4.50
\$200	\$16.00	\$22.00	\$6.00
\$250	\$20.00	\$27.50	\$7.50

Surrounding areas such as Pennsylvania, Maryland, New Jersey and D.C. all collect a sales tax in addition to a lodging tax. For this reason, guests in Milford pay the lowest taxes in the region as shown below.

Current Tax by Jurisdiction	
Jurisdiction	Lodging + Sales Tax
Philadelphia, PA	16.25%
Baltimore, MD	15.5%
Newark, NJ	15.25%
Washington, DC	14.8%
Cherry Hill, NJ	14.62%
Cecil County, MD	12%
Chester County, PA	11%
Milford, DE	8%

With a 3% increase (at most), the tax rate charged by the City of Milford would still be competitive with surrounding areas.

Recommendation

City Staff recommends implementing a 3% lodging tax to provide a more equitable means to recover the cost of services that benefit our visitors. Using conservative estimates of room occupancy and average room rates, a 3% lodging tax is estimated to generate \$54,000 - \$69,000 per year, or more. A lodging tax would provide the City with a more diverse revenue stream while reducing the impact on residents and remaining competitive with surrounding areas.

City of Milford

ORDINANCE 2018-23

CHAPTER 204-TAXATION

Whereas, tax revenues are essential to the City's ability to provide quality services to its residents and to finance government operations, for the health and welfare of the City of Milford and those who live, work and visit here; and

Whereas, residents and property owners benefit from public services though still need relief from the full financial burden of those programs; and

Whereas, while the full cost of these programs is not covered by the fees and real estate taxes collected, it is necessary to find local supplemental revenues to continue providing services that are essential to the health, safety, welfare and economic well-being of our residents, businesses and property tax payers, as well as those visiting the City of Milford; and

Whereas, the City Council finds it in the public interest of the City of Milford to enact a local lodging tax of three (3) percent, the proceeds of which can be utilized as General Fund dollars to support such services as police, fire and parks, as well as planning, economic development and administrative support; and

Whereas, in accordance with 22 Del. C. §811, an Ordinance amending the Charter of the City of Milford and permitting a local lodging tax, was approved by the City Council of the City of Milford on June 11, 2018 and signed into State law by Governor John Carney effective September 4, 2018; and

Whereas, the City Council wish to Amend Chapter 204 of the Code of the City of Milford relating to Taxation.

Section 1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MILFORD:

The Council of the City of Milford, by duly enacted ordinance, hereby levies a local lodging tax of three (3) percent of the rent, in addition to the amount imposed by the State of Delaware, for any room or rooms in a hotel, motel or tourist home, as defined in § 6101 of Title 30, that are located within the boundaries of the City of Milford, in the form and manner as follows:

Section 2.

Amend Chapter 204 of the Code of the City of Milford by adding a new Article V entitled 'Local Lodging Tax' to read as follows:

Article V. LOCAL LODGING TAX

§204-13 – Local Lodging Tax.

- (A) A local lodging tax is hereby levied of three (3) percent of the cost of the rent, in addition to the amount imposed by the State, for any room or rooms in a hotel, motel or tourist home within the boundaries of the City of Milford, and as defined in 30 Del. C. §6101.

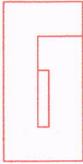
- (B) The local lodging tax, pursuant to this ordinance, is the responsibility of the occupant of the room and shall be collected at the time the rental is paid. Operators of the hotel, motel or tourist home are responsible for the collection of the local lodging tax and the remittance of the taxes to the City of Milford within 20 days after the end of each calendar month, in accordance with procedures established by the City Manager and using forms designated by the City Finance Department. The tax imposed shall be shown on the billing to the occupant as a separate and distinct item.

- (C) No local lodging tax pursuant to this ordinance shall be collected for reservations or contracts for lodging executed or completed before January 1, 2019.

SYNOPSIS

There is imposed and assessed a local lodging tax at the rate of 3% of the rent upon every occupancy of a room or rooms in a hotel, motel or tourist home within the City of Milford, to be paid by the occupant.

Section 3.	Dates.
Introduction:	October 8, 2018
Adopted:	October 22, 2018
Effective:	January 1, 2019



Gipe Associates, Inc.
CONSULTING ENGINEERS

P.B. #: 18496
Easton Office

September 24, 2018

Captain Gary Bailey
Milford Police Department
400 NE Front Street
Milford, DE 19963

Project: Milford Police Station HVAC Study
Reference: Fee Proposal for Engineering Study/ Feasibility Analysis

Dear Captain Bailey:

We are pleased to submit our fee proposal for the performance of mechanical and supporting electrical engineering services on the referenced project.

The scope of our work would include an analysis of the existing HVAC (Heating, Ventilating, and Air Conditioning) systems and supporting electrical systems serving the Milford Police Station (approximately 17,000 Ft²) located in Milford, Delaware. Our study shall include a review of existing drawings, field investigations, and non-destructive observations of the existing HVAC and supporting electrical systems. Interviews with staff and/or maintenance personnel shall be conducted and documented to determine any non-visible deficiencies in the existing HVAC and electrical systems.

The following outlines the mechanical tasks we propose to perform in completing the study:

1. Determine age, condition, and code compliance of existing mechanical systems.
2. Develop schematic drawings of existing mechanical systems.
3. Perform existing mechanical systems evaluation relative to future building use.
4. Provide recommendations for new mechanical systems.
5. Perform cost estimate for new construction and renovations.
6. Provide digital photographs of existing mechanical equipment/systems
7. Evaluate existing building envelope impacts on existing mechanical systems.
8. Evaluate proposed building envelope impacts on existing and new mechanical systems.
9. Perform preliminary heating/cooling load calculations.
10. Perform preliminary ventilation calculations.
11. Perform life cycle cost analysis.
12. Meet with Owner to review existing system deficiencies and recommendations.

The following outlines the electrical tasks we propose to perform in completing the study:

1. Perform field survey and observations.
2. Provide preliminary electrical load calculation for proposed building usage.
3. Verify existing electrical service primary and secondary voltages.
4. Determine age and condition of existing electrical switchgear and branch circuit wiring systems.
5. Evaluate existing electrical service size adequacy for proposed building upgrades.
6. Provide recommendations for switchgear and distribution upgrades for proposed building upgrades.

1220 East Joppa Road
Suite 223
Towson, Maryland 21286
TEL 410.832.2420
FAX 410.832.2418

8719 Brooks Drive
Post Office Box 1147
Easton, Maryland 21601
TEL 410.822.8688
FAX 410.822.6306

7. Provide digital photographs of existing electrical equipment.

Based on our findings a cost estimate shall be prepared for your use in making an informed decision regarding the scope, budget, and extent of mechanical/electrical/plumbing renovations. The focus of our study will concentrate on solutions with the least disruption and greatest long term feasibility. All of our findings with recommendations shall be documented in a short letter report. Our fee includes up to three (3) copies of the report.

Our fee for the work as outlined above would be for the following lump sum amounts.

Field Investigations, Code Study	\$1,000.00
Engineering Analysis	\$1,500.00
Tables and Sketches	\$700.00
Meeting with Owner	\$500.00
Ventilation Calculations	\$400.00
Load Calculations	\$800.00
Life Cycle Cost Analysis	\$500.00
Cost Estimating	\$600.00
Presentation of Findings	\$500.00
Final Report	\$400.00
Total Lump Sum Fee	\$6,900.00

In addition to our above fee, we would be reimbursed for direct out-of-pocket expenses plus 10%, for expenses such as travel, lodging, outside reproductions, overnight/messenger deliveries, include in-house printing per drawing at \$0.60 each for 18 x 24, \$1.20 each for 24 x 36, \$1.75 each for 30 x 42, plotting at \$5.00 per Plot, 8-1/2 x 11 copywork at \$0.10 per copy, and 11 x 17 copywork at \$0.15 per copy. We estimate our reimbursables would not exceed \$200.00. If we approach this estimated fee, we would advise you of any expected additional cost and obtain approval before proceeding.

In addition, we are assuming that any existing drawings, specifications, submittal data, Test and Balance Reports, O & M information, etc., that you have will be made available for our use in preparing the study.

Fees would be due and payable monthly based on our invoices showing the percentage of work completed. Payments not received within 45 days of invoice date would be subject to an additional charge of 1-1/2 percent per month (18% per annum). Gipe Associates, Inc. reserves the right to stop work on this project if payment is not received within 45 days of billing.

The following services are not included in the above fees:

- Camera/video inspection of existing piping, HVAC or electrical systems.
- Demolition of existing piping, HVAC, or electrical systems for inspection.
- Design of replacement systems.
- Inspection of subsurface or non-visible conditions.
- Preparation of record drawings.
- Testing of existing HVAC or electrical systems.

If the above services are required they would be considered an extra service and would be billed on a flat hourly basis at the following billing rates which include personnel salaries, overhead and profit. In addition we would be reimbursed for direct out-of-pocket expenses.

Principals	\$220.00 per hour
Project Managers	\$140.00 per hour
Project Engineers	\$110.00 per hour
Design Engineers	\$ 90.00 per hour
Clerical	\$ 60.00 per hour

This agreement may be terminated by either party after giving thirty days written notice of the intent to terminate to the other party and by payment of the balance due to Gipe Associates, Inc. This balance will be arrived at by an estimate by Gipe Associates, Inc. of the percentage completion of the project at the time of termination plus any reimbursable expense due to termination.

If you are not a corporation and subsequent to the making of this agreement you incorporate your business with or without the knowledge of Gipe Associates, Inc., you agree to be jointly and severally liable to Gipe Associates, Inc. for any indebtedness incurred by or transferred to such corporation. If you are a corporation or partnership and you are not a general partner, your signing this letter warrants that you are duly authorized to do so and you agree to be jointly and severally liable with the corporation or partnership for any indebtedness owing by them to Gipe Associates, Inc.

In accordance with the National Electric Code (NEC) 220.87 (Determining Existing Loads) on any addition to an existing facility, we are required to obtain twelve (12) months electrical usage to verify that the existing electrical service is capable of handling any new loads. Our fee assumes that where the existing building is currently individually metered by a utility company that the Owner will request (from the utility company) a minimum of twelve (12) months electrical usage and forward to the Engineer. This must be done at the beginning of a project. Should the existing building not currently be individually metered by the electrical utility company then our fee assumes that the Owner will provide metering equipment, labor to install metering equipment, electrician, etc., as required to obtain at least 30 days of power usage. Any costs associated with obtaining the required data should be borne by the Owner and is not included in Gipe Associates basic services. Should the Owner desire Gipe Associates to obtain the thirty (30) day meter reading then Gipe Associates shall consider such work as additional services including labor, material, metering equipment, etc.

In the event that your account with Gipe Associates, Inc. becomes delinquent and past due, and Gipe Associates, Inc. engages the services of an attorney to collect the account, then, subject to the applicable law, you and any person jointly and severally liable with you, agree to reimburse to Gipe Associates, Inc. attorneys' fees in an amount equal to 20% of the amount due, whether or not litigation is commenced and court costs.)

Ownership of plans, maps, drawings and all other documents, including original drawings, field notes and data are to remain the property of Gipe Associates, Inc. as instruments of service. Upon payment of all services billed, the Owner may at his expense obtain a set of reproducible record prints and drawings and copies of other documents in consideration of which the Owner will use them solely in connection with this project and no other project.

Neither this contract nor any rights or duties hereunder may be assigned or delegated to any other person or entity without the express written consent of Gipe Associates, Inc.

We appreciate the opportunity of submitting this proposal. If these terms are agreeable, please sign and return one copy of this proposal for our records. Upon receipt of a signed proposal, we will arrange a meeting to discuss the project schedule.

Very truly yours,

GIPE ASSOCIATES, INC.

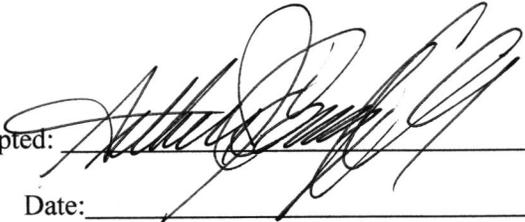
CITY OF MILFORD



David R. Hoffman, P. E., C.P.D., LEED AP
President

DRH/lks

Cc: Melanie M. Dixon, Gipe Associates, Inc.
Fee File

Accepted:  _____
Date: _____

TO: Mayor and City Council

FROM: Rob Pierce, Planning & Development Director

VIA: Eric Norenberg, City Manager

DATE: October 22, 2018

RE: City Hall – Temporary Office Trailer

In follow up to the report made during the October 8, 2018 City Council meeting, staff has obtained a proposal for a modular office trailer to temporarily house Planning Department staff as evaluation continues for longer term solutions.

Enclosed is a copy of the proposal, a diagram showing the floor plan and physical characteristics of the mobile office, along with a site plan showing possible locations for the temporary unit on City Hall property. The City has submitted an application with the State Fire Marshal's Office and awaits their comments before finalizing the details on the location of the unit.

It is recommended that \$20,000.00 be appropriated from General Fund Reserves to cover three months lease and expenses associated with mobilization and demobilization of the unit (incl. network hardware and cables, temporary electric service).



Williams Scotsman, Inc.
 901 S Bond St, Suite 600
 Baltimore, MD 21231-3357

Your Williams Scotsman Representative
 Chris Corpening
Phone: (410)931-6000 Ext.
Fax: 0
Email: ccorpen@willscot.com
Toll Free: 800-782-1500

Contract Number:940305
Revision: 2
Date: October 04, 2018

Lease Agreement

Lessee:

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

Contact:

Rob Pierce
 201 S. Walnut Street
 Milford, DE, 19963
 Phone: 302-424-8396
 Fax:

Ship To Address:

MILFORD, DE, 19963

Delivery Date(on or about):
10/26/2018

E-mail: rpierce@milford-de.gov

Rental Pricing Per Month	Quantity	Price	Extended
64x12 Mobile Office (60x12 Box) Unit Number:	1	\$721.80	\$916.20
Prop Damage Waiver (11/12)	1	\$70.00	\$70.00
ADA/IBC Ramp -w/ switchback	1	\$486.90	\$486.90
ADA/IBC Stair - Rental	1	\$70.00	\$70.00
General Liability - Allen Insurance	1	\$22.00	\$22.00
Data Hub Rental Prem Pckg-1 Patch Box- 6 Jacks	1	\$250.00	\$250.00
Minimum Lease Term: 3 Months			
		Total Monthly Building Charges:	\$916.20
		Other Monthly Charges:	\$898.90
		Total Rental Charges Per Month:	\$1,815.10

Delivery & Installation	Quantity	Price	Extended
Ramp - Delivery & Installation	1	\$1,431.25	\$1,431.25
ADA/IBC Step Del & Setup	1	\$218.75	\$218.75
Hitch removal	1	\$125.00	\$125.00
Tiedowns into dirt	8	\$85.80	\$686.40
Block and Level	1	\$409.50	\$409.50
Delivery Freight	1	\$1,461.49	\$1,461.49
Vinyl skirting	144	\$12.51	\$1,801.44
		Total Delivery & Installation Charges:	\$6,133.83

Final Return Charges*	Quantity	Price	Extended
Tiedown-Dirt Removal	8	\$35.10	\$280.80
Skirting Removal - Vinyl LF	144	\$4.06	\$584.64
Ramp - Knockdown & Return	1	\$1,431.25	\$1,431.25
ADA/IBC Step Dismantle&Return	1	\$218.75	\$218.75
Hitch installation	1	\$125.00	\$125.00
Teardown	1	\$180.00	\$180.00
Return Freight	1	\$1,461.49	\$1,461.49
		Due On Final Invoice*:	\$4,281.93
Total Charges Including (3) Month Rental, Delivery, Installation & Return**:			\$15,861.06

Scope Of Work

Unit comes with (1) L-desk office package & (4) basic workstation packages.

Summary of Charges

Model: MO6412	QUANTITY: 1	Total Charges for (1) Building(s): \$15,861.06
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Williams Scotsman, Inc.
 901 S Bond St, Suite 600
 Baltimore, MD 21231-3357

Your Williams Scotsman Representative
 Chris Corpening
Phone: (410)931-6000 Ext.
Fax: 0
Email: ccorpen@willscot.com
Toll Free: 800-782-1500

Contract Number:940305
Revision: 2
Date: October 04, 2018

INSURANCE REQUIREMENTS ADDENDUM

QTY	PRODUCT	EQUIPMENT VALUE/BUILDING	DEDUCTIBLE PER UNIT
1	MO6412	\$33251.00	\$3000.00

Lessee:City of Milford

Pursuant to Section 13 of the Williams Scotsman Lease Agreement and its Terms and Conditions ("Agreement"), a Lessee is obligated to provide insurance to Williams Scotsman, Inc. ("Lessor") with the following insurance coverage:

- Commercial General Liability Insurance:** policy of combined bodily injury and property damage insurance insuring Lessee and Lessor against any liability arising out of the use, maintenance, or possession of the Equipment. Such insurance shall be in an amount not less than \$1,000,000 per occurrence, naming the Lessor as Additional Insured and Loss Payee.
- Commercial Property Insurance:** covering all losses or damage, in an amount equal to 100% of the Equipment Value set forth in the Lease providing protection against perils included within the classification and special extended perils (all "risk" insurance), naming the Lessor as Additional Insured and Loss Payee.

By signing below, the Lessee agrees to the terms and conditions stated herein. All other general Terms and Conditions of the Agreement shall remain the same and in full force and effect. Each party is hereby authorized to accept and rely upon a facsimile or electronic signature of the other party on this Addendum. Any such signature shall be treated as an original signature for all purposes.

Commercial General Liability Insurance

Lessee elects to participate in the Commercial General Liability Insurance Program, whereby Lessee will receive insurance coverage through American Southern Insurance Company ("Insurer") and administered by Allen Insurance Group ("Agent"). The Lessee acknowledges and agrees that the policy issued by the Insurer is a third party liability policy that covers those amounts that Lessee is legally obligated to pay due to bodily insurance and property damage arising **from the proper use and occupancy** of Equipment leased from Williams Scotsman up to the policy limits. Coverage is subject to underwriting and specific terms and conditions set forth in the policy. An outline of cover is available upon request. By signing below, Lessee understands and agrees that the Lessor is not providing the insurance coverage and serves only as a billing agent for the Insurer and its Agent; and, accordingly, it assumes no liability therefore.

Signature of Lessee: _____ Print Name: _____ Date: _____

Damage Waiver Program

Lessee: elects to participate in the Lessor's Damage Waiver Program. **Lessee:** understands and agrees that under this program, the Lessor waives, for a fee, **Lessee's** obligation to carry Commercial Property Insurance and **Lessee's** liability to Lessor for repair or replacement of the modular units leased from Williams Scotsman resulting from loss or damage as specified in Section 12 of the Lease. **Lessee:** remains liable to Williams Scotsman for the amount of the damage deductible per unit of equipment noted above. Please refer to the Agreement for specific details on coverage, exclusions and restrictions on coverage. The Property Damage Waiver is not and shall not constitute a contract for insurance.

Signature of Lessee: _____ Print Name: _____ Date: _____

Please return this signed document with the signed lease agreement



64' x 12' MOBILE OFFICE

Dimensions

- 64' Long (including hitch)
- 60' Box size
- 12' Wide
- 8' Ceiling height

Exterior Finish

- Aluminum or wood siding
- I-Beam frame
- Standard drip rail gutters

Interior Finish

- Paneled walls
- Carpet or vinyl tile floor
- Gypsum or T-grid suspended ceiling
- Private office(s)

Electric

- Fluorescent ceiling lights
- Breaker panel

Heating/Cooling

- Central HVAC or thru-wall AC

Windows/Doors

- Horizontal slider windows
- (2) Vision panel doors with standard locks or (2) steel doors with dead bolt lock

Other

- Optional restroom

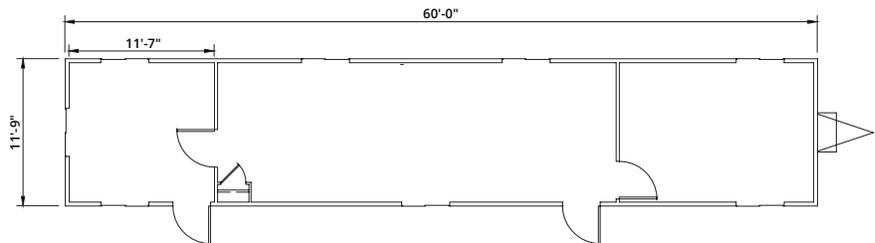


In addition to your office solution, we can provide additional products and services that complete your space- creating a more productive, comfortable, and safe work environment.

CHOOSE FROM A VARIETY OF OPTIONS

- Steps + Ramps
- Furniture + Appliances
- Technology
- Site Services
- Loss Protection

PRODUCT FLOOR PLAN



** Photos are representational; actual products vary. Additional floor plans and specifications may vary from those shown and are subject to in-stock availability*



WALNUT

SOUTH WASHINGTON

201

207

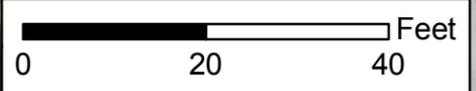
209

214

Approximately 2 feet from the property line

60' x 12'

Approximately 2 feet from the property line





201

60' x 12'

Approximately 2 feet from the property line

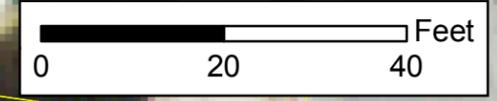
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214

WALNUT

SOUTH WASHINGTON





DEMEC

Delaware Municipal Electric Corporation

22 Artisan Drive, PO Box 310, Smyrna, Delaware 19977 Phone 302 653-2733 Fax 302 653-2734

October 1, 2018

EMAIL DELIVERED

City of Milford Council
Attn: Eric Norenberg, City Manager
201 S. Walnut St.
Milford, DE 19963

RE: Submittal of the Municipal Electric Utilities Renewable Portfolio Standard Compliance Report for the 2017-2018 program year

Dear Councilmembers,

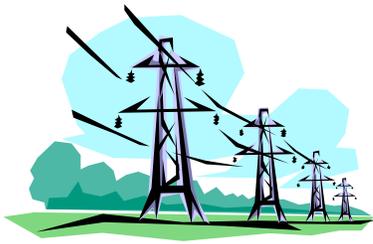
The Delaware Municipal Electric Corporation has completed the administration of the Municipal Electric Utilities Renewable Portfolio Standard for the 2017-2018 program year on behalf of all nine of our Municipal Electric Utilities. As per state statute, we submit to your local regulatory body a copy of the Municipal Electric Utilities Renewable Portfolio Compliance Report for your records.

If you have any questions or would like to discuss the plan in further detail, please feel free to contact me.



Patrick E. McCullar
President & CEO

cc: Delaware General Assembly
Andrea Kreiner, Delaware Energy Office, Director



DEMEC

Delaware Municipal Electric Corporation

22 Artisan Drive, PO Box 310, Smyrna, Delaware 19977 Phone 302 653-2733 Fax 302 653-2734

October 1, 2018

TO: Local Regulatory Authorities:

- City of Dover City Council
- City of Newark City Council
- City of Milford City Council
- Town of Middletown Town Council
- City of Seaford City Council
- City of Lewes Board of Public Works
- Town of Smyrna Town Council
- City of New Castle Municipal Services Commission
- Town of Clayton Town Council

Delaware General Assembly
Delaware Energy Office

FROM: Patrick E. McCullar, President & CEO, DEMEC

SUBJ: Municipal Electric Utilities Renewable Portfolio Standard (“MRPS”) 2017/2018
Compliance Year Report

In accordance with 26 Del. C. § 363(b), the Delaware Municipal Electric Corporation, acting on behalf of its member communities, submits the following MRPS Annual Report.

DEMEC Background

The Delaware Municipal Electric Corporation (“DEMEC”) is a Public Power utility incorporated as a not-for-profit Delaware corporation in 1979; the members of DEMEC are the nine municipal electric distribution utilities in Delaware. DEMEC provides joint services to the members.

- DEMEC generates electricity from its portfolio of owned generation assets and purchases electricity from other generators through staggered short, medium, and long-term power contracts to meet the requirements of its member municipal utilities.
- Eight of the nine-member municipal utilities receive 100% of their requirements from DEMEC through long-term take-or-pay contracts and the City of Dover receives partial requirements service.

- DEMEC has been authorized by its nine-member utilities to manage the compliance obligation created by the Municipal Electric Utilities Renewable Portfolio Standard Plan.

Delaware Renewable Portfolio Standard Background

The Renewable Portfolio Standard (“RPS”) is a State-mandated policy that obligates each retail seller of electricity to include in its resource portfolio annually increasing amounts of electricity from Qualifying Renewable Energy Resources through 2025 and beyond. The municipal electric utilities were exempted from the RPS requirements prior to 2010.

In 2010 DEMEC and its members responded to a request from Delaware Governor Jack Markell by voluntarily joining the Delaware RPS under S.S. 1 for S.B. 119. The bill provided, among other things:

- Increasing the RPS target to 25% by 2025 with at least 3.5% from solar sources.
- Allowed municipal electric companies to develop and implement a comparable program to the State Renewable Energy Portfolio Standard for its ratepayers beginning in the 2013 Compliance Year (6/1/2013-5/31/2014).
- Provided a method to freeze the RPS compliance obligations for utilities if costs exceed “circuit breakers” of 3% of the total cost of purchased power for Renewable Energy Credits (RECs) and 1% for Solar Renewable Energy Credits (SRECs) in any calendar year.

DEMEC Renewable Energy Commitments

In developing a comparable plan, DEMEC evaluated its accomplishments and commitments regarding investments in renewable energy. DEMEC has invested in the development of a portfolio of qualifying renewable energy resources to achieve the lowest possible compliance cost to protect its ratepayers from unreasonable and burdensome impacts on their cost of electricity. DEMEC’s goal is to comply with the spirit of the Delaware RPS without creating a negative impact on the community ratepayers or the Delaware economy.

Non-Solar:

- DEMEC has committed to purchase all the renewable electricity and associated RECs from a wind farm (Laurel Hill) in north-central Pennsylvania under a 25-year agreement. Laurel Hill is a 69-megawatt (MW) wind generation facility consisting of 30 Siemens wind turbines, each capable of generating 2.3 MW. Laurel Hill is capable of generating enough electricity to power more than 20,000 homes.
- DEMEC’s service territory is home to the only significant wind generation system installed in the State of Delaware; the utility-scale 2-megawatt (2-MW) wind turbine located at the University of Delaware’s (“UD”) Hugh R. Sharp Campus in Lewes. RECs generated by the University of Delaware’s wind turbine are purchased by DEMEC through an agreement. The proceeds support wind and intermittent renewable energy graduate student research fellowship(s) in the University’s College of Earth, Ocean, and Environment (CEOE).

Solar:

DEMEC is the leader in deployment of Solar Renewable Energy Resources in Delaware. Of the 94.9 MW of installed or committed solar generation resources in Delaware, a clear majority (50.6 MW, or 53% of the total) is installed in DEMEC municipal service territories. This becomes an even more striking statistic when you consider DEMEC municipal service territories make up less than 15% of electric service in the entire state. DEMEC has participated in the development of qualifying solar energy systems in all of the following RPS Taskforce defined Tier sizes:

Solar Renewable Energy Tier Groups (State definition by size):

- Tier 1 = 0 to 25 kW – Typical Residential Rooftop
- Tier 2 = 25 to 200 kW – Typical Small Commercial
- Tier 3 = 200 kW to 2 MW – Typical Large Commercial and Industrial
- Tier 4 = 2MW and Up – Utility Scale

Tier 1 and Tier 2 – Green Energy Grants

- DEMEC has encouraged and supported residential and commercial renewable energy systems since June 1, 2006 through the Municipal Green Energy Grants Program.
- DEMEC has leveraged over \$7 Million dollars of overall investment in renewable energy with over \$2.3 Million dollars of grants.
- DEMEC has encouraged and supported the State Renewable Energy Taskforce to enable the owners of previously stranded solar projects to participate in the State SREC Auction and Sustainable Energy Utility SREC Procurement processes.
- DEMEC will continue to evaluate the cost effectiveness of participating in the State SREC auction process as our compliance obligation for SRECs increases.

Tier 3 – Community Scale

- DEMEC has always maintained that each member community should have support in siting a renewable energy system in its borders for the benefit of the whole community. This makes possible participation in solar by low-income customers, those without an adequate solar resource, and those who otherwise could not afford participation.
- DEMEC, on behalf of the City of Newark, developed McKees Solar Park, a 230-kilowatt community solar farm. The project revitalized a 3.91-acre brownfield site off East Cleveland Avenue. The Solar Park provides Newark with a behind-the-meter renewable power source to serve all residents of the community by reducing the City's peak power demand, lowering the wholesale cost of power, generating solar renewable energy credits, bringing locally produced green energy to the City's electric users, and reducing the City's carbon footprint. The 900-panel array produces enough electricity to power approximately 26 to 36 homes, depending on the season. The McKees Solar Park went commercial October 2014.
- DEMEC also conceived and proposed to the City of Newark the State of Delaware's first opt-in community solar program. This program was approved by Newark City Council on June 23, 2014 to launch programs to promote community involvement in the solar park. There are several program participation options such as: "Sun Ray" in which subscribers have the opportunity to make a one-time investment of \$50 in return for a monthly rebate of \$1.00 and the opportunity to purchase one (1), 100 kilowatt-hour block of power generated from McKees Solar Park each month for ten years. Participants can

also select from a variety of a tax-deductible donation options to support the solar park and be recognized on the City's website. DEMEC's Community Solar Model for the City of Newark has been recognized **twice** by the national solar industry trade group, Solar Energy Power Association (SEPA), as a leading program design for increasing access to solar energy to the public. DEMEC intends to help its members replicate this unique model.

- Several other DEMEC communities are working toward installing their own community solar projects in various tiers:
 - Clayton - 4.0 KW firehouse project – went commercial 2Q/2015
 - New Castle - 29.0 KW project near its water treatment facility – went commercial 3Q/2016
 - Seaford – ~690 KW project – went commercial 1Q/2017
 - Smyrna - ~1.5 MW project next to Smyrna public works building – went commercial 3Q/2018
 - Middletown and Lewes are also considering initial concept designs for their own community solar projects
 - DEMEC will continue to support community interest, low-income participation, and meet its RPS obligation concurrently by investing in these community solar projects on behalf of their members.

Tier 4 – Utility Scale

- DEMEC recognized early on that the legislative circuit breakers for photovoltaics would be hit and freeze the solar portion of the municipal RPS plan within a few years if the compliance cost was not carefully managed. In order to avoid hitting the legislative circuit breakers prematurely and to assure that we do not unreasonably increase the cost of electric service to our municipal ratepayers, DEMEC chose to invest a significant portion of its RPS-dedicated funds in large-scale solar facilities. To prevent a negative impact on the Delaware economy from the cost of RPS compliance, DEMEC has committed capital to developing utility scale solar systems that create jobs and economic development for the State. The current DEMEC portfolio of Tier 4 Utility Scale Systems is:
 - Dover Sun Park – 10 MW – (DEMEC purchases 15 % of all SRECs) went commercial 2Q/2010 and produces enough to power over 1,100 Delaware homes.
 - Milford Solar Farm – 15 MW – (DEMEC purchases a majority of SRECs and all energy) went commercial 4Q/2012 and produces enough to power more than 1,300 homes.

DEMEC Comparable Plan Objectives

DEMEC has set the following objectives as goals for its Municipal RPS Plan.

- Develop and implement a compliance plan that is comparable to the State-mandated plan for Delmarva Power and that encourages development of qualifying renewable energy resources in the State of Delaware in all State-defined tiers.
- Plan in 5-year increments. The parameters of the 5-year planning cycle will have the goals of achieving a comparable plan that: 1) Achieves the lowest cost compliance solutions to mitigate high renewable energy cost impacts for our community ratepayers and the State economy, 2) Encourages the development of renewable resources in our member communities 3) Maintains the high reliability of electric service in our community systems.
- DEMEC will review and rebalance its compliance schedule annually to assure cost impacts to our community ratepayers are reasonable and accurately match qualifying retail electricity sales with renewable energy resource procurement.

State RPS Compliance Schedule

Municipal Renewable Energy 5-Year Procurement Schedule		
Compliance Year - (beginning June 1 st)	Minimum Cumulative Percentage from Eligible Energy Resources*	Minimum Cumulative Percentage from Solar Photovoltaics
2013	10.00%	0.60%
2014	11.50%	0.80%
2015	13.00%	1.00%
2016	14.50%	1.25%
2017	16.00%	1.50%
* Minimum Percentage from Eligible Energy Resources Includes the Minimum Percentage from Solar Photovoltaics.		

MRPS 2017/2018 Compliance

For compliance year 2017/2018 DEMEC set a 16.00% overall compliance goal which was achieved in **this** year's MRPS implementation. The 16.00% compliance goal matches Delmarva Power & Light's compliance target for 2017/2018.

The MRPS was rebalanced to value the renewable energy portion of DEMEC's renewable energy assets. DEMEC also applied any excess retirement credits from 2016/2017 to the 2017/2018 obligations. Annual adjustments will occur as necessary.

- The renewable energy sources used for REC compliance are the 69 MW Laurel Hill Wind Farm in Lycoming, Pennsylvania and 2.0 MW UD Wind Turbine in Lewes, Delaware.
- The solar renewable energy sources used for SREC compliance are:
 - the Dover Sun Park
 - the Milford Solar Facility
 - the Seaford Solar Project
 - the Newark McKees Run Community Solar Facility.

Municipal Renewable Energy 2017/2018 Compliance Year REC and SREC Retirements		
Municipality	Minimum Cumulative Percentage from Eligible Energy Resources 16.00%* Associated REC Quantity Retired	Minimum Cumulative Percentage from Solar Photovoltaics 1.5% Associated SREC Quantity Retired
New Castle	8,967	841
Newark	29,151	2,733
Middletown	18,979	1,780
Smyrna	10,866	1,019
Clayton	2,573	242
*Dover	69,662	3,064
Milford	15,953	1,496
Seaford	12,259	1,150
Lewes	8,728	819
Total	177,138	13,144
* Minimum Percentage from Eligible Energy Resources Includes the Minimum Percentage from Solar Photovoltaics.		

*The City of Dover reached the solar 1% compliance cost limit also known as the "circuit breaker" and may elect to stop increasing its solar portfolio percentage per 26 Del. C. § 363(g).

The following sections of 26 Del. C. § 363(e) through (i) detail the circuit breaker provisions:

(e) The total cost of compliance with this section shall include the costs associated with any ratepayer funded renewable energy rebate programs, REC and SREC purchases, or other costs incurred in meeting renewable energy programs.

(f) The total cost of complying with eligible energy resources shall not exceed 3% of the total cost of the purchased power of the utility for any calendar year.

(g) The total cost of complying with the solar photovoltaic program shall not exceed 1% of the total cost of the purchased power of the affected utility for any calendar year.

(h) At no time during any calendar year shall the total cost of compliance with this section result in an increase of an average consumer's monthly bill in excess of 4%.

(i) The Board of Directors of a rural electric cooperative and the local regulatory authority of a municipal electric company may approve an increase in the limit on the cost of compliance, as specified in subsections (f) and (g) of this section above.

Proposed 2018/2019 MRPS Plan

Per 26 Del. C. § 363(c), DEMEC member community local regulatory authorities shall continue to base renewable energy portfolio standard decisions on the need, value and feasibility of the renewable energy resources pertaining to the economic and environmental wellbeing of its members.

DEMEC continually evaluates the impact of the MRPS costs on its communities. Specifically, DEMEC reviews the impact on rates and REC and SREC inventory as we proceed forward in the spirit of the RPS legislation. DEMEC and its Board of Directors will propose the next five years of renewable energy compliance targets in the 2018/2019 MRPS Plan.

City of Milford



RESOLUTION 2018-19 Halloween Trick-or-Treat

WHEREAS, the children of Milford are entitled to the fun and festivity associated with the observance of Halloween Trick-or-Treat custom of traveling with friends and family going door to door in their neighborhoods displaying their costumes and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, that the Halloween Trick-or-Treat observance be held in an orderly manner on Wednesday, October 31, 2018 between the hours of 6:00 P.M. and 8:00 P.M. in the City of Milford.

AND, BE IT FURTHER RESOLVED THAT:

* Only celebrants of 12 years and under will be permitted to engage in Trick-or-Treat.

* All celebrants are to refrain from committing acts of vandalism or destruction.

* Motorists are asked to be ever watchful of our youngsters making these annual rounds.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 22nd day of October 2018.

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson