

City of Milford



CITY COUNCIL AGENDA

Monday, November 26, 2018

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

6:30 P.M.

WORKSHOP

Scope of Work/Design, Engineering & Architectural Services/Replacement Police Facility

7:00 P.M.

PUBLIC HEARINGS

Community Development Block Grant Program

Sussex & Kent County - Fiscal Year 2019

Adoption of Resolutions 2018-20, 2018-21, 2018-22, 2018-23, 2018-24

ORDINANCE 2018-25

Chapter 130-Flood Plain Management

ORDINANCE 2018-26

Chapter 200-Subdivision of Land

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Recognition

Proclamation 2018-16/Retiring State Senator F. Gary Simpson

Communication & Correspondence

Committee Reports

Community and ED Committee Report/Vineyard Shipyard Initiative

Unfinished Business

Update & Funding Appropriation/City Hall Staff Relocation/Funding Appropriation

Update/City Hall Waterproofing & Restoration Project 2018-FA-001

Land Purchase Authorization/A-1 Glass Company (Summers) Property

New Business

EXECUTIVE SESSION

Motion to Recess into Executive Session

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

Return to Open Session

MPD Teamsters Negotiations

Adjourn

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

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

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

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November 19, 2018

TO: Mayor and City Council
FROM: Eric Norenberg
SUBJECT: Architect for Initial Design for Replacement Police Station

Purpose and Background

Earlier this summer, a Request for Qualifications was released to solicit statements of qualifications from firms to assist the City with continued planning and design of a replacement police station. Following a screening process, a draft scope of work is ready for City Council review.

Discussion

The attached scope of work for phase I of the project has been discussed with the vendor. Gregg Moore of Becker Morgan will be on hand at the November 26 City Council meeting for a short Workshop Session from 6:30 to 7 p.m. to discuss the scope and hear your feedback and questions. If the scope meets with the satisfaction of the Mayor and City Council, we will negotiate fees and a contract for subsequent approval by City Council.

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



Request for Qualifications
For
Milford Police Station Design/Engineering/Architectural Services

June 12, 2018

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services

Public Notice is hereby given that the City of Milford will accept Statements for Qualifications from design/engineering/architectural firms. **Interested firms shall submit three (3) copies of their submittals on or before Thursday, July 19, 2018 at 3 p.m.** to the Clerk's Office, Attention Terri Hudson, City Hall, 201 S. Walnut Street, Milford, Delaware 19963. Envelopes shall be marked "RFQ: Police Station Design Services." Any submittals received after the stated time will be returned unopened.

Following receipt of the proposals, the City will select the individual or firm it deems most qualified to address the needs and conditions of this project and whose proposal is most advantageous to the City. The City reserves the right to request an interview prior to the selection of the individual or firm. The City reserves the right to award a contract/agreement that is in the best interest of the City and may award to multiple firms or none. The resulting contract/agreement period will be for a two-stage process, Phase 1 before a public referendum vote on the Police Station project and, Phase 2, after the successful vote. The award will be made by the City Council at a Council meeting open to the public. The City Council may accept or reject any or all proposals or hold all proposals for a period of ninety (90) days from the date of proposal opening prior to making a decision.

For a complete copy of the Request for Qualifications, please see the City website at www.cityofmilford.com.

Terri K. Hudson, MMC
City Clerk

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services

**REQUEST FOR QUALIFICATIONS
DESIGN/ENGINEERING/ARCHITECTURAL SERVICES**

1. General Overview

The City of Milford invites submission of proposals for design/engineering/architectural services as detailed in this Request for Qualifications (RFQ). For purposes of this RFQ and the selection process, the term “firm” shall mean a qualified individual, organization or team of individuals and/or organizations.

Professional services will include, but are not limited to, architectural, design, project management, engineering, construction management services related to the design, permitting and inspection for a new police station for the Milford Police Department on a site that has already been selected. Award of any contract/agreement will be based on competitive, qualification-based ranking.

2. Background

The Milford Police Facility, located at 400 NE Front Street, is operating in a 14,000 square foot building constructed in 1978 of concrete and steel and operates as an essential facility for the City of Milford. At that time the building housed 15 sworn officers and civilians and served a population of approximately 5,000. Currently, this City-owned facility houses 32 police officers, 10 civilian personnel and is in full operation 24 hours per day, seven days per week. The building serves as the main administrative office for police services and the City’s reporting center. The building houses chemical and special weapons, tactical equipment, criminal records, crime scene evidence, and is used as the City’s main Emergency Operations Center.

In 2011, a visual building condition analysis of the existing Milford Police building was conducted. The analysis confirmed what the police department and the members of the City of Milford Police Committee already knew, namely, that the building is inadequate in a number of areas, including:

- The building lies in the 100-year (1% annual) floodplain. Essential Buildings, such as a police department and dispatch center, should not be located in areas that might jeopardize its operability.
- There is minimal security within the building. Prisoners are walked across the main parking lot into the building through the same entrance utilized by all police department personnel. Prisoner holding cells are located off a main hallway also utilized by all department personnel.
- Male, female, and juvenile prisoners are not able to be housed separately by sight and sound which is required by law.
- Evidence Storage, limited by the existing building’s lack of space, is extremely overcrowded. Chain of Evidence security issues suffer due to the limited space and general overcrowding in the building.
- Staff facilities, from locker rooms to training rooms, are obsolete, inadequate and undersized.

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services

- There is no space for roll call and report writing.
- The Lobby is not open or inviting to citizens. It is too small and there are no areas where citizens can speak to officers in private without entering the “police” side of the building. Family members and/or associates of victims and suspects cannot be separated within the lobby area which makes for very uncomfortable and tense conditions.
- There is no community/meeting room space for the police department to promote community policing concepts.

Scope of Services

- A. **Objective:** The City of Milford, in accordance with Delaware Code and the Milford Charter, is requesting a Statement of Qualifications from qualified firms who are interested and capable of providing professional architectural, design, project management, engineering, construction management services for the City of Milford for the development of a new police station on a site that has already been selected.
- B. **Site Evaluation:** Evaluation of site conditions shall be the responsibility of the professional selected to provide engineering/architectural services. The selected professional will be required to perform all functions necessary to properly design the facility in accordance with approvals by the City of Milford and the State of Delaware. (Please be aware that a Phase I and Phase II space needs analysis has been completed – please refer to Appendix D.)
- C. **Phases of Work:** The City of Milford intends to retain a qualified firm to conduct the outlined work in two phases; one before a referendum vote on the Police Station project and the second phase, after the vote, if approval is granted, as follows:

Phase I- Using the space needs and programming analysis prepared by Redstone and Associates, Inc. / LLC:

- Confirm / update cost estimates for all phases of the project.
- Prepare a preliminary site plan for the project, in consultation with City departments, for review by City Council.
- Prepare preliminary elevations, renderings, and floor plans, in consultation with City departments, for review by City Council and for use with public education efforts related to the project.

Phase II- If voter approval is received for the site purchase and building development:

- Complete site planning work up to and including City Council approval.
- Prepare and complete building plans and secure all necessary permits.
- Bid the project, in conjunction with the City and in accordance with City procurement policies, the City Charter and the Delaware Code.
- Analyze bids and assist City with selection for award.

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services

- D. See Appendix A for exhibits showing deficiencies of the current facility.
- E. See Appendix B for exhibits showing the space needs analysis prepared in 2016.
- F. See Appendix C for site information.
- G. See Appendix D for Phase I and Phase II space needs analysis findings.

3. Statement of Qualifications Content and Format

- A. Firms shall submit three (3) printed copies of their Statement of Qualifications and one electronic version on CD or flash drive. The Statement of Qualifications must be printed on 8 ½ by 11-inch paper. Foldout charts, tables, spreadsheets, and single-line diagrams are acceptable. The **Statement of Qualifications is limited to 35 pages** and shall include:
 - 1) Demonstrated capability, capacity, experience and expertise of the firm
 - a. Previous public safety building history
 - b. Capability / capacity to take on a project of this scope
 - c. References from at least three clients with relevant, similar projects in Kent or Sussex Counties
 - 2) Staff expertise in architecture, design, project management, engineering, construction management, including:
 - a. Qualifications of all staff who will be assigned directly to the work.
 - i. List the professional and support positions and number of personnel in each position.
 - ii. Provide an organization chart, including resumes of all personnel who will be committed to this project.
 - iii. For the project manager and project architects identified as part of the project team, provide specific information as to their experience on projects similar to this one.
 - iv. List professional consultants outside your firm you propose to provide services not available in your firm.
 - b. Provide a current workload list of current projects
 - 3) Location of office(s)
 - 4) Construction Costs
 - a. Describe how you establish cost estimates (include information on determining costs associated with construction public safety facilities).
 - b. Describe your cost control methods.
 - c. List the steps in your standard change order procedure.
 - 5) Special Concerns
 - a. Explain how your firm ensures compliance with the Americans with Disabilities Act (ADA) and other federal and state regulations for public facilities. Provide examples.

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services

- b. Safety of the public and our officers is important. Describe how your firm will approach designing a safe police station.
 - c. Describe how your firm incorporates energy efficiency into its projects. Provide examples.
- 6) Legal Concerns
- a. Explain the circumstances and outcome of any litigation, arbitration, or claims filed against your company.
- 7) Draft approach
- a. Draft approach for the project that demonstrates an understanding of the scope and need for the project.
 - b. Outline the design schedule that you will implement to meet the expected referendum dates (Phase 1) and, if approved, describe the schedule for Phase 2. Describe the methods you will use to maintain this schedule.
 - c. Describe the types of problems that you have encountered on similar projects and explain what you did to resolve the problems and what you would do differently to avoid such problems on future projects.
- 8) Fees
- a. Provide information on your billing practices (i.e., lump sum, hourly rate, other), including reimbursable cost categories.

4. Selection Process

- A. The City of Milford is using a qualification-based selection process to comply with Delaware Code and City of Milford procurement policies. This procedure provides for an orderly process of solicitation of professional qualifications; evaluation and ranking of qualifications; establishment of a ranked list of service providers; interview selected service providers if required; and negotiation of the scope of services and fees.
- B. The City will conduct a site visit for all interested parties Thursday, June 28 at 10 a.m. (meet in the Milford Police Department station lobby, 400 Northeast Front Street, Milford) to answer questions. Attendance is not mandatory; however, no other site visits will be arranged.
- C. Statements of Qualifications will be evaluated on the content provided and the City of Milford may choose to interview one or more of the responding firms. However, at its discretion, the City of Milford may dispense with interviews and select a firm or firms to perform the work. The City of Milford Police Committee, along with the City Manager and the Police Chief will assist with screening and evaluation of submittals. Selected references will be contacted. The City reserves the right to award a contract in the best interest of the City and may award to multiple firms or none.
- D. The City reserves the right to investigate and confirm the candidate's financial responsibility. This may include financial statements, bank references, and interviews with past consultants, employees, or creditors. Unfavorable responses to these investigations are grounds for rejection.
- E. The City of Milford expects to evaluate proposals and provide written notification of the short-listed firms within 90 days of receipt of submittals. The City of Milford will seek

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services

to negotiate a contract/agreement, a detailed scope of work, fee schedule, etc. with the highest ranked firm.

- F. Written questions about the project shall be sent to Deputy City Clerk Christine Crouch via email at CCrouch@milford-de.gov at least ten (10) days prior to the submission deadline.
- G. The formal selection process may be obtained by contacting City Hall at 302-422-1111.

5. Insurance

- A. As a condition of the contract, the awarded firm shall be required to provide proof that they are fully licensed, bonded and insured with the following minimum coverages:
 - General Liability, \$1 million per occurrence, \$3 million aggregate. City of Milford shall be named as an Additional Insured for on-going operations and completed operations. Firm's general liability insurance shall be primary and non-contributory.
 - Auto Liability, \$1 million per occurrence. City of Milford shall be named as an Additional Insured.
 - Workers Compensation, with Employers Liability limits of \$1 million/\$1 million/\$1 million. Policy should include a Waiver of Subrogation.
 - Professional Liability, \$1 million per claim or per occurrence.

All insurance companies shall have an A.M. Best financial rating of A or better.

The selected firm shall provide an acceptable Certificate of Insurance to the City of Milford, consistent with these requirements.

6. Submittal Guidelines

- A. All submittals of Statements of Qualifications must be received on or before **Thursday, July 19, 2018 at 3 p.m.** to the City of Milford Clerk's Office, Attention Terri Hudson, City Hall, 201 S. Walnut Street, Milford, Delaware 19963. Envelopes shall be marked "RFQ: Police Station Design Services." Any submittals received after the stated time will be returned unopened.
- B. The City will not be liable for any costs incurred in the preparation and production of a submittal, proposal, or any work performed to the execution of a contract. All submittals, proposals and other materials will become the property of the City of Milford.
- C. All information contained in this Request for Qualifications and acceptable provisions of the selected firm's response will be made part of the executed agreement for services.

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services

- D. Upon request, the submitting firm shall submit additional information as requested by the City of Milford.
- E. The City reserves the right to waive any informalities or irregularities and/or reject and or all proposals received as a result of this Request for Qualifications; negotiate changes in the scope of work or services to be provided; conduct investigations required to determine the submitting firm's performance record and ability to perform the assignments specified as a part of this Request For Qualifications; negotiate separately with any source in a manner deemed to be in the best interest of the City.
- F. If, through any cause, the contracted firm shall fail to fulfill in a timely and proper manner its obligations under this agreement, or if the firm shall violate any covenants, terms, or conditions of the agreement, then the City of Milford can cancel the contract without prejudice by giving at least five (5) days prior written notice to the firm of such termination.

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services

APPENDIX A
Current Facility Information

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services



Exhibits showing deficiencies of the current facility

View from visitor parking to main door for personnel and prisoners.



View from parking lot entrance to main door for personnel and prisoners.

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services



Extended view from main entrance looking out to visitor parking lot and police personnel parking lot entrance. Notice how close the public parking lot is to personnel and prisoner entrance.



Inside main entrance for personnel and prisoners. No separation from prisoners when personnel are entering or leaving the building.

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services



Main hallway with cells and processing area are located on left and Sergeant's offices are across hall on right. No separation.



Prisoner processing area and video arraignment area. This area was initially a holding cell but was converted due to lack of space.

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services



Shift change room utilized by 32 officers.



Different view of shift change room. Space is very limited.

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services



Stairwell landing being use as storage area.

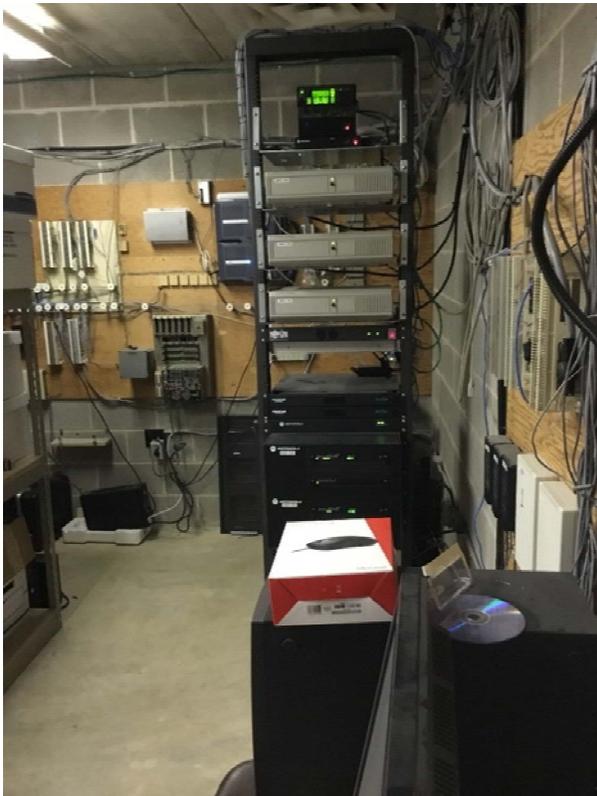


Downstairs hallway leading to custodian, drug unit, and Evidence Tech. offices. Hallway is utilized to store big items due to lack of storage closets.

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services



Downstairs back hallway utilized for evidence processing. This processing center is set up outside the evidence/gun cleaning room due to lack of space inside room.



Radio and telephone system area shared with records retention area.

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services



Record retention/storage area over crowded. Room is shared with radio, telephone system area.



Boiler Room.

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services



Men's Locker Room. Lockers are so tight there is no extra space for additional lockers.

Front lobby. Doors had to be removed to be handicap compliant. Lobby remains cold in winter and hot in summer because doors were removed. Area is too small and there are no areas where citizens can speak to officers in private. No separation for victims and suspects. Lobby window is small and not accommodating to visitors.



APPENDIX B

Previous Space Needs Analysis for New Facility

Updated Space Needs Analysis (excerpt) October 24, 2016

“In September 2010 City of Milford selected French + Ryan Architects of Georgetown Delaware and its law enforcement consultant, Redstone Architects, to assist the city in planning for the future needs of the Milford Police Department to best serve the citizens of City of Milford. The French + Ryan/Redstone assignment was to develop a Space Needs Analysis, analyze of a number of sites under consideration for a new facility and then prepare a conceptual design for the proposed facility on the preferred sites.

The completed study, presented in February, 2011, identified what would be needed to house the Milford Police Department efficiently for the next 20+ years, over which period the department was expected to grow from the current staffing level of 42 to 56. The Space Needs Study projected a needed building size of 34,718 square feet. A conceptual plan was developed that resulted in a building of 37,000 sf. The facility included a Community and Training Room that would accommodate up to 75 people in a table and chair configuration.

In August, 2016, the City of Milford contacted Redstone Architects to provide an update to the program. Redstone Architects met with the Milford, DE Police Department in September, 2016 to identify the department’s current outlook and discuss its projected needs. Major changes included:

- Increasing projected staff needs from 56 to 59.
- Adding a Defensive Tactics Training Room.
- Decreasing the Community Room/Training facility capacity with tables and chairs from 72 to 48 (Room capacity with chairs remains more than 72)
- Reducing the size of a number of offices and workstations
- Reducing the size of the Property (evidence) Storage Room

The updated analysis projects the need for 30,352sf if a two-story facility, and 28,494 sf if a one-story building. Both options also assume the need for an outbuilding of approximately 3,000sf.

The Department identified the 16-acre parcel of property on Front Street across from the current police building, as available and, as its choice for the new police building. Assuming this parcel is acquired, the Front street frontage appears to be more than adequate to permit the building of a one-story structure. It should be noted that this parcel has significant grade changes from Front Street to the rear of the property. The grades, as well as other, not-yet-identified, City uses that may be desired for this site, will be major factors on the actual design of a new police facility.”

(The original study and updated study will be available upon request.)

City of Milford
Request for Qualifications
Milford Police Station Design/Engineering/Architectural Services

APPENDIX C

Site Information

Kent County Parcel Number: MD-16-183.07-01-65.00-000

Address: 401 Northeast Front Street, Milford, DE 19963

Zoning: I1

Acres: 15.800



APPENDIX D

Phase I and Phase II Information

Phase I and Phase II space needs analysis was completed during the summer of 2017. Full reports are available for inspection at Milford City Hall. The findings and conclusions of the Phase II study are as follows:

4.0 FINDINGS AND CONCLUSIONS

Hynes & Associates has completed the limited Phase II services as discussed above for the Growmark Property in Milford, Delaware. The scope of services included evaluating five of the six potential RECs identified in the September 11, 2017 Phase I Environmental Site Assessment report for the property. In consideration of the field observations, laboratory test results, supplemental document review, and interview with Crop Production Services personnel, the five potential RECs that were evaluated in this study are no longer considered potential Recognized Environmental Conditions (RECs). RECs are defined as *the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface waters on the property*. The term REC is not intended to include *de minimis* conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government agencies.

Hynes & Associates appreciates the opportunity to be of service to you. If you have any questions regarding this report or if we may be of further assistance, please contact our office



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Proposal/Agreement

REVISED

Professional Services MILFORD POLICE STATION

Milford, Delaware

Project Scope

It is our understanding that this project includes the construction of a new police station for the City of Milford. The new station will be approximately 30,000 GSF, with the exact size determined through the design process described herein. The initial professional services effort required includes sufficient planning and design to determine the size, function, and appearance of the proposed station and use for the adjacent land. This planning and design will yield realistic budgets for construction and graphic products suitable for public presentation. Our services will include internal design meetings with city council, city staff and police personnel to develop the concept designs. The work product will allow the City of Milford to hold a referendum on funding. Once a funding mechanism is established, the city will complete the project design using this work effort as the basis of design. The typical design process includes five (5) phases; they are: Concept, Schematic, Design Development, Construction Documentation and Bidding/Construction Phase. This proposal provides service through phase two (2), schematic. The AIA form of agreement will allow that this initial work will progress into design development, construction documentation and construction phase services if the City of Milford so desires.

The parcel for the new station is identified as MD-160183.07-01-65.00-000, is approximately 15.8 acres and zoned I1 within City of Milford jurisdiction. The city has also purchased an adjacent parcel, 56.00, of approximately 0.58 acres and zoned C3 within City of Milford jurisdiction. Becker Morgan Group, Inc. will provide the services necessary to survey the property, develop both building and site programming, develop conceptual and schematic level designs, as well as cost estimates at both milestones. Additionally, we will create graphic presentation materials for your use as well as concept land planning for the residual lands on the parcel not needed for the police station facility.

The City of Milford was provided a space needs study for the police department by Redstone Architects, updated 10/24/16. We will utilize that report as the basis of our initial assessment and update the 2016 report as appropriate.

It is our understanding that the city has engaged a public relations firm to help build public support and make presentations for the project. In addition to the internal design meetings, our work will include coordination and support for the public relations firm in the form of graphic presentation materials as well as four (4) presentations before the public. We have included the creation of a 3-dimensional rendered model of the proposed building as well as a rendered site plan. We will make ourselves available for four (4) presentations. If your PR firm requires additional support, we will charge that as an Extra Service.

Based on our understanding of the project, we offer the following scope of services.

Services Scope

Boundary and Topographic Survey

We will perform a boundary survey of the parcels described above. We will locate any visible monuments and perform deed research to determine the properties extents. The boundary survey will be performed in accordance with Delaware State Survey Standards. The boundary survey will be on Delaware State Plane Horizontal (NAD83) Coordinate System. Upon completion of the boundary survey, we will set additional monuments as necessary. Upon completion of fieldwork, we will provide a signed and sealed boundary survey drawing.

We will perform a topographic survey. The topographic survey will locate existing structures, roadways/paved areas, visible or marked utilities, trees, and other existing conditions necessary to prepare a topographic base plan for the parcels. A topographic base plan will be prepared showing the existing boundaries of the property along with all field surveyed information along with contours at one-foot intervals and spot grades. The topographic survey will be on Vertical datum (NAVD88). Our survey will be based on the required data needed for site plan design. The City of Milford Public Works department will provide utility as-built drawings to supplement Miss Utility markings. Private locator services are excluded.

Programming

Using the Redstone Report as a point of beginning, our team will visit and tour the existing station and conduct a preliminary review of the pros and cons of the existing facility and its operation. We will gather and review available documentation on the existing facilities and then conduct preliminary programming meetings. A project Kick Off meeting will initiate the work where we will establish the point-of-contact for each of the team member groups and outline the project approach and schedule. We will meet and interview your departments and discuss adjacencies and space needs. The information gathered in the meetings will be compiled into a space needs evaluation spreadsheet document in tabular form containing detailed square feet.

Concept Site/Building Plan

We will then conduct a two (2) day space planning charette that will determine space needs (inclusive of space type, occupant load, square foot size, individual space needs, spatial arrangement/adjacencies). Based on the information from the charette, we will provide a conceptual building block plan based on spatial relationships / adjacencies in response to facility use. Based on the block plan developed in the programming phase, we will prepare a conceptual building plan. We will test fit the building design onto the site using survey data gathered and accommodate the proposed building. We will also determine the parameters of the site dedicated to the Police Station and identify residual lands for other uses. The plans will depict the general layout of the site including building footprint, parking areas, walkways, yard layout, preliminary stormwater management areas, and site entrances. The plan will be prepared on the topographic base plan prepared above. We will begin developing elevations and selecting materials for the building. The plan will be digitally prepared. Our fee includes preparing one (1) conceptual plan and one (1) revision. If additional revisions are necessary, additional fees may be required.

Cost Estimate - Concept

Based on the Concept Building and Site Plan, we will develop a preliminary magnitude of construction cost for the project. This is only intended to be a preliminary estimate of

costs for discussion purposes. Detailed cost estimates will be developed during Schematic Design and again in the Construction Documents phases.

Schematic Site/Architectural Plans

We will develop schematic plans as follows:

- Develop a schematic site plan working in conjunction with the architects to establish a viable access and circulation to the building. This proposal assumes that one (1) revision may be required for final plan approval.
- Prepare a code review to determine the effect of applicable codes on the site design.
- Develop parking, site circulation, entrances, stormwater management facilities, utility access, etc. The proposal is based on one (1) revision to the site plan for final client approval. It is our understanding that the site will be based upon the concept design renderings previously developed for this project.
- Establish all site construction systems.
- Make preliminary landscape plan.
- Develop a schematic floor plan working in conjunction with the civil engineers to establish a viable size and arrangement. This proposal assumes that one (1) revision may be required for final plan approval.
- Prepare a code review to determine the effect of applicable building and life safety codes on the building design.
- Develop exterior building elevations of the building describing the character and expression of the building. The proposal is based on one (1) revision to each of the elevations for final client approval.
- Establish primary building and construction systems.
- Make preliminary selection of exterior materials.
- Attend three to four (3-4) client review meetings and one (1) kickoff meeting during this phase.

Cost Estimate - Schematic

We will revise the concept cost estimate based on the schematic building and site plans. These estimates will be more accurate and detailed than the concept cost estimate and will be appropriate for public release as a construction cost estimate.

Presentation

Base on the schematic building and site plans, we will develop graphic 3-dimensional renderings of the building and site as contemplated. A video will also be produced showing a virtual fly-around the proposed building. In coordination with your public relations firm, we will make four (4) public presentations of the project, two (2) before design charrette working groups to develop plans for the entire parcel, and two (2) before interested stakeholders to discuss solutions and cost estimates. During those public presentations, we will be available for questions and discussions as needed.

Residual Land Planning

The site will not be entirely used for the construction of the police station. We will provide concept land planning services to create a plan for the residual acreage not used by Milford Police. Our services include providing three (3) concept land plans:

- One will show the police station at the rear of the property, with commercial strip retail center along NE Front Street.
- Another will show the police station up front along NE Front Street with residential lots shown toward the rear of the site.



ARCHITECTURE
ENGINEERING

November 15, 2018
Milford Police Station
Page 4 of 4

- The final concept will show the police station with a community use such as playground or park or other public use.

We will incorporate each of the concepts into an overall property land plan that can be used as part of graphic presentation.

p2018298ab-Scope_REV

The Most Extensive Publication of Legal Notices in Sussex County

Sheriff Sales • Superior Court • Court of Chancery • Family Court
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Legal Notices

PUBLIC NOTICE

PUBLIC NOTICE

SUMMONS In the Seventh Judicial District Court of Emery

County, Utah. Debra Williford, Petitioner, vs. Kenneth James Williford, Respondent. Case No. 18470055. Notice To: Kenneth James Williford, You are hereby summoned to file an Answer with the court clerk located at 1850 North 560 WEST, Castle Dale, UT 84513 within 30 days if you intend to contest the divorce. If you fail to do so, judgment by default will be taken against you for

the relief demanded in the verified petition for Divorce. Dated: 10/17/2018, /s/: Teisha M. Bunn, Utah Legal Services, 455 N. University Ave. #100, Provo, UT 84601.

MB 10/24, 10/31, 11/7, 11/14/2018 6038910

PUBLIC HEARING

The City of Milford, Delaware, in cooperation with the Sussex County Council, the Levy Court of Kent County, Delaware, and the Delaware State Housing Authority (DSHA), will hold a public hearing on Monday, November 26, 2018, at 7:00 p.m. at the City Hall, 201 South Walnut St., Milford, Delaware for the purpose of providing any interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant (CDBG) Program. In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals.

This Federally funded program will provide grants amounting to \$2,000,000. (funding level subject to change), to support Community Development Activities in eligible local governments in Kent and Sussex Counties. The public hearing will also include a status report for Milford's FY-18 projects.

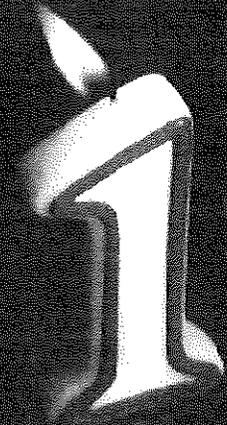
For further information on this hearing, please contact Sussex County Department of Community Development at 855-7777 or the Kent County Department of Planning at 736-2014.

Sussex County promotes equal housing opportunity.



MB / 0006041730 / 11.14.18

Being **NUMBER ONE** is nothing to celebrate.



This year, more than **172,000** people will be diagnosed with lung cancer, and more than **163,000** will die — making it America's **NUMBER ONE** cancer killer.

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Office:

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Dover, DE 19901

Mailing Address:

P.O. Box 664
Dover, DE 19903

**Sussex County Community Development
P.O. Box 589
Georgetown, DE 19947**

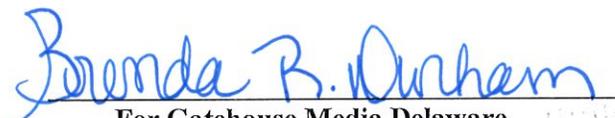
This is to certify that the following legal advertisement:

DSHA, Public Hearing: Monday, November 26th, 2018 at City Hall

Was carried in the **Sussex Living**, a weekly newspaper, on the following date(s):

November 14th, 2018

A copy of the advertisement is attached.



For Gatehouse Media Delaware

Sworn to and subscribed before me this 14th
Day of **November, 2018.**



Notary Public

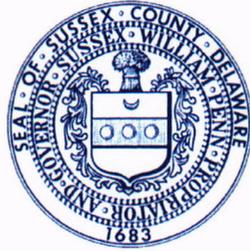
Total Due: \$124.00



TODD F. LAWSON
COUNTY ADMINISTRATOR

(302) 855-7742 T
(302) 855-7749 F

tlawson@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

October 1, 2018

The Honorable Arthur J. Campbell, Mayor
City of Milford
P.O. Box 159
Milford, DE 19963

Dear Mayor Campbell:

Please be advised that the Sussex County Council has authorized the Sussex County Community Development Office to assist local governments in Sussex County in preparation of Community Development Block Grant (CDBG) applications. In an effort to bring as much CDBG funding to Sussex County as possible, Director Brad D. Whaley, is prepared to offer assistance to your community in applying for CDBG funding. The only financial responsibility for the town is to pay for advertising the public hearing.

Last year the Delaware State Housing Authority proposed to keep CDBG minimum target area numbers, as well as, the remainder of the guidelines the same as FY 19. This means that your community must have **a minimum of 4-targeted homes** to be eligible for the CDBG housing rehabilitation program.

In order to be considered, Infrastructure projects must be in a predominately low to moderate-income area. A house-by-house income survey must be complete to prove area household incomes. Additionally, we require a complete set of engineering plans, cost estimates, documentation of existing matching funds, and a letter stating that the requested project will be completed within one year (see enclosed CDBG Infrastructure requirement sheet). Sussex County Council's highest priority is housing rehabilitation assistance for Sussex County.

The process, if accepted by your Council, would have Sussex County apply for the CDBG funding on your town's behalf, and if funded, Sussex County would administrate the projects for you. All administrative cost would be paid for by grant and County funds.

We are required to schedule public hearings in each city or town that is applying for the funding during November or December to be able to meet the application deadline. I respectfully request that if your community is interested in participating with the County in a CDBG application, please notify Brad D. Whaley, at the Sussex County Community Development and Housing Division at 855-7777 by October 22, 2018.

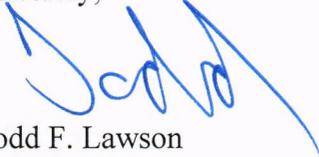


COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

The Honorable Arthur J. Campbell, Mayor
October 1, 2018
Page Two.

Do not hesitate to contact me if you have any additional questions.

Sincerely,



Todd F. Lawson
County Administrator

TFL/nr

cc: Eric Norenberg, City Manager
pc: Mr. Brad D. Whaley



NOTICE OF PUBLIC MEETING

The Delaware State Housing Authority (DSHA) will hold a public meeting on Wednesday, October 10, 2018, at 10:00 a.m. in the Kent County Administrative Complex conference room #221, 555 Bay Road, Dover, Delaware, 19901 for the purpose of providing any interested citizens the opportunity to comment on proposed changes to the Delaware Community Development Block Grant Program Guidelines in Fiscal Year 2019. The period for receiving written comments on the Guidelines will close at 4:00 p.m. on Wednesday, October 10, 2018. Written comments can either be submitted at the public meeting, via fax at 302-739-2416, or via e-mail to andy@destatehousing.com. Questions should be directed to Andrew Lorenz at phone number 302-739-4263. A copy of the proposed Guidelines will be available for inspection and review at DSHA's office, 18 The Green, Dover, Delaware, between the hours of 8:00 a.m. and 4:00 p.m. of any working day or at DSHA's website http://www.destatehousing.com/Landlords/dv_cdbg.php. This federally-funded program will provide funds to support Community Development activities in eligible municipalities in Kent and Sussex Counties. The chief elected official of each of the eligible municipalities and both counties will also have a draft copy of the aforementioned Guidelines for public review.

Delaware State Housing Authority
Equal Opportunity Employer
Equal Housing Opportunity





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Delaware State Housing Authority
Equal Opportunity Employer
Equal Housing Opportunity





**FY 2019
Community Development Block Grant Program
Draft Program Guidelines
Public Meeting**

Wednesday, October 10, 2018

**Kent County Administration Building
Conference Room # 221
Dover**

10:00 – 11:30 A.M.

AGENDA

- **Welcome and Purpose of Meeting**
- **Proposed Changes to the Program Guidelines for FY 2019**
- **Solicitation of Public Comments on Draft FY19 CDBG Program Guidelines**
- **Discussion of/comments on Public Comments on Draft FY19 CDBG Program Guidelines**



DEVELOPMENT SECTION

18 THE GREEN

DOVER, DELAWARE 19901

TOLL FREE: (888) 363-8808

(302) 739-4263
(302) 739-1118 FAX
(302) 739-7428 TDD

September 24, 2018

MEMORANDUM

TO: Eligible Communities and Kent & Sussex Counties
FROM: Andrew J. Lorenz *A.J.L.*
SUBJECT: **Draft FY19 CDBG Program Guidelines**

Attached is a draft copy of the FY19 Community Development Block Grant (CDBG) Program Guidelines, Application Package, and a Notice of Public Meeting to be published as part of the process. The Program Guidelines and Application Package have **been changed from last year as follows:**

- **Under Section I.E.2.e., all target area information must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on January 24, 2019;**
- **Under Section III.A.1.a.1), applicants must also verify that each of the top four applicants on a rehab waiting list continues to be interested in and qualified for CDBG assistance, and that they have qualified rehabilitation needs.**
- **Under Section IV. A., applications for the State's FY19 CDBG Program must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on February 28, 2019.**

Please review this draft and submit any comments by October 10, 2018. Comments will also be received at the public meeting scheduled for October 10, 2018, at 10:00 p.m. in the Kent County Administrative Complex conference room #221 in Dover.

If you need additional copies of the Draft Program Guidelines or application, please contact me at the Community Development Section 739-0261 or via e-mail at andy@destatehousing.com. Thank you.

ajl:mjh

Attachments

STATE OF DELAWARE
DELAWARE STATE HOUSING AUTHORITY
DELAWARE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
DRAFT PROGRAM GUIDELINES FOR FY2019

I. GENERAL

A. Scope and Applicability

These Program Guidelines describe the Delaware Community Development Block Grant (CDBG) Program for Kent and Sussex Counties in Delaware. Funds for this program, when appropriated by the U.S. Congress, are provided in a block grant to the state by the U.S. Department of Housing and Urban Development (HUD) pursuant to Section 106 of the Housing and Community Development Act of 1974, as amended by the Housing and Community Development Act of 1992, and in accordance with HUD rules, regulations and program memoranda.

B. Administration

The Delaware State Housing Authority (DSHA) administers the Delaware CDBG Program. The purpose of DSHA is to provide affordable, decent, safe, and sanitary housing to low- and moderate-income persons.

C. Program Design and National Objectives

The Delaware FY2019 CDBG Program has been designed so as:

1. to give maximum feasible priority to activities which will benefit low- and moderate-income families;
2. to aid in the prevention of slums and/or blight; and
3. to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and where other financial resources are not available to meet such needs.

Each CDBG activity must be an eligible activity, and it must comply with one of the above three national objectives. Subgrantees shall ensure that the following records are maintained and kept up to date: 1) records demonstrating that each activity undertaken meets one of the national objectives; and 2) a full description of each activity carried out (or being carried out) in whole or in part with CDBG funds, including the nature and purpose of the activity, its location (if the activity has a geographical location) and the amount of CDBG funds budgeted, obligated and expended for the activity.

EXCEPT THAT the aggregate use of Title I funds received by the state during the period of Federal Fiscal Years 2019, 2020, and 2021 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit low- and moderate-income persons. In

order to comply with the 70 percent principal benefit requirement, it is further agreed that not less than 70 percent of the total FY19 CDBG Grant shall be utilized for activities that benefit low- and moderate-income persons as defined in Section I.D. of these Program Guidelines.

D. Low- and Moderate-Income Definition

1. Low- and moderate-income persons are those persons whose incomes do not exceed the income limits for lower-income families pursuant to Section 8 of the United States Housing Act of 1937 as amended, and provided to the State of Delaware by HUD in a table of income limits as set forth by dollar amount and family size. (These income limits are periodically revised by HUD and are made available by DSHA to all units of general local government and counties in Delaware eligible for this program. See Attachment "A" to these Program Guidelines for the most recent figures dated 4/14/17.)
2. Low- and moderate-income households are all persons occupying the same housing unit, regardless of their relationship to each other, whose combined incomes do not exceed the income limits described in paragraph I.D.1., above.

E. Documentation of National Objectives and Low- and Moderate-Income Benefit

1. Documentation of National Objective.

a. Infrastructure (public works) Activities:

For each activity determined to benefit low- and moderate-income persons based on the area served by the activity, Subgrantees must maintain records containing: 1) the boundaries of the service area; and 2) a summary of the income characteristics of the persons in the service area showing that at least 51 percent of area residents are low/moderate income.

b. Housing Rehabilitation Activities:

For each direct benefit activity determined to directly benefit low- and moderate-income persons based on the household income of those directly benefiting and where the activity involves the submission of an application or the completion of a personal record, Subgrantees must maintain sufficient evidence to ensure such benefits would accrue to low- and moderate-income persons, the income limits applied, and the point in time when the benefit was determined.

Individual household incomes must be thoroughly documented to verify that they are 100 percent low to moderate income before each housing unit is provided housing rehabilitation assistance. No rehabilitation assistance shall be provided to households that are not low to moderate income, except as provided under Section III.C.2.c. of these Program Guidelines (urgent need).

Subgrantees must maintain records including the number of units to be rehabilitated, and the amount to be spent on each unit to be rehabilitated.

c. Housing Code Enforcement/Demolition:

Documentation to be maintained by Subgrantees for each activity determined to aid in the prevention or elimination of slums or blight based on addressing one or more of the conditions which qualified an area as a slum or blighted area must include: 1) the boundaries of the area; and, 2) a description of the conditions which qualified the area at the time of its designation in sufficient detail to demonstrate how the area met the requirements in 24 CFR 570.208(b)(1).

Documentation to be maintained by Subgrantees for each activity determined to aid in the prevention or elimination of slums or blight based on the elimination of specific conditions of blight or physical decay not located in a slum or blighted area must include a description of how the threats to public health and safety are to be corrected.

d. Transitional Housing Construction/Rehabilitation:

For each activity determined to benefit low- and moderate-income persons because the activity involves a facility or service designed for use predominantly by low- and moderate-income persons, Subgrantees shall maintain sufficient evidence to ensure that the predominant users would be low- and moderate-income persons.

e. Urgent Needs:

For each activity determined to meet a community development need having a particular urgency, Subgrantees shall maintain documentation including: 1.) the nature and degree of seriousness of the conditions requiring assistance; 2.) evidence that the recipient certified that the CDBG activity was designed to address the urgent need; 3.) information on the timing of the development of the serious condition; and, 4.) evidence confirming that other financial resources to alleviate the need were not available.

2. Target Areas

- a. Community-wide low- and moderate-income percentages are noted in Attachment B to the Program Guidelines. The list is from HUD's Low/Moderate Income Summary Data estimates for FY2014. These community-wide low- and moderate-income percentages will normally be used only for infrastructure activities such as a town well.

- b. Infrastructure (public works) activities must utilize either the community-wide low- and moderate-income figures noted in Attachment B, a survey following the methodology contained in the 9/23/14 HUD Notice CPD-14-013, "Guidelines for Conducting Income Surveys to Determine the Percentage of Low- and Moderate-Income (LMI) Persons in the Service Area of a Community Development Block Grant (CDBG)-Funded Activity," or the available Census data at the tract or block group level, to show that target area residents are 51 percent low/moderate income. Census maps can be found at: <http://factfinder2.census.gov>. Past surveys not utilizing the HUD methodology will not be accepted.

- c. Housing rehabilitation activities do not have to document that the target area residents are 51 percent low/moderate income. Instead, the target area will be defined on the basis of the number of substandard dwelling units contained within its boundaries. The total number of dwelling units shall also be enumerated. Documentation of these figures shall normally be accomplished through a windshield survey. A substandard dwelling unit is defined as failing to meet the standards of the Delaware State Housing Code or the housing code adopted by the jurisdiction where the unit is located.

Where no discernible target areas exist within a community's corporate limits, the entire community may be identified as a rehab target area. The total number of dwelling units, and the number of substandard dwelling units, shall be documented as for any other target area.

- d. Housing Code Enforcement/Demolition:

Unless housing code enforcement/demolition activities meet the national criteria for slum and blight, these activities require target area determinations utilizing the HUD Survey Methodology or Census data documenting a 51 percent benefit to low/moderate-income persons.

e. DSHA Pre-Approval:

All target area survey instruments, descriptions of how surveys were conducted, survey results, maps clearly indicating service area boundaries, a rationale/justification for the service area determination, and a rationale for the method used to determine low- and moderate-income benefit (if Census information is not used) must be approved by DSHA prior to the submission of an application. Census data must be used to the maximum extent feasible for determining the income of persons residing in service areas. Target areas must have at least four eligible units per target area. All target area information must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on **January 24, 2019**.

f. Service Area Determination guidance can be found at the Section titled “Determining the service area” on pages 3-9 to 3-11 of the “Guide to National Objectives & Eligible Activities for State CDBG Programs,” available from DSHA, or at:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/library/stateguide.

g. Areas of Minority Concentration

To affirmatively further Fair Housing, DSHA will provide up to 5 points in the Application Review scoring at Section V.B.1.d. to applications that target areas having disproportionate housing needs by race and ethnicity. Areas of racial and ethnic minority concentration are defined as geographic areas where the percentage of a specific minority or ethnic group is 10 percentage points higher than in the jurisdiction overall, as of the 2010 Census. In Kent County there are 8 Census tracts identified as having concentrations of Black or African American residents, including 402.03, 405.01, 410, 412, 414, 415, 425, and 433. Kent County also has one Census tract having a concentration of Hispanic residents: 425. In Sussex County, there are five Census tracts having concentrations of Black or African American residents: 501.05, 502, 504.06, 504.07, and 518.02. Sussex County also has four Census tracts having concentrations of Hispanic residents: 501.04, 505.03, 505.04, and 514.

F. Program Outcome Performance Measurement

On pages 11470 to 11481 of the March 7, 2006 Federal Register, HUD published a “Notice of Outcome Performance Measurement System for Community Planning and Development Formula Grant Programs”. This Notice on Performance Measurement is to be followed in establishing and reporting outcome performance measures for each activity for FY2019. Subgrantees are required to provide proposed outcome/objective statements for each activity in

their CDBG applications, and actual outcome/objective statements with indicators in their quarterly and closeout reports.

G. Affirmatively Furthering Fair Housing

In addition to typical reporting requirements, in an effort to affirmatively further Fair Housing, DSHA will increase monitoring and require increased reporting relative to Fair Housing issues. Eligible jurisdictions will be required to submit reports (1) detailing addresses of beneficiaries and their membership in protected classes and (2) a narrative report updating DSHA about progress on meeting objectives outlined in the Statewide Fair Housing Plan and other efforts to affirmatively further Fair Housing, such as training, outreach and new programs.

II. General Information for Applicants

A. Eligible Applicants

Eligible applicants are units of general local government in Kent and Sussex Counties, the Kent County Levy Court and the Sussex County Council.

B. Number and Type of Applications

Each unit of local government and each county government may make only one application for funds in each program year, with the exception of applications for emergency activities and infrastructure for new housing development. An application from the Kent and Sussex County Governments may include unincorporated portions of the county, as well as those incorporated areas whose governing bodies have specifically requested to be included in the county's application. Written evidence of that request must be included with the county's application. If a local government has requested to be included in a county application it may not make a separate application, except applications for emergency activities and infrastructure for new housing development submitted after the normal application deadline.

C. Activities Outside an Applicant's Boundaries

An applicant may apply for CDBG funds for eligible program activities, which are partially outside its boundaries if it can be demonstrated that these activities are appropriate to meet the applicant's needs and objectives. Such activities must be consistent with State and local law, and the county or municipality within which these activities will take place must agree to such activities.

D. Activities Within an Application

Within a single application or fiscal year, an applicant may seek funding for activities, which address more than one community development need, as long as the total does not exceed the maximum allocation of \$1,100,000. The CDBG funds requested, either by

themselves or in combination with other funds, must be sufficient to complete the proposed activities. An allocation exceeding \$500,000 would have to be extremely competitive.

E. Eligible Activities

The 2019 program will provide funds to units of general local government and to counties not entitled to receive CDBG funds directly from HUD to undertake eligible approved activities, as listed in these Program Guidelines. The program is competitive in nature and it is anticipated that the demand for funds will far exceed the total amount available to the State. Therefore, eligible applicants selected for funding will be those communities and counties whose applications best address locally-determined needs of low- and moderate-income families as contained in the Delaware Consolidated Plan dated May, 2015, and which are also consistent with the 51 percent principal benefit requirement or otherwise meet one of the three National Objectives, and which meet one or more State priorities.

Applicants should be aware that proposed activities, which do not meet a State priority will be deemed unresponsive and not considered by the review panel, unless sufficient fundable activities meeting a State priority are not received by DSHA.

III. State Priorities and Set-Asides

The following are the State's priorities and set-asides for FY19 CDBG funding:

A. Maintenance of Existing Housing

1. Rehabilitation of substandard residential properties occupied by 100 percent low- and moderate-income households.

- a. General

- 1) Applicants must submit a list of all residential properties to be rehabilitated, with each property identified as owner- or renter-occupied. However, local governments with current waiting lists containing at least twice the number of applicants than are proposed for assistance may simply submit a certification to that effect, without submitting the normal list of properties to be rehabilitated. Applicants' waiting lists must be updated each year, prior to submission to DSHA. Applicants must provide a picture and an address and directions to each house for the top four rehab applicants on each waiting list. **In addition, applicants must also verify that each of the top four applicants on a rehab waiting list continues to be interested in and qualified for CDBG assistance, and that they have qualified rehabilitation needs.**

For the FY19 program year, if rehab applicants are exhausted in targeted areas before funds are exhausted in those areas, excess funds from those areas can be transferred to other target areas. If all eligible rehab applicants are exhausted in all target areas before funds are exhausted in those areas, then the excess funds from those areas can be transferred to scattered site rehabilitation.

- 2) All residential properties receiving CDBG assistance must be rehabilitated up to the standards of the Delaware State Housing Code or the local equivalent code, except that those properties only receiving assistance under a funded Emergency Home Repair activity under Section III.A.1.g. do not need to be brought completely up to code at the time the emergency repair is completed. All CDBG applicants must include a clause in their rehabilitation contracts, which enables them to rescind the contract in the event it is determined during the course of construction that the proposed rehabilitation is not feasible due to unforeseen conditions not known at the time the contract was executed.
- 3) All applicants requesting CDBG rehabilitation assistance must have adopted and be enforcing a housing code equivalent to or more restrictive than the Delaware State Housing Code. (Municipalities may be under contract for the enforcement of the code by county government.) The CDBG Subgrantee must certify that the property is up to housing code standards when rehabilitation is completed.
- 4) The CDBG/HOME housing rehabilitation program is a deferred loan program. The loan interest rate is 0%. The deferred loans can be reduced on a pro-rata basis over the time period for the lien. At the end of the loan term, the total amount of the loan would then be forgiven and satisfied.
 - a. A lien in the amount of the rehabilitation costs must be placed against all properties receiving CDBG/HOME rehabilitation assistance, except that: no lien will be required to be placed on properties receiving less than \$5,000 in CDBG only rehabilitation assistance (not HOME rehabilitation assistance) for water/sewer hookups, meter installations, and emergency repairs. Properties receiving rehabilitation assistance funded in whole or in part with HOME funds will have a lien placed regardless of amount.

b. Except as noted above, loan terms for CDBG/HOME Rehabilitation Assistance:

For homeowners under 62 years of age:

Under \$10,000	5 Years
\$10,000 to under \$20,000	10 Years
\$20,000+	15 Years

For homeowners age 62 or older:

Under \$20,000	5 Years
\$20,000+	10 Years

c. Deferred loans may be recorded in second position behind the homeowners' first mortgage, if required. Pro-rata payback of a CDBG-deferred loan to the Subgrantee is required when the property is sold or transferred, except the lien may continue on the property without repayment when the property is sold or transferred to a low/moderate-income household.

Pro-rata payback of a HOME-deferred loan to DSHA is required when the property is sold, refinanced, or transferred.

d. Applicants may take up to 10% of the program income from the return of CDBG only deferred loan funds for use as administration funds. Applicants must report the taking of CDBG program income and CDBG program income administration funds on their next drawdown. All HOME program income funds must be returned to DSHA.

5) The applicant must have adopted a rehabilitation manual containing all forms and procedures to be used, including: procedures for coordinating with similar rehabilitation programs and an executed Programmatic Agreement (PA) with the National Advisory Council and State Historic Preservation Office.

6) Applicants may use up to 50 percent of their CDBG funds for community-wide rehabilitation. Counties proposing to use their community-wide funds in incorporated communities must obtain a resolution from that community authorizing such rehabilitation to be done.

- 7) Applicants must use 51 percent of their CDBG funds in designated DSHA-approved target areas. Subject to DSHA approval, where no identifiable smaller target areas exist, the target area requirement may be waived for a particular community.
 - 8) Except in cases of emergency rehabilitation, applicants must certify that units to be rehabilitated will be insured for at least the amount and period of the rehab loan.
 - 9) Local officials shall determine the suitability of providing rehabilitation assistance to any given residential property.
 - 10) Applicants are encouraged to support the Statewide initiative to hire minority-, veteran- or women-owned businesses. The company must be (a) 51 percent owned by minority, Veteran and/or woman or (b) 51 percent managed by minority group, service disabled veteran/veteran and/or woman and (c) certified as a MVWBE (or home state equivalent) in home state of business as for-profit business. For further information please refer to <http://gss.omb.delaware.gov/osd/index.shtml>.
- b. Lead-Based Paint: This Section applies to activities renovating or rehabilitating housing units occupied by 100 percent low- and moderate-income households constructed prior to January 1, 1978 receiving Federally-funded project-based assistance.
- 1) Grantees shall follow the lead-based paint regulations found at 24 CFR part 35 Lead-Based Paint Poisoning Prevention in Certain Residential Structures.
 - 2) In cases where evaluation or hazard reduction or both are undertaken, the Subgrantee shall provide a notice to occupants in accordance with Section 35.125.
 - 3) Subgrantees must provide a lead hazard information pamphlet to all families receiving assistance living in pre-1978 housing, and obtain a signed acknowledgment from occupants that they have received the pamphlet.
 - 4) Lead-based paint inspection, risk assessments, testing, hazard reduction and abatement and treatment are eligible expenses.
 - 5) Inspection/risk assessment/testing reports must be kept by the Subgrantee for a period of three years.

- 6) The Subgrantee must conduct paint testing or presume the presence of lead-based paint, in accordance with Section 35.930.
 - 7) CDBG administration funds may be used for rehabilitation Subgrantee lead-based paint certification training. No matching funds are required for administrative funds used for CDBG Subgrantee lead-based paint certification training.
- c. Rental Rehabilitation of housing units occupied by 100 percent low- and moderate-income households.
- 1) A maximum of \$15,000 per unit may be provided for CDBG rental rehabilitation.
 - 2) CDBG rental rehabilitation loans will be financed at 3 percent amortized over a period of 10 years and will not be deferred.
 - 3) Only 75 percent of the rehabilitation cost may be financed by CDBG funds. The remaining 25 percent must be financed through private funds.
 - 4) The servicing of 3 percent CDBG rental rehabilitation loans shall be handled by DSHA through an agreement with a private servicing agent. The costs to DSHA of providing servicing will be reimbursed from principal and interest payments made by the owner to the Subgrantee. All principal and interest for rental rehabilitation loans shall be repaid on a regular monthly schedule after completion of the work.
 - 5) All rental units financed with CDBG funds must be occupied by low- and moderate-income persons at affordable rents throughout the duration of the loan agreement. Affordable rents are defined as Fair Market Rents (FMR) published periodically by the Federal HUD Section 8 Existing requirements. See Attachment D to these Program Guidelines for the most recent figures dated 10/01/16.
 - 6) All CDBG rental rehabilitation must utilize the forms and procedures contained in Delaware CDBG Rental Rehabilitation Procedures dated November, 1990.

- d. The rehabilitation of manufactured housing occupied by 100 percent low- and moderate-income households shall utilize the same rehabilitation procedures as other housing, except that the following additional requirements apply:
- 1) There shall be a limit of \$15,000 per manufactured home rehabilitated on rental lots. There shall be a limit of \$25,000 per manufactured home rehabilitated where the owner owns both the manufactured home and the lot it is situated on;
 - 2) The CDBG Subgrantee must certify that the property will have at least 10 years of habitable life after rehabilitation is completed;
 - 3) The CDBG Subgrantee must obtain documentation that the manufactured home is in place and installed in accordance with local environmental, zoning and housing/building code requirements, prior to starting work on the property;
 - 4) For manufactured housing where the owner owns both the manufactured home and the lot it is situated on, the unit must have a permanent foundation in order to be eligible for rehabilitation funds. If no permanent foundation exists, then the total rehabilitation contract specifications for a unit must include the installation of the foundation. For manufactured housing situated on rental lots, the permanent foundation requirement does not apply; and
 - 5) For manufactured housing where the owner owns both the manufactured home and the lot it is situated on, and where the manufactured housing unit is beyond economical repair, the CDBG Subgrantee receiving HOME rehabilitation funds may only use HOME rehabilitation funds to replace the unit with a manufactured housing unit not more than 20 years old. All manufactured housing to be replaced must have been condemned by the applicant's code enforcement official, and the replacement unit must meet the standards of the Delaware State Housing Code or the local housing code. A ten-year lien must be placed against all properties where manufactured housing is replaced with HOME funds. For manufactured housing situated on rental lots, the replacement option does not apply.
- e. Water and/or sewer hookup of 100 percent low- and moderate-income households shall utilize the same rehabilitation procedures as other housing rehabilitations, including the documentation of low- and

moderate-income household according to the definition provided in Section I.D.2, above.

- f. Energy Efficiency: This Section applies to activities renovating or rehabilitating housing units occupied by 100 percent low- and moderate-income households. To the maximum extent feasible and cost-effective, Subgrantees' work write-ups and specifications for rehab work necessary to bring the dwelling unit up to housing code standards shall require ENERGY STAR qualified products and procedures. Subgrantees shall utilize the Energy Star website directly at: <http://www.energystar.gov/homeadvisor> to determine the recommended energy-efficient specifications for rehabilitation and remodeling. The recommendations on these websites shall be followed for all required work and materials, including, but not limited to: windows, heating and air conditioning systems, ventilation, insulation, air sealing, water heaters, light fixtures, lighting, and doors. The CDBG Subgrantee shall also coordinate its housing rehabilitation waiting lists, to the extent feasible, with the Delaware Weatherization Assistance Program waiting list, and the waiting lists of all other agencies that offer emergency home repair programs.

- g. Emergency Home Repair of residential properties owned and occupied by 100 percent low- and moderate-income households. CDBG applicants may apply for a separate Emergency Home Repair category of housing rehabilitation funds to address an emergency condition threatening the health or safety of an owner-occupied household's occupants. Emergency Home Repair is separate from emergency rehabilitation under Section III.C.2. of these program guidelines. Repairs that generally qualify as emergency home repair include: heating, plumbing, electrical, roofing, and structural problems.
 - 1) An emergency is defined as an unexpected occurrence or combination of events calling for immediate action. Unsafe electrical wiring, a non-working heater in winter, or structural conditions that are a major defect or are life-threatening and considered unsafe are examples of true emergencies.
 - 2) A minimum of \$500 and maximum of \$7,500 may be provided per home in CDBG emergency home repair assistance.
 - 3) Homeowners must meet all eligibility requirements to participate in the program.

- 4) A five-year lien must be placed against all properties receiving \$5,000 or more in CDBG emergency home repair funds.
2. Housing code enforcement in areas of slum and blight (as defined in state regulations) or which benefit an area of at least 51 percent low- and moderate-income persons. (Also note Section I.E.2.d.)
 - a. Applicants proposing housing code enforcement activities must certify that they will maintain during the period of the CDBG contract, in addition to their expenditures for carrying out any program assisted with CDBG funds, a level of expenditures for code enforcement activities at not less than their normal expenditures for such activities in the year prior to the execution of the CDBG Contract.
 - b. Applicants requesting CDBG assistance for code enforcement must have adopted and be enforcing a housing code equivalent to the Delaware State Housing Code.
3. Demolition of substandard structures in areas of slum and blight (as defined in state regulations) or which benefit 51 percent low- and moderate-income persons on an area or spot basis. Applicants for demolition funds may use up to 50 percent of such funds for community-wide demolition.
 - a. All structures to be demolished must have been condemned by the applicant's code enforcement official. Applicants requesting CDBG assistance for demolition must have adopted and be enforcing a housing code equivalent to the Delaware State Housing Code.
 - b. Demolitions to be accomplished with the voluntary consent of the owner and at the discretion of the community, must be in the form of a permanent 0 percent deferred loan, that is not forgivable, unless new housing constructed on the property becomes exclusively: 1) owned and occupied as the principal residence(s) of low/moderate-income household(s); or, 2) rented by low/moderate-income household(s) for a period of at least ten years.
 - c. For non-voluntary demolitions, the governing body of the applicant must provide evidence that it has exhausted other available legal procedures to secure remedial action by the

owner of the structure(s) involved, that demolition action is required, and that it has the legal authority to demolish the structure(s).

- d. The applicant requesting CDBG assistance for non-voluntary demolitions must agree to place a tax lien on the property so that monies expended for razing, demolition, and removal of eligible structures or part(s) thereof, may be collected in the same manner as other real estate taxes. All such monies recovered shall be deemed to be program income.
 - e. Demolition liens, whether in the form of a 0 percent deferred loan, or a real estate tax lien, may be subordinated to a new mortgage on the property if the property is sold or transferred for the purpose of low/moderate-income housing. The lien will then continue in the original form until such time as the property is converted to a use other than for the purpose of low/moderate-income housing, at which time the lien will be required to be repaid; or, until such time as the property is actually used to house low/mod-income household(s) as described in Section III.A.3.b., above, at which time the lien will be forgiven.
4. Construction or rehabilitation of emergency/transitional/permanent supportive housing serving of at least 51 percent low- and moderate-income limited clientele.
- a. Applicant must provide evidence that the construction or rehabilitation will benefit at least 51 percent low- and moderate-income persons. This evidence must demonstrate that at least 51 percent of daily normal users of the facility are principally low- and moderate-income persons.
 - b. Applicant must certify that it will not charge any fees for accessing such assisted facilities so as to have the effect of precluding low- and moderate-income persons from obtaining said access.
 - c. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook.

- d. No such activities will be funded unless additional funding has been secured for the provision of services which are complementary to the programmatic purpose of the activity.
 - e. The applicant must certify that it will obtain all necessary permits and will comply with all federal, state and local standards and regulations that pertain to the type of activity requested such as building codes, insurance, and the State architectural accessibility standards prescribed by the State of Delaware Architectural Accessibility Board.
 - f. If the facilities to be assisted are publicly owned, the facilities must be nonresidential buildings which are not used for the general conduct of government such as "city halls, county administration buildings, state capitol or office buildings, or other facilities in which the legislative or general administrative affairs of government are conducted." (Section 102 (a)(21) of the Act); and which meet the requirements of 24 CFR 570.200 (5)(b).
 - g. If the facilities to be assisted are privately owned by a nonprofit organization, the organization must meet the requirements of 24 CFR 570.204 (c)(1), and be operated so as to be open for use by the general public during all normal hours of operation and otherwise meet the requirements of 24 CFR 570.200 (5)(b).
 - h. The applicant must comply with all restrictions and limitations regarding the use of CDBG funds by nonprofit organizations which are church-related found at 24 CFR 570.200(j).
5. Relocation assistance as required under the Uniform Relocation Act, Delaware Code, and 24 CFR 570.
 6. Substantial reconstruction of housing occupied by 100 percent low- and moderate-income households.

A unit of general local government may use CDBG funds to reconstruct residential structures (i.e. rebuild the structure on the same site) having a low- and moderate-income owner/occupant and consisting of one dwelling unit if either:

- a. The need for the reconstruction was not determinable until after rehabilitation on the structure had already commenced; or

1. Definition of infrastructure: The installation or improvement of water systems, sewer systems, streets, storm drainage systems, sidewalks. This includes all related activities such as engineering, land surveys, site acquisition (for housing development), planning studies, relocation assistance, etc.;
2. Architectural/engineering studies for infrastructure directly related to housing development, including feasibility studies, site tests and soil borings;
3. Preparation of grant applications to other grantor agencies;
4. Acquisition of land for new housing development, in accordance with the requirements of the Uniform Relocation Act of Delaware Code;
5. Clearance and site preparation for new housing development for low- and moderate-income persons;
6. Installation or improvement of infrastructure benefiting service areas of at least 51 percent low- and moderate-income persons, including: water, sewer, streets, sidewalks;
7. Planning studies, including comprehensive plans and zoning ordinances, which clearly by their intent and design, encourage the provision of affordable housing for low- and moderate-income persons; and
8. For items 1-7 as applicable above:
 - a. The applicant must provide evidence that it will provide a minimum cash or in-kind match for each activity, as described below. Cash matches may be provided through other sources of funding for the same activity;

Infrastructure Match Requirements

<u>Total Activity Cost</u>	<u>Cash Match</u>	<u>or</u>	<u>In-Kind Match</u>
Up to \$100,000	10% of Activity		15% of Activity
\$100,000+ to \$199,999	15% of Activity		20% of Activity
\$200,000+	20% of Activity		25% of Activity

- b. Applicant must provide evidence that at least 51 percent of the persons benefited by the activity are in fact low- and moderate-income persons;

- c. Applicant must certify that there will be no special assessment against properties owned by low- and moderate-income persons to recover that portion of a capital expenditure funded with CDBG funds. The term special assessment is defined to mean a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public facility improvement, such as streets, curbs, and gutters. The amount of the fee represents the pro rata share of the capital costs of the public improvement levied against the benefiting properties;
 - d. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook; and
 - e. The applicant must certify that it will obtain all necessary permits and will comply with all federal, state and local standards and regulations that pertain to the type of activity requested.
9. Set-aside: 10-40 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the Infrastructure for Housing Development and Maintenance set-aside will be dependent upon the quality and type of applications received in FY19.
- C. Emergency activities (water, sewer, housing rehabilitation and demolition), which have a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community and other financial resources are not available to meet such needs.
- 1. For emergency water and sewer activities:
 - a. Applicant must certify that there will be no special assessment against properties owned by low- and moderate-income persons to recover that portion of a capital expenditure funded with CDBG funds;
 - b. The nature, degree of serious and immediate threat must be documented by letters from appropriate agencies such as the State Division of Public Health, DNREC, State/local fire officials, etc.;
 - c. The serious and immediate threat must be of recent origin or recently became urgent, that is, the condition developed or

became critical within 18 months of a certification that must be made by the applicant in its application;

- d. Applicant must certify and document that it is unable to finance the construction of these facilities without CDBG funds. Such documentation shall include: (a) if appropriate, letters from other grantor agencies such as the Department of Natural Resources and Environmental Control, Department of Transportation, Division of Public Health, etc., confirming that funds were not available; (b) appropriate financial statements showing the lack of local funds; and (c) a financial analysis of why the activity is not feasible through use of other methods of local funding such as the proceeds of general obligation bonds, special assessments, etc.;
 - e. All CDBG applicants must certify that they will comply with the labor standards as set forth in 24 CFR 570.603; HUD regulations at 24 CFR 607 and 609; and the Delaware CDBG Labor Standards Handbook; and
 - f. The applicant must certify that it will obtain all necessary permits and will comply with all federal, State and local standards and regulations that pertain to the type of activity requested.
2. For emergency rehabilitation and demolition:
- a. Required as a direct result of a natural disaster, such as a tornado, flood, hurricane, or similar catastrophe;
 - b. State has made a formal request to the Federal Emergency Management Agency for preliminary damage assessment and/or for which federal disaster assistance has been officially sought by the State;
 - c. At the discretion of the DSHA Director, rehabilitation assistance may be provided to persons not of low/moderate income when the need for such assistance is clearly documented;
 - d. Emergency rehabilitation and demolition activities will only be provided to cover losses not covered by insurance; and
 - e. Both emergency rehabilitation and demolition assistance will utilize the same liens and contracts as used for regular rehabilitation and demolition programs.

3. Set-aside: 0-7 percent of CDBG funds available for allocation to activities, excluding administrative costs. The final percentage of CDBG funds allocated for the emergency activities set aside will be dependent upon the quality and type of applications received in FY19.

D. Administration

1. At least 50 percent of the administrative cost of the activity(ies) must be provided by the local funds of the applicant.

2. Matching Requirements

These local funds may be drawn from local operating appropriations, nonprofit organization funds, proceeds of general obligation revenue bonds or other funds expended for the same purpose as the CDBG funds are expended. Any costs incurred by the applicant for activities that directly benefit the CDBG activity and meet the requirements of OMB Circular A-87 may be used to meet this match requirement. However, these funds must be spent in the same consecutive twelve-month period as the CDBG funds. For the purpose of this match requirement an applicant is considered to be: (a) a county's application for its unincorporated areas; (b) incorporated areas applying on their own; or (c) incorporated areas under a county's application.

3. Administrative Costs Limits

Administrative costs allowable to participating units of general local government under the CDBG Program shall be governed by the matching requirement in Paragraph 2. above, the contract budget and by the federal requirement that the State and its CDBG Subgrantees are limited to an aggregate amount of administrative costs that represent twenty percent of the State's total grant from HUD in any given federal fiscal year. It should be noted that the total amount of CDBG funds available for administration in FY19 may be less than the amount currently allocated, depending upon the number and quality of applications received, and the amount of funding allocated by HUD. The maximum allocation for all administrative and program delivery costs for any single applicant shall not exceed **\$172,000** in any program year. Applications shall provide the salaries of all program administration personnel to be funded through CDBG funds. DSHA may separate rehabilitation specialists' salaries from general administration costs and allocate funding for those salaries as rehabilitation program delivery costs.

IV. Application Submission

A. Submission Date

Applications for the State's FY19 CDBG Program must be received in the DSHA office at 18 The Green, Dover, Delaware 19901, no later than 4:00 p.m. on **February 28, 2019**. Applications for emergency activities and infrastructure for housing development will be considered at any time during the program year, subject to the following conditions: sufficient unallocated CDBG funds must be available to fund the activity(ies); assuming the availability of CDBG funds, a review panel will be convened to evaluate such proposals as well as those activities which were not originally recommended for full funding; and the need for CDBG funds must have arisen after the application deadline and be required for immediate use. **ONE SIGNED ORIGINAL AND ONE SIGNED COPY of the application must be submitted.**

B. Application Content and Format

Applications for CDBG funds must be made on such forms and in accordance with such instructions as are prescribed by DSHA, and include all forms and questionnaires as may be applicable to the specific proposed activity.

C. Documentation and Certifications

Application for CDBG funds must include all such documentation and certifications as may be prescribed in these Program Guidelines and in the application instructions prescribed by DSHA.

D. Program Performance Period

All applications for 2019 funds shall be to finance CDBG-eligible activities that shall be initiated after July 1, 2019, and completed no later than June 30, 2020.

V. Application Review

A. DSHA Staff

1. The DSHA staff will review all applications for completeness and to determine whether the applications meet the minimum threshold requirements for all applications.
2. If the assessment by the DSHA staff indicates that an application fails to meet any of the applicable threshold requirements, and the applicant has not provided the requested information to make the application complete, DSHA staff will prepare a report on each such application and submit it to the Director of DSHA. If the Director of DSHA agrees with the assessment by DSHA staff, the application will be considered unresponsive. Such

applications will not be forwarded to the review panel(s) referred to below, but will be returned to the applicant with a reason for the rejection. Any application that has been assessed as unresponsive shall be precluded from any further consideration in the FY19 CDBG Program, unless it is modified after July 1, 2019 to meet the threshold requirements for activities having a particular urgency or infrastructure for new housing development, and provided it falls within the requirements for a request for "recaptured/remaining funds" after July 1, 2019 as specified in Section VI.D. of these Program Guidelines.

3. It is essential that the amount of CDBG funds requested in each application be reflected in a budget which is both reasonable and realistic, and which conforms with all the requirements for such budgets contained in these Program Guidelines and the instructions for CDBG applications. Because of this, DSHA staff may, after determining that an application has met all the applicable threshold requirements, enter into direct negotiations with an applicant to reach agreement on any budgetary modifications that should be made before the application is presented to the review panel(s) that will evaluate the proposal(s).
 4. The DSHA staff shall provide the review panel(s) with a separate staff report on each application that will at a minimum include the following:
 - a. Certification that the application/applicant has met all applicable threshold requirements, including evaluation of low- and moderate-income benefit;
 - b. Certification that the proposed budget represents a realistic/reasonable budget which conforms to all applicable instructions and policies;
 - c. The conformance of the proposed activities to the goals and objectives of the Delaware Consolidated Plan; and
 - d. An evaluation of the applicant's capacity, and past performance under the CDBG Program.
- B. Review Panel(s)
1. The review panel(s), composed of persons with the appropriate background and experience, shall evaluate each proposed activity, based upon the following criteria. A maximum total of 100 points may be received by an application.

a. Low- and Moderate-Income Benefit (Provided by DSHA staff): Applications showing a greater benefit to low- and moderate-income persons for similar activities will be rated higher than those showing a lesser benefit to low- and moderate-income persons. Up to 25 points as follows:

- (1) 90-100% L/M = 25
- (2) 80-89% L/M = 20
- (3) 70-79% L/M = 15
- (4) 60-69% L/M = 10
- (5) 51-59% L/M = 5
- (6) 0 -50% L/M = 0

b. Management Capacity (provided by DSHA staff): Each applicant's management capacity for each of the activities proposed will be evaluated on the basis of the most recent monitoring report(s), current or proposed staff qualifications, progress achieved in completing its current CDBG Program (if applicable), and most recent audit report(s) (if applicable). Up to 5 points as follows:

- (1) outstanding = 5
- (2) above standard = 3
- (3) standard = 1
- (4) below standard = 0 (no allocation)

c. Cost/benefit of Activity: Each proposed activity will be evaluated on the basis of the following factors. Up to 70 points as follows:

- (1) severity of need, including the number, percent and geographic concentration of low/moderate-income families; number, percent and geographic concentration of substandard housing; number, percent and geographic concentration of housing needing public facilities; health and/or safety conditions; emergency status:

<u>Points</u>	<u>Need</u>
1	not documented
8	moderate
15	severe

- (2) holistic impact of activity, meaning, the degree (percentage, from Section IV. B. and C. of application) to which the identified need(s) for the activity(ies) is/are proposed to be addressed:

<u>Points</u>	<u>Impact</u>
1	low
8	moderate
15	high

- (3) cost reasonableness, meaning, the reasonableness of the proposed program activity costs taking into account construction estimates and the availability of other resources:

<u>Points</u>	<u>Cost/Reasonableness</u>
1	low
8	moderate
15	high

- (4) leveraging of other resources, meaning extent to which other firm, committed funding sources are identified:

<u>Points</u>	<u>Other Resources</u>
1	minimal or no match
8	moderate match
15	significant match

- (5) suitability/feasibility of work plan, meaning the extent to which the applicants proposed scope of work will realistically be accomplished within the next fiscal year:

<u>Points</u>	<u>Plan Feasibility</u>
1	poor
3	fair
5	good

- d. Targeting Areas of Minority Concentration: Applications showing a greater benefit to areas of minority concentration (see Section I.E.2.g.) for similar activities will be rated higher than those showing a lesser benefit to areas of minority concentration. Up to 5 points as follows:

<u>Points</u>	<u>Minority Targeting</u>
1	poor
3	fair
5	good

- e. An oral presentation by the applicant to the review panel will supplement the application scores and serve as a factor in the panel's final decision.

2. Review Panel Recommendations

DSHA staff will prepare a summary evaluation of all applications received, which will include the scores for each proposed activity as described in V.B. above, and a descriptive summary of the review panel's comments and recommended priorities for funding.

C. Director of DSHA

The Director of DSHA will make the final decisions on allocating CDBG funds, based upon the review panel(s) recommendations and any additional relevant information obtained subsequent to those recommendations. Such additional information will only be considered if it reflects a substantive change in the application review criteria noted in Section V.B.1. above.

D. Allocations

Allocations to specific activities will be based on approved contract budgets. The maximum allocation for any single applicant shall not exceed \$1,100,000 in any program year. Applicants should be aware that a total of approximately \$2,000,000 is expected to be available for program activities. An allocation exceeding \$500,000 would need to be extremely competitive.

VI. Additional Funding

A. Program Income Returned to Unit of Local Government

1. Program income means amounts earned by a unit of general local government or its subrecipient that were generated from the use of CDBG funds allocated by the State in a contract with a unit of general local government.
2. The use of program income is subject to all the applicable requirements of federal law, HUD regulations and program memoranda, and the general requirement of these Program Guidelines, which are consistent with said law, regulations and program memoranda. Additionally, the specific requirements for Program Income as are contained in the State's Financial Handbook shall also apply.
3. Program income retained by the unit of local government will:
 - a. be added to funds committed to the activity and used to further the same program activity as the income was derived;
 - b. not be used to pay administrative costs; and
 - c. be expended before additional funds are drawn down from DSHA for the same activity.
4. Program income not authorized for retention and expenditure by the unit of local government will be returned to the State.

B. Program Income Returned to the State of Delaware

Section 104(i) of the Housing and Community Development Act of 1974, as amended by the Housing and Community Development Act of 1992, authorizes States to distribute program income when such income has been returned to the State.

Program income returned to the State shall be disbursed to communities under open CDBG Contracts prior to making additional draws from the U.S. Treasury. The funds thus freed up shall be allocated in accordance with Section VI.D. below.

NOTE: Program income generated by CDBG rental rehabilitation loan repayments is considered program income of the unit of local government, even though such repayments are made directly back to DSHA through its loan servicing agreement. All such program income will be distributed to the appropriate unit of local government in accordance with the provisions of Section VI.A. above.

C. Reallocated/Supplementary Funds

Reallocated funds are those HUD has recaptured from a Small Cities Subgrantee and "reallocated" to Delaware. If Delaware should receive any "reallocated funds" from HUD for distribution as part of the FY19 CDBG Program, these funds shall be allocated in the same manner and under the same conditions as described in Section VI.D. below. Supplementary funds are those funds that HUD may award to the State after July 1, 2019, and shall also be allocated in the same manner and under the same conditions as described in Section VI.D. below.

D. Recaptured/Remaining Funds

1. Recaptured funds are those CDBG funds which remain unobligated after a CDBG contract has either been closed out or terminated; or after it has been determined that the total amount of CDBG funds originally allocated in a given contract are not required to complete the proposed activity for which they are allocated.

Remaining funds are funds for which a method of distribution was contained in a prior year's Program Guidelines, but which have not been, and are no longer intended to be so distributed. Remaining funds may also be an amount left over after the state has awarded all of its contracts, but the left over amount is too small to fund an application.

2. Recaptured/remaining funds that shall be received from its recipients by June 15, 2019, shall be included as part of the FY2019 allocations in accordance with all applicable requirements of these Program Guidelines.
3. Recaptured/remaining funds that shall be received from its recipients after June 15, 2019 shall be set aside for the following purposes:
 - a. To provide additional funding for any activity already under contract so long as the total amount of funds allocated does not exceed the \$1,100,000 maximum allocation for any single applicant; in those cases where an unforeseen situation may have arisen after the original contract budget had been approved (the burden of proof will rest with the applicant); or when the activity has not been funded in the total amount originally requested;

- b. To fund emergency activities and infrastructure for housing development that were not previously submitted as part of the FY2019 CDBG Program and the need for which may have arisen after the deadline for FY2019 applications has passed. The \$1,100,000 maximum allocation of CDBG funds for any single applicant in any program year shall apply;
- c. At the discretion of the Director of DSHA, eligible applications not originally recommended for funding because of limited resources may be reconsidered for funding after approved activities noted in (a) and (b) above have been funded; and
- d. The priorities for distributing funds under this part shall be in accordance with the state's method of distribution found in Section V.

E. Combining Other Funding to Comprehensively Address Rehabilitation Needs

- A. Again in FY19, greater emphasis will be given to applications, which take a holistic approach to community development through comprehensively combining all funding sources, one community at a time. DSHA expects applications responsive to this change in emphasis to combine smaller CDBG funding requests with Housing Preservation Grant (HPG) funding in target areas. Where these other sources of funding are used to comprehensively address rehabilitation needs and to lessen the demand on CDBG rehabilitation funding, greater consideration will be given to CDBG infrastructure requests. As a result, rehabilitation needs will be comprehensively addressed, more CDBG funds will be available for infrastructure activities, and community development needs in general will be holistically addressed. In the scoring of applications, strong emphasis is given to leveraging, and, leveraging funds must be shown and identified in activity budgets. Letters of commitment signed by a majority of the board/council committing the match, and including the source of the match, must accompany any applications claiming to have matching funds.

VII. Waivers of Policy

The Director of DSHA may waive any requirement of these Policies not required by federal/state law or federal regulation, whenever it is determined that undue hardship will result from applying the requirement or where application of the requirement would adversely affect the purposes of the Delaware CDBG Program. Waivers shall be made in writing, citing the policy provision to be waived, the authority for the waiver, and be supported by documentation of the pertinent facts. Where only a portion of the policy provision is to be waived, the waiver must expressly limit itself to that portion.

Attachment A to the Delaware CDBG Program Guidelines

REVISED INCOME LIMITS
(EFFECTIVE 6/1/18)

	<u>Kent County</u>			<u>Sussex County</u>		
	30% of Median	Low	Moderate	30% of Median	Low	Moderate
1 Person	\$14,800	\$24,650	\$39,450	\$14,450	\$24,050	\$38,500
2 Person	\$16,900	\$28,200	\$45,050	\$16,500	\$27,500	\$44,000
3 Person	\$19,000	\$31,700	\$50,700	\$18,550	\$30,950	\$49,050
4 Person	\$21,100	\$35,200	\$56,300	\$20,600	\$34,350	\$54,950
5 Person	\$22,800	\$38,050	\$60,850	\$22,250	\$37,100	\$59,350
6 Person	\$24,500	\$40,850	\$65,350	\$23,900	\$39,850	\$63,750
7 Person	\$26,200	\$43,650	\$69,850	\$25,550	\$42,600	\$68,150
8 Person	\$27,900	\$46,500	\$74,350	\$27,200	\$45,350	\$72,550

Higher income limits apply to families with more than eight persons, although they are not included in the printed State lists because of space limitations. The lower income limits for families larger than eight persons are determined by adding 6.25 percent of the four-person income limit base to the eight-person limit for each person in excess of eight. For very low-income limits, 8 percent of the four-person base is added to the eight-person limit for each person in excess of eight (e.g., the nine-person very low limit equals 1.4 (1.32 + .08) times the four-person limit.) The limits developed by the use of these factors are to be rounded to the nearest \$50.

Attachment B to the Delaware CDBG Program Guidelines

LIST OF LOW/MODERATE-INCOME BENEFIT FIGURES
IN KENT AND SUSSEX MUNICIPALITIES (FY2013 HUD LMISD)

<u>Place Number</u>	<u>City / Town</u>	<u>% Persons Low/Mod</u>	<u>Place Number</u>	<u>City / Town</u>	<u>% Persons Low/Mod</u>
07250	Bowers	42.1%	60290	Rehoboth B.	16.5%
10760	Camden	26.0%	64320	Seaford	53.8%
14660	Cheswold	67.7%	64840	Selbyville	41.2%
15440	Clayton	33.5%	67050	Slaughter B.	40.9%
21387	DAFB Housing	54.7%	67700	S. Bethany	18.4%
25840	Farmington	92.3%			
26620	Felton	41.6%			
28440	Frederica	43.0%			
33120	Harrington	37.1%			
33250	Hartly	6.9%			
36760	Houston	26.2%			
39100	Kenton	43.7%			
41700	Leipsic	52.0%			
42870	Little Creek	38.1%			
44430	Magnolia	64.7%			
47420	Milford	40.8%			
67310	Smyrna	41.9%			
74330	Viola	51.4%			
80830	Woodside	12.5%			
81350	Wyoming	38.9%			
05690	Bethany Beach	17.7%			
05820	Bethel	18.9%			
06730	Blades	46.1%			
08680	Bridgeville	51.9%			
18950	Dagsboro	25.6%			
20380	Delmar	46.6%			
20900	Dewey Beach	27.5%			
24020	Ellendale	37.9%			
26880	Fenwick Island	16.6%			
28310	Frankford	51.8%			
29090	Georgetown	55.8%			
31560	Greenwood	41.8%			
33900	Henlopen Acres	8.3%			
41310	Laurel	50.0%			
41830	Lewes	28.2%			
47420	Milford	40.8%			
47940	Millsboro	42.8%			
48200	Millville	28.0%			
48330	Milton	48.2%			
53920	Ocean View	21.1%			

Attachment C to the Delaware
CDBG Program Guidelines

CERTIFICATIONS BY APPLICANTS
FOR
THE DELAWARE CDBG PROGRAM

The applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements with respect to the acceptance and use of federal funds for this federally-assisted program. Also, the applicant gives assurance and certifies with respect to the program that:

- (a) It possesses legal authority to make an application and to execute a community development program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the applicant to submit this application, all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the submission of the application and to provide such additional information as may be required.
- (c) That prior to submission of its application to DSHA, the applicant has met the following citizen participation requirements:
 - 1) Each applicant shall have provided all citizens, especially those living within the area(s) affected by the proposed application, with adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of its community housing and development plans and all CDBG applications related thereto. At the time of preparation of any application for funds under this program, the applicant shall provide adequate information to citizens including reasonable access to records on the past use of CDBG funds; and hold at least one public meeting (pursuant to advertisement in a publication of general local circulation) so that citizens will have the opportunity to comment on the community's past performance under the CDBG Program. A copy of the legal advertisement announcing the date, place and time of the meeting, and a transcript or summary of the comments received at the meeting must be included with the application. (Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program.);

- 2) Each applicant certifies that it has obtained the review and comment of its Community Development Advisory Committee as required by the Delaware CDBG Citizen Participation Plan dated July 17, 2017 and Section 508 of the Housing and Community Development Act of 1987; and
 - 3) Each applicant certifies that it has included in its notice of public meeting the following language:

"...In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals..."
- (d) It has developed its application so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums and blight; and activities which the applicant certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs.
 - (e) Its chief executive officer or other officer of the applicant approved by DSHA:
 - (1) Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and other authorities as specified in 24 CFR 58.1 (a)(3) and carry out this responsibility in accordance with the "Overview of Environmental Review Procedures" issued for the Delaware CDBG Program and dated July 1989; and meet the requirements of 24 CFR Part 58 and 24 CFR 570.604; and
 - (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
 - (f) The program will be conducted and administered in compliance with:
 - (1) Title VI of the Civil Rights Act of 1964 (Pub. L 88-352) and implementing regulations issued in 24 CFR Part 1;
 - (2) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, and implementing regulations;
 - (3) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.601);

- (4) Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations of 24 CFR Part 135;
- (5) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60; and the State review requirements of the Architectural Accessibility Act (Chapter 73, Title 29, Delaware Code) and the applicable rules and regulations promulgated by the State Architectural Accessibility Board;
- (6) Executive Order 11063 as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
- (7) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations at 24 CFR Part 8;
- (8) The Age Discrimination Act of 1975 (Pub. L. 94-135) and implementing regulations when published;
- (9) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR Part 42 and all applicable regulations of the Delaware Uniform Relocation Act (Chapter 93, Title 29, Delaware Code);
- (10) The labor standards requirements as set forth in 24 CFR, Parts 3 and 5, and HUD regulations issued to implement such requirements;
- (11) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
- (12) The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234);
- (13) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-102, A-87, A-110, A-122, and A-133 as they relate to the acceptance and use of federal funds under this federally-assisted program and the Delaware CDBG Financial Management Handbook;
- (14) Section 106 of the National Historic Preservation Act of 1966, as amended via the Advisory Council on Historic Preservation's Regulations, Protection of Historic and Cultural Properties (36 CFR 80);
- (15) The provisions of the Hatch Act, which limits the political activity of employees; and

- (16) The lead-based paint requirements of 24 CFR Part 35, Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.).
- (g) It will comply with the CDBG Regulation CFR 570.611, which prohibits conflicts of interest and with the HUD Standards of Conduct issued on November 1, 1985.
- (h) No member, officer, or employee of the applicant, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under the CDBG Program, and that it shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification.
- (i) It will give HUD, DSHA, the State Auditor and the Federal and State Comptroller Generals or any authorized representatives access to all records, books, papers, or documents related to the CDBG Program.
- (j) It certifies to affirmatively further fair housing in accordance with Section 104(b)(2) of the Act as amended, and agrees to participate in fair housing planning by cooperating in any analysis to identify impediments to fair housing choice within the jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and to maintain records reflecting the analysis and actions in this regard.
- (k) Because HUD has not issued final regulations implementing the 1983 and 1984 amendments to the Housing and Community Development Act of 1974, as amended, the following "special condition" is incorporated into these Program Guidelines as a certification by the applicant and will also be utilized in all CDBG contracts.

Notwithstanding any other provisions of these Program Guidelines, requirements of the Amendments to Title I of the Housing and Community Development Act of 1974, and HUD's final regulations related thereto, which supersede or are not provided in the FY19 Program Guidelines shall govern the use of the assistance provided by the State to local government units in FY19-FY20.

- (l) It will not attempt to recover any capital costs of public improvements assisted in whole or part with the Title I funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - 1) assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I funds; or
 - 2) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income, who are not persons of very low income.

- (m) It certifies to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-44, (the 1990 HUD Appropriations Act).

Signature of Authorized Official Date

Title of Official

Attachment D to the Delaware
CDBG Program Guidelines

DSHA-35

**SECTION 8 EXISTING FAIR MARKET RENTS
AND CONTRACT RENT ANNUAL ADJUSTMENT FACTORS**

I. FAIR MARKET RENTS - (Revised 10/1/18)

KENT COUNTY					
0-BR	1-BR	2-BR	3-BR	4-BR	Manufactured (Mobile) Home Space
853	875	1,034	1,485	1,790	413

SUSSEX COUNTY					
0-BR	1-BR	2-BR	3-BR	4-BR	Manufactured (Mobile) Home Space
707	812	1,053	1,521	1,721	421

**II. CONTRACT RENT ANNUAL ADJUSTMENT FACTORS FOR UNITS WITH NO
TURNOVER - (Effective 11/8/17)**

HIGHEST COST UTILITY		
	Included	Excluded
Southern Region	1.009	1.016

NOTE: The Annual Rent Adjustment Factors shown above may be used by investors/owners after the first year of the rehabilitation loan. However, the rents charged by investors/owners may not exceed the current Fair Market Rents for the duration of the loan.

**DELAWARE STATE HOUSING AUTHORITY (DSHA)
FY19 DELAWARE CDBG APPLICATION FORM**

I. General Application Information

A. Name, address, phone number, DUNS number, and EIN number of Applicant:

B. Name, position and signature of Person Submitting Application:

Signature and Date:

C. Application on behalf of:

--

Name and position of authorizing official:

Signature and Date:	

D. For “On Behalf of” applications, written documentation authorizing each “on behalf of” application request must be attached as Exhibit 1. If information contained in a county’s application for its unincorporated areas is to be repeated in the body of the “on behalf of” applications, e.g. administrative budget, management capacity, etc., then these sections contained in the “on behalf of” applications may simply reference the appropriate section in the county’s application.

E. Name, address and phone number of Contact Person (if different from B above):

--

F. Summary of Request:

(Attach cost breakdown for each activity requested on page two. Activities must be in order of priority).

Total Units/Low-Moderate Income Units Served: _____/_____
Total CDBG Program Funds Requested: \$ _____
Total Cash Matching Funds: \$ _____
Total In-Kind Match Value: \$ _____
Total Program Cost (if different from amount requested) \$ _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
CDBG Cost/Unit: \$ _____ Cash Matching Funds: \$ _____
In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
CDBG Cost/Unit: \$ _____ Cash Matching Funds: \$ _____
In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
CDBG Cost/Unit: \$ _____ Cash Matching Funds: \$ _____
In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
CDBG Cost/Unit: \$ _____ Cash Matching Funds: \$ _____
In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

Activity: _____ Amount Requested: \$ _____
Total/L-M Units Served: _____/_____
CDBG Cost/Unit: \$ _____ Cash Matching Funds: \$ _____
In-Kind Value: \$ _____
Total Activity Cost (if different from amount requested): \$ _____
Census Tract Number(s) (L-M Area Benefit activities): _____
Outcome Statement: _____

(Attach additional pages as necessary.)

II. Low/Moderate-Income Benefit:

LOW/MODERATE-INCOME BENEFIT TABLE – INSTRUCTIONS

The amount of benefit to low- and moderate-income persons must be calculated for each activity, as described below:

1. In column 1, list the activity.
2. In column 2, show the total number of persons that the activity will serve.
3. In column 3, show the number of low- and moderate-income persons that the activity will serve.
4. In column 4, divide column 3 by column 2 to show the percent of low- and moderate-income persons that the activity will serve.
5. In column 5, show the amount of funds requested for the activity.
6. In column 6, multiply column 4 by column 5 to show the amount of those funds that will be used to benefit low- and moderate-income persons.
7. List the source of data used to calculate benefit in the space provided at the bottom of this page. If a local survey was conducted, briefly summarize the survey method used and attach a copy of the survey instrument. (DASHA should be contacted before the survey is conducted to assure that the acceptable survey methodology is being used, or that prior surveys are still valid.)

LOW/MODERATE-INCOME BENEFIT TABLE

1. Activity	2. Total Persons Activity Will Serve	3. L/M Persons Activity Will Serve	4. % L/M Persons Activity Will Serve	5. Amount Requested For Activity	6. Amount L/M Benefit

Source of Data:

III. Management Capacity

- A. List the person(s) to be responsible for administering the CDBG Program, and title(s):

<u>CDBG Personnel</u>	<u>Title(s)</u>

- B. Attach resumes or other supporting documentation for the personnel of new applications and new CDBG Program managers, which establishes the capacity of the personnel above to effectively manage a CDBG Program. **Attach the salaries of all program administration personnel to be funded through CDBG funds.**
- C. If the applicant proposes to contract out any portion of its administration, a copy of the proposed subcontract **must be** attached.
- D. Past performances under the Delaware CDBG Program will be evaluated by DSHA based upon past monitoring reports, audit findings, and timely completion of contracts. No additional documentation is required of the applicant under this section.

IV. Application Work Plan

Each proposed program activity must address each of the following areas. Failure to specifically address any of these elements will make the application incomplete, forcing DSHA to consider the application unresponsive.

- A. Each program activity must be addressed separately. Program activities must be listed in order of priority with the program activity of highest priority first. This order of priority for program activities must be followed on all forms contained in this application.
- B. Each program activity must be fully described. For rehabilitation programs, this description must include THE NEED FOR THE PROPOSED ACTIVITY, the numbers of units to be rehabilitated, any special population groups the rehabilitation program will address, the target area, the NUMBER OF UNITS NEEDING REHABILITATION ASSISTANCE, THE PERCENTAGE OF UNITS NEEDING ASSISTANCE THAT ARE TO RECEIVE ASSISTANCE, AND THE PROPOSED OUTCOME.
- C. For public infrastructure projects, a detailed description of the work to be accomplished, the need for the proposed activity, the target area, the linear footage of what type and size of infrastructure to be provided, the NUMBER OF UNITS NEEDING INFRASTRUCTURE ASSISTANCE, THE PERCENTAGE OF THE UNITS NEEDING ASSISTANCE THAT ARE TO RECEIVE ASSISTANCE, THE PROPOSED OUTCOME, the location of what type and size of land acquisition, the matching funds to be provided, and the population groups to be addressed must be provided.
- D. Provide a timetable showing monthly milestones for completion of each activity. All FY19 Contracts will commence on July 1, 2019 and terminate on June 30, 2020.
- E. Attach maps indicating target areas.
- F. Attach drawings, plans, or other documentation necessary to describe program activities.
- G. Describe each activity's conformance with the goals and objectives of the Delaware Consolidated Plan.
- H. Describe the extent to which the proposed project(s) will result in a measurable concrete reduction of one or more significant problems identified in the Delaware Consolidated Plan.
- I. Describe the extent to which the project builds upon previous work or supplements other work that will be funded from other sources.

- J. Analyze the reasonableness of total cost in view of the cost benefit(s) to be achieved.
- K. Describe source and amount of any funds used to leverage the CDBG portion of the project. Indicate when these funds will be available. Attach documentation of any match.
- L. Describe any in-kind resources to be applied to the project. Attach documentation of any match.
- M. Attach documentation of any match. Matching resolutions must be signed by a majority of Board/Council members and must include the source of funds.
- N. For infrastructure projects, a description of why the jurisdiction is unable to pay for the activity without CDBG assistance.

V. Each application should also describe the following:

- A. Describe any plans for the provision of housing for existing residents and anticipated growth for the area;
- B. Describe any plans for the provision of adequate sites with supporting infrastructure for future housing, including housing for low/moderate-income residents of the area; and
- C. Describe any efforts to coordinate with businesses regarding the development of the community as it affects low/moderate-income residents of the area.

VI. Application Submission

1. Submission Date for the FY19 CDBG Program

Applications for the state's FY19 CDBG Program must be received in DSHA's office at 18 The Green, Dover, Delaware 19901 no later than **4:00 p.m. on February 28, 2019 - ONE SIGNED ORIGINAL AND ONE COPY of the application must be submitted.**

2. Application Content and Format

Applications for CDBG funds must be made on such forms and in accordance with such instructions as are prescribed by DSHA, and include all forms as may be applicable to the specific proposed activity.

VII. Additional Requirements

- A. Re-Use Plan.
- B. Rehabilitation Manual.
- C. Target Area Approval.
- D. Boards and Commissions Reporting Form.
- E. Form HUD-2880 (Disclosure/Update Report).

STATE OF DELAWARE
 DELAWARE STATE HOUSING AUTHORITY
 DELAWARE CDBG PROGRAM – PROJECT COST SUMMARY

CONTACT PERIOD – FROM: _____ TO: _____

Summary of Program Activities
 Amount of Source

I. PROGRAM ACTIVITIES	CDBG/HOME PROGRAM FUNDS	LOCAL FUNDS	OTHER FUNDS	TOTAL
A.				
B.				
C.				
D.				
E.				
F.				
G.				
H.				
I.				
J.				
TOTAL PROG. ACTIVITY COST				
II. ADMINISTRATION				
A. SALARIES				
B. OTHER EMPLOYMENT COSTS				
C. TRAVEL				
D. CONTRACTUAL SERVICES				
E. SUPPLIES & MATERIALS				
TOTAL ADMINISTRATION COSTS				
III. TOTAL PROGRAM COSTS				

NOTES:

1. * Denotes Cash Match
2. ** Denotes In-kind Match
3. List Sources of Each Match Amount on Additional Page

This form also available in EXCEL fillable spreadsheet.

CERTIFICATION BY APPLICATIONS
FOR
THE DELAWARE CDBG PROGRAM

The application hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements with respect to the acceptance and use of Federal funds for this federally-assisted program. Also, the applicant gives assurance and certifies with respect to the program that:

- (a) It possesses legal authority to make an application and to execute a community development program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the applicant to submit this application, all understanding and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the submission of the application and to provide such additional information as may be required.
- (c) That prior to submission of its application to DSHA, the applicant has met the following citizen participation requirements:
 - 1) Each applicant shall have provided all citizens, especially those living within the area(s) affected by the proposed application, with adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of its community housing and development plans and all CDBG applications related thereto. At the time of preparation of any application for funds under this program, the applicant shall provide adequate information to citizens including reasonable access to records on the past use of CDBG funds; and hold at least one public meeting (pursuant to advertisement in a publication of general local circulation) so that citizens will have the opportunity to comment on the community's past performance under the CDBG Program. A copy of the legal advertisement announcing the date, place and time of the meeting, and a transcript or summary of the comments received at the meeting must be included with the application. (Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program.);
 - 2) Each applicant certifies that it has obtained the review and comment of its Community Development Advisory Committee as required by the Delaware CDBG Citizen Participation Plan dated May 15, 2013 and Section 508 of the Housing and Community Development Act of 1987; and
 - 3) Each applicant certifies that it has included in its notice of public meeting the following language:

“...In accordance with the Section 106 Review Process established by the National Historic Preservation Act of 1966, as amended, comments are especially encouraged from interested agencies and individuals with respect to undertakings that may affect historic properties of significance to such agencies and individuals...”
- (d) It has developed its application so as to give maximum feasible priority to activities which benefit low-and moderate-income families or aid in the prevention or elimination of slums and blight; and activities which the application certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available to meet such needs.
- (e) Its chief executive officer or other officer of the applicant approved by DSHA:
 - (1) Consents to assume the state of a responsible Federal official under the National Environmental Policy Act of 1969 and other authorities as specified in 24 CFR 58.1(a)(3) and carry out this responsibility in accordance with the “Overview of Environmental Review Procedures” issued for the Delaware CDBG Program and dated July 1989; and meet the requirement of 24 CFR Part 58 and 24 CFR 570.604; and

- (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
- (f) The program will be conducted and administered in compliance with:
- (1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) and implementing regulations issued in 24CFR Part 1;
 - (2) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90-284), as amended, and implementing regulations;
 - (3) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.601);
 - (4) Section 3 of the Housing and Urban Development Act of 1968, as amended and implementing regulations of 24 CFR Part 135;
 - (5) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60; and the state review requirements of the Architectural Accessibility Act (Chapter 73, Title 29, Delaware Code) and the applicable rules and regulations promulgated by the State Architectural Accessibility Board;
 - (6) Executive Order 11063 as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
 - (7) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations at 24 CFR Part 8;
 - (8) The Age Discrimination Act of 1975 (Pub. L. 94-135) and implementing regulations when published;
 - (9) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR Part 42 and all applicable regulations of the Delaware Uniform Relocation Act (Chapter 93, Title 29, Delaware Code);
 - (10) The labor standard requirements as set forth in 24 CFR, Parts 3 and 5, and HUD regulations issued to implement such requirements;
 - (11) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;
 - (12) The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234);
 - (13) The regulations, policies, guidelines and requirements of OMB Circular Nos. A-102, A-87, A-110, A-122, and A-133 as they relate to the acceptance and use of Federal funds under this federally-assisted program and the Delaware CDBG Financial Management Handbook;
 - (14) Section 106 of the National Historic Preservation Act 1966, As amended via the Advisory Council on Historic Preservation's regulations, Protection of Historic and Cultural Properties (36 CFR 80);
 - (15) The provisions of the Hatch Act, which limits the political activity of employees;
 - (16) The lead-based paint requirements of 24CFR Part 35, Subpart B issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et. seq.).

- (g) It will comply with the CDBG Regulation CFR 570.611, which prohibits conflicts of interest and with HUD Standards of Conduct issued on November 1, 1985.
- (h) No member, officer, or employee of the applicant, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the program during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof for work to be performed in connection with the program assisted under the CDBG Program, and that it shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification;
- (i) It will give HUD, DSHA and the State Auditor and the Federal and State Comptroller Generals or any authorized representatives access to all records, books, papers, or documents related to the CDBG Program.
- (j) It certifies to affirmatively further fair housing in accordance with Section 104(b)(2) of the Act as amended, and agrees to participate in fair housing planning by cooperating in any analysis to identify impediments to fair housing choice within the jurisdiction, taking appropriate actions to overcome the effects of any impediments identified through that analysis, and to maintain records reflecting the analysis and actions in this regard.
- (k) Because HUD has not issued final regulations implementing the 1983 and 1984 amendments to the Housing and Community Development Act of 1974, as amended, the following “special condition” is incorporated into these Program Guidelines as a certification by the applicant and will also be utilized in all CDBG contracts:

Notwithstanding any other provisions of these Program Guidelines, requirements of the Amendments to Title I of the Housing and Community Development Act of 1974, and HUD’s final regulations related thereto, which supersede or are not provided in the FY19 Program Guidelines shall govern the use of the assistance provided by the state to local government units in FY19-FY20.

- (l) It will not attempt to recover any capital costs of public improvements assisted in whole or part with the Title I funds by assessing any amount against properties owned and occupied by persons of low-and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - 1) assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than Title I funds; or
 - 2) for purposes of assessing any amount against properties owned and occupied by persons of low- and moderate-income who are not persons of very low income.
- (m) It certifies to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-44, (the 1990 HUD Appropriations Act).

Date

Signature of Authorized Official

Title of Official

VIII. Exhibits

A. The following exhibits should be attached to the application, as applicable, in order noted below:

1. Authorization for “on behalf of” applications.
2. A copy of the notice of public hearing and summary of comments received.
3. Activities Under the Existing Housing Set Aside:
 - a. Rehabilitation:
 - 1) Copy of rehabilitation manual;
 - 2) Re-use plan for program income generated by rental rehab;
 - 3) DSHA target area approval attached;
 - 4) Identification of amount of funds and number of units to be accomplished in approved target areas and community-wide; and
 - 5) Identification of mobile home units to be rehabilitated including number owner-and/or renter-occupied.
 - b. Demolition:
 - 1) Amount of funds and units to be accomplished in approved target areas and community-wide identified; and
 - 2) Re-use Plan for program income from demolition liens attached.
4. Activities Under Infrastructure Project Set Aside:
 - a. Water and Sewer:
 - 1) Letters from appropriate agencies documenting serious and immediate threat attached;
 - 2) Documentation attached demonstrating community’s inability to finance project without CDBG funds, including
 - a) letters from other grantor agencies
 - b) financial statements
 - c) financial analysis
 - 3) Letters from community or appropriate agencies documenting commitment and source of matching funds.
5. Activities Under Emergency Project Set-Aside:
 - a. Water and Sewer:
 - 1) Letters from appropriate agencies documenting serious and immediate threat attached;
 - 2) Documentation attached demonstrating that condition developed or became critical within 18 months of application; and
 - 3) Documentation attached demonstrating community’s inability to finance project without CDBG funds, including
 - a) letters from other grantor agencies
 - b) financial statements
 - c) financial analysis

City of Milford



RESOLUTION 2018-20 Sussex County

Councilmember _____ submitted to the Council the following Proposed Resolution:

ENDORISING PROJECT TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AUTHORIZING TODD F. LAWSON, SUSSEX COUNTY ADMINISTRATOR TO SUBMIT APPLICATION.

WHEREAS, the City of Milford resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants State of Delaware Program for Block Grants as contained in Sections 570.488-499 24 CFR U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Milford has met the application requirements of (Attachment E Delaware Community Block Grant Program Policies and Procedures) Citizen Participation requirements; and

WHEREAS, Sussex County plans on accomplishing the requested projects with CDBG funds; and

WHEREAS, the City of Milford hereby agrees to allow Sussex County to accomplish the projects in the targeted areas of Milford; and

WHEREAS, the City of Milford and Sussex County are in agreement with this activity.

NOW, THEREFORE, BE IT RESOLVED by the City of Milford and Sussex County that they endorse and grant permission for the following activity:

APPLICATION: Rehabilitation/Infrastructure/Demolition

Total Infrastructure project cost is \$ _____, total CDBG grant request is \$ _____.
Matching funds in the amount of \$ _____ will be provided by the City of Milford general funds.

NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 26th DAY OF NOVEMBER 2018.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

Councilmembers

Christopher Mergner Owen Brooks, Jr.
Mike Boyle Douglas Morrow
Lisa Ingram Peel James Starling, Sr.
Todd Culotta Katrina Wilson

Arthur J. Campbell
Mayor

I DO HEREBY CERTIFY THAT THE FOREGOING TITLE OF RESOLUTION ADOPTED BY THE CITY OF MILFORD IS THE SAME TITLE OF RESOLUTION NO. _____ ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE ____ DAY OF _____.

Robin A. Griffith
Clerk of the County Council

City of Milford



Resolution 2018-21 CITIZEN PARTICIPATION CERTIFICATE OF ASSURANCE Sussex County

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware, has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

- 1) made available information concerning the amount of funds that may be applied for;
- 2) made known the range of activities that may be undertaken with these funds;
- 3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;
- 4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies and others in a timely manner; and
- 5) provided a summary of other important program requirements.

The City of Milford has held a Public Hearing on November 26, 2018 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

The City of Milford has by resolution and following a Public Hearing, endorsed this application.

Mayor Arthur J. Campbell

Attest _____

Adopted: November 26, 2018

City of Milford



RESOLUTION 2018-22 Requirement for Fair Housing Sussex County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the City of Milford, when acting as administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on November 26, 2018.

Mayor Arthur J. Campbell

Attest _____

City of Milford



RESOLUTION 2018-23 Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes its Mayor, Arthur J. Campbell, to submit the Fiscal Year 2019 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2019 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was passed by a majority of the Council of the City of Milford on November 26, 2018.

Mayor Arthur J. Campbell

Attest _____

City of Milford



RESOLUTION 2018-24 Requirement for Fair Housing Kent County

WHEREAS, the City of Milford recognizes the importance of fair housing for the citizens of Milford; and

WHEREAS, the City of Milford supports the goals of the Federal Fair Housing Law.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milford heartily encourages all parties involved in the renting, selling or financing of housing in the City of Milford to insure that no person shall, on the grounds of race, color, national origin or sex, be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED, that the Kent County Levy Court, when acting as administrators of a Community Block Grant for the City of Milford, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with the said Community Development Block Grant.

This RESOLUTION was passed by a majority of the Council of the City of Milford on November 26, 2018.

Mayor Arthur J. Campbell

Attest _____

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: OCTOBER 16, 2018

CITY COUNCIL PUBLIC HEARING: NOVEMBER 26, 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, November 26, 2018 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2018-25
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 130-FLOOD PLAIN MANAGEMENT

WHEREAS, The Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of the City of Milford. Special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Development that is inadequately elevated, improperly floodproofed, or otherwise unprotected from flood damage also contributes to the flood loss; and

WHEREAS, The City of Milford, by resolution, agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on June 1, 1977. Subsequent to that date or the initial effective date of the City of Milford Flood Insurance Rate Map, all development and new construction as defined herein, are to be compliant with the City of Milford's floodplain management regulations in effect at the time of construction, and all development, new construction, and substantial improvements subsequent to the effective date of these regulations shall be compliant with these regulations.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 130 entitled Flood Plain Management.

Section 2.

Article I-Findings, §130-4 Basis for establishing special flood hazard areas is hereby amended as follows:

Maps and studies that establish special flood hazard areas are on file at ~~210 South Walnut Street, Milford, Delaware 19963~~ **the City of Milford Planning Department.**

Section 3.

Article III-Administration, §130-10 Designation of the floodplain administrator is hereby amended as follows:

The ~~Building Inspector~~ **City Manager** is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator is authorized to: (A) Fulfill the duties and responsibilities set forth in these regulations, (B) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or (C) Enter into a written agreement or written contract with another jurisdiction or agency, or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22, as may be hereafter amended.

Section 4.

Article IV-Requirements in All Special Flood Hazard Areas, §130-21 Buildings and structures is hereby amended as follows:

(D) Have electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located ~~at or~~ **a minimum of 18 inches** above the base flood elevation. Electrical wiring systems are permitted to be located below the elevation of the lowest floor provided they conform to the provisions of the electrical part of this code for wet locations. If replaced as part of a substantial improvement, electrical systems, equipment and components, and heating, ventilation, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this section. See FEMA Technical Bulletin #4 - Elevator Installation.

Section 5.

Article IV-Requirements in All Special Flood Hazard Areas, §130-25 Gas or liquid storage tanks is hereby amended as follows:

(B) Above-ground tanks in special flood hazard areas shall be elevated and anchored ~~to or~~ **a minimum of 18 inches** above the base flood elevation or shall be anchored at-grade and designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

Section 6.

Article V-Specific Requirements in Special Flood Hazard Areas, §130-27 Residential structures and residential portions of mixed use structures is hereby amended as follows:

(A) Elevation Requirements

- (1) The lowest floor (including basement) shall be elevated to ~~or~~ **at least 18 inches** above the base flood elevation.
- (2) In areas of shallow flooding (Zone AO), the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map ~~or at least 2 feet if a depth number is not specified~~ **plus at least 18 inches, or at least 3.5 feet if a depth is not specified;**

adequate drainage paths shall be provided to guide floodwaters around and away from the structure.

(C) Manufactured Homes. New or replacement manufactured homes, including substantial improvement of existing manufactured homes, shall:

- (1) Be elevated on a permanent, reinforced foundation that raises the lowest floor to ~~or~~ **at least 18 inches** above the base flood elevation and is otherwise in accordance with §130-27(A).

Section 7.

Article V-Specific Requirements in Special Flood Hazard Areas, §130-28 Nonresidential structures and nonresidential portions of mixed use structures is hereby amended as follows:

(A) Elevation Requirements.

- (1) The lowest floor (including basement) shall be elevated to ~~or~~ **at least 18 inches** above the base flood elevation or the structure shall be dry floodproofed in accordance with §130-28(B).
- (2) In areas of shallow flooding (Zone AO), if not dry floodproofed, the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map ~~or at least 2 feet if a depth number is not specified~~ **plus at least 18 inches, or at least 3.5 feet if a depth number is not specified**; adequate drainage paths shall be provided to guide floodwaters around and away from the structure.

(B) Dry Floodproofing Requirements. Dry floodproofed structures, together with attendant utility and sanitary facilities, shall:

- (1) Be designed to be dry floodproofed such that the structure is watertight with walls and floors substantially impermeable to the passage of water to the level of the base flood elevation **plus 18 inches**. In areas of shallow flooding (Zone AO), the structure shall be dry floodproofed at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map ~~or at least 2 feet if a depth number is not specified~~ **plus 18 inches, or at least 3.5 feet if a depth number is not specified**.

Section 8.

Article V-Specific Requirements in Special Flood Hazard Areas, §130-29 Accessory structures is hereby amended as follows:

Accessory structures shall meet the requirements of these regulations. Accessory structures that have a footprint of no more than 200 square feet may be allowed without requiring elevation or floodproofing provided such structures meet all of the following requirements:

(E) Electrical service and mechanical equipment elevated to ~~or~~ **at least 18 inches** above the level of the base flood elevation; and

Section 9.

Article VI-Variances, §130-31 Variances is hereby amended as follows:

(C) Limitations for Variances

- (3) The Board of Adjustment shall notify, in writing, any applicant to whom a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation **plus 18 inches** that the variance is to the floodplain management

requirements of these regulations only, and that the cost of federal flood insurance will be commensurate with the increased risk.

Section 10. Dates.

Planning Commission Review and Public Hearing: 10/16/18

City Council Introduction: 11/13/18

City Council Public Hearing: 11/26/18

Adoption: 11/26/18

Effective: 12/06/18

This ordinance shall take effect and be in force ten days after its adoption.

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

Advertised: Beacon 09/26/18



Chapter 130 - Floodplain

Planning Department



2018 Comprehensive Plan

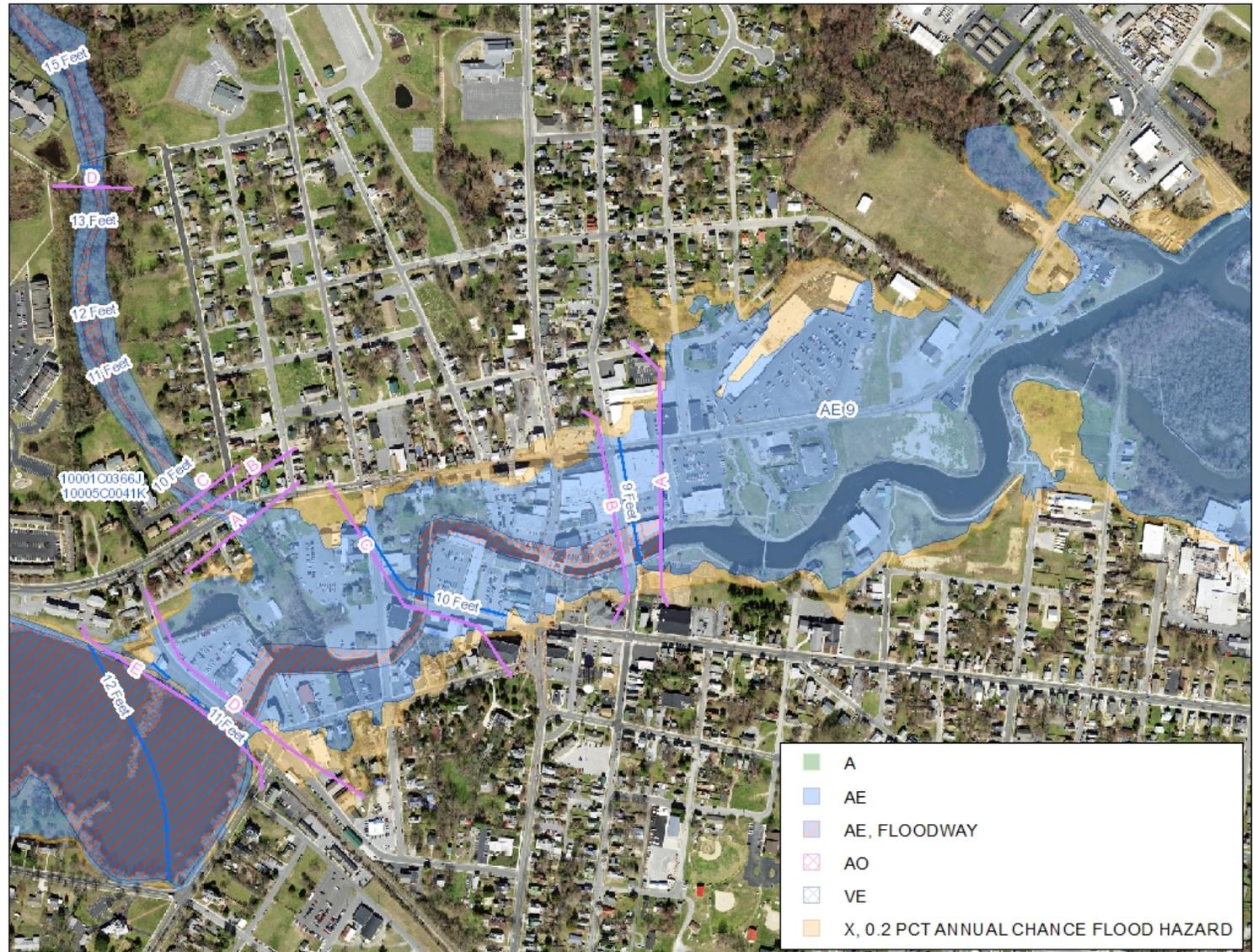
Chapter 5-7. Resilient Housing

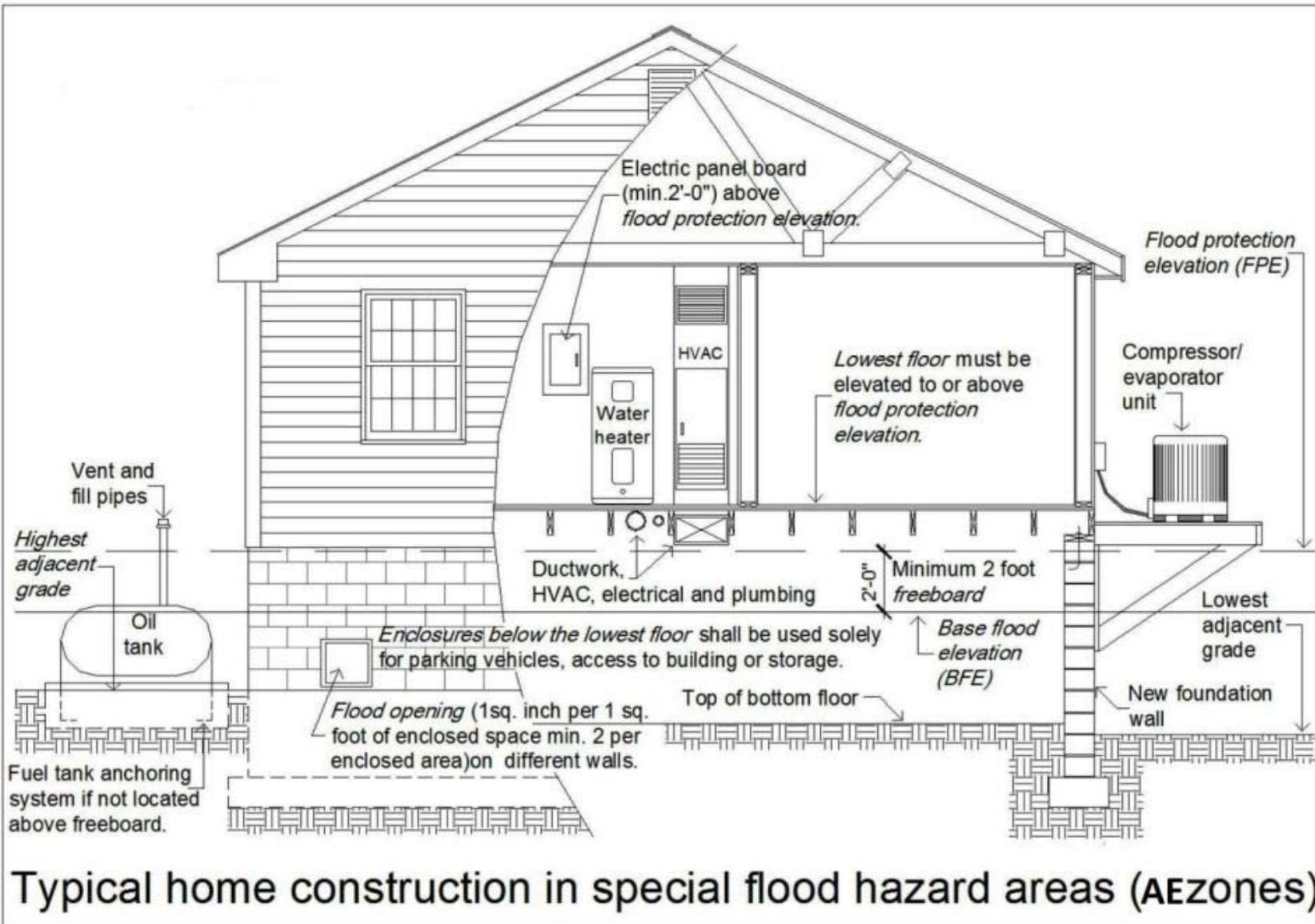
“The city could revise the floodplain management regulations so that projects involving new construction or substantial improvement in the FEMA-designated floodplain include a freeboard requirement.”

Goal: Encourage the construction and maintenance of housing that is resilient to current and future hazards such as flooding and heat waves.

Objective: Update the City’s floodplain ordinance and consider adopting a freeboard requirement.

FEMA FIRM





CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: NOVEMBER 20, 2018
CITY COUNCIL PUBLIC HEARING: NOVEMBER 26, 2018

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, November 20, 2018 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, November 26, 2018 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2018-26
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 200-SUBDIVISION OF LAND

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

WHEREAS, The City seeks to modify the definition of a minor subdivision; and

WHEREAS, The City wishes to grant the Planning Director the authority to administratively approve minor subdivisions, lot line adjustments and consolidating of lots; and

WHEREAS, The City desires to provide a process for revising existing recorded subdivisions; and

WHEREAS, The City seeks to impose an expiration on recorded subdivisions.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

Chapter 200 is hereby amended by striking language indicated by strikethrough and adding language shown as underlined.

Section 2.

§ 200-3. - Definitions.

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

Section 3.

§ 200-5. – Administrative Approvals

The following land use actions may be approved administratively, unless otherwise determined by the Planning Director or designee.

A. Minor Subdivision

(1) A minor subdivision is one that creates a total of five or fewer parcels of land (including any residual) either on an existing public roadway or on a private road and may be approved administratively, provided:

(a) Minor subdivision shall be subject to the process and procedures in Section 200-5(E).

(b) Minor subdivision plans shall contain all information as required by Section 200-5(E).

B. Minor Lot Line Adjustment

(1) Minor lot line adjustments or the sale or exchange of part of a lot between owners of adjacent lots for the purpose of small adjustments in boundaries may be approved administratively, provided:

(a) The total area of the adjustment does not exceed 10% of the combined area of the lots affected by the adjustment;

(b) No additional lots are created;

(c) The adjusted lot line is approximately parallel with the original lot line, when appropriate, or, if it is proposed to intersect with the original line, it does not significantly change the shape of the lots involved;

(d) The owner submits a survey plan for review and approval by the Planning Director.

(2) Approval of the record plan does not automatically transfer a property. A separate deed must also be recorded simultaneously to transfer the property being conveyed.

(3) The Planning Director may permit an increase in the percentage of the combined area of the lots affected by the lot line adjustment following a request for such with justification from the applicant.

C. Consolidation of Lots

(1) The consolidation of two or more lots may be approved administratively, provided:

(a) Any conditions applicable to any applicable original subdivision remain in full force and effect;

(b) The consolidation of lots, including those within major subdivisions, shall be recorded as provided in in Section 200-5(E) below and may not be re-subdivided except through minor subdivision.

(c) A revised deed must also be recorded simultaneously with the consolidation describing the lots as one lot; and

(d) The owner submits a survey record plan for review and approval by the Planning Director.

D. Change in ownership, mortgage, or lease line.

(1) The creation of mortgage, or lease line within a commercial, industrial or multifamily residential lot does not require the approval of a new subdivision plan. At the owner's discretion, a plan depicting the creation or deletion of internal lots to reflect a new mortgage or lease line may be recorded after administrative approval, provided:

(a) All prior conditions of approval for the original subdivision remain in full force and effect;

- (b) Any necessary cross-easements, covenants, or other deed restrictions necessary to perpetuate previous approvals must be executed prior to recording the record plat;
- (c) The owner submits a survey plan for review and approval by the Planning Department.

E. Process and Procedures

- (1) The application must be submitted by the legal owner of the subject property, or a representative authorized by the legal owner, to the Department and must consist of the following:
 - (a) Two paper prints of the subdivision plan and any attachments, including the approved checklist;
 - (b) A review fee, as outlined in Chapter 230-57;
 - (c) Parcels created that do not meet the minimum requirements for building lots must be incorporated into an adjacent property. Such incorporation must be indicated on the plan and the following note shall be added to the plan: "The approval of this subdivision plan does not constitute a separate building lot but is intended to be combined with an adjacent property;"
 - (d) Neither landlocked parcels nor parcels not meeting the requirements for a buildable lot according to Chapter 230, Zoning, may be created without designation of conveyance to another parcel. A deed for the conveyance must be submitted with the record plan and recorded simultaneously with the plan;
 - (e) For minor subdivisions, letters of "no objection to recordation" may be required or a stamp of approval may be required on the record plat from, but not limited to, the following agencies:
 - 1. The Kent or Sussex Conservation District; and
 - 2. The Delaware Department of Transportation.
 - (f) A set of deed restrictions and/or perpetual maintenance agreement that clarifies and controls the operation and maintenance of any private facilities (private streets, access easements, etc.); and
 - (g) Any additional information that the Department deems pertinent to this subdivision plan.
- (2) If the subdivision plan is approved by the Department, the plan will be signed by the City Manager, City Engineer and Planning Director and returned to the applicant for recordation. Two copies of the approved plan will be retained by the City.
- (3) A final record plat must be submitted to Department within 90 days of approval or the approval is no longer valid.
- (4) Transactions involving acquisitions of public rights-of-way pursuant to 17 Del. C. 137 and all land acquired by the exercise of the power of eminent domain or by voluntary agreement in lieu of the exercise of the power of eminent domain are exempt from the provisions of this article.

Section 4.

§ 200-6. – Revisions to recorded subdivision plats.

- A. For rerecording of previously subdivided and recorded major subdivision and minor subdivision, the revised plat must be signed by all lot owners within the subdivision who are adjacent to or share a common boundary line with the area of proposed change in addition to

75% of all lot owners within the entire subdivision. The adjacent property owners shall be included as a part of the required 75% of required signatures.

(1) A copy of the subdivision deed restrictions must accompany the application to revise a recorded subdivision plat. If there are procedures regarding revisions to the subdivision outlined in the deed restrictions, the applicant must meet the stricter of the two requirements.

B. Prior to seeking approval of any rerecording, the owner/applicant shall give notice to all persons indicated by assessment records to be lot owners within the subdivision. The owner/applicant shall provide proof of notification in the form of certified mail receipts for each lot owner to the Department.

C. With the exception of Subsections D and E below, new letters of "No objection" from all agencies granting original approval of a project must be submitted.

D. The following are exempt from the rerecording signature requirements:

(1) Administratively approved applications such as lot line adjustments where no additional lots are proposed; and

(2) Cases where utility easements are added to a subdivision plan.

E. For minor changes or alterations to recorded subdivision plats, in lieu of formal plan review by the Planning Commission and City Council, said minor changes may be administratively approved at the discretion of the Planning Director or designee, provided that such changes or amendments:

(1) Do not increase density;

(2) Do not substantially alter the road design or layout;

(3) Do not substantially alter the original conditions for approval;

(4) Involve no changes in permitted use of the property;

(5) Do not conflict with the specific requirements of this chapter or Chapter 230, Zoning;

(6) Do not change the general character or content of an approved plan in a material way;

(7) Have no adverse effect on adjoining or surrounding property;

(8) Do not result in any substantial change of major external access points;

(9) Do not decrease the minimum specified yards, setbacks, and open spaces; and

(10) Have no adverse effects on traffic operations.

Section 5.

§ 200-7. – Expiration of approved subdivision development plans

A. The following regulations concerning expiration of recorded and approved plans are applicable to major subdivisions and minor subdivisions.

B. Construction of improvements shown on recorded subdivision plans shall commence within five years of the original recordation date and continue progressing toward completion.

C. The Department shall notify by certified mail, return receipt requested, applicants and landowners of properties involving approved plans where construction has not commenced one year prior to the expiration date and again six months prior to the expiration date that they are subject to the expiration provisions and identify their options for possible reapproval.

D. For the purpose of this section, "commencement of construction" shall mean:

(1) That a building permit or such other permit or approval by City of Milford or an applicable state agency has been issued and construction commenced under such permit which is visible on an inspection of the property by a representative of City. Such

construction must be intended to accomplish the installation of improvements under Section 200-8, General Requirements and Design Standards, but excludes general earthmoving activities, and such work must have been started with a good-faith intention and purpose then formed to continue the work until completion.

(2) That all financial obligations associated with a City approved public works utility agreement have been satisfied and the improvements pursuant to said agreement have been completed, provided that the construction described in Subsection D(1) above shall commence within 10 years from receipt by the City of the final monetary contribution required under said agreement.

E. Construction shall be deemed to be progressing toward completion so long as there is no cessation in construction activity longer than 12 consecutive months. The City shall inspect sites semiannually to determine the progress of construction. If the City determines that construction activity has ceased for a period of 12 consecutive months or more, the staff shall notify the applicant and landowners by certified mail, return receipt requested, that construction shall recommence within 30 days or the subdivision shall be considered expired.

F. For subdivisions and land developments in which a certificate of occupancy has been issued for a dwelling, the subdivision shall no longer be subject to expiration.

G. The applicant and/or landowner shall bear the burden of providing evidence to the City establishing that construction has commenced within the five-year period and is progressing toward completion.

H. Applicants and/or landowners who have been notified that their projects may be subject to expiration have the following courses of action available to them:

(1) The applicant has the opportunity to provide evidence to the City establishing that construction has commenced;

(2) The applicant may apply to the City for reapproval of the project for an additional five-year period in accordance with the following procedures:

(a) The City shall review the original (i.e, initial) recorded and/or approved plan for consistency with all current provisions of this chapter, Chapter 230 Zoning, and the Comprehensive Plan. Such review may involve coordination with and review by applicable Development Advisory Committee (DAC) agencies. Based upon that review, the Planning Director will determine if the original recorded plan meets current standards, or if the original recorded plan requires minor revisions in order to comply with current standards, or if the original recorded plan must be resubmitted as a new application subject to all appropriate review procedures, regulations, and fees.

(b) In the event that the Planning Director determines that the original recorded plan is consistent with current policies and regulations, he/she shall reapprove the plan and provide written notice to the owner of reapproval. Such approval shall allow the issuance of building permits in accordance with all conditions of approval. The owner shall then have five years from the date of such notice of reapproval to obtain building permits and commence construction.

(c) Should the Planning Director determine that the plan requires minor revisions in order to comply with current policies and regulations, such notice shall be provided in writing and the applicant shall make such adjustments for administrative approval. Once the required minor revisions are completed, the plan may be reapproved administratively by the City Planning Department

allowing the issuance of building permits subject to the provisions of the original record subdivision plan and/or any recorded resubdivision plans. The owner shall then have five years from the date of such notice of reapproval to obtain building permits and commence construction.

(d) Should the Planning Director determine that the plan would involve considerable revision to an extent that would change the scope of the project, the plan must be resubmitted for review by the Planning Commission and City Council for compliance with current policies and regulations. The City shall provide written notice to the owner of the specific areas of noncompliance. The landowner shall have the opportunity to make the necessary modifications to the plan and apply to the City as a new application in accordance with this chapter. Should new plans compliant with all current Code provisions be submitted, they must receive approval from the Planning Department, City Engineer, Planning Commission, and/or City Council, as applicable. Once reapproved, subdivision plans shall be recorded and shall have the effect of superseding the original record major subdivision plan. The owner/applicant shall then have five years from the date of reapproval to obtain building permits, commence construction, and progress toward completion.

(3) All of the above-referenced reviews, determinations, and reapprovals must be completed prior to the expiration of the five-year period.

I. Minor plan revisions, as described in Section 200-5, subsection E and F, that do not achieve full compliance with all current subdivision and land development provisions shall not reset the five-year time frame for commencement of construction and shall remain subject to expiration.

J. Should the five years lapse without the owner pursuing any of the options described in Subsections H(2)(a) through (d) above, the plan shall be considered expired. Expired subdivision plans shall be deleted from the City and County property records by deleting individual subdivision lots from the official City and County Tax Map and by eliminating the undeveloped parcels from the assessment records.

Section 6. Dates.

Planning Commission Review and Public Hearing: 11/20/18

City Council Introduction: 11/13/18

City Council Public Hearing: 11/26/18

Adoption: 11/26/18

Effective: 12/06/18

This ordinance shall take effect and be in force ten days after its adoption.

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

Advertised: Beacon 10/24/18

City of Milford



PROCLAMATION 2018-16

Recognizing the Lasting Legacy of Retiring State Senator F. Gary Simpson

WHEREAS:

The conclusion of the 2018 State of Delaware Legislative Session will truly be the end of an era in Delaware politics; That is the day longtime Senator F. Gary Simpson will step down from his seat after 20 years of representing the constituents of the 18th Senate District at Legislative Hall in Dover;

Born and raised in Milford and a graduate of Milford High School, Senator Simpson continued his education at the University of Delaware, receiving his BS in Animal Science in 1969 and his MS in Agricultural Economics in 1972;

First elected to the Delaware State Senate in 1998, he quickly rose through the ranks and in 2008, became the Senator Minority Leader, remaining in that position for the remainder of his legislative career;

A pillar within the Minority Caucus, Senator Simpson served as a member of the Agriculture, Executive, Legislative Council, Rules and Ethics, Energy and Transit, Ethics, Judiciary, Natural Resources and Environmental Control Committees and the Delaware Economic and Financial Advisory Council and was a member of the Southern Region Education Board Legislative Council and Co-Chair of the Council of State Governments Eastern Region Agriculture Committee;

Senator Simpson remains heavily involved in the community serving on the Board of Directors and Executive Committee of the Delaware State Fair, as a member of the University of Delaware Sea Grant Advisory Council, Milford Housing Development Council Board, Kent Health Alliance, American Legion Post 3 and Eagles Nest Fellowship Church; and is a former Board of Director of the Milford Memorial Hospital and Bayhealth Medical Center, March of Dimes and a Founding Director and President of the Delaware 4-H Foundation;

Senator Simpson is responsible for funding numerous projects, including federal aid for farmers, buildings and education programs and funding for local governments and in particular, the City of Milford, with whom he partnered to ensure the successful fruition of many projects as a result of his aid;

The citizens of the City of Milford owe this very special Senator, one of Milford's 'own', a debt of gratitude for his untiring commitment in making this City and the State of Delaware a better place for all residents and businesses;

It is truly an honor to celebrate the public service of one of Milford's most prominent natives, State Senator F. Gary Simpson and recognize his lasting legacy.

NOW, THEREFORE, I, ARTHUR J. CAMPBELL, MAYOR OF THE CITY OF MILFORD, on behalf of the City Council of the City of Milford hereby proclaim our heartfelt gratitude and appreciation to Senator F. Gary Simpson, for the countless hours of dedicated and distinguished service he has given the City of Milford and its citizens and wish him continued success in all future endeavors; and furthermore, direct the City Clerk to transmit a copy of this proclamation to Senator F. Gary Simpson, his wife Debbie and daughters Lindsay, Abby and Andrea, their spouses and his grandchildren.

GIVEN under my Hand and Seal of the City of Milford
this 12th day of November, Two Thousand and Eighteen.

MAYOR ARTHUR J. CAMPBELL



Attest:

Teresa K. Hudson, City Clerk

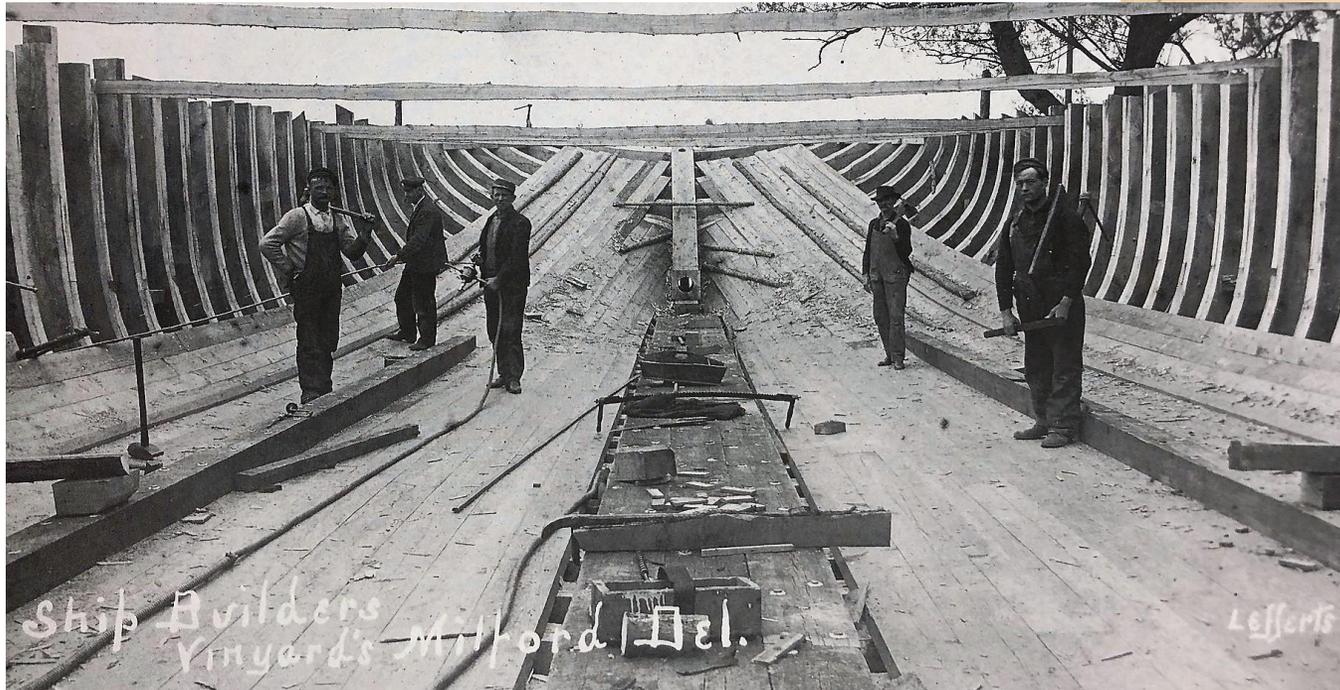
The Vinyard Shipyard Project

November 2018

Did You Know?

- **For about 150 years, starting as early as 1760, the history of Milford was intimately tied to its shipbuilding industry.**
- **At the industry's peak at the end of the nineteenth century, seven shipyards were active, employing three-quarters of the town's workforce.**
- **More than 300 wooden ships were built in the Milford shipyards between 1680 and 1927.**
- **Milford produced more wooden ships than any of the other seven significant wooden ship building centers in Delaware, including Wilmington.**
- **The Vinyard Shipbuilding Co., founded in 1896, is the last of the seven Milford shipyards to survive today.**
- **It is also the last surviving wooden ship building facility on the Delaware Bay.**

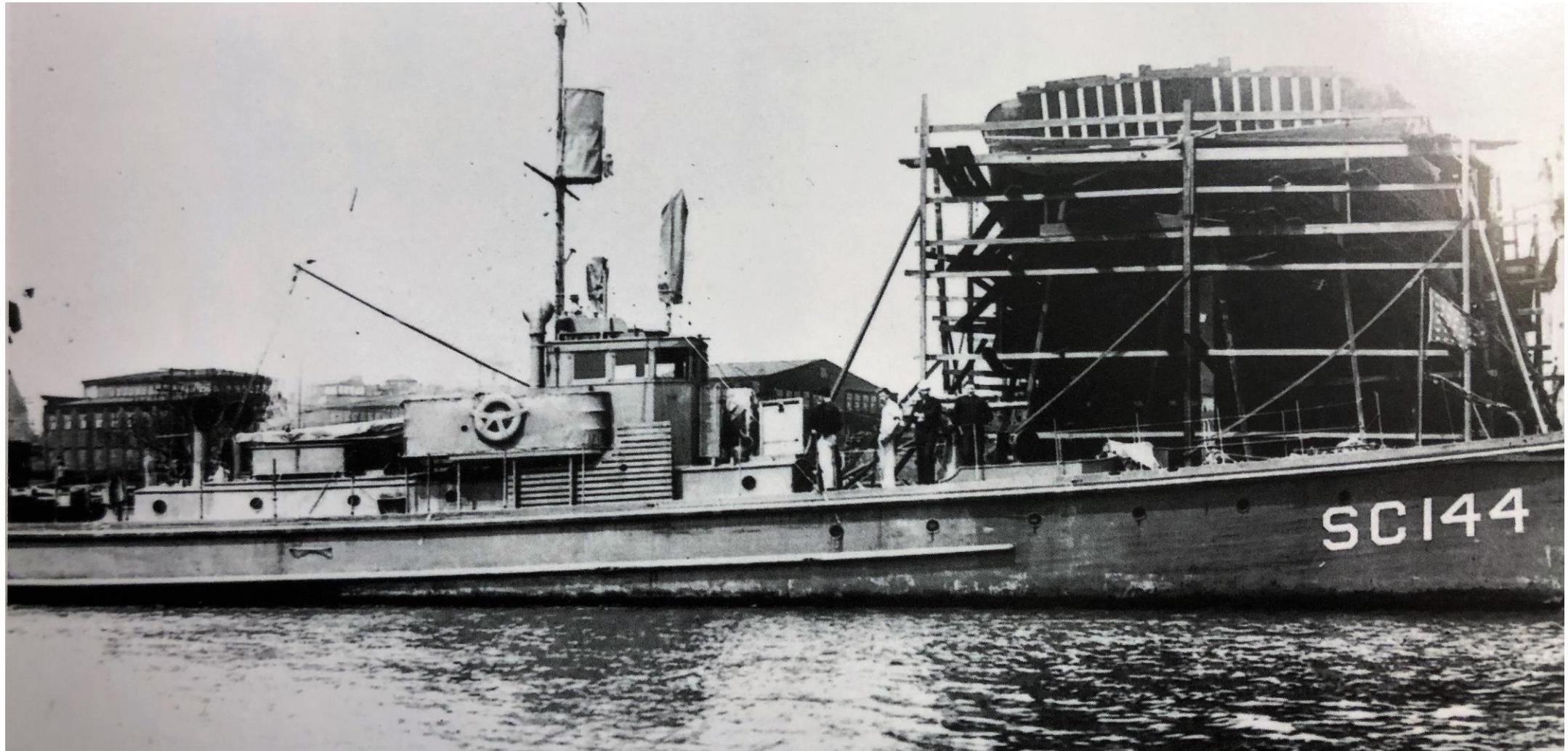
In its early years, the Vinyard ships were built outside along the banks of the Mispillion. These were ships – not boats. The Edith (1908) was 117 feet long.



In its early days the Vinyard Shipyard built tugboats & sailing vessels.



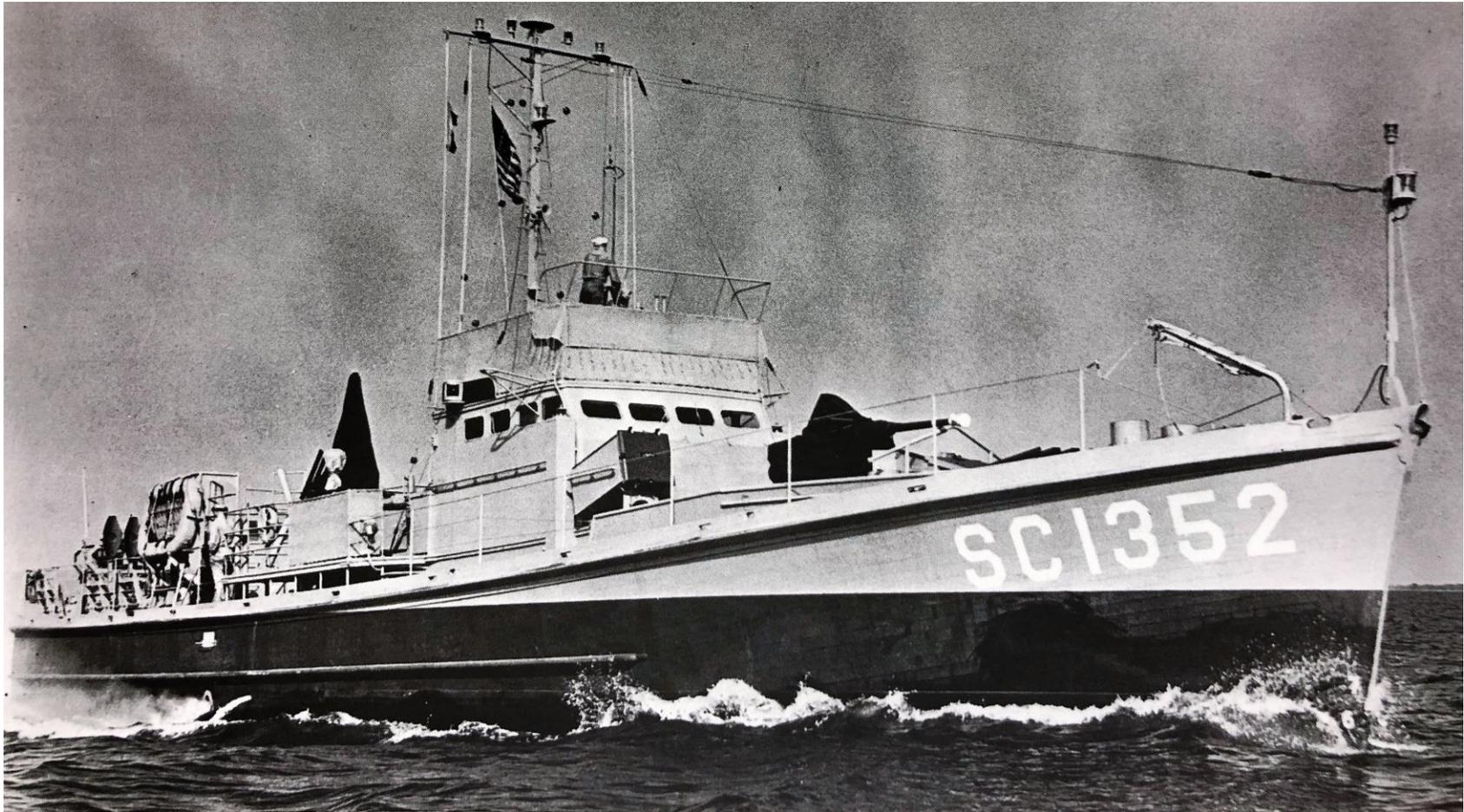
In World War I the shipyard produced 110' subchasers for the Navy.



**During the
1920s
Prohibition
period,
“Sixbitters” –
75-foot U.S.
Coast Guard
patrol boats –
were built to
be used to
chase “rum-
runners.”**



In World War II the Vinyard shipyard was contracted again by the U.S. Navy and built 14 wooden-hull subchasers, which became know as the “splinter fleet”.



Starting in 1927 and continuing after World War II until 1951, the Vinyard shipyard produced luxury yachts.



The last of the Vinyard yachts was built in 1951, but the shipyard continued in business repairing ships & building wooden boats until 1973. Delaware Marine & Manufacturing built boats here from 1973-83. Then the shipyard gradually fell in ruin and was condemned in 1995 and would likely have been torn down.



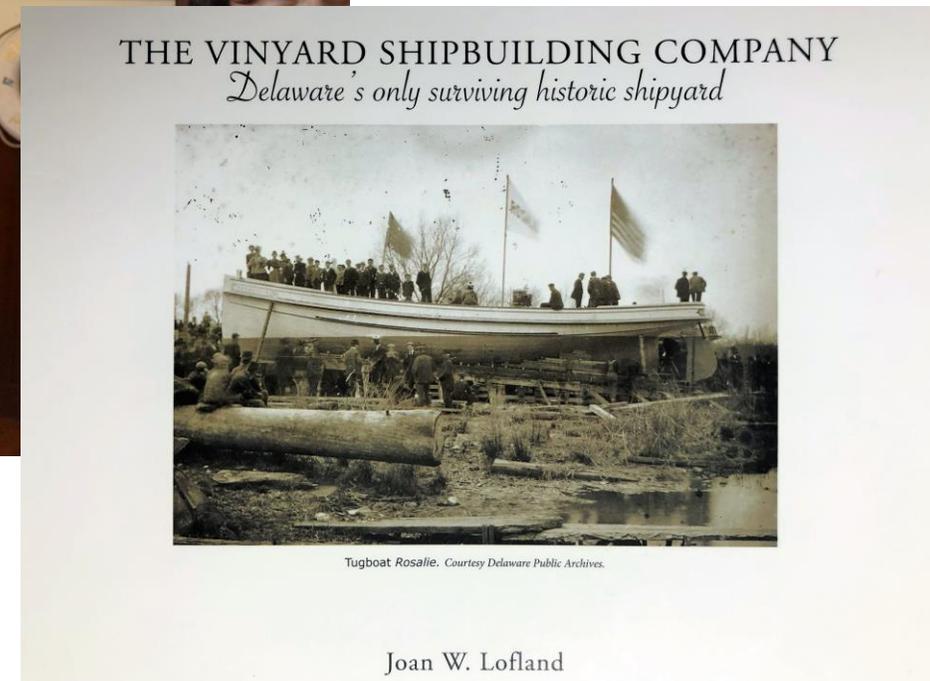
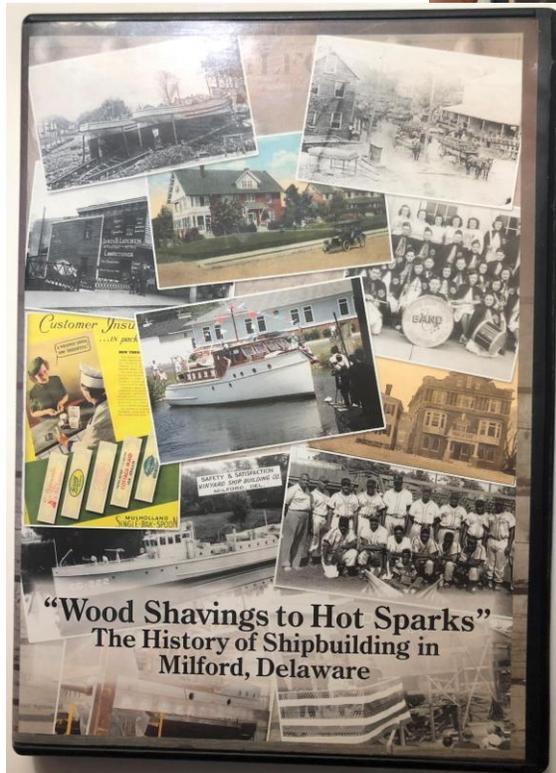
In 1996 Joan & Sudler Lofland purchased the shipyard and restored it over the next several years and used it for ship and boat repair and restoration.







In recent years they have collected documents & artifacts, written books, produced videos, and created a museum to display this rich history.



They also purchased three of the Vinyard yachts – Vignette (1951), Kismet (1938) & Augusta (1927) - and restored them at the Shipyard.



In 2016 the Vinyard Shipyard was recognized as a State Historic Landmark and a plaque was installed at the shipyard's entrance. The shipyard has been on the National Register of Historic Register as the key element of the Milford Shipyard Historic District since 1983.



Today, the shipyard consists of the offices and warehouse, the mold/sail loft, which was built around 1900 and the boat house, built around 1929, and the machine shop, built around 1930. The Loflands have also build their home on the site and opened their museum in an adjacent building.



**The Loflands
have also
acquired the
nearby historic
Mulholland
Spoon Factory
are working on
its restoration.**



Vinyard Shipyard Existing Facilities – 34,144 SF in total

- **Two-story Mold Shop (woodworking) & Sail Loft (1900) – 4,256 SF**
- **Tool crib (now attached to Boat House) (1920) - C 1,000 SF**
- **Boat House (1929) – 12,572--- SF**
- **Machine Shop (1920) – 2,592 SF**
- **Pole Building - Storage Shed – 4,000 SF**
- **8 & 10 Columbia Ave (Museum located in 10) – 6,064 SF**
- **Lofland House at 6 Columbia Ave – 3,660 SF**

All in excellent condition!

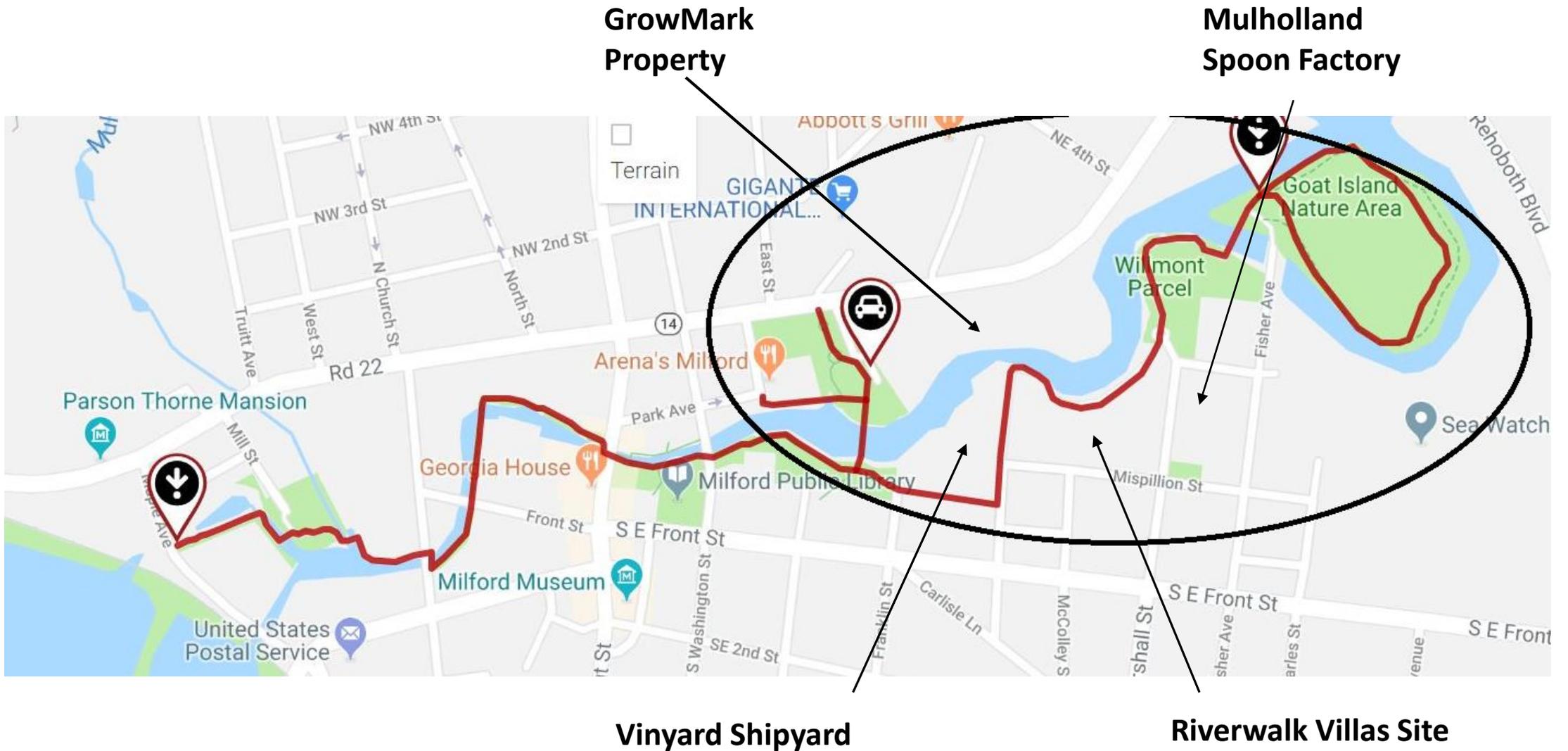
Total Acreage of site – 2.75 acres

An effort is now underway to ensure these assets continue to be maintained and to expand their public use. This effort is a natural continuation of the decade's long expansion of Milford's renowned Mispillion Riverwalk Greenway and could be a core element of a 50+ acre recreation and cultural complex envisioned along both sides of the Mispillion River directly East of the City's historic downtown.

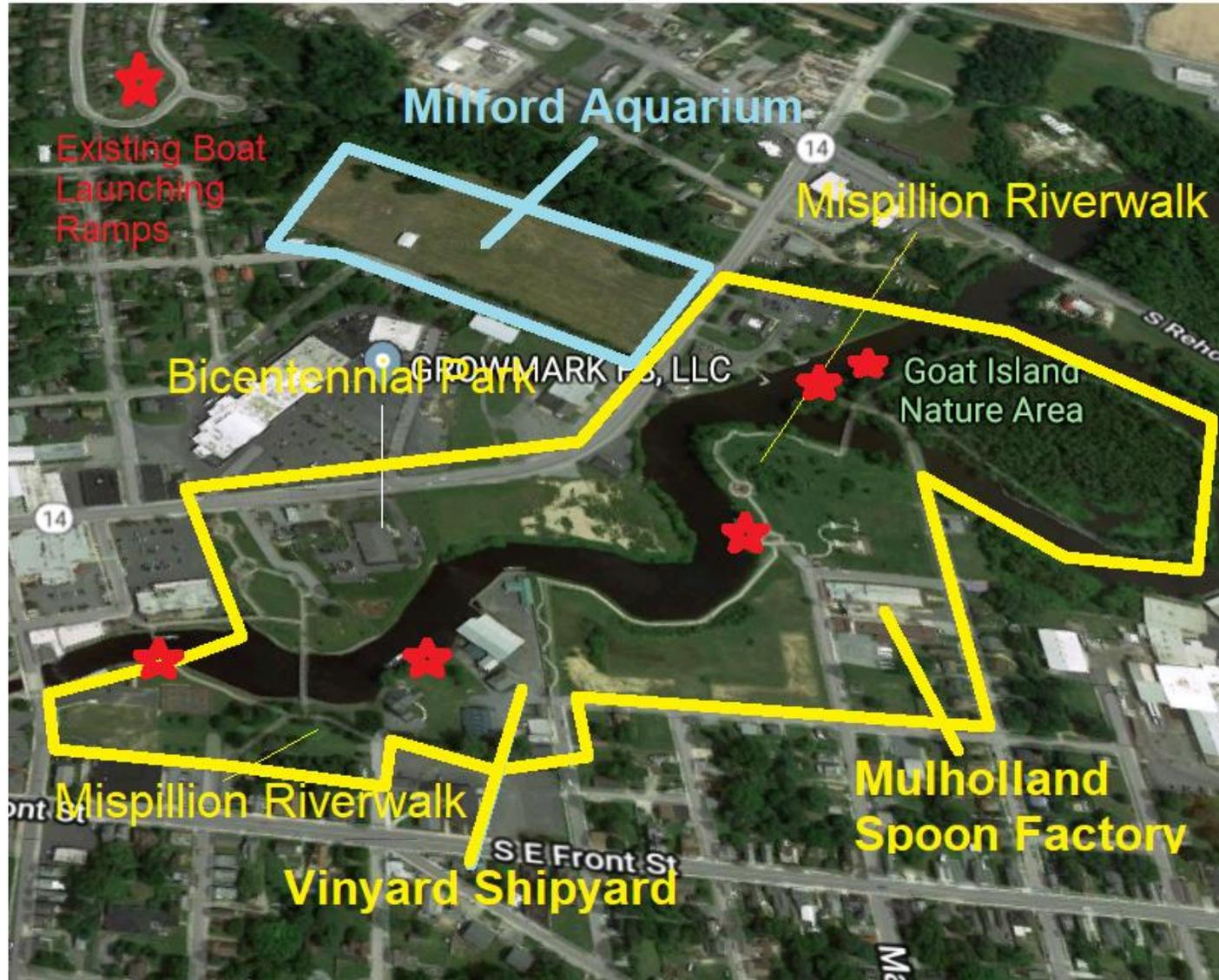
A grand vision of the Milford community in the early 1970s to clean up the banks of the Mispillion and turn it into a public greenway has resulted today in the City's most valuable public resource.



Milford now has the opportunity to develop & expand the eastern half of the Riverwalk Greenway into a major recreation & culture complex.



Future Mispillion Recreation & Culture Complex



Task Force for Vinyard Shipyard Project

- **Matt Babbitt**, Abbott's Pond Site Manager, Delaware Nature Society
- **Daniel Bond**, Property developer in downtown Milford
- **Gary Emory**, former Director of Milford Parks & Recreation Department
- **Lisa Fitzgerald**, U.S. Department of Agriculture, Business & Community Programs Specialist
- **Rob Pierce**, Milford City Planner
- **Sher Valenzuela**, First State Manufacturing co-owner
- **Murrie Zlotziver**, Executive Director, DMI

RFP for Consultant Study

- RFP issued June 11, 2018 for consultant to undertake a study.
- RFP distributed to a large group of firms from a list compiled by DMI with assistance from Rob Pierce, Milford City Planner and Delaware government agencies.
- Three proposals received, each from a consulting firm that had assembled a group of specialists with project planning, design, engineering, historic preservation, landscape design, & project financing expertise.
- A selection committee choose Architectural Alliance, Inc. as the preferred group and the DMI Board approved the selection.

TASK 1

- Complete a detailed Strengths, Weakness, Opportunities & Threats (SWOT) analysis.
- Determine possible uses of the shipyard that preserve the site and how the property and its assets can be integrated into the surrounding public investments, including the Mispillion Riverwalk, Memorial Park.
- Determine possible private and public partners that could assist with implementation and long-term operation of the possible uses.

TASK 2

- Review the possible uses with the client to determine a preferred use.
- Provide an estimated cost to implement the preferred use, including property and asset acquisition.
- Provide an annual estimated operational budget to maintain the property and its assets.

Funding the Study

- Architectural Alliance estimates the study will cost \$56,100.
- While DMI has contracted for the study, the Task Force will raise the funds needed so as not to require funding from DMI.
- The task force is initially asking for funding from the City of Milford, Kent County and Sussex County - seeking at least \$10,000 from each.
- Additional funding will be sought from the public (directly and via “crowd funding”), grants, fund raising events, etc.
- It is planned that Architectural Associates will begin work in early 2019.

Potential Benefits for Southern Delaware

Recreational – Support boat building activities for young and old; facilitate greater use of the Mispillion for boating.

Educational – Support training in wood & metal crafts for all ages; serve as a venue for teaching about Delaware's shipbuilding history.

Cultural – Preserve a unique example of Southern Delaware's history.

Community Building – Provide facilities for art, music, theater, festival, & fair events which draw the community together.

Key new driver of tourism for Milford



- **DE Turf has been highly successful. Next year they have tournaments scheduled for almost every weekend starting in February.**
- **These weekend tournaments draw in visitors from the entire Mid-Atlantic region.**
- **Attendance varies from 500 to 2,000 or more for each.**
- **They usually stay for two or three days and have plenty of free time between events.**
- **In order to maintain its competitiveness DE Turf needs new attractions nearby.**
- **DE Turf is only seven miles from downtown Milford.**
- **As a result, new restaurants and hotels are already springing up nearby.**
- **A Mispillion recreation & culture complex could become a big draw.**



Thank You

THANK YOU !

TO: Mayor and City Council

FROM: Rob Pierce, Planning & Development Director

CC: Eric Norenberg, City Manager

DATE: November 26, 2018

RE: Planning Department – Relocation to Public Works Building - Expenses

On October 22, 2018, City Council requested staff investigate the possibility of relocating the Planning Department to the Public Works facility as an alternative to leasing a temporary office trailer downtown and determine the costs associated with such move. In order to accommodate the additional five (5) employees, storage and kitchen areas would need to be converted to large file storage for plans, a small conference room would be used for office/reception space, and one Public Works employee would be relocated and another will share an office.

The proposed relocation would require an expense to move items that are being temporarily stored at the armory to the Public Works facility. Two of the office spaces in the basement were fitted with desks and overhead storage space that was attached to the cubicle wall system. These cubicles cannot be reused at the Public Works facility and two new workstations would need to be purchased. In addition, IT would need to upgrade the existing network infrastructure to accommodate the five (5) additional users. Below is a breakdown of the necessary expenses associated with the proposed relocation.

\$6,300.00 – Network card for Public Works IT room
\$2,000.00 – Moving expenses
\$3,500.00 – Office Furniture for (2) Employees

Total Expenses: \$11,800

Relocating the Planning Department to the Public Works facility improves internal and external processes related to land development and building permits. Having these two Departments in close proximity will reduce the amount of time customers spend coordinating utility service for new construction and will also improve coordination efforts for subdivision and site plan review. The Planning and Finance Departments will review the ability for staff to process building permit payments at the Public Works facility to reduce the impact on our customers.

Staff recommends City Council appropriate \$11,800 from General Fund Reserves to cover the expenses associated with relocating the Planning Department to the Public Works Facility.

AGREEMENT OF SALE

THIS AGREEMENT OF SALE, made this ____ day of November, 2018, by and between: Stanley S. Summers and Victoria Summers, hereinafter “**Seller**”, who hereby agrees to sell to the City of Milford, hereinafter “**Purchaser**”, who hereby agrees to purchase from the Seller, all that certain parcel of land, hereinafter “**Property**”, described as follows:

ALL THAT CERTAIN PARCEL of land lying in Kent County, State of Delaware, having an address of 409 N.E. Front Street, Milford, DE 19963 said to contain 30,228 square feet of land, be the same more or less, as is more fully identified on Kent County Tax Map MD-16-183.07-01-56.00-000.

THE PURCHASE PRICE is the sum of One Hundred and Ninety Five Thousand Dollars (\$195,000), payable in the following manner:

A deposit in the amount of two thousand dollars (\$2,000) paid in cash at the signing of this Agreement of Sale as a good faith deposit, to be credited to the Purchase Price hereunder and disbursed in accordance with the provisions of this Agreement of Sale, and held by Moore & Rutt, P.A. The deposit shall be credited to the purchase price at the time of settlement. Said deposit shall be refundable until December 31, 2018. The Purchaser, by executing this Agreement of Sale, hereby authorizes Escrow Agent to place the said escrow deposit monies in an interest-bearing account.

The balance of the Purchase Price one hundred ninety-three thousand dollars (\$193,000) shall be paid in the form certified or “good” funds.

FINAL SETTLEMENT. The final Settlement shall be held on or before February 1, 2019 in the office of the Purchaser’s attorney, or at such other place as the Purchaser may elect.

SETTLEMENT ADJUSTMENTS. All items paid in advance by the Seller, including all property taxes, water, sewer, and/or property rent, heating fuel, and any and all other such items

shall be prorated and Purchaser shall reimburse Seller at the time of Final Settlement as defined herein.

All property rent received by Seller in advance shall be prorated and Seller shall pay the prorated amount to Purchaser at the time of Final Settlement. Further, any and all security deposits held by Seller on behalf of any tenants located at the Property shall be paid by Seller to Purchaser, together with an accurate listing of each of the tenants and the respective security deposit amounts for each tenant, at the time of Final Settlement as defined herein.

All state, county and city taxes shall be split equally among the parties the parties hereto and shall be paid by the respective parties at the time of Final Settlement.

All settlement expenses normally borne by purchasers of real property in Kent County, Delaware, including but not limited to the cost of title search, title insurance, legal representation, document recording, and any and all other such items shall be paid by Purchaser at the time of Final Settlement.

All settlement expenses normally borne by Sellers of real property in Kent County, Delaware, including prepayment penalties, deed preparation, releases or satisfaction documents, legal representation, brokerage commissions, termite reports if required by the terms of this Agreement of Sale, and any and all other such items shall be paid by the Seller at the time of Final Settlement.

SURVEY. Seller agrees to deliver to Purchaser any survey in its possession within five (5) days of the date of this Agreement. Any other surveys are to be the expense of the purchaser.

MARKETABLE TITLE. The title to the property shall be conveyed by a special warranty deed, prepared at Sellers expense, and shall be a good, marketable, fee simple title, free and clear of all liens and encumbrances except as specified herein, excepting use and occupancy restrictions of public record which are generally applicable to properties of the type

being purchased hereunder, and excepting publicly recorded easements for public utilities which do not unduly hinder the develop plans of the purchaser, and any other easements which may be observed by a personal inspection of the Property, and insurable at regular rates by any reputable title insurance company now insuring titles of properties in Kent County, Delaware. In the event the Seller is unable to deliver and convey title as aforesaid, Purchaser shall have the option of accepting such title as the Seller is able to deliver, or of voiding this Agreement of Sale and recovering back all monies paid on account of the Purchase Price hereunder, together with all expenses incurred by Purchaser in connection with its obligations hereunder.

CONDEMNATION. The Seller hereby represents that the Property being purchased hereunder is not now the subject of any condemnation proceedings begun by any governmental authority or agency with the power to condemn real property under eminent domain, nor are any such condemnation proceedings now being contemplated by any of the said governmental authorities. In the event the Property being purchased hereunder, or any portion of the Property being purchased hereunder, shall be the subject of condemnation proceedings during the contract period so as to render the Property insufficient for Purchaser's intended use of the Property, Purchaser may elect to void this Agreement of Sale whereupon Escrow Agent shall return to Purchaser all monies paid on account of the Purchase Price hereunder. In the event the Property being purchase hereunder, or any portion of the Property being purchased hereunder shall be the subject of condemnation proceedings during the contract period such that the Purchaser's intended use of the Property shall not be affected, the Purchaser may elect to accept the amount of the condemnation award without an offset of the Purchase Price, and in either of these two events proceed to Final Settlement.

ENVIRONMENTAL MATTERS. Seller warrants it has received no notice and has no reason to believe that the Seller is not in compliance with all applicable federal, state and local

laws, rules, regulations and orders relating to environmental matters affecting the Property. Neither Seller nor, any third party to Seller's knowledge or with Seller's permission has used, generated, manufactured, transported, treated, stored, handled, or disposed, or conducted any other activity in connection with or on the Property involving any hazardous waste which would subject Seller or any owner of the Property to any liability to any a governmental jurisdiction relating to environmental matters. Purchaser, at its sole cost and expense, may elect to have an environmental audit or other similar testing conducted on the Property. If Purchaser elects to have said testing done, the testing shall be ordered by Purchaser within Fifteen (15) days of the date of the execution of this Agreement of Sale by both parties hereto, or Purchaser's rights under this Environmental Matters paragraph shall have been deemed to be waived. In the event the results of such environmental testing, if Purchaser so elects to have the said testing done, reveals hazardous or toxic waste or other such contamination of the Property, Purchaser may elect to void this Agreement of Sale whereupon the Escrow Agent shall return to Purchaser all monies paid on account of the Purchase Price hereunder, or by the mutual consent of the parties hereto, the Purchase Price hereunder may be offset by the estimate of the repair and/or correction of the hazardous or toxic waste or other such contamination, the said estimate to be obtained from a reputable contractor and to be approved by all parties hereto, and the Purchaser shall proceed to Final Settlement.

ADDITIONAL TERMS AND CONDITIONS. Seller and Purchaser hereby agree that the following Additional terms and Conditions are express contingencies to the Final Settlement:

(a) This Agreement of Sale is also contingent upon Purchaser's satisfactory review of Seller's site and building by inspectors of the Purchaser's choosing. Purchaser shall perform the inspections at its sole cost and expense. Said inspections are to be performed on or prior to December 15, 2018. In the event the Purchaser discovers any condition which is

unsatisfactory or unacceptable to Purchaser, then the Purchaser shall have the right to provide Seller with written notice, on or before December 31, 2018 of their intention to void this Agreement of Sale, whereupon the Escrow Agent shall return to Purchaser all monies paid on account of the Purchase Price hereunder, and all obligations one to the other under this Agreement of Sale shall cease.

(b) This Agreement of Sale is contingent upon Purchaser obtaining funding and final City Council approval.

(c) Seller agrees to convey as part of the sale of the property one large trailer and one storage shed currently on the property.

(d) Purchaser agrees to allow the Seller to use the large trailer and storage shed currently on the property to store product and material currently on the site for up to six months after closing and Seller may access the site to retrieve such stored material as mutually agreed to with the Milford Chief of Police.

POSSESSION. The possession of the Property being purchased hereunder shall be delivered by Seller to Purchaser at the time of Final Settlement, excepting that Seller hereby agrees to allow the Purchaser, or Purchaser's agent(s), to enter the Property for the purpose of surveying and any other tests required by the terms and conditions of this Agreement of Sale prior to Final Settlement. Purchaser hereby agrees to hold Seller harmless from any liability or casualty to Purchaser, or Purchaser's Agents, contractors, subcontractors or employees while conducting or performing any of the said tests on the Property. Further, the Purchaser agrees to repair any and all damage caused by Purchaser's testing and return the Property to Seller in exactly the same condition as Property was prior to the said testing.

PURCHASER'S DEFAULT. In the event the Purchaser does not proceed to Final Settlement as defined herein, and all of the terms and conditions of this Agreement of Sale have

been satisfied or waived by the parties hereto, then the Seller shall have the option of voiding this Agreement of Sale and Seller shall be entitled to retain Purchaser's deposit monies, as liquidated damages.

SELLER'S DEFAULT. In the event Seller does not proceed to Final Settlement as defined herein, and all of the terms and conditions of this Agreement of Sale have been satisfied or waived by the parties hereto, then the Purchaser shall have the option of voiding this Agreement of Sale, whereupon the Escrow Agent shall return to Purchaser all monies paid on account of the Purchase Price hereunder, accrued thereon as liquidated damages, or Purchaser may elect to seek equitable or legal remedies available to Purchaser including specific performance and payment of all fees and costs incurred to enforce the terms of this Agreement. In either event, Purchaser agrees to notify Seller in writing according to the terms of this Agreement of Sale of Purchaser's elected upon.

NOTICES. Any notice, election or consent required to be given hereunder shall be deemed to have been duly given when delivered by United States registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

To Seller:

To Purchaser: City of Milford
ATTN: ERIC NORENBURG, City Manager
201 S. Walnut Street
Milford, DE 19968

or such other address as may be specified from time to time as herein provided. The time of rendition of such notices shall be when the said notice is deposited in an official United States Post Office.

MISCELLANEOUS.

(a) This Agreement of Sale constitutes the entire agreement and understanding between the parties hereto and supersedes all prior and/or other agreements and representations, written or oral, in connection with the purchase contemplated herein.

(b) It is understood and agree that this Agreement of Sale may be amended or modified by mutual agreement of the parties hereto, provided that such amendment or modification is duly signed by the parties hereto and incorporated into the terms of this Agreement of Sale.

(c) This Agreement of Sale shall not be recorded in any public office.

(d) Any headings preceding the text of the several paragraphs hereof are inserted only as a matter of reference and convenience for the parties hereto, and in no way define, limit, or describe the scope or intent of this Agreement of Sale, nor affect its terms and provisions.

(e) The singular of any word may denote two or more, the plural one alone, and the words of one gender may denote another gender whenever appropriate under the actual circumstances.

(f) This Agreement of Sale shall be construed under and governed by the laws of the State of Delaware.

(g) This Agreement of Sale shall be executed in five (5) counterparts, each of which when executed shall be deemed as the original. Purchaser shall retain four (4) counterpart and the Seller shall retain one (1) counterparts.

(h) The parties hereto agree to execute and deliver any other instrument(s) and document(s) that may be necessary or convenient to carry into effect the provisions of this Agreement of Sale, and the parties agree to otherwise cooperate in good faith as may be necessary to complete the Settlement contemplated herein.

(i) Neither the Purchaser, nor the Seller, nor any broker has made any deliberate false

representations herein.

(j) This Agreement of Sale shall be binding upon the heirs, executors, administrators and assigns of the parties hereto.

(k) Both parties hereto warrant that they are empowered to execute this Agreement of Sale binding each party to its respective obligations hereunder.

(l) Both parties hereto acknowledge that they are entitled to seek legal advice prior to the execution of this Agreement of sale, and by executing this Agreement of Sale, each party hereto has affirmed that such legal advice was obtained.

APPROVAL OF SELLER. It is understood that this sale is made subject to the written approval of the Seller, which must be obtained within five (5) days of the date first written above.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement of Sale to be executed the day and year written below.

WITNESS:

Kenneth B

SELLER

By: Stanley Summers (SEAL)

Victoria Summers

DATE: Nov. 7, 2018

WITNESS:

Jessica K. Nease

PURCHASER

By: [Signature] (SEAL)

DATE: _____