City of Milford

CITY COUNCIL AGENDA

Tuesday, May 28, 2019

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

6:30 P.M.
WORKSHOP

Request for Funding/Kent Economic Partnership
Request for Funding/Milford Public Library

7:00 P.M.
PUBLIC HEARINGS

ORDINANCE 2019-11
Code of the City of Milford
Part II – General Legislation
Chapter 230 – Zoning
Amending §230-18 OC-1 Office Complex District

ORDINANCE 2019-14
Windward Communities LLC-Commercial for a Conditional Use
On behalf of Property Owners Janet R. Swain, Gilbert C. & Irene D. Simpson and Jesse & Joyce Webb
Current Zoning: C-3 (Highway Commercial District) C-1 (Neighborhood Commercial District)
Present Use: Single Family Dwelling, Outdoor Recreation, Small Engine Repair Shop
Proposed Use: Shopping Center, Office, Retail & Restaurant
Area: 7.99 +/- ac; East side of S Rehoboth Blvd approximately 350 feet south of the SE Second St Intersection
Tax Map & Parcel Numbers: 3-30-11.00-042.00, 3-30-11.00-042.01, 3-30-11.00-043.00, 3-30-7.00-033.00 (portion of)

ORDINANCE 2019-15
Larry M. & Linda H. Pfeiffer on behalf of Pfeiffer Enterprises for a Change of Zone
Current Zoning: R-2 (Residential District); Proposed Zoning: C-1 (Neighborhood Commercial District)
Present Use: Vacant Retail; Proposed Use: Barbershop
Area: .207 +/- ac; West side of N Rehoboth Blvd more commonly known as 292 N Rehoboth Blvd
Tax Map & Parcel: MD-16-174.18-02-56.00

ORDINANCE 2019-16
Mavis Discount Tires for a Conditional Use
Owner Shawnee Farm on behalf of Applicant LC Management
Current Zone: C-3 (Highway Commercial District); Present Use: Vacant Land
Proposed Use: Car Repair Shop; Area: 1.63 +/- ac; Lexus Dr within the Cypress Hall Commercial Shopping Center; Tax Map & Parcel Numbers: 1-30-3.00-261.04

ORDINANCE 2019-17
Growmark FS for a Change of Zone
Current Zoning: I-2 (General Industrial); Proposed Zoning: C-3 (Highway Commercial)
Present Use: Vacant Warehouse; Proposed Use: Retail
Area: 1.494 +/- ac; North side of NE Front St at the corner of NE Fourth St and NW Front Streets
Tax Map & Parcel(s): MD-16-183.10-04-23.00 & 70.00

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Recognition

Communication & Correspondence

Unfinished Business
- Approval/Milford Little League Agreement
- Discussion/Sidewalk Improvement Project Update
- Adoption/Ordinance 2019-18/Chapter 67/Volunteer Fire Companies℗
- Adoption/Ordinance 2019-19/Chapter 26/Enhancement Funds℗

New Business
- Approval/DEMEC-Milford AMI Contract Amendment 2

EXECUTIVE SESSION

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

Return to Open Session

Adjournment

All items, other than those on a Workshop Session 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.

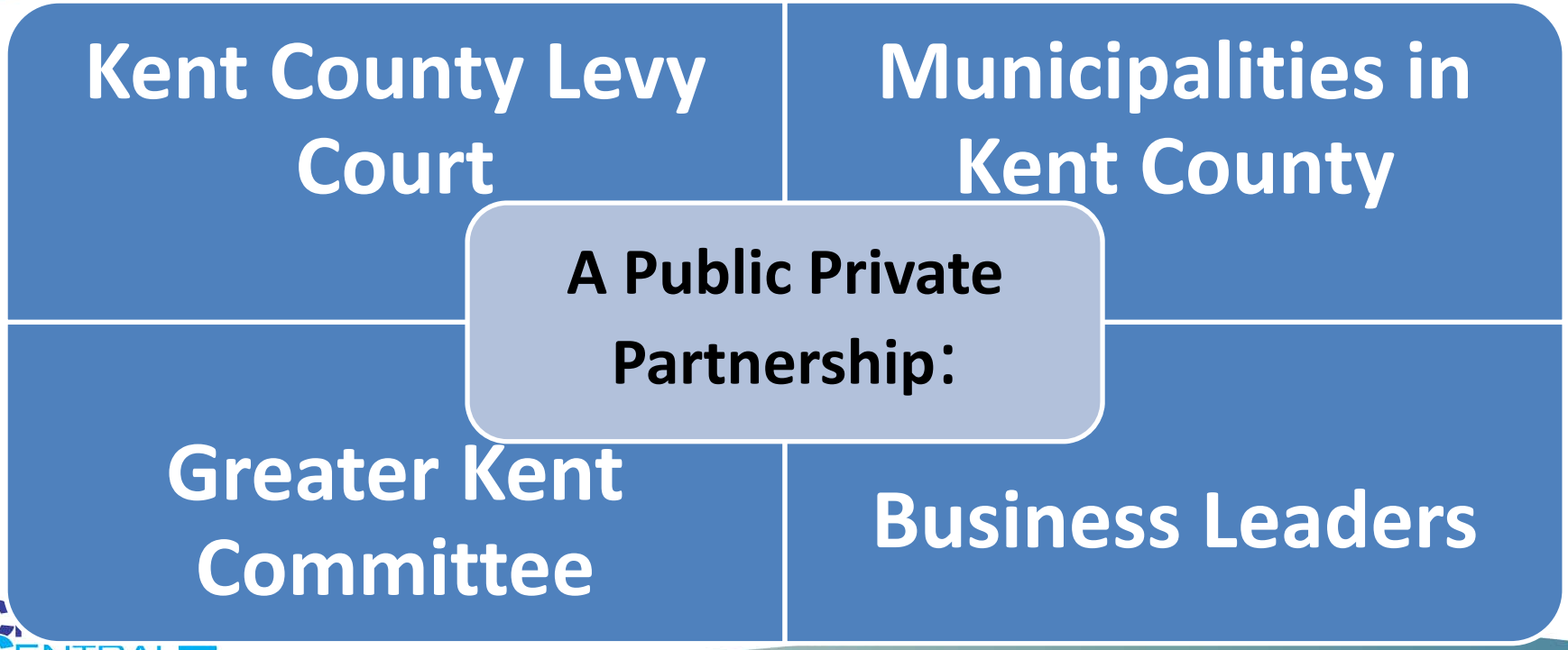
℗ *Public Comment, up to three minutes per person, will be accepted.*

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What is the KEP?



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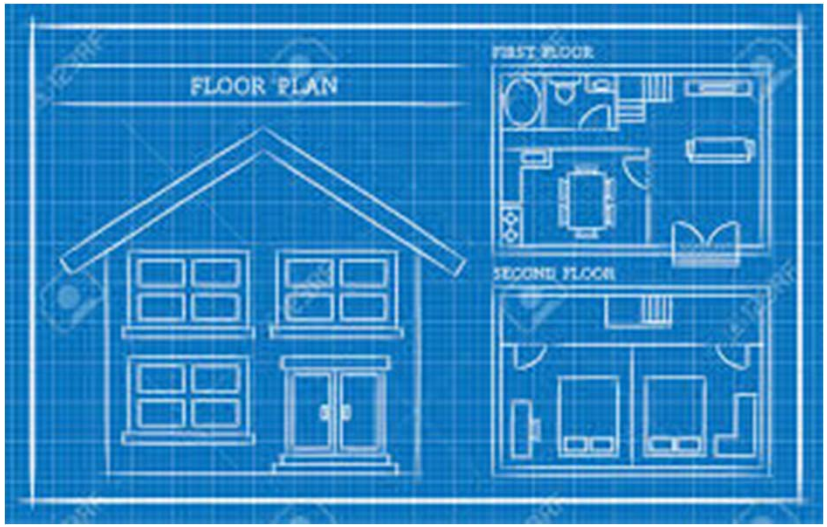
Economic Update

- GKC Commissions Economic Analysis Study of Kent County



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Blueprint



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Targeted Industries

- Distribution-Logistics
- Health Care
- Business & Legal Services

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ROCKPORT ANALYTICS

Recommended Targets: Distribution, Warehousing, Logistics

Key Subsectors (w Kent imports)

- Wholesale Trade ($296 million), especially Communications, Commercial, Medical, Industrial Equipment & Supplies
- Logistics & Trucking ($82 million)
- Warehousing & Storage +$68 million

Case for Kent



- Demand $756 million
- Imports $310 million
- 2,300 jobs
- Average salary $54,000
- Existing warehousing activity dominated by self-storage & agriculture. New DWL firms can serve both local and regional markets.
- Size small-to-mid business
- Lower land costs a Kent advantage.

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Recommended Targets: Health Care

Key Subsectors (w Kent imports)

- Offices of Physicians ($75 million)
- Outpatient Care Facilities ($40 million)
- Nursing & Community Care ($23 million)
- Medical & Diagnostic Labs ($9 million)

Case for Kent



- Demand $1.1 billion
- Imports $158 million
- 1,000+ high-paying jobs
- Quality of Life
- Average wages $54,000
- Small Business

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Recommended Targets: Business & Legal Services

Key Subsectors (w Kent imports)

- Computer design & programming ($144 million)
- Scientific, R&D Services ($118 million)
- Employment/HR Services ($108 million)
- Advertising/PR ($104 million)
- Legal Services ($58 million)
- Accounting Services ($44 million)
- Building Services ($52 million)

Case for Kent



- Demand $1.6 billion.
- Imported $775 million
- Could create 4,500 jobs
- Average wage $80,000
- Small Businesses

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Recommended Targets: Education & Skills Development

ROCKPORT ANALYTICS

Key Subsectors (w Kent imports)

- Computer & Management Training, Technical Schools ($7million)
- Educational Support Services
- Elementary & Secondary Ed ($16million)
- Scientific, Research & Development Services
- Child Day Care Services



Case for Kent

- Holistic approach dictates elevation to Target status. Closely linked to Quality of Life.
- Data suggests Kent has sufficient traditional college & university supply. Greater need is technical & specialized skills.
- Latest data suggests only 1 small vocational/technical training firm in Kent
- Education/Training's contributes to rising productivity and wages of all Kent and DE sectors

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Education/Workforce Committee

- Tony Allen- Chair
- Michelle Taylor- Co-Chair
- Secondary School Superintendents
- Technical Schools
- All Higher Learning Facilities in the County

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ROCKPORT ANALYTICS

Recommended Targets: Quality of Life

Key Subsectors (w Kent imports)

- Restaurants & Catering ($22M)
- Underserved Retail ($51M) clothing, sports, grocery, other
- Arts, Cultural, Recreation ($54M)
- Non Gaming Entertainment ($32M)



Case for Kent

- Holistic approach dictates elevation to Target status
- All Kent businesses face this challenge
- Success brings benefits to Kent residents as well
- Coordinated effort of cultural, arts, recreational, tourism, chambers, and other community groups
- Further integrates & leverages DE Turf success
- Dovetails with ongoing tourism development efforts

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Quality of Life Committee

- Scott Becker – Chair
- Majority Millennials
- Projects to improve quality of life
- One project involves water access-Kayaking

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Highlight the Central Delaware Schools

- DSN- Publication & Event
- Tonda Parks- Lead
- Tell our story about positives throughout the county
- Grant Component for programs

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Ready in 6

- Study State Permitting Procedures
- Evaluate County & Municipality Processes
- Calculate the Economic Loss
- Identify Best Practices
- 5 attainable goals

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Fundraising Support

State Of Delaware

Kent County Levy Court

City of Dover

City of Milford

City of Smyrna

City of Harrington

- Greater Kent Committee
- Potential:
  - Camden
  - Clayton

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Hosted Planners Meetings

- Standardize forms between the municipalities
- Standardize the procedures between the municipalities
- More communication between the County and municipalities

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Hosted Town Manager/Planners Meetings

- Access to services:
  - Grant Writing
  - Marketing
  - Social Media
  - USDA Grants

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Business Retention and Expansion

- Planned site visits to existing companies
- Assess needs
- Identify potential suppliers as targets

Local Businesses

- Delaware Federal Credit Union
- Mobtown Offroad, LLC
- Taylor & Messick
- Hanover Foods
- Perdue
- Burris Logistics
- Chesapeake Utilities

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1 Challenge

- **Talent Attraction**



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Leads

- Responded to numerous leads

Identified and Potential Sites
Distribution-Logistics



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Identified and Potential Sites

Distribution-Logistics



Lighthouse Pad Sites

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Transportation Study

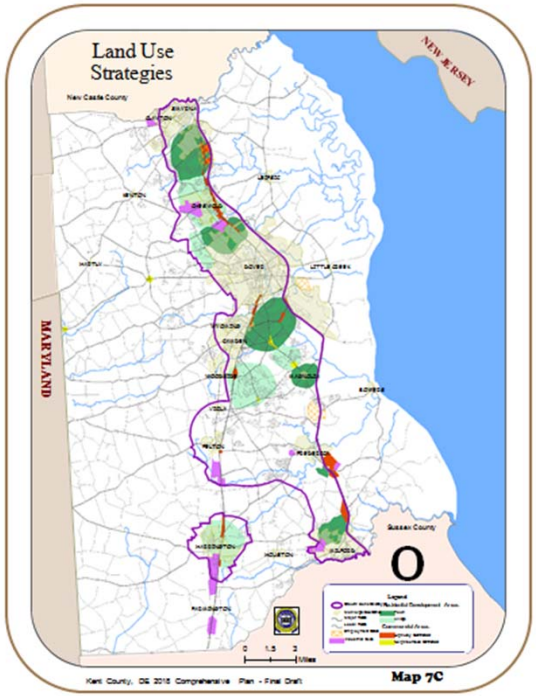
- Request for a study re:
- East West Freight Route for Kent County



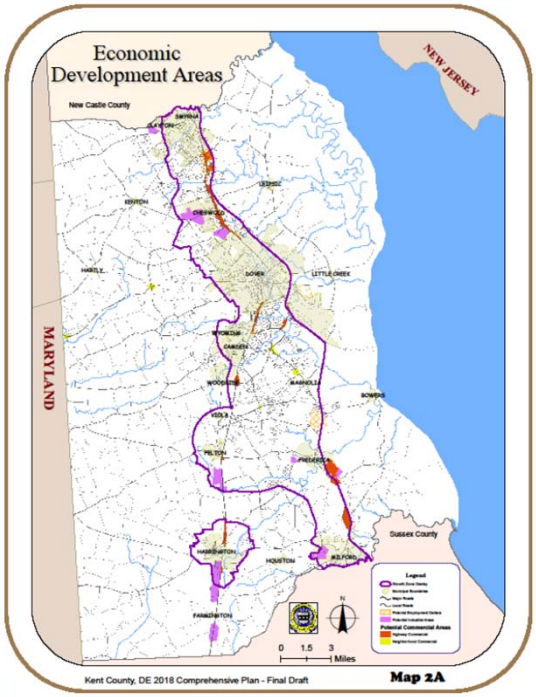
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Master Planning for the Future

- Little Heaven



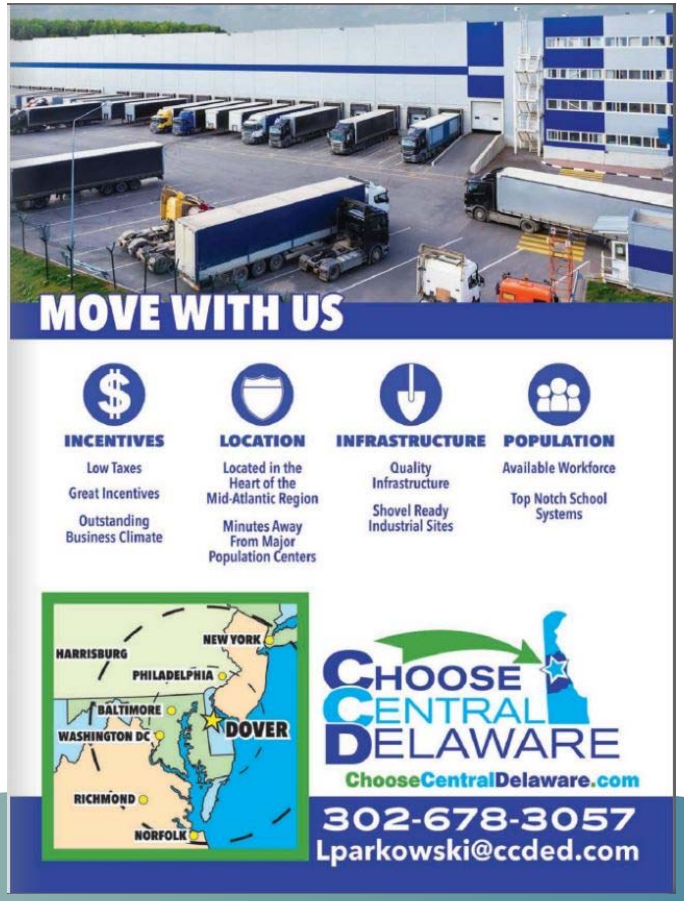
- South Frederica



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Marketing

- Trade Shows
- Site Selector Magazine



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How do we target?

- Trade Shows:
  - National Air Cargo
  - Regional Air Cargo
  - National Logistics-Warehousing
  - Site Selector Conference

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How do we target?

- Website: Complete Rebuild with identified ready sites
- Targeted Marketing
- Site Selectors

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WAREHOUSING & DISTRIBUTION OPPORTUNITIES IN CENTRAL DE

Here are some of the Properties Central Delaware has available for your business



DOVER - 51 ac, Bldg total 176,853 sf
163,853 sf Manufacturing/industrial bldg
+/- 13,000 sf office bldg



HARRINGTON - 130 ac
Bldg 100,000 sf



DOVER - Over 100 ac



MILFORD - 23.62 ac



SMYRNA - 206 ac



Located Within 4 Hours of 4 Major Cities

- NO SALES TAX
- Shovel Ready Sites
- Low Land Cost
- Low Property Taxes
- No Red Tape
- Incentive Programs
- Access to Rail
- Skilled Workforce

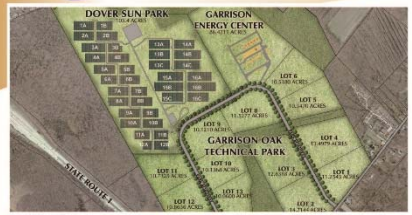
Less Than 1 Days Drive of 60% of the US Population

for more info contact
Lparkowski@ccded.com
302-678-3057

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SHOVEL READY SITES



DOVER - Over 100 ac



MILFORD - 23.62 ac



SMYRNA - 206 ac



HARRINGTON - 130 ac ; Bldg 100,000 sf

- **NO SALES TAX**
- **Developable Within One Year**
- **Low Land Cost**
- **Low Property Taxes**
- **No Red Tape**
- **Incentive Programs**
- **Access to Rail**
- **Located Less Than 1 Days Drive of 60% of the US Population**



Located Within 3 Hours of 4 Major Cities

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for more info: 302-678-3057
Lparkowski@ccded.com

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OPPORTUNITY ZONES IN CENTRAL DELAWARE



DOVER



SMYRNA – CLAYTON



MILFORD

HERE ARE SOME OF THE PROPERTIES CENTRAL DELAWARE HAS AVAILABLE FOR YOUR BUSINESS:



SMYRNA 12.2 AC Lot 173,146 SF BLDG



DOVER 16.39 AC Lot



MILFORD 74.6 AC Lot

WANT TO SAVE ON CAPITAL GAINS?

Opportunity Zones offer options for mixed-use, commercial, rental, infrastructure, social impact or traditional projects.

CENTRAL DELAWARE HAS SITES AVAILABLE IN OPPORTUNITY ZONES!

OPPORTUNITIES & INCENTIVES

- Fast-Track Permitting and Licensing
- Stackable Tax Credits
- No Sales Tax
- Low Land Cost
- Low Property Taxes
- Incentive Programs
- Business Friendly

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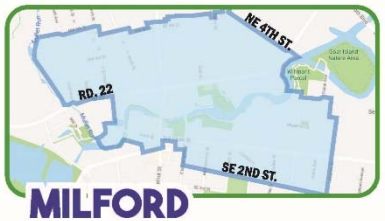
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CENTRAL DELAWARE DOWNTOWN DEVELOPMENT DISTRICTS



DOVER



MILFORD



SMYRNA



HARRINGTON

- DEVELOPERS
- HOMEOWNERS
- PROPERTY OWNERS
- BUSINESS PEOPLE

DO YOU WANT TO GET PAID FOR IMPROVEMENTS ON YOUR SITE?

Approved construction projects within the identified Downtown Development Districts may be eligible for grants up to 20% of your capital construction costs.

You may also qualify for additional state and local development incentives. Grant funds to investors are administered by the Delaware State Housing Authority (DSHA)

KENT COUNTY MATCHING GRANTS:

SINGLE-FAMILY HOUSING PROJECTS

Kent County will match every $1 of State Grant Funds with $0.50 up to a maximum of $1,500.

OTHER DDD-FUNDED PROJECTS

Kent County will match every $1 of State Grant Funds with $0.50 up to a maximum of $10,000.

FOR MORE INFORMATION:

- stateplanning.delaware.gov/ddd/incentives/ jurisdictions.shtml
- stateplanning.delaware.gov/ddd/resources.shtml
- stateplanning.delaware.gov/about/ddd.shtml

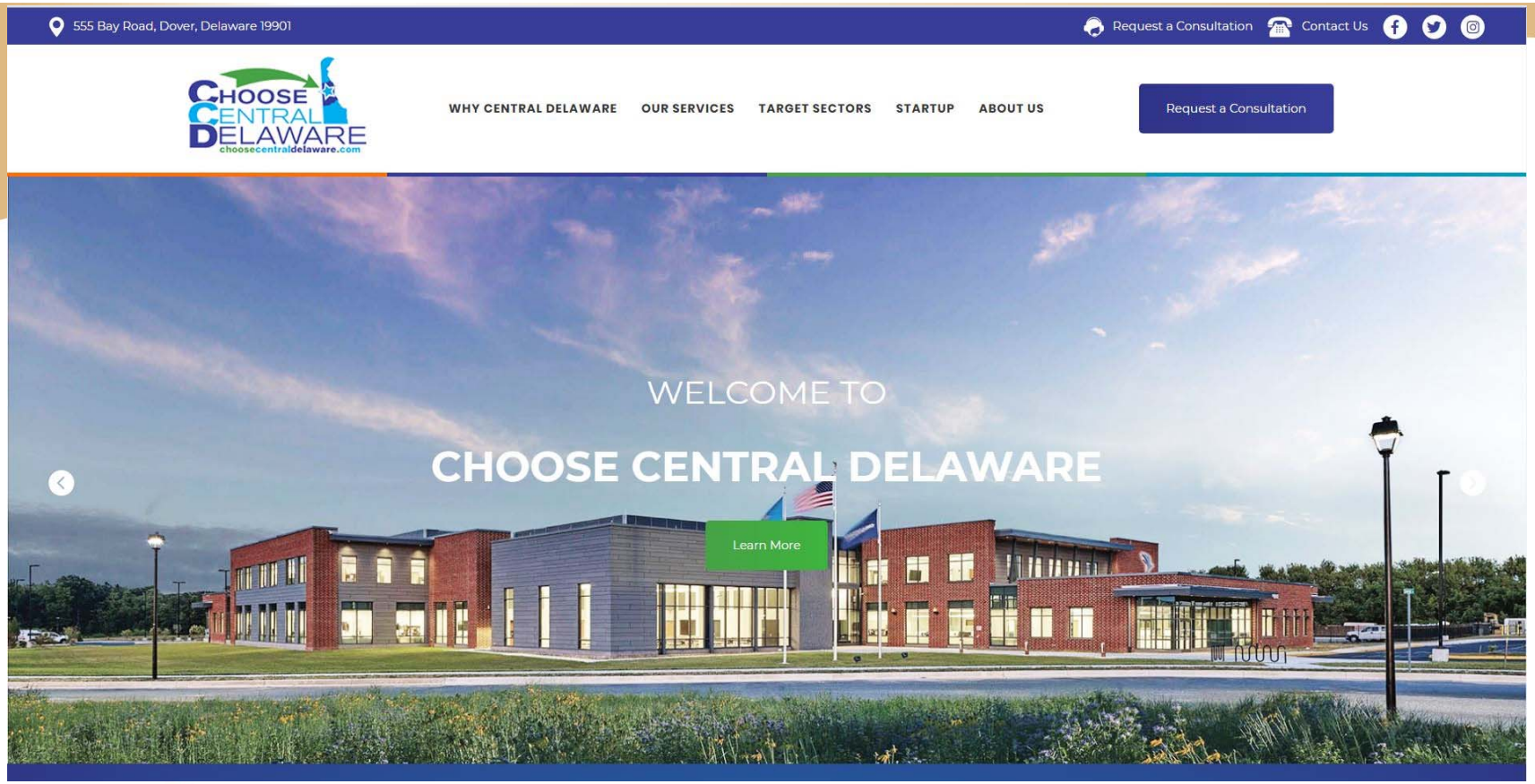
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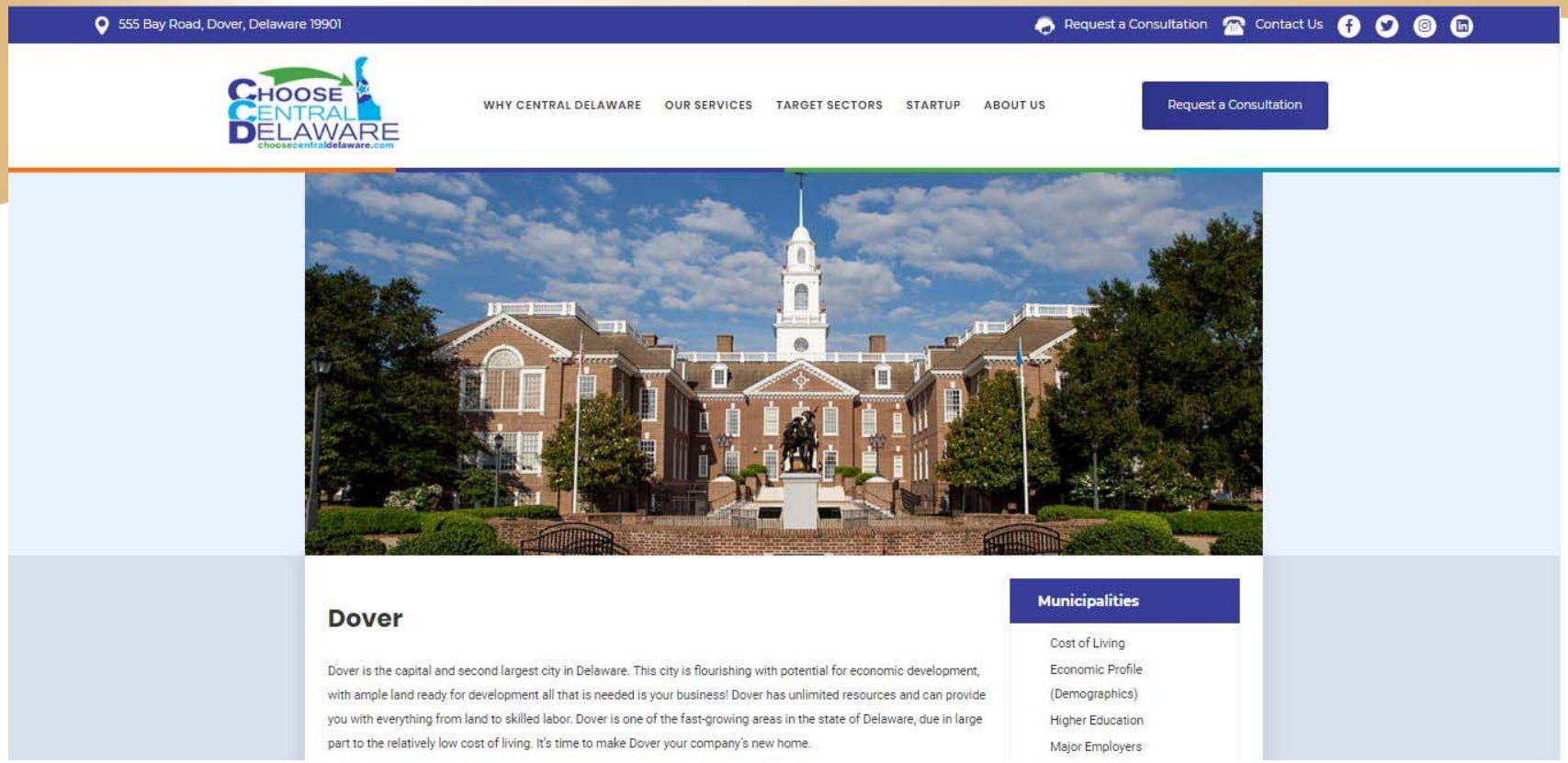


2019 Economic Profile

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- https://www.linkedin.com/company/kent-economic-partnership/about/

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Questions?

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Milford PUBLIC LIBRARY

April 15, 2019

Mayor Archie Campbell
City of Milford
PO Box 159
Milford, DE 19963

Dear Mayor Campbell:

The Board of Trustees of the Milford Public Library is requesting monetary support of $50,000 from the City of Milford for the Library in the year 2019-2020.

The Library is one of the biggest assets Milford has to offer its citizens. It is the Cornerstone of Downtown Milford. The growth of Milford is on the rise as the population increases, as does the usage of the library and with that the cost of maintaining the library increases. Everything is free at the library with the exception of a few programs that have a minimum cost. Not only can a patron borrow books, dvd's, and many other formats for entertainment and education, but programs are offered for all ages from the newborn to the senior citizen. Included is a list of "Library Facts" for your enlightenment.

The main funding for the library is from Sussex and Kent Counties, the State of Delaware, donations, and the support of the Friends of the Library. These monies only partially support the costs of maintaining the library as reflected in the attached Financial Analysis sheet. Due to endowments and financial planning by the trustees, the library has been able to maintain the level of service the community has grown to expect. As this growth continues, additional funding is currently needed.

We appreciate the support shown by the City in 2012 when the library expansion was completed. We recognize the City also provides snow removal and grounds maintenance; however, additional support is still needed. To be recognized by the City validates the importance of having a library in the town. You would be surprised how many new residents come to the library and share their deciding factor in moving to Milford is our library.

We would like to invite you and the City Council for a tour and a meeting to enlighten you to the services the library provides to the community.

Sincerely,

Lois M. Studte

Lois Studte
President

Kay M. Hudson

Kay M. Hudson
Director

Did you know the following Library Facts?

- One State ...one library card
  - Privilege to use all libraries in the state
- Average of 500 patrons use the library daily
- 3,000 patrons use computers monthly
- 14,000 items checked out monthly
- 3,400 holds sent and received monthly
  - Items requested from other libraries for our patrons
  - Other libraries requesting items from Milford
- Study Rooms
- Meeting Rooms
- Delaware Research Room
  - Milford Chronicle from 1872 -2012 digitized
- Teen STEM Center
  - Open 3-8 daily
  - Programs for teens
- Children Room
  - Programming
  - Story times
  - Makerspace
- Programming
  - Music in the Park
    - July
    - 250 to 500 people attend
  - Book Clubs
  - Lecture Series
  - Entertainment
    - Painting
    - Knitting
  - Computer Classes
- Friends of Library
  - Book Sales
  - Boutique Sales
- Community Service
  - Social worker on site one morning a week
  - AARP Tax Service

These are just a few of services and programs offered at the library.

All of the above are free to the residents

Milford Library
Financial Analysis

2016-17		Income	Expenses	Difference
	State of Delaware	$ 98,767		
	Sussex County	$ 208,357		
	Kent County	$ 268,658	*	
	Other	$ 56,180		
	Total	$ 631,962	$ 633,950	$ (1,988)
*One time Capital Grant of $50,000; development of Teen Center				

2017-18		Income	Expenses	Difference
	State of Delaware	$ 93,950		
	Sussex County	$ 211,746		
	Kent County	$ 247,201		
	Other	$ 52,378		
	Total	$ 605,275	$ 725,741	$ (120,466)

2018-19		Income	Expenses	Difference
	State of Delaware	$ 101,800		
	Sussex County	$ 210,200		
	Kent County	$ 254,000		
	Other	$ 57,100		
	Projected Total	$ 623,100	$ 76,500	$ (141,900)

Milford PUBLIC LIBRARY



MAY 28, 2019

MILFORD PUBLIC LIBRARY

PRESENTATION TO CITY OF MILFORD

- **Staff Total: 23**
- **Salaries: $309,832**
- **$11.20 Average PT/$21.58 Average FT**

- **Programs/Events Hosted in 2018: 734**
- **Number of attendees: 9,595**

- **New Card Registrations:**
- **2017: 1,226**
- **2018: 1,303**

6 New staff hired in 2018!

DIRECTOR: KAY HUDSON

ASSISTANT DIRECTOR: ELLA WILKERSON



MPL CHILDREN'S PROGRAMS









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Isabella
Eve
Burton



MPL Adult Programs and Services

Music in the Park

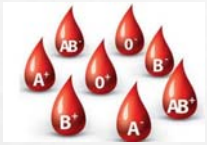






Paint Night





Blood Bank



AARP

Tax Services





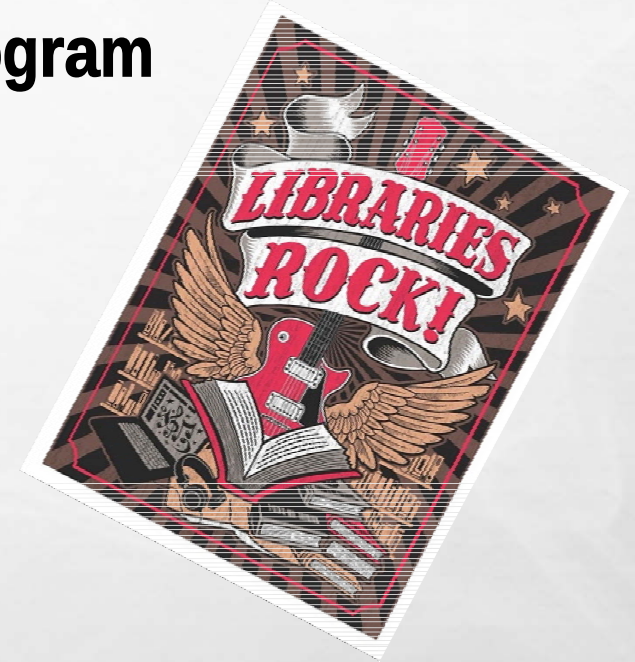
- Social Worker every Tuesday from 10-12
- Computer Classes
- Computer assistance (one on one) by appointment
- Book clubs



- Lecture series: Meet the Presidents Wives, Delaware's Forgotten Daughter, Movie Theater's of Delaware, Freedom Quilts, Financial Series and More!

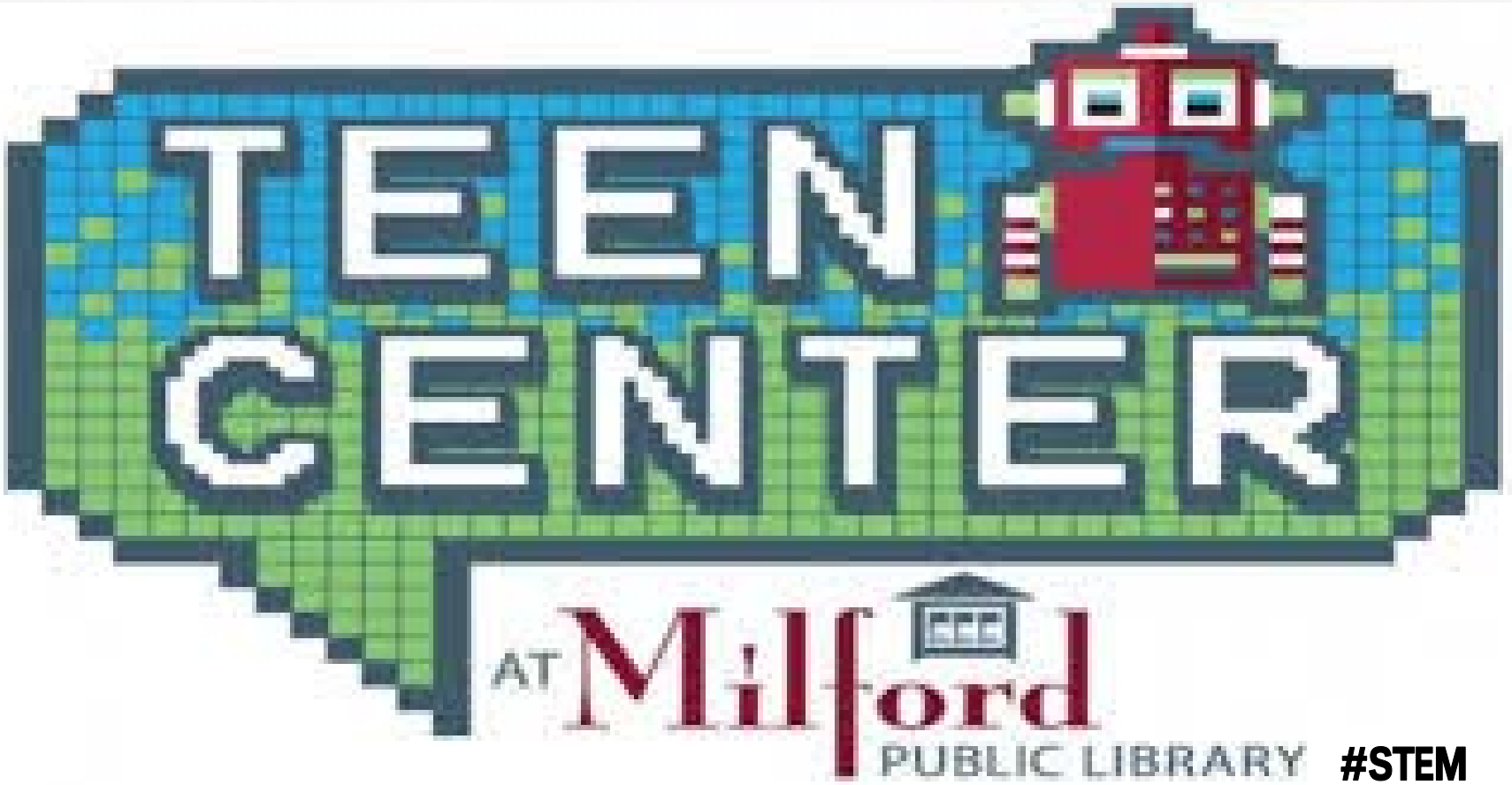


Summer Reading Program



- Children's: 400+
- Teen's: 35
- Adults: 525

Patron's read at their own pace, turn in reading logs, and collect prizes!



#STEM

ESTABLISHED SEPTEMBER 2017

Mission Statement

The Milford Library STEM Teen Center strives to provide teens with constructive, educational, and leisure activities that meet ALL individual interests and needs. We are a place where teens can engage in unique learning opportunities that will reveal their strengths and weaknesses. The Teen Center offers a safe setting which allows teens to express themselves and build positive social interactions. It is our "TOP Priority" to engage teens in lifelong social and academic skills needed to be a successful and productive member of the Milford community.

Teen Reading





Robotics Club



Teens build, code, and learn how robots work.

STEM
Science, Technology, Engineering, and Mathematics



Before



After

Teens work independently or in cooperative groups to create a final product using the "Engineering Design Process" model.

Fun, Friends, and Community Awareness


Kicking Back With A Video Game!


Third Thursday in Milford


Teen Volunteers
Milford's Third Thursday


Cinco de Mayo

CITY OF MILFORD
PUBLIC NOTICE
AMENDED HEARING DATE
Planning Commission Hearing: May 14, 2019 @ 7:00 p.m.
City Council Hearing: May 28, 2019 @ 7:00 p.m.

ORDINANCE 2019-11
CODE OF THE CITY OF MILFORD
PART II – GENERAL LEGISLATION
CHAPTER 230 – ZONING
Amending §230-18 OC-1 Office Complex District

WHEREAS, Chapter 230 of the City of Milford Code establishes zoning regulations for the use of land and structures so as to lessen congestion in the streets; secure safety from fire, panic and other dangers; provide adequate light and air; prevent undue concentration of population and overcrowding of land, facilitate the adequate provision of transportation, water, sewage, school, park and other public requirements, conserve the value of buildings and encourage the most appropriate use of land; and promote the health, safety, morals and general welfare of the City of Milford; and

WHEREAS, City's Planning and Economic Development Staff proposed changes to the code that includes removing certain prohibited uses and adding self-storage facilities; and

WHEREAS, approval of any self-storage facilities will be by majority vote of Milford City Council following a recommendation by the Planning Commission and the conclusion of two public hearings whereby interested individuals can present their views; and

WHEREAS, on March 11, 2019 the Milford Community and Economic Development Committee recommended the proposed amendment.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. §230-18 OC-1 Office Complex District is hereby amended to read as follows (new language will be bold and underlined and deleted language will stricken through):

In an OC-1 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

Section 2. §230-18(C) is hereby deleted in its entirety and the remaining Sections D to F renumbered accordingly, including any references thereto:

~~C. Prohibited uses. The following are expressly prohibited in an OC-1 District:~~
~~(1) Residences, except those in existence at the time of adoption of this section.~~
~~(2) Manufacturing of any kind.~~
~~(3) Bulk or wholesale storage or distribution centers.~~

Section 3. §230-18~~D~~(C) is hereby amended by adding a new subsection to be referenced as (7):

~~D~~.**C** Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:
(1) Charitable and philanthropic organizations.
(2) Day-care centers.
(3) Civic and/or conference centers.
(4) Indoor recreation (tennis, racquetball, handball, swimming, etc.).
(5) Private clubs or organizations.
(6) Medical/dental laboratories.
(7) Self-storage facilities/storage and parking.

~~E~~.**D** Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the Planning Commission.

~~F~~.**E** Area and height regulations.

Section 4. Dates.
City Council Introduction: Monday, May 13, 2019
Planning Commission Public Hearing: Tuesday, May 14, 2019
City Council Public Hearing: Tuesday, May 28, 2019

A complete copy of the Zoning 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.

Specific questions related to the ordinance should be directed to the Planning Office at 302-424-8396.

Milford Beacon:
Advertised: 04/03/2019
Re-advertised: 04/10/2019, 04/24/2019

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

TO: Planning Commission Members

FROM: Rob Pierce, Planning & Development Director

DATE: May 14, 2019

RE: Independence Commons & OC-1 Uses

In November 2018, City Council's Community Affairs and Economic Development Committee discussed the status of lot sales in Independence Commons and heard a request from I-Realty to construct self-storage within the business park (enclosed is a copy of the committee meeting minutes for review). I-Realty is interested in purchasing Lot 4 (11.52 acres) in Independence Commons to develop self-storage, which is not a permitted or conditional use within the OC-1 zoning district.

The OC-1 zoning district mainly permits professional and medical offices/clinics, but permits day care centers, indoor recreation, private clubs, conference centers and charitable organizations by conditional use. The current code expressly prohibits (even though any use not specifically listed as a permitted or conditional use is prohibited) residences, manufacturing of any kind and bulk or wholesale storage or distribution centers.

Independence Commons is not the only area within the City of Milford containing OC-1 zoned parcels. There is a cluster of parcels located at the northeast corner of the Route 113 and Seabury Avenue intersection along with a group of parcels along Airport Road that would be subject to any amendments to the OC-1 category as shown on the attached map.

Independence Commons was originally zoned BP Business Park, similar to the Greater Milford Business Complex on the south side of Airport Road, when the land was acquired in 1999 or early 2000's. In 2005, Independence Commons was down-zoned from BP to OC-1 at the request of the Delaware Veterans Home and Delaware Hospice facility. The purpose of the down-zoning was to eliminate possible light industrial uses and create a professional park with office type uses that would be more compatible with the Veterans Home and Hospice facility, and later the Boys & Girls Club. This was supported by the State of Delaware Division of Facilities Management and neighboring residential property owners at the public hearings. See enclosed for copies of the meeting minutes from the rezoning hearing.

In December 2018, staff met with representatives from the Delaware Veterans Home and Boys & Girls Club to discuss the status of the business park and review potential use changes. The group had concerns about the amount and type of vehicular traffic, the aesthetics of the property and noise levels. There was also general discussion of possible future expansion needs for the Veterans Home and other State services in Milford. Please note that Lot 4 is the only parcel of land that the City owns that is over 3 acres in size.

Council Committee members expressed concern at the November meeting that the original intent of the Business Park was to create Jobs for the City of Milford. No formal written agreement was found in City Hall records between the City and the State of Delaware limiting the types of uses. Although no agreement was found, staff feels the purpose of the Business Park is still to provide land for the creation of jobs in Milford.

Any development within Independence Commons, with or without the adoption of the proposed code amendment, would be subject to the attached deed restrictions. These restrictions govern more detailed sign requirements and architectural review which provide some control over building and site aesthetics.

In March 2019, the Council Committee met to review staff's findings on the business park and discuss feedback from other stakeholders in the business park (see enclosed for committee meeting minutes). The Committee had no objections to moving the proposed code amendment forward to the Planning Commission for review and public hearings. Please note that the Committee did not formally endorse the code amendment, but simply had no objections with moving forward for a more formal review.

Staff has drafted the enclosed code amendment that would allow self-storage facilities as a conditional use within the OC-1 zoning district. The draft amendment would also remove the prohibited use section since the code already states under paragraph E of the OC-1 "any uses not permitted, as previously listed, are prohibited."


Lot 4
11.52 Acres
$460,000
Lot 3
7.51 Acres
SOLD
Lot 18
1.69 Acres
$100,000
Lot 9
1.00 Acres
$100,000
Lot 8
1.00 Acres
$100,000
Lot 7
1.01 Acres
$100,000
Lot 6
1.16 Acres
SOLD
Lot 5
1.00 Acres
$100,000
Lot 10
1.00 Acres
$100,000
Lot 11
1.00 Acres
$100,000
Lot 12
1.83 Acres
RESERVED
Lot 2
3.97 Acres
SOLD
West Liberty Way
East Liberty Way
Delaware Veterans Boulevard
Lot 16
3.00 Acres
$270,000
Lot 17
3.05 Acres
SOLD
Lot 1
4.77 Acres
SOLD
Lot 15
1.00 Acres
SOLD
Lot 13
3.36 Acres
RESERVED
Lot 14
1.42 Acres
SOLD
Airport Road
Canterbury Road
THE CITY of
Milford
DELAWARE
INDEPENDENCE COMMONS
DATE:
03/07/16
AUTHORED BY:
ZLL
SHEET:
1 OF 1
1 INCH = 200 FEET

DAVID L. WILSON
STATE SENATOR
18TH District

SENATE
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMMITTEES
Agriculture
Energy
Environmental &
Natural Resources
Veterans Affairs

April, 2019

Mr. Bob Pierce
City Planning and Development Director
City of Milford
201 South Walnut Street
Milford, Delaware 19963

Dear Mr. Pierce:

The purpose of my letter is to express my concerns specific to the self-storage project proposed for land near the Veterans Home. I am very familiar with this area having been supportive of the Veterans Home since becoming a state legislator.

The site of the Veterans Home which joins with the Boys and Girls Club and the Hospice Center in a confined area is limited to only those visiting these facilities and their respective staff. Traffic coming and going from this area is also limited to certain times during the day and evening. The inclusion of a self-storage business will open the area to increased traffic and activity that will disrupt the lives of those living within the Veterans Home.

Out of respect for our Veterans, I encourage the Planning Commission to reject this proposal. I am confident another location within the community of Milford preferably within a business only location would be more conducive to supporting this type of entity.

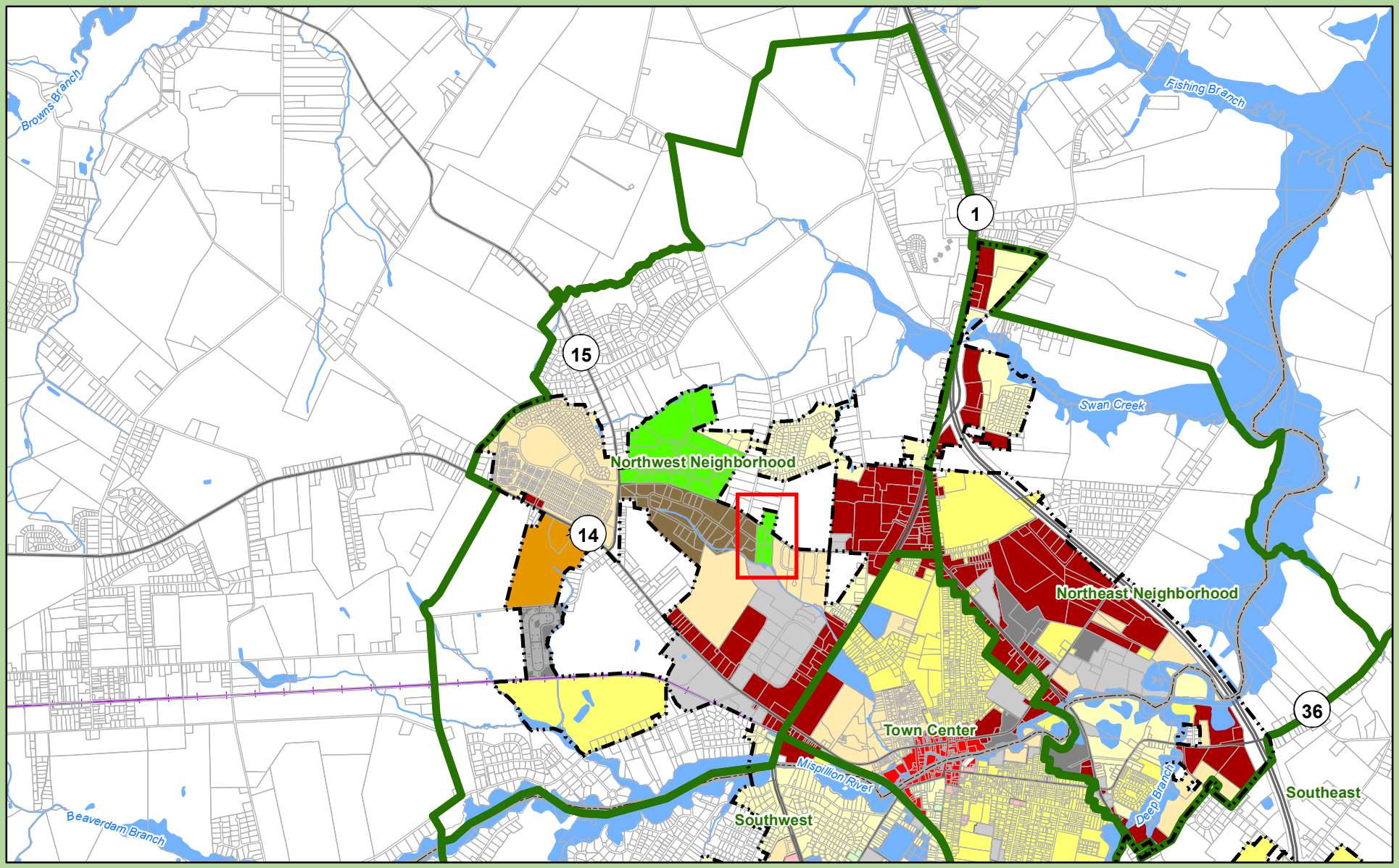
Thank you for your attention to my comments regarding this issue.

Sincerely,

David L. Wilson
18th District
State Senator

DLW/mmd

P.O. Box 84, Lincoln, Delaware 19960
Home: 302- 422- 9270 Senate Office: 302-744- 4134
Email: David.L.Wilson@delaware.gov



Municipal Boundary

ZONE CLASS

- BP
- C-1
- C-2
- C-2A
- C-3
- H-1
- I-1
- I-2
- IS
- OB-1
- OC-1
- R-1
- R-2
- R-3
- R-8

Neighborhoods
County Boundaries
State Parcels
Routes
Rail Lines
Hydrology
Bodies of Water

City of Milford, Delaware

Zoning

Northwest Neighborhood

Adopted Jan. 22, 2018, Certified TBD

0 0.2 0.4 0.8 1.2 1.6 Miles

Sources:

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

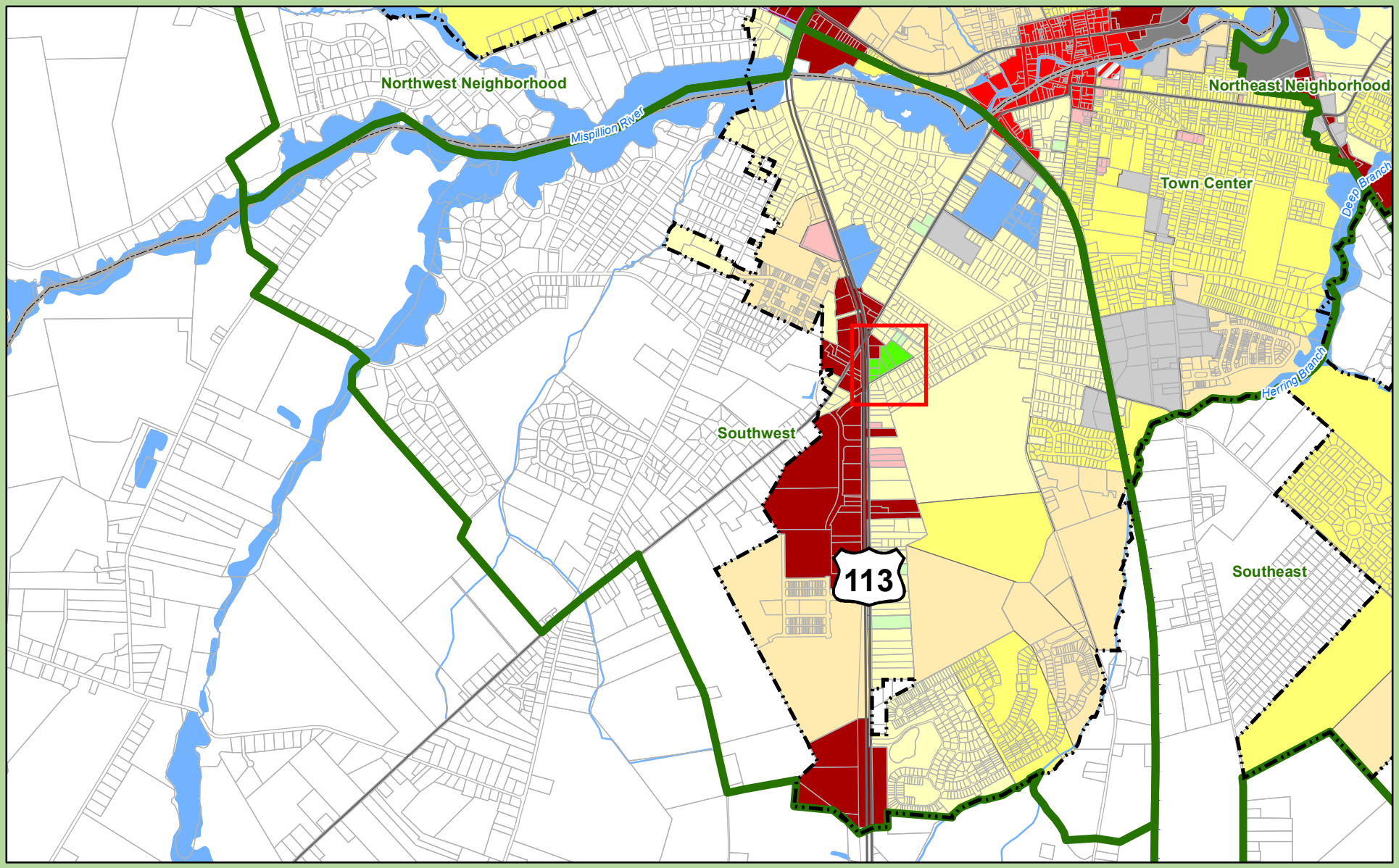
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Municipal Boundary

ZONE CLASS

- BP
- C-1
- C-2
- C-2A
- C-3
- H-1
- I-1
- I-2
- IS
- OB-1
- OC-1
- R-1
- R-2
- R-3
- R-8

Neighborhoods
County Boundaries
State Parcels
Routes
Rail Lines
Hydrology
Bodies of Water

City of Milford, Delaware

Zoning

Southwest

Adopted Jan. 22, 2018, Certified TBD

0 0.1 0.2 0.4 0.6 0.8 Miles

Sources:

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

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Mr. Babbit added that they offer activities based on engineering and the history of the mill tying into the agricultural community with educational programs also offered to middle and high school students.

When asked how this ties into the downtown master plan, Planning Director Pierce advised that this project was included in the Downtown Master Plan as a key priority project. They looked for ways to incorporate this into the greenway and preserve it for a long time for use by the community.

City Manager Norenberg asked the status of the conversations the task force has had with Kent and Sussex County; Mr. Bond said they are returning to meet with Kent County officials after Thanksgiving. Their next step is to set up a group meeting with Sussex County. Their goal is to get to all three government organizations on board very quickly though Milford is the most important.

They promised Mr. and Mrs. Lofland they would move fast which is the reason for the task force and meetings with the community versus only with themselves.

Mr. Bond said that he is asking Councilmembers Culotta and Peel, who promised they would take this to City Council and request grant support by December. He thanked them for co-sponsoring the request.

Councilmember Peel stated that as Mr. Bond stated, timing is everything and recalled when in 1976, Mr. Emory began to consider Goat Island for this purpose. She feels that this has developed at a faster pace in recent years and sees things happening around Milford and wants to make sure we are keeping up with what needs to happen around that river.

Chairman Mergner agreed. He agrees it should be presented to City Council and asked the City Manager to speak on the funding and how much is possibly to put toward this project. It is a great project and there is a need to stand behind it from an economic development standpoint. He feels this is exactly the type of attraction that could create additional foot traffic downtown.

City Manager Norenberg believes there are unobligated funds in the economic development fund. He also noted that the next agenda touches on the future sales of properties in the business park and Independence Commons that could assist. He believes that we can consider a $10,000 request though that needs to be verified through our finance department so it can be ready to be acted upon in a future Council agenda.

Councilmember Wilson prefers funding projects like this that will benefit Milford versus funding projects outside of Milford in the county area. Chairman Mergner explained that is whom they are working with and Milford is providing them money to generate economic development in Milford. That is the reason for the $30,000 contribution and this task force will also be asking them for money.

Councilmember Peel asked if they are asking them for money or will it be requested from Kent County Levy Court; Mr. Bond confirmed it will be from Levy Court.

The consensus of the committee was to move forward with the funding request to City Council.

Independence Commons Lot Sales Update from R&R Realty
OC-1 Zoning Code Amendment Request/I-Realty

Economic Development and Planning Director Pierce referenced the memo in the packet, stating that we receive an inquiry from R&R Realty that will be discussed. He wants Realtor Keith Walpole and Broker Charlie Rodriguez to have an opportunity to provide an update of the marking and promotional contract for commercial real estate.

Mr. Walpole said they were given the Greater Milford Business Park and Independence Commons' listing in July 2018. It has been advertised on LoopNet and has had more than 1,000 hits and 40 detailed views. They also advertised on several other sites, including Sussex and Kent Counties MLS. Email blasts have been done and approximately 15 to 20 calls have been received. Most of those interested buyers asked what they could do with the property. In most cases, the use they were

considered was prohibited which did not align with typical commercial and business park uses. Instead it is designated for general office type uses as was requested by the Veterans Home and Boys and Girls Club when they first developed.

Mr. Walpole recommends waiving some of the stricter regulations which would allow the properties to sell. He is encouraged by the amount of hits and hopes this will allow a more competitive market and a successful sale.

Councilmember Brooks recalled when the business park land was purchased for the purpose of bringing jobs to Milford. He is unsure it can be loosened up unless the State agrees. He saw where a storage facility wanted to go there and he does not feel that will bring jobs to Milford. He does not think a doctor's office wants to be next to a storage unit and he wants the State to agree to allow it. He was hoping that Dave Burton would be here tonight so that Council could ask him if that could be loosened up.

He reiterated that no one works at a storage center.

Mr. Pierce reported that an inquiry was received from I-Realty in September who was interested in a lot. When he reviewed the uses, it was not permitted. However, there is an avenue, as has been done in the past, that allows a person to pay an application fee to submit an amendment to the zoning code. That would require a public hearing process before both the planning commission and city council.

He was given the same information and looked through some of the old minutes from when it was changed from a business park designation, which was designed for job creation, to the OC-1 (Office Complex), which is a quieter, low volume type setting.

Mr. Pierce also noted that the business park has been in existence for almost twenty years and it has been very difficult to attract interested buyers on this side. He feels the land is priced appropriately so the problem has to be the restrictions of uses.

Mr. Rodriguez then addressed the committee adding that they have provided the lot/land information to Linda Parkowsky at Kent Economic Partnership. In Kent County, they are seeing a lot of fulfillment centers and logistic centers who are interested and opening throughout Delaware. A lot of retailers are working with fulfillment companies and believe this may be an opportunity for Milford to create jobs. But an interested developer is needed that will come in, construct the building and lease it out to these companies.

Recently, there was a liquor distributor looking for a 10,000 square foot building that is move-in ready. Many logistic companies are looking for a structure they can move in within a couple of months, versus the eighteen plus months it takes to build a commercial building. A record keeping company is also looking for a 40,000 square foot warehouse. He stressed that all of these companies will create jobs.

Mr. Pierce shared that Realtor Casey Kenton had reached out to him in September about a code amendment. Instead of drafting a code amendment and going through that process, he felt it was more beneficial to get them in front of the Economic Development Committee for feedback on whether to move forward or not.

Casey Kenton was also present and introduced Andy Strind who is president of his organization. He explained they are a Dover-based real estate development company specializing in commercial development. They acquired a self storage facility in Milford along Masten Circle behind Popeyes Kitchen in 2014, which was the former Milford Central Storage. It was re-branded to Delaware Self Storage (DE Storage.com). It was immediately renovated in an effort to improve it as much as possible and over the past three years, they have expanded the property three different times.

They are maxed out on their foot print and completely out of land. Approximately one year ago, they began to look for other sites that could serve a self storage development in Milford because they feel there is a high demand for that service in Milford.

Mr. Walpole informed them that Independence Commons had lots available and identified lot 4 which is an 11.5 acre site. They liked the property because it could serve multiple uses and not just for storage purposes. After reading the code and

talking with Mr. Pierce, he realized the OC-1 did not allow for self storage.

Mr. Pierce recommended Mr. Kenton make a formal request for a code amendment to allow for self-storage, though it would also be considered as an office use or something similar that is permitted in the OC-1 zoning.

Mr. Kenton advised that they own and operate office parks in Dover and Smyrna and have experience in developing that type of asset. They built a 30,000 office park known as Milstone in Dover. The site plan in Milford would allow self storage in the rear. They would retain the frontage along Veterans Boulevard, next to the Boys and Girls Club, in front of the Veterans Home for a future use.

Being from Milford, Mr. Kenton loves Milford and wants to capitalize on all the good things happening here. He believes they could make some thing work though self storage would have to be added as a permissible use.

He stressed that they are also prepared to pay the full-price of $460,000, contingent on the ability to do storage on at least a portion of the property.

Mr. Kenton also noted that because this lot does not have frontage on Airport Road, it is somewhat of an irregular shape and does not lend itself to a single user operator because of the size. He thinks it could be a challenging property though they are willing to look at this property as a multi-use development.

Mr. Kenton confirmed this would be a climate controlled facility. A portion would likely be drive up though they believe the demand in Milford is for climate control space. They have already developed three climate control buildings and have filled them all.

They anticipate building a 15,000 to 20,000 square feet initially though the plans would allow for expansion. However, they feel the site is large enough to design a nice site plan to allow for self storage expansion. They would also keep the road frontage for future development that will hopefully bring jobs.

Chairman Mergner asked if a buildout in the front would be done n hopes of finding a landlord. Mr. Kenton said that is an option though they have not done a market study as of this time. If they had a tenant, they would most likely build it.

Mr. Kenton confirmed that tenants at their other offices include professional offices, medical tenants and real estate offices resulting in a light professional office use.

Councilmember Peel pointed out that one of the prohibited uses is distribution and asked if the City made an exception for the Touch of Italy. Mr. Pierce explained Touch of Italy's lot are on the southside. That zoning did not change and remains the BP (business park) designation based on the initial job incentive purpose. The other side is much more restrictive as a result of the change to OC-1.

Mr. Pierce advised the northside or Independence Commons, was also zoned BP at the time it was purchased and whose intent was job creation, as Councilman Brooks is referring to. However, there was some concern expressed by the Veterans Home, as well as some of the residents along Canterbury Road, who did not want the light industrial uses backing up to them. That is the reason it was changed to OC-1.

Councilman Brooks reiterated the key is the State because the money and the bonds were given to the City so that the land could be bought cheap to attract businesses that would bring new jobs to Milford.

Investor Realty President Andy Strine said they understand they are asking for something outside the box and the reason they preferred to discuss the idea initially. They do not want to continue to waste these businesses' time if Milford is uninterested.

He pointed out that the upside is that this is a blank sheet of paper to figure out what makes the most sense for the market and the town and for those businesses

In terms of how much land for the storage would be used versus a different use, the project north of Milford is about seven acres though this would be slightly smaller with bigger buildings and fewer roadways. He would envision pushing it to the back and having the frontage available for something there is a market for. That may be a distribution center, flex or office space or whatever the market dictates.

Mr. Strine understands this is not what it was intended for initially though it has been vacant for more than a dozen years. He feels the town could use the money for other things that would benefit the community and its residents. However, that is a call the City has to make. They feel it is a viable space and there is a benefit to modifying the zoning. In turn, the City would receive the proceeds from the sale, development and tax base.

When asked the plans for the existing storage space, Mr. Strine said they are a second generation business. They have multiple developments throughout the State, but primarily in Kent and Sussex County. They are also currently developing in Georgetown.

Councilmember Wilson likes the idea of the storage units in the rear and a building in the front. Councilman Culotta agrees adding there is a need for climate controlled storage. He added that a lot of small business owners keep storage in the units and use it on a daily basis. He feels the vision for most people is that a private citizen uses it to store a lot of junk and never returns because there is no interest.

Councilman Culotta also prefers for the storage to be in the business park area versus the downtown or residential areas. He does not see this as an issue and feels that if we limit it at the business park, it is going to happen somewhere else.

Councilman Culotta then stressed that this property has been for sale a long time with very few lookers. He does not want to kick it aside because we want jobs out there.

Chairman Mergner likes the idea of creating a footprint of putting something in the front area that will create some jobs. That could be an opportunity to lease out an area for that purpose.

Mr. Pierce will take the advice of Council and try to find an agreement with the State though he was able to find the minutes from the rezoning, there was little or nothing as far as agreement. He will proceed if there are no major roadblocks in terms of what the State is willing to do.

Chairman Mergner is very interested in pursing this though he agrees it sounds like there could be an issue with the State.

Councilman Brooks asked if the door is open for other companies who want to do the same thing; Mr. Pierce said if we move ahead with the code amendment, they could sign a sales agreement pending the code change and site plan approval, which is not contrary to what has been done in the past.

Mr. Pierce will create the code amendment based on the results of any further investigation.

ADJOURNMENT

There being no further business, Councilwoman Wilson moved to adjourn the Committee Meeting, seconded by Councilman Brooks. Motion carried.

The Meeting adjourned at 6:58 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

CITY OF MILFORD PLANNING COMMISSION
MINUTES OF MEETING
JANUARY 18, 2005

The regular monthly meeting of the Milford Planning Commission was held in the Council Chambers of Milford City Hall on Tuesday evening, January 18, 2005.

PRESIDING: Chairman Randy Marvel

IN ATTENDANCE: Commissioners Mark Mallamo, Verna Walls, Brendon Warfel, John Kramlich and Dennis Murphy

Also: Karen Emory Brittingham, City Planner
Lisa A. Obermire, Recording Secretary

Chairman Marvel called the meeting to order at 7:34 p.m. It was noted that Melvin Smith, Jason James and Sam Johnson were absent from the meeting.

APPROVAL OF MINUTES

Recording Secretary noted that there were two changes to the December 21, 2004 minutes. The name and tax map number were added to item 2 and 3. With no further amendments, a motion to approve the December 21, 2004 minutes was made by Mrs. Walls and seconded by Mr. Warfel.

NEW BUSINESS

Mr. Marvel noted there would be an amendment to the agenda. The application for the City of Milford is being moved up to item number one.

1. City of Milford
   Change of Zone from BP to OC-1
   North side of the Greater Milford Business Park
   Present Use – Vacant
   TAX MAP # MD-16-173.00-01-02.00-000

Mrs. Brittingham stated she would be representing the application. Have been working with the Veteran's Home and the Hospice Hospital to create an area for them to develop within the City of Milford. As a result, we are requesting a change of zone, which would be a down zoning for this property. As much of the woods in that area would be preserved if possible. The proposed acreage for the Veteran's Home is 23.82 acres and the proposed acreage for the Hospice Hospital is 11.85 acres. It is currently all in the wooded area and that is their preference. The area that was delineated for the Boys and Girls Club does not change. The change of zone is so there is less light industrial business park use in this area. Stated there was a letter of support from the Division of Facilities Management from Mr. Furmin dated January 13, 2005. The letter was read into

the record. The Planning Commission would make a recommendation to the Council regarding this change of zone and the final decision would be made by City Council.

Mr. Marvel clarified that they were not looking at a subdivision or site plan. It is strictly the rezoning of the property.

Mrs. Brittingham gave examples of what would not be permitted such as Hickman Overhead Doors, the welding shop and Under Comm. The Business Park was intended to be the lighter industrial but as a compromise to the residents in that area to protect their surrounding properties, we agreed to a buffer that would allow the medical or the professional uses. As it occurred the professional sold out much quicker.

Mr. Kramlich questioned in changing the zoning does that leave the City with any industrial properties left.

Mrs. Brittingham answered that the only industrial properties that you will have in the City are privately owned industrial properties. Most of them are along the river and there are suggestions for some change of zones in that area as well.

Renee Smith stated their property abuts two sides of the Business Park. Feel this would be a lot quieter than the industrial sites. In favor of the rezoning of this property.

Mrs. Brittingham stated that the original intent of the Business Park was to create jobs for the City of Milford. These two uses will bring in potentially three hundred jobs.

Mr. Murphy made a motion to approve the change of zone from BP to OC-1. Mr. Mallamo seconded the motion. The motion passed unanimously at 7:46 p.m.

MILFORD CITY COUNCIL

MINUTES OF MEETING
February 28, 2005

A Public Hearing was held in Council Chambers on Monday evening, February 28, 2005 to hear the application of the City of Milford for a change of zone from BP (Business Park) to OC-1 (Office Complex) on the north side of the Greater Milford Business Park, north of Airport Road and east of Canterbury Road, Milford, Delaware.

Tax Map No. MD-16-173.00-01-02.00-000

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, Martin Uffner, Abraham Ellison, James O'Neill, Owen Brooks, Jr., Douglas Morrow, James Starling and Katrina Brown

ALSO: City Manager Richard Carmean, Chief Keith Hudson, City Planner Karen Brittingham and City Clerk/Recorder Terri Hudson

Mayor Rogers called the public hearing to order at 7:15 p.m. which was followed by a reading of the public notice.

For the record, Planning Commission Chairman Randy Marvel and Commissioner John Kramlich were both present.

The application was presented at the planning commission hearing on January 18, 2005. Ms. Brittingham explained the reason behind the rezoning was to blend the Veterans Home, Hospice Center and Boys and Girls Club. The planning commission agreed this would be a more appropriate zoning for that side of the park which resulted in a unanimous vote in its favor.

Two surrounding property owners were present and spoke in favor of the rezoning at that hearing. At the council hearing, no one from the public was present to speak on the application.

It was determined that light industrial uses would not be permitted under this zone. There are a number of light industrial sites in the Marshall Street industrial area and anyone interested is sent to that location.

This side of the park will be used for the veterans and hospice facility, soccer fields and Boys and Girls Club in addition to ten to fifteen individual lots still available for professional uses. All lots on the south side have been contracted or developed.

Mr. Brooks made a motion to approve the change of zone on the north side of the Greater Milford Business Park from BP to OC-1 (Office Complex), seconded by Mr. Morrow. Motion carried the following 8-0 unanimous roll call vote:

Yes
Mr. Ambrose
Mr. Uffner
Mr. Ellison
Mr. O'Neill
Mr. Brooks
Mr. Morrow
Mr. Starling
Ms. Brown

With no further comments, the public hearing adjourned at 7:18 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
Recorder

MILFORD CITY COUNCIL

MINUTES OF MEETING
April 26, 2005

A Special Meeting of Milford City Council was held in Council Chambers on Tuesday evening, April 26, 2005.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Irvin Ambrose, Martin Uffner, Abraham Ellison, Clifford Crouch, Owen Brooks, Jr., Douglas Morrow, James Starling, Sr. and Katrina Brown.

Also: City Manager Richard Carmean, Chief of Police Keith Hudson and City Clerk/Recorder Terri Hudson

Payment Approval-Infrastructure/North Side Business Park (Milford Independence Commons)

Mayor Rogers called the Special Meeting to order at 6:00 p.m. and turned the meeting over to City Manager Carmean who provided an update on what has occurred with regard to the infrastructure work needed to allow access to the Delaware Veterans Home in Milford Independence Commons.

Referring to the drawings, Mr. Carmean pointed out the roadways, a stormwater management pond, playing fields planned for Parks and Recreation use, Veterans Home, Boys and Girls Club, future Hospice sites and balance of property not yet sold.

Hospices will be purchasing a ten-acre site for approximately $400,000. It will consist of sixteen apartment units in addition to their administrative offices which will be moved from Georgetown.

The Boys and Girls Club selected another location at the park and their original site has since been purchased by Timothy Johnson.

Ms. Brown arrived at this time.

Chuck Hauler. City Engineer submitted a cost estimate for the proposed work to construct the road including curb, base course paving and storm drainage.

Nason Construction, General Contractor for the Veterans Home, received bids for the site work from Pierson Construction Company in the amount of $1,340,676, Corrado American in the amount of $1,316,774 and Daisy Construction Company in the amount of $1,688,842. The recommendation is the contract be awarded to Corrado American for the lump sum contract amount of $1,316,774.

The site work bid analysis was estimated to be $1,821,294. After meeting with Nason Construction this morning, Mr. Carmean managed to have the costs reduced to $1,588,683.

Following the meeting, Division of Facilities Management Director Bob Furman later met with Governor Minner and explained Mr. Carmean's concerns over the accelerated construction needs which has not provided the opportunity for the lowest possible bid. As a result, the Governor agreed to have the state pay an additional $200,000 toward the infrastructure costs. The final costs are $1,388,683 compared to $1,821,294 originally estimated.

Mr. Carmean advised this amount does not include the final paving costs.

Of this amount, he is asking that $600,000 be taken from Municipal Street Aid which allows for road work, curbing, piping and stormwater management within the street areas.

The balance should come from the General Fund Capital Reserves. Some of the monies placed in that account include the business park land sale funds. Today settlement took place on the eight acres originally designated for the Boys and Girls Club at a price of almost $400,000.

In approximately ten days, the last settlement on the south side will take place during which time the city will receive $53,000. Within a reasonable amount of time, we will receive approximately $400,000 from Hospice.

This totals approximately $1.45 million and should cover the costs of the site work. Though Hospice has not yet officially signed, Mr. Carmean is confident they will purchase the land. If for some reason it does not happen, he feels someone will buy it possibly at a higher price.

This leaves a balance of approximately thirty acres which should amount to roughly $1.5 million. Some of those funds will be used for additional site work needed to complete that side of the park. However, the buyers of the unacquired sites will contribute toward the stormwater management and infrastructure work.

Therefore, Mr. Carmean feels that financially, we are in good shape on this side of the park. That is in addition to the 300 jobs (approximately 225 employees at the Veterans Home and 75 at Hospice) added in the Milford area which he feels is economical success.

The central stormwater management pond, included in the costs being presented this evening, will cost approximately $381,000. However, as additional lands are purchased, buyers will be charged an annual maintenance fee and any piping attributed to their runoff will also be assessed accordingly.

The state has allowed sufficient time to pay though they have requested a substantial downpayment within the month. For the most part, the site work discussed this evening will be completed in two months.

It was determined that more than $800,000 is currently in the Municipal Street Aid fund with over $1 million in the General Fund Capital Reserves. Future land sales will continue to accumulate in the General Fund Capital Reserve account.

Mr. Ambrose requested the City Manager verify that should the city decide to pay the balance over a period of time, no interest would be charged as was learned with the pension payment plan.

Mr. Carmean reiterated that we use $600,000 of the Municipal Street Aid money and the money from today's settlement which totals almost $1 million. However, he believes Mr. Portmann prefers to take the entire balance out of the General Fund Capital Reserves and pay the debt completely.

Mr. Ambrose noted the original cost analysis which showed $25,000 allocated for Testing and Inspection Allowance and $50,000 for Road Maintenance Allowance; the updated analysis removed those amounts and now states "By Owner".

Mr. Carmean explained there will be costs involved, but not the $75,000 displayed in the original analysis. There would be a 10% fee attached described as Nason Construction Fee and Contingency.

By removing those costs, Mr. Ambrose verified that instead of paying their inspectors we will use our own. We would also use our own crews to handle the road work until such time the top coat is added.

It was noted that property owners are charged an annual fee of $300 per acre and $100 for each additional acre for stormwater maintenance in the business park.

Mr. Brooks made a motion to authorize the City Manager to enter into an agreement with the State of Delaware and define the terms of payment and conditions of work to be performed and approve payment in the amount of $1,388,683 to the State of Delaware to allow a change order to cover the costs of the roadway, curbing, paving, sewer and water construction, stormwater collection and a five-acre stormwater management pond on the north side of the Greater Milford Business Park now known as Milford Independence Commons, with Mr. Ellison seconding.

Motion carried the following 8-0 roll call vote:

	Yes
Mr. Ambrose	
Mr. Uffner	
Mr. Ellison	
Mr. Crouch	
Mr. Brooks	
Mr. Morrow	
Mr. Starling	
Ms. Brown	

While discussing the method of payment, Mr. Ambrose pointed out the General Fund Capital Reserve Account generates interest. When asked when Hospice may be purchasing the land, Mr. Carmean predicts late fall.

After we make the $1 million downpayment, Mr. Uffner suggests negotiating as much time as possible to pay the balance without interest. Mr. Ambrose agreed.

Mr. Carmean pointed out that in the majority of projects of this magnitude, we often encounter unexpected situations which could result in future change orders though any significant change would come back to council. Change orders would need to be addressed in the conditions of the agreement. He emphasized this is the city's project even though they are handling it through a change order which is very different from our normal process.

Mr. Crouch pointed out that over the last couple of days, the city picked up a windfall of around $400,000 and suggested paying the debt off early. In this manner should we become involved in a future project where some financial assistance may be beneficial, the state may remember the exemplary manner in which this was handled and offer their help as a result.

Mr. Carmean replied that Mr. Portmann suggested paying the debt off. He personally feels safe having the money available which allows us to write the check at anytime. At one point, quarterly payments were discussed as the state was unsure how much up-front money was available for the project.

Mr. Ambrose made a motion to pay $1 million up front using $600,000 from Municipal Street Aid and $400,000 from the General Fund Capital Reserves and permit the City Manager to negotiate the terms for the remaining $400,000 under the condition the balance does not generate any interest. Mr. Uffner seconded motion.

Ms. Brown suggested the motion include that if it is not in our best interest to negotiate the terms, the City Manager would have the right to pay the off the balance.

Motion amended to add the stipulation that if terms cannot be worked out to the benefit of the city without paying

interest, the City Manager will make full payment from the General Fund Capital Reserve account.

Motion carried the following 8-0 roll call vote:

Yes
Mr. Ambrose
Mr. Uffner
Mr. Ellison
Mr. Crouch
Mr. Brooks
Mr. Morrow
Mr. Starling
Ms. Brown

Mr. Brooks noted for the record that the City Manager did an outstanding job in reducing the costs of the project.

Mayor Rogers thanked the City Manager for the amount of work he put into resolving these issues which paid off in the end for the city. He then thanked council for taking time from their busy schedules to attend this evening's meeting.

There being no further business to come before Council, the Special Meeting adjourned at 6:35 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
Recorder

CITY OF MILFORD PLANNING COMMISSION
MINUTES OF MEETING

SEPTEMBER 20, 2005

The regular monthly meeting of the Milford Planning Commission was held in the Council Chambers of Milford City Hall on Tuesday evening, September 20, 2005.

PRESIDING: Chairman Randy Marvel

IN ATTENDANCE: Commissioners Jamie Masten, John Kramlich, Jason James and Sam Johnson

Also: Karen Emory Brittingham, City Planner
Mark Mallamo, City Engineer
Lisa A. Obermire, Recording Secretary

Chairman Marvel called the meeting to order at 7:38 p.m. Stated there was a letter in the packets from Mr. Mallamo stating he would be resigning from his position on the Commission due to his new position as City Engineer. The Mayor has stated that he is looking for candidates to replace him.

Mrs. Brittingham stated that Mr. Mallamo would be attending the meetings a lot more because he would be filling in for her as City Planner. Her resignation is effective as of Thursday, September 22, 2005. She will miss each and everyone and will continue to be involved in the City of Milford.

APPROVAL OF MINUTES

With no amendments, a motion to approve the July 19, 2005 minutes as written was made by Mr. Johnson and seconded by Mr. Masten. Motion carried.

NEW BUSINESS

1. City of Milford
   Montgomery Street
   Closing of Alley
   TAX MAP # 3-30-6.20-800

Mrs. Brittingham stated that this did go through the DAC process. This is the Salvation Army located on Front Street and what many of you did not know is that a good portion of that parking lot is actually Montgomery Street. We are going to be doing a land swap with the Salvation Army conveying a portion of their property to the City and we will be conveying a portion of the alley to the Salvation Army. We are doing a land swap in order for us to actually have an extension of our greenways. There are no utilities in there; by the City doing this swap it gives the Salvation Army a little bit more protection area. It is a win, win situation for both the Salvation Army and the City of Milford.

Mr. Marvel stated that on a square foot basis the City would be coming out way ahead.

Mrs. Brittingham stated that is correct. Mr. Emory has managed to get funding based on the land swap so actually the City has come out financial ahead as well.

Mr. Marvel questioned if the entrance would change.

Mrs. Brittingham stated that the entrance would not change.

Chuck Hauser with Davis, Bowen & Friedel stated that the entrance on the west side would not change, on the east side right now where you enter in is coming into Montgomery Street and they are probably going to close that off. The river walk would be continued in that area.

Mr. Marvel questioned if Cedar Alley would remain open.

Mr. Hauser stated that the thought for now is that Cedar Alley would be closed except for events. There are no garages or any parking back there.

Mr. Kramlich stated that the houses on Front Street have parking on the front and now we are talking about closing that off. It was mentioned in the last Council meeting about no parking on both sides of the road. Those houses would need access to the back of their properties.

Mr. Hauser stated that at this time they do not have any parking in the back of the property. This area is proposed to have a parking lot which would not be fenced in so there would be access there.

Mr. Kramlich stated that the homeowners on Front Street do not have garages. If the City enforces the no parking they would have to have access from the rear.

Mr. Hauser expressed that there would not be enough room for them to have access in the rear.

Mr. Marvel stated that at some point Mr. Emory would need to come before us with a plan for the park.

Mrs. Brittingham stated that this needed a formal recommendation to Council for closing of the alley and the realignment of the property line as per the Davis, Bowen & Friedel survey.

Mr. Kramlich made a motion to approve the closing of the alley and the realignment of the property line as per the Davis, Bowen & Friedel survey. Mr. Johnson seconded the motion. The motion passed unanimously at 7:55 p.m.

2. Greater Milford Business Park
   Milford Independence Commons
   Proposed Concept for North side of the park

Mrs. Brittingham stated that this is a concept being brought before you to show you how the north side of the park will be developed. The Veterans Home is well under construction, the Boys & Girls Club is moving forward and two parcels owned by Tim Johnson have been conveyed and he is working on his plans. This is how we are potentially going to subdivide the residue of the property that was rezoned. It was rezoned from BP to OC 1. This is for information only, there will be no action taken on this.

Chuck Hauser with Davis, Bowen & Friedel stated that the entrance is in currently coming back to Veterans Home site. The proposed Hospice site is in the back of the parcel. The existing storm water management pond that was put in as part of the Vet's home site is over in here. There is also a third storm water management pond proposed in between the Veteran's Home and the Hospice site. There are a total of three storm water management ponds that we are envisioning to take care of the storm water for the site. We had a conveyance of two parcels in front to Tim Johnson. There is a residual piece of 1.7 acres just to the north of that. We have had some requests and have put names on properties but nothing has been confirmed or agreed upon as of yet. We are still working with the numbers and still need to do some clean up work. There is a site out on the corner of Canterbury Road and Airport Road that is being reserved by the City for a potential electric substation. There are a few three acre parcels and some one acre parcels and another larger piece in the cul-de-sac.

Mr. Marvel questioned if the City was looking at any well sites in that area.

Mr. Hauser stated not at this time. Right now we are looking at well sites mainly to the south and the east. We have done a couple test wells in the south.

Mr. Marvel questioned the sewer.

Mr. Hauser stated that the sewer would require an upgrade to the Milford Crossing substation. That is currently in design at this time and would also be sharing in the cost from the City's perspective with the Cascade's development. There has been some discussion that that City needs another site for an electric substation. This area seems to be beneficial to the City as being the western most point at this time. More power will be needed in the area. Looking at that site, the question that did come up is how visible is it going to be. It does not seem that it would be too large.

Mrs. Brittingham stated that the Business Park started about six years ago and the south side of the park was developed very quickly. There was an area reserved there for a substation but when we realized it wasn't large enough, it was moved to the other side. One of the things that we did do was on the north side we completely put it on hold until we got several large industries to come in. When this was rezoned, you will see a tract that is reserved for Mr. Masten. Mr. Masten was not even on the Planning Commission when this was all being gone through. There is no conflict here because this was in the pipeline for many, many months. The substation was moved to a much larger tract.

Mr. Masten questioned if the substation needed to go on the high profile corner.

Mr. Hauser stated it was placed there because of access to the property. There would be landscaping and screening to make an attractive entrance.

Mrs. Brittingham stated that they would make sure it is a nicely landscaped area.

Mr. Marvel questioned if there was any word on Hospice.

Mr. Hauser stated they are working and very excited about their parcel.

Mrs. Brittingham stated they wanted the Boys & Girls Club and the soccer fields there so that they could hear the children.

MISCELLENOUS

Mrs. Brittingham stated that Lighthouse Estates wanted to be on the agenda for this September meeting but the problem is that they have the bridge approval but they do not have the other approvals that DELDOT needs to give them to bore under the road to bring the sewer under there. They did not have enough DELDOT approval for me to comfortably say we could wait until the last minute for a verbal from DELDOT. Spoke with DELDOT this morning and was not able to get verbal approval. We are basically waiting for DELDOT to give them the approval they need and than it will be back to finalize their subdivision.

Mrs. Brittingham reviewed the status of all major projects. There will not be a Grotto's coming to this area. A conceptual did come in for the Mispillion Marina. She reviewed item by item the status of all major projects that have been reviewed by the Planning Commission. (See attached) This report will continue to be part of the packet each Commissioner receives each month.

Mrs. Brittingham reminded that there is nothing in the code about a sun setting law. There is nothing that prevents a site plan from hanging out there for years. The code needs to be looked at and there needs to be a limit. Most of it will be based around your agency limits.

One more piece of information is that we annexed the First Baptist Church on Old Shawnee Road. It is an existing church and behind it is a large tract, which is a separate tract with access off of Oak Avenue. They are interested in putting up a single family home to be used as a church related use. My suggestion to them is if they can get entrance off of Oak Avenue as a single family driveway that they not be asked to put this entire driveway off of Old Shawnee Road going all the way through the church property which is about 1500 feet. It would be a lot of impervious surface. Because sewer and water is not available in that area for at least two to three years that they be allowed to put an onsite system there with the agreement that it would be abandoned as soon as the service is available to them.

Mr. Marvel stated he would not be able to attend the next meeting. It was determined that Mr. Kramlich would run the meeting for October.

ADJOURNMENT

With no further business, Mr. Johnson moved to adjourn which was seconded by Mr. Masten. Motion carried.

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Lisa A. Obermire

Lisa A. Obermire
Recording Secretary

70 2016 00296594

Kent County
Betty Lou McKenna
Recorder of Deeds
Dover, DE 19901

Instrument Number: 2016-296594

Recorded On: May 25, 2016 **As-Miscellaneous Without Notation**

Parties: INDEPENDENCE COMMONS

To INDEPENDENCE COMMONS **# of Pages: 18**

Comment:

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# of Pages	17	
	0	
Total:		**201.00**

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Kent County,

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File Information:

Document Number: 2016-296594
Receipt Number: 360913
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Record and Return To:

CITY OF MILFORD
10 SE 2ND STREET
MILFORD DE 19963

Betty Lou McKenna

Accepted for Filing in:
Kent County
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On: May 25,2016 at 08:39A

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Tax Parcel # MD-16-173.00-01-20.00-000; MD-16-173.00-01-02.24-000; MD-16-173.00-01-02.23-000; MD-16-173.00-01-02.22-000; MD-16-173.00-01-02.21-000; MD-16-173.00-01-02.20-000; MD-16-173.00-01-02.19-000; MD-16-173.00-01-02.18-000; MD-16-173.00-01-02.17-000; MD-16-173.00-01-02.16-000; MD-16-173.00-01-02.15-000; MD-16-173.00-01-02.14-000; MD-16-173.00-01-02.13-000; MD-16-173.00-01-02.12-000; MD-16-173.00-01-02.11-000; MD-16-173.00-01-02.10-000; MD-16-173.00-01-02.09-000; MD-16-173.00-01-02.08-000; MD-16-173.00-01-02.07-000; MD-16-173.00-01-02.06-000; MD-16-173.00-01-02.05-000; MD-16-173.00-01-02.03-000; MD-16-173.00-01-02.02-000; MD-16-173.00-01-02.01-000; MD-16-173.00-01-02.00-000

Prepared By & Return To:
City of Milford
201 S Walnut Street
Milford, DE 19963

THE CITY of Milford DELAWARE

RESOLUTION 2016-05

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
Independence Commons in the City of Milford, Kent County, Delaware

WHEREAS, in 1998, the City of Milford ("City") purchased and subdivided 211 +/- acres of property on the north and south sides of County Road 409 (Airport Road and east side of State Route 15 (Canterbury Road) for economic development benefits; and

WHEREAS, the City of Milford initially sold the property for $24,000 an acre with appraisals of the properties completed in 2006, 2008 and 2016; and

WHEREAS, it is deemed to be in the best interest of the City of Milford and its taxpayers to sell the land in accordance with its most recent assessment; and

WHEREAS, as the owner of the subdivision and infrastructure shown and described in Exhibit B, attached hereto, and known as Independence Commons ("property"), the City intends that this property continue to provide employment opportunities and economic benefits to all City residents; and

WHEREAS, the City desires to create, establish, preserve and maintain a unified commercial development upon the property and finds it appropriate to subject the property to certain easement, covenants and other restrictions for the orderly development and operation of the property and mutual benefit of all owners of the property as a unified commercial development, regardless of time of purchase or zoning district; and

WHEREAS, the City deems it desirable and in the best interest of all present and future owners of the property and all portions thereof, to subject the property to this Declaration.

NOW, THEREFORE, the City hereby declares that the real property described in Exhibit B, effective March 14, 2016, is and will be held, conveyed, acquired and encumbered subject to the terms and provisions of the Declaration, all of which shall run with the land and binds any respective successors, heirs and assigns.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the City of Milford:

1) City Council approves the Declaration of Covenants, Conditions, Restrictions and Easements attached as Exhibit A.
2) This Resolution shall supersede Resolutions passed by the majority of City Council on February 13, 2006, March 12, 2007 and September 22, 2008 in relation to Independence Commons.

Mayor

City Clerk

Adopted: March 14, 2016

EXHIBIT A
Declaration of Covenants, Conditions, Restrictions and Easements

Article 1
OC – 1 Office Complex District

A. The Property is zoned OC-1. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
B. The Property shall be developed in accordance with this declaration and the terms of the OC-1 zoning district that are in place at the time the Property is purchased. The City shall provide a copy of the OC-1 regulations to the purchaser prior to settlement.

Article 2
Sign Requirements

A. Each office structure may have one sign which pertains only to the permitted use on the premises and shall indicate only the name, insignia and/or address of the use.
B. Wall signs must be integral with or attached flat against the building. (The sign must face the major thoroughfare that the property abuts).
C. The monument signs for this development shall incorporate architectural features and colors common to the buildings. Monument signs shall include individually mounted reverse pan channel letters with internal lighting. Metal cabinets with white Plexiglas shall not be allowed. All signs shall require separate sign permit review and approval.
D. Signs allowed under this section may be a maximum of fifty (50) square feet and may only be indirectly illuminated with non-color light, shall not be

flashing or moving, shall be constructed of stone or brick. Signs constructed of other material will be reviewed and approved by the City Planner and the Planning Commission for conformance and architectural appearance with the Independence Commons concept. No more than 5% of the façade may be used for additional signage.

E. One free standing directional sign of no more than two (2) square feet may be hung at the office driveway entrance.

F. Signs may not overhang the street right-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.

G. Portable signs and commercial vehicles serving as portable signs are prohibited.

Article 3

Easements

A. Easements to Facilitate Construction, Installation and Maintenance. The City of Milford hereby reserves to itself and it successors and assigns, a non-exclusive blanket easement over and through each lot twenty-five (25) feet of any boundary line of such lot to the extent such boundary line runs along any roadway or the 100 year flood plain, and otherwise fifteen (15) feet of any boundary line of such lot, for all purposes reasonably related to the development, installation, completion, maintenance and operation On Community Features on the Property, including without limitation: temporary slope and construction easements; and drainage, erosion control and storm and sanitary sewer easements (including the right to cut or remove trees, bushes or shrubbery, to regrade the soil and to take any similar actions reasonable necessary; provided, however, that thereafter The City of Milford shall cause to be restored the affected area as near as practicable to its original condition; easements for the storage (in a slightly manner) of reasonable supplies of building materials and equipment necessary to complete, repair, operation or maintain such Community Features; and easements for the construction,

installation, and Upkeep of improvements (e.g. structures, landscaping, street lights, signage, sidewalks, etc.) on the Property or reasonably necessary to serve the Property.

B. Storm water Management Easement. The City Of Milford hereby reserves to itself and its successors and assigns an easement and the right to grant and reserve easements over and through each lot within twenty-five (25) feet of any boundary line of such lot to the extent such boundary line runs along any roadway or the 100 year flood plain, and fifteen (15) feet of all other boundary lines of such lot, for the construction installation, maintenance, repair, operation and replacement of storm water management facilities, including storm water retention areas, which are Community Features. The City of Milford shall assign its right, title and interest therein to the Association. Storm water shall be conveyed across lots only by means of storm sewers and appurtenant facilities and piping which shall be designed, installed and maintained in accordance with the requirements of state and local government authorities having jurisdiction and not by means of trenches, ditches and swales. Each Owner shall bear the cost of installation of pipes necessary to provide underground conveyance features on adjoining lots. The City of Milford and/or the Association shall also have the right to allow adjacent properties to connect their storm water management facilities into the Storm water Facility for the Property; provided, however that the Owners of such adjacent properties shall be required to agree to bear a portion of the expense of Upkeep for the storm water management facilities for the Property in such amount as may be deemed appropriate by The City of Milford and/or the Association. No such use shall be such as to prevent the Owners of each of the lots from enjoying and making full use of the Storm water Facilities in accordance with their applicable design and capacity requirements under applicable laws and regulations.

C. Easements for Utilities and Related Services. A non-exclusive perpetual blanket easement is hereby granted over and through each lot within twenty-five (25) feet of any boundary line of such lot to the extent such boundary line runs along

any roadway or the 100 year flood plain, and fifteen (15) feet of any other boundary line of such lot, for ingress, egress and for installation and Upkeep of the facilities for providing as Community Features for any portion of the Property, and utilities, including without limitation water, sewer, drainage. Gas, electricity, cable, fiber optic, telephone and television service, whether public or private, to any person installing or providing Upkeep for the aforesaid services. By virtue of this easement, it shall be expressly permissible and proper for The City of Milford or the Person providing the service to install and maintain the necessary equipment on the Property within the area of such easement and to affix and maintain wires, circuits, conduits, installations and other features and facilities underground. Any pipes, conduits, lines, wires, transformers and any other apparatus necessary for the provision of metering of any utility may be installed, maintained or relocated where contemplated on any site plan approved by the City of Milford, within the easement areas described above. No water, sewer, gas, telephone, electrical, television, or communication lines, systems or facilities may be installed or relocated unless approved by The City of Milford. Should any Person providing utilities or services covered by the foregoing general easement request a specific easement by separate recordable document, The City of Milford shall have, and is hereby given, the right and authority to grant such easement without conflicting with the terms hereof, and, if so requested, the Owner of each lot to be burdened thereby shall join in such document without charge or consideration. Any Person using the easement created herein shall use its best efforts to install and maintain the utilities and services provided for herein with minimal disturbance to the Owners; complete its installation and Upkeep activities as promptly and expeditiously as possible; and restore the surface of the ground to substantially its original condition after completion.

Article 4

Common Expenses

A. Each Owner of any parcel, by acceptance of a deed, agrees to pay to the City of Milford an annual fee for the maintenance of storm water management areas, open space, landscaping and landscaped buffers. Said such fee is set at $400.00 per lot.

Article 5

General Conditions

A. Each Owner shall be responsible for the management and upkeep of all parking areas, landscaping, entrance features, project signage, storm water management facilities and structures, utilities facilities and associated lighting and irrigation systems located on its lot that are not part of the Community Features.

B. The City of Milford shall be responsible for the management and upkeep of all the Community Features, the cost of which shall be assessed as Common Expense. The City of Milford shall not have any responsibility for the Upkeep of any other portion of the lots (except those lots of which The City of Milford is an Owner) except for the Community Features. The City of Milford shall establish the standard for Upkeep of Community Features in its sole discretion.

C. Each Owner shall keep such Owner's lot and all improvements located on the lot in good order, condition and repair and in a clean and sanitary condition, including without limitation all necessary grounds maintenance, except to the extent maintained by The City of Milford. Each Owner shall perform this responsibility in such manner as shall not unreasonably disturb or interfere with the other Owners. If any Owner shall fail to keep such Owner's lot in as good repair and condition as when acquired and in neat and orderly condition, consistent with such Rules and Regulations as The City of Milford may promulgate, then The City of Milford may give notice to that Owner of the condition complained of, specifying generally the action to be taken to rectify that condition. If the Owner fails to take the actions specified by The City of Milford or to otherwise rectify the condition within thirty (30) days after the date of notice is given, or such other period as may be specified in the notice if

the circumstances warrant a different period, The City of Milford shall have the right to rectify that condition by taking such action as was specified in the notice. The costs incurred in rectifying the condition shall be assessed against such Owner's lot.

D. Sidewalks. If the public right-of-way adjacent to any lot is improved by a concrete sidewalk or similar structure, the Owner of such lot must maintain the sidewalk adjacent to such Owner's lot to the extent not maintained by The City of Milford as a Community Feature or by the appropriate governmental agency.

E. No person shall make any additions, alteration or improvement in or to any portion of the Property (other than normal Upkeep) which is visible from the exterior of such portion of the Property, without the prior written consent of The City of Milford.

F. No lot may be subdivided or its boundaries otherwise relocated without the approval of The City of Milford, and Mortgagee of the affected lots, any Owner affected and the appropriate governmental entity. No portion less than all of any lot shall be conveyed or transferred by an Owner without the prior written approval of The City of Milford.

G. Any person obtaining approval of The City of Milford shall commence construction or alteration in accordance with plans and specifications approved within six (6) months after date of approval and shall substantially complete any construction or alteration within such period as within six months after approval, or such other time period determined by The City of Milford, then approval shall lapse.

H. In the event that any purchaser of land within the Property shall not commence construction of a building thereon within two years from the date of settlement, The City of Milford shall have the option of purchasing said land from the owner at any time prior to the commencement of said construction at the purchase price paid therefore as shown in the Owner's settlement sheet.

I. Trash. Except in connection with construction activities, no burning of any trash and no accumulation of storage of litter, refuse, bulk materials, building

materials or trash of any other kind shall be permitted on any lot. Trash containers shall not be permitted to remain in public view from another lot except on days of trash collection. Trash containers and refuse disposal systems must be maintained in enclosures or screened in compliance with the Rules and Regulations. No portion of the lot shall be used as an auto junk yard or salvage yard.

J. It is prohibited to have any outdoor storage buildings and outdoor storage of any kind, located on the property.

Article 6
Architectural Review

A. The City of Milford shall develop Design Guidelines. Such Guidelines are hereby incorporated by this reference and shall be enforceable as if set forth herein in full. Such Guidelines include:
   1. Exterior front and side walls are subject to site plan approval and must be finished on the exterior with the following:
      a. Architectural masonry units, excluding concrete block and cinder block
      b. Natural stone
      c. Precast concrete
      d. Steel
      e. Aluminum
      f. Glass materials or the equivalent
      g. Vinyl siding

Article 7
Reconstruction and Repair

A. If a building or other major improvement located upon a lot is damaged or destroyed, the Owner thereof shall restore the site either by repairing or

reconstructing such building or other major improvements or by clearing away the debris and restoring the site to an acceptable condition compatible with the remainder of the Property. Unless The City of Milford permits a longer time period, such work must be commenced within six months after the casualty and substantially within twenty-four months after the casualty.

Article 8
Compliance

A. Failure to comply with any of the terms hereof or the Design Guidelines or the Rules of Regulations shall be grounds for relief, including without limitation, of an action to recover any sums due for money damages, injunctive relief, foreclosure of the lien for payment of all assessments, any other relief provided for herein and any other relief afforded by a court of competent jurisdiction, including attorneys' fees, all of which relief may be sought by The City of Milford and/or its managing agent. Before an action may be sought, the City shall notify the Owner against whom such action would be brought, the reason for the action, and shall be given an opportunity to be heard in a public hearing before the Board of Adjustment.

Article 9
Amendments

This Declaration of Covenants, Conditions, Restrictions and Easements, as herein stated, may, from time to time, be amended by Resolution. Such amendment, supplement, or change shall not become effective except by majority vote of City Council

IN WITNESS WHEREOF, the City of Milford, has caused this Resolution to be executed this 14th day of March, 2016.

CITY OF MILFORD

By: _____
Mayor

(Seal)
Attest: _____
City Clerk

STATE OF DELAWARE
COUNTY OF SUSSEX SS:

On this 14th day of March 2016, before me, a Notary Public in and for said County, personally came Bryan W. Shupe, Mayor of the City of Milford, Delaware, a Municipal Corporation, to me personally known to be the respective officer of said Municipal Corporation and the identical person whose name is affixed to the foregoing instrument.

WITNESS my hand and Notarial Seal the day and year last above written.

_____
Notary Public

KATRINA L. WHITE
NOTARY PUBLIC
State of Delaware
My Commission expires on Aug. 5, 2017

_____
Notary Name

Aug 5, 2017
Commission Expiration

EXHIBIT B
Legal Description

LANDS OF MILFORD INDEPENDENCE COMMONS

September 19, 2008

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the northerly side of Airport Road, the easterly side of Canterbury Road and being located in Milford Hundred, Kent County, Delaware, being all of Parcels 3,4,5,6,7,8,9,10,11, 12,13,14,15,16,17,18, lands of the City of Milford, lands of the State of Delaware, Delaware Veterans Boulevard, Patriots Way, West Liberty Way and East Liberty Way as shown on a plat entitled "Milford Independence Commons", completed by Davis, Bowen & Friedel, Inc., dated July 2005 and revised September 2008; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northerly right-of-way line of Airport Road, (County Road 407) 60 feet wide, with the easterly right-of-way line of Delaware Veterans Boulevard, width varies, said point being the southerly end of a daylight easement to Airport Road,

1) Thence, leaving said right-of-way line of Delaware Veterans Boulevard and coincident with said right-of-way line of Airport Road the following (5) courses and distances, North 69 degrees 39 minutes 23 seconds West 488.77 feet to a point,

2) Thence, along a curve to the left having a radius of 860.89 feet, an arc length of 308.55 feet and a chord bearing and distance of North 79 degrees 52 minutes 40 seconds West 306.91 feet to a point,

3) Thence, South 89 degrees 50 minutes 48 seconds West 625.08 feet to a point,

4) Thence, North 85 degrees 22 minutes 25 seconds West 113.11 feet to a point,

5) Thence, South 89 degrees 51 minutes 46 seconds West 250.00 feet to a point

at the southerly end of a daylight easement to Canterbury Road, (Delaware Route 15) width varies,

6) Thence, leaving said right-of-way line of Airport Road and coincident with said daylight easement North 54 degrees 03 minutes 53 seconds West 58.55 feet to a point on the easterly right-of-way line of aforementioned Canterbury Road,

7) Thence, coincident with said right-of-way line of Canterbury Road the following (2) courses and distances, along a curve to the left, having a radius of 2580.67 feet, an arc distance of 254.27 and a chord bearing and distance of North 01 degrees 49 minutes 13 seconds West 254.17 feet to a point,

8) Thence, North 16 degrees 51 minutes 33 seconds West 64.34 feet to a point on the southerly line of lands of, now or formerly Donald B. & Renee A. Smith as recorded in the Office of the Recorder of Deeds in and for Kent County and the State of Delaware in deed book D-485, page 249,

9) Thence, leaving aforementioned right-of-way of Canterbury Road and coincident with said Smith lands, the following (2) courses and distances, North 83 degrees 51 minutes 24 seconds East 268.17 feet to a point,

10) Thence, North 06 degrees 09 minutes 25 seconds West 160.12 feet to a point, on the easterly line of lands of, now or formerly Beverly H. Messick, as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-681, page 186,

11) Thence, leaving said Smith lands and coincident with said Messick Lands North 06 degrees 09 minutes 50 seconds West 275.24 feet to a point, on the easterly line of lands of, now or formerly Richard F. & Emma I. Farley, as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-424, page 69,

12) Thence, leaving said Messick lands and coincident with said Farley lands, North 03 degrees 36 minutes 52 seconds West 165.08 feet to a point at the easterly end of a private road,

13) Thence, leaving said Farley lands and coincident with said end of private road and in part coincident with lands of, now or formerly Kevin J. & Christine I. Docherty, as recorded in the aforementioned Office of the Recorder of Deeds in deed book M-42, page 62, North 03 degrees 03 minutes 55 seconds East 143.13 feet to a point, on the southerly line of lands of, now or formerly Paynter A. & Joyce E. Lynch, as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-424, page 273,

14) Thence, leaving said Docherty lands and coincident with said Lynch lands the following (2) courses and distances, South 87 degrees 07 minutes 56 seconds East 221.36 feet to a point,

15) Thence, North 02 degrees 49 minutes 41 seconds East 197.76 feet to a point on the easterly line of lands of, now or formerly Dr. Brent & Gwendlyn Elliott, as recorded in the aforementioned Office of the Recorder of Deeds in deed book B-33, page 117, said point also being in the centerline of Swan Creek Branch,

16) Thence, leaving said Lynch lands and coincident by and with the centerline of said branch also coincident with said Elliott lands also coincident with lands of now or formerly Ronald & Debbie Lavere as recorded in the aforementioned Office of the Recorder of Deeds in deed book, A-46 page 229, also coincident with lands of, now or formerly Edward Ripper as recorded in the aforementioned Office of the Recorder of Deeds in deed book P-49, page 239, also coincident with lands of, now or formerly Marty A. & Robin Lavere Messick as recorded in the aforementioned Office of the Recorder of Deeds in deed book 2123, page 193, also coincident with lands of, now or formerly Roger & Ruth Ann Minner as recorded in the aforementioned Office of the Recorder of Deeds in deed book I-30, page 53, also coincident with lands of, now or formerly James A. Bowman as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-397, page 3, the following (20) courses and distances, North 02 degrees 36 minutes 13 seconds West 24.24 feet to a point,

17) Thence, North 26 degrees 41 minutes 21 seconds East 74.64 feet to a point,

18) Thence, North 73 degrees 46 minutes 40 seconds East 40.42 feet to a point,

19) Thence, North 60 degrees 55 minutes 03 seconds East 45.25 feet to a point,

20) Thence, North 64 degrees 17 minutes 03 seconds East 70.86 feet to a point,

21) Thence, North 31 degrees 59 minutes 01 seconds East 40.16 feet to a point,

22) Thence, North 33 degrees 34 minutes 30 seconds East 52.71 feet to a point,

23) Thence, North 37 degrees 04 minutes 53 seconds East 56.03 feet to a point,

24) Thence, North 01 degrees 26 minutes 29 seconds West 27.35 feet to a point,

25) Thence, North 84 degrees 23 minutes 10 seconds East 69.26 feet to a point,

26) Thence, North 56 degrees 08 minutes 29 seconds East 357.40 feet to a point,

27) Thence, North 05 degrees 30 minutes 15 seconds East 30.70 feet to a point,

28) Thence, North 43 degrees 22 minutes 30 seconds East 137.43 feet to a point,

29) Thence, North 38 degrees 15 minutes 15 seconds East 111.56 feet to a point,

30) Thence, North 84 degrees 35 minutes 41 seconds East 160.76 feet to a point,

31) Thence, North 65 degrees 09 minutes 48 seconds East 148.49 feet to a point,

32) Thence, North 27 degrees 47 minutes 42 seconds East 92.54 feet to a point,

33) Thence, North 46 degrees 29 minutes 11 seconds East 146.05 feet to a point,

34) Thence, North 81 degrees 54 minutes 47 seconds East 126.16 feet to a point,

35) Thence, North 73 degrees 40 minutes 00 seconds East 19.83 feet to a point on the westerly line of lands of, now or formerly Delaware Hospice, Inc. as shown on aforementioned plat of "Milford Independence Commons"

36) Thence, leaving the centerline of aforementioned Swan Creek Branch and coincident with said Delaware Hospice lands, South 11 degrees 05 minutes 32 seconds East 937.30 feet to a point on the northerly line of lands of, now or formerly Darren J. & Judith M. Sobota as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-170, page 321,

37) Thence, leaving said Delaware Hospice lands and coincident with said Sobota lands South 73 degrees 28 minutes 51 seconds West 178.71 feet to a point on the southerly line of lands of, now or formerly P.J. Walker as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-543, page132,

38) Thence, leaving said Sobota lands and coincident with said Walker lands, also coincident with lands of, now or formerly Melody Booker-Gardner as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-704, page 292, also coincident with lands of, now or formerly Randy E. Marvel, as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-543, page 128, South 65 degrees 33 minutes 59 seconds East 1525.85 feet to a point on the westerly line of lands of, now or formerly John K. & Joseph A. Huber as recorded in the aforementioned Office of the Recorder of Deeds in deed book Q-51, page 151,

39) Thence, leaving said Marvel lands and coincident with said Huber lands, also coincident with lands of, now or formerly Anthony & Elizabeth Cadiz as recorded in the aforementioned Office of the Recorder of Deeds in deed book Z-53, page 310, also coincident with lands of, now or formerly Henry F. & Barbara G. Traute as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-152, page 219, also in part coincident with lands of, now or formerly Raymond D. & Marianne Flavin Jr. as recorded in the Office of the Recorder of Deeds in deed book I-54, page 27, South 31 degrees 53 minutes 34 seconds West 850.72

feet to a point on the northerly line of lands of, now or formerly Tim Johnson as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-286, page 59, being designated as Parcel 2 on aforementioned plat of "Milford Independence Commons"

40) Thence, leaving said Flavin lands and coincident with said Parcel 2, also coincident with other lands of, now or formerly Tim Johnson as recorded in the aforementioned Office of the Recorder of Deeds in deed book D-592, page 1, being designated as Parcel 1 on aforementioned plat of "Milford Independence Commons" the following (9) courses and distances, North 58 degrees 09 minutes 09 seconds West 420.55 feet to a point,

41) Thence, South 31 degrees 42 minutes 14 seconds West 214.19 feet to a point,

42) Thence, along a curve to the right, having a radius of 95.00 feet, an arc distance of 130.17 and a chord bearing and distance of South 70 degrees 57 minutes 28 seconds West 120.22 feet to a point,

43) Thence, North 69 degrees 47 minutes 16 seconds West 323.55 feet to a point,

44) Thence, along a curve to the left, having a radius of 30.00 feet, an arc distance of 47.12 and a chord bearing and distance of South 65 degrees 12 minutes 44 seconds West 42.43 feet to a point,

45) Thence, South 20 degrees 12 minutes 44 seconds West 110.55 feet to a point,

46) Thence, South 12 degrees 20 minutes 44 seconds West 75.74 feet to a point,

47) Thence, South 20 degrees 20 minutes 58 seconds West 47.82 feet to a point,

48) Thence, South 24 degrees 39 minutes 02 seconds East 106.01 feet to the point and place of beginning;

CONTAINING 98.25 acres of land, more or less.

From: Denison, Douglas (DOS) <Douglas.Denison@delaware.gov>
Sent: Friday, May 24, 2019 2:33 PM
To: Hudson, Terri <thudson@milford-de.gov>; Crouch, Christine <CCrouch@milford-de.gov>
Cc: Stewart, Courtney A. (DOS) <Courtney.Stewart@delaware.gov>
Subject: Comments for Public Hearing - Ordinance 2019-11

Good afternoon Ms. Hudson and Ms. Crouch,
Attached are brief written comments from Secretary of State Jeffrey Bullock regarding Ordinance 2019-11. Kindly present these comments to Mayor Campbell and Council in advance of the scheduled public hearing on this matter scheduled for Tuesday, May 28. Secretary Bullock further requests that the comments be read aloud for the record, if appropriate.
Please confirm receipt of this message and attachment.
Thank you for your kind attention.

Doug Denison
Director of Community Relations
Delaware Department of State
Office (Dover): 302-857-3038
Mobile: 302-535-1625

STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

May 24, 2019

Mayor and Council
Milford City Hall
201 South Walnut Street
Milford, Delaware

RE: Concerns related to the Delaware Veterans Home and proposed Ordinance 2019-11

Dear Mayor and Council:

Perhaps my most sacred duty as Secretary of State is to ensure that the Delaware Veterans Home, a unit of the Department of State, provides exceptional care to its residents, each of whom served honorably in defense of our nation and our state. I write to you today to express my concerns related to a proposed amendment to the City of Milford zoning code, which I believe, if enacted, would have an adverse impact on the operations of the Veterans Home and the quality of life afforded to its residents.

As drafted, Ordinance 2019-11 would permit development of properties adjacent to the Veterans Home for uses that are wholly incompatible with the present and intended character of the Independence Commons business park. From the beginning, Independence Commons was envisioned as a center for health care providers, community service organizations and other similar uses, with the Veterans Home, Delaware Hospice and, later, the Boys & Girls Club as its fixtures. In 2005, the City took the added step of downzoning Independence Commons to ensure that remaining parcels could not be developed for light industrial uses such as manufacturing and storage facilities. Those uses were deemed inappropriate then, and they remain inappropriate today.

The institutions located in Independence Commons exist to serve some of our most vulnerable neighbors. The additional traffic, noise and general disruptiveness of the uses contemplated in Ordinance 2019-11 would do a disservice to those children, patients and their families.

Above all, it is my responsibility to advocate for the dozens of brave heroes who reside in the Delaware Veterans Home. They deserve to live in a place that respects their legacy of service, in surroundings that are dignified, peaceful and protected from undue disturbance and disruption. On their behalf, I urge you to disapprove Ordinance 2019-11.

Sincerely,

Jeffrey W. Bullock
Secretary of State

TOWNSEND BUILDING
401 FEDERAL STREET, SUITE 3
DOVER, DE 19901
(302) 739-4111
FAX (302) 739-3811

CARVEL STATE OFFICE BUILDING
820 N FRENCH STREET, FOURTH FLOOR
WILMINGTON, DE 19801
(302) 577-8767
FAX (302) 577-2694

CITY OF MILFORD
NOTICE OF PUBLIC HEARING

Planning Commission Hearing: Tuesday, May 14, 2019 at 7:00 p.m.
City Council Hearing: Tuesday, May 28, 2019 at 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings to allow interested parties to participate in the discussion and consideration of the following zoning matter:

Ordinance 2019-14
Windward Communities LLC-Commercial for a Conditional Use
On behalf of Property Owners Janet R. Swain, Gilbert C. & Irene D. Simpson and Jesse & Joyce Webb
Current Zoning: C-3 (Highway Commercial District) C-1 (Neighborhood Commercial District)
Present Use: Single Family Dwelling, Outdoor Recreation, Small Engine Repair Shop
Proposed Use: Shopping Center, Office, Retail & Restaurant
Area: 7.99 +/- acres of land
East side of South Rehoboth Boulevard approximately 350 feet south of the Southeast Second Street Intersection
Tax Map & Parcel Numbers: 3-30-11.00-042.00, 3-30-11.00-042.01,
3-30-11.00-043.00, 3-30-7.00-033.00 (portion of)

Whereas, the City of Milford Planning Commission reviewed and made recommendations on Ordinance 2019-14 following a Public Hearing on Tuesday, May 14, 2019; and

Whereas, Milford City Council held a Public Hearing on Tuesday, May 28, 2019 to allow for additional debate and further review of the Zoning Ordinance; and

Whereas, it is deemed in the best interest of the City of Milford to allow a Conditional Use to permit a Shopping Center, Office, Retail and Restaurant, as described in the application.

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

Section l. Following the adoption of Ordinance 2019-14, and upon its effective date, Windward Communities LLC is hereby granted a Conditional Use Permit, in accordance with Chapter 230, to allow a Shopping Center, Office, Retail and Restaurant, east of the South Rehoboth Boulevard and south of Southeast Second Street intersection, in accordance with the approved plans and any conditions set forth at the Public Hearings.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.
City Council Introduction: May 13, 2019
Planning Commission Review & Public Hearing: May 14, 2019
City Council Public Hearing: May 28, 2019
Proposed Effective Date: June 7, 2019

Additional information regarding the application and City of Milford Zoning Code may be obtained by accessing the City website at cityofmilford.com or by calling 302-424-8396.

Advertised:
Milford Beacon April 10, 2019
Readvertised:
Milford Beacon April 24, 2019

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

DATA SHEET FOR WINDWARD ON THE RIVER - COMMERCIAL

Planning Commission Meeting: May 14, 2019

Application Number / Name	:	18-018 / Windward on the River – Commercial
Applicant	:	Windward Communities, LLC 246 Rehoboth Avenue Rehoboth Beach, DE 19971
Owner	:	Janet R. Swain 18686 Susquehanna Avenue Lincoln, DE 19960
		Jesse & Joyce Webb 19858 Beaver Dam Road Milford, De 19963
		Gilbert C. & Irene D. Simpson 19145 Duck Lake Trail Eden Prairie, MN 55346
Application Type	:	Preliminary Conditional Use Site Plan
Comprehensive Plan Designation	:	Commercial/Low Density Residential Moderate Density Residential
Zoning District	:	C-3 (Highway Commercial District) C-1 (Neighborhood Commercial District) R-3 (Garden Apartment & Townhouse District)
Present Use	:	Single Family Dwelling, Outdoor Recreation, Small Engine Repair
Proposed Use	:	Shopping Center, Office, Retail & Restaurant
Area and Location	:	7.99 +/- acres of land located along the east side of S. Rehoboth Boulevard approximately 350 feet south of the SE Second Street intersection.
Property Identification Numbers	:	3-30-11.00-042.00, 3-30-11.00-042.01, 3-30-11.00-043.00, 3-30-7.00-033.00 (portion)

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

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

STAFF REPORT
April 29, 2019

Application Number / Name	**:**	18-018 / Windward on the River – Commercial
Present Comprehensive Plan Designation	**:**	Commercial/Low Density Residential
Present Zoning District	**:**	C-3 (Highway Commercial District) C-1 (Neighborhood Commercial District) R-3 (Garden Apartment & Townhouse)
Present Use	**:**	Single Family Dwelling, Outdoor Recreation, Small Engine Repair
Proposed Use	**:**	Shopping Center, Office, Retail & Restaurant
Tax Map & Parcel	**:**	3-30-11.00-042.00, 042.01, 043.00 & 3-30-7.00-033.00 (portion)
Size and Location	**:**	7.99 +/- acres of land located along the east side of S. Rehoboth Boulevard approximately 350 feet south of the SE Second Street intersection.

I. BACKGROUND INFORMATION:

- The applicant proposes to construct a Shopping Center consisting (2) 7,000 square foot restaurant buildings, (3) 9,620 square foot retail buildings and (1) 4,200 square foot office building on 7.99 acres located along the east side of S. Rehoboth Boulevard.

- Chapter 230-14(C)(11) states a "shopping center" is a conditional use subject to special requirements set forth by City Council.

- The applicant received approval from the Board of Adjustment on September 13, 2018 for a variance from Chapter 230-14(C)(11)(f)[1] which states "there shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts." The Board approved a variance from this code requirement along the north, east and west property lines for the proposed commercial shopping center.

II. STAFF ANALYSIS:

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

- Other than the variance referenced under Section I of the staff report, the Preliminary Site Plan meets the minimum requirements of Chapter 230 Zoning.

- The applicant submitted the proposal to the State of Delaware Office of State Planning Coordination for Preliminary Land Use Service (PLUS) review. See enclosed for the applicant's responses to the PLUS comments.

- Chapter 230-14(C)(11) states a "Shopping Center" is a conditional use subject to site plan review and the following site requirements:

  (a) The total shall not be less than one acre.

  The site is 7.99 +/- acres of land.

  (b) The site must be served by public water, sewer and electricity.

  The site will be served by City Water, Sewer and Electric utilities.

  (c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.

  Final Site Plan approval will require approval from the Sussex Conservation District and City Engineer related to stormwater management.

  (d) Traffic and parking

  [1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.

  The internal circulation of traffic is accessed from Windward Boulevard and is separated from the external street system. The preliminary site plan shows proper traffic control devices and the entrance along S. Rehoboth Boulevard will require DelDOT review and approval.

  [2] Access to state highways shall be controlled by the State Department of Transportation.

  The entrance of Windward Boulevard on S. Rehoboth Boulevard will require DelDOT review and approval prior to Final Site Plan approval.

[3] The minimum distance between accessways and a residential district shall be 50 feet.

The Windward Boulevard entrance along S. Rehoboth Boulevard is 50 feet from the adjacent residential parcel to the south.

[4] Spacing of accessway.
[a] From adjoining property: 50 feet
[b] From minor intersections: 50 feet
[c] From major intersections: 100 to 150 feet.

The Windward Boulevard entrance along S. Rehoboth Boulevard is 50 feet from the adjacent residential parcel to the south and meets the spacing requirements for minor and major intersections as well.

[5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.

The site meets the parking requirement.

[6] Parking lots shall be attractively landscaped as shown on the general site plan.

The preliminary site plan package contains a landscaping plan for review by the Planning Commission.

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

A. The presence of adjoining similar uses.

The property is bound on the north by lands zoned C-3 (Highway Commercial) containing a contractor's yard and office and lands zoned R-1 containing the historic Union Cemetery. The properties to the east are zoned R-3 (Garden Apartment and Townhouse District) and contain the proposed 264 apartment unit project called Windward on the River – Residential. The properties to the south are zoned AR-1 within Sussex County and are vacant. The properties to the west of the project site, directly across S. Rehoboth Boulevard, are improved with single-family detached dwellings and are zoned AR-1 within Sussex County.

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

The proposed use is allowed by conditional use approval within the C-3 Highway Commercial zoning district. Neighborhood shopping centers are permitted by-right within the C-1 Neighborhood Commercial zoning district.

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

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

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

The Board of Adjustment approved a variance from Chapter 230-14(C)(11)(f)[1] which states "there shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts." The Board approved a variance from this code requirement along the north, east and west property lines. The applicant will provide landscape screening along the southern property line to separate the proposed use from existing residentially zoned parcels that are located within Sussex County.

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

The proposed use should not detract from the adjacent commercial uses to the north and the proposed residential use to the east. The residential parcels to the south will be screened from the project and proper separation has been provided for the entrance along S. Rehoboth Boulevard.

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

The site is located along an established State Maintained road and will require DelDOT approval for the entrance improvements. The site meets the minimum setback requirements and has natural screening from the parcels to the north. The Board of Adjustment granted a variance from the landscape screening requirement for the property line to the east that separates Windward on the River – Commercial project from the proposed Windward on the River Multi-family Project. The site meets the parking requirements for Chapter 230. Landscape screening will be provided on the south side of Windward Boulevard to reduce impacts on the residential parcels to the south of the project site.

- The Site Plan is subject to Chapter 130 Floodplain, specifically 130-30(B) Development in Areas with Base Flood Elevations but No Floodways, for any proposed fill placed within the designated 100-year floodplain. According to the City Code, the applicant must submit a hydrologic and hydraulic engineering analyses and technical data to the City Floodplain Administrator and FEMA, prepared by a professional engineer in a format required by FEMA for a Conditional Letter of Map Revision. The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential special flood hazard encroachments, will not increase the base flood elevation by more than 1.0 foot at any point.

- A lot line adjustment/lot consolidation plat will need to be recorded prior to recording the final site plan.

- The site will require extensions of the City's water, sewer and electric utilities, including the construction of a wastewater pumping station and associated force main, which will require approval from the City Engineer for size and location. The required improvements will be outlined in a Development Agreement to be executed by both the applicant and the City prior to Final Site Plan approval.

- The following comments must be addressed prior to final site plan approval:
  (a) Execution of a Development Agreement outlining the developers responsibilities for onsite and offsite utility improvements;
  (b) Obtain approvals or no objection letters from DelDOT, State Fire Marshal's Office, Sussex Conservation District, Office of Drinking Water and DNREC;
  (c) Address Preliminary Site Plan and Conditional Use review comments (a copy of which is provided in the packet);
  (d) Applicant must obtain final approval of engineering plans from the City Engineer; and,
  (e) Additional department and agency comments outlined in Section III.

III. AGENCY COMMENTS:

- **Office of State Planning Coordination**
  See attached PLUS comments dated June 4, 2018.

- **DelDOT Planning, Development Coordination**
  See attached Traffic Impact Study (TIS) review letter dated April 2, 2019.

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

- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
  No comments provided.

- **Sussex Conservation District**
  Contact: Jessica Watson
  No comments provided.

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

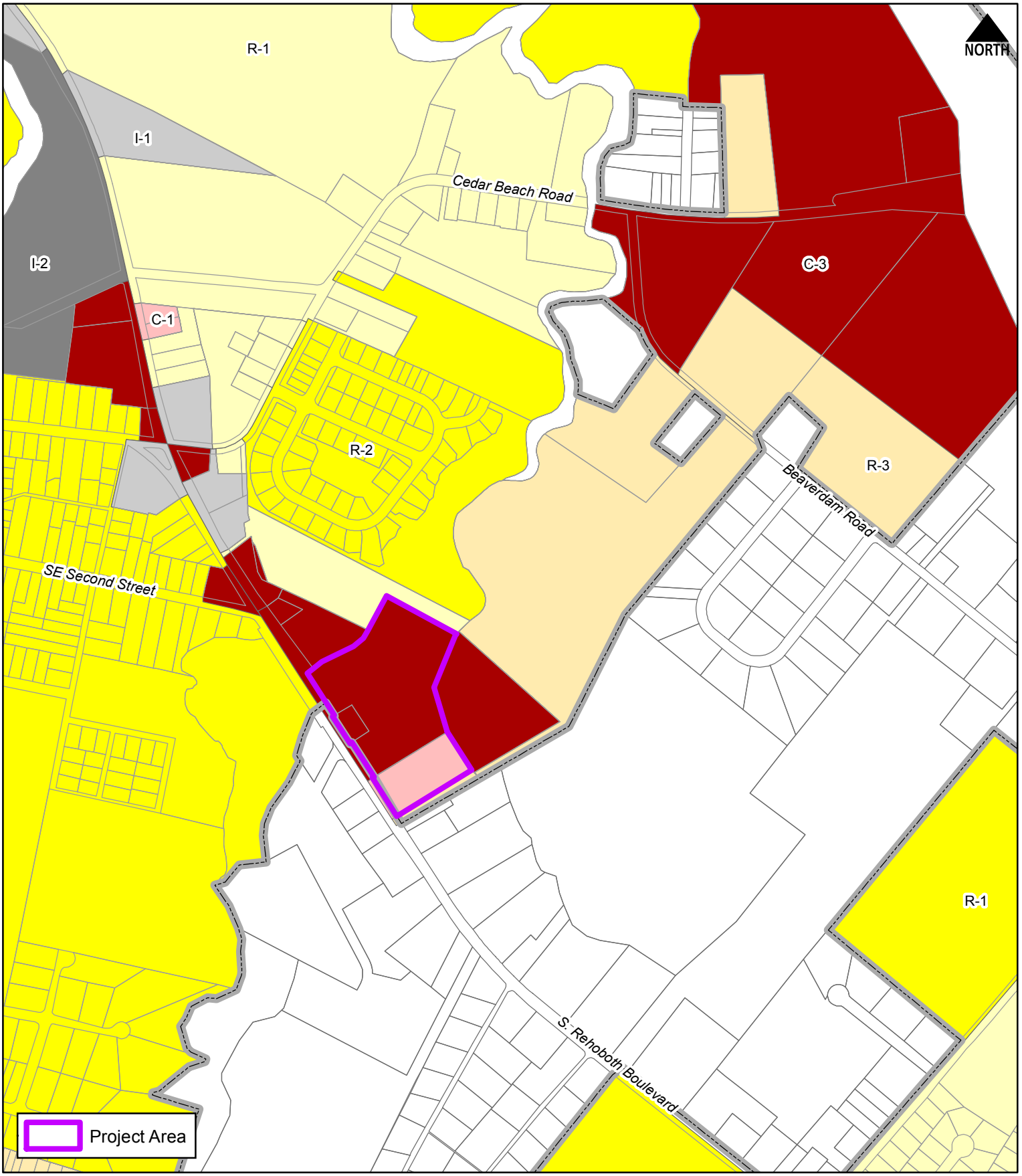
- **Carlisle Fire Company**
  No comments provided.

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

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

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

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



THE CITY of Milford DELAWARE

Scale: 0 300 600 Feet

Drawn by: WRP

Date: 03/29/19

Filepath: PreliminarySitePlan_WindwardontheRiverCommercial.mxd

Title:

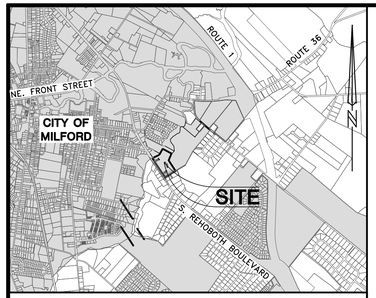
Preliminary Site Plan

Windward on the River - Commercial

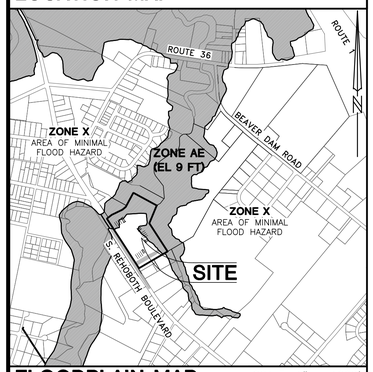
Location & Zoning Map

WINDWARD ON THE RIVER - COMMERCIAL

PRELIMINARY SITE PLAN
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE
DBF PROJECT #2261J011.GO2
JANUARY, 2019

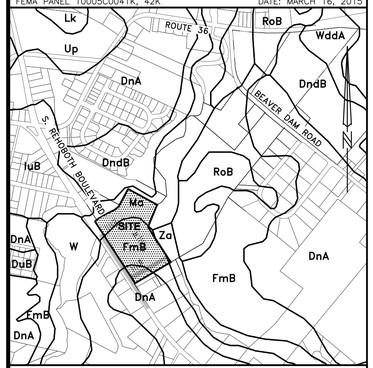


LOCATION MAP SCALE: 1" = 1/2-MILE



FLOODPLAIN MAP SCALE: 1" = 1000'

FEMA PANEL 10005C0041K, 42K DATE: MARCH 16, 2015



SOILS MAP SCALE: 1" = 600'

DnA–DOWNER LOAMY SAND, 0 TO 2% SLOPES, HSG–A
Ma–MANAHAWKIN MUCK, FREQUENTLY FLOODED HSG–A/D
FmB–FORT MOTT LOAMY SAND, 2 TO 5% SLOPES, HSG–A
Za–ZEKIAH SANDY LOAM, FREQUENTLY FLOODED, HSG–B/D

DATA COLUMN

TAX MAP NUMBER:	PROPERTY ADDRESS:	EXISTING/PROPOSED ZONING:
330-11.00-42.00	5877 S. REHOBOTH BLVD MILFORD, DE 19963 EXISTING USE: SMALL ENGINE REPAIR	C-3/C-3
330-11.00-42.01	5899 S. REHOBOTH BLVD MILFORD, DE 19963 EXISTING USE: RECREATIONAL	C-3/C-3
330-11.00-43.00	5919 S. REHOBOTH BLVD MILFORD, DE 19963 EXISTING USE: SINGLE FAMILY RESIDENTIAL	C-1/C-1
330-7.00-33.00	19858 BEAVER DAM RD MILFORD, DE 19963 EXISTING USE: AGRICULTURAL	R-3/R-3
330-11.00-264.00	S. REHOBOTH BLVD MILFORD, DE 19963 EXISTING USE: VACANT	C-3/C-3

PROPOSED USE: SHOPPING CENTER, RESTAURANT

		REQUIRED	PROPOSED
(C-1)	ZONING REQUIREMENTS:		
	MINIMUM LOT AREA:	3,630 S.F.	84,520 S.F. 1.940 ACRES
	MAXIMUM LOT COVERAGE:	80%	68.2%
	MAXIMUM BUILDING HEIGHT:	3 STORIES OR 35 FT	1 STORY OR 35 FT
	MINIMUM FRONT BUILDING SETBACK:	10 FT	10 FT
	MINIMUM REAR YARD SETBACK:	25 FT	50 FT
	MINIMUM LOT WIDTH:	30 FT	211 FT
	MINIMUM LOT SIDE YARD WIDTH:	5 FT	25 FT
(C-3)	ZONING REQUIREMENTS:		
	MINIMUM LOT AREA:	1 ACRE	7.999 ACRES
	MAXIMUM LOT COVERAGE:	80%	39.14%
	MINIMUM LOT WIDTH:	150 FT (INTERIOR LOT)	274 FT
	MINIMUM FRONT YARD SETBACK:	30 FT	30 FT
	SIDE YARDS:	TWO SIDE YARDS OF 20 FEET, MINIMUM AGGREGATE WIDTH OF TWO SIDE YARDS OF 50 FEET	25 FT EACH
	MINIMUM REAR YARD:	50 FT	50 FT
	MAXIMUM BUILDING HEIGHT:	3 STORIES OR 35 FEET	1 STORY OR 35 FEET

TOTAL SITE AREA: 10.358 ACRES (INCLUDES 0.419 ACRES R-3)

AMOUNT OF AREA TO BE LANDSCAPED: 10% OF TOTAL SITE AREA = 1.0358 ACRES
PROVIDED: 1.0526 ACRES

REQUIRED PARKING SPACES:
RESTAURANT: 336 SEATS; 1 SPACE / 3 SEATS = 112 SPACES + 1 SPACE PER 2 EMPLOYEES
OFFICE: 4,200 SF; 1 SPACE / 100 SF = 42 SPACES
RETAIL: 28,860 SF (70% DEVOTED TO SALES); 1 SPACE / 200 SF DESIGNED FOR SALES = 102 SPACES + 1 SPACE PER 2 EMPLOYEES

TOTAL: 256 SPACES + 20 EMPLOYEES
PROVIDED PARKING SPACES: 266 SPACES

ON SEPTEMBER 13, 2018 THE CITY OF MILFORD BOARD OF ADJUSTMENT APPROVED RELIEF FROM THE CODE CHAPTER 230-14(C)(11)(F)[1] FOR THE NORTH, EAST AND WEST PROPERTY LINES. THE LANDSCAPE BUFFER SHALL BE PROVIDED FOR ALONG THE PROPERTY LINE SOUTH OF THE PROPOSED COMMERCIAL ENTRANCE ALONG S. REHOBOTH BOULEVARD.

UTILITIES:
ELECTRIC–CITY OF MILFORD
WATER–CITY OF MILFORD
SEWER–CITY OF MILFORD
ESTIMATED EDU'S = 75

FIRE DISTRICT: CARLISLE
SCHOOL DISTRICT: MILFORD
CITY WARD: 3RD

VERTICAL DATUM: NAVD 88
HORIZONTAL DATUM: NAD83

BOUNDARY SURVEY PERFORMED BY DAVIS, BOWEN AND FRIEDEL, INC. ON MAY 3, 2018.

TOPOGRAPHICAL SURVEY PERFORMED BY DAVIS, BOWEN AND FRIEDEL, INC. ON MAY 25, 2018.

SITE DOES CONTAIN 100-YR FLOOD PLAIN BASED ON FEMA FLOOD PANELS 10005C0041K AND 10005C0042K DATED MARCH 16, 2015.

SITE DOES NOT CONTAIN ANY STORMWATER PROTECTION AREAS PER DNREC.

SITE DOES CONTAIN WETLAND AREAS AS DELINEATED BY ENVIRONMENTAL RESOURCES, INC. WETLAND AREA: 2.453 ACRES

OWNERS:
JANET R. SWAIN
18686 SUSQUEHANNA AVENUE
LINCOLN, DE 19960

JESSE C. SR. AND JOYCE L. WEBB
19858 BEAVER DAM ROAD
MILFORD, DE 19963

GILBERT C. AND IRENE D. SIMPSON
19145 DUCK LANE TRAIL
EDEN PRAIRIE, MN 55346

DEVELOPER:
WINDWARD COMMUNITIES, LLC
246 REHOBOTH AVENUE
REHOBOTH BEACH, DE 19971
PHONE: (302)226-6631
CONTACT: NICK HAMMONDS

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

WETLANDS STATEMENT

I, EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3(a)(8),Waters of the U.S. Definition/CECW–OR, 10–7–1991, Questions and Answers on the 1987 COE Manual/CECW–OR, 9–26–1990, RGL 90–7/CECW–OR, 3–6–1992, Clarification and Interpretation of the 1987 Manual). THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES.

THE BOUNDARIES OF STATE REGULATED WETLANDS ON THIS PROPERTY WERE DETERMINED IN ACCORDANCE WITH DNREC WETLAND MAP NO. DNR–209

EDWARD M. LAUNAY, PWS No. 875 Date
SOCIETY OF WETLANDS SCIENTISTS
CORPS OF ENGINEERS, CERTIFIED WETLAND DELINEATOR WDCP93MD0510036B

ENGINEER'S STATEMENT

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

DAVIS, BOWEN & FRIEDEL, INC. DATE
BY RING W. LARDNER, P.E.

DEVELOPER'S STATEMENT

I, WINDWARD COMMUNITIES, LLC, HEREBY STATE THAT I AM THE DEVELOPER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

WINDWARD COMMUNITIES, LLC. DATE
NICK HAMMONDS

OWNER'S STATEMENT

I, JANET R. SWAIN, HEREBY STATE THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

DATE

OWNER'S STATEMENT

I, IRENE D. SIMPSON, HEREBY STATE THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

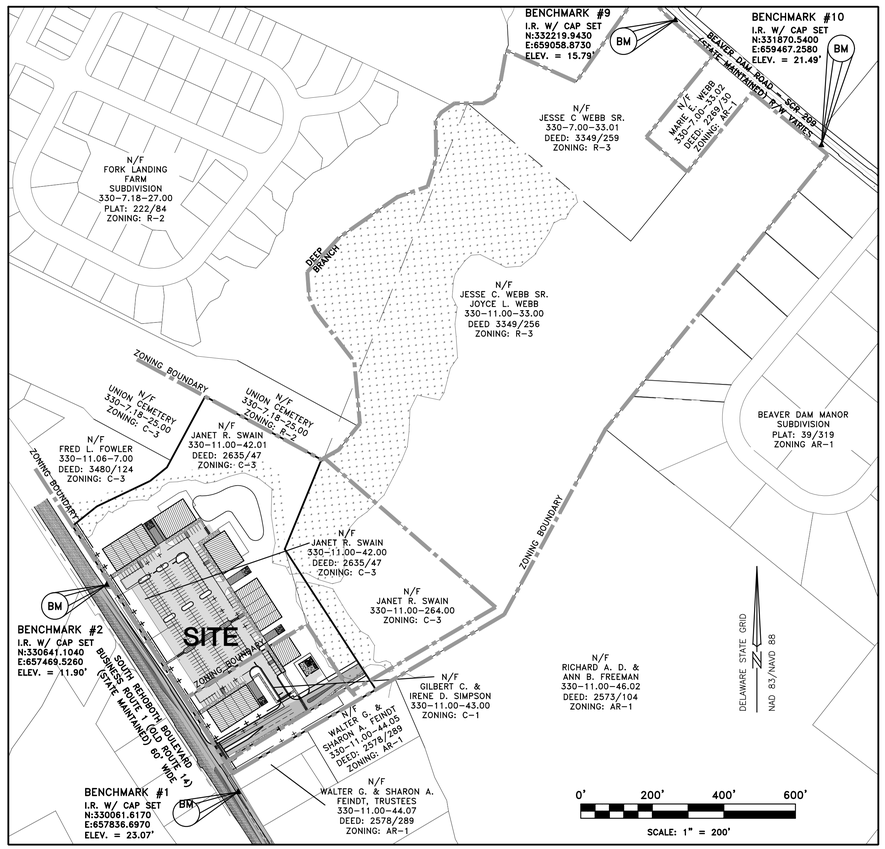
DATE

OWNER'S STATEMENT

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

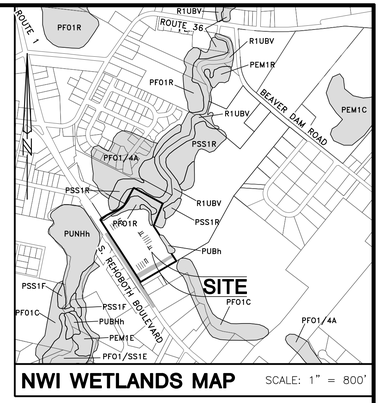
DATE

DATE



LEGEND

EXISTING		PROPOSED	
BOUNDARY LINE		SANITARY SEWER MANHOLE, PIPE, FLOW ARROW, PIPE SIZE	8SS
ADJACENT PROPERTY OWNER		SANITARY SEWER LATERAL	
EASEMENT		WATER MAIN, TEE W/ VALVES, PIPE SIZE	8W
SETBACK		WATER LATERAL	
ROAD CENTERLINE / BASELINE & STATIONING	1+00	TREES	
CONTOUR ELEVATION AND LABEL	33	LIGHT DUTY PARKING PAVEMENT / FULL DEPTH	
CATCH BASIN, STORM PIPE, STORM MANHOLE		HEAVY DUTY ACCESS DRIVE PAVEMENT / FULL DEPTH	
SANITARY SEWER MANHOLE, PIPE, FLOW ARROW, PIPE SIZE	EX-12SS	SIDEWALK	
SANITARY SEWER CLEANOUT		CONCRETE	
WATER MAIN, W/ VALVES	EX-8W		
FIRE HYDRANT ASSEMBLY			
UTILITY POLE			
SIGN			
FENCE	X X X		
SWALE			
ZONING BOUNDARY			



NWI WETLANDS MAP SCALE: 1" = 800'

SHEET INDEX

TITLE SHEET – PRELIMINARY SITE PLAN	PL–01
CIVIL NOTES	PL–02
EXISTING CONDITIONS/DEMOLITION PLAN	PL–03
PRELIMINARY PLAN	PL–04
UTILITY PLAN	PL–05
LANDSCAPE PLAN	LA–01

CITY OF MILFORD APPROVAL

ERIC NORENBERG CITY MANAGER DATE

CITY PLANNING DEPARTMENT APPROVAL

PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE MOST RECENTLY ADOPTED AND/OR CERTIFIED VERSIONS OF THE CITY OF MILFORD'S CODE OF ORDINANCES AND COMPREHENSIVE LAND USE PLAN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

CITY ENGINEER APPROVAL

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD'S STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

ERIK F. RETZLAFF, P.E. CITY ENGINEER DATE

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

TITLE SHEET - COMMERCIAL PRELIMINARY SITE PLAN

WINDWARD ON THE RIVER - COMMERCIAL
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

Revisions:
3/25/2019
PER CITY COMMENTS

Date: JANUARY 2019
Scale: AS NOTED
Dwn.By: KJB
Proj.No.: 2261J011.G02
Dwg.No.:

PL-01

P:\JG Townsend\Swain Property Milford\Design\Commercial\Preliminary\2261J011-002 Preliminary Plan Com– Title.dwg Apr 01 , 2019 – 10:15am

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC., AND SHALL NOT BE ALTERED, REUSED, REDISTRIBUTED, OR DISPLAYED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2019

CIVIL PLAN GENERAL NOTES

1. BOUNDARY AND TOPOGRAPHIC SURVEY WAS PERFORMED BY DAVIS BOWEN AND FRIEDEL, INC. DELAWARE ON MAY 25, 2018. ELEVATIONS ARE BASED ON CONTROL MONUMENT BENCHMARK #1 (IRCS), WITH AN ELEVATION OF 23.07' NGVD88, BENCHMARK #2 (IRCS), WITH AN ELEVATION OF 11.90' NGVD88, BENCHMARK #9 (IRCS), WITH AN ELEVATION OF 15.79' NGVD88 AND BENCHMARK #10 (IRCS), WITH AN ELEVATION OF 21.49' NGVD88

2. HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, CONTROL MONUMENTS BENCHMARKS #1, #2 #9 AND #10.

3. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.

4. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. MATERIALS AND WORKMANSHIP SHALL MEET THE REQUIREMENTS OF THE CITY OF MILFORD STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION AND SUBDIVISION PAVEMENT DESIGN, AND ALL APPLICABLE AGENCIES HAVING JURISDICTION OVER THE PROPOSED IMPROVEMENTS.

5. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACK FILLING TRENCHES.

6. SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL PRIOR TO THE INSTALLATION OF THE ITEM(S).

7. THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.

8. A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE SHALL BE RESPONSIBLE FOR PERMANENTLY RE-ESTABLISHING ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.

9. THE APPLICANT IS RESPONSIBLE TO ENSURE THAT ALL CITY AND/OR AGENCY CONSTRUCTION PERMIT APPLICATIONS HAVE BEEN COMPLETED, SUBMITTED, AND ALL APPLICABLE FEES HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR AN ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.

10. THE CONTRACTOR SHALL NOTIFY THE CITY A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE. CITY OF MILFORD (302) 422-6616.

11. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPRISE AND COORDINATE DURING ALL PHASES OF CONSTRUCTION:
    1.1 DAVIS, BOWEN & FRIEDEL, INC. 302-424-1441.
    1.2 CITY OF MILFORD PUBLIC WORKS DEPARTMENT 302-422-1110, EXT. 1110.
    1.3 CITY OF MILFORD ELECTRIC DEPARTMENT 302-422-1110, EXT. 1135.
    1.4 SUSSEX CONSERVATION DISTRICT 302-856-7219.
    1.5 DEPARTMENT OF TRANSPORTATION, SOUTH DISTRICT PERMITS SUPERVISOR 302-853-1340.

12. CONTRACTOR SHALL PROVIDE STAKEOUT NECESSARY FOR THE INSTALLATION OF STORM DRAINS, PAVING AND ALL OTHER SITE WORK INCLUDED IN THESE PLANS. ALL STAKEOUT WORK IS TO BE PERFORMED UNDER THE DIRECT SUPERVISION OF A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE.

13. CONTRACTOR SHALL OBTAIN ALL THE NECESSARY PERMITS FOR THE EXECUTION OF THIS CONTRACT.

14. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS UNLESS WRITTEN APPROVAL HAS BEEN PROVIDED BY THE ENGINEER.

15. FLOODPLAIN: THIS SITE LIES WITHIN ZONE X (AREAS OUTSIDE THE 500-YEAR FLOODPLAIN) AND ZONE AE (EL 9') AS DETERMINED BY FEMA FIRM PANEL 10005C0041K AND 10005C0042K; DATED MARCH 16, 2015.

16. FINAL SET OF APPROVED CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE AT ALL TIMES. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.

17. THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.

18. ALL UTILITY MATERIALS, INSTALATION, TESTING AND INSPECTION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MILFORD "STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN", LATEST EDITION.

19. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF ALL MATERIALS FOR APPROVAL TO THE CITY OF MILFORD AND OWNER'S ENGINEER, PRIOR TO COMMENCEMENT OF CONSTRUCTION. MATERIALS ORDERED AND INSTALLED PRIOR TO REVIEW AND ACCEPTANCE WILL BE AT THE CONTRACTOR'S RISK.

20. THE CONTRACTOR SHALL USE ONLY NEW MATERIALS, PARTS, AND PRODUCTS. ALL MATERIALS SHALL BE STORED SO AS TO ASSURE THE PRESERVATION OF THEIR QUALITY AND FITNESS FOR THE INTENDED WORK.

21. ROUTINE PERIODIC INSPECTIONS DURING CONSTRUCTION WILL BE PROVIDED BY THE OWNER AND THE CITY. THESE INSPECTIONS DO NOT RELIEVE THE CONTRACTOR FROM HIS OBLIGATION AND RESPONSIBILITY FOR CONSTRUCTING ALL WORK IN STRICT ACCORDANCE WITH ALL STANDARDS AND SPECIFICATIONS AND CONSTRUCTION DOCUMENTS.

22. THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.

23. THE CONTRACTOR SHALL MAINTAIN PUBLIC ROADS AND STREETS IN A BROOM SWEPT CONDITION AT ALL TIMES.

24. WETLANDS DO EXIST ON SITE.

25. ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.

26. AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE START OF CONSTRUCTION, THE APPLICANT MAY BE REQUIRED TO ENTER INTO A FORMAL PUBLIC WORKS AGREEMENT WITH THE CITY AND TO POST A COMPLETION GUARANTY FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTY SHALL BE IN AN AMOUNT EQUAL TO 150% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTY SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. THE COMPLETION GUARANTEE SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.

27. A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE AMOUNT OF THE COMPLETION GUARANTY PRIOR TO FINAL ACCEPTANCE OF THE IMPROVEMENTS AND RELEASE OF THE COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR. AN AGREEMENT REVIEWED AND APPROVED BY THE CITY SOLICITOR SHALL ACCOMPANY THE BOND AND SHALL DESCRIBE THE TERMS OF THE BOND.

28. UPON COMPLETION AND PRIOR TO THE RELEASE OF THE DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE TOWN ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF ALL PROPERTY MONUMENTS/MARKERS; SEWER MANHOLE RIMS, PIPES SIZES & INVERTS' PUMP STATIONS' FORCE MAINS (INVERTS EVERY 50 FEET), CLEANOUTS, AIR RELEASE VALVES, AND GREASE TRAPS; ALL WATER VALVES, HYDRANTS, VAULTS, METER PITS, AND CURB STOPS; ALL STORM SEWER CATCH BASINS, MANHOLE RIMS, PIPE SIZES & INVERTS, AND ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE TOWN. RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER. A CD SHALL ALSO BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2010 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD88 VERTICAL CONTROL.

29. PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID AFTER ONE (1) YEAR, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED FOR GOOD CAUSE BY THE PLANNING COMMISSION PRIOR TO THE DATE OF EXPIRATION.

30. FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERTAKEN WITHIN ONE (1) YEAR OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.

DEMOLITION AND SAFETY GENERAL NOTES

1. MISS UTILITY OF DELMARVA SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.

2. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELMARVA.

3. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES, REGULATIONS AND ORDERS OF ANY PUBLIC BODY HAVING JURISDICTION. THE CONTRACTOR SHALL ERECT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.

4. THE CONTRACTOR SHALL OPEN ONLY THAT SECTION OF TRENCH OR ACCESS PITS WHICH CAN BE BACKFILLED AND STABILIZED AT THE END OF EACH WORKING DAY. STEEL PLATES SHALL BE USED ON ANY TRENCH OR ACCESS PITS WHICH MUST REMAIN OPEN OVERNIGHT. THIS REQUIREMENT DOES NOT APPLY TO AREAS COMPLETELY CLOSED AND SECURE FROM VEHICULAR OR PEDESTRIAN TRAFFIC.

5. DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL WORK MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.

6. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE CONTRACTOR TO PERFORM. ADDITIONAL COSTS WILL BE NEGOTIATED WITH THE OWNER.

POTABLE WATER DISTRIBUTION GENERAL NOTES

1. MISS UTILITY OF DELMARVA SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.

2. ALL WATER DISTRIBUTION WORK SHALL COMPLY WITH THE CITY OF MILFORD WATER MAIN CONSTRUCTION SPECIFICATIONS, LATEST EDITION. CONTRACTOR SHALL OBTAIN A COPY FROM CITY OF MILFORD PRIOR TO BIDDING ON THE JOB. FAILURE TO OBTAIN A COPY OF THE SPECIFICATIONS SHALL NOT RELIEVE THE CONTRACTOR OF THEIR RESPONSIBILITY. ANY ADDITIONAL COSTS CAUSED BY THE FAILURE TO FOLLOW THE SPECIFICATIONS SHALL BE AT THE SOLE COST OF THE CONTRACTOR.

3. ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.

4. THE CONTRACTOR SHALL FIELD VERIFY LOCATION OF EXISTING WATER LATERALS TO WHICH NEW CONSTRUCTION WILL CONNECT.

5. WATER LATERALS SHALL HAVE A MINIMUM COVER OF 42 INCHES FROM PROPOSED GRADE, AS MEASURED FROM THE TOP OF PIPE.

6. THE CONTRACTOR SHALL OPEN ONLY THAT SECTION OF TRENCH OR ACCESS PITS WHICH CAN BE BACKFILLED AND STABILIZED AT THE END OF EACH WORKING DAY. TRENCHES MAY NOT BE LEFT OPEN WITHOUT THE APPROVAL OF CITY OF MILFORD.

7. FINAL APPROVED SET OF PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.

8. THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.

9. ROUTINE PERIODIC INSPECTIONS DURING CONSTRUCTION WILL BE PROVIDED BY CITY OF MILFORD OR DESIGNEE. THESE INSPECTIONS DO NOT RELIEVE THE CONTRACTOR FROM HIS/HER OBLIGATION AND RESPONSIBILITY FOR CONNECTING THE WATER SERVICES IN ACCORDANCE WITH CITY OF MILFORD STANDARDS AND SPECIFICATIONS.

10. DIFFERING SITE CONDITIONS AND/OR DIFFERING MATERIAL PROPERTIES SHALL REQUIRE CITY OF MILFORD OR DESIGNEE APPROVAL OF SPECIAL DESIGN DETAILS PREPARED BY THE DESIGN ENGINEER PRIOR TO INITIATING OR RESUMING CONSTRUCTION ACTIVITIES.

11. THE CONTRACTOR SHALL ALLOW SUFFICIENT TIME FOLLOWING EXCAVATIONS FOR INSPECTION AND EVALUATION OF EXISTING SOIL SUBGRADE CONDITIONS BY CITY OF MILFORD OR DESIGNEE. CITY OF MILFORD OR DESIGNEE SHALL INSPECT ALL LATERAL SUBGRADES FOLLOWING EXCAVATION AND PRIOR TO CONSTRUCTION OF NEW WORK TO CONFIRM DESIGN CONDITIONS ARE MET AND SUBGRADE CONDITIONS ARE SUITABLE FOR CONSTRUCTION. IN THE EVENT THE SOIL BEARING CAPACITY IS LESS THAN THE MINIMUM DESIGN VALUE, CITY OF MILFORD OR DESIGNEE SHALL CAUSE AFFECTED CONSTRUCTION TO CEASE AND SHALL NOTIFY THE DESIGN ENGINEER FOR RE-DESIGN TO ACCOMMODATE THE REDUCED SOIL BEARING CAPACITY.

12. IN THE EVENT THE SUBGRADE CONDITION IS UNSTABLE, DUE TO UNSUITABLE MATERIALS AND/OR GROUNDWATER INFILTRATION/INTRUSION INTO THE SURROUNDING SOILS, AS DETERMINED BY CITY OF MILFORD OR DESIGNEE, THE CONTRACTOR SHALL, AS DIRECTED BY CITY OF MILFORD OR DESIGNEE, REMOVE THE UNSUITABLE MATERIAL AND FILL WITH SUITABLE APPROVED GRANULAR FILL MATERIAL.

13. CONTRACTOR SHALL EXTEND LATERAL BELOW ANY CONFLICTS OR OBSTRUCTIONS TO PROVIDE REQUIRED CLEARANCES. COST SHALL BE INCLUDED IN THE PRICE OF THE CONTRACT.

14. THROUGHOUT THE PROJECT, WHERE WATER MAINS ARE LOCATED IN, ACROSS OR ADJACENT TO DRAINAGE DITCHES AND SWALES, THE CONTRACTOR SHALL RESTORE DISTURBED AREAS TO THEIR ORIGINAL CONDITION AND VEGETATE AS REQUIRED.

15. ALL PROPOSED WATER MAINS 6" AND LARGER SHALL BE C-909 CL235 PVC. ALL PROPOSED WATER SERVICES SHALL BE 2" SDR-9 POLY PVC TUBING.

16. ALL WATER CONNECTIONS LESS THAN OR EQUAL TO 2" SHALL USE A STAINLESS STEEL SADDLE, CORPORATION STOP AND CURB STOP. ALL CONNECTIONS LARGER THAN 2" SHALL USE A TEE AND GATE VALVE WITH VALVE BOX.

17. ALL GATE VALVES SHALL BE PROVIDED WITH A ROADWAY SCREW-TYPE CAST IRON VALVE BOX.

18. VALVES LARGER THAN 4" SHALL BE ONE OF THE THREE TYPES APPROVED BY CITY OF MILFORD. ALL VALVES SHALL BE OPERABLE BY A 6' VALVE WRENCH.

19. PLACE NEW VALVES NEXT TO TEES, BENDS, ETC., SUPPORT ALL VALVES ON A SOLID 4"X8" CONCRETE MASONRY UNIT.

20. ALL WATER MAINS SHALL BE HYDROSTATICALLY TESTED AND DISINFECTED IN ACCORDANCE WITH CITY OF MILFORD STANDARDS AND SPECIFICATIONS BEFORE ACCEPTANCE.

21. ALL PROPOSED SERVICES SHALL BE INSTALLED WITH A TRACER WIRE CONTINUOUSLY ALONG AND DIRECTLY ADHERED TO THE PIPE.

22. THE CONTRACTOR WILL INSTALL THE WATER SERVICE TO THE GROUND MARKER AS SHOWN ON THE STANDARD DETAILS. THE WATER METER AND PIT ASSEMBLY WILL BE PURCHASED BY THE DEVELOPER AND INSTALLED BY THE CITY OF MILFORD.

23. ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY OF MILFORD OR DESIGNEE. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY OF MILFORD OR DESIGNEE AND NOTIFY RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.

24. ALL FITTINGS SHALL BE DUCTILE IRON, MECHANICAL JOINT RESTRAINT AND AWWA APPROVED. SEE THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION. ALL FITTINGS SHALL BE THRUST RESTRAINED AS SHOWN ON THE STANDARD DETAILS.

25. WATER MAINS SHALL BE LAID AT LEAST 10 FEET HORIZONTALLY FROM SEWER MAINS. WATER CROSSING SEWER MAINS SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 18" TO OUTSIDE OF PIPES. IF AN 18" CLEARANCE CANNOT BE OBTAINED, CONTRACTOR IS TO CONTACT THE DESIGN ENGINEER TO DETERMINE THE APPROPRIATE INSTALLATION (PER THE CITY OF MILFORD'S APPROVAL) OF WATER MAIN AT CLEARANCE CONFLICT. WATER MAINS MAY NEED TO BE DEFLECTED TO MEET THE SEPARATION REQUIREMENTS.

26. THE CONTRACTOR SHALL TAKE PRECAUTIONS TO LOCATE PROPERTY LINES, EASEMENTS, AND RIGHT-OF-WAY LINES PRIOR TO CONSTRUCTION AND AVOID CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY AND/OR RIGHTS OF WAYS WHERE SAID CONSTRUCTION IS PROHIBITED. THE CONTRACTOR MAY CONDUCT CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY PROVIDED HE HAS OBTAINED PRIOR WRITTEN PERMISSION FROM THE PROPERTY OWNER AND HAS SUBMITTED A COPY OF SAID WRITTEN PERMISSION TO THE CITY OF MILFORD. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION. PAYMENT FOR THIS WORK SHALL BE INCLUDED IN THE COST OF ITEMS BID.

27. ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY. CITY OFFICIALS WILL CARRY OUT ALL NECESSARY VALVE CLOSURES. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY AND NOTIFY AFFECTED RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.

28. CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND FORCEMAIN. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATERTIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.

29. PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.

30. ALL SANITARY SEWER MAINS AND FORCEMAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 42 INCHES AS MEASURED FROM THE TOP OF PIPE TO PROPOSED GRADE. SEWER LATERALS SHALL HAVE A MINIMUM DIAMETER OF SIX (6) INCHES AND HAVE A MINIMUM COVER OF 36 INCHES.

31. THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCEMAINS OF 10 FEET, AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORCEMAINS AT CROSSINGS. ONE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE AT CROSSINGS.

32. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 12 INCHES BETWEEN ANY STORM DRAIN PIPE AND ANY WATER MAIN OR SEWER MAIN. IF 12 INCHES CANNOT BE MAINTAINED, A MINIMUM OF SIX (6) INCHES IS REQUIRED AND PROVISIONS SHALL BE MADE ACCEPTABLE TO THE CITY OF MILFORD FOR PROPERLY ENCASING THE PIPE IN CONCRETE.

33. PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.

34. THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES INSTALLED WITHIN CITY RIGHT-OF-WAY, AND EASEMENTS DEDICATED TO THE CITY; AND, ALL STORM SEWER PIPES AND CATCH BASINS FULLY WITHIN CITY RIGHT-OF-WAY, AFTER ALL ITEMS HAVE PASSED CITY INSPECTION; AFTER THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AFTER THE RIGHTS-OF-WAY HAVE BEEN DEEDED TO THE CITY; AND AFTER ALL THE WATER, SEWER, AND STORM SEWER ITEMS HAVE BEEN TRANSFERRED TO THE CITY BY BILL OF SALE.

35. SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID, AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONVEYANCE, TREATMENT, AND DISPOSAL.

INTERNAL PAVING NOTES

1. BITUMINOUS CONCRETE ASPHALT SHALL BE INSTALLED IN ACCORDANCE WITH THE AUGUST 2016 DelDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION TO INCLUDE SPECIAL PROVISIONS:
    1.1. SECTION 1011 FOR PLACEMENT OF TACK COAT.
    1.2. SECTION 401 FOR PLACEMENT OF BITUMINOUS CONCRETE ASPHALT
    1.3. BITUMINOUS CONCRETE ASPHALT SHALL BE FROM A DelDOT APPROVED PLANT.
    1.4. BITUMINOUS CONCRETE ASPHALT SHALL NOT BE APPLIED WHEN BELOW TEMPERATURES SPECIFIED IN SECTION 401.03.F.

2. ALL DISTURBED AREAS NOT COVERED WITH IMPERVIOUS MATERIAL, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED, SEEDED AND MULCHED.

3. ALL SIGNING AND MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION).

4. DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION).

5. FOR FINAL PERMANENT PAVEMENT MARKINGS, EPOXY RESIN PAINT SHALL BE REQUIRED FOR LONG LINE STRIPING AND THERMO WILL BE REQUIRED FOR SHORT LINE STRIPING, i.e. SYMBOLS/LEGENDS.

6. ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REFURBISHED CONDITION. SHALL COMPLY WITH THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION), AND SHALL BE NCHRP - 350 APPROVED AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.

7. BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING ALL SIGNS. DETAIL CAN BE FOUND IN DelDOT'S STANDARD CONSTRUCTION DETAILS.

8. PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE ENGINEER.

9. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER EXISTS AFTER PAVING IS COMPLETE. PONDING IS DEFINED AS WATER STANDING IN AN AREA MORE THAN 1 HOUR AFTER A RAINFALL EVENT THAT PRODUCES RUNOFF. ELIMINATION OF PONDING WILL BE COMPLETED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.

10. OPEN-CUT TRENCHES AND PROVIDE PAVEMENT RESTORATION IN ACCORDANCE WITH THE APPROPRIATE JURISDICTION'S STANDARDS AND SPECIFICATIONS. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIALS FOR BACKFILLING TRENCHES.

SANITARY SEWER GENERAL NOTES

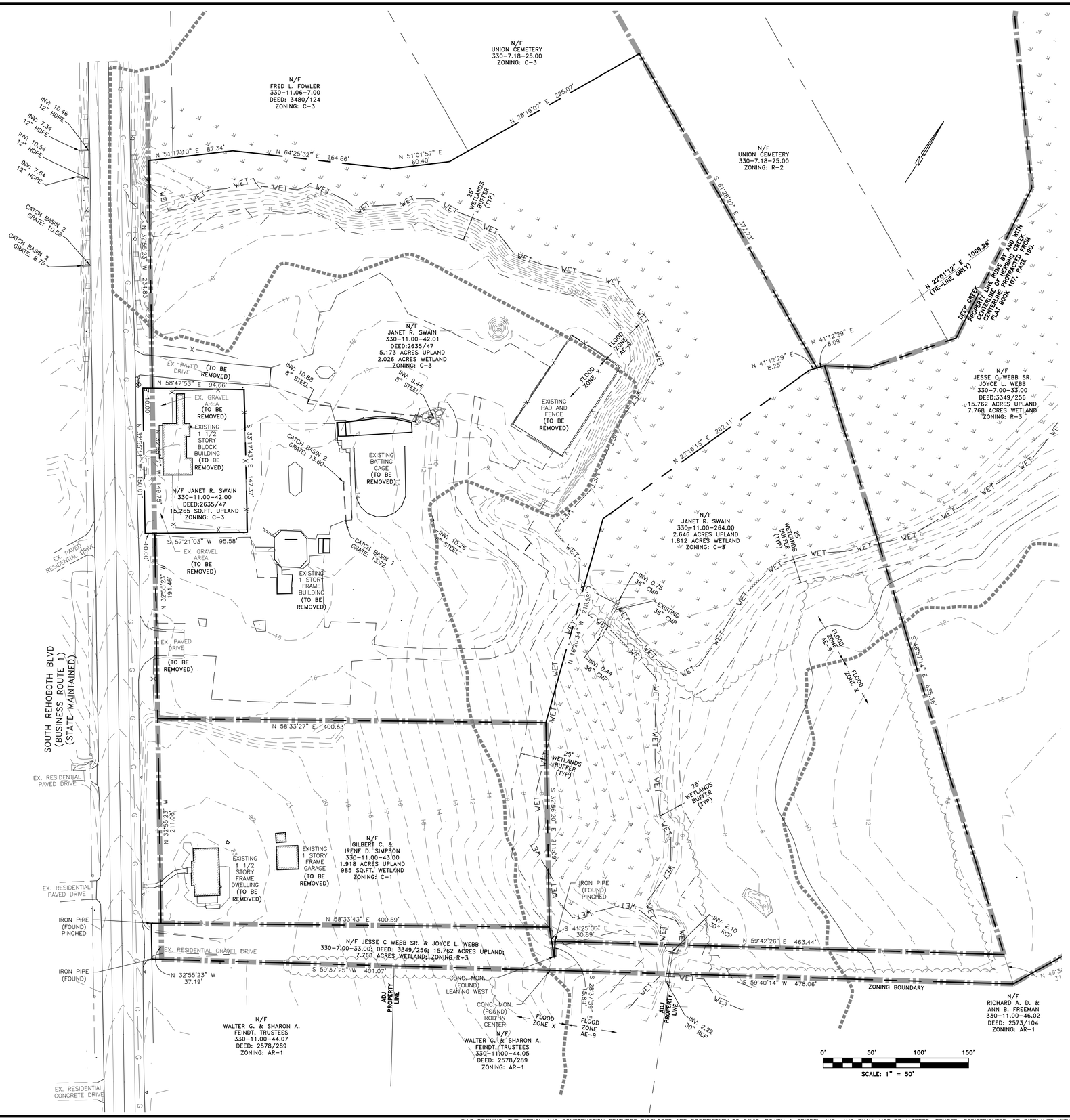
1. MISS UTILITY OF DELMARVA SHALL BE NOTIFIED THREE CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.

2. CONTRACTOR SHALL PROVIDE STAKEOUT SURVEY NECESSARY FOR THE INSTALLATION OF UTILITY WORK AND APPURTENANCES AS REQUIRED PER THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS.

3. SANITARY SEWER CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS, AND DETAILS.

4. ALL SANITARY SEWER MATERIALS AND APPURTENANCES SHALL MEET OR EXCEED THOSE REQUIRED BY THE CITY OF MILFORD STANDARDS AND SPECIFICATIONS, AND DETAILS.

5. USE ONLY SUITABLE GRANULAR



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MILFORD, DELAWARE (302) 424-1441

EXISTING CONDITIONS/DEMOLITION PLAN

WINDWARD ON THE RIVER - COMMERCIAL

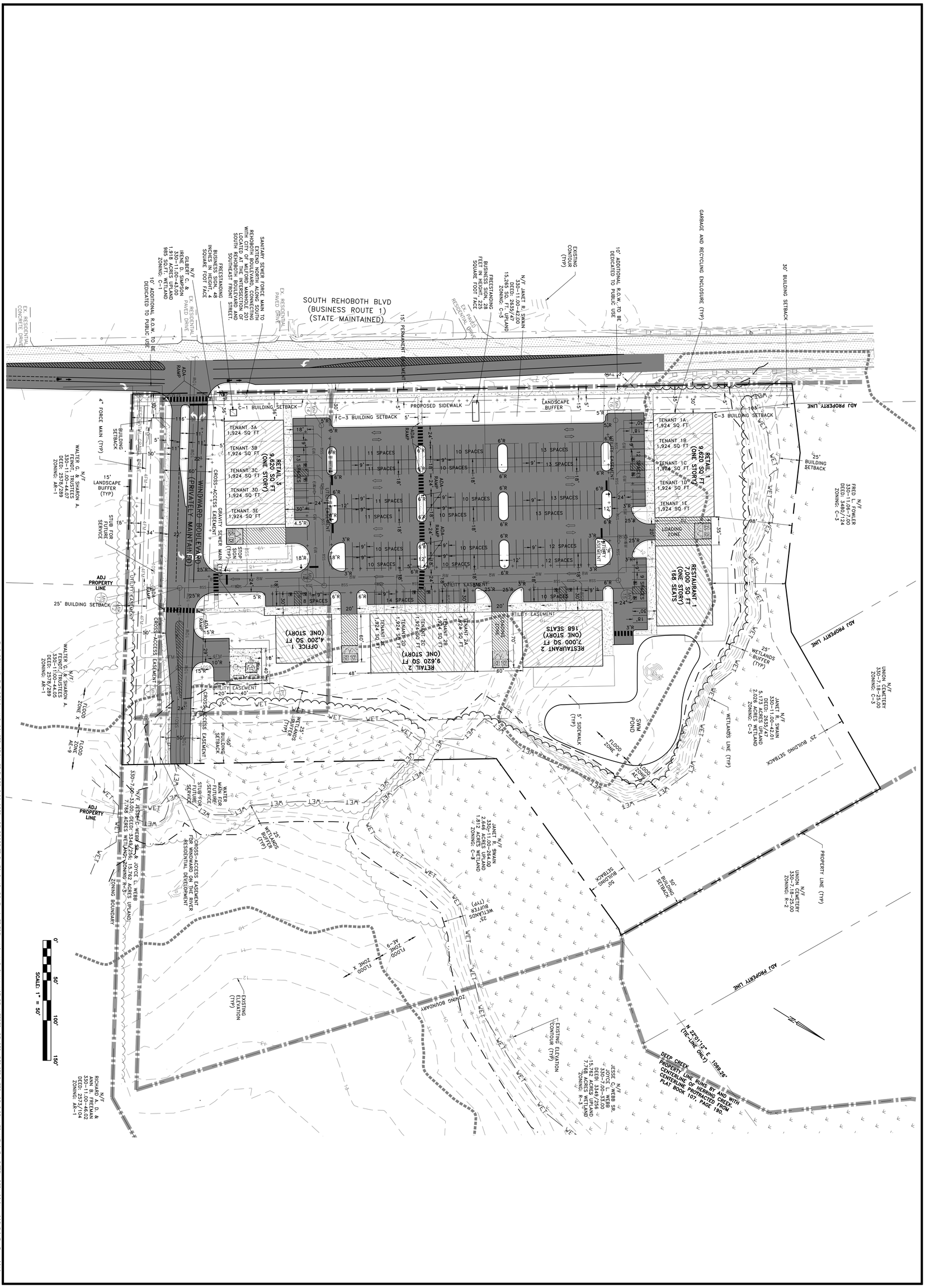
CITY OF MILFORD

SUSSEX COUNTY, DELAWARE

Revisions:
3/25/2019
PER CITY COMMENTS

Date:	JANUARY 2019
Scale:	1"=50'
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PL-04

Date: JANUARY 2019
Scale: 1"=50'
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Proj No.: 2261J011.G02
Dwg No.:

Revisions:
3/26/2019
PER CITY COMMENTS

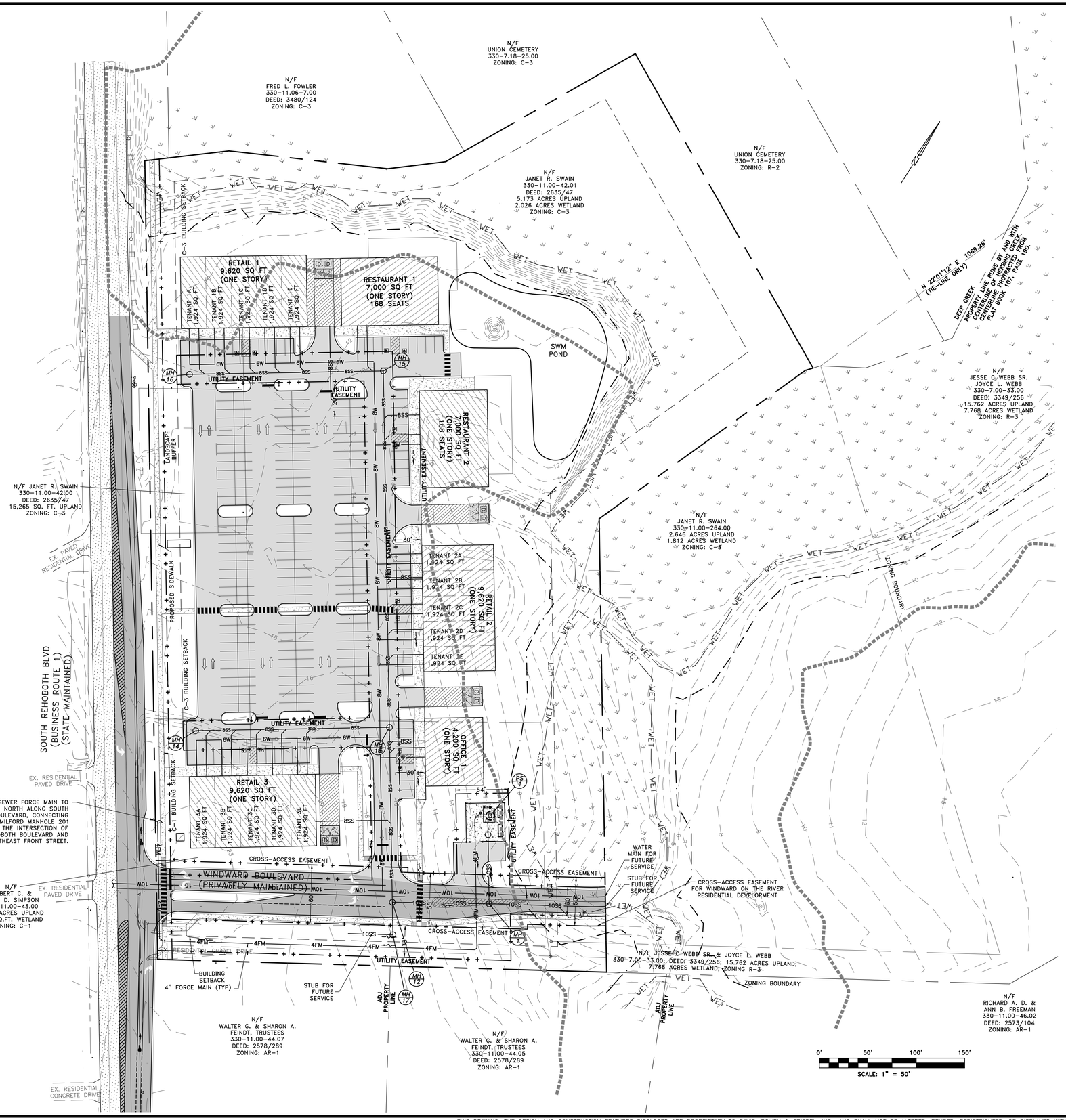
WINDWARD ON THE RIVER - COMMERCIAL

CITY OF MILFORD

SUSSEX COUNTY, DELAWARE

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PRELIMINARY SITE PLAN



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UTILITY PLAN

WINDWARD ON THE RIVER - COMMERCIAL

CITY OF MILFORD

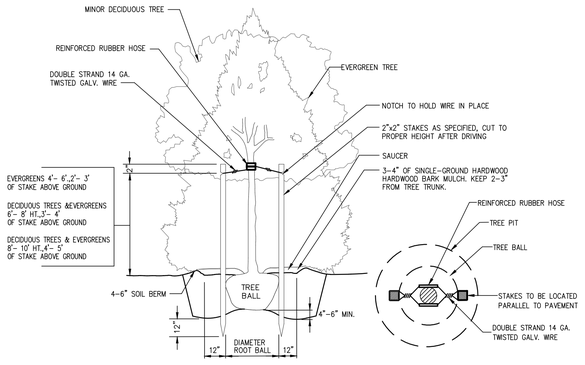
SUSSEX COUNTY, DELAWARE

Revisions:
3/25/2019
PER CITY COMMENTS

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TREE STAKING DETAIL

NOT TO SCALE

GENERAL LANDSCAPE NOTES

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

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

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

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

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

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

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

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

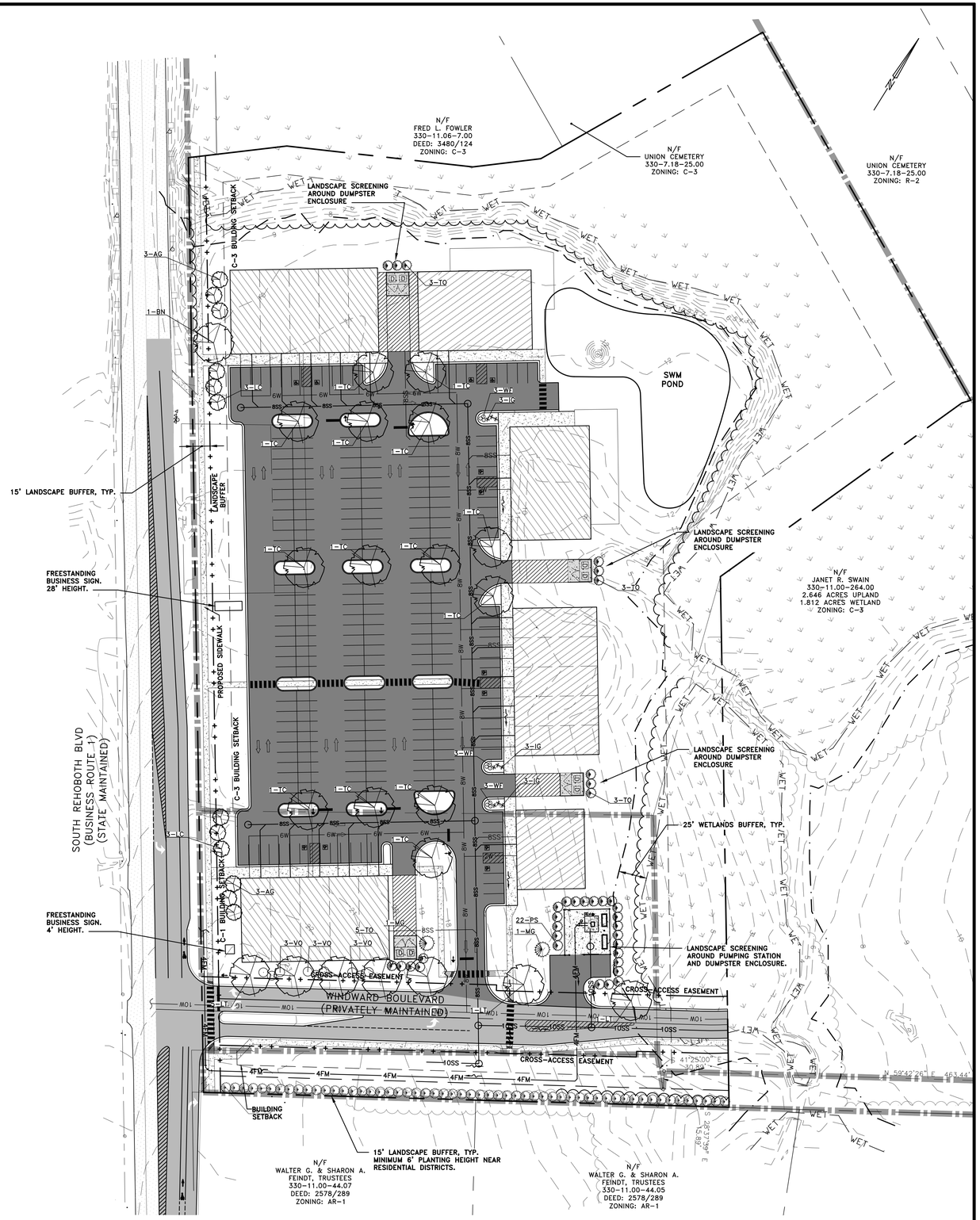
9 THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.

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

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

PLANT SCHEDULE

SYMBOL	NATIVE	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
			LARGE SHADE TREES			
	✓	BN	BETULA nigra 'BNTF'	RIVER BIRCH DURA HEAT	12'-14' HT., B&B, multi-stem	1
	✓	LT	LIRIODENDRON tulipifera	TULIP TREE	2 1/2"-3 1/2" Cal., B&B	7
		TC	TILIA cordata 'GREENSPIRE'	GREENSPIRE LITTLELEAF LINDEN	2 1/2"-3 1/2" Cal., B&B	14
			SMALL SHADE TREES			
	✓	AG	AMELANCHIER x grandiflora 'AUTUMN BRILLIANCE'	AUTUMN BRILLIANCE SERVICEBERRY	8'-10' HT, B&B	6
		LC	LAGERSTROEMIA indica 'CATAWBA'	CATAWBA CRAPE MYRTLE	6'-8' HT, B&B	6
			EVERGREEN TREES			
	✓	MG	MAGNOLIA grandiflora	SOUTHERN MAGNOLIA	5'-6' HT. B&B	2
	✓	PS	PINUS strobus	WHITE PINE	6'-7' HT. B&B	22
			EVERGREEN SHRUBS			
	✓	IG	ILEX glabra 'SHAMROCK'	SHAMROCK INKBERRY	18"-24", B&B	9
		TO	THUJA occidentalis 'TECHNY'	TECHNY ARBORVITAE	5'-6' HT., B&B	14
			DECIDUOUS SHRUBS			
		VO	VIBURNUM opulus 'ROSEUM'	VIBURNUM COMMON SNOWBALL BUSH	3'-4', B&B	9
		WF	WEIGELA florida 'BOKRASPIWI'	SPILLED WINE WEIGELA	18"-24", Cont.	9



LANDSCAPE PLAN

SCALE: 1"=50'

0' 50' 100' 150'

SCALE: 1" = 50'

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LANDSCAPE PLAN

WINDWARD ON THE RIVER - COMMERCIAL

CITY OF MILFORD

SUSSEX COUNTY, DELAWARE

Date:	JANUARY 2019
Scale:	1"=50'
Dwn.By:	KJB
Proj.No.:	2261J011.G01
Dwg.No.:	LA-01

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Proposed Use Narrative

This conditional use application is for the commercial portion of the Windward on the River project. The commercial portion of this project proposes the following uses permitted by City of Milford Code: two restaurants and a shopping center. The shopping center is a permitted conditional use.

The nature of the shopping center has yet to be determined. Hours of operation are unknown at this time. The plan shows three units of 9,620 square feet each and one unit of 4,280 square feet. The uses shown are provided as an example of potential tenants. The number of proposed parking spaces will ultimately decide the size of the conditional use and thus are requesting the conditional use be approved as a 33,140 square foot shopping center.

Proposal Summary

This conditional use application is for the commercial portion of the Windward on the River project. The project proposes two restaurants and a shopping center. Windward Boulevard will provide primary entry on South Rehoboth Boulevard. It will also provide secondary entry on Beaver Dam Road.

The commercial portion of the site seeks to consolidate four lots. Two lots are currently zoned C-3, Highway Commercial District. The City annexed the third lot on December 19, 2018, with a zoning designation of C-1, Community (Neighborhood) Commercial District. The fourth lot is zoned R-3, Garden Apartment and Townhouse District. It is an odd shaped lot with minimal frontage along South Rehoboth Boulevard. A lot line adjustment will occur along with the consolidation. The lot consolidation seeks consolidation from four lots into one lot with split C-3/C-1/R-3 zoning. Entry to C-3 zoning will be provided via the C-1 zone. Secondary entry will be available via Beaver Dam Road through the residential portion of the site.

A shopping center with a minimum lot size of one acre is a conditional use permitted as per Chapter 230, Article 3, Section 14 of the City of Milford Code. Landscape variances have already been approved.

The shopping center is comprised of three units of 9,620 square feet each and one unit of 4,280 feet, for a total footprint of 33,140 square feet. The site also includes two restaurants of 7,000 square feet each. It is assumed each restaurant will have 168 seats and 16 employees on the largest shift. As per City of Milford Code, Chapter 230, Article 3, Section 14 and Article 4, Section 21B, 313 parking spaces are required. As per ADA requirements, a minimum of 8 accessible spaces will be provided. Pedestrian interconnectivity is proposed between the commercial and residential portions of this project.

This paragraph describes additional items that are required or allowed as per Chapter 230, Article 3, Section 14. The shopping centers will be one story each and will not exceed 35 feet in height. The building setback is 30 feet, rear yard of 50 feet, and side yards of 25 feet each (for an aggregate width of 50 feet). The lot width is 825 +/- feet.

The parcel is abutted to the north by two lots, one C-3 and one R-1. It is separate from these two parcels by the Deep Branch and wetlands, providing an existing landscape buffer. The residential portion of the project (with split C-3/R-3 zoning) abuts this parcel to the north, east, and south.

Stormwater runoff will discharge into Deep Branch, which is tidal. Stormwater management facilities will be designed to treat and detain the RPv Event while safely conveying the Cv and Fv events.

The commercial portion of the site will provide a variety of economic activity for the City of Milford, drawing customers not only from nearby residential areas (including the proposed residential portion of the site), but from travelers along both South Rehoboth Boulevard and Beaver Dam Road.

DAVIS BOWEN & FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.

March 29, 2019

City of Milford
180 Vickers Drive
Milford, DE 19963

Attn: Rob Pierce, Planning Director

RE: Windward on the River - Commercial
Preliminary Site Plan & Conditional Use
Application Number : 18-018
Tax Map #: 330-7.00-33.00 and 330-11.00-42.00, 42.01, and 43.00
DBF #2261J011.G02

We are hereby submitting two sets of revised preliminary site plan and lot consolidation plan for Windward on the River - Commercial for review. This plan revision is to address the comments in your letter dated February 21, 2019. We have retained the original numbering to address those items that were not satisfactorily addressed in our previous submission. In response to comments in the above referenced review letter, we offer the following item-by-item response narrative:

DWG/PG NO.	COMMENT NO.	PROJECT REVIEW COMMENTS	APPLICANT RESPONSE
		Preliminary Site Plan and Conditional Use	
General	1	Provide a copy of the completed checklists showing which items have been addressed. The checklist and land use application cover sheet must be signed by the applicant and all owners of the subject properties. **Need application signed by all current legal owners of affected property. Webb was not provided in the recent submittal.**	The Webb application has been submitted to the City.
	2	The site plan will require a lot-line adjustment/consolidation plat to be recorded prior to final site plan approval. Please include a copy in the resubmission for review. **A lot-line adjustment/consolidation plat has been provided. Review comments are provided below.**	We will address the comments separately below.
	2a	**The Lot-Line Adjustment and**	The lot-line adjustment and

		Consolidation Plat should be used only to move the property lines around. A separate site plan record drawing will be required for both the residential and commercial site plans showing utility easements, right of way dedication, cross-access easements, etc. Remove reference to utility easements. Note that this can be addressed prior to Final Site Plan approval.	consolidation plans will be separately submitted for the residential and commercial components. Separate utility easement plans will also be prepared. These will be submitted as part of the construction document review and prior to final site plan approval.
		The data column only needs the parcel information, lot area requirements. You can remove reference to landscaping, parking requirements, Board of Adjustment approvals and table regarding proposed easements. Note this can be addressed prior to Final Site Plan approval.	The data column will be modified and will be addressed prior to final site plan.
	3	Provide a landscaping plan for review for compliance with Chapter 230 landscaping. **Plan provided, see below for review comments.**	We will address the comments separately.
	3a	**The "15' Off-Street Parking Buffer" should be called the "15' Landscape Buffer." Update this reference in all areas of the plan set.**	The reference has been updated.
	5	Per Chapter 130 Floodplain, "For development activities in a special flood hazard area with base flood elevations but no designated floodways, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such analyses and data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant. The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential special flood	The study is unable to be completed as a grading plan must be completed first prior to performing the analysis. Given the residential portion of the project and most of the improvements have been removed from the floodplain the base flood elevation will not rise more than 1 foot. The appropriate studies will be prepared and submitted to the City during the plan review process.

		hazard area encroachments will not increase the base flood elevation more than 1.0 foot at any point." The City will require the submittal of a hydrologic and hydraulic study for review by the Planning Commission and City Council in conjunction with the preliminary site plan and conditional use applications to ensure the proposed development will not adversely impact flood heights within the drainage basin. The City will require approval of the CLOMR-F by FEMA prior to final site plan approval. **The hydrologic and hydraulic study will need to be submitted for review prior to the meeting to determine if the project increases the base flood elevation by more than 1.0 foot at any point.**	
	6	Provide an existing conditions sheet in the plan set. This should include a metes and bounds description of each affected parcel and should show existing monumentation, existing natural features, buildings, gravel and paved areas, etc. **Partially Addressed. Show the extents of the existing pond on the eastern edge of the property.**	There is no pond on the eastern edge of the property. The wetlands line shows the extent of the wetted area.
	30	Provide a cross-access easement along Windward Boulevard, providing access rights to the proposed Windward on the River residential development to the east. **Addressed. Note the final plans will need to provide a note as to who will maintain the improvements within the cross-access easement.**	The final plan and / or other legal document will annotate the responsibility of the cross-access easement.
	36	Show the location of all proposed freestanding business signage and dimension setbacks. **The proposed sign located on the C-3 property is oriented so that the sign face is parallel with the right-of-way and will more than likely be reoriented at the time of building permit issuance to be perpendicular and extend over the drive aisle to the parking lot. Please show the revised sign orientation that will be**	The sign has been adjusted.

		constructed.	
	41	Label the number of proposed retail units or office suites in each of the buildings. This will be the maximum number of tenant spaces allowed upon approval. **The issuance of future building permits will be based on the approved site plan and the site plan should show the maximum number of possible tenant spaces for the retail and office buildings. See attached for sample commercial site plan for Cypress Hall showing the smallest possible tenant space. Tenant spaces could be consolidated in the future without modifying the site plan, but splitting out tenant spaces will not be permitted unless they match the approved site plan.**	We have added a proposed tenant space that is subject to change.
	49	Chapter 230-45.2 states that "no buildings, structures, impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25 feet to a delineated wetlands area. The placement of fill, regrading, or other obstructions to surface sheet flow, or the clearing or removal of natural vegetation within this setback area, shall be prohibited." There appears to be several sections of sidewalk within or very close to the required 25 foot wetland buffer area which are in conflict with the above language. In addition, areas behind Restaurant 1 & 2 and Retail 2 are very close to the actual buildings and/or concrete pads which would more than likely require regrading within the buffer area. How will grading be handled in these areas? Relocate features and grading activity outside the buffer area. **There is still a section of sidewalk to the rear of Retail Building 1 & 2 that is shown in the wetland buffer area. Please revise the plan.**	All impervious areas have been removed from the buffer.
	50	Chapter 230-45.3 states "lakes, ponds, rivers and streams shall be left as permanent open space. No filling, piping or diverting of water bodies, lakes ponds or streams shall be	There is no pond. The wetland line represents the outermost tidal wetted area.

		permitted except for required roads, to be approved by the USACE, DelDOT and/or DNREC." There appears to be an existing pond straddling the eastern property line of the proposed commercial site plan. Does the applicant intend to disturb this existing feature? Show the existing pond on the existing conditions sheet. **Please show the extents of the existing pond.**	
	51	Chapter 230-45.3 states "no buildings, structures or paved surfaces, except stairs and ramps, fences, open decks, patios or docks shall be permitted to be constructed under naturally occurring riparian buffer conditions nearer than twenty-five feet to the shoreline, as defined by the mean high-water line, of any tidal water body, tidal stream or tidal marsh." Please delineate the mean high-water line for the tidal body running through and adjacent to the subject parcel and show the required 25' riparian buffer on the plan. **Please delineate the mean high-water line and show the required 25' riparian buffer on the plans if the feature is tidal or the 50' riparian buffer on the plans if the feature is non-tidal.**	There is no pond. The wetland line represents the outermost tidal wetted area and we provide a 25' buffer from the line.
	52	Could Retail 1 & 2 and Office 1 be located along the west side of the property adjacent to S. Rehoboth Boulevard with parking placed in the rear? This may eliminate some of the wetland & riparian buffers and floodplain issues stated in above comments. **Recommendation remains.**	We have adjusted the buildings and the site.
	54	Show proposed stop signs and stop bars for review. **Addressed. Final location of stop signs and bars will be reviewed more closely with the final site plan construction plan submission.**	We have added stop signs and stop bars.
	55	What type of vehicles will be delivering products to the proposed uses? Please provide a turning radius diagram to ensure these vehicles can navigate the parking lot and can safely access the loading zones.	We have adjusted the location of the loading spaces and the restaurants can be served by a small tractor trailer and the retail / office

		Applicant has requested to submit these with final site plan review. Staff recommends reviewing now to avoid major changes in the parking lot.	buildings can be served by a box truck. The islands have been widened and turning templates will be provided during the construction document review.
	56	Per Chapter 230-21(C)(2), "loading spaces shall not be allowed in any front yard of any property." The loading spaces provided adjacent to Restaurant 1 and Retail 3 are located within the front yard area and should be relocated or a variance should be sought for relief from this requirement. **The Code states loading spaces shall not be allowed in any front yard, it does not say in any front yard setback. The loading spaces adjacent to Restaurant 1 and Retail 3 cannot be located where they are shown. These need to be relocated elsewhere on the site or a variance needs to be submitted by the applicant prior to review by the Planning Commission for preliminary site plan.**	We disagree with the City Planner's interpretation of front yard. However, we have moved the loading spaces for the entire project.
	59	Show the location of the future floodplain after final grading. **Acknowledged the requirement to show this with final site plan submission.**	The future floodplain and study will be addressed during the construction document preparation and final site plan.

An e-mail with the PDF format of said plans will follow. We respectfully request to be placed on the Planning Commission's May 21st, 2019 agenda.

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

Sincerely,
Davis, Bowen & Friedel, Inc.

Ring W. Lardner, P.E.
Principal

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Cc: Nick Hammonds, Windward Communities, LLC

DAVIS BOWEN & FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.

June 4, 2018

City of Milford
201 South Walnut Street
Milford, DE 19963

Attn: Rob Pierce, Planning & Economic Development Director

Re: **PLUS Review 2018-04-04**
Windward on the River
Tax Parcel Nos: 330-11.00-42.00, 42.01, 43.00, and 264.00 ; 330-7.00-33.00
DBF #2261J011.A01

Dear Mr. Pierce,

On behalf of our client, Windward Communities, LLC, we are pleased to submit written responses to PLUS comments received on May 22, 2018 for the Windward on the River project located on South Rehoboth Avenue in Milford, Delaware. State comments are italicized, while our responses are in bold.

Strategies for State Policies and Spending

- *This project is located in Investment Levels 1 and 2 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. Thus, the Office of State Planning Coordination has no objections to this subdivision.*

  We acknowledge the project's location in both Investment Area Levels 1 and 2.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *The site access on South Rehoboth Boulevard (Delaware Route 14) and on Beaver Dam Road (Sussex Road 209) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.*

  Site access will be designed in accordance with the Development Coordination manual. Turn lane lengths will be as per the Auxiliary Lane Worksheet. An entrance plan will be submitted to DelDOT separately from the preliminary plan submittal to the City of Milford.

- *Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. While DelDOT appreciated meeting with the applicant and their engineer on March 6, their engineer should request a second meeting when their plans are closer to being ready for submission.*

  We will be requesting a second meeting with DelDOT prior to our initial plan submission.

- *Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.*

  Proper fees will be paid when plans are submitted via the PDCA.

- *Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. DelDOT calculates that the development would generate 4,233 vehicle trip ends per day, 252 in the evening peak hour. Therefore the proposed development meets those warrants. A TIS scoping meeting was held on March 6, 2018.*

  The TIS is currently in progress.

- *Section 3.2.4.2 of the Manual addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case South Rehoboth Boulevard and Beaver Dam Road. Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.*

  Proper monumentation will be placed as required by the Development Coordination Manual.

- *As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on South Rehoboth Boulevard and Beaver Dam Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Beaver Dam Road and 40 feet of right-of-way from the physical centerline of South Rehoboth Boulevard. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"*

  40 feet of right-of-way is already provided along South Rehoboth Boulevard. The right-of-way along Beaver Dam Road is currently 25 feet. An additional 5 feet of right-of-way will be dedicated.

- *In accordance with Section 3.2.5.1.1 of the Manual, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the site entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.*

  If a sign is provided, we will ensure proper easements and sight distance. We will also ensure it is not a safety hazard as per DelDOT.

- *In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on South Rehoboth Boulevard and Beaver Dam Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"*

  15-foot wide permanent easements will be provided along the frontage of both South Rehoboth Boulevard and Beaver Dam Road. The easement along Beaver Dam Road will be outside the limits of the additional right-of-way that will be provided.

- *In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing "Letter of No Objection". The record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document available on the DelDOT website at https://www.deldot.gov/Business/subdivisions/pdfs/Critical-Items-Record-Subdivision.pdf?09222017.*

  A record plan will be prepared and submitted to DelDOT.

- *Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:*

    - *A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.*

    - *Depiction of all existing entrances within 450 feet of the proposed entrance on both roads.*

    - *Notes identifying the type of any off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.*

  All items listed above will be included on the Record Plan as applicable.

- *Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. Private or municipal streets should follow the City's requirements for connectivity.*

  Development roads will be privately maintained and will follow all applicable City of Milford requirements for connectivity.

- *Section 3.5.4.2 of the Development Coordination Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, all developments in Level 1 and 2 Areas, and all developments that would generate more than 2,000 vehicle trip ends per day are required to install a sidewalk or Shared Use Path along their frontage on State-maintained roads. This project meets both criteria.*

  A shared use path will be provided along the frontage of South Rehoboth Boulevard. We will confirm this with DelDOT at the earlier recommended second pre-submittal meeting.

- *Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.*

  Facilities do not currently exist. Should facilities be required, they will be shown on the Record Plan.

- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along both South Rehoboth Boulevard and Beaver Dam Road.*

  A 20-foot wide stormwater buffer will be utilized for any proposed stormwater facilities other than filter strips or bioswales.

- *Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The entrance plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plan document available on the DelDOT website at https://www.deldot.gov/Business/subdivisions/pdfs/Critical-Items_Entrance_Construction_Subdivision.pdf?09222017.*

  An entrance plan will be submitted to DelDOT and will include all applicable items on the Critical Items for Acceptance checklist.

- *In accordance with Section 5.2.5.6 of the Manual, a separate turning template plan shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the Manual, the entrances shall be designed for the largest vehicle using the entrances.*

  A design vehicle will be determined and confirmed by the secondary Pre-Submittal Meeting. Turning templates will be appropriately submitted via PDCA with the initial plan submissions.

- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.*

  Auxiliary Lane Worksheets have already been utilized to determine required auxiliary lanes and their lengths. Our preliminary plan submittal to the City of Milford will depict these auxiliary lanes.

- *In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.*

  Sight distance triangles will be shown on the proper plans, utilizing the provided spreadsheet.

- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

  All known utilities will be shown and accounted for on the plans. Should our design require the relocation of an utilities, a utility relocation plan will be provided.

- *Because the proposed development would not have State-maintained streets, Section 6.4.3 of the Manual, which pertains to the inspection and acceptance of commercial entrances, applies. Construction inspection responsibilities shall be in accordance with Figure 6.4.3-a. DelDOT's preliminary reading of this figure is that the project requires Level I inspection and that a construction inspection agreement will not be needed.*

  We have advised our client and agree with this assessment.

- *Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.*

  Drainage easements will be provided as described if necessary.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

- *The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.*

  Sediment and Stormwater plans will be submitted to the Sussex Conservation District. An NOI application will be filed with DNREC.

State Historic Preservation Office – Contact Carlton Hall 736-7404

- *There is a known dwelling (S10404) located on the southwestern part of the parcel and archaeological site (S00465) located on the southeastern part of the parcel in the project area.*

  We thank SHPO for providing the information and will review the forms for additional information.

- *If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law. Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant, to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.*

  The Developer is aware of the Unmarked Human Burials and Human Skeletal Remains Law.

- *Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, within or near the boundary, of a historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to see more information, please review the following websites:* ***www.history.delaware.gov/preservation/umhr.shtml*** *and* ***www.history.delaware.gov/preservation/cemeteries.shtml***

  As mentioned above, the Developer is aware of the law and the potential for unmarked graves on site.

- *If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following:* ***www.achp.gov***

  We will ensure any compliance with the above if there is federal involvement and will advise the Developer of such requirements.

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. ***These suggestions do not represent State code requirements.*** *They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped* ***(but in no way required)*** *that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.*

Department of Transportation – Contact Bill Brockenbrough 760-2109

- *At the PLUS meeting, the applicant's engineer stated that Tax Parcel No. 330-11.00-43.00 had been added to the project. The added lands should enable a better entrance design but could, depending on the increase in the site traffic, affect the scope of the TIS. The developer's traffic engineer should contact Mr. Claudy Joinville, a project engineer in DelDOT's Development Coordination Section, to determine how, if at all, the scope would change. Mr. Joinville may be reached at (302) 760-2124 or Claudy,Joinville@state.de.us.*

  The TIS is currently in progress and already assumed the addition of Tax Parcel No. 330-11.00-43.00. We agree the added lands enables a better entrance design which will be depicted on our preliminary plan submittal to the City of Milford as well as our initial submittal to DelDOT.

- *The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal street or driveway with no direct access to South Rehoboth Boulevard or Beaver Dam Road.*

  The proposed pump station will have internal access.

- *The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.*

  All comments will be addressed prior to plan submittals.

- *Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at http://www.deldot.gov/Business/subdivisions/index.shtml.*

  Plans will be submitted via the PDCA, with appropriate review fees paid.

- *Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision date of December 8,, 2017. The notes can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.*

  The most recent Standard General Notes will be used as applicable.

On behalf of the Developer, we thank the Office of State Planning and other State Departments for their comments. If the City of Milford has any questions or requires additional information, please do not hesitate to contact me at (302) 424-1441, or via e-mail at anm@dbfinc.com.

Respectfully Submitted,
Davis, Bowen & Friedel, Inc.

Ashton N. McLaughlin, P.E.
Civil Engineer

P:\JG Townsend\Swain Property Milford\Documents\City of Milford\2018-05-31 Preliminary Submission Items\Applicant Response to 2018-04-04 PLUS Comments.doc

CC: Constance C. Holland, AICP, Office of State Planning
Nick Hammonds, Windward Communities, LLC

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

JENNIFER COHAN
SECRETARY

April 2, 2019

Mr. D.J. Hughes
Davis, Bowen & Friedel, Inc.
1 Park Avenue
Milford, DE 19963

Dear Mr. Hughes:

The enclosed Traffic Impact Study (TIS) review letter for the proposed **Windward on the River** (Tax Parcels 330-7.00-33.00, 330-11.00-42.00, 42.01, 43.00 & 264.00) development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TIS to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this review letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2167.

Sincerely,

Troy Brestel
Project Engineer

TEB:km
Enclosures
cc with enclosures: Mr. Ring Lardner, Davis, Bowen & Friedel, Inc.
Ms. Constance C. Holland, Office of State Planning Coordination
Mr. Rob Pierce, City of Milford
Mr. Andrew Parker, McCormick Taylor, Inc.
DelDOT Distribution

DelDOT

DelDOT Distribution

Brad Eaby, Deputy Attorney General
Drew Boyce, Director, Planning
Mark Luszcz, Chief Traffic Engineer, Traffic, DOTS
Michael Simmons, Assistant Director, Project Development South, DOTS
J. Marc Coté, Assistant Director, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Peter Haag, Traffic Studies Manager, Traffic, DOTS
Alastair Probert, South District Engineer, South District
Gemez Norwood, South District Public Works Manager, South District
Susanne Laws, Sussex Subdivision Review Coordinator, Development Coordination
David Dooley, Service Development Planner, Delaware Transit Corporation
Mark Galipo, Traffic Engineer, Traffic, DOTS
Sarah Coakley, Principal Planner, Statewide & Regional Planning
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning
Derek Sapp, Sussex County Subdivision Reviewer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

April 1, 2019

Mr. Troy E. Brestel
Project Engineer
DelDOT Division of Planning
P.O. Box 778
Dover, DE 19903

RE: Agreement No. 1773
Traffic Impact Study Services
Task No. 1A Subtask 14A – Windward on the River

Dear Mr. Brestel:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the Windward on the River mixed-use development prepared by Davis, Bowen & Friedel, Inc. (DBF) dated November 2018. DBF prepared the report in a manner generally consistent with DelDOT's Development Coordination Manual.

The TIS evaluates the impacts of the Windward on the River mixed-use development, proposed to be located on the southwest side of Beaver Dam Road (Sussex Road 209) and on the northeast side of S. Rehoboth Boulevard (Sussex Road 14) within the City of Milford in Sussex County, Delaware. The proposed development would consist of 264 multi-family dwelling units, 8,400 square feet of general office space, 17,600 square feet of shopping center, and two high-turnover sit-down restaurants totaling 13,300 square feet. Two access points are proposed: one full-movement access on Beaver Dam Road and one full-movement access on S. Rehoboth Boulevard. Construction is anticipated to be complete by 2026.

The subject land consists of five parcels totaling 37.4 acres and having three different zoning designations. The land is currently zoned R3 (Garden Apartments / Townhouses), C1 (Community Neighborhood Commercial), and C3 (Highway Commercial) within the City of Milford. No rezoning is needed or sought to permit the proposed development.

Currently, there are no DelDOT capital projects within the area of study.

Based on our review, we have the following comments and recommendations:

The following intersection exhibits level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

Intersection	***Existing Traffic Control***	***Situations for which deficiencies occur***
S. Rehoboth Boulevard and 2nd Street	One-way stop control (T-intersection)	2018 AM existing (case 1); 2026 AM and PM without and with Windward on the River (cases 2-4)

The unsignalized intersection of S. Rehoboth Boulevard and 2nd Street experiences LOS deficiencies during existing conditions that would become worse under future conditions. With the added traffic from Windward on the River at this intersection, the eastbound 2nd Street approach, which has one shared left/right-turn lane, is expected to operate at LOS F with a 95th percentile queue of approximately 13 vehicles (325 feet). There is also an existing pattern of crashes at this intersection involving rear-end collisions along the northbound 2nd Street approach, which is attributed to the lack of a northbound left-turn lane.

To mitigate both the operational and safety concerns, the complete remedy would be to widen both the eastbound approach and the northbound approach to create separate turn lanes. However, for a number of reasons including right-of-way and utility constraints, DelDOT has determined that there is no reasonable improvement the developer can make at this intersection to sufficiently address the issues.

Should the City of Milford choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should improve Beaver Dam Road along the site frontage to provide eleven-foot travel lanes. The developer should provide a bituminous concrete overlay to the existing travel lanes, at DelDOT's discretion. DelDOT should analyze the existing lane's pavement section and recommend an overlay thickness to the developer's engineer if necessary.

2. The developer should construct the full site access on S. Rehoboth Boulevard. The proposed configuration is shown in the table below.

Approach	Current Configuration	Proposed Configuration
Northbound S. Rehoboth Boulevard	One through lane	One through lane and one right-turn lane
Southbound S. Rehoboth Boulevard	One through lane	One left-turn lane and one through lane
Westbound Site Access	Does not exist	One left-turn lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review process.

Approach	Left-Turn Lane	Right-Turn Lane
Northbound S. Rehoboth Boulevard	N/A	240 feet *
Southbound S. Rehoboth Boulevard	120 feet *	N/A
Westbound Site Access	N/A	50 feet **

* turn-lane length based on DelDOT's *Auxiliary Lane Worksheet*
** turn-lane length based on storage length per queuing analysis, with 50-foot minimum

3. The developer should construct the full site access on Beaver Dam Road. The proposed configuration is shown in the table below.

Approach	Current Configuration	Proposed Configuration
Northbound Beaver Dam Road	One through lane	One shared through/left-turn lane
Southbound Beaver Dam Road	One through lane	One through lane and one right-turn lane
Eastbound Site Access	Does not exist	One shared left/right-turn lane

While the recommended minimum length (excluding taper) of the southbound Beaver Dam Road right-turn lane is 110 feet per DelDOT's *Auxiliary Lane Worksheet*, DelDOT has determined that a shorter turn lane would be acceptable due to the nearby existing residential driveway. The developer must submit a Design Deviation Form to DelDOT and coordinate with DelDOT's Development Coordination Section to determine the final turn lane length and other design details during the site plan review process.

4. The following bicycle, pedestrian, and transit improvements should be included:

   a. Adjacent to the proposed right-turn lanes on northbound S. Rehoboth Boulevard and southbound Beaver Dam Road at the proposed site entrances, a minimum of a five-foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.
   b. Appropriate bicycle symbols, directional arrows, pavement markings, and signing should be included along bicycle facilities and turn lanes within the project limits.
   c. Utility covers should be made flush with the pavement.
   d. Bicycle parking should be provided near the building entrances. Where the building architecture provides for an awning or other overhang, the bicycle parking should be covered.
   e. A minimum 15-foot wide easement from the edge of the right-of-way should be dedicated to DelDOT within the site frontages along S. Rehoboth Boulevard and Beaver Dam Road.
   f. Within the easements along S. Rehoboth Boulevard and Beaver Dam Road, a minimum of a five-foot wide sidewalk that meets current AASHTO and ADA standards should be constructed along the site frontages. Each sidewalk should have a minimum of a five-foot buffer from the roadway. Along S. Rehoboth Boulevard, at both ends of the site frontage, the sidewalk should connect to the shoulder in accordance with DelDOT's *Shared Use Path and/or Sidewalk Termination Policy* dated June 19, 2014. Along Beaver Dam Road, the sidewalk should connect to the adjacent property to the north, but is not required to connect to the adjacent property to the south. The developer should coordinate with DelDOT's Development Coordination Section to determine exact location and details of the sidewalk connections at the property boundaries.
   g. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings within the development. Type 3 curb ramps are discouraged.
   h. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be constructed within the development. These sidewalks should each be a minimum of five feet wide (with a minimum of a five-foot buffer from the roadway) and should meet current AASHTO and ADA standards. These internal sidewalks should connect to the proposed sidewalks along S. Rehoboth Boulevard and Beaver Dam Road.
   i. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to prevent vehicular overhang onto the sidewalk.
   j. The developer should coordinate with the Delaware Transit Corporation (DTC) regarding the possibility of including bus stops to be located near the proposed site entrance on S. Rehoboth Boulevard.

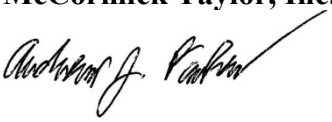
Improvements in this TIS may be considered "significant" under DelDOT's *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT's website at http://deldot.gov/Publications/manuals/de_mutcd/index.shtml.

Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DelDOT's subdivision review process.

Additional details on our review of this TIS are attached. Please contact me at (610) 640-3500 or through e-mail at ajparker@mccormicktaylor.com if you have any questions concerning this review.

Sincerely,

McCormick Taylor, Inc.



Andrew J. Parker, P.E., PTOE
Project Manager

Enclosure

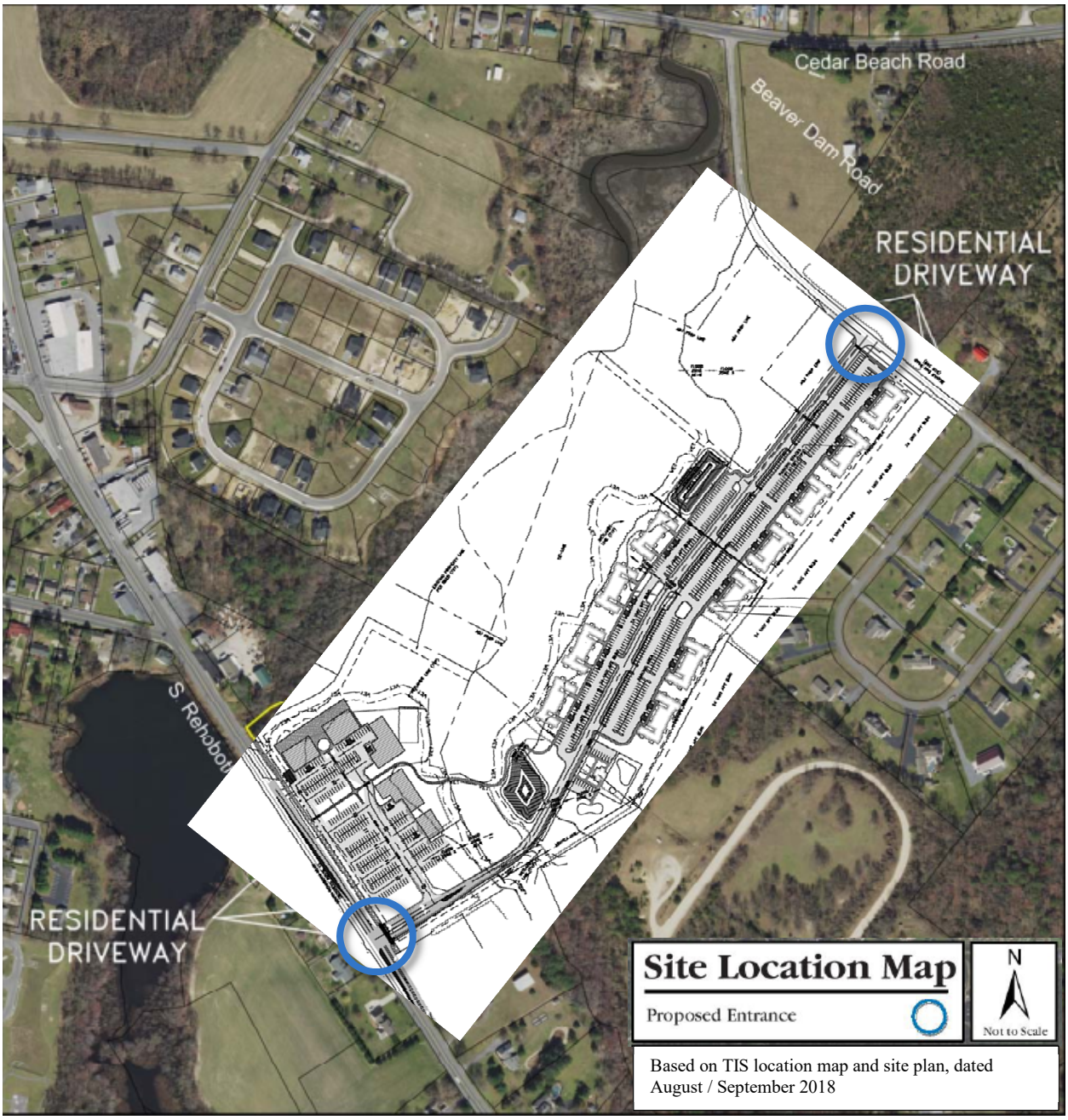
General Information

Report date: November 2018
Prepared by: Davis, Bowen & Friedel, Inc. (DBF)
Prepared for: Jack Lingo Asset Management, LLC
Tax parcel: 330-7.00-33.00 and 330-11.00-42.00, 42.01, 43.00, and 264.00
Generally consistent with DelDOT's Development Coordination Manual: Yes

Project Description and Background

Description: The proposed mixed-use development would consist of 264 multi-family dwelling units, 8,400 square feet of general office space, 17,600 square feet of shopping center, and two high-turnover sit-down restaurants totaling 13,300 square feet.
Location: The Windward on the River development is proposed to be located on the southwest side of Beaver Dam Road (Sussex Road 209) and on the northeast side of S. Rehoboth Boulevard (Sussex Road 14) within the City of Milford in Sussex County, Delaware. A site location map is included on page 7.
Amount of land to be developed: approximately 37.4 acres of land
Land use approval(s) needed: Subdivision approval. The land is currently zoned R3 (Garden Apartments / Townhouses), C1 (Community Neighborhood Commercial), and C3 (Highway Commercial) within the City of Milford. No rezoning is needed or sought to permit the proposed development.
Proposed completion date: 2026
Proposed access locations: Two access points are proposed: one full-movement access on Beaver Dam Road and one full-movement access on S. Rehoboth Boulevard.
Daily Traffic Volumes (per DelDOT Traffic Summary 2017):

- 2017 Average Annual Daily Traffic on Beaver Dam Road: 632 vpd
- 2017 Average Annual Daily Traffic on S. Rehoboth Boulevard: 10,666 vpd


Cedar Beach Road
Beaver Dam Road
RESIDENTIAL
DRIVEWAY
RESIDENTIAL
DRIVEWAY
Site Location Map
Proposed Entrance
N
Not to Scale
Based on TIS location map and site plan, dated
August / September 2018

2015 Delaware Strategies for State Policies and Spending

Location with respect to the Strategies for State Policies and Spending Map of Delaware: The proposed Windward on the River development is located within Investment Levels 1, 2, and 3. A portion of the property is also designated as an Out of Play area.

Investment Level 1

Areas of the state designated as Investment Level 1 are most prepared for growth and are where the state can make cost-effective infrastructure investments in schools, roads, and public safety. In these areas, state investments and policies should support and encourage a wide range of uses and densities, promote a variety of transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity. Investment Level 1 areas are often municipalities, towns, or urban/urbanizing places. Density is generally higher than in the surrounding areas. Overall, it is the state's intent to use its spending and management tools to maintain and enhance community character, to promote well-designed and efficient new growth, and to facilitate redevelopment in Investment Level 1 Areas.

Investment Level 2

Investment Level 2 has many diverse characteristics. These areas can be composed of less developed areas within municipalities, rapidly growing areas in the counties that have or will have public water and wastewater services and utilities, areas that are generally adjacent to or near Investment Level 1 Areas, smaller towns and rural villages that should grow consistently with their historic character, and suburban areas with public water, wastewater, and utility services. These areas have been shown to be the most active portion of Delaware's developed landscape. They serve as transition areas between Level 1 and the state's more open, less populated areas. They generally contain a limited variety of housing types, predominantly detached single-family dwellings.

In Investment Level 2 Areas, like Investment Level 1 Areas, state investments and policies should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity.

Investments should encourage departure from the typical single-family-dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact, mixed-use development where applicable. Overall, the State's intent is to use its spending and management tools to promote well-designed development in these areas. Such development provides for a variety of housing types, user-friendly transportation systems, and provides essential open spaces and recreational facilities, other public facilities, and services to promote a sense of community. Level 2 Areas would be a prime location for designating "pre-permitted areas."

Investment Level 3

Investment Level 3 areas fall into two categories. The first category covers land that is in the long-term growth plans of counties or municipalities, but where development is not necessary to accommodate expected short-term population growth. The second category includes lands that are adjacent to fast growing Investment Level 1 and 2 areas but are often impacted by environmentally sensitive features, agricultural-preservation issues, or other infrastructure issues. From a housing perspective, Investment Level 3 areas are characterized by low density and rural homes.

Out of Play

The 2015 Delaware Strategies for State Policies and Spending map indicates an Out of Play area on a portion of the property near Deep Branch. This area is not expected to be used for private development due to environmental constraints. The development of sites containing Out of Play areas should consider natural resources and the environment, emphasizing the protection of critical natural habitat, wildlife, and stormwater management/drainage areas.

Proposed Development's Compatibility with Strategies for State Policies and Spending:
The proposed mixed-use Windward on the River development is located on property designated as Investment Levels 1, 2 and 3 and an Out of Play area. The proposed development would include multi-family dwelling units, relatively small amounts of office space and retail space, and two restaurants. Nearby land uses primarily include residential, open space, agricultural, and commercial/service businesses. The proposed development is generally compatible with neighboring land uses, and consistent with the character of Investment Level 1 areas. The *Strategies for State Policies and Spending* document encourages making use of existing infrastructure through infill development and redevelopment of underutilized tracts in Investment Level 1 areas, which describes this development. Similarly, the development is generally consistent with Investment Level 2 areas. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. The Investment Level 3 portion of the site is very small and contains a branch of a wetland area. It is completely surrounded by Investment Level 1 and 2 areas. The proposed site layout indicates that no buildings will be placed in the Investment Level 3 area.

Provided that design of the site properly takes into account the Out of Play areas, the proposed development generally appears to comply with the guidelines for Investment Levels as described in the 2015 "Strategies for State Policies and Spending."

Comprehensive Plan

Sussex County Comprehensive Plan:
(Source: Sussex County Comprehensive Plan Update, June 2008)

The Sussex County Comprehensive Plan Future Land Use Map indicates that the proposed Windward on the River is in the City of Milford, a municipality. Sussex County strongly favors directing development to municipalities that desire it. The specific permitted uses and densities

governing new construction within an incorporated municipality will continue to be governed by that municipality's zoning ordinance, its public water and sewer capacities, and its comprehensive planning policies.

City of Milford Comprehensive Plan:
(Source: City of Milford Comprehensive Plan, January 2018 Update)

The City of Milford's Comprehensive Plan Future Land Use Map indicates that the location of the proposed Windward on the River site is planned as primarily Moderate Density Residential and Commercial areas, and a small portion of Low Density Residential. Based on the proposed site layout, it would appear that the proposed residential area and commercial/office area fits within the intended future land uses for this location.

The City of Milford zoning map shows that the proposed development will be located on lands currently zoned R3 (Garden Apartments / Townhouses), C1 (Community Neighborhood Commercial), and C3 (Highway Commercial). Based on the City of Milford Code of Ordinances §230-11, 230-12, and 230-14, the purposes of these districts are as follows:

- R3: to provide for the orderly development of existing and proposed medium- to high-density residential areas where adequate public facilities exist. The district will permit development of garden-type apartments as well as townhouses that will yield high densities in selected areas, multifamily dwellings and a variety of housing types.
- C1: to provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.
- C3: to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.

Based on the above, the proposed uses associated with the Windward on the River development appear to be permitted, although it is noted that the different components of the site must meet the specific criteria for the zoning district in which they are located.

Proposed Development's Compatibility with Comprehensive Plan:
The proposed Windward on the River development appears to comply with the City of Milford's Comprehensive Plan. The development is proposed on land that is planned for residential and commercial use, and the land is currently zoned R3 (Garden Apartments / Townhouses), C1 (Community Neighborhood Commercial), and C3 (Highway Commercial). The proposed mixed-use development generally aligns with both the Future Land Use Map and the existing zoning.

Relevant Projects in the DelDOT Capital Transportation Program

Currently, there are no DelDOT capital projects within the area of study.

Trip Generation

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Tenth Edition, published by the Institute of Transportation Engineers (ITE). The following land uses were utilized to estimate the amount of new traffic generated for this development:

- 264 units of Multifamily Housing (Mid-Rise) Homes (ITE Land Use Code 221)
- 8,400 SF of General Office (ITE Land Use Code 710)
- 17,600 SF of Shopping Center (ITE Land Use Code 820)
- 13,300 SF of High-Turnover Sit-Down Restaurants (ITE Land Use Code 932)

Table 1
WINDWARD ON THE RIVER PEAK HOUR TRIP GENERATION

Land Use	**Weekday AM Peak Hour**			**Weekday PM Peak Hour**		
	In	Out	Total	In	Out	Total
264 units multifamily housing	23	66	89	68	44	112
8,400 sf general office	29	5	34	2	9	11
17,600 sf shopping center	11	6	17	32	35	78
13,300 sf HTSD restaurants	73	59	132	81	49	130
Internal Capture	*-27*	*-27*	*-54*	*-58*	*-58*	*-116*
Pass-By Trips	0	0	0	-23	-23	-46
TOTAL EXTERNAL TRIPS	**109**	**109**	**218**	**102**	**56**	**158**

Table 2
WINDWARD ON THE RIVER DAILY TRIP GENERATION

Land Use	**Weekday Daily**		
	In	Out	Total
264 units multifamily housing	719	719	1438
8,400 sf general office	48	48	96
17,600 sf shopping center	332	332	664
13,300 sf HTSD restaurants	746	746	1492
TOTAL TRIPS	**1845**	**1845**	**3690**

Overview of TIS

Intersections examined:

1) S. Rehoboth Boulevard & Proposed Site Entrance A
2) Beaver Dam Road & Proposed Site Entrance B
3) S. Rehoboth Boulevard & Kirby Road (Sussex Road 209)
4) S. Rehoboth Boulevard & 2nd Street (Sussex Road 95)
5) S. Rehoboth Boulevard & SE Front Street (Sussex Road 36) / Cedar Beach Road (Sussex Road 36)
6) Cedar Beach Road & Beaver Dam Road

Conditions examined:

1) 2018 existing conditions (case 1)
2) 2026 without Windward on the River (case 2)
3) 2026 with Windward on the River (case 3)
4) 2026 with Windward on the River and Mispillion Landing development (case 4)

Peak hours evaluated: Weekday morning and evening peak hours

Committed developments considered:

1) Bayhealth Milford Campus (350,000 sf hospital and ambulatory care facility)
2) Nemours – Bayhealth (85,000 sf medical/dental office)
3) Hearthstone Manor I (*total:* 178 single-family detached houses and 952 condominiums; *unbuilt:* 94 single-family detached houses and 536 condominiums)
4) Hearthstone Manor II (1,105 condominiums and 118 single-family detached houses)
5) West Shores at New Milford (112 single-family detached houses)
6) Wickersham (200 townhouses)
7) Mispillion Landing (102 apartments) – INCLUDED IN CASE 4 ONLY

Intersection Descriptions

1) S. Rehoboth Boulevard & Proposed Site Entrance A

Type of Control: no existing intersection; proposed one-way stop (T-intersection)

Northbound approach: (S. Rehoboth Boulevard) existing one through lane; proposed one through lane and one right-turn lane

Southbound approach: (S. Rehoboth Boulevard) existing one through lane; proposed one left-turn lane and one through lane

Westbound approach: (Proposed Site Entrance A) proposed one left-turn lane and one right-turn lane, stop-controlled

2) Beaver Dam Road & Proposed Site Entrance B
Type of Control: no existing intersection; proposed one-way stop (T-intersection)
Northbound approach: (Beaver Dam Road) existing one through lane; proposed one shared through/left-turn lane
Southbound approach: (Beaver Dam Road) existing one through lane; proposed one through lane and one right-turn lane
Eastbound approach: (Proposed Site Entrance B) proposed one shared left/right-turn lane, stop-controlled

3) S. Rehoboth Boulevard & Kirby Road
Type of Control: one-way stop (T-intersection)
Northbound approach: (S. Rehoboth Boulevard) one shared through/right-turn lane
Southbound approach: (S. Rehoboth Boulevard) one shared through/left-turn lane
Westbound approach: (Kirby Road) one shared left/right-turn lane, stop-controlled

4) S. Rehoboth Boulevard & 2nd Street
Type of Control: one-way stop (T-intersection)
Northbound approach: (S. Rehoboth Boulevard) one shared through/left-turn lane
Southbound approach: (S. Rehoboth Boulevard) one shared through/right-turn lane
Eastbound approach: (2nd Street) one shared left/right-turn lane, stop-controlled

5) S. Rehoboth Boulevard & SE Front Street / Cedar Beach Road
Type of Control: signalized four-leg intersection
Northbound approach: (S. Rehoboth Boulevard) one shared through/left-turn lane and one right-turn lane
Southbound approach: (S. Rehoboth Boulevard) one shared through/left-turn lane and one right-turn lane
Eastbound approach: (SE Front Street) one shared through/left-turn lane and one channelized yield-controlled right-turn lane
Westbound approach: (Cedar Beach Road) one shared left/through/right-turn lane

6) Cedar Beach Road & Beaver Dam Road
Type of Control: one-way stop (T-intersection)
Northbound approach: (Beaver Dam Road) one shared left/right-turn lane, stop-controlled
Eastbound approach: (Cedar Beach Road) one shared through/right-turn lane
Westbound approach: (Cedar Beach Road) one shared through/left-turn lane

Safety Evaluation

Crash Data: McCormick Taylor reviewed the Delaware Crash Analysis Reporting System (CARS) data that was provided in Appendix A of the TIS. The data includes reportable crashes that occurred at or near study area intersections over the five-year period from April 27, 2013 through April 27, 2018. Of particular concern for safety evaluations are fatal crashes and crashes involving pedestrians or pedalcyclists. During the study period, no fatal crashes were reported

and no crashes involved pedestrians, pedacyclists, or motorcycles. A breakdown of all crashes by intersection is provided below.

1. S. Rehoboth Boulevard & Proposed Site Entrance A

Since this intersection does not currently exist, it was not included in the crash data analysis.

2. Beaver Dam Road & Proposed Site Entrance B

Since this intersection does not currently exist, it was not included in the crash data analysis.

3. S. Rehoboth Boulevard & Kirby Road

At this intersection there was a total of one (1) crash over the five-year period. This crash did not result in personal injury, and was not alcohol related. The crash type was sideswipe same-direction. It occurred during daylight hours with dry surface conditions. The primary contributing circumstance was driver inattention/distraction/fatigue.

4. S. Rehoboth Boulevard & 2nd Street

At this intersection there was a total of thirteen (13) crashes. Of those, five (38%) resulted in personal injury. There were no alcohol-related crashes. The types of crashes were rear-end (77%), head-on (8%), angle (8%), and sideswipe same direction (8%). The rear-end crash percentage equates to 10 crashes, 8 of which were in the northbound direction of S. Rehoboth Boulevard presumably involving vehicles that stopped or slowed to make a left-turn from the shared lane. The crashes occurred during daylight (69%) hours and non-daylight (31%) hours with dry (69%), wet (8%), icy (15%), and "other" (8%) surface conditions. The most common primary contributing circumstances included driver inattention/distraction/fatigue (54%) and following too close (15%).

5. S. Rehoboth Boulevard & SE Front Street / Cedar Beach Road

At this intersection there was a total of eleven (11) crashes. Of those, one (9%) resulted in personal injury and it was an alcohol-related crash. There were no other personal injury or alcohol-related crashes. The types of crashes were angle (55%) and rear-end (45%). The crashes occurred during daylight (82%) hours and non-daylight (18%) hours with dry (82%) and wet (18%) surface conditions. The most common primary contributing circumstances included failed to yield right of way (36%) and driver inattention/distraction/fatigue (36%).

6. Cedar Beach Road & Beaver Dam Road

At this intersection there was a total of five crashes. Of those, one (20%) resulted in personal injury. There was one alcohol-related crash. All five crashes had an indicated crash type of not a collision between two vehicles (100%). The crashes occurred during daylight (80%) hours and dark-not lighted (20%) hours with dry (80%) or wet (20%) surface conditions. The primary contributing circumstances included driver inattention/distraction/fatigue (40%), driving in a

careless/reckless manner (20%), mechanical defects (20%), and "other" (20%). While we are unable to determine the exact number, it appears that several of these crashes involved a vehicle hitting the guardrail on Cedar Beach Road just west of Beaver Dam Road.

Sight Distance: Vegetation and fencing on the northwest corner of S. Rehoboth Boulevard & Kirby Road may obstruct sight distance for drivers looking right when stopped on Kirby Road, although it appears there is room for drivers to move up closer to S. Rehoboth Boulevard to improve their sight distance. Also, at the other two existing intersections on S. Rehoboth Boulevard, there are buildings and parking areas on the corners of both intersections that may limit sight distance. None of these conditions are severe or especially concerning.

The study area generally consists of straight and flat roadways in the vicinity of the existing study intersections and proposed site entrances, and there are few potential visual obstructions (other than the ones mentioned above). Sight distance appears adequate throughout the study area. No problematic sight distance issues have been reported or indicated by crash data, and no major problems were noted during field observations.

Transit, Pedestrian, and Bicycle Facilities

Existing transit service: Delaware Transit Corporation (DTC) currently serves the Milford area with three DART bus routes, and the only one that goes along either site frontage is DART route 307 (Intercounty: Lewes – Dover), which is a new route that began service in December 2018 and runs along S. Rehoboth Boulevard. The nearest existing stops on this route are at the Milford Super Walmart and the Bayhealth Sussex Campus, both of which are more than 1.5 miles from the proposed Windward on the River site. Two other routes nearby are DART routes 303 (Intercounty: Dover – Georgetown) and 210 (Milford Circulator), both of which have stops along Walnut Street about one mile away (as the crow flies) as the closest ones to the proposed site. Routes 303 and 210 don't run along either site frontage of Windward on the River.

Planned transit service: There are currently no known plans to provide additional transit service along either S. Rehoboth Boulevard or Beaver Dam Road near the proposed development.

Existing bicycle and pedestrian facilities: According to the Sussex County bicycle map, S. Rehoboth Boulevard is classified as a Connector Bicycle Route. It is noted as a high-traffic road with a bikeway. Beaver Dam Road is an undesignated road, in terms of bicycling routes. There are no existing marked bicycle lanes within the study area. There are however, 10-12' wide shoulders on both sides of S. Rehoboth Boulevard throughout the study area. There are no shoulders on Beaver Dam Road

Existing pedestrian facilities in the study area include sidewalks along both sides of 2nd Street and SE Front Street, west of S. Rehoboth Boulevard only, as well as a stretch of Cedar Beach Road east of S. Rehoboth Boulevard. There are no crosswalks or pedestrian signals/push buttons at any of the study area intersections.

Planned bicycle and pedestrian facilities: DBF contacted a representative of DelDOT's Local Systems Planning Section to determine pedestrian and bicycle accommodations for the proposed development. John Fiori originally requested a 10' shared-use path along the site frontage of both S. Rehoboth Boulevard and Beaver Dam Road, but upon further coordination these requirements were reduced to a 5' sidewalk along S. Rehoboth Boulevard only. He indicated that easements would be required along the frontages. He requested that entrance improvements incorporate bicycle and pedestrian facilities, and that an internal sidewalk/path connection be provided. He requested separate bike parking in the retail areas, and recommended an internal trail system within the development for recreational use.

Previous Comments

All comments from DelDOT's scoping letter, traffic count review, preliminary TIS (PTIS) review and other correspondence appear to be addressed in the final TIS submission.

General HCS Analysis Comments

(see table footnotes on the following pages for specific comments)

1) For signalized intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by lane group using existing data. The TIS and McCormick Taylor generally assumed future HV to be the same as existing HV at all intersections. Both the TIS and McCormick Taylor assumed 3% HV for future movements to and from the proposed site access points (as per DelDOT's Development Coordination Manual).

2) For existing conditions, the TIS and McCormick Taylor determined and utilized overall intersection peak hour factors (PHF). For future conditions, the TIS and McCormick Taylor assumed existing PHF or 0.92, whichever was greater. At the site entrances, future PHF were based on the DelDOT Development Coordination Manual.

3) For analyses of all intersections, the TIS and McCormick Taylor used a base saturation flow rate of 1,750 pc/hr/ln per DelDOT's Development Coordination Manual for the weekday peak hours.

4) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.

5) The TIS and McCormick Taylor generally input Right-Turn-on-Red (RTOR) volumes for signalized intersection analyses, using existing RTOR volumes for existing and future analyses.

Table 3
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Windward on the River
Report dated November 2018
Prepared by DBF, Inc.

Proposed Unsignalized Intersection [1] **One-Way Stop Control (T-Intersection)**	**LOS per TIS**		**LOS per McCormick Taylor**	
S. Rehoboth Boulevard & Proposed Site Entrance A	Weekday AM	Weekday PM	Weekday AM	Weekday PM
2026 with Windward on the River (case 4)				
Southbound S. Rehoboth Boulevard – Left	A (9.7)	A (9.5)	A (9.6)	A (9.5)
Westbound Site Driveway	C (21.6)	D (26.6)	C (21.6)	D (26.3)

[1] For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 4
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Windward on the River
Report dated November 2018
Prepared by DBF, Inc.

Proposed Unsignalized Intersection [2] **One-Way Stop Control (T-Intersection)**	**LOS per TIS**		**LOS per McCormick Taylor**	
Beaver Dam Road & Proposed Site Entrance B	Weekday AM	Weekday PM	Weekday AM	Weekday PM
2026 with Windward on the River (case 4)				
Northbound Beaver Dam Road – Left	A (7.3)	A (7.4)	A (7.3)	A (7.4)
Eastbound Site Driveway	A (8.9)	A (9.0)	A (8.9)	A (9.0)

[2] For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 5
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Windward on the River
Report dated November 2018
Prepared by DBF, Inc.

Unsignalized Intersection [3] **One-Way Stop Control (T-Intersection)**	**LOS per TIS**		**LOS per McCormick Taylor**	
S. Rehoboth Boulevard & Kirby Road	Weekday AM	Weekday PM	Weekday AM	Weekday PM
2018 existing (case 1)				
Southbound S. Rehoboth Boulevard – Left	A (9.1)	A (8.6)	A (9.1)	A (8.6)
Westbound Kirby Road	C (16.7)	C (16.3)	C (16.7)	C (16.3)
2026 without Windward on the River (case 2)				
Southbound S. Rehoboth Boulevard – Left	A (9.6)	A (9.1)	A (9.6)	A (9.1)
Westbound Kirby Road	C (20.2)	C (21.2)	C (20.2)	C (21.1)
2026 with Windward on the River (case 3)				
Southbound S. Rehoboth Boulevard – Left	A (9.7)	A (9.2)	A (9.7)	A (9.2)
Westbound Kirby Road	C (23.0)	C (23.4)	C (22.9)	C (23.3)
2026 with Windward on the River & ML (case 4)				
Southbound S. Rehoboth Boulevard – Left	A (9.7)	A (9.2)	A (9.7)	A (9.2)
Westbound Kirby Road	C (23.1)	C (23.6)	C (23.0)	C (23.5)

[3] For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 6
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Windward on the River
Report dated November 2018
Prepared by DBF, Inc.

Unsignalized Intersection [4] **One-Way Stop Control (T-Intersection)**	**LOS per TIS**		**LOS per McCormick Taylor**	
S. Rehoboth Boulevard & 2nd Street	Weekday AM	Weekday PM	Weekday AM	Weekday PM
2018 existing (case 1)				
Northbound S. Rehoboth Boulevard – Left	A (8.6)	A (8.9)	A (8.6)	A (8.9)
Eastbound 2nd Street	E (37.3)	C (20.7)	E (37.3)	C (20.7)
2026 without Windward on the River (case 2)				
Northbound S. Rehoboth Boulevard – Left	A (8.9)	A (9.7)	A (8.9)	A (9.7)
Eastbound 2nd Street	F (72.0)	E (38.0)	F (70.4)	E (38.0)
2026 without Windward on the River (case 2) *with Improvement Option 1* [5]				
Northbound S. Rehoboth Boulevard – Left	A (8.9)	A (9.7)	A (8.9)	A (9.7)
Eastbound 2nd Street	D (26.5)	C (21.7)	D (26.5)	C (21.7)
2026 with Windward on the River (case 3)				
Northbound S. Rehoboth Boulevard – Left	A (9.2)	A (9.9)	A (9.2)	A (9.9)
Eastbound 2nd Street	F (134.1)	F (50.8)	F (134.1)	F (50.8)
2026 with Windward on the River (case 3) *with Improvement Option 1* [5]				
Northbound S. Rehoboth Boulevard – Left	A (9.2)	A (9.9)	A (9.2)	A (9.9)
Eastbound 2nd Street	D (33.9)	C (24.0)	D (33.9)	C (24.0)
2026 with Windward on the River & ML (case 4)				
Northbound S. Rehoboth Boulevard – Left	A (9.2)	A (9.9)	A (9.2)	A (9.9)
Eastbound 2nd Street	F (138.9)	F (56.0)	F (138.9) [6]	F (56.0) [6]
2026 with Windward on the River & ML (case 4) *with Improvement Option 1* [5]				
Northbound S. Rehoboth Boulevard – Left	A (9.2)	A (9.9)	A (9.2)	A (9.9)
Eastbound 2nd Street	D (34.5)	C (24.9)	D (34.4) [7]	C (24.9) [7]

[4] For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.
[5] Improvement Option 1 consists of adding a left-turn lane along northbound S. Rehoboth Boulevard and modifying the eastbound 2nd Street approach to provide separate dedicated left and right-turn lanes.
[6] The 95th percentile queue length on the eastbound approach during the Case 4 AM peak hour is expected to be approximately 13 vehicles (325 feet) long. For the Case 4 PM peak hour, it is expected to be approx. 6 vehicles long.
[7] The 95th percentile queue length on the eastbound approach during the Case 4 AM peak hour (with Improvement Option 1) is expected to be approximately 4 vehicles (100 feet) long. For the Case 4 PM peak hour (with Improvement Option 1), it is expected to be approx. 2 vehicles long.

Table 7
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Windward on the River
Report dated November 2018
Prepared by DBF, Inc.

Signalized Intersection [8]	**LOS per TIS**		**LOS per McCormick Taylor**	
S. Rehoboth Boulevard & SE Front Street / Cedar Beach Road	Weekday AM	Weekday PM	Weekday AM	Weekday PM
2018 existing (case 1)	B (16.5)	B (16.3)	B (11.0)	A (8.0)
2026 without Windward on the River (case 2)	B (17.6)	B (19.5)	B (11.2)	A (8.8)
2026 with Windward on the River (case 3)	B (19.7)	C (22.8)	B (12.0)	A (9.2)
2026 with Windward on the River & ML (case 4)	B (19.9)	C (23.6)	B (12.0)	A (9.2)

[8] For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 8
PEAK HOUR LEVELS OF SERVICE (LOS)
based on Traffic Impact Study for Windward on the River
Report dated November 2018
Prepared by DBF, Inc.

Unsignalized Intersection [9] **One-Way Stop Control (T-Intersection)**	**LOS per TIS**		**LOS per McCormick Taylor**	
Cedar Beach Road & Beaver Dam Road	Weekday AM	Weekday PM	Weekday AM	Weekday PM
2018 existing (case 1)				
Northbound Beaver Dam Road	A (10.0-)	B (10.4)	A (10.0-)	B (10.4)
Westbound Cedar Beach Road – Left	A (7.7)	A (7.7)	A (7.7)	A (7.7)
2026 without Windward on the River (case 2)				
Northbound Beaver Dam Road	B (10.1)	B (10.6)	B (10.1)	B (10.5)
Westbound Cedar Beach Road – Left	A (7.8)	A (7.7)	A (7.8)	A (7.7)
2026 with Windward on the River (case 3)				
Northbound Beaver Dam Road	B (10.3)	B (10.6)	B (10.3)	B (10.6)
Westbound Cedar Beach Road – Left	A (7.8)	A (7.7)	A (7.8)	A (7.7)
2026 with Windward on the River & ML (case 4)				
Northbound Beaver Dam Road	B (10.3)	B (10.6)	B (10.3)	B (10.6)
Westbound Cedar Beach Road – Left	A (7.8)	A (7.7)	A (7.8)	A (7.7)

[9] For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

City of Milford, Delaware
Development Advisory Committee

Comment Sheet

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DATE OF REVIEW: April 1, 2019

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

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

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

RE: WINDWARD ON THE RIVER (18-018)

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

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

a. **Fire Protection Water Requirements**:
- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly and Business)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

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

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

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

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

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

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

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

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

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

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

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

(2) Warehouses.

(3) Large retail outlets.

(4) Indoor storage accessory building.

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

(6) Supermarkets.

(7) Truck and trailer rentals.

(8) Roadside produce market.

(9) Memorial stone shop.

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

(11) Swimming club.

(12) Indoor facility for amusement or assembly.

(13) Bus station.

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

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

(2) Commercial greenhouse.

(3) Wholesale establishment.

(4) Newspaper publishing or printing establishment.

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

(6) Laboratory, testing and research.

(7) Car repair shops.

(8) Used car lots.

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

(10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:

(a) All facilities shall be located and all services shall be conducted on the lot.

(b) All repair work shall be conducted within an entirely enclosed building.

(c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.

(d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.

(e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.

(f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.

(11) Shopping center, subject to site plan review and the following site requirements:

(a) The total shall not be less than one acre.

(b) The site must be served by public water, sewer and electricity.

(c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.

(d) Traffic and parking.

[1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.

[2] Access to state highways shall be controlled by the State Department of Transportation.

[3] The minimum distance between accessways and a residential district shall be 50 feet.

[4] Spacing of accessway.

[a] From adjoining property: 50 feet.

[b] From minor intersections: 50 feet.

[c] From major intersections: 100 to 150 feet.

[5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.

[6] Parking lots shall be attractively landscaped as shown on the general site plan.

(e) Setback.

[1] From street right-of-way: 15 feet.

[2] From nonresidential districts: 15 feet.

[3] From residential districts: 100 feet.

(f) Buffering and landscaping.

[1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.

[2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.

(12) Day-care centers, with site plan required.

(13) Car wash, all types (staffed, automatic, self-service, etc.).

(14) Convenience stores with gas pumps.

(15) Community residential treatment program.

(16) All dwellings other than single-family with a maximum density of 12 units per acre.

(17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Billboard, subject to the following:

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

(19) Aquarium.

D. Area regulations.

(1) Minimum lot area shall be one acre.

(2) Maximum lot coverage shall be 80%.

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

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

(5) Minimum building setback shall be 30 feet.

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

(7) Minimum rear yard shall be 50 feet.

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

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

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

§ 230-12. - C-1 Community (Neighborhood) Commercial District.

In a C-1 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A. Purpose. The C-1 District will provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.

B. Permitted uses. Permitted uses for the C-1 District shall be as follows:

(1) Single-family dwellings.

(2) Offices for professional services and administrative activities.

(3) Branch offices only of financial institutions and banks.

(4) Barbershops and beauty shops.

(5) Studio - workshop, including sales.

(6) Retail food stores, such as bakeries, candy and convenience stores (without gas pumps) and grocery meat markets.

(7) Restaurants, excluding fast-food service or franchised food service operated restaurants.

(8) Retail sales and specialty stores.

(9) Repair and servicing, indoor and off site, of any article for sale which is permitted in this district.

(10) Public parking lot.

(11) Off-street parking as an accessory use.

(12) Antique shop or bookstore.

(13) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric and gas facilities.

(14) Community recreation center, as a nonprofit community service.

(15) Laundromats.

(16) Neighborhood shopping centers, to include only those uses permitted in this section, as listed above, and subject to the following special requirements:

(a) Maximum lot size for the grouping of stores shall be 1 1/2 acres.

(b) Maximum floor area for any single permitted establishment within the neighborhood shopping center shall be 30,000 square feet.

(c) Minimum lot width shall be at least 250 feet.

(d) Minimum distance between any building or accessory use, except parking, and any residential district shall be 50 feet.

(e) Minimum distance between any access driveway (including ingress or egress points) and any residential district shall be 50 feet.

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

(1) Convenience stores with gas pumps.

(2) Community residential treatment program.

(3) All dwellings other than single-family with a maximum density of 12 units per acre.

D. Area regulations.

(1) Minimum lot area shall be 3,630 square feet.

(2) Maximum lot coverage shall be 80%.

(3) Minimum lot width shall be 30 feet.

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

(5) Minimum building setback shall be 10 feet.

(6) Side yards shall be at least five feet in width.

(7) Minimum rear yard shall be 25 feet.

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

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

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

ARTICLE IV - Off-Street Parking and Loading

§ 230-20. - General provisions.

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

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

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

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

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

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

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

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

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

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

(1) North Walnut Street and Northeast Front Street.

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

(3) Park Avenue and North Washington Street.

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

(5) Southeast Front Street and South Washington Street.

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

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

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

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

§ 230-21. - Parking and loading standards.

A. Design standards (general).

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

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

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

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

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

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

Types and Uses	**Required Off-Street Parking Spaces**
Retail stores and shops, all types, supermarkets, retail food stores and undertakers	1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees
New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions	4 per salesperson, plus 1 per per 2 employees during the period of greatest employment
Personal service establishments, laundromats and dry cleaning	1 per 200 square feet of gross floor area

Banks and other financial institutions	1 per 200 square feet of gross floor area, plus 1 for each employee
Business, governmental and professional offices	1 per 100 square feet of gross floor area
Medical and dental offices or clinics **[Amended 7-14-1997]**	From 1 per 100 square feet gross floor space for medical and dental offices or clinics to 1 per 150 square feet of gross floor area for medical and dental offices or clinics
Hospitals	1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment
Sanatorium or nursing home	1 for every 4 beds
Churches and other places of worship	1 per 5 seats
Indoor and commercial outdoor recreation	1 for each 150 square feet of gross floor, building or ground area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility
Restaurants, taverns and similar uses	1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment
Dwelling, one-family detached, semidetached or mobile home	2 1/2 per dwelling unit
Dwelling, townhouse, garden apartment or multifamily dwelling	2 1/2 per dwelling unit
Rooming and boarding house or converted unit	1 per rented unit
Museum, art gallery and similar use	1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment
Public library	1 per 400 square feet of gross floor area for public use, plus

	1 per 2 employees on the shift of greatest employment
Fire station	25
Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center	1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility
Social club and fraternal, social service, union and civic organization building	1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses
Public or private school	3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the auditorium and other places of assembly or facility available to the public
Industrial, manufacturing or wholesaling establishment	1 per 2 employees on the shift of the greatest employment, plus 1 per 200 square feet of floor area devoted to sales
Hotel and motel	1 for each guest room plus 1 for each 3 employees

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

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

C. Loading spaces.

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

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

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

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

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

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

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

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

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

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

ARTICLE V - Landscape Screening

§ 230-22. - District requirements.

A. Residential districts.

(1) In any R-1, R-2, R-3 and R-8 District, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

(2) In any R-3 or R-8 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

B. Commercial districts. In any C-1, C-2 or C-3 District, a fifteen-foot buffer area shall be provided within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2, R-3 and R-8 or any contiguous lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard.

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

(1) Each use established in these districts shall set aside at least 20 feet in width immediately adjacent to any street upon which the lot has frontage, and extending for the full frontage of the lot, for purposes of providing for proper site distance and buffering from the public road. Within such area, the owner shall establish and maintain a planting of grass and/or horticultural ground cover. Other landscape materials may be incorporated, provided that there is no obstruction to vision, other than a tree trunk, in the area between two feet and seven feet above ground level. No use shall be made of this buffer area other than for a single driveway to provide access to

the use for each 100 feet of frontage upon a public road. Such driveway shall not exceed 32 feet in width.

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

D. Limited Industrial District. At the boundary line between an I-1 District and any R-1, R-2, R-3 or R-8 District or any lot developed or approved for development for residential use, there shall be a 50-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard.

§ 230-23. - Maintenance.

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

ARTICLE IX - Conditional Uses

§ 230-46. - Purpose.

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

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

§ 230-47. - Application and approval procedures.

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

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

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

§ 230-48. - Criteria for evaluation.

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

A. The presence of adjoining similar uses.

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

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

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

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

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

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

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

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

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

D. See fee schedule.

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

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

ARTICLE X - Site Plan Review

§ 230-50. - Purpose.

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

§ 230-52. - Review procedure.

A. Preliminary approval.

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

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

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

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

B. Final approval.

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

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

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

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

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

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

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

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

§ 230-52.1. - Site plan expiration.

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

CITY OF MILFORD
NOTICE OF PUBLIC HEARING

Planning Commission Hearing: Tuesday, May 14, 2019 @ 7:00 p.m.
City Council Hearing: Tuesday, May 28, 2019 @ 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings to allow interested parties to participate in the discussion and consideration of the following zoning matter:

Ordinance 2019-15
Change of Zone
Larry M. & Linda H. Pfeiffer on behalf of Pfeiffer Enterprises
Current Zoning: R-2 (Residential District)
Proposed Zoning: C-1 (Neighborhood Commercial District)
Present Use: Vacant Retail
Proposed Use: Barbershop
Size/Location: .207 +/- acres of land located along the west side of North Rehoboth Boulevard more commonly known as 292 North Rehoboth Boulevard
Tax Map & Parcel: MD-16-174.18-02-56.00

Whereas, the City of Milford Planning Commission reviewed and made recommendations on Ordinance 2019-15 following a Public Hearing on Tuesday, May 14, 2019; and

Whereas, Milford City Council held a Public Hearing on Tuesday, May 28, 2019 to allow for additional debate and further review of the Zoning Ordinance; and

Whereas, it is deemed in the best interest of the City of Milford to permit the Change of Zone from R-2 (Residential District) to C-1 (Neighborhood Commercial District, as described in the application.

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

Section l. Following adoption of Ordinance 2019-15, and upon the effective date, the property owned by Larry M. and Linda H. Pfeiffer on behalf of Pfeiffer Enterprises at 292 North Rehoboth Boulevard, Milford, Delaware, is hereby zoned C-1 Community Neighborhood Commercial District in accordance with Chapter 230 §230-12.

Section 2. Dates.
City Council Introduction: May 13, 2019
Planning Commission Review & Public Hearing: May 14, 2019
City Council Public Hearing: May 28, 2019
Proposed Effective Date: June 7, 2019

Additional information regarding the application and City of Milford Zoning Code may be obtained by accessing the City website at cityofmilford.com or by calling 302-424-8396.

Advertised:
Milford Beacon April 10, 2019
Readvertised:
Milford Beacon April 24, 2019

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

DATA SHEET FOR PFEIFFER ENTERPRISES

Planning Commission Meeting: May 14, 2019

Application Number / Name	:	19-006 / Pfeiffer Enterprises
Applicant	:	Larry M. & Linda H. Pfeiffer 647 McCauley Pond Road Harrington, DE 19952
Owner	:	Pfeiffer Enterprises 647 McCauley Pond Road Harrington, DE 19952
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District(s)	:	R-2 (Residential District)
Proposed Zoning District(s)	:	C-1 (Neighborhood Commercial District)
Present Use	:	Vacant Retail
Proposed Use	:	Barbershop
Size and Location	:	0.207 +/- acres of land located along the west side of N. Rehoboth Boulevard addressed as 292 N. Rehoboth Boulevard
Tax Map & Parcel(s)	:	MD-16-174.18-02-56.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Survey

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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

STAFF REPORT
April 2, 2019

Application Number / Name	**:**	19-006 / Pfeiffer Enterprises
Present Comprehensive Plan Designation	**:**	Commercial
Present Zoning District(s)	**:**	R-2 (Residential District)
Proposed Zoning District(s)	**:**	C-1 (Neighborhood Commercial District)
Present Use	**:**	Vacant Retail
Proposed Use	**:**	Barbershop
Size and Location	**:**	0.207 +/- acres of land located along the west side of N. Rehoboth Boulevard addressed as 292 N. Rehoboth Boulevard
Tax Map & Parcel(s)	**:**	MD-16-174.18-02-56.00

I. BACKGROUND INFORMATION:

- The applicant proposes to rezone the above referenced parcel from R-2 (Residential District) to C-1 (Neighborhood Commercial District). The property contains an existing building that was formerly used for retail but has been vacant for more than 12 months. The applicant proposes to sell the property to an investor interested in opening a Barbershop.

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps. The Future Land Use designation for the property is Commercial, for which C-1 (Neighborhood Commercial) is a suitable zoning designation.

- The property to the north is zoned C-1 (Neighborhood Commercial) while the property to the south is zoned C-3 (Highway Commercial).

- The property contains 9,545 square feet and meets the minimum lot area requirement of 3,630 square feet.

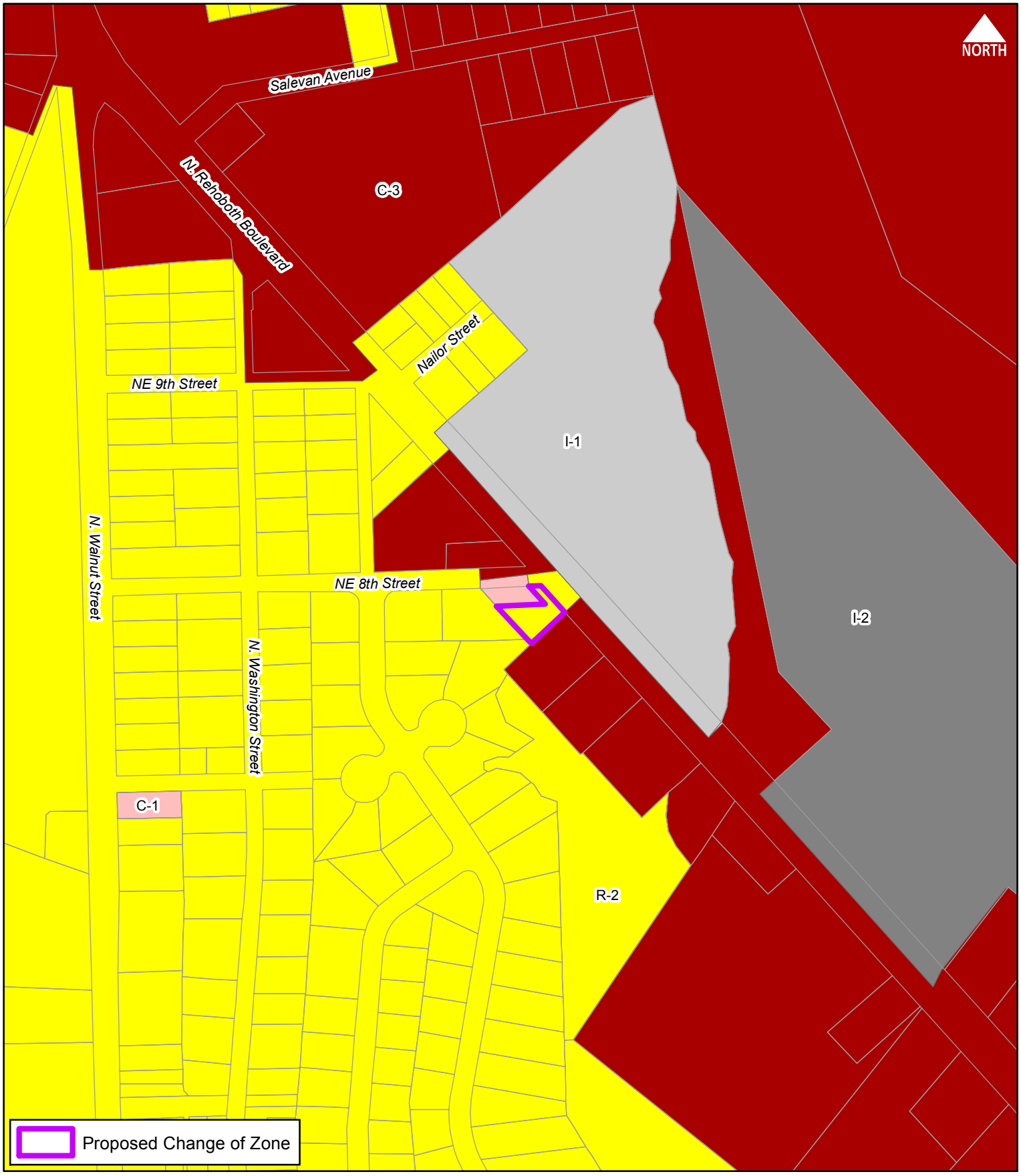
- The property has 80 +/- feet of street frontage along N. Rehoboth Boulevard and meets the lot width requirement of 30 feet.

- The existing building meets the C-1 front (10 feet), rear (25 feet) and side (5 feet) yard setback requirements.

- Any future use of the property must comply with Chapter 230 and the C-1 (Neighborhood Commercial District) zoning use and area regulations as adopted at the time of building permit issuance. This would include meeting the City's off-street parking and loading requirements, obtaining State of Delaware Department of Transportation approval for the entrance, obtaining State Fire Marshal's Office approval for the parking lot.

III. AGENCY COMMENTS:

- DelDOT – No comments solicited
- Kent Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



THE CITY of Milford DELAWARE

Scale: 0 150 300 Feet

Drawn by: WRP

Date: 04/02/19

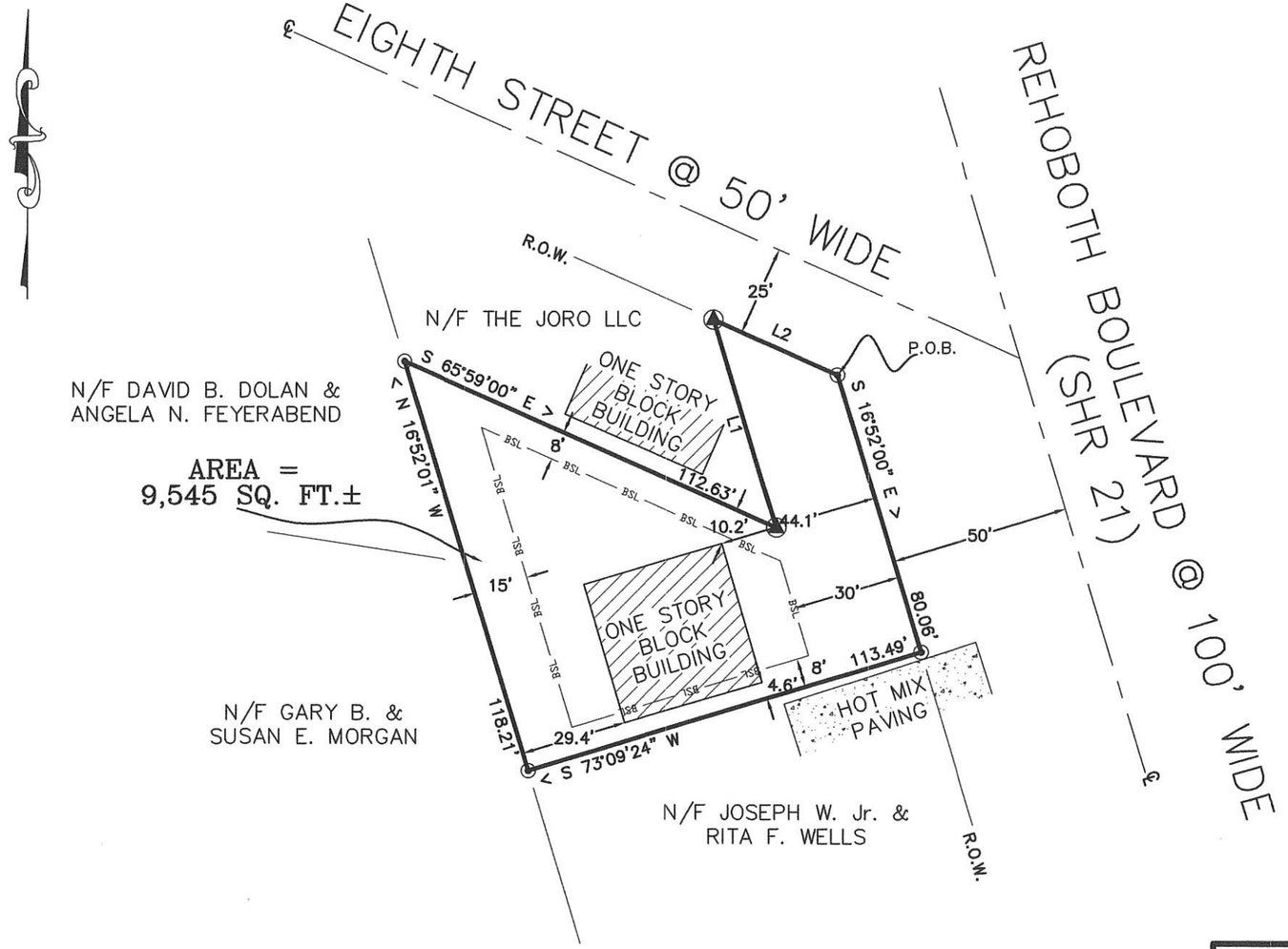
Filepath: ChangeZone_Pfeiffer.mxd

Title:

Change of Zone

Pfeiffer Enterprises

Location & Zoning Map



LINE	BEARING	DISTANCE
L1	N 16°52'00" W	60.05'
L2	S 65°59'05" E	37.48'

LEGEND:

FOUND IRON PIPE ⊙

SET CAPPED REBAR ◭

CENTER LINE OF ROAD —— – ——

BUILDING SETBACK LINE —— BSL —— BSL ——

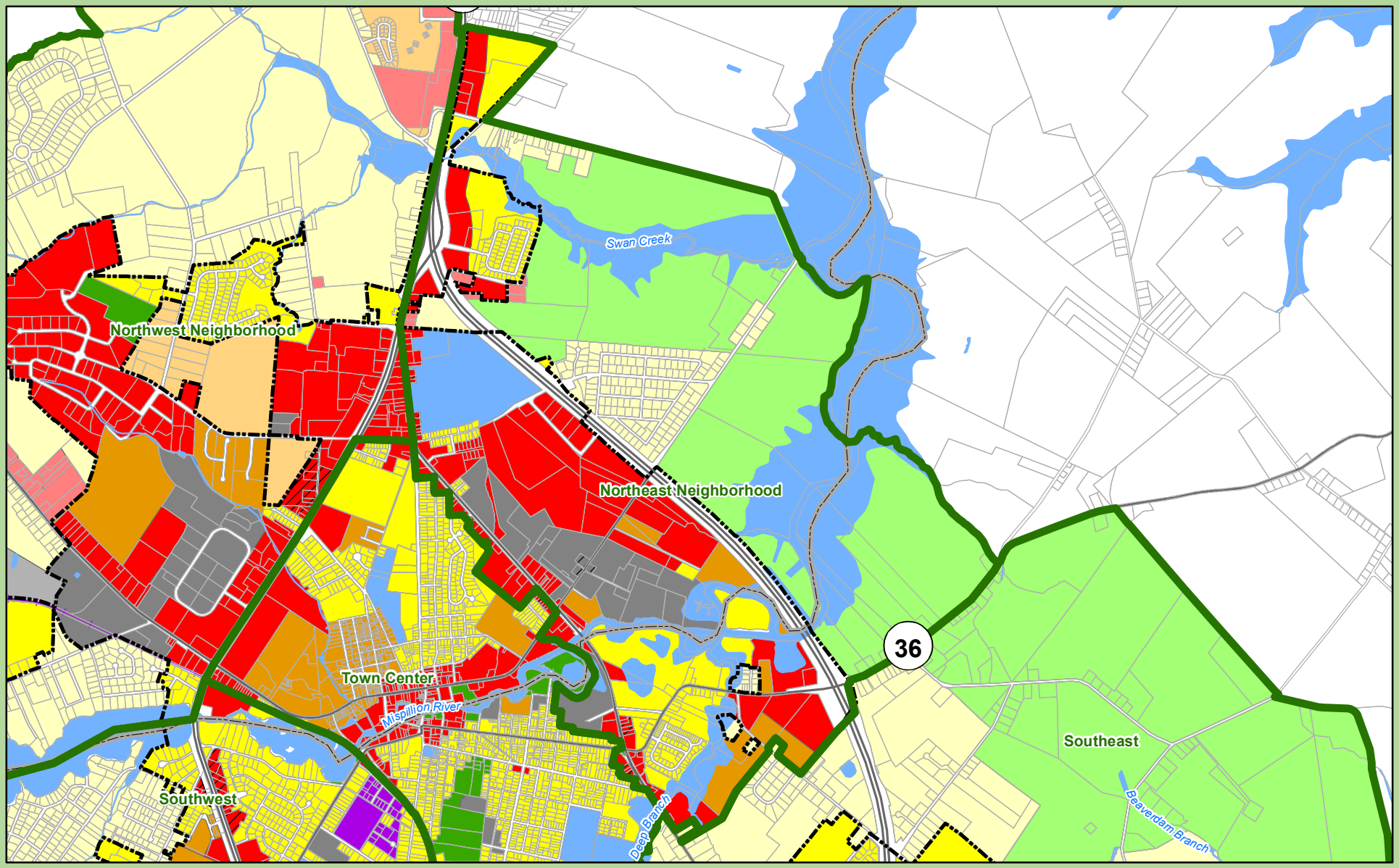
SOURCE OF BEARING: SURVEY BY CHARLES D. MURPHY, Jr. DATED 27 JULY 1977

SURVEY CLASSIFICATION: URBAN

Property of:

LARRY PFEIFFER

MILFORD HUNDRED	DATE: 24 SEPTEMBER 2004
KENT COUNTY, DELAWARE	W.O.: 04-6-196
Charles D. Murphy Associates, Inc. Land Surveyors 14 South Maple Avenue Milford, Delaware 19963 (302) 422-7327 P.L.S. 551	T.M.: MD-16-174.18-02-56.00-000
	F.B.: 389-72 — DRAWN BY: JSW
	DISK: LPFEIFFER
	SCALE: 1"= 40'



Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Northeast Neighborhood

Adopted Jan. 22, 2018, Certified TBD

0 0.15 0.3 0.6 0.9 1.2 Miles

Sources:

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

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

THE CITY of Milford DELAWARE

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§ 230-12. - C-1 Community (Neighborhood) Commercial District.

In a C-1 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A. Purpose. The C-1 District will provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.

B. Permitted uses. Permitted uses for the C-1 District shall be as follows:

(1) Single-family dwellings.

(2) Offices for professional services and administrative activities.

(3) Branch offices only of financial institutions and banks.

(4) Barbershops and beauty shops.

(5) Studio - workshop, including sales.

(6) Retail food stores, such as bakeries, candy and convenience stores (without gas pumps) and grocery meat markets.

(7) Restaurants, excluding fast-food service or franchised food service operated restaurants.

(8) Retail sales and specialty stores.

(9) Repair and servicing, indoor and off site, of any article for sale which is permitted in this district.

(10) Public parking lot.

(11) Off-street parking as an accessory use.

(12) Antique shop or bookstore.

(13) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric and gas facilities.

(14) Community recreation center, as a nonprofit community service.

(15) Laundromats.

(16) Neighborhood shopping centers, to include only those uses permitted in this section, as listed above, and subject to the following special requirements:

(a) Maximum lot size for the grouping of stores shall be 1 1/2 acres.

(b) Maximum floor area for any single permitted establishment within the neighborhood shopping center shall be 30,000 square feet.

(c) Minimum lot width shall be at least 250 feet.

(d) Minimum distance between any building or accessory use, except parking, and any residential district shall be 50 feet.

(e) Minimum distance between any access driveway (including ingress or egress points) and any residential district shall be 50 feet.

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

(1) Convenience stores with gas pumps.

(2) Community residential treatment program.

(3) All dwellings other than single-family with a maximum density of 12 units per acre.

D. Area regulations.

(1) Minimum lot area shall be 3,630 square feet.

(2) Maximum lot coverage shall be 80%.

(3) Minimum lot width shall be 30 feet.

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

(5) Minimum building setback shall be 10 feet.

(6) Side yards shall be at least five feet in width.

(7) Minimum rear yard shall be 25 feet.

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

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

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

ARTICLE XII - Amendments

§ 230-58. - Procedure.

A. The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.

B. All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.

C. The Planning Commission is granted the authority to require, as a condition to consideration of any proposal other than one originating with the City Council, that a petition be submitted accompanied by such maps, charts, sketches and other information as the Commission deems necessary for the proper and effective consideration of such proposal and to refuse to consider any proposal not complying with such requirement.

D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Milford. In case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.

E. In the event of a protest against such changes signed by 20% or more of property owners within 200 feet of the proposed change, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the City Council.

F. If, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of 3/4 of the Planning Commission or City Council.

§ 230-59. - Hearing; notice required.

No change or amendment shall become effective until after a public hearing at which parties in interest and citizens shall have had an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City of Milford. In all cases in which a proposed amendment would change the Zoning Map, notice of the amendment shall be sent by mail to all property owners of record whose property is proposed to be changed by the amendment and all property owners within 200 feet of the proposed change.

§ 230-60. - Fee.

A nonrefundable fee as set forth in § 230-57 shall accompany each application or petition, except for those petitions which have been initiated by the City Council or by the Planning Commission.

CITY OF MILFORD
NOTICE OF PUBLIC HEARING

Planning Commission Hearing: Tuesday, May 14, 2019 @ 7:00 p.m.
City Council Hearing: Tuesday, May 28, 2019 @ 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings to allow interested parties to participate in the discussion and consideration of the following zoning matter:

Ordinance 2019-16
Mavis Discount Tires for a Conditional Use
Owner Shawnee Farm LLC on behalf of Applicant LC Management
Current Zone: C-3 (Highway Commercial District)
Present Use: Vacant Land
Proposed Use: Car Repair Shop
Size/Location: 1.63 +/- acres of land located along Lexus Drive
within the Cypress Hall Commercial Shopping Center
Tax Map & Parcel Numbers: 1-30-3.00-261.04

Whereas, the City of Milford Planning Commission reviewed and made recommendations on Ordinance 2019-16 following a Public Hearing on Tuesday, May 14, 2019; and

Whereas, Milford City Council held a Public Hearing on Tuesday, May 28, 2019 to allow for additional debate and further review of the Zoning Ordinance; and

Whereas, it is deemed in the best interest of the City of Milford to allow a Conditional Use to permit a Car Repair Shop in a C-3 Zoning Designation, as permitted in the Zoning Code §230-14.

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

Section l. Following the adoption of Ordinance 2019-16, and upon its effective date, LC Management is hereby granted a Conditional Use Permit for a Car Repair Shop, on 1.63 +/- acres of land located along Lexus Drive within the Cypress Hall Commercial Shopping Center, in accordance with the Zoning Code of the City of Milford, approved plans and any conditions set forth at the Public Hearings.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.
City Council Introduction: May 13, 2019
Planning Commission Review & Public Hearing: May 14, 2019
City Council Public Hearing: May 28, 2019
Proposed Effective Date: June 7, 2019

Additional information regarding the application and City of Milford Zoning Code may be obtained by accessing the City website at cityofmilford.com or by calling 302-424-8396.

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

DATA SHEET FOR MAVIS DISCOUNT TIRES

Planning Commission Meeting: May 14, 2019

Application Number / Name	:	19-007 / Mavis Discount Tires
Applicant	:	LC Management 105 Foulk Road Wilmington, DE 19803
Owner	:	Shawnee Farm, LLC 105 Foulk Road Wilmington, DE 19803
Application Type	:	Preliminary Conditional Use Site Plan
Comprehensive Plan Designation	:	Commercial
Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Vacant Land
Proposed Use	:	Car Repair Shop
Area and Location	:	1.63 +/- acres of land located along Lexus Drive within the Cypress Hall Commercial Shopping Center
Property Identification Numbers	:	1-30-3.00-261.04

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

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
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O 302.424.8396 | F 302.424.3559

STAFF REPORT
April 29, 2019

Application Number / Name	**:**	19-007 / Mavis Discount Tires
Present Comprehensive Plan Designation	**:**	Commercial
Present Zoning District	**:**	C-3 (Highway Commercial District)
Present Use	**:**	Vacant
Proposed Use	**:**	Car Repair Shop
Tax Map & Parcel	**:**	1-30-3.00-261.04
Size and Location	**:**	1.63 +/- acres of land located along Lexus Drive within the Cypress Hall Shopping Center

I. BACKGROUND INFORMATION:

- The subject parcel is Parcel 2 of the recorded Cypress Hall Commercial subdivision, which was approved by City Council on June 27, 2011.
- The applicant proposes to construct a 6,979 square foot "car repair shop" as shown on the provided site plan. The site will gain access via Lexus Drive.
- Chapter 230-14(C)(7) states "car repair shops" are a conditional use subject to special requirements set forth by City Council.

II. STAFF ANALYSIS:

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

- The Preliminary Site Plan application meets all use and area regulations set forth in Chapter 230 Zoning.
- The plans have been reviewed for general compliance with the City's Standard Construction Specifications by the Public Works Department.

- The applicant has not provided an interconnection with the adjoining parcels. The entrance at the northwest corner of the parcel will only serve the property to the north for future development. The City will require a cross-access easement in favor of the parcel to the north be recorded on the final site plan.

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

  A. The presence of adjoining similar uses.

     The property is surrounded by developing commercial uses. The properties to the north, west and south are zoned C-3 (Highway Commercial). The property is bounded by Route 113 to the east. The properties on the east side of Route 113 are zoned C-1 and R-1 and contain both small commercial offices and residential uses. The property to the west contains the existing Cypress Hall Commercial Shopping center. The parcels to the north and south are vacant commercial outparcels for the Cypress Hall Commercial Shopping Center.

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

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

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

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

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

     The site is located adjacent to similar commercially zoned property where screening is not necessary. The applicant has provided some screening around the trash enclosure and some trees on the site for aesthetics.

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

     The proposed use should not detract from other permitted uses in the district and the proposed use is compatible with the adjacent commercial lands and large shopping center.

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

     The site is located along an established City road and contains an existing entrance that was designed and installed as part of the overall commercial shopping center. The site exceeds the minimum parking standards. Landscape screening is not necessary based on

the adjacent uses, however, the applicant has provided some screening around the trash enclosure.

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

III. AGENCY COMMENTS:

- **DelDOT Planning, Development Coordination**
  No comments provided.

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

- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
  No comments provided.

- **Sussex Conservation District**
  Contact: Jessica Watson
  No comments provided.

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

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

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

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

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

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

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

April 4, 2019

Mr. Rob Pierce
City of Milford Planning & Zoning
City Hall
201 S. Walnut Street
Milford, Delaware 19963

RE: **Summary of Proposal for Conditional Use**
MAVIS TIRE CENTER
Milford, Delaware
2019009.00

Mr. Pierce:

The developer, Shawnee Farm LLC., requests that the property located on tax parcel numbers 1- 30-3.00-261.04, existing zoning C3- Highway Commercial, be granted a conditional use for the proposed use of a car repair shop in accordance with Chapter 230 Section 14 Subsection C7 of the City of Milford Municipal Code. The site currently is an undeveloped lot and the developer, Shawnee Farm LLC. will be seeking to construct a new 6,979 s.f. Mavis Tire Center. New curbing, parking areas, drive aisles, dumpster enclosure and landscaping will also be constructed. The relationship of the arrangement of building is north, south with site entrance from the east off of Lexus drive and fronting South Dupont Highway to the west. Adjoining properties are undeveloped pad sites within the Cypress Hall Commercial development. The new store hours of operation are as follows: 8am-6:30pm M-F / 8am to 8:30pm Thurs / 8am-6pm Sat / 9am-5pm Sun with 16 total staff to be employed.

Feel free to contact me with any questions or concerns.

Sincerely,

BECKER MORGAN GROUP, INC.

Daniel S. Gordon
Civil Technician

DSG/rlh

Cc: William Krapf / LC Management

201900900aj-ltr-Con-Use Letter.docx

BECKER MORGAN GROUP, INC.

ARCHITECTURE & ENGINEERING

309 SOUTH GOVERNORS AVENUE
DOVER, DELAWARE 19904
302.734.7950
FAX 302.734.7965

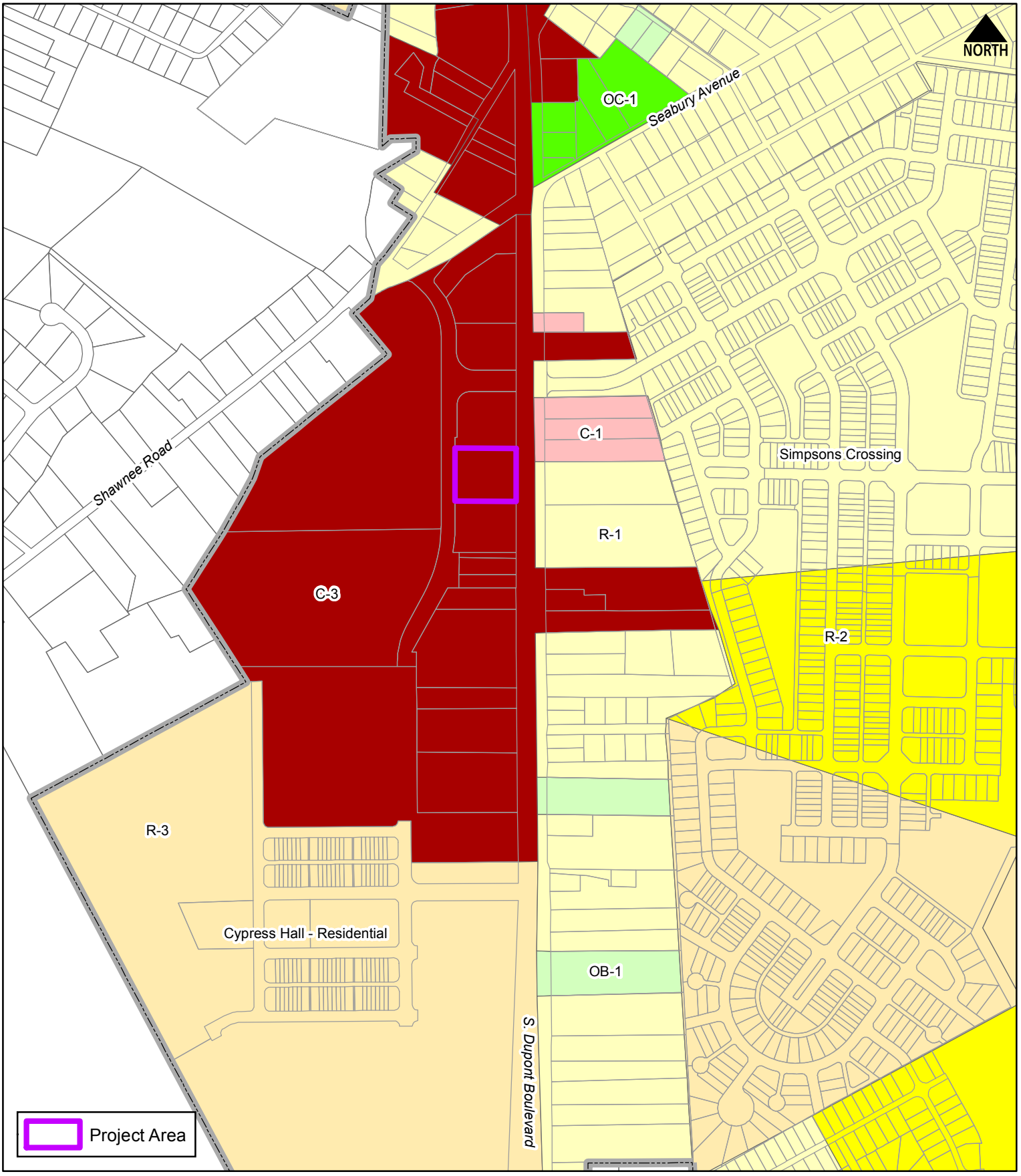
RITTENHOUSE STATION
250 SOUTH MAIN STREET, SUITE 109
NEWARK, DELAWARE 19711
302.369.3700

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALISBURY, MARYLAND 21801
410.546.9100
FAX 410.546.5824

ARCHITECTURE & PLANNING

3205 RANDALL PARKWAY, SUITE 211
WILMINGTON, NORTH CAROLINA 28403
910.341.7600
FAX 910.341.7506

www.beckermorgan.com



THE CITY of Milford DELAWARE

Scale: 0 300 600 Feet

Drawn by: WRP

Date: 04/01/19

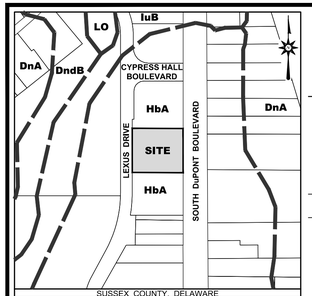
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Title:

Preliminary Conditional Use Site Plan

Mavis Discount Tires

Location & Zoning Map

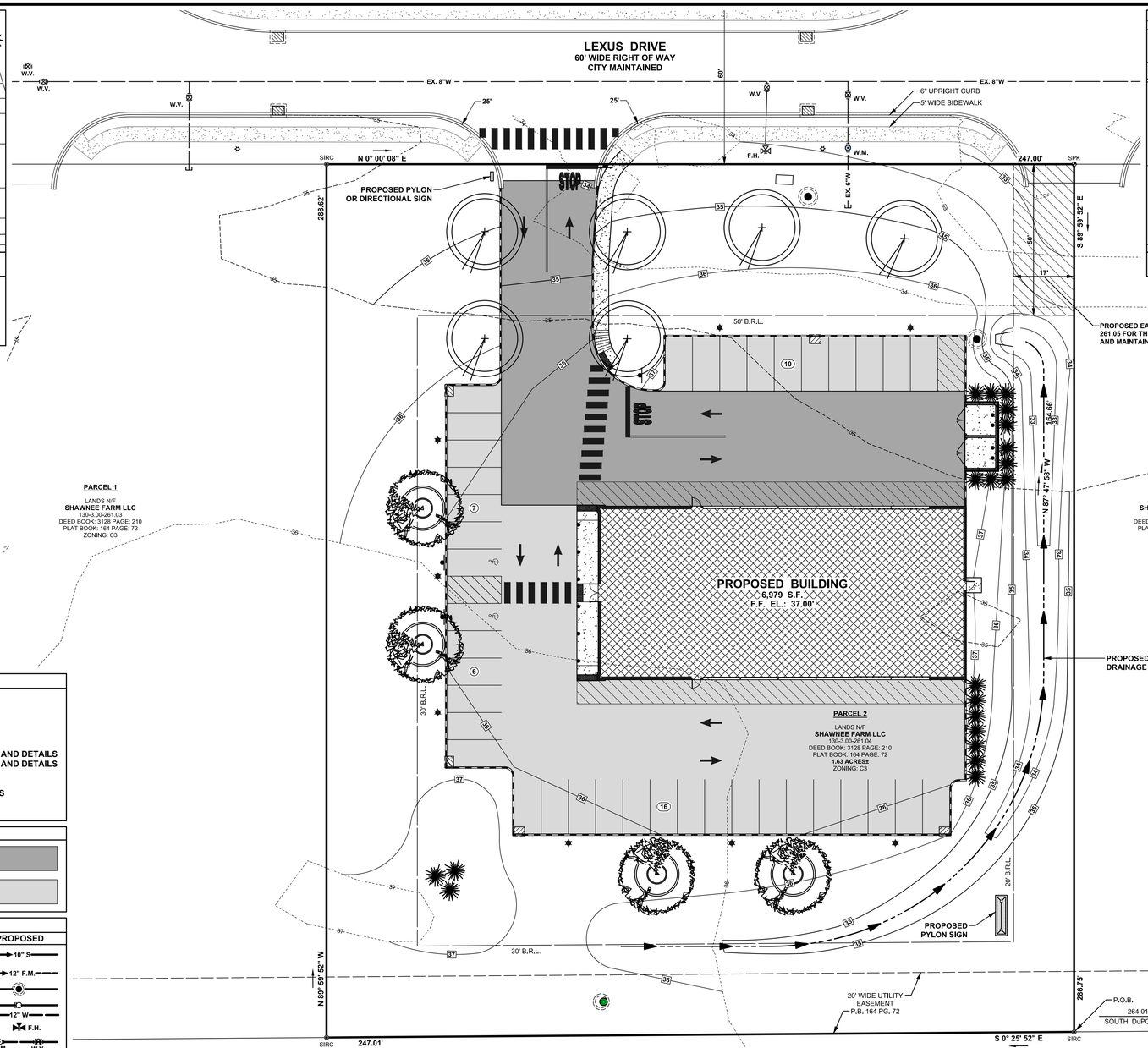


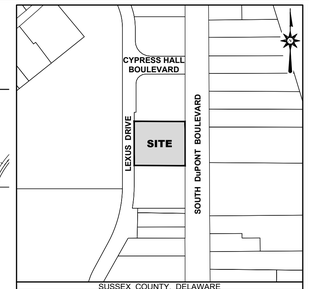
SUSSEX COUNTY, DELAWARE

SOIL SURVEY MAP SCALE: 1" = 400'

SOIL MAP TAKEN FROM "USDA WEB SOIL SURVEY" (WEBSOILSURVEY.NRCS.USDA.GOV)

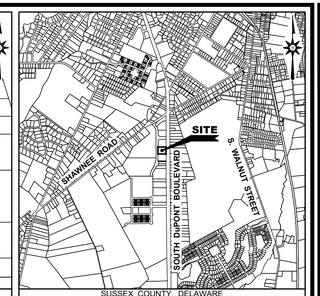
HbA : HAMBROOK SANDY LOAM, 0 TO 2 PERCENT SLOPES
IuB: INGLESIDE-URBAN LAND COMPLEX, 0 TO 5 PERCENT SLOPES
LO: LONGMARSH AND INDIANTOWN SOILS, FREQUENTLY FLOODED
DnA : DOWNER LOAMY SAND, 0 TO 2 PERCENT SLOPES
DndB: DOWNER LOAMY SAND, 2 TO 5 PERCENT SLOPE, NORTHERN TIDEWATER AREA





SUSSEX COUNTY, DELAWARE

LOCATION MAP SCALE: 1" = 400'



SUSSEX COUNTY, DELAWARE

VICINITY MAP SCALE: 1" = 2,500'

THE PURPOSE OF THIS PLAN IS TO CONSTRUCT A NEW 6,979 S.F. BUILDING FOR A MAVIS TIRE CENTER AND DEVELOP ALL OF PARCEL 2 AS SHOWN ON THE CYPRESS HALL COMMERCIAL RECORD PLAN.

SITE DATA

1.	OWNER OF RECORD:	SHAWNEE FARM LLC 105 FOULK ROAD WILMINGTON, DE. 19803 (302) 426-1086
2.	ENGINEER / SURVEYOR:	BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVENUE DOVER, DE. 19904 (302) 734-7950
3.	PROPERTY MAP NUMBER:	130-3.00-261.04
4.	ZONING CLASSIFICATION:	EXISTING: C3 / CITY OF MILFORD PROPOSED: C3 / CITY OF MILFORD
5.	DEED SUMMARY:	DEED BOOK: 3128 PAGE: 210
6.	PLAT REFERENCE:	PLAT BOOK: 164 PAGE: 72
7.	PRESENT USE:	UNDEVELOPED LOT
8.	PROPOSED USE:	CAR REPAIR SHOP
9.	LOT AREA:	1.63 ACRES±
10.	PROPOSED BUILDING:	BUILDING: 6,979 S.F.
11.	IMPERVIOUS COVERAGE:	80% MAX COVERAGE EXISTING: 1,163 S.F. PROPOSED: 29,866 S.F. (.69 ACRES) OR 42% IMPERVIOUS
12.	PARKING CALCULATIONS:	1 SPACE PER 200 S.F. OF FLOOR AREA USED FOR SALES 1 SPACE PER 2 EMPLOYEES REQUIRED: 1,653 S.F. / 200 S.F. = 9 STALLS 20 EMPLOYEES/ 2 = +10 STALLS 19 STALLS PROVIDED: 39 STALLS HANDICAPPED: 25 TO 50 STALLS REQUIRES 2 SPACES PROVIDED: 2 STALLS LOADING BERTHS: 5,000 S.F. TO 7,999 S.F. OF FLOOR AREA REQUIRES REQUIRED: 1 LOADING BERTH
13.	SETBACKS:	C3/ HIGHWAY COMMERCIAL DISTRICT FRONT: 30 FT. SIDE: 20 FT. MINIMUM, AGGREGATE OF 50 FT. REAR: 50 FT.
14.	LANDSCAPE REQUIREMENT:	15' WIDE LANDSCAPE BUFFER WHEN ADJACENT TO A RESIDENTIAL USE
15.	BUILDING HEIGHT:	PERMITTED: 35' OR THREE STORIES PROPOSED: 22' - 4"
16.	SOURCE OF WATER:	CITY OF MILFORD
17.	SOURCE OF SEWER:	CITY OF MILFORD
18.	SOURCE OF GAS:	CHESAPEAKE UTILITIES
19.	SOURCE OF ELECTRIC:	CITY OF MILFORD
20.	SURVEY BENCHMARK:	NGS MONUMENTATION VERTICAL: NAVD 88 HORIZONTAL: NAD 83 (2011) - CORS
21.	MONUMENTATION:	EXISTING: 2 FOUND PROPOSED: 4 TO BE SET
22.	ESTIMATED EDUs:	3
23.	TOTAL DISTURBED AREA:	1.6 ACRES
24.	BUILDING CONST. TYPE:	VB
25.	WATERSHED:	UPPER MISPILLION RIVER
26.	SUSSEX COUNTY HUNDRED:	CEDAR CREEK HUNDRED

GENERAL NOTES :

1. TOPOGRAPHIC SURVEY DATA SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, DOVER,DE., IN JANUARY 2019. VERTICAL DATUM IS BASED ON NAVD 88. HORIZONTAL DATUM IS BASED ON DELAWARE STATE PLANE NAD 83, GPS DERIVED FROM N.G.S. HORIZONTAL CONTROL MONUMENTS.
2. THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.
3. THIS PARCEL IS NOT WITHIN THE ONE HUNDRED YEAR FLOOD PLAIN BASED ON FEMA FIRM MAP #10005C0039J, PANEL 39 OF 660, DATED JANUARY 6, 2005.
4. THE EXISTING UTILITIES SHOWN WERE TAKEN FROM THE BEST AVAILABLE RECORDS. THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELMARVA (1-800-282-8555) TO VERIFY THEIR EXACT LOCATION PRIOR TO THE START OF ANY CONSTRUCTION. ANY DAMAGE INCURRED TO ANY UTILITIES SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTORS EXPENSE. IF THE CONTRACTOR RELIES ON THE UTILITY LOCATIONS SHOWN HEREON, HE DOES SO AT HIS OWN RISK AND WILL NOT BE ENTITLED TO ADDITIONAL COMPENSATION DUE TO TIME DELAYS FROM SAID RELIANCE.
5. ALL ROADS, PARKING AND OTHER PAVED AREAS WILL BE PRIVATELY OWNED AND MAINTAINED AND ARE NOT INTENDED FOR DEDICATION.
6. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING EXCAVATION MUST BE REMOVED AND PROPERLY DISCARDED.
7. ALL HANDICAPPED PARKING DEMARCATION, STALLS, AND BUILDING ACCESSIBLE ROUTES SHALL COMPLY WITH THE "AMERICAN WITH DISABILITIES ACT".
8. THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENT FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
9. BEFORE THE CONTRACTOR CAN BEGIN CONSTRUCTION HE MUST OBTAIN THE PROPER PERMITS AND/OR APPROVALS FROM THE CITY OF MILFORD (C.O.M.), SUSSEX CONSERVATION DISTRICT (S.C.D.), AND ALL APPROPRIATE STATE AND COUNTY AGENCIES.
10. ALL CONSTRUCTION METHODS AND MATERIALS SHALL BE ACCORDING TO THE CITY OF MILFORD AND THE STATE OF DELAWARE STANDARDS AND CONSTRUCTION SPECIFICATIONS.
11. THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY, OR DELETE ANY EROSION OR SEDIMENT CONTROL MEASURE, AS IT DEEMS NECESSARY.
12. THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE INSPECTION.
13. ALL DISTURBED AREAS WITH THE STATE RIGHT-OF-WAY, BUT NOT IN THE PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED, AND SEEDED.
14. PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE PUBLIC WORKS ENGINEER.
15. MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
16. ALL STEEL USED IN CATCH BASINS MUST BE 60 KSI.
17. HYDRANT CONNECTIONS BY THE CONTRACTOR ARE PROHIBITED.
18. NO STATE OR FEDERAL WETLANDS FOUND ON THIS PROJECT SITE.
19. THIS SITE IS NOT WITH IN A WELL HEAD PROTECTION AREA.
20. THIS SITE DOES NOT FALL WITHIN A SOURCE WATER PROTECTION AREA.

SHEET INDEX

C-001	COVER SHEET
C-101	DEMOLITION PLAN
C-201	SITE PLAN
C-301	UTILITY PLAN
C-401	GRADING PLAN
C-501	EROSION AND SEDIMENT CONTROL PLAN
C-502	EROSION AND SEDIMENT CONTROL - NOTES AND DETAILS
C-503	EROSION AND SEDIMENT CONTROL - NOTES AND DETAILS
C-901	CONSTRUCTION DETAILS
C-902	CONSTRUCTION DETAILS
C-903	CONSTRUCTION DETAILS & GENERAL NOTES
C-904	CONSTRUCTION DETAILS
L-101	LANDSCAPE PLAN

PAVEMENT LEGEND

AREA OF HEAVY DUTY PAVEMENT

AREA OF LIGHT DUTY PAVEMENT

LEGEND

ITEM	EXISTING	PROPOSED
SANITARY GRAVITY SEWER LINE, SIZE & FLOW DIRECTION	EX. 10"S	10" S
SANITARY SEWER FORCE MAIN, SIZE & FLOW DIRECTION	EX. 10" F.M.	12" F.M.
SANITARY SEWER MANHOLE (S.M.H.)		
SANITARY SEWER CLEANOUT		
WATER MAIN & SIZE	EX. 10" W	12" W
FIRE HYDRANT	F.H.	F.H.
WATER VALVE (W.V.) OR METER (W.M.)	W.M. W.V.	W.M. W.V.
STORM DRAIN MANHOLE (S.D.M.H.)		
STORM DRAIN LINE (CMP OR RCP)		
CATCH BASIN		
UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE OR ELECTRIC OR BOTH)		
UNDERGROUND ELECTRIC	U.E.	U.E.
UNDERGROUND TELEPHONE	U.T.	U.T.
UNDERGROUND GAS MAIN	EX. 2" G	2" G
PAVEMENT TO BE REMOVED	N/A	
CONCRETE CURB & GUTTER		
CONCRETE SIDEWALK, SLAB / PAVING		
IMPERVIOUS SURFACED ROAD, DRIVE OR LOT		
INDIVIDUAL TREE OR BUSH	EVERGREEN DECIDUOUS	N/A
WIRE FENCE	x x x x	x x x
CHAINLINK FENCE	o o o o o o	o o o o o o
STOCKADE FENCE	o o o o o o	o o o o o o
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)		
DRAINAGE DITCH OR SWALE		
EMBANKMENT SIDESLOPES (DOWN)		
CONTOUR	49	55
ELEVATION SPOT SHOT	43.55	25.15 / 25.50 T.C. / 25.00 B.C.
BENCH MARK		N/A
PROPERTY OR RIGHT-OF-WAY LINE		
CENTERLINE		
LIGHT POLE		
CONSTRUCTION NOTE	N/A	

OWNERS CERTIFICATION

WE, SHAWNEE FARM LLC HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE DATE

ENGINEERS CERTIFICATION

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

J. MICHAEL RIEMANN P.E. NO. 13772 DATE

CITY OF MILFORD APPROVAL

ERIC NORENBERG CITY MANAGER DATE

CITY PLANNING DEPARTMENT APPROVAL

PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE MOST RECENTLY ADOPTED AND/OR CERTIFIED VERSIONS OF THE CITY OF MILFORD'S CODE OF ORDINANCES AND COMPREHENSIVE LAND USE PLAN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

CITY ENGINEER APPROVAL

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD'S STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

CITY ENGINEER DATE

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury, MD
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington, NC
3333 Jaeckle Drive, Suite 120
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

D.S.P. NAD83 (2011)

PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

COVER SHEET

0 10 20 40

SCALE : 1" = 20'

ISSUE BLOCK		
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019
MARK	DATE	DESCRIPTION

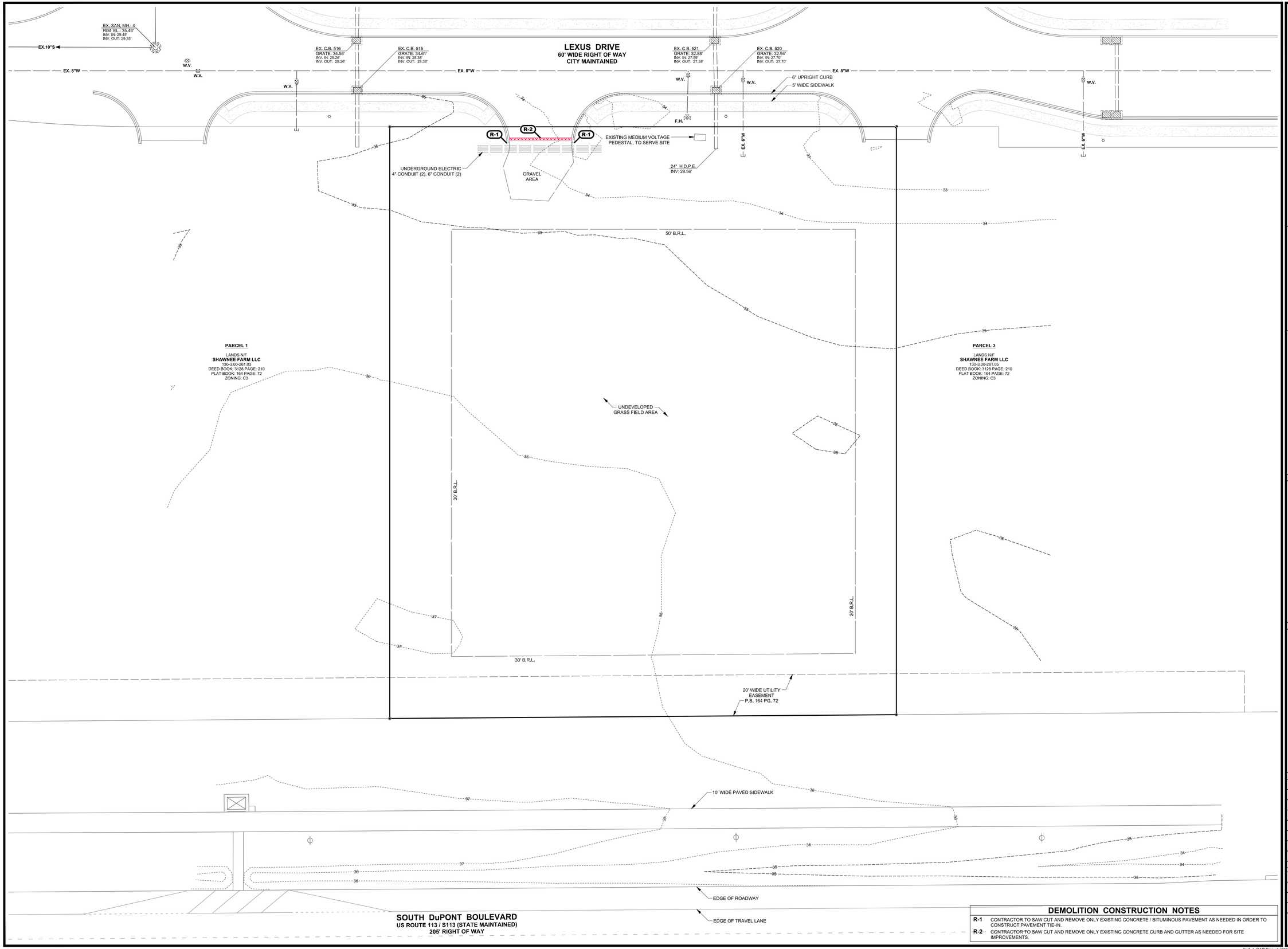
LAYER:STATE_ C-001

PROJECT NO.: 2019009.00
DATE: 02/06/2019
SCALE: 1" = 20'
DRAWN BY: D.S.G. PROJ. MGR.: S.T.F.

SHEET
C-001

COPYRIGHT 2019

F:\AutoCAD\Projects\2019\2019009\DWG\2019009-SITE-C3D18.dwg, Apr 09, 2019 - 4:10pm



DEMOLITION CONSTRUCTION NOTES

R-1 CONTRACTOR TO SAW CUT AND REMOVE ONLY EXISTING CONCRETE / BITUMINOUS PAVEMENT AS NEEDED IN ORDER TO CONSTRUCT PAVEMENT TIE-IN.

R-2 CONTRACTOR TO SAW CUT AND REMOVE ONLY EXISTING CONCRETE CURB AND GUTTER AS NEEDED FOR SITE IMPROVEMENTS.

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover, DE
309 S. Governors Ave.
Dover, DE 19904
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Fax 302.734.7965

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Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington, NC
3333 Jaeckle Drive, Suite 120
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

D.S.P. NAD83 (2011)

PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

DEMOLITION PLAN

0 10 20 40

SCALE : 1" = 20'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

LAYER STATE: C-DEMO

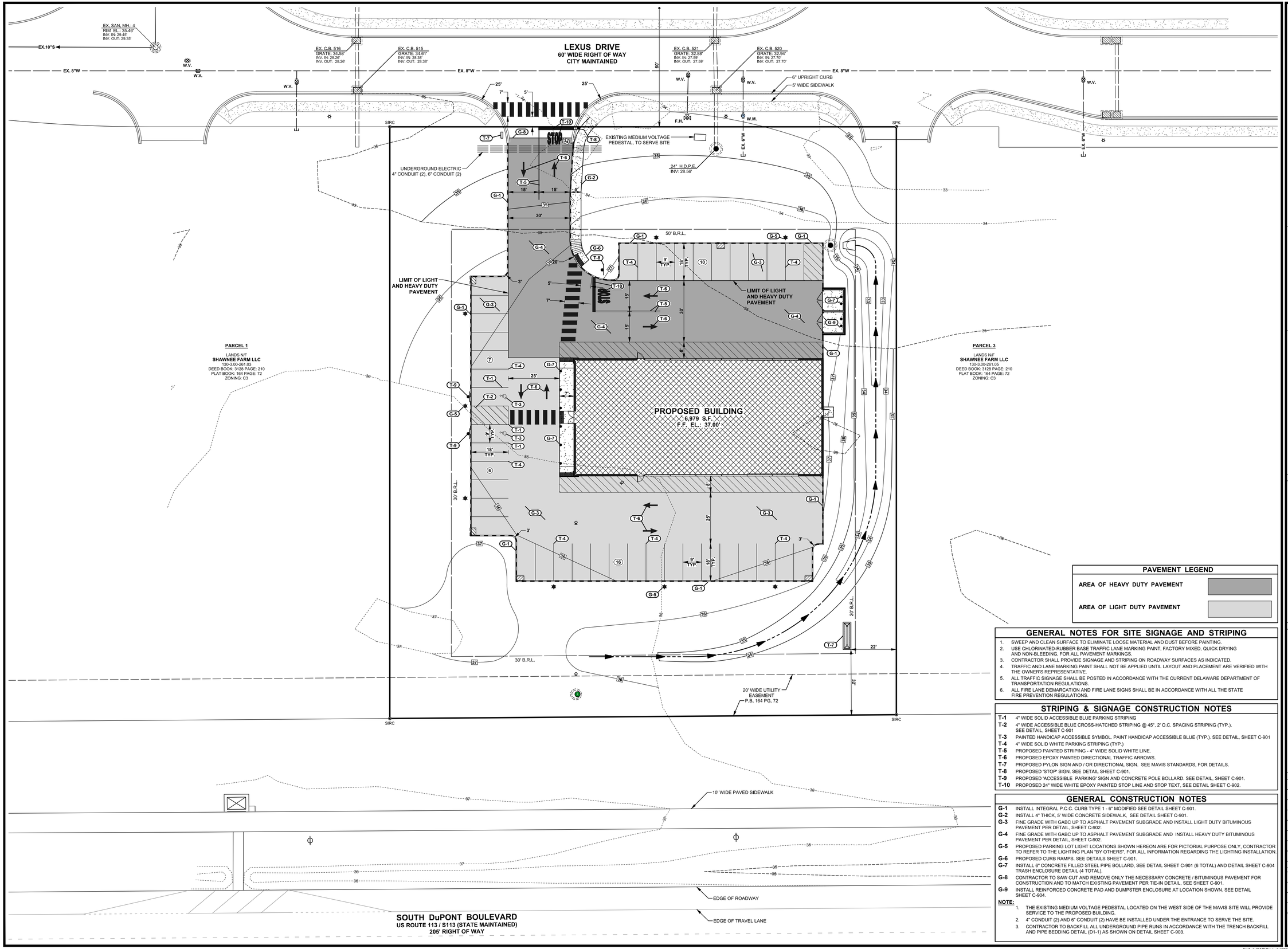
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DATE:	**02/06/2019**
SCALE:	**1" = 20'**
DRAWN BY: **D.S.G.**	PROJ. MGR.: **S.T.F.**

SHEET

C-101

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PAVEMENT LEGEND

AREA OF HEAVY DUTY PAVEMENT	
AREA OF LIGHT DUTY PAVEMENT	

GENERAL NOTES FOR SITE SIGNAGE AND STRIPING

1. SWEEP AND CLEAN SURFACE TO ELIMINATE LOOSE MATERIAL AND DUST BEFORE PAINTING.
2. USE CHLORINATED-RUBBER BASE TRAFFIC LANE MARKING PAINT, FACTORY MIXED, QUICK DRYING AND NON-BLEEDING, FOR ALL PAVEMENT MARKINGS.
3. CONTRACTOR SHALL PROVIDE SIGNAGE AND STRIPING ON ROADWAY SURFACES AS INDICATED.
4. TRAFFIC AND LANE MARKING PAINT SHALL NOT BE APPLIED UNTIL LAYOUT AND PLACEMENT ARE VERIFIED WITH THE OWNER'S REPRESENTATIVE.
5. ALL TRAFFIC SIGNAGE SHALL BE POSTED IN ACCORDANCE WITH THE CURRENT DELAWARE DEPARTMENT OF TRANSPORTATION REGULATIONS.
6. ALL FIRE LANE DEMARCATION AND FIRE LANE SIGNS SHALL BE IN ACCORDANCE WITH ALL THE STATE FIRE PREVENTION REGULATIONS.

STRIPING & SIGNAGE CONSTRUCTION NOTES

- **T-1** 4" WIDE SOLID ACCESSIBLE BLUE PARKING STRIPING
- **T-2** 4" WIDE ACCESSIBLE BLUE CROSS-HATCHED STRIPING @ 45°, 2' O.C. SPACING STRIPING (TYP.). SEE DETAIL, SHEET C-901
- **T-3** PAINTED HANDICAP ACCESSIBLE SYMBOL. PAINT HANDICAP ACCESSIBLE BLUE (TYP.). SEE DETAIL, SHEET C-901
- **T-4** 4" WIDE SOLID WHITE PARKING STRIPING (TYP.)
- **T-5** PROPOSED PAINTED STRIPING - 4" WIDE SOLID WHITE LINE.
- **T-6** PROPOSED EPOXY PAINTED DIRECTIONAL TRAFFIC ARROWS.
- **T-7** PROPOSED PYLON SIGN AND / OR DIRECTIONAL SIGN. SEE MAVIS STANDARDS, FOR DETAILS.
- **T-8** PROPOSED 'STOP' SIGN. SEE DETAIL SHEET C-901.
- **T-9** PROPOSED 'ACCESSIBLE PARKING' SIGN AND CONCRETE POLE BOLLARD. SEE DETAIL, SHEET C-901.
- **T-10** PROPOSED 24" WIDE WHITE EPOXY PAINTED STOP LINE AND STOP TEXT, SEE DETAIL SHEET C-902.

GENERAL CONSTRUCTION NOTES

- **G-1** INSTALL INTEGRAL P.C.C. CURB TYPE 1 - 6" MODIFIED SEE DETAIL SHEET C-901.
- **G-2** INSTALL 4" THICK, 5' WIDE CONCRETE SIDEWALK, SEE DETAIL SHEET C-901.
- **G-3** FINE GRADE WITH GABC UP TO ASPHALT PAVEMENT SUBGRADE AND INSTALL LIGHT DUTY BITUMINOUS PAVEMENT PER DETAIL, SHEET C-902.
- **G-4** FINE GRADE WITH GABC UP TO ASPHALT PAVEMENT SUBGRADE AND INSTALL HEAVY DUTY BITUMINOUS PAVEMENT PER DETAIL, SHEET C-902.
- **G-5** PROPOSED PARKING LOT LIGHT LOCATIONS SHOWN HEREON ARE FOR PICTORIAL PURPOSE ONLY, CONTRACTOR TO REFER TO THE LIGHTING PLAN "BY OTHERS", FOR ALL INFORMATION REGARDING THE LIGHTING INSTALLATION.
- **G-6** PROPOSED CURB RAMPS. SEE DETAILS SHEET C-901.
- **G-7** INSTALL 6" CONCRETE FILLED STEEL PIPE BOLLARD, SEE DETAIL SHEET C-901 (6 TOTAL) AND DETAIL SHEET C-904 TRASH ENCLOSURE DETAIL (4 TOTAL).
- **G-8** CONTRACTOR TO SAW CUT AND REMOVE ONLY THE NECESSARY CONCRETE / BITUMINOUS PAVEMENT FOR CONSTRUCTION AND TO MATCH EXISTING PAVEMENT PER TIE-IN DETAIL, SEE SHEET C-901.
- **G-9** INSTALL REINFORCED CONCRETE PAD AND DUMPSTER ENCLOSURE AT LOCATION SHOWN. SEE DETAIL SHEET C-904.

NOTE:

1. THE EXISTING MEDIUM VOLTAGE PEDESTAL LOCATED ON THE WEST SIDE OF THE MAVIS SITE WILL PROVIDE SERVICE TO THE PROPOSED BUILDING.
2. 4" CONDUIT (2) AND 6" CONDUIT (2) HAVE BE INSTALLED UNDER THE ENTRANCE TO SERVE THE SITE.
3. CONTRACTOR TO BACKFILL ALL UNDERGROUND PIPE RUNS IN ACCORDANCE WITH THE TRENCH BACKFILL AND PIPE BEDDING DETAIL (D1-1) AS SHOWN ON DETAIL SHEET C-903.

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D.S.P. NAD83 (2011)

PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

SITE PLAN

0 10 20 40

SCALE : 1" = 20'

ISSUE BLOCK		
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MARK	DATE	DESCRIPTION

LAYER/STATE: C-201

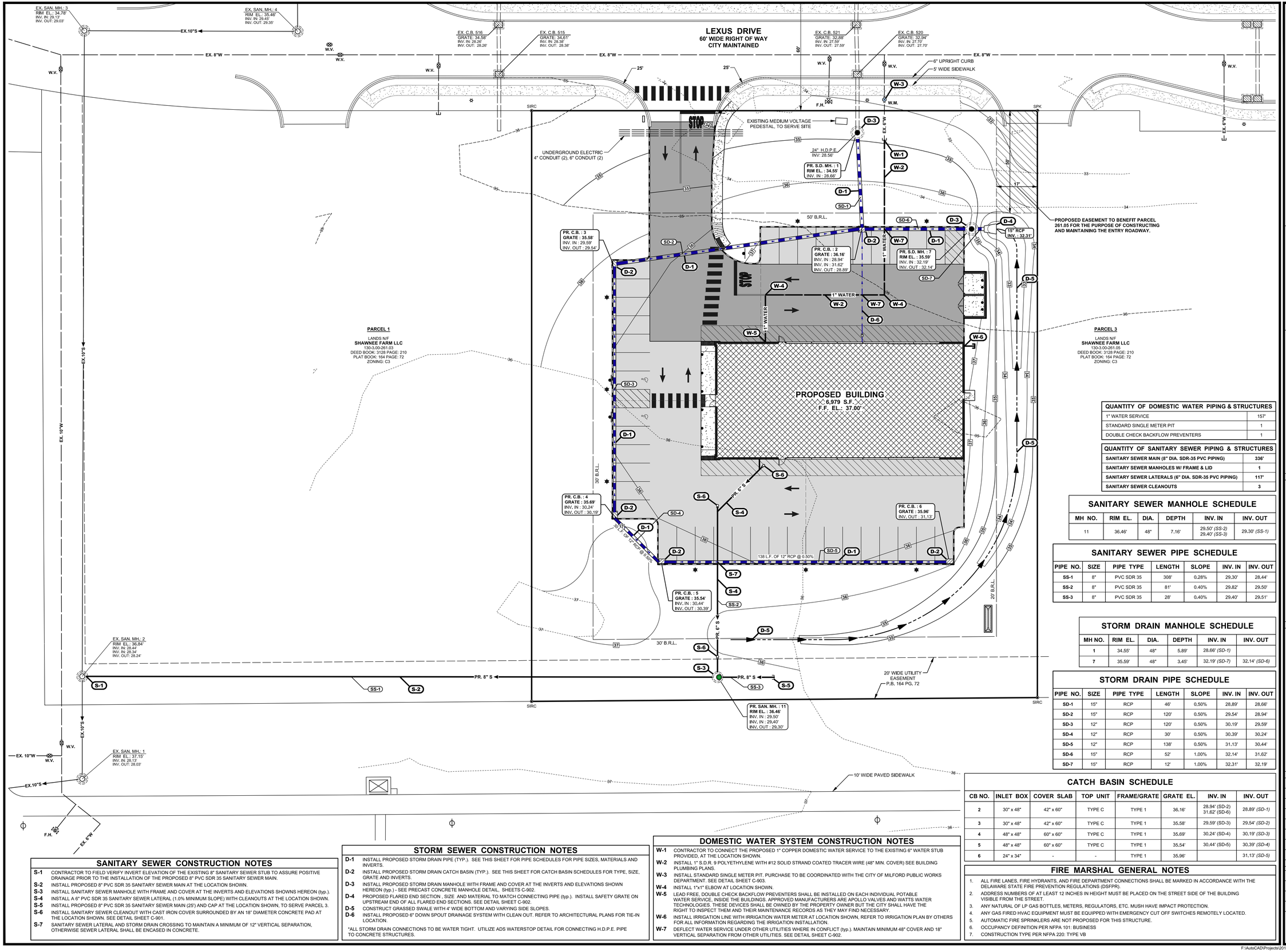
PROJECT NO.:	**2019009.00**
DATE:	**02/06/2019**
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QUANTITY OF DOMESTIC WATER PIPING & STRUCTURES	
1" WATER SERVICE	157'
STANDARD SINGLE METER PIT	1
DOUBLE CHECK BACKFLOW PREVENTERS	1

QUANTITY OF SANITARY SEWER PIPING & STRUCTURES	
SANITARY SEWER MAIN (8" DIA. SDR-35 PVC PIPING)	336'
SANITARY SEWER MANHOLES W/ FRAME & LID	1
SANITARY SEWER LATERALS (6" DIA. SDR-35 PVC PIPING)	117'
SANITARY SEWER CLEANOUTS	3

SANITARY SEWER MANHOLE SCHEDULE

MH NO.	RIM EL.	DIA.	DEPTH	INV. IN	INV. OUT
11	36.46'	48"	7.16'	29.50' *(SS-2)* 29.40' *(SS-3)*	29.30' *(SS-1)*

SANITARY SEWER PIPE SCHEDULE

PIPE NO.	SIZE	PIPE TYPE	LENGTH	SLOPE	INV. IN	INV. OUT
SS-1	8"	PVC SDR 35	308'	0.28%	29.30'	28.44'
SS-2	8"	PVC SDR 35	81'	0.40%	29.82'	29.50'
SS-3	8"	PVC SDR 35	28'	0.40%	29.40'	29.51'

STORM DRAIN MANHOLE SCHEDULE

MH NO.	RIM EL.	DIA.	DEPTH	INV. IN	INV. OUT
1	34.55'	48"	5.89'	28.66' *(SD-1)*	
7	35.59'	48"	3.45'	32.19' *(SD-7)*	32.14' *(SD-6)*

STORM DRAIN PIPE SCHEDULE

PIPE NO.	SIZE	PIPE TYPE	LENGTH	SLOPE	INV. IN	INV. OUT
SD-1	15"	RCP	46'	0.50%	28.89'	28.66'
SD-2	15"	RCP	120'	0.50%	29.54'	28.94'
SD-3	12"	RCP	120'	0.50%	30.19'	29.59'
SD-4	12"	RCP	30'	0.50%	30.39'	30.24'
SD-5	12"	RCP	138'	0.50%	31.13'	30.44'
SD-6	15"	RCP	52'	1.00%	32.14'	31.62'
SD-7	15"	RCP	12'	1.00%	32.31'	32.19'

CATCH BASIN SCHEDULE

CB NO.	INLET BOX	COVER SLAB	TOP UNIT	FRAME/GRATE	GRATE EL.	INV. IN	INV. OUT
2	30" x 48"	42" x 60"	TYPE C	TYPE 1	36.16'	28.94' (SD-2) 31.62' (SD-6)	28.89' *(SD-1)*
3	30" x 48"	42" x 60"	TYPE C	TYPE 1	35.58'	29.59' (SD-3)	29.54' *(SD-2)*
4	48" x 48"	60" x 60"	TYPE C	TYPE 1	35.69'	30.24' (SD-4)	30.19' *(SD-3)*
5	48" x 48"	60" x 60"	TYPE C	TYPE 1	35.54'	30.44' (SD-5)	30.39' *(SD-4)*
6	24" x 34"	-	-	TYPE 1	35.96'		31.13' *(SD-5)*

SANITARY SEWER CONSTRUCTION NOTES

- **S-1** CONTRACTOR TO FIELD VERIFY INVERT ELEVATION OF THE EXISTING 8" SANITARY SEWER STUB TO ASSURE POSITIVE DRAINAGE PRIOR TO THE INSTALLATION OF THE PROPOSED 8" PVC SDR 35 SANITARY SEWER MAIN.
- **S-2** INSTALL PROPOSED 8" PVC SDR 35 SANITARY SEWER MAIN AT THE LOCATION SHOWN.
- **S-3** INSTALL SANITARY SEWER MANHOLE WITH FRAME AND COVER AT THE INVERTS AND ELEVATIONS SHOWNS HEREON (typ.).
- **S-4** INSTALL A 6" PVC SDR 35 SANITARY SEWER LATERAL (1.0% MINIMUM SLOPE) WITH CLEANOUTS AT THE LOCATION SHOWN.
- **S-5** INSTALL PROPOSED 8" PVC SDR 35 SANITARY SEWER MAIN (25') AND CAP AT THE LOCATION SHOWN, TO SERVE PARCEL 3.
- **S-6** INSTALL SANITARY SEWER CLEANOUT WITH CAST IRON COVER SURROUNDED BY AN 18" DIAMETER CONCRETE PAD AT THE LOCATION SHOWN. SEE DETAIL SHEET C-901.
- **S-7** SANITARY SEWER LATERAL AND STORM DRAIN CROSSING TO MAINTAIN A MINIMUM OF 12" VERTICAL SEPARATION, OTHERWISE SEWER LATERAL SHALL BE ENCASED IN CONCRETE.

STORM SEWER CONSTRUCTION NOTES

- **D-1** INSTALL PROPOSED STORM DRAIN PIPE (TYP.). SEE THIS SHEET FOR PIPE SCHEDULES FOR PIPE SIZES, MATERIALS AND INVERTS.
- **D-2** INSTALL PROPOSED STORM DRAIN CATCH BASIN (TYP.). SEE THIS SHEET FOR CATCH BASIN SCHEDULES FOR TYPE, SIZE, GRATE AND INVERTS.
- **D-3** INSTALL PROPOSED STORM DRAIN MANHOLE WITH FRAME AND COVER AT THE INVERTS AND ELEVATIONS SHOWN HEREON (typ.) - SEE PRECAST CONCRETE MANHOLE DETAIL, SHEETS C-902.
- **D-4** PROPOSED FLARED END SECTION , SIZE AND MATERIAL TO MATCH CONNECTING PIPE (typ.). INSTALL SAFETY GRATE ON UPSTREAM END OF ALL FLARED END SECTIONS. SEE DETAIL SHEET C-902.
- **D-5** CONSTRUCT GRASSED SWALE WITH 4' WIDE BOTTOM AND VARYING SIDE SLOPES.
- **D-6** INSTALL PROPOSED 6" DOWN SPOUT DRAINAGE SYSTEM WITH CLEAN OUT. REFER TO ARCHITECTURAL PLANS FOR TIE-IN LOCATION.

*ALL STORM DRAIN CONNECTIONS TO BE WATER TIGHT. UTILIZE ADS WATERSTOP DETAIL FOR CONNECTING H.D.P.E. PIPE TO CONCRETE STRUCTURES.

DOMESTIC WATER SYSTEM CONSTRUCTION NOTES

- **W-1** CONTRACTOR TO CONNECT THE PROPOSED 1" COPPER DOMESTIC WATER SERVICE TO THE EXISTING 6" WATER STUB PROVIDED, AT THE LOCATION SHOWN.
- **W-2** INSTALL 1" S.D.R. 9 POLYETHYLENE WITH #12 SOLID STRAND COATED TRACER WIRE (48" MIN. COVER) SEE BUILDING PLUMBING PLANS.
- **W-3** INSTALL STANDARD SINGLE METER PIT. PURCHASE TO BE COORDINATED WITH THE CITY OF MILFORD PUBLIC WORKS DEPARTMENT. SEE DETAIL SHEET C-903.
- **W-4** INSTALL 1"x1" ELBOW AT LOCATION SHOWN.
- **W-5** LEAD FREE, DOUBLE CHECK BACKFLOW PREVENTERS SHALL BE INSTALLED ON EACH INDIVIDUAL POTABLE WATER SERVICE, INSIDE THE BUILDINGS. APPROVED MANUFACTURERS ARE APOLLO VALVES AND WATTS WATER TECHNOLOGIES. THESE DEVICES SHALL BE OWNED BY THE PROPERTY OWNER BUT THE CITY SHALL HAVE THE RIGHT TO INSPECT THEM AND THEIR MAINTENANCE RECORDS AS THEY MAY FIND NECESSARY.
- **W-6** INSTALL IRRIGATION LINE WITH IRRIGATION WATER METER AT LOCATION SHOWN, REFER TO IRRIGATION PLAN BY OTHERS FOR ALL INFORMATION REGARDING THE IRRIGATION INSTALLATION.
- **W-7** DEFLECT WATER SERVICE UNDER OTHER UTILITIES WHERE IN CONFLICT (typ.). MAINTAIN MINIMUM 48" COVER AND 18" VERTICAL SEPARATION FROM OTHER UTILITIES. SEE DETAIL SHEET C-902.

FIRE MARSHAL GENERAL NOTES

1. ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS (DSFPR).
2. ADDRESS NUMBERS OF AT LEAST 12 INCHES IN HEIGHT MUST BE PLACED ON THE STREET SIDE OF THE BUILDING VISIBLE FROM THE STREET.
3. ANY NATURAL OF LP GAS BOTTLES, METERS, REGULATORS, ETC. MUSH HAVE IMPACT PROTECTION.
4. ANY GAS FIRED HVAC EQUIPMENT MUST BE EQUIPPED WITH EMERGENCY CUT OFF SWITCHES REMOTELY LOCATED.
5. AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.
6. OCCUPANCY DEFINITION PER NFPA 101: BUSINESS
7. CONSTRUCTION TYPE PER NFPA 220: TYPE VB

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PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

UTILITY PLAN

ISSUE BLOCK

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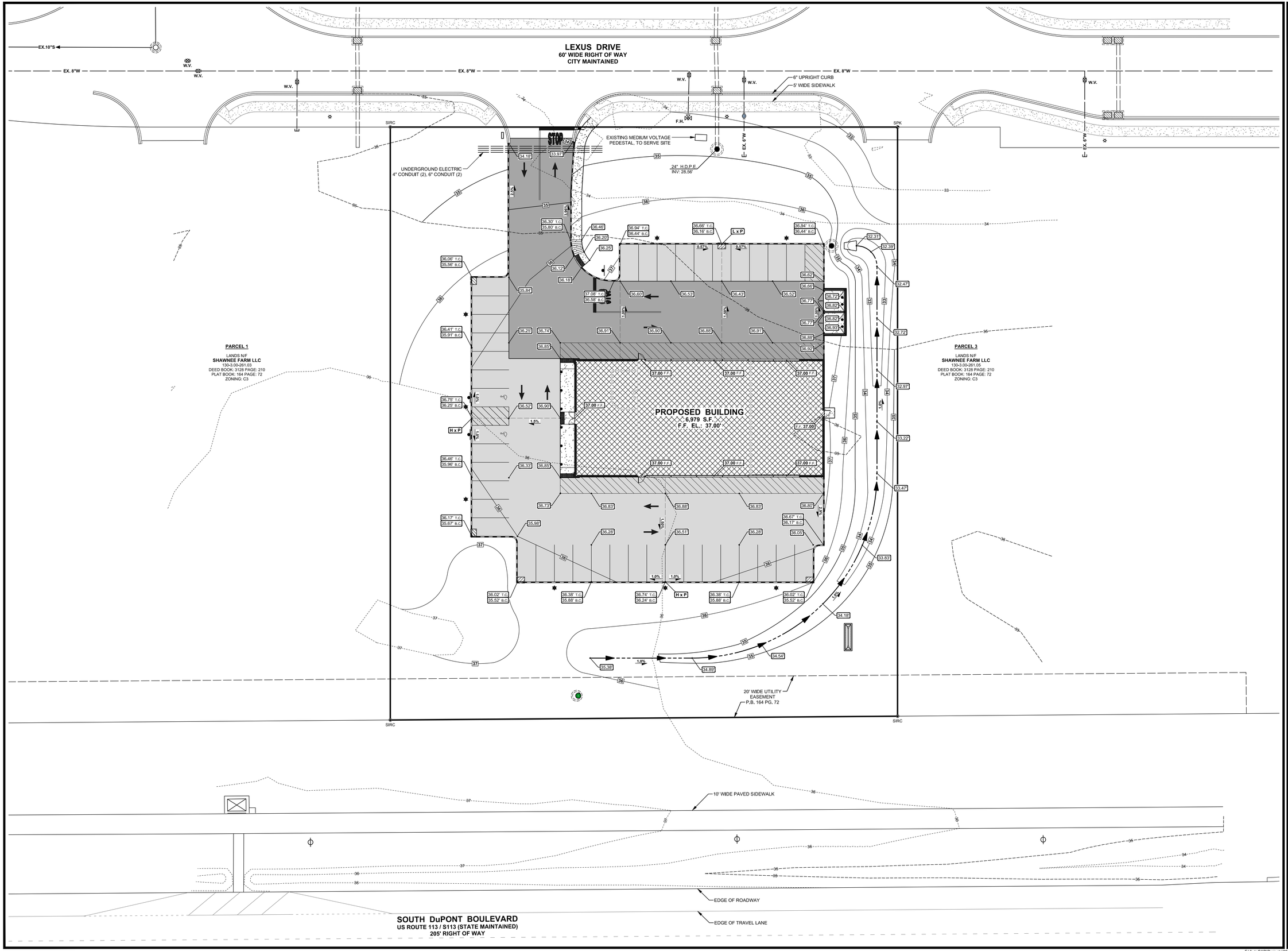
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D.S.P. NAD83 (2011)

PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

GRADING PLAN

0 10 20 40

SCALE : 1" = 20'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
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LAYER STATE: C-401

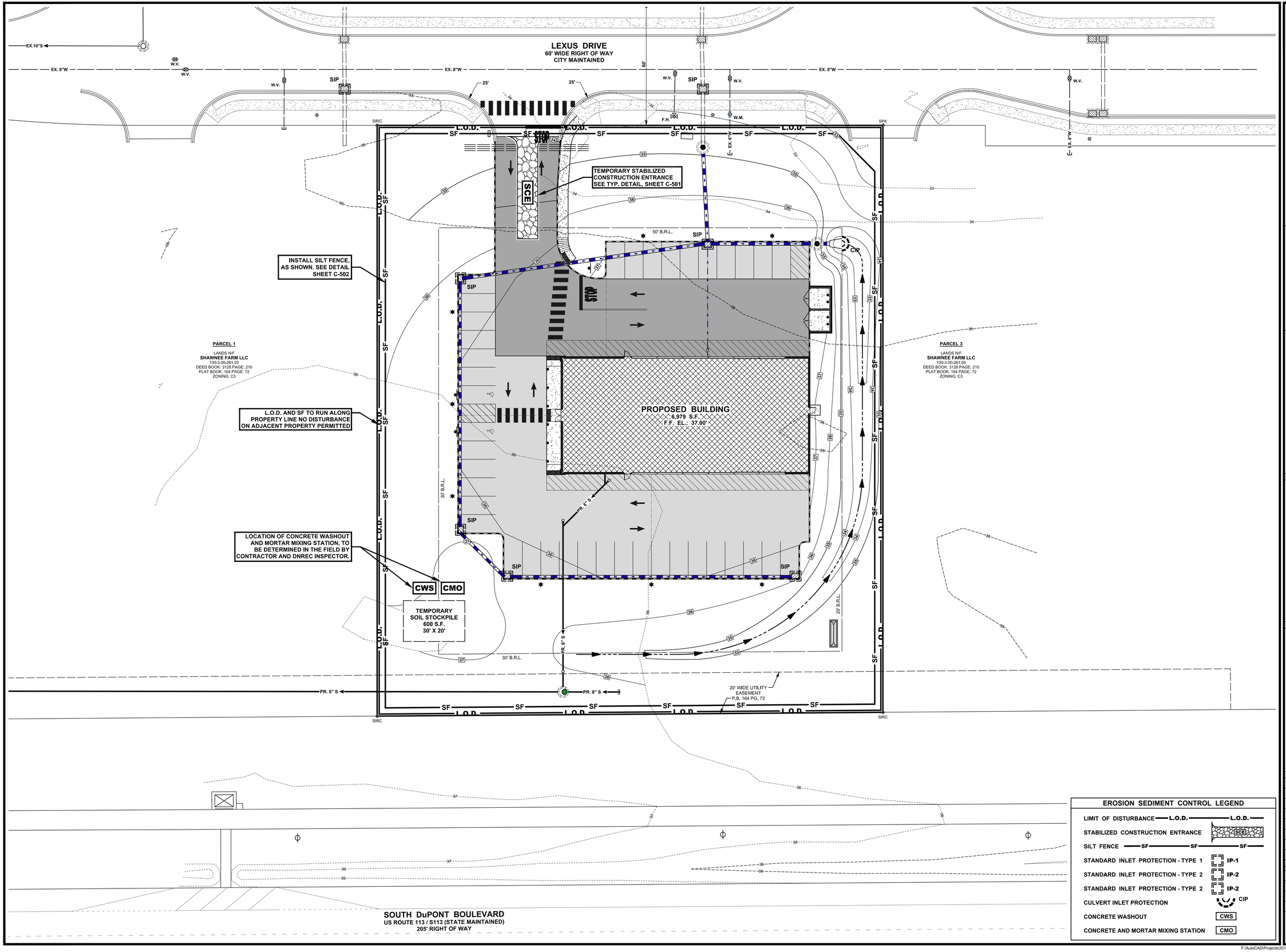
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EROSION SEDIMENT CONTROL LEGEND

LIMIT OF DISTURBANCE	L.O.D.
STABILIZED CONSTRUCTION ENTRANCE	SCE
SILT FENCE	SF
STANDARD INLET PROTECTION - TYPE 1	IP-1
STANDARD INLET PROTECTION - TYPE 2	IP-2
STANDARD INLET PROTECTION - TYPE 2	IP-2
CULVERT INLET PROTECTION	CIP
CONCRETE WASHOUT	CWS
CONCRETE AND MORTAR MIXING STATION	CMO

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PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

EROSION AND SEDIMENT CONTROL PLAN

0 10 20 40

SCALE : 1" = 20'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
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LAYER/STATE: C-501

PROJECT NO.:	2019009.00
DATE:	02/06/2019
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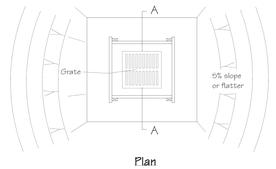
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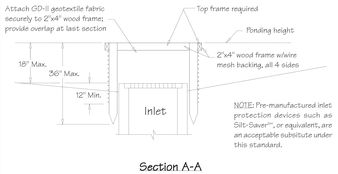
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Standard Detail & Specifications

Inlet Protection - Type 1



Plan



Section A-A

Source:	Symbol:	Detail No.
Adapted from Erosion Draw Manual J. McCullah & Assoc.	IP-1	DE-ESC-3.1.5.1 Sheet 1 of 2 Date: 12/03

Standard Detail & Specifications

Inlet Protection - Type 1

Construction Notes:

1. Excavate completely around inlet to a depth of 18" below grate elevation.
2. Drive 2" x 4" post 1' into ground at four corners of inlet. Place nail strips between posts on ends of inlet. Assemble top portion of 2" x 4" frame using overlap joint shown. Top of frame (weir) must be 6" below edge of roadway adjacent to inlet.
3. Stretch wire mesh tightly around frame and fasten securely. Ends must meet at post.
4. Stretch geotextile fabric tightly over wire mesh, the cloth must extend from top of frame to 18" below inlet grate elevation. Fasten securely to frame. Ends must meet at post, be overlapped and folded, then fastened down.
5. Backfill around inlet in compacted 6" layers until at least 12" of geotextile fabric is buried.
6. If the inlet is not in a low point, construct a compacted earth dike in the ditchline below it. The top of this dike is to be at least 6" higher than the top of frame (weir).
7. This structure must be inspected frequently and the filter fabric replaced when clogged.

Materials:

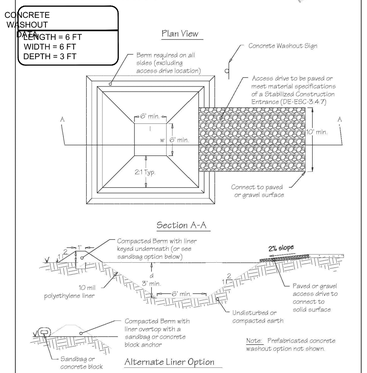
1. Wooden frame is to be constructed of 2" x 4" construction grade lumber.
2. Wire mesh must be of sufficient strength to support filter fabric with water fully impounded against it.
3. Geotextile fabric: Type GD-II

Source:	Symbol:	Detail No.
Adapted, from Erosion Draw Manual J. McCullah & Assoc.	IP-1	DE-ESC-3.1.5.1 Sheet 2 of 2 Date: 12/03

Standard Detail & Specifications

Concrete Washout

CONCRETE WASHOUT AREA
LENGTH = 6 FT
WIDTH = 6 FT
DEPTH = 3 FT



Source:	Symbol:	Detail No.
Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	CW	DE-ESC-3.6.2 Sheet 1 of 2 Date: 03/13

Standard Detail & Specifications

Concrete Washout

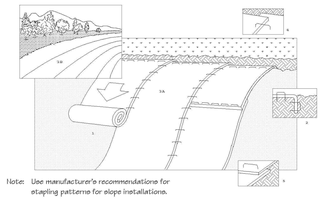
Construction Notes:

1. Locate washout area a minimum of 50 feet from open channels, stormdrain inlets, wetlands or waterbodies.
2. Locate washout area so that it is accessible to concrete equipment (service with a minimum 10 foot wide gravel accessway), but so it is not in a highly active construction area causing accidental damage.
3. Minimum dimensions for prefabricated units are 4 feet by 4 feet by 1 foot deep with a minimum 4mil polyethylene plastic liner. Minimum dimensions for constructed concrete washout areas are 6 feet by 6 feet by 3 feet deep, with a minimum 10mil polyethylene liner, 2:1 side slopes, and a 1 foot high by 1 foot wide compacted fill berm.
4. The liner must be free of tears or holes and placed over smooth surfaces to prevent puncturing. For excavated washouts, anchor the liner underneath the berm or overtop with sandbags or concrete blocks to hold in place.
5. Provide a sign designating the washout area, and for large construction sites, provide signs throughout directing traffic to its location.
6. Allow washed out concrete mixture to harden through evaporation of the wastewater. Once the facility has reached 75 percent of its capacity, remove the hardened concrete by reusing the broken aggregate onsite, recycling, or disposing of offsite. The hardened material can be buried on site with minimum of 1 foot of clean, compacted fill.
7. Apply a new liner before reusing the station for additional washouts after maintenance has occurred.

Source:	Symbol:	Detail No.
Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	CW	DE-ESC-3.6.2 Sheet 2 of 2 Date: 03/13

Standard Detail & Specifications

Stabilization Matting - Slope



Perspective

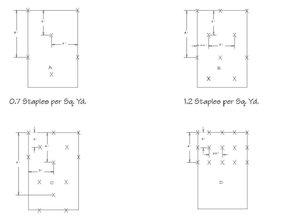
Construction Notes:

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

Source:	Symbol:	Detail No.
Adapted from North American Green, Inc.	SM-S	DE-ESC-3.4.6.1 Sheet 1 of 2 Effective April 2016

Standard Detail & Specifications

Stabilization Matting - Slope

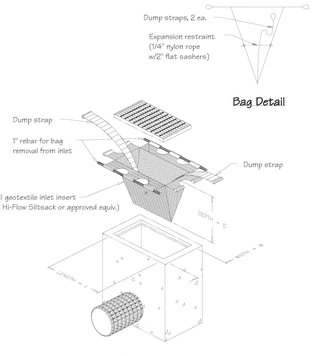


Stapling Patterns

Source:	Symbol:	Detail No.
Adapted from North American Green, Inc.	SM-S	DE-ESC-3.4.6.1 Sheet 2 of 2 Effective April 2016

Standard Detail & Specifications

Inlet Protection - Type 2



Perspective

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

Standard Detail & Specifications

Inlet Protection - Type 2

Notes:

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

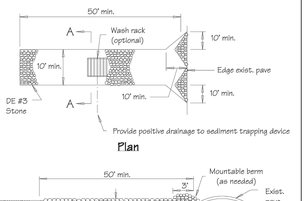
Materials:

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

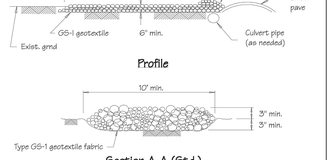
Source:	Symbol:	Detail No.
Adapted from ACF Products, Inc.	IP-2	DE-ESC-3.1.5.2 Sheet 2 of 2 Date: 12/03

Standard Detail & Specifications

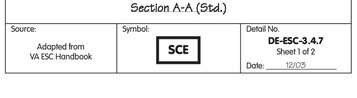
Stabilized Construct. Entrance



Plan



Profile

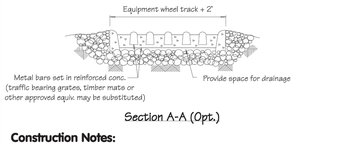


Section A-A (Std.)

Source:	Symbol:	Detail No.
Adapted from VA ESC Handbook	SCE	DE-ESC-3.4.7 Sheet 1 of 2 Date: 12/05

Standard Detail & Specifications

Stabilized Construct. Entrance



Section A-A (Opt.)

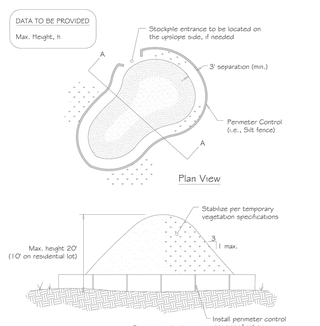
Construction Notes:

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

Source:	Symbol:	Detail No.
Adapted from VA ESC Handbook	SCE	DE-ESC-3.4.7 Sheet 2 of 2 Date: 12/05

Standard Detail & Specifications

Soil Stockpile



Source:	Symbol:	Detail No.
Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	SP	DE-ESC-3.7.3 Sheet 1 of 2 Date: 03/13

Standard Detail & Specifications

Soil Stockpile

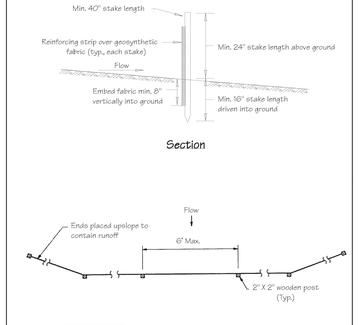
Construction Notes:

1. Locate stockpiles so that they are 50 feet from any storm drain inlet, open channel, wetland or waterbody. Redirect any concentrated flow around the stockpile using an approved erosion and sediment control measure.
2. Secure the perimeter of the stockpile with an approved erosion and sediment control perimeter device.
3. If stockpile is to remain inactive for more than 14 calendar days, the stockpile must be vegetated. Follow the temporary vegetation specifications. The vegetation chosen shall last the duration of the stockpile; the stockpile shall be restabilized if the temporary vegetation dies or erosion results.

Source:	Symbol:	Detail No.
Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	SP	DE-ESC-3.7.3 Sheet 2 of 2 Date: 03/13

Standard Detail & Specifications

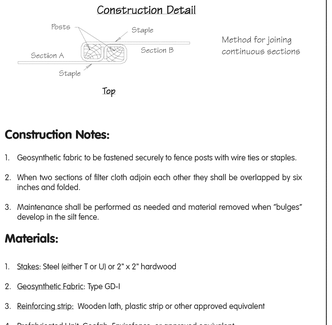
Silt Fence



Source:	Symbol:	Detail No.
Adapted form MD Stds. & Specs. for ESC	SF	DE-ESC-3.1.2.1 Sheet 1 of 2 Date: 6/05

Standard Detail & Specifications

Silt Fence



Construction Notes:

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

Materials:

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

Source:	Symbol:	Detail No.
Adapted from MD Stds. & Specs. for ESC	SF	DE-ESC-3.1.2.1 Sheet 2 of 2 Date: 6/05

Standard Detail & Specifications

Dust Control

Temporary Methods:

1. Mulches - See **DE-ESC-3.4.5**, Standard Detail and Specifications for Mulching.
2. Vegetative cover - See **DE-ESC-3.4.3**, Std. Detail and Specifications for Vegetative Stabilization.
3. Adhesives - Use on mineral soils only (not effective on muck soils). Keep traffic off these areas. The following table may be used for general guidance.

Type of Emulsion	Water Dilution	Type of Nozzle	Apply Gal/Ac.
Latex emulsion	12.5:1	Fine spray	235
Resin-in-water emulsion	4:1	Fine spray	300
Acrylic emulsion (non-traffic)	7:1	Coarse spray	450
Acrylic emulsion (traffic)	3.5:1	Coarse spray	350

4. Tillage - For emergency temporary treatment, scarify the soil surface to prevent or reduce the amount of blowing dust until a more appropriate solution can be implemented. Begin the tillage operation on the windward side of the site using a chisel-type plow for best results.
5. Sprinkling - Sprinkle site with water until the surface is moist . Repeat as needed.
6. Calcium Chloride - Apply as flakes or granular material with a spreader at a rate that will keep the soil surface moist. Re-apply as necessary.
7. Barriers - Place barriers such as solid board fences, snow fences, hay bales, etc. at right angles to the prevailing air currents at intervals of approx. 10X their height.

Permanent Methods:

1. Vegetative cover - See **DE-ESC-3.4.3**, Std. Detail and Specifications for Vegetative Stabilization.
2. Stone - Apply layer of crushed stone or coarse gravel to protect soil surface.

Source:	Symbol:	Detail No.
Adapted from VA ESC Handbook		DE-ESC-3.4.8 Sheet 1 of 1 Date: 12/05

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PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

EROSION AND SEDIMENT CONTROL - NOTES AND DETAILS

ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

LAYER STATE: C-502

PROJECT NO.: 2019009.00
DATE: 02/06/2019
SCALE: N.T.S.
DRAWN BY: **D.S.G.** | PROJ. MGR.: **S.T.F.**

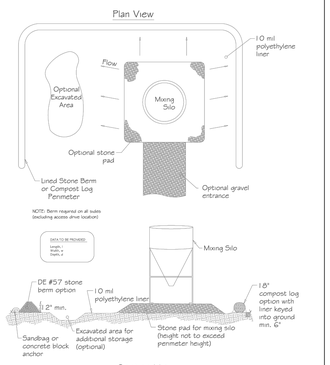
SHEET

C-502

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Standard Detail & Specifications

Concrete Mixing Operation



Source:	Symbol:	Detail No.
Adapted from MN/DOT Concrete Manual, Chap. 4	CMO	**DE-ESC-3.6.3** Sheet 1 of 2 Date: 03/13

Standard Detail & Specifications

Concrete Mixing Operation

Construction Notes:

1. Locate concrete mixing and containment area a minimum of 50 feet from open channels, stormdrain inlets, wetlands or waterbodies.
2. Locate concrete mixing and containment area so that it is accessible to telescopic lifts (service with a minimum 10 foot wide gravel or paved accessway), but so it is not in a highly active construction area causing accidental damage.
3. Minimum volume for installed containment areas are 3.5 cubic feet per cubic foot of mixing capacity. The installed containment area must encompass the storage silo and mixing unit, and be surround on three sides minimum by a 12" high stone berm IDE #57) or 18" compost log
4. The 10-mil poly liner must be free of tears or holes and placed over smooth surfaces to prevent puncturing. The liner shall cover the perimeter control and be secured on the backside using cement or sand bags, or keyed into the ground a minimum of 6".
5. Allow cementitious waste to harden through evaporation of the wastewater. Once the facility has reached 75 percent of its capacity, remove the hardened concrete by reusing the broken aggregate onsite, recycling, or disposing of offsite. The hardened material can be buried on site with minimum of 1 foot of clean, compacted fill.
6. Apply a new liner before reusing the station for additional mixing after maintenance has occurred.

Source:	Symbol:	Detail No.
Adapted from MN/DOT Concrete Manual, Chap. 4	CMO	**DE-ESC-3.6.3** Sheet 2 of 2 Date: 03/13

Standard Detail & Specifications

Topsoiling

Construction Notes:

1. **Site Preparation** (Where Topsoil is to be added)

   Note: When topsoiling, maintain needed erosion and sediment control practices such as diversions, grade stabilization structures, berms, dikes, waterways and sediment basins.

   a. Grading - Grades on the areas to be topsoiled which have been previously established shall be maintained.

   b. Liming - Where the topsoil is either highly acid or composed of heavy clays, ground limestone shall be spread at the rate of 4-8 tons/acre (200-400 pounds per 1,000 square feet). Lime shall be distributed uniformly over designated areas and worked into the soil in conjunction with tillage operations as described in the following procedures.

   c. Tilling - After the areas to be topsoiled have been brought to grade, and immediately prior to dumping and spreading the topsoil, the subgrade shall be loosened by discing or by scarifying to a depth of a least 3 inches to permit bonding of the topsoil to the subsoil. Pock by passing a bulldozer up and down over the entire surface area of the slope to create horizontal erosion check slots to prevent topsoil from sliding down the slope.

2. **Topsoil Material and Application**

   Note:Topsoil salvaged from the existing site may often be used but it should meet the same standards as set forth in these specifications. The depth of topsoil to be salvaged shall be no more than the depth described as a representative profile for that particular soil type as described in the soil survey published by USDA-SCS in cooperation with Delaware Agricultural Experimental Station.

Source:	Symbol:	Detail No.
USDA - NRCS		**DE-ESC-3.4.1** Sheet 1 of 2 Effective April 2016

Standard Detail & Specifications

Topsoiling

Construction Notes (cont.)

a. Materials - Topsoil shall be a loam, sandy loam, clay loam, silt loam, sandy clay loam, loamy sand or other soil as approved by an agronomist or soil scientist. It shall not have a mixture of contrasting textured subsoil and contain no more than 5 percent by volume of cinders, stones, slag, coarse fragment, gravel, sticks, roots, trash or other extraneous materials larger than 1-1/2 inches in diameter. Topsoil must be free of plants or plant parts of bermudagrass, quackgrass, Johnsongrass, nutsedge, poison ivy, thistles, or others as specified. All topsoil shall be tested by a reputable laboratory for organic matter content, pH and soluble salts. A pH of 6.0 to 7.5 and an organic content of not less than 1.5 percent by weight is required. If pH value is less than 6.0 lime shall be applied and incorporated with the topsoil to adjust the pH to 6.5 or higher. Topsoil containing soluble salts greater than 500 parts per million shall not be used.

Note: No sod or seed shall be placed on soil which has been treated with soil sterilants or chemicals used for weed control until sufficient time has elapsed to permit dissipation of toxic materials.

b. Grading - The topsoil shall be uniformly distributed and compacted to a minimum of four (4) inches. Spreading shall be performed in such a manner that sodding or seeding can proceed with a minimum of additional soil preparation and tillage. Any irregularities in the surface resulting from topsoiling or other operations shall be corrected in order to prevent the formation of depressions or water pockets. Topsoil shall not be placed while in a frozen or muddy condition, when the subgrade is excessively wet, or in a condition that may otherwise be detrimental to proper grading and seedbed preparation.

Note:Topsoil substitutes or amendments as approved by a qualified agronomist or soil scientist, may be used in lieu of natural topsoil. Compost material used to improve the percentage of organic matter shall be provided by a certified supplier.

Compost amendments that are intended to meet specific post-construction stormwater management goals shall further meet the requirements of **Appendix 3.06.2 Post Construction Stormwater Management BMP Standards and Specifications, Section 14.0 Soil Amendments.**

Source:	Symbol:	Detail No.
USDA - NRCS		**DE-ESC-3.4.1** Sheet 2 of 2 Effective April 2016

Standard Detail & Specifications

Culvert Inlet Protection

Construction Notes

1. Compost logs shall be designed and installed in accordance with the Standard Detail and Specifications for Compost Logs (DE-ES-3.1.7).
2. If compost logs can not be installed properly or flow conditions exceed the design capabilities of the compost logs, the stone option shall be employed. Additional filtration may be provided by using a Type GD-II geotextile incorporated into the design as an option.
3. Placement of the compost log or stone barrier should be in a "horseshoe" shape and provide a minimum of 6 feet of clearance from the culvert inlet.

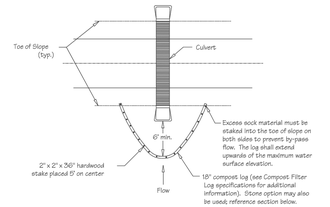
Materials

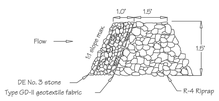
1. Stakes: 2" x 2" x 36" hardwood.
2. Compost media : See requirements in Standard Detail and Specifications for Compost Logs (DE-ES-3.1.7).
3. Filter sock: See requirements in Standard Detail and Specifications for Compost Logs (DE-ES-3.1.7).
4. Geotextile: Type GD-II for stone/riprap option.
5. Stone: DE No. 3 for stone/riprap option.
6. Riprap: R-6 for stone/riprap option.

Source:	Symbol:	Detail No.
Adapted from VA ESC Handbook & Filtrexx™ International	CIP	**DE-ESC-3.1.6** Sheet 2 of 2 Date: 03/13

Standard Detail & Specifications

Culvert Inlet Protection





Source:	Symbol:	Detail No.
Adapted from VA ESC Handbook & Filtrexx™ International	CIP	**DE-ESC-3.1.6** Sheet 1 of 2 Date: 03/13

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PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

EROSION AND SEDIMENT CONTROL - NOTES AND DETAILS

ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

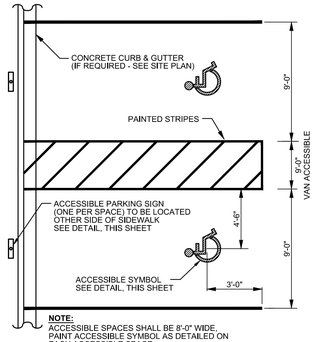
LAYER STATE: C-503

PROJECT NO.: 2019009.00
DATE: 02/06/2019
SCALE: N.T.S.
DRAWN BY: **D.S.G.** | PROJ. MGR.: **S.T.F.**

SHEET
C-503

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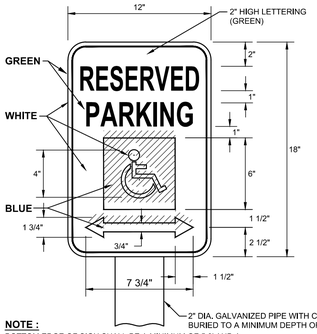
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NOTE:
ACCESSIBLE SPACES SHALL BE 8'-0" WIDE.
PAINT ACCESSIBLE SYMBOL AS DETAILED ON EACH ACCESSIBLE SPACE

ACCESSIBLE PARKING SPACE PLAN

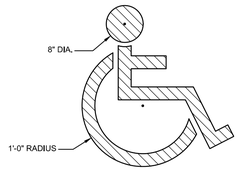
NO SCALE BMG NO. : SW-4B



NOTE :
BOTTOM EDGE OF SIGN SHALL BE A MINIMUM OF 5.0' AND A MAXIMUM OF 7.0' ABOVE FINISHED GRADE. CONTRACTOR SHALL INSTALL ONE SIGN PER ACCESSIBLE PARKING SPACE. SIGNS ARE TO BE CENTERED ON STALL WIDTH, FACING PARKING.

ACCESSIBLE PARKING SIGN DETAIL

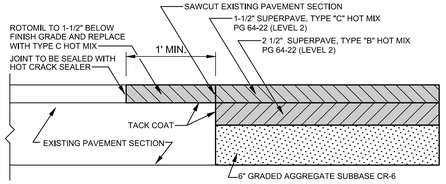
NO SCALE BMG NO. : SW-4C



NOTES :
1. SYMBOL SHALL BE 3" WIDE (MIN.) AND PAINTED ON EACH HANDICAPPED SPACE.
2. ACCESSIBLE SPACES SHALL BE 12'0" WIDE.

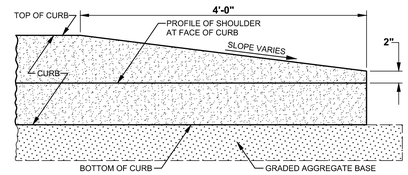
ACCESSIBLE SYMBOL DETAIL

NO SCALE BMG NO. : SW-4E



PAVEMENT TIE-IN SECTION - LIGHT DUTY

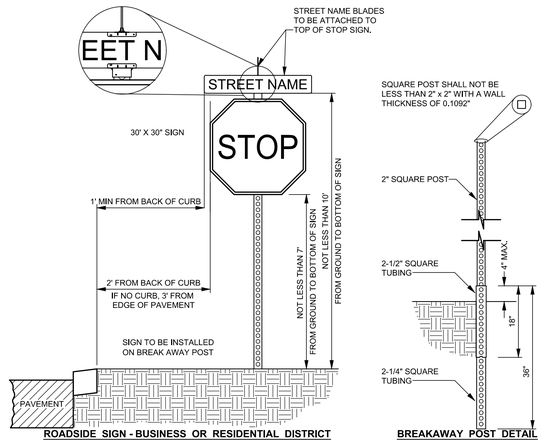
NO SCALE BMG NO. : SW-2D



CURB TAPER DETAIL

DELDOT ACCESS MANUAL - PAGE 4-3

NO SCALE BMG NO. : SW-1C



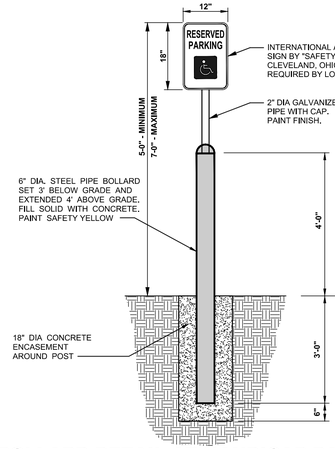
ROADSIDE SIGN - BUSINESS OR RESIDENTIAL DISTRICT

BREAKAWAY POST DETAIL

NOTE :
1. DESIGN, FABRICATION AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES" (LATEST EDITION).
2. IF SIGNS ARE MOUNTED TO TOP OF SIGN, THE OVERALL HEIGHT TO THE TOP OF SIGN MAY BE REDUCED BY ONE FOOT.
3. STREET NAME BLADES SHALL BE PARALLEL TO STREET IN WHICH IT IS IDENTIFYING.
4. SQUARE TUBES ARE TO BE FORMED FROM GALVANIZED SHEET STRUCTURAL (PHYSICAL) QUALITY, ASTM A 446, GRADE A, COATING DESIGNATION G 90, REGULAR SPANGLE, OR HOT ROLLED CARBON SHEET STEEL STRUCTURAL (PHYSICAL) QUALITY, ASTM A 570, GRADE 33.
5. THE CONTRACTOR SHALL PROVIDE AND INSTALL PVC SLEEVES (4" INSIDE DIAMETER MIN., 6" INSIDE DIAMETER MAX.) IN PROPOSED CONCRETE SIDEWALKS, ISLANDS, AND MEDIANS FOR FUTURE TRAFFIC SIGN POSTS AS DIRECTED BY THE ENGINEER. THE LOWER END OF THE SLEEVE SHALL BE SET ON THE TOP OF THE SOIL.
6. ALL SUBDIVISIONS SHALL BE REQUIRED TO HAVE ONE SPEED LIMIT 25 AND ONE WATCH CHILDREN SIGN. IN ADDITION TO THE STANDARD STOP SIGN AND STREET BLADES, THE SPEED LIMIT 25 SIGN MAY BE MOUNTED BELOW THE WATCH CHILDREN SIGN IF A 12' POST IS USED.

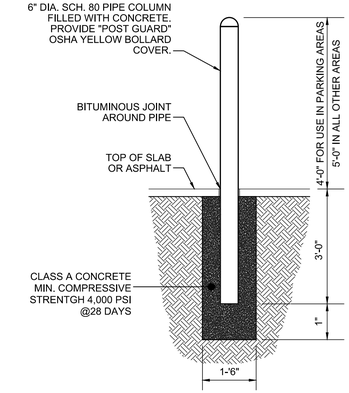
STOP SIGN & BREAKAWAY POST (W/ STREET NAMES)

NO SCALE BMG NO. :



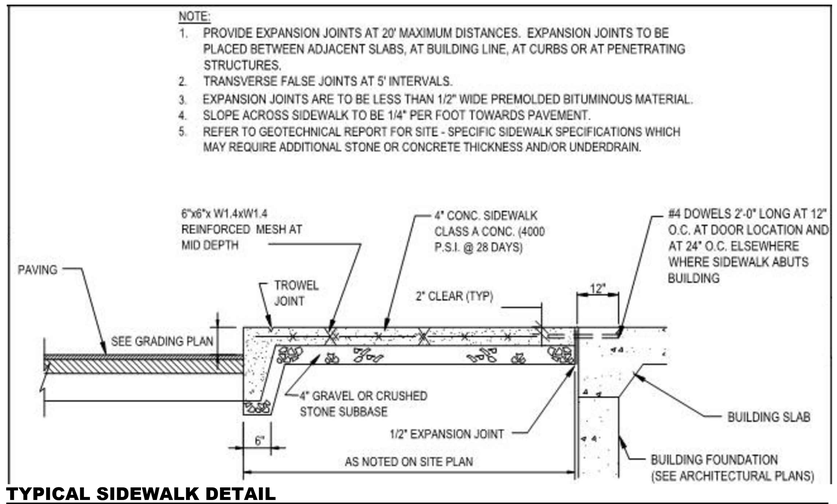
BOLLARD DETAIL AT HANDICAP PARKING

NO SCALE BMG NO. : SW-9E



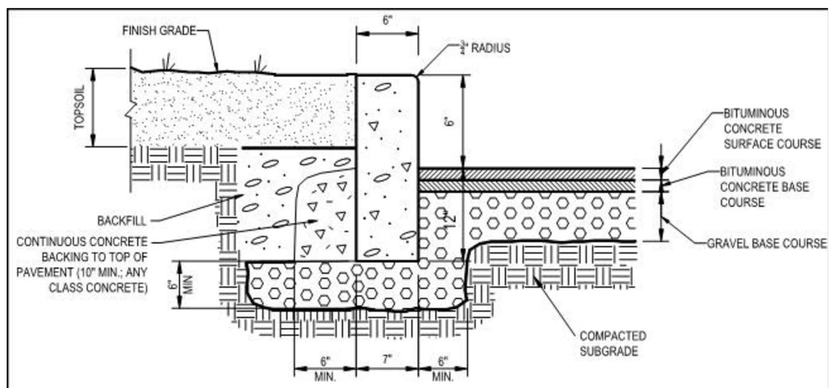
PIPE BOLLARD DETAIL

NO SCALE BMG NO. : SW-9C



TYPICAL SIDEWALK DETAIL

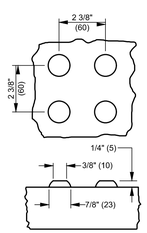
NO SCALE MAVIS



NOTE:
1. CURB SHALL CONSIST OF 4,000 PSI AIR ENTRAINED CONCRETE, EXPOSED EDGES TO HAVE RUBBED FINISH AND SURFACE SHALL BE TREATED WITH A CONCRETE PENETRANT/SEALER.
2. THE ENDS OF CURB SECTIONS SHALL BE CHAMFERED 1/4 INCH.
3. THE CORNERS OF CURB SECTIONS SHALL MATCH THE ADJACENT CURB IN SIZE, COLOR AND FINISH.
4. CURBS, CURB CORNERS OR EDGING SHALL BE FITTED TOGETHER AS CLOSELY AS POSSIBLE.
5. EXPANSION JOINTS SHALL BE INSTALLED AT A MAXIMUM OF TWENTY FEET (20') ON CENTER USING PREFORMED EXPANSION JOINT FILLER HAVING A THICKNESS OF 1/2 INCH.
6. CURB SHALL BE BACKED WITH CONTINUOUS CONCRETE A MINIMUM OF 6" WIDE BY 10" TO TOP OF PAVEMENT

PRECAST CONCRETE CURB DETAIL

NO SCALE MAVIS



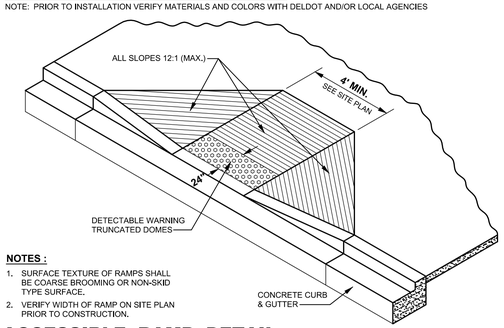
NOTES :
PER CURRENT ADAAG:
1. DETECTABLE WARNINGS MUST HAVE A LIGHT-TO-DARK CONTRAST WITH THE SIDEWALK MATERIAL.
2. LIGHT REFLECTANCE VALUE CONTRAST MUST BE AT LEAST 70%.
3. THE COLOR OF DETECTABLE WARNINGS TO BE USED FOR VARIOUS SIDEWALK MATERIALS ARE AS FOLLOWS:

SIDEWALK / CURB RAMP MATERIAL	DETECTABLE WARNING SYSTEM COLOR
CONCRETE	BROWN CONCRETE, DARK GRAY, BRIGHT RED, ORANGE (BRICK) RED OR BLACK
HOT-MIX	WHITE, LIGHT GRAY, WHITE CONCRETE, FEDERAL YELLOW OR PALE YELLOW
RED BRICK	WHITE, WHITE CONCRETE, FEDERAL YELLOW OR PALE YELLOW

**IF USING A DIFFERENT SIDEWALK MATERIAL THAN SHOWN ABOVE OR IF THE SIDEWALK MATERIAL IS A DIFFERENT COLOR THAN NORMAL (I.E., CONCRETE OR HOT-MIX WITH A PIGMENT SO THAT IT IS NOT THE "NATURAL" OFF-WHITE OR BLACK RESPECTIVELY), CONTACT DELDOT CONSISTENCY CONTROL, QUALITY PROGRAM MANAGER AT (302) 760-2342 FOR COLOR CHOICES.

DETECTABLE WARNINGS - TRUNCATED DOME

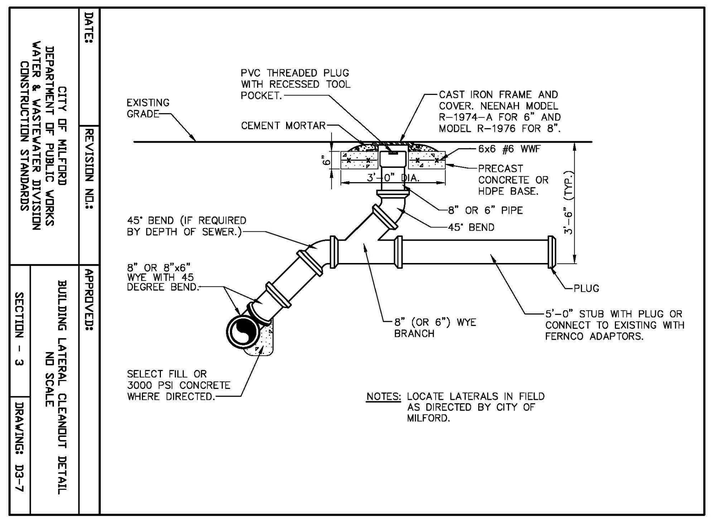
NOTE: PRIOR TO INSTALLATION VERIFY MATERIALS AND COLORS WITH DELDOT AND/OR LOCAL AGENCIES



NOTES :
1. SURFACE TEXTURE OF RAMPS SHALL BE COARSE BROOMING OR NON-SKID TYPE SURFACE.
2. VERIFY WIDTH OF RAMP ON SITE PLAN PRIOR TO CONSTRUCTION.

ACCESSIBLE RAMP DETAIL

NO SCALE BMG NO. : SW-4A



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PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

CONSTRUCTION DETAILS

ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

LAYER/STATE: C-901

PROJECT NO.: 2019009.00
DATE: 02/06/2019
SCALE: N.T.S.
DRAWN BY: **D.S.G.** PROJ. MGR.: **S.T.F.**

SHEET
C-901

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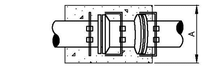
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CITY OF MILFORD
DEPARTMENT OF PUBLIC WORKS
WATER & WASTEWATER DIVISION
CONSTRUCTION STANDARDS

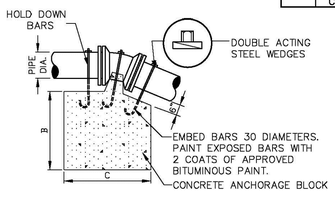
DATE:
REVISION NO.:
APPROVED:

SECTION - 2
DRAWING: D2-11

VERTICAL DOWNWARD BEND DETAIL
NO SCALE



DIMENSION SCHEDULE						
BEND		PIPE DIAMETER				
		6"	8"	10"	12"	16"
11 1/4°	A	1'-6"	1'-6"	2'-5"	3'-0"	1'-4"
	B	1'-3"	1'-9"	1'-9"	2'-0"	1'-0"
	C	2'-0"	2'-6"	2'-9"	3'-0"	4'-0"
22 1/2°	A	2'-0"	3'-4"	3'-8"	4'-0"	4'-4"
	B	1'-9"	2'-3"	2'-6"	2'-6"	2'-6"
	C	2'-6"	2'-8"	3'-10"	4'-0"	5'-2"
45°	A	2'-6"	3'-0"	4'-0"	4'-6"	5'-2"
	B	2'-6"	2'-9"	3'-0"	3'-6"	4'-6"
	C	3'-0"	4'-0"	4'-6"	4'-9"	6'-0"



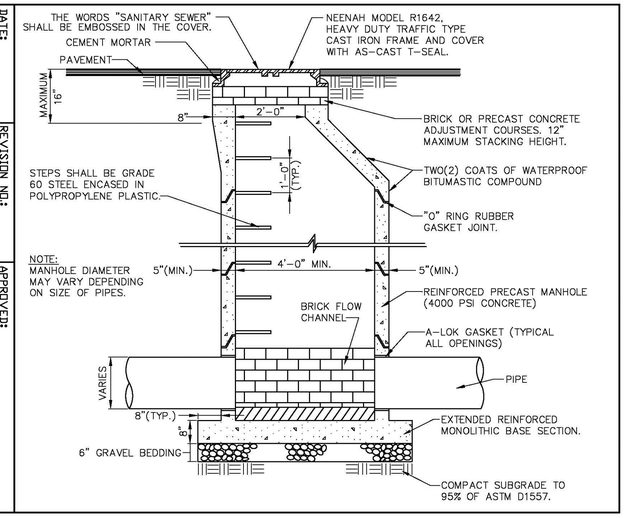
BAR SCHEDULE				
SIZE	REINFORCING BARS			
	11 1/4°	22 1/2°	45°	
6"	3 #6	3 #6	3 #6	
8"	3 #6	3 #6	3 #6	
10"	3 #6	3 #6	3 #6	
12"	3 #6	3 #6	3 #6	
16"	3 #6	3 #6	3 #6	

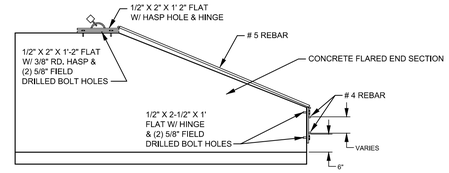
CITY OF MILFORD
DEPARTMENT OF PUBLIC WORKS
WATER & WASTEWATER DIVISION
CONSTRUCTION STANDARDS

DATE:
REVISION NO.:
APPROVED:

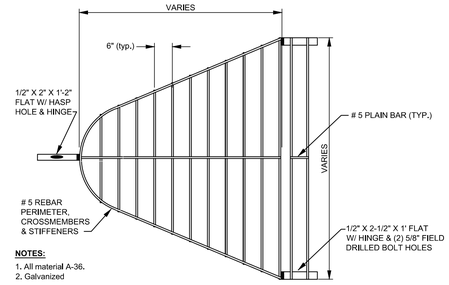
SECTION - 3
DRAWING: D3-2

PRECAST CONCRETE MANHOLE DETAIL
NO SCALE





SECTION



NOTES:
1. All material A-36.
2. Galvanized

PLAN

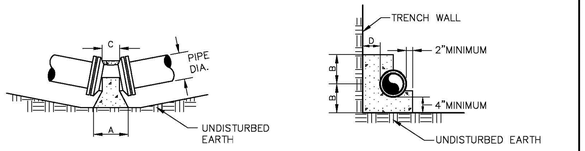
FLARED END SECTION CHILD SAFETY RACK
NO SCALE — BMG NO. : SD-09

CITY OF MILFORD
DEPARTMENT OF PUBLIC WORKS
WATER & WASTEWATER DIVISION
CONSTRUCTION STANDARDS

DATE:
REVISION NO.:
APPROVED:

SECTION - 2
DRAWING: D2-10

HORIZONTAL BEND DETAIL
NO SCALE



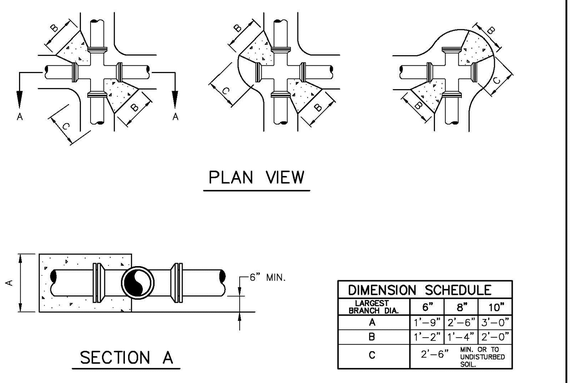
DIMENSION SCHEDULE										
BEND	11 1/4°					22 1/2°				
PIPE DIA.	6"	8"	10"	12"	16"	6"	8"	10"	12"	16"
A	6"	6"	10"	1'-0"	1'-4"	9"	1'-0"	1'-6"	1'-9"	2'-3"
B	7"	8"	9"	10"	1'-0"	7"	8"	9"	10"	1'-0"
C	4"	6"	6"	10"	1'-0"	4"	6"	8"	10"	1'-0"
D	7"	7"	8"	8"	9"	8"	9"	10"	11"	1'-2"
BEND	45°					90°				
PIPE DIA.	6"	8"	10"	12"	16"	6"	8"	10"	12"	16"
A	1'-3"	1'-8"	2'-1"	2'-6"	3'-4"	2'-0"	2'-6"	3'-0"	3'-6"	5'-0"
B	7"	8"	9"	1'-1"	1'-3"	6"	9"	1'-0"	1'-3"	1'-6"
C	4"	6"	8"	10"	1'-0"	4"	6"	8"	10"	1'-0"
D	8"	9"	10"	11"	1'-2"	1'-5"	1'-7"	1'-8"	1'-9"	1'-10"

CITY OF MILFORD
DEPARTMENT OF PUBLIC WORKS
WATER & WASTEWATER DIVISION
CONSTRUCTION STANDARDS

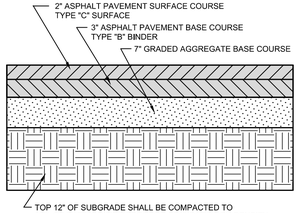
DATE:
REVISION NO.:
APPROVED:

SECTION - 2
DRAWING: D2-12

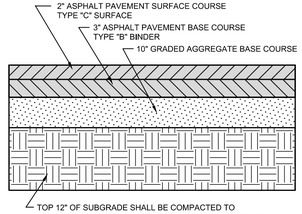
CROSS DETAIL
NO SCALE



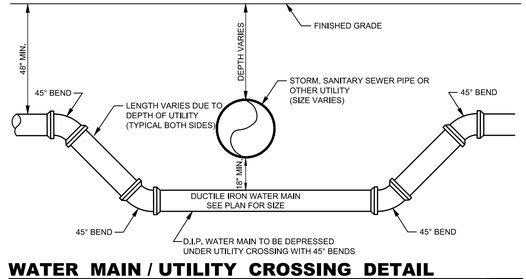
DIMENSION SCHEDULE			
LARGEST BRANCH DIA.	6"	8"	10"
A	1'-9"	2'-6"	3'-0"
B	1'-2"	1'-4"	2'-0"
C	2'-6"	MIN. OR TO UNDISTURBED SOIL.	



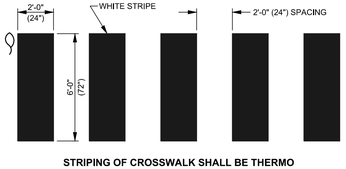
LIGHT DUTY PAVEMENT SECTION DETAIL
NO SCALE — BMG NO. : SW-2A



HEAVY DUTY PAVEMENT SECTION DETAIL
NO SCALE — BMG NO. : SW-2A

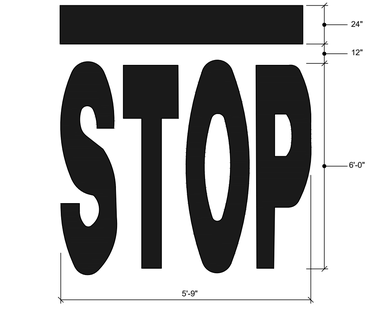


WATER MAIN / UTILITY CROSSING DETAIL
NO SCALE — BMG NO. : W-12



STRIPING OF CROSSWALK SHALL BE THERMO

PEDESTRIAN CROSSWALK DETAIL
NO SCALE — BMG NO. : TS-03



STOP BAR DETAIL
NO SCALE — MAVIS

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PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

CONSTRUCTION DETAILS

ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

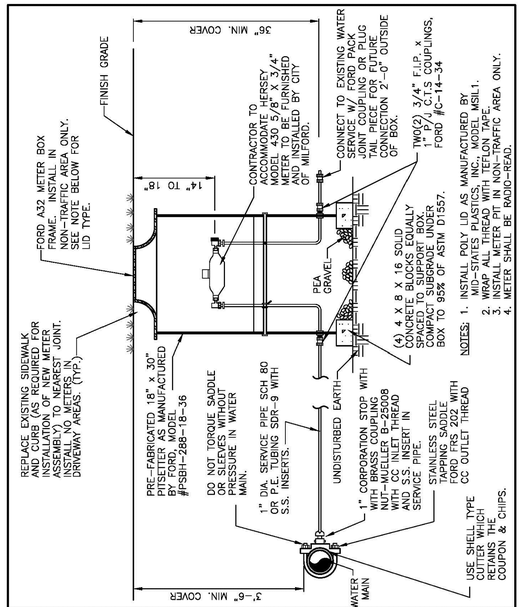
LAYER STATE: C-902

PROJECT NO.: 2019009.00
DATE: 02/06/2019
SCALE: N.T.S.
DRAWN BY: **D.S.G.** | PROJ. MGR.: **S.T.F.**

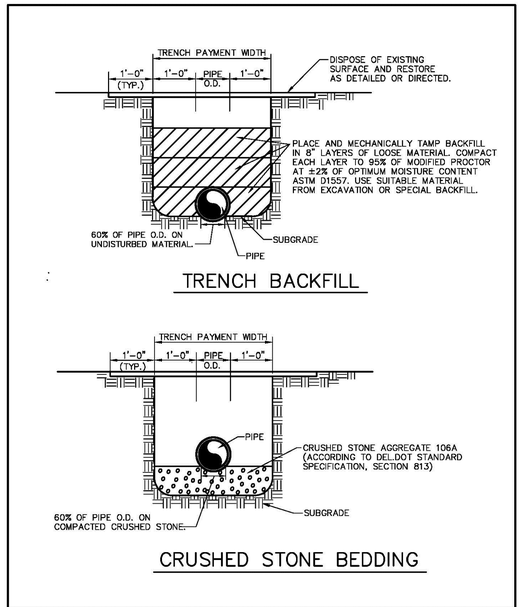
SHEET
C-902

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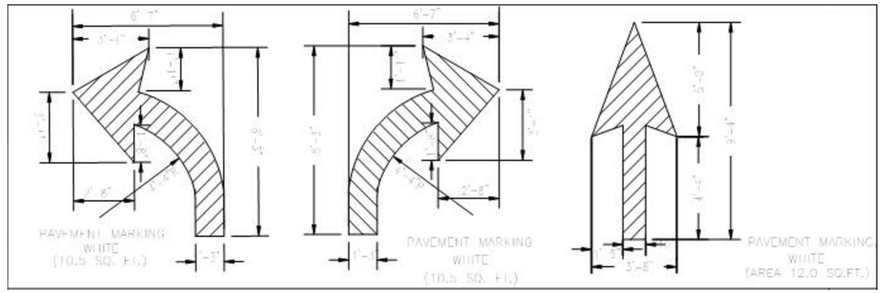
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DATE:	REVISION NO.:	APPROVED:
CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS WATER & WASTEWATER DIVISION CONSTRUCTION STANDARDS		STANDARD SINGLE METER PIT DETAIL(PREFABRICATED) NO SCALE
		SECTION - 2 / DRAWING: D2-1

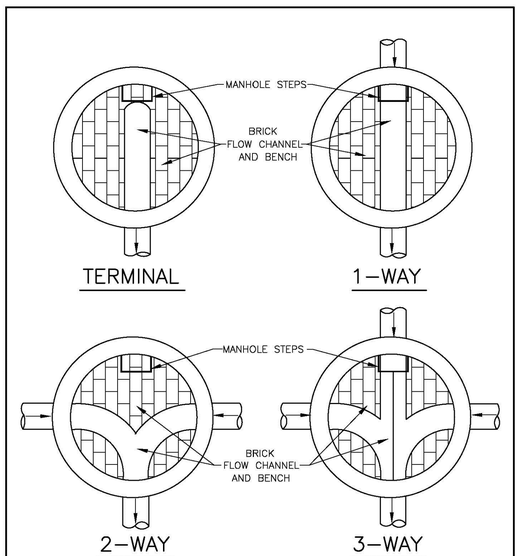


DATE:	REVISION NO.:	APPROVED:
CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS WATER & WASTEWATER DIVISION CONSTRUCTION STANDARDS		TRENCH BACKFILL & PIPE BEDDING DETAIL NO SCALE
		SECTION - 1 / DRAWING: D1-1

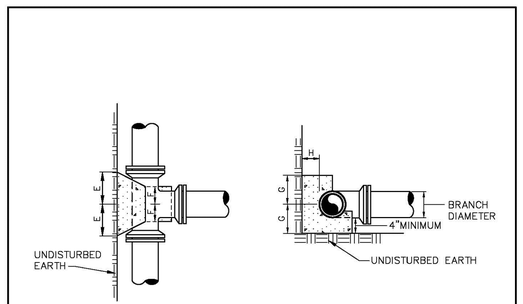


PRECAST CONCRETE CURB DETAIL

NO SCALE — MAVIS



DATE:	REVISION NO.:	APPROVED:
CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS WATER & WASTEWATER DIVISION CONSTRUCTION STANDARDS		TYPICAL MANHOLE FLOW CHANNEL DETAIL NO SCALE
		SECTION - 3 / DRAWING: D3-6



DIMENSION SCHEDULE					
BRANCH DIA.	6"	8"	10"	12"	16"
E	8"	10"	1'-0"	1'-3"	1'-8"
F	6"	8"	8"	8"	10"
G	7"	9"	1'-0"	1'-2"	1'-6"
H	8"	9"	10"	1'-0"	1'-2"

DATE:	REVISION NO.:	APPROVED:
CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS WATER & WASTEWATER DIVISION CONSTRUCTION STANDARDS		TEE AND WYE DETAIL NO SCALE
		SECTION - 2 / DRAWING: D2-9

GENERAL NOTES :

1. THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY THE BECKER MORGAN GROUP, IN JANUARY 2019, THE BOUNDARY IS BASED ON A PREVIOUS SURVEY, ENTITLED CYPRESS HALL COMMERCIAL) AND RECORDED IN THE SUSSEX COUNTY RECORDER OF DEEDS OFFICE, PLAT BOOK 164, PAGE 72.
2. A TOPOGRAPHIC SURVEY WAS PERFORMED BY THE BECKER MORGAN GROUP OF DOVER, DELAWARE IN JANUARY 2019, ELEVATIONS ARE BASED ON NGS CONTROL MONUMENTS, ON VERTICAL DATUM NGVD88.
3. HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, NGS CONTROL MONUMENTS.
4. HYDRIC SOILS ARE NOT INDICATED AS BEING PRESENT ACCORDING TO THE SUSSEX COUNTY SOIL SURVEY, SOILS HAVE BEEN INSPECTED BY _____, A LICENSED WETLANDS SCIENTIST.
5. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION, COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.
6. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS, MATERIALS AND WORKMANSHIP SHALL MEET THE REQUIREMENTS OF THE CITY OF MILFORD STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION AND SUBDIVISION PAVEMENT DESIGN, AND ALL APPLICABLE AGENCIES HAVING JURISDICTION OVER THE PROPOSED IMPROVEMENTS.
7. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACKFILLING TRENCHES.
8. THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.
9. ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY. CITY OFFICIALS WILL CARRY OUT ALL NECESSARY VALVE CLOSURES. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY AND NOTIFY AFFECTED RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.
10. PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.
11. CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND FORCEMAIN. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATERTIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.
12. PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTIONS OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.
13. SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE ORDERING OF AND/OR INSTALLATION OF THE ITEM(S).
14. ALL SANITARY SEWER MAINS AND FORCEMAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 42 INCHES AS MEASURED FROM THE TOP OF PIPE TO PROPOSED GRADE. SEWER LATERALS SHALL HAVE A MINIMUM DIAMETER OF SIX (6) INCHES AND HAVE A MINIMUM COVER OF 36 INCHES.
15. THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCEMAINS OF 10 FEET, AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORCEMAINS AT CROSSINGS. ONE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE AT CROSSINGS.
16. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 12 INCHES BETWEEN ANY STORM DRAIN PIPE AND ANY WATER MAIN OR SEWER MAIN. IF 12 INCHES CANNOT BE MAINTAINED, A MINIMUM OF SIX (6) INCHES IS REQUIRED AND PROVISIONS SHALL BE MADE ACCEPTABLE TO THE CITY OF MILFORD FOR PROPERLY ENCASING THE PIPE IN CONCRETE.
17. ALL ROADWAYS ARE TO BE SWEPT FREE OF SEDIMENT ON A DAILY BASIS.
18. THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE.
19. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE.
20. ALL HANDICAPPED PARKING DEMARCATION, STALLS, AND BUILDING ACCESSIBLE ROUTES SHALL COMPLY WITH THE "AMERICAN WITH DISABILITIES ACT".
21. THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DEVELOPMENT COORDINATION MANUAL, LATEST EDITION.
22. ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. (DSFPR),
23. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE OWNER.
24. DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
25. CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.
26. THE OWNER AND/OR THEIR CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE SERVICES OF A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE FOR THE PERMANENTLY RE-ESTABLISHING OF ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.
27. SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED. ALL FEES ARE PAID AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONVEYANCE, TREATMENT AND DISPOSAL.
28. THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES, INSTALLED WITHIN CITY RIGHT-OF-WAY AND EASEMENTS DEDICATED TO THE CITY. STORM SEWER PIPES AND CATCH BASINS, INSTALLED FULLY WITHIN CITY RIGHT-OF-WAY; ONCE THE FOLLOWING CONDITIONS HAVE BEEN MET:
    A. ALL ITEMS HAVE PASSED CITY INSPECTION;
    B. THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AND
    C. THE RIGHTS-OF-WAY AND/OR EASEMENTS HAVE BEEN DEEDED TO THE CITY AND RECORDED WITH THE RECORDER OF DEEDS.
29. PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID AFTER ONE (1) YEAR, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED, FOR GOOD CAUSE, BY THE PLANNING COMMISSION PRIOR TO THE DATE OF EXPIRATION.
30. THE APPROVAL OF A CONDITIONAL USE IS VALID FOR ONE YEAR, UNLESS PERMITS ARE OBTAINED OR CONSTRUCTION OR USE IS SUBSTANTIALLY UNDERWAY, ALL PROVISIONS OF THE CONDITIONAL USE ARE AUTOMATICALLY RESCINDED.
31. FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERTAKEN WITHIN ONE (1) YEAR OF FINAL SITE PLAN APPROVAL THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.
32. THE APPLICANT IS RESPONSIBLE TO ENSURE THAT ALL CITY AND/OR AGENCY CONSTRUCTION PERMIT APPLICATIONS HAVE BEEN COMPLETED, SUBMITTED, AND ALL APPLICABLE FEES HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR AN ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.
33. AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE START OF CONSTRUCTION, THE APPLICANT MAY BE REQUIRED TO ENTER INTO A FORMAL PUBLIC WORKS AGREEMENT WITH THE CITY AND/OR TO POST A COMPLETION GUARANTY FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTY SHALL BE IN AN AMOUNT EQUAL TO 150% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTY SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. THE COMPLETION GUARANTEE SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.
34. A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE CONSTRUCTION VALUE FOR ANY CONSTRUCTED IMPROVEMENTS AND A PERFORMANCE BOND IN THE AMOUNT OF 125% OF THE CONSTRUCTION VALUE FOR ANY UNCOMPLETED WORK SHALL BE PROVIDED IN ORDER TO ACHIEVE FINAL COMPLETION OF THE IMPROVEMENTS AND RELEASE OF ANY COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR AND ALL CONSTRUCTION VALUES MUST BE SUBMITTED TO, REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE ISSUANCE OF ANY BONDS.
35. UPON COMPLETION OF THE CONSTRUCTION IMPROVEMENTS AND PRIOR TO THE RELEASE OF ANY DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE CITY ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS), RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER OR SURVEYOR. ADDITIONALLY, A CD SHALL BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2018 OR LATER), THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD88 VERTICAL CONTROL. RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF THE FOLLOWING:
    A. ALL PROPERTY MONUMENTS/MARKERS;
    B. SEWER MANHOLE RIM & INVERT ELEVATIONS, WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, PUMP STATION RIM, BOTTOM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, FORCEMAIN INVERT ELEVATIONS EVERY 50 FEET, FORCEMAIN AIR RELEASE VALVE RIM & INVERT ELEVATIONS, SEWER CLEANOUT RIM & INVERT ELEVATIONS, AND GREASE TRAP RIM, BOTTOM & INVERT ELEVATIONS;
    C. WATER VALVES, FIRE HYDRANTS, METER VAULTS, METER PITS, AND CURB STOPS;
    D. STORM SEWER CATCH BASIN AND/OR MANHOLE GRATE, RIM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED; AND
    E. ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE CITY.
36. PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE PUBLIC WORKS ENGINEER.
37. ALL ROADS, PARKING AND OTHER PAVED AREAS WILL BE PRIVATELY OWNED AND MAINTAINED AND ARE NOT INTENDED FOR DEDICATION.
38. ALL STEEL USED IN CATCH BASINS MUST BE 60 KSI.
39. HYDRANT CONNECTIONS BY THE CONTRACTOR ARE PROHIBITED.
40. THE CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS DEPARTMENT AT (302) 422-1110 A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING, THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE.
41. THIS SITE DOES NOT FALL WITHIN A SOURCE WATER PROTECTION AREA.
42. NO STATE OR FEDERAL WETLANDS FOUND ON THIS PROJECT SITE.
43. THIS SITE IS NOT WITH IN A WELL HEAD PROTECTION AREA.
44. BEFORE THE CONTRACTOR CAN BEGIN CONSTRUCTION HE MUST OBTAIN THE PROPER PERMITS AND/OR APPROVALS FROM THE CITY OF MILFORD (C.O.M.), SUSSEX CONSERVATION DISTRICT (S.C.D.), AND ALL APPROPRIATE STATE AND COUNTY AGENCIES.

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PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

CONSTRUCTION DETAILS & GENERAL NOTES

ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

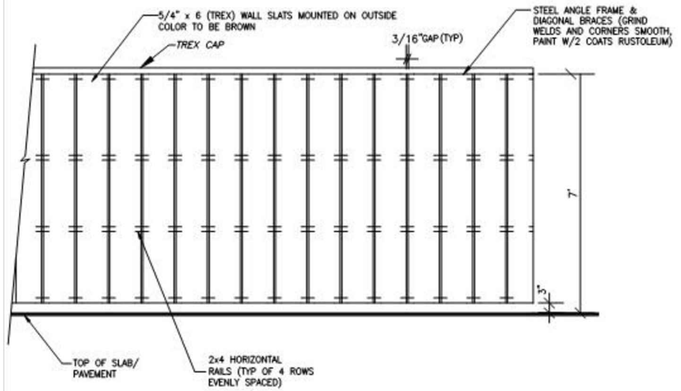
LAYER STATE: C360

PROJECT NO.: 2019009.00
DATE: 02/06/2019
SCALE: N.T.S.
DRAWN BY: **D.S.G.** | PROJ. MGR.: **S.T.F.**

SHEET
C-903

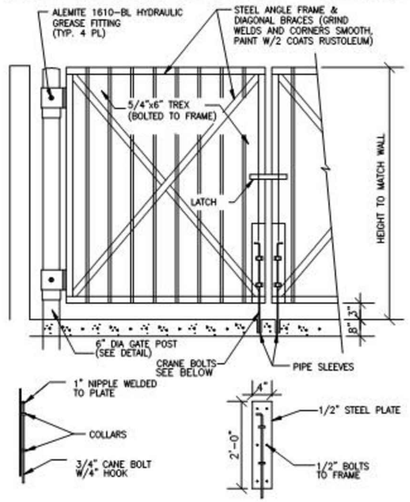
COPYRIGHT 2019

(NOTE: FOUNDATION DESIGN TO BE PROVIDED BY CONTRACTOR)

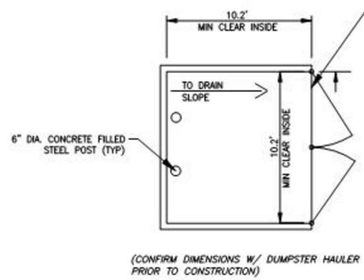


TRASH ENCLOSURE TYPICAL ELEVATION

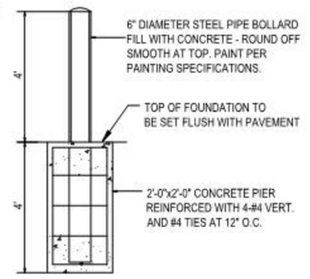
(NOTE: FOUNDATION DESIGN TO BE PROVIDED BY CONTRACTOR)



TRASH ENCLOSURE GATE & MOUNTING



TRASH ENCLOSURE LAYOUT



TRASH ENCLOSURE BOLLARD

TRASH ENCLOSURE DETAILS

N.T.S.

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PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

CONSTRUCTION DETAILS

ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

LAYER STATE: C-904

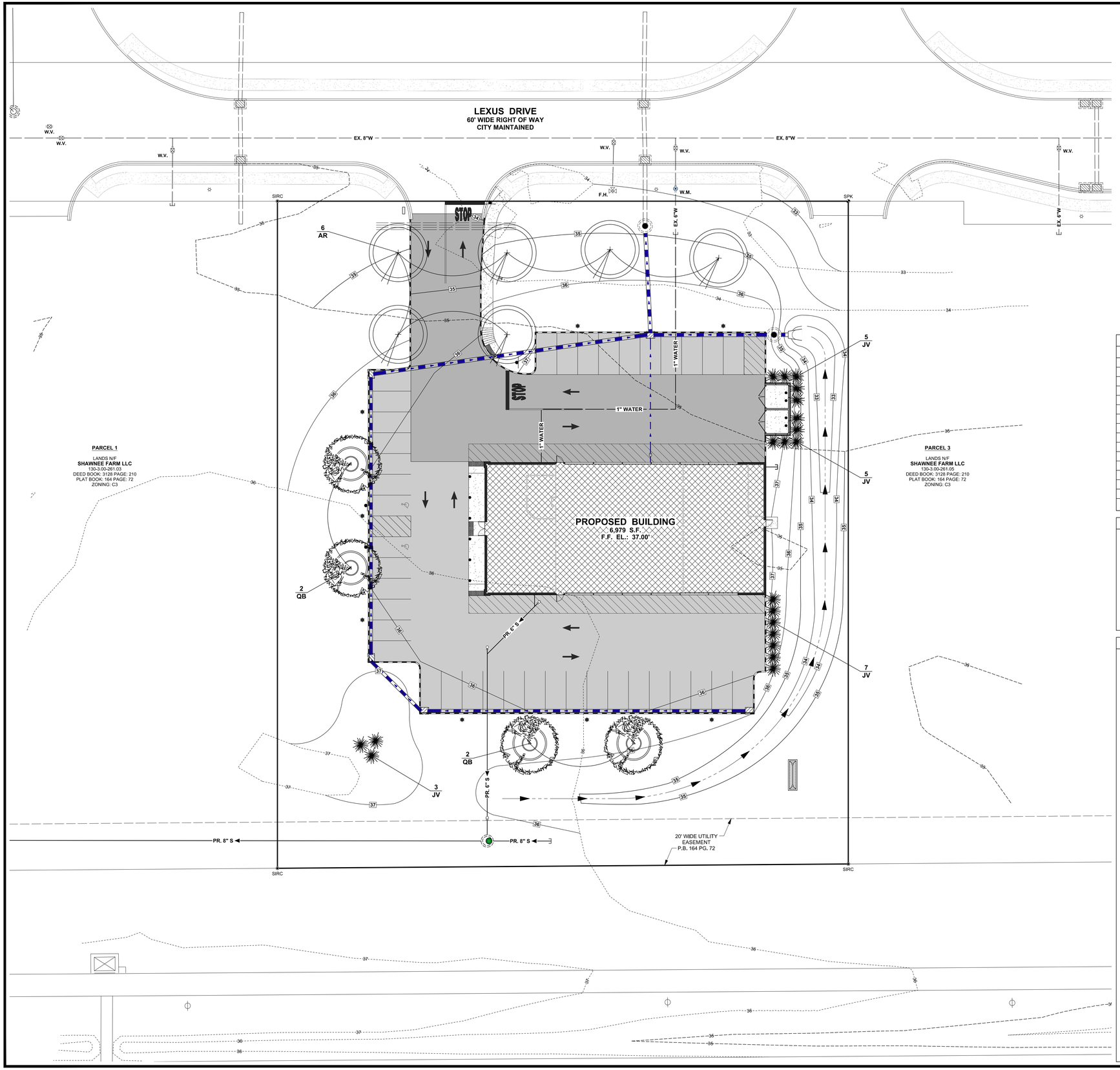
PROJECT NO.: 2019009.00
DATE: 02/06/2019
SCALE: N.T.S.
DRAWN BY: **D.S.G.** | PROJ. MGR.: **S.T.F.**

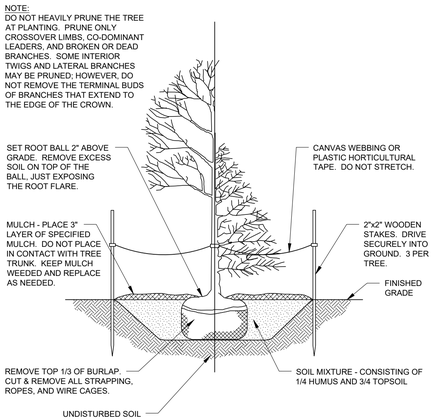
SHEET

C-904

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TREE PLANTING DETAIL

NO SCALE BMG NO. : L-01

PLANT LIST

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
SHADE TREES					
AR	6	ACER RUBRUM 'OCTOBER GLORY'	RED MAPLE	2-2 1/2" CAL.	B&B
QB	4	QUERCUS BICOLOR	SWAMP WHITE OAK	2-2 1/2" CAL.	B&B
ORNAMENTAL TREES					
EVERGREEN TREES					
JV	20	JUNIPERUS VIRGINIANA	EASTERN REDCEDAR	6' - 8'	B&B
SHRUBS / GRASSES					

TOTAL: 23 TREES

LANDSCAPE ARCHITECTS CERTIFICATION

I, CHAD D. CARTER, RLA, ASLA, HEREBY CERTIFY THAT I AM A LANDSCAPE ARCHITECT IN THE STATE OF DELAWARE, THAT THE LANDSCAPING INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF, REPRESENTS GOOD LANDSCAPING PRACTICES.

CHAD D. CARTER, RLA, ASLA S1-499 DATE

GENERAL LANDSCAPE NOTES :

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

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

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

   PLANT MATERIALS DELIVERED TO THE SITE IN UNCOVERED TRUCKS WILL BE REJECTED.

   UNACCEPTABLE PLANT MATERIALS: MATERIALS WHICH HAVE DAMAGED OR CROOKED LEADERS, DEFORMED GROWTH HABIT, ABRASIONS OF THE BARK, SUN SCALD, WINDBURN, DISFIGURING NOT COMPLETELY CALLUSED WILL BE REJECTED. IN ADDITION, TREES HAVING THEIR CENTRAL LEADERS HEADED BACK WILL ALSO BE REJECTED. PLANTS WITH LOOSE OR CRACKED ROOT BALL OR CONTAINERS WILL BE REJECTED.
2. ALL PLANTS SHALL BE PLANTED IN TOPSOIL THAT IS THOROUGHLY WATERED AND TAMPED AS BACKFILLING PROGRESSES. NOTHING BUT SUITABLE TOPSOIL, FREE OF DRY SOD, STIFF CLAY, LITTER, STONES IN EXCESS OF ONE (1) INCH DIAMETER, ETC. SHALL BE USED FOR PLANTING.

   MULCH FOR PLANTING BEDS SHALL BE SHREDDED HARDWOOD BARK MULCH UNLESS OTHERWISE SPECIFIED ON THE PLANS AND SHALL HAVE NO LEAVES, YOUNG GREEN GROWTH, BRANCHES, TWIGS, GREATER IN DIAMETER OF ½", WEEDS, SHAVINGS OR FOREIGN MATERIAL SUCH AS STONES, ETC. SHALL BE MIXED WITH THE MULCH. ALL SHRUB MASSES SHALL BE PLANTED IN CONTINUOUS MULCHED BEDS WITH A LIGHTLY COMPACTED DEPTH OF THREE (3) INCHES. ALL CONTAINER PLANTS ARE TO HAVE ROOTS CUT ON FOUR SIDES AND/ OR SPREAD OUT IN NEW SOIL MIXTURE.
3. ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN AND NOTES.)
4. LANDSCAPE BEDS NOT DEFINED BY CURBS, SIDEWALKS, WALLS OR OTHER STRUCTURES SHALL BE ENCLOSED BY ALUMINUM EDGING UNLESS OTHERWISE INDICATED.
5. AREAS DISTURBED BY LANDSCAPE OPERATIONS SHALL BE GRADED TO MATCH EXISTING TOPSOIL AND SEED OR SOD AS REQUIRED.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
7. NO PLANT, EXCEPT GROUNDCOVERS, SHALL BE WITHIN THREE (3) FEET FROM SIDEWALKS.
8. NO TREE SHALL BE PLANTED CLOSER THAN TEN (10) FEET FROM ANY STRUCTURE OR BUILDING.
9. NO TREE SHALL BE PLANTED WITHIN TEN (10) FEET OF UNDERGROUND UTILITIES OR FIRE HYDRANTS.
10. ONLY TREES THAT REACH A HEIGHT AND SIZE AT MATURITY OF SMALL TO MEDIUM SHALL BE PLANTED UNDER POWER LINES.
11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON, UNLESS THE OWNER AGREES TO MAINTAIN AND WATER THEM.
12. TREES TO REMAIN ON-SITE SHALL BE PROTECTED WITH SNOW FENCE DURING CONSTRUCTION (SEE DETAIL). SNOW FENCING TO BE MAINTAINED DURING CONSTRUCTION BY CONTRACTOR.
13. THE PLANTING PLAN SHALL TAKE PRECEDENCE OVER THE PLANT SCHEDULE SHOULD ANY PLANT QUANTITY DISCREPANCIES OCCUR.
14. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER AND/ OR THE LANDSCAPE ARCHITECT.
15. ALL NEW TREES SHALL BE GUARANTEED TO SURVIVE FOR ONE FULL YEAR AFTER INSTALLATION (FULL COST). ALL STAKES AND GUYS SHALL BE REMOVED FROM TREES AND SITE AS EARLY AS THREE (3) MONTHS, BUT NO LONGER THAN ONE (1) YEAR AFTER PLANTING.

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D.S.P. NAD83 (2011)

PROJECT TITLE

MAVIS DISCOUNT TIRES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

LANDSCAPE PLAN

0 10 20 40

SCALE : 1" = 20'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	04/04/19	PLAN REVISED PER CITY OF MILFORD COMMENTS MADE ON APRIL 1, 2019

LAYER/STATE: L-101

PROJECT NO.:	2019009.00
DATE:	02/06/2019
SCALE:	1" = 20'
DRAWN BY: C.D.C.	PROJ. MGR.: S.T.F.

SHEET
L-101

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PLANNING OUR
CLIENTS' SUCCESS

April 11, 2019

Mr. Rob Pierce, AICP
City Planner
City of Milford
180 Vickers Drive
Milford, DE 19963

RE: Preliminary Site Plan/ Submission #2
MAVIS DISCOUNT TIRES / SHAWNEE FARMS LLC
Milford, Delaware
2019009.00

Mr. Pierce:

We are hereby submitting the Preliminary Site Plan for your review and comments. This plan has been revised to address comments previously made by the Town and its reviewers. The comments are addressed as follows:

General

1. Final Site Plan approval will require approvals and/or letters of no objection from Sussex Conservation District, State Fire Marshal's Office and City Engineer.
   Comment: Comment acknowledged.

2. Final Site Plan approval will require a lighting plan showing proposed foot-candle conditions.
   Comment: Comment acknowledged.

3. Provide the completed Land Use Application Cover Sheet, Preliminary Site Plan and Conditional Use applications along with a check for $1,400 for the review fee. Make sure the conditional use checklist items are provided.
   Comment: All items are provided as a part of this submission.

C-001

4. Incorporate the attached City Certification Statements.
   Comment: plan has been revised per your comment.

5. Incorporate the attached General Site Plan notes.
   Comment: plan has been revised per your comment.

6. Data Column: The proposed use should be Car Repair Shop instead of retail.
   Comment: plan has been revised per your comment.

BECKER MORGAN GROUP, INC.

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WILMINGTON, NC 28403
910.341.7600
FAX 910.342.7506

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7. Data Column: Provide the proposed impervious coverage condition.
   Comment: plan has been revised per your comment.

8. Data Column: The reference to signage can be removed from the data column. Show the sign location on the site plan for review.
   Comment: plan has been revised per your comment.

9. Data Column: Provide the proposed building height.
   Comment: plan has been revised per your comment.

10. Data Column: Provide the source of natural gas.
    Comment: plan has been revised per your comment.

11. Data Column: Provide the total area disturbed.
    Comment: plan has been revised per your comment.

12. Data Column: Provide the building construction type.
    Comment: plan has been revised per your comment.

13. Data Column: Provide the estimated number of EDUs for the building.
    Comment: plan has been revised per your comment.

14. Data Column: Sheets C-301 through C-904 are listed in the cover sheet legend but were not provided for review.
    Comment: C-301 through C-904 will be a part of the next submission.

15. Sheet C-101 is listed as a demolition sheet in the sheet index but is labeled site plan on the actual sheet.
    Comment: Sheet title has been corrected per your comment.

16. Label S. Dupont Boulevard as State Maintained. Label Lexus Drive as City Maintained.
    Comment: plan has been revised per your comment.

17. Fix the center plan view based on Site Plan comments for future sheets.
    Comment: plan has been revised per your comment.

18. Label the cross-access easement and which parcel it benefits.
    Comment: plan has been revised per your comment.

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ARCHITECTURE ENGINEERING

C-101

19. Is this sheet an existing conditions/demolition sheet or a site plan?
    Comment: The plan is meant to be demolition and has been revised per your comment.

20. Show the existing sanitary sewer pipe and manholes constructed within the 20 foot wide utility easement. See attached CAD file.
    Comment: The sewer pipe and manhole you are referring to have yet to be installed and are proposed to be installed as a part of this plan.

21. Label S. Dupont Boulevard as State Maintained. Label Lexus Drive as City Maintained.
    Comment: plan has been revised per your comment.

C-201

22. Label S. Dupont Boulevard as State Maintained. Label Lexus Drive as City Maintained.
    Comment: plan has been revised per your comment.

23. Label the sanitary sewer manhole and piping as existing or proposed.
    Comment: Under ground utilities have been turned off in the C-201 layer state and are show on sheet C-301.

24. Provide a sanitary sewer cleanout with cast iron cover surrounded by an 18" diameter concrete pad at the edge of the 20' wide utility easement. This will be where the City's maintenance responsibility ends.
    Comment: plan has been revised per your comment.

25. Show the remaining water service line. Move the water meter to the existing sidewalk located along Lexus Drive.
    Comment: plan has been revised per your comment.

26. Show the cross-access easement on the subject parcel to benefit parcel 261.05.
    Comment: plan has been revised per your comment.

27. Label the ADA parking signs located at the head of each parking space.
    Comment: plan has been revised per your comment.

28. Provide a trash enclosure detail with final site plan submission.
    Comment: plan has been revised per your comment.

29. The applicant should consider planting a few additional trees in the front and rear yard areas.
    Comment: plan has been revised per your comment.

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Sincerely,

BECKER MORGAN GROUP, INC.

Daniel S. Gordon
Civil Technician

DSG/rlh

Cc: William Krapf, LC Management

201900900al-prelim-comment-resp-ltr.doc

City of Milford, Delaware
Development Advisory Committee

Comment Sheet

****

DATE OF REVIEW: April 2, 2019

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

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

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

RE: MAVIS DISCOUNT TIRES (19-007)

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

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

a. **Fire Protection Water Requirements**:
- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

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

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

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

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

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

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

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

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

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

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

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

(2) Warehouses.

(3) Large retail outlets.

(4) Indoor storage accessory building.

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

(6) Supermarkets.

(7) Truck and trailer rentals.

(8) Roadside produce market.

(9) Memorial stone shop.

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

(11) Swimming club.

(12) Indoor facility for amusement or assembly.

(13) Bus station.

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

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

(2) Commercial greenhouse.

(3) Wholesale establishment.

(4) Newspaper publishing or printing establishment.

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

(6) Laboratory, testing and research.

(7) Car repair shops.

(8) Used car lots.

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

(10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:

(a) All facilities shall be located and all services shall be conducted on the lot.

(b) All repair work shall be conducted within an entirely enclosed building.

(c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.

(d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.

(e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.

(f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.

(11) Shopping center, subject to site plan review and the following site requirements:

(a) The total shall not be less than one acre.

(b) The site must be served by public water, sewer and electricity.

(c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.

(d) Traffic and parking.

[1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.

[2] Access to state highways shall be controlled by the State Department of Transportation.

[3] The minimum distance between accessways and a residential district shall be 50 feet.

[4] Spacing of accessway.

[a] From adjoining property: 50 feet.

[b] From minor intersections: 50 feet.

[c] From major intersections: 100 to 150 feet.

[5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.

[6] Parking lots shall be attractively landscaped as shown on the general site plan.

(e) Setback.

[1] From street right-of-way: 15 feet.

[2] From nonresidential districts: 15 feet.

[3] From residential districts: 100 feet.

(f) Buffering and landscaping.

[1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.

[2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.

(12) Day-care centers, with site plan required.

(13) Car wash, all types (staffed, automatic, self-service, etc.).

(14) Convenience stores with gas pumps.

(15) Community residential treatment program.

(16) All dwellings other than single-family with a maximum density of 12 units per acre.

(17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Billboard, subject to the following:

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

(19) Aquarium.

D. Area regulations.

(1) Minimum lot area shall be one acre.

(2) Maximum lot coverage shall be 80%.

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

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

(5) Minimum building setback shall be 30 feet.

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

(7) Minimum rear yard shall be 50 feet.

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

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

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

ARTICLE IV - Off-Street Parking and Loading

§ 230-20. - General provisions.

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

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

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

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

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

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

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

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

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

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

(1) North Walnut Street and Northeast Front Street.

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

(3) Park Avenue and North Washington Street.

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

(5) Southeast Front Street and South Washington Street.

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

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

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

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

§ 230-21. - Parking and loading standards.

A. Design standards (general).

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

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

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

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

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

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

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

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

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

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

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

C. Loading spaces.

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

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

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

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

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

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

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

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

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

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

ARTICLE V - Landscape Screening

§ 230-22. - District requirements.

A. Residential districts.

(1) In any R-1, R-2, R-3 and R-8 District, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted and/or erected to separate any permitted nonresidential use from any existing residential use on a contiguous lot. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

(2) In any R-3 or R-8 District, for any lot developed for garden apartments or townhouses, a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any contiguous lot developed as a single-family detached or semidetached residential dwelling on any contiguous lot zoned R-1 or R-2. Such landscape screen and/or fence or wall may extend into the lot setback, side yard and rear yard.

B. Commercial districts. In any C-1, C-2 or C-3 District, a fifteen-foot buffer area shall be provided within which a landscape screen and/or fence or wall a minimum of six feet in height shall be planted or erected to separate any permitted use from any contiguous lot zoned R-1, R-2, R-3 and R-8 or any contiguous lot developed or approved for development for any residential use. Such landscape screen may extend into the lot setback, side yard or rear yard.

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

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

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

D. Limited Industrial District. At the boundary line between an I-1 District and any R-1, R-2, R-3 or R-8 District or any lot developed or approved for development for residential use, there shall be a 50-foot buffer area which shall include a landscape screen and/or fence or wall a minimum of six feet in height. Such landscape screen may extend into the lot setback, side yard or rear yard.

§ 230-23. - Maintenance.

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

ARTICLE IX - Conditional Uses

§ 230-46. - Purpose.

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

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

§ 230-47. - Application and approval procedures.

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

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

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

§ 230-48. - Criteria for evaluation.

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

A. The presence of adjoining similar uses.

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

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

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

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

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

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

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

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

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

D. See fee schedule.

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

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

ARTICLE X - Site Plan Review

§ 230-52. - Review procedure.

A. Preliminary approval.

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

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

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

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

B. Final approval.

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

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

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

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

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

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

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

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

§ 230-52.1. - Site plan expiration.

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

CITY OF MILFORD
NOTICE OF PUBLIC HEARING

Planning Commission Hearing: Tuesday, May 14, 2019 @ 7:00 p.m.
City Council Hearing: Tuesday, May 28, 2019 @ 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings to allow interested parties to participate in the discussion and consideration of the following zoning matter:

Ordinance 2019-17
Change of Zone
Growmark FS
Current Zoning: I-2 (General Industrial)
Proposed Zoning: C-3 (Highway Commercial)
Present Use: Vacant Warehouse
Proposed Use: Retail
Size/Location: 1.494 +/- acres of land located along the north side of
NE Front Street at the corner of NE Fourth Street and NW Front Streets
Tax Map & Parcel(s): MD-16-183.10-04-23.00 & 70.00

Whereas, the City of Milford Planning Commission reviewed and made recommendations on Ordinance 2019-15 following a Public Hearing on Tuesday, May 14, 2019; and

Whereas, Milford City Council held a Public Hearing on Tuesday, May 28, 2019 to allow for additional debate and further review of the Zoning Ordinance; and

Whereas, it is deemed in the best interest of the City of Milford to permit the Change of Zone from I-2 (General Industrial) to C-3 (Highway Commercial, as described in the application.

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

Section l. Following adoption of Ordinance 2019-17, and upon the effective date, the property owned and managed by Growmark FS, located on 1.494 +/- acres of land along the north side of NE Front Street at the corner of NE Fourth Street and NW Front Street, is hereby zoned C-3 Highway Commercial in accordance with Chapter 230 §230-14.

Section 2. Dates.
City Council Introduction: May 13, 2019
Planning Commission Review & Public Hearing: May 14, 2019
City Council Public Hearing: May 28, 2019
Proposed Effective Date: June 7, 2019

Additional information regarding the application and the City of Milford Zoning Code may be obtained by accessing the City website at cityofmilford.com or by calling 302-424-8396.

Advertised:
Milford Beacon 04/17/2019
Readvertised:
Milford Beacon 04/24/2019

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

DATA SHEET FOR GROWMARK FS

Planning Commission Meeting: May 14, 2019

Application Number / Name	:	19-010 / Growmark FS
Applicant	:	Growmark FS 308 NE Front Street Milford, DE 19963
Owner	:	Same
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District(s)	:	I-2 (General Industrial District)
Proposed Zoning District(s)	:	C-3 (Highway Commercial District)
Present Use	:	Vacant Warehouse
Proposed Use	:	Retail
Size and Location	:	1.494 +/- acres of land located along the north side of NE Front Street at the corner of NE Fourth Street and NW Front Street.
Tax Map & Parcel(s)	:	MD-16-183.10-04-23.00 & 70.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Survey

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
O 302.424.8396 | F 302.424.3559

STAFF REPORT
April 5, 2019

Application Number / Name	**:**	19-010 / Growmark FS
Present Comprehensive Plan Designation	**:**	Commercial
Present Zoning District(s)	**:**	I-2 (General Industrial District)
Proposed Zoning District(s)	**:**	C-3 (Highway Commercial District)
Present Use	**:**	Vacant Warehouse
Proposed Use	**:**	Retail
Size and Location	**:**	1.494 +/- acres of land located along the North side of NE Front Street at the corner of NE Fourth Street and NE Front Street.
Tax Map & Parcel(s)	**:**	MD-16-183.10-04-23.00 & 70.00

I. BACKGROUND INFORMATION:

- The applicant proposes to rezone the above referenced parcels from I-2 (General Industrial District) to C-3 (Highway Commercial District). The property contains an existing vacant warehouse building that is to be renovated into retail space. There is also a storage building on the north side of the property that would remain. The property owner proposes to subdivide the property into two parcels of land as shown on the attached survey, which will be reviewed administratively by the Planning Department.

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

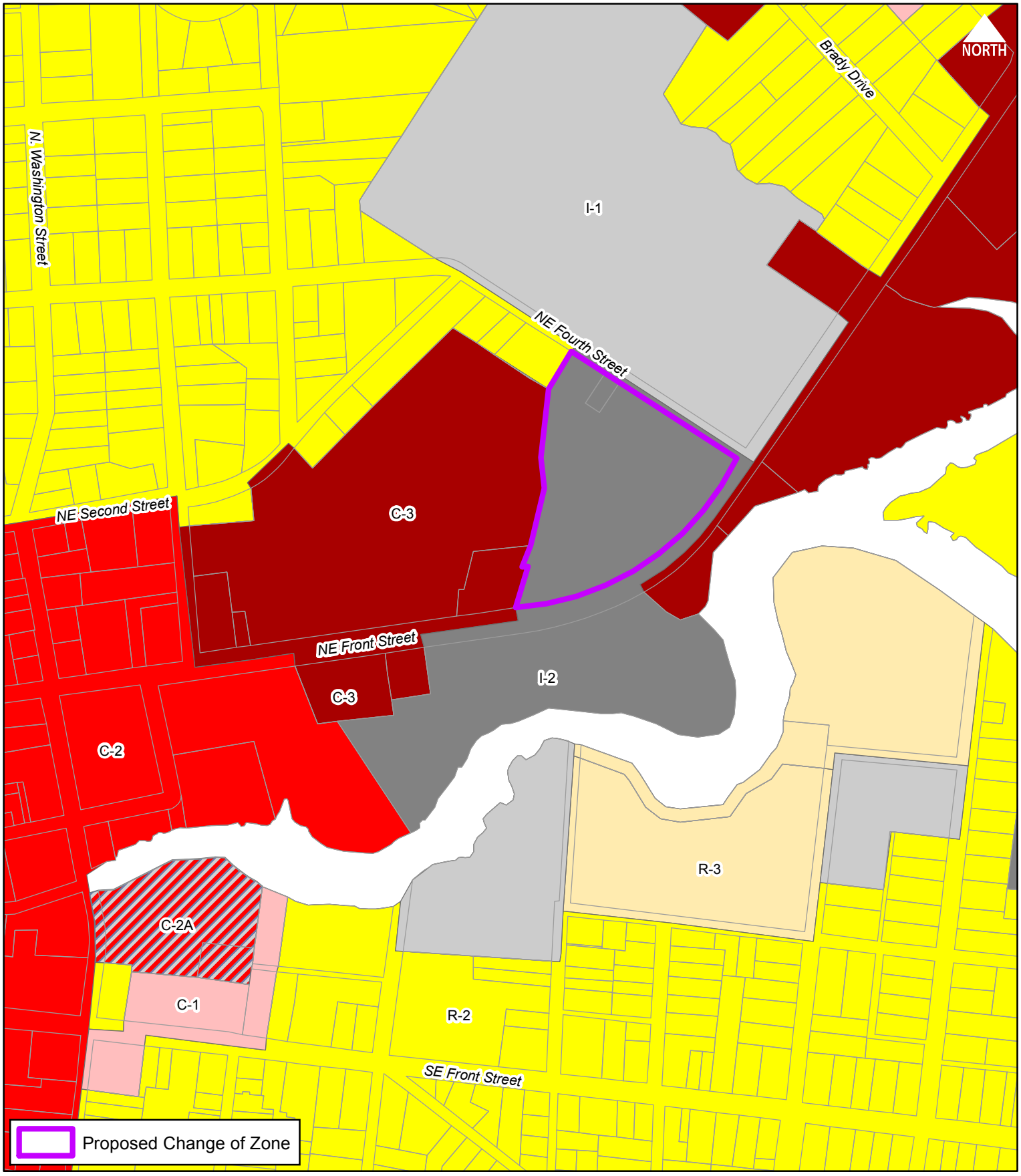
- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps. The Future Land Use designation for the property is Commercial, for which C-3 (Highway Commercial) is a suitable zoning designation.

- The property to the west (Riverwalk Plaza Shopping Center) is zoned C-3. The properties to the south are zoned I-2 (General Industrial) and C-3 (Highway Commercial). The property to the east is currently zoned I-1 (Limited Industrial) and is the proposed site of the future police station.

- Any future use of the property must comply with Chapter 230 and the C-3 (Highway Commercial District) zoning use and area regulations as adopted at the time of building permit issuance. This would include meeting the City's off-street parking and loading requirements, obtaining State of Delaware Department of Transportation approval for the entrance, obtaining State Fire Marshal's Office approval for the parking lot.

III. AGENCY COMMENTS:

- DelDOT – No comments solicited
- Kent Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



THE CITY of Milford DELAWARE

Scale: Feet
0 150 300

Drawn by: WRP Date: 04/05/19

Filepath: ChangeZone_Growmark.mxd

Title:

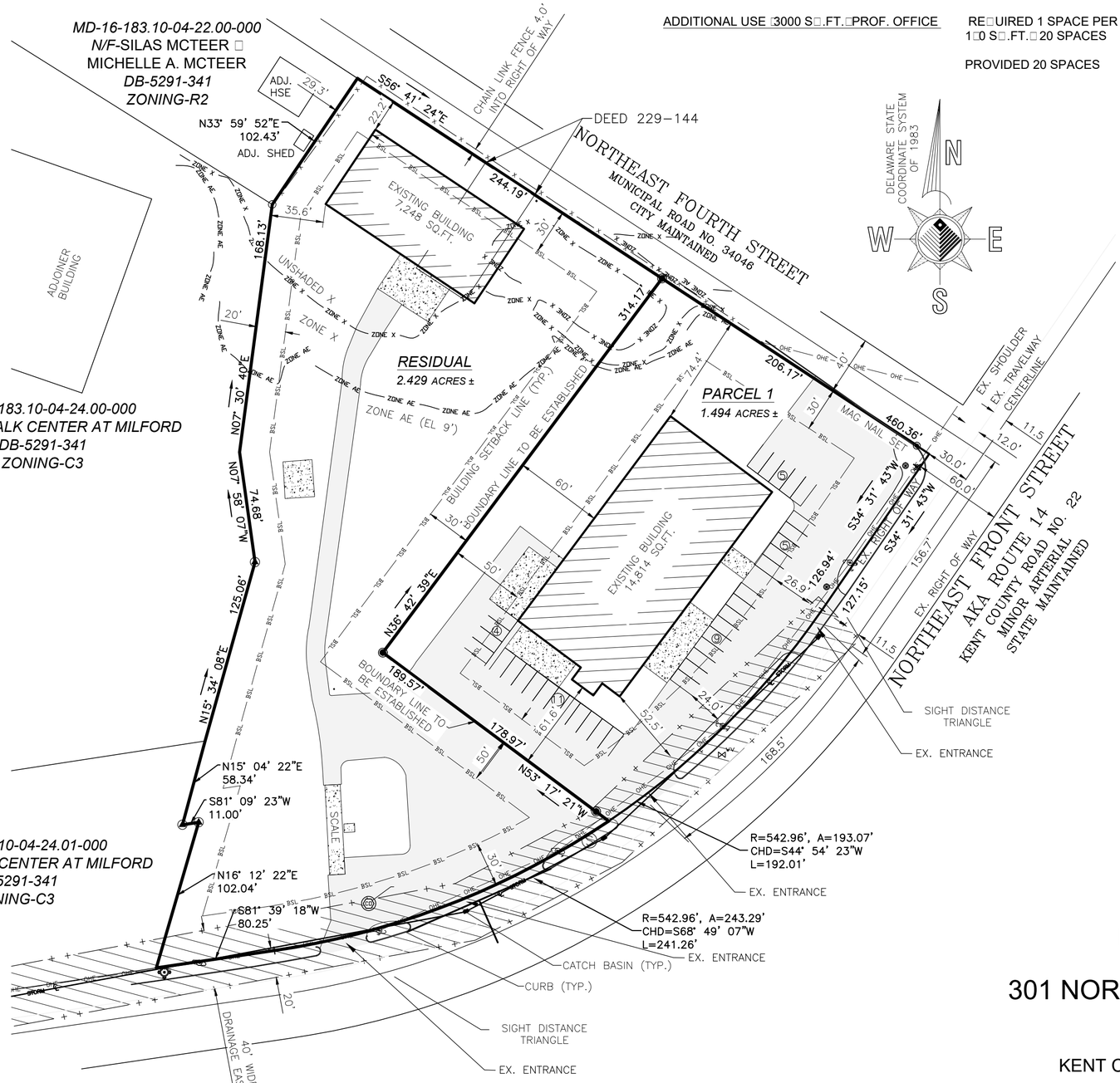
Change of Zone
Growmark FS
Location & Zoning Map

NOTES:

1. A THIRTY □30□ BUILDING RESTRICTION LINE RUNNING ALONG NORTHEAST FOURTH STREET □DELAWARE ROUTE 14□ AND NORTHEAST FRONT STREET AS DESCRIBED IN DEED BOOK □12, PAGE 22.
2. A TWENTY □20□ BUILDING SETBACK LINE RUNNING ALONG THE WESTERLY BOUNDARY LINE AS DESCRIBED IN DEED BOOK □12, PAGE 22.
3. TAX PARCEL MD-16-183.10-04-□0.00-000 WAS CONVEYED TO MILFORD FERTILI□ER COMPANY, A DELAWARE CORPORATION, PER DEED BOOK 229, PAGE 144, RECORDED IN THE OFFICE OF RECORDER OF DEEDS IN AND FOR KENT COUNTY, STATE OF DELAWARE, AUGUST 2□, 199□. PARCEL LOCATED BY APPROXIMATION.
4. ALL ENTRANCES SHALL CONFORM TO DELDOT□S DEVELOPMENT COORDINATION MANUAL □DCM□ AND SHALL BE SUBJECT TO ITS APPROVAL.
5. AN ADDITIONAL 10 FEET OF RIGHT OF WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE AS PER THIS PLAT.
6. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER□S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE RE□UIRED SIGHT DISTANCE.
7. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE RE□UIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
8. THIS PROPERTY IS NOT IMPACTED BY WETLANDS.
9. THIS PROPERTY HAS AN ABSENCE OF SOURCE WATER PROTECTION AREAS.
10. THIS PLAN IS VALID ONLY WHEN SIGNED IN RED INK AND EMBOSSED WITH A RAISED IMPRESSION SEAL AND WAS PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARD OF ACCURACY FOR A RURAL CLASSIFICATION.
11. NO EASEMENTS OTHER THAN SHOWN WERE PROVIDED.
12. VERTICAL DATUM□ NAVD88 HORI□ONTAL DATUM□ NAD83 □NA2001, EPOCH 2010□

LEGEND

BOUNDARY LINE	
CENTERLINE OF ROADWAY	
RIGHT-OF-WAY	
PERMANENT EASEMENT	
BUILDING SETBACK LINE	BSL
FLOOD □ONE	ZONE AE
OVER HEAD ELECTRIC	OHE
STORMWATER PIPE	STORM
BITUMINOUS CONCRETE	
CEMENT CONCRETE	
IRON PIPE FOUND	○
CAPPED REBAR SET/FND.	▲
MAG NAIL SET	◉
UTILITY POLE	
WELL	Ⓦ
FIRE HYDRANT	

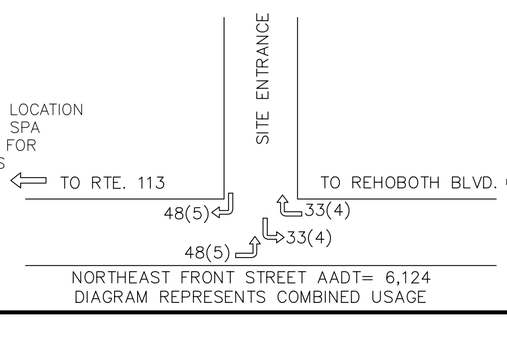


ROAD TRAFFIC DATA:
FUNCTIONAL CLASSIFICATION.....MINOR ARTERIAL
POSTED SPEED LIMIT.....25 MPH
AADT(2017 DELDOT TRAFFIC SUMMARY.....6,124
10 YEAR PROJECTED AADT.....6966
10 YEAR PROJECTED AADT +SITE ADT=.....7047
DIRECTIONAL SPLIT.....59%/41%
PEAK HOUR 10.1% X 7047.....712 VPH
TRUCK PERCENTAGE= 6.28%.....6.22% X 712=44.3

SITE TRIP GENERATION:
SOURCE.....ITE TRIP GENERATION MANUAL 10TH ED.
USE.....GEN. OFFICE BUILDING
ITE USE CASE.....710
GENERATOR.....9.74 TRIPS PER DAY
GROSS RENTABLE AREA/1000 SQ.FT.....4.0
TRIPS .....39 (4.0 X 9.74)
ENTRANCE TYPE.....FULL INGRESS/EGRESS
PEAK HOUR 10.1%.....4 TRIPS

SOURCE.....DAILY TRANSACTIONS EXISTING LOCATION
USE.....PET BOUTIQUE, DAYCARE AND SPA
GENERATOR.....42 TRIPS PER DAY DOUBLED FOR 21 AVG. DAILY TRANSACTIONS
GROSS FLOOR AREA.....10,000 SQ. FT.
TRIPS.....ACTUAL
PEAK HOUR 10.1%.....5 TRIPS

PET BOUTIQUE DATA FROM CASH REGISTER RECIEPTS



NORTHEAST FRONT STREET AADT= 6,124
DIAGRAM REPRESENTS COMBINED USAGE

- PARKING RATIONALE

PROPOSED USE □1000 S□.FT.□RETAIL — RE□UIRED □ SPACES AND 1 FOR EACH 2 EMPLOYEES

PROVIDED 9 SPACES, ALLOWS FOR 8 EMPLOYEES

ADDITIONAL USE □3000 S□.FT.□PROF. OFFICE — RE□UIRED 1 SPACE PER 1□0 S□.FT.□ 20 SPACES

PROVIDED 20 SPACES



VICINITY MAP - SCALE: 1□□□ 2,000□

DATA COLUMN

• PARCEL:	MD-16-183.10-04-23.00-00001
• CURRENT OWNER	GROWMARK FS, INC.
• ADDRESS	308 NE FRONT ST MILFORD, DE 19963
• SOURCE OF TITLE	DB-□12-22
• AREA	
PRE ADJUSTMENT	
GROSS	3.999 ACRES±
POST ADJUSTMENT	
PARCEL 1	1.436 ACRES±
RESIDUE	2.488 ACRES±
PARCEL NET	3.924 ACRES±
DEDICATION	0.0□□ ACRES±
• No. EXISTING PARCELS	1 PARCELS
• No. PROPOSED PARCELS	2 PARCEL
• MONUMENTS	4 FOUND, 4 PROPOSED
• EXISTING EASEMENTS	PB-B-139
• EXISTING □ONING	
PARCEL 1	I-2 □GENERAL INDUSTRIAL□
RESIDUE	I-2 □GENERAL INDUSTRIAL□
• FUTURE □ONING	
PARCEL 1	C-3 □HIGHWAY COMMERCIAL□
RESIDUE	C-3 □HIGHWAY COMMERCIAL□
• PRESENT USE	
PARCEL 1	GENERAL INDUSTRIAL
RESUIDE	GENERAL INDUSTRIAL
• FUTURE USE	
PARCEL 1	COMMERCIAL
RESIDUE	COMMERCIAL
• UTILITIES	CITY OF MILFORD
• FRONTAGE	
PARCEL1	
NE FRONT ST.	330.00 FEET
NE FOURTH ST.	206.1□ FEET
RESIDUE	
NE FRONT ST.	323.□4 FEET
NE FOURTH ST.	244.19 FEET
• FEMA FLOOD MAP	1000□C0041K
MAP REVISED	MARCH 16, 201□
FLOOD □ONE	AE ELEV. 9□
• POSTED SPEED LIMIT	2□ M.P.H.

C-3 □HIGHWAY COMMERCIAL DISTRICT□

MIN. LOT AREA	1 ACRE
MIN. LOT FRONTAGE	1□0 FEET /1□0 FEET CORNER
MAX. BUILDING HEIGHT	3□ FEET / 3 STORIES
MAX. IMPERVIOUS COVERAGE	80□
MIN. FRONT SETBACK	30 FEET
MIN. REAR SETBACK	□0 FEET
MIN. SIDE SETBACK	20 FEET □□0□AGGREGATE□

I-2 □GENERAL INDUSTRIAL DISTRICT□

MIN. LOT AREA	2.□ ACRE
MIN. LOT FRONTAGE	1□0 FEET
MAX. BUILDING HEIGHT	□0 FEET
MAX. IMPERVIOUS COVERAGE	□0□
MIN. FRONT SETBACK	□□ FEET
MIN. REAR SETBACK	□0 FEET
MIN. SIDE SETBACK	□0 FEET

RE□ONING PLAN

FOR PROPERTY KNOWN AS

301 NORTH EAST FRONT STREET

SITUATE IN

CITY OF MILFORD

KENT COUNTY - STATE OF DELAWARE

GRAPHIC SCALE

60 0 30 60 120 240

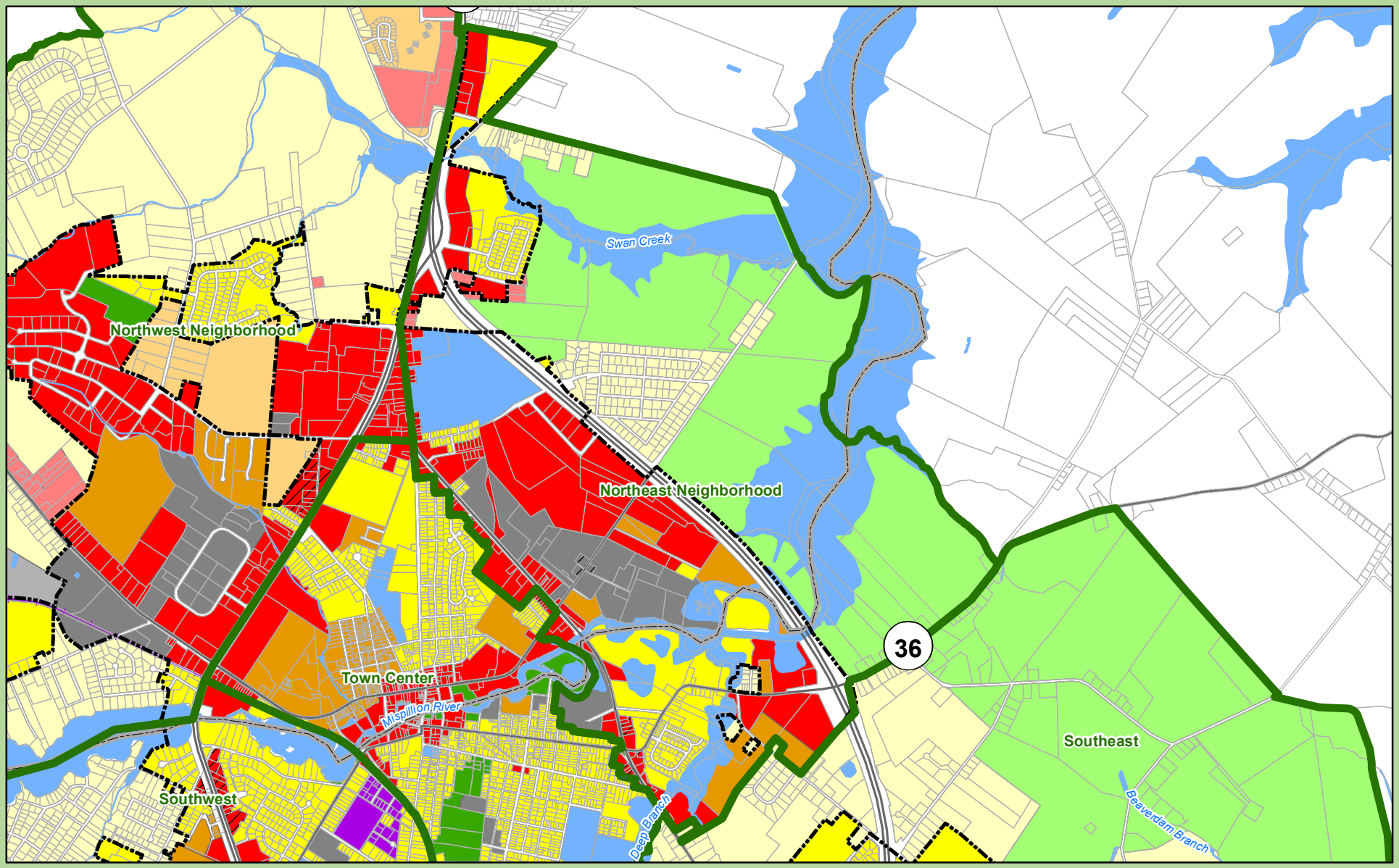
□IN FEET □

1 □c□ □ 60 □

OWNERS CERTIFICATION

WE, GROWMARK FS, INC, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PURPOSE OF THIS PLAN IS TO ILLUSTRATE THE SUBDIVISION OF THE PARCEL LOCATED AT 308 NE FRONT ST., AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THAT THIS PLAN IS TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

□□□



Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Northeast Neighborhood

Adopted Jan. 22, 2018, Certified TBD

0 0.15 0.3 0.6 0.9 1.2 Miles

Sources:

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

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

THE CITY of Milford DELAWARE

UNIVERSITY OF DELAWARE

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institute for Public Administration

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

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

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

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

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

(2) Warehouses.

(3) Large retail outlets.

(4) Indoor storage accessory building.

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

(6) Supermarkets.

(7) Truck and trailer rentals.

(8) Roadside produce market.

(9) Memorial stone shop.

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

(11) Swimming club.

(12) Indoor facility for amusement or assembly.

(13) Bus station.

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

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

(2) Commercial greenhouse.

(3) Wholesale establishment.

(4) Newspaper publishing or printing establishment.

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

(6) Laboratory, testing and research.

(7) Car repair shops.

(8) Used car lots.

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

(10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:

(a) All facilities shall be located and all services shall be conducted on the lot.

(b) All repair work shall be conducted within an entirely enclosed building.

(c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.

(d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.

(e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.

(f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.

(11) Shopping center, subject to site plan review and the following site requirements:

(a) The total shall not be less than one acre.

(b) The site must be served by public water, sewer and electricity.

(c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.

(d) Traffic and parking.

[1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.

[2] Access to state highways shall be controlled by the State Department of Transportation.

[3] The minimum distance between accessways and a residential district shall be 50 feet.

[4] Spacing of accessway.

[a] From adjoining property: 50 feet.

[b] From minor intersections: 50 feet.

[c] From major intersections: 100 to 150 feet.

[5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.

[6] Parking lots shall be attractively landscaped as shown on the general site plan.

(e) Setback.

[1] From street right-of-way: 15 feet.

[2] From nonresidential districts: 15 feet.

[3] From residential districts: 100 feet.

(f) Buffering and landscaping.

[1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.

[2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.

(12) Day-care centers, with site plan required.

(13) Car wash, all types (staffed, automatic, self-service, etc.).

(14) Convenience stores with gas pumps.

(15) Community residential treatment program.

(16) All dwellings other than single-family with a maximum density of 12 units per acre.

(17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Billboard, subject to the following:

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

(19) Aquarium.

D. Area regulations.

(1) Minimum lot area shall be one acre.

(2) Maximum lot coverage shall be 80%.

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

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

(5) Minimum building setback shall be 30 feet.

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

(7) Minimum rear yard shall be 50 feet.

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

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

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

ARTICLE XII - Amendments

§ 230-58. - Procedure.

A. The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.

B. All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.

C. The Planning Commission is granted the authority to require, as a condition to consideration of any proposal other than one originating with the City Council, that a petition be submitted accompanied by such maps, charts, sketches and other information as the Commission deems necessary for the proper and effective consideration of such proposal and to refuse to consider any proposal not complying with such requirement.

D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Milford. In case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.

E. In the event of a protest against such changes signed by 20% or more of property owners within 200 feet of the proposed change, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the City Council.

F. If, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of 3/4 of the Planning Commission or City Council.

§ 230-59. - Hearing; notice required.

No change or amendment shall become effective until after a public hearing at which parties in interest and citizens shall have had an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City of Milford. In all cases in which a proposed amendment would change the Zoning Map, notice of the amendment shall be sent by mail to all property owners of record whose property is proposed to be changed by the amendment and all property owners within 200 feet of the proposed change.

§ 230-60. - Fee.

A nonrefundable fee as set forth in § 230-57 shall accompany each application or petition, except for those petitions which have been initiated by the City Council or by the Planning Commission.

SCAT

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

Sussex County Association of Towns

20 W Fourth Street, Blades, Delaware 19973

S.C.A.T. Dinner for Wednesday, June 5, 2019

LOCATION: Bear Trap Dunes
7 Clubhouse Drive
Ocean View, DE 19970

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

HOST: Town of Ocean View

SPEAKER: Ann Grunert, Executive Director of Special Olympics Delaware

COST: $40.00 per person

MENU: Summer Berry Salad - Mixed Greens, Red Onion, Fresh Strawberries, Feta, Balsamic Dressing
Sliced Sirloin with Marsala Sauce, Cooked Medium
Stuffed Flounder with Spinach and Parmesan
Roasted Potatoes
Squash Medley
Rolls & Butter
Cheesecake
Beverage Station: Coffee, Tea, Iced Tea, Lemonade

PLEASE RSVP TO CHRISTINE NO LATER THAN 05/29/19

For those bringing guests, please make checks payable to:
Town of Ocean View

OFFICE OF THE CITY MANAGER
201 South Walnut Street
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

ERIC NORENBERG, ICMA-CM
City Hall 302.422.1111
Direct 302.424.8394
ENorenberg@milford-de.gov

May 14, 2019

TO: Mayor and City Council

FROM: Eric Norenberg
Brad Dennehy

SUBJECT: Milford Little League Agreement

Purpose and Recommendation

The purpose of this memo is to review the proposed agreement between the City and the Milford Little League. It is recommended that the Agreement be approved.

Background and Discussion

For several years, the City and the Milford Little League (MLL) have had discussions about entering into a written agreement to memorialize various responsibilities, ownership of specific assets, etc. These negotiations began after a nor'easter did damage to MLL and City assets at the Little League Complex in 2016. Neither party was able to get federal disaster relief funding for the damage due to the lack of any agreement spelling out ownership or responsibility for the assets that were on properties owned by others.

After various attempts to move this project forward, discussions resumed in February 2019. Several members of the MLL leadership met with the Parks and Recreation Director and the City Manager for several hours that night. That meeting was the turning point, as many of the differences were worked out as both parties worked diligently towards a common goal. Since then, the agreement has been refined and reviewed by attorneys for both parties.

Here are some of the key provisions:

- Multi-year Agreement: This agreement has multiple one-year renewals so that each year both parties come together to agree to continue the agreement or to discuss issues to be resolved so the agreement can be renewed. At the 10-year mark, both parties will take a more in-depth look at the agreement and can renew again, with more renewal options for a longer period.
- Recycling is Implemented: Until recently, MLL had not been responsible for paying for solid waste collection and had not facilitated recycling. It had been estimated that the vast majority of waste at the MLL complex is from recyclable water and drink bottles. Agreement was reached to implement an educational effort and recycling program to reduce waste going to the landfill. If recycling is successful in reducing landfill costs to the City, the City would agree to continue paying for the solid waste charges.
- Other Utilities: MLL will continue to be responsible for water and electric bills and the City will replace most ballfield lights when they burnout.
- Maintenance Duties are Clear: A number of areas and types of maintenance were clarified and memorialized. Most had been handled based on years of understanding, but once and a while, things might get forgotten or lost in transitions. So, our negotiations attempted to capture in this agreement all maintenance items and responsibilities.
- Liability, Financial Responsibilities and Indemnification are Clarified: In addition to the maintenance items, the agreement makes clear who owns or is responsible for specific assets and costs, etc. (This should help if there is ever any damage or insurance claim related to storms, etc.)
- Meetings Will Be Held: In an effort to maintain the current level of good communication and cooperation, both parties agree to meet at least at the beginning of the season to review the agreement and needs for the upcoming season.

Conclusion

City staff appreciate the recent collaboration on the part of MLL leaders to work through and finalize this agreement. City Council approval is recommended.

PARK USE AGREEMENT BETWEEN

CITY OF MILFORD AND MILFORD LITTLE LEAGUE ASSOCIATION

An agreement made this _____ day of _____, 2019 between the City of Milford, a political subdivision organized and existing under the laws of the State of Delaware, with an address of 201 South Walnut Street, Milford, Delaware 19963 (hereinafter called "CITY"), and the Milford Little League Association, a non-profit corporation organized and existing under the laws of the State of Delaware, with a mailing address of P.O Box 404, Milford, Delaware 19963 (hereinafter called “MLL”) for the use of land at the Ball Parks (identified by tax map parcel ID’s in Exhibit A) so the Milford Little League can carry out its baseball/softball program for the youth in the community.

ARTICLE I – RECITALS

1. WHEREAS, the CITY owns park land containing approximately 18.36 acres in an area currently in use as ball fields, located between South Washington Street and McColley Street, and south of Southeast Third Street, which park land provides baseball/softball fields (Ballfields) for the Milford Little League (MLL), and
2. WHEREAS, the MLL has a long tradition of positively serving children in the City of Milford by providing recreational opportunities through youth baseball and softball activities. These activities are provided entirely by volunteers including coaches, managers, umpires, league officers, and concession operators, except for normal park maintenance services, resulting in little cost to the CITY in providing these recreational activities to the community, and
3. WHEREAS, were the CITY to provide youth baseball and softball activities directly, the cost to the CITY would be significant, and
4. WHEREAS, the CITY has had a long-standing informal agreement with MLL to provide ballfields for the youth baseball program and based on that informal agreement, MLL has constructed fencing, backstops, irrigation systems, and turf improvements, and leveled fields, and
5. WHEREAS, the CITY and the MLL have now determined that it is in their mutual best interests to formalize their relationship in regard to the use and maintenance of the ball fields through the preparation and execution of a written use agreement.

ARTICLE II – PURPOSE OF AGREEMENT

The purpose of this Agreement is to:

1. Provide the terms and conditions under which MLL can continue to use the Ballfields for practice, league activities and tournament play.
2. Define operational and maintenance responsibilities.
3. Identify responsibility for costs.
4. Identify a process to provide for improvements and upgrades.

ARTICLE III – DURATION OF AGREEMENT

1. This Agreement shall extend for a term of one (1) year from the date the Agreement is executed by the Parties and shall allow for fourteen (14) one (1) year extensions with the approval of both Parties and assuming neither party is not in breach of the terms of this Agreement. The Parties agree to meet in the months of December and January to review and renew this Agreement. During the year of the tenth (10th) extension of this agreement, both parties mutually agree to participate in a full review of this agreement with a goal of revising this Article to provide for additional extension periods beyond the initial 14 years.

ARTICLE IV – EFFECTIVE DATE OF AGREEMENT

1. This Agreement shall become effective on the date above.

ARTICLE V – PERMITTED USES

MLL's use of the Ballfields is allowed under the following conditions:

1. The Ballfields shall be used and occupied by MLL only for the purpose of youth baseball and softball activities for children up to or through the age of nineteen (19). MLL shall not use or permit the Ballfields to be used for any purpose other than baseball or softball without the prior written approval of the CITY. MLL is authorized to establish and collect reasonable fees from league and tournament teams to offset their maintenance costs.

ARTICLE VI – PERIOD OF USE

1. MLL will have exclusive use of the Ballfields from March 1 to November 30 of each year. Use of the Ballfields is limited to the scheduled Spring and early Summer practice and league season and reasonable additional times for tournament play. Any MLL use beyond November 30 must be requested and approved in writing by the City Manager. Approval of such requests will not be unreasonably withheld. MLL will be responsible for any costs related to preparing the fields or facilities for use outside of these dates.

ARTICLE VII – PROPERTY

1. MLL shall retain ownership of the following: backstops, field fencing, bleachers, scoreboards, and dugouts, as well as subsequently installed facilities, including the existing concession building, maintenance building and meeting building. These facilities shall remain in MLL ownership until the expiration or termination of this agreement.
2. Any existing well and irrigation systems and equipment shall be owned and maintained by MLL.
3. All MLL property described above shall be maintained in accordance with applicable building codes and/or other State and local regulations.

4. Both City and MLL will be responsible for maintaining grounds, as described in Article IX, in accordance with applicable property maintenance codes at a minimum.
5. The City will continue ownership of the land and property of the men's softball field (also known as the "Sussex Field"). Ownership will extend to the fields, dugouts, fencing, lighting, backstop netting and press box. During the Period of Use stated in Article VI of this Agreement, MLL will be granted the exclusive right to utilize this field and will be responsible for all up keep of the field (including mowing and spraying of the field within the fence). At the end of the Period of Use the CITY will take over maintenance. If MLL holds tournament games on this field outside of the Period of Use, then MLL will be responsible for the preparation of the field for the tournament (including mowing and spraying of the field within the fence).

ARTICLE VIII – CAPITAL IMPROVEMENTS

1. Capital improvements proposed by MLL for installation or modification after the date of this agreement, shall be installed or provided by MLL only with the prior written permission of the City Manager, which permission shall not be unreasonably withheld. Due consideration will be given to such request if MLL can demonstrate that the proposed improvement(s) will provide a benefit to league participants or spectators and will not detract from the appearance and function of the park, or adversely impact surrounding neighbors.
2. MLL shall obtain any and all local, state or federal permits associated with capital improvements prior to installation. MLL shall assume the costs of maintaining new improvements unless otherwise agreed, in writing, by the City Manager.

ARTICLE IX – MAINTENANCE

1. MLL:
    a. MLL shall maintain all dirt cut out surfaces in such a manner as to keep the ballfields in a safe, playable condition.
    b. MLL shall make all improvements related to extension or enhancement of any existing or proposed irrigation systems.
    c. MLL shall provide and maintain adequate restroom facilities (port-a-johns) during the period of use as specified in Article VI.
    d. MLL shall manage and maintain the concession facilities.
        i. MLL shall be responsible for proper placement of trash and recycling containers as designated by the CITY for weekly collection.
    e. MLL shall pay the electric bill for all power requirements of the concession building and Ballfield lighting.
    f. If either party identifies maintenance needs, the City Manager (or his or her designee) or the MLL President will contact the other to schedule a meeting. Both parties agree to meet promptly to discuss a safety concern or within two weeks for less urgent matters. At such meeting, both parties shall determine a mutually agreeable schedule to address the concern.

2. City:
    a. All grass areas outside the fences of the ball fields will be mowed and line trimmed once per week or as needed (weather permitting) between the months of April through October. This will include all areas under the ownership of the CITY, MLL, GrowUSA, LLC, and Burris Foods, Inc, which are currently being used as baseball and softball fields and are known as the “Ballfields”.
    b. Parking lots: MLL and the CITY will annually evaluate the graveled parking lots to determine if grading or other maintenance is needed. If additional stone is needed, MLL will endeavor to get such material donated and the CITY will help with grading.
    c. Lighting: The CITY shall be responsible for replacing burned out bulbs for ballfield lighting fixtures that can be accessed with CITY equipment.
    d. Spraying of Weeds: The CITY shall spray the perimeter of the fences of the ballfields, bleachers, dugouts, concession stand and other areas as determined by the Park Superintendent twice a year. All areas within the ballfields will be the responsibility of MLL to spray and maintain.

3. Both - Solid Waste:
    a. MLL shall keep the area free of litter daily or as needed during the season.
    b. MLL shall promote, encourage, and facilitate recycling by players, coaches, officials, and fans and shall endeavor to select products for the concession stand that will enable recycling and reduce waste.
    c. MLL shall assist the CITY with monitoring recycling to prevent contamination and maximize successful recycling, while minimizing waste.
    d. The CITY shall provide refuse and recycling containers to the Ballfield.
    e. MLL and the CITY will mutually develop a plan for locating containers to maximize recycling benefits and MLL shall be responsible for proper placement of solid waste containers as designated by the CITY for regular collection by the CITY’s automated equipment.
    f. In exchange for MLL implementing a recycling program at the Ballfield and minimizing the CITY tipping fees and staff time, the CITY will continue to collect trash and recycling at no charge.

4. Maintenance by MLL to a higher standard than identified in Article VII will be authorized, provided that MLL assumes all related costs resulting from the higher standard and complies with any present or future federal, state, or CITY laws and policies with regard to pesticide/herbicide use, applications, and energy and water consumption.

ARTICLE X – RESPONSIBILITY FOR COSTS

1. MLL will assume the costs for the maintenance and operational services as noted in Article IX.1.; the costs of approved improvements determined to solely serve MLL needs; and the capital repairs to those facilities noted in Articles VII and VIII.

2. The CITY will assume the costs for services noted in Article IX.2; the costs of repairing or replacing facilities owned by the CITY; and the costs of improvements determined to solely meet the general community benefit.
3. The CITY and MLL will share in the costs of improvements that are determined to have a shared benefit between MLL participants and the general community. The amount of the shared cost will be negotiated, based on the benefit, and agreed to in writing.

ARTICLE XI – PARKING AND TRAFFIC CONTROL

1. During league and tournament season, MLL will assign as many members of their organization as necessary to manage and control parking, and to keep the lanes and access for emergency vehicles clear, as needed.

ARTICLE XII – RULES, LAWS, AND ORDINANCES

1. MLL agrees to abide by and uphold the policies and ordinances of the CITY and the laws and regulations of the State of Delaware, including those which regulate the operation of food and beverage serving facilities.

ARTICLE XIII – RIGHT TO ENTER

1. The CITY shall have the right to enter MLL facilities for any reasonable purpose to include, but not limited to, safety inspections and ensuring code compliance. Except in the case of an emergency, the CITY will give MLL 24 hours' notice before accessing facilities under this Article.

ARTICLE XIV – EXTENSIONS

1. At least sixty (60) days prior to the expiration of this Agreement or subsequent extensions, MLL may apply to the CITY for a one (1) year extension. These extensions will be granted only upon the written consent of the Parties, which extension agreements must be executed prior to the expiration of the previous period.

ARTICLE XV – TERMINATION

1. This Agreement may be terminated by either of the Parties following one (1) year's written notice to the other of the Party's intent to terminate.
2. No less than thirty (30) days prior to the termination or expiration of this Agreement, MLL and the City shall agree to a meeting schedule to determine the future of the facilities, structures and capital improvements covered by this agreement, as well as any restoration of lands belonging to the CITY or other parties. Such meeting schedule shall not exceed ninety (90) days in total.
3. Upon termination, for any reason, any property in the possession of the other Party, which was provided by the CITY or MLL, shall be returned to said Party.

4. Failure to fulfill the terms, conditions, and obligations of this Agreement by ether Party may be determined to constitute a breach of the Agreement, giving rise to termination of the Agreement.
5. In the event either Party is in default or breach of any duty, obligation or responsibility arising under this Agreement, the non-defaulting or non-breaching Party shall give written notice of said breach or default to the offending Party. The defaulting or breaching party shall have thirty (30) days after receipt of such written notice to cure the default or breach. If the default or breach is cured and the defaulting or breaching party is compliant with this Agreement, the Agreement shall continue as if no default or breach occurred. However, if no cure is made within the thirty (30) day period the non-defaulting or non-breaching party shall have the option to unilaterally declare this Agreement null and void and terminate it forthwith.

ARTICLE XVI – SCHEDULED MEETINGS

1. Each April, the MLL President will invite the City Manager, or designee, to the MLL Board meeting for purposes of reviewing and planning for the season; identification numbers of MLL participants; ensuring communication; discussing maintenance needs; discussing and coordinating any planned improvements; discussing any concerns expressed by abutting neighborhoods; and reaffirming policies and practices to be followed.

ARTICLE XVII– NON-DISCRIMINATION

1. MLL shall not discriminate against any coach, official, player or family member because of that person's race, color, sex, religion, national origin, genetic information, gender identity and expression, sexual orientation, political affiliation, or against qualified individuals with a disability, and shall comply with all local, state, federal, and all other applicable laws prohibiting discrimination.

ARTICLE XVIII – LIABILITY

1. MLL shall secure and maintain commercial general liability insurance for the entire term of this agreement to cover all MLL uses of the Ballfields and related uses. Said insurance shall be in the amount of not less than $1 million per occurrence. A copy of Certificate of Liability Insurance shall be provided to the CITY annually.
2. The CITY shall be provided with at least thirty (30) days' notice in the event of cancellation of MLL's liability insurance coverage.
3. Each time this Agreement is extended, the CITY reserves the right to review and adjust the minimum amount of insurance coverage required of MLL.
4.

ARTICLE XIX – INTERPRETATION

1. This Agreement has been and shall be construed as having been made and delivered in the State of Delaware, and it is mutually agreed and understood by both Parties that this Agreement shall be governed by the laws of the State of Delaware. Venue shall be Sussex County, Milford, DE.
2. In the event that a dispute requires interpretation or enforcement of this Agreement, the prevailing party shall be entitled to receive payment for attorney's fees.

ARTICLE XX – AMENDMENTS/MODIFICATION

1. The provisions of this Agreement may be amended only upon the mutual written consent of the parties. The Parties agree that at the time of the annual extensions they will meet to review and possibly amend any terms that should be amended in the event circumstances warrant such amendments.
2. No additions to, or alterations of, the terms of this Agreement shall be valid unless made in writing and formally approved and executed by the duly authorized agents of both parties.

ARTICLE XXI – INDEMNIFICATION

1. MLL shall indemnify and hold harmless CITY, its elected officials, officers, agents, and employees from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason of or arising out of any action or omissions by the CITY, its elected officials, officers, agents, and employees, in performing its obligations under this Agreement.
2. In the event that any suit based upon such a claim, action, loss, or damages, resulting from the actions of MLL, is brought against the CITY, MLL shall defend the same at its sole cost and expense; provided, that the CITY retains the right to participate in said suit if any principle of governmental or public law is involved; and a final judgement is rendered against the CITY, its officers, agents, and employees or jointly against the CITY and MLL and their respective officers, agents, and employees, MLL shall satisfy the same, except in those cases which are solely due to CITY negligence.
3. In the event that any suit based upon such a claim, action, loss, or damages, resulting from the actions of the CITY, is brought against MLL, the CITY shall defend the same at its sole cost and expense; provided that MLL retains the right to participate in said suit if any principle of governmental or public law is involved; and a final judgement is rendered against MLL, its officers, agents, and employees, the CITY shall satisfy the same.

ARTICLE XXII – ENTIRE AGREEMENT

This Agreement contains all of the agreements of the Parties with respect to the subject matter covered or mentioned therein, and no prior Agreement shall be effective to the contrary.

ARTICLE XXIII – RATIFICATION

Acts taken in conformity with this Agreement prior to their effective date(s) are hereby ratified and affirmed.

ARTICLE XXIV – SEVERABILITY

If any section or part of this Agreement is held by a court to be invalid, such action shall not affect the validity of any other part of this Agreement.

IN WITNESS, THEREOF, The CITY and MLL have caused this Agreement to be executed in their respective names by their duly authorized officers and have caused this Agreement to be dated as of the _____ day of _____, 2019

WITNESS:

_____

MILFORD LITTLE LEAGUE:

BY:_____
, President

ATTEST:

BY:_____
Teresa Hudson, City Clerk

CITY OF MILFORD:

BY:_____
Arthur J. Campbell, Mayor



THE CITY of Milford DELAWARE

Scale: 0 150 300 Feet

Drawn by: WRP

Date: 10/24/16

Filepath: MilfordLittleLeague.mxd

Title:

Lands of City of Milford

Location & Zoning Map

PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.422.1110
FAX 302.422.1117
www.cityofmilford.com

To: Eric Norenberg, City Manager
From: Mark A. Whitfield, Public Works Director
Subject: Sidewalk Inspection Program
Date: May 16, 2019

The Public Works Department has concluded sidewalk inspection on all collector streets and streets serving public schools. As requested by the Public Works Committee, a cursory inspection has been done on all sidewalks within the City.

A copy of the ordinance outlining the inspection standards and the program is attached.

City wide, approximately 3215 blocks have been found deficient.

For the area inspected in the Spring 2108, approximately 1820 blocks were found to be deficient. Of those blocks, 185 are the City's responsibility (water meter pits, street signs, hydrants, utility poles, and sewer cleanouts/manholes. Therefore, property owners would be responsible for the repair of approximately 1635 blocks for the present round of inspections.

At the March 25, 2019 Council meeting, several concerns were raised by Council members regarding the project, including but not limited to:

1. Why are the sidewalks the responsibility of the property owner when the sidewalks are not within the property owners' boundary?

   The streets, curb and sidewalks are built within a right-of-way. The City does not own the property. If a right-of-way is vacated by the City, each property owner would own to the center of the right-of-way. The City may require property owners to install and maintain sidewalks, curbs, trees, grassplots, etc within the right-of-way

2. How are property owners made aware of the available financing options and financing assistance?

   Attached is information that was to be sent to property owners regarding the financing of sidewalks. While funding for assistance was not available, property owners have the option of not paying anything and have a lien placed on the property which is settled at the time of sale/transfer.

3. How do we handle areas where there are no sidewalks?

   Property owners are required to install sidewalks where there are no buildings on the parcel at time of development. In locations where there are existing buildings and no sidewalks, the property owner may petition Council for the installation of sidewalks and Council shall determine the feasibility of installing said sidewalks.

4. If property owners elect to finance the repairs over five years through the City, should they pay interest?

   Presently, the Charter provides for interest on loans provided to property owners for improvements.

5. Is the present ordinance still valid? Should it be less restrictive?

   The ordinance and repair criteria are very similar to other Cities and towns ordinances, and the criteria for repairs appear to a standard. Staff urges caution in making the ordinance less restrictive, which may be deemed libelous through the American with Disabilities Act.

In the interest of moving the project forward, staff recommend Council consider the following over the first 4 years of the program in order to get sidewalks into good condition:

1. Set a maximum price for the removal and replacement of sidewalk blocks, with any overage paid for by the City. That is, if the maximum price is set at $200 per block and bids come in at $250 per block, the City will fund the $50. Use Real Estate Transfer Tax income to fund the overages.

2. Waive the 10% fee for inspection and financing.

3. Waive any interest for financing over 60 months.

ARTICLE I - Curb, Gutter and Sidewalk Installation and Maintenance

[Adopted 4-23-2007 by Ord. No. 2007-4 [1]]

§ 197-1. - Purpose.

These guidelines shall be used to determine when and to what extent public sidewalk, driveway approach, and alley approach repair shall be required. Repair or removal and replacement shall be required whenever a public sidewalk, driveway approach, or alley approach is in a hazardous or unsafe condition. A hazardous or unsafe condition shall be determined by the limits as set forth in these guidelines in conjunction with the judgment of the City Engineer or designated representative.

§ 197-2. - Definitions.

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

ALLEY APPROACH — That portion of an alley between the curb and property line side of the sidewalk or right-of-way.

CITY ENGINEER — The City Engineer of the City of Milford or his duly authorized representative.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer of the City of Milford or his duly authorized representative.

DRIVEWAY APPROACH — That portion of the driveway between the curb and the property line.

PANEL — Any defined section by joints, or score marks or an approximate square when joints do not exist.

PROPERTY OWNER — Any natural individual or individuals, firm or firms, company or companies or corporation owning real estate in the City of Milford.

PUBLIC — Any facility within the public right-of-way between the property line and street curb and surfacing.

§ 197-3. - Responsibility of installation.

A. In all new construction sites and subdivisions, the City shall require the builder and/or developer to install curb, gutter and sidewalk in cases where no such improvements previously existed or where, if in existence, they are in need of repair. Issuance of a certificate of occupancy by the City will be contingent upon compliance. In proposed developments, the City Council may, at its discretion, waive the requirement to install curb, gutter and sidewalk.

B. Existing residences and commercial establishments which are desirous of having curb, gutter and sidewalk installed where no such improvements currently exist may petition the City, in writing, for said installation. The City Council shall, within 60 days, notify the owner or proprietor making the request of the feasibility of installation of the improvements.

§ 197-4. - Responsibility for maintenance.

In all instances, property owners shall be responsible for maintaining, repairing, or replacing sidewalks and for keeping sidewalks in good repair, in safe condition and free of vegetation and shall not permit hazards to either pedestrian or vehicular traffic to exist. All sidewalks within, adjacent to, or approximately parallel to an owner's property line, although it may be situated partially or wholly in a City right-of-way or easement, shall be considered the property owner's responsibility.

§ 197-5. - Responsibility for costs; financing.

A. In all areas of new construction, the full cost of installation of curb, gutter and sidewalk shall be borne by the property owner, builder or developer at the time of construction.

B. In instances where sidewalk repair or replacement is required, the property owner shall be given the opportunity to finance such improvements through a method of reimbursement to the City, which shall not exceed 60 equal consecutive monthly payments.

C. Owners who are in arrears on said payments for a period of 90 days will be subject to legal action and/or a lien being placed upon the property where improvements were made.

D. Property owners who meet the low-income criteria may apply for financial assistance, provided the City funding is available, for the cost of sidewalk repair or replacement.

§ 197-6. - Specifications; written approval required.

Installation of all curbs, sidewalks, and gutter shall be made in compliance with Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, most recent edition. Written approval from the City shall be required prior to any work being performed.

§ 197-7. - Conditions requiring repair or removal and replacement of sidewalks.

The following is the criteria by which a sidewalk is considered hazardous or unsafe and therefore requires repair or removal and replacement. Repairs or removal and replacement may be required based on any one of the items individually or a combination of the items. These criteria should be used as guidelines, with judgments and discretion of the City Engineer or designated representative used in their application. The repair of a sidewalk shall be at the City Engineer's discretion to determine if a sidewalk requires repair; however, removal and replacement of complete panels is required when any of the following conditions exist:

A. A vertical separation of more than one inch at either a joint or crack.
B. A horizontal separation of one inch or more at either a joint or crack.
C. The cross slope of sidewalks is greater than 3/4 inch per foot (1:16).
D. Insufficient cross slope or misalignment.
E. Water ponds due to insufficient cross slope or misalignment. If the problem is corrected by modifications to adjacent landscaping or obstruction, then the removal and replacement may not be required.
F. Severely rough, uneven surface due to scaling or spalling that would cause a tripping hazard.
G. Severe cracking resulting in multiple loose or unstable individual pieces within a panel.

§ 197-8. - Grinding.

Grinding is required when any of the following conditions exist:

A.

A vertical separation between 1/2 inch to one inch at the joint. Ground surfaces shall have a maximum slope of 1.5 inches per foot (1:8). Ground surfaces four inches or more in width shall be roughened.

§ 197-9. - Other conditions: tree roots.

The following alternatives may be used to repair sidewalks affected by adjacent tree roots. Please consult the City of Milford Arborist regarding these options.

A. The sidewalk may be removed around the offending roots. Rerouting of the sidewalk may require dedication of an easement to the City for the sidewalk.

B. The sidewalk may be ramped over the tree roots, provided the longitudinal slope does not exceed one inch per foot (1:12).

C. The sidewalk may be removed and replaced after the tree roots have been pruned.

D. Prior to the removal of a tree within a public right-of-way the City Arborist shall be consulted. The removal of a tree in the public right-of-way should be considered only if other remedies are impractical.

§ 197-10. - City to perform work.

A. Upon the neglect of any property owner to comply with any of the requirements provided in the preceding sections, the City may, after 90 days and after duly notifying the property owner, cause the repairing, removal and replacement, or removal of obstructions and/or guttering to be done at the cost of such owner and may collect the cost thereof, from such owner, and may file a municipal lien therefor or collect the same by an action in assumpsits.

B. All such notices shall be served upon the owner of the premises to which the notice refers. If the owner is not a resident, such notice may be served upon the agent or tenant of the owner or upon the occupant of such premises. If the owner, agent or tenant cannot be located, then service shall be by notice posted on the premises.

C. The property owner is to contact the City Engineer within 30 days of receipt of the notice with a schedule of work, the name of the contractor, a cost estimate and any other information.

D.

Upon receiving the notice, the property owner is required to obtain the appropriate permit for construction or reconstruction of said sidewalks and pay the appropriate fees as established by City Council.

§ 197-11. - Stop orders.

If any property owner shall commence, or permit others to commence, the repair or removal and replacement of any sidewalk not in compliance with this article or not in compliance with specifications provided by the City Engineer, said Code Enforcement Officer is authorized to issue a stop order directed to the property owner and serve it upon the property owner. Upon service of such stop order, all repair or removal and replacement shall immediately cease.

§ 197-12. - Duties of City Engineer.

The City Engineer shall maintain specifications regarding the installation of sidewalks and inspect and approve all construction of sidewalks.

§ 197-13. - Duties of Code Enforcement Officer.

The Code Enforcement Officer shall inspect complaints and determine if the sidewalk is in violation. If the sidewalk is in violation, the Code Enforcement Officer shall send a violation notice to the property owner, giving him/her 30 days to develop a schedule to repair the sidewalk violation and 90 days to fix the sidewalk violation. The Code Enforcement Officer shall also serve on the owner that failure to complete the violation in 90 days will result in the City of Milford completing the work and attaching a lien to the property. The Code Enforcement Officer will also inform the property owner that he/she needs to contact the City Engineer regarding the specifications for repair of the sidewalk violation.

§ 197-14. - Liability.

Nothing in this article, including the issuing of a permit or a compliance certificate, shall be construed to hold the City of Milford liable for any failure due to faulty construction or any other act in connection with sidewalk construction.

Sidewalks

Milford

Listen

RG# 6140

Milford was formed from two communities, one on the north side of the Mispillion Creek and one on the south linked by a bridge over the creek near its headwaters. On the north, the establishment of a town was spurred by the Reverend Sydenham Thorne who had built a dam and established a grist and saw mill around 1780. He encouraged a nearby plantation owner, Joseph Oliver, to lay out building lots near Oliver's store located on the road accessing communities to the north. By 1787, the first town street, Front Street, was laid out paralleling the Mispillion, and soon as many as eighty buildings could be found along the north banks of the creek. Town lots were established in South Milford around 1840 but it was the arrival of the railroad in 1859 that had a major influence on spurring



development of the South Milford community. In the nineteenth century, the Town would flourish becoming a commercial center for the surrounding agricultural community.

(http://cdm16397.contentdm.oclc.org/cdm/compoundobj
RG 9015-028-000: Walnut St, Milford

In 1807, *An ACT directing the manner of choosing commissioners to regulate, repair and light the streets in the town of Milford and for other purposes* was passed into law. Although this Act did not specifically set up a municipal corporation, it did call for the kind of actions that were part of early municipal incorporation laws, and it is recognized by the City of Milford as the date of their first incorporation. It included the general boundaries of the Town which were indicated to be on the north side of the Mispillion Creek. It also called the election of five Commissioners, an Assessor, and a Treasurer. The Commissioners were to engage a surveyor to survey and plot the Town, to name its streets, and to record the plot with the Recorder of Deeds in Kent County. The Commissioners were given the power to oversee and repair the streets, as well as the power to light them and remove all nuisances which might prevent residents from using them. The Assessor was to assess the citizens of the Town in order to levy a tax to be used to repair the streets and for any other purpose which would contribute to the prosperity of the Town.[1]

A year later, an amendment to 1807 Act indicated that the electors of the Town's officials were to be white male freeholders of the Town who were 21 or older. The amendment also repealed the requirement to light the streets and included additional duties of the Assessor and the Treasurer.[2] In 1823, the section of the 1807 Act regarding the abatement of nuisances was repealed and re-written.[3]

In 1829, *An ACT directing the manner of choosing commissioners to regulate and repair the streets of Milford and for other purposes* (lighting the streets has been eliminated) declared all earlier Acts null and void, but indicated that the plot of North Milford which had been recorded with the Kent County Recorder of Deeds remained in full force as a survey of the boundaries of the Town. This Act functioned as a re-incorporation outlining the regulations governing the Town's Commissioners although once again no municipal corporation was formed. There was to be elected five Commissioners, an Assessor, an Inspector of Accounts, a Treasurer, and a Constable, all to serve one-year terms. Electors were free white males who were the possessors of lands or tenements and over the age of 21 years. The Assessor was to make an impartial assessment of the real estate of the Town's eligible electors in order to levy a tax that would provide the Commissioners with funds to repair the streets of the Town, but these monies were not to be used for the public highway which was to be cared for by Kent County. The Treasurer was to collect the taxes and the Inspector of Accounts was to review the Commissioner's expenditures. The Town Constable had the same responsibilities and duties as a Kent County Constable. The Commissioners were given the responsibility to build a temporary jail and the Constable was to make use of this when citizens did not keep the peace. The Act specifically called for the Constable to enforce the recently passed law which prohibited swine from running at large. The Town's citizens were given the right to kill poultry that were running at large.[4]

In 1830 a supplement to the 1829 Act amended those who were eligible to vote in Town's elections. In addition to the free white males, white unmarried females of age 21 and over who were freeholders in the Town were now eligible to vote. All voters must have paid their Town taxes for the preceding year.

Language contained in this Act indicates that the Town is considered to be incorporated.[5] A 1935 law amended the 1829 Act by providing for the elimination of the position of Town Constable and the assignment of their duties to the Constable of Kent County who could appoint a deputy to carry them out.[6]

In 1841, *An ACT to amend the act entitled Act directing the manner of choosing commissioners to regulate and repair the streets of Milford, and for other purposes* replaced both the 1829 and 1830 Acts and all amendments to them. The 1841 Incorporating Act declared the Town which still only included lands on the north side of the Mispillion to be incorporated. The Act called for the election of five Commissioners, a Collector/Treasurer, and an Assessor. Electors were those eligible to vote in general elections in the State. The elected Commissioners were to choose from amongst themselves, a President who was to preside over meetings and a Secretary. The primary duty of the Commissioners was to oversee the streets, funding their repair, and keeping the streets and gutters clear of obstructions. The assessment of a general tax, which was to be imposed in an impartial manner, was to be used to defray the expenses associated with repairing the streets. The Commissioners were also required to establish a place to impound any swine found running at large, and to create a temporary jail for citizens of the Town who disturbed the peace. The Deputy Constable who was appointed by the Constable of Kent County was to assist the Commissioners in keeping the peace. Citizens of the Town continued to have the right to shoot poultry that was at large.[7]

The Incorporating Act of 1841 was amended in 1847 when the Commissioners were given the power to suppress riotous and noisy assemblages or gatherings of Negroes, Mulattoes or other persons in the streets at night or on the Sabbath day within one mile in all directions from the bridge over Mispillion Creek. Different punishments could be meted out depending on whether the person was free or was a slave or apprentice. This law contains the first mention of the village of South Milford, in which the Constable for Sussex County who was residing there was to ensure that it was enforced.[8] In 1851, a law declared that the provisions in North Milford's 1841 Incorporating Act which gave residents the right to shoot poultry running at large was extended to the area which included South Milford. The same year, the Commissioners of North Milford were authorized to install curbs along Front Street between East Street and West Street and on Walnut Street to Second Street. The cost of this was to be paid by the adjacent property owners who were also to pave a five foot wide, brick walkway along the street fronts of their properties. If this work was not carried out by the property owner, then the Commissioners could undertake it, selling the property owner's real estate and/or their personal goods to replace any costs incurred by the Town. The Commissioners of North Milford were also allowed to regulate the ornamental trees along the streets.[9] In 1853, a law provided for

Commissioners to be appointed to oversee the improvement of the state road at the southern end of the Milford Bridge over the Mispillion with funds for this work being provided by road taxes from Cedar Creek Hundred. They were to carry out any repairs deemed necessary in order to make this part of the road permanent and were also to pave with brick and lay curbs along the west side of the road. In the same year, the Town of North Milford began to control dogs by levying a tax on their owners, $1 for male dogs and $3 for female dogs, and the Sussex County Assessor was instructed to impose a similar tax within one mile in all directions from the bridge over Mispillion.[10] In 1855, the laws regarding taxing dogs that had been passed in 1853 were repealed, and a new law set the amount of the tax at fifty cents for one dog and $1 for each additional dog. Also in 1855, the Commissioners of the Town of South Milford were authorized to expand their responsibilities to all roads open for public use within a half mile of the bridge over the Mispillion. To assist them in accomplishing this, they were to be allocated $75 by the Levy Court of Sussex County from the road taxes of Cedar Creek Hundred. [11] In 1861, all prior laws relating to fines for possessing dogs were repealed. In the same law, the Commissioners of North Milford were given the right to regulate and abate all nuisances with regard to buildings, enclosures, or pens which were noisome or have offensive smells, as well as the power to regulate chimneys and stovepipes in order to prevent fires, and the power to prevent fast driving or racing of horses as this could endanger Town residents.[12] In 1863, the Milford Mills which had previously been exempted from taxation by the Town lost their exemption.[13] An 1865 law instructed the Commissioners of the Town of South Milford to ensure that the residents kept their sidewalks in good repair.[14] In 1866, the Town Commissioners of North Milford were to ensure that the owners of property along North Street between Front and Causey (4th) Street and along Church Street between Front and Third pave their sidewalks with brick and curb the streets. The Commissioners could complete this work for owners who did not comply and then place liens on their property and goods to recover the costs.[15]

In 1867, a law was passed called *An Act to Incorporate the Town of Milford* in which the corporate name was the "Commissioners of the Town of Milford." The corporate boundaries as outlined in the Act were entirely on the north side of the Mispillion. Five Commissioners, an Alderman, an Assessor, and a Treasurer were to be elected to serve one-year terms. The Commissioners were to choose one of their members to serve as President, who would preside at Commission meetings and a Secretary. The Commissioners were to have oversight over the roads and streets, regulating their use and repairing them as well as opening new streets when petitioned to do so. The Town's residents were to be taxed in order to provide funds to carry out the repairs on the streets, with Kent County providing assistance in the form of an annual allocation of $150. The Commissioners could also demand that the owners of property adjoining any street provide sidewalks and curbs at the property owner's expense. If they refused, then the work would be carried out by the Town and the property owner charged to recover the costs. The Commissioners also had the power to make regulations and ordinances for the governance of the Town and provide sanitary measures for the health of the citizens. They were also to abate any nuisances that might exist in the Town. Anyone found to be not in compliance with the Town's ordinances could be brought before the Alderman who was to be considered to have the same powers as a Justice of the Peace. Along with a Bailiff who acted as a Constable, the Alderman was to maintain peace in the Town, suppressing riotous acts and assemblages, and preventing bonfires, the firing of guns and setting off of fireworks. The Assessor was to assess all real estate as well as charge a per capita tax on all white males above the age of 21. The 1867 Incorporating Act did not specify a maximum tax to be levied on the Town. The Commissioners were also empowered to borrow money and issue bonds for the purpose of repairing the streets provided that the sum did not exceed $1,000.[16]

The first amendment to the 1867 Incorporating Act was passed two years later, in 1869. The 1867 Incorporating Act had required that most of the elected officials be freeholders in the Town, but this requirement was eliminated for the Alderman.[17] In 1871, the Commissioners of the Town of South Milford were directed to lay sidewalks and curbs along South Front Street between the State Road (Walnut Street) to Franklin Street.[18] At the time, the area located east of the State Road and south of South Front Street was well established because shipyards had been built there starting a century earlier. The area west of the State Road was just beginning to be built up since the first town lots were not laid out until c. 1840. In 1873, the 1867 Incorporating Act was amended for the Town of North Milford to set $1,250 as the maximum amount which could be levied on the Town, and also to direct that the Town's finances be audited.[19] An 1875 law revising the 1867 Incorporating Act required that all those who could vote for the elected officials must be current in paying their taxes and also authorized the Alderman to annually appoint two residents to act as auditors.[20] A law in 1879 made revisions to the procedures associated with paving the sidewalks.[21] In 1881, a law increased the tax that could be levied annually to no more than $2,000 and indicated that there would be no discrimination when assessing taxes. In addition, the Levy Court of Kent County increased their annual allocation to repair the streets by $50.[22] An 1883 law required all five Commissioners (an increase of two over the 1867 Incorporating Act) to be freeholders in the Town.[23] The final amendment made to the 1867 Act was in 1885 when the maximum amount of taxes to be levied annually was increased to $3,000.[24]

In 1887, the Town of Milford was re-incorporated in the corporate name of the "Town Council of Milford." The Town's boundaries were expanded so that they now included land in both Kent and Sussex Counties. As the Town had enlarged considerably, so too the Town's governing body was larger. The Town Council consisted of a President and six members who would serve two-year terms. Three of the Council members were to be elected from North Milford and three from South Milford. A Secretary was to be chosen from one of the six. While all must be residents of the Town, only three were required to be freeholders. Also elected were an Alderman, a Tax Collector, a Treasurer, and an Assessor. The Council was given the power to oversee the roads and was to receive an annual allocation of $250 from both Kent and Sussex Counties in order to accomplish this; however, the maintenance of bridges and certain highways were to remain the responsibility of the counties. The procedures for laying out new streets were outlined as were those for paving sidewalks. The responsibilities of the Council to make ordinances to govern the Town were not changed from the 1867 Incorporating Act, nor were those of the

Alderman and Bailiff in keeping the peace. The Assessor and the Treasurer's duties and responsibilities also remained the same; however, an increase in the maximum tax of $3,000 annually had been approved in 1885 and the 1887 Incorporating Act reflected this amount. It was specifically stated in the Act that all arable land was not to be taxed for Town purposes, and that tax exemptions could be given to manufacturers for a period of ten years. The ability of the Town to borrow money was retained, and the amount was increased to $2,000. The amendment to the 1867 Incorporating Act which called for auditing the Town was also retained. New provisions were added at the end of the Act which required that the Town Council grant license to circuses, theatrical companies or minstrel shows; that canning businesses and manufacturers of phosphates and fertilizers or manures must obtain permission from the Town Council in order that the Town's residents would be protected from fire and have their health safeguarded; and also, that the Town Council was to appoint a three-person Board of Health.[25]

In the same year as the re-incorporation, the Town of Milford, after referendum approval, was authorized to borrow $20,000 in order to provide pure water for domestic purposes and fire suppression; lay mains and laterals and install fire hydrants for distribution; establish a waterworks; and purchase carriages and hoses to suppress fires. Water rents were to be charged which would support the operating costs of the water system. The municipal bonds would be redeemed by a special tax that established a sinking fund and be used to pay the interest each year.[26] It is likely that the Town did not move forward under this law because just four years later, in 1891, another law authorized the Town to borrow $40,000 to be used for the waterworks and to establish an electric light plant to provide light for all Town streets and for public use. In the same law, a Board of Light and Water was established to oversee the construction and operation of the waterworks and the light plant. The Board's five Commissioners were elected to serve five-year terms with one Commissioner being replaced each year. The election of the Commissioners and the referendum on the borrowing of the funds for these utilities were all by weighted vote with each voter (both male and female) being given one vote for each $1 or partial $1 paid in Town taxes. Also in 1891, dog owners were required to register their dogs who would then be tagged; untagged dogs could be caught, impounded and then sold or killed.[27] In 1893, the amount of taxes levied annually was increased to be no more than $4,000. The Town was also authorized to borrow $4,000, an increase of $2,000. Several other technical corrections were made to the 1887 Town Incorporating Act and to the Incorporating Act for the waterworks and electric plant.[28] Two years later, in 1895, the maximum allowed tax to be levied was increased again to $6,000. In the same law, a discount of 3% for early payment of taxes was instituted. In addition, the Town Council was authorized to prohibit the opening of bucket shops, racket shops, transient stores, pool halls or billiard rooms.[29] In 1897, among other minor amendments, the 1887 Incorporating Act was revised so that the position of Assessor became appointed rather than elected and assessment of the Town was to be carried out every fourth year rather than annually. In another law passed that year the Town borrowed $42,000 with which to redeem the bonds that had been authorized in 1891. Issuing these new bonds did not require referendum approval.[30] A number of changes were made to the 1887 Incorporating Act in 1901 including the elimination of the requirement that Council Secretary be a Council member; authorization for the Town to borrow up to $8,000 with which to repair the streets; and the institution of a penalty for late payment of taxes. Also part of this law was a requirement that all property owners on Walnut Street from North Second Street to South Second Street must connect to the sewer, and also that any new construction in this area may be required to be brick, stone, and other non-flammable material.[31] The last amendment made before the Town was once again re-incorporated was in 1903 when the Town borrowed $20,000 to be used to extend and improve the sewer system. The Town was required to levy a special tax with which to repay the interest and principal on the bonds issued.[32]

The Town of Milford was re-incorporated in 1907 as the "Town Council of Milford." The corporate limits had not changed in the twenty years since the previous re-incorporation, nor had the structure of the government which still included a President and six Council members. Both men and women could now vote in elections for the Council, the Alderman, the Tax Collector, and the Treasurer. The 1907 Incorporating Act closely mirrors the previous one in many of its provisions. It renews the Town Council's authorization in overseeing all streets, alleys, gutters, and sidewalks. A new position is created by this act, that of Supervisor of Streets. The Act provided The Town with the right to borrow up to 8% of the assessed value of the real estate to order to make repairs to the streets. The specific powers that had been part of the 1887 Incorporating Act remained, but this Act also provided the Town with the power to grant building permits as was the right to permit or not allow certain types of building materials. Amendments to the 1887 Act had determined that assessments would take place every fourth year and that the Assessor would be appointed by the Council. Also, the formation of a Police Force now replaced a Bailiff, but their duties and responsibilities were the same. The maximum tax that could be levied on the Town was increased to no more than $9,000 annually with no mention of an exemption for arable land but retaining the exemption for manufacturers. Relief for early payment and a penalty for late payment of taxes were included in the Act.[33]

Over the next twenty-four years, the 1907 Town Incorporating Act would be amended a number of times, as were amendments to the 1891 law establishing a Board of Light and Water Commission. In 1907, a law provided all citizens of the Town, not just freeholders, with the right to participate in the elections for the Board of Light and Water Commission. Their votes were no longer weighted to one vote for each $1 in taxes, but allocated one person with one vote, just as in the general elections.[34] In 1911, a law provided for the Town's general election and the election of Board of Light and Water Commissioners to be scheduled so as to take place at the same time and place. Also in 1911, the maximum tax that could be levied annually was increased to equal 1½% of the assessed value of the Town's real estate.[35] In 1913, a law made a number of amendments to the 1907 Incorporating Act among which were: increasing by one in the number of Council members who must be freeholders; appointing rather than electing the Alderman; authorizing up to $4,000 for the Council to construct or purchase a municipal building; allowing telephone, telegraph, and trolley poles to be taxed; increasing the amount of money that could be borrowed to repair streets to not more than 10% of the assessed value of the Town's real estate; increasing the fine for non-compliance with ordinances; prohibiting the sale of any article which the Council deems to be against the peace,

health or morals of the Town; increasing the number of members of the Board of Health from three to five; and making changes in the sections of the 1907 Act which related to oversight of the streets. Also in 1913, the Town borrowed $30,000 to repay the interest generated by the bonds that had been issued to repair the streets and to establish a sinking fund in order to redeem them.[36] In 1919, the Town of Milford was authorized to sell the water and light plant and all equipment and then to contract with the purchaser to supply water and electricity to the Town's residents with the money received from the sale to be used to repay the bonds used in financing the construction of the plants. As the sale was evidently not eminent, in another law that year, the Town was authorized to borrow $20,000 for water, light, and power purposes to be paid to the Board of Light and Water Commission. Repayment of this debt was to be by a special tax and this action required referendum approval.[37] In 1921, females were made subject to assessment.[38] In 1925, a number of bonds were refunded and re-issued including those from 1897 and those from 1919. This necessitated issuing new bonds for $25,000 and $20,000. In addition, $40,000 in new bonds were to be issued to extend the sewer system. A special tax was to be added to the general amount of tax levied each year on the Town's taxpayers in order to have sufficient funds to repay the debt.[39] A law in 1927 revealed that the Town's boundary had been expanded. Also in 1927, the Town was authorized to borrow $30,000 with which to improve the water and light plant. It is possible that the 1919 law which had required referendum approval was not approved as the referendum for this action was by weighted vote.[40] In 1929, a revision to the 1919 law allowing Milford to sell its light and water plants provided any funds remaining after all bonds are repaid to be placed in a permanent trust to be managed by the Town of Milford Trust Fund Commission. Interest from the Trust was to fund the improvement of the streets, but the principal was to remain intact. In the same year, the Town was authorized to borrow $24,000 with which to refund bonds issued in 1927. In addition, another law made a number of amendments to the 1907 Incorporating Act among which were changes that provided for general assessments to take place every three years, rather than every four years.[41]

In 1931, a Charter and a municipal corporation were established in the name of the "City of Milford." The territorial limits matched those established by law in 1927. The City was divided into four wards, two in Kent County and two in Sussex County with the state road known as Walnut Street separating the wards in each county. The City possessed powers such as were awarded by the State of Delaware to all municipal corporations. The structure of the government changed with this Charter. There was now a Mayor and eight Council members. Two members of the Council were to reside in each ward. The Council members were to serve staggered, four-year terms. The Mayor was to be elected at large to a two-year term. Those who had resided in the City for six months were over 21 years of age, and not delinquent in paying their taxes were eligible to vote for the Mayor and Council. The Council was to meet at least monthly and would determine its own rules of order with a quorum being a majority of the members elected. The Council was to appoint City officials including a City Manager, Secretary, Treasurer, Alderman, Acting Alderman, Auditors, Board of Health, City Solicitor, Board of Assessors, and Police Force. The duties and responsibilities of each City official was outlined in the Charter. Despite the fact that a 1927 amendment called for assessments to be held every three years, the Charter indicated that it would be every four years. The assessment was to be fair and impartial. Real estate, all residents over 21, and telephone, telegraph, power poles or similar erections were to be assessed a tax while farmlands were exempt unless they were laid out in building lots and front on a public street. The limit of general taxation was set at $50,000 annually, but an amount needed to pay the yearly interest on outstanding bonds and monies for the sinking fund to redeem the bonds when they came due was to be added to this. Delinquency in paying taxes would cause a lien to be placed on the taxpayer's property. In addition to all of the powers outlined in prior Incorporating Acts, the City of Milford was given the power to condemn property and to acquire land in order to provide sites for public buildings, parks, sewers, sewage disposal, and other municipal purposes. It could also adopt measures appropriate for protection against fire and appropriate money for fire equipment for use by a volunteer fire company. It could adopt zoning to protect against fire and prescribe the use of certain building materials and methods of construction in order to prevent fire hazards. The Charter contained expanded sections on building permits and licensing trees, and sewers and sewage disposal, as well as allowed for the appointment of a City Zoning Commission. The City was also given the power to borrow money and issue bonds for any public purposes including those related to any public utility (electricity/ gas/water/sewer) improvement of streets, and any permanent municipal improvement. This bonded indebtedness was not to exceed, in aggregate, 15% of the value of real property within the City. They also had the authority to float debt, not to exceed $10,000 in aggregate, in anticipation of revenue.[42]

The next re-incorporation of the City would not take place for thirty-nine years. A law, passed in 1933, did not specifically alter the Charter; it allowed for the City to build a bridge over the Mispillion at Washington Street.[43] However, the many laws that followed did amend the 1931 Charter. In 1935, Milford was authorized to borrow $124,000 with which to redeem and refund outstanding bonds. A tax was to be levied in order to repay the principal and interest on the newly issued bonds.[44] In 1937, the City of Milford was authorized to transmit electric current and water from its plants to areas beyond the City's limits.[45] In 1941, the Town's boundary was once again revised, and the Council was given authority to change street names. In addition, the City's election procedures were revised.[46] In 1943 a law was passed to change the start of the City's fiscal year to October 1.[47] In 1945, the position of Vice-Mayor was created, to be filled from members of the City Council. In addition, minor changes were made to the section of the Charter which dealt with the Assessor and assessments.[48] In 1949, the City was authorized to establish a pension plan for its employees. The City could also levy sewer tax to be not more than 60% of the water bill on all who were connected to the City's sewer system.[49] In 1951, the maximum tax to be levied was increased to $100,000 annually.[50] A law passed in 1955 made a number of amendments to the Charter among which were revisions to eligibility for elective office and minor changes to the election process. In the same year, a law increased the amount of funds which could be floated as a loan against anticipated revenue to $25,000, in aggregate.[51] A law in 1957 made revisions to the Alderman's

duties as well as made changes to the part of the Charter which addressed fines and imprisonment.[52] In 1958, the Charter was revised to increase the level of compensation of the Mayor and Council.[53] In 1961, the timing for appointing City officials was revised.[54] These were the final amendments made before the City was once again re-incorporated.

In 1970, the City of Milford was re-incorporated, consolidating all of the amendments made to the 1931 Charter into a revised Charter. In format, the 1970 Charter mirrored in many ways mirrored the 1931 Charter. This Charter did contain an expanded territorial boundary; this necessitated revising the description of the wards. There were a few changes contained in the Charter; these included eliminating the Board of Health; increasing in the length of time between assessments to not less frequently than every ten years; and allowing for the annexation of territory. In addition, the cap on taxes was increased to $150,000 annually, and the total amount of indebtedness allowed in anticipation of revenue was increased to $100,000.[55] No amendments to the 1970 Charter were made before it was replaced by a new Charter seven years later.

In 1977, the City of Milford was re-incorporated. The new Charter began with a description of the territorial limits of the City and its four wards. Annexation was allowed with two sets of procedures included; one was to be used if all property owners favored annexation and the other if at least five but not all property owners favored annexation. This Charter included no changes in the City's boundaries, but it did allow for the possibility that a fifth ward would need to be created at some time depending on the amount of land that was annexed. Because of the allowance for a possible fifth ward, the Charter called for the Council to be not more than ten members. The Charter provided for all those who were over 18 to vote for the City's elective offices. The Mayor and Council terms were decreased to two years. While the Mayor presided over Council meetings, they were unable to vote on Council matters. Among the powers vested in the City Council were its right to acquire real property for public purposes; to transmit electricity, gas and/or water from plants owned by the City; to enter into contracts to purchase supplies or for other public purposes; to borrow in anticipation of revenue a sum not exceeding in the aggregate two times the previous year's revenue with re-payment within two years; and to establish and maintain a pension system for their employees. This Charter called for the appointment of a City Manager and outlined their duties and responsibilities. The City Manager was assigned to oversee all of the City's administrative departments. The Charter also established a City Planning Commission which was to advise the City Manager on any matter affecting the physical development of the City as well as on its Comprehensive Plan. The limit of taxation for current expenses was annually not to exceed 2% of the assessed value of the City's real property. The City was also given the power to borrow money and issue bonds. The maximum amount to which the City could be indebted was not stipulated, but the process did require referendum approval.[56]

Only two laws amended the 1977 Charter. The first, in 1989, revised the conditions under which the City was required to carry out competitive bidding for contracts, and revised the process of offering certificates of indebtedness.[57] The second law, in 1990, included a number of changes. Revisions were made to the boundaries of the four wards; the minimum contract which would require competitive bidding was increased again, to $10,000, and a new power was authorized allowing the City to levy a real estate transfer tax.[58]

Milford was again re-incorporated in 1999. The City's territorial limits now include four parcels which had been annexed in the last twenty-eight years, and the four wards are amended to include the annexed land. The provision in this section for adding a fifth ward was deleted, but the possibility was still referred to elsewhere in the law. The City continued to have the ability to annex additional land. The structure of government was now listed as a "Council-Manager" form. Election procedures were now in accordance with state law and include absentee balloting. Eight Council members formed the legislative branch of the government while the Mayor serves as the City's executive. The Mayor presided over meetings of the City Council but has no vote except in the case of a tie. The City Manager continued to serve as the City's Chief Administrative Officer. In describing the City's administrative departments, the Charter included the duties and responsibilities of the City Solicitor, the Police Department, the City Jail, the City Alderman, the Finance Department, the Planning Department, and the City Planning Commission as well as addressing the comprehensive plan and its implementation. The specific powers of the City remained largely unchanged. The limit of taxation for current expenses was to be at a rate which, by estimation, would produce a sum not exceeding 2% of the assessed value of real property. The City continued to be authorized to borrow money with no cap set on the amount of borrowing. Authorizations in the Charter which do not require a special election were the power to re-finance municipal bonds, and the power to borrow on a short-term basis with a pay-back period of up to five years.[59] The 1999 City Charter was revised only once, in 2008, to allow for the establishment of Tax Increment Financing and Special Development Districts.[60]

The most recent re-incorporation of the City of Milford took place in 2010. No longer are the territorial limits described in the Charter; reference is made to maps recorded in the Kent and Sussex County Recorder of Deeds offices. The boundaries of the four wards are also not described with reference made to the "Official Ward Map, Milford, Delaware." In the section in which the wards are described, this Charter specifically references the possibility that the boundaries of the wards could be changed either by the addition of a fifth ward, annexation or reapportionment. The process for annexing land into the City is revised providing a more active role in the process to the Director of the City's Planning Department. The City's election process is governed to a great extent by state law in order to standardize municipal elections. Both the Mayor and Council members continue to serve two-year terms. Meetings to consider ordinances and other actions are held monthly. The duties of the Mayor and Council are not significantly changed, nor are the specific powers of the City. The other parts of the Charter also remain largely unchanged except for being updated with the one amendment passed in 2008.[61]

Over the last eight years, three laws have amended the Charter. The first, in 2011, changed the date of the election.[62] The second, in 2017, contained numerous revisions among which were: eliminating the provision for a possible fifth ward in the section of territorial boundaries; the revision of the procedures on annexation including establishing a process for de-annexation; incorporating minor changes to the election procedures and process; allowing the city to enter into private/public partnerships; allowing the City to organize a fire department or providing funds for a volunteer fire department; allowing for claims of liability in cases of workplace injury; revising the guidance on conflict of interest for City employees and elected officials; providing for the adoption of a code of ethics; revising the procedures for the removal of the Chief of Police; eliminating the position of Alderman; revising the procedures for selling land in cases of tax delinquency; revising the procedures for special elections related to bonded indebtedness; increasing the term for short-term borrowing to five years; and numerous other technical corrections.[63] A law passed in 2018 authorized the City to impose a lodging tax of 3% of the room rent.[64]

For the fully amended text of the current Charter, see http://www.charters.delaware.gov/milford.shtml (http://www.charters.delaware.gov/milford.shtml)

View selected photographs of Milford (https://archives.delaware.gov/digital-archives/photograph-exhibits/milford-photograph-exhibit/)

CITATIONS in *Del. Laws*

[1] 4 *Del. Laws*, c. 40 (1807) [pp. 103-07]

[2] 4 *Del. Laws*, c. 72 (1808) [pp. 725-27]

[3] 6 *Del. Laws*, c. 185 (1823) [pp. 302-03]

[4] 7 *Del. Laws*, c. 202 (1829) [pp. 441-47]

[5] 8 *Del. Laws*, c. 28 (1830) [pp. 54-55]

[6] 8 *Del. Laws*, c. 342 (1835) [pp. 383-84]

[7] 9 *Del. Laws*, c. 317 (1841) [pp. 366-73]

[8] 10 *Del. Laws*, c. 170 (1847) [pp. 165-67]

[9] 10 *Del. Laws*, c. 483, c. 506, and c. 575 (1851) [p. 474, pp. 497-99, and p. 575]

[10] 11 *Del. Laws*, c. 42, c. 48, and c. 97 (1853) [pp. 35-36, p. 47, and pp. 88-89]

[11] 11 *Del. Laws*, c. 264 and c. 290 (1855) [p. 292 and pp. 319-20]

[12] 12 *Del. Laws*, c. 24 (1861) [pp. 33-35]

[13] 12 *Del. Laws*, c. 282 (1863) [p. 301]

[14] 12 *Del. Laws*, c. 578 (1865) [p. 675]

[15] 13 *Del. Laws*, c. 36 and c. 38 (1866) [pp. 32-34 and pp. 37-38]

[16] 13 *Del. Laws*, c. 176 (1867) [pp. 169-180]

[17] 13 *Del. Laws*, c. 481 (1869) [p. 523]

[18] 14 *Del. Laws*, c. 121 (1871) [pp. 146-47]

[19] 14 *Del. Laws*, c. 534 (1873) [p. 588]

[20] 15 *Del. Laws*, c. 163 (1875) [pp. 286-87]

[21] 16 *Del. Laws*, c. 110 (1879) [p. 162]

[22] 16 *Del. Laws*, c. 496 (1881) [pp. 658-59]

[23] 17 *Del. Laws*, c. 185 (1883) [p. 366]

[24] 17 *Del. Laws*, c. 567 (1885) [p. 822]

[25] 18 *Del. Laws*, c. 161 (1887) [pp. 269-85]

[26] 18 *Del. Laws*, c. 174 (1887) [pp. 302-07]

[27] 19 *Del. Laws*, c. 232 and c. 234 (1891) [pp. 460-66 and pp. 467-69]

[28] 19 *Del. Laws*, c. 757 and c. 758 (1893) [pp. 1075-76 and pp. 1076-77]

[29] 20 *Del. Laws*, c. 107 (1895) [pp. 169-70]

[30] 20 *Del. Laws*, c. 543 and c. 544 (1897) [pp. 651-53 and pp. 654-55]

[31] 22 *Del. Laws*, c. 182 (1901) [pp. 372-73]

[32] 22 *Del. Laws*, c. 428 (1903) [pp. 896-99]

[33] 24 *Del. Laws*, c. 210 (1907) [pp. 507-27]

[34] 24 *Del. Laws*, c. 211 (1907) [pp. 528-29]

[35] 26 *Del. Laws*, c. 231 and c. 232 (1911) [p. 530 and p. 531]

[36] 27 *Del. Laws*, c. 241and c. 242 (1913) [pp. 697-705 and pp. 706-12]

[37] 30 *Del. Laws*, c. 141, c. 142, and c. 143 (1919) [p. 319, pp. 320-23, and pp. 324-27]

[38] 32 *Del. Laws*, c. 136 (1921) [p. 407]

[39] 34 *Del. Laws*, c. 137, c. 138, and c. 139 (1925) [pp. 347-49, pp. 350-52, and pp. 353-55]

[40] 35 *Del. Laws*, c. 114 and c. 115 (1927) [pp. 345-46 and pp. 347-50]

[41] 36 *Del. Laws*, c. 174, c. 175, and c. 176 (1929) [pp. 533-34, pp. 535-37, and pp. 538-42]

[42] 37 *Del. Laws*, c. 162 (1931) [pp. 563-604]

[43] 38 *Del. Laws*, c. 111 (1933) [p. 454]

[44] 40 *Del. Laws*, c. 170 (1935) [pp. 645-47]

[45] 41 *Del. Laws*, c. 154 (1937) [p. 452]

[46] 43 *Del. Laws*, c. 171, c. 172, and c. 173 (1941) [p. 752, pp. 753-54, and pp. 755-57]

[47] 44 *Del. Laws*, c. 138 (1943) [p. 452]

[48] 45 *Del. Laws*, c. 184 and c. 185 (1945) [p. 729 and pp. 731-34]

[49] 47 *Del. Laws*, c. 94 and c. 231 (1949) [p. 148 and pp. 478-79]

[50] 48 *Del. Laws*, c. 76 and c. 171 (1951) [p. 169 and p. 496]

[51] 50 *Del. Laws*, c. 134 and c. 135 (1955) [pp. 224-28 and p. 229]

[52] 51 *Del. Laws*, c. 255 (1957) [pp. 531-32]

[53] 51 *Del. Laws*, c. 336 (1958) [p. 728]

[54] 53 *Del. Laws*, c. 224 (1961) [p. 623]

[55] 57 *Del. Laws*, c. 726 (1970) [pp. 2034-73]

[56] 61 *Del. Laws*, c. 156 (1977) [pp. 489-535]

[57] 67 *Del. Laws*, c. 13 (1989) [p. 17]

[58] 67 *Del. Laws*, c. 428 (1990) [pp. 907-10]

[59] 72 *Del. Laws*, c. 148 (1999) [pp. 211-39]

[60] 76 *Del. Laws*, c. 199 (2008) [vol. II, pp. 17-18]

[61] 77 *Del. Laws*, c. 405 (2010) [http://delcode.delaware.gov/sessionlaws/ga145/chp405.shtml (http://delcode.delaware.gov/sessionlaws/ga145/chp405.shtml)]

[62] 78 *Del. Laws*, c. 3 (2011) [http://delcode.delaware.gov/sessionlaws/ga146/chp003.shtml (http://delcode.delaware.gov/sessionlaws/ga146/chp003.shtml)]

[63] 81 *Del. Laws*, c. 136 (2017) [http://delcode.delaware.gov/sessionlaws/ga149/chp136.shtml (http://delcode.delaware.gov/sessionlaws/ga149/chp136.shtml)]

[64] 81 *Del. Laws*, c. 416 (2018) [http://delcode.delaware.gov/sessionlaws/ga149/chp416.shtml (http://delcode.delaware.gov/sessionlaws/ga149/chp416.shtml)]

Delaware Laws from 1935 to present can be found online at: http://delcode.delaware.gov/sessionlaws/ (http://delcode.delaware.gov/sessionlaws/)

RECORDS at DPA

Town/City of Milford records at the Delaware Public Archives include:

- Board of Light and Water Commission Journal (1891-1916) 6140-000-000
- Treasurer's Journal (1881-1936) 6140-000-001
- Alderman's Court Docket (1937-1956, 1958-1963, 1965-1966) 6140-000-002
- Light and Water Commission Ledger (1892-1903) 6140-000-003
- Minutes of the Commissioners/Town and City Council (1867-1902, 1921-2005) 6140-000-004
- Board of Light and Water Commission Minute Book (1891-1898) 6140-000-005
- Board of Light and Water Commission Account Book (1891-1894) 6140-000-006
- Board of Light and Water Commission Annual Financial Reports (1893-1894) 6140-000-007
- Audit Reports (1935, 1946-1947, 1949-1954, 1956-1989, 1991-1995) 6140-000-008
- Scrapbooks (1952-1994) 6140-000-009
- Annual Tax Books (1952-1959) 6140-000-010
- Annual Financial Statements (1952-1962) 6140-000-011
- Planning Commission Minutes (1983-2014) 6140-000-012
- Board of Adjustment Minutes(1953-2008) 6140-000-013
- Waste and Wastewater Project Files (1963-1996) 6140-000-014
- Streets and Storm water Project Files (1963-1996) 6140-000-015
- Electric Department Project Files (1978-1996) 6140-000-016
- Assessment Records (1954-1990) 6140-000-017
- Flood Mitigation Plan (2002-2005) 6140-000-018
- Planning and Zoning Project Files (1997-2004) 6140-000-019
- Subdivision and Annexation Files (1999-2008) 6140-000-020
- Building Applications and Permits (2008) 6140-000-021
- Easement Files (2001-2002) 6140-000-022
- Building Files (1993, 1999-2006) 6140-000-023
- Zoning and Rezoning Files (1998-2005) 6140-000-024
- Voter Lists (1898) 6140-000-025

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FOIA Request Form (http://delaware.gov/help/foia_request.

PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

THE CITY of Milford DELAWARE

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FAX 302.422.1117
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To: Eric Norenberg, City Manager
From: Mark A. Whitfield, Public Works Director
Subject: Sidewalk Inspection Program
Date: October 4, 2018

The Public Works Department has concluded sidewalk inspection on all collector streets and streets serving public schools. As requested by the Public Works Committee, a cursory inspection has been done on all sidewalks within the City.

A copy of the ordinance outlining the inspection standards and the program is attached.

City wide, approximately 3215 blocks have been found deficient. For the area inspected in the Spring 2108, approximately 1820 blocks were found to be deficient. Of those blocks, 185 are the City's responsibility (water meter pits, street signs, hydrants, utility poles, and sewer cleanouts/manholes. Therefore, property owners would be responsible for the repair of approximately 1635 blocks.

In moving forward and because this is an initial inspection, staff recommends property owners where sidewalks are deficient are notified by letter of their responsibility in accordance with the ordinance. A draft of the letter is attached. The sidewalk blocks found to be deficient will be identified on an area map attached with the letter. No deadline will be listed on the letter.

Staff will rebid the sidewalk repairs, listing all sidewalks which are City responsibility as "guaranteed" work. They will include sidewalks that have a water meter pit, utility pole, sewer cleanout or manhole, hydrant, or street sign. Sidewalks on City property identified as needing repaired will also be included.

Formal notices will be sent to the property owners around March 15, 2019. Property owners will have until June 15 to complete the repairs. Repairs not completed by property owner by the deadline, will then be completed by the City in July and August 2019.

Property owner options for repair:

1. Complete the work themselves or hire their own contractor
2. Leave City contractor do the work and City bills homeowner actual cost + 10%

Property owner options for payment:

1. Repair sidewalk themselves and pay for material
2. Pay their own contractor
3. If City repairs, pay the City for contractor cost + 10% in full
4. If City repairs, pay the City monthly over 5 years for the cost + 10% (+ interest?)

5. If City repairs, pay nothing and City files lien on property that is settled when property is sold

The ordinance section195-5 D:

> *Property owners who meet the low-income criteria may apply for financial assistance, provided the City funding is available, for the cost of sidewalk repair or replacement.*

At the present time, no funds have been established, nor has guidelines been established to constitute such assistance.

Sidewalk Repair/Replacement Alternatives

Property owner can:

1. Repair/replace the sidewalk themselves
2. Hire a contractor to repair/replace the sidewalk
3. Contact the City and have the City replace using the City's contractor; City will inspect
4. Do nothing and City will repair sidewalk

City replacement:

1. City's contractor will remove and replace sidewalk blocks and City will complete inspection.
2. City will bill property owner for contractor's cost + 10% to cover financing and inspection fees.

Financing options:

1. Property owner can hire and pay directly their own contractor
2. Property owner can pay 100% of City cost (contractor price + 10%) at time of billing.
3. Property owner can make 60 equal monthly payments, for 100% of City's cost (contractors price + 10%) plus interest.
4. Property owner can pay nothing; City will place lien on property to be satisfied at time of property sale/transfer

Timeline:

March 25-31, 2019 – Notices sent to property owners identifying sidewalk blocks needing repair

June 30, 2019 – Deadline for property owners to have sidewalks repaired/replaced.

July 15, 2019 – Notices to property owners sent of City repair of sidewalks not completed by June 30, 2019

August & September 2019 – City contractor replaces sidewalks not completed by property owner.

November 2019 – Invoices sent to property owners for sidewalk replacements completed by City contractor.

January 1, 2020 – First payments due on invoices.

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 27, 2017

A Meeting of the City of Milford Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, November 27, 2017.

PRESIDING: Chairman Owen Brooks Jr.

IN ATTENDANCE: Committee Members: Councilpersons Lisa Peel and Douglas Morrow

STAFF: City Manager Eric Norenberg and Deputy City Clerk Christine Crouch

Chairman Brooks called the Committee Meeting to order at 6:01 p.m.

Public Works Director Mark Whitfield was also in attendance.

Long Term Vision of Refuse Collection Program and Financing

Public Works Director Whitfield brought the Committee up to date on the solid waste collection and recommendations in terms of moving forward. The manner in which it has been handled in the past has been labor intensive with the rear loader truck using a driver and two employees on the back of each, lifting and tossing trash into the back.

In addition, we were only able to do trash collection once a week and recycling every other week due to time constraints.

In terms of improving service without increasing costs, a new automated truck was purchased which has been operating for seven months. Instead of a three-person crew hoisting cans and bags into trucks, a single driver uses a joystick to make a mechanical claw grab and dump standardized cans. As a result, services were increased by adding citywide yard waste and recycling collection once a week.

As a result, there has been an increase in participation and volume in recycling. Because of the additional recycling, the tonnage requests related to normal trash has been reduced.

Mr. Whitfield stated that another automated truck was budgeted for the upcoming budget year. He noted that an automated truck will not work everywhere within a City so while looking at other alternatives and considering future growth, a split body truck was recommended. The semi-automated truck is used for refuse and recycling and is operated by one employee. The fourth truck in the fleet would continue to be a rear loader which is extremely handy for bulk item collection and as a back-up to replace a truck that has to be taken off the road.

He explained that the cost of these trucks are in the $250,000 range as opposed to the rear loaders that run around $160,000 which roughly last eight years. In terms of labor, the two rear loaders have required six full-time employees though that is reduced to three full-time employees under this plan. As a result, the cost savings over that eight-year time frame will be approximately $1 million.

While the vehicle is much more expensive, the result is a savings in manpower and better service for our residents by offering more frequent yard waste and recycling collections. The convenience has already created additional participation by our customers.

Chairman Brooks confirmed the City will have three trucks, one of which will be used as a backup.

Councilman Morrow confirmed the additional overtime being paid to our solid waste employees are calculated into the savings.

Mr. Whitfield also shared that the backup staff on the solid waste trucks actually came from the Street Department. As a result, their labor was not charged to the refuge account though it would have been helped had that been added. Employees in the Street Department are paid from general fund dollars though in this situation, were working in the Solid Waste

Department. In moving forward, he wants to assure the true costs of collection are captured.

Chairman Brooks again expressed concern about the safety of the solid waste employees on the back of the trucks at 5:00 p.m. in dark and rainy conditions. He noted that Tenth Street is a racetrack and drivers were not slowing down even with the presence of the truck and employees.

Mr. Whitfield pointed out that moving to an automated truck will eliminate employees on the back of the truck as is needed on a rear loader. Chairman Brooks pointed out that he has observed the automated truck actually slow speeding vehicles down.

Councilwoman Peel recalled a previous discussion when there were several vacancies in the Solid Waste Department. He confirmed that is still true and the number of employees has been reduced by half.

Mr. Whitfield confirmed that no one will be laid off and several employees will be repositioned as our needs change.

Councilman Mergner arrived at this time.

Recommendation on Purchase of New Refuse Truck

The following memo was included in the packet:

The Public Works Department requests the Public Works Committee consider a recommendation to purchase a new refuse collection truck used by the Solid Waste Division. The truck will be used for the collection of refuse, yard waste and recyclable materials.

The proposed truck is a one-person automated collection vehicle, which allows customer containers to be emptied using a hydraulic arm operated by the vehicle driver, similar to the vehicle purchased earlier this year. The unit will allow for the efficient collection of refuse, yard waste and recyclable materials using a single person.

The proposed change in the type of vehicle has numerous advantages over the present system of using three people (a driver and two collectors) on a rear loading refuse truck. The unit also allows for the safe collection of materials since there is no human contact with the container. The unit eliminates lifting of containers, exposure to dust, needles, and other potential hazardous materials, exposure to weather, traffic hazards, etc. The efficiency will eliminate the need to fill two present vacancies in the Solid Waste Division.

The present unit will replace a 2005 International with a Leach rear load refuse body. The unit has over 18,450 engine hours, 110,334 travel miles and the body is rusted out. A like kind replacement (rear-loader on a tandem axle truck) unit would cost about $160,000. The proposed automated replacement unit was budgeted at $227,000 in the 2018 Budget.

Staff recommends the purchase of a G S Product CS9133 CollectStar Auto Side Loader body on a single axle Peterbilt truck through Hunter Truck Sales & Service, Inc. at a price of $255,865.60. The purchase can be made through the National Joint Powers Alliance Contract (NJPA).

The purchase price of $255,865.60 is $28,865.60 over the amount budgeted for the unit. Staff recommends using $24,450 which was budgeted for downtown containers (the City received a grant to cover this cost) and $4,415.60 from the container line item to make up the shortfall for the purchase. Because of the favorable quotes on container replacement, staff anticipates a savings within this line item.

The proposed unit was evaluated by the present operators, who took into consideration needed changes from the unit which was purchased earlier this year. Their 6-month experience yielded some recommended changes.

The price of the vehicle is higher than originally budgeted and anticipated due to the need for a cab-over configuration for the vehicle. The cab-over allows for a tighter truck turning radius, allowing for better maneuverability. Additionally, the cab-over feature allows easier entry/exit for the driver. Due to the multiple times of exiting and entering the truck during the work day, the cab-over not only provides a safer means, but also allows for better time efficiency and less wear and tear

on the driver.

Specifications for the truck and refuse body are attached, as well as the requirements for joining the NJPA cooperative purchasing alliance.

Mr. Whitfield recommends the replacement of the refuse truck, and the purchase authorization through the National Joint Purchase Alliance (NJPA) to City Council. Item to be added to the December 11, 2017 meeting.

Councilwoman Peel moved to authorize the matter be placed on the December 11, 2017 City Council agenda, seconded by Councilman Morrow.

Sidewalk Inspection/Improvement Program for 2018

The following memo was included in the packet for Committee review:

The Public Works Department Engineering Division is planning to conduct a sidewalk inspection program beginning in 2018.

Preliminary Inspection

Presently, the Engineering Assistant is conducting an assessment of the present condition of all existing sidewalks within the City. Based on this assessment, a dollar value can be placed on the potential replacement of sidewalks. This will allow staff to evaluate the scope of repairs, both in terms of volume and dollar value, needed to bring sidewalks up to standards as set forth in the Sidewalk Ordinance.

Inspection Program

Staff proposes to begin a formal inspection process in late spring. First priority for inspection will be:

2018:
1. The Downtown Development District;
2. Collector streets (Walnut, Marshall, SE Front, Causey, Lakeview, Seabury, Washington, McColley, North, and Church);
3. Streets used for school access (SE Third, SE Fourth, SE Fifth, Bridgeham, NW Fourth, NE Tenth, and Buccaneer)

2019: Remaining sidewalks not covered in Year 1, in Ward 2

2020: Remaining sidewalks not covered in Year 1, in Ward 3

2021: Remaining sidewalks not covered in Year 1, in Ward 1

2022: Remaining sidewalks not covered in Year 1, in Ward 4

Future Years: Complete inspection in one ward each year; with every ward completed once every four years.

Funding Options

In accordance with the Ordinance, the property owner is responsible for the repair, maintenance and replacement of the sidewalk adjacent to their property. The City may elect to replace the sidewalk along properties where owners fail to complete replacements in a timely manner, and place a lien on the property for the work. This however ties up City funds, potentially for a long period of time, until the property is sold.

There are several funding considerations Council may want to consider in moving forward.

Revolving Loan Fund - Council may elect to set aside reserve funds for maintenance and repair and allow property owners

to borrow funds with a 3-5 year repayment schedule at no or low interest. Place lien on property until loan is repaid.

Public Works Projects - On streets identified as needing to be repaved, deteriorated curb will also need to be replaced. In many cases, curb abuts the sidewalk, and the curb replacement will necessitate sidewalk replacement. This work will be completed by the City. Sidewalk repair should not be identified on streets where a public works project is planned within the next five years. Sidewalks not needing to be replaced due to curb work could be identified, and the property owner could elect to piggyback on the public works project to have their sidewalk replaced as part of the project, or elect to replace on their own within one year.

Community Development Block Grants, Community Transportation Funds or other Grants - In areas of low income properties, investigate the possibility of obtaining state or federal monies for assistance.

Sidewalk Replacement Project - The Public Works Department would identify all needed repairs and obtain a price from a contractor to complete all work. Property owner could elect to have City replace the sidewalk under that contract, or complete on their own. Property owners would be billed for the work and would include the City's overhead and project inspection costs.

Next Steps

Complete inventory of sidewalks for extent of repairs needed

Decision on funding options

Budget funds for 2018

Begin formal inspection in July 2018, with replacement by property owners within 90 days of notification.

As proposed, this will create a four-year program and provide a break for residents who may need an annual expenditure to repair sidewalks. In addition, covering the entire town with one inspector in one year is nearly impossible. Breaking it out into wards makes it much more manageable for the residents.

Chairman Brooks confirmed the homeowners will continue to be responsible for their sidewalks because the City does not need that responsibility. He agrees this program is badly needed throughout the City.

Councilwoman Peel reported that a number of residents complain to her about the condition of their sidewalk even though it is their responsibility. She does not think most people understand that the sidewalk conditions are their responsibility. The Councilwoman feels if walkability, bikeability and safer passages downtown are going to be priorities in our strategic plan, she recommends the City create some sort of campaign to educate them. She does not want the City showing up at someone's house to fix a sidewalk, only to learn later that resident is also being billed.

Mr. Norenberg pointed out there is a notification process required in the Code that would occur before any repairs would begin. They also talked with the media to inform them of several of these projects though he agrees that public education is important.

They also understand that a homeowner may want to do something differently. For example, if the City inspected ten sections of sidewalk and four or five were repaired or replaced, someone may prefer to do their entire sidewalk versus piecemealing the repairs.

The City Manager also pointed out that financing is not something the City wants as a first choice, because of the time it takes to recover. They have not yet identified how to determine low-income criteria for financial assistance, in addition to the percentage, payback period, etc.

Councilwoman Peel has heard multiple complaints through the Community Conversations though it is identified repeatedly

as a concern and priority.

Councilman Morrow asked how the City plans to address what has been done in the past and what is being considered now. He agrees the City has wrestled with this for at least twenty years though we never really followed through unless it was a complete street project with curbs and sidewalks repaired at the same time. The last project he recalled was on Southeast Front Street.

The Public Works Director explained that one of the things looked at as part of the capital improvement plan will be prioritizing streets where work is needed. Prior to that resurfacing, he recommends replacing any bad curbing along the street. When the curbing is adjacent to the sidewalk, the City has no recourse but to replace the sidewalk block. If there is a grassy area between the curb and the sidewalk, then the sidewalk does not have to be disturbed. However, a resident with a bad sidewalk against a bad curb, would be the City's responsibility.

He further stated that he does not want to identify sidewalk blocks to be replaced, only to find out three years later the City has to tear up that new sidewalk to replace the curb. As a result, the curbing and sidewalk projects need to be coordinated.

Mr. Norenberg agreed he has heard from a few residents that the City was able to get grant funds from the State or Federal government in the past to do some enhancement programs. In those cases, there were no City dollars used and instead was other government money. For example, there was a decision made at the time by Council that it was important for downtown redevelopment and such funds were accepted and invested. Those property owners received the benefit as a result.

Only outside funding would be eligible for ADA ramps that need to be included at intersections and in particular, where crosswalks are needed. There are a number of intersections where crosswalks cannot be added because the ADA ramps do not meet code. In such situations, CDBG funds could potentially pay for those ramps with the hope of acquiring federal funds through the County to complete the projects.

Councilwoman Peel asked if there is funding available for walkability to encourage residents to use less vehicle transportation; Mr. Norenberg is unaware of funds for that purpose. He is aware of the Safe Routes to School funding which is designed to fix or create a sidewalk where there are gaps children need to walk. They will continue to work with the school district to identify those though in most instances it has been used mainly for infill where sidewalks gaps exist.

Mr. Whitfield announced that one of the areas being considered was the cemetery property particularly after considering the amount of foot traffic on the North Walnut side where there is no sidewalk. That would be an appropriate place for Safe Routes to School.

Councilwoman Peel feels that a crosswalk on Tenth Street over Rehoboth Boulevard to get to the high school should also be considered.

Chairman Brooks prefers the entire Council make this decision.

Mr. Norenberg hopes that Public Works will be able to bring recommendations on capital improvements earlier than the normal budget cycle and address the operational portion in May and June. He prefers discussing the capital improvement planning, including streets and sidewalks, in late winter/early spring.

Councilman Brooks said he has always complained that the City spends millions of dollars and there should more than two nights of budget hearings.

Mr. Norenberg encouraged the Committee Members to get in touch with him should they have any additional questions.

Review Potential Parking Lot Layout for City Hall Parking Lot and City Parking Lot at Northeast Front Street/Denny Row

The Public Works Director then informed the Committee that they have reviewed some of the parking in the downtown areas. In particular, improvements in terms of the number of spaces, as well as the circulation and maneuverability, in and around

MILFORD CITY COUNCIL
MINUTES OF MEETING
April 16, 2018

A Meeting of the City of Milford Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, April 16, 2018.

PRESIDING:	Chairman Owen Brooks Jr.
IN ATTENDANCE:	Committee Members: Councilman Douglas Morrow and Councilwoman Lisa Ingram Peel
	Council Member Katrina Wilson
STAFF:	City Manager Eric Norenberg and City Clerk Terri Hudson

CALL TO ORDER

Chairman Brooks called the Committee Meeting to order at 5:33 p.m.

Public Works Director Mark Whitfield and City Engineer Erik Retzlaff were also in attendance.

NE & NW Front Street Sewer/Water Improvement Update

Public Works Director Whitfield advised that he is meeting with DelDOT next week with regard to the Streetscapes Project. The City's goal is to get any work on water and sewer lines completed before that project begins. All sewer lines have been televised and the Department is aware of a few lines that need to be addressed.

Professional Engineer Jason Loar of DBF confirmed the sewer line on Front Street has been televised and a majority of the work will involve a lining project. However, there is a section that needs to be replaced with a traditional open cut. The plan is to work on it this fall after the tourist season.

The water line project is ongoing and a majority of the line is asbestos or old transite pipe. One concern is the lack of room in the road to physically get in and repair it though it will be worked out with DelDOT.

Sidewalk Inspection/Improvement Program Update

Mr. Whitfield reported the goal is to have the inspection work completed by the beginning of May. The downtown area is completed and they are working on those routes that lead out to the various schools.

The intent is to provide letters to the residents on May 18th and provide approximately 90 days to complete the work (end of August). Three quotes will be obtained from contractors to provide residents to give them an idea of the per square block basis if the City were to handle. Any work not completed by the homeowner by September will be done by the City.

Councilman Brooks confirmed that the residents are responsible for the repairs until August, at which time the City will perform the work. Public Works Director Whitfield agreed reiterating residents will have until the end of August to have the work done by themselves. After that, the City will do the work and bill the property owner.

Councilwoman Peel recalled that when this was discussed during previous meetings, it was recommended that subsequent warnings should be provided to residents to ensure they understand they are accountable for the sidewalks. She is unsure if that was done.

Mr. Whitfield stated that would be included in the letter though presently there are no plans to give advanced notices even that it can be done.

The City Manager referenced several recent articles related to the sidewalk project.

Committee Members agreed with Councilwoman Peel that it would be an abrupt approach without providing more than a three-month warning.

The Councilwoman believes that homeowners do not understand that sidewalks are their responsibility though she would like to think everyone reads the paper and is well informed. However, last week she attended the candidate forum and found that is typically not the case in Milford.

Mayor Shupe agrees the majority of people are unaware of that responsibility.

Councilman Brooks asked how money is in the sidewalk account and how much the State of Delaware contributed; Mr. Norenberg explained that we don't have money from the State in a sidewalk account. When they talked about the Capital Improvement Program at the last meeting, it was recommended money be identified as part of the capital appropriation for next year to cover any costs associated with sidewalk repairs that will have to be financed. That would allow property owners the option of paying for it over time and this will allow funding to pay the contractor invoice after which it would be reimbursed.

In addition, Mr. Norenberg explained we have curb cuts and ADA improvements that will have to be budgeted. However, most of the work will fall in next year's budget.

Councilwoman Peel feels that our residents truly do not know sidewalks are their responsibility. If they were aware of it, she believes that most homeowners would complain about that.

City Manager Norenberg confirmed that the Committee is suggesting a letter be mailed to those property owners in need of sidewalk repair informing them the City will be doing this project and that a certain time will be given before the City comes in and makes the repairs.

Mayor Shupe recommends having a public meeting just about the sidewalk program. Councilman Morrow feels this involves one of the many ordinances that have not been enforced over the past thirty or so years. He agrees that a pre-notice may help in this situation. Once the inspections are completed, he recommends it be presented to City Council in a workshop with a more complete report and then Council can decide how to proceed.

Councilman Brooks compared his situation whereby he has sidewalks though none of his neighbors have sidewalks. It would be unfair for the City to tell him he has to repair sidewalks because the other neighbors have no problem because the sidewalks do not exist on their property.

Councilman Morrow asked about property owners that do not have sidewalks that should have sidewalks which is another Ordinance the City has not enforced for at least two decades. Public Works Director Whitfield explained the intent of this project is to repair what already exists.

Councilwoman Peel recalled that the Public Works Director had previously indicated the cost was not as much as anticipated and suggested the mean costs be compared to what the residents are expecting to pay; Mr. Whitfield said that can be done and recalled that a cursory review of all sidewalks was done. That resulted in a rough estimate of just less than $250,000 and included the repair of all deficient sidewalks. This project begins with only a small segment. He emphasized that this does not include the areas where sidewalks do not exist.

Councilwoman Peel is concerned it will appear we are again burdening the landlords because if all their properties are in one area being repaired, they could end up being responsible for a large amount of money. The other issue is that people will ask why the City wants them to pay to fix their sidewalks when there is no code enforcement. That will especially be the case if there are trash issues in the neighborhood and the questions will be why repair the sidewalks.

Councilwoman Peel only suggests getting in front of those type issues before we actually begin this process.

Mayor Shupe recommends a final and accurate report be discussed in a public workshop so residents truly understand the

need. Councilman Morrow agrees that Council needs to understand how big the problem really is.

Councilwoman Peel referred to the delinquent tax accounts over the past twenty years and wonders if the City is able to absorb that in the City budget.

Mr. Whitfield reported that he will have a much better handle on this by the middle of May in terms of how bad it is, the areas inspected and projected costs. He explained he has handled in this two manners in the past–over a one-year period or a three to four-month period. The problem with one-year period is that a lot of people end up forgetting and will need another reminder which adds to the time line.

Mr. Norenberg pointed out that most properties are not going to have more than maybe a few sections of sidewalks that need replacing and very few where a lot of work is needed. However, a lot of homeowners prefer to repair the entire sidewalk just to make it look neater and more uniform. For that reason, a lot of people will have their contractor do the work.

Councilwoman Peel recommends that we get in front of how we are presenting the information; otherwise we will either slow it down and have to work educating more people to prevent having another argument about changing the code with regard to responsibility.

The City Manager said if Public Works Director is expecting to send letters on May 18th, he recommends Council have that meeting the previous Monday and provide the update.

Mr. Norenberg also advised that if the City handles it, there will be a lower cost because of buying in bulk and economies of scale. They could either pay at that point or pay over a period of five years, which is a pretty generous payment plan.

Councilwoman Peel stressed that also impacts a household budget for the next five years.

Mayor Shupe prefers to have the numbers in hand before we proceed with anything.

Councilman Brooks noted there are also a lot of problems with tree roots that create sidewalk issues. In those situations, there is the cost of the tree removal cost in addition to the sidewalk repairs. He said the tree removal alone is approximately $1,000.

It was agreed to discourage removing trees in the City. Mr. Whitfield then discussed a number of ways to address tree roots.

Councilwoman Peel asked the plans for Walnut Street noting there are a number of trees that are 100 years and older. That creates a roller coaster type effect on the sidewalk and asked if those situations were considered during the inspection.

Mr. Retzlaff then explained that involves more of a need to enforce the current City code and specifically identifies certain areas where the roots cannot be removed and the sidewalk rerouted around the tree. When asked who incurs the cost of the sidewalk and the arborist in these cases, the City Manager explained that it depends on the location of the tree in relation to the sidewalk. If it is on the curbline side, that is the City's responsibility. Fortunately, all those items are spelled out in the Code.

Councilwoman Peel feels that we are moving through the process fairly smoothly and she is still very much in favor of it. She agrees with what is needed though she wants to make sure we are cautious when presenting the information, which can undo a lot of work that has already been completed.

When Councilman Brooks questioned why his newer sidewalk flakes, Mr. Whitfield stated that it was most likely never sealed properly. Councilman Brooks pointed out it was a City Project and asked if the City was responsible because they paid for initially. Mr. Whitfield stated that as a homeowner, he always took care of his own sidewalks. He explained there are a lot of reasons that concrete can flake and some of it is the iodination of the stone though it can also be the way it was finished.

Councilman Brooks explained that after the City installed sections of sidewalks, including handicapped ramps, to Northeast Tenth Street, they began to flake after salt was put down after a snowstorm and asked if the City or the homeowner is responsible. Mr. Whitfield explained the City or DelDOT is responsible for the handicapped ramp and the property owners are responsible for their adjacent sidewalks.

When asked for a rough estimate of repairs for individual homeowners, Mr. Whitfield said that one sidewalk block (5x5 square) is roughly $175. Mr. Norenberg added that two sidewalk blocks would cost $350 or $5.83 a month for the homeowner under a monthly payment plan.

Refuse Collection Program Update

Mr. Whitfield reported that the second automated refuse truck has been in operation since February. The cost of labor is down as was predicted.

He also noted the amount of recycling materials has increased significantly this year.

Overall, the cost of operations is below the past few years even though the number of customers continue to increase.

Councilman Brooks said that China is no longer taking recycling and asked the status; Mr. Whitfield explained that DSWA (Delaware Solid Waste Authority) continues to review that matter and is reviewing other markets they are able to sell those materials to.

Councilman Brooks said he can hear the brake pads on the new trucks when they are down the street and asked how long they last. The Public Works Director said he is unsure of that though Councilman Morrow agreed with Councilman Brooks when asked. Mr. Whitfield explained they have an automated braking system though he will look into that adding that generally, trash trucks last about eight yeas and are one of the most used vehicles within the fleet.

Councilman Brook is pleased they will be good for at least another six to seven years.

Southeast Regional Pump Station Update
Shawnee Acres Pump Station Update

Public Works Director Whitfield reminded Committee Members the Southeast Regional Pump Station will serve the hospital once t is operating. The project is nearing completion.

The Shawnee Acres Pump Station is as important because the Southeast Pump will actually pump into it. Therefore, it will need to be replaced fairly rapidly.

DBF's Jason Loar reported there is some minor site work that needs to be completed, including fencing, driveway, entrance and some troubleshooting with regard to an operational item. However, he expects it will be completed in the near future.

Mr. Loar noted the project is above the original cost estimate so there will be an additional invoice to the developers sharing costs, including Bayhealth. That will be mailed once the project is complete.

Shawnee Acres Pump Station needs to be completely replaced due to the additional flow and development in the area. After it is permitted, construction should begin this fall. At a minimum, the contractor will be responsible for any additional flows once Bayhealth goes on line next year though the goal is to have it completed at that point. Right now they are working through some electrical issues though they plan to meet with residents in the area to ensure they are aware of what is occurring.

Councilman Brooks confirmed the City still has an agreement with those users about how the money will be handled. Mr. Whitfield stated that they were reviewing the additional flow and could possibly create a separate sewer district for those properties not identified in the initial service area and any new properties added on though that involves a different tapping

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 11, 2018

A Meeting of the City of Milford Finance and Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, June 11, 2018.

PRESIDING:	Chairman Douglas Morrow
IN ATTENDANCE:	Committee Members: Councilman Mike Boyle and Councilwoman Lisa Ingram Peel
	Mayor Arthur Campbell
STAFF:	City Manager Eric Norenberg and Deputy City Clerk Christine Crouch

CALL TO ORDER

Chairman Morrow called the Committee Meeting to order at 5:37 p.m.

Public Works Director Mark Whitfield, City Accountant Suzannah Frederick and IACP Fellow Evan Miller were also present.

Call to Order - Chairperson Doug Morrow

Unfinished Business

Solid Waste Code Updates, Procedures and Fees

City Manager Norenberg provided some background about the date, noting this discussion began last April. There was some feedback from the Committee and Councilmembers that were present at that time. Those changes has now been incorporated into the proposed ordinance.

Public Works Director Whitfield provided two versions of the Solid Waste Code in the packet, one with the proposed changes incorporated and the other showing the strikeouts and additions.

Changes to the Code include:

1. The Code should cover the policies for the collection of Solid Waste as well as the Fines and Fees. For that reason, we recommend removing all Rules and Regulations from the Code. Rules and Regulation may change from time-to-time and they should be the responsibility of the Manager to oversee.

2. Establish a Schedule of Fees and Fines. Because fees and fines may change on an annual basis, creating a Schedule of Fines and Fees would allow Council to change fees and fines by Resolution, rather then making a Code change.

3. Eliminate nuisance fines that are difficult to collect, such as leaving containers on the street for extended periods of time. Instead, Customers who leave containers on the street may be charged a per day fee after an initial warning.

4. Reduce the fee for second refuse and yard waste container. Overfilling containers or leaving excess materials beside the container has become an on-going issue. Most customers do not choose for a second container due to the excessive cost. Additionally, the present charge for the second container is not justified. By reducing the fee for the second container, a number of unsightly and collection issues can be resolved by making the charge more affordable.

Additionally, staff is recommending the following changes based on previous input from the Public Works Committee:

1. Licensing and registering of private haulers. Staff recommends private haulers collecting solid waste and recycling from properties within the City be licensed and vehicles be registered. As part of the licensing procedure, staff can receive reports on participation of businesses for waste removal as well as recycling materials. Each collection vehicle will be registered with the City.

2. Alternative collections. Staff receives requests for "at-door" service from a number of businesses. For those customers, leaving containers at the curb for collection is often times impractical.

3. Downtown collection. Staff recommends the Committee consider a requirement that containers must be removed from downtown streets prior to 10am on the date of collection.

4. Creating a rate for dumpster container services. Circumstances exist that it may be more practical to collect waste using a dumpster container, rather than 90-gallon container.

5. Contamination. This has become a major issue, particularly with yard waste and recycling. Excessive yard waste in a refuse container (more than 10% of total truck load) is also consider contamination. Cost to the City for a contaminated load of yard waste or recycling materials can be as much as $1000 per truck load. Refuse trucks found with more than 10% yard waste are turned away from DSWA, and City staff must dump the load at the Public Works facility and remove the yard waste prior to returning to DSWA. Staff recommend that yard waste and recycling containers found with contamination be removed from service. Additionally, any truck load found to be contaminated, and the source of contamination can be identified, that the customer found to be the violator be required to pay for the contaminated load and any costs borne the City.

6. Providing for a medical exception. Staff recommends that folks who receive a medical exception from a physician, be exempt from placing containers at the curb. No additional fees would be charged for this service.

7. Provide for a fee to be charged for container(s) left at the curb in lieu of confiscating container.

Councilman Mergner arrived at 5:45 p.m.

Mr. Whitfield further discussed the medical exception involving residents who are physically unable to get items to the curb. Presently, our crews provide this service as a courtesy for a handful of people. However, this would provide a similar exemption as is provided for in the electric code. Upon receipt of the physicians' verification form, the City would provide that service at no charge.

He also recalled the discussion about containers that are left at the street. The Committee recommended a fee be charged for that versus trying to fine those customers, based on the amount of work required should a fine need to be assessed. The recommendation is after the first notification, anyone leaving a container on the street will be charged up to $5 per day.

In addition, all the fees have been removed and placed in a separate fee schedule.

He also provided some collection rate comparisons of some of the private haulers in the area. The Public Works Director feels the City provides a very good service in comparison to the fee charged in comparison to the private haulers in the area. The closest provider charges $1 less per month, though they also provide $9.25 per month for a yard waste container for every other week collection. In Milford, there is no additional charge. In addition, their recycling is only collected every other week versus the City's weekly collection.

Mr. Whitfield emphasized that no rate increases are recommended at this point. The only change is an additional trash container and that fee will be reduced from $20 to $5 per month.

He noted that bulk item and brush collection will remain the same allowing two free collections per year and does not believe we have had any customer request more than two collections. There have been some house cleanouts that involved a lot

of brush or household items though those residents were willing to pay the City to pick those items up.

A review of the those items that remain that same was also supplied.

Mr. Whitfield referred to the Solid Rules and Regulations established by the City Manager.

The City Manager recommends one form that can be used for multiple needs, whether electric or solid waste, or both to prevent creating extra forms.

He also noted that several of these changes are based on feedback received from customers over the past year, including the fee for the additional container and a rental process that may be vacant for several months due to renovations. Thereby, the suspension of service and fees work for that situation as well.

When asked how the City will monitor the $5 fee per day for containers left on the sidewalk, Mr. Whitfield said it will have to be required and is an enforcement issue in terms of the code official who would observe and monitor it until such time it is removed. Mr. Whitfield is hoping that after the few residents who are habitual offenders, are assessed the $5 fee per day, that issue will eventually take care of itself.

Mr. Norenberg announced that one warning notice is mailed for grass/weed issues in which they are given five days to comply. He also hopes that new fee will have some impact though he still needs to consult with our City Solicitor to ensure due process is provided and we are handling legally. The one warning is the first notice mailed that season and not each time it has not been properly maintained.

The Committee in agreement with the proposed changes, motion made by Councilwoman Peel, seconded by Councilman Boyle, based on the recommendation of City Solicitor. Motion carried.

Sidewalk Maintenance Program

Mr. Norenberg stated that the Public Works Director have looked at this program based on the comments from the last Public Works Committee meeting in April.

The Public Works Director recalled that at the last meeting, the Committee had asked how bad of a problem there is. As a result, a cursory review was done on all sidewalks within the City. City wide, approximately 3,215 blocks have been found deficient. At a replacement cost of about $200 per block, a total value of sidewalks that need to be replaced would be $643,000. If 25% of the City was addressed each year, approximately $160,750 would be needed on an annual basis.

Highlighted are collector streets, as well as those that service public schools which is more than 25% of the City. Roughly 2,000 sidewalk blocks need replacing in this area and equates to approximately $400,000 the first year. However, that number can be reduced if that is the wish of Council.

The Public Works Staff recommends property owners where sidewalks are deficient be notified by letter of their responsibility in accordance with the ordinance, and a public meeting scheduled in July. Formal notices would then be sent to the property owners after the public meeting around the beginning of August. This will give property owner until the end of October to complete the repairs. Repairs not completed by the deadline would be completed by the City in April and May 2019.

Mr. Whitfield noted that the ordinance provides ninety days to comply. By handling in this manner, would provide almost a year as was suggested at the previous Committee meeting.

Councilwoman Peel very much appreciated Mr. Whitfield listening to the Committee's concerns. However, she has some suggestions regarding letter. The end of the initial letter sounds much more inviting and recommends more of an introduction of the sidewalk repair program, before the ordinance is addressed. She recommends that language at the end of the letter

be moved to the top, followed by an invitation to the hearing and then a better description of the program.

Mr. Whitfield noted that the pamphlet was put together fairly quickly and will still needs to be edited though he is open to any recommendations. In addition, it can be included with the first and/or the second letter.

Another concern expressed by Councilwoman Peel was the lien on the property for nonpayment being mentioned. She understands this would attract residents to the public hearing and she would rather focus on a more positive perspective first.

Other than those recommends, she feels this is good and time line fits. She agrees the 90 days provides a sense of urgency but at the same time with weather conditions and other issues, the repairs may not be done until the spring.

Also suggested in the second letter is that the property owner was given an opportunity for a public hearing.

Mr. Norenberg explained that this would not be a formal public hearing session, though it will provide an informational session during which time they will be able to talk with staff about their individual situation. He recommends it be scheduled between 4:00 p.m. to 7:00 p.m. and will not be structured in formal hearing manner with comments being included in the official record.

He feels this will provide a more comfortable situation for people to ask questions and receive answers versus sitting through a three-hour meeting.

Chairman Morrow agreed with the City Manager and believes that will attract many more residents than turning this into a formal meeting where people would talk about their concerns. Councilwoman Peel agrees and likes the idea of an open house atmosphere.

The Councilwoman likes the idea of informing them this is their responsibility in a much more friendly and open manner.

Councilman Boyle recommends adding a specific number for those residents to contact with questions or concerns versus being frustrated when they call the wrong number. In that manner, the City will have someone dedicated to address the ordinance, why it is in place and any options the homeowner may have.

Prior to the second letter being issued, Mr. Whitfield prefers to get a price and bid out what a contractor would charge to perform all the sidewalk improvements so residents have a dollar amount to shop around with. He noted that a number of homeowners prefer the City handle so they don't have to deal with it.

Councilman Boyle feels that announcing the possibility of the five-year payment will result in a lot of homeowners wanting the City to take care of it on their behalf.

A motion was made by Councilwoman Peel, seconded by Councilman Boyle to proceed with the Sidewalk Repair Program and present to City Council. Motion carried.

New Business

CIP/PW Facility HVAC and Breakroom Expansion

Public Works Director Whitfield reported that there are two projects that he was unable to discuss during the budget process. One they feel is critical and the other a necessity and could be deferred.

The HVAC system at Public Works is the original system that has a number of problems. They brought in a specialist last year to evaluate it and what was needed to improve the humidity situation being the primary issue. He provided a price range of $174,000, $310,000 and $606,000.

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 13, 2018

A Meeting of the City of Milford Finance and Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, August 13, 2018.

PRESIDING:	Chairman Douglas Morrow
IN ATTENDANCE:	Committee Members: Councilman Mike Boyle and Councilwoman Lisa Ingram Peel
	Mayor Arthur Campbell
STAFF:	City Manager Eric Norenberg and City Clerk Terri Hudson

CALL TO ORDER

Chairman Morrow called the Committee Meeting to order at 5:33 p.m.

Public Works Director Mark Whitfield was also present.

City Manager introduced DEMEC Vice President Scott Lynch who was in attendance to explain the Demand Response program in the City and the proposed exclusive arrangement.

DEMEC Demand Response Exclusivity

Mr. Lynch explained that demand response, by definition, is measurable reduction of electric usage in response to market conditions. When the price of electricity is very high, DEMEC makes calls to have large load customers reduce their load so that the price of electricity that is being paid in the future will be lower.

He shared there are several win-wins for being a part of the program and can provide customers money or actual compensation, for performance. It provides a savings to the utility by reducing the higher priced electric costs after which those savings are passed onto their member/municipalities. It helps with greater liability and also environmental stewardship.

With demand response, there are automatic load drops, energy management systems, lighting systems, backup generation, etc. All of those means are employed throughout the State of Delaware and the Country as a way to shed load when needed.

Mr. Lynch explained that DEMEC has been an exclusive provider since 2012 when the program was started. Seven of the nine DEMEC members currently have an exclusive arrangement with DEMEC meaning they are the provider of the services. The program has been very successful and presently there is, they are ten megawatts of capacity enrolled. Since 2012, DEMEC has given back $1.6 million worth of incentives.

He stated that there is an administrative component of running the demand response programs. With various providers in the City, they are putting a demand on City's resources to provide data and to obtain approvals which require staff time and effort to acquire that data, particularly when working with multiple customers.

Mr. Lynch shared that when this program was started in 2012, they were looking at ways to benefit their customers. They established a partner as a result which was originally Comverge, who is now Cpower. DEMEC negotiates a higher incentive level each year. He explained that when customers participate in demand response, there is a 100% incentive. The curtailment service provider, which is the company actually making the calls to help the customers participate, make money by having a split of the incentives. A customer in DEMEC's program receives 78% of the 100% of the incentive and the other 22% goes to the provider/contractor.

This could be a much higher incentive when compared to other municipalities and throughout the country. He noted that generally the rates are less favorable with most at 75% to the customer and 25% to the provider and that number decreasing.

For example, some programs are at 60/40 or 50/50, and in some cases that has been reduced all the way down to a 40% splits for the customer.

The third benefit is lower wholesale costs. Most demand response providers have found they participate mostly in an emergency event call, meaning the grid is very constrained and before a possible power outage, demand response is called with the customer responding.

He shared that over the past four years, there have not been any emergency calls and only one-hour test events to ensure compliance. This has been referred to the 'free money program', meaning you only have to work one hour of the year and you get paid all of your money. Working the one hour a year does nothing to help lower the wholesale cost of electricity to the City of Milford or its customers.

He stated that DEMEC, on the other hand, does issue non-emergency calls. In advance of days that the temperature is expected to be extremely hot, they try to shave the peak. The demand of electricity is very high at those times which results in the price of electricity being very high. DEMEC makes calls throughout the year, mostly during the summer, to try and shave those peaks off. Shaving those peaks this summer saves money next year which is referred to as mitigating the future cost of electricity.

The exclusivity saves the City and customers money because DEMEC makes the calls, according to Mr. Lynch.

DEMEC's partner, Cpower, has been in the business for a very long time providing demand response services. This is their primary focus and what they do and are good at it. Mr. Lynch pointed out that in speaking with other customers, their curtailment provider (contractor) has not been that concerned about whether or not they could actually achieve an emergency call if called. Many customers feel they can only do the one hour call and are comfortable with that. With Cpower, they actually evaluate the participant's ability to perform when called. To accurately understand the expectations of the program, the need to ensure that participant is actually able to reduce load when needed. With that additional evaluation, they spend a lot of time disqualifying potential participants, versus qualifying them. Their goal is that the City of Milford and DEMEC have customers that can be counted on.

Mr. Lynch makes the following recommendations:

The City of Milford grant DEMEC exclusivity beginning June 1, 2019 (program year begins June 1st).

The City of Milford Demand Respond Participants not enrolled with DEMEC as of June 1, 2018, will be granted an exemption to exclusivity, if they continue using their current curtailment service provider and only until the end of the participant's contract, per the terms effective June 1, 2018 (participants in a contract with a curtailment service provider could remain in that contract as long as they stayed with that provider until their current contract term ends).

If a customer wants to enroll in the Demand Response Program, prior to June 1, 2019, they could do so, but only up to May 31, 2019.

He also announced there are some programs that PJM offers that does not require starting June 1st and a customer could elect to select a rolling throughout the year instead.

Councilman Boyle asked what an auto load drop means; Mr. Lynch explained that at a certain peak, some systems may automatically be shut down. It was confirmed this shut down is controlled by the customer and is an internal control and not something imposed upon them.

As an example of the 78/22 split, Mr. Lynch stated that if after enrollment in the program, a customer earned $100,000 total incentive, the customer would receive $78,000 and the $22,000 would go to the curtailment provider (not DEMEC). He noted that the demand response is a split between the customer and provider only.

Chairman Morrow asked how many customers are involved in the program in Milford; Mr. Lynch reported that US Cold

Storage, SeaWatch, Perdue and Milford School District participate at this time.

It was noted there are presently two curtailment providers being used in Milford at this time.

Mr. Norenberg then added that each of the companies operating as a curtailment provider requires a substantial amount of paperwork be done by the City. If there are three providers, Mr. Norenberg has to sign three sets of paperwork through the City Clerks Office and the Electric Department. Therefore, it would benefit the City if only one provider handled it through DEMEC.

It was confirmed the program is voluntary and the City has very or little direct communication and it is only geared toward large, commercial industrial customers. Mr. Lynch added that they use social media to announce requests the public take small actions during high peak period.

Chairman Morrow agreed that it has worked well for Seawatch.

Mr. Lynch emphasized that they are trying to give more money back to the customer and more of savings to the community as a whole and the reason DEMEC is bringing the exclusivity option to the table. Those customers currently with other providers will not be required to relinquish the lease. Only when the contract term has ended, will that customer participate with DEMEC and they will continue to offer as good or better a program than other providers. Though there are only four customers participating at this time though DEMEC's intention is to continue growing the program and is always encouraging large customers to engage in the program.

The usage level for the threshold is 100 kilowatts which is a smaller compressor. The upper limit is their peak load during the summer.

Mr. Lynch reiterated that DEMEC's only benefit is that they are able to provide lower electricity costs to its customers.

Chairman Morrow said he will not vote on it, but for the record Seawatch participates and he believes they are not with DEMEC or Cpower. However, he prefers the free enterprise option. He noted there are only four participants and is unsure of the advantage. He feels the choice should be the customers as most of them can negotiate the deal. He could understand if there were hundreds of customers, but with only four, he is unsure how much of a burden it can be to have two providers.

Chairman Morrow said he is unsure who their carrier is, because he was not involved in that process though he is confident that part of the reason was based on service and financial arrangements.

When asked the impact on the Electric Department, City Manager Norenberg said he is unsure in terms of supplying information. Electric Superintendent Rick Carmean then stated that they have two or three customers that were under Johnson Control at one time. They used to have a representative call him needing three months of data and now they are being asked for two and three years. And then if a mistake is made, the City meter techs spends a minimum of eight or nine hours having to do spreadsheets.

Mr. Norenberg pointed out that DEMEC provides a number of services to its nine members from energy efficiency to demand response, in addition to providing training for our staff.

Mr. Lynch also noted that the City of Milford is part of the Efficiency Smart Program, which is a very successful program elsewhere, and is currently being heralded by the large, commercial industrial customers. When speaking to them about Efficiency Smart, they also inform them about demand response which is an additional benefit of Cpower.

He further explained that a customer can have demand response on both an active and passive level. When it is hot outside in the middle of the afternoon, something is turned off and considered active action. On the passive side, the lighting may be changed out which results in less kilowatt hours each day due to energy efficiency.

Mr. Lynch agrees the City was having some difficulty with staff time keeping up with the paperwork.

In addition, Mr. Lynch has to get a customer into the program by June 1st regardless of if they are DEMEC's customer or not. He then has to work with them and he find that frequently at the end of the season, he is calling around to the other providers asking them for their data and telling them they need to be enrolled.

He emphasized that having multiple providers slows down and mitigates some of the administrative work.

Mr. Lynch then confirmed that of the four demand response customers, three are with a different provider (two with the same provider; one is under another provider).

Prior to making a policy, it was recommended the City Manager reach out to the City's big customers to discuss this proposal and determine the reasons they are with other providers. He feels there is a need for communication to make them aware of this possibility.

Councilman Boyle feels if there is an administrative burden on City staff , perhaps a fee can be considered. He does not want the City Electric Department spending hours and hours gathering this information for those providers.

Chairman Morrow reiterated Mr. Carmean's concerns in regard to the amount of time City staff is spending gathering the information for outside providers. He recommends a cost evaluation be performed in comparison to DEMEC doing this work versus the cost of City staff. However, not communicating to these large industries could create a lot of problems.

When asked the percentage of the four large users mentioned, Mr. Carmean said they use approximately 25% of the total electricity in the City.

Mr. Norenberg said he will do some outreach. Chairman Morrow does not want these big industries to consider moving out and feels there is a need to get ahead of this before a decision is made.

Committee members agreed to postpone any action until the large customers have been contacted.

Mr. Norenberg said that Mr. Lynch, Superintendent Rick Carmean and he will plant to meet with those big industries.

Councilman Boyle also recommends that during the conversations, they also provide the dollar amount it is costing to process these applications for the outside providers by City staff and the possibility of implementing an additional fee when outside providers are used.

Consideration/Sidewalk Repair Exceptions
(Water Meter Pits, Wastewater Sewer Cleanouts, and Street Tree issues)

City Manager Norenberg referenced a recent meeting after letters were sent to property owners. Approximately 75 people were in attendance, during which time he and Public Works Director Whitfield answered a lot of questions with City Engineer Erik Retzlaff's help.

Mr. Whitfield then stated that one of the issues is whether the City or the property owner is responsible for sidewalk damage causes by water and meter pits, sewer cleanouts, and tree roots from City trees, as well as locations of previous utility poles that were replaced or installed. He feels the City Code is clear that it falls under the property owners' responsibility. However, when considering the causes of the damage and if it can be attributed to some work done by the City, he felt it was best brought before Council to consider.

He reported that the project is currently out for bid. Mr. Retzlaff met with three contractors today who are interested in bidding on it in order to provide property owners a price of what it would cost if the City were to replace the sidewalk blocks.

Mayor Campbell pointed out that on some of the feedback, he has been informed that DelDOT is going to do some work that will cause further damage and asked for confirmation the repairs would not be completed until the project. Mr. Whitfield said that is correct and some of the public meeting notices were sent to properties on Southeast Second Street though they will not

be sent notices of the required sidewalk repairs until after DelDOT has completed their work. That is also the reason he urged residents not to do any repairs until they receive the final notice.

Mr. Whitfield also shared that should the City do any work with curb, sewer, water lines, etc., those sidewalk lines would be replaced by the City if attributed to those elements.

Mayor Campbell also questioned damage caused by tree roots. The Public Works Director explained the code states that the property owners must call the City Arborist prior to removing any roots. He recommends the City take responsibility for any tree root damage caused by a City tree. One of his fears is altering a tree by removing the wrong root. Therefore, he feels it will benefit the City to pay an arborist to perform an evaluation.

He reported that Citywide, approximately 3,215 blocks have been found deficient. At a replacement cost of about $200 per block, the total value of sidewalks needing to be replaced City wide is $643,000. If about 25% of the City was inspected each year, approximately $160,750 would be needed on an annual basis.

Chairman Morrow pointed out there are 64 blocks that contain damage caused by City tree roots. He confirmed there is a larger number of blocks with trees that have no damage.

Public Works Director Whitfield stated the number of trees is probably less than that because some may be damaged from a tree that is no longer there though the stump may be.

The Mayor also asked who is responsible for sidewalk damage that is close to a school. Mr. Whitfield explained that he had our City Solicitor check on a similar situation related to DelDOT. There was a provision in the school building code that is related to bond funding that can be used to install sidewalks to schools at the initial stage and not as part of on-going maintenance or repairs.

Chairman Morrow feels that because we are responsible for the poles, water meters, manholes, etc., the City should be responsible for any related damage. Mr. Whitfield explained that if the City is found to be at fault with the meter or meter pit, the City does replace the sidewalk block.

Councilman Boyle looked at the list whose damage is related to some City function such as a water pit, utility pole, manhole, tree root or street sign. He feels if the damage is caused by maintenance or installation, the City is most likely responsible.

City Manager Norenberg agrees adding that this consensus mimics the conversation he and the Public Works Director have had and this be an additional expense as is outlined in the memo in the packet. In those cases, the cost would be charged back to the appropriate enterprise fund.

Mr. Norenberg said they support the City taking the responsibility for impacts on those sidewalks adding that it is important for the safety of the community and the integrity of the relationship with our citizens. They will need to get Council concurrence at the time the contract is awarded for the overall project.

Chairman Morrow recommends that in the future, should there be sidewalk damage created by a manhole, the City should simply go in and repair it. Mr. Norenberg feels that if there is a safety issue, such as a tripping hazzard, it makes sense to go in and fix it as soon as possible.

Chairman Morrow said he is talking about the City having ownership over all of those repairs. Mr. Norenberg said that as we work our way through the four-year project, a regular monitoring program will be established. Currently, it will be less costly to the City because of massive work that is needed versus a random sidewalk repair from time to time. Those situations can be reviewed on a case-by-case basis.

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Chairman Morrow suggests the total number of City blocks that are damaged and the cost of those caused by poles, sewer or manhole damage, tree root damage, etc. be determined.

Councilwoman Peel asked what the delineation will be and if someone is having their sidewalk repaired for one of these reasons, then another person is going to try and claim the damage was caused by one of these loopholes so the City will pay for it. Mr. Whitfield explained that these will be completely removed from the property owners' list.

Councilwoman Peel asked if when looking at a map, could the damaged blocks be flagged that are going to be the City's responsibility; Chairman Morrow suggested the grand total of City blocks be considered. Mr. Whitfield feels that would be more difficult to come up with and it was not easy coming up with the list he has presented. They had to go back out and revisit each block that has since been earmarked.

Chairman Morrow believes the question will be how is the City willing to take on as their responsibility. Councilwoman Peel agrees adding that it must be fair and transparent, otherwise residents will get the impression that certain blocks were selected because of whom lives there and it does not need to become fuzzy.

Mayor Campbell said that a lot of the residents prefer to have their own contractor do the work because they are unsure of the costs being charged by the City.

Mr. Norenberg reported that letters will be sent and property owners given at least ninety days, though that will be stretched out longer considering the winter months are approaching.

Should they have questions, he recommends our Public Works Director or Engineer meet with them on site to evaluate the damage. This is only the first phase out of the four-year project and the entire City has yet to be evaluated.

Mr. Whitfield also noted there was no guaranteed number given at the time the bid was published. This now provides that these blocks are guaranteed and will be more apt to be replaced in the earlier part of the ninety days versus the latter part.

When asked about a payment plan, Mr. Whitfield explained the only issue still in question is the interest rate. However, a $200 block over a sixty-month period is roughly $3 a month that will be added to the property owners' monthly utility bill. He stressed that is only for one sidewalk block and will increase, based on the number of sidewalk blocks.

Mr. Norenberg asked if the Committee feels it should be discussed with full Council prior to the bid award being added to an agenda, or at the same time.

Chairman Morrow recommends it be brought before Council. The Committee members agreed with Councilman Boyle that it be treated as a separate item and not at the same time the bid is awarded. He pointed out the City is basically assuming responsibility for a specific number of sidewalk blocks.

Councilwoman Peel moved to bring the issue of the City's responsibility to City Council, in regard to sidewalk repairs, as alluded to in the memo, seconded by Councilman Boyle. Motion carried.

Consideration/Cost of Service Study for Water, Sewer & Solid Waste

Mr. Norenberg recalled the Cost of Service designed for Electric Services approved over a year ago. That involved a three-year rate design that was phased in and lowered electric rates, adding a negative power cost adjustment this summer.

Because of the help of outside experts, the Public Works Department has obtained a proposal from Utility Financial Solutions, Incorporated of Michigan to complete a similar Cost of Services and Rate Design Study for water, wastewater, and solid waste.

Mr. Whitfield explained that some items included in the rate design are the depreciation of the infrastructure, equipment, as well as any future capital items that will be needed.

When initially considering this, he was looking more at the refuse side. The more he thought about it, he felt it would beneficial for water and sewer as well.

MILFORD CITY COUNCIL
MINUTES OF MEETING
August 27, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, August 27, 2018.

PRESIDING:	Mayor Archie Campbell
IN ATTENDANCE:	Councilpersons Christopher Mergner, Mike Boyle, Owen Brooks Jr., Douglas Morrow, James Starling Sr., and Katrina Wilson
STAFF:	City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk/Recorder Terri Hudson
COUNSEL:	City Solicitor David Rutt, Esquire
ABSENT:	Councilmembers Lisa Ingram Peel Second Ward Council Seat Vacant

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:41 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

Proclamation 2018-12/Constitution Week

Mayor Campbell read the following proclamation into record:

PROCLAMATION
2018-12
CONSTITUTION WEEK IN THE CITY OF MILFORD

WHEREAS:

September 17, 2018, marks the Two Hundred and Thirty-First Anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

The United States Constitution stands as a testament to the tenacity of Americans throughout history to maintain their liberties, freedoms and inalienable rights; and

It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23, 2018 as Constitution Week.

Now, Therefore, Be It Proclaimed, that I, Arthur J. Campbell, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby proclaim the week of September 17, 2018 through September 23, 2018 as CONSTITUTION WEEK in the City of Milford and ask our citizens to reaffirm the ideals of the Framers of the Constitution in 1787 by vigilantly protecting the freedoms and privileges guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City to be affixed hereto this 27th day of August 2018.

COMMUNICATIONS & CORRESPONDENCE

Mr. Norenberg reminded Council that a group photo of Councilmembers will be taken at 6:00 p.m. on Monday, September 10th before the Swearing in Ceremony at 7:00 p.m.

SCAT and Delaware League of Local Governments meetings are resuming as of September for anyone interested in attending.

DEMEC is holding their Annual Dinner Meeting for members on Wednesday, September 19, 2018.

Please contact the Deputy City Clerk if you wish to attend any of these upcoming events.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Alcohol Waiver/Chapter 77/Alcoholic Beverages/Ladybug Festival

DMI Board President Sara Pletcher provided a synopsis of the event in addition to the following information:

Downtown Milford, Inc. (DMI) is partnering with Gable Music Ventures to expand the popular and successful Ladybug Music Festival to Downtown Milford on Saturday, September 22.

The Ladybug Music Festival is a free block party celebrating women in music that provides a valuable economic boost for the community. The event has taken place exclusively in Wilmington since 2012 and Gable Music Ventures is expanding their operation to Milford. The event in expected to bring 2,500 residents and visitors to our downtown from 3:00 to 9:00 p.m. A total of fifteen different downtown businesses will participate, including Arena's Deli, Park Place Restaurant & Lounge, Lifecycle, Causey Mansion, My Sister's Fault and Riverside Gifts. Seventeen music venues will be showcased in all.

DMI approached Mispillion River Brewing to coordinate and run three bars placed throughout the Festival. They have committed to partner with NKS Distributors to sell MRB beer exclusively along with a small selection of NKS wines and seltzer beverages. No spirits will be sold. With licensed servers throughout, MRB will set up a bar near Dolce, on Park Avenue near the Main Stage and in the Farmers Market Park. A portion of the proceeds will be provided to DMI and will be the only source of funding DMI receives from the event. Since the purpose of this Festival is economic development, they have asked to expand the beer garden boundaries to include all of Walnut Street from South Front to North Front and over to Washington Street via Park Ave. up through the amphitheater area. This will permit attendees to enter stores they couldn't otherwise visit and listen to music inside the Walnut Street venues. A temporary fence will be installed along Washington Street from Park Avenue to the Library and behind Gallery 37 next to the Riverfront Theater in order to restrict alcohol to those areas.

The Gathering License has been requested from 3:00 to 10:00 p.m. to allow for an additional hour during cleanup after last call.

Chief Brown has informed them the department has the funding to pay Milford Police Officers overtime for foot patrol that day. All participants will be carded and wrist banded.

DMI Executive Director Murrie Zlotziver was also present to answer a few technical questions about the event.

Councilman Morrow moved to approve the Alcohol Waiver for the Ladybug Festival on Saturday, September 22, 2018, seconded by Councilman Mergner. Motion carried with a 5-1 vote with Councilman Starling casting the dissenting vote.

Appropriation/Funding/Sidewalk Inspection Proposal/City Responsibility

City Manager Norenberg presented the proposal on behalf of Public Works Director Mark Whitfield, who was away at training.

He recalled the Public Works Department has concluded the sidewalk inspection on all collector streets and streets serving public schools. For this area, approximately 2,000 sidewalk blocks were found to be deficient.

At a meeting held July 23rd with property owners, they questioned their responsibilities for sidewalk damage caused by meter pits, sewer cleanouts, City-tree roots, hydrants, utility poles or street signs that created safety hazzards as a result.

Staff did perform a followup evaluation of the causes and determined the following:

Cause	# Blocks	Cost at $200/block	Cost at $250/block
Water Meter Pit/Hydrant	83	$16,600	$20,750
Utility Pole	36	$ 7,200	$ 9,000
Sewer CO/Manhole	2	$ 400	$ 500
Tree Roots (from City tree)	64	$12,800	$16,000
Street signs	2	$ 400	$ 500
Total	**187**	**$37,400**	**$46,750**

The Public Works and Finance Committee agreed the City should be responsible for the repair to those blocks as described above. Costs would be divided between General Fund (tree roots and street signs), Water Fund (meter pits and hydrants), Electric Fund (utility poles) and Sewer Fund (cleanouts and manholes).

Mr. Norenberg explained that they wanted to get concurrence from Council before proceeding and providing notification to property owners.

Mr. Whitfield will return with a bid result and the next steps regarding the entire sidewalk program within the next month even though the work would most likely not be done until spring of 2019.

Councilwoman Wilson advised that she has had a number of concerns expressed about the potential hardship this could create for residents who are required to repair their sidewalks. Her response was they wait until they received a letter and if this created a hardship, they could meet with Mr. Norenberg to discuss it.

Mr. Norenberg agreed emphasizing that the City is focusing mainly on sidewalk blocks that have trip hazards and damage that make them unsafe. Public Works is willing to work with the property owner and are more than happy to discuss alternatives. One such alternative involves a company who uses a different process who has contacted the City about possible repairs at a lower cost. In addition, there is a possibility of financing the costs over a five-year period. He emphasized the last thing the City wants is a lot of rumor and fears about this project.

Councilman Brooks said he has a lady he is representing who is ten years older than he is and has a daughter that is very sick. Her letter almost made her have a heart attack. He said she is living on social security and wants to know how she can pay it.

Mr. Norenberg encouraged that resident to wait until she receives a more detailed letter. At the time the letter was sent, no numbers were provided nor specific damage at any address described to prevent that type of reaction. He added that staff is very willing to go to her home and meet with her.

Councilwoman Wilson appreciates that gesture adding that though we are growing as a City, we never want to lose that personal touch of helping our residents and she is very grateful for that.

Councilman Morrow said this has been needed for years and it has been talked about since he and Councilman Brooks were on Council and remembered when both wanted something done before. However, he agrees there is a need to quell the fears and take our time and work out the situations one on one in order to make Milford a safer City.

It was also noted that any projects planned and funded by the City, including curb work, will be completed prior to those

adjacent property owners being notified.

Councilman Morrow feels that at the appropriate time, Council can dive into the minutia of who, where and how this will be funded. Councilman Boyle agreed and pointed out that at this time, we still do not know what the cost will be.

Planning Director Pierce confirmed that sidewalks are included on the list of inspection items for rentals. However, because the programs are unrelated with different priorities, it was put on hold. It could be integrated at a later time and the 400 plus rental inspections that have occurred did not include sidewalk inspections.

Councilman Mergner moved to authorize the funding for sidewalk replacements found to be deficient as a result of water meter pits/hydrants from Water Reserves, sewer cleanouts/manholes from Sewer Reserves, tree roots from City trees from the Street Operating Budget, street signs from the Streets Operating Budget and utility poles from the Electric Fund Reserves, seconded by Councilman Brooks. Motion carried.

Appropriation/Funding/Cost of Service Study/Water, Wastewater and Solid Waste

Mr. Norenberg recalled that in 2017, City Council approved a cost of service study for the electric utility. The purpose of the study was to ensure our rate structures were fair and equitable, after which a new rate design was approved.

Several months ago Council had conversations about appropriate fund balances for water, wastewater and solid waste for future needs. That included the possibility of a study to ensure the rates are properly set and adequate reserves are available in each area.

Since that time, the Public Works Department obtained a proposal from Utility Financial Solutions, Incorporated to complete a Cost of Services and Rate Design Study for Water, Wastewater, and Solid Waste. Staff recommends Council consider the study for several reasons:

1. To determine if the rate structure is fair to all users.
2. To determine if rates meet both operating as well as future capital needs.
3. To determine if adequate reserves are being held in each account to adequately meet future infrastructure improvements.
4. To determine if rates meeting the needs of associated debt repayment.

The recommendation from the Public Works and Finance Committee is to proceed and move ahead with the allocation for the project as follows:

Water Reserves - $12,500
Sewer Reserves - $12,500
Solid Waste Operating Budget - $9,000

When asked why this can't be done in house, Mr. Norenberg explained this is a very detailed analysis as is described in the proposal included in the packet. City Staff can write a policy but the intent is to ensure a fair rate structure that will adequately meet any future capital needs.

Councilman Morrow pointed out that this study may determine that our fees are higher than necessary or that there is too much money in reserves. Therefore, it could result in a rate decrease and does not necessarily mean our rates will increase.

Councilman Brooks recalled that when five new police officers were being considered at a cost of $1.8 million, the money was going to be taken from the water reserves. That tells him there is a lot of money in it.

Councilman Morrow does not like studies that cost money, but the right dollar amount needs to be determined. In addition, it will provide an independent third party opinion. Councilmembers agreed and recalled that electric rates that were decreased following the electric utility study.

Councilman Brooks does not think that is why the rates went down. He then referenced a newspaper article stating Delmarva Power is having to refund millions of dollars to its customers. Mr. Norenberg agreed adding that was the result of a tax bill

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 10, 2018

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 10, 2018.

PRESIDING: Mayor Arthur Campbell

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

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

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:06 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes of the August 13, 2018 and August 27, 2018 Council and Committee Meetings. Councilmember Boyle moved for approval, seconded by Councilmember Morrow. Motion carried.

RECOGNITION

Mayor Campbell read the following proclamation into record:

Proclamation 2018-14
NATIONAL SUICIDE PREVENTION AWARENESS MONTH

WHEREAS, September is known around the United States as National Suicide Prevention Awareness Month and is intended to help promote awareness surrounding each of the Suicide Prevention resources available to us and our community. The simple goal is to learn how to help those around us and how to talk about suicide without increasing the risk of harm; and

WHEREAS, Suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion, or background; and

WHEREAS, According to the Center for Disease Control, each year more than 41,000 people die by suicide; and

WHEREAS, Suicide is the tenth leading cause of death among adults in the US, and the second leading cause of death among people aged 10 to 24; and

WHEREAS, The City of Milford is no different than any other community in the country, but chooses to publicly state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, police officers, and parents, as partners in supporting our community in simply being available to one another; and

WHEREAS, Organizations like the National Suicide Prevention Lifeline and the American Foundation for the Prevention of Suicide are on the front lines of a battle that many still refuse to discuss in public, as suicide and mental illness remain too taboo a topic to speak on; and

WHEREAS, Every member of our community should understand that throughout life's struggles, we all need the occasional reminder that we are all silently fighting our own battles; and

WHEREAS, I encourage all residents to take the time to inquire as to the well being of their family, friends, and neighbors over the next few days and to genuinely convey their appreciation for their existence by any gesture they deem appropriate. A simple phone call, message, handshake, or hug can go a long way towards helping someone realize that suicide is not the answer.

Now, Therefore, Be It Resolved, that I, Arthur J. Campbell, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby proclaim the month of September 2018, as National Suicide Prevention Awareness Month in the City of Milford.

MONTHLY POLICE REPORT

Police Chief Brown noted that the number of arrests are at the levels he expects them to be for the month.

A motion was made by Councilmember Morrow, seconded by Councilmember Brooks to accept the Monthly Police Report as submitted. Motion carried.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced his report that includes updates from the various departments.

Noted was the increase in residential construction permits to 37 and the various events involving our Parks and Recreation Department.

In preparation of Hurricane Florence, the Public Works Crews were checking catch basins for stormwater purposes and clearing tree lines to less the risk of power outages. That will continue as we prepare for increased winds and rains.

He provided the latest forecast, which is subject to daily changes.

A staff meeting will be held Wednesday to review its status at that time.

The City Manager also confirmed that Mr. Dennehy continues work with the contractor on the Riverwalk Replacement Project and is pleased with the progress.

Councilwoman Wilson moved to accept the City Manager's report, seconded by Councilwoman Peel. Motion carried.

MONTHLY FINANCE REPORT

Finance and Public Works Committee Chairman Morrow reported that through the first month of the fiscal year with 8% of the fiscal year having passed, 8% of revenues have been received and 7% of the operating budget expended.

Councilmember Morrow moved to accept the July 2018 Finance Report, seconded by Councilmember Starling. Motion carried.

COMMITTEE & WARD REPORTS

None to report.

COMMUNICATIONS AND CORRESPONDENCE

None to report.

UNFINISHED BUSINESS

Adoption/Ordinance 2018-21/Chapter 55/Personnel Code/Sick Leave

City Manager Norenberg advised that the new HR Administrator discovered that the Sick Leave section previously adopted, did not allow employees to use sick leave for a medical appointment or a family member's appointments.

HR Administrator Jamesha Eaddy was inattendance.

Councilmember Morrow asked if a physician statement is required; Mr. Norenberg stated only after three days of absence.

Councilmember Wilson confirmed this is a separate issue from FMLA and only applies to time off for a doctor appointment.

Mayor Campbell asked if anyone in the audience wished to comment on the proposed amendment. No one responded.

Councilmember Morrow moved to adopt Ordinance 2018-21, as amended, seconded by Councilmember Peel:

ORDINANCE 2018-21
CODE OF THE CITY OF MILFORD PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 55 PERSONNEL

WHEREAS, Chapter 55 of the City of Milford Code governs personnel practices for all City of Milford employees; and

WHEREAS, the City Council for the City of Milford desires to update Chapter 55 to comply with current personnel practices as set forth herein; and

WHEREAS, the Sick Leave provision does not include time off for medical appointments. NOW, THEREFORE,

THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Section 7, Employee Benefits, Subsection 7.2, Sick Leave, of Chapter 55, Personnel, is hereby amended in the following respect:

Section 2. Section 7.2, Sick Leave, is hereby amended to read as indicated (new language will be bold and underlined):

7.2 SICK LEAVE

Regular, full-time employees (including introductory employees) will be provided with paid sick leave benefits for periods of temporary absence due to illness or injuries. Sick leave benefits will accrue at the rate of eight (8) hours per month and can accumulate up to a maximum of 1,040 hours.

An eligible employee may use sick leave benefits for an absence due to illness or injury sustained by either that employee or a family member. ***An eligible employee may also use sick leave benefits for a personal or family member medical appointment.*** For this section, family member shall mean: employee's spouse, parent, child, step-child, grandparents, grandchildren or siblings.

Section 3. Dates.

Introduction: August 27, 2018
Adoption (Proposed): September 10, 2018
Effective (Proposed): September 20, 2018

Motion carried.

Authorization/Kent Economic Partnership/Agreement

Postponed for future action.

Bid Award/Police Department/2018 Police Vehicles

Chief Brown presented the bid for two Chevrolet Tahoes at a cost of $34,585, adding that this was included in his FY18-19 budget.

Councilman Morrow moved to authorize the bid award for the two police vehicles, seconded by Councilman Starling. Motion carried.

Appropriation/Funding/Cost of Service Study/Water, Wastewater and Solid Waste

Mr. Whitfield recalled Council requesting whether or not the Cost of Service Study was a fair price and whether or not the project could be done in house. He stated that it could be done in house. However, the advantage of using an outside firm is to have their expert opinion should the fee need to be defended in terms of challenging the rate.

The Public Works Department has obtained a proposal from Utility Financial Solutions, Inc of Holland, Michigan to complete a Cost of Services and Rate Design Study for Water, Wastewater, and Solid Waste. Staff recommends Council consider the study to determine if the rate structure is fair to all users, determine if rates meet both operating as well as future capital needs, determine if adequate reserves are being held in each account to adequately meet future infrastructure improvements and determine if rates meeting the needs of associated debt repayment.

Though not included in the original proposal, UFS did agree to review the impact fees for a lower cost and approximately half of what they would normally charge at a fee of $2,500.

Another issue is the low flat rate and again there is a question as to whether that covers fixed costs. The variable cost applies to the amount used and the impact on the system, over and above a certain amount.

Mr. Whitfield stated there are substantial reserves in both water and sewer which provides the opportunity to review rates and whether residential and commercial rates are in balance.

He asked is asking Councils' authorization to approve the funding because it was not included in the 2019 budget. He recommends appropriating $12,500 out of Sewer Reserves, $12,500 out of Water Reserves and $9,000 out of the Solid Waste Operating Budget for the study.

The City Manager stated that in addition to UFS's expertise in this field, the study would be completed in a much shorter period versus having our employees work on it in bits and pieces, or as time permitted.

Mr. Whitfield emphasized that because Solid Waste has no reserves, there is a need to build that fund within that department to assist in the costs of future equipment and vehicles. There is a rough timeline of three months, though the goal is to have everything in place by the beginning of the budget season in 2019.

Councilman Boyle asked if this will examine the cost to the City when a new unit is built, including water, sewer, electric, police, fire, administrative costs, etc. Mr. Whitfield said those items will be considered. He said we are often questioned about the fees charged by the City and he would prefer having a clear breakdown to provide.

Councilman Morrow agreed with Councilman Boyle that an outside source is beneficial to validate those fees. Councilmember Peel also agreed that in the case of electric rates, it was determined the rate could be lowered. In that manner, we could defer that cost and pass it along to rate payers instead.

Mr. Whitfield explained there is a need to begin a depreciation process in terms of equipment replacement as he discussed during the budget hearings.

Councilman Mergner recommended reaching out to local municipalities and counties to determine if they had a similar study done. There is the chance to learn more from their experiences. He believes that talking with them and networking may provide some insight versus simply writing a big check for another study.

The Public Works Director pointed out that UFS has a great deal of experience with regard to all utilities, though their expertise is in electric. He is willing to provide Council with a list of their clients and he will also follow up with references.

Mr. Norenberg recalled that at last year's DEMEC Annual Dinner, the speaker talked about the value of these type of studies.

The consensus of Council was for staff to reach out to other municipalities to gather some additional information.

Councilmember Wilson moved that the Cost of Service Study for Water, Wastewater and Solid Waste be postponed until the September 24th meeting.

NEW BUSINESS

Adoption/Resolution 2018-16/Annexation Committee Investigation/Simpson Land

Planning Director Pierce asked for authorization to send the following annexation request at 5919 South Rehoboth Boulevard to the Committee for further review.

Councilmember Wilson moved to adopt Resolution 2018-16, seconded by Councilmember Morrow:

Annexation/Lands belonging to Gilbert C. & Irene D. Simpson
Tax Map 3-30-11.00-43.00
1.940 +/- Acres
Current Zone AR-1/Proposed Zone R-2

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owners and duly witnessed, requesting annexation into the City of Milford, all that piece or parcel of land, hereinafter described, situate, lying and being on the northeasterly side of Business Route 1 and located in the City of Milford, Cedar Creek Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northeasterly right-of-way line of said Business Route 1 with the northwesterly line of the lands of, now or formerly, Jesse C. Webb, Sr. and Joyce L. Webb, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 3349, Page 256; said beginning point being coordinated on the Delaware State Grid as North 330,144.801 feet, East 657,801.748; thence,

1) leaving said Webb lands and running by and with said Business Route 1, North 32 degrees 55 minutes 23 seconds West 211.06 feet to a point on the southeasterly line of the lands of, now or formerly, Janet R. Swain, as recorded in said Office of the Recorder of Deeds in Deed Book 2635, Page 47, thence,

2) leaving said Business Route 1 and running by and with said Swain lands, North 58 degrees 33 minutes 27 seconds East 400.53 feet to a point on the southwesterly line of other lands of, now or formerly, Janet R. Swain, identified as Tax Parcel 3-30-11.00-264.00, thence,

3) leaving said Swain lands and running by and with said other Swain lands, South 32 degrees 56 minutes 20 seconds East 211.09 feet to a point on said northwesterly line of Webb lands, thence,

4) leaving said other Swain lands and running by and with said Webb lands, South 58 degrees 33 minutes 43 seconds West 400.59 feet to the point and place of beginning;

CONTAINING 1.940 acres of land, more or less.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing said property, said Committee to be comprised of Chair Owen Brooks, Councilmembers Christopher Mergner and James Starling Sr. along with Planning Commission Chairman Marvin Sharp.

Be It Further Resolved, that said Committee shall submit a written report containing its findings and conclusions, including the advantages and disadvantages of the proposed annexation both to the City and to the property proposed to be annexed and said report shall further contain the committees' recommendations whether or not to proceed with the proposed annexation and the reasons therefor.

s/City Clerk

Adopted: September 10, 2018

Motion carried.

Funding Authorization/Demolition Expenses/415 South Washington Street

Mr. Pierce reported the Planning Department is requesting an appropriation of $17,955 from General Fund Reserves to the Enforcement and Inspections Department Demolition budget item (101-1045-429.68-10) to cover expenses associated with the demolition of 415 S. Washington Street.

Three written quotes were obtained from contractors with Jimmy Smalls Landscaping, LLC being the lowest bidder.

The City notified the property owner on April 4, 2018 that the single family-detached dwelling was condemned and provided the owner with four options:

(1) arrange the demolition privately
(2) repair the building to code and postpone demolition
(3) appeal the determination
(4) take no action and the City will demolish the structure

The owner has elected to have the City of Milford demolish the structure and place a lien on the property for the expenses associated with the removal of the structure. The owner of the property intends to sign a payment arrangement agreement with the Finance Department.

A Order to Demolish was sent in April though the owner chose not to take any action, including signing a restoration agreement. As a result, they are in agreement with moving forward and having the City demolish the building.

Solicitor Rutt emphasized that the City will get their money back by either by the owner repaying it, or through the monition sale reimbursement process.

Councilmember Wilson moved to appropriate $17,955 from General Fund Reserves to the Enforcement and Inspection Department Demolition line item, seconded by Councilmember Morrow. Motion carried.

Bid Award/Purchase/Front End Loader

Public Works Director Whitfield discussed the following request:

Public Works Department requests City Council consider a recommendation to purchase a wheeled 4WD loader to replace a 2002 Caterpillar backhoe/loader. Because the Department has a 2011 John Deere Backhoe (Street Division), the loader

will fulfill a need within the Department for a wheeled loader. The loader will have multiple uses within the department, including loader material (stone, snow, salt, brush, etc), snow removal, material handling, as well as numerous other uses.

The Street and Utility Division staff have evaluated the proposed unit, as well as demonstrated the unit, and staff recommends a John Deere 524K-II 4WD Loader with a 2.75CY bucket be purchased. Staff also recommends a set of Construction Forks as well as a JRB Grappler Bucket be purchased as attachments with the unit. The construction forks can be used for loading and unloading skid pallets, as well as various other material handling. The Grappler Bucket can be used for collecting large piles of brush, bulk items, and other materials. The unit is available for purchase through the NJPA Cooperative Contract 032515-JDC (and Delaware State Contract) at a price of $158,208.79, including the attachments.

The vendor also included a trade-in price (trading the 2002 Caterpillar backhoe) of $28,000, which would bring the final purchase price to $130,208.79. However, staff solicited bids for the sale of the backhoe, and was able to sell the backhoe via www.govdeals.com for a price of $31,500. The City's past practice has been to deposit money from the sale of equipment into the General Fund, regardless of the original funding source for the equipment. In this case, the original funding source was the Water and Sewer Funds.

The budgeted amount for the loader was $150,000. Sufficient funds are available if the equipment was to be traded. However, a high yield was realized by selling the equipment outright. Therefore staff recommends that $8,208.79 from the sale of the equipment be used to offset the overall cost of the loader.

Councilmember Peel moved to award the purchase of a John Deere 524-II 4WD Loader, with 2.75 CY bucket, construction forks, and grappler bucket to Jesco, Inc of South Plainfield, NJ through NJPA Cooperative Contract 032515-JDC in the amount of $158,208.79, with funds from the Water and Sewer Capital Funds in the amount of $150,000 and proceeds of the sale of the Caterpillar backhoe in the amount of $8,208.79. Motion seconded by Councilmember Wilson. Motion carried with no one opposed.

Bid Award/Sidewalk Repair Project

Mr. Whitfield reported that to secure pricing for the replacement of deficient sidewalk as identified in the sidewalk inspections completed to date, the Public Works Department publicly bid the work. Bids were received on August 22, 2018. Although three potential bidders purchased the bid package and attended the pre-bid meeting, only one bid was received from Shea Concrete LTD. Unit pricing on 4" sidewalk was $16.00 per SF, which is approximately double what was anticipated.

Based on feedback from the other plan-holders, the unknown quantities prevented them from bidding. Thus, the Public Works Department recommends City Council reject all bids received and proceed with issuing the letters to the property owners with deficient sidewalks requiring replacement. After ninety days from the issuance of the letters, the City will be able to determine the amount of sidewalk to be replaced and include this quantity in the bid package to be resolicited in the winter.

Staff recommends City Council reject all bids for Contract No 2018-St-002 and authorize staff to rebid the project in the winter once quantities are known.

Mr. Whitfield reviewed the repairs that will be the responsibility of the City, including City trees, sewer caps, sewer manhole and water box.

Councilman Boyle asked if the owners of those properties will no longer be required to replace their sidewalks if the City does not have an option to offer to participate in the City's program until further information is received. Mr. Whitfield explained that he has informed residents at the meeting in which the program was discussed, the City would solicit bids to provide the homeowners. He was anticipating a price of $200-$225 a block, and it came in at $400. The letter will explained that if the sidewalk is not replaced, the City will solicit bids in the spring though that price could be even higher.

He confirmed that property owners who are responsible for the repairs will be offered a five-year monthly repayment plan through the City. For example, one sidewalk, anticipated to cost $200 per block, would be assessed approximately$3 a

month over the next sixty months.

Councilman Morrow suggested informing the homeowner the City would make all repairs. In that manner, we would have a specific number of blocks to provide as part of the bid package.

Councilman Mergner agreed adding that he thought the contractor was being secured to perform all of the work.

It was confirmed this is dependent on the sidewalks the City is responsible for. Councilman Culotta then asked if the problem is that of 100 properties, 50 of them may choose to handle themselves and 50 may have the City oversee. He recommends providing a rough idea and possibly asking each property's preference. Councilmember Peel asked if they would prefer a guarantee minimum.

Mr. Whitfield referenced the ordinance that states the homeowner is responsible for repairing their sidewalk first. Therefore, the City should not replace the sidewalk unless the repairs are not accomplished.

Councilman Boyle understands that the contractor is unable to make an informed decision because they do not have an exact number. He asked what can be to provide at least some range, so that they at least have some idea.

Councilmember Peel is comfortable rejecting the bid, but also suggests that as much information be included in the letter,

Concern was expressed about the short window of ninety days and the impact on contractors, in addition to people having a sufficient amount of time to get the money together. Councilman Mergner asked if that can be extended.

Councilmember Peel recalled that is the reason Public Works originally held up the project because Council was concerned homeowners would be shocked to learn that first, sidewalk repairs are their responsibility and second, not to have an opportunity to give input and instead have a question and answer session, as was done.

City Manager Norenberg pointed out that with winter weather approaching, there will be additional time to prepare for the project. By February or March, hopefully some of the sidewalks will be repaired.

Councilmember Peel then expressed a concern about a property owner getting an estimate but they will have nothing to compare it to and in particular, should the City be able to do it cheaper. Mr. Whitfield agreed emphasizing that based on the current bid, the City's cost will be much more expense.

When asked how long it would take to rebid the project based on specific numbers, Mr. Whitfield explained that it can be rebid but to aware the bid would be into October which is beyond the construction period.

When asked about the DelDOT project, Mr. Whitfield explained that any properties on Southeast Second Street were not considered at this time.

Mayor Campbell asked if interest would be assessed; Mr. Whitfield said it was required by ordinance. Mayor Campbell is concerned about the fact the City will be charging the property owners and then adding interest on top of the payments they will be responsible for.

Councilmember Peel moved to reject the bid received for Contract 2018-St-002, seconded by Councilmember Mergner. Motion carried.

Councilmember Peel moved to return the Sidewalk Repair Project to the Public Works and Finance Committee for additional consideration, seconded by Councilmember Wilson. Motion carried.

City Manager Norenberg recommended Councilmembers attend the Committee meeting.

Councilman Brooks recommends changing some of the sidewalk requirements because he is concerned that a citizen is required to repair a one inch drop and feels that is nitpicking.

It was recommended that it be discussed at the Committee level.

When asked the recourse if a homeowner disagrees with the requirement, Councilmember Wilson noted that they have already heard from residents and that is the reason for the continued conversation.

Councilmember Brooks said he has people in his district that have gotten letters and someone ten years old than him that only gets a social security check and no retirement benefits, and lives by herself, and has a daughter in the hospital sick. She got very upset and had to see a doctor from the letter. He said there is no way she can pay anything and even $3 a month when kerosene is going up to $3 plus a month. Councilman Brooks himself uses $1,000 worth of oil in one month this past year. This lady doesn't have any money.

Councilmember Brooks said he has other people living in a big house and are only using one room to live in. They don't have the money either and most of the time they don't go outside and they are being told by the City they have to fix their sidewalk or else.

Councilmember Culotta asked if there is some type of program that can be used that says if someone makes less than x dollars a year, they would qualify for public money.

Councilmember Morrow reiterated that these are things that can be discussed at the committee meeting.

Solicitor Rutt directed Council to review Chapter 197 of the Code that talks about sidewalk replacement that was adopted in 2007. It provides the criteria and provisions that if someone qualifies for low income, they can provide for relief of City grants. Therefore, there are some recourses based on the ordinance.

Councilmember Brooks reported that all the homes on Southeast Front Street got new sidewalks and the State of Delaware paid for all of it. He then asked if Southeast Second Street will be paid for; when riding through town, he pointed out that 25-30% of the streets have sidewalks on one side and nothing on the other side. He asked if we are picking on the people with sidewalks and they don't want sidewalks.

He said a lot of developments have no sidewalks and the developer wanted to make it look country like because they are not in town, like Hearthstone.

Council was directed to bring their suggestions to the committee meeting. Councilman Brooks recommends grinding down the sidewalk where there is one-inch difference.

Funding Authorization/Police Department/HVAC

Nothing to report.

EXECUTIVE SESSION

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

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:14 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 8:19 p.m.

MPD Teamsters Negotiations

Mayor Campbell reported that no action was needed.

ADJOURNMENT

There being no further business, Councilmember Peel moved to adjourn the Council Meeting, seconded by Councilmember Boyle. Motion carried.

The Council Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 8, 2018

A Meeting of the City of Milford Finance and Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, October 8, 2018.

PRESIDING:	Chairman Douglas Morrow
IN ATTENDANCE:	Committee Members: Councilman Mike Boyle and Councilwoman Lisa Ingram Peel
	Mayor Arthur Campbell
STAFF:	City Manager Eric Norenberg and City Clerk Terri Hudson

CALL TO ORDER

Chairman Morrow called the Committee Meeting to order at 5:33 p.m.

Public Works Director Mark Whitfield, ICMA Fellow Evan Miller and Assistant City Manager Suzannah Frederick were present.

Capital Improvement Program

Mr. Miller provided the following update on the capital program this year:

The Public Works Department's replacement front loader authorized by City Council on September 10th in the amount of $158,209 has been purchased. Of the $150,000 budgeted, the remaining $8,209 will be paid from the sale of the old piece of equipment which sold at $31,500.

The 1995 Aeri Crack Sealer has been purchased in the amount of $51,583. Originally, $70,000 was budgeted.

The replacement Ford F250 with a snow plow and salt spreader has been purchased for $45,142. Of that cost, $27,000 was budgeted last year and this year, splitting the cost over two years.

The Parks and Recreation Department purchased and received their Ventrac Tractor with mulching mower. After paying freight and shipping, the total cost was $28,713 and the budgeted amount was $27,000.

The Police Department purchased their two new police fleet vehicles totaling $83,874, including the purchase price, upfits and lettering. Budgeted was $87,100.

The air curtains for the Police Department were also purchased in the amount of $6,570; the budgeted amount was $8,000. Installation has not yet occurred.

The IT Department has purchased two of the three servers and all four firewall boxes budgeted. Total spent to date is $42,864 of which $49,000 was budgeted. One server still needs to be purchased.

Projects in progress or started:

The Electric Department started the work on Substation DEL 1 and DEL 2. This work involves testing breakers and regulations for preventative maintenance, oil adjustments and lubrication. There was $50,000 budgeted for DEL 1 and $75,000 for DEL 2.

Phase II of the Riverwalk light pole powder coat and retrofit is also active. The project involves removing light poles along the Riverwalk, having them powder coated and retrofitted with LED light heads and bulbs. There as $35,000 budgeted though

more work is needed.

The GIS/mapping for the Smart Metering Project is also underway. The electrical engineer has completed the update on the electrical system maps. In the coming weeks, the maps will be uploaded into the GIS system. In order for the GIS to integrate, all smart meters and the GIS module for smart metering must be completed and installed.

The HVAC upgrade and repair, as well as the Phase II locker room/breakroom redesign for the Public Works Facility was approved by Council on August 13th. DBF has begun to design the locker room/breakroom. At that time, $450,000 was approved with $112,500 appropriated out of each Water Reserve and Sewer Reserve accounts and $225,000 coming from Electric Reserves.

The Parks and Recreation Department are preparing to evaluate and make repairs to the South Washington and Southeast Front Street basketball court of which $10,000 was allocated for that project.

Sidewalk Project Update

Councilmember Peel arrived at this time.

City Manager Norenberg referenced the following memo, after which Public Works Director Whitfield reviewed:

The Public Works Department has concluded sidewalk inspection on all collector streets and streets serving public schools. As requested by the Public Works Committee, a cursory inspection has been done on all sidewalks within the City.

A copy of the ordinance outlining the inspection standards and the program is attached.

City wide, approximately 3,215 blocks have been found deficient. For the area inspected in the Spring 2018, approximately 1,820 blocks were found to be deficient. Of those blocks, 185 are the City's responsibility (water meter pits, street signs, hydrants, utility poles, and sewer cleanouts/manholes. Therefore, property owners would be responsible for the repair of approximately 1,635 blocks.

In moving forward and because this is an initial inspection, staff recommends property owners where sidewalks are deficient are notified by letter of their responsibility in accordance with the ordinance. A draft of the letter is attached. The sidewalk blocks found to be deficient will be identified on an area map attached with the letter. No deadline will be listed on the letter.

Staff will rebid the sidewalk repairs, listing all sidewalks which are City responsibility as "guaranteed" work. They will include sidewalks that have a water meter pit, utility pole, sewer cleanout or manhole, hydrant, or street sign. Sidewalks on City property identified as needing repaired will also be included.

Formal notices will be sent to the property owners around March 15, 2019. Property owners will have until June 15th to complete the repairs. Repairs not completed by property owner by the deadline, will then be completed by the City in July and August 2019.

Property owner options for repair:

1. *Complete the work themselves or hire their own contractor*
2. *Leave City contractor do the work and City bills homeowner actual cost + 10%*

Property owner options for payment:

1. *Repair sidewalk themselves and pay for material*
2. *Pay their own contractor*
3. *If City repairs, pay the City for contractor cost + 10% in full*
4. *If City repairs, pay the City monthly over 5 years for the cost + 10% (question of interest be added)*
5. *If City repairs, pay nothing and City files lien on property that is settled when property is sold*

The ordinance Section195-5 D:

Property owners who meet the low-income criteria may apply for financial assistance, provided the City funding is available, for the cost of sidewalk repair or replacement.

At the present time, no funds have been established, nor has guidelines been established to constitute such assistance.

Chairman Morrow asked if Mr. Whitfield would determine how many property owners are associated with the 1,635 blocks. Once that is determined, he suggests taking that number and perhaps doing a poll to get a better idea of how many will prefer the City handle the sidewalk repairs. In that manner, he feels it would help lower the bid price received with a definite number.

The Chairman said that though he understands it will pay for the costs, but asked if Mr. Whitfield could be more specific to the 10% fee. Mr. Whitfield explained that is mainly for the inspection, engineering and billing staff/costs. That is the percentage charged to the developer/property owner to cover the costs associated with that specific project.

Chairman Morrow recommends the 10% be built into the cost.

Ms. Frederick added that she thought that was included years ago in the Code or Charter, but she is unable to find the document.

City Clerk Hudson stated it was adopted on a separate resolution and the reason it is not available in the Code.

Mayor Campbell suggests treating this as an exception versus the norm because of the situation. He feels that most property owners will elect the five-year plan, but will not favor the 10% fee.

Before that is done, the Chairman pointed out that the City needs to develop some type of criterion for low income property owners. In addition, it will need to be determined where the funding would come from.

He understands that is a lot of information, but would like to have that included in the letter.

Mr. Norenberg agreed and explained that the intent was to get follow-up information out this fall. A letter was proposed to be sent without any dates or prices so that residents could look at the map of their property and determine how many sidewalks needed repairs, based on the code. They could then contact the City and have the City Engineer meet with them, at the point there was no known urgency or deadline. That would provide enough information to help them decided whether they wanted to pursue the repair or wanted the City to handle.

Chairman Morrow likes that idea as well. He feels this is a touchy subject and the reason it has not been done though there was a plan to do this for the past thirty to forty years. He agrees it needs to be done, but wants to make sure all questions are answered.

It was confirmed that sidewalk repairs do not require permits. The contractor is required to have a contractor's license only.

When asked if there is any objection with sending the letter this fall, while staff continues to work with City Council to complete the low-income program and other issues.

Mr. Norenberg stated that when he sent the letter to City Council, he received feedback from Councilman Mergner suggesting some minor language changes. Other than that, there were no objections.

Councilmember Peel said she read it and the only concern was to fill the unknown, but that was before she understood the plan to meet with each property owner and answer their questions. She believes that some residents feel the ordinance is being changed and might wait as they are perceiving that to mean it will be changed so that it is the City's responsibility.

When asked if we are getting quotes, it was noted that was the intent with the initial bid announcement. Chairman Morrow

feels that once more data is received for a specific number of blocks, more concrete contractors will bid on the project.

Mayor Campbell prefers zero interest. Chairman Morrow stated that first, there are a number of issues that must be addressed before that can be determined.

Councilmember Peel does not want to deter residents from having the City do the work. In her opinion, the 10% is a deodorant. Public Works Director Whitfield explained that where he worked previously, more homeowners did not want to have to deal with the repairs. They understood that if the City did the work, an inspector would be one the job, and the worked would be warranted for two years, for example. However, if a property owner goes ahead and does the work, that it less work on the City. There is less staff time and specifically the Inspections, Billing and Finance Departments do not have to be involved. So there is a higher cost.

Mr. Whitfield further explained this is a catch 22 for contractors. A lot of times, a contractor will provide an attractive price because they want to do them all. He has had other situations in the bid price becomes public, the other contractors know what the City is going to charge, and they go to the homeowner and negotiate for $10 cheaper in comparison.

In consideration of those properties needing a lot of repairs, a discussion followed regarding whether or not a maximum should be added in lieu of the 10%. Councilman Boyle asked the Committee to consider possibly a flat fee/administration charge or reduce the 10% for those who need multiple blocks repaired. He is concerned with the additional fee a property owner may incur for a larger project, though they receive the same support.

Chairman Morrow reiterated that is the reason he prefers to know how many property owners are involved, versus just the number of blocks that need repair.

The City Manager agreed that specific information for each property is needed, in addition to an aerial map showing the damaged block(s). He is willing to put together some projections based on the maximum number of blocks expecting to be financing and the associated overhead costs. He informed the Committee that with any construction project an added 10% administration fee is very common though he is willing to fine tune that.

He is willing to work on that over the winter, once the next letter is mailed emphasizing this is the first of four phases.

Mr. Norenberg is unaware of any low income program though there is the possibility of applying for CDBG funding, if eligible under the income criteria.

Chairman Morrow asked who will be coordinating the project and recommends a name be added as the point of contact. The City Manager explained the City Engineer will be overseeing the work. Public Works Directors Whitfield stated that there will be someone at Public Works assigned.

Councilmember Peel referenced the letter that states 'something may be changed'. She asked if that needs to be clarified. Public Works Director Whitfield confirmed that the Committee is satisfied with the current content as that was one issue and there was mention that the criteria in the ordinance needed to be changed.

Councilmember Morrow believes that was brought up because City Council as a whole, did not review the ordinance and they simply asked. However, they have since received a copy and he recommends asking Councilmembers if there are any questions. In his opinion, the code is very reasonable.

The questions being asked, and specifically about whether a sidewalk can be ground down if higher by one inch, are already defined. It was confirmed the criterion is similar to what other municipalities require.

It was also noted that the City will have someone inspect the sidewalk once the work is completed.

City Manager Norenberg stated that property owners can be advised that in early 2019, a formal notice will be provided with a deadline of when the work must be completed. Councilmember Peel said that will satisfy her because otherwise, the City

is leaving is open. She asked what will happen if Council wants to change who is responsible for repairing the sidewalks. Councilman Morrow agrees.

Councilman Boyle pointed out the code refers to panels though the letter speaks of blocks. It was agreed the letter would state 'blocks, also referred to as panels'.

City Manager Norenberg confirmed there were no additional concerns, and he will proceed with the changes in the letter, research low income program criteria and review the 10% fee and whether that is appropriate for one or more blocks. Chairman Morrow agreed adding that other language could also be considered.

Update/Water Code Revisions

Public Works Director Whitfield recalled some questions from the Committee members when the changes were discussed at the last meeting and provides the following responses (in red).

The Public Works Department is recommending several changes be made the Water Code including:

1. Establish a Schedule of Rates, Fees and Fines. Because rates, fees and fines may change on an annual basis, creating a Schedule of Rates, Fees and Fines would allow Council to change fees and fines by Resolution, rather then making a Code change.

2. Define curb "stop". Presently, the ordinance is vague and states "curb or curbline". The terminus of City responsibility ends at the meter pit or "curb stop".

3. Clearly define the temporary uses of water and where it can be obtained. This is not addressed in the present ordinance.

4. Backflow Preventer Valve. Require backflow preventer valve on all services (presently there is state legislation pending for this requirement. Backflow preventer valves ensures the safety of the water in the City system by preventing water from being siphoned into the system from private residences and businesses.

5. Fixture Units and Impact Fees. Presently we use Kent Counties flow per fixture units and impact fees based on Specific Assessment by Usage. Rather than changing the code ever time Kent County changes theirs, simply refer to Kent County in the Code.

Additionally, staff is recommending the Finance and Public Works Committee consider the following changes, and provide input:

1. Increase fines from minimum $25/maximum $300 to $50 minimum/$1,000 maximum. The proposed fines are in line with other municipalities in the area.

2. Irrigation meters and connections. Should there be an impact fee charged for irrigation meters and systems? City of Harrington charges the same impact fee for an irrigation meter as domestic meter.

3. Irrigation wells/Agricultural wells. Presently, Ag Wells and Irrigation Wells are prohibited unless the lot is three (3) acres of more. Should the size of the lot be reduced, or the restriction eliminated? Staff has concerns with the potential number of wells drawing from the same aquifer in a small geographic area.

The number of parcels are as follows:

3 ac or more – 256 parcels = 3,813 acres
2.5 ac or more – 302 parcels = 3,939 acres
2 ac or more – 352 parcels = 4,049 acres
1.5 ac or more – 426 parcels = 4,174 acres

MILFORD CITY COUNCIL
MINUTES OF MEETING
March 25, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, March 25, 2019.

PRESIDING:	Mayor Archie Campbell
IN ATTENDANCE:	Councilmembers Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow, Jason James Sr. and Katrina Wilson
STAFF:	City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson
COUNSEL:	Solicitor David Rutt, Esquire
ABSENT:	Councilmember Christopher Mergner

CALL TO ORDER

Mayor Campbell called the Council Meeting to order prior to the Public Hearing at 7:12 p.m. to recognize the Jefferson Award Recipients.

The Council Meeting resumed at 8:51 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance as led by Boy Scout Troop 1116, followed the invocation was given by Councilmember Wilson.

RECOGNITION

Jefferson Awards/Lead360 Local Project Presentation

Madeline Milligan announced that the former Jefferson Awards for Public Service, created in 1972, has been rebranded 'Multiplying Good'. That name now encompasses a lot more than simply give out awards. They provide students with the tools and the knowledge to go out and create and impact by educating them on what they can be doing in their community with greater skills. They wanted a name that reflected that and did not only relate to awards. However, the Jefferson Awards are still their main recognition platform and what will be presented tonight.

She spoke about the Lead 360 program and its two phases and how the top project is selected and replicated in various activations.

She provided related information which can be found in the presentation included in the corresponding Council packet.

The following groups were recognized:

Phase II-
Buckets of Love
4H Foundation of Delaware
Milford Central Academy & Jobs for Delaware Graduates

The top three winners, in order, were:
Sammi Mitchell and MOT Charter were the top winners in Phase II
Charter School of Wilmington
Bank of America

DRAFT

Phase I:
Boy Scouts Troop 116-Records Rescue

Girl Scouts of the Chesapeake Bay Troop 352-Interact to Impact
Jessica Donovan-Be Safe Milford Food Pantry
Milford High School Jobs for Delaware Graduates Program-Raised Garden Beds
W.T. Chipman Middle School-Chat and Chew Lunch with Veterans and Holiday Toy Drive

Mayor's Top Project Selection:
Harrington Sunshine 4-H Club-Veterans Care Packets & Monthly Nursing Home Visits

Ms. Milligan invited those present to the Delaware Salute to Service at which time all the Mayor's Top Projects will be recognized. In addition, the next year's phase 2 project will be selected.

Proclamation 2019-06/National Service Day

Proclamation 2019-06/National Service Day-April 2, 2019

Mayor Campbell presented the following proclamation to National Service Expert Nancy Greene and National Service Member Melissa Stevenson Enck:

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and
WHEREAS, the City of Milford is increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and
WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century, to fighting the opioid epidemic, to responding to natural disasters, to supporting veterans and military families; and
WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and
WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, including Sussex County, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social wellbeing; and
WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and
WHEREAS, national service represents a unique public private partnership that invests in community solutions and leverages nonfederal resources to strengthen community impact and increase the return on taxpayer dollars; and
WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and
WHEREAS, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and join with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 2, 2019.
NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do hereby proclaim April 2, 2019, as National Service Recognition Day in the City of Milford and encourage all residents to recognize the positive impact of national service in our community, to thank those who serve; and to find ways to give back to their communities need.

ICMA Fellow Evan Miller

Mr. Norenberg announced that Mr. Miller will be moving on to the next step of his career in Milford to accept a position with the City of Rehoboth Beach. He recalled that Mr. Miller, was hired by the City as an International City/County Management Association (ICMA) Local Government Management Fellow. His fellowship was a shared position with the City of Rehoboth Beach that began in June 2019.

The City Manager provided a long list of accomplishments that can be attributed to Mr. Miller's expertise.

DRAFT

Mr. Miller then spoke stating that he is honored to have worked for the City of Milford and the staff who have been very helpful the past two years.

He will be starting with the City of Rehoboth Beach as their Project Coordinator, continuing to do a lot of the duties he currently does such as grant administration, policy implementation, capital improvement plan, budgets, assisting the Parks and Recreation Department with the transition to new software.

Mr. Evan thanked everyone for providing the opportunity to work here.

Mr. Norenberg announced that Mr. Miller is currently assisting with his replacement whom the City of Milford will share with the City of Lewes.

COMMUNICATION & CORRESPONDENCE

Included in packet.

UNFINISHED BUSINESS

Authorization/Downtown Development District Boundary/Expansion

Planning and Economic Development Director Pierce recalled at the last meeting Council discussed the proposed expansion of the Downtown Development District (DDD) area from 170 acres to 185 acres. Two options were proposed. Council asked him to provide some additional statistics based on code violations, building permits, rental licenses and vacant land. He has included that information in the Council packet.

Maps/exhibits of the area were presented showing properties since 2017 with code violations, parcels that received the building permits for construction, vacant land available for new construction and finally a map showing registered rental properties.

Also received were some written requests from property owners to be included in the DDD.

Two are on North Street, where the property owner is interested in constructing new single-family homes. The same owner constructed two new homes on Marshall Street as part of the DDD program.

Another request was from Mobius Investments, who owns several properties including the old firehouse and some of the state buildings. They are requesting the Gods Way facility be incorporated into the DDD to redevelop it as mixed use.

The First Presbyterian Church on South Walnut has also submitted a request to be included in the DDD area for some refurbishments to their church building.

A request was received from the property owner on Southeast Second Street which is outside of the proposed DDD area and involves an existing unit that needs some renovation work. That is owned by the same gentleman interested in building the two homes on North Street.

He also referenced the two options discussed at the previous meeting.

Option one includes land adjacent to the northwest portion of the District and includes parcels north of NW Fifth Street between Truitt Avenue and North Street. Within this area, there are 91 tax parcels containing approximately 19 vacant lots. This area has had 12 building permits issued since 2017, 32 properties with code violations since 2017 and contains 16 registered rental properties. This area contains two vacant properties that requested to be considered for the DDD expansion for the construction of new residential dwellings.

Option two includes land along South Washington Street between Southeast Second Street and Ball Park Lane, including those lots north of the Little League fields and Parks & Recreation administrative building. Within this area, there are

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76 tax parcels containing approximately 4 vacant lots. This area has had 16 building permits issued since 2017, 41 properties with code violations since 2017 and contains 7 registered rental properties.

Based on the information analyzed, staff recommends moving forward with Option 1 in terms of opportunities for new construction and the need of the community.

Councilmember Culotta thanked Mr. Pierce for all the work he has done. If he had to pick one, it would the area where he lives.

Councilman James recalled that his recommendation was based on the facts presented to Council at that time and with the additional information presented this evening, the pros of option one clearly outweighs the pros for option two.

Councilman Culotta said he has had a lot of feedback from his constituents asking questions about the DDD. His recommendation is to send it back to the committee level to take public comments so those constituents have a say in how this is handled. He is basing this on the large number of calls and feedback he has received and those residents would like to have a say in how this is decided.

Councilmember Wilson confirmed that those constituents are not basing their concerns on what is being presented to Council, but other areas in the community. Councilman Culotta said that is correct and because he represents the people that have these concerns, they want input on where to extend the DDD.

Mr. Norenberg said that normally this would go to the Community and Economic Development and based on that schedule, their next meeting would be in May. He asked if there is a deadline that needs to be met and if so, a special meeting may need to be scheduled.

Mr. Pierce explained the expansion request typically occurs with the annual review of the DDD and is based on related statistics and information with the Office of State Planning which is due by June 1st. He explained that would only provide him the guidance and it would not be adopted until after the Cabinet Committee for State Planning approved it. It would then be adopted by City Council.

He explained this opportunity is the result of an increase in acreage for all population ranges for existing municipal DDDs. This could be a one-time possibility to increase the area by fifteen acres. If this does not proceed, he thinks it may be done a little later though he was attempting to get out in front to give Milford the most opportunity to take advantage of the increase.

Mr. Pierce clarified he does not know if there will be a future expansion, though he knows they are planning to add two more municipalities to the program that currently has eight participating. However, the same total of funds will be used so each town will receive less funding.

Councilman James stated that Council has had the time to absorb the information considering the previous discussions even after Mr. Pierce as asked to provide additional information.

He further stated that if he was making his recommendation on his constituents in his ward, he would have informed those concerned persons to attend the meeting on March 25th to hear the conversation.

Councilman James feels that after all the work that has been, he feels it is the duty of Council to make a motion tonight. Dragging it out does not appear beneficial to him.

Councilmember Wilson agrees adding that this information was not on individual wards, but instead based on facts. She said that Mr. Pierce looked at the City as a whole and made a decision based on those statistics. It should not be about wards and instead Council needs to consider the Planner's recommendation and move forward.

Councilmember Culotta agrees with his fellow Councilmembers and if this is decided by our City Planner, there has not had any public input from constituents.

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Councilman James disagreed stating that the decision is not being made by the City Planner and instead made by Council through a motion and a vote.

Mr. Pierce then responded by saying that he would like to take a sliver of the river out, and when he asked the State of Delaware, they informed him he could not remove the river. However, he could ask to remove a small area to get the other written request to include the church.

It was confirmed items like this are typically made by Council and public comment is not normally taken.

Councilman Boyle asked if the boundary is flexible based on information and after going through the proper channels and asked if the flood plain can be removed; Mr. Pierce explained that there must be serious justification for removing properties or change the area in the DDD area. That is due to the investments and decisions being made by property owners based on the DDD.

He clarified there is an avenue to remove areas from the DDD, but it must be based on a significant reason.

Councilman Boyle asked if there would be any interest in building in the floodplain. Mr. Pierce said that is the reason for the mixed-use property, shown on exhibit B in the packet, was not included. It could be expanded in that area but a lot of land is being eaten up on large chunks of land that are primarily in the floodplain. Councilman Boyle said he was considering the properties on Front Street that are in the floodplain.

Mr. Pierce considered removing certain areas because of that, but they discouraged that and prohibit enclaves and the reason the did not pull out some of the park areas and the river to allow more opportunity for other property owners.

When asked about the Gods Way site, Mr. Pierce explained they want to redevelop the site into a mixed-use project that would include apartments with commercial uses or all residential use. The owner also has other properties available for redevelopment that are still vacant, including the old firehouse.

Councilwoman Peel asked about two properties on North Street and Mr. Pierce confirmed that Joe Wiley had gone through the minor subdivision process previously, and he is interested in new housing options there.

The Planning Director stated that if our plan is to increase home ownership in the downtown area, option one provides more options for new housing. Infill development should be encouraged by the municipality versus sprawling out into the communities due to utilities being available and services within walking distance.

Councilman James moved to recommend to the State of Delaware Office of Planning with option one, seconded by Councilmember Peel. Motion carried.

NEW BUSINESS

Authorization/AT&T Water Tower Lease

Deferred until April 8, 2019 Council meeting.

Bid Award/Shawnee Acres Pump Station Replacement

Public Works Director Mark Whitfield reported that bids were opened for this project. This pump station also serves as the receiving station for the new Southeast Regional Pump Station, which serves the new Bayhealth Hospital. It is under capacity and there have been numerous maintenance issues over the past several years, due to the type and size of the pump currently used.

The project will be funded through a USDA Loan/Grant. The award must also be approved by the USDA. The project budget for the construction project was $1,432,925.

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The low bidder was Kuhn Construction Company of Hockessin, DE, in the amount of $1,398,750 with funding through the USDA Loan/Grant, which is his recommendation.

Councilmember Wilson moved to award the Shawnee Acres Pump Station Kuhn Construction Company of Hockessin, DE, in the amount of $1,398,750 with funding through the USDA Loan/Grant, seconded by Councilman James. Motion carried.

Bid Award/Sidewalk Replacement Project

Mr. Whitfield recalled that when this was bid last year, the City only received on bid which was extremely high. They talked to various contractors to ask why they did not bid and most indicated they had no idea what the quantity was going to be.

He explained the new bid provided various ranges based on the quantity of sidewalks repaired. The more sidewalks completed under the contract, the less expensive the square foot price. Additionally, separate prices for 4" thick sidewalk and 6" thick sidewalk (at driveways) were obtained.

Bids for the project were opened on March 14 and of the two bids received, one bidder failed to submit a bid surety, and therefore was disqualified.

Based on the lowest responsible bid, the replacement of sidewalks under the City's responsibility would be as follows:

	at $17.95/sf	at $15.70/sf	at $13.55/sf	at $12.95/sf
Water	$37,246	$32,577	$28,116	$26,871
Electric	$16,155	$14,130	$12,195	$11,655
Sewer	$ 897	$ 785	$ 678	$ 648
Streets	$29,617	$25,905	$22,358	$21,368

Costs to property owners for a single sidewalk block (approximately 25 sf) would be as follows:

Price	Cost for 1 block
$17.95/sf	$448.75
$15.70/sf	$392.50
$13.55/sf	$338.75
$12.95/sf	$323.75

When this information is provided to the property owners, they will be provided with the range which can be used for comparison purposes.

As part of this project, 3,500 square feet is the amount of sidewalk the City is responsible where water meter pits, utility poles, street signs, hydrants, street tree roots, and sewer cleanouts, have caused damage. The range the City will be responsible for will range from $60,000 to $83,000, depending on the total quantity.

He recommends City Council award the Sidewalk Replacement Project-Year 1 to Diamond Materials of Newport, Delaware, at a not-to-exceed price of $660,537.50. This price covers all sidewalks that need repairs and is the maximum price as a result.

Councilman James referenced the language in the code that states 'in regard to all sidewalks within, adjacent to or parallel to an owner's property line though it may be partially in a City right-of-way or easement is considered he property owner's responsibility'.

He asked if a portion of the sidewalk is not within the legal boundary line, what happens because section of the code he read states the sidewalk is their responsibility though technically they are city-owned.

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Mr. Whitfield said his understanding is the property owner owns to the center of the street. The City owns a right-of-way and the thought is the property owner is responsible for anything within your property including the right-of-way in front of your property and deferred to the solicitor.

Mr. Rutt said in a perfect world that is correct. When reviewing deeds in the City of Milford of which many go back to the 1700's and early 1800's, the land dimensions have changed and some of the property lines do not go to the curb. Some go out into the street. Therefore, they do fluctuate. There is a presumption that if there is a city sidewalk in front of you, the property owner is responsible for the maintenance and care because it benefits your property.

He agrees that the property line may fall in the sidewalk, behind the sidewalk or on the other side of the sidewalk.

Councilman James said using himself as an example, he owns some of each and he has properties with the marker in the sidewalk. He also has a property marker that is several feet away from the sidewalk. He has heard from many residents from throughout the City who complain about their sidewalk not being part of their property. He understands the presumption, but does not know how to explain that to the citizens.

Councilman Culotta said he also understands that the code says the homeowner is responsible. But to take that code and send a letter out to everyone saying the City is going to start enforcing this and the property owner will be responsible. He said we have not notified them that there may be public money available if they qualify for it. But we have gone so far as to send letters stating the property owner will get another letter directing them but this letter is only preparing them.

Councilman Culotta said that was not decided by him or any elected official. It may have been before he came along, but he thinks this is two parts. He feels we need to start about the City sidewalks and the financing that is needed. And then Council needs to talk about the homeowners and how that will be handled and not go by what the code says. He recalled when Councilman Brooks stated the code can be changed by Council at any time.

Councilman Culotta said he does not like how it started, how it was communicated and the level of negative feedback from as Councilman James alluded to, not just from his ward but all wards.

The other problem is there is only bid again despite the reason the other contractor was disqualified.

Councilman Culotta appreciates what the City is trying to do by getting a better per square foot cost. The contractors are bidding even though they have no idea what they may be adding it is somewhat of an expensive amount for a sidewalk repair.

Councilman Brooks said he asked Council and the City Manager about concerns over an inch drop and an inch and a half here and if the code needs to be changed. Basically, he was told and he thinks Council was also told, it was going to be put in the hands of the Public Works Committee and after it was reviewed, it would be brought back to Council. He said no one every got back to him and asked Doug if that is correct.

Councilman Morrow believes the Public Works Committee last met in August during which time they asked for more information related to total number of sidewalk slabs. His point at that meeting was to figure out the assistance package before letters were sent out. He feels Council should have answers before the questions are asked. The first question his constituents ask if where the homeowner can get financial help and what is the cost if the City handles it, though that has been presented tonight.

Councilman Culotta asked if Council ever decided this is an issue they don't want to take with residents.

Councilman Mergner recalled at one time, the plan was to do a savings plan, but that was denied by some Councilmembers. He feels that savings plan could have been used to pay for these types of repairs. Councilmember Peel agreed that was included in the budget two years ago. She said that was because the Councilmembers were in disagreement about the way the code was written and who was going to be fiscally responsible.

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She continued by recalling that there was a discussion bout going away from what the code says to start a savings program and they began discussions about who would be funded initially.

Councilman James agrees the code needs to be addressed because the City Manager and the Director of Public Works says they are doing what the code says. Council agreed the yare doing the work based on an ordinance that Council approved at some point. However, he does not like the code.

Councilman Brooks said he asked and he was told they would get back with him.

Councilman Morrow also pointed out there are some areas that do not have sidewalks and that was a problem.

Councilman Culotta said if he asks someone in the Mayor's neighborhood if they feel the sidewalks need to fixed in Milford, they are going to say yes. If he asks people in his sidewalks, they might say but not want to pay for it.

When asked how the proposed savings fund was going to be funded, Councilman Mergner recalled that money was going to be put aside each year for the project.

Councilman Morrow said Council gave it back to management to review what funding was available.

Mr. Norenberg recalled at one point, and based on the complaints he had heard about the conditions of Milford's sidewalks for many years, the Finance Director proposed putting money in the budget each year to do some in an attempt to start getting the sidewalks repaired. However, that did not go anywhere.

He recalled that last year, City Planner Pierce put together a plan and applied for CDBG funds. That was denied even though it involved a low-income area with extremely damaged sidewalks, gaps or no sidewalks. Other than CDBG, he is unaware of any other funding available unless many years ago there was some streetscape money available for the downtown area.

The City Manager pointed out that they are trying to adhere to the code which is very similar to other municipal codes that put the sidewalk responsibility on the property owners and sets standards of criteria related to trip hazard or other safety issues. The last time this was discussed was last October and there have been numerous conversations in the Public Works Committee and several times by Council over the past two years.

He thinks it would be helpful if each individual Councilperson would provide direction about specific concerns about the code and whether it is the ownership responsibility, the standards or is there a problem with the trip hazard.

The City Manager recalled sending an email, though this was prior to Councilman James being on Council, with information about health benefits and property value benefits that are the result of having sidewalks. When in a walkable area, sidewalks become an amenity and is part of the price of a house when it is purchased. He will forward the email to Councilman James.

It could also be a negative if someone were to sell a house that had sidewalks in front that were in very poor condition. Either way, some concrete feedback is needed so that Council and staff can stop spinning on this.

It was also noted that most cities in Delaware are struggling with this as well with most having similar codes, other than Wilmington.

Councilman Culotta said that Georgetown announced they are putting a fund together to improve sidewalks. Councilman Mergner said that was the attempt in Milford ac couple years ago.

Councilman Culotta appreciates what the City Manager is saying, but the choice to enforce it in a shotgun approach to everyone that needs to repair their sidewalks, as opposed to looking at the worst offenders first. He also recommended taking care of the City's first and then the City can go to the homeowners and inform them there is a need to improve sidewalks or if buying a new home, the sidewalks need to be included as part of the condition.

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Councilmember Peel pointed out that was done and recalled the project to prioritize the severity.

Public Works Director said the priority was set to look at streets that service the downtown areas as well as streets that service the schools where students talk. That was the direction as first priority.

Mr. Rutt read from the code:

In all instances, property owners shall be responsible for maintaining, repairing, or replacing sidewalks and for keeping sidewalks in good repair, in safe condition and free of vegetation and shall not permit hazards to either pedestrian or vehicular traffic to exist. All sidewalks within, adjacent to, or approximately parallel to an owner's property line, although it may be situated partially or wholly in a City right-of-way or easement, shall be considered the property owner's responsibility.

Councilman James and Wilson felt there is a problem with the language if you are not the owner of the land the sidewalk is on. He recalled working on the sidewalk ordinance and when a developer built, a sidewalk fee needed to be paid, or sidewalks had to be installed, etc. He believes the code was in placed though they wrestled with the property.

He is concerned about a property owner who is aware their property stops before the sidewalk and now receives a letter from the City saying they are responsible and they need to pay to have fixed.

Councilman Boyle said we first need to decide if we want to proceed with repairing the sidewalks, and in what order, and how to handle properties where the sidewalks are not part of their property. If it is half on, perhaps the City can pay half and the property owner pays half. Everyone knows there are exceptions and perhaps they need to be considered individually.

He said that everywhere he lived he had a sidewalk and there were never questions about the responsibility being his.

Councilman Culotta feels the code needs to be reviewed and make changes if needed. He appreciates the sidewalk repair project and it will slow that down. He does not think the entire Council will agree to tell a homeowner they need to fix their sidewalk and if not, the City will handle and bill them.

In lieu of a committee meeting, Councilman Morrow preferred having a workshop where all eight Councilmember were in attendance. Otherwise, it could involve multiple meetings.

Councilmember Peel said because we have done these steps that are being recommended such as the eight Councilmember talking about it and the inventory and priority has been done, consider what information is needed. Council left this before knowing that winter was coming and this will provide another delay. In thinking about that, Council needs to ask for the exact information so that we can be prepared.

Mayor said where he lived the homeowner was responsible and if it did not get fixed, the City would pay for it with no interest.

All those items need to be addressed.

It was agreed that a workshop needs to be scheduled. Mr. Norenberg said he will need to talk to the City Clerk this week because there are a number of workshops already scheduled, in addition to the regular committee meetings. He again asked for each Councilmember to make a list of those specific concerns in the code and get that to either him, the Solicitor or the City Clerk so it can be pulled together and all of us better prepared.

Councilmember Peel moved to defer action on the Sidewalk Project, seconded by Councilman James. Motion carried.

EXECUTIVE SESSION

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

Pursuant to 29 Del. C. §10004(b)(9) Personnel Matter

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:54 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 10:38 p.m.

Employee Evaluation

Councilmember Wilson moved to approve the City Manager's contract for one year with a 3% increase, including the cost of living, seconded by Councilmember Peel. Motion carried by the following roll call vote of 5 to 3:

Yes:
Mergner, Boyle, Peel, James, Wilson

No:
Culotta, Brooks, Morrow

ADJOURNMENT

There being no further business, Councilmember Wilson moved to adjourn the Council Meeting, seconded by Councilmember James. Motion carried.

The Council Meeting adjourned at 10:50 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Attachment:
Jefferson Awards/Multiplying Good/Lead 360 Program Presentation

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OFFICE OF THE CITY MANAGER
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THE CITY of Milford DELAWARE

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May 14, 2019

TO: Mayor and City Council

FROM: Eric Norenberg, City Manager

SUBJECT: Ordinances 2019-18 and 2019-19

Purpose and Recommendation

The purpose of this memo is to review the proposed changes to the Milford City Code related to Chapters 67 and 26 to provide for the continuation of the Carlisle Enhancement Fund and the establishment of a similar fund for Police and other general government facilities. It is recommended that both Ordinances be approved.

Background and Discussion

In 2004, the City Council adopted Ord. 2004-2 to establish the Carlisle Fire Company Volunteer Firemen's Enhancement Funding Program (Carlisle Enhancement Fund). A surcharge of 0.25% on certain construction costs shown in the applications for building permits issued by the City is collected and added to the Carlisle Enhancement Fund. During the discussion by City Council and Fire Company representatives in 2004, it was made clear that the Carlisle Enhancement Fund was to be used to help pay for new apparatus or capital improvements for the Fire Company. Since then, it has been disbursed to the Fire Company after the City Council has received and reviewed a request letter from the Carlisle Fire Company. The changes proposed in these two ordinances will not affect this current program.

Over the years, it has been proposed that the City collect a similar fee to support construction, enhancements or maintenance of City facilities. Ordinance 2019-19 would create a new Chapter in the City Code titled “Enhancement Funds” and cover both the current Carlisle Enhancement Fund program and new, similar program for Police Department and General City Government facilities. It is proposed that the fee for the Police and General Government Facilities Fund be set at 0.75%. This will help generate funds for the cost of the replacement Police Station or other general government facilities that are not supported by enterprise revenue.

(The City Clerk’s Office has recommended rescinding Chapter 67 because with the additions proposed for the Police and General Government Facilities Fund, the Chapter 67 title, Volunteer Fire Companies, is no longer suitable and relocating the new chapter to Chapter 26 will aid readers in finding items by retaining alphabetical order for the Chapters of the City of Milford Code.)

Fiscal Impact

The enhancement fund fees are collected on construction costs as indicated on the applications for building permits issued by the City. The surcharges are paid to and collected by the City as are all other building permit fees for new construction projects, expansion projects or other building projects that increase building size. Enhancement Fund surcharges are not to be required, billed or collected on permits for residential accessory structures, renovations, replacements or similar work that does not

increase the building size.

Through April 30, 2019, the Planning and Development Department collected $352,260.14 for the Carlisle Enhancement Fund. (This included a large payment associated with the Bayhealth Hospital construction. Without that payment, the collections through the end of April would have been: $76,707.87.)

Consequently, had the new Police and General Government Facilities Fee been in place for the same period (not counting Bayhealth), approximately $230,000 would have been generated for municipal facility needs.

The Planning and Development Department projects that in FY2019-20, approximately $275,000 could be collected for Police and General Government Facilities if the new fee was enacted. (And, the Carlisle Enhancement Fund would continue to generate about $90,000.)

Example revenue resulting from the respective fees:

	0.25% Carlisle Enhancement Fund	0.75% Police Department/ General City Facilities Fund
$200,000 Home	$500	$1,500
$50,000 Addition	$125	$375
$1,000,000 Building *	$2,500	$7,500

(* Commercial investment of $1,000,000 or more is eligible for impact fee waivers, starting at a 10 EDU impact fee waiver, escalating to 50 EDU waiver. Additional EDU waivers are possible linked to job creation levels. See Chapter 19, Article III.)

Conclusion

As has been discussed in the past, a growing community puts demands on both fire and police departments, as well as other government operations, all of which need to be able to support the increasing size and complexity of our community. Continuing the Carlisle Enhancement Fund and instituting a similar fee for police and general government needs, will provide a modest funding stream to help fund known upcoming projects, like the replacement Milford Police Station.

City Council approval is recommended.

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the following ordinance is under review by Milford City Council:

ORDINANCE 2019-18
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 67
VOLUNTEER FIRE COMPANIES

Whereas, an Ordinance is required to rescind Chapter 67 of the Code of the City of Milford; and

Whereas, having changed the provisions in Chapter 67, Volunteer Fire Companies is no longer a suitable title; and

Whereas, the Chapters of the City of Milford Code have been conveniently arranged in alphabetical order to facilitate usage; and

Whereas, in order to preserve the alphabetical progression of the Chapters in the City of Milford Code, it was necessary to strike Chapter 67 and insert a new Chapter, entitled Enhancement Funds, to be placed in its proper order.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Whereas, Chapter 67, entitled Volunteer Fire Companies, is hereby rescinded in its entirety, and available for future use.

~~Chapter 67 - VOLUNTEER FIRE COMPANIES~~

~~ARTICLE I - Carlisle Volunteer Fire Company Enhancement Funding Program~~
~~§ 67-1. - Grants authorized.~~
~~The City Council of Milford, Delaware, may award to the Carlisle Volunteer Fire Company annual grants which shall be in addition to all other payments made by the City to them. The grants shall be known as the "Carlisle Fire Company Volunteer Firemen's Enhancement Funding Program."~~
~~§ 67-2. - Annual estimate of available funds.~~
~~On or after August 1 of each year, the Carlisle Volunteer Fire Company shall receive from the City Manager of the City of Milford his estimate of the funds that may be available for grants as a result of the imposition of the surcharge described hereinafter.~~
~~§ 67-3. - Surcharge.~~
~~The Enhancement Funding Program grants shall be funded by means of, and there is hereby imposed, a surcharge of .25% of the construction costs shown in the applications for building permits issued by the City Manager. Said surcharge shall be paid to and collected by the City of Milford as are all other building permit fees.~~
~~§ 67-4. - Rules and regulations.~~
~~The City Manager is hereby authorized to promulgate such rules and regulations as he/she deems necessary for the purpose of giving full force and effect to the provisions of this article.~~
~~§ 67-5. - When effective.~~

~~The collection of the surcharge and the award of grants and all other provisions of this article shall take effect immediately upon its adoption by a majority of all of the members of the City Council.~~

Section 2. Dates.
City Council Introduction: May 13, 2018
City Council Review and Public Comments: May 28, 2019
Proposed Adoption: May 28, 2019
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.

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the following ordinance is under review by Milford City Council:

ORDINANCE 2019-19
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 26
ENHANCEMENT FUNDS

WHEREAS, in 2004, the City of Milford adopted an ordinance as a means of collecting alternative funds for the Carlisle Fire Company; and

WHEREAS, in order to keep pace with the significant increase in the City's population and growth, and to continue providing exceptional municipal services, there is a need to consider other funding methods; and

WHEREAS, it is only reasonable that new development pays its fair share of the impact and that it should not become a burden on the general taxpayer; and

WHEREAS, City Council finds it appropriate to add a surcharge to building permits, at the time of issuance, as a means of collecting supplemental funds for the Milford Police Department and City of Milford General Government Facilities as a result of new and expanded construction.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.
The Code of the City of Milford, is hereby amended by adding a new Chapter 26, entitled Enhancement Funds, to read as follows:

Chapter 26 - ENHANCEMENT FUNDS

26.1 Surcharges Authorized.

Enhancement Funds shall be funded by means of surcharges on the construction costs as indicated on the applications for building permits issued by the City, as outlined in this Chapter. Said surcharges shall be paid to and collected by the City as are all other building permit fees for new construction projects, expansion projects or other building projects that increase building size. Enhancement Fund surcharges shall not be required, billed or collected on permits for residential accessory structures, renovations, replacements or similar work that does not increase the building size.

26.2 Rates

A. Carlisle Fire Company Equipment and Facilities:
   (1) City Council may award to the Carlisle Volunteer Fire Company grants for equipment purchases and facility improvements, which shall be in addition to any other payments provided by the City.
   (2) The grants shall be known as the "Carlisle Fire Company Enhancement Fund."

(3) On or after August 1st of each year, the City Manager shall provide the Carlisle Volunteer Fire Company an estimate of the funds that may be available for grants as a result of the imposed surcharge described hereinafter.
(4) The surcharge for the "Carlisle Fire Company Enhancement Fund" shall be billed at the rate of 0.25% in accordance with § 26-1.

B. Police and General Government Facilities
(1) The surcharge, to be used by City Police and General Government, shall be known as "Police and General Government Facilities Enhancement Fund".
(2) The surcharge for the "Police and General Government" shall be billed at the rate of 0.75% in accordance with § 26-1.

26.3. Rules and Regulations.
The City Manager is hereby authorized to promulgate such rules and regulations as he/she deems necessary for the purpose of giving full force and effect to the provisions of this article.

Section 2. Dates.
City Council Introduction: May 13, 2018
City Council Review and Public Comments: May 28, 2019
Proposed Adoption: May 28, 2019
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.

SECOND AMENDMENT
TO
CONTRACT RELATING TO ADVANCED METERING INFRASTRUCTURE PROGRAM
BETWEEN
THE DELAWARE MUNICIPAL ELECTRIC CORPORATION
AND
THE CITY OF MILFORD, DELAWARE

This Second Amendment to the CONTRACT RELATING TO ADVANCED METERING INFRASTRUCTURE PROGRAM is entered into as of _____, 2019 by and between The Delaware Municipal Electric Corporation ("DEMEC") and the City of Milford, Delaware (the "Participating Member", and together with DEMEC, the "Parties").

WHEREAS, the Parties entered into a Contract relating to Advanced Metering Infrastructure ("AMI") Program dated as of February 13, 2017, as amended by that certain First Amendment effective as of August 11, 2017 (collectively, the "Contract"); and WHEREAS, in order to facilitate Participating Member's participation in the AMI Program, certain additional applications and integrations will be required.

NOW THEREFORE, the Parties agree as follows:

1. Exhibit A-Scope of Initial Services to the Contract is modified to include those services set forth in Exhibit A-2 attached hereto, and the pricing schedule for the Initial Services set forth in Exhibit F of the Contract is modified to include the prices for the additional services as set forth in Exhibit A-2 attached hereto.

2. Except as expressly modified by this Second Amendment, all other terms of the Contract shall remain unchanged and in full force and effect.

[signature page follows]

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have caused this Second Amendment to the Contract relating to Advanced Metering Infrastructure Program to be executed as of the date first written above.

CITY OF MILFORD **WITNESS:**

By:_____ By:_____

DEMEC **WITNESS:**

By:_____ By:_____

Kimberly Schlichting
Senior Vice President/COO

Louis C. Vitola
Vice President - Finance

EXHIBIT A – 2

ADDITIONAL INITIAL SERVICES AND ONGOING SERVICES

All pricing shown below is in addition to any existing costs provided in Exhibit F and not in replacement of.

I.	**INITIAL SERVICES**			
	Applications & Integration			
	Additional Modules, Interfaces and Advanced Configuration One Time Fees			$ 8,548.00
	INITIAL SERVICES TOTAL			**$ 8,548.00**
II.	**ONGOING SERVICES**			
	Annual Fees			$ 1,294.15
	ONGOING SERVICES TOTAL			**$ 1,294.15**

INITIAL SERVICES - DETAILED BREAKDOWN

Applications and Integrations

Additional Modules, Interfaces and Advanced Configuration One Time Fees				
Item:				**Total Price**
GIS(Engineering Model) Interface Module				$ 8,548.00
Total				**$ 8,548.00**

ONGOING SERVICES - DETAILED BREAKDOWN

II.	**ON-GOING SERVICES**			
	Annual Fees			
	GIS(Engineering Model) Interface Module			$ 1,294.15
	ONGOING SERVICES TOTAL			**$ 1,294.15**

Note 1: Municipality should forecast an annual increase of 3% to Annual Fees.