City of Milford

CITY COUNCIL AGENDA

Monday, July 8, 2019

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

6:30 P.M.
WORKSHOP SESSION

Milford Housing Development Corporation Presentation

7:00 P.M.
COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition
- City Employees

Monthly Police Report

Monthly City Manager Report

Monthly City Finance Report

Committee & Ward Reports

Communication & Correspondence

Unfinished Business
- Authorization/Milford Public Library
- Authorization/Friends of Milford Museum
- Authorization/Transfer of Equipment and Cancellation of Note with Community Cemetery
- Update/Replacement/Cost Estimate/Milford Police Station

New Business

- Authorization/Public Art/Utility Box Painting
- Adoption/Resolution 2019-09-Solid Waste Division Amended Fee Schedule

Introduction of Ordinances:

Ordinance 2019-25
Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan
Amendment/Increase to Receiving Areas

Ordinance 2019-26
Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan
Milford Marina Enterprises LLC
Future Land Use Designation Change

Ordinance 2019-27
Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan
Maloney, Mitchell Rentals LLC
Future Land Use Designation Change

Ordinance 2019-28
Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan
Webb, Swain, Simpson
Future Land Use Designation Change

Ordinance 2019-29
Amending and Adopting by Ordinance the 2018 City of Milford Comprehensive Plan
K&G Associates LLC
Future Land Use Designation Change

Ordinance 2019-13
Amendment to Chapter 200-Subdivision of Land
Renaming and Renumbering of Sections
Transfer of Development Rights Provisions Added

Ordinance 2019-20
Amendment to Chapter 230-Zoning
Transfer of Development Rights Provisions Added

Ordinance 2019-22
K&G Associates LLC for a Change of Zone
Current Zoning: H-1 (Institutional Development); Proposed Zoning: OB-1 (Office Building)
Present & Proposed Use: Medical Office
Size/Location: .29 +/- acres of land located at 302 Polk Avenue
Tax Map & Parcel(s): 1-30-3.08-067.00

Ordinance 2019-24
Limitless Development Company LLC on behalf of Milford Marina Enterprise LLC for a Change of Zone
Current & Proposed Zoning: R-3 (Garden Apartment & Townhouse) and C-3 (Highway Commercial)
Present Use: Vacant; Proposed Use: Planned Unit Development and Commercial Residual Land
Size/Location: 12.90 +/- acres of land located at 19859 Cedar Beach Road
Tax Map & Parcel(s): 3-30-7.00-035.00, -036.00 & -037.00 (portions of)

Ordinance 2019-23
Beach Babies on behalf of Liborio Watergate LLC on for a Conditional Use
Current Zoning: R-3 (Garden Apartment and Townhouse District)
Present Use: Vacant Land; Proposed Use: Day Care Center
Size/Location: 1.82 +/- acres of land located at the northeast corner of Watergate Boulevard North and Marshall Street within the Watergate subdivision
Tax Map & Parcel(s): 3-30-11.09-030.00, 3-30-11.09-031.00 & 3-30-11.09-115.00

Adjournment

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

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

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

052919 060719 061719 062619 062819 070119

Milford Housing Development Corporation

Providing Affordable Housing Solutions

977 EAST MASTEN CIRCLE, MILFORD, DE 19963 PHONE: (302) 422-8255 MHDC WWW.MILFORDHOUSING.COM INFO@MILFORDHOUSING.COM

Who We Are

Our mission is to provide decent, safe, & affordable housing solutions to people of modest means.

- **MHDC** is a value-driven nonprofit housing developer.
- Known for our open-minded approach, commitment to quality with a caring and sound passion for clients & staff alike.
- Established in **1977** by a group of local concerned citizens.
- Delaware's **leading** nonprofit affordable housing provider.
- Servicing all of **Delaware** and parts of Maryland & Virginia.

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MHDC Corporate Values

Our Corporate Values provide the foundation for our Company

- Integrity: Above all, we are committed to integrity in all that we do, always, everywhere.
- Teamwork: It is the essence of our ability to succeed as a trusted supplier of affordable housing solutions to our clients. Our overriding loyalty is to the good of the whole organization. We learn from each other and share our skills and resources across organizational boundaries for our clients' benefit.
- Respect: We respect every individual. We draw strength from equal opportunity and diversity, at the same time supporting personal growth and development. We value and we all benefit from the entrepreneurial spirit of each individual.
- Professionalism: We are committed to the highest standards of professionalism, we pursue innovation, we deploy imagination, we are open to new ideas and we act decisively and consistently. We are determined to deliver outstanding quality so that our relationships with our clients will be long lasting and close.
- People First: We believe the potential of our company has no limit and is driven by our associates and their imagination. We are committed to an environment that attracts, motivates and recognizes high performance.
- Customers: We are here to please our customers—without them nothing else matters.
- Quality: We must take pride in everything we do. From our people, to our products and in our relationships with business partners and our community, quality is our signature.

Our Programs

Statewide Emergency Repair Program

Self-Help Housing Program

Single-Family Development

Multi-Family Development

- Other Services Include: Transitional Housing, Property Management, Preservation (rentals & homeownership), & the Homebuyer's Club.

Self-Help Housing Program

- Since 1997, MHDC has offered the Self-Help Housing Program as an alternative path to homeownership for families.
- MHDC is first and only Delaware-recipient of the Self-Help Housing Program award from the USDA Rural Development.
- To-date, over 200 Self-Help homes have been built.

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Self-Help Housing Program

- Families are required to work 21 hours a week, thus supplying roughly 65% of all the labor for home construction. Equates to approximately 1,500 hours in work committed and over $32,000 in sweat equity, per home.
- Participant median income roughly $25,000; roughly 40% Area Median Income (AMI) in Kent & Sussex Counties.

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Statewide Emergency Repair Program (SERP)

- A long-term project of First State Resource Conservation & Development Council, Inc. (RC&D).
- Founded by local citizens in 1991.
- Merged with MHDC in 2011.
- 2017 SERP was introduced by DSHA with MHDC being the administrator of the program.

Multi-Family Development

Market Street / Bridgeville, DE

Fairhaven Manor II / Federalsburg, MD

West Street Manor / Harrington, DE

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Family of Companies

East Coast Property Management

Program	Description	Location
Property Management	Provide property management & maintenance services for multi-family rental complexes	Delaware, Maryland and Virginia

East Coast Property Management

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Ground Control LLC

Program	Description	Location
Commercial Site Development Activities	Perform site work for multi-family complexes MHDC is developing & rehabilitating. Perform site development for homeownership initiatives at MHDC.	Delaware Maryland
Residential Site Work	Assist Self-Help and other Homeownership programs MHDC is developing	State of Delaware
Other non-related Activities	Assist other Non-Profits with site related activities (i.e. clearing, demo, and new construction)	State of Delaware

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Mission Builders LLC

Program	Description	Location
One and Two Family New Construction	Develop and build single family new construction (contract and speculation)	State of Delaware
Rehabilitation	Not our focus however, jobs will be approved on case by case by CEO & COO	State of Delaware
Other non-related Activities	From time to time MHDC will be asked to develop and build offices and housing for other Non-Profits this will also be approved by the CEO & COO	State of Delaware

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Current Activity

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Knoll Acres – Lincoln, DE

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Anthem – Milton, DE

Dover Strong

Kirkwood Street

Queen Street

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Milford Strong

North Street

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ZeMod Delaware

ZeMod Delaware
Zero Energy Modular Homes

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Thank You!

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Find us on Facebook & Twitter too!

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 28, 2019

The City Council and Planning Commission of the City of Milford met in a Joint Workshop Session on Tuesday, May 28, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 5:35 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Todd Culotta, Owen Brooks Jr., Douglas Morrow and Jason James Sr.

Planning Commissioners Rae Mims, Andrew Fulton, Sara Pletcher and Dwayne Powell

STAFF: City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Lisa Peel & Katrina Wilson

In attendance were Planning Director Rob Pierce and Planning Commissioners Andy Fulton, Sara Pletcher, Rae Mims and Dwayne Powell who arrived later during the meeting. Esquire James Sharp of Moore and Rutt was also in attendance.

He noted that both items on the agenda were objectives in the 2018 Comprehensive Plan.

Sign Code Revision

Planning Director Rob Pierce recognized the Planning Commission members are in attendance, in addition to the Sign Working Group that had met on five different occasions to prepare a draft code to be presented to both the Planning Commission and City Council. He also noted that James Sharp, Esquire of Moore and Rutt Associates has been a key contributor in assisting staff in developing a sign code amendment and facilitated the project with the Sign Working Group.

He felt it would be beneficial to provide everyone with an update of the sign code update in order to provide a basic understanding of where the code update is, and what the path will be used to move forward.

In addition, he decided that both groups could observe and share the Downtown Parking Study Results.

The Planning Director explained that he hoped to get both Council and the Planning Commission on the same page before the document is finalized and public hearings are scheduled.

Mr. Sharp commented that signs can be a hot topic and there are many ideas and opinions, which is why there is a great deal of material to get through today. However, there will be some public hearings later scheduled though this provides an opportunity to introduce this to City Council and the Planning Commission whose review will result in suggestions that will be considered part of the update.

The current sign ordinance was included in the Workshop packet.

Mr. Pierce reminded those present the City regulates all types of permanent and temporary signage, including on-premise and off-premise (billboard) signage.

They come in forms of freestanding, wall, projecting, awning signs and electronic message centers. Temporary signs include smaller push-in signs that are seen in yards and along roadways.

Mr. Pierce stated that in May 2018, the Community & Economic Development Committee of City Council discussed the need and process for updating Milford's sign ordinance. It was agreed it would beneficial to include the Chamber of Commerce, Downtown Milford, Inc. and sign company representatives to work with the Planning Commission to review the current ordinance and prepare a draft code amendment.

Staff attempted to schedule a Planning Commission workshop in the fall of 2018, but found it difficult to get all stakeholders together for the evening meetings. Because of the conflicts, they reorganized and created a small working group comprised of one City Council member, one Planning Commissioner and the organizations listed above. The "Sign Code Working Group" consisted of the following members:

Michael Boyle, Ward 1 Councilmember
Raymond Lynch, Planning Commissioner
James Sharp, Esquire, Moore & Rutt
Jo Schmeiser, Chamber of Commerce
Murrie Zlotziver, Downtown Milford, Inc.
David Mosley, East Coast Signs
Wendy Longstreet, Phillips Signs
Eric Norenberg, City of Milford
Rob Pierce, City of Milford
Evan Miller, City of Milford
Lynn Rogers, Rogers Sign Company

The working group met five times between November and February to review and discuss recommendations to improve the sign code, after which they shared recommendations with the Community and Economic Development Committee. Tonight, the working group is prepared to share the draft, which will be presented to the Planning Commission to develop the final amendment. A public hearing will follow before the recommended code is presented to City Council.

During the meetings, several key issues were identified several key issues:

1. The existing sign regulations are located throughout Chapter 230 Zoning and are not in one location.
2. The definitions section needed to be updated and modernized.
3. Portions of the sign code are ambiguous and contain conflicting language.
4. There is very little guidance on how to address legal nonconforming signs and maintenance of existing signs.
5. Signs should be constructed with durable, high quality materials, and some guidance should be provided within the code related to construction materials.
6. EMC regulations needed to be updated based on advances in technology and should include more detailed illumination standards.
7. The City should consider allowing Electronic Message Center (EMC) Signs in other zoning districts besides C3 Highway Commercial, and possibly consider allowing larger EMCs.
8. There are no regulations for signage for nonresidential uses in residential zones for schools, churches, etc. in the current code.
9. Temporary sign regulations in existing code are not content neutral.
10. There are no specific regulations for off premise signs (billboards).

Mr. Pierce said the working group found the existing code to be disjointed, difficult to interpret and fairly restrictive.

Mr. Sharp said the group also found the code to be more restrictive than he believes City Council would like. During the review of the code, it was determined that if an applicant was compliant with how the code is currently written, they did not believe that would be what Council wants or desires it to be. As a result, the new code will be drafted with numbers and sizes that may need to be changed, after considering the many components that make the current regulations so difficult.

He referenced the many areas where sign regulations are listed throughout the code. The definitions are non-existent as to specific signs, which is a challenge in itself.

The first need is to create a separate article in the code and remove all references of signage from throughout the cod and place them into one location. This allows for easier enforcement by staff and easier reference by sign companies and businesses.

He stated that the United States Sign Council has a model code that works with counties and municipalities throughout the country with standard definitions that are much easier to understand.

As a result, Mr. Pierce stated they will utilize the United States Sign Council Foundation sign code template and consolidate all regulations into one single article.

Currently, there are seven to eight pages of a sign code; the new code will consist of approximately thirty pages. Included will be updated definitions and more structural components of the ordinance, as opposed to the actual regulatory components.

The group's second recommendation is to review the sign height, area and setback requirements. He referenced two tables that include all regulations found in the code, by zoning category and sign type.

One issue the Planning Director pointed out is there is no guidance on the size of a sign for a school or a church, though they exist in other situations. The working group reviewed the current sign height, area and setback regulations and found the existing regulations to be fairly restrictive. There is not consistency for some of the size regulations in relationship to one another and the uses within those zoning districts.

It was also noted several signs in the residential zoning categories, as well as signs in the BP, OC1, C1 and OB1 zoning districts, do not comply with the current standards. The working group suggested the regulations be adjusted to reflect what has been constructed in the field and what makes sense for individual zoning groups and applicable uses.

The working group discussed developing a procedure to review large developments and complexes that may have signage needs beyond what is addressed in the standard sign regulations. Additional input will be needed as this is developed.

Adding a process for a comprehensive sign plan review by the Planning Commission and City Council for larger developments and site plans should also be considered. That will allow some flexibility to be considered during the land use application as Kent County currently permits.

Mr. Sharp noted that photos will be used to reference as this is discussed.

Because of the lack of standards with current signs, Mr. Pierce said the draft code will align with much more reasonable benchmarks.

Currently electronic messaging centers (EMCs) are only permitted in the C-3 Highway Commercial district. The group discussed allowing them in other zoning districts and removing the limitation of 32 square feet. It was agreed there is a bigger demand for EMCs in industrial zones, in addition to appropriate uses by churches, schools and similar entities.

It will be determined whether those applications will be reviewed by the Planning Commission, City Council or staff.

Mr. Sharp noted that Sussex County officials have discussed this issue in depth adding that most complaints are the result of the illumination. That is why a very detail definition is needed so that it can be enforced as well as understood by the public. He also discussed various technical standards and means of measurement.

Taking these matters into consideration, the draft ordinance will provide better illumination standards and methods to measure ambient light emittance to minimize adverse impacts to motorists and neighboring properties. It will most likely mirror what Sussex County has adopted in relation to EMCs.

Milford's current code permits billboards by conditional use approval within the C3 zoning district only. In addition, the only regulation is that the billboard meets DelDOT standards. The recommendation will be to incorporate regulations also similar to what Sussex County has adopted with more restrictive distances and radius'.

It was noted that one Planning Commissioner recommended prohibiting future billboards within City limits. That will also be considered.

Mr. Sharp shared that the temporary sign issue is a more difficult matter to address. The code's current language conflicts with recent court decisions because they are not content neutral and potentially violate freedom of speech laws.

Mr. Sharp provided information regarding the 2015 Reed vs the Town of Gilbert case involving directional signs for a church in which the United States Supreme Court clarified when municipalities impose content-based restrictions on signage. This section of the sign code needs will be revised to avoid legal challenges in this respect. All temporary signs will be treated the same, and enforcement can only focus on the size, location, quantity and duration and not what the sign says. The current sign code regulates business, real estate and political signs differently, which conflicts with that Supreme Court decision.

Mr. Pierce added that though a formal recommendation was not made, the group stayed within the context of the Sign Council On-Premise template which was structured to allow temporary signs in some quantity and size for each property, though again, additional input is needed.

The current sign code contains language conflicts, particularly under the prohibited sign section where it lists several types of signs not allowed within City limits, but ends the statement with "allowance shall be determined by the Code Official."

There is a need for more definitive criteria as to what is allowed and not allowed when it comes to temporary signs. The group discussed allowing one temporary freestanding sign and one temporary wall sign per property or per business, with size differences for residential versus nonresidential zones.

He stated they will continue working with Downtown Milford Inc. with architectural design standards that were created over the last several months to develop some type of review process.

Mr. Pierce said these five points will take up the majority of time of future workshops and public hearings.

If Council concurs, the draft code amendment will be forwarded to the Planning Commission for their review at the upcoming June meeting. They will provide guidance on the on-premise sign heights, sizes, setbacks, billboards, temporary signs, EMCs, and possible downtown sign design criteria and review. He plans to invite the working group members to participate in those discussions as well.

With the Planning Commission's direction, a final draft will be prepared. After our Solicitor reviews and approves the document, public hearings will be scheduled for a formal ordinance review.

Mr. Sharp stated that he has been through this with Sussex County for more than a year and hopes that Council will carefully review and identify areas they feel that changes are needed, and specifically provide feedback on what signs are permissible, which should be prohibited, heights, etc.

He thanked the working group for their input and recommendations, noting that a lot was accomplished during the five two-hour meetings.

When asked about banners, Mr. Pierce described the informal thirty-day approvals for specific events. That is presently handled in that manner because the code prohibits banners 'except at the discretion of the code official', which again contains conflicting language and needs cleaning up.

Mr. Pierce concluded by stating that next Tuesday, the Planning Commission packets will be mailed. He will provide a link to access the draft sign code. He encouraged Council to review it and email the City Manager or him prior to any further meetings.

Mr. Rutt recalled that a few years ago, legal action was brought against the Town of Milton as a result of making a resident remove some political signs. The ACLU brought suit which resulted in a substantial lawsuit and a lot of bad press.

When asked, Mr. Pierce confirmed the United States Sign Council Foundation is a non-profit group with sign companies as members. In essence, the template is more of a pro-sign industry template and the reason he felt it would be a good starting point.

Mr. Sharp added that the feedback from local sign industries was they are not opposed to clear regulations, though they were in favor of more commonsense type regulations.

Councilman Marabello recalled when he was an elected official many years ago this was discussed. He suggests the effect, as far as beautification, must remain a goal. There has been a lot of work done in Milford to be more attractive, and adding a lot of signs with no separation, looks ugly and defeats the purpose of the sign and referenced the Lewes area where this has occurred.

He asked that the beautification of the City remain a top first priority.

Downtown Parking Study Results

Mr. Pierce reported that one of the objectives of the transportation chapter of the City's Comp Plan was to study and address parking deficiencies in the central business district. He then introduced Adrienne Eiss, Project Manager of Whitman, Requardt & Associates LLP who performed the downtown parking study, paid through a grant provided by the Dover Kent Metropolitan Planning Organization (MPO).

Ms. Eiss said she will summarize the study purpose, talk about what was done, provide a summary of what was found and present the recommendations for improvements.

She explained the purpose was to determine whether the number and allocation of public parking spaces for downtown merchants and their customers is adequate, to determine parking needs, and evaluate potential improvements the city can make to address needs.

The study involved typical conditions and did not include event parking.

It included the C-2 Central Business District zone generally bounded by North Second Street, Causey Ave./South Second Street, Maple Avenue on the west and Montgomery Street on the east. This involved retail establishments, commercial restaurants, as well as parks and public destinations such as the Milford Library and Milford Senior Center.

The test for the study were to evaluate the existing conditions that involved public outreach, identification of needs, developing recommendation for improvements.

The outreach activities include several parts at the beginning. They met with City agencies including the Planning Department, Public Works and Parks and Recreation and she talked to the Police Chief.

They did a presentation to the Downtown Milford Inc. Entrepreneurs' Group in September and followed up with a public workshop at City Hall to get feedback and input. A questionnaire survey was completed and made available on the City and Dover Kent MPO websites.

Initially an inventory was done which results follow:

- 327 on-street spaces
- 433 public off-street spaces (owned by
- approximately 1,000 private off-street spaces
- A total of over 1,750 parking spaces in the Central Business District

Ms. Eiss looked at posted parking regulations and referenced the map and no parking, permitted parking, two-hour parking and handicapped on street parking areas.

They inventoried every parking lot (private, commercial or public) for a total of 48 lots. Of those 13 are public lots owned by the City.

Several maps were referenced and correlating parking statistics.

They also considered turnover which the number of different vehicles that occupy a space. Turnover counts were conducted on a Thursday from 10:00 a.m. to 7:00 p.m. in the three busiest public lots on street in two-hour limit zones.

Turnover can be promoted by setting time limit on parking. The City has addressed that by setting two-hour time limit posted on portions of the following streets:

Walnut Street
South Front Street
North Front Street
Park Avenue
Church Street

From the existing conditions, they found no obvious shortage of parking spaces on typical days. When an individual block or lot is full, spaces always available in adjacent block or nearby lot.

However, there is a need for better direction to the public lots, better identification of public parking lots and the poor layouts cause traffic conflicts and poor circulation.

In some public lots, employees are using those spaces which eliminates spaces from potential customers and visitors.

The purpose of parking-related improvement projects in downtown Milford would be to improve public awareness, user comfort or availability of public parking that supports downtown businesses.

As a result, recommendations were made, with six aimed at improving public awareness, seven aimed at improving user comfort and availability of parking.

For each of the recommendations, a timeframe, cost and responsible party was provided:

Councilman Morrow arrived at this time.

To improve public awareness of the parking resources, the following recommendations were made:

- Consider naming parking lots.
- On-line mapping of public parking resources
- Businesses can add parking information to their websites.
- Improve parking directional signing on the street and identification signing at public lots.
- New signs for public lots.
    - 24 locations for new directional signs on the street.
    - 10 locations for new lot identification signs.
    - 11 signs for other purposes.
- Create convenient, highly visible entrance to Northwest Front Street lot.
    - Change existing exit driveway to entrance
    - Lot identification sign instead of “Do Not Enter”
    - Makes lot seem less remote for destinations south of North Front Street
- Pedestrian directional signing to SW Front Street lot
    - Raise awareness of existing walkway to Walnut Street
- Periodically review and update street parking regulations
- Work with employers to encourage employees to park in underutilized lots north of North Front Street to increase availability of parking for visitors
- Add street parking to Washington Street

- East side between Southeast Front Street and Northeast Front Street
- Destinations served include the Milford Library, apartments, Davis, Bowen & Friedel, Park Place

- Improve Arena's Lot
- Improve Park Avenue Lot
- Improve NE Front Street Lot
- Improve City Hall lot
- Improve Pearl Alley lot sidewalk frontage on Southwest Front Street for pedestrian safety

Ms. Eiss stated that eight of the recommendations can be done in less than two years; nine can be implemented by City sources. Those needed to be completed by contract including parking lot construction and the design and creation of the directional signage system.

The total cost of the recommendations is $330,000 based on the following estimates:

Five of the improvements involve no capital cost.
$262,000 for parking lot improvements
$ 65,000 for signing improvements
$ 3,000 other
$330,000

It was determined the conditions of the parking lot were not part of the study.

When asked why the previous bank parking lot was closed off at the proposed restaurant at the corner of Northwest Front and Walnut Street, Mr. Pierce explained the Walnut Street was closed off to gain additional capacity and parking spaces. With proper signage, the front entrance could be made two-way, though it may be difficult to get DelDOT to agree to that due to its close proximity to the signaled intersection.

Mr. Pierce also noted that some of these items were discussed during the Rivertown Rebirth Steering Committee process. Many of the recommendations are in the capital budget for Council consideration including parking lot upgrades and parking signage. Some of those cost estimates were already included in the CIP. For example, Public Works has been working on Arena's lot to improve circulation.

Councilman Culotta feels that in the short term, the signage is the biggest priority and most easily fixed. There is a lot of parking that visitors are unaware of and he feels the City should be doing a better job of making that apparent. He feels the proposed signage budget is manageable.

In addition, he feels the two-hour parking is a bit of an over reach and too hard and too expensive to enforce without a metered system.

Solicitor Rutt stated that a lot of municipalities used to mark a tire and the Federal Court has ruled that is a violation of the Fourth Amendment.

There being no further business, the Joint Workshop concluded at 6:52 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 28, 2019

The City Council of the City of Milford met in Workshop Session on Tuesday, May 28, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:55 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniele Marabello, Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow and Jason James Sr.

STAFF: City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmembers Lisa Peel & Katrina Wilson

Request for Funding/Kent Economic Partnership

KEP Executive Director Linda Parkowski reported that she is present to provide an update of Kent Economic Partnership activities, thanking the City of Milford for their annual support.

She referenced the new slogan/logo/website (choosecentraldelaware.com) created over the past year.

Ms. Parkowski reported the following:

KEP is a private/partnership made up of Kent County Levy Court, municipalities, Greater Kent Committee (businesses and CEO's) and the State of Delaware agencies. A study done by Rockport Analytics identified three targets industries-distribution/warehousing/manufacturing, health care and business and legal services. Either a lot of money was being spent outside the county or those services were being imported.

In Kent County, there was a demand of $756 million for distribution/warehousing/manufacturing and an import of more than $310 million; demand of $1.1 billion and $153 million was imported in health care services compared to a demand of $1.6 billion with $775 million imported.

Because of the need for a workforce to attract that type of business, Rockport also identified education/skills development as a recommended target and provided a list of occupations in which Kent County has a deficit. For the first time ever, an Education Workforce Committee was created in which all higher learning facilities, secondary and technical schools are included. The goal is to have the trained workforce for these targeted industries.

Presently, there is only distribution/warehousing/manufacturing workforce is available. Training for the other target areas is inadequate and will be addressed by the committee(s).

Rockport also identified quality of life. Without a place for people to live and locate their business, they are not moving here. There are a couple municipalities in Kent County in which quality of life is a high priority and she believes Milford is near the top.

A Quality of Life Committee was created with a majority of Millennials. When asked what would make this place attractive and needed, they found out that for a plus thirty Kent County is adequate. For minus thirty, they need to do more and the committee is working on that.

Central Delaware Schools will also be highlighted through a partnership with the Delaware State News.

A movement across the State was created by the various business organizations called Ready in 6. That will study the state permitting procedures, evaluate county and municipal processes, calculate the economic loss and identify the best practices from across the country which will result in five attainable goals.

Acknowledged were the funding received from:

State of Delaware
Kent County Levy Court
City of Dover
City of Milford
City of Smyrna
City of Harrington
Greater Kent Committee

Potential partners include:
Camden
Clayton

KEP has hosted meetings with local planners to discuss standardizing forms between the municipalities, procedures between the municipalities and to encourage more communication between the County and its municipalities**.**

They have also hosted town manager meetings and at the next meeting will consider access to services. Grant writing, marketing, social media, USDA grants and University of Delaware services will be reviewed.

Business retention and expansion programs are also available. She has toured Milford businesses with City Manager Norenberg and Planning Director Rob Pierce and more visits are planned to access needs and identify potential supplies for potential relocation possibilities.

Talent attraction remains the number one issue across the State of Delaware. Needs range from IT personnel, managerial, technician to mechanics. Some of that problem is the lack of skills in those fields and will be a major focus.

Many leads are received, with many coming from the State organization. They respond with sites locations and Milford is mentioned frequently, often because of their industrial parks which are submitted for distribution and logistic sites because they are shovel ready which is often a business' number one objective.

Kent County, along with KEP requested and Kent MPO funded, a transportation study for Milford of East-West Freight Routes out of Kent County which will begin July 1st.

Master Planning for the Future continues with Little Heaven and South Frederica interchanges being developed so that they will be shovel ready for any potential development in that area.

Ms. Parkowski has attended five different trade shows outside of Kent County and advertised in Site Selector Magazine in an attempt to sell the county and raise awareness of the potential.

The website has been completely rebuilt is much more user friendly, with identified shovel-ready sites and large signage will be installed this summer to help advertise those sites that are in high demand and approvals are in place.

Flyers have been created to highlight the opportunity zones as well as Downtown Development Districts throughout Delaware.

She noted that this was their building year starting with ground zero. This year, she spent a lot of time on warehousing and distribution. Next year, the target industry will be healthcare with Milford poised due to the new Bayhealth Campus.

Following the presentation, Mr. Norenberg reported that next week, City Council will be considering funding several organizations, including Kent Economic Partnership request for $30,000 to support their initiative. He also noted that Councilman Boyle represents the City on the KEP Board.

Request for Funding/Milford Public Library

Mayor Campbell announced that because his wife works for Milford Public Library, he excused himself and left the Chamber.

Executive Director Kay Hudson was in attendance to present the request on behalf of the Board of Trustees of the Milford in the amount of $50,000 for the upcoming year stating as follows:

The Library is one of the biggest assets Milford has to offer its citizens and is the Cornerstone of Downtown Milford.

Ms. Hudson provided some background talking about its relocation and growth on South Walnut to its current

In the late 1980's, the City Fathers wanted to move the library downtown in an attempt to help revitalize Downtown Milford. The new library was built and in 1993, the new library opened. In 2007, Milford had already outgrown the building and it doubled from 1,200 square feet to 2,400 square feet. Today, there are 24 public computers, an enlarged children's room, meeting room, Delaware research room, Milford Chronicles digitized from 1872 -2012 and Milford History.

Approximately 500 patrons are served a day. New residents share that Milford Library is one of the main factors for making Milford their home.

She then referenced the following letter:

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.

Ms. Hudson provided the following information:

Staff Total: 23 (2 bilingual)
Salaries: $472,00
Six New Staff Hired in 2018
$11.20 Average PT/$21.58 Average FT
Total Salaries $472,000

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

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

Children Programs-
My First Library Card
A Thousand Books before Kindergarten
Lifesize Candy Land

Children's Program 571 Participants (April 2019)
Storytime-Preschool and Toddlers

Adult Programs
18 Program 350 Participants (April 2019)

Summer Reading Program:
Children: 400 (2018)
Teens: 35
Adults: 525

Music in the Park
Motown Bingo
Blood Bank Services
AARP Services 650 people
Seasons Hospice
Social Worker every Tuesday
Computer Classes
Computer assistance (one on one by IT Specialist)
Book Clubs
Lecture Series

Teen Center open daily from 3 to 8 p.m. with various programs and activities.
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 Center Assistant Director Mike Baker also shared some success stories of teen patrons who are involved in the Teen Center.

Ms. Hudson reported that in the past, they were able to put money in a reserve account. However, they are now coming out in the red every year and those reserve funds are now being used in order to continue with these quality services.

She thanked the State of Delaware for their support in building and expanding libraries, but pointed out they do not provide assistance with operations. Without any new funding, the library will be forced to reduce the hours of operations, less programing and close the Teen Center.

She concluded by stating she appreciates the support shown by the City in 2012 when the library expansion was completed. They recognize the City also provides snow removal and grounds maintenance; however, there is an urgent need for additional financial support.

Mayor Campbell was asked to return to the Council Chambers to adjourn the Workshop Session.

There being no further business, Mayor Campbell adjourned the meeting at 7:29 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 28, 2019

Milford City Council held a Public Hearing on Tuesday, May 28, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Lisa Ingram Peel, Todd Culotta, Owen Brooks Jr., Douglas Morrow and Jason James Sr.

STAFF: City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmembers Lisa Peel & Katrina Wilson

Mayor Campbell called the Public Hearing to order at 7:33 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

Planning Director Rob Pierce referenced the events leading up to the proposed adoption of this ordinance. He stated that in Fall 2018, Council's Community Affairs and Economic Development Committee lot sales in Independence Commons and heard a request from I-Realty for a self-storage facility within the business park. I-Realty was interested in purchasing Lot 4 consisting of 11.52 acres where they planned to develop self-storage, which is prohibited in the current OC-1 zoning designation.

The OC-1 zoning district permits professional and medical offices/clinics, but permits day care centers, indoor recreation, private clubs, conference centers and charitable organizations but only by conditional use. The current code prohibits residences, manufacturing of any kind and bulk or wholesale storage or distribution centers.

The proposed text amendment, would allow self-storage facilities as a conditional use within the OC-1 zoning district. The draft amendment would also clean up the prohibited use section as the code already states under paragraph OC-1E "any uses not permitted, as previously listed, are prohibited." This would eliminate any conflicting language that may provide the appearance that any uses not permitted, may be allowed.

The ordinance was reviewed by the Planning Commission at their May 2019 meeting, at which time they recommended denial by a vote of 3 to 1.

Mr. Pierce reported there was public testimony taken at the Planning Commission Hearing with many voices their opinions against it. In addition, a number of emails have been received from adjacent property owners and from employees working in the Veterans Home Facility.

Mr. Pierce advised that representatives from I—Realty have submitted an email stating they wish to rescind their offer on the land next to the Veterans Home and are no longer supporting this ordinance before Council this evening.

He then confirmed that I-Realty has not submitted a formal site plan application and instead, this is an amendment to the code that were permit an application for a storage facility to be submitted.

In order to be approved, it will require six votes of City Council.

Solicitor Rutt directed Council not to consider I-Realty's request as that is unrelated to the OC-1 ordinance amendment, which adds storage units to the zoning district and eliminates three items. Because the Planning Commission to deny the recommendation, City Council would need a vote of 6 affirmative votes, which tonight would be a unanimous vote.

It was confirmed that the City purchased the land from Tim and Jeanne Johnson though there was some supplemental funding for the purpose of creating jobs.

Mr. Pierce referenced the lots that have been sold and those that are still available, adding he has been in Milford for four years and only lot has been sold.

Councilman James pointed out that those lots that have not been sold, are not creating jobs nor any type of revenue. He recalled that desire of the Veterans Home when they located here to downzone that area, but asked if the prohibited uses are in the best interest of Milford or is the City comfortable with the lots not moving.

Mr. Pierce confirmed that if the prohibited section is eliminated from the code, those uses are still permitted, because they are not permitted as a by-right use or through a conditional use process.

He confirmed that eliminating the section does not change the ordinance and reiterated those uses are still not allowed. It is a simple clean-up of the wording in the code. However, the storage units are to be added and would be permitted through the approval of a conditional use application.

Mr. Pierce also reported that the State of Delaware Secretary Jeffrey Bullock also submitted a late letter of opposition to Ordinance 2019-11.

Mayor Campbell then opened the floor for public comment.

When asked if anyone was in favor or the ordinance, no one responded. He then asked for a show of hand, no one responded.

Maria Hammond said she represented her Aunt Major Retried Bernice Jackson who resides at the Veterans Home. She stated:

Yesterday we honored the people that served and gave everything and in November we will honor our veterans. At the end most people that work go home and relax, sit back, enjoy their garden, watch birds or their children play in the yard. That is the space that has been created at the park/facility/land. There is a Veterans home where her 90-year-old aunt sits and watches birds and deer from her window. She can go out on the front porch and watch the children play at the Boys and Girls Club. She can go out back and fish in the pond with her husband. If you have a loved one at home that has Alzheimers or any other illness, there is a place you can go when it becomes terminal at the Hospice House. Another place created so that those people can go there and pass in peace as well as their family members go there and utilize those tranquility gardens so they can feel better. The Boys and Girls Club is phenomenal with how many people go there and even have a church on Sunday. The park that has signs on the highway that tells families go there and play with your kids. They go there to visit her aunt multiple times a week and there is always someone around that pond fishing. People park in the field and walk over to fish, not counting the veterans that use the pavilion out back to fish. My husband has been at that pond with my aunt with a pole with a bate to fish. She has lived 90 years and served over twenty in the Air Force. She is one of the fortunate people there that has her right mind. She deserves the right to live in a place of peace and not in a place where she is constantly disturbed by noise and commission or construction. They are working on a new dining room and she watches the construction trucks go by her room every day. One of the first thing she will say is I know that dining room is for the best but I will be glad when those trucks stop going by my room every day. Her room is in the back and her view is of the drive going around the facility. That is the environment and she does not understand why that is being changed. A storage unit was on the table and we have storage units in Georgetown and they become a place for someone to put their boat that doesn't work anymore, their camper they don't use anymore and they leave them there and desert it. Until the time the owner of the storage unit has to have an auction to get rid of the junk. Not only that, but the one in Dover and she thinks was the Liberto Storage Unit in Dover became a drug center. This gentleman was storing his drugs, his weapons, his items to be distribute the drugs with and the police did a raid on

that facility while he was there getting his drugs. Is that the kind of environment that you want for those veterans the children in that area? Like you said I believe the State of Delaware gave Milford that land with good intentions to take care of it and to provide jobs. If you want and my cousin David Wilson is one that sent you a letter, but if you want to provide jobs for Milford that lady is talking about the library and millennials wanting to do things. Millennials want to be outside and exercise and want a place to go.

Andy Strine of Investors Realty stated:
We are the ones that opened this can of worms several months ago when looking for a parcel they thought was suitable. Obviously, this piece has been on the market for more than fifteen years and it had utilities and entrances and made sense from that standpoint. We came to you guys with the request recognizing it was a little out of the ordinary and said we want to make sense it makes sense for the community before we go forward. I believe you guys reached out to the Veterans Home, Boys and Girls Club and the surrounding stakeholders but maybe it did not get real until it got real. At the last Planning Commission Meeting, they talked to someone of the folks who were passionate and opposed to this, and while as a developer I get there are times where they will agreed to disagree, but the day after Memorial Day he is not going to come up here and try to jam something down the Veterans Home throat by any stretch of imagination. That is not something they will do. They did do an email saying they will pull the contract back and he would suggest they don't support the amendment even though they were part of it initially in light of the feedback and comments and the folks that are there, it is not an appropriate use. He is sorry to put the City through this and he appreciates being able to speak.

Eugenia Thornton of 165 Lakeside Lane, Frederica stated:
Crystal balls being in short supply, it is generally bad policy to change what goes into a certain zone just to accommodate one applicant. I think you probably know that now. In this case, this idea has already gone off the rails because as Mr. Strine has said he has withdrawn his application. If you go ahead and change the text to include storage areas being no longer prohibited, we might be risking having another developer who wants to put a storage area in who will not put in a second general storage area like Mr. Strine was and instead get something else that doesn't work as well with the community as Mr. Strine and I-Realty do. You never can blame an applicant to try to make things going this way. He is in the business of making money and this Council is in the business of looking out for this area and the citizens and being as fair as possibly and I know from visiting the City this Council is good at doing that job. Of ten though when a government fails to stick to some of its long range plans the citizens do lose faith in government because after all, they build, develop and put their houses up and put their investment in where they are safe based on the plans already in place. When those plans get yanked out it can be very upsetting and she thinks Council is going to hear about that from some other residents. The Office Complex 1 Zoning already allows many uses that will grow Milford's economy by providing jobs and providing the City many services and good they want and need. And you don't want to continue letting that eleven acres next to the Veterans Home just be farmed for hay for the next fifteen years but the economy has been improving and some of the ideas already heard from a presenter at the meeting there may be some opportunity to get some of the uses that are already included in the OC-1 zone. I am wearing the miniature version of my metals that I earned as a Colonel in the United States Army to tell you that I am a potential person to come in to the Veterans Home and I am a volunteer there now and I know Bernice and she knows my dog Dolly. More importantly I am representing my husband who cannot speak and I am his power of attorney and if I take six minutes that is why. My husband is dying in that Veterans Home right now and I don't want his last views and my future views to be that of a back end of the storage area even if it a next generation storage area. The optic of two warehouses side by side, one the warehouse of unwanted furniture and one the warehouse of veterans would be an optic the City of Milford would not want to provide. She appreciates the no vote tonight.

Renee Smith of 458 Canterbury Road stated:

My husband and I have property that borders two sides of the business park and we also work at the Veterans Home. I have been there for twelve years. I am worried about what you are going to do to the people that live there. They have served their country and do not deserve to live in an industrial park. If you start changing the ordinance now or the text to the amendment, you are opening the door for a lot of other things to come through. I don't think it is right for the park, right for me as a homeowner. I have already been saddled with an enormous number of solar panels that no one informed the surrounding property owners were being placed there. No one told them that chain link fence was going to be put around them and have given someone else the opportunity to put chain link fence up because that door has been opened. The City has already set the precedence and I don't think it is fair for the people

that live or border Independence Commons or to the Veterans Home and to the park. I am hoping you will vote no this evening and leave things as they are and make it a professional business. It is quiet out there and already endure the 'nice' concerts they hold at Mispillion Brewery every Saturday night until 11 or so every weekend and no one in that area can open their windows. She hopes Council will say no and make an attempt to keep this side of the park quiet so the Veterans, Hospice and Boys and Girls Club and neighbors will have a peaceful environment.

Terry Hollinger, Administrator of the Delaware Veterans Home stated:
Thanks to the previous presenters he is able to cut down and hope he is able to stay within the three minutes permitted. The property was initially down zoned at the request of the Delaware Veterans Home and Delaware Hospice and the reason they are located there today. Even though the current storage unit has been removed, does not prevent someone else from coming in or someone else changing their mind and re-presenting this application at another time. Previously in the last meeting minutes, it stated that this would not affect the Delaware Veterans Home. You have to remember a large part of our population of World War II and Korean and Vietnam Veterans who suffer from PTSD, Dementia and Alzheimers and seeing a chain link fence with barbed wire will have an unknown impact on them. For someone to say it would not have an effect on the facility cannot be judged that until it happens. Then it will be too late and they don't want to have to deal with the veterans in that way. The previous presenter from Kent County Delaware said they are going to start emphasizing healthcare and Milford has a wonderful hospital that is now Bayhealth which will attract more physicians and other professionals. True it may not have sold previously but if it is given the opportunity, there will be more professionals moving into that area.

Allan Angel stated:
I am representing my father who is a veteran at the Veterans Home. Myself, as a disabled vet, I could end up there also. I have the same concerns everyone is speaking about tonight, which I agree with everyone's concerns. A storage center is not a job creator. If that was put there for the purpose of creating jobs but let's talk first about what it is used for first. As a County Commissioner, I am the Economic Development Commissioner for Kent County. I would be more than glad to help Milford find the proper place to put something there. The fact that Hospice, the Veterans Home and the Boys and Girls Club have been rightfully protected and the City has done a great job doing that. As a County Commissioner for fifteen years, they have land they have not been able to sell in their business park either. So we are all in the same boat and are all trying to work together. To let you all know, we have the first manufacturing coming to the State of Delaware to Kent County. That is all I am allowed to say at the present time, but in the proper place. With your help, please vote no tonight to what these people are asking and I am asking for too.

Susan Lloyd, President and CEO of Delaware Hospice stated:
Thank you so much for all the comments tonight and you have a tough job to make decisions on the growth and development of Milford, but I want to second a lot of the comments tonight and we have created such a beautiful place in Independence Commons and we have really, truly gone beyond the dreams I had for it when she helped to open the building eleven years ago. I hope you will vote no.

Dottie Burke stated:
My husband is also at the Veterans Home and I just want you all to vote no. That's it.

Dietman Panzig of 143 Bluebell Drive, Magnolia stated:
I am a veteran and fought in Vietnam. When I retire, I don't want to fight that war again. I want to ditto what everyone has said tonight and hope you vote no on this situation.

Donald Smith of 458 Canterbury Road, Milford stated:
I also work at the Delaware Veterans Home and I want to say I am in full agreement with the previous comments against the changes. I am personally against any zoning change that would allow self-storage into the office complex and the lessening of requirements that would allow that type of industry and similar to come in especially for the Veterans Home as everyone has mentioned, but also for the surrounding community. I believe the installation of that type of industry would lessen property values. My property backs up to a portion of this 11-acre parcel as is shown on the screen. I also want my neighbors to be considered as well. Hopefully you will vote no.

Tammi Young of 89 Benmel Lane, Harrington stated:

I am the receptionist at Delaware Veterans Home and I also want you to vote no. These people deserve much more than having everything including their peace and quiet disrupted. Everyone else covered the rest of my concerns. They deserve that peace and they do enjoy watching the children and looking at nature. Right now with the construction going on, it is hard on them. So, I can't imagine that everything is taken away and I ask you to vote no.

Nina Pletcher of 428 South Walnut Street, Milford stated:
My mother is a resident at Milford Place which is no where near this construction proposed. But I don't know if anyone asked me or her about all the condos she can now see at the backend of that facility. I think this makes me neutral about this position, about this vote, but I just felt I needed to speak for my mom who is also very valuable to me as their family members are to them.

There being no other person wishing to speak, Mayor Campbell closed the floor to comments.

Councilmember Marabello moved to deny the adoption of Ordinance 2019-11 amending §230-18 OC-1 Office Complex District, seconded by Councilman James:

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.

Solicitor Rutt then stated the motion should be to accept the recommendation of the Planning Commission to deny amending Ordinance 2019-11.

Motion carried by the following unanimous roll call vote:

Councilmember Marabello moved to accept the recommendation of the Planning Commission's rejection of the proposed Ordinance 2019-11 to amend the Zoning Code, seconded by Councilman Culotta. Motion carried by the following unanimous roll call vote:

Marabello-votes yes and stated he went to the service yesterday and he did not expect to be this emotional. But he had two brothers that fought in World War Two and he is the youngest. He rejects it for a few reasons. First of after looking through the documents for all these years this was not the intent for this storage unit to be there. First of all, they have a phrase and is it a unified commercial development and does it conform with what is there now. As far as the economics, the only job that would be created is one possible job in the office. And the construction would be a problem. As far as the economic benefit, the city would get some money for the property, but that is not money that I as a councilman would want to receive. Our assets in the City are high enough that we don't need that money at this cost. Those people have the right, as people said of tranquility and some Hospice patients are living their last

days in that facility. He knows someone in the home and they want a sense of peace and we owe it to them and he votes no.

Boyle-votes in support of the recommendation of the Planning Commission to reject the change to the zoning code. He thinks we owe to the veterans, but we also need to keep our word when it was originally zoned, the City committed itself to develop an office park and the businesses are there bought and built under the assumption it would remain a business park, a setting more conductive to businesses than to activities like manufacturing and storage facilities.

Culotta-stated as a former marine, I can see the value in what the veteran home provides. We were very lucky as a City to get that here. Initially, I thought it was no big deal to put a storage business there. But after meeting with a lot of folks and getting a lot of phone calls and discussing it more and seeing the spirit of what the OC-1 zoning is, has changed my thoughts. The folks who asked for it, like Casey Kenton, is a really good friend of mine and his father taught my brother how to fly a plane and are very good business people and they would have made a very good project. However, my hope is that Milford's overall economy becomes a very healthcare-based economy. With the Veterans Home there, he would like to see that property used as a veteran's healthcare-type business completely and we all know how bad healthcare is for veterans overall at a national level and he wants to be a representation of what could be good. I would like the Mayor and City Management to reach out and help grow that area economically and to use that land for veteran's healthcare or healthcare overall. With that I will vote to support the Planning Commission's recommendation of a no vote.

Brooks-votes yes to support the recommendation and originally years ago it was stated that Delaware and the City of Milford work together to create jobs in that area. We got that property for jobs and that is what is should be for – jobs.

Morrow-approves the recommendation of the motion of the floor. I think Councilman Brooks and he were the only ones here when acquired that job from the State of Delaware and it is where it is supposed to be without any changes. And also based on the recommendation of the Planning and Zoning.

James-votes yes to accept the recommendation of the Planning Commission to deny the amendment to the Zoning Code by not adopting Ordinance 2019-11 for several reasons. Mostly because of the comments from the public. Secondly, I understand the emotions and my sister passed away at the Hospice so we all have some connections with those facilities. My father-in-law is a retired marine and at some point, he will more than likely end up at the Veterans Home and he was actually on the Planning Commission when the City purchased that property and developed the business park when Karen Brittingham was the City Planner. He remembers the exact intention and he wants to thank our Planning Director Mr. Pierce for clarifying what this was all about. Just to be clear because some of these have taken place and it would still be a prohibited use if the other section was removed. He wants everyone to understand that if that zoning code was cleaned up, they would still not be permitted to do the storage facility. But mainly because of the public comments, he votes yes in favor of the denial to change the code.

Mayor Campbell thanked everyone for attending and providing comments.

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 Boulevard approximately 350 feet south of 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)

Mr. Pierce reviewed the application referencing an area map showing the location (see Council packet).

He stated the applicant proposes to construct a shopping center containing two 7,000 square foot restaurant buildings, three 9,620 square foot retail buildings and a 4,200 square foot office building on 7.99 acres located along the east side of S. Rehoboth Boulevard.

The shopping center is a conditional use under Chapter 230-14(C)(11). The applicant received approval from the Board of Adjustment on September 13, 2018 for a variance that states:

"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."

The Board approved a variance mainly along an area that contains a drainage feature and the separation between the commercial and residential portion of this project, though there is some natural screening that exists.

The application is based on the information presented from Chapter 230(48) which outlines six items that Council should consider when reviewing a conditional use application.

The public hearing was properly noticed in the Milford Beacon on April 25, 2019 and all properties within 200 feet of the project area received mailed notices.

The Council packet includes a copy of the preliminary site plan reviewed by the Planning Commission during their May meeting. At that time, it was approved contingent upon City Council's approval of the conditional use application. They also recommended approval of the conditional by unanimous vote.

Mr. Pierce then reviewed the site plan for City Council noting that the existing home would be removed and replaced with the right-of-way. That entrance would eventually connect to the residential subdivision which has received preliminary approval from the Planning Commission.

Also referenced were each related document in the packet.

Councilman Boyle asked if changing the zoning to C-1, stating that with the exception of the property next to the previous batting cages on the side of the creek, is surrounded by residential property. He feels that C-3 (business highway) would give them the ability to develop basically any type of commercial and believes that signage would be an issue, in addition to the added density.

Mr. Pierce explained the Swain property, which is the large portion of this project, is already zoned C-3, as was approved by City Council many years ago. The property that contains the house, was annexed in where the house is located, as neighborhood commercial. The majority of the project is highway commercial.

Councilman Boyle is concerned that in the middle of a residential neighborhood a highway commercial district which permit all kind of non-conducive businesses and disrupt the surrounding areas. He noted the signage code that is presently under review, which may possibly eliminate some signage problems, though currently there is very little control comparing them to signs that exist on Route 1.

He also noted that immediately across the street, to the south, to the north and behind it is all residential.

Councilman Boyle feels it is incompatible to a C-3 zoning. He said perhaps it can be addressed through a conditional use to confirm with the new ordinance or even limiting the hours of operation.

Mr. Pierce explained that the conditional use review can take into consideration the following six items, which address adverse impacts on neighboring properties:

- The presence of adjoining similar uses.
- An adjoining district in which the use is permitted.
- There is a need for the use in the area proposed as established by the Comprehensive Plan.
- There is sufficient area to screen the conditional use from adjacent different uses.

- The use will not detract from permitted uses in the district.
- Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

The Planning Director stated that there could be consequences if the City attempted to downzone the property without going through the normal change of zone process, without a petition from the property owner, and it could be considered a legal taking of property rights.

Solicitor Rutt explained at this point, the City has the application, and it would have to be re-noticed and the applicant would have to file the amendment. At this point, he agrees it would not be proper to the applicant at this stage. The other option is to vote against it.

Mr. Pierce did note the C-1 category provides an avenue for neighborhood shopping centers. Councilman Boyle said that the uses he saw were in the C-1 district. His concern is by virtue of the C-3 district, is allowing uses that are found on any main highway, including fast food restaurants, gas stations, and unlimited hours of operations for the most part, in a residential area. It would create a light and noise inconvenience to the surrounding residents.

Mr. Pierce agreed that is the reason it is important for those type issues to be considered by Council at the time the change of zone is considered. Once the zoning is acquired by a property owner, after proper notice and hearings, it is very difficult to downzone a property.

Councilman Boyle understands, but may consider some serious conditions to limit the impact. In theory, there could be a huge sign located there. Mr. Pierce confirmed that a 225-square, 20-foot tall freestanding sign is permitted.

Councilman Boyle pointed out it really is becoming a residential neighborhood with one exception—this property and the one immediately adjacent to the north, but surrounded by R-1, R-2 and some R-3.

Mr. Pierce confirmed that Fork Landing is located to the north, separated by the drainage feature. There is a pond across the street and some residential strip lots that are within the County that are large residential lots and to the south. The property to the east is the Windward on the River residential site plan that received site plan approval for 264 multi-family units in an R-3 zoning and a by right use that meets the criteria and did not require a conditional use review.

He continued stating this was a joint project, that was initially broken up at the request of the Planning Department to separate the commercial from the residential site plan and is how we got to this point. The residential entrance would be off Beaver Dam Road, and would join the proposed entrance off Rehoboth Boulevard.

Mr. Pierce said the construction plans are currently under view to ensure it incorporates some traffic calming methods.

Councilman Boyle stated that he has concerns and even though it is not in City limits, across the street are two residential and a rather large piece of property across the street that he believes is intended to be residential.

Mr. Pierce verified that the large farm across the road is actually split into five to six pieces of land and is designated low-density residential in the City's comp plan. It would have to confirm to either R-1 or R-2 or would need to apply for any amendment to change it, if it were to be developed in the City.

Councilman Marabello asked what can be done with regard to these concerns; Mr. Pierce shared that reasonable conditions can be placed on the application, related to hours of operation, etc. He believes there are some area restrictions that could impact the sign size, and is unsure if the owner would have an issue with conditions being placed on the sign. He recalls there was some discussion of the location in the preliminary review, mainly due to the parking and the orientation of the building.

The Planning Director reiterated the sign size allowed is 28 feet and 225 square feet.

Solicitor Rutt explained the application is for conditional use and there are three zoning districts involved—C-3, C-1 and R-3, which is a combination of zones. Mr. Pierce said the R-3 only involves a small slither of land that will be the landscaped buffer of the project. They will receive PLUS comments on a comp plan amendment request that would take

this triangular piece and make it conform with moderate density residential to prevent a split zone parcel. He then made several references to the site plan and associated zoning and uses.

It was confirmed the Planning Commission did not recommend any conditions on the application.

Councilman Culotta said the road was originally developed for business/commercial uses. As the City developed, it became more residential though that was further south. Though he understands, it is a very busy road and there many commercial uses on the road and he does not feel we should limit. He emphasized that Milford needs to be a business-friendly environment and does not think rules should be made related to a residential area. He thinks it is fine the way it is as in his opinion.

Solicitor Rutt pointed out that Council is discussing the application and has not heard the applicant's presentation, which is not the normal procedure. He recommends the applicant present after which, the public provide any comments, before Council continue to discuss the application.

DBF PE/Principal Ring Lardner of 1 Park Avenue, Milford, was in attendance to present the application. In attendance was Nick Hammonds and Doug Motley of Windward Communities, LLC. He asked to include the Planning Director's comments as part of the record to prevent providing repetitive information.

He stated the following:

Tonight, we are requesting your approval for a conditional use to allow a shopping center to be located on approximately 10.4 acres of land more or less. The project consists of three parcels of land and a portion of a fourth parcel.

Mr. Lardner also referenced the site plan showing the locations of the previous repair shop, Putt a Rosa, batting cages, horseshoe tournaments and Halloween events. The fourth smaller piece in the rear will be used to adjust the lot line. Part of the commercial would then become R-3. He also noted the area that was annexed by City Council in December with at C-1 designation with the intent to become one shopping center project.

The State Strategies Map identifies these properties as Level 1 and 2, whereby the State intends to spend money and encourage growth.

The project as proposed will consist of two restaurants for approximately 168 seats, one office building consisting of 4,200 square feet and three retail buildings each consisting of 9,620 square feet for a total square footage equaling 47,060.

Generally, with the exception of the shopping center, all other proposed uses are permitted within their respective zoning classifications. Only the shopping center requires a conditional use permit. Otherwise, it could have been approved by the Planning Commission through a site plan approval without conditions.

Because of the conglomerate buildings is the reason it is before City Council, which would allow the shopping center to be built.

He noted that it is subject several requirements for the project which include:

The project is greater than 1 acre and public water, sewer and electricity will be provided by the City of Milford. Stormwater management will be provided by a wet extended detention pond, underground chambers or combination of the two. The site provides for an internal circulation with access to a Rehoboth Boulevard and meets the access separation requirements.

It is to be designed to allow small truck and trailer deliveries to the restaurants and UPS-sized vehicles to deliver to the other retail facilities and office building.

The site provides 270 parking spaces that exceeds the code requirement of 259 spaces based on 5.5 spaces per 1,000 SF of leasable area. We were actually required to calculate the parking based on individual uses versus the shopping center calculation. The parking lots will be landscaped and meets the setback requirements. Finally, the project received a variance for buffering along Rehoboth Boulevard, Deep Creek and adjacent residential project. Buffers will be provided along the Feindt properties.

This project is a redevelopment of the former Putt-a-Rosa site and repair shop. This is an opportunity to redevelop the site that has been vacant for several years. During the due diligence period it was discovered that fill was brought on-site and after further investigation it was deemed to qualify as a brownfield. By redeveloping the project, the site will be cleaned up that may have otherwise been left in its current condition.

DNREC is currently reviewing the study and remediation plan and we anticipate approval within the next 30 to 60 days.

The project is partially located within the 100-year flood plain. During the review and approval process, we will file amendments to the Flood Map. There are portions of the site that are incorrectly mapped and other portions will need to be filled. The project is located adjacent to tidal wetlands and the project meets the buffer requirements for the wetlands.

Sidewalks are provided in front of all buildings with three connections to the sidewalk along South Rehoboth Boulevard, as well as an interconnection back to the residential portion. The parking has been designed to handle truck deliveries as previously stated, and the project provides four loading areas.

A free-standing sign will be located in the middle of the road frontage. Commercial is only as good as signage. Though there are concerns about the sign, it would still be permitted if they restricted the uses to those that are permitted as a by-right sign. His client wants to be a good neighbor and the signage will be appropriate to bring visitors to the site and will provide the information on all businesses, versus the need for individual signage.

When heading into the City of Milford, there is existing industries and commercial uses as one approaches the river. Therefore, it is not totally out of character when looking at the immediate area. This is a heavily traveled road that does have a commercial impact. There is nothing south of this area to serve the existing residents south of Milford and will become the first commercial venue. Other than that, those residents are having to travel through town to access Route 113 or those commercial establishments in the northern area of Milford on Route 1.

The access will be on South Rehoboth Boulevard consist of a single lane inbound and dedicated left and rights onto the Boulevard. The Boulevard will be improved to meet DelDOT Standards and will include a left turn lane and right turn lane. A Traffic Impact Study was performed by our office. No other improvements are required and the final letter was issued on April 2, 2019. The study included both the residential and commercial projects and the developer is only required to improve the road frontages along South Rehoboth Boulevard and Beaver Dam Road

The Planning and Zoning Commission unanimously recommended approval at their May 14, 2019 meeting with no recommended conditions.

We thank you for your time on this evening, are here to answer any questions that you may have and respectfully request approval of the conditional use, and felt it was beneficial to redevelop and clean up the parcel and provide services in this portion of the City.

I respectfully request approve of the condition for the use without conditions on the hour of operations and/or square footage of the sign.

When asked the type of sign, Mr. Lardner said the sign has not yet been developed though the 40 mile per hour speed limit will be considered and the appropriate letter size incorporated. He explained that if the sign is twenty feet wide, it can only be ten feet high (280 square feet). They cannot do a ten by 28 because it can only be 225 square feet. As a result, the sign will be proportional between height and width and typically the sides are somewhat wider.

Councilman Boyle emphasized that his concern is not the commercial, but due to the change, it will be surrounded by residential property with the exception of one parcel. He understands that stretch of Business 1 has commercial, but he lives just off that road and it is all residential where he is, across the street, behind and north of the golf course. Turning onto Southeast Second Street is all residential behind the pond as well. In essence, this will be in the middle of a residential neighborhood and what is permitted as commercial highway is incompatible. He said he is just reluctant to just accept someone saying 'trust me'.

Mr. Lardner responded by stating the property is already zoned C-3. They did not come in and ask to be rezoned C-3. He said a freestanding sign will be permitted up to 225 feet. Billboards are not a permitted right and that is a separate application in which Council could determine it would not be an appropriate location. There will be other identifying signs on the buildings. The sign will be specific to this one application who is currently zoned C-3.

He explained they could pull the application, go to the Planning Commission, the sign could be 225 square feet or 28 feet high, with no conditions. But because they want to do more than one type of building is the reason they have to come before City Council for the conditional use.

Councilman Boyle agrees noting that the sign is not a major hang up, though it is one of them. His concern is this is a substantial shopping center in the middle of a residential neighborhood, that theoretically be a 24/7 operation and involves lights and noise and everything related. He is looking out for his constituents and as a resident of that area, in addition to the residents living behind the shopping center in an apartment complex. There is no need for a bar that will be active until three in the morning and don't need trucks coming in all hours of the night. He does not want to see a gas station which is something that could be permitted.

Councilman Boyle respects the developer who needs to develop and sell space, but he suspects there are no tenants lined up and will take whatever is coming their way. But he feels there needs to be some reason applied.

Councilman Morrow pointed out that from Seawatch all the way down are businesses, that include Rumpstich, the business on the corner of Southeast Second Street, which is just north of this property. Therefore, there is a need and he does not think the owner's intent is to have a business operating 24 hours a day as he is unaware of any shopping center open 24 hours a day except for the supermarkets. He agrees with Councilman Culotta that we need to encourage new businesses and continue our business-friendly, compatible, already on the book, zoning areas.

Doug Motley of Windward Communities, LLC, 246 Rehoboth Avenue, Rehoboth Beach, said he wanted to add something. He said they are the developer of the property behind it, and will be making a $40 million investment. They are pretty vested in making sure that whatever is developed on the front side is not intrusive or a problem for residents because they plan to have 264 of them as their customers and clients every day. They want to make sure they have the appropriate tenant mix in the front, that supports the users they will have in the back, as well as all the other neighbors throughout the community.

Solicitor Rutt then explained this is an application to approve a conditional use. The conditional use, is for the retail, the restaurants, etc., is what Council is considering. If they want to change any of those particular uses, they would have to come back through and amend the conditional use or the ordinance. The concern is about putting something that is C-3 on this site. Once the conditional use ordinance goes on this parcel, they could not do that without coming back before Council and Planning Commission again to amend the ordinance before Council tonight. What Council is voting on is what is before Council. In addition, Council has the right to make conditions. There is not a provision for a shopping center or a Wawa or Royal Farms. It is what Council is looking at.

Councilman Marabello said he is involved in downtown and one of their priorities is to make Milford's corridors more inviting, beauty wise. He asked if there is any possibility to add a couple of monument signs first and why do they have to be so high similar to billboards.

Mr. Lardner explained that the intent is to have people be able to find the shopping center. When a driver is 1,000 feet away, if the sign is too low, it cannot be seen, let alone what is written on the sign.

Councilman Marabello said at the same time, the best advertising is word of mouth. He is in the retail sign and he knows that not always the biggest sign is not always the best. In Rehoboth, they are so close together, a person does not even know which store is there.

Mr. Lardner explained that at this point in time, the design has not been done to say how everything works out. He does not want to see they will do a monument sign of ten feet high because they do not know how this will work out by the time DelDOT, the Conservation District and the City of Milford gets a piece of the pie, which could all impact the plan. It is very difficult to commit at the exact signage is not possible at this point. Right now, he does not even know if they have a project yet, though they hope to move forward though everything is preliminary.

He added that these developers have done commercial throughout Sussex and Kent Counties and understand the needs of area residents and the tenants. They are a well-known group of developers and he is very proud to work with them, though he is unable to make promises other than they will bring something very nice to the City that they will find attractive and nice.

Councilman James asked the intended hours of operation; Mr. Lardner said there is a professional office that could be as early as 7:00 a.m. to 7:00 p.m. depending on the type of office. He has staff that has been in his office since 4:00 a.m. and there are some employees still there. As a result, he cannot limit office staff to hours.

He continued by staying a restaurant is typically 11 a.m. to 11 p.m. weeknights and maybe midnight or 1:00 a.m. on Friday and Saturday nights. But again, this are typical hours and some retail could open as early as 7:00 a.m. and close later than 11:00 p.m. Very difficult to provide that information at this point.

Councilman James said he would imagine by the conversation there is nothing in the 24-hour operation; Mr. Lardner said there is nothing that would warrant 24-hour operations. They do not have a grocery store and believes that is the only thing that could be 24-hour operations and there is no convenience store, which is the other 24-hour possibility. Anything after that should be 'normal' business hours.

Councilman James said that as Solicitor Rutt stated, Council is only voting on what is in front of them. Any changes would need to be revisited. Solicitor Rutt said that is correct though conditions can be added.

Solicitor Rutt then asked if the developer would be willing to a condition that they would install a sign in conformity with the sign ordinance being developed under the C-1 district; Mr. Lardner said they have no idea what that is so it would be very difficult to commit at this time. He added that C-1 could be 32 square feet and no more than 4 x 8, though he understands the question. But it would very hard to commit to something they have no idea of what it will be.

Solicitor Rutt said he is trying to get to a point there is a condition that is proposed for this application that says there will be no sign and trying to find some common grounds between what he is hearing from Council and what the client is willing to accept.

Councilman Culotta said here we go again discouraging investment in Milford. In this case, there are two investors that want to spend $40 million here. It is very easy for Council to make conditions and push all the development out to the highway and to say well it is out there and it is loud and noisy and that is where it should be. They do not know if that is the case here, though he does not think so from the drawing. He appreciates Councilman Boyle's concern about the impact on the residential neighborhood in the area. But he thinks it is important to business and believes it will actually draw traffic downtown, which will ramp up foot traffic and improve the Downtown Development District, which is all part of Downtown Milford.

He feels the concerns being discussed can be addressed at a later date when a restaurant wants to go in there. As it stands now, he thinks there is a need to vote on it.

Councilman Morrow agreed this is a public hearing, and no one was even heard from the public and this has been talked about for an hour.

Mayor Campbell then opened the floor to public comment. No one responded. The floor was then closed.

Councilman Morrow moved to adopt Ordinance 2019-15, seconded by Councilman Culotta:

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)

Motion carried by the following unanimous roll call vote:

Marabello-he can see Councilman Boyle's view point, but reluctantly says yes with the hope they make this a nice project. If they don't another similar situation will not get the vote from me. He hopes this is a beautiful project because it is very important because we are selling the City and not just a store. When they come, they want to see a corridor it has to hit them just like a window. He had a retail business and you get a matter of seconds to sell the City through a beautiful corridor or a beautiful storefront. He hopes the developer does the right thing.

Boyle-he will agree with Councilman Marabello. It is a one-time deal and votes yes. He hopes the right thing is done, because this chair will not support anything else.

Culotta-votes yes to support the Planning Commission's recommendation and feels this is another good investment for Milford and welcomes more investors to Milford to make a better community with jobs and better economy and more options for eating out, which as Councilmembers, they receive many requests for. He thinks that looking at the drawing and knowing what he does about construction, these developers will do the right thing for the community and their business and the growth of Milford.

Brooks-votes yes for the same reasons as Councilman Culotta.

Morrow-votes yes, in concurrence with the Planning Commission and believes will clean up the southern entrance into the City on Business Route 1 from a lawn mower shop, an old golf course, batting cages, skating rink, a dilapidated house and across the street from a pond and it fits in with Etta Lou's Restaurant and the auto repair shop and votes yes.

James-votes yes because it is an awesome enhancement to that site and to Councilman Marabello's concern, he feels it actually enhances that corridor or gateway in to Milford. He believes the developers will act in good faith and have a vested interest with the residential piece to do the best thing for the City of Milford and votes yes.

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

Planning Director Pierce reviewed the application, noting this property is also on Rehoboth Boulevard but in the norther section across from KSI and north of the Perdue Facility. It conforms with the setbacks, road frontage, etc.

Any future use of the property must comply with Chapter 230 and the C-1 zoning district if approved and must adhere to the use of the area regulations at the time of the building permit issuance. That would include improving the off-street parking.

The applicant has an offer from a business owner who would like to open a small barber shop which Mr. Pierce feels is an appropriate use and location.

Included in the packet is Comprehensive Plan Future Land Use exhibit which illustrates the C-1 is consistent. A copy of the C-1 zoning category is also included.

The application was reviewed by the Planning Commission at their May meeting, at which time they recommended approval of the change of zone by unanimous vote.

The public notice was advertised in the Milford Beacon and all properties within 200 feet received a copy of the notice.

At the Planning Commission, one resident made public comments related to issues at an adjacent property with noise an asking that this applicant would be a good neighbor and not create any adverse impact by a business opening there.

The property was formerly used as retail, though because it is beyond the 12-month period, it is no longer a legal conforming use and instead a nonconforming use and the reason for the application.

Councilman Brooks reported this is a suntan place now and Councilman Morrow agreed.

Larry Pfeiffer stated that he is a retired vet and retired law enforcement, stating that he lives at 647 McColley Pond Road, Harrington, explained he is in the process of liquidating his assets due to his impending retirement.

A young couple have come to him and expressed their interest to open a barber shop at the location, after looking at several other properties. They have received their funding and are currently waiting on the change to revert to its original designation.

Mayor Campbell opened the floor to public comment; no one responded. The floor was closed.

Councilman Brooks moved to adopt Ordinance 2019-15, seconded by Councilman Culotta:

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

Motion carried by the following roll call vote:

Marabello-votes yes because it conforms to surrounding areas and he sees no problems.
Boyle-votes yes based on the recommendation from the Planning Commission.
Culotta-votes yes based on the recommendation from the Planning Commission.
Brooks-votes yes adding it will improve the neighborhood.
Morrow-votes yes based on the recommendation of the Planning Commission and it will improve that lot.
James-votes yes stating it improves an existing parcel as well as the recommendation of the Planning Commission.

ORDINANCE 2019-16
Shawnee Farm LLC on behalf of LC Management for a Conditional Use to construct Mavis Discount Tires
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

Mr. Pierce reviewed that application stating the location is the outparcel in front of Redner's Shopping Center.

A car repair shop is considered a conditional use, per Chapter 230-14(C)(7) which is subject to City Council review and approval. The packet contains a staff report evaluation the application based on the conditional use criteria.

The Preliminary Site Plan is included the packet, which meets all use and area regulations set forth in Chapter 230 Zoning. Plan review and agency comments also included.

The application was reviewed by the Planning Commission at their May meeting at which time they recommended approval of the change of zone by unanimous vote. The public notice was advertised in the Milford Beacon and all properties within 200 feet received a copy of the notice.

The outparcels were subdivision as part of the Cypress Hall Commercial project with existing roads and entrances in place.

Becker Morgan Group P.E. Mike Riemann was present on behalf of the application. He stated that this will complete the overall vision of Cypress Hall Shopping Center by implementing the development of one of the pad sites, considered lot 2. It is properly zoned C-3 Highway Commercial. When the property was originally developed, the roads and entrances were already constructed. Utilities are stubbed to the property and stormwater management is addressed and the overall shopping center was designed for about 80% impervious coverage on this lot, though they are only developing about 42%. It meets the code requirements and have met all the requirements outlined in the letter from the City Planning Office.

The Planning Commission recommended approval at their May meeting and they look forward to continue plans to construct a new Mavis Tire Center.

Once agency approvals are received, Mr. Riemann expects another six or so months, after which they will begin to pull building permits.

Mayor Campbell opened the floor to public comment.

Nina Pletcher of 428 South Walnut Street asked if this is a Firestone or what type of tire business; Mr. Pierce stated Mavis Discount Tire.

Ms. Pletcher said so much for the pathways into the City. She is only calling Council's bluff on the gateways to the City and this is the type of business they want visitors to see first thing after then come into Milford City limits.

There being no other persons wishing to speak, Mayor Campbell closed the floor to public comment.

Councilman Culotta moved to adopt Ordinance 2019-16 permitting Shawnee Farm LLC on behalf of LC Management for a Conditional Use to construct Mavis Discount Tires on Lexus Drive within the Cypress Hall Commercial Shopping Center, seconded by Councilman Brooks:

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

Motion carried by the following unanimous roll call vote:

Marabello-votes yes as it was approved by the Planning Commission.
Boyle-votes yes based on the recommendation from the Planning Commission and it coincides and fills the original development plan of Cypress Hall.

Culotta-votes yes based getting more businesses to Milford and because it is good to see those pad sites start to be developed.
Brooks-votes yes based on the Planning Commission.
Morrow-votes yes based on the recommendation of the Planning Commission.
James-votes yes stating it conforms with their original plans for the site.

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 Northeast Front Street at the corner of Northeast Fourth Street and Northwest Front Streets
Tax Map & Parcel(s): MD-16-183.10-04-23.00 & 70.00

The Planning Director reviewed the Change of Zone application located across from the Growmark current offices on Northeast Front Street which warehouse used to use for storage in addition to the land that extends to the Riverwalk Shopping Center and contains an additional shopping center.

The Comprehensive Plan shows the plan to be commercial so the request from I-2 General Industrial District to C-3 Highway Commercial District aligns with the Comp Plan Future Land Use Map.

The 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 and developed as a professional office.

The applicant has proposed a minor subdivision plan which will be reviewed administratively by the Planning Department if the change of zone is approved by City Council and would divide the parcel with the front building to be sold and redeveloped.

Mr. Pierce noted this should improve one of Milford's gateways as the building has been sitting as a vacant warehouse for a length of time.

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.

The application was reviewed by the Planning Commission at their May meeting, at which time they recommended approval of the change of zone by unanimous vote. The public notice was advertised in the Milford Beacon and all properties within 200 feet received a copy of the notice.

When asked if the property has a clear bill of health environmentally considering it was a fertilizer storage facility, Mr. Pierce said the applicant can provide additional information. He does not it is registered with any brownfields programs though there are some monitoring wells installed voluntarily by the applicant. However, that may have be completed and the reason the application had been withheld.

Robert Nash of Merestone Consultants, 634 Abbotts Drive, represents Growmark FS in the change of zone application. He stated that the storage of chemicals by Growmark was on the other side of the road and instead used for maintenance of equipment and vehicle.

Mr. Nash stated it is a downzone from its current industrial zone and a fairly straightforward application. All properties surrounding the parcel is retail, commercial and the new police station will be built on the opposite side of Fourth Street, adjacent to this property.

It was confirmed the existing warehouse would be renovated and Mr. Nash added that the existing siding is corrugated steel. At this point, there are no definite design plans which can be presented.

Councilman Culotta moved to adopt Ordinance 2019-17, seconded by Councilmember James:

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

Marabello-votes yes as presented and as recommended by the Planning Commission.
Boyle-votes yes based on the recommendation from the Planning Commission.
Culotta-votes yes based on the recommendation from the Planning Commission.
Brooks-votes yes based on the Planning Commission.
Morrow-votes yes based on the recommendation of the Planning Commission.
James-votes yes stating it does fit into the Comprehensive Plan and the recommendation of the Planning Commission.

There being no further business, Mayor Campbell adjourned the Public Hearing at 9:24 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 28, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Tuesday, May 28, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Todd Culotta, Owen Brooks Jr., Douglas Morrow and Jason James Sr.

STAFF: City Manager Eric Norenberg, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Lisa Peel & Katrina Wilson

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 9:28 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance, followed the invocation was given by Councilmember James.

RECOGNITION

No special guests in attendance.

COMMUNICATIONS & CORESPONDENCE

Included in packet.

UNFINISHED BUSINESS

Approval/Milford Little League Agreement

City Manager Norenberg reported that this has been in the works for approximately three years. He recalled that his third week as City Manager, Milford experienced a nor-eastern that knocked down poles and related equipment at the Milford Little League Park. When they sought funding from FEMA, there was no clarifying document that explained who owned what because of the mix of properties and improvements. As a result, neither party was able to get federal disaster relief funding.

After various attempts and working with changing board members, Councilman Brooks helped to arrange some meetings and discussions resumed in February 2019. Several board members met with the Parks and Recreation Director and the City Manager. Many of the differences were worked with both parties worked toward a common goal. Since then, the agreement has been refined and reviewed by attorneys for both parties.

It includes 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 ten-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.

Until recently, the league has not been responsible for paying for solid waste collection and has not facilitated recycling. It had been estimated that the vast majority of waste at the 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.

Milford Little League will continue to be responsible for water and electric bills and the City will replace most ballfield lights when they burnout.

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 have been 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.

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.

It was confirmed Milford Little League is in agreement; the City Manager said he received a thumbs up from Mr. Wiley and Mr. Skinner who will be presenting it to board at their next meeting in June.

Councilman Marabello clarified that Milford Little League is a 501(c)(3). Solicitor Rutt explained that they are under the auspices of Little League Basement and have a blanket exemption that applies to each organization.

Council then discussed the various property owners and Councilman Marabello asked if we have certificates of insurance from each owner. Councilman James noted that the agreement requires a certificate of insurance.

According to Councilman Brooks, the property was turned over by the Milford Baseball Association for Milford Little League to use. Should they never need it, it would be transferred to the City. When the City sells the property, the money would go to the youth.

Councilman James does not see an issue with asking Milford Little to provide their tax status letter or certificate.

Councilmember Culotta moved to approve the Milford Little League agreement, with a minor typo correction, seconded by Councilman Boyle.

Councilman Brooks abstained saying he coached Little League for 53 years and had a great relationship.

Motion carried.

Discussion/Sidewalk Improvement Project Update

Public Works Director referenced the memo included in the Council packet, stating that they first requested comments be sent to the City Manager in order to address as many questions before the meeting.

At the March 25,2019 Council meeting, several concerns were raised by Council members regarding the project. Some of those questions are below:

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 which allows streets to be built. Anything beyond the curb ad the property line, is the responsibility of property owner. That includes items such as grass plots and sidewalks, which are maintained by the property owners.

The history of the City states the purpose of the formation of the City of Milford was to assess property owners for the placement of sidewalks and curbs. That information goes back to the 1800's when sidewalks were first installed.

How are property owners made aware of the available financing options and financing assistance?

A document was prepared to be sent to the property owners regarding the financing of sidewalks that included hiring their own contractor. See below:

Property owner can:
Repair/replace the sidewalk themselves

Hire a contractor to repair/replace the sidewalk

Contact the City and have the City replace using the City's contractor; City will inspect

Do nothing and City will repair sidewalk

City replacement:
City's contractor will remove and replace sidewalk blocks and City will complete inspection.

City will bill property owner for contractor's cost + 10% to cover financing and inspection fees.

Financing options:
Property owner can hire and pay directly their own contractor

Property owner can pay 100% of City cost (contractor price + 10%) at time of billing.

Property owner can make 60 equal monthly payments, for 100% of City's cost (contractors price+ 10%) plus interest.

Property owner can pay nothing; City will place lien on property to be satisfied at time of property sale/transfer.

How do we handle area 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.

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 any improvement. The City is receiving about 2.5% and is recommending a 3% interest rate for those who wish to make payments. However, Council has the right to waive that fee as well.

Is the present ordinance still valid? Should it be less restrictive?

Mr. Whitfield cautioned Council on making it less restrictive. He understands that some people are upset about a one-inch gap or rise between sidewalks. However, the new Americans with Disability Standards require attention to one-quarter inch. This could set the City up for litigation as a result of the Americans with Disability Act.

The ordinance and repair criteria are very similar to other Cities and town ordinances in Delaware. He emphasized it is not too restrictive and it has been tested and tried in many areas in various areas and believes it would hold up in court.

In the interest of moving the project forward, one of the challenges is getting a bid from contractors. They are bidding without knowing the quantity, because the property owner has ninety days to make the repairs, the contractor is on hold until after the ninety-day time frame is completed.

Only one bid was received the first time and only two bids were received the last time, of which one failed to include a bid bond and was disqualified. It was bid so that the larger the project, the price became cheaper. However, it is difficult for Mr. Whitfield to provide a property owner with a cost, which cannot be achieved until he can provide the correct quantity.

Though he knows everyone agrees Milford's sidewalks need addressing. One of the things he would suggest is to come up with some funding to cover the maximum price of a per block basis the property owner would be responsible for. For example, if the City agreed to pay $50 per block, will cost approximately $80,000 on this go-around. If the City paid $100,000, it will cost $160,000.

Mr. Whitfield recommends using funds out of the Real Estate Transfer Fund to get the project started. It can be handled in this manner over the next four years. Once all sidewalks are in good standards, the City would revert to the ordinance with regular inspections, etc.

He also emphasized the 10% inspection fee can be waived or the interest, though Council will need to make those determinations.

Councilman Culotta agrees the ordinance states the homeowners are responsible for their sidewalks. But to all of a sudden come up with a plan to fix sidewalks and require property owners to fix their sidewalks, and tell them that if they are not repaired, the City will do it for the property owner and bill them. He appreciates the work and time that has been into this project and the many inspections.

However, he feels this is a form of the City regulating themselves into the community. He also pointed out that the City has a lot of sidewalks they are responsible for that need repairing. He recommends that is done first. Once that is completed, the City go to the homeowners or change the ordinance. He also referenced the number of developments that have no sidewalks and if they should play a part. He asked why the City cannot access everyone a tax and have a referendum on sidewalks. The voters in Ward 1 can then give their opinion and agree that sidewalks have a fix, then they have skin in the game. He noted that presently, we are putting this responsibility on the homeowners where it is needed.

Councilman Culotta said if someone purchases a house and wants to renovate it, he has no problem with the City telling them the sidewalk has to be repaired. Those are some of the things he had to do when he bought his house three years ago.

However, telling everyone to fix their sidewalks and telling them the City is going to fix sidewalks in stages. Then to send out letters informing them it will be done though we don't know exactly what needs to be fixed.

He thinks the City needs to be an example and repair their own sidewalks first.

Councilman Morrow said he will jump on what Councilman Culotta says. He agrees with him that we can't tell someone to repair their sidewalk if ours are in disrepair. Perhaps that would spur some interest with the residents to repair their own. In addition, it would help letting them know what it will cost.

He appreciates everything that has been done by Mr. Whitfield, but he wants the City to budget what is needed to repair the blocks that are damaged from meter pits, poles, etc.

Mr. Norenberg said this has been discussed for a couple years now and there was a bid ready to be awarded on March 25th though Council asked it be put on hold and the reason Council was asked to send specific concerns. That work included all the work that needed to be done in the target areas, including the City sidewalks.

Mr. Whitfield agreed explaining that in terms of water met pits, street signs and utility poles was only approximately 10% of the blocks of the entire project.

He also noted that another concern is when the City goes to repair a block with some damage from a meter pit only to find the block next to it is very badly damaged but is the responsibility of the homeowner. Then the homeowner asks why they won't fix the next block.

Councilman Culotta stressed that he is only concerned about City-owned sidewalks adjacent to City property. He understands any block damaged by meters is a separate issue. He recommends a bid be put out for City-owned sidewalks first. That provides property owners the ability to piggyback and repair their sidewalks based on the price the City received. He also feels more contractors will respond as well.

Public Works Director Whitfield confirmed he has an idea of the number of City-wide sidewalks that need repair, in addition to the area they were requested to survey the first time. He reiterated that very few of those sidewalks are damaged City-owned.

Councilman Brooks said there are eight blocks downtown by the parking lot. Mr. Whitfield would need to review that at this point.

Councilman Culotta said the City sidewalks need to be repaired first; then a program can be created for homeowners.

Councilman Marabello asked if a City sidewalk is repaired and a certain level is required to make it even, what happens when the City sidewalk is leveled, which causes a large gap between the private property sidewalk. Councilman Brooks recommends grinding it down.

Councilman Marabello believes there will be times an arrangement will need to be made with the private homeowner and perhaps an extended period be offered or an initial deferral, such as payments not required until the 12th month after the work is done.

Councilman Culotta agrees with Councilman Marabello that if there is a transition, it has to be addressed in some way. He fundamentally has a problem with the City, as a government organization, requiring residents to pay for their sidewalks.

It was noted that this ordinance has been in place for many years. The City Manager said they were asked a couple years ago to get the program moving. Mr. Whitfield has reviewed other cities and towns and all have similar ordinances. When asked for specifics about the ordinance, he only received feedback from one councilmember in addition to what was brought up at the last meeting.

Mr. Norenberg said there are new suggestions and concerns tonight that were never discussed in the past. He said they are looking for some direction from Council and asked if the ordinance should be ignored.

Councilman Culotta said it sounds like this same discussion was held ten years ago. At that time, Council felt the City could not afford to fix the sidewalks so they made the homeowners responsible. But no one every enforced it.

Public Works Director Whitfield explained that the ordinance has been in place for decades and actually dates back to the 1800's. There was an update about ten years ago, but it had nothing to do with the homeowners' responsibility.

Councilman James thanked whoever put the information together for the packet and commended the work, noting the history was helpful and it was extremely helpful and answered a lot of his questions.

He continued by stating that Milford is booming and needs to beautify, which means the sidewalks have to be fixed. He is a true component that you don't point and say go and instead you lead. Let the taxpayers understand that Milford is fixing sidewalks. While the sidewalks are being repaired, some situations are going to be encountered whereby a private homeowner is going to be responsible. He agrees it is beneficial to the entire City to do it all at once. He does not think it can be separated. What he is becoming afraid of is future cost escalations and eventually it is going to cost the City much more each year we wait.

Councilman James is in favor of waiving the fee and the interest. He thinks that could be a great compromise to move it forward. He is also a strong component for the City to repair theirs first, but he does not think it can be done as separate projects and it will not be efficient. However, a letter needs to be sent and the entire process explained, including the funding options.

He will not support liening a property; Councilman Culotta said it is not enforceable if it is not liened.

Solicitor Rutt then added that if a public right-of-way is abandoned, the adjoining property owner owns to the center of the street and referenced a situation off Lakeview Avenue involving an extension of West Clarke Avenue. The City abandoned the right-of-way and the two property owners became owners of the extension. A similar situation involved an extension that went through Seawatch properties on both sides. Usually it is just a right-of-way or use and not ownership.

Mr. Rutt also noted that under Delaware Law, any municipality has the right to enact this type of ordinance, unless prohibited by the Charter. The only city in Delaware that had it in their charter was Wilmington, who had problems each time they tried to enforce a similar ordinance. The Supreme Court denied it because of the language in their charter. However, all other municipalities have very similar ordinances on their books which have been upheld. For example, they say the City absent, the prohibition in the ordinance can require adjoining property owners to repair and replace sidewalks. It came up in a couple of cases involving liability issues.

He also explained that if a lien is put on a property for sixty months, it will not be enforced nor will interest be charged. A provision could be added stating that at the end of the sixty months of scheduled payments, the City could surcharge all the back interest, which is an incentive to make the payments over a period of time. The City does hot have to enforce it, but at the time the house is sold, at any point in time, including the acquisition of an estate, then that lien has to be paid off to provide a free and clear conveyance of the property.

The Solicitor also emphasized this ordinance is not a discretionary ordinance and states guidelines ‘shall’ be used and repairs/removal/replacement ‘shall’ be required when a public sidewalk/driveway/alley approach is a hazard or unsafe condition, as determined by the limits of the guidelines or in conjunction with the judgment of the City Engineer.

It also incorporates by reference the standard specifications for installation of utility construction projects and subdivision pavement design. Then further, conditions that require repair, removal and replacement of conditions and then lists criteria for determining that need.

If someone was injured involving a horizontal separation of one inch or more, involving a joint or a crack, they could bring a writ of mandamus for failure to enforce its ordinance. There is a one-year statute of limitations built into all charters that if there is any public liability on the part of the City and someone is injured, they can bring an action against the city within that one year.

Mr. Rutt recommended City Council consider all items when reviewing in the broad scope.

Mr. Whitfield also pointed out that the municipality often becomes liable and now know there is an issue with 1,632 sidewalk blocks. Not doing anything exposes the City.

It was confirmed the project will need to be rebid because the bid bond is only good for sixty days.

Mr. Whitfield also noted that finding a concrete contractor right now is difficult because they are all very busy.

Councilman James feels there is a need to move this forward and believes it is moving in a good direction with Mr. Whitfield’s recommendation and really likes the idea of the City paying a portion of the cost per block, waving the 10% inspection fee and the interest. In addition, a lien does not sound as bad now that he has had further explanation.

Councilman Culotta also reported that the Town of Georgetown is putting together a public fund for sidewalk improvements. They are addressing the same problems without requiring the homeowners to pay for the repairs.

He then said if we have a referendum to tax all homeowners to repair all the sidewalks that need to be fixed, though he does not think Council would agree with that. Mr. Rutt added that the City would be sued because in the same ordinance there is a provision that says City Council on any new development, may in its discretion, waive the sidewalks requirements. At the time they were constructed, those sidewalk requirements were waived and if you try to go back will create a litigation issue.

Councilman Boyle referenced homeownership and anyone owning the home is responsible for maintenance. People don't want to pay but there is no choice. He agrees we need to move forward and start with those streets that lead to schools for safety reasons. The City will be repairing their sidewalks and in conjunction, a homeowner will be given some options as has been discussed. He feels offering a homeowner sixty months to pay it off, noting that someone with five blocks to repair would cost a homeowner $20 a month.

Councilman Marabello also pointed out that we know there is a problem, and now if someone gets hurt, the City is going to pay a lot more for a settlement than the cost to subsidize some owners who really need help.

Solicitor Rutt agreed that if someone is injured, the City could be found negligent in not enforcing the ordinance and knowing there is a problem. Councilman Culotta suggested changing the ordinance.

Councilman Morrow said the other option is to win the case; Mr. Rutt said there is still a cost of the defense and time. Councilman Morrow said a lot has been done including the letters being sent so the property owners were notified. The only thing we haven't done is get the cement truck out there to do the work.

Councilman Culotta said the property owners were not told specifically what needed to be fixed; Councilman Morrow and City Manager Norenberg said they have been informed.

When asked if the property owners were made aware of the options, Mr. Whitfield explained that because we were getting a lot of questions last fall, we sent a letter out at the direction of the Public Works Committee to notify property owners of the sidewalk blocks identified and a formal notice would be sent in the spring and at that point, there would be 90 days to fix the sidewalk blocks.

Mr. Whitfield also advised that the letter informing the property owners of the costs and the financing options was to be sent in the spring. However, that was not sent because when the bids came in, Council decided to delay action on the bid.

Councilman James also recommended searching for grants and other financing options. He recalled sidewalks being installed at no cost to the homeowners in his neighborhood many years ago which is a benefit to the City and the residents.

Mr. Norenberg stated that CDBG funds were requested last year for sidewalk infill and repair, though it was denied. He feels the City has been very fortunate receiving CTF funding for everything from stop signs to waterway repairs. There are a number of questions that could be filled by our local legislators and some are pending and some will happen next year. Unfortunately, that is a limited pot of money that is geared more toward benefiting all residents rather than specific neighborhoods.

The City Manager confirmed there is a consensus building around a particular proposal and between what Mr. Whitfield and the City Solicitor said, and if that is the case, they will move forward.

It was agreed to move forward with sending the letter specifying the funding options available and provide a deadline. In the meantime, the City sidewalks will be addressed.

Councilman Boyle asked that the Public Works Director provide five options and then finalize the plan at the next meeting, after which the letter will be sent.

It was confirmed the ordinance allows the property owner to comply within 90 days; after that, the sidewalk will be fixed by the City and the property owner billed.

The billing would be a separate bill and not included with the utility bill.

Mr. Whitfield asked if the City is willing to put some money into the pot in order to move it forward. He would come up with a standard price for a sidewalk with the City paying a portion and lessen the burden on the homeowner.

When asked how long it will take to get this project moving and to complete, Mr. Whitfield responded the 1,600 identified could be completed by November 2019.

Mr. Whitfield was directed to draft a letter with four to five financing options.

The Public Works Director will bring the letter to Council before it is mailed.

Adoption/Ordinance 2019-18/Chapter 67/Volunteer Fire Companies
Adoption/Ordinance 2019-19/Chapter 26/Enhancement Funds

Mr. Norenberg referenced Chapter 67, entitled Volunteer Fire Companies which establishes the Carlisle Fire Company Volunteer Firemen's Enhancement Funding Program. In preparation of the facility needs by the police department, in addition to other city needs, it was agreed to put forth a similar ordinance which would create an enhancement fund for police and other general government facilities.

The first ordinance (2019-18) rescinds Chapter 67 and moves those provisions to a new Chapter 26, entitled Enhancement Funds, which will also include the proposed Police and General Government Facilities Fund. It was determined that Chapter 67, Volunteer Fire Companies, is no longer suitable and those provisions would be relocated to Chapter 26. This will aid in finding items by retaining alphabetical order for the Chapters of the City of Milford Code

Ordinance 2019-19 proposes 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 and other general government facilities that are not supported by enterprise revenue.

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.

Consequently, had the new Police and General Government Facilities Fee been in place for the same period, 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. The Carlisle Enhancement Fund would continue to generate about $90,000.)

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.

When asked if anyone from the public wished to comment, no one responded. The Mayor then closed the floor.

Councilman Boyle moved to adopt Ordinance 2019-18, seconded by Councilman Morrow:

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
Effective: June 7, 2019

Motion carried.

Councilman Boyle moved to adopt Ordinance 2019-19, seconded by Councilman Culotta.

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

Effective: June 7, 2019

Motion carried.

NEW BUSINESS

Approval/DEMEC-Milford AMI Contract Amendment 2

Mr. Whitfield explained this involves the Advanced Metering Infrastructure (AMI) Program and the Geographical Information Systems. That allows the City staff to locate by GIS mapping a meter not corresponding to a data collector. In turn that helps identify the location of the problem outages, problem transformers, etc. It also helps identify areas with line and electricity loss.

There was $10,000 budgeted as part of the contract, though this is an amendment to the contract with DEMEC as discussed.

Councilman Brooks moved to authorize $8,548 for the GIS Module and $1,294 for ongoing maintenance services and authorize the Milford AMI Contract Amendment 2, seconded by Councilman Morrow. Motion carried.

EXECUTIVE SESSION

Due to the time, Mayor Campbell announced that the Executive Session will be postponed until the June 10, 2019 Council Meeting.

ADJOURNMENT

There being no further business, Councilmember Brooks moved to adjourn the Council Meeting, seconded by Councilmember Morrow. Motion carried.

The Council Meeting adjourned at 10:39 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 10, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, June 10, 2019.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, 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

City Accountant Suzannah Frederick and Planning Director Rob Pierce were also present.

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the March 25, 2019 and April 8, 2019 Council Meetings, April 22, May 6 and May 13, 2019 Committee and Council Meetings. Two typos were noted and Committee Assignments read by Mayor Campbell at the Reorganization Meeting on May 6th were questioned. The City Clerk will follow up with Mayor Campbell.

Motion made by Councilmember Wilson to approve the minutes, with the two typos corrected, seconded by Councilmember Morrow. Motion carried.

RECOGNITION

Bug and Bud Festival Children's Art Contest Winners.

Chair Nina Pletcher thanked Mayor and Council for allowing them to recognize the Art Contest Winners. She explained that DMI collaborated with Milford School District and thirty-five entries were submitted by students. The winner's works were on display in the Council Chambers.

With the help of Milford Art League, they chose four categories and the top three entries in each of three art mediums-crayon/pencil/markers, 3D and paint.

In attendance, the following students were recognized for their achievements:

Best in Show—Onel Jean Baptiste 11th grade-MHS

Crayon/Pencil/Marker medium
1st place—Lea Heesh 4th grade Banneker
2nd place—Payton Lane 3rd grade Banneker
3rd place—Keegan Dennehy 4th grade Mispillion

3D medium
1st place—Emmaline Green 1st grade--Banneker
2nd place—Chloe Lebo 2nd grade—Mispillion
3rd place—Samuel Chavez Corzo Kindergarten—Morris Early Childhood

Paint medium
1st place—Isabella Valentine 3rd grade--Banneker
2nd place—Kate Wilson 1st grade—Mispillion
3rd place—Lilly Enck Kindergarten—Morris Early Childhood

MONTHLY POLICE REPORT

Police Committee Chairperson Wilson presented the monthly Police Report on behalf of Chief Brown noting that our Police Chief remains very busy. Chief Brown had nothing to add to the report.

Chairwoman Wilson moved to accept the monthly police report, seconded by Councilmember James. Motion carried.

MONTHLY CITY MANAGER REPORT

City Manager Norenberg referenced his monthly report. The finance information will be added later this week following the completion of the budget process.

Mr. Norenberg noted that renovation work continues at the Milford Armory with some temporary spaces being set for DCRAC to meet with clients while the offices are being worked on.

He reported that he has executed the University of Delaware IPA proposal for a City Council retreat later this summer. He will follow up with City Council to schedule a partial Saturday later this summer, and to discuss the format, which includes pre-retreat interviews with Council.

Councilmember Boyle moved to accept the monthly City Manager report, seconded by Councilmember Culotta. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman James reported that with the end of the fiscal year, revenue is tracking above budget and expenses are below budget as reflected in the projections for FY19-20 budget.

Chairman James moved to accept the April 2019 Finance Report, seconded by Councilmember Wilson. Motion carried.

COMMITTEE & WARD REPORTS

Ward 1-Hearthstone Manor

Councilman Boyle reported that he continues to receive phone calls from residents regarding some construction-related items, and associated increases of HOA fees. Though he understands it is not under the City's purview, he asked that it be on record that we continue to assist look for answers and solutions.

It was noted that because 75% of the total properties have not been sold, the HOA remains under the Fannin's jurisdiction.

Mayor Campbell noted that there have been continuing issues at Meadows at Shawnee and City Staff continues to work with them, in addition to the Public Works Director, City Manager and Water/Wastewater Manager who will be attending the upcoming HOA Association meeting at the Rookery North.

Ward 2-Brown Water

Councilman Culotta has received complaints from Ward 2 residents about dirty water; Mr. Norenberg confirmed he is referring to New Street and reported that our Wastewater Manager has met with that resident and for some reason, it is isolated to their property. Other neighbors in the area were not having problems. The City will continue to work with that resident to resolve the issue.

Ward 3-Silicato Parkway Open

Councilman Morrow said he is glad Silicato Parkway opened again for easier access to those businesses from his ward.

Ward 4-Sidewalk Project

Councilman James advised that many residents are asking the status of the City sidewalk project and his response is that it continues to be discussed though he did not share the information that was talked about until there is a final resolution in place.

City Manager Norenberg reported that it will be discussed again at the next meeting.

COMMUNICATION & CORRESPONDENCE

Included in packet.

UNFINISHED BUSINESS

None to discuss.

NEW BUSINESS

Adoption Resolution 2019-06/Scheduling Board of Revision and Appeal for said General Assessment

After the process was explained, Councilmembers were assured that any information related to specific property appeals would be provided to them as soon as the City Assessor gathered the comps and documents related to specific appeals following the July 12, 2019 filing deadline.

City Accountant Frederick also agreed to provide the number of property owners who appeal.

Mayor Campbell then asked if anyone from the public wished to speak on the resolution. No one responded and the floor was closed.

Councilmember Wilson moved to adopt the following resolution, seconded by Councilmember Peel:

RESOLUTION 2019-06

WHEREAS, the provisions of Article VII, Section 7.05 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment, as adjusted, to be posted in two public places in the City of Milford and there to remain for the space of ten days for public information; and

WHEREAS, attached to said copies shall be notice of the day, hour and place that Council will sit as a Board of Revision and Appeal for said General Assessment.

NOW, THEREFORE, BE IT RESOLVED, that on Monday, July 22, 2019 at 6:30 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2019-2020 General Assessment.

Motion carried.

Adoption/Resolution 2019-07/Approval of 2019-2020 Fiscal Year Budget & Capital Plan

City Manager Norenberg remarked on the documents included in the packet related to the budget and reviewed the following memo and subsequent changes to the new budget:

Overview
The Fiscal Year 2019-20 budget was prepared in conjunction with department heads and superintendents from all departments and with special thanks to the hard work of Accountant Suzannah Frederick. We are pleased to present you with this recommended Budget for the City of Milford that covers the General Fund and the various Enterprise Funds for the time period of July 1, 2019 through June 30, 2020 totaling $45,233,237.
The annual budget document serves a number of purposes for the City. First, the budget provides the citizens of Milford with information regarding the operations of the City government and details on how public funds will be utilized throughout the community. Next, the budget serves as a roadmap for the City Council and City Manager to achieve the City's priorities, not just in this fiscal year, but in the future. As staff prepared this year's budget, priorities and requests were expected to align with the Strategic Plan that was adopted in 2018.
Finally, the annual budget is used as a managerial tool by the City Manager, Police Chief and the City's department heads. This annual spending plan not only serves as a monitoring tool of revenues and expenses for the various departments, but also as a means of evaluation to ensure public resources are used in the most effective and efficient manner.

Background and Summary
As we prepare to the start the new fiscal year, changes are in large part driven by requirements of the organization related to growth and associated demands on staff and operations. For example, the majority of growth (53%) in the General Fund is due to the addition of five police officers, a dispatcher and the new Teamster contract for the Police Department. Other departments have requests for additional staffing to support quality, efficient operations that will support a growing community. These include, additions of staff in the Customer Service Office, the Finance Department, the City Clerk's Office and in Park Maintenance.
Laying the groundwork for these plans have been moves to achieve greater efficiency with existing resources and facilities in recent years and careful stewardship of our resources in a number of areas of our municipal operation (examples: greater use of purchasing cooperatives, energy efficiency measures, replacement of the outdated systems and equipment, and selected use of contracted services).

Revenue Overview
The FY 2019-20 budget constitutes an increase of $1,999,647 or 4.6 percent over the prior fiscal year. At this time, the property tax rate remains unchanged at $0.46 per $100.00 of assessed value.
Electric, Water and Wastewater enterprise revenues continue to be stable. The Kent County Wastewater treatment charge is increasing effective July 1. However, the customer portion of this treatment charge is a pass through and no change to the City rate is proposed. In addition, the negative electric power cost adjustment (PCA) is recommended to continue until the end of December and no change is recommended for the water rates. In order to balance the Solid Waste enterprise, a $1.00 increase is recommended.

Budget Overview / Highlights
The individual fund changes are as follows:

	FY2019-20 Budget	**Change from FY2018-19**	**Percent Change**
General Fund	$10,728,735	$1,094,388	11.41%
Water Fund	$2,859,500	$11,000	0.39%
Sewer Fund	$4,645,000	$188,500	4.23%
Solid Waste Fund	$1,182,003	$6,760	0.57%

Electric Fund	$25,815,000	$690,000	2.75%

This year's General Fund budget continues to utilize a transfer from Realty Transfer Tax Fund for public safety staffing ($723,000). In addition, the appropriation for Downtown Milford, Inc. and the financial support for the Kent Economic Partnership continues from the Economic Development Fund, but now draws on that fund for the support for the Milford Museum, the Milford Public Library and to pay for new and replacement parking directional signs for downtown ($166,360). The General Fund capital reserves will support general fund capital equipment or projects totaling $623,775.

The recommended FY 2019-20 budget includes:

- An overall 2.0% pay increase in base pay for non-union employees and additional funds to begin the merit pay program discussed with City Council earlier this year (non-union employees with Meets Expectation or Exceeds Expectations on their annual performance evaluation may receive a 1.5% step increase).
- Continuing to expand employee recognition initiatives, including the Safety Incentive program, and beginning to recognize Special Performance of individuals or teams.
- Continuing the halftime Local Government Management Fellow shared with Lewes.

We continue to monitor healthcare costs. As we try to anticipate and mitigate the impact of possible increased healthcare costs, we negotiated a move to increase the employee share of premiums in next year (July 1, 2020) and plan to explore alternatives to the State benefits program in the next year.
Following is a partial list of capital equipment and projects. (The full list is in the budget materials, see Attachment A.)

Capital Equipment

- Replacement trucks, chipper and material handler - Electric
- Replace Dump Truck with Hook-lift Truck – Water
- Portable Soccer Field Lighting - Parks and Recreation
- New Zoom camera – Sewer

Capital Improvements / Repairs

- Water valve and hydrant replacements / improvements - Water
- Match for the NE Front Street Transportation Alternative Program improvements - Streets
- Replacement of lead water services - Water
- Automated blow off / flushing valves – Water
- Targeted Inflow and Infiltration investigation and repair – Sewer
- Final phase of Riverwalk Lighting Powder coat and Retrofit
- Continued downtown parking lot improvements and directional signage
- Continued resurfacing and repair – Streets
- City share for sidewalk improvements
- Basketball Court repair – Parks and Recreation

Planned Major Capital Projects

- Replacement of a section of sewer line and lead water service lines, and deteriorated curb on Southeast Second Street ahead of DelDOT repaving
- Shawnee Acres pump station upgrade
- Replacement of Northeast/Northwest Front Street sewer line and water line ahead of DelDOT repaving

In addition, the following additional staff are included in the proposed recommended budget:

- Customer Service Clerks (two)
- Police Dispatcher

- Accountant
- Administrative Assistant for City Administration / City Clerk's Office
- Administrative Assistant for Public Works
- Parks Maintenance Coordinator

Conclusion
The current fiscal condition of the City is stable. In particular, the water and electric reserve funds are healthy and building permit revenues are growing. However, funding decisions to improve the City's general fund capital reserve (typically used for capital equipment, vehicles, building repairs and street improvements) is needed in order to have a stable fund for future street maintenance, equipment replacement and facility maintenance and repairs. State Community Transportation Funds and Municipal Street Aid cannot be counted on to make up the difference.
In the coming year, it will be extremely important for the City implement sound financial policies and practices, while looking to build financial stability for the future.

New or Increased for FY2020
Exhibit A

General Fund		Budgeted Amount	Funding Source
City Administration			
	Part time intern	$ 8,724	Operating Budget
	Administrative Assistant	$ 74,450	Operating Budget
Council/City Hall			
	Computer upgrade	$ 7,400	Operating Budget
	ADA Transition Plan	$ 50,000	Operating Budget
Council Request			
	Staffing Study	$ 20,000	Operating Budget
	Legal Review of Code	$ 25,000	Operating Budget
City Council Community Support			
	Carlisle Fire	$ 140,000	Operating Budget
	Library Funding	$ 25,000	Economic Development
Planning			
	Legal Review of Code	$ 25,000	Operating Budget
Police			
	K-9 Unit	$ 12,800	Operating Budget
	Dispatcher	$ 62,786	RTT ($63,000)
	FY 20 of Teamster Contract	$ 160,222	RTT ($160,000)
Parks and Recreation			
	Parks Coordinator	$ 63,375	Operating Budget
Streets			
	Parking Directional Signs	$ 25,000	Economic Development

Mayor Campbell referenced the 3% overall pay increase for non-union employees. Councilman Morrow asked if that includes COLA; Mr. Norenberg said the COLA has been confused and in lieu of that term, that is the base pay increase that all non-union employees will receive. On top of that, any employee that meets or exceeds on their evaluations, will receive a 1.5% increase.

It was again discussed that unions received 4% and any non-union employees receiving ½% less could create later issues and even consider unionizing.

Councilman Morrow recalled that when Milford Police unionized, Council agreed at that point to always keep the pay increases the same for non-union employees. Mayor Campbell agreed stating that has to happen, otherwise we are opening the door for other employees to unionize.

Councilman Morrow noted that during the last study, there were a number of upper management employees who received large increases and in consideration, he asked that the Finance Department to consider another ½% in an attempt to somewhat mimic the increase the union officers already received at the police department.

Councilman Morrow commended Mr. Norenberg's efforts to stay within budget, adding that he understands he is trying to work with the funding that's available.

When asked if everyone receives the additional 1.5% increase, Councilmember Peel said only those employees that meet or exceed expectations on their evaluations.

Mayor Campbell stressed that not providing the same increase to non-union employees is a risk. The City Manager pointed out the IBEW is still at 1.5% step increases. The Teamsters were benchmarking other police unions who were providing larger adjustments based on changes in benefit and compensation structures. The City agreed with the 4% in an attempt to keep our police officers competitive with other police agencies particularly at the entry level and higher ranks. Each time there is a vacancy, our HR Manager will look at the market place and compare that salary with respect to the position. In this strong economy, they have found some positions have moved up faster and some skill sets will change more rapidly. He anticipates a similar situation when the IBEW contract is negotiated next year.

Mayor Campbell reiterated that if this is not done, the City will never catch up. He recommends 2 and 2% versus 1.5 and 2%. Councilmember Peel cautioned letting one union inflate other salaries which sets a precedence.

Councilman Morrow agrees but pointed out that should have been controlled during the negotiations.

Mayor Campbell also pointed out that the Captain and the Lieutenants do not fall under the union and they are concerned with receiving smaller increases which will impact their salaries over time. They feel that when their salaries are compared to those positions in other area police departments, their salaries will end up being lower.

Councilman Morrow said he does not need any numbers, but is only asking that Finance Chairman James and Ms. Frederick provide a total if that percentage was increased.

Councilman James said if it is the philosophy of the City to keep the non-union employees in step with the unions, that is one case. However, he also feels we should listen to Councilmember Peel's statement because as she stated, the union is always setting the pay for the entire population which is not ideal. The non-union pay should be based on market study/market pay. The union is negotiated and it is dangerous to make them the same.

Mr. Norenberg said they also try to keep the various benefits and there was a request from the union the year prior to him being hired to add vision coverage. The City agreed it made sense for all employees and it was added for no cost to the employees and an option for dependents. As a result, the City tries to keep pace and serve all needs as best as they can. However, the different trades, workforces and professions have different market conditions which is the reason they hired PayPoint HR to complete a pay study. Once that was completed, everyone was brought up to market rate.

Ms. Frederick then reported that to fund another ½% would be $21,000 across the board for non-union employees. Mr. Norenberg explained that would increase the base pay adjustment to 2½% to be allocated out of the general fund, in addition to the various enterprise accounts.

It was confirmed that the Teamsters at the Police Department agreed to an increase of healthcare premium/employee pay from 90/10 to 85/15 beginning July 2020, based on all employees receiving the same increase. Councilman Morrow pointed out that is more of a reason to provide the other ½% to all non-union employees noting that everyone else only received 1½% compared to the Teamsters 4%.

Solicitor Rutt noted that Council has the right to recommend tweaks to the budget though he does not think the ½% needs to be voted on tonight.

Mr. Norenberg was then directed to have the additional ½% added to the FY2019-2020 budget and to present the revised budget at the June 24, 2019 fiscal year budget.

Council then discussed Council Salary, as stated in the Ordinance, which reads as follows:

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

COUNCIL MEETING — The monthly Council meeting, workshop meetings and all other executive meetings called to order by the City Manager or Mayor.

Each City Council member shall receive a salary of $50 per meeting.
The Mayor shall receive a salary of $400 per month.

Mr. Rutt stated that he is reading this for the first time, but Council must follow what the ordinance states. If there is a special meeting, that is considered a council meeting in which councilmembers would be paid. In relation to public hearings, they are separate and distinct from the council meeting, but are still a full meeting of the council.

Mr. Norenberg reported that he and Ms. Hudson have additional background information that will need to be provided to the City Solicitor.

He tried to calculate the additional costs of workshops, board and commission members and made a projection based on the number of meetings. Council can also discuss an appropriate rate should that be adopted.

It was noted that any increase in pay, would not be effective until after the next election. However, based on the current language, Mr. Rutt feels this is the correction of a past interpretation which can be implemented immediately. He will provide a full update to Council at the June 24, 2019 meeting.

Councilman James pointed out that $50 is not going to change anyone lives, but when an ordinance contains ambiguous language, it needs to be addressed for clear interpretation and execution.

Councilmember Peel agreed stating a lot of that language can be interpreted in a different manner. Many of the older codes have been addressed by the Planning Director though many are outside his purview. Mr. Norenberg stated that is the reason Ms. Hudson has proposed funding for a legal review of the code again this year.

Councilmember Boyle recalled the code allows for four councilmembers to call a meeting and noted that working committees presently have four members. Mr. Rutt clarified that it states that special meetings can be called by the mayor or by four councilmembers.

Councilmember Boyle said his purpose on council is to serve the public and questioned any additional pay. It was agreed the code reads ‘per meeting called to order by the mayor’ and includes the definition.

It was again agreed that Mr. Rutt should further review the ordinance after which, Council will determine whether a change of language is needed to the ordinance or he can determine the practice needs to be changed based on his interpretation of the current language.

The process for charter amendments was then explained. Solicitor Rutt explained that a review of each article was done by the City Manager, City Clerk and himself. In the end, the revisions were incorporated, which were approved by City Council and then forwarded to the General Assembly.

Mr. Rutt said he would like to review various areas in the charter and compare for conflicting language.

When asked for other comments, Councilman James stated that though we briefly reviewed the budget during the hearings, he has not had a chance to thoroughly review the capital improvement plan.

Councilmember Peel commended the Public Works Director for going back and providing additional information on the enterprise funds, which is handled a little differently, though the hope is to keep the accounts on par. She has also learned that there are emergencies that are unknowns that need to be considered in every budget.

Councilmember James explained that he found some of the FY 2019 amounts were exact duplicates of the FY 2018-19 amounts and not average of the previous years presented and instead carryovers.

There being no further comments, Mayor Campbell opened the floor for public comments on Resolution 2019-07.

Nina Pletcher of 428 South Walnut Street asked about Council being reimbursed for their services and though she feels it is well deserved, she asked if Councilmembers were paid only when they attended meetings.

It was noted that the code states each councilmember receives $50 per meeting. They have been discussing what is considered a meeting based on that language. It was confirmed that Council is paid $50 per month, and any additional meetings is $50.

Ms. Pletcher doesn't understand why a councilperson would be paid for something they didn't do. If not in attendance, she is amazed they would be reimbursed.

Ms. Hudson clarified that the previous ordinance, prior to the amended ordinance twenty years ago, allowed councilmembers to be paid $50 per month, regardless of attendance or the number of meetings.

No other persons wished to speak and the floor was closed.

Councilmember Wilson moved to postpone Resolution 2019-07 adopting the FY 19-20 Budget and Capital Program, seconded by Councilmember James. Motion carried.

Introduction/Ordinance 2019-21/Authorization/Chesapeake Utilities Franchise

As a result of its nearing expiration, City Manager Norenberg introduced the following ordinance renewing the Chesapeake Utilities Corporation:

CITY OF MILFORD
ORDINANCE 2019-21
AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE GRANTING TO CHESAPEAKE UTILITIES CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE GAS SUPPLY AND DISTRIBUTION SERVICES FRANCHISE AGREEMENT WITH THE CITY OF MILFORD; PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; PROVIDING AN EFFECTIVE DATE; AND REPEALING AND REPLACING THE PRIOR ORDINANCE AND FRANCHISE AGREEMENT.

WHEREAS, Chesapeake Utilities Corporation and the City of Milford desire to enter into a franchise agreement for a period of twenty (20) years commencing from the date provided herein; and

WHEREAS, Ordinance 2019-21 repeals and replaces Ordinance 2-1999 adopted by City Council on June 28, 1999; and

WHEREAS, the Council of the City of Milford finds that it is in the public interest of its citizens to enter into an updated franchise agreement with Chesapeake Utilities Corporation.

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

AGREEMENT BETWEEN
THE CITY OF MILFORD AND
CHESAPEAKE UTILITIES CORPORATION

(Complete ordinance included in corresponding Council Packet)

The Ordinance is scheduled for adoption at the June 24, 2019 Council Meeting.

Authorization/I&I Supplemental Funding

City Manager Norenberg referred the memo, submitted by Public Works Director Mark Whitfield stating that due to the abnormally wet weather for the past ten months, the inflow and infiltration of storm and ground water into the sanitary sewer system has created a deficit in the Inflow and Infiltration Treatment line item in the Wastewater Budget (203-3030-432-40-20). To balance the deficit, $250,000 need to be transferred from Wastewater Reserves to the Inflow and Infiltration Treatment line item.

Mr. Norenberg recalled the two projects discussed by Mr. Whitfield during the budget hearings regarding two pump stations that will help reduce this number.

Councilmember Peel moved to authorize the transfer of $250,000 from Wastewater Reserves to Account 203-3030-432-40-20 to cover the treatment of Inflow and Infiltration Wastewater, seconded by Councilmember James. Motion carried.

Board of Adjustment/Vacancy

Planning Director Pierce reported that Board of Adjustment Member Chad Carter has submitted his resignation to be effective on Thursday, June 13th. As a result, there is a need to find a replacement for the third member and he asked City Council to encourage qualified residents to apply.

It was noted the BOA meets monthly on the second Thursday of the month. Those interested persons can submit their application via the City of Milford website.

EXECUTIVE SESSION

Councilmember Boyle moved to go into Executive Session reference the below statutes, seconded by Councilmember Brooks:

Pursuant to 29 Del. C. §10004(b)(4) Strategy Sessions

Pursuant to 29 Del. C. §10004(b)(9) Personnel Matters

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:19 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 9:26 p.m.

Police Chief Goals
City Manager Goals

No action needed; informational only.

ADJOURNMENT

There being no further business, Councilmember Wilson moved to adjourn, seconded by Councilmember James. Motion carried.

The Council meeting was adjourned at 9:28 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

OFFICE OF THE CHIEF OF POLICE
KENNETH L. BROWN
kenneth.brown@cj.state.de.us

THE CITY of Milford DELAWARE

400 NE Front Street
Milford Delaware 19963
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council

FROM: Kenneth L. Brown, Chief of Police

DATE: July 3, 2019

RE: Activity Report/June 2019

Monthly Stats:

A total of 502 arrests were made by the Milford Police Department during June 2019. Of these arrests, 148 were for criminal offenses and 354 for traffic violations. Criminal offenses consisted of 17 felonies and 131 misdemeanors. Traffic violations consisted of 7 Special Duty Radar, 3 Drunk-Driving charges, 344 other.

Police officers investigated 58 accidents during the month and issued 128 written reprimands. In addition, they responded to 1291 various complaints including city requests and other agency assistance.

Monthly Activities:

Attended In-Service Training on June 4, 2019.

Met with Kevin Dickerson, Superintendent for Milford High School in reference to assigning an officer for the summer school program on June 5, 2019.

Attended the 2019 FBI National Academy Graduation in Quantico, VA on June 7, 2019. Sgt. Robert S. Young graduated.

Attended the 2nd Annual "A Tropical Night to Remember" held at the Johnson's residence on June 7, 2019.

Attended the State Chief's Board Meeting held at the Dover Police Department on June 11, 2019.

Attended Opening Ceremony for the Specials Olympics held at the Rehoboth Beach Bandstand on June 12, 2019.

Attended the Law Enforcement Torch Run Ceremony held at Legislative Hall on June 13, 2019. I had the honor of escort an athlete into the ceremony.

Met with City Manager and DART in reference to getting a new DART bus stop on Masten Circle on June 13, 2019.

Attend the 36th Annual Mayor's Prayer Breakfast held at the Milford Senior Center on June 14, 2019.

Attended Brandywine Counseling Board of Directors Meeting held in Wilmington on June 18, 2019.

Attended a conference call in reference to update on the Milford Police Department Building project on June 27, 2019.

Training –

One officer attended Microsoft Excel training held at the Delaware State Police Academy on June 3, 2019.

TAC Officer attended Advanced Shooting Analysis training held Lawrenceville, GA. on June 17, 2019 – June 21, 2019.

Two officers attended Delaware Juvenile Civil Citation training held at Delaware Tech & Community College on June 19, 2019.

Sergeant Robert S. Young attended the FBI National Academy at Quantico, VA from April 1, 2019 - June 7, 2019.

SRO –

Sgt. Masten participated in the annual "Beach Goes Red, White, and Blue" event at the Rehoboth Bandstand. This is an annual event supported by USO Delaware and the City of Rehoboth.

Remax Twin Counties once again hosted the "Cones for Cops" event in Bicentennial Park. This was the second year of this event in which Remax Twin Counties had The Frozen Farmer Ice Cream Truck give free ice cream to all who attended. This year's event hosted just under 500 people according to numbers given to Donna Watson from The Frozen Farmer staff. State Farm Hunter Emory Agency and Meridian Bank Mortgage Premo Team also supported Remax Twin Counties in their efforts to host this event.

S/Cpl. Bloodsworth assisted school staff at Benjamin Banneker Elementary School with putting on a "Safe Summer Send Off" for the students.

S/Cpl. Bloodsworth assisted school staff at Mispillion Elementary School with putting on a "Safety Day" for students as the headed off to summer break.

S/Cpl. Bloodsworth and Sgt. Masten joined Chief Brown attending a fundraising event put on by Take My Hand Ministries. Take My Hand Ministries assists us throughout the year with several of our Community Policing initiatives at Christmas and Thanksgiving.

K9 Unit –

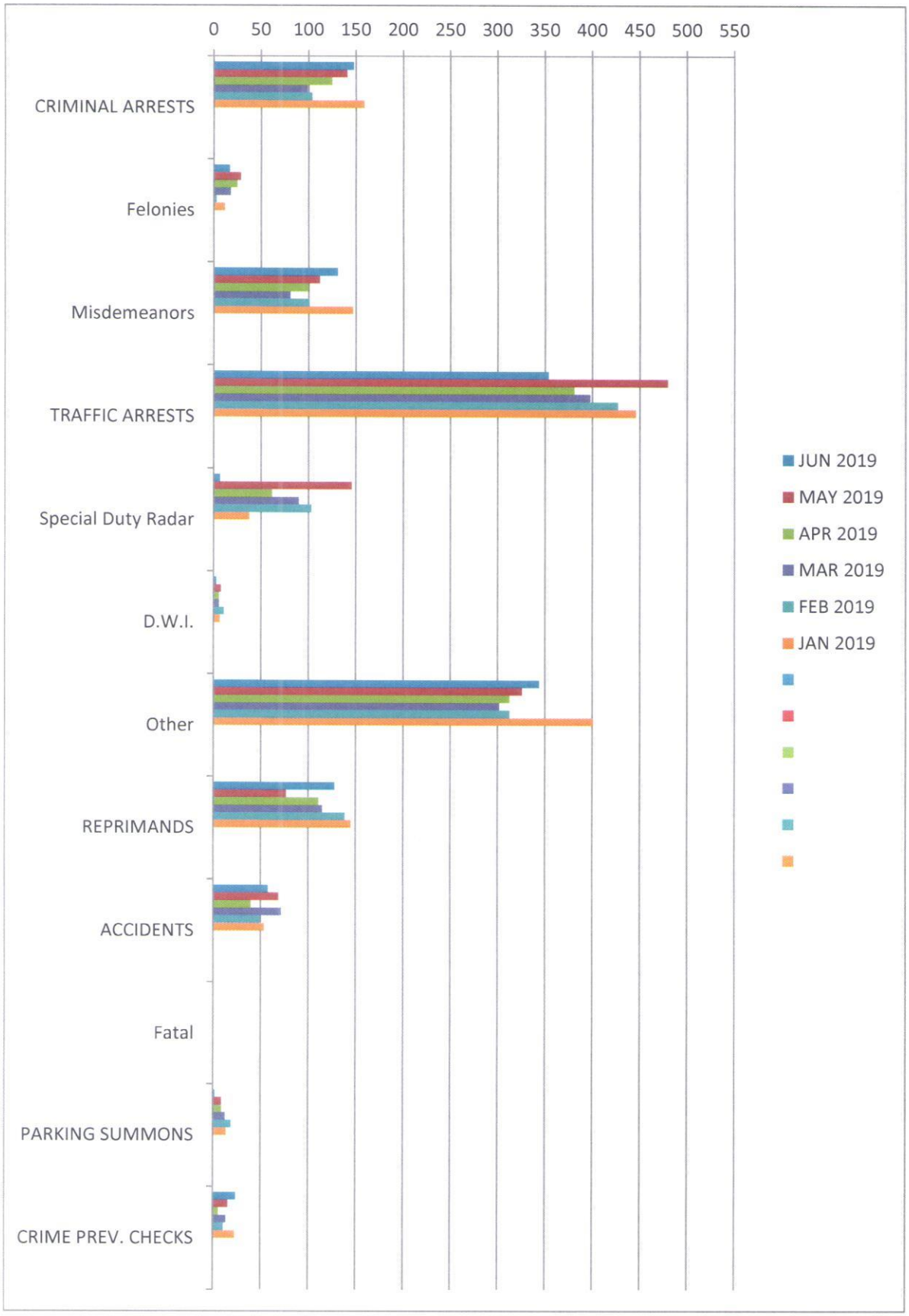
For the month of June 2019 the Milford Police Department K9 unit had the following stats:

- Utilized 4
- Building Searches 1
- Demo's 1
- Drug Search 1

Note: K9-2 only worked 72 hours during the month of June due to vacation/sick time.

JUN 2019 ACTIVITY REPORT

	JUN 2019	TOTAL 2019	JUN 2018	TOTAL 2018
COMPLAINTS	1291	7283	1319	7159
CRIMINAL ARRESTS	148	776	129	841
Felonies	17	104	15	154
Misdemeanors	131	672	114	687
TRAFFIC ARRESTS	354	2486	425	2398
Special Duty Radar	7	446	136	778
D.W.I.	3	41	10	52
Other	344	1999	279	1568
REPRIMANDS	128	715	105	546
ACCIDENTS	58	343	58	311
Fatal	0	0	0	1
PARKING SUMMONS	2	66	24	108
CRIME PREV. CHECKS	24	94	28	131
FINES RECEIVED	$7,406.73	$ 50,450.52	$7,627.62	$ 48,540.32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CRIMINAL ARRESTS
Felonies
Misdemeanors
TRAFFIC ARRESTS
Special Duty Radar
D.W.I.
Other
REPRIMANDS
ACCIDENTS
Fatal
PARKING SUMMONS
CRIME PREV. CHECKS
JUN 2019
MAY 2019
APR 2019
MAR 2019
FEB 2019
JAN 2019

Monthly City Manager Report
July 2019

Human Resources Office	Same Month Last Year	Current Month	FY18 YTD (07/01/17-06/30/18)	FY19 YTD (07/01/18-06/30/19)
Vacant Positions	2	5	0	6
Full Time Employees	113	113	109	104
Part Time/Seasonal Employees	8	16	8	13

Finance Department	Same Month Last Year	Current Month	FY18 YTD (07/01/17-06/30/18)	FY19 YTD (07/01/18-06/30/19)
Accounts Billed				
Payments Received				
IT Assistance Offered				

Parks & Recreation Department	Same Month Last Year	Current Month	FY18 YTD (07/01/17-06/30/18)	FY19 YTD (07/01/18-06/30/19)
Program Participants	61	66	1714	1160
Programs Offered	1	2	28	17
Events Held	0	0	4	4

Planning & Economic Development Department	Same Month Last Year	Current Month	FY18 YTD (07/01/17-06/30/18)	FY19 YTD (07/01/18-06/30/19)
Building Inspections & Permitting				
Total Residential Permits Issued	16	52	263	388
New Housing Construction Permits Issued	8	27	103	190
Residential Inspections Performed	0	109	0	109
Total Commercial Permits Issued	13	10	110	81
New Commercial Construction Permits Issued	7	4	75	43
Commercial Inspections Performed	0	8	0	8
Code Enforcement & Licensing				
Code Enforcement Cases Opened	37	35	312	497
Code Enforcement Cases Closed	19	29	371	403
Contractor & Vendor Licenses Issued	16	24	557	635
Rental Licenses Issued	13	19	1811	2440
Rental Inspections Performed	32	63	294	1325
Economic Development				
Economic Development Incentive Applications Received	0	1	0	1
Downtown Development District Applications Received	0	1	49	20
- Private Investment	$ -	$ 125,000.00	$ 11,458,739.00	$ 2,200,907.00
- State Investment	$ -	$ -	$ 1,488,885.00	$ 179,927.00
- Milford Waivers	$ -	$ 8,124.70	$ 164,453.44	$ 36,932.40
Planning & Zoning				
Land Use Applications Received	2	4	28	41

Public Works Department	Same Month Last Year	Current Month	FY18 YTD (07/01/17-06/30/18)	FY19 YTD (07/01/18-06/30/19)
Electric Division				
Service Calls				
Outages				
Engineering Division				
Water Treated (Millions of Gallons)				
Wastewater Transferred (Millions of Gallons)				
Construction Plans Received				
Construction Plans Approved				
Bids Advertised				
Bids Awarded				
Projects Underway				
Public Service Division				
Refuse Collected (Tons)				
Recycle Collected (Tons)				
Yard Waste Collected (Tons)				
Fuel Use-Diesel (Gallons)				
Fuel Use-Gas (Gallons)				

Public Works Department	Same Month Last Year	Current Month	FY18 YTD	FY19 YTD
Electric Division				
Kilowatt Hours Sold				
Service Calls				
Outages				
Engineering Division				
Water Treated (Millions of Gallons) 6 Months	89,280,100	85,645,500	488,502,800	492,667,500
Wastewater Transferred (Millions of Gallons) 5 Months	103,445,000	83,336,000	426,589,000	445,892,000
Construction Plans Received				
Construction Plans Approved				
Bids Advertised	0	0	2	2
Bids Awarded	0	0	1	1
Projects Underway	1	1	1	1
Public Service Division				
Refuse Collected (Tons)	297	303	2361	2354
Recycle Collected (Tons)	74	73	732	744
Yard Waste Collected (Tons)	49	45	591	598
Fuel Use-Diesel	1496	1257	14087	13913
Fuel Use-Gas	0	0	0	350

CITY OF MILFORD
FUND BALANCES REPORT

Date: May 2019

Cash Balance - General Fund Bank Balance	2,960,899
Cash Balance - Electric Fund Bank Balance	5,090,616
Cash Balance - Water Fund Bank Balance	2,029,647
Cash Balance - Sewer Fund Bank Balance	776,771
Cash Balance - Trash Fund Bank Balance	43,154

	General Improvement	Municipal Street Aid	Real Estate Transfer Tax	Economic Development Fund
Beginning Cash Balance	277,009	394,224	2,763,922	$303,648
Deposits	4,924		116,331	
Interest Earned this Month	474	679	4,886	
Disbursements this Month	(6,618)		(41,666)	
Investments				
Ending Cash Balance	$275,789	$394,903	$2,843,473	$303,648

	GF Capital Reserves	Water Capital Reserves	Sewer Capital Reserves	Electric Reserves
Beginning Cash Balance	2,405,669	8,724,865	4,102,379	8,577,175
Deposits				
Interest Earned this Month	1,266	3,690	1,714	4,421
Disbursements this Month	(112,095)	(823)	(382)	(60,962)
Investments				
Ending Cash Balance	$2,294,840	$8,727,732	$4,103,711	$8,520,634

	Water Impact Fee	Sewer Impact Fee	Electric Impact Fee
Beginning Cash Balance	2,423,359	$1,493,349	$709,540
Deposits	41,180	$21,765	$9,000
Interest Earned this Month			
Disbursements this Month			
Investments			
Ending Cash Balance	$2,464,539	$1,515,114	$718,540

INTEREST THROUGH THE ELEVENTH MONTH OF THE FISCAL YEAR:

General Fund	68,764	Water Fund	32,369
GF Capital Reserves	47,348	Water Capital Reserves	137,961
Municipal Street Aid	5,262	Sewer Fund	8,447
Real Estate Transfer Tax	49,534	Sewer Capital Reserves	64,117
Electric Fund	74,620	Trash Fund	1,115
Electric Reserves	165,346		

TOTAL INTEREST EARNED TO DATE $654,883

REVENUE REPORT

Page Two 92% of Year Expended

Date: May 2019 ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%
Economic Development Fund	140,000	0	116,960	83.54%
General Fund Reserves	518,455	(3,121)	359,215	69.29%
GF Reserves-New Police Officers	80,150	0	80,150	100.00%
GF Reserves-Police Union Pay	197,000	0	197,000	100.00%
Realty Transfer Tax-Police	500,000	41,666	458,333	91.67%
Real Estate Tax	3,927,717	761	3,971,415	101.11%
Business License	50,000	3,920	48,420	96.84%
Rental License	85,000	3,650	102,125	120.15%
Building Permits	160,000	26,855	265,460	165.91%
Planning & Zoning	15,000	2,600	38,250	255.00%
Grasscutting Revenue	16,000	2,000	14,000	87.50%
Police Revenues	462,485	11,085	390,940	84.53%
Misc. Revenues	376,065	39,883	340,603	90.57%
Transfers From	3,370,720	280,894	3,089,827	91.67%
Total General Fund Revenues	$9,898,592	$410,193	$9,472,698	95.70%
Water Revenues	2,848,500	253,669	2,731,037	95.88%
Sewer Revenues	2,839,709	247,286	2,531,075	89.13%
Kent County Sewer	1,850,000	154,363	1,653,978	89.40%
Solid Waste Revenues	1,178,243	96,274	1,043,822	88.59%
Electric Revenues	25,547,000	1,933,635	24,107,600	94.37%
TOTAL REVENUES	$44,162,044	$3,095,420	$41,540,210	94.06%
YTD Enterprise Expense		(61,048)		
YTD Enterprise Revenue		64,068		
LTD Carlisle Fire Company Building Permit Fund		498,550		

EXPENDITURE REPORT
Page Three

Date: May 2019 92% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	522,678	$64,090	493,495	94.42%	29,183
O&M	117,430	$6,692	90,134	76.76%	27,296
Capital	0	$0	0		0
Total City Manager	$640,108	$70,782	$583,629	91.18%	56,479
Planning & Zoning					
Personnel	129,534	$15,974	131,004	101.13%	(1,470)
O&M	38,475	$5,110	35,617	92.57%	2,858
Capital	0	$0	0		0
Total P, C & I	$168,009	$21,084	$166,621	99.17%	1,388
Code Enforcement & Inspections					
Personnel	283,811	$30,410	206,783	72.86%	77,028
O&M	113,530	$3,068	108,680	95.73%	4,850
Capital	0	$0	0		0
Total P, C & I	$397,341	$33,478	$315,463	79.39%	81,878
Council					
Personnel	31,230	$1,669	21,609	69.19%	9,621
O&M	54,729	$5,826	48,894	89.34%	5,835
Council Expense	17,500	$0	17,283	98.76%	217
Contributions	175,500	$0	175,000	99.72%	500
Codification	10,000	$0	7,802	78.02%	2,198
Employee Recognition	21,000	$0	15,670	0.00%	5,330
Insurance	18,200	$0	17,396	95.58%	804
Christmas Decorations	9,581	$0	9,581	100.00%	0
Economic Development	5,000	$0	1,712	34.24%	3,288
Resident Survey	15,690	$0	9,975	63.58%	5,715
Kent Economic Partnership	30,000	$0	30,000	100.00%	0
Repair Parking Lot	15,000	$0	0	0.00%	15,000
Armory Expenses	12,000	$126	7,872	65.60%	4,128
Vinyard Shipyard	15,000	$0	15,000	100.00%	0
Capital	30,400	$0	0	0.00%	30,400
Total Council	$460,830	$7,621	$377,794	81.98%	83,036
Finance					
Personnel	427,660	$48,237	367,453	85.92%	60,207
O&M	84,850	$8,437	65,700	77.43%	19,150
Capital	0	$0	0		0
Total Finance	$512,510	$56,674	$433,153	84.52%	79,357
Information Technology					
Personnel	159,366	$17,639	142,618	89.49%	16,748
O&M	200,450	$8,183	156,923	78.29%	43,527
Capital	49,000	$0	47,726	97.40%	1,274
Total Information Technology	$408,816	$25,822	$347,267	84.94%	61,549

EXPENDITURE REPORT
Page Four

Date: May 2019 92%of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	4,396,720	$520,452	3,952,875	89.91%	443,845
O&M	622,038	$34,292	520,414	83.66%	101,624
Capital	95,100	$0	92,946	97.74%	2,154
Total Police	$5,113,858	$554,744	$4,566,235	89.29%	547,623
Streets & Grounds Division					
Personnel	394,200	$39,121	323,199	81.99%	71,001
O&M	444,305	$27,818	313,856	70.64%	130,449
Capital	182,000	$0	95,068	52.24%	86,932
Total Streets & Grounds	$1,020,505	$66,939	$732,123	71.74%	288,382
Parks & Recreation					
Personnel	701,515	$57,357	551,377	78.60%	150,138
O&M	286,100	$23,938	197,695	69.10%	88,405
Capital	189,000	$0	108,641	57.48%	80,359
Total Parks & Recreation	$1,176,615	$81,295	$857,713	72.90%	318,902
Total General Fund					
Operating Budget	$9,898,592	$918,439	$8,379,998	84.66%	1,518,594

EXPENDITURE REPORT
Page Five

Date: May 2019

92% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	269,170	$51,462	235,380	87.45%	33,790
O&M	1,216,187	$175,360	1,009,214	82.98%	206,973
Capital	1,033,378	$0	19,020	0.00%	1,014,358
Debt Service	329,765	$0	243,651	73.89%	86,114
Total Water	$2,848,500	$226,822	$1,507,265	52.91%	1,341,235
Sewer Division					
Personnel	267,659	$50,243	227,460	84.98%	40,199
O&M	1,426,036	$262,729	1,370,860	96.13%	55,176
Capital	750,524	$0	177,229	0.00%	573,295
Debt Service	395,490	$12,736	298,887	75.57%	96,603
Sewer Sub Total	$2,839,709	$325,708	$2,074,436	73.05%	765,273
Kent County Sewer	1,850,000	$286,990	1,625,327	87.86%	224,673
Total Sewer	$4,689,709	$612,698	$3,699,763	78.89%	989,946
Solid Waste Division					
Personnel	346,828	$69,089	308,207	88.86%	38,621
O&M	831,415	$128,866	757,780	91.14%	73,635
Capital	0	$0	0		0
Total Solid Waste	$1,178,243	$197,955	$1,065,987	90.47%	112,256
Total Water, Sewer Solid Waste	$8,716,452	$1,037,475	$6,273,015	71.97%	2,443,437
Electric Division					
Personnel	1,370,371	$226,834	1,169,852	85.37%	200,519
O&M	2,090,252	$349,544	1,541,461	73.75%	548,791
Transfer to General Fund	2,500,000	$416,667	2,291,667	91.67%	208,333
Capital	966,412	$2,850	236,658	24.49%	729,754
Debt Service	319,965	$0	268,558	83.93%	51,407
Electric Sub Total	$7,247,000	$995,895	$5,508,196	76.01%	1,738,804
Power Purchased	18,300,000	$2,449,254	15,488,148	84.63%	2,811,852
Total Electric	$25,547,000	$3,445,149	$20,996,344	82.19%	4,550,656
TOTAL OPERATING BUDGET	$44,162,044	$5,401,063	$35,649,357	80.72%	8,512,687

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: May 2019

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	92% of Year Expended YTD%	UNEXPENDED BALANCE
Garage					
Personnel	91,215	10,286	84,531	92.67%	6,684
O&M	106,393	(5,292)	96,883	91.06%	9,510
Capital	50,000	0	41,859	83.72%	8,141
Total Garage Expense	$247,608	5,004	$223,273	90.17%	24,335
Public Works					
Personnel	544,980	40,458	444,907	81.64%	100,073
O&M	216,055	24,746	168,998	78.22%	47,057
Capital	10,000	0	0	0.00%	10,000
Total Public Works Expense	$771,035	65,204	$613,905	79.62%	157,130
Billing & Collections					
Personnel	579,820	66,885	562,638	97.04%	17,182
O&M	225,650	15,003	193,711	85.85%	31,939
Capital	20,000	0	16,675	83.38%	3,325
Total Billing & Collections	$825,470	81,888	$773,024	93.65%	52,446
City Hall Cost Allocation					
Personnel	0				0
O&M	88,300	3,786	70,530	79.88%	17,770
Capital	0				0
Total City Hall Cost Allocation	$88,300	3,786	$70,530	79.88%	17,770

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.

You are invited to the
Chamber of Commerce for Greater Milford
2019 Legislative Update
Sponsored by:

Dover Federal Credit Union
LOCAL PEOPLE • LOCAL DECISIONS

Bayhealth

Shore United Bank

Wednesday, July 17th, 2019
Mama Maria's
945 N. DuPont Blvd. ~ Milford
11:00 a.m. to 1:00 p.m.

Panelists: Representative Bryan Shupe; Representative Charles Postles, City of Milford Mayor Archie Campbell

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AGREEMENT
BY AND BETWEEN
THE CITY OF MILFORD
AND
THE MILFORD PUBLIC LIBRARY

This Agreement, made and entered into this _____ day of _____, 2019, is by and between the Milford District Free Public Library, a Delaware corporation ("Library"), and the City of Milford, Delaware, a Delaware municipal corporation ("City").

WITNESSETH:

WHEREAS, the Library is an educational, charitable, nonprofit organization incorporated in the State of Delaware, and

WHEREAS, the City has determined that providing education and activities to Milford residents and visitors is an important component of the City's economic development and cultural enrichment,

NOW, THEREFORE, in consideration of mutual undertakings and mutual benefits from the services set forth herein, the City and the Library agree as follows:

I. MISSION AND SCOPE

"The Milford Public Library, as an integral part of the Milford Community, supports and encourages the freedom of all ages to read, learn and discover in a welcoming environment. We strive to enhance the quality of life in our community by providing diverse up-to-date, accurate, and interesting material in a variety of formats, which address current topics of interest. The library supports the community's desire for lifelong learning opportunities with special emphasis on promoting cultural activities for all ages. The library will respond to the evolving technological needs of the community by delivering these services." The Library agrees to furnish all personnel and equipment necessary for the daily operation of the Library.

II. TERM AND TIME OF PERFORMANCE AND REVIEW

A. The term of this Agreement shall be from July 1, 2019 to June 30, 2020.

B. There shall be an annual review of Library 's performance by the City Manager and the City Council Community and Economic Development Committee. This review shall be completed no later than April 15th each year. To facilitate the review, Library shall submit a copy of its current fiscal year budget, including actual to date expenditures, and a proposed new fiscal year budget by March 1st each year. The Library's Executive Director and the City Manager will meet as needed, and the Library will provide quarterly reports of activity to the City Manager and City Council. The City Manager shall inform the Library, in writing, by April 30th each year of the results of the review.

III. **COMPENSATION AND METHOD OF PAYMENT AND**

A. The City hereby agrees to provide financial support for the Library for the Services as outlined in Section I, for the period of July 1, 2019 through June 30, 2020, the sum of Twenty-five Thousand Dollars ($25,000.00). This money shall be allocated for Library operations and programming including salaries, utilities and advertising.

IV. **RESPONSIBILITIES**

A. The City agrees to continue mowing and snow shoveling / plowing for the Library property. However, the Library is responsible other landscaping (flowerbeds, mulch, etc.) for utility fees and charges, including solid waste collection fees.

B. Understanding that fundraising and development of other funding sources is critical to the ongoing success of the Library and its ability to serve the growing, changing needs of the community, the Library agrees to continue to engage in fundraising and to regularly seek outside grants for exhibits, staffing, classes, programming, advertising, etc. City agrees to support such grants when appropriate.

C. Library agrees to make restrooms available to the general public during Library events, the Farmers Market, and other special / public events that occur during regular business hours.

D. Library agrees to examine changes to the hours of operation to continue to support and encourage downtown visitors to the Library and other destinations, including considering additional Saturday and Sunday hours.

V. **INSPECTION OF RECORDS**

Upon request, the Library shall provide documentation to the City Manager that demonstrates to the City's satisfaction that the Library has used the funds provided under this Agreement in a responsible manner and in accordance with promises and commitments made to the City.

VI. **SUBCONTRACTS**

The Library and the City hereby agree that this Agreement shall not be assigned, transferred, conveyed or otherwise disposed of without the prior consent of the other party to the Agreement.

VII. **REPRESENTATION ON BOARD**

The City will not have operational control over Library staff or operating policies. The Library's Board of Directors shall oversee the operation of the Library. The Library will invite and include the City Manager or his/her designee as a non-voting participant in any regular, special or executive session meeting of the Board during which City-related matters are being discussed.

VIII. NON-DISCRIMINATION PROVISIONS

The Library will not discriminate against any patron, visitor, volunteer or employee because of race, creed, color, religion, citizenship status, gender, age, national origin, ancestry, disability, sexual orientation, gender identity or expression, marital status, pregnancy, military veteran status, political beliefs or affiliation, genetic history, or other characteristic protected by law. These protections apply to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, dismissal, layoff, compensation, benefits, and any social, library, cultural or recreational programs.

IX. COMPLIANCE WITH THE LAW

All parties shall comply with all applicable federal, state and local laws, ordinances, codes and regulations.

X. CONFLICT OF INTEREST\POLITICAL ACTIVITY

The public officials, employees and agents of the City shall comply with all applicable laws and regulations relating to conflicts of interest with regard to the work and compensation covered by this Agreement.

The Library shall not use the compensation paid through this Agreement for political activities or legislative activities. For the purpose of this Agreement, the terms “political activities” and “legislative activities” shall have the meanings ascribed to them by the Internal Revenue Service.

XI. INDEPENDENT CONTRACTOR

The Library is not authorized or empowered to make any commitments or incur any obligation on behalf of the City, but merely to provide the services provided for herein as an independent contractor.

XII. INDEMNIFICATION

Library shall indemnify, release, defend, become responsible for and forever hold harmless the City, its officers, agents, employees, elected officials, and attorneys, each in their official and individual capacities, from and against all lawsuits, suits, actions, costs, claims, demands, damages, disability, losses, expenses, including reasonable attorney’s fees and other defense costs or liabilities, of any character and from any cause whatsoever brought because of bodily injury or death received or sustained, or loss or damage received or sustained, by any person, persons, or property arising out of or resulting from any act, error, omission, or intentional act of the Library or its agents, employees, or subcontractors, arising out of or in any way connected with the subject matter of this Agreement or the work or operations expressly authorized herein; provided, however, that the Library need not save harmless the City from claims, demands, losses and expenses arising out of the sole negligence of the City, its employees or agents. In addition, the City shall not be liable or responsible in any manner to any subcontractor with whom the Library has contracted for additional services under the terms of the Agreement.

XIII. CANCELLED, TERMINATION OR SUSPENSION

A. This Agreement may be terminated at any time by written, mutual agreement of the parties. The City may terminate the Agreement if funds are not appropriated at the beginning of a new fiscal year for the Services described herein. The City shall have the right to terminate this Agreement in the event that the Library is in default or violation of the terms or provisions of this Agreement and fails to cure such default or violation in the manner specified in subsection 'B' below.

B. In the event of such default or violation by the Library, the City shall send to the Library by certified mail a Notice Demand to Cure Default, explaining the specific nature and extent of the default of violation. The Library shall cure or remedy said violation or default within sixty (60) working days after receipt of said Notice, unless a longer time is agreed upon by both parties in writing. In case the default is not cured or remedied within sixty (60) working days or a longer period of time if agreed upon, the City may exercise its option to terminate this Agreement upon five (5) days written notice thereafter.

C. In the event of termination, the Library shall refund to the City a pro-rated portion of the compensation paid pursuant to Section III above. The Library shall refund the pro-rated amount to the City within 30 days of the effective date of termination.

XIV. AMENDMENTS

In order to provide necessary flexibility for the most effective execution of this Agreement, whenever both the City and the Library mutually agree, changes to this Agreement may be effected by placing them in written form and incorporating them into this Agreement as an amendment.

XV. NOTICE

Any notice required by this contract is deemed to be given if it is mailed by United States certified mail, postage prepaid, and addressed as hereinafter specified.

Notice to the City shall be addressed to:

City Manager
City of Milford, Delaware
201 South Walnut Street
Milford, Delaware 19963

Notice to the Library shall be addressed to:

Board President
Milford Library
11 SE Front Street
Milford, Delaware 19963

XVI. **SEVERABILITY**

It is mutually agreed that in case any provision of this Agreement is determined by a court of law to be unconstitutional, illegal, or unenforceable, it is the intention of the parties that all the other provisions of this Agreement shall remain in full force and effect.

XVII. **ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the parties with respect to its subject matter and any prior agreements, understandings, or other matters, whether oral or written, are hereby merged into and made a part hereof, and are of not further force or affect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

CITY OF MILFORD	MILFORD LIBRARY
_____	_____
Arthur J. Campbell, Mayor	Lois Studte, President
Witness:	Witness:
_____	_____

AGREEMENT
BY AND BETWEEN
THE CITY OF MILFORD
AND
THE FRIENDS OF THE MILFORD MUSEUM INC.

This Agreement, made and entered into this _____ day of July, 2019, is by and between the Friends of the Milford Museum Inc. (doing business as the Milford Museum), a Delaware corporation ("Museum"), and the City of Milford, Delaware, a Delaware municipal corporation ("City").

WITNESSETH:

WHEREAS, in accordance with the Milford City Charter and Milford City Code, the City leases the building housing the Museum and provides annual financial support for the Museum, and

WHEREAS, the Museum is an educational, charitable, nonprofit organization incorporated in the State of Delaware, and

WHEREAS, the City has determined that providing education on the history of Milford to residents and visitors is an important component of the City's economic development and cultural enrichment,

NOW, THEREFORE, in consideration of mutual undertakings and mutual benefits from the services set forth herein, the City and the Museum agree as follows:

I. MISSION AND SCOPE

The Mission of the Museum is to portray all aspects of Milford life through the preservation and display of its collections for public education and research. The Museum agrees to furnish all personnel and equipment necessary for the daily operation of the Museum.

II. TERM AND TIME OF PERFORMANCE

A. The term of this Agreement shall be from July 1, 2019 to June 30, 2020.

B. There shall be an annual review of Museum 's performance by the City Manager and the City Council Community and Economic Development Committee. This review shall be completed no later than April 15th each year. To facilitate the review, Museum shall submit a copy of its current fiscal year budget, including actual to date expenditures, and a proposed new fiscal year budget by March 1st each year. The Museum's Executive Director and the City Manager will meet as needed, and the Museum will provide quarterly reports of activity to the City Manager and City Council. The City Manager shall inform the Museum, in writing, by April 30th each year of the results of the review.

III. COMPENSATION AND METHOD OF PAYMENT

A. The City hereby agrees to provide financial support for the Museum for the Services as outlined in Section I, for the period of July 1, 2019 through June 30, 2020, the sum of Thirty Thousand Dollars ($30,000.00). This money shall be allocated for Museum operations and programming including salaries, utilities and advertising.

B. The City agrees to continue the annual lease agreement for the old Post Office Building with the Division of Historical and Cultural Affairs of the State of Delaware. This agreement is currently $500 per year.

C. The City agrees to continue mowing and other landscape maintenance, including snow shoveling / plowing for the Museum property. However, the Museum is responsible for utility fees and charges, including solid waste collection fees.

D. Understanding that fundraising and development of other funding sources is critical to the ongoing success of the Museum and its ability to serve the growing, changing needs of the community, the Museum agrees to continue to engage in fundraising and to regularly seek outside grants for exhibits, staffing, classes, programming, advertising, etc. City agrees to support such grants when appropriate.

IV. AUDIT, INSPECTION OF RECORDS, AND ANNUAL REVIEW

The Museum shall permit an authorized representative of the City to inspect and review or audit all data and records of Museum related to their performance under this Agreement.

V. SUBCONTRACTS

The Museum and the City hereby agree that this Agreement shall not be assigned, transferred, conveyed or otherwise disposed of without the prior consent of the other party to the Agreement.

VI. REPRESENTATION ON BOARD

The City will not have operational control over Museum staff or operating policies. The Museum's Board of Directors shall oversee the operation of the Museum. The Museum will invite and include the City Manager or his/her designee as a non-voting participant in any regular, special or executive session meeting of the Board during which City-related matters are being discussed.

VII. NON-DISCRIMINATION PROVISIONS

The Museum will not discriminate against any visitor, volunteer or employee because of race, creed, color, religion, citizenship status, gender, age, national origin, ancestry, disability, sexual orientation, gender identity or expression, marital status, pregnancy, military veteran status, political beliefs or affiliation, genetic history, or other characteristic protected by law. These protections apply to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, dismissal, layoff, compensation, benefits, social and recreational programs.

VIII. COMPLIANCE WITH THE LAW

All parties shall comply with all applicable federal, state and local laws, ordinances, codes and regulations.

IX. CONFLICT OF INTEREST\POLITICAL ACTIVITY

The public officials, employees and agents of the City shall comply with all applicable laws and regulations relating to conflicts of interest with regard to the work and compensation covered by this Agreement.

The Museum shall not use the compensation paid through this Agreement for political activities or legislative activities. For the purpose of this Agreement, the terms “political activities” and “legislative activities” shall have the meanings ascribed to them by the Internal Revenue Service.

X. INDEPENDENT CONTRACTOR

The Museum is not authorized or empowered to make any commitments or incur any obligation on behalf of the City, but merely to provide the services provided for herein as an independent contractor.

XI. INDEMNIFICATION

Museum shall indemnify, release, defend, become responsible for and forever hold harmless the City, its officers, agents, employees, elected officials, and attorneys, each in their official and individual capacities, from and against all lawsuits, suits, actions, costs, claims, demands, damages, disability, losses, expenses, including reasonable attorney’s fees and other defense costs or liabilities, of any character and from any cause whatsoever brought because of bodily injury or death received or sustained, or loss or damage received or sustained, by any person, persons, or property arising out of or resulting from any act, error, omission, or intentional act of the Museum or its agents, employees, or subcontractors, arising out of or in any way connected with the subject matter of this Agreement or the work or operations expressly authorized herein; provided, however, that the Museum need not save harmless the City from claims, demands, losses and expenses arising out of the sole negligence of the City, its employees or agents. In addition, the City shall not be liable or responsible in any manner to any subcontractor with whom the Museum has contracted for additional services under the terms of the Agreement.

XII. CANCELLED, TERMINATION OR SUSPENSION

A. This Agreement may be terminated at any time by written, mutual agreement of the parties. The City may terminate the Agreement if funds are not appropriated at the beginning of a new fiscal year for the Services described herein. The City shall have the right to terminate this Agreement in the event that the Museum is in default or violation of the terms or provisions of this Agreement and fails to cure such default or violation in the manner specified in subsection ‘B’ below.

B. In the event of such default or violation by the Museum, the City shall send to the Museum by certified mail a Notice Demand to Cure Default, explaining the specific nature and extent of the default of violation. The Museum shall cure or remedy said violation or default within sixty (60) working days after receipt of said Notice, unless a longer time is agreed upon by both parties in writing. In case the default is not cured or remedied within sixty (60) working days or a longer period of time if agreed upon, the City may exercise its option to terminate this Agreement upon five (5) days written notice thereafter.

C. In the event of termination, the Museum shall refund to the City a pro-rated portion of the compensation paid pursuant to Section III above. The Museum shall refund the pro-rated amount to the City within 30 days of the effective date of termination.

XIII. AMENDMENTS

In order to provide necessary flexibility for the most effective execution of this Agreement, whenever both the City and the Museum mutually agree, changes to this Agreement may be effected by placing them in written form and incorporating them into this Agreement as an amendment.

XIV. NOTICE

Any notice required by this contract is deemed to be given if it is mailed by United States certified mail, postage prepaid, and addressed as hereinafter specified.

Notice to the City shall be addressed to:

City Manager
City of Milford, Delaware
201 South Walnut Street
Milford, Delaware 19963

Notice to the Museum shall be addressed to:

Board President
Milford Museum
121 S. Walnut Street
Milford, Delaware 19963

XV. SEVERABILITY

It is mutually agreed that in case any provision of this Agreement is determined by a court of law to be unconstitutional, illegal, or unenforceable, it is the intention of the parties that all the other provisions of this Agreement shall remain in full force and effect.

XVI. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties with respect to its subject matter and any prior agreements, understandings, or other matters, whether oral or written, are hereby merged into and made a part hereof, and are of not further force or affect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

CITY OF MILFORD	MILFORD MUSEUM
_____	_____
Arthur J. Campbell, Mayor	Charles Hammond, President
Witness:	Witness:
_____	_____

PARKS & RECREATION DEPARTMENT
207 Franklin Street
Milford, DE 19963

PHONE 302.422.1104
FAX 302.422.0409
www.cityofmilford.com

MEMO

TO: Eric Norenberg
City Manager

FR: Brad Dennehy
Dir. Parks & Recreation

DA: 7/2/19

RE: Sale of Cemetery mower equipment.

Eric,

As you are aware, the City Council recently approved the loan of $16,260 to the Milford Community Cemetery to new purchase some new equipment, namely some mowers and line trimmers which were worn out.

At this time the Milford Community Cemetery is having the grass cut by a contractor, which is of a considerable saving to the City, both in time and money. This means that the equipment purchased is no longer needed at the cemetery and has not been used in the cemetery at all this year.

Parks and Recreation as part of the capital budget of 2018-19 identified the need for new mowing equipment and this was approved by Council. Our staff have evaluated the equipment purchased for the Cemetery and I think that equipment could be of great use to our department to be used elsewhere in the City.

The capital funds appropriated for mowing equipment are still available and it is my recommendation that we go ahead and purchase the equipment back from the Cemetery board for the original asking price. Any changes or amendments to the original contract will go through our attorney.

As always, if you require further information please don't hesitate to contact me.

Thank you.

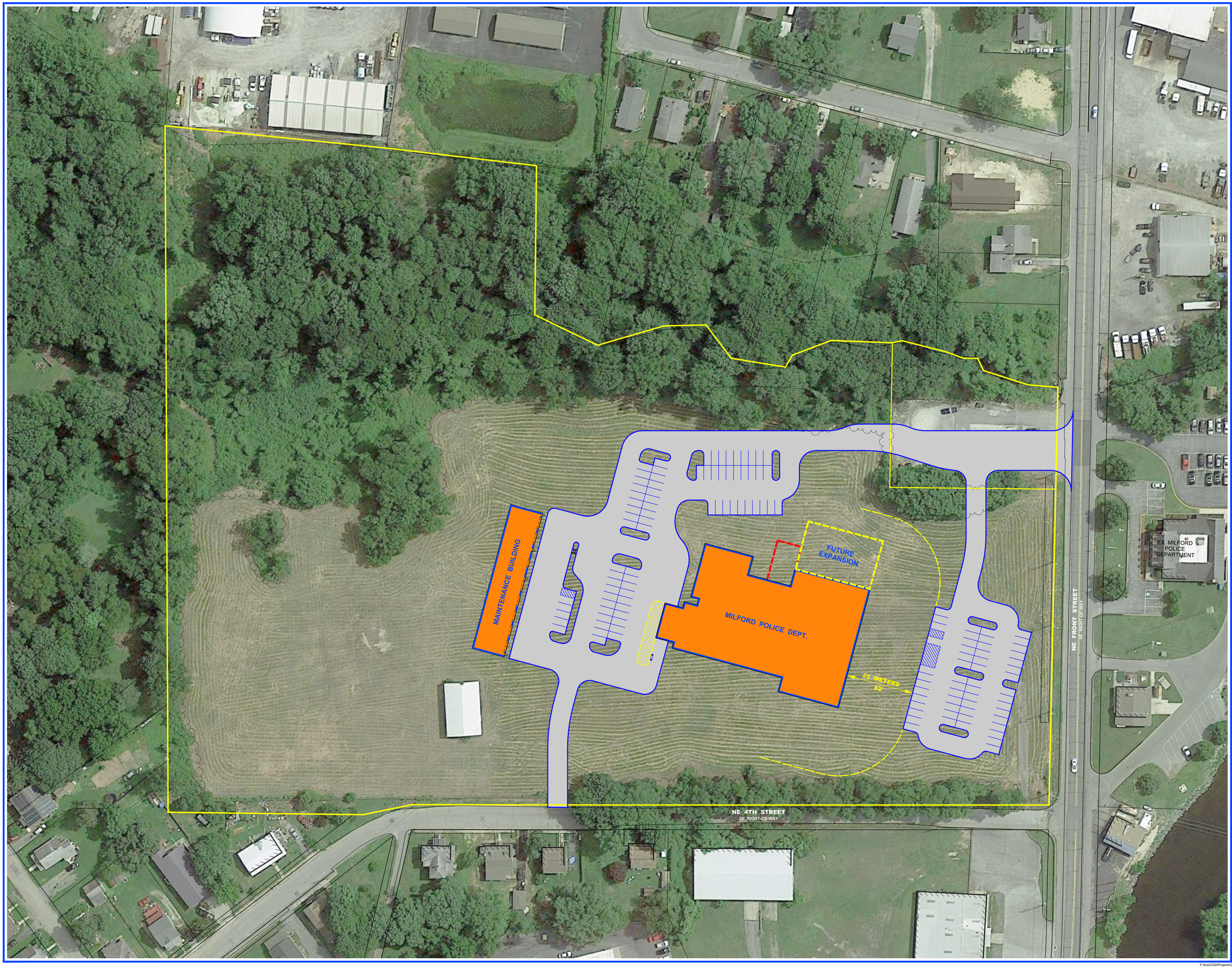
Milford Police Station

6/13/2019

	A	B	C	D	E
1	**Contract**	**Contractor**	**Base Bid**	**Base Bid**	
2			**Building A1**	**Maintence Building**	**Totals**
3	**Total SF**		30,080	4,107	
4					
5	**Contract 1**				
6	**Site work**				
7	Sub-Total		**$ 1,035,659.00**	**$ 15,000.00**	**$ 1,050,659.00**
8					
9	**Contract 2**				
10	**Concrete Work**				
11	Sub-Total		**$ 450,899.20**	**$ 61,560.93**	**$ 512,460.13**
12					
13	**Contract 3**				
14	**Masonry**				
15	Sub-Total		**$ 875,328.00**	**$ 68,419.29**	**$ 943,747.29**
16					
17	**Contract 4**				
18	**Steel Work**				
19	Sub-Total		**$ 737,862.40**	**$ 261,972.77**	**$ 999,835.17**
20					
21	**Contract 5**				
22	**Carpentry and General Work**				
23	Sub-Total		**$ 360,960.00**	**$ 31,047.41**	**$ 392,007.41**
24					
25	**Contract 6**				
26	**Roofing**				
27	Sub-Total		**$ 1,091,904.00**	**$ -**	**$ 1,091,904.00**
28					
29	**Contract 7**				
30	**Furnish Hollow Metal/Doors**				
31	**Hardware**				
32	Sub-Total		**$ 213,868.80**	**$ 7,104.76**	**$ 220,973.56**
33					
34	**Contract 8**				
35	**Alum. Storefront/Glass**				
36	Sub-Total		**$ 436,160.00**	**$ 6,858.36**	**$ 443,018.36**
37					
38	**Contract 9**				
39	**Drywall / Acoustical**				
40	Sub-Total		**$ 1,790,361.60**	**$ 9,486.71**	**$ 1,799,848.31**
41					
42	**Contract 10**				
43	**Floor Coverings**				
44	Sub-Total		**$ 408,486.40**	**$ 33,511.49**	**$ 441,997.89**
45					
46	**Contract 11**				
47	**Caulking / Painting**				
48	Sub-Total		**$ 109,491.20**	**$ 19,589.44**	**$ 129,080.64**
49					
50	**Contract 12**				
51	**Casework**				
52	Sub-Total		**$ 84,825.60**	**$ -**	**$ 84,825.60**
53					
54	**Contract 13**				
55	**Mechanical**				
56	Sub-Total		**$ 2,736,979.20**	**$ 273,266.47**	**$ 3,010,245.67**
57					
58	**Contract 14**				
59	**Fire Sprinkler System**				
60	Sub-Total		**$ 177,171.20**	**$ 11,293.70**	**$ 188,464.90**
61					
62	**Contract 15**				
63	**Electrical**				
64	Sub-Total		**$ 1,808,710.40**	**$ 67,926.47**	**$ 1,876,636.87**
65					
66					

Milford Police Station

	A	B	C	D	E
1	**Contract**	**Contractor**	**Base Bid**	**Base Bid**	
2			**Building A1**	**Maintence Building**	**Totals**
67	**Security**				
68	Access control System				
69	CCTV				
70	Intrusion detection				
71	Sub-Total		**$ 552,268.80**	**$ 10,472.34**	**$ 562,741.14**
72					
73	**Structured Cabling**				
74	Data Cabling		$ -	$ -	
75	Communications Network Equipment				
76	Sub-Total		**$ 135,360.00**	**$ -**	**$ 135,360.00**
77					
78					
79	**Basic Building Cost**	**Sub-Total**	**$ 13,006,295.80**	**$ 877,510.14**	**$ 13,883,805.94**
80					
81					
82	**Design Fees**				
83	Architect / Engineer Fees	By Others			
84	Civil Fees	By Others	$ -	$ -	
85					
86	**Design Fees**	**Grand Total**	**$ -**	**$ -**	
87					
88					
89	**Management Fees**				
90	Construction Manager Fees	Richard Y. Johnson & Son			
91	CM Pre-Construction Fees		$ 10,000.00	$ -	
92	CM Fees	$ 0.05	$ 650,314.79	$ 43,875.51	
93	Sub-Total		$ 660,314.79	$ 43,875.51	
94					
95	**CM General Conditions**	14 Months			
96	Temp Heat		$ 10,000.00	$ -	
97	Temp Phone		$ 2,100.00	$ 150.00	
98	Temp Toilets		$ 2,100.00	$ 150.00	
99	Temp Fence		$ 10,000.00	$ -	
100	Temp Closures		$ 7,500.00	$ -	
101	Temp Field Office		$ 2,100.00	$ 150.00	
102	Temp Electric		$ 2,100.00	$ 150.00	
103	Temp Water		$ 4,000.00	$ -	
104	Project Sign		$ 1,000.00	$ -	
105	Document Costs		$ 10,000.00	$ -	
106	Testing		$ 10,000.00	$ 1,000.00	
107	Clean Up		$ 13,200.00	$ 880.00	
108	Insurance		$ 30,000.00	$ 200.00	
109	Dump Fees		$ 20,000.00	$ 2,011.00	
110	Final Clean Up		$ 7,000.00	$ 200.00	
111	On Site Supervisor		$ 156,000.00	$ 11,200.00	
112	Postage		$ 6,000.00	$ 500.00	
113	Sub-Total		$ 293,100.00	$ 16,591.00	
114					
115	**Management Fees**	**Grand Total**	**$ 953,414.79**	**$ 60,466.51**	**$ 1,013,881.30**
116					
117					
118					
119	**Project Grand Total**	**Base Bid**	**$ 13,959,710.59**	**$ 937,976.64**	**$ 14,897,687.23**
120	**Cost Per Square Foot w/o site**		**$ 464.09**	**$ 228.40**	
121					
122	**Contingency**	4%	**$ 520,251.83**	**$ 35,100.41**	**$ 555,352.24**
123	**Bond Cost**	1%	**$ 139,597.11**	**$ 9,379.77**	**$ 148,976.87**
124					
125					
126	**Project Grand Total with Contingency & Bond Cost**	**Base Bid**	**$ 14,619,559.53**	**$ 982,456.81**	**$ 15,602,016.34**
127					
128					
129					
130					



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

PROJECT TITLE

MILFORD POLICE DEPARTMENT

401 NE FRONT STREET
CITY OF MILFORD
KENT COUNTY, DE

SHEET TITLE

SCHEMATIC SITE PLAN

0 20 40 80
SCALE : 1" = 40'

ISSUE BLOCK

MARK	DATE	DESCRIPTION

PROJECT NO.:	2019030.00
DATE:	2019-04-22
SCALE:	1" = 40'
DRAWN BY: J.S.F.	PROJ. MGR.: B.D.F.

SHEET
1

COPYRIGHT 2019

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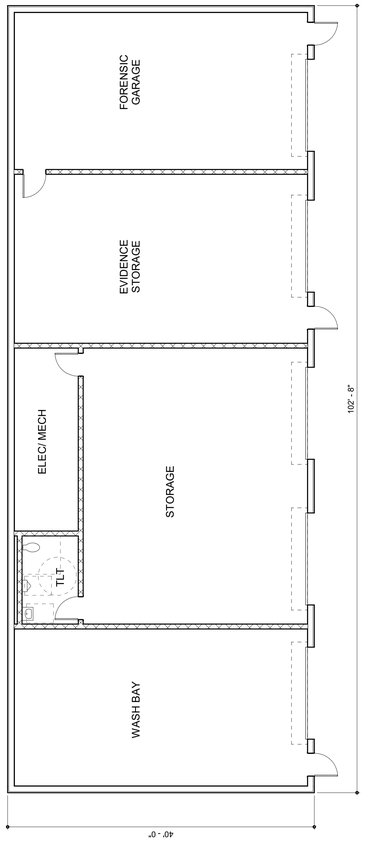

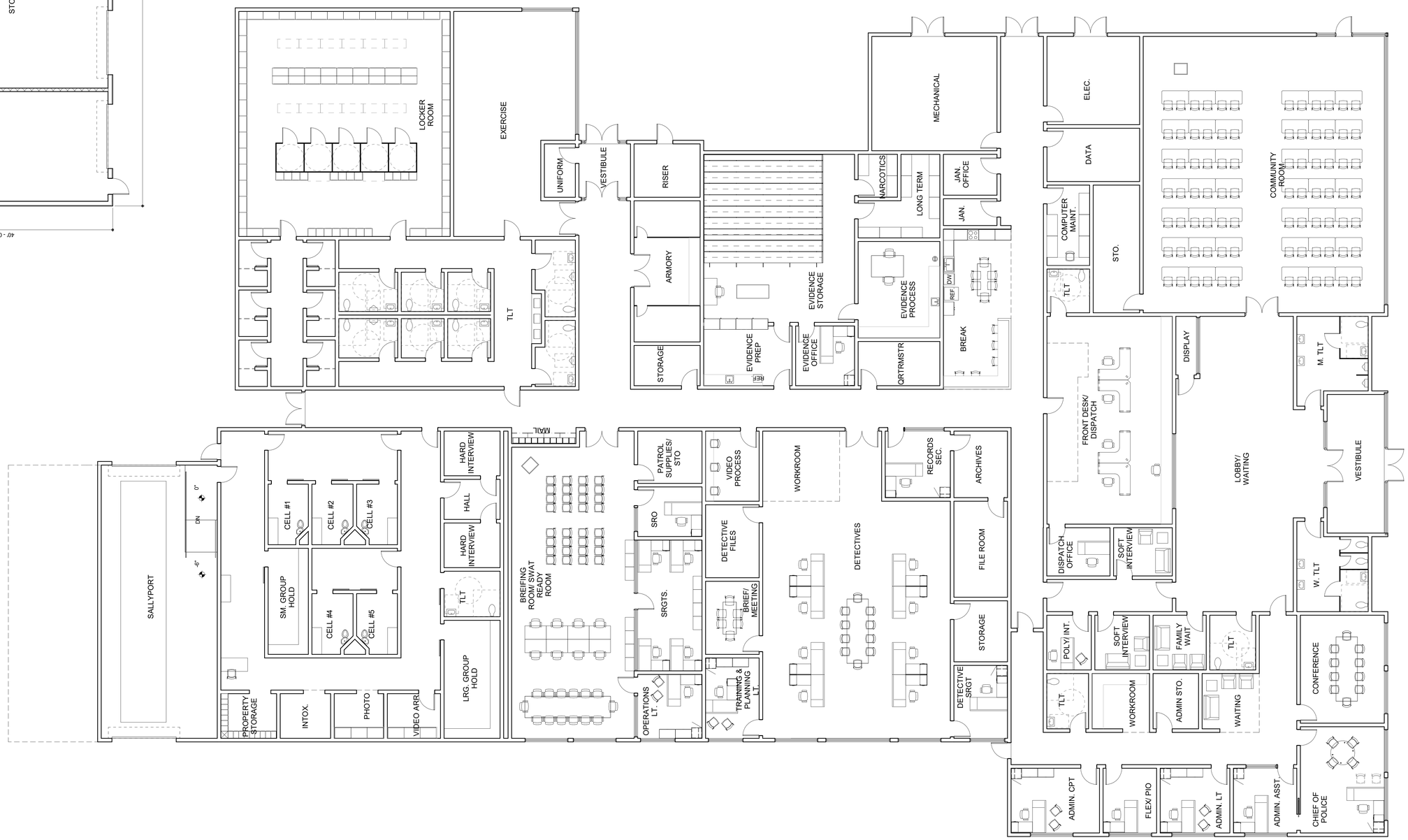

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Delaware
309 S Governors Ave
Dover, DE 19904
302.734.7950

Rittenhouse Station
250 South Main Street, Suite 109
Newark, DE 19711
302.369.3700

Maryland
312 West Main St, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina
3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

Milford Police Department

NE Front Street
Milford, DE 19963

SHEET TITLE

FIRST FLOOR PLAN

ISSUE BLOCK

Mark	Date	Description

PROJECT NO:	2019030.00
DATE:	05.09.2019
SCALE:	1/8" = 1'-0"
DRAWN BY: EEM	PROJ MGR: BDF

A101

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BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Delaware
309 S Governors Ave
Dover, DE 19904
302.734.7950

Rittenhouse Station
250 South Main Street, Suite 109
Newark, DE 19711
302.369.3700

Maryland
312 West Main St, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina
3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

PROJECT TITLE

Milford Police Department

NE Front Street
Milford, DE 19963

SHEET TITLE

FIRST FLOOR PLAN

ISSUE BLOCK

Mark	Date	Description

PROJECT NO:	2019030.00
DATE:	06.28.2019
SCALE:	1/8" = 1'-0"
DRAWN BY: EEM	PROJ MGR: BDF

A101

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Milford Police Station

7/2/2019

	A	B	C	D	E
1	**Contract**	**Contractor**	**Base Bid**	**Base Bid**	
2			**Building A1**	**Maintence Building**	**Totals**
3	**Total SF**		33,680	4,107	
4					
5	**Contract 1**				
6	**Site work**				
7	Sub-Total		**$ 1,035,659.00**	**$ 15,000.00**	**$ 1,050,659.00**
8					
9	**Contract 2**				
10	**Concrete Work**				
11	Sub-Total		**$ 504,863.20**	**$ 61,560.93**	**$ 566,424.13**
12					
13	**Contract 3**				
14	**Masonry**				
15	Sub-Total		**$ 980,088.00**	**$ 68,419.29**	**$ 1,048,507.29**
16					
17	**Contract 4**				
18	**Steel Work**				
19	Sub-Total		**$ 826,170.40**	**$ 261,972.77**	**$ 1,088,143.17**
20					
21	**Contract 5**				
22	**Carpentry and General Work**				
23	Sub-Total		**$ 404,160.00**	**$ 31,047.41**	**$ 435,207.41**
24					
25	**Contract 6**				
26	**Roofing**				
27	Sub-Total		**$ 1,222,584.00**	**$ -**	**$ 1,222,584.00**
28					
29	**Contract 7**				
30	**Furnish Hollow Metal/Doors**				
31	**Hardware**				
32	Sub-Total		**$ 239,464.80**	**$ 7,104.76**	**$ 246,569.56**
33					
34	**Contract 8**				
35	**Alum. Storefront/Glass**				
36	Sub-Total		**$ 488,360.00**	**$ 6,858.36**	**$ 495,218.36**
37					
38	**Contract 9**				
39	**Drywall / Acoustical**				
40	Sub-Total		**$ 2,004,633.60**	**$ 9,486.71**	**$ 2,014,120.31**
41					
42	**Contract 10**				
43	**Floor Coverings**				
44	Sub-Total		**$ 457,374.40**	**$ 33,511.49**	**$ 490,885.89**
45					
46	**Contract 11**				
47	**Caulking / Painting**				
48	Sub-Total		**$ 122,595.20**	**$ 19,589.44**	**$ 142,184.64**
49					
50	**Contract 12**				
51	**Casework**				
52	Sub-Total		**$ 94,977.60**	**$ -**	**$ 94,977.60**
53					
54	**Contract 13**				
55	**Mechanical**				
56	Sub-Total		**$ 3,064,543.20**	**$ 273,266.47**	**$ 3,337,809.67**
57					
58	**Contract 14**				
59	**Fire Sprinkler System**				
60	Sub-Total		**$ 198,375.20**	**$ 11,293.70**	**$ 209,668.90**
61					
62	**Contract 15**				
63	**Electrical**				
64	Sub-Total		**$ 2,025,178.40**	**$ 67,926.47**	**$ 2,093,104.87**
65					
66					

Milford Police Station

7/2/2019

	A	B	C	D	E
1	**Contract**	**Contractor**	**Base Bid**	**Base Bid**	
2			**Building A1**	**Maintence Building**	**Totals**
67	**Security**				
68	Access control System				
69	CCTV				
70	Intrusion detection				
71	Sub-Total		**$ 618,364.80**	**$ 10,472.34**	**$ 628,837.14**
72					
73	**Structured Cabling**				
74	Data Cabling		$ -	$ -	
75	Communications Network Equipment				
76	Sub-Total		**$ 151,560.00**	**$ -**	**$ 151,560.00**
77					
78					
79	**Basic Building Cost**	**Sub-Total**	**$ 14,438,951.80**	**$ 877,510.14**	**$ 15,316,461.94**
80					
81					
82	**Design Fees**				
83	Architect / Engineer Fees	By Others			
84	Civil Fees	By Others	$ -	$ -	
85					
86	**Design Fees**	**Grand Total**	**$ -**	**$ -**	
87					
88					
89	**Management Fees**				
90	Construction Manager Fees	Richard Y. Johnson & Son			
91	CM Pre-Construction Fees		$ 10,000.00	$ -	
92	CM Fees	$ 0.05	$ 721,947.59	$ 43,875.51	
93	Sub-Total		$ 731,947.59	$ 43,875.51	
94					
95	**CM General Conditions**	14 Months			
96	Temp Heat		$ 10,000.00	$ -	
97	Temp Phone		$ 2,100.00	$ 150.00	
98	Temp Toilets		$ 2,100.00	$ 150.00	
99	Temp Fence		$ 10,000.00	$ -	
100	Temp Closures		$ 7,500.00	$ -	
101	Temp Field Office		$ 2,100.00	$ 150.00	
102	Temp Electric		$ 2,100.00	$ 150.00	
103	Temp Water		$ 4,000.00	$ -	
104	Project Sign		$ 1,000.00	$ -	
105	Document Costs		$ 10,000.00	$ -	
106	Testing		$ 10,000.00	$ 1,000.00	
107	Clean Up		$ 13,200.00	$ 880.00	
108	Insurance		$ 30,000.00	$ 200.00	
109	Dump Fees		$ 20,000.00	$ 2,011.00	
110	Final Clean Up		$ 7,000.00	$ 200.00	
111	On Site Supervisor		$ 156,000.00	$ 11,200.00	
112	Postage		$ 6,000.00	$ 500.00	
113	Sub-Total		$ 293,100.00	$ 16,591.00	
114					
115	**Management Fees**	**Grand Total**	**$ 1,025,047.59**	**$ 60,466.51**	**$ 1,085,514.10**
116					
117					
118					
119	**Project Grand Total**	**Base Bid**	**$ 15,463,999.39**	**$ 937,976.64**	**$ 16,401,976.03**
120	**Cost Per Square Foot w/o site**		**$ 459.14**	**$ 228.40**	
121					
122	**Contingency**	4%	**$ 577,558.07**	**$ 35,100.41**	**$ 612,658.48**
123	**Bond Cost**	1%	**$ 154,639.99**	**$ 9,379.77**	**$ 164,019.76**
124					
125					
126	**Project Grand Total with Contingency & Bond Cost**	**Base Bid**	**$ 16,196,197.46**	**$ 982,456.81**	**$ 17,178,654.27**
127					
128					
129					
130					

DOWNTOWN Milford INCORPORATED

Board of Directors

Officers

Sara M. Pletcher
President

Peggy Reilly
Vice President

Robert G. Starkey
Treasurer

Patricia Sparks
Secretary

Members at Large

Matt Babbitt
Jason Peel
Cat Perfetti
David Pickrell
Lang Redden
Denise Rivera
Kelly Turner
Sher Valenzuela
Tod Van Eyken

Executive Director
Murrie A. Zlotziver

DMI is a tax-exempt, 501 c (3) non-profit organization

June 26, 2019

Eric Norenberg
City Manager
The City of Milford
201 S. Walnut St.
Milford, DE 19963

Mr. Norenberg:

Downtown Milford, Inc. (DMI) wishes to bring beauty and interest to the City by decorating utility boxes within the Downtown area of Milford. With "River Town, Art Town, Home Town" being our motto, this project makes perfect sense for our future and we'd like to use the near complete utility box on Walnut and SW Front St. as the pilot project.

Local artist Nadia Zychal adorned the utility box as a tribute to Delaware with local flora and fauna, a Blue Hen, a horseshoe crab and of course our beloved ladybug. The work of art will also include our state flag creed "Liberty and Independence."

This pilot utility box has been primed appropriately, uses strong acrylic paint, and will be seal coated to make future graffiti washable. DMI will take full responsibility to maintain the box should any future damage or wear and tear occur.

DMI wishes the City's help to establish a formal program for other artists (young and not so young) to submit their own ideas for painting other utility boxes throughout Downtown Milford. We will gladly assist in researching and applying for grants and sponsorships to help defray costs and labor compensation.

Please let me know if you have any questions and how you'd like us to proceed.

Yours in service,

Sara M. Pletcher
DMI Board President

207 S. Walnut Street (PO Box 12) Milford, DE 19963
302-839-1180 director@downtown.org www.downtownmilford.org

ACCOUNTING
Navigating you in the right direction.
Estate Planning
IRS Resolution
SIGNAL PERMIT
S-190T
Liberty and
Independence

CITY OF MILFORD
RESOLUTION 2019-09
SOLID WASTE FEE SCHEDULE

Now, Therefore, be it Resolved by the City of Milford:

SOLID WASTE FEES		
Description		***Fee***
Trash, Recycle, Yard Waste Collection	Residential	~~$25~~ $26 monthly per dwelling unit
	Non-Residential	~~$25~~ $26 monthly per dwelling unit
	Multi-Unit Rental Complex	$25 monthly per unit or; $150 month/3 CY container 1 x per week collection; $300 month/3 CY container 2 x per week collection
	Additional Container-Trash	$5 monthly per container
	Additional Container-Recycle	$0
	Additional Container-Yard Waste	$3 monthly per container
Deposit	Rental Unit	$100
At-Door Collection		$10 monthly for commercial customer; No charge for special assistance customers
Missed Collection		A complimentary pickup will be provided for initial request; additional requests will result in a $25 fee being assessed per request during the twelve months succeeding first request
Special Pick-up Request Collection		$25 per collection
Container left out on street/sidewalk after collection day		$5 per day
Temporary Suspension of Service	Container Removal	$35
	Container Redelivery	$35
	Account Reconciliation	$100
Bulk/Brush Collection		Two collections of 4 CY each are included during a twelve-month period with residential service; $50 fee will be assessed for each additional collection of 4 CY starting with third request
Private Haulers	License	$ 150
	Vehicle Registration	$ 250 each truck

Resolution 2019-09 replaces Resolution 2018-14 in its entirety.

Adopted: July 8, 2019

_____

Mayor Arthur J. Campbell

_____

Attest/City Clerk Teresa K Hudson

Preliminary Land Use Service (PLUS) Application
Pre-Update Review Request
Municipal Comprehensive Plans
Comprehensive Plan Amendments
Municipal Ordinances
Delaware Office of State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

All sections related to your project must be completed. Incomplete applications could lead to delays in scheduling your review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

REQUESTED REVIEW: Check one

Comprehensive Plan Pre-Update Review **Complete Sections 1 and 3 only**	
Comprehensive Plan or Update **Complete Sections 1 and 3 only**	
Comprehensive Plan Amendment **Complete Sections 1 and 2 only**	X
Municipal Ordinance Review **Complete Sections 1 and 2 only**	

Date of most recently certified comprehensive plan: 1/22/18

Link to most recently certified comprehensive plan, if available:
If a link to the plan is not available, you must submit a copy of your plan with this application for a Pre-Update Review or a Comprehensive Plan Amendment.

http://cityofmilford.com/81/Comprehensive-Plan

Preliminary Land Use Service (PLUS) Application
Pre-Update Review Request
Municipal Comprehensive Plans
Comprehensive Plan Amendments
Municipal Ordinances
Delaware Office of State Planning Coordination
122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

SECTION 1: MUNICIPAL INFORMATION

Name of Municipality: City of Milford	
Address: 180 Vickers Drive Milford, DE 19963	**Contact Person:** Rob Pierce, Planning & Development Director
	Phone Number: 302-424-8396
	Fax Number: 302-424-8559
	E-mail Address: rpierce@milford-de.gov

Application prepared by: Same as above	
Address:	**Contact Person:**
	Phone Number:
	Fax Number:
	E-mail Address:

SECTION 2. COMPREHENSIVE PLAN AMENDMENT OR MUNICIPAL ORDINANCE DESCRIPTION

Please describe the submission.

See attached narrative.

Amendment Request #1 – SE Master Plan

In the process of developing a draft ordinance to establish a Transfer of Development Rights Program as outlined in the SE Master Plan, the City of Milford has determined that it would be beneficial to move Receiving Area #4 further south to encompass two tax parcels under single ownership that are located on both sides of Cedar Creek Road. The previously designated area included several developed strip lots along Johnson Road and Cedar Creek Road which may be more difficult or impractical to redevelop for large-scale residential use. The City feels that shifting this area further to the south would benefit the TDR program.

Additionally, Receiving Area #2 has been reshaped to encompass a single tract of land located along the east side of Bucks Road for similar reasons. The City feels that minimizing the number of properties involved in the receiving areas will lead to better program success.

The acreage for the receiving areas was increased to 290 acres, increasing the number of Transfer Credits available to 1,450, which is closer to the numbers provided in the sending area analysis.

The below table replaces Table 4.2 found on page 25 of the SE Master Plan in its entirety. The updated table provides a breakdown for each of the four areas involved and corrects a calculation error in the "8 dwelling unit per acre" column.

Table 4.2. TDR Receiving Area Analysis

Milford TDR Receiving Areas					
ID	Tax Parcel Number	Receiving Area Acreage	Base Zoning at 3 DU/Acre	TDR Zoning at 8 DU/Acre	Total Transfer Credits Allowed
1	3-30-11.00-056.00	55	165	440	275
2	3-30-11.00-068.00	55	165	440	275
3	3-30-15.00-024.00	60	180	480	300
4	3-30-16.00-016.00 & 3-30-15.00-071.00	120	360	960	600
		290		2,320	1,450

The City has updated Map #1, #2, #3, #5 and #6 to show the above referenced changes to the TDR Receiving Areas and provides identification numbers for the four parcels involved.

Amendment Request #2 – Marina-Del Project

The City has received a request from the owner/developer of tax parcels 3-30-7.00-035.00, 036.00 & 037.00 located along the south side of Cedar Beach Road (State Route 36) just west of SR1 to develop the site into highway commercial and residential uses. The adopted Future Land Use exhibit shows Commercial along Route 36 with limited Moderate Density Residential along two of the parcels off of Beaver Dam Road. The developer has requested more Moderate Density Residential as shown on attached Exhibit B.

Amendment Request #3 – S. Rehoboth Boulevard Corridor

Three of the properties identified in the 2018 Comprehensive Plan update as Commercial Future Land Use have requested to keep their I-1 Limited Industrial zoning designation. As such, the City requests permission to amend the Future Land Use maps by changing these to Industrial Future Land Use. These include tax parcel numbers 3-30-7.18-022.00, 023.00 and 025.02. The proposed map amendments are shown on attached Exhibit C.

Amendment Request #4 – Windward on the River – Commercial and Residential Site Plan

The City of Milford recently processed land use applications for the Windward on the River Multi-Family and Commercial site plans. The proposed Future Land Use map amendment would clean up the boundary between the residential and commercial portions of the project by changing portions of tax parcel 3-30-7.00-033.00 from Moderate Density Residential to Commercial, changing 3-30-11.00-261.00 from Commercial to Moderate Density Residential and changing tax parcel number 3-30-11.00-043.00 from Low Density Residential to Commercial. The proposed map amendments are shown on attached Exhibit D.

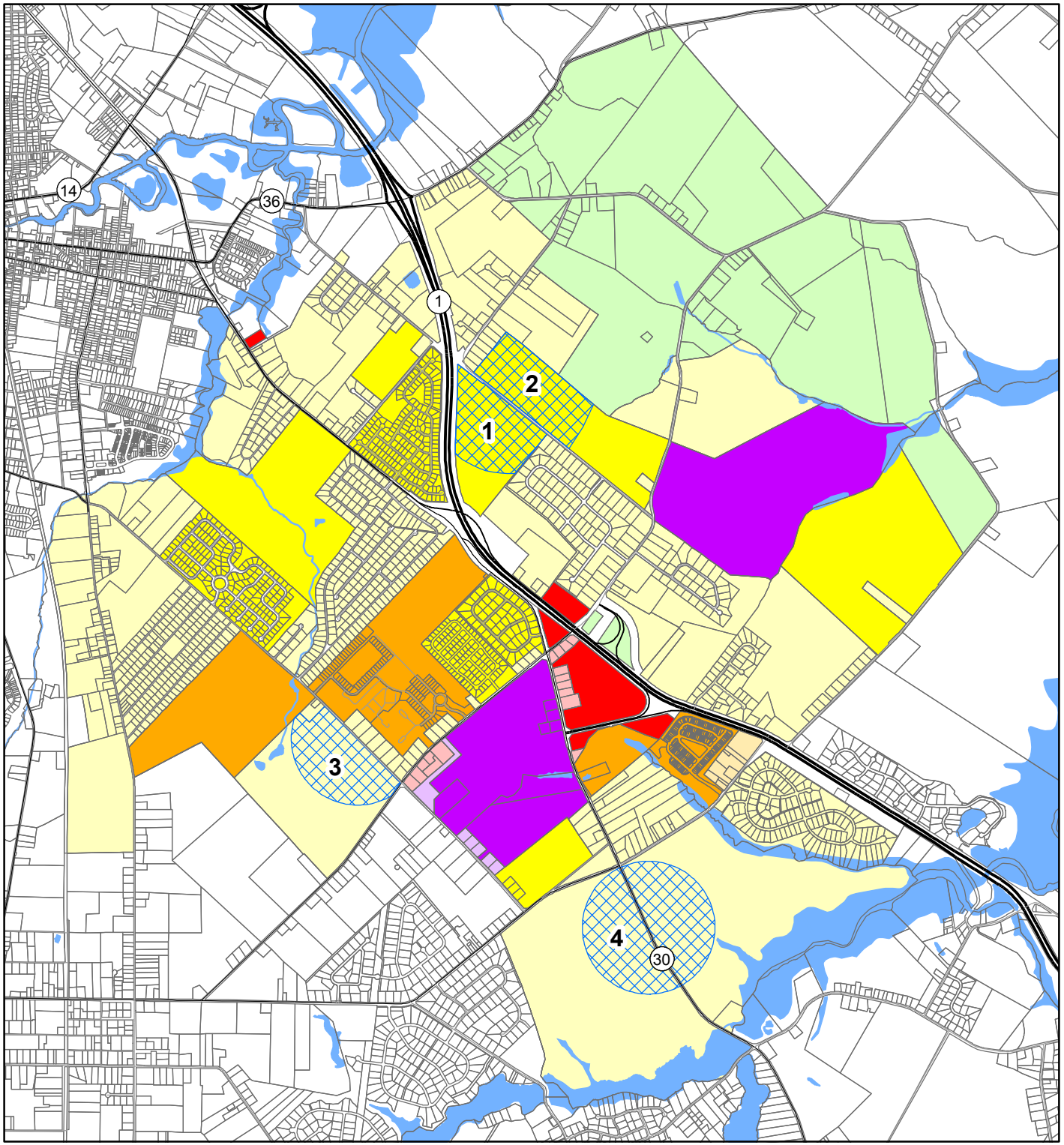
Amendment Request #5 – Kaplan Property – 302 Polk Avenue – Employment to Low Density Residential

The owner of parcel 1-30-3.08-067.00 has requested a rezoning from H-1 Institutional Development to OB-1 Office Building in order to allow different types of professional offices to occupy the existing structure. The property contains a residential structure that had been previously converted into a medical office. The existing and future use of the building would be better suited for the OB-1 zoning instead of the H-1 zoning. The owner has requested the land use of the property be changed from Employment to Low Density Residential to allow the rezoning request to move forward as shown on attached Exhibit E.

Milford South East Neighborhood Master Plan

Map #1 Land Use

Revised March 2019



Legend

- TDR Receiving Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

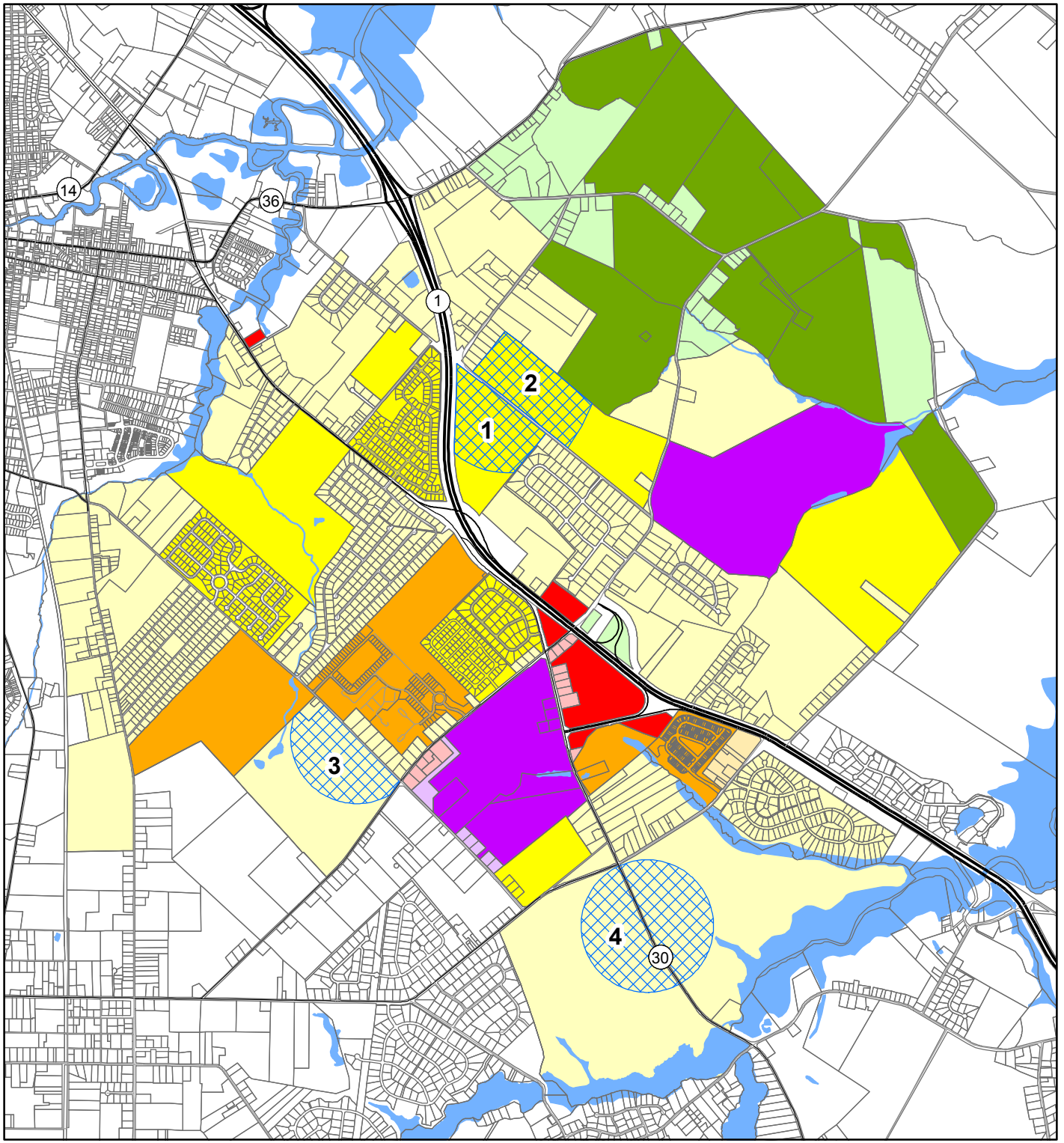
N W E S

0 0.25 0.5 1 Miles

Milford South East Neighborhood Master Plan

Map #2 Land Use & Agriculture

Revised March 2019



Legend

- TDR Receiving Areas
- TDR Sending Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

N
W E
S

0 0.25 0.5 1 Miles

Milford South East Neighborhood Master Plan

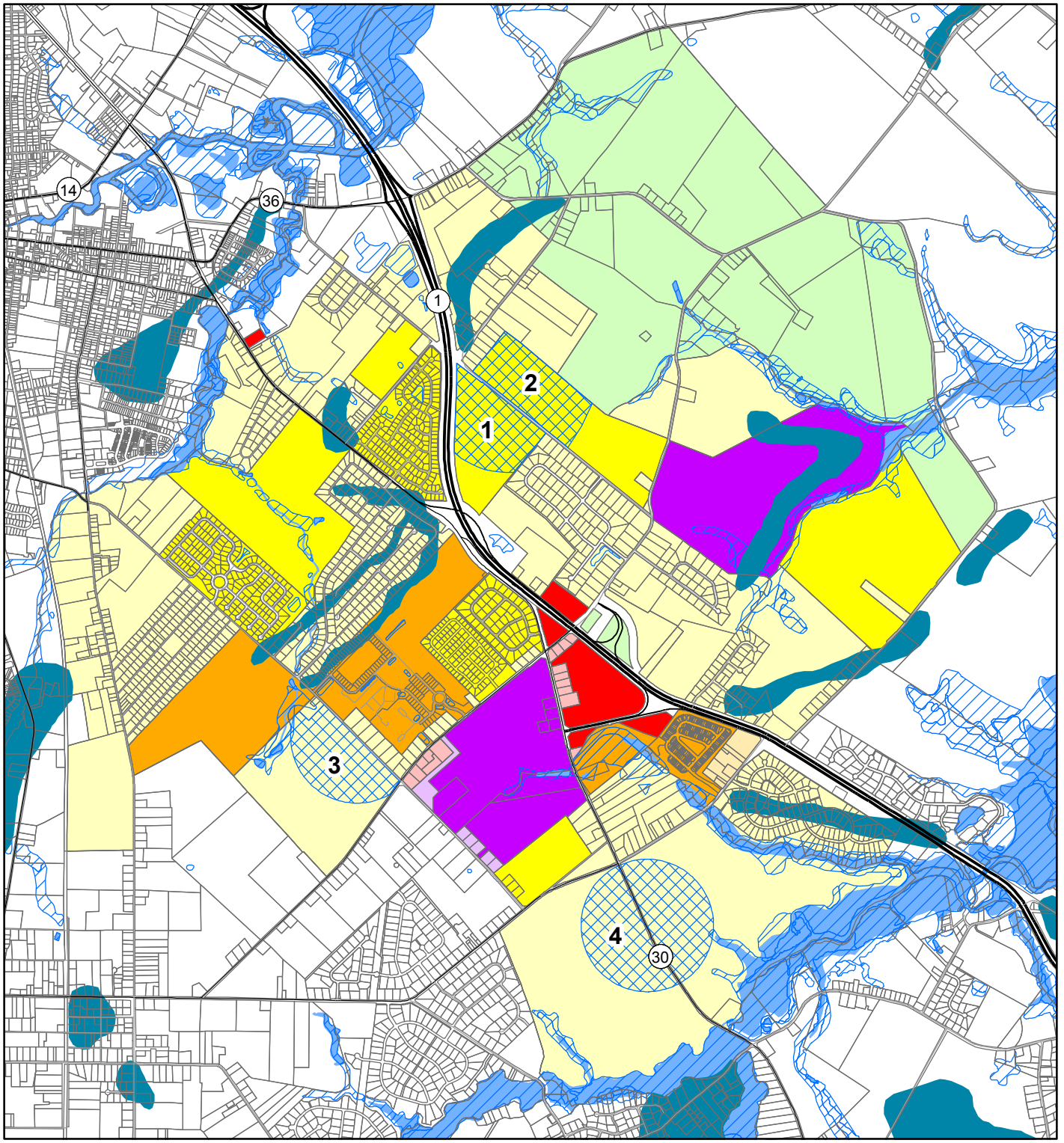
Map #3 Land Use & Environment

Revised March 2019

Legend

- TDR Receiving Areas
- Excellent Recharge Area
- Wetlands
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

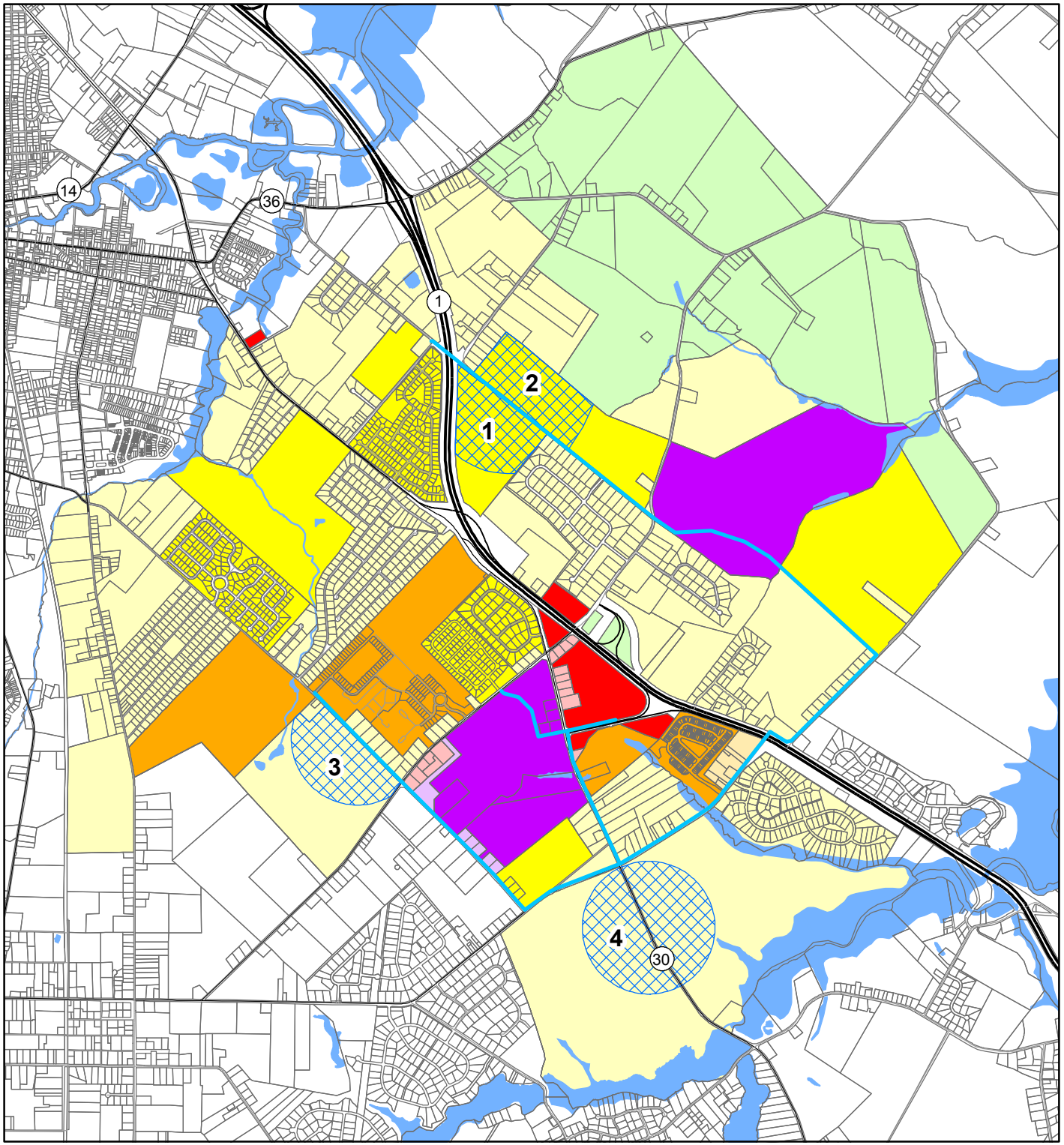
0 0.25 0.5 1 Miles



Milford South East Neighborhood Master Plan

Map #5 Land Use & Water

Revised March 2019



Legend

- Proposed Water System
- Existing Water System
- TDR Receiving Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

*Conceptual alignment subject to change

N W E S

0 0.25 0.5 1 Miles

Milford South East Neighborhood Master Plan

Map #6 Land Use & Wastewater

Revised March 2019

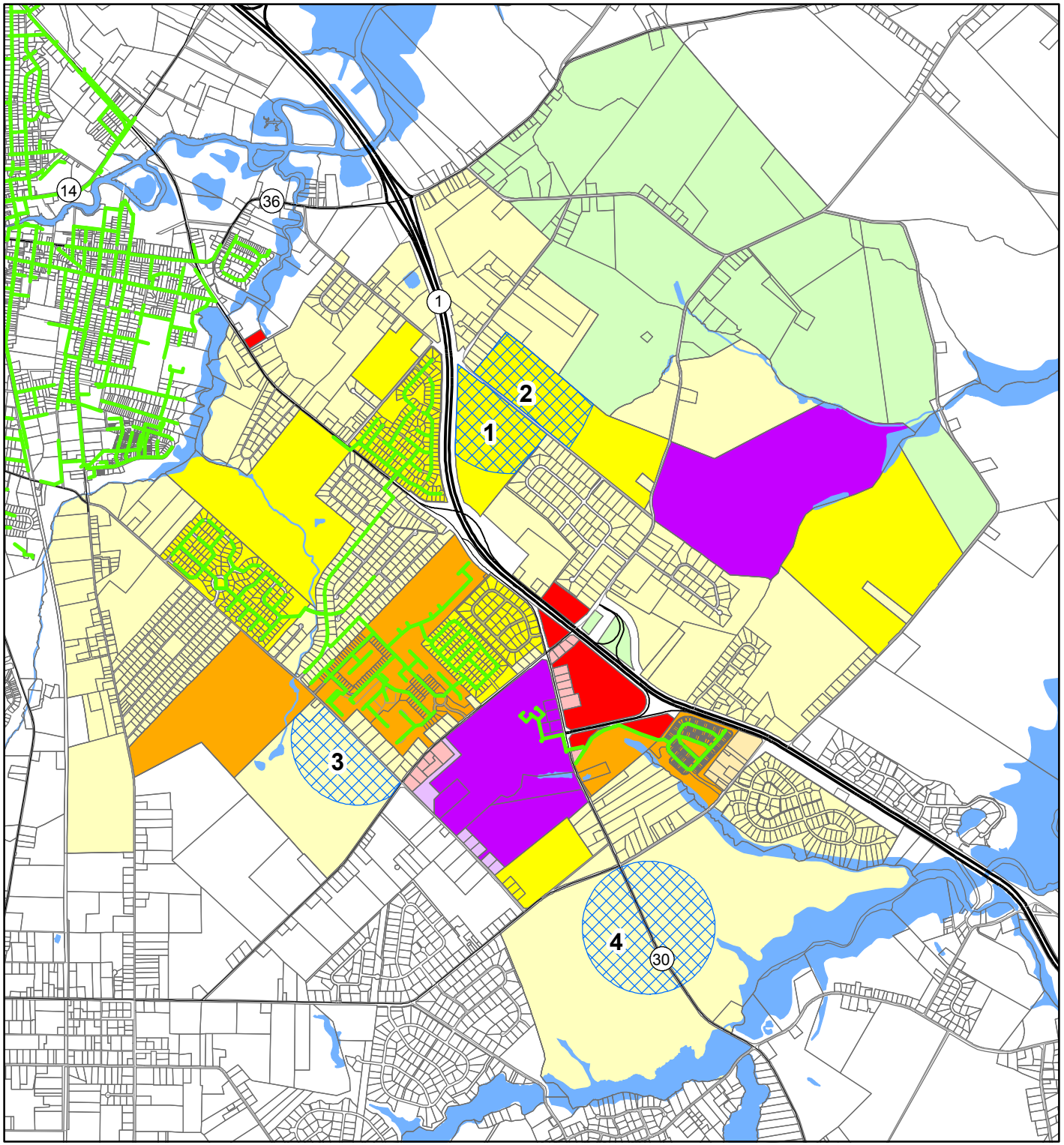
Legend

- Proposed PS
- Proposed FM
- Existing Gravity Sewer
- TDR Receiving Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

*Conceptual alignment subject to change

N W E S

0 0.25 0.5 1 Miles

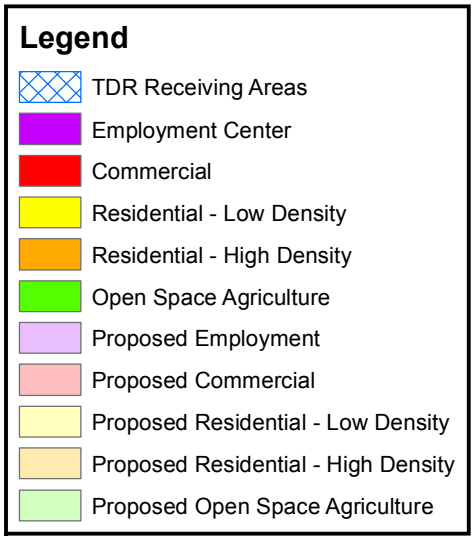


CURRENT RECEIVING AREA LAYOUT FOR REFERENCE ONLY

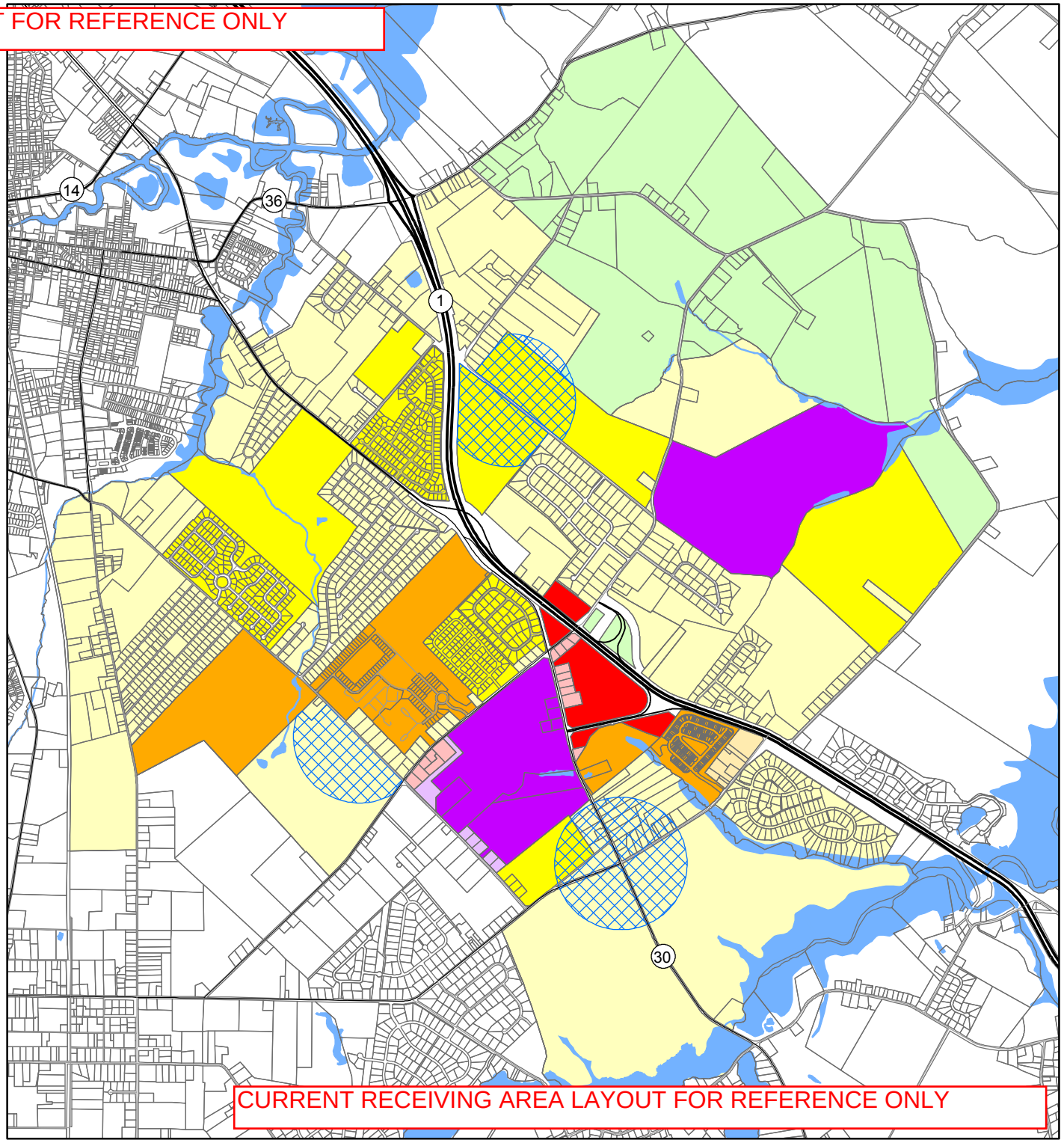
Milford South East Neighborhood Master Plan

Map #1 Land Use

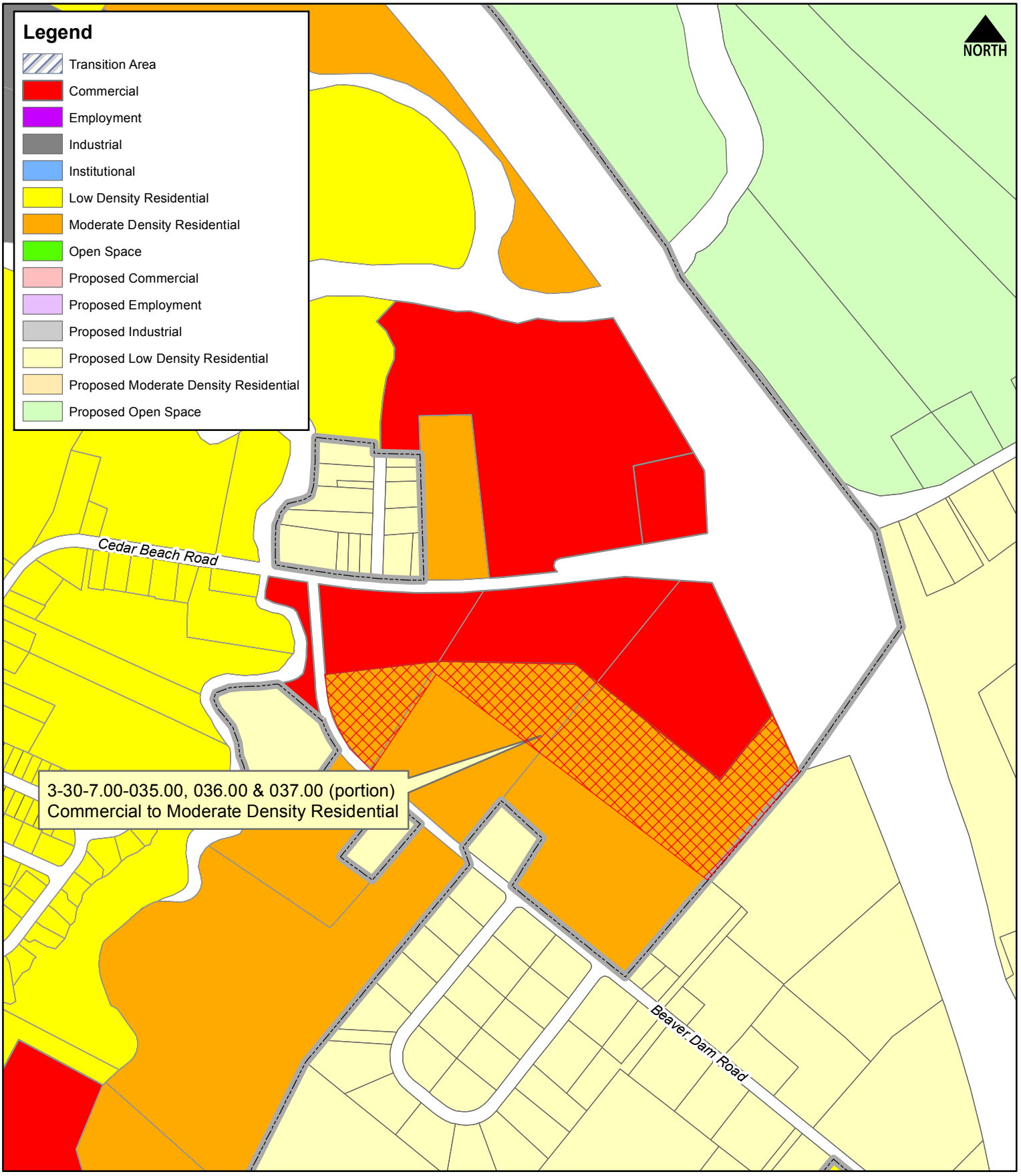
Revised March 2017



0 0.25 0.5 1 Miles



CURRENT RECEIVING AREA LAYOUT FOR REFERENCE ONLY



THE CITY of Milford DELAWARE

Scale: 0 250 500 Feet

Drawn by: WRP

Date: 03/26/19

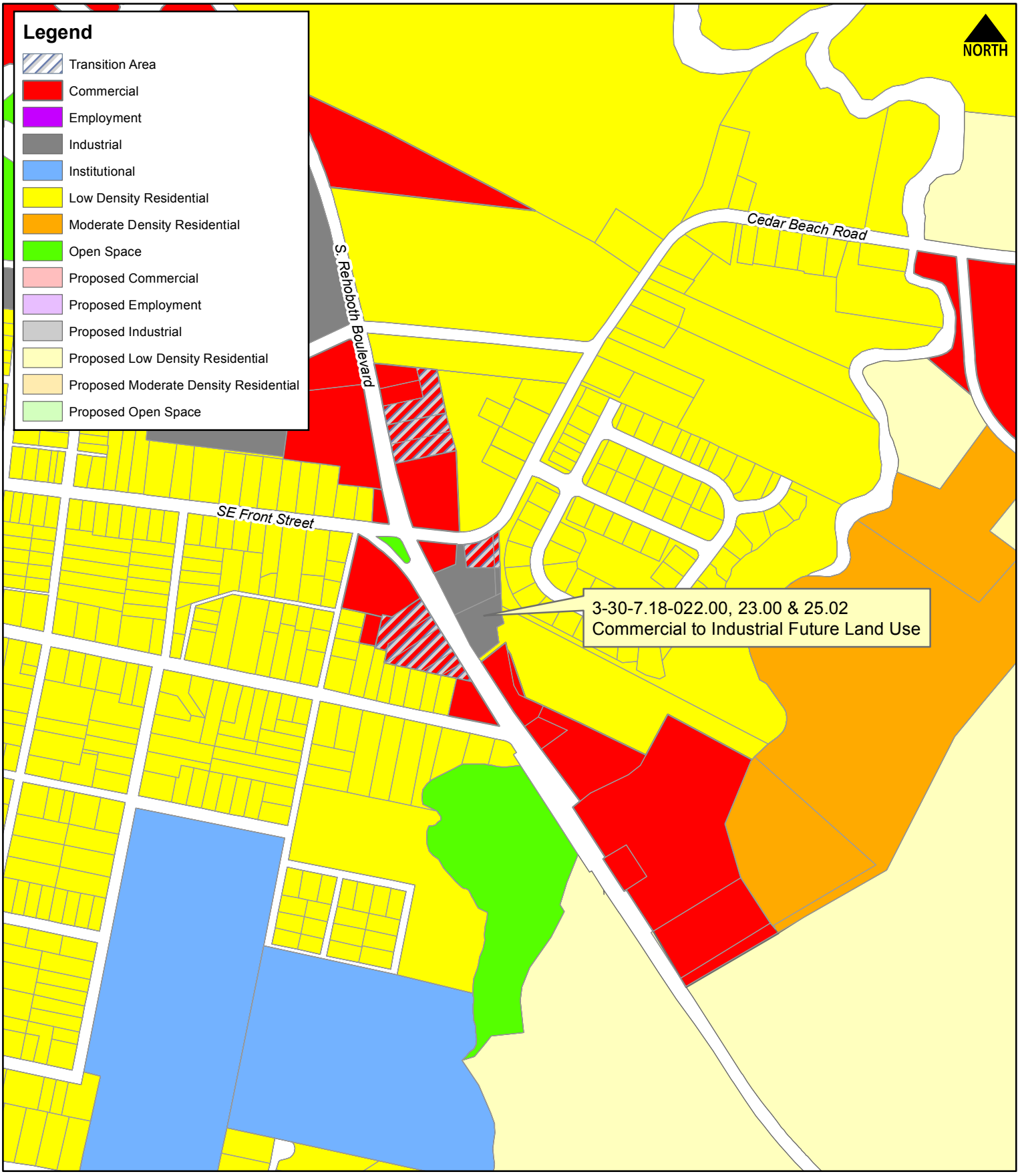
Filepath: Exhibit_B_032619.mxd

Title:

Exhibit B

2019 Comprehensive Plan Amendment

Future Land Use Map



THE CITY of Milford DELAWARE

Scale: 0 250 500 Feet

Drawn by: WRP

Date: 03/26/19

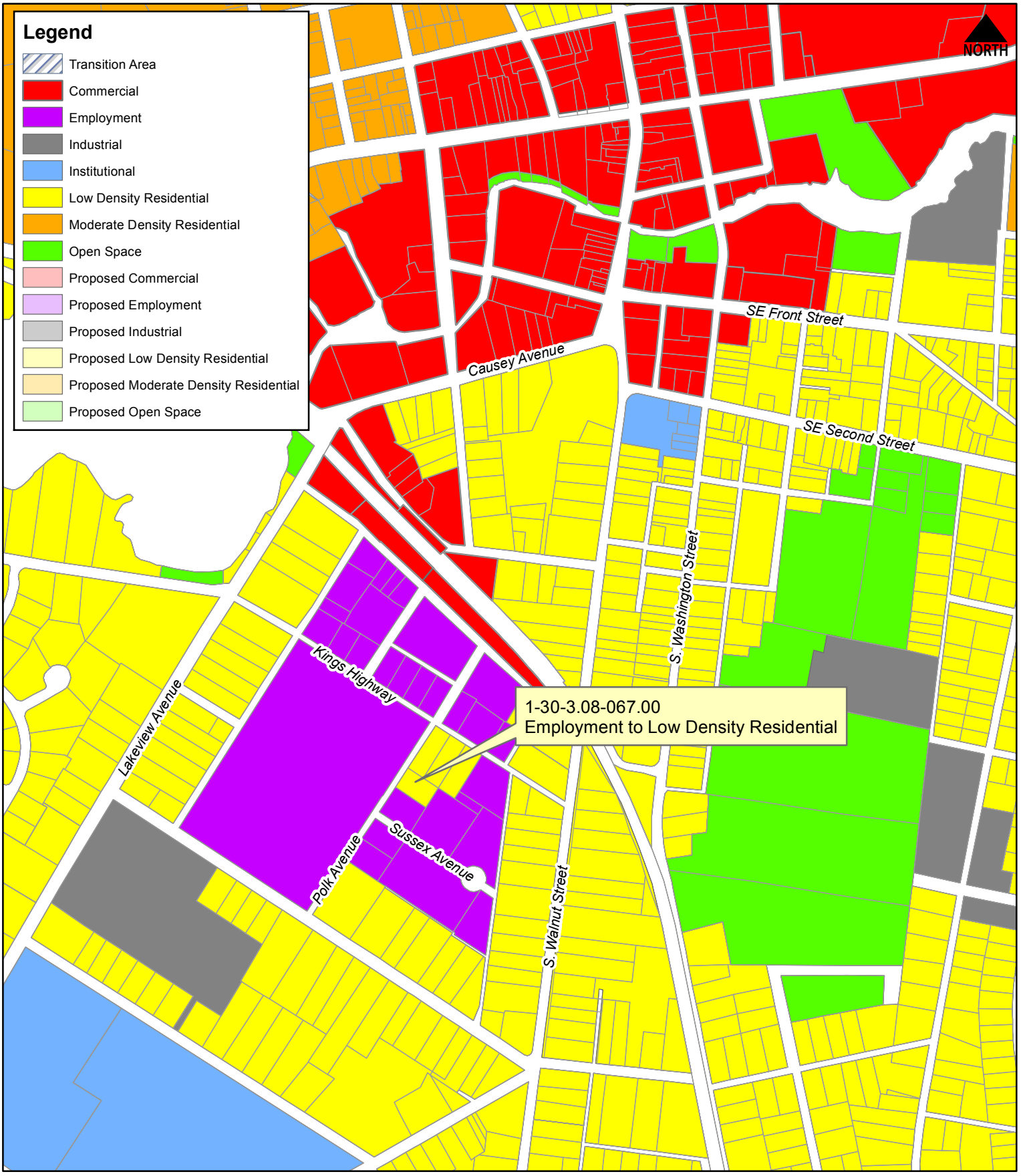
Filepath: Exhibit_C_032619.mxd

Title:

Exhibit C

2019 Comprehensive Plan Amendment

Future Land Use Map



THE CITY of Milford DELAWARE

Scale: 0 250 500 Feet

Drawn by: WRP

Date: 04/02/19

Filepath: Exhibit_E_040219.mxd

Title:

Exhibit E

2019 Comprehensive Plan Amendment

Future Land Use Map

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

June 19, 2019

Rob Pierce
Planning & Development Director
City of Milford
180 Vickers Drive
Milford, DE 19963

RE: PLUS review 2019-05-01; Milford Comprehensive Plan Amendment

Dear Rob,

Thank you for meeting with State agency planners on May 22, 2019 to discuss the proposed comprehensive Plan Amendments for the City of Milford. There are several amendments proposed as follows:

- Amendment #1: revisions and refinements to the transfer of development rights (TDR) receiving areas in the South East Master Plan.
- Amendment #2: adjustment of the Future Land Use map on a parcel on the south side of Cedar Beach Road to include more moderate density residential land use associated with a development plan known as Marina-Del (reviewed as PLUS 2019-03-10)
- Amendment #3: change the future land use map to two parcels along S. Rehoboth Blvd from commercial to industrial at the request of the property owners.
- Amendment #4: adjustment of the future land use map for several parcels associated with the Windward [aka Windmill] on the River development (reviewed as PLUS 2018-04-04) so that the commercial land use designation matches the development plan.
- Amendment #5: change on parcel along Polk Avenue from employment to low density residential use to reflect the use as a small scale office, which is permitted in the new land use category.

Please note that changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

This office has received the following comments from State agencies:

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

- The Office of State Planning Coordination appreciates the City of Milford's effort to package the five proposed plan amendments as one application. This allows for a more holistic review of the proposed amendments, and improves the efficiency of the review process.
- The OSPC supports Amendment #1, which adjusts the receiving areas and some parameters for the Transfer of Development Rights (TDR) program in the SE Neighborhood Master Plan. The TDR program was envisioned as a way to implement the land preservation goals in the SE Neighborhood when the master plan was developed. Our office is very pleased to see that Milford and the Delaware Department of Agriculture are working together to implement this master plan recommendation through an ordinance to be reviewed shortly by Milford City Council.
- OSPC has no objections to Amendments #2 – 4.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- In Amendment Request #1, the City proposes moving Development Rights Receiving Area #4 "further south to encompass a single tax parcel that is located on both sides of Cedar Creek Road." DelDOT does not object to this change but believes there are two tax parcels, albeit under the same ownership. The land east of Cedar Creek Road is Tax Parcel No. 330-16.00-16.00, consistent with Table 4.2 in the PLUS application, but the land west of Cedar Creek Road is Tax Parcel No. 330-15.00-71.00.

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

Amendment Request #1 – SE Master Plan TDR Receiving Areas

- Receiving Area #3- The parcel contains forested wetlands

- Receiving Area #4- Both of these parcels contain significant mapped forested wetlands which are a concern for habitat and water quality protections. The parcel on the east side of Cedar Creek Road also has mapped floodplain and sea level rise inundation that pose existing and future potential flood hazards for development.

Recommendation: Consider avoiding and protecting these natural resources within the TDR receiving areas. A wetland buffer of 100 feet should be employed to protect habitat and water quality. Development within the mapped floodplain should also be avoided.

Amendment Request #2 – Marina-Del Project

The adopted Future Land Use exhibit shows Commercial along Route 36 with limited Moderate Density Residential along two of the parcels off of Beaver Dam Road. The

developer has requested more Moderate Density Residential (highway commercial and residential uses).

- The eastern edge of parcel #330-7.00-35.00 has mapped floodplain and sea level rise inundation that pose existing and future potential flood hazards for development.

Recommendation: Development within the mapped floodplain should be avoided.

Amendment Request #3 – S. Rehoboth Boulevard Corridor

Properties identified in the 2018 Comprehensive Plan update as Commercial Future Land Use have requested to keep their I-1 Limited Industrial zoning designation.

- There is a mapped Leaking Underground Storage Tank (LUST) on parcel #330-7.18-22.00 and another on the adjacent parcel to the north.

Recommendation: Any ground disturbance or LUST removal should be appropriately managed.

Amendment Request #4 – Windward on the River – Commercial and Residential Site Plan

The proposed Future Land Use map amendment would clean up the boundary between the residential and commercial portions of the project by changing portions of tax parcel 330-7.00-33.00 from Moderate Density Residential to Commercial, changing 330-11.00-264.00 from Commercial to Moderate Density Residential and changing tax parcel number 330-11.00-43.00 from Low Density Residential to Commercial.

- The parcels contain significant mapped forested wetlands which are a concern for habitat and water quality protections. Parcel #330-11.00-264.00 also has a large area of mapped floodplain and sea level rise inundation that pose existing and future potential flood hazards for development.

Recommendation: Consider avoiding and protecting these natural resources. A wetland buffer of 100 feet should be employed to protect habitat and water quality. Development within the mapped floodplain should also be avoided.

Amendment Request #5 – Kaplan Property – 302 Polk Avenue – Employment to Low Density Residential

Rezoning parcel #130-3.08-67.00 from H-1 Institutional Development to OB1 Office Building in order to allow different types of professional offices to occupy the existing structure.

- There are no mapped environmental concerns identified.

State Historic Preservation Office – Contact Carlton Hall 736-7404

Amendment Request #1 – SE Master Plan

- The Delaware SHPO is concerned with the TDR Area 2. There is an existing farmstead (S03742); this was the E.M. Daniel House on Beers Atlas. There is a grave on the property for Elias M. Daniel, (died 1887).

  There was also another late 19th century farmstead on the parcel, which was demolished about 1970. In addition, the Titus School (S03748), which also shows on the Beers Atlas, is located at the NW corner of Bucks Road and Cedar Neck Road, just outside of this parcel.

Amendment Request #2 – Marina-Del Project

- There is a known dwelling (S10406) and outbuilding on the parcel that may be eligible for NR listing. Our office is currently in the process of locating Cultural Resource forms in our files. The Delaware SHPO recommends that the owner consider retaining the dwelling or incorporating it with the planned development. There is also a dwelling known as the Old Powder Mill Place (S03728) on the western neighboring parcel. The area along the river has potential for prehistoric archaeological resources and there's potential for 19th century archaeological resources. Therefore, the Delaware SHPO recommends an archaeological survey of the project area.

  If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54). 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.

  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. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Amendment Request #3 – S. Rehoboth Boulevard Corridor

- The Delaware SHPO has no comment.

Amendment Request #4 – Windward on the River – Commercial and Residential Site Plan

- 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. Therefore the Delaware SHPO is recommending an archaeological survey of the project area.

  If any project or development proceeds, the developer should be aware of the Unmarked

Human Burials and Human Skeletal Remains Law. (Del. C. Title 7, Ch. 54). 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.

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. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Amendment Request #5 – Kaplan Property – 302 Polk Avenue

- Our office has no comment.

Delaware Department of Agriculture – Contact Scott Blaier 698-4532

- The Department of Agriculture continues to assist the Town of Milford on implementing their TDR program, and to that end, supports comprehensive plan amendment #1.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan.

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP
Director, Office of State Planning Coordination

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, July 16, 2019 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, July 22, 2019 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2019-25
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
SE MASTER PLAN/TDR RECEIVING AREAS

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Muncipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the first amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment will amend the SE Master Plan by relocating Transfer of Development Rights Receiving Areas #2 and #4; and

WHEREAS, Receiving Area #2 has been reshaped to encompass a single track of land versus four parcels; and

WHEREAS, Receiving Area #4 has been shifted further south to encompass two tracks of land versus twenty-five parcels; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the first amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the first amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1st day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019
City Council Introduction: July 8, 2019
City Council Review & Public Hearing: July 22, 2019
Adoption: July 22, 2019
Effective: August 1, 2019
This ordinance shall take effect and be in force ten days after its adoption.

SYNOPSIS:

	Node ID / Receiving Area ID	Receiving Area Acres	Base Zoning at 3 DU/Ac	TDR Zoning at 8 DU/Ac	Additional DUs Through TDR Use
Current	1	58	174	464	290
Proposed Amendment	3	60	180	480	300
Current	2	118	354	944	590
Proposed Amendment	4	120	360	960	600
Current	3	107	321	856	535
Proposed Amendment	1 & 2	110	330	880	550
TOTAL					
Current		***283***	***849***	***2264***	***1415***
Proposed Amendment		***290***	***870***	***2320***	***1450***

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3986 or RPierce@milford-de.gov.

Published: Beacon 07/04/19

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, July 16, 2019 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, July 22, 2019 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2019-26
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
MILFORD MARINA ENTERPRISES LLC
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Muncipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the second amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the SE Master Plan, which will permit the future land use designation of three properties to alternate future land use designations; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the second 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the second amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1st day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019
City Council Introduction: July 8, 2019
City Council Review & Public Hearing: July 22, 2019
Adoption: July 22, 2019
Effective: August 1, 2019
This ordinance shall take effect and be in force ten days after its adoption.

SYNOPSIS:

1. Milford Marina Enterprises LLC, Cedar Beach Road (3-30-7.00-035.00, 3-30-7.00-036.00, 3-30-7.00-037.00; change in future land use designation from commercial to moderate density residential)

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3986 or RPierce@milford-de.gov.

Published: Beacon 07/04/19

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, July 16, 2019 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, July 22, 2019 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2019-27
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
MALONEY, MITCHELL RENTALS LLC
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Muncipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the third amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the SE Master Plan, which will permit the future land use designation of three properties to alternate future land use designations; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the third 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the third amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1st day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019
City Council Introduction: July 8, 2019
City Council Review & Public Hearing: July 22, 2019
Adoption: July 22, 2019
Effective: August 1, 2019
This ordinance shall take effect and be in force ten days after its adoption.

SYNOPSIS:
Joan Maloney, and Mitchell Rentals LLC, South Rehoboth Boulevard (3-30-7.18-022.00, 3-30-7.18-023.00, 3-30-7.18-025.02; change in future land use designation from commercial to industrial)

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3986 or RPierce@milford-de.gov.

Published: Beacon 07/04/19

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, July 16, 2019 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, July 22, 2019 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2019-28
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
WEBB, SWAIN, SIMPSON
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Muncipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the fourth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the SE Master Plan, which will permit the future land use designation of three properties to alternate future land use designations; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the fourth 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the fourth amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1st day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019
City Council Introduction: July 8, 2019
City Council Review & Public Hearing: July 22, 2019
Adoption: July 22, 2019
Effective: August 1, 2019
This ordinance shall take effect and be in force ten days after its adoption.

SYNOPSIS:
Jesse C. & Joyce L. Webb, G. Walter & Janet R. Swain, and Gilbert C. & Irene D. Simpson, South Rehoboth Boulevard (3-30-7.00-033.00 (portion of); change in future land use designation from moderate density

residential to commercial) (3-30-11.00-261.00; change in future land use designation from commercial to moderate density residential) (3-30-11.00-043.00; change in future land use designation from low density residential to commercial)

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3986 or RPierce@milford-de.gov.

Published: Beacon 07/04/19

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, July 16, 2019 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, July 22, 2019 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2019-29
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
K&G ASSOC LLC
FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Muncipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2017-24, the 2018 Comprehensive Plan, on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, the Planning and Economic Development Director has prepared and consulted with the Office of State Planning during a PLUS review on May 22, 2019 the fifth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the SE Master Plan, which will permit the future land use designation of one property to an alternate future land use designation; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the fifth 2018 Comprehensive Plan amendment on July 16, 2019 and did recommend approval and adoption of the amendment of the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the fifth amendment of the 2018 Comprehensive Plan on July 22, 2019 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2018 Comprehensive Plan is hereby adopted on July 22, 2019 and made effective as the amended 2018 Comprehensive Plan for Milford on this 1st day of August 2019.

Planning Commission Review & Public Hearing: July 16, 2019
City Council Introduction: July 8, 2019
City Council Review & Public Hearing: July 22, 2019
Adoption: July 22, 2019
Effective: August 1, 2019
This ordinance shall take effect and be in force ten days after its adoption.

SYNOPSIS:
K&G Assoc LLC, Polk Avenue (1-30-3.08-067.00; change in future land use designation from employment to low density residential)

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.3986 or RPierce@milford-de.gov.

Published: Beacon 07/04/19

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
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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

TO: Planning Commission

FROM: Rob Pierce, Planning & Economic Development Director

DATE: July 16, 2019

RE: Transfer of Development Rights (TDR) Program

Background

In 2011, the City of Milford adopted the SE Master Plan as an amendment to the Comprehensive Plan to guide growth and land use decisions in the southeast neighborhood. The City, State of Delaware Office of State Planning Coordination (OSPC), Delaware Department of Transportation (DelDOT), Delaware Department of Natural Resources and Environmental Control (DNREC) and Delaware Department of Agriculture (DDA) were partners in developing the plan and committed to implementing certain plan elements. The first commitment in Chapter 11 of the SE Master Plan titled Implementation states that "the City will develop and adopt an ordinance to enable the use of transfer-of-development (TDRs) credits in receiving zones. This ordinance will enable developers build at up to eight (8) units per acre by-right through the purchase of TDR credits from farms in the sending areas."

Ordinances 2019-13 & 2019-20 include amendments to Chapter 200 Subdivision of Land and Chapter 230 Zoning that would implement the TDR program as outlined in the SE Master Plan. Resolution 2019-05 adds the TDR Credit to the Planning Department Fee Schedule, along with the recently adopted Police and General Government Facilities Fee.

How the Program Works

All areas designated as TDR Sending Areas in the adopted Comprehensive Plan would be considered sending areas. Sending parcels must convey all of their available transfer credits at the time of preservation easement dedication and property owners who have transferred development rights from their land forfeit the ability to subdivide for residential development. The DDA would assist the City in purchasing the agricultural easements, including preparing and recording any of the required legal documentation.

All areas designated as TDR Receiving Areas in the adopted Comprehensive Plan would be eligible to purchase additional density; however, the City shall have the flexibility to determine the exact location on the receiving parcel where the TDR credits may be applied. The exact location would be determined based on the availability of public utilities, road and traffic considerations, availability of public transportation, environmental considerations, proximity to public services and existing density. The SE Master Plan stated that developers would be able to build at up to eight (8) units per acre by-right through the TDR program; therefore, receiving areas would be rezoned to R-8 Garden Apartment and

Townhouse District in accordance with Chapter 230-58 upon payment of the TDR credit fee. The rezoning would permit by-right the construction of single-family detached, semi-detached, attached and multi-family housing as permitted under the R-8 zoning category.

The TDR credit value was determined based on the enclosed appraisal report prepared by Karen H. Belinko Appraisals, LLC, who was authorized by City Council to prepare the appraisal document in December 2018. The appraisal evaluated the sending areas adjacent to Milford and recent comparable farm sales in Kent and Sussex Counties. The report determined that the market value of the agricultural preservation easement was approximately $6,000 per acre. Assuming two dwelling units per acre of development within the County zoning ordinance, the TDR Credit value would be established at $3,000 per dwelling unit. The Code requires that the transfer credit value be reviewed every two years by a Delaware certified real estate appraiser.

Staff recommends adoption of Ordinance 2019-13, Ordinance 2019-20 and Resolution 2019-05 to implement a Transfer of Development (TDR) Program as outlined in the City's Comprehensive Plan and establish a TDR Credit Value of $3,000 per dwelling unit.

Chapter 4
Agricultural Preservation

The Delaware Department of Agriculture (DDA) supports and endorses the City of Milford Southeast Neighborhood Master Plan. The Department is especially encouraged to see the large area of farmland to southeast designated as continued agricultural use. The state has already made a significant investment of taxpayer's money to permanently preserve a number of farms in this area through the Delaware Agricultural Lands Preservation Foundation (DALPF). In addition, the Department has performed a Land Evaluation/Site Assessment (LESA) analysis of the parcels designated as Open Space-Agricultural in the plan. The LESA model was developed by the United State Department of Agriculture (USDA) to evaluate a parcel of land's suitability to remain in agriculture for the foreseeable future. The analysis showed all of the parcels are well-suited, and best used, for agricultural in the future. The DDA will continue to work with land owners in this area to preserve their farms permanently, and build on the investment the state has already made.

Simply preserving farmland is not enough to encourage and support farming in the state. State government and municipalities must make the occupation of farming a viable and rewarding living for the farmer and their family. The Department offers some suggestions below that are mutually beneficial to both the city and the surrounding farms. In addition, the Department has outlined a plan for a transfer of development rights (TDR) program whereby the city and DALPF can partner to permanently preserve the farmland identified in the master plan.

In addition to providing a living to farmers, farmland provides a number of intangible benefits to the cities and people who live around them. In the case of Milford, preserving the farmland to the southeast will create a predictable city limit, with no threat that the land can be developed into residential developments through Sussex County. This would ensure that city's services and infrastructure will not be stressed and overextended without additional tax base to support it.

The farmland will also provide a visual amenity of open green space to city residents along the southeast boundary of the city. There are also environmental benefits such as cleansing precipitation before it recharges the underlying aquifers that feed the city's well fields. The surrounding farm businesses will also be a source of income for the city's businesses, when farm families shop in city. Nearby farms also present the possibility of providing fresh local fruits and vegetables to city residents via roadside produce stands or "u-picks."

Milford Southeast Neighborhood Master Plan
Transfer of Development Rights Program

The Delaware Agricultural Lands Preservation Foundation (DALPF) will partner with the City to develop a Transfer of Development Rights (TDR) program. The Department suggests a program whereby the city selects which farms it wants to permanently preserve, and which properties within the city would be allowed to use the TDR credits to build additional dwelling units.

Although the city would have discretion in choosing which farms to preserve, the Department recommends the farms be enrolled in the DALPF program first in order to be eligible. The DALPF is a voluntary program whereby the landowner initially agrees not to develop the land for 10 years. During that 10-year period, the landowner is eligible to sell his/her developments rights to the state and receive money in exchange for permanently preserving the property in agriculture. In this area, the landowner will also have the option to sell Transfer of Development Rights through the program that will be described in this chapter. Landowners will have at least two options for preservation from which to choose.

The DALPF is a well-established program for preserving farmland. It has been in operation for nearly 20 years and has permanently preserved over 100,000 acres in Delaware. This 100,000 acres represents nearly 20% of the state's available farmland and approximately 8% of the state's total land area.

By partnering with DALPF, the City will avoid the initial financial expenditures required to preserve a parcel of land. These expenditures include paying to survey the property, paying the legal costs of a real estate settlement, and other associated administrative costs. DALPF would bear those costs. In addition, the City would avoid the future obligation of monitoring the preserved farms to make sure they remain in compliance with the preservation agreement (easement). DALPF would assume that responsibility and would add any properties preserved by Milford to the hundreds of permanently preserved farms it already monitors. In addition, should any future litigation be required to uphold the preservation easement, the City would not have to incur any legal costs.

How a Transfer of Development Rights (TDR) Program Works:

In order for a TDR program to work, a viable market has to be created through a number of steps, including ordinances.

The first step in the process is for the City of Milford to identify "sending areas" and "receiving areas." TDR sending areas are defined as the areas, and properties, from which TDR credits will come. The goal is to permanently preserve these areas as farmland and open space through deed restriction/easement. In return for agreeing to permanently preserve a farm, the landowner would be compensated monetarily. The number of dwelling units (DUs) that could have been built on the property would then be "sent," or "transferred," to a previously designated receiving area where the City is prepared for development at higher densities.
In addition to sending areas, the City would also have to identify "receiving areas" within its municipal boundary. These areas would have to have the available infrastructure to accept higher density. The City would also need strong ordinances in place that would only allow additional density if the developer participated in the city's TDR program. In addition, the ordinance must make the addition of more DUs (higher density) through the TDR program "by right."

Milford's TDR Program

Selecting the Sending Areas

In order to identify suitable sending areas, DDA performed a GIS analysis of properties just outside, or straddling, the city's future projected growth boundary to the southeast. In order to determine which farm parcels would be most suitable for preservation, the department applied the same qualifying criteria used by the state's Agricultural Lands Preservation Program. The analysis identified 11 farm parcels encompassing 720 acres. These properties are shown in Table 4.1 and on the Agriculture Map, Map 2. This area is ideal because a number of farms have already been permanently preserved by the Delaware Agricultural Lands Preservation Program. In addition, there are several other farms in the area that are currently enrolled in the DALPF program, waiting to be permanently preserved. The farms in the sending area are currently zoned for two (2) units to the acre under the Sussex County zoning code. Therefore, approximately 1,452 dwelling units could be transferred into the City of Milford and used on properties designated as receiving areas. The proposed sending areas are shown as "Open Space Agriculture" (green color on legend) on the land use map (Map 1).

Selecting the Receiving Areas

Finding eligible farms willing to sell their development rights is only one side of the equation. The City must also identify areas prepared to accept additional dwelling units above the maximum number allowed by the underlying zoning. The additional DUs would only be allowed if the developer participated in the city's TDR program. Receiving areas have been identified based on a number of enabling factors, including sewer and water availability, road and traffic

considerations, availability of public transportation, existing density in the area, proximity to public services, environmental considerations, and other factors.

After considering and weighing all the factors previously discussed, DDA supports the city using the three (3) areas defined by the hatch-marked areas on the Land Use Map (Map 1). These areas are centered on future public transportation locations, or nodes. These areas are in proximity to future employment centers and commercial services and are not located on environmentally sensitive lands as identified by DNREC. See Table 4.2 for more details.

Some the land in the receiving areas is already within Milford's municipal boundaries. In order for the other lands to participate as receiving areas through this program, they will have to be annexed into the City of Milford. Upon annexation, these lands will be zoned at the base density, currently known as R-1 under Milford's existing zoning ordinance. This ordinance currently allows development at up to approximately 3 du/acre. Property owners/developers would be allowed to develop at that density under the current regulations. However, if the property owner/developer choose to participate in the TDR program, the land could be developed at up to 8 du/acre if there is a transfer of units from the sending area. This transfer would be "by-right," meaning that there is no special approval needed to complete the transfer as long as the parameters and requirements of the program are met. The developer's plan would still have to go through the standard subdivision review process through the Planning Commission and City Council, to ensure it meets city code requirements. The area encompassed by the hatch-marked areas equals approximately 280 acres. Therefore, multiplying that area by five (5) additional units per acre would allow up to 1,400 units to be transferred, potentially preserving 720 acres of farmland in the receiving area.

Table 4.1. TDR Sending Area Analysis

Parcel Number	LESA Score	Acres	Zoning Yield[1]
330-12.00-10.00	185.08	60	120
330-08.00-47.00	220.19	14.7	28
330-12.00-08.00	222.51	117.4	235
330-08.00-28.00	172.61	46.2	92
330-08.00-24.00	189.26	41.29	101
330-12.00-01.03[2]	210.7	118.18	236
330-12.00-01.02[2]	Part of 330-12.00		
330-12.00-01.02[2] (Unit 21805)	Part of 330-12.00		
330-12.00-01.00	181.54	66.8	132
330-08.00-19.00	192.19	85.5	170
330-08.00-19.02	192.19	16.3	32
330-08.00-20.00	232.5	105.6	210
330-07.00-75.00	184.27	48.4	96
Totals		*720.37*	***1,452***

Source: Delaware Department of Agriculture

[1] Zoning Yield reflects 2 dwelling units per acre, which is currently allowed in the Sussex County AR-1 Zoning District

[2] Shaded parcels are currently enrolled in an existing Agricultural District.

Table 4.2. TDR Receiving Area Analysis

Milford TDR Receiving Areas: Located within ¼ Mile of Public Transportation Nodes				
Node	Acres	Base Zoning at 3 DU / Acre	TDR Zoning at 8 DU / Acre	Additional DUs through TDR Use
1	58	174	696	522
2	118	354	1,416	1,062
3	104	312	1,248	936
Totals	*280*	*840*	*2,240*	***1,400***

Source: Delaware Department of Agriculture, City of Milford, and Office of State Planning Coordination

<u>Purchasing Development Rights Using a TDR Bank Concept</u>

Some traditional TDR programs require the developer to find a suitable farm to preserve and a landowner willing to sell his/her development rights. The developer would have to negotiate a price with the owner and handle all of the legal and administrative requirements to permanently preserve a parcel of land from future development. This process typically requires a lot of time and money from the developer. This is generally not in the developer's best interest if they are trying to take advantage of prevailing real estate market conditions favoring building at higher densities.

DDA will assist the city in the creation and administration of a TDR bank in lieu of the aforementioned process. In a TDR bank concept, the City would begin with either seed money or TDR credits from lands already preserved. Developers would purchase TDR units to allow them to build at higher density from the bank. An administrative fee may also be assessed to account for legal and other costs that may be necessary to complete the transfer. The City (aka "the bank") would aggregate all the funds it collects from developers who purchase these rights and use that money to purchase the development rights on properties enrolled in the DALPF program and located in the city's designated sending area. These units would then be available to be re-sold to future developers. The City would choose which farms it wanted to purchase based on predetermined criteria they establish.

In addition to the funds the City would have, the City would also be eligible for state-matching funds from DALPF, as well as any federal matching funds from United States Department of Agriculture (USDA) Farm and Ranch Lands Protection Program (FRPP). As allowed by law, these matching funds would be awarded to the city based on availability. If the City were able to capture state and federal matching funds, it could significantly leverage funds with additional money and preserve additional farm land.

Setting the Cost of TDR Credits or Units

DALPF recommends that the value/cost of a unit of development rights for transfer be based on the most recent real estate appraisals done on properties near the designated sending areas. If there are insufficient real estate appraisals to determine a value, DALPF could undertake a sample appraisal process to establish a fair value. The value could be established for a given calendar year, or on any other schedule the City deems appropriate. Pricing could be done by land classification if the rights were variable in the city's system, again based on recent appraisal information. As another option, the City could set values based on the presumed value of the rights, with a deduction for the developer's profit. Studies have shown that a developer needs to realize a 35 percent profit margin when buying TDR credits in order to have an incentive to buy them.

Summary of Benefits of this Program

- The TDR bank allows developers to purchase rights as pre-set prices. No need to locate willing land owners and negotiate prices.
- Farmers and landowners can sell directly to the TDR bank at pre-set prices, determined through fair appraisal methods. No need to negotiate with developers.

- TDRs can be sold and purchased in appropriate increments based on needs and market conditions at the time. No need to match a farmer/landowner with a developer who needs exactly the number of TDRs they wish to sell.
- Additional density would be allowed "by right," and the developer will not have to go through a separate public approval process to use the credits.
- As a part of this program, the use of TDRs will entitle the builder/developer to all of the benefits of expedited review and processing that accrue to those who adhere to the recommendations and requirements in the Master Plan area.
- The City and the State will also dedicate a permanent plaque or marker in the development, and the farmland that was preserved, that memorializes and recognizes the developer's contribution.

Additional Recommendations for Implementation of Agricultural Preservation:

1) DDA recommends that the City require any property developed adjacent to land designated as Open Space Agriculture to include a forested buffer between the property and adjacent farmland. This is already required by Sussex County. As a courtesy to Sussex County, DDA's Forest Service reviews the effectiveness of the buffer and makes a recommendation to the county on whether or not to accept the buffer as is, or require modifications. The Department would offer the same service to the city.

2) In addition to a forested-buffer requirement, DDA also asks that the City work with developers on where they "mass" their houses or buildings. Whenever practical the Department requests that the City require developers to cluster their approved building lots and place as much of the residual community open space near adjacent farm parcels. This would further help eliminate or mitigate any conflict that may arise from dissimilar land uses.

3) DDA asks that the city review its zoning ordinances for compatibility with future agricultural business or agriculture related uses. It is important to provide provisions and flexibility in the zoning code to accommodate future agriculture related activities.

4) DDA would note that all properties enrolled in the state's farmland preservation program are afforded the protections listed in Appendix 3. In addition, Sussex County adopted a "mirror" ordinance to provide these protections to all farms located in Sussex County. These protections should be considered during the city's planning process in an attempt to place more compatible land uses next to properties engaged in agriculture. In addition, there is a restriction on the location of water wells in DNREC's regulations that should be considered.

Chapter 11
Implementation

Commitments:

The City of Milford

1. The City will develop and adopt an ordinance to enable to use of transfer-of-development rights (TDRs) credits in receiving zones. This ordinance will enable developers build at up to eight (8) units per acre by-right through the purchase of TDR credits from farms in the sending areas.
2. A stormwater utility is a legal and financial structure to allow stormwater management facilities to be constructed, managed, and maintained in common by a local government or other entity. This master plan area is well suited to such a utility, although there are many ways to structure such an entity. Both the City and DNREC agree to explore this option in more detail as this area develops in accordance with this master plan.
3. The City will construct a public water system as described in Chapter 9 to serve the Master Plan Area. This is a funded project.
4. The City will design and permit a sewer system to serve the Master Plan Area as described in Chapter 9. Private developers will be responsible for funding and constructing this system. The City will discuss various financing and construction options with any developer.

Delaware Department of Agriculture

1. The Delaware Department of Agriculture (DDA) and the Delaware Agricultural Lands Preservation Foundation (DALPF) will partner with the City to establish a Transfer of Development Rights program as described in the Agricultural Preservation chapter of this document (Chapter 4).
2. By partnering with DALPF, the City will avoid the initial financial expenditures required to preserve a parcel of land. These expenditures include paying to survey the property, paying the legal costs of a real estate settlement, and other associated administrative costs. DALPF would bear those costs.
3. The City would avoid the future obligation of monitoring the preserved farms to make sure they remain in compliance with the preservation agreement (easement). DALPF would assume that responsibility and add any properties preserved by Milford to the hundreds of permanently preserved farms it already monitors. In addition, should any

Signatures:

The undersigned agree to honor the above stated commitments, agreements, requirements and recommendations as they relate to the development and preservation of land within the Milford Southeast Neighborhood Master Plan area. This document, including text and maps, shall guide land development, agricultural preservation, environmental protection, and infrastructure investments in the Southeast Neighborhood Master Plan Area described herein. This document shall be in full force and effect until such time as all parties reconvene and mutually consent to amend this document and the commitments, agreements, requirements, and recommendations.

Mayor, City of Milford

Director, Office of State Planning Coordination

Secretary, Delaware Department of Agriculture

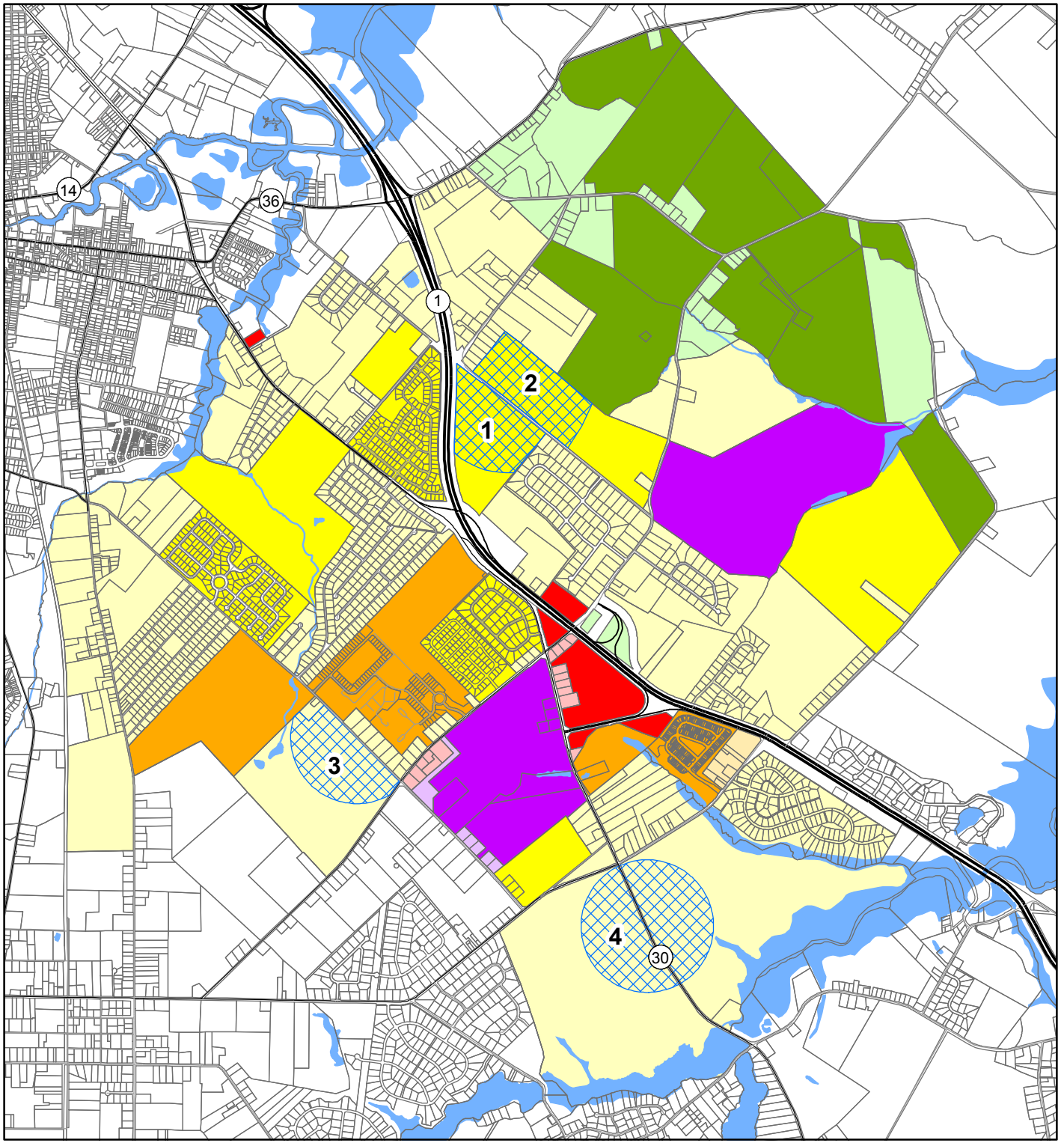
Secretary, Delaware Department of Natural Resources and Environmental Control

Secretary, Delaware Department of Transportation

Milford South East Neighborhood Master Plan

Map #2 Land Use & Agriculture

Revised March 2019



Legend

- TDR Receiving Areas
- TDR Sending Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

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Amendment Request #1 – SE Master Plan

In the process of developing a draft ordinance to establish a Transfer of Development Rights Program as outlined in the SE Master Plan, the City of Milford has determined that it would be beneficial to move Receiving Area #4 further south to encompass two tax parcels under single ownership that are located on both sides of Cedar Creek Road. The previously designated area included several developed strip lots along Johnson Road and Cedar Creek Road which may be more difficult or impractical to redevelop for large-scale residential use. The City feels that shifting this area further to the south would benefit the TDR program.

Additionally, Receiving Area #2 has been reshaped to encompass a single tract of land located along the east side of Bucks Road for similar reasons. The City feels that minimizing the number of properties involved in the receiving areas will lead to better program success.

The acreage for the receiving areas was increased to 290 acres, increasing the number of Transfer Credits available to 1,450, which is closer to the numbers provided in the sending area analysis.

The below table replaces Table 4.2 found on page 25 of the SE Master Plan in its entirety. The updated table provides a breakdown for each of the four areas involved and corrects a calculation error in the "8 dwelling unit per acre" column.

Table 4.2. TDR Receiving Area Analysis

Milford TDR Receiving Areas					
ID	Tax Parcel Number	Receiving Area Acreage	Base Zoning at 3 DU/Acre	TDR Zoning at 8 DU/Acre	Total Transfer Credits Allowed
1	3-30-11.00-056.00	55	165	440	275
2	3-30-11.00-068.00	55	165	440	275
3	3-30-15.00-024.00	60	180	480	300
4	3-30-16.00-016.00 & 3-30-15.00-071.00	120	360	960	600
		290		2,320	1,450

The City has updated Map #1, #2, #3, #5 and #6 to show the above referenced changes to the TDR Receiving Areas and provides identification numbers for the four parcels involved.

Amendment Request #2 – Marina-Del Project

The City has received a request from the owner/developer of tax parcels 3-30-7.00-035.00, 036.00 & 037.00 located along the south side of Cedar Beach Road (State Route 36) just west of SR1 to develop the site into highway commercial and residential uses. The adopted Future Land Use exhibit shows Commercial along Route 36 with limited Moderate Density Residential along two of the parcels off of Beaver Dam Road. The developer has requested more Moderate Density Residential as shown on attached Exhibit B.

Amendment Request #3 – S. Rehoboth Boulevard Corridor

Three of the properties identified in the 2018 Comprehensive Plan update as Commercial Future Land Use have requested to keep their I-1 Limited Industrial zoning designation. As such, the City requests permission to amend the Future Land Use maps by changing these to Industrial Future Land Use. These include tax parcel numbers 3-30-7.18-022.00, 023.00 and 025.02. The proposed map amendments are shown on attached Exhibit C.

City of Milford - TDR Program
Land Only
Sussex & Kent Counties, Delaware

For
Rob Pierce
Planning & Development Director
City of Milford
City Hall
201 S. Walnut Street
Milford, Delaware 19963

By
Karen H. Belinko, MAI
State Certified General Real Property Appraiser
DE Certified General Appraiser, #X1-0000309
and
Camden E. Belinko
MD Real Estate Trainee, #32956

Effective Date
January 22, 2019

Karen H. Belinko Appraisals, LLC

Appraiser/Consultant

The Eli Bennett House
5665 Mossy Springs Drive
Sykesville, Maryland 21784
Phone 410-259-2315
kbelinko@aol.com

Karen H. Belinko, MAI

FAX 410-795-4526

February 27, 2019

Rob Pierce
Planning & Development Director
City of Milford
City Hall
201 S. Walnut Street
Milford, Delaware 19963

Re: City of Milford - TDR Program
Land Only
Sussex & Kent Counties, Delaware

Dear Mr. Pierce:

Per your request, this appraisal is to provide some benchmarks in property values for the City of Milford's TDR (Transfer Density Rights) program. The scope is first to appraise the market value of farm land, and unencumbered with as much focus as possible in or near the sending area for the City of Milford. It is beyond the scope of my assignment to appraise every property in the sending area but more to estimate a value that may be achieved in that location. Secondly, I have estimated the market value as farm land once encumbered by the DALPF easement. I have not appraised specific properties but have considered a typical farm in terms of tillable ratios, frontages, rights retained, etc. These averages are estimated to be 100 acres and 70 to 75 percent tillable. Throughout this report, this 'average' farm will be referred to as the 'subject property' as it represents a typical farm in the area to be under easement.

The difference in these values is the market value of lost development rights, or the value of the easement. This appraised value is used by Delaware Agricultural Lands Preservation Foundation (DALPF) as well as federal entities to estimate the fair compensation to property owners for extinguishing rights and encumbering farms under the DALPF easement. The above methodology will be used to estimate the market value on average per acre for lost development rights. You have indicated that you will use this to estimate the cost to preserve one acre of farmland.

It should be emphasized that the above methodology does not reflect the value of losing two lot rights per acre since that is not prevalent in the sending area without public water and sewer. Based upon our conversations, it appears that the City of Milford is willing to give two rights per acre for each acre preserved as a function of the City Code as opposed to estimating the actual value of TDRs or lot rights for the sending parcels. The effective date is January 22, 2019.

Based upon all of the above, this appraiser estimates on average the loss in value as a result of the DALPF easement for those farms surrounding Milford to be as follows:

$6,000 per acre

To the best of my knowledge and belief, the statements, judgments, and opinions in this survey are correct. I have no present nor contemplated interest in the property being appraised.

Respectfully submitted,

Karen H. Belinko, MAI
State Certified General Real Property Appraiser
DE Certified General Appraiser, #X1-0000309

Camden E. Belinko
MD Real Estate Trainee, #32956

KHB/CEB/jhc

EXECUTIVE SUMMARY

Location:	Around the City of Milford, Delaware
Effective Date:	January 22, 2019
Date of Inspection:	January 22, 2019
Date of Report:	February 27, 2019
Property Rights Appraised:	
Fee Simple	Land Only
Agricultural Use Value	Land only, subject to a Preservation Easement and as defined by the client.
Land Size:	Approx. 100 acres on average
Zoning:	AR-1, AR, AC
Utilities:	Public electricity and telephone only.
Description of Improvements:	N/A
Present Use:	Agricultural
Highest & Best Use:	Continued use as agricultural land with eventual subdivision potential in the Before Situation. In the After Situation, restricted to agricultural and related uses, and limited residential use.
Valuation By:	Sales Comparison Approach
Fair Market Value	$11,500 per acre
Agricultural Only Use Value*	$ 5,500 per acre
Development Rights Easement Value	$ 6,000 per acre

*As defined by the Delaware Agricultural Lands Preservation Foundation Policies, Procedures, and By-Laws.

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Addenda
- Resume - Karen H. Belinko, MAI
- Resume - Camden E. Belinko

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is subject to the following assumptions and limiting conditions:

No responsibility is assumed for the legal description provided or for matters pertaining to legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.

The property is appraised free and clear of any or all liens or encumbrances. In the subject instance, there are no known easements or encumbrances. In the After Situation, the client is interested in placing a preservation easement over the subject property, a hypothetical condition. This easement prohibits rezoning or subdivision, and limits use to agricultural and related uses. Residential uses are limited to no more than one acre for each 20 acres of usable land, to a maximum of 10 acres for dwelling housing. No more than a total of three dwellings or dwelling lots may be transferred from an owner or relatives of an owner to any other person. All improvements including on-sites are excluded from this valuation.

Responsible ownership and competent property management are assumed.

The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.

All engineering studies are assumed to be correct. The plot plans and illustrative material in this report are included only to help the reader visualize the property.

The sketch in this report, if included, is to assist the reader in visualizing the property.

It is assumed that there are no hidden or unapparent conditions of the property, subsoil,or structures that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.

It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in the appraisal report.

It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless a nonconformity has been identified, described and considered in the appraisal report.

It is assumed that all required licenses, certificates of occupancy, consent, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.

Unless otherwise stated in this report, the existence of hazardous materials, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, radon gas, lead or lead-based products, toxins, and other potentially hazardous materials may affect the value of the property. The value estimated is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for such conditions or for any expertise or engineering knowledge required to discover them. The intended user is urged to retain an expert in this field, if desired.

Possession of this report, or a copy thereof, does not carry with it the right of publication.

The appraiser, by reason of this appraisal, is not required to give further consultation or testimony or to be in attendance in court with reference to the property in question unless arrangements have been previously made.

Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser. However, this does not preclude distribution for legal and proper purposes. This would include being made open to the public under the Freedom of Information Act.

This appraiser assumes that the subject property does not fall within any floodplain area where flood insurance is mandated.

Hypothetical Condition - The After Value assumes a hypothetical condition that the preservation easement is in place and any impact on value has been realized.

THE SCOPE OF WORK RULE

The Scope of Work is the "type and extent of research and analyses in an assignment." (2006 USPAP). The Scope of Work identifies the problem to be solved, determines and performs the research and analyses necessary to produce a credible appraisal, and discloses the scope actually performed. If any approach is not deemed appropriate, an explanation is provided. There are three main parts of the Scope of Work Rule.

Problem Identification/Summary of Appraisal Problem - This appraisal is being performed for the City of Milford to provide some benchmarks in property values for the City of Milford's TDR (Transfer Density Rights) program. The scope is first to appraise the market value of farm land, and unencumbered with as much focus as possible in or near the sending area for the City of Milford. It is beyond the scope of my assignment to appraise every property in the sending area but more to estimate a value that may be achieved in that location. Secondly, I have estimated the market value as farm land once encumbered by the DALPF easement. I have not appraised specific properties but have considered a typical farm in terms of tillable ratios, frontages, rights retained, etc. These averages are estimated to be 100 acres and 70 to 75 percent tillable. This average farm is referred to as the 'subject property.'

The difference in these values is the market value of lost development rights, or the value of the easement. This appraised value is used by Delaware Agricultural Lands Preservation Foundation (DALPF) as well as federal entities to estimate the fair compensation to property owners for extinguishing rights and encumbering farms under the DALPF easement. The above methodology will be used to estimate the market value on average per acre for lost development rights. You have indicated that you will use this to estimate the cost to preserve one acre of farmland.

It should be emphasized that the above methodology does not reflect the value of losing two lot rights per acre since that is not prevalent in the sending area without public water and sewer. Based upon our conversations, it appears that the City of Milford is willing to give two rights per acre for each acre preserved as a function of the City Code as opposed to estimating the actual value of TDRs or lot rights for the sending parcels. The effective date is January 22, 2019.

This appraisal is in compliance with the Uniform Standards of Professional Appraisal Practice.

The Scope of Work Determination, after identifying the problem to be solved, consisted of the following:

1) An inspection of the site and an analysis of primary data relating to the subject property.

2) A search of the land records, COMPS, TREND, CoStar, the Metropolitan Regional Information Systems, Inc. (MRIS), and our database for comparable sales, pending sales, active listings and/or rentals, as applicable, within the subject's market.

3) Inspection and verification of the comparable data.

4) Consideration of secondary data regarding local and regional market conditions as they relate to an analysis of highest and best use and the estimated market value, as of the effective date of the appraisal report.

5) Analysis of the market data collected and highest and best use to determine which approaches to value are appropriate in producing a credible appraisal.

6) Reconciliation into a final estimate of market value.

Scope of Work Disclosure is the application of scope of work in resolving the problem of this appraisal report:

After considering the intended use of this appraisal, determining the type of assignment, and completing the research and analyses described above, this appraiser has concluded that of the three traditional approaches to value, the Sales Comparison Approach, the Cost Approach and the Income Approach, only the Sales Comparison Approach is appropriate to produce credible results. Neither the Income nor Cost Approaches are applicable for vacant agricultural land with development potential in this market. In the approach used, the relevant characteristics of farm land, such as location, number of development rights, and site characteristics, were analyzed in light of the market research conducted. These characteristics were analyzed in both the Before and After Values, the latter also including the impact of the preservation easement on the typical farm to be replaced under easement referred to as the subject property.

DEFINITION OF MARKET VALUE

"Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised and acting in what they consider their own best interests;
3. a reasonable time is allowed for exposure to the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal considerations for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."[1]

[1] Natural Resources Conservation Service 519.102 Specifications for Appraisals of Real Property for the Farm and Ranch Land Protection Program

PROPERTY RIGHTS APPRAISED

The property rights being appraised are of surface rights (as required by NRCS) as well as irrigation water rights. The appraised value in the Before Situation will be those surface rights in fee simple estate. There are no known easements or encumbrances in the Before Situation. As background, in order for any property to become eligible for a preservation easement it first must enter a district for a period of 10 years. However, it is the policy of DALPF and every other easement program familiar to this appraiser NOT to penalize the property owner's value because of the requirement of the program. Some of the properties being purchased for easement may be in for one year, others for 10. This is disregarded, as has been the case from the original implementation of the program. The property is appraised as if it is free and clear of any imposition of development that is temporarily placed by the program. In the After Situation, the subject property will be encumbered by a preservation/conservation easement which is discussed in further detail in the After Value.

Definition of Fee Simple Estate - "An absolute fee; a fee without limitations to any particular class of heirs or restrictions, but subject to the limitations of eminent domain, escheat, police power and taxation. An inheritable estate."[2]

Definition of Easement - "An easement is an interest in real property that conveys use, but not ownership, of a portion of an owner's property."[3] Easements can be conveyed for a specific period of time or in perpetuity. A property subject to an easement is burdened or encumbered by the easement. The partial interest to another party that results from the easement is described by deed and has measurable value.

[2]Bryl N. Boyce, Ph.D., ed., Real Estate Appraisal Terminology (Cambridge, Mass.), Ballinger Publishing Co., 1984, Page 102.
[3]The Appraisal of Real Estate, Tenth Ed., Appraisal Institute, 1992, p. 130

Definition of Surface Rights - "The right to use the surface of the land only, e.g., for access, flowage, right-of-way; also called surface right."[4]

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to provide an opinion of **market value** of the subject property before the acquisition of an easement (Before Value) and an opinion of market value of the subject property remaining after the proposed easement has been placed (After Value), as of a current date of value. The difference in these two values is the estimated value of the development rights or preservation/conservation easement. The function of this report is to assist the client in the receiving funding from the Agricultural Conservation Easement Program (ACEP) as administered by the Natural Resources Conservation Service (NRCS).

INTENDED USE

The use of this appraisal is for receiving funding from ACEP as a result of acquisition of the subject property's development rights by way of a preservation/conservation easement through the Delaware Agricultural Lands Preservation Foundation program. DALPF and USDA/NRCS will utilize this appraisal to determine the effect on value of the preservation/conservation easement by entering into a DALPF/ACEP-Agricultural Land Easement. Other uses of this report are neither intended nor authorized.

[4] The Dictionary of Real Estate Appraisal, Third Edition, Appraisal Institute, Page 359

INTENDED USERS

The intended users of this report are City of Milford and U.S. Department of Agriculture, Delaware Agricultural Lands Preservation Foundation (DALPF). Use of the report by others is neither intended nor authorized by the persons signing this report. Parties, who receive a copy of this report as a consequence of disclosure, or other means applicable to the client, do not become intended users.

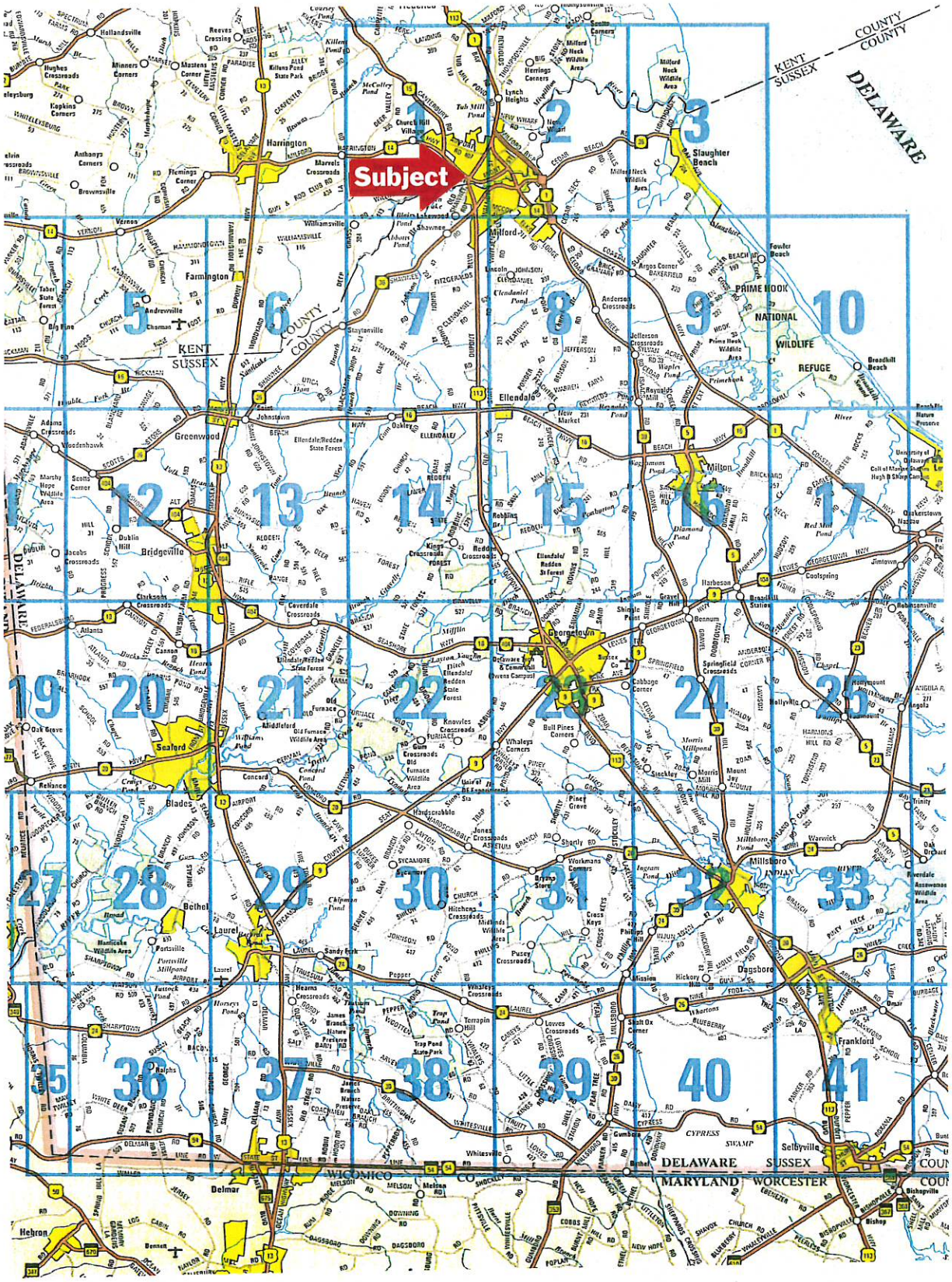
JURISDICTIONAL EXCEPTION

As background, in order for any property to become eligible for a preservation easement it first must enter a district for a period of 10 years. However, it is the policy of DALPF and every other easement program familiar to this appraiser NOT to penalize the property owner's value because of the requirement of the program. Some of the properties being purchased for easement may be in for one year, others for 10. This is disregarded, as has been the case from the original implementation of the program. The property is appraised as if it is free and clear of any imposition of development that is temporarily placed by the program. Because of some requirements of the DALPF program, there are appraisal/assignment conditions which may be viewed as invoking the Jurisdictional Exception. No exposure period is to be reported.

EFFECTIVE DATE OF THE APPRAISAL

The effective date is January 22, 2019. The report date is February 27, 2019.

Regional Map


Subject
KENT
SUSSEX
COUNTY
COUNTY
DELAWARE
KENT
SUSSEX
DELAWARE
MARYLAND
WORCESTER
WICOMICO
Harrington
Milford
Ellendale
Georgetown
Milton
Seaford
Laurel
Delmar
Bridgeville
Greenwood
Millsboro
Selbyville
Frankford
Lewes
Rehoboth
Dagsboro
Bethel
Blades
Concord
Reliance
Hardscrabble
Whaleys Corners
Bull Pines Corners
Slaughter Beach
Prime Hook
National
Wildlife
Refuge
Broadkill Beach
Milford Neck Wildlife Area
Fowler Beach
Harbeson
Coolspring
Robbinsville
Oakerstown Narrow
Shingle Point
Gravel Hill
Broadkill Station
Springfield Crossroads
Cabbage Corner
Siockley
Morris Millpond
Mount Joy
Hollyville
Angola
Trinity
Warwick
Riverdale
Assawoman Wildlife Area
Millsboro Pond
Indian Mission
Hickory Hill
Phillips Hill
Dagsboro
Frankford
Omar
Oak Orchard
Roxana
Gumboro
Cypress Swamp
Whitesville
Ellendale/Redden State Forest
Trap Pond State Park
Redden State Forest
Delaware Turf & Commercial Owens Campus
Milford Neck Wildlife Area
Prime Hook National Wildlife Refuge
Ellendale/Redden State Forest
Trap Pond Nature Preserve
James Branch Nature Preserve
Delaware Turf & Commercial Owens Campus
Milford Neck Wildlife Area
Prime Hook National Wildlife Refuge
Ellendale/Redden State Forest
Trap Pond State Park
Redden State Forest

REGIONAL DESCRIPTION

The 49th state in size, Delaware, the "Small Wonder State," is situated on the Delaware Peninsula, adjoining Maryland's eastern boundary line. The Delaware River and Bay, along Delaware's eastern shore, empty into the Atlantic Ocean. Across the Delaware Bay lies New Jersey; to the north lies Pennsylvania. Wilmington, the state's largest city, is situated in the northern portion of Delaware.

Geography - Delaware is one of the smallest states with an area of 1,982 square miles, a length of 96 miles, and varying in width from nine to 35 miles. It is made up of three counties: New Castle to the north, Kent County in central Delaware, and in the south, adjoining the Chesapeake Bay's Eastern Shore. Dover, the state capital, is situated in central Delaware.

Transportation - DEL Route 13 is the major north-south artery traveling from Wilmington through Dover, accessing the southernmost towns in Delaware and eventually into Maryland. New DEL Route 1 (the U.S. Route 13 Relet) provides better transportation to Dover and South Delaware from I-95 and Wilmington. DEL Route 1 accesses the beaches and resort communities of Lewes, Rehoboth Beach, Dewey Beach, Bethany Beach, South Bethany, and Fenwick Island. Ocean City, Maryland borders the southernmost resorts which are more heavily populated and frequented by Marylanders and many residents of the surrounding states. Interstate 95 crosses through New Castle County and Wilmington as it continues up the East Coast. This interstate accesses Washington, D.C., Baltimore, and Richmond to the south, and Philadelphia and New York to the north. Interstate 495 parallels I-95 through Wilmington and accesses the Port of Wilmington along the Delaware River. Interstate 295 exits from I-95 south of Wilmington crossing the Delaware River via the Delaware Memorial Bridge and entering New Jersey as the New Jersey Turnpike.

Economy - This transportation network gives the State of Delaware strategic location and many different economic forces. The Wilmington area is more heavily linked with Baltimore and Philadelphia and has its own Metropolitan Statistical Area which includes New Castle County, New Jersey's Salem County, and Cecil County, Maryland. This Metropolitan Statistical Area has merged with Philadelphia, Trenton and their surrounding counties. Wilmington is the center of an East Coast megalopolis which

stretches from Richmond to Boston. As a result, it is strategically positioned for business, industry, and homesteading. Approximately one-third of the U.S. population resides within a 350-mile radius of Wilmington.

In contrast, tourism is the dominant force in Sussex County's economy. However, there are significant industries within each of the counties. The DuPont Company historically has dominated industry throughout central and northern Delaware. DuPont is a large employer in the state using the area for chemical manufacturing and its headquarters.

The Port of Wilmington is the closest Delaware River port to the Atlantic, 65 miles from the Atlantic shipping lanes. Its mean water depth of 38 feet can accommodate ocean carriers. It is a full service natural port, with direct access to I-95 via I-495. Approximately six million tons of cargo are handled each year.

Demographics - The U.S. Census estimates a 2000 population in Delaware of 783,600, up 17.6 percent from 1990. For 2010, it was 897,936, up 14.6 percent, evidence that growth has slowed. For 2015, it was 961,939, an increase of only 7.1 percent. Wilmington is the most densely populated area. The density in New Castle County is triple that of the state.

Recreational - Delaware offers many recreational opportunities, especially along its oceanfront resorts. Central Delaware has the Bombay Hook National Wildlife Refuge. Brandywine Valley is in the northern part of the state. Sussex County has numerous wildlife areas including Nanticoke Wildlife and Redden State Forest.

Cultural - The City of Wilmington is a renowned cultural center and hosts the Grand Opera House, The Delaware Theater Company, and the Delaware Art Museum. Nemours is the 1909-1910 Louis XVI style chateau and gardens built for Alfred I. du Pont. Winterthur was the dream of Henry Francis du Pont and offers historic rooms with American decorative arts as well as a large naturalistic garden.

Institutional - Within the state are several colleges and the University of Delaware, with the main campus located in Newark. Dover Air Force Base is situated in Dover. The

largest military aerial port facility on the East Coast, Dover Air Force Base employs over 6,000 personnel.

Summary - Delaware is diverse in population and economics. It is traversed by I-95, linking it to points along the East Coast and making it an excellent location for industry. The subject region's waterfront setting, with cultural and recreational events, makes it desirable for homeowners. Given good planning and incentives, the area should continue to grow at a rate competitive for the region while maintaining quality of life for its residents.

NEIGHBORHOOD DESCRIPTIONS

SUSSEX COUNTY

Sussex County is the southernmost county of Delaware and part of the Delmarva Peninsula. It has prominent historical status as well as some of the most outstanding beaches on the East Coast. It is situated close to the Chesapeake Bay's Eastern Shore and, hence, has close associations with those counties in Maryland.

Geography - Sussex County is bound to the west by the Maryland counties of Caroline, Dorchester, and Wicomico; to the south lies Worcester County; to the north lies Delaware's Kent County. The eastern boundary is the Delaware Bay (north of Lewes) and the Atlantic Ocean from Lewes south to Fenwick Island.

Recreational - The major resort beaches in Sussex County account for the high tourism activity and includes Fenwick Island to the south, South Bethany, Bethany Beach, Dewey Beach, and Rehoboth Beach. Sussex County is the location of Little Assawoman Bay to the southeast, Indian River Bay north of Bethany Beach, and Rehoboth Bay just south of Dewey Beach. Adjoining these bays are state-owned beaches, such as Fenwick Island and Delaware Seashore State Park, as well as wildlife areas including Assawoman Wildlife Area. Further north in Lewes is the Cape Henlopen State Park and then toward the northern boundary is the Prime Hook National Wildlife Refuge.

Economics - While the eastern coast of Sussex County is dominated by its waterfront and beach front communities, the remainder of the county is predominately rural in nature. As a result, the county is less populated with only 23 percent of the state's population. Tourism remains the dominant force in Sussex County's economy, second to agriculture. DuPont Company is not longer a major employer in Seaford, an industry that defined that town for decades. However, Mountaire Farms, Allen Harim Foods, and Perdue Farms, Inc. are major employers. And there are other significant industries such as Aloft Aero Architects, Invista (in former DuPont plant), and Merck Animal Health. Healthcare has also been growing in the employment sector with three hospitals in the County, with expanding services. The county has developed a 175.0 acre industrial park at Sussex County Airport in order to entice new industries into the area, with expansion of 70 acres in 2009.

Government - Georgetown, the county seat, is centrally located in Sussex County at the intersection of U.S. Route 9 and U.S. Route 113. It serves as the center of the State Court system and provides government offices of all levels. Four of the state's colleges offer courses in Georgetown. Sussex County government is comprised of a legislative body, a County Council headed by an annually elected President, and an administrative body.

Utilities - Electricity is supplied by Conectiv Power Company and by Delaware Electric Cooperative. Gas is by Chesapeake Utilities Corporation. Telephone service is provided by the Verizon Delaware, Inc. Approximately 12 private water utility companies serve the state. In Sussex County, the leading companies are Tidewater Utilities, Inc., Public Water Supply Company, Artesian Water Company and Sussex Shores Water Company.

Demographics - Although least populated, Sussex County had the highest growth rate in the last 20 years, per U.S. Census figures at 38.3 percent from 1990 to 2000, and 25.9 percent from 2000 to 2010. This was higher than either New Castle County at 13.2 percent from 1990 to 2000 and 7.6 percent from 2000 to 2010, Kent County at 14.1 from 1990 to 2000 and 28.1 percent from 2000 to 2010, or the State at 17.6 from 1990 to 2000 and 14.6 percent to 2000 to 2010. Only Kent County was slightly higher from 2000 to 2010. From 2010 to 2017, the population grew 9.4 percent in Sussex County versus 6.9 percent in Kent and 3.4 percent in New Castle. Most of the population growth was due to in-state and/or out of state migration, as opposed to international migration, as was the case in New Castle County. Its median household income is in the low range when compared to the other two counties although only slightly lower than Kent County.

AREA	2010 POPULATION	2017 POPULATION	2016 MEDIAN HOUSEHOLD INCOME
New Castle County	538,479	559,793	$66,283
Kent County	162,310	176,824	$55,184
Sussex County	197,145	225,322	$53,505
Delaware	897,934	961,939	$61,017

Housing - Like Kent County, Sussex County had experienced a tremendous increase in population and new housing construction. This pace slowed with a significant number of recorded subdivisions selling for farmland prices although there are recent signs of improvement. Sussex County has the median housing value in the mid-range compared to Kent County which is slightly lower and New Castle County which is the highest.

Summary - Sussex County's contribution to the state is considerable through its natural geographic features. Tourism will continue to be a dominant force in its future.

KENT COUNTY

Kent County, the central of Delaware's three counties, contains an estimated 29 percent (594) of the states total square miles. Its boundaries are New Castle County to the north and Sussex County to the south. To the west, it shares the border of the State of Maryland with Kent, Queen Anne's, and Caroline Counties of Maryland. To the east, it borders the Delaware Bay across from which are Cumberland and Cape May Counties of southern New Jersey. It is home to Dover, the State Capital.

Geography - Kent County is relatively flat, one of the highest elevations being approximately 60 feet above sea level. However, the county is relatively well-drained by a number of small streams that flow into the Delaware Bay. Due to its climate and annual rainfall, crops such as corn, wheat, soybeans, vegetables, and assorted fruits prosper within the fertile soils. The geographic location of Kent County along the Delaware Bay and Atlantic Ocean make it a natural for wildlife reserves. There are 12 wildlife reserves operated by either the state or federal government located within the county. With just over 1,000 acres, Bombay Hook National Wildlife Refuge is the largest and takes up more than 50 percent of the county's waterfront.

Recreational - While the major resort beaches in Delaware tend to be in Sussex County, there are several smaller beach communities located within the southern portion of Kent County. Bowers and Big Stone are examples of the older residential beach communities, with ties to both recreational beach and deep-water fishing activities. One of the major recreational activities of Kent County is the hunting and wildlife observation associated with the numerous wildlife reserves. In addition, numerous farmers throughout the community provide seasonal hunting for a fee on their property. Due to Delaware

being part of the Delmarva Peninsula, hunting activities are prevalent through the entire county. The proximity to the Delaware and Chesapeake Bays make the area a natural flyway for numerous species of migratory ducks and geese.

Government - Within the county, the City of Dover serves as a focal point for federal, state, and local governmental activities, thus impacting both residential and commercial growth. Dover Air Force Base employs over 6,000 military and civilian personnel. It is a Strategic Air Command Facility and is the largest military aerial port facility on the East Coast. By mutual agreement with the United States Government, the area around Dover Air Force Base is making the transition from military to commercial. A Foreign Trade Zone has been established to the south of Dover, attracting firms involved in manufacturing, importing, and exporting.

Utilities - Electricity and natural gas is supplied by Delmarva Power and Light Company. Verizon provides telephone service. Many private water utility companies serve the state. In Kent County, the majority of the residences use on-site well and septic systems.

Demographics - U.S. Census figures (2000) for Kent County indicated a population of 126,700, which represented an approximate 14 percent increase over 1990. It grew at a slower rate (14.1 percent) than Sussex (38.3 percent) but higher than New Castle (13.2 percent). From 2000 to 2010, Kent County grew 28.1 percent which was higher than either New Castle County at 7.6 percent, Sussex County at 25.9 percent, or the State at 14.6 percent. However, from 2010 to 2017, the population grew 8.9 percent in Kent versus 14.3 percent in Sussex County and 4 percent in New Castle. Most of the population growth was due to in-state and/or out of state migration, as opposed to international migration, as was the case in New Castle County. Still, it is the least populated county. Its median household income is in the mid-range when compared to the other two counties although only slightly higher than Sussex County.

AREA	2010 POPULATION	2017 POPULATION	2016 MEDIAN HOUSEHOLD INCOME
New Castle County	538,479	559,793	$66,283
Kent County	162,310	176,824	$55,184
Sussex County	197,145	225,322	$53,505
Delaware	897,934	961,939	$61,017

Housing - Like Sussex County, Kent County had experienced a tremendous increase in population and new housing construction. From 1990 to 1999, approximately 6,000 new residential lots were recorded. This pace slowed with a significant number of recorded subdivisions selling for farmland prices. There is some development activity occurring again around Dover and the towns. The general trend within the county has been toward single family individual units versus multi-family structures. Kent County has the low-range housing value when compared to Sussex County which is slightly higher and New Castle County which is the highest.

Summary - While economic/business growth tends to be a continuing promotion for the state, Kent County attracts its share of expansion as a result of its central location and the favorable tax structures of the state. Emphasis within the county tends to be heavy in the area of agriculture and wildlife related activities. The labor supply, coupled with the affordability of housing and the highway network, makes travel within the state for either employment or pleasure extremely tolerable. The overall outlook, in our opinion, will be continued commercial growth, thus bringing a demand for additional affordable housing and an increased demand for agricultural products.

SPECIFIC PROPERTY DESCRIPTION

Site Description - The client is looking for an average value for those properties near the City of Milford that would be possibly put under easement. This appraiser has researched average farm size and tillable ratios. For Round 21, the average land size for those farms where easements were purchased was 90 acres. For Round 23 (current round), the average land size for all farms appraised is 100 acres. This appraiser has appraised eight farms in Round 23 which were close to Milford and the average farm size was 151 acres but this was skewed by one 443-acre farm. Based upon all of the above, this appraiser estimates 100 acres as the typical farm.

For tillable ratios, for Round 21 for farms where easements were purchased, the average tillable ratio was just over 70 percent. For the eight farms in the Milford area, the average was 72 percent. This appraiser estimates a tillable ratio of 70 to 75 percent. For frontage, this appraiser estimates adequate frontage. The eight farms average 21 feet per acre. This appraiser estimates 2,000 feet or 20 feet per acre for the typical farm.

This appraiser assumes no significant flood plain or wetlands that would impact development or agricultural uses. Most likely the typical farm would have soil limitations for standard septic tank systems. However, there are alternatives to septic tanks/drainfields. Twelve different systems are available including sand mound, which is more costly, and LPP, which is more comparable in cost to standard systems. Soil limitations are a common problem in Sussex County: approximately 65 percent of the county soils have severe limitations for standard septic systems. Testing alone will determine what the site can support.

In conversations with farmers and developers, few know their soil types. They know cleared acreage versus woods, and if there's wetlands or swamp. In general, soils that are in cropland are viewed as better for residential use. Tillable ratios are often quoted as the factor in price. There is a scientific reason for this: tilled land is better drained than woodland. Generally it may be higher ground, or has experienced some drainage systems like ditching which improves its ability to till but also improves the likelihood for standard perks. Soil surveys do not account for this. The application of these market principles will be considered in the Highest and Best Use.

Utilities - Public electricity and telephone. Private well and septic. Market value is impacted by the availability of public utilities. The subject property has neither public water nor sewer.

Environmental Audit - This appraiser has not had the benefit of an environmental audit of the subject site in order to determine the effect upon value by any adverse environmental conditions such as gas or oil contamination, or any nuisances affecting the subject property. Depending upon the quantity of such influences on a property, the market value could be adversely affected. The evaluation herein is based upon the assumptions that there are no adverse environmental conditions affecting the subject property which would have a negative impact on value. This appraiser generally recommends that any contract of sale for the purchase of the subject property be made contingent upon an environmental audit, so as to enable the buyer to properly assess the impact upon use and value.

Taxes - Assumed to be typical for Delaware as farms.

ZONING

Sussex County - The purpose of the AR-1 (Agricultural-Residential) zoning district of Sussex County is to permit a full range of agricultural activities and to protect agricultural lands from the depreciating effect of objectional hazards and unsightly uses. Also protected are established agricultural operations and activities, watersheds, water resources, forest areas, and scenic values. Low-density single family residential development is permitted, as well as churches and recreational facilities. This district seeks to prevent untimely scattering of more dense urban uses, which should be confined

- Agricultural activities.
- Low-density single family detached dwellings.
- Mobile homes on 5.0 acres or more or by special exception on a typical lot.
- Golf course with restrictions.
- Commercial greenhouse on 5.0 acres or more.

Bulk and area requirements are:

- Minimum lot size (w/o sewer) - 0.75 acres
- Minimum lot width - 100 ft.
- Minimum lot width fronting a county numbered road - 150 ft.

To discourage strip development along the county road system, farms choosing this type of development are limited to a density of one lot per 10.0 acres and can only develop four lots per year. This restriction does not impact development that is designed with interior roads. Further regulations are set forth in the Sussex County Code, Section 115-19 and following. The subject property appears to conform to zoning.

In addition, the county is divided into two planning areas: the Coastal Sussex Land Use Plan, adopted March 1988 and the Western Sussex Land Use Plan, adopted December 27, 1990. Both plans acknowledge the problems associated with growth and opinions are offered for future planning. However, the documents do not specifically change zoning code. They do, however, identify areas targeted for such growth. The 2007 Comprehensive Plan Update was adopted on June 24, 2008. Each year Sussex County is required to prepare a report on the status of its Plan to the state which discusses number of developments/lots, identifies some rezoning cases, expansion of infrastructure as well as overall economic development. The county approved the eight-page Comprehensive

Plan Annual Report for 2016 on August 9, 2016 which cites the continued growth as well as importance of agricultural uses. The County adopted the Comprehensive Plan for 2018 on December 4, 2018. No changes were significant for the Agricultural-Residential zone.

Kent County - The purpose of the Agricultural-Residential (A-R) zoning district of Kent County is to provide for the full range of agricultural activities and to protect agricultural land. Permitted uses include farming and related agricultural activities, single family detached dwellings, and recreational uses and facilities, etcetera. There are different development options if inside or outside the Growth Zone. In general, the Comprehensive Plan encourages higher density development in the AR and AC zones within the Growth Zone as public utilities, infrastructure and support services are available.

Bulk and area requirements are one dwelling unit per 10 acres of land. This is viewed as the base density. The first four lots can be a minor subdivision and then the remainder as a subdivision is subject to the following:

Minimum Lot Size (w/o sewer)	1.0 acre
Minimum Lot Width	150.0 feet

Density requirements changed in 2008 (through ordinances and the Comprehensive Plan) so as not to allow community wastewater systems nor the Village Development option which allowed one lot per one acre as a matter of right. Outside the Growth Zone, density is allowed on a sliding scale as follows:

1 to 10 lots	**11 to 25 lots**	**26 to 50 lots**	**51 or more lots**
1 DU per acre	1 DU per 2 acres	1 DU per 3 acres	1 DU per 4 acres
1 acre min. lot size	2 acre min. lot size	3 acre min. lot size	4 acre min. lot size

Cluster development is permitted which may allow lots as small as one acre. Two hundred feet of frontage are required for development. TDRs (Transfer Development Rights) is also a program active in the county. The A-C (Agricultural-Conservation) District is very similar in terms of density, lot size, and dimensions.

HIGHEST AND BEST USE - BEFORE VALUE

Definition of Highest and Best Use - "The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value."[5]

Application of Highest and Best Use - The highest and best use analysis is the most important of the appraisal process, as it is the foundation for subsequent conclusions on which market value rests. A proper analysis considers the market forces impacting the subject property and what use will result in the maximum value. The research and data utilized in the final value estimate is also the basis for understanding market behavior as it shapes the potential uses of the subject property. In addition to being reasonably probable, the highest and best use is that use which is legally permissible, physically possible, financially feasible, and maximally productive. An analysis of these four elements, as they affect the subject property, is crucial in deriving its highest and best use.

Legally Permissible - The highest and best use of the subject property, prior to the selling of its Development Rights, includes a variety of agricultural activities, as well as residential development as permitted within the zoning district. This appraiser assumes no restrictions within any deeds that would impose on its highest and best use.

The AR-1, AR and AC zoning classifications allow many different types of agricultural uses, but residential development is limited and of a low density nature. Lot sizes are large, as public utilities are not available and so as to preserve the rural character of these areas.

Physically Possible - The subject property has good development potential due to its road frontage and location being located close to the Milford town limits. However, other factors such as topography and soil characteristics must be considered. Most of the soils at the typical farm have limitations for standard septic systems and, hence, the ability to perk lots using a standard system appears to be diminished in some areas. However, alternative systems may be feasible. In addition, proximity to the City of Milford may bring potential for utilities and rezoning.

[5]The Appraisal of Real Estate, Tenth Edition, Appraisal Institute, Page 275

Financially Feasible - One of the greatest factors affecting the highest and best use of the subject property is demand. Location can be either a positive or negative factor affecting demand. The subject property is in a rural setting, but still enjoys relatively easy access to major routes. The subject area has become an attractive agricultural and homeowner location. The market had been in an upward trend and prices had increased significantly in the last five years; however, there was evidence of slowing, significant in some areas although there are recent signs of improvement. Lots that are prime in terms of location, view, and topography have found the best reception in the market. In the short-term, agricultural use continues to be in demand but lot development in the present or future produces the highest return to the land.

Maximally Productive - Based on the subject property's location and setting, any lots, if achieved, would be well received. In this appraiser's judgment, the highest and best use in the Before Value (Fair Market Value) is its present use with eventual development, subject to approvals from appropriate county agencies. In this appraiser's judgment, the highest and best use of the subject property in the After Value (Agricultural Only Use Value) is for any use permitted by the Development Rights Easement which mostly includes agricultural and related uses.

APPROACHES TO VALUE

After considering the intended use of this appraisal, determining the type of assignment, and completing the research and analyses described above, this appraiser has concluded that of the three traditional approaches to value, the Sales Comparison Approach, the Cost Approach and the Income Approach, only the Sales Comparison Approach is appropriate to produce credible results. Neither the Income nor Cost Approaches are applicable for vacant agricultural land with development potential in this market. Two analyses will be provided: the Before Value as unencumbered, and the After Value as encumbered by the proposed preservation easement. Each valuation will include sales reflecting the highest and best use of each analysis.

Definition of Sales Comparison Approach - "Approach through which an appraiser derives a value indication by comparing the property being appraised to similar properties that have been sold recently, applying appropriate units of comparison and making adjustments, based on the elements of comparison, to the sale prices of the comparables."[6]

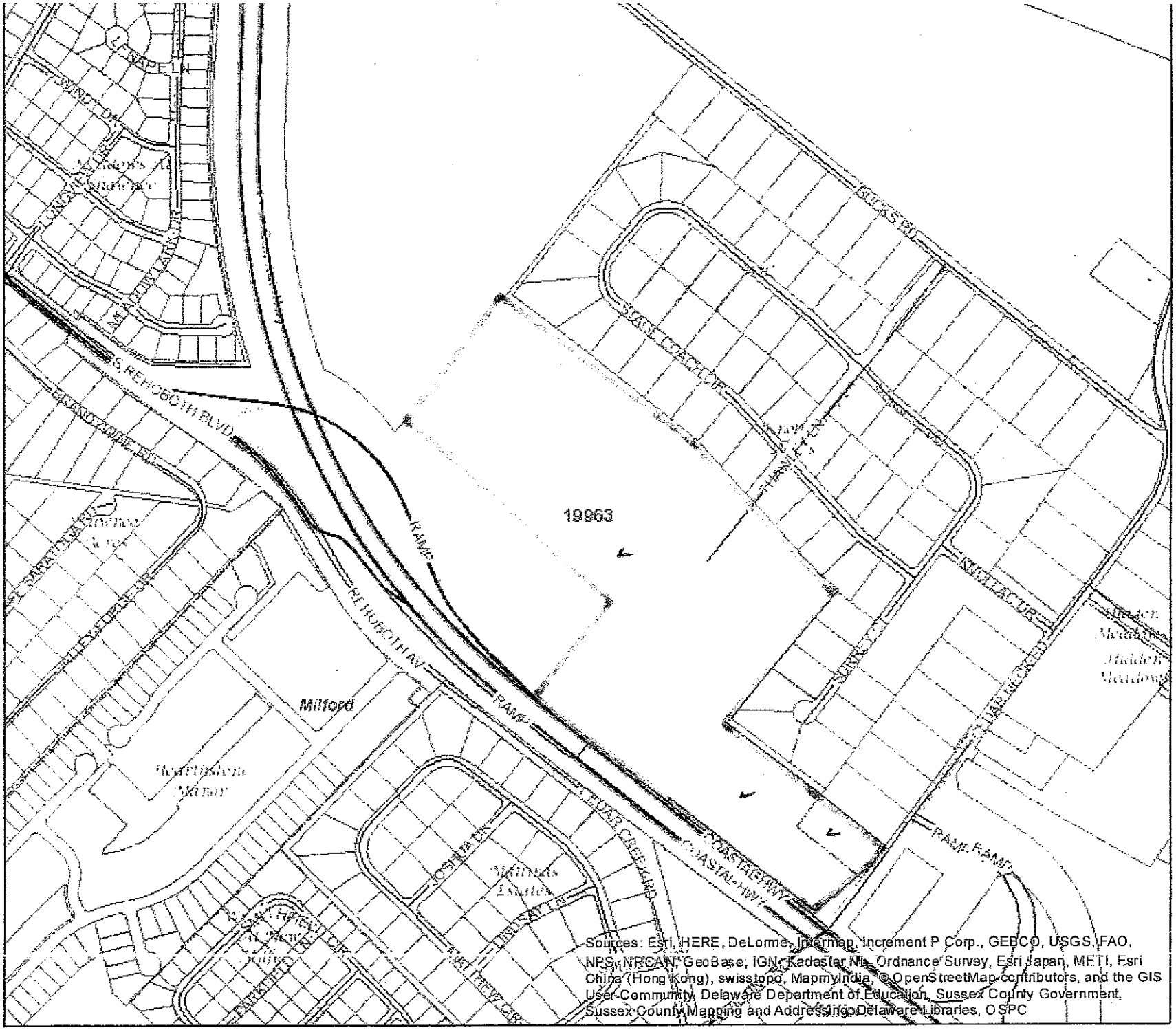
Value Estimate by the Cost Approach - This appraisal is of land only and, therefore, the Cost Approach does not apply to this appraisal problem.

Value Estimate by the Income Approach - This appraisal is of agricultural land with development potential which is not typically purchased for its income potential and, therefore, the Income Approach does not apply to this appraisal problem.

[6]The Dictionary of Real Estate Appraisal, second edition, American Institute of Real Estate Appraisers, Page 265

BEFORE VALUE - SALES COMPARISON APPROACH

Application of Sales Comparison Approach - On the following pages, note the comparable sales which this appraiser has compiled, analyzed, and carefully compared to the subject property. The following items of comparison have been considered by this appraiser with regards to these comparable sales as applicable: the date of comparable sale, conditions of sale, financing, location (specific and general), size of the site, topography, highest and best use, availability of public utilities, visibility, access, and other factors that affect value. These items are analyzed and adjusted by this appraiser in arriving at a market value indication of the subject property. The specific percentage adjustments and a summary of the comparable sales are presented in chart form.



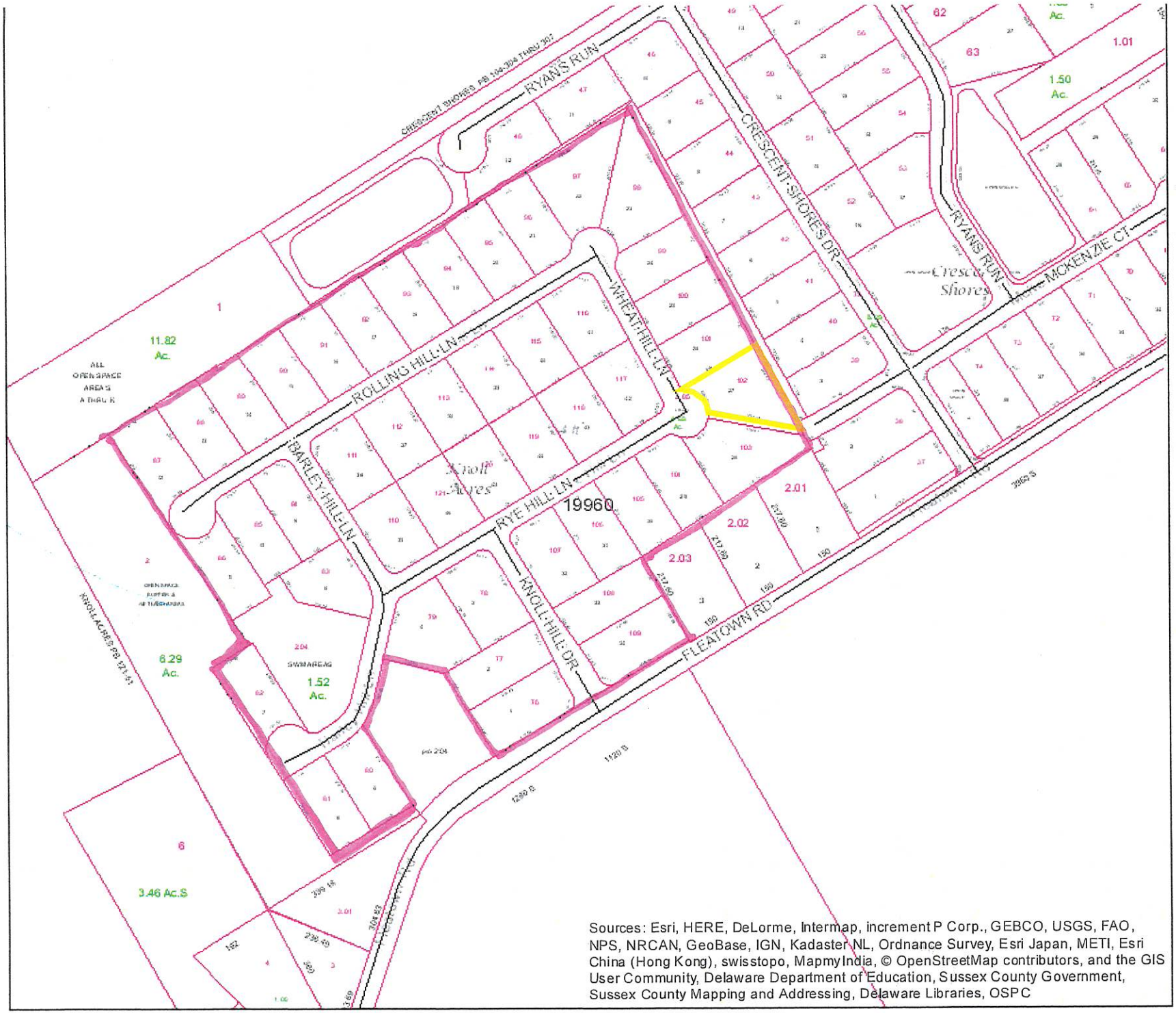
Sussex County Map

Comparable Farm Sales - Sussex & Kent Counties

Sale No. 1

Location:	**6521 Coastal Highway (NE/s Route 1/Route 14), W/s Cedar Neck Road, Thawley Lane** Cedar Creek Hundred Milford, DE 19963
County:	Sussex
Map Reference:	330-11.00-70.00, 70.02, 70.03, 70.05, 70.06, & 70.07 Plot Book 50/147 & 225/63
Grantor:	Beverly Ann Thawley
Grantee:	Country Life Homes, Inc.
Deed Reference:	Liber 4504, folio 155 & 158
Record Date:	March 7, 2016
Consideration:	$137,013 $626,591 $763,604 Total
Per Unit:	**$15,230 per acre**
Site Data:	
Size	**Approx. 8.998 acres** **Approx. 41.150 acres** **Approx. 50.138 acres total** **of which 8.998 acres zone C-3 severed**
Frontage	On Route 1-not accessible. On Cedar Neck- 480.8 ft. but only 100 ft. is accessible. Also stem from Thawley Lane but unlikely to be used since thru residential community.
Zoning	AR-1
Utilities	Public electricity and telephone. Private well and septic.
Topography	Generally level, all cleared.
Soil Types	All cleared
Irrigated	None
Improvements:	Farmhouse and farm buildings of no contributing value at time of
Buyer Motivation:	Bought for professional office development.
Current Use:	Agricultural
Property Rights Conveyed:	Reported to be in fee simple.
Analysis of Sale:	Normal arms length transaction in the marketplace.
Financing:	$200,000, 3%, 5 years, Seller
Highest & Best Use:	Use within the existing zoning classification.
Sale Verified With:	Agent, Donna M. Watson
Date Inspected:	July 2016

Remarks: Bought as raw land by adjoining property owner. Plans to develop a professional building adjoining hospital but has to extend water and sewer. Small piece is severed and unusable which is zoned commercial. Subject to a cell/Verizon lease agreement for a cell tower. Economic characteristics are typical for a farming operation and potential development. Not rented at time of sale.



Addresses / Parcels
- TaxParcels

Council Districts
- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

Schools/Libraries
- School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts

Hydrology
- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones
- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE

- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, Delaware Department of Education, Sussex County Government, Sussex County Mapping and Addressing, Delaware Libraries, OSPC

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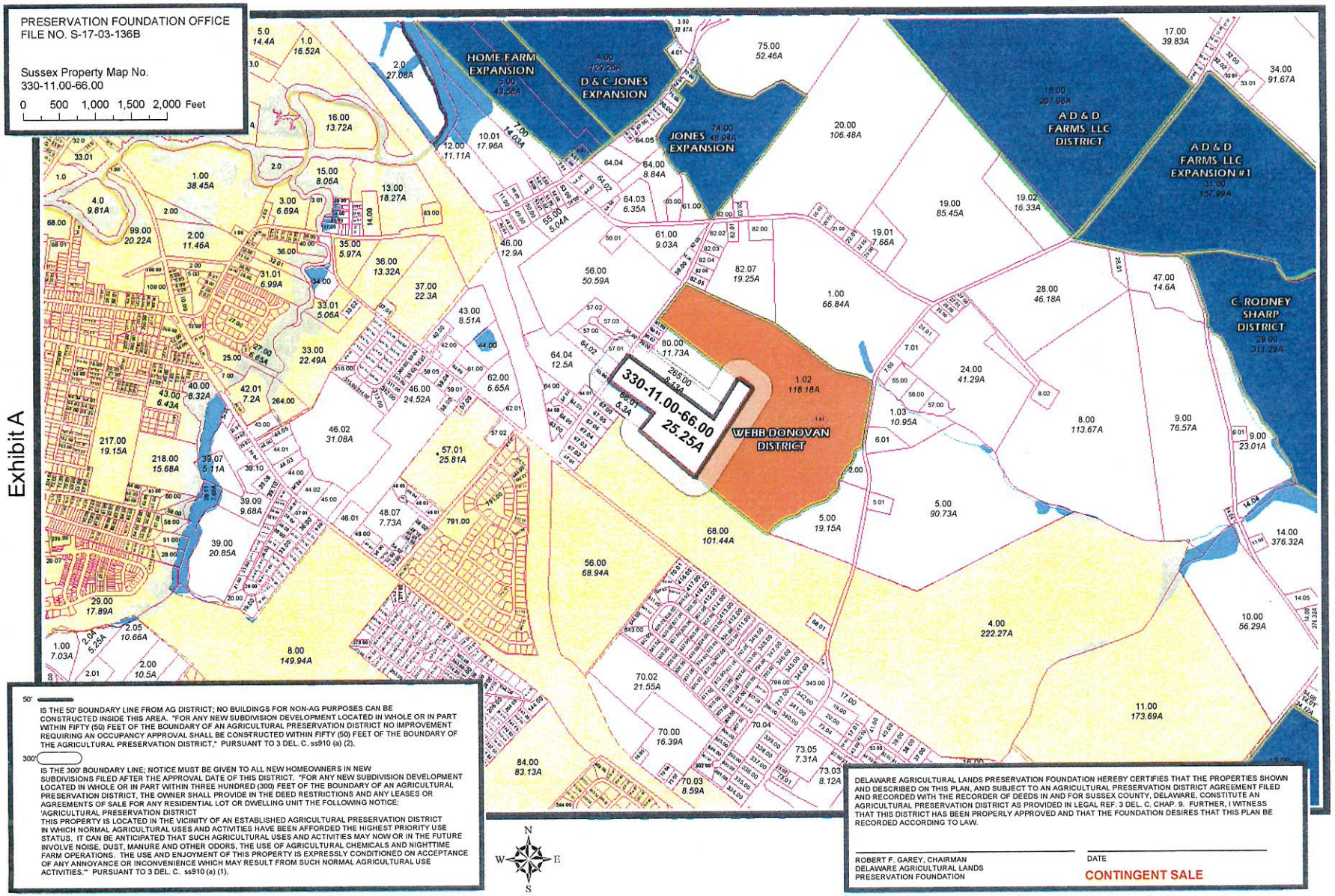
Sussex County Map

0 155 310 620 930 1,240 Feet

Sale No. 2

Location:	**Fleatown Road/Knoll Acres** Cedar Creek Hundred Lincoln, DE 19960
County:	Sussex
Map Reference:	230-20-2, Plot Book 121/51
Grantor:	Douglas D. & Judith K. Breeding
Grantee:	The Milford Housing Development Corporation
Deed Reference:	Liber 4523, folio 248
Record Date:	March 31, 2016
Consideration:	$500,000
Per Unit:	**$13,514 per acre**
Site Data:	
Size	**Approx. 37.0 acres**
Frontage	Approx. 1,100 ft.
Zoning	AR-1
Utilities	Public electricity and telephone.
Topography	Generally level, all cleared.
Soil Types	All cleared
Irrigated	None
Improvements:	None at time of sale.
Buyer Motivation:	Bought for residential development.
Current Use:	Agricultural
Property Rights Conveyed:	Reported to be in fee simple.
Analysis of Sale:	Normal arms length transaction in the marketplace.
Financing:	Cash Sale
Highest & Best Use:	Use within the existing zoning classification.
Sale Verified With:	Agent, Angela Ward
Date Inspected:	July 2016
Remarks:	Originally listed for $795,000. Knoll Acres subdivision with 46 approved lots. Grandfathered in, entrance is complete. Economic characteristics are typical for a farming operation and potential development. Not rented at time of sale.



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Sale No. 3

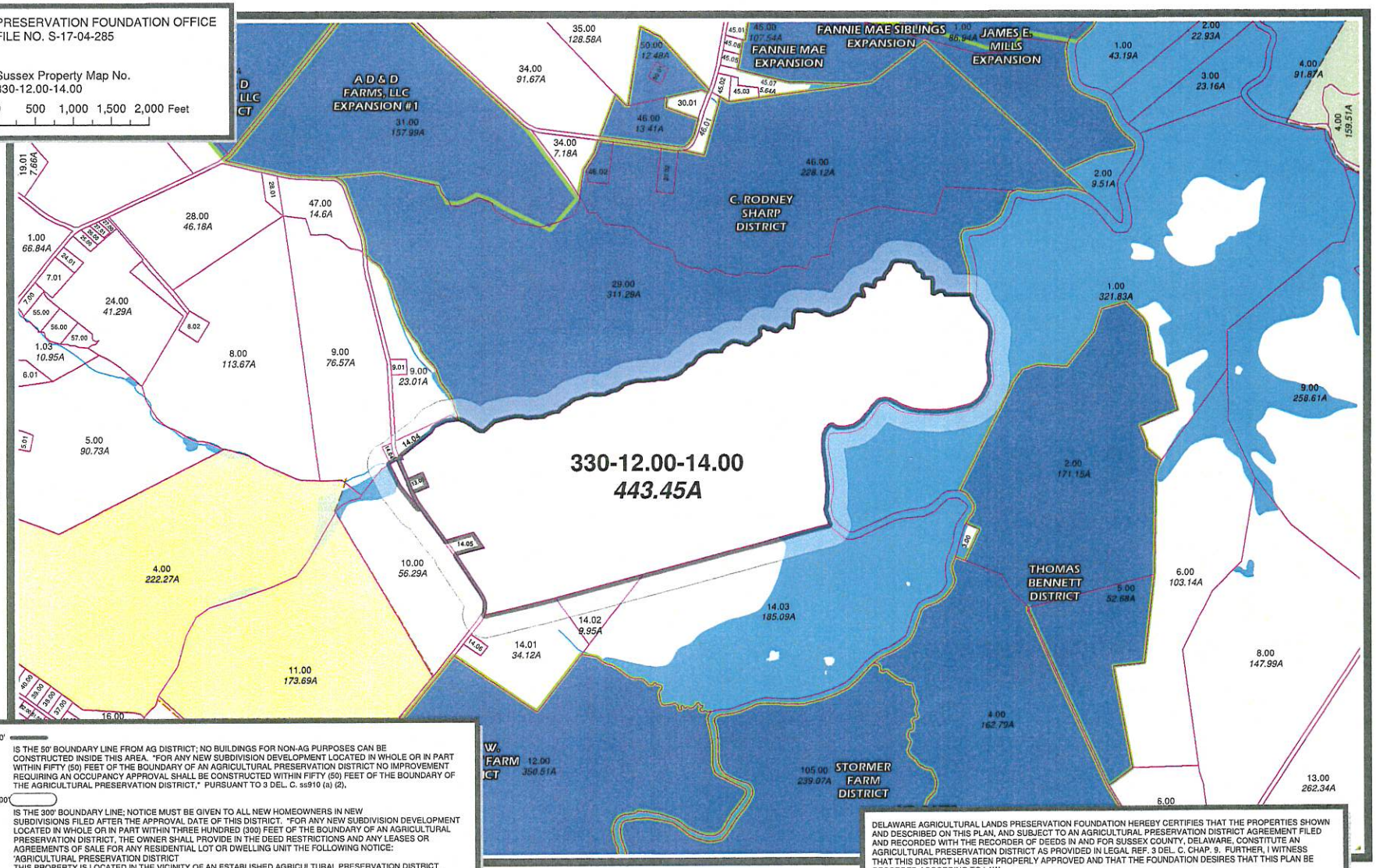
Location:	**SE/s Bucks Road (CR 210)** Cedar Creek Hundred
County:	Sussex
Map Reference:	330-11.00-66.00
Grantor:	Warnock Farms, LLC, et al
Grantee:	Howard A. Webb & Katharine C. Webb
Deed Reference:	Liber 4730, folio 269
Record Date:	June 29, 2017
Consideration:	$378,750
Per Unit:	**$15,000 per acre**
Site Data:	
Size	**Approx. 25.25 acres (see Remarks)**
Frontage	Approx. 610 ft.
Zoning	AR-1
Utilities	Public electricity and telephone.
Topography	Generally level.
Soil Types	Approx. 22.81 acres tillable and 2.44 acres woods. Predominant soil is the Ingleside loamy sand.
Irrigated	Only by well off-site from adjoining farm.
Improvements:	None at time of sale.
Buyer Motivation:	Bought for agricultural use.
Current Use:	Agricultural
Property Rights Conveyed:	Reported to be in fee simple.
Analysis of Sale:	Normal arms length transaction in the marketplace.
Financing:	Cash Sale
Highest & Best Use:	Use within the existing zoning classification.
Sale Verified With:	Buyer, Howard Webb
Date Inspected:	September 2018
Remarks:	Deed mentions a second parcel of 2.5 acres but owner, client and Sussex maps show 25.25 acres. Economic characteristics are typical for a farming operation and potential development. Not rented at time of sale.

PRESERVATION FOUNDATION OFFICE
FILE NO. S-17-04-285

Sussex Property Map No.
330-12.00-14.00

0 500 1,000 1,500 2,000 Feet

Exhibit A



50' IS THE 50' BOUNDARY LINE FROM AG DISTRICT; NO BUILDINGS FOR NON-AG PURPOSES CAN BE CONSTRUCTED INSIDE THIS AREA. "FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED IN WHOLE OR IN PART WITHIN FIFTY (50) FEET OF THE BOUNDARY OF AN AGRICULTURAL PRESERVATION DISTRICT NO IMPROVEMENT REQUIRING AN OCCUPANCY APPROVAL SHALL BE CONSTRUCTED WITHIN FIFTY (50) FEET OF THE BOUNDARY OF THE AGRICULTURAL PRESERVATION DISTRICT," PURSUANT TO 3 DEL. C. ss910 (a) (2).

300' IS THE 300' BOUNDARY LINE; NOTICE MUST BE GIVEN TO ALL NEW HOMEOWNERS IN NEW SUBDIVISIONS FILED AFTER THE APPROVAL DATE OF THIS DISTRICT. "FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED IN WHOLE OR IN PART WITHIN THREE HUNDRED (300) FEET OF THE BOUNDARY OF AN AGRICULTURAL PRESERVATION DISTRICT, THE OWNER SHALL PROVIDE IN THE DEED RESTRICTIONS AND ANY LEASES OR AGREEMENTS OF SALE FOR ANY RESIDENTIAL LOT OR DWELLING UNIT THE FOLLOWING NOTICE:
'AGRICULTURAL PRESERVATION DISTRICT
THIS PROPERTY IS LOCATED IN THE VICINITY OF AN ESTABLISHED AGRICULTURAL PRESERVATION DISTRICT IN WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USE ACTIVITIES." PURSUANT TO 3 DEL. C. ss910 (a) (1),

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DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION HEREBY CERTIFIES THAT THE PROPERTIES SHOWN AND DESCRIBED ON THIS PLAN, AND SUBJECT TO AN AGRICULTURAL PRESERVATION DISTRICT AGREEMENT FILED AND RECORDED WITH THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY, DELAWARE, CONSTITUTE AN AGRICULTURAL PRESERVATION DISTRICT AS PROVIDED IN LEGAL REF. 3 DEL. C. CHAP. 9. FURTHER, I WITNESS THAT THIS DISTRICT HAS BEEN PROPERLY APPROVED AND THAT THE FOUNDATION DESIRES THAT THIS PLAN BE RECORDED ACCORDING TO LAW.

ROBERT F. GAREY, CHAIRMAN
DELAWARE AGRICULTURAL LANDS
PRESERVATION FOUNDATION

DATE

CONTINGENT SALE

DATE: 04/18/2017

PREPARED BY:
Jimmy Kroon
PLANNER IV
DELAWARE DEPT OF AGRICULTURE
DOVER, DELAWARE 19901

DELAWARE AGRICULTURAL LANDS Preservation Foundation

DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION
2320 S. DUPONT HIGHWAY
DOVER, DE 19901

LEGAL SHEET
AGRICULTURAL PRESERVATION DISTRICT
WALTER DAVIS DISTRICT
24868 BROADKILL ROAD
MILTON, DE 19968

SHEET NO.
2

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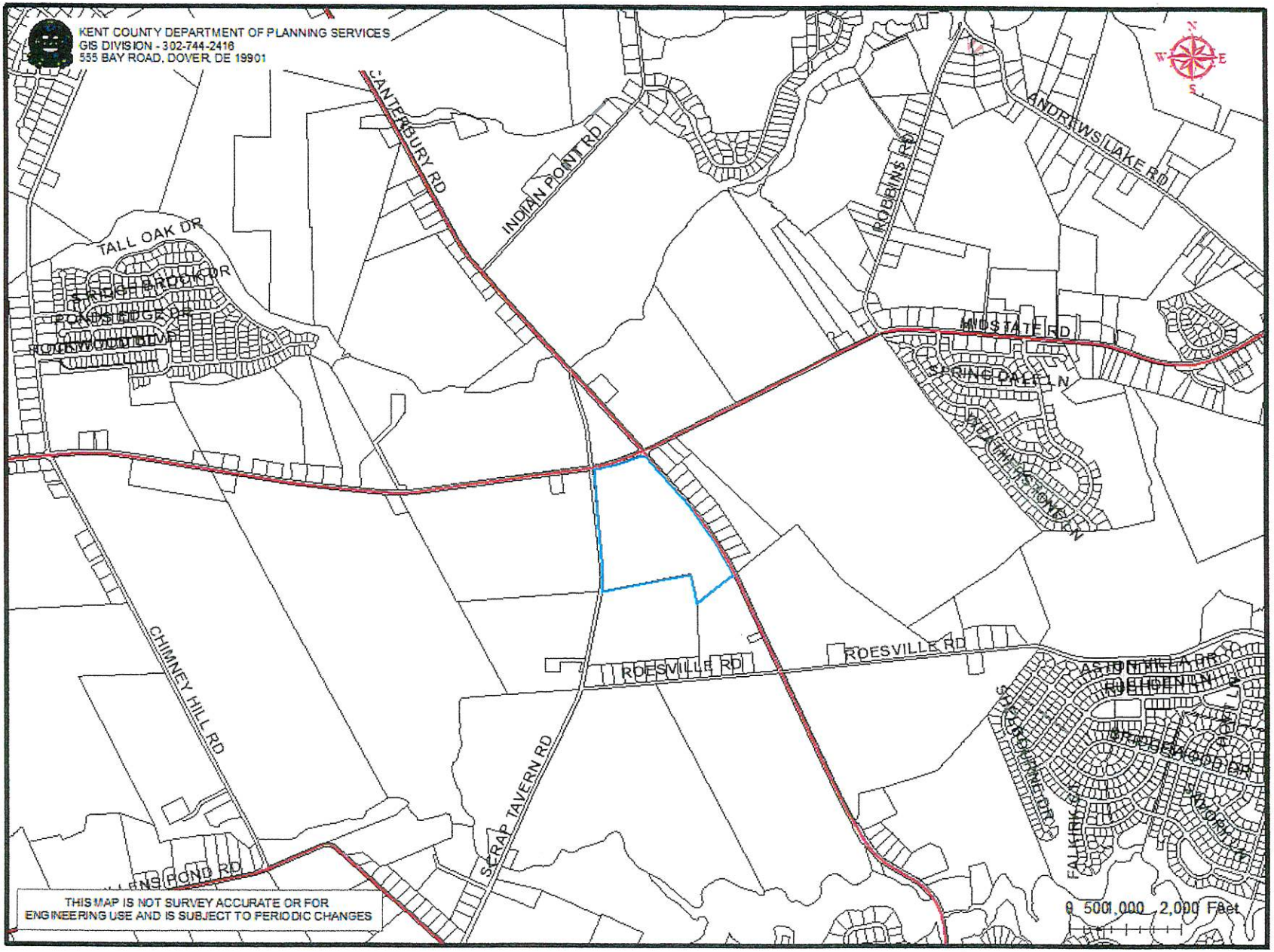
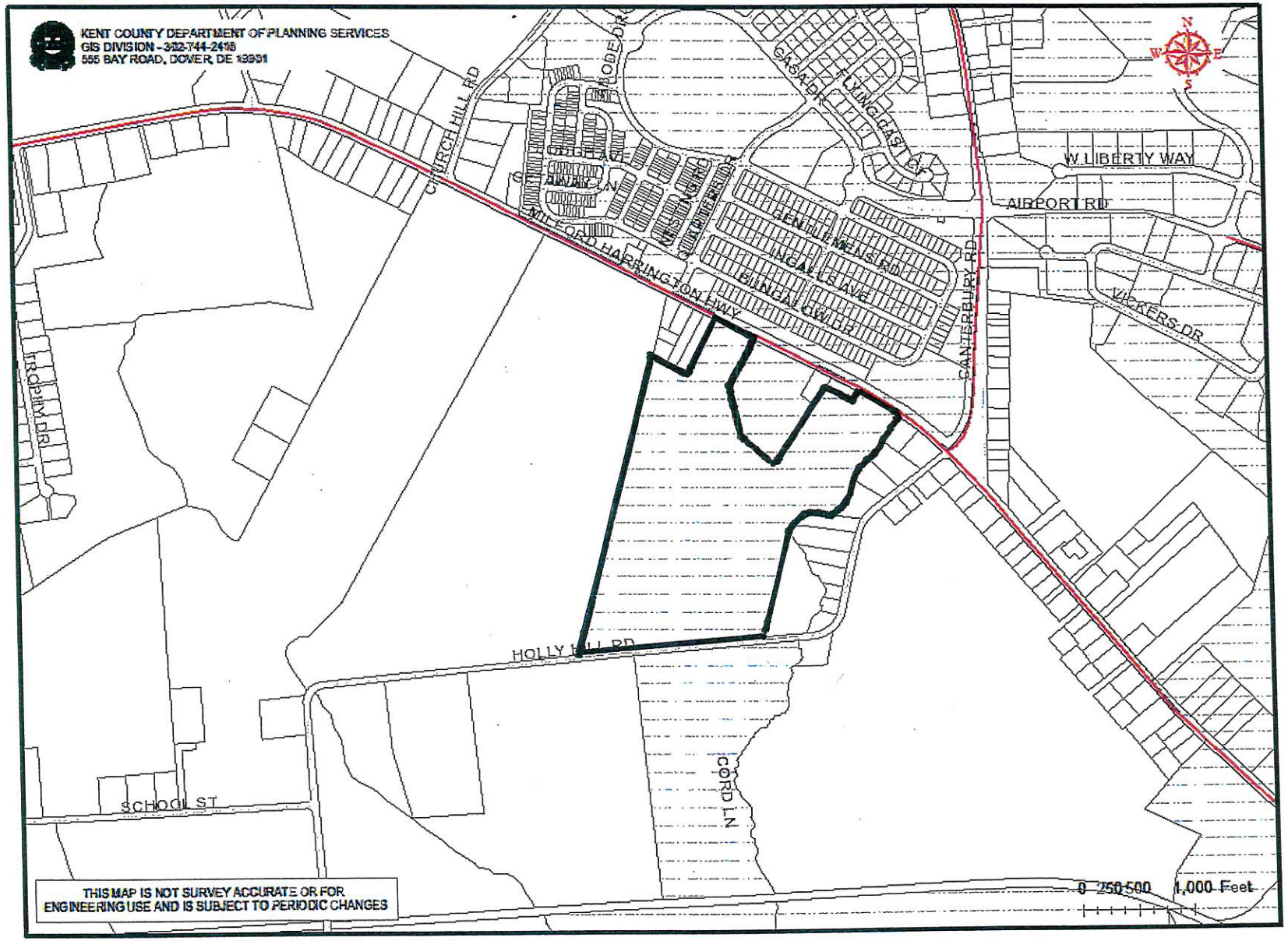
Sale No. 4

Location:	**E/s Sharps Road (CR 200)** Cedar Creek Hundred
County:	Sussex
Map Reference:	330-12.00-14.00
Grantor:	Helen L. Donovan, et al
Grantee:	J. Carlton Wells & Sons, Inc.
Deed Reference:	Liber 4736, folio 134
Record Date:	July 11, 2017
Consideration:	$2,875,000
Per Unit:	**$6,483 per acre**
Site Data:	
Size	**Approx. 450 acres per deed, approx. 443.45 acres per DALPF which will be used**
Frontage	Approx. 2,700 ft.
Zoning	AR-1
Utilities	Public electricity and telephone.
Topography	Generally level. Cedar Creek forms eastern boundary. Beaver Dam Branch forms the northern boundary. Some marsh. Mostly flood plain.
Soil Types	Approx. 203.5 acres tillable, approx. 102.06 acres woods, and 135.88 acres swamp/wetlands. Predominant soil is the Unicorn loam.
Irrigated	None at time of sale.
Improvements:	None at time of sale.
Buyer Motivation:	Bought for agricultural use.
Current Use:	Agricultural
Property Rights Conveyed:	Reported to be in fee simple.
Analysis of Sale:	Normal arms length transaction in the marketplace.
Financing:	Mid-Atlantic Farm Credit ACA, $1,875,000 (includes another property)
Highest & Best Use:	Use within the existing zoning classification.
Sale Verified With:	Buyer, Mr. Wells
Date Inspected:	September 2018
Remarks:	Bought by tenant farmer in private sale. Milford Neck Wildlife Area is opposite Cedar Creek. Small wooded sliver on west side of Sharps Road. Economic characteristics are typical for a farming operation and potential development.


KENT COUNTY DEPARTMENT OF PLANNING SERVICES
GIS DIVISION - 302-744-2416
555 BAY ROAD, DOVER, DE 19901
CANTERBURY RD
INDIAN POINT RD
ROBBINS RD
ANDREWS LAKE RD
TALL OAK DR
STREAM BROOK DR
POND EDGE DR
ROUNDWOOD DRIVE
MD STATE RD
SPRINGDALE LN
CHIMNEY HILL RD
ROESVILLE RD
SCRAP TAVERN RD
ASHBURN PL
ROBIN LN
STRAWBERRY DR
0 500 1,000 2,000 Feet
THIS MAP IS NOT SURVEY ACCURATE OR FOR ENGINEERING USE AND IS SUBJECT TO PERIODIC CHANGES

Sale No. 5

Location:	**2318 Midstate Road (Route 12) (E/s), 1172 Swap Tavern Road (E/s) & W/s Canterbury Road (Route 15)** South Murderkill Hundred Felton, DE 19943
County:	Kent
Map Reference:	8-00-14000-01-3900-000, Plat Book 133/7 now 39.14
Grantor:	R. Williams Farms, LP
Grantee:	Del 5 Land Group, LLC
Deed Reference:	Liber 8923, folio 201
Record Date:	December 12, 2017
Consideration:	$650,000, less $30,000 est. contributing value of improvements or $620,000 land only
Per Unit:	**$10,873 per acre**
Site Data:	
Size	**Approx. 57.022 acres**
Frontage	Approx. 4,586 ft. total for roads
Zoning	AC inside growth zone
Utilities	Public electricity and telephone. Private well and septic. Potential to connect with sewer on Roesville Road.
Topography	Sloping, all cleared
Soil Types	All tillable
Improvements:	Two 2-story frame farmhouses, four units, greenhouse and barn. Estimated contributing value, $50,000.
Buyer Motivation:	Bought for agricultural use.
Current Use:	Agricultural
Property Rights Conveyed:	Reported to be in fee simple.
Analysis of Sale:	Normal arms length transaction in the marketplace.
Financing:	Provident State Bank, $325,000
Highest & Best Use:	Use within the existing zoning classification.
Sale Verified With:	Agent, Wes Cromer & Buyer TJ Schiff
Date Inspected:	August 2018


KENT COUNTY DEPARTMENT OF PLANNING SERVICES
GIS DIVISION - 302-744-2415
555 BAY ROAD, DOVER, DE 19901
CHURCH HILL RD
MILFORD HARRINGTON HWY
W LIBERTY WAY
AIRPORT RD
CANTERBURY RD
VICKERS DR
HOLLY HILL RD
SCHOOL ST
CORD LN
TROPHY DR
THIS MAP IS NOT SURVEY ACCURATE OR FOR ENGINEERING USE AND IS SUBJECT TO PERIODIC CHANGES
0 250 500 1,000 Feet

Sale No. 6

Location:	**S/s Route 14, N/s Holly Hill Road** Milford Hundred
County:	Kent
Map Reference:	5-16-17300-01-2200-62.00 & 62.02 (2100 & 2200 on some maps)
Grantor:	Walter N. Thomas, II
Grantee:	Dunn Development, LLC
Deed Reference:	NA, Under Contract
Contract Date:	October 2010
Consideration:	$1,077,000
Per Unit:	**$14,975 per acre**
Site Data:	
Size	**Approx. 71.918 acres**
Frontage	Approx. 1,100 ft. Route 14 Approx. 900 ft. Holly Hill Road Approx. 2,000 ft. total
Zoning	AC, rezoned to R-8 by buyers who annexed but it was already part of Milford's growth area.
Utilities	Public electricity and telephone. City water and sewer on Holly Hill Road. Developer to split cost of pump station split with Baltimore Air Coil.
Topography	Generally level.
Soil Types	Approx. 60.0 acres tillable.
Irrigated	None
Improvements:	None of contributing value at time of sale.
Buyer Motivation:	Bought for development of garden apartments and townhouses, Project 13-196 called Hickory Glen. Subject to plat approval.
Current Use:	Agriculture
Property Rights Conveyed:	Reported to be in fee simple.
Analysis of Sale:	Normal arms length transaction in the marketplace.
Financing:	Unavailable
Highest & Best Use:	Use within the existing zoning classification.
Sale Verified With:	Seller, Mr. Thomas.
Date Inspected:	October 2017
Remarks:	Under contract for 7 to 8 years. Deposits of $25,000 and $40,000 are non-refundable. Economic characteristics are typical for development potential.

SALES COMPARISON APPROACH

Property	SUBJECT PROPERTY	Comparable Sale #1		Comparable Sale #2		Comparable Sale #3		Comparable Sale #4		Comparable Sale #5		Comparable Sale #6	
Identification	**TYPICAL FARM**	Coastal Highway		Fleatown/4523-248		Bucks Rd/4730-269		Sharps Rd/4736-134		Mid-State Rd/8923-201		Holly Hill/Rt14/UC	
Date of Sale	Jan-19	Mar-16		Mar-16		Jun-17		Jul-17		Dec-17		Oct-10	contract
Sale Price		$763,604		$500,000		$378,750		$2,875,000		$620,000	land only	$1,077,000	
Size	100.00 acres	50.1380	acres	37.0000	acres	25.2500	acres	443.4500	acres	57.0220	acres	71.9180	acres
Price per unit		$15,230		$13,514		$15,000		$6,483		$10,873		$14,975	
	Description	Data	Adjustment	Data	Adjustment	Data	Adjustment	Data	Adjustment	Data	Adjustment	Data	Adjustment
PropertyRights Appraised	Fee Simple	Fee Simple		Fee Simple		Fee Simple		Fee Simple		Fee Simple		Fee Simple	
Financing	Assumed market	Part seller, 3%		Market		Cash		Conventional		Conventional		Cash	
Conditions of Sale	Assumed tpical	Typical		Typical		Typical		Typical		None		None	
Market conditions (time)	0.00%		1.00		1.00		1.00		1.00		1.00		1.00
Adjusted sale price			$15,230		$13,514		$15,000		$6,483		$10,873		$14,975
Location	Milford area	Cedar Creek Milford		Cedar Creek	10	Cedar Creek		Cedar Creek		South Murderkill corner, 3roads		Milford	
Size	100.000	50.138	(10)	37.000	(15)	25.250	(20)	443.450	20	57.022	(5)	71.918	(5)
Zoning/Development Potential	AR-1	AR-1		AR-1		AR-1		AR-1		AC		AC	
	Slight limitations for non-farm use	C-3 severed		Similar		Similar		Similar		in growth zone		conditional upon rezoning	
Utilities	Public elect & telephone	Similar		Similar		Similar		Similar		Public s, e, t		Similar	
Site Characteristics-frontage	2,000 ft.	100	10	1,100		610		2,700		4,586	(5)	2,000	
	20.0 ft/ac	2.0 +visibility		29.7		24.2		6.1		80.4		27.8	
Soil Types - Tillable ratio	70-75% tillable	100.00% includes small severed	(10)	100.00%	(10)	90.34% irreg shape	(5)	45.89% rear swamp/ wetlands	20	100.00% level	(10)	83.43% level, some old ponds	
Irrigation	None	No		None		None on-site		None atos		None		Conditional upon record plat	(15)
Development Stage				Approved development	(20)								
Composite Adjustment			0.9000		0.6500		0.7500		1.4000		0.8000		0.8000
	$10,583 Mean												
INDICATED VALUE	**$11,500** /acre		$13,707		$8,784		$11,250		$9,077		$8,698		$11,980

Reconciliation and Final Estimate of Fair Market Value - Before Value

This appraiser has included herein for your perusal several land sales judged as good indicators of value for the typical farm in the Milford area with an Agricultural zoning prior to the selling of development rights. All of the comparable sales are similarly zoned. The range in indicated values is from $8,698 to $13,707 per acre. Items of adjustment are detailed in chart form.

Property Rights Appraised - Reported to all be in fee simple.

Market Conditions - Sale prices had been increasing for development land for years, but prices retreated in the last ten years although there are signs of improvement in the last three years. Still, the number of sales of agricultural land has decreased significantly from the peak in the mid 2000s. For instance, in Sussex County, agricultural sales reported at the county courthouse for one year ending August 2006 totaled 145; in 2007 it was 88 and in 2008, there were only 43 sales. In 2009, there were 48 sales for an 11-month period or 4.36 sales per month which is slightly higher than 2008. In 2010, there were 74 sales in a 15-month period or 4.93 sales per month, slightly higher than 2009. In 2012, there were 44 sales in a 5-month period which is an improvement. In 2013, there were 80 sales in a 16-month period or five sales per month. From March 2013 to May 2014, there were 63 sales or 4.5 sales per month. From June 2014 to May 2015, there were 117 or 9.75 sales per month. This is still down from 2006 but a significant improvement over the last seven years. From May 2015 to June 2016, there were 118 farm sales or 9.08 sales per month which is similar to the previous year. From June 2016 through May 2017 (12 months), there were only 57 sales which are only 4.75 sales per month. From June 2017 through May 2018 (12 months), there were only 36 sales or three sales per month, one of the lowest in years. For 1st Quarter 2013, NAR reported an increase in sales volume in Delaware. For 1st Quarter 2014, New Castle County saw a 12 percent decrease in number of homes sold. However, for 2015, New Castle saw a 15.5 percent increase in volume; this continued in the 1st Quarter 2016 with a 9.4 percent increase. By 2016 year-end, volume was up 6.6 percent over 2015. However, for the first five months of 2018, it had decreased 1.5 percent compared to same period in 2017, per a Patterson-Schwartz report. Kent County saw an increase of 14.3 percent in the beginning of 2015 and a 4.8 percent increase for the 1st Quarter 2016. In the first half of 2017, sales volume was up 16.9 percent. This trend continued for the first five months of 2018, with an increase of 7.3

percent in number of homes sold. For 1st Quarter 2015, Sussex County saw a 9.0 percent increase in housing sales volume; however, for the 1st Quarter 2016, there was a 0.7% decrease, a minor downward trend. For the 1st Quarter 2017, sales volume was up 22 percent, the highest level in the last 10 years. However, for the first five months of 2018, volume was down 1.6 percent, likely reflecting a more normal volume when compared to the record-breaking early 2017 numbers. There have been very few resales of the same property within this time frame but for the ones that have taken place in a period of three to five years, the prices for many were down. Developers were walking away from properties that had been under contract for several years, waiting for contingencies to be achieved. In many cases, deposits were forfeited but the amount has varied per property. Some contracts went to settlement because the developer had too much into the property that continuing seemed more profitable. Because of this market downturn, there were bottom feeders looking to land bank properties at significantly lower prices, with contingencies that protect the buyer, not the farmer, and with little money down. While there are signs of improvements with developers again entering into contracts for agricultural land (almost always in areas near towns), there still is currently a large inventory of lots and recorded subdivisions in the marketplace. This is a factor in current prices because extended absorption periods means higher costs and risk for the developer, and hence, lower land prices.

According to the National Association of Realtors (NAR), change in the median house price from 2006 to 2008 in Dover, Delaware was from $208,800 in 2006 to $207,500 in 2007, and $206,200 in 2008. For the 2nd Quarter 2009, it was $193,700. Compared to the 2nd Quarter 2008 at $202,600, it was a 4.4 percent drop. For the 1st Quarter 2010, it was $190,000, a drop of 5.5 percent since the 1st Quarter of 2009 of $201,000. For the 1st Quarter 2011, it was $166,500, a drop of 12.4 percent. For the 1st Quarter 2012, it was $160,700, a drop of 3.5 percent. Although still a drop, the loss is a lower percentage than in the past four years. For 1st Quarter 2013, median housing price was lower than the previous quarter but higher than one year earlier. For the 1st Quarter 2014, it was $188,100, an increase of 10.5 percent. For the 1st Quarter 2015, it was $185,600, a decrease of 1.3 percent. For the 1st Quarter 2016, it was $191,500, an increase of 3.2 percent, and as of 1st Quarter 2017, it increased by 2 percent to $195,300. In 1st Quarter 2018, it dropped 5.8 percent to $184,000. New Castle County saw a 6 percent increase in median price per a Patterson-Schwartz report in 1st Quarter 2014; for 1st Quarter 2015 it was up 9.2 percent and for 1st Quarter 2016, it was up 1.5 percent. In the first half of

2017, there was a modest gain of 0.9 percent. For the first months of 2018, it was up 1.9 percent. The Kent County market increased by 3.6 percent from 1st Quarter 2014 to 1st Quarter 2015 and for 1st Quarter 2016, it was up 2.3 percent. In the first half of 2017, it was up modestly at 0.3 percent. For the first five months of 2018, median sales price increased by 0.7 percent. Sussex County's market decreased by 2 percent for the first four months of 2015; another source said it increased by 18 percent as of 1st Quarter 2015. Per the Patterson-Schwartz report for the first four months of 2016, median housing price was up by 2 percent and in the first half of 2017, there was a 3.5 percent increase in median sales price. For the first five months of 2018, it was up 12.1 percent. While these are positive, land is still plentiful in most markets. The National Agricultural Statistics Service also reports changes in farmland values in Delaware, from $10,200 per acre in 2006 to $10,400 per acre in 2007, and $10,300 in 2008. But by 2009 it was $8,900, down by 13.6 percent. By 2010 it was down to $8,100, a drop of 9 percent but in 2011, 2012, and 2013, it was still at $8,100, but in August 2014, it was at $8,180, an increase of 1 percent. As of August 2015, it was still at $8,180 per acre. However, it had increased to $8,400 per acre, an increase of 2.7 percent, as of August 2016. As of August 2017, it remained the same at $8,400, but as of August 2018, it increased to $8,600, an increase of 2.4 percent. Cropland values were down by 1.2 percent, from $8,200 to $8,100 per acre from 2016 to 2017 after increasing steadily for several years. As of August 2018, it was at $8,300, an increase of 2.5 percent. Since the subject property has development potential for residential housing, as well as appeal for continued farming, these indications are relevant and show slight to no appreciation. In addition, the evaporation of incentives for poultry houses and current yields and pricing for crops indicate more recent stabilization.

There are mostly positive signs, but overall many statistics point to a somewhat stable, neutral market for land. Unfortunately, if an owner is under any duress or compulsion to sell, these sales at lower prices will occur. But these do not reflect typical market conditions, which is an assumption of the market value of the subject property. The market is often fluid, and experiences fluctuations that may vary widely if shorter time frames are considered. Typically, properties like the subject are held for longer periods of time. There might be quick changes in the market which level out in subsequent months or years. This appraiser's task is to estimate all future benefits, where the market may be stagnant, in a downturn, or increasing, in the long run. A seller today, not under

Location Map of Comparable Sales

compulsion to sell, and a buyer, not under compulsion to buy, would be aware of these anticipated fluctuations and negotiate prices accordingly.

In this appraiser's judgment, it is imperative, therefore, to take a broader view of the current market, and emphasize the most recent sales. Therefore, based upon the current climate, no appreciation is estimated, and more emphasis will be given to the most recent sales.

Conditions of Sale - No known conditions that would warrant an adjustment.

Financing - No known financing terms that would be favorable to the buyer or seller except for No. 1 which did not impact sale price.

Various Adjustments - Adjustments have been made for location and site characteristics, such as percentage of tillable soils, topography, and road frontage.

Location - The average Milford location is superior to No. 2 which is removed from the town.

Size - A size adjustment has been made if the comparables differ greatly in size. The typical size for the farm being appraised is 100 acres. A smaller sized parcel will tend to command a higher per unit value in the marketplace. Sale No. 4 is larger in size; thus, the adjustment is upwards. Sale No. 1, 2, 3, 5 and 6 are smaller and adjusted downwards.

Zoning - Similar. Sale No. 5 is in the growth zone but some of the farms surrounding Milford are as well; hence, no adjustment is warranted. Sale No. 6 was rezoned after sale to the Milford R-8 zoning but since it was a condition of sale, it will be addressed below under Development Stage.

Site Characteristics - There are several factors that impacts the appeal of raw land parcels - accessibility, frontage, topography, floodplain and shape, to name a few. Greater road frontage is preferred as it improves access and is more desirable for development. The subject property has good road frontage. Frontage does allow for better access for farm vehicles and cultivating as well as for residential rights. Sale No. 1 is inferior and No. 5 is superior.

Soil types are also important, although more so if the highest and best use is for agricultural. However, properties that are 100 percent tillable are typically better suited for development than those with wetlands or heavily wooded areas. Tilled land is better drained which can improve its soil characteristics. This market views tillable land as being more suited for development as well. Suitable soils for development tend to be suitable soils for agricultural. The subject property is assumed to 70 to 75 percent tillable. It is superior to one of the sales and inferior to four sales.

Development Stage - Sales No. 2 and 6 either sold with record plat or conditional upon approvals. Inherent in the development process are the elements of time, risk, energy, costs and reward. The subject property is raw, warranting downward adjustments of 20 and 15 percent, the latter less because the buyer still paid for the process.

Sales have occurred for the future Bayhealth Medical Center on the other side of Route 1. These properties have higher density zoning within Milford when compared to the subject property with prices from $20,000 to $35,000 and higher per acre, and would not be comparable under the subject's current zoning.

Conclusion - The most recent sales, Nos. 3, 4, 5 and 6 (contract of sale), indicate values in the low to mid-range per acre. Sales No. 1, 3 and 6 are in closest proximity to Milford town limits. These indicate values in the high range. Sale No. 1 has a composite adjustment closest to 1.0, indicating overall greater comparability. It indicates the highest value. Sales No. 3, 4 and 6 require the fewest number of adjustments and indicate values in the $9,077 and $11,980 range. There is a mode around $8,700 per acre, which is lowest in the range, but these are furthest from Milford. A value above the mean is supported by sales closer to Milford. Two sales fall between $11,250 and $11,980 per acre which includes a recent sale and one adjoining Milford limits. A value in this range is only slightly higher than the mean. In addition, this appraiser has considered the average value for the eight properties appraised near Milford for Delaware Agricultural Lands Preservation Foundation for their program and the average is $10,888 per acre; however, the average farm size for that group of 8 is 151 acres, warranting an upward adjustment of 5 percent or $11,432 per acre. This falls within the range of indicated values. After considering the above factors, it is the judgment of this appraiser that the estimated market value of the subject land only, is approximately **$11,500** per acre on average.

AFTER THE ACQUISITION DESCRIPTION

Legal Description - Same as Before Scenario
Area, City, Neighborhood - Same as Before Scenario
Site - Same as Before Scenario
Improvements - Same as Before Scenario
Sales History - Same as Before Scenario
Rental History - Same as Before Scenario
Assessment & Taxation - Same as Before Scenario
Zoning & Other Restrictions - Same as Before Scenario
Map or Plat - Same as Before Scenario
Highest & Best Use - See Page 40
Last Sale of Subject - Same as Before Scenario

DESCRIPTION OF PRESERVATION EASEMENT/HIGHEST & BEST USE

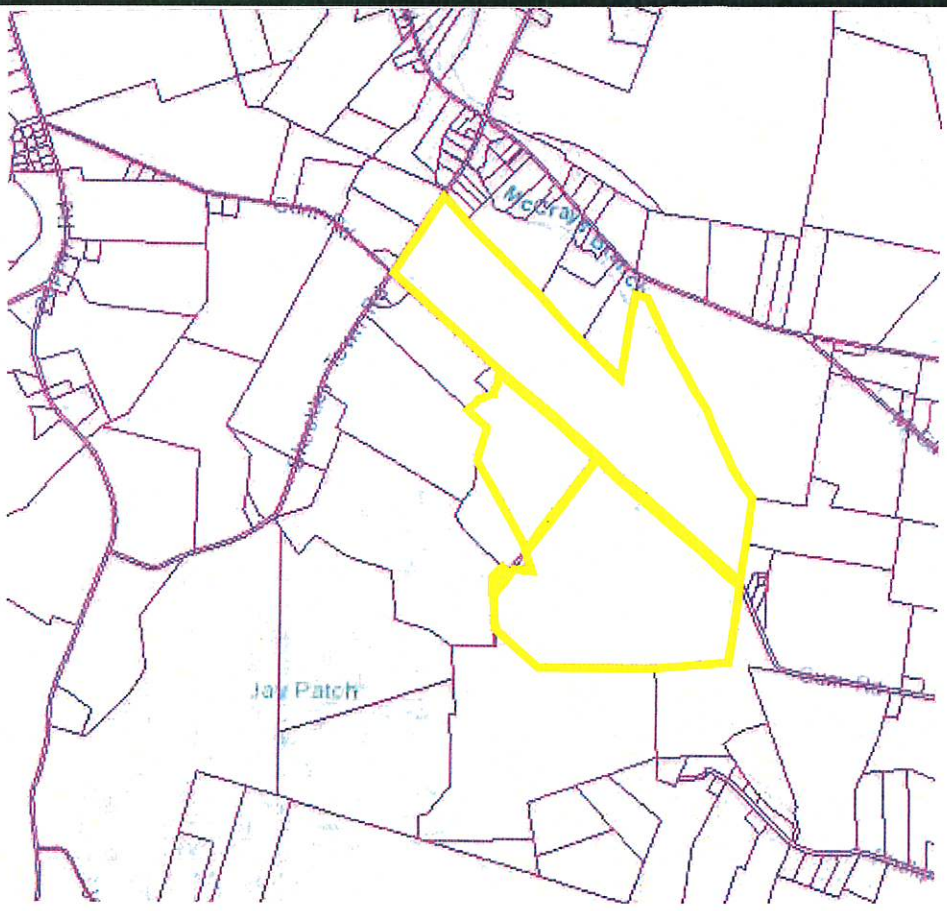
The client is requesting a value of the subject property as if encumbered by a preservation easement which is perpetual. As to the highest and best use, this easement "legally prohibits" rezoning or subdivision, and limit uses to agricultural and related uses. Mining activities and rezoning, and major subdivisions are prohibited. No public access is provided for. Residential uses are limited to no more than one acre for each 20 acres of usable land, to a maximum of 10 acres for dwelling housing, regardless of size. **No more than a total of three dwellings or dwelling lots to be transferred from an owner or relatives of an owner to any other person.** Physically, the site is conducive to agriculture, woods and related uses as it has adequate size, access and topography. Financially, the subject has appeal for agriculture, woods and recreational uses, as these are the predominant uses even apart from the easement for most properties of this acreage and in this zoning. In this appraiser's judgment, the highest and best use of the subject property in the After Value is for any use permitted by the preservation easement which includes agricultural and related uses.

In the subject instance, its acreage of 100 acres would calculate to 10 acres which could be used for the three lots. This preservation easement, in this appraiser's judgment, is a significant detriment to the subject property because of the reduction of development rights. In the Before Value, there is land sufficient to support development. In the After Situation, the density is reduced. The highest and best use is still for agricultural/wooded use with limited residential development. There is a loss in the bundle of rights which this appraiser will account for in this analysis.

AFTER VALUE - SALES COMPARISON APPROACH

Application of Sales Comparison Approach - The following items of comparison have been considered by this appraiser with regards to these comparable sales as applicable: the date of comparable sale, conditions of sale, financing, location (specific and general), size of the site, topography, highest and best use, availability of public utilities, visibility, access, and other factors that affect value. These items are analyzed and adjusted by this appraiser in arriving at a market value indication of the subject property. The specific percentage adjustments and a summary of the comparable sales are presented in chart form.

Photograph and Tax Map of Comparable Sale

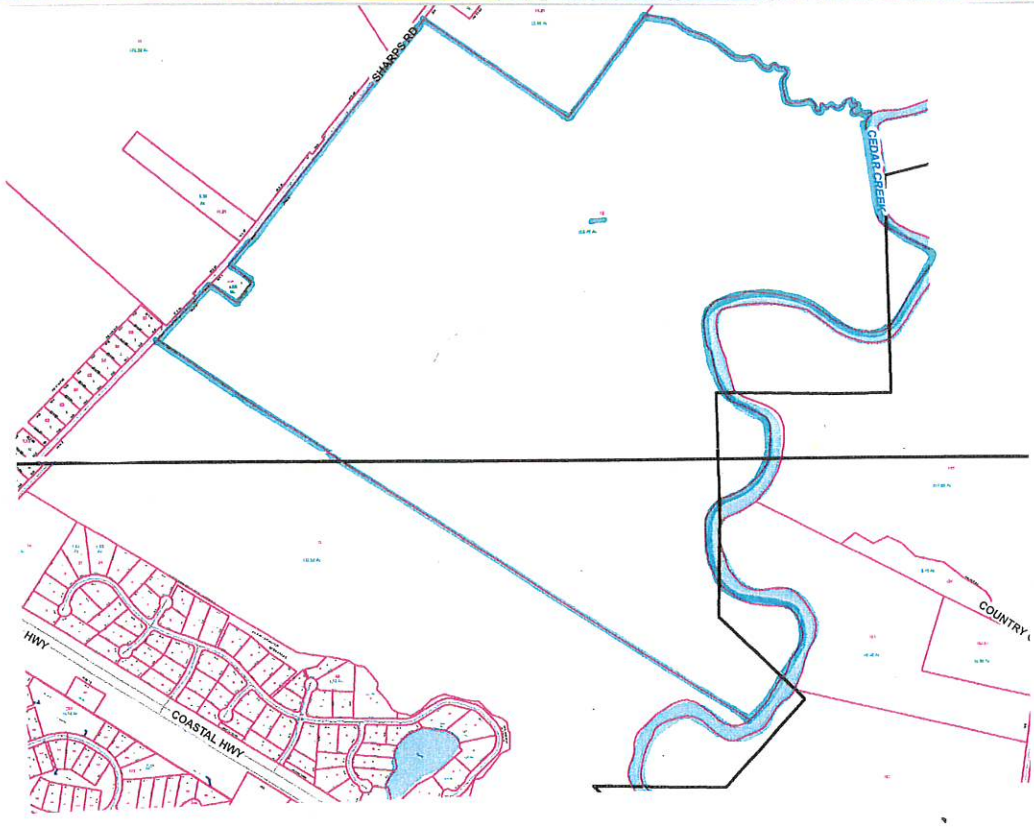


Comparable Farm Sales - After Value

Sale No. 1

Location:	**Both Sides Gum Road (CR 392), SE/s Shockley Town Road (CR 375), Both Sides Rabbit Road (CR 392A)** Baltimore Hundred Frankford, DE 19945
County:	Sussex
Map Reference:	533-5-31 & 35.01, Plot 27/14
Grantor:	Carol Gum Chapman, Trustee, et al
Grantee:	C Magee Farms, LLC
Deed Reference:	Liber 4635, folios 48
Record Date:	December 9, 2016
Consideration:	$1,650,000
Per Unit:	**$5,634 per acre**
Site Data:	
Size	**Approx. 292.866 acres**
Frontage	Approx. 14,852 sq. ft.
Zoning	AR-1
Utilities	Public electricity and telephone.
Topography	Generally level, crossed by tax ditches.
Soil Types	Approx. 240.0 acres tillable and 42.0 acres wooded.
Irrigated	None
Lot Potential	Three potential dwellings/lots on 10.0 acres.
Improvements:	None of contributing value at time of sale.
Buyer Motivation:	Bought for agricultural use.
Current Use:	Agricultural.
Property Rights Conveyed:	Under DALPF easement.
Analysis of Sale:	Normal arms length transaction in the marketplace.
Financing:	$1,099,000 + $171,000, Farmers Bank of Willards $300,000, USDA Farm Service Agency, 20 years
Highest& Best Use:	Use within the existing zoning classification.
Sale Verified With:	Agents, Ben Alder & Nick Campanaro
Date Inspected:	May 2017
Remarks:	Economic characteristics are typical for a farming operation and limited development potential. Leased for $25,000 per annum ($104 per tillable acre which is reasonable) at time of sale but year-to-year.

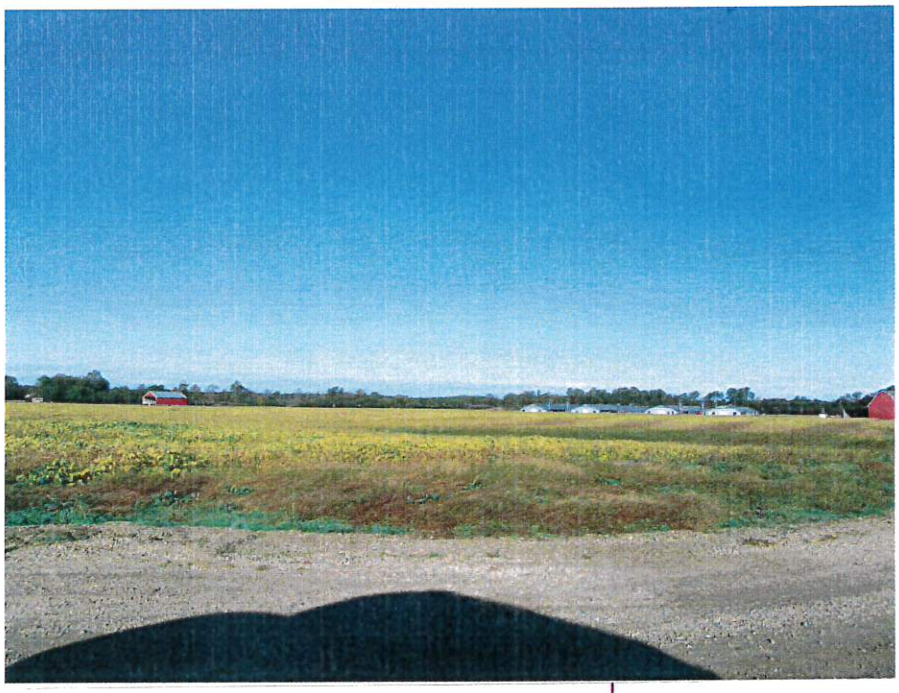
Photograph and Tax Map of Comparable Sale



Sale No. 2

Location:	**Sharps Road** Cedar Creek Hundred
County:	Sussex
Map Reference:	3-30-12-12
Grantor:	Thomas W. Bennett, Jr., Constance B. Pusey & John W. Hall
Grantee:	Sharps Road LLC
Deed Reference:	Liber 4230, folio 109
Record Date:	February 14, 2014
Consideration:	$1,600,000
Per Unit:	**$4,363 per acre**
Site Data:	
Size	**Approx. 366.7 acres**
Frontage	Approx. 3,024 ft.
Zoning	AR-1
Utilities	Public electricity and telephone.
Topography	Level
Soil Types	Approx. 170 acres tillable, remainder is woods and marshland.
Irrigated	Yes, approx. 130-140 acres but owned by tenant.
Improvements:	None at time of sale.
Buyer Motivation:	Bought for agricultural use.
Current Use:	Agricultural
Property Rights Conveyed:	DALPF easement, 2 rights remain
Analysis of Sale:	Normal arms length transaction in the marketplace.
Financing:	Mid-Atlantic Farm Credit ACA
Highest & Best Use:	Continued use within the existing zoning classification.
Sale Verified With:	Buyer's Rep., Johnny Hopkins
Date Inspected:	June 2013
Remarks:	Asking price was $1,650,000. Bought by tenant. Cash lease. Sold back 7.0 acres at same price per acre as bought. Seller took one lot, buyer retaining 1 to 2 acres for two rights. Economic characteristics are typical for a farming operation and limited potential development.

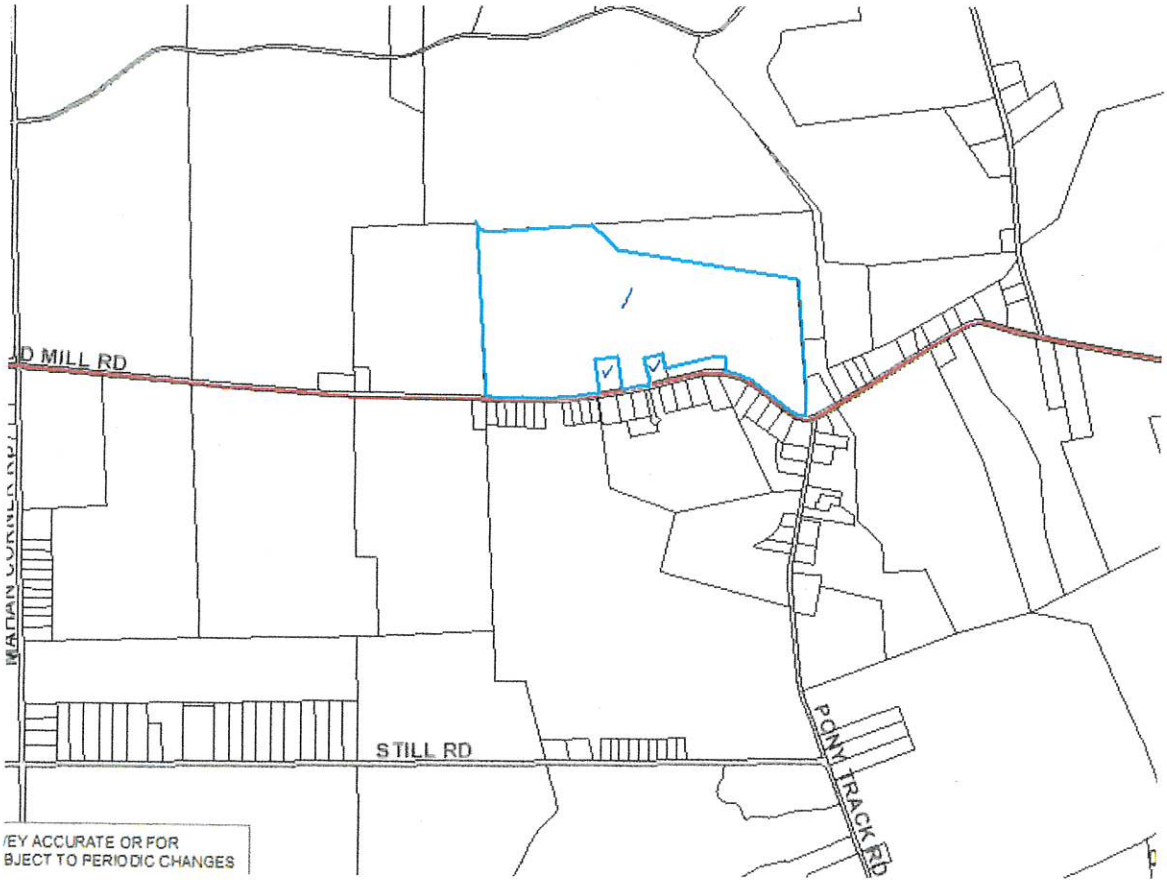
Photograph and Property Map of Comparable Sale



Sale No. 3

Location:	**N/s Route 464 (Woody Road)** Little Creek Hundred
County:	Sussex
Map Reference:	3-32 9.00 8.10, Lot 1, Plot 130/61
Grantor:	Jesse E. & Kyle J. Steen
Grantee:	Fowled Up Farms LLC (Patricia & Darrell Hastings)
Deed Reference:	Liber 4624, folio 96
Record Date:	January 31, 2017
Consideration:	$540,000
Per Unit:	**$8,905 per acre**
Site Data:	
Size	**Approx. 60.65 acres**
Frontage	Approx. 505 ft. in two sections plus right-of-way
Zoning	AR-1
Utilities	Public electricity and telephone.
Topography	Generally level.
Soil Types	100% tillable
Irrigated	Two pivots with one well. One pivot was from the 1970s, but larger pivot was only 12 years old. Included in purchase price above.
Improvements:	Old barns of no contributing value at time of sale.
Buyer Motivation:	Bought for agricultural use.
Current Use:	Agriculture
Property Rights Conveyed:	Reported to be in fee simple.
Analysis of Sale:	Normal arms use within the existing zoning classification.
Financing:	Wilmington Saving Fund Society FSB, $1,099,000
Highest & Best Use:	Use within the existing zoning classification.
Sale Verified With:	Seller, Jesse Steen
Date Inspected:	October 2017
Remarks:	Buyer was motivated by chicken house money being offered by producer. Allowed 1.0 acre for three homes but practically could only be one new dwelling. Economic characteristics are typical for a farming operation and development potential. Not rented at time of sale. Prior sale in May 2009 for $420,000.

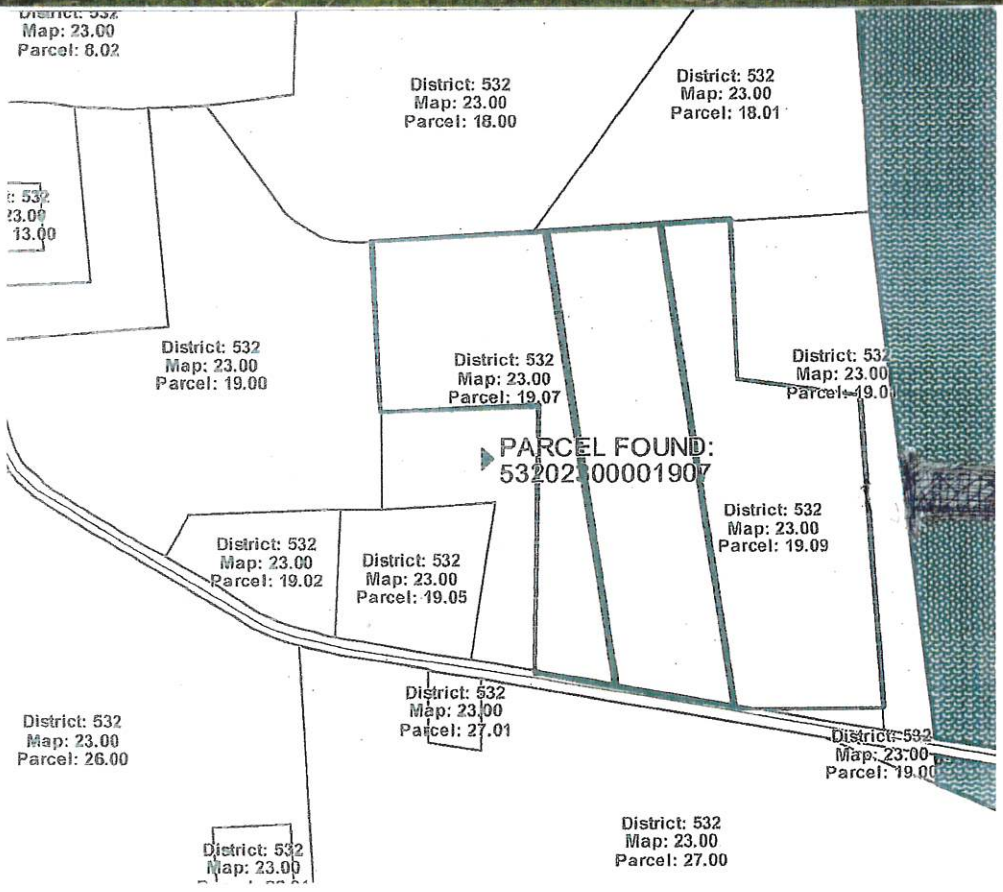
Photograph and Tax Map of Comparable Sale



Sale No. 4

Location:	**Mud Mill Road** North Murderkill Hundred
County:	Kent
Map Reference:	7-00-10800-01-26.01, 26.05 & 26.06, Plot Book 73-23 & 84-10
Grantor:	Robert Keith Cooper & Sue Ellen Thacker
Grantee:	Chris Beachy & Steven Beachy
Deed Reference:	Liber 9110, folio 41
Record Date:	May 7, 2018
Consideration:	$525,000
Per Unit:	**$4,430 per acre**
Site Data:	
Size	**Approx. 118.52 acres**
Frontage	Approx, 4,043 ft.
Zoning	AR
Utilities	Public electricity and telephone.
Topography	Generally level.
Soil Types	Approx. 47.16% tillable.
Improvements:	Two-story 1800s vintage brick farmhouse and farm buildings, no contributing value.
Buyer Motivation:	Bought for agricultural use.
Current Use:	Agricultural
Property Rights Conveyed:	In the DALPF preservation easement program. Three rights remain, two on 3.25 acres now Lots 2 & 3.
Analysis of Sale:	Normal arms length transaction in the marketplace.
Financing:	$420,000, Mid-Atlantic Farm Credit ACA
Highest & Best Use:	Use within the existing zoning classification.
Sale Verified With:	Agent, Carl Kaplan
Date Inspected:	February 2019
Remarks:	Two lots but no perks achieved. Economic characteristics are typical for a farming operation.

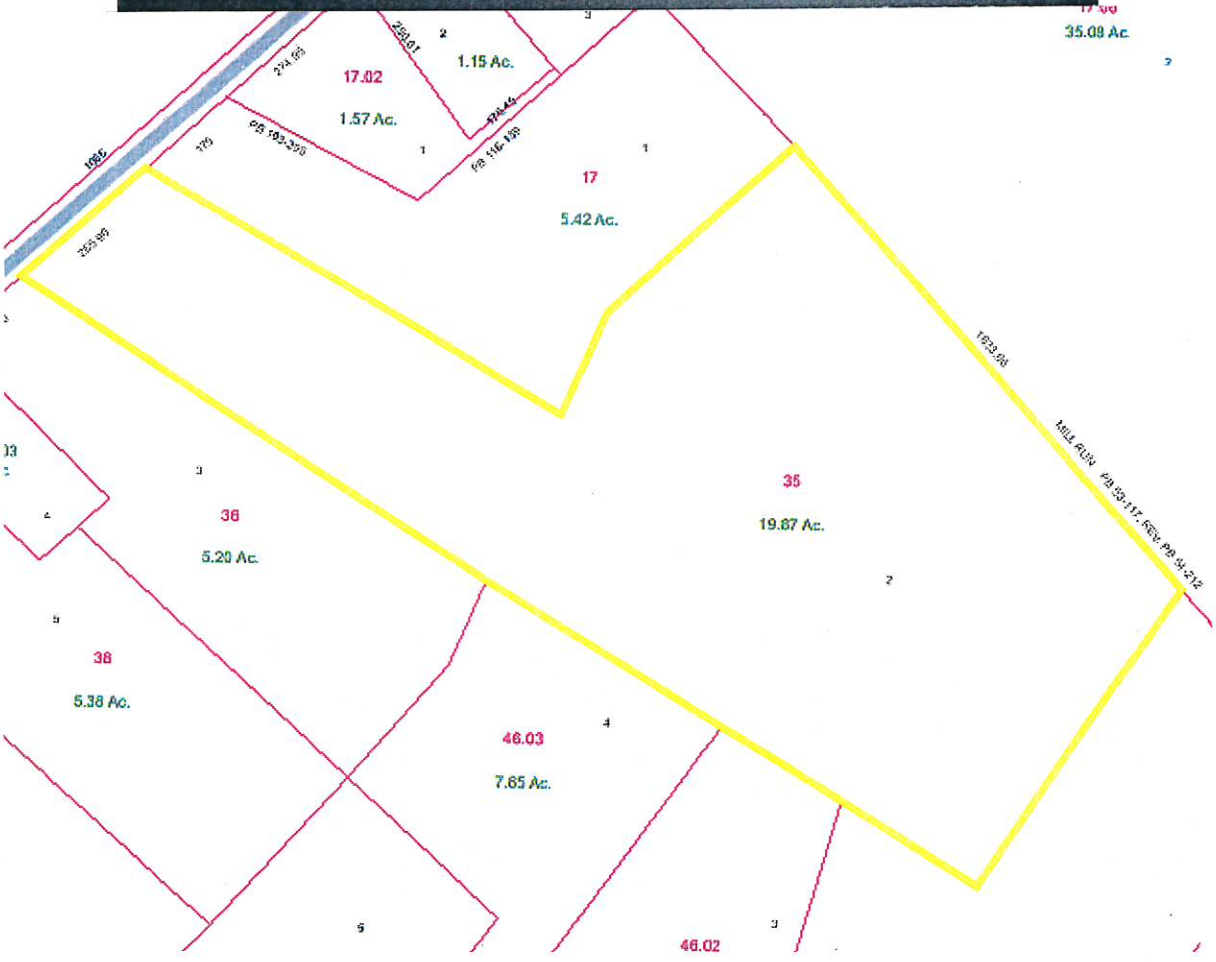
Photograph and Tax Map of Comparable Sale



Sale No. 5

Location:	**N/s Line Church Road** Little Creek Hundred Seaford, DE
County:	Sussex
Map Reference:	532-23-19.07, 532-23-19.08, 532-23-19.09, Lots 6, 7, 8
Grantor:	Joshua S. & Kathryn M. Wharton
Grantee:	Catrina Lynn Justis-Martinez
Deed Reference:	Liber 4652, folio 346
Contract Date:	January 13, 2017
Consideration:	$246,000
Per Unit:	**$8,300 per acre**
Site Data:	
Size	**Approx. 29.64 acres**
Frontage	Approx. 1,045.62 ft.
Zoning	AR-1
Utilities	Public electricity and telephone.
Topography	Generally level.
Soil Types	100% tillable
Lot Potential	One acre for three dwellings.
Improvements:	None at time of sale.
Buyer Motivation:	Bought for agricultural use.
Current Use:	Agricultural
Financing:	First Financial Bank, $1,099,000
Property Rights Conveyed:	Under a DALPF easement
Analysis of Sale:	Normal arms length transaction in the marketplace
Highest & Best Use:	Use within the existing zoning classification.
Sale Verified With:	Seller, Mr. Wharton, appraiser's files, appraised for Young Farmers Program.
Date Inspected:	May 2017
Remarks:	Comprised of three recorded lots that were dissolved when it was put under easement. Buyer plans to build chicken houses. Prior sale was in Mach 2013 for $165,000 through the Young Farmers program. Economic characteristics are typical for a farming operation and development potential. Not rented at time of sale.

Photograph and Tax Map of Comparable Sale

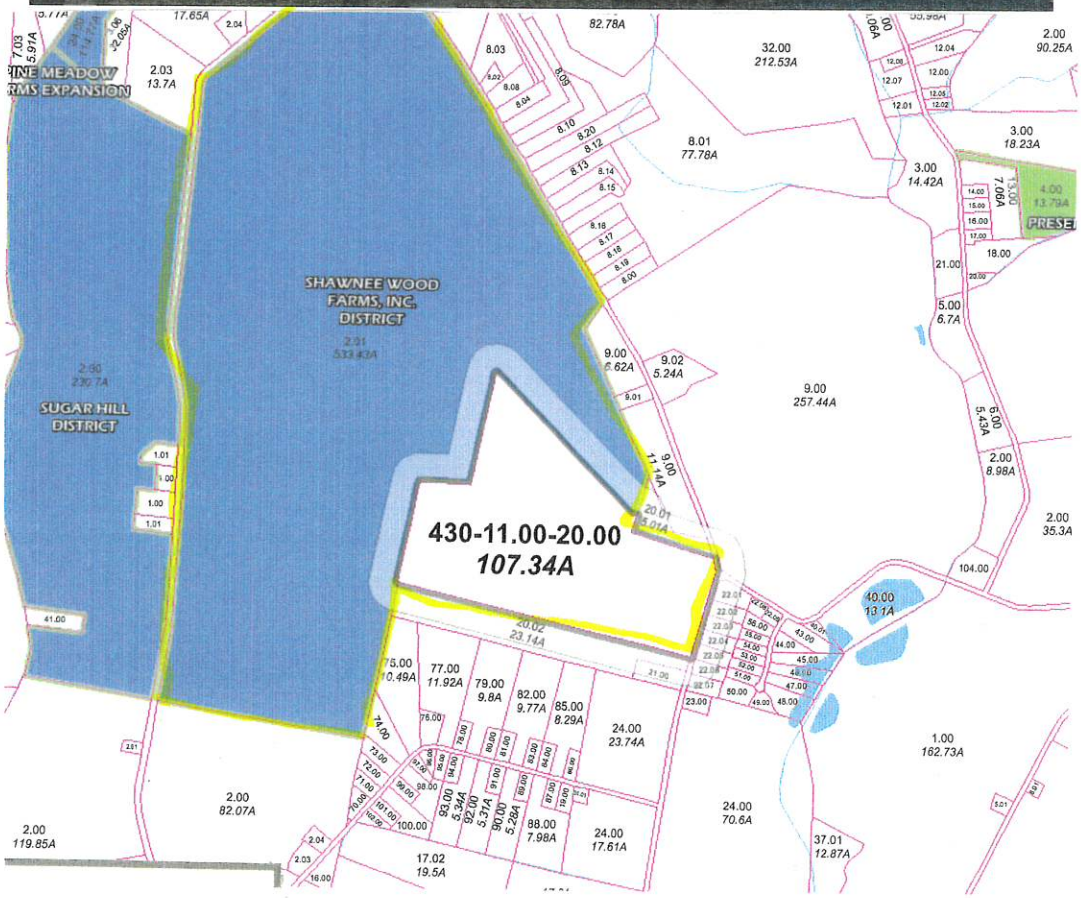


Sale No. 6

Location:	**SE/s Shawnee Road (CR 36)** Nanticoke Hundred Greenwood, DE 19950
County:	Sussex
Map Reference:	4-30-3.00-35.00, Mill Run, Lot 2, Plot 54/212
Grantor:	Austin J. & Megan S. Embleton
Grantee:	Adam & Elizabeth Reagan
Deed Reference:	Liber 4689, folio 292
Record Date:	April 5, 2017
Consideration:	$125,000
Per Unit:	**$6,291 per acre**
Site Data:	
Size	**Approx. 19.869 acres**
Frontage	Approx. 265.9 ft.
Zoning	AR-1
Utilities	Public electricity and telephone. Approved LPP system.
Topography	Generally level.
Soil Types	Approx. 7.56 acres cropland and 11.31 acres woods.
Irrigated	None
Lot Yield	Restricted to one home on 1.0 acre.
Improvements:	None at time of sale.
Buyer Motivation:	Bought for residential and agricultural use.
Current Use:	Agricultural & woods.
Property Rights Conveyed:	Under a DALPF easement.
Analysis of Sale:	Normal arms length transaction in the marketplace.
Financing:	$125,000, 30 yrs., Bridgeville Building & Loan Association
Highest & Best Use:	Use within the existing zoning classification.
Sale Verified With:	Buyer, Elizabeth Reagan
Date Inspected:	May 2017

Remarks: Prior sale from Alastair & Dana Probert for $102,900 dated September 8, 2016 in Liber 4595, folio 324, after being listed for $99,900 and getting into multiple offers. The Embletons then performed another site evaluation and it was again approved for an LPP. However, they decided to build on a family farm so it became available again. The Reagans had bid on it the first time, and got into another multiple bid situation which increased the price to $125,000. It did appraise higher. The Ag easement (S-05-06-093K) permits 1.0 acre for three dwellings; however, legally it can only be one lot under the subdivision regulations of Mill Run which also prohibits poultry houses and manufactured homes. Economic characteristics are typical for a residential farmette. Not rented at time of sale.

Photograph and Tax Map of Comparable Sale



Sale No. 7

Location:	**W/s Fawn Road (CR 600) & E/s Sugar Hill Road** Nanticoke Hundred
County:	Sussex
Map Reference:	430-11-20 & 430-8-2.01
Grantor:	Shawnee Woods Farms, Inc.
Grantee:	BPW Farms, LLC
Deed Reference:	Liber 5001, folio 227
Record Date:	January 4, 2019
Consideration:	$4,500,000
Per Unit:	**$7,011 land only**
Site Data:	
Size	**Approx. 641.847 acres total**
Frontage	Approx. 16,000 ft. both roads
Zoning	AR-1
Utilities	Public electricity and telephone. Private well and septic.
Topography	Generally level.
Soil Types	Approx. 570 acres tillable
Irrigated	No irrigation on Parcel 20 which is107 acre parcel. Three irrigation systems on the larger acre site.
Improvements:	Mobile home and approximately 60 ft. x 160 ft. frame storage shed modified from a manure shed, all enclosed, in good condition. Buyer paid separately for improvements and irrigation at $250,000.
Buyer Motivation:	Bought for agricultural and residential uses.
Current Use:	Agriculture
Property Rights Conveyed:	Larger 533 acre piece is under a DALPF preservation easements with 3 lot rights remaining on 10 acres. The 107-acre piece was in a district but no development rights had been sold off of it and reported to be in fee simple.
Analysis of Sale:	Normal arms length transaction in the marketplace.
Financing:	$1M, Mid-Atlantic Farm Credit ACA
Highest & Best Use:	Use within the existing zoning classification.
Sale Verified With:	Buyer, James Carpenter
Date Inspected:	February 2019
Remarks:	Had been listed and buyers who were the tenant farmers were second ones to make offer and were the higher bidders. As tenant farmers, had made some modifications at tenant's expense. Economic characteristics are typical for a farming operation and development potential.

SALES COMPARISON APPROACH

AFTER VALUE

Property	SUBJECT PROPERTY	Comparable Sale #1		Comparable Sale #2		Comparable Sale #3		Comparable Sale #4		Comparable Sale #5		Comparable Sale #6		Comparable Sale #7	
Identification	**MILFORD**	Shockley Town Rd		Sharps Road		Woody Road		Mud Mill Rd		Line Church Road		Shawnee Road		Fawn Road	
Date of Sale	Nov-18	Dec-16		Feb-14		Jan-17		May-18		Jan-17		Mar-17		Jan-19	
Sale Price		$1,660,000		$1,600,000		$540,000		$525,000		$246,000		$125,000		$4,500,000	
Size	100.0000 acres	292.866 acres		366.700 acres		60.650 acres		118.520 acres		29.640 acres		19.869 acres		641.847 acres	
Price per unit		$5,634		$4,363		$8,904		$4,430		$8,300		$6,291		$7,011	
	Description	Data	Adjustment	Data	Adjustment	Data	Adjustment	Data	Adjustment	Data	Adjustment	Data	Adjustment	Data	Adjustment
Property Rights Conveyed	Fee Simple	DALPF		DALPF		DALPF		DALPF		DALPF		DALPF/NRCS		Part DALPF	(10)
Financing	Assume Market	Market		Market		Conventional		Market		Market		Market		Market	
Conditions of Sale	Assume None	None		Typical		None		None		None		None		Typical	
Market conditions (time)	0.00%		1.00		1.00		1.00		1.00		1.00		1.00		0.90
Adjusted sale price			$5,634		$4,363		$8,904		$4,430		$8,300		$6,291		$6,310
Location	Milford	Baltimore Hundred		Cedar Creek Hundred		Little Creek Hundred		North Murderkill		Little Creek Hundred		Nanticoke Hundred		Nanticoke Hundred	
Size	100.000 acres	292.866	10	366.700	15	60.650		118.520		29.640	(20)	19.869	(20)	641.847	15
Zoning/Development Potential	AR-1	AR-1	5	AR-1	10	AR-1	(5)	AR	5	AR-1	(5)	AR-1	(5)	AR-1	
	DALPF	DALPF		DALPF		DALPF		DALPF		DALPF		DALPF		DALPF	
	3	3		2		3		2		1		1		NA	
	33	98		183		20		59		30		20			
Utilities	Public elect/telephone	Similar		Similar		Similar		Similar		Similar		Similar		Similar	
	Some public in area														
Site Characteristics-frontage	2,000 ft.	14,852	(5)	3,024		505		4,043		1,043		266		16,000	
	20.0 ft/ac	50.7		8.2		8.3		34.1		35.2		13.4		24.9	
Soil Types - Cleared ratio	70-75% tillable	81.95%		46.36% swamp	10	100.00%	(10)	45.87%	10	100.00% 3 ditch crossings	(10)	43.08% Fair soils	15	88.81%	(5)
Irrigation	None	None		Yes but owned by tenant		Yes, two pivots includes equipment	(5)	None		None		None		Paid separately	
								Two lots no perk	(5)	3 perks	(5)	Approved LPP	(5)		
Composite Adjustment			1.1000		1.3500		0.8000		1.1000		0.6000		0.8500		1.1000
	$5,907 Mean														
INDICATED VALUE	**$5,500** /acre		$6,197		$5,890		$7,123		$4,873		$4,980		$5,348		$6,941

Reconciliation of Comparable Farm Sales - After Value

This appraiser has provided comparable sales which were subject to Development Rights Easements through DALPF. Hence, these are good indicators of value in the subject instance. All are situated in Sussex County or Kent County Delaware. Items of adjustment are detailed on the opposite chart. The range in indicated values is from $4,873 to $7,123 per acre. There are no known conditions of sale or financing terms that would impact price. Most of the items of adjustment such as encumbered as location, site characteristics and size are still factors that impact value since in both scenarios agricultural and residential uses exist.

Property Rights Appraised - All are subject to a DALPF easement which has similar restrictions. While all of the sales are subject to a DALPF easement, each differs in the exercise of residential acreage which is addressed below under Zoning/Development Potential. In addition, Sale No. 7 is only partially encumbered by the DALPF easement. The seller added on a non-eased tract to an eased property, and there was a price differential for the two tracts. Based upon the differential, a 10 percent downward adjustment has been made.

Market Conditions - Sale prices had been increasing significantly for development land, but this ceased in recent years. For agricultural land, prices have also remained relatively stable. Based upon the current climate and the current sale prices, no appreciation is estimated.

Location - Generally similar for agricultural uses.

Size - Typically, the larger the size the lower the price per unit. The market indicates that the adjustment only applies if the size discrepancy is significant. The sales provide some evidence. Sales No. 1, 2 and 7 are larger than the subject property, warranting an upward adjustment. Sales No. 5 and 6 are smaller, warranting a downward adjustment.

Zoning/Development Potential - Although all of the properties are subject to DALPF easements, the development potential varies per acre. The subject property retains 10 acres for three lots. All of the sales retained development rights; some are spread across larger

Location Map of Comparable Sales

acreage and hence are less dense (Nos. 1, 2 and 4). These are adjusted upwards. Sales No. 3, 5 and 6 are more dense and adjusted downwards. Sale No. 7 is relatively similar. However, it would appear the building rights are not the most significant factor/motivation in these easement sales. In most cases, buyers would be farmers who would tend to view these lots as future assets and not for immediate development. Market value considered all future benefits and, hence, even limited residential development is a factor.

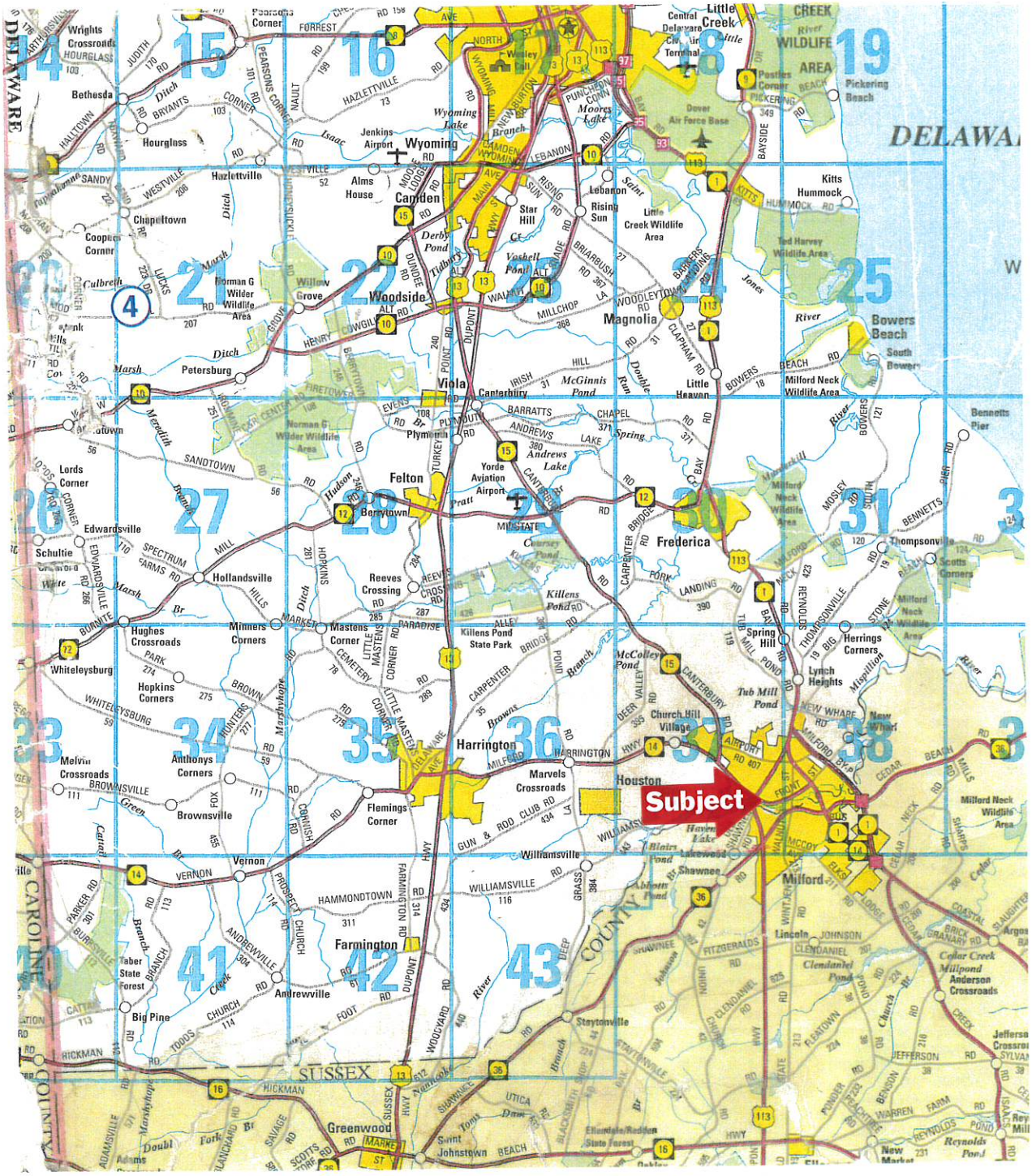
Utilities - Similar.

Site Characteristics - There are several factors that impacts the appeal of raw land parcels - accessibility, frontage, topography, floodplain and shape, to name a few. However, for agricultural use, road frontage is less important because strip development would not be a factor. Frontage does allow for better access for farm vehicles and cultivating as well as whatever residential rights have been retained. Overall the comparable sales are similar to the subject property except for No. 1 which has expansive frontage on multiple roads and adjusted downwards by 5 percent. The subject property is assumed to be 70 to 75 percent tillable. For agricultural purposes, cropland would tend to command a premium over woodland. For other easement sales, the buyer considered a differential of 69 percent between woodland and cropland. In other sales, buyers have quoted higher rates for cropland with lower rates for woods but the discount was not as great. Upward adjustments have been made to three of the sales. Sales No. 3, 5 and 7 have higher ratios and superior. Sale No. 1 is similar.

Irrigation still commands a premium as discussed previously. Four of the sales are adjusted upwards. Sale No. 3 included equipment and is adjusted downwards. The subject property is raw land. Sale No. 4 has two lots, No. 5 had perks in place and No. 6 an LPP system that reduced the time, energy, cost and risk for a buyer, warranting small downward adjustments.

Conclusion - The most recent sales, Nos. 3 thru 7, indicate values in the low to high range. Sales No. 1, 4 and 7 have composite adjustments closer to 1.0, indicating greater overall comparability; these indicate values in the low to upper range. Sale No. 7 requires the fewest number of adjustments and indicates a value in the upper range. Sale No. 2 is closest to Milford and indicates a value of $5,890 per acre. Sale No. 7 indicates the

Location Map of Comparable Sales



second highest value but is only partially encumbered. The average of Sales No. 1, 2, 4, 5 and 6 is $5,458 per acre. Based upon all of the above, this appraiser estimates the market value of the subject property to be **$5,500** per acre.

Difference - The difference in the market value with development potential and as encumbered is **$6,000** per acre as noted below:

Market Value with Development Potential	**$11,500**
Encumbered with DALPF Easement	**$ 5,500**
Market Value of Easement	**$ 6,000**

CERTIFICATION

I certify that, to the best of my knowledge and belief, except as otherwise noted in this appraisal report.

1. The statements of fact contained in this report are true and correct.

2. The terms of the assignment and reported analyses, opinions, and conclusions are limited only by the reported assumptions, limiting conditions, and contingencies herein, and are my personal, unbiased professional analyses, opinions, and conclusions.

3. I have no present or prospective interest in the subject property, and have no personal present or prospective interest or bias with respect to the subject matter of this appraisal report or the parties involved.

4. My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

5. The analyses, opinions and conclusions were developed, and this appraisal report has been prepared, in conformity with the requirements of the Uniform Standards of Professional Practice (USPAP) adopted by the Appraisal Standards Board of the Appraisal Foundation, and the requirements of the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute, except to the extent that statutory or regulatory requirements of the Foundation take precedent.

6. I have made a personal inspection of the property that is the subject of this report.

7. Camden E. Belinko researched and analyzed primary data regarding the typical property and comparable sales, inspected the sales with Karen H. Belinko, assisted in analyzing the comparable sales and the final conclusion of value.

8. The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

10. I have previously completed appraisal assignments on property such as the typical for this location.

11. As of the date of this report, I, Karen H. Belinko, have completed the continuing education program of the Appraisal Institute.

12. As of the date of this report, I, Karen H. Belinko, have completed the Standards and Ethics Education Requirement of the Appraisal Institute.

13. I have not performed an appraisal service as an appraiser regarding the property

that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

14. In my opinion, the market value of the typical farm with development potential is $11,500 per acre and the market value as encumbered is $5,500 per acre, with the difference of $6,000 per acre, as of January 22, 2019.

Karen H. Belinko, MAI
State Certified General Real Estate Appraiser
DE Certified General Appraiser, #X1-0000309

Camden E. Belinko
MD Real Estate Trainee, #32956

ADDENDA

Karen H. Belinko Appraisals, LLC

RESUME

Karen H. Belinko, MAI
Certified General Real Estate Appraiser, State of DE, #X1-0000309

EDUCATION

University of Maryland, Baltimore County, Bachelor of Arts Degree, English, Cum Laude

CONTINUING EDUCATION

International Association of Assessing Officers
Course 1 Fundamentals of Real Property Valuation
Course 2 Income Approach to Value
Course 301 Mass Appraisal of Residential Properties
Course 302 Mass Appraisal of Income Producing Properties

Maryland Association of County Appraisers Societies
Appraisal Principles and Math
Appraisal Standards of Practice and Ethics Workshop

Appraisal Institute
120 Appraisal Procedures
410 Standards of Professional Practice, Part A
420 Standards of Professional Practice, Part B
430 Standards of Professional Practice, Part C
510 Advanced Income Capitalization
520 Highest & Best Use and Market Analysis
530 Advanced Sales Comparison & Cost Approach
540 Report Writing and Valuation Analysis
550 Advanced Applications
Uniform Appraisal Standards for Federal Land Acquisitions
Uniform Standards of Professional Appraisal Practice
Valuation of Conservation Easements
Business Practices & Ethics
The Appraiser as an Expert Witness: Preparation & Testimony

CERTIFICATE

Certified General Real Estate Appraiser, State of MD, #04-438
Certified General Real Estate Appraiser, State of DE, #X1-0000309
Certified General Real Estate Appraiser, State of VA, #4001 004817
Certified General Real Estate Appraiser, District of Columbia, #GA10613

Member - Appraisal Institute

QUALIFIED EXPERT WITNESS

Property Tax Assessment Appeals Board, 1979 to 1993
Maryland Tax Court, 1979 to 1993
Board of Zoning Appeals, Howard County
Board of Property Review, Carroll County
Board of Property Review, Harford County

Board of Property Review, Baltimore County
Circuit Court, Baltimore City, 2009

EXPERIENCE

Real Property Assessor, 1979 to 1993
Real Property Consultants, 1984 to 2010
Karen H. Belinko Appraisals, LLC, 2010 to present

SPECIFIC CLIENTS

M&T Bank
Carroll County Land Acquisition Division
City of Rockville
Civil War Trust
Delaware Agricultural Lands Preservation Foundation
Department of Housing and Community Development, Baltimore City
Department of Housing and Urban Development (HUD)
Diversified Property Services
Ducks Unlimited
Frederick County Planning & Zoning
Howard County Department of Public Works
Maryland Aviation Administration
Maryland Port Administration
Maryland Transportation Authority
State of Maryland, State Highway Administration
State of Maryland, Maryland Transit Administration
State of Maryland, Department of General Services
State of Maryland, Department of Natural Resources
State of Delaware, Department of Transportation
State of Delaware, Department of Agriculture
U.S. Department of the Navy
WMATA

SPECIFIC MULTI-FAMILY CLIENTS

Department of Housing and Community Development, Baltimore City
Department of Housing and Urban Development (HUD)
Maryland Department of Housing & Community Development
AGM Financial Services
Comprehensive Housing Assistance, Inc. (CHAI)
Cooperative Services, Inc.
CW Capital, LLC
Deutsche Bank Berkshire Mortgage, Inc.
Enterprise Housing, Inc.
Homes for America
Housing & Health Services, Inc.
Love Funding Corporation
M&T Realty Capital Corporation

SOME SPECIFIC APPRAISALS

Airports
BWI Airport & Air Cargo Terminal
Frederick Municipal Airport
Martin State Airport
Carroll County Airport

Railroads
Penn Central Railroad
CSX System
Conrail, Wilmington, Delaware
Several short lines, including B&A Railroad Company, Cumberland/Frostburg/Frederick and MD Midland Railroad
Light Rail Line, north and south legs
Canton Railroad
CSX Anacostia - Shepherd's Point Industrial Park to Bolling Air Force Base (Naval Station Annex)
Ivy Yard, District of Columbia

Right of Way/Public Works
Purple Line, State of Maryland
Red Line, State of Maryland
MD Route 140 Improvements
MD Route 30 Improvements
MD Route 2 Improvements

Karen H. Belinko Appraisals, LLC

RESUME

Camden Ellsworth Belinko
MD Real Estate Appraiser Trainee, #32956

EDUCATION

University of Maryland, Baltimore County, Bachelor of Arts Degree 2017, Economics

RELATED COURSES

Economics - 33 credits
Applied Statistics - Business & Economics
International Finance
Computer Engineering/Science - 28 credits

QUALIFYING EDUCATION

Basic Appraisal Procedures
Basic Appraisal Principles
Uniform Appraisal Standards of Professional Appraisal Practice
Supervisor-Trainee Course for Maryland

CERTIFICATE

Appraiser Trainee, State of MD, #32956

EXPERIENCE

Karen H. Belinko Appraisals, LLC, 2014 to present
Volunteer Work, 2013 to present

CLIENTS

Howard County Department of Public Works
State Highway Administration
Department of Natural Resources
Delaware Agricultural Lands Preservation Foundation
CXS Transportation, Inc.
MD Department of Housing & Community Development
Towson University
Frederick County Land Preservation Critical Farms Program
Maryland Aviation Administration
BWI Fair Market Rent
Civil War Trust
State of Maryland, Department of General Services

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN the City of Milford Planning Commission will hold a Public Hearing on the following ordinance on Tuesday, July 16, 2019.

A FINAL REVIEW AND PUBLIC HEARING is scheduled before Milford City Council on Monday, July 22, 2019.

All persons interested in this application are encouraged to attend. Both public hearings will begin at 7:00 p.m. on the said dates in the Milford City Hall Council Chambers, 201 South Walnut Street, Milford, DE 19963.

Ordinance 2019-13
Chapter 200-Subdivision of Land

WHEREAS, the Mayor and Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the City Comprehensive Plan and Southeast Master Plan recognize the pressure to develop rural agricultural areas east of the City where adequate infrastructure does not exist to support such development and the fact that development of such agricultural, environmentally sensitive, and architecturally and culturally significant land threatens the character and quality of life that residents of the Milford area expect; and

WHEREAS, the Council of the City of Milford has considered the proposed text amendment changes to the Subdivision of Land, with regard to the establishment of a Transfer of Development Rights Program, and finds that the amendment is warranted in order to achieve the purposes of the City Comprehensive Plan and Southeast Master Plan, as it relates to those goals; and

WHEREAS, that Chapter 200, Subdivision of Land, is hereby amended with additions in underline, deletions in strikethrough, and existing sections renumbered as set forth below.

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

Section 1. The Title and Text of Section 200-5 General Requirements and Design Standards is hereby renumbered Section 8 as set forth below:
§ 200-8. General Requirements and Design Standards

Section 2. The Title and Text of 200-6 Variances and Waivers is hereby renumbered Section 9 as set forth below:
§200-9. Variances and Waivers

Section 3. Section 200-6 is hereby renamed Revisions to Recorded Subdivision Plats as set forth below:
§200-6. Revisions to Recorded Subdivision Plats

Section 4. The Title and Text of 200-7 Administrative Approvals is hereby renumbered Section 5 as set forth below:
§200-5. Administrative Approvals

Section 5. Section 7 is hereby renamed Expiration of Approved Subdivision Development Plans as set forth below:
§200-7. Expiration of Approved Subdivision Development Plans
Section 6. Section 9 is hereby renamed Variances and Waivers as set forth below:

§200-9. Variances and Waivers
Section 7. A new Section 10 is hereby added to read as follows:

§ 200-10. – Transfer of development rights.

A. Purpose and intent. This section is intended to promote more efficient utilization of land resources through the creation of a transfer of development rights program available to land owners. The transfer of development rights

program enables developers of land within receiving areas the ability to purchase development credits to be used to increase the number of residential units per acre for development within the receiving areas. Funds paid by developers of land within receiving areas would be utilized to purchase the development rights of property owners of certain land designated as sending areas. This option was conceived in response to increasing pressure to develop rural agricultural areas where essential infrastructure and support services necessary to sustain suburban and urban land uses do not exist and are not planned. This section endeavors to achieve well designed and efficient communities inside the City of Milford while preserving, protecting and enhancing precious agricultural lands and rural and natural landscapes from encroachment by sprawl development that threatens the unique character and quality of life that Milford citizens enjoy and expect. The purpose of this section is further described as follows;

(1) Enables the purchase of transfer credits by developers of land within designated receiving areas;

(2) Enables the purchase of development rights for willing land owners within designated sending areas;

(3) Provides for farmland, open space and natural resource preservation through the transfer of development rights that permits an increased density on a receiving parcel and preservation of a sending parcel;

(4) Provides transit oriented, pedestrian friendly communities with parks, greenways, mixed uses and interconnectivity thereby reinforcing community character;

(5) Provides adequate and efficient density to support infrastructure investment within the City.

(6) To further discourage sprawling of urban development into rural areas; and

(7) Ensures that development credits be utilized for properties that are in areas that have adequate support facilities, including, but not limited to, transportation, water, sewer, employment, recreation and commercial services to accommodate additional development.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

DEVELOPMENT RIGHTS – The rights of the owner of a parcel of land to develop or use the parcel in accordance with Chapters 230 and 200 of the City of Milford Code.

RECEIVING AREA – One or more designated areas within which the development credits from sending areas may be purchased for use within development projects.

RECEIVING PARCEL – A parcel of land in a receiving area that is the recipient of development credits for the purpose of development with an increase in the number of dwelling units equivalent to the number of development credits purchased in addition to the number of dwelling units that would otherwise be permitted on the parcel.

SENDING AREA – One or more areas in which the development rights of parcels may be purchased from for the use in one or more receiving areas.

SENDING PARCEL – A parcel of land in a sending area from which development rights are being transferred for use on a parcel within a designated receiving area, and upon which a legally binding and irrevocable preservation easement has been placed and recorded that would prohibit the future development of such parcel.

TRANSFER OF DEVELOPMENT RIGHTS – The procedure prescribed by this section whereby the owner of a parcel in the sending area may convey development rights in perpetuity to the City and State of Delaware, Department of Agriculture, and the owner of a parcel in a receiving area may purchase development credits from the City to be utilized on the receiving parcel in addition to the development rights already existing on the parcel.

C. General Provisions.

(1) A system of transferable development rights credit for properties situated within designated sending areas is established in Subsection D, Sending areas.

(2) A system of limitations on the quantity of development rights credits that may be imported into designated receiving areas is established in Subsection E, Receiving areas.

(3) The designation, tabulation, tracking, recordkeeping, management and transfer of development rights shall be under the direction of the City Manager or designee in accordance with the provisions of this section, and procedures established by the Planning Department.

(4) All sending parcels shall be encumbered in perpetuity by an irrevocable preservation easement of the development rights. Such preservation easement shall be recorded and become codicil to the property deed of the sending parcel, and shall have the effect of limiting in perpetuity the future construction of dwellings on the sending parcel to a maximum allowed by the State of Delaware, Department of Agriculture preservation program.

(5) All properties to which development rights are planned to be transferred shall comply with the provisions of Subsection E Receiving Areas, of this section and shall be subject to the plan review and approval processes set forth in Chapter 200 and Chapter 230 of the City Code.

D. Sending areas.

(1) All areas designated as TDR Sending Areas in the adopted City of Milford Comprehensive Plan shall be considered sending areas.

(2) Sending area value. Sending areas are assigned a value of transferable development right credits that may be transferred for utilization within a designated receiving area. The sending area value is determined by the development

potential based on the property's current zoning classification, exclusive of undevelopable land such as wetlands, floodplain or other natural features.

(3) Sending parcels shall convey all of their available transfer credits at the time of preservation easement dedication.

(4) Lands for which the State of Delaware, or any other entity, such as the federal government, a nature conservancy, or any other nongovernmental agency has purchased or otherwise secured the development rights, either through fee simple acquisition, condemnation, eminent domain, deed restriction, easement or any other legal means for the expressed purpose of preventing the development of such lands, shall be ineligible for participation in the City's Transfer of Development Rights Program. Examples of such lands include any state or federal owned property and lands on which agricultural preservation easements have been purchased.

(5) Property owners who have transferred development rights from their land forfeit the ability to use the land for any purpose or use other than those permitted by right in the underlying zoning district, except that such property shall not be subdivided for residential development.

E. Receiving areas.

(1) All areas designated as TDR Receiving Areas in the adopted City of Milford Comprehensive Plan shall be considered receiving areas. The receiving area acreage and number of TDR credits shall be limited to what is provided in the Comprehensive Plan; however, the City of Milford shall have the flexibility to determine the exact location on the receiving parcel where the TDR credits may be applied based on the availability of public utilities, road and traffic considerations, availability of public transportation, environment considerations, proximity to public services and existing density.

(2) Receiving area value. The maximum gross development densities shall be limited to eight (8) dwelling units per acre.

(3) Receiving areas may be rezoned to R-8 Garden Apartment and Townhouse District in accordance with Chapter 230-58 if the developer participates in the TDR program and purchases TDR credits.

(4) Developers may purchase available credits from the TDR bank at a value per transfer credit established by the City in accordance with Section G.

F. Irrevocable Preservation Easement

(1) Preparation of irrevocable preservation easement. Prior to the purchase of transfer credits, the State of Delaware, Department of Agriculture shall prepare an irrevocable preservation easement for the purposes of establishing a perpetual restriction upon the sending area property from which development credits are being purchased. The irrevocable preservation easement shall be prepared by and at the expense of the State of Delaware, Department of Agriculture and shall be subject to review and approval of the Planning Department.

(2) Recordation of irrevocable preservation easement. Such preservation easement shall be recorded in the Office of the Recorder of Deeds for the County at the time of purchase of any development credits, and shall become a permanent, perpetual preservation easement on the deed of the sending property. No such preservation easement shall be recorded without the signature of the City Manager and Planning Director.

G. Administration.

(1) A value for each transfer credit shall be established by a licensed and certified Delaware real estate appraiser and adopted by resolution by the City Council. The value shall be reviewed every two years.

(2) The City may include the cost of administering the TDR program, including but not limited to, the performance of appraisals, in the value per unit established by City Council.

Section 8. A revision to the City of Milford Subdivision Code is hereby granted, as specified in the motion approved by a majority vote of City Council.

Section 9. Dates
City Council Introduction: July 8, 2019
Planning Commission Public Hearing: July 16, 2019
City Council Public Hearing: July 22, 2019

Section 10. Effective Date.
This Ordinance shall be effective on the tenth day following the date of its adoption.

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

Posted 061119
Adv Beacon 061919 070319

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN the City of Milford Planning Commission will hold a Public Hearing on the following ordinance on Tuesday, July 16, 2019.

A FINAL REVIEW AND PUBLIC HEARING is scheduled before Milford City Council on Monday, July 22, 2019.

All persons interested in this application are encouraged to attend. Both public hearings will begin at 7:00 p.m. on the said dates in the Milford City Hall Council Chambers, 201 South Walnut Street, Milford, DE 19963.

Ordinance 2019-20
Chapter 230-Zoning

WHEREAS, the Mayor and Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS, the City Comprehensive Plan and Southeast Master Plan recognize the pressure to develop rural agricultural areas east of the City where adequate infrastructure does not exist to support such development and the fact that development of such agricultural, environmentally sensitive, and architecturally and culturally significant land threatens the character and quality of life that residents of the Milford area expect; and

WHEREAS, a transfer of development rights program is a tool that can be used to preserve agricultural land and environmentally sensitive areas and the City desires to use this tool; and

WHEREAS, it is necessary to amend Chapter 230, entitled Zoning Code, of the City of Milford Code to establish a Transfer Development Rights Program.

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

Section 1.
Chapter 230 is hereby amended by adding a new §230-19.6 entitled Transfer of Development Rights that shall read as follows:

§ 230-19.6. – Transfer of Development Rights.

(1) In recognition of the pressure to develop rural agricultural areas where adequate infrastructure does not exist to support such development and the fact that development of such agricultural, environmentally sensitive and architecturally and culturally significant land threatens the character and quality of life that residents of the Milford area expect, a Transfer of Development Rights Program has been established.

(2) Areas considered to be sending areas for transferred development rights are identified in the Comprehensive Plan and SE Master Plan as TDR Sending Areas, and are outlined in Chapter 200-10 Paragraph D.

(3) Areas considered to be receiving areas for transferred development rights are identified in the Comprehensive Plan and SE Master Plan as TDR Receiving Areas, and are outlined in Chapter 200-10 Paragraph E.

(4) The Official Map may be amended by City Council to allow Receiving Areas to be zoned R-8 Garden Apartment and Townhouse District if the developer participates in the TDR program and purchases TDR credits. Amendments to the zoning map shall follow the procedures outlined in Chapter 230-58.

Section 2.
A revision to the City of Milford Zoning Code is hereby granted, as specified in the motion approved by a majority vote of City Council.

Section 3. Dates
City Council Introduction: July 8, 2019
Planning Commission Public Hearing: July 16, 2019
City Council Public Hearing: July 22, 2019

Section 4. Effective Date.
This Ordinance shall be effective on the tenth day following the date of its adoption.

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

Posted 061119
Adv Beacon 061919 070319

CITY OF MILFORD
RESOLUTION 2019-05
PLANNING DEPARTMENT FEE SCHEDULE

Whereas, in an effort to achieve recovery of staff costs, it is necessary to update and revise fees charged by the City of Milford Planning Department to provide services without adversely impacting the City General Fund Budget nor placing an unwarranted burden on the Taxpayers of the City of Milford; and

Whereas, in order to recover these costs, it is necessary to establish new fees and modify current fees from time to time; and

Whereas, Section 230-57 of the Zoning Code of the City of Milford states the Planning and Zoning Fee Schedule shall be set by resolution adopted by City Council and maintained by the City Clerk's office; and

Whereas, following a properly noticed Public Hearing at which testimony was received and considered, the City Council has determined it to be in the best interest of the City to include two new fees adopted through separate ordinances:

Transfer of Development Rights Credit and Police and General Government Facilities

NOW, THEREFORE, THE CITY OF MILFORD HEREBY RESOLVES as follows:

The Planning and Zoning Fees, is hereby amended, by renaming Planning and Zoning Fees to Planning and Development Fees, indicated by underline and bold italics; and

Adding the Police and General Government Facilities fee, authorized by City Council on May 28, 2019 and effective June 6, 2019, through the adoption of Ordinance 2019-19, indicated by underline and bold italics; and

Adding the Transfer of Development Rights Credit fee, authorized by City Council on July 22, 2019 and effective August 1, 2019, through the adoption of Ordinance 2019-20, indicated by underline and bold italics.

~~**PLANNING AND ZONING FEES**~~ ***PLANNING & DEVELOPMENT FEES***		
Description		Fee
Major Subdivision	Preliminary or Final, Residential	$1,000.00 plus $10.00 per unit
	Preliminary or Final, Other than Residential	$1,000.00 plus $100.00 per lot
Minor Subdivision or	Final, Residential	$300.00 plus $50.00 per unit
	Final, Other than Residential (less than four acres)	$500.00 plus $100.00 per unit
Lot Line Adjustment	Final, Residential	$300.00 plus $50.00 per unit
	Final, Other than Residential (less than four acres)	$500.00 plus $100.00 per unit
Site Plan	Preliminary, Final or Amendment	$700.00
Conditional Use or Amendment to a Conditional Use		$700.00
Zoning Map Amendment/Comprehensive Plan Amendment		$1,000.00 plus $100.00 per acre
Zoning Code Amendment Request		$700.00

Annexation	Residential, less than 1 acre	$700.00
	Residential, 1 to 5 acres	$2,500.00
	Residential, 5+ acres	$2,500.00 plus $100.00 per acre
	Other than Residential	$2,500.00 plus $500.00 per acre
Variance(s)	1-3 variances	$300.00
	4-6 variances	$400.00
	7+ variances	$500.00
Board of Adjustment Hearing (no variance)		$300.00
Subdivision Agreement		$2,500.00
Zoning Verification Letter		$20.00
Certificate of Use		$75.00
Legal Interpretation of Subdivision or Zoning Code		$300.00
Street or Alley Closing		$300.00
Application Resubmission or Rescheduling Fee		$200.00
Professional Service Fees (including but not limited to Legal Fees, Engineering Review Fees)		Fees charged the City of Milford, plus 10%; Billed as encumbered.
Transfer of Development Rights (TDR) Credit		***$3,000 per dwelling unit***

BUILDING INSPECTION AND PERMITTING FEES		
Description		Fee
Building Permit, Residential, Use groups R3 or R4	New Dwelling Unit	$50 per 100 heated square feet plus $13 per 100 unheated square feet
	Interior/Exterior Renovations, Accessory Building, Pool, Deck, Ramp, Solar Panels	$50 plus $5 per $1,000 up to $1M and $2 per $1,000 over $1M based on cost of project
	Demolition	$50.00
	Certificate of Occupancy	$25.00
Building Permit, Other than use groups R3 or R4	New Construction, Commercial Fit-Out, Interior/Exterior Renovations, Footer, Foundation,	$100 plus $5 per $1,000 up to $1M and $2 per $1,000 over $1M based on cost of project
	Sign, Sales/Construction Trailer, Solar Panel	$50 plus $5 per $1,000 up to $1M and $2 per $1,000 over $1M based on cost of project
	Demolition	$100.00
	Certificate of Occupancy	$25.00
Building Permit, Renewal		$50 or 10% of permit fee, whichever is greater
Re-inspection		$50.00
Temporary Certificate of Occupancy		$50.00
Carlisle Enhancement Fund		1/4 of 1% of heated square feet cost
Police and General Government Facilities		***3/4 of 1% of heated square feet cost***

CODE ENFORCEMENT AND LICENSING FEES		
Description		Fee
Licensing	Contractors	$100.00 annually, prorated semi-annually
	Residential Rental Operating	$50.00 per unit annually
	Peddler, Solicitor, and Transient Merchant	$50.00 annually, prorated semi-annually
	Transfer	$50.00
Inspection	Re-Inspection / Follow Up Inspection	$50.00

This Resolution replaces in its entirety Resolution 2018-02.

Section l.
Following adoption of Resolution 2019-05, and upon the effective date, the Planning Department Fee Schedule is hereby amended.

Section 2.
Any revision to the City of Milford Planning Department Fee Schedule, is hereby granted, as specified in the motion approved by a majority vote of City Council.

Section 3. Dates
Planning Commission Review & Public Hearing: July 16, 2019
City Council Review & Public Hearing: July 22, 2019

Section 4. Effective Date.
Effective date will coincide with that of Ordinance 2019-20.

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

Advertised: Beacon 07/04/19

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, July 16, 2019 @ 7:00 p.m.
City Council Hearing: Monday, July 22, 2019 @ 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street to allow interested parties to participate in the discussion and consideration of the following zoning matter:

Ordinance 2019-22

Change of Zone
K&G Associates LLC
Current Zoning: H-1 (Institutional Development)
Proposed Zoning: OB-1 (Office Building)
Present & Proposed Use: Medical Office
Size/Location: .29 +/- acres of land located along the east side of
Polk Avenue between Sussex Avenue and Kings Highway.
Address: 302 Polk Avenue
Tax Map & Parcel(s): 1-30-3.08-067.00

Whereas, the City of Milford Planning Commission reviewed and made recommendations on Ordinance 2019-22 following a Public Hearing on Tuesday, July 16, 2019; and

Whereas, Milford City Council held a Public Hearing on Monday, July 22, 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 H-1 to OB-1 as described within the application.

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

Section l. Following adoption of Ordinance 2019-22, and upon the effective date, the property owned and managed by K&G Associates LLC located on .29 +/- acres of land at 302 Polk Avenue, is hereby designated d OB-1 (Office Building) in accordance with Chapter 230 §230-19.

Section 2. A revision to the City of Milford Zoning Map is hereby granted, as specified in the motion approved by a majority vote of City Council.

Section 3. Dates
City Council Introduction: July 8, 2019
Planning Commission Public Hearing: July 16, 2019
City Council Public Hearing: July 22, 2019

Section 4. Effective Date.
This Ordinance shall be effective on the tenth day following the date of its adoption.

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

Posted 061119
Adv Beacon 061919

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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
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DATA SHEET FOR K&G ASSOCIATES

Planning Commission Meeting: July 16, 2019

Application Number / Name	:	19-020 / K&G Associates
Applicant	:	K&G Associates, LLC 3 White Oak Road Rehoboth Beach, DE 19971
Owner	:	Same
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Low Density Residential
Present Zoning District(s)	:	H-1 (Institutional Development)
Proposed Zoning District(s)	:	OB-1 (Office Building)
Present Use	:	Medical Office
Proposed Use	:	Medical Office
Size and Location	:	0.29 +/- acres of land located along the east side of Polk Avenue between Sussex Avenue and Kings Highway. Addressed as 302 Polk Avenue.
Tax Map & Parcel(s)	:	1-30-3.08-067.00

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

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STAFF REPORT
June 7, 2019

Application Number / Name	**:**	19-020 / K&G Associates
Present Comprehensive Plan Designation	**:**	Low Density Residential
Present Zoning District(s)	**:**	H-1 (Institutional Development)
Proposed Zoning District(s)	**:**	OB-1 (Office Building)
Present Use	**:**	Medical Office
Proposed Use	**:**	Medical Office
Size and Location	**:**	0.29 +/- acres of land located along the east side of Polk Avenue between Sussex Ave and Kings Highway. Addressed as 302 Polk Avenue.
Tax Map & Parcel(s)	**:**	1-30-3.08-067.00

I. BACKGROUND INFORMATION:

- The applicant proposes to rezone the above referenced parcel from H-1 (Institutional Development) to OB-1 (Office Building). The property contains an existing building that was used as a doctor's office adjacent to the former Milford Memorial hospital.

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, as amended. The Future Land Use designation for the property is Low Density Residential, for which OB-1 (Office Building) is a suitable zoning designation.

- The purpose of the OB-1 district is to provide locations for the operation of professional offices of a low profile, low traffic category in areas of residential nature where existing nonresidential buildings/structures are present. The district will provide such locations that

will not detract from the surrounding residential atmosphere of the neighborhood but will allow viable businesses to operate in existing buildings/structures.

- The property to the north is zoned R-1 (Single-family Residential) while the properties to the west, south and east are all zoned H-1 (Institutional Development).

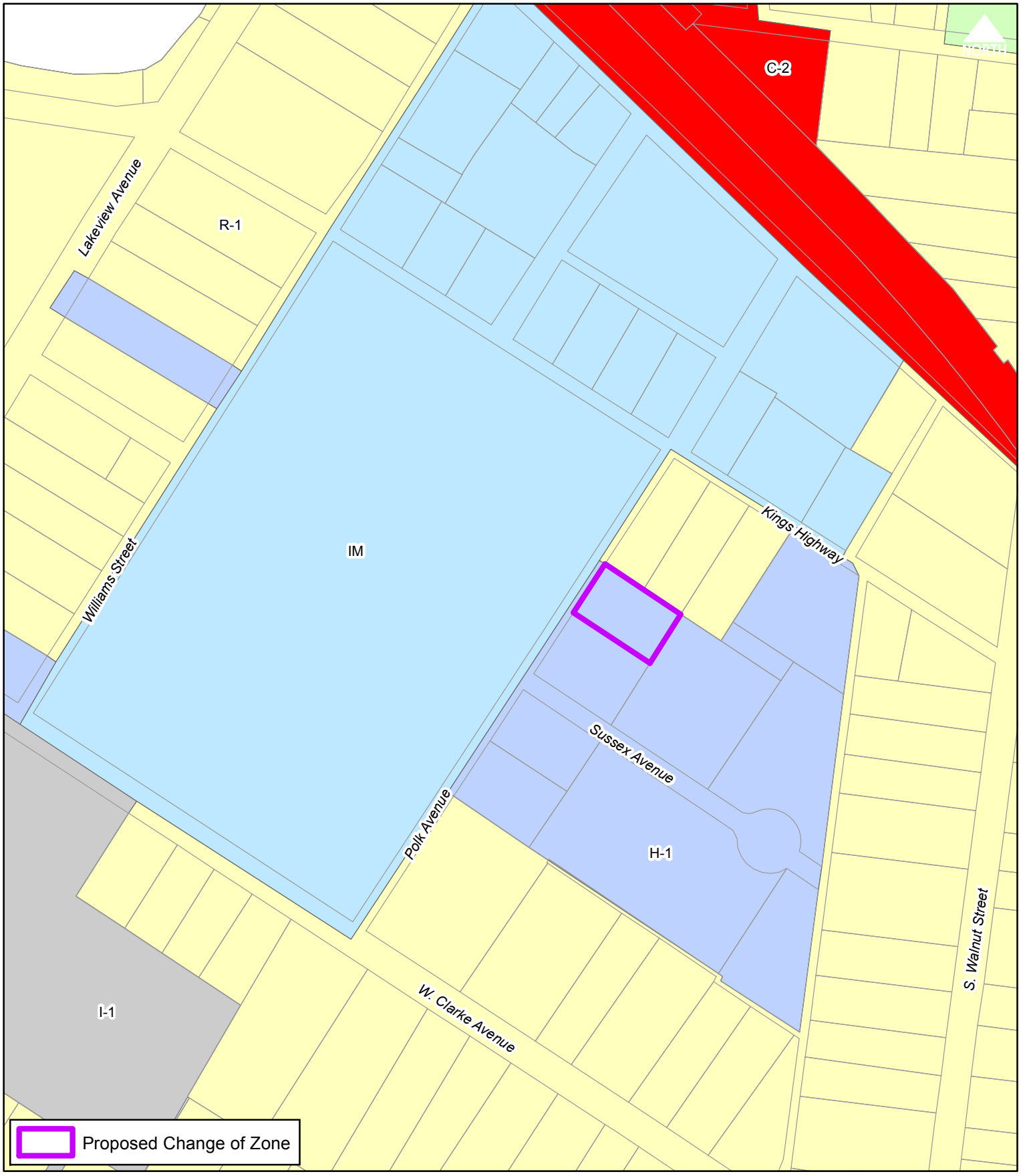
- The property contains an existing house that had been previously converted into a doctor's office. The site contains 12 off-street parking spaces.

- The OB-1 category would accept the property's existing condition, dimensions and location of the structure as the permitted area regulations.

- Any future use of the property must comply with Chapter 230 and the OB-1 (Office Building) zoning use and area regulations as adopted at the time of building permit issuance.

III. AGENCY COMMENTS:

- DelDOT – No comments solicited
- Sussex Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



THE CITY of Milford DELAWARE

Scale: 0 100 200 Feet

Drawn by: WRP

Date: 06/07/19

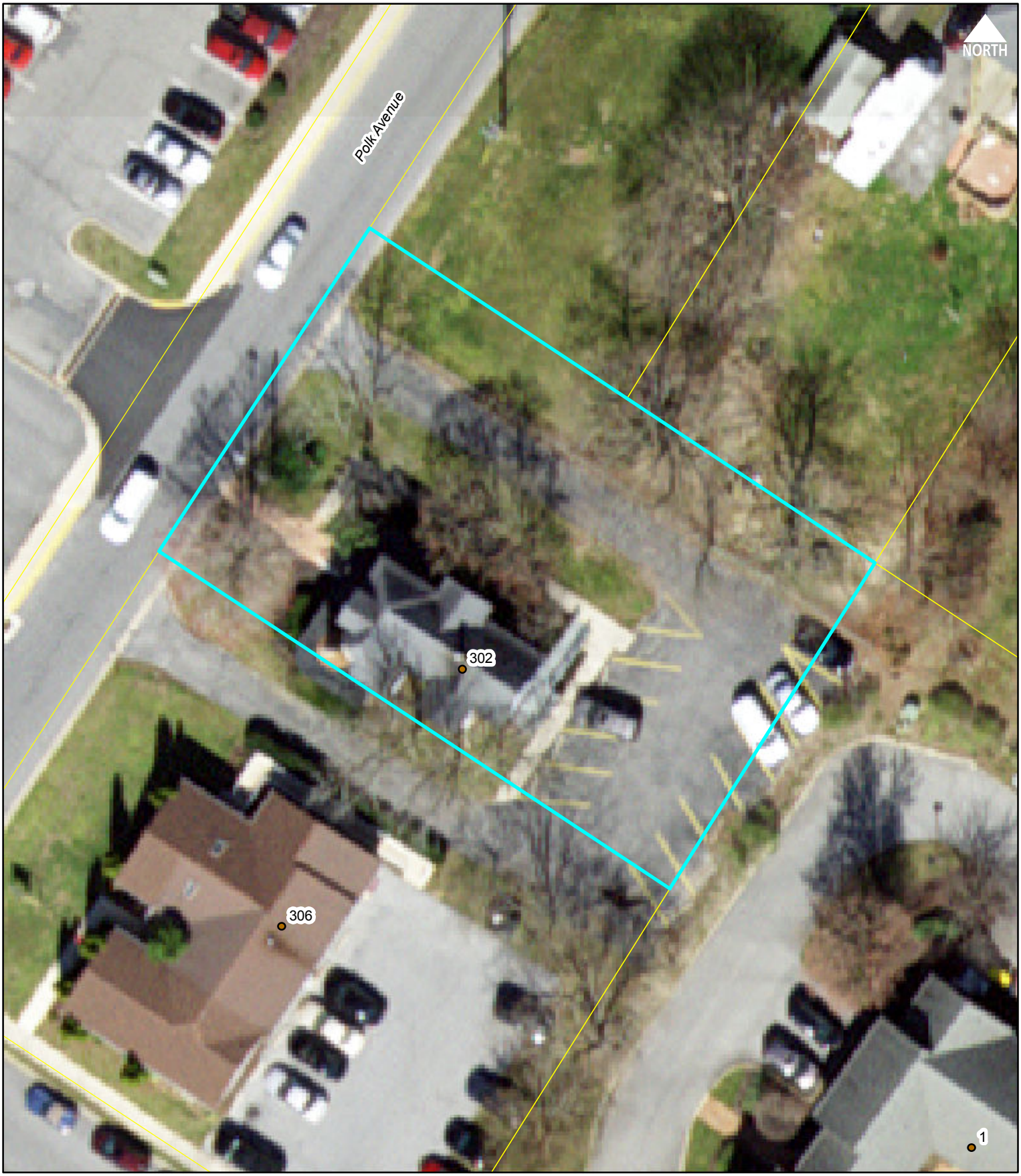
Filepath: ChangeZone_K&GAssociates.mxd

Title:

Change of Zone

K&G Associates

Location & Zoning Map



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Date: 06/07/19

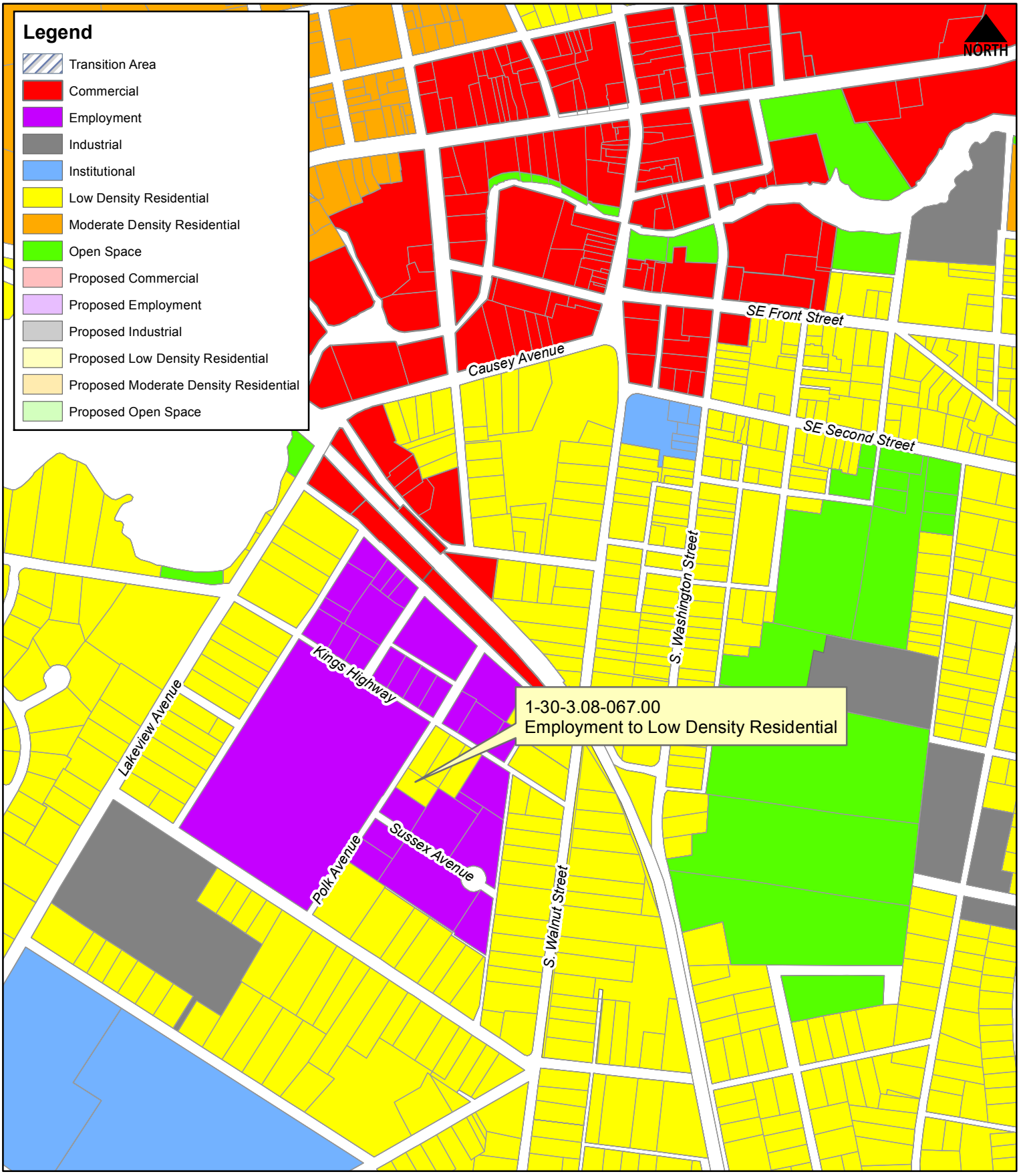
Filepath: ChangeZone_K&GAssociates_Aerial.mxd

Title:

Change of Zone

K&G Associates

Aerial Map



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Scale: 0 250 500 Feet

Drawn by: WRP

Date: 04/02/19

Filepath: Exhibit_E_040219.mxd

Title:

Exhibit E

2019 Comprehensive Plan Amendment

Future Land Use Map

§ 230-19. - OB-1 Office Building District.

In an OB-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.

A. The purpose of the OB-1 Office Building District shall be to provide locations for the operation of professional offices of a low-profile, low-traffic category in areas of a residential nature where existing nonresidential buildings/structures are present. In short, this district will provide such locations that will not detract from the surrounding residential atmosphere of the neighborhood but allow viable businesses to operate in existing buildings/structures.

B. Permitted uses. Permitted uses for the OB-1 District shall be as follows:

(1) Professional services and administrative activities, including but not limited to architects, engineers, brokers, insurance agents, realtors, physicians, dentists, artists and attorneys, within a single occupancy setting.

(2) Branch libraries and public information centers.

C. Conditional uses. Conditional uses shall be as follows:

(1) Medical and dental clinics.

(2) Day-care facilities (group and day-care centers only).

(3) Civic or fraternal organizations.

(4) Government offices serving the public.

(5) Churches and other places of worship.

(6) New facilities proposed for vacant properties (see lot requirements).

(7) Any use which would necessitate dual-occupancy settings within the single building/structure.

(8) Musicians.

D. Prohibited uses. Any and all uses which would alter the residential nature of the neighborhood or cause such activity to occur which would deteriorate said residential atmosphere shall be prohibited.

E. 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 control than those of the permitted use variety and are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.

(1) Accessory uses shall not be allowed without a principle use.

(2) The premises shall be suitably landscaped; most landscaping is present at existing sites.

(3) All driveways shall meet width requirements of the State Fire Marshal's regulations.

(4) All requirements set forth by the state guidelines for sediment and erosion control shall be complied with in all respects. Further, if any federal rulings are applicable, said property shall likewise comply in all respects.

(5) All sites shall be made to comply with the requirements set forth by the Americans with Disabilities Act, and all such needed modifications to the building or premises shall require sealed architectural plans submitted to the City Inspections Office for approval.

(6) All internal driveways and parking areas (for public, in-house staff or other vehicular traffic) shall be paved.

(7) All OB-1 District projects and proposals are subject to site plan review in such cases where expansion to an existing facility may be requested or if any upgrades required by the

aforementioned codes or requirements deem any major alterations to occur. This review shall be held by the City Planning Commission.

(8) Exterior lighting will be adequately shielded from the view of all surrounding properties and streets.

F. Area and height regulations shall be as follows:

(1) Minimum lot area.

(a) Existing buildings/structures on site: none.

(b) New construction (conditional use): 1/2 acre.

(2) Maximum lot coverage (building/structure and paved area) shall be no greater than 50%, with the remainder being utilized for plantings and landscaping (new construction, with conditional use). Existing facilities shall not decrease any existing planted or landscaped areas on the site without obtaining a variance for said decrease from the Board of Adjustment.

(3) Minimum lot width.

(a) New construction, with conditional use: 100 feet.

(b) Existing facilities: existing dimension accepted.

(4) Maximum building/structure heights shall not exceed the requirements set forth within this chapter for the residential zoning district in which the building/structure exists.

(5) Minimum front yard setback (new construction, with conditional use): 30 feet. Existing facilities shall not be allowed to encroach further into the front yard area(s) if the setback is less than 30 feet.

(6) Minimum side yard setback (new construction, with conditional use): 15 feet. Existing facilities shall not be allowed to encroach further into the side yard area(s) if the setback is less than 15 feet.

(7) Minimum rear yard setback (new construction, with conditional use): 30 feet. Existing facilities shall not be allowed to encroach further into the rear yard area if the setback is less than 30 feet.

(8) Off-street parking. See Article IV of this chapter.

(9) Landscape screening.

(a) Existing structures/facilities shall maintain existing screening and plantings (as per requirements stated previously within this subsection).

(b) Planted screening shall be provided at all boundaries where adjacent residential properties exist.

(c) There shall be a ten-foot buffer area along all parking areas and adjacent residential properties, in which natural screening shall be placed.

(d) Each planted area of screening/buffering shall:

[1] Retain natural vegetation.

[2] Be planted with indigenous evergreens, deciduous and ornamental trees or shrubs.

(10) Sign requirements.

(a) A wall sign shall be allowed, with the following stipulations:

[1] The sign shall be applied or affixed to the building and shall not exceed 20 square feet in area.

[2] The sign shall not extend beyond the wall of the building upon which it is attached and shall not protrude from the wall more than six inches.

[3] If a sign is illuminated, said illumination shall be of an indirect nature and shall have its light source shielded from all adjacent properties and streets.

(b) One identification sign shall be allowed at each street access point, the size of which shall not exceed one foot by two feet.

G. Additional requirements.

(1) Space requirement per office staff: 200 square feet (minimum).

(2) Accessory structure installation shall be reviewed by the Director of Planning, and if said unit shall exceed 150 square feet in area, the proposal shall be submitted to the Planning Commission for site plan review. Total accessory structure allowance shall not exceed 10% of the property area.

(3) Accessory structures shall be located within the rear yard area.

(4) Accessory structures shall not be located closer than 15 feet to the rear property line.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, July 16, 2019 @ 7:00 p.m.
City Council Hearing: Monday, July 22, 2019 @ 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street to allow interested parties to participate in the discussion and consideration of the following zoning matter:

Ordinance 2019-24

Change of Zone
Milford Marina Enterprise LLC on behalf of
Applicant Limitless Development Company LLC
Current & Proposed Zoning: R-3 (Garden Apartment & Townhouse)
and C-3 (Highway Commercial) Zoning Districts
Present Use Vacant
Proposed Use Planned Unit Development and Commercial Residual Land
Size: 12.90 +/- Acres of 60.58 +/- total Acres of Land
South of Cedar Beach Road, East of Beaver Dam Road and West of State Route 1
Site Address: 19859 Cedar Beach Road, Milford, DE
Tax Map & Parcel(s) 3-30-7.00-035.00, 036.00 & 037.00 (portions of)

Whereas, the City of Milford Planning Commission reviewed and made recommendations on Ordinance 2019-22 following a Public Hearing on Tuesday, July 16, 2019; and

Whereas, Milford City Council held a Public Hearing on Monday, July 22, 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 a Change of Zone by allowing the Zoning Boundary Line to be moved further north resulting in an additional 12.9 +/- acres of R-3 Garden Apartment & Townhouse District and reduction of C-3 Highway Commercial-zoned lands, as described within the application.

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

Section l. Following adoption of Ordinance 2019-24, and upon its effective date, approximately 12.9 acres of lands zoned C-3 become R-3 zoned lands, as found on the south of Cedar Beach Road, east of Beaver Dam Road and west of State Route 1, on portions of Tax Parcels 3-30-7.00-035.00, 036.00 & 037.00.

Section 2.
A revision to the City of Milford Zoning Map is hereby granted, as specified in the motion approved by a majority vote of City Council.

Section 3. Dates
City Council Introduction: July 8, 2019
Planning Commission Public Hearing: July 16, 2019
City Council Public Hearing: July 22, 2019

Section 4. Effective Date.
This Ordinance shall be effective on the tenth day following the date of its adoption.

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

Posted 061119
Adv Beacon 061919

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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
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DATA SHEET FOR KNIGHT CROSSING

Planning Commission Meeting: July 16, 2019

Application Number / Name	:	19-021 / Knight Crossing
Applicant	:	Limitless Development Company, LLC 26412 Broadkill Road Milton, DE 19968
Owner	:	Milford Marina Enterprise, LLC 2120 Love Point Stevensville, MD 21666
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Commercial & Moderate Density Residential
Present Zoning District(s)	:	C-3 (Highway Commercial) & R-3 (Garden Apartment & Townhouse)
Proposed Zoning District(s)	:	C-3 (Highway Commercial) & R-3 (Garden Apartment & Townhouse)
Present Use	:	Vacant
Proposed Use	:	Residential Subdivision and Commercial Residual Land
Size and Location	:	12.9 +/- acres of land located south of Cedar Beach Road, east of Beaver Dam Road and west of Route 1.
Tax Map & Parcel(s)	:	3-30-7.00-035.00, 036.00 & 037.00 (portions)

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
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STAFF REPORT
June 10, 2019

Application Number / Name	**:**	19-021 / Knight Crossing
Present Comprehensive Plan Designation	**:**	Commercial & Moderate Density Residential
Present Zoning District(s)	**:**	C-3 (Highway Commercial) R-3 (Garden Apartment & Townhouse)
Proposed Zoning District(s)	**:**	C-3 (Highway Commercial) R-3 (Garden Apartment & Townhouse)
Present Use	**:**	Vacant
Proposed Use	**:**	Planned Unit Development and Commercial Residual Land
Size and Location	**:**	12.9 +/- acres of land located south of Cedar Beach Road, east of Beaver Dam Road and west of Route 1.
Tax Map & Parcel(s)	**:**	3-30-7.00-035.00, 036.00 & 037.00 (portions)

I. BACKGROUND INFORMATION:

- The applicant proposes to move the zoning boundary between the R-3 (Garden Apartment & Townhouse) and the C-3 (Highway Commercial) zoning districts further north to create more residentially zoned property. This would result in changing approximately 12.9 acres of land from C-3 to R-3 as shown on the attached exhibit.

II. STAFF ANALYSIS:

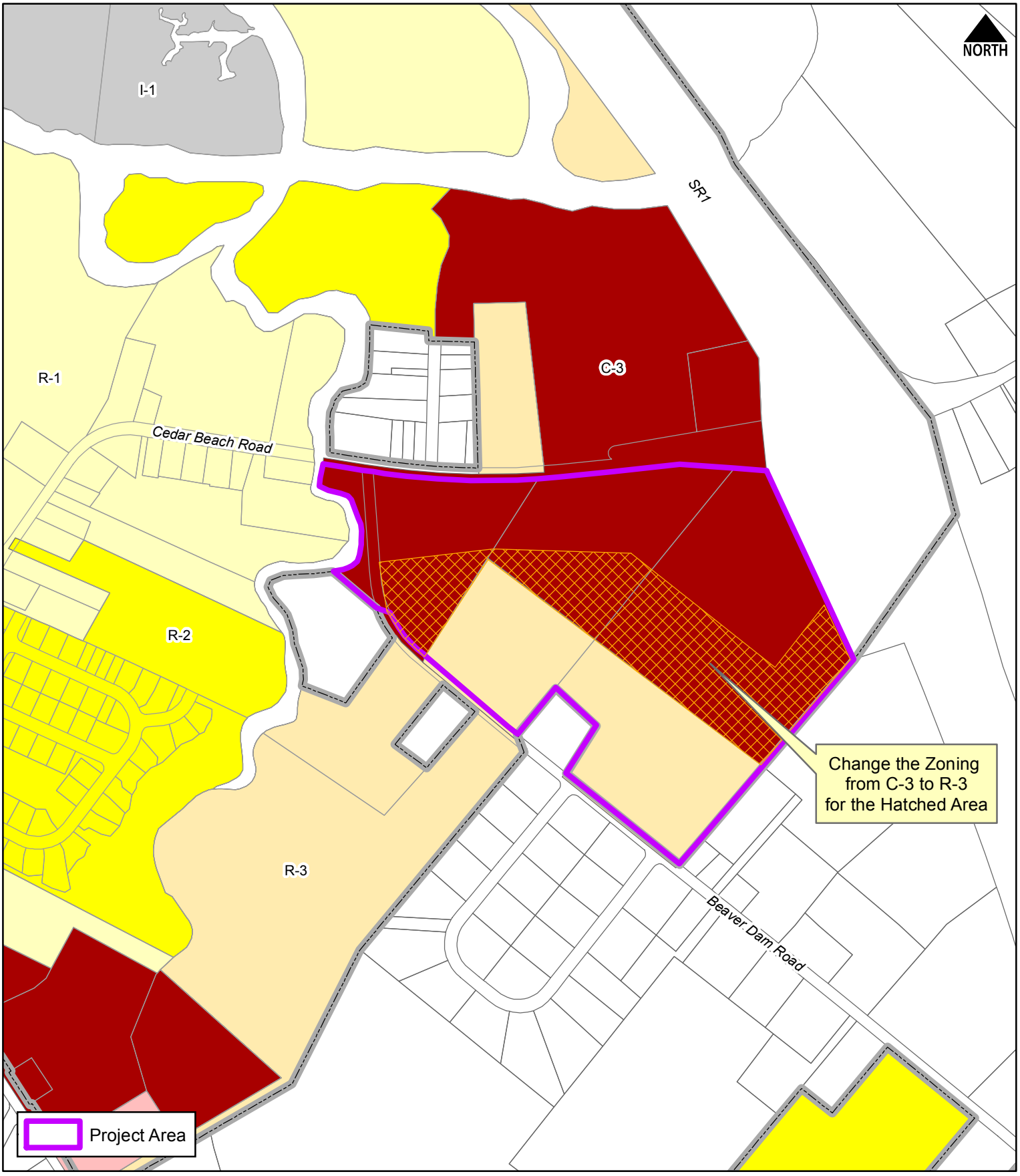
Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps, as amended. The Future Land Use designation for the properties is split

between Commercial and Moderate Density Residential, for which C-3 (Highway Commercial) and R-3 (Garden Apartment & Townhouse District) are suitable zoning designation.

III. AGENCY COMMENTS:

- DelDOT – See attached PLUS review comments pertaining to the Comprehensive Plan Amendment Request.
- Kent Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



THE CITY of Milford DELAWARE

Scale: 0 250 500 Feet

Drawn by: WRP

Date: 06/10/19

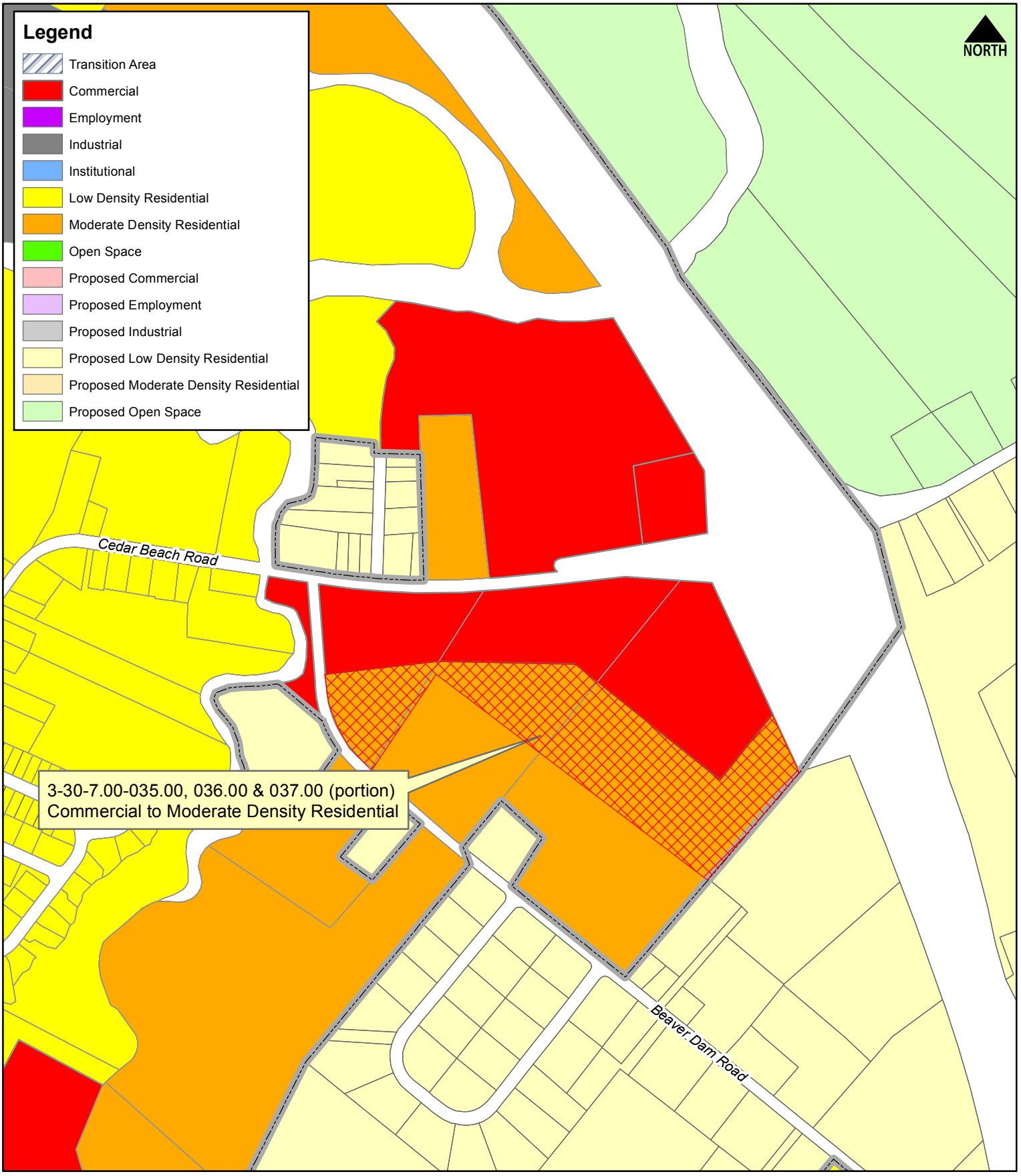
Filepath: ChangeofZone_KnightCrossing.mxd

Title:

Change of Zone

Knight Crossing

Location & Zoning Map



THE CITY of Milford DELAWARE

Scale: 0 250 500 Feet

Drawn by: WRP

Date: 03/26/19

Filepath: Exhibit_B_032619.mxd

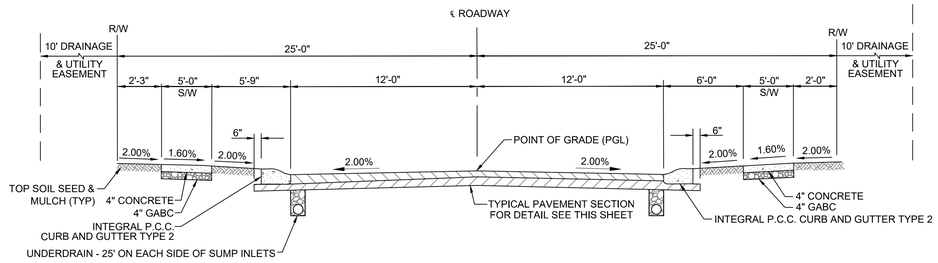
Title:

Exhibit B

2019 Comprehensive Plan Amendment

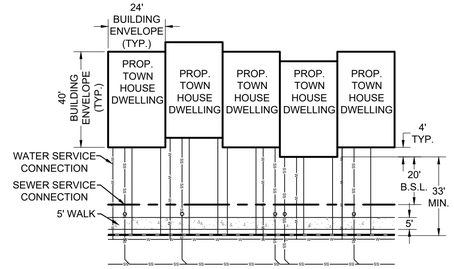
Future Land Use Map

1. ~~~~ 6" TOP SOIL SEED AND MULCH
2. SUBGRADE TO BE PREPARED IN ACCORDANCE WITH DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS



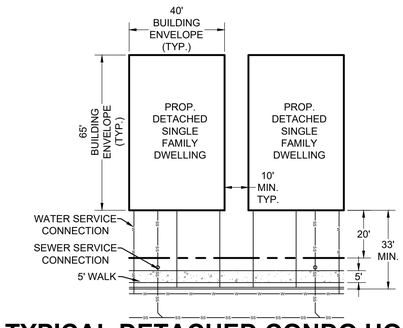
SECTION: TYPICAL 24' WIDE INTERNAL STREETS WITH SIDEWALKS

SCALE: N.T.S



TYPICAL TOWN HOUSE LAYOUT

SCALE: N.T.S



TYPICAL DETACHED CONDO HOUSE LAYOUT

SCALE: N.T.S

SITE DATA:

TOTAL SITE AREA		**= 40.64 ACRES**
AREA OF DEVELOPMENT		**= 1,121,309 SF (25.75 ACRES)**
AREA OF STATE RIGITH OF WAY DEDICATION		**= 11,428 SF (0.26 ACRES)**
AREA OF CITY RIGHT OF WAY		**= 222,183 SF (5.10 ACRES)**
AREA OF CONDOMINIUM PROPERTIES		**= 615,789 SF (14.14 ACRES)**
REQUIRED OPEN SPACE	**131 UNITS * 400SF**	**= 52,400 SF (1.20 ACRES)**
PROPOSED OPEN SPACE		**= 271, 909 SF (6.25 ACRES)***
		***INCLUSIVE OF SWM AREAS**

LEGEND:

- RIGHT-OF-WAY LINE
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- GOVERNMENTAL BOUNDARY LINE
- BENCHMARK
- CONCRETE MONUMENT FOUND
- CAPPED REBAR FOUND
- IRON PIPE FOUND
- BUILDING SETBACK LINE
- PAVEMENT SETBACK LINE
- EASEMENT LINE
- WETLANDS
- WETLAND BUFFER
- PR. RIGHT-OF-WAY LINE
- PR. PROPERTY LINE
- PR. ADJACENT PROPERTY LINE
- PR. BUILDING SETBACK LINE
- PR. EASEMENT LINE
- PR. BUILDINGS
- PR. ON-SITE CURB
- PR. ON-SITE ASPHALT
- PR. ON-SITE CONCRETE

PROPOSED ZONING LINE
PROP. 20' SANITARY SEWER EASEMENT
CLUBHOUSE AND POOL
FLOOD HAZARD AREA (AE ELEV.9)
TIDAL WETLAND LIMITS
15' PERMANENT EASEMENT
SWM #1
SWM #2
SWM #3
C-3 R-3
ZONED: R-3
OPEN SPACE
N/F RICHARD BURGESS PARCEL 330-7.00-37.01 BK 2408 PG 260 ZONED: R-3
N/F LSF9 MASTER PARTICIPATION TRUST PARCEL 330-7.00-40.00 BK 4774 PG 218 ZONED: R-3
N/F JAMES DALIOUS PARCEL 330-7.00-38.00 BK 3061 PG 280 ZONED: R-3
LIMIT OF NON JURISDICTIONAL WETLAND
OVER FLOW PARKING
BENCHMARK NAIL IN PAVEMENT ELEV. 25.15 N: 331404.846 E: 660048.781
5' WIDE STATE OF DELAWARE RIGHT OF WAY DEDICATED TO PUBLIC USE
ENTRANCE PROPOSED BY OTHERS
BEAVER DAM ROAD SR 209 (50' RIGHT OF WAY - LOCAL ROAD)
COASTAL HIGHWAY SR 1 (RIGHT OF WAY VARIES - PRINCIPAL ARTERIAL)
CRUSADER DRIVE
BRUCE WAYNE DRIVE
ERNIE'S PATH
MARCO STREET
KNIGHT ALLEY
DRAWING SCALE 1" = 60'

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX 302.239.8485
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM

CHECKED BY: SJG
DESIGNED BY: BRK
DRAWN BY: BRK
FILE NAME: SITE11686C
STEVE J. GORSKI, P.E.
STATE: DELAWARE P.E. #12625

CHK'D BY 2/2/19

No.	REVISION

PRELIMINARY NOT FOR CONSTRUCTION

OWNER: MILFORD MARINA ENTERPRISE, LLC
2120 LOVE POINT ROAD
STEVENSVILLE, MD 21666

DEVELOPER:
LIMITLESS DEVELOPMENT CO. LLC.
26412 BROADKILL ROAD
MILTON, DE 19968
PHONE: (302) 684-4844

PRELIMINARY RECORD PLAT
PRELIMINARY MAJOR SUBDIVISION
KNIGHT CROSSING
PHASE ONE
CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE: 8 MAY 2019
SCALE: 1" = 60'
PROJECT NO. 11686.CC
SHEET: 3 OF 5

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

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

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

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

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

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

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

[2] Maximum building coverage shall be 45%.

[3] Minimum lot width shall be 60 feet.

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

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

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

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

[8] Decks, subject to the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Maximum building coverage shall be 60%.

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

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

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

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

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

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

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

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

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

(1) Rooming or boarding houses.

(2) Business offices for administrative purposes only.

(3) Professional offices (nonresident).

(4) Medical clinics.

(5) Sanatoriums or nursing homes.

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

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

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

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

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

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

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

(g) Signs.

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

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

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

(i) Minimum requirements for mobile home lots.

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

[2] Width shall be 40 feet.

[3] Public street setback shall be 50 feet.

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

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

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

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

[8] Landscaping shall be one tree per lot.

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

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

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

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

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

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

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

(8) Planned unit residential development.

ARTICLE 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 HEARINGS

Planning Commission Hearing: Tuesday, July 16, 2019 @ 7:00 p.m.
City Council Hearing: Monday, July 22, 2019 @ 7:00 p.m.

Notice is hereby given that the Planning Commission and City Council will hold Public Hearings in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street to allow interested parties to participate in the discussion and consideration of the following zoning matter:

ORDINANCE 2019-23

Liborio Watergate LLC on behalf of Beach Babies
Conditional Use to allow a Daycare Center
R-3 Zoning District on 1.82 +/- acres of land
Northeast Intersection of Watergate Boulevard North and Marshall Street.
Contains portions of Lot 2 within the Watergate Planned Unit Development.
Present Use: Vacant Land (Planned Unit Development
Proposed Use: Day Care Center
3-30-11.09-030.00, 3-30-11.09-031.00 & 3-30-11.09-115.00

WHEREAS, the City of Milford Planning Commission has considered the conditional use application at a Public Hearing on Tuesday, July 16, 2019; and

WHEREAS, Milford City Council held a Public Hearing on Monday, July 22, 2019, to allow for public comment and further review of the ordinance and related recommendations and comments; and

WHEREAS, it is deemed in the best interest of the City of Milford to approve the Conditional Use, as herein described.

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

Section l. Following adoption of Ordinance 2019-23, and upon the effective date, Liborio Watergate LLC, on behalf of Beach Babies, is hereby granted a Conditional Use Permit to allow a two-story, 14,781 square foot Day Care Center, on lands located as described herein.

Section 2. The Conditional Use, is hereby granted, as specified in the motion approved by a majority vote of City Council.

Section 3. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 4. Dates
City Council Introduction: July 8, 2019
Planning Commission Public Hearing: July 16, 2019
City Council Public Hearing: July 22, 2019

Section 4. Effective Date.
This Ordinance shall be effective on the tenth day following the date of its adoption.

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

Posted 061119
Adv Beacon 061919

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 LIBORIO WATERGATE - BEACH BABIES

Planning Commission Meeting: July 16, 2019

Application Number / Name	:	19-016 / Liborio Watergate - Beach Babies
Applicant	:	Liborio Watergate, LLC 903 N. French Street Wilmington, DE 19801
Owner	:	Same
Application Type	:	Preliminary Site Plan & Conditional Use
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Vacant (Planned Unit Development)
Proposed Use	:	Day Care Center
Area and Location	:	1.82 +/- acres of land located at the northeast corner of Watergate Boulevard North and Marshall Street. Contains portions of Lot 2 within the Watergate Planned Unit Development
Property Identification Numbers	:	3-30-11.09-030.00, 3-30-11.09-031.00 & 3-30-11.09-115.00

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
June 10, 2019

Application Number / Name	**:**	19-016 / Liborio Watergate – Beach Babies
Present Comprehensive Plan Designation	**:**	Moderate Density Residential
Present Zoning District	**:**	R-3 (Garden Apartment & Townhouse)
Present Use	**:**	Vacant (Planned Unit Development)
Proposed Use	**:**	Day Care Center
Tax Map & Parcel	**:**	3-30-11.09-030.00, 3-30-11.09-031.00 & 3-30-11.09-115.00
Size and Location	**:**	1.82 +/- acres of land located at the northeast intersection of Watergate Boulevard North and Marshall Street. Contains portions of Lot 2 within the Watergate Planned Unit Development

I. BACKGROUND INFORMATION:

- The applicant proposed to construct a two-story, 14,781 square foot Daycare Facility along the east side of Marshall Street, north of Watergate Boulevard South.

- The subject parcel is Lot 2 of the recorded Watergate Planned Unit Development that was approved by City Council on January 28, 2019.

- The applicant proposes to revise the Watergate PUD by removing proposed apartment buildings 'B' & 'C' containing 24 dwelling units along Marshall Street and designating this area as Residual R-3 lands. The revised subdivision plan would have to be recorded with Sussex County before the daycare receives final site plan approval from the Planning Commission.

- Chapter 230-11(C), all conditional uses within the R-1 and R-2 zoning districts may be permitted with the approval of a conditional use. A day care center is a conditional use within the R-1 zoning category.

- The site plan requires a variance from Chapter 230-11(C) which states that the maximum lot coverage allowed for the daycare use is 30%. The applicant requested permission from the Board of Adjustment on July 11, 2019 to allow an increase in the maximum lot coverage of 12%, resulting in a proposed lot coverage of 42%.

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:

- Aside from the variance noted above, the Preliminary Site Plan meets the minimum requirements of Chapter 230 Zoning.

- The preliminary site plans have been reviewed for general compliance with the City's Standard Construction Specifications by the Public Works Department.

- The applicant must revise the Watergate PUD and re-record the subdivision plan removing Lot 2 and the daycare center from the residential plan.

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

  A. The presence of adjoining similar uses.

     The property is located within the Watergate Planned Unit Development (PUD) which contains a mixture of single-family detached, duplex, townhouse and multi-family housing units. The property to the north contains a self-storage facility and is zoned I-1 Limited Industrial. There are existing light industrial uses located across Marshall Street to the west. There are existing daycare facilities along McCoy Street and McColley Street in and around the light industrial zones.

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

     The proposed use is only allowed by conditional use approval within the residential and commercial zoning districts.

  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 Moderate Density Residential. It is common to find daycares and other compatible commercial uses in and around residential neighborhoods that provide services to the residents. 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 daycare is bound on the west by Marshall Street, to the east by the Watergate PUD and Community Building, and to the south by Watergate Boulevard South. Screening

would be provided along the property line to the north consistent with the previous conditions for the Watergate PUD and agreement between the developer and Milford Ministorage, Inc.

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 use is compatible with the adjacent residential lands. There are existing light industrial uses on the west side of Marshall Street, directly across from the subject parcel, that operate 24 hours a day and may produce industrial noise and traffic. It should be noted that there are existing daycare facilities within and adjacent to the light industrial area, specifically along McCoy Street and S. Washington Street.

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 would gain access along Watergate Boulevard South. The site meets the parking standards for a school and meets the minimum front, rear and side yard setbacks set forth in Chapter 230. Landscape screening would be provided along the north side of the playground consistent with the conditions of the Watergate PUD.

- 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;
  - The Watergate PUD would need to be revised and re-recorded with Sussex County to create a residual R-3 property for the development of a daycare;
  - Address Preliminary Site Plan and Conditional Use review comments (a copy of which is provided in the packet);
  - 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**
  Derek Sapp – 302-760-4803
  The project received a revised Letter of No Objection from DelDOT on June 8, 2018. This included 32,237 sf of General Office space. DelDOT has no further comments.

- **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.

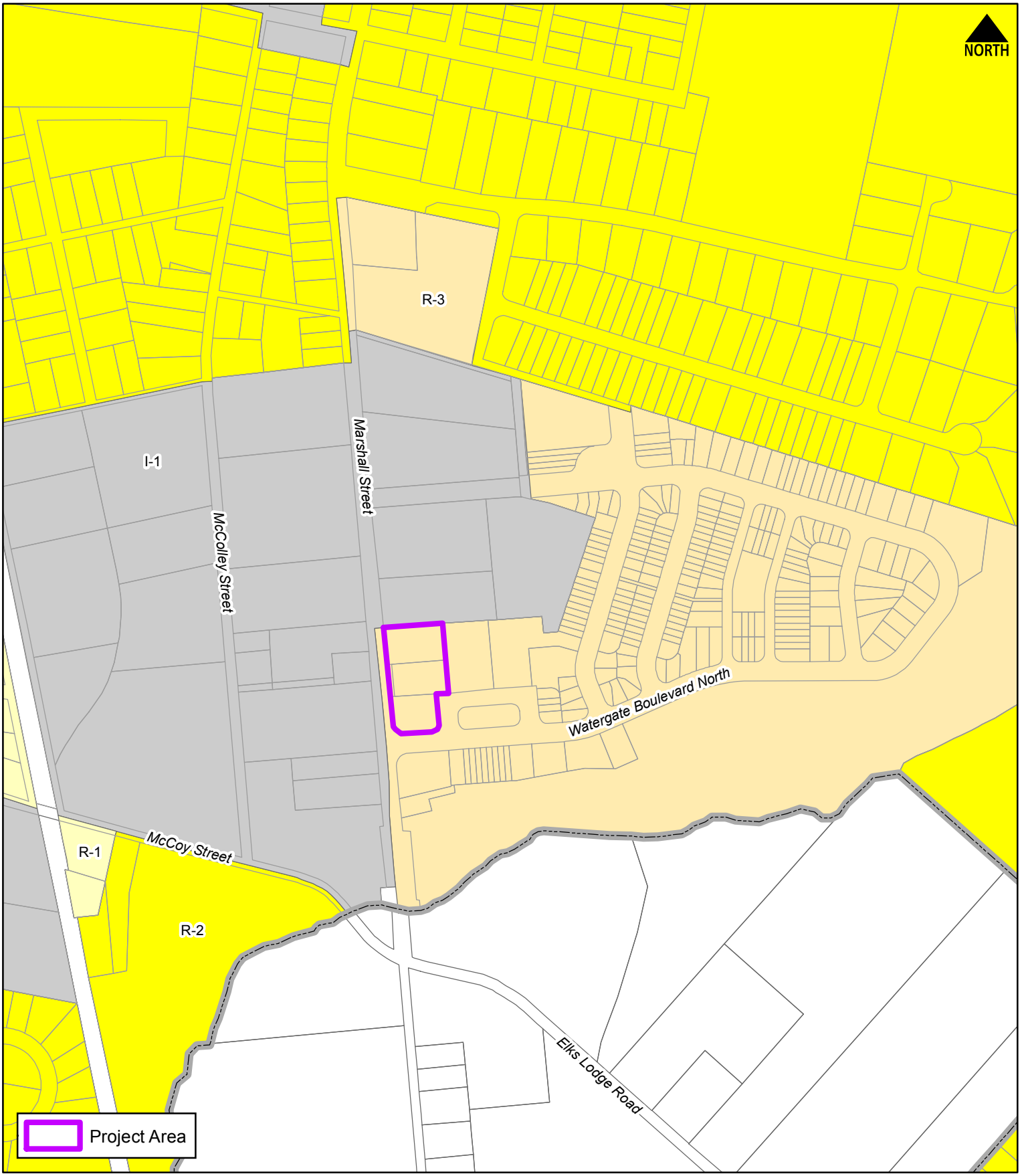
- **Carlisle Fire Company**
  No comments provided.

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

- **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: 0 200 400 Feet

Drawn by: WRP

Date: 05/31/19

Filepath: PreliminarySitePlan_BeachBabies.mxd

Title:

Preliminary Conditional Use Site Plan

Beach Babies

Location & Zoning Map

LOT 2 - SITE PLAN

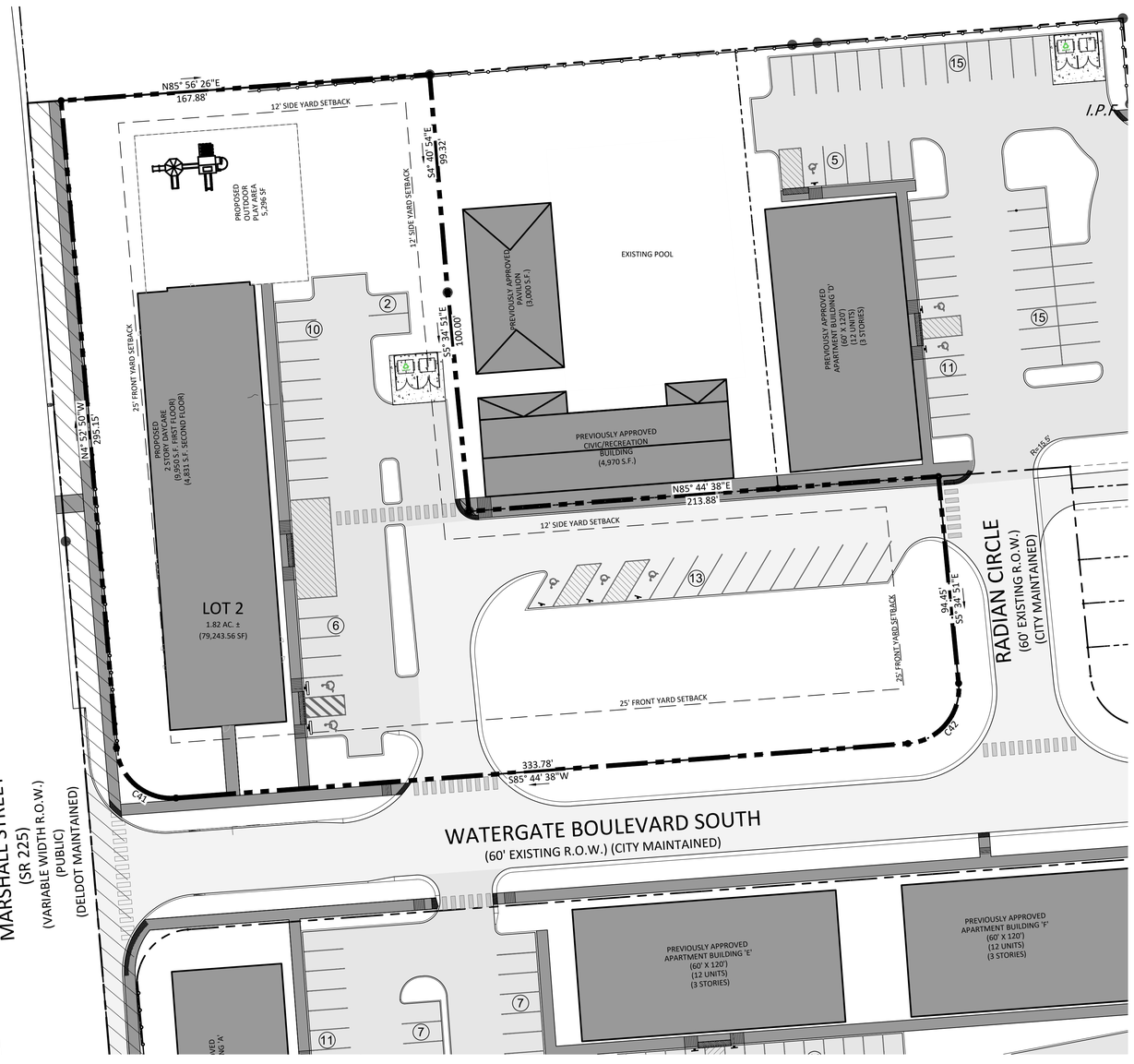
for

WATERGATE AT MILFORD

CEDAR CREEK HUNDRED, CITY OF MILFORD,
SUSSEX COUNTY, DELAWARE

SITE PLANS GENERAL NOTES (CITY OF MILFORD)

1. THE BOUNDARY INFORMATION IS TAKEN FROM A PLAN ENTITLED "AERIAL TOPOGRAPHIC SURVEY/BOUNDARY SURVEY" PREPARED BY THE DELMARVA SURVEY CO. DATED MAY 26, 2005 AND A PLAN ENTITLED "LANDS TO BE CONVEYED TO WESTOVER LAND COMPANY" PREPARED BY CHARLES D. MURPHY ASSOCS., INC. DATED DECEMBER 22, 2006.
2. THE PROPERTY SERVED BY THIS PLAN IS REFERENCED LOT 2 ON THE SUBDIVISION PLANS CALLED "WATERGATE AT MILFORD" RECORDED BY THE RECORDER OR DEEDS IN SUSSEX COUNTY. DOCUMENT #2019000006619, BK: 279 PG: 45 AND RECORDED ON 2/27/2019.
3. THE TOPOGRAPHIC INFORMATION WAS PROVIDED BY THE DELMARVA SURVEY COMPANY, INC.
4. THE "LIMIT OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM" WERE DELINEATED BY JAMES C. MCCULLEY IV, ENVIRONMENTAL CONSULTANTS INC. AS SHOWN ON A PLAN ENTITLED "AERIAL TOPOGRAPHIC SURVEY/BOUNDARY SURVEY" PREPARED BY JAMES C. MCCULLEY IV, ENVIRONMENTAL CONSULTANTS INC. DATED MAY 26, 2005.
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 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.
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 FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.
13. SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY 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. FLOOD ELEVATIONS BASED UPON FLOOD INSURANCE RATE MAP DATED MARCH 16, 2015 (FIRM) NUMBER 10005C0043K.
18. ALL ROADWAYS ARE TO BE SWEPT FREE OF SEDIMENT ON A DAILY BASIS.
19. 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.
20. 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.
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.
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. THE OWNER SHALL BE RESPONSIBLE FOR THE SHORT-TERM MAINTENANCE OF THE ANY AND ALL STORMWATER MANAGEMENT FACILITIES AND STORM SEWER SYSTEMS UNTIL SUCH TIME THAT THE LONG-TERM MAINTENANCE RESPONSIBILITIES CAN BE TRANSFERRED TO A LEGALLY-ESTABLISHED HOMEOWNERS ASSOCIATION OR OTHER RESPONSIBLE ENTITY.
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. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. UPON RECORDATION OF THIS PLAT, THE CITY WILL HAVE THE RIGHT OF INGRESS AND EGRESS TO LOT 2 FOR THE PURPOSE OF MAINTAINING UTILITIES AND FOR TRASH REMOVAL SERVICES.



RECORD/SITE PLANS GENERAL NOTES (*LAST REVISED MARCH 21, 2019)

1. All entrances shall conform to the Delaware Department of Transportation's (DelDOT's) current Development Coordination Manual and shall be subject to its approval.
2. No landscaping shall be allowed within the right-of-way unless the plans are compliant with Section 3.7 of the Development Coordination Manual.
3. Shrubbery, plantings, signs and/or other visual barriers that could obstruct the sight distance of a driver preparing to enter the roadway are prohibited within the defined departure sight triangle area established on this plan. If the established departure sight triangle area is outside the right-of-way or projects onto an adjacent property owner's land, a sight easement should be established and recorded with all affected property owners to maintain the required sight distance.
4. Upon completion of the construction of the sidewalk or shared-use path across this project's frontage and physical connection to adjacent existing facilities, the Developer, the property owners or both associated with this project, shall be responsible to remove any existing road tie-in connections located along adjacent properties, and restore the area to grass. Such actions shall be completed at DelDOT's discretion, and in conformance with DelDOT's Development Coordination Manual.
5. Private streets constructed within this subdivision shall be maintained by the Developer, the property owners within this subdivision or both (Title 17 §131). DelDOT assumes no responsibilities for the future maintenance of these streets.
6. The sidewalk shall be the responsibility of the Developer, the property owners or both within this subdivision. The State of Delaware assumes no responsibility for the future maintenance for the sidewalk.
7. All lots shall have access from the internal subdivision street.
8. The Developer shall be required to furnish and place right-of-way monuments in accordance with DelDOT's Development Coordination Manual.
9. The Developer shall be required to furnish and place right-of-way markers to provide a permanent reference for re-establishing the right-of-way and property corners on local and higher order frontage roads. Right-of-way markers shall be set and/or placed along the frontage road right-of-way at property corners and at each change in right-of-way alignment in accordance with Section 3.2.4.2 of the Development Coordination Manual.

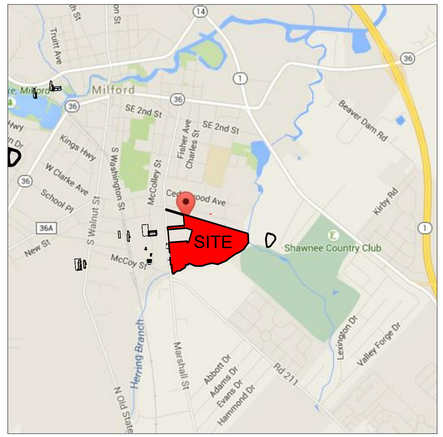
SITE PLAN

Scale: 1" = 30'

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.



Location Map

Scale: 1" = 2000'

Site Data:

1. OWNER OF RECORD: LIBORIO WATERGATE, LLC
   C/O LOU RAMUNNO
   903 N. FRENCH STREET
   WILMINGTON, DE 19801
   (302) 426-0200
2. APPLICANT: LIBORIO WATERGATE, LLC
   C/O LOU RAMUNNO
   903 N. FRENCH STREET
   WILMINGTON, DE 19801
   (302) 426-0200
3. ENGINEER/SURVEYOR: VAN CLEEF ENGINEERING ASSOCIATES
   630 CHURCHMANS ROAD, SUITE 105
   NEWARK, DE 19702
   (302) 368-3184
4. TAX MAP: 3-30-11.09, LOT 2 IN THE WATERGATE SUBDIVISION
5. ZONING: R3 - GARDEN APARTMENT AND TOWNHOUSE DISTRICT (EXISTING & PROPOSED)
6. NUMBER OF LOTS: 1
7. SITE AREA: 1.82 Ac± (79,243.56 S.F.)
8. SITE AREA DISTRIBUTIONS:

TOTAL AREA:	1.82 Ac.± (79,243.56 S.F.)
BUILDING COVERAGE:	0.23 Ac.± (9,950.00 S.F.)
PAVING/IMPERVIOUS COVERAGE:	0.54 Ac.± (23,423.74 S.F.)
OPEN SPACE:	1.05 Ac.± (45,869.80 S.F.)

9. EXISTING USE: VACANT LAND
10. PROPOSED USE: DAYCARE (CONDITIONAL USE IN R3)
11. PROPOSED BUILDING: TWO (2) STORIES
    9,950 S.F. (FIRST FLOOR)
    4,833 S.F. (SECOND FLOOR)
12. SURVEY BENCHMARK: VERTICAL: NGVD 1929
    HORIZONTAL: NAD 1983
13. LOT REGULATIONS:

	REQ'D	PROVIDED
MINIMUM LOT SIZE:	10,000 S.F.	79,243.56 S.F.
MINIMUM LOT WIDTH:	80 FT.	319.32 FT.
FRONT YARD SETBACK:	25 FT	25 FT
SIDE YARD SETBACK:	12 FT	88.3 FT
REAR YARD SETBACK:	25 FT	25 FT
MAX. IMPERVIOUS SURFACE:	30%	41.6%
MAX. BUILDING HEIGHT:	35 FT	35 FT

16. UTILITIES:
    SANITARY: PUBLIC SEWER (CITY OF MILFORD)
    WATER: CENTRAL WATER (CITY OF MILFORD)
17. PARKING REQUIREMENTS:
    DAYCARE REQUIRED = 3 SPACES PER ADMIN OFFICE & 1 SPACE PER CLASSROOM
    1 ADMIN OFFICE * 3 + 14 CLASSROOMS * 1 = 17 SPACES
    PROVIDED = 31 SPACES
18. MONUMENTATION: EXISTING: 0
    PROPOSED: 10
19. FIRE HYDRANTS: EXISTING: 0
    PROPOSED: 1
20. SEWER FLOW: 10 GPD/CHILD x 220 CHILDREN = 2,200 GPD
    30 GPD/EMPLOYEE * 30 EMPLOYEES = 900 GPD
    PEAK FLOW = 4 x (2,200 GPD + 900 GPD) = 12,400 GPD

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

Engineer's Certification:

I, SCOTT E. LOBDELL, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE CITY OF MILFORD DEVELOPMENT CODE.

SCOTT E. LOBDELL, PROFESSIONAL ENGINEER NO. 12260 — DATE

Certificate of Ownership:

I, LOU RAMUNNO, HEREBY CERTIFY THAT LIBORIO WATERGATE, LLC IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT MY DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF CITY OF MILFORD DEVELOPMENT CODE.

LOU RAMUNNO — DATE

PLAN NOTES

SHEET LIST TABLE

SHEET NUMBER	SHEET TITLE
RP1	COVER SHEET
RP2	SITE PLAN
LP1	LANDSCAPE PLAN

Curve Table

Curve #	Length	Radius	Delta
C41	38.99	25.00	89.38
C42	38.99	25.00	89.38

NO.	REVISION	DATE
1	–	–

Know what's below. Call before you dig.

MISS UTILITY of DELMARVA
BEFORE YOU DIG CALL
1-800-282-8555 (DE & MD)
WWW.MISSUTILITYDELMARVA.COM
PROTECT YOURSELF, GIVE TWO WORKING DAYS NOTICE

PLAN NOTATION
ONLY THOSE PLANS WHICH CONTAIN AN IMPRESSED SEAL OR A RED INK SEAL OF THE RESPONSIBLE PROFESSIONAL SHALL BE CONSIDERED VALID. THIS PLAN HAS BEEN SPECIFICALLY PREPARED FOR THE OWNER DESIGNATED HEREON. ANY MODIFICATION, REVISION, DUPLICATION OR USE WITHOUT THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES IS PROHIBITED. RELIANCE ON THIS PLAN FOR ANY PURPOSE OTHER THAN THAT WHICH IS INTENDED SHALL BE AT THE SOLE DISCRETION AND LIABILITY OF THE APPLICABLE PARTY.

BY: _____
SCOTT E. LOBDELL — DATE
DELAWARE PROFESSIONAL ENGINEER NO. 12260

OFFICES THROUGHOUT NJ, EASTERN PA, AND DE
Van Cleef ENGINEERING ASSOCIATES
Consulting Civil Engineering
Environmental Engineering
Municipal Engineering
Land Surveying
Professional Planning
Landscape Architecture
630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
EMAIL: NORTHERNDE@VCEA.ORG WEB: WWW.VCEA.ORG
PHONE (302) 368-3184 FAX (302) 368-7195

PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2019	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

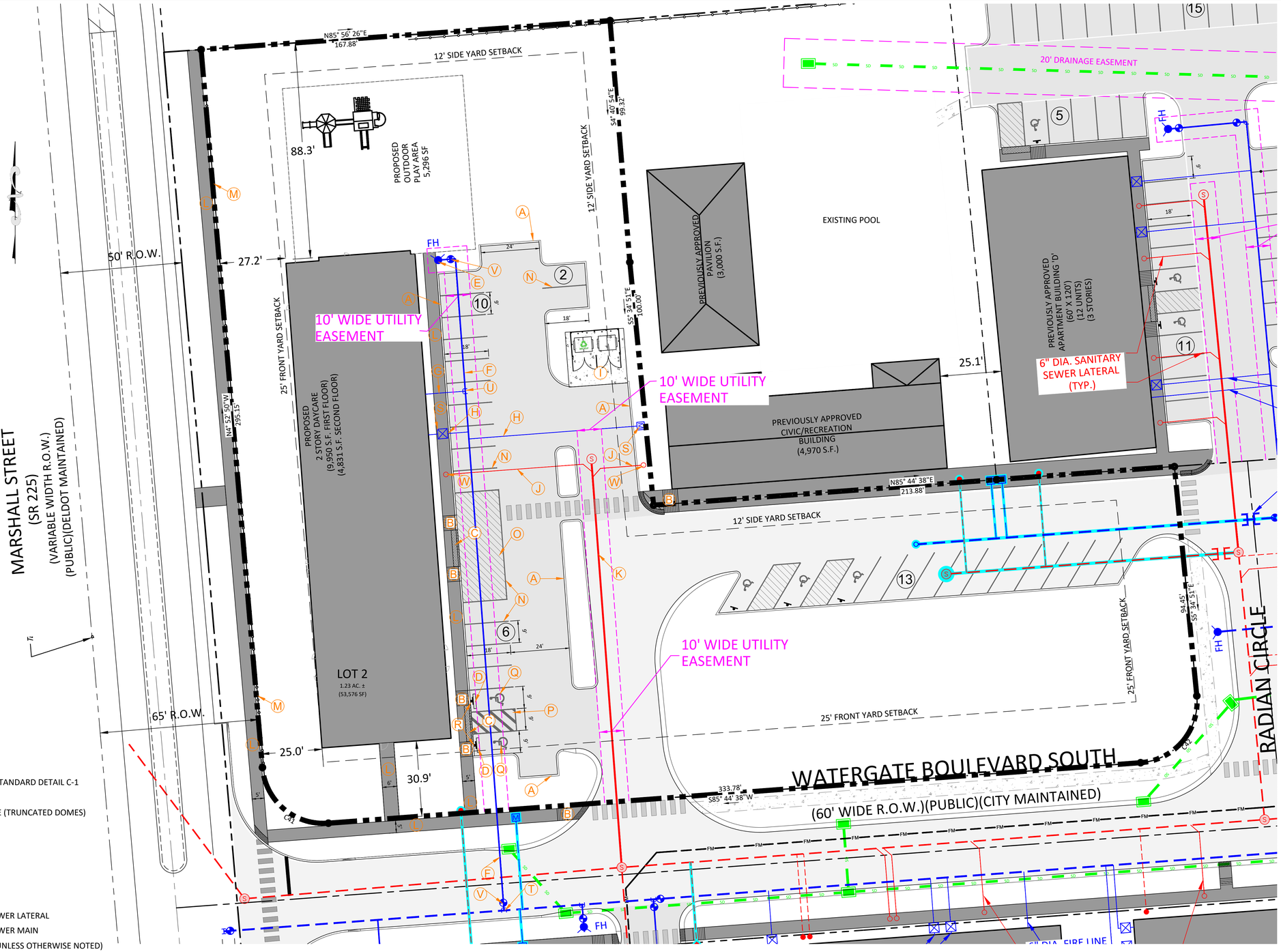
TITLE
COVER

RECORD PLAN

SHEET NUMBER
RP1

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- EXISTING RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EXISTING CENTER LINE
- PROPOSED CENTER LINE
- PROPOSED CURB
- EXISTING CURB
- EX. EDGE OF PAVEMENT
- EXISTING LINE STRIPING
- PROPOSED LINE STRIPING
- BUILDING SETBACK LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING PAVEMENT CROSS SECTION
- PROPOSED PAVEMENT CROSS SECTION
- PROPOSED SIDEWALK
- PROPOSED BUILDING
- EXISTING INLET
- PROPOSED INLET
- EXISTING DRAINAGE M.H.
- PROPOSED DRAINAGE M.H.
- EXISTING STORM PIPE
- PROPOSED STORM PIPE
- PROPOSED F.E.S.
- EXISTING SANITARY M.H.
- PROPOSED SANITARY M.H.
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- EXISTING SAN. FORCEMAIN
- EXISTING WATER MAIN
- PROPOSED WATER MAIN
- EX./PROP. FIRE HYDRANT
- EX./PROP. GATE VALVE
- SOIL TYPE BOUNDARY LINE
- MONUMENT/PIPE FOUND
- MONUMENT TO BE SET
- PROPOSED LIGHT POLE
- PERMANENT EASEMENT
- PROPOSED CENTERLINE BIOSWALE
- EXISTING SEWER LATERAL AND CLEANOUT
- PROPOSED SEWER LATERAL AND CLEANOUT
- EXISTING SEWER LINE AND MANHOLE TO BE REMOVED
- EXISTING SEWER LATERAL TO BE REMOVED
- EXISTING WATER LATERAL AND METER
- EXISTING WATER LATERAL AND METER TO BE ABANDONED



ITEM #	DESCRIPTION
(A)	PCC CURB (TYPE 1-6) - DELDOT STANDARD DETAIL C-1
(B)	CURB RAMP
(C)	DETECTABLE WARNING SURFACE (TRUNCATED DOMES)
(D)	6' CONCRETE CURB STOP
(E)	FIRE HYDRANT
(F)	6" DIA. WATER MAIN
(G)	6" DIA. FIRE SERVICE LINE
(H)	2" DIA. WATER SERVICE
(I)	DUMPSTER ENCLOSURE AREA
(J)	6" DIA. PVC SDR26 SANITARY SEWER LATERAL
(K)	8" DIA. PVC SDR26 SANITARY SEWER MAIN
(L)	CONCRETE SIDEWALK (5' WIDE UNLESS OTHERWISE NOTED)
(M)	3' HIGH POST AND RAIL FENCE
(N)	PAINTED STRIPING - 4" SOLID WHITE LINE
(O)	PAINTED ISLAND STRIPING - 4" SOLID WHITE LINE, 2.5' O.C.
(P)	PAINTED ISLAND STRIPING - 4" SOLID BLUE LINE, 2.5' O.C.
(Q)	PAINTED BLUE INTERNATIONAL SYMBOL OF ACCESSIBILITY
(R)	INSTALL R7-8 " RESERVED PARKING FOR PERSONS WITH DISABILITIES" SIGN (24"x18") OVER R7-8P "VAN ACCESSIBLE" PLAQUE (12"x6")
(S)	WATER METER
(T)	8"x8"x6" TEE
(U)	6"x6"x6" TEE
(V)	6" WATER VALVE
(W)	SANITARY SEWER CLEANOUT

GRAPHIC SCALE

20 0 10 20 40 60

(IN FEET)
1 inch = 20 ft.

PLAN NOTES

NO.	REVISION	DATE
1	–	–

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PLAN NOTATION
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BY: _____
SCOTT E. LOBDELL DATE
DELAWARE PROFESSIONAL ENGINEER NO. 12260

OFFICES THROUGHOUT NJ, EASTERN PA, AND DE
Van Cleef ENGINEERING ASSOCIATES
Consulting Civil Engineering
Environmental Engineering
Municipal Engineering
Land Surveying
Professional Planning
Landscape Architecture
630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
EMAIL: NORTHERNDE@VCEA.ORG WEB: WWW.VCEA.ORG
PHONE (302) 368-3164 FAX (302) 368-7195

PROJECT:	1301MLD	DESIGNED BY:	S.E.L.
DATE:	5/9/2019	DRAWN BY:	E.P.C.
SCALE:	1"=20'	CHECKED BY:	S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
KENT COUNTY, DELAWARE

TITLE
SITE PLAN

SITE PLAN

SHEET NUMBER
RP2

GENERAL PLANTING NOTES:

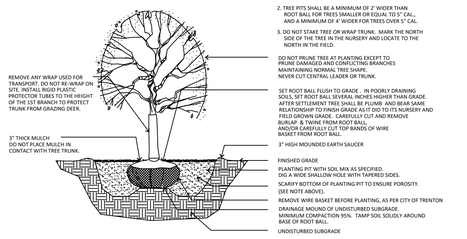
1. ALL NEW TREES SHALL BE GUARANTEED TO SURVIVE FOR ONE FULL YEAR AFTER INSTALLATION (FULL COST). ALL STAKES AND GUYS SHALL BE REMOVED FROM TREES AND SITE AT THE END OF THE GUARANTEE PERIOD.

2. THE APPLICANT IS EXPECTED TO MAINTAIN PLANTINGS INCLUDING WATERING ALL PLANTS ANYTIME FROM APRIL 1ST. TO DECEMBER 1ST., WHEN NATURAL RAINFALL IS LESS THEN 1" PER WEEK.

3. NO TREE SHALL BE PLANTED CLOSER THAN TEN FEET (10') FROM ANY FIRE HYDRANT.

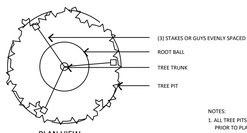
4. ONLY TREES THAT REACH A HEIGHT AND SIZE AT MATURITY OF SMALL TO MEDIUM SHALL BE PLANTED UNDER POWER LINES. NO TREES SHALL BE PLANTED WITHIN TEN FEET (10') OF UNDERGROUND UTILITIES.

5. THE PURPOSE OF THIS PLAN IS TO MEET THE REQUIREMENTS OF TOWN OF MIDDLETOWN LANDSCAPE ORDINANCE. THE PLAN DOES NOT INCLUDE SPECIFICATIONS FOR DRAINAGE, SOIL PREPARATION AND PLANT QUALITY WHICH ARE NECESSARY TO ENSURE SUCCESSFUL INSTALLATION. WITHOUT THESE SPECIFICATIONS THE LANDSCAPE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE RESULT OF IMPLEMENTING THIS PLAN. THE DEVELOPER OR OWNER IS ADVISED TO CONTACT THE LANDSCAPE ARCHITECT CONCERNING THESE MATTERS.

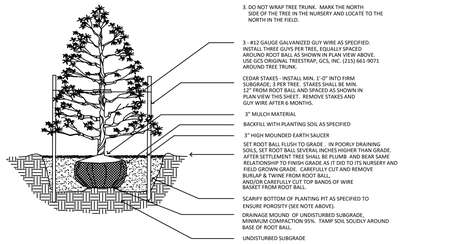


PLANTING DETAIL DECIDUOUS TREES < 4.0" CAL.

not to scale

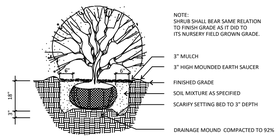


PLAN VIEW



EVERGREEN TREE PLANTING DETAIL

not to scale

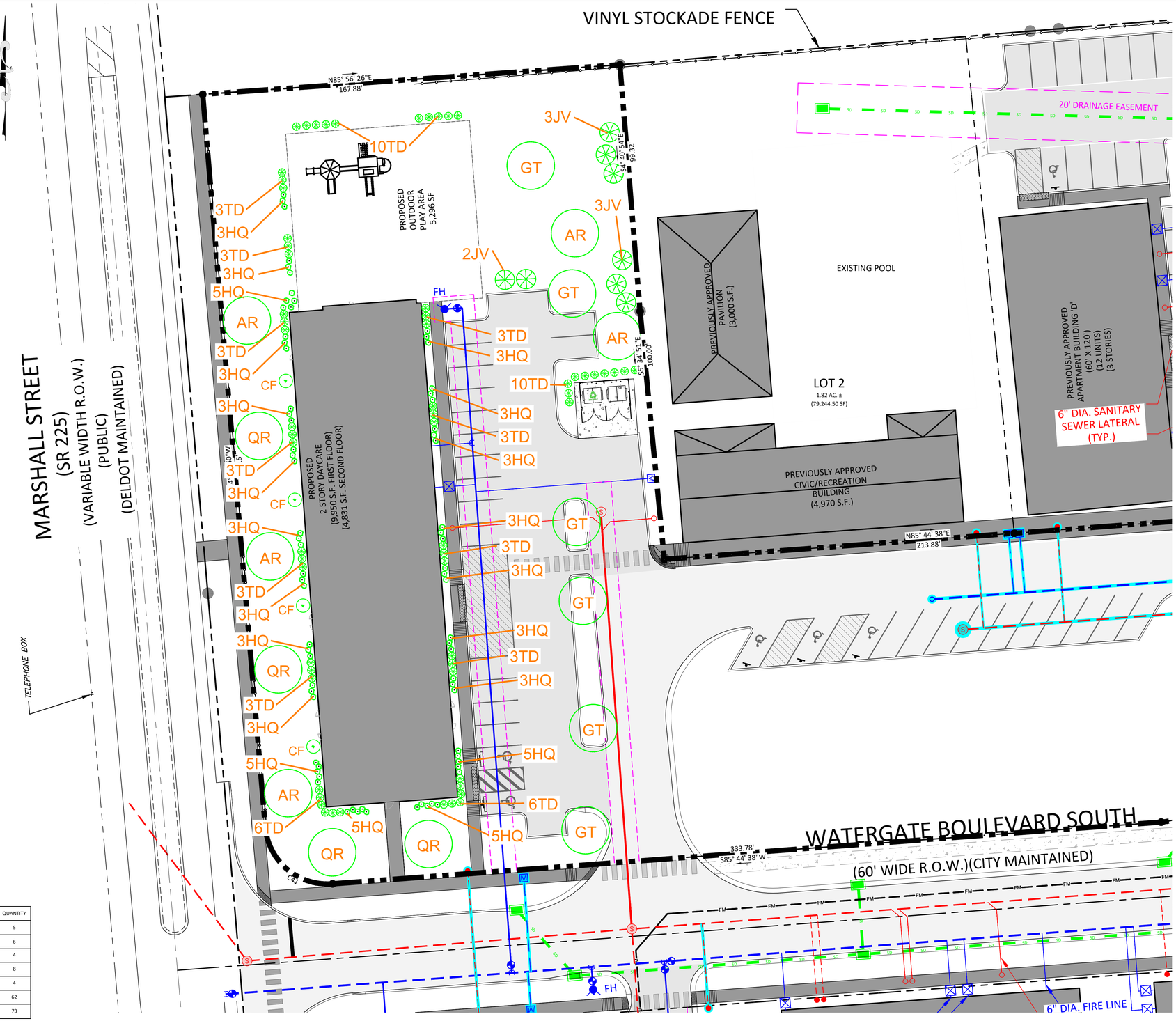


SHRUB PLANTING DETAIL

not to scale

PLANTING SCHEDULE:

KEY	BIOLOGICAL NAME	COMMOM NAME	SIZE AT TIME OF PLANTING	QUANTITY
AR	Acer rubrum 'Red Sunset'	Red Sunset Maple	2-2.5" Cal. B&B Heavy	5
GT	Gleditsia triacanthos 'Shademaster'	Shademaster Honeylocust	2-2.5" Cal. B&B Heavy	6
QR	Quercus rubra	Northern Red Oak	2-2.5" Cal. B&B Heavy	4
JV	Juniperus virginiana 'Sentinel'	Emerald Sentinel Juniper	5'-6' B&B Heavy	8
CF	Cornus Florida	Flowering Dogwood	1.5"-2" Cal. B&B Heavy	4
TD	Taxus x media 'Densiformis'	Dense Spreading Yew	18"-24" B&B Heavy	62
HQ	Hydrangea Quercifolia	Oakleaf Hydrangea	18"-24" 3 Gal. Cont. Heavy	73



GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

PLAN NOTES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/27/16	10/2016
3	Per Planning Dep. rev. letter dated 9/7/16	10/2016

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BY: _____

KEVIN A. KESTER, R.L.A. DATE

REGISTERED LANDSCAPE ARCHITECT NO. S1-0000400

OFFICES THROUGHOUT N.J. EASTERN PA. AND DE

Van Cleef ENGINEERING ASSOCIATES

Consulting Civil Engineering
Environmental Engineering
Municipal Engineering

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PHONE (302) 368-3184 FAX (302) 368-7195

PROJECT:	1301MLD	DESIGNED BY:	S.E.L.
DATE:	5/9/2019	DRAWN BY:	E.P.C.
SCALE:	1"=20'	CHECKED BY:	S.E.L.

WATERGATE AT MILFORD

FOR

LIBORIO WATERGATE, LLC

TAX MAP 3-30-11.09, PARCELS 29, 29.03, 30, 31, 32

SITUATED IN

CITY OF MILFORD
KENT COUNTY, DELAWARE

TITLE

LANDSCAPE PLAN

SITE PLAN

SHEET NUMBER

LP1

Van Cleef
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Neil I. Van Cleef, P.E., L.S. & P.P.
Robert J. Clerico, P.E. & P.P.
Robert B. Heibell, P.E., L.S. & P.P.
Daniel A. Nagy, L.S. & P.P.
Samuel D. Costanzo, P.E. & P.P.

PROJECT SUMMARY

The applicant/owner, Liborio Watergate, LLC, is seeking a conditional use approval for a daycare on Lot 2 of the recently re-recorded Watergate Subdivision. The daycare building would replace two (2) apartment buildings that were originally proposed on this lot. The footprint of the daycare will be smaller than the original apartment buildings. A designated play area is will also be part of the plan. The parking areas that were approved as part of the Watergate Site Plans will be modified very slightly resulting in a small reduction of impervious areas.

BUSINESS SUMMARY

Beach Babies Milford will be a licensed child care facility providing care for children ages 6 weeks through 12 years of age.

Sept-June will primarily be an infant (6 weeks) through Pre-K operation with a Before and After School Program for children through ages 12.

July-Aug the School Age Program transforms into a Summer Camp Program for the same ages as our Before and After School.

The hours of operation will be Monday-Friday 6:30am - 6:00pm. There will be an estimated 30 Full Time Staff with approximately 10 Part Time Staff.

City of Milford, Delaware
Development Advisory Committee

Comment Sheet

****

DATE OF REVIEW: June 6, 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: LIBORIO – WATERGATE AT MILFORD – BEACH BABIES (19-016)

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

****

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

a. **Fire Protection Water Requirements**:
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Daycare)
- 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 Marshall St and Watergate Blvd South 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

DWG/PG NO.	COMMENT NO.	PROJECT REVIEW COMMENTS	RESPONSE
General	1	The application is for a standalone Conditional Use and Preliminary Site Plan. The Watergate PUD needs to be amended to remove the location of the proposed Daycare facility from the plan and recalculate the use and area regulations. Per Chapter 230-48.1(F)(1)(b), child-care centers can be associated with a PUD if they have less than 24 children. I believe the proposed daycare will be much larger, therefore it cannot be considered part of the existing PUD. The PUD should be amended and the area used by the daycare should be labeled "Residual R-3 Lands." The major subdivision for Watergate will need to be re- recorded showing this modification. In addition, the Planning Commission and City Council will need to review the changes to the PUD. Staff recommends that this change to the Watergate PUD accompany the Preliminary Conditional Use Site Plan review of the daycare facility.	We have revised the Watergate PUD to reflect this pathway. These plans will be submitted for your review under separate cover.
	2	Due to the removal of the apartment buildings on current Lot 2 of the Watergate subdivision, the applicant may be able to eliminate the 38 parking spaces in the middle of Radian Circle and leave this area as open space. The number of parking spaces should be re-evaluated with the amended Watergate PUD.	These parking spaces were made part of Lot 16 within the Watergate PUD. This is part of the lot containing the pool and clubhouses.
	3	Typically, applicants submit for both the Preliminary Site Plan and Conditional Use approvals simultaneously to reduce the number of meetings required to obtain approvals. Please submit payment of $700 for the Preliminary Site Plan review and application checklist if you wish to combine meetings, otherwise, you will be required to return to the Planning Commission if the Conditional Use is approved to receive Preliminary Site Plan approval.	The check and application checklist are part of this submittal.
	4	The Watergate subdivision should be revised to create a parcel for the daycare facility. Any parking or other amenities needed to serve the apartment buildings or recreation building should not be located on the parcel for the daycare facility. We recommend modifying the parcel for the daycare by carrying the easternmost property line straight down to Watergate Boulevard South, moving the other parking area into the open space parcel for the Watergate community building.	The lot has been modified as needed.
	5	The submission requires its own Landscaping Plan, which should take into consideration the previous plan notes along the northern property line shared with Milford Mini-Storage.	Landscape plan is included.
	6	Final site plan approval will require approvals or letters of no objection from DelDOT, SCD, SFMO and the City Engineer.	We will obtain these prior to final approval.
RP1	7	The Preliminary Site Plan and Conditional Use should be revised to reflect the updated parcel configuration and all data column items should be updated as well. A daycare is a conditional use subject to the use and area regulations found in the R-1 zoning category.	Information has been updated.
	8	Data Column: Remove reference to the Planned Unit Development throughout.	PUD reference has been removed
	9	Data Column: List the following required setbacks and show the setbacks on the site plan; front 25 feet, rear 25 feet, side 12 feet.	Setbacks have been noted.
	10	Data Column: List the maximum lot coverage of 30% and provide the actual lot coverage for the proposed use.	Lot coverage has been noted.
	11	Data Column: Based on the above parcel alignment recommendation, it appears that there are 41 parking spaces provided. Update the data column. Provide a label on the site plan for the number of parking spaces in each row associated with the daycare.	parking has been noted. Labels are noted on the second sheet.
	12	Data Column: Provide the maximum height allowed and actual height of the building. Label the building as proposed two-story.	Building height has been added.
	13	Incorporate the attached City approval statements.	Statements added to the cover sheet.
	14	Add the attached general site plan notes.	Notes updated on the cover sheet.
	15	Label Marshall Street as State Maintained. Label Radian Circle and Watergate Boulevard South as City Maintained.	Labels have been updated.
	16	Dimension the distance from the building and the property line along Marshall Street and Watergate Boulevard South.	Dimensions have been added.
	17	The trash enclosure on the proposed parcel should only be used by the daycare. A trash enclosure needs to be relocated and provided for the recreation center. In addition, the proposed trash enclosure location for the daycare facility needs to be relocated and cannot be on top of proposed utilities.	A separate trash enclosure has been added as requested. The original location has also been preserved for the recreation center as this appears to be the best location for accessibility. The utilities have been updated to eliminate the conflict.

§ 230-9. - R-1 Single-Family Residential District.

In an R-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 intent of the R-1 Residential District is to preserve the spacious residential atmosphere and quality of living of existing low-density residential development, to provide for the orderly and appropriate development of new low-density housing and to allow related uses that would not be detrimental to the residential character of the district.

B. Permitted uses. Permitted uses for the R-1 District shall be as follows:

(1) A single-family detached residential dwelling.

(2) Farming, agricultural activities and roadside stands for the sale of farm and nursery products produced on the property where offered for sale.

(3) 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, gas and telephone facilities.

(4) Parks, playgrounds, athletic fields, recreation buildings, swimming pools and community centers operated on a noncommercial basis for recreation purposes.

(5) Customary accessory uses, such as private garages, swimming pools and storage sheds, subject to the following special requirements:

(a) The primary residence must exist or be under construction.

(b) Private residential garages shall not exceed 750 square feet.

(c) Residential storage sheds or related outbuildings shall not exceed 150 square feet.

(6) Home occupational/office (subject to the following special requirements):

(a) All employees are to be of the immediate family.

(b) The appearance of the dwelling shall not be inconsistent with the primary use of the structure.

(c) The area used for the home occupation shall not exceed 30% of the total floor area of the dwelling, unless, as in the case of family day care, the state has final jurisdiction of the area requirements.

(d) No storage of products or associated materials is allowed in accessory structures/buildings, and no products are to be stored where they are outwardly visible to the public view.

(e) Family day care shall involve a maximum of six full-time and two after-school children, as specified by state regulations.

(f) The occupation will not cause excessive vehicular traffic or noise.

(g) The occupation will not involve animal boarding and/or care.

(h) A maximum of one nonilluminated sign (size and setback specified in Article VI of this chapter) may be affixed to the building or placed within the front property line.

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

(1) Churches and other places of worship and cemeteries.

(2) Public and private elementary, junior or senior high schools.

(3) Day-care centers.

(4) Conversion of a one-family dwelling into multiple dwelling units, if such dwelling is structurally sound but too large to be in demand for one-family use and if that conversion would not impair the character of the neighborhood, subject to conformance with the following requirements:

(a) There shall be a lot area of at least 2,000 square feet for each unit to be accommodated.

(b) There shall be a gross leasable floor area, computed as the sum of those areas enclosed by the outside faces of all exterior walls surrounding each story used for the residence, exclusive of any area for any accessory private garage, of at least 500 square feet per family to be accommodated.

(c) No dwelling shall be converted unless it complies with Chapter 145, Housing Standards, and Chapter 88, Building Construction, of this code.

(d) No addition shall extend within the front yard, side yards or rear yard required for the district within which it is located.

(e) Fire escapes and outside stairways leading to a second or higher story shall, where practicable, be located on the rear of the building and shall not be located on any building wall facing a street.

(f) Two off-street parking spaces shall be provided for each additional dwelling unit created.

(5) Professional occupation restricted to the owner/occupant, subject to conformance with the following requirements:

(a) There shall be three off-street parking spaces in addition to those otherwise required.

(b) No more than two persons shall be employed by the practitioner of the professional occupation to provide secretarial, clerical, technical or similar assistance.

(c) No storage of materials or products outside the dwelling shall be permitted unless completely housed.

(d) The area used for the practice of a professional occupation shall occupy no more than 50% of the total floor area, including garages or other accessory buildings.

(e) The professional use shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

(f) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.

(g) No display of products shall be visible from outside the building.

(h) A maximum of one nonilluminated display sign affixed to the building not exceeding two square feet shall be permitted.

(6) Customary home occupation or a studio for artists, designers, photographers, musicians, sculptors and other similar persons, subject to conformance with the following requirements:

(a) The area used for the practice of the home occupation or studio shall occupy no more than 50% of the total floor area of the dwelling unit in which it is located.

(b) No storage of materials or products outside the dwelling shall be permitted unless completely housed.

(c) The home occupation or studio shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

(d) No external alterations inconsistent with the primary residential use of the dwelling shall be allowed.

(e) No display of products shall be visible from outside the building.

(f) A maximum of one nonilluminated display sign affixed to the building not exceeding two square feet shall be permitted.

(g) A maximum of two employees shall be permitted in the operation of the home occupation or studio.

(7) Social club or fraternal, social service, union or civic organization.

(8) Cultural facilities, including a library, museum or art gallery.

(9) Country club, regulation golf course, including customary accessory uses, provided that all buildings have a minimum setback of 120 feet from all street and property lines.

(10) Planned unit residential development.

(11) Planned Residential Neighborhood Development.

(12) Bed-and-breakfast, subject to the following requirements:

D. Area regulations.

(1) Minimum lot area shall be 10,000 square feet. Minimum interior lot shall be 10,000 square feet. Minimum corner lot shall be 13,000 square feet.

(2) Maximum lot coverage shall be 30%, exclusive of accessory buildings.

(3) Minimum lot width shall be 80 feet.

(4) Height of buildings shall not exceed three stories or 35 feet. Accessory buildings shall not exceed 15 feet in height.

(5) Minimum front building setback line shall be 25 feet.

(6) Minimum rear yard shall be 25 feet. For corner lots the rear yard may be reduced 20% in depth to allow for skewing of a residential dwelling on the lot.

(7) Side yards shall be provided as follows: each lot shall have two side yards with a minimum of 12 feet each.

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

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

(10) Decks, subject to the following requirements:

(a) The deck cannot be located in the front yard.

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

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

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

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

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

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

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

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

[2] Maximum building coverage shall be 45%.

[3] Minimum lot width shall be 60 feet.

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

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

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

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

[8] Decks, subject to the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Maximum building coverage shall be 60%.

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

(e) There shall be within any contiguous group of townhouses at least three different architectural plans having substantially different designs and building materials. In addition,

no more than three continuous townhouses shall have the same front setback, and the variations in front setback shall be at least four feet.

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

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

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

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

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

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

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

(1) Rooming or boarding houses.

(2) Business offices for administrative purposes only.

(3) Professional offices (nonresident).

(4) Medical clinics.

(5) Sanatoriums or nursing homes.

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

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

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

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

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

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

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

(g) Signs.

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

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

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

(i) Minimum requirements for mobile home lots.

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

[2] Width shall be 40 feet.

[3] Public street setback shall be 50 feet.

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

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

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

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

[8] Landscaping shall be one tree per lot.

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

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

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

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

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

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

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

(8) Planned unit residential development.

§ 230-21. - Parking and loading standards.

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

§ 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.