

City of Milford



CITY COUNCIL AGENDA

Monday, September 23, 2019

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

6:00 P.M.

WORKSHOP

Quarterly Update/Downtown Milford, Inc.
Quarterly Update/Milford Museum
Quarterly Update/Milford Public Library
Quarterly Update/Carlisle Fire Company
Presentation/Misphillion Art League/The Big Draw

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Recognition

Proclamation 2019-17/Public Power Week

Public Hearings

Ordinance 2019-31

Code of The City of Milford

Part II-General Legislation

Chapter 230-Zoning

Add Yard Sale Definition, Amend Craft Distilleries and Microbreweries

Ordinance 2019-32

Code of The City of Milford

Part I-Administrative Legislation

Chapter 57-Planning Commission

Add Compensation of Members

Ordinance 2019-33

Code of The City of Milford

Part II-General Legislation

Chapter 230-Zoning

Article VII-Board of Adjustment

Add Compensation of Members

Communication & Correspondence

Unfinished Business

- Appointment/Planning Commission Member
- Funding Authorization/FY 2018-19/Hook Public Relations Firm/Police Facility Promotion
- Funding Authorization/FY 2019-20/Hook Public Relations Firm/Police Facility Promotion

New Business

- Approval/FY19-20 Budget Update/Technical Services Overtime Correction*
- Approval/FY19-20 Budget Update/Election Account Correction
- Adoption/Ordinance 2019-34/Part I-Administrative Legislation/Chapter 55-Personnel ®
- Waiver/Sewer Extension Requirement/Chapter 200-Subdivision Code/Mispiration Landing
- Introduction/Ordinance 2019-35/New Chapter 90/Business License

Adjournment

All items, other than those on a Workshop Session Agenda, are subject to a potential vote.

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

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

081319 082919 090419 091119 091619 *092319 Line Item Clarification

**DOWNTOWN MILFORD INCORPORATED
 QUARTERLY UPDATE
 SEPTEMBER 2019**

OPERATIONS/PROGRAMS/SERVICES

- New Executive Director hired and one-year contract signed. Milford resident Patricia (Trish) Gerken will begin full time 09/23/19 and Joe Phillips will work with her part time as needed.
- New Board Members elected effective 07/01/19: Don Vaughan, Sandy Gulledege, Shelley Moore
- New Officers elected effective 07/01/19: Peggy Reilly – President, Don Vaughan – Vice President, Sandy Gulledege – Treasurer, Shelley Moore – Secretary
- Looking for new Promotions Committee Chair and Economic Development Committee Chair.
- DE Turf *Button Promotion* continues.
- *We Are Milford* included in Murals Across America story in national *Parade Magazine* in July
- Dan Bond to meet with business landlords in attempt to get the square foot rate up from \$12 to \$16 which will promote other investors to choose Milford.
- Team *Vinyard* received a \$12K grant from USDA and continues to build partnership with Delaware Nature Society (DNS), find options for the Spoon Factory, find pathway through Lofland property for continuous Riverwalk, fundraise.
- Met with Delaware State Forestry Management Office representative Michael Martini in preparation of applying for state *Tree Grant* in 2020. Asking for \$5K worth of trees with DMI volunteer hours being the match required.
- *Utility Box* art project package prepared and modified by City administration and now making its way through required Council approval. We hope to kick this program off in 2020 with no more than two utility boxes being painted per year. With P&R, plan to design and update N Walnut & NE Front Streets *Utility Box* corner eyesore. Hope to raise fence, cover more exposed utility boxes, add directional sign pointing to downtown, add a bench, and repaint hanging kiosk signage.

PERFORMANCE INDICATORS

- Farmer’s Market Sales (Produce and Crafts): 06/01/19 thru 09/07/19 TOTAL = \$90,119.46

VOLUNTEERS

- Continuing to use signup.com to recruit and retain volunteers/track hours.
- Ladybug Music Festival: Requires 37; Currently Obtained: 24

CITY FUNDING

CURRENT QUARTER		YEAR-TO-DATE	
ITEM	AMOUNT	ITEM	AMOUNT
Salary Director	\$5,042.05	Salary Director	\$5,042.05

Salary Assistant	\$839.67	Salary Assistant	\$839.67
Phone/Internet	\$297.13	Phone/Internet	\$297.13
PO Box Rental	\$106.00	PO Box Rental	\$106.00
City of Milford	\$350.24	City of Milford	\$350.24
Paint Building	\$2,269.37	Paint Building	\$2,269.37
Insurance	\$873.00	Insurance	\$873.00
TOTAL:	\$7,508.09	TOTAL:	\$7,508.09

UPCOMING EVENTS

- *2019 Ladybug Music Festival* raised \$25,382.00 with a \$25,000.00 target from grants, businesses and neighbors. This is the final year that DMI will be involved in the fund raising for this event. Volunteers still needed. Expect to bring 3,500 attendees to downtown.
- *Riverwalk Farmer's Market* is Saturdays through 10/05/19 from 9AM to 1PM; 20 vendors per week.
- *Third Thursday* of each month from 5PM to 8PM and continues through the year
- *The Big Draw* running all of October
- *Fall Riverwalk Farmer's Market* is 11/23/19 from 10AM to 2PM
- *Santa* arrives 11/30/19 at 11AM via Carlisle Fire Department
- *Shop Small Saturday* is 11/30/19
- *Holiday Stroll* is 12/06/19 5PM to 8PM
- *Volunteer Picnic* is 11/14/19

**MILFORD MUSEUM
QUARTERLY UPDATE
SEPTEMBER 2019**

OPERATIONS/PROGRAMS/SERVICES

- *Presentation* on History of Mispillion River
- *Presentation* on Mispillion Lighthouse
- *North Milford Walking Tour* hosted by David Kenton
- New *website* has been completed by TechnoGoober and is now operational. www.milfordDEmuseum.org
- *Recent Support*
 - Corporate: J.H. Wilkerson & Son, I.G. Burton, Richard Y. Johnson & Son, Atlantic Concrete
 - In-Kind: Wagamon Technology, Copy Works, Davis, Bowen & Friedel Inc.

PERFORMANCE INDICATORS

Museum Visitation: June 175; July 220; August 747; September (up to 09/19) 75

Ice Cream Social at Mulholland Spoon Mill Attendees 100

Speaker's Series at Century Club Attendees 30

HippieFest 300 Attendees; \$2,583 Profit

Current membership 242

VOLUNTEERS

In addition to Board Members and spouses (11), 10 volunteers

CITY FUNDING

CURRENT QUARTER (June, July, August)		YEAR-TO-DATE (Calendar)	
ITEM	AMOUNT	ITEM	AMOUNT
Payroll	\$10,686.59	Payroll	\$29,795.10
Utilities	\$1,332.90	Utilities	\$5,536.01
TOTAL:	\$12,019.49	TOTAL:	\$35,332.01

UPCOMING EVENTS

Ladybug Music Festival, 09/21/19, New ladybug statue painted by Nadia Zychal will be installed on Museum front steps landing.

**MILFORD PUBLIC LIBRARY
QUARTERLY UPDATE
SEPTEMBER 2019**

OPERATIONS/PROGRAMS/SERVICES

Restrooms open to public during outside events: Music in the Park, Farmers Market, 3rd Thursday

PERFORMANCE INDICATORS

July/August 2019

Library Attendance: 36,353

Music in the Park: 1,225 attendees

Summer Reading Programs: 2,000 attendees / 72 Programs held for Adults, Teens, & Children

New Patrons: 275

Computer Use: 3,905 sessions

Outside Use of Meeting Rooms: 60

VOLUNTEERS

Library Volunteers: 200 hours

Library Friends: 1,000 hours

Friends of the Library: Sponsor Music in the Park; 2019 \$4,000

CITY FUNDING

CURRENT QUARTER		YEAR-TO-DATE	
ITEM	AMOUNT	ITEM	AMOUNT
Teen Center	\$2,000	Teen Center	\$2000
Film on windows	\$870	Film on Windows	\$870
Adult Programming	\$1000	Adult Programming	\$1000
Summer Reading	\$595	Summer Reading	\$595
TOTAL:	\$4465	TOTAL:	\$4465

UPCOMING EVENTS

Romeo & Juliet, 11/01/19 at 2:00 pm (Delaware Shakespeare Production)

Christmas Tree Extravaganza, December

Carlisle Fire Company

From: Mispillion Art League Milford, DE <mispillionarts@gmail.com>
Sent: Thursday, August 29, 2019 4:30 PM
To: Mispillion Art League Milford, DE <mispillionarts@gmail.com>
Subject: Mispillion Art League October Festival!

Dear Mayor Campbell and City Council Members,

In case you haven't heard, MAL is hosting a state-wide arts festival during the month of October called *The 2019 Big Draw Festival Delaware!* We are super excited about this unique Festival and not a little proud to be introducing to the state. (blushing!) We hope to see you and your family and friends at one or five events...

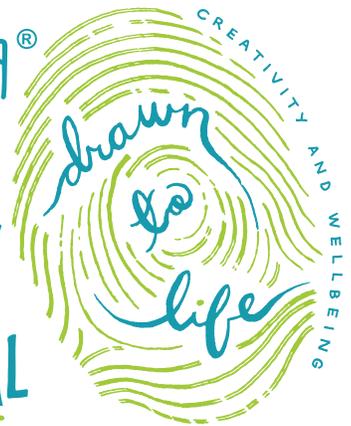
Please see the attached invitation. Thank you for being involved with the governing of our beautiful town and we hope you are or will be big supporters of the arts!

Sonja Frey
Operations Manager

Mispillion Art League
5 North Walnut Street
Milford, DE 19963
302-430-7646
www.mispillionarts.org

YOU'RE INVITED... TO HAVE FUN & MAKE ART!

THE 2019[®]
**BIG
DRAW
FESTIVAL**
DELAWARE



Presented By



Mispillion Art League

Sponsored by 

Bring yourself, the kids, grandkids, and everyone else!

Mispillion Art League (MAL) presents *The 2019 Big Draw Festival DE*, sponsored by Bayhealth, for the month of October, with over 50 events and classes for **artists and non-artists, families and kids** throughout Delaware. Part of an annual event celebrated in 25+ countries, we have **art classes for all skill levels** in drawing, photography, painting, pottery, printmaking, Mexican folk art, and more! Learn to make sugar skull art, create scary makeup, masks and splatter art monsters for Halloween, and many other fun activities. Your main objective? **HAVE FUN!**

FREE SATURDAY EVENTS IN MILFORD!



FARMER'S MARKET

Oct. 5, 9-1 pm

- Paint Pumpkins
- Postcard Connect
- Community Canvas
- Handprints at MAL
- Community Mandala Mural
- Coffee Pour

TAKE IT TO THE STREET

Oct. 12, 10-2 pm

- Street Feet Painting
- Chalk Walk
- Sand Castles
- Community Mandala Mural

ART IN THE PARK

Oct. 19, 10-2 pm

- Scribble Art
- Art Trail
- Sketch at the Vinyard Shipyard
- Community Mandala Mural

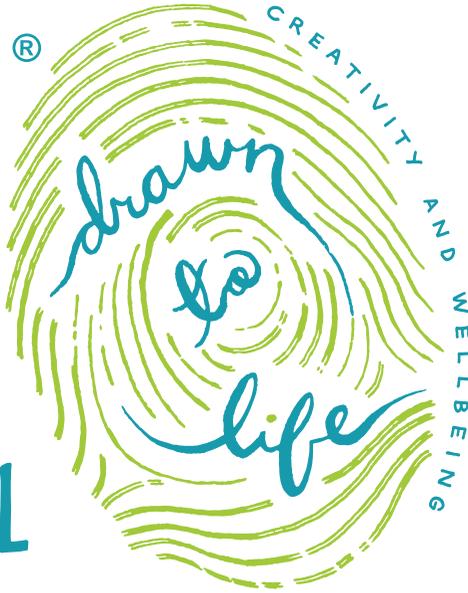
LET YOUR IMAGINATION RUN

Oct. 26, 10-2pm

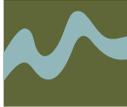
- Imagination Station
- History Sketch
- Community Mandala Mural

For more detailed information or to register for an event or class:
www.mispillionarts.org / facebook.com/thebigdrawde2019

THE 2019[®]
**BIG
DRAW
FESTIVAL**
DELAWARE



Presented By



Mispillion **Art** League

Sponsored by  **Bayhealth**

Art Classes &
FREE Events for all!

WELCOME!

Misphillion Art League (MAL) presents *The 2019 Big Draw Festival Delaware*, sponsored by Bayhealth. This festival takes place during the month of October, offering over 50 activities and classes suitable for artists and non-artists, families, and kids throughout the state of Delaware. The Festival is part of an international annual event taking place in over 25 countries and involving more than 500,000 participants. The aim of the Festival is to encourage community members to participate in art-making and enjoy the benefits of self-expression and creativity using a multitude of mediums.

MAL is working with Jerry's Artarama in Newark, Milton Arts Guild, Rehoboth Art League, DAC (Developing Artist Collaboration) in Rehoboth, Gallery 107/Nanticoke River Arts Council in Seaford, and Downtown Dover Partnership to bring these art opportunities to our surrounding communities.

We hope that you will bring yourself and your family to downtown Milford for the FREE Saturday events in October, or take a class at any or all of the various Delaware locations. This booklet has all of the scheduled events and classes listed at each of the different participating arts organizations. ***So grab a pen and start making some marks!***



Sponsored in Milford by



Misphillion Art League

5 N. Walnut St., Milford DE 19963 / 302-430-7646 / www.misphillionarts.org

OUR MISSION... To provide community-wide access to a quality visual arts program.

The Misphillion Art League welcomes artists, aspiring artists, and anyone who loves art and believes in its power to enrich all members of the community. Please visit our website and learn more about us, our outreach programs, and the classes we offer. We hope you love what you see and join us in living a life filled with creativity!

Your presence is your permission. Photographers will be documenting these events. Some images may be used in later promotional materials. Your presence at an event is your permission for such use by the nonprofit organizers.

Misphillion Art League Education Refund Policy:

Tuition must accompany registration. A 50% refund will be issued to students canceling fewer than 10 days before the start of a class. No refunds will be made 48 hours or less before class start.

Here's what's happening at Mispillion Art League

5 N Walnut St., Milford DE 19963 / 302-430-7646 / mispillionarts@gmail.com / www.mispillionarts.org

DYNAMIC DOODLING

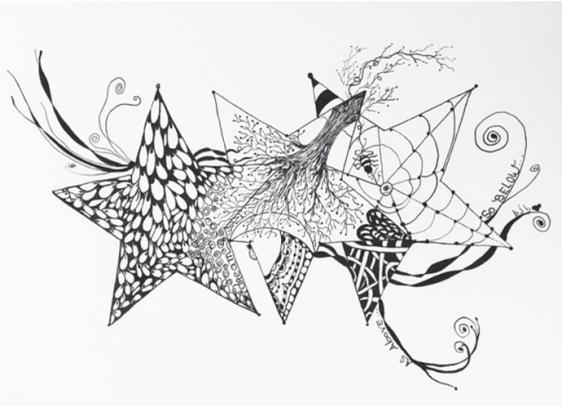
with *Barbara Buford*

Tuesday, October 1, 1:00-3:00 pm

Ages 16+ • min 4/max 10 • Register by Sept. 28

Members \$20 • Non-members \$25

Dynamic doodling is a form of drawing that uses doodles, shapes, and patterns to create beautiful pieces of art work. It's fun, relaxing, stress reducing, and promotes the flow of your creative juices. No drawing experience is needed and anyone can do it. The wonderful thing about this art form is that it requires minimal supplies and you can take it everywhere you go! Instructor will supply all materials except for a Micron #3 pen, which will be available for purchase for \$3.



PAINTING WATERCOLOR MINIATURES

with *Gerilyn Gaskill*

Wednesday, October 2, 6:00-8:30 pm

Ages 16+ • min 4/max 10 • Register by Sept. 27

Members \$35 • Non-members \$45

Students will learn to create watercolor paintings on small spaces. Compositions will be completed on 2"x3" size or similar. Students may bring their own watercolor supplies or use supplies from MAL.

OPEN SKETCH

with *Cathy Walls*

Thursday, October 3, 6:30-8:30 pm

All ages • No registration required

\$8 per person for the models

Riverfront Theater, 2 S Walnut St., Milford

SPECIAL
LOCATION!

Drop in and sketch the Second Street Players in costume! Our regular Open Sketch figure drawing takes to the road as the *Big Draw Festival DE* explores the creativity of acting, gesture, and costumes. Bring your own materials.



A HERO IN THE MAKING

Saturday, October 5, 4:00-6:00 pm

All ages • Sign up at:

Red Bandanna

3 N Walnut St., Milford

302-362-5743

\$15/prop • Seats are limited!

SPECIAL
LOCATION!

Bring your favorite super heroes to life during this family friendly workshop! Together, you'll build a super hero prop which is then yours to keep. Choose from Thor's Hammer or Wonder Woman's Gauntlets.

FREE SATURDAY EVENTS IN MILFORD!



FARMER'S MARKET – Oct. 5, 9-1 pm

Kick off *The 2019 Big Draw Festival Delaware* in downtown Milford! Bring the whole family for some fun, free activities:

- **Paint Pumpkins:** What can you do on a pumpkin? Little fingers create little masterpieces for an October bounty. Pumpkins courtesy of Good for the Core Farm in Harrington, DE.
- **Postcard Connect:** Trey Small will provide postcards and guide you in writing and sketching greetings to be delivered to Bayhealth patients.
- **Community Canvas:** MAL provides the materials, you provide the inspiration and creativity! What will you paint? No experience necessary.
- **Handprints at MAL:** Leave your handprint here and take one home. Many hands will make the Festival fun!
- **Community Mandala Mural:** People have been creating designs within circular formats for thousands of years. MAL invites community members ages 13 and up to help us paint a mandala on our building. Designs will be pre-drawn on the wall. No experience necessary. Sign up at the Art League (302-430-7646) for 2-hour shifts. Wear old clothes and sneakers and bring whatever drinks & food you will need for the day.
- **Coffee Pour:** Come to Dolce from 11 am until 2 pm and stop and smell the coffee... and paint with it too! While the barista brews your favorite beverage, get creative with coffee and paint your own little macchiato masterpiece. Cathy Walls will help you expresso yourself at this free event sponsored by your friends at Dolce.

TAKE IT TO THE STREET – Oct.12, 10-2 pm

We are closing Park Avenue for fun!

- **Street Feet Painting:** No hands, no brushes, just your feet and paint and creativity! (Yes, cleanup will be provided!)

- **Chalk Walk:** This colorful event celebrates the tradition of sidewalk painting that began in 16th century Italy. Children and adults can use this concrete canvas to make their own sidewalk creations. All skill levels are welcome!
- **Sand Castles:** Award-winning Delaware sand carvers, Andy West and Darrell O'Connor, will be building a large sandcastle. They will show you how sand stands – how to make tall spires, windows, doors, stairs, arches, and more. Then join the fun! It's only sand, water, and a little magic. Sand donated by Pennsy Supply.
- **Community Mandala Mural:** See Oct. 5. for complete event description and sign up info.

ART IN THE PARK – Oct. 19, 10-2 pm

- **Scribble Art:** Turn scribbles into drawings, and embellish with more lines.
- **Art Trail:** Start at MAL and use the idea prompts to sketch as you walk along the Riverwalk, ending at the Vinyard Shipyard.
- **Sketch at the Vinyard Shipyard:** Sketch boats and shipyard with Urban Sketchers.
- **Community Mandala Mural:** See Oct. 5. for complete event description and sign up info.

LET YOUR IMAGINATION RUN – Oct. 26, 10-2pm

One more Saturday of free creativity events:

- **Imagination Station:** Explore blind contour drawing, create your own magnets, create using modeling clay, make origami birds, trace your body and create a portrait, and mask making.
- **History Sketch:** The Milford Museum's history exhibits are exciting to sketch. The sketch opportunities will draw you in and bring you back!
- **Community Mandala Mural:** See Oct. 5. for complete event description and sign up info.

All art supplies provided, but feel to bring your own supplies if you prefer.

COLORED PENCILS FOR BEGINNERS

with Robin Dean

Mondays, October 7, 14 • 6:30-8:30pm
Ages 14+ • min 4/max 10 • Register by Oct. 3
Members \$35 • Non-members \$45

Learn basic color pencil drawing techniques to create soft and vibrant drawings of a mandala and a favorite object grouping. Bring your own reference photos for the object grouping or instructor will provide a subject. All supplies provided.

CARTOONS AND CREATIVITY (4 wks)

with Mike Fleishman

Mondays, Oct 7, 14, 21, 28 • 5:30-7:00 pm
Ages 8-13 • min 4/max 10 • Register by Sept. 26
Members \$60 • Non-members \$70

Learn the fun and excitement of creating cartoon and comic figures. Learn the difference between “drawing” vs. “cartoons” while considering comic styles and how that applies to a realistic approach. Group and team activities: The Squiggle Game and Frankenstein Drawing (not a drawing of the monster, but these do get wonderfully monstrous!). Spin your cartoon skills during the “Rotation” exercise. Halloween will be here soon so students will splatter and splotch as they create ink spatter monsters. Come out and create!

THE FINE ART OF SCRIBBLING

with Cassie Lawn-Walker

Tuesday, October 8 • 10:00-2:00 pm
Ages 16+ • min 4/max 10 • Register by Oct. 5
Members \$25 • Non-members \$35

Scribbling is one of the best ways to improve your drawing skills. Scribble drawing helps you to capture a subject’s “gesture” in a very right brain fashion by keeping the pen loose and letting the image naturally come together. It is a playful art form that allows you to explore a subject matter or idea without the worry of making a mistake. Enhance your scribbles with coffee to make a unique piece of art!



CARD CATALOG ART & BOOK COVER ILLUSTRATING

with Vivian Erickson

Tuesday, October 8, 6-8pm
Ages 13+ • Drop in
Milford Public Library, 11 S E Front Street

SPECIAL
LOCATION!

In the Dark Ages (25 years ago!), we looked in the card catalog to locate library books. Now, let your fingers and brushes do the walking and create art on those old cards! Are you tired of the same old book covers, “it was blue and really interesting”? Make a new cover for your memorable favorite book!

HAND BUILDING WITH CLAY (4 WKS)

with Mimi Galligan

Wednesdays, Oct. 9, 16, 23, 30 • 10:00-12:00 pm
Ages 14+ • min 4/max 8 • Register by Oct. 5
Members \$170 • Non-members \$210

Beginners start hand building using slabs, coil, and pinching the clay and enhance projects with textured surfaces and luscious mud. Experienced folks can take their hand building to another level. (Cost includes clay, glazing, and firing: a \$25 value).

TRADITIONAL MEXICAN DECORATIVE ART

with Gilberto Rodriguez and Cathy Walls

Wednesday, October 9, 6:00-8:00 pm
Ages 4+* • min 4/max 15 • Register by Oct. 5
\$10/painted piece

Figures and objects that are big in color and design, this style of classic Mexican folk art is perfect for



The 2019 Big Draw Festival DE celebration. Gilberto Rodriguez will demonstrate his process and instruct students as they decorate a special, small piece to brighten their home. Open to all ages, this would be wonderful as either an individual or family project! Pre-registration is required and includes all supplies. *Children 4-13 years of age must be accompanied by an adult.

PAINTING GROWLERS

with *Claudia Cianci*

Wednesday, October 9, 6:30-8:30 pm

Ages 21+ • min 4/max 40 • Register by Sept.16

\$20/person includes growler

Mispillion River Brewing
255 Mullet Run St., Milford

SPECIAL
LOCATION!

Join us at Mispillion River Brewing for a GROWLER PAINT NIGHT! Paint your own design or use one of the stencils provided, guided by local artist Claudia Cianci. Space is limited and registration includes growler and all supplies. No experience required.

LINOLEUM BLOCK PRINTING

with *Robin Dean*

Thursdays, October 10, 17 • 6:30-8:30 pm

Ages 14+ • min 4/max 8 • Register by Oct. 5

Members \$35 • Non-members \$45

Learn the skills to carve a Linoleum Block plate and print multiple copies of your design. Students will create generic or holiday-themed folded cards to give to family or friends. All materials will be provided.

WATERCOLOR JOURNALING

with *Rosemary Connelly*

Friday, October 11, 10:00-4:00 pm

Ages 16+ • min 4/max 10 • Register by Sept.26

Members \$65 • Non-members \$80

Discover the joys of watercolor journaling! Learn how to incorporate drawing, watercolors, and writing in a way that will delight and inspire. Geared to beginners but whatever your level of experience, Rosemary will show you how to slow down, to really look at the world around you, and capture what you see and feel as you paint. Supply list given at registration. Bring a lunch.



PUMPKIN POUR

with *Claudia Cianci and Barbara Buford*

Saturday, October 12, 10:00-12:00 pm

Ages 4+ • min 4/max 10 • Register by Oct. 8

\$10/participant

This class is for all ages. A great craft for the entire family. We're using acrylic paints to decorate our pumpkins. No two will come out the same! An artistic twist on Halloween. We will be using plastic craft pumpkins and using one of the latest artistic crazes, "the pour"... you will love it!

PAINTING SHOES: SPECTATOR SHOE-TORIAL

with *Claudia Cianci*

Saturday, October 12, 1:00-3:00 pm

Ages 13+ • min 4/max 10 • Register by Oct. 8

\$10/participant

We'll start with your shoes. Bring a pair of plain white lace-up sneakers. Any pair will do. You can find them at Wal-Mart or Michael's. You pick the colors and I'll walk you through step-by-step painting your custom spectator sneakers. Paint provided.

LIGHT PAINTING

with *John Mollura*

Saturday, October 12, 7:00-9:00pm

Ages 4+ • No registration required

The Music School of Delaware
23 N Walnut St., Milford

SPECIAL
LOCATION!

Using a light source in a darkened room, participants will move to live music by MS students to create exciting photographs. Things you need to know:

- Absolutely no photography experience is required – photographers will be taking the photos, you will be creating with the light!
- The room will be very low light – careful on your feet!
- You will get your images by downloading from a Facebook photo gallery after the event (details provided at event).
- Light sources will be provided (LEDs, flash lights, etc.), or you can use your cell phone light – gels to cover the flashlight will be provided.

SKETCH DANCERS IN MOTION

Sunday, October 13, 12:00-3:00 pm

Ages 16+ • min 10/max 12 • Register by Oct. 9

First State Dance Academy
107 S Maple Avenue, Milford

SPECIAL
LOCATION!

Join Urban Sketchers Delaware as they sketch dancers in motion. Creativity leaps and pirouettes off the page! Bring your own materials. Donations to the Dance Academy are accepted.

IMAGINATION STATIONS FOR GROWN-UPS

with Robin Dean

Tuesday, October 15, 6:00-8:00 pm

Ages 21+ • min 7/max 20 • Register by Oct. 1
\$10/person

Arena's Deli & Bar, 200 NE Front St., Milford

SPECIAL
LOCATION!

Leave the kids, get a sitter. Eat at Arena's then wander back to the meeting room to experiment with different art materials. Let yourself play; bring out the kid in you. (You always wanted to try pastels!)

"PURE" DRAWING SHOW

Thursday, October 17, 5:00-8:00 pm

Gallery 37 (302) 265-2318
8 S Walnut Street, Milford

SPECIAL
LOCATION!

Gallery 37 will be hosting a "PURE" Drawing Show in support of the Mispillion Art League's *The 2019 Big Draw Festival Delaware*. In the Small Works Gallery, the exhibit Opening Reception is Thursday evening, October 17th from 5:00-8:00 pm. The show will run from October 15-November 16.

This show will represent both traditional and non-traditional mediums and subjects where visible marks are made on paper or other surfaces with various drawing tools and instruments. Artists in this special exhibit will be Arden Bardol, Bente Hirsch, Nanci Hersh, Ruth Keipp, Jack Knight, Jane Knaus, Doris Madsen, Marcia Reed, Susan Ringler, Claire Shenk Rogers, Betsy Rybczynski, and Justin Thomas. Gallery hours are Tuesday-Saturday 11:00-5:00 and by appointment Sunday and Monday.

CREATE MONSTER MAKE-UP

with Nolah Walton

Thursday, October 17, 6:00-8:00 pm

Ages 12+ • min 4/max 15 • Register by Oct. 12
Members \$25 • Non-members \$35

Participants will learn to combine quick face painting methods with intricate make-up techniques. We'll introduce brush stroke fundamentals, basic application techniques, and make-up blending and visual illusions. By the end, one could combine these methods to create several different looks. Specifically, we'll go over wounds, an undead look, and a very spooky spider look. All supplies included.



MASK MAKING FOR HALLOWEEN

with Barbara Buford

Fridays, October 18, 25 • 6:30-8:30 pm

Ages 10-15 • min 4/max 10 • Register by Oct. 15
Members \$30 • Non-members \$35

Express yourself by designing and building a mask just in time for Halloween! Create a 3D mask from a preformed base. Add colors, feathers, beads, and more. Bring your creativity to class and plan to have a great experience! All supplies provided.

FALL PHOTO SAFARI

with Gervasio Ruiz, Jr.

Saturday, October 19, 1:00-3:00 pm

Ages 14+ • min 4/max 12 • Register by Oct. 15
Members \$20 • Non-members \$25

Let's explore the photographic possibilities around Milford with this series of seasonal photo safaris. We will meet at the gallery and then travel as a group to a location that embodies the season. This safari will take us around Silver Lake near the downtown area of Milford. We'll enjoy the beautiful fall foliage as we walk and discuss techniques and collaborate on our ideas and have fun. Bring your camera, water, and wear comfortable clothes.

SUGAR SKULL ART

with *Claudia Cianci*

Wednesday, October 23, 6:00-8:00 pm

Ages 4+ • min 4/max 10 • Register by Oct. 19

\$10/participant

Sugar Skulls are created for children or as offerings to be placed on altars for Dia de los Muertos, which has roots in Aztec and Mayan culture. In this class, we will be designing our own Sugar Skulls or using available templates. We will be painting with acrylic paints on 8x10 canvas boards. This class is for all ages ... a great family activity!

ALL ABOUT ME: PORTRAITS

with *Robin Dean*

Thursday, October 24, 6:30-8:30 pm

Ages 10+ • min 4/max 10 • Register by Oct. 21

\$10/participant

Create your own, unique self-portrait in a quirky style. The ultimate selfie, paint a unique self-portrait in an expressive loose style. Cathy will show you how to express your inner and outer self in a fun, artistic way! Supplies provided.



SENIOR (50+) ART WORKSHOPS

Friday, October 25 • 1:00-2:15pm & 2:30-3:45pm

\$10/workshop • max 25/workshop

REGISTER EARLY!

Calling all Seniors age 50+... unleash your creative side! Sign up for one or two 75-minute workshops designed especially for you. No experience required. Experienced MAL artist-instructors will lead each workshop. All supplies provided. More information to follow.

Here's what's happening at Jerry's Artarama

269 S. Main Street, Newark, DE 19711 / www.delaware-jerrys.com / 302-268-1238

11-2 PM DAILY DROP-IN-DRAW

Love to doodle and draw and make marks to create art? Just starting out and don't know where to begin or what supplies to buy? Want to talk art? Stop in at Jerry's Artarama every day in October from 11-2 pm for some fun playtime on the drawing table! Drop-in often enough at Jerry's and everybody knows your name!

MINI TRADESHOW

Saturday, Oct. 26, 10-4 pm

SPECIAL
LOCATION!

Jerry's will be holding a mini tradeshow at the Mispillion Art League in Milford, DE. Stop by for sketching and drawing supplies!

Here's what's happening at Developing Artist Collaboration

37401 Malloy Street Rehoboth Beach, DE 19971 / 302-567-2839 / www.developingarts.org

DIRTY HANDS DIY STATION BIG DRAW

Tuesdays, October 10, 17, 24, 4:00-8:00pm

Ages 10+ • max 15 • Register by event date

\$15-\$30 per person

37401 Malloy St., Rehoboth Beach

We are offering hands on DIY (do-it-yourself) projects with a Fine Art and Illustration twist which will allow a beginner the chance to learn some new techniques or an advanced artist an environment to get creative in an innovative way. Our projects range from \$15- \$30 and will come with a glass of wine or beer. You can make reservations online at www.developingarts.org/dirty-hands or by calling 302-567-2839. Parties over 5 must call ahead. Descriptions of our Big Draw themed projects will be available on our website by September 1st.



Here's what's happening at Downtown Dover Partnership

302-678-2940 / lairddiane@gmail.com

PAINT DOVER!

Friday, October 4, 7:00 am-7:00 pm

Ages 10+ • To pre-register: Tinyurl.com/PaintDover; on-site registration day of event if space permits.

\$20 per person • Downtown Dover, Dover Art League, 21 Lookerman Street

All day plein air paint event, competition, awards, and sales!



Here's what's happening at Gallery 107

Gallery 107 Classroom 105 Pine St., Seaford DE 19973 / 302-628-2787

SUPER HERO DRAWING

Saturday, October 12, 10:00-2:00 pm

Ages 10+ • max 10

Enroll prior to class by visiting the gallery or contacting the instructor: Rocco Malago, roccomalago@gmail.com, 302-480-4003

\$40 includes lunch

Learn how to draw in ink superhero comic book characters with human proportions.

OPEN STUDIO FIGURE DRAWING/ PAINTING

Sunday, October 13, 1:00-4:00 pm

Ages 16+ • max 8 • Register by Oct. 11

\$15 per person

Live draped model. There is no formal instruction but there are plenty of amazing artists to learn from and ask questions. Gather up your drawing pad/paint supplies and join us.

JEWELRY POURING

Sunday, October 20, 1:00-3:00 pm

Ages 16+ • min 4/max 12

Enroll prior to class by visiting the gallery or contacting the instructor: Judy Cullen, 302-956-6922, jlcullen14@gmail.com

\$20 per person

Students will make necklaces, earrings, and key rings using class provided metal backings, glass bezels, and acrylic paint "skins".



Here's what's happening at Milton Arts Guild

310 Walnut St., Milton DE 19968 / 302-684-1500 / www.miltonartsguild.org

ART WALK

Saturday, October 5, 10:00-3:00 pm

All ages • FREE

As part of Milton's town-wide "Milton Days", Milton Arts Guild will be hosting an "Art Walk". Artists will be painting, drawing, and selling their work throughout the town, engaging with the public, plus working with children at the art gallery. Visitors will receive a map of the locations where each of the artists will be. Artists will be located on porches around town.



Here's what's happening at Rehoboth Art League

12 Dodds Lane, Rehoboth Beach, DE 19971 / 302-227.8408 / www.rehobothartleague.org

INTRODUCTION TO ACRYLIC

with Ron Lightcap

Tuesdays, Oct 1, 8, 15, 22, 29 • 6:15-8:15 pm
Ages 18+ • min 3/max 10 • Register by Sept.27
Member \$150 • Future Member \$185

In this five-week class, students will develop an understanding of drawing foundations through exercises in perspective, light source and composition with the goal to complete a drawing study. This completed study will be used to make a final acrylic painting of a fall scene.

OIL PAINTING

with Joe Terrone

Wednesdays, Oct 2, 9, 16, 23, 30 • 9:30-12:00 pm
Ages 18+ • min 3/max 10 • Register by Sept. 27
Member \$170 • Future Member \$205

This is a five-week painting class that addresses the beginner as well as the more seasoned painter. We will discuss the basics and advance weekly to give you the tools you need to understand and critique your artwork. Through the application of color theory, composition, linear and atmospheric perspective, as well as a look into objective and subjective tools, you will become more equipped to move your work to a new and exciting level.



PEN & INK TECHNIQUES &

APPLICATION *with Edilu Nehrbas*

Thursdays, Oct 3, 10, 17, 24 • 9:00-12:00 pm
Ages 18+ • min 4/max 10 • Register by Sept.27
\$140

Pen and Ink represents one of the oldest forms of drawing and one of the most visually intense and compositionally complex. Through exercise and practice of Pen and Ink techniques such as feathering, hatching, cross-hatching and more, students in this four-week class will create textured drawing compositions using a variety of subject matter.

ACRYLIC PAINTING: LANDSCAPES

with Jamie Moore

Wednesdays, Oct 9, 16, 23, 30 • 6:00-8:00 pm
Ages 11+ • min 4/max 10 • Register by Oct. 4
Member \$100 • Future Member \$135

Have you taken a basic acrylic painting class and want to take the next step? Acrylic landscape painting may be what you are looking for. Participants will continue to learn basic color mixing in this four-week class while completing a small landscape painting.

BEYOND ALLA PRIMA: MOVING TOWARDS ABSTRACTION

with Tara Funk-Grim

Friday-Sunday, Oct 11, 12, 13 • 9:00 am-4:00 pm
Ages 18+ • min 5/max 14 • Register by Oct. 7
Member \$240 • Future Member \$275

Techniques and exercises will open the door to intuitive objective and non-objective abstract painting. Exploring line, shape, color, and composition challenges and expands your thoughts and ideas to produce work that is uniquely yours. Spontaneity, exploration, and discovery are part of the painting process.

BASIC DRAWING II: PORTRAITS

with *Jamie Moore*

Saturdays, Oct 12, 19, 26, Nov 9 • 10:00-12:00 pm

Ages 11+ • min 3/max 10 • Register by Oct. 7

Members \$120 • Future Members \$155

This four-week class is for students that have taken Basic Drawing I (or have some drawing experience). This is an extension of skills taught in the first class. Students will work on value range and a realistic portrait using the right brain techniques popularized by acclaimed art teacher and author Betty Edwards. No class 11/2.

WHITE-LINE WOODCUT WORKSHOP

with *Fred Dylla*

Mon.-Wed., Oct 14, 15, 16 • 9:00-4:00 pm

Ages 18+ • min 4/max 12 • Register by Oct. 2

Member \$190 • Future Member \$225

In this three-day workshop, participants will learn how to transfer a drawing to a woodblock, carve the key outlines, paint the block, and finally transfer the image to the printing paper. All work is done with a pencil, a woodcarving knife, appropriate printing paper, watercolors, and brushes. Attendees should have some basic skills in drawing and watercolors. No previous knowledge of woodblock printing or woodcarving is necessary.



DRAWING FOR BEGINNERS

with *Myndi Smithers*

Thursdays, Oct 17, 24, 31, Nov 7 • 1:00-3:00 pm

Ages 18+ • min 3/max 10 • Register by Oct. 14

Members \$120 • Future Members \$155

You can draw! This class will help novice sketchers develop confidence in their ability to draw what they see. Basic techniques and skills will be taught as we draw from life and photos.

EXPLORING WATERCOLOR

with *Gerilyn Gaskill*

Monday, Oct 21 • 10:00 am-1:00 pm

Ages 18+ • min 3/max 12 • Register by Oct. 18

\$38

Watercolor demonstration and paint along. The theme is "Holiday Cards." Gerilyn Gaskill will also demonstrate tips and techniques, including wet-on-wet, dry brush and glazing. Reference materials will be provided. Gerilyn will spend time with each student and help with any painting questions.

www.mispillionarts.org/big-draw-de / facebook.com/thebigdrawde2019

City of Milford



PROCLAMATION 2019-17 PUBLIC POWER WEEK

WHEREAS, we, the citizens of the City of Milford, place high value on local control over community services and therefore have chosen to operate a community-owned, locally-controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, the City of Milford Electric Division provides our homes, businesses, farms, social service, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, the Electric Division is a valuable community asset that contributes to the well-being of local residents through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, the Electric Division is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place to live, play, and work, and contributes to protecting the global environment.

NOW, THEREFORE BE IT RESOLVED: that the City of Milford Electric Division will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since the utility was created to serve all residents of the City of Milford; and

BE IT FURTHER RESOLVED: that the week of October 6-12 be designated Public Power Week to recognize the Electric Division for its contributions to the community and to educate consumer-owners, policy makers, and employees on the benefits of public power; and

BE IT FURTHER RESOLVED: that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power, which is best for consumers, business, the community, and the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Milford to be affixed hereto this 23rd day of September 2019.

Mayor Arthur Campbell

Attest:

City Clerk Teresa K. Hudson



TO: Planning Commission

FROM: Rob Pierce, Planning & Economic Development Director

DATE: September 17, 2019

RE: Ordinance 2019-31
Zoning - Temporary Activates - Yard Sales
Zoning – Craft Distillery and Microbrewery Establishments

Chapter 230 - Yard Sales

In late Spring 2019, the Department received complaints regarding a few residential properties within the City of Milford that are holding large “yard sales” or “garage sales.” The City Code does not define “yard sale” nor provide any conditions or regulations related to the quantity and intensity of these types of temporary activities.

As a result, the Community & Economic Development Committee discussed the need to define residential yard sales within Chapter 230 Zoning at the July 8, 2019 committee meeting.

The code amendment language found under Section 1 of Ordinance 2019-31 was prepared based on discussions with the committee and would define “Yard Sale” as “a permitted temporary sales activity principally involving household items and/or consumer goods, conducted by the owner (or residential tenant) of real property upon said property which is residentially zoned. A yard sale is typically limited to a one-day event but not longer than two consecutive days. Provided, however, that such temporary sales activity shall, under no circumstances, last more than four total days during any particular calendar year upon any real property.”

Chapter 230 – Craft Distillery and Microbrewery Establishments

Feebs Distilling Company located at 733 McColley Street has been operating as a legal distillery producing alcoholic beverages in an I-1 Limited Industrial zoning district since February 2019. The owners of the distillery contacted the Planning Department in June 2019 and expressed interest in operating retail sales and potentially including on-site consumption of distilled spirits at the site in the future.

Based on Chapter 230-16, I-1 Limited Industrial District, the zoning category permits “light manufacturing, assembling, converting, altering, finishing, baking, cooking or any other type of processing or storage of an industrial nature for the production and/or distribution of any goods, materials, products, instruments, appliances, and devices.” It is staff’s interpretation that the I-1 zoning district does not permit the on-site sale or consumption of the alcoholic beverages produced at the facility and that a code amendment would be required in order for the distillery to add these functions or uses to the site.

Staff has prepared a draft code amendment for consideration that would permit Craft Distillery and Microbrewery Establishments in the C-2, C-2A and C-3 zoning districts by-right. The draft amendment would also permit Craft Distillery and Microbrewery Establishments within the I-1 and BP zoning districts by issuance of

a conditional use permit by City Council. The draft language includes several conditions and requirements that must be met by the applicant. The stated conditions are the same between the conditional use and permitted use and primarily deal with storage of materials, retail sales, on-site consumption, food sales, outdoor seating and gathering areas, public parking, and State licensing requirements.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, September 17, 2019 @ 7:00 p.m.
City Council Hearing: Monday, September 23, 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 2019-31
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 230-ZONING
ADDING YARD SALE DEFINITION
AMENDING CRAFT DISTILLERIES AND MICROBREWERIES

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 purpose of the C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District; and

WHEREAS, the regulations are designed to encourage the development and opening of new businesses and recognize the unique circumstances that are peculiar to the downtown area; and

WHEREAS, the Planning and Economic Development Director proposes changes to the Code that include adding the definition of a Yard Sale or Garage Sale; and

WHEREAS, adding Craft Distillery and Microbrewery Establishments as a permitted use in the C2 (Central Business District) and C2A (Riverfront Development District); and

WHEREAS, Removing Nano or Microbrewery With Or Without Associated Pub from the conditional uses in a C2A (Riverfront Development District); and

WHEREAS, Adding Craft Distillery and Microbrewery Establishments as a conditional use in the BP (Business Park District) and I1 (Limited Industrial District); and

WHEREAS, City Council found that the updated provisions are in the best interest of the health, safety, convenience, and general welfare of the citizens of the City.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

§230-4.A *Definitions* is hereby amended by adding language shown as underlined:

YARD SALE or GARAGE SALE – A permitted temporary sales activity principally involving household items and/or consumer goods, conducted by the owner (or residential tenant) of real property upon said property which is residentially zoned or used primarily for residential purposes. A yard sale is typically limited to a one-day event but not longer than two consecutive days. Provided however, that such temporary sales activity shall, under no circumstances, last more than four total days during any particular calendar year upon any real property.

Section 2.

§230-13B Permitted uses in the C-2 District is hereby amended by adding a new subsection to be referenced as (22):

(22) Craft distillery and microbrewery establishments, provided that:

- (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
- (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
- (c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
- (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.
- (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.
- (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
 - i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.
 - iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.
 - iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.
 - v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.
 - vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
 - viii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

Section 3.

§230-13.1. Permitted uses in a C2-A District is hereby amended by adding a new subsection to be referenced as (12):

(12) Craft distillery and microbrewery establishments, provided that:

- (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
- (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
- (c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
- (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.
- (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.
- (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
 - i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.
 - iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.
 - iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.
 - v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.
 - vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
 - viii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

Section 4.

§230-13.1. Conditional uses in a C2-A District is hereby amended by striking item (7) as shown in strikethrough:

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

- (1) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.
- (2) Laundromats and dry-cleaning establishments.
- (3) Fast-food or franchised food service operated restaurants.
- (4) Day-care centers.
- (5) Community residential treatment program.
- (6) Multifamily residential when part of a mixed-use development, with commercial uses in the same building and/or on the same site.
- ~~(7) Nano or microbrewery with or without associated pub.~~

Section 5.

§ 230-16. Conditional uses in an I-1 Limited Industrial District is hereby amended by adding a new subsection to be referenced as (4):

- (4) Craft distillery and microbrewery establishments, provided that:
- (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
 - (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
 - (c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
 - (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.
 - (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.
 - (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
 - i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.
 - iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating

and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.

viii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

Section 6.

§ 230-19.1. Permitted uses in a BP Business Park District is hereby by removing language indicated by strikethrough:

(11) Beverage blending, bottling (all types), ~~but not distilling.~~

Section 7.

§ 230-19.1. Conditional uses in a BP Business Park District is hereby amended by adding a new subsection to be referenced as (6):

(6) Craft distillery and microbrewery establishments, provided that:

(a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.

(b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.

(c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.

(d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

(e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.

(f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:

i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or

vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

- iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.
- iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.
- v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.
- vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
- viii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

Section 8. Dates.

Planning Commission Review and Public Hearing: September 17, 2019

City Council Introduction: September 9, 2019

City Council Review and Public Hearing: September 23, 2019

Effective: October 3, 2019

Additional information may be obtained by contacting the Planning Office at 302-424-8396 or by emailing rpierce@milford-de.gov.

Advertised: Beacon 08/28/19

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

City Council Hearing: Monday, September 23, 2019 @ 7:00 p.m.

Notice is hereby given that the 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 matter:

ORDINANCE 2019-32
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 57-PLANNING COMMISSION
ADD COMPENSATION OF MEMBERS

WHEREAS, in accordance with Title 22, Section 701 of the Delaware Code, the City of Milford established a Planning Commission; and

WHEREAS, the City Council of the City of Milford recognizes the valuable work and time commitment made by Planning Commission members and deems it necessary to provide compensation to the members in appreciation of their service to the community.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1:

§57-5-Salaries and Compensation is hereby amended by adding language shown as underlined and removing language shown in strikethrough:

All ~~Each~~ members of the Commission shall ~~serve without compensation~~ be paid \$50.00 per regular or special meeting s/he attends, ~~but and~~ may be reimbursed for actual expenses incurred in connection with their official duties.

Section 2: Dates.

City Council Introduction: September 9, 2019

City Council Review and Public Hearing: September 23, 2019

Effective: October 3, 2019

For a complete list of City of Milford ordinances, please access the City of Milford website at www.cityofmilford.com or contact the City Clerk's Office at 302-422-1111.

Advertised: *Beacon 08/28/19*

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, September 17, 2019 @ 7:00 p.m.

City Council Hearing: Monday, September 23, 2019 @ 7:00 p.m.

Notice is hereby given that the 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 matter:

ORDINANCE 2019-33
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 230-ZONING
ARTICLE VII-BOARD OF ADJUSTMENT
ADD COMPENSATION OF MEMBERS

WHEREAS, in accordance with Title 22, Section 322 of the Delaware Code, the City of Milford established a Board of Adjustment; and

WHEREAS, the City Council of the City of Milford recognizes the valuable work and time commitment made by Board of Adjustment members and deems it necessary to provide compensation to the members in appreciation of their service to the community.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1:

A new Section 39 is hereby added to read as follows:

[§230-39. - Salaries and Compensation.](#)

[Each member of the Board of Adjustment shall be paid \\$50.00 per regular or special meeting s/he attends and may be reimbursed for actual expenses incurred in connection with their official duties.](#)

Section 2: Dates.

Planning Commission Review and Public Hearing: September 17, 2019

City Council Introduction: September 9, 2019

City Council Review and Public Hearing: September 23, 2019

Effective: October 3, 2019

For a complete list of City of Milford ordinances, please access the City of Milford website at www.cityofmilford.com or contact the City Clerk's Office at 302-422-1111.

Advertised: Beacon 08/28/19



Sussex County Association of Towns

20 W Fourth Street, Blades, Delaware 19973

S.C.A.T. Dinner for Wednesday, October 2, 2019

Town of Bethany Beach

Town of Bethel

Town of Blades

Town of Bridgeville

Town of Dagsboro

Town of Delmar

Town of Dewey Beach

Town of Ellendale

Town of Fenwick Island

Town of Frankford

Town of Georgetown

Town of Greenwood

Town of Henlopen Acres

Town of Laurel

City of Lewes

City of Milford

Town of Millsboro

Town of Millville

Town of Milton

Town of Ocean View

City of Rehoboth Beach

City of Seaford

Town of Selbyville

Town of Slaughter Beach

Town of South Bethany

Sussex County Council

LOCATION: Seaford Volunteer Fire Department
302 E King Street
Seaford, DE 19973

TIME: 6:00 pm – Cash Bar
6:30 pm – Dinner

HOST: City of Seaford

SPEAKER: Daniel J. Leathers, State Climatologist

COST: \$20.00 per person

MENU: Oven Fried Chicken
Pork Tenderloin
Macaroni & Cheese
Succotash
Broccoli Casserole
Rolls & Butter
Assorted Deserts

**PLEASE RSVP TO CHRISTINE NO LATER
THAN 09/24/19**

For those bringing guests, please make checks payable to:
City of Seaford

- **Chapter 57 - PLANNING COMMISSION**

[HISTORY: Adopted by the City Council of the City of Milford 11-14-1967. Amendments noted where applicable.]

- **§ 57-1. - Establishment.**

There is hereby established, pursuant to 22 Del. C. § 701 et seq., the Milford Planning Commission.

- **§ 57-2. - Membership; terms of office.**

The Commission shall consist of no less than 5 and no more than 9 members as recommended by the Mayor and appointed by the Council. The term of each member so appointed and confirmed shall be for three years, except that of the members first appointed, three shall be appointed to a term of three years, three shall be appointed to a term of two years and three shall be appointed to a term of one year.

[Ord. No. 2017-21, § 1, 10-9-2017]

- **§ 57-3. - Removal; vacancies.**

Any member of the Planning Commission may be removed for cause, after a public hearing, by the Mayor with the approval of the City Council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as an original appointment.

TITLE 22

Municipalities

CHAPTER 7. Planning Commission

§ 701 Establishment; membership.

Any incorporated city or town may at any time establish a planning commission under this chapter. A planning commission established hereunder shall consist of not less than 5 nor more than 9 members. Such members shall in cities be appointed by the mayor, subject to confirmation by the city council, and in towns where there is not a mayor shall be elected by the town commissioners. When a planning commission is first established the members thereof shall be appointed or elected for terms of such length and shall be so arranged that the term of at least 1 member shall expire each year and their successor shall be appointed or elected for terms of 2 to 5 years each. Any member of the planning commission so established in a city may be removed for cause after a public hearing by the mayor with the approval of city council; members of the planning commission elected by town commissioners shall be removed by them for cause after a public hearing by a majority vote. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in a city in the same manner as an original appointment and in a town by the town commissioners. Such a planning commission shall elect annually a chairperson and a secretary from among its own number and may employ experts, clerical and other assistants. It may appoint a custodian of its plan and records who may be the city engineer or town clerk.

22 Del. C. 1953, § 701; [49 Del. Laws, c. 415, § 1](#); [59 Del. Laws, c. 463, § 1](#); [70 Del. Laws, c. 186, § 1](#);

Marketing Proposal for City of Milford

General Fund Reserves -
per Council
\$4300.-

50% Deposit Required.
\$2150

140-1110-413-70-75



Hook Associates
PO Box 391
Georgetown, DE 19947



BILL TO
City of Milford

INVOICE # 810
DATE 02/26/2019
DUE DATE 02/26/2019
TERMS Due on receipt

ACTIVITY	DATE	QUANTITY	RATE	AMOUNT
Content & Campaigns: Campaign Development Messaging & Consulting for Milford PD Campaign	02/22/2019	1	4,300.00	4,300.00

TOTAL 4,300.00
DEPOSIT 2,150.00
BALANCE DUE **\$2,150.00**

MAR 1 - 2019

140-1110-413-70-75

SECTION I

Greetings

Hook PR

Phase II

Dear Chief Brown,

Thank you for the opportunity to provide this proposal to the city of Milford. Our goal is to create communication plans and tools that will effectively outline why the city needs a new police station. By developing a strong story, Milford can allay concerns and gain support for the expansion.

All the best,

Patricia V. Rivera

SECTION 2

Scope of Work

SCOPE OF WORK

Video Storytelling

We'll interview nine influencers, community leaders and police officers who support expanding the police department. Their perspectives will form part of a short explanatory video (three to four minutes), but each interview will also be produced as an independent video (shorter than 90 seconds) to share on social media.

You'll receive 10 videos that repeat support for the police expansion campaign.

Before the videographers start their work, we'll develop a plan for the videos, identifying main messages, interviewees to represent specific areas of the campaign and key visuals.

Landing Page

We'll develop a single-page website that provides just the right amount of compelling information about the expansion campaign. The page (with its domain) would be linked to the city's website.

Push Card

We'll design rack cards (4 inches x 9 inches) that are convenient to hand out at public events and that include key information at a glance. These cards are memorable and increase interest in the campaign.



SECTION 3

Timeline & Fees

TIMELINE & FEES

Timeline

The work will take four weeks to complete. We're available to start as soon as the agreement is signed and executed. To meet a short deadline, we will ask the city to help arrange the video interviews within a one-week period (preferably over three days).

Fees

Our fees include all tasks, such as project management, design, copy writing, video editing, proofreading and consulting.

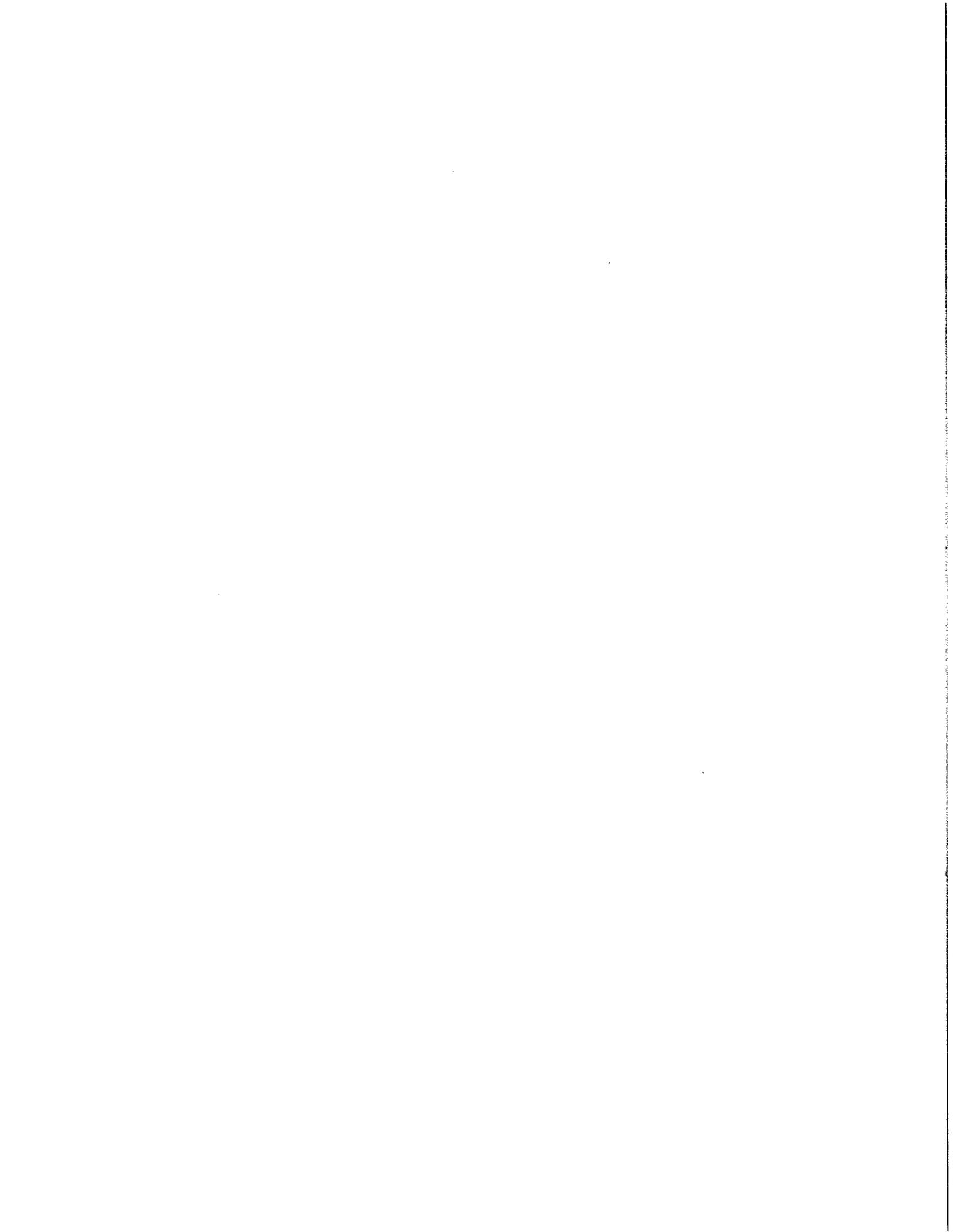
Also included:

1. Meetings to plan messaging and strategy
2. Interviews and phone calls related to deliverables
3. Review of background materials
4. Further research as necessary

CAMPAIGN DEVELOPMENT
Development of videos, landing page and rack card

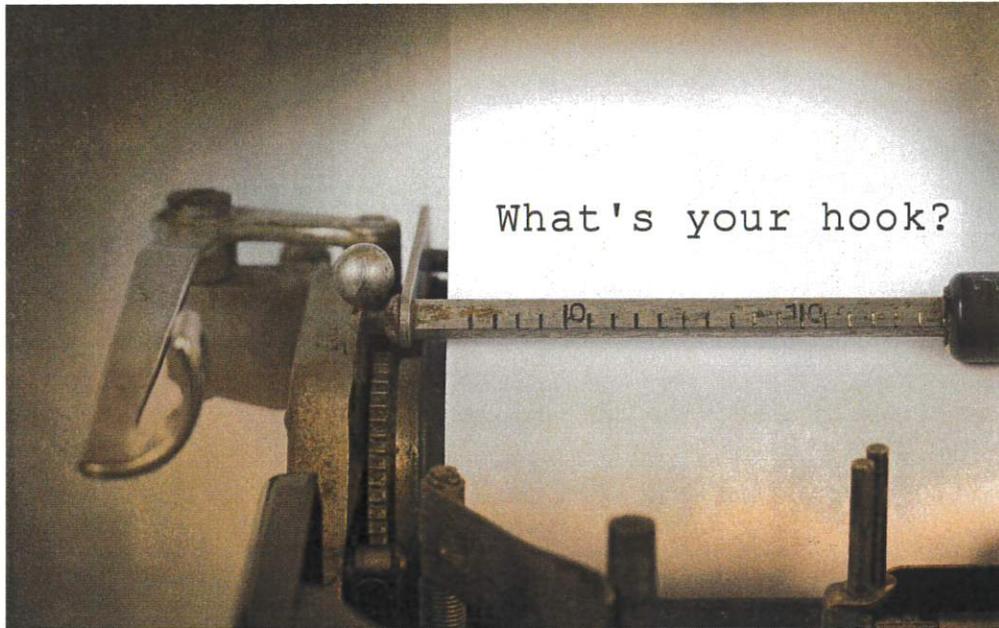
\$7,000

One-off Total \$7,000



SECTION 4

Why Hook



WHY CHOOSE HOOK

Hook PR & Marketing, founded in 2007, is an innovative marketing agency that combines the best of Delaware-based talent with a global support team. We provide integrated brand-building services at competitive prices for changemakers

Multimedia ease and creativity

Although you would have one marketing coordinator to streamline communication, you have access to a creative team ready to produce quality work in print, web, video and social. Samples of our work are available at hookpr.com/portfolio.

Our approach

We believe that people connect with their hearts and minds. Stories allow us

to pull from the universal themes that unite us and highlight what success looks like.

User-centered focus

By focusing on the needs of your stakeholders, we create clear and concise messages that help them understand your importance in their lives.

SECTION 5

Agreement

AGREEMENT

Responsibilities

We have the experience and ability to do everything we've agreed with you, and we'll do it all in a professional and timely manner. We'll endeavor to meet every deadline, and on top of that, we'll maintain the confidentiality of everything you give us.

You'll give us everything we need to complete the project. You'll review our work, provide feedback and approval in a timely manner (within 7 working days of delivery). You guarantee that you have all the necessary rights and ownership of all content and images to permit us to use them for the project.

You will approve and proofread all final designs, text, press proofs and website pages. We will make all efforts to ensure that no information is misrepresented. However, you assume all responsibility for content.

Fee & Timetable

A 50% deposit is required before work is initiated. The remainder is due at receipt of invoice.

The work outlined in this agreement will be delivered on a mutually agreed upon deadline. Late or weekend hours incurred to accommodate additionally compressed deadlines, if needed, will be negotiated separately. Our schedules assume timely review and response of all deliverables by you and your team.

Revisions

This estimate allows for up to two rounds of revisions. Revisions beyond the two rounds, or those that deviate from the project scope, will be billed at the rate of \$125 an hour and will only be made with your prior approval.

To avoid errors, text changes and corrections will not be taken over the telephone and must be provided electronically via email.

Additional Work

During the process of our work together, additional tasks may be required that falls outside the scope of the quoted project. If this occurs, we'll provide a separate estimate for the work required.

Continuity

Experience has taught us that putting projects on hold for an extended period is harmful to the creative process and influences the quality of the final product. If this project is put on hold by you for longer than three weeks for any reason, you will be invoiced for all work completed to date at \$125 per hour.

Termination

Deposits are not refundable. Any completed work not yet invoiced will be immediately invoiced and must be promptly paid within 10 business days. Any invoiced work not yet paid for must also be promptly paid within 10 business days.

Liability

Errors do occur. You agree that we will not be held responsible for any consequential damages, including lost profits, lost savings, or other incidental, consequential or special damages, even if you've advised us of them. We will work diligently to resolve any errors caused by our work.

We will make every effort to ensure that the final copy is free of errors and omissions. However, you're responsible for final proofreading of all copy.

Results

There are many factors in your marketing effort that we cannot control. Therefore, while we can and do guarantee your satisfaction with the work that we produce for you, we cannot guarantee specific sales results.

Copyrights

First, you guarantee that all elements of text, images or other artwork you provide are either owned by you or that you have permission to use them. Any art that we provide will be purchased from a royalty-free stock art vendor. You'll own the visual elements that we create for this project. We'll

give you source files and finished files, and you should keep them somewhere safe, as we're not required to keep copies.

We like to show off our work and share what we've learned with other people, so we reserve the right to display and link to your project as part of our portfolio and to write about it on websites, in magazine articles, and in ebooks.

Additional Agreements

This document contains the whole agreement between us, and there are no warranties, representations, terms, conditions or collateral agreements – express, implied or statutory – other than as expressly set out in this agreement.

Governing Law

This agreement will be governed by the laws in effect in State of Delaware.

Next Steps

NEXT STEPS

It goes without saying that we want you as a client. As with everything in our business, we make things as simple as possible.

With this proposal, we want to provide clarity about costs and additional services. We can adapt the services to meet your needs. Please feel free to contact us if you have questions.

info@hookpr.com

302 858 5055

16394 Samuel Paynter Blvd., Suite 203

Milton, DE 19968

Hook PR & Marketing is in the State of Delaware Directory of Certified Businesses as a Minority Business Enterprise (MBE) and Woman Business Enterprise (WBE).

Ready to get started? So are we.

1. Type your name in the box below and click 'Sign Proposal'.
2. Pay amount due online (next window).
3. We'll confirm the time of our first strategy session.

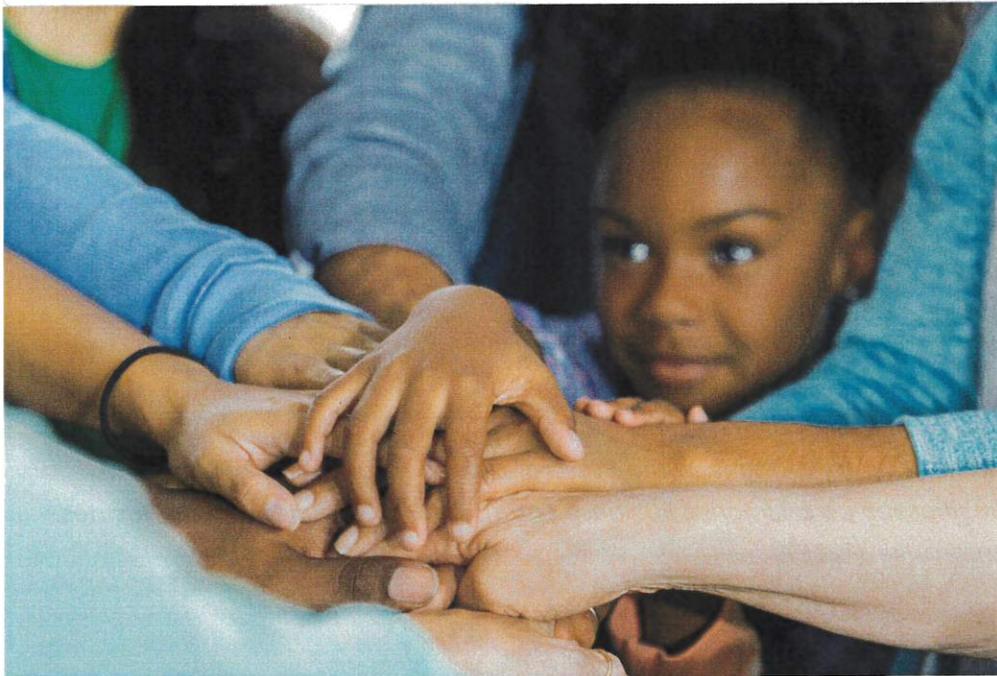
I, Eric Norenberg, agree to the terms of this agreement and I agree that my typed name below can be used as a digital representation of my signature to that fact.

Eric Norenberg

Date Signed: 28 Aug 2019

Time Signed: 16:49

IP Address: 96.88.207.209



I, Patricia Rivera, agree to the terms of this agreement and I agree that my typed name below can be used as a digital representation of my signature to that fact.

Patricia V. Rivera

Date Signed: 28 Aug 2019



Customer Service
119 S Walnut St
Milford, DE 19963
www.cityofmilford.com

SUZANNAH FREDERICK
302.422.6616*1208

SFrederick@milford-de.gov

To: Mayor and Council
From: Suzannah Frederick
Subject: Fiscal Year 2020 Budget Adjustments
Date: September 23, 2019

Purpose

The purpose of this memo is to review budget adjustments needed for Fiscal Year 2020:

General Discussion

General Government, Election Salaries – The requested amount of \$6,000 was omitted from the final budget. We are requesting this be added back to the budget, funded from the General Tax Levy.

Technical Services Overtime - Overtime for Technical Services Division staff was not transferred with the moving of employees to the new division. The expected overtime for Technical Services is \$9,000, which primarily covers the on-call time for after-hours meter turn-ons. To cover overtime expense, staff recommends transferring \$4,500 from Electric Division Overtime, and \$2,250 each from Water and Sewer Overtime, which is where the Technical Service Employees were previously budgeted.

Fiscal Impact

Staff requests to increase Election Salaries expense to \$6,000, and offset the increase by increasing the General Fund Tax Levy line by \$6,000. Based on collections to date, the income from Property Tax will exceed the projected line item, and staff is comfortable with the additional \$6000 increase.

Staff requests increasing Technical Services Overtime to \$9,000, funded from 50% (\$4,500) Electrical Overtime, 25% (\$2,250) Water Overtime, and 25% (\$2,250) Sewer Overtime transfers. The request is a net \$0 change to the Budget.

Recommendation:

I recommend Council authorize the following adjustments to the 2020 Operating Budget:

1. Increase line 101-000-311-1010 Property Taxes: Current Levy by \$6,000 (from \$4,120,385 to \$4,126,385).
2. Increase line 101-1210-414-1010 Salaries-Election by \$6,000 (from \$0 to \$6,000)
3. Transfer \$4,500 from 205-5050-432.10-30 Electric Overtime to 423-6220-436.10-30 Technical Services Overtime
4. Transfer \$2,250 from 202-2020-432.10-30 Water Overtime to 423-6220-436.10-30 Technical Services Overtime
5. Transfer \$2,250 from 203-3030-432.10-30 Sewer Overtime to 423-6220-436.10-30 Technical Services Overtime



September 10, 2019

TO: Mayor and City Council

FROM: Eric Norenberg
Jamesha Eaddy
Kenneth Brown

SUBJECT: Chapter 55-Personnel of the City Code

Purpose and Background

Chapter 55-Personnel of the City Code was repealed and replaced by City Council on April 9, 2018 (Ordinance 2018-08) and amended on February 25, 2019 (Ordinance 2019-06). Recently, City department heads and Human Resources have reviewed this Chapter of the Code and recommend approval of the following housekeeping items and updates. Proposed changes to Chapter 55 include:

1. 6.6.D Shift Differential-Police Dispatchers-The amount of shift differential pay shall be calculated for each hour actually worked between 7:00 p.m. and 7:00 a.m. at the rate of \$1.00 per hour. Shift differential shall not become part of base pay and shall be paid bi-weekly.

**Police Dispatchers are non-union employees. This provision is outlined in the Teamster contract and has also been applied to Police Dispatchers by the Police Department as a past practice. A legal review determined that if past practices such as this are to continue as recommended by the Police Chief, the provisions should be approved by City Council and included in Chapter 55-Personnel of the City Code.*

2. 7.3A Holiday Full-Time Police Dispatchers-All banked, accrued holiday pay will be considered vested. Banked, accrued holiday pay may be used for vacation, extended medical leave/FMLA or when sick leave balance is exhausted. Employees working a holiday will be paid holiday pay in the pay period that the holiday falls. A police dispatcher may request to accrue his/her holiday pay to be used as vacation hours. New accrued holiday hours not used by December 15 shall be paid in the last pay period before December 31 at the police dispatcher's effective hourly rate in effect on the date of payment. Employees not on duty on a holiday, shall be paid for that day and will not accrue an alternative day off. An employee who is assigned to work on a holiday and fails to report and perform such work for any reason other than a reason covered by an approved leave, shall not receive pay for the holiday.

**Police Dispatchers are non-union employees. This provision is also outlined in the Teamster contract and has also been applied to Police Dispatchers by the Police Department as a past practice. Like the previous item, if this benefit is to continue to be afforded to the Dispatchers as recommended by the Chief, legal counsel has recommended that it too be defined in Chapter 55-Personnel of the City Code.*

3. 7.3B Holiday Full-Time Solid Waste Division Employees

Employees working a holiday will be paid holiday pay in the pay period that the holiday falls. A Solid Waste Division employee may request to accrue his/her holiday pay to be used as vacation hours. New accrued holiday hours not used by December 15 shall be paid in the last pay period before December 31 at the employee's effective hourly rate in effect on the date of payment. Employees not on duty on a holiday, shall be paid for that day and will not accrue an alternative day off. An employee who is assigned to work on a holiday and fails to report and perform such work for any reason other than a reason covered by an approved leave, shall not receive pay for the holiday.

**Solid Waste Division employees are scheduled to work on Monday holidays for the months of May through December for yard waste and bulk. They collect Thursday and Friday's route the day after Thanksgiving. The regular collection scheduled occurs on Christmas Eve, Good Friday, Fourth of July, Election Day, Return Day, and Veterans Day. Solid Waste Division employees will continue to be off on Thanksgiving, Christmas, New Years Day, Martin Luther King Day, and President's Day. Similar to the provisions for the Police Officers and Dispatchers who need to work holidays, this provision is recommended to be afforded to Solid Waste employees working on holidays.*

4. 7.3 C Holiday Sell Back Full-Time Police Dispatchers-Employees may elect to sell back up to 80 hours of holiday accrual hours during each fiscal year from the old holiday bank. Payment for holidays sold back will be made on the last pay date in July. To sell back holiday time, the employee must complete a City of Milford application for leave form, designed for holiday sell back, and submit this form to the Police Chief's office prior to April 1st of each year.

**Police Dispatchers are non-union employees. Similar to the first two items, this provision is included in the Teamster contract. If Police Dispatchers are allowed to continue to participate in the holiday accrual program (affirming the past practice), it is recommended that they be allowed this option as well to reduce the future liability of this program.*

5. 12.3 Vehicle Use/Insurability-An employee must immediately report to the Department Director any motor vehicle violations while performing City business, including parking, toll, and traffic violations incurred while utilizing a City vehicle before the end of the work day in which the violations occur. The employee will be responsible for all fines and fees associated with the violation.

**This addition clarifies and addresses obligations and responsibilities not previously included.*

6. 13.1 Travel on Official City Business-If a City-owned vehicle is not available, employees may use their privately-owned vehicle. An employee shall be reimbursed at the current Internal Revenue Service mileage reimbursement rate along with tolls and parking fees, if any. To receive reimbursement, the request must be submitted within seven (7) working days from the date of travel.

If an employee elects to drive a personal vehicle to an out-of-state conference, training or meeting, the City will compare the cost of airfare and driving and will reimburse the least expensive method of travel.

The City Manager may authorize a monthly vehicle allowance in lieu of regular use of a City vehicle for mid-management employees and above who are expected to travel frequently in Kent and Sussex counties in the performance of their duties.

**Changes in this section include clarifications and expands the options for a vehicle allowance as an alternative to City owned, maintained and insured vehicles.*

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

City Council Hearing: Monday, September 23, 2019 @ 7:00 p.m.

Notice is hereby given that the 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 matter:

ORDINANCE 2019-34
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 55-PERSONNEL

WHEREAS, Chapter 55 of the City of Milford Code governs personnel policies for all City of Milford employees; and

WHEREAS, the Chapter is intended to inform employees with important information about the City's rules, policies, practices, and procedures, as well as educated them on their own privileges and responsibilities; and

WHEREAS, the Overtime Compensation provision does not include police dispatchers shift differential; and

WHEREAS, the Holiday provisions does not include full time police dispatchers holiday pay; and

WHEREAS, the Vehicle Use/Insurability provision included reimbursement at the current mileage rate for employees using their personal vehicle for City related business; and

WHEREAS, the Vehicle Use/Insurability provision Did not include employee's responsibility for tolls, traffic violations, fines and fees when using a City owned vehicle; and

WHEREAS, the Travel on Official City Business provision requires approval for travel on City-related business from the employee's supervisor instead of the Appointing Authority; and

WHEREAS, the Travel on Official City Business provision allowed reimbursement at the current mileage rate for employees using their personal vehicle for City related travel instead of the City reimbursing the employee for either the cost of airfare or mileage, whichever is less; and

WHEREAS, the Travel on Official City Business provision does not include the City Manager authorizing a monthly vehicle allowance in lieu of regular use of a City vehicle for mid-management employees and above who are expected to travel frequently in Kent and Sussex counties in the performance of their duties.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The following text is hereby amended by inserting language shown as italicized and underlined and removing language indicated by strikethrough. as set forth below:

SECTION 6 - CLASSIFICATION, PERFORMANCE EVALUATION, AND COMPENSATION

6.6 OVERTIME COMPENSATION

6.6.A. ELIGIBILITY:

All FLSA non-exempt employees shall be eligible for overtime compensation. (*NOTE: There are special rules for police officers, please refer to the FLSA Special 7[k] Work Periods rules.)

6.6.B. SCHEDULING:

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. Overtime scheduling in all departments must be approved by the Department Director, Superintendent or supervisor prior to overtime work, except in the case of an emergency.

Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

6.6.C. OVERTIME PAY:

FLSA non-exempt employees shall be compensated at the rate of one and one-half times the equivalent hourly rate of the employee for overtime hours worked. The work week starts at 7:00 a.m. Sunday and ends at 6:59 a.m. the following Sunday. Hours worked in excess of forty (40) hours in the work week, for regular non-exempt employees or 80 hours in a pay period for non-exempt police officers, will be paid at overtime rate. Vacation leave, bereavement, and paid holidays will be considered hours worked for purposes of performing overtime calculations, unless otherwise specified in a collective bargaining agreement. Hours worked by regular full-time employees on a holiday, which has been approved by City Council as an observed City holiday, shall be compensated at the rate of one and one-half times the equivalent hourly rate of the employee. When a holiday occurs on a Saturday or Sunday the holiday will be observed and paid on Friday or Monday (in accordance with the section of this manual regarding pay periods). An employee shall receive only one paid holiday per holiday.

6.6.D. SHIFT DIFFERENTIAL-POLICE DISPATCHERS:

The amount of shift differential pay shall be calculated for each hour actually worked between 7:00 p.m. and 7:00 a.m. at the rate of \$1.00 per hour. Shift differential shall not become part of base pay and shall be paid bi-weekly.

Section 2. The following text is hereby amended by inserting language shown as italicized and underlined and removing language indicated by strikethrough. as set forth below:

SECTION 7 - EMPLOYEE BENEFITS

7.3 HOLIDAY

The City will grant holiday time off to all employees on all legal holidays officially adopted and approved by the Milford City Council each calendar year. Holiday pay will be calculated based on the employee's straight time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

To be eligible for holiday pay, employees must work or be on approved leave the last scheduled day immediately preceding the holiday and the first scheduled day immediately following it.

If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave, etc.), holiday pay will be provided instead of the time off benefit that would otherwise have applied.

If an eligible employee works on a recognized holiday, he or she will receive holiday pay plus wages at one and one-half times his or her straight time rate for the hours worked on the holiday.

The City will provide to employees a list of holidays each year after approval of the City Milford Council.

When a holiday falls on a Saturday, the preceding Friday will be the observed holiday. When a holiday falls on a Sunday, the following Monday will be the observed holiday.

If an employee is absent from work the day before or after a holiday, holiday pay will not be provided until proof of sickness or excusable absence is established to the satisfaction of the Department Director.

7.3.A. HOLIDAY-FULL-TIME POLICE DISPATCHERS:

All banked, accrued holiday pay will be considered vested. Banked, accrued holiday pay may be used for vacation, extended medical leave/FMLA or when sick leave balance is exhausted. Employees working a holiday will be paid holiday pay in the pay period that the holiday falls. A police dispatcher may request to accrue his/her holiday pay to be used as vacation hours. New accrued holiday hours not used by December 15 shall be paid in the last pay period before December 31 at the police dispatcher's effective hourly rate in effect on the date of payment. Employees not on duty on a holiday, shall be paid for that day and will not accrue an alternative day off. An employee who is assigned to work on a holiday and fails to report and perform such work for any reason other than a reason covered by an approved leave, shall not receive pay for the holiday.

7.3.B. HOLIDAY SELL BACK-FULL-TIME POLICE DISPATCHERS:

Employees may elect to sell back up to 80 hours of holiday accrual hours during each fiscal year from the old holiday bank. Payment for holidays sold back will be made on the last pay date in July. To sell back holiday time, the employee must complete a City of Milford application for leave form, designed for holiday sell back, and submit this form to the Chief of Police office prior to April 1 of each year.

Section 3. The following text is hereby amended by inserting language shown as italicized and underlined and removing language indicated by strikethrough. as set forth below:

SECTION 12 - SAFETY AND HEALTH

12.3 VEHICLE USE / INSURABILITY

City of Milford employees are constantly in the public eye and those who drive a vehicle in the performance of their duties are representing the City. Employees are not only responsible for their own safety and security, but the safety and security of residents and visitors to the City. As a result, employees are required to exercise the utmost care and caution while operating a motor vehicle and other vehicle, tools and equipment on City business. Employees who operate City owned vehicles or personally owned vehicles while performing City business are required to abide by all applicable State laws in addition to the following rules and regulations.

City owned or leased vehicles are to be used for the following purposes:

- a. Transportation to conduct official City business during the normal working day.
- b. Transportation to conduct official City business before and/or after the normal business day.
- c. Transportation between the employee's principal work location and the employee's residence in order to facilitate quick response by those authorized and assigned to drive take home City vehicles by the respective Appointing Authority.
- ~~d. Transportation to conventions, conferences, meetings and training programs. If using a personal vehicle for approved City business when no City vehicle is available employees will receive the current mileage reimbursement at the mileage rate as determined by the Internal Revenue Service.~~
- e. Rental Cars may be used for both in-state and out-of-state travel, if authorized by the respective Department Director or Appointing Authority.

Use of City vehicles for day-to-day operations must be approved by the Department Director / Superintendent / supervisor. Assignment of a City vehicle to an individual for a continuous, regular or indefinite period must be approved by the Appointing Authority (~~please refer to the Use of Equipment and Vehicles Policy~~).

Employee Responsibilities: Those driving vehicles in the course of their employment:

- Must have a valid license for the type of vehicle being driven and must obey all traffic laws.
- Must provide a copy of their driver's license to their Appointing Authority when hired in order to verify that the driver's license is valid.
- Will have their driver's license reviewed at least annually to verify validity.
- Are responsible for ensuring a current, valid copy of their license is on record with the City.

Any employee who is required to operate a City owned or private vehicle to perform City business must immediately report any license suspension, revocation or serious violation to his/her supervisor, ideally within 24 hours of the action. An employee must immediately report to the Department Director any motor vehicle violations while performing City business, including parking, toll, and traffic violations incurred while utilizing a City vehicle before the end of the work day in which the violations occur. The employee will be responsible for all fines and fees associated with the violation. The supervisor will notify the Appointing Authority of any suspensions, revocations and violations that affect the employee's ability to drive. Any license suspension, revocation or serious violation not reported immediately to the supervisor will be subject to disciplinary action up to and including termination.

If operating a vehicle to perform City business, employees are required to be insurable through the City's insurance carrier.

Employees must wear a seat belt at all times when operating or riding in a City vehicle.

City vehicles and/or fuel shall not be used for personal use. Only City employees may operate City vehicles. No employee under the age of eighteen (18) is allowed to operate a City vehicle.

Employees are prohibited from transporting passengers except: 1) other City employees; or 2) individuals conducting business with or on behalf of the City.

Personal vehicles shall not be used to pull trailers or haul equipment while being used in City related business.

Employees are prohibited from making any modifications, alterations or additions to any City vehicle or equipment without the prior express approval of his/her supervisor.

Section 4. The following text is hereby amended by inserting language shown as italicized and underlined and removing language indicated by strikethrough. as set forth below:

SECTION 13 - ADMINISTRATION

13.1 TRAVEL ON OFFICIAL CITY BUSINESS

Whenever an employee travels for City-related business (training, meeting, seminar, conference, etc.) the employee must obtain prior authorization from ~~their supervisor~~, the Appointing Authority, including authorization of budget expenditures for the estimated cost of the travel. Meal and Incident Expense (M&IE) Per Diem Rates (www.gsa.gov/perdiem) and Mileage Reimbursement Rates (www.gsa.gov/mileage) should be confirmed with the Finance Department by contacting the Accounts Payable ~~Administrator~~ Coordinator with the details which should include the date(s), location(s) of the travel and any services that will be included in any registration fees before processing a purchase order for the employee's M&IE and/or mileage reimbursement.

The City encourages the use of any authorized available City vehicle, especially for local travel; ~~however, if the employee has been approved to use their privately-owned vehicle, they can request mileage reimbursement for the actual miles (round trip) between locations.~~ If a City-owned vehicle is not available, employees may use their privately-owned vehicle. An employee shall be reimbursed at the current Internal Revenue Service mileage reimbursement rate along with tolls and parking fees, if any. To receive reimbursement, the request must be submitted within seven (7) working days from the date of travel.

If an employee elects to drive a personal vehicle to an out-of-state conference, training or meeting, the City will compare the cost of airfare and driving and will reimburse the least expensive method of travel.

If more than one employee is traveling to the same event, the City encourages the sharing of vehicles to conserve fuel and City funds. When two or more employees travel together in a privately-owned vehicle, only one mileage reimbursement will be approved.

The City Manager may authorize a monthly vehicle allowance in lieu of regular use of a City vehicle for mid-management employees and above who are expected to travel frequently in Kent and Sussex counties in the performance of their duties.

When employees are booking hotel reservations, they should obtain the lowest rate possible. Some conferences have discounted blocks of rooms reserved and most hotels offer a government rate which may be lower than an advertised rate. After obtaining the hotel rates, the employee must obtain approval from their supervisor of the hotel expense prior to the final booking of the hotel reservation. Employees must acquire receipts for any expenses (hotel, parking, gas, rental car, taxi, tolls, etc.), which are being charged directly to the City or those which will be submitted for reimbursement to the employee and that are not included in the M&IE allowance. The receipts with an itemized expense sheet should be turned in to the employee's supervisor immediately upon the employee's return to work. The supervisor, after the review and approval of the receipts, should complete a purchase order for any reimbursement due to the employee or for any expenses that had not previously been processed through the purchase order system. The supervisor should then submit the signed approved receipts to the Accounts Payable ~~Administrator~~ Coordinator to be processed for payment with the next payment cycle.

Employees receiving an M&IE allowance adhere to GSA and IRS regulations regarding covered incidental expenses. Accordingly, the following expenses will not be reimbursed by the City except under extraordinary circumstances and with approval of the Appointing Authority:

- All meals,
- Room service,
- Laundry, dry cleaning and pressing of clothing, and
- Fees and tips for persons who provide services, such as food servers and luggage handlers.

Employees travelling to conferences, training or other events that include meals which meet the employee's nutritional requirements for some or all days, should reduce the per diem accordingly based on the breakdown on the GSA website. In addition, the first and last days of travel are at a reduced M&IE rate. Please note that amount on the GSA website and on travel request forms.

Section 5: Dates.

City Council Introduction: September 9, 2019

City Council Review and Public Hearing: September 23, 2019

Effective: October 3, 2019

For a complete list of City of Milford ordinances, please access the City of Milford website at www.cityofmilford.com or contact the City Clerk's Office at 302-422-1111.

Advertised: Beacon 08/28/19

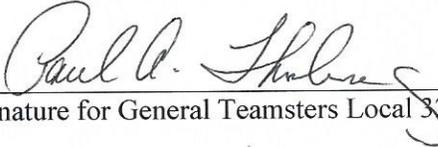
MEMORADUM OF AGREEMENT
BETWEEN THE
MILFORD POLICE DEPARTMENT
GENERAL TEAMSTERS LOCAL 326
AND THE
CITY OF MILFORD, DELAWARE
AGREEMENT EFFECTIVE
August 21, 2019

Bilingual Pay Differential Allowance Policy

The City and the Union agree as follows:

1. Police Officers will participate in the City's Bilingual Pay Differential Allowance Policy which authorizes officers to receive additional compensation for bilingual proficiency.
2. The City will determine the languages which are part of the program, the testing processes and minimum proficiency levels, and the number of employees, by position, that are eligible to participate.
3. Pay will be discontinued if the officer is reassigned to a different job position, the functions of the job position no longer meet the requirements, or if the officer does not maintain proficiency.
4. The program may be suspended or discontinued due to financial or other constraints at the discretion of the City. Participating officers will be compensated for all work performed under the program prior to the date the program is suspended or terminated.

IN WITNESS WHEREOF, the parties hereto agree to and have caused this Amendment to be signed in their respective names by their representatives hereunto duly authorized dated:



Signature for General Teamsters Local 326

8/22/19

Date

Title: SECRETARY / TREASURER

Signature for the City of Milford

Date

Title: _____



DATA SHEET FOR MISPILLION LANDING

Planning Commission Meeting: August 20, 2019

Application Number / Name	:	17-026 / Mispillion Landing
Applicant	:	Unity Development, LLC 3403 Lancaster Pike Wilmington, DE 19805
Owner	:	Same
Application Type	:	Revised Preliminary Site Plan
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Vacant Land
Proposed Use	:	Multi-family Residential
Area and Location	:	9.714 +/- acres of land located along the south side of NE Front Street, approximately 150 feet east of N. Rehoboth Boulevard.
Property Identification Numbers	:	MD-16-183.07-01-27.00-000

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



STAFF ANALYSIS REPORT
July 23, 2019

Application Number / Name	:	17-026 / Mispillion Landing
Application Type	:	Revised Preliminary Site Plan
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Vacant Land
Proposed Use	:	Multi-family Residential
Property Identification Numbers	:	MD-16-183.07-01-27.00
Area and Location	:	9.714 +/- acres of land located along the south side of NE Front Street, approximately 150 feet east of N. Rehoboth Boulevard.

I. BACKGROUND INFORMATION:

- The applicant received Preliminary Site Plan approval from the Planning Commission on May 15, 2018 to construct 102 multi-family units.
- The Planning Commission granted a 12-month extension of the Preliminary Site Plan approval on May 14, 2019.
- The Preliminary Site Plan was subject to the findings of a Utility Feasibility Study prepared by the City Engineer dated December 27, 2017. The feasibility study required the applicant extend the existing 12” gravity sanitary sewer main from the south to north across the frontage of their property along NE Front Street. Enclosed is a copy of the Utility Feasibility Study for your review. **The applicant is requesting a waiver from this requirement, as allowed by Chapter 200-6 entitled Variances and Waivers.**

II. STAFF ANALYSIS:

- Chapter 200-5(H)(1)(i) states “all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.” Chapter 230-52 entitled Review Procedure for Site Plans states that “the final site plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City.” The extension of the sanitary sewer main is a requirement of the subdivision regulations for the City.
- Chapter 200-6 states “applicants may request, at the time of application submission, the varying or waiving of requirements of Chapter 200, and the Planning Commission may, at its own discretion, recommend to City Council the varying or waiving of said requirements and request conditions that substantially secure the objectives of the requirements so waived. Upon the findings of the City Council that, due to special conditions peculiar to a subdivision or a site, certain requirements of these regulations are inappropriate or that strict compliance with said requirements may cause extraordinary and unnecessary hardship, the City Council may vary or waive said requirement, provided that such variance or waiver shall not be detrimental to the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the Official Map, Chapter 230, Zoning, the Development Plan or this Chapter.”
- The Mispillion Landing project was originally proposed in 2007 for a total of 81 multi-family dwelling units as shown on the attached drawing prepared by George, Miles & Buhr, LLC (GMB). The original site design required the construction of a new sanitary sewer pumping station that would discharge into an existing manhole in the right-of-way that had an invert elevation of 7.07 feet above sea level.
- In 2009, the City designed and replaced the 12” gravity sewer interceptor along NE Front Street from Brady Drive to the front of the applicant’s property, lowering the invert of the connection manhole from 7.07 feet above sea level to 5.34 feet above sea level (see attached North Front Street construction plans prepared by Davis, Bowen & Friedel). The lowering of this line, along with the eventual redesign of the Mispillion Landing site by DBF in 2011, allowed the property to be served by gravity and eliminated the need for a new sanitary sewer pumping station for the Mispillion Landing project. The redesign also increased the number of multi-family dwelling units on the site from 81 apartments to 102 apartments.

Staff recommends that the City require the extension of the 12” gravity sewer main across the property as required by Chapter 200-5(H)(1)(i) in order to preserve previous public investments to maximize the sanitary sewer drainage basin along the NE Front Street corridor.

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, DE on Tuesday, August 20, 2019.

PRESIDING: Chairman Marvin Sharp

IN ATTENDANCE: Commissioners Ed Holloway, Rae Mims, Andrew Fulton, Sara Pletcher, Ray Lynch, Dwayne Powell

STAFF: City Solicitor David Rutt, Planning & Economic Development Director Rob Pierce, Deputy City Clerk & Recording Secretary Christine Crouch

ABSENT:

CALL TO ORDER

Chairman Sharp called the meeting to order at 7:13 pm.

APPROVAL OF PREVIOUS MINUTES

The July 2019 minutes were not included in the packet.

NEW BUSINESS

Milford Ponds, LLC/Preliminary Site Plan/Clubhouse Drive & West Heirloom Way - Milford Ponds Subdivision/Zoning Districts R-1, R-2 & R-3/Property Tax Parcel 1-30-6.00-558.00

Planning Director Pierce reviewed the Staff Report included in the packet adding the proposed site plan conforms to the code.

Mr. Ring Lardner with Davis, Bowen & Friedel Inc on behalf of the applicant explained the site layout as shown on the submitted plans included in the packet.

Fulton moved to approve the Preliminary Site Plan as presented, seconded by Powell. Motion carried with all present voting in favor.

Unity Development, LLC/Revised Preliminary Site Plan/ Southside/NE Front Street, approx. 150 ft e/o N Rehoboth Boulevard/ Zoning District R-3/ Property Tax Parcel MD-16-183.07-01-27.00-000

Planning Director Pierce reviewed the Staff Report included in the packet explaining the applicant is seeking a waiver of the subdivision code requiring the sanitary sewer main to be extended.

Misphillion Landing originally received a final site plan approval on November 15, 2011 however since the project was not substantially undertaken within one year, the approval was voided.

In November 2017, DBF applied for a Utility Feasibility Study and in December 2017 the City issued its Utility Feasibility Study Findings identifying the need for the sanitary sewer main to be extended.

In May 2018 the Planning Commission granted the project Preliminary Site Plan approval and subsequently a one-year extension in May 2019.

While this is a site plan that is reviewed under Chapter 230-Zoning, because Chapter 230-52 Review Procedure for Site Plans states that “the final site plan shall also be reviewed by the City Planner for confirmation that the application is designed in accordance with all subdivision, zoning and other land use regulations of the City”, the application must comply with §200-5(H)(1)(i) which states “all sewer and storm sewer systems shall be extended at minimum slope, maximum depth, and connected with an approved method and shall be adequate to handle all present and probable future development.”

Because this requirement is found in the Subdivision code, the applicant is exercising a waiver request as per Chapter 200-6 entitled Variances and Waivers which states “Applicants may request, at the time of application submission, the varying or waiving of requirements of Chapter 200, and the Planning Commission may, at its discretion, recommend to City Council the varying or waiving of said requirements and request conditions that substantially secure the objectives of the requirements so waived. Upon the findings of the City Council that, due to special conditions peculiar to a subdivision or a site, certain requirements of these regulations are inappropriate or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the City Council may vary or waive said requirements, provided that such variance or waiver shall not be detrimental to the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the Official Map, Chapter 230, Zoning, the Development Plan or this chapter. In varying or waiving certain requirements, the City Council may specify such conditions at will, in its judgment, secure substantially the objectives of the requirements so varied or waived.”

The Planning Commission will review the waiver request and make recommendation to City Council, who will have final determination.

Mr. Ring Lardner with Davis, Bowen & Friedel Inc on behalf of the applicant explained as part of a separate project, the City extended a 12" sewer line towards Rt 1 ending at Mispillion Landing and a new 8" service was installed to serve Mispillion Landing at that time. In 2011 when the original Mispillion Landing site plan and construction plans were approved, his client was not required to extend the sewer line. The designs submitted in 2011 and again in 2018 are unchanged, yet this time the extension is required. Because Mispillion Landing can connect to the existing 8" service, they should not be required to extend the 12" main across their property frontage to serve future development when there is a 12" stub already available to future development.

Mr. Fulton asked had the 2011 site plan approval not expired, would what Mr. Lardner is requesting be permitted to which Mr. Lardner stated yes.

Mr. Holloway questioned when the code was amended to require the sewer extension to which Director Pierce replied he believes it was between 2009 and 2017. Mr. Lardner thought it was 2017.

It was confirmed the 2018 preliminary site plan approval plan indicated the sewer extension however it was not until the construction plans were submitted to the City for review that the issue was realized by the applicant. Solicitor Rutt confirmed a managing member signed the Planning & Zoning application when it was submitted to the City. When asked if a managing member signed the plans when submitted to the City, Mr. Lardner replied no.

Ms. Mims confirmed the extension of the sanitary sewer is not necessary for the construction of this project, however Director Pierce added since he has been with the City this requirement has consistently been applied so as to prepare for upcoming development.

Mr. Lynch questioned what property east of this development would be impacted and would need this sewer line. Based on his rough evaluation, Director Pierce felt the main could run to Rt 1, but some of the properties would not benefit from it because they are not able to be served by gravity. Again, this is rough information. Mr. Lardner agreed adding he questions why his client should extend the main when they do not need it extended, only to benefit other property owners to which Mr. Lynch agreed.

Ms. Pletcher confirmed if the waiver is granted and the main is later extended, the developer must pay for that and it will disrupt the residents because it will be construction in the development. However, Mr. Lardner explained the stub exists in the roadway and the extension could be done in the roadway rather than on the property.

In addition, regarding the properties further east, Atlantic Concrete, Hitchens Tire, and Perdue, etc are very unlikely to of developing any time soon. Mr. Lardner reiterated Chapter 185 discusses the extension of the sewer main and the issue he has is that there is already sewer available to Mispillion Landing therefore his client can simply connect.

Mr. Holloway stated his issue is with the timing of this waiver. Why during the 2018 review was this not mentioned to which Mr. Lardner stated it was being discussed with Public Works with the hopes of it being resolved.

Solicitor Rutt advised the applicant is seeking a waiver in accordance with Chapter 200-6 whereby the Planning Commission will make a recommendation to Council.

Fulton moved to deny the variance request and require the applicant to extend the 12" gravity sewer main across the property as required by Chapter 200-5(H)(1)(i) because the waiver request does not meet with the requirements of Chapter 200-6 that state "due to special conditions peculiar to a subdivision or a site, certain requirements of these regulations are inappropriate or that strict compliance with said requirements may cause extraordinary and unnecessary hardship", seconded by Lynch. Motion carried with all present voting in favor.

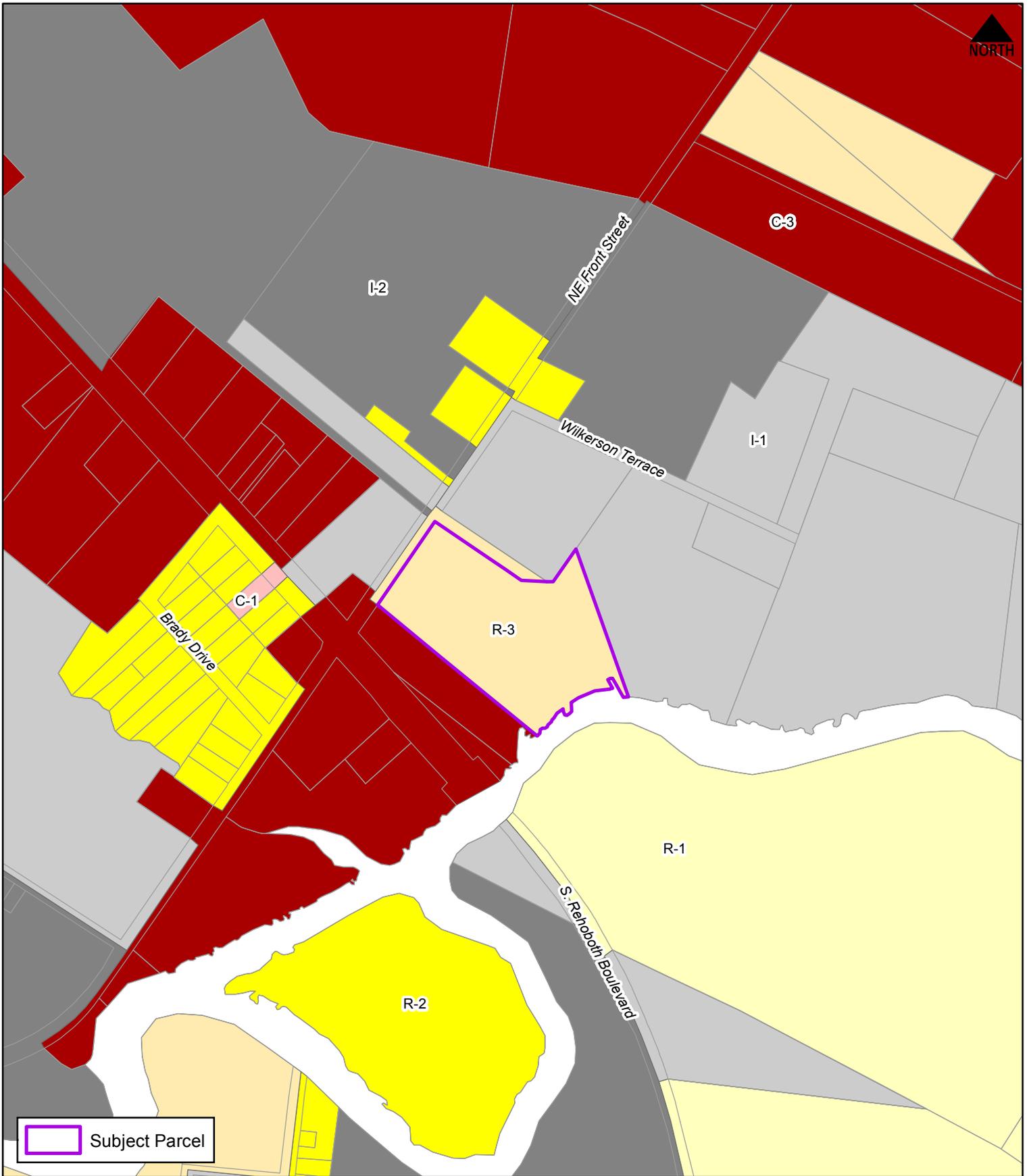
Davis, Bowen & Friedel Inc on behalf of Jesse & Joyce Webb and Walter & Janet Swain/Final Site Plan/Beaver Dam Road - Windward on the River-Residential/ Zoning District R-3 & C-3/ Property Tax Parcel 3-30-7.00-033.00 & 3-30-11.00-264.00

Planning Director Pierce reviewed the Staff Report included in the packet adding the application meets with Chapter 200 and 230.

Mr. Ring Lardner with Davis, Bowen & Friedel Inc on behalf of the applicant explained this is the same plan seen during preliminary site plan approval except the storm water pond was adjusted. He added no stormwater will drain toward Beaver Dam Estates but will be directed to the pond then will drain to the branch.

Mr. Doug Motley with Windward Communities LLC stated he is hoping to break ground within sixty days.

Fulton moved to approve the Final Site Plan as presented, seconded by Holloway. Motion carried with all present voting in favor.



 Subject Parcel

	Scale:  Feet 0 200 400	Title: Preliminary Site Plan Mispillion Landing Location & Zoning Map
	Drawn by: WRP Date: 03/07/18	
Filepath: PreliminarySitePlan_MispillionLanding.mxd		

MISPILLION LANDING

MILFORD HUNDRED, KENT COUNTY, DELAWARE

DBF # 2137A001

PRELIMINARY PLAN

NOVEMBER, 2017

DATA COLUMN

TAX MAP ID & AREA:
MD-16-183.07-01-27.00 6.714 AC.±

SURVEY DATA:
A FIELD RUN BOUNDARY AND TOPOGRAPHICAL LAND SURVEY WAS PERFORMED IN MARCH AND OCTOBER 2011 BY DAVIS, BOWEN, & FRIEDEL, INC.

DATUM:
VERTICAL: NAVD 88
HORIZONTAL: NAD 83 (DE STATE PLANE)

ZONING/LAND USE:
EXISTING ZONING: R-3 (GARDEN APARTMENT & TOWNHOUSE DISTRICT)
PROPOSED ZONING: R-3 (GARDEN APARTMENT & TOWNHOUSE DISTRICT)

EXISTING USE: VACANT
PROPOSED USE: MULTI-FAMILY RESIDENTIAL

SETBACKS:
FRONT YARD: 30 FT.
SIDE YARD: 8 FT.
REAR YARD: 15 FT.

BUILDING HEIGHT: NOT TO EXCEED THREE STORIES OR 35 FT.

PARKING: SEE VARIANCE REQUEST BELOW
REQUIRED: 2.5 X 102 DU = 255 PARKING SPOTS (2.5 PER DWELLING UNIT)

PROPOSED: 232 PARKING SPOTS

VARIANCE REQUEST: 2.25 X 102 DU = 230 PARKING SPOTS (2.25 PER DWELLING UNIT)

AREAS:
MINIMUM REQUIRED LOT AREA: 1 ACRE
GROSS SITE AREA: 6.714± AC.
R/W DEDICATION: (-) 0.041± AC.
NET SITE AREA: 6.673± AC.

DENSITY:
MAX DENSITY: 16 UNITS PER ACRE
PROPOSED DENSITY: 15.3 UNITS PER ACRE
MINIMUM LOT AREA PER UNIT: 2500 SQ. FT.
PROPOSED LOT AREA PER UNIT: 2850 SQ. FT. (6.673 AC. / 102 UNITS)

MINIMUM LOT WIDTH: 50 FEET

TOTAL IMPERVIOUS AREA: 3,537± AC.
PROPOSED IMPERVIOUS: 53%
BUILDING COVERAGE: 18%
MAXIMUM BUILDING COVERAGE: 20%

OPEN SPACE:
REQUIRED OPEN SPACE: 0.937 AC. (400 SQ. FT. PER DWELLING UNIT)
PASSIVE OPEN SPACE: 1.185± AC.
PROVIDED REC. OPEN SPACE: 0.570± AC. (32% OF TOTAL OPEN SPACE)
TOTAL OPEN SPACE: 1.755± AC. (26% OF TOTAL AREA)

WETLANDS: 0.408± AC.

BUILDING FOOTPRINTS:
18-UNIT: 7,470 SQ. FT.
24-UNIT: 9,264 SQ. FT.

MAXIMUM UNITS PER BUILDING: 12
PROPOSED UNITS PER BUILDING: 18 & 24
(VARIANCE REQUESTED TO EXCEED 12 UNITS PER BUILDING, (3) 18-UNIT AND (2) 24-UNIT BUILDINGS PROPOSED)

DWELLING UNITS PROPOSED: 102

UTILITIES:
SEWER PROVIDER: CITY OF MILFORD
ESTIMATED EDUs: 102 UNITS + 1 OFFICE AND MAINTENANCE BUILDING
103 TOTAL EDUs
WATER PROVIDER: CITY OF MILFORD
ELECTRIC PROVIDER: CITY OF MILFORD

FLOODPLAIN - THE PROPERTY IS IMPACTED BY THE 100 YEAR FLOODPLAIN AS DIRECTED BY FEMA PANEL 10005C0041K DATED MARCH 16, 2015.

SOURCE WATER PROTECTION AREA - AS PER DNREC MAPPING, NO SOURCE WATER PROTECTION AREAS WERE SHOWN ON-SITE.

PROPERTY OWNER:
UNITY DEVELOPMENT, LLC
3403 LANCASTER PIKE
WILMINGTON, DE 19805
302-998-0551

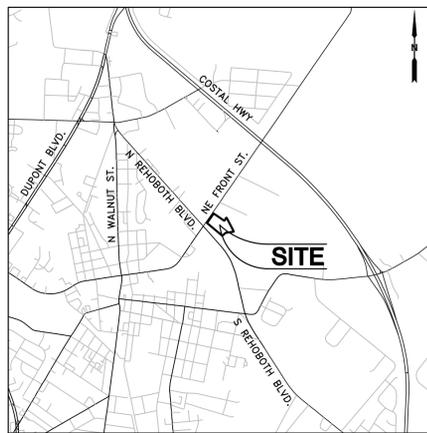
ENGINEER:
DAVIS, BOWEN, & FRIEDEL, INC.
RING W. LARDNER, P.E.
1 PARK AVE.
MILFORD, DE 19963
PHONE: 302-424-1441
FAX: 302-424-0430

WETLANDS STATEMENT

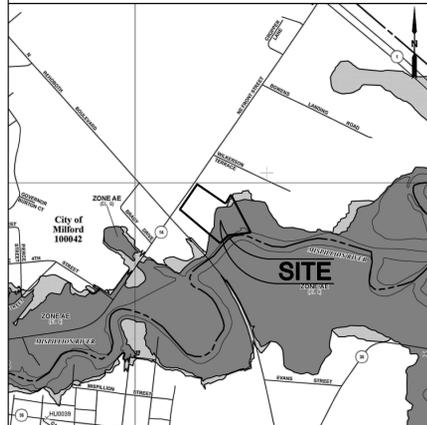
I, EDWARD M. LAUNAY, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGEMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3 (c)(3)), WATERS OF THE U.S. DEFINITION/CECW-OR, 10-7-1991, QUESTIONS AND ANSWERS ON THE 1987 COE MANUAL/CECW-OR, 9-26-1990, RGL 90-7/CECW-OR, 3-6-1992, CLARIFICATION AND INTERPRETATION OF THE 1987 MANUAL), THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES. THE U.S. ARMY CORPS OF ENGINEERS, PHILADELPHIA DISTRICT VERIFIED THIS WETLAND DELINEATION IN A LETTER DATED DECEMBER 11, 2004 (ENAP-OP-R-200400722-26).

IN ACCORDANCE WITH DNREC TIDAL WETLAND MAPS, THERE ARE NO STATE REGULATED WETLANDS ON THE SITE.

EDWARD M. LAUNAY, PWS No. 875 DATE _____
SOCIETY OF WETLANDS SCIENTISTS
CORPS OF ENGINEERS, CERTIFIED WETLAND
(DELINEATOR WDPC93MD05100368)



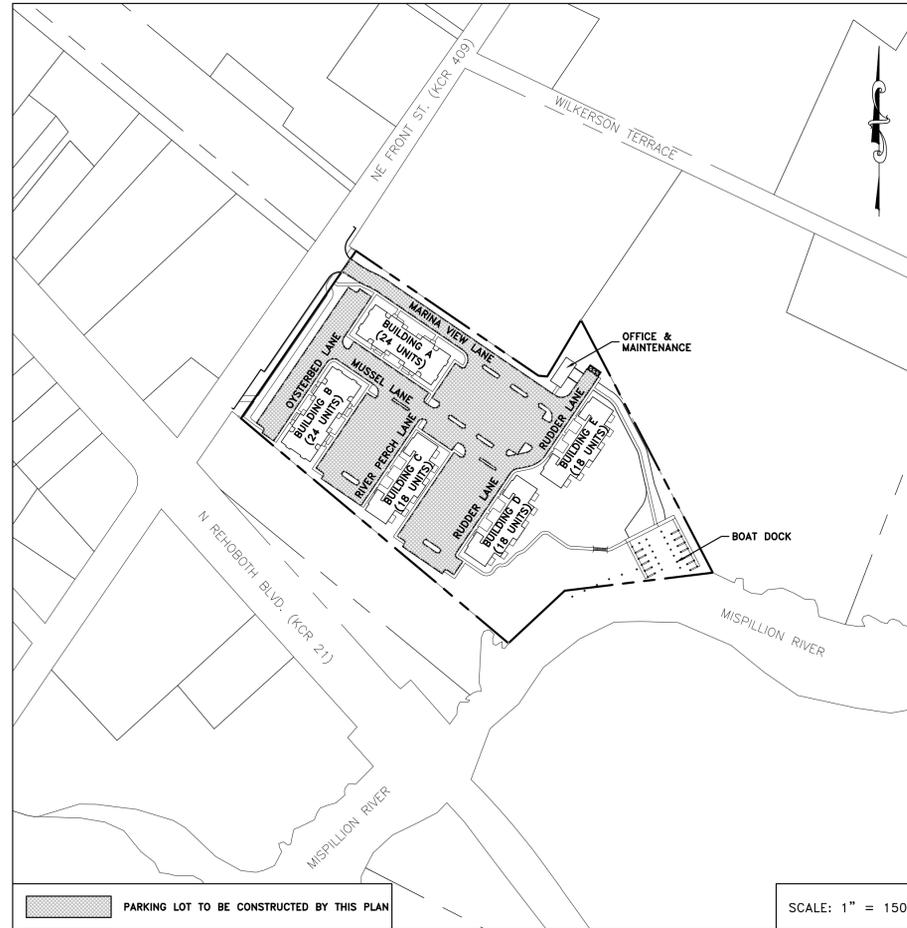
LOCATION MAP SCALE: 1" = 1/2-MILE



FLOODPLAIN MAP SCALE: 1" = 1000'
FEMA PANEL 10005C0041K (DATED: MARCH 16, 2015)

LEGEND

EX. RIGHT OF WAY	---
RIGHT OF WAY	---
PROPERTY LINE	---
BUILDING SETBACK LINE	---
PROPOSED FENCE	---x---
EXISTING CONTOUR	---19---
EX. SPOT ELEVATION	x
EX. WOODS LINE	~~~~~
PROPOSED WOODS LINE	~~~~~
LIMITS OF JURISDICTIONAL WETLANDS	---
WETLANDS BUFFER	---
SIDEWALK	---
FORESTRY FIRE LANE	---
IRON PIPE FOUND	●
CONCRETE MONUMENT FOUND	■
IRON ROD & CAP TO BE SET	●
DELDOT MONUMENT TO BE SET	■
EX. EDGE OF PAVEMENT	---
CURB	---
SIGN, MAILBOX	⊕
EX. UTILITIES	OH 15" RCP
EX. WETLANDS	---



SCALE: 1" = 150'

SHEET INDEX	
PRELIMINARY PLAN - TITLE SHEET	PRE-01
PRELIMINARY PLAN - EXISTING CONDITIONS/DEMO PLAN	PRE-02
PRELIMINARY PLAN - SITE PLAN	PRE-03
PRELIMINARY PLAN - UTILITY & GRADING	PRE-04
PRELIMINARY PLAN - LANDSCAPE PLAN	PRE-05

dbf DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS

SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

GENERAL NOTES

- THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY DAVIS, BOWEN & FRIEDEL, INC. ON OCTOBER, 2011 AND RECORDED IN THE KENT COUNTY RECORDER OF DEEDS OFFICE, PLAT BOOK 3220 PAGE 267.
- THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SITE. THE CITY NOR STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
- A TOPOGRAPHIC SURVEY WAS PERFORMED BY DAVIS, BOWEN & FRIEDEL, INC OF MILFORD, DELAWARE ON OCTOBER, 2011. ELEVATIONS ARE BASED ON CONTROL BENCHMARK #2, 6"x6" CONCRETE MONUMENT, WITH AN ELEVATION OF 8.88', NGVDB8.
- HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83, CONTROL MONUMENTS BENCHMARK'S #1 AND 2, CONCRETE MONUMENTS.
- 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 AN EXCAVATION.
- ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. MATERIALS AND WORKMANSHIP SHALL MEET THE REQUIREMENTS OF THE CITY OF MILFORD STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION AND SUBDIVISION PAVEMENT DESIGN, AND ALL APPLICABLE AGENCIES HAVING JURISDICTION OVER THE PROPOSED IMPROVEMENTS.
- USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACK FILLING TRENCHES.
- THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.
- ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY. CITY OFFICIALS WILL CARRY OUT ALL NECESSARY VALVE CLOSURES. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY AND NOTIFY AFFECTED RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.
- PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.
- CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND 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.
- PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.
- SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL PRIOR TO THE INSTALLATION OF THE ITEM(S).
- ALL SANITARY SEWER MAINS AND 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.
- 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.
- THE CITY OF MILFORD WILL MAINTAIN ALL SANITARY SEWER MAINS AND WATER MAINS, EXCLUDING THE SEWER LATERALS OR WATER SERVICES, AFTER ACCEPTANCE OF CONSTRUCTION.
- DEVELOPER SHALL INSTALL ONSITE LIGHTING TO ILLUMINATE STREETS, PARKING AREAS, AD WALKWAYS, IN ACCORDANCE WITH CITY REGULATIONS.
- 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 ENCASED THE PIPE IN CONCRETE.
- ALL ROADWAYS ARE TO BE SWEEP FREE OF SEDIMENT ON A DAILY BASIS.
- THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS, TRAFFIC CONTROL, REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE.
- THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DEVELOPMENT COORDINATION MANUAL, LATEST EDITION.
- ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE OWNER.
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
- CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.
- A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE SHALL BE RESPONSIBLE FOR PERMANENTLY RE-ESTABLISHING ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.
- THE DEVELOPER/OWNER WILL BE RESPONSIBLE FOR THE SHORT TERM (DURING CONSTRUCTION) MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS.
- THE OWNER WILL BE RESPONSIBLE FOR ALL MAINTENANCE TO THE SIDEWALKS THROUGHOUT THE DEVELOPMENT.
- THE MAINTENANCE ASSOCIATION WILL BE RESPONSIBLE FOR THE LONG TERM (AFTER FINAL ACCEPTANCE BY THE CITY) MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION AND DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS, ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING 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 DEVELOPER/OWNER.
- DRAWINGS DO NOT INCLUDE THE 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.
- CURRENT UTILITY SERVICE AND ACCESS TO ADJOINING PARCELS SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
- 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.
- 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.
- NO ENTRANCE AND/OR ROADWAY CONSTRUCTION ALONG KCR409 SHALL OCCUR BEGINNING ON MAY 15TH AT 12:00 P.M. AND ENDING ON SEPTEMBER 15TH AT 12:00 P.M.
- THE CONTRACTOR SHALL NOTIFY THE CITY A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE.

CITY OF MILFORD 302-422-6616
KENT CONSERVATION DISTRICT 302-741-2600
DAVIS, BOWEN, & FRIEDEL, INC. 302-424-1441
DELAWARE DEPARTMENT OF TRANSPORTATION 302-760-2460

APPROVED BY:

ERIC F. RETZLAFF, PE DATE _____
CITY ENGINEER
CITY OF MILFORD
MILFORD, DELAWARE 19963

APPROVED BY:

ERIC NORENBURG DATE _____
CITY MANAGER
CITY OF MILFORD
MILFORD, DELAWARE 19963

OWNER'S CERTIFICATION

I/WE, THE UNDERSIGNED, OF UNITY DEVELOPMENT, LLC, HEREBY CERTIFY THAT I/WE ARE THE OWNERS OF THE PROPERTY DESCRIBED ON THIS PLAN THAT THE PLAN WAS MADE BY MY/OUR DIRECTION, THAT ALL STREETS SHOWN HEREON AND NOT HERETOFORE DEDICATED TO PUBLIC USE AND THAT ALL PROPOSED MONUMENTS AND MARKERS SHOWN HEREON WILL BE SET AT THE LOCATIONS INDICATED, AND THAT I/WE ACKNOWLEDGE THE SAME TO BE MY/OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE _____

PRINTED NAME/TITLE _____

APPROVED BY:

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

SEAL/SIGNATURE _____

Prepared by:

DAVIS, BOWEN, & FRIEDEL, INC.
1 PARK AVE.
MILFORD, DELAWARE 19963

DATE _____

DEMOLITION NOTES

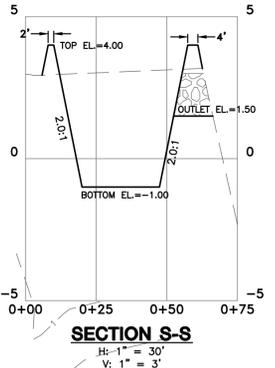
- CURRENT UTILITY SERVICE AND ACCESS TO ADJOINING PARCELS SHALL BE MAINTAINED THROUGHOUT DEMOLITION AND CONSTRUCTION.
- BEFORE ANY EXCAVATION OR DEMOLITION IS PERFORMED, THE CONTRACTOR SHALL CONTACT "MISS UTILITY" OF DELMARVA AT 1-800-282-8555, AT LEAST THREE (3) WORKING DAYS PRIOR TO EXCAVATION TO HAVE EXISTING UNDERGROUND UTILITIES LOCATED.
- CONTRACTOR TO COORDINATE DEMOLITION ACTIVITIES WITH THE CITY OF MILFORD PRIOR TO BEGINNING DEMOLITION.
- DEMOLITION CONTRACTOR TO COORDINATE WORK WITH THE POWER COMPANY, TELEPHONE COMPANY, CABLE COMPANY AND THE STATE FIRE MARSHAL'S OFFICE PRIOR TO BEGINNING BUILDING AND SITE DEMOLITIONS.
- EROSION AND SEDIMENT CONTROL PERIMETER INSPECTION IS REQUIRED PRIOR TO DEMOLITION.
- EXISTING UTILITY LOCATIONS ARE BEST AVAILABLE INFORMATION AND ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THE CONTRACTOR SHALL VERIFY LOCATION, SIZE, MATERIAL, AND INVERT OF ALL EXISTING UTILITIES BEFORE STARTING CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED TO EXISTING UTILITIES OF EVERY DESCRIPTION, WHETHER DIRECT OR INDIRECT, AND SHALL REPAIR ANY DAMAGE CAUSED THERE TO AT HIS OWN EXPENSE. ANY DISCREPANCIES IN LOCATIONS OR ELEVATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IN ORDER THAT THE DESIGN MAY BE ADJUSTED ACCORDINGLY. DAMAGE SUFFERED OR ADDITIONAL COSTS INCURRED BY THE CONTRACTOR AS A RESULT OF HIS FAILURE TO CONFORM TO THE REQUIREMENTS OF THIS PARAGRAPH SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
- ANY EXISTING ON-SITE WASTEWATER SYSTEMS SHALL BE REMOVED OR CRUSHED, AND FILLED ACCORDING TO DELAWARE DNREC REQUIREMENTS.
- DEMOLITION PLAN IS NOT INCLUSIVE OF ALL PAVEMENT AND UTILITIES TO BE DEMOLISHED. CONTRACTOR SHALL PERFORM ALL DEMOLITION AS NECESSARY TO CONSTRUCT PROJECT.
- CONTRACTOR TO PROTECT FROM DAMAGE, DUST, DEBRIS, ETC. ADJACENT BUILDINGS.
- WHEN DEMOLISHING PAVEMENT ADJACENT TO EXISTING PAVING TO REMAIN, CONTRACTOR SHALL SAW CUT THE PAVING FULL DEPTH PRIOR TO BEGINNING DEMOLITION.
- CONTRACTOR SHALL REMOVE ALL TREES, SHRUBS, ETC. NECESSARY FOR INSTALLATION OF NEW FACILITY.
- ALL DEMOLITION AND DISPOSAL SHALL BE PERFORMED IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND REQUIREMENTS.
- ITEMS TO BE REMOVED INCLUDE, BUT ARE NOT LIMITED TO: PAVING, STEPS, CONCRETE PADS, LANDSCAPING, TREES, SHRUBS, POSTS, MAILBOXES, SIGNS, DRAINAGE INLETS, STORM PIPES, SEWER PIPES, WATER PIPES, LIGHT POLES, BUILDINGS, SIGNS, SEPTIC SYSTEMS, UNDERGROUND STORAGE TANKS, FENCES, AND SITE FIXTURES.
- SEE CONSTRUCTION PLANS FOR PLACEMENT OF RELOCATED ITEMS.

DEMOLITION EROSION AND SEDIMENT CONTROL

- THE KENT CONSERVATION DISTRICT MUST BE NOTIFIED IN WRITING FIVE (5) DAYS PRIOR TO COMMENCING WITH CONSTRUCTION. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED SEDIMENT AND STORMWATER MANAGEMENT PLAN.
- A PRE-CONSTRUCTION MEETING MUST TAKE PLACE BEFORE ANY EARTH DISTURBING ACTIVITY BEGINS. THE MEETING MUST BE ATTENDED BY THE OWNER'S REPRESENTATIVE, CONTRACTOR, CCR (IF REQUIRED FOR THE SITE), AND KENT CONSERVATION DISTRICT INSPECTOR.
- INSTALL PERIMETER SILT FENCE AND STABILIZED CONSTRUCTION ENTRANCES. CONTACT THE KCD SITE INSPECTOR FOR A PERIMETER INSPECTION PRIOR TO ANY FURTHER WORK.
- CONSTRUCT RIPRAP OUTLET SEDIMENT TRAP.
- CONSTRUCT DIVERSION CHANNELS TO SEDIMENT TRAP.
- TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS PER VEGETATIVE STABILIZATION SPECIFICATIONS.
- CALL KENT CONSERVATION DISTRICT FOR INSPECTION.
- BEGIN DEMOLITION AS INDICATED.
- TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS PER VEGETATIVE STABILIZATION SPECIFICATIONS AS WORK PROGRESSES.
- WHEN ALL DEMOLITION IS COMPLETE, INSPECT AND REPAIR EROSION AND SEDIMENT CONTROL MEASURES. ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO REMAIN FOR CONSTRUCTION PHASE.

Vegetated Trapezoidal Channel Data

Design Discharge (Qd)	20 CFS
Design topwidth (TW)	20 FT.
Design depth (D)	1.25 FT.
Design bottom width (B)	10 FT.
Design sideslope (Z)	4:1
Design channel slope (s)	0.50%
Width of stabilization mat (w)	20 ft.
Type of stabilization matting	NA Green SC150BN



Riprap Outlet Sediment Trap Data

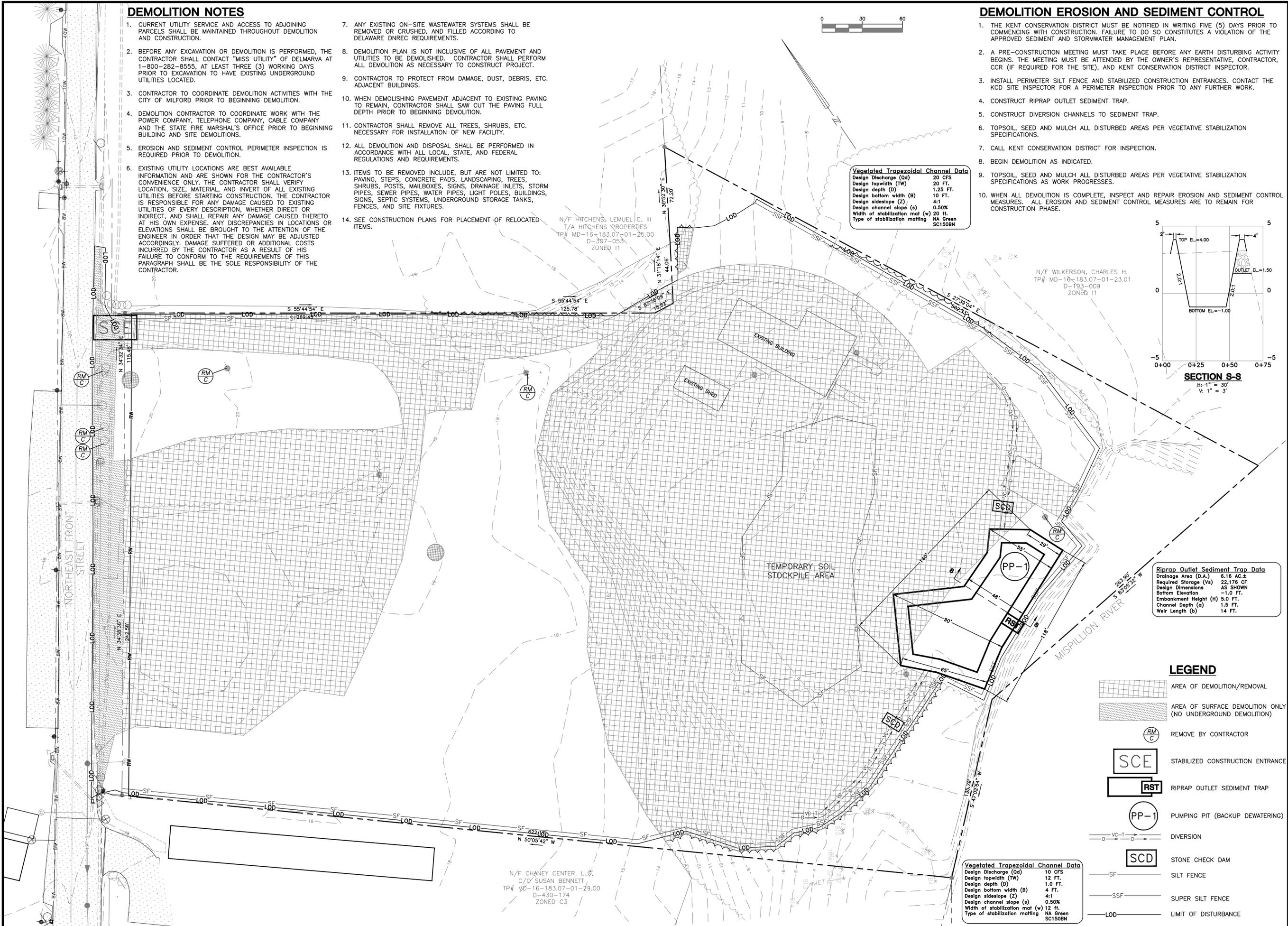
Drainage Area (D.A.)	6.16 AC.±
Required Storage (Vs)	22,176 CF
Design Dimensions	AS SHOWN
Bottom Elevation	-1.0 FT.
Embankment Height (H)	5.0 FT.
Channel Depth (a)	1.5 FT.
Weir Length (b)	14 FT.

LEGEND

- AREA OF DEMOLITION/REMOVAL
- AREA OF SURFACE DEMOLITION ONLY (NO UNDERGROUND DEMOLITION)
- REMOVE BY CONTRACTOR
- STABILIZED CONSTRUCTION ENTRANCE
- RIPRAP OUTLET SEDIMENT TRAP
- PUMPING PIT (BACKUP DEWATERING)
- DIVERSION
- STONE CHECK DAM
- SILT FENCE
- SUPER SILT FENCE
- LIMIT OF DISTURBANCE

Vegetated Trapezoidal Channel Data

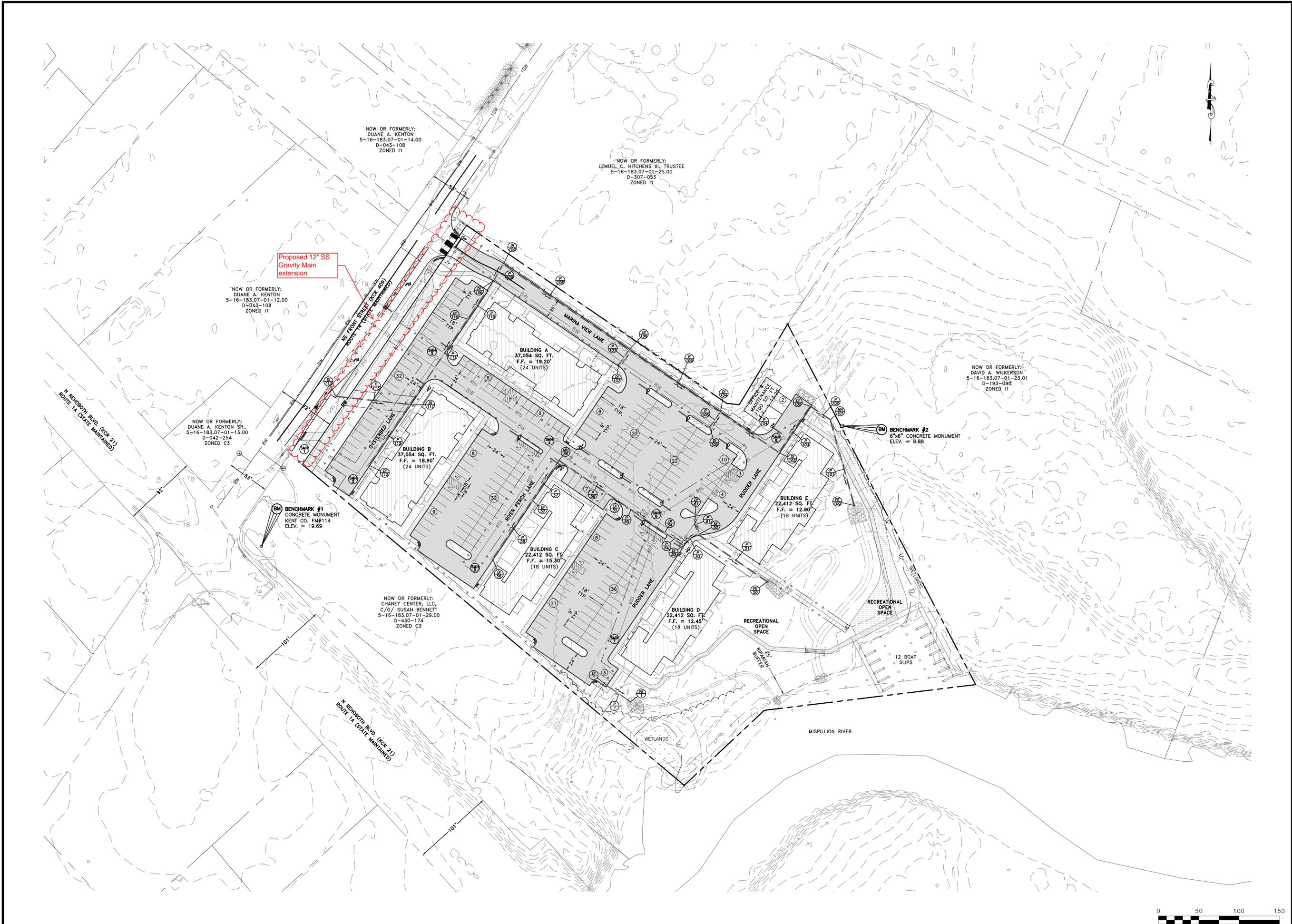
Design Discharge (Qd)	10 CFS
Design topwidth (TW)	12 FT.
Design depth (D)	1.0 FT.
Design bottom width (B)	4 FT.
Design sideslope (Z)	4:1
Design channel slope (s)	0.50%
Width of stabilization mat (w)	12 ft.
Type of stabilization matting	NA Green SC150BN



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

MISPILLION LANDING
CITY OF MILFORD
KENT COUNTY, DELAWARE

Date: MARCH, 2018
Scale: 1" = 30'
Dwn.By: SHF
Proj.No.: 2137A001
Dwg.No.: PRE-02



MISPILLION LANDING
CITY OF MILFORD
KENT COUNTY, DELAWARE

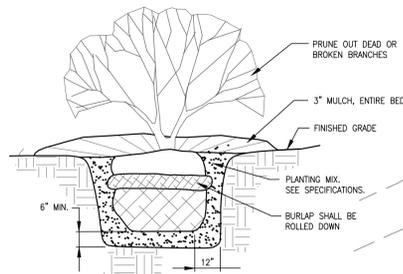
Date: **NOVEMBER, 2017**
 Scale: **1" = 50'**
 Dwn.By: **TAJ**
 Proj.No.: **2137A001**
 Dwg.No.:

PRE-04

PRELIMINARY PLAN - UTILITY & GRADING



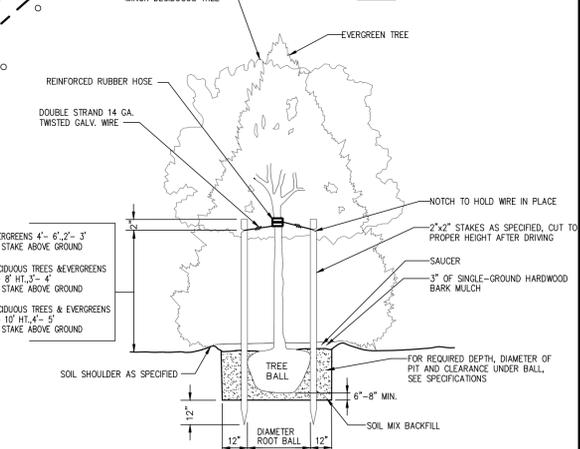
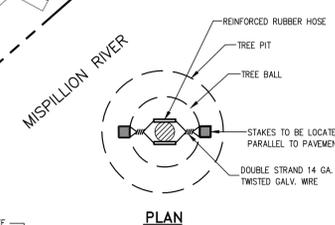
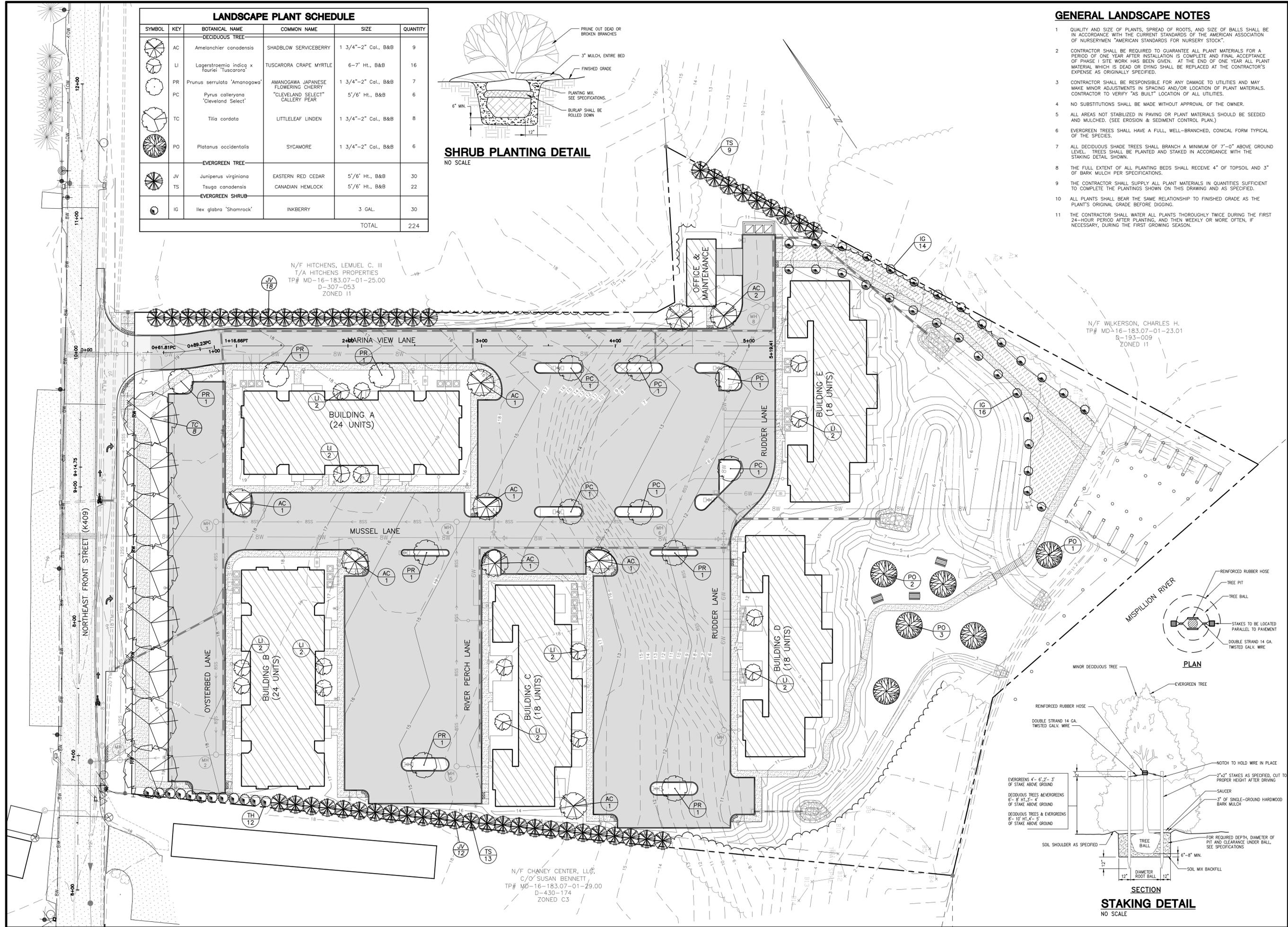
LANDSCAPE PLANT SCHEDULE					
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
DECIDUOUS TREE					
AC		Amelanchier canadensis	SHADBLOW SERVICEBERRY	1 3/4"-2" Cal., B&B	9
LI		Lagerstroemia indig x fouriei 'Tuscarora'	TUSCARORA CRAPE MYRTLE	6-7' Ht., B&B	16
PR		Prunus serrulata 'Amanogawa'	AMANOGAWA JAPANESE FLOWERING CHERRY	1 3/4"-2" Cal., B&B	7
PC		Pyrus calleryana 'Cleveland Select'	"CLEVELAND SELECT" CALLERY PEAR	5/6" Ht., B&B	6
TC		Tilia cordata	LITTLELEAF LINDEN	1 3/4"-2" Cal., B&B	8
PO		Platanus occidentalis	SYCAMORE	1 3/4"-2" Cal., B&B	6
EVERGREEN TREE					
JV		Juniperus virginiana	EASTERN RED CEDAR	5/6" Ht., B&B	30
TS		Tsuga canadensis	CANADIAN HEMLOCK	5/6" Ht., B&B	22
EVERGREEN SHRUB					
IG		Ilex glabra 'Shamrock'	INKBERRY	3 GAL.	30
TOTAL					224



SHRUB PLANTING DETAIL
NO SCALE

GENERAL LANDSCAPE NOTES

1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
2. CONTRACTOR SHALL BE REQUIRED TO GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER INSTALLATION IS COMPLETE AND FINAL ACCEPTANCE OF PHASE I SITE WORK HAS BEEN GIVEN. AT THE END OF ONE YEAR ALL PLANT MATERIAL WHICH IS DEAD OR DYING SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE AS ORIGINALLY SPECIFIED.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
4. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
5. ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)
6. EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
7. ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.
8. THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.
9. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
10. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.



SECTION STAKING DETAIL
NO SCALE

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

LANDSCAPE PLAN

MISPILLION LANDING
CITY OF MILFORD
KENT COUNTY, DELAWARE

Date: MARCH, 2018
Scale: 1" = 30'
Dwn.By: SHF
Proj.No.: 2137A001
Dwg.No.:

PRE-05

PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, Delaware 19963



PHONE: 302.422.1110
FAX: 302.422.1117
www.cityofmilford.com

December 27, 2017

Unity Development, LLC.
3403 Lancaster Pike
Wilmington, Delaware 19805

c/o Ring W. Lardner, P.E.
Davis, Bowen & Friedel, Inc.
1 Park Avenue
Milford, Delaware 19963

RE: **UTILITY FEASIBILITY STUDY FINDINGS**
Mispillion Landing
MD-16-183.07-01-24.00, 27.00, 27.01 & 27.02

In response to the Utility Feasibility Study Request submitted for the development of the above-referenced parcels, please find below the findings of the study.

GENERAL

The proposed project, referred to as Mispillion Landing, is situated on the above-referenced parcels and the proposed development depicts five buildings with building footprints totaling 123,920 square feet consisting of 102 Residential EDU's. Additionally, the submitted Site Dimension Plan (Drawing C-03) shows an Office & Maintenance Building and Future Proposed Marina (to be built by others). Neither the Office & Maintenance Building nor the Marina are included in the identified EDU's on the Study Request Form but services to the facilities are shown on the submitted plan. Additional information on these proposed facilities will be required to determine the associated EDU.

SEWER

Per §185-23 of the City's Code of Ordinances, 1 EDU is equal to an average sewer loading of 250 gallons per day. With 102 EDU's, the proposed development will generate an average daily flow of 25,500 gallons. Currently, as shown on the attached exhibit, the City's wastewater collection system reaches the westerly corner of the property. The sewer main is 12" in diameter and the infrastructure downstream is sufficient to handle the flow generated from the proposed project. The submitted plan for the project shows the internal sewer mains serving the property discharging to this location. It should be noted that the terminal manhole at this location (MH 4-14) is approximately 13.14 feet deep and was installed as such to accommodate further extension east along NE Front Street. The Developer of this parcel is required to extend the main from the existing terminal manhole across the property to the northerly corner. The main extension shall terminate at a manhole with a 10-foot-long stub in the northeasterly direction for future connection by others. This portion of the sewer main shall be 12" in diameter and installed at maximum depth. Due to the location of other utilities within the right-of-way, the extension will most likely need to be routed through the property. Should this prove to be the case, a 20' wide utility easement, centered on the sewer main, shall be dedicated to the City.

WATER

Per §222-31 of the City's Code of Ordinances, 1 EDU is equal to an average water demand of 250 gallons per day. Using 102 EDU's, the proposed development will generate an average daily demand of 25,500 gallons. The City's production facilities can satisfy this additional demand without any immediately necessary improvements.

The proposed project is located across the street from one of the City's active production facilities. The hydrants in the area are painted green denoting recent flow test results in the range of 1,000 to 1,500 GPM. This is adequate for standard residential development, however apartments/multifamily structures may require booster pumps for fire protection and the need shall be determined by a fire protection specialist working on behalf of the developer and the results submitted to the City for acceptance.

Additionally, per the attached exhibit, the distribution main is located on the opposite side of NE Front Street. Per our records, the existing main is 8" in diameter and is believed to be transite pipe. To connect the proposed development, an 8" tee with isolation valves will be required. Due to the matching diameters of the existing main and proposed extension, the tee shall be cut in, not tapped.

Finally, per the submitted drawing, the water main layout internal to the site shows an extension heading between Buildings D & E southeast from Rudder Lane to a hydrant located at the Future Proposed Marina site. This is a long section of 8" main with no use until the Marina is built. The hydrant shall be relocated to just behind the sidewalk. If the Marina is built, the fire hydrant can be relocated and main extended as part of that project.

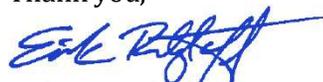
ELECTRIC

The existing electrical infrastructure in the vicinity of the project can provide the requested 120/240 Volt, Single Phase service for the 102 proposed residential units without any major upgrades. As no information was provided regarding the Office & Maintenance Building's and Future Proposed Marina's service needs, the City cannot determine if any improvements to the infrastructure in the area are needed to accommodate them.

Please note the Final Site Plan must be submitted in an AutoCAD format for the Electric Department to design and layout the electrical infrastructure internal to the site.

This study does not include a full review of the internal utilities. The lack of any comment regarding the information shown on the submitted plans shall not be considered as an acceptance by the City. Should you have any questions, please feel free to contact me at (302) 422-1106.

Thank you,



Erik F. Retzlaff, P.E.
City Engineer

Enc.

cc: Rob Pierce, Planning & Economic Activities Coordinator
Rick Carmean, Electric Superintendent
Mark Whitfield, Public Works Director

8" TRANSITE
WATER MAIN

4" SEWER
FORCEMAIN

12"
SEWER
MAIN

SEWER MH 4-14
RIM = 18.48
BOTTOM = 5.34
DEPTH = 13.14

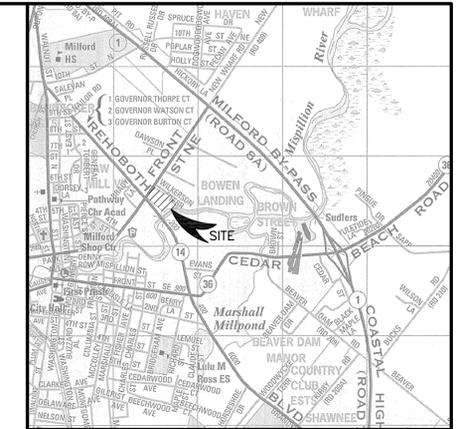
KENT COUNTY FORCEMAIN CROSSES
ENTIRE FRONTAGE OF PROPERTY &
DOES NOT END AS SHOWN HERE.

SEWER MH 4-13
RIM = 17.72
BOTTOM = 4.62
DEPTH = 13.10



GENERAL NOTES

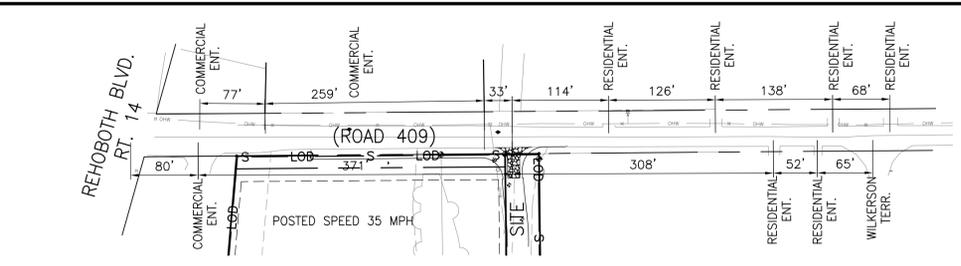
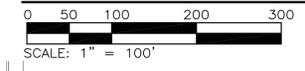
- SURVEY BOUNDARY, TOPOGRAPHY (NAVD 88) AND WETLANDS PREPARED BY DONAVAN ASSOC., INC. DATED 7/15/05. SURVEY INFORMATION SOUTHEAST OF TREE LINE TAKEN FROM PLAN PREPARED BY MCCANN, INC. DATED MARCH, 1992. PROPERTY BOUNDARIES SHOWN ALONG MISPELLION RIVER ARE THE LINES ONLY.
- EXISTING UTILITIES ARE SHOWN ACCORDING TO THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THROUGH TEST PITTING, THE LOCATIONS, SIZE, AND INVERT ELEVATIONS OF ALL UNDERGROUND UTILITIES AS REQUIRED TO GIVE TIMELY ADVANCE NOTICE TO ENGINEERS OF ANY CONFLICT BETWEEN EXISTING AND NEW WORK.
- THE CONTRACTOR SHALL NOTIFY MISS UTILITY (1-800-282-8555) AND CITY OF MILFORD 48 HOURS PRIOR TO EXCAVATION TO HAVE UNDERGROUND UTILITIES MARKED. THE CONTRACTOR SHALL NOTIFY ALL UTILITY OWNERS PRIOR TO ANY EXCAVATION.
- THE CONTRACTOR SHALL REPAIR OR REPLACE IN KIND ANY EXISTING FEATURES DAMAGED OR DESTROYED DURING CONSTRUCTION.
- ALL BACKFILLED AND DISTURBED AREAS TO BE SEEDED AND MULCHED WITH 4" OF TOPSOIL TO BE PLACED IN FILL AREAS.
- THE CONTRACTOR SHALL PROVIDE ALL NECESSARY STAKE OUT OF LINE AND GRADE.
- ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT, LATEST EDITION, AND ALL RULES AND REGULATIONS THEREOF.
- THE CONTRACTOR SHALL KEEP EXISTING UTILITIES IN OPERATION DURING CONSTRUCTION.
- THE CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF ALL PERMITS SECURED, WHICH TAKE PRECEDENCE OVER SPECIFICATIONS.
- THE CONTRACTOR SHALL EXERCISE EXTREME CARE AND CAUTION AND TAKE MEASURES NECESSARY TO PROTECT TREES DURING CONSTRUCTION ACTIVITY.
- THE CONTRACTOR IS RESPONSIBLE FOR SECURING AND PROTECTING UTILITY POLES BEFORE AND DURING CONSTRUCTION ACTIVITIES.
- ANY DISTURBED AREAS OUTSIDE THE RIGHT-OF-WAY SHALL BE RESTORED TO THEIR ORIGINAL CONDITION IMMEDIATELY.
- APPLICANT WILL COOPERATE WITH DELDOT/DRBA FOR THE SERVICING OF THE COMMUNITY THROUGH DART/DAST/DRBA AND/OR OTHER TRANSPORTATION PROVIDERS.
- ALL CURBS, GUTTERS, SIDEWALKS AND STORM DRAINAGE ON SITE SHALL BE CONSTRUCTED TO STANDARDS ESTABLISHED BY THE CITY OF MILFORD.
- ALL ENTRANCE, INTERSECTION AND ROADWAY IMPROVEMENTS SHALL BE AS REQUIRED BY DELDOT AND THE CITY OF MILFORD AND CONSTRUCTED TO DELDOT AND CITY OF MILFORD STANDARDS.
- THE MAINTENANCE OF THE STORMWATER MANAGEMENT AREAS, STREETS, OPEN SPACE AND LANDSCAPING WILL BE THE RESPONSIBILITY OF THE CONDOMINIUM ASSOCIATION.
- ALL UTILITY CONSTRUCTION SHALL CONFORM WITH THE CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS, "STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAYMENT DESIGN".
- MAINTENANCE OF THE STREETS WITHIN THIS SUBDIVISION WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH. THE STATE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE STREETS.



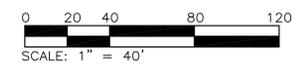
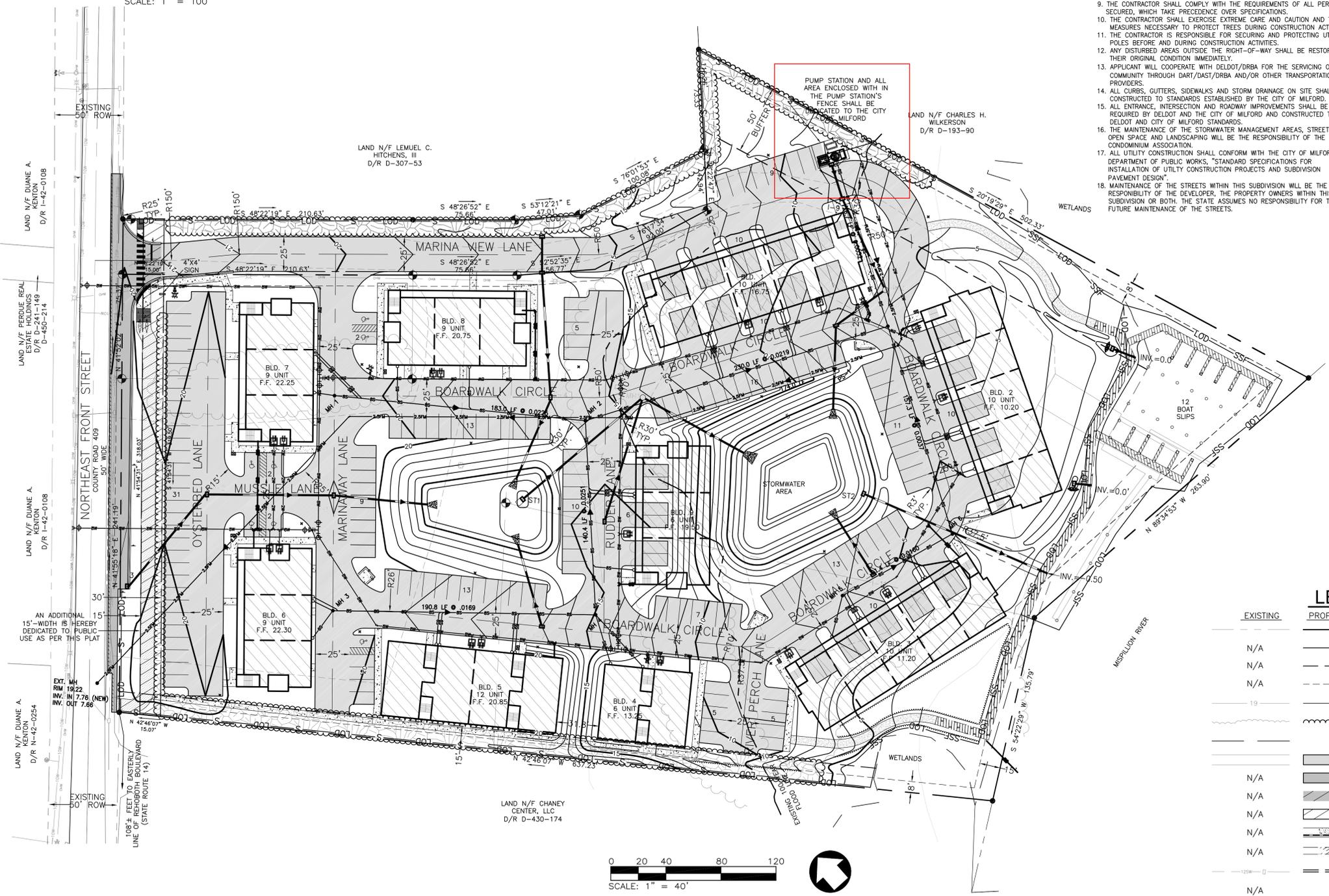
VICINITY MAP
1" = 200'

2007 Preliminary Site Plan for 81 Total Apartment Units
Required the Construction of a Sewage Pumping Station

EXISTING ENTRANCE PLAN



PUMP STATION AND ALL AREA ENCLOSED WITH IN THE PUMP STATION'S FENCE SHALL BE DEDICATED TO THE CITY OF MILFORD



SITE DATA TABLE

APPLICANT (OWNER)	UNITY CORPORATION 3403 LANCASTER PIKE WILMINGTON, DE. 19805
ARCHITECT/ENGINEER	GEORGE, MILES & BUHR, LLC. 34 THE GREEN DOVER, DE. 19901
SITE DATA	TAX MAP NUMBER: MD-16-183.07-01-24.00, 27.00, 27.01, 27.02 TOTAL SITE AREA: 6.496 ACRES± WETLANDS AREA: 0.152 ACRES ZONING DISTRICT: R-3 GARDEN APT. & TOWNHOUSE DIST. ROAD CLASSIFICATION: MAJOR COLLECTOR FLOOD ZONE: "X" AND AE 9' PER FIRM MAP 10005C0041J DWELLING UNITS: 81 CONDOS (12.5/ACRE) PARKING REQUIREMENTS: 2.5 PER DWELLING UNIT PROPOSED: 203 IMPERVIOUS PERCENTAGE: 60% (20% FOR STRUCTURES) PROPOSED: 57% (19.8% STRUCTURES) HEIGHT OF STRUCTURES: NOT TO EXCEED THREE STORIES OR 35 FEET STRUCTURE CONSTRUCTION: TYPE V APPROXIMATE GROSS LEASEABLE FLOOR PLAN AREA: 115,343 TOTAL USABLE SPACE TRAFFIC GENERATION: 462 ADT (38 PEAK VPH)
SETBACKS	BUILDING FRONT YARD: 30'-0" SIDE YARD: 8'-0" REAR YARD: 15'-0" PARKING/PAVEMENT: 15' FROM ROW, 5' FROM LOT LINES
UTILITIES	CENTRAL WATER: CITY OF MILFORD SANITARY SEWER: CITY OF MILFORD ELECTRIC: CITY OF MILFORD

LEGEND

EXISTING	PROPOSED	
- - - - -	— — — — —	PROPERTY LINE
- - - - -	- - - - -	EASEMENT LINE (LINE OF DEDICATION)
- - - - -	- - - - -	BUFFER LINE
- - - - -	- - - - -	BUILDING SETBACK
- - - - -	- - - - -	ELEVATION CONTOUR
- - - - -	- - - - -	EDGE OF WOODS
- - - - -	- - - - -	WETLANDS
- - - - -	- - - - -	PAVED ROAD
- - - - -	- - - - -	PAVEMENT PER DELDOT STANDARDS
- - - - -	- - - - -	1' OVERLAY
- - - - -	- - - - -	15' EASEMENT PER DELDOT
- - - - -	- - - - -	CONCRETE CURB AND SIDEWALK
- - - - -	- - - - -	BOARDWALK/DOCK
- - - - -	- - - - -	STORMWATER PIPE WITH CATCH BASIN
- - - - -	- - - - -	LIGHT POLE
- - - - -	- - - - -	100 YR. FLOOD LINE
- - - - -	- - - - -	SANITARY SEWER
- - - - -	- - - - -	WATER LINE WITH VALVE, HYDRANT & GANG METER PIT
- - - - -	- - - - -	CLUSTER MAILBOX
- - - - -	- - - - -	MONUMENTS
- - - - -	- - - - -	MULTI-USE PATH

FINAL PLANS PRINTS ISSUED FOR: APPROVAL

NO.	REVISIONS	DATE
1	PER JMT COMMENTS	6/14/07
2	PER DELDOT COMMENTS	8/2/07
3	PER JMT COMMENTS	8/21/07

MISPILLION LANDING
CITY OF MILFORD
KENT COUNTY, DELAWARE

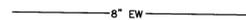
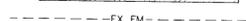
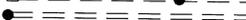
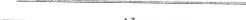
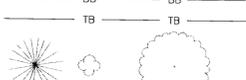
SITE PLAN

SCALE: AS SHOWN SHEET NO. G-1.2

DESIGN BY: AJL
DRAWN BY: JW
CHECKED BY:
GMB FILE: 2005117
DATE: OCTOBER 2006 DRAWING OF

© COPYRIGHT 2006 GEORGE, MILES & BUHR, LLC

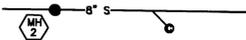
EXISTING LEGEND

- WATER MAIN 
- GAS MAIN 
- FIRE HYDRANT, WATER METER AND VALVE 
- TELEPHONE POLE, LAMP POST AND SIGN 
- BUILDING 
- FORCE MAIN 
- STORM DRAIN, CATCH BASIN AND MANHOLE 
- SEWER MAIN, MANHOLE AND CLEANOUT 
- CURB 
- ELEVATION CONTOUR 
- PAVEMENT 
- BOTTOM OF BANK 
- TOP OF BANK 
- TREES 
- FENCE 
- CULVERTS 
- SIDEWALK 
- RIGHT OF WAY / BOUNDARY 

DESIGN LEGEND

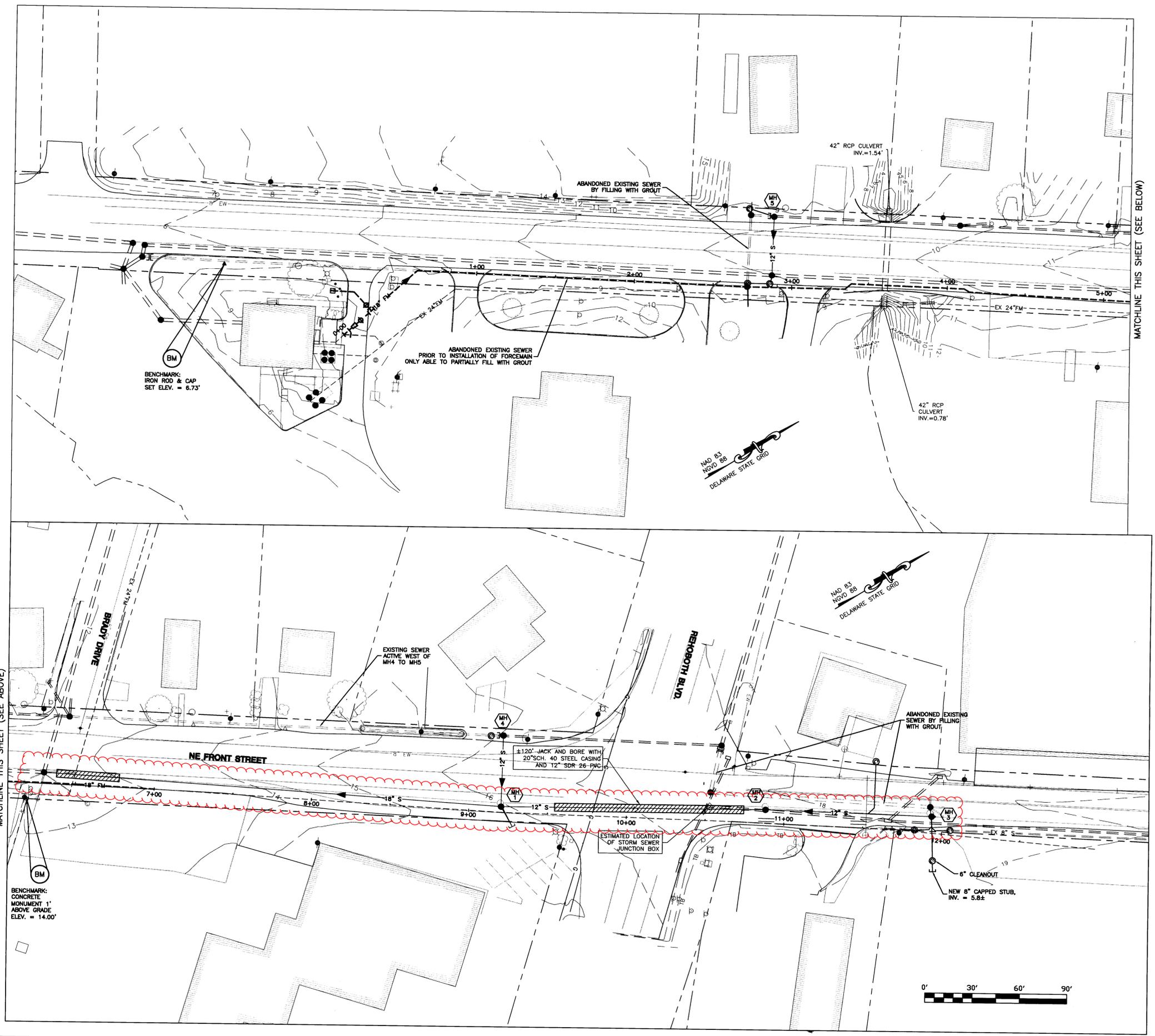
- SEWER MAIN, CLEANOUT AND MANHOLE 
- FORCE MAIN 

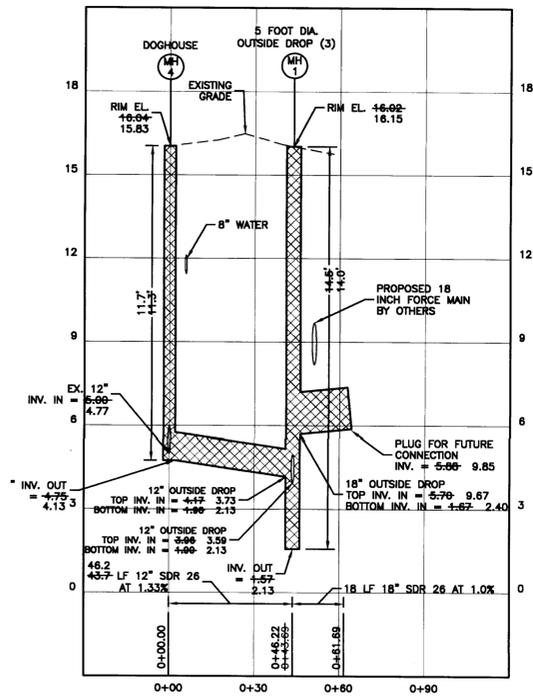
RECORD (AS-BUILT) LEGEND

- SEWER MAIN, CLEANOUT AND MANHOLE 
- WATER METER 

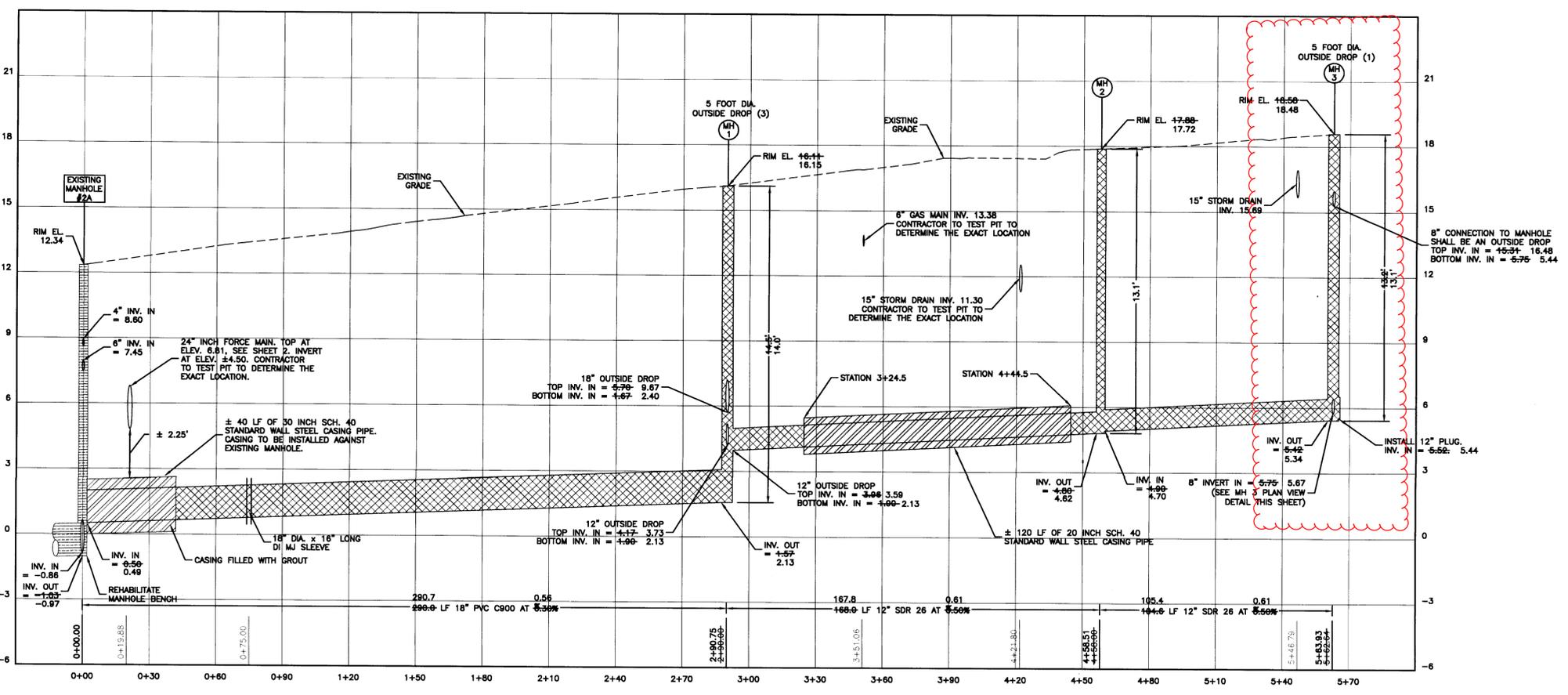
NOTES

1. CONTRACTOR TO RECONNECT ALL SEWER LATERALS CONNECTED TO SEWER MAIN THAT IS TO BE REMOVED.
2. LATERAL LOCATIONS ARE APPROXIMATE, CONTRACTOR TO FIELD VERIFY BEFORE INSTALLATION.
3. RELOCATION OF LATERALS SHALL INCLUDE NEW LATERAL AND CLEANOUT TO THE PROPERTY LINE.
4. ALL SEWER LATERALS ARE TO BE 6 INCH UNLESS OTHERWISE NOTED.

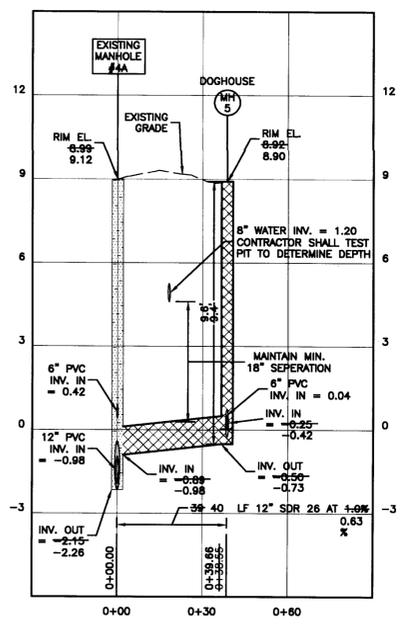




PROFILE MH4 - STUB
SCALE: HORZ 1"=30'
VERT 1"=3'



PROFILE MH2A - MH3
SCALE: HORZ 1"=30'
VERT 1"=3'



PROFILE 4A - MH5
SCALE: HORZ 1"=30'
VERT 1"=3'


DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS
 SALISBURY, MARYLAND (410) 543-9051
 MILFORD, DELAWARE (302) 424-1441

NORTH FRONT STREET
SANITARY SEWER INFRASTRUCTURE IMPROVEMENTS
MILFORD, DELAWARE

RECORDS:
 MARCH 3, 2011
 RECORD (AS-BUILT)

Date: JULY 2009
 Scale: HORZ 1"=30'
 VERT 1"=3'
 Dwn. By: DMH/DJS
 Proj. No.: 052A149
 Dwg. No.:

P:\MILFORD\052A149 North Front Street Sewer Replacement\Post September 21 Project\Record Drawings\DBF Final Record.dwg, 3/6/2011 4:15:27 PM, adls

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

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

A. Streets.

- (1) The layout, character, extent, width, grade and location of proposed streets shall be established with due regard to:
 - (a) Public convenience and safety.
 - (b) Proposed uses of the land to be served by said streets.
 - (c) Proper relation and connection with and continuation and projection of streets in the adjacent areas, whether these streets are existing or proposed in another subdivision in a neighborhood plan, in the development plan or in the Official Map, as approved or adopted by the Commission.
 - (d) Topography and other land features.
- (2) The layout of proposed streets shall furthermore be arranged in a manner acceptable to the Commission and City Council.
- (3) Minor streets shall be laid out so as to discourage their use by through traffic.
- (4) Where a subdivision abuts or contains an existing or proposed arterial street, limited-access highway or railroad, the City Council may require marginal access or service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line and deep lots with rear service alleys or other treatment, such as parks, which may be necessary for the protection of residential properties and for separation of through and local traffic, with due regard for the requirements of future approach grades and grade separations.
- (5) Where a tract of land is subdivided into lots substantially larger than the minimum size required in the zoning district in which a subdivision is located, the Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements of this chapter.
- (6) Reserve strips controlling access to streets shall be prohibited except where the control and disposal of land comprising such strips has been placed in the governing body under conditions approved by the City Council such as provided in Subsection A(4) above.
- (7) Certain proposed streets may be required to be extended to the boundary line of the subdivision to provide access to tracts which may be subdivided in the future. Wherever necessary, when a street is carried to the boundary line of the subdivision, the City Council may require a temporary turnaround improved to the satisfaction of the City Engineer and of the size specified in Subsection A(16) below at the stub end.
- (8) The creation of dead-end or loop streets and superblocks will be encouraged wherever the City Council finds that such layout will not interfere with traffic convenience and safety. The City Council shall determine the number of connections of streets in the proposed subdivision with existing streets. At least two such connections shall be provided, except where a proposed subdivision only contains one dead-end street.
- (9) Street jogs shall be prohibited. Street intersections, where center lines do not meet, shall have center-line offsets of 150 feet or more.
- (10) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets and may be required on all other streets.
- (11) Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which for the inner right-of-way lines shall not be less than 750 feet on

arterial streets, 300 feet on collector streets and 100 feet on minor streets. The outer right-of-way line shall be parallel to said inner right-of-way line.

- (12) Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90° shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line of the intersecting street. The outer right-of-way line shall be parallel to said inner right-of-way line.
- (13) Street right-of-way lines at intersections shall be connected with a curve, the radius of which shall be 25 feet.
- (14) Right-of-way widths.
 - (a) Street right-of-way widths shall be as shown on the Official Map or development plan, and, if not shown thereon, said widths for the various street types between face of curb or edge of road shall not be less than as follows:

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

Note:

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

- (b) Subdivisions utilizing open swale drainage shall have a ten-foot drainage easement along the front of each property to accommodate the back slope of the drainage swales.
- (15) Half streets shall be prohibited except where essential to the reasonable development of a subdivision in conformity with the requirements of this chapter and where the Commission finds that it shall be practicable to require the dedication of the other half when the abutting property is subdivided. Wherever an approved half street shall be adjacent to a subdivision, the other half of the street shall be platted within said subdivision.

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

(17) Street names.

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

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

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

(18) Street grades shall not exceed 5%.

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

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

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

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

B. Sidewalks and curbs.

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

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

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

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

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

C. Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, pipe or stream, there shall be provided a stormwater easement or drainage right-of-way of such width as will

be adequate for the purpose, in accordance with requirements specified by the City Engineer. Parallel streets or parkways may be required in relation thereto.

D. Blocks.

- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (a) The provision of building sites suitable to the needs of the type of use contemplated.
 - (b) Zoning requirements as to lot sizes and dimensions.
 - (c) The control, safety and convenience of pedestrian and vehicular traffic.
 - (d) The characteristics of topography.
- (2) Block length shall not exceed 1,200 feet.
- (3) Block widths shall be not less than 275 feet nor more than 450 feet and shall be planned to provide two rows of lots.
- (4) Pedestrian walkways other than in streets may be required where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. Said walkways shall be not less than four feet wide.
- (5) Alleys shall be provided if required by the City Engineer.

E. Lots.

- (1) Lot width, depth, shape and orientation and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.
- (2) Lot sizes shall conform to the requirements of Chapter 230, Zoning.
- (3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in Chapter 230, Zoning.
- (4) Corner lots shall have sufficient width to provide an adequate building site within all the yard requirements. Corner lots shall have two front yard setbacks fronting each street, one side yard setback, and one rear yard setback.
- (5) All lots in a subdivision shall have frontage on a public street.
- (6) Double-frontage lots shall be avoided. Reverse-frontage lots shall be provided where necessary for protection of residential properties from through traffic and adverse nonresidential uses, for separation of through and local traffic and to overcome difficulties of topography or other specific conditions. Screen planting and a fence or wall shall be provided along the rear property line within an easement 10 feet or more in width, across which there shall be no right of access.
- (7) Side lot lines shall be at right angles or radial to street lines.
- (8) No lots shall be platted on land subject to flooding for residential or any other use where danger to life or property or an aggravation of flood hazard may result. Such land should be set aside for uses which would not be endangered by periodic or occasional inundations.
- (9) No lots shall be platted within 25 feet of land under the jurisdiction of the U.S. Army Corps of Engineers.

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

- (1) Parks and playgrounds. Where a proposed park or playground is located in whole or in part in a subdivision, the Commission may require the dedication or reservation of such area within the subdivision, in those cases in which the Commission deems such requirements to be reasonable.

- (2) Open spaces. Where deemed essential by the Commission and City Planner, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale developments, the Commission or City Planner may require the dedication or reservation of sites of a character, extent and location suitable to the needs created by such development for playgrounds or parks. The Commission shall not require that more than 10% of the gross area of the open space of the subdivision to be so dedicated or reserved unless otherwise specified by the Zoning Code. ² In case of a conflict, the requirement of the Zoning Code prevails. The Commission shall give due credit for the provision of open spaces reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. Generally, the minimum area of contiguous open space acceptable for dedication for public use shall be at least three acres and preferably five acres. Open spaces with a lesser area may be approved by the Commission whenever it deems that the difference between the area offered and three acres may be made up in connection with the future subdivision of adjacent land or added to an existing recreation area.
 - (3) School sites or sites for other public uses. The Commission may also require a subdivider to set aside such area as it may deem to be required for a school or other public use. Upon failure of the proper authorities to purchase such site within one year after the date of the approval of the plat, the subdivider, upon application to the Commission and approval of such application, shall be relieved of the responsibility of reserving such land for public purposes.
 - (4) Preservation of natural features. The Commission may require the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses and historic spots and similar irreplaceable assets. In no case shall a tree over 12 inches in diameter measured three feet from the base be removed without prior approval by the City Arborist.
- G. General grading. No final slope on the property shall exceed the normal angle of repose of the soil of said slope as determined by the City Engineer, except where said slope consists of a natural rock formation or is supported by a retaining wall or equivalent of a design acceptable to the City Engineer.

H. Improvements.

- (1) In major subdivisions the following improvements are required:
 - (a) Paved streets.
 - (b) Street signs.
 - (c) Curbs and gutters, or roadside swales. Curbs shall be required as per standard specifications to stabilize intersections, entrances, and parking areas, and where they are necessary for the conveyance of stormwater and protecting road surfaces and driveway surfaces from vehicular traffic.
 - (d) Sidewalks.
 - (e) Streetlighting.
 - (f) Shade trees. Shade trees 150 feet on center each side of the road shall be located so as not to interfere with utilities or sidewalks and shall be of the types recommended by the City Arborist.
 - (g) Topsoil protection. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.
 - (h) Monuments. Monuments shall be of the type, size and shape required by the City Engineer.

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

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

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

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

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

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

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

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

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

§ 200-6. - Variances and waivers.

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

Chapter 185 - SEWERS⁽¹⁾

§ 185-25. - Additional evaluations and charges.

- A. Property owner(s) and/or developer(s) proposing to submit for a Major Subdivision or Site Plan approval shall first submit a Utility Feasibility Study request to the City. Cost for the feasibility study shall be paid for by the applicant or applicants. The Utility Feasibility Study will be performed by the City and the results of the study used as the basis for defining the sewer drainage basin(s) and associated core infrastructure improvements necessary to serve the development(s).
- B. If one or more property owners or developers proposes a new development with an average daily flow of 2,500 gpd (10 EDUs) or more, to connect to the City's sanitary sewer infrastructure (i.e., pump/lift stations, collection lines, transmission lines, and/or other related appurtenances), but the infrastructure is not sized to handle both the peak daily flows (average daily flow multiplied by a peaking factor of 2.0 to 3.5, depending on the size of the drainage system) from the existing users of the drainage basin and the proposed new development, the developer shall perform one of the following in addition to the payment of the impact fees and entering into a Development Agreement:
- (1) If a single property owner/developer: Construct the necessary improvements to accommodate the existing users and the new proposed development as defined by the Utility Feasibility Study, prior to connecting to the City's system. All work shall be performed in accordance with the City of Milford Standards and Specifications; or
 - (2) If multiple property owners or developers: Sign a public works agreement with the City as further described in Section 185-26.

§ 185-26. - Multiple property owners/developer public works agreement and aid-in-construction.

- A. In a case where multiple developers and/or property owners propose to jointly utilize existing or future core infrastructure of an existing or proposed sanitary sewer drainage basin at the same time, the costs of the associated improvements for each developer shall be determined based on the percentage of their contributing flow. The percentage of contributing flow for each entity shall be calculated on an Equivalent Dwelling Unit (EDU) basis. Drainage basins shall be defined by the City of Milford in its best interest.

The City of Milford at its own discretion may elect to participate financially in the cost of the core infrastructure improvements. Should the City elect to participate in the project then the associated percentages for the core infrastructure between the City and each developer shall be specified in a Public Works Agreement. The City shall design, administer and inspect the project with construction of the improvements performed in a publicly bid process. An estimated cost for the design, administration and construction of the project will be prepared by the City as part of the Public Works Agreement and include a 10% contingency amount. The estimated cost to each developer and the City will be allocated in accordance with the executed Public Works Agreement with the contributions from each developer financially secured prior to execution of the Agreement by the City. Should total project costs exceed the estimated project cost plus 10% contingency then each party shall pay for the additional cost(s) on the determined percentage basis at the time the cost is incurred by the City. Should the total project cost be less than the estimated project cost plus 10% contingency then said funds shall be reimbursed to each party on the determined percentage basis.

Should the City not elect to participate in the core infrastructure improvements then the developers are free to execute the design and construction of the core infrastructure privately. A Public Works Agreement will be prepared by the City to define the required improvements and determine the percentage contribution by each party. All work shall be performed in accordance with City of Milford Standards and Specifications and the developers shall be responsible for all City costs to prepare the Public Works Agreement and perform all plan reviews, project coordination and inspections associated with the project.

- B. In a case where multiple developers and/or property owners propose to jointly utilize existing or future core infrastructure of an existing or proposed sanitary sewer drainage basin at different times, the costs of the associated improvements for each developer shall be determined based on the percentage of their contributing flow. The percentage of contributing flow for each entity shall be calculated on an equivalent dwelling unit (EDU) basis. Drainage basins shall be defined by the City of Milford in its best interest.

The City of Milford at its own discretion may elect to participate in the cost of infrastructure upgrades to accommodate future developers who are not either ready or unwilling to immediately move forward with the development of their property within the sewer basin. The City shall contact each property owner within the City defined sewer basin to determine whether or not they would like to participate financially in the basin core infrastructure improvements. The properties within the basin shall then be defined as immediate participants (those properties interested in contributing immediately in the core infrastructure improvements) and future participants (those properties in the sewer basin not interested in immediately contributing in the core infrastructure). The City shall then decide whether or not they will participate in carrying the cost for said future participants in the form of Aid in Construction.

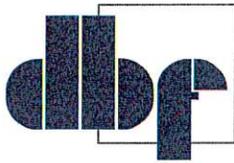
Should the City not elect to participate in the core infrastructure improvements then the immediate developers are free to execute the design and construction of the core infrastructure privately. The core infrastructure would then be sized to accommodate only the improvements necessary to meet the needs of the immediate participants. A Public Works Agreement will be prepared by the City to define the required improvements and determine the percentage contribution by each party. All work shall be performed in accordance with City of Milford Standards and Specifications. The developers shall be responsible for all City costs to prepare the Public Works Agreement and perform all plan reviews, project coordination and inspections associated with the project.

Should the City decide to participate in the project and construction of the core infrastructure, then the City will prepare a Public Works Agreement to define each immediate and future developer/property participant to be included within the sewer basin. The City shall design, administer and inspect the project with construction of the improvements performed in a publicly bid process. An estimated cost for the design, administration and construction of the project will be prepared by the City as part of the Public Works Agreement and include a 10% contingency amount. The estimated cost to each developer/property owner will be allocated in accordance with the executed Public Works Agreement with the contributions from each immediate developer financially secured prior to execution of the Agreement by the City. Should total project costs exceed the estimated project cost plus 10% contingency then each immediate developer shall pay for the additional cost(s) on the determined percentage basis at the time the cost is incurred by the City. Should the total project cost be less than the estimated project cost plus 10% contingency then said funds shall be reimbursed to each immediate developer on the determined percentage basis.

If not defined by the future participant property owner, flow determinations for each future property included within the sewer basin shall be defined based on the maximum allowable density of the existing zoning at the time of the Agreement, or as determined practical by the City. Should the property be up zoned and/or future development exceeds the number of EDUs allocated to the property then said future participant or developer shall be responsible for all upgrades necessary to accommodate the increase.

The immediate developer(s) and the City shall pay for the improvements on the percentage basis as defined in the Public Works Agreement. The City shall however be reimbursed for capital outlays plus interest by future participants/developer(s) for properties initially carried by the City as Aid in Construction. The Aid in Construction reimbursement to the City shall be based on the percentage of flow that each property defined as future will contribute to the core infrastructure up to the number of EDUs defined for said property in the Public Works Agreement. Aid in Construction costs allocated to future developer(s) shall be reimbursed to the City prior to plot plan recordation or commercial site plan approval, whichever applies.

- C. The City Council has the right to modify, amend or waive any or all of the provisions contained in subsections (A) and (B) above.
- D. No public funds will be utilized for any extension outside the City limits. Costs of such extensions shall be borne exclusively by the developer(s).



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

MEMORANDUM

To: Planning and Zoning Commission

From: Ring W. Lardner, P.E. 

Cc: Unity Development, LLC

Date: August 5, 2019

Subject: Mispillion Landing Revised Preliminary Plan

On August 20, 2019, we will be presenting a revised preliminary site plan requesting the removal of the requirement to extend a 12" sewer main across the property frontage. This memorandum is to provide some general information for review prior to the meeting and additional information will be presented during the meeting.

The City of Milford from approximately 2005 until approximately 2013 (I don't know the exact years) had a City Engineer, Mark Mallamo, P.E., on staff to review projects, inspect projects and perform public works for the City. Prior to this time Davis, Bowen & Friedel, Inc. performed these services for the City and did not do private work within the City. Subsequent to the hiring of the City Engineer, our role was reduced in the City as the City Engineer took on more public works responsibilities and our office performed private work. After the dismissal of the City Engineer, our office performed more work for the City and most of our private work was dormant as most projects were on hold due to the recession and recovery. In 2017, the City hired another City Engineer, Erik Retzlaff, P.E., and our role was refined and also began performing private work. After the dismissal of the City Engineer, we are perform work for the City and doing private work as well. All private work is being reviewed by KCI.

Our office began working on the Mispillion Landing project in late 2010 / early 2011. In 2008, our office provided engineering services for the Development of the Silicato Commercial project whose force main was extended from the site along N. Front Street to the manhole in front of Mispillion Landing and tied into a 8" gravity line. Subsequent to that project, the City undertook a sewer replacement project along N. Front Street. As part of the N. Front Street the City extended a 12" sewer line towards SR-1 and ending at the property frontage of Mispillion Landing. A 12" plug was installed for a future extension to serve additional lands to the east and a new 8" service was installed to serve Mispillion Landing.

In 2011, DBF submitted a preliminary site plan to the City for review and approval. At the time of this submission, the City did not have a Utility Feasibility Requirement (Section 185-25) or Aid in

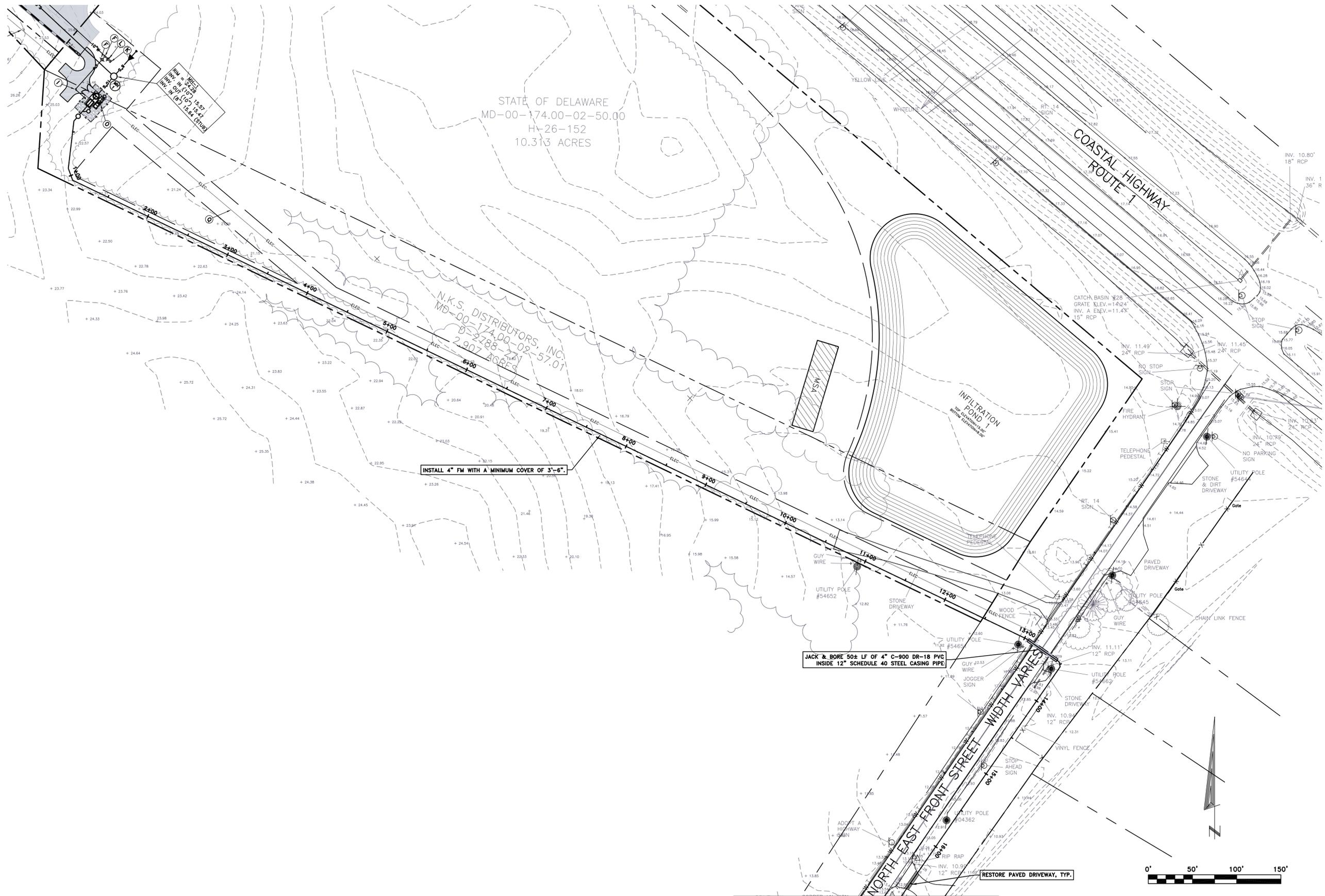
Construction (Section 185-26). The code had a provision regarding sewer extension that is unchanged today. The preliminary site plan was approved without requiring the sewer main to be extended and construction plans were approved without the requirement to extend the sewer main. The project did expire as the project was not substantially underway and extensions were not requested.

In 2018, DBF was requested to obtain approvals for the site plan and began the process. The Code was revised between 2011 and 2018 for both Floodplain and Chapter 185 Sewers. A Utility Feasibility Study was performed by the City Engineer (Erik Retzlaff, P.E.) and the study identified the requirement to extend the 12” sewer main across the property. The applicant and engineer did not dispute the Study given the need to obtain plan approval. The construction plans were submitted showing the sewer main extension on April 2018 and comments were received in January 2019. The comments received were quite numerous although nothing changed design wise from 2011 and 2018 and other members of the applicant became aware of the sewer extension. It was at this time the applicant began asking questions about the sewer extension and what was agreed upon between the applicant and the City when the N. Front Street sewer was extended.

JJID was the contractor of record for the N. Front Street sewer and negotiations were held between JJID, City of Milford and the applicant over use of their land for a lay down area during construction of the sewer line. At no time was there mention of extending the 12” sewer line or it would have been done as part of this work.

The sewer line extension request under the Section 200-5 H. (i) [1] to extend the sewer at minimum slope, maximum depth and connected with an approved method and shall be adequate to handle all present and probable future development would be appropriate if Mispollion Landing was extending sewer. Mispollion Landing is connected to an 8” line that was provided by the City and the City installed a 12” stub for future connection by others. The request being made only serves future growth and development of the City and thus Section 185-25 and 185-26 should apply where the sewer basin should be established.

COUNTY	SHEET NO.	TOTAL SHEETS
KENT	23	40



INSTALL 4" FM WITH A MINIMUM COVER OF 3'-6".

JACK & BORE 50± LF OF 4" C-900 DR-18 PVC INSIDE 12" SCHEDULE 40 STEEL CASING PIPE

RESTORE PAVED DRIVEWAY, TYP.

MATCHLINE SHEET PS6

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9051
MILFORD, DELAWARE (302) 424-1441



FORCEMAIN SITE PLAN

SILICATO-WOOD COMMERCIAL DEVELOPMENT
CITY OF MILFORD
MILFORD HUNDRED, KENT COUNTY, DELAWARE

Date: May, 2008
Scale: 1" = 50'
Dwn. By: DMH
Proj. No.: 059H037
Dwg. No.:

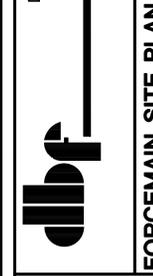
PS1

COUNTY	SHEET NO.	TOTAL SHEETS
KENT	24	40

MATCHLINE SHEET PS1

MATCHLINE THIS SHEET

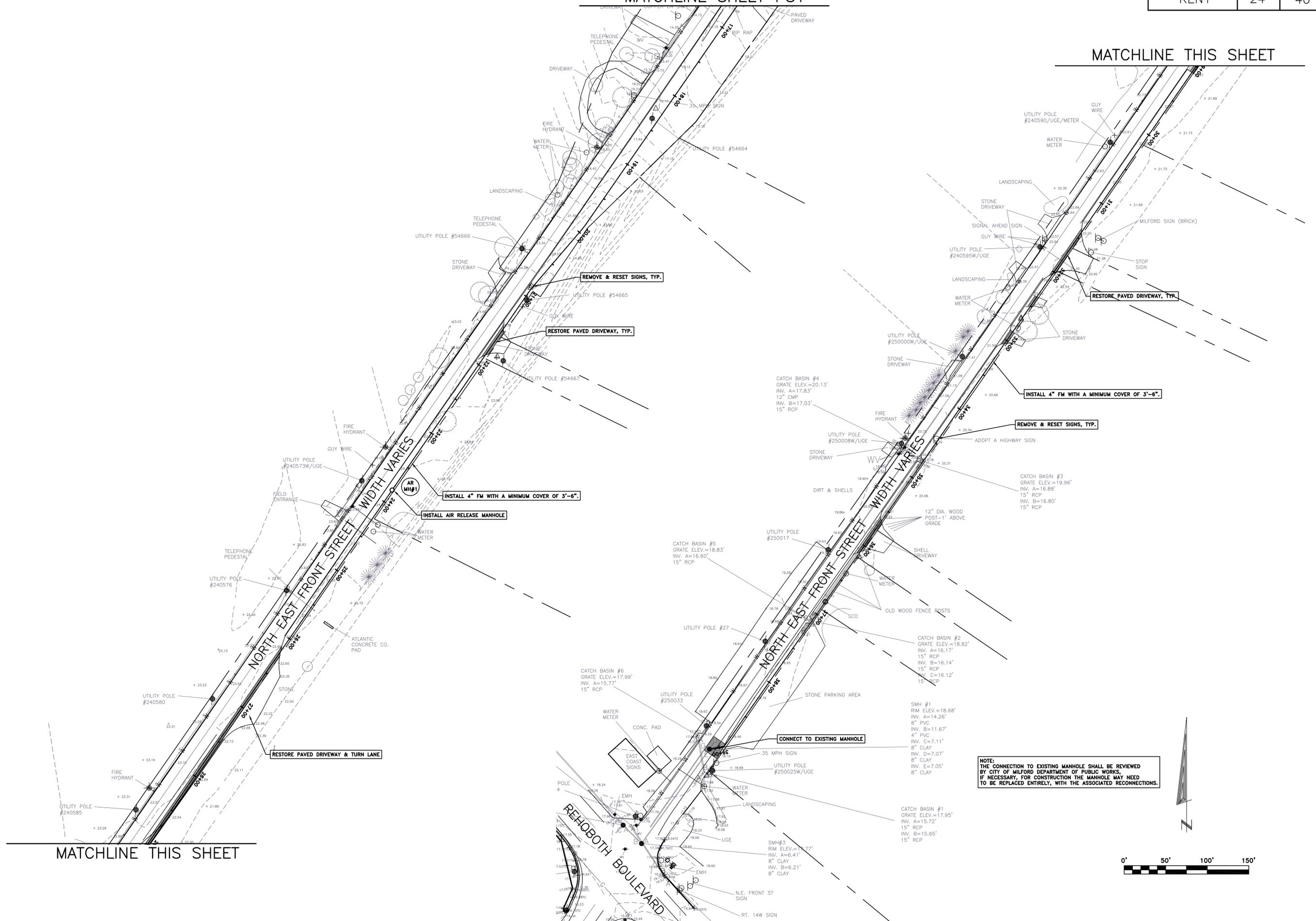
DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441



SILICATO-WOOD COMMERCIAL DEVELOPMENT
CITY OF MILFORD
MILFORD HUNDRED, KENT COUNTY, DELAWARE

Date: May, 2008
Scale: 1" = 50'
Dwn. By: DMH
Proj. No.: 059H037
Dwg. No.:

PS2

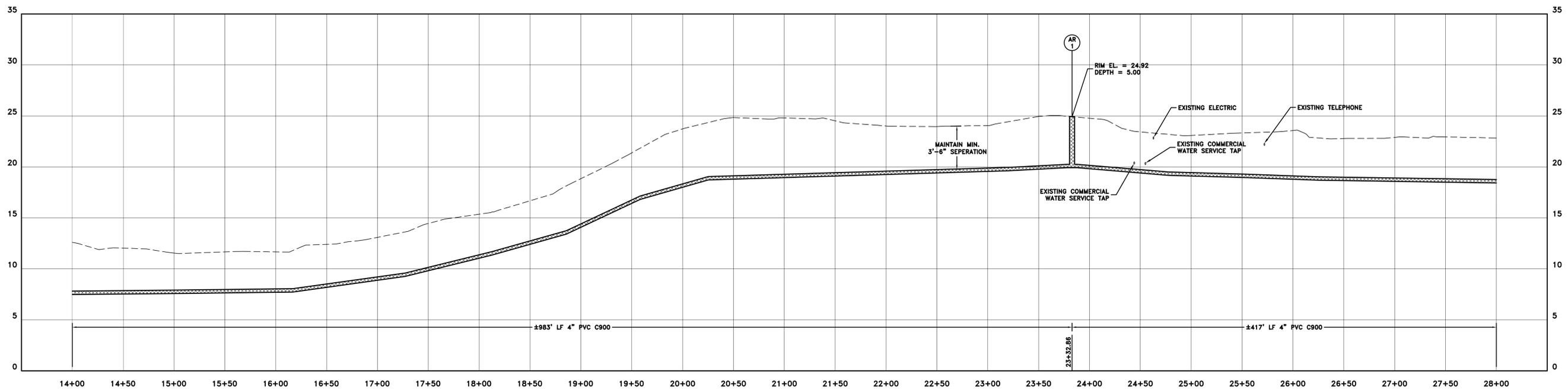
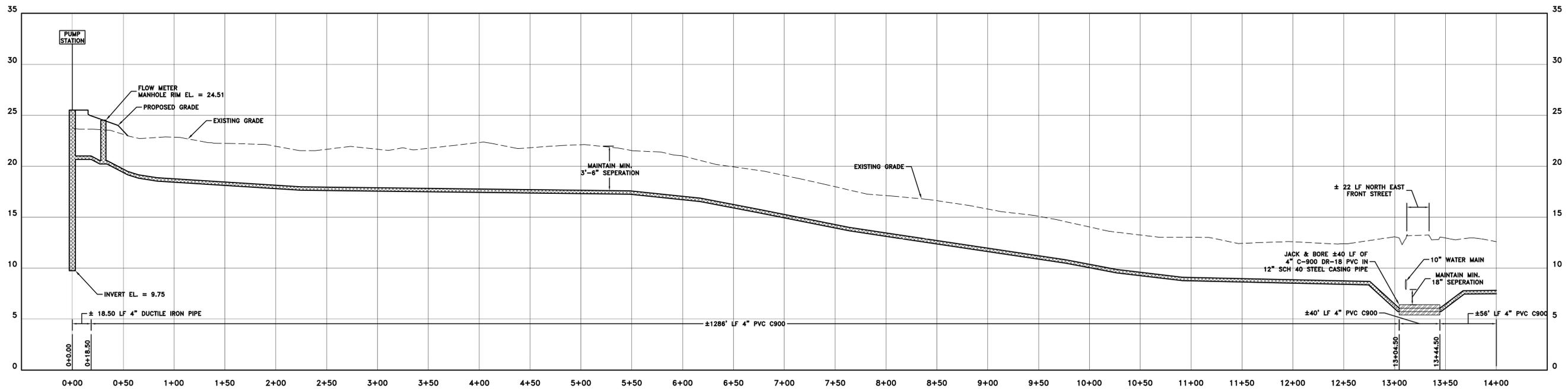


MATCHLINE THIS SHEET

NOTE:
THE CONNECTION TO EXISTING MANHOLE SHALL BE REVIEWED BY CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS. IF NECESSARY, FOR CONSTRUCTION THE MANHOLE MAY NEED TO BE REPLACED ENTIRELY, WITH THE ASSOCIATED RECONNECTIONS.



COUNTY	SHEET NO.	TOTAL SHEETS
KENT	25	40



FORCE MAIN PROFILES

SCALE: 1" = 50' HORIZONTAL
 1" = 5' VERTICAL

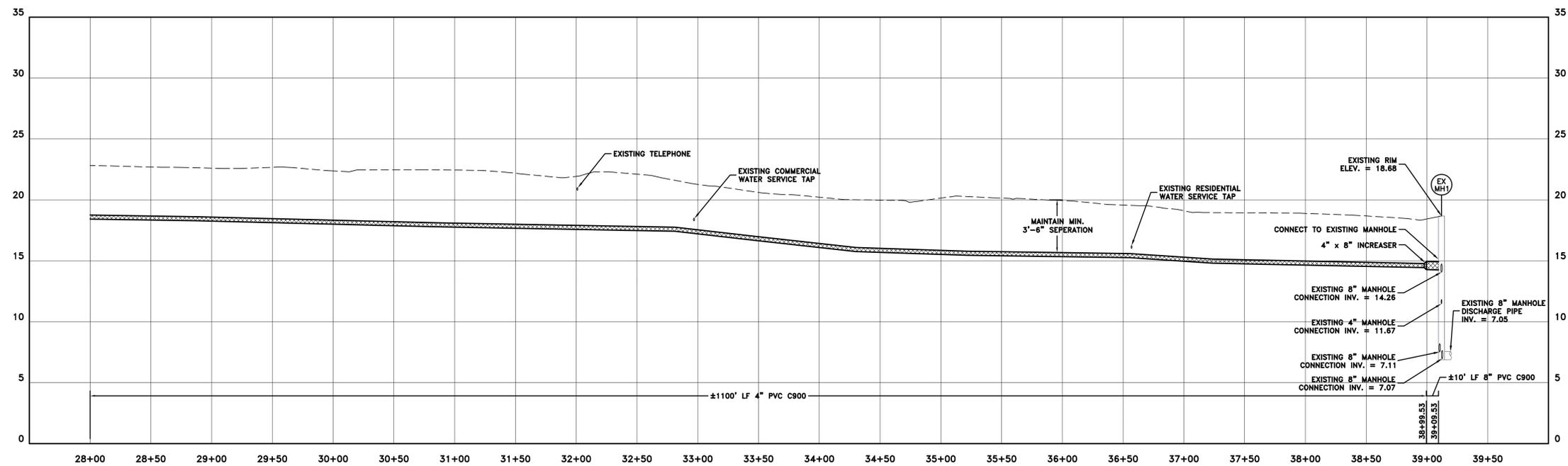
DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS
 SALISBURY, MARYLAND (410) 543-9091
 MILFORD, DELAWARE (302) 424-1441

SILICATO-WOOD COMMERCIAL DEVELOPMENT
 CITY OF MILFORD
 MILFORD HUNDRED, KENT COUNTY, DELAWARE

Date: May, 2008
 Scale: As Noted
 Dwn.By: DMH
 Proj.No.: 059H037
 Dwg.No.:

PS3

COUNTY	SHEET NO.	TOTAL SHEETS
KENT	26	40



FORCE MAIN PROFILES

SCALE: 1" = 50' HORIZONTAL
1" = 5' VERTICAL

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

FORCEMAIN PROFILES

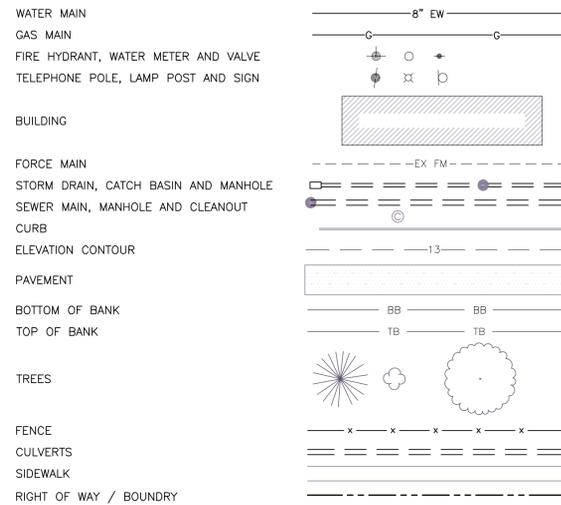
SILICATO-WOOD COMMERCIAL DEVELOPMENT
CITY OF MILFORD
MILFORD HUNDRED, KENT COUNTY, DELAWARE

Date: **May, 2008**
 Scale: **As Noted**
 Dwn.By: **DMH**
 Proj.No.: **059H037**

Dwg.No.:

PS4

EXISTING LEGEND



DESIGN LEGEND

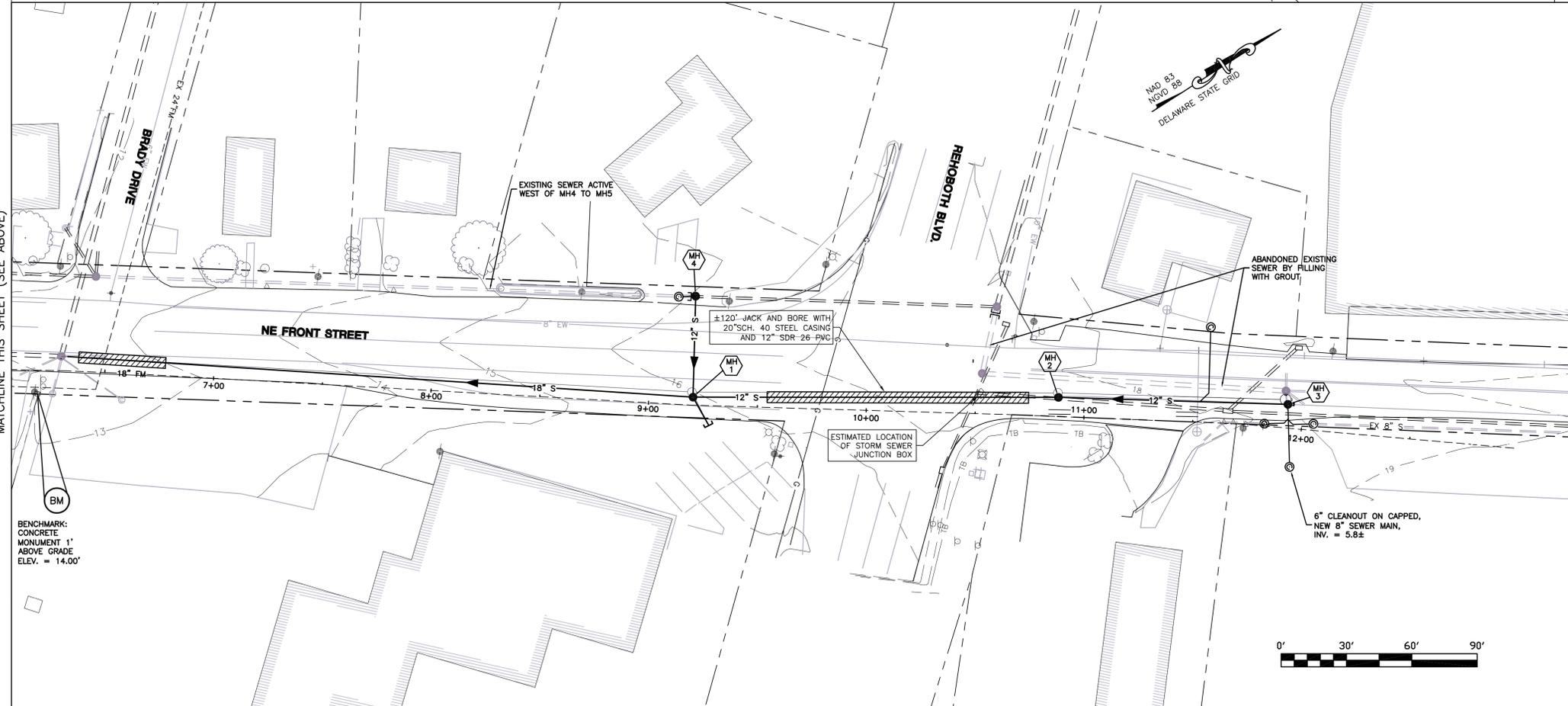
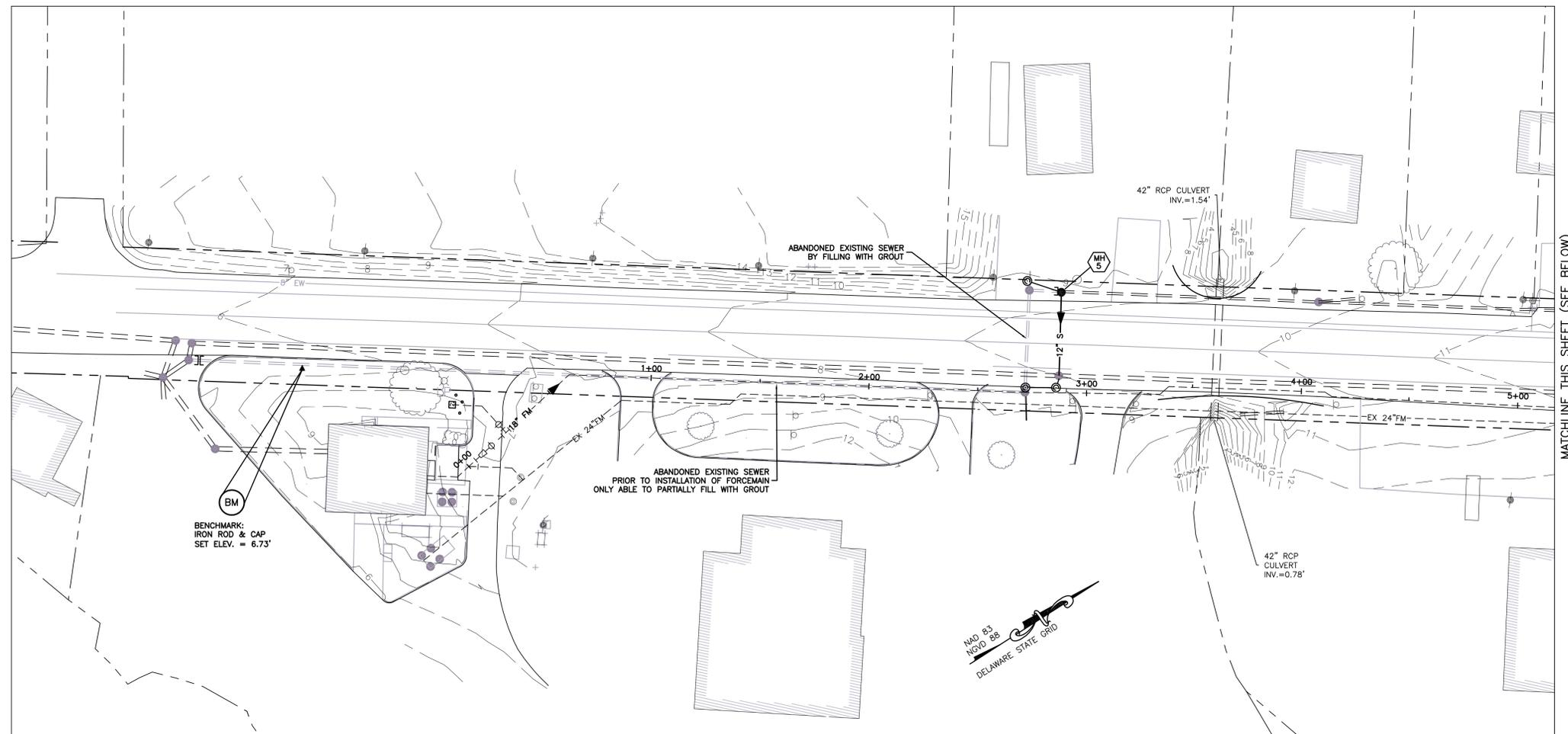


RECORD (AS-BUILT) LEGEND

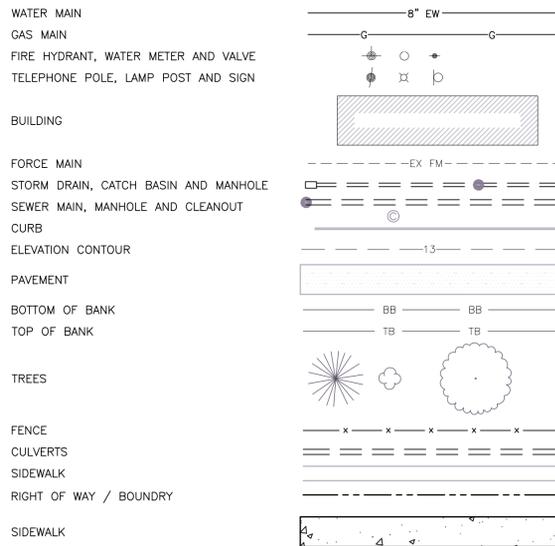


NOTES

1. CONTRACTOR TO RECONNECT ALL SEWER LATERALS CONNECTED TO SEWER MAIN THAT IS TO BE REMOVED.
2. LATERAL LOCATIONS ARE APPROXIMATE, CONTRACTOR TO FIELD VERIFY BEFORE INSTALLATION.
3. RELOCATION OF LATERALS SHALL INCLUDE NEW LATERAL AND CLEANOUT TO THE PROPERTY LINE.
4. ALL SEWER LATERALS ARE TO BE 6 INCH UNLESS OTHERWISE NOTED.



EXISTING LEGEND



DESIGN LEGEND

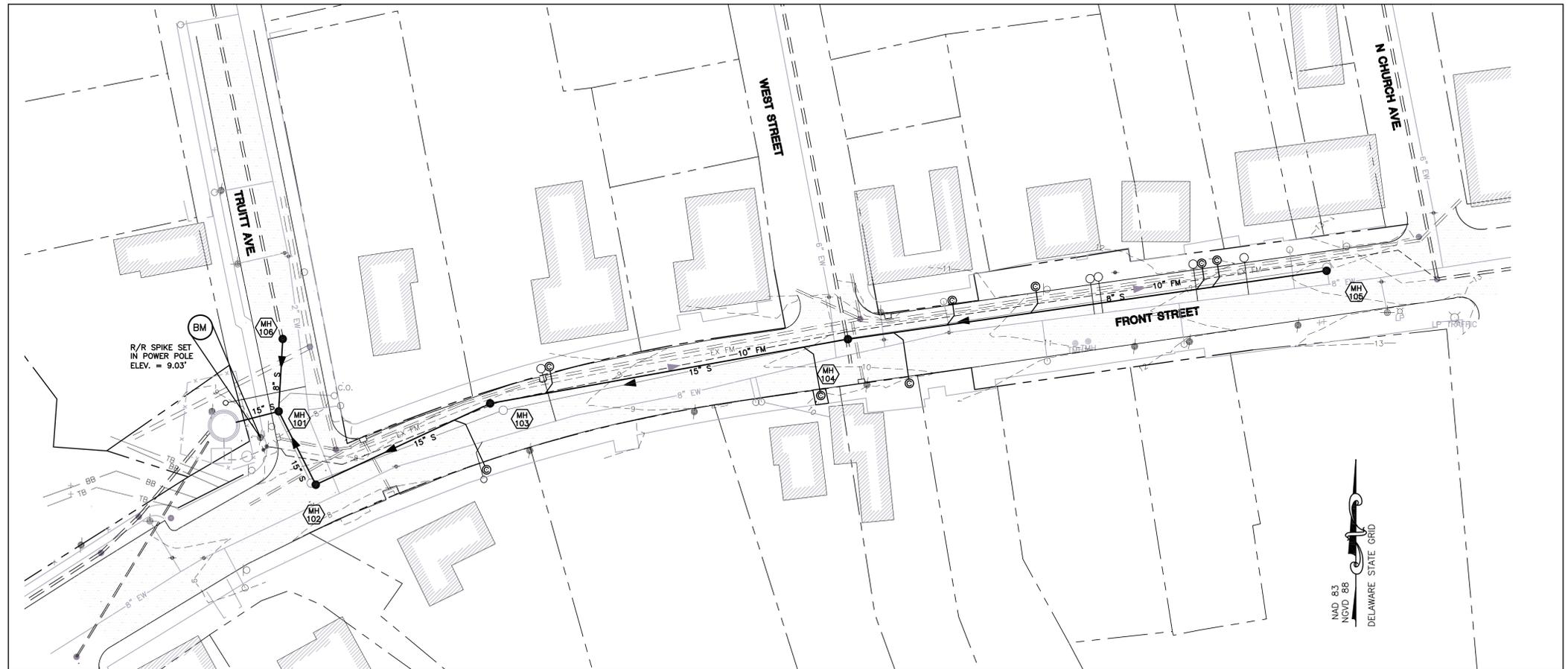


RECORD (AS-BUILT) LEGEND



NOTES

1. CONTRACTOR TO RECONNECT ALL SEWER LATERALS CONNECTED TO SEWER MAIN THAT IS TO BE REMOVED.
2. LATERAL LOCATIONS ARE APPROXIMATE, CONTRACTOR TO FIELD VERIFY BEFORE INSTALLATION.
3. RELOCATION OF LATERALS SHALL INCLUDE NEW LATERAL AND CLEANOUT TO THE PROPERTY LINE.
4. ALL LATERALS TO BE 6" INCH UNLESS OTHERWISE NOTED.



SITE PLAN
 SCALE: 1"=30'



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

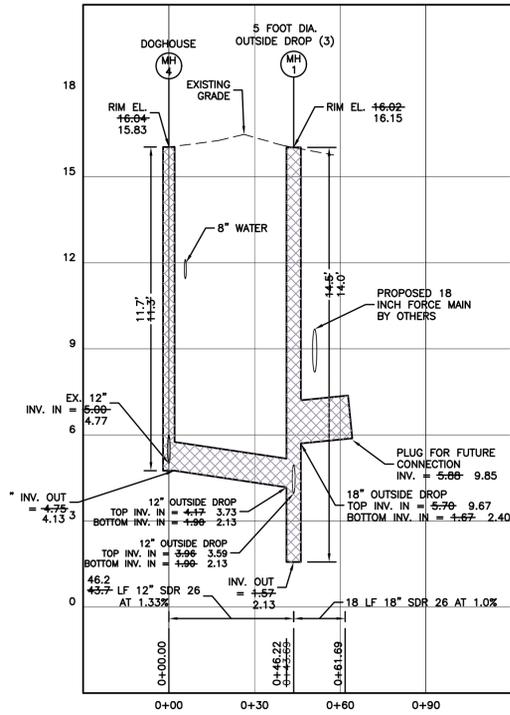


NW FRONT RECORD (AS-BUILT) PLAN

NORTH EAST FRONT STREET
SANITARY SEWER RECORD (AS-BUILT)
 MILFORD, DELAWARE

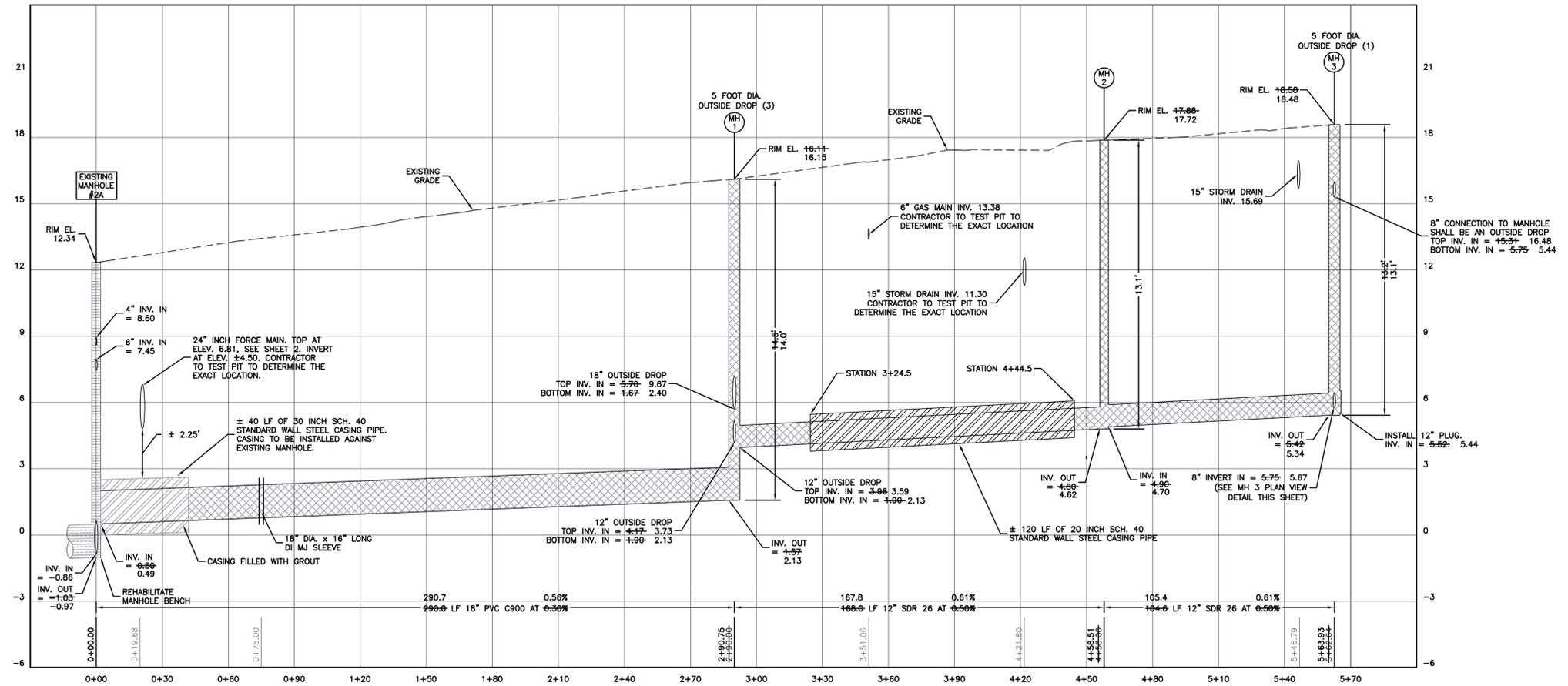
REVISIONS:
 MARCH 3, 2011:
 RECORD (AS-BUILT)

Date: **JULY 2009**
 Scale: **1" = 30'**
 Dwn.By: **DMH/DJS**
 Proj.No.: **052A148**
 Dwg.No.:



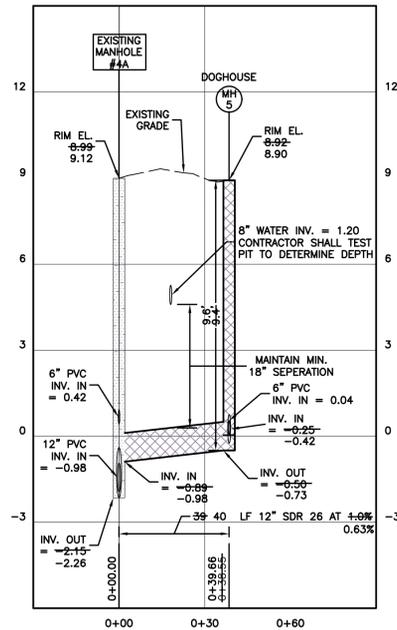
PROFILE MH4 - STUB

SCALE: HORIZ 1"=30'
VERT 1"=3'



PROFILE MH2A - MH3

SCALE: HORIZ 1"=30'
VERT 1"=3'

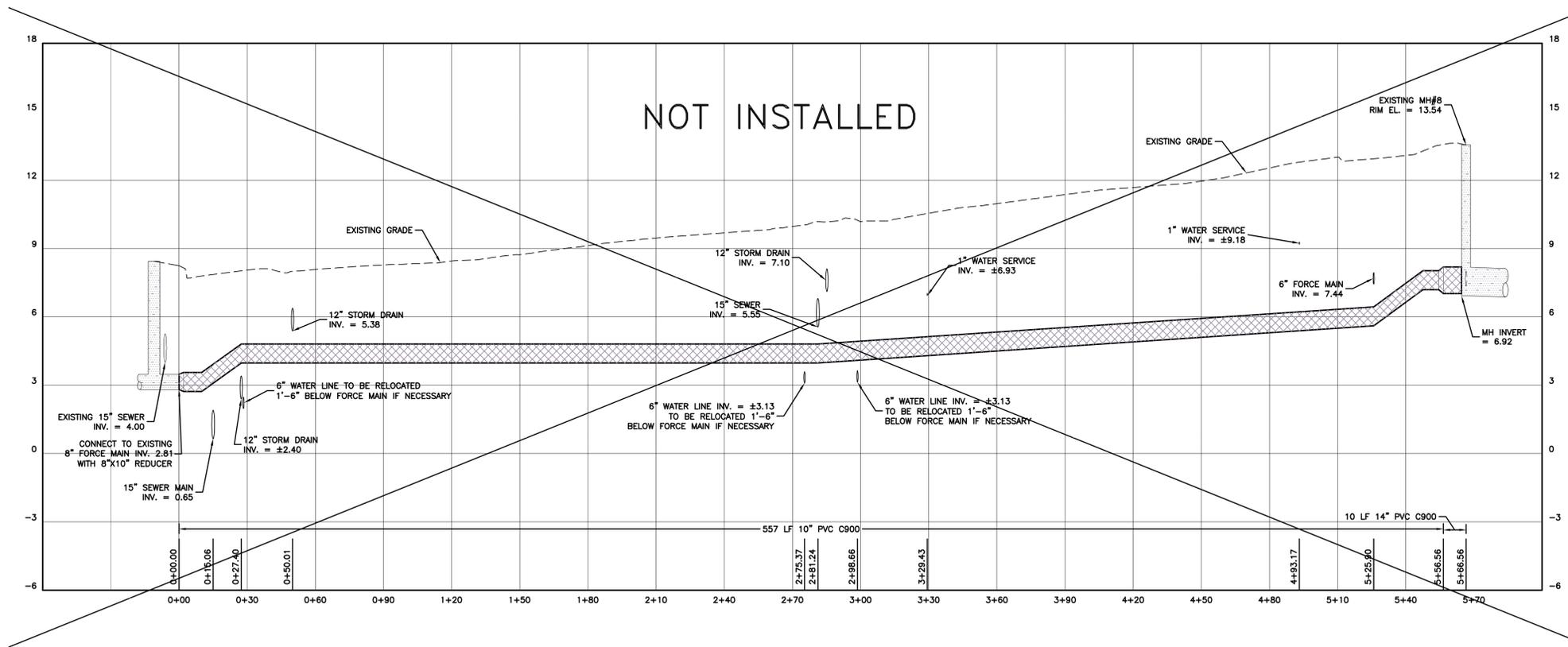


PROFILE 4A - MH5

SCALE: HORIZ 1"=30'
VERT 1"=3'

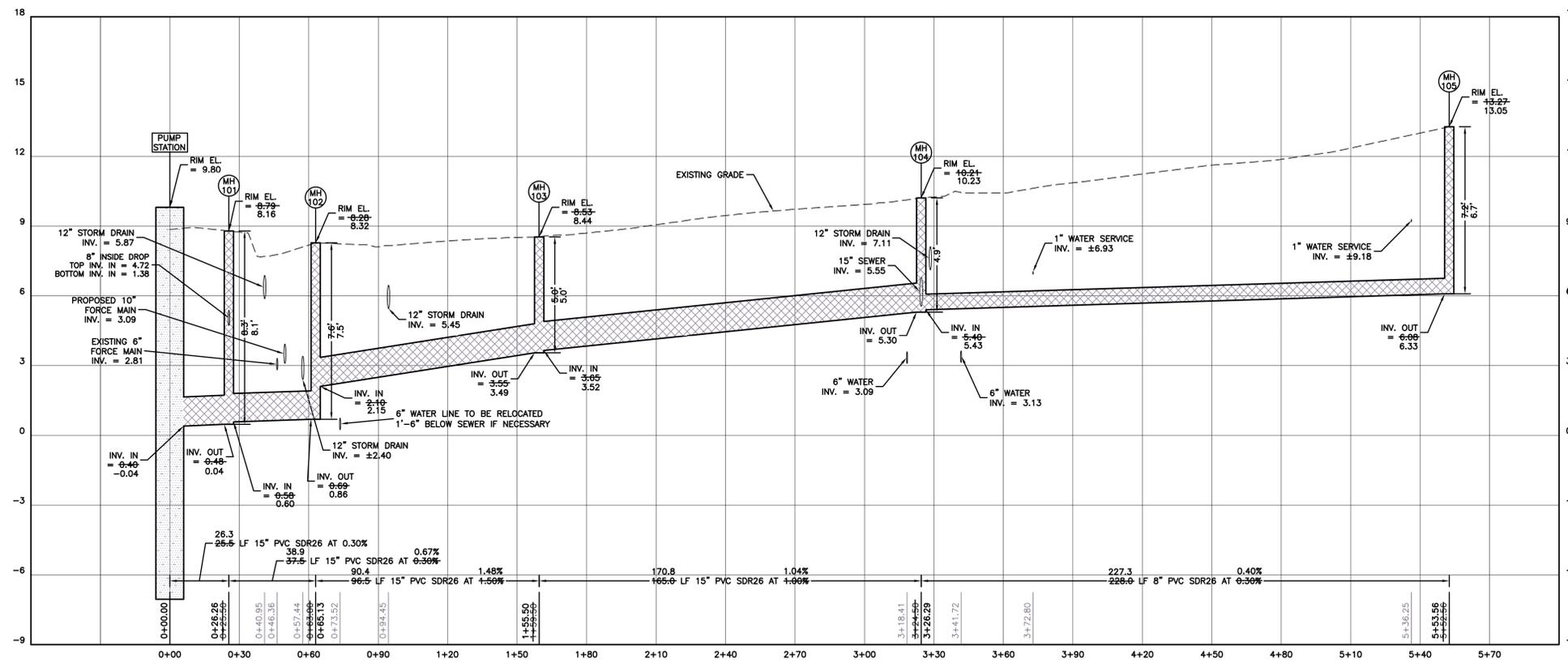
REVISIONS:
MARCH 3, 2011:
RECORD (AS-BUILT)

Date: JULY 2009
Scale: HORIZ 1"= 30'
VERT 1"= 3'
Dwn.By: DMH/DJS
Proj.No.: 052A148
Dwg.No.:



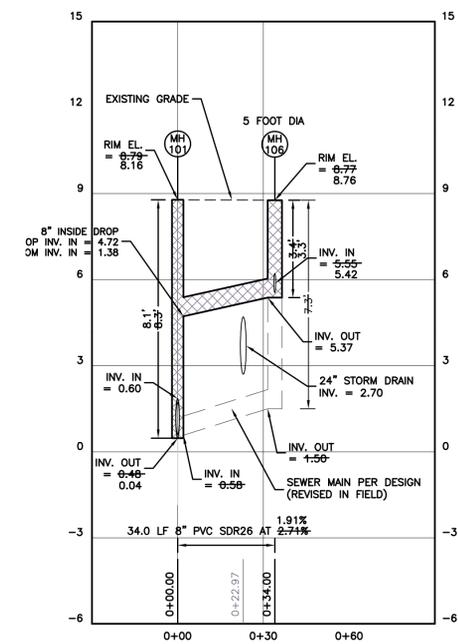
FORCE MAIN PROFILE

SCALE: VERT: 1"=30'
HORIZ: 1"=3'



PROFILE TRUITT PUMP STATION - MH 105

SCALE: VERT: 1"=30'
HORIZ: 1"=3'



PROFILE MH 101 - MH 106

SCALE: VERT: 1"=30'
HORIZ: 1"=3'

REVISIONS:
MARCH 3, 2011
RECORD (AS-BUILT)

Date: JULY 2009
Scale: 1" = 30'
Dwn.By: DMH/DJS
Proj.No.: 052A148
Dwg.No.:



TO: Community & Economic Development Committee

FROM: Rob Pierce, Planning & Economic Development Director

DATE: July 8, 2019

RE: Proposed Business Licensing Program

During the 2016 calendar year, the Community Affairs Committee investigated the implementation of a City-wide business licensing program which was ultimately voted down in late 2016 by City Council. Recently, at the April 22, 2019 Police Committee Meeting, the committee directed staff to review the previously proposed business license ordinance and prepare an updated version for City Council consideration. Due to this Committee's involvement in the 2016 draft, staff felt it was important to review any updated draft ordinance with the Committee. Enclosed is a copy of the updated draft code amendment that would create a new Chapter 90 entitled Business License.

The licensing program would require annual registration of businesses physically located within the City. Registration would record the business name, phone number, physical address, contact person (name, title and phone number), type of business, number of employees and ensure all relevant State or other governmental approvals and licenses are valid.

The draft code defines a business as "any person engaged in the sale of goods or services including, but not limited to, any retail, wholesale, service, food service, professional service or other general commercial activity **physically located within the corporate limits of the City** that requires a business license with the State of Delaware, Division of Revenue." It also provides a list of activities that would be exempt from the business license program under Section 90-8.

Implementation of the program would begin January 1, 2020 for any new businesses. Existing businesses would get notifications in January 2020 requiring registration by June 30, 2020. Both new and existing licenses would be valid until December 31st 2020. Registration costs would need to be determined by City Council, however staff recommends a minimum of \$50.00 to cover administration and enforcement costs.

Staff is seeking guidance from the Committee on the draft code language, particularly the definition of a business, the exemption list, penalties and the appeal procedures.

PUBLIC NOTICE

Notice is hereby given that the following Ordinance is currently under review by Milford City Council, with action scheduled to occur on the date so indicated:

ORDINANCE NO. 2019-35

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF MILFORD, PART II GENERAL LEGISLATION, BY ADDING A NEW CHAPTER 90, ENTITLED BUSINESS LICENSE

WHEREAS, the City of Milford desires to adopt an ordinance providing for the requirement and procedures to issue licenses to businesses operating within the corporate limits of the City; and

WHEREAS, the license will benefit the public by ensuring businesses operating within the City are properly licensed and compliant with all applicable codes, regulations and health, safety and zoning requirements; and

WHEREAS, the City of Milford will experience direct and indirect costs associated with administering the licensing registrations, making it necessary and reasonable for the City of Milford to impose a fee associated with the issuance of business licenses and the enforcement of those regulations outlined herein.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The Code of the City of Milford is hereby amended by adding thereto a new Chapter 90, to be titled "BUSINESS LICENSE".

Section 2. The Code of the City of Milford is further amended by adding the following provisions to the new Chapter 90, to hereby read as follows:

§ 90-1 Purpose

The City Council has deemed it to be in the best interest of the residents of the City and in furtherance of their health, safety and welfare to issue business licenses and establish procedures governing the issuance of business licenses in order to identify owners/operators of businesses, track changes in ownership and/or business activity, define the nature of business activities, ensure an understanding of and compliance with City codes governing business operations, and provide necessary approval, enforcement, and compliance procedures.

§ 90-2 Definitions

As used in this Chapter, the following terms shall have the meanings indicated, except where the context clearly indicates a different meaning:

BUSINESS-Any person engaged in the sale of goods or services including, but not limited to, any retail, wholesale, service, food service, professional or personal service or other general

commercial activity with a physical location within the corporate limits of the City that requires a business license with the State of Delaware, Division of Revenue.

PERSON-Any individual, firm, corporation, company, partnership, or joint venture.

§ 90-3 Business License Required

- A. Commencing January 1, 2020, no person shall operate, maintain or otherwise be engaged in any business within the corporate boundaries of the City of Milford without having first received a business license issued by the City for the calendar year in which the business is operating. All businesses in existence prior to January 1, 2020 shall obtain a business license prior to July 1, 2020.
- B. License period; renewals. Business licenses shall be issued for each calendar year and shall expire December 31st of the calendar year for which the business license was issued, regardless of when during the calendar year the license was issued. Licenses shall be renewed on or before January 31st of each year.
- C. Display of business license. The business license shall be displayed in a public place within the establishment in a manner that is visible at all times to the public.
- D. Good standing requirements. No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and other fees due the City are paid and in good standing.
- E. Multiple business locations. Each separate location or branch of the same business requires a separate business license as though it were a separate business.
- F. Transferability. A business license may not be transferred from one party to another or from one location to another location of the same business. If the nature of the licensee's business activities substantially changes after the issuance of a business license, a new business license shall be obtained.

§ 90-4 Business License Application

- A. Every application for a business license submitted to the City shall be in writing, verified by oath or affirmation and signed by the applicant(s), and shall include the following information:
 - (1) Company/business name;
 - (2) Phone number and street address of business (physical location, not post office box);
 - (3) The name, title, phone number(s) (home and cellphone), and address(es) of the owner(s);
 - (4) Name, cell phone number, and email address of the authorized manager or representative to be used for emergency purposes;
 - (5) Federal Employer Identification Number or owner's Social Security Number (last four digits only);

- (6) The trade, business or occupation for which the license is being requested;
- (7) Number of regular full time and part time or seasonal employees;
- (8) A copy of any business licenses issued by the State of Delaware and/or any other approvals issued by the Division of Revenue or another governmental or quasi-governmental agency (i.e. Alcoholic Beverage Control Commission, Administrative Services, Banking Commissioner, Insurance Commissioner, Public Service Commission, Department of Natural Resources, Environmental Protection Agency, Internal Revenue Service, etc.). Possession of any such license or approval shall not exempt a person from obtaining a City of Milford business license; and
- (9) A statement that the business has complied with and will continue to comply with all codes and ordinances of the City.

- B. After reviewing the business license application, the City Manager may request such other information as is necessary to answer any questions raised by the application regarding the operation of the business. The City Manager shall prescribe the form of the license certificate and shall keep full and complete records of all licenses issued, the expiration dates, and the license fees collected.

§ 90-5 Business License Application Review

The City Manager or his/her representative shall investigate and review all applications for a license to do business within the City to determine whether the applicant is aware of and demonstrates a willingness to comply with all codes and ordinances of the City that relate to the business's operation, and agrees to avoid all forbidden, improper or other practices or conditions which do or could adversely affect the public health, safety or welfare.

§ 90-6 Business License Fees; Delinquencies

- A. The fee for a business license shall be set by the City Council each year as part of the City Fee Schedule.
- B. No refund shall be given for any business that ceases to operate during the licensing period. In the event that an existing business has not applied for and paid the business license fee on or before the first day of February, a penalty of ten percent (10%) shall be assessed for each month or portion thereof that the license fee remains unpaid. Once penalties have begun to be assessed under section 90-10, however, no additional penalties shall continue to be assessed under this section.

§ 90-7 Code Compliance; Zoning Certificate

A business operating in the City shall at all times be in compliance with all City codes and ordinances. Any business not in existence in the City as of January 1, 2020 shall not be issued its initial business license and shall not initiate its business activities until it has obtained a certificate of zoning compliance ascertaining the permissibility of the proposed business use in the location where such activity is to take place.

90-8. Exemptions.

Anything in this chapter to the contrary notwithstanding, the following activities are exempt from the business licensing requirement outlined herein:

- (1) Charitable, religious, educational, or public service facility, social association or club, or governmental agency, except to the extent that such operates a separate retail facility or other ancillary business that would require a business license.
- (2) Exhibitor in a museum, the Milford Library, an educational facility, or other public building where such exhibition is part of a limited scheduled event or show.
- (3) Yard or garage sales, book sales, and auctions where not part of a regularly recurring or continuous business activity.
- (4) Sale of agricultural or nursery items grown on the premises of the property owner and sold seasonally.
- (5) Any activities permitted pursuant to a current peddler's license or otherwise exempt from obtaining a peddler's license as outlined in Chapter 168 ("Peddling, Soliciting and Transient Merchants").
- (6) Construction activities for which a license is required and has been secured in accordance with Chapter 107 ("Contractors").
- (7) Business activities of insurance agents and companies specifically exempted from municipal business license fees under 18 Del. C. § 712.
- (8) Rental activities for which a rental license has been obtained pursuant to Chapter 180 ("Residential Rental Operating Licenses").

§ 90-9 Inspection by City Officials

The City Manager and/or his designee shall have the authority to make or have made all inspections and investigations reasonably necessary to enforce this chapter and to inspect those portions of the commercial premises that are open and visible to the public in order to ensure that the business is being conducted as specified by the license and is in compliance with all applicable building, safety, zoning, and other City codes. All persons authorized by this chapter to inspect businesses shall have the authority to enter the premises to inspect at all reasonable times.

§ 90-10 Suspension of Business License; Penalties

- A. Suspension of business license. The City Manager may order a business to cease operations in the City and suspend its business license for any of the following reasons:
 - (1) The business is found to be operating in violation of the terms of this chapter.
 - (2) The business is more than 60 days late in renewing its business license.
 - (3) The business is in violation of any regulations of the Milford City Code or the laws of Delaware.
 - (4) The Fire Marshall or any public safety authority having jurisdiction has requested that the business activities cease until certain conditions have been remedied.
- B. The City shall provide the business with written notice of the violation(s), which notice shall state that the business shall be ordered to cease operations and its business license shall be suspended without further notice if within 10 business days of the date of the notice the business fails to remedy the violations or file an appeal with the City Clerk's

office. The written notice shall be either personally delivered or sent via certified mail, return receipt requested, to the business. If the business does not remedy the violations or appeal the determination of the City Manager within the prescribed time period, the business shall not be permitted to operate in the City until such violations have been remedied. Notwithstanding the foregoing, notice shall not be required to order a business to cease operations in any emergency situation that causes an immediate threat to the health, safety, or general welfare of the public.

C. Penalties. Any business that does not remedy the violations within the prescribed time period shall be assessed a penalty of \$100.00 as of the date the notice of violation was delivered to the business. Each day thereafter that the violation is not remedied shall be considered a new violation subject to a new penalty, provided that no additional notices of violation shall be required. Notwithstanding the foregoing, no penalties shall be assessed if:

- (1) The business remedies the violation(s) within 10 business days of the date the notice of violation was delivered to the business; or
- (2) The business files an appeal with the City Council that is resolved in favor of the business. The amount of any unpaid penalty, including the unpaid business license fee, shall constitute a debt owed to the City, and the City may institute a civil suit or use any other lawful methods authorized by the City Charter or the laws of Delaware to recover any unpaid fee.

§ 90-11 Appeals Procedures

The City Council shall provide any business appealing a determination of the City Manager with at least 15 business days' written notice of the date, time, and place at which the City Council shall sit to hear the business's appeal. Such written notice shall be sent via certified mail, return receipt requested, and the hearing may be held as part of a regularly scheduled City Council meeting. The filing of an appeal shall stay any enforcement action by the City to compel the business to cease operations, and the business shall be permitted to continue to operate until a final decision is rendered by the City Council. If the City Council finds against the business, the business shall have five (5) business days after the decision of the City Council to remedy the violations before the City takes legal action to compel the business to cease operations. The accrual of daily violations and corresponding penalties shall not be stayed if an appeal is filed, but no penalties shall be assessed if the City Council finds in favor of the business. If the City Council finds against the business, the City Council may waive a portion or all of the accrued penalties if:

- (1) The violations are remedied within five (5) business days following the decision of the City Council; and
- (2) The City Council finds the appeal was filed by the business in good faith.

§ 90-12 Severability

The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining

provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

Section 3. A revision to the City of Milford Code is hereby granted, as specified in the motion approved by a majority vote of City Council.

Section 4. City Council Meeting Dates

Introduction: September 23, 2019

Projected Adoption: October 14, 2019

Section 5. 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 180 Vickers Drive, Milford, either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

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