

City of Milford



CITY COUNCIL AGENDA **Tuesday, November 12, 2019**

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

6:30 P.M.

WORKSHOP

Council Retreat Follow-Up:
Public Comment at Meetings
Live Streaming of Meetings
Town Hall Meetings
Workshop Meetings

Tree Removal/Delaware Avenue

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Proclamation 2019-20/Pancreatic Cancer Day

Monthly Police Report

Monthly City Manager Report

Monthly City Finance Report

Committee & Ward Reports

Communication & Correspondence

Unfinished Business

Authorization/Kent Economic Partnership Annual Agreement

New Business

Introduction/Ordinance 2019-38/Chapter 230-Zoning/Sign Regulations

Introduction/Ordinance 2019-39/Judith Diaz on behalf of The Chaney Center LLC/Conditional Use

Introduction/Ordinance 2019-40/Liborio Watergate LLC/Amended Conditional Use and Amended Final Major Subdivision

Independence Commons Lot Sale/Minor Subdivision

*EXECUTIVE SESSION

Motion to Recess into Executive Session

Pursuant to 29 Del. C. §10004 (b)(9) for the purpose of discussing personnel matters in which the names, competency and abilities of individual employees are discussed.

Return to Open Session

Personnel Matter

Adjournment

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

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

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

101419 101719 102919 110419 110519 *110619 Notified by CS after Agenda posted.

Judy K. Carter
11 Delaware Avenue
Milford, DE 19963

September 17, 2019

The City of Milford Delaware
180 Vickers Drive
Milford, DE 19963

Att: Howard Willis, Lisa Peel, Mark Whitfield, Rob Pierson, Eric Nordberg

Pierce Norenberg

To Whom It May Concern:

This letter serves as notification that a tree located in the alley behind my property at 11 Delaware Avenue is damaged. This tree poses a potential danger to life and property.

Attached is a copy of a City of Milford work report from November 2015 referencing city-owned trees removed in the alley behind Delaware Avenue. As this alley and the tree are owned by the City of Milford, I am requesting that the removal and cost of removal be assumed by the City.

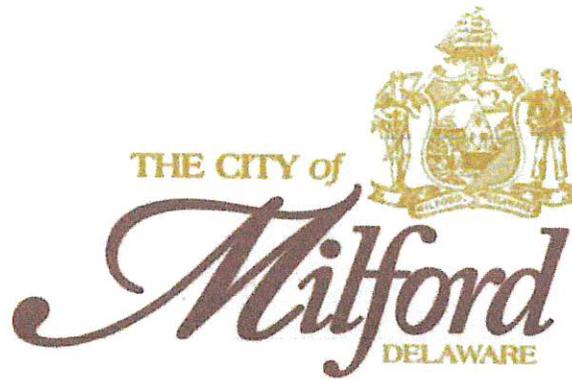
Please respond within 15 days of this letter as to the date of removal.

I can be contacted at 302-381-5573.

Sincerely,


Judy K. Carter

Attachment



ELECTRIC DEPARTMENT
(302) 422-1110 FAX (302) 422-1117

180 VICKERS DRIVE
MILFORD, DE 19963

www.cityofmilford.com

To: Jeff Portmann, Finance Director
Rick Carmean, Electric Superintendent

From: Jennifer Anderson, Electric Operations Manager

Date: 12/11/2015

Re: November 2015 Work Report

-
- The Electric Department completed (17) Work Orders/ Trouble Service Calls in October, and has in progress (12) Work Orders still open at the end of the month.

Electric

- 11/2/15 & 11/3/15 Electric Crew removed 2 big trees on Delaware Ave due to being split to the base and dead. (part of Cole Alley.-City Owned)
- 11/4/15 9 a.m. Bayhealth Meeting
- 11/4/15 Installed new street lighting at Lighthouse Estates.
- 11/5/15 Electric Crew trimmed trees along distribution lines in preparation for winter.
- 11/6/15 Electric Crew moved cubicles back to City Hall, worked on fire siren.
- 11/9/15 Electric Crew installed electric service on Church Hill Rd. and cut a tree on Charles St. that was dead.
- 11/10/15 Electric Crew repaired wire on ground at Church Hill Rd. that was torn down by truck, repaired bad underground at 515 S. DuPont.
- 11/12/15 9 a.m.-3 p.m. Chainsaw Safety Seminar at Brecknock Park in Camden. Jeremiah Curry, Rob Palladino, Brad Dean, and Dale Breeding attended.
- 11/12/15 Electric Dept. Staff Meeting.
- 11/12/15 Electric Crew trimmed trees along distribution lines in preparation for winter.
- 11/13/15 Electric Crews installed new service at Lighthouse Estates.
- 11/16/15-11/20/15 Electric Crews installed Christmas Lights downtown.
- 11/19/15 9 a.m. Bayhealth Meeting.

October 24, 2019

The City Of Milford Delaware
180 Vickers Drive
Milford, DE 19963

cc: Rob Pierce, Eric Norenberg, Howard Willis, Mark Whitfield

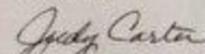
RE: Damaged tree in alley between 11 Delaware Avenue and 10 E. Clark Avenue (see photo)

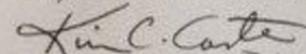
To Whom It May Concern:

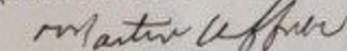
We are concerned about the danger this tree and others like it pose to life and property in our neighborhood.

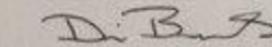
We have not received an official reply to prior verbal and written requests. We urgently request that the City of Milford remove this city-owned tree immediately before injury/damage occurs.

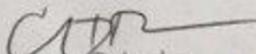
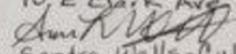
Sincerely,

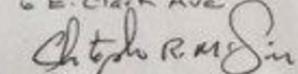

Judy Carter, 11 Delaware Ave

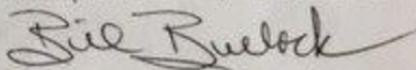

Kim C. Carter, 13 Delaware Ave


Martin Uffner, 8 E. Clark Ave


Dion Brooks, 7 Delaware Ave.


Craig Roberts
10 E Clark Ave

Sandra Walls-Culotta
6 E. Clark Ave


Christopher McGil, 9 Delaware Ave.


Bill Bullock, 6 Delaware Ave.
(owner 7 Delaware Ave)



PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

PHONE 302.422.1110
FAX 302.422.1117
www.cityofmilford.com

October 22, 2019

Ms. Judy K. Carter
11 Delaware Avenue
Milford, DE 19963

RE: Tree at rear of 11 Delaware Avenue

Dear Ms. Carter:

I am writing in response to your letter of September 17, 2019.

I have viewed the tree in question and I have reviewed the issue with the City's attorney, David Rutt. The tree is located to the rear of your property on a platted alley right-of-way. Alleys may be public or private. This is an old subdivision, and old subdivisions often had "coal" alleys for the delivery of coal or fuel to the rear of the houses as a convenience to the property owners and not as a public way. The alley in question was never improved nor is there a record of the City accepting the right-of-way. Additionally, I cannot find any plats that identify the alley as "public" or "City".

When an alley is platted as part of a subdivision, owners of the subdivision and/or abutting property owners may make improvements to the alley in accordance with City requirements, then request the City to accept the alley. Ordinarily, the City does not accept rights-of-way offered for dedication without improvements. That is the case with the alley behind your property.

As for the trees removed in 2015 by City Electric Crews, I can only surmise that the supervisor at that time assumed the alley right-of-way belong to the City, and gave authorization for the trees to be removed. The fact remains however that the City does not have an interest in the alley, nor has the alley been accepted by the City, and the supervisor at the time erred in having the trees removed.

While the City has no ownership or interest in the alley, property owners abutting the alley do have private rights for the use of the alley. In accordance with common property law, abutting property owners have responsibility for the maintenance for the 1/2 of the alley right-of-way that abuts their property. Any maintenance, including tree maintenance, is the responsibility of the abutting property owner.

I would be happy to answer any questions you may have; however, I would encourage you to seek a legal counsel if you wish to pursue this matter further.

Yours truly,

Mark A. Whitfield,
Public Works Director

Cc: Eric Norenberg, City Manager
Lisa Peel, Council Representative Ward 2
Todd Culotta, Council Representative Ward 2

Howard Willis, Code Enforcement Official
David N. Rutt, City Solicitor
Rob Pierce, Planning Director

11208

BK: 1076 PG: 340

EFiled: Apr 2 2011 5:12PM EDT
Transaction ID 36823814
Case No. 6194-MG



IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE: 12,988 SQUARE FEET LOCATED AT *
11 DELAWARE AVENUE
MILFORD, DELAWARE *
TAX PARCEL NO. 3-30-10.12-8.00 *
ALSO KNOWN AS MILFORD VIEW *
SUBDIVISION, LOT 11, SECTION F *

CIVIL ACTION NO. 6194-MG

* * * * *

DECREE

WHEREAS, upon review of the record and following publication in a newspaper in general circulation in the Sussex County, Delaware of notice of a hearing in the Court of Chancery In and For Sussex County on March 10, 17, and 24, 2011, and actual notice to all known interested parties, and following a hearing in the Court of Chancery in Georgetown, Delaware on Wednesday, April 6, 2011, and appearing there is no objection to the relief sought;

WHEREAS, it appears to the Court that errors exist in the public land records located in the Recorder of Deeds in and for Sussex County pertaining to real property known as 11 Delaware Avenue, Milford, Delaware, Tax Parcel No. 3-30-10.12-8.00, also known as Milford View Subdivision, Lot 11, Section F, hereinafter referred to as the "Subject Property";

WHEREAS, the Subject Property has been incorrectly conveyed and described by a legal description as Milford View Subdivision, Lot 12, Section F, since the parcel of land was originally conveyed as a subdivided lot by Item 2 of a Deed dated December 13, 1913 from William N. Hires and Elizabeth Hires, his wife, to James A. Downes and Harriet L. Downes, his wife, which was recorded on January 3, 1914 in the Office of the Recorder of Deeds in Georgetown, Delaware in Deed Book 188, Page 531 *et seq.*

WHEREAS, the chain of title and corresponding deeds to the Subject Property show the property was continually conveyed with the same incorrect lot number and legal description up to and including the present deed to the property;

WHEREAS, the Petitioner Wanda Lee Howell and her now deceased husband Richard Howell were conveyed the Subject Property as tenants by the entireties by a Deed dated July 15, 1960 from Paul J. Duphily and Frances Jane Duphily, his wife, which was recorded on July 18, 1960 in the Office of the Recorder of Deeds in Georgetown, Delaware in Deed Book 523, Page 46 *et seq* which is the present deed to the property;

CR

BK: 1076 PG: 341

WHEREAS, the Petitioner Edward Q. Wilgus purports to have a valid recorded Mortgage on the Subject Property, but the Mortgage contains the same incorrect lot number as Petitioner Wanda Lee Howell's deed to the Subject Property and all of the prior deeds in the chain of title of the Subject Property, but Petitioner Edward Q. Wilgus' Mortgage does however contain the correct Tax Parcel Number of 3-30-10.12-8.00 for the Subject Property;

WHEREAS, the Mortgage between Petitioner Edward Q. Wilgus and Petitioner Wanda Lee Howell is dated May 6, 2008 and is recorded in the Office of the Recorder of Deeds in Georgetown, Delaware on May 7, 2008 in Mortgage Book 10422, Page 33 *et seq.* (hereinafter referred to as the "Mortgage");

AND NOW, to-wit, this 6 day of April, A.D., 2011, Petitioners Wanda Lee Howell and Edward Q. Wilgus' Petition to Correct the Public Records having been presented and considered by the Court,

IT IS HEREBY DECREED, that this Court corrects the public records to reflect that Petitioner Wanda Lee Howell is the record owner of the Subject Property by virtue of a Deed dated July 15, 1960 from Paul J. Duphily and Frances Jane Duphily, his wife, to Richard Howell and Wanda Lee Howell, as tenants by the entireties, recorded on July 18, 1960 in the Office of the Recorder of Deeds in Georgetown, Delaware in Deed Book 523, Page 46 *et seq.*;

IT IS FURTHER DECREED that this Court corrects the public records to reflect that Petitioner Edward Q. Wilgus has a valid recorded Mortgage on the Subject Property by virtue of a Mortgage dated May 6, 2008 between Edward Q. Wilgus and Wanda Lee Howell, recorded on May 7, 2008 in the Office of the Recorder of Deeds in Georgetown, Delaware in Mortgage Book 10422, Page 33 *et seq.*;

IT IS FURTHER DECREED, that the Subject Property's metes and bounds legal description shall be corrected to the following legal description:

All that lot or parcel of land lying in Cedar Creek Hundred, Town of Milford, Sussex County, State of Delaware on the Northerly side of and adjoining Delaware Avenue, (46' wide as now laid out) and being more particularly described as follows: Beginning for the outlines of same at a point lying on the Northerly most right of way line of said Delaware Avenue, said point lying 249.70' on a bearing of N 76 degrees 10 minutes 54 Seconds W from the intersection point of the Northerly most right of way line of said Delaware Avenue and the Westerly most right of way line of the Penn Central Railroad, said point being also the southeasterly most corner of the herein described lot and the southwesterly most corner of Lot 12 & 13, said point marked by an iron rod with cap placed, and thence from said beginning point, by and with the Northerly most right of way line of said Delaware Avenue North 76 degrees 10 minutes 54

BK: 1076 PG: 342

seconds West a distance of 70.00 feet to a point, said point being marked by an iron rod with cap placed being also the Southeasterly most corner of Lot 10, Block F of the Milford View Subdivision as recorded amongst the Land Records of Sussex County, Delaware in Deed Book 165, page 600 and Deed Book 180, page 600: thence by and with the easterly most property line of said Lot 10 North 13 degrees 28 minutes 54 seconds East a distance of 185.07 feet to a point, said point being marked by an iron rod with cap placed and being the Northwesterly most corner of the herein described parcel and also the most Northeasterly most corner of said Lot 10, said point also lying on the southerly right of way line of a 12' alley: thence by and with the Southerly right of way line of said 12' alley South 76 degrees 57 minutes 14 seconds East a distance 70 feet to a point, said point being marked by an iron rod with cap placed and being the Northeasterly most corner of the herein described parcel, and also being the Northwesterly most corner of Lot 12 & 13: thence by and with the westerly most property line of said Lot 12 & 13 South 13 degrees 28 minutes 54 seconds West a distance of 186.01 feet to the point of beginning: said parcel of land containing 12,988 square feet, more or less and being shown more completely as Lot 11 on the herein referred to Milford View Subdivision Plot and on a plot entitled "Property Survey for Wanda Lee Howell" dated December 22, 2010 prepared by John H. Plummer and Associates, Inc and intended to be recorded herewith.;

IT IS FURTHER DECREED that the plot for the Subject Property entitled "Property Survey for Wanda Lee Howell" dated December 22, 2010, prepared by John H. Plummer and Associates, Inc., Registered Surveyors, (hereinafter referred to the "Plot for the Subject Property") accurately depicts the Subject Property and shall be incorporated by reference into this decree;

IT IS FURTHER DECREED that a copy of the Court's Decree and the Plot for the Subject Property shall be recorded in the appropriate place in the Land Records in the Office of the Recorder of Deeds in and for Sussex County, Delaware;

IT IS FURTHER DECREED that a copy of the Court's Decree and the Plot for the Subject Property shall be sent to the Sussex County Treasury Division and the Town of Milford.

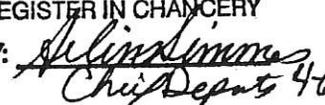


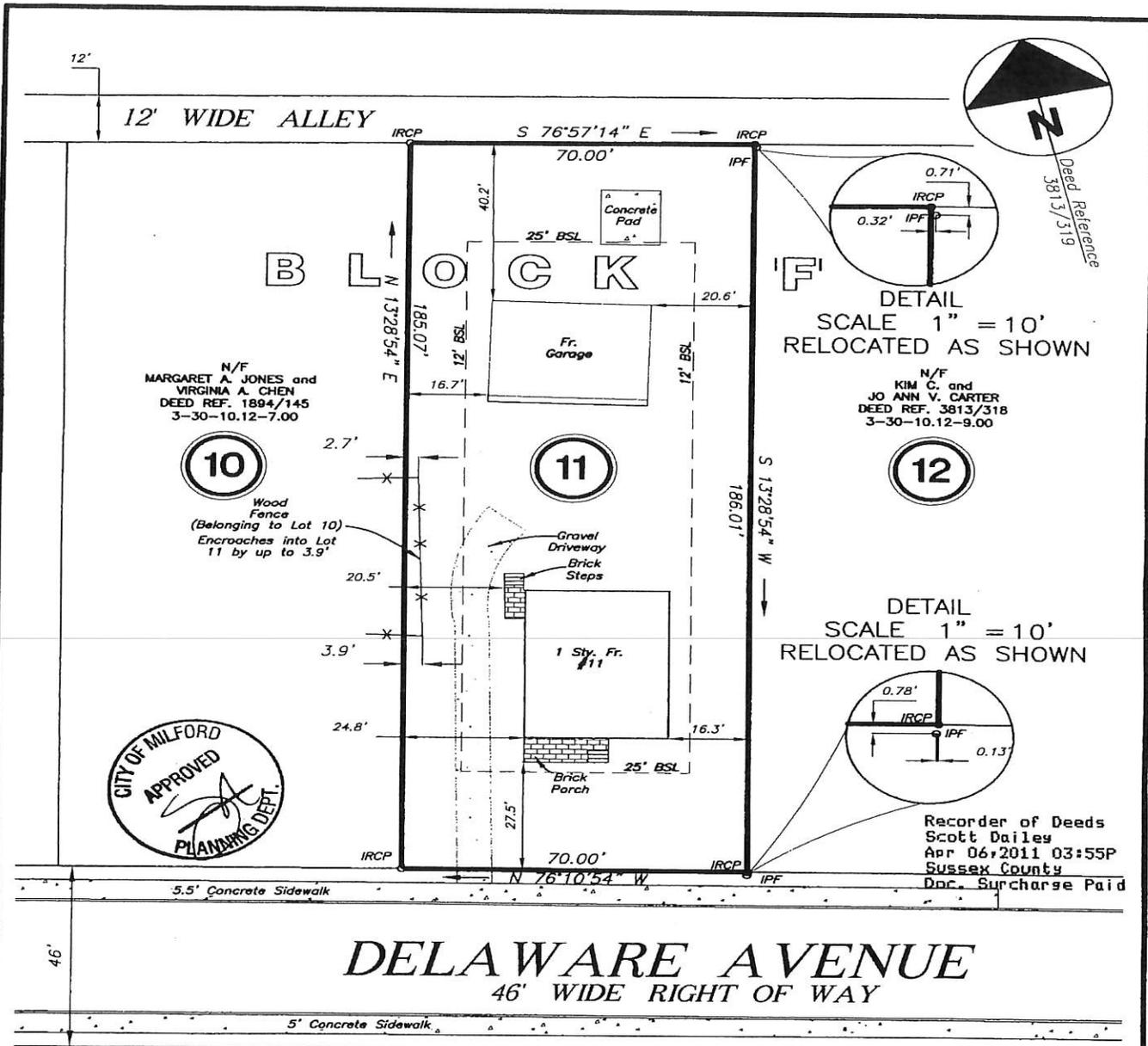
 CHANCELLOR/MASTER

Ret:
 Law office of Andrew A Whitehead
 PO Box 345
 Delmar DE 19940

CERTIFIED
 AS A TRUE COPY:
 ATTEST:

SUSSEX COUNTY
 REGISTER IN CHANCERY

BY: 
 Chief Deputy 4611



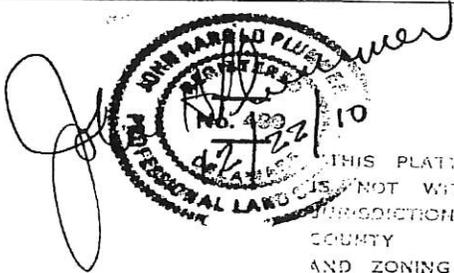
AREA OF LOT 11 =
12,988 ± SQ. FT.

ALL DISTANCES AND BEARINGS ARE
FROM IRON ROD TO IRON ROD

- ZONING R-1
- BSL BUILDING SETBACK LINE
- IPF IRON PIPE FOUND
- IRCP IRON ROD with CAP PLACED
- *-* FENCE

FLOOD ZONE 'X' as found on Map No. 10005C00431J
Panel No. 43 of 680 Map revised Jan. 6, 2005

State Manager Lot 11



THIS PLATTED AREA IS NOT WITHIN THE JURISDICTION OF THE COUNTY PLANNING AND ZONING COMMISSION. SURVEY NO. 67575D 46110

TAX MAP NO.	3-30-10.12-8.00
HUNDRED	CEDAR CREEK
SUBD.	MILFORD VIEW
SECT NO.	-
BLOCK NO.	F
LOT NO.	11
DEED REF.	523/46
PLOT REF.	180/600 and 165/600
FLOOD ZONE	'X'

PROPERTY SURVEY
FOR
WANDA LEE HOWELL

JOHN H. PLUMMER and ASSOC. INC.	
615 EASTERN SHORE DRIVE SALISBURY, MD. 21804 (410)-548-4215 FAX (410)-548-0401	
DRAWN BY	JRD
DATE	12/22/10
SCALE	1" = 30'
BOOK	155 ;
PAGE	124

14766

BK: 3889 PG: 11

TAX MAP NO: 3-30-10.12-8.00

PREPARED BY AND

RETURN TO: WALTER G. FEINDT, P.A.
P.O. Box 1184
Milford, De. 19963

THIS DEED, made this 3rd day of May, 2011, BETWEEN **WANDA LEE HOWELL**, 20168 Beaver Dam Road, Milford, Delaware 19963, Party of the first part, -AND- **JUDY K. CARTER**, of 611 Woodmere Road, Milford, Delaware 19963, Party of the second part,

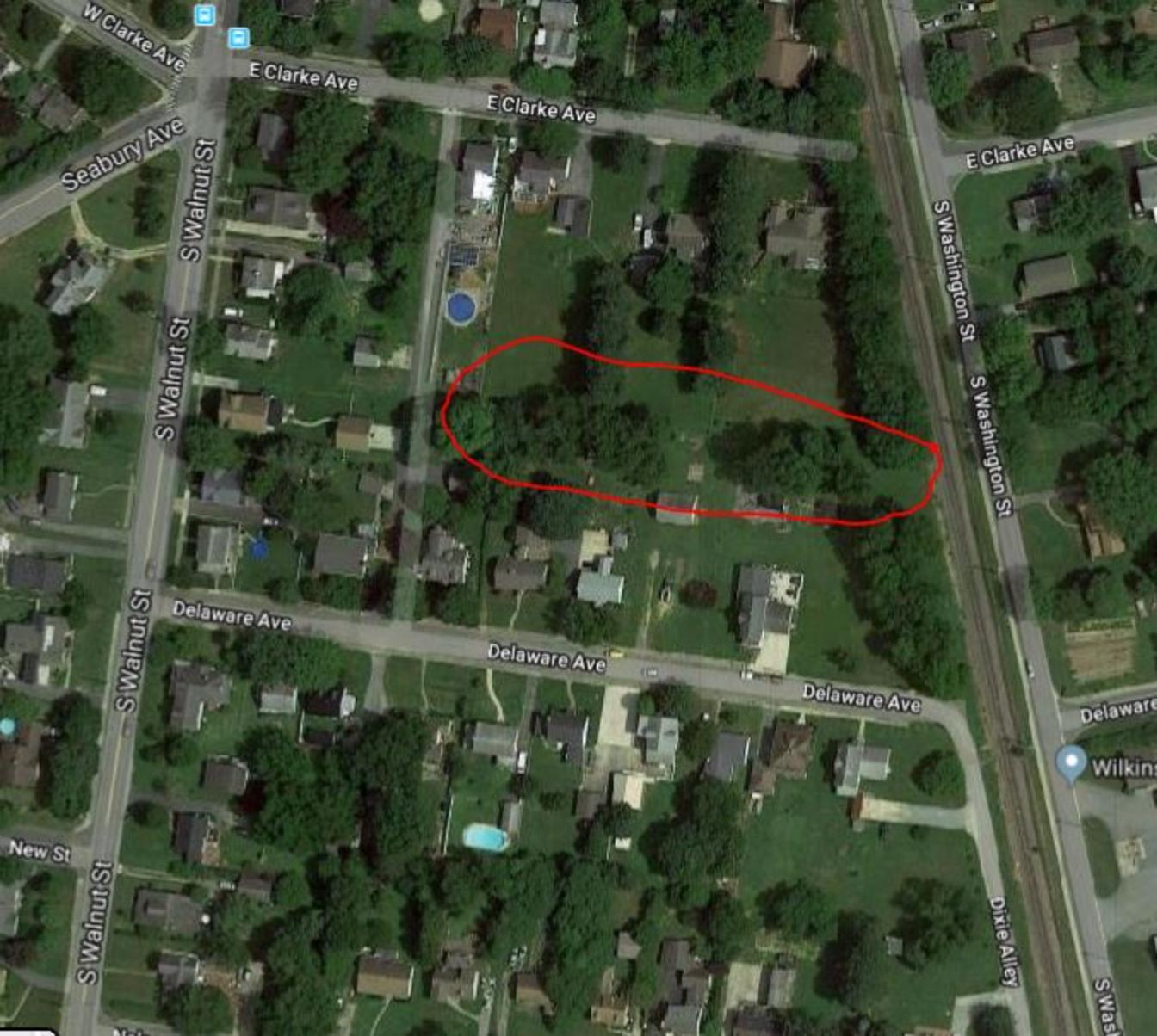
WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION, current lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, her heirs and assigns,

ALL that certain lot or piece of land lying in Cedar Creek Hundred, Town of Milford, Sussex County, State of Delaware on the Northerly side of and adjoining Delaware Avenue (46' wide as now laid out) and being more particularly described as follows:

BEGINNING for the outlines of same at a point lying on the Northerly most right of way line of said Delaware Avenue, said point lying 249.70' on a bearing of North 76 degrees 10 minutes 54 seconds West from the intersection point of the Northerly most right of way line of said Delaware Avenue and the Westerly most right of way line of the Penn Central Railroad, said point being also the southeasterly most corner of the herein described lot and the southwesterly most corner of Lot 12, said point marked by an iron rod with cap placed; and thence from said beginning point, by and with the Northerly most right of way line of said Delaware Avenue North 76 degrees 10 minutes 54 seconds West a distance of 70.00 feet to a point, said point being marked by an iron rod with a cap placed being also the Southeasterly most corner of Lot 10, Block F of the Milford View Subdivision as recorded amongst the Land Records of Sussex County, Delaware in Deed Book 165, Page 600 and Deed Book 180, Page 600; thence by and with the easterly most property line of said Lot 10 North 13 degrees 28 minutes 54 seconds East a distance of 185.07 feet to a point, said point being marked by an iron rod with cap placed and being the Northwesterly corner of said Lot 10, said point also lying on the southerly right of way line of a 12' alley; thence by and with the Southerly right of way line of said 12' alley South 76 degrees 57 minutes 14 seconds East a distance of 70 feet to a point, said point being marked by an iron rod with cap and being the Northeasterly most corner of the herein described parcel; and also being the Northwesterly most corner of Lot 12; thence by and with the westerly most property line of said Lot 12 South 13 degrees 28 minutes 54 seconds West a distance of 186.01 feet to the point of beginning; said parcel of land containing 12,988 square feet, more or less and being shown more completely as Lot 11 on the herein referred to Milford View Subdivision Plot.

5

Handwritten initials



W Clarke Ave
Seabury Ave

E Clarke Ave

E Clarke Ave

E Clarke Ave

S Walnut St

S Walnut St

S Washington St

S Washington St

S Walnut St

Delaware Ave

Delaware Ave

Delaware Ave

Delaware Ave

New St

S Walnut St

Wilkins

Dixie Alley

S Washington St



MILFORD CITY COUNCIL
MINUTES OF MEETING
October 14, 2019

A Meeting of the City of Milford Finance and Public Works Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, October 14, 2019.

PRESIDING: Chairman Jason James

IN ATTENDANCE: Mayor Arthur Campbell

Committee/Councilmembers Daniel Marabello, Lisa Peel and
Douglas Morrow

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

Councilman Todd Culotta

Public Works Director Mark Whitfield was also present.

CALL TO ORDER

Chairman James called the Committee Meeting to order at 5:36 p.m.

UNFINISHED BUSINESS

Sidewalk Project/Low Income Assistance & Standards

Chairman James provided a brief summary stating that the City Code states the City's property owners are responsible for the sidewalks adjacent to and surrounding their property. Council authorized the Finance and Public Works Committee to move forward with the project after receiving a bid proposal from a reputable contractor. A letter was sent out to residents that provided options on how to address their needs to make repairs to their sidewalks.

Brought to the attention of Council was that one option, included in the Code, that was not part of the notification. That particular item is Section 197-5(d) which states:

Property owners who meet the low-income criteria may apply for financial assistance, provided the City funding is available, for the cost of sidewalk repair or replacement.

That matter was then placed in the hands of the Finance and Public Works Committee. Public Works Director Mark Whitfield and staff did create a memo addressing this item and providing some options to address §197-5(d) and how to address the qualifications for low income property owners.

The federal government defines low income at 80% of the median income for the area, and very low income at 50% of the median income for the area. The median income is slightly different for Kent and Sussex Counties.

Chairman James reviewed the Public Works Director's memo regarding the Sidewalk Inspections Program for low income recommendations and highlighted the following sections:

Options: The following are options to be consider:

- *Continue the program as currently approved - The financial incentives and assistance already approved by City Council (see list in Background) would continue. The lien option for low income property owners would be used for*

those who cannot afford or who choose not to pay for sidewalk repairs. In essence, value is added to the property when the sidewalks are repaired, and that value would be realized at the time of sale.

- *Establish and fund a low or very low-income subsidy: This would require establishment of criteria, allocating financial resources, and allocating staff resources to administer. The following section outlines a possible set of criteria for such a program.*

Establishing Criteria: Possible criteria if consideration is to be given to low-income assistance:

- 1. Only properties with 6 or more sidewalk blocks to be replaced will be considered*
- 2. Properties must be owner-occupied.*
- 3. Copy of the owners' most recent Federal Income Tax Return must be submitted showing the address of property, number of dependents, and adjusted gross income.*
- 4. Property owners showing they meet the definition of low-income (80% of Median Income) shall receive the following discounts:*
 - a. If property owner has between 6 & 10 blocks to be replaced - 15% discount on blocks over the first 5;*
 - b. If property owner has between 11 & 15 blocks to be replaced- 15% discount on blocks over the first 5 and 30% discount on blocks over 10;*
 - c. If property owner has between 16 & 20 blocks to be replaced - 15% discount on blocks over the first 5 and 30% discount on blocks over the 10 and 50% discount on blocks over 15;*
 - d. If property owner has 21 or more blocks to be replaced- 15% discount on blocks over the first 5 and 30% discount on blocks over the 10 and 50% discount on blocks over 15 and 80% discount on blocks over 20.*

Funding: Real Estate Transfer Tax revenue is earmarked for infrastructure, and sidewalks would be an eligible. Municipal Street Aid is also available; however Municipal Street Aid presently has inadequate funding for planned street improvements.

Other Consideration: There are many unknowns with this proposal, in particular, how many overall participants will there be. A considerable amount of staff time within the Finance Department may be needed to administer the program.

In response, Chairman James responded as follows:

Instead of entertaining the options offered in the memo dated October 1, 2019, I recommend the following:

- *The City of Milford fund 50% of the cost of sidewalk repair and maintenance for all property owners regardless of income.*
- *The City of Milford fund 75% of the cost of sidewalk repair and maintenance for property owners meeting the Very Low Income criteria (50% of the area median income); and The City of Milford fund 50% of the cost of sidewalk repair and maintenance for property owners meeting the Low Income criteria (80% of the area median income) and The City of Milford fund 25% of the cost of sidewalk repair and maintenance for property owners that do not meet the Very Low or Low Income criteria.*

The documentation required as proof of eligibility for the abatement of sidewalk repair and maintenance cost based on very low- or low-income criteria shall be the same as required for the City of Milford Property Tax Abatement program.

Furthermore, it was brought to my attention that while in the capacity of Acting City Manager, the Finance Director did recommend that \$100,000 to \$150,000 be included in the budget annually to accumulate adequate funds to perform the needed repair and maintenance to all of the sidewalks within the City. This was approved, but afterward withdrawn when there was a turn-over of council members.

I spoke with a Commissioner of the Town of Bridgeville, a town experiencing a similar sidewalk situation. I was told that although the Town issued letters that there was a 30-day period to comply with the code (which is similar to the

City of Milford). This issue is still open to allow for an opportunity to find funds in the budget to cover the cost. To my understanding, as of Saturday the Town of Bridgeville believes that they did indeed find the funds to pay for the town's sidewalk repair and maintenance cost.

He said the City of Milford is growing, people want to move here and there is a huge push to beautify the City, one way by repairing the sidewalks and everyone agrees they need to be fixed. However, he feels it should be a shared burden between the City and the property owner. In addition, the code portion referencing low income needs to be addressed. He thinks we can find the funds to cover the proposal, should we look hard enough.

Councilwoman Peel agrees stating that there is need to determine where the funding would come from. She and Councilman Culotta were talking about when she came onto Council, she was part of the discussions when the sidewalk fund was being considered.

The one concern is if we a 50/50 share is agreed to, there still are a great deal of unknowns and she is unsure how we can anticipate a budget or where that line will be drawn. She feels they should be addressed before we move forward with this new option.

When asked the average of sidewalks per property, Public Works Director Whitfield said that on an average, there are 209 properties with 1 to 5 blocks out of the 286 violations that were issued. Another 48 properties have 6 to 10 blocks, 15 properties with 11 to 15, 3 properties with 16-30 and 11 properties with over 21 blocks. However, most of the properties with more than 21 blocks are rental properties.

It was noted that of those properties, at this point, there is not way of estimating how many would qualify for very low or low income, in addition to adding the variable of owner-occupied properties. This makes her somewhat leery of guessing the amount of money that will be needed.

Councilman Culotta said for the record, the minutes state that in August 2015, it was recommended that the City come up with \$100,000 annually to be paid from the real estate transfer tax fund. In addition, there was no definite amount of time, so that can vary. There was also no definite amount, which he feels can be adjusted on an annual basis.

It was confirmed there is not estimated cost of the proposal submitted by the Public Works Director.

Chairman James is looking for a way to simplify the process.

Councilman Culotta said the code states if a property owner qualifies for low income, which needs to be defined, and Council would have to make the funds available.

Mayor Campbell asked if the same number used for senior property owners that qualify for the property tax discount could be used, Council agreed. However, the consensus was it should not be limited to senior citizens.

A discussion then followed about using the federal criteria for low income, such as used for property owners to qualify for CDBG funding, which is a different formula.

It was confirmed there are presently 185 eligible seniors who qualify for the tax discount. Of those, 15 received violations at this time.

Mr. Norenberg suggested that possibly a cap be identified on the amount transferred from the Real Estate Transfer Tax for this program. Then wait until we have a firm number of applicants and go from there. The other option is to come back and make the appropriation once the applications are received after the program begins. He anticipates a thirty-day period to evaluate the criteria. However, if we get an extremely large number of applications, that is a different story.

Councilman Culotta again referenced the 2015 minutes which state the program would not only include low income households, but instead was for the sidewalk program citywide.

Based on a conversation he had, Chairman James explained the idea was that the sidewalk code had never been addressed or enforced. The goal was to have the sidewalks repaired. The intent was to start putting away \$100,000 and fix the sidewalks because the City was not going to enforce the code. However, this is a different point in time and the City wants to enforce the code.

Chairman James agrees the code is being addressed and the omission of the option for low income assistance, which is this Committee is working toward fixing. This Committee was tasked with coming up with a mechanism to address low income option. A recommendation was made and the Chairman made an additional recommendation to keep it simpler based on a percentage. If qualified, the homeowner would receive assistance.

The criteria for qualifying could be the same as our 65 and older property tax discount. In that manner, those reviewing the documents are familiar with what is required and will make it easier to determine eligibility.

Councilwoman Peel agrees there is a need to lessen the burden on our staff because this will be time consuming, particularly in the early stages.

Chairman James believes the homeowners with sidewalks with the greatest decay, are those that are least able to fix them. Some Councilmembers did not feel that is always the case; Chairman James disagreed, other than in the situation of a landlord, which is another category.

Public Works Director Whitfield shared the following costs:

4" thick-\$13 per square foot, or approximately \$325 per 5' x 5' block

6" thick-\$16 per square foot, or approximately \$400 per 5' x 5' block (driveways)

According to Councilman Culotta, at the time Council was considering transferring money from the real estate transfer fund, the cost would be \$25 per square foot. He noted that concrete is much more expensive than five years ago so that is a great proposal.

Chairman James said what is being proposed, is not unheard of. He noted that someone from the State had sent him information on how other municipalities had addressed it. Some have a 50/50, 60/40, 70/30 program. However, for very low income, it can be as much as 75% and 50% for low income.

He reiterated that low income would be 80% of the median income of the area and very low income would be 50%.

Councilman Marabello said he also wants to help the people that can afford it. He then talked about in some situations when roads are newly paved sidewalks and curb are installed and paid by the City, if the sidewalk is impacted.

Councilman Marabello also asked how we will address property owners who have already spent money repairing their sidewalks on their own. He thinks we need to be fair across the board and possibly a rebate be considered.

Chairman James said there are municipalities that have a partial rebate program, but they would still need to qualify for the very low or low income.

Councilman Marabello feels that perhaps those that do not qualify for low or very low, be considered for 25%. He does not believe the impact will be that harsh to the City and believes it may be a handful of people.

Chairman James concurs with Councilman Marabello adding there are municipalities that have a reimbursement program. He has found several municipal websites with various ways they address sidewalks. A lot are clear and unlike what is currently proposed.

Councilwoman Peel agrees it needs to be as simple as possible, especially when encouraging homeowners to apply and lessen the administrative burden. She is ok with the 50% and 75% proposal. Councilman Marabello again asked consideration for possibly 25% for income requirement.

When the 15% discount proposed for early payoff, it was noted that those property owners financing the work are not being charged interest, even though the code requires that on any unpaid bills. Mr. Norenberg pointed out we are providing a number of incentives that will provide financial assistance in one way or another.

Councilman Marabello liked the Chairman's proposal 2:

The City of Milford fund 75% of the cost of sidewalk repair and maintenance for property owners meeting the Very Low Income criteria (50% of the area median income); and The City of Milford fund 50% of the cost of sidewalk repair and maintenance for property owners meeting the Low Income criteria (80% of the area median income) and The City of Milford fund 25% of the cost of sidewalk repair and maintenance for property owners that do not meet the Very Low or Low Income criteria.

Public Works Director pointed out that 12 out of the 286 properties have said they will repair the sidewalks on their own. However, only six have followed through and done that as of today.

Chairman James agrees that he does not see a problem that if the sidewalk is not addressed by the deadline, the City has the obligation to do the work and provide a bill. Public Works Director agreed adding that they would be billed for 75% of the costs.

Chairman James also referenced Councilman Peel and the City Manager's point that there is already a 15% discount element that has been offered, contingent upon prompt payment. He asked if that should still be considered in lieu of another discount.

Councilwoman Peel confirmed the 15% has already been offered. She is now worried about the confusion with the 15%, though she is alright with the 50% and 75%, based on the sliding scale and the 80% of the median. She is more comfortable with the 15% discount to prevent further confusion.

Councilman Culotta agrees that it be kept simple and this could potentially provide an extra \$500 or \$1,000 and considering the income level, it would mean a lot.

Councilmember Peel moved to recommend to Council, the City plan to subsidize sidewalk repair at 50% for low income, 75% for very low income, based on the criteria established by federal guidelines, and 15% for those property owners that do not meet the low/very low income criteria, as offered initially for prompt payment, seconded by Councilmember Marabello. Motion carried by a vote of 3-0.

Solicitor Rutt then noted that if this is adopted, the sidewalk code will need to be amended, and in particular to Section 197(4) in relation to replacement responsibility.

The City Manager agreed adding there are a couple of other items that will need to be tweaked based on what was previously approved by City Council in July. If acceptable, he recommends we proceed for a couple of months, then update the code moving forward, with any other sections that may need to be amended.

Solicitor Rutt agreed adding that at some point, the code needs to be amended to align with the new program.

Update/Cost of Services Study

City Accountant Sandra Peck provide a brief update.

She reported they had a call with UFS on Friday and provided them with some final information today on the water accounts. In three to four weeks, a draft report will be received. Once that is reviewed, there will be another two weeks until the final report will be completed.

UFS will then come and present that information to City Council.

They will then quickly start on the electric cost of service study.

It was confirmed it would be late November-early December for the final report, due to several holidays in November.

Chief Brown asked if there is a difference between the whole cost of service study or just what is needed for the new police building which involves reserves.

Mr. Norenberg explained that they would be providing some of the early data so the reserve funds could be analyzed and recalled the phone call a couple of weeks ago, related to how the police could make use of the enterprise funds.

Ms. Peck agreed there was a lot of useful information provided by UFS during that call. She is willing to arrange for another call if additional information is needed in the meantime.

LED Streetlight Conversion Project

Public Works Director Whitfield reported that he was asked to look at accelerating the replacement of the High Pressure Sodium, Metal Halide, or Mercury Vapor with the new LED lights. Approximately 370 of the 1,000 lights have been replaced as a light burned out.

Remaining streetlights yet to be converted are:

Old style lights remaining in City:

- 400W replacements needed – 79
- 100W replacements needed – 553

The cost for materials to complete the conversion of all lights are:

- 400W replacement = \$386.00
- 100W replacement = \$291.78

At the unit prices above that results in a total of \$191,848.30 or \$303/fixture on average. With the current workload, crews can realistically replace about 15 streetlights every other week, or about 390 streetlights each year. It would take approximately two years to complete the project.

The biggest cost is the cost of materials which were not budgeted. Last year, there was around \$60,000 to \$70,000 left over in the distribution line item. At some point in time, when they have reached the maximum, there will be a need to transfer approximately \$60,000 from reserves into the distribution line item. Doing in this manner, should provide better pricing on the lights.

Chairman James asked that at some point, the Committee would like to know the payback period on switching from the old lights to the newer, energy efficient LEDs.

The Committee agreed with the recommendation that Council authorize a transfer of \$60,000 from electric reserves to distribution lines to be used for the purchase of LED Streetlight materials. Funds for streetlight materials for 2021 and 2022 will be budgeted in the Electric Operations Budget.

Selection/Auditor

Ms. Peck reported that the firm the City has used for several years, merged with another company Gold Gerstein Group LLC out of Morristown, New Jersey. The same principal that has been part of the former audits is now with them and was part of the onsite work which went well.

He is currently working on the pension calculations for the long pension footnote that is always included in the audit.

She expects to have a draft by October 24th, with a quick turnaround to finalize the report once that is reviewed.

Chairman James believes that with the principal being with a new firm in his opinion is a good thing. Some continuity continued which did not result in a complete start up. However, he also feels this is a good time to go out to market, even if it is determined we should stay with the same firm.

However, that would be when this audit is completed.

Ms. Peck said that ideally the City would wait for this audit to be accepted and at the end of this calendar year, next year, there could be some time to solicit the proposals, review and award the audit. She emphasized the key is to have the auditor picked so they have sufficient time to come in and do some preliminary testing and prep work before year end. Usually that takes a day or two, but with a new auditor she anticipates a more extensive work, and allow additional time so they are ready to hit the ground running with the actual audit.

Chairman James recommends that after this audit is completed, this should go to market to determine what else is out there.

Update/Capital Project

City Accountant Suzannah Frederick reported that as Council knows, Mr. Whitfield has come before Council to request and obtain approval for the CIP items up to date, though two items will be requested at the Council meeting.

She shared a lot of vehicles are on order in various departments.

Customer Service recently completed the installation of the three new work stations. The IT Department received the three servers and firewalls and may need to come back for one more server approval.

The Police Department's vehicles are on order. The City Hall doors have been installed and is in the progress for video monitoring.

Some of the smaller equipment has also been purchased in some departments.

Ms. Frederick confirmed there is a three-year funding life after a capital item is approved.

Chairman James asked the amount that is still to be spent in this fiscal year; Ms. Frederick will work with the Finance Director to determine that number.

NEW BUSINESS

Funding Appropriation/Garage Lifts

Public Works Director Whitfield recalled that during the 2020 budget discussions, he discussed the need for heavy-duty lifts in the garage for heavy trucks and equipment. The present system does not properly lift vehicles, causing a fear of lift failure, which could cause the vehicle to fall. Additionally, the mechanic must lay on the floor underneath the vehicle which is less a than ideal situation for repairs.

They looked at mobile lifts, which allows it to be moved from garage to garage and would accommodate the need for heavy lifting.

In lieu of contracting the work out, a lot of times a garbage truck is sent for a simple repair that may take four days before the repair is made. As a result, it involves more than just the cost of the lift, but the impact on the City's operation whenever a truck is taken out of service.

Councilmember Morrow arrived at this time.

Two funding scenarios are being considered. One is on a per vehicle basis, which puts some strain on both the general fund, as well as the refuse fund. Neither have any type of reserves that could help.

Mr. Whitfield's recommendation is to fund the lifts with 25% each from sewer and water reserves and 50% from electric reserves. The advanced Mobile Lift system will cost \$60,461.00, with \$15,115.25 to be paid from water reserves, \$15,115.25 from sewer reserves and \$30,230.50 from electric reserves.

The purchase of the lifts will be made through the HGAC Buy Contract Number FL03-19 cooperative purchasing through the Delaware State Contract.

The item is on the Council agenda for final action.

When asked if a vehicle is outsourced, Mr. Whitfield explained that those costs are budgeted in each department's budget. Even with the purchase of the lifts, there will always be work that must be done on vehicles by an outside repair facility.

Policies:

Fund Balances

Fund Transfers

Reserved & Unreserved Funds

City Manager Norenberg stated that some of the data from the cost of service study will help generate policies for Council consideration that will govern how much to maintain in certain funds, whether it is the general fund or various enterprise funds.

The Finance Director provided related articles that are included in the Council packet. Some of the information we receive will include the amount needed to be retained for working capital emergencies and similar situations. The policies from the Government Finance Officers Association recommendations should be reviewed by the Committee. Within the next couple months, more data will be obtained and policies created with the data from the study in addition to a capital asset inventory that will help identify what the equipment replacement will be, what the reserves need to be for future depreciation, etc.

Chairman James agrees that these articles will play a part in these policies and he recommends that all of Council review and become familiar with them.

Monthly Finance Report Update

Adjournment

Due to the sake of time and Workshop Session, Chairman James moved that the last item be moved to the next Finance and Public Works Committee meeting agenda and that this meeting be adjourned, seconded by Councilmember Peel. Motion carried.

The meeting concluded at 6:39 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 14, 2019

The City Council of the City of Milford met in Workshop Session on Monday, October 14, 2019 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware at 6:35 p.m.

PRESIDING: Mayor Arthur Campbell

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

STAFF: Acting City Manager Mark Whitfield, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

Lights-On: Milford Strong/Project Completion Report

City Manager Norenberg reported the workshop is for the post launch briefing for the Lights on Milford Strong Program. He acknowledged several members of the project from the health initiative.

HELP Initiative's Charles Kistler and Harold Stafford were in attendance, along with Tony DiPrimo from Energized Delaware/Sustainable Energy Utility, whose agency funded this project, along with the City's Green Energy Fund.

Mr. Stafford acknowledged the critical role that Energized Delaware/Sustainable Energy Utility in making this project a reality, along with DEMEC's Regional Greenhouse Gas Initiative funds that has together enabled the installation of almost 500 homes in the City.

He also introduced Program Manager Bether Rojas, Program Coordinator Rosalynd Rodriguez and Public Safety Expert Gerald Roderick.

Ms. Rojas then provided Council with the following presentation:

Milestone Schedule

1 MOU Agreement Executed	START March 15, 2019
2 Pre-Launch Plan of Actions & Milestones	March 16 – May 10, 2019
3 Launch Lights-On Campaign	May 13- September 30, 2019
4 Final Invoice, Status Report & Burn Rate Report	September 10, 2019
5 Milford River Walk Event/ATC Program	September 14, 2019
6 Post Launch Briefing to Milford City Council	October 14 @ 6:30 pm

Scope of Work

1. Lights-On Brand Awareness & Recognition
2. Installations of Energy Efficiency Lighting Measures
 - LED Dusk to Dawn Front Porch Light
 - Solar Motion Flood Light in Backyard
 - Single Family, Multifamily & Vacant Properties
3. Client Pledge & Milford Lady Bug Sticker
4. Outreach & Community Awareness (Bridge Building)
5. Energy Educational Workshops
6. Statistical Tracking & Reporting of Criminal Activity

During the walkabouts and collecting information, a pledge that included notifying the police of any criminal activity and attending one of the workshops was done. Also provided were lady stickers on their mailboxes, which represented the home had participated in the Lights-On Program.

They provided outreach and community awareness and energy education workshops. One of the workshops was done in a Milford Church where 31 people attended. They were also introduced to the ATC program which changes the traditional interior lights to LEDs.

Three zones were targeted were included in the program area

Performance Benchmarks: Energy Efficiency

Category	No. of Homes	Energy Savings (WATTS)	Energy Savings per Home (WATTS)	Meter Usage > 20K kWh / Year	Client Interest in HEC2
Single Family Installs	343	22,130	64.52	93	101
Multifamily Installs	125	5,138	41.10	n/a	36
Vacant Properties	10	n/a	n/a	n/a	n/a
Totals	478	27,268	57.04	93	137

A total of 478 homes in Milford were included in the program. Of those homes, 27,268 total watts were saved as a result of one or two lightbulbs in the exterior of the homes.

In addition, 137 totals, want them to return and remove their lightbulbs from inside their homes; to date, 38 homes have been completed.

Lastly, she spoke about the Educational Workshops.

- Workshop Topics:
 - Energy Conservation Basics (i.e. Light bulbs, appliances, weatherization, heating & cooling)
 - Energy Efficiency Measures (air sealing, calking, lighting, window treatments, appliances, cold water washing)
 - Understanding Utility Bills
 - Behavioral Change to reduce energy consumption
- Total Workshop Participants – 31
- Stakeholders –
 - Energize Delaware Home Energy Checkup (HEC2),
 - Milford Police Department,
 - Milford Code Enforcement
 - Public Works,
 - Faith Community
 - Locations – Mt. Enon Baptist Church

She concluded by saying that teaching someone how to save energy is the best way. They go a number of homes where the resident has no idea how to save money. Showing them the risk and the easiest way to accomplish is the best way for them to learn.

Mr. Kistler then talked about the educational workshops hat were broken down into three categories. Those include workshops, pop up events and outreach.

Referencing the stackable program, the first layer on the map is about a lights program and more importantly, a trust building relationship.

The second piece is the Home Energy Checkup Program. They then move from the outside of the house into a trust relationship inside the house to do the checkup which is an assessment of the home, they review the utility bill and interview the homeowners. They consider insulation, water temperature, crawl space, moisture concerns, etc. which takes approximately one hour.

Recommendations are then provided, in addition to referrals. Upon completion a report is composed and sent to the client showing the areas of concerns and what can be done to reduce their energy burden.

The last one is Healthy Home Assessments process called Health-On, Milford Strong. They have completed 100 assessments and have been working with the Division of Public Health, thanks to the City Manager's coordination. They have determined there are 62 children identified with elevated blood levels in Milford. That confirms the exposure to lead base paint is still a problem in Delaware.

Mr. Kistler expects the Healthy Home Assessment will be sometime in November.

He announced that the home energy checkups will continue indefinitely. He commended the Customer Service staff who allowed him to engage with the City's customers to show them ways to reduce the energy burden in their homes.

Mr. Kistler then referenced a map showing homes in the target areas and beyond that are consuming 20,000 or more kilowatts of energy on a twelve-month basis. They believe there is also a correlation between health, energy and public safety.

He also referenced homes with varying number of kilowatt hours.

Mr. Roderick talked about the public safety portion of the program. He said as they looked at the maps, they decided to go back and evaluate the impact on crime in the areas lit up. Working with the Police Department, they are now starting to collect the data that will demonstrate any impact with the hope of seeing good numbers.

They will compare the numbers by month, as they move forward, compared to the 2017 and 2018.

Mr. Kistler referenced another map using the data that Lieutenant Ed Huey provided in relation to specific crimes. Once they refine the list so that it directly relates to their goals with improved lighting, which is crucial to analytics.

What they have learned in Milford, is the ability to find more planners like Rob Pierce in other cities. He has been extremely helpful by providing the mapping and the technical data needed to target specific areas.

The cooperation with Chief Brown has been awesome and has really helped this project. The outreach and criminal statistics will allow this work to continue. If the stats are incorrect, their history is short and thanks Chief Brown for his assistance.

In addition, the partnership with the City's Customer Service Representatives has been immeasurable. There is a need to identify vulnerable community residents in need of energy conservation education and disconnection avoidance. Build trust by building bridges of hope and change for improved quality of life.

They will try to replicate that model in the other cities as a result of what has been created in Milford.

He concluded by talking about the progressive step process—light the porch, light the street (rehabbing streetlights to LED), then move into some kind of surveillance that would be used for intelligence gathering and environmental monitoring.

Mr. Stafford finished the presentation stating that one thing that is great about the Energize Delaware agencies is that they have taken a comprehensive approach to, not only looking at ways to improve energy outside the homes, but inside as well. He wants to acknowledge Angie Bivens who does energy administrative advisory work for Franklin Energy which is the lead agency funded by Energize Delaware to work on the inside of homes during the home energy checkups.

There being no further business, the Workshop concluded at 7:06 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 14, 2019

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, October 14, 2019.

PRESIDING: Mayor Archie Campbell

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

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

COUNSEL: Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 7:10 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the September 9 and September 23, 2019 Committee, Workshop and Council Meetings. Motion to approve made by Councilmember Culotta and seconded by Councilmember Brooks. Motion carried.

RECOGNITION

Proclamation 2019-16/Dysautonomia Awareness Month

Mayor Campbell read the following proclamation into record:

*Proclamation 2019-16
Dysautonomia Awareness Month*

WHEREAS, Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for "automatic" bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more;

WHEREAS, Dysautonomia impacts over 70 million people around the world, and includes conditions such as Diabetic Autonomic Neuropathy, Vasovagal Syncope, Pure Autonomic Failure, and Postural Orthostatic Tachycardia Syndrome;

WHEREAS, Dysautonomia impacts people of any age, gender, race or background, including many individuals living in the City of Milford, Delaware;

WHEREAS, Dysautonomia can be very disabling and this disability can result in social isolation, stress on the families of those impacted, and financial hardship;

WHEREAS, Some forms of Dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones;

WHEREAS, Increased awareness about Dysautonomia will help patients get diagnosed and treated earlier, save lives, and foster support for individuals and families coping with Dysautonomia in our community;

WHEREAS, Dysautonomia International, a 501(c)(3) nonprofit organization that advocates on behalf of patients living with Dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world;

WHEREAS, We seek to recognize the contributions of medical professionals, patients and family members who are working to educate our citizenry about Dysautonomia in the City of Milford.

NOW, THEREFORE, BE IT RESOLVED, that I, Arthur J. Campbell, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby proclaim the month of October 2019, as Dysautonomia Awareness Month in the City of Milford.

The proclamation was then presented to Leslie Wuenstel, RN. BSN, Co-Chair Dysautonomia International Delaware Support Group.

Proclamation 2019-19/National Customer Service Appreciation Week/October 7-11, 2019

Mayor Campbell will provide the document to the Customer Service staff later this week.

MONTHLY POLICE REPORT

Police Committee Chairperson Wilson presented the monthly Police Report on behalf of Chief Brown.

Councilmember Peel moved to accept the report, seconded by Councilmember Boyle. Motion carried.

MONTHLY CITY MANAGER REPORT

Mr. Norenberg referenced the City Manager Report that encompasses the various activities and projects in our City departments.

He noted the addition of several new categories that were not included in the past.

In addition, Mr. Norenberg shared that one of the side benefits of the water hydrant flushing program, also reduces some of the residual chemicals and amount of lead and copper has significantly decreased based on the three-year testing cycle.

Several street projects are approaching including the Southeast Second Street Project that will be focused on the removal of lead water service lines from the main to the meters.

Councilmember Brooks said that the Water Plant and Wastewater Operations Supervisor comes to his house every three years so that his water can be tested. He reported Councilmember Brooks' house is great. Mr. Norenberg thanked Councilman Brooks, adding there are a number of volunteers throughout the community that provide access for that testing.

Because of population has grown above 10,000, more testing will be required.

Councilmember Boyle moved to accept the City Manager Report, seconded by Councilmember Wilson. Motion carried.

MONTHLY CITY FINANCE REPORT

Finance Chairman James noted that as of August, the total of all funds is \$43.3 million of which \$4.9 million is in the utility impact fees.

In addition, there is \$28.6 in reserves with the bulk in water reserves in the amount of \$10.4 million and electric reserves of \$10.7 million. Also, there is \$4.3 million in general improvement/municipal street aid/real estate transfer tax and economic development funds. Of that, \$3.1 million is in real estate transfer taxes and an addition \$5.5 million in the general fund bank balance for a total of \$43.3 million.

He also commented that with 17% of the year expended, revenues to date at 23% is primarily due to 97.4% of the budgeted real estate taxes that have been collected.

Electric revenues are at 16.6%, operation expenses at 15.2% and electric subtotal expenses at 12.7%.

Chairman James also announced that at the earlier Finance and Public Works Committee meeting, the sidewalk project and low-income assistance standards were discussed. The Committee agreed to recommend to Council on how to move forward.

The Committee was also updated on the cost of service study City Accountant Sandra Peck. The preliminary draft report should be received in three to four weeks and the complete report ready within six weeks.

Councilmember Boyle moved to accept the Monthly Finance Report, seconded by Councilmember Wilson. Motion carried.

COMMITTEE & WARD REPORTS

Lofland Property

Councilmember Brooks referenced a recent edition of the Milford Chronicle which included an article about the Lofland property and their million-dollar property they want the City to buy. He has had inquiries about when the City is repaving Mispillion Street and South Marshall Street, which was torn up by the Moore school buses that parked by the Spoon Mill.

He continued by stating that Mispillion Street has been in the budget for several different years.

Councilman Brooks called the City Manager who explained there is another developer who will be responsible for the new streets when it is developed. About ten years ago, he said another developer was going to do the same thing and it never happened. Nothing was done by any other City Manager since then though Mispillion Street has been in the budget, which included new sidewalks. When they read the Chronicle about the Lofland property, he heard from several people who were asking how much longer before the two streets are done.

Mr. Norenberg confirmed the project is included in this year's budget and they are working with the developer, but to avail. As a result, the Public Works Director is preparing to complete the design process so it can be bid.

Public Works Director Whitfield explained the plans are currently in DNREC's hands for review, though they are only about 90% complete. They are still negotiating with the developer on his responsibility, as part of the project. He emphasized the last thing the City wants to do is pave the street, only to have it torn up a year or two later.

Mr. Whitfield believes we can craft an agreement with the developer that at the time when the property is developed, it would be a payment to the City in accordance with the plans and responsibilities agreed to with the original plan.

Councilman Brooks thanked the City Manager and Public Works Director for the update. He said a lot of residents thought the original developer Randy Burton was going to develop the land and he had made a lot of promises that was never followed through.

However, Councilman Brooks understand why it is being held up right now.

COMMUNICATIONS & CORRESPONDENCE

Nemours Pediatrics Trick or Treat

Councilmember Wilson invited trick or treaters to Milford's Nemours Pediatrics at 703 North DuPont Highway for a Trunk and Treat on October 29, 2019 from 6pm to 7pm. Carlisle Fire Company and Milford Police will be participating.

Brightway Commons Crime

She also asked that a meeting be scheduled with Brightway Commons Complex. She has received a number of complaints and feels it is time to bring everyone together, including the police, to discuss the high crime occurring there, in hopes of finding some resolution.

Mispillion Art League

Councilmember Marabello reported that the entire month, the Art League is sponsoring the Big Draw. The third weekend is coming up and he expressed the importance of the public supporting that wonderful group.

Councilman James wanted to shout out in the spirit of Customer Service Week. He has heard several positive comments, in addition to his family experiencing the same with their staff and one employee in particular, Vicky Love. He said she has been providing outstanding service to our customers she has interacted with.

He has heard rave reviews and he has experienced it first hand, so he wants to make sure she gets that credit.

Update/Council Retreat Goals

The following reports were given:

Livestreaming Council Meetings

Councilmember Culotta referenced the 30-60-90/day deadlines for each project. He noted we are two months away and need to get it on an upcoming agenda.

Councilmember Marabello pointed out this goes two ways, to and from our constituents. He asked whatever happened to the public comment session and asked when it will be implemented. Councilmember Brooks recalled that residents were required to come in and sign up to comment each meeting.

It was confirmed that the matters they were discussing had to be related to any agenda item; Councilman Marabello does not recall that requirement though some Councilmembers though was changed later to comply with FOIA and the rules that were set. He did know there was no back and forth commentary, but only comments made by the presenter.

Councilmember Wilson also recalled that new items could be presented so that it could be added to the next agenda.

City Manager Norenberg recalled when Council established current procedures for Council meetings, at which time that was discussed. However, they chose to allow comment on specific items such as resolutions and ordinances, in addition to the normal public hearing item. However, that policy can be amended at anytime by a vote of Council.

Councilmember James suggested this be included in the conversation about town hall meetings.

Town Hall Meetings

Councilmember James reported that all information has been gathered as to how and what is needed to prevent any violation of FOIA. The next step is for Council to decide if a town hall meeting should be scheduled citywide or divided by wards.

He said the town hall meetings can be held as long as we adhere to FOIA, which includes any potential topics that should be considered.

Councilmember James suggests having a brief agenda, but also listen to the concerns of the residents in an open forum.

According to Councilmember Brooks, he has done it both ways. One time a town hall meeting was held at Carlisle Fire Company and all the Councilmembers attended and the room was packed.

He said they talked about council terms and some people wanted to move it from two years to three to four years. The citizens shot that down and instead wanted the two-year terms to remain. They did not want to be stuck a councilmember who was not doing their job.

He and Councilman Morrow had ward meetings all the time, until they had to have someone take minutes. Councilman Morrow agreed with Councilman Brooks they just kept having them.

Councilman Morrow recommends formalize it in a workshop and that way they can get it done before Christmas.

Strategic Goals

Councilmember Peel said her responsibility was two-fold. Councilman Marabello was her partner who was investigating the communication outward.

She recalled they also discussed the strategic plan, which is on the agenda tonight for an update.

UNFINISHED BUSINESS

Adoption/Ordinance 2019-35/New Chapter 90/Business License

Planning Director Rob Pierce provided a brief history. This has been discussed a few times during the past few months. At the April 22nd Police Committee Meeting, the Committee directed staff to review the previously proposed business license ordinance and prepare an updated version for Council consideration. As a result, a draft code amendment was presented to the Community and Economic Development Committee on July 8th, where it was determined that staff should proceed with finalizing the proposed language and evaluate the cost to administer the licensing program.

Some details were presented at the August 26th Council meeting, related to the cost of administering the program. Based on feedback at that meeting, he has moved forward with a \$30 annual license fee to only recoup the City's expenses.

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.

The draft has been to both committees and the intent is to require all businesses physically located within Milford to be licensed, running concurrent with the rental license and contractor licenses.

Councilman Culotta appreciates the more favorable fee to the business owner, though he is not in favor a requiring a business to have a license. He recalled this business license was initiated and a benefit to the police department in the event there is a problem with a brick and mortar location and this will provide a point of contact in the middle of the night. He asked where the language is relating to the police which he feels is important because that is how the entire matter was promoted.

§90-3(E) Business License Required states that:

Multiple business locations. Each separate location or branch of the same business requires a separate business license as though it were a separate business.

Councilman Culotta does not understand why a business would be required to do this and believes that a business who has three locations should not be required to register each and asked what the issue is.

Planning Director Pierce stated that often there are different owners/managers at each location, such as a Royal Farm or other similar store. Based on his research and comparing other city's ordinances, this is the general practice.

Councilman Culotta said Milford wants to business friendly and these businesses are being charged one fee after another, and regulation after another. The licenses benefit the City and not the business owners. He understands the physical

location respect and the benefit to the City, but he does not see a need for multiple fees for multiple locations, unless it is two different stores with two different names. He believes this is too much on the businesses.

Chief Brown said the Planner's example of Royal Farms is a good one because they operate as separate businesses, two different locations and two different sides of the City. The information the police need to gather would only be made available through a separate license.

Councilman Culotta said there is no language related to the police in the ordinance. Solicitor Rutt pointed out that under purpose it does identify health, safety, welfare and safety would fall within the perimeters of the police department.

Councilman Brooks said because the police only need the information, maybe we should charge only \$20.

Planner Pierce recalled the previous reviews and the estimate of the associated costs presented at the August meeting. Costs include staff time, resources, mailings, software, etc. It was estimated the program would call \$15,000 and that was based on 500 businesses which calculated to \$30.

Councilman Brooks asked if a new employee will be hired to handle this; Mr. Pierce said the plan is to roll it into our current licensing program with the current staff.

Councilman Morrow said notices would be mailed to each business to apply for the business license. He said that tells him the City already has the information available if we have the mailing information and asked for an explanation; Mr. Pierce said we may have some of the information available or work through the property managers for the larger shopping centers to provide additional information. Some may also have to be hand delivered. Whatever process works to get this information out will be done.

He doesn't expect to start with a full mailing list from City records, but staff will do what is necessary through multiple means.

Councilman James said it seems as though we are rehashing some of the items we have already resolved, but he wants to make sure it is clear.

He recalled there was a recommendation of a dollar amount for a \$30 fee. The \$30 did not include any profit for the City and would only recover the costs to administer the business license program.

Councilman James said if we disagree with the estimate of the costs that is another story and let's say that. But this is only to recover our costs and he does see how we can charge a smaller amount and leave the \$10 for the City to eat or other taxpayers to support. If so, put that out there in that way but the way it is being done is proper if we do this. This is only fair for all taxpayers, because otherwise that is where the difference will need to come from. He pointed out it would be taxpayer's money used to cover the \$10.

Planner Pierce recalled that Milford is only one of the two large municipalities that do not have a business license. The range was from \$20 to \$150 for business licenses. The City of Newark has one license fee that is \$3,900 related to nighttime entertainment. The average minimum fee based on all towns was \$83.78. The \$30 fee will put Milford as the second lowest in the State, but will recoup our costs and provide the information that is needed.

Councilman James then pointed out the information that our police department needs and though there may be some information available on electric bills, or other bills, because of privacy law violations, the police department staff is unable to access that information. Councilmember Culotta said that is correct.

Councilman James emphasized they need a means of getting the proper information and having a direct contact for a particular establishment to make this work, for the health, safety and other issues related to public safety of our residents.

Councilman Culotta said that in the interest of being interest-friendly, he recommends the City eat \$10 of the costs and make the fee \$20.

Councilman Boyle pointed out that from a business-friendly aspect, we are providing an atmosphere that gives the businessowner some reassurance that they have contact with the police in the case of an emergency. It gives the City the ability to control the guys that are not good players for health and safety violations. This provides the ability to protect the citizens by potentially suspending the license should they violate safety and health regulations.

Councilman Boyle feels it is a win-win for everyone and \$30 a year is minimal and not going to put someone out of business and the only the cost of managing the program. This will not be a revenue-generating fee but are hoping to control a little of what is going on in this town. As we grow and businesses come in and expand, the City really can lose control by not knowing who or what is out there.

Councilman Culotta reiterated that they have the ability to search the State website and look up any business in Milford. Councilman Boyle said the Chief made the point he is unable to access the data if it is needed in an emergency. This will provide that information for the welfare of the City for \$30 a year.

Councilman Culotta then pointed out that there are nine criteria that each business must provide. Personally, he does not have an issue with any other of those, but does with section b which states:

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.

Because it is not defined, Councilman Culotta said it can be as difficult or friendly as he/she wants to be.

It was noted the intent is not to create an unfriendly environment.

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

Councilmember Wilson moved to adopt Ordinance 2019-35, as submitted, seconded by Councilmember Marabello:

*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

Adoption: October 14, 2019 Section

Effective Date: October 24, 2019

Motion carried by a 7-1 vote with Councilmember Culotta casting the sole negative vote.

Adoption/Resolution 2019-15/Planning & Economic Development Department Fee Schedule/Adds Business License Fee

Councilmember Peel asked that for the record, she feels it is very important to mention that the City is not making any profit and the \$30 fee only covers the costs of the program.

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

Councilmember Wilson moved to adopt Resolution 2019-15, adding the \$30 business license fee, seconded by Councilmember Marabello:

Resolution 2019-15
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT FEE SCHEDULE

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

PLANNING & DEVELOPMENT FEES		
Description		Fee
Major Subdivision	Preliminary or Final, Residential	\$1,000.00 plus \$10.00 per unit
	Preliminary or Final, Other than Residential	\$1,000.00 plus \$100.00 per lot
Minor Subdivision or	Final, Residential	\$300.00 plus \$50.00 per unit
	Final, Other than Residential (less than four acres)	\$500.00 plus \$100.00 per unit
Lot Line Adjustment	Final, Residential	\$300.00 plus \$50.00 per unit
	Final, Other than Residential (less than four acres)	\$500.00 plus \$100.00 per unit
Site Plan	Preliminary, Final or Amendment	\$700.00
Conditional Use or Amendment to a Conditional Use		\$700.00
Zoning Map Amendment/Comprehensive Plan Amendment		\$1,000.00 plus \$100.00 per acre
Zoning Code Amendment Request		\$700.00
Annexation	Residential, less than 1 acre	\$700.00

	Residential, 1 to 5 acres	\$2,500.00
	Residential, 5+ acres	\$2,500.00 plus \$100.00 per acre
	Other than Residential	\$2,500.00 plus \$500.00 per acre
Variance(s)	1-3 variances	\$300.00
	4-6 variances	\$400.00
	7+ variances	\$500.00
Board of Adjustment Hearing (no variance)		\$300.00
Subdivision Agreement		\$2,500.00
Zoning Verification Letter		\$20.00
Certificate of Use		\$75.00
Legal Interpretation of Subdivision or Zoning Code		\$300.00
Street or Alley Closing		\$300.00
Application Resubmission or Rescheduling Fee		\$200.00
Professional Service Fees (including but not limited to Legal Fees, Engineering Review Fees)		Fees charged the City of Milford, plus 10%; Billed as encumbered.
Transfer of Development Rights (TDR) Credit		\$3,000 per dwelling unit

BUILDING INSPECTION AND PERMITTING FEES		
Description		Fee
Building Permit, Residential, use groups R3 or R4	New Dwelling Unit	\$50 per 100 heated square feet plus \$13 per 100 unheated square feet
	Interior/Exterior Renovations, Accessory Building, Pool, Deck, Ramp, Solar Panels	\$50 plus \$5 per \$1,000 up to \$1M and \$2 per \$1,000 over \$1M based on cost of project
	Demolition	\$50.00
	Certificate of Occupancy	\$25.00
Building Permit, Other than use groups R3 or R4	New Construction, Commercial Fit-Out, Interior/Exterior Renovations, Footer, Foundation,	\$100 plus \$5 per \$1,000 up to \$1M and \$2 per \$1,000 over \$1M based on cost of project
	Sign, Sales/Construction Trailer, Solar Panel	\$50 plus \$5 per \$1,000 up to \$1M and \$2 per \$1,000 over \$1M based on cost of project
	Demolition	\$100.00
	Certificate of Occupancy	\$25.00
Building Permit, Renewal		\$50 or 10% of permit fee, whichever is greater
Reinspection		\$50.00
Temporary Certificate of Occupancy		\$50.00
Carlisle Enhancement Fund		1/4 of 1% of heated square feet cost
Police and General Government Facilities		3/4 of 1% of heated square feet cost

CODE ENFORCEMENT AND LICENSING FEES		
Description		Fee
Licensing	Contractors	\$100.00 annually, prorated semi-annually
	Residential Rental Operating	\$50.00 per unit annually
	Peddler, Solicitor, and Transient Merchant	\$50.00 annually, prorated semi-annually

	Transfer	\$50.00
	Business	\$30.00 annually
Inspection	Re-Inspection / Follow Up Inspection	\$50.00

Resolution 2019-15 replaces Resolution 2019-05 in its entirety.

Adopted: October 14, 2019

Effective: October 24, 2019

Motion carried by a 6-2 vote with Councilmember Morrow and Brooks casting the dissenting votes.

Authorization/Utility Box Painting Project

City Manager Norenberg required a brief history of the program, noting that the utility box outside of new accounting firm on Walnut Street and Southwest Front Street was painted as part of the pilot program. The Community and Economic Development Committee reviewed it twice and are recommending the City proceed with the project.

He then introduced the new Executive Director Trish Gerken and Design Committee Chair Joey Phillips were also in attendance.

Mr. Phillips then spoke to Council said it was started nine months ago and are proposing that two electric boxes per year are painted by local artists, approved by the committee, and paid \$1,000 for the project. There have been several changes made based on meetings with various groups and departments. They are hoping this will proceed to help beautify Milford.

Councilmember Peel moved to authorize proceeding with the Utility Box Painting agreement, as recommended by the Community and Economic Development Committee, seconded by Councilmember James. Motion carried.

Councilmember Brooks recommended one be painted with the Eagles on one side and the Ravens on the other.

Authorization/Amended DBF Contract/Engineering Services/Shawnee Acres Pump Station Replacement Project

Public Works Director Whitfield stated that On November 7, 2016, the Public Works Committee recommended awarding a contract to Davis, Bowen and Friedel, Incorporated for the Shawnee Acre Pump Station Replacement. The cost of the professional services contract is \$188,350. The project will be funded through a USDA Grant/Loan. Council awarded a contract to Davis, Bowen and Friedel, Incorporated on April 9, 2017.

During the bidding process, the City Engineer requested several changes to the design which resulted in the issuance of an addendum. The additional work necessitated by the requested change was additional work not included in the contract. Davis, Bowen and Friedel, Incorporated is requesting an amendment to their contract to increase their design phase fee by \$6,750. The additional funding requested is covered by the USDA Loan/Grant.

Councilmember Brooks moved to authorize payment of \$6,750 to Davis, Bowen and Friedel, Inc for the amended contract for the additional design phase work for the Shawnee Acre Pump Station Replacement Project with funding from the USDA Loan/Grant, seconded by Councilmember Wilson. Motion carried.

Bid Award/SE Second Street Utility, Curb & Sidewalk Improvements Project

Public Works Director Whitfield then reported that in preparation for DelDOT's planned paving of Southeast Second Street from Rehoboth Boulevard to South Walnut Street, staff has utilized the engineering services of KCI Technologies to prepare plans and specifications for the replacement of lead gooseneck water service lines, a section of sanitary sewer line due to uneven slopes, and of deteriorated curbing and sidewalk where it abuts the curbing.

This project was identified in the 2018-2022 Capital Improvement Program and in the 2019 Budget.

On October 9, 2019, bids for the project were opened in the City Hall Council Chambers. One bid was received by Teal Construction, Incorporated of Dover in the amount of \$1,114,400.00. The engineer's estimate for the project was \$1,427,070.00. This project includes a significant number of contingency items which will only be performed at the direction of the City Inspector. It is likely that the full bid amount will not be required to complete the project, but it is recommend authorizing the full amount at this time.

Councilmember James moved to award Contract #2019-WA-002 for the Southeast Second Street Utility, Curb, and Sidewalk Improvement Project to Teal Construction in the amount of \$1,114,400.00, with \$150,000.00 to be paid from general fund reserves for the curb work and abutting sidewalks, \$814,400.00 to be paid from water reserves for water lines, lead goosenecks, sidewalks with meter pits and \$150,000 from sewer reserves for the sewer main replacement, seconded by Councilmember Peel. Motion carried.

It was confirmed the City would only cover the costs of the sidewalks that abut the curbing, where sidewalks will need to be replaced in order to replace the curb and only those portions where a sewer meter pit is installed.

The goal is to have the project completed by the end of March.

Approval/Sidewalk Project/Low Income Assistance & Standards

Councilman James reported this was discussed in the Finance and Public Works Committee meeting earlier this evening.

It was determined that the options presented in the last letter to property owners did not include Section 197-5(D) that state 'property owners who meet the low-income criteria may apply for financial assistance provided City funding is available for the cost of sidewalk repair and replacement'. The matter was then referred to the Committee to address a way to formulate low-income criteria, which was absent.

Prior, Public Works staff did provide the following options:

- * Replacing all sidewalks affected by water meter pits, sewer cleanouts, utility poles, street signs, hydrants, and street trees/street tree roots
- * Waving all inspection costs;
- * Provide a 15% discount if property owner chose the City's contractor to replace sidewalk blocks and pay invoice in full at time of billing.
- * Provide a 60-month payback for sidewalk replacement with no interest.

Possible criteria if consideration is to be given to low-income assistance:

- * Only properties with 6 or more sidewalk blocks to be replaced will be considered
- * Properties must be owner-occupied.
- * Copy of the owners' most recent Federal Income Tax Return must be submitted showing the address of property, number of dependents, and adjusted gross income.
- * Property owners showing they meet the definition of low-income or very low-income (low income at 80% of the median income for the area, and Very Low Income at 50% of the median income for the area.)
- * If property owner has between 6 & 10 blocks to be replaced - 15% discount would be given on blocks over first 5;
- * If property owner has between 11 & 15 to be replaced - 15% discount on blocks over the first 5 and 30% discount on blocks over 10;
- * If property owner has between 16 & 20 blocks to be replaced - 15% discount on blocks over the first 5 and 30% discount on blocks over the 10 and 50% discount on blocks over 15;
- * If property owner has 21 or more blocks to be replaced - 15% discount on blocks over the first 5 and 30% discount on blocks over the 10 and 50% discount on blocks over 15 and 80% discount on blocks over 20.

The committee agreed presented another option that would simplify the assistance to low and very low income and voted to make the following recommendation:

- * The City of Milford fund 75% of the cost of sidewalk repair and maintenance for property owners meeting the Very Low-Income criteria (50% of the area median income); *and*
- * The City of Milford fund 50% of the cost of sidewalk repair and maintenance for property owners meeting the Low-Income criteria (80% of the area median income) *and*
- *The City of Milford fund 15% of the cost of sidewalk repair and maintenance for property owners that make prompt payment and do not meet the Very Low- or Low-Income criteria.

When asked the source of income, Councilman James referenced the recommendation from City staff that it be taken from the real estate transfer tax.

City Manager Norenberg confirmed that due to the unknowns, he will come back at a later date with an appropriation once they are able to acquire a more solid number.

Councilman James also noted that Solicitor Rutt advised the code will need to be updated with the additional language.

Councilman Culotta said he brought up the language for people with a financial burden and the options have been simplified as a result.

Councilman James also added that he received guidance from a representative of the State of Delaware on how other municipalities outside the State of Delaware handle their sidewalk issues which range from a 50/50, 70/30 to a 60/40 sharing.

He emphasized that the low-income assistance is being addressed that is in the code and not a new item.

Councilmember Peel moved to accept the recommendation of the Finance and Public Works Committee, as explained by Councilman James, seconded by Councilmember Wilson. Motion carried.

NEW BUSINESS

Resolution 2019-16/Halloween Trick or Treat

City Manager Norenberg read the following resolution into the record:

RESOLUTION 2019-16 Halloween Trick-or-Treat

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, that the Halloween Trick-or-Treat observance be held in an orderly manner on Thursday, October 31, 2019 between the hours of 6:00 P.M. and 8:00 P.M. in the City of Milford.

AND, BE IT FURTHER RESOLVED THAT:

**Costumed celebrants will be permitted to engage in Trick-or-Treat.*

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

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

The floor was open for public comment. No one responded and the floor was closed.

Councilmember Peel moved to adopt Resolution 2019-16, seconded by Councilmember Wilson. Motion carried.

Introduction/Ordinance 2019-36/Change of Zone/Lands belonging to BSG III, LLC

Mayor Campbell introduced the following ordinance, scheduled for a public hearing on tomorrow's Planning Commission Public Hearing and will return for a final determination by City Council on October 28, 2019:

Ordinance 2019-36

Change of Zone/Lands belonging to BSG III, LLC Tax Map & Parcel(s) 1-30-3.11-055.00, -056.00, -057.00
1.41+/- Acres located at 0 Seabury Ave, 615 S DuPont Blvd & 0 S DuPont Blvd, Milford, DE Current Zoning: OC-1
(Office Complex)/Proposed Zoning: C-3 (Highway Commercial)

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 1.41 +/- acres of real property from OC1 to C3 0 Seabury Ave, 615 S DuPont Blvd & 0 S DuPont Blvd, Milford, DE. Tax Map and Parcel(s): 1-30-3.11-055.00, -056.00, -057.00

WHEREAS, the City of Milford Planning Commission will consider the change of zone application and hold a Public Hearing on Tuesday, October 15, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on Monday, October 28, 2019 to allow for additional public comment and further review of the ordinance; and

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

THEREFORE, the City of Milford hereby ordains as follows:

Upon the adoption of this ordinance, tax map and parcels 1-30-3.11-055.00, -056.00, -057.00, owned by BSG III, LLC located at 0 Seabury Ave, 615 S DuPont Blvd & 0 S DuPont Blvd, Milford, DE, is hereby zoned C3.

Dates:

Planning Commission Public Hearing: October 15, 2019

City Council Introduction: October 14, 2019

City Council Public Hearing: October 28, 2019

Effective Date is Ten Days following the Adoption Date.

Introduction/Ordinance 2019-37 Change of Zone of Annexed Land Belonging to Baltimore Aircoil Company, Incorporated

Mayor Campbell introduced the following ordinance, also scheduled to be heard by the Planning Commission tomorrow evening and a final determination made by Council on October 28, 2019:

ORDINANCE 2019-37

Change of Zone of Annexed Land Belonging to Baltimore Aircoil Company, Incorporated
1162 Holly Hill Road, Milford, DE 19963
Tax Map MD-00-182.00-01-14.00
49.25 +/- Acres
Current Zone IL/Proposed Zone I2

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 49.25 +/- acres of newly annexed lands from IL to I2 at 1162 Holly Hill Road, Milford, DE 19963.

WHEREAS, in accordance with Title 22 of the Delaware State Code and Chapter 230 of the City of Milford Code, the City provided public notice by advertisement in the Milford Beacon and by mailing public notices to property owners within a 200-foot radius of the site of the property being considered for a change of zone; and

WHEREAS, on Tuesday, October 15, 2019, the Planning Commission will hold the noticed public hearing during which interested persons have an opportunity to testify in support of, or opposition to, the proposed zoning change, after which a recommendation by favorable vote of the Commissioners will be made; and

WHEREAS, City Council will consider evidence presented, public comments and the Planning Commission's recommendation at their hearing on Monday, October 28, 2019, and will deem whether it is in the best interest of the City of Milford to allow the change of zone as herein described.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. The boundary of the City of Milford, as presently established, is hereby extended to include by annexation, all that certain tract of land consisting of 49.25 +/- acres, as shown on the plan denoted as Exhibit A, to be zoned as I-2 (General Industrial) and described by the legal description referred to as Exhibit B, attached hereto and made a part hereof.

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

Section 3. Following a favorable vote by City Council, said area shall be included in the geographical and political subdivision of the City of Milford known as Ward 4 beginning on the effective date of this Ordinance.

Section 5. The City Planner is hereby directed to secure a plot of the territory, the legal description of the property and associated Ordinances, as certified by the City Clerk, for recording purposes in the Kent County Office of the Recorder of Deeds, and in accordance with the Charter of the City of Milford.

Section 6. Dates.

Planning Commission Public Hearing: October 15, 2019

City Council Introduction: October 14, 2019

City Council Public Hearing: October 28, 2019

Effective Date is Ten Days following the Adoption Date.

Additional Funding Appropriation/Demolition Project/112 Southeast Front Street

Planning Director Pierce reported that in April 2018, City Council appropriated \$23,000 from General Fund Reserves to demolish the condemned residential structure located at 112 Southeast Front Street. The original quote for the contractor included a quantity item for fill dirt, which amount was unknown at the time, needed to fill the basement/foundation area. The cost to fill the basement and regrade the site was \$5,159.

In addition, during the demolition of the structure a neighboring fence needed to be removed in order to allow equipment to access the rear of the structure, which was removed and replaced by the contractor at a cost of \$900.

The Planning Department is requesting an additional appropriation of \$6,059 to cover the additional expenses related to fill dirt, restoration and replacement of the neighboring fence. The expenses associated with the demolition will be placed, in the form of a lien, on the property's real estate tax bill.

Councilman Boyle moved to authorize an additional \$6,059 to cover the additional expenses related to the demolition project at 112 Southeast Front Street, as described, seconded by Councilmember Culotta. Motion carried.

Approval/Budget Adjustment/Information Technology Server Room Air Conditioner Replacement

City Manager Norenberg shared that during a recent heat wave, the HVAC unit that serves the IT area in the basement failed. The City's IT Manager was notified when he received an alert the temperature was rising dangerously high in the server room.

Because this was a needed and unexpected expense, a request to cover the costs is required.

Councilmember Wilson moved to authorize \$6,535 be funded from general fund reserves, seconded by Councilmember James. Motion carried.

Bid Award & Funding Appropriation/Vehicle Lifts Purchase/Operations Division

Public Works Director Whitfield recalled that one of the issues he discussed during the 2020 Budget hearings, was the need for a mobile, heavy-duty lifts for large trucks and equipment.

At that time, he did not want to add the cost of the lifts to the Garage budget, since the garage budget is funded by the hourly rate of the mechanic, and the police would be paying a substantial amount of the lift cost, though they do not need the heavy-duty lift.

As a result, staff considered two different funding scenarios.

One was to divide the cost among the divisions with heavy trucks and equipment on a per vehicle basis, which would include sanitation in Street Department. However, there was concern that the Solid Waste budget does not have reserved funds available, nor was the transfer of funds from the general fund reserves prudent.

The second alternative was to fund 25% of the lifts from sewer reserves, 25% from water reserves and 50% from electric reserves.

The purchase of the lifts will be made through the HGAC Buy Contract Number FL03-19 Cooperative Purchasing through the Delaware State Contract.

Councilmember Boyle moved authorize a purchase order to ARI Phoenix, Incorporated of Lebanon, for the AR1-HETRA Advanced Mobile Lift System in the amount of \$60,461.00, in accordance with the HGAC Buy Contract Number FL03-19, with funding of \$15,115.25 from Water Reserves, \$15, 115.25 from Sewer Reserves and \$30,230 .50 from Electric Reserves, seconded by Councilmember Culotta. Motion carried.

Bid Award/Forklift Purchase/Operations Division

Director Whitfield asked that City Council consider a recommendation to replace the existing 1993 TCM Forklift FD50Z7 used in the warehouse with a 2020 Yale Model GP120VX Lift Truck.

The existing unit has approximately 1,510 engine hours, is 28 years old, and has been used beyond its life expectancy. The replacement of the unit was identified in the 2020 capital improvement plan and the electric budget. The unit is used for off-loading materials delivered to the City, as well as moving materials within the warehouse and the Public Works facility. The unit also is used for loading materials onto trucks/trailers.

The purchase of this truck will be made through the Delaware State Contract. The Electric Division budgeted \$80,000.00 for the purchase of this unit, and the Delaware State Contract final cost is \$73,826.60.

Councilmember Peel moved to authorize a purchase order to Eastern Lift Truck Company for a 2020 Yale Model PG120VX Lift Truck in the Delaware State Contract #GSS19843-FORKLIFT, amount of \$73,826.60, with funding coming from electric capital reserves, seconded by Councilmember James. Motion carried.

Mr. Whitfield commented the old forklift will be sold on the municipal govdeals.com website.

Update/Resident Survey & Strategic Plan

Local Government Fellow Christine Hoh advised that she is going to present on the National Community ns Survey results and sprinkle in some of the strategic plan updates, along with some of its background.

She presented the following information.

Process started in 2016 when Milford partnered with the University of Delaware's Institute for Public Administration. The first step was to send out the national survey in 2017 and those results were used to facilitate and lead the Community Conversations held between October 2017 to December 2017. That information was then used to create the 2018 to 2023 Strategic Plan adopted by Council in April 2018.

This year, 1,700 National Community Survey were sent out and 457 were returned, which is a higher return rate than was obtained in 2017, with 40% from Ward 1, 24% from Ward 2, 19% from Ward 3 and 18% from Ward 4.

The survey is broken into three pillars—the community characteristics, the governance portion and participation. Within each pillar, questions are asked on the eight facets:

- Safety
- Mobility
- Natural Environment
- Built Environment
- Economy
- Recreation and Wellness
- Education and Enrichment
- Community Engagement.

The benchmark is the number compiled from the 6,000 surveys taken throughout the country and are then averaged. A response within 10 percentage points of the average, is considered similar to the benchmark.

It will be compared to the 2017 survey results and a significant change if a 7 percent increase or decrease.

A positive rating is a percentage of those who indicated “excellent” or “good” for a question.

Areas reviewed:

Quality of Life in Milford

76% of respondents rated “excellent” or “good”, similar to 2017 results.

The top priorities in the upcoming two years were identified as economy and safety, the same as the 2017 results.

Facet: Economy

Overall Economic Health of Milford rated 51% positive, similar to 2017

Cost of Living rated 54% positive, which is a significant increase from 2017 when it was rated 45% positive.

Questions:

Do you work inside the boundaries of Milford? 28% of respondents work within Milford, which slightly decreased since 2017

Milford as a Place to Work was rated 55% positive rating, which is a significant increase from 2017 when it was 46%.

How much do you support or oppose additional financial resources for economic development (e.g. support for retaining/expanding businesses, attracting new businesses, workforce development, etc.), 94% strongly support or somewhat supported the additional financial resources.

Strategic Plan Update on Economy Snapshot

One goal is to Enable growth of existing businesses. The City Manager has regular meetings between City, Chamber of Commerce, Downtown Milford, Inc., as well as State and County partners.

The City Manager and Planning Director do business retention/expansion visits to identify any problems they can assist with.

Another goal is to foster the establishment of new businesses. The City has developed a How to Start a Business in Milford guide available to the public.

The goal to meet the commercial needs of residents, businesses, and visitors, there have been seven large Downtown Development District reservations within City limits with \$16.4 million coming from private funds and over \$2 million in State grant funds.

Facet: Safety

Overall feeling of safety rated 67% positive, similar to the 2017 ranking.

The feeling of safety in respondents' neighborhood during the day was 93% who felt safe, similar to 2017 ranking.

Questions:

How much do you support or oppose additional financial resources for safety (ensuring the police force is well-trained and has the necessary equipment, staff, resources and facilities)? 74% support additional financial resources strongly and 25% somewhat support it.

Facet: Safety Continued

Police services, 82% had a positive rating;
Fire services, 94% had a positive rating;
Ambulance or emergency medical services, 93% positive rating;
Crime prevention was rated at 65% positive rating;
All similar to the 2017 rankings.

Strategic Plan Update on Safety

One goal is to efficiently utilize all police resources (i.e., staff time, personnel, training, equipment, technology, etc.) The police department is now using data collection for crime mapping to aid with staff scheduling and patrol areas, which is available on the website.

Another goal is to establish and maintain strong and beneficial police-community relations. Foot patrol has increased in downtown areas and apartment complexes, the site of higher crime rates. A Junior Police Academy is being planned. No additional Citizen Academy is being considered because residents who were interested, have already participated.

City Council approved five additional officers who have all graduated and remain in the field training program.

Pillar: Community Characteristics

Milford as a ...

*place to live was rated 83% positive, similar to 2017;
*place to raise children was rated 72% positive, similar to 2017;
*place to retire was rated 75% positive, a significant increase from 2017, when it was rated 65% positive.

Strategic Update on Community-

Goal: Promote a healthy community with recreational activities provided by the City and community partners

Progress:

- *Parks and Recreation Advisory Board created;
- *Dog Park survey completed and results are being processed;
- *Creation of Parks and Recreation Facebook site to provide updates and advertising on upcoming events.

Goal: Bring more tourism to Milford

- *Parks and Recreation Director has joined the Kent County Tourism Board
- *Since his involvement, two dozen travel writers have visited and are advertising tourism opportunities
- *Kayak rentals available next to Arenas;
- *Exploring recreation opportunities on river; growing special events/

Pillar: Governance

- *Overall Quality of City Services-75% positive rating, similar to 2017;
- *The Overall Direction Milford is Taking-68% positive rating, a significant increase from 61% in 2017;
- *Confidence in City Government-60% positive rating, similar to 2017;
- *Acting in the Best Interest of the Community-61% positive rating, significant increase from 54% in 2017;
- *Customer Service by Milford Employees-75% positive rating, similar to 2017.

Pillar: Participation

- *Overall Sense of Community-62% positive rating, a significant increase from 54% in 2017;
- *Likelihood of Recommending Living in Milford-89% likely to recommend, similar to 2017;
- *Likelihood of Remaining in Milford-85% likely to remain, similar to 2017.

Facet: Mobility

- *Overall Ease of Travel-84% positive rating, similar to 2017;
- *Ease of Walking-65% positive rating, which is a significant decrease from 74% in 2017;
- *Traffic Flow-65% positive rating, increased enough to be higher than benchmark.
- *Street Repair-42% positive rating, decreased from 50% in 2017 but similar to benchmark;
- *Street Lighting-66% positive rating, significant decrease from 76% in 2017.

Strategic Plan Update on Mobility

Goal: Evaluate current condition and put plans in place to maintain or replace City utility infrastructure

- *Public Works has developed a five-year capital plan for short-range and long-range plans in regard to inventorying, repairing and replacing infrastructure;
- *Council approved the initial agreement to begin the creation of a Transportation Improvement District, for areas subject to the updated Southeast Master Plan; partnering with DeIDOT.
- *Transportation Alternatives Program – Northeast Front Street is in design phase, focused on improving streets, stormwater management and the creation of multi-use pedestrian and bike paths.

Goal: Preserve and enhance the property values and quality of our neighborhoods

- *\$50,000 in grant funding from DeIDOT to update the City's bicycle and pedestrian master plan.
- *Parks and Recreation purchased a sidewalk sweeper to help with debris and cleanup prior to community events;
- *Sidewalk Repair Program in its first phase.

Other Notable Changes

- *Overall Quality of New Development-57% positive rating, a significant increase from 49% in 2017;
- *Work in Milford-28% are currently working in Milford, a slight decrease from 2017, which puts the City below the benchmark;
- *K-12 Education-73% positive rating, which is an increase from 58% in 2017;
- *Land Use, Planning, and Zoning Services-50% positive rating, which is an increase from 42% in 2017;
- *48% participants did not observe a code violation, which is a slight increase from 43% in 2017 and on par with the benchmark.

This year, Milford provided an Online Survey that anyone could participate in, though it was a smaller sample, but not a random sample in the demographics.

*84 people completed online survey;

Similar to the mailed survey:

*Quality of Services Provided by the City of Milford-70% positive (compared to mailed survey 75% positive)

*Quality of City-Sponsored Events-67% positive (compared to mailed survey 70% positive)

*Overall Economic Health of Milford-89% positive (compared to mailed survey 90% positive)

Differed from mailed survey:

*Overall Customer Service by Milford Employees (police, receptionists, planners, etc.)-86% positive rating (compared to 75% positive-mailed survey)

*Emergency Preparedness (services that prepare the community for natural disasters or other emergency situations)-77% positive rating (compared to 67% positive-mailed survey)

**The Job the Milford Government Does at Welcoming Resident Involvement-28% positive rating (compared to 54% positive-mailed survey)

**Milford as a Place to Raise Children-79% positive rating (compared to 73% positive-mailed survey).

Mr. Norenberg reported the detailed surveyed reports are available on the City website and on the same page as the 2017 reports, for comparison purposes.

He also noted that because this is a national survey, in many parts of the country, the City is responsible for school districts, fire departments, libraries, etc. Those results will be shared with those entities as well.

Mayor Campbell pointed out there seemed to be a lot of items that stayed similar in comparison to 2017, though there was an 11% higher response rate, not including the 84 individuals who participated in the on-line survey.

The survey company was provided with City maps to ensure the four wards were evenly distributed, in addition to areas of the City.

A summary report is also included in the packet, more in terms of the strategic plan. Any questions can be directed to Mr. Norenberg or Ms. Hoh.

EXECUTIVE SESSION

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

Legal-

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation

Property Sale/Lease-

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property;

Personnel-

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed

Motion carried.

Mayor Campbell recessed the Council Meeting at 9:01 p.m. for the purposes permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 10:13 p.m.

Mayor Campbell advised that no action was needed as a result of the discussions in Executive Session.

ADJOURNMENT

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

The Council Meeting adjourned at 10:14 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 28, 2019

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

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Eric Norenberg and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmembers Lisa Peel and Katrina Wilson

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 5:37 p.m.

INVOCATION AND PLEDGE

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

EXECUTIVE SESSION

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

Pursuant to 29 Del. C. §10004 (b)(9) for the purpose of discussing personnel matters in which the names, competency and abilities of individual employees are discussed.

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation.

Motion carried.

Mayor Campbell recessed the Council Meeting at 5:38 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 6:36 p.m.

Personnel Matter

Mayor Campbell announced that no action was needed as a result of the discussion in Executive Session.

ADJOURNMENT

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

The Council Meeting adjourned at 6:37 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
October 28, 2019

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

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Eric Norenberg and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmembers Lisa Peel and Katrina Wilson

CALL TO ORDER

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

INVOCATION AND PLEDGE

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

RECOGNITION

Proclamation 2019-15/Extra Mile Day

Mayor Campbell referenced the following proclamation in which November 1st will be designated Extra Mile Day in the City:

EXTRA MILE DAY

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

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

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

WHEREAS, the City of Milford acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2019.

NOW THEREFORE, I, Arthur Campbell, Mayor of the City of Milford do hereby proclaim November 1, 2019, to be Extra Mile Day and urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

Introduction/City Employees

Council welcomed the following new employees:

- Amanda Lake – Customer Service Department – September 2019
- Carla Wdowsk – Finance Department – August 2019
- Lisa Levis – Public Works – October 2019
- Videll Slade – Solid Waste Division – October 2019

PUBLIC HEARINGS

*Community Development Block Grant Program
Kent & Sussex Counties
Adoption/Resolutions 2019-17, 18, 19, 20, 21*

The City of Milford, Delaware, in cooperation with Sussex County Council, Kent County Levy Court and the Delaware State Housing Authority, held a public hearing for the purpose of providing interested citizens the opportunity to comment on the municipality's application for funds under the Delaware Community Development Block Grant (CDBG) Program.

Brad Whaley from the Sussex County Community Development and Housing Office and Frank Paquette from Kent County Housing and Community Development were in attendance.

Mr. Whaley reported that their offices apply for and administer the Community Development Block Grant (CDBG) Fund Programs. The Delaware State Housing Authority applies for funding from HUD (Department of Housing and Urban Development), which is primarily used to help low to moderate income residents with housing issues. Historically, a lot of housing rehabilitation, small infrastructure projects, sewer and water connections, demolitions and similar type work.

One of the requirements is to hold a public hearing to allow the general public, or officials of the City to comment or have input. Applications must be submitted by February 27, 2020 for the upcoming fiscal year.

Income is considered at or below 80% of the area median income. The current guidelines, established by HUD this upcoming year, are as follows:

	Kent County			Sussex County		
	30% MEDIAN	LOW	MODERATE	30% MEDIAN	LOW	MODERATE
1 Person	14,050	23,450	37,450	15,200	25,250	40,400
2 Person	16,050	26,800	42,800	17,350	28,850	46,200
3 Person	18,050	30,150	48,150	19,500	32,450	51,950
4 Person	20,050	33,450	53,500	21,650	36,050	57,700
5 Person	21,700	36,150	57,800	23,400	38,950	62,350
6 Person	23,300	38,850	62,100	25,150	41,850	66,950
7 Person	24,900	41,500	66,350	26,850	44,750	71,550
8 Person	26,500	44,200	70,650	28,600	47,600	76,200

Mr. Whaley explained that the primary goal of the housing rehab is to preserve the existing housing stock. This is not geared toward housing remodeling, but more for the purpose of addressing code violations. Simple rehabs are a focus and include new roofs, furnaces, electrical systems, upgrading plumbing, electrical work, insulation issues, etc.

Over the past five years on the Sussex side, Milford has received \$210,000 in CDBG funding to aid 10 households. In the current year, the City of Milford received \$70,000. One project has been written up, though he expects another five to six more can be done. An inspector is sent to the home, who writes the specifications, does a cost estimate, then the work is bid to local contractors, which also helps the work force.

There is a requirement to have more than four applications on file and currently, there are fifteen residents on the Sussex side who have requested assistance. Applicants are referred through a number of means, including City Management and

Code and Building Officials, case workers, ministers, etc. They are then added to the list and at the time of the application, the income, home ownership, property taxes are current, etc. are verified.

Mr. Paquette then added that the Delaware State Housing Authority requires at least four-verified homeowners in a target area, which can be a town or a mobile home park. Those target areas get priority. If someone is not in a target area, they go under scattered sites which currently has around 100 people on that list. Only between 15 and 20 a year are done, so many homeowners could be on the waiting list for five years.

Presently, there are only two Milford homeowners on the waiting list in Kent County, so at least two more are needed in order for Milford to become a target area. They have requested \$72,000 to rehab those four homes.

In the past, Mr. Paquette reported that HUD required that a mortgage lien on the property after the work is completed. This is a zero percent interest and zero payments. There is no payback unless the home is transferred. However, it can be transferred to another low-income homeowner.

Councilmember Culotta thanked the representatives, adding he referred someone in the past couple years.

Mr. Paquette then explained the application, noting that one of the staff members handles the application and actually goes to the home to ensure it is completed and that all requirements are met.

City Manager Norenberg shared that some referrals come from our Code and Inspection Department, when they identify problems that may be eligible for CDBG assistance.

Mr. Whaley then talked about the three sets of guidelines that must be met. However, their staff works with the applicant to ensure everything is correctly addressed.

With no further comments from City Council, Mayor Campbell opened the floor to public comment.

Larry Price of Seabury Avenue stated there must be a lot more residents that are in need of these services than only two families on the Kent County side of Milford. He wonders if there is enough communication being provided to the community and he is unsure who on Council is responsible for addressing the issue.

He suggests that Milford be proactive instead of reactive to this process. He hopes that there is a growing number of residents on that list to meet the target area requirements.

No one else responded and the public hearing was closed.

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

RESOLUTION 2019-17
Sussex County

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

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

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

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

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

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

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

APPLICATION: Rehabilitation/Infrastructure/Demolition

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

NOTE: To be used for Infrastructure projects only.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION PASSED BY THE CITY OF MILFORD, SUSSEX COUNTY, ON THE 28th DAY OF OCTOBER 2019.

WE GIVE MAYOR AUTHORIZATION TO SIGN RESOLUTION:

Councilmembers

Daniel Marabello	Owen Brooks, Jr.	
Arthur Campbell	Douglas Morrow	s/Arthur J. Campbell
Lisa Ingram Peel*	Jason James Sr.	Mayor
F Todd Culotta	Katrina Wilson*	

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

s/Robin A. Griffith
Clerk of the County Council

*Absent

Motion carried.

Councilmember James moved to adopt Resolution 2019-18, seconded by Councilmember Brooks:

RESOLUTION 2019-18
Citizen Participation
Certificate of Assurance
Sussex County

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

- 1) made available information concerning the amount of funds that may be applied for;
- 2) made known the range of activities that may be undertaken with these funds;
- 3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;

- 4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies and others in a timely manner; and
- 5) provided a summary of other important program requirements.

The City of Milford has held a Public Hearing on October 28, 2019 with required notice for all citizens, including low and moderate income persons, to have an opportunity to present their views and proposals.

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

Mayor Arthur J. Campbell

Motion carried.

Councilmember James moved to adopt Resolution 2019-19, seconded by Councilmember Boyle:

RESOLUTION 2019-19
Requirement for Fair Housing
Sussex County

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

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

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

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

This RESOLUTION was passed by a majority of the Council of the City of Milford on October 28, 2019.

Mayor Arthur J. Campbell

Motion carried.

Councilmember James moved to adopt Resolution 2019-20, seconded by Councilmember Boyle:

RESOLUTION 2019-20
Authorizes Levy Court of Kent County to Submit Application

The City Council of Milford, Delaware, hereby authorizes its Mayor, Arthur J. Campbell, to submit the Fiscal Year 2020 Community Development Block Grant (CDBG) application and all understandings and assurances therein contained, and furthermore authorizes the Levy Court of Kent County to Act as the official representative of the City of Milford in connection with the submission of the Fiscal Year 2020 CDBG applicant and to provide such additional information as may be required. In the event the City of Milford's application is funded, the Levy Court of Kent County is hereby authorized to administer the funded application on behalf of the City of Milford.

This resolution was passed by a majority of the Council of the City of Milford on October 28, 2019.

Mayor Arthur J. Campbell

Motion carried.

Councilmember James moved to adopt Resolution 2019-21, seconded by Councilmember Culotta:

RESOLUTION 2019-21
Requirement for Fair Housing
Kent County

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

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

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

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

This RESOLUTION was passed by a majority of the Council of the City of Milford on October 28, 2019

Mayor Arthur J. Campbell

Motion carried.

*Adoption/Ordinance 2019-36/Change of Zone/Lands belonging to BSG III, LLC
Tax Map & Parcel(s) 1-30-3.11-055.00, -056.00, -057.00
1.41+/- Acres located at 0 Seabury Ave, 615 S DuPont Blvd & 0 S DuPont Blvd, Milford, DE
Current Zoning: OC-1 (Office Complex)/Proposed Zoning: C-3 (Highway Commercial)*

Solicitor Rutt commented this is an application for a change of zone. He stated that many in attendance wish to address the potential use of the property, but tonight the only question before Council is the change of zone from OC-1 to a C-3. If the zoning is approved, the applicant will need to return for another hearing and present the plan for the site.

To keep the record clean, Mr. Rutt asked the applicant address why the property should be changed to C-3, afterwards the public can make comments on the change to commercial.

Councilman Culotta noted that the application states the present use is vacant, but proposed use is convenience store with gas pumps. He asked if that information should be included; Mr. Rutt said it probably should not have been, but the concentration tonight is on the zoning only. The convenience store and gas pumps are a conditional use under the C-3 zone, which is a separate application and another public hearing.

Planning Director Pierce then reported the public notice for Ordinance 2019-36 was properly advertised in the Milford Beacon on September 25, 2019 and public notices mailed to property owners with properties within 200 feet of the subject parcel.

He stated that the packet includes the staff report for the change of zone application which indicates it is three parcels, located at the northeast corner of Seabury Avenue and US Route 113. It involves approximately 1.41 acres owned by BSG III, LLC. The applicant is William Owen.

The applicant proposes to change the zoning designation of the three parcels from OC-1 Office Complex to C-3 Highway Commercial, with plans to construct a convenience store with gas pumps. The proposed use would require conditional

use approval from City Council, which would occur on a different date during a separate public hearing if the property is approved for the rezoning this evening. Development of the site would also be subject to the City's site plan review process, which would include two meetings with the Planning Commission.

He continued by noting the Change of Zone request is consistent with the 2018 Comprehensive Plan Future Land Use exhibits. The future land use designation for the property is commercial, for which C-3 is a suitable zoning designation. The comprehensive plan also states that Highway Commercial zones should be located along major transportation routes, that include State Route 1, US Route 113, State Route 14 and Business Route 1.

US Route 113 is a State-maintained roadway and a principal arterial road according to DelDOT's Functional Classification Map. Seabury Avenue is also State-maintained and considered a major collector based on the map.

Site access and entrance improvements would be reviewed and approved by DelDOT as part of the site plan approval process.

The property to the north is zoned C-3 and contains a one-story medical office building. Properties to the east are zoned OC-1 and contain a single-family dwelling that was recently converted into a professional office, in addition to a medical office complex which is further to the east. The properties on the southside of Seabury Avenue are zoned R-1 Single-family Residential District and contain single-family dwellings.

Mr. Pierce referred to various items in the packet for additional review including the uses permitted in the C-3 zone.

The Planning Commission reviewed the application at their October 15th meeting and recommended approval of the change of zone by a vote of 4 to 0. Several residents were in attendance to speak in opposition, citing traffic, speeding, lighting and noise concerns.

Councilman James is aware the City's Comprehensive Plan designates the entire area as commercial as a proper use. He confirmed there is commercial there, though other uses.

Director Pierce stated that is correct and OC-1 is a suitable category within the commercial land use classification.

Councilman James stated that around this property, is almost all C-3 even though this property is currently zoned OC-1. He asked if there was an intentional purpose for this property to remain OC-1, when surrounding properties were zoned C-3; Mr. Pierce said he does not have an answer and would not want to speculate.

Mayor Campbell asked if everything around this parcel is C-3; Mr. Pierce reiterated this property is OC-1 which is office complex and the properties to the north are C-3, across the highway is C-3, to the east is OC-1 and to the south is R-1.

Mr. Pierce provided a brief summary of the uses permitted in the C-3 zone:

- Those uses permitted in the C-2 District.
- Warehouses.
- Large retail outlets.
- Indoor storage accessory building.
- Fast-food restaurants and drive-in restaurants.
- Supermarkets.
- Truck and trailer rentals.
- Roadside produce market.
- Memorial stone shop.
- Outdoor commercial recreational facilities, not motorized vehicles.
- Swimming club.
- Indoor facility for amusement or assembly.
- Bus station.

Conditional uses subject to special requirements will permit, the following, based on City Council approval:

- Motels or hotels with a minimum lot size of three acres.
- Commercial greenhouse.
- Wholesale establishment.
- Newspaper publishing or printing establishment.
- Contractors', craftsmen's or general service shops, including welding and similar shops.
- Laboratory, testing and research.
- Car repair shops.
- Used car lots.
- Telephone central office or television cable central office.
- Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
 - All facilities shall be located and all services shall be conducted on the lot.
 - All repair work shall be conducted within an entirely enclosed building.
 - Convenience stores with gasoline service.
 - Shopping centers.

Mr. Pierce explained the only other property in town zoned OC-1 is the Independence Commons Park and some similar properties on Airport Road. It is mainly for offices of large nature banking institutions, tech centers, research and data centers, emergency service centers, corporate offices, television/radio studios, professional schools, health centers and clinics.

With an approved conditional use, charitable organizations, daycares, civic centers, indoor recreation, private clubs, medical/dental labs.

Manufacturing or residences are not permitted, unless they exist at the time the ordinance is adopted.

C-1 is neighborhood commercial and for smaller retail uses.

Councilman James said it seems like what is allowed in OC-1 compared to C-3, the one thing that stands out is C-3 categories provide a large-scale commercial use that may require large amounts of parking space or have a high traffic impact. Whereas, OC-1 could require a larger scale parking area.

Mr. Pierce said that would apply in the case of a shopping center, but there are other smaller retail uses that would not require that. When he reviewed this, he looked at the location, which is on Route 113, a principal arterial road, which is designed with high levels of traffic going up and down. It has the potential to be a commercial corridor through Milford.

Councilman James said he would not be as concerned with Route 113 itself, but more so if a high traffic, impact commercial use was to go on that corner. He understands it is a conditional use, but he does not think City Council has the ability to comment on the entrances, because Seabury Avenue is also a state road. If there was an entrance off Seabury Avenue and high traffic impact, that would change the nature of that road or at least the traffic volume that will potentially use that road if it were zoned C-3.

Councilman Marabello confirmed that south of the proposed site is R-1. He asked if this were to change from OC-1 to C-3, would that adversely impact the value of the R-1 homes; Mr. Pierce said he is unable to answer that question.

Councilmember Culotta said that would not happen until the use is determined. In other words, it depends on what is put there. But that is not what is being discussed tonight.

Solicitor Rutt said that is something the applicant and the people who speak to it would have to show.

Mike Riemann, Civil Engineer with Becker Morgan Group, along with Bill Owen and Jason Donald of PennTex Ventures LLC, the developer of the property.

Mr. Riemann commended Mr. Pierce's presentation and then proceeded with the following information:

The site on the map in the City's Comprehensive Plan, approved in 2018, shows the areas as mainly commercial. The commercial corridor includes the R-1 properties to the south, because highway commercial zoning should be located along major State transportation routes which includes Route 113 as is stated in the comp plan.

US Route 113 is a principal arterial designed for lots of traffic and traditionally is where commercial corridors exist.

Seabury Avenue is also a major collector, or a higher classification of road, because higher traffic is anticipated on the DelDOT maintained roadway. It is appropriate this proposed site is at the intersection of Route 113 and Seabury, or where a principal arterial and major collector connect, and is where commercial zoning should be.

The parcel is 1.43 acres and is currently zoned OC-1. Several items were already listed that are eligible in the OC-1 district. In addition, medical clinics, health centers and 24-hour emergency centers are all permitted. In addition, 70 feet is permitted or a seven-story emergency facility would be presently be allowed at this site.

This is not the intent of the developer, which is to build a convenience store with gas. A convenience with gas is about a 75% pass-by traffic which means they are picking up traffic that is already on the road. Basically, people are stopping on their way to work, on their way to do errands, etc. They do not make a specific trip to go to that location and come back. Essentially, 75% of the traffic that enters the site is already driving by and just happen to stop there on the way by.

That is a good thing because that does not increase the total amount of traffic. As opposed to a seven-story medical facility where people are going specifically there.

Other things permitted in OC-1 are daycare centers and banks with drive-thru services, both of which generate a lot of traffic.

The site, with water, sewer and utilities, is at an intersection with a principal arterial and major collector. The City's Comprehensive Plan designates it to be commercial and is very consistent with the surrounding zoning with the area.

The applicant is asking for approval of the rezoning and not the specifics of the plan, though he is will to do that.

They have met with DelDOT to talk about access preliminarily, which would be limited to right in/right out on the highway and an access on the side street which would require improvements. A traffic study will be done and that cannot be done until the site plan process begins. The rezoning hearing is step number one, after which the conditional use hearing will be before the Planning Commission and City Council, after which the site plan will be presented to the Planning Commission.

Pedestrian improvements will need to be connected across Seabury Avenue, with crosswalks and ped crossings, which is very normal.

They have no problem with any of the requirements and they understand there is a lot of work needed before this come to fruition.

They are also happy to discuss the traffic, noise and light concerns expressed at the Planning Commission, during the conditional use/site plan hearings and are willing to work with the community, Planning Commission and City Council to implement that will help improve the plan as much as possible.

From a stormwater perspective, this property drains to an existing drainage system along Route 113, though they will address additional stormwater practices. Approval will be required from the Sussex Conservation District, Fire Marshal, DelDOT, City Engineers and Planner, etc.

It was reiterated the requested zoning is clearly consistent with the surrounding properties/zonings. The OC-1 does not fit the 1.4-acre parcel because that is more of a large office complex, and the only way that could be accomplished is with a tall building on the 1.4 acres. The C-3 zoning is more consistent with the City's Comprehensive Plan along the adjacent major corridors.

Councilman James that Route 113 corridor and understands that 113 and Seabury are major collectors, and though it is designated commercial, OC-1, C-3 are all allowed in that commercial corridor and it is not restricted to the C-3 zone. He wants it made clear that it is designated commercial in general and not just C-3.

Mr. Riemann pointed out the red he is referring to on the comp plan is C-3; Councilman Culotta agreed. Councilman James explained he is talking about the comp plan. Mr. Riemann referenced the statement in the comp plan that OC-1 is also consistent with commercial, but there is additional language that states regular highway commercial for the City should be located along Routes 113, 1 and 14. OC-1 is a regular highway commercial, so that is the argument he was making.

Councilman Culotta said he has received a lot of comments from residents in his ward. He always informs them of the public hearing where they can comment.

The floor was then opened to public comment.

When asked if anyone wished to speak on behalf of the applicant, no one responded.

Councilman Culotta asked that some ground rules be set for what is allowed by public comment.

Solicitor Rutt reiterated that the public comments need to refer to the change of zone from OC-1 to C-3 and anyone who wishes to speak in favor, speak first, followed by those in opposition.

Mr. Rutt then asked if anyone in favor of the application wished to speak. Again, no one responded.

The Solicitor then asked anyone in opposition, state their name and address, which are needed as part of a clear record. Councilman Culotta also pointed out the time limit. Mr. Rutt agreed there is a three-minute time limit and asked those in attendance to state clearly and succinctly their intent.

Larry Price of Seabury Avenue asked two questions. It was said that 75% of the traffic coming into the store would be off Route 113. Another 25% has to come or has to go somewhere else. Living on Seabury Avenue, he has a concern about where that 25% maybe increasing the current level of traffic.

The second question is regarding commercial traffic and whether the commercial traffic on Seabury Avenue will increase to some proportion.

George Ehrmann Jr. of 817 Seabury Avenue, stated that currently the comprehensive plan is a guide, not a mandate, number one. Number two, as far as the property is concerned, the speed limit on Seabury Avenue is 25 miles per hour, which was addressed by Council two months ago. The speed limit on Route 113 is 50 miles per hour.

As far as the traffic is concerned, he said they are already dealing with speeding problems. That entrance is currently used as a bus stop at the property line, directly across the street from Cherry Street.

With the Simpson Property development, Cherry Street has been mandated a corridor strictly for that. There is already concern, both about the amount of traffic from the commercial district, and now the Simpson Community. They are already dealing with traffic from OC-1, though they are comfortable with OC-1 and pretty much a standard thing and would prefer the lot remain OC-1.

It was noted the school bus stop has been at the location for the past seventeen years.

As a realtor, Mr. Ehrmann commented that a high-volume commercial use, such as a convenience store, decreases surrounding property values considerably.

Charles Adams of 319 Hall Place pointed out the intersection is already constructed at an odd angle and vehicles traveling south and entering Seabury, have the right of way to come across US Route 113 onto Seabury. People traveling south on Route 113 should wait for them. That is not a good situation, nor has it been in the past, and the reason they closed the road on the opposite side of the highway to eliminate a little bit of that problem.

Regardless, there is still a major problem at that intersection and major action would be needed for this type of use to happen at that intersection, and probably a light. DelDOT probably does not want to install a light there as close as Lakeview Avenue is to that traffic light.

In addition, he noted that if a vehicle is turning out of a right-out only headed north in the summer, when traffic is backed up to at least Seabury, they are going to turn around and come through Hall Place so they can get to the light on Lakeview. That will increase traffic on all streets in that neighborhood with vehicles trying to reroute and get back out on Route 113.

Mr. Adams also referenced the major City well site across the highway from this property. He believes there is some type or radius of protection for those wells and there should not be any kind of gas or diesel fuel allowed anywhere within 500 feet of those wells. He recommends a hydrologic study be done.

He added the average loss of gas at a gas station is forty gallons a year and that is going to end up in the stormwater management system that Delaware mandates infiltration into the ground before it goes out into the collection system that is along the highway. That forty gallons will enter that infiltration each year and head toward the City wells regardless of if there is a small leak in the tanks. Because of that, the proposed use should be excluded and not available through a conditional use in any district.

He also noted there is a 7/11 across the street and high-volume traffic, late night activity, music, crime, already impacts the residents and this area.

Lawrence Smith of 119 School Place said he may not be able to attend any future meetings. However, his concern is the congestion on Seabury Avenue has increased tenfold since he has lived there. His home is on School Place and his mother lives on Seabury Avenue, basically in the middle of Walnut Street and Route 113. The traffic through there is incredible. He sits on that porch all summer long with his mom and watches the traffic. He has witnessed speeds of 40, 50, 60, 70, 80 miles an hour on Seabury.

Mr. Smith said how does he qualify this; he is a former Milford Police Officer and he used to run radar and he is familiar with speeds. He sees it every day.

With this, the traffic will be increased on Seabury. Using only the 25% previously mentioned, that is 25% more traffic on Seabury Avenue coming in off Walnut Street to go to whatever is built there. Then they would turn around, and come back down Seabury Avenue.

Their other option, according to Mr. Smith, is to come up Lakeview. They are not going to the highway and turn left to go to the store. Instead, they will come down Hall Place and Kent Place, adding speeders to those small streets. He hopes Council will consider the speeding problems down the road.

Mr. Smith commends Milford Police for doing what they can for speed, but it is ridiculous and no where near how it used to be when he was a police officer. He commends on what they are trying to do, but more enforcement is needed, especially on Seabury Avenue. There are a lot of elderly people, and there will be more school children on that street with the development that is occurring. He asked that Council look at these things before this is approved.

Rachel Messick Lynch of 709 South DuPont Boulevard, five houses down from this proposed store. She has been there thirty year and has done many home improvements to their property. Over the years, she has called 911 at least a dozen times for major accidents with injuries. She has had a vehicle overturned in her yard, had an axle break and hit a tree in

her yard. Her neighbor has had an overturned UPS truck several years ago in his yard, because someone clipped the truck from behind and the entire truck turned over.

She added these examples are not even at this intersection yet and instead is approaching the intersection. Now there is the light at Redners and in the summertime, traffic is backed up beyond that light. To be able to turn into this proposed store, will require the road be widened to add a lane to slow down and merge, which will impact her personal property.

Ms. Lynch said there is already a lot of drugs and crime occurring at Royal Farms and now we are going to add these problems directly across the street where school children get on a school bus. Her son is now 30 years old, but when he was little, every morning, vehicles would just drive past the school bus without stopping. She would hate to see something happen to someone's child or grandchild.

Christine Simpson Reed of 607 South Walnut Street feels these properties and neighbors are being inundated with Simpson Crossing which is a major problem. She wants to know what the impact will be on the impact on the quality of life for the residents living near this rezoned property will be. If rezoned as presented, there can be a business open 24 hours/7 days a week. People will be coming in and turning around, driving through, crossing a two-lane road from people's homes, where they have lived for 30-40 years. Quiet medical offices and attorney office are fine. This makes no sense. There are so many sites up and down Route 113 where they could build a gas station with lots of easy access and no problem with people turning.

Ms. Reed stated she has never been able to turn. When coming south on Route 113 and want to turn on Seabury, because she lives on South Walnut, to get to her house, she cannot do it in the summer. Everyone in that area has to go to the signaled intersections in the summer because it is impossible to cross that intersection.

She asked what this will do and what is the impact going to be; it could be a gas station, convenience store, liquor store, a bar, a seven-story high emergency facility. It could be a daycare which she feels would have a lot less impact and she is familiar with daycares because she is a teacher.

She referenced the noise pollution, light pollution and the traffic. In addition to these pollutions, she just realized there will be chemical pollution from this 1.47 acre lot. She has been coming to Milford since the early 80s to visit friends and this parcel has always been vacant to her knowledge. She can be corrected if something was there at one time and does not understand why we are so desperate to sell a piece of property, this close to residents' homes where they have been living all their adult lives.

She asked why we are so desperate to change this zone for this one small, teeny, tiny piece of property when we have an entire area, from Seabury, all the way to Georgetown, to build a gas station; Ms. Reed wishes everyone would take that into consideration when voting on this application. It makes no sense to her.

There being no further persons that wished to comment, Mayor Campbell closed the floor to public comments.

Councilmember Boyle then stated that he is familiar with the City's 2018 Comprehensive Plan and was on the Planning Commission that wrote the plan. While the future land use designation for the property in question is shown as commercial, of which C-3 highway commercial, is a suitable category, it does not preclude the City from discerning which property, which level of commercial use is appropriate for this specific location.

But he does not feel the C-3 is advisable for this location for the following reasons:

First the bordering neighborhood is predominantly R-1 residential, consisting of single-family homes, with the exception of two properties zoned as OC-1 office complex. One is an empty medical building and the other is a house that was converted to a legal office, located immediately next to the subject parcel on Seabury Avenue.

Second, the wide range of permitted additional uses, associated with the C-3 zone property, will generate a heavy traffic flow through the neighborhood as has been brought to Council's attention. This is compounded by the fact that the

parcels' particular shape will require access directly from Seabury Avenue. That makes Seabury now a major thoroughfare and not just an arterial feeder.

Councilman Boyle continued stating that the intersection of Seabury and Route 113, as has been described by some of our citizens already, and he uses it a lot, presents a challenge to anyone attempting to cross Route 113 South or to access Seabury Avenue from Route 113 South. For someone that tries to get across, yield is not a suggestion. Someone trying to cross yielding is really required though he does not think anyone slows down long enough to even read the sign. He has found himself right in the middle of Route 113 north to avoid getting hit by another vehicle coming from the south.

The current configuration at the intersection is not structured to support heavy traffic use and will only become more unsafe as its current level of uses is increased. DeIDOT is not likely to change the intersection and are more likely to close it as traffic increases.

Fourth, in his opinion, of all the parcels of land available for commercial development, along Route 113 from the Redners Shopping Center traffic light all the way north to its intersection with Route 1, this is the worst possible location for this parcel of ground to become a C-3 and simply does not compute.

He explained that a conditional permit isn't anything to relax about because it becomes permanent after a while because no one every loses and the business will stay in perpetuity. If approved, the rezoning will forever change the nature of the neighborhood from being a quiet family area to a heavy traffic and congested one.

Councilmember Boyle further stated that Council has an obligation, as the governing body for the City, to balance the needs of a growing City, while preserving the hometown feel of Milford that has evolved overtime. Growth is coming and will continue to come to Milford, but Council can neither abandon entire neighborhoods for small gains, nor can we abrogate our responsibility to manage the City's growth in a smart manner that respects the good that exists, accommodates the commercial development that will come and the growth with it and make sure it is compatible with how the City envisions its future.

Normally, Councilman Boyle would agree with the recommendation of the City's Planning Commission. However, in this instance, he does disagree. In this instance, as he has on another occasion, believes that designating this parcel to C-3 is incompatible with the bordering neighborhood and that the Seabury Avenue/Route 113 intersection, when compared to the potential scale of the uses permitted in the C-3 highway commercial property, simply does not fit.

Therefore, he is not in favor of making the change.

When asked to comment about the concern related to the gas pumps in proximity to the City wells, Planning Director Pierce explained that the City has a Source Water Protection Ordinance. Within it, DNREC has a layer that delineates the wellhead protection areas. They would have to delineate that on their site plan. Upon visual inspection of the resources available to Mr. Pierce, it did not appear to impact that property. It is 150 feet from the wellhead and he believes it came close to the boundary of the site the wells are on, but did not enter the property and would not affect where the actual tanks were to be located.

That would need to be reviewed and the plan would have to meet the criteria as part of the site plan review. He is unable to check it now because he has no knowledge of where the pumps/tanks will be located.

Councilman Culotta then stated that typically, his take on these situations is that he likes growth and wants more services for the residents. Looking at this solely from a Route 113 standpoint, he could see possibly. But when including Seabury Avenue and the nature of the design...he grew up on the dead-end side of Clarke Avenue and is very familiar with this area. But the nature of the design of Seabury Avenue is easy to come north on Route 113 and tear down Seabury, which is why we have problems with speeding there. He got a ticket when he was in high school.

With that, he is all about growth, but about smart growth. He thinks that may need to be considered even though this is only a rezoning discussion and debate, and what we need to be careful about and open the doors for.

Councilman James stated that even though, both his wife and him, are lifetime residents of the City of Milford, they were always familiar with Seabury. He went out there on a Sunday after it stopped raining, and just drove the area from each angle and pulling in and pulling out. Just to see what it feels like, not that he didn't know. And also last Friday, he went out there and walked the area to see what it feels like, what is across from it, what it looks like and thinking about the change of zone and what could go there and what could not go there.

He referenced his line of questioning earlier, and the nature of the neighborhood which is residential, except for an attorney office or a physician's office. He is thinking about whether the bus stop could be moved and thinking about the Simpson property being developed on the end of Cherry Street and all the things that could happen on Seabury Avenue. Not that it has been determined, but if it was C-3, there could be an entrance and exit off Seabury. He is also thinking about what someone else said that he did not think about. If it is being rezoned commercial and depending on what goes there, people want to go there and what other streets will they navigate to get there and cause an impact on many other streets, which he had not considered.

For all of those reasons, Councilman James cannot see the benefit versus the negative effect of this change of zone to C-3 versus the negative impact to the community as it exists.

Solicitor Rutt stated that as a word of caution, when the vote is taken, the comments, either for or against, must be based on the record presented by the applicant and the residents who spoke tonight and not any personal observations. Those comments would not be part of the official record so to speak.

Councilmember James thanked the Solicitor and said he understands.

Councilmember Culotta moved to deny the change of zone from OC-1 to C-3, seconded by Councilmember Boyle. Motion carried by the following unanimous 6-0 roll call vote:

Marabello-vote to deny the application to change the zoning, for the reasons as have been outlined by many members of the community and the many pertinent statements made by fellow Councilmembers regarding traffic, etc.

Boyle-votes to deny the rezoning for reasons he previously stated and it is incompatible with the neighborhood and will bring about changes that will negatively impact Seabury Avenue. The intersection itself, is not suited to be turned into a corner property that will require Seabury Avenue to change its very nature.

Culotte said he will vote to deny the rezoning for reasons not just stated by the public, but other Councilmembers, even though it does fall in line with the City's Comprehensive Plan, which is only a general plan and the nature of the design. If this was a right 90-degree angle street, it might change it, does not know. But OC-1 is still a very good designation with a lot of options for businesses and because this is a medical town, can really consider that as well in the future. Because it is in his ward, he would like it to remain OC-1.

Brooks-votes yes to deny it because he didn't want it, because of the impact it has on citizens and traffic impact on just about everybody.

Morrow votes yes to deny the change of zone for reasons that have been stated, plus he thinks the lot is just too small.

James-votes yes to deny the application for reasons stated by the public and by Council and the negative impact that could occur due to the increase of traffic that may be created by the C-3 zoning uses.

Mayor Campbell announced the application is denied to change the zone from OC-1 to C-3.

COMMUNICATIONS & CORRESPONDENCE

East Delaware Avenue Tree

Councilman Culotta was notified this week, though he was aware of this previously, of a particular piece of property, a right of way, and who is responsible for the trees. One of the trees has fallen and in the past, the City has taken care of it. He said we had developed a letter to go out to those residents and he would like for City Council to see as part of the package in the future.

He further explained that the backside of properties on Delaware Avenue and East Clarke Avenue have a right of way alley. Based on research, it was determined this was a coal alley when coal was delivered to residences for heating purposes back in the day. It has never been improved, but has always been known as an alley.

In the past, the City has always taken care of any tree removal and most recently in 2015. There are other incidents when trees have been removed by the City according to Councilman Culotta.

With input from our Public Works Department and City Solicitor, it was determined that the alleys are private and the responsibility are the adjacent property owners.

He prefers this be taken care of by the City as has always been done in the past and prefers it was handled differently and just taken care of this tree.

Councilman Culotta does not feel we need an attorney to tell one of our residents they are responsible for removing the tree, because this one tree could have been cut down for a whole lot less.

Solicitor Rutt said this is a situation he was asked to review by Public Works. He also road by the block and was unable to see an alley. He observed trees and backyards with sheds but no right of way. In the past, he explained these paper alleys on these old subdivision documents, were private alleys. On paper, this is 12-foot alley and there is one alley that connects East Clarke and Delaware that contains a sign that states unauthorized vehicles prohibited. It appears the neighbors took ownership of that alley. As a result, when he considered the facts, it was determined the alley was not a City alley and was already appropriated to the residents.

Councilman Brooks said in the past, when the homeowners were given the alleys, it was always done on paper and not just word of mouth.

Solicitor Rutt explained that from a legal point, when an alley is shown in a subdivision, that is a presumptive dedication of the alley or the street to the City. However, the City would have had to accept it as part of their streets and has taken over the maintenance and improvement and repair of the alley. A paper alley shown on a map does not mean the City has accepted the alley and refer to what has happened in terms of its use. That is why he went and physically reviewed the alley. There is no alley behind these homes and instead it is land being used by the residents.

Councilman Brooks said when they had the coal back in the 40's and 50's, the City's had the right of way and now Mr. Rutt is saying all of a sudden, it is the homeowners' responsibility. Mr. Rutt said when they were coal alleys, they were private alleys for the private use of the residents.

Councilman Brooks said these trees belong to the City right now. Councilman Culotta said we don't know and even though legally Mr. Rutt provided some information, but in practice, the City has always taken care of these trees and a precedence was set.

Mr. Rutt recommends the City address a policy regarding the maintenance of these private, paper alleys and maintaining them.

Councilman Brooks said this was done on Lakeview and the alleys were officially given deeds to them. The residents on Delaware Avenue have no deeds. Mr. Rutt explained that if a property and a street that is abandoned, as was the case on Lakeview, that was shown as a City street (East Clarke). The one at Seawatch was also shown as a City street (Evans Street). The City went through an abandonment process because it involves a street that was never opened or used and the owners are presumed to own to the center of the street or alleyway.

Solicitor Rutt said he is only informing Council of the law.

Councilman Culotta asked that the brakes be put on the matter because he wanted to bring it before City Council so it could be decided by the elected body.

It was agreed the matter would be added to the next workshop, because it is not on tonight's agenda.

The City Manager asked that if the precedent is set in this situation, the City is going to be taking on the responsibility and maintenance of other private alleys.

Mispiration Art League

Councilman Marabello recalled the Art League sponsoring the Big Draw in October, which was very successful. It was determined there were over 2,000 participants in the various events.

When in Europe, Rosemary Connelly brought the idea back. Other than Milford, the only other municipality that participated in the Big Draw was San Francisco.

The Art League was commended for a great job.

Public Works Department

Councilman James remarked on the number of improvements he is seeing throughout town, particularly many of the rough spots in the roadways have been patched, in addition to many sidewalks being repaired.

In addition, he had a request for street light in his ward, which was taken care of and the neighbors are very happy.

Planning, Code and Inspections

In addition, Councilman James said there was a bad eyesore on Church Street, which has been taken care of and that street sees a whole lot better.

Overall, he continues to see code-related improvements throughout town, so the work is being done and he commends those City employees.

Electric Department

Councilman Culotta said he received an email from a resident commending the improved lighting in the downtown area, which he forwarded to the Public Works Department for the great job he is doing.

He agrees with Councilmember James that people are taking notice.

NEW BUSINESS

Renewal/Kent Economic Partnership Agreement

KEP Board Chair Greg Moore stated that before Council is the Choose Central Delaware tagline, developed by Executive Director Linda Parkowski.

Chairman Moore then provided background on KEP noting they are a public/private organization whose office is in Kent County Levy Court. He also noted that the organization is made up of many business members. President of the Greater Kent Committee Craig Crouch of KSI from Milford was also present.

He noted that their board has representative from each of the larger municipalities that include Dover, Milford and Smyrna. Currently, Councilman Boyle is Milford's representative.

The Chairman pointed out KEP's goal is to bring high paying jobs and economic development to Milford and all of Kent County. They will continue working hard to accomplish that.

Executive Director Parkowski then addressed Council and reviewed the results of the Rockport Study. The targeted industries were healthcare, distribution logistics and business and legal services. Over the next year, her priority will be on healthcare, which works perfectly in Milford. She has been working with the Wellness Village to acquire tenants, arranging meetings with schools and technical schools in order to provide training for the various healthcare facilities, including Bayhealth and Nemours, in the community.

She concentrated on distribution, warehousing and logistics her first year. Milford had some identified potential sites in this area, though more of the areas would need to be built. The positive is that Milford did not have a lot of empty, vacant industrial sites that could be converted.

Through the Kent County MPO, they also commissioned an East-West Freight Route for Kent County, which should be completed by 2020.

She is also working on recruiting jobs in the business and legal services.

They are working on two other sectors simultaneously with the Greater Kent Committee (GKC) are education and skills development. All the technical schools, secondary schools and higher learning facilities are represented on an Education Work Force Committee.

She also spoke of the Quality of Life Committee whose one focus is on water-access points in Central Delaware in which Milford is highlighted significantly in that project.

Ms. Parkowski talked about several on-going projects that Milford is part of, including Excellence in Education, focusing on Kent County Schools and Milford is featured prominently in the associated video and publication.

Mr. Moore then spoke about the Ready in Six, which is the result of the business community informing KEP the permitting process at the state level is too slow. As a result, they have partnered with several business entities in the State to study that process. That draft study will offer solutions to making that process faster in an effort to help new businesses in Central Delaware.

In addition to the many services and resources available through KEP, Ms. Parkowski talked about the Planner meetings and Town Manager meetings they have hosted. Those meetings have been very successful where ideas were shared and concerns addressed and solutions and assistance offered.

The website has been completely rebuilt and they are receiving ongoing inquiries about sites throughout Central Delaware.

Ms. Parkowski assured Council that Milford has been represented at the various trade shows they have attended, in addition to various other marketing sources being used.

She shared that she is actively working eight projects since Labor Day. There is the potential for 350 new jobs and over \$120 million in new investments in Kent County.

Mr. Moore then advised that the State of Delaware set up the Delaware Prosperity Partnership (DPP) and he and Linda are actively working on their board. His job is to make sure Kent County gets the resources from the State of Delaware DPP and brings them back to places like Milford, Dover and Smyrna. Some of the leads actually come from them and their hope is to have some big leads for Milford.

He also reported that the funding they receive, might fund a study that is needed in Milford. They have the ability to get the State of Delaware through DPP to fund that study or analysis.

Mr. Moore said they are in attendance tonight to extend the agreement from last year and want to save the City from creating new economic development offices in Milford, as well as in Dover and Smyrna. Their entity can actually bring those leads for new businesses to come here.

He also added that Ms. Parkowski had actually had met the applicant from earlier this evening at a convention outside of Delaware.

It was confirmed that their assistance to Milford covers all the City in both counties. Mr. Moore stated yes, that is why Bayhealth is a prominent issue in Milford, in addition to the Wellness Village.

When asked why Milford has not had any leads since they partnered with KEP, Mr. Moore said that Ms. Parkowski has been working with Nationwide, bringing them leads and tenants, so there is actual leads and operations that KEP was associated with.

Ms. Parkowski added that is one of her projects and now that they are turning their attention a little to the retail/commercial area, she feels that will help.

She also talked about pitching the industrial parks in Milford in hopes of obtaining warehouse distribution and some simply did not want to come that far south.

Ms. Parkowski mentioned they are also getting calls from small manufactures from out of state that want to relocate to this portion of Delaware, because the minimum wage is increasing in Maryland in 2024. That provides an additional opportunity and continue working with the DPP to identify those companies to target and get the right industrial manufacturing here.

She also emphasized that a project does not happen in one month. She said many projects take at least a year and sometimes two years from the time the inquiry comes in. She has one project that involves almost two hundred emails and texts trying to lure them here from the Federalsburg, MD area.

Mr. Norenberg then recalled a recent discussion about KEP refreshing the Rockport study next year and the opportunity for targeted research for each community. Ms. Parkowski said that is being discussed and they are working out to what scale is needed. In addition, some municipalities have requested having that done for their town. As a result, they are looking at how to do that under one umbrella.

When talking about the partnership with DPP, Ms. Parkowski pointed out that DPP receives \$4 million with \$2 million coming from the State of Delaware so taxpayer dollars are supporting that entity.

Councilman James feels that is a good point. As a Councilperson with KEP is paid by Milford's tax dollars. He alluded to the earlier question asked, but asked for more specifics about what the City of Milford has gained from their \$30,000 investment to the KEP.

Ms. Parkowski pointed out that Milford is included in the representation at nine different national trade shows. Mr. Moore added that all their marketing, both digitally, and in hard copies include Milford.

More specifically, Milford is included in the distribution book, on their website and Milford is pitched on a regular basis according to Ms. Parkowski. She said that perhaps she has not found the right fit, but they have also talked about having Milford's industrial area studied for the coming year, from a transportation and revitalization perspective.

She emphasized that does not mean they won't be successful getting someone to Milford, but if Milford does not participate, the City loses any chance.

Ms. Parkowski said that many leads are just recent. Mr. Moore pointed out the Milford Wellness Village, that is not open yet, but they are actively working with them and still pursuing other entities. He said Ms. Parkowski has been working with diligently for schools, training and healthcare.

Councilman Boyle stated that he sits on the board and does not see a light going on for Milford. However, at the same time he agrees it is a slow process, similar to a financial advisor who doesn't give up and stays the course so things will happen.

He suggests that as Central Delaware is pitched, and the more Milford is mentioned, eventually the word gets out. Eventually the word gets out and the right people will become attracted here.

Councilman Boyle would like to see an immediate return, but believes it may need a little more time. With all the resources they have working for them, Milford is already in the chain and are already benefitting that at least the word is getting out. Once something happens, he hopes they can get the word out that Milford is a good place to come and has plenty to offer. He also noted that Milford is the gateway to Sussex and will bear fruit.

Councilman Boyle also feels there is a misunderstand that a lot of resources are being poured into the area between DE Turf and Smyrna.

It was noted that is just a different planning area.

Mr. Moore made it clear that KEP has no interest in DE Turf and do no marketing and no presentations for them. However, their business partner, the Greater Kent Committee, was instrumental in starting the DE Turf and maybe the result of those conversations. KEP’s interest is new jobs, new businesses and projecting Central Delaware outside of Delaware to attract companies.

Specific healthcare needs were then discussed. Ms. Parkowski reported that the State of Delaware is a minus thousand beds for dementia patients. She also looking for healthcare processing or headquarters. Those are the type things she is targeting for Milford and will continue to work with the three healthcare entities here.

Councilman James mentioned other areas that should be considered as well.

Ms. Parkowski agreed, adding Milford has a lot to offer and she is very familiar with what is available and will continue to work for them.

Mr. Norenberg noted the current agreement is expiring soon and there is money in the budget for economic development. He also reported that the Community and Economic Development Committee had asked that a presentation be provided by retail consultants to give Council some ideas of other strategies that may be available. That is scheduled for the committee meeting on November 12th.

He will also have the KEP agreement on the next agenda. The agreement is available for Council to review and identify any possible edits that may be needed in the meantime.

Mayor Campbell thanked Ms. Parkowski and Mr. Moore for attending this evening.

Bid Award/City Road Resurfacing Project

Public Works Director reported that based on a Pavement Condition Report completed in 2017, streets rated in Poor, Very Poor or Serious Condition were identified to be rehabilitated over a five-year period. The project was identified in the 2018-2022 Capital Improvement Program and in the 2019 Budget. Funds in 2018 were for the following streets:

- | | |
|-------------------|----------------------------------|
| Mispillion Street | Columbia to Marshall Street |
| Fisher Avenue | SE 2nd Street to SE 3rd Street |
| Roosa Road | Airport Road to Dupont Boulevard |
| Masten Circle | NW Front to Masten Intersection |
| Masten Circle | 957 Masten to 1001 Masten |
| Plum Street | Jefferson to Clarke |
| SE Fifth Street | Marshall to Bridgeham Avenue |
| McColley Street | Mispillion to SE Front Street |
| Marshall Street | SE Front to Deadend |

KCI Technologies completed design specifications for the 2019 Road Rehabilitation Project - A, Contract 2020-ST-002 which included the resurfacing of **Masten Circle, Fisher Avenue and Roosa Road**.

On October 16, 2019, at 2:00pm, bids for the project were to be opened in the City Hall Council Chambers. Two bids were received:

<u>Contractor</u>	<u>Bid Amount</u>
David A. Bramble Incorporated	\$206,642.00
George & Lynch	\$215,170.00

The engineer's estimate for the project was \$227,780.

David A. Bramble, Inc. is the apparent low bidder and has sufficient experience in road rehabilitation work. David A. Bramble, Inc. has a very good local reputation for work similar to this project; and they have performed several successful projects with KCI as the lead engineer for nearby municipalities in the past.

Funds allocated for the project in the 2018 Budget included \$183,000 from Municipal Street Aid and \$757,000 from Real Estate Transfer Tax Reserves. Sufficient funds are available for the project.

The remaining streets will be completed under a separate contract as they require concrete work including curbs, ADA ramps, storm inlets, drainage and subbase work.

Councilmember James moved to award Contract #2020-ST-002 for the 2019 Road Rehabilitation Project A to David A. Bramble, Inc. of Chestertown, MD in the amount of \$206,642 with funding from Municipal Street Aid. Motion seconded by Councilmember Boyle and carried.

Renewal/First State BMX Lease

City Manager Norenberg advised that the City of Milford leases land to First State BMX adjacent to the Central Academy and Milford High School. That lease is on the agenda tonight for consideration of a five-year renewal.

Senator David Lawson said he represents the 15th Senatorial District in western Kent County. He was a Milford Police Officer in 1969 to 1973.

He then introduced BMX Staff that were present including track managers, concession stand managers and those that run the track itself.

His wife Donna was also in attendance and has been working with the City Manager to get this accomplished.

Senator Lawson explained that the ¼ mile BMX track involves petal bicycles, not motocross. He invited Council to come out on Tuesday, Thursday or Saturday to visit. ¼ mile track and riders range from 3 years of age to 70. There are 159 riders that use the Milford track three days a week from April through December from 6 pm to 9 pm. This is the only BMX track in Delaware. The closest is in Severn, Maryland.

He said the contract is very important. With the contract in hand, they are able to bid other races including gold line, nationals, red line, etc. The races bring a lot of folks to Milford.

He recalled the national race that brought in over 3,000 visitors and more than 800 riders for the three-day weekend. In addition, it gets kids off the streets. He said often they are working around the track and a kid from the street will ride in who is unfamiliar with BMX, and soon, that kid is on a bicycle riding in competition there.

The program offers bicycles, helmets, and everything needed for a child to come out, free of charge, to get started.

He asked for Council consideration so that they can begin moving and start advocating getting some of the bigger races in.

Senator Lawson confirmed that First State BMX is a volunteer-based, non-profit organization supported by the concession stand and race fees.

Mr. Norenberg said the City is working with the BMX track to find funding to switch out their lighting to LEDs. In addition, the recent bill that was passed to provide lodging tax revenues in Kent County for the DE Turf. He is hoping to work with the county to get some funding to help attract more out of state tournaments to Milford. He looks forward to working with them and come up with more ideas to bring more folks to Milford.

The City Manager also reminded Council the City's Strategic Plan talks about recreational opportunities for young people and teens and expanding those opportunities in Milford. He feels this is a hidden gem in Milford and is not an expense the City has to invest in, but still expands recreational opportunities in our community.

Councilman Culotta has watched some races and feels it is an under-utilized resource that is available in Milford and there is a need to make it a destination for the bicycle enthusiasts.

Senator Lawson added that BMX is an Olympic sport.

Councilmember Brooks moved to authorize execution of the five-year agreement with First State BMX, seconded by Councilmember Morrow. Motion carried.

Authorization/City of Lewes Affidavit

City Manager Norenberg reported there is a conflict in Lewes between the City of Lewes and the Board of Public Works. In Lewes and in the City of New Castle, the utility operations are under the auspices of a separate board of directors based on their charters.

The Lewes Board of Public Works is one of the nine DEMEC cities that has electric and other public utilities. The conflict between the City of Lewes and the Board of Public Works is the requirement for annexation. Milford has tried very hard over the past few years a practice of not allowing utilities to be extended without annexation. The annexation of Baltimore Air Coil will be before Council over the next few weeks, based on an agreement negotiated by one of the previous City Managers many years ago for that very principal.

The City of Lewes has asked that Milford provide an affidavit of support articulating our practice and policy to try and get properties annexed in before providing utilities. He is aware there are properties that are outside the City limits that have water, sewer or electric, for a variety of reasons, though the goal is to bring more people into the City so they are part of the community and pay the property taxes that support the police department and other services they enjoy.

This jest of the request is for the Mayor to state Milford has this practice and support the concept of annexation before getting public utilities from the City of Milford.

When asked how Milford fits in this, it was agreed this is a show of support. Councilman Culotta said it is not our policy to do this, but that has been our practice. He feels you really need a convincing argument why someone would need City resources and not want to be part of the City.

Mr. Norenberg compared this to the waiver of sidewalks that are permitted, until such time they can be connected to other sidewalks.

Councilman Boyle moved to authorize Mayor Campbell to sign the affidavit supporting the City of Lewes, seconded by Councilmember Culotta. Motion carried.

ADJOURNMENT

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

The Council Meeting adjourned at 9:18 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
November 4, 2019

A Special Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, November 4, 2019.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Eric Norenberg and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 5:32 p.m.

INVOCATION AND PLEDGE

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

EXECUTIVE SESSION

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

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 5:33 p.m. for the purpose permitted by the Delaware Freedom of Information Act.

Return to Open Session

Council returned to Open Session at 6:26 p.m.

Personnel Matter

Mayor Campbell announced that no action was needed as a result of the discussion in Executive Session.

ADJOURNMENT

There being no further business, Councilmember Boyle moved to adjourn the Special Council Meeting, seconded by Councilmember Culotta. Motion carried.

The Council Meeting adjourned at 6:27 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

City of Milford



PROCLAMATION 2019-20

PANCREATIC CANCER DAY

WHEREAS, during 2019, an estimated 56,770 people in the United States will be diagnosed with pancreatic cancer, one of the deadliest cancers, and 45,750 will die from the disease; and

WHEREAS, pancreatic cancer surpassed breast cancer in 2016 to become the third leading cause of cancer death in the United States, and is projected to become the second leading cause by 2020; and

WHEREAS, pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just nine percent; and

WHEREAS, when symptoms of pancreatic cancer present themselves, when is generally in its later stages, 71 percent of pancreatic cancer patients die within the first year of their diagnosis; and

WHEREAS, with the lowest survival rate of all major cancers, approximately 180 associated deaths will occur in Delaware in 2019; and

WHEREAS, there will be an estimated 418,451 new pancreatic cancer cases diagnosed worldwide in 2020; and

WHEREAS, the good health and well-being of the residents of the City of Milford are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes and effective treatments.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, by the power vested in me, do hereby proclaim **November 21, 2019** as **Pancreatic Cancer Day** in the City of Milford.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Milford to be affixed this 12th day of November 2019.

Mayor Arthur Campbell

Attest _____

City Clerk Teresa K. Hudson



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



400 NE Front Street
Milford Delaware 19963
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council
FROM: Kenneth L. Brown, Chief of Police
DATE: November 6, 2019
RE: Activity Report/October 2019

Monthly Stats:

A total of 663 arrests were made by the Milford Police Department during October 2019. Of these arrests, 164 were for criminal offenses and 499 for traffic violations. Criminal offenses consisted of 46 felonies and 119 misdemeanors. Traffic violations consisted of 96 Special Duty Radar, 11 Drunk-Driving charges, 392 other.

Police officers investigated 63 accidents during the month and issued 150 written reprimands. In addition, they responded to 1391 various complaints including city requests and other agency assistance.

Monthly Activities:

Attended webinar training in reference to the FTO Process and Probationary Employees: Legal Liability and Best Practices on October 1, 2019.

Met with Hook PR at the police department on October 3, 2019, in reference to new police facility.

Attended a WebEx meeting to Discuss FirstNet - Best Practices in Law Enforcement (Milford PD) on October 3, 2019.

Attended the FBINAA Annual Crab Feast held in Maryland on October 4, 2019.

Attended the State Chief's Board Meeting held at the Dover Police Department on October 8, 2019.

Attended Litigation Meeting held at City Hall on October 9, 2019.

Attended the Milford Senior Center Board Meeting held at the Milford Senior Center on October 9, 2019.

Attended the Annual AAA Safety Patrol Induction Ceremony and the Safety Patrol Graduation held at the Milford High School Auditorium on October 9, 2019.

Attended a webinar promoting "Trust in Local Government" held at City Hall on October 10, 2019.

Met with City Solicitor in reference to police investigation at City hall on October 10, 2019.

Attended a Video Security System meeting held at City Hall on October 11, 2019.

Attended the 2019 City of Milford Service Awards/Employee Picnic held at Public Works on October 11, 2019.

Met with a representative from AFBA Insurance on October 14, 2019, to discuss meeting with personnel of the Police Department to offer insurance coverage for first responders.

Attended CPR training on October 16, 2019.

Met with the City Manager and City Solicitor on October 16, 2019, to review final amended report in reference to police investigation.

Tour Connections in Harrington on October 19, 2019.

Had the honor of conducting the coin toss for the 2019 Pop Warner Football game and handed out gifts to the players at the Milford High School Stadium on October 19, 2019.

Attended the 2019 IACP Conference held in Chicago, IL. from October 25, 2019 – October 30, 2019.

Training –

One officer attended Microsoft Power Point training held at the Delaware State Police Academy on October 8, 2019.

One Detective and the Department's Evidence Technician attended the Delaware State Police Homicide Conference held at Dover Downs on October 14, 2019 – October 18, 2019.

One officer attended Crisis Intervention Team Training held at the Delaware Fire School on October 21, 2019.

Two officer attend the 2019 IACP Conference with the Chief of Police held in Chicago, IL. on October 25, 2019 – October 30, 2019.

SRO –

S/Cpl. Bloodsworth participated in a Trunk or Treat event hosted by Nemours.

S/Cpl. Bloodsworth assisted with an Intruder Training at Mispillion Elementary School

S/Cpl. Bloodsworth led a ceremony in which our newest members of the AAA Safety Patrol were sworn in by Judge Adams.

S/Cpl. Bloodsworth attended a Special Olympics of Delaware event at the Elks Lodge.

Cpl. Stanton participated in a Trunk or Treat on Halloween hosted by Carlisle Fire Company.

Cpl. Stanton assisted Milford Senior High School with their annual Haunted Hallways.

S/Cpl. Bloodsworth attended the annual Fire Prevention Day event hosted by the Houston Fire Company.

Sgt. Masten spoke with the employees at Kent and Sussex Industries about topics of interest to them.

Sgt. Masten attended the Criminal Justice Advisory Board meeting at Sussex Technical High School.

Sgt. Masten attended a Touch A Truck event at Chick Fil A and displayed a patrol vehicle.

Sgt. Masten, with the assistance of the Drug Enforcement Agency, conducted a drug take back at the Milford Police Department on October 26, 2019.

K9 Unit –

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

- Building searches 1
- No bite apprehensions 4
- Drug sniffs 6
- Assist other agency 3
- Crowd control 1
- Area search for felon 1

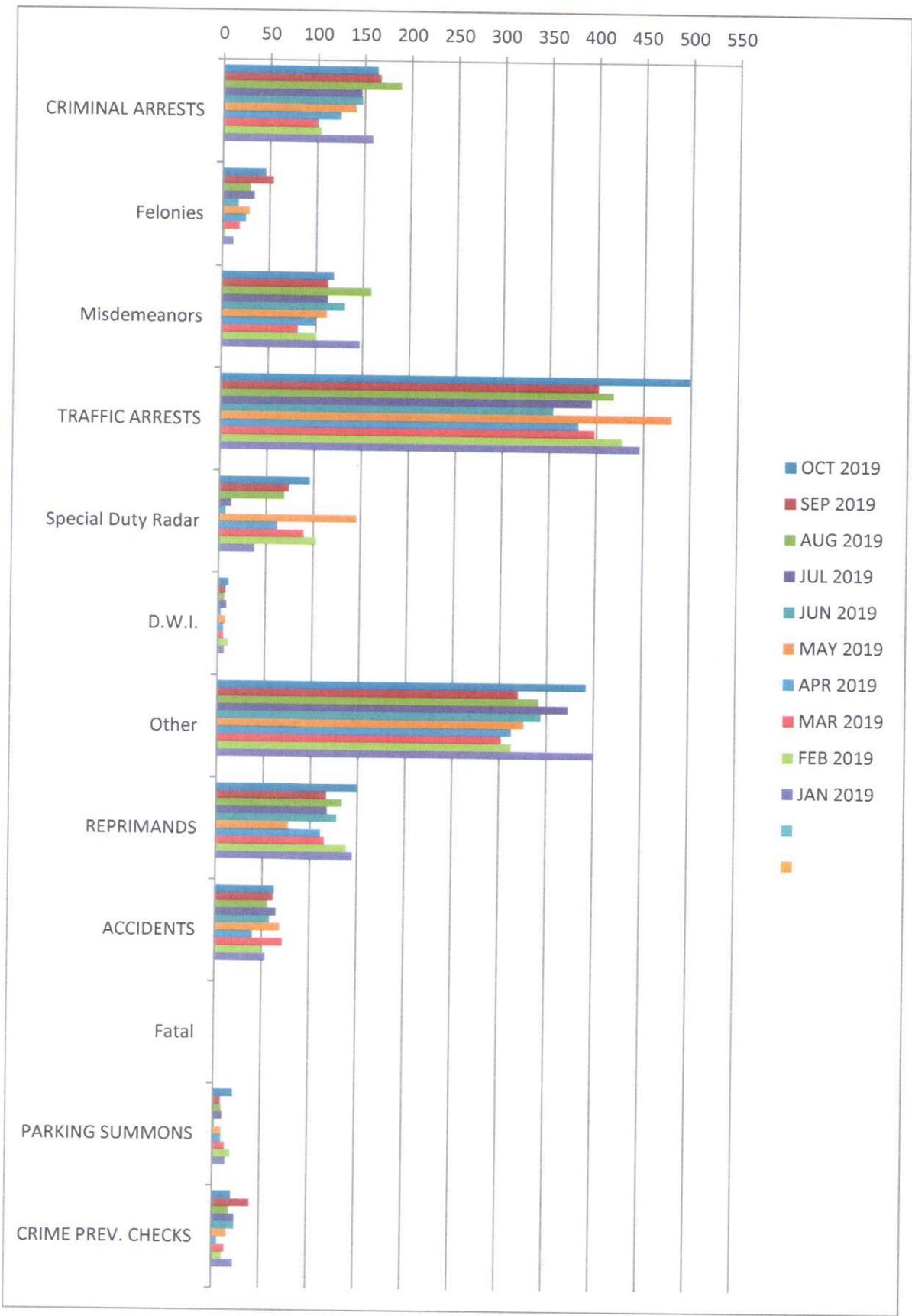
Seized Items

Amount

- Marijuana 4.2 gram(s)
- Oxycodone 16 doses
- Currency \$754

OCT 2019 ACTIVITY REPORT

	OCT 2019	TOTAL 2019	OCT 2018	TOTAL 2018
COMPLAINTS	1391	12713	1182	12359
CRIMINAL ARRESTS	164	1443	105	1449
Felonies	46	268	16	274
Misdemeanors	119	1176	89	1173
TRAFFIC ARRESTS	499	4200	333	3951
Special Duty Radar	96	698	25	1312
D.W.I.	11	76	8	79
Other	392	3426	300	2560
REPRIMANDS	150	1234	104	938
ACCIDENTS	63	589	50	564
Fatal	0	0	0	1
PARKING SUMMONS	21	114	8	157
CRIME PREV. CHECKS	20	196	12	224
FINES RECEIVED	\$7,264.32	\$ 80,619.76	\$9,292.28	\$ 84,498.48



City Manager's Monthly Update Report

Human Resources Office	October 2018	October 2019	FY19 YTD (07/01/18-10/31/18)	FY20 YTD (07/01/19-10/31/19)
Full Time Employees	113	120	113	120
Part Time/Seasonal Employees	5	8	5	8
Vacant Positions	2	3	2	3
Promotions	Unavailable	1	Unavailable	6
Information Technology Office	October 2018	October 2019	FY19 YTD (07/01/18-10/31/18)	FY20 YTD (07/01/19-10/31/19)
IT Assistance Offered			No Information Provided	
Finance Department	October 2018	October 2019	FY19 YTD (07/01/18-10/31/18)	FY20 YTD (07/01/19-10/31/19)
Utility Accounts Billed			No Information Provided	
Utility Payments Processed				
Parks & Recreation Department	October 2018	October 2019	FY19 YTD (07/01/18-10/31/18)	FY20 YTD (07/01/19-10/31/19)
Program Participants			No Information Provided	
Programs Offered				
Special Events Assisted				
Planning & Economic Development Department	October 2018	October 2019	FY19 YTD (07/01/18-10/31/18)	FY20 YTD (07/01/19-10/31/19)
<i>Building Inspections & Permitting</i>				
Residential Permits Issued	31	32	143	124
Residential Inspections Performed (By City Staff)	0	70	0	483
Residential Inspections Performed (By Outside Contractor)	0	0	0	0
Commercial Permits Issued	7	12	26	37
Commercial Inspections Performed (By City Staff)	0	12	0	35
Commercial Inspections Performed (By Outside Contractor)	0	0	0	0
<i>Code Enforcement & Licensing</i>				
Code Enforcement Cases Initiated	14	72	77	167
Code Enforcement Cases Closed	33	2	56	46
Rental Inspections Performed (By City Staff)	65	24	232	354
Rental Inspections Performed (By Outside Contractor)	0	0	0	0
Contractor & Vendor Licenses Issued	16	14	83	72
Rental Licenses Issued	3	0	15	20
<i>Economic Development</i>				
Economic Development Incentive Applications Received	0	0	0	0
Downtown Development District Applications Received	0	0	55	4
-Private Investment	\$ -	\$ -	\$ 20,767,034.00	\$ 7,850,200.00
-State Investment	\$ -	\$ -	\$ 2,477,270.00	\$ 614,000.00
-Milford Waivers	\$ -	\$ -	\$ 221,382.94	\$ 9,128.20
<i>Planning & Zoning</i>				
Outside Contractor Utilized	0	0	0	0
Land Use Applications Received	4	9	11	24

City Manager's Monthly Update Report

Public Works Department	October 2018	October 2019	FY19 YTD <i>(07/01/18-10/31/18)</i>	FY20 YTD <i>(07/01/19-10/31/19)</i>
<i>Electric Division</i>				
Outages		4		28
Trouble Service Calls		6		45
After Hours Calls		6		41
Work Orders Completed		24		114
Poles Replaced		13		25
Trees Trimmed		2		13
<i>Engineering Division</i>				
Utility Locates Completed		248		1,009
<i>Operations Division</i>				
Fleet Work Orders Completed		39		161
Fuel Use-Diesel (Gallons)		1,990		11,348
Fuel Use-Gas (Gallons)		3,695		14,597
<i>Solid Waste & Facilities Division</i>				
Refuse Collected (Tons)	253	258	2,326	2,521
Recycle Collected (Tons)	59	53	129	516
Yard Waste Collected (Tons)	43	56	105	459
Leaves Collected (Tons)	0	0	0	0
Waste Diversion Rate (Percentage)			30	30
Bulk/Brush Collection Requests Completed	58	71	179	223
Containers Delivered	68	58	278	193
<i>Streets & Utilities Division</i>				
Trouble Service Calls		0		14
After Hours Calls		7		20
Work Orders Completed		34		10
Street Storm Drains Cleaned		0		42
Street Potholes Filled/Cold Patch		32		75
Street Potholes Filled/Spray Patch (Gallons)		45		11
Street Crack Sealant Used (Pounds)		0		120
Street Curbs Swept (Miles)		0		594
Street Deicing Salt Used (Tons)		0		0
Street Signs Installed/Replaced		4		37
Street Closures/Special Events		2		6
Water Hydrants Flushed		26		124
Fire Hydrants Installed/Replaced		0		2
Water Lines Repaired		0		7
Water Valves Exercised		12		6
Waste Water Lines Flushed (Feet)		8,000		106,394
Waste Water Lines Repaired		0		0
<i>Technical Services Division</i>				
After Hours Calls		7		35
Work Orders Completed		272		3,005
Meters Installed New-Electric		21		73
Meters Replaced-Electric		11		51
Meters Installed New-Water		22		47
Meters Replaced-Water		27		142
Meters Read				
Meters Re-Read				
<i>Water & Waste Water Facilities Division</i>				
Water Treated (Millions of Gallons)	86,412,800	87,838,800	852,147,000	849,936,200
Waste Water Transferred (Millions of Gallons)	92,933,000	75,092,000	79,834,000	777,601,000
Work Orders Completed		0		5
Pump Stations Cleaned		0		1
Projects				
	Planning Stage	Bid/PO Award	In Progress	Complete
<i>Electric</i>				
DEL1 Substation Testing	X			
DEL2 Relay Replacement	X			
DEL2 Substation Testing	X			
Air Break Switch				X
Traffic Signal Head Refurb-Church/Walnut/Washington	X			
GIS Mapping-Smart Metering			X	
Riverwalk Light Pole Powdercoat/Retrofit Phase II			X	
Line Reconductor-Wilber	X			

City Manager's Monthly Update Report

Reliable Public Power Provider Certification Application				X
Equipment Replacement-E-130			X	
Equipment Replacement-WH-001				
Vehicle Replacement-B-002			X	
Vehicle Replacement-E-103				
Vehicle Replacement-E-106				X
Vehicle Replacement-E-110			X	
Vehicle Replacement-E-115				
Vehicle Replacement-E-134				
<i>Water</i>				
Automated Blow-off Valves Installation				X
Tower Protection Upgrades-Caulk & Tenth	X			
Tower Altitude Valve-Caulk		X		
Tower Painting-Tenth			X	
Water Treatment Facility Controls Standardized	X			
Water Treatment Facility Lot Consolidation-Washington	X			
Water Treatment Facility Test Well-Tenth	X			
Water Treatment Monitoring & Process Control Upgrades (4&5)	X			
Valve & Hydrant Replacement/Improvements				
Water Lines-NE Front				
DNREC Water Allocation Permit	X			
Lead Service Line Replacement-Priority Level 1				
Lead Service Line Replacement-Priority Level 2				
Lead Service Line Replacement-Priority Level 3				
Equipment Purchase-Elec Msg Board				X
Vehicle Replacement-W-001				
Vehicle Replacement-W-004				X
Vehicle Replacement-W-008				X
Vehicle Replacement-W-010				
Vehicle Replacement-W-014			X	
Vehicle Replacement-W-015				X
Vehicle Replacement-W-016				
<i>Waste Water</i>				
Inflow & Infiltration Investigation/Repair		X		
Pump Station Groundwater Investigation/Repair-Truitt		X		
Pump Station-Shawnee Acres			X	
Pump Station Hatch Replacement-N Shore	X			
Pump Station Grinder Pump Installation-Silicato	X			
Line Replacement-SE Second				
Equipment Purchase-Elec Msg Board				X
Equipment Purchase-Zoom Sewer Camera			X	
Vehicle Replacement-SE-002				
Vehicle Replacement-SE-013				X
<i>Solid Waste</i>				
Vehicle Replacement-SW-012	X			
<i>Streets</i>				
Street Repairs/Resurfacing-2018 (Mispillion)	X			
Street Repairs/Resurfacing-2019 (Fisher)	X			
Street Repairs/Resurfacing-2019 (Roosa)	X			
Street Repairs/Resurfacing-2019 (Masten)	X			
Street Repairs/Resurfacing-2019 (Plum)	X			
Street Repairs/Resurfacing-2019 (Marshall)	X			
Street Repairs/Resurfacing-2019 (SE Fifth)	X			
Street Repairs/Resurfacing-2019 (McColley)	X			
Street Repairs/Resurfacing-2020 (Third)				
Street Repairs/Resurfacing-2020 (Fourth)				
Street Repairs/Resurfacing-2020 (Fifth)				
Street Repairs/Resurfacing-2020 (North)				
Street Repairs/Resurfacing-2020 (Second)				
Street Repairs/Resurfacing-2020 (Mill)				
Street Repairs/Resurfacing-2020 (Kings)				
Street Repairs/Resurfacing-2020 (Second)				
Street Repairs/Resurfacing-2020 (Barker)				
Street Repairs/Resurfacing-2020 (Church)				
Curb and Sidewalks (SE Second)	X			
Curb and Sidewalks (West)	X			

City Manager's Monthly Update Report

Sidewalk Improvements (City-Wide)	X			
Sidewalk Improvements (Private Owner Financing)		X		
ADA Compliant Ramps Installed (City-Wide)				
ADA Compliant Ramps, Street Resurfacing, Rehabilitation				
Pedestrian Crossing/Landscaping (Walnut)	X			
Parking Lot Seal/Stripe (NE Front/Denney)				X
Drainage Improvement (Pennsylvania)	X			
Truck Turning Study		X		
Welcome Sign Relocation/Replacement (Rt 113)	X			
Equipment Replacement-S-006				
Equipment Replacement-S-022				X
Equipment Replacement-S-030				
Equipment Replacement-S-049				
Equipment Replacement-S-050				
Vehicle Replacement-S-001				X
Vehicle Replacement-S-004			X	
Vehicle Replacement-S-005			X	
Vehicle Replacement-S-009	X		X	
Vehicle Replacement-S-038				
<i>Technical Services Division</i>				
Vehicle Replacement B-001 (CIP)				
<i>Facilities</i>				
City Hall Exterior Doors Replacement (CIP)				X
City Hall Chambers Audio System Upgrade (CIP)				X
City Hall Chambers Video System Installation (CIP)				
City Hall Security Monitoring System Replacement (CIP)	X			
City Hall IT HVAC Unit and UPS Battery Replacement				X
City Hall Basement Waterproofing (CIP)			X	
Customer Service Basement Waterproofing (CIP)				
Public Works Electric SCADA/Smart Metering Wall Monitor	X			
Public Works Breakroom/Locker Room Renovations			X	
Public Works HVAC Replacement				X
Public Works Warehouse Door Security	X			
Public Works Panic Alarms	X			
Public Works Garage Diagnostic Scanners				X
Public Works Fuel Pump Replacements				X
Public Works Mobil Truck Lifts		X		
City Wide LED Replacement		X		
Residential Subdivisions				
	Plan Review	In Progress - Utility Installation	In Progress - Utility Inspections	Complete
200 NW Front St/Bond	X			
Brookstone Trace	X	X	X	
Cypress Hall-Phase I				
Cypress Hall-Phase II	X			
Fork Landing Farm				
Hearthstone Manor I			X	
Hearthstone Manor II	X	X	X	
Hickory Glen	X			
Knights Crossing				
Lighthouse Estates			X	
Marina Del				
Milford Ponds-Phase I	X	X	X	
Milford Ponds-Phase II	X			
Milford Ponds-Phase III	X		X	
Mispillion Landing				
Orchard Hill				
Riverwalk Villas				
Simpson's Crossing	X			
Walnut Village			X	
Watergate	X	X	X	
West Shores at New Milford	X	X	X	
Wickersham				
Willows (fka Cascades)-Phase II				
Windward on the River	X			

City Manager's Monthly Update Report

Commercial Developments				
	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Complete
10th St Medical Office	X			
Bayhealth Sussex Campus-Nemours	X	X		
Beach Babies	X			
Bright Nest				
DE Rural Water	X	X		
Delaware Veterans Home				
DNREC Mosquito Control				
DSWA-Transfer Station				
Gator & Associates				
Growmark FS				
Kidz Ink				
Mavis Discount Tires				
Microtel	X			
Mid-Delaware Professional				
Milford Ponds-Clubhouse	X	X	X	
Milford Wellness Village				
Mispillion River Brewery				
Nutrien Ag (fka Crop Production Svcs)	X	X	X	
Surf & Turf Steakhouse				
Touch of Italy - Business Park				
Windward on the River	X			

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: September 2019

Cash Balance - General Fund Bank Balance	4,207,503
Cash Balance - Electric Fund Bank Balance	4,522,455
Cash Balance - Water Fund Bank Balance	309,064
Cash Balance - Sewer Fund Bank Balance	651,445
Cash Balance - Trash Fund Bank Balance	92,732

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Economic Development Fund</u>
Beginning Cash Balance	466,414	466,106	3,115,963	\$235,852
Deposits			98,986	
Interest Earned this Month	604	602	4,075	
Disbursements this Month			(60,250)	
Investments				
Ending Cash Balance	\$467,018	\$466,708	\$3,158,774	\$235,852

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	2,920,276	10,439,143	4,470,247	10,743,612
Deposits				
Interest Earned this Month	3,704	13,471	5,621	13,604
Disbursements this Month	(4,274)	(35,081)	(3,460)	(28,369)
Investments				
Ending Cash Balance	\$2,919,706	\$10,417,533	\$4,472,408	\$10,728,847

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>
Beginning Cash Balance	2,610,752	\$1,592,384	\$752,140
Deposits	42,492	\$24,016	\$25,400
Interest Earned this Month			
Disbursements this Month			
Investments			
Ending Cash Balance	\$2,653,244	\$1,616,400	\$777,540

INTEREST THROUGH THE THIRD MONTH OF THE FISCAL YEAR:

General Fund	11,780	Water Fund	1,667
GF Capital Reserves	18,159	Water Capital Reserves	56,171
Municipal Street Aid	2,528	Sewer Fund	2,918
Real Estate Transfer Tax	16,826	Sewer Capital Reserves	23,765
Electric Fund	19,749	Trash Fund	364
Electric Reserves	59,892		

TOTAL INTEREST EARNED TO DATE \$213,819

REVENUE REPORT

Page Two

Date: September 2019	AMOUNT BUDGETED	MTD	YTD	25% of Year Expended YTD%
ACCOUNT				
Economic Development Fund	166,360	0	101,560	61.05%
General Fund Reserves	623,775	0	22,965	3.68%
General Fund Reserves-New Police	425,000	35,000	105,000	24.71%
Realty Transfer Tax-Police	723,000	60,250	180,750	25.00%
Real Estate Tax	4,148,385	2,885	4,043,293	97.47%
Business License	50,000	4,850	7,375	14.75%
Rental License	95,000	0	2,850	3.00%
Building Permits	200,000	28,763	64,410	32.21%
Planning & Zoning	35,000	5,241	7,441	21.26%
Grasscutting Revenue	16,000	2,000	6,000	37.50%
Police Revenues	502,750	167,317	238,127	47.36%
Misc. Revenues	388,399	29,139	49,738	12.81%
Transfers From	3,396,842	283,070	849,211	25.00%
Total General Fund Revenues	\$10,770,511	\$618,515	\$5,678,720	52.72%
Water Revenues	2,859,500	400,497	778,869	27.24%
Sewer Revenues	2,795,000	319,890	639,118	22.87%
Kent County Sewer	1,850,000	262,790	490,636	26.52%
Solid Waste Revenues	1,184,965	104,885	312,415	26.36%
Electric Revenues	25,815,000	3,254,919	7,503,433	29.07%
TOTAL REVENUES	\$45,274,976	\$4,961,496	\$15,403,191	34.02%
YTD Enterprise Expense		(16,171)		
YTD Enterprise Revenue		14,116		
LTD Carlisle Fire Company Building Permit Fund		516,344		

EXPENDITURE REPORT

Page Three

Date: September 2019

25% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	651,490	\$45,215	128,600	19.74%	522,890
O&M	168,430	\$13,948	32,689	19.41%	135,741
Capital	0	\$0	0		0
Total City Manager	\$819,920	\$59,163	\$161,289	19.67%	658,631
Planning & Zoning					
Personnel	150,020	\$11,570	32,380	21.58%	117,640
O&M	64,387	\$13,986	26,351	40.93%	38,036
Capital	0	\$0	0		0
Total P, C & I	\$214,407	\$25,556	\$58,731	27.39%	155,676
Code Enforcement & Inspections					
Personnel	286,330	\$22,382	61,576	21.51%	224,754
O&M	85,357	\$8,041	18,617	21.81%	66,740
Capital	32,000	\$0	0	0.00%	32,000
Total P, C & I	\$403,687	\$30,423	\$80,193	19.87%	323,494
Council					
Personnel	33,380	\$1,292	5,167	15.48%	28,213
Contract Service-ADA Transition PI	50,000	\$0	0	0.00%	50,000
Legal	45,000	\$2,220	9,550	21.22%	35,450
City Hall Building Expense	19,250	\$1,605	4,813	25.00%	14,437
Insurance	18,270	\$4,410	8,820	48.28%	9,450
Christmas Decorations	7,000	\$0	0	0.00%	7,000
Computer Expense	7,400	\$0	0	0.00%	7,400
Council Expense	25,000	\$522	9,689	38.78%	15,311
Employee Recognition	21,000	\$500	850	0.00%	20,150
Codification	15,000	\$162	4,628	30.85%	10,372
Carlise Fire Company	140,000	\$0	0	0.00%	140,000
Museum	30,500	\$0	30,000	98.36%	500
Downtown Milford Inc.	45,860	\$0	45,860	100.00%	0
Milford Public Library	25,000	\$0	25,000	100.00%	0
Economic Development	2,000	\$0	700	35.00%	1,300
Armory Expenses	10,000	\$1,460	3,090	30.90%	6,910
Kent Economic Partnership	30,000	\$0	0	0.00%	30,000
Election-Supplies	3,000	\$0	0	0.00%	3,000
Capital-Council Chambers Recordi	8,795	\$0	0	0.00%	8,795
Capital-Council Chambers Monitors	25,000	\$0	0	0.00%	25,000
Capital-Video Monitoring system	25,000	\$0	0	0.00%	25,000
Total Council	\$586,455	\$12,171	\$148,167	25.26%	438,288

EXPENDITURE REPORT

Page Four

Date: September 2019

25% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Finance					
Personnel	420,713	\$33,728	83,384	19.82%	337,329
O&M	105,875	\$10,192	31,676	29.92%	74,199
Capital	0	\$0	0		0
Total Finance	\$526,588	\$43,920	\$115,060	21.85%	411,528
Information Technology					
Personnel	164,130	\$12,520	34,935	21.28%	129,195
O&M	181,950	\$3,197	18,410	10.12%	163,540
Capital	48,500	\$10,428	33,123	68.29%	15,377
Total Information Technology	\$394,580	\$26,145	\$86,468	21.91%	308,112
Police Department					
Personnel	4,972,163	\$384,197	1,032,869	20.77%	3,939,294
O&M	618,970	\$46,382	135,481	21.89%	483,489
Capital	106,185	\$0	0	0.00%	106,185
Total Police	\$5,697,318	\$430,579	\$1,168,350	20.51%	4,528,968
Streets & Grounds Division					
Personnel	336,000	\$25,572	72,938	21.71%	263,062
O&M	443,745	\$34,776	99,079	22.33%	344,666
Capital	200,000	\$20,586	20,586	10.29%	179,414
Total Streets & Grounds	\$979,745	\$80,934	\$192,603	19.66%	787,142
Parks & Recreation					
Personnel	692,200	\$50,707	147,063	21.25%	545,137
O&M	263,610	\$27,815	67,997	25.79%	195,613
Capital	192,000	\$9,290	9,290	4.84%	182,710
Total Parks & Recreation	\$1,147,810	\$87,812	\$224,350	19.55%	923,460
Total General Fund					
Operating Budget	\$10,770,510	\$796,703	\$2,235,211	20.75%	8,535,299

EXPENDITURE REPORT
Page Five

Date: September 2019

25% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	319,798	\$21,163	61,160	19.12%	258,638
O&M	1,498,188	\$99,883	323,889	21.62%	1,174,299
Capital	657,509	\$0	0	0.00%	657,509
Debt Service	384,005	\$46,500	136,137	35.45%	247,868
Total Water	\$2,859,500	\$167,546	\$521,186	18.23%	2,338,314
Sewer Division					
Personnel	318,498	\$20,692	58,698	18.43%	259,800
O&M	1,796,962	\$223,402	483,438	26.90%	1,313,524
Capital	90,000	\$0	0	0.00%	90,000
Debt Service	404,540	\$0	12,735	3.15%	391,805
Sewer Sub Total	\$2,610,000	\$244,094	\$554,871	21.26%	2,055,129
Kent County Sewer	2,035,000	\$28,329	353,557	17.37%	1,681,443
Total Sewer	\$4,645,000	\$272,423	\$908,428	19.56%	3,736,572
Solid Waste Division					
Personnel	350,737	\$33,001	79,409	22.64%	271,328
O&M	834,228	\$79,600	214,697	25.74%	619,531
Capital	0	\$0	0	0.00%	0
Total Solid Waste	\$1,184,965	\$112,601	\$294,106	24.82%	890,859
Total Water, Sewer					
Solid Waste	\$8,689,465	\$552,570	\$1,723,720	19.84%	6,965,745
Electric Division					
Personnel	1,043,591	\$89,198	247,178	23.69%	796,413
O&M	2,612,754	\$153,622	539,295	20.64%	2,073,459
Transfer to General Fund	2,500,000	\$208,333	625,000	25.00%	1,875,000
Capital	1,038,040	\$0	0	0.00%	1,038,040
Debt Service	320,615	\$0	0	0.00%	320,615
Electric Sub Total	\$7,515,000	\$451,153	\$1,411,473	18.78%	6,103,527
Power Purchased	18,300,000	\$1,381,578	4,695,478	25.66%	13,604,522
Total Electric	\$25,815,000	\$1,832,731	\$6,106,951	23.66%	19,708,049
TOTAL OPERATING					
BUDGET	\$45,274,975	\$3,182,004	\$10,065,882	22.23%	35,209,093

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: September 2019

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	25% of Year Expended YTD%	UNEXPENDED BALANCE
Garage					
Personnel	92,725	7,428	20,818	22.45%	71,907
O&M	113,887	10,934	21,512	18.89%	92,375
Capital	0				
Total Garage Expense	\$206,612	\$18,362	\$42,330	20.49%	164,282
Public Works					
Personnel	720,729	38,436	111,978	15.54%	608,751
O&M	208,665	12,379	42,378	20.31%	166,287
Capital	132,000	0	0	0.00%	132,000
Total Public Works Expense	\$1,061,394	\$50,815	\$154,356	14.54%	907,038
Tech Services					
Personnel	230,513	19,122	52,522	22.78%	177,991
O&M	430,711	27,595	74,169	17.22%	356,542
Capital	64,000	29,446	29,446	46.01%	34,554
Total Tech Services Expense	\$725,224	76,163	\$156,137	21.53%	569,087
Billing & Collections					
Personnel	787,589	56,421	163,483	20.76%	624,106
O&M	234,850	17,554	57,779	24.60%	177,071
Capital	47,000	0	0	0.00%	47,000
Total Billing & Collections	\$1,069,439	73,975	\$221,262	20.69%	848,177
City Hall Cost Allocation					
Personnel	0				0
O&M	45,500	2,874	11,036	24.25%	34,464
Capital	0				
Total City Hall Cost Allocation	\$45,500	2,874	\$11,036	24.25%	34,464

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

November 4, 2019

Mr. Eric Norenberg
City Manager
City of Milford
201 S. Walnut Street
Milford, DE 19963

Dear Mr. Norenberg:

As we are all aware, the Internet is an essential tool in our everyday lives. It is the way we connect to a world of knowledge and opportunities, including access to education, healthcare, employment, news, and information. Therefore, we wanted to share the latest news about **Internet EssentialsSM from Comcast**. We recently announced a significant **expansion to eligibility for the program to include all qualified low-income households in our service area**. The expansion is the most significant change in the program's eight-year history. We estimate that more than three million additional low-income households, including people with disabilities, are now eligible to receive affordable high-speed Internet service.

Internet Essentials provides high-speed Internet service for \$9.95 a month plus tax, the option to purchase a desktop or laptop computer for \$149.99, and access free digital literacy training in print, online, and in person. Individuals may qualify* if they have at least one child who is eligible for the National School Lunch Program, or if they receive public assistance through such programs as housing assistance, Medicaid, SNAP, SSI, and others. Those wishing to apply can call 1-855-8-INTERNET (1-855-846-8376) or visit InternetEssentials.com.

Since the launch in 2011, Internet Essentials has connected more than 8 million low-income Americans. We have worked hard over the past 8 years spreading the word with school districts, community based organizations, cities, church groups, and many others, but we know we can do more to close the digital divide and we couldn't do it without our amazing partners. Together we can bring the Internet home to even more individuals across the county and help transform even more lives.

If you have additional questions or are interested in ordering program materials (completely free of charge) to share with your constituents, please visit our website at InternetEssentials.com/Partner where complimentary flyers, brochures, and postcards are available in 16 languages.

Sincerely,



Misty Allen
Vice President, Government & Regulatory Affairs

* Restrictions apply. Visit InternetEssentials.com for restrictions and complete details.



Sussex County Association of Towns

20 W Fourth Street, Blades, Delaware 19973

S.C.A.T. Dinner for Wednesday, December 4, 2019

SEATING IS VERY LIMITED!

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: Victoria's Restaurant @ Boardwalk Plaza Hotel
2 Olive Avenue
Rehoboth Beach

TIME: 5:30 pm – 6:30pm Cash Bar
6:30 pm – Guest Seating
6:45 pm - Dinner

HOST: City of Rehoboth Beach

SPEAKER: Holiday Party (no speaker)

COST: \$45.00 per person

MENU: Warm Bread and Butter
Apple Walnut Salad – Field greens, candied walnuts, sliced apples, blue cheese crumbles, maple mustard vinaigrette
Tournedos Imperial – Tournedos of beef imperial, crab imperial, lobster sauce
Redskin Mashers
Broccolini
Pumpkin Cheesecake, Cinnamon whipped cream
Freshly brewed Coffee, Decaffeinated, Hot Tea, Iced Tea

**PLEASE RSVP TO CHRISTINE NO LATER THAN
11/19/19**

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

AGREEMENT FOR ECONOMIC DEVELOPMENT SERVICES

THIS AGREEMENT, made and entered into the 8th day of Oct, 2018, by and between **THE CITY OF MILFORD, DELAWARE**, a Delaware Municipal Corporation (herein after called "City") located within both Kent and Sussex Counties and whose mailing address is 201 South Walnut Street, Milford, Delaware 19963, organized and existing pursuant to the laws of the State of Delaware and the Kent Economic Partnership, a non-profit organization (herein after called "KEP") whose mailing address is 555 Bay Road, Dover, Delaware 19901.

WITNESSETH THAT:

WHEREAS, the City desires to acquire certain services from KEP in lieu of hiring additional permanent staff and expending additional City funds to accomplish these services; and

WHEREAS, the KEP and its member organizations desire to expand the economic prosperity of Kent County and Milford through a public-private partnership model that includes funding from private sources, other municipalities and Kent County Levy Court; and

WHEREAS, KEP will in the coming year develop services and resources to serve the economic development needs of the entire Milford community;

NOW, THEREFORE, the parties hereto have agreed and do agree as follows:

I. PURPOSE AND INTENT

The purpose of this Agreement is to procure certain economic development-related services for the City as hereinafter described and set out; to establish the methods, procedures, terms and conditions governing payment by the City for such services; and, to establish other duties, responsibilities, terms and conditions mutually undertaken and agreed to by the parties hereto in consideration of the services to be performed and monies paid.

II. SCOPE OF SERVICES

In consideration for the payment of \$30,000 in accordance with Section III, the KEP shall provide the following economic development related services to the City and Kent County during the term of this agreement:

- a. KEP agrees to provide City with the ability to participate in decision making, including at least one seat on the KEP Board of Directors and additional representation on other KEP committees, task forces and teams;
- b. KEP agrees to provide City with a breakdown of how the monies paid by the City to KEP is being used; The monthly KEP Financial Report will be provided to the KEP Board and included in the minutes and a copy of minutes of each Board meeting will be sent to the City Manager;
- c. KEP agrees to develop a system for managing, tracking and communicating leads on economic development-related activities and share access to this system with City;

- d. City and KEP agree to work collaboratively with other partners to create and share a database of available commercial and industrial properties, buildings and sites.
- e. KEP agrees to hold regular meetings between municipal and county Planners, Town and City Managers, local commercial real estate brokers, and other groups as may be determined for the purpose of encouraging economic development in Kent County and within partnering municipalities;
- f. City and KEP agree to hold quarterly meetings between the KEP Executive Director and the City Manager to provide status updates and get feedback;
- g. KEP's Executive Director will provide a quarterly report to City detailing publicly available information on KEP activity, leads, wins and plans for the upcoming period;
- h. KEP will provide City with quarterly financial reports and, when requested, presentations on KEP activity to the City Council.
- i. KEP and City will jointly evaluate grants/loans/incentives related to economic development in Milford that will benefit both Kent County and the entire City.

III. CITY RESPONSIBILITIES

As KEP provides the economic development related services outlined above, the City will support the work of KEP in the following ways:

- a. City will provide a prompt response to KEP related to inquires/leads, requests for information, and all other communications;
- b. City will provide assistance with applying for grants/loans/incentives related to economic development activities when there is a clear benefit for Kent County and the entire City, as determined by the City Manager and/or City Council;
- c. City will provide tours of available land, properties, etc. to KEP, prospective businesses, sites selectors and/or community stakeholders for the purpose of encouraging economic development;

IV. METHOD OF PAYMENT

Payment for services will be made by the City in one (1) lump sum payment, payable on or before November 15, 2018. The maximum total amount payable by the City under this agreement is \$30,000 as detailed in the SCOPE OF SERVICES (Section II of this contract), and no greater amount shall be paid. KEP will make available all receipts if requested by the City.

V. DURATION AND EXTENSION

This Agreement shall be effect from November 1, 2018, until November 30, 2019. If mutually agreeable to City Council and KEP, this Agreement may be extended. Such extension will be documented by written amendment, duly signed and dated by both parties. However, either party may terminate this contract due to non-fulfillment with 30 day's prior written notice.

VI. REQUIREMENTS

- a. Non-Discrimination: KEP will not discriminate against any employee, business, prospective business or investor because of race, creed, color, religion, citizenship status, gender, age, national origin, ancestry, disability, sexual orientation, gender identity or expression, marital status, pregnancy, military veteran status, political beliefs or affiliation, genetic history, or other characteristic protected by law. These protections apply to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, dismissal, layoff, compensation, benefits, social and recreational programs.
- b. Compliance with Law: All parties shall comply with all applicable federal, state and local laws, ordinances, codes and regulations.
- c. Conflicts of Interest / Political Activity:
 - i. The elected officials, public officials, employees and agents of the City shall comply with all applicable laws and regulations relating to conflicts of interest with regard to the work and compensation covered by this Agreement.
 - ii. The board members, officials, employees and agents of KEP shall comply with all applicable laws and regulations relating to conflicts of interest with regard to the work and compensation covered by this Agreement.
 - iii. KEP shall not use the compensation paid through this Agreement for political activities or legislative activities. For the purpose of this Agreement, the terms "political activities" and "legislative activities" shall have the meanings ascribed to them by the Internal Revenue Service.
- d. KEP is not authorized or empowered to make any commitments or incur any obligation on behalf of the City, but merely to provide the services provided for herein as an independent contractor.

VII. TERMINATION

Either party may terminate this Agreement, with or without cause, upon 60 written notice to the other party.

VIII. INDEMNITY

City shall indemnify, defend, and hold harmless KEP from any and all suits, claims, demands, or actions arising from actions taken in connection with City's agreement for economic development related services. KEP shall indemnify, defend, and hold harmless the City from any and all suits, claims, demands, or actions arising from actions taken in connection with KEP's agreement to provide economic development related services.

IX. NOTICE

All notices, requests, demands and other communications, required or permitted under this Agreement shall be in writing, signed by or on behalf of the person giving such notice and shall be addressed to the following persons:

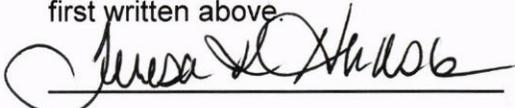
CITY:

Eric Norenberg, City Manager
201 South Walnut Street
Milford, DE 19963

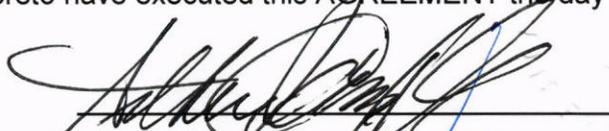
KENT ECONOMIC PARTNERSHIP:

Linda Parkowski, Executive Director
555 Bay Road
Dover, DE 19901

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT the day and year first written above



Attest
CITY CLERK



Arthur J. Campbell, Mayor
CITY OF MILFORD



Witness



Gregg Moore, Board chair
KENT ECONOMIC PARTNERSHIP

AGREEMENT FOR ECONOMIC DEVELOPMENT SERVICES

THIS AGREEMENT, made and entered into the ____ day of ____, 2019, by and between **THE CITY OF MILFORD, DELAWARE**, a Delaware Municipal Corporation (herein after called "City") located within both Kent and Sussex Counties and whose mailing address is 201 South Walnut Street, Milford, Delaware 19963, organized and existing pursuant to the laws of the State of Delaware and the Kent Economic Partnership, a non-profit organization (herein after called "KEP") whose mailing address is 555 Bay Road, Dover, Delaware 19901.

WITNESSETH THAT:

WHEREAS, the City desires to acquire certain services from KEP in lieu of hiring additional permanent staff and expending additional City funds to accomplish these services; and

WHEREAS, the KEP and its member organizations desire to expand the economic prosperity of Kent County and Milford through a public-private partnership model that includes funding from private sources, other municipalities and Kent County Levy Court; and

WHEREAS, KEP will in the coming year develop services and resources to serve the economic development needs of the entire Milford community;

NOW, THEREFORE, the parties hereto have agreed and do agree as follows:

I. PURPOSE AND INTENT

The purpose of this Agreement is to procure certain economic development-related services for the City as hereinafter described and set out; to establish the methods, procedures, terms and conditions governing payment by the City for such services; and, to establish other duties, responsibilities, terms and conditions mutually undertaken and agreed to by the parties hereto in consideration of the services to be performed and monies paid.

II. SCOPE OF SERVICES

In consideration for the payment of \$30,000 in accordance with Section III, the KEP shall provide the following economic development related services to the City and Kent County during the term of this agreement:

- a. KEP agrees to provide City with the ability to participate in decision making, including at least one seat on the KEP Board of Directors and additional representation on other KEP committees, task forces and teams;
- b. KEP agrees to provide City with a breakdown of how the monies paid by the City to KEP are being used; The KEP Financial Report is included in the minutes and a copy of minutes will be sent to the City Manager.
- c. KEP agrees to send out leads on economic development-related activities
- d. City and KEP agree to continue to work collaboratively with other partners to share a database of available commercial and industrial properties, buildings and sites available on the ChooseCentralDelaware website.

- e. KEP agrees to continue to hold meetings between municipal and county Planners, Town and City Managers, local commercial real estate brokers, and other groups as may be determined for the purpose of encouraging economic development in Kent County and within partnering municipalities;
- f. City and KEP agree to hold quarterly meetings between the KEP Executive Director and the City Manager and other City representatives to provide status updates and get feedback;

KEP's Executive Director will provide a bimonthly reports in the form of the KEP Board minutes to the City detailing publicly available information on KEP activity, leads, wins and plans for the upcoming period;
KEP will provide City with bimonthly financial reports and, when requested, presentations on KEP activity to the City Council.

- g. KEP and City will jointly evaluate grants/loans/incentives related to economic development in Milford that will benefit both Kent County and the entire City.
- h. KEP will continue to represent Milford at various tradeshow and conferences and include Milford in marketing materials.

III. CITY RESPONSIBILITIES

As KEP provides the economic development related services outlined above, the City will support the work of KEP in the following ways:

- a. City will provide a prompt response to KEP related to inquires/leads, requests for information, and all other communications;
- b. City will provide assistance with applying for grants/loans/incentives related to economic development activities when there is a clear benefit for Kent County and the entire City, as determined by the City Manager and/or City Council;
- c. City will provide tours of available land, properties, etc. to KEP, prospective businesses, sites selectors and/or community stakeholders for the purpose of encouraging economic development;

IV. METHOD OF PAYMENT

Payment for services will be made by the City in one (1) lump sum payment, payable on or before November 1, 2019. The maximum total amount payable by the City under this agreement is \$30,000 as detailed in the SCOPE OF SERVICES (Section II of this contract), and no greater amount shall be paid. KEP will make available all receipts if requested by the City.

V. DURATION AND EXTENSION

This Agreement shall be effect from November 1, 2019, until October 31, 2020. If mutually agreeable to City Council and KEP, this Agreement may be extended. Such extension will be documented by written amendment, duly signed and dated by both parties. However, either party may terminate this contract due to non-fulfillment with 30 day's prior written notice.

VI. REQUIREMENTS

- a. Non-Discrimination: KEP will not discriminate against any employee, business, prospective business or investor because of race, creed, color, religion, citizenship status, gender, age, national origin, ancestry, disability, sexual orientation, gender identity or expression, marital status, pregnancy, military veteran status, political beliefs or affiliation, genetic history, or other characteristic protected by law. These protections apply to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, dismissal, layoff, compensation, benefits, social and recreational programs.
- b. Compliance with Law: All parties shall comply with all applicable federal, state and local laws, ordinances, codes and regulations.
- c. Conflicts of Interest / Political Activity:
 - i. The elected officials, public officials, employees and agents of the City shall comply with all applicable laws and regulations relating to conflicts of interest with regard to the work and compensation covered by this Agreement.
 - ii. The board members, officials, employees and agents of KEP shall comply with all applicable laws and regulations relating to conflicts of interest with regard to the work and compensation covered by this Agreement.
 - iii. KEP shall not use the compensation paid through this Agreement for political activities or legislative activities. For the purpose of this Agreement, the terms "political activities" and "legislative activities" shall have the meanings ascribed to them by the Internal Revenue Service.
- d. KEP is not authorized or empowered to make any commitments or incur any obligation on behalf of the City, but merely to provide the services provided for herein as an independent contractor.

VII. TERMINATION

Either party may terminate this Agreement, with or without cause, upon 60 written notice to the other party.

VIII. INDEMNITY

City shall indemnify, defend, and hold harmless KEP from any and all suits, claims, demands, or actions arising from actions taken in connection with City's agreement for economic development related services. KEP shall indemnify, defend, and hold harmless the City from any and all suits, claims, demands, or actions arising from actions taken in connection with KEP's agreement to provide economic development related services.

IX. NOTICE

All notices, requests, demands and other communications, required or permitted under this Agreement shall be in writing, signed by or on behalf of the person giving such notice and shall be addressed to the following persons:

CITY:

Eric Norenberg, City Manager
201 South Walnut Street
Milford, DE 19963

KENT ECONOMIC PARTNERSHIP:

Linda Parkowski, Executive Director
555 Bay Road
Dover, DE 19901

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT the day and year first written above.

Attest
CITY CLERK

Arthur J. Campbell, Mayor
CITY OF MILFORD

Witness

Chairman
KENT ECONOMIC PARTNERSHIP

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, November 19, 2019 @ 7:00 p.m.
City Council Hearing: Monday, November 25, 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 matter:

ORDINANCE 2019-38
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 230-ZONING
SIGN REGULATIONS

WHEREAS, the regulating of signage throughout the City is necessary to balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, the need for adequate identification, communication, and advertising; and

WHEREAS, Chapter 230 of the Code of Ordinances provides for such regulations; and

WHEREAS, after a review of sign regulations, City Council has determined it is in the best interest of the City to update and further clarify regulations regarding the size, style, location, and maintenance of signage; and

WHEREAS, many of the present sign regulations have been in existence for many years; and

WHEREAS, recent amendments to State statutes regarding the regulation of signs require modification of the current City Code.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1: Chapter 230 is hereby renamed by adding language shown as underlined as follows:

Chapter 230 - ZONING CODE

Section 2: §230-4 “Definitions and word usage” is hereby amended by removing language indicated by strikethrough, as follows:

~~ANIMATION—Mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create visual motion. This includes blinking, fading, flashing, scrolling vertically, traveling or crawling horizontally.~~

~~BILLBOARD—A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.~~

~~EMB SIGN—An electronic message board sign that is capable of displaying words, numbers, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. The display of State mandated fuel pricing shall not be considered an EMB sign.~~

~~SIGN, ADVERTISING—A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it~~

is affixed.

~~SIGN, BUSINESS—A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.~~

~~SIGN, GROSS SURFACE AREA OF—The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.~~

Section 3: §230-9 “R-1 Single-Family Residential District.” is hereby amended by removing language indicated by strikethrough, adding language shown underlined, and renumbering Section C(6) accordingly, as follows:

B. Permitted uses. Permitted uses for the R-1 District shall be as follows:

~~(h) A maximum of one nonilluminated sign (size and setback specified in Article VI of this chapter) may be affixed to the building or placed within the front property line.~~

C. Conditional uses subject to special regulations. The following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions in Article IX of this chapter:

(5) Professional occupation restricted to the owner/occupant, subject to conformance with the following requirements:

~~(h) A maximum of one nonilluminated display sign affixed to the building not exceeding two square feet shall be permitted.~~

(6) Customary home occupation or a studio for artists, designers, photographers, musicians, sculptors and other similar persons, subject to conformance with the following requirements:

~~(f) A maximum of one nonilluminated display sign affixed to the building not exceeding two square feet shall be permitted.~~

~~(g)~~ (f) A maximum of two employees shall be permitted in the operation of the home occupation or studio.

(11) Planned Residential Neighborhood Development.

~~(k) Signs. Signs shall be reviewed and approved by the Planning Commission and City Council to ensure they meet the requirements of this chapter.~~

(12) Bed-and-breakfast, subject to the following requirements:

~~(k) Signs. For each bed and breakfast, one small unlighted announcement sign not exceeding three square feet in area may be attached to and parallel with the front porch or wall of the building.~~

Section 4: §230-11 “R-3 Garden Apartment and Townhouse District.” is hereby amended by removing language indicated by strikethrough, adding language shown underlined, and renumbering Section C(6) accordingly, as follows:

C. Conditional uses subject to special regulations. All uses specified as conditional uses in the R-1 and R-2 Districts and subject to its area regulations, and the following uses may be permitted with the approval of a conditional use permit by the Milford City Council in accordance with the provisions of Article IX of this chapter:

(6) Mobile home parks, subject to conformance with the following requirements and subject to site plan review:

~~(g) Signs.~~

~~[1] An identification sign may be set up at the park entrance. This sign may be illuminated and shall have a street setback of 15 feet. It may have a maximum height of 20 feet and may not exceed 20 square feet of area on either side.~~

~~[2] Unilluminated traffic direction signs may also be erected. These signs shall have a street and property setback of 15 feet. They shall be no more than four square feet in area or two feet in~~

~~height.~~

~~(h)~~ (g) Streets shall be required from abutting public streets to individual lots. The streets shall be designed to minimize congestion and traffic hazards and must be built to the street and storm drainage specifications of Chapter 200, Subdivision of Land, of this Code. No more than two streets shall intersect at one point.

~~(i)~~ (h) Minimum requirements for mobile home lots.

[1] Lot area shall be 5,000 square feet per mobile home.

[2] Width shall be 40 feet.

[3] Public street setback shall be 50 feet.

[4] Mobile home park setback shall be 35 feet.

[5] Mobile home street or parking area setback shall be 30 feet.

[6] Distance from other mobile homes and buildings shall be 25 feet.

[7] One patio shall be required per unit, 10 feet by 40 feet paved.

[8] Landscaping shall be one tree per lot.

[9] Mobile homes must meet the requirements of the Federal Manufacturer Housing Construction and Safety Standard Act of 1974.

[10] The entire lot occupied by a mobile home park shall be maintained in single ownership throughout the entire life of the mobile home park.

Section 5: §230-13 “C-2 Central Business District.” is hereby amended by removing language indicated by strikethrough and adding language shown underlined, as follows:

D. Area regulations.

(5) Signs shall comply with the requirements provided in Article VI of this chapter.

Section 6: §230-13.1 “C-2A Riverfront Development District.” is hereby amended by removing language indicated by strikethrough and adding language shown underlined, as follows:

D. Area and bulk requirements.

(11) ~~Signs shall comply with the requirements for C-2 Central Business District as provided in Article VI of this chapter.~~ Signs shall comply with the requirements provided in Article VI of this chapter.

Section 7: §230-14 “C-3 Highway Commercial District.” is hereby amended by removing language indicated by strikethrough, adding language shown underlined, and removing renumbering Section 19 accordingly, as follows:

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:

~~(18) Billboard, subject to the following:~~

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

~~(19)~~ (18) Aquarium.

Section 8: §230-15 “H-1 Institutional Development District.” is hereby amended by adding Section 8 shown underlined, as follows:

D. Area regulations.

(8) Signs shall comply with the requirements provided in Article VI of this chapter.

Section 9: §230-16 “I-1 Limited Industrial District.” is hereby amended by removing language indicated by strikethrough and adding language shown underlined, as follows:

F. Area and height regulations.

- (10) ~~Sign requirements. See Article VI of this chapter. Signs shall comply with the requirements provided in Article VI of this chapter.~~

Section 10: §230-17 “I-2 General Industrial District.” is hereby amended by removing language indicated by strikethrough and adding language shown underlined, as follows:

F. Area and height regulations.

- (10) ~~Sign requirements. See Article VI of this chapter. Signs shall comply with the requirements provided in Article VI of this chapter.~~

Section 11: §230-18 “OC-1 Office Complex District.” is hereby amended by removing language indicated by strikethrough and adding language shown underlined, as follows:

F. Area and height regulations.

- (10) ~~Sign requirements. Signs shall comply with the requirements provided in Article VI of this chapter.~~

- ~~(a) A single sign facing each street from which access to the lot is provided announcing the name or logo (or both) of all establishments or businesses housed therein shall be allowed.~~
- ~~(b) The sign shall be applied to the wall of the building and shall not exceed 50 square feet.~~
- ~~(c) The sign shall not extend beyond the wall of the building upon which it is attached.~~
- ~~(d) If the sign is illuminated, the illumination shall be of an indirect nature. All light sources shall be shielded from the view of adjacent properties or streets.~~
- ~~(e) One identification sign shall be allowed at each access point with an area of not more than eight square feet.~~

Section 12: §230-19 “OB-1 Office Building District.” is hereby amended by removing language indicated by strikethrough and adding language shown underlined, as follows:

F. Area and height regulations shall be as follows:

- (10) ~~Sign requirements. Signs shall comply with the requirements provided in Article VI of this chapter.~~
- ~~(a) A wall sign shall be allowed, with the following stipulations:
 - ~~[1] The sign shall be applied or affixed to the building and shall not exceed 20 square feet in area.~~
 - ~~[2] The sign shall not extend beyond the wall of the building upon which it is attached and shall not protrude from the wall more than six inches.~~
 - ~~[3] If a sign is illuminated, said illumination shall be of an indirect nature and shall have its light source shielded from all adjacent properties and streets.~~~~
 - ~~(b) One identification sign shall be allowed at each street access point, the size of which shall not exceed one foot by two feet.~~

Section 13: §230-19.1 “BP Business Park District.” is hereby amended by removing language indicated by strikethrough and adding language shown underlined, as follows:

- G. ~~Signage requirements. Signs shall comply with the requirements provided in Article VI of this chapter.~~
- ~~(1) A single wall and/or low-profile freestanding sign announcing the name or logo (or both) of all establishments or businesses housed therein shall be allowed.~~
 - ~~(2) The sign shall be applied to the wall of the building and shall not exceed 10% of the wall area to which it is affixed.~~
 - ~~(3) The freestanding low-profile sign shall be no more than six feet in height and eight feet in width.~~
 - ~~(4) If the sign is illuminated, the illumination shall be of an indirect nature. All light sources shall be shielded from the view of adjacent properties or streets.~~

Section 14: §230-19.2 “IS Institutional Service District.” is hereby amended by removing language indicated by strikethrough and adding language shown underlined, as follows:

I. ~~Signs in the Institutional Service District.~~ Signs shall comply with the requirements provided in Article VI of this chapter.

- ~~(1) Identification signs. The total permitted sign surface area, excluding its enclosure and/or manner of support, of all business identification signs located on or affixed to the facade of a building within the lower two stories or 26 feet, whichever is lower, shall not exceed an area equal to 5% of said lower two-story area of the building facade or 100 square feet, whichever is lower, per sign for each side of the building. For any freestanding sign not located on or affixed to a building, the total permitted sign surface area, excluding its enclosure and/or manner of support, shall not be greater than 100 square feet per sign for each side of the building. For business identification signs which are placed on a building above 26 feet, the sign shall not exceed an area of 5% of the area of the building facade measured from the ground to the top of the applicable proposed sign.~~
- ~~(2) On-site informational signs. Any building less than 5,000 square feet shall be allowed four on-site informational signs not to exceed 50 square feet per side for each sign for each building. Any building greater than 5,000 square feet shall be allowed eight (8) on-site informational signs not to exceed 50 square feet per side for each building. In no case shall an on-site informational sign be constructed so as to obstruct the view at an intersection of a public street.~~
- ~~(3) Illumination. Any lighting used to illuminate advertising signs shall be arranged so that the direct rays from the lights will not fall on any adjoining property. Signs in the Institutional Service District or lighting for signs shall not be placed in such a position that it will cause danger to traffic or create a traffic hazard by obscuring the view or in any way interfering with driver vision.~~

Section 15: §230-19.3 “IM Institutional Medical District.” is hereby amended by removing language indicated by strikethrough and adding language shown underlined, as follows:

J. ~~Signs in the Institutional Medical District.~~ Signs shall comply with the requirements provided in Article VI of this chapter.

- ~~(1) In those instances involving a single building with a single business use occupying a single lot, the total allowable sign area shall be 18 square feet, exclusive of the necessary architectural supports or columns. The reference to sign area is reference to size of structure without reference to size of actual advertising area.~~
- ~~(2) In those instances involving a single building but with multiple business uses, there may be erected a single advertising sign on which there shall be listed all of the occupants of the building, in which case the total allowable sign area, determined as provided in Subsection J (1) above, may be up to but not in excess of 36 square feet. The only other allowable signage for the lot shall be name identification signs for each individual business, which shall not exceed two square feet for each and shall be limited solely to the name of the business being identified and shall be attached to the building.~~
- ~~(3) In those instances involving a single lot comprised of a building with multiple occupants as well as a detached building with a single occupant or detached building with multiple occupants, the allowable signage for the lot shall be as provided in Subsection J (2) above.~~
- ~~(4) Illumination. Any lighting used to illuminate advertising signs shall be arranged so that the direct rays from the lights will not fall on any adjoining property. Signs in the Institutional Medical District or lighting for signs shall not be placed in such a position that it will cause danger to traffic or create a traffic hazard by obscuring the view or in any way interfering with driver vision.~~

Section 16: §230-19.4 “R-8 Garden Apartment and Townhouse District.” is hereby amended by removing language indicated by strikethrough and adding language shown underlined, as follows:

C. Conditional uses subject to special regulations. The following uses and any conditional use allowed in R-1, R-2, and R-3 Districts may be permitted with the approval of a conditional use permit by the Milford City

Council in accordance with the provisions of Article IX of this chapter:

(6) Mobile home parks, subject to conformance with the following requirements and subject to site plan review:

(g) ~~Signs.~~ Signs shall comply with the requirements provided in Article VI of this chapter.

~~[1] An identification sign may be set up at the park entrance. This sign may be illuminated and shall have a street setback of 15 feet. It may have a maximum height of 20 feet and may not exceed 20 square feet of area on either side.~~

~~[2] Nonilluminated traffic direction signs may also be erected. These signs shall have a street and property setback of 15 feet. They shall be no more than four square feet in area or two feet in height.~~

D. District regulations.

(3) Signs shall comply with the requirements provided in Article VI of this chapter.

Section 17: §230-19.5 “Source Water Protection District.” is hereby amended by hyphenating postdevelopment in Sections 1 and 3 as shown underlined, as follows:

F. Environmental impact assessment report.

(1) New development may exceed the 20% impervious cover threshold within the Source Water Protection Area Zone 2, but be no more than 50% impervious, provided the applicant submits an environmental assessment report including a climatic water budget and systems to augment recharge that assure water quality as well as quantity. The environmental impact assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis.

(3) A Delaware registered professional engineer and/or professional geologist prepares an environmental assessment report, usually containing the following elements of planning, design, construction, and maintenance of groundwater recharge facilities:

(b) Climatic water balance comparing predevelopment and post-development recharge potential.

Section 187: ARTICLE VI – Signs §230-24 through §230-26 is hereby repealed in its entirety indicated by language shown in by strikethrough and replaced with language shown underlined, as follows:

~~§ 230-24. — Permitted and prohibited signs.~~

~~For the purpose of this article of this chapter, the regulations are hereby set forth as follows:~~

~~A. Signs permitted without limitation in all zoning districts shall be as follows:~~

~~(1) Authorized signs regulating traffic under state or city authority.~~

~~(2) Signs designating public transportation pickup points.~~

~~(3) Informational signs: those erected for safety or those installed to provide directional information and those erected for the identification of public rest areas, public parking areas, entrances or exits and loading or unloading zones (not to exceed 2 1/2 square feet in area and nonilluminated).~~

~~(4) Warning signs and no trespassing signs.~~

~~(5) Memorial plaques, corner stones and signs designating historical sites.~~

~~(6) Signs required to be posted by law.~~

~~(7) Duly authorized governmental signs, public notices and signs posted or maintained by governmental order, rule or regulation.~~

~~(8) Flags or emblems of governmental, educational or religious organizations.~~

~~(9) Address signs, not to exceed one for each principal building or premises, not to exceed 160 square feet in area. The signs shall show only numerical address designations of premises upon which they are affixed/maintained.~~

~~(10) — Signs designating permanent subdivisions, not to exceed 20 square feet in area, with only two per each street frontage.~~

~~(11) — Signs which are attached or are integral to fuel dispensing pumps or devices, to be no larger than the servicing device to which they are attached.~~

~~(12) — Temporary sign for sale (realty, private owner, etc.), rental or lease of premises at location. Allowance shall be determined by the Code Official.~~

~~B. Signs prohibited in all zoning districts shall be as follows:~~

- ~~(1) Flashing signs.~~
- ~~(2) Animated signs.~~
- ~~(3) Signs producing noise or sounds.~~
- ~~(4) Signs emitting visible smoke, vapor, particles or odor.~~
- ~~(5) Signs/advertising materials which obstruct visibility of motorists or pedestrians at any location.~~
- ~~(6) Signs which, by reason of wording, position, shape or color, may cause interference with or obstruction of view or may be confused with authorized traffic signage. The allowance shall be determined by the Code Official.~~
- ~~(7) Signs attached to fire fighting equipment, emergency egress doors, windows and like emergency purposes.~~
- ~~(8) Signs causing radio, television or other communication interference because of lighting or control mechanism(s).~~
- ~~(9) Flags (other than United States flags), banners, twirling/spinning, sandwich/A type, sidewalk/curb signs (nonpermanent) and balloons or other gas filled figures. Allowance shall be determined by the Code Official.~~
- ~~(10) Signs attached to trees, fences, utility poles or any other means not designated by this article or that which is not approved by a City Code Official. Exceptions are public notices and public announcements (as previously stated).~~
- ~~(11) Portable signs, fixed on movable stands or chassis, or those self supported types not permanently embedded or any sign that allows ready transport from site to site.~~

~~§ 230-25. — Construction; violations and penalties.~~

- ~~A. All signs permitted by this article shall be erected/placed in accordance with the zoning requirement set forth by this chapter (regarding setbacks, sizes and height limitations) and shall be constructed so as to withstand loadings imposed by wind or the direct result of the sign's weight or stresses that may be otherwise imposed. All signage applications shall be accompanied by scale drawings and shall meet the approval of the Plans Review Official.~~
- ~~B. Any violations of city code(s)/ordinance(s) regarding the laws governing signs within the City of Milford shall be grounds for the removal of the sign in question, fines, imprisonment or all of the preceding. This shall be determined by the Code Official.~~

~~§ 230-26. — General standards.~~

~~The chart, found at the end of this chapter, shall determine the size and height requirements allowed within the designated zoning district. Additional requirements are as follows:~~

~~A. Setback.~~

- ~~(1) Commercial/industrial districts: 10 feet from front right of way line.~~
- ~~(2) Noncommercial districts (nonresidential):~~
 - ~~(a) Advertising: 10 feet from front right of way line.~~
 - ~~(b) Nameplate, identification and instruction: five feet from right of way line.~~

~~B. Sign standards chart (end of chapter).~~

~~C. Guidelines for all zoning districts. The following are the general guidelines for signage in all zoning districts:~~

- ~~(1) Sidewalk or pedestrian areas are not to be obstructed in any way by signs of any type.~~
- ~~(2) Variances for dimensional increases in area, height or coverage must be submitted for review and determination by the Board of Adjustment of the City of Milford. Violations of the requirements set forth in the attached chart shall be deemed as a violation of this chapter and will be subject to the~~

penalties herein described.

- (3) All signs whose primary function it is to direct attention to the identity of the business, professional or industrial activity and which describes said nature of such operation shall be deemed a business sign. Such signs shall not exceed two in number on any one road frontage.

~~D. Guidelines for C-2 Zoning District. The following are the general guidelines for signage within the C-2 Downtown Commercial District:~~

- ~~(1) Signs shall reflect simplicity, using graphics and minimum information.~~
- ~~(2) Light colored lettering should be used over dark matte background as the dominant motif.~~
- ~~(3) Signs should have a singular theme.~~
- ~~(4) A maximum of three colors may be used.~~
- ~~(5) Signs should employ a style consistent with the age of the building.~~
- ~~(6) Signs should fit into the size and proportions of the building.~~
- ~~(7) Wall signage shall be placed directly above the storefront.~~
- ~~(8) Wall signs should be made of natural materials, when feasible.~~
- ~~(9) Awning signs shall be carefully mounted and add variety and color to the streetscape. All awning signage and the awning assembly shall be kept properly maintained and shall be repaired as needed.~~

~~E. Political signs.~~

- ~~(1) Residential and Downtown Commercial Districts.
 - ~~(a) Political signs shall not exceed 24 inches by 36 inches or six square feet.~~
 - ~~(b) The maximum height of any political sign shall not exceed three feet.~~
 - ~~(c) All political signs shall be removed within seven days after the election.~~~~
- ~~(2) Other zoning districts.
 - ~~(a) Political signs shall not exceed 48 inches by 60 inches or 20 square feet.~~
 - ~~(b) The maximum height of any political sign shall be no more than five feet.~~
 - ~~(c) All political signs shall be removed within seven days after the election.~~~~

~~F. EMB signs. The following are the guidelines for all EMB signage:~~

- ~~(1) EMB signs are only permitted in the C-3 Zoning District.~~
- ~~(2) Contain static messages for at least eight seconds before changing the message and shall not have animation on any part of the sign, nor shall such sign have varying light intensity during the display of any single message.~~
- ~~(3) May not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at a distance of 150 feet.~~
- ~~(4) The owner of said EMB sign shall provide a certification by an independent contractor of the lumens showing compliance at time of building permit application.~~
- ~~(5) Each sign shall have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.~~
- ~~(6) Shall meet the same installation and permitting requirements and inspections as set out for all other signs.~~
- ~~(7) The owner of said sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.~~
- ~~(8) The owner of said sign shall provide to the City of Milford contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs. If, at any time the EMB display lights malfunction or are no longer working, the owner of said sign shall make repairs to the sign within 60 days or the sign will require removal.~~
- ~~(9) Each sign located on a state maintained road must comply with all Delaware Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this [article].~~

~~(10) All EMB signs shall have a height of no less than a minimum of two feet and no greater than a maximum of five feet. All EMB signs shall have a width of no greater than a maximum of 12 feet and shall be no larger than 32 square feet total.~~

§ 230-24. Purpose.

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication, and advertising. The regulations for signs have the following specific objectives:

- A. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare.
- B. To allow and promote positive conditions for sign communication.
- C. To reflect and support the desired ambience and development patterns of the various zones and districts and promote an attractive environment.
- D. To ensure that the constitutionally guaranteed right of free expression is protected.

§ 230-24.1. Hierarchy of Regulations.

- A. Where there is a conflict between specific sign regulations and the base for general sign regulations of this Code, the specific sign regulations supersede the base sign regulations.
- B. Other conflicts. Where there is a conflict between a land use regulation and a structural regulation, or other conflicts not otherwise addressed by this section, the most restrictive regulation applies.

§ 230-24.2. Definitions.

For purpose of this Article, certain words and phrases shall be interpreted and defined as follows:

ABANDONED OFF-PREMISE SIGN – A sign that, for 180 days or more, no longer:

- (1) Directs attention to a business commodity, service or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained; and
- (2) No longer markets, advertises, or promotes the sign for sale or rent.

ABANDONED ON-PREMISE SIGN – A sign or sign structure that, for 180 days or more, no longer identifies an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located or on a property adjacent to the property on which the sign is located when the adjacent property has a recorded easement for access on or along the property on which the sign is located.

ALTERATION – A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

ANIMATED SIGN – A sign employing actual motion, the illusion of motion, or light and color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

- (1) ENVIRONMENTALLY ACTIVATED - Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and other devices or displays that respond to naturally occurring external motivation.
- (2) MECHANICALLY ACTIVATED - Animated signs characterized by repetitive motion or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- (3) ELECTRICALLY ACTIVATED - Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input or illumination capable of simulating movement through employment of the characteristics of one or both of the classification notes below:

- (a) FLASHING - Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds eight seconds.
- (b) PATTERNED ILLUSIONARY MOVEMENT - Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

ARCHITECTURAL PROJECTION – Any projection from a building that is decorative or functional and not intended for occupancy, and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also Awning; Back-lit Awning; and Canopy, Attached and Freestanding.

AWNING – An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials or fabric on a supporting framework that may be either permanent or retractable.

AWNING SIGN – A sign displayed on or attached flat against the surface or surfaces of an awning. See also Wall or Fascia Sign. An awning that contains a “sign” section or copy area shall comply with the applicable sign area requirements for parallel signs contained in this Code. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area; the entire awning shall not be included in a Sign Area calculation.

BACK-LIT AWNING – An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

BANNER – A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN – A sign utilizing a banner as its display surface.

BENCH SIGN – A sign applied or affixed to the seat or back of a bench.

BILLBOARD – See Off-Premise Sign and Commercial Outdoor Advertising Sign.

BUILDING FAÇADE – That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

BUILDING SIGN – A sign that is applied or affixed to a building.

CANDELA – The basic unit of measurement of light in SI (metric) units.

CANDELA PER SQUARE METER (cd/m²) – The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

CANDLE OR CANDLEPOWER – Synonymous with Candela, but in English, not SI, terms.

CANOPY (Attached) – A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Marquee.

CANOPY (Freestanding) – A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN –A sign affixed to the visible surface(s) of an attached or freestanding canopy. May be internally or externally illuminated. Similar to a Marquee Sign.

CHANGEABLE SIGN – A sign with the capability of content by means of manual or remote input, includes the following types:

(1) MANUALLY ACTIVATED – Changeable sign whose message copy or content can be changed manually on a display surface.

(2) ELECTRONICALLY ACTIVATED – Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also Electronic Message Center.

CHANNEL LETTER (Open Faced) – A dimensional letter with a back and sides but no face at the front of the letter. Open Faced Channel Letters may be non-lit, externally illuminated, or illuminated by a light source contained inside the open channel of the letter itself, such as a neon tube.

CHANNEL LETTER (Internally Illuminated) – A dimensional letter with a back, sides, and a translucent front face capable of transmitting light from an internal light source within the letter.

CHANNEL LETTER (Reverse) – A dimensional letter with a face and sides but no back, opposite to an Open-Faced Channel Letter. A Reverse Channel Letter has an open channel facing the wall or building to which it is affixed. A Reverse Channel Letter may contain a source of illumination designed to project lighting against the surface behind the letter, commonly referred to as a Backlit Channel Letter; also referenced as a halo or silhouette lighted channel letter. The face of a Reverse Channel Letter does not illuminate.

CLADDING – A non-structural covering designed to conceal the actual structural supports of a sign. See also Pole or Pylon Cover.

COMMERCIAL OUTDOOR ADVERTISING SIGN – A permanent off-premise sign erected, maintained or used in the outdoor environment for the purposes of providing copy area for commercial or noncommercial messages.

CONFORMING SIGN – A sign that is legally installed in conformance with all prevailing jurisdictional laws and ordinances.

COPY – The graphic content or message of a sign.

COPY AREA OF SIGN – The actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed shape or shapes encompassing separate individual letters, words, or graphic elements on the background.

DIMENSIONAL LETTER, SYMBOL, OR GRAPHIC – A letter, symbol, or graphic that is three dimensional in character, containing height, width, and depth.

DIRECTIONAL SIGN – Any sign that is designed and erected for the purpose of providing direction or orientation for pedestrian or vehicular traffic.

DISPLAY TIME – The amount of time a message or graphic is displayed on an Electronic Message Sign.

DISSOLVE – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

DOUBLE-FACED SIGN – A sign with two faces, back to back.

DYNAMIC FRAME EFFECT – An Electronic Message Sign frame effect in which the illusion of motion or animation is used.

ELECTRIC SIGN – Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE CENTER OR SIGN (EMC) –An electrically activated changeable sign whose variable message or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel)

EXTERNALLY ILLUMINATED SIGN – See Illuminated Sign.

EXTERIOR SIGN – Any sign placed outside a building.

FAÇADE – See Building Façade.

FADE – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

FASCIA SIGN – See Wall Sign.

FLASHING SIGN – See Animated Sign, Electrically Activated.

FONT – A set of letters, numerals, symbols, or shapes conforming to a specific set of design criteria.

FOOT CANDLE – An English unit of measurement of the amount of light falling upon a surface (Illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

FOOT LAMBERT – An English unit of measurement of the amount of light emitted by or reflecting off a surface (luminance) equivalent to 3.4262591 candelas per square meter.

FRAME – A complete, static display screen on an Electric Message Sign.

FRAME EFFECT – A visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic Frame Effect.

FREESTANDING SIGN – A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. May also be referenced as a Ground or Monument Sign. Refer also to Section 8 for visual reference examples.

FRONTAGE (Property) – The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

FRONTAGE (Building) – The length of an exterior building wall or structure of a single premise along either a public way or other properties that it faces.

GROUND SIGN – See Freestanding Sign.

ILLUMINANCE – The amount of light falling upon a real or imaginary surface, commonly called “light level” or “illumination.” Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

ILLUMINATED SIGN – A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].

INTERNALLY ILLUMINATED SIGN – See Illuminated Sign.

INTERIOR SIGN – Any sign placed within a building, but not including window signs as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this ordinance.

LISTED SIGN – A sign manufactured and labeled in accordance with specifications promulgated by a recognized testing laboratory designed to assure compliance with applicable American National Standards (ANSI) and the National Electric Code (NEC).

LUMINANCE – The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units). Expressed in SI units as cd/m², and in English units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured by means of a luminance meter.

LUX – the SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

MANSARD – A roof-like façade comparable to an exterior building wall.

MARQUEE – See Canopy (Attached).

MARQUEE SIGN – See Canopy Sign.

MULTIPLE-FACED SIGN – A sign containing 3 or more faces.

NIT – A photometric unit of measurement referring to luminance. One nit is equal to one cd/m².

NON-CONFORMING SIGN – A sign that was legally installed by permit in conformance with municipal sign regulations and ordinances in effect at the time of its installation, but which may no longer comply with subsequently enacted laws and ordinances having jurisdiction relative to the sign.

NON-CONFORMING USE – A continued and lawful use of property, including a sign or signs lawfully installed in accordance with laws or ordinances prevailing at the time of installation.

OFF-PREMISE SIGN – See Outdoor Advertising Sign. See Also, Wayfinding Sign.

ON-PREMISE SIGN – A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed or on a property adjacent to the property on which the sign is located when the adjacent property has a recorded easement for access on or along the property on which the sign is located.

ORIGINAL ART MURAL - A hand produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to, an exterior wall of a building or structure. Original Art Mural does not include: mechanically produced or computer-generated prints or images, including but not limited, to digitally printed vinyl, murals containing electrical or mechanical components, or changing image murals.

OUTDOOR ADVERTISING SIGN – A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or non-commercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an Off-Premise Sign, Billboard, or Commercial Outdoor Advertising Sign.

PARALLEL SIGN – See Wall Sign.

PARAPET – The extension of a building façade above the line of the structural roof.

PERMITTED ORIGINAL ART MURAL - An Original Art Mural for which a permit has been issued by the City of Milford pursuant to this Article.

PERPENDICULAR SIGN – See also Freestanding Sign; See also Projecting Sign.

POLE COVER OR PYLON COVER – An enclosure designed to conceal poles or other structural supports of a sign. See also Cladding.

POLE SIGN – See Freestanding Sign.

POLITICAL SIGN – A temporary sign intended to advance a political statement, cause, ballot, issue, or candidate for office.

PORTABLE SIGN – Any sign not permanently attached to the ground and can be removed without the use of tools.

PROJECTING SIGN – A sign other than a Wall Sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

PYLON SIGN – See Freestanding Sign.

REAL ESTATE SIGN – A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

REVOLVING SIGN – A sign that has the capability to revolve 360 about an axis. See also: Animated Sign, Mechanically Activated.

ROOF LINE – The uppermost line of the roof of a building or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

ROOF SIGN – A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard

facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.

SCROLL – A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

SI (International System of Units) – The modern metric system of measurement abbreviated Sis for the French term “Le Systeme International d’Unites.”

SIGN – Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN AREA – The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50% of the sum of the area of all faces of the sign.

SIGN COPY – The letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN FACE – The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

(1) In the case of panel or cabinet signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

(2) In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

(3) In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE – Any structure designed for the support of a sign.

SITE – The ground area legally designated as a zoning lot, which may be categorized as a permanent parcel (a lot of record), multiple lots of record, or a portion of a lot of record.

SPECIAL EVENT SIGN – A temporary sign pertaining to any civic, patriotic, or special event of general public interest.

TEMPORARY SIGN – A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is not permanently embedded in the ground, are considered temporary signs.

TRANS-ILLUMINATED SIGN – See Internally Illuminated Sign.

TRANSITION – A visual effect used on an Electronic Message Sign to change from one message to another.

TRAVEL – A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.

UNDER CANOPY OR UNDER MARQUEE SIGN – A sign attached to the underside of a canopy or marquee.

V SIGN – A sign containing two faces of equal size, positioned at an interior angle subtending less than 179 degrees at the point of juncture of the individual faces.

WALL OR FASCIA SIGN – A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

WAYFINDING SIGN – A sign, frequently off-premise, specifically designed to provide directional or destination information and installed or maintained by the City or another government agency.

WINDOW SIGN – A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

§ 230-24.3. Typical On-Premise Sign Types.

The purpose of this section is to provide visual examples of certain types of signs.



PYLON



POLE WITH CLADDING



MULTI PANEL PYLON



POLE



MONUMENT

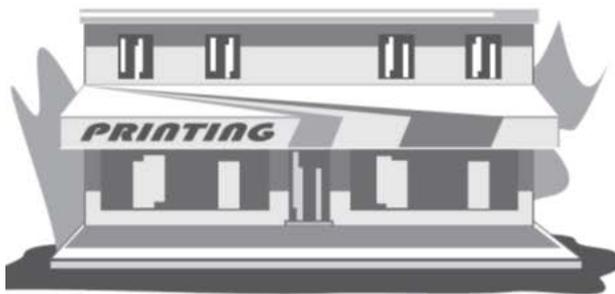


CANOPY



MONOLITH

BUILDING SIGNS



AWNING

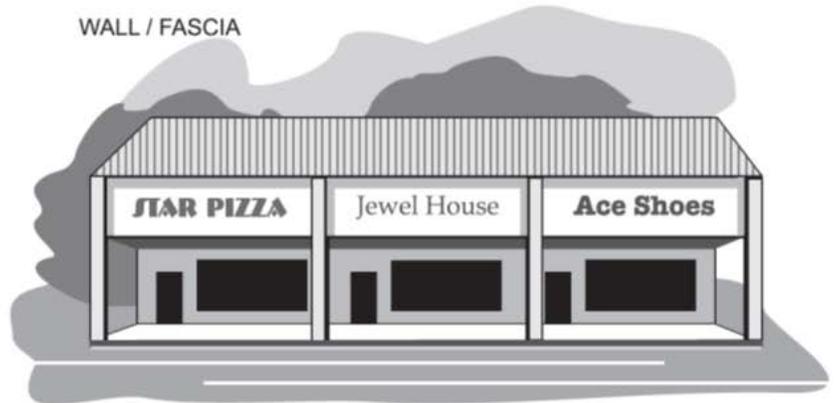


ROOF

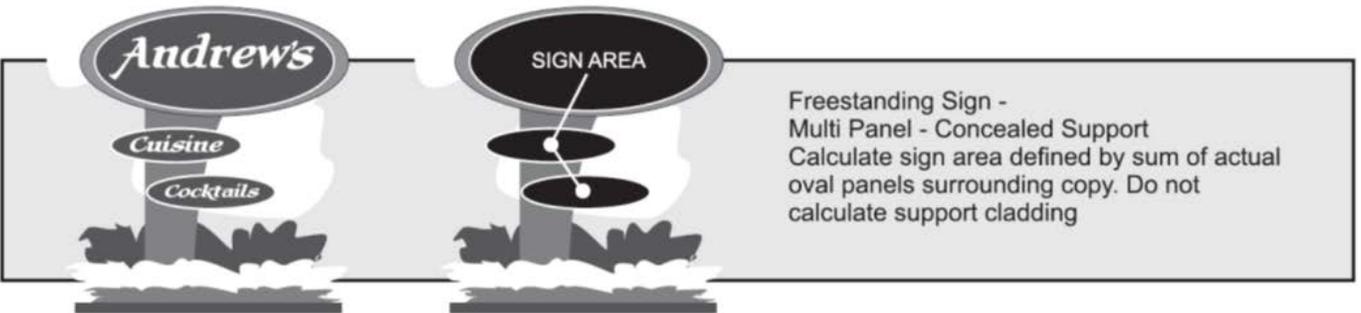
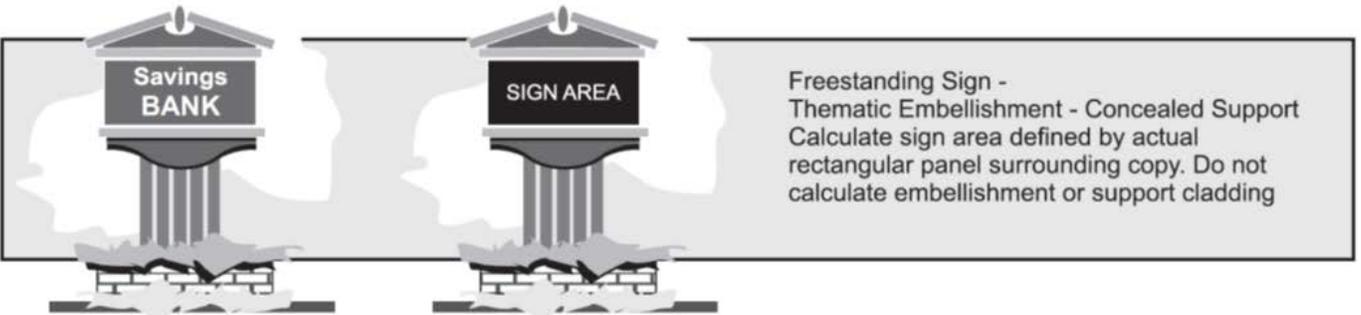


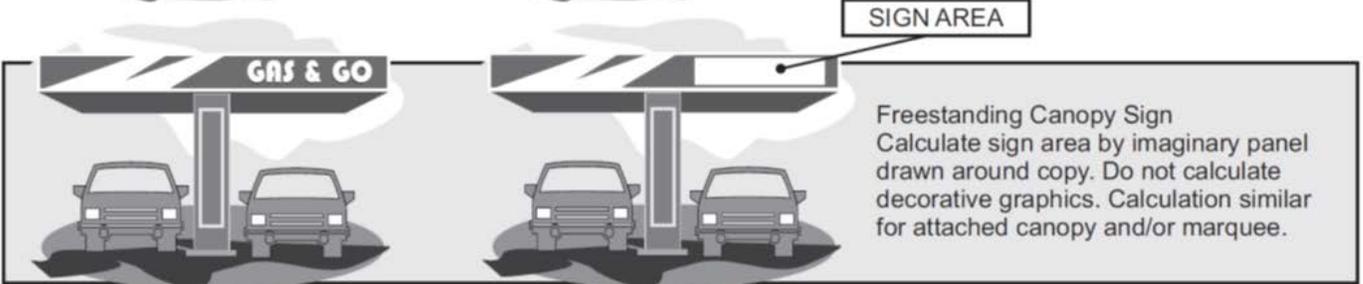
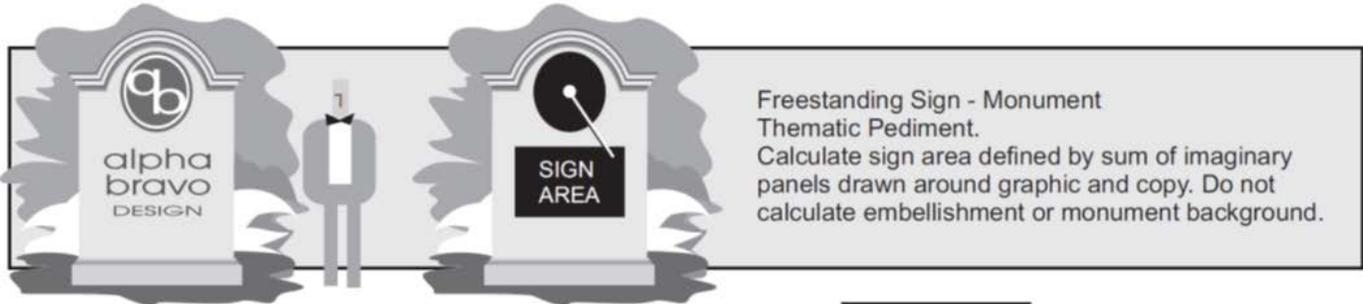
PROJECTING

WALL / FASCIA

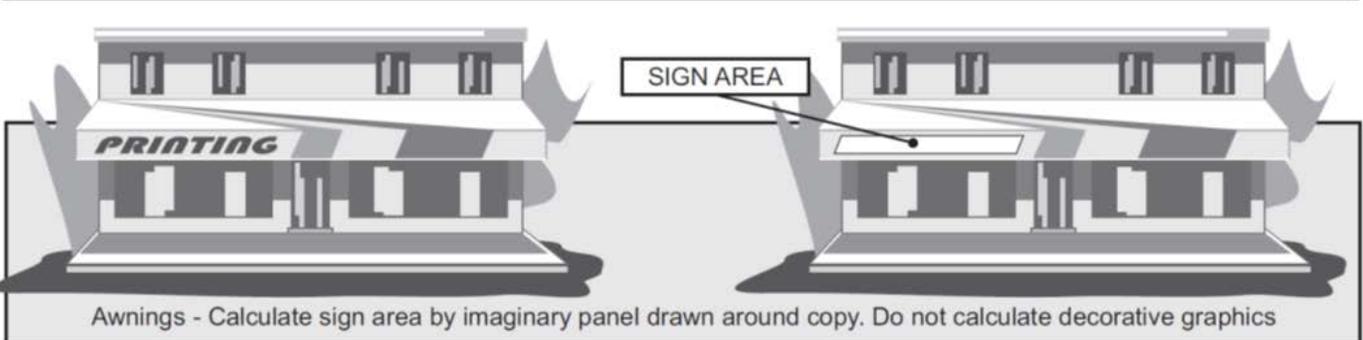
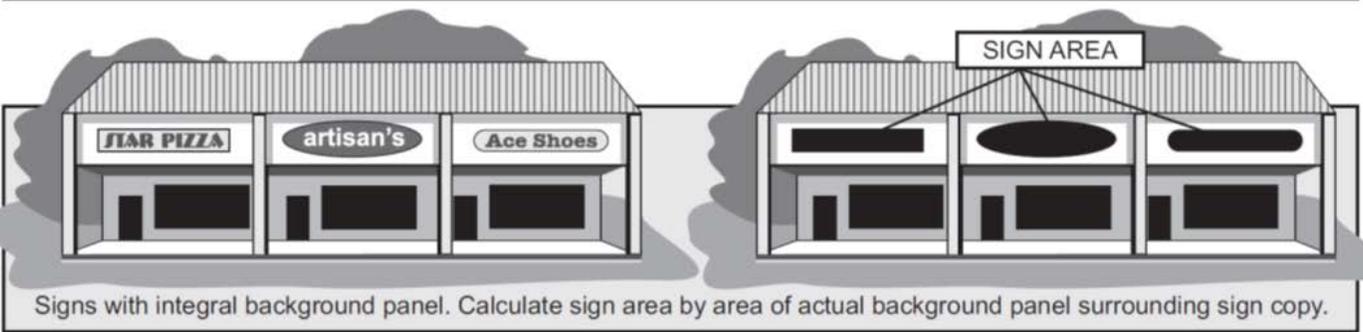
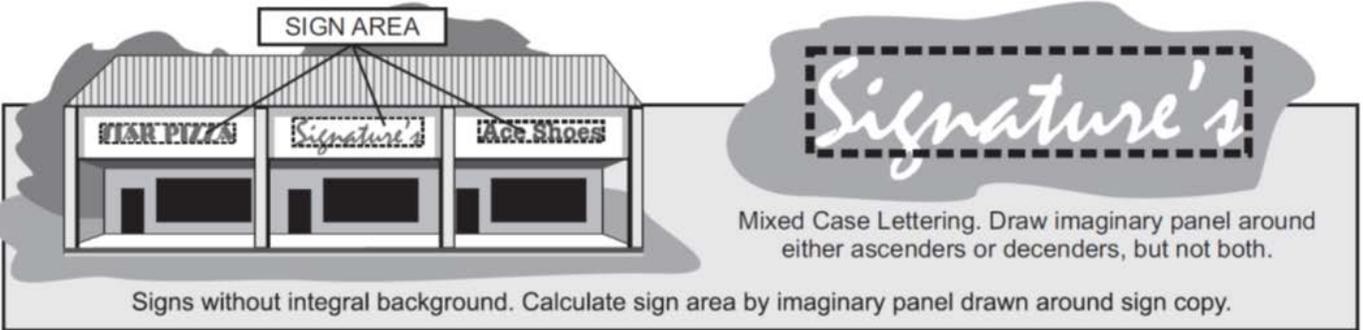


Sign areas shall be calculated using the methodology set forth in this section, except that embellishment or support cladding is not included in the sign area unless it contains copy.





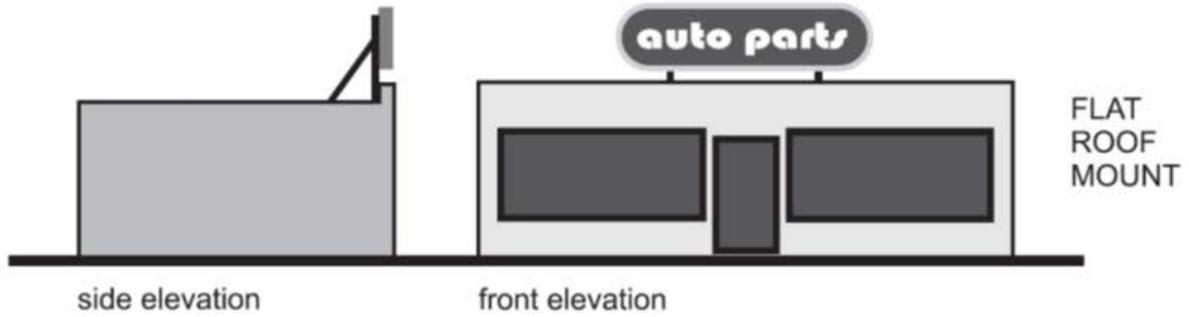
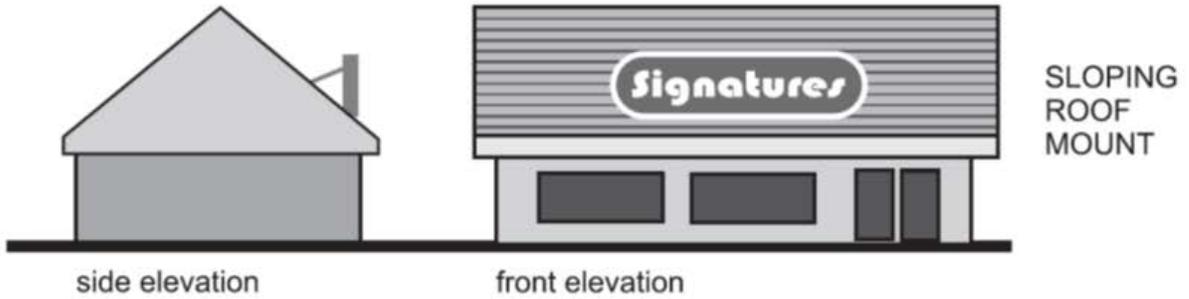
Wall / Fascia Signs



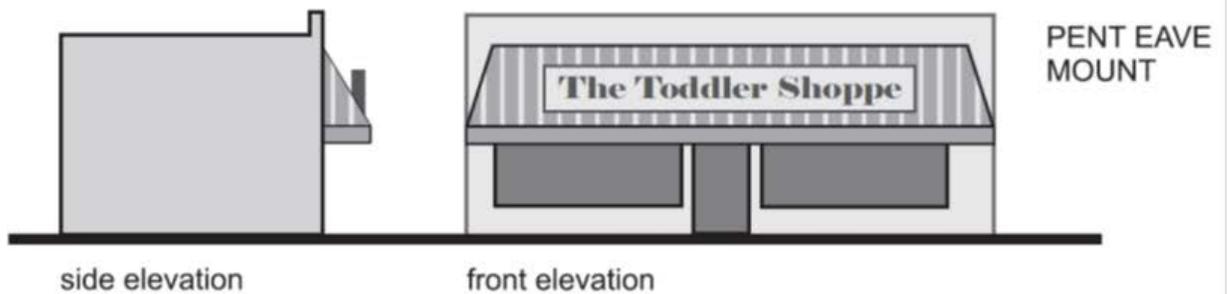
§ 230-24.5. Comparison: roof and wall sign distinctions.

The following diagrams demonstrate visual examples of distinctions between roof signs and wall signs.

ROOF SIGNS



Fascia Signs on Roof-Like Projections NOT ROOF SIGNS



§ 230-24.6. Sign Face Area.

- A. Sign Cabinets. The area of sign faces enclosed in frames or cabinets shall be determined based on the outer dimensions of the frame or cabinet.
- B. Double-sided signs. Only one side of a double-sided sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than 91 degrees shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-faced signs.
- C. Round, Oval, and Irregularly shaped signs shall be measured based on the appropriate mathematical formula to obtain the sign area for the shape of the sign.
- D. Calculating Sign Area
 - (1) Signs containing integral background areas: The area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.
 - (2) Signs without integral background areas: In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.
- E. Awnings and marquees. When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

§ 230-24.7. Height of Signs.

- A. Except as otherwise provided in this section, the overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.
- B. Where a freestanding sign or sign structure is mounted along a roadway that has a higher-grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure. See Figure A.

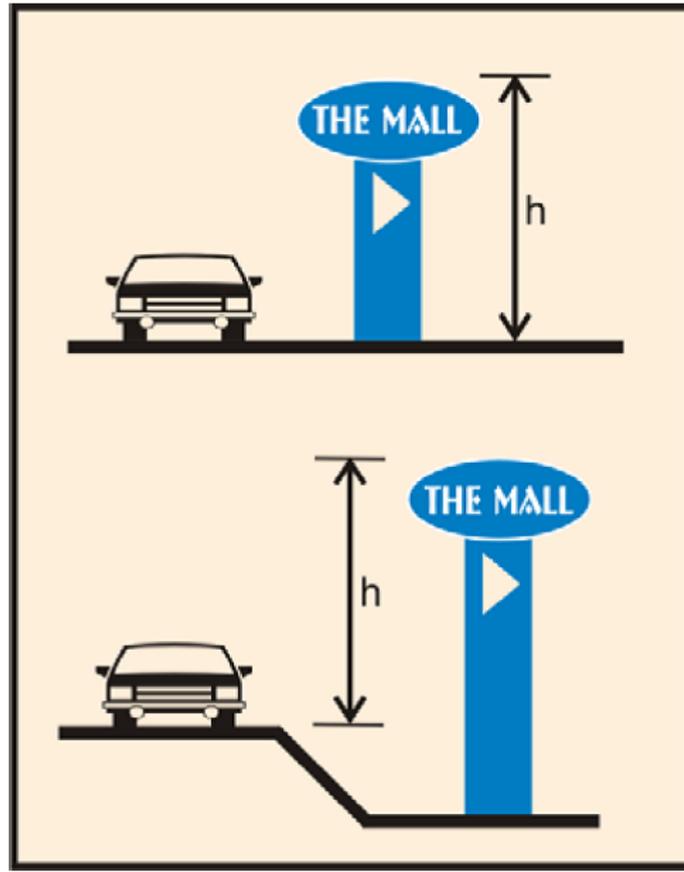


Figure A.

§ 230-24.8. Signs Permitted in All Zones. Exempt from Permit.

The following are exempt from the regulations of this Article, but may be subject to other portions of this Chapter where applicable:

- A. Signs inside a building and not visible from outside the building.
- B. Signs carved into a building or raised in integral relief on a building. Signs or letters that are raised must be a physical part of the building façade and a part of the physical construction of the building materials comprising the façade in order to qualify for relief under this provision. Letters or signs that are merely attached to the exterior façade of the building, even if the same finish and color, shall not qualify for this exemption.
- C. Signs required by federal, state, county, or City of Milford law or regulation.
- D. Painted or applied wall accents and decorations, provided that the accents and decorations are typically not associated with the brand or company that owns or occupies the building, site, or tenant space.
- E. Illuminated building accents and decorations, provided the accents and decorations are typically associated with the brand or company that owns or occupies the building, site, or tenant space.
- F. Public Art, including Permitted Original Art Murals.
- G. Name and Address – Up to two signs indicating address, number or name of occupants of the premises, that do not exceed two square feet in area per side, and do not include any commercial advertising or other

identification.

- H. Decals – Decals or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.
- I. Americans with Disabilities Act Parking Space – Signs not exceeding two square feet in area reserving parking for handicapped individuals.
- J. Private Drive Signs – On-premise private drive signs are limited to one per driveway entrance, not exceeding two square feet in area.
- K. Public Signs – Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities and any signs erected by the City of Milford.
- L. Security and Warning Signs – On-premise regulating the use of the premises, such as “no trespassing”, “no hunting” and “no soliciting” signs that do not exceed one sign consisting of two square feet in area per side in residential areas and one sign consisting of five square feet in area per side in commercial and industrial zones. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law.
- M. Vehicles - The use of business logos, identification, or advertising on vehicles primarily and actively used for business or personal transportation shall be permitted.

§ 230-24.9. Permit.

- A. Except as otherwise provided in this Article, no on-premise or off-premise sign or structure shall be erected, moved, enlarged, replaced, refaced, or reconstructed except by permit from the City and in accordance with this chapter. See Chapter 88, Building Construction.
- B. Except for Special Event Signs, temporary signs shall not require a permit.

§ 230-24.10. Prohibitions.

The following signs are prohibited:

- A. Signs containing strobe lights.
- B. Abandoned sign structures.
- C. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed under this Article. Except as otherwise provided in this Article, any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service, business, or other activity, whether on-premise or off-premise shall be prohibited. This regulation shall not prohibit the use of business logos, identification, or advertising on vehicles primarily and actively used for business or personal transportation.
- D. Mechanically Moving Signs – An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights.
- E. Flashing Signs.

- F. Inflatable Signs and Other Permanent Objects – Signs and other objects which are inflated, including but not limited to, balloons except that balloons may be permitted in temporary non-commercial situations such as for special occasions at a residence, which are permitted.
- G. Posters and Handbills – Signs Any signs affixed to any structure, utility or sign pole, trees, or other natural vegetation, rocks or poles.
- H. Roof Signs.
- I. Simulated Traffic Signs and Obstructions – Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way.
- J. A-frame/Wheeled Signs – Any portable “A” frame or similar portable sign is prohibited except as described under Temporary Signs.
- K. Signs Adversely Affecting Safety – Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape.
- L. Sign Emissions – No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.
- M. Mirrors – No mirror device shall be used as part of a sign.
- N. Animated Signs.
- O. Any sign located or projecting into the public right-of-way except as otherwise expressly permitted in this Article.
- P. Permanent Banners – Banners used as permanent signs.
- Q. Temporary Signs placed within any right-of-way.

§ 230-24.11. Standards in Residential Zones.

- A. General standards and sign features: Permanent on-premise signs in Residential Zones, as identified herein, shall be subject to the standards set forth in this section.
 - (1) R-1 Single-Family Residential District
 - (2) R-2 Residential District
 - (3) R-3 Garden Apartment and Townhouse District
 - (4) R-8 Garden Apartment and Townhouse District
- B. Subdivisions, apartments, multi-family dwellings, and condominium complexes are permitted the following:
 - (1) One freestanding sign not to exceed 64 square feet of sign area per side and four feet in height and further provided that one such sign shall be permitted for each separate entrance. Subdivisions, apartment, multi-family dwellings and condominium complexes are permitted a freestanding sign not to exceed 64 square feet of sign area per side and four feet in height, and further provided that one such sign shall be permitted for each separate entrance.

(2) Other directional, incidental, or accessory signs located within the subdivision, complex, or multi-family residential development provided that such signs shall not exceed 6 square feet of sign area per side and four feet in height, if freestanding.

B.C. For properties located in a Residential Zone as described in subsection B above, other directional, incidental or accessory signs are also permitted, to be located within the subdivision, complex or multi-family residential development. Such directional, incidental and/or accessory signs shall not exceed six square feet in sign area per side and four feet in height, if freestanding.

C.D. Home Occupation – One non-illuminated on-premise sign not to exceed six square feet of sign area per side, identifying a permitted home occupation on the premises. A sign shall contain no more than two sides or facings, back-to-back, and shall have a minimum setback five feet from the front lot line, and a minimum setback of 15 feet from all adjacent property lines, and shall not exceed four feet in height.

D.E. Properties in a Residential Zone which are used for permitted non-residential uses are permitted a freestanding sign not to exceed 48 square feet of sign area and 10 feet in height, and further provided that one such sign shall be permitted for each separate street frontage occupied by the permitted use. A sign shall contain no more than two sides or facings, back-to-back, and shall have a minimum setback of 10 feet from the front lot line, and a minimum setback of 15 feet from all adjacent property lines.

E.F. Electronic Message Centers are prohibited except as may be permitted by conditional use approval from City Council on properties used for any of the following uses:

- (1) Public and private schools
- (2) Churches and other places of worship
- (3) Social clubs or fraternal, social service, union, or civic organizations

§ 230-24.12. Standards in Downtown Commercial Zones.

A. General standards and sign features: Permanent on-premise signs in the Downtown Commercial Zones, as identified herein, shall be subject to the standards set forth in this section.

- (1) C-2 Central Business District
- (2) C-2A Riverfront Development District

B. Subject to the regulations in this section, Downtown Commercial Zone properties are limited to a combination of two signs per street or road frontage. No more than one sign per street or road frontage shall be either a freestanding sign or a projecting sign. No more than one sign per street or road frontage shall be either a building sign, a canopy sign, or an awning sign.

(1) Freestanding Signs

- (a) Freestanding signs shall be limited to one per street frontage.
- (b) Freestanding signs shall not exceed six feet in height and shall not exceed 24 square feet of sign area per side.
- (c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 15 feet from adjacent property lines.

(2) Projecting Signs

- (a) Except as otherwise stated herein, projecting signs shall not be permitted in addition to any permitted freestanding sign. Projecting signs shall be limited to one per building façade on which any such sign is mounted except for a use that fronts on more than one street, in which case, one such sign shall be permitted per façade for each separate street frontage.
- (b) A projecting sign shall have a sign area of no greater than 20 square feet per side.
- (c) No projecting sign shall extend in a vertical dimension above the highest architectural point of the façade to which it is mounted in excess of 25% of the vertical dimension of the façade itself.
- (d) Projecting signs extending over a public sidewalk shall be limited to a projection distance not to

exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of clearance between the projecting sign and the sidewalk.

(e) A property may have a projecting sign and a freestanding sign provided that the property has more than one street or road frontage provided that all other requirements governing projecting signs are met.

(f) Projecting signs should be located above the storefront windows and below the sills under the second-floor windows.

(3) Building Signs

(a) Building signs include wall or fascia signs, and signs otherwise permanently applied to walls or other building surfaces. Building signs should be placed directly over the storefront.

(b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 10% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.

(c) Window Coverings - A maximum of 20% of storefront windows may be covered with signage or decals.

(4) Canopy Signs (Also Marquee Signs and Signs on Architectural Projections)

(a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are mounted to structures that project off the face of the building more than 18 inches.

(b) Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to 40% of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(c) Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any such graphic allowed treatment shall not be calculated as a component of permitted copy area.

(5) Awning Signs

(a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area does not exceed an area equal to 40% of the product of the height and length of the face area of the awning to which the sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(b) Graphic treatment and embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any allowed such graphic treatment and embellishment shall not be calculated as a component of permitted copy area.

(c) Awning signs should add variety and color to the streetscape.

(6) Electronic Message Centers: Prohibited.

(7) Signs within the Downtown Commercial Zone are subject to the following standards and guidelines.

(a) Overall Design

[1] Historically significant signs shall be retained, repaired, and reused.

[2] Signs shall reflect simplicity, using graphics and minimum information.

[3] Signs should employ a style consistent with the age of the building and should fit into the size and proportions of the building.

[4] When multiple signs are used on one property, the signs should be compatible with one another and part of an overall sign plan for the building.

(b) Size and Shape

[1] Signs should be scaled and oriented to relate to pedestrians and passing motorists.

[2] Buildings signs should be typically horizontal.

[3] Projecting signs should be typically vertical.

[4] Nonrectangular shapes add variety and interest and can be appropriate, but the use of strange or highly irregular shapes, where not rationalized by the nature of the business, should be avoided.

(c) Colors

[1] Sign colors should be chosen to complement the color of the building.

[2] It is preferred to use no more than 3 colors on a sign. A fourth color might be used for illustrations if applicable.

[3] It is preferred that dark or medium colors be used for the main background of the sign and that light colors be used for the lettering. The use of the following color types is encouraged for signage; nature blending, earth tone colors, neutral colors, pastel colors. Bright colors, primary colors, and metallic colors are generally best limited to accent areas. Background colors should be burgundy red, forest green, chocolate brown, black, charcoal, or navy blue. Suggested letter colors should be ivory, white, or gold.

(d) Sign Illumination

[1] Illuminated signs shall use an indirect lighting method, such as overhead or gooseneck lights.

[2] Signs may be externally illuminated by one or more shielded, stationery bulbs projecting onto the sign.

[3] Neon signs, exposed tubes filled with a gas that glows when electrified, are permitted if located behind the storefront glass.

[4] Internally lit signs, fluorescent lighting, or spotlights are prohibited for signs on the exterior of buildings.

(e) Materials

[1] Metal and wood are traditional materials that are preferred and appropriate for historic buildings.

(f) Typefaces.

[1] Typefaces should be harmonious with the building and the nature of the building and should be easily legible.

§ 230-24.13. Standards in Neighborhood Commercial Zones.

A. General standards and sign features: Permanent on-premise signs in the Neighborhood Commercial Zones, as identified herein, shall be subject to the standards set forth in this section.

(1) OB-1 Office Building District

(2) C-1 Community (Neighborhood) Commercial District

B. Subject to the regulations in this section, Neighborhood Commercial Zone properties are limited to a combination of two signs per street or road frontage. No more than one sign per street or road frontage shall be either a freestanding sign or a projecting sign. No more than one sign per street or road frontage shall be either a building sign, a canopy sign, or an awning sign.

(1) Freestanding Signs

(a) Freestanding signs shall be limited to one per street frontage.

(b) Freestanding signs shall not exceed six feet in height and shall not exceed 24 square feet of sign area per side.

(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 15 feet from adjacent property lines.

(2) Projecting Signs

(a) Projecting signs shall be limited to one per building façade on which any such sign is mounted except for a use that fronts on more than one street, in which case, one such sign shall be permitted per façade for each separate street frontage.

(b) The sign area of any projecting sign shall be no greater than 20 square feet per side.

(c) No projecting sign shall extend in a vertical dimension above the highest architectural point of the façade to which it is mounted in excess of 25% of the vertical dimension of the façade itself.

- (d) Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of clearance between the projecting sign and the sidewalk.
- (e) A property may have a projecting sign and a freestanding sign provided that the property has more than one street or road frontage provided that all other requirements governing projecting signs are met.

(3) Building Signs

- (a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.
- (b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 10% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.

(4) Canopy Signs (Also Marquee Signs and Signs on Architectural Projections)

- (a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are mounted to structures that project off the face of the building more than 18 inches.
- (b) Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to 40% of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.
- (c) Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any such graphic allowed treatment shall not be calculated as a component of permitted copy area.

(5) Awning Signs

- (a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area does not exceed an area equal to 40% of the product of the height and length of the face area of the awning to which the sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.
- (b) Graphic treatment or embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any allowed such graphic treatment or embellishment shall not be calculated as a component of permitted copy area.

(6) Electronic Message Centers are prohibited except as may be permitted by conditional use approval from City Council on properties used for any of the following uses

- (a) Public and private schools
- (b) Churches and other places of worship
- (c) Social clubs or fraternal, social service, union, or civic organizations

§ 230-24.14. Standards in Business Park and Office Zones.

A. General standards and sign features: Permanent on-premise signs in the Business Park and Office Zones, as identified herein, shall be subject to the standards set forth in this section.

- (1) BP Business Park District
- (2) OC-1 Office Complex District

B. Subject to the regulations in this section, Business Park and Office Zone properties are limited to a combination of two signs per street frontage.

- (1) Freestanding Signs
 - (a) Freestanding signs shall be limited to one per street frontage.

(b) Freestanding signs shall not exceed 10 feet in height and shall not exceed 48 square feet of sign area per side.

(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 15 feet from adjacent property lines.

(2) Projecting Signs: Prohibited

(3) Building Signs

(a) Building signs include wall or fascia signs, and signs otherwise permanently applied to walls or other building surfaces.

(b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 10% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.

(4) Canopy Signs: Prohibited.

(5) Awning Signs: Prohibited.

(6) Electronic Message Centers are prohibited except that electronic message centers may be permitted by conditional use approval from City Council on properties used for any of the following uses

(a) Public and private schools

(b) Churches and other places of worship

(c) Social clubs or fraternal, social service, union, or civic organizations

§ 230-24.15. Standards in Institutional Zones.

A. General standards and sign features: Permanent on-premise signs in the Institutional Zones, as identified herein, shall be subject to the standards set forth in this section.

(1) H-1 Institutional Development District

(2) IM Institutional Medical District

(3) IS Institutional Service District

B. Subject to the regulations in this section, Institutional Zone properties as regulated by reference to types noted below are limited to a combination of two signs per street frontage.

(1) Freestanding Signs

(a) Freestanding signs shall be limited to one per street frontage.

(b) Freestanding signs shall not exceed 10 feet in height and shall not exceed 120 square feet of sign area per side.

(c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 25 feet from adjacent property lines.

(2) Projecting Signs: Prohibited.

(3) Building Signs

(a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.

(b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 5% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.

(4) Canopy Signs: Prohibited.

(5) Awning Signs: Prohibited.

(6) Electronic Message Centers are prohibited except as may be permitted by conditional use approval from City Council on properties used for any of the following uses

(a) Public and private schools

(b) Churches and other places of worship

(c) Social clubs or fraternal, social service, union, or civic organizations

§ 230-24.16. Standards in Commercial and Industrial Zones.

- A. General standards and sign features: Permanent on-premise signs in the Commercial and Industrial Zones, as identified herein, shall be subject to the standards set forth in this section.
- (1) C-3 Highway Commercial District
 - (2) I-1 Limited Industrial District
 - (3) I-2 General Industrial District
- B. Subject to the regulations in this section, Commercial and Industrial Zone properties are limited to a combination of two signs per street or road frontage. No more than one sign per street or road frontage shall be either a freestanding or a projecting sign. No more than one sign per street or road frontage shall be either a building sign, a canopy sign, or an awning sign.
- (1) Freestanding Signs
 - (a) Freestanding signs shall be limited to one per street frontage. In the case of shopping centers with separate buildings or pad sites, one additional freestanding sign will be permitted for each separate building or pad site.
 - (b) Freestanding signs shall not exceed 28 feet in height and shall not exceed 225 square feet of sign area per side.
 - (c) Freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 25 feet from adjacent property lines.
 - (d) Shared Freestanding Signs
 - [1] For adjoining nonresidential properties, a freestanding sign structure may be shared among adjoining property owners or tenants solely for the purpose of identification of the adjoining property or business located thereon.
 - [2] The permit application for a shared freestanding sign shall be accompanied by an agreement regarding ownership and maintenance obligations for the shared sign executed by the adjacent property owners or tenants, as the case may be.
 - (2) Projecting Signs
 - (a) Projecting signs shall be limited to one per building façade on which any such sign is mounted per each separate street frontage.
 - (b) The area of any projecting sign shall be no larger in area than 20 square feet per side.
 - (c) No projecting sign shall extend in a vertical dimension above the highest architectural point of the façade to which it is mounted in excess of 25% of the vertical dimension of the façade itself.
 - (d) Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds of the width of the sidewalk. There shall be at least eight feet of clearance between the projecting sign and the sidewalk.
 - (e) A property may have a projecting sign and a freestanding sign provided that the property has more than one street or road frontage provided that all other requirements governing projecting signs are met.
 - (3) Building Signs
 - (a) Building signs include wall or fascia signs, roof signs, and signs otherwise permanently applied to walls or other building surfaces.
 - (b) The total sign area of all parallel wall signs applied to any given façade shall not exceed 15% of the building façade in elevation view, including window and door areas and cornices to which they are affixed or applied.
 - (c) In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, separate storefront, or separate use.
 - (4) Canopy Signs (Also Marquee Signs and Signs on Architectural Projections)
 - (a) Canopy Signs, Marquee Signs, and Signs on Architectural Projections are signs that are mounted to structures that project off the face of the building more than 18 inches.
 - (b) Signs affixed or applied in an essentially flat plan to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein,

does not exceed an area equal to 40% of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(c) In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, separate storefront, or separate use.

(d) Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, marquee, or architectural projection provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any such graphic allowed treatment shall not be calculated as a component of permitted copy area.

(5) Awning Signs

(a) Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area does not exceed an area equal to 40% of the product of the height and length of the face area of the awning to which the sign is affixed or applied, or 10% of the building façade to which it is attached, whichever is greater.

(b) In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, separate storefront, or separate use.

(c) Graphic treatment or embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awning or backlit awning provided that the striping or patterns are not typically associated with the brand or company occupying the building, site or suite, and the area of any allowed such graphic treatment or embellishment shall not be calculated as a component of permitted copy area.

(6) Electronic message centers are permitted on properties used for non-residential purposes as part of a freestanding sign or building sign subject to the regulations of this Article.

§ 230-24.17. Additional Standards.

A. Applicability. These regulations apply to all signs regulated by this Code.

B. Sign placement. All signs and sign structures must be erected and attached totally on or within the site or property to which they refer, behind any applicable legal right of way.

C. Signs extending into the right-of-way. Except as otherwise provided herein, no sign may be erected, placed, project, or extend over or into a right-of-way.

(1) Projecting, awning, and marquee signs in the Downtown Commercial Zone, projecting over a public sidewalk are permitted provided that no sign shall project farther than 2/3 of the width of the sidewalk.

(2) A-frame signs. A-frame signs may be used in the Downtown Commercial Zones and in the Commercial and Industrial Zones if said signs meet the following standards:

(a) The sign is entirely outside the street or roadway.

(b) The sign is no larger than 10 square feet of sign area per side.

(c) The sign does not obstruct a continuous path through pedestrian zone of at least four feet in width.

(d) The sign is placed no further than 10 feet from the primary entrance to the associated business.

(e) The sign does not constitute an off-premise sign.

(f) The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:

[1] Transit stop areas;

[2] Designated parking spaces to comply with the Americans with Disabilities Act;

[3] Access ramps to comply with the Americans with Disabilities Act; or

[4] Building exits including fire escapes.

- D. Removal of signs. The City may require signs extending into the right-of-way to be modified or moved if streets are widened, or other improvements made in the right-of-way, which result in the creation of unsafe conditions. The modifications or moving will be at the owner's expense. If a nonconforming sign is moved under this requirement, it may be re-erected on the site without being brought into conformance.
- E. Freestanding Signs may not extend into the right-of-way.
- F. Fascia or Wall Signs.
 - (1) Vertical extensions: Fascia or wall signs may not extend above the top of the building wall upon which they are mounted.
 - (2) Horizontal extensions: Fascia or wall signs may not extend more than 18 inches out from the wall or structure to which they are attached.
- G. Projecting Signs
 - (1) Placement: Projecting signs are not allowed on rooftops or on pitched roofs.
 - (2) Projecting signs may not extend over a right-of-way unless they are located in the Downtown Commercial Zone. There shall be at least eight feet of clearance between the projecting sign and the sidewalk.
- H. Directional Signs
 - (1) General standards: Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent sign allowed on any property or site.
 - (2) Size: Freestanding directional signs may consist of up to six square feet in area per side and eight feet in height. Fascia directional signs may consist of up to 16 square feet in area per side.
 - (3) Directional signs in any zone may have internal or external illumination.
- I. Temporary Signs are prohibited in the right-of-way unless approved as part of a Special Event Permit.

§ 230-24.18. Temporary Signage.

- A. Signs that meet the standards of this section are exempt from the standards for permanent signs and are not counted in the total square footage of signage allowed on any particular property or site. Signs that do not meet the standards of this section are subject to the standards for permanent signs.
- B. Temporary signs may have external or internal illumination.
- C. Temporary signs and banners shall be anchored or have adequate base weight to prevent blowing away or blowing over.
- D. Temporary banners: Temporary banners are subject to the following regulations:
 - (1) In all Residential Zones, temporary banners are prohibited on properties used for residential purposes except that the following temporary banners are permitted for the following:
 - (a) Banners for hHolidays
 - (b) Religious commemoration
 - (c) Special family events
 - (d) New development home sales and model homes
 - (2) In all other zones and for non-residential uses in Residential Zones, temporary banners may be permitted by the Code Official after obtaining a Special Event Sign Permit and meeting the following standards:
 - (a) Permits may be issued for Special Events, including but not limited to Festivals, Grand Openings,

Closing Sales, and Holiday Sales.

- (b) Three Special Event Sign Permits may be issued in a calendar year for each property or, on a multi-use property, each storefront. Each Special Event Sign Permit is limited to 30 days for each permit period.
- (c) Only two temporary banners shall be permitted for each property and shall be limited to a maximum of 32 square feet each.
- (d) Temporary bBanners shall have a minimum setback of 10 feet from the front lot line, a minimum setback of 25 feet from the right of way line of an intersection with another street or road, and a minimum setback of 15 feet from all adjacent property lines.
- (e) Exceptions:
 - [1] Temporary bBanners are permitted on motor vehicle sales lots with a permit. Such temporary banners may be permitted at a rate not to exceed one temporary banner for each 10 motor vehicle parking/storage spaces on the premises, and any such temporary banner shall not be situated closer than 50 feet of any other temporary banner on the premises. Parking spaces required for employees, customers and service department uses shall not be counted to calculate the number of temporary banners. For purposes of this exception, the term "banner" does not include pennants, streamers, balloons or other temporary or permanent signs.
 - (3) Any temporary banner that is faded, frayed, ripped, or otherwise damaged by weather, neglect, or other circumstances, must be removed immediately.

E. Temporary Wall or Fascia Signs.

- (1) Business Park and Office, Institutional, Commercial and Industrial Zones.
 - (a) One temporary wall sign is allowed per property or, on a multi-use property, per storefront in these Zones and is not counted in the total square footage of permanent signage allowed on the site.
 - (b) Temporary wall signs may be up to 20 square feet in area.
 - (c) Temporary wall signs may not extend above roof lines.
 - (d) Extensions into the right-of-way are prohibited.
 - (e) A temporary wall sign may be displayed no longer than 90 days per calendar year.
- (2) Residential, Downtown Commercial and Neighborhood Commercial Zones.
 - (a) Properties are permitted temporary signs not to exceed 12 square feet in total sign area per road frontage.
 - (c) Temporary wall signs may not extend above roof lines.
 - (d) Extensions into the right-of-way are prohibited.
 - (e) A temporary wall sign may be displayed no longer than 90 days per calendar year.

F. Temporary Freestanding or Portable Signs.

- (1) Business Park and Office, Institutional, Commercial, and Industrial Zones.
 - (a) One temporary freestanding sign is allowed per property or, on a multi-use property, per storefront in these Zones and is not counted in the total square footage of permanent signage allowed on the site.
 - (b) Temporary freestanding signs may be up to 20 square feet in area.
 - (c) A sign shall not contain more than two sides or facings, back to back, and shall have a minimum setback of 10 feet from the front lot line, a minimum setback of 25 feet from the right of way line of an intersection with another street or road, and a minimum setback of 15 feet from all adjacent property lines. Extensions into the right-of-way are prohibited.
 - (d) A temporary freestanding sign may be displayed no longer than 90 days per calendar year.
- (2) Residential, Downtown Commercial, Neighborhood Commercial Zones.
 - (a) Properties are permitted temporary signs not to exceed 12 square feet in total sign area per road frontage.
 - (b) A sign shall contain no more than two sides or facings, back to back, and shall have a minimum setback of five feet from the front lot line, a minimum setback of 25 feet from the right-of-way line of an intersection with another street or road, and a minimum setback of 15 feet from all

adjacent property lines.

(c) A temporary freestanding sign may be displayed no longer than 90 days per calendar year.

§ 230-24.19. Off-Premise Signs.

A. Off premises signs are prohibited.

§ 230-24.20. Electronic Message Centers.

A. General Electronic Message Center regulations

- (1) An Electronic Message Center may consist of a portion of a building sign or freestanding sign, subject to the following limitations:
 - (a) For a sign with a sign area of 32 square feet or less, all of the sign can be comprised of an Electronic Message Center.
 - (b) For a sign with a sign area of greater than 32 square feet, the electronic message center portion of the sign cannot exceed 70% of the sign area or 100 square feet per sign, whichever is less.
- (2) All Electronic Message Centers shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the Electronic Message Center lighting level at night into compliance with Chapter § 230-24.21, Sign Illumination Standards. The owner of the Electronic Message Center shall provide a certification by an independent contractor of the lumens showing compliance with the Illumination Standards at the time of building permit issuance.
- (3) The owner of the Electronic Message Center shall provide the City with contact information for a person who is available at any time to turn off the Electronic Message Center promptly if a malfunction occurs.
- (4) All Electronic Message Center display features and functions are permitted, except that the following features and functions are prohibited:
 - (a) Flashing.
 - (b) Full motion video or film display via an electronic file imported into the Electronic Message Center software or streamed in real time into the Electronic Message Center.

§ 230-24.21. Sign Illumination Standards.

Signs may be illuminated consistent with the following standards:

- A. A sign in any Zone may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of 750 cd/m² or Nits, regardless of the method of illumination.
- B. The following signs are prohibited:
 - (1) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of any roadway or residential area.
 - (2) Signs which are of such intensity or brilliance as to cause glare or to impair the vision of any resident or the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle.
 - (3) Signs which are so illuminated that they interfere with the effectiveness of or obscures an official traffic sign, device or signal.
- C. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded to focus light only on the sign.
- D. All illuminated signs must comply with the maximum luminance level of 750 cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated

signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

- E. No illuminated sign, including Electronic Message Centers, shall have a maximum illuminance level greater than 0.30 foot candle above ambient light, as measured using a foot candle meter, or similar technology, at a preset distance. Preset distances to measure the foot candle impact vary with expected viewing distances of each sign size. Measurement shall be based upon the sign area using the following formula:

<u>Sign Area (in square feet)</u>	<u>Measurement Distance (in feet)</u>
<u>10</u>	<u>32</u>
<u>50</u>	<u>71</u>
<u>100</u>	<u>100</u>
<u>200</u>	<u>141</u>
<u>300</u>	<u>173</u>

Notes: For signs with a sign area in square feet other than those measurements specifically listed in the table above, the measurement distance shall be calculated with the following formula:

Measurement Distance = Sign Area in Square Feet x 100

- F. On-premise signs shall not be used as a form of outdoor lighting at night for security purposes or egress illumination.

§ 230-24.22. Nonconforming Signs.

- A. Except as otherwise provided in this Article, nonconforming signs may remain on the property where located.
- B. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered must be brought into conformance with the sign regulations except that nonconforming signs required to be moved because of public right-of-way improvements may be re-established. Removable faces or sign panel inserts in a cabinet style may also be changed by right and such change does not constitute a structural alteration nor trigger a loss of nonconforming status.
- C. Ownership. The status of a nonconforming sign is not affected by changes in ownership of the sign or of the property where the sign is located.
- D. Except as otherwise provided in this Article, once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.
- E. If an on-premises sign or an off-premises sign is abandoned, as defined by this Article, the sign shall no longer be considered a nonconforming sign and shall be removed from the property or otherwise brought into compliance with this Article.
- F. Nothing in this subsection shall require any change in the plans, construction, or designated use of any sign or part thereof, the construction of which shall be lawfully in progress at the time of passage of this Article or for which a permit shall have been issued pursuant to law, provided that construction shall be promptly and diligently pursued.

- G. In any case where a district boundary line crosses a sign which existed at the time such boundary was established, a sign permitted in the less restricted of the two districts may be extended as a nonconforming sign during the life of said sign into that part of the sign situated within the more restricted district.
- H. Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards.
- (1) Repair and maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair.
 - (2) Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials as long as the work is completed within 12 months of the destruction.

§ 230-24.23. Construction and Structural Requirements.

A. Structural Standards.

- (1) Signs, sign structures, sign foundations, and methods to attach and anchor signs must be designed and constructed in accordance with applicable provisions of Chapter 88 Building Construction. All signs and their foundations and attachments must be designed for the appropriate dead, wind, and snow loads for the geographic area in question.
- (2) The supports and foundations used for construction for all signs and sign structures must be located outside of any right-of-way.
- (3) Welds of sign structures and sections of sign structures must be welded in accordance with Chapter 88 Building Construction.

B. Engineering Standards.

- (1) Signs, sign structures, sign foundations, and anchorages to a building must be individually designed in accordance with Chapter 88 Building Construction and the provisions of this Article.
- (2) The Building Code Official may waive the requirement for a signed, sealed design construction plan as set forth in Chapter 88 for an on-premises sign if the permit application contains sufficient information to satisfy the Building Code Official that the sign will be constructed to meet the structural standards of this Article.

C. Clearances.

- (1) Vision clearance areas. Vision clearance areas are triangular-shaped areas located at the intersection of any combination of right-of-ways, alleys, or driveways. The sides of the triangle extend 25 feet from the intersection of the right-of-way, alley or driveway in either/each direction. No sign may be installed within this clear site triangle.
- (2) Vehicle area clearances. In areas outside of rights-of-way, when a sign or awning extends over an area in which vehicles travel or are parked, the bottom of the structure must be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.
- (3) Pedestrian area clearances. When a sign or awning extends more than one foot over a sidewalk, walkway or other space used by pedestrians, the bottom of the structure must be at least 8 feet above the ground.
- (4) Clearances from fire escapes, means of egress, or standpipes. Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress, or standpipe. Attaching signs, sign structures, or awnings to a fire escape is prohibited.
- (5) Obstruction of windows and ventilation. Signs, sign structures, and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation, or exhaust are reduced to a level below that required by either Chapter 88 Building Construction or

Chapter 174 Property Maintenance.

- D. Signs, sign structures, supports, foundations, panels, and methods to attach the sign to the structure shall be removed when the principal structure on the lot is demolished.

§ 230-24.24. Maintenance Requirements

- A. Signs, sign structures, and awnings, together with their supports, braces, guys, anchors, and electrical components must be maintained in a proper state of repair. The City Manager may order the removal of any sign, sign structure, or awning that is not maintained in accordance with this Code.
- B. Dangerous Structures and Equipment
- (1) Signs, sign structures, or awnings that are dangerous must be taken down and removed or made safe as the City Manager deems necessary. Signs may be deemed dangerous for one or more of the following reasons:
- (a) Whenever a sign structure or its foundation, a sign's attachments to a building, or a building to which a sign is attached is damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structure's strength or stability is materially less than it was before the catastrophe and is less than the minimum requirements of the Building Code;
- (b) Whenever any portion or member of a sign, sign structure, or awning is likely to fail, or become detached or dislodged, or to collapse; and thereby injure persons or property;
- (c) Whenever any portion or member of a sign, sign structure, or awning is likely to partially or completely collapse as a result of any cause, including, dilapidation, deterioration, or decay, faulty construction or wiring, or removal, movement or instability of any portion of the ground or building necessary for supporting such structure; or
- (d) Whenever a sign, sign structure, or awning is structurally or electrically unsafe or otherwise hazardous to human life or safety by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment;
- (2) All signs, sign structures and awnings determined after inspection by the City Manager to be dangerous must be abated by repair, rehabilitation, demolition, or removal.

§ 230-24.25. Comprehensive Signage for Major Subdivisions and Complexes

- A. Purpose. In recognition that large developments and complexes have signage needs that may not be adequately addressed by the standard sign regulations of Chapter 230, this section is specifically intended to establish an optional procedure for approval of comprehensive signage plans for such projects.
- B. Qualifications. Comprehensive signage plans may only be submitted in conjunction with the following types of development projects:
- (1) Major subdivisions and residential developments involving more than one entrance or involving 200 or more dwelling units;
- (2) Planned unit developments;
- (3) Shopping centers;
- (4) Groups of three or more nonresidential principal structures under common management and located on one or more contiguous properties; or
- (5) Any institutional complex, professional office, medical or educational campus, or business park.
- C. Standards. Comprehensive signage plans shall comply with the following standards:
- (1) If approved, comprehensive signage plans may not be held to the size, height, numbers, and area regulations for signs found in other sections of this Article provided that the number, type, and size of signs proposed shall not be excessive and must be in proportion to the scale of the buildings and the uses planned for the site.

- (2) All proposed signage shall be designed and coordinated with the overall architectural concept for the buildings on the site. Sign type, color scheme, size, and illumination shall be coordinated and compatible with the architecture of the development so as to formulate a thematic sign plan for the site.
- (3) Wall-mounted signs shall be coordinated with the overall design theme of the site and designed as an integral component of the facades of buildings.
- (4) Site landscaping shall be designed to complement and not conflict with sign placements.
- (5) No off-premises signage will be permitted as part of an application for a comprehensive signage plan.

D. Approval process.

- (1) Comprehensive signage plans shall be submitted for review by the Planning Commission for the purpose of providing commentary and recommendation to the City Council, if applicable. The City Council shall have authority to approve or deny the comprehensive signage plans, except for applications that are not required to be reviewed by City Council, in which case the Planning Commission shall have the authority to approve or deny the comprehensive signage plans.
- (2) Applicants may submit a comprehensive signage plan in conjunction with, and as a component of, any Preliminary Site Plan or Preliminary Major Subdivision application, for review and consideration by the Planning Commission and City Council, if applicable.
- (3) Owners of existing developments or previously approved but not completed developments, or successors in interest thereto, including but not limited to legally created homeowners associations, that own and control subdivision identification signage in subdivision that meet the qualifications of Chapter 230-24.25(B) may submit a comprehensive signage plan for consideration as a conditional use site plan in accordance with the procedures set forth in Chapter 230 of this Code.
- (4) Sign permits shall be obtained for each sign approved for installation as part of a comprehensive signage plan prior to the installation or placement of the sign.

E. Submission requirements. The following minimum submission materials shall accompany any request for consideration of a comprehensive signage plan.

- (1) A site plan which details the signage proposed to include the physical location of all existing and proposed signs on the property and their relationship to all existing and proposed buildings, structures, streets, parking areas, stormwater management ponds, and all other physical features of the site.
- (2) Fully dimensioned elevation drawings of each proposed sign. Proposed wall-mounted signs shall be illustrated as a component of the architectural elevation drawing of the building façade.
- (3) Colored renderings of each proposed sign.
- (4) Miscellaneous specifications to include proposed illumination type, mounting details, and materials proposed.

F. Planning Commission and City Council considerations. In considering approval of comprehensive signage plans, the Planning Commission and City Council shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents, businesses, and property owners in the immediate vicinity in particular, and shall ensure that qualifying developments are afforded adequate, but not excessive, signage.

§ 230-24.26. Severability.

If any portion of this Ordinance, Article, Section, or subdivision thereof shall be declared unconstitutional or in violation of the general laws of this state, such declaration shall not affect the remainder of this Ordinance and Article which shall remain in full force and effect.

§ 230-24.27. Substitution.

The owner of any sign that is otherwise allowed under this Article may substitute non-commercial copy in lieu

of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this section is to prevent inadvertent favoring of commercial message over any other non-commercial messages. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage on a parcel or to allow the substitution of an off-premises commercial message in place of an on-premises commercial message.

§ 230-25. Reserved.

§ 230-26. Reserved.

Section 19: ARTICLE XIV - Floodplain Management is hereby amended by removing language indicated by strikethrough as follows:

<p>City of Milford Sign Types and Allowable Dimensions and Restrictions</p>

ZONING

City of Milford
~~Sign Types and Allowable Dimensions and Restrictions~~

Zoning District	Types of Signs													
	Wall or Mailbox (residence/occupant ID)		Freestanding (mounted on post(s))		Fascia: Commercial (wall, roof edge, etc.) (of wall square feet)	Hanging/Projecting (extended from wall) (square feet)	Marquee (movable letters)		Illuminated (nonflashing)		EMB	Mobile (mounted, trailer, etc.)	Billboard	
Height (inches)	Square feet	Height	Square feet	Height			Square feet	Height	Square feet	Height				Square feet
R-1	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
R-2	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
R-3	42 in	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Prohibited	N/A	Prohibited
C-1	42 in	2	48 in	4	10%	15	48 in	9	48 in	4	Prohibited	N/A	Prohibited	
C-2	N/A	N/A	48 in	4	10%	20	48 in	9	48 in	4	Prohibited	N/A	Prohibited	
C-3	N/A	N/A	28 ft	225	10%	20	10 ft	48	28 ft	225	Height: greater than 2'; max 5' Width: max	N/A	Conditional use per DeIDOT	

											12' Max 32-sq ft-total		standards
H-1	N/A	N/A	25 ft	70	5%	N/A	N/A	N/A	25 ft	70	Prohibited	N/A	Prohibited
OC-1	N/A	N/A	28 ft	225	5%	N/A	10 ft	48	28 ft	225	Prohibited	N/A	Prohibited
I-1	N/A	N/A	28 ft	200	5%	N/A	10 ft	48	28 ft	200	Prohibited	N/A	Prohibited
I-2	N/A	N/A	28 ft	200	5%	N/A	10 ft	48	28 ft	200	Prohibited	N/A	Prohibited

Section 2018: Dates.

Planning Commission Review and Public Hearing: November 19, 2019

City Council Introduction: November 12, 2019

City Council Review and Public Hearing: November 25, 2019

Effective: December 5, 2019

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Beacon 10/30/19

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, November 19, 2019 @ 7:00 p.m.
City Council Hearing: Monday, November 25, 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 2019-39

Judith Diaz on behalf of The Chaney Center LLC for a Conditional Use for a Daycare on 2.09+/- acres in a C3 (Highway Commercial) Zoning Districts. Property is located at the southeast corner of N Rehoboth Blvd and NE Front St intersection, addressed as 600 NE Front Street, Milford, Delaware. Present Use: Shopping Center; Proposed Use: Shopping Center with Daycare to be known as Little Bucs Learning Center. Tax Map MD-16-183.07-01-029.00, -030.00

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on November 19, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on November 25, 2019 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to allow a Conditional Use for a Daycare to be known as Little Bucs Learning Center as herein described.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Upon the adoption of this ordinance, Judith Diaz on behalf of The Chaney Center LLC is hereby granted a Conditional Use Permit to allow a Daycare to be known as Little Bucs Learning Center in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

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

Section 3. Dates.

Planning Commission Review & Public Hearing: November 19, 2019

City Council Introduction: November 12, 2019

City Council Public Hearing: November 25, 2019

Effective: December 5, 2019

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Beacon 10/30/19



DATA SHEET FOR LITTLE BUCS LEARNING CENTER

Planning Commission Meeting: November 19, 2019

Application Number / Name	:	19-036 / Little Bucs Learning Center
Applicant	:	Judith Diaz Little Bucs Learning Center 713 Evergreen Lane Milford, DE 19963
Owner	:	The Chaney Center, LLC Everett Bennett 902 Poplar Street Milford, DE 19963
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Shopping Center
Proposed Use	:	Shopping Center with Daycare
Size and Location	:	2.10 +/- acres located at the southeast corner of N. Rehoboth Boulevard and NE Front Street intersection.
Tax Map & Parcel	:	MD-16-183.07-01-29.00 & 30.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Survey



**STAFF REPORT
October 11, 2019**

Application Number / Name	:	19-036 / Little Bucs Learning Center
Present Comprehensive Plan Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Shopping Center
Proposed Use	:	Shopping Center with Daycare
Tax Map & Parcel	:	MD-16-183.07-01-29.00 & 30.00
Size and Location	:	2.10 +/- acres located at the southeast corner of the N. Rehoboth Boulevard and NE Front Street intersection.

I. BACKGROUND INFORMATION:

- The applicant proposes convert 2600 square feet of the existing shopping center into a daycare facility and provide an outdoor, fenced in play area for the children.
- Chapter 230-14(C)(12) states a “day-care center” is a conditional use within the C-3 Highway Commercial zoning district and is subject to City Council approval.

II. STAFF ANALYSIS:

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

- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.
 - A. The presence of adjoining similar uses.

The site contains an existing commercial strip center that was constructed in the 1980’s and has operated as a mixture of retail and office space over the past several decades. The property is bound to the north and west by major roadways, Route 1A (N. Rehoboth Boulevard) and Route 14 (NE Front Street). The parcels to the north are zoned a mixture

of C-3 Highway Commercial and I-1 Limited Industrial. The properties to the west are zoned primarily C-3 Highway Commercial, and include automotive repair businesses. The property to the east is zoned R-3 Garden Apartment and Townhouse District and has a 102 unit apartment project known as Mispillion Landing proposed for the site.

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

The proposed use is only allowed by conditional use approval within the residential and commercial zoning districts.

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

The Comprehensive Plan designates this area as Commercial, which is intended to provide an area with various types of commercial uses, including retail, office, service establishments, etc.

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

The proposed use would be within the existing commercial building, except for the proposed fenced in play area located at the south side of the parking lot. No screening is proposed. The Mispillion Landing site plan proposes screening along the entire property line between the multi-family project and the commercial strip center.

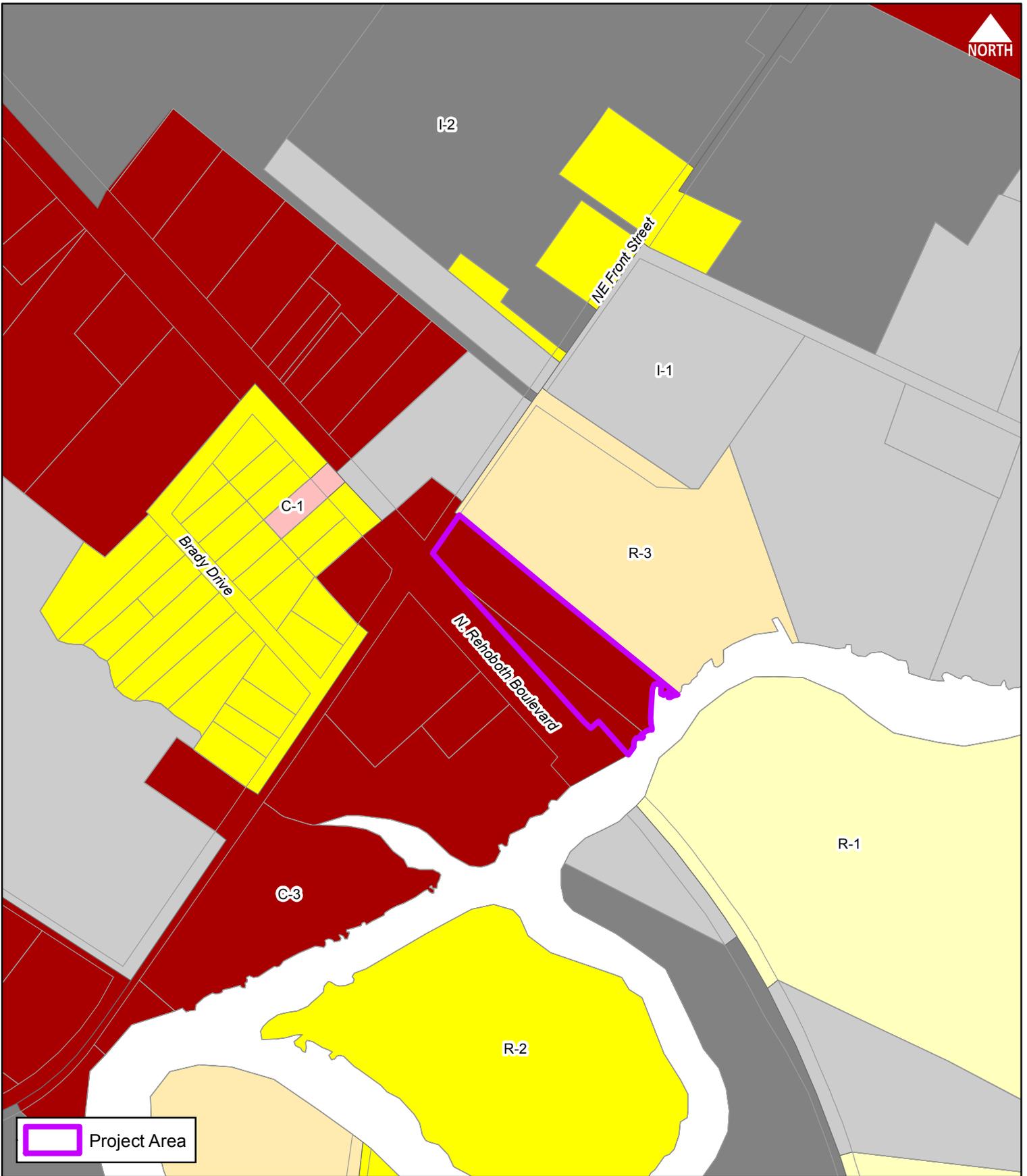
- E. The use will not detract from permitted uses in the district.

The proposed use should not detract from other permitted uses in the district and the use is compatible with the adjacent residential lands. Daycares should be located within commercial and residential districts as allowed for in the City Code.

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

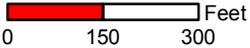
The site is located in an established commercial shopping center that has sufficient parking for the proposed use and other existing uses. Setbacks and traffic control are established under previously approved site plan. Screening is not proposed, however, the proposed residential project to the east will provide screening with their site construction to separate the residential and commercial uses.

- If the Planning Commission and City Council elect to approve the applicant's request, staff recommends the following minimum conditions of approval:
 - The applicant must obtain a building permit from the City of Milford for renovations associated with the proposed use, which will require State Fire Marshal's Office and State Plumbing Office approvals.



 Project Area



Scale:  Feet
0 150 300

Drawn by: WRP Date: 10/08/19

Title:

Conditional Use
Little Bucs Learning Center
Location & Zoning Map

Filepath: ConditionalUse_LBLC.mxd

Little Bucs Learning Center - Site Plan Narrative

Introduction-

Ms. Judith Diaz would like to use part of the existing Chaney Center to provide a daycare or learning center. The center would be open to children and would include both a day program as well as an after school program. The location of the center is off NE Front Street Ext or Old Wharf Road. It is also located adjacent to Rehoboth Boulevard. The location is convenient and central for its clients. Also the center is close to the businesses located on Rehoboth Boulevard.

Hours of Operation-

The center will be open from Monday through Friday from 7 am to 5:30 pm to service its clients. A small playground will be located at the rear of the facility. It will be a fenced in facility which will give the students a safe area to enjoy outside games and other activities.

Parking-

There are currently 27 paved parking spaces in the existing parking lot. The 2 existing businesses which are located in the center are composed of an existing Shoe Repair Shop as well as a window cleaning contractor. These businesses require 8 parking spaces based on retail stores and shops use as shown in the City of Milford Parking and Loading Standards.

The new daycare center will require the use of an additional 8 spaces based on the educational use as shown in the City of Milford Parking and Loading Standards. Therefore there will be 11 spaces which will remain unused.

Daycare

The daycare will use 5 of the currently unused sections of the building. These sections will house 5 classrooms as well as 1 office and are located in the center of the existing building. There will be 4 bathrooms that will service these facilities. There will also be a lounge for the workers and kitchen for snacks for the children and workers. A mop sink and drinking fountain will be located in the center section.

Site Plan

A site plan has been prepared by John B Roach Engineering, LLC. The plan shows the existing building layout as well as the parking location and entrances. Electric transformers, telephone boxes and power poles are also shown. The plan includes a data column which identifies the projects compliance to the site plan application as submitted for this project.

Sewer Impacts and EDU's

Based on the Kent County sewer guidelines Section 128 -18 there are 3.5 EDU's required for this use.

Little Bucs Learning Center - Site Plan Narrative

Wetlands and 100 year flood plain

This property has wetlands bordering it on the south side which are delineated by on the site plan. Also a small part of this property borders the 100 year flood plain. The flood plain is located near the Misipillion River and does not affect the existing building and parking areas.

§ 230-14. - C-3 Highway Commercial District.

In a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
- B. Permitted uses. Permitted uses for the C-3 District shall be as follows:
 - (1) Those uses permitted in the C-2 District.
 - (2) Warehouses.
 - (3) Large retail outlets.
 - (4) Indoor storage accessory building.
 - (5) Fast-food restaurants and drive-in restaurants.
 - (6) Supermarkets.
 - (7) Truck and trailer rentals.
 - (8) Roadside produce market.
 - (9) Memorial stone shop.
 - (10) Outdoor commercial recreational facilities, not motorized vehicles.
 - (11) Swimming club.
 - (12) Indoor facility for amusement or assembly.
 - (13) Bus station.
- C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:
 - (1) Motels or hotels with a minimum lot size of three acres.
 - (2) Commercial greenhouse.
 - (3) Wholesale establishment.
 - (4) Newspaper publishing or printing establishment.
 - (5) Contractors', craftsmen's or general service shops, including welding and similar shops.
 - (6) Laboratory, testing and research.
 - (7) Car repair shops.
 - (8) Used car lots.
 - (9) Telephone central office or television cable central office.
 - (10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:
 - (a) All facilities shall be located and all services shall be conducted on the lot.
 - (b) All repair work shall be conducted within an entirely enclosed building.
 - (c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.

- (d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
 - (e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
 - (f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.
- (11) Shopping center, subject to site plan review and the following site requirements:
- (a) The total shall not be less than one acre.
 - (b) The site must be served by public water, sewer and electricity.
 - (c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.
 - (d) Traffic and parking.
 - [1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.
 - [2] Access to state highways shall be controlled by the State Department of Transportation.
 - [3] The minimum distance between accessways and a residential district shall be 50 feet.
 - [4] Spacing of accessway.
 - [a] From adjoining property: 50 feet.
 - [b] From minor intersections: 50 feet.
 - [c] From major intersections: 100 to 150 feet.
 - [5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.
 - [6] Parking lots shall be attractively landscaped as shown on the general site plan.
 - (e) Setback.
 - [1] From street right-of-way: 15 feet.
 - [2] From nonresidential districts: 15 feet.
 - [3] From residential districts: 100 feet.
 - (f) Buffering and landscaping.
 - [1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.
 - [2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.
- (12) Day-care centers, with site plan required.**
- (13) Car wash, all types (staffed, automatic, self-service, etc.).
 - (14) Convenience stores with gas pumps.
 - (15) Community residential treatment program.
 - (16) All dwellings other than single-family with a maximum density of 12 units per acre.
 - (17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Billboard, subject to the following:

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

(19) Aquarium.

D. Area regulations.

- (1) Minimum lot area shall be one acre.
- (2) Maximum lot coverage shall be 80%.
- (3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.
- (4) Height of buildings shall not exceed three stories or 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 feet.
- (5) Minimum building setback shall be 30 feet.
- (6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.
- (7) Minimum rear yard shall be 50 feet.
- (8) Parking shall comply with the requirements provided in Article IV of this chapter.
- (9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (10) Signs shall comply with the requirements provided in Article VI of this chapter.

§ 230-48. - Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

§ 230-49. - Conditions for approval; expiration.

- A. In granting any conditional use permit, the City Council may designate such conditions as will, in its opinion, assure that the use will conform to the requirements as stated in § 230-48 and that such use will continue to do so.
- B. Construction or operation shall be commenced within one year of the date of issuance or the use permit becomes void.
- C. A reapplication for a use permit for the same lot or use shall not be considered by the City Council within a period of 365 days from its last consideration. This provision, however, shall not impair the right of the Council to propose a use permit on its own motion.
- D. See fee schedule.
- E. If a conditional use permit is granted under the provisions of this article, the City Council shall direct the Code Official to officially notify the applicant, in writing, of all conditions approved by the Council.

- F. The approval of a conditional use is valid for one year. Unless permits are obtained or construction or use is substantially underway, all provisions of the conditional use are automatically rescinded. Permits may be revoked by the Council for failure to comply with the stated conditions of approval or applicable regulations.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, November 19, 2019 @ 7:00 p.m.
City Council Hearing: Monday, November 25, 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 2019-40

Liborio Watergate LLC for an Amended Conditional Use and Amended Final Major Subdivision of 47.39 +/- acres into a 276-unit subdivision consisting of 33 single family units, 10 single family units (court), 48 duplex units, 129 townhouse units, 56 apartment units, and 1 daycare center in an R-3 Zoning District. Property is located along the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection, Milford, Delaware. Present use: Vacant Land Proposed Use: Planned Unit Development to be known as Watergate. Tax Map: 3-30-11.09-030.00 & 031.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for an amended conditional use and for final approval of an amended plat; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on November 19, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on November 25, 2019 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to approve the amended conditional use and amended plat, as herein described.

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

Section 1. Following adoption of Ordinance 2019-40, and upon the effective date, Liborio Watergate LLC is hereby granted an Amended Conditional Use and Amended Final Major Subdivision to allow 33 single family units, 10 single family units (court), 48 duplex units, 129 townhouse units, 56 apartment units, and 1 daycare center, in accordance with the application, approved plans, and any conditions set forth at the Public Hearings.

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

Section 3. Dates.

Planning Commission Review & Public Hearing: November 19, 2019

City Council Introduction: November 12, 2019

City Council Public Hearing: November 25, 2019

Effective: December 5, 2019

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: Beacon 10/30/19



DATA SHEET FOR LIBORIO WATERGATE LLC

Planning Commission Meeting: November 19, 2019

City Council Public Hearing: November 25, 2019

Application Number / Name	:	16-014 / Liborio Watergate LLC
Applicant	:	Liborio Watergate LLC 903 N. French Street Wilmington, DE 19801
Owner	:	Same
Application Type	:	Amended Planned Unit Development / Final Major Subdivision
Present Comprehensive Plan Map Designation	:	Moderate Density Residential
Present Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Planned Unit Development
Proposed Use	:	Planned Unit Development
Size and Location	:	47.39 +/- acres located along the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection.
Tax Map & Parcel	:	PB 121 PG 123 3-30-11.09-030.00 & 031.00

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



STAFF REPORT
October 16, 2019

Application Number / Name	:	16-014 / Watergate Subdivision
Present Comprehensive Plan Designation	:	Moderate Density Residential
Present Zoning District	:	R-3 (Garden Apartment and Townhouse District)
Present Use	:	Planned Unit Development
Proposed Use	:	Planned Unit Development
Tax Map & Parcel	:	PB 121 PG 123 3-30-11.09-030.00 & 031.00
Size and Location	:	47.39 +/- acres located along the east side of Marshall Street approximately 650 feet north of the Elks Lodge Road intersection.

I. BACKGROUND INFORMATION:

- On April 23, 2018, City Council approved the Final Major Subdivision application associated with the revised Watergate Planned Unit Development.
- Applicant is seeking to modify the Planned Unit Development to eliminate two proposed twelve unit apartment buildings containing twenty-four units and create a residual R-3 (Garden Apartment and Townhouse) zoned parcel to be used to construct a proposed daycare facility. The overall subdivision layout remains the same except for the front section where the Daycare will be constructed. The developer is reducing the overall number of dwelling units in the Watergate subdivision from 300 to 276.
- City Council approved the conditional use application on July 22, 2019 for the proposed Daycare facility, which required the proposed revision to the Watergate subdivision before final site plan approval could be obtained from the Planning Commission for the Daycare facility.

II. PROPOSED CHANGES:

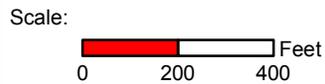
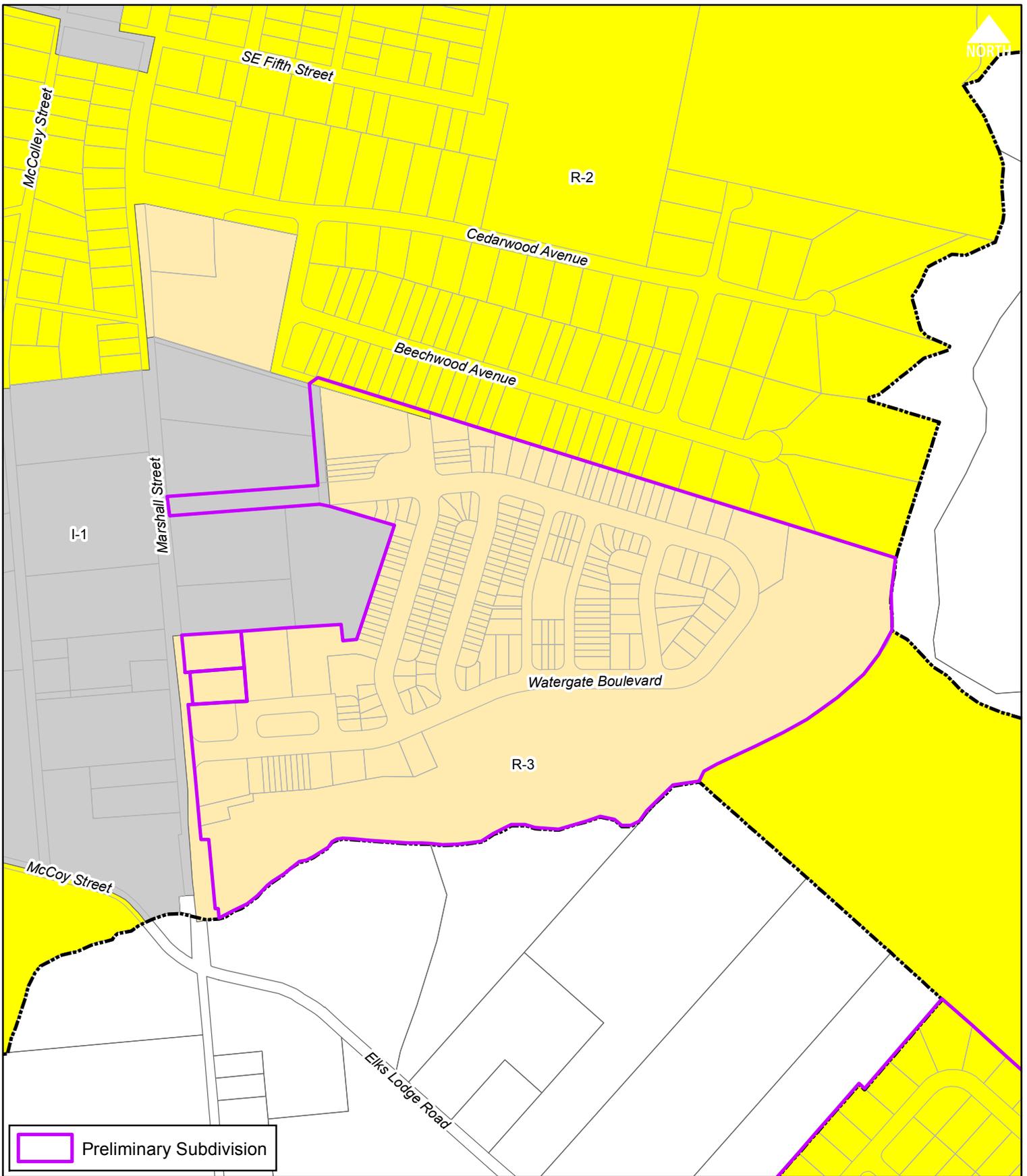
Number and Type of Units – Below is a breakdown of the number and types of units based on the 2006, 2008, 2018 approved plans and the proposed conditions. The overall number of units will decrease. The applicant proposes to reduce the number of apartment buildings in the area of the proposed daycare facility.

	11/28/2006	6/9/2008	4/23/2018	Proposed
Towhouse	127	126	129	129
Duplex	58	60	48	48
Single Family	35	34	33	33
Single Family Court	19	19	10	10
Mansion Apartments	24	24	80	56
Live/Work Units	40	40	0	0
	303	303	300	276

III. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for an Amendment to a Conditional Use Planned Unit Development approval:

- Evaluation based on “Criteria for Planned Unit Residential Development” as provided in Chapter 230-48.1
 - The original Planned Unit Development was approved in 2006 and the revised Planned Unit Development was approved in 2018. The only proposed revision includes eliminating twenty four apartment units in exchange for the creation of residual R-3 lands for the construction of a daycare under separate approval.
- The applicant is seeking approval to amend the Planned Unit Development conditional use approval and obtain Final Major Subdivision approval from the City.



Drawn by: WRP Date: 06/11/18

Title:

Final Major Subdivision
Liborio Watergate LLC
Location & Zoning Map

Filepath: Final_LiborioWatergateLLC.mxd



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Robert B. Heibell, P.E., L.S. & P.P.
Daniel A. Nagy, L.S. & P.P.
Samuel D. Costanzo, P.E. & P.P.

PROJECT NARRATIVE

The applicant/owner, Liborio Watergate, LLC, is seeking a Major Subdivision approval of the recently re-recorded Watergate Subdivision. The purpose of the request is to eliminate two (2) apartment buildings in order to establish a vacant lot (Lot 2). This lot will be used for a proposed daycare that is subject to a separate application with the City. The remaining lots and unit counts remain the same as the original application as well as the conditions that were placed on the plan as part of the agreement with the neighboring property owner.

Please Reply To:

NORTHERN DE OFFICE • 630 Churchmans Road, Suite 105 • Newark, DE 19702 • 302.368.3184 • Fax: 302.368.7195

With Other Offices In:

Salisbury MD • Hamilton NJ • Hillsborough NJ • Lebanon NJ • Phillipsburg NJ • Whippany NJ • Thorofare NJ •
Doylestown PA • Bethlehem PA • Wyomissing PA

GENERAL PROJECT:

- OWNER: LIBORIO WATERGATE, LLC
C/O: LOU RAMUNNO
903 N. FRENCH ST.
WILMINGTON, DE 19801
PHONE: (302) 426-0200
- DEVELOPER: LIBORIO WATERGATE, LLC
C/O: LOU RAMUNNO
903 N. FRENCH ST.
WILMINGTON, DE 19801
PHONE: (302) 426-0200
- STATE & FEDERAL WETLANDS DELINEATION: JCM/ECJ
100 LAKE DR. SUITE
NEWARK, DE 19702
PHONE: (302) 77-795
FAX: (302) 77-546
C/O: JAMES MCCULLLEY
- CIVIL/SITE ENGINEER: VAN CLEEF ENGINEERING ASSOCIATES
630 CHURCHMANS RD, SUITE 105
NEWARK, DE 19702
PHONE: (302) 368-3184
- THE TOPOGRAPHIC INFORMATION WAS PROVIDED BY THE DELMARVA SURVEY COMPANY, INC.
- THE BOUNDARY INFORMATION IS TAKEN FROM A PLAN ENTITLED "AERIAL TOPOGRAPHIC SURVEY/BOUNDARY SURVEY" PREPARED BY THE DELMARVA SURVEY CO. DATED MAY 26, 2005 AND A PLAN ENTITLED "LANDS TO BE CONVEYED TO WESTOVER LAND COMPANY" PREPARED BY CHARLES D. MURPHY ASSOC., INC. DATED DECEMBER 22, 2006.
- THE "LIMIT OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM" WERE DELINEATED BY JAMES C. MCCULLLEY IV, ENVIRONMENTAL CONSULTANTS INC. AS SHOWN ON A PLAN ENTITLED "AERIAL TOPOGRAPHIC SURVEY/BOUNDARY SURVEY" PREPARED BY JAMES C. MCCULLLEY IV, ENVIRONMENTAL CONSULTANTS INC. DATED MAY 26, 2005.
- THE PROJECT IS LOCATED AT THE INTERSECTION OF MARSHALL STREET & INDUSTRIAL BLVD. IN CEDAR CREEK HUNDRED, CITY OF MILFORD, SUSSEX COUNTY, DELAWARE.
- FLOOD ELEVATIONS BASED UPON FLOOD INSURANCE RATE MAP DATED MARCH 16, 2015 (FIRM) NUMBER 1000SC0043K.
- THE PROPERTY SERVED BY THIS PLAN IS REFERENCED ON TAX MAP # 3-30-11.09 PARCEL 29, 29.03, 30, 31, AND 32.
- LOT 218 TO BE CONVEYED TO MILFORD RENT-ALL, LLC. 360' E/MARSHALL STREET S/INDUSTRIAL BOULEVARD PARCEL 3-30-11.09.29.09 AS PART OF THIS RECORD PLAN.
CONDITIONS:
THE CITY OF MILFORD SHALL RETAIN EASEMENT RIGHTS ON THIS PARCEL FOR THE PURPOSE OF UTILITY INSTALLATION.
- LOT 34 TO BE CONVEYED TO MILFORD MINI-STORAGE, INC. 360' E/MARSHALL STREET S/INDUSTRIAL BOULEVARD PARCEL 3-30-11.09.29.07 AS PART OF THIS RECORD PLAN.
CONDITIONS:
MILFORD MINI-STORAGE, INC. SHALL PROVIDE FENCING AND LANDSCAPING ALONG THE PROPERTY LINE. PARCEL MAY BE USED FOR ACCESS TO INDUSTRIAL BOULEVARD AND THAT PORTION OF WATERGATE BOULEVARD NORTH IMMEDIATELY ADJACENT TO LOT 34, BUT NOT FOR ACCESS TO THE REMAINDER OF WATERGATE BOULEVARD NORTH.

GENERAL CONSTRUCTION PLAN NOTES

- HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/93, CONTROL MONUMENTS. BENCHMARK - GPS IRON ROD ELEV. 18.85 (88 DATUM)
- 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 PROVIDED 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 HIGHER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.
- 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 WATER MAINS, SEWER MAINS, NON-METALLIC WATER MAINS, 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 FORECAMS. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATERGATE CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BODIES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.
- PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING UTILITIES TO ASSIST IN THE SYSTEM ISOLATION.
- SHOP DRAWINGS FOR ANY ITEMS 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 ITEMS.
- ALL SANITARY SEWER MAINS AND FORECAMMS 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 COVER OF 36 (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 FORECAMMS OF 30 FEET AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORECAMMS AT CROSSINGS. ONE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE AT CROSSINGS.
- THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 32 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, CURBS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, TRENCHES, OR OTHER OBSTRUCTIONS. TRAFFIC CONTROL, REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELATIONSHIP KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.
- IF 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 STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS, LATEST EDITION.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON REGULATION 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.
- CONTRACTOR SHALL GRAD, 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 PROFESSIONAL MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKERS (OR MONUMENTS) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.
- THE CONTRACTOR WILL BE RESPONSIBLE FOR THE SHORT TERM (DURING CONSTRUCTION) MAINTENANCE OF THE STORMWATER MANAGEMENT AND STORM SEWER SYSTEMS.
- THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF THE OPEN SPACE AND STORMWATER MANAGEMENT FACILITIES.
- THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES INSTALLED WITHIN CITY RIGHT-OF-WAY, AND EASEMENTS DEDICATED TO THE CITY, AND, ALL STORM SEWER PIPES AND CATCH BASINS FULLY WITHIN CITY RIGHT-OF-WAY. AFTER ALL ITEMS HAVE PASSED CITY INSPECTION, AFTER THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPY OF THE RECORD DRAWINGS, AFTER THE RIGHTS-OF-WAY HAVE BEEN DEEDED TO THE CITY, AND AFTER ALL THE WATER, SEWER, AND STORM SEWER ITEMS HAVE BEEN TRANSFERRED TO THE CITY BY BILL OF SALE.
- SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID, AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONNECTION, TRENCH, AND DISPOSAL.
- PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID AFTER ONE (1) YEAR, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED FOR GOOD CAUSE BY THE PLANNING COMMISSION PRIOR TO THE DATE OF EXPIRATION.
- THE APPROVAL OF A CONDITIONAL USE IS VALID FOR ONE YEAR. UNLESS PERMITS ARE OBTAINED OR CONSTRUCTION OR USE IS SUBSTANTIALLY UNDERWAY, ALL PROVISIONS OF THE CONDITIONAL USE ARE AUTOMATICALLY RESCINDED.
- 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 UNDERWAY WITHIN ONE (1) YEAR OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST AN 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.
- AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE START OF CONSTRUCTION, THE APPLICANT MAY BE REQUIRED TO ENTER INTO A FORMAL PUBLIC WORKS AGREEMENT WITH THE CITY AND TO POST A COMPLETION GUARANTEE FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTEE SHALL BE IN AN AMOUNT EQUAL TO 100% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTEE SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN THE PUBLIC WORKS AGREEMENT AND THE GUARANTEE SHALL BE REVIEWED AND APPROVED BY THE CITY SUCITOR. THE COMPLETION GUARANTEE SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.
- A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE AMOUNT OF THE COMPLETION GUARANTEE SHALL BE A MINIMUM OF ONE YEAR. AN AGREEMENT REVIEWED AND APPROVED BY THE CITY SUCITOR SHALL GUARANTEE THE BOND AND SHALL DESCRIBE THE TERMS OF THE BOND.

TRAFFIC IMPACT STUDY RECOMMENDATIONS (OCTOBER 19, 2006)

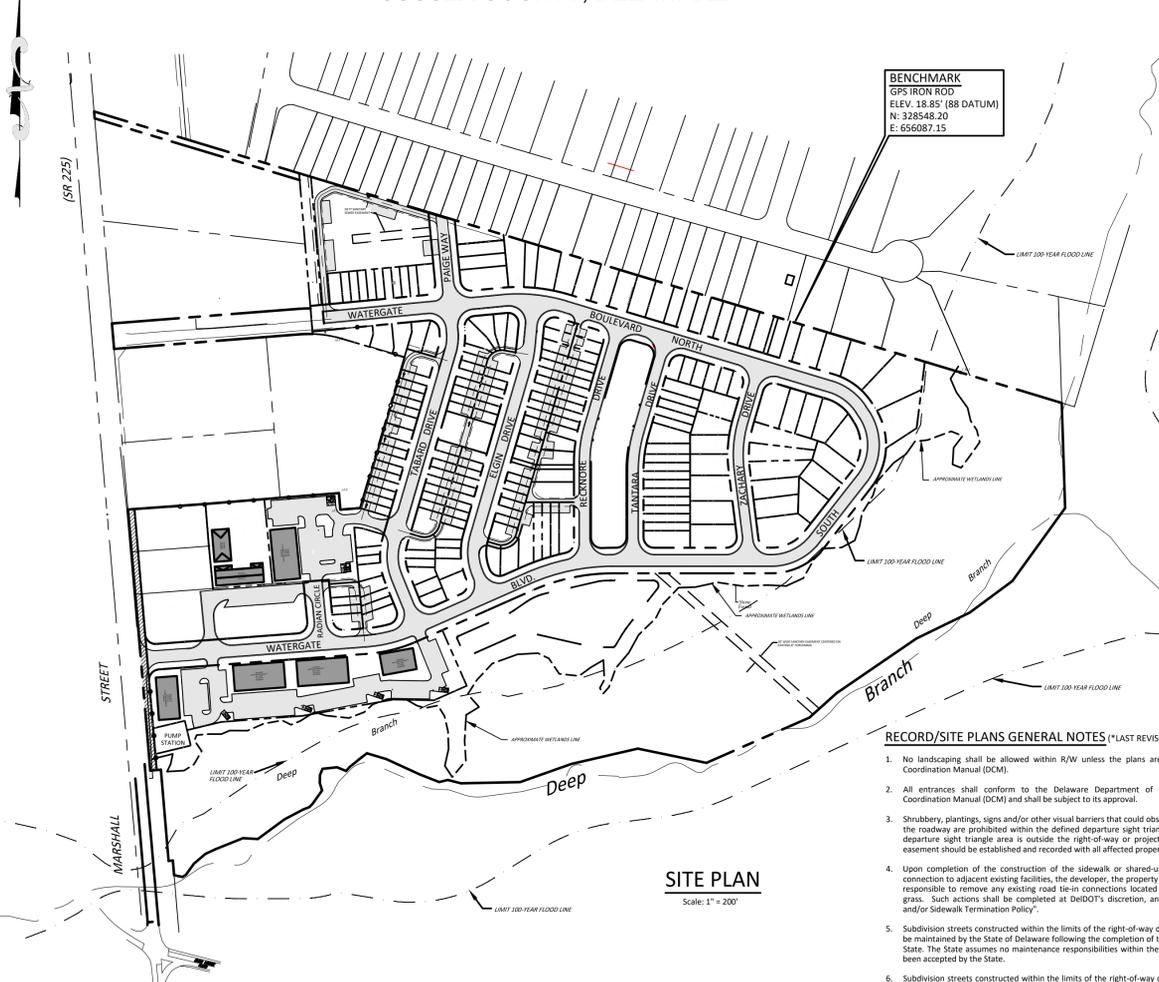
- THE DEVELOPER SHOULD ENTER INTO AN AGREEMENT WITH DELDOT TO FUND AN EQUIVALENT PORTION OF THE IMPROVEMENT REQUIRED AT THE INTERSECTION OF MARSHALL ROAD AND ELKS LODGE ROAD/MCCOY AVENUE. THIS IMPROVEMENT INCLUDES THE CONSTRUCTION OF AN AUXILIARY RIGHT TURN LANE ON THE WESTBOUND ELKS LODGE ROAD APPROACH. ONE OTHER DEVELOPER (HEARTHSTONE MANOR II) IS RESPONSIBLE FOR THIS IMPROVEMENT AS WELL. THE DEVELOPER SHOULD COORDINATE WITH DELDOT ON THE IMPLEMENTATION AND EQUIVALENT COST SHARING OF THIS IMPROVEMENT.
- THE DEVELOPER SHOULD IMPROVE MARSHALL STREET FROM ELKS LODGE ROAD/MCCOY AVENUE INTERSECTION TO THE NORTHERN PROPERTY LINE/ACCESS POINT IN ORDER TO MEET DELDOT'S COLLECTOR ROAD STANDARDS AS NEARLY AS POSSIBLE. THESE STANDARDS INCLUDE TWO TWELVE FOOT LANES AND TWO EIGHT FOOT SHOULDERS. THE DEVELOPER SHOULD PROVIDE A BITUMINOUS CONCRETE OVERLAY TO THE EXISTING TRAVEL LANES, AT DELDOT'S DISCRETION. DELDOT SHOULD ANALYZE THE EXISTING TRAVEL LANES' PAVEMENT SECTION AND RECOMMEND AN OVERLAY THICKNESS TO THE DEVELOPER'S ENGINEER IF NECESSARY. (ALL IMPROVEMENTS PREVIOUSLY COMPLETED)
- THE FOLLOWING BICYCLE AND PEDESTRIAN IMPROVEMENTS SHOULD BE INCLUDED:
 - A MINIMUM OF A FIVE FOOT BICYCLE LANE (IN ADDITION TO ANY REQUIRED AUXILIARY LANES) SHOULD BE STRIPPED ALONG THE SITE FRONTAGE ON MARSHALL STREET IN ORDER TO FACILITATE SAFE AND UNIMPEDED BICYCLE TRAVEL. (ALL IMPROVEMENTS PREVIOUSLY COMPLETED)
 - UTILITY COVERS SHOULD BE MOVED OUTSIDE OF THE DESIGNATED BICYCLE LANE OR BE FLUSH WITH THE PAVEMENT. (ALL IMPROVEMENTS PREVIOUSLY COMPLETED)
 - A MINIMUM OF A FIVE FOOT SIDEWALK (WITH A MINIMUM OF A THREE FOOT SETBACK FROM THE ROADWAY) THAT MEETS CURRENT AASHTO AND ADA STANDARDS SHOULD BE INCLUDED ALONG THE SITE FRONTAGES ON MARSHALL STREET.
 - ADA COMPLIANT CURB RAMPS AND CROSSWALKS SHOULD BE PROVIDED AT THE SITE ENTRANCES.
 - INTERNAL SIDEWALKS TO PROMOTE WALKING AS A VIABLE TRANSPORTATION ALTERNATIVE SHOULD BE INSTALLED, INCLUDING SIDEWALKS CONNECTING THIS DEVELOPMENT TO ADJACENT RESIDENTIAL DEVELOPMENTS.

FINAL MAJOR SUBDIVISION PLAN

for

WATERGATE AT MILFORD

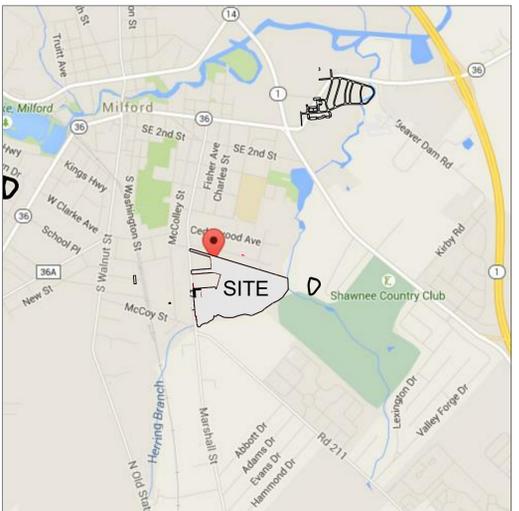
CEDAR CREEK HUNDRED, CITY OF MILFORD,
SUSSEX COUNTY, DELAWARE



SITE PLAN
Scale: 1" = 200'

RECORD/SITE PLANS GENERAL NOTES (*LAST REVISED DECEMBER 8, 2017)

- No landscaping shall be allowed within RWJ unless the plans are compliant with Section 3.7 of the Development Coordination Manual (DCM).
- All entrances shall conform to the Delaware Department of Transportation's (DelDOT's) current Development Coordination Manual (DCM) and shall be subject to its approval.
- Shrubbery, plantings, signs and/or other visual barriers that could obstruct the sight distance of a driver preparing to enter the roadway are prohibited within the defined departure sight triangle area established on this plan. If the established departure sight triangle area is outside the right-of-way or projects onto an adjacent property owner's land, a sight easement should be established and recorded with all affected property owners to maintain the required sight distance.
- Upon completion of the construction of the sidewalk or shared-use path across this project's frontage and physical connection to adjacent existing facilities, the developer, the property owners or both associated with this project, shall be responsible to remove any existing road tie-in connections located along adjacent properties, and restore the area to grass. Such actions shall be completed at DelDOT's discretion, and in conformance with DelDOT's "Shared-Use Path and/or Sidewalk Termination Policy".
- Subdivision streets constructed within the limits of the right-of-way dedicated to the public use shown on this plan are to be maintained by the State of Delaware following the completion of the streets by the developer to the satisfaction of the State. The State assumes no maintenance responsibilities within the dedicated street right-of-way until the streets have been accepted by the State.
- Subdivision streets constructed within the limits of the right-of-way dedicated to public use shown on this plan are to be maintained by the City of Milford following the acceptance of the streets. The State of Delaware assumes no maintenance responsibilities within the dedicated internal street right-of-way.
- The sidewalk shall be the responsibility of the developer, the property owners or both within this subdivision. The State of Delaware assumes no responsibility for the future maintenance for the sidewalk.
- All lots shall have access from the internal subdivision street.
- The developer shall be required to furnish and place right-of-way monuments on the dedicated subdivision street right-of-way in accordance with Section 3.2.4.1 of the Development Coordination Manual, and the requirements of the land use agency. Right-of-way monuments shall be placed along the right-of-way lines, at a minimum on one side of the street at every change in horizontal alignment to provide a permanent reference for the re-establishing the centerline and right-of-way line.



SITE DATA:

- TOTAL AREA: 47.39± Ac.
- CURRENT ZONING: R-3
- PROPOSED ZONING: R-3 WITH PLANNED UNIT RESIDENTIAL DEVELOPMENT OVERLAY (PUD) PLANNED UNIT DEVELOPMENT
- PROPOSED USE: NGVD 88
- ELEVATION: 14.39± Ac.
- PUBLIC WATER AND SEWER PROVIDED BY THE CITY OF MILFORD
- AREA OF WATERS OF THE U.S.: 23.56± Ac.
- AREA OF EXISTING FOREST: 7.45± Ac.
- AREA OF FOREST TO BE REMOVED: 7.45± Ac.
- PROPOSED ROADS TO BE DEDICATED AND MAINTAINED BY THE CITY OF MILFORD
- PROPOSED ALLEYS TO BE OWNED AND MAINTAINED BY HOMEOWNERS ASSOCIATION
- ACCESS: SUBDIVISION STREETS
- PONDS SHOWN ARE TO BE UTILIZED FOR STORMWATER MANAGEMENT, ALONG WITH ANY OTHER FACILITIES NEEDED TO MEET THE REQUIREMENTS OF DNREC.
- CURB, SIDEWALK, AND STREET LIGHTING WILL BE PROVIDED WHERE APPROPRIATE.
- PROPOSED DENSITY: 276/24.17 = 11.42 UNITS PER ACRE
- ROAD RIGHT-OF-WAY AREA: 8.37± Ac. (17.7%)
- ALLEY EASEMENT AREA: 1.26± Ac. (2.7%)
- RESIDUAL LANDS OF WATERGATE: 1.82± Ac. (3.8%)
- AREA OF STORMWATER MANAGEMENT (SWM) PONDS: 0.51± Ac. (1.1%)
- TOTAL AREA OF OPEN SPACE (INCLUDING PONDS, AND WETLANDS): 19.21± Ac. (40.54%)
- MINIMUM RECREATIONAL OPEN SPACE: 400SF/UNIT X 276 = 2.53 AC. REQUIRED

CITY OF MILFORD ORDINANCE WAIVER REQUEST (PREVIOUSLY GRANTED):

- CHAPTER 200 - SUBDIVISION OF LAND
 - 200-6.(D)(3) - BLOCK WIDTHS SHALL BE NOT LESS THAN 275 FEET OR MORE THAN 450 FEET AND SHALL BE PLANNED TO PROVIDE TWO ROWS OF LOTS
 - 200-6.(E)(7) - SIDE LOT LINES SHALL BE AT RIGHT ANGLES OR RADIAL TO STREET LINES.
- NOTES:**
- THIS SURVEY DOES NOT CERTIFY TO THE LOCATION AND/OR EASEMENTS AND RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
 - THE PROJECT OWNER AND/OR THE HOMEOWNERS ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE OF THE STORMWATER POND TO INCLUDE INSPECTION FOR DEBRIS AND SEDIMENT ACCUMULATION ON AN ANNUAL BASIS OR AS REQUIRED BY THE SUSSEX CONSERVATION DISTRICT IF A LESS FREQUENT INSPECTION IS REQUESTED.

SCHEDULE OF AREA & BULK REGULATION FROM R-3 ZONING

R3 - ZONING	SINGLE FAMILY		DUPLEX		TOWNHOUSE		MULTI-FAMILY		SINGLE FAMILY COURT		
	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	
TRACT AREA	7,500	N/A	7,500	N/A	1 Ac.	N/A	1 Ac.	N/A	N/A	N/A	
REQUIRED MINIMUM OPEN SPACE	N/A	N/A	N/A	N/A	40%	N/A	40%	N/A	N/A	N/A	
MAXIMUM DUS PER ACRE	6	N/A	12	N/A	12	N/A	16	N/A	N/A	N/A	
MINIMUM LOT STANDARDS											
LOT AREA PER DU (SF)											
INTERIOR	7,500	4,000	3,750	1,700	2,000	1,200	2,500	1,200	4,000		
CORNER	7,500										
STREET FRONTAGE PER DU (LF)	60	40	30	30	20		N/A	N/A	N/A	15	
LOT WIDTH AT FRONT BLDG. LINE (FT)	60	60									
50	50										
SETBACKS											
FRONT YARD (FEET)	30	5	30	5	25	0	12	0	N/A	5	
SIDE YARD (FEET)											
ONE	8	5	8	5	7	0	12	5	N/A	5	
INTERIOR	7										
EXTERIOR	30										
SUM OF BOTH	16	10	8	10	N/A	0	24	10	N/A	10	
REAR YARD (FEET*)	15	15	15	5	5	5	5	N/A	5	5	
MAXIMUM BUILDING HEIGHT											
HEIGHT (FEET)	<35	<35	<35	<35	<35	<35	<35	<35	N/A	<35	
STORIES	3	3	3	3	3	3	3	3	N/A	3	
MAXIMUM BLDG COVERAGE (% OF LOT)	45%	44%	45%	43%	60%	75%	20%	61%	N/A	25%	
MINIMUM LOT DEPTH (FEET)	80										
80	100										
MAXIMUM UNITS WITH COMMON WALLS	N/A	N/A	2	2	8	11	12	12	N/A	N/A	
* INDICATES A VARIANCE FROM R-3 ZONING REGULATIONS											
DOES NOT INCLUDE DETACHED GARAGE											

RESIDENTIAL UNIT YIELD CALCULATIONS:

47.39± Ac.	GROSS LOT AREA
15.17± Ac.	LOT AREA IMPACTED BY WETLANDS OR FLOODPLAIN
32.22± Ac.	NET LOT AREA
8.05± Ac.	25% OF NET AREA
24.17± Ac.	*15 UNITS/ACRE = 386 MAXIMUM UNITS ALLOWED
	* ALLOWED DENSITY UNDER R-3 ZONING

City Engineer Approval

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD CONSTRUCTION STANDARDS AND SPECIFICATIONS FOR WATER, SEWER AND STREETS. THE OWNER AND HIS ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR DESIGN AND ACCURACY OF INFORMATION SHOWN HEREON.

CITY ENGINEER DATE SCOTT E. LOBDELL, PROFESSIONAL ENGINEER NO. 12260 DATE

LOT DATA

Number of Lots	Number of Units	Unit Plan Designation	Unit Type	Off Street Parking (Provided)	Spaces Per Unit (Provided)
129	129	A	Townhouses	265	2.1
48	48	B	Duplex Homes	118	2.4
33	33	C	Single Family	106	3.2
1	10	D	Single Family Courts	26	2.6
2	56	E	Mansion Apartments	125	2.2
1	-	F	Civic / Recreation Center	26	-
1	-	G	Residual Lands	-	-
215	276		Total Parking Provided	666	2.4/unit
			Total Parking Required	690	2.5/unit

Engineer's Certification:

I, SCOTT E. LOBDELL, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER WITH A BACKGROUND IN CIVIL ENGINEERING IN THE STATE OF DELAWARE AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE CITY OF MILFORD DEVELOPMENT CODE.

Certificate of Ownership:

I, LOU RAMUNNO, HEREBY CERTIFY THAT LIBORIO WATERGATE, LLC IS THE OWNER OF THE PROPERTY WHICH IS SUBJECT OF THIS PLAN AND THAT THE LAND USE ACTION PROPOSED BY THIS PLAN IS MADE AT DIRECTION AND THAT I AUTHORIZE THIS PLAN TO BE RECORDED IN ACCORDANCE WITH THE REGULATIONS OF CITY OF MILFORD DEVELOPMENT CODE.

LOU RAMUNNO DATE

PLAN NOTES

SHEET LIST TABLE	
SHEET NUMBER	SHEET TITLE
RP1	COVER SHEET
RP2	OVERALL SITE
RP3	SITE PLAN
RP4	SITE PLAN
RP5	SITE PLAN
RP6	SITE PLAN
RP7	LINE AND CURVE TABLES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016
3	Revised Notes	1/2017
4	Per Planning Dep. rev. letter dated 9/13/17	11/2017
5	Moved DeDOT notes from sheet RP6 & Updated	6/2018



Know what's below. Call before you dig.

MISS UTILITY OF DELMARVA

BEFORE YOU DIG CALL 1-800-282-8555 (DE & MD) WWW.MISSUTILITYDELMARVA.COM PROTECT YOURSELF, GIVE TWO WORKING DAYS NOTICE

PLAN NOTATION
ONLY THOSE PLANS WHICH CONTAIN AN IMPRESSED SEAL OR A RED INK SEAL OF THE RESPONSIBLE PROFESSIONAL SHALL BE CONSIDERED VALID. THIS PLAN HAS BEEN SPECIALLY PREPARED FOR THE OWNER DESIGNATED HEREOF. ANY MODIFICATION, REVISION, DUPLICATION OR USE WITHOUT THE WRITTEN CONSENT OF VAN CLEEF ENGINEERING ASSOCIATES IS PROHIBITED. RELIANCE ON THIS PLAN FOR ANY PURPOSE OTHER THAN THAT WHICH IS INTENDED SHALL BE AT THE SOLE DISCRETION AND LIABILITY OF THE APPLICABLE PARTY.

BY: SCOTT E. LOBDELL DATE DELAWARE PROFESSIONAL ENGINEER NO. 12260



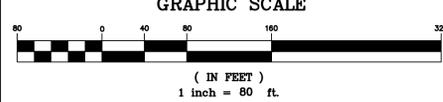
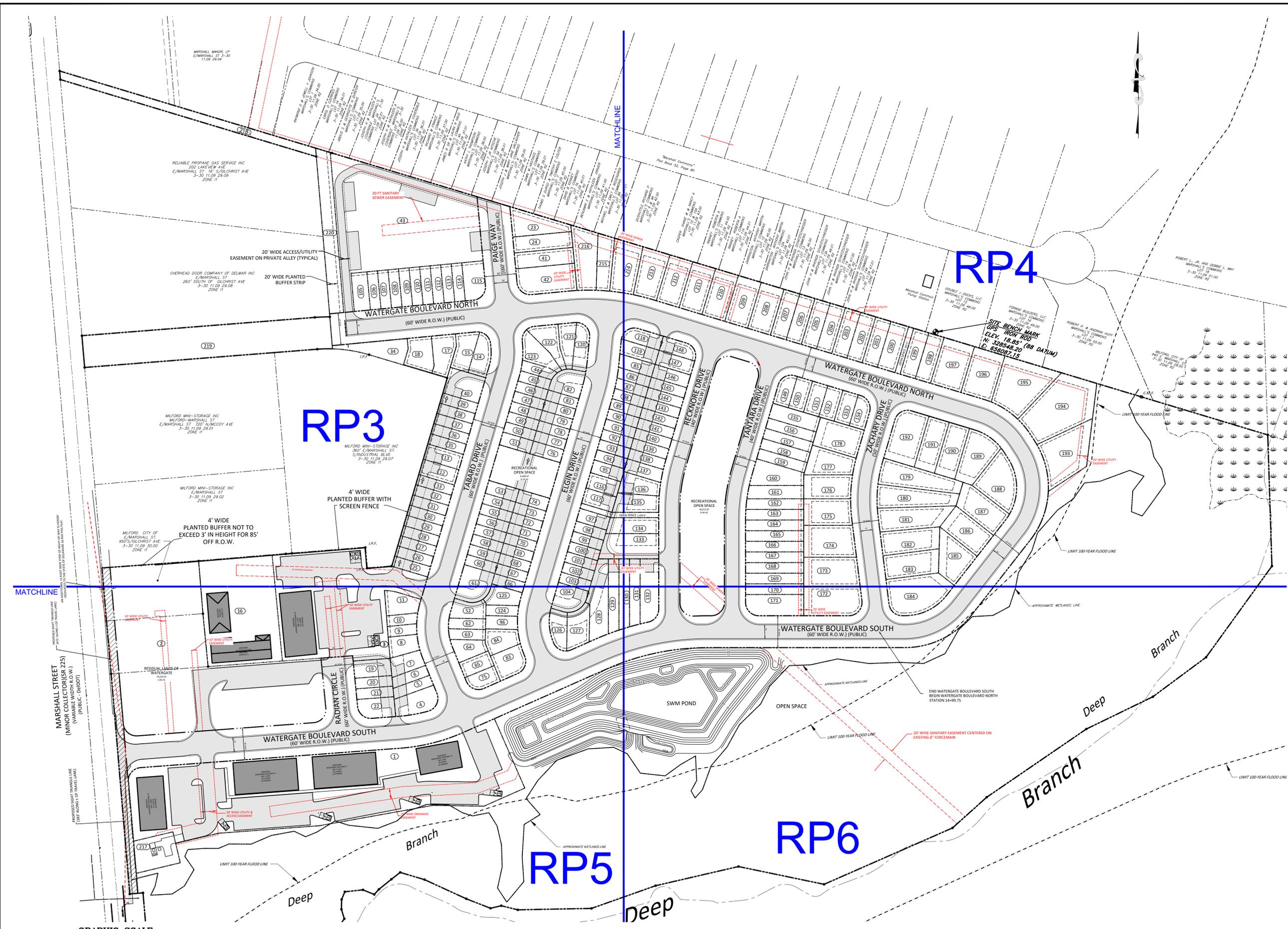
Consulting Civil Engineering Environmental Engineering Municipal Engineering Land Surveying Professional Planning Landscape Architecture

PROJECT: 1301MLD DESIGNED BY: S.E.L.
DATE: 5/9/2016 DRAWN BY: E.P.C.
SCALE: AS NOTED CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-1109, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

TITLE: COVER

RECORD PLAN SHEET NUMBER RP1



SITE PLAN
scale: 1" = 80'

PLAN NOTES

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016

811 MISS UTILITY OF DELMARVA
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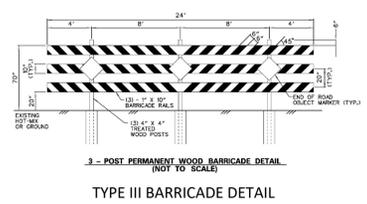
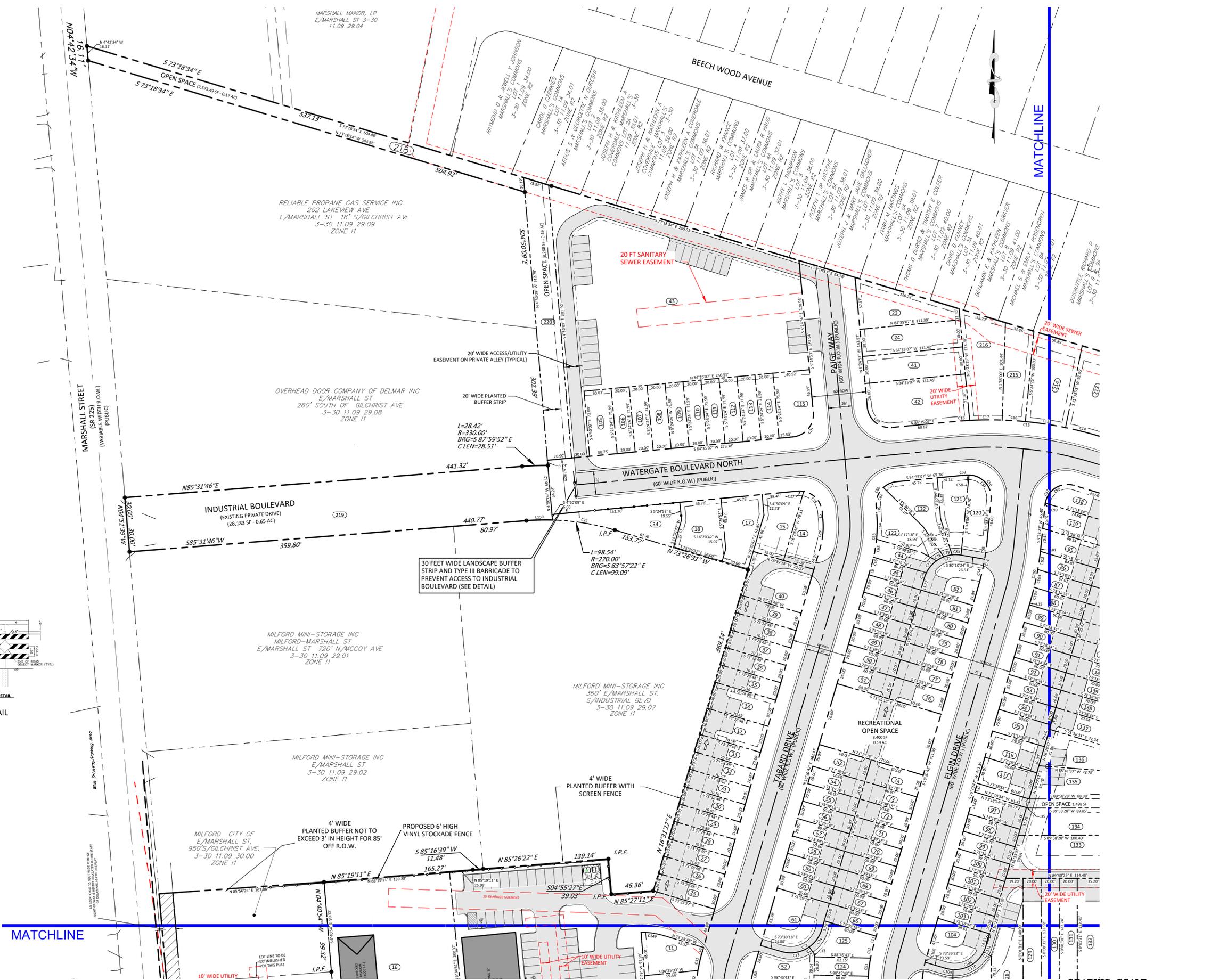
BY: SCOTT E. LOBDELL DATE
 DELAWARE PROFESSIONAL ENGINEER NO. 12260

Van Cleef ENGINEERING ASSOCIATES
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 Environmental Engineering Professional Planning
 Municipal Engineering Landscape Architecture
 630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
 EMAIL: NORTHERN@VCEA.ORG WEB: WWW.VCEA.ORG
 PHONE: (302) 398-1384 FAX: (302) 398-7159

PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
 FOR LIBORIO WATERGATE, LLC
 TAX MAP 3-30-1109, PARCELS 29, 29.03, 30, 31, 32
 SITUATED IN CITY OF MILFORD
 SUSSEX COUNTY, DELAWARE

TITLE: OVERALL SITE	SHEET NUMBER: RP2
RECORD PLAN	



NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016

811 MISS UTILITY OF DELMARVA

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Know what's below. Call before you dig.

PLAN NOTATION
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BY: **SCOTT E. LOBDELL** DATE _____
DELAWARE PROFESSIONAL ENGINEER NO. 12260

Van Cleef ENGINEERING ASSOCIATES

Consulting Civil Engineering Environmental Engineering Municipal Engineering Land Surveying Professional Planning Landscape Architecture

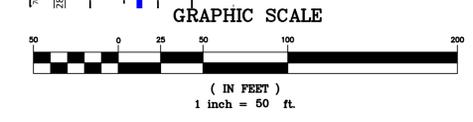
630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
EMAIL: NORTHERN@VCEA.ORG WEB: WWW.VCEA.ORG
PHONE (302) 368-3154 FAX (302) 368-7195

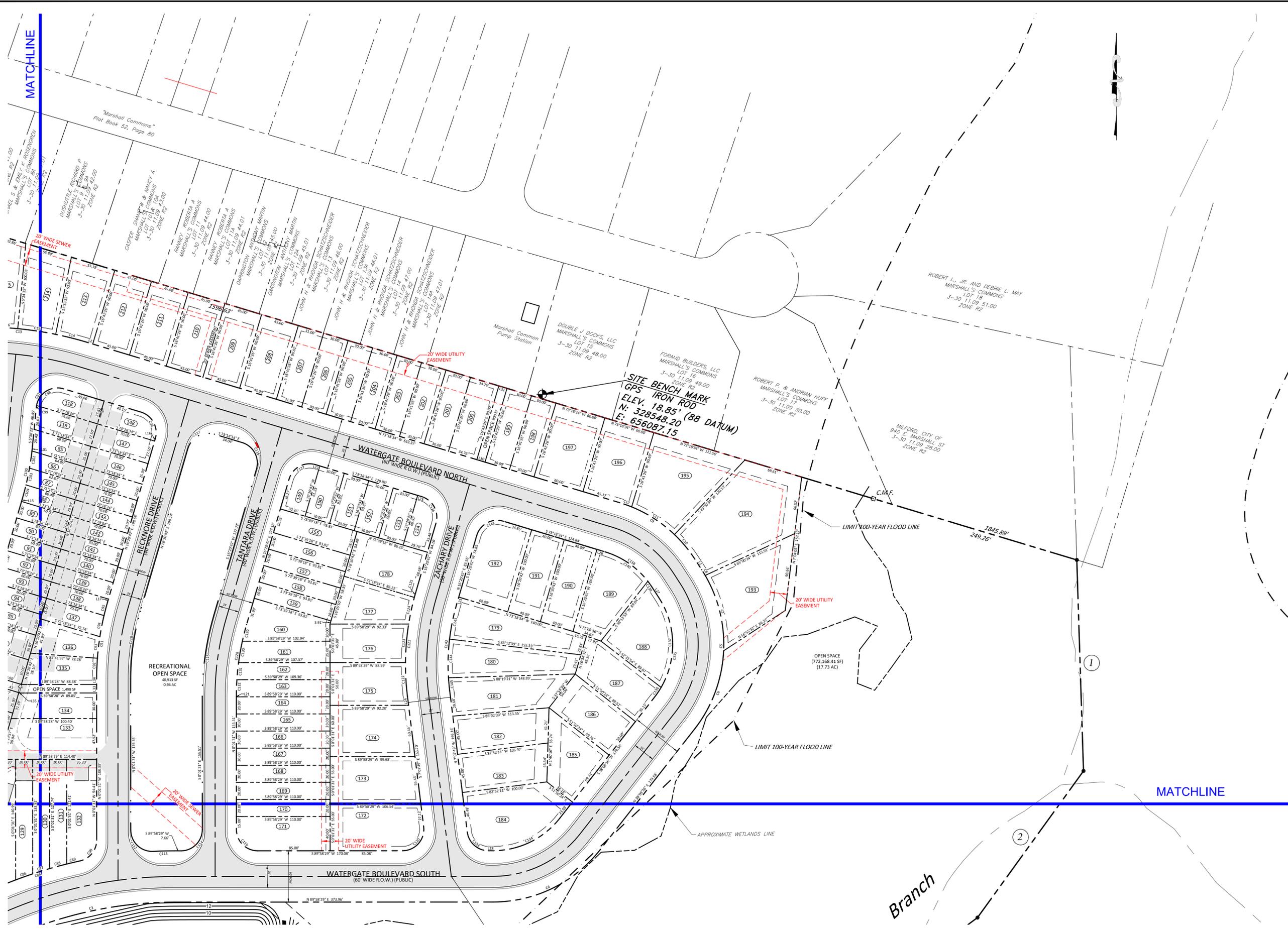
PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
FOR
LIBORIO WATERGATE, LLC
TAX MAP 3-30-1109, PARCELS 29, 29.03, 30, 31, 32
SITUATED IN
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

TITLE: **RECORD PLAN**

RECORD PLAN SHEET NUMBER **RP3**





NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016

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BY: SCOTT E. LOBDELL DATE: _____
 DELAWARE PROFESSIONAL ENGINEER NO. 12260

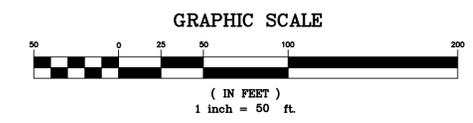
Van Cleef ENGINEERING ASSOCIATES
 Consulting Civil Engineering Environmental Engineering Municipal Engineering
 Land Surveying Professional Planning Landscape Architecture
 630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
 EMAIL: NORTHERNDE@VCEA.ORG WEB: WWW.VCEA.ORG
 PHONE (302) 388-3184 FAX (302) 388-7195

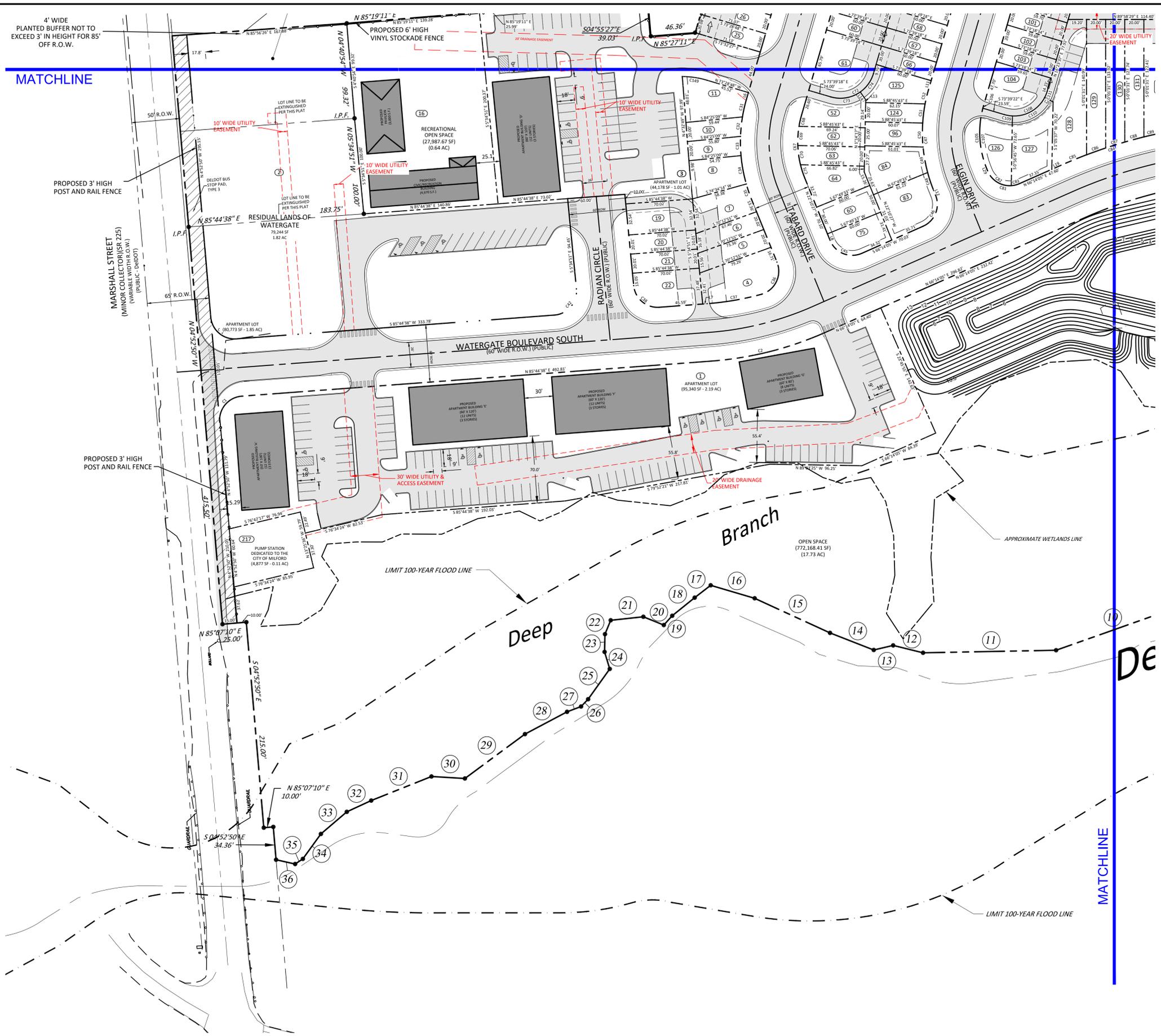
PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
 FOR LIBORIO WATERGATE, LLC
 TAX MAP 3-30-1109, PARCELS 29, 30, 31, 32
 SITUATED IN CITY OF MILFORD
 SUSSEX COUNTY, DELAWARE

TITLE: RECORD PLAN

RECORD PLAN SHEET NUMBER RP4





BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
1	S 01°49'55" E	246.86'
2	S 35°58'52" W	211.89'
3	S 53°33'35" W	125.00'
4	S 64°12'46" W	139.60'
5	S 55°44'01" W	227.71'
6	S 48°12'36" W	86.55'
7	S 66°23'24" W	264.85'
8	N 78°19'22" W	165.20'
9	S 77°01'38" W	160.69'
10	S 70°35'00" W	128.40'
11	S 88°54'08" W	139.28'
12	N 76°09'01" W	32.21'
13	S 76°45'16" W	20.86'
14	N 68°44'00" W	49.15'
15	N 65°25'43" W	86.68'
16	N 73°35'35" W	47.93'
17	S 52°24'46" W	21.14'
18	S 51°17'41" W	30.16'
19	S 42°18'35" W	13.07'
20	N 67°57'56" W	23.05'
21	S 83°51'00" W	34.38'
22	S 22°34'02" W	15.65'
23	S 01°18'46" W	18.49'
24	S 17°02'36" E	18.59'
25	S 35°41'33" W	38.87'
26	S 44°08'12" W	10.57'
27	S 69°18'08" W	15.68'
28	S 62°13'27" W	49.76'
29	S 53°39'11" W	78.05'
30	N 86°36'49" W	35.03'
31	S 68°17'37" W	67.85'
32	S 65°19'30" W	28.13'
33	S 49°38'49" W	35.55'
34	S 36°01'32" W	32.15'
35	S 56°24'29" W	9.68'
36	N 77°22'38" W	20.41'

NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016

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BY: **SCOTT E. LOBDELL** DATE: _____
 DELAWARE PROFESSIONAL ENGINEER NO. 12260

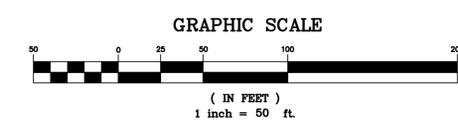
Van Cleef ENGINEERING ASSOCIATES
 Consulting Civil Engineering Land Surveying
 Environmental Engineering Professional Planning
 Municipal Engineering Landscape Architecture
 630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
 EMAIL: NORTHERND@VCEA.ORG WEB: WWW.VCEA.ORG
 PHONE (302) 368-3184 FAX (302) 368-7195

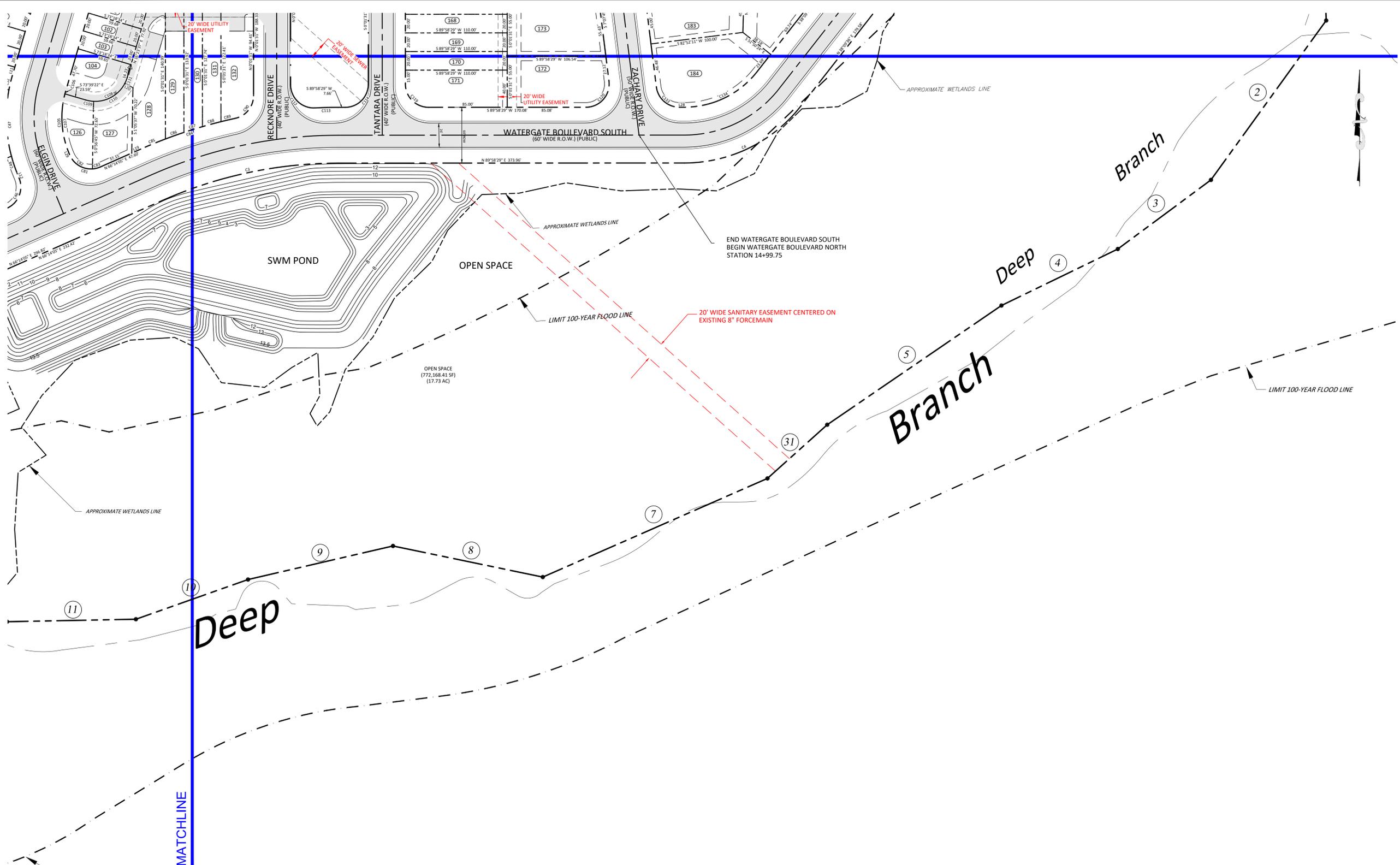
PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
 FOR **LIBORIO WATERGATE, LLC**
 TAX MAP 3-30-1109, PARCELS 29, 29.03, 30, 31, 32
 SITUATED IN **CITY OF MILFORD**
SUSSEX COUNTY, DELAWARE

TITLE: **RECORD PLAN**

RECORD PLAN SHEET NUMBER **RP5**





NO.	REVISION	DATE
1	Per Planning Dep. rev. letter dated 6/13/16	6/2016
2	Per Planning Dep. rev. letter dated 9/7/16	10/2016
3	Moved DelDOT notes to Sheet RP1	6/2018



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BY: SCOTT E. LOBDELL DATE _____
 DELAWARE PROFESSIONAL ENGINEER NO. 12260

OFFICES THROUGHOUT NJ, EASTERN PA, AND DE

Consulting Civil Engineering Environmental Engineering Municipal Engineering
 Land Surveying Professional Planning Landscape Architecture

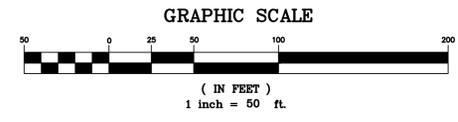
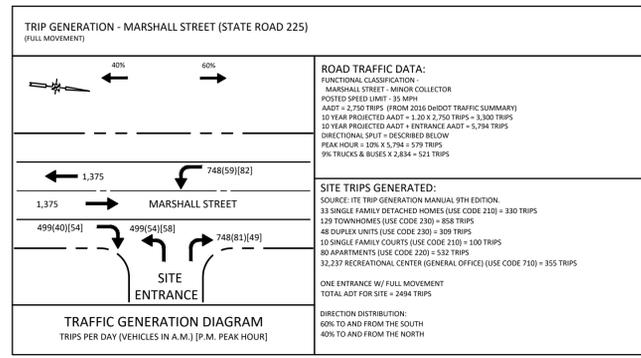
630 CHURCHMANS ROAD, SUITE 105, NEWARK, DE 19702
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 PHONE (302) 368-3184 FAX (302) 368-7195

PROJECT: 1301MLD	DESIGNED BY: S.E.L.
DATE: 5/9/2016	DRAWN BY: E.P.C.
SCALE: AS NOTED	CHECKED BY: S.E.L.

WATERGATE AT MILFORD
 FOR
LIBORIO WATERGATE, LLC
 TAX MAP 3-30-1109, PARCELS 29, 29.03, 30, 31, 32
 SITUATED IN
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

TITLE
RECORD PLAN

RECORD PLAN	SHEET NUMBER RP6
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PARCEL LINE TABLE		
LINE NO.	LENGTH	BEARING
L1	14.81'	S 33°04'28" E
L2	7.44'	S 73°18'34" E
L5	9.10'	N 4°50'09" W
L6	6.69'	N 16°20'42" E
L7	4.61'	N 85°44'38" E
L9	10.08'	S 16°20'42" W
L10	7.41'	S 4°50'09" E
L11	9.50'	N 16°20'42" E
L12	5.26'	N 22°10'27" W
L13	2.87'	S 1°14'17" W
L14	10.00'	N 35°09'18" W
L15	3.69'	S 16°20'42" W
L16	2.99'	N 16°20'42" E
L17	3.20'	N 16°20'42" E
L18	27.72'	S 16°20'42" W
L19	10.45'	N 66°14'05" E
L20	10.00'	S 62°27'07" E
L21	0.51'	S 0°01'31" E
L22	5.11'	N 73°18'34" W
L23	4.85'	N 73°18'34" W
L24	10.69'	N 7°07'49" W
L25	8.71'	S 16°20'42" W
L26	9.98'	N 73°18'34" W
L27	14.81'	N 33°04'28" W
L28	5.44'	N 89°58'29" E
L29	2.20'	N 22°10'27" W
L30	10.00'	S 73°18'34" E
L31	10.00'	N 73°18'34" W
L32	10.00'	N 16°20'42" E
L33	10.00'	S 0°01'31" E
L34	6.40'	N 0°01'31" W
L35	1.64'	S 73°18'34" E

PARCEL CURVE TABLE					
CURVE NO.	RADIUS	LENGTH	DELTA	CHORD LENGTH	CHORD DIRECTION
C1	25.00'	39.54'	90°37'27"	35.55'	N 40°25'54" E
C2	360.00'	122.58'	19°30'33"	121.99'	N 75°59'22" E
C3	470.00'	194.74'	23°44'24"	193.35'	N 78°06'17" E
C4	160.00'	144.69'	51°48'53"	139.81'	N 64°04'03" E
C5	160.00'	198.92'	71°14'05"	186.36'	N 2°32'34" E
C6	160.00'	99.09'	35°29'02"	97.51'	N 20°25'05" E
C7	160.00'	91.94'	32°55'26"	90.68'	S 13°47'09" E
C8	160.00'	7.89'	2°49'36"	7.89'	S 31°39'40" E
C9	160.00'	112.36'	40°14'05"	110.06'	N 53°11'31" W
C10	160.00'	37.46'	13°24'57"	37.38'	S 39°46'57" E
C11	160.00'	60.04'	21°30'00"	59.69'	S 57°14'26" W
C12	160.00'	14.85'	5°19'08"	14.85'	S 70°39'00" E
C13	420.00'	162.04'	22°06'19"	161.04'	N 84°21'43" W
C14	420.00'	37.58'	5°07'33"	37.56'	S 75°52'21" E
C18	420.00'	17.68'	2°24'44"	17.68'	N 85°47'29" E
C19	25.00'	39.27'	90°00'00"	35.36'	S 50°24'53" E
C20	25.00'	39.27'	89°59'45"	35.36'	S 39°35'07" W
C25	270.00'	70.18'	14°53'35"	69.98'	S 80°53'18" E
C27	25.00'	6.83'	15°39'11"	6.81'	N 87°35'17" W
C28	25.00'	32.69'	74°55'33"	30.41'	N 42°17'55" W
C29	85.00'	31.42'	21°10'51"	31.24'	N 54°51'17" E
C31	160.00'	19.47'	6°58'14"	19.45'	N 12°51'35" W
C32	160.00'	20.41'	7°18'31"	20.40'	N 5°43'13" E
C33	160.00'	20.06'	7°11'05"	20.05'	N 1°31'35" W
C34	160.00'	30.16'	10°47'55"	30.11'	N 10°31'03" W
C35	160.00'	17.47'	6°15'24"	17.46'	N 19°02'44" W
C36	25.00'	42.30'	96°56'33"	37.43'	N 26°17'50" E
C37	300.00'	57.47'	10°58'32"	57.38'	N 8°15'22" E
C38	25.00'	38.69'	88°40'30"	34.94'	S 49°55'07" E
C46	25.00'	38.58'	88°24'32"	34.86'	N 22°01'48" E
C47	160.00'	107.57'	38°31'09"	105.55'	N 2°54'52" W
C48	160.00'	19.84'	7°06'21"	19.83'	N 18°37'16" W
C49	160.00'	27.03'	9°40'47"	27.00'	N 10°13'42" W
C50	160.00'	25.04'	8°58'04"	25.02'	N 0°54'16" W
C51	160.00'	20.12'	7°12'20"	20.11'	N 7°10'56" E
C52	160.00'	15.53'	5°33'36"	15.52'	N 13°33'54" E
C53	270.00'	50.45'	10°42'19"	50.37'	N 10°59'33" E
C54	270.00'	30.72'	6°31'06"	30.70'	N 13°05'09" E
C55	270.00'	19.73'	4°11'13"	19.73'	N 7°44'00" E
C56	25.00'	43.46'	89°36'04"	38.19'	N 44°09'39" W
C57	25.00'	41.27'	94°34'26"	36.74'	N 41°38'50" W
C58	25.00'	2.19'	5°01'38"	2.19'	S 88°33'08" W
C59	360.00'	9.13'	1°27'12"	9.13'	S 85°18'43" W
C60	25.00'	39.02'	89°25'16"	35.18'	S 39°52'29" W
C61	25.00'	16.13'	36°58'03"	15.85'	S 66°06'05" W
C62	25.00'	22.89'	52°27'13"	22.10'	S 21°23'28" W
C63	160.00'	59.15'	21°10'51"	58.81'	S 5°45'17" W
C64	160.00'	29.06'	10°24'17"	29.02'	S 0°22'00" W
C65	160.00'	20.17'	7°13'23"	20.16'	S 9°10'50" W
C66	160.00'	9.92'	3°33'11"	9.92'	S 14°34'07" W
C67	100.00'	67.23'	38°31'09"	65.97'	S 2°54'52" E
C68	100.00'	12.24'	7°00'51"	12.23'	S 12°50'17" W
C69	100.00'	20.05'	11°29'17"	20.02'	S 3°35'13" W
C70	100.00'	20.30'	11°37'43"	20.26'	S 7°58'17" E
C71	100.00'	14.64'	8°23'18"	14.63'	S 17°58'48" E
C72	36.00'	56.55'	90°00'00"	50.91'	N 61°20'42" E
C73	36.00'	32.36'	51°30'00"	31.28'	S 80°35'42" W
C74	36.00'	24.19'	38°30'00"	23.74'	S 35°35'42" W
C75	36.00'	52.45'	83°28'54"	47.93'	S 58°05'09" W
C76	36.00'	6.27'	9°58'21"	6.26'	N 21°19'53" E
C77	36.00'	17.61'	28°01'57"	17.44'	N 40°20'01" E
C78	36.00'	9.20'	14°38'08"	9.17'	N 61°40'04" E
C79	36.00'	9.40'	14°57'16"	9.37'	N 76°28'12" E
C80	36.00'	9.98'	15°52'46"	9.95'	S 88°06'47" E
C81	25.00'	39.96'	91°35'28"	35.84'	S 67°58'11" E
C82	25.00'	31.23'	71°34'40"	29.24'	N 57°57'47" W
C83	25.00'	8.73'	20°00'48"	8.69'	N 76°14'29" E
C84	530.00'	107.67'	11°38'22"	107.48'	N 72°03'16" E
C85	530.00'	28.97'	3°07'56"	28.97'	N 67°48'03" E
C86	530.00'	21.21'	2°17'36"	21.21'	N 70°30'49" E
C87	530.00'	20.94'	2°15'48"	20.93'	N 72°47'31" E
C88	530.00'	20.70'	2°14'16"	20.70'	N 75°02'32" E
C89	530.00'	15.85'	1°42'47"	15.85'	N 77°01'04" E
C90	25.00'	33.99'	77°53'58"	31.43'	N 38°55'28" E
C91	320.50'	91.57'	16°22'13"	91.26'	N 8°09'36" E

PARCEL CURVE TABLE					
CURVE NO.	RADIUS	LENGTH	DELTA	CHORD LENGTH	CHORD DIRECTION
C93	320.50'	25.40'	4°32'28"	25.40'	N 6°34'37" E
C94	320.50'	25.13'	4°29'30"	25.12'	N 11°05'36" E
C95	320.50'	16.81'	3°00'21"	16.81'	N 14°50'32" E
C96	25.00'	39.12'	89°39'16"	35.25'	N 28°28'56" W
C97	25.00'	44.09'	101°03'03"	38.60'	S 56°09'55" W
C98	25.00'	42.11'	96°30'34"	37.31'	S 58°26'09" W
C99	25.00'	1.98'	4°32'29"	1.98'	S 7°54'38" W
C100	330.00'	61.66'	10°42'19"	61.57'	S 10°59'33" W
C101	330.00'	5.04'	0°52'30"	5.04'	S 6°04'38" W
C102	330.00'	20.22'	3°30'39"	20.22'	S 8°16'12" W
C103	330.00'	20.08'	3°29'09"	20.07'	S 11°46'06" W
C104	330.00'	16.32'	2°50'02"	16.32'	S 14°55'41" W
C105	100.00'	67.23'	38°31'09"	65.97'	S 2°54'52" E
C106	100.00'	2.86'	1°38'14"	2.86'	S 15°31'35" W
C107	100.00'	64.37'	36°52'55"	63.27'	N 3°43'59" E
C108	36.00'	56.52'	89°57'01"	50.89'	N 61°22'08" E
C109	36.00'	8.43'	13°25'26"	8.42'	S 80°22'04" E
C110	36.00'	40.99'	65°14'25"	38.81'	S 60°18'00" W
C111	36.00'	7.09'	11°17'10"	7.08'	S 22°02'12" W
C112	25.00'	40.46'	92°43'14"	36.18'	N 46°23'08" W
C113	530.00'	25.17'	2°43'14"	25.16'	S 88°36'52" W
C114	25.00'	39.27'	90°00'00"	35.36'	S 44°58'29" W
C115	338.00'	96.57'	16°22'13"	96.24'	S 8°09'36" W
C116	25.00'	39.12'	89°39'16"	35.25'	S 28°28'56" E
C117	25.00'	39.42'	90°20'44"	35.46'	N 61°31'04" E
C118	280.50'	80.14'	16°22'13"	79.87'	N 8°09'36" E
C119	25.00'	39.27'	90°00'00"	35.36'	S 45°01'31" E
C120	25.00'	42.37'	97°06'18"	37.48'	N 41°25'20" E
C121	300.00'	122.92'	23°28'31"	122.06'	N 4°36'27" E
C122	300.00'	39.49'	7°32'30"	39.46'	N 3°21'34" W
C123	300.00'	45.20'	8°37'56"	45.16'	N 4°43'39" E
C124	300.00'	31.91'	6°05'38"	31.89'	N 12°05'26" E
C125	300.00'	6.32'	11°2'27"	6.32'	N 15°44'29" E
C126	25.00'	39.12'	89°39'16"	35.25'	N 28°28'56" W
C127	25.00'	39.42'	90°20'44"	35.46'	S 61°31'04" W
C128	298.00'	85.14'	16°22'13"	84.85'	S 8°09'36" W
C129	298.00'	20.13'	3°52'16"	20.13'	S 14°24'34" W
C130	298.00'	25.40'	4°52'59"	25.39'	S 10°01'56" W
C131	298.00'	20.10'	3°51'54"	20.10'	S 5°39'29" W
C132	298.00'	19.51'	3°45'03"	19.51'	S 1°51'01" W
C133	25.00'	36.17'	82°53'42"	33.10'	S 48°34'40" E
C134	100.00'	90.43'	51°48'53"	87.38'	N 64°04'03" E
C135	100.00'	124.33'	71°14'05"	116.47'	S 2°32'34" W
C136	100.00'	13.89'	7°57'33"	13.88'	N 34°10'50" E
C137	100.00'	110.44'	63°16'32"	104.91'	N 1°26'12" W
C138	100.00'	70.22'	40°14'05"	68.79'	S 53°11'31" E
C139	100.00'	8.41'	4°48'57"	8.40'	N 35°28'57" W
C140	100.00'	61.82'	35°25'09"	60.84'	N 55°55'59" W
C141	25.00'	39.42'	90°20'44"	35.46'	S 61°31'04" W
C142	250.00'	102.43'	23°28'31"	101.72'	N 4°36'27" E
C143	250.00'	41.70'	9°33'21"	41.65'	S 11°34'02" W
C144	250.00'	45.25'	10°22'11"	45.18'	S 13°61'15" W
C145	250.00'	15.49'	3°32'59"	15.49'	S 5°21'20" E
C149	91.00'	25.90'	161°8'30"	25.81'	N 81°38'03" W
C150	270.00'	28.91'	6°08'08"	28.90'	N 88°35'50" E

LOT AREA TABLE			
LOT NO.	AREA (SF)	AREA (AC)	
3	44,178	1.01	
4	3,210	0.07	
5	1,526	0.04	
6	1,408	0.03	
7	2,076	0.05	
8	1,959	0.04	
9	1,101	0.03	
10	1,148	0.03	
11	2,448	0.06	
12	2,116	0.05	
13	2,113	0.05	
14	2,414	0.06	
15	2,664	0.06	
16	28,066	0.64	
17	2,963	0.07	
18	3,036	0.07	
19	2,278	0.05	
20	1,400	0.03	
21	1,400	0.03	
22	2,497	0.06	
23	3,893	0.09	
24	3,342	0.08	
25	1,425	0.03	
26	1,421	0.03	
27	1,419	0.03	
28	1,418	0.03	
29	1,417	0.03	
30	1,416	0.03	
31	1,415	0.03	
32	1,413	0.03	
33	1,412	0.03	
34	3,579	0.08	
35	1,407	0.03	
36	1,406	0.03	
37	1,405	0.03	
38	1,404	0.03	
39	1,402	0.03	
40	3,515	0.08	
41	3,343	0.08	
42	5,553	0.13	
43	48,760	1.12	
44	1,273	0.03	
4			

AGREEMENT OF SALE

Blb **THIS AGREEMENT OF SALE**, made this 1 day of November 2019, by and between *Lessard Builders Inc.*
~~LBI~~ and /or assigns 261 E. Camden Wyoming Ave., Camden, DE 19934, a Delaware limited liability company, hereinafter, "Purchaser," Party of the First Part, who hereby agrees to purchase from City of Milford, 1.00 +/-Acre of Partial Lot 16, Liberty Way, Milford, DE 19963, hereinafter, "Seller," Party of the Second Part, who hereby agrees to sell to the Purchaser all certain parcel of land.

All that certain located at LOT 16 W. Liberty Way, Milford, DE 19963, presently a Three (3) Acre Parcel of land in Milford Independence Commons recorded as Tax ID MD-16-17300-01-0220-000 attached hereto and incorporated herein by this reference as Exhibit A.,

THE PURCHASE PRICE THEREOF is the sum of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, payable in the following manner:

A deposit in the amount of ONE THOUSAND (\$1,000.00) DOLLARS (the "Deposit"), paid in cash at the signing of this Agreement of Sale as a good faith deposit, to be credited to the Purchase Price hereunder and disbursed in accordance with the provisions of this Agreement of Sale, and held by R&R Commercial Realty, Inc. Escrow Agent, in a non-interest-bearing account. The Purchaser, by executing this Agreement of Sale, hereby authorizes Escrow Agent to place the Deposit in a non-interest-bearing account.

The balance of the Purchase Price hereunder, NINETY-NINE THOUSAND (\$99,000.00) DOLLARS, shall be paid in cash at final Settlement in the form of cash, certified check, or attorney's escrow check, at the time of final Settlement as defined here in.

3. FINAL SETTLEMENT. The final Settlement shall be held within Forty-Five (45) days after any and all approvals are obtained to subdivide the property, including all permits to build a 5,000+/- square foot medical building, but not later than May 1, 2020, reasonable extensions will be granted provided the purchaser is diligently pursuing approvals . Settlement shall be held at Purchaser's attorney, or at such other place as the Purchaser may elect.

4. SETTLEMENT ADJUSTMENTS. Taxes, water and sewer service charges, and any other charges of an annual and recurrent nature assessed and/or paid shall be prorated at time of settlement. Any State, county or municipal transfer taxes upon the conveyance of the land shall be paid equally by Purchaser and the Seller.

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

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

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

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

5. SUBDIVISION OF THE LOT. All costs to subdivide the lot shall be borne by the Purchaser. The seller may simultaneously record the re-subdivided parcels at closing at Purchaser expense.

6. SURVEY AT PURCHASER'S EXPENSE. The cost of the survey, if required by Purchaser, shall be at the sole cost and expense of the Purchaser.

7. MARKETABLE TITLE. The title to the Property shall be conveyed by a special warranty deed, prepared at Seller's expense, in a form reasonably satisfactory to Purchaser, conveying good, marketable, fee simple title, free and clear of all liens and encumbrances except as specified herein, excepting use and occupancy restrictions of public record which are generally applicable to properties of the type being purchased hereunder, and insurable at regular rates by

any reputable title insurance company now insuring titles of properties in Kent County, Delaware. In the event the Seller is unable to deliver and convey title as aforesaid, Purchaser shall have the option of accepting such title as the Seller is able to deliver, or of voiding this Agreement of Sale and recovering back all monies paid on account of the Purchase Price hereunder, together with all interest, if any, accrued thereon, together with all expenses incurred by Purchaser in connection with its obligations hereunder.

8. LOSS OR DAMAGE DURING CONTRACT PERIOD. Seller shall bear the risk of loss or damage to the Property by fire, windstorm, or other casualty prior to final Settlement. In the event of loss or damage to any improvements existing on the Property at the date of signing of this Agreement of Sale by fire or other casualty so as to render it impossible to restore the said improvements to same condition as existed at the time this Agreement of Sale was executed by all parties hereto, the Purchaser shall have the option of voiding this Agreement of Sale and Escrow Agent thereupon shall return to Purchaser all monies paid on account of the Purchase Price hereunder, together with all interest, if any, accrued thereon, or, by the mutual consent of the parties hereto Purchaser may elect to accept the proceeds from any insurance policy owned by Seller covering the Property, or, by the mutual consent of the parties hereto the Purchase Price hereunder may be offset by the estimated amount of repair of the loss or damage, the said estimate to be obtained from a reputable contractor and to be approved by the parties hereto, and in either of those events, the Purchaser shall proceed to final Settlement.

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

10. ENVIRONMENTAL MATTERS. To Seller's knowledge, the Property is free of any "hazardous waste" as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended from time to time, any "oil petroleum products and their byproducts" as defined by the State of Delaware, as amended from time to time, any substance the presence of which on the Property is prohibited by any other federal, state or local law

applicable to the Property which would materially deter Purchaser's proposed use of the Property and any underground or other storage tanks. Neither Seller nor any third party to Seller's knowledge or with Seller's permission has used, generated, manufactured, transported, treated, stored, handled, or disposed, or conducted any other activity in connection with or on the Property involving any hazardous waste which would subject Seller or any owner of the Property to any liability to any governmental jurisdiction relating to environmental matters. To the best of Seller's knowledge, information, and belief, there are no pending or threatened suits or investigations or orders by governmental authorities relating to environmental matters. Purchaser, at its sole cost and expense, may elect to have an environmental audit or other similar testing conducted on the Property. In the event the results of such environmental testing, if Purchaser so elects to have the said testing done, reveals hazardous or toxic waste or other such contamination of the Property, Purchaser may elect to void this Agreement of Sale whereupon the Escrow Agent shall return to Purchaser all monies paid on account of the Purchase Price hereunder, together with all interest, if any, accrued thereon, or by the mutual consent of the parties hereto, the Purchase Price hereunder may be offset by the estimate of the repair and/or correction of the hazardous or toxic waste or other such contamination, the said estimate to be obtained from a reputable contractor and to be approved by all parties hereto, and the Purchaser shall proceed to final Settlement. In the event that a contamination is discovered after Settlement, Seller shall indemnify and hold harmless Purchaser against any claim as a result of any breach of the warranties contained in this Section 9. The provisions of this Section 9 shall survive Settlement.

11. CONTINGENCY. This Agreement of Sale is contingent upon Purchaser's satisfactory review of Purchaser's site engineering study, including, but not limited to the condition of the building, structural integrity, roof condition, condition of all systems, permitted road accesses from the Department of Transportation, wetland and environmental impacts and costs, sewer and water availability and costs. Purchaser shall perform this study at its sole cost and expense. Said studies are to be performed on or prior to Thirty (30) Calendar Days from the signing of this agreement of sale by both parties. In the event the Purchaser discovers any condition which is unsatisfactory or unacceptable to Purchaser, then the Purchaser shall have the right to provide Seller with notice, on or before Thirty calendar (30) Days from the signing of this agreement of sale by both parties, of its intention to void this Agreement of Sale, whereupon the Escrow Agent shall return to Purchaser all monies paid on account of the Purchase Price hereunder except those funds designated as liquidated damages as noted on page 1, together with all interest accrued thereon, and all obligation one to the other under this Agreement of Sale shall cease. In the event the period shall expire without the Purchaser notifying the Seller of its election to void this Agreement of Sale, then the period shall be considered expired, and the Purchaser shall have been deemed to accept the Property in its current condition as of the expiration of the period, and Purchaser shall proceed as defined herein.

12. POSSESSION. The possession of the Property being purchased hereunder shall be delivered by Seller to Purchaser at the time of final Settlement as defined herein, excepting that Seller hereby agrees to allow the Purchaser, or Purchaser's agent (s), to enter the Property for the purpose of surveying and any other tests required by the terms and conditions of this Agreement

of Sale prior to final Settlement. Purchaser hereby agrees to hold Seller harmless from any liability or casualty to Purchaser, or Purchaser's Agents, contractors, subcontractors, or employees while resulting from the intentional misconduct or gross negligence of Purchaser or its Agents in conducting or performing any of the said tests on the Property. Further, the Purchaser agrees to repair any and all damage caused by Purchaser's testing and return the Property to Seller in exactly the same condition as Property was prior to the said testing.

13. PURCHASER'S DEFAULT. If Purchaser shall, for some reason not excused hereunder, fail or refuse to perform its obligations to Seller, and Seller shall not also be in default, all monies paid hereunder by Purchaser on account of the purchase price shall be retained by Seller as liquidated damages, whereupon all rights and obligations hereunder shall cease and determine or Seller may enforce specific performance of this Agreement.

14. SELLER'S DEFAULT. If Seller shall, for some reason not excused hereunder, fail or refuse to perform its obligations to Purchaser, and Purchaser shall not also be in default, Purchaser may have any monies paid refunded forthwith, whereupon all rights and obligations hereunder shall cease and determine; or Purchaser may enforce specific performance of this Agreement.

15. MISCELLANEOUS.

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

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

15.3 This Agreement of Sale shall not be recorded in any public office.

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

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

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

15.7 This Agreement of Sale shall be executed in FOUR (4) counterparts, each of which when executed shall be deemed as the original. Purchaser shall retain two (2) counterparts; Seller shall retain two (2) counterparts.

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

15.9 Neither the Purchaser, nor the Seller, nor any broker has made any deliberate false representations herein.

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

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

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

BROKER. Purchaser warrants to Seller that it has dealt with no other brokerage or other persons entitled to a commission or finder's fee other than R&R Commercial Realty, Inc. Seller warrants to Purchaser that it has dealt with no other brokerage or other persons entitled to a commission or finder's fee other than R&R Commercial Realty, Inc. Seller agrees to pay R&R Commercial Realty, Inc. a cash commission FIVE (5%) percent of the gross consideration for which the property is sold paid at the time of final Settlement. Brokers is broker only, and is not responsible nor liable for the performance or non — performance of the parties hereto.

AGENCY DISCLOSURE. The Listing Broker and any salesperson associated with that company are representing the Seller's interest and have fiduciary responsibilities to the Seller, but are obligated to treat both parties fairly. The Listing Broker and any salesperson working with that company without breaching the fiduciary responsibilities to the Seller, may, among other services, provide a potential Purchaser with information about the attributes of properties and available financing, show properties, and assist in preparing an offer to purchase. The Listing

Broker and any salesperson also have the duty to respond accurately and honestly to a potential Purchaser's questions and disclose material facts about properties; submit promptly all written offers to purchase, and offer properties without unlawful discrimination

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

PURCHASER:

~~LBI, LLC~~ and or assigned

Lessard Builders Inc.

BY: *[Signature]* (seal)

Principal

Date: *Nov 1* 2019

SELLER:

BY: _____ (seal)

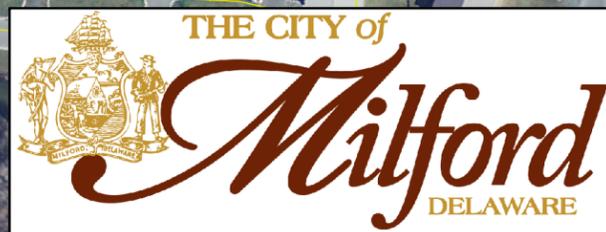
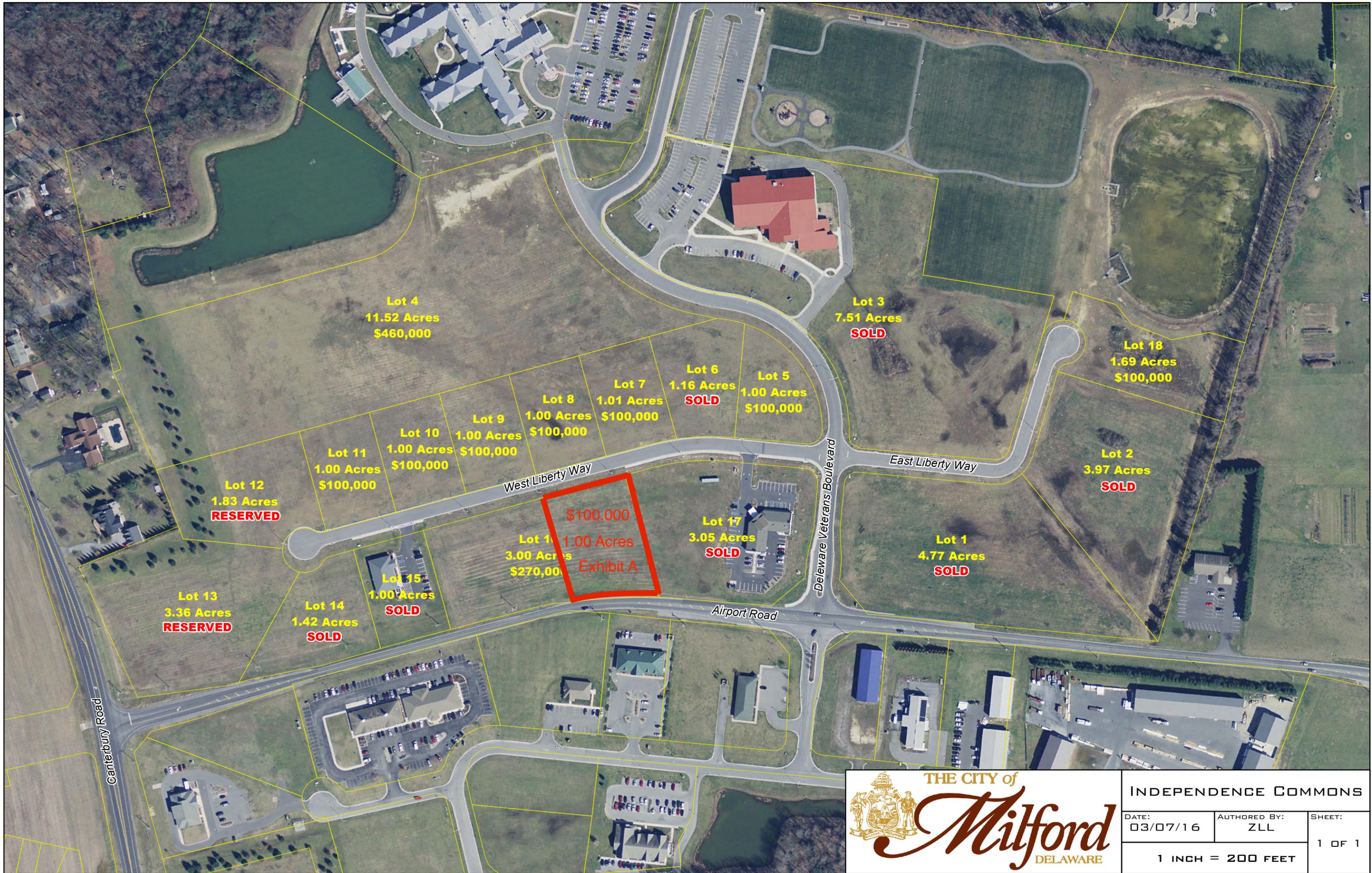
Authorized Signer/City of Milford

Date: _____ 2019

[Signature: Karen Sewicki]

Witness

Witness



INDEPENDENCE COMMONS		
DATE: 03/07/16	AUTHORED BY: ZLL	SHEET: 1 OF 1
1 INCH = 200 FEET		