City of Milford

CITY COUNCIL AGENDA

Monday, January 27, 2020

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

Original Agenda posted on January 17, 2020 at 4:55 p.m.
Agenda Amended on January 21, 2020 at 1:30 p.m. (1)
Agenda Amended on January 22, 2020 at 8:23 a.m. (2)
Agenda Amended on January 22, 2020 at 11:11 a.m. (3)

6:30 P.M.
WORKSHOP

Quarterly Update/Downtown Milford, Inc.
Quarterly Update/Milford Museum
Quarterly Update/Milford Public Library
Quarterly Update/Carlisle Fire Company

7:00 P.M.
COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Recognition

Parks & Recreation Department/Check Presentation from Chamber of Commerce for Greater Milford

Public Hearings Ⓟ

Ordinance 2019-30 (*Postponed until 02/24/2020 Council Meeting*)
Milford Marina Enterprises LLC for a Conditional Use for a Planned Unit Development and a Preliminary Major Subdivision on 40.35 +/- acres in R3 (Garden Apartment and Townhouse) and C3 (Highway Commercial) Zoning Districts. Property is located on the south of Cedar Beach Road, east of Beaver Dam Road and west of State Route 1, Milford, Delaware. Present Use: Vacant Land; Proposed Use: 101 Single Family units and 30 Townhouse units for a total of 131-unit subdivision to be known as Knight Crossing. Tax Map 3-30-7.00-035.00, 036.00 & 037.00 (portions)

Ordinance 2019-41
Change of Zone/Lands Belonging to Coranado Treasures LTD/1017 S DuPont Blvd, Milford, DE 19963
2.84 +/- Acres/Current Zone OB1/Proposed Zone C3/Tax Map 1-30-3.19-013.00

Ordinance 2019-42

Feebs Distilling Co on behalf of S & P Holdings LLC for a Conditional Use on 2.02 +/- acres for a craft distillery in an I-1 Zoning District. Property is located along the east side of McColley Street between Delaware Avenue and McCoy Street, addressed as 733 McColley Street., Milford, Delaware. Present use: Distillery Proposed Use: Same with retail sales. Tax Map: 3-30-11.09-015.00

Ordinance 2020-01

TJA LLC for a Conditional Use to allow a billboard on 1.1 +/- acres in a C3 Zoning District. Property is located along the east side of Bay Road (US Route 113/SR1) approximately 225 feet north of the New Wharf Road intersection addressed as 466 Bay Road, Milford, Delaware 19963. Present use: Commercial/Retail; Proposed Use: Same with Billboard. Tax Map: MD-16-163.00-01-03.00

Ordinance 2020-02

TJA LLC for a Conditional Use to allow a billboard on 1.1 +/- acres in a C3 Zoning District. Property is located along the east side of Bay Road (US Route 113/SR1) approximately 400 feet north of the New Wharf Road intersection addressed as 466 Bay Road, Milford, Delaware 19963. Present use: Commercial/Retail; Proposed Use: Same with Billboard. Tax Map: MD-16-163.00-01-04.00

Ordinance 2020-03

200 NW Front Street LLC on behalf of 200 Front Street LLC for a Final Major Subdivision of 0.63 +/- acres into an eight-unit subdivision consisting of eight townhouse units in an R3 Zoning District. Property is located along the north side of NW Front Street between N Church Street and West Street addressed as 106 North Church Street and 201, 205, 207, 209, and 211 NW Front Street, Milford, Delaware. Present Use: Vacant Land, Single Family, and Duplex; Proposed Use: Townhouses. Tax Map: MD-16-183.10-02-059.01; -077.00; -079.00; -080.00; -081.00; -082.00

Communication & Correspondence

- Council Quorum Opinion

Unfinished Business

- Acceptance/City of Milford Fiscal Year 2018-2019 Audit

New Business

- Alcohol Waiver/Chapter 77/Riverwalk Freedom Festival
- Adoption/Resolution 2020-07/First Baptist Church of Milford/Committee to Investigate Annexation Request Ⓟ
- Adoption/Resolution 2020-08/Paynter & Joyce Lynch/Committee to Investigate De-Annexation Request Ⓟ
- Adoption/Resolution 2020-09/Amending City Council Rules, Order of Business, and Procedures Ⓟ
- Acceptance/Parks & Recreation Advisory Board Recommendation/MOU with Delaware Nature Society for Riverwalk Activities
- Acceptance/Parks & Recreation Advisory Board Recommendation/Grant Agreement ORPT 19-250T
- Authorization/FY19-20 Budget Adjustment/Planning & Zoning Department/Legal Expense
- Authorization/Purchase/Replacement Refuge Vehicle/Solid Waste Department
- Authorization/Guest Attendance/Council Expense
- Adoption/Resolution 2020-10/Appointment/Kent County Sewer Advisory Board Ⓟ
- Funding Authorization/Kent Economic Partnership/Rockport Analysis

EXECUTIVE SESSION

Motion to Recess into Executive Session

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.

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.

Return to Open Session

Approval Authorization/Employee Contract
Authorization/Land Purchase

Adjournment

All items, other than those on a Workshop Agenda, are subject to a potential vote. Agenda items may be considered out of sequence.

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 permitted. Public Comment, per State and Local Laws, accepted on all Public Hearing Items.***

101419 110419 110719 120619 121019 121619 010320 010620 011320 011420 011520 011620

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on January 17, 2020 at 4:55 p.m. and at least seven (7) days in advance of the meeting.

Agenda Amended on January 22, 2020 at 11:11 a.m. (3)
Added Resolution Number to item already on agenda; Per 29 Del. C. § 10004(e)(5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address matters which arose unexpectedly after the initial posting of the agenda but before the commencement of the City Council meeting, requires immediate attention, and must be addressed prior to the City Council's next regularly scheduled meeting.

Agenda Amended on January 22, 2020 at 8:23 a.m. (2)
Item added per Planning Director; Per 29 Del. C. § 10004(e)(5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address matters which arose unexpectedly after the initial posting of the agenda but before the commencement of the City Council meeting, requires immediate attention, and must be addressed prior to the City Council's next regularly scheduled meeting.

Agenda Amended on January 21, 2020 at 1:30 p.m. (1)
Language "*Postponed until 02/24/2020 Council Meeting*" related to Ordinance 2019-30 added; request to postpone Public Hearing by Planning Director due to Developer being out of town on scheduled Public Hearing date of January 27, 2020 and agenda amended as advanced notification to interested Parties; Per 29 Del. C. § 10004(e)(5) and Attorney General Opinion No. 19-IB57, this agenda was amended to address matters which arose unexpectedly after the initial posting of the agenda but before the commencement of the City Council meeting due to the meeting no longer needed.

DOWNTOWN MILFORD, INC.
QUARTERLY UPDATE
JANUARY 2020

OPERATIONS/PROGRAMS/SERVICES

Board Updates:

- Denise Rivera and Sher Valenzuela resigned from the board
- Joe Phillips, owner of Causey Mansion, and Craig de Mariana Aleman, Esq. owner of Aleman Fitzgerald Properties, LLC were unanimously voted to fill vacant positions until their terms are up.

Organization Committee (open):

- Chairperson was asked to resign – the chair is temporarily being filled by Board President Peg Reilly
- Volunteer Appreciation held on November 14, 2019

Promotions Committee (Nina Pletcher):

- 4th quarter events include: Santa House and Holiday Stroll
- DE Turf Button Promotion continues
- Looking for new Committee Chair

Economic Development Committee (Sher Valenzuela):

- Sher Valenzuela has volunteered to chair the committee with David Pickrell co-chair, many thanks to Walt Hepford for his time and dedication to the committee
- Building Inventory conducted monthly
- Focus on creating a public/private partnership with DNS to create outdoor recreational activities to increase foot traffic to downtown
- Team Vinyard received a $12K grant from USDA and continues to:
    - Build partnership with Delaware Nature Society (DNS)
    - Find options for the Spoon Factory
    - Find pathway through Lofland property for continuous Riverwalk
    - Fundraise
    - Trying to get Bond Bill funding to help with purchase costs
    - Met with Governor Carney, Sec. Bullock, Rep. Shupe, Wilson, Postles, among other local government officials to tour and discuss the Shipyard

Design Committee (Joey Phillips):

- Awarded 2 sign, façade, and awning grants
- Awarded 1 Five for free paint matching program
- Winter wreath fundraiser – raised $643.50 for Milford in Bloom
- Collected and installed winter greenery for hay baskets
- Working with Parks and Rec for potential rain garden locations

PERFORMANCE INDICATORS

- Santa House: 2,396 visitors + 26 dogs and 1 horse
- Holiday Stroll: Estimated 2500 visitors
- Riverwalk Farmer's Market:
    - 10/5/19 (Customer Appreciation – 297 visitors, $5,511.00 sales
    - 11/23/19 (Fall Market) – 383 visitors, $6376.00
    - **Total sales:** $11,887, **Total visitors:** 680

VOLUNTEERS

- 4th Quarter logged volunteer hours: 1,059.5
- Continuing use of signup.com to recruit and retain volunteers

CITY FUNDING

CURRENT QUARTER		YEAR-TO-DATE	
ITEM	AMOUNT	ITEM	AMOUNT
Salary Director	$16,876.53	Salary Director	$44,807.42
Administrative Assistant	$30.00	Administrative Assistant	$3,557.27
Phone/Internet	$612.54	Phone/Internet	$2,203.26
PO Box Rental	$0.00	PO Box Rental	$106.00
Utilities	$2,382.41	Utilities	$4,831.39
TOTAL:	$19,901.48	TOTAL:	$55,605.34

UPCOMING EVENTS

-3rd Thursdays ongoing
- Pub Crawl – Saturday, March 14
- Irish Dance & Music Concert – Sunday, March 15
-April 4 City wide community clean-up (partnering with Parks and Rec, City of Milford, Chamber of Commerce)

MILFORD MUSEUM
QUARTERLY UPDATE
JANUARY 2020

OPERATIONS/PROGRAMS/SERVICES

- *Presentations:* 0
- Two attempted break-ins in early December. Installed security cameras and signage at front and back doors.
- Lulu the Ladybug has been installed on the front landing. She has been very well received by locals and visitors.
- The Museum used for an interview of Dr. Reba Hollingsworth, 2018Delaware Women's Hall of Fame Inductee, for a Department of Archives documentary.
- Director: Began working on collections inventory at Parson Thorne Mansion for tours taking place there the first Saturday of May thru October; Assisted Chamber of Commerce with Taste of Milford event; Created a map and story regarding Milford Shipbuilding and Shipbuilders as part of the Vinyard Shipyard Task Force.

PERFORMANCE INDICATORS

- Museum Visitation: September 154; October 165; November 125; December 310
- A total of 144 new items have been added during 2019.
- *Milford Art League Big Draw* Attendees 0
- *Holiday Stroll* Attendees 185 **275 in 2018 and 450 in 2017; Director believes this decrease is due to carriages not starting at City Hall, no music at Jesus Love Temple, Causey Mansion not open.*
- Current membership 242

VOLUNTEERS

- In addition to Board Members and spouses (11), 10 volunteers
- Three new Board members: Kevin Mullican (Architect and new resident), Steve Curtis (former buildings manager for the State Division of Historical & Cultural Affairs), and Kelly Sylvester (Shore United Bank Branch Manager).
- Nicole Rogers is volunteering one day a week to work Archival collections. She is a part-time Docent for the State Division of Historical & Cultural Affairs.

CITY FUNDING $30,500

CURRENT QUARTER (Oct, Nov, Dec)		YEAR-TO-DATE (Calendar)	
ITEM	AMOUNT	ITEM	AMOUNT
Payroll	$11,089.60	Payroll	$44,387.74
Utilities	$3,655.39	Utilities	$9,192.85
TOTAL:	$14,744.99	TOTAL:	$53,580.59

UPCOMING EVENTS

Kentucky Derby Party, 05/02/20
Ice Cream Social, 07/19/20
Hippifest, 08/22/20

MILFORD PUBLIC LIBRARY
QUARTERLY UPDATE
JANUARY 2020

OPERATIONS/PROGRAMS/SERVICES

Christmas Tree Extravaganza raised $3,000.00 which was given to an elderly couple with medical issues who are raising their child with disabilities.

PERFORMANCE INDICATORS

September-December

- Visitors 46,308
- New Members 331
- Computer Users 3,826
- Outside Use of Meeting Rooms 177

VOLUNTEERS

Library Volunteers: 200 hours
Library Friends: 1,000 hours
Friends of the Library: Holiday Boutique and Book Sale

CITY FUNDING

CURRENT QUARTER *(Oct-Dec)*

Item	Amount
Safety Officer	$3405
Bilingual Staff	$3598
Self-Checkout	$2819
Children's 1000 Books Program	$600
TOTAL:	$10422

FISCAL YEAR-TO-DATE *(July 1 to present)*

Item	Amount
Safety Officer	$3405
Bilingual Staff	$3598
Self-Checkout	$2819
Children's 1000 Books Program	$600
Teen Center	$2000
Film on Windows	$870
Adult Programming	$1000
Summer Reading	$595
TOTAL:	$14887

UPCOMING EVENTS

Children: Story times, Life Size Candyland, Friday Flicks, Minecraft, Knit and Crochet
Teen: Art and Crochet Club, TinkerCad, STEM, Movie Nights, Chess and Checkers Club, Virtual Reality, Robotics
Adults: Know 10 Signs of Alzheimer's' s, Movie Nights, Book Clubs, Cyber Awareness Health Class, Paint Night, Create Your Own Sea Glass Necklace

Carlisle Fire Company, Inc.
PO Box 292 - 615 NW Front Street
Milford, DE 19963
Phone: 302-422-8001 Fax: 302-422-2146 Secretary: 302-422-2178

TO: City Council
FROM: Marvin C. Sharp, President MC Sharp
DATE: January 20, 2020
REFERENCE: ***Quarterly Review City Council***

Last quarter the Carlisle Fire Company, Inc. responded to a total of 152 fire calls and 829 Ambulance calls;

Fire Calls		Ambulance Calls	
October	61	October	279
November	46	November	250
December	45	December	300

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

THE CITY of Milford DELAWARE

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

DATA SHEET FOR KNIGHT CROSSING

Development Advisory Committee: August 21, 2019
Planning Commission Meeting: September 17, 2019
City Council Meeting: September 23, 2019

Application Number / Name	:	19-021 / Knight Crossing
Applicant	:	Limitless Development Company, LLC 26412 Broadkill Road Milton, DE 19968
Owner	:	Milford Marina Enterprise, LLC 2120 Love Point Stevensville, MD 21666
Application Type	:	Preliminary Major Subdivision & Conditional Use
Present Comprehensive Plan Map Designation	:	Moderate Density Residential
Present Zoning District(s)	:	R-3 (Garden Apartment & Townhouse)
Present Use	:	Vacant
Proposed Use	:	Planned Unit Development
Size and Location	:	25.80 +/- acres of land located south of Cedar Beach Road, east of Beaver Dam Road and west of Route 1.
Tax Map & Parcel(s)	:	3-30-7.00-035.00, 036.00 & 037.00 (portion)

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Preliminary Major Subdivision

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

THE CITY of Milford DELAWARE

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

STAFF ANALYSIS REPORT
August 19, 2019

Application Number / Name	:	19-021 / Knight Crossing
Application Type	:	Preliminary Major Subdivision & Conditional Use
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-3 (Garden Apartment & Townhouse District) C-3 (Highway Commercial District)
Present Use	:	Vacant
Proposed Use	:	Planned Unit Development
Property Identification Numbers	:	3-30-7.00-035.00, 036.00 & 037.00 (portions)
Area and Location	:	40.64 +/- acres of land located south of Cedar Beach Road, east of Beaver Dam Road and west of Route 1.

I. BACKGROUND INFORMATION:

- The applicant proposes to construct a 131 unit residential Planned Unit Development to be called Knight Crossing. The development would consist of 101 single-family detached condominiums and 30 townhouse condominiums.

- The applicant is seeking conditional use approval for the Planned Unit Development with the specific requested deviations outlined in Section II of the staff report. The applicant is also seeking Preliminary Major Subdivision 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 a Planned Unit Development and Preliminary Major Subdivision:

- Evaluation based on "Criteria for Planned Unit Residential Development" as provided in Chapter 230-48.1

  Permitted Uses. Uses, accessory uses and signs permitted in any residential district shall be permitted in accordance with the additional requirement and provisions of the article.

  The proposed single-family detached and townhouse uses are permitted within the City's residential districts and meet this requirement.

  Minimum requirements, area and width. In a planned unit residential development, minimum lot area and width may be less than that required by the district regulations, except that no single-family lot shall be less than 4,000 square feet in area nor less than 40 feet in width. The width of the lot shall be between lot lines at the front building setback line as determined by the Planning Commission.

  The proposed subdivision is a planned condominium arrangement where the dwelling units are constructed on common grounds owned by the condominium association. The typical single family detached condominium layout is 50' wide by 100' deep, which equals a lot area of approximately 5,000 square feet. The typical townhouse layout 24' wide by 75' deep, which equals a lot area of approximately 1,800 square feet.

  Lot requirements are listed in the data column on the title sheet for each unit type.

  Density. A planned unit residential development is not intended to increase density, but to allow flexibility in the design of the number of dwelling units permitted. If a parcel or parcels have more than one zoning classification, the total permitted density may be located throughout the parcel or parcels. The total permitted density shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district in which the land is located. Net development area shall be determined by subtracting 25% of the gross area. Gross area shall not include any wetlands, floodway or similar area not suitable for building as determined by the Planning Commission.

  The data column on the PUD sheet shows the density calculation. The total site contains 25.80 +/- acres, which has a net developable area of 19.31 +/- acres. 131 dwelling units divided by 19.31 acres equals a project density of 6.78 dwelling units per acre.

  Other requirements. Off-street parking, parking beneath buildings, front, side and rear setbacks, landscaping and buffering, lot coverage, number of units per building and building separation shall be as determined by the Planning Commission. Maximum height shall not exceed 48 feet and four stories maximum.

  The applicant is seeking the following deviations from Chapter 230 and Chapter 200 which are outlined on the PUD sheet and are to be approved by the Planning Commission and City Council;

  - Chapter 200-5(A)(14) – Reduction in the right of way requirement for the townhouse area from 60' to 50' and a reduction of the pavement width for the townhouse area from 30' to 24'.
  - Chapter 200-5(A)(16) – Waiver of the requirement to install a 100' right of way cul-de-sac with a 76' diameter paved section on Knight Court. The developer wishes to install a "T" turnaround.

- Chapter 200-5(A)(16) – Allow the construction of Knight Court as a dead-end street that is longer than the maximum length allowed of 400 feet.
- Chapter 200-5(D)(3) – Allow a reduction in the block width from 275 feet to 250 feet.
- Chapter 200-5(E)(4) – Requesting only one front yard setback for a corner lot and then a ½ setback for the other front yard.
- Chapter 230-11(B)(1)(a)(2) – Allow an increase in the maximum lot coverage from 45% to 52%.
- Chapter 230-11(B)(1)(a)(5) - Allow a reduction in the front yard setback from 30 feet to 20 feet.
- Chapter 230-11(B)(1)(a)(6) - Allow a reduction in the side yard setback from 8 feet to 5 feet on each side.
- Chapter 200-5(e)(6) – Allow a 25 foot setback for Lots 1-6 between the building envelope and the proposed planted buffer along Beaver Dam Road.

Neighborhood Commercial.

No neighborhood commercial is proposed for this project. The site is adjacent to 14.84 +/- acres of C-3 Highway Commercial land.

A minimum of 400 square feet per unit shall be designated as open space subject to the recreational use. Recreational use requirement – 50% of the required open space shall be set aside for recreation use.

With a total of 131 dwelling units, the project requires 1.20 acres of open space of which 0.6 acres must be designated recreational open space. The development provides 4.74 acres of open space of which 1.42 acres are designated as recreational open space. The proposed recreational open space includes a community clubhouse and swimming pool.

- The Preliminary Site Plans have been reviewed for general compliance with the City's construction standards and specifications. The applicant is required to construct a water main through the proposed subdivision. The applicant is required to enter into a cost sharing agreement with the Windward on the River developer for the construction of a regional sanitary sewer pumping station and associated force main. The Knight Crossing project will be served by gravity sanitary sewer.

- The following comments must be addressed prior to Final Major Subdivision;
  - Obtain approvals or no objection letters from DelDOT, State Fire Marshal's Office, Sussex Conservation District, DNREC WPCC and DHSS;
  - Address remaining Preliminary Major Subdivision comments (copy of which is included in the packet) from the Planning Department;
  - Address conditions imposed by the Planning Commission and City Council as part of the PUD approval;
  - Obtain final construction plan approval from the City Engineer; and
  - Address additional department and agency comments outlined in Section III.

III. AGENCY & DEPARTMENT COMMENTS:

- **Office of State Planning Coordination**
  Contact: David Edgell – 302-739-3090
  See attached PLUS review letter and applicant response letter.

- **DelDOT**
  Contact: Derek Sapp – 302-760-4803
  See comments provided for the April 25, 2019 PLUS review and the attached PLUS response letter from Duffield Associates.

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

- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
  Contact: Bryan Ashby – 302-739-9946
  No comments provided.

- **Sussex Conservation District**
  Contact: Jessica Watson – 302-856-2105
  No comments provided.

- **Delaware State Fire Marshal's Office**
  Contact: Duane T. Fox – 302-856-5298
  See attached comments.

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

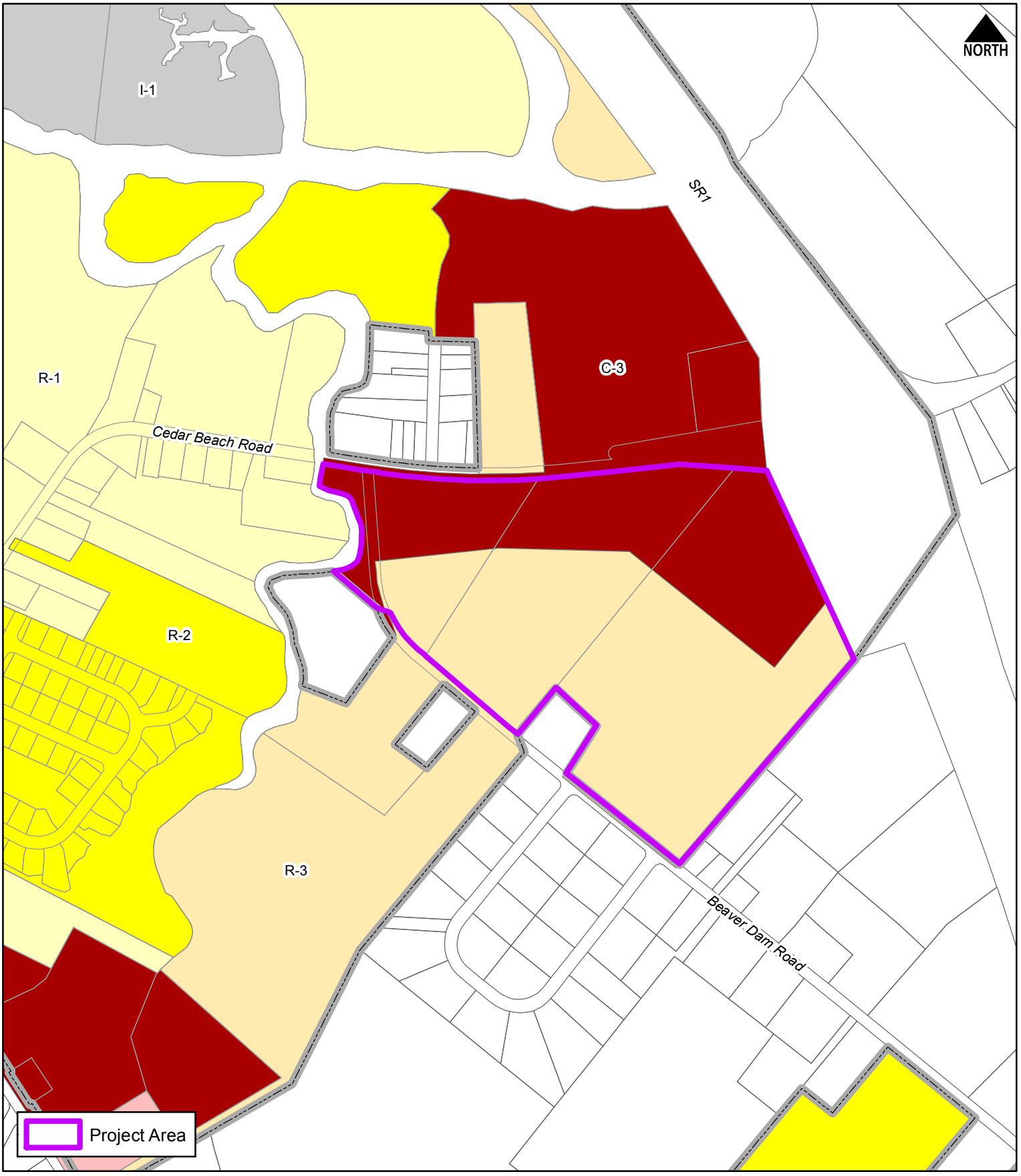
- **City Engineer**
  Contact: KCI – Robert Ott, P.E.
  See attached Preliminary Major Subdivision review comments.

- **City of Milford Public Works Department**
  Contact: Mark Whitfield – 302-422-1110
  See attached Preliminary Major Subdivision review comments.

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

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

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



THE CITY of Milford DELAWARE

Scale: 0 250 500 Feet

Drawn by: WRP

Date: 09/30/19

Filepath: PreliminaryMajorSubdivision_KnightCrossing.mxd

Title:

Preliminary Major Subdivision

Knight Crossing

Location & Zoning Map

DUFFIELD ASSOCIATES
Soil, Water & the Environment

Duffield Associates, Inc.
5400 Limestone Road
Wilmington, DE 19808
Phone: 302.239.6634
Fax: 302.239.8485
duffnet.com

July 16, 2019

Mr. Rob Pierce
City of Milford
201 South Walnut Street
Milford, DE 19963

RE: Project No. 11686.CC (Duffield)
Knight Crossing – PUD Design list

Dear Mr. Pierce:

Below please find the list of the PUD Design deviations from the R-3 zoning code and PUD zoning Regulations for the City of Milford.

- **Chapter 200-5(A)(14)** - 60' Right of way with 30' pavement width for townhouses. Requesting 50' right of way with 24' pavement width to match the rest of the development.
- **Chapter 200-5(A)(16)** – Provide a 100' right of way and 76' diameter curb Cul-de-Sac at Knight Court.
  Requesting a "T" turnaround per direction from DelDOT for future connection to existing parcel.
- **Chapter 200-5(A)(16)** – Knight Court is no allowed to be longer than 400'
  Requesting Knight Court to extend to the existing Parcel to allow connection in the future if that parcel is to be developed per DelDOT direction as they will not allow another entrance to Beaver Dam Road.
- **Chapter 200-5(D)(3)** – Block widths shall be no less than 275 feet in length
  Requesting the current block layout at 250' +/-.
- **Chapter 200-5(E)(4)** – Corner lots shall have two front yard setbacks .
  Requesting one front yard setback and then a ½ setback for the other front yard.
- **Chapter 230-11(B)(1)(a)2** – Maximum lot coverage of 45%
  Request PUD / Condominium style with coverage of approximately 52%.
- **Chapter 230-11(B)(1)(a)5** - Minimum building setback of 30'.
  Request PUD / Condominium style with front setback of 20'.
- **Chapter 230-11(B)(1)(a)6** - Minimum side yard setback of 8' on each side.
  Request PUD / Condominium style with width of 5' on each side.
- **Chapter200-5(e)(6)** – 10' minimum easement along a main road for landscape screening. Request to allow a minimum 25' setback from the building envelope to road way with a planted buffer for lots 1-6.

If you have any questions on the content of this letter please feel free to contact us at your convenience.

Very truly yours,

DUFFIELD ASSOCIATES, INC.

Stephen J Gorski, P.E.
Senior Project Manager

SJG/BK:bac
11686CC.0719-WaiverRequest.COR

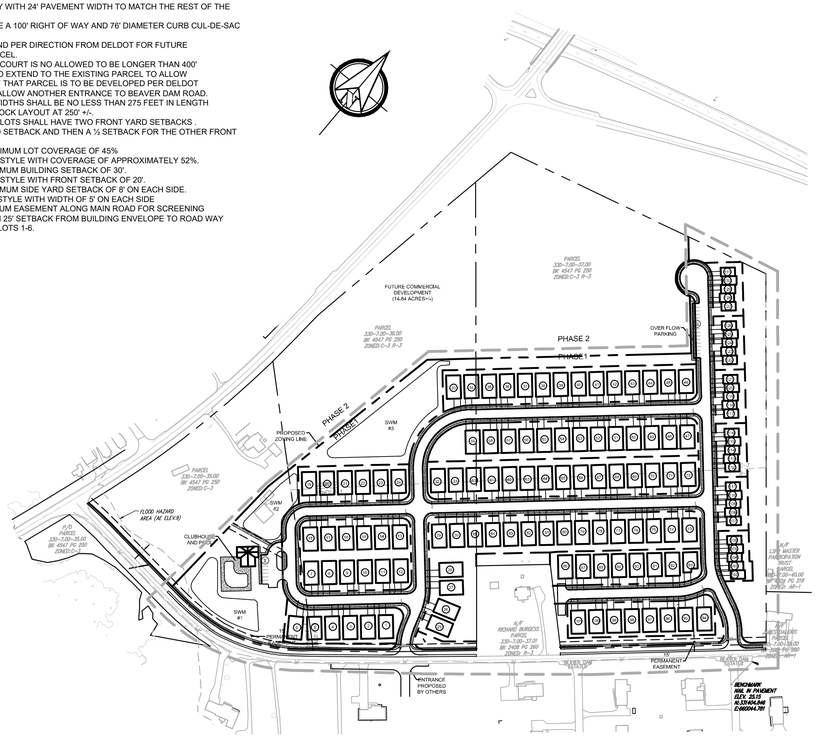
KNIGHT CROSSING
PRELIMINARY MAJOR SUBDIVISION
PHASE 1
CITY OF MILFORD, SUSSEX COUNTY, DELAWARE

1. GENERAL NOTES

2. THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY DAVIS, BOWDEN, & FRIEDEL, INC., ON MARCH 2010.
3. A TOPOGRAPHIC SURVEY WAS PERFORMED BY DAVIS, BOWDEN, & FRIEDEL, INC. OF MILFORD, DELAWARE ON MARCH 2010. HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83 CONTROL MONUMENTS
4. HYDRIC SOILS ARE NOT INDICATED AS BEING PRESENT ACCORDING TO THE *SUSSEX* COUNTY SOIL SURVEY. SOILS HAVE BEEN INSPECTED BY DUFFIELD ASSOCIATES, A LICENSED WETLANDS SCIENTIST.
5. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.
6. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. MATERIALS AND WORKMANSHIP SHALL MEET THE REQUIREMENTS OF THE CITY OF MILFORD STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION AND SUBDIVISION PAVEMENT DESIGN, AND ALL APPLICABLE AGENCIES HAVING JURISDICTION OVER THE PROPOSED IMPROVEMENTS.
7. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACKFILLING TRENCHES.
8. THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.
9. ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY. CITY OFFICIALS WILL CARRY OUT ALL NECESSARY VALVE CLOSURES. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY AND NOTIFY AFFECTED RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.
10. PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.
11. CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND FORCE MAIN. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATERTIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.
12. PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.
13. SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE ORDERING OF AND/OR INSTALLATION OF THE ITEM(S).
14. ALL SANITARY SEWER MAINS AND FORCE MAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 42 INCHES AS MEASURED FROM THE TOP OF PIPE TO PROPOSED GRADE. SEWER LATERALS SHALL HAVE A MINIMUM DIAMETER OF SIX (6) INCHES AND HAVE A MINIMUM COVER OF 36 INCHES.
15. THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCE MAINS OF 10 FEET, AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORCEMAINS AT CROSSINGS. ONE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE AT CROSSINGS.
16. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 12 INCHES BETWEEN ANY STORM DRAIN PIPE AND ANY WATER MAIN OR SEWER MAIN. IF 12 INCHES CANNOT BE MAINTAINED, A MINIMUM OF SIX (6) INCHES IS REQUIRED AND PROVISIONS SHALL BE MADE ACCEPTABLE TO THE CITY OF MILFORD FOR PROPERLY ENCASING THE PIPE IN CONCRETE.
17. THIS SITE SITS PARTIALLY WITHIN ZONE FLOOD ZONE AE (ELEVATION 9) PER FEMA FLOOD MAP PANEL 1005C0041K AND 10005C0042K LAST REVISED 03/16/2015.
18. ALL ROADWAYS ARE TO BE SWEPT FREE OF SEDIMENT ON A DAILY BASIS.
19. THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE.
20. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE.
21. THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DEVELOPMENT COORDINATION MANUAL, LATEST EDITION.
22. ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
23. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE OWNER.
24. DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
25. CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.
26. THE OWNER AND/OR THEIR CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE SERVICES OF A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE FOR THE PERMANENTLY RE-ESTABLISHING OF ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.
27. THE OWNER SHALL BE RESPONSIBLE FOR THE SHORT-TERM MAINTENANCE OF THE ANY AND ALL STORMWATER MANAGEMENT FACILITIES AND STORM SEWER SYSTEMS UNTIL SUCH TIME THAT THE LONG-TERM MAINTENANCE RESPONSIBILITIES CAN BE TRANSFERRED TO A LEGALLY-ESTABLISHED HOMEOWNERS ASSOCIATION OR OTHER RESPONSIBLE ENTITY.
28. THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES INSTALLED WITHIN CITY RIGHT-OF-WAY AND EASEMENTS DEDICATED TO THE CITY. STORM SEWER PIPES AND CATCH BASINS, INSTALLED FULLY WITHIN CITY RIGHT-OF-WAY; ONCE THE FOLLOWING CONDITIONS HAVE BEEN MET:
   A. ALL ITEMS HAVE PASSED CITY INSPECTION;
   B. THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AND
   C. THE RIGHTS-OF-WAY AND/OR EASEMENTS HAVE BEEN DEEDED TO THE CITY AND RECORDED WITH THE RECORDER OF DEEDS.
29. SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONVEYANCE, TREATMENT AND DISPOSAL.
30. PRELIMINARY APPROVAL FROM CITY COUNCIL SHALL BE VOID AFTER ONE (1) YEAR, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED BY CITY COUNCIL PRIOR TO THE DATE OF EXPIRATION.
31. THE APPROVAL OF A CONDITIONAL USE IS VALID FOR ONE YEAR. UNLESS PERMITS ARE OBTAINED OR CONSTRUCTION OR USE IS SUBSTANTIALLY UNDERWAY, ALL PROVISIONS OF THE CONDITIONAL USE ARE AUTOMATICALLY RESCINDED.
32. WITHIN 90 DAYS OF FINAL APPROVAL FROM CITY COUNCIL, THE SUBDIVIDER SHALL RECORD THE PLAT AT THE COUNTY RECORDER OF DEEDS OFFICE. FAILURE TO RECORD THE APPROVED PLAT WITHIN ONE YEAR FROM THE DATE OF CITY COUNCIL APPROVAL SHALL VOID THE FINAL APPROVAL. IN ORDER TO OBTAIN FINAL APPROVAL AFTER IT HAS BEEN VOIDED, THE SUBDIVIDER MUST MAKE APPLICATION FOR FINAL APPROVAL AGAIN. FAILURE TO RECORD THE APPROVED PLAT IN MORE THAN ONE YEAR FROM THE DATE OF CITY COUNCIL APPROVAL SHALL VOID THE PRELIMINARY APPROVAL AND FINAL APPROVAL. IN ORDER TO OBTAIN PRELIMINARY AND FINAL APPROVAL AFTER THEY HAVE BEEN VOIDED, THE SUBDIVIDER MUST MAKE APPLICATION FOR AND RECEIVE PRELIMINARY APPROVAL, THEN MAKE APPLICATION FOR AND RECEIVE FINAL APPROVAL..
33. IF CONSTRUCTION OF IMPROVEMENTS SHOWN ON THE RECORDED SUBDIVISION PLANS DO NOT COMMENCE WITHIN FIVE YEARS OF THE ORIGINAL RECORDATION DATE, AND CONTINUE PROGRESSING TOWARDS COMPLETION, THE SUBDIVISION IS SUBJECT TO EXPIRATION PER CHAPTER 200-9 OF THE CITY CODE.
34. 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 ANY ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.
35. AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE START OF CONSTRUCTION, THE APPLICANT MAY BE REQUIRED TO ENTER INTO A FORMAL PUBLIC WORKS AGREEMENT WITH THE CITY AND/OR TO POST A COMPLETION GUARANTY FOR ANY IMPROVEMENTS WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY. THE GUARANTY SHALL BE IN AN AMOUNT EQUAL TO 150% OF THE COST OF THE IMPROVEMENTS AS ESTIMATED OR APPROVED BY THE CITY ENGINEER. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT. THE PUBLIC WORKS AGREEMENT AND THE GUARANTY SHALL BE REVIEWED AND APPROVED BY THE CITY SOLICITOR. THE COMPLETION GUARANTEE SHALL NOT BE RELEASED UNTIL A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE IMPROVEMENTS HAS BEEN SUBMITTED.
36. A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE CONSTRUCTION VALUE FOR ANY CONSTRUCTED IMPROVEMENTS AND A PERFORMANCE BOND IN THE AMOUNT OF 125% OF THE CONSTRUCTION VALUE FOR ANY UNCOMPLETED WORK SHALL BE PROVIDED IN ORDER TO ACHIEVE FINAL COMPLETION OF THE IMPROVEMENTS AND RELEASE OF ANY COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR AND ALL CONSTRUCTION VALUES MUST BE SUBMITTED TO, REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE ISSUANCE OF ANY BONDS.
37. UPON COMPLETION OF THE CONSTRUCTION IMPROVEMENTS AND PRIOR TO THE RELEASE OF ANY DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE CITY ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER OR SURVEYOR. ADDITIONALLY, A CD SHALL BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2018 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD88 VERTICAL CONTROL. RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF THE FOLLOWING:
   A. ALL PROPERTY MONUMENTS/MARKERS;
   B. SEWER MANHOLE RIM & INVERT ELEVATIONS, WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, PUMP STATION RIM, BOTTOM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, FORCEMAIN INVERT ELEVATIONS EVERY 50 FEET, FORCEMAIN AIR RELEASE VALVE RIM & INVERT ELEVATIONS, SEWER CLEANOUT RIM & INVERT ELEVATIONS, AND GREASE TRAP RIM, BOTTOM & INVERT ELEVATIONS;
   C. WATER VALVES, FIRE HYDRANTS, METER VAULTS, METER PITS, AND CURB STOPS;
   D. STORM SEWER CATCH BASIN AND/OR MANHOLE GRATE, RIM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED; AND
   E. ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE CITY.
38. THE CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS DEPARTMENT AT (302) 422-1110 A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE.
39. THERE ARE NO WRPA ON THE SITE PER DNREC ENVIRONMENTAL NAVIGATOR.
40. PROVIDE A STATEMENT REGARDING THE ABSENCE OR PRESENCE OF STATE OR FEDERALLY REGULATED WETLANDS. IF WETLANDS ARE PRESENT, PROVIDE THE TOTAL ACREAGE OF WETLANDS IN THE DATA COLUMN ALONG WITH THE ACREAGE OF WETLAND TO BE DISTURBED.
41. ALL RIGHT OF WAYS SHOWN ON THIS PLAT SHALL BE DEDICATED TO THE PUBLIC USE UPON RECORDATION OF THESE PLATS.
42. ALL SUBDIVISION LOTS SHALL HAVE A 5 FOOT PUBLIC EASEMENT ALONG LOT LINES FOR A TOTAL EASEMENT WIDTH OF AT LEAST TEN FEET ALONG A LOT LINE COMMON TO TWO LOTS AND A TEN FOOT WIDE EASEMENT ALONG FRONT PROPERTY LINES WITHIN THE SUBDIVISION. EASEMENTS ALONG PERIMETER BOUNDARIES OF THE SUBDIVISION SHALL BE TEN FEET IN WIDTH ON THE INTERIOR SIDE OF THE BOUNDARY.
43. NO PLANTINGS OR IMPROVEMENTS MAY BE PLACED IN THE DEDICATED EASEMENT AREAS, EXCEPT FOR FENCES.

PUD ALTERNATIVE DESIGN LIST:

- CHAPTER 200-5(A)(14) - 60' RIGHT OF WAY WITH 30' PAVEMENT WIDTH FOR TOWNHOUSES. REQUESTING 50' RIGHT OF WAY WITH 24' PAVEMENT WIDTH TO MATCH THE REST OF THE DEVELOPMENT.
- CHAPTER 200-5(A)(16) - PROVIDE A 100' RIGHT OF WAY AND 76' DIAMETER CURB CUL-DE-SAC AT KNIGHT COURT. REQUESTING A "T" TURNAROUND PER DIRECTION FROM DELDOT FOR FUTURE CONNECTION TO EXISTING PARCEL.
- CHAPTER 200-5(A)(16) - KNIGHT COURT IS NO ALLOWED TO BE LONGER THAN 400' REQUESTING KNIGHT COURT TO EXTEND TO THE EXISTING PARCEL TO ALLOW CONNECTION IN THE FUTURE IF THAT PARCEL IS TO BE DEVELOPED PER DELDOT DIRECTION AS THEY WILL NOT ALLOW ANOTHER ENTRANCE TO BEAVER DAM ROAD.
- CHAPTER 200-5(D)(3) - BLOCK WIDTHS SHALL BE NO LESS THAN 275 FEET IN LENGTH REQUESTING THE CURRENT BLOCK LAYOUT AT 250' +/-.
- CHAPTER 200-5(E)(4) - CORNER LOTS SHALL HAVE TWO FRONT YARD SETBACKS . REQUESTING ONE FRONT YARD SETBACK AND THEN A ½ SETBACK FOR THE OTHER FRONT YARD.
- CHAPTER 230-11(B)(1)A)2 - MAXIMUM LOT COVERAGE OF 45% REQUEST PUD / CONDOMINIUM STYLE WITH COVERAGE OF APPROXIMATELY 52%.
- CHAPTER 230-11(B)(1)A)5 - MINIMUM BUILDING SETBACK OF 30'. REQUEST PUD / CONDOMINIUM STYLE WITH FRONT SETBACK OF 20'.
- CHAPTER 230-11(B)(1)A)6 - MINIMUM SIDE YARD SETBACK OF 8' ON EACH SIDE. REQUEST PUD / CONDOMINIUM STYLE WITH WIDTH OF 5' ON EACH SIDE
- CHAPTER 200-5(E)(6) - 10' MINIMUM EASEMENT ALONG MAIN ROAD FOR SCREENING REQUEST TO ALLOW A MINIMUM 25' SETBACK FROM BUILDING ENVELOPE TO ROAD WAY WITH A PLANTED BUFFER FOR LOTS 1-6.



SITE LOCATION MAP
SCALE: 1" = 200'

MARINA DEL BENCHMARK
HORZONTAL DATUM: NAD83
VERTICAL DATUM: NAVD88
SITE BENCHMARK:
N: 331404.846
E:660044.781
ELEV.: 25.15
NAIL IN PAVEMENT

SHEET INDEX:

C 01	COVER SHEET
C 02	INDEX SHEET
C 03	EXISTING CONDITIONS PLAN
C 04	EXISTING CONDITIONS PLAN
C 05	LOT LINE ADJUSTMENT PLAN
C 06	PRELIMINARY SITE PLAN
C 07	PRELIMINARY SITE PLAN
C 08	PRELIMINARY UTILITY PLAN
C 09	PRELIMINARY UTILITY PLAN
C 10	PRELIMINARY BULK GRADING PLAN
C 11	PRELIMINARY BULK GRADING PLAN
L1	PRELIMINARY LANDSCAPE PLAN
L2	PRELIMINARY LANDSCAPE PLAN

WETLANDS CERTIFICATION

THIS SITE WAS EVALUATED IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL TO IDENTIFY THE PRESENCE OF WETLANDS, AND WETLANDS WERE FOUND TO EXIST ON THE SITE. A LETTER OF FINDINGS HAS BEEN PREPARED BY DUFFIELD ASSOCIATES, DATED APRIL 30, 2019. ALL WETLANDS ARE MAN-MADE RESULTING FROM A PREVIOUS QUARRY OPERATION, ISOLATED AND CONSIDERED TO BE NON-JURISDICTIONAL.

OWNER'S CERTIFICATION

I, _____ HEREBY CERTIFY THAT I AM A REPRESENTATIVE FOR MILFORD MARINA, LLC IN REGARDS TO THE PROJECT SHOWN IN THESE PLANS AND THAT THE PLAN WAS MADE AT MY DIRECTION. i ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

_____ _____
SIGNED DATE

CITY OF MILFORD APPROVAL

_____ _____ _____
ERIC NORENBERG CITY MANAGER DATE

CITY PLANNING DEPARTMENT APPROVAL

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

CITY ENGINEER APPROVAL

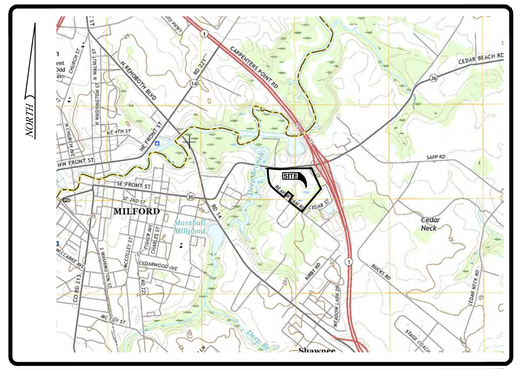
CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD'S STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR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

_____ _____
CITY ENGINEER DATE

ENGINEER'S CERTIFICATION

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

_____ _____
STEPHEN J. GORSKI, P.E. DATE



MAP: USGS QUAD, MILFORD, DE 1984

GENERAL LOCATION OF SUBDIVISION

SCALE: 1" = 2500'

SITE DATA:

1. APPLICATION NO.: 19-021
2. TAX PARCEL NUMBER: 3-30-7.00-035.00; & 036.00; & 037.00
3. OWNER: MILFORD MARINA, LLC
   2120 LOVE POINT
   STEVENSVILLE, MD 2166
   PH: 302-684-4844
4. DEVELOPER: LIMITLESS DEVELOPMENT CO. LLC
   26412 BROADKILL ROAD
   MILTON, DE 19968
   PH: 302-684-4844
5. SOURCE OF TITLE: DEED BOOK : PAGE
6. EXISTING ZONING: R-3 - 12.98 ACRES
   C-3 - 27.66 ACRES
7. PROPOSED ZONING R-3 - 25.84 ACRES
   C-3 - 14. 80 ACRES

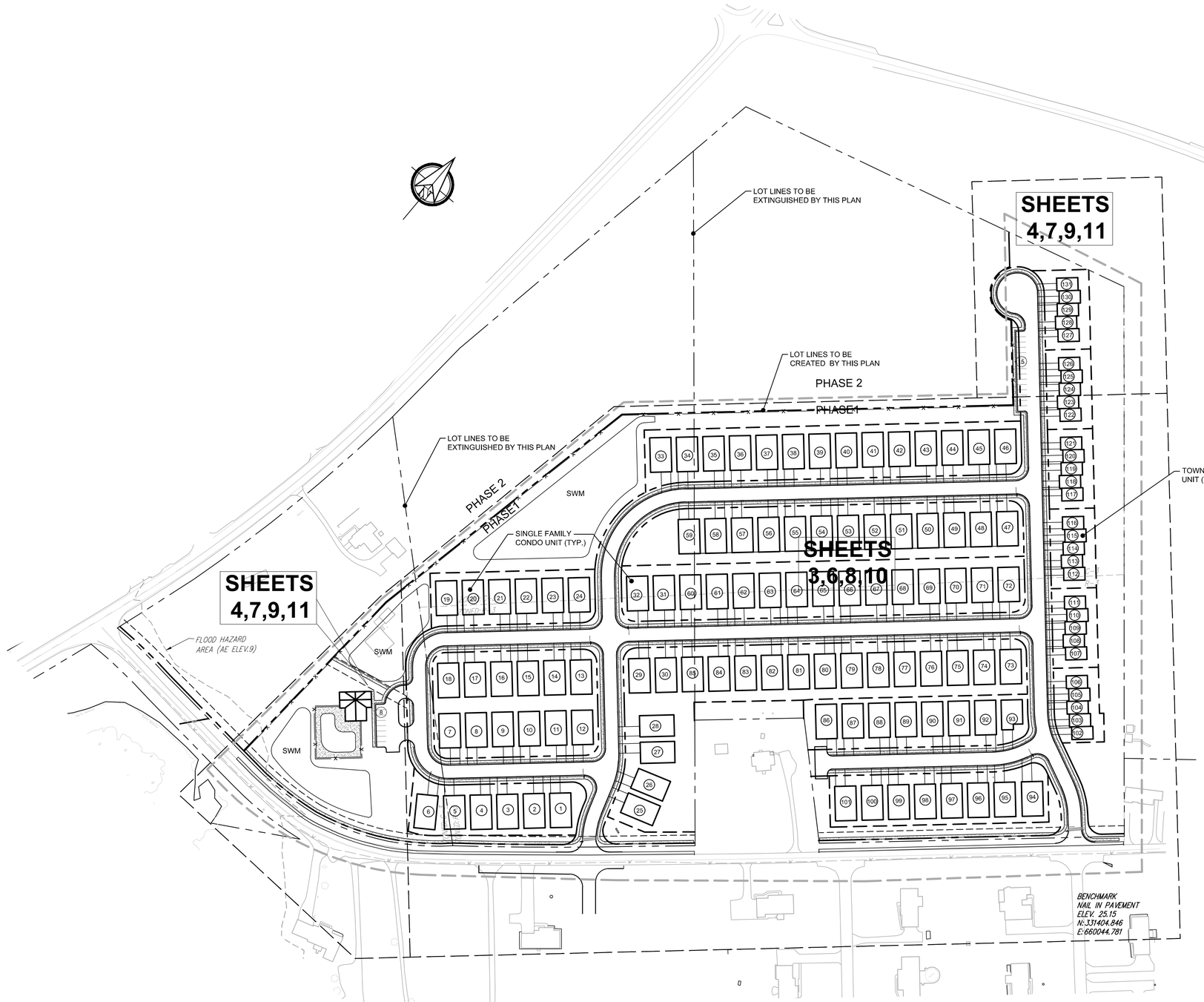
R-3 GARDEN APARTMENT AND TOWNHOUSE DISTRICT

SINGLE FAMILY DWELLING	REQUIRED	PUD PROPOSED
MINIMUM LOT AREA	7,500 SQ.FT	4,000 SQ.FT. (CONDOMINIUM)
MAXIMUM BUILDING COVERAGE	45%	52% +/- (BUILDING ENVELOPE)
MINIMUM LOT WIDTH	60 FEET	50 FEET
MINIMUM SIDE YARD	10 FEET	5 FEET - 10 AGG.
MINIMUM FRONT YARD	30 FEET	20 FEET (10' COR. FRONT YARD
MINIMUM REAR YARD	15 FEET	15 FEET
MAXIMUM BUILDING HEIGHT	35 FEET (3 STORIES)	35 FEET

TOWNHOUSE OR ROW DWELLING	REQUIRED	PUD PROPOSED
NUMBER OF DWELLING PER GROUP	MINIMUM OF 3 - MAXIMUM OF 8	5 UNITS
DWELLING UNITS PER ACRE	MAXIMUM 12 DU	SEE PUD CALC.
BUILDING COVERAGE	60%	47% +/- (BUILDING ENVELOPE)
MINIMUM LOT SIZE PER DU	2,000 SF PER DU	2,000 SQ.FT. (CONDOMINIUM)
BUILDING HEIGHT	35 FEET	35 FEET

PUD COMPUTATIONS	REQUIRED / ALLOWABLE	PUD PROPOSED
MINIMUM LOT AREA	4,000 SQ.FT.	5,000 SQ.FT
MINIMUM LOT WIDTH	40 FEET	50 FEET
MAXIMUM DENSITY	25% OF GROSS DEV. AREA 25.75 AC - 6.44 AC = 19.31AC 841,143 / 4,000 = 210 D.U.	131 DWELLING UNITS
REQUIRED OPEN SPACE	400 SQ.FT. PER D.U. 131 D.U. * 400 SQ.FT. = 52, 400 SQ.FT 1.20 ACRES	4.736 ACRES
REQUIRED RECREATIONAL	52,400 *.5 = 26,200 SQ.FT 0.6 ACRE	1.420 ACRES
PARKING REQUIREMENTS	2.5 SPACES PER UNIT 131*2.5 = 328 SPACES REQUIRED	2 PER UNIT TOWNHOUSE 30*2 = 60 SPACES 3 PER SINGLE FAMILY (1 GARAGE) 101*3 =303 SPACES OVERFLOW SPACES 23 SPACES TOTAL SPACES = 386

8. BENCHMARK: NAIL IN PAVEMENT EDGE
   ELEV = 25.15
   N: 331404.8460
   E: 660044.7810
9. DATUM: HORIZONTAL: DE STATE PLAN NAD 83
   VERTICAL: NAVD 88
10



100' 0 100' 200'
DRAWING SCALE 1" = 100'

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX 302.239.8485
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM

DESIGNED BY: BRK
DRAWN BY: BRK
CHECKED BY: SJG
FILE NAME: KEY11686C
STEVE J. GORSKI, P.E. P.E. #12625
STATE: DELAWARE

No.	REVISION	CHK'D BY DATE
-	1 PER CITY COMMENT - 1 JULY 2019	BRK 2 JULY 2019

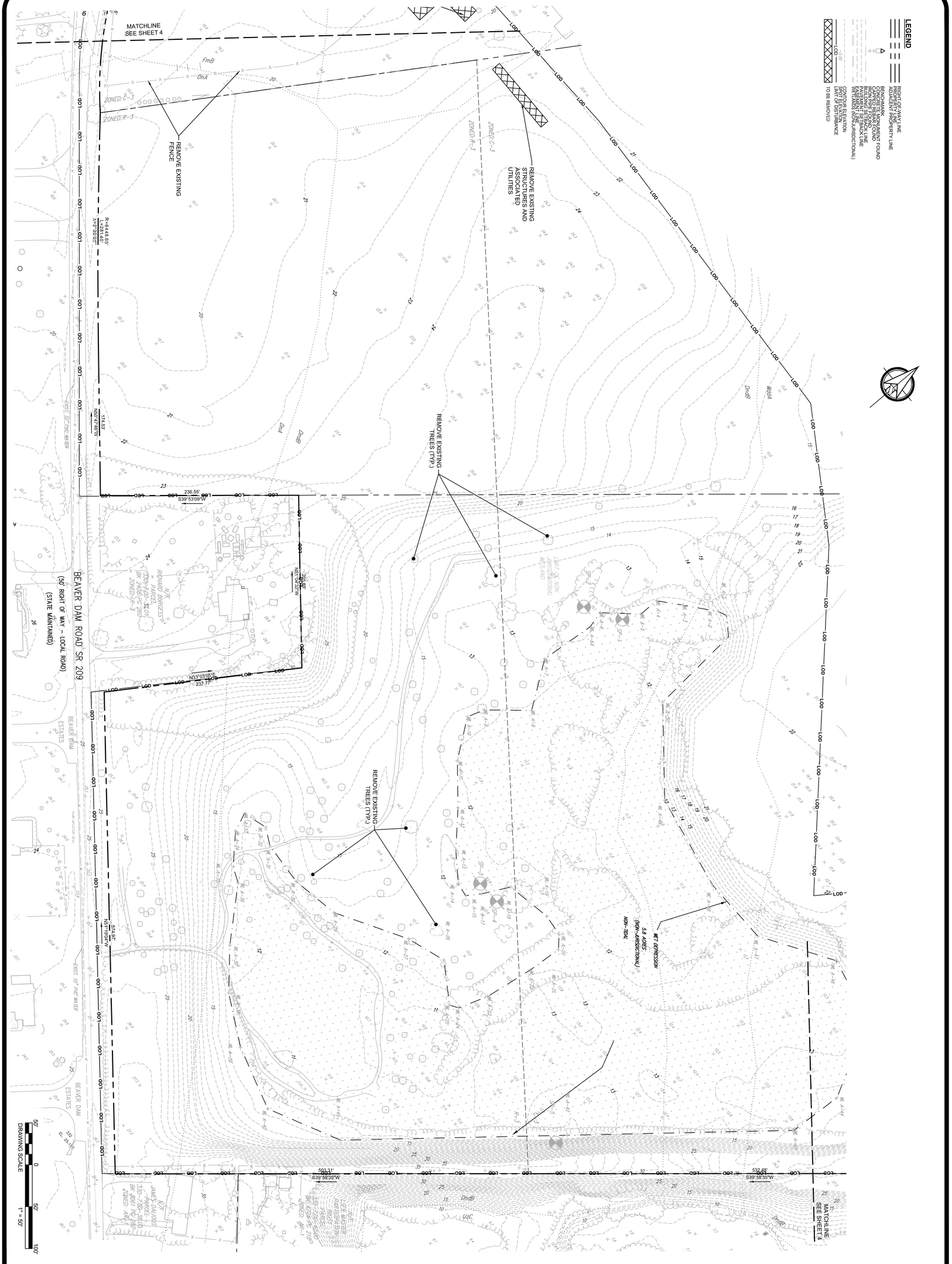
PRELIMINARY NOT FOR CONSTRUCTION

OWNER: MILFORD MARINA ENTERPRISE, LLC
2120 LOVE POINT
STEVENSVILLE, MD 21666

DEVELOPER:
LIMITLESS DEVELOPMENT CO. LLC.
26472 BROADKILL ROAD
MILLSBORO, DE 19966
PHONE: (302) 684-4844

KEY MAP SHEET
PRELIMINARY MAJOR SUBDIVISION
KNIGHT CROSSING
PHASE ONE
CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE: 8 MAY 2019
SCALE: AS NOTED
PROJECT NO. 11686.CC
SHEET: 2 OF 13



EXISTING CONDITIONS AND DEMOLITION PLAN
PRELIMINARY MAJOR SUBDIVISION
KNIGHT CROSSING
PHASE ONE
CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE: 8 MAY 2019
SCALE: 1" = 50'
PROJECT NO. 11686.CC
SHEET: 3 OF 13

OWNER: MILFORD MARINA ENTERPRISE, LLC
2120 LOVE POINT ROAD
STEVENSVILLE, MD 21666

DEVELOPER:
LIMITLESS DEVELOPMENT CO, LLC.
26412 BROADKILL ROAD
MILTON, DE 19968
PHONE: (302) 684-4844

No.	REVISION	CHK'D BY DATE
1	PER CITY COMMENTS - 1 JULY 2019	BRK 12 JULY 2019

PRELIMINARY NOT FOR CONSTRUCTION

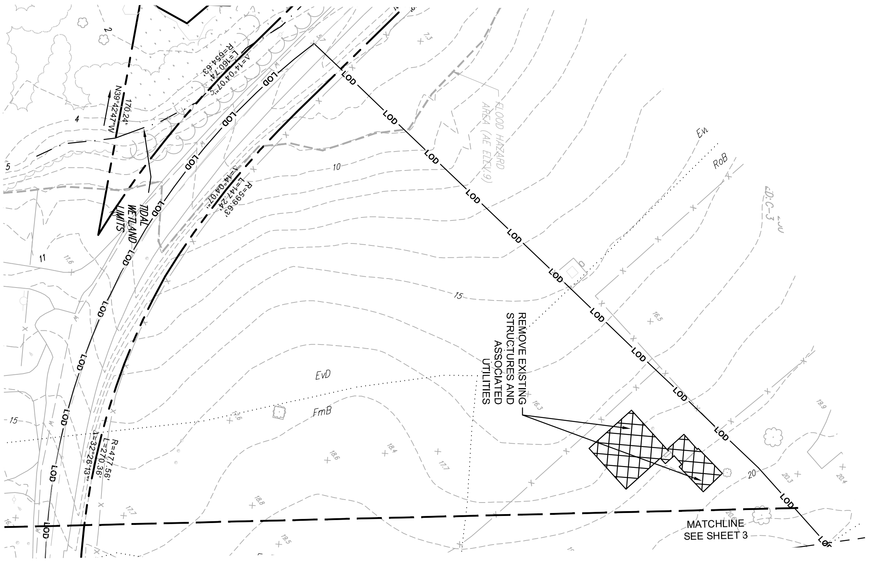
DESIGNED BY:	CHECKED BY:
BRK	SJG
DRAWN BY:	FILE NAME:
BRK	EXON11686CC

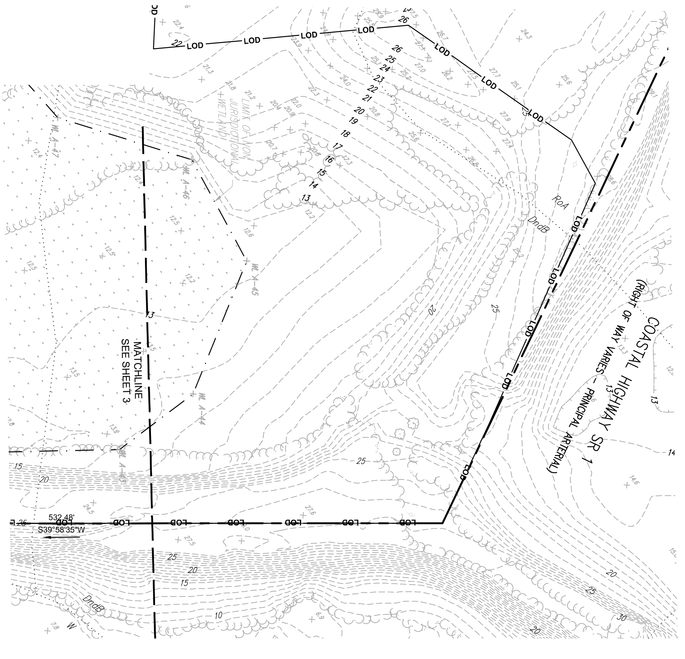
STEVE J. GORSKI, P.E.
STATE: DELAWARE P.E. #12625

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL. 302.239.6634
FAX 302.239.8485
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM

LEGEND

RIGHT-OF-WAY LINE
PROPERTY LINE
BOUNDARY LINE/PROPERTY LINE
BENCHMARK
CORNER BEARD/CORD FOUND
BUILDING SETBACK LINE
BUILDING SETBACK LINE
EASEMENT LINE
WETLANDS (NON-JURISDICTIONAL)
LOD
SPOT ELEVATION
LIMIT OF DISTURBANCE
TO BE REMOVED





DRAWING SCALE
50' 0 50' 100'
1" = 50'

EXISTING CONDITIONS AND DEMOLITION PLAN
PRELIMINARY MAJOR SUBDIVISION

KNIGHT CROSSING
PHASE ONE

CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE: 8 MAY 2019
SCALE: 1" = 50'
PROJECT NO. 11686.CC
SHEET: 4 OF 13

OWNER: MILFORD MARINA ENTERPRISE, LLC
2120 LOVE POINT ROAD
STEVENSVILLE, MD 21666

DEVELOPER:
LIMITLESS DEVELOPMENT CO, LLC.
26412 BROADKILL ROAD
MILTON, DE 19968
PHONE: (302) 684-4844

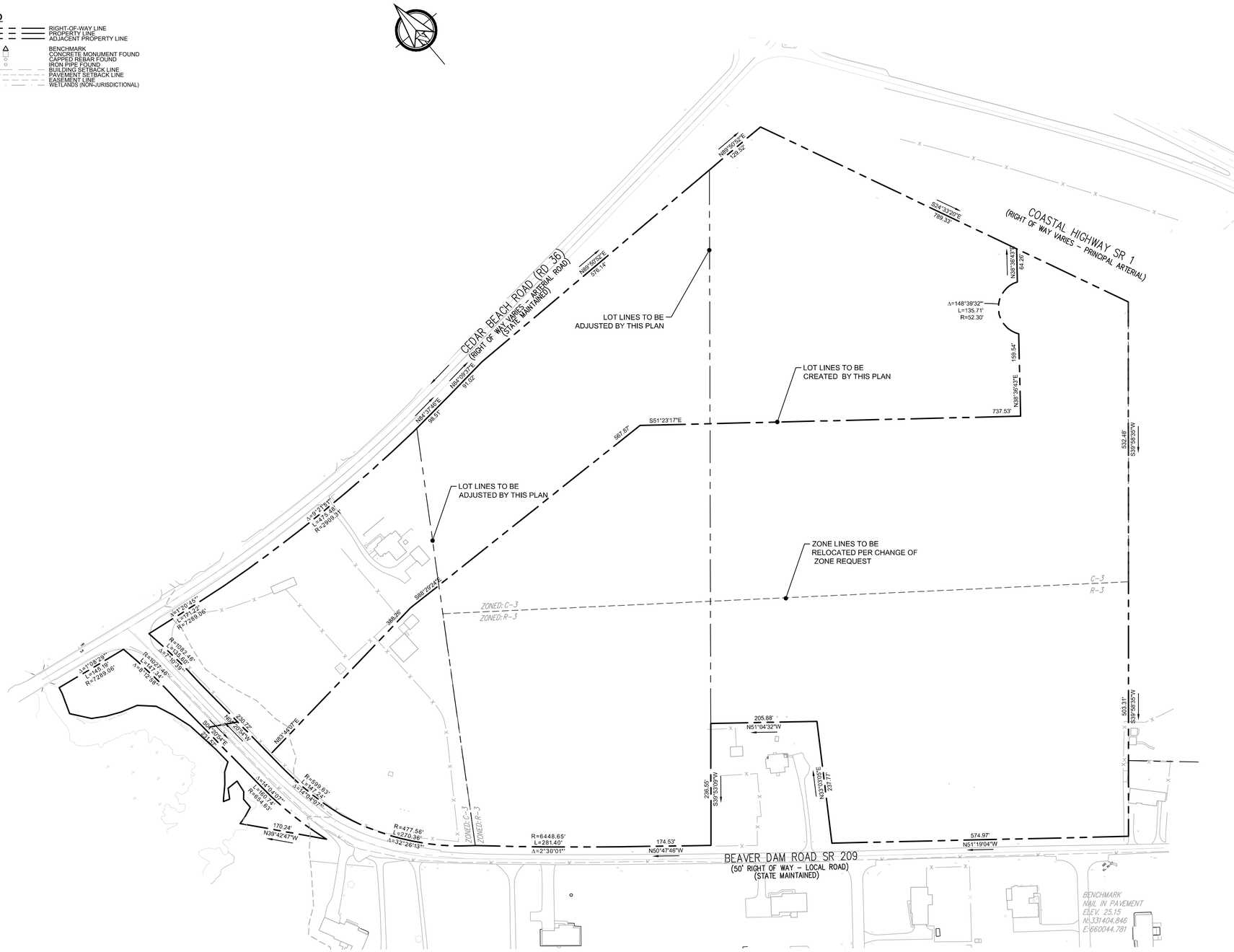
No.	REVISION	CHK'D BY DATE
	PRELIMINARY NOT FOR CONSTRUCTION	
1	PER CITY COMMENTS - 1 JULY 2019	BRK 1 JULY 2019

DESIGNED BY: BRK | CHECKED BY: SJG
DRAWN BY: BRK | FILE NAME: EXCON11686C
STEVE J. GORSKI, P.E.
STATE: DELAWARE P.E. #12625

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL. 302.239.6634
FAX 302.239.8485
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM

LEGEND

RIGHT-OF-WAY LINE
PROPERTY LINE
ADJACENT PROPERTY LINE
BENCHMARK
CONCRETE MONUMENT FOUND
CAPPED REBAR FOUND
IRON PIPE FOUND
BUILDING SETBACK LINE
PAVEMENT SETBACK LINE
EASEMENT LINE
WETLANDS (NON-JURISDICTIONAL)



100' 0 100' 200'
DRAWING SCALE 1" = 100'

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX 302.239.8485
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM

DESIGNED BY: BRK
DRAWN BY: BRK
CHECKED BY: SJG
FILE NAME: 11686-01.DWG
STEVE J. GORSKI, P.E.
STATE: DELAWARE P.E. #12625

No.	REVISION	CHK'D BY	DATE
1	PER CITY COMMENTS - 1 JULY 2019	BRK	1 JULY 2019

PRELIMINARY NOT FOR CONSTRUCTION

OWNER: MILFORD MARINA ENTERPRISE, LLC
2120 LOVE POINT ROAD
STEVENSVILLE, MD 21666

DEVELOPER:
LIMITLESS DEVELOPMENT CO. LLC.
26412 BROADKILL ROAD
MILTON, DE 19968
PHONE: (302) 684-4844

LOT LINE ADJUSTMENT PLAN
PRELIMINARY MAJOR SUBDIVISION
KNIGHT CROSSING
PHASE ONE
CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE: 8 MAY 2019
SCALE: 1" = 100'
PROJECT NO. 11686.CC
SHEET: 5 OF 13

LEGEND:

- RIGHT-OF-WAY LINE
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- LIMITED COMMON ELEMENT / PHASE LINE
- BENCHMARK
- CONCRETE MONUMENT FOUND
- CAPPED REBAR FOUND
- IRON PIPE FOUND
- BUILDING SETBACK LINE
- PAVEMENT SETBACK LINE
- EASEMENT LINE
- WETLANDS (NONJURISDICTIONAL)
- PR. RIGHT-OF-WAY LINE
- PR. PROPERTY LINE
- PR. ADJACENT PROPERTY LINE
- PR. BUILDING SETBACK LINE
- PR. EASEMENT LINE
- PR. BUILDINGS
- PR. ON-SITE CURB
- PR. ON-SITE ASPHALT
- PR. ON-SITE CONCRETE
- (37) PR. CONDOMINIUM UNIT NUMBER

SITE DATA:

TOTAL SITE AREA		**= 40.64 ACRES**
AREA OF STATE RIGITH OF WAY DEDICATION		**= 11,428 SF (0.26 ACRES)**
AREA OF DEVELOPMENT		**= 1,123,848 SF (25.80 ACRES)**
AREA OF CITY RIGHT OF WAY		**= 223,576 SF (5.36 ACRES)**
AREA OF CONDOMINIUM PROPERTIES		**= 619,261 SF (14.21 ACRES)**
REQUIRED OPEN SPACE	**131 UNITS * 400SF**	**= 52,400 SF (1.20 ACRES)**
PROPOSED OPEN SPACE		**= 206,300 SF (4.736 ACRES)**
PROPOSED SWM AREAS		**= 65.541 (1.50 ACRES)**

CITY OF MILFORD APPROVAL

ERIC NORENBERG CITY MANAGER DATE

CITY PLANNING DEPARTMENT APPROVAL

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

CITY ENGINEER APPROVAL

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

CITY ENGINEER DATE

MATCHLINE SEE SHEET 7

BRUCE WAYNE DRIVE (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)

MARCO STREET (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)

CRUSADER AVENUE (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)

ERNIE'S CIRCLE (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)

KNIGHT COURT (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)

BEAVER DAM ROAD SR 209 (50' RIGHT OF WAY – LOCAL ROAD) (STATE MAINTAINED)

LIMITED COMMON ELEMENT AREA

PROP. 6' SOLID PRIVACY FENCE

CONDO PHASE #4 1.636 ACRES

CONDO PHASE #5A 1.752 ACRES

CONDO PHASE #5B 1.825 ACRES

CONDO PHASE #3 0.709 ACRE

CONDO PHASE #2 1.411 ACRES

CONDO PHASE #1 0.730 ACRE

CONDO PHASE #8A 0.279 ACRE

CONDO PHASE #6B 0.907 ACRES

CONDO PHASE #7 0.931 ACRE

TOWNHOUSE PHASE #8D 0.293 ACRE

TOWNHOUSE PHASE #8C 0.293 ACRE

TOWNHOUSE PHASE #8B 0.293 ACRE

COMMON OPEN SPACE PARCEL #10 0.110 ACRE

COMMON OPEN SPACE PARCEL #11 0.165 ACRE

COMMON OPEN SPACE PARCEL #12 0.289 ACRE

SWM #1

SWM #2

SWM #3

PROPOSED ZONING LINE

LIMIT OF NON-JURISDICTIONAL WETLAND

PROP. STOP SIGN (TYP.)

PROP. SUB. SIGN

5' WIDE STATE OF DELAWARE RIGHT OF WAY DEDICATED TO PUBLIC USE

15' PERMANENT EASEMENT

ENTRANCE PROPOSED BY OTHERS

EXIST. 10" PVC WATER

DRAWING SCALE 1" = 50'

DUFFIELD ASSOCIATES
Soil, Water & the Environment

5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX 302.239.8485

OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM

CHECKED BY: SJG
DESIGNED BY: BRK
DRAWN BY: BRK
FILE NAME: SITE11686C
STEVE J. GORSKI, P.E.
STATE: DELAWARE P.E. #12625

No.	REVISION	CHK'D BY	DATE
1	PER CITY COMMENTS - 1 JULY 2019	BRK	1 JULY 2019

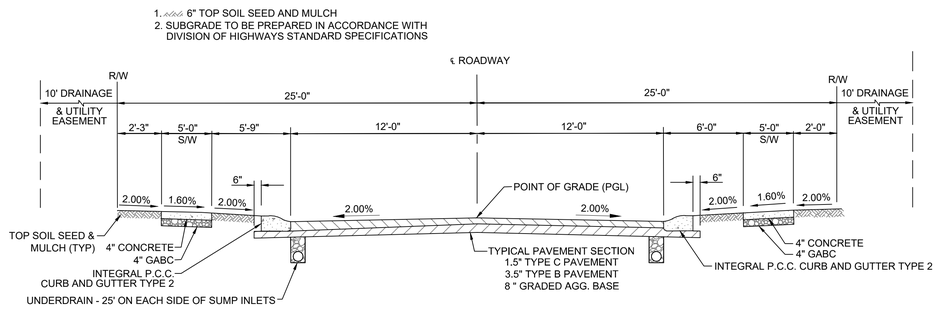
PRELIMINARY NOT FOR CONSTRUCTION

OWNER: MILFORD MARINA ENTERPRISE, LLC
2120 LOVE POINT ROAD
STEVENSVILLE, MD 21666

DEVELOPER:
LIMITLESS DEVELOPMENT CO. LLC.
26412 BROADKILL ROAD
MILLSBORO, DE 19966
PHONE: (302) 684-4844

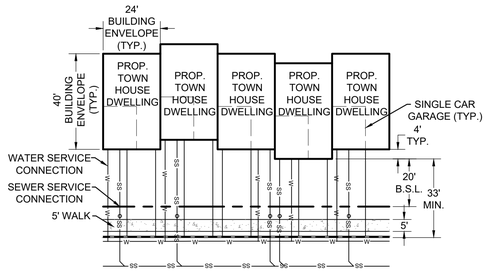
PRELIMINARY RECORD PLAT
PRELIMINARY MAJOR SUBDIVISION
KNIGHT CROSSING
PHASE ONE
CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE:	8 MAY 2019
SCALE:	1" = 50'
PROJECT NO.	11686.CC
SHEET:	6 OF 13



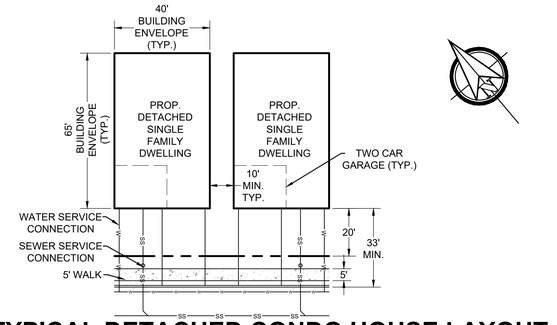
SECTION: TYPICAL 24' WIDE INTERNAL STREETS WITH SIDEWALKS

SCALE: N.T.S



TYPICAL TOWN HOUSE LAYOUT

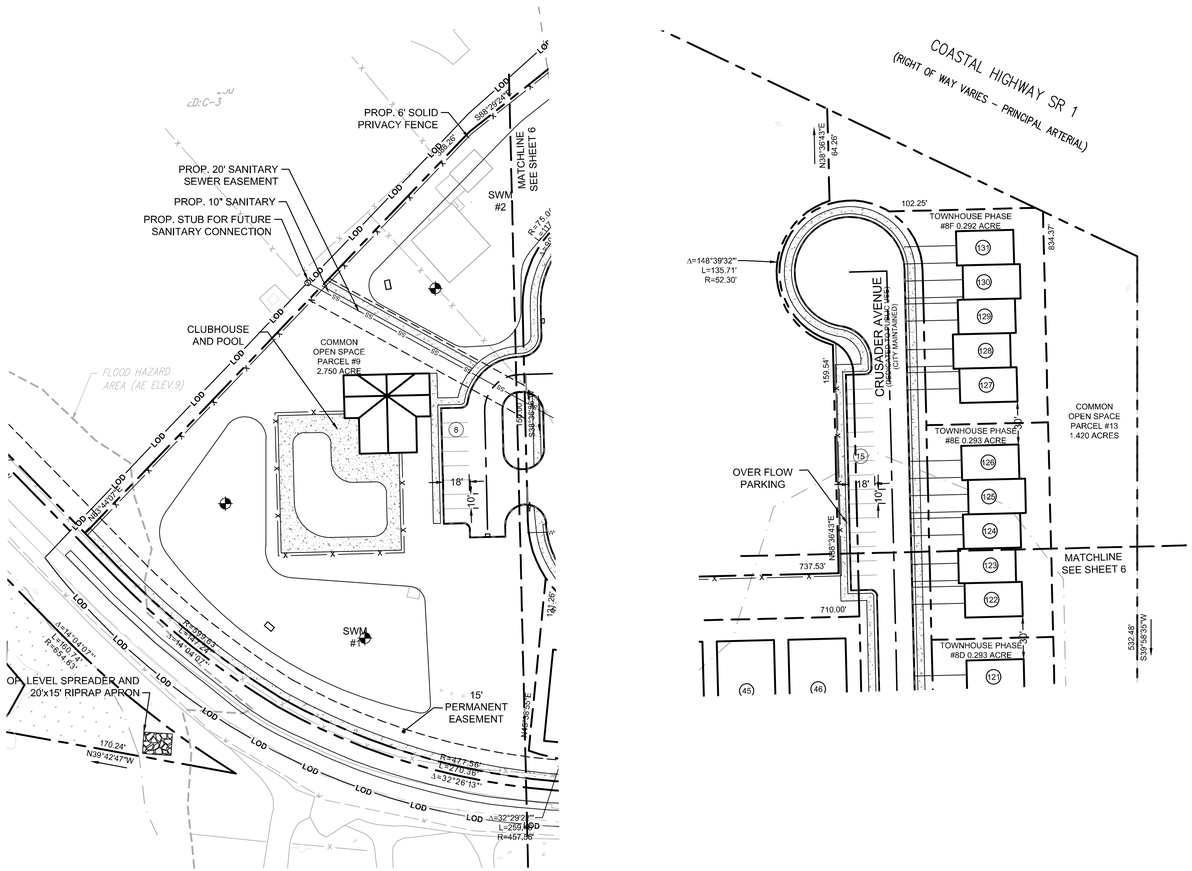
SCALE: N.T.S



TYPICAL DETACHED CONDO HOUSE LAYOUT

SITE DATA:

TOTAL SITE AREA		**= 40.64 ACRES**
AREA OF STATE RIGITH OF WAY DEDICATION		**= 11,428 SF (0.26 ACRES)**
AREA OF DEVELOPMENT		**= 1,123,848 SF (25.80 ACRES)**
AREA OF CITY RIGHT OF WAY		**= 223,576 SF (5.36 ACRES)**
AREA OF CONDOMINIUM PROPERTIES		**= 619,261 SF (14.21 ACRES)**
REQUIRED OPEN SPACE	**131 UNITS * 400SF**	**= 52,400 SF (1.20 ACRES)**
PROPOSED OPEN SPACE		**= 206,300 SF (4.736 ACRES)**
PROPOSED SWM AREAS		**= 65.541 (1.50 ACRES)**



LEGEND:

- RIGHT-OF-WAY LINE
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- LIMITED COMMON ELEMENT / PHASE LINE
- BENCHMARK
- CONCRETE MONUMENT FOUND
- CAPPED REBAR FOUND
- IRON PIPE FOUND
- BUILDING SETBACK LINE
- PAVEMENT SETBACK LINE
- EASEMENT LINE
- WETLANDS (NON-JURISDICTIONAL)
- PR. RIGHT-OF-WAY LINE
- PR. PROPERTY LINE
- PR. ADJACENT PROPERTY LINE
- PR. BUILDING SETBACK LINE
- PR. EASEMENT LINE
- PR. BUILDINGS
- PR. ON-SITE CURB
- PR. ON-SITE ASPHALT
- PR. ON-SITE CONCRETE

50' 0 50' 100'
DRAWING SCALE 1" = 50'

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX 302.239.8485
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM

CHECKED BY: SJG
FILE NAME: SITE11686CC
DESIGNED BY: BRK
DRAWN BY: BRK
STEVE J. GORSKI, P.E.
STATE: DELAWARE P.E. #12625

No.	REVISION	CHK'D BY DATE
1	PER CITY COMMENTS - 1 JULY 2019	BRK 1 JULY 2019

PRELIMINARY NOT FOR CONSTRUCTION

OWNER: MILFORD MARINA ENTERPRISE, LLC
2120 LOVE POINT ROAD
STEVENSVILLE, MD 21666

DEVELOPER:
LIMITLESS DEVELOPMENT CO. LLC.
26412 BROADKILL ROAD
MILLSBORO, DE 19966
PHONE: (302) 684-4844

PRELIMINARY RECORD PLAT
PRELIMINARY MAJOR SUBDIVISION
KNIGHT CROSSING
PHASE ONE
CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE: 8 MAY 2019
SCALE: 1" = 50'
PROJECT NO. 11686.CC
SHEET: 7 OF 13

RIGHT-OF-WAY LINE
PROPERTY LINE
ADJACENT PROPERTY LINE
LIMITED COMMON ELEMENT / PHASE LINE
BENCHMARK
CONCRETE MONUMENT FOUND
CAPPED REBAR FOUND
IRON PIPE FOUND
BUILDING SETBACK LINE
PAVEMENT SETBACK LINE
EASEMENT LINE
WETLANDS (NON-JURISDICTIONAL)
CONTOUR ELEVATION
SPOT ELEVATION
LIMIT OF DISTURBANCE
PR. RIGHT-OF-WAY LINE
PR. PROPERTY LINE
PR. ADJACENT PROPERTY LINE
PR. BUILDING SETBACK LINE
PR. EASEMENT LINE
PR. BUILDINGS
PR. ON-SITE CURB
PR. ON-SITE ASPHALT
PR. ON-SITE CONCRETE
PR. WATER MAIN
PR. SANITARY MAIN
PR. CONDOMINIUM UNIT NUMBER

PROP. STUB FOR FUTURE WATER CONNECTION
MATCHLINE SEE SHEET 9
LIMITED COMMON ELEMENT AREA
CONDO PHASE #4 1.636 ACRES
PROP. 6' SOLID PRIVACY FENCE
PROP. STORM SEWER
PROP. 8" SANITARY
PROP. 8" WATER
BRUCE WAYNE DRIVE (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)
PROP. HYDRANT
PROP. STOP SIGN (TYP.)
PROP. SANITARY MANHOLE
TOWNHOUSE PHASE #8D 0.293 ACRE
TOWNHOUSE PHASE #8C 0.293 ACRE
TOWNHOUSE PHASE #8B 0.293 ACRE
TOWNHOUSE PHASE #8A 0.279 ACRE
SWM #3
PROPOSED ZONING LINE
C-3 R-3
CONDO PHASE #3 0.709 ACRE
CONDO PHASE #5A 1.752 ACRES
CONDO PHASE #5B 1.825 ACRES
PROP. STORM DRAIN
CRUSADER AVENUE (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)
MARCO STREET (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)
ERNIE'S CIRCLE (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)
SWM #2
PROP. AUTOMATIC BLOW OFF
CONDO PHASE #2 1.411 ACRES
PROP. 10" SANITARY
PROP. 8" WATER
CONDO PHASE #1 0.730 ACRE
MH9 - (BY OTHERS) CONNECTION POINT
COMMON OPEN SPACE PARCEL #10 0.110 ACRE
PROP. SUB. SIGN
CONDO PHASE #6A 2.592 ACRES
CONDO PHASE #6B 0.907 ACRES
COMMON OPEN SPACE PARCEL #11 0.165 ACRE
PROP. AUTOMATIC BLOW OFF
SANITARY STUB AND CLEANOUT
KNIGHT COURT (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)
CONDO PHASE #7 0.931 ACRE
COMMON OPEN SPACE PARCEL #12 0.289 ACRE
PROP. 10' x 8" WET TAP WITH 8" GATE VALVE
PROP. 10" SANITARY
PROP. SANITARY CONNECTION TO ADJOINING PUMP STATION
ENTRANCE PROPOSED BY OTHERS
5' WIDE STATE OF DELAWARE RIGHT OF WAY DEDICATED TO PUBLIC USE
BEAVER DAM ROAD SR 209
(50' RIGHT OF WAY – LOCAL ROAD)
(STATE MAINTAINED)
15' PERMANENT EASEMENT
EXIST. 10" PVC WATER
50' 0 50' 100'
DRAWING SCALE 1" = 50'

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX 302.239.8485
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM

CHECKED BY: SJG
DESIGNED BY: BRK
DRAWN BY: BRK
FILE NAME: TITLE.DWG
STEVE J. GORSKI, P.E.
STATE: DELAWARE P.E. #12625

No.	REVISION	CHK'D BY	DATE
1	PER CITY COMMENTS - 1 JULY 2019	BRK	8 JULY 2019

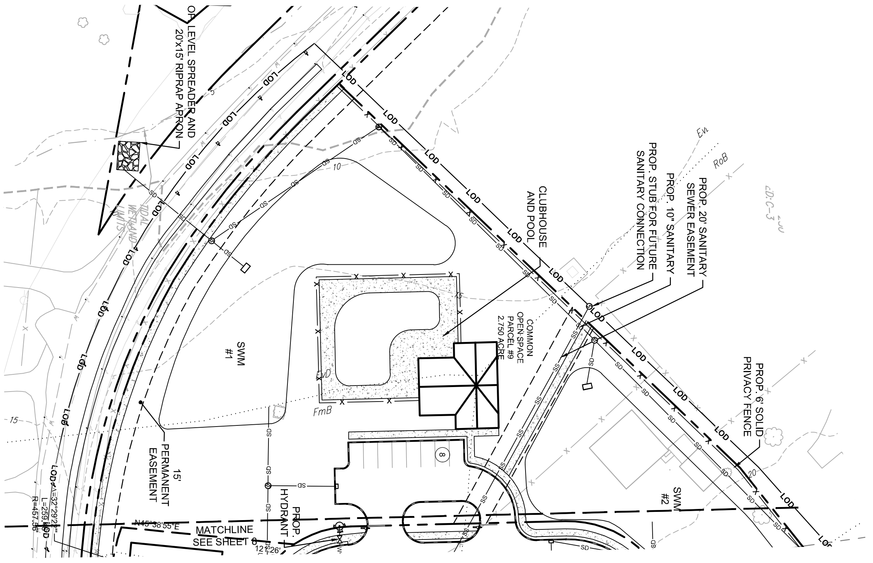
PRELIMINARY NOT FOR CONSTRUCTION

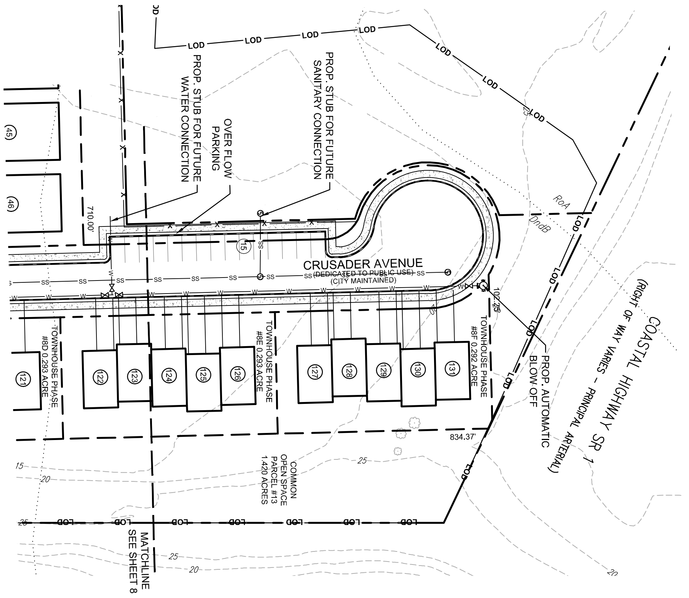
OWNER: MILFORD MARINA ENTERPRISE, LLC.
2120 LOVE POINT
STEVENSVILLE, MD 21666

DEVELOPER:
LIMITLESS DEVELOPMENT CO. LLC.
2642 BROADKILL ROAD
MILTON, DE 19968
PHONE: (302) 684-4844

PRELIMINARY UTILITY PLAN
PRELIMINARY MAJOR SUBDIVISION
KNIGHT CROSSING
PHASE ONE
CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE: 8 MAY 2019
SCALE: 1" = 50'
PROJECT NO. 11686.CC
SHEET: 8 OF 13





RIGHT-OF-WAY LINE
PROPERTY LINE
ADJACENT PROPERTY LINE
LIMITED COMMON ELEMENT / PHASE LINE
CONCRETE MONUMENT FOUND
BUILDING SETBACK LINE
REAR YARD SETBACK LINE
EASEMENT LINE
WETLANDS (NON-JURISDICTIONAL)
LOD
SPOT ELEVATION
LIMIT OF DISTURBANCE
PR. RIGHT-OF-WAY LINE
PR. PROPERTY LINE
PR. ADJACENT PROPERTY LINE
PR. EASEMENT LINE
PR. BUILDINGS
PR. CURB
PR. ON-SITE CONCRETE
PR. ON-SITE ASPHALT
PR. WATER MAIN
PR. SANITARY MAIN
PR. CONDOMINIUM UNIT NUMBER

DRAWING SCALE
50' 0 50' 100'
1" = 50'

PRELIMNIARY UTILITY PLAN
PRELIMINARY MAJOR SUBDIVISION

KNIGHT CROSSING
PHASE ONE

CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE: 8 MAY 2019
SCALE: 1" = 50'
PROJECT NO. 11686.CC
SHEET: 9 OF 13

OWNER: MILFORD MARINA ENTERPISE, LLC.
2120 LOVE POINT
STEVENSVILLE, MD 2166

DEVELOPER:
LIMITLESS DEVELOPMENT CO, LLC.
26412 BROADKILL ROAD
MILTON, DE 19968
PHONE: (302) 684-4844

No.	REVISION	CHK'D BY DATE
1	PER CITY COMMENTS - 1 JULY 2019	BRK 12 JULY 2019

PRELIMINARY NOT FOR CONSTRUCTION

DESIGNED BY:	CHECKED BY:
BRK	SJG
DRAWN BY:	FILE NAME:
BRK	UTIL1686CC

STEVE J. GORSKI, P.E.
STATE: DELAWARE P.E. #12625

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL. 302.239.6634
FAX 302.239.8485
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM



PRELIMINARY BULK GRADING PLAN
PRELIMINARY MAJOR SUBDIVISION

KNIGHT CROSSING
PHASE ONE

CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE: 8 MAY 2019
SCALE: 1" = 50'
PROJECT NO. 11686.CC
SHEET: 10 OF 13

OWNER: MILFORD MARINA ENTERPRISE, LLC
2120 LOVE POINT
STEVENSVILLE, MD 21666

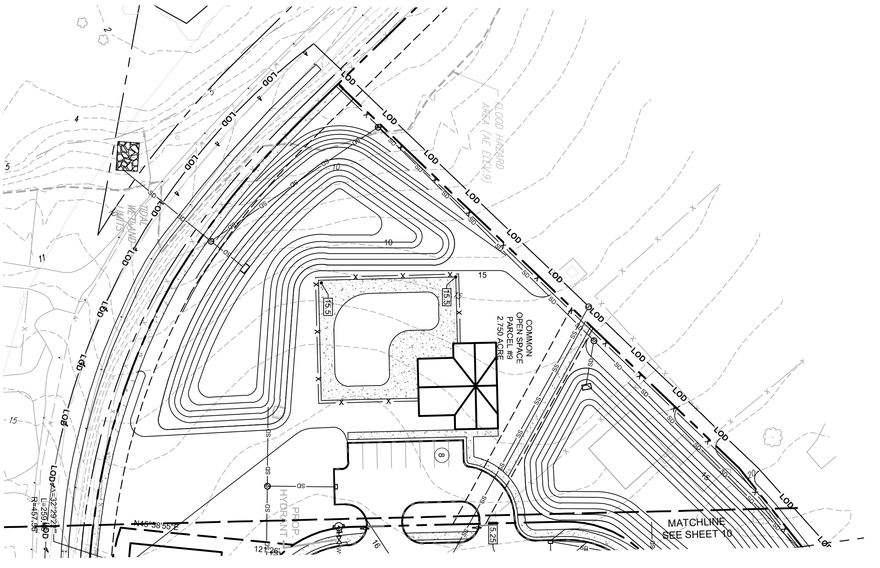
DEVELOPER:
LIMITLESS DEVELOPMENT CO, LLC.
26412 BROADKILL ROAD
MILTON, DE 19968
PHONE: (302) 684-4844

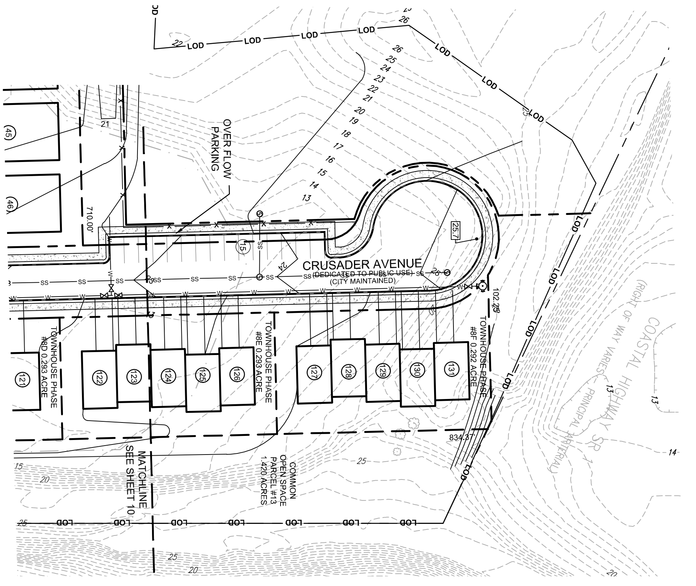
No.	REVISION	CHK'D BY DATE
	PRELIMINARY NOT FOR CONSTRUCTION	
1	PER CITY COMMENTS - 1 JULY 2019	BRK 12 JULY 2019

DESIGNED BY:	CHECKED BY:
BRK	SJG
DRAWN BY:	FILE NAME:
BRK	GRADING.CC

STEVE J. GORSKI, P.E.
STATE: DELAWARE P.E. #12625

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL. 302.239.6634
FAX 302.239.8485
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM





RIGHT-OF-WAY LINE
PROPERTY LINE
ADJACENT PROPERTY LINE
LIMITED COMMON ELEMENT / PHASE LINE
CONCRETE MONUMENT
CONCRETE RON MONUMENT
BUILDING SETBACK LINE
EASEMENT LINE
WETLANDS (NON-JURISDICTIONAL)
LOD
SPOT ELEVATION
LIMIT OF DISTURBANCE
PR. RIGHT-OF-WAY LINE
PR. PROPERTY LINE
PR. ADJACENT PROPERTY LINE
PR. EASEMENT LINE
PR. BUILDINGS
PR. CONCRETE
PR. ON-SITE CONCRETE
PR. ON-SITE ASPHALT
PR. WATER MAIN
PR. SANITARY MAIN
PR. CONDOMINIUM UNIT NUMBER

DRAWING SCALE
50' 0 50' 100'
1" = 50'

PRELIMINIARY BULK GRADING PLAN
PRELIMINARY MAJOR SUBDIVISION
KNIGHT CROSSING
PHASE ONE

CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE: 8 MAY 2019
SCALE: 1" = 50'
PROJECT NO. 11686.CC
SHEET: 11 OF 13

OWNER: MILFORD MARINA ENTERPRISE, LLC
2120 LOVE POINT
STEVENSVILLE, MD 21666

DEVELOPER:
LIMITLESS DEVELOPMENT CO, LLC.
26412 BROADKILL ROAD
MILTON, DE 19968
PHONE: (302) 684-4844

No.	REVISION	CHK'D BY DATE
	PRELIMINARY NOT FOR CONSTRUCTION	
1	PER CITY COMMENTS - 1 JULY 2019	BRK 12 JULY 2019

DESIGNED BY:	CHECKED BY:
BRK	SJG
DRAWN BY:	FILE NAME:
BRK	GRAD11686CC

STEVE J. GORSKI, P.E.

STATE: DELAWARE P.E. #12625

DUFFIELD ASSOCIATES
Soil, Water & the Environment

5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL. 302.239.6634
FAX 302.239.8485

OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY

WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM

RIGHT-OF-WAY LINE
PROPERTY LINE
ADJACENT PROPERTY LINE

BENCHMARK
CONCRETE MONUMENT FOUND
CAPPED REBAR FOUND
IRON PIPE FOUND
BUILDING SETBACK LINE
PAVEMENT SETBACK LINE
EASEMENT LINE
WETLANDS (NON JURISDICTIONAL)

CONTOUR ELEVATION
SPOT ELEVATION
LIMIT OF DISTURBANCE

PR. RIGHT-OF-WAY LINE
PR. PROPERTY LINE
PR. ADJACENT PROPERTY LINE
PR. BUILDING SETBACK LINE
PR. EASEMENT LINE

PR. BUILDINGS
PR. ON-SITE CURB
PR. ON-SITE ASPHALT
PR. ON-SITE CONCRETE
PR. WATER MAIN
PR. SANITARY MAIN

CANOPY / STREET TREE
UNDERSTORY TREE
EVERGREEN TREE

PROP. EVERGREEN BUFFER (TYP.)
PROP. 6' SOLID PRIVACY FENCE
ELEMENT AREA
CONDO PHASE #4 1.636 ACRES
PROP. STREET TREE (TYP.)
BRUCE WAYNE DRIVE (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)
PROP. STOP SIGN (TYP.)
MATCHLINE SEE SHEET 13
TOWNHOUSE PHASE #4D 0.293 ACRE
TOWNHOUSE PHASE #8C 0.293 ACRE
TOWNHOUSE PHASE #8B 0.293 ACRE
TOWNHOUSE PHASE #8A 0.279 ACRE
PROPOSED ZONING LINE
SWM #3
SWM #2
CONDO PHASE #3 0.709 ACRE
CONDO PHASE #5A 1.752 ACRES
CONDO PHASE #5B 1.825 ACRES
CONDO PHASE #4A 2.592 ACRES
CONDO PHASE #4B 0.907 ACRES
CONDO PHASE #7 0.951 ACRE
CONDO PHASE #2 1.411 ACRES
CONDO PHASE #1 0.730 ACRE
ERNIE'S CIRCLE (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)
MARCO STREET (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)
CRUSADER AVENUE (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)
KNIGHT COURT (DEDICATED TO PUBLIC USE) (CITY MAINTAINED)
COMMON OPEN SPACE PARCEL #11 0.185 ACRE
COMMON OPEN SPACE PARCEL #10 0.110 ACRE
COMMON OPEN SPACE PARCEL #12 0.289 ACRE
PROP. SUB. SIGN
BEAVER DAM ROAD SR 209
(50' RIGHT OF WAY – LOCAL ROAD)
(STATE MAINTAINED)
5' WIDE STATE OF DELAWARE RIGHT OF WAY DEDICATED TO PUBLIC USE
ENTRANCE PROPOSED BY OTHERS
15' PERMANENT EASEMENT
EXIST. 10" PVC WATER
LIMIT OF NON-TIDAL WETLANDS
R-3 ZONED
C-3

50' 0 50' 100'
DRAWING SCALE 1" = 50'

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX 302.239.8485
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM

CHECKED BY: SJG
DESIGNED BY: BRK
DRAWN BY: BRK
FILE NAME: LAY0.DWG
STEVE J. GORSKI, P.E.
STATE: DELAWARE P.E. #12625

No.	REVISION	CHK'D BY	DATE
1	PER CITY COMMENTS - JULY 2019	BRK	7 JULY 2019

PRELIMINARY NOT FOR CONSTRUCTION

OWNER: MILFORD MARINA ENTERPISE, LLC.
2120 LOVE POINT
STEVENSVILLE, MD 2166

DEVELOPER:
LIMITLESS DEVELOPMENT CO. LLC.
26412 BROADKILL ROAD
MILTON, DE 19968
PHONE: (302) 684-4844

PRELIMINARY LANDSCAPE PLAN
PRELIMINARY MAJOR SUBDIVISION
KNIGHT CROSSING
PHASE ONE
CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE:	8 MAY 2019
SCALE:	1" = 50'
PROJECT NO.	11686.CC
SHEET:	12 OF 13

LANDSCAPE NOTES

1. TREE PITS, PLANT BEDS, AND GROUND COVER AREAS SHALL HAVE A CUT EDGE WITH RED 3/4" SHALE (2" DEPTH) FOR ALL TREE PITS AND SHRUB BEDS.
2. THIS DRAWING TO BE USED FOR LANDSCAPE DEVELOPMENT PURPOSES ONLY.
3. ALL TREE STAKING, GUYING, AND WRAPPING SHALL BE REMOVED AFTER ONE YEAR.
4. ALL SHRUB, FLOWER, AND GROUND COVER BEDS SHALL BE PITCHED OR CROWNED TO ASSURE A MINIMUM SURFACE PITCH OF 3% FOR POSITIVE SURFACE DRAINAGE.
5. ALL PROPOSED LANDSCAPE PLANT MATERIAL TO BE GUARANTEED FOR A PERIOD OF THREE YEARS FROM THE DATE OF ACCEPTANCE, AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM NEGLECT BY OWNER, ABUSE OR DAMAGE BY OTHERS, OR UNUSUAL PHENOMENA OR INCIDENTS WHICH ARE BEYOND LANDSCAPE INSTALLER CONTROL. CONTRACTOR, IF NOT MAINTAINING THE PROPERTY DURING THE GUARANTEE PERIOD, SHALL BE RESPONSIBLE FOR MAKING MONTHLY INSPECTIONS AND ISSUING WRITTEN REPORTS DETAILING ANY MAINTENANCE PRACTICES HE OBSERVES WHICH WOULD IN ANYWAY NEGATE HIS GUARANTEE OBLIGATION.
6. ALL AREAS BEYOND THE LIMIT OF LAWN/GROUNDCOVER THAT ARE DISTURBED BY CONSTRUCTION OPERATIONS SHALL BE REPAIRED TO PRE-CONSTRUCTION CONDITION AND/OR TO COMPLY WITH STANDARDS INDICATED ON THE SOIL EROSION AND SEDIMENT CONTROL PLAN.
7. ALL TREES ADJACENT TO CURBS (OR EDGE OF PAVEMENT) SHALL BE PLACED 5'-0" AWAY FROM THE CURB FACE MEASURED TO THE CENTERLINE OF THE TREE TRUNK. IF PLACED IN THE MEDIAN ISLAND, THEY SHALL BE CENTERED IN THE SPACE BETWEEN THE CURBS OR AS NOTED ON THE LANDSCAPE PLAN. ALL TREES PLANTED ADJACENT TO PEDESTRIAN WALKWAYS SHALL BE BRANCHED AT 7' INITIALLY.
8. NO PLANT MATERIAL ABOVE 24" WILL BE INSTALLED WITHIN ANY APPROVED SIGHT TRIANGLE.
9. PLANT BACKFILL MIX SHALL CONTAIN THE FOLLOWING:
   1 PART AMENDED TOPSOIL (SCREENED) WITH FERTILIZATION AS REQUIRED BELOW:

   AMENDED TOPSOIL: SHALL BE WITHOUT ADMIXTURE OF SUBSOIL OF SLAG AND SHALL BE FREE OF STONES, LUMPS, PLANTS OR THEIR ROOTS, STICKS AND EXTRANEOUS MATTER, AND SHALL NOT BE MOVED, PLACED OR USED WHILE IN FROZEN OR MUDDY CONDITION. TOPSOIL SHALL HAVE AN ACIDITY RANGE OF pH 5.0 TO 7.0 AND SHALL CONTAIN NOT LESS THAN 5% ORGANIC MATTER AS DETERMINED BY THE "WALKLEY-BLACK METHOD" (COLORIMETRIC VERSION). SUFFICIENT LIMESTONE SHALL BE ADDED TO TOPSOIL USED TO BRING SOIL TO RANGE
   OF pH 6.0 TO pH 6.5. THERE SHALL BE A MINIMUM OF 12" OF TOPSOIL (AFTER SETTLEMENT) IN ALL PLANT BEDS, OR GROUND COVER AREAS AND 3" IN ALL FINE LAWN, SEEDED AREAS OR AS CALLED FOR. AREAS WHERE PAVING HAS BEEN REMOVED TO PROVIDE LAWN OR PLANTING BED AREA SHALL BE ROTOTILLED TO A DEPTH OF AT LEAST 12 INCHES PRIOR TO PLACING TOPSOIL.

   FERTILIZATION: 1. FOR TREES, SHRUBS AND ALL GROUND COVER (HERBACEOUS AND CONIFEROUS): "TERRA-SORB" AG AT THE RATE OF 32 OZ PER CUBIC YARD OF SOIL MIX.
   2. FOR TREES AND SHRUBS (EXCLUDING CONIFEROUS GROUND COVER): PHC HEALTHY START 3-4-3 ORGANIC FERTILIZER/SOIL CONDITIONER, SHALL BE APPLIED AT 1/2 LB. PER TRUNK DIAMETER (CAL. INCH) FOR TREES. FOR SHRUBS USE THE FOLLOWING TABLE:

PLANT SIZE	RATE CUPS	LBS.	#PLANT BAG
1 GALLON	1/2	1/4	100
5 GALLON	1	1/2	50
15 GALLON	2	1	25
24" BALL/BOX	3	1 1/2	16
36" BALL/BOX	5	2 1/2	10
42" BALL/BOX	6	3	8
54" BALL/BOX	8	4	6
72" BALL/BOX	10	5	5

   FOR HERBACEOUS AND CONIFEROUS GROUND COVER: DRY ROOTS 2 SHALL BE APPLIED AT THE FOLLOWING RATES:

   CONIFEROUS GROUND COVER:

PLANT SIZE	RATE CUPS	LBS.	#PLANT BAG
15-18" B&B	1 1/2	3/4	37

   HERBACEOUS GROUND COVER: 20LBS./1000 SQUARE FEET.

   FOR LAWN AND SEEDED AREAS: 10-6-4 50% ORGANIC FERTILIZER AT THE RATE OF 20LBS. PER 1,000 SQUARE FEET (OR AS REQUIRED BY TOPSOIL ANALYSIS REPORT).
10. ALL PLANT MATERIAL MUST COMPLY WITH THE RECOMMENDATIONS AND REQUIREMENTS OF ANSI Z60.1 "STANDARD FOR NURSERY STOCK".
11. PLANT QUANTITIES ARE GIVEN FOR COMPARISON PURPOSES ONLY. CONTRACTOR IS RESPONSIBLE FOR CONFIRMING PLANT COUNTS AND SHALL BE RESPONSIBLE FOR PROVIDING ALL PLANT MATERIAL SHOWN ON THE DRAWING. ANY DISCREPANCIES BETWEEN PLANT SCHEDULE QUANTITIES AND PLANS SHALL IMMEDIATELY BE BROUGHT TO THE LANDSCAPE ARCHITECT'S ATTENTION PRIOR TO SUBMISSION OF BID. NO SUBSTITUTIONS OF TYPE OF PLANT MATERIAL OR SIZES OF PLANT MATERIAL WILL BE ACCEPTABLE UNLESS APPROVED BY THE LANDSCAPE ARCHITECT. ANY CHANGES TO AN APPROVED LANDSCAPE PLAN MUST BE AUTHORIZED BY THE LANDSCAPE ARCHITECT.
12. APPLY ANTI-DESICCANT PRIOR TO THE ONSET OF WINTER AND AGAIN IN MID-WINTER, USING POWER SPRAY TO PROVIDE AN ADEQUATE FILM OVER TRUNKS, BRANCHES, STEMS, TWIGS, AND FOLIAGE. IF DECIDUOUS TREES OR SHRUBS ARE MOVED IN FULL-LEAF, SPRAY WITH ANTI-DESICCANT AT NURSERY BEFORE MOVING AND AGAIN TWO WEEKS AFTER INSTALLATION.
13. ALL PLANTED TREES, SHRUBS, GROUND COVERS AND ANNUAL FLOWERS, SHALL BE MAINTAINED UNTIL FINAL ACCEPTANCE OF THE COMPLETED CONTRACT, OR WHEN INSTALLATION IS ACCEPTED AND MAINTENANCE IS TRANSFERRED TO OWNER. MAINTENANCE SHALL INCLUDE WATERING, CULTIVATING, CONTROL OF INSECTS, FUNGUS, AND OTHER HORTICULTURAL OPERATIONS NECESSARY FOR THE PROPER GROWTH OF ALL PLANT MATERIAL.
14. PLANT LOCATIONS SHOWN ON THE PLAN ARE APPROXIMATE AND SUBJECT TO FIELD AND UTILITY LOCATIONS.
15. PERMANENT SEEDING MIX PER DNREC STANDARD DETAIL DE-ESC 3.4.3. REFER TO SEDIMENT AND STORMWATER PLANS, SHEET 6 OF 9. ALL PERVIOUS AREAS THAT DO NOT RECEIVE SHREDDED HARDWOOD MULCH SHALL BE SEEDED ACCORDING TO THE TABLE BELOW.

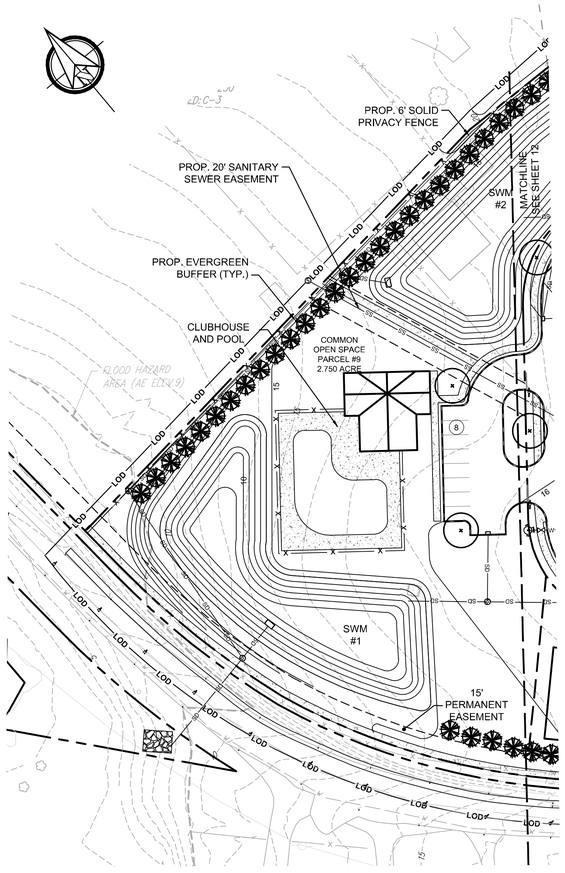
PERMANENT SEEDING AND SEEDING DATES (cont.)

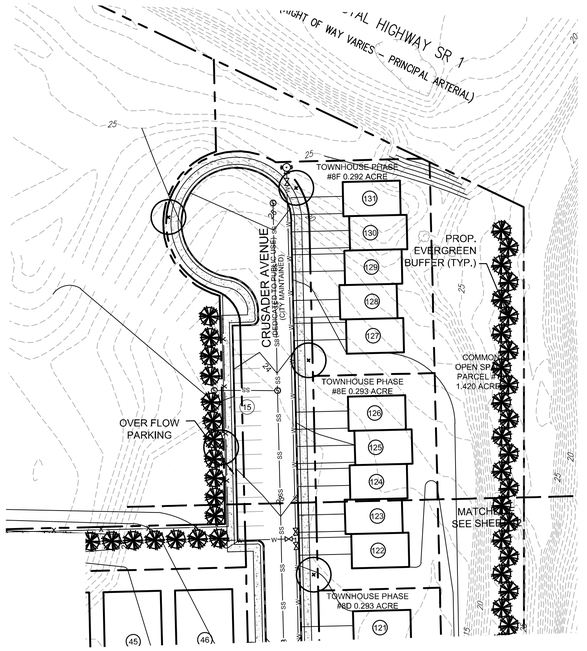
Seeding Mixtures		Seeding Rate [1]		Optimum Seeding Dates [2] O = Optimum Planting Period A = Acceptable planting Period							Remarks
				Coastal Plain		Piedmont		All [4]			
Mix No.	Certified Seed [3]										
	Poorly Drained Soils	lbs/Ac	lb/1000 sq.ft.	2/1-4/30	5/1-8/14	8/15-10/31	3/1-4/30	5/1-7/31	8/1-10/31	10/31- 2/1	
14	Creeping Red Fescue Rough Bluegrass or Chewings Fescue	50 90	1.15 2.1	O	A	O	O	A	O		Shade tolerant, moisture tolerant. ✳

1. When hydroseeding is the choosen method of application, the total rate of seed should be increased by 25%.
2. Winter seeding requires 3 bsns per acre of straw mulch. Planting dates listed above are average for Delaware. These dates may require adjustment to reflect local conditions.
3. All seed shall meet the minimum purity and maximum germination percentages recommended by the Delaware Department of Agriculture. The maximum % of weed seeds shall be in accordance with Section 1, Chapter 24, Title 3 of the Delaware Code.
4. Cool season species may be planted throughout summer if soil moisture is adequate or seeded area can be irrigated.
5. All leguminous seed must be inoculated.
6. Warm season grass mix and Reed Canary Grass cannot be mowed more than 4 times per year.
7. Warm season grasses require a soil temperature of at least 50 degrees in order to germinate, and will remain dormant untill then.

TREE PROTECTION NOTES

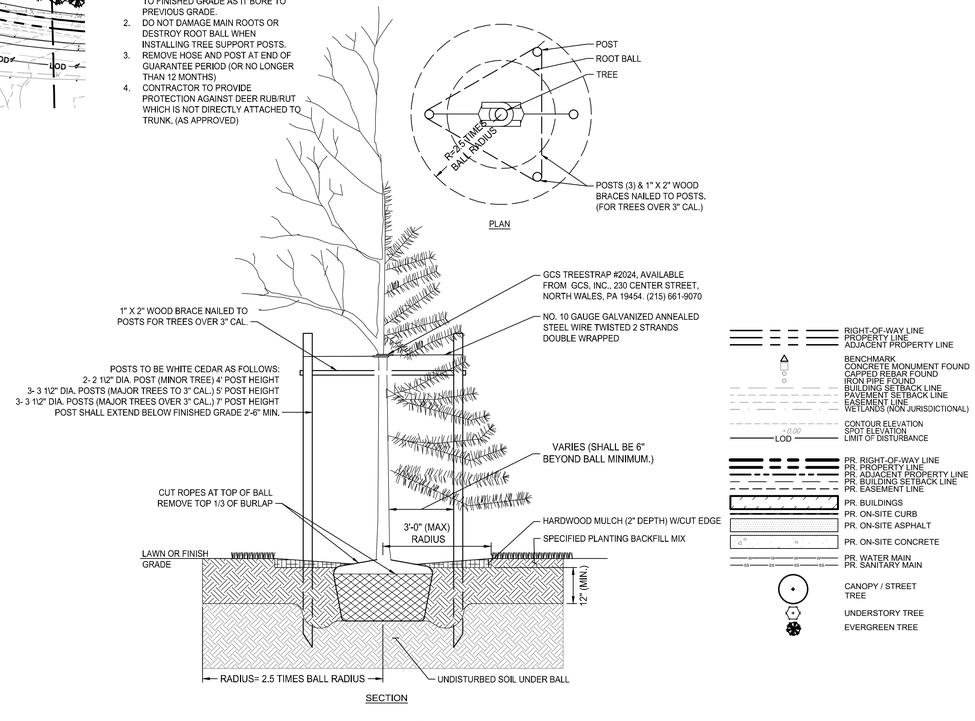
1. LIMIT OF WORK LINE TO BE DELINEATED BY SNOW FENCING OR APPROVED EQUAL. ALL TREES IDENTIFIED AS BEING PRESERVED FOR CREDIT SHALL BE FENCED ALONG OR BEYOND THEIR DRIP LINE. SEE TREE PROTECTION DETAIL ON THIS SHEET.
2. PROTECTIVE FENCING TO BE SNOW FENCING OR EQUIVALENT TO PROTECT VEGETATION FROM HEAVY MACHINERY OR CONSTRUCTION OPERATIONS.
3. PROTECTIVE FENCING TO BE ERECTED BEFORE EXCAVATION AND REMOVED UPON COMPLETION OF GRADING.





PLANTING NOTES:

1. CROWN OF ROOT BALL SHALL BEAR SAME RELATION (OR SLIGHTLY ABOVE) TO FINISHED GRADE AS IT BORE TO PREVIOUS GRADE.
2. DO NOT DAMAGE MAIN ROOTS OR DESTROY ROOT BALL WHEN INSTALLING TREE SUPPORT POSTS.
3. REMOVE HOSE AND POST AT END OF GUARANTEE PERIOD (OR NO LONGER THAN 12 MONTHS)
4. CONTRACTOR TO PROVIDE PROTECTION AGAINST DEER RUB/RUT WHICH IS NOT DIRECTLY ATTACHED TO TRUNK. (AS APPROVED)



DETAIL: TREE PLANTING

SCALE: NOT TO SCALE

50' 0 50' 100'
DRAWING SCALE 1" = 50'

DUFFIELD ASSOCIATES
Soil, Water & the Environment
5400 LIMESTONE ROAD
WILMINGTON, DE 19808-1232
TEL: 302.239.6634
FAX 302.239.8485
OFFICES IN DELAWARE, MARYLAND, PENNSYLVANIA AND NEW JERSEY
WEB: HTTP://DUFFNET.COM
E-MAIL: DUFFIELD@DUFFNET.COM

CHECKED BY: SJG
DESIGNED BY: BRK
DRAWN BY: BRK
FILE NAME: LA01.08EC
STEVE J. GORSKI, P.E. P.E. #12625
STATE: DELAWARE

PRELIMINARY NOT FOR CONSTRUCTION

No.	REVISION	CHK'D BY	DATE
1	PER CITY COMMENTS - 1 JULY 2019	BRK	8 JULY 2019

OWNER: MILFORD MARINA ENTERPRISE, LLC.
2120 LOVE POINT
STEVENSVILLE, MD 2166

DEVELOPER:
LIMITLESS DEVELOPMENT CO, LLC.
26412 BROADKILL ROAD
MILLSBORO, DE 19966
PHONE: (302) 684-4844

PRELIMINARY LANDSCAPE PLAN
PRELIMINARY MAJOR SUBDIVISION
KNIGHT CROSSING
PHASE ONE
CITY OF MILFORD ~ SUSSEX COUNTY ~ DELAWARE

DATE: 8 MAY 2019
SCALE: 1" = 50'
PROJECT NO. 11686.CC
SHEET: 13 OF 13

DUFFIELD ASSOCIATES
Soil, Water & the Environment

Duffield Associates, Inc.
5400 Limestone Road
Wilmington, DE 19808
Phone: 302.239.6634
Fax: 302.239.8485
duffnet.com

June 6, 2019

State of Delaware
Executive Department
Office of State Planning Coordination
122 Martin Luther King Jr. Blvd. South
Haslet Armory – 3rd Floor
Dover, DE 19901

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

Re: Marina Del Phase 1
PLUS review 2019-03-10
Duffield Project No. 11686.CC

Dear Ms. Holland:

Duffield Associates, Inc. (Duffield) is in receipt of the State of Delaware's review letter dated April 25, 2019 for the referenced project and offer our responses. For ease of review, we have repeated your comments followed by our responses in bold *italic* type.

Strategies for State Policies and Spending

- This project is located in Investment Levels 1 and 2 according to the *Strategies for State Policies and Spending.* Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Investment Level 2 reflects areas where growth is anticipated by local, County, and State plans in the near term future.

  Response: ***Noted.***

Code Requirements/Agency Permitting Requirements

Department of Transportation -Contact Bill Brockenbrough 760-2109

- Because the site fronts on roads that are part of the Federal-aid primary road system, that is Coastal Highway (Delaware Route 1) and Cedar Beach Road (Delaware Route 36), and for Cedar Beach Road, part of Delaware's Bayshore Byway, it is subject to outdoor advertising regulations found in CFR 23 §131 and 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements:

  - No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off Coastal Highway or Cedar Beach Road. Any such structure or fixture shall be 660 feet away, i.e., any closest right-of-way edge.

  - No off-premises advertising on the property for others within 660 feet of Coastal Highway or Cedar Beach Road, e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.

  - Along Coastal Highway and Cedar Beach Road, the applicant would not be permitted to advertise or direct information about themselves on other private property.

  Response: The residential project will have no proposed billboards or message boards as described.

- The site access on Beaver Dam Road (Sussex Road 209) must be designed in accordance with DelDOT's Development Coordination Manual,

  Response: The access will conform with the Development Coordination Manual. Internal subdivision streets will be maintained by the City of Milford.

- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review.

  Response: A Pre-submittal meeting will be requested after the TOA Counts submittal and approved.

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

  Response: Noted.

- Section 1.2.1 of the Manual addresses the principles to be considered in locating site entrances. The east entrance to the site is, appropriately, proposed to be opposite Beaver Dam Drive. The west entrance should be located opposite the entrance to Windward on the River, a development presently proposed on the south side of Beaver Dam Road immediately west of Beaver Dam Manor.

  Response: The west entrance has been shifted to a location immediately across from the Windward development entrance.

- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the proposed development would generate 1,170 vehicle trip ends per day. As shown in the table below, DelDOT calculates a slightly higher trip generation. With either total, however, the warrant for a TIS is met.

ITE Code	Size	Weekday ADT	Weekday AM Peak Hour	Weekday PM Peak Hour	Saturday Peak Hour
210	101 dwellings	1,049	77	103	103
220	30 dwellings	186	15	20	21
	Total	1,235	92	123	124

  - Per Section 2.2.2.2 of the Manual, developments generating fewer than 2,000 vehicle trip ends per day and fewer than 200 vehicle trip ends per hour in any hour of the day may be eligible to pay a fee, the Area Wide Study Fee, in lieu of doing a TIS. The fee is calculated as $10 times the Average Daily Traffic volume shown on the site plan and is payable with the Initial Stage submission. Payment of the fee does not exempt the developer from responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process.
  - DelDOT can readily identify two off-site improvements as being necessary to support the subject development:
  - Improvement of Beaver Dam Road to meet DelDOT standards for local roads, which

include 11-foot lanes and 5-foot shoulders, within the limits of the property frontage; and

- Realignment of Beaver Dam Road opposite Brown Street and construction of turning lanes as needed at the intersection of Beaver Dam Road, Brown Street and Cedar Beach Road. The present alignment of Beaver Dam Road places left turns into Beaver Dam Road and Brown Street in conflict with each other and is such that a right tum lane onto Beaver Dam Road would require extending the culvert that carries Herring Branch under Cedar Beach Road.
- If the applicant chooses to pay the Area Wide Study Fee, DelDOT presently anticipates requiring a TOA to determine the need for and size of turning lanes at the intersection of Beaver Dam Road and Cedar Beach Road. It is likely that the commercial development of the remaining lands of the applicant would create a need for greater improvements there and possibly improvements where Cedar Beach Road intersects with Delaware Route 1 and with Rehoboth Boulevard.

Response: The shoulder will be added to the frontage. The 11' wide travel lanes currently exist. A warrant for realignment of Beaver Dam Road with the residential development will be studied further during the TOA process. We anticipate that no conflict will arise with the left turn movements due to very limited trips into Brown Road. An Area Wide Study Fee will be paid. The initial TOA will submitted to DelDOT later this month.

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

Response: Noted.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Coastal Highway and Beaver Dam Road to meet DelDOT's standards for arterial highways and local roads, respectively. By this regulation, this dedication is to provide a minimum of 30 feet from the outside edge of the travel way on Coastal Highway and 30 feet of right-of-way from the physical centerline along Beaver Dam Road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**

Response: Right of way dedication will be provided as required.

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

  Response: ***A single sign is anticipated at this time. An easement will be provided outside the right of way and sight triangles.***

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

  Response: ***A 15' Permanent Easement is proposed.***

- In accordance with Section 3.4 of the Manual, a Record Plan shall be prepared prior to issuing "Letter of No Objection". The record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document available on the DelDOT website.

  Response: ***This is standard practice and is noted.***

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

  - A Traffic Generation Diagram. See Figure 3.4.2a for the required format and content.
  - Depiction of all existing entrances within 450 feet of the proposed entrance on Beaver Dam Road.
  - Notes identifying the type of any off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

  Response: ***A Trip Generation Diagram has been prepared previously and will be updated with the Entrance and Record Plan submittals. Entrance locations and notes as***

listed will be shown on the Record Plan.

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to State roads or proposing DelDOT-maintained public streets for subdivisions. Private or municipal streets should follow the City's requirements for connectivity. In that regard, DelDOT recommends that City of Milford require stub streets for interconnection to adjoining properties in the following three locations:

  - To Tax Parcel 330-7.00-37.00, remaining lands of the applicant by noting on the plan that an access easement to the remaining lands is established opposite Lots 127 through 131;
  - To Tax Parcel 330-7.00-37.01, Richard L. Burgess and Gail M. Burgess, by extending the right-of-way at the end of the proposed cul-de-sac to the parcel line; and
  - To Tax Parcel 330-7.00-40 .00, LSF9 Master Participation Trust by creating a stub street approximately where Lots 109 and 110 are proposed.

  Response: An interconnection to the commercial property is not preferred to limit the use of a residential road as an access road opposite Lots 127-131. The right of way to the Burgess property will be provided, with the cul de sac removed and tee turnaround installed in its place. Due to the lack of viable development, no access to the Master Participation Trust land is proposed. This property is encumbered by a large pond which is identified as Waters of the US. .

- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, in Level 1 and 2 Investment Areas, installation of a sidewalk or Shared Use Path along the development's road frontage is mandatory. While DelDOT will consider any applicable City regulations in this regard the type of facility, initially DelDOT will require a Shared Use Path along the development frontage.

  Response: A Shared use path will be designed.

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

  Response: We will coordinate this requirement with DTC.

- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The entrance plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plan document available on the DelDOT website.

  Response: ***This is standard and will be provided.***

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

  Response: ***Noted.***

  In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be.

  Response: ***Noted.***

- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task.

  Response: ***Noted.***

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

  Response: ***Noted.***

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

required.

Response: ***Noted.***

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

  Response: ***Easements will be provide as necessary.***

State Historic Preservation Office - Contact Carlton Hall 736-7404

- There is a known dwelling **(810406)** and outbuilding on the parcel that may be eligible for NR listing. Our office is currently in the process of locating Cultural Resource forms in our files. The Delaware SHPO recommends that the owner consider retaining the dwelling or incorporating it with the planned development. There is also a dwelling known as the Old Powder Mill Place **(803728)** on the western neighboring parcel. The area along the river has potential for prehistoric archaeological resources and there's potential for 19th century archaeological resources. Therefore, the Delaware SHPO recommends an archaeological survey of the project area.

  Response: ***Noted, however these structures are not located within the proposed 130 unit residential property and therefore should not be affected by this proposed development.***

- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54). Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.

  Response: ***Noted.***

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

  Response: ***No Federal Funding is anticipated.***

Delaware State Fire Marshall's Office - Contact Duane Fox 259-7037

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation:

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

  Response: ***Noted.***

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.

  Response: ***This requirement will be met. Fire flow test data is pending from the City of Milford as of this writing.***

- Where a water distribution system is proposed for townhouse type dwelling sites, the infrastructure for fire protection water shall be provided, including the size of water

mains.

Response: This information will be provided.

Fire Protection Features:

- For townhouse buildings, provide a section *I* detail and the UL design number of the 2-hour fire rated separation wall on the Site plan

Response: This note will be included with the Fire Marshal Site Plan.

Accessibility:

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.

Response: Access will be provided per Fire Code requirements.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.

Response: Noted.

- Any dead end road more than 300 feet in length shall be provided with a tum-around or cul-de-sac arranged such that fire apparatus will be able to tum around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or tum-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or tum around.

Response: Adequate turnarounds will be provided.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

Response: No speed bumps will be designed with this project.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

  Response: ***No gates are proposed with the residential project.***

Gas Piping and System Information:

- Provide type of fuel proposed, and show locations of bulk containers on plan.

  Response: No bulk containers will be designed.

Required Notes:

- Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Proposed Use
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Townhouse 2-hr separation wall details shall be shown on site plans
- Provide Road Names, even for County Roads.

  Response: ***All standard notes will be provided on the Final Fire Marshal Site Plans as listed.***

Recommendations/Additional Information

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

Department of Transportation - Contact Bill Brockenbrough 760-2109

- Cedar Beach Road is part of the Delaware's Bayshore Byway. Because of the subject lands' location relative to the Byway, the applicant should expect the following requirements:
  - Byways signs may be required along Cedar Beach Road as part of the plan review process.
  - Landscaping or landscaping buffers and/or vegetation screening is strongly encouraged. DelDOT has suggested list of native and low maintenance vegetation plantings. If efforts are undertaken or partially undertaken in State right of way, maintenance responsibility will need to be formalized in written agreements with DelDOT.
- Section 3.2.4.1 of the Manual addresses the placement of right-of-way monuments (markers) along subdivision streets. DelDOT recommends that monuments be furnished and placed along the proposed streets in accordance with this section.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal street or driveway with no direct access to Coastal Highway, Cedar Beach Road or Beaver Dam Road.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019.

Response: All notes and recommendations will be taken into consideration with the Final Design Drawings.

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

Waste & Hazardous Substances

- The northwest portion of parcel #330-7.00-13.00 is a Formerly Used Defense Site known as the Milford Ordinance Plant and intersects the Northwest section of the subject parcel. There is potential for contamination and ordinance on site. A site investigation has been conducted to date.
- Parcel #330-7.00.13.00 is also identified by the DNREC Tank Management Section as

the Mispillion Marina site (5-000379), and No Further Action letters was issued in May 1999.

- An investigation report was submitted and reviewed by DNREC. Analytical results indicate non-detectable concentrations of petroleum hydrocarbons in soil samples obtained from borings installed outside the former tank field, which pose no threat to human health or the environment and no further action is required at the present time. However, this letter does not absolve the responsible party from responsibility for any future problems related to the storage tank formerly at this location.

Response: A Phase 1 Environmental Site Assessment is being performed. We anticipate very limited impact to the residential portion of the site.

Delaware State Fire Marshall's Office - Contact John Rudd 323-5365

- Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings. The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website: http://delcode.delaware.gov/title6/c036/sc03/index.shtml

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.del aware.gov, technical services link, plan review, applications or brochures.

Response: We will arrange a pre-submittal meeting with the Sussex County Fire Marshal prior to submittal. Sprinkler systems will be taken into consideration.

Delaware Area Rapid Transit (DART) – Contact: Jared Kauffman 576-6062

- DTC agrees with DelDOT's comments on including additional pedestrian pathways to help increase pedestrian connectivity both within the development, and to future development.

Response: Connectivity will be provided to future commercial development areas, along the internal road network and along the road frontages.

Thank you for your assistance in this matter. Please feel free to call me with any questions.

Very truly yours,

DUFFIELD ASSOCIATES, INC.

Stephen J. Gorski, P.E.

cc: Sussex County
Milford

SJG:acj
11686CC.0619-StateOfDelawareResponseLtr.COR

DUFFIELD ASSOCIATES
Soil, Water & the Environment

Duffield Associates, Inc.
5400 Limestone Road
Wilmington, DE 19808
Phone: 302.239.6634
Fax: 302.239.8485
duffnet.com

July 17, 2019

Mr. Rob Pierce
Planning & Economic Development Director
The City of Milford
180 Vickers Drive
Milford, DE 19963

RE: Project No. 11686.CC (Duffield)
Application Number: 19-021
Application Name: Knight Crossing
Application Type: Planned Unit Development & Preliminary Major Subdivision
Tax Parcel Number(s): 3-30-7.00-035.00, 036.00 & 037.00 (portions)

Dear Mr. Pierce:

Duffield Associates, Inc. (Duffield) received your comments, dated July 1, 2019, for the above-referenced project. We have addressed your comments and are pleased to submit our responses in the response column.

PAGE NO.	COMMENT NO.	PROJECT REVIEW COMMENTS	RESPONSE
		Planned Unit Development	
General	1	Provide an overall PUD master sheet with a data column similar to what is on the record plan. The PUD master sheet should provide a table showing all of the deviations from Chapter 230 and Chapter 200 of the City Code.	A table has been added to the overall subdivisions sheets
	2	Final Major Subdivision will require approvals or letters of no-objection from DelDOT, State Fire Marshal's Office, Sussex Conservation District, DHSS Office of Engineering, DNREC WPCC and the City Engineer.	Understood
	3	Provide a copy of the PLUS response.	This was previously submitted with initial submission. It is also attached to this submittal.
	4	The Clubhouse will require a separate Site Plan submission.	Understood. Will provide with Final Design.
	5	There are outstanding invoices related to a feasibility study that was previously performed for Limitless Development that needs to be paid before the item is scheduled for Planning Commission and City Council review.	This is being paid by the developer.

	6	One of the properties has an open violation for a vacant/dilapidated structure. The City requests that the dwelling unit and outbuildings be demolished prior to the item being placed on the Planning Commission and City Council agenda for Final Major Subdivision approval.	This will be resolved by the developer.
C-01	7	Sheet C-05 is missing from the plan set and we were unable to review.	C-05 was a part of the PDF set that was sent via email to the City.
	8	Provide a location map with a minimum scale of 1"=2,500'.	A location Map was provided on the Cover Sheet
	9	Provide a vicinity map with a minimum scale of 1"=400'.	A Vicinity Map was provided on the Cover Sheet
	10	Incorporate the attached General Record Plan notes. Ensure all items are completed within the notes, specifically the source and date of the boundary and topographic survey, wetlands note, FEMA floodplain note and source water protection note.	The General Notes are shown on the Cover Sheet and will be completed.
	10a	Show the existing AE zone of the FEMA floodplain.	The Flood Zone is shown on all sheets (far northwest corner of the site).
	11	Update the Owner's Certification Block to reflect the property owner's information, not the applicant.	The Owners Cert. Has been updated with the correct information.
	12	Data Column: Change the application number to 19-021.	The Application number has been added to the Data column.
	13	Data Column: Provide a phone number for the property owner.	The phone number has been added.
	14	Data Column: Provide the existing zoning of the property with a breakdown of acreage. Provide the proposed zoning of the property with a breakdown of acreage.	Requested information has been added to the Data Column
	15	Data Column: Provide the existing and proposed use for the property.	Requested information has been added to the Data Column.

	16	Data Column: List the area regulations required for SFD and Townhouses along with the actual conditions provided. Any deviations from the City Code must be specifically requested by the applicant and approved by City Council.	Requested information has been added to the Data Column
	17	Data Column: For the SFD information, list out the required and provided front, side and rear setbacks.	The requested information has been added to the Data Column
	18	Data Column: For the Townhouse information, remove the reference to the open space and recreational open space requirement, as these will be noted under the PUD calculation.	The requested information has been added to the Data Column
	19	Data Column: For the Townhouse information, list the required and provide building height.	The requested information has been added to the Data Column
	20	Data Column: Provide an additional benchmark for the project site. Identify each and label on the record plans and title sheet.	This will be added to the Final Site Plans.
	21	Data Column: Remove the notes below the water provider.	The notes have been removed
	22	Data Column: Remove the notes below the sewer provider.	The notes have been removed
	23	Data Column: List the City of Milford as the Electric Provider.	The supplier has been added to the Data Column
	24	Data Column: Specifically reference 131 EDUs in the flow calculation table.	The requested note has been added.
	25	Data Column: Provide the PUD Density calculation based on Chapter 230-48.1. List the Net Developable Area, Gross Area and Allowable Density. List the provided density.	The requested information has been added to the Data Column
	26	Data Column: List the amount of Open Space required and provided based on the PUD criteria. Please note that stormwater management ponds cannot count towards open space area. See Chapter 200 for definition of Open Space.	The requested information has been added to the Data Column
	27	Data Column: List the amount of Recreational Open Space required and provided based on the PUD criteria.	The requested information has been added to the Data Column

	28	Provide a PUD table showing all deviations from Chapter 230 and Chapter 200.	Table has been added to sheet 1.
C-02	29	Provide a separate lot-line adjustment plan for review. Remove notes pertaining to the removal of property lines on the existing conditions and demolition sheet.	Notes have been removed from the Ex. Cond. Plan and new plan created (Sheet 5)
	30	Label Beaver Dam Road, Route 1 and Cedar Beach Road as State Maintained.	Labels have been added to the roads.
	31	Provide the correct zoning for the adjacent parcels located within Sussex County.	The correct zoning has been addressed
	32	Label the entrance to Beaver Dam Estates	The entry has been labeled.
C-03	33	Record plans should have a scale no greater than 1"=50'. Adjust and provide a key map in the Preliminary Major Subdivision plan set.	The plan has been adjusted to be 50 scale
	34	Label all condominium parcels and open space parcels with a unique identifier and provide the acreage for each.	All parcels have been labeled.
	35	Chapter 230-22(A)(1) requires landscape screening between the R-3 and C-3 zoned properties. Provide landscape screening along this property line.	A solid fence has been added to this property line.
	36	Chapter 230-22(A)(2) requires landscape screening between the townhouses and the adjacent residential uses to the south and east. Provide landscape screening along this property line.	A wooded berm already exists in this area. Supplemental buffering will be provided with final design as necessary.
	37	Chapter 200-5(H)(1)(f) requires shade trees 150 feet on center on each side of the road.	A landscape plan has been added to the set.
	38	Label each street based on Chapter 200-5(A)(14) and the City's Construction Standards. Ensure the right-of-way widths and pavement widths are consistent with Chapter 200. Collectors require 60' wide right-of-way with 28' pavement width. Minors for Townhouses or Apartments require 60' wide right-of-way with 30' pavement width. Minors for other Residential requires 50' wide right-of-way and 25' pavement width.	A PUD design alternative is requested to maintain 50' right of way throughout the development.
	39	The City will require 1.5" Type C, 3.5" Type B and 8" GABC throughout the subdivision. Update the pavement section detail.	Paving section has been added to the details.

	40	Street names should be consistent with Chapter 200-5(A)(17). The City recommends changing to Ernie's Circle, Knight Court and Crusader Avenue.	Streets have been renamed per city recommendations.
	41	Show the locations of proposed stop signs, curb ramps and crosswalks.	Stop signs, crosswalks and ramps shown.
	42	Per Chapter 200-5(A)(16), provide cul-de-sacs with 100' right-of-way diameters and 76' pavement diameters at the end of Knight Alley and Crusader Drive.	A cul-de-sac has been added to the end of Crusader Avenue, Knight Court has been requested as a "Tee turnaround" by DelDOT for future extension to the adjacent property. When that property develops, it will provide a cu de sac.
	43	Per Chapter 200(A)(16), Knight Alley is longer than 400 feet and must be shortened.	This was requested by DelDOT for future connectivity.
	44	Add to each street label "(Dedicated to Public Use, City Maintained)".	The requested note has been added.
	45	Show the preliminary entrance layout based on DelDOT comments.	The proposed 11' travel lane and 5' shoulder have been added.
	46	Show the location of any subdivision sign.	The location has been shown.
	47	Label SR1, Beaver Dam Road and Cedar Beach Road as State Maintained.	The label has been added.
	48	Provide the correct zoning for the adjacent parcels located in Sussex County.	The parcels have been labeled.
	49	Dimension the typical parking space for the clubhouse and overflow parking area. Label the sum of parking spaces for each row.	Dimensions and Labels have been added.
	50	Per Chapter 200-5(D)(3), block widths shall not be less than 275 feet. All of the blocks shown on the Preliminary Plans measure less than 275 feet.	A waiver has been requested for this.
	51	Although the developer intends to construct a condominium community of single-family detached and attached dwellings, lot lines around each individual	PUD design alternatives have been requested to

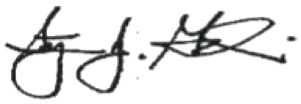
		condominium should be shown demonstrating that the R-3 code requirements are met. Show the building restriction lines for each condo lot and ensure the required setbacks, minimum lot area and maximum lot coverage is met.	reduce the setbacks of R-3 to utilize the PUD.
	52	Chapter 200-5(E)(4) states that corner lots shall have two front yard setbacks. Adjust the record plan to show 30 foot front setbacks on the corner lots.	An alternative PUD design is requested to reduce this to half the front yard setback.
	53	Based on the required 15 foot rear yard setback requirement, there should be a minimum of 30 feet between the back of each condo building and the neighbor's back of unit.	Each rear of the condo units are a minimum of 30 feet apart.
	54	The units along Beaver Dam Road are too close to the State right-of-way. These will be treated as having two front yard setbacks. Per Chapter 200-5(E)(6), an easement with a minimum width of 10 feet shall be provided along with landscaping to screen the houses from the main road.	The easement has been added for lots 94-101 and have a 30' setback. A PUD design alternative of a minimum 25' setback is being requested for lots 1-6.
	55	Dimension the distance between the townhouse end units. City Code requires 30 feet.	The dimensions have been added.
	56	Provide the right-of-way radius at the intersection of Ernie's Path and Bruce Wayne Drive, adjacent to Unit 1.	The dimension has been added.
	57	Provide a sidewalk connector to the commercial parcels internal to the subdivision.	A connection can be made to the sidewalk around the cul-de-sac at the end of Crusader Ave
	58	Will there be garages for the SFD condos? If so, note this on the typical detail.	Yes. The SFD detail now denotes this.
	59	Will there be garages for the Townhouse condos? If so, note this on the typical detail.	Yes there will be a single car garage
	60	Dimension a typical condominium driveway, including the width and the distance between the sidewalk and the dwelling unit, to ensure each property meets the off-street parking requirement.	Two spaces will be provided in the driveways.

	61	Please note that water meter pits cannot be located within driveways. Water meter pits and cleanouts must be placed in the sidewalk.	It is noted as construction drawings progress this will be addressed.
	62	Coordinate with the Milford Post Office on a location for mailboxes.	We will coordinate this.
	63	Coordinate with the Milford School District and DART on the potential need for a bus shelter.	This will be coordinated.
C-04	64	Update this sheet based on the comments for Sheet C-03.	The sheet has been updated.
	65	Again, sheets should be 1”=50’ or less.	The sheet has been updated.
	66	Show the existing 10” PVC water main along Beaver Dam Road.	The water line has been shown.
	67	Label each water main connection as a 10”x8” wet tap with 8” Gate Valve.	The connections have been labeled
	68	Label the first manhole on Beaver Dam Road as Proposed MH9 (by others) and label as the connection point.	The manhole has been labeled.
	69	Catch basins should not be located in the driveways for the condo units.	This will be reviewed and addressed if necessary as construction documents move through development.
	70	Provide a sewer cleanout and water service stub to the adjacent residential parcels along Beaver Dam Road.	This has been added.
	71	All water main dead-ends will require the installation of an automatic blow-off with a concrete apron.	Blow off locations have been shown.
	72	Provide a water main stub next to the sewer stub on Crusader Drive for the future commercial development.	A stub has been shown on the drawings.
General	73	Address additional plan review comments from KCI dated July 1, 2019.	Comments will be addressed under a separate response letter.
	74	Provide a written response for each plan review comment.	Written response has been provided.

We trust that our response addresses your comments. Please do not hesitate to contact us should you have any questions.

Very truly yours,

DUFFIELD ASSOCIATES, INC.



Stephen J Gorski, P.E.
Senior Project Manager

BK/SJG:bac
11686CC.0719-KnightCrossing-PUD PreliminaryMajorSubdivision-Review#1-Response.COR

KCI TECHNOLOGIES
ISO 9001:2015 CERTIFIED
ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS
1352 Marrows Road, Suite 100 • Newark, DE 19711 • Phone 302-731-9176 • Fax 302-731-7807

7/1/2019

City of Milford
201 South Walnut Street
Milford, Delaware 19963

Attention: Rob Pierce

Subject: **Knight Crossing – Plan Review Summary**
KCI Job No. 131803632 – Task 08

Dear Mr. Pierce,

As requested, a KCI Technologies performed a review of the Knight Crossing – Preliminary Major Subdivision plans against the City's preliminary major subdivision application requirements, the City's Standard Specifications, and general engineering best practices. These plans were submitted by the Limitless Development Company, LLC and are dated May 8, 2019 according to the plan set title block.

According to our review, the following comments apply to the submitted sheets and have not been addressed during previous reviews:

1. *KCI Comment:* (General) If the developer will be seeking any waivers from the Code of the City of Milford, **Please list all waivers being sought and their corresponding code locations.**

2. *KCI Comment:* (General) This project is dependent on sanitary sewer infrastructure being constructed as a part of the neighboring development, Windward on the River – Residential. **This project CANNOT be built before the windward development has been constructed.**

3. *KCI Comment:* (page 1/5) Please consult the Preliminary Major Subdivision Checklist included in the Application. **Provide all items, including the following:**
    - Index of sheets included
    - Developer certification statement
    - Street names on the vicinity map
    - Source and date of boundary and topographical surveys
    - Actual lot areas
    - Actual lot length and width

- Proposed building height
- Open space percentage
- Proposed lot coverage area and percentage of coverage
- Required and proposed parking spaces (include calculations)
- Utility providers for both electric and gas utilities, if applicable
- Estimated number of EDUs
- Applicable FEMA map and whether or not 100 year floodplain is present on site
- Statement regarding source water protection area and impervious coverage of said area

4. *KCI Comment:* (page 3/5) Please consult the Preliminary Major Subdivision Checklist included in the Application. **Provide the required certification statements, City approval statement, and general notes.**

5. *KCI Comment:* (page 3/5) The City will need to know the final paving thickness for the development's streets. **Please provide paving cross section details for the development.**

6. *KCI Comment:* (page 3/5) The individual lots appear to share property with adjacent lots. **Please provide proposed property lines to separate lots into individual parcels.**

7. *KCI Comment:* (page 4/5) There are no entrance improvements shown along Beaver Dam Road. **Please include preliminary entrance improvements.**

8. *KCI Comment:* (page 4/5) Please add additional information on parking areas. **Show typical width and length dimensions and provide the number of spaces in each row.**

9. *KCI Comment:* (page 4/5) **Please show all existing and proposed easements.**

10. *KCI Comment:* (page 4/5) The sewer laterals for lots 18, 19, 40, 41, 52, 53, 86, 101, 130, and 131 must connect to the sewer main and not directly to a proposed manhole. See city specification section 3.12,A,5. **Please extend the sewer main in these areas to allow room for the lateral connections.**

11. *KCI Comment:* (page 4/5) Please indicate the location and method of installation (Tee fitting) for the water taps at the following locations, include 8" gate valves at these locations:
    - **Beaver Dam Road and Bruce Wayne Drive**
    - **Beaver Dam Road and Crusader Drive**

12. *KCI Comment:* (page 4/5) Please install gate vales at these locations:
    - **In front of lot 26 on the Ernie's Path branch of the water main tee**
    - **Add a 4th valve in the valve cluster located at the intersection of Bruce Wayne Drive and Marco Street**

13. *KCI Comment:* (page 4/5) Please install automatic flushers at the following locations:

- **Knight Alley at the western end of the water main**
- **Crusader Drive at the northern end of the water main**
- **Ernie's Path at the northwestern corner of the water main loop near SWM #2**

14. *KCI Comment:* (page 4/5) All hydrant assemblies are to be equipped with hydrant valves. **Please provide all required hydrant valves.**

15. *KCI Comment:* (page 4/5) The radii of all curved streets and cul-de-sacs will need to be designed to meet minimum requirements to accommodate trash trucks and snow plows. **Please indicate the requested radii on the plans.**

16. *KCI Comment:* (page 4/5) There are no storm drain inlets on Crusader Drive north of Bruce Wayne Drive, or south of Knight Alley. **Please provide storm drain inlets and pipe along this road at the requested locations.**

Because this project is dependent on infrastructure to be built by another development, KCI would like to advise the City of Milford to secure assurances from both the Windward developer and Knight Crossing developer in order to coordinate the required infrastructure.

If you have any questions or comments regarding this letter, please do not hesitate to contact me any time at (302) 318-1084.

Sincerely,



Robert Ott, P.E.
Project Engineer

DUFFIELD ASSOCIATES
Soil, Water & the Environment

Duffield Associates, Inc.
5400 Limestone Road
Wilmington, DE 19808
Phone: 302.239.6634
Fax: 302.239.8485
duffnet.com

July 16, 2019

Mr. Rob Pierce
City of Milford
201 South Walnut Street
Milford, DE 19963

RE: Project No. 11686.CC (Duffield)
Knight Crossing – Plan Review Summary
KCI Job No. 131803632 – Task 08

Dear Mr. Pierce:

Duffield Associates, Inc. (Duffield) received KCI Technologies' comments, dated July 1, 2019, for the above-referenced project. We have addressed their comments and are pleased to submit our responses in **bold** and *italicized*.

As requested, a KCI Technologies performed a review of the Knight Crossing – Preliminary Major Subdivision plans against the City's preliminary major subdivision application requirements, the City's Standard Specifications, and general engineering best practices. These plans were submitted by the Limitless Development Company, LLC and are dated May 8, 2019 according to the plan set title block.

1. KCI Comment: (General) If the developer will be seeking any waivers from the Code of the City of Milford, Please list all waivers being sought and their corresponding code locations.

   Response: ***A list of waivers has been supplied with this submission***

2. KCI Comment: (General) This project is dependent on sanitary sewer infrastructure being constructed as a part of the neighboring development, Windward on the River – Residential. This project CANNOT be built before the windward development has been constructed.

   Response: ***Understood- no response necessary***

3. KCI Comment: (page 1/5) Please consult the Preliminary Major Subdivision Checklist included in the Application. Provide all items, including the following:
   - Index of sheets included
   - Developer certification statement
   - Street names on the vicinity map
   - Source and date of boundary and topographical surveys
   - Actual lot areas
   - Actual lot length and width
   - Proposed building height

- Open space percentage
- Proposed lot coverage area and percentage of coverage
- Required and proposed parking spaces (include calculations)
- Utility providers for both electric and gas utilities, if applicable
- Estimated number of EDUs
- Applicable FEMA map and whether or not 100 year floodplain is present on site
- Statement regarding source water protection area and impervious coverage of said area

Response: The requested information has been added or clarified on the cover sheet of the submission.

4. KCI Comment: (page 3/5) Please consult the Preliminary Major Subdivision Checklist included in the Application. Provide the required certification statements, City approval statement, and general notes.

Response: The requested signature blocks have been added to the sheet. The general notes are currently located on the cover sheet of the plan set.

5. KCI Comment: (page 3/5) The City will need to know the final paving thickness for the development's streets. Please provide paving cross section details for the development.

Response: The paving cross section has been updated to reflect the city's requested paving thicknesses.

6. KCI Comment: (page 3/5) The individual lots appear to share property with adjacent lots. Please provide proposed property lines to separate lots into individual parcels.

Response: The concept behind this plan is to utilize a PUD with a condominium set up where an HOA owns the grounds. The outline of the open space and Condominium parcels have been denoted.

7. KCI Comment: (page 4/5) There are no entrance improvements shown along Beaver Dam Road. Please include preliminary entrance improvements.

Response: DelDOT has requested an 11' travel and with a 5' shoulder which is now shown on the plans.

8. KCI Comment: (page 4/5) Please add additional information on parking areas. Show typical width and length dimensions and provide the number of spaces in each row.

Response: The requested dimensions and callouts have been added to the plan.

9. KCI Comment: (page 4/5) Please show all existing and proposed easements.

Response: ***All easements have been shown and noted on the plans.***

10. KCI Comment: (page 4/5) The sewer laterals for lots 18, 19, 40, 41, 52, 53, 86, 101, 130, and 131 must connect to the sewer main and not directly to a proposed manhole. See city specification section 3.12,A,5. Please extend the sewer main in these areas to allow room for the lateral connections.

    Response: ***The sanitary line has been extended in these areas to allow connection to the main and not into a structure.***

11. KCI Comment: (page 4/5) Please indicate the location and method of installation (Tee fitting) for the water taps at the following locations, include 8" gate valves at these locations:
    - Beaver Dam Road and Bruce Wayne Drive
    - Beaver Dam Road and Crusader Drive

    Response: ***The connection method and location have been shown and called out on the plan set.***

12. KCI Comment: (page 4/5) Please install gate vales at these locations:
    - In front of lot 26 on the Ernie's Path branch of the water main tee
    - Add a 4th valve in the valve cluster located at the intersection of Bruce Wayne Drive and Marco Street

    Response: ***The requested valve locations have been added to the plan set.***

13. KCI Comment: (page 4/5) Please install automatic flushers at the following locations:
    - Knight Alley at the western end of the water main
    - Crusader Drive at the northern end of the water main
    - Ernie's Path at the northwestern corner of the water main loop near SWM #2

    Response: ***Automatic flush valves have been added at the requested locations.***

14. KCI Comment: (page 4/5) All hydrant assemblies are to be equipped with hydrant valves. Please provide all required hydrant valves.

    Response: ***All hydrants a have their associated valves shown on the plans.***

15. KCI Comment: (page 4/5) The radii of all curved streets and cul-de-sacs will need to be designed to meet minimum requirements to accommodate trash trucks and snow plows. Please indicate the requested radii on the plans.

    Response: ***The radius of the streets and cul-de-sacs have been designed to meet the***

minimum standards for the City of Milford.

16. KCI Comment: (page 4/5) There are no storm drain inlets on Crusader Drive north of Bruce Wayne Drive, or south of Knight Alley. Please provide storm drain inlets and pipe along this road at the requested locations.

    Response: Inlets will be added as needed as the storm drain system is designed for flow capacity.

Because this project is dependent on infrastructure to be built by another development, KCI would like to advise the City of Milford to secure assurances from both the Windward developer and Knight Crossing developer in order to coordinate the required infrastructure.

We trust that these responses address KCI's comments. Please do not hesitate to contact us should you have any questions.

Very truly yours,

DUFFIELD ASSOCIATES, INC.

Stephen J Gorski, P.E.
Senior Project Manager

SJG/BK:bac
11686CC.0719-RESPONSE.COR

City of Milford, Delaware
Development Advisory Committee

Comment Sheet

****

DATE OF REVIEW: July 30, 2019

REVIEWING AGENCY: **Delaware State Fire Marshal's Office, Sussex Office**

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**
Dennett E. Pridgeon, CFPS, CFPE, CFI, Sr. Fire Protection Specialist
Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist
Joseph Moran, CFI, Sr. Fire Protection Specialist
Desiree B. McCall, CFI, Sr. Fire Protection Specialist

AGENCY PHONE NUMBERS: **302-856-5298, Fax: 302-856-5800**

RE: KNIGHT CROSSING (19-021)

The reasons and conditions applied to this project and their sources are itemized below:

****

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements**:
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly and Townhouses)
- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**
- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.

- Show Fire Lanes and Sign Detail as shown in DSFPR
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

c. **Accessibility**
- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Beaver Dam Rd must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**
- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes**:
- Provide a note on the final plans submitted for review to read " All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Townhouse 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE

CITY OF MILFORD
PLANNING COMMISSION
Minutes of Meeting
December 17, 2019

A public hearing of the Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, DE.

PRESIDING: Chairman Marvin Sharp

IN ATTENDANCE: Commissioners Ed Holloway, Sara Pletcher, Michiah Grainger

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

ABSENT: Commissioner Rae Mims, Andrew Fulton, Dwayne Powell

PUBLIC HEARINGS

Director Pierce read the Public Hearing procedures into the record.

Ordinance 2019-30
Milford Marina Enterprises LLC for a Conditional Use for a Planned Unit Development and a Preliminary Major Subdivision on 40.35 +/- acres in R3 (Garden Apartment and Townhouse) and C3 (Highway Commercial) Zoning Districts. Property is located on the south of Cedar Beach Road, east of Beaver Dam Road and west of State Route 1, Milford, Delaware. Present Use: Vacant Land; Proposed Use: 101 Single Family units and 30 Townhouse units for a total of 131-unit subdivision to be known as Knight Crossing. Tax Map 3-30-7.00-035.00, 036.00 & 037.00 (portions)

Director Pierce reviewed the Staff Report & Analysis included in the packet.

Commissioner Powell arrived at 7:02 pm.

In particular, Director Pierce explained Chapter 200-9 allows for varying or waiving of the requirements of Chapter 200-Subdivision of Land, therefore the applicant has requested the following waivers of Chapter 200:

Chapter 200-8(A)(14): Required-60' Right of way with 30' pavement width for townhouses; Requesting-50' right of way with 24' pavement width to match the rest of the development.
Chapter 200-8(A)(16): Required-Provide a 100' right of way and 76' diameter curb Cul-de-Sac; Requesting-A "T" turnaround per direction from DelDOT for future connection to existing parcel for Knight Court.
Chapter 200-8(A)(16): Required-Dead-end streets shall not be longer than 400 feet; Requesting: Extend Knight Court to the existing parcel (unknown length) to allow connection in the future if that parcel is to be developed per DelDOT direction as they will not allow another entrance to Beaver Dam Road.
Chapter 200-8(D)(3): Required-Block widths shall be no less than 275 feet in length; Requesting-Block layout at 250' +/-.
Chapter 200-8(E)(4): Required-Corner lots shall have two front yard setbacks; Requesting-One front yard setback and then a ½ setback for the other front yard.
Chapter 200-8(E)(6): Required-10' minimum easement along a main road for landscape screening; Requesting-A minimum 25' setback from the building envelope to road way with a planted buffer for lots 1-6.

In addition, the applicant has requested the following waivers of Chapter 230-Zoning:

Chapter 230-11(B)(1)(a)[2]: Required-Maximum lot coverage of 45%; Requesting-Maximum lot coverage of 52%.
Chapter 230-11(B)(1)(a)[5]: Required-Minimum building setback of 30'; Requesting-Front setback of 20'.
Chapter 230-11(B)(1)(a)[6]: Required-Minimum side yard setback of 8' on each side; Requesting-Minimum side yard setback of 5' on each side.

It was determined the application before the Commission applies only to the R3 zoned property and not the C3 zoned property which has been designated as Phase I on the plans. The commercially zoned property, shown as Phase II on the plans, is not being reviewed at this time.

Mr. Stephen Gorski with Duffield Associates on behalf of the owner confirmed Director Pierce's presentation adding the single-family homes will be located on one lot, the townhomes will be located on a second lot, and there will be a home owners association. Sales will target 55 plus buyers.

Ms. Pletcher questioned the parking provided which Mr. Gorski replied the single-family units will have two car driveways with a one car garage and the townhomes will have one car driveways with a one car garage. When asked where additional parking is located, especially with more narrow streets requested. Mr. Gorski referred to the end of the cul-de-sac where fifteen spaces have been provided adding cars will be allowed to park on one side of the streets as well. He stated the plans meet the parking requirements.

Chairman Sharp stated he has a problem with 24' wide streets, especially when parking is permitted on one side, due to emergency vehicle access. Ms. Pletcher agreed.

Mr. Holloway added the regulations in Chapter 200 are there for a reason. In this case the reasons are for the safety of the future residents. He is not in favor of going against those regulations.

When asked where the privacy fence on the east side of the property will be, Mr. Gorski explained it follows the phase line, which means the residential portion of the plan will not connect to the commercial portion.

Mr. Gorski explained there will be a recreation center, or community center, and pool for use by residents of the development. There is also open space south of the parking lot to that center and pool for recreation as well.

When asked how many HOA's will be created for this community, Mr. Gorski replied one.

Director Pierce asked if the streets could be wider than the requested 24' pavement width. Mr. Gorski stated the 24' width is being requested for the townhome section only and not the single-family section, but believes the plan can accommodate a 30' pavement width. Chairman Sharp confirmed the single-family section will have a 25' pavement width, which is per code.

It was determined the applicant's waiver requests should be for Chapter 200-8 and not 5 and that the first waiver request by the applicant should read:

Chapter 200-8(A)(14): Required-60' Right of way with 30' pavement width for townhouses; Requesting-50' right of way with 25' pavement width to match the rest of the development.

If the plans can accommodate a 30' pavement width for the townhome section though, as Director Pierce confirmed, then the first waiver request is unnecessary.

Chairman Sharp called for public comment on Ordinance 2019-30.

Ms. Brenda Watson, 35 Beaver Dam Dr, confirmed the locations of the entrances and the sewer pump station. When asked why the applicant is requesting a reduction in road widths, Director Pierce explained it does not increase the number of units in the development, but it does reduce costs and would be more uniform with the single-family section.

Hearing no additional comments, the public hearing was closed.

Ms. Pletcher confirmed sidewalks will be provided and questioned what the City Public Works Department comments were. Director Pierce explained KCI Technologies reviewed this project on behalf of Public Works and their comments are included in the packet.

Ms. Pletcher stated there are a lot of houses and not a lot of parking provided in this plan. She would prefer more communal parking be provided and gave the pool and community center as an example. There are only eight parking spaces provided there which is not enough parking. Director Pierce stated he will review the parking proposed at the community center and pool to ensure it complies with the code.

Solicitor Rutt referred to page one of the plans noting the parking calculations state the townhome units will have two spaces per unit and the single-family units will have three spaces per unit. Based on this, the townhome units do not meet the code. Mr. Gorski explained the fifteen spaces at the end of the cul-de-sac can be used to meet the townhome parking requirements. Solicitor Rutt stated that is not on-site parking though and could be used by anyone.

Director Pierce asked if the townhomes could be moved back, increasing the front yard depth, to accommodate 2.5 parking spaces per unit since there is a large distance in the rear yard to which Mr. Gorski replied the back of the units have a large berm, so it is deceiving how much usable space is behind the units.

Ms. Pletcher added she is not in favor of the requested five-foot side yard setback for the single-family units either as that will only leave ten feet between houses. Chairman Sharp agreed adding from a fire perspective that is dangerous.

Pletcher moved to recommend approval of Ordinance 2019-30, seconded by Powell, and grant the following waiver requests:
Chapter 200-8(A)(16): Required-Provide a 100' right of way and 76' diameter curb Cul-de-Sac; Requesting-A "T" turnaround per direction from DelDOT for future connection to existing parcel for Knight Court.
Chapter 200-8(A)(16): Required-Dead-end streets shall not be longer than 400 feet; Requesting: Extend Knight Court to the existing parcel (unknown length) to allow connection in the future if that parcel is to be developed per DelDOT direction as they will not allow another entrance to Beaver Dam Road.
Chapter 200-8(D)(3): Required-Block widths shall be no less than 275 feet in length; Requesting-Block layout at 250' +/-.
Chapter 200-8(E)(4): Required-Corner lots shall have two front yard setbacks; Requesting-One front yard setback and then a ½ setback for the other front yard.
Chapter 200-8(E)(6): Required-10' minimum easement along a main road for landscape screening; Requesting-A minimum 25' setback from the building envelope to road way with a planted buffer for lots 1-6.
Chapter 230-11(B)(1)(a)[2]: Required-Maximum lot coverage of 45%; Requesting-Maximum lot coverage of 52%.
Chapter 230-11(B)(1)(a)[5]: Required-Minimum building setback of 30'; Requesting-Front setback of 20'.

The motion excludes from approval the following waiver requests:
Chapter 200-8(A)(14): Required-60' Right of way with 25' pavement width for townhouses; Requesting-50' right of way with 25' pavement width to match the rest of the development.

Chapter 230-11(B)(1)(a)[6]: Required-Minimum side yard setback of 8' on each side; Requesting-Minimum side yard setback of 5' on each side.

The motion carried with the following votes:

Holloway Yes only because we need 55 plus housing. He cautions future developers to not vary from the code.
Pletcher Yes because we need 55 plus housing.
Powell Yes for reasons stated by Ms. Pletcher.
Grainger Yes for reasons stated by Mr. Holloway.
Sharp No because of the fire hazards presented.

ORDINANCE 2019-30

Milford Marina Enterprises LLC for a Conditional Use for a Planned Unit Development and a Preliminary Major Subdivision on 40.35 +/- acres in R3 (Garden Apartment and Townhouse) and C3 (Highway Commercial) Zoning Districts. Property is located on the south of Cedar Beach Road, east of Beaver Dam Road and west of State Route 1, Milford, Delaware. Present Use: Vacant Land; Proposed Use: 101 Single Family units and 30 Townhouse units for a total of 131-unit subdivision to be known as Knight Crossing. Tax Map 3-30-7.00-035.00, 036.00 & 037.00 (portions)

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on December 17, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on January 27, 2020 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 Planned Unit Development and a Preliminary Major Subdivision to be known as Knight Crossing as herein described.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section l. Upon the adoption of this ordinance, Milford Marina Enterprises LLC is hereby granted a Conditional Use Permit to allow a Planned Unit Development and a Preliminary Major Subdivision to be known as Knight Crossing 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: ~~September 17, 2019; POSTPONED BY APPLICANT TO 10/15/19;~~ POSTPONED BY APPLICANT TO 12/17/19
City Council Introduction: September 9, 2019
City Council Public Hearing: ~~September 23, 2019; POSTPONED BY APPLICANT TO 10/28/19;~~ POSTPONED BY APPLICANT TO 01/27/20
Effective: ~~October 3, 2019; November 7, 2019;~~ February 6, 2020

Director Pierce reviewed the Staff Report & Analysis included in the packet which indicates the requested zoning complies with the Comprehensive Plan.

Mr. Powell felt this was similar to the change of zone heard at the October meeting to which Director Pierce stated it is very similar however this is further south, but on the same side of the road.

Mr. Dennis Barnes with Coldwell Banker on behalf of the property owners, explained this property was rezoned to OB1 several years ago and had a site plan approved however not developed. The owners now wish to change the zoning to C3 and sell the property.

Chairman Sharp called for public comment on Ordinance 2019-41 and hearing none, the public hearing was closed.

Pletcher moved to recommend approval of Ordinance 2019-41, seconded by Holloway. Motion carried with all present voting in favor.

ORDINANCE 2019-41
Change of Zone/Lands Belonging to Coranado Treasures LTD
1017 S DuPont Blvd, Milford, DE 19963
Tax Map 1-30-3.19-013.00
2.84 +/- Acres
Current Zone OB1/Proposed Zone C3

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 2.84 +/- acres of land from OB1 to C3 at 1017 S DuPont Blvd, Milford, DE 19963.

WHEREAS, on December 17, 2019, the Planning Commission will hold the noticed public hearing during which time interested persons will 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, on January 27, 2020, City Council will consider evidence presented, public comments, and the Planning Commission's recommendation 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 as follows:
Upon the adoption of this ordinance, tax map and parcels 1-30-3.19-013.00 is hereby zoned C3.

Dates.
Introduction to City Council: December 9, 2019
Planning Commission Public Hearing: December 17, 2019
City Council Public Hearing and Determination: January 27, 2020
Effective Date: February 6, 2020

Ordinance 2019-42
Feebs Distilling Co on behalf of S & P Holdings LLC for a Conditional Use on 2.02 +/- acres for a craft distillery in an I-1 Zoning District. Property is located along the east side of McColley Street between Delaware

Avenue and McCoy Street, addressed as 733 McColley Street., Milford, Delaware. Present use: Distillery Proposed Use: Same with retail sales. Tax Map: 3-30-11.09-015.00

Director Pierce reviewed the Staff Report & Analysis included in the packet adding they are not proposing a tasting room at this time, however, customers will be allowed to purchase a sample prior to making a purchase. There is no proposed outdoor seating at this time. There is no food prepared or served either.

Ms. Stacey Arnold and Eric Fiebelkorn of Feebs Distilling on behalf of the owner confirmed Director Pierce's staff report and analysis

Ms. Pletcher asked for an explanation of the drawings submitted. Mr. Fiebelkorn stated there are three parking spots available, one of which will be ADA, one for the two employees, and one for patrons. Patrons will come up to the garage door, which will be open, or enter from the man door and then into the garage, which will have a retail space of 90 square feet. The employee area is 60 square feet. The building is 1762 square feet total. They are looking to work their way up slowly to add additional retail space where patrons can have tastings and purchase food.

Chairman Sharp called for public comment on Ordinance 2019-42 and hearing none, the public hearing was closed.

When asked if the 1000' distance requirement between daycares and alcohol establishments, referencing the daycare on Watergate Blvd, is being met, Director Pierce stated it is far enough away to meet code.

Pletcher moved to recommend approval of Ordinance 2019-42, seconded by Powell. Motion carried with all present voting in favor.

ORDINANCE 2019-42

Feebs Distilling Co on behalf of S & P Holdings LLC for a Conditional Use on 2.02 +/- acres for a craft distillery in an I-1 Zoning District. Property is located along the east side of McColley Street between Delaware Avenue and McCoy Street, addressed as 733 McColley Street., Milford, Delaware. Present use: Distillery Proposed Use: Same with retail sales. Tax Map: 3-30-11.09-015.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a conditional use; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on December 17, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on January 27, 2020 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 conditional use, as herein described.

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

Section l. Following adoption of Ordinance 2019-41, and upon the effective date, Feebs Distilling Co on behalf of S & P Holdings LLC is hereby granted a Conditional Use to allow a craft distillery, 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: December 17, 2019
City Council Introduction: December 9, 2019
City Council Public Hearing: January 27, 2020
Effective: February 6, 2020

A regular meeting of the Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, DE.

PRESIDING: Chairman Marvin Sharp

IN ATTENDANCE: Commissioners Dwayne Powell, Ed Holloway, Sara Pletcher, Michiah Grainger

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

ABSENT: Commissioner Rae Mims, Andrew Fulton

CALL TO ORDER

Chairman Sharp called the meeting to order at 8:08 pm.

APPROVAL OF PREVIOUS MINUTES

The minutes from November 2019 were approved as submitted.

NEW BUSINESS

Liborio Watergate LLC/Final Site Plan/ Watergate Boulevard North and Marshall Street – Watergate Subdivision/Zoning District R-3/Property Tax Parcel 3-30-11.09-030.00, 3-30-11.09-031.00 & 3-30-11.09-115.00

Director Pierce reviewed the Staff Report & Analysis included in the packet.

Mr. Scott Lobdell with Van Cleef Engineering on behalf of the owner confirmed Director Pierce's staff report and analysis adding this application is for a daycare to be known as Beach Babies.

When asked what the hours of operation will be, Mr. Sean Toner, owner of Beach Babies, replied weekdays from 6:00 am until 6:00 pm.

Mr. Lobdell explained the trees and shrubs proposed along Marshall Street comply with the agreement with the neighboring property owner which required them to be no taller than three feet so as to not reduce their visibility.

Mr. Toner confirmed the daycare and school district work together to arrange for school buses to pick up and drop off at the location.

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

Mid-Delaware Professional, LLC/Extension #1/Preliminary Site Plan/204 W Liberty Way/Tax Map MD-16-173.00-01-02.11/Zoning OC-1

Director Pierce reviewed the Staff Report & Analysis included in the packet.

Mr. Kevin Minnich of Minnich Engineering on behalf of the property owner confirmed Director Pierce's staff report and analysis.

Pletcher moved to approve a one-year extension of the Preliminary Site Plan, seconded by Powell. Motion carried with all present voting in favor.

200 NW Front Street LLC on behalf of Ditomasso, John; Wavecrest LLC; Downtown Properties LLC/Extension #1/Preliminary Major Subdivision/106 N Church St, 201 NW Front St, 205 NW Front St, 207 NW Front St, 209 NW Front St, 211 NW Front St/Tax Map MD-16-183.10-02-059.01; -077.00; -079.00; -080.00; -.081.00; -082.00

Director Pierce reviewed the Staff Report & Analysis included in the packet.

Mr. Ring Lardner of Davis, Bowen & Friedel on behalf of the property owner confirmed Director Pierce's staff report and analysis adding in May the property owner received quotes from builders and because of the high costs had to go back to the plans and make some changes to lessen the financial burden. The final Major Subdivision is on the January Planning Commission agenda, so while the request is for a one-year extension, in reality they expect to need a 30-40 days extension.

Holloway moved to approve a one-year extension of the Preliminary Major Subdivision, seconded by Powell. Motion carried with all present voting in favor.

ADJOURN

There being no further business, the meeting adjourned at 8:36 pm.

Respectfully submitted,

Christine R. Crouch, MMC
Deputy City Clerk

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, ~~September 17, 2019; POSTPONED BY APPLICANT TO 10/15/19~~;
POSTPONED BY APPLICANT TO 12/17/19 @ 7:00 p.m.
City Council Hearing: Monday, ~~September 23, 2019; POSTPONED BY APPLICANT TO 10/28/19~~;
POSTPONED BY APPLICANT TO 01/27/20 @ 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 2019-30
Milford Marina Enterprises LLC for a Conditional Use for a Planned Unit Development and a Preliminary Major Subdivision on 40.35 +/- acres in R3 (Garden Apartment and Townhouse) and C3 (Highway Commercial) Zoning Districts. Property is located on the south of Cedar Beach Road, east of Beaver Dam Road and west of State Route 1, Milford, Delaware. Present Use: Vacant Land; Proposed Use: 101 Single Family units and 30 Townhouse units for a total of 131-unit subdivision to be known as Knight Crossing. Tax Map 3-30-7.00-035.00, 036.00 & 037.00 (portions)

Whereas, the City of Milford Planning Commission will consider the application at a Public Hearing on December 17, 2019; and

Whereas, Milford City Council will hold a Public Hearing on January 27, 2020 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 Planned Unit Development and a Preliminary Major Subdivision to be known as Knight Crossing as herein described.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section l. Upon the adoption of this ordinance, Milford Marina Enterprises LLC is hereby granted a Conditional Use Permit to allow a Planned Unit Development and a Preliminary Major Subdivision to be known as Knight Crossing 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: ~~September 17, 2019; POSTPONED BY APPLICANT TO 10/15/19~~; **POSTPONED BY APPLICANT TO 12/17/19**
City Council Introduction: September 9, 2019
City Council Public Hearing: ~~September 23, 2019; POSTPONED BY APPLICANT TO 10/28~~/19;
POSTPONED BY APPLICANT TO 01/27/20
Effective: ~~October 3, 2019; November 7, 2019~~; February 6, 2020

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 112719

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

THE CITY of Milford DELAWARE

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

DATA SHEET FOR CORANADO TREASURES, LLC

Planning Commission Meeting: December 17, 2019

Application Number / Name	:	19-041 / Coranado Treasures, LLC
Applicant	:	Bahia Corazon & Domingo Aviado 209 Cedar Island Drive Brick, NJ 08723
Owner	:	Coranado Treasures, LLC 209 Cedar Island Drive Brick, NJ 08723
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District(s)	:	OB-1 (Office Building)
Proposed Zoning District(s)	:	C-3 (Highway Commercial)
Present Use	:	Vacant
Proposed Use	:	Vacant
Size and Location	:	2.84 +/- acres of land located along the east side of US Route 113 approximately 3,500 feet south of the Seabury Avenue intersection.
Tax Map & Parcel(s)	:	1-30-3.19-013.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Survey

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

THE CITY of Milford DELAWARE

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

STAFF REPORT
October 31, 2019

Application Number / Name	**:**	19-041 / Coranado Treasures, LLC
Present Comprehensive Plan Designation	**:**	Commercial
Present Zoning District(s)	**:**	OB-1 (Office Building)
Proposed Zoning District(s)	**:**	C-3 (Highway Commercial)
Present Use	**:**	Vacant
Proposed Use	**:**	Vacant
Size and Location	**:**	2.84 +/- acres of land located along the east side of US Route 113 approximately 3,500 feet south of the Seabury Avenue intersection.
Tax Map & Parcel(s)	**:**	1-30-3.19-013.00

I. BACKGROUND INFORMATION:

- The applicant proposes to change the zoning designation of the above referenced parcel from OB-1 (Office Building) to C-3 (Highway Commercial). Any proposed use would be subject to the City Code, specifically the use and area regulations adopted at the time of application.

II. STAFF ANALYSIS:

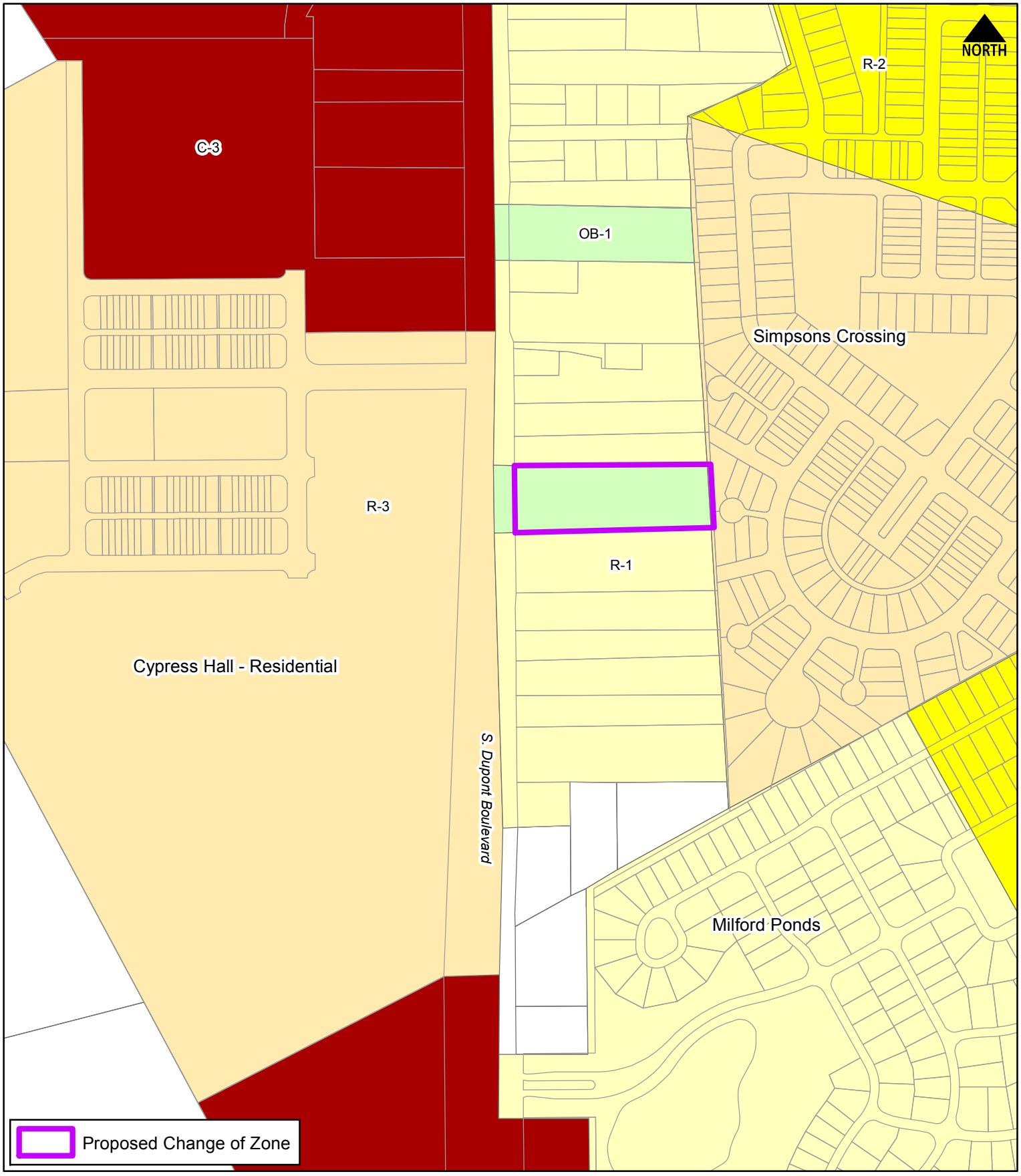
Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submits the following regarding the request to amend the Zoning Map:

- The Change of Zone request is consistent with the 2018 Comprehensive Plan Future Land Use maps. The Future Land Use designation for the property is Commercial, for which C-3 (Highway Commercial) is a suitable zoning designation. The Comprehensive Plan states Highway Commercial zones should be located along major transportation routes, including DE 1, US 113, Route 14 and Business 1.

- According to Chapter 230, the purpose of the C-3 category 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.

- US 113 (S. Dupont Boulevard) is a State Maintained roadway and is considered a principal arterial road according to DelDOT's functional classification 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 R-1 (Single-family Residential District) and contains a single-family detached dwelling. The property to the south is zoned R-1 (Single-family Residential) and contains a single-family detached dwelling. The property to the east is zoned R-3 (Garden Apartment and Townhouse District) and will contain future townhouses within the Simpsons Crossing Planned Unit Development. The property to the west, across US Route 113, are zoned R-3 (Garden Apartment and Townhouse District) and are part of the Cypress Hall Residential Planned Unit Development.



THE CITY of Milford DELAWARE

Scale: 0 200 400 Feet

Drawn by: WRP

Date: 11/15/19

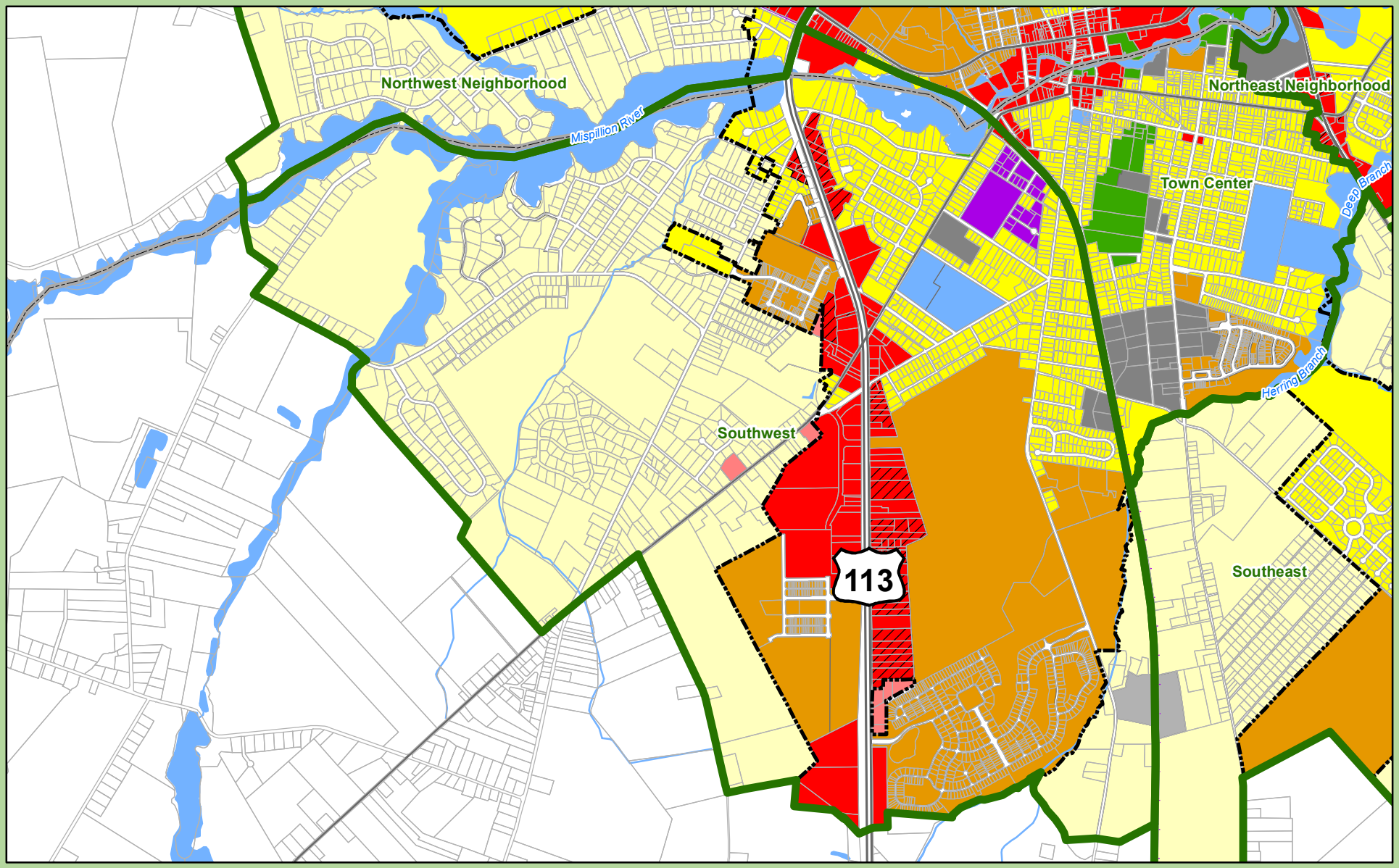
Filepath: ChangeZone_CoranadoTreasures.mxd

Title:

Change of Zone

Coranado Treasures, LLC

Location & Zoning Map



Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Southwest

Adopted Jan. 22, 2018, Certified May 2018

0 0.1 0.2 0.4 0.6 0.8 Miles

Sources:

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

Note:This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.

THE CITY of Milford DELAWARE

UNIVERSITY OF DELAWARE

www.ipa.udel.edu

institute for Public Administration

- Purchase of Land – In the interest of Milford City Council to protect our recharge areas, funding could be used to protect our recharge areas and preserve open space.

10-4b. Land Use and Zoning Link

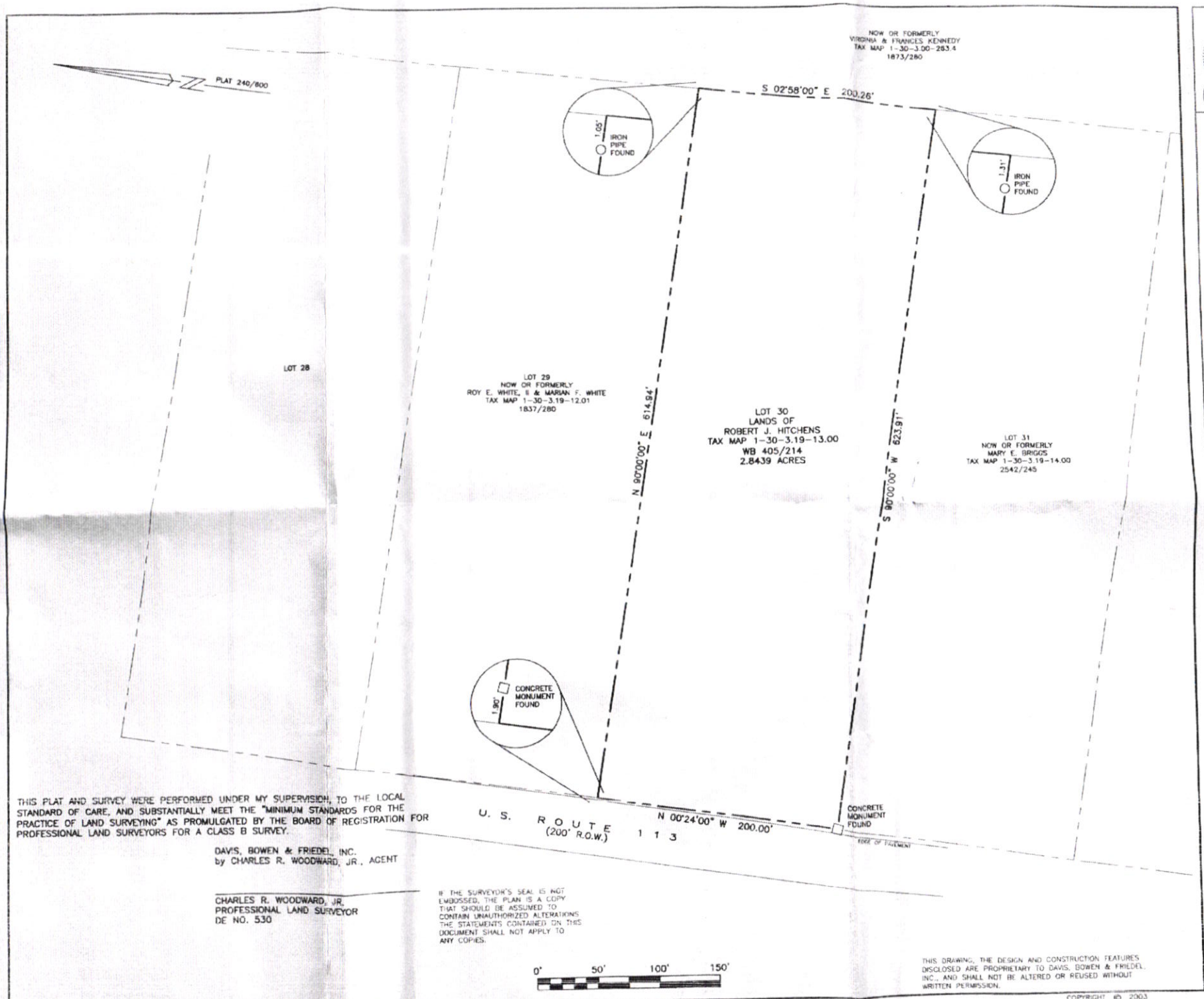
The link between land use and zoning is important because Title 22, Section 702(c) of the Delaware Code requires that Milford:

"…within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan."

Table 27 shows the link between the future land use designations depicted on the *Future Landuse and Urban Growth Boundary* map and the zoning districts summarized in Table 28. Table 27 provides guidance as to the zoning districts that would be considered consistent with each land use designation.

Table 27. Land Use and Zoning Link

Future Land Use Designation	Corresponding Zoning District(s)
Employment	H-1 – Institutional Development
	IM – Institutional Medical
	IS – Institutional Service
Commercial	C-1 – Community Commercial
	C-2 – Central Business
	C-2A – Riverfront Development
	C-3 – Highway Commercial
	OC-1 – Office Complex
	BP – Business Park
	H-1 – Institutional Development
Industrial	I-1 – Limited Industrial
	I-2 – General Industrial
Institutional	Institutional uses may be permitted or conditionally permitted in residential, commercial, and employment zones



THIS PLAT AND SURVEY WERE PERFORMED UNDER MY SUPERVISION, TO THE LOCAL STANDARD OF CARE, AND SUBSTANTIALLY MEET THE "MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING" AS PROMULGATED BY THE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS FOR A CLASS B SURVEY.

DAVIS, BOWEN & FRIEDEL, INC.
by CHARLES R. WOODWARD, JR., AGENT

CHARLES R. WOODWARD, JR.
PROFESSIONAL LAND SURVEYOR
DE NO. 530

IF THE SURVEYOR'S SEAL IS NOT EMBOSSED, THE PLAN IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THE STATEMENTS CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES.

0' 50' 100' 150'

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

COPYRIGHT © 2003

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

BOUNDARY SURVEY
OF THE LANDS OF
ROBERT J. HITCHENS
CITY OF MILFORD
CEDAR CREEK HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	OCT. 2003
Scale:	1" = 50'
Dwn By:	PMH
Proj. No.:	1292A001
Dwg No.:	1 of 1

§ 230-14. - C-3 Highway Commercial District.

In a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.

B. Permitted uses. Permitted uses for the C-3 District shall be as follows:

(1) Those uses permitted in the C-2 District.

(2) Warehouses.

(3) Large retail outlets.

(4) Indoor storage accessory building.

(5) Fast-food restaurants and drive-in restaurants.

(6) Supermarkets.

(7) Truck and trailer rentals.

(8) Roadside produce market.

(9) Memorial stone shop.

(10) Outdoor commercial recreational facilities, not motorized vehicles.

(11) Swimming club.

(12) Indoor facility for amusement or assembly.

(13) Bus station.

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

(1) Motels or hotels with a minimum lot size of three acres.

(2) Commercial greenhouse.

(3) Wholesale establishment.

(4) Newspaper publishing or printing establishment.

(5) Contractors', craftsmen's or general service shops, including welding and similar shops.

(6) Laboratory, testing and research.

(7) Car repair shops.

(8) Used car lots.

(9) Telephone central office or television cable central office.

(10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, subject to the following special requirements:

(a) All facilities shall be located and all services shall be conducted on the lot.

(b) All repair work shall be conducted within an entirely enclosed building.

(c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.

(d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.

(e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.

(f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.

(11) Shopping center, subject to site plan review and the following site requirements:

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

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

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

(d) Traffic and parking.

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

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

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

[4] Spacing of accessway.

[a] From adjoining property: 50 feet.

[b] From minor intersections: 50 feet.

[c] From major intersections: 100 to 150 feet.

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

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

(e) Setback.

[1] From street right-of-way: 15 feet.

[2] From nonresidential districts: 15 feet.

[3] From residential districts: 100 feet.

(f) Buffering and landscaping.

[1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.

[2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.

(12) Day-care centers, with site plan required.

(13) Car wash, all types (staffed, automatic, self-service, etc.).

(14) Convenience stores with gas pumps.

(15) Community residential treatment program.

(16) All dwellings other than single-family with a maximum density of 12 units per acre.

(17) Business, commercial or industrial uses that do not adversely affect neighboring properties.

(18) Billboard, subject to the following:

(a) Shall be constructed and maintained in accordance with the Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions.

(19) Aquarium.

D. Area regulations.

(1) Minimum lot area shall be one acre.

(2) Maximum lot coverage shall be 80%.

(3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.

(4) Height of buildings shall not exceed three stories or 35 feet, with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 feet.

(5) Minimum building setback shall be 30 feet.

(6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.

(7) Minimum rear yard shall be 50 feet.

(8) Parking shall comply with the requirements provided in Article IV of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Signs shall comply with the requirements provided in Article VI of this chapter.

ARTICLE XII - Amendments

§ 230-58. - Procedure.

A. The City Council may, from time to time, on its own motion or the motion of the Planning Commission or on petition by an owner, amend, supplement, change, modify or repeal the zoning regulations, restrictions and boundaries in a manner in accordance with the procedure provided.

B. All proposals for amending, supplementing, changing, modifying or repealing the zoning regulations, restrictions or boundaries, before being acted upon by the City Council, except those originating on motion of the Planning Commission, shall be referred to the Planning Commission for consideration and recommendation. The Planning Commission shall study all proposals, whether originating with the Commission or otherwise, conduct a public hearing, after having given notice required for the agenda of the Commission, and report its findings and recommendations to the City Council.

C. The Planning Commission is granted the authority to require, as a condition to consideration of any proposal other than one originating with the City Council, that a petition be submitted accompanied by such maps, charts, sketches and other information as the Commission deems necessary for the proper and effective consideration of such proposal and to refuse to consider any proposal not complying with such requirement.

D. No proposed amendment, change, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing shall have been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Milford. In case of an unfavorable report or recommendation for denial by the Planning Commission, such amendment or change shall not become effective except by a favorable vote of 3/4 of the City Council.

E. In the event of a protest against such changes signed by 20% or more of property owners within 200 feet of the proposed change, such amendment shall not become effective except by the favorable vote of 3/4 of all the members of the City Council.

F. If, after due consideration, a proposal is denied, such proposal shall not be eligible for reconsideration for a period of one year after final action by the City Council, except upon the favorable vote of 3/4 of the Planning Commission or City Council.

§ 230-59. - Hearing; notice required.

No change or amendment shall become effective until after a public hearing at which parties in interest and citizens shall have had an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City of Milford. In all cases in which a proposed amendment would change the Zoning Map, notice of the amendment shall be sent by mail to all property owners of record whose property is proposed to be changed by the amendment and all property owners within 200 feet of the proposed change.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: DECEMBER 17, 2019
CITY COUNCIL PUBLIC HEARING: JANUARY 27, 2020

NOTICE IS HEREBY GIVEN 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 at 7:00 p.m. to allow interested parties to participate in the discussion and consideration of the following zoning matter:

ORDINANCE 2019-41
Change of Zone/Lands Belonging to Coranado Treasures LTD
1017 S DuPont Blvd, Milford, DE 19963
Tax Map 1-30-3.19-013.00
2.84 +/- Acres
Current Zone OB1/Proposed Zone C3

AN ORDINANCE OF THE CITY OF MILFORD, DELAWARE to amend the zoning map of the City of Milford by rezoning 2.84 +/- acres of land from OB1 to C3 at 1017 S DuPont Blvd, Milford, DE 19963.

WHEREAS, on December 17, 2019, the Planning Commission will hold the noticed public hearing during which time interested persons will 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, on January 27, 2020, City Council will consider evidence presented, public comments, and the Planning Commission's recommendation 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 as follows:
Upon the adoption of this ordinance, tax map and parcels 1-30-3.19-013.00 is hereby zoned C3.

Dates.
Introduction to City Council: December 9, 2019
Planning Commission Public Hearing: December 17, 2019
City Council Public Hearing and Determination: January 27, 2020
Effective Date: February 6, 2020

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 11/27/19*

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

THE CITY of Milford DELAWARE

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

DATA SHEET FOR FEEBS DISTILLING CO.

Planning Commission Meeting: December 17, 2019

Application Number / Name	:	19-042 / Feebs Distilling Co.
Applicant	:	Feebs Distilling Co. 733 McColley Street Milford, DE 19963
Owner	:	S & P Holdings, LLC 1503 W. Stein Way Milford, DE 19963
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Industrial
Present Zoning District	:	I-1 (Limited Industrial District)
Present Use	:	Distillery
Proposed Use	:	Distillery with Retail Sales
Size and Location	:	2.02 +/- acres of land located along the east side of McColley Street between Delaware Avenue and McCoy Street. Addressed as 733 McColley Street.
Tax Map & Parcel	:	3-30-11.09-015.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B – Survey

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

THE CITY of Milford DELAWARE

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

STAFF REPORT
December 2, 2019

Application Number / Name	**:**	19-042 / Feebs Distilling Co.
Present Comprehensive Plan Designation	**:**	Industrial
Present Zoning District	**:**	I-1 (Limited Industrial District)
Present Use	**:**	Distillery
Proposed Use	**:**	Distillery with Retail Sales
Tax Map & Parcel	**:**	3-30-11.09-015.00
Size and Location	**:**	2.02 +/- acres of land located along the east side of McColley Street between Delaware Avenue and McCoy Street. Addressed as 733 McColley Street.

I. BACKGROUND INFORMATION:

- The applicant operates an existing distillery within a 12,500 square foot building located at 733 McColley Street.
- The existing use is considered a permitted light manufacturing use within the I-1 Limited Industrial zoning district and allows for the production of alcoholic beverages but not the onsite consumption or retail sales of the alcoholic beverages.
- The City issued a Certificate of Occupancy for the building on February 14, 2019 for an F1 (Factory and Industrial Use) building use group.
- Chapter 230-16(C)(4) states “craft distillery and microbrewery establishments” are considered a conditional use within the I-1 Limited Industrial zoning district subject to specific requirements outlined in the Zoning code. These requirements are provided under Section II of the staff report.

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 subject parcel is zoned I-1 Limited Industrial and is located within an area with other light industrial uses. The properties to the north are zoned I-1 and contain legal non-conforming single-family detached dwellings. The property to the south contains a light manufacturing use. The properties to the west contain a mixture of warehousing and wholesale uses.

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

The proposed use is allowed by conditional use approval within the I-1, I-2 and BP zoning districts. The use may also be found in commercial zones if the production portion of the use is in conjunction with a restaurant or tavern. Generally, retail sales and the consumption of alcohol are located within commercial 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 Industrial, which is intended to provide areas of light to moderate industrial and manufacturing uses.

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

The applicant proposes to make improvements to the building and the parking lot area to allow for customers to purchase alcohol onsite. The customers would not enter the building and there would be no outdoor seating or gathering areas on the premises. There is no proposed screening between the existing building/parking lot and the residential uses to the north.

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

The I-1 zoning district permits light manufacturing uses for which the distilling portion of the proposed use is permitted by-right. The retail sales should not detract from other permitted uses within the district. If the applicant elects to have onsite consumption or outdoor gathering spaces in the future, the City may want to consider screening, restrictions on the hours of operation or require additional onsite improvements to minimize the impacts on the neighborhood and other adjacent uses.

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

The applicant proposes to make improvements to the parking lot to allow for more organized customer parking. There is no proposed screening since the proposed use will be housed within the building. The setbacks will remain the same since the use is located within an existing building.

- Evaluation based on the criteria found under Chapter 230-16(C)(4).

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

The applicant has obtained a License to sell alcoholic liquor on their premises in accordance with the State's Liquor Control Act. See enclosed license from the Alcoholic Beverage Control Commissioner.

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

All aspects of the distilling operation are completely housed within the existing building.

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

The applicant proposes to continue the production of alcohol and offer retail sales. No customers will be entering the building.

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

The applicant is not proposing any on-site consumption or tasting at this time, other than at the retail window. Any tasting room or consumption areas would be subject to review by the building official for the use and occupancy of the building. In addition, onsite consumption and tasting areas would be subject to the parking standards set forth in Chapter 230 zoning.

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

The applicant is not proposing to serve any food on-site as part of this conditional use application.

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

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

The applicant is not seeking approval for any outdoor seating or gathering areas under this conditional use application.

ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

The applicant is not seeking approval for any outdoor seating or gathering areas under this conditional use application.

iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet for the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

The applicant is not seeking approval for any outdoor seating or gathering areas under this conditional use application.

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

The applicant is not seeking approval for any outdoor seating or gathering areas under this conditional use application.

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

The applicant is not seeking approval for any outdoor seating or gathering areas under this conditional use application.

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

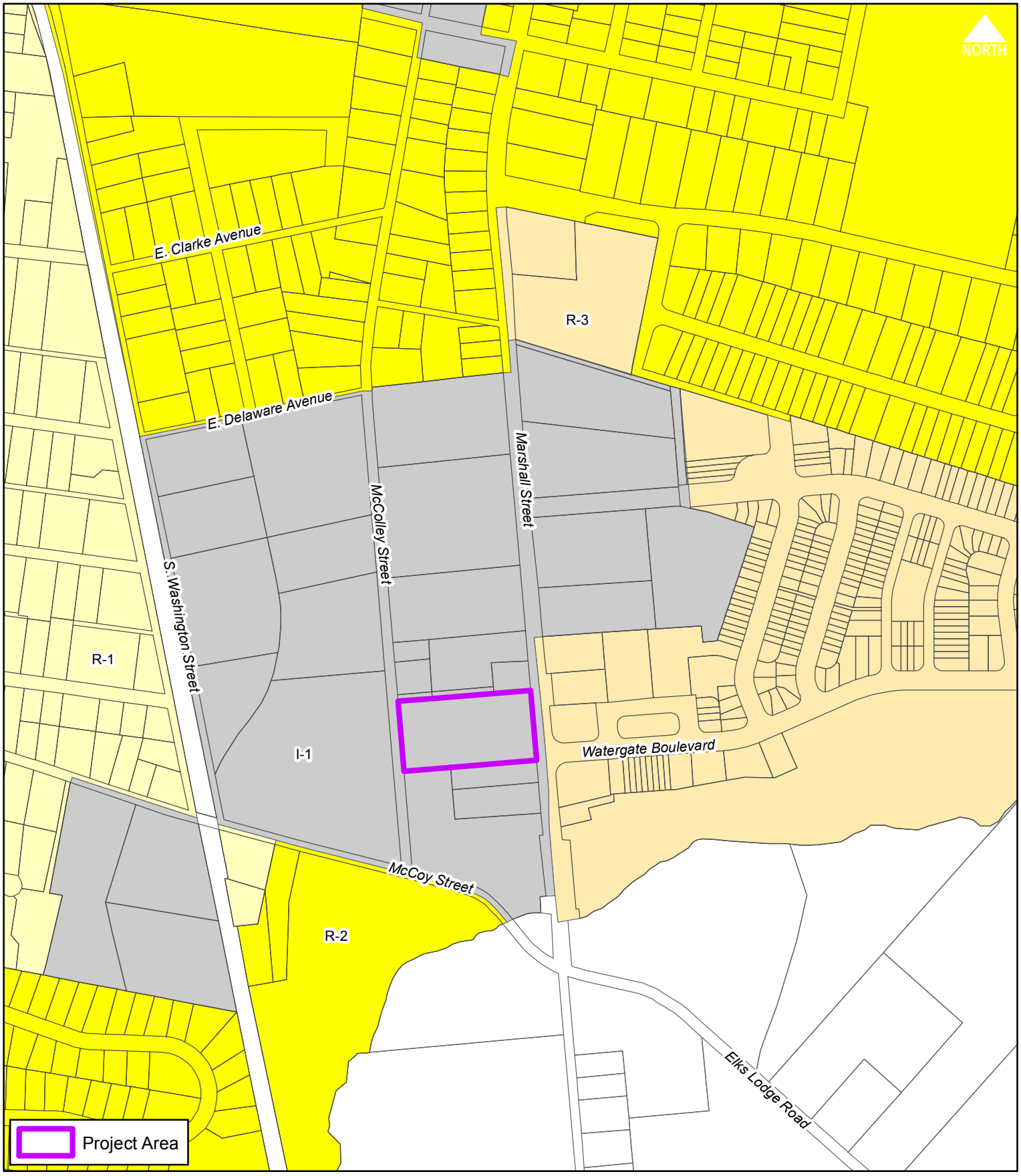
The applicant is not seeking approval for any outdoor seating or gathering areas under this conditional use application.

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

The applicant is not seeking approval for any outdoor seating or gathering areas under this conditional use application.

- 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 the proposed renovations related to the retail sales component. The building permit will require plans prepared by a design professional and will require approval from the State Fire Marshal's Office.
  - The applicant must have the proposed parking lot improvements and striping plan reviewed by the City Engineer and the State Fire Marshal's Office.
  - The parking lot improvements must be in place prior to the issuance of the new Certificate of Occupancy.



THE CITY of Milford DELAWARE

Scale: 0 200 400 Feet

Drawn by: WRP

Date: 11/15/19

Filepath: ConditionalUse_FeebsDistilling.mxd

Title:

Conditional Use

Feebs Distilling

Location & Zoning Map



THE CITY of Milford DELAWARE

Scale: 0 50 100 Feet

Drawn by: WRP

Date: 11/27/19

Filepath: ConditionalUse_Aerial_FeebsDistilling.mxd

Title:

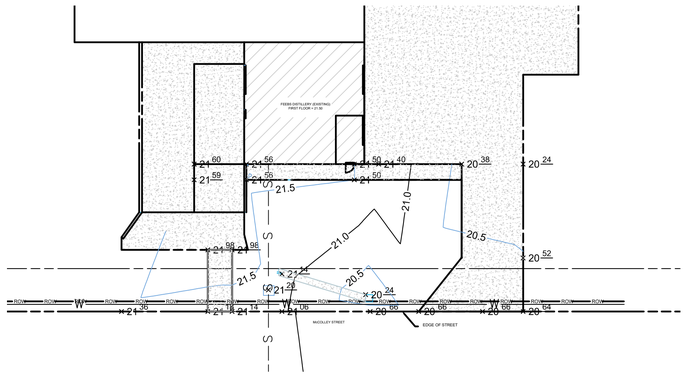
Conditional Use

Feebs Distilling

Aerial Map

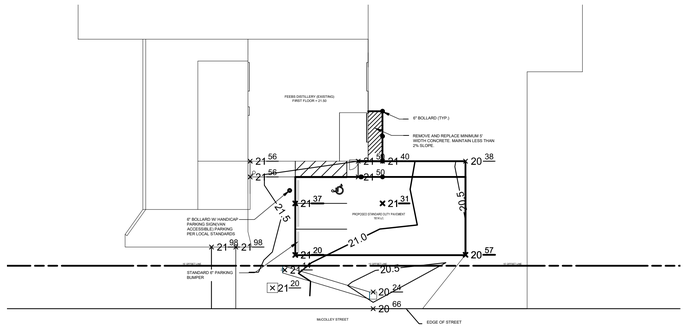
PURPOSE:
TO PROVIDE PLAN FOR PARKING IMPROVEMENTS REQUIRED FOR COMMERCIAL USE AND PROVIDE DRAWING TO MEET REQUIREMENTS OF CONDITIONAL USE PERMIT APPLICATION

PARKING IMPROVEMENT PLAN
FOR
FEEBS DISTILLING COMPANY



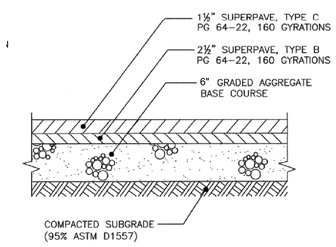
EXISTING SITE CONDITIONS
SCALE: 1":25'

NOTES:
1. ALL UTILITIES SHOWN ARE EXISTING AND ARE APPROXIMATE LOCATIONS BASED OFF OF MISS UTILITY MARKOUT. THERE ARE NO PROPOSED UTILITY IMPROVEMENTS FOR THIS PROJECT.
2. ALL AREAS NOT HATCHED ARE EITHER CURRENTLY LANDSCAPED AREAS OR GRAVEL (EXCLUDING McCOLLEY STREET).

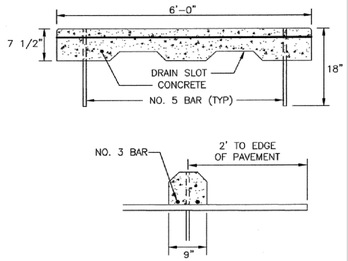


PROPOSED SITE IMPROVEMENTS
SCALE: 1":25'

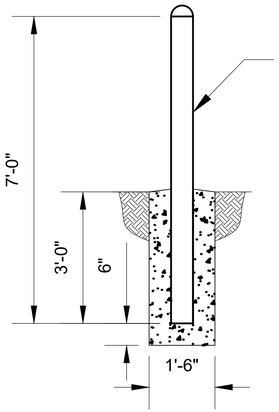
NOTES:
1. SPOT GRADES INDICATED IN PROPOSED PAVEMENT AREA ARE PROVIDED TO MAINTAIN ADA ACCESIBLE ROUTE FROM HANDICAP PARKING SPOT TO PRIMARY ENTRANCE. ALL OTHER SPOT GRADES PROVIDED ARE EXISTING (CONTRACTOR TO MATCH GRADE AT EXISTING FEATURES.)
2. CONCRETE REMOVED ADJACENT TO ROLL UP DOOR SHALL BE REPLACED IN KIND.
3. SIGNS AND STRIPING SHALL BE IN ACCORDANCE WITH CITY OF MILFORD STANDARDS.
4. REMOVABLE BOLLARDS MAY BE USED IN LIEU OF HARD SET BOLLARDS IF DESIRED.



PROPOSED PAVING SECTION
N.T.S.



CONCRETE BUMPER BLOCK
N.T.S.



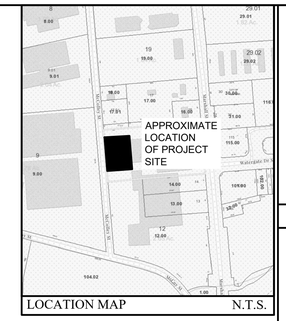
PROPOSED BOLLARD DETAIL
N.T.S.

CERTIFICATION OF ACCURACY

I, DAVID C. MONCRIEF, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, AND THAT ALL OF THE INFORMATION ON THIS PLAN IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEY STANDARDS AND PRACTICES AND BY THE CITY OF MILFORD DEVELOPMENT CODE.

DAVID C. MONCRIEF, P.E.
DE. P.E. #18321

DATE



LOCATION MAP N.T.S.

SITE DATA:

OWNER: SP HOLDINGS, LLC
1503 W. STEIN HWY
SEAFORD,DE 19973

ENGINEER: CRIEF INC.
1 ALEXANDER CT.
HOCKESSIN, DE 19707
P (302) 635-0477

CLIENT: FEEBS DISTILLING COMPANY
733 McCOLLEY ST.
MILFORD,DE 19963

TAX PARCEL: 3-30 11.09 15.00

DEED REFERENCE: BOOK 4717, PAGE 292

ZONING: I-1

SURVEY: THIS PLAN REPRESENTS A COMBINATION OF SURVEY PERFORMED BY CRIEF INC. IN OCTOBER 2019 AND DATA GATHERED FROM ONLINE SOURCES

PARKING: REQUIRED 3
PROVIDED 3

SETBACK: FRONT YARD 15 FEET

DAVID C. CLIFTON MONCRIEF
LICENSED
No. 18321
DELAWARE
PROFESSIONAL ENGINEER

Notes:

REV:	DESCRIPTION:	BY:	DATE:
-	SUBMISSION	DCM	10/28/19

STATUS: SUBMISSION

CRIEF
Quality. Engineering.
HOCKESSIN,DE 302-635-0477 CRIEF.COM

CLIENT: FEEBS DISTILLING CO.
733 MCCOLLEY ST.
MILFORD, DE 19963

ARCHITECT:

SITE: FEEBS DISTILLING CO.
733 MCCOLLEY ST.,MILFORD DE

TITLE: PARKING IMPROVEMENTS

SCALE AT A0:	DATE:	DRAWN:	CHECKED:
NTS		DCM	DCM

PROJECT NO:	DRAWING NO:	REVISION:
19-0028	C-1	-

STATE OF DELAWARE

ALCOHOLIC BEVERAGE CONTROL COMMISSIONER

DEPARTMENT OF SAFETY & HOMELAND SECURITY

Feebs Distilling Company
Feebs Distilling Company
733 McColley St.
Milford, DE 19963

HEREBY IS GRANTED

LICENSE

TO SELL ALCOHOLIC LIQUOR ON YOUR PREMISES IN ACCORDANCE WITH THE LIQUOR CONTROL ACT

Commissioner John H. Cordrey

License Number **15215**

Effective: 06-14-2019
Expires: 09-30-2020

CRAFT DISTILLERY
SUNDAY

POST PROMINENTLY – NOT TRANSFERRABLE

§ 230-16. - I-1 Limited Industrial District.

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

A. The purpose of an I-1 Limited Industrial District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas. Also, the purpose is to provide guidelines and performance standards which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.

B. Permitted uses. Permitted uses of the I-1 District shall be as follows:

(1) All permitted uses of the OC-1 District and BP District. [Ord. No. 2017-03, § 1, 2-27-2017]

(2) Light manufacturing, assembling, converting, altering, finishing, baking, cooking or any other type of processing or storage of an industrial nature for the production and/or distribution of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees.

(3) Research, design, testing and development laboratories.

(4) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.

(5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.

(6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be closer than 500 feet to any school or building(s) used for assembly.

C. Prohibited uses. The following are expressly prohibited in an I-1 District:

(1) Residences, except those in existence at the time of adoption of this amendment.

(2) Manufacturing uses involving production of the following products from raw materials: asphalt, cement, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal); linoleum and oil cloth, matches, paint, varnishes and turpentine; rubber (natural and synthetic); and soaps, including fat rendering.

(3) Dumps, junkyards, automobile salvage and dismantling plants/yards, storage areas or operations for the storage or resale of used automotive or other machine parts.

(4) Operations involving slaughterhouses, stockyards or slag piles.

(5) Storage of explosives and bulk or wholesale storage of gasoline above ground.

(6) Quarries, stone crushers, screening plants and all associated uses.

(7) The following processes: large-scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.

D. Conditional uses. The following uses are permitted in the I-1 District, in accordance with the provisions within Article IX (conditional use portion) of this chapter:

(1) Airfields or airpark facilities.

(2) Mini-warehouses or public storage facilities.

(3) Radio-television facilities.

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

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

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

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

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

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

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

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

ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

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

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

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

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

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

(1) Accessory uses shall not be permitted without a principal use.

(2) Any uses not permitted, as previously listed, are prohibited.

(3) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen, fence or wall.

(4) In a planned industrial park or any lands designated as an I-1 District, no building/structure, accessory structure or sign shall be located closer than 200 feet to any nonindustrial district boundary.

(5) Adequate off-street parking shall be provided for all employees and traffic to the buildings. The minimum requirements are given in Article IV of this chapter and are to be deemed as minimum standards only. Standards in excess of those stated in Article IV may be stipulated by the Planning Commission during the site plan review.

(6) All fencing shall be properly maintained.

(7) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.

(8) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(9) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

(10) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of the DNREC, State of Delaware.

(11) All internal roads, driveways and parking areas (for public, in-house employee or truck/vehicular traffic) shall be paved.

(12) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.

(13) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.

(14) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.

(15) All I-1 District projects and proposals are subject to site plan review by the Planning Commission.

F. Area and height regulations.

(1) Minimum lot area shall be two acres.

(2) Maximum lot coverage shall be 60%, with the remainder being that of grass and landscape areas. Parking areas shall be landscaped.

(3) Minimum lot width shall be 150 feet.

(4) Maximum building height shall be 50 feet.

(5) Minimum front yard setback shall be 75 feet.

(6) Minimum side yard setback shall be 40 feet.

(7) Minimum rear yard setback shall be 45 feet.

(8) Off-street parking. See Article IV of this chapter.

(9) Landscape screening. See Article V of this chapter.

(10) Sign requirements. See Article VI of this chapter.

(11) Accessory structures shall occupy no more than 10% of the lot area.

(12) Accessory structures shall be located in the rear yard/lot area.

(13) Accessory structures shall be located at least 45 feet from the rear lot line.

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, December 17, 2019 @ 7:00 p.m.
City Council Hearing: Monday, January 27, 2020 @ 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 2019-42

Feebs Distilling Co on behalf of S & P Holdings LLC for a Conditional Use on 2.02 +/- acres for a craft distillery in an I-1 Zoning District. Property is located along the east side of McColley Street between Delaware Avenue and McCoy Street, addressed as 733 McColley Street., Milford, Delaware. Present use: Distillery Proposed Use: Same with retail sales. Tax Map: 3-30-11.09-015.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a conditional use; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on December 17, 2019; and

WHEREAS, Milford City Council will hold a Public Hearing on January 27, 2020 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 conditional use, as herein described.

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

Section l. Following adoption of Ordinance 2019-41, and upon the effective date, Feebs Distilling Co on behalf of S & P Holdings LLC is hereby granted a Conditional Use to allow a craft distillery, 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: December 17, 2019
City Council Introduction: December 9, 2019
City Council Public Hearing: January 27, 2020
Effective: February 6, 2020

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 11/27/19

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

THE CITY of Milford DELAWARE

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

DATA SHEET FOR TJA, LLC – PARCEL 03.00

Planning Commission Meeting: January 21, 2020

Application Number / Name	:	19-048 / TJA, LLC – Parcel 03.00
Applicant	:	TJA, LLC 7343 Big Stone Beach Road Milford, DE 19963
Owner	:	Same
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Commercial/Retail
Proposed Use	:	Commercial/Retail with Billboard
Size and Location	:	1.1 +/- acres located along the east side Bay Road (US Route 113/SR1) approximately 225 feet north of the New Wharf Road intersection.
Tax Map & Parcel	:	MD-16-163.00-01-03.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B - Survey

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

THE CITY of Milford DELAWARE

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

STAFF REPORT
December 20, 2019

Application Number / Name	**:**	19-048 / TJA, LLC – Parcel 03.00
Present Comprehensive Plan Designation	**:**	Commercial
Present Zoning District	**:**	C-3 (Highway Commercial District)
Present Use	**:**	Commercial/Retail
Proposed Use	**:**	Commercial/Retail with Billboard
Tax Map & Parcel	**:**	MD-16-163.00-01-03.00
Size and Location	**:**	1.1 +/- acres located along the east side of Bay Road (US Route 113/SR 1) approximately 225 feet north of the New Wharf Road intersection.

I. BACKGROUND INFORMATION:

- The applicant proposes to construct a 12'x48', two-sided 32-foot tall billboard on the above referenced parcel as shown on the provided survey.

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:

- Per Chapter 230, the Billboard shall be constructed and maintained in accordance with Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions, a copy of which is provided in the packet.

- The applicant's request is for a traditional billboard with a static message sign face and does not include an electronic message board.

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

  A. The presence of adjoining similar uses.

     The property to the south is owned by the applicant and is zoned C-3 Highway Commercial and contains an existing convenience store with gas pumps. Beyond this property, south of New Wharf Road, there is a property that contains a single billboard structure facing southbound traffic. The proposed billboard would be 436 feet from the existing billboard. The property to the east is zoned C-3 Highway Commercial and R-1 Single-family Residential and is unimproved and used for agricultural purposes. The property to the north is owned by the applicant and is zoned C-3 Highway Commercial and is improved with a single structure. The property to the north, Parcel 04.00, is the site of another proposed billboard, which would be 346 feet to the north of the subject billboard. The properties to the west, across Bay Road, are located in the unincorporated areas of Kent County and are zoned BG General Business and contain several auto dealerships.

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

     Under the zoning code at the time of the land use application, billboards are only permitted by conditional use within the C-3 Highway Commercial zoning district. The updated version of the City Code prohibits billboards within the City.

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

     The Comprehensive Plan does not discuss a specific need for Billboard signage.

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

     The property to the south contains a convenience store with gas pumps. The billboard would not be screened from adjacent highway commercial uses, primarily due to its overall size and location within the front yard area. The applicant proposes to construct the billboard within 10 feet of the southern side property line, which may create visibility issues with the neighboring business.

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

     The proposed billboard may negatively affect the visibility of the business on the neighboring property to the south.

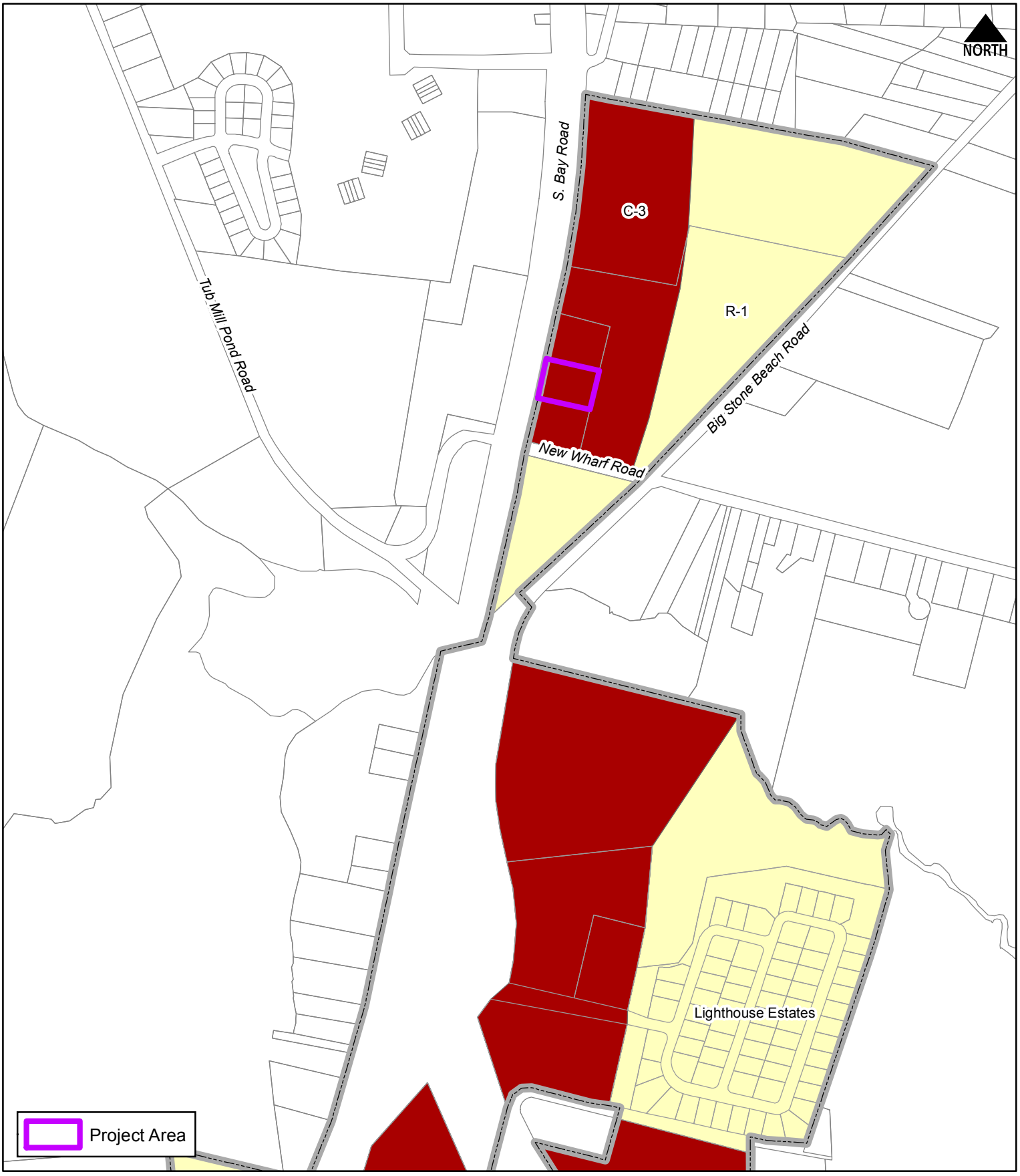
  F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

     The proposed use does not impact traffic patterns or require parking. Due to the overall size of typical off-premise signage, screening would not be an effective means of removing potential adverse influences on adjoining properties. The applicant proposes to construct the billboard 25 feet from the front property line, which extends into the required 30 foot front yard setback for the principal structure. The applicant also

proposes to construct the billboard 10 feet from the side property line. The City should consider the effects of the billboards location on adjacent lands. The City recently approved two billboards along Route 113 but required a 25 foot side yard setback.

- 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 approval from DelDOT per Title 17, Chapter 11-Regulation of Outdoor Advertising.
    - The applicant must obtain a building permit from the City of Milford for the construction of the sign, which will requires the submission of engineering plans.



THE CITY of Milford DELAWARE

Scale: 0 300 600 Feet

Drawn by: WRP

Date: 12/09/19

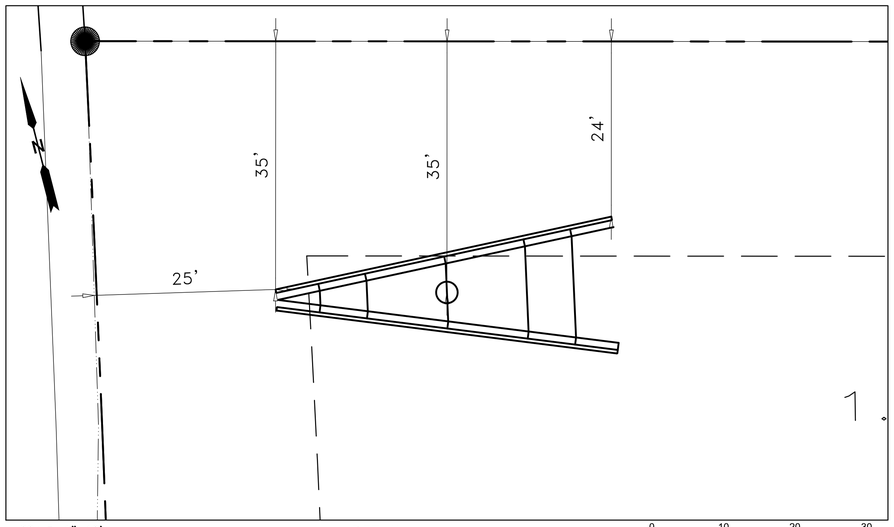
Filepath: ConditionalUse_TJA_0300.mxd

Title:

Conditional Use

TJA, LLC - Parcel 03.00

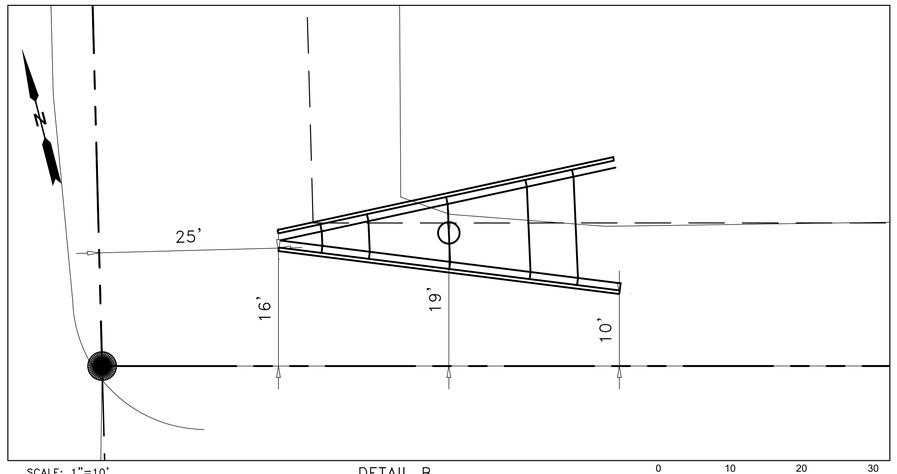
Location & Zoning Map



SCALE: 1"=10'

DETAIL A

0 10 20 30



SCALE: 1"=10'

DETAIL B

0 10 20 30

DATA COLUMN

PROPERTY LOCATION: 446 BAY ROAD
MILFORD, DE 19963

CURRENT DEED REFERENCE: D 6616 / 311

TAX PARCELS: 5-16-16300-01-0300 &
5-16-16300-01-0400

CURRENT PLAT REFERENCE: 37/77 & 47/76

ZONING: HIGHWAY COMMERCIAL C-3

BILLBOARD REGULATIONS:

ROW SETBACK:	25 FT. MIN.
SPACING BETWEEN STRUCTURES:	100 FT. MIN.
SPACING FROM INTERSECTION:	500 FT. MIN.

TOPOGRAPHICAL SURVEY PERFORMED BY DAVIS, BOWEN, AND FRIEDEL, INC. ON JULY 1, 2019.

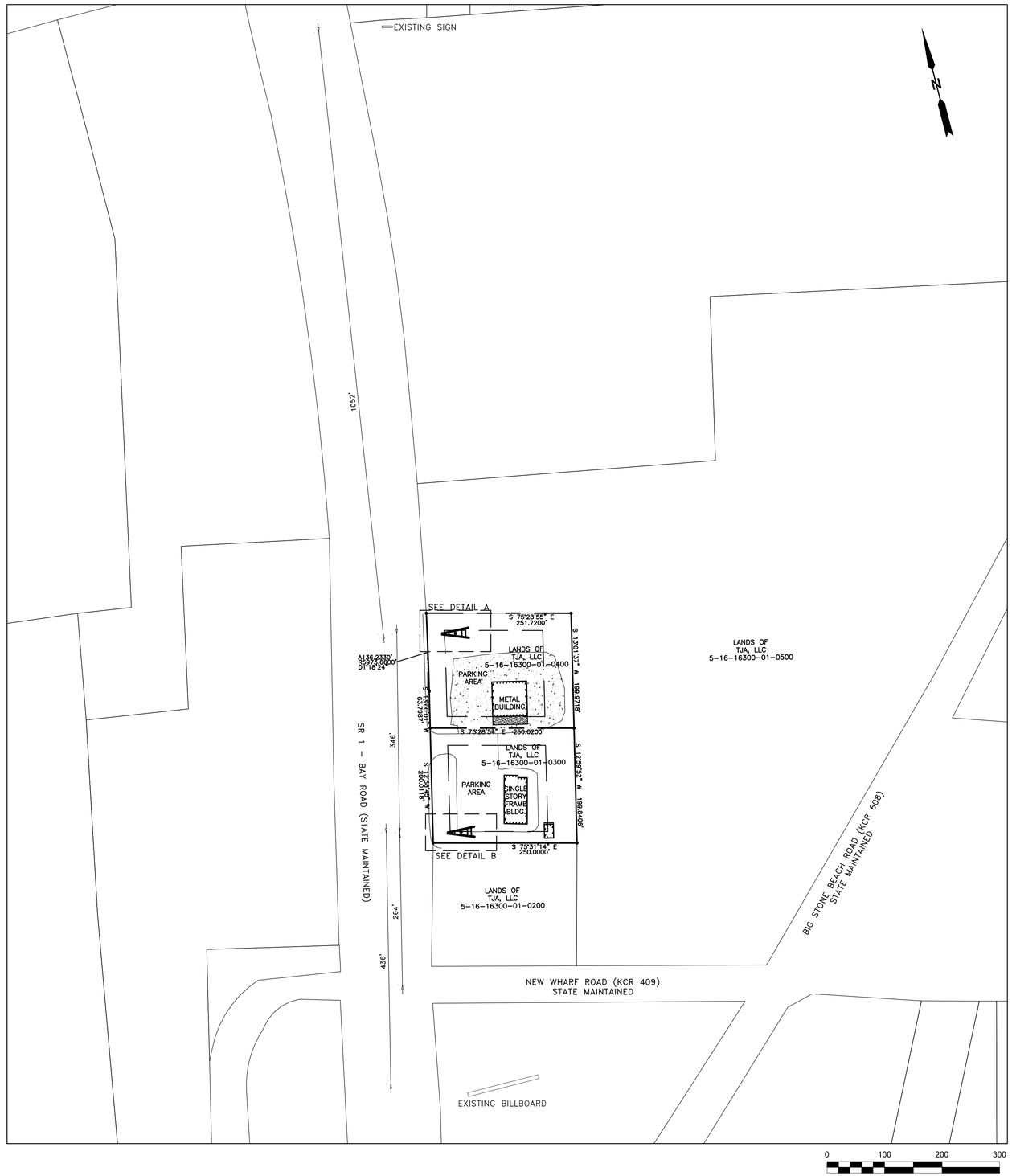
THE LAND SHOWN HEREON DOES NOT LIE WITHIN 100 YR. FLOOD PLAIN PER F.I.R.M. PANEL 10005C0035K EFF. 03/16/15

OWNER:
TJA, LLC.
7343 BIG STONE BEACH RD.
MILFORD, DE 19963

ENGINEER:
DAVIS, BOWEN, AND FRIEDEL, INC.
1 PARK AVE.
MILFORD, DE 19963

BILLBOARD NOTES:

1. TYPE- STATIC
2. PANEL SIZE- 12'X48' (4- 2 PANELS PER STRUCTURE)
3. HEIGHT TO BOTTOM OF PANEL- 20 FT.
4. HEIGHT OF STRUCTURE- 32 FT.
5. "V" STYLE, BACK TO BACK, SINGLE POLE



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

BILLBOARD PLACEMENT

TJA, LLC. BILLBOARD
CITY OF MILFORD
KENT COUNTY, DELAWARE

Date: NOVEMBER, 2019
Scale: 1" = 100'
Dwn.By: BJM
Proj.No.:
Dwg.No.: 1

P:\TJA\SR-1 Billboard\Design\TJA Billboard Placement.dwg Dec 13, 2019 - 2:13pm

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

Created with a trial version of Syncfusion Essential DocIO.

§ 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.

Created with a trial version of Syncfusion Essential DocIO.

(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.

Created with a trial version of Syncfusion Essential DocIO.

(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.

§ 230-46. - Purpose.

A. The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.

B. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in accordance with the provisions of this chapter after duly advertised hearings held in accordance with the provisions of Article XII.

§ 230-47. - Application and approval procedures.

A. The application for a conditional use shall first be made with the Code Official, who shall then forward the materials to the Planning Commission.

B. The Planning Commission shall study such information and make recommendations to the City Council within 60 days of the Code Official's referral to the Commission after holding a public hearing.

C. The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this chapter.

Created with a trial version of Syncfusion Essential DocIO.

§ 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.

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

JENNIFER COHAN
SECRETARY

December 23, 2019

TJA, LLC
7343 Big Stone Beach Rd.
Milford, DE 19963
Attn: Mr. Ring Lardner, P. E.

Dear Mr. Lardner,

The Roadside Control Section of the Department of Transportation is charged with the responsibility of enforcing statutory regulations pertaining to Outdoor Advertising as set forth under Title 17, Chapter 11, of the Delaware Code.

The Department has received your outdoor advertising application for a new billboard to be situated on the property belonging to TJA, LLC at 466 Bay Rd, in Kent County (tax parcel #: MD-16-163.00-001-03.00 and MD-16-163.00-01-04.00) advertising.

I have reviewed the proposed site plan that was submitted as well as the application. As long as the sign is constructed per the specifications submitted and the required building permits are obtained by the local authority, the Department has no objection to the proposed sign application noted above. Should there be any revisions to the sign in regards to size, location, or message; the Department must be notified immediately. The sign installer shall provide copies of the local building permit and notify the Department 24 hours prior to the start of construction. Upon completion of the construction of the sign, the installer shall notify the Department within 48 hours for a final field inspection.

Sincerely,

Alyce Doody

Alyce Doody
Roadside Control Agent

cc: Chris King, Roadside Control Manager

DelDOT

Chapter 11
REGULATION OF OUTDOOR ADVERTISING
Subchapter I
General Provisions

§ 1101 Purpose and policy.

The rapid growth in the use of motor vehicles throughout this State and the concurrent extension of highways built or improved at public expense has lead to great changes in the extent and character of public travel. The investment of this State, municipalities and towns in good roads, parks, parkways, playgrounds and reservations, and the safety, convenience and welfare of the inhabitants have been affected.

The regulation and control of outdoor advertising signs, displays and devices of all kinds is provided for in order to promote the general welfare, especially in the particulars hereinafter recited.

The people of this State would suffer economically if the State failed to participate fully in the allocation and apportionment of federal-aid highway funds since a reduction in federal-aid highway funds would necessitate increased taxation to support and maintain the state road program and system. It is, consequently, the intention of this chapter, among other things, to provide a statutory basis for regulation of outdoor advertising consistent with the public policy relating to areas adjacent to federal-aid interstate and primary systems declared by the Congress of the United States in Title 23, United States Code.

(42 Del. Laws, c. 182, § 1; 17 Del. C. 1953, § 1101; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1102 Scope and definitions.

(a) The powers and authority granted in this chapter are in derogation of no other powers or authority granted by or created by or exercised under any other statute, or by a planning or zoning board or authority, or other public officer, but shall be construed as in addition to any such power or authority, which shall remain unaffected.

(b) As used in this chapter:

(1) "Commercial or industrial activities for purposes of unzoned commercial and industrial areas" means those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

a. Outdoor advertising structures;

b. Forestry, ranching, grazing and farming including, but not limited to, wayside fresh produce stands;

c. Transient or temporary activities;

d. Activities more than 600 feet from the nearest edge of the right-of-way along the interstate and federal-aid primary route;

e. Activities conducted in buildings principally used as a residence;

f. Railroad tracks and minor sidings;

g. Activities not visible from the main traveled way.

(2) "Controlled areas" means and includes any area inside the boundaries of this State which is adjacent to the right-of-way of a highway of the interstate or primary systems, except that areas beyond 660 feet of the right-of-way inside urban areas shall be excluded from this chapter.

(3) "Department" means the Department of Transportation.

(4) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of a sign or sign structure.

(5) "Gateway sign" means any sign, display, or device intended for its purpose to provide information to the travelling public advising motorists that they are entering the boundaries of a political subdivision or established nonincorporated area of the State. A gateway sign may include a slogan or related graphic, or both, subject to the approval of the Department.

(6) "Information center" means an area or site established and maintained at a rest area for the purpose of informing the public of places of interest within the State and providing such other information as the Department may consider desirable.

(7) "Interstate system" means that portion of the national system of interstate and defense highways located within this State, as officially designated, or as may hereafter be so designated, by the Department and approved by the Secretary of Transportation of the United States, pursuant to Title 23, United States Code, "Highways."

(8) The "laws of this State" shall include a provision of the Constitution or statutes of the State, or an ordinance, rule or regulation enacted or adopted by an agency or political subdivision of this State pursuant to the Constitution or statutes.

(9) "Maintain" means to allow to exist in accordance with state law.

(10) "Outdoor advertising" or "outdoor advertising signs, displays and devices" shall include any outdoor sign, display, device, picture, emblem, trademark, figure, painting, drawing, message, placard, poster, billboard, light or other thing which is designed,

intended or used to advertise, to inform or to attract the attention of the traveling public, which is within 660 feet and visible or beyond 660 feet and visible and erected with the purpose of being read from the main traveled way of any state highway.

(11) "Primary system" means that portion of connected main highways of this State officially designated as such, or as may hereafter be designated as such, by the Department and approved by the Secretary of Transportation of the United States, pursuant to Title 23, United States Code, "Highways."

(12) "Rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public.

(13) "Unzoned commercial or industrial areas" means those areas not zoned by any state, county or local ordinance or regulation on which there are located 1 or more permanent structures devoted to a business or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 800 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of the pavement of the highway.

(14) "Urban areas" means and includes those areas designated as such by the Bureau of the Census and whose boundaries have been approved by the Secretary of the United States Department of Transportation.

(15) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(16) "Zoned commercial or industrial areas" means those areas which are zoned for business, industry, commerce or trade pursuant to a state or local zoning ordinance or regulation, except that those areas beyond 660 feet outside urban areas shall not be recognized as commercial, industrial, unzoned commercial or unzoned industrial in the application of this chapter.

(42 Del. Laws, c. 182, § 1; 17 Del. C. 1953, § 1102; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 1, 2; 60 Del. Laws, c. 290, § 1; 61 Del. Laws, c. 262, §§ 1-6; 79 Del. Laws, c. 320, § 1.)

§ 1103 Enforcement of chapter; rules and regulations; examinations; territorial limitations.

(a) The Department shall:

(1) Enforce this chapter; and

(2) Make, publish and enforce such regulations for the proper control and restriction of outdoor advertising signs, displays and devices as may be necessary or advisable to implement the policy and accomplish the purposes of this chapter.

(b) All employees of the Department, or any peace officer of this State, when so directed by the Department or its officers, may enter into and upon any land or building to make any examination or survey which the Department deems necessary to the effective administration of this chapter or to enforce this chapter.

(c) This chapter shall apply only to outdoor advertising signs, displays and devices situate outside the corporate limits of any incorporated city or town in this State and to those outdoor advertising signs, displays and devices situate in controlled areas within such corporate limits.

(42 Del. Laws, c. 182, §§ 2, 14; 17 Del. C. 1953, § 1103; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, § 7; 61 Del. Laws, c. 262, § 7.)

§ 1104 Application and issuance of permits; revocation.

(a) Except as otherwise provided, no person, whether engaged in the business of outdoor advertising or not, shall erect, maintain or display any outdoor advertising sign, display or device, above or upon real property, without first obtaining a permit from the Department.

(b) A separate application for a permit shall be made for each separate outdoor advertising sign, display or device on a form furnished by the Department, which application shall contain such information as it may require. For the purpose of this subsection, each single sign panel or face shall be interpreted as constituting an outdoor advertising sign, display or device. Each application shall be accompanied by the written consent of the owner or tenant of the real property upon which such sign, display or device is to be erected or maintained. No new application shall be made for a permit to maintain any existing outdoor advertising sign, display or device or to renew a permit.

(c) The Department, in accordance with this chapter, shall issue or renew permits for a period of at least 1 year for the erection and maintenance of all types of outdoor advertising signs, displays and devices; provided, however, that all new permits issued shall expire at the next regular renewal period established by the Department. No permit shall be issued for the erection or construction of any sign which would be in violation of local law or ordinance at the time application is filed.

(d) The Department may establish and collect fees for the issuance of permits and renewals thereof. The amount of such charge shall be so fixed as to provide the Department with the funds deemed necessary by it to defray the costs of the administration of this chapter.

(e) When an application for a permit or for a renewal thereof is made by a nonresident or by a foreign corporation engaged in the business of outdoor advertising, the Department, at its discretion, as a condition to the issuance of such permit or renewal, may require such corporation to deposit with the Department a bond, in an amount and with surety to be approved by the Department, to secure such corporation's compliance with this chapter.

(f) All sign permits issued under this section shall terminate and become void if the sign structure for which the permit is issued is not under construction within 6 months and is not fully constructed in full compliance with the terms of this chapter within 1 year after its issuance. Under no circumstances shall there be any refund of a permit fee which has become void.

(42 Del. Laws, c. 182, § 3; 17 Del. C. 1953, § 1104; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 8, 9; 61 Del. Laws, c. 262, §§ 8-10.)

§ 1105 Advertising identification.

The Department shall require that each outdoor advertising sign, display or device shall bear an identifying tag or plate to be issued by the Department, and, upon erection shall bear the name of the party responsible for the erection and maintenance of the sign and the Department shall make provisions for the details thereof.

(42 Del. Laws, c. 182, § 4; 17 Del. C. 1953, § 1105; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 60 Del. Laws, c. 290, § 3; 61 Del. Laws, c. 262, § 11.)

§ 1106 Removal upon expiration or revocation of permit.

All outdoor advertising signs, displays and devices shall be removed by the outdoor advertiser or other person erecting, owning, maintaining or displaying the same, or, in the event of that person's default, by the owner or tenant of the premises upon which any such sign, display or device is located, within 30 days from the date of the expiration or revocation of the permit for the same.

(42 Del. Laws, c. 182, § 5; 17 Del. C. 1953, § 1106; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 70 Del. Laws, c. 186, § 1.)

§ 1107 Unlawful to remove or damage road markers, etc., or place advertising on highways.

(a) No person shall willfully or maliciously displace, remove, destroy or injure a mileboard, milestone, danger sign or signal, guide sign or guide post or any inscription thereon, lawfully within the right-of-way of a public highway.

(b) No person shall in any manner paint, print, place, put or affix any outdoor advertising, outdoor advertising signs, displays or devices upon or to any rock, stone, tree, fence, stump, pole, milestone, danger signal, guide sign, guide post, building or other object lawfully within the right-of-way of any public highway.

(42 Del. Laws, c. 182, § 7; 17 Del. C. 1953, § 1107; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 61 Del. Laws, c. 262, § 12.)

§ 1108 Location and condition of advertising regulated.

(a) Subject to subsection (c) of this section, no outdoor advertising sign, display or device, except a directional, gateway, or warning sign, official sign or notice erected by or with the approval of the Department, shall be erected subsequent to July 14, 1969, within 25 feet of the right-of-way line of any public highway if visible from any portion of the same.

(b) Subject to subsection (c) and subsection (d) of this section, no outdoor advertising sign, display or device, except a gateway sign or historical marker erected with the approval of the Department, shall be erected or maintained:

(1) On the right-of-way of any public highways;

(2) Within 25 feet of any public playground, school or church if visible from any portion of the same;

(3) Upon the inside curves or at or near a railroad crossing or a highway intersection, if such would obstruct or interfere with the view of a train, locomotive, streetcar or other vehicle at or approaching such crossing or intersection or so as to obstruct the view of such intersection or crossing or of a turn or a sharp change in alignment or in any manner dangerous to the public;

(4) If such sign, display or device is obsolete or is not in good physical condition;

(5) If such sign, display or device is not securely affixed to a substantial structure or in any way endangers traffic on any public highway.

(c) Subsection (a) of this section shall not apply to outdoor advertising signs, displays or devices which advertise the sale or lease of, or activities conducted upon, the real property where they are located, or any outdoor advertising signs displayed on any school bus waiting shelter located and approved by the State Department of Education.

(d) Beautification/landscape planting sponsorship signs located within the right-of-way of any public highway shall be erected or placed as defined below and as such are exempt from this chapter and section:

(1) Signs under the above provision denoting the name of the person or persons or organization sponsoring/or donating, planting and/or maintaining beautification/landscape projects shall require an approved right-of-way use agreement issued by the Department of Transportation;

(2) Such signs shall not exceed 6 square feet and shall be constructed, painted and lettered according to standards for material and fabrication as required by the Department of Transportation.

(42 Del. Laws, c. 182, §§ 6, 11; 17 Del. C. 1953, § 1108; 53 Del. Laws, c. 87, § 1; 55 Del. Laws, c. 407; 56 Del. Laws, c. 178; 56 Del. Laws, c. 351, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 10, 11; 61 Del. Laws, c. 262, §§ 13-15; 62 Del. Laws, c. 267, §§ 1, 2; 71 Del. Laws, c. 318, § 1; 79 Del. Laws, c. 320, § 1; 80 Del. Laws, c. 23, § 1.)

§ 1109 Forbidden advertising.

No outdoor advertising signs, displays or devices shall display copy which violates any federal or state law, or which is offensive to the moral standards of the community at the time the copy is offered for display, or which is false, misleading or deceptive.

(42 Del. Laws, c. 182, § 10; 17 Del. C. 1953, § 1109; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1110 Delaware Byways Program.

In order to provide criteria for the size, spacing and lighting of signs which effectively control the erection of outdoor advertising signs, displays and devices erected subsequent to July 14, 1969, other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, the Department establishes the following criteria for use in making, publishing and enforcing regulations:

(1) In zoned commercial and industrial areas, the Department shall certify to the administrator as notice of effective control that there have been established within such areas regulations which are effective and are enforced with respect to the size, lighting and spacing of outdoor advertising signs, displays and devices. In such areas, the size, lighting and spacing requirements set forth below shall not apply.

(2) In all other zoned and unzoned commercial and industrial areas, the criteria set forth below shall apply:

a. *Construction of signs.* —

1. The maximum area for any 1 sign shall be 1,200 square feet with a maximum height of 25 feet and maximum length of 60 feet, inclusive of any border and trim but excluding ornamental base or apron, supports and other structural members.

2. The area of the sign shall be computed by the sign maker utilizing the most practical method which encompasses the entire sign and this data shall be submitted to the Division of Highways upon application for permit.

3. A sign structure may contain 1 or 2 signs per facing and 2 sign facings may be placed back to back or V-type at 1 location but in no event shall the total area of any facing exceed 1,200 square feet.

4. A sign which exceeds 600 square feet in area may not be on the same sign facing with any other sign.

5. All newly erected, rebuilt or replaced sign structures shall be constructed in accordance with the applicable wind pressure standards of the local building code, or, in the absence of such requirement, shall be constructed to withstand a minimum wind pressure of 25 pounds per square foot.

b. *Spacing of signs.* —

1. *Interstate and federal aid primary highways.* — Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic. Except for roof signs, wall signs and free standing signs against the wall of a building, no ground sign shall be placed within 35 feet of either highway right-of-way at an intersection where they converge, unless the base of such sign shall be at least 8 feet above ground level or road bed, whichever is higher.

2. *Interstate highways and controlled access highways on the federal aid primary system.* —

A. No 2 structures shall be spaced less than 500 feet apart.

B. Outside of incorporated cities and towns, no structure may be located within 500 feet of an interchange, intersection at grade, rest area or information center (measured along the interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

3. *Noncontrolled access federal aid primary highways.* —

A. Outside of incorporated cities and towns, no 2 structures shall be spaced less than 300 feet apart.

B. Within incorporated cities and towns, no 2 structures shall be spaced less than 100 feet apart.

4. The above spacing-between-structures provisions do not apply to structures separated by buildings or other obstructions in such a manner that only 1 sign facing located within the above spacing distances is visible from the highway at any 1 time.

5. Official and "on premise" signs, as defined in subsection (c) of § 131 of Title 23, United States Code, and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

6. The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

c. *Lighting.* — Signs may be illuminated, subject to the following restrictions.

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or traffic conditions, or as defined in paragraph (2)c.5. of this section.

2. Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of an interstate or federal-aid primary highway and which are of such intensity or brilliance as to cause glare or to impair the vision of a driver of a motor vehicle or which otherwise obscure or interfere with a driver's operation of a motor vehicle are prohibited.

3. A sign may not be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic control device such as a sign or signal.

4. All lighting is subject to any other provisions of law relating to the lighting of signs presently applicable to all highways under the jurisdiction of the State.

5. Notwithstanding the provisions of paragraphs (2)c.1. through (2)c.4. of this section, signs commonly known as variable message signs may be changed at intervals by electronic or mechanical process or remote control, and are permitted within 660 feet of the edge of the right-of-way of any interstate or federal-aid primary highway so designated as of June 1, 1991, and of the National Highway System. These variable message signs are permitted, except as prohibited by local ordinance or zoning regulation or by the Delaware federal-state outdoor advertising agreement of May 1, 1968, and are not considered to be in violation of flashing, intermittent, or moving lights criteria provided that:

A. Each message remains fixed for a minimum of at least 10 seconds.

B. When the message is changed, it must be accomplished in 1 second or less, with all moving parts or illumination changing simultaneously and in unison.

C. A variable message sign along the same roadway and facing in the same direction of travel may not be placed, as measured along the centerline of the roadway, within 2,500 feet of another variable message sign, or within 500 feet of a static billboard sign regulated by this section, or within 1,000 feet of an interchange, interstate junction of merging or diverging traffic, or an at-grade intersection.

D. A variable message sign must contain a default design that will freeze the sign in 1 position if a malfunction occurs or, in the alternative, that will shut down.

E. A variable message sign may not contain or display any lights, effects, or messages that flash, move, appear to be animated or to move, scroll, or change in intensity during the fixed display period. A variable message sign must appropriately adjust display brightness as ambient light levels change.

F. A sign that attempts or appears to attempt to direct the movement of traffic or which contains wording, color, shapes, or likenesses of official traffic control devices is prohibited.

G. A sign may not be placed along designated Delaware byways.

d. The State and local political subdivisions shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes and the action of the State and local political subdivisions in this regard will be accepted for the purposes of this chapter. At any time that a political subdivision adopts regulations which include the size, lighting and spacing of outdoor advertising, the State shall so certify to the administrator and control of outdoor advertising in commercial or industrial areas will transfer to paragraph (1) of this section.

(17 Del. C. 1953, § 1110; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 3-6; 60 Del. Laws, c. 290, § 2; 61 Del. Laws, c. 262, § 16; 76 Del. Laws, c. 144, § 1; 77 Del. Laws, c. 367, § 1.)

§ 1111 Public nuisance; abatement.

(a) Any outdoor advertising sign, display or device which is erected or maintained in violation of this chapter or any regulations lawfully adopted pursuant to this chapter is declared to be a public nuisance and may be forthwith removed, obliterated or abated by the Department, its employees or any peace officer of this State, when such violation is not corrected after 30 days' written notice of the violation to the owner of the sign, display or device or to the owner, lessee or occupant of the land upon which the sign, display or device is located. All costs incurred by the Department in abating a nuisance pursuant to this section shall be the responsibility of the owner of the sign, display or device and the Department shall have an action at law to recover such costs, as well as the expenses of suit.

When any sign is damaged, or falls into disrepair to the extent that obvious repairs are needed, the owner shall be notified in writing by the Department to make all necessary repairs. If the sign is not repaired, rebuilt or removed within 30 days of the notification, the applicable sign permit shall lapse and become null and void.

(b) Any person, business or company which knowingly paints, builds and erects or maintains an outdoor advertising sign without a permit shall be in violation of the chapter.

(c)(1) Any outdoor advertising sign, display or device which is erected or maintained in violation of § 1108(b)(1) of this title shall be subject to immediate removal and the other enforcement provisions of § 525 of this title, without regard to the clear zone distance limitations of that section.

(2) Paragraph (c)(1) of this section shall not apply during the 30-day period immediately preceding and the 30-day period after an election administered pursuant to Title 15, in those election districts affected by such election or elections.

(42 Del. Laws, c. 182, § 13; 17 Del. C. 1953, § 1111; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, § 12; 60 Del. Laws, c. 290, §§ 4, 5; 75 Del. Laws, c. 98, § 124.)

§ 1112 Injunctive relief.

The Department or any taxpayer may maintain an action for an injunction to restrain any violation or threatened violation of this chapter or of any regulation lawfully adopted pursuant thereto.

(42 Del. Laws, c. 182, § 13; 17 Del. C. 1953, § 1112; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1113 Penalties.

Whoever violates this chapter or any regulation lawfully adopted pursuant to this chapter shall be fined not less than $10 nor more than $50.

Each day that a violation is allowed to continue after 30 days' written notice of its existence shall constitute a separate offense.

(42 Del. Laws, c. 182, § 13; 17 Del. C. 1953, § 1113; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1114 Signs excepted from provisions of this subchapter.

The classes of signs described below are excepted from all provisions of this subchapter other than the provisions of § 1103(a)(2) insofar as those provisions may be implemented by regulations controlling and restricting outdoor advertising signs, displays and devices in controlled areas:

(1) Outdoor advertising signs, displays and devices 32 square feet or less erected or maintained upon real property and placed on the premises to identify a business conducted thereon.

(2) Outdoor advertising signs, displays and devices (containing 12 square feet or less in areas zoned residential or 32 square feet or less in areas zoned otherwise) upon real property stating that the property, or a part thereof, is for sale or for rent.

(3) A notice or advertisement required by law in any legal proceeding or put upon the property by public authority.

(4) A danger or precautionary sign containing 2 square feet or less relating to the premises or a sign warning of the condition of or danger of travel on a highway.

(5) Any notice or sign of any railroad or other transportation or transmission or communication company necessary for the direction or information or safety of the public.

(6) Any sign containing 6 square feet or less and directing travelers to any town, village, city, historical site or attractions, provided the same is maintained at public expense.

(7) Nonofficial signs displayed on transit shelters under contracts approved by the Department.

(42 Del. Laws, c. 182, § 8; 17 Del. C. 1953, § 1114; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 60 Del. Laws, c. 290, § 6; 61 Del. Laws, c. 262, §§ 17, 18; 63 Del. Laws, c. 178, §§ 1, 2; 71 Del. Laws, c. 318, §§ 2, 3.)

§§ 1115 -1119. [Reserved.]

§ 1120 Severability.

If any exception, section, part, phrase, or provision of this chapter or the application thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the exception, section, part, phrase, provision, or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the remainder of this chapter or the application thereof.

(71 Del. Laws, c. 318, § 4.)

Subchapter II

Areas Adjacent to Highways of the Interstate and Primary Systems

§ 1121 Limitations of outdoor advertising in controlled areas.

Subject to § 1122 of this title, no outdoor advertising sign, display or device, any part of the advertising, informative or attention attracting contents of which is visible from the main traveled way of a highway of the interstate system or primary system, shall be erected or maintained within a controlled area, unless it shall come within 1 or more of the following categories:

(1) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historic attractions as authorized or required by the laws of this State;

(2) Signs, displays and devices advertising the sale or lease of the real property upon which they are located;

(3) Signs, displays and devices advertising activities conducted on the real property upon which they are located;

(4) Signs, displays and devices located either:

a. In controlled areas adjacent to the interstate system and within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property is subject to municipal regulation and control, which are zoned industrial or commercial; or

b. In other controlled areas adjacent to the interstate system zoned industrial or commercial which were zoned industrial or commercial as of September 21, 1959;

(5) Signs, displays and devices located in controlled areas adjacent to highways of the primary system which are zoned industrial or commercial;

(6) Signs, displays and devices located in unzoned commercial and industrial controlled areas adjacent to highways of the primary system and defined by regulations to be promulgated by the Department;

(7) Any school bus waiting shelter displaying a sign provided such sign does not exceed 32 square feet in area and with a limit of 2 signs per shelter. Should the State Department of Education determine that there is no longer a need for a waiting shelter at its present location, the exemption provided by this paragraph shall then terminate.

Such outdoor advertising signs, displays and devices as are permitted in controlled areas under this section shall be erected and maintained only in conformity with such applicable regulations as may be promulgated by the Department under § 1103 of this title.

(17 Del. C. 1953, § 1121; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, § 13; 61 Del. Laws, c. 262, §§ 19-21; 71 Del. Laws, c. 318, § 5.)

§ 1122 Removal of nonconforming advertising; fair compensation.

(a) Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays and devices:

(1) Those lawfully in existence on July 14, 1969;

(2) Those lawfully on any highway made a part of the interstate or federal-aid primary system on or after July 14, 1969; and

(3) Those lawfully erected on or after July 14, 1969.

(b) The Department is authorized to acquire the necessary right in and to property and is directed to pay compensation therefor in the same manner as with other property acquired for state highway purposes with respect to the foregoing outdoor advertising signs, displays and devices. The compensation to be paid shall be for the following:

(1) The taking from the owner of such sign, display or device of all right, title, leasehold and interest in such sign, display and device; and

(2) The taking from the owner of the real property on which such sign, display or device is located, of the right to erect and maintain such signs, displays or devices thereon. Notwithstanding these provisions, no rights in and to property shall be acquired with respect to any outdoor advertising sign, display or device except to the extent that federal funds authorized to be appropriated pursuant to the federal Highway Beautification Act of 1965, as amended, to reimburse the State for 75% of the cost thereof, are in fact appropriated and allocated to the State for that purpose.

(17 Del. C. 1953, § 1122; 57 Del. Laws, c. 276.)

§ 1123 Advertising in rest areas.

In order to provide information in the specific interest of the traveling public, the Department is authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at rest areas and to establish information centers in such areas for the purpose of informing the public of places of interest within the State and providing such other information as may be considered desirable, provided, however, that no such information centers shall be established within controlled areas adjacent to the interstate system without the approval of the Secretary of Transportation of the United States.

(17 Del. C. 1953, § 1123; 57 Del. Laws, c. 276; 61 Del. Laws, c. 262, § 22.)

§ 1124 Signs, displays and devices providing information for the traveling public; location.

Signs, displays and devices giving specific information in the interest of the traveling public may be erected and maintained, pursuant to agreement between the Department and the Secretary of Transportation of the United States, within the right-of-way of highways of the interstate system, at appropriate distances from interchanges on such systems.

(17 Del. C. 1953, § 1124; 57 Del. Laws, c. 276.)

§ 1125 Agreements with federal government or agencies.

The Department may enter into agreements, consistent with this chapter, with the Secretary of Transportation of the United States relating to the control of outdoor advertising in controlled areas and take action in the name of the State to comply with the terms of such agreements.

The Department may accept allotment of funds by the United States, or any department or agency thereof, authorized by the Federal-Aid Highway Act of 1958, or any subsequent legislation supplementary to or amending such Act, in connection with any agreement entered into by the Department and the Secretary of Transportation of the United States relating to the control of outdoor advertising in controlled areas adjacent to the interstate and/or primary system.

(17 Del. C. 1953, § 1125; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 61 Del. Laws, c. 262, § 23.)

§ 1126 Relationship of subchapter to other provisions of chapter.

The provisions of this subchapter relating to the regulation of outdoor advertising in controlled areas are in addition to, and not in lieu of, subchapter I of this chapter.

(61 Del. Laws, c. 262, § 24.)

Subchapter III

Limited Access, State Toll Roads

§ 1131 Limitations of outdoor advertising along limited access, state toll roads.

The provisions of subchapter II of this chapter shall be applicable to any limited access, state toll road in this State.

(68 Del. Laws, c. 417, § 1.)

§ 1132 Sign limitations on state toll highways.

(a) Notwithstanding any other provisions of this Code to the contrary, variable message signs (VMS) may not be erected or placed, facing in the same direction of travel, and directed toward and able to be read by travelers along state toll highways, within 1,000 feet of any toll highway listed in subsection (c) of this section, except for those signs installed within the rights-of-way of a toll highway for official Department use.

(b) As used in this section, "variable message sign" ("VMS") means a sign or portion of a sign on which the message copy includes characters, letters, or illustrations that can be changed or rearranged electronically or mechanically without touching or physically altering the primary surface of the sign. Message copy for a VMS may be changed in the field or from a remote location.

(c) The provisions of this section apply to the following: the portion of State Route 1 running from the point at which it merges with U.S. Route 13 below State Route 71 to the point where it merges with the southbound on-ramp of State Route 9.

(78 Del. Laws, c. 138, § 1.)

The field will also be utilized throughout the year for tournaments and benefits. A Mark Shockley Softball tournament is being planned in the near future.

Mr. Brooks feels it is a waste to have the softball field and baseball field unused the entire summer. The school does not permit the baseball field to be used by outside groups.

In regard to the softball field, Mr. Emory said they will continue to explore some other options, possibly a co-rec league, during the summer months.

Adoption of Resolution/Annexing Webb Properties

Mr. Ellison made a motion to adopt the following resolution annexing the properties of Francis J. Webb and Thomas P. Webb, subject to those conditions previously discussed and agreed to by City Council, into the City of Milford:

RE: ANNEXATION/LAND OF:
Tax Map Number(s) MD-00-163.00-02–76.00, 77.01 (½ Interest)/Francis J. Webb Trustee
Tax Map Number(s) MD-00-163.00-02-77.00, 77.01 (½ Interest) 77.02, 77.03, 77.04/Thomas P. Webb
Requested Zoning: R-1, C-3*

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City, 49 acres, more or less, fronting on the easterly right-of-way line of the northbound lane of U.S. Route 113, the northerly and southerly right-of-way line of State Route 409, and the westerly right-of-way line of State Route 124, Kent County, Milford, Delaware including sites currently occupied by Shore Stop and Young Lumber, and having considered the recommendation of the Committee appointed to investigate said annexation, and having previously held a public hearing on June 23, 2003 on said annexation, determines as follows:

Now, Therefore, Be It Resolved, that this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

I, Joseph R. Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at its meeting held on July 14, 2003, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Mayor Joseph R. Rogers

*Zoning: 512 feet deep along U.S. Route 113 designated C3, Highway Commercial;
Residue designated R-1, Residential.

The following conditions will apply:

1) The depth of the commercial use for the C-3 zone is 513 feet from the right of way of U.S. Route 113. Residual zoning will be R-1 (residential).

2) Parcel 77.1 (triangular piece) contiguous to the First United Pentecostal Church property would remain conservation per the recommendation of the Office of the State Planning.

3) Any future use would be restricted by the owner/developer if they opt to proceed with any type of development of that site, and they must first obtain consent from the Office of State Planning.

4) Any future development of the property will require City Site plan review and the utilization of municipal water, sewer and electric.

5) Any extension of the municipal services will be at the expense of the owner/developer and all county and city impact fees will apply.

6) Existing entrances to Parcel 77.2, 77.3 and 77.4 will be utilized to serve Parcel 77.

7) Parcel 76, which is a free standing property and owned by Francis J. Webb, will be permitted one entrance to be designed and approved by the Department of Transportation.

8 Utility and/or drainage easements will be determined through Site plan review.

9) The existing agricultural area will continue to be taxed at the agricultural rate until the property is transferred or developed. If the property is transferred even if it is not developed as commercial, that status will be lost to the new developer and they would be taxed immediately. Any commercial use will be taxed at the commercial rate.

10) The existing sale of heavy duty equipment may continue for a period of six months. Owner must apply for a conditional use application during that time and no additional equipment may be brought onto the site until the property owner receives approval for the conditional use permitting the sale of heavy duty equipment. Conditional use applications are reviewed by the Planning Commission with their recommendation going to Council for final review.

11) The Mercedes Benz lemon trailer, vehicles and all related items must be removed from the site within 30 days following the annexation approval.

12) The existing billboard at the site may be retained because it has been there for approximately 30 years.

13) Any modification to the existing billboard will require conditional use approval and will be subject to review by the Planning Commission and City Council.

Motion seconded by Mr. Ambrose. Motion carried the following 7 to 0 roll call vote:

Mr. Ambrose	Yes
Mr. Ellison	Yes
Mr. O'Neill	Aye
Mr. Brooks	Yes
Mr. Morrow	Yes
Mr. Starling	Yes
Mrs. Brown	Yes

Adoption of Resolution/Annexing Isaacs Property

Mr. Ellison asked if a golf course was going to be built on this property as stated in the newspaper. Elmer Fannin was present and replied that is a future possibility for this general area, but not on this specific parcel. He has discussed building a golf course on the Wilkins property at a later date.

Though the commercial zoning was removed and replaced with a residential zone, Council confirmed that Mr. Fannin will still be permitted to apply for a conditional use to allow for a future clubhouse and related uses. Included were previously discussed services including a pro golf shop, swimming pool, professional offices with medical clinic, fitness center, assisted care facilities, speciality shops including barber/beauty shop, tanning salon, weight loss center and restaurant as permitted in the R1, R2 and R3 districts. This was his original plan and the reason for the commercial zone request.

With no further questions or comments, Ms. Brown made a motion to adopt the following resolution:

RE: ANNEXATION/LAND OF: Elmer G. & Mary Ann Fannin
(Previous Owner L.P. Isaacs Family/Lawrence P. Isaacs, President)
Tax Map No. 3-30-15.00-022.00
Approved Zoning: R-2, R-3

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City, 122 acres, more or less, located on the westerly side of Elks Lodge Road (State Route 211) and the easterly side of State Route 225, adjoining lands of Howard E. Wilkins and Sons, Incorporated and lots in the subdivision known as Eastman Heights, said lots fronting on Hammond Drive, and having considered the recommendation of the Committee appointed to investigate said annexation, and having previously held a public hearing on June 30, 2003 on said annexation, determines as follows:

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, January 21, 2020
City Council Hearing: Monday, January 27, 2020

NOTICE IS HEREBY GIVEN that the Planning Commission and City Council will hold Public Hearings at 7:00 p.m., or as soon thereafter as possible, 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 2020-01

TJA LLC for a Conditional Use to allow a billboard on 1.1 +/- acres in a C3 Zoning District. Property is located along the east side of Bay Road (US Route 113/SR1) approximately 225 feet north of the New Wharf Road intersection addressed as 466 Bay Road, Milford, Delaware 19963. Present use: Commercial/Retail; Proposed Use: Same with Billboard. Tax Map: MD-16-163.00-01-03.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a conditional use; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on January 21, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on January 27, 2020 to allow for public comment and further review of the ordinance.

Dates.
Planning Commission Review & Public Hearing: January 21, 2020
City Council Introduction: January 13, 2020
City Council Public Hearing: January 27, 2020
Effective: February 6, 2020

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 12/18/19

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

THE CITY of Milford DELAWARE

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

DATA SHEET FOR TJA, LLC – PARCEL 04.00

Planning Commission Meeting: January 21, 2020

Application Number / Name	:	19-049 / TJA, LLC – Parcel 04.00
Applicant	:	TJA, LLC 7343 Big Stone Beach Road Milford, DE 19963
Owner	:	Same
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Commercial/Retail
Proposed Use	:	Commercial/Retail with Billboard
Size and Location	:	1.1 +/- acres located along the east side Bay Road (US Route 113/SR1) approximately 400 feet north of the New Wharf Road intersection.
Tax Map & Parcel	:	MD-16-163.00-01-04.00

ENC: Staff Analysis Report
Exhibit A – Location & Zoning Map
Exhibit B - Survey

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

THE CITY of Milford DELAWARE

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

STAFF REPORT
December 20, 2019

Application Number / Name	**:**	19-049 / TJA, LLC – Parcel 04.00
Present Comprehensive Plan Designation	**:**	Commercial
Present Zoning District	**:**	C-3 (Highway Commercial District)
Present Use	**:**	Commercial/Retail
Proposed Use	**:**	Commercial/Retail with Billboard
Tax Map & Parcel	**:**	MD-16-163.00-01-04.00
Size and Location	**:**	1.1 +/- acres located along the east side of Bay Road (US Route 113/SR 1) approximately 400 feet north of the New Wharf Road intersection.

I. BACKGROUND INFORMATION:

- The applicant proposes to construct a 12'x48', two-sided 32-foot tall billboard on the above referenced parcel as shown on the provided survey.

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:

- Per Chapter 230, the Billboard shall be constructed and maintained in accordance with Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions, a copy of which is provided in the packet.

- The applicant's request is for a traditional billboard with a static message sign face and does not include an electronic message board.

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

  A. The presence of adjoining similar uses.

     The property to the south is owned by the applicant and is zoned C-3 Highway Commercial, containing a single commercial structure and is the site of another proposed two-sided billboard. The subject billboard would be 346 feet north of the proposed billboard on Parcel 03.00. Beyond this property, south of New Wharf Road, there is a property that contains an existing single billboard structure facing southbound traffic. The proposed billboard would be 782 feet from the existing billboard that is located south of New Wharf Road. The property to the north and east is zoned C-3 Highway Commercial and R-1 Single-family Residential and is unimproved and used for agricultural purposes. The properties to the west, across Bay Road, are located in the unincorporated areas of Kent County and are zoned BG General Business and contain several auto dealerships.

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

     Under the zoning code at the time of the land use application, billboards are only permitted by conditional use within the C-3 Highway Commercial zoning district. The updated version of the City Code prohibits billboards within the City.

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

     The Comprehensive Plan does not discuss a specific need for Billboard signage.

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

     The billboard would not be screened from adjacent highway commercial uses, primarily due to its overall size and location within the front yard area. The applicant proposes to construct the billboard 24 feet from the northern side property line. It should be noted that the parcel to the north is owned by the applicant.

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

     The proposed billboard may negatively affect the visibility of the business to the south and any potential development on the parcel owned by the applicant to the north.

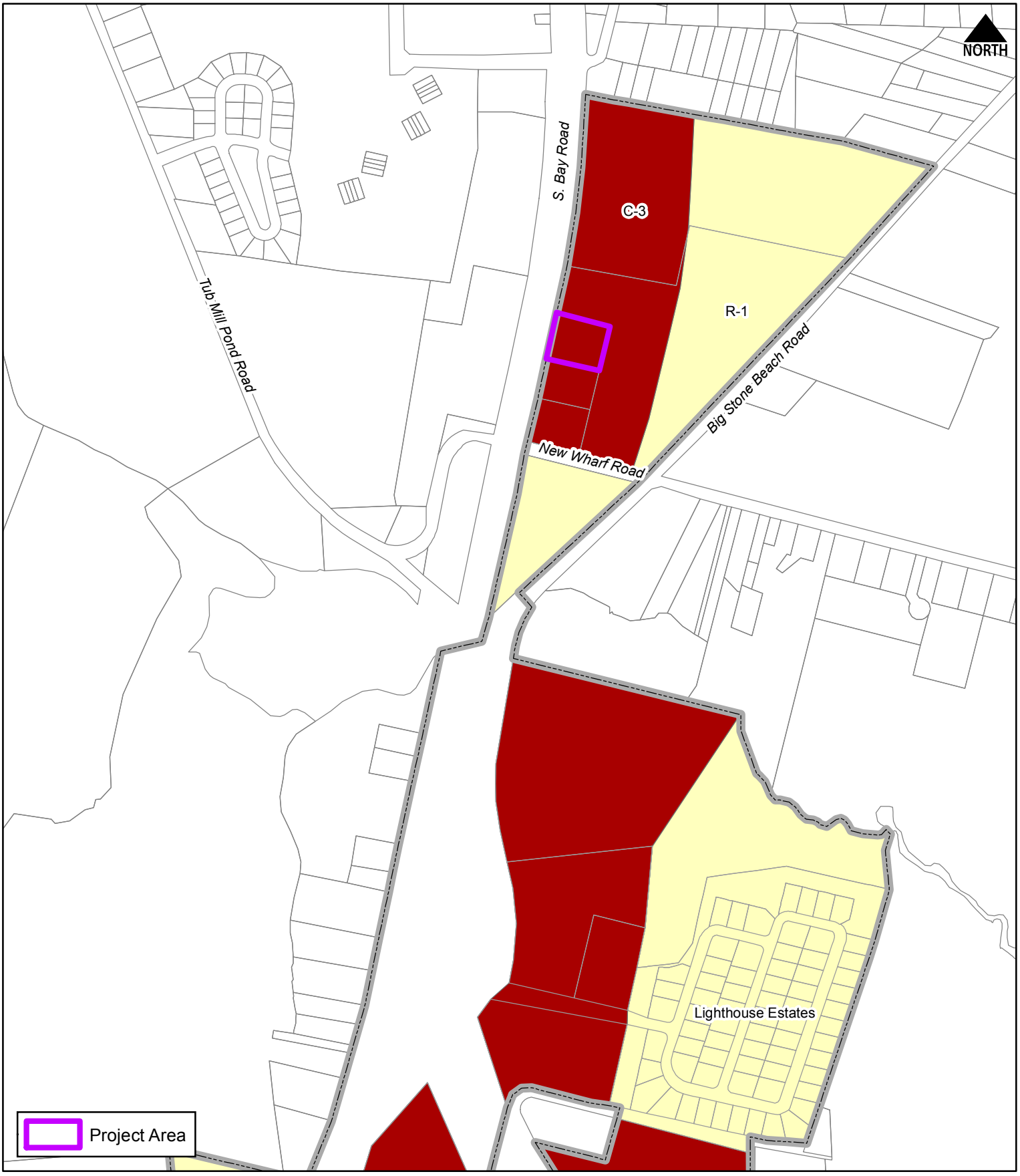
  F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

     The proposed use does not impact traffic patterns or require parking. Due to the overall size of typical off-premise signage, screening would not be an effective means of removing potential adverse influences on neighboring properties. The applicant proposes to construct the billboard 25 feet from the front property line, which extends into the required 30 foot front yard setback for principal structures. The applicant also proposes to construct the billboard 24 feet from the side property line. The City should consider the effects of the billboards location on the future development of the adjacent

lands to the north, and should consider requiring the billboards be constructed outside the required front and side yard setbacks for the property. The required side yard setback for the C-3 zoning district is 50 foot aggregate, 20 foot minimum.

- 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 approval from DelDOT per Title 17, Chapter 11-Regulation of Outdoor Advertising.
    - The applicant must obtain a building permit from the City of Milford for the construction of the sign, which will requires the submission of engineering plans.



THE CITY of Milford DELAWARE

Scale: 0 300 600 Feet

Drawn by: WRP

Date: 12/09/19

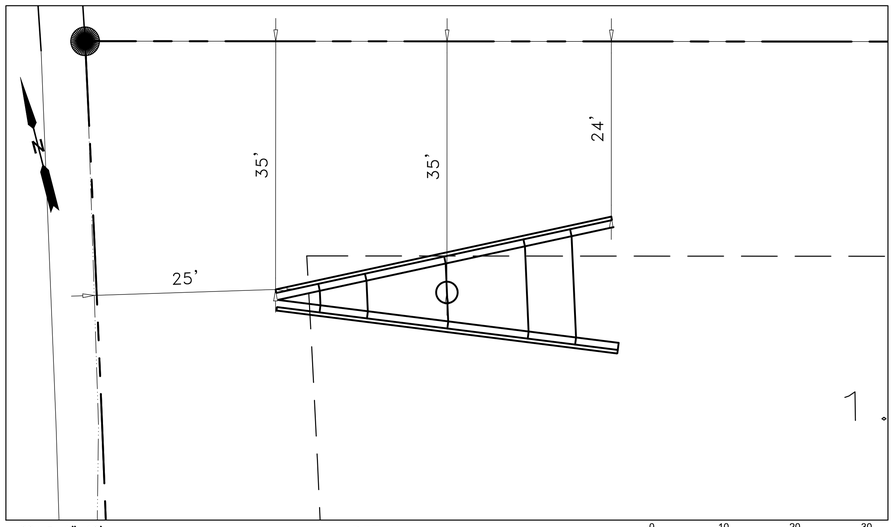
Filepath: ConditionalUse_TJA_0400.mxd

Title:

Conditional Use

TJA, LLC - Parcel 04.00

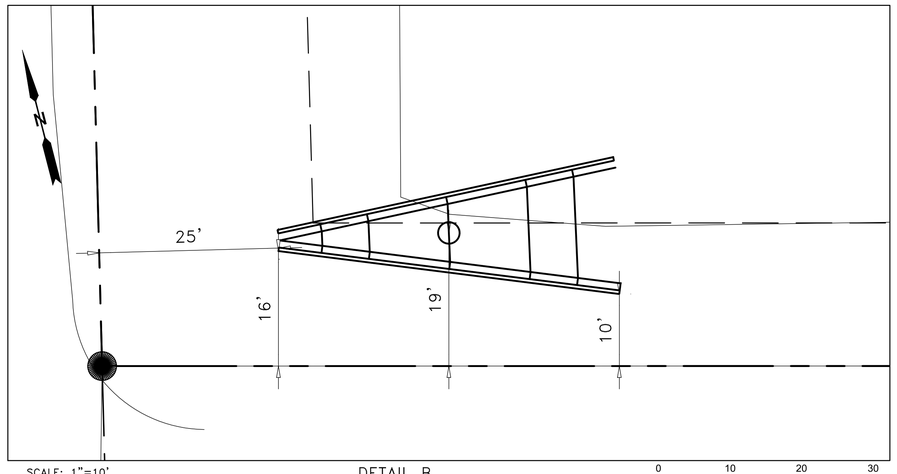
Location & Zoning Map



SCALE: 1"=10'

DETAIL A

0 10 20 30



SCALE: 1"=10'

DETAIL B

0 10 20 30

DATA COLUMN

PROPERTY LOCATION: 446 BAY ROAD
MILFORD, DE 19963

CURRENT DEED REFERENCE: D 6616 / 311

TAX PARCELS: 5-16-16300-01-0300 &
5-16-16300-01-0400

CURRENT PLAT REFERENCE: 37/77 & 47/76

ZONING: HIGHWAY COMMERCIAL C-3

BILLBOARD REGULATIONS:

ROW SETBACK:	25 FT. MIN.
SPACING BETWEEN STRUCTURES:	100 FT. MIN.
SPACING FROM INTERSECTION:	500 FT. MIN.

TOPOGRAPHICAL SURVEY PERFORMED BY DAVIS, BOWEN, AND FRIEDEL, INC. ON JULY 1, 2019.

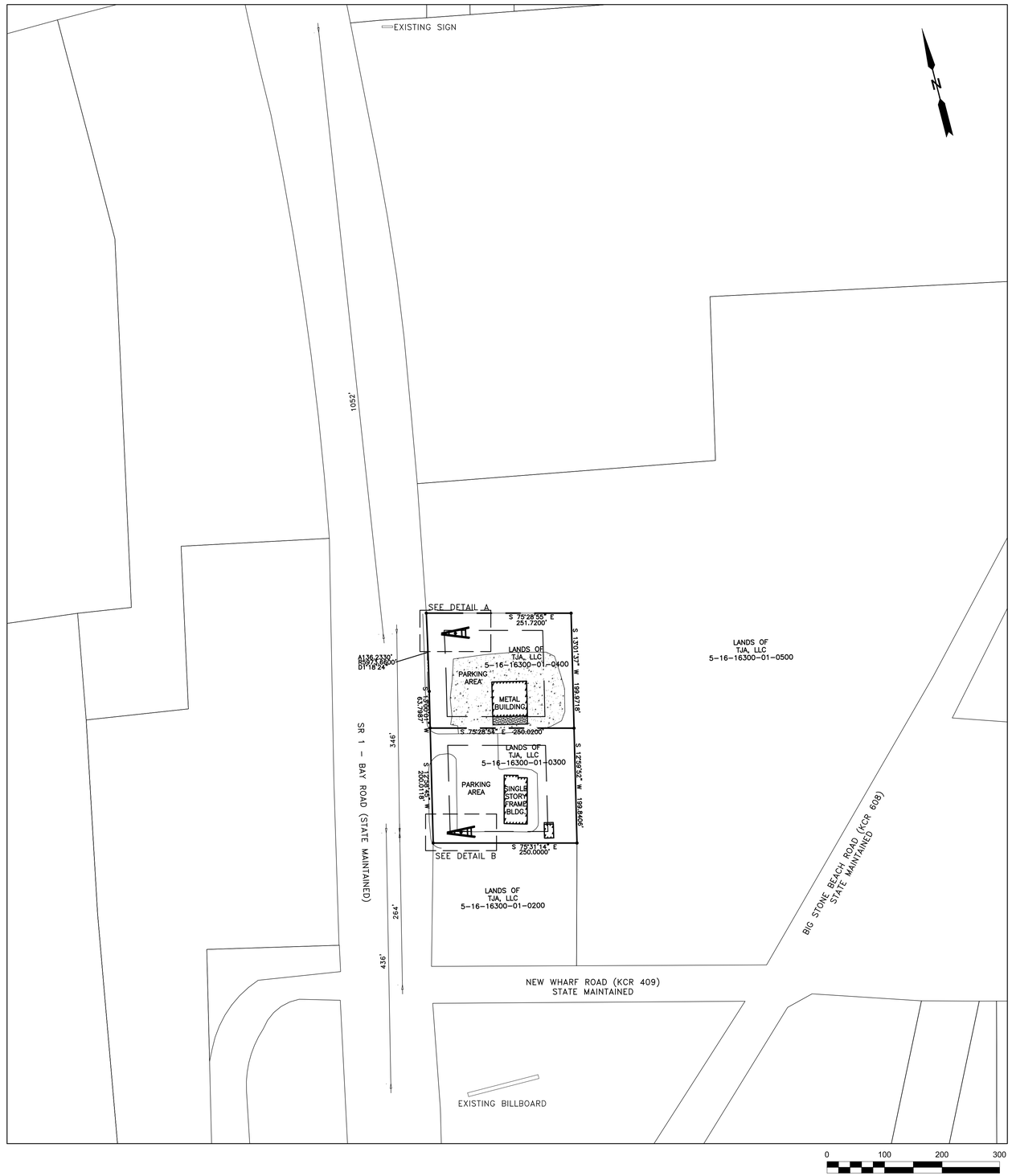
THE LAND SHOWN HEREON DOES NOT LIE WITHIN 100 YR. FLOOD PLAIN PER F.I.R.M. PANEL 10005C0035K EFF. 03/16/15

OWNER:
TJA, LLC.
7343 BIG STONE BEACH RD.
MILFORD, DE 19963

ENGINEER:
DAVIS, BOWEN, AND FRIEDEL, INC.
1 PARK AVE.
MILFORD, DE 19963

BILLBOARD NOTES:

1. TYPE- STATIC
2. PANEL SIZE- 12'X48' (4- 2 PANELS PER STRUCTURE)
3. HEIGHT TO BOTTOM OF PANEL- 20 FT.
4. HEIGHT OF STRUCTURE- 32 FT.
5. "V" STYLE, BACK TO BACK, SINGLE POLE



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

BILLBOARD PLACEMENT

TJA, LLC. BILLBOARD
CITY OF MILFORD
KENT COUNTY, DELAWARE

Date: NOVEMBER, 2019
Scale: 1" = 100'
Dwn.By: BJM
Proj.No.:
Dwg.No.: 1

P:\TJA\SR-1 Billboard\Design\TJA Billboard Placement.dwg Dec 13, 2019 - 2:13pm

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

Created with a trial version of Syncfusion Essential DocIO.

§ 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.

Created with a trial version of Syncfusion Essential DocIO.

(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.

Created with a trial version of Syncfusion Essential DocIO.

(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.

§ 230-46. - Purpose.

A. The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.

B. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in accordance with the provisions of this chapter after duly advertised hearings held in accordance with the provisions of Article XII.

§ 230-47. - Application and approval procedures.

A. The application for a conditional use shall first be made with the Code Official, who shall then forward the materials to the Planning Commission.

B. The Planning Commission shall study such information and make recommendations to the City Council within 60 days of the Code Official's referral to the Commission after holding a public hearing.

C. The Council shall then act within 60 days of the receipt of the Commission's recommendation to either approve with conditions or deny such use after holding a public hearing. The Council's decision shall be based on the determination that the location of the use is appropriate, it is not in conflict with the Comprehensive Plan and it is consistent with the purpose and intent of this chapter.

Created with a trial version of Syncfusion Essential DocIO.

§ 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.

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

JENNIFER COHAN
SECRETARY

December 23, 2019

TJA, LLC
7343 Big Stone Beach Rd.
Milford, DE 19963
Attn: Mr. Ring Lardner, P. E.

Dear Mr. Lardner,

The Roadside Control Section of the Department of Transportation is charged with the responsibility of enforcing statutory regulations pertaining to Outdoor Advertising as set forth under Title 17, Chapter 11, of the Delaware Code.

The Department has received your outdoor advertising application for a new billboard to be situated on the property belonging to TJA, LLC at 466 Bay Rd, in Kent County (tax parcel #: MD-16-163.00-001-03.00 and MD-16-163.00-01-04.00) advertising.

I have reviewed the proposed site plan that was submitted as well as the application. As long as the sign is constructed per the specifications submitted and the required building permits are obtained by the local authority, the Department has no objection to the proposed sign application noted above. Should there be any revisions to the sign in regards to size, location, or message; the Department must be notified immediately. The sign installer shall provide copies of the local building permit and notify the Department 24 hours prior to the start of construction. Upon completion of the construction of the sign, the installer shall notify the Department within 48 hours for a final field inspection.

Sincerely,

Alyce Doody

Alyce Doody
Roadside Control Agent

cc: Chris King, Roadside Control Manager

DelDOT

Chapter 11
REGULATION OF OUTDOOR ADVERTISING
Subchapter I
General Provisions

§ 1101 Purpose and policy.

The rapid growth in the use of motor vehicles throughout this State and the concurrent extension of highways built or improved at public expense has lead to great changes in the extent and character of public travel. The investment of this State, municipalities and towns in good roads, parks, parkways, playgrounds and reservations, and the safety, convenience and welfare of the inhabitants have been affected.

The regulation and control of outdoor advertising signs, displays and devices of all kinds is provided for in order to promote the general welfare, especially in the particulars hereinafter recited.

The people of this State would suffer economically if the State failed to participate fully in the allocation and apportionment of federal-aid highway funds since a reduction in federal-aid highway funds would necessitate increased taxation to support and maintain the state road program and system. It is, consequently, the intention of this chapter, among other things, to provide a statutory basis for regulation of outdoor advertising consistent with the public policy relating to areas adjacent to federal-aid interstate and primary systems declared by the Congress of the United States in Title 23, United States Code.

(42 Del. Laws, c. 182, § 1; 17 Del. C. 1953, § 1101; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1102 Scope and definitions.

(a) The powers and authority granted in this chapter are in derogation of no other powers or authority granted by or created by or exercised under any other statute, or by a planning or zoning board or authority, or other public officer, but shall be construed as in addition to any such power or authority, which shall remain unaffected.

(b) As used in this chapter:

(1) "Commercial or industrial activities for purposes of unzoned commercial and industrial areas" means those activities generally recognized as commercial or industrial by zoning authorities in this State, except that none of the following activities shall be considered commercial or industrial:

a. Outdoor advertising structures;

b. Forestry, ranching, grazing and farming including, but not limited to, wayside fresh produce stands;

c. Transient or temporary activities;

d. Activities more than 600 feet from the nearest edge of the right-of-way along the interstate and federal-aid primary route;

e. Activities conducted in buildings principally used as a residence;

f. Railroad tracks and minor sidings;

g. Activities not visible from the main traveled way.

(2) "Controlled areas" means and includes any area inside the boundaries of this State which is adjacent to the right-of-way of a highway of the interstate or primary systems, except that areas beyond 660 feet of the right-of-way inside urban areas shall be excluded from this chapter.

(3) "Department" means the Department of Transportation.

(4) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of a sign or sign structure.

(5) "Gateway sign" means any sign, display, or device intended for its purpose to provide information to the travelling public advising motorists that they are entering the boundaries of a political subdivision or established nonincorporated area of the State. A gateway sign may include a slogan or related graphic, or both, subject to the approval of the Department.

(6) "Information center" means an area or site established and maintained at a rest area for the purpose of informing the public of places of interest within the State and providing such other information as the Department may consider desirable.

(7) "Interstate system" means that portion of the national system of interstate and defense highways located within this State, as officially designated, or as may hereafter be so designated, by the Department and approved by the Secretary of Transportation of the United States, pursuant to Title 23, United States Code, "Highways."

(8) The "laws of this State" shall include a provision of the Constitution or statutes of the State, or an ordinance, rule or regulation enacted or adopted by an agency or political subdivision of this State pursuant to the Constitution or statutes.

(9) "Maintain" means to allow to exist in accordance with state law.

(10) "Outdoor advertising" or "outdoor advertising signs, displays and devices" shall include any outdoor sign, display, device, picture, emblem, trademark, figure, painting, drawing, message, placard, poster, billboard, light or other thing which is designed,

intended or used to advertise, to inform or to attract the attention of the traveling public, which is within 660 feet and visible or beyond 660 feet and visible and erected with the purpose of being read from the main traveled way of any state highway.

(11) "Primary system" means that portion of connected main highways of this State officially designated as such, or as may hereafter be designated as such, by the Department and approved by the Secretary of Transportation of the United States, pursuant to Title 23, United States Code, "Highways."

(12) "Rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public.

(13) "Unzoned commercial or industrial areas" means those areas not zoned by any state, county or local ordinance or regulation on which there are located 1 or more permanent structures devoted to a business or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 800 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, and shall be along or parallel to the edge of the pavement of the highway.

(14) "Urban areas" means and includes those areas designated as such by the Bureau of the Census and whose boundaries have been approved by the Secretary of the United States Department of Transportation.

(15) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(16) "Zoned commercial or industrial areas" means those areas which are zoned for business, industry, commerce or trade pursuant to a state or local zoning ordinance or regulation, except that those areas beyond 660 feet outside urban areas shall not be recognized as commercial, industrial, unzoned commercial or unzoned industrial in the application of this chapter.

(42 Del. Laws, c. 182, § 1; 17 Del. C. 1953, § 1102; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 1, 2; 60 Del. Laws, c. 290, § 1; 61 Del. Laws, c. 262, §§ 1-6; 79 Del. Laws, c. 320, § 1.)

§ 1103 Enforcement of chapter; rules and regulations; examinations; territorial limitations.

(a) The Department shall:

(1) Enforce this chapter; and

(2) Make, publish and enforce such regulations for the proper control and restriction of outdoor advertising signs, displays and devices as may be necessary or advisable to implement the policy and accomplish the purposes of this chapter.

(b) All employees of the Department, or any peace officer of this State, when so directed by the Department or its officers, may enter into and upon any land or building to make any examination or survey which the Department deems necessary to the effective administration of this chapter or to enforce this chapter.

(c) This chapter shall apply only to outdoor advertising signs, displays and devices situate outside the corporate limits of any incorporated city or town in this State and to those outdoor advertising signs, displays and devices situate in controlled areas within such corporate limits.

(42 Del. Laws, c. 182, §§ 2, 14; 17 Del. C. 1953, § 1103; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, § 7; 61 Del. Laws, c. 262, § 7.)

§ 1104 Application and issuance of permits; revocation.

(a) Except as otherwise provided, no person, whether engaged in the business of outdoor advertising or not, shall erect, maintain or display any outdoor advertising sign, display or device, above or upon real property, without first obtaining a permit from the Department.

(b) A separate application for a permit shall be made for each separate outdoor advertising sign, display or device on a form furnished by the Department, which application shall contain such information as it may require. For the purpose of this subsection, each single sign panel or face shall be interpreted as constituting an outdoor advertising sign, display or device. Each application shall be accompanied by the written consent of the owner or tenant of the real property upon which such sign, display or device is to be erected or maintained. No new application shall be made for a permit to maintain any existing outdoor advertising sign, display or device or to renew a permit.

(c) The Department, in accordance with this chapter, shall issue or renew permits for a period of at least 1 year for the erection and maintenance of all types of outdoor advertising signs, displays and devices; provided, however, that all new permits issued shall expire at the next regular renewal period established by the Department. No permit shall be issued for the erection or construction of any sign which would be in violation of local law or ordinance at the time application is filed.

(d) The Department may establish and collect fees for the issuance of permits and renewals thereof. The amount of such charge shall be so fixed as to provide the Department with the funds deemed necessary by it to defray the costs of the administration of this chapter.

(e) When an application for a permit or for a renewal thereof is made by a nonresident or by a foreign corporation engaged in the business of outdoor advertising, the Department, at its discretion, as a condition to the issuance of such permit or renewal, may require such corporation to deposit with the Department a bond, in an amount and with surety to be approved by the Department, to secure such corporation's compliance with this chapter.

(f) All sign permits issued under this section shall terminate and become void if the sign structure for which the permit is issued is not under construction within 6 months and is not fully constructed in full compliance with the terms of this chapter within 1 year after its issuance. Under no circumstances shall there be any refund of a permit fee which has become void.

(42 Del. Laws, c. 182, § 3; 17 Del. C. 1953, § 1104; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 8, 9; 61 Del. Laws, c. 262, §§ 8-10.)

§ 1105 Advertising identification.

The Department shall require that each outdoor advertising sign, display or device shall bear an identifying tag or plate to be issued by the Department, and, upon erection shall bear the name of the party responsible for the erection and maintenance of the sign and the Department shall make provisions for the details thereof.

(42 Del. Laws, c. 182, § 4; 17 Del. C. 1953, § 1105; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 60 Del. Laws, c. 290, § 3; 61 Del. Laws, c. 262, § 11.)

§ 1106 Removal upon expiration or revocation of permit.

All outdoor advertising signs, displays and devices shall be removed by the outdoor advertiser or other person erecting, owning, maintaining or displaying the same, or, in the event of that person's default, by the owner or tenant of the premises upon which any such sign, display or device is located, within 30 days from the date of the expiration or revocation of the permit for the same.

(42 Del. Laws, c. 182, § 5; 17 Del. C. 1953, § 1106; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 70 Del. Laws, c. 186, § 1.)

§ 1107 Unlawful to remove or damage road markers, etc., or place advertising on highways.

(a) No person shall willfully or maliciously displace, remove, destroy or injure a mileboard, milestone, danger sign or signal, guide sign or guide post or any inscription thereon, lawfully within the right-of-way of a public highway.

(b) No person shall in any manner paint, print, place, put or affix any outdoor advertising, outdoor advertising signs, displays or devices upon or to any rock, stone, tree, fence, stump, pole, milestone, danger signal, guide sign, guide post, building or other object lawfully within the right-of-way of any public highway.

(42 Del. Laws, c. 182, § 7; 17 Del. C. 1953, § 1107; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 61 Del. Laws, c. 262, § 12.)

§ 1108 Location and condition of advertising regulated.

(a) Subject to subsection (c) of this section, no outdoor advertising sign, display or device, except a directional, gateway, or warning sign, official sign or notice erected by or with the approval of the Department, shall be erected subsequent to July 14, 1969, within 25 feet of the right-of-way line of any public highway if visible from any portion of the same.

(b) Subject to subsection (c) and subsection (d) of this section, no outdoor advertising sign, display or device, except a gateway sign or historical marker erected with the approval of the Department, shall be erected or maintained:

(1) On the right-of-way of any public highways;

(2) Within 25 feet of any public playground, school or church if visible from any portion of the same;

(3) Upon the inside curves or at or near a railroad crossing or a highway intersection, if such would obstruct or interfere with the view of a train, locomotive, streetcar or other vehicle at or approaching such crossing or intersection or so as to obstruct the view of such intersection or crossing or of a turn or a sharp change in alignment or in any manner dangerous to the public;

(4) If such sign, display or device is obsolete or is not in good physical condition;

(5) If such sign, display or device is not securely affixed to a substantial structure or in any way endangers traffic on any public highway.

(c) Subsection (a) of this section shall not apply to outdoor advertising signs, displays or devices which advertise the sale or lease of, or activities conducted upon, the real property where they are located, or any outdoor advertising signs displayed on any school bus waiting shelter located and approved by the State Department of Education.

(d) Beautification/landscape planting sponsorship signs located within the right-of-way of any public highway shall be erected or placed as defined below and as such are exempt from this chapter and section:

(1) Signs under the above provision denoting the name of the person or persons or organization sponsoring/or donating, planting and/or maintaining beautification/landscape projects shall require an approved right-of-way use agreement issued by the Department of Transportation;

(2) Such signs shall not exceed 6 square feet and shall be constructed, painted and lettered according to standards for material and fabrication as required by the Department of Transportation.

(42 Del. Laws, c. 182, §§ 6, 11; 17 Del. C. 1953, § 1108; 53 Del. Laws, c. 87, § 1; 55 Del. Laws, c. 407; 56 Del. Laws, c. 178; 56 Del. Laws, c. 351, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 10, 11; 61 Del. Laws, c. 262, §§ 13-15; 62 Del. Laws, c. 267, §§ 1, 2; 71 Del. Laws, c. 318, § 1; 79 Del. Laws, c. 320, § 1; 80 Del. Laws, c. 23, § 1.)

§ 1109 Forbidden advertising.

No outdoor advertising signs, displays or devices shall display copy which violates any federal or state law, or which is offensive to the moral standards of the community at the time the copy is offered for display, or which is false, misleading or deceptive.

(42 Del. Laws, c. 182, § 10; 17 Del. C. 1953, § 1109; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1110 Delaware Byways Program.

In order to provide criteria for the size, spacing and lighting of signs which effectively control the erection of outdoor advertising signs, displays and devices erected subsequent to July 14, 1969, other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, the Department establishes the following criteria for use in making, publishing and enforcing regulations:

(1) In zoned commercial and industrial areas, the Department shall certify to the administrator as notice of effective control that there have been established within such areas regulations which are effective and are enforced with respect to the size, lighting and spacing of outdoor advertising signs, displays and devices. In such areas, the size, lighting and spacing requirements set forth below shall not apply.

(2) In all other zoned and unzoned commercial and industrial areas, the criteria set forth below shall apply:

a. *Construction of signs.* —

1. The maximum area for any 1 sign shall be 1,200 square feet with a maximum height of 25 feet and maximum length of 60 feet, inclusive of any border and trim but excluding ornamental base or apron, supports and other structural members.

2. The area of the sign shall be computed by the sign maker utilizing the most practical method which encompasses the entire sign and this data shall be submitted to the Division of Highways upon application for permit.

3. A sign structure may contain 1 or 2 signs per facing and 2 sign facings may be placed back to back or V-type at 1 location but in no event shall the total area of any facing exceed 1,200 square feet.

4. A sign which exceeds 600 square feet in area may not be on the same sign facing with any other sign.

5. All newly erected, rebuilt or replaced sign structures shall be constructed in accordance with the applicable wind pressure standards of the local building code, or, in the absence of such requirement, shall be constructed to withstand a minimum wind pressure of 25 pounds per square foot.

b. *Spacing of signs.* —

1. *Interstate and federal aid primary highways.* — Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic. Except for roof signs, wall signs and free standing signs against the wall of a building, no ground sign shall be placed within 35 feet of either highway right-of-way at an intersection where they converge, unless the base of such sign shall be at least 8 feet above ground level or road bed, whichever is higher.

2. *Interstate highways and controlled access highways on the federal aid primary system.* —

A. No 2 structures shall be spaced less than 500 feet apart.

B. Outside of incorporated cities and towns, no structure may be located within 500 feet of an interchange, intersection at grade, rest area or information center (measured along the interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

3. *Noncontrolled access federal aid primary highways.* —

A. Outside of incorporated cities and towns, no 2 structures shall be spaced less than 300 feet apart.

B. Within incorporated cities and towns, no 2 structures shall be spaced less than 100 feet apart.

4. The above spacing-between-structures provisions do not apply to structures separated by buildings or other obstructions in such a manner that only 1 sign facing located within the above spacing distances is visible from the highway at any 1 time.

5. Official and "on premise" signs, as defined in subsection (c) of § 131 of Title 23, United States Code, and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

6. The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

c. *Lighting.* — Signs may be illuminated, subject to the following restrictions.

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or traffic conditions, or as defined in paragraph (2)c.5. of this section.

2. Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways of an interstate or federal-aid primary highway and which are of such intensity or brilliance as to cause glare or to impair the vision of a driver of a motor vehicle or which otherwise obscure or interfere with a driver's operation of a motor vehicle are prohibited.

3. A sign may not be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic control device such as a sign or signal.

4. All lighting is subject to any other provisions of law relating to the lighting of signs presently applicable to all highways under the jurisdiction of the State.

5. Notwithstanding the provisions of paragraphs (2)c.1. through (2)c.4. of this section, signs commonly known as variable message signs may be changed at intervals by electronic or mechanical process or remote control, and are permitted within 660 feet of the edge of the right-of-way of any interstate or federal-aid primary highway so designated as of June 1, 1991, and of the National Highway System. These variable message signs are permitted, except as prohibited by local ordinance or zoning regulation or by the Delaware federal-state outdoor advertising agreement of May 1, 1968, and are not considered to be in violation of flashing, intermittent, or moving lights criteria provided that:

A. Each message remains fixed for a minimum of at least 10 seconds.

B. When the message is changed, it must be accomplished in 1 second or less, with all moving parts or illumination changing simultaneously and in unison.

C. A variable message sign along the same roadway and facing in the same direction of travel may not be placed, as measured along the centerline of the roadway, within 2,500 feet of another variable message sign, or within 500 feet of a static billboard sign regulated by this section, or within 1,000 feet of an interchange, interstate junction of merging or diverging traffic, or an at-grade intersection.

D. A variable message sign must contain a default design that will freeze the sign in 1 position if a malfunction occurs or, in the alternative, that will shut down.

E. A variable message sign may not contain or display any lights, effects, or messages that flash, move, appear to be animated or to move, scroll, or change in intensity during the fixed display period. A variable message sign must appropriately adjust display brightness as ambient light levels change.

F. A sign that attempts or appears to attempt to direct the movement of traffic or which contains wording, color, shapes, or likenesses of official traffic control devices is prohibited.

G. A sign may not be placed along designated Delaware byways.

d. The State and local political subdivisions shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes and the action of the State and local political subdivisions in this regard will be accepted for the purposes of this chapter. At any time that a political subdivision adopts regulations which include the size, lighting and spacing of outdoor advertising, the State shall so certify to the administrator and control of outdoor advertising in commercial or industrial areas will transfer to paragraph (1) of this section.

(17 Del. C. 1953, § 1110; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, §§ 3-6; 60 Del. Laws, c. 290, § 2; 61 Del. Laws, c. 262, § 16; 76 Del. Laws, c. 144, § 1; 77 Del. Laws, c. 367, § 1.)

§ 1111 Public nuisance; abatement.

(a) Any outdoor advertising sign, display or device which is erected or maintained in violation of this chapter or any regulations lawfully adopted pursuant to this chapter is declared to be a public nuisance and may be forthwith removed, obliterated or abated by the Department, its employees or any peace officer of this State, when such violation is not corrected after 30 days' written notice of the violation to the owner of the sign, display or device or to the owner, lessee or occupant of the land upon which the sign, display or device is located. All costs incurred by the Department in abating a nuisance pursuant to this section shall be the responsibility of the owner of the sign, display or device and the Department shall have an action at law to recover such costs, as well as the expenses of suit.

When any sign is damaged, or falls into disrepair to the extent that obvious repairs are needed, the owner shall be notified in writing by the Department to make all necessary repairs. If the sign is not repaired, rebuilt or removed within 30 days of the notification, the applicable sign permit shall lapse and become null and void.

(b) Any person, business or company which knowingly paints, builds and erects or maintains an outdoor advertising sign without a permit shall be in violation of the chapter.

(c)(1) Any outdoor advertising sign, display or device which is erected or maintained in violation of § 1108(b)(1) of this title shall be subject to immediate removal and the other enforcement provisions of § 525 of this title, without regard to the clear zone distance limitations of that section.

(2) Paragraph (c)(1) of this section shall not apply during the 30-day period immediately preceding and the 30-day period after an election administered pursuant to Title 15, in those election districts affected by such election or elections.

(42 Del. Laws, c. 182, § 13; 17 Del. C. 1953, § 1111; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, § 12; 60 Del. Laws, c. 290, §§ 4, 5; 75 Del. Laws, c. 98, § 124.)

§ 1112 Injunctive relief.

The Department or any taxpayer may maintain an action for an injunction to restrain any violation or threatened violation of this chapter or of any regulation lawfully adopted pursuant thereto.

(42 Del. Laws, c. 182, § 13; 17 Del. C. 1953, § 1112; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1113 Penalties.

Whoever violates this chapter or any regulation lawfully adopted pursuant to this chapter shall be fined not less than $10 nor more than $50.

Each day that a violation is allowed to continue after 30 days' written notice of its existence shall constitute a separate offense.

(42 Del. Laws, c. 182, § 13; 17 Del. C. 1953, § 1113; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276.)

§ 1114 Signs excepted from provisions of this subchapter.

The classes of signs described below are excepted from all provisions of this subchapter other than the provisions of § 1103(a)(2) insofar as those provisions may be implemented by regulations controlling and restricting outdoor advertising signs, displays and devices in controlled areas:

(1) Outdoor advertising signs, displays and devices 32 square feet or less erected or maintained upon real property and placed on the premises to identify a business conducted thereon.

(2) Outdoor advertising signs, displays and devices (containing 12 square feet or less in areas zoned residential or 32 square feet or less in areas zoned otherwise) upon real property stating that the property, or a part thereof, is for sale or for rent.

(3) A notice or advertisement required by law in any legal proceeding or put upon the property by public authority.

(4) A danger or precautionary sign containing 2 square feet or less relating to the premises or a sign warning of the condition of or danger of travel on a highway.

(5) Any notice or sign of any railroad or other transportation or transmission or communication company necessary for the direction or information or safety of the public.

(6) Any sign containing 6 square feet or less and directing travelers to any town, village, city, historical site or attractions, provided the same is maintained at public expense.

(7) Nonofficial signs displayed on transit shelters under contracts approved by the Department.

(42 Del. Laws, c. 182, § 8; 17 Del. C. 1953, § 1114; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 60 Del. Laws, c. 290, § 6; 61 Del. Laws, c. 262, §§ 17, 18; 63 Del. Laws, c. 178, §§ 1, 2; 71 Del. Laws, c. 318, §§ 2, 3.)

§§ 1115 -1119. [Reserved.]

§ 1120 Severability.

If any exception, section, part, phrase, or provision of this chapter or the application thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the exception, section, part, phrase, provision, or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the remainder of this chapter or the application thereof.

(71 Del. Laws, c. 318, § 4.)

Subchapter II

Areas Adjacent to Highways of the Interstate and Primary Systems

§ 1121 Limitations of outdoor advertising in controlled areas.

Subject to § 1122 of this title, no outdoor advertising sign, display or device, any part of the advertising, informative or attention attracting contents of which is visible from the main traveled way of a highway of the interstate system or primary system, shall be erected or maintained within a controlled area, unless it shall come within 1 or more of the following categories:

(1) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historic attractions as authorized or required by the laws of this State;

(2) Signs, displays and devices advertising the sale or lease of the real property upon which they are located;

(3) Signs, displays and devices advertising activities conducted on the real property upon which they are located;

(4) Signs, displays and devices located either:

a. In controlled areas adjacent to the interstate system and within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property is subject to municipal regulation and control, which are zoned industrial or commercial; or

b. In other controlled areas adjacent to the interstate system zoned industrial or commercial which were zoned industrial or commercial as of September 21, 1959;

(5) Signs, displays and devices located in controlled areas adjacent to highways of the primary system which are zoned industrial or commercial;

(6) Signs, displays and devices located in unzoned commercial and industrial controlled areas adjacent to highways of the primary system and defined by regulations to be promulgated by the Department;

(7) Any school bus waiting shelter displaying a sign provided such sign does not exceed 32 square feet in area and with a limit of 2 signs per shelter. Should the State Department of Education determine that there is no longer a need for a waiting shelter at its present location, the exemption provided by this paragraph shall then terminate.

Such outdoor advertising signs, displays and devices as are permitted in controlled areas under this section shall be erected and maintained only in conformity with such applicable regulations as may be promulgated by the Department under § 1103 of this title.

(17 Del. C. 1953, § 1121; 57 Del. Laws, c. 276; 57 Del. Laws, c. 633, § 13; 61 Del. Laws, c. 262, §§ 19-21; 71 Del. Laws, c. 318, § 5.)

§ 1122 Removal of nonconforming advertising; fair compensation.

(a) Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays and devices:

(1) Those lawfully in existence on July 14, 1969;

(2) Those lawfully on any highway made a part of the interstate or federal-aid primary system on or after July 14, 1969; and

(3) Those lawfully erected on or after July 14, 1969.

(b) The Department is authorized to acquire the necessary right in and to property and is directed to pay compensation therefor in the same manner as with other property acquired for state highway purposes with respect to the foregoing outdoor advertising signs, displays and devices. The compensation to be paid shall be for the following:

(1) The taking from the owner of such sign, display or device of all right, title, leasehold and interest in such sign, display and device; and

(2) The taking from the owner of the real property on which such sign, display or device is located, of the right to erect and maintain such signs, displays or devices thereon. Notwithstanding these provisions, no rights in and to property shall be acquired with respect to any outdoor advertising sign, display or device except to the extent that federal funds authorized to be appropriated pursuant to the federal Highway Beautification Act of 1965, as amended, to reimburse the State for 75% of the cost thereof, are in fact appropriated and allocated to the State for that purpose.

(17 Del. C. 1953, § 1122; 57 Del. Laws, c. 276.)

§ 1123 Advertising in rest areas.

In order to provide information in the specific interest of the traveling public, the Department is authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at rest areas and to establish information centers in such areas for the purpose of informing the public of places of interest within the State and providing such other information as may be considered desirable, provided, however, that no such information centers shall be established within controlled areas adjacent to the interstate system without the approval of the Secretary of Transportation of the United States.

(17 Del. C. 1953, § 1123; 57 Del. Laws, c. 276; 61 Del. Laws, c. 262, § 22.)

§ 1124 Signs, displays and devices providing information for the traveling public; location.

Signs, displays and devices giving specific information in the interest of the traveling public may be erected and maintained, pursuant to agreement between the Department and the Secretary of Transportation of the United States, within the right-of-way of highways of the interstate system, at appropriate distances from interchanges on such systems.

(17 Del. C. 1953, § 1124; 57 Del. Laws, c. 276.)

§ 1125 Agreements with federal government or agencies.

The Department may enter into agreements, consistent with this chapter, with the Secretary of Transportation of the United States relating to the control of outdoor advertising in controlled areas and take action in the name of the State to comply with the terms of such agreements.

The Department may accept allotment of funds by the United States, or any department or agency thereof, authorized by the Federal-Aid Highway Act of 1958, or any subsequent legislation supplementary to or amending such Act, in connection with any agreement entered into by the Department and the Secretary of Transportation of the United States relating to the control of outdoor advertising in controlled areas adjacent to the interstate and/or primary system.

(17 Del. C. 1953, § 1125; 53 Del. Laws, c. 87, § 1; 57 Del. Laws, c. 276; 61 Del. Laws, c. 262, § 23.)

§ 1126 Relationship of subchapter to other provisions of chapter.

The provisions of this subchapter relating to the regulation of outdoor advertising in controlled areas are in addition to, and not in lieu of, subchapter I of this chapter.

(61 Del. Laws, c. 262, § 24.)

Subchapter III

Limited Access, State Toll Roads

§ 1131 Limitations of outdoor advertising along limited access, state toll roads.

The provisions of subchapter II of this chapter shall be applicable to any limited access, state toll road in this State.

(68 Del. Laws, c. 417, § 1.)

§ 1132 Sign limitations on state toll highways.

(a) Notwithstanding any other provisions of this Code to the contrary, variable message signs (VMS) may not be erected or placed, facing in the same direction of travel, and directed toward and able to be read by travelers along state toll highways, within 1,000 feet of any toll highway listed in subsection (c) of this section, except for those signs installed within the rights-of-way of a toll highway for official Department use.

(b) As used in this section, "variable message sign" ("VMS") means a sign or portion of a sign on which the message copy includes characters, letters, or illustrations that can be changed or rearranged electronically or mechanically without touching or physically altering the primary surface of the sign. Message copy for a VMS may be changed in the field or from a remote location.

(c) The provisions of this section apply to the following: the portion of State Route 1 running from the point at which it merges with U.S. Route 13 below State Route 71 to the point where it merges with the southbound on-ramp of State Route 9.

(78 Del. Laws, c. 138, § 1.)

MILFORD CITY COUNCIL

MINUTES OF MEETING
July 14, 2003

The regular monthly meeting of Milford City Council was held in Council Chambers of Milford City Hall on Monday, July 14, 2003.

PRESIDING: Honorable Mayor Joseph R. Rogers

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

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

Mayor Rogers called the monthly meeting to order at 7:31 p.m.

Following the Pledge of Allegiance, Councilman Ellison gave the invocation.

APPROVAL OF MINUTES

Mr. Ellison made a motion to approve the minutes of the June 9, 2003, June 23, 2003 and June 30, 2003 minutes as written. Mr. Morrow seconded the motion. Motion carried.

RECOGNITION

Miss Delaware 2003/Erin Williams

Mayor Rogers recognized newly crowned Miss Delaware, Erin Williams and read the following resolution into record:

RESOLUTION CONGRATULATING MISS EASTERN SHORE, ERIN WILLIAMS, A NATIVE OF LINCOLN, DELAWARE AND 2001 GRADUATE OF MILFORD SENIOR HIGH SCHOOL ON WINNING THE TITLE OF "MISS DELAWARE" IN THE 2003 MISS DELAWARE SCHOLARSHIP PAGEANT.

Whereas, Erin Williams, daughter of Terry Williams and the late Sandra Williams, won the title of "Miss Delaware" in the State Scholarship Pageant held June 7, 2003 at the Rehoboth Beach Convention Center in Rehoboth Beach, Delaware; and

Whereas, Erin Williams, a former Miss Milford, was among sixteen contestants in the scholarship pageant that has maintained a tradition for many decades of empowering women to achieve their personal and professional goals, while providing a forum to express their opinions, talents and intelligence; and

Whereas, Erin Williams will represent the State of Delaware in the 2004 Miss America Scholarship Pageant to be held September 20, 2003 in Atlantic City, New Jersey; and

Whereas, Erin Williams is an outstanding young lady in every way and the City of Milford is very proud of the accomplishments of this lovely, intelligent and gifted individual knowing she will represent the State of Delaware with great distinction.

Now, Therefore, Be It Resolved, the Mayor and City Council of the City of Milford, by this resolution, acknowledge and congratulate Erin Williams for winning the title of Miss Delaware 2003; and

Be It Further Resolved, that in recognition of this great triumph, Erin Williams is presented with a Key to the City of Milford; and

Be It Further Resolved, the Mayor and City Council of Milford, Delaware wish Erin Williams the best of luck and continued success as she competes at the 2004 Miss America Pageant in Atlantic City, New Jersey.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 14th day of July in the Year of our Lord Two Thousand and Three.

Mayor Joseph R. Rogers

Mayor Rogers noted how proud the City of Milford is for Erin's achievement.

In response, Ms. Williams advised that though she is not the first young woman from Milford to become Miss Delaware, she is very honored to represent the Greater Milford area. She then presented Council with her autographed photo which read:

"It is a supreme honor to be representing to be representing not only the state as Miss Delaware, but also the City of Milford. Thank you for making this town an excellent community in which to grow up.

Always, Erin Williams, Miss Delaware 2003"

Will McColley/Eagle Scout Award

Mayor Rogers then recognized Will McColley for achieving the rank of Eagle Scout. Though the actual ceremony took place on May 4th, Mayor Rogers was unable to attend due to another commitment.

Mayor Rogers presented Mr. McColley with a plaque from the Mayor and City Council.

Fire Company Recognition/Downtown Fire

Mayor Rogers then read the following resolution honoring the Carlisle Fire Company and those companies that assisted in the May 30th downtown fire in Milford:

A CITY OF MILFORD RESOLUTION
HONORING THE CARLISLE FIRE COMPANY
AND THOSE WHO ASSISTED ON MAY 30, 2003

WHEREAS, on the 30th day of May, 2003, a fire broke out in the City of Milford quickly spreading to several historic buildings in our downtown area; and

WHEREAS, on the 30th day of May, 2003, members of the Carlisle Fire Company immediately reacted to the 911 call; and

WHEREAS, nineteen other fire companies responded to unite and work together as a team with the Carlisle Fire Company to prevent the immediate and growing threat to other areas of our City; and

WHEREAS, all who responded to the scene served without reservation and with their personal safety on the line; and

WHEREAS, each of you showed courage, professionalism and unselfish devotion to our community under the most extreme circumstances; and

WHEREAS, the Mayor and City Council of Milford, Delaware commends each firefighter for helping to bring the fire under control and for saving the potential loss of lives as well as additional loss of businesses and buildings within our City; and

WHEREAS, your actions and exemplary conduct are a credit to each of your respective communities in the States of Delaware and Maryland; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council, along with the Citizens of Milford, Delaware, pay special tribute to the CARLISLE FIRE COMPANY and the following fire departments for their heroic actions on the 30th day of May, 2003:

Houston, Frederica, Harrington, Ellendale, Memorial (Slaughter Beach), Bowers, Greenwood, South Bowers, Farmington, Robbins (Dover), Felton, Magnolia, Citizens (Smyrna), Cheswold, Marydel, Lewes, Goldsboro, Maryland and Greensboro, Maryland.

Mayor Joseph R. Rogers

A resolution was provided for each fire company which Carlisle President Bill Carpenter will present at an upcoming state meeting.

President Carpenter thanked the City for this recognition and their continued support throughout the year.

MONTHLY POLICE REPORT

Mr. Morrow made a motion to accept the monthly police report submitted by Chief Hudson. Mr. Brooks seconded the motion. With no questions or comments, motion carried.

CITY MANAGER REPORT

Mr. Carmean submitted the following monthly report:

ADMINISTRATION

As part of the redesigning of City Hall, we have moved our two billing customer service representatives into the office across from the cashiers. This has worked out extremely well for our employees and customers.

ELECTRIC

The electric department completed 11 work orders in June with 29 in progress at the end of the month.

Crews conducted 482 Miss Utility locates during the month.

A load control switch was installed which now allows us to activate the generator at the Kent County Pump Station #7. This will help reduce our load up to 240 kW during peak times.

SEWER AND WATER

The City Manager is collecting information on the radio read water meters. This program includes the purchase of radio readable meters for new installations as well as retrofit equipment for old meters.

We will be making some repairs on our storm water lines in front of L.D. Caulk Company on Lakeview Avenue. This leak has evidently caused the sinking of the street in that area. We will make repairs as needed and then resurface the street accordingly.

STREETS AND SOLID WASTE

Street crews have been working, when the weather allows, on a number of small street repairs. We have received numerous requests from citizens for these type repairs. Some of the larger jobs have been temporarily postponed because they require hot mix and not

cold patch.

DELDOT will begin extensive resurfacing on Northwest Tenth Street, North Walnut Street and New Wharf Road in approximately one month.

The City Manager is in the process of preparing a list of larger street projects for Council's approval. Once compiled, we will discuss any streets that you have an interest in seeing resurfaced.

Richard D. Carmean
City Manager

Mr. Carmean advised state crews are in the process of performing some annual maintenance on our streets. Many are receiving overlays and Council needs to be aware in case any problems are reported. On days when the weather is extremely hot, the contractor has requested permission to begin at approximately 6:15 or 6:30 a.m. which is earlier than their normal start time. Though this may be a violation of our noise ordinance, the circumstances resulting from the weather should be taken into consideration. The work will only be done during the week and should not involve weekends.

Mr. Brooks asked what has been done on engineering costs. He referred to the costs of the Business Park and Shawnee Acres projects which totaled around $600,000.

The City Manager stated he has discussed the matter with Chuck Hauser who gave several explanations. The original quote only involved start-up costs for drawings, permitting, etc. Since that time they have provided additional assistance as needed which is the reason for the increase. Mr. Hauser also felt that the percentage of their architectural and engineering costs were in line with the total cost of the project.

Mr. Carmean added that if the Public Works Committee would like to meet with Davis, Bowen and Friedel to review these costs, he would be willing to schedule a meeting.

If Council wishes to bid out future engineering and architectural work, they should keep in mind the number of small issues that are dealt with on a daily basis. In such cases, Mr. Carmean is able to contact DBF with questions or concerns and they normally respond immediately.

Ms. Brown agreed but still feels the estimations were outrageously low when compared to the final figures.

Mayor Rogers suggested Council review the itemized invoices, change orders, etc. on the project to get a better understanding of the fees involved.

Mr. Morrow believes DBF is competitive with regard to their charges, but agrees that

Council needs to understand how this occurred. If the City Manager and other staff members are contacting them on a daily basis, that involves some of those costs.

Mr. Brooks understands but also feels they need to keep in mind that Council needs a more realistic estimate before a project can be approved.

Mr. Ambrose asked if it was possible for the Finance Department to determine whether it would be feasible to hire a full time engineer versus using Davis, Bowen and Friedel for all of our needs. He understands our engineer would not be able to handle everything that comes up. However, we should review this possibility and at least consider having an engineer on hand for those daily issues that arise.

The City Manager agreed that a solid civil engineer with a background in sewer, water and streets could save the City a great deal of money. Mr. Ambrose feels that weighing an engineer's salary and related costs against the hourly rate we are paying could allow the City to come out way ahead in the long run.

When asked when the last time engineering costs were bid, Mr. Carmean said he does not know. Davis, Bowen and Friedel has been the engineering firm for the City for more than twenty years.

Mr. O'Neill said that perhaps we should bid the overall engineering work and consider specific projects as they come in.

Mr. Ambrose said he is unaware of what mechanism could be used, but would like some type of study be done. Mayor Rogers does not believe the Finance Department would be able to supply the information we are looking for. Mr. Ambrose recommended hiring an outside consulting firm to review the matter.

The City Manager explained we have the engineering costs, hourly rates for specific projects. However, depending on each project, we do not know what type of engineer would be needed. Prior to his employment with the county, he discussed the possibility with Hans Medlarz. Mr. Medlarz agreed the City would save at least the costs of his salary. In addition, the convenience of having an engineer on board would be something he highly recommended. However, Mr. Medlarz also pointed out there are a number of things one engineer could not handle and an engineering firm would still be required.

Mr. Carmean advised that the new inspector we will be hiring this year is more cost effective than paying the hourly rate of an inspector through a third party as we are now doing. It will also be advantageous because we can use him/her for other purposes.

The City Manager will review the possibility of hiring an engineer. At the same time, he believes we give Davis, Bowen and Friedel the opportunity to discuss these matters of concern.

Mr. Ambrose stated the City will always need an engineering firm which easily could continue to be Davis, Bowen and Friedel. He did point out the day to day interaction is probably causing the bills to become so high. Mr. Ambrose assumes that as each phone call is made, the clock starts.

The City Manager is not under the impression that every time he speaks with Mr. Hauser we are charged, but when it involves additional time and follow-up, naturally we are billed for those hours.

Mr. Ambrose said those are the issues he is referring to and believes that having an on-site engineer available would be more practical when considering what we would pay their firm or any other firm for the same services.

Mayor Rogers recommended that in the meantime, Mr. Carmean pull the invoices and related change orders and schedule a meeting.

Mr. Morrow added that change orders can also quickly increase cost estimates and can be attributed to the cost increases.

Mr. Brooks understands what Council is saying but would like for the quotes to be more in line than what was estimated in these projects.

Mr. Starling asked if DBF contacted the City when they went over their estimations. Mr. Carmean explained that because they deal with projects of this magnitude on a regular basis, they most likely did not feel their costs were out of line when compared with other large projects. In this particular case, we only had so much money to spend which is why going over in the amount of $200,000 is extreme.

In the case of the Shawnee Acres project, we required a great deal of major changes which caused that bill to go up. However, Mr. Carmean was made aware of those issues as they took place and were able to bring them before Council.

Mr. Carmean explained we ran into some problems at Shawnee Acres as a result of the stub outs placed on each lot where our lines were run. Many lots were connected immediately which was simple to track. However, three vacant lots now have new homes that hooked into our sewer. Because the county was not required to advise the City that permits were issued, they have no meters though they are connected to our lines.

He now has to go to these homeowners and advise them they owe the City impact fees in the amount of $2,600. This is after the owners have bought and paid for these homes and were never made aware of these fees.

In addition, existing homes with stubs outs can also have their systems fail. When a plumber is called, they can easily connect to our system also without our knowledge.

This are just a couple examples of the type of situations we run into that create these project estimates to increase.

In the meantime, the City Manager has to determine how to advise Shawnee Acres residents they are unable to connect to our lines without first paying impact fees. Initially he will advise DNREC of this situation because they are the ones that issue the permits for septic.

Mr. Carmean agrees it would be advantageous to have an in-house engineer. We can discuss the matter with Dover and Newark and other towns that have engineers as part of their staff to determine if they feel it is worthwhile. We can also talk to the actual engineers that work for these municipalities and determine what criteria we should look for.

Mr. Ambrose suggested that depending on how busy the engineer may be, perhaps some administrative duties could be assigned to take part of the workload off the City Manager.

Mr. Carmean recalled the electrical engineering firm we used for twenty plus years at a price of $500,000 to $600,000 a year. Then Phil Young brought an electrical engineer on line out of North Carolina that provided the same services for approximately $100,000. He agreed such matters need to be reviewed from time to time.

In the meantime, the City Manager will gather the invoices and change orders and proceed from there. He may need to bring Hans Medlarz back for his opinion, because he was the one that originally submitted the figures.

The Mayor and City Manager feel it would be more appropriate to discuss this matter at a future workshop. The Mayor feels it would be beneficial to address it during a workshop session instead of requiring two or three meetings.

Mr. Brooks said if we determine the costs are justified, he has no problem with that. His point in bringing the matter up is to require a better estimate before a project can be approved. A later overage of $600,000 is a great deal of money to try to explain.

This issue will be brought before Council this fall.

COMMITTEE REPORTS

Planning and Zoning

Mr. O'Neill stated the minutes of the last meeting were included in the packet.

Skateboard Committee

The City Manager put together a package containing information from skateboard park manufacturing companies that bring the equipment in and set up. Mr. McGee has been

contacted to pick the material up so the Committee and skateboarders can decide what type of equipment they would like to have.

The equipment is being designed for use by in-line skaters and bikers as well.

A Community Redevelopment Grant on behalf of the park in the amount of $35,000 has been submitted to the Office of Budget and Controller General. Mr. Carmean is confident we will receive the grant and the equipment can be purchased at that time.

Milford Manor Nursing Home

Mr. Ellison advised there is still a parking problem at Milford Manor. The striping has still not been taken care of as of this date. He reported the police department continues to issue parking tickets in the area.

The City Manager explained the striping company is scheduled to do several jobs in town. Unfortunately, the street crew does not have the appropriate striping equipment.

Mr. Carmean will follow-up with Mr. Webb.

Penn Fountain Walkway Dedication

Ms. Brown thanked those that attended the dedication. Mr. and Mrs. Fountain were extremely pleased with the beautiful sign and the turnout for the event.

Mr. Emory noted they will raise the sign to 8 feet to prevent any possible damage.

Ms. Brown asked if we could determine whey the sidewalk was not carried completely around. Mayor Rogers said he had discussed the matter with Senator Simpson who agreed to check into it.

Mr. Carmean said it is very costly, but the one section previously owned by the Marvels will be paid for by the apartment building.

Ms. Brown also expressed some concern about the section closer to the bridge where there is no lighting. She recommended that some type of lighting be added for safety. Mr. Carmean confirmed this was on the west end.

Mr. Starling stated there is also an area approximately three feet from the sidewalk in the middle where there is a very deep drop off. He is concerned that children playing or running will not be able to see it. Mr. Carmean suggested that we add some fencing to that area.

Mayor Rogers suggested using from of the fencing when we vacate the city barn site. Mr.

Carmean is unsure if that would work because it is extremely tall. Mr. Brooks said it would match the fencing around the Stevenson Home.

It was determined that approximately 50 feet of fencing would take care of the problem area. Mr. Carmean will check into whether the fencing from the city barn can be used. He asked Mr. Emory evaluate the area and get back with him with suggestions.

Ms. Brown said the pedestrian walkway was an ongoing project for several years and is proud of how well it turned out. She is grateful to those legislators that contributed and those Council Members that voted in favor of the project.

The City Manager feels it will be used even more that originally anticipated with the move of Sav-A-Lot to Milford Plaza, as this now provides a much shorter route for north Milford residents.

Milford Plaza Shopping Center Roadway

Mayor Rogers asked the City Clerk to send a letter to the owners of Milford Plaza advising the roadway behind the center is in very bad condition. A number of residents from the rear apartments complexes use their motorized wheelchairs to access the shopping center and this road has created a dangerous situation.

OLD BUSINESS

Bid Award/Northeast Front Street Boat Ramp

Mayor Rogers referred to the letter from Associate Andrew Welch of Davis, Bowen and Friedel who recommended the bid be awarded to low bidder George and Lynch.

Gary Emory, Parks and Recreation Director, introduced Lacy Nichols who was present from the Division of Fish and Wildlife.

Mr. Emory advised they will be lengthening, widening and straightening the existing boat ramp. The current boat ramp is not customer friendly. The erosion factor and other factors have made it obsolete and it is the only boat ramp within the City limits.

The area behind the police department will be greatly improved with additional parking for the users as well as police personnel and their visitors. It will be enhanced with landscaping. Included will be a handicapped fishing deck along the shoreline.

He advised local legislators contributed $80,000 with the Division of Fish and Wildlife agreeing to match monies. He is hoping the City will not have to spend any funds with the exception of Mr. Emory's time that has been spent on the project.

Mr. Emory stated the estimates came in somewhat higher than expected, though they believe they have the aid to cover the costs. He is anxious to begin the project and has worked well with George and Lynch in the past. They were the contractor for the Bicentennial Park improvements.

The permits have been obtained and they are ready to move forward. Davis, Bowen and Friedel was the engineering firm who recommended the low bidder, contingent to availability of funding from DNREC, Division of Fish and Wildlife.

Mr. Ellison verified this will cover the entire costs of project including the parking lot, etc. and there will be no unforeseen costs.

Mr. Morrow recalled when the state came in and dredged the river several years ago as a result of a number of problems.

Mr. Emory explained a study was performed before they were able to apply for the funds. The channelization was determined to be deep enough to extend the ramp. There were problems five or six years ago when several bass and recreational fishermen were using the ramp and would leave at high tide and not be able to get back in at low tide. This was attributed to erosion which eventually made the ramp obsolete.

He also advised they will adding a kayak/canoe access which has become very popular in recent years.

Mayor Rogers feels it is appropriate to upgrade the area particularly with the other improvements that have done to the river. He agrees the landscaping will make it even more appealing.

Mr. Emory advised the playground behind the police department (Northeast Front Street Recreation Area) was one of the first parks and recreation areas in the City.

Mayor Rogers thanked Mr. Nichols for their assistance with our projects. Mr. Nichols replied they are looking forward to starting the project and working with Parks and Recreation. He said that originally Mr. Emory applied for a larger grant and was very disappointed when he was denied. However, when they explained the guidelines and offered additional assistance, they were able to solve some problems which is how they got where they are today.

Mr. Nichols advised they recently completed a similar project in Newport. On July 4th weekend, there was an hour wait to launch or retrieve a boat. He added 'if they build them, they will come'.

Mr. Brooks made a motion to award the Northeast Front Street Public Launch Facility Bid to George and Lynch in the amount of $294,900, contingent upon the availability of funding from DNREC, Division of Fish and Wildlife. Mr. Morrow seconded the motion.

Mr. Lacy advised they modified the current grant request which is one of the reasons official approval had not yet been received. He explained the Division of Fish and Wildlife uses the $80,000 Suburban Streets Funds match money to get $3 for every $1 the City puts up. The funding comes from the United States Fish and Wildlife Service through the Wallop/Breaux or Aquatic Trust Fund. These monies are in the Sports Fish Recreation Account administered by the Treasury Department. These dollars are collected on the 15% excise tax paid by the manufacturer to the federal government. These monies are pro-rated out to the state and annual appropriations are around $3 billion. This money is then used to match local support monies or in-house state monies.

The grant was modified last week, immediately after bid opening, to bring it up to the total costs. He has not heard of any problems and expects it will be approved. He has never had one turned down yet, though he does not want to say it is a done deal yet.

With no further questions, the motion carried with a 7-0 vote.

Banneker School Basketball Courts

Ms. Brown said she heard when they tear down the basketball courts at Banneker School, which are being relocated to another area, they will fall under the jurisdiction of the Parks and Recreation Department.

Mr. Emory advised he has not heard that though he will definitely check into the matter. The current basketball courts were the result of a partnership with the school district through a Division of Parks and Recreation Land and Water Conservation Grant. They were placed on school property with the City agreeing to maintain it. He believes if that is torn down, they are back to square one and the issue may need to be revisited.

John Marinucci, Director of Operations, would be one to answer any questions. Mr. Emory added that he would not mind partnering with the school agin if his department were able to schedule events.

Softball Fields

Mr. Emory advised Parks and Recreation has a huge fall league which will start in another month.

With regard to a summer league, they are unable to start until June 1st due to the high school softball program. Milford High School hosts many of the tournaments during the later season. Generally, all summer leagues begin May 1st. By the time the field is available, most people have committed to other leagues.

However, most people play in the fall league in Milford. They take a maximum of twelve teams so a number of players are turned away because they fill up so quickly. They always have a waiting list of players. The season runs from August to October.

The field will also be utilized throughout the year for tournaments and benefits. A Mark Shockley Softball tournament is being planned in the near future.

Mr. Brooks feels it is a waste to have the softball field and baseball field unused the entire summer. The school does not permit the baseball field to be used by outside groups.

In regard to the softball field, Mr. Emory said they will continue to explore some other options, possibly a co-rec league, during the summer months.

Adoption of Resolution/Annexing Webb Properties

Mr. Ellison made a motion to adopt the following resolution annexing the properties of Francis J. Webb and Thomas P. Webb, subject to those conditions previously discussed and agreed to by City Council, into the City of Milford:

RE: ANNEXATION/LAND OF:
Tax Map Number(s) MD-00-163.00-02–76.00, 77.01 (½ Interest)/Francis J. Webb Trustee
Tax Map Number(s) MD-00-163.00-02-77.00, 77.01 (½ Interest) 77.02, 77.03, 77.04/Thomas P. Webb
Requested Zoning: R-1, C-3*

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City, 49 acres, more or less, fronting on the easterly right-of-way line of the northbound lane of U.S. Route 113, the northerly and southerly right-of-way line of State Route 409, and the westerly right-of-way line of State Route 124, Kent County, Milford, Delaware including sites currently occupied by Shore Stop and Young Lumber, and having considered the recommendation of the Committee appointed to investigate said annexation, and having previously held a public hearing on June 23, 2003 on said annexation, determines as follows:

Now, Therefore, Be It Resolved, that this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

I, Joseph R. Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at its meeting held on July 14, 2003, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Mayor Joseph R. Rogers

*Zoning: 512 feet deep along U.S. Route 113 designated C3, Highway Commercial;
Residue designated R-1, Residential.

The following conditions will apply:

1) The depth of the commercial use for the C-3 zone is 513 feet from the right of way of U.S. Route 113. Residual zoning will be R-1 (residential).

2) Parcel 77.1 (triangular piece) contiguous to the First United Pentecostal Church property would remain conservation per the recommendation of the Office of the State Planning.

3) Any future use would be restricted by the owner/developer if they opt to proceed with any type of development of that site, and they must first obtain consent from the Office of State Planning.

4) Any future development of the property will require City Site plan review and the utilization of municipal water, sewer and electric.

5) Any extension of the municipal services will be at the expense of the owner/developer and all county and city impact fees will apply.

6) Existing entrances to Parcel 77.2, 77.3 and 77.4 will be utilized to serve Parcel 77.

7) Parcel 76, which is a free standing property and owned by Francis J. Webb, will be permitted one entrance to be designed and approved by the Department of Transportation.

8 Utility and/or drainage easements will be determined through Site plan review.

9) The existing agricultural area will continue to be taxed at the agricultural rate until the property is transferred or developed. If the property is transferred even if it is not developed as commercial, that status will be lost to the new developer and they would be taxed immediately. Any commercial use will be taxed at the commercial rate.

10) The existing sale of heavy duty equipment may continue for a period of six months. Owner must apply for a conditional use application during that time and no additional equipment may be brought onto the site until the property owner receives approval for the conditional use permitting the sale of heavy duty equipment. Conditional use applications are reviewed by the Planning Commission with their recommendation going to Council for final review.

11) The Mercedes Benz lemon trailer, vehicles and all related items must be removed from the site within 30 days following the annexation approval.

12) The existing billboard at the site may be retained because it has been there for approximately 30 years.

13) Any modification to the existing billboard will require conditional use approval and will be subject to review by the Planning Commission and City Council.

Motion seconded by Mr. Ambrose. Motion carried the following 7 to 0 roll call vote:

Mr. Ambrose	Yes
Mr. Ellison	Yes
Mr. O'Neill	Aye
Mr. Brooks	Yes
Mr. Morrow	Yes
Mr. Starling	Yes
Mrs. Brown	Yes

Adoption of Resolution/Annexing Isaacs Property

Mr. Ellison asked if a golf course was going to be built on this property as stated in the newspaper. Elmer Fannin was present and replied that is a future possibility for this general area, but not on this specific parcel. He has discussed building a golf course on the Wilkins property at a later date.

Though the commercial zoning was removed and replaced with a residential zone, Council confirmed that Mr. Fannin will still be permitted to apply for a conditional use to allow for a future clubhouse and related uses. Included were previously discussed services including a pro golf shop, swimming pool, professional offices with medical clinic, fitness center, assisted care facilities, speciality shops including barber/beauty shop, tanning salon, weight loss center and restaurant as permitted in the R1, R2 and R3 districts. This was his original plan and the reason for the commercial zone request.

With no further questions or comments, Ms. Brown made a motion to adopt the following resolution:

RE: ANNEXATION/LAND OF: Elmer G. & Mary Ann Fannin
(Previous Owner L.P. Isaacs Family/Lawrence P. Isaacs, President)
Tax Map No. 3-30-15.00-022.00
Approved Zoning: R-2, R-3

Whereas, the Milford City Council having considered the advantages and disadvantages of annexing into the City, 122 acres, more or less, located on the westerly side of Elks Lodge Road (State Route 211) and the easterly side of State Route 225, adjoining lands of Howard E. Wilkins and Sons, Incorporated and lots in the subdivision known as Eastman Heights, said lots fronting on Hammond Drive, and having considered the recommendation of the Committee appointed to investigate said annexation, and having previously held a public hearing on June 30, 2003 on said annexation, determines as follows:

Now, Therefore, Be It Resolved, that this land is hereby annexed into the municipal boundaries of the City of Milford and the description and plot of said lands are to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

I, Joseph R. Rogers, Mayor of the City of Milford, do hereby certify that the foregoing is a true and correct copy of a Resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the City Council of the City of Milford at its meeting held on July 14, 2003, at which a quorum was present and voting throughout and that the same is still in full force and effect.

Mayor Joseph R. Rogers

Motion seconded by Mr. Starling. Motion carried the following 7 to 0 roll call vote:

Mr. Ambrose	Yes
Mr. Ellison	Yes
Mr. O'Neill	Aye
Mr. Brooks	Yes
Mr. Morrow	Yes
Mr. Starling	Yes
Mrs. Brown	Yes

Adoption of Resolution/Annexing Matlinds Estates and Scheduling a Special Election

When asked if he has spoken with any more Matlinds Estates residents, Mr. Fannin replied he has discussed the matter with four or five people who spoke in favor of it. However, he has not had any additional meetings.

Ms. Brown said the election will determine whether the majority of the residents are in favor of the annexation.

Mr. Carmean said that publicly what is important to understand is the fact that they approached the City. Many people still do not understand these property owners approach us for annexation. We do not actively go after these properties. The City and Mayor and Council do not want hostile annexations.

Referring to previous problems with tapping into the City water and sewer lines in Shawnee Acres, Mr. Ellison asked how we will control the empty lots in Matlinds Estates. Presently there is no infrastructure at Matlinds for water and sewer. However, if Matlinds annexes, they will have to permit through the City. Shawnee Acres is in the county and goes through Sussex County. As a result, we should not experience that problem.

Mr. Ellison confirmed that at the time of the election, we will know exactly how many undeveloped lots there are. It was noted we already have that information on file. In

addition, Country Life Homes keeps us up to date on new property transfers.

The annexation will be determined by majority vote. The majority vote will be based on the actual number of those who vote. Abstentions will not be considered.

Ms. Brown made a motion to adopt the following resolution scheduling a Special Election for Saturday, August 16, 2003. The annexation is subject to those conditions previously agreed to by City Council and the Matlinds Estates Residents:

RE: ANNEXATION/LAND OF: Matlinds Estates Subdivision
Approved Zoning: R-1, C-3 (Limited to Parcel 405)

TAX MAP NO(s):

3-30-11-6.07	3-30-11-361	3-30-11-372	3-30-11-383	3-30-11-394
3-30-11-351	3-30-11-362	3-30-11-373	3-30-11-384	3-30-11-395
3-30-11-352	3-30-11-363	3-30-11-374	3-30-11-385	3-30-11-396
3-30-11-353	3-30-11-364	3-30-11-375	3-30-11-386	3-30-11-397
3-30-11-354	3-30-11-365	3-30-11-376	3-30-11-387	3-30-11-398
3-30-11-355	3-30-11-366	3-30-11-377	3-30-11-388	3-30-11-399
3-30-11-356	3-30-11-367	3-30-11-378	3-30-11-389	3-30-11-400
3-30-11-357	3-30-11-368	3-30-11-379	3-30-11-390	3-30-11-401
3-30-11-358	3-30-11-369	3-30-11-380	3-30-11-391	3-30-11-402
3-30-11-359	3-30-11-370	3-30-11-381	3-30-11-392	3-30-11-403
3-30-11-360	3-30-11-371	3-30-11-382	3-30-11-393	3-30-11-404
3-30-11-405	3-30-11-406	3-30-11-407	3-30-11-408	3-30-11-409

On the 16th day of August, 2003, at Milford City Hall, 201 South Walnut Street, Milford, Sussex County, Delaware, between the hours of twelve noon, prevailing time, until seven o'clock in the evening, prevailing time, there will be a Special Election to determine whether the City of Milford shall annex lands located contiguous to the present corporate limits of the City of Milford being more particularly described in Exhibit "A" attached hereto and incorporated herein.

Particulars concerning the Special Election are contained in this Resolution of the City Council of the City of Milford which was passed at a meeting held July 14, 2003, a copy of which is as follows:

WHEREAS, pursuant to a Resolution adopted by the City Council of the City of Milford, a committee appointed by the Mayor of the City of Milford according to the requirements of Article I, Section 1.04 of the Code of the City of Milford, as amended, recommended in its report that certain territory located contiguous to the present corporate limits of the City of Milford be annexed.

WHEREAS, after notice duly published according to the requirements of the Annexation requirements of the Code of the City of Milford, as amended, a Public Hearing was held on the 30th day of June, 2003, upon the proposal of the City Council of the City of Milford to annex certain territory located contiguous to the present corporate limits of the City of Milford.

WHEREAS, in the opinion and judgment of the individual members of the City Council, no cause has been shown why the territory located contiguous to the present corporate limits of the City of Milford should not be annexed, and it positively appearing that said territory should be annexed in the event that a majority of the duly qualified electors in the territory proposed to be annexed shall approve the proposed annexation at the Special Election hereinafter provided for.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Milford, that a Special Election shall be held on the 16th day of August, 2003, at Milford City Hall, 201 South Walnut Street, in the City of Milford, Sussex County, Delaware, from the hours of twelve noon, prevailing time, until seven o'clock in the evening, prevailing time, at which time a Special Election will be held at which time the duly qualified voters in the territory proposed to be annexed shall vote for or against the annexation into the City of Milford of the territory located contiguous to the present corporate limits of the City of Milford, said territory being more particularly described in Exhibit "A" attached hereto and incorporated herein.

AND BE IT FURTHER RESOLVED, that the City Manager of the City of Milford has and is hereby authorized and directed to cause a Notice of the Special Election to be printed in a newspaper published in the City of Milford and having a general circulation both in the City of Milford and in the territory to be annexed, specifically in the July 30, 2003 and August 6, 2003 issues of the Milford Chronicle, in the July 27, 2003 and August 8, 2003 issues of the Delaware State News and in the July 25, 2003 and August 3, 2003 issues of the Wilmington News Journal, all within thirty (30) days immediately preceding the date of the Special Election.

Mayor Joseph R. Rogers

Mr. O'Neill seconded motion. Motion carried the following 7 to 0 roll call vote:

Mr. Ambrose	Yes
Mr. Ellison	Yes
Mr. O'Neill	Aye
Mr. Brooks	Yes
Mr. Morrow	Yes
Mr. Starling	Yes
Mrs. Brown	Yes

NEW BUSINESS

Approval to Sell Alcohol/Riverwalk Festival (Parks and Recreation)

The purpose of this fundraiser is to help offset the costs of the fireworks on Saturday, September 13th. The Rotary Club will help staff the booth which includes Doctor Akana, Dick Pack and Herb Wheatley. He is very confident these gentlemen will be very strict with regard to the age requirement. Chief Hudson and he have also discussed keeping this within a designated area.

This idea came about to coincide with the group from Tampa, Florida and their Caribbean music. Their plan is to sell margaritas to tie into the theme. If this does not work, they will not do it again.

Mr. Emory does not foresee a great deal of problems or the need for a lot of security. At four o'clock the festival is over as far as the vendors. That is the time the attention goes to the band, the stage and the fireworks and when the drinks will be sold. When the fireworks are over, the sales will cease.

Mr. O'Neill does not normally have a problem with such a situation, but in this case he is concerned with the City selling the alcohol. If Council agrees, we could continue with the idea, but not with Parks and Recreation actually selling the alcohol. If we have agreed to partner with Mispillion Rotary, perhaps they should be the group willing to take on the alcohol-related activity. It would then remove the City as the sponsor.

Mayor Rogers said he understands the need for a fundraiser, but the City would be open for a great deal of unnecessary criticism if this was in our name.

Mr. Starling feels that because Parks and Recreation are representing children, having a fundraiser to sell liquor appears to be a conflict.

Mr. Emory has a meeting tomorrow with the Rotary Club. He will run the possibility by them. If they are unwilling, he will withdraw the request.

Mayor Rogers tabled the matter and asked it be put on the July 28th agenda. He also feels the alcohol permit should be in the Rotary's name.

Mr. Ellison said it makes no difference whose name the request is in, Council still has to approve or disapprove the request. He added that he has many comments on the alcohol that is sold at the Oktoberfest, and he will never vote in favor of it.

Approval of Cost of Living Raise/July 1st

Mr. Starling made a motion to approve a ½% cost of living raise for all employees effective July 1st. The 1½% merit increase will given on individual anniversary dates. Ms. Brown

seconded the motion. Motion carried unanimously.

Approval of National League of Cities/Annual Dues

The City has been a member of this organization for a number of years. Mayor Rogers advised they are also very supportive of the Delaware League of Local Governments and assist them in a number of ways throughout the year.

Mr. Brooks also feels it is to our benefit to belong to this organization.

Ms. Brown made a motion to approve the payment of $918 to the National League of Cities for our annual dues. Mr. Starling seconded the motion. Motion carried unanimously.

Adoption of Resolution/2003-2004 Tax Revisions/Appeals

This is a requirement of our Charter. The Board of Revisions/Appeals will hear those property owners who have not had their assessments addressed to their satisfaction by our current assessor, Randy Westergren. The hearing is scheduled for August 25th at 7:00 p.m.

Council needs to advise those property owners with problems they are required to meet with Mr. Westergren first. He will then schedule a specific time for them to appear on August 25th.

Mr. Ellison made a motion to adopt the following resolution, which was seconded by Mr. O'Neill:

WHEREAS, the provisions of Section 10.05 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment to be hung in two public places in the City of Milford and there to remain for the space of ten days for public information; and

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

NOW, THEREFORE, BE IT RESOLVED, and it is resolved, that on Monday, the 25th day of August, 2003, at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2003-2004 General Assessment.

Motion carried.

FINANCIAL REPORT

Through May of 2003 with 92% of the fiscal year having passed, 92.33% of revenues have been received and 91.96% of the operating budget expended.

Motion made by Mr. Ellison and seconded by Mr. O'Neill to approve the Financial Statement for May 2003. Motion carried.

ADJOURN

With no further business, the monthly meeting adjourned at 9:48 p.m.

Respectfully submitted,

Terri K. Hudson
City Clerk

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, January 21, 2020
City Council Hearing: Monday, January 27, 2020

NOTICE IS HEREBY GIVEN that the Planning Commission and City Council will hold Public Hearings at 7:00 p.m., or as soon thereafter as possible, 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 2020-02

TJA LLC for a Conditional Use to allow a billboard on 1.1 +/- acres in a C3 Zoning District. Property is located along the east side of Bay Road (US Route 113/SR1) approximately 400 feet north of the New Wharf Road intersection addressed as 466 Bay Road, Milford, Delaware 19963. Present use: Commercial/Retail; Proposed Use: Same with Billboard. Tax Map: MD-16-163.00-01-04.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a conditional use; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on January 21, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on January 27, 2020 to allow for public comment and further review of the ordinance.

Dates.
Planning Commission Review & Public Hearing: January 21, 2020
City Council Introduction: January 13, 2020
City Council Public Hearing: January 27, 2020
Effective: February 6, 2020

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 12/18/19

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

THE CITY of Milford DELAWARE

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

DATA SHEET FOR 200 NW FRONT STREET, LLC

Planning Commission Meeting: January 21, 2020

Application Number / Name	:	18-008 / 200 NW Front Street, LLC
Applicant	:	200 NW Front Street, LLC 101 NW Front Street Milford, DE 19963
Owner	:	Wavecrest, LLC 8228 Edgehill Lane Ellicott City, MD 21043 Downtown Properties of Milford, LLC 101 NW Front Street Milford, DE 19963 John Ditomasso 121 Tulip Drive Lewes, DE 19958
Application Type	:	Final Major Subdivision
Comprehensive Plan Designation	:	Moderate Density Residential
Zoning District	:	R-3 (Garden Apartment & Townhouse District)
Present Use	:	Single-family & two-family dwelling, vacant land
Proposed Use	:	Townhouse Development
Area and Location	:	0.63 +/- acres of land located along the north side of NW Front Street between N. Church Street and West Street.
Property Identification Numbers	:	MD-16-183.10-02-59.01, 77.00, 79.00, 80.00, 81.00 & 82.00

ENC: Staff Analysis Report
Exhibit A - Location & Zoning Map
Final Major Subdivision Plans

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

THE CITY of Milford DELAWARE

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

STAFF ANALYSIS REPORT
January 2, 2020

Application Number / Name	**:**	18-008 / 200 NW Front Street, LLC
Application Type	**:**	Final Major Subdivision
Comprehensive Plan Designation	**:**	Moderate Density Residential
Zoning District	**:**	R-3 (Garden Apartment & Townhouse District)
Present Use	**:**	Single-family & two-family dwelling, vacant land
Proposed Use	**:**	Townhouse Development
Property Identification Numbers	**:**	MD-16-183.10-02-59.01, 77.00, 79.00, 80.00, 81.00 & 82.00
Area and Location	**:**	0.63 +/- acres of land located along the north side of NW Front Street between N. Church Street and West Street.

I. BACKGROUND INFORMATION:

- The applicant received Preliminary Major Subdivision approval from City Council on December 10, 2018.

- The applicant proposes to demolish two existing dwellings and consolidate the six parcels listed above in order to subdivide the property into eight townhouse lots.

- The proposed development would receive funds from an approved Delaware State Housing Authority Strong Neighborhood Housing Fund grant that was obtained by the Milford Housing Development Corporation in partnership with Mr. Bond and Mr. Ditomasso. The partnership received $500,000 in grant funds for 10 new homeownership opportunities in the 4th Ward area. This project would provide 8 of the 10 new dwellings, with the 9th being on NW Second Street and the 10th yet to be determined.

- The application required several variance approvals from Chapter 230 which were approved by the Board of Adjustment on August 9, 2018. A copy of the variance approval letter is included in the packet for reference.

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 Final Major Subdivision approval:

- Other than the above referenced variances, the application is consistent with Chapter 230 Zoning and Chapter 200 Subdivision of Land of the City Code.

- The final major subdivision required a lot consolidation/lot line adjustment plot to be signed by 200 Front LLC, Wavecrest LLC and Latricia Davis-Western. The property to the west of the subdivision owned by Wavecrest is to receive approximately 47.16 square feet of land to fix a building encroachment. The property to the east owned by Latricia Davis-Western exchanged a small piece of land to the northwest of their parcel containing 69.9 square feet of land for approximately 241.19 square feet of land south of their existing house on West Street. Conveyance deeds along with the record plan will need to be recorded with Kent County Recorder of Deeds to formally transfer the property. A copy of the signed record plan is on file in with the Planning Department.

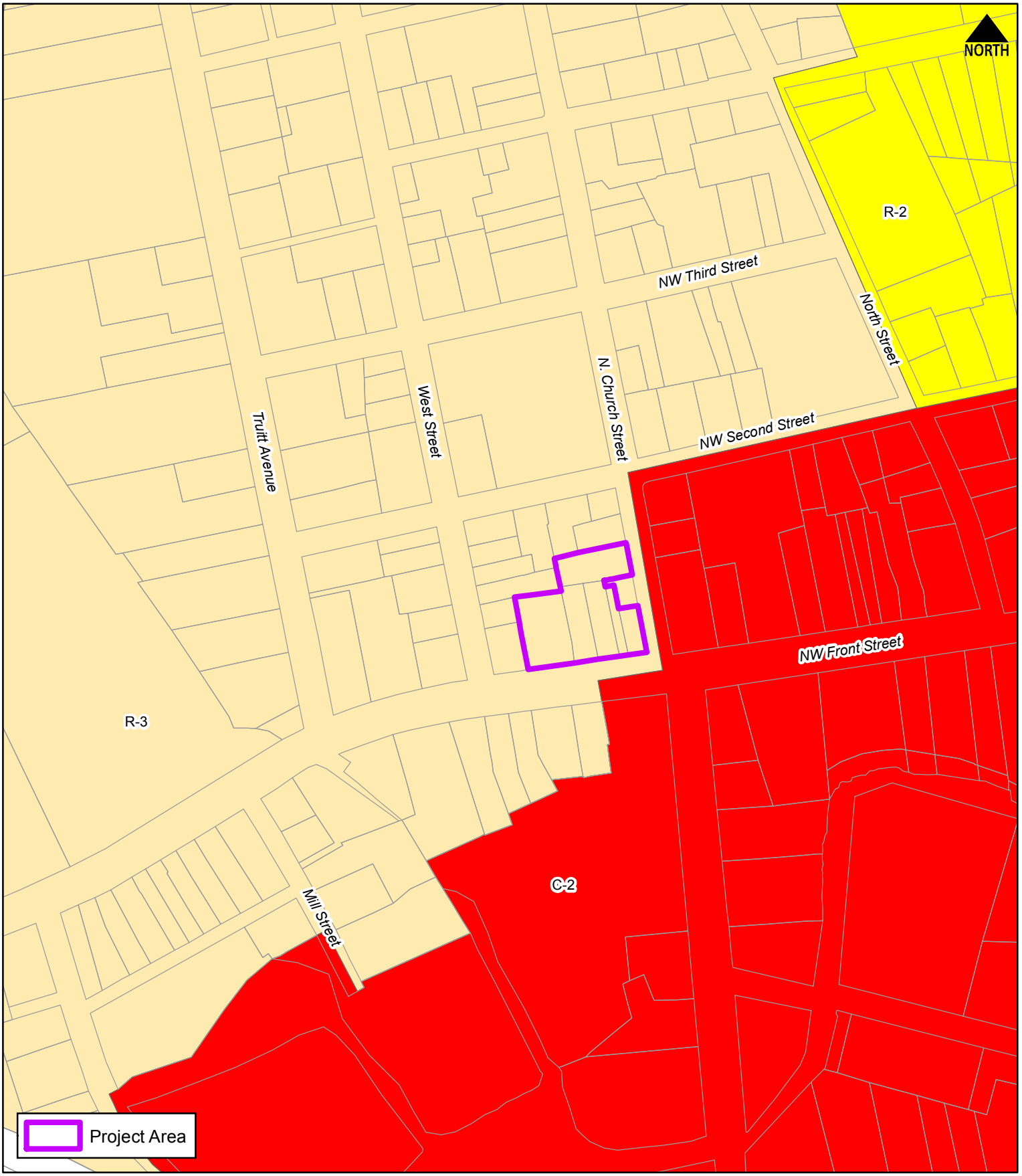
III. AGENCY & DEPARTMENT COMMENTS:

- **DelDOT Planning, Development Coordination**
  See attached for "Letter of No-Objection to Recordation" dated June 26, 2019.

- **Kent Conservation District**
  See attached for Kent Conservation District letter dated December 30, 2019.

- **State Fire Marshal's Office**
  See attached for "Fire Protection Plan Review Report" dated March 21, 2019.

- **City of Milford Engineer**
  See attached for KCI approval letter dated January 2, 2020.



THE CITY of Milford DELAWARE

Scale: 0 100 200 Feet

Drawn by: WRP

Date: 12/5/19

Filepath: FinalMajor_200Front.mxd

Title:

Final Major Subdivision

200 NW Front

Location & Zoning Map

200 FRONT, LLC

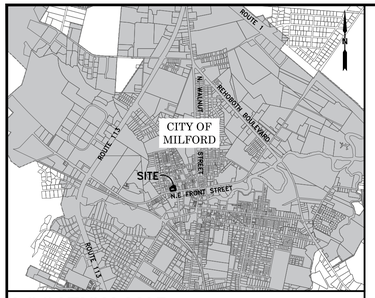
NORTHWEST FRONT STREET (200 BLOCK), CHURCH STREET (KCR 34021)

MAJOR SUBDIVISION PLAN

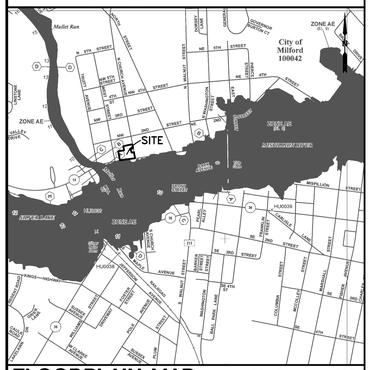
CITY OF MILFORD, KENT COUNTY, DE

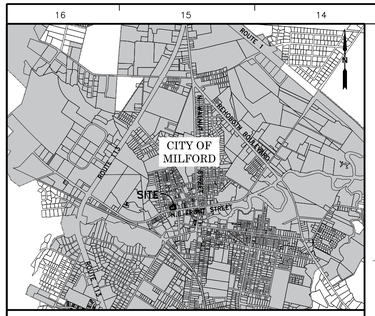
DBF PROJECT #1603A001

FEBRUARY, 2019



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


Mullet Run
City of Milford 100042
ZONE AE
ZONE AE
SITE
HUDSON
HUDSON
HUDSON



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

WAVECREST, LLC
MD-16-183.10-02-58
D-8584 0342
0.11 ACRES
ZONED R-3

SPYRO T. STAMAT
MD-16-183.10-02-59
D-7768 0009
0.09 ACRES
ZONED R-3

WAVECREST, LLC
MD-16-183.10-02-57
D-8688 0026
0.08 ACRES
ZONED R-3

VIOLET M CONDIFF
MD-16-183.10-02-83.00
IS 0021 0119
0.09 ACRES
ZONED R-3

CRET, LLC
MD-16-183.10-02-84.00
D-7198 0055
0.05 ACRES
ZONED R-3

WAVECREST, LLC
MD-16-183.10-02-85.00
D-0563 0129
0.1 ACRES
ZONED R-3

LATRICIA E. DAVIS-WESTERN
MD-16-183.10-02-78.00
D-7536 0022
0.04 ACRES
ZONED R-3

EXISTING AREA:
2,305 SF
PROPOSED AREA:
2,476.66 SF
0.06 ACRES

EXISTING AREA:
4,260 SF
PROPOSED AREA:
4,308 SF
0.1 ACRES

PROPOSED ENTRANCE LOCATION

ACCESS EASEMENT (J) – 3,394 SF

PERMANENT EASEMENT (A) – 313 SF

OPEN SPACE PARCEL – A 9,233 SF 0.21 ACRES

UTILITY EASEMENT (B) – 321 SF
UTILITY EASEMENT (C) – 534 SF
UTILITY EASEMENT (D) – 193 SF
UTILITY EASEMENT (E) – 274 SF
UTILITY EASEMENT (F) – 354 SF
UTILITY EASEMENT (G) – 429 SF
UTILITY EASEMENT (H) – 446 SF
UTILITY EASEMENT (I) – 678 SF

LOT 1 2,975 SF 0.07 ACRES
LOT 2 2,018 SF 0.05 ACRES
LOT 3 2,018 SF 0.05 ACRES
LOT 4 2,017 SF 0.05 ACRES
LOT 5 2,017 SF 0.05 ACRES
LOT 6 2,017 SF 0.05 ACRES
LOT 7 2,138 SF 0.05 ACRES
LOT 8 2,219 SF 0.05 ACRES

* RIGHT-OF-WAY LINES ESTABLISHED PER LOT CONSOLIDATION PLAN

REAR YARD SETBACK
SIDE YARD SETBACK
7.5' STREET SIDE YARD SETBACK
UTILITY EASEMENT
SIDEWALK

N. CHURCH STREET
(CITY OF MILFORD MAINTAINED)
RIGHT-OF-WAY WIDTH VARIES
(25 M.P.H.) ONE WAY

WEST STREET
(CITY OF MILFORD MAINTAINED)
RIGHT-OF-WAY WIDTH VARIES
(25 M.P.H.) ONE-WAY

NW FRONT STREET
(MAJOR COLLECTOR-STATE OF DELAWARE MAINTAINED)
SPEED LIMIT: 25 M.P.H.
RIGHT-OF-WAY WIDTH VARIES

BM **BENCHMARK #1**
TOP OF HYDRANT
N:332918.5828
E:652020.5100
ELEV. = 13.81'

PROPERTY LINE TABLE

LINE	BEARING	DISTANCE
PL-1	N 81°08'59" E	34.63'
PL-2	S 08°51'01" E	91.71'
PL-3	S 81°08'35" W	31.26'
PL-4	N 09°43'45" W	56.56'
PL-5	N 14°12'04" W	21.39'
PL-6	N 10°57'21" W	13.87'
PL-7	N 81°08'59" E	22.00'
PL-8	S 08°51'01" E	91.71'
PL-9	S 81°08'35" W	22.00'
PL-10	N 81°08'59" E	22.00'
PL-11	S 08°51'01" E	91.70'
PL-12	S 81°08'35" W	22.00'
PL-13	N 81°08'59" E	22.00'
PL-14	S 08°51'01" E	91.70'
PL-15	S 81°08'35" W	22.00'
PL-16	N 81°08'59" E	22.00'
PL-17	S 08°51'01" E	91.70'
PL-18	S 81°08'35" W	22.00'
PL-19	N 81°08'59" E	22.00'
PL-20	S 08°51'01" E	91.70'
PL-21	S 81°08'35" W	22.00'
PL-22	N 08°51'01" w	20.08
PL-23	S 11°02'36" E	50.91'
PL-24	S 11°02'36" E	6.00'
PL-25	N 80°36'09" E	4.52'
PL-26	S 08°51'01" E	54.77'
PL-27	S 81°08'35" W	22.00'
PL-28	N 80°36'09" E	39.36'
PL-29	S 10°57'26" E	55.18'
PL-30	S 81°08'35" W	41.39'
PL-31	N 10°57'21" W	24.99'
PL-32	N 81°43'50" E	74.84'
PL-33	N 10°17'02" W	29.98'
PL-34	N 08°32'00" W	14.49'
PL-35	N 80°10'36" E	33.25'
PL-36	N 80°54'55" E	87.44'
PL-37	S 10°45'59" E	50.16'
PL-38	S 81°50'39" W	35.67'
PL-39	N 81°50'39" E	15.31'
PL-40	S 81°08'59" W	144.63'

0 20 40 60
GRAPHIC SCALE
1" = 20'

IF THE ENGINEER'S SEAL IS NOT RED, THE PLAN IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THE STATEMENTS CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES.

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
ANNAPOLIS, MARYLAND (301) 261-1444
EASTON, MARYLAND (410) 770-4744

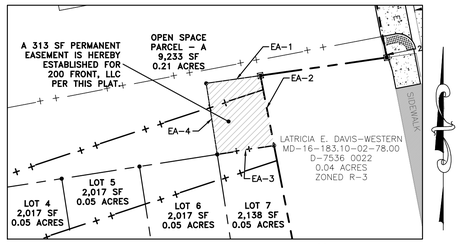
MAJOR SUBDIVISION PLAN

200 FRONT, LLC
NW FRONT STREET (200 BLOCK)
CITY OF MILFORD, KENT COUNTY, DELAWARE

Revisions:
2019-04-04
DELDOT
2019-05-07
DELDOT
2019-06-04
DELDOT
2019-06-28
ARCHITECT
2019-08-23
PER OWNER
2019-11-06
CITY OF MILFORD

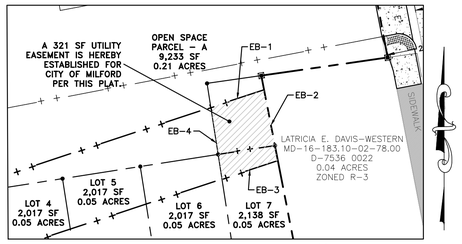
Date: FEBRUARY, 2019
Scale: AS NOTED
Dwn.By: ACM
Proj.No.: 1898A002
Dwg.No.: **V-103**

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



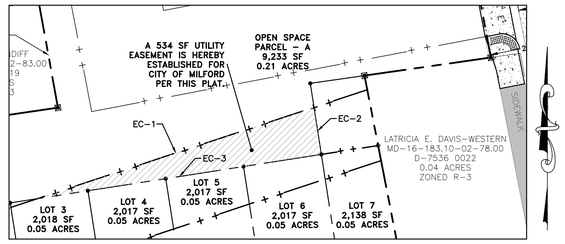
PERMANENT EASEMENT – (A)
313 SF

LINE	BEARING	DISTANCE
EA–1	N 81°50'39" E	15.31'
EA–2	S 11°02'36" E	19.90'
EA–3	S 81°08'59" W	16.07'
EA–4	N 08°51'01" W	20.08'



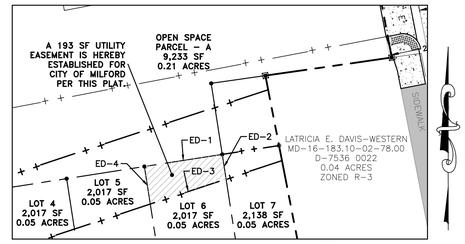
UTILITY EASEMENT – (B)
321 SF

LINE	BEARING	DISTANCE
EB–1	N 71°43'52" E	15.67'
EB–2	S 11°02'36" E	20.16'
EB–3	S 71°43'52" W	16.45'
EB–4	N 08°51'01" W	13.31'



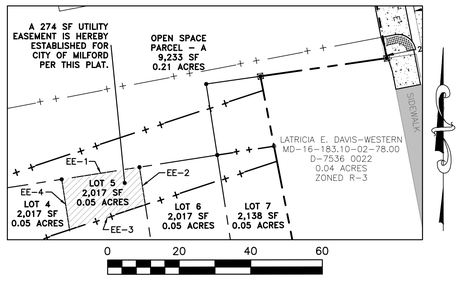
UTILITY EASEMENT – (C)
534 SF

LINE	BEARING	DISTANCE
EC–1	N 71°43'52" E	81.35'
EC–2	S 08°51'01" E	13.31'
EC–3	S 81°08'59" W	80.25'



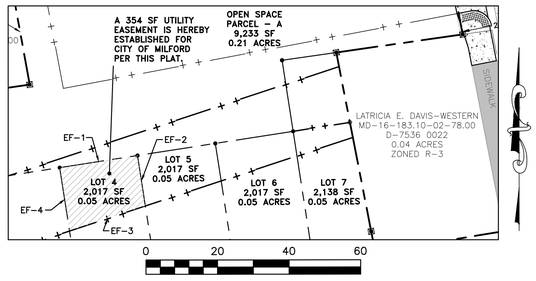
UTILITY EASEMENT – (D)
193 SF

LINE	BEARING	DISTANCE
ED–1	N 81°08'59" E	22.00'
ED–2	S 08°51'01" E	6.96'
ED–3	S 71°43'52" W	22.30'
ED–4	N 08°51'01" W	10.61'



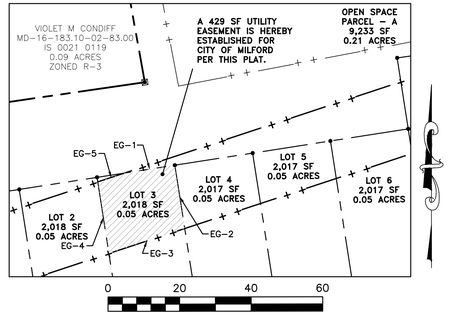
UTILITY EASEMENT – (E)
274 SF

LINE	BEARING	DISTANCE
EE–1	N 81°08'59" E	22.00'
EE–2	S 08°51'01" E	10.61'
EE–3	S 71°43'52" W	22.30'
EE–4	N 08°51'01" W	14.26'



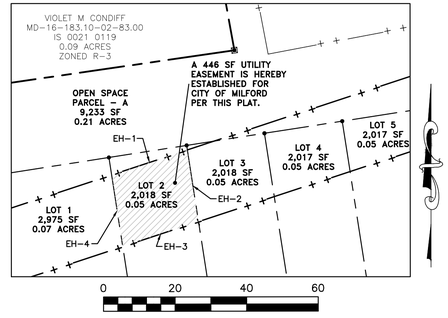
UTILITY EASEMENT – (F)
354 SF

LINE	BEARING	DISTANCE
EF–1	N 81°08'59" E	22.00'
EF–2	S 08°51'01" E	14.26'
EF–3	S 71°43'52" W	22.30'
EF–4	N 08°51'01" W	17.91'



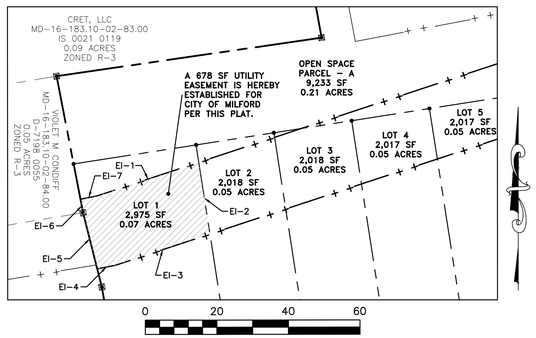
UTILITY EASEMENT – (G)
429 SF

LINE	BEARING	DISTANCE
EG–1	N 81°08'59" E	14.25'
EG–2	S 08°51'01" E	17.91'
EG–3	S 71°43'52" W	22.30'
EG–4	N 08°51'01" W	20.27'
EG–5	N 71°43'52" E	7.86'



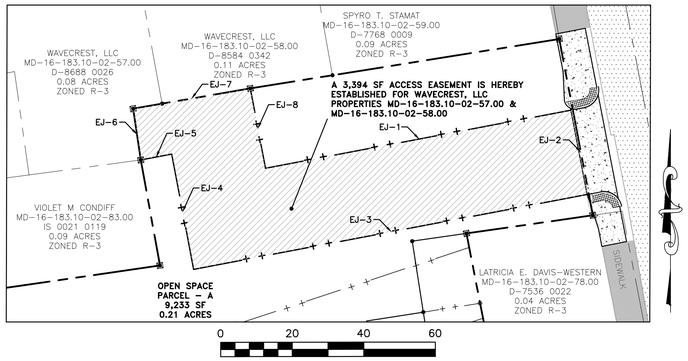
UTILITY EASEMENT – (H)
446 SF

LINE	BEARING	DISTANCE
EH–1	N 71°43'52" E	22.30'
EH–2	S 08°51'01" E	20.27'
EH–3	S 71°43'52" W	22.30'
EH–4	N 08°51'01" W	20.27'



UTILITY EASEMENT – (I)
678 SF

LINE	BEARING	DISTANCE
EI–1	N 71°43'52" E	29.90'
EI–2	S 08°51'01" E	20.27'
EI–3	S 71°43'52" W	27.84'
EI–4	S 78°56'21" W	5.15'
EI–5	N 71°12'04" W	15.05'
EI–6	N 10°57'21" W	3.86'
EI–7	N 78°56'21" E	4.77'



ACCESS EASEMENT – (J)
3,394 SF

LINE	BEARING	DISTANCE
EJ–1	N 79°14'01" E	87.40'
EJ–2	S 10°45'59" E	24.00'
EJ–3	S 79°14'01" W	112.41'
EJ–4	N 10°45'59" W	32.80'
EJ–5	S 79°14'01" W	8.80'
EJ–6	N 08°32'00" W	14.49'
EJ–7	N 80°10'36" E	33.25'
EJ–8	S 10°45'59" E	22.73'

IF THE ENGINEER'S SEAL IS NOT RED, THE PLAN IS A COPY THAT SHOULD BE ASSUMED TO CONTAIN UNAUTHORIZED ALTERATIONS. THE STATEMENTS CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES.

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

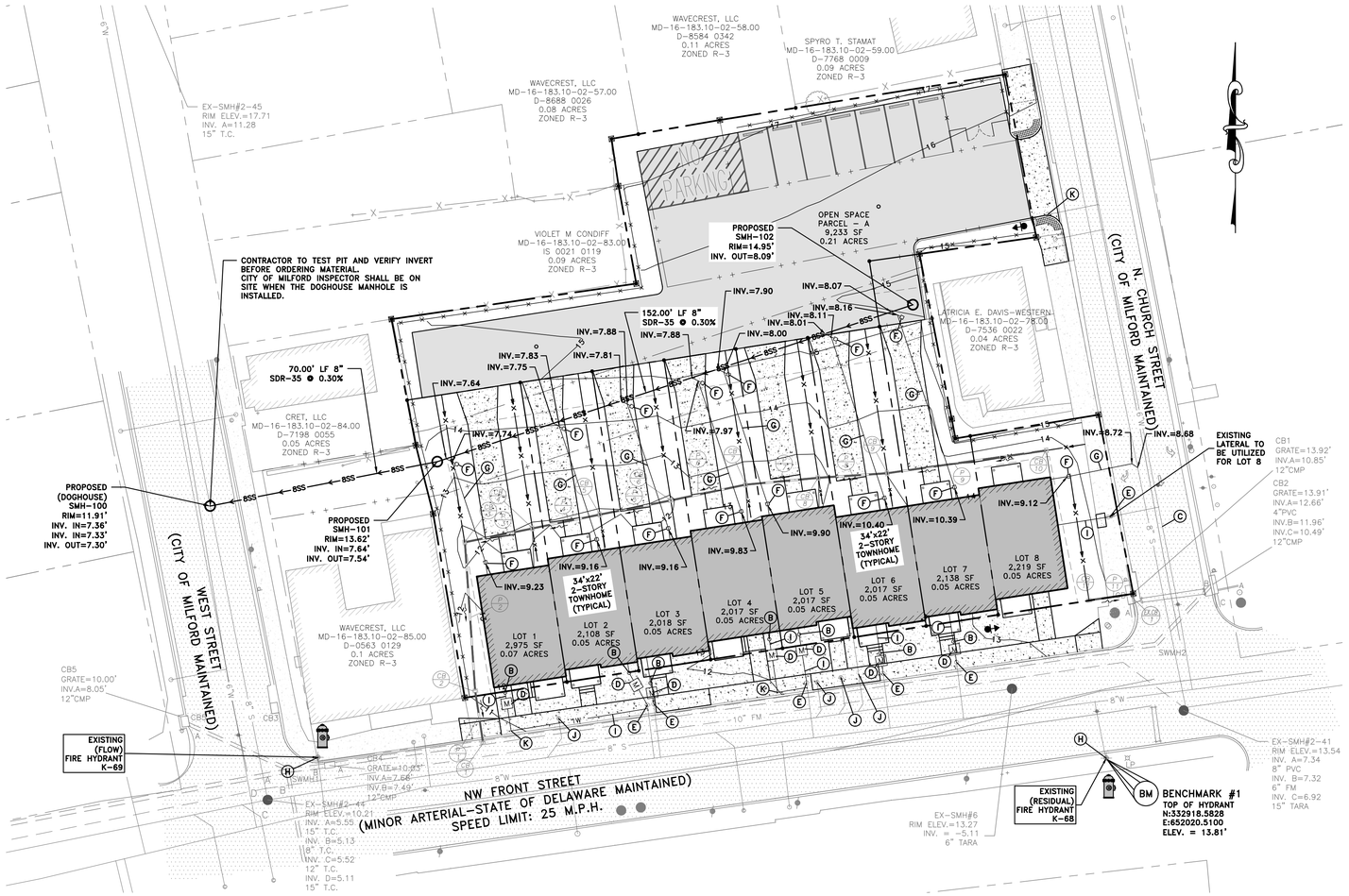
DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
SUITE 202 (410) 548-5511
EASTON, MARYLAND (410) 770-4744

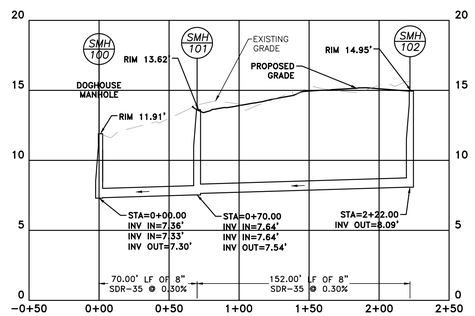
MAJOR SUBDIVISION PLAN

200 FRONT, LLC
NW FRONT STREET (200 BLOCK)
CITY OF MILFORD, KENT COUNTY, DELAWARE

Revisions:
2019–11–06
CITY OF MILFORD

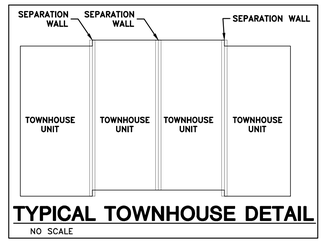
Date: FEBRUARY, 2019
Scale: AS NOTED
Dwn.By: ACM
Proj.No.: 1898A002
Dwg.No.: V-104





SANITARY SEWER PROFILE
SMH-100 TO SMH-102

SCALE: HORIZ. = 1" = 50'
VERT. = 1" = 5'



TYPICAL TOWNHOUSE DETAIL

NO SCALE

FIRE HYDRANT FLOW TEST RESULTS

TEST
DATE: OCTOBER 18, 2018

LOCATION: NW FRONT STREET

TESTER: CITY OF MILFORD

HYDRANT:

STATIC PRESSURE:	54
RESIDUAL PRESSURE:	52
GALLONS FLOWED:	1,060
AVAILABLE WATER AT 20psi:	4,890
AVAILABLE WATER AT 0psi:	6,280

FIRE PROTECTION NOTES

1. ALL FIRE LANES, HYDRANTS, EXITS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS (DSFPR, 705, CHAPTER 5).
2. TOWNHOUSE WILL BE INDIVIDUALLY OWED FROM GRADE TO ROOF, AND CONSTRUCTED WITH A 2 HOUR FIRE WALL RATTING IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
3. WATER PROVIDER: CITY OF MILFORD
4. PROPOSED BUILDING CONSTRUCTION NFPA 220 TYPE: V(000)
5. TAX MAP NUMBERS: :MD-16-183.10-02-59.01
   :MD-16-183.10-02-77.00
   :MD-16-183.10-02-79.00
   :MD-16-183.10-02-80.00
   :MD-16-183.10-02-81.00
   :MD-16-183.10-02-82.00
6. INTENDED USE (NFPA 101): RESIDENTIAL
7. MAXIMUM HEIGHT OF BUILDING: 3 STORIES; 42 FEET
8. AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.

KEY LEGEND

- (A) RESERVED
- (B) PROPOSED 1" WATER VALVE
- (C) PROPOSED TAPPING SADDLE - SEE UTILITY DETAIL SHEET C-504
- (D) PROPOSED 1" WATER METER PIT TO BE INSTALLED BY HOMEBUILDER (PER CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS)
- * (E) CONNECT TO EXISTING WATER LATERAL AT CURB STOP
- ** (F) PROPOSED 6" SANITARY SEWER LATERAL CLEANOUT (PER CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS)
- ** (G) PROPOSED 6" SANITARY SEWER LATERAL (PER CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS)
- (H) EXISTING FIRE HYDRANT ASSEMBLY
- (I) PROPOSED 1" WATER LATERAL
- (J) ABANDON SEWER CLEANOUT IN PLACE - PLUG AT SEWER MAIN, FLOWABLE FILL IN LATERAL
- (K) PROPOSED CURB STOP (PER CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS)

* CONTRACTOR MUST REPLACE ALL METER PITS THAT DO NOT MEET CURRENT SPECIFICATIONS ACCORDING TO THE CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS STANDARDS AND SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN.

** PER CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN.

0 20 40 60

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

UTILITY PLAN

200 FRONT, LLC
NW FRONT STREET (200 BLOCK)
CITY OF MILFORD, KENT COUNTY, DELAWARE

Revisions:
2019-04-04
DELDOT
2019-04-18
CITY OF MILFORD
2018-06-28
ARCHITECT
2019-11-06
CITY OF MILFORD
2019-12-09
CITY OF MILFORD
2019-12-16
CITY OF MILFORD

Date: MARCH, 2019
Scale: AS NOTED
Dwn.By: ACM
Proj.No.: 1898A002
Dwg.No.: C-502

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

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

JENNIFER COHAN
SECRETARY

June 26, 2019

Mr. Rob Pierce, Director
City of Milford
201 S Walnut St
Milford, Delaware 19963

SUBJECT: Letter of No Objection to Recordation
200 Front, LLC
Tax Parcel # 5-16-18310-02-8200-00001, 5-16-18310-02-8100-00001, 5-16-18310-02-8000-00001, 5-16-18310-02-7900-00001, 5-16-18310-02-7700-00001, 5-16-18310-02-7800-00001, 5-16-18310-02-5901-00001
KCR022-FRONT STREET / Rt.14
Milford, Milford Hundred, Kent County

Dear Mr. Pierce:

The Department of Transportation has reviewed the Site Plan, dated February 2019 (last revised June 4, 2019), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawings. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Site Plan is not recorded prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

This letter does not authorize the commencement of entrance construction. Entrance plans shall be developed in accordance with DelDOT's Development Coordination Manual and submitted to the Development Coordination Section for review and approval.

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized.

DelDOT

There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DelDOT has established that these enumerated transportation improvements are acceptable.

If I can be of any further assistance, please call me at (302) 760-2266.

Sincerely,

Susanne K. Laws
Sussex County Review Coordinator,
Development Coordination

cc: Daniel Bond, 200 Front, LLC
Ashton McLaughlin, Davis, Bowen & Friedel, Inc.
Jared Adkins, Kent Conservation District
R. Stephen McCabe, Central District Public Works Engineer
Jennifer Pinkerton, Chief Materials & Research Engineer
Peter Haag, Traffic Studies Manager
Linda Osiecki, Consistency Control Engineer
John Fiori, Bicycle Coordinator
Maria Andaya, Pedestrian Coordinator
Warren Ziegler, Safety Officer Central District
Mark Galipo, Traffic Development Coordination Engineer
Joseph Ellis, Contech Manager
Tremica Cherry, DTC Planner
James Kelley, JMT
Todd Sammons, Subdivision Engineer
Derek Sapp, Milford Reviewer

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

JENNIFER COHAN
SECRETARY

June 26, 2019

Mr. Rob Pierce, Director
City of Milford
201 S Walnut St
Milford, Delaware 19963

SUBJECT: **Minor Subdivision - Letter of No Objection to Recordation**
200 Front, LLC
Tax Parcel # 5-16-18310-02-8200-00001, 5-16-18310-02-8100-00001, 5-16-18310-02-8000-00001, 5-16-18310-02-7900-00001, 5-16-18310-02-7700-00001, 5-16-18310-02-7800-00001, 5-16-18310-02-5901-00001
Rt.14 Front Street (KCR022)
Milford, Milford Hundred, Kent County

Dear Mr. Pierce:

The Department of Transportation has reviewed the Minor Subdivision Plan dated June 2018 (last revised May 7, 2019), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

Entrances(s) must be installed prior to the sale of the lot(s). All entrances shall conform to DelDOT's Development Coordination Manual and shall be subject to its approval. **This letter does not authorize the commencement of entrance construction.**

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized.

DelDOT

There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DelDOT has established that these enumerated transportation improvements are acceptable.

The owner shall be responsible to submit a copy of the **recorded Minor Subdivision Plan** showing all appropriate signatures, seals, plot book and page number to the Central District Public Works office (302) 760-2433 in order to obtain the entrance permit(s) for the proposed minor subdivision.

Sincerely,



Susanne K. Laws
Sussex County Review Coordinator,
Development Coordination

cc: Ashton McLaughlin, Davis, Bowen & Friedel, Inc.
Jared Adkins, Kent Conservation District
R. Stephen McCabe, Central District Public Works Engineer
Todd Sammons, Subdivision Engineer
Derek Sapp, Milford Reviewer

OFFICE OF STATE FIRE MARSHAL

Technical Services

1537 Chestnut Grove Road
Dover, DE 19904-1544

SFMO PERMIT

Plan Review Number: 2019-03-199719-MJS-01 **Tax Parcel Number:** 5-16-183.10-02-59.01-000
Status: Approved as Submitted **Date:** 03/21/2019

Project

200 Front LLC 8 Residential Units--MJS
8 Town homes-200 NW Front
NW Front St (200 Block)

NW Front Street
Milford DE 19963

Scope of Project

Number of Stories: 3
Square Footage: 3200
Construction Class: V (000) Wood Frame
Fire District: 42 - Carlisle Fire Co Inc

Occupant Load Inside:
Occupancy Code: 9602

Applicant

Ashton McLaughlin
1 Park Avenue
Milford, DE 19963

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

William Kelly

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2019-03-199719-MJS-01 **Tax Parcel Number:** 5-16-183.10-02-59.01-000
Status: Approved as Submitted **Date:** 03/21/2019

PROJECT COMMENTS

1002 A **This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.**

1040 A **This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 1,000 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 800' on center.**

1180 A **This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.**

1408 A **All premises where emergency personnel may be called upon to provide emergency services, which are not readily accessible from streets, shall be provided with suitable gates, access roads, and fire lanes so that all buildings on thepremises are accessible to emergency apparatus. (DSFPR Regulation 705, Chapter 5, Section 2).**

1092 A **Perimeter Access is that portion of the building that is accessible by emergency services personnel and is within 100 feet of a street and capable of supporting fire ground operations. (DSFPR Regulation 705, Chapter 5, Section 1.4.1). Perimeter Access minimum width shall be 15 feet measured from the face of the building at grade with a maximum slope of ten percent (10%). Plantings and utility services (includes condenser units, transformers, etc.) shall be permitted within the perimeter access, providedthey do not interfere with the emergency services fire ground operations. (DSFPR Regulation 705, Chapter 5, Sections 3.5 and 4.5). If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shallnot be included in the calculation of Percent of Perimeter Access. (DSFPR Regulation 705, Chapter 5, Sections 3.5.1 and 4.5.1).**

1501 A **If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes orrevisions to the plans occur, plans are required to be submitted, reviewed, and approved.**

KENT CONSERVATION DISTRICT

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

December 30, 2019

Mr. Daniel Bond
200 Front Street, LLC
101 NW Front Street
Milford, Delaware 19963

RE: 200 Front Street
Sediment & Stormwater Plan Approval

Dear Mr. Bond:

The Kent Conservation District has reviewed and approved the sediment and stormwater management plans for the above referenced project. Two (2) approved plans are enclosed: one (1) is for your use and one (1) is for your contractor. The contractor's copy must remain on site at all times during construction. Kent Conservation District has no objection to recordation of the site plan. Conditions of this approval are as follows:

1. The Kent Conservation District reserves the right to add, modify, or delete any sediment control and stormwater management measures as deemed necessary.
2. The total estimated inspection fees for this project are $1,550.00. The fee is based on 0.7 acres of disturbance. The construction inspection fee must be submitted to our office prior to any land disturbing activity (clearing, filling, grubbing, grading, etc.) taking place. The inspection fees are valid for the five year life of the plan approval.
3. The total stormwater facility maintenance inspection fee for this project is $400.00. The stormwater facility maintenance inspection fee for the completed facilities must be submitted to our office prior to final Certificate of Occupancy approval for the first building on site.
4. The conditional approval for this site is valid for five (5) years from the approval date stamped on the plan by Kent Conservation District and will expire on December 30, 2024.
5. A Certified Construction Reviewer (CCR) is required for this project unless waived. The CCR will be responsible for attending the pre-construction meeting and submitting weekly inspection reports to the Kent Conservation District.
6. A pre-construction meeting must take place before any earth disturbing activity begins. The meeting must be attended by an owner's representative, contractor, CCR, and Kent Conservation District inspector. Please contact our office to schedule a pre construction meeting.
7. Approval of a Sediment and Storm Water Plan does not grant or imply a right to discharge storm water runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.

If you should have any questions regarding this matter, please do not hesitate to contact our office.

Sincerely,
KENT CONSERVATION DISTRICT

Jared C. Adkins, P.E.
Sediment & Stormwater Program Manager

Enclosures

cc: Ring Lardner, P.E., Davis, Bowen & Friedel, Inc
Rob Pierce, City of Milford

We have recently moved! Our new address is:
1679 S. Dupont Highway · Dover, DE 19901 · (302) 608-5370

Tax Map and Parcel No(s):
MD-16-183.10-02-59.01/000
MD-16-183.10-02-77.00/000
MD-16-183.10-02-79.00/000
MD-16-183.10-02-80.00/000
MD-16-183.10-02-81.00/000
MD-16-183.10-02-82.00/000

Prepared by and Return to:
Adkins Law Firm, P.A.
401 Broadkill Rd.
Milton, DE 19968

BYLAWS FOR
200 FRONT STREET TOWNHOMES HOMEOWNERS ASSOCIATION

ARTICLE I
GENERAL

Section 1. Organization

The name of the organization is 200 Front Street Townhomes Homeowners Association, Inc., a Delaware not for profit corporation, or such other name as the Association may amend it to (hereinafter the "HOA"). The registered agent for the HOA shall be the HOA itself, and its principal office is located at 101 NW Front Street, Milford, DE 19963.

Section 2. Definitions

"Declarations" shall refer to the Declaration of Covenants, Conditions and Restrictions of a Small Residential Community to be known as 200 Front Street Townhomes, as is of record in the Recorder's Office in Book _____, Page _____.

Except as may otherwise be defined herein, these Bylaws hereby incorporate by reference the definitions provided in Article I of the Declarations.

Section 3. Applicability of Bylaws.

The provisions of these Bylaws are applicable to 200 Front Street Townhomes and to the use and occupancy thereof. All present and future owners, mortgagees, lessees and occupants of each legally subdivided lot in 200 Front Street Townhomes, as improved or to be improved with a townhome dwelling unit (each, a "Lot") and their employees and any other person who may use the common areas of 200 Front Street Townhomes in any manner, are subject to these Bylaws, and the acceptance of a deed or transfer document, or the act of occupancy of a Lot, shall conclusively establish the acceptance and ratification

of these Bylaws, the Declaration, and the rules and regulations of the Executive Board, as they may be amended from time to time, by the person so acquiring, or occupying a Lot, and shall constitute and evidence an agreement by such person to comply with the same.

ARTICLE II

ASSOCIATION OF OWNERS

Section 1. Composition.

Every natural person, corporation, partnership, trust or other legal entity or any combination thereof that owns title to a Lot, excluding those who hold an interest in a Lot solely as security for the performance of an obligation (individually and collectively, the "Owners"), in accordance the Declaration and the Bylaws, shall be a member of the Association. The Association shall have the responsibility of administering 200 Front Street Townhomes, establishing the means and methods of collecting the contributions to the common expenses, arranging for the management of 200 Front Street Townhomes and performing all of the other acts that may be required to be performed by the Association, and by the Declaration. Except as to those matters which the Declarations specifically require to be performed by the vote of the Owners, the administration of the foregoing responsibilities shall be performed by the Executive Board as more particularly set forth in Article III.

Section 2. Annual Meetings.

The Declarant shall notify the Owners of the Lots after the sale of seven (7) of the Lots from the Developer to third parties (or at such earlier time as the Developer may deem appropriate in its sole discretion), that the first annual meeting of the Association shall be held thereafter on a call issued by the Developer. Thereafter, the annual meetings of the Association shall be held each succeeding year at a time and place determined by the Board. At such annual meetings the Board shall be elected by ballot of the Owners in accordance with the requirements set forth in these Bylaws and the annual budget shall be presented and adopted. The Association Owners may transact such other business at such meetings as may properly come before them. Additional regular or special meetings of the total membership, in addition to the annual meeting, may be held as deemed necessary by the President and Board of Directors of the Association.

Section 3. Place of Meetings.

Meetings of the Association shall be held at such suitable place convenient to the Owners as may be designated by the Executive Board.

Section 4. Special Meetings.

The President of the Association (the "President") may call a special meeting of the Association at any time. Additionally, it shall be the duty of the President to call a special meeting of the Association if so directed by resolution of the Executive Board or within thirty (30) days after receipt of a petition signed and presented to the Secretary of the Association (the "Secretary") by Owners owning not less than forty percent (40%) of the percentage interests of all Owners; provided, however, that no special meeting shall be called prior to the first annual meeting of the Association by resolution of the Executive Board. If the Association does not notify Owners of a special meeting within thirty (30) days after the requisite number or percentage of Owners requested the Secretary to do so by a petition, the requesting Owners may directly notify all Owners of that meeting. No business shall be transacted at a special meeting except as stated in the notice.

Section 5. Notice of Meetings and Waiver.

Except in the case of emergency meetings, which may be held without prior notice, it shall be the duty of the Secretary to send notice with the agenda of each annual or special meeting of the Owners or with a statement as to the website address where the agenda is located, at least fourteen (14) but not more than thirty (30) days prior to such meeting to each Owner of record. The notice shall state the time and place of such meeting and the items on the agenda; and shall include the following: (i) a statement of the general nature of any proposed amendment to the Declaration or Bylaws, (ii) a statement that in the absence of objection from any Owner present at the meeting, the President may add items to the agenda, (iii) any budget changes, and (iv) any proposal to remove an officer or member from the Executive Board. The mailing of a notice of a meeting shall comply with the notice provisions under Article VII of the Declarations. Notwithstanding the foregoing, the agenda may be posted on the website of the Association, if any, in lieu of being included in the notice, provided that the Association shall, by any means permitted in the Declarations, furnish to any Owner who so requests a copy of the agenda prior to the meeting. Any Owner may, at any time, waive notice of any meeting of the Owners, in writing, and such waiver shall be deemed equivalent to the giving of such notice.

Section 6. Voting.

Voting at all meetings of the Association shall be on a percentage basis and the percentage of the vote to which each Owner is entitled shall be one vote for each Lot. Where the ownership of a Lot is in the name of more than one person, then the person who shall be entitled to cast the vote of that Lot shall be the person named in a certificate signed by all of the owners of the Lot and filed with the Secretary. Such certificate shall be valid until revoked by a subsequent certificate. Whenever the approval or disapproval of an Owner is required by the Declarations, or these Bylaws, such approval or disapproval shall only be made by the person who would be entitled to cast the vote for the Owner at any meeting of the Association. Except where a greater number is required by the Declaration or these Bylaws, a majority vote of those Owners present at a meeting is required to adopt decisions at any meeting of the Association, provided the Quorum requirements in the

Declarations are met. If the Declarant owns or holds title to one or more Lots, the Declarant shall have the right at any meeting of the Association to cast the vote to which such Lot is entitled. Votes allocated to a Lot or Common Areas owned by the Association may not be cast and shall not be calculated either in a quorum or in any percentage of Lot votes needed for any action by the Owners.

Section 7. Proxies.

A vote may be cast in person or by proxy. If a Lot is owned by more than one person, each owner of the Lot may vote or register protest to the casting of votes by the other owners of the Lot through a duly executed proxy. An Owner may revoke a proxy given only by actual notice of revocation to the person presiding over a meeting of the Association. A proxy is void if it is not dated or purports to be revocable without notice. Proxies shall be valid only for the particular meeting designated therein or for multiple meetings within a time period not to exceed one (1) year designated therein. To be effective, proxies must be filed with the Secretary before the appointed time of the meeting for which they are used.

Section 8. Action by Ballot.

Action may be taken by ballot without a meeting as follows:

a) Any action that the Association may take at any meeting of Owners may be taken without a meeting if the Association delivers a written or electronic ballot to every Owner entitled to vote on the matter. A ballot shall set forth each proposed action and provide an opportunity to vote for or against each proposed action.

b) All solicitations for votes by ballot must:

    1. Indicate the number of responses needed to meet the quorum requirements;

    2. State the percentage of approvals necessary to approve each matter other than election of the Executive Board;

    3. Specify the time by which a ballot must be delivered to the Association in order to be counted, which time shall not be less than three (3) days after the date that the Association delivers the ballot; and

    4. Describe procedures, including time, size, and manner, by when Owners wishing to deliver information to all Owners regarding the subject of the vote may do so.

c) Approval by ballot pursuant to this section is only valid if:

1. The number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action; and

2. The number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes by ballot.

d) A ballot shall not be revoked after delivery to the Association by death, disability, or revocation by the person who cast the vote.

Section 9. Conduct of Meeting.

The President shall preside over all meetings of the Association and the Secretary shall keep the minutes of the meeting and record in a minute book all resolutions adopted at the meeting as well as a record of all transactions occurring thereat. Roberts Rules of Order shall govern the conduct of all meetings of the Association when not in conflict with the Declaration, other specific provisions of these Bylaws.

Section 10. Minutes.

The Association shall maintain minutes of all meetings of its members and Executive Board, a record of all actions taken by the members or Executive Board without a meeting, and a record of all actions taken by a committee of the Executive Board in place of the Executive Board on behalf of the Association.

Section 11. List of Members.

The Association shall maintain a record of its Owners in a form that permits preparation of a list of the names and addresses of all Owners, in alphabetical order by class, showing the number of votes each Owner is entitled to cast.

Section 12. Record Keeping.

The Association shall keep a copy of the following records at its principal office:

(a) Its original or restated Certificate of Incorporation and Bylaws and all amendments to them currently in effect;

(b) The minutes of all Association meetings and records of all action taken by members without a meeting for the past three (3) years;

(c) Any financial statements and tax returns of the Association prepared for the past three (3) years, together with the report of the auditors of the financial records;

(d) A list of the names and business addresses of its current members of the Executive Board and officers;

(e) Its most recent annual report delivered to the Secretary of the State;

(f) The Association's most recent reserve study; and

(g) Financial and other records sufficiently detailed to enable the Association to comply with Section 81-409 of the Act.

Section 13. Right of Owners to Inspect Records.

(a) Subject to the provisions of this Section, all records kept by the Association, including the Association's Owner list and address, and aggregate salary information of employees of the Association, shall be available for examination and copying by an Owner and the Owner's authorized agent, so long as the request is made in good faith and for a proper purpose related to the Owner's membership in the Association. This right of examination may be exercised: (i) only during reasonable business hours or at a mutually convenient time and location, and (ii) upon five (5) days' written notice reasonably identifying the purpose for the request and the specific records of the Association requested.

(b) Subject to the provisions of this Section, all rules governing the Association and other books, records and financial statements of the Association shall be made available for examination and copying by the lenders and the holders and insurers of the first mortgage of any Lot and any prospective purchaser of a Lot in 200 Front Street Townhomes.

(c) Records kept by an Association may be withheld from inspection and copying to the extent that they concern:

(1) Personnel matters relating to specific persons or a person's medical records;

(2) Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;

(3) Pending or threatened litigation, arbitration, mediation or other administrative proceedings;

(4) Matters involving federal, state or local administrative or other formal proceedings before a government tribunal for enforcement of the Declaration, Bylaws or rules;

(5) Communications with legal counsel which are otherwise protected by the attorney-client privilege or the attorney work product doctrine;

(6) Disclosure of information in violation of law;

(7) Meeting minutes or other confidential records of an executive session of the Executive Board; or

(8) Individual Owner files other than those of the requesting Owner.

(d) An attorney's files and records relating to the Association are not records of the Association and are not subject to inspection by Owners or production in a legal proceeding for examination by Owners.

(e) The Association may charge a fee for providing copies of any records under Sections 17 and 18 of Article II of these Bylaws but that fee may not exceed the actual cost of the materials and labor incurred by the Association.

(f) The right to copy records under Sections 17 and 18 of Article II of these Bylaws includes the right to receive copies by xerographic or other means, including copies through an electronic transmission if available and so requested by the Owner.

(g) The Association is not obligated to compile or synthesize information.

(h) Information provided pursuant to Sections 17 and 18 of Article II of these Bylaws may not be used for commercial purposes.

Section 14. Litigation.

The Association shall have the authority to commence and pursue litigation involving 200 Front Street Townhomes, subject to the following rules:

(a) Before the Association commences litigation, arbitration or any administrative proceedings against the Declarant or any person employed by or under contract with the Declarant involving any alleged construction defect with respect to 200 Front Street Townhomes, the Association shall provide written notice of its claims to the Declarant and those persons whom the Association seeks to hold responsible for the claimed defects (the "Allegedly Responsible Persons"). The text of the notice may be in any form reasonably calculated to put the Allegedly Responsible Persons on notice of the general nature of the Association's claims including, without limitation, a list of the claimed defects. The notice may be delivered by any method of service and may be addressed to any person provided that the method of service and the person who is actually served either: (i) provides actual notice to the Allegedly Responsible Persons named in the claim; or (ii) the method of service used would be sufficient under local law to confer personal

jurisdiction over the person in connection with commencement of a lawsuit by the Association against that person.

(1) The Association may not commence litigation, arbitration or any administrative proceedings against an Allegedly Responsible Person for a period of ninety (90) days after the Association sends notice of its claim to that Allegedly Responsible Person.

(2) During the ninety (90) day period, the Declarant and any other Allegedly Responsible Person may present to the Association a plan to repair or otherwise remedy the construction defects described in the notice. If the Association does not receive a timely remediation plan from each Allegedly Responsible Person to whom it directed notice, the Association shall be entitled to commence any proceedings against that Allegedly Responsible Person as the Executive Board determines to be appropriate.

(3) If the Association does receive one (1) or more timely plans to repair or otherwise remedy the construction defects described in the notice, then the Executive Board shall promptly consider those plans and then notify the Allegedly Responsible Persons of whether or not each such plan is acceptable as presented, acceptable with stated conditions, or not accepted.

(4) If the Association accepts a repair plan from an Allegedly Responsible Person, or if the Allegedly Responsible Person agrees to stated conditions to an otherwise acceptable plan, then the parties shall agree on a timeframe for implementation of that plan, and the Association shall not commence litigation, arbitration or any administrative proceedings against that Allegedly Responsible Person during the time that the plan is being diligently implemented.

(5) If an Allegedly Responsible Person submits notice submits a timely repair plan but the Association and the Allegedly Responsible Person have not agreed in writing to the terms of the plan or its implementation, then the Association may proceed with requirements under .

(6) Any statute of limitation affecting the Association's right of action against a declarant or other Allegedly Responsible Person under this Section is tolled during the ninety (90) day period described in paragraph (b) of this Section above and during any extension of that time because the Allegedly Responsible Person has commenced and is diligently pursuing the remediation plan.

(7) After the time described in paragraph (c) of this Section expires, whether or not the Association agrees to any repair plan, nothing in this Section bars to the commencement of litigation by:

(i) The Association against an Allegedly Responsible Person who fails to submit a timely repair plan or whose plan is not

acceptable or who fails to diligently pursue implementation of that plan; or

(ii) An Owner with respect to that owner's Lot, regardless of any actions of the Association.

(8) Nothing in this Section precludes the Association from making emergency repairs to correct any defect that poses a significant and immediate health or safety risk.

(b) The Board may commence litigation against any Owner for collection of Assessments in its discretion.

(c) Except for those matters identified in subsection (b), the decision to commence any legal proceedings must be made by a resolution duly adopted at a properly noticed meeting with the affirmative vote of at least Seventy Five Percent (75%) of all Lots and the written consent of at least Fifty One Percent (51%) of the Mortgagee(s) holding a first position lien. Notwithstanding any other provision, no action to commence litigation shall be permitted without the consent of the Declarant so long as the Declarant is the owner of a Lot.

ARTICLE III

EXECUTIVE BOARD

Section 1. Number and Qualifications.

The affairs of 200 Front Street Townhomes shall be governed by a Board of Directors known as the Executive Board (the "Executive Board"). Persons eligible to serve as members of the Executive Board are designees of the Declarant and Owners. The Executive Board shall initially consist of three (3) persons designated by Declarant. At the first annual meeting called by the Developer, the Owners shall elect three (3) members to the Board from the general membership. The term of two (2) Board members elected by the Owners at the first annual meeting of the Association shall be for two (2) years and the term of the other Board member shall be for one (1) year. Thereafter, the term of each Board member shall be two (2) years. The three (3) Board members elected at the first annual meeting of the Association called by the Developer shall comprise the initial Board of the Association, as designated by the general membership.

Section 2. Powers and Duties.

The Executive Board shall have all of the powers and duties necessary for the administration of the affairs of 200 Front Street Townhomes and may do all such acts and things as are allowed by the Declarations or by these Bylaws. The Executive Board shall have the power, from time to time, to adopt any rules and regulations deemed necessary

for the enjoyment of 200 Front Street Townhomes provided such rules and regulations shall not be in conflict with the Declarations, the Record Plan, and these Bylaws. In addition to the duties imposed by these Bylaws or by any resolution of the Association that may hereafter be adopted, the Executive Board shall have the power to, and be responsible for, the following:

(a) Preparation of an annual budget, in which there shall be established the contribution of each Owner to the common expenses related to 200 Front Street Townhomes.

(b) Making assessments against Owners to defray the costs and expenses of 200 Front Street Townhomes, establishing the means and methods of collecting such assessments from the Owners, and establishing the period of the installment payment of the annual assessment for common expenses. .

(c) Providing for the operation, care, upkeep, replacement, maintenance and surveillance of the Common Areas.

(d) Designating, hiring and dismissing the personnel necessary for the maintenance, operation, repair and replacement of the common Areas, and providing services for the property, and, where appropriate, providing for the compensation of such personnel and for the purchase of equipment, supplies and material to be used by such personnel in the performance of their duties, which supplies and equipment shall be deemed the common property of the Owners.

(e) Collecting the assessments against the Owners, depositing the proceeds thereof in a bank depository which it shall approve, and using the proceeds to carry out the administration of 200 Front Street Townhomes.

(f) To impose charges for late payment of assessments;.

(g) Making and amending rules and regulations respecting the use of the Property.

(h) Opening of bank accounts on behalf of 200 Front Street Townhomes and designating the required signatories.

(i) Making, or contracting for the making of, repairs, additions and improvements to, or alterations of, the Common Areas.

(j) Enforcing by legal means the provisions of the Declaration and these Bylaws and the rules and regulations on behalf of the Owners.

(k) Suspending privileges of Owners.

(l) Levying reasonable fines for violations of the Declaration, these Bylaws, and Rules and Regulations of the Association.

(m) Obtaining and carrying insurance against liabilities and paying the premium costs thereof.

(n) Paying the cost of all services rendered to 200 Front Street Townhomes, and not billed to Owners.

(o) Keeping books with detailed accounts in chronological order of the receipts and expenditures affecting the operation of 200 Front Street Townhomes, and the administration of 200 Front Street Townhomes. All books and records shall be kept in accordance with good and accepted accounting practices.

(p) Notifying the mortgagee of any Lot of any default by the Owner whenever requested in writing by such mortgagee to send such notice.

(q) To resolve disputes between and among Owners, the Executive Board and/or the Declarant and to make decisions regarding disputes related to the interpretation and application of the Declaration, Bylaws and rules and regulations promulgated pursuant thereto.

(r) To contract with any third parties, including property management companies, accountants, attorneys, landscapers, engineers, or any other person selected to assist with the administration of 200 Front Street Townhomes and the duties of the Association.

(s) To do such other things and acts not inconsistent with the the Declaration, or these Bylaws which it may be authorized to do by a resolution of the Association.

Section 3. Removal of Members of the Executive Board.

Notwithstanding any provision of the Declaration or these Bylaws to the contrary, the Owners, by a two-thirds (2/3) vote of all persons present, in person, by proxy or by ballot, and entitled to vote at any meeting of the Owners at which a quorum is present, may remove any member of the Executive Board with or without cause, except that a member appointed by the Declarant may not be removed by an Owner vote prior to the Declarant Control Termination Date but may be removed at any time by Declarant with or without reason.

Section 4. Vacancies.

Vacancies in the Executive Board caused by any reason other than the removal of a member by a vote of the Association shall be filled by a vote of a majority of the remaining members of the Executive Board at a special meeting of the Executive Board held for that purpose promptly after the occurrence of any such vacancy, even though the

members present at such meeting may constitute less than a quorum, and each person so elected shall be a member of the Executive Board for the remainder of the term of the member so removed and until a successor shall be elected at the next annual meeting of the Association; provided, however, that the vacancy of any member designated by the Declarant pursuant to a right of the Declarant to make such designation shall be filled by the Declarant.

Section 5. Organization Meeting.

The first meeting of the members of the Executive Board following each annual meeting of the Association shall be held within ten (10) days thereafter at such time and place as shall be fixed by the Executive Board so elected, and no notice shall be necessary to the newly elected members of the Executive Board in order legally to constitute such meeting, providing a majority of the whole Executive Board shall be present thereat.

Section 6. Regular Meetings.

Regular meetings of the Executive Board may be held at such time and place as shall be determined from time to time by a majority of the members and must be held at least annually. Except when a schedule of meetings has been distributed to Owners that identifies the meeting in question, notice of the regular meeting of the Executive Board including the time and place of the meeting and the items on the agenda, including an opportunity for Owners to offer comments to the Executive Board regarding any matter affecting 200 Front Street Townhomes, shall be delivered to each Owner at least fourteen (14) business days but not more than sixty (60) days prior to the day named for such meeting.

Section 7. Special Meetings.

Special meetings of the Executive Board may be called by the President or by a majority of the Executive Board. Notice of the special meeting of the Executive Board including the time and place of the meeting and the items on the agenda, including an opportunity for Owners to offer comments to the Executive Board regarding any matter affecting 200 Front Street Townhomes, shall be delivered to each Owner at least fourteen (14) business days but no more than sixty (60) days prior to the day named for such meeting.

Section 8. Unanimous Consent.

The Executive Board may act by unanimous consent as documented in a record signed by all of its members, but the Executive Board may not act by unanimous consent to: 1) adopt a rule, budget, or special assessment, 2) impose a fine or take action to enforce the Declaration, Bylaws, or rules, 3) buy or sell real property, 4) borrow money, or 5) contract for a sum greater than one percent (1%) of the Association's annual budget. The Secretary shall promptly notify all Owners of any action taken by unanimous consent.

Section 9. Waiver of Notice.

Notwithstanding any provision to the contrary contained herein, any member may, at any time, in writing, waive notice of any meeting of the Executive Board, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a member at any meeting of the Executive Board shall constitute a waiver of notice by such member of the time and place of such meeting. If all members are present at any meeting of the Executive Board, no notice shall be required and business may be transacted at such meeting, including meetings conducted by telephone conference.

Section 10. Quorum of Executive Board.

At all meetings of the Executive Board, a majority of the total number of members of the Executive Board shall constitute a quorum for the transaction of business, and the votes of a majority of the members present at a meeting at which a quorum is present shall constitute the decision of the Executive Board**.**

Section 11. Fidelity Bonds.

The Executive Board may obtain adequate fidelity bonds for all officers and employees of the Association handling or responsible for Association funds.

Section 12. Compensation.

No Executive Board member shall receive any compensation from the Association for acting as such, but may be reimbursed for necessary expenses incurred in regard to service as an Executive Board member, as approved by the Executive Board from time to time.

Section 13. Conduct of Meetings.

The President shall preside over all meetings of the Executive Board and the Secretary shall keep a minute book of the Executive Board recording therein all resolutions adopted by the Executive Board and a record of all transactions and proceedings occurring at such meetings. Roberts Rules of Order shall govern the conduct of the meetings of the Executive Board when not in conflict with the Declaration or the Bylaws.

Section 14. Liability of the Members of the Executive Board.

The members of the Executive Board shall not be liable to the Owners for any mistake of judgment, negligence or otherwise except for their own individual willful misconduct or bad faith. The Owners shall indemnify and hold harmless each of the Executive Board members from and against all contractual liability to others arising out of contracts made or action taken by the Executive Board on behalf of the Owners unless any such contract or action shall have been made in bad faith or contrary to the provisions of

the Declaration or of these Bylaws. It is intended that the members of the Executive Board shall have no personal liability with respect to any contract made or action taken by them on behalf of the Owners. Every agreement made or action taken by the Executive Board or by the managing agent on behalf of the Owners shall, if obtainable, provide that the members of the Executive Board, or the managing agent, as the case may be, are acting only as agents for the Owners and shall not have personal liability thereunder, and that each Owner's liability thereunder shall be limited to such proportion of the total liability thereunder as his percentage interest bears to the percentage interests of all Owners. The Owners shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding by reason of the fact that he is or was a member of the Executive Board, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believes to be in or not opposed to the best interests of the Owners.

ARTICLE IV

OFFICERS

Section 1. Designation.

The principal officers of the Association shall be the President, the Vice President, the Secretary and the Treasurer, all of whom shall be elected by the Executive Board. Except for the person holding the position of President, any qualifying person may hold up to two offices.

Section 2. Election of Officers.

The officers of the Association shall be elected annually by the Executive Board at the organization meeting of each new Executive Board and shall hold office at the pleasure of the Executive Board. Any vacancy in an office shall be filled by appointment by the Executive Board at a regular meeting or special meeting called for such purposes.

Section 3. Removal of Officers.

Upon the affirmative vote of a majority of the members of the Executive Board, any officer may be removed, either with or without cause, and such officer's successor may be elected at any regular meeting of the Executive Board, or at any special meeting of the Executive Board called for such purpose.

Section 4. President.

The President shall be the chief executive of the Association. The President shall preside at all meetings of the Association and of the Executive Board. The President shall have all of the general powers and duties which are incident to the office of the President

of a stock corporation organized under the General Corporation Law of the State of Delaware, including, but not limited to, the power to appoint committees from among the Owners from time to time as the President may in his or her discretion decide is appropriate to assist in the conduct of the affairs of 200 Front Street Townhomes.

Section 5. Vice President.

The Vice President shall take the place of the President and perform his duties whenever the President shall be absent or unable to act. If neither the President nor the Vice President is able to act, the Executive Board shall appoint some other member of the Executive Board to act in the place of the President, on an interim basis. The Vice President shall also perform such other duties as shall from time to time be imposed upon him by the Executive Board or by the President.

Section 6. Secretary.

The Secretary shall keep the minutes of all meetings of the Association and of the Executive Board, he or she shall have charge of such books and papers as the Executive Board may direct; and the Secretary shall, in general, perform all the duties incident to the office of Secretary of a stock corporation organized under the General Corporation Law of the State of Delaware.

Section 7. Treasurer.

The Treasurer shall have the responsibility for Association funds and securities and shall be responsible for keeping full and accurate financial records and books of account showing all receipts and disbursements, and for the preparation of all required financial data; the Treasurer shall be responsible for the deposit of all monies and other valuable effects in the name of the Executive Board, or the managing agent, in such depositories as may from time to time be designated by the Executive Board, and the Treasurer shall, in general, perform all the duties incident to the office of a stock corporation organized under the General Corporation Law of the State of Delaware.

Section 8. Agreements, Contracts, Deeds, Checks, etc.

All agreements, contracts, deeds, leases, checks and other instruments of the Association for expenditures or obligations of over $1,000.00 shall be executed by any two officers or by such other person or persons as may be designated by the Executive Board. All such instruments for expenditures or obligations of less than $1,000.00 may be executed by any one officer or by such other persons as may be designated by the Executive Board.

Section 9. Compensation of Officers.

No officer shall receive any compensation from the Association for acting as such, but may be reimbursed for expenses incurred in regard to services rendered to the Association, as approved by the Executive Board from time to time.

ARTICLE V

OPERATION OF THE PROPERTY

Section 1. Determination of Common Expenses and Assessments Against Owners.

(a) Fiscal Year: The fiscal year of the Association shall be the calendar year.

(b) Preparation and Approval of Budget.

(1) Each year on or before December 1, the Executive Board shall adopt a budget containing an estimate of the total amount which it considers necessary to pay the cost of maintenance, management, operation, repair and replacement of the common elements, insurance premiums, services, supplies and other expenses that may be declared to be common expenses by the the Declaration, the Bylaws or a resolution of the Association, and which will be required during the ensuing fiscal year for the administration, operation, maintenance and repair of 200 Front Street Townhomes and the rendering to the Owners of all related services. Such budget shall also include such reasonable amounts as the Executive Board considers necessary to provide working capital for 200 Front Street Townhomes, a general operating reserve and reserves for contingencies and replacements.

(2) The Executive Board shall send to each Owner a copy of the budget, in a reasonably itemized form which sets forth the amount of the common expenses payable by each owner, on or before the commencement of the next ensuing fiscal year to which the budget applies. The said budget shall constitute the basis for determining each Owner's contribution for the common expenses and 200 Front Street Townhomes assessments.

(c) Assessment and Payment of Common Expenses. The total amount of estimated funds required for the operation of 200 Front Street Townhomes set forth in the budget for the fiscal year adopted by the Executive Board shall be assessed against each Owner at a uniform rate for all Lots, and shall be a lien against each Owner's Lot as of the first day of the fiscal year to which such budget applies. Payment of the annual assessment shall be due on the schedule of payments set by the Executive Board. The Executive Board shall supply to all Owners an itemized accounting of the common expenses for the last ensuing fiscal year actually incurred and paid, together with a tabulation of the amounts collected pursuant to the budget adopted by the Executive Board for such fiscal year, and showing the net amount over or short of the actual expenditures plus reserves in conjunction with preparing a new budget for the next ensuing fiscal year. If any common

expense is caused by the misconduct of any Owner or an Owner's guests or invitees, the Association may assess that expense exclusively against the Lot of that Owner. If common expense liabilities are reallocated, common expense assessments and any installment thereof not yet due must be recalculated in accordance with the reallocated common expense liabilities.

(d) Reserves. The Executive Board may build up and maintain reasonable reserves for working capital, operations, contingencies and replacements. Extraordinary expenditures not originally included in the original budget which may become necessary during the year shall be charged first against such reserves. If the reserves are inadequate for any reason, including non-payment of any Owner's assessment, the Executive Board may at any time levy a further assessment, which shall be assessed against the Owners according to their respective percentage interests, and which may be payable in a lump sum or in installments as the Executive Board may determine. The Executive Board shall serve notice of any further assessment on all Owners by a statement in writing giving the amount and reasons therefor, and such further assessment shall, unless otherwise specified in the notice, become effective with the next monthly payment which is due more than ten (10) days after the delivery or mailing of such notice of further assessment. All Owners shall be obligated to pay the adjusted assessment on the dates specified by the Court.

(e) Effect of Failure to Prepare or Adopt Budget. The failure or delay of the Executive Board to prepare or adopt the annual budget for any fiscal year shall not constitute a waiver or release in any manner of an Owner's obligation to pay his allocable share of the common expense as herein provided, whenever the same shall be determined, and in the absence of any annual budget or adjusted budget, each Owner shall continue to pay the assessment charge at the then existing monthly, quarterly or annual rate last established for the previous fiscal period until each new annual or adjusted budget shall have been mailed or delivered.

(f) Accounts. All sums collected by the Executive Board with respect to assessments against the Owners may be commingled into a single fund, but shall be held for each Owner in accordance with the percentage interest attributable to their Lot. Any surplus funds of the Association remaining after payment of or provision of common expenses and any prepayment of reserves must be paid annually to the Owners in proportion to their common expense liabilities or credited to them to reduce their future common expense assessments.

Section 2. Payment of Common Expenses.

All Owners shall be obligated to pay the common expenses assessed by the Executive Board. No Owner may exempt himself or herself from liability for this contribution toward common expenses by waiver of the use or enjoyment of any of the common elements or by the abandonment of the Owner's Lot. No Owner shall be liable for the payment of any part of the common expenses assessed against his Lot subsequent to a sale, transfer or other conveyance by him of such Lot. The purchaser of a Lot shall be jointly and severally liable with the selling owner for all unpaid assessments against the

latter for his proportionate share of the common expenses up to the time of the conveyance, without prejudice to the purchaser's right to recover from the selling owner the amounts paid by the purchaser therefor; provided, however, that any such purchaser shall be entitled to a statement from the Executive Board or managing agent setting forth the amount of the unpaid assessments against the selling owner and such purchaser shall not be liable for, nor shall the Lot conveyed be subject to a lien for, any unpaid assessments in excess of the amount therein set forth; and provided, further, that if a mortgage of a first mortgage of record or other purchaser of a Lot obtains title to the Lot as a result of foreclosure of a first mortgage, such purchaser, its successors and assigns, shall not be liable for, and such Lot shall not be subject to, a lien for the payment of common expenses assessed prior to the acquisition of title to such Lot by such purchaser pursuant to the foreclosure sale. Such unpaid share of common expenses assessed prior to the acquisition of title to such Lot by such purchaser pursuant to the foreclosure sale shall be collectible from all Owners, including the purchaser of the foreclosure sale, in proportion to their respective percentage interests.

Section 3. Collection of Assessments.

The Executive Board shall take prompt action to collect any assessments for common expenses due from any Owner which remains unpaid for more than thirty (30) days from the due date for payment thereof.

Section 4. Effect of Nonpayment of Assessment.

(a) If any assessment is not paid, within thirty (30) days of its due date, the entire fiscal year assessment shall bear interest at the Delaware legal rate on judgments from its due date, and the Executive Board may bring an action against the Owner on behalf of the Association to collect the amount due, including reasonable attorneys' fees incurred by the Association in seeking collection.

(b) The Executive Board, on behalf of the Association, may record a notice of lien against any owner who is delinquent for a period of at least ninety (90) days. Any lien or judgment of the Association against an owner is prior to all other liens and encumbrances on a Lot except (i) liens and encumbrances recorded before the recordation of the Declaration, (ii) any existing first or second mortgage security interest on the Lot, and (iii) liens for real estate taxes and other governmental assessments or charges against the Lot. Upon payment of the amount due, the payer shall be entitled to a recordable termination of lien for the amount paid. The liens recorded pursuant to this paragraph shall expire on the first day of the sixtieth (60

(c) Any lien for unpaid assessments is void and extinguished unless proceedings to enforce the lien are instituted within three (3) years after the full amount of the assessments becomes due; provided, that if an Owner of a Lot subject to a lien files a petition for relief under the United States Bankruptcy Code [11 U.S.C. § 101 et seq.], the period of time for instituting proceedings to enforce the Association's lien shall be tolled

until thirty (30) days after the automatic stay of proceedings under § 362 of the Bankruptcy Code [11 U.S.C. § 362] is lifted.

(d) The Association upon written request shall furnish to an Owner a statement setting forth the amount of unpaid assessments against the Lot. The statement must be furnished within ten (10) business days after receipt of the request and is binding on the Association, the Executive Board, and every Owner.

(e) The Association's lien may be foreclosed or executed upon as follows:

(1) The Association's lien must be foreclosed in like manner as a mortgage on real estate by equitable foreclosure or executed upon by other lawful procedures provided for in the Declaration;

(2) In the case of foreclosure, the Association shall give reasonable notice of its action to all lien holders of the Lot whose interest would be affected and to all other persons as would be required under applicable law for the foreclosure of a mortgage on real estate.

(3) The following restrictions apply to any action by the Association to foreclose its lien under this section:

(i) No foreclosure action may be commenced unless the Executive Board expressly votes to commence a foreclosure action against that specific Lot at a duly noticed meeting provided to all Owners.

(ii) The Association shall apply any sums paid by Owners who are delinquent in paying assessments as follows: (i) first, to unpaid assessments; (ii) then to late charges; (iii) then to attorney's fees and other reasonable collection charges and costs; and (iv) finally, to all other unpaid fees, charges, penalties, interest and late charges.

(iii) If the only sums due with respect to a Lot consist of fines and related sums levied against that Lot, a foreclosure action may not be commenced against that Lot unless the Association has first secured a judgment against the Owner with respect to those fines and has perfected a judgment lien against the Lot under state law.

Section 5. Statement of Common Expenses.

The Executive Board shall promptly provide any Owner so requesting the same in writing, with a written statement of all unpaid assessments for common expenses due from such owner.

Section 6. Maintenance and Repair.

(a) By the Executive Board/Assessed to All Owners. The Executive Board shall be responsible for the maintenance, repair and replacement (unless necessitated by the negligence, misuse or neglect of an Owner, in which case such expense shall be charged to such owner) of the following, the costs of which shall be charged to all Owners as a common expense:

(1) All of the Common Areas in 200 Front Street Townhomes.

(2) Utilities and infrastructure in all Common Areas in 200 Front Street Townhomes.

(3) All incidental damage caused to any Lot by such work as may be done or caused to be done by the Executive Board in accordance therewith.

(4) Maintenance of landscaping and provisions for landscaping the Common Areas in 200 Front Street Townhomes.

(b) Manner of Repair and Replacement. All repairs and replacements shall be substantially similar to the original construction and installation and be of a quality equivalent to the original construction. The method of approving payment vouchers for all common elements and improvements, repairs and replacements shall be determined by the Executive Board.

Section 7. Restriction on Use of Lots.

Each Lot and the common areas shall be occupied and used in accordance with the provisions of the Declarations.

Section 8. Rules and Regulations.

(a) Rules and regulations concerning the operations and use of the common areas may be promulgated and amended by the Executive Board, provided that such rules and regulations are not contrary to or inconsistent with the Declaration, or these Bylaws. Copies of the rules and regulations shall be furnished by the Executive Board to each Owner prior to the time when the same shall become effective. Rules and regulations are deemed approved unless modified or defeated by a vote of sixty percent (60%) of the Owners. Rules and regulations may not be amended, adopted or revoked so long as the Declarant owns a Lot, without the Declarant's consent.

(b) Before adopting or substantially amending any rule, the Executive Board must notify all Owners of: (i) its intention to adopt the proposed rule and (ii) a date on which the Executive Board will convene a meeting to receive comments on them from the Owners.

(c) The Association may adopt rules to establish and enforce construction and design criteria and aesthetic standards, provided that such rules shall not apply to initial construction by Declarant. If it does so, the Association must also adopt procedures for enforcement of those standards and for approval of applications, including a reasonable time within which the Association must act after an application is submitted. The Association's power under this section is subject to any reserved special declarant right to control any construction or design review process during the period of declarant control.

(d) The Association may adopt rules that affect the use of or behavior in Lots that may be used for residential purposes to:

(1) Prevent any use of a Lot which violates the Declaration;

(2) Regulate any behavior in or occupancy of a Lot which violates the Declaration or adversely affects the use and enjoyment of other Lots or the Common Elements by other Owners; or

(3) Restrict the leasing of residential Lots to the extent those rules are reasonably designed to meet underwriting requirements of institutional lenders who regularly lend money secured by first mortgages on Lots in common interest communities or regularly purchase those mortgages.

(e) All rules adopted by the Association must be reasonable.

(f) The Executive Board must maintain on a current basis for reference by Owners' tenants a complete statement of all rules.

(g) The Owner shall obtain from the Executive Board and deliver to or otherwise make available to each tenant of the Owner's Lot, at the time the lease is executed or, in the absence of a written lease when the tenancy begins, a current copy of the rules for 200 Front Street Townhomes as furnished by the Executive Board and shall deliver to or otherwise make available to the tenant a copy of any additions or revisions to the rules as such additions or revisions are adopted and noticed to the Owners by the Executive Board.

(h) A tenant shall be bound to comply with the noticed rules, and the Owner leasing to the tenant shall take all lawful action against a tenant who materially violates the noticed rules.

(i) By entering into a lease for a Lot, the Owner of that Lot irrevocably appoints the Executive Board as attorney-in-fact coupled with an interest to enforce the noticed rules against the tenant of that lease in the event that the Owner shall fail, within a reasonable time after written demand by the Executive Board, to take what the Executive Board reasonably regards as adequate enforcement action against the tenant in material violation of noticed rules. In the event of enforcement action (including any summary action for possession at law or a petition for injunctive relief in equity) under this subsection, the

tenant shall have no resort to any defense based upon lack of contractual privity with the Executive Board.

ARTICLE VI

INSURANCE

Section 1. Authority to Purchase.

(a) The Association shall maintain general liability insurance, including medical payments insurance, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common areas, to include coverage for the Executive Board, any agents, and all Owners arising out of their interest in the Association in an amount of at least $1,000,000 per occurrence or $2,000,000 in the aggregate. The policy shall include an endorsement under which the rights of an insured under the policy shall not be prejudiced with respect to an action against another named insured. The policy shall also recognize that no act or omission by any Owner, unless acting within the scope of the Owner's authority on behalf of the Association, shall void the policy or be a condition to recovery under the policy. It shall be the responsibility of each Owner to maintain its own liability coverage with respect to any Lot it owns.

(b) The Executive Board may obtain such other insurance as it may deem appropriate or as may be required by law.

Section 2. Executive Board as Agent.

The Executive Board is hereby irrevocably appointed the agent for each Owner and for each mortgagee of a Lot and for each owner of any other interest in the Property to adjust all claims arising under insurance policies purchased by the Executive Board and to execute and deliver releases upon the payment of claims.

Section 3. Premiums.

Premiums upon all insurance policies purchased by the Executive Board shall be deemed to be a common expense.

Section 4. Unacceptable Insurance Policies.

Insurance policies are unacceptable where:

(a) Under the terms of the insurance carrier's charter, by-laws, or policy, contributions or assessments may be made against borrowers, Federal National Mortgage

Association ("FNMA"), Federal Home Loan Mortgage Corporation ("FHLMC"), or the designee of FNMA or FHLMC; or

(b) By the terms of the insurance carrier's charter, by-laws, or policy, loss payments are contingent upon action by the carrier's board of directors, policyholders, or members; or

(c) The policy includes any limiting clauses (other than insurance conditions) which could prevent FNMA, FHLMC, or the borrowers from collecting insurance proceeds.

(d) The insurance carrier is not licensed to issue insurance in the State of Delaware or has an A.M. Best Company Rating of B- or below.

ARTICLE VII
CONDEMNATION

Whenever all or any part of the common areas of 200 Front Street Townhomes shall be taken by condemnation or eminent domain, or is conveyed in lieu thereby the Executive Board acting on the agreement of at least seventy-five percent (75%) of the total vote of the Association, all holders of first mortgages on Lots to which at least fifty-one percent (51%) of the votes of Lots subject to mortgages held are allocated, and of the Declarant (for so long as Declarant owns any Lot primarily for the purpose of sale), then the award or the proceeds collected for such taking or sale in lieu thereof shall be payable to the Association and shall be disbursed or held as follows:

(a) If the taking or sale in lieu thereof involves a portion of the common areas on which improvements have been constructed, then, unless within sixty (60) days after such taking, the Declarant (for so long as Declarant owns any Lot primarily for the purpose of sale), together with at least seventy-five percent (75%) of the total membership of the Association shall otherwise agree, the Association shall restore or replace such improvements so taken to the extent practicable on the remaining lands included in the common areas which are available therefor, in accordance with the plans approved by the Executive Board and by the Declarant. If the award or proceeds are not sufficient to defray the cost of such repair and replacement and such deficiency cannot be appropriated from a reserve fund established for such purpose, the Executive Board may levy a special assessment against all Owners, without the necessity of a vote of the members, such special assessment to be in an amount sufficient to provide funds to pay such excess cost of repair or reconstruction. Such special assessment shall be levied against the Owners equally in the same manner as annual assessments may be made at any time during or following the completion of any repair or reconstruction. If such improvements are not to be repaired or restored, the award or proceeds shall be retained by and for the benefit of the Association.

(b) If the taking or sale in lieu thereof does not involve any improvements to the common areas or if there are funds remaining after such restoration or replacement of

such improvements are completed, then the award, proceeds or net funds shall be retained by and for the benefit of the Association.

(c) If the taking or sale in lieu thereof includes all or any part of a Lot and includes any part of the common areas, then a court of competent jurisdiction shall apportion such award or proceeds and such award or proceeds shall be disbursed to the Association and the owners so affected so as to give just compensation to the owners of any Lot, together with the mortgagees for such Lots; provided, however, such apportionment may instead be resolved by the agreement of: (1) the Executive Board; (2) the owners of all Lots wholly or partially taken or sold, together with the mortgagees for such Lots; (3) the Declarant for so long as the Declarant owns a Lot primarily for the purpose of sale or has the unexpired option to add the additional property or any portion thereof to the development.

ARTICLE VIII

MORTGAGES

Section 1. Notice to the Executive Board.

An Owner who mortgages his Lot shall notify the Executive Board of the name and address of his mortgagee.

Section 2. Notice of Unpaid Assessments for Common Expenses.

The Executive Board, whenever so requested in writing by a mortgagee of a Lot, shall promptly report any then unpaid assessments for common expenses due from, or any other default by, the owner of the mortgaged Lot.

Section 3. Notice of Default.

The Executive Board, when giving notice to an Owner of a default in paying an assessment for common expenses, or any other default, shall send a copy of such notice to each holder of a mortgage covering such owner's Lot whose name and address has been furnished to the Executive Board.

Section 4. First Lien Holder's Rights.

(a) A First Lien Holder shall mean a holder, insurer, or guarantor of a first mortgage on any Lot in 200 Front Street Townhomes.

(b) Notices of Action. A First Lien Holder, upon written request to the Association (such request shall state the name and address of such First Lien Holder and the Lot Number which secures the lien of the First Lien Holder) will be entitled to timely written notice of:

(1) Any proposed amendment of the Declaration, Declaration Plan, and / or Bylaws effecting a change in:

(i) The boundaries of any Lot or the exclusive easement rights appertaining thereto;

(ii) The number of votes in the Association appertaining to any Lot;

(iii) The purposes to which any Lot or the Common Areas are restricted; or

(iv) Any proposed action that requires the consent of a specified percentage of mortgagees.

(2) Any proposed termination in 200 Front Street Townhomes regime;

(3) Any delinquency in the payment of assessments or charges owed by an owner of a Lot subject to the mortgage of such eligible First Lien Holder, where such delinquency has continued for a period of sixty (60) days; or

(4) Any lapse, cancellation, or material modification to any insurance policy maintained by the Association pursuant to these Bylaws and any subsequent amendment thereto.

(c) Other Provisions for First Lien Holders.

(1) Termination of the Association. Any election to terminate the Association after substantial destruction or a substantial taking of the common areas must require the approval of First Lien Holders to which at least fifty-one percent (51%) of the votes of Lots subject to mortgages held by such eligible holders are allocated.

ARTICLE IX
COMPLIANCE AND DEFAULT

Section 1. Relief.

Each owner of a Lot shall be governed by and shall comply with, all of the terms of the Declaration, the Bylaws and the rules and regulations of the Executive Board, and any amendments of the same. A default by an Owner shall entitle the Association, acting through its Executive Board or through the managing agent, to the following relief:

(a) Legal Proceedings. Failure to comply with any of the terms of the Declaration, these Bylaws and the rules and regulations of the Executive Board shall be grounds for relief which may include, without limiting the same, an action to recover any

sums due for money damages, injunctive relief, foreclosure of the lien for payment of all assessments, any other relief provided for in these Bylaws or any combination thereof, and any other relief afforded by a court of competent jurisdiction, all of which relief may be sought by the Association, the Executive Board, the managing agent or, if appropriate, by any aggrieved owner.

(b) Arbitration. Except for disputes relating to a default for failure to pay any assessment or monetary obligation, all disputes shall be subject to mandatory arbitration pursuant to the American Arbitration Association or Delaware Superior Court Rule 16 procedures. The initial costs of the Arbitration shall be advanced by the Association, but shall ultimately be paid, or reimbursed by the losing party together with reasonable attorney's fee to the successful party. The Declarant, but not Owners or the Association, may waive arbitration.

(c) Additional Liability. Each Owner shall be liable for the expense of all maintenance, repair or replacement rendered necessary by this act, neglect or carelessness of any member of his family or his employee, agents or licensees, but only to the extent that such expense is not covered by the proceeds of insurance carried by the Executive Board. Nothing contained herein, however, shall be construed as modifying any waiver by any insurance company of its rights of subrogation.

(d) Costs and Attorneys' Fees. In any proceeding arising out of a default by an owner, the Executive Board shall be entitled to recover the costs of the proceeding, and such reasonable attorneys' fees as may be determined by the court, or arbitrator.

(e) No Waiver of Rights. The failure of the Association, the Executive Board or of an Owner to enforce any right, provision, covenant or condition which may be granted by the Declaration, these Bylaws or the rules and regulations of the Executive Board shall not constitute a waiver of the right of the Association, the Executive Board or the Owners to enforce such right, provision, covenant or condition in the future. All rights, remedies and privileges granted to the Association, the Executive Board or any owner pursuant to any term, provision, covenant or condition of the Declaration, these Bylaws or the rules and regulations of the Executive Board shall be deemed to be cumulative, and the exercise of any one or more thereof shall not be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such privileges as may be granted to such party by the Declaration, these Bylaws or the rules and regulations of the Executive Board or at law or in equity.

(f) Abatement and Enjoinment of Violations by Owners. The violation of any rule or regulation adopted by the Executive Board, or the breach of any regulation contained herein, or the breach of any provision of the Declaration, entitles the Executive Board to all available rights pursuant to law or set forth in these Bylaws to enjoin, abate or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any such breach.

ARTICLE X
AMENDMENTS TO BYLAWS

Section 1. Amendments.

Except as otherwise provided in this section, these Bylaws may be modified or amended either (1) by a vote of two thirds (2/3) of the Owners at any regular or special meeting, provided that notice of the proposed amendment shall have been given to each Owner at least ten (10) days in advance of such meeting; or (2) pursuant to a written instrument duly executed by a two thirds (2/3) of the Owners; provided that notwithstanding the foregoing, no amendment may be made without the written consent of Declarant so long as Declarant is the owner of a Lot, which consent may be withheld for no reason at all.

Notwithstanding the provisions of Section 1 of this Article, or any law, custom or usage to the contrary, Declarant also shall have the absolute right, power and authority and shall have an irrevocable power of attorney, coupled with an interest, at any time and from time to time, in its sole subjective and absolute discretion, to amend these Bylaws as necessary to (a) correct any clerical or typographical errors, ambiguities, title questions or defects, or conflicts with or to comply with any and all applicable laws and legal requirements, (b) achieve compliance with the requirements of Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Housing Authority, Veterans Administration or other governmental agencies and successors, or (c) conform the Bylaws to be consistent with any applicable Delaware Law.

Section 2. Recording.

A modification or amendment of these Bylaws shall become effective only if such modification or amendment is recorded in the Office of the Recorder of Deeds in and for Kent County, Delaware.

Section 3. Conflicts.

No modification or amendment of these Bylaws may be adopted which shall be inconsistent with the provisions of the Act. A modification or amendment once adopted and recorded as provided for herein shall then constitute part of the official Bylaws of 200 Front Street Townhomes, and all Owners shall be bound to abide by such modification or amendment.

Section 4. Approval of Mortgagees.

These Bylaws contain provisions concerning various rights, priorities, remedies and interest of the mortgagees of Lots. Such provisions herein are to be construed as covenants for the protection of the mortgagees on which they may rely in making loans secured by mortgages on the Lots. Accordingly, no amendment or modification of these

Bylaws impairing or affecting such rights, priorities, remedies or interests of a mortgagee shall be adopted without the prior written consent of such mortgagee. If there are more than one mortgagee holding mortgages on the Lots, it shall be sufficient to obtain the written consent of the mortgage or mortgagees at least fifty-one percent (51%) of the Lots encumbered by mortgages. Consent of a mortgagee holding a mortgage on a Lot shall be assumed when a mortgage fails to submit a response to any written proposal for an amendment within sixty (60) days after it receives proper notice of the proposal, provided the notice was delivered by certified or registered mail with a "return receipt" requested. No amendment or modification of these Bylaws affecting material rights of the Owners including the following: priority of assessment liens, responsibility for maintenance and repairs, insurance or fidelity bonds, leasing of Lots, impositions of any restriction on an Owner's right to sell or transfer his or her Lot, or manner or method of restoration or repair after a hazard damage or partial condemnation shall be effective unless approved by at least sixty-seven percent (67%) of the Owners under the other terms and conditions set out in Section 1.

ARTICLE XI
MISCELLANEOUS

Section 1. Notices.

All notices shall be provided in accordance with notice provisions provided in the Declarations.

Section 2. Invalidity.

The invalidity of any part of these Bylaws shall not impair or affect in any manner the validity, enforceability or effect of the balance of these Bylaws.

Section 3. Captions.

The captions herein are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope of these Bylaws, or the intent of any provision thereof.

Section 4. Gender.

The use of the masculine gender in these Bylaws shall be deemed to include the feminine gender and the use of the singular shall be deemed to include the plural, whenever the context so requires.

IN WITNESS WHEREOF 200FRONT LLC, a Delaware limited liability company, has executed this Declaration of Covenants, Conditions and Restriction of 200 Front Street Townhomes, the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

200FRONT LLC

_____ _____(SEAL)
Daniel L. Bond, Managing Member

STATE OF DELAWARE, COUNTY OF KENT: to wit

BE IT REMEMBERED, that on this ___ day of September, 2019, personally appeared before me, the subscriber, a Notary Public for the State and County aforesaid, 200FRONT LLC, an authorized signatory of Daniel L. Bond, Managing Member, who acknowledged that the foregoing Declaration is the true act and deed of said limited liability company.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

_____
Notary Public

My Commission Expires _____

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, January 21, 2020
City Council Hearing: Monday, January 27, 2020

NOTICE IS HEREBY GIVEN that the Planning Commission and City Council will hold Public Hearings at 7:00 p.m., or as soon thereafter as possible, 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 2020-03

200 NW Front Street LLC on behalf of 200 Front Street LLC for a Final Major Subdivision of 0.63 +/- acres into an eight-unit subdivision consisting of eight townhouse units in an R3 Zoning District. Property is located along the north side of NW Front Street between N Church Street and West Street addressed as 106 North Church Street and 201, 205, 207, 209, and 211 NW Front Street, Milford, Delaware. Present Use: Vacant Land, Single Family, and Duplex; Proposed Use: Townhouses. Tax Map: MD-16-183.10-02-059.01; -077.00; -079.00; -080.00; -081.00; -082.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a conditional use; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing to allow for public comment on January 21, 2020; and

WHEREAS, Milford City Council will hold a Public Hearing on January 27, 2020 to allow for public comment and further review of the ordinance.

Dates.
Planning Commission Review & Public Hearing: January 21, 2020
City Council Introduction: January 13, 2020
City Council Public Hearing: January 27, 2020
Effective: February 6, 2020

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 12/26/19

DLLG Members & Associates:

Happy New Year! We look forward to an active 2020. Here are a few updates and notes as we head into the General Assembly session.

Upcoming Dinner Meetings:

- January 23 - Panel on Achieving a Better Work-Life Balance.
- February 27 - Fire Protection Code Issues for Residences/Homeland Security Current Events.
- March 26 - Kathy McGuiness, Delaware State Auditor.
- April 23 - Larence Kirby, Delaware Office of Veterans Services Director.
- May 28 - Colleen Davis, Delaware State Treasurer.

Legislative Hall. Opening day for the General Assembly was Tuesday. In addition to an anticipated array of new bills, we have the usual suspects from last session:

- Recreational marijuana
- Minimum wage
- Clean Water Act
- Prohibition of paper bags
- Election issues
- School bus safety
- School board taxing

The DLLG Legislative Advocacy Committee will begin meeting regularly to review the legislative agenda.

Capitol Hill Visit. The annual League visit to the Hill is scheduled for Wednesday, March 11. This takes place in the Capitol Visitor Center, Senate side, usually between 10 am and 1 pm, and involves discussions with Senators Carper and Coons and Representative Blunt Rochester. Once we confirm a room location, a notice will be sent to all members for sign up reservations.

DLLG Lobby Program. As you would guess, League Lobbyist Lincoln Willis is very busy this time of year through the end of the General Assembly session on June 30. Accordingly, this serves as a good opportunity to learn more about the functions of our Lobbyist:

- Review. Every year, local and state officials bring new issues to the League that may have a legislative angle. Our Lobbyist researches issues and works with the DLLG Legislative Committee to develop guiding positions for legislative action.
- Education. Many legislators have not served on city or town councils. A significant portion of our Lobbyist's time in Legislative Hall is devoted to educating legislators on the roles and responsibilities of local governments and the impact of legislation on municipal and county operations.
- Engagement. One of the things that is unique about lobbying for the League is the value placed on working with and building relationships with members. Our Lobbyist spends time throughout the year engaging with members and learning from them.
- Advocacy. Our members are represented by the DLLG Executive Committee, which provides direction to the League Legislative Committee and Lobbyist. Our Lobbyist drafts and proposes language and amendments that reflect positions established in the policy

development process. Equally important, the Lobbyist works to defeat proposals that are counter to League approved legislative positions.

We value your input. If you have any questions or suggestions, please let us know.

Carl

--
Carl F. Luft
Executive Director
Delaware League of Local Governments
P. O. Box 484
Dover, DE 19903
cfluft@udel.edu
302-678-0991
302-678-4777 (fax)

SCAT

Town of Bethany Beach

Town of Bethel

Town of Blades

Town of Bridgeville

Town of Dagsboro

Town of Delmar

Town of Dewey Beach

Town of Ellendale

Town of Fenwick Island

Town of Frankford

Town of Georgetown

Town of Greenwood

Town of Henlopen Acres

Town of Laurel

City of Lewes

City of Milford

Town of Millsboro

Town of Millville

Town of Milton

Town of Ocean View

City of Rehoboth Beach

City of Seaford

Town of Selbyville

Town of Slaughter Beach

Town of South Bethany

Sussex County Council

Sussex County Association of Towns

37 The Circle, Georgetown, Delaware 19947

S.C.A.T. Dinner for Wednesday, February 12, 2020

LOCATION: CHEER Center
20520 Sand Hill Road
Georgetown, DE 19947

TIME: 6:00 pm – Guest Social Hour w/ Appetizers
6:30 pm – Dinner

"Comcast is proud to support the Sussex County Association of Towns Legislative Night. This is an unrestricted sponsorship of the Sussex County Association of Towns and is not meant to be used for the benefit of any particular invitee"

HOST: Town of Georgetown

SPEAKER: Legislative Night

COST: $32.00 per person

MENU: Tossed Salad
Roast Beef
Chicken Cordon Bleu
String Beans
Scalloped Potatoes
Macaroni & Cheese
Strawberry Pretzel Salad
Assorted Desserts
Sweet and Unsweet Tea

PLEASE RSVP TO CHRISTINE NO LATER THAN 02/03/20

For those bringing guests, please make checks payable to:
Town of Georgetown

Delaware State Conference of NAACP Branches Annual Convention
Saturday, February 29, 2020
Delaware State University, Bank of America Building, 1200 N DuPont Highway, Dover DE 19901

December 28, 2019

Dear Friends and Supporters,

The Delaware State Conference of NAACP Branches is preparing for its Annual State Convention, Saturday, February 29, 2020, which will be held at Delaware State University 1200 N DuPont Highway, Bank of America Building, Dover, Delaware. Embracing the words of W.E. DuBois, "Now is the accepted time, not tomorrow, not some more convenient season. It is today that our best work can be done…," this year the Delaware NAACP State Convention will host workshops geared towards Economic Empowerment, Education (NAACP/ACLU Lawsuit), and Environmental Justice and Climate Change. At the awards ceremony, we will recognize and honor the success and achievements of Delawareans who have significantly advanced civil rights in Delaware.

Please consider becoming a sponsor of our Annual State Conference to celebrate our joint commitments in efforts to dismantle some of the ongoing barriers that continue to exist in the economy, education, and equal justice and health. Your financial assistance will help to support these important initiatives.

Enclosed is our state convention "Schedule at a Glance" and our sponsorship information for your convenience. For additional questions concerning our upcoming event, please contact Barbara Malone at: destconferenceofbranchesnaacp@yahoo.com.

We thank you in advance for your consideration and look forward to hearing from you soon.

Yours truly,

Scot Esdaile, Delaware State Conference Administrator
State Convention Planning Committee
Barbara Malone, Anne Smith, Dr. Freeman Williams

Delaware State Conference of NAACP Branches
P.O. Box 986 Georgetown DE 19947
Email: destconferenceofbranchesnaacp@yahoo.com



Schedule at a Glance

Saturday, Saturday, February 29, 2020
Delaware State University
Bank of America Building

8:00 am – 9:30 am	Registration/Continental Breakfast
9:30am – 10:50 am	Opening Plenary Session (Auditorium) Time & Place Committee Credentials Committee Resolutions Committee Election Nominations from the Floor
11:00am – 11:50pm	Adult Workshop Economic Empowerment Michael H. Casson, Jr., Ph.D., Dean College of Business, Delaware State University Pace of Progress 2020 Report: Current conditions in Delaware's communities of color in areas such as housing, education, health, and employment.. (Auditorium)
11:00am 11:50am (Youth & College Division)	**(TBD)** **Rm A**
12:50pm -12:50pm	Adult Workshop Environmental & Climate Justice National Office - NAACP (Auditorium)
12:00pm – 12:50pm (Youth & College Division)	**(TBD)** **Rm A**

Delaware State Conference of NAACP Branches
P.O. Box 986 Georgetown DE 19947
Email: destconferenceofbranchesnaacp@yahoo.com

1:00pm – 1:50pm Lunch

1 pm – 4pm Elections (Rm TBD)

1:50pm - 2:50 pm Awards Ceremony (Auditorium)

2:50pm – 4:30pm Salesforce Membership Training

- ***Mandatory Training for Branch and State Conference Secretaries (Rm TBD)***

3:00pm- 3:50 pm Adult Workshop-(Auditorium)
Education – NAACP/ACLU Lawsuit

3:00pm – 3:50 pm (Youth & College Division) **(TBD)**
RM A: (TBD)

4:00pm – 6:00pm Closing Plenary Session

Delaware State Conference of NAACP Branches
P.O. Box 986 Georgetown DE 19947
Email: destconferenceofbranchesnaacp@yahoo.com

Delaware State Conference of NAACP Branches Annual Convention
"When We Fight, We Win" Saturday, February 29, 2020
Delaware State University, Bank of America Building, 1200 N DuPont Highway, Dover DE 19901
SPONSORSHIP AND SOUVENIR JOURNAL RATES

SPONSORSHIP BENEFITS	RATES	CHECK ONE
Gold Sponsorship: • Seven (10) convention tickets • 1 Full Page AD	$1000.00	
Silver Sponsorship: • Four convention (4) tickets • 1 Full Page AD	$500.00	
Bronze Sponsorship: • Two convention (2) tickets • 1 Full Page AD	$250.00	
Friends of NAACP Sponsorship Youth Council Members to Convention Five (5) Youth to convention Four (4) Youth to convention Three (3) Youth convention Two (2) Youth to convention Recognition in Souvenir Booklet	 $200.00 $160.00 $120.00 $ 80.00	

AD SIZE PLACEMENT	RATES	CHECK ONE
Full Page	$150.00	
Half Page	$75.00	
Quarter Page	$50.00	

Delaware State Conference of NAACP Branches
P.O. Box 986 Georgetown DE 19947
Email: destconferenceofbranchesnaacp@yahoo.com

Delaware State Conference of NAACP Branches Annual Convention
Saturday, February 29, 2020
Delaware State University, Bank of America Building
1200 N DuPont Highway
Dover DE 19901
Convention Registration Fee $40.00

Sponsoring and Souvenir Journal Rates
(Camera-ready copy due by February 12, 2020)

Business/Organization/Individual_____
Address _____
Email_____
Phone_____

Camera ads may be emailed to the destconferenceofbranchesnaacp@yahoo.com or mailed to:

NAACP
P.O. Box 986
Georgetown De 19947.

_____full page …….	$150.00
_____half page …….	$75.00
_____quarter page (vertical) …….	$50.00
11/2 x2in business card …….	$25.00
Patron list …….	$15.00

_____# tickets requested @ $40.00 per ticket

Make checks payable to Delaware State Conference

DELAWARE LEAGUE OF LOCAL GOVERNMENTS

P.O. BOX 484, DOVER, DE 19903-0484
Phone: 302-678-0991 Fax: 302-678-4777 Email: cfluft@udel.edu

President Lew Killmer *Executive Director Carl F. Luft*

To: League Members
From: Carl F. Luft, Executive Director
Subject: 2020 Congressional Visit
Date: January 17, 2020

The annual Congressional visit to Washington, D. C. will be on Wednesday, March 11, 2020. The meeting will begin at 10 a. m. in the Capitol Visitor Center, Room SVC 203. Both Senators Carper and Coons and Congresswoman Lisa Blunt Rochester will speak to our group. This meeting date is set annually at the same time the National League of Cities Congressional City Conference occurs.

The tentative schedule of speaking order is as follows (times to be set at a later date):

Representative Lisa Blunt Rochester
Senator Chris Coons
Senator Tom Carper

Check in is at the Senate Appointments Desk, near the gift shop. Each attendee will obtain a pass upon check in.

If you would like to attend, please RSVP to Christine no later than 02/11/20. Carpooling arrangements will be made after all RSVP's are in.

Thank you.

Final Draft - for City review & approval

CITY OF MILFORD

Milford, Delaware

Financial Statements

For The Year Ended June 30, 2019

Final Draft - for City review & approval

CITY OF MILFORD, DELAWARE

Table of Contents

	PAGE
TRANSMITTAL LETTER	i-iii
INDEPENDENT AUDITOR'S REPORT	1-2
MANAGEMENT'S DISCUSSION AND ANALYSIS	3-12
BASIC FINANCIAL STATEMENTS	
Government-Wide Financial Statements	
Statement of Net Position	13
Statement of Activities	14
Fund Financial Statements	
Governmental Funds	
Balance Sheet	15
Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position	16
Statement of Revenues, Expenditures and Changes in Fund Balances	17
Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Statement of Activities	18
Proprietary Funds	
Statement of Net Position	19
Statement of Revenues, Expenses and Changes in Net Position	20
Statement of Cash Flows	21
Agency Fund	
Statement of Fiduciary Net Position	22
Notes to Basic Financial Statements	23-42
REQUIRED SUPPLEMENTARY INFORMATION	
Budgetary Comparison Schedule – General Fund	43
Schedule of Proportionate Share of Net Pension Liability	44
Schedule of Employer Contributions – Pension Plan	45
Notes to Required Supplementary Information	46
ADDITIONAL INFORMATION AND REPORTS	
Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters based on an Audit of Financial Statements performed in Accordance with Government Auditing Standards	47-48

Final Draft - for City review & approval

TRANSMITTAL LETTER

December 2, 2019

The Honorable Mayor
and Members of the City Council
City of Milford
Milford, Delaware

The Finance Department and City Manager's Office are pleased to submit the Annual Financial Report for the City of Milford, Delaware for the fiscal year ended June 30, 2019.

This report is published to provide the City Council, City staff, our citizens, our bondholders and other interested parties with detailed information concerning the financial condition and activities of the City government. Responsibility for both the accuracy of the presented data and the completeness and fairness of the presentation, including all disclosures, rests with the City.

To the best of our knowledge and belief the enclosed data is accurate in all material respects, and is organized in a manner designed to fairly present the financial position and results of operations of the City as measured by the financial activity of its various funds. We also believe that all disclosures necessary to enable the reader to gain the maximum understanding of the City's financial affairs have been included.

THE REPORT

The accompanying financial section includes a Management's Discussion and Analysis (MD&A), basic financial statements and combining and individual fund statements, required supplementary information and schedules, and additional information and reports, as well as the independent auditor's report on the basic financial statements. Gold Gerstein Group LLC, Certified Public Accountants, has issued an unmodified ("clean") opinion on the City's financial statements for the year ended June 30, 2019. The independent auditor's report is located at the front of the financial section of this report, pages 1-2.

The MD&A is a narrative introduction, overview, and analysis to accompany the basic financial statements. This letter of transmittal is designed to complement and should be read in conjunction with the MD&A. The City of Milford's MD&A can be found immediately following the report of the independent auditors.

The Financial Section described above is prepared in accordance with generally accepted accounting principles for governments as prescribed by the Governmental Accounting Standards Board (GASB) and other professional associations, as applicable.

Final Draft - for City review & approval

CITY PROFILE

Location

The City of Milford is the sixth largest city in population in the State of Delaware, serving over 10,000 residents within a rapidly growing corridor along U.S. Route 113/DE Route 1 in Kent and Sussex Counties. Located on the Mispillion River, within both Kent and Sussex Counties, the City is approximately 95 miles from Philadelphia, Pennsylvania, 85 miles from Baltimore, Maryland, and 100 miles from Washington, D.C. Locally, the City is 19 miles south of Dover, the State Capital.

The City is a home rule city operating under the Council-Manager form of government. The City Council is comprised of the Mayor and eight Council members, who enact local laws, determine policies and adopt the annual budget. The City Manager is appointed by the City Council and is responsible for the daily management of the City. The Basic Financial Statements of the City include all government activities, organizations and functions for which the City is financially accountable as defined by the GASB. Based on these criteria no other governmental organizations are included in this report.

FINANCE

Services Provided

The City provides to its citizens those services that have proven to be necessary and meaningful and which the City at the least cost can provide. Major services provided under general government and enterprise functions are: police protection, water and sewer services, electric services, sanitation services, park and recreational facilities, street improvements and general administrative services.

Accounting System and Budgetary Control

The City's accounting records for general governmental operations are maintained on a modified accrual basis with the revenues being recorded when available and measurable and expenditures being recorded when the services or goods are received and the liabilities are incurred. Accounting records for the City's utilities and other proprietary activities are maintained on the accrual basis.

In developing and maintaining the City's accounting system, consideration is given to the adequacy of the internal control structure. Internal accounting controls are designed to provide reasonable, but not absolute, assurance regarding (1) the safeguarding of assets against loss from unauthorized use or disposition; and (2) the reliability of financial records for preparing financial statements and maintaining accountability for assets. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived, and (2) the evaluation of costs and benefits requires estimates and judgments by management.

All internal control evaluations occur within the above framework. We believe that the City's informal accounting controls adequately safeguard assets and provide reasonable assurance of proper recording of financial transactions.

The City charter provides that the City Council shall adopt the annual budget prepared by City Management. This budget is reviewed by the City Council and is formally adopted by the passage of a budget ordinance. The City Manager is authorized to transfer budgeted amounts between the items and departments within any fund; however, any revisions that alter the total expenditures of any fund must be approved by the City Council.

Final Draft - for City review & approval

Budgetary control has been established at the general fund level. Financial reports are produced showing budget and actual expenditures by line item, and are distributed monthly to City departmental and divisional management and to others upon request.

Individual line items are reviewed and analyzed for budgetary compliance. Personnel expenditures are monitored and controlled at a position level and capital expenditures are monitored and controlled item by item. Revenue budgets are reviewed monthly.

OTHER INFORMATION

Independent Audit

The City Charter requires an annual audit of the accounts, financial records and transactions of the City by independent certified public accountants selected by the City Council. This requirement has been complied with, and the independent auditor's report has been included in this report. Additionally, the City of Milford's Director of Finance hears and reviews all recommendations made by the independent auditors.

Acknowledgments

The preparation of this report on a timely basis could not have been accomplished without the efficient and dedicated services of the entire staff of the Finance Department. Appreciation is expressed to City employees throughout the organization, especially those employees who were instrumental in the successful completion of this report.

We would like to thank the members of the City Council for their interest and support in planning and conducting the financial operation of the City in a responsible and progressive manner.

Respectively submitted,

Eric Norenberg
City Manager

Jeffrey Portmann
Finance Director

Final Draft - for City review & approval

GOLD GERSTEIN GROUP LLC
Certified Public Accountants and Consultants

Staffordshire Professional Center
Building D
Voorhees, NJ 08043

856.770.1400
856.770.0408 fax
www.g3cpa.com

INDEPENDENT AUDITOR'S REPORT

To the Mayor and City Council
City of Milford, DE

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, and each major fund of the City of Milford, DE as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the City of Milford, DE, as of June 30, 2019, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and required supplementary information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 2, 2019, on our consideration of the City of Milford, DE's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering City of Milford, DE's internal control over financial reporting and compliance.

Gold Gerstein Group LLC

Voorhees, NJ
December 2, 2019

Final Draft - for City review & approval

CITY OF MILFORD, DELAWARE

Management's Discussion and Analysis
For the Year Ended June 30, 2019
Amounts in Thousands Unless Stated Otherwise
(Unaudited)

As management of the City of Milford, we offer readers of the City's financial statements this narrative overview and analysis of the financial activities and financial position of the City for the fiscal year ended June 30, 2019. In the broadest context, the financial well-being of a government lies in the underlying wealth and willingness of its citizens and property owners to pay adequate taxes combined with the vision of the government's elected and appointed leadership to spend those taxes strategically so that the City's tax base, service levels, City assets and the City's desirability will be maintained not just for the current year but well into the future. Financial reporting is limited in its ability to provide this "big picture" but rather focuses on financial position and changes in financial position. In other words, are revenues and or expenses higher or lower than the previous year? Have net assets (containing both short and long-term assets and liabilities) or fund balances (the current "spendable" assets less current liabilities) of the government been maintained? We encourage readers to consider the information presented here in conjunction with additional information that we have furnished in our letter of transmittal (pages i-iii of this report) as well as information on the City's annual budget and other community information found in the City's website at www.cityofmilford.com. It should be noted that the Independent Auditor's Report describes the auditor's association with the various sections of this report and that all of the additional information from the website and other City sources is unaudited and has not been updated for events that may have occurred subsequent to the issuance of the respective report.

IN BRIEF

- The assets of the City exceeded its liabilities at the close of the most recent fiscal year by approximately $90.2 million (net position). This number must be viewed in the context that a significant portion of the City's net position, $45.6 million (50.6%) are invested in capital assets, net of related debt, and that most capital assets in government do not directly generate revenue nor can they be sold to generate liquid capital. Those net assets restricted for specific purposes total $9.6 million (10.6%). The remaining $35 million are unrestricted net assets and may be used to meet the government's ongoing obligations to citizens and creditors in accordance with the City's fund designation and fiscal policies. Unrestricted net position increased by approximately $1.8 million in fiscal year 2019.

Final Draft - for City review & approval

- As of the close of the current fiscal year, the City's governmental funds reported combined ending fund balances of $9.4 million. Within this total $2.3 million is restricted by specific legal requirements and $4.4 million has been committed and assigned to specific types of expenditures. The remaining $2.7 million is unassigned fund balance in the general fund and can be used for any lawful purpose.

- Revenues from the City’s governmental activities decreased by approximately $160 thousand to $7.6 million (2%).

- The City had total liabilities of approximately $22.1 million as of June 30, 2019, representing a decrease of approximately $603 thousand from the prior year.

- The City benefits from strong fund balances and conservative financial practices. The Economic Factors and Next Year's Budget section on the last page of this discussion provide additional information on the subject.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements are comprised of four components: 1) government wide financial statements, 2) fund financial statements 3) notes to the financial statements and 4) required supplementary information which includes this management's discussion and analysis. In addition to the basic financial statements, this report also contains other supplementary information as listed in the Table of Contents.

Government Wide Financial Statements - The government wide financial statements are designed to provide readers with a broad overview of the City's finances, in a manner similar to a private-sector business. The Statement of Net Position presents information on all of the City's assets and liabilities, with the difference between the two reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the City is improving or deteriorating. The Statement of Activities presents information showing how the City's net assets changed during the fiscal year. All changes in net assets are reported when the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused compensated absences.)

Final Draft - for City review & approval

Both of the government-wide financial statements distinguish between functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include general government and administration, public safety, public works, and cultural and recreation. The business-type activities of the City include water and sewer, electric and sanitation operations. The government-wide financial statements can be found on pages 13 and 14 of this report.

Fund Financial Statements - A fund is a self-balancing set of accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into two categories-governmental funds and proprietary funds.

Governmental Funds - Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on current sources and uses of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Non-financial assets such as governmental buildings, roads, drainage ways, park land and long-term liabilities such as bonds payable or long-term liabilities that will not be paid with current assets are excluded. Such information may be useful in evaluating a government's near-term financing requirements. Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental funds balance sheet and the governmental funds statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

Proprietary Funds - The City maintains two types of proprietary funds. Enterprise funds are presented as business-type activities in the government-wide financial statements. The City uses enterprise funds to account for its water, sewer, electric and sanitation operations.

Final Draft - for City review & approval

Internal service funds are an accounting device used to accumulate and allocate costs internally among the City's various functions. The City uses its internal service funds to account for its fleet services, billing services and city hall building maintenance cost allocation programs. Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for the Water, Sewer, Electric, and Sanitation funds, since all are considered to be major funds of the City. All internal service funds are combined into a single aggregated presentation in the proprietary fund financial statements. The basic proprietary fund financial statements can be found on pages 20 to 22 of this report.

Notes to the Financial Statements - The notes provide additional information that is essential to a full understanding of the data provided in the government wide and fund financial statements. The notes to the financial statements can be found on pages 23 through 42.

Other Information - In addition to the basic financial statements and accompanying notes, the basic financial statements contain required supplementary information including this discussion and analysis.

GOVERNMENTAL-WIDE FINANCIAL ANALYSIS

As noted earlier, net position and especially net position by category may serve over time as a useful indicator of a government's financial position. In the case of the City, total net position was $90.2 million as of June 30, 2019.

The largest portion of the City's net position, $45.6 million (50.6%) reflects its investments in capital assets (e.g., land, building, equipment, improvements and infrastructure), less any debt used to acquire those assets that is still outstanding. The City uses these capital assets to provide service to citizens; consequently these assets are not available for future spending, and with the exception of business type assets, do not generate direct revenue for the City.

They do represent, however, an obligation on the part of the City to maintain these assets into the future. Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

Final Draft - for City review & approval

An additional portion of the City's net position $9.6 million (10.6%) represents resources that are subject to restriction on how they may be used. The remaining balance of unrestricted net position of $35 million (38.8%) may be used to meet the government's ongoing obligations to citizens and creditors. The current and other assets increased in the Governmental activities by $653 thousand and increased in the Business type activities by $4.3 million. The City's total liabilities decreased by approximately $603 thousand.

Overall the City had an increase in net position of $5.7 million (6.8%).

Governmental Activities – Governmental activities net position increased by $1 million. Net position invested in capital assets, net of related debt, increased by $383 thousand, or 2.3%. Unrestricted net position decreased by $983 thousand or 10%.

Excluding transfers from business-type activities and special items, total revenues for governmental activities decreased from the previous year by $160 thousand. Property taxes decreased by $123 thousand. Total expenses for governmental activities increased by $776 thousand, or 9%.

Business-Type Activities – Net position from business-type activities increased by $4.7 million, or 7.9% from $59.5 million to $64.2 million. Net position invested in capital assets, net of related debt, increased by $560 thousand. Unrestricted net position increased by $2.7 million, while restricted net position increased by $1.4 million from the previous year.

Final Draft - for City review & approval

CITY OF MILFORD'S NET POSITION
(Amounts in Thousands)

	Governmental Activities		Business-Type Activities		Total	
	2018	2019	2018	2019	2018	2019
Current and other assets	$ 9,650	$ 10,303	$ 34,784	$ 39,056	$ 44,434	$ 49,359
Capital assets, net	16,856	17,239	44,470	44,382	61,326	61,621
Total Assets	26,506	27,542	79,254	83,438	105,760	110,980
Deferred outflows of resources	1,355	1,537	356	334	1,711	1,871
Long term liabilities	1,727	1,766	16,222	15,473	17,949	17,239
Other liabilities	823	728	3,905	4,107	4,728	4,835
Total Liabilities	2,550	2,494	20,127	19,580	22,677	22,074
Deferred inflows of resources	370	612	-	-	370	612
Net Position						
Net investment in capital assets	16,856	17,239	27,784	28,344	44,640	45,583
Restricted	693	2,325	5,843	7,247	6,536	9,572
Unrestricted	7,392	6,409	25,856	28,602	33,248	35,011
Total Net Position	$ 24,941	$ 25,973	$ 59,483	$ 64,193	$ 84,424	$ 90,166

As of June 30, 2019, the City has positive balances in all three catagories of net position, both for the government as a whole, as well as for its separate governmental and business-type activities. The same situation held true for the prior fiscal year.

Final Draft - for City review & approval

The following table provides a summary of the City's operations for the year ended June 30, 2019 with comparative totals for the year ended June 30, 2018.

CITY OF MILFORD'S CHANGES IN NET POSITION
(Amounts in Thousands)

	Governmental Activities		Business-Type Activities		Total	
	2018	2019	2018	2019	2018	2019
Revenues						
Program Revenues:						
Fees, fines and charges for services	$ 97	$ 76	$ 34,595	$ 35,086	$ 34,692	$ 35,162
Operating grants and contributions	1,156	1,065	-	-	1,156	1,065
General Revenues:						
Property taxes	4,128	4,005	-	-	4,128	4,005
Real estate transfer taxes	916	1,063			916	1,063
Franchise taxes	543	683	-	-	543	683
Impact fees	-	-	380	702	380	702
Capital grant	-	-	-	482	-	482
Sale of property	169	(7)	-	-	169	(7)
Investment earnings	89	198	318	608	407	806
Forgiveness of debt	-	-	1,342	-	1,342	-
Miscellaneous	686	541	-	-	686	541
Total revenues	7,784	7,624	36,635	36,878	44,419	44,502
Expenses						
General government	2,078	2,208	-	-	2,078	2,208
Public safety	4,698	5,386	-	-	4,698	5,386
Public works	683	719	-	-	683	719
Culture and recreation	1,133	1,055	-	-	1,133	1,055
Interest on long term debt	-	-	362	346	362	346
Electric	-	-	21,585	21,630	21,585	21,630
Water	-	-	1,808	2,118	1,808	2,118
Sewer	-	-	3,672	4,024	3,672	4,024
Trash	-	-	1,264	1,274	1,264	1,274
Total expenses	8,592	9,368	28,691	29,392	37,283	38,760
Increase (decrease) in net assets before transfers and special items	(808)	(1,744)	7,944	7,486	7,136	5,742
Transfers	2,500	2,776	(2,500)	(2,776)	-	-
Change in net position	1,692	1,032	5,444	4,710	7,136	5,742
Net position, July 1	23,249	24,941	54,039	59,483	77,288	84,424
Net position, June 30	$ 24,941	$ 25,973	$ 59,483	$ 64,193	$ 84,424	$ 90,166

Final Draft - for City review & approval

Financial Analysis of the Government's Funds

Governmental Funds - The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unreserved fund balances may serve as a useful measure of a government's net resources available for spending in the next fiscal year. At the end of the current fiscal year, the City's governmental funds reported combined ending fund balances of $9.4 million. Within this total $2.3 million is restricted by specific legal requirements, for street improvements, and $4.4 million has been committed and assigned to specific types of expenditures. The remaining $2.7 million is unassigned fund balance in the general fund and can be used for any lawful purpose. In the general fund, the City budgeted (as amended) a fund balance decrease in the current year of $625 thousand prior to the use of prior balances and reserves. The actual general fund balance decreased by $100 thousand less than 2% of the total budget. Actual general fund expenditures were within 3% of total budgeted expenses.

Proprietary Funds - The City's proprietary fund statements provide the same type of information found in the government-wide financial statements, but in more detail. Unrestricted net position of the respective enterprise funds were $10.1 million for water, $4.3 million for sewer, $14.1 million for electric and $97 thousand for Sanitation. The total of all enterprise funds' net position at the end of the fiscal year was $64.2 million. Change in net position for enterprise funds in 2019 were an increase of $1.5 million in the water fund, an increase of $1.1 million in the sewer fund, an increase of $2.2 million in the electric fund (net of $2.7 million in interfund transfers) and a decrease of $135 thousand in the sanitation fund.

General Fund Budgetary Highlights - The City made revisions to the original appropriations approved by the City Council. Overall these changes resulted in an increase in budgeted expenditures from the original budget of $766 thousand, which included $312 thousand of council approved funding for new police officers, as well as $198 in additional capital expenditures.

Final Draft - for City review & approval

DEBT ADMINISTRATION

At the end of the current fiscal year, the City had a total bonded debt and note obligations of $16 million all backed by the full faith and credit of the government.

Outstanding Debt at Year End
Bonds and Notes Payable

	Government Activities		Business-Type Activities		Total	
	2018	2019	2018	2019	2018	2019
General Obligation Bonds	$ -	$ -	$ 7,905	$ 7,505	$ 7,905	$ 7,505
DE Revolving Fund Loans	-	-	3,189	3,060	3,189	3,060
USDA Loan	-	-	4,386	4,292	4,386	4,292
Kent County Note	-	-	1,172	1,147	1,172	1,147
Total	$ -	$ -	$ 16,652	$ 16,004	$ 16,652	$ 16,004

During fiscal 2019, the City's outstanding debt decreased by $648 as a result of scheduled payments of its debt obligations.

No new debt obligations were incurred in fiscal year 2019.

The City's General Obligation Bond rating is AA- as rated by Standard & Poor's. Additionally, several of the City's bonds are insured.

Additional information on the City's long term debt can be found in footnote 10 on pages 35 to 37 of this report.

Final Draft - for City review & approval

CAPITAL ASSETS

The City's investment in capital assets for its governmental and business-type activities as of June 30, 2019 amounts to $61.6 million (net of accumulated depreciation). This investment in capital assets includes land, building, equipment, improvements, and infrastructure assets. The total increase in the City's investment in capital assets, net of accumulated depreciation, for the current fiscal year was $295 thousand or less than one-half %. Additional information on the City's capital assets can be found in Note 9 on pages 33 and 34 of this report. Major capital asset events during the current fiscal year included the following:

General Fund
- $47 thousand for IT servers and software.
- $85 thousand for two public safety vehicles
- $116 thousand for street department vehicle and crack sealer.
- $91 thousand for parks and recreation vehicles and equipment.

Electric Fund
- $165 thousand in building improvements.
- $180 thousand for service vehicles and an air brake switch.
- $459 thousand to upgrade meters to smart meters.
- $1 million for the purchase of land.

Water Fund
- $48 thousand for a vehicle and solar messaging board.
- $789 thousand to upgrade meters to smart meters.

Sewer Fund
- $177 thousand for a loader and solar message board.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS

The fiscal 2020 budget for general fund revenues is up 6% over fiscal 2019. The City's building permit fess increased by 25% this year as the result of a strong housing market. The new Bayhealth campus should assist in keeping this trend going with increased demand for housing and commercial property.

The City was able to maintain water, sewer, solid waste and electric services without increasing rates.

REQUEST FOR INFORMATION

The financial report is designed to provide our citizens, customers, investors and creditors with general overview of the City's finances. If you have questions about this report or need any additional information, contact the Department of Finance, Attention: Finance Director, 10 SE 2nd Street, Milford, DE 19963 or call 302-424-5141 or email: jportmann@milford-de.gov.

Final Draft - for City review & approval

CITY OF MILFORD, DE
STATEMENT OF NET POSITION
June 30, 2019

	Governmental Activities	Business-type Activities	Total
ASSETS			
Current Assets			
Cash and Equivalents	$ 6,134,892	$ 10,613,066	$ 16,747,958
Investments	3,284,261	24,341,565	27,625,826
Receivables	817,741	2,810,716	3,628,457
Inventories	26,293	1,291,131	1,317,424
Prepaid Expenses	39,869	-	39,869
Total Current Assets	10,303,056	39,056,478	49,359,534
Capital Assets			
Land, Infrastructure and Other Assets not being depreciated	18,512,413	2,516,514	21,028,927
Utility System	-	62,063,406	62,063,406
Buildings and Improvements	4,822,576	7,072,674	11,895,250
Equipment and Vehicles	6,873,133	7,999,462	14,872,595
Construction in Progress	127,546	-	127,546
Less: Accumulated Depreciation	(13,096,594)	(35,269,625)	(48,366,219)
Net Capital Assets	17,239,074	44,382,431	61,621,505
Total Assets	27,542,130	83,438,909	110,981,039
Deferred Outflows of Resources	1,537,346	333,532	1,870,878
LIABILITIES			
Current Liabilities			
Accounts Payable and Accrued Expenses	497,497	2,654,773	3,152,270
Customer Deposits	-	676,212	676,212
Bonds and Notes Payable	-	737,831	737,831
Compensated Absences	230,266	37,722	267,988
Total Current Liabilities	727,763	4,106,538	4,834,301
Noncurrent Liabilities			
Net Pension Liability	845,080	-	845,080
Bonds and Notes Payable	-	15,300,161	15,300,161
Compensated Absences	921,065	172,809	1,093,874
Total Noncurrent Liabilities	1,766,145	15,472,970	17,239,115
Total Liabilities	2,493,908	19,579,508	22,073,416
Deferred Inflows of Resources	612,384	-	612,384
NET POSITION			
Net Investment in Capital Assets	17,239,074	28,344,439	45,583,513
Restricted for Capital Improvements:			
Budgeted by City Council	2,324,949	2,434,255	4,759,204
Impact Fees	-	4,812,435	4,812,435
Unrestricted	6,409,161	28,601,804	35,010,964
Total Net Position	$ 25,973,184	$ 64,192,933	$ 90,166,116

The accompanying notes are an integral part of these financial statements.

Final Draft - for City review & approval

CITY OF MILFORD, DE
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2019

Functions/Programs	Expenses	Program Revenue: Charges for Services	Program Revenue: Operating Grants and Contributions	Program Revenue: Capital Grants and Contributions	Net (Expense) Revenue and Changes in Net Assets: Primary Government: Governmental Activities	Net (Expense) Revenue and Changes in Net Assets: Primary Government: Business-Type Activities	Net (Expense) Revenue and Changes in Net Assets: Primary Government: Total
Primary Government							
Governmental Activities							
General Government	$ 2,208,126	$ -	$ 40,130	$ -	$ (2,167,996)		$ (2,167,996)
Public Safety	5,385,944	-	62,653	-	(5,323,291)		(5,323,291)
Public Works	719,161	-	651,048	-	(68,113)		(68,113)
Culture and Recreation	1,055,115	75,679	-	-	(979,436)		(979,436)
Total Governmental Activities	9,368,346	75,679	753,831	-	(8,538,836)		(8,538,836)
Business-Type Activities							
Electric Fund	21,746,892	26,324,333	-	-		4,577,441	4,577,441
Water Fund	2,238,236	2,948,220	-	-		709,984	709,984
Sewer Fund	4,133,863	4,675,596	-	482,533		1,024,266	1,024,266
Trash Fund	1,274,139	1,137,870	-	-		(136,269)	(136,269)
Total Business-Type Activities	29,393,130	35,086,019	-	482,533		6,175,422	6,175,422
Total Primary Government	$ 38,761,476	$ 35,161,698	$ 753,831	$ 482,533	(8,538,836)	6,175,422	(2,363,414)
General Revenues:							
Taxes:							
Property Taxes, Levied for General Purposes					4,005,414	-	4,005,414
Real Estate Transfer Taxes					1,063,273	-	1,063,273
Franchise Taxes					682,960	-	682,960
Loss on Sale of Capital Assets					(7,216)	-	(7,216)
Impact Fees					-	702,412	702,412
Unrestricted Investment Earnings					198,101	607,953	806,054
Miscellaneous					811,710	-	811,710
Change in Net Position in Internal Service Fund					40,895	-	40,895
Transfers					2,775,680	(2,775,680)	-
Total General Revenues, Special Items, and Transfers					9,570,817	(1,465,315)	8,105,502
Change in Net Position					1,031,981	4,710,108	5,742,088
Net Position- Beginning of Year					24,941,203	59,482,825	84,424,028
Net Position - End of Year					$ 25,973,184	$ 64,192,933	$ 90,166,116

The accompanying notes are an integral part of these financial statements.

Final Draft - for City review & approval

CITY OF MILFORD, DE
BALANCE SHEET
GOVERNMENTAL FUNDS
June 30, 2019

	General Fund	Special Revenue Fund	Non-Major Governmental Fund	Total Governmental Funds
ASSETS				
Cash and Cash Equivalents	$ 2,111,692	$ 3,791,487	$ 151,088	$ 6,054,267
Investments	3,284,261	-	-	3,284,261
Taxes Receivable, net of allowance for doubtful accounts	159,077	281,384	-	440,461
Other Receivables	112,479	185,554	-	298,033
Prepaid Expenses	39,869	-	-	39,869
Total Assets	$ 5,707,378	$ 4,258,425	$ 151,088	$ 10,116,891
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts Payable	$ 155,033	$ -	$ 5,801	$ 160,834
Compensated Absences - Current	213,669	-	-	213,669
Other Accrued Expenses	141,147	-	-	141,147
Other Payables	155,719	-	3,877	159,596
Total Liabilities	665,568	-	9,678	675,246
Fund Balances:				
Restricted	2,324,949	-	-	2,324,949
Nonspendable	39,869	-	-	39,869
Assigned	-	4,258,425	141,410	4,399,835
Unassigned	2,676,992	-	-	2,676,992
Total Fund Balances	5,041,810	4,258,425	141,410	9,441,645
Total Liabilities and Fund Balances	$ 5,707,378	$ 4,258,425	$ 151,088	$ 10,116,891

The accompanying notes are an integral part of these financial statements.

Final Draft - for City review & approval

CITY OF MILFORD, DE
RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE SHEET TO THE STATEMENT OF NET POSITION
June 30, 2019

Total Fund Balance, Governmental Funds	$	9,441,645
Amounts reported for governmental activities in the Statement of Net Assets are different because:		
Capital assets used in governmental activities are not current financial resources and therefore are not reported in the fund financial statements, but are reported in the governmental activities of the Statement of Net Position.		17,239,074
Internal Service funds are used by management to charge the costs of centrally managed services to using funds and departments. The assets and liabilities of the internal service fund is included in governmental activities in the Statement of Net Position. The increase is equal to the Internal Service Net Position.		137,353
Some liabilities and other items are not due and payable in the current period and are not included in the fund financial statements, but are included in the governmental activities of the Statement of Net Position. These items include deferred outflows and inflows of resources related to its state pension plan, its net pension liability, and its long-term compensated absences.		(844,888)
Net Position of Governmental Activities	$	25,973,184

The accompanying notes are an integral part of these financial statements.

Final Draft - for City review & approval

CITY OF MILFORD, DE
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2019

	General Fund	Special Revenue Fund	Non-Major Governmental Fund	Total Governmental Funds
REVENUES				
Property Taxes	$ 4,005,414	$ -	$ -	$ 4,005,414
Real Estate Transfer Taxes	-	1,063,273	-	1,063,273
Fees and Fines	187,669	-	-	187,669
Licenses and Permits	495,291	-	-	495,291
Intergovernmental	40,130	713,701	-	753,831
Charges for Services	-	-	75,679	75,679
Investment Earnings	131,382	66,719	-	198,101
Miscellaneous	721,401	90,309	-	811,710
Total Revenues	5,581,287	1,934,002	75,679	7,590,968
EXPENDITURES				
Current:				
General Government	1,592,854	-	-	1,592,854
Public Safety	5,087,380	295,208	-	5,382,588
Public Works	719,161	-	-	719,161
Culture and Recreation	916,541	-	138,574	1,055,115
Debt Service:				
Principal	-	-	-	-
Interest	-	-	-	-
Capital Outlay	672,762	194,304	-	867,066
Total Expenditures	8,988,698	489,512	138,574	9,616,784
(Deficiency) Excess of Revenues Over Expenditures	(3,407,411)	1,444,490	(62,895)	(2,025,816)
OTHER FINANCING SOURCES (USES)				
Transfers In	3,315,889	-	-	3,315,889
Transfers Out	(8,209)	(532,000)	-	(540,209)
Total Other Financing Sources and Uses	3,307,680	(532,000)	-	2,775,680
Net Change in Fund Balances	(99,731)	912,490	(62,895)	749,864
Fund Balances - Beginning	5,141,541	3,345,935	204,305	8,691,781
Fund Balances - Ending	$ 5,041,810	$ 4,258,425	$ 141,410	$ 9,441,645

The accompanying notes are an integral part of these financial statements.

Final Draft - for City review & approval

CITY OF MILFORD, DE
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2019

Net change in fund balances - total governmental funds:	$	749,864
Amounts reported for Governmental Activities in the Statement of Activities are different because:		
Some items reported in the statement of activities, including changes in deferred outflows and inflows of resources, pension liability, and compensated absences do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.		99,069
Internal Service funds are used by management to charge the costs of centrally managed services to using funds and departments. The increase is equal to the net change in the Internal Service Net Position.		40,895
Governmental funds report outlays for capital assets as expenditures because such outlays use current financial resources. In contrast, the Statement of Activities reports only a portion of the outlay as expense. The outlay is allocated over the assets' estimated useful lives as depreciation expense for the period. This is the amount by which capital outlays of $867,066 exceeded depreciation expense of $717,697 in the current period.		149,369
Government funds report the proceeds from the sale of assets as revenue. In contrast, the Statement of Activities reports the difference between the amount of the proceeds and the net book value of the related assets as a gain or loss.		(7,216)
Change in net position of governmental activities	$	1,031,981

The accompanying notes are an integral part of these financial statements.

Final Draft - for City review & approval

CITY OF MILFORD, DE
STATEMENT OF NET POSITION
PROPRIETARY FUNDS
June 30, 2019

	Business Type Activities - Enterprise Funds					
	Electric	Water	Sewer	Trash	Total	Governmental Activities -Internal Service Fund
ASSETS						
Current Assets:						
Cash and Cash Equivalents	$ 4,505,364	$ 3,680,568	$ 2,357,529	$ 69,605	$ 10,613,066	$ 80,625
Investments	10,517,110	9,702,008	4,122,447	-	24,341,565	-
Accounts Receivable, net of allowance for doubtful accounts	2,021,846	225,141	318,958	131,801	2,697,746	79,247
Other Receivables	59,926	750	51,794	500	112,970	-
Inventories	1,272,184	18,947	-	-	1,291,131	26,293
Total Current Assets	18,376,430	13,627,414	6,850,728	201,906	39,056,478	186,165
Non-Current Assets:						
Capital Assets:						
Land and Improvements	2,460,507	27,369	28,638	-	2,516,514	-
Utility System	19,433,098	21,841,981	20,788,327	-	62,063,406	-
Buildings and Improvements	7,005,480	10,853	50,691	5,650	7,072,674	21,340
Equipment and Furniture	3,813,693	1,708,867	1,333,797	1,143,105	7,999,462	149,947
Less Accumulated Depreciation	(16,463,783)	(8,583,395)	(9,540,066)	(682,381)	(35,269,625)	(101,192)
Total Non-Current Assets	16,248,995	15,005,675	12,661,387	466,374	44,382,431	70,095
Total Assets	34,625,425	28,633,089	19,512,115	668,280	83,438,909	256,260
Deferred Outflows of Resources						
Deferred Charges on Refundings	188,396	-	145,136	-	333,532	-
LIABILITIES						
Current Liabilities:						
Accounts Payable	1,567,909	367,779	258,164	34,515	2,228,367	35,920
Salaries Payable	21,563	4,993	4,764	5,059	36,379	-
Other Accrued Expenses	390,027	-	-	-	390,027	-
Customer and Other Deposits	632,462	-	-	43,750	676,212	-
Compensated Absences	29,124	4,299	4,299	-	37,722	16,597
Bonds, Notes and Loans Payable	221,883	251,070	264,878	-	737,831	-
Total Current Liabilities	2,862,968	628,141	532,105	83,324	4,106,538	52,517
Non-Current Liabilities:						
Compensated Absences	116,495	17,196	17,196	21,922	172,809	66,390
Bonds, Notes and Loans Payable	4,534,366	6,455,234	4,310,561	-	15,300,161	-
Total Non-Current Liabilities	4,650,861	6,472,430	4,327,757	21,922	15,472,970	66,390
Total Liabilities	7,513,829	7,100,571	4,859,862	105,246	19,579,508	118,907
NET POSITION						
Net Investment in Capital Assets	11,492,746	8,299,371	8,085,948	466,374	28,344,439	70,095
Restricted for Capital Improvements:						
Budgeted by City Council	925,910	610,595	897,750	-	2,434,255	-
Impact Fees	732,940	2,529,859	1,549,636	-	4,812,435	-
Unrestricted	14,148,396	10,092,693	4,264,055	96,660	28,601,804	67,258
Total Net Position	$ 27,299,992	$ 21,532,518	$ 14,797,389	$ 563,034	$ 64,192,933	$ 137,353

The accompanying notes are an integral part of these financial statements.

Final Draft - for City review & approval

CITY OF MILFORD, DE
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
PROPRIETARY FUNDS
FOR THE YEAR ENDED JUNE 30, 2019

	Business Type Activities - Enterprise Funds					
	Electric	Water	Sewer	Trash	Total	Governmental Activities -Internal Service Fund
REVENUES						
Charges for Services	$ 25,757,395	$ 2,891,337	$ 4,345,462	$ 1,132,946	$ 34,127,140	$ 1,806,949
Miscellaneous	566,938	56,883	330,134	4,924	958,879	139
Total Operating Revenues	26,324,333	2,948,220	4,675,596	1,137,870	35,086,019	1,807,088
OPERATING EXPENSES						
Personal Services	2,278,486	259,004	435,674	440,394	3,413,558	1,243,615
Contractual Services	17,061,234	109,248	2,676,080	278,722	20,125,284	134,780
Utilities	5,363	242,985	275	-	248,623	1,933
Repairs and Maintenance	560,133	98,304	33,441	115,390	807,268	224,332
Other Supplies and Expenses	105,149	805,091	388,139	322,062	1,620,441	196,114
Insurance Claims and Expenses	72,144	14,344	5,087	10,804	102,379	7,045
Depreciation	986,699	489,409	484,981	106,767	2,067,856	17,733
Total Operating Expenses	21,069,208	2,018,385	4,023,677	1,274,139	28,385,409	1,825,552
Operating Income (Loss)	5,255,125	929,835	651,919	(136,269)	6,700,610	(18,464)
NON-OPERATING REVENUES (EXPENSES)						
Interest and Investment Revenues	295,642	217,730	93,353	1,228	607,953	-
Impact Fees	160,125	542,287	-	-	702,412	-
Capital Grant	-	-	482,533	-	482,533	-
Miscellaneous	(561,235)	(100,426)	-	-	(661,661)	-
Interest Expense	(116,449)	(119,425)	(110,186)	-	(346,060)	-
Total Non-Operating (Expenses) Revenues	(221,917)	540,166	465,700	1,228	785,177	-
Income (Loss) Before Transfers	5,033,208	1,470,001	1,117,619	(135,041)	7,485,787	(18,464)
Transfers (Out) In	(2,783,889)	-	8,209	-	(2,775,680)	59,359
Change in Net Position	2,249,320	1,470,001	1,125,828	(135,041)	4,710,108	40,895
Net Position - Beginning of Year,	25,050,672	20,062,517	13,671,561	698,075	59,482,825	96,458
Net Position - End of Year	$ 27,299,992	$ 21,532,518	$ 14,797,389	$ 563,034	$ 64,192,933	$ 137,353

The accompanying notes are an integral part of these financial statements.

Final Draft - for City review & approval

CITY OF MILFORD, DE
STATEMENT OF CASH FLOWS
ALL PROPRIETARY FUND TYPES
FOR THE YEAR ENDED JUNE 30, 2019

	ENTERPRISE FUNDS					
	Electric	Water	Sewer	Trash	Total	Internal Service Fund
Cash Flows from Operations:						
Receipts from Customers	$ 26,296,738	$ 2,876,028	$ 4,351,396	$ 1,143,442	$ 34,667,604	$ 1,759,709
Other Operating Receipts	513,866	56,883	382,013	4,924	957,686	139
Payments to Suppliers	(17,907,019)	(902,164)	(3,193,665)	(791,303)	(22,794,151)	(564,747)
Payments to Employees	(2,306,031)	(257,024)	(433,872)	(438,018)	(3,434,945)	(1,267,658)
Insurance Premiums Paid	(72,144)	(14,344)	(5,087)	(10,804)	(102,379)	(7,045)
Net Cash Provided (Used) by Operating Activities	6,525,410	1,759,379	1,100,785	(91,759)	9,293,815	(79,602)
Cash Flows from Non-Capital Financing Activities:						
Operating Transfers (Out)	(2,783,889)	-	8,209	-	(2,775,680)	59,359
Net Cash Flows Used in Non-Capital Financing Activities	(2,783,889)	-	8,209	-	(2,775,680)	59,359
Cash Flows from Capital and Related Financing Activities:						
Net cash for additions to Property, Plant and Equipment	(1,525,829)	(316,740)	(247,202)	-	(2,089,771)	(41,169)
Principal Paid on Debt	(215,000)	(170,726)	(261,774)	-	(647,500)	-
Interest Paid on Debt	(116,449)	(119,425)	(110,186)	-	(346,060)	-
Capital Grant	-	-	482,533		482,533	
Impact Fees Received	160,125	542,287	-	-	702,412	-
Net Cash Flows Provided by (Used in) Capital and Related Financing Activities	(1,697,153)	(64,604)	(136,629)	-	(1,898,386)	(41,169)
Cash Flows from Investing Activities:						
Net Proceeds/(Purchases) from Sales and and Maturities of Short-Term Investments	(857,176)	(2,074,810)	(383,055)	-	(3,315,041)	-
Income on Investments	295,642	217,730	93,353	1,228	607,953	-
Net Cash Flows Provided by (Used in) Investing Activities	(561,534)	(1,857,080)	(289,702)	1,228	(2,707,088)	-
Net Increase (Decrease) in Cash and Cash Equivalents	1,482,834	(162,305)	682,663	(90,531)	1,912,661	(61,412)
Cash and Cash Equivalents at Beginning of Year	3,022,530	3,842,873	1,684,952	160,136	8,710,491	142,037
Cash and Cash Equivalents at End of Year	$ 4,505,364	$ 3,680,568	$ 2,367,615	$ 69,605	$ 10,623,152	$ 80,625
Reconciliation of Operating Income to Net Cash Flows from Operating Activates:						
Operating Income	$ 5,255,125	$ 929,835	$ 651,919	$ (136,269)	$ 6,700,610	$ (18,464)
Adjustments to Reconcile Operating Income to Net Cash Provided by Operating Activities:						
Depreciation and Amortization	986,699	489,409	484,981	106,767	2,067,856	17,733
Effect of Changes in Operating Assets and Liabilities:						
Accounts Receivable, net	465,407	(15,309)	57,813	5,096	513,007	(47,240)
Inventory	(89,584)	2,191	-	-	(87,393)	13,506
Accounts Payable and Accrued Expenses	(85,556)	351,273	(95,730)	(75,129)	94,858	(21,094)
Salaries Payable	(910)	978	800	1,281	2,149	-
Customer Deposits	20,864	-	-	5,400	26,264	-
Liability for Compensated Absences	(26,635)	1,002	1,002	1,095	(23,536)	(24,043)
Net Cash Provided by Operating Activities	$ 6,525,410	$ 1,759,379	$ 1,100,785	$ (91,759)	$ 9,293,815	$ (79,602)

The accompanying notes are an integral part of these financial statements.

Final Draft - for City review & approval

CITY OF MILFORD, DE
STATEMENT OF FIDUCIARY NET POSITION
June 30, 2019

	AGENCY
ASSETS	
Cash and Cash Equivalents	$ 748,801
Total Assets	$ 748,801
LIABILITIES	
Due to Other Governments	$ 745,190
Deferred Revenue - Trust Fund	3,611
Total Liabilities	$ 748,801

The accompanying notes are an integral part of these financial statements.

Final Draft - for City review & approval

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

Introduction

The City of Milford, Delaware (the "City"), operates under a Council-Manager form of government and provides the following services as authorized by its charter adopted on May 24, 1977: public safety (police), highways and streets, sanitation, health and social services, electric, water, parks and recreation, public improvements, planning and zoning, and administrative services.

The accounting and reporting policies of the City relating to the funds included in the accompanying basic financial statements conform to accounting principles generally accepted in the United States of America (GAAP) applicable to state and local governments. Generally accepted accounting principles for local governments include those principles prescribed by the Governmental Accounting Standards Board (GASB).

The accounting and reporting framework and the more significant accounting policies and practices are discussed in subsequent sections of this Note. The remainder of the notes are organized to provide explanations, including required disclosures, of the City's financial activities for the year ended June 30, 2019.

Financial Reporting Entity

The City's basic financial statements include the accounts of all City operations. The criteria for including organizations as component units within the City's reporting entity, as set forth in Section 2100 of GASB's *Codification of Governmental Accounting and Financial Reporting Standards*, include whether:

- the organization is legally separate (can sue and be sued in their own name)
- the City holds the corporate powers of the organization
- the City appoints a voting majority of the organization's board
- the City is able to impose its will on the organization
- the organization has the potential to impose a financial benefit/burden on the City
- there is fiscal dependency by the organization on the City

Based on the aforementioned criteria, the City has no component units.

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Actual results may differ from those estimates.

Encumbrances

Encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of funds are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budgetary integration in governmental funds. Encumbrances as of the year end are reported as reservations of fund balance since they do not constitute expenditures or liabilities but serve as authorization for expenditures in the subsequent year. As of the end of the period, the City had no such encumbrances.

Final Draft - for City review & approval

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Government-Wide and Fund Financial Statements

The government-wide financial statements (statement of net position and statement of activities) report information on all of the non-fiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and inter-governmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or activity. Program revenues include 1) charges to customers who directly benefit from goods or services provided by a given function or activity and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or activity. Taxes and other items not properly included among program revenues are reported as general revenues.

Separate financial statements are provided by governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

The City reports the following governmental funds:

General Fund **-** The general fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund.

Special Revenue Fund **-** The special revenue fund accounts for revenues derived from earmarked revenue sources. Separate self-balancing funds are established to account for each restricted special revenue source.

Parks and Recreation Fund – The parks and recreation fund accounts for revenues derived from activities provided by the City's parks and recreation department, which include youth and adult sports leagues, summer camps and clinics, special events and festivals as well as fund raising activities.

The City reports the following proprietary funds:

Enterprise Funds **-** The Enterprise Funds of the City include the electric, water, sewer and trash funds. Enterprise funds are used to account for operations (a) which are financed and operated in a manner similar to private business enterprises; where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods and services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body had decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, or accountability.

Internal Service Fund **-** Consists of three internal funds which are used to account for the financing of goods and services provided by one department to other departments of the City on a cost-reimbursement basis.

Final Draft - for City review & approval

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Government-Wide and Fund Financial Statements (continued)

The City reports the following fiduciary fund types:

Agency Fund – The agency fund accounts for assets held by the City in a trustee capacity for fees collected on behalf of Kent County and the Carlisle Fire Department. In addition, a trust fund was established by an individual during fiscal 2013 to benefit Kent County residents by offsetting individual tax bills in the future. The balance of the fund as of June 30, 2019 was $3,611.

Measurement Focus, Basis of Accounting and Financial Statement Presentation

Measurement focus refers to what is being measured; basis of accounting refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurement made, regardless of the measurement focus.

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Financial resources used to acquire capital assets are capitalized in the government-wide financial statements, rather than reported as expenditures. Proceeds of long-term debt are recorded as a liability in the government-wide financial statements, rather than as another financing source. Amounts paid to reduce long-term debt of the City are reported as a reduction of the related liability, rather than as an expenditure in the government-wide financial statements.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter (within sixty days) to pay liabilities of the current period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt-service expenditures are recorded only when payment is due. Also, compensated absences are recorded as expenditures when paid.

Sales taxes, franchise taxes, permits and fees, recreation fees, fines and court fees, other miscellaneous revenues and earned but unreimbursed state and federal grants associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Property taxes are measurable as of the date levied (assessed) and are recognized as revenues when they become available. Available means when due, or past due, and received within the current period or collected soon enough thereafter to be used to pay liabilities of the current period. All other revenues are considered to be measurable and available only when the City receives cash.

Final Draft - for City review & approval

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Budgets and Budgetary Accounting

Budgetary Process

The City Council follows these procedures in establishing the budgetary data reflected within the financial statements:

(1) In accordance with the City Charter, prior to June 1, the City Manager submits to the City Council a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them for the upcoming year, along with estimates for the current year. The City Charter requires that the budget be submitted in summary form. In addition, more detailed line item budgets are included and provided for administrative control.

(2) Public hearings are conducted to obtain taxpayer comment.

(3) Prior to June 30, the budget is legally enacted through passage of an ordinance.

(4) The City Manager is required by the City Charter to present a monthly report to City Council explaining any variances from the approved budget.

(5) Formal budgetary integration is employed as a management control device during the year for the general fund.

(6) The budget for the general fund is adopted on a basis consistent with GAAP as applicable to governments.

(7) The budgets for the special revenue fund are approved on a program by program basis by the funding agencies.

(8) Budgetary amendments are approved by City Council as required throughout the year. If revenues in excess of those estimated in the budget become available, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

Cash and Cash Equivalents

Cash and cash equivalents consist of cash, checking and money market accounts generally maturing in three months or less.

Receivables

Receivables are shown net of the allowances for estimated uncollectible accounts. The allowance for uncollectible accounts is based upon historical data established according to experience and other factors which in the judgment of City officials should be recognized in estimating possible losses. Management believes that they have adequately provided for future probable losses.

Interfund Receivables/Payables

Advances between funds are accounted within the appropriate interfund receivable and payable accounts. These advances (reported as "due from/to other funds") are considered "available spendable resources."

Final Draft - for City review & approval

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Inventories

Inventories are carried at cost for the water fund, and at replacement cost for the electric fund, and are determined using the first-in, first out (FIFO) method.

Inventory in the general fund consists of gasoline and diesel fuel held for consumption. Inventory in the internal service fund consists of garage and meter supplies held for consumption. The inventory acquisitions are recorded in the inventory accounts initially and charged to expenditures when used. The cost value of such inventories have been presented on an average cost basis.

Capital Assets

Capital assets which include land, buildings, improvements, equipment, vehicles and infrastructure assets, consisting of roads, bridges, curbs and gutters, streets and sidewalks, drainage and lighting systems, are reported on the applicable governmental or business-type activities columns in the government-wide financial statements and the proprietary fund financial statements. Capital assets are recorded at historical cost if purchased, and at fair market value if donated. The capitalization threshold for all capital assets is $5,000. No dollar threshold is set for land. Capital asset depreciation is recognized using the straight-line method over the estimated lives of the respective assets.

Compensated Absences

A maximum of 30 days of vacation and 130 days of sick leave may be accumulated by each employee except for those hired before 1992, whose carry-over is not limited. The City accrues a liability for compensated absences which meet the following criteria:

- The City's obligation relating to employees' rights to receive compensation for future absences is attributable to employees' services already rendered.
- The obligation relates to rights that vest or accumulate.
- Payment of the compensation is probable.
- The amount can be reasonably estimated.

In accordance with the above criteria, the City has accrued a liability for vacation and sick pay which has been earned but not taken by City employees. For governmental funds, the liability for compensated absences is reported as a long term liability in the government-wide financial statements since it is anticipated that none of the liability will be liquidated with expendable available financial resources. The liability for compensated absences is recorded in proprietary fund types as an accrued liability in accordance with GASBS No. 16 (GASB Cod. Sec. C60), *Accounting for Compensated Absences*.

Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions and pension expense, information about the fiduciary net position of the Delaware Public Employees' Retirement System (DPERS) and additions to/deductions from DPERS fiduciary net position have been determined on the same basis as they are reported by DPERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

Final Draft - for City review & approval

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Long-Term Liabilities

In the government-wide financial statements, and in the proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business type activities, or proprietary fund type statement of net position. Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the straight-line method. Bonds payable are recorded net of the applicable bond premium or discount. Bond issuance costs are reported as deferred charges and are amortized over the life of the related debt. In the fund financial statements, governmental fund types recognize bond premium and discounts, as well as debt issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

Subsequent Events

Subsequent events were evaluated through December 2, 2019, which is the date the financial statements were available to be issued. Management of the City has determined that there were no other such events that warranted adjustment to or disclosure in these financial statements.

Deferred Outflows of Resources

Decreases in net assets that related to future periods are recorded as deferred outflows of resources in a separate section of the City's government-wide statement of net position. Deferred outflows of resources are generally reported in the City's statement of net position for pension contributions made subsequent to the measurement date. Deferred outflows of resources also include the difference in the carrying value of refunded debt and its reacquisition price, which is then amortized over the shorter of the life of the refunded or refunding bond.

Deferred Inflows of Resources

Increases in net assets that apply to future periods are recorded as deferred inflows of resources in a separate section of its government-wide statement of net position. Deferred inflows of resources are reported in the City's statement of net position for actual pension plan investment earnings in excess of projected amounts included in determining pension expense. Deferred inflows of resources are attributed to pension expense over a total of 5 years, including the current year.

Government-Wide and Proprietary Fund Net Position

Net position represents the difference between assets and liabilities. Net investment in capital assets consists of capital assets net of accumulated depreciation and the outstanding balances of any borrowing spent for the acquisition, construction or improvements of those assets. Net position is reported as restricted when there are limitations imposed on their use either through the enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors or laws or regulations of other governments.

Final Draft - for City review & approval

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

Governmental Fund Balances

In the governmental fund financial statements, fund balances are classified as follows:

- **Non-spendable** - Amounts that cannot be spent either because they are in a non-spendable form or because they are legally or contractually required to be maintained intact.

- **Restricted** - Amounts that can be spent only for specific purposes because of the City Charter, the City code, state or federal laws, or externally imposed conditions by grantor or creditors.

- **Committed** - Amounts that can be used only for specific purposes determined by a formal action by City Council ordinance or resolution. This included the Budget Reserve Account.

- **Assigned** - Amounts that are designated by the Mayor for a particular purpose but are not spendable until a budget ordinance is passed or there is a majority vote approval (for capital projects or debt service) by City Council.

- **Unassigned** - All amounts not included in other spendable classifications.

Inter-Fund Transactions

During the course of normal operations, the City has transactions between funds to subsidize operations in certain funds, to allocate administrative costs, to construct assets, to distribute grant proceeds, etc. These transactions are generally reflected as operating transfers, which are transfers from a fund authorized to receive certain revenues to the fund through which the resources are to be expended.

Interest Capitalization

Interest costs incurred for the acquisition and/or construction of capital assets are capitalized based on the guidelines established by GASBS No. 62, *Capitalization of Interest Cost*.

The interest capitalization period begins when the following conditions are present:

- Expenditures for the capital asset have been made.
- Activities that are necessary to get the capital asset ready for its intended use are in progress.
- Interest expense is being incurred.

The amount of interest expense to be capitalized is based on the weighted-average amount of accumulated expenditures for the period multiplied by the interest rate for the obligation incurred specifically to finance the construction of capital assets. No capitalizable interest was incurred during the year ended June 30, 2019.

Final Draft - for City review & approval

NOTE 2 - RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS:

Explanation of Certain Differences between the Governmental Fund Balance Sheet and the Government-Wide Statement of Net Assets.

The governmental fund balance sheet includes a reconciliation between total governmental fund balances and net assets of governmental activities in the government-wide statement of net assets. This difference primarily results from the long-term economic focus of the statement of net assets versus the current financial resources focus of the governmental fund balance sheets.

Capital Asset Differences

When capital assets (land, building, improvements and equipment) are purchased or constructed for use in governmental fund activities, the costs of those assets are reported as expenditures in the governmental funds. However, these costs are reported as capital assets in the statement of net assets. The details of these differences are presented below:

Land, Infrastructure and Other Assets	$18,512,413
Buildings and Improvements	4,822,576
Equipment and Furniture	6,873,133
Construction in Progress	127,546
Less: Accumulated Depreciation	(13,096,594)
Net Capital Asset Difference	$17,239,074

Noncurrent Liability Differences

Noncurrent liabilities are not due and payable in the current period and, therefore, are not reported in the governmental fund balance sheet. All liabilities (both current and long-term) are reported in the statement of net position.

Explanation of Certain Differences between the Governmental Fund Balance Sheet and the Government-Wide Statement of Net Position (Continued).

The details of these noncurrent liability differences are presented below:

Long-Term Portion of Compensated Absences	($ 921,065)
Deferred Outflows of Resources-pension	1,537,346
Deferred Inflows of Resources-pension	(612,384)
Net Pension Liability	(845,080)
Other	(3,705)
Total Current and Long-Term Liability Differences	($ 844,888)

Explanation of certain differences between the Governmental Fund Statement of Revenues, Expenditures and Changes in Fund Balances and the Government-Wide Statement of Activities.

The governmental fund financial statements include a reconciliation between changes in fund balances in the governmental funds and changes in net assets in the government-wide statement of activities. The differences primarily result from the long-term economic focus of the statement of activities versus the current financial resources focus of the governmental fund financial statements.

Final Draft - for City review & approval

NOTE 2 - RECONCILIATION OF GOVERNMENT-SIDE AND FUND FINANCIAL STATEMENTS (CONTINUED):

Capital Outlay Differences

Capital Outlays are reported as expenditures in the statement of revenues, expenditures and changes in fund balances. They are reported as capital assets, with the costs allocated over the useful lives of the assets, as depreciation, in the statement of activities. The details of these differences are reported below:

Capital Outlay	$ 867,066
Depreciation	(717,697)
Net Difference	$ 149,369

Other Differences

Some items reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported in the governmental funds as expenditures. These items include the net changes during the year in the following accounts:

Long-Term Compensated Absences	$ 102,425
Deferred Outflows-pension	(182,415)
Deferred Inflows-pension	242,098
Net Pension Liability	(63,039)
Net Difference	$ 99,069

NOTE 3 - FINANCIAL INSTRUMENTS:

The City has a number of financial instruments. The City estimates that the fair value of all financial instruments as of June 30, 2019, does not differ materially from the aggregate carrying values of its financial instruments recorded in the accompanying balance sheet and statement of net assets.

NOTE 4 - REAL ESTATE TAXES

The tax on real estate in the City area for the fiscal year 2019 was [46 mills ($1,000 of assessed valuation)] as levied by the City Council. The City bills and collects its own real estate taxes. Delinquent taxes are liened by the City. The schedules of real estate taxes levied for the fiscal year 2019 are:

July 1	-	Levy Date (effective date of enforceable lien)
August 1 - September 30	-	Face Payment Period
October 1	-	1% Penalty for each subsequent month not paid

Final Draft - for City review & approval

NOTE 5 - IMPACT FEES:

All new water, sewage, and electric services within the City of Milford are required to pay a one-time "impact fee." The purpose of the fee is to compensate for the impact of new users to the existing water and sewage systems, in order to provide for future expansion. All impact fees collected are restricted for capital improvements, as specified and approved by City Council that will be required as the result of population growth. The cost of the impact fee for water, sewage, and electric for the year ended June 30, 2019 was $2,840 ($2,731 in fiscal year 2018), $1,501 ($1,443 in fiscal year 2018), and $600 per Estimated Discharge Usage (EDU)($600 in fiscal year 2018), respectively.

The City has recorded as revenue in the proprietary funds Statement of Revenues, Expenses and Changes in Net Assets and in the government-wide Statement of Activities the impact fee monies, as required by GASB No. 33. Resulting restricted net assets at June 30, 2019 from impact fees is $4,812,435.

NOTE 6 - INTERFUND TRANSACTIONS:

During the course of normal operations, the City has numerous transactions between funds including expenses or expenditures and transfers of resources primarily to provide services. The financial statements of the governmental and proprietary fund types generally reflect such transactions as transfers. Transfers that are not considered operating or residual equity transfers give rise to individual fund, interfund receivables and payables. As of June 30, 2019, there are no outstanding interfund balances.

NOTE 7 - INTERGOVERNMENTAL RECEIVABLES:

Amounts due from other governmental units represent receivables for revenues earned by the City or collections made by another governmental unit on behalf of the City.

NOTE 8 - CASH AND INVESTMENTS:

Custodial credit risk is the risk that in the event of bank failure, the City's deposits may not be returned to it. The City does not have a formal deposit policy for custodial credit risk. Deposits are classified as *Category 1* if they are fully insured, registered or held by the City's agent in the City's name. Deposits would be classified as *Category 2* for those deposits which are collateralized with securities held by the pledging financial institution's trust department or agent(s) in the City's name, or *Category 3* for those deposits which are not collateralized, including bank balances that are collateralized with securities held by the pledging financial institution, or by its trust department or agent but not in the City's name. As of June 30, 2019, all of the City's bank balances were Category 1 deposits, and the financial institution balances were the same as the carrying amounts.

The City's investments are categorized according to the level of credit risk assumed as of the balance sheet date. *Category 1* includes investments that are insured, registered or are held by the City's agent in the City's name. *Category 2* includes uninsured and unregistered investments held by the counterparty's trust department or agent in the city's name. *Category 3* includes uninsured and unregistered investments held by the counterparty, its trust department or its agent but not in the City's name.

Final Draft - for City review & approval

NOTE 8 - CASH AND INVESTMENTS (CONTINUED):

As of June 30, 2019, the City's investments consist of the following:

Description	Category	Amount Market	Amount Carrying
Money Market Funds	1		
PFM Asset Management LLC		$ 9,009,826	$ 9,009,826
Certificates of Deposit	1		
PFM Asset Management LLC		18,616,000	18,616,000
Total		$27,625,826	$27,625,826

NOTE 9 - CAPITAL ASSETS:

The following schedule presents the capital activity of the governmental activities for the year ended June 30, 2019:

Description	Balances 07/01/18	Additions	Deletions	Adjustments & Transfers	Balances 06/30/19
	Year Ended June 30, 2019				
City Department:					
Land	$ 8,144,966	$ -	$ -	$ 66,246	$ 8,211,212
Buildings and Improvements	4,280,850	327,839	-	(45,275)	4,563,414
Vehicles and Equipment	5,123,131	232,373	49,454	-	5,306,050
Construction in Progress	20,971	127,546	-	(20,971)	127,546
Total City Depreciation	17,569,918	687,758	49,454	(66,246)	18,208,222
Accumulated Depreciation	(6,645,387)	(328,225)	(49,454)	233,593	(6,690,565)
Total City Department, Net	$10,924,531	$ 359,533	$ -	$ 167,347	$11,517,657
Street Department:					
Land Improvements	$10,301,201	$ 66,246	$ -	$ -	$10,367,447
Buildings and Improvements	192,916	-	-	-	192,916
Vehicles and Equipment	1,792,326	113,061	338,304	-	1,567,083
Total City Department	12,286,443	179,307	338,304	-	12,127,446
Accumulated Depreciation	(6,354,861)	(389,472)	(338,304)	-	(6,406,029)
Total Street Department, Net	$ 5,931,582	($ 210,165)	$ -	$ -	$ 5,721,417

Description	Balances 07/01/18	Additions	Deletions	Adjustments & Transfers	Balances 06/30/19
	Year Ended June 30, 2019				
Total Government Capital Assets:					
Land	$18,446,167	$ -	$ -	$ 66,246	$18,512,413
Buildings and Improvements	4,473,766	394,085	-	(45,275)	4,822,576
Vehicles and Equipment	6,915,457	345,434	387,758	-	6,873,133
Construction in Progress	20,971	127,546	-	(20,971)	127,546
Total Governmental Capital Assets	29,856,361	867,065	387,758	-	30,335,668
Accumulated Depreciation	(13,000,248)	(717,697)	(387,758)	233,593	(13,096,594)
Total Governmental Capital Assets, Net	$16,856,113	$ 149,368	$ -	$ 233,593	$17,239,074

Final Draft - for City review & approval

NOTE 9 - CAPITAL ASSETS (CONTINUED):

The following schedule presents the capital activity of the business-type activities for the year ended June 30, 2019:

	Year Ended June 30, 2019				
Description	Balances 07/01/18	Additions	Deletions	Adjustments & Transfers	Balances 06/30/19
Electric Fund:					
Land	$ 1,434,592	$1,025,915	$ -	$ -	$ 2,460,507
Buildings and Improvements	6,981,196	164,619	-	(140,335)	7,005,480
Electric System	19,885,279	38,712	-	(490,893)	19,433,098
Vehicles and Equipment	3,814,422	296,583	437,648	140,335	3,813,692
Total Capital Assets	32,115,489	1,525,829	437,648	(490,893)	32,712,777
Accumulated Depreciation	(15,914,732)	(986,698)	(437,648)	-	(16,463,782)
Net Book Value	$16,200,754	$ 539,131	$ -	($ 490,893)	$16,248,992
Water Fund:					
Land	$ 27,369	$ -	$ -	$ -	$ 27,369
Buildings and Improvements	10,853	-	-	-	10,853
Water System	21,706,509	268,868	404,799	271,403	21,841,981
Vehicles and Equipment	1,596,910	47,872	155,405	219,490	1,708,867
Total Capital Assets	23,341,641	316,740	560,204	490,893	23,589,070
Accumulated Depreciation	(8,545,439)	(489,409)	(560,204)	(108,751)	(8,583,395)
Net Book Value	$14,796,202	$(172,669)	$ -	$ 382,142	$15,005,675
Waste Water Fund:					
Land	$ 28,638	$ -	$ -	$ -	$ 28,638
Buildings and Improvements	50,691	-	-	-	50,691
Waste Water System	20,718,650	-	-	69,677	20,788,327
Vehicles and Equipment	1,188,545	247,202	32,373	(69,677)	1,333,797
Total Capital Assets	21,986,524	247,202	32,373	-	22,201,453
Accumulated Depreciation	(9,086,862)	(484,981)	(32,373)	(496)	(9,540,066)
Net Book Value	$12,899,662	$(237,779)	$ -	($ 496)	$12,661,387
Trash Fund:					
Buildings and Improvements	$ 5,650	$ -	$ -	$ -	$ 5,650
Vehicles and Equipment	1,494,492	-	351,387	-	1,143,105
Total Capital Assets	1,500,142	-	351,387	-	1,148,755
Accumulated Depreciation	(927,001)	(106,767)	(351,387)	-	(682,381)
Net Book Value	$ 573,141	($ 106,767)	$ -	$ -	$ 466,374

Description	Balances 07/01/18	Additions	Deletions	Adjustments & Transfers	Balances 06/30/19
Total Enterprise Funds					
Land	$ 1,490,599	$1,025,915	$ -	$ -	$ 2,516,514
Buildings and Improvements	7,176,042	164,619	-	(267,987)	7,072,674
Electric System	19,885,279	38,712	-	(490,893)	19,433,098
Water System	21,574,233	268,868	404,799	403,679	21,841,981
Waste Water System	20,718,650	-	-	69,677	20,788,327
Vehicles and Equipment	8,098,993	591,657	976,713	285,524	7,799,461
Total Fixed Assets	78,943,796	2,089,771	1,381,512	-	79,652,055
Accumulated Depreciation	(34,474,035)	(2,067,856)	(1,381,512)	(109,247)	(35,269,625)
Net Book Value	$44,469,761	$ 21,915	$ -	$(109,247)	$44,382,431

Final Draft - for City review & approval

NOTE 10 - LONG-TERM DEBT OBLIGATIONS:

Long-Term liability activity for the year ended June 30, 2019 is summarized as follows:

Governmental Activities:

	Beginning Balance	Additions	Reductions	Ending Balance	Amounts Within One Year
General Obligation Bonds	$ -	$ -	$ -	$ -	$ -
Other Liabilities:					
Net Pension Liability	908,119	-	(63,039)	845,080	-
Compensated Absences	1,023,300	128,031	-	1,151,331	230,266
Governmental Activities Long-Term Liabilities	$ 1,931,419	$ 128,031	($ 63,039)	$ 1,996,411	$230,266

Business Activities:

Series of 2016 General Obligation Bonds	$ 7,905,000	$ -	($ 400,000)	7,505,000	405,000
Add: Bond Premium	33,492	-	(3,555)	29,937	3,373
Total Bonds Payable	7,938,492	-	(403,555)	7,534,937	408,373
Revolving Funds Loans –					
State of Delaware 2010	697,872	-	(52,004)	645,868	53,049
State of Delaware 2011	2,491,369	-	(77,180)	2,414,189	155,519
Note Payable – Kent County	1,172,106	-	(24,777)	1,147,329	25,339
Note Payable – USDA	4,385,658	-	(92,078)	4,293,580	95,551
Total Bonds and Notes Payable	16,685,497	-	(649,654)	16,035,903	651,063
Other Liabilities:					
Compensated Absences	234,067	-	(23,536)	210,531	37,722
Business-Type Activities Long-Term Liabilities	$16,919,564	$ -	($ 673,190)	$16,246,434	$688,785

General Obligation Bonds

The City issues general obligation bonds to provide funds for the acquisition and construction of major capital facilities. General obligation bonds are direct obligations and pledge the full faith and credit of the City. The City is required to compute, at the time taxes are levied, the rate of tax required to provide a fund to pay interest and principal at maturity. The City is in compliance with this requirement.

Series 2016

On December 6, 2016, the City issued General Obligation Bonds, Series of 2016 in the aggregate principal amount of $8,065,000, with interest rates ranging from 2.0% to 2.55%. The proceeds of the 2016 bond proceeds were utilized to currently refund the Series A of 2011 General Obligation bonds in the outstanding principal amount of $7,850,000. The 2016 bonds are scheduled to mature January 1, 2037. Semi-annual interest payments commenced July 1, 2017, while annual principal payments commenced January 1, 2018. The bonds had an original issue premium of $37,171, the unamortized portion of which is included in the balance reflected in the financial statements at June 30, 2019. The current refunding resulted in an economic gain (difference between the present values of the debt service payments on the old and new debt) of approximately $1.3 million.

Final Draft - for City review & approval

NOTE 10 - LONG-TERM DEBT OBLIGATIONS (CONTINUED):

USDA

In June 2013, the City issued bonds in the amount of $5 million in connection with its Southeast Water Expansion project. The funding for the project is being provided by the United States Department of Agriculture (USDA) under the federal direct loan for water and waste disposal systems program. Under the program, the City received proceeds from the loan only after incurring project expenditures. The balance of the loan as of June 30, 2019 is $4,292,114, which represents total expenditures incurred on the project less principal payments made. Under the terms of the note, the City is making quarterly payments in the amount of $46,500, which include interest calculated at a rate of 2% on the balance outstanding. The note is scheduled to mature June 28, 2053.

State of Delaware

The City received funds in connection with its Wastewater Collection System Expansion project through financing agreements with the Delaware Water Pollution Control Revolving Fund. Funds received for the first part of the project were repaid in full during fiscal year June 30, 2017. Additional funds were received for the second part of the project under a separate financing agreement. The balance on this obligation as of June 30, 2019 is $645,868. Semi-annual payments of $32,852 include interest calculated at an annual rate of 2.0%. The note is scheduled to mature July 1, 2030.

The City has also received funds from the State of Delaware in connection with its Washington Street Water Treatment Facility Replacement Project. The funds were provided by the DE Drinking Water State Revolving Fund only as expenditures were incurred by the City and approved by the State. The total committed loan amount was $4 million. Interest only payments commenced September 1, 2012 and were due semi-annually at 1% per annum on the balance outstanding as the project progressed. The project was completed during fiscal year June 30, 2018 in the total amount of $3,832,876. In accordance with the agreement, upon completion of the project, thirty-five percent of the amounts advanced were forgiven, resulting in forgiveness of debt in the amount of $1,341,507 in fiscal year June 30, 2018. The remaining balance of $2,491,369 is being amortized over a twenty-year period from the original advance with interest at 1% per annum. The note is scheduled to mature September 1, 2033.

Note Payable – Kent County

In connection with previous sewer problems, Kent County was forced to construct a new sewer line, a significant portion of which runs through the City of Milford. The county issued bonds to cover the cost, and it was agreed that the City would pay for the portion of the line that runs through its jurisdiction. Under the agreement, the City is paying the County in quarterly installments of $12,735, which include interest at a rate of 2.25% per annum. The balance of the obligation as of June 30, 2019 is $1,147,329 and is scheduled to mature November 10, 2050.

Long-Term Debt outstanding at June 30, 2019 is summarized as follows:

	Interest Rate %	Issue Date	Maturity Date	Amount Outstanding Electric Fund	Sewer Fund	Water Fund	Total
General Obligation Bonds							
Series of 2016	2.0-2.55	12/6/2016	1/1/2037	$4,735,000	$2,770,000	$ -	$7,505,000
USDA	2.125	6/28/2013	6/28/2053	-	-	4,292,114	4,292,114
State of DE FAB#120.33	2.0	12/22/2009	7/1/2030	-	645,868	-	645,868
State of DE 2012A-SRF	1.0	3/15/2012	9/1/2033		2,414,189		2,414,189
Note Payable-Kent County	2.25	11/12/2012	11/10/2050	-	1,147,329	-	1,147,329
Total Long-Term Debt				$4,735,000	$6,977,386	$4,292,114	$16,004,500

Final Draft - for City review & approval

NOTE 10 - LONG-TERM DEBT OBLIGATIONS (CONTINUED):

The annual requirements to amortize all debt outstanding as of June 30, 2019 are as follows:

Year Ending June 30,	Principal	Interest	Total
2020	$ 734,459	$ 307,712	$ 1,042,171
2021	749,704	294,356	1,044,060
2022	765,046	280,531	1,045,577
2023	780,486	266,479	1,046,965
2024	687,012	170,208	857,220
2025-2029	4,175,026	1,048,723	5,223,749
2030-2034	3,721,036	659,941	4,380,977
2035-2039	1,796,536	364,117	2,160,653
2040-2044	953,573	231,130	1,184,703
2045-2049	1,061,610	122,794	1,184,404
2050-2054	580,012	18,041	598,053
Total	$16,004,500	$3,764,030	$19,768,530

NOTE 11 - COMMITMENTS AND CONTINGENCIES:

In the normal course of business, there are outstanding various commitments and contingent liabilities in addition to the normal encumbrances for the purchase of goods and services. The City does not anticipate losses as a result of these transactions.

Government Grant/Award Programs

The City participates in a number of federal and state assisted programs. These programs are subject to program compliance audits by the grantors or their representatives. Accordingly, the City's compliance with applicable program requirements will be established at some future date. The amount, if any, of expenditures, not already disclosed, which may be disallowed by the granting agencies cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

NOTE 12 - DEFERRED COMPENSATION PLAN:

The City has a deferred compensation plan under Internal Revenue Code (IRC) 457(b) which is available to substantially all City full-time employees. Participants may make salary deferral contributions from their base salaries to the Plan during a calendar year of up to 100% of their net compensation up to the allowable maximum under IRC 457(b)(2). The City will match 100% of the participant’s salary deferral contributions up to a maximum of 6% of the participant’s base salary. Total contributions to the Plan by the City for the year ended June 30, 2019 was $225,911.

Final Draft - for City review & approval

NOTE 13 - PENSION PLANS:

Defined Contribution Plan

The City has a defined contribution plan under IRC 401(a) which was available to substantially all City full-time employees through December 31, 2004. For plan years beginning January 1, 2005, the City no longer makes contributions to the plan, coinciding with the effective date it elected to participate in the State of Delaware's County and Municipal Pension Plans. All participants in the plan remain in the plan until they separate employment from the City and can continue to invest funds in their respective accounts. The plan is administered by VOYA Financial, and was last amended and restated January 25, 2016 in order to comply with applicable IRS rules and regulations.

State of Delaware's County and Municipal Pension Plans

Effective January 1, 2005, City Council elected, under provisions of the Delaware Code, to participate in the County and Municipal Police/Firefighter and the General Employees Retirement Funds. In connection with this election, the City agreed to fund prior service cost up to a maximum of fifteen (15) years for all eligible employees. Such funding was provided for from the City's reserves in its Water and Sewer Funds, as well as from assets of its existing retirement fund. Below is a description of each of these plans:

Police and Firefighters' Pension Plan
The City contributes to a governmental cost-sharing multiple-employer defined benefit pension plan administered by the Delaware Public Employees' Retirement System and managed by its Board of Pension Trustees (the Board). The plan, which is Delaware's County and Municipal Police and Firefighter Pension Plan, covers City sworn police officers. The State of Delaware General Assembly is responsible for setting benefits and amending plan provisions. The State Board of Pension Trustees determines the contributions required. The board is comprised of five members appointed by the Governor and confirmed by the State Senate, plus two ex officio members.

Service benefits under the plan include 2.5% of final average monthly compensation multiplied by years of credited service up to 20 years, plus 3.5% of final average monthly compensation multiplied by years of service in excess of 20 years. The final monthly compensation is the monthly average of the highest three years of compensation. There are also disability benefits as well as survivor benefits provided by the plan. An employee is vested upon 5 years of credited service.

Employer contributions to the plan are determined annually by the Board of Pension Trustees. The employer contribution policy is set by State law and required contributions by active members and by participating employers. The contributions required by participating employers are based on an actuarial valuation and are expressed as a percentage of annual covered payrolls during the period for which the amount is determined. The employer contribution rate in fiscal year 2019 was 10.14% of payroll. In addition, employees are required to contribute 7% of compensation.

Final Draft - for City review & approval

NOTE 13 - PENSION PLANS (CONTINUED):

Other Employees' Pension Plan

The City contributes to a governmental cost-sharing multiple-employer defined benefit pension plan administered by the Delaware Public Employees' Retirement System and managed by its Board of Pension Trustees (the Board). The plan, which is Delaware County and Municipal Other Employees Pension Plan, covers all full-time non-uniformed City employees as well as elected officials. The State of Delaware General Assembly is responsible for setting benefits and amending plan provisions. The State Board of Pension Trustees determines the contributions required. The board is comprised of five members appointed by the Governor and confirmed by the State Senate, plus two ex officio members.

Service benefits include 1/60th of final average monthly compensation multiplied by years of credited service, subject to maximum limitations. For this plan, the final average monthly compensation is the monthly average of the highest five years of compensation. There are also disability benefits as well as survivor benefits provided by the plan. An employee is vested upon 5 years of credited service.

Employer contributions to the plan are determined annually by the Board of Pension Trustees. The employer contribution policy is set by State law and required contributions by active members and by participating employers. The contributions required by participating employers are based on an actuarial valuation and are expressed as a percentage of annual covered payrolls during the period for which the amount is determined. The employer contribution rate in fiscal year 2019 was 6.76% of payroll. In addition, employees are required to contribute 3% of compensation in excess of $6,000.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

The components of the total net pension liability of the each plan as of the June 30, 2018 measurement date were as follows:

	Police & Firefighters	Other Employees
Total pension liability	$390,500,000	$56,269,000
Plan fiduciary net position	367,470,000	53,122,000
Employer net pension liability	$ 23,030,000	$ 3,147,000
Plan fiduciary net position as		
percentage of total pension liability	94.1%	94.4%
Proportionate share of net pension liability	$ 528,464	$ 316,616

Final Draft - for City review & approval

NOTE 13 - PENSION PLANS (CONTINUED):

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions (continued):

The net pension liability was measured as of June 30, 2018, and the total pension liability used to calculate the net pension liability was determined by rolling forward the System's total pension liability as of June 30, 2016 to June 30, 2018. The City's proportionate share of the net pension liability was calculated utilizing the employer's one-year reported covered payroll as it relates to the total one-year reported covered payroll. As of June 30, 2018 and 2017, the City's proportion for each plan is as follows:

	June 30, 2018	June 30, 2017	Increase (Decrease)
Police & Firefighters	2.2946%	2.3778%	(0.0832)
Other Employees	10.0609%	10.3161%	(0.2552)

For the year ended June 30, 2019, the City recognized pension expense for the plans as follows:

Police & Firefighters	$367,184
Other Employees	189,805
Total	$556,989

At June 30, 2019, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Police & Firefighters Deferred Outflows/Inflows		Other Employees Deferred Outflows/Inflows	
Difference between expected and actual experience	$455,061	$124,631	$152,296	$181,688
Change of assumptions	173,602	74,584	180,758	-0-
Net difference between projected and actual investment earnings	-0-	92,089	-0-	57,223
Changes in proportions	-0-	24,890	-0-	57,279
Contributions subsequent to the measurement date	269,023	-0-	306,606	-0-
Total	$897,686	$316,194	$639,660	$296,190

A total of $575,629 reported as deferred outflows of resources related to pensions resulting from the City's contributions subsequent to the measurement date were recognized as a reduction of the net pension liability in the year ended June 30, 2019. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense over five years.

Final Draft - for City review & approval

NOTE 13 - PENSION PLANS (CONTINUED)

Actuarial Assumptions

The total pension liability was determined by an actuarial valuation as of June 30, 2017, and update procedures were used to roll forward the total pension liability to June 30, 2018. The following actuarial assumptions were used and applied to all periods included in the measurement:

- Investment return – 7.0%, includes inflation at 2.50%
- Salary increases – Effective average of 2.50%, which reflects an allowance for inflation of 2.50%, plus merit.

The change in the discount rate assumption to 7.0% from 7.2% was due to an adoption by the Board of Trustees in Fiscal Year 2017. Mortality rates were based on the RP-2014 tables with gender adjustments for healthy annuitants and disabled retirees and an adjusted version on MP-2015 mortality improvement scale on a fully generational basis.

The total pension liabilities are measured based on assumptions pertaining to interest rates, inflation rates and employee demographics in future years. It is likely that future experience will not exactly conform to these assumptions. To the extent that actual experience deviates from these assumptions, the emerging liabilities may be higher or lower than anticipated. The more the experience deviates the larger the impact on the future financial statements.

Investments

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by an asset allocation percentage which is based on the nature and mix of current and expected plan investments, and by adding expected inflation.

Best estimates of geometric real rates of return for each major asset class as of June 30, 2018 are summarized in the following table:

Asset Class	Asset Allocation	Long-Term Expected Real Rate of Return
Domestic Equity	30.7%	5.7%
International Equity	13.9%	5.7%
Fixed Income	23.3%	2.0%
Non-Traditional Investments	24.4%	7.8%
Cash & Equivalents	7.7%	0.0%

Final Draft - for City review & approval

NOTE 13 - PENSION PLANS (CONTINUED):

Discount Rate

The discount rate used to measure the total pension liability was 7.0%. The projection of cash flows used to determine the discount rate assumed that contributions from plan members will be made at the current contribution rate and that contributions from employers will be made at rates determined by the Board of Pension Trustees, actuarially determined. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the City's Proportionate Share of the Net Pension Liability

The following presents the City's net pension liability, calculated using the discount rate of 7.0%, as well as what the net pension liability would be if it were calculated using a discount rate that is 1-percentage lower (6.0%) or 1-percentage higher (8.0%) than the current rate:

	1% Decrease 6.0%	Current Discount Rate 7.0%	1% Increase 8.0%
County and Municipal P&F	$84,424,000	$23,030,000	($26,664,000)
County and Municipal Other	$11,893,000	$3,147,000	($3,917,000)

Pension Plan Fiduciary Net Position

Detailed information about DPERS' fiduciary net position is available in DPERS Comprehensive Annual Financial Report which can be found on the System's website at https://open.omb.delaware.gov.

Final Draft - for City review & approval

CITY OF MILFORD, DE
BUDGETARY COMPARISON SCHEDULE
GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2019

	Budgeted Amounts		Actual Amounts, Budgetary Basis	Variance with Final Budget - Positive (Negative)
	Original	Final		
REVENUES				
Property Taxes	$ 3,927,716	$ 3,927,716	$ 4,005,414	$ 77,698
Fees and Fines	110,000	110,000	187,669	77,669
Licenses and Permits	326,000	336,000	495,291	159,291
Sale of Business Park Land	-	-	-	-
Intergovernmental	323,485	323,485	40,130	(283,355)
Investment Earnings	30,000	30,000	131,382	101,382
Miscellaneous	375,065	390,065	721,401	331,336
Total Revenues	5,092,266	5,117,266	5,581,287	464,021
EXPENDITURES				
Current:				
General Government	1,604,538	1,664,749	1,592,854	71,895
Public Safety	4,741,608	5,251,249	5,087,380	163,869
Public Works	838,505	838,505	719,161	119,344
Culture and Recreation	987,615	986,615	916,541	70,074
Debt Service:				
Principal	-	-	-	-
Interest and Other Charges	-	-	-	-
Capital Outlay	545,500	743,199	672,762	70,437
Total Expenditures	8,717,766	9,484,317	8,988,698	495,619
Deficiency of Revenues Over Expenditures	(3,625,500)	(4,367,051)	(3,407,411)	959,640
OTHER FINANCING SOURCES				
Real Estate Transfer Tax (from Special Revenue Fund)	500,000	500,000	500,000	-
Transfers In From Electric Fund	2,500,000	2,500,000	2,500,000	-
Other Transfers In/Out	-	312,641	307,680	(4,961)
Net Change in Fund Balance	(625,500)	(1,054,410)	(99,731)	954,679
DEFICIENCY FUNDED BY				
General Fund Prior Balance and Reserves	625,500	1,054,410	99,731	(954,679)
Net Revenues, Other Financing Sources, Prior Fund Balances and Expenditures	$ -	$ -	$ -	$ -

See accompanying notes to required supplementary information.

Final Draft - for City review & approval

CITY OF MILFORD, DELAWARE
SCHEDULE OF PROPORTIONATE SHARE OF THE NET PENSION LIABILITY
FOR THE LAST FOUR FISCAL YEARS

	2019	2018	2017	2016
County & Municipal Police and Firefighters' Pension Plan				
Proportion of the net pension liability (asset)	2.2946%	2.3779%	2.3824%	2.4964%
Proporationate share of the net pension liability (asset)	$ 528,464	$ 239,714	$ 378,701	$ (131,558)
Covered-employee payroll	$ 2,147,178	$ 1,905,658	$ 1,944,111	$ 1,735,698
Proportionate share of the net pension liability as a percentage of covered-employee payroll	24.6%	12.6%	19.5%	-7.6%
Plan's fiduciary net position	$ 367,470,000	$ 325,867,000	$ 284,298,000	$ 273,109,000
Plan fiduciary net positon as a percentage of the total pension liability (asset)	94.1%	97.0%	94.7%	-102.0%
County & Municipal Other Employees' Pension Plan				
Proportion of the net pension liability (asset)	10.0612%	10.3165%	10.8530%	12.1628%
Proporationate share of the net pension liability (asset)	$ 316,616	$ 668,405	$ 672,454	$ 5,230
Covered-employee payroll	$ 4,205,852	$ 3,476,349	$ 3,628,008	$ 3,630,778
Proportionate share of the net pension liability as a percentage of covered-employee payroll	7.5%	19.2%	18.5%	0.1%
Plan's fiduciary net position	$ 53,122,000	$ 45,874,000	$ 39,292,000	$ 37,840,000
Plan fiduciary net positon as a percentage of the total pension liability	94.4%	87.6%	86.4%	99.9%

See accompanying notes to required supplementary information.

Final Draft - for City review & approval

CITY OF MILFORD, DELAWARE
SCHEDULE OF EMPLOYER CONTRIBUTIONS - PENSION PLAN
FOR THE LAST FOUR FISCAL YEARS

	2019	2018	2017	2016
County & Municipal Police and Firefighters' Pension Plan				
Contractually required contribution	$ 217,625	$ 269,023	$ 240,395	$ 251,302
Contributions in relation to the contractually determined contribution	217,625	269,023	240,395	251,302
Contribution (excess) deficiency	$ -0-	$ -0-	$ -0-	$ -0-
Covered-employee payroll	$ 2,147,178	$ 1,905,658	$ 1,944,111	$ 1,735,698
Contributions as a percentage of covered-employee payroll	10.14%	14.12%	12.37%	14.48%
County & Municipal Other Employees' Pension Plan				
Contractually required contribution	$ 284,307	$ 259,355	$ 225,472	$ 235,458
Contributions in relation to the contractually determined contribution	284,307	259,355	225,472	235,458
Contribution (excess) deficiency	$ -0-	$ -0-	$ -0-	$ -0-
Covered-employee payroll	$ 4,205,852	$ 3,476,349	$ 3,628,008	$ 3,630,778
Contributions as a percentage of covered-employee payroll	6.76%	7.46%	6.21%	6.49%

See accompanying notes to required supplementary information.

Final Draft - for City review & approval

NOTE 1 - GENERAL

Required supplementary information includes financial information and disclosures that are required by the Governmental Accounting Standards Board but are not considered part of the basic financial statements.

NOTE 2 - BUDGETARY BASIS

The budgetary comparison schedule is prepared on a basis that is consistent with generally accepted accounting principles (GAAP).

NOTE 3 - PENSION PLANS

The following notes pertain to both the County and Municipal Police and Firefighters Pension Plan and the County and Municipal Other Employees' Pension Plan.

Changes in Benefit Terms

None

Changes in Assumptions

The changes in assumptions used to determine total pension liability are described in Note 13 to the financial statements.

Method and Assumptions used in calculations of actuarially determined contributions

The actuarially determined contribution rates in the Schedule of Employers' Contributions are calculated as of the June 30 two years prior to the end of the fiscal year in which the contributions are reported. Complete descriptions of the methods and assumptions used to determine the contribution rates for Fiscal Year 2017 can be found in the June 30, 2015 actuarial valuation reports. The following actuarial methods and assumptions were used to determine contribution rates reported in that schedule:

- Actuarial Cost Method – Entry Age Normal
- Amortization Method – Open 10 Year Level Percent of Payroll
- Remaining Amortization Period – 10 Years
- Asset Valuation Method - 5 Year Smoothed Market
- Actuarial Assumptions
  - Discount Rate – 7.0%
  - Amortization Growth Rate 3.0%
  - Price Inflation – 3.0%

10-year Reporting Requirements

The preceding required supplementary schedules, as related to pensions, are intended to show information for 10 years. Additional years will be displayed as they become available.

Final Draft - for City review & approval

GOLD GERSTEIN GROUP LLC
Certified Public Accountants and Consultants

Staffordshire Professional Center
Building D
Voorhees, NJ 08043

856.770.1400
856.770.0408 fax
www.g3cpa.com

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Mayor and City Council
City of Milford
Milford, Delaware

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Milford, Delaware, as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the City of Milford, Delaware's basic financial statements and have issued our report thereon dated December 2, 2019.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City of Milford, Delaware's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of, but not for the purpose of expressing an opinion on the effectiveness of the City of Milford, Delaware's internal control. Accordingly, we do not express an opinion on the effectiveness of the City of Milford, Delaware's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Final Draft - for City review & approval

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City of Milford, Delaware's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Voorhees, New Jersey
December 2, 2019

Chamber of Commerce for Greater Milford, Inc.

24 NE Front St. ~Suite 101
Milford, DE 19963
Phone: 302-422-3344
Fax: 302-422-7503
www.milfordchamber.com

October 4, 2019

Milford City Council
201 S. Walnut Street
Milford DE 19963

Dear Council Members:

The Chamber of Commerce for Greater Milford is excited to host the 20th Anniversary Riverwalk "Freedom" Festival scheduled for Saturday, September 19, 2020. As we did in the past, we will hold the event all on one day, with the vendor and children's activities beginning at 9 am on Saturday, ending with fireworks after dark that evening. The enclosed area in Bi Centennial Park known as the Red, White and Brew Garden continues to be a hit. We are trying to plan something special for the anniversary in 2020 and we request your permission to host the Brew Garden in Bicentennial Park in advance, so that we can begin soliciting sponsorships and advertising once your permission is granted.

We will use the same layout that worked so well for the last three (3) years. We will have a fenced in area in a small section of the park with a view of the stage. We will be checking identifications and hand stamping those twenty-one (21) years old or older. This will allow them to purchase alcoholic beverages during the festival in the designated area only. As the Delaware Alcoholic Beverage Control regulations permit, the designated area will be family friendly, so all ages will be permitted to enter the area. We will have the entrance/exit clearly marked with eyelevel signage that no alcoholic beverages are permitted beyond the designated area. We will have crowd monitors to assure no one will leave the area with alcohol. We will have a portable restroom in the enclosed area, as well as multiple trash bins. We plan to have cornhole and food vendor(s) in the area as well. We will provide several open tents to provide shade, cover and in the evening the area will be well lit. All Delaware Alcoholic Beverage Control regulations regarding alcohol service, including obtaining a "Gathering License" will be observed and adhered to.

The Brew Garden would open at 12 noon on Saturday, September 19th and will close at 10:30 pm. All alcoholic beverage sales will end promptly at 10:00 pm. In the event of extreme severe weather such as hurricane, tropical storm, or nor'easter the entire festival reschedule date will be September 20, 2020, including but not limited to just the brew garden. We are requesting your approval to waive the restrictions against alcohol in the park from 11 am until 11 pm on this date (or the rain date).

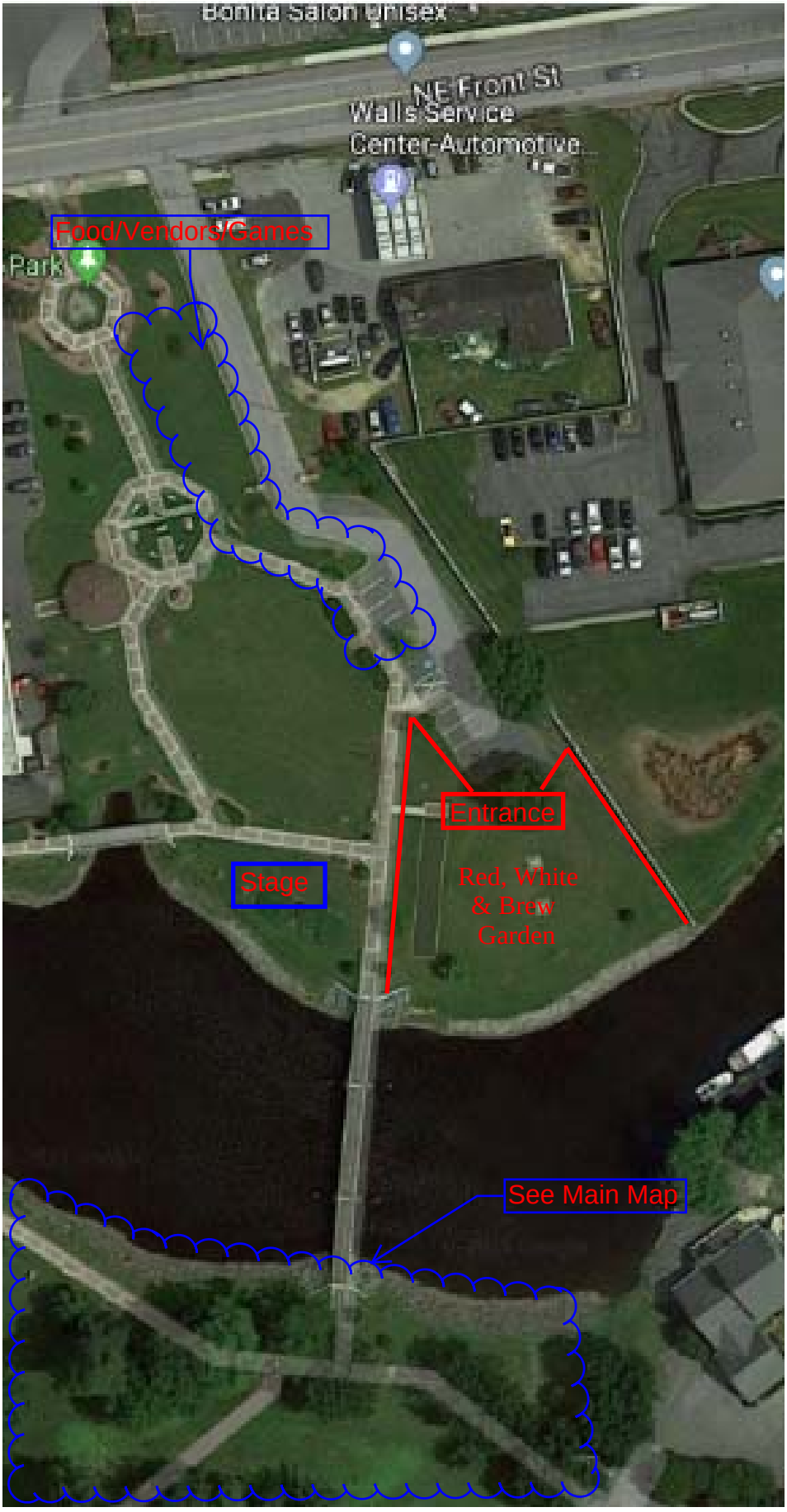
If you have any questions, please contact me at 302-588-3573 or by email at angeladorey@comcast.net.
Thank you in advance for your consideration in this matter.

Sincerely,

Angela Dorey

Angela Dorey
Riverwalk Freedom Festival Chairperson
Chamber of Commerce of Greater Milford

Map 2



Red, White & Brew Garden

-Open 12:00 noon until 10:30 pm
-Alcohol sales from 12:00 noon until 10:00 pm
-Area enclosed with temporary fencing
-ID's checked at entrance; ages 21 and over will receive hand stamp; open to all ages

PENDING REVIEW BY CITY STAFF. AWAITING COUNCIL APPROVAL FOR ALCOHOL WAIVER

CITY OF MILFORD
SPECIAL EVENTS PERMIT APPLICATION

EVENT INFORMATION

Event Name: Riverwalk "Freedom" Festival - 20th Anniversay Event

Address: Downtown, Milford, BiCentennial & Memorial Park

Date/Time:

Setup	Day:	Thurs. + Fri.	Date	9-17-9-18-20	Time	9 am
Event Starts	Day:	Saturday	Date	9-19-20	Time	9 am
Event Ends	Day:	Saturday	Date	9-19-20	Time	10 pm
Dismantle	Day:	Saturday	Date	9-19-9-20-20	Time	10pm to next day

*Rain date?

Event Type: (see DEFINITIONS)

- ☐ Athletic Event
- ☐ Carnival / Circus
- ☐ Exhibition
- ☐ Fair
- ☐ Farmer's Market
- ☒ Festival
- ☐ Parade/March
- ☐ Street Market
- ☐ Street Fair/Block Party/Neighborhood Event

Anticipated Attendance: Daily: 5,000 Total: 5,000

■Yes ■No Is this an annual event?

■Yes ■No Has this event ever been held at another location? If yes, please provide references:

Location	Date	Contact Name	Phone Number

APPLICANT INFORMATION

Organization Name: Chamber of Commerce For Greater Milford

Chief Authorizing Official, if not you: Jo Schmeiser and Angela Dorey

Address: 24 N.W. Front St.

City: Milford State: DE Zip Code: 19963

Phone: (302) 422-3344 Cell: 302-242-2459 + 302-588-3573

Email: angeladorey@comcast.net

The **Applicant** must be able to answer questions regarding the entire event and event application. He/She must be available for any planning meetings scheduled prior the event.

ON SCENE CONTACTS

Name of On Scene Contact(s): Angela Dorey

Cell: 302-588-3573

The **On Scene Contact** is the individual in charge of the event and must be available via the phone number provided above at the event site during the setup, event times, dismantling and be in possession of the approved special event permit.

EVENT COMPONENTS

If the event includes <u>any</u> of the following, a detailed site plan must be submitted (see site plan instructions).

(Yes) No **Right of Way Usage**
Will the event require any temporary closures <u>or restrict access</u> to streets, sidewalks, or alleys?
If yes, Attachment E and Attachment F must be completed and submitted with this application.

(Yes) No **City Park/Facility Usage**
Will the event require the use of City-owned ■ park/property or ■ facility?

(Yes) No **Mobile Food Vendors/Concessions/Vendors**
Will the event have mobile food vendors, a concession stand(s) or vendors?
If yes, Attachment G must be completed and submitted with this application.

(Yes) No **Alcohol/Wine/Liquor**
If yes, Attachment H must be completed and submitted with this application.

(Yes) No **Inflatables**
If yes, the following must be completed: TBD

Entertainment Company _____ Phone _____
Address _____ City _____
Contact _____
Proof of Insurance is required.

(Yes) No **Entertainment**
Is there is live entertainment, DJ, band, performers, or use of a stage?
If yes, Attachment I and Attachment F must be completed and submitted with this application.

(Yes) No **Tents/Membrane Structures**
If yes, tents, multiple tents or membrane structures over 350 square feet require approval from the State Fire Marshal and City Planning Department.

Yes (No) **Parade/March**
If yes, Attachment E and Attachment J must be completed and submitted with this application.

(Yes) No **Temporary Fencing**
If yes, all fencing must be shown on the Site Plan and complete the following information:

Fencing Company Park and Rec. Phone _____
Address _____ City _____
Contact Brad Dennehy

(Yes) No **Electrical Service/Generators**
Will you be using generators? ■Yes ■No
Are you in need of access to the community power outlets available in the downtown business district? ■Yes ■No
In order to ensure adequate electric, please explain what the electric service be used for?
Walnut Street vendors. Bicentennial Stage, music, & lighting, food vendors.

EVENT COMPONENTS-CONT'D

●Yes ●No **Carnival Rides**

If yes, a Permit must be obtained from the State Fire Marshal's Office and the following must be completed:

Number of Rides _____

Amusement Company _____ Phone _____

Address _____ City _____

Contact _____

Proof of Insurance is required.

●Yes ●No **Trash/Recycling Services**

Do you have a company handling trash and recycling services for your event?

Vendor/Company Parks and Rec. of Milford Phone 302-242-2816

Address _____ City Milford

Contact Brad Dennehy

If no, are you requesting the City of Milford provide trash/recycling services for your event.

■Yes ■No

●Yes ●No **Portable Restrooms**

You are required to provide portable restrooms at your event, unless you can substantiate the sufficient availability of both ADA accessible and non-accessible facilities in the immediate area of the event site, which will be available to the public during your event. It is recommended that hand-sanitizing services be provided. Number of restrooms will be determined based on the number of persons expected under an assembly use. Please note restrooms may not be dumped into storm drains.

Number of portable restrooms 8 Of those, how many are ADA accessible 2

Company Parks and Rec. Phone 302-242-2816

Address _____ City Milford

Contact Brad Dennehy

●Yes ●No **Fireworks or Pyrotechnics**

If yes, applicant must contact the State Fire Marshal's Office for any and all approval regarding pyrotechnics or fireworks and a permit must be issued prior to the event start date. An inspection must be scheduled with the Fire Department prior to pyrotechnics being brought on the site.

NOTE: Fireworks companies are aware that a separate, special application must be filed with the State Fire Marshal's Office for fireworks or other pyrotechnic displays and a special permit will be issued.

Applicant/organizer shall be responsible for the cost of fire inspections and the cost of all standby fire protection as deemed necessary.

Approval of this Special Event Application shall not be deemed approval of any fireworks or pyrotechnic display.

●Yes ●No Is the Applicant/Organization a commercial entity?

●Yes ●No Is the Applicant/Organization a bona fide tax exempt, non-profit entity? If yes, you must attach to this application a copy of your IRS 501(C) tax exemption letter providing proof and certifying your current tax exempt, non-profit status.

Corporation/Organization Name Chamber of Commerce of Greater Milford

State of Incorporation Delaware Tax ID# 51-0319055

APPLICATION CHECKLIST

Before submitting your application, make sure you review the following checklist to ensure your application is complete.

Completed	N/A	
☒		Attachment A –Security Plan (REQUIRED OF ALL APPLICANTS)
☒		Attachment B –Fire and Life Safety Plan (REQUIRED OF ALL APPLICANTS)
☒		Attachment C –Medical Plan (REQUIRED OF ALL APPLICANTS)
☒		Attachment D –Sanitation (REQUIRED OF ALL APPLICANTS)
☒	☐	Attachment E –Streets / Traffic
☒	☐	Attachment F –Temporary Street Closure
☒	☐	Attachment G –Concessionaires / Vendors
☒	☐	Attachment H –Liquor License
☒	☐	Attachment I –Entertainment
☐	☒	Attachment J –Parade

Additional Requirements:

In addition to completing the application form(s), the applicant/organizer is required to furnish the following with their special event permit application:

☒ **General Liability Insurance Listing the City of Milford as an Additional Insured:**
Evidence of General Liability Insurance Coverage in an amount not less than one million dollars ($1,000,000) combined single limit bodily injury and property damage for each occurrence.

To be issued @ later date.

"The City of Milford, together with it selected and appointed officials in their individual and official capacities, it's employees, volunteers, principals, agents, officers, directors, predecessors, successors and assigns are named as additional insured with respect to liability arising out of (name of event) to be held on (dates) of the event."

Additional endorsements that may be required:

A. If food is sold or served at the event, the insurance policy must include an endorsement for product liability in an amount not less than one million dollars ($1,000,000).

B. If alcoholic beverages are served at the event, the policy must include an endorsement for liquor liability in an amount not less than one million dollars ($1,000,000).

C. If the event involves the use of vehicles, the policy must also include an endorsement for automobile liability in an amount not less than one million dollars ($1,000,000).

■ Applicant hereby requests waiver of insurance under the prohibitive cost exemption (Block Party/Neighborhood Event ONLY) or under the Freedom of Speech Exemption.

Please provide explanation: _____

_____

_____

_____

■ **Clarification of Applicant's Status:**
Applicants/Organizations claiming tax-exempt, non-profit status must include a copy of their IRS tax exempt, non-profit determination letter to the application.

APPLICATION CHECKLIST-CONT'D

- **Site Plan:** last year copy attached. (only minor adjustments to be made)
  Please complete a diagram of your event site. Use an 8½ x 11 inch sheet of paper. Include the location of all event infrastructure elements, such as:

☑ An outline of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. If the event involves a moving route of any kind, indicate the direction of travel and all street or lane closures.

☑ Parking, accessible parking, drop-off and shuttle locations.

☑ Fencing, barriers and/or barricades. Indicate any removable fencing for emergency access.

☑ Provision of minimum twenty foot (20') emergency access lanes on public/private streets throughout the event venue.

☑ First aid facilities and ambulances.

☑ All stages, platforms, entertainment areas, scaffolding, bleachers, grandstands, canopies, tents, inflatables, mechanical rides, games, animals, demonstrations, children areas, portable toilets, booths, beer gardens, cooking areas, trash containers and dumpsters, and other temporary structures.

☑ Food concessions and cooking area including booth identification of all vendors cooking with flammable gases or barbecue grills.

☑ Generator locations and/or source of electricity.

☑ Parking areas for vehicles and/or trailers.

☑ Exit locations for outdoor events that are fenced and/or locations within tents and tent structures.

☑ Identification of all event components that meet accessibility standards.

☑ Other operational event components not listed above.

If your event starts/ends at one or more locations and uses streets/trails elsewhere in Milford (for example, a 5K run/walk that starts in downtown and uses City streets), please submit a site plan that shows the start location, direction of pedestrian flow, and end location. Please include a written course description as well.

APPLICANT AGREEMENT / IDEMNIFICATION AGREEMENT

☒ Yes 1. Applicant agrees, upon request, to submit a security plan setting forth the proposed security measures to be taken to protect the health, safety and welfare of the participant, spectators, bystanders and passersby. This plan may be reviewed by the Police Department who may accept, reject, alter or impose conditions upon the security plan. Security measures may include, but are not limited to, the hiring of private security or Milford Police officers at the applicant's expense. Milford Police Department has the sole discretion regarding approval of private security firms/organizations.

☒ Yes 2. Applicant agrees, upon request, to pay a refundable "Deposit," at least ten (10) days prior to the event as a condition of the issuance of the Special Event Permit. Applicant also agrees to pay cleanup costs, repair of damage to City property, installation and/or removal of no parking signs or barricades, unanticipated incurred personnel expenses, etc, in excess of the deposit, incurred by the City. Such cost shall be deducted from the Deposit. If there is no Deposit or if the amount of the Deposit is insufficient to cover the costs, the Applicant/ Organizer will be billed for such costs. Your deposit will be returned if the area used for the event has been cleaned and restored to the same condition as existed prior to the event. The deposit requirement may be waived if City Administration deems that such a deposit is not necessary.

☒ Yes 3. Applicant agrees, upon request, to notify all residents and businesses that will be affected by a street closure and/or amplified sound. If the event/closure will affect access to more than one business, the applicant agrees to notify the Chamber of Commerce for Greater Milford and Downtown Milford, Inc (for events in downtown).

☒ Yes 4. Applicant agrees, upon request, to ensure warning signs and barricades are provided and situated in such position that the road closure may be maintained in a safe and orderly manner. Such information can be found in the Manual on Uniform Traffic Control Devices.

Applicant agrees to submit, upon request of the City of Milford, any additional information required to evaluate this application and permit. Applicant certifies that all information contained herein and any other information submitted in support of this application and permit is true and correct to the best of their knowledge.

Applicant agrees that any false statement or material misrepresentation made in support of this application and permit is cause for denial of issuance of a Special Event Permit. Applicant also agrees that failure to adhere to the policies, procedures and ordinances established by the City of Milford or any conditions or restrictions imposed upon the permit by the Milford Police Department or any other City Department is cause for revocation of the Special Event Permit. Applicant further agrees the permit may be revoked at any time by any supervisor of the Milford Police Department, the Parks & Recreation Director, the Public Works Director or the City Manager (or designee).

Applicant agrees to protect, defend, indemnify and hold the City of Milford, its elected and appointed officials in their individual and official capacities, it's employees, volunteers, principals, agents, officers, directors, predecessors, successors and assigns (collectively, "City") harmless from any and all losses, damages, claims for damages, liability, suits, judgments, expense or cost arising from any injury or death to any person or damage to any property including all reasonable costs for investigation and defense thereof (including, but not limited to, attorney fees, court costs and expert fees) of any nature whatsoever arising out of or attributed to issuance of the Special Event Permit herein identified or the authorization thereof regardless of where the injury, death, or damage may occur, unless such injury, death or damage is caused by the sole negligence or willful misconduct of the City.

Signature of Applicant	Jo Schmeiser	9-25-19
	Printed Name	Date

SECURITY PLAN

As the event applicant or organizer, you are required to provide a safe and secure environment for the event. This is accomplished through sound pre-planning by anticipating potential problems and concerns related to the event and the surrounding environment and by being prepared to react during the event to any unanticipated problems. The size, type, time of day and location of your event are all items that must be analyzed in depth and addressed in your security plan. The event may require the services of Milford Police Officers, Crossing Guards and or Public Works employees. Applicant/Organizer may also need the services of a Private Security provider for this event. Private Security must be properly licensed and bonded in the State of Delaware and must be approved by the Milford Police Department.

Since most events occur during warmer weather, the applicant/organizer must also have an emergency plan for crowd safety or event cancellation during severe weather conditions.

Crowd managers (event staff) must be provided for facilities or events where more than 1,000 persons congregate. The minimum number of crowd managers shall be established at a ratio of one crowd manager to every 250 persons.

(●) Yes ( ) No Do you have an adequate number of crowd managers? How many? 20-30

(●) Yes ( ) No Will your event be requesting off-duty Milford police officers?

Number of off-duty officers requested: 2

*Additional certified flaggers required at street closures.

( ) Yes (●) No Have you hired a licensed professional security company to develop and manage your event's security plan?

If yes, you are required to provide a copy of the security company's valid License issued by the State of Delaware.

Name of Security Organization: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell: _____

Email: _____

GENERAL REQUIREMENTS

☒ Yes — An approved, available method of notifying public safety agencies in the event of an emergency shall be provided prior to the start of any outdoor special event. On-site phones, or cellular phones, may fulfill this requirement. In Milford, the emergency number is 911.

☒ Yes — Fire apparatus access shall be maintained throughout all areas of the event. Consideration shall be given to various event functions and Fire Department access to structures within the event area. Minimum fire department access dimensions are 24 feet wide, 14 feet high, with an outside turn radius of 55 feet and an inside turn radius of 35 feet.

☒ Yes — All temporary electrical wiring shall be in accordance with the National Electric Code. Wire feeds and drops shall be run above pedestrian walks, buried, or so located as to not create a trip hazard. All trailer mounted generators must be grounded and have a 40BC fire extinguisher near each unit.

☐ Yes ☒ N/A — Fueling or defueling vehicles, generators, or equipment is prohibited during event hours unless approved prior to the event.

PUBLIC ASSEMBLY PERMIT

All public assemblies of more than 49 people in buildings or areas that are not regularly classified for use as public assembly sites must be reviewed and approved by the State Fire Marshal's Office for compliance with the fire code. Examples include barricaded streets and other defined venues, fenced beer gardens, concerts, tent events, trade shows, or use of a warehouse or other building not classified for public assembly for a special event venue. As part of the permit requirements, onsite stand-by and inspection services may be required due to the size, complexity and/or unique safety issues regarding the activities associated with the proposed event.

TENT PERMIT

XX Yes ☒ N/A — A floor plan shall be approved for interior setup of all tents. Location of chairs, tables, stages, aisles, exits, fire extinguishers, etc. shall be shown on the plan. Tents, multiple tents or membrane structures over 350 square feet require approval from the State Fire Marshal's Office and City Planning Department. Site inspection is required. Minimum separation from any property line, building line, other tent, canopy or other temporary membrane structure shall be 20 feet.

*5 20'x20' tents (400 sq ft ea) shown on plan.

SPECIAL REQUIREMENTS

1. Amusement rides and buildings used for "haunted houses," "fun houses," or other special amusements require approval from the State Fire Marshal's Office and City Planning Department.

MEDICAL PLAN

Large capacity events (over 1,000 attendees) have the potential of quickly overwhelming emergency response (fire, ambulance) agencies that are not staffed for these emergencies. Calling '911' when an injury occurs is normal. Expecting emergency responders to handle an incident with multiple injured people can rapidly and unexpectedly exceed the capability of those services. The applicant/organizer must provide an approved emergency medical service on site during an event, as follows:

Emergency Medical Services Resource Matrix				
Event Type	**Crowd Size**	**On-site access to 911 and CPR**	**On-site basic first aid station**	**On-site Basic Life Support ambulance**
Concert, musical festival, block party, street fair	Less than 2,500	Required	Required	Optional
	2,501-15,000	Required	Required	Required
Athletic/sporting event	Less than 2,500	Required	Required	Optional
	2,501-15,000	Required	Required	Required
Parade	Less than 2,500	Required	Required	Optional
	2,501-15,000	Required	Required	Required

☒ Yes ○ No Based on the size and nature of your event, have you secured an Ambulance service to be onsite for the entire duration of the event?
Service Name: Sussex County Ems

☒ Yes ○ No Has applicant/organizer hired a professional emergency medical services provider to develop and manage the event's medical plan?

If yes, please complete the following:

Medical Service Provider: Sussex County Emergency Medical Services
Address: P.O. Box 589
City: Georgetown State: DE Zip Code: 19947
Phone: 302-854-5050 Cell:
Email: gmarshall@sussexcountyde.gov

SANITATION AND CLEAN UP

Who will return the event location/route and surrounding areas to pre-event condition? 20+ Volunteers and Parks & Recreation of Milford.

How will the event location/route and surrounding areas be cleaned up? Brad Dennehy

Business name of company responsible for cleanup: _____

State of Delaware License Number: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell: _____

Email: _____

Event location and adjacent areas must be returned to "pre-event" conditions.
Refer to the section regarding "Deposit" on Page 10 for further explanation.

STREETS / TRAFFIC

Is your event going to temporarily close or obstruct, delay or interfere with the normal flow of vehicular or pedestrian traffic to any of the following?

XClose	Obstruct	No	Streets
XClose	Obstruct	XNo	Sidewalks
Close	Obstruct	No	Parking lots
Close	Obstruct	XNo	Other facilities such as parks, schools, churches, or vacant lots

If a street will be closed, the applicant/organizer must notify residences and businesses affected by the event. If more than one business is affected, it is also necessary to notify the Chamber of Commerce for Greater Milford and Downtown Milford, Inc (for events downtown). See Attachment F for notification letter.

If this event requires street closure(s), please include on the Site Plan the location of barricades and traffic control personnel. You will be required to obtain traffic safety equipment for the safe closure of the venue and to ensure proper detour and parking information is posted. Depending upon the type of event, you may need barricades, traffic cones, directional signage, etc. It is the responsibility of the applicant/organizer to obtain and to properly place this equipment prior to the beginning of the event. The Police Department will assist you with your traffic plan, if needed.

XYes No Are you seeking use of any City owned traffic safety equipment (i.e. barricades, safety cones, etc.)?
If yes, please explain the type equipment and number requested. The City will drop off but not set up requested equipment.

Type of Equipment: Type 3 Street baracades Number Requested: 12
Type of Equipment: orange cones Number Requested: 12
Type of Equipment: Detour Signs Number Requested: 5

If a street closing is approved, the applicant/organizer is responsible to ensure emergency vehicles may still access buildings in the area as necessary.

All traffic and pedestrian control devices on all streets and highways open to public travel in Delaware must conform to the Delaware Department of Transportation, Manual on Uniform Traffic Control Devices, part 6.

Yes XNo Will the event involve the use of a parking and/or shuttle plan?
If yes, attach a copy of the plan including anticipated parking spaces needed, path of shuttle and location of directional signage for guests.

XYes No Are you seeking to restrict parking before, during or after the event?

If yes, explain: Park Place parking lot to be closed on 9/19/20 starting @ 5am. Fur Baby parking lot from N.E. Front St entrance to close 9-18 @ 5am will not reopen til 9-19-20 @ 11pm

*Park Ave Parking Lot re-open time?
*S Washington St Parking Lot closure and re-open times?

ATTACHMENT F
TEMPORARY STREET CLOSURE OR AMPLIFIED SOUND

NOTICE OF TEMPORARY STREET CLOSURE OR AMPLIFIED SOUND

(You may mail or hand deliver this completed document to surrounding properties to notify them of a proposed street closure or amplified sound; it may be reproduced as needed.)

Notice to Occupant:

The City of Milford requires that all affected residents and/or businesses adjacent to a proposed street closure or amplified sound be notified of such.

☑ A temporary street closure has been requested adjacent to your property on the following dates and times.
☑ Amplified sound has been requested adjacent to your property on the following dates and times.

Date(s): 9-19-20

Time(s): 9 am to 10 pm

The purpose of the proposed street closure or amplified sound is the (Name of Event): Riverwalk "Freedom" Festival

Applicant/Organization: Chamber of Commerce for Greater Milford

Name of Contact Person: Jo Schmeiser or Laurie Judd

Means of Contacting via Address/ Phone/ Email: 302-422-3344 milford@milfordchamber.com

*Separate notifications required for amplified sound, Park Ave parking lot closure, S Washington St parking lot closure, NE Front St parking lot closure, and street closures.

CONCESSIONS/VENDORS

☒ Yes ○ No Will items or services be sold at your event?

☒ Yes ○ No Will food or beverages be provided, distributed or sold at the event?
If yes, applicant/organizer must contact the State of Delaware Division of Public Health for a permit at (302) 744-4556. Copies of Health Department inspection forms may be requested by the City of Milford prior to the event.

Event Organizers that will have vendors at the special event are required to submit a list of all vendors to the City Clerk's Office (below). Changes to this list may be made up to a week before the event and must be in writing. Vendors not included on the list submitted will not be permitted to operate at the Special Event. Please note Mobile Food Trucks will not be permitted to park near storm drains.

To be determined @ a later date, closer to event.

Vendors Working Event:

#	Name of Business	Owner(s) Name(s)	Phone
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

○ Yes ☒ No Will the event be professionally catered?

If your event is being catered, please provide the following information:

Name of Licensed Caterer: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ Cell: _____
Email: _____

☒ Yes ○ No Will there be animals present (i.e. petting zoo, circus, pony rides, dogs, other)?
If yes, please specify the type and number of each animal.
Animal? Pony rides How many? 2-5
Animal? petting zoo, Alpacas, goats, Sheep How many? 2 of each
Animal? rabbits and a turtle. How many? "
Add additional pages to list addition animals, if necessary.

The Milford Code, Chapter 78 regulates animals within the City limits.
Applicant/Organizer must comply with all provisions.

As the event applicant/organizer, you are required to comply with all City, County, State and Federal Disability Access Requirements applicable to the event.

ATTACHMENT H
LIQUOR LICENSE

ALCOHOLIC BEVERAGES

If your event is providing, distributing, selling, or dispensing alcoholic beverages, it may require a temporary alcohol permit, and if so you will need to submit an application for a permit to the Delaware Office of Alcoholic Beverage Control Commissioner which can be reached at (302) 577-5222. Applications are available at: http://date.delaware.gov/OABCC/forms-applications.shtml

Check all that apply:

- ☐ Free Alcohol
- ☒ Alcohol Sales
- ☐ Free and Sale Alcohol
- ☐ Sampling of Alcohol
- ☐ Beer
- ☒ Beer and Wine
- ☐ Beer, Wine and Distilled Spirits

Do you plan to secure a:

- ☒ Gathering License
- ☐ Extension of Premises License

Please describe your security plan to ensure the safe offering of alcohol at your event.

Secured fenced in area, volunteers @ each entrance and exits to assure no alcohol leaves the secured area.

If applying for a Gathering License, the following must be provided:

Chamber of Commerce for Greater Milford
Organization Name

IRS 501(C)3#

Jo anne Schmeiser
Name of contact at Organization

302-422-3344
Phone

Jo anne Schmeiser
On-site Agent Responsible for Alcohol

How will attendees over the age of 21 be identified?

Responsible adult volunteers checking IDs and hand Stamps.

What controls will be used to keep attendees under the age of 21 from obtaining alcohol at the event?

Only "hand stamped" individuals will be served alcohol volunteers monitor activity beer + wine sales and consumption

ENTERTAINMENT

☒ Yes ☐ No Is there any live entertainment, DJs, bands, or performers occurring during your event? If yes, Attachment F must be completed and submitted with this application. Please complete the following:

Number of stages: 2 Bicentennial Park and library ampitheater

Number of performers/bands: 8

Type of music: Top 40 hits, country, Rock + classical

Please describe the sound equipment that will be used for your event:

Digital mixer + Speakers

☒ Yes ☐ No Will sound checks be conducted prior to the event?

Start time: 9 am Finish time: 9 pm

☒ Yes ☐ No Will sound amplification be used?

Start time: 9am Finish time: 9 pm

☒ Yes ☐ No Will there be a contracted sound company on site?

If yes, who: "Plead The 5th" Mark Johnson

☐ Yes ☒ No Does your event include any casino games, bingo games or drawing opportunities?

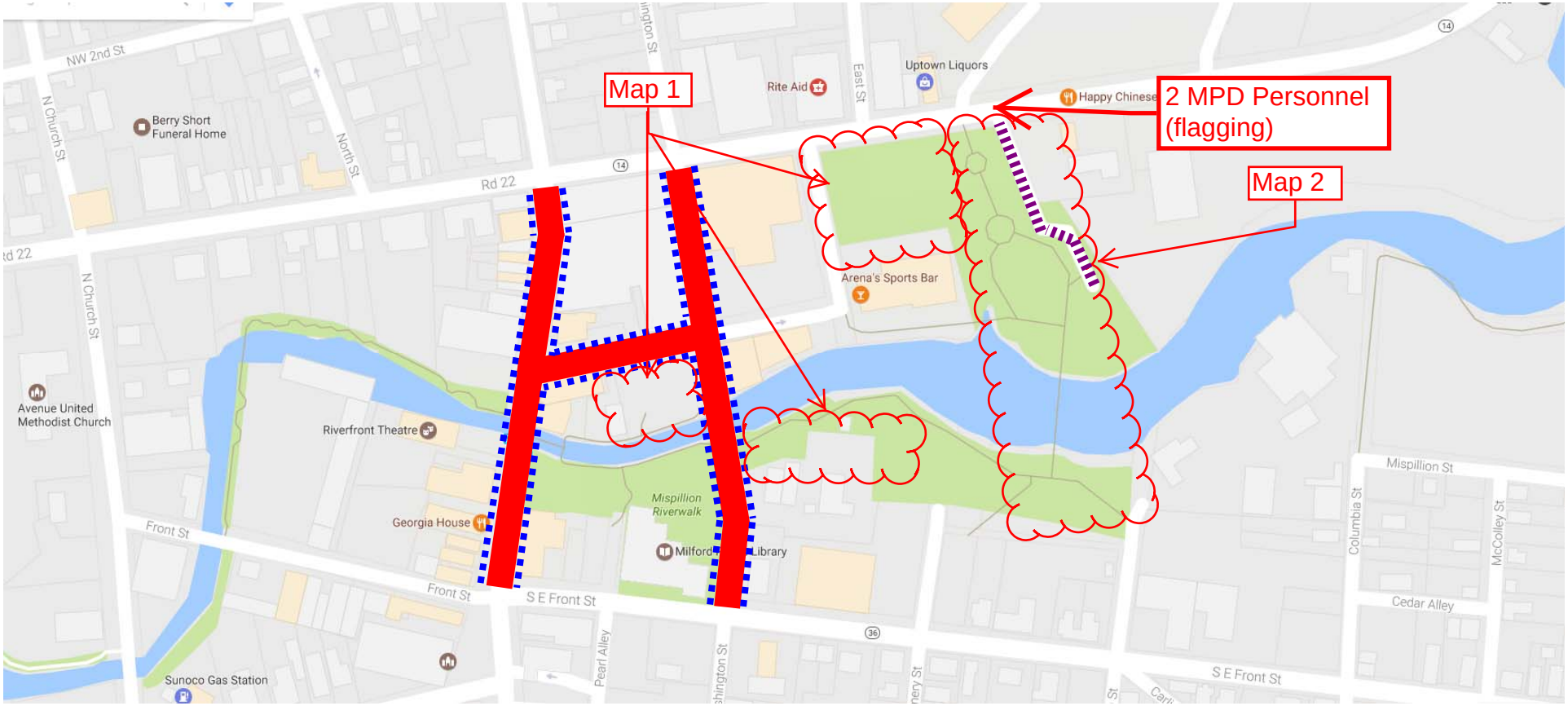
If yes, describe:

☐ Yes ☒ No Will a temporary stage canopy be used?

If yes, please see "Tent Permit" on page 12.

School and dance clubs, etc. performances @ the library ampetheater.

Riverwalk Freedom Festival

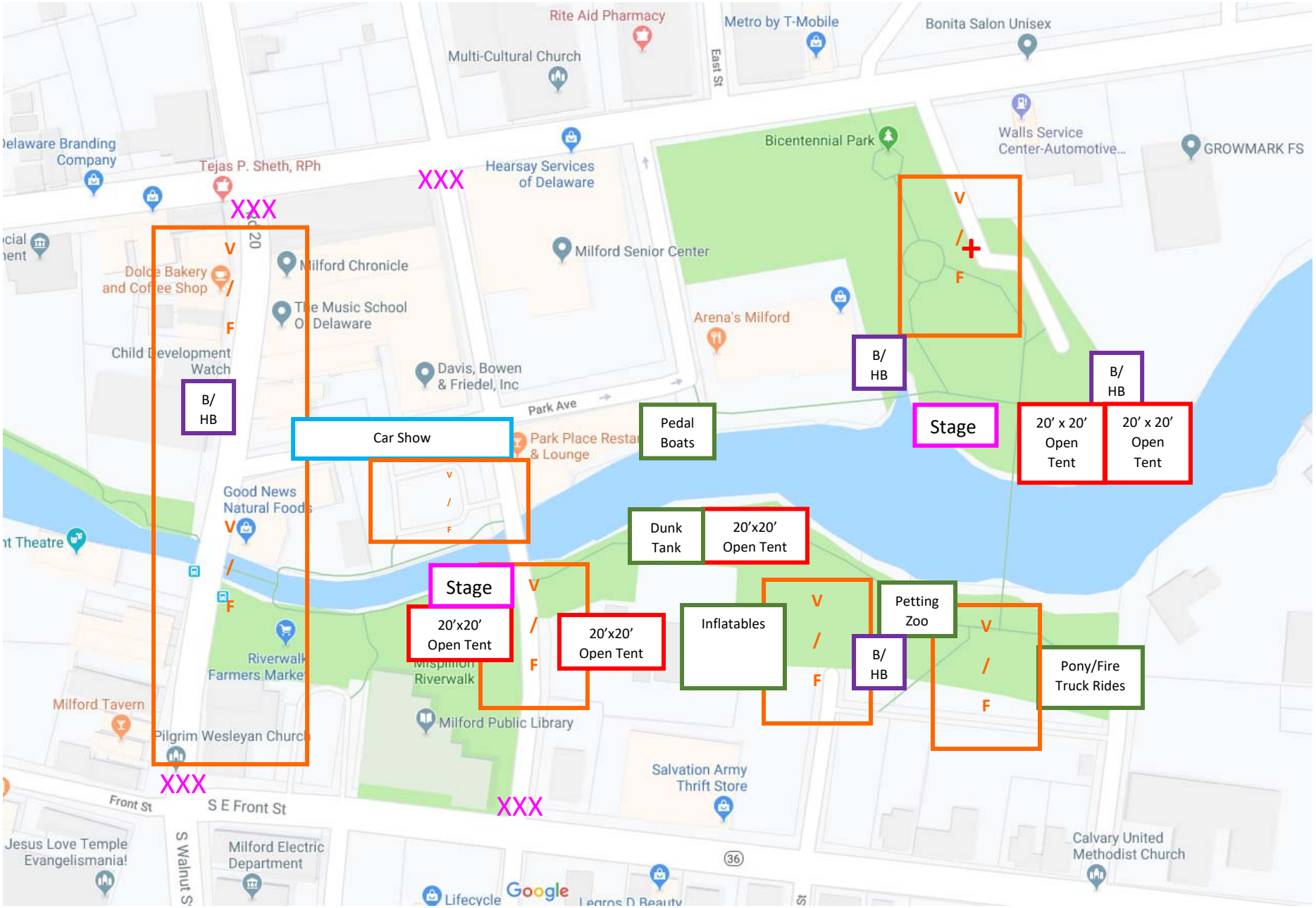


Street Closure: N and S Walnut Street from NE Front Street to SE Front Street. N and S Washington Street from NE Front Street to SE Front Street. (Saturday, September 19 from 5:00 am - 4:00 pm)

No Parking (Saturday, September 19 from 5:00 am - 4:00 pm)

No Access/No Parking (Saturday, September 19 from 5:00 am - 11:00 pm)

Riverwalk Freedom Festival



B/HB- 2 each- Bathroom and/or Handicap Bathroom

X-Barricades for street closures

+ -First Aid Station

V/F-Vendor and/or Food Truck

Map 1



Park Ave Parking Lot
Closed 09/19/20 from 5:00 am until ??



S Washington St Parking Lot
Closed 09/19/20 from ?? until ??



NE Front St Parking Lot (partial)
Closed 09/18/20 at 5:00 am until 09/19/20 at 11:00 pm

CITY OF MILFORD
RESOLUTION 2020-07

Annexation/Lands belonging to First Baptist Church of Milford Incorporated
6044 Old Shawnee Road, Milford, DE 19963
Tax Map 1-30-3.06-125.00
1.14 +/- Acres
Current Zone MR/Proposed Zone R-1

COMMITTEE DIRECTED TO INVESTIGATE ANNEXATION

Whereas, a Petition, signed by the legal property owners and duly witnessed, requesting annexation into the City of Milford, all that certain lot, piece or parcel of land situate in Cedar Creek Hundred, Sussex County State of Delaware, in accordance with a recent survey prepared by R.B. Kemp, III, PLS 541, Adams Kemp Associates, Inc., Professional Land Surveyors, dated August 23, 2018, attached hereto as Exhibit A, more particularly described as follows, to wit:

BEGINNING for the same at a found iron pipe located at the southeast corner of the herein described property located at 6062 Old Shawnee Road, Tax Map 1-30-3.06 Parcel 125.00, Cedar Creek Hundred, Sussex County, State of Delaware. Point of beginning being located A) S 34° 30' 00" W a distance of 125.52' from Donovan Drive. Point of beginning also being the southwest corner of the land now or formerly of Lynn and Rachel Walsh (Deed Book 2330 page 251), and being in the Northerly line of Old Shawnee Road (Co. Rd. 619). Thence running and binding with said Old Shawnee Road (Co. Rd. 619), 1) S 34° 30' 00" W a distance of 173.39'; to a found concrete monument and to land now or formerly of First Baptist Church of Milford (Deed Book 1068 page 263). Thence with same for the two following courses and distances, 2) N 56°25'05" W a distance of 286.01'; to a found concrete monument, thence 3) N 33° 40' 23" E a distance of 172.33'; to a found concrete monument and to land now or formerly of William E. Tull Jr. (Deed Book 2864 Page 35). Thence with same and land of aforesaid Walsh, 4) S 56° 37' 24" E a distance of 288.52'; to the point of beginning.

CONTAINING 1.140 acres, more or less.

BEING the same lands conveyed to Steven Deeney and Dianne Deeney by deed from Steven Deeney dated September 30, 1994 recorded in the Office of the Recorder of Deeds in Deed Book 2010, Page 203.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the possibility of annexing the legally described property, said Committee to be comprised of Chair Owen Brooks, Councilmembers Daniel Marabello, Todd Culotta and Douglas Morrow, along with Planning Commission Chairman Marvin Sharp.

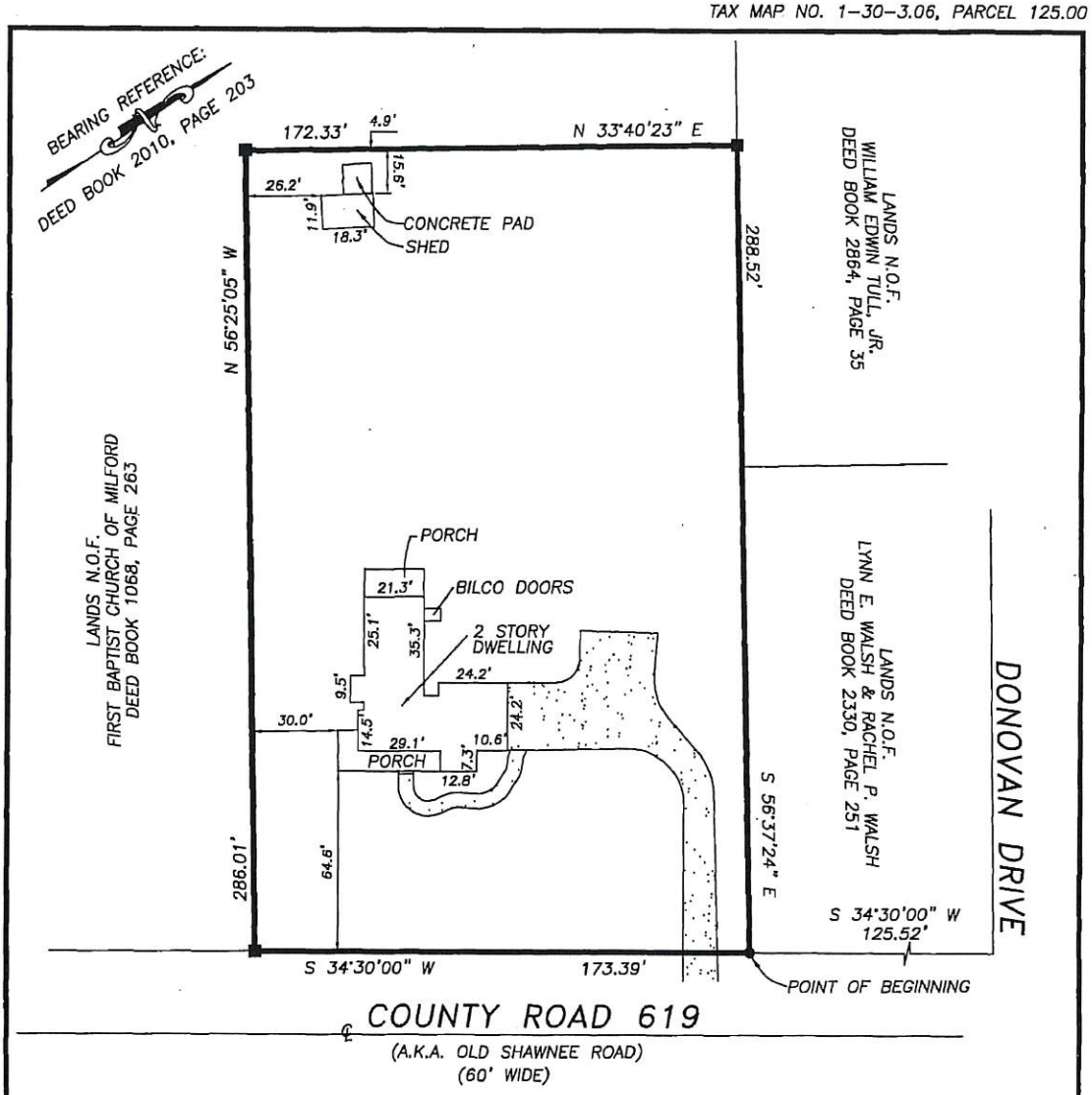
Be it Further Resolved, that said Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed annexation, both to the City of Milford and to the territory proposed to be annexed, and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefore, as well as a recommended zoning district for the property to be annexed.

_____
City Clerk Teresa K. Hudson

Adopted: January 27, 2020

Document# 201800032366 BK: 4944 PG: 258
Recorder of Deeds, Scott Dailey On 9/6/2018 at 2:43:20 PM Sussex County, DE
Doc Surcharge Paid

TAX MAP NO. 1-30-3.06, PARCEL 125.00



NOTES:

1) CLASS "B", SUBURBAN SURVEY
2) SOURCE OF TITLE: DEED BOOK 2010, PAGE 203
3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

LEGEND:

- ● FOUND IRON PIPE
- ■ FOUND CONCRETE MONUMENT

BOUNDARY SURVEY PLAN

PREPARED FOR

FIRST BAPTIST CHURCH OF MILFORD, INC.

FOR PROPERTY KNOWN AS
6062 OLD SHAWNEE ROAD
SITUATED IN
CEDAR CREEK HUNDRED
SUSSEX COUNTY
STATE OF DELAWARE
AREA: 1.140± ACRES
SCALE: 1" = 50'
DATE: AUGUST 23, 2018

Prepared By
ADAMS-KEMP ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
AND PLANNERS
217 SOUTH RACE STREET
GEORGETOWN, DELAWARE 19947
PHONE: (302) 856-6699
WWW.ADAMSKEMP.COM

I, R.B. KEMP, III, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

R.B. KEMP, III, P.L.S. 541

PLAN NO. 180814-A

Exhibit A

CITY OF MILFORD
RESOLUTION 2020-08

De-Annexation/Lands belonging to Paynter A. Lynch and Joyce E. Lynch
Canterbury Road, Milford, DE 19963
Tax Map MD-16-173.00-01-02.01
1.00 +/- Acres
Current Zone OC1/Proposed Zone AR

COMMITTEE DIRECTED TO INVESTIGATE DE-ANNEXATION OF CITY LANDS

Whereas, a Petition, signed by the legal property owners and duly witnessed, to de-annex or remove from the corporate limits of the City of Milford, that certain parcel of land, lying and being situate in the City of Milford, Kent County, and the State of Delaware, being depicted on a survey prepared by Davis, Bowen & Friedel, Incorporated, dated January 2001, attached hereto as Exhibit A, fronting on the southerly right-of-way line of Private Road No. 2, adjoining lands, now or formally of Brett Elliott, et ux, of Lot 10, other lands of Paynter A. Lynch, et ux and residual lands of the City of Milford, being more particularly described as follows:

BEGINNING at an iron rod and cap set on line for Lot 12 in the subdivision known as Hollywood Acres, as filed with the office of the Recorder of Deeds, at Dover, Delaware in Plot Book 4 at page 21, and being the southwesterly corner for lands of Brett Elliott, distance South 02 degrees 29 minutes 20 seconds West 15.22 feet from a concrete monument found on the southerly right-of-way line of the easterly terminus of Private Road No. 2; thence proceeding with said Elliott lands, and lands of the City of Milford South 87 degrees 04 minutes 10 seconds East 220.54 feet to a point; thence continuing with said City lands the following two (2) courses and distances: (1) South 02 degrees 49 minutes 41 seconds West, 197.76 feet; and (2) North 87 degrees 07 minutes 56 seconds West 221.36 feet to a point on the line for Lot 10 in the above referenced subdivision; thence finally, running with Lot 10 and Lot 12 North 03 degrees 03 minutes 55 seconds East 198.01 feet to the place of beginning.

CONTAINING 1.004 acres of land, more or less.

has been submitted to the City Council of the City of Milford.

Now, Therefore, a Committee, composed of three (3) elected members of City Council and one (1) member of the Planning Commission has been appointed by the Mayor to investigate the removal or de-annexation of the legally described property, said Committee to be comprised of Chair Owen Brooks, Councilmembers Daniel Marabello, Todd Culotta and Douglas Morrow, along with Planning Commission Chairman Marvin Sharp.

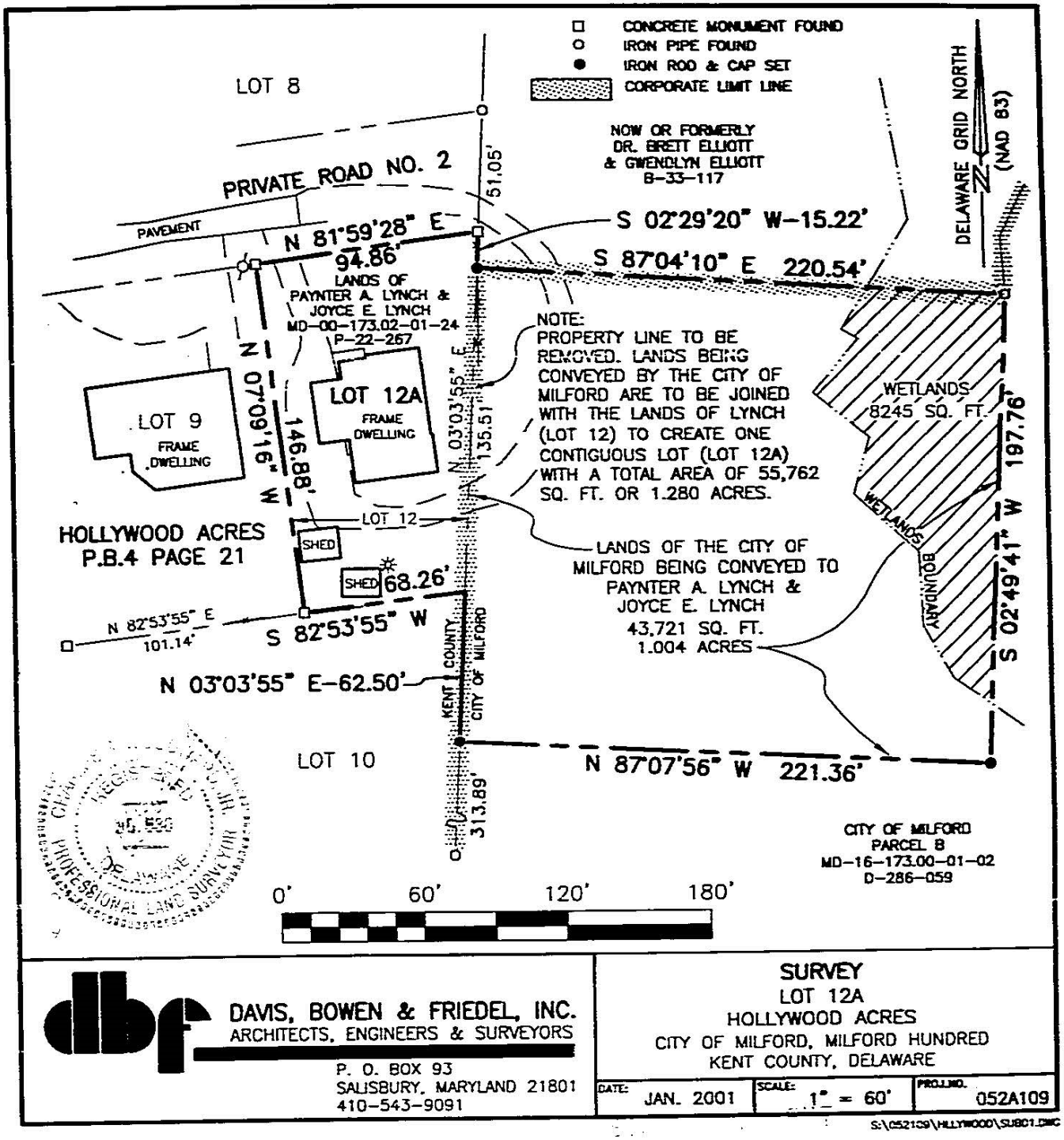
Be it Further Resolved, that said Committee shall submit a written report containing its findings and conclusions to the Mayor and City Council of Milford. The report so submitted shall include the advantages and disadvantages of the proposed removal or de-annexation, both to the City of Milford and to the territory proposed for de-annexation or removal from the corporate limits of the City of Milford, and shall contain the recommendation of the Committee whether or not to proceed with the proposed de-annexation.

_____
City Clerk Teresa K. Hudson

Adopted: January 27, 2020

Exhibit A

D 424PG276



JUL 11 12 04 PM '01

City of Milford

RESOLUTION 2020-09

AMENDING CITY COUNCIL RULES, ORDER OF BUSINESS, AND PROCEDURES

WHEREAS, the government of the City may exercise any of its powers conferred by the Charter of the City of Milford and is vested in an elective body consisting of the Mayor and eight Councilpersons ("City Council"); and

WHEREAS, the Mayor and City Council has traditionally followed Robert's Rules of Order, with modifications, to provide structure for the conduct of business during its meetings; and

WHEREAS, Article IV, Section 4.08(b) of the Charter states that the City Council "shall determine its own rules and order of business"; and

WHEREAS, upon adoption, this Resolution replaces in its entirety Resolution 2018-01.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milford, Delaware that the Rules, Order of Business, and Procedures hereto attached, as 'Exhibit A', are hereby adopted.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed this 27th day of January 2020.

_____

Mayor Arthur J. Campbell

Attest:

_____

City Clerk Teresa K. Hudson

RESOLUTION 2020-09
EXHIBIT A

CITY OF MILFORD
CITY COUNCIL
RULES, ~~OF PROCEDURE~~ ORDER OF BUSINESS, AND PROCEDURES

Table of Contents

SECTION 1 - DEFINITIONS 2

SECTION 2 - RULES 4
2.1 ~~Public Posting~~ Notice of Meetings Compliance 4
2.2 Agendas 4
2.3 Packets 4
2.4 Cancellation of Meetings 4
2.5 Minutes 4
2.6 Parliamentary Procedure 4
2.7 Live Broadcasting 4

SECTION 3 - ORDER OF BUSINESS 6
3.1 City Council Regular Meeting (First monthly meeting) 6
3.2 City Council Regular Meeting (Second monthly meeting) 6
3.3 City Council Workshop, Special, and Committee Meeting 6
3.4 City Council Executive Session 6

SECTION 4 - PROCEDURES 8
4.1 City Council Public Hearing Procedures 8
4.2 City Council Public Comment Procedures 8

SECTION 5 – PUBLIC COMMENT CARD 10

SECTION 1 - DEFINITIONS

CITY HALL – The administrative offices and official address of the City of Milford is 201 South Walnut Street, Milford, Delaware 19963

CONSENT AGENDA - A Consent Agenda may be used to approve a group of routine matters with one motion and vote at the beginning of the meeting. ~~This is used for routine matters and/or items that have been vetted through committees or prior City Council discussion.~~ Prior to approving the Consent Agenda, the items are to be read aloud by the City Clerk so that everyone in the room is aware of the items that will be approved together, with one vote. Prior to the vote, any Councilmember may request an item be removed from the Consent Agenda to allow more detailed discussion.

COUNCIL BUSINESS – Shall include items which do not require Council action and are for informational purposes, such as Recognition, Proclamations, Correspondence, Staff Reports, and Committee, Ward, and Advisory Reports.

PACKET - Supporting documents, materials, presentations, correspondence, reports, etc. for review by the public body.

PUBLIC COMMENT – A period of time during regular meetings, subject to state Freedom of Information Act open meeting requirements, whereby citizens have a chance to offer their opinion to City Council. Public comments are limited to three minutes in length, per speaker, and must align with topics associated with the agenda on the same date and whereby a public comment period has not been previously offered. Public Comments not associated with Public Hearings shall follow the City Council Public Comment Procedures. Public comments are accepted on all proposed adopted Ordinances and Resolutions before City Council.

PUBLIC HEARING – A formal proceeding held in order to receive public comment and testimony on local legislation, a local issue, or proposed local government action. Testimony from both sides of an issue is recorded for public record, and minutes summarizing the key points is generated. Public Hearings are scheduled for the second monthly meeting only.

MEETING, COMMITTEE – Any advisory group, board, or panel whose members discuss, and provide input or feedback to City Council.

MEETING, EXECUTIVE SESSION – Meetings, conducted by the City Council with appropriate staff or advisors, for deliberation on certain matters in a setting closed to the public. Executive Sessions may be held during a regular, special, or emergency meeting, in accordance with state Freedom of Information Act regulations.

MEETING, SPECIAL - ~~Additional~~ Meetings other than regular meetings, which include workshop meetings, and~~/or~~ committee meetings, may be held ~~on alternate Mondays~~, prior to Regular Meetings, ~~or alternate days of the week with start and end times to be set at the discretion of the Mayor or committee chair.~~ and shall commence at 6:00 p.m.

MEETING, REGULAR - Meetings where City Council may deliberate toward a final decision on an agenda item including consideration of ordinances, resolutions, and the conduction of public hearings. Regular meetings are open to the public and ~~Regular meetings of City Council~~ shall be held on the second and fourth Monday of each month at Milford City Hall. Said meeting shall commence~~ing~~ at 7:00 p.m., or as soon as a prior Special Meeting or Workshop Session of full Council concludes, whichever comes first. Should a prior Special Meeting or Workshop Session of the full Council be canceled or postponed, the Regular Meeting shall be moved and begin at the scheduled time of the Special Meeting or Workshop Session. However, any Public Hearings will be held appropriately at, or after, the published time of 7:00 p.m. In the case of a City holiday on said Monday, the meeting shall be held the following business day. There shall be only one regular City Council meeting held on

the second Monday of the month of December.

MEETING, WORKSHOP or WORKSHOP SESSION – Meetings where City Council reviews and discusses agenda topics but does not make final decisions or votes during the meeting. Workshop meetings are open to the public however public comment shall not be permitted during workshop meetings. Workshop agenda items are generally topics which City Council is receiving preliminary information for the purpose of providing direction for further staff analysis and information gathering to be added to a future regular meeting. Workshop topics may also include discussions with standing boards, committees, City staff, as well as other governmental entities.

- o Appropriate topics for Workshop meetings include:
- ~ Introduce a Topic: Staff will bring up new items to determine whether City Council wants to entertain further discussion and whether to schedule the topic as an item on a future agenda.
- ~ Educational Meetings: City Council will review research information presented by staff, consultants, or task forces - usually as a process check; i.e. Is the issue on the right "track"?
- ~ Meet with individuals from City boards and committees or other jurisdictions to discuss items of common interest; i.e. City Boards and Commissions, other Councils, the School District, and other officials.

MONTHLY REPORTS: Committee and Ward Reports, City Manager's Report, Police Chief's Report, Finance Report. Monthly reports are presented at the first monthly meeting only.

NEW BUSINESS – Items or issues that have not been previously discussed or acted upon by the City Council in an earlier meeting.

PROHIBITED PUBLIC PARTICIPATION: No Councilmember shall comment as a member of the public on any matter pending before Council, the Planning Commission, or Board of Adjustment. No Board of Adjustment member or Planning Commission member shall present public comment on any zoning application made to the City where that member has or may in the future be reviewing the application in their official capacity. No employee of the City who has had official duties or obligations relating to any matter brought before Council shall offer public comment before the City Council, the Planning Commission, or the Board of Adjustment. These prohibitions may be waived by a majority vote of a quorum of Council if they deem public comment will be beneficial to Council.

RECOGNITION: If needed, this item is for recognition of City staff or Proclamations for community members or associations who have made special contributions to improve the quality of life of our community. Recognitions are scheduled for the first monthly meeting only.

RECUSAL - When a Councilmember recuses them self from participating in the discussion or vote on an agenda item, the Councilmember shall leave Council Chambers until the next agenda item is called.

UNFINISHED BUSINESS – Items included in this section of the agenda are ordinances introduced at a prior meeting, or items or issues postponed from a previous City Council meeting where no action was taken. The order in which items will be addressed is as follows:

a. Presentation / Report by staff, consultants or others
b. City Council Discussion / Questions
c. Public Comment, as applicable
d. City Council Deliberation
e. Council Action

SECTION 2 - RULES

2.1 ~~Public Posting~~ Notice of Meetings Compliance

In accordance with State of Delaware ~~FOIA~~ Freedom of Information Act regulations and the City of Milford Charter, the final agenda for all ~~City Council~~ public body meetings ~~will~~ shall be ~~prepared and~~ posted by the City Clerk's Office at least seven days prior to the meeting ~~The final agenda will be posted~~ on the City website and at City Hall. ~~and the link will be emailed to the Mayor, City Council members, the City Manager and department heads no later than seven days prior to the meeting~~.

2.2 Agendas

Items added or removed from agendas will be ~~established~~ determined by the Mayor, City Manager, and City Clerk. For committee meeting agendas, items added or removed will be determined by the committee chair, City Manager, and City Clerk. The City Clerk shall post the final agenda and email the link to the Mayor, City Council members, City Manager, Chief of Police, and City Solicitor.

2.3 Packets

~~Staff reports, supporting materials, presentations, memos, etc. for the packet~~ Items to be included in the packet shall be emailed to the City Clerk's Office no later than ~~the~~ noon on the Wednesday prior to the meeting. Items not received or received afterward will result in the agenda item being removed from the agenda and added to the next available agenda. The City Clerk ~~The packet~~ will ~~be~~ post the final packet on the City website and ~~the link emailed to the Mayor, City Councilmembers, the City Manager~~ email the link to the Mayor, City Council members, City Manager, Chief of Police, City Solicitor, and department heads no later than ~~the Friday morning~~ the Thursday morning prior to the meeting. Councilmembers are encouraged to review the agenda and packet prior to the meeting and ~~are requested to~~ contact the City Manager, ~~or~~ Chief of Police ~~Chief~~, or City Clerk ~~in the case of items originating from the Police Department,~~ with questions that may require additional information or research by noon on the day of the meeting.

2.4 Cancellation of Meetings

Cancellation of ~~any~~ meetings shall be at the discretion of the Mayor as circumstances may require. In any case, as much notice of said cancellation as is practical, shall be given through the City Clerk's Office to City Council members, the City Manager, the Chief of Police, the City Solicitor, and department heads and ~~shall~~ be posted on the City's website.

2.5 Minutes

Minutes shall be kept of all ~~City Council~~ public body meetings in accordance with state Freedom of Information Action requirements. ~~including the language of and votes upon all motions.~~ The City Clerk's Office will strive to have minutes of the prior meeting prepared for approval at the ~~and included in the~~ first monthly meeting ~~packet~~. Audio recordings shall record the business transacted at all ~~City Council~~ public body meetings and shall be stored for future reference according to the ~~approved~~ Local Government Record Retention Schedule for the State of Delaware. Minutes shall be prepared of all executive session meetings by the City Clerk and shall be maintained under the custody, control, and supervision of the City Clerk.

2.6 Parliamentary Procedure

~~The Mayor or Committee Chair shall have authority to manage meetings in accordance with the Charter and these procedures, with the City Solicitor serving as Parliamentarian when in attendance.~~ In ~~those~~ matters not covered by these Rules, and where not in conflict with the Laws of Delaware, the City Charter, or the Ordinances of the City of Milford, Robert's Rules of Order (most current published edition) shall be the parliamentary authority.

2.7 Live Broadcasting

Those wishing to record and broadcast a public meeting shall notify the City Clerk's Office 72 hours in advance so that necessary arrangements can be made. Any photography or audio/visual recording must take place from a

fixed position in the Council Chambers approved by the Mayor. If the Mayor feels that any photography, audio/visual recording is disrupting the meeting in any way then the operator of the equipment will be required to stop. Photographs, audio, and visual recordings shall not be edited in a way that could lead to misinterpretation of the proceedings.

SECTION 3 - ORDER OF BUSINESS

3.1 City Council Regular Meeting (First monthly meeting)

1. Public Comment
2. Call to Order
3. Invocation & Pledge of Allegiance
4. Approval of Previous Minutes
5. Approval of Consent Agenda
6. Council Business
   a. Recognition
   b. Proclamations
   c. Monthly Reports
   d. Committee/Ward/Advisory Reports
   e. Communication and Correspondence
7. Unfinished Business
8. New Business
9. Executive Session
10. Adjourn

3.2 City Council Regular Meeting (Second monthly meeting)

Public Comment
Call to Order
Invocation & Pledge of Allegiance
Public Hearing
Approval of Consent Agenda
Council Business
    Communication and Correspondence
Unfinished Business
New Business
Executive Session
Adjourn

3.3 City Council Workshop, Special, and Committee Meeting

1. Call to Order
2. Unfinished Business
3. New Business
4. Adjourn

~~City Council Committee Meeting~~

~~1. Call to Order~~
~~2. Unfinished Business~~
~~3. New Business~~
~~4. Adjourn~~

3.4 City Council Executive Session

1. Call Open Meeting to Order
2. Motion to Enter Executive Session
3. Call to Order
4. Unfinished Business
5. New Business
6. Return to Open Meeting

7. Council Action, if needed
8. Adjourn

SECTION 4 - PROCEDURES

4.1 City Council Public Hearing Procedures

~~Effective: September 1, 2017~~

The Mayor shall preside over Public Hearings and follow these ~~steps~~ procedures:

1. The Mayor shall call the Public Hearing to order.
2. The Mayor or City Solicitor will ~~explain the procedure~~ read or explain the City's public hearing procedure.
3. The Mayor will identify the application or subject ~~by name and number~~.
4. In the case of land use ~~or similar~~ matters, the Mayor will call on the City Planner or ~~other appropriate staff to establish advertising was done as required by law and to review the application or subject.~~ designee to establish the hearing has been advertised as required by law and provide an explanation of the application.
5. The Mayor will then call on the applicant or representative to concisely present their application. The applicant is asked to limit their presentation to 15 minutes. If the application is sufficiently complex that more time is necessary, the applicant should notify the City Clerk at least seven days prior to the meeting ~~and the Mayor will determine and announce if additional time is granted~~. to determine which agenda the application is most suitable for.
6. The Mayor will then invite testimony from all those who favor the application.
7. The Mayor then invites testimony from all those who oppose the application.
8. The Mayor will then invite testimony from all those who are neither in favor of nor oppose the application, but wish to provide relevant information.
   i) During the receipt of testimony, individual Councilmembers and the Mayor may interrupt the person speaking from time to time in order to ask questions of clarification, provided they receive permission from the Mayor. Not more than one person may speak at a time.
9. When everyone has had an opportunity to speak, the Mayor declares the public hearing closed.
10. Mayor and City Council then discuss the application based on the merits presented, after which the Mayor will call for a motion.
11. A roll call vote will be conducted on the properly seconded motion with each Councilmember voicing their vote (aye or nay) followed by a brief reason for supporting or opposing the motion based upon information presented on the record. The order of the roll call vote will change with each such vote and will be tracked by the City Clerk.

~~Additional Procedures~~

4.2 City Council Public Comment Procedures

Public Comment (non-Public Hearings) is an opportunity for individuals to speak before City Council at designated times during meetings follow these procedures:

1. Public Comment is limited to items noted for Public Comment on the published agenda.
2. Individuals wishing to speak during said times shall complete a ~~colored~~ Public Comment card provided ~~at the entrance of the Council Chamber and place the completed card in the box at the end of the Council desk prior to the start of the meeting.~~ at City Hall and on the City website.
3. Public Comment cards shall be received by the City Clerk's Office no later than 8:00 a.m. the day of the meeting in order to be accommodated.
4. ~~Public Comment will follow any staff report and any discussion by the City Council.~~
5. At the appropriate time, individuals who have signed up for public comment will be called forward to the podium by the Mayor ~~or Committee Chair~~ to speak.
6. When recognized by the Mayor ~~or Committee Chair~~, ~~a~~ the speaker should approach and speak from the podium if they are able, state their name and address, and commence with their comments.
   a. Speakers are asked to please be sure to speak into the microphone so comments are recorded.

b. Speakers are limited to three minutes each. These time limits may be extended by the Mayor ~~or Committee Chair~~, if in their opinion, the speaker is representing a contingent of individuals present at the meeting and the speaker is acting as spokesperson so that every individual will not need to speak.
c. If the speaker has items to be distributed to the City Council or to staff, they are asked to please provide them to the City Clerk's Office by noon on the Wednesday prior to the meeting. No items will be distributed during the meeting.
d. Speakers shall remain polite, civil, and respect the decorum of the City Council meeting. <u>The public body is permitted to remove, and therefore bar the speech of, any person who is willfully and seriously disruptive of the conduct of such meeting.</u>
e. Comments are to be addressed to the Mayor and City Council as a whole, and should not include insults, personal attacks, etc. Certain topics are not appropriate for public discussion or to be addressed to City Council per the City Charter and the Delaware Code. Accordingly, speakers are asked to refrain from addressing personnel matters, topics that should only be discussed in Executive Session, or subjects that are not otherwise within the authority or responsibility of the City of Milford or the City Council.
f. Speakers who, in the opinion of the Mayor ~~or Committee Chair~~, are not following these expectations may be cut off and asked to leave the podium.
g. Once the comments are completed, the speaker should be seated or may leave the Council Chambers.
h. Audience members are asked to please be courteous to those who are speaking during public comment by refraining from applause, cheers, or commenting while others are speaking.

SECTION 5 – PUBLIC COMMENT CARD

City Council Public Comment Procedures

Public Comment (non-Public Hearings) is an opportunity for individuals to speak before City Council at designated times during meetings follow these procedures:

1. Public Comment is limited to items noted for Public Comment on the published agenda.
2. Individuals wishing to speak during said times shall complete a Public Comment card provided at City Hall and on the City website.
3. Public Comment cards shall be received by the City Clerk's Office no later than 8:00 a.m. the day of the meeting in order to be accommodated.
4. At the appropriate time, individuals who have signed up for public comment will be called forward to the podium by the Mayor to speak.
5. When recognized by the Mayor, the speaker should approach and speak from the podium if they are able, state their name and address, and commence with their comments.
    a. Speakers are asked to please be sure to speak into the microphone so comments are recorded.
    b. Speakers are limited to three minutes each. These time limits may be extended by the Mayor, if in their opinion, the speaker is representing a contingent of individuals present at the meeting and the speaker is acting as spokesperson so that every individual will not need to speak.
    c. If the speaker has items to be distributed to the City Council or to staff, they are asked to please provide them to the City Clerk's Office by noon on the Wednesday prior to the meeting. No items will be distributed during the meeting.
    d. Speakers shall remain polite, civil, and respect the decorum of the City Council meeting. The public body is permitted to remove, and therefore bar the speech of, any person who is willfully and seriously disruptive of the conduct of such meeting.
    e. Comments are to be addressed to the Mayor and City Council as a whole, and should not include insults, personal attacks, etc. Certain topics are not appropriate for public discussion or to be addressed to City Council per the City Charter and the Delaware Code. Accordingly, speakers are asked to refrain from addressing personnel matters, topics that should only be discussed in Executive Session, or subjects that are not otherwise within the authority or responsibility of the City of Milford or the City Council.
    f. Speakers who, in the opinion of the Mayor, are not following these expectations may be cut off and asked to leave the podium.
6. Once the comments are completed, the speaker should be seated or may leave the Council Chambers.
7. Audience members are asked to please be courteous to those who are speaking during public comment by refraining from applause, cheers, or commenting while others are speaking.

* KEEP THIS PORTION ↑

~~~
~~~

PHONE NUMBER: _____

EMAIL: _____

AGENDA ITEM: _____

Please choose one:

_____ IN FAVOR _____ OPPOSED _____ NEITHER

PARKS & RECREATION DEPARTMENT
207 Franklin Street
Milford, DE 19963

PHONE 302.422.1104
FAX 302.422.0409
www.cityofmilford.com

Date: January 22, 2020

To: Mayor and City Council

Through: Mark A. Whitfield, Public Works Director/Acting City Manager

From: Brad Dennehy, Parks & Recreation Director

Re: Parks & Recreation Advisory Board Recommendation

The Parks and Recreation Advisory Board met on January 15 to discuss a Memorandum of Understanding between the City of Milford (Parks & Recreation) and the Delaware Nature Society to offer programing and a DNREC grant from the Outdoor Recreation, Parks and Trail (ORPT).

Regarding the MOU with Delaware Nature Society, during the Board's December meeting, the Vinyard Shipyard Task Force provided a presentation outlining a plan for establishing a partnership between the Delaware Nature Society and the City of Milford that would result in the establishment of a Mispillion Riverwalk Nature Center as a non-profit activity operating in downtown Milford.

The Task Force suggested a MOU whereby the City would grant access to the Delaware Nature Society to offer recreational programming in town on the river. The MOU would establish each parties' roles, would be mutually beneficial, and be reviewed by legal counsel prior to Council consideration. To be clear, at this stage, the MOU does not pertain to purchasing property.

At the January 15 Board meeting, the merits of entering into a MOU were discussed and the identified benefits include potential programming the Delaware Nature Society could bring to Milford and programs that Parks & Recreation is not currently offering, nor likely to offer. The Delaware Nature Society has a broad depth of talent both in paid staff and volunteers and has a proven track record in offering quality programs and organizing well run events. Potentially there could be some real gains to the children and citizens of Milford in terms of new activities based around the river.

The Board voted on January 15 to recommend the City enter into a Memorandum of Understating with Delaware Nature Society, the minutes of which are attached.

Regarding the ORPT grant, in May 2019 the City submitted a pre-application for a matching fund grant in the amount of $24,500 for design and engineering of the Riverwalk connection between Memorial Park and the Chaney Wilmont Greenway, which is the portion that spans the Vinyard Shipard property.

In July 2019, we received notice from DNREC the project met eligibility requirements and requested an application be submitted. Part of the submission process included requiring a commitment of matching funds from the City of Milford, authorized by Council, therefore Council granted matching funding of $25,000 from reserves at their September 9 meeting.

In December 2019 the City was notified the grant was accepted at the full amount of $24,500 pending an agreement or easement for use of the corridor.

At this time the property owners have given only verbal approval for an easement for the extension of the Riverwalk, but nothing in writing. Per DNREC, the City would have to either own, lease, or have an easement across the Vinyard Shipyard/Loftland property by June 1, 2021 or reimbursement could not be requested leaving the City responsible for the entire design and engineering costs estimated at $50K.

At the January 15 Board meeting, these chain of events as well as the proven track record the City has with ORPT grants totaling more than $1.8M was discussed. The discussion centered on whether or not to move forward with pursuing the grant without an agreement or easement in place or without owning the property.

The Board voted on January 15 to recommend the City not move forward with the design and engineering ORPT grant, the minutes of which are attached.

Per chapter 165, the Parks & Recreation Advisory Board serves to advise City Council therefore I am providing what has transpired at recent Board meetings.

CITY OF MILFORD
PARKS & RECREATION ADVISORY BOARD
Minutes of Meeting
January 15, 2020

A special meeting of the Parks & Recreation Advisory Board was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, DE.

PRESIDING: Chairman Andrew Fulton

IN ATTENDANCE: Members Eli Howard, Edward Evans, Christopher Mergner

ALSO: Acting City Manager Mark Whitfield, Parks & Recreation Director Brad Dennehy, Deputy City Clerk Christine Crouch

ABSENT: Member Anne Villalobos

CALL TO ORDER

Chairman Fulton called the meeting to order at 5:0 pm.

NEW BUSINESS

Recommendation/Memorandum of Understanding/City & Delaware Nature Society/Vinyard Shipyard Partnership

Director Dennehy recalled the Vinyard Shipyard Task Force presentation from the December Board meeting and while many questions remain unanswered, such as the future ownership of the Vinyard property, he would like to move forward with the City entering into a Memorandum of Understanding (MOU) with Delaware Nature Society (DNS) for them to provide programs along the river. He feels Parks & Rec is sports heavy in what they offer and DNS has a proven track record for providing diverse programs that would benefit the City.

He is encouraging the Board to recommend to City Council a partnership with DNS via a MOU, which will not include the use of the Vinyard Shipyard at this time.

When asked what the drawbacks could be, it was agreed a loss of authority or control over all programs offered. Director Dennehy believes he and DNS will work together in partnership though and envisions this being a collaboration.

Acting City Manager Whitfield agreed, adding DNS is looking to expand so if not in Milford, it will be elsewhere. Milford has a fantastic location so this would be beneficial to both parties.

Mr. Mergner moved to recommend to City Council that the City enter into a MOU with DNS to provide parks & recreation programming along the Mispillion River, seconded by Mr. Evans. Motion carried unanimously.

Recommendation/Easement Agreement/Vinyard Shipyard ORPT Grant Approval

Director Dennehy explained the City applied for a matching grant from DNREC in order to design and engineer the Mispillion Riverwalk (pathway) connection and related improvements between Memorial Park and the Chaney Wilmont Greenway, through the Vinyard Shipyard.

The grant was approved by DNREC for $24,500 pending an agreement or easement for use of the corridor, or pathway on the Vinyard property. Essentially the agreement or easement would need to be secured prior to DNREC releasing the funds no later than June 1, 2021.

The question is whether the Board wishes to recommend to City Council proceeding with the design and engineering without the agreement or easement in hand first, which could leave the City responsible for the entire funding.

Acting City Manager Whitfield felt the City could not accept the grant at this time due to the ownership issues in flux. We can always go back to DNREC and apply for grants once the ownership is determined and we have an agreement or easement in place.

Mr. Howard moved to recommend to City Council that the City not accept the grant until the ownership is resolved and we have an agreement or easement in hand, seconded by Mr. Mergner. Motion carried with three votes in favor from Mr. Howard, Mr. Evans, and Mr. Mergner and one vote against from Mr. Fulton.

ADJOURN

With no further business, the meeting adjourned at 5:25 pm.

Upcoming Meetings: March 18, 2020
June 17, 2020
September 16, 2020
December 16, 2020

Respectfully submitted,

Christine R. Crouch, MMC
Deputy City Clerk

PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.422.1110
FAX 302.422.1117
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, Interim City Manager/Public Works Director
Subject: Cost of Services Study for Water, Sewer, and Solid Waste
Power Cost Adjustment for Electric
Loan of Funds for Solid Waste from Electric
Resolution for Water Rates
Resolution for Sewer Rates
Resolution for Solid Waste Rates

Date: January 8, 2020

At the December 9, 2019 Council Meeting, Dawn Lund from Utility Financial Solutions briefed Council on the results of the Cost of Service Study for Water, Sewer, and Solid Waste. Based on the study, recommendation for rate adjusts for the next five years have been prepared for Council's consideration. Additionally, DEMEC informed the City in December that there would be a slight rate adjustment which could be passed onto electric customers in the form of a Power Cost Adjustment (PCA). Lastly, due to the inadequate fund balances in the Solid Waste Fund, UFS recommends funds be borrowed and repaid over a 7-year period, in order to adequately fund the needed capital purchases as well as maintaining an adequate operating balance.

As noted in the study, the rates proposed do not consider an annual Payment In Lieu of Taxes (PILOT) to the General Fund. Additionally, the present and future reserve funds in each utility is necessary for future capital improvement projects necessary for that utility. It is important to note that any utility reserve funds used to fund other projects (outside the utility), would need to be paid back to the utility in order to adequately fund future projects.

Staff recommends the initial rate adjustment be effective on March 1, 2020. This will provide adequate time to notify customers of the pending rate changes through an insert in the February 2020 utility bills. All other future rate adjustments will be effective on January 1 of the proceeding years.

1. Authorization of an Electric Power Cost Adjustment

The Delaware Municipal Electric Corporation purchases electricity for the City, and then passes on those charges. Effective January 1, 2020, the purchase price of electricity was set at $0.06879/kwh. In 2019, the purchase price was $0.06942/kwh. This will result in a decrease of $0.00063/kwh that can be passed onto City customers.

Recommendation

Staff recommends City Council authorize an additional -$0.00063/kwh power cost adjustment for City electric customers effective March 1, 2020.

2. Authorization of Loan of Funds from Electric Reserves to Solid Waste Operating

Based on the Cost of Service study for Solid Waste, UFS recommended $500,000 be borrowed to adequately fund the Solid Waste Operating Fund as well as used for the purchase of a replacement refuse truck. In lieu of borrowing funds through commercial lending, staff recommends the funds be borrowed from the Electric Reserve Account, to be paid back over the next seven (7) years at no interest.

Recommendation

Staff recommends Council authorize the transfer of $500,000 from Electric Reserves to Solid Waste Operating. Funds to be paid back over the next seven (7) years at no interest.

3. Adoption of Resolution 2020-06 Setting Water Usage Rates for Five (5) Years

Based on the Cost of Service study for Water, UFS recommended Water Usage Rates be increased 3.9% annually over the next five (5) years. Staff recommends the first year rate be set for March 1, 2020, with remaining years set to be effective on January 1 each year thereafter.

Recommendation

Staff recommend Council adopt Resolution 2020-05 setting water usage rates for the years 2020, 2021, 2022, 2023, and 2024.

4. Adoption of Resolution 2020-05 Setting Sewer Usage Rates for Five (5) Years

Based on the Cost of Service study for Water, UFS recommended Sewer Usage Rates be increased 4.9% annually over the next five (5) years. Staff recommends the first year rate be set for March 1, 2020, with remaining years set to be effective on January 1 each year thereafter.

Recommendation

Staff recommend Council adopt Resolution __-2020 setting sewer usage rates for the years 2020, 2021, 2022, 2023, and 2024.

5. Adoption of Resolution 2020-04 Setting Solid Waste Rates for Five (5) Years

Based on the Cost of Service study for Water, UFS recommended Residential Solid Waste Rates be increased 4.0% annually over the next five (5) years. Other rates will be adjusted based on the study. Staff recommends the first year rate be set for March 1, 2020, with remaining years set to be effective on January 1 each year thereafter.

Recommendation

Staff recommend Council adopt Resolution 2020-04 setting solid waste rates for the years 2020, 2021, 2022, 2023, and 2024.

PLANNING & ECONOMIC DEVELOPMENT
180 Vickers Drive
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.424.8396
FAX 302.424.3559
www.cityofmilford.com

Date: January 16, 2020

To: Mayor and City Council

Through: Mark A. Whitfield, Public Works Director/Acting City Manager
Jeff Portmann, Finance Director

From: Rob Pierce, Planning & Economic Development Director

Re: Budget Adjustment for Planning & Zoning Legal Expenses

The City budgeted $20,000 for Planning & Zoning Legal expenses for FY20. The Department has been invoiced for legal services through December 16, 2019 and has $225.00 remaining in the budget line.

The Department incurred $22,665 in legal expenses in 2019, $9,000 in 2018 and $17,000 in 2017. The increase in legal expenses can be attributed to the sign code update, several development agreements, economic development initiatives/agreements, the preparation of Board of Adjustment Findings of Fact, and more development reviews by the Board of Adjustment and Planning Commission.

Recommendation: Staff recommends City Council authorize a budget adjustment in the amount of $10,000 from General Fund Reserves to Planning & Zoning Legal.

PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.422.1110
FAX 302.422.1117
www.cityofmilford.com

Date: January 16, 2020

To: Mayor and City Council

Through: Mark A. Whitfield, Public Works Director/Acting City Manager

From: Christie Murphy, Solid Waste & Facilities Supervisor

Re: Solid Waste Division Vehicle Purchase (SW-012)

Staff requests City Council consider a recommendation to replace the existing 2011 International trash truck (SW-012) with a 2020 Mack low entry cab truck with a Heil multi-pack trash body.

The existing vehicle has approximately 77, 105 miles, 12,438 hours, is 9 years old, is in need of a new transmission with oil leaks throughout the engine, has severe body and frame rust, and has been used beyond its useful life expectancy. The replacement of the unit was identified in the 2019 and 2020 Capital Improvement Plan, however, due to lack of funds the purchase was delayed.

The proposed multi-pack truck will be utilized in areas the automated side loaders are unable to collect; approximately 15% of the City. This truck has the capability for dual collections by using an arm to collect curbside or using two tippers at the rear for rear collection. It also allows for bulk to be collected at the same time curbside ASL collections are being done. This truck will be used as a backup when the automated side loaders are down for maintenance and to assist with daily collections as the City trash routes continue to grow.

The purchase of this truck will be made through the Sourcewell/NJPA Contract. Specifications for the 2020 Mack low entry cab truck with a Heil multi-pack trash body are attached. The total price for the trash truck with complete fit out is $366,200. Funds from the recently transferred monies from Water Reserves will be used for the purchase.

Recommendation: Staff recommends City Council authorize the purchase in the amount of $366,200.00 to Mid-Atlantic Waste Systems of Denton, MD, in accordance with Sourcewell/NJPA Contract #091219-THC, with funding coming from Solid Waste Operating funds.

SW-012 Service and Repairs

	Outsourced Repairs	*In House Repairs*	**TOTAL**
FY18 (12/17-06/18)		$3288.03	**$3288.03**
FY19	$8660.20	$4777.06	**$13437.26**
FY20	$131.28	$2654.83	**$2786.11**
TOTAL	**$8791.48**	**$10719.92**	**$19511.40**

Mid-Atlantic Waste Systems
Division of THC Enterprises, Inc.
Easton, MD * Baltimore, MD * Chesapeake, VA Chester, PA *
Clinton, MD * Cheswick, PA * Salem, VA
Phone 800-338-7274 Fax 410-820-9916
Visit us on the web! www.mawaste.com

CELEBRATING OUR 30th Anniversary 1985-2015

PROPOSAL

Remittance Address for Deposits:

10641 Cordova Road
Easton, MD 21601

SOLD TO
Christie Murphy
Milford, City of
180 Vickers Dr
Milford, DE

302-422-1110
cmurphy@milford-de.gov

SHIP TO
Christie Murphy
Milford, City of
180 Vickers Dr
Milford, DE

302-422-1110
cmurphy@milford-de.gov

Quote #: RSSQ31472-B
Account:
Terms:
Date: 01/16/20

Sales Rep Jack Mason

QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
	Sourcewell/NJPA Contract # 091219-THC		
	Milford Membership # 31321		
1.00	HEIL High Performance Rear Automated Side Loader, MultiPack 24 Cubic Yard Eject -3.94 yd3 rear hopper -5.2 yd3 front hopper -108 in. Lift reach -Python Lift - 2-year limited structural warranty -Lift capacity up to 800 lbs -DuraPack 5000 tailgate -Street side access door with step and grab handle -Under hopper liquid sump with 2 clean-out doors and steel rake -Tailgate service props -Tailgate turnbuckle kit -O.I.G.A.I. Front mount tandem vane pump system -Cushioned up and down with chrome plated rods -Chassis frame-mounted oil tank with level/temperature gauge and oil suction shut-off valve -3-micron return line filter with magnetic trap & in-cab filter bypass monitor -100-micron suction line strainer -Abrasion resistant hydraulic hoses -In-cab packing controls, electric/air -In cab lift controls, air/electric, joystick -In-cab eject controls, electric/air -In-cab tailgate controls, air -Remote Packer Lube Kit -Severe Duty Packer wear bar kit-Hopper only -Cortex Controller with InSight diagnostic display -In-cab function and indicator lights -Select-O-Pack -AutoLift -Arm rest -Lift reach warning -Backup alarm -Backup and license plate lights -LED Center mounted brake light -LED Duplicate high and low mount stop, turn, and tail lights -LED Mid-body turn signals -LED FMVSS #108 clearance lights and reflectors -ICC reflective tape -Rear under ride guard -Rear camera bracket and flood lights - reverse activated -Cavity coat and joint sealer -Body undercoating -Customer's choice of one color finish paint from Color Smart brochure -Standard 1-year (2,000 hours of operation) warranty	$156,883.20	$156,883.20

Doc # RSSQ31472-B
Date 01/16/20

QTY	DESCRIPTION	UNIT PRICE	EXT PRICE
	-ANSI Z 245.1-2012 compliant -5lb. in-cab fire extinguisher		
1.00	New Mack 2020 LR64 Low Entry, cabover, dual drive, sit down right hand drive MP7-355A Mack 355 HP Allison 4500 RDS Trans 20,000 Front Axle 46,000 Rear Axle White in Color	$148,200.00	$148,200.00
1.00	Extended Warranty's Engine and Aftertreatment 5 years/250K Miles	$3,000.00	$3,000.00
1.00	Extended Warranty Allison 5 year	$1,101.00	$1,101.00
1.00	Belt Grabbers with Spring Loaded Inner Arm- to Accommodate 60/90 Gallon Round Automated Barrels	$1,300.80	$1,300.80
1.00	Hopper Hood- Not Available with 300 Gallon Grabbers	$1,953.60	$1,953.60
1.00	Remote Lift Controls- Air Toggles- Mounted Under Seat on Right Hand Side	$1,526.40	$1,526.40
1.00	Tailgate Hopper Work Light Kit- In-Cab Switch	$350.40	$350.40
1.00	Body Side Backing Assist Lights	$499.20	$499.20
1.00	Left Hand Buzzer Kit	$168.00	$168.00
1.00	Front Hopper & Lift Work Light Kit- Two Lights- In-Cab Switch	$470.40	$470.40
1.00	Peterson Multi-Function (SMART) LED Strobe / Turn Lamps- Includes LED Light Package for Entire Unit	$604.80	$604.80
1.00	15,000 lb Line Pull Reeving Cylinder with Control Kit- Non-Recessed	$6,408.00	$6,408.00
1.00	Lip & Latch Kit - with 20 degree, 7 inch sill extension with cutouts for cart tippers	$1,622.40	$1,622.40
1.00	Bayne MBTL180 Rotary Actuated Dual Cart Tippers, use for rear loading; no packer blade interference with proper installation	$9,571.20	$9,571.20
1.00	Tailgate Side Spill Troughs	$710.40	$710.40
1.00	Dual High Pressure Filter Kit	$1,776.00	$1,776.00
1.00	DP 5000 H.D. Contractors Package (includes 1/4" hopper floor, 3/16" hopper front face liner and tailgate spill troughs)	$1,492.80	$1,492.80
1.00	Fender Extension Kit	$720.00	$720.00
1.00	20 lb Fire Extinguisher with Bracket	$494.40	$494.40
1.00	Tool Box (18"x18"x36")- Frame Mounted	$806.40	$806.40
1.00	3rd Eye Digital System: Includes (Driver and forward Facing Camera (Window Unit), and Gateway - (In-Cab Monitor Not Included)	$3,091.20	$3,091.20
1.00	Add 3rd Eye Camera (Grabber)	$532.80	$532.80
1.00	Add 3rd Eye Camera (Hopper)	$532.80	$532.80
1.00	Add 3rd Eye Camera (LH Cab)	$532.80	$532.80
1.00	3rd Eye® Single Camera System with monitor and Single Camera Mounted on Tailgate	$2,001.60	$2,001.60

Price includes one standard color paint. Additional charges will apply if not a standard color paint from paint brochure or a metallic paint.

QTY	DESCRIPTION	UNIT PRICE	EXT PRICE

All built per manufacturer's standard specifications.

In stock equipment subject to prior sale, Chassis in stock at Heil.

No title or tag fees included.

Due to the volatility of the fuel and steel markets, prices are subject to change without notice.

Price does not include any local, state, or federal excise tax.

Price includes freight.

Approximate Delivery: 60-90 Days After Receipt of Signed Sales Order and Deposit (if applicable).

Terms: Net 30 Days

Subtotal	$355,026.80
Federal Excise Tax	$0.00
Sales Tax	
TOTAL*	**$355,026.80**

**Total does not include optional items*

F.E.T will be charged on all applicable items unless current F.E.T Exemption form is on file.

Doc # RSSQ31472-B
Date 01/16/20

TERMS AND CONDITIONS

1. General

No terms or condition of Buyer's purchase order which is different from or in addition to Seller's terms and conditions set forth herein shall bind Seller unless expressly agreed to in writing by Seller's duly authorized representative. Buyer's acceptance of any offer made by Seller is expressly limited to the terms and conditions provided herein. Unless otherwise stated, Seller's quotation may be modified or withdrawn prior to acceptance, and in any event, shall expire after 30 days from its date. This order is not binding on MID-ATLANTIC WASTE SYSTEMS until officially approved. The said machinery, equipment and/or parts are ordered and will be purchased subject to written contract only, and are not affected by any verbal representations or agreements, nor is this order subject to cancellation by the Purchaser without the Seller's consent.

2. Price and Payment

(a) Prices quoted herein are exclusive of all taxes. Any taxes levied or which may become due, and other charges or assessments made by any taxing authority in connection with this contract or the sale, except those measured by Seller's net income, shall be the expense of the Buyer and shall be payable to Seller at or before such tax or other amount is due. When Buyer is entitled to exemption from any tax, Buyer shall furnish Seller with a tax exemption certificate acceptable to the taxing authorities.

(b) Interest at the rate of one and one-half per cent (1.5%) per month (18% per annum), or the maximum lawful rate allowable, will be charged, whichever is less, on all past due invoices. The undersigned agrees to pay all expenses, charges, costs and fees, including, without limitation, attorney's fees and expenses, of any nature whatsoever paid or incurred by, or on behalf of MID-ATLANTIC WASTE SYSTEMS, DIVISION OF THC ENTERPRISES, INC., in connection with any collection action brought hereunder. The invalidity of all or any part of any provision of this Agreement shall not render invalid the remainder of such provision or any other part of this Agreement.

(c) MID-ATLANTIC WASTE SYSTEMS, DIVISION OF THC ENTERPRISES, INC., shall retain ownership of and title to the above machinery, equipment and parts covered by this order until fully paid for in cash and until any note given in evidence of indebtedness, and any renewals thereof, have been fully paid. If any such note is not paid in full at its maturity, all other notes and obligations given in evidence of indebtedness hereof shall at once become due, and the said MID-ATLANTIC WASTE SYSTEMS, DIVISION OF THC ENTERPRISES, INC., shall have the right to take possession of said machinery wheresoever it may be situated and sell the same pursuant to the conditional sales statutes of the State of Maryland.

3. Delivery

(a) Delivery dates are estimated and not guaranteed by Seller and, in any event are conditioned upon receipt of all specifications and other data required to be furnished by the Buyer.

4. WARRANTY AND LIMITATIONS OF LIABILITY

ANY EXPRESS WRITTEN WARRANTY PROVIDED BY THE MANUFACTURER OF THE EQUIPMENT DESCRIBED IN THIS QUOTATION IS GIVEN IN LIEU OF ALL OTHER WARRANTIES EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. SELLER SHALL NOT BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM DEFECTIVE GOODS, SELLER'S NEGLIGENCE, BREACH OF WARRANTY OR CONTRACT, OR CLAIMS BASED UPON STRICT LIABILITY. IN NO EVENT SHALL SELLER BE LIABLE FOR CONSEQUENTIAL DAMAGES COMMERCIAL IN NATURE.

5. Delays

Seller shall not be liable for the failure or delay in the performance of any term, condition, or obligation hereunder due to any cause beyond the Seller's control, including but not limited to Acts of God, acts of the Buyer, war, insurrections or riots, fires, floods, accidents, acts, orders or regulations of any government, inability to obtain necessary materials, services or facilities, strikes or other labor troubles.

6. Development Changes

Changes in design, specifications, construction or materials, may be made at Seller's discretion, and without Buyer's consent, where such changes do not materially affect price, delivery or guaranteed performance (if any) of the goods, or make unusable any other item of goods furnished hereunder.

7. Termination

No order may be terminated without Seller's written consent. Upon any termination Buyer shall pay reasonable termination charges, including but not limited to, manufacturing and sales costs, overhead, costs or goods and profit.

ALL PRICES SUBJECT TO ANY APPLICABLE FEDERAL OR STATE TAXES AND TITLING FEES. QUOTE SUBJECT TO REVISION AFTER 15 DAYS.

FINANCING AVAILABLE

NOTE: Please read carefully. This quote becomes a sales order if signed by customer. Your order will be processed as written! Notify of any changes needed within five (5) days of signing. Financing available, subject to credit approval. I have read and understand the terms and conditions on this Order.

X _____ _____

Customer Approval to Process Order — Date

Thank you for the opportunity to earn your business!

Doc # RSSQ31472-B
Date 01/16/20


HEIL
MultiPack®
High Performance Refuse Collection Vehicle
HEIL



MultiPack®

The one vehicle that can do it all!

MultiPack can do it all because it is a combination of three precision engineered products. Only Heil can assemble the DuraPack® body, the Python® automated arm and the proven DuraPack 5000 tailgate into the ultimate high performance refuse collection vehicle.



If you're thinking about reducing your total capital equipment costs, here's a thought for you. The Heil MultiPack is the only vehicle that can handle rear loader, side loader and even commercial routes single-handed.

It's the ideal vehicle for routes with "unlimited-at-the-curb" contracts. It's also the perfect backup unit for breakdowns or those ugly "surprises" that unexpectedly end up next to a customer's cart on collection day. Here's another major consideration to think about. While other manufacturers may offer multi-function vehicles, only the Heil MultiPack is "totally functional" in both modes of operation. It can pick up a complete manual or automated route. Think of the possibilities.



Heil's DuraMount™ Design is used to mount lift to chassis frame. This design also reduces the potential for bolt fatigue and provides Service Smart™ bolt access.

Reliable, ergonomical joystick controls deliver smoother performance and ease of use.

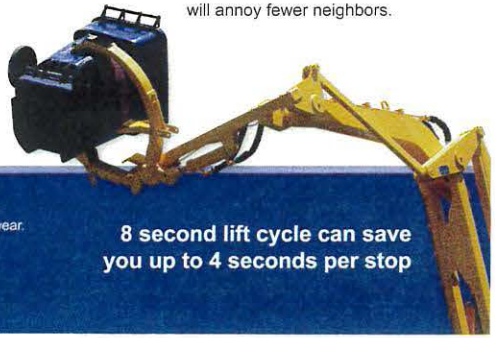
If your RCV needs a strong right arm — you've found it! The exciting new Python can lift 1,250 pounds without breaking a sweat! (625 lbs fully extended). This premium automated arm is the result of more than two years of Heil research, development and refinement. It strikes quickly with a 8-second cycle time — the fastest in the industry! It can save you 4 seconds per stop.

Python features precision crafted 3-inch cushioned cylinders which allow it to operate more smoothly, saving wear on the lift arm and the chassis. Python has a 9-foot reach and makes cleaner pickups — its fast action prevents spillage, and returns the cart with the lid closed.

Python operates in-gear, at-idle allowing you to work faster — actually finish routes up to 20 percent sooner. This standard feature also means you'll put less stress on the chassis and lift arm while using less fuel (save up to a gallon per hour). And the reduced engine noise will annoy fewer neighbors.



The Python's superior hardened grabber gears virtually eliminate gear wear.



8 second lift cycle can save you up to 4 seconds per stop

City of Milford

RESOLUTION 2020-10

Appointment of Regional Sewer Advisory Board of Kent County Members

WHEREAS, there exists a Regional Sewer Advisory Board of Kent County ("Board") whose purpose is to advise the Levy Court of Kent County, Delaware, in providing orderly and desirable operation and development of the Kent County Regional Sewer Systems; and

WHEREAS, the membership of the Board is comprised of one voting member from each of the seven Levy Court districts, plus one voting member and one alternate voting member from each municipality, from DAFB, and from DNREC; and

WHEREAS, the City of Milford is located in Kent County and therefore is a voting member with an alternate voting member of the Board.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Milford:

(1) The Public Works Director shall serve as the voting member representing the City of Milford on the Regional Sewer Advisory Board of Kent County.

(2) The City Engineer shall serve as an alternate voting member in the absence of the Director.

(3) In the absence of the Director, the alternate member shall have full power and authority to act on the City of Milford's behalf.

(4) This resolution was duly adopted on the 27th day of January, 2020, in lawful session duly assembled.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Milford to be affixed on that date.

Mayor Arthur J. Campbell

Attest: City Clerk Teresa K. Hudson

ROCKPORT ANALYTICS

FOSTERING GROWTH, LIVING STANDARDS, AND THE QUALITY OF LIFE IN KENT COUNTY

A DATA-DRIVEN DEEPER DIVE INTO TOP TARGETS AND SELECTED COMMUNITIES PLUS COST OF DOING BUSINESS COMPARISONS

KENT COUNTY DE KEP KENT ECONOMIC PARTNERSHIP

Kent Economic Partnership
555 Bay Road
Dover, Delaware 19901



CONTACT:
Kenneth McGill
Managing Director
Rockport Analytics LLC
610.213.2558
ken.mcgill@rockportanalytics.com

JANUARY 2020

Introduction

Rockport Analytics is pleased to present our proposal to update the Kent County targeting analytics first executed during the Fall of 2018. Most of the data utilized during the initial targeting analysis was for 2016. With two more years of data in the books since then, Rockport proposes to both update the original analysis and do a deeper dive into the target industries and communities within Kent County. **We propose to take a deeper dive into the top ten (10) or so original county-wide target sectors and then focus on a set of communities within the county -Smyrna, Dover, and Milford. This work will include:**

1. Analyzing the Kent County economy to determine opportunities for growth by key target clusters and industries. We will update and examine both the previously chosen targets and 5-10 other sectors that just missed the cut in 2018.
2. Apply the same targeting methodology to a set of 3 communities within the county -Smyrna, Dover, and Milford. Their specific circumstances will determine the best longer-term, larger employer targets. Community-level targets may or may not overlap with the chosen Kent-wide target sectors.
3. Support the update/expansion of the Smyrna Economic Development Strategic Plan with these results and research/analysis into workforce, regulatory, and infrastructure/space issues and opportunities.

For the Kent County economic analysis and target cluster study, Rockport will utilize all available data, the non-proprietary IMPLAN model, and a time-tested methodology to produce credible and defensible results for the Kent Economic Partnership (KEP) and its constituents. This effort would build upon the work completed in 2018, as well as consider other past research and strategic analysis/plans. Moreover, our approach would be guided by the central mission of the KEP, KEP, and others–to improve the quality of life for the people of Central Delaware by recognizing community, social & economic opportunities and finding broad solutions to fulfill them.

The research work completed in 2018 embodied cluster and target industry analysis that resulted in five recommended strategic targets for KEP and GKC. These targets will be updated and reexamined given two more years of published data. We will also evaluate changes in Kent economic, industry, and labor market conditions relative to any specific economic development initiatives taken since 2018 -an early ROI look of sorts. Two more years of available data will also allow us to examine other target sectors who may have just missed the cut during our last go-round in order to answer the question of whether they should now be considered.

For Smyrna, Dover, and Milford, Rockport will acquire the data and models needed to execute an analogous target selection process for these communities. Each community's economic footprint will be defined by a set of zip codes. Current conditions, employer mix, supply chain, labor and space assets, and regulatory strengths/weaknesses will be analyzed towards the generation of a manageable set of targets for each. These targets will be chosen based upon local realities in each community and may or may not overlap with county-wide strategic sectors.

Rockport Analytics has performed many such economic development studies over the course of more than 25 years. Our data-driven approach will have us utilize all available data, a detailed input-output model of each community, and analytical expertise born of many years of experience. In short, we will deploy a time-tested methodology to produce a credible list of potential target sectors and then assist the KEP and its partners in developing a strategic plan to drive success across Kent County.

Any questions or clarifications about this proposal may be directed to:

Kenneth J. McGill
Managing Director
Rockport Analytics
1610 Herron Lane
West Chester, PA 19380
610.213.2558
ken.mcgill@rockportanalytics.com

Approach



The Kent Economic Partnership (KEP) and its partners have requested assistance in updating and expanding ongoing economic development efforts. Specifically, the KEP would like to update the original target industry analysis executed in 2017-2018 with two more years of reported data. Revisiting the analysis that resulted in five strategic targets would be performed along with the expansion/inclusion of those 5-10 targets that just missed the cut in the event that this new data might suggest changes in the strategic list. Rockport would also use this more recent data to evaluate changes in the performance of the original targets relative to any ED initiatives that the GKS, KEP, or others have undertaken, sort of an early look at ROI.

The KEP has also asked that we take a deeper dive into both the target industries and sub-county geogrpahies within Kent County. The original five targets were reported and envisioned at a relatively aggregate level. More detailed data is available within each target that will be analyzed for insight into more focused attraction, expansion, or incubation efforts.

Rockport will also look at three specific communities within Kent County, namely Smyrna, Dover, and Milford. Each has been contemplating industry targets of their own to guide components of their respecitive ED strategies. The supporting data used in the original Kent County targeting effort can be organized by zip code. We will use those assets to build an appropriate definition of each community's footprint and execute a similar targeting analysis focused specifically or larger employers. The resulting target sector choices for each community may or may not overlap with the broader county-wide targets. They may also show that location-driven advantages suggest a focus on certain sub-sectors of the original targets.

Executing both the update and deeper dives is a more efficient and cost effective approach to the research challenge of the KEP and its community partners. Rockport will accomplish both goals by:

- ❑ Deploying an exhaustive, data-driven approach to generate a short and manageable list of sector targets
- ❑ Each recommended target will include a detailed set of arguments for why it was selected, as well as suggested penetration strategies for each
- ❑ The short list of targets will again be presented and vetted by the KEP and community partners in an effort to fine-tune the list with local knowledge, regulatory realities, and other qualitative intelligence
- ❑ Finally, with a final set of working sector targets, Rockport will assist the KEP and its partners in communicating the findings and integrating them into their strategic plans.

The result of this research effort will be a comprehensive report and executive summary that will help the KEP and its partners communicate what Kent County, Smyrna, Dover, and Milford should target and how it should attack those targets.

Task 1: Develop a profile of current economic, demographic, labor force, housing, tax, industry, and investment conditions using the most current data

Rockport will assemble the latest data on economic and demographic conditions in Kent County and each of the three zip code-defined communities. Analyzing trends and providing projections of future conditions will leave KEP with the foundation upon which appropriate strategic target clusters can be debated and chosen. Establishing a benchmark of current conditions also helps to inform strategy in which to attack those targets. Finally, a complete review of current conditions provides a benchmark for the eventual performance metrics that will be used to assess progress against economic development plans.

Rockport will collect and analyze data covering:

- Population and demographics
- Employment, labor force, productivity
- Wages, earnings, wealth
- Business environment
- Industry performance
- International trade and investment
- Innovation, R&D, and venture capital activity

Task 2: Defining Kent County Industry Clusters: Focusing on Development "Ecosystems"

Michael Porter, the Harvard economist known for his work in describing the importance of industry clusters to a local economy, points to industry "ecosystems" as the best foundational definition of a target industry.

Rockport will collect/analyze all relevant data necessary to describe the clusters that are currently operating within Kent County and the three partner communities. We will also highlight why they are there, what has driven them to grow, and what might be holding them back from even stronger performance.

Task 3: Kent County and Smyrna/Dover/Milford Occupational Profile: Strengths & Weaknesses

The disposition of the county and 3 communities' current labor force, plus areas in its immediate commuting range, are integral parts of the foundational assets of the Kent County. Numbers of workers, current participation rates, and the occupational mix of local labor describe the labor market that any new firm will face. Reconciling current skillsets with those required by an eventual target cluster will help to reveal needed training or relocation programs.

Rockport Analytics will collect and analyze local area (and commuting region) labor market data to produce a data-driven description of current conditions. We will also reconcile that description with eventual target sector choices and highlight strengths and weaknesses.

Occupational Employment in Edison-New Brunswick-Ocean County Area*

Occupation	2014 Employment	% of Total Jobs	Average Annual Wage
Architecture and Engineering Occupations(170000)	13,940	1.4%	$84,770
Arts Design Entertainment Sports and Media Occupations(270000)	10,590	1.1%	$54,930
Building and Grounds Cleaning and Maintenance Occupations(370000)	30,790	3.1%	$28,740
Business and Financial Operations Occupations(130000)	55,380	5.5%	$78,510
Community and Social Service Occupations(210000)	11,410	1.1%	$53,960

Task 4: Update the 2017-2018 Kent County Analysis and Execute a Similar Study of Smyrna/Dover/Milford Imports and Exports by Industry: Ready-Made Industry Opportunities?

Virtually every industry and business must hire labor, purchase raw materials, services, and supplies, and utilize logistics and transportation to produce and market their good or service. When sufficient labor or materials/services do not exist locally, they must be purchased from outside the area -this is the definition of an import. Similarly, when local firms produce more of a good or service than is needed locally (by consumers, businesses, or governments), then they will market those products outside the region -this describes an export.

All the businesses currently operating in Kent County have bill of materials that must be fed. Rockport will compare the sources-vs-uses of every sector in the county using a large input/output matrix sourced from the IMPLAN model (www.implan.com) of the Kent and Smyrna/Dover/Milford economies. Where the demand for the goods/services of an industry exceeds the local supply of that industry, imports will result. We will calculate and rank industries in each geographic area based on the degree to which their products must currently be imported. Large import levels can become an immediate relocation pitch to any business operating in those sectors -essentially, offering a ready-made local market that is currently underserved.

Likewise, a sector who produces much more locally than is required by local businesses, citizens and government must be exporting much of their product or service. In most cases, exporting sectors located in Kent County are there because of some combination of favorable conditions such as an advantageous labor pool, transportation/infrastructure advantages, proximity to raw materials, favorable public policies or regulations, or some other benefit. A strong export position can be a pitch for businesses outside of Kent or Smyrna/Dover/Milford that are already operating in these sectors, arguing

that market conditions are beneficial for growth and success. Moreover, firms that operate in the supply chains of these export businesses may also be attracted by the opportunity to serve these Kent County stalwarts.

Rockport will update the Kent County import and export analysis from 2017-2018 and derive the current and future level of imports and exports for each of the three partner communities.

Largest Kent County Import Sectors 2016

NAIC Code	Kent County Sector	Local Production (in mils$)	Business Intermediate Demand (in mils $)	HH, Govt, Capital & Foreign Export Demand (in mils $)	Total Kent Demand (in mils $)	Regional Purchase Coefficient %	Average Annual Salary (x1000$)	Kent Net Imports (in mils$)
TOT	**Total Kent County**	**$12,835.7**	**$4,878.5**	**$11,591.2**	**$16,469.7**	**19.3%**	**$58.3**	**-$3,633.9**
541	Professional- scientific & tech Svcs	$586.3	$532.3	$718.9	$1,251.2	39.9%	$80.1	-$664.9
531	Real estate	$1,152.3	$437.2	$1,105.1	$1,542.3	75.5%	$51.4	-$389.9
42	Wholesale Trade	$272.3	$225.3	$343.4	$568.6	40.5%	$69.6	-$296.4
334	Computer & electron	$23.7	$79.5	$209.4	$288.8	0.0%	$82.2	-$265.2
336	Transportation eqpmt	$289.2	$163.2	$381.1	$544.2	0.1%	$65.7	-$255.0
325	Chemical Mfg	$121.6	$137.6	$231.8	$369.4	0.4%	$80.1	-$247.8
517	Telecommunications	$111.7	$80.1	$251.4	$331.5	31.1%	$79.6	-$219.9
324	Petroleum & coal prod	$0.5	$73.9	$133.4	$207.3	0.1%	$101.9	-$206.8
722	Food Svcs & drinking	$282.8	$40.4	$387.3	$427.7	63.6%	$16.8	-$144.9
446	Health & Personal care stores	$344.2	$62.8	$407.2	$470.0	73.0%	$33.5	-$125.8
561	Admin Support Svcs	$209.8	$223.0	$97.4	$320.4	66.0%	$37.9	-$110.6
326	Plastics & Rubber Prod	$4.0	$81.6	$25.1	$106.7	0.0%	$47.4	-$102.8
621	Ambulatory Health care	$431.6	$8.5	$524.8	$533.3	77.5%	$57.0	-$101.7
551	Management of companies	$70.1	$170.5	$0.0	$170.5	31.0%	$110.9	-$100.4
481	Air transportation	$4.1	$25.6	$69.8	$95.4	3.3%	$71.9	-$91.3
335	Electrical eqpt & appliances	$2.8	$44.8	$42.5	$87.3	0.0%	$58.0	-$84.5
484	Truck transportation	$59.4	$71.3	$69.7	$141.0	38.1%	$47.0	-$81.6
92	Government	$2,246.8	$43.1	$2,279.6	$2,322.7	50.6%	$0.0	-$76.0

Task 5: Developing a Data-Driven Set of Realistic Industry Clusters for Kent County and Smyrna/Dover/Milford

With all the data collected and vetted, Rockport will turn its attention to developing a manageable set of cluster targets around which the KEP and its partners can develop, communicate, and execute ED strategy. A typical approach would have authorities focus upon the fastest growing industries in the U.S. and/or traded clusters with large market upsides, high wages, small environmental footprints, and low public infrastructure hurdles. Of course, these clusters are on every community's target list. These sectors however, for all their benefits, may be a mismatch for local labor skills, available commercial space, infrastructure, and land use requirements. Moreover, they may pose excessive environmental challenges, detract from local strategic objectives, or tarnish the community's brand and sense of place.

Data can help. Measures of growth, size, competition, and economic multipliers can help trim a long list of possibilities. Local judgement plays a huge role in considering all the issues for which adequate measures do not exist. Rockport Analytics will deploy a data-driven approach towards building a short list of vetted candidates, one that considers growth but also factors in other issues of regional compatibility. The key is to generate a realistic list with the highest

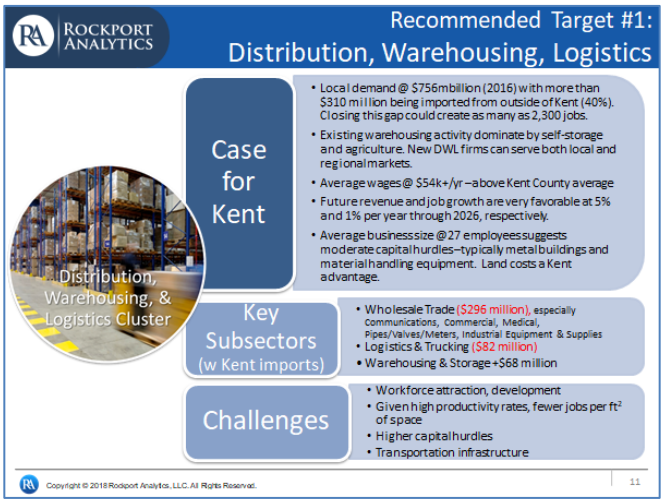
probabilities for success, ones that can later be reconciled with Kent's existing assets and economic development resources. We will gather data on many attributes that address desirability and weight them according to their influence on local economic success. Wherever possible, we will also incorporate projections of these measures to recognize that the execution of a business strategy will take place over many years. These weights will be structured so that they can be altered to consider alternative scenarios. A flexible index of desirability is the result. We like to call it a Market Power Index (MPI).

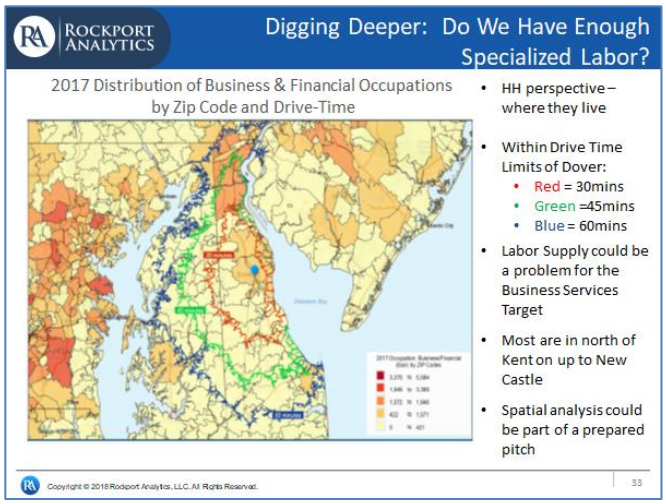
2016 Kent County Market Power Index Results

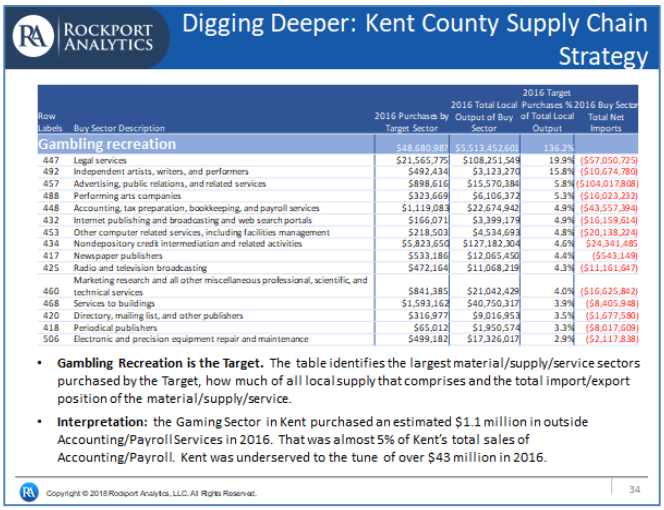
	Industry	2016 Kent County Sales	2016 Kent County Imports	Regional Purchase Coefficient	US 2006-'16 Growth	2017-'21 US Future Growth	Avg #Jobs per Estab	% Jobs in Estabs LT 100	2106 Avg Salary	MPI STD
		mills$	mills$	%	CAGR	CAGR		%	$k/ yr	0-100
	MPI Weight		30%	10%	10%	20%	10%		20%	100%
523	Securities & financial	$411.1	-$5.3	67.9%	0.9%	6.1%	9.1	52.1%	$208.7	**92.4**
621	Ambulatory Health Care Services	$533.3	-$101.7	77.5%	5.0%	9.0%	11.6	69.8%	$57.0	**75.9**
486	Pipeline transportation	$15.4	-$10.8	27.6%	-6.4%	9.3%	14.2	65.7%	$113.2	**75.6**
211	Oil & gas extraction	$71.8	-$69.8	0.1%	-0.7%	9.3%	17.1	48.0%	$127.6	**75.3**
519	Information services	$45.7	-$29.4	24.6%	4.6%	1.9%	21.6	35.4%	$157.0	**75.0**
324	Petroleum & coal	$207.3	-$206.8	0.1%	-0.9%	12.7%	48.0	26.3%	$101.9	**73.0**
533	Lessor nonfinance intangble assets	$37.6	-$17.1	37.5%	2.7%	5.4%	13.8	53.9%	$107.4	**72.8**
221	Utilities	$335.0	-$35.7	73.3%	1.4%	7.3%	35.5	39.0%	$100.4	**72.6**
624	Social assistance	$31.9	-$0.3	90.1%	5.0%	9.0%	16.9	65.6%	$22.2	**72.3**
622	Hospitals	$549.6	-$4.6	95.7%	5.0%	9.0%	815.5	0.9%	$60.0	**72.1**
522	Credit intermediation	$312.1	$4.7	84.2%	0.9%	6.1%	14.4	56.1%	$77.0	**70.5**
811	Repair & Maintenance	$162.4	-$9.1	85.9%	1.4%	7.0%	5.8	90.5%	$39.7	**70.4**
493	Warehousing	$46.5	$67.9	99.0%	11.8%	5.3%	53.5	27.7%	$43.8	**70.2**
492	Couriers & messengers	$23.2	$14.1	97.0%	11.8%	5.3%	39.8	26.5%	$43.4	**69.9**
532	Rental & Leasing	$82.3	$314.6	94.0%	2.7%	5.4%	9.6	82.3%	$48.0	**69.5**
711	Performing arts & spectator sports	$60.0	-$40.2	45.1%	1.4%	7.0%	9.6	42.3%	$78.8	**69.4**
623	Nursing & res care	$188.7	-$1.0	92.6%	5.0%	9.0%	40.0	42.3%	$27.6	**69.0**
441	Motor Vehicles Parts	$91.1	$43.5	100.0%	3.8%	4.9%	16.2	74.6%	$45.4	**68.4**
325	Chemical Manufacturing	$369.4	-$247.8	0.4%	2.5%	7.5%	57.6	31.1%	$80.1	**66.4**
230	Construction	$692.2	-$54.1	92.7%	0.7%	4.3%	8.8	71.1%	$58.0	**66.4**

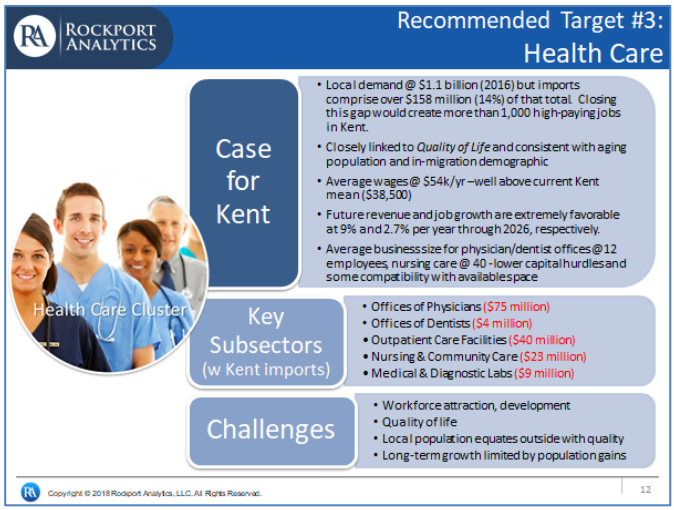
The MPI is an aid to choosing the most appropriate targets for strategic business development for Kent County. It cannot be the only consideration, however. For one, being data driven, it is constrained by available measures of sector pros/cons. Secondly, the MPI considers industries serially. While helpful in developing broad constructs, the targeting of clusters will involve the choice of many interrelated industries, some of which might not score well on their own. Thirdly, there are many important qualitative attributes to be considered as well. Finally, the tools and initiatives available to the KEP and its partners to execute the plan will also have an influence over which clusters and sectors are ultimately chosen.

The endgame is about results –jobs, rising income, improved fiscal positions, and improving quality of life. Rockport ultimately suggests a more nuanced and holistic targeting approach, but the MPI is a good place to start.









Task 6: Compare and Contrast the Cost of Doing Business in Kent County with Selected Competitive Markets in PA, NJ, and Maryland

Rockport will build a dataset of critical business costs for Kent County, Smyrna, Dover, and Milford, as well as a set of pre-chosen competitive locations in Northern Delaware, Southeastern PA, NJ, and Maryland. These cost factors will be chosen based upon: (1) their importance to business owners in making location decisions, (2) their contribution to overall business expenses and profitability, (3) the ability for KEP members to influence their level and growth within their communities, and (4) available data.

This database will provide the ability to compare and contrast business location and operating costs in Kent County with those in key competitive locations. Rockport will include an initial comparison in the final report. Moreover, we will deliver the dataset in Excel, along with sources and instructions for ongoing update. Keeping the dataset fresh over time will provide the KEP with a continuing resource for future relocation/expansion communications.

Rockport will work with the KEP and its partners to define the dataset. First, we will refine a manageable list of competitive locations, a few of which have already been discussed (e.g. Principio Business Park in Cecil County, MD or Montgomery County, PA). Second, an actionable set of cost factors must be chosen and prioritized that are common to the competitive locations. Examples would include water and electricity rates, property and other business taxes, prevailing wage rates, land costs, transportation costs (including fuel, time, prorated depreciation, etc.), and other

business expenses. Rockport envisions a list of about 10-15 cost of business factors that can be mined on an ongoing basis for relocation/expansion pitches and communicated to local government authorities for possible policy or tax regime changes that would make Kent more competitive, where appropriate.

Task 7: Assist Each Partner Community in Folding the Target Sector Results into Existing or Developing Strategic Plans

Rockport will support the KEP and its partners in making the final results actionable. With all the data collected and vetted, and an appropriate set of target clusters chosen, Rockport will turn its attention to assisting the KEP and its partners in incorporating the results into economic development strategy. Specific recommendations will be submitted for leveraging strengths, mitigating weaknesses, and for potential strategic initiatives. Special attention will be focused on ongoing and related strategic initiatives where target sector recommendations can dovetail with other community goals.

Deliverables and Communication Plan

Accurate and credible research is a necessary condition for success, but it is the quality of the deliverables and communication plan that help to maximize the return on your research investment. Rockport Analytics completely understands this critical construct and strives to provide a final report and Powerpoint executive summary that clearly and concisely communicates our findings. This is typically done collaboratively with the client so that your intimate knowledge of the audience and base objectives is combined with an authoritative communication of the research and its storylines.

Rockport Analytics' final report will clearly present the numbers and storylines surrounding the target industry update and deeper dive. Our report will be constructed, with KEP's input, to satisfy various constituencies and partners. Moreover, Rockport is quite comfortable presenting the results to a broad range of audiences, tailoring the emphasis and translating the message to each group.

Potential contributions to a communication plan could include (at LOT discretion):

1. A full publication-quality report presenting impact measures, their implications, and interpretations. The final report will also include study data sources, methodology, a glossary of terms/definitions, and other acknowledgements –again, no black boxes.
2. The full report will be broken into standalone sections for: (a) the county in total, (b) Smyrna, (c) Dover, and (d) Milford.
3. An executive summary PowerPoint presentation suitable for key audiences designated by the KEP. The PowerPoint will also be broken into standalone sections for Kent County, Smyrna, Dover, and Milford.
4. An Excel-based dataset of cost of doing business factors for Kent County, the three constituent communities, and a chosen list of competitive locations in DE, PA, NJ, and MD. Sources and methods for keeping this data current will be included to provide ongoing value.
5. A presentation by Rockport of study results at a time/location to be determined by the KEP (travel billed separately as incurred).
6. Assistance with report interpretation and incorporation into ED strategic plans as appropriate
7. Rockport Analytics will be available to the press, KEP sponsors, business partners, appropriate government officials, and other constituents for interpretation and follow-up Q&A for a period of one year following the release of the study.

Project Schedule and Costs

The project to update and expand the target analysis of Kent County and its community partners will require a comprehensive research effort and a collaborative process that includes all appropriate parties. It includes data-driven research, economic development strategy, and community outreach. Choosing sector targets, developing & communicating strategy, executing specific tasks, and measuring success will take time and include many individuals. This describes a journey that will be ongoing.

Rockport would begin work immediately following the execution of a contract. The research updating and detailing Kent targets would be executed concurrently with the analysis of Smyrna, Dover, and Milford. **Both would take approximately 8-12 weeks to complete**, culminating in a written report and PowerPoint executive summary.

The fixed cost of the Kent County update and the Smyrna/Dover/Milford original target sector analysis and cost of doing business database & competitive comparison would total $25,500. Executing all four project components at once provides cost savings both in data and model acquisition, as well as our own analytical labor time. However, recognizing that not all the partners may join this cooperative at the same time, Rockport has provided some project options in the table grid below:

#	Description	Cost	Comments
1	KEP Update/Deeper Dive Only	$10,650	Kent County only. Appx 15 target sectors (original 5 plus 10 closest alternates).
2	Smyrna Target Sector Analysis Only (i.e. w/o KEP Kent Update)	$12,575	Original target sector study of Smyrna zip code-defined footprint. All industries in play.
3	Dover or Milford Target Sector Study only	$12,575 per community	Original target sector study of Dover or Milford zip code-defined footprint. All industries in play.
4	KEP Update plus Smyrna Target Sector Study (#1 plus #2)	$15,150	KEP Kent County update and deeper sectoral dive plus original Smyrna target sector study
5	All target sector project components (#s 1,2,3 above)	$22,500	KEP Kent-wide update plus all three partner communities.
6	Cost of Doing Business Database and Comparison Analysis	$3,000	Kent-wide plus 3 partner communities vs. Northern DE, and selected competitive locations in PA, NJ, and MD
7	All Project Components (#5, #6)	$25,500	Kent-wide plus 3 partner community target sector research plus Cost of Doing Business Data & Comparison Analysis

About Rockport Analytics

Rockport Analytics (www.rockportanalytics.com) is a research and analytical consulting firm located in West Chester, PA providing high quality quantitative and qualitative research solutions to business, government, and non-profit organization clients across the globe. We provide fast, nimble service in a transparent environment. Capabilities include:

- Market Analysis and Forecasting
- Economic Impact Assessment, Tourism Satellite Accounting, and Economic Development
- Market Modeling and Decision Support Tools
- Project Feasibility Assessment
- Primary and Secondary Research Synthesis
- Stakeholder Surveys – internal & external

Recent client examples include: Minneapolis Super Bowl Host Committee, Orange Bowl Committee, Houston Super Bowl Host Committee, U.S. Travel Association, Global Business Travel Association, Meeting Planners International (MPI), Indianapolis Super Bowl Host Committee, Delaware Tourism Office, Indiana Office of Tourism Development, Boeing, Visa, American Express, Carson Wagonlit, IHG, Meadowlands CVB, and Annapolis CVB.

Recent Engagement Examples

- Delaware Economic Development Office -Tourism Satellite Account (2006-2017)
- Targeting Industries for Relocation, Expansion, and Incubation in Southern Ocean County, New Jersey (2015)
- Indiana Office of Tourism Development – Tourism Economic Impact (2009-2017)
- Meeting Planners International (MPI) - Study of Meeting Planner Personas 2012
- Global Business Travel Association (GBTA) – The Economic Impact of Business Travel in the United States (2012, 2017), Canada (2013, 2018), and Mexico (2015)
- U.S. Travel Association – Travel Taxation Study
- US Travel Association – The Value of Government Meetings
- Economic Impact of the Super Bowl XLVI, LI, LII -Host Committees & NFL– 2012-2018
- Visit Indy – Tourism Economic Impact (2006-2017) and Event Impact Calculator
- The Economic Impact of the 2015-16 Orange Bowl (2016)
- Economic & Fiscal Impacts of the Delaware Botanic Garden at Pepper Creek (2014)
- The Economic Impact of the Indiana State Museum and Historic Sites (ISMHS) 2017

Project Management

Rockport Analytics' system of project management and control is designed to ensure that projects are completed on time, to the satisfaction of the client, and to ensure that high professional and technical standards are maintained. The system is designed to assure close cooperation between Rockport and its clients. Such cooperation facilitates the flow of information and the monitoring of progress against identified milestones of project goals and deliverables.

Rockport Analytics will designate Kenneth McGill, Managing Director, as Project Manager with overall project design and implementation responsibility. Mr. McGill has directed numerous economic impact studies of attractions, events, facilities, policy, and total tourism activity in his 30+ years of experience. He is a frequent speaker at industry events including Governors' Conferences on Tourism, DMO conferences, Bond Buyers Symposiums, and many industry trade association events (e.g. GBTA, USTA, DMAI, MPI, ITB Berlin, etc.)



Kenneth McGill
Managing Director
Rockport Analytics LLC
1610 Herron Lane
West Chester, PA 19380
610-213-2558
ken.mcgill@rockportanalytics.com

PROFILE

Ken McGill is Managing Director of Rockport Analytics, an advisory, development, and research firm headquartered in Annapolis, MD. Ken's role is to provide research-driven, fact-based perspectives that both reveal and support successful business strategy. His team specializes in the many volumetric research challenges faced by travel management, suppliers, destinations, and financial organizations. He has a longstanding track record for generating credible measures of market performance, growth, share, ROI, and relative opportunities and risks. Ken is also Chief Economist for the Global Business Travel Association (GBTA).

Prior to this position, McGill was Executive Vice President for IHS Global Insight and head of its Travel & Tourism Practice. He directed both existing client relationships and spearheaded new development efforts, particularly in the functional areas of market research, economic impact assessment, and resource planning. In his 30 years in economic and strategic consulting, Ken has developed an expertise in research and planning methods that has been successfully applied to business problems in a variety of corporate and government settings. He is particularly known for his work in combining primary market research with traditional economic and industry analysis. Ken has considerable project experience in the gaming, hospitality, attraction, and transportation sectors.

Mr. McGill had been with IHS Global Insight (and its predecessors) for over 18 years, spanning two tours of duty. In between, he worked for ICR Survey Research and AUS Consultants' Industry Analysis and Marketing Systems units. Ken also spent seven years with AMP Incorporated (now Tyco International) in a number of planning and market research roles. Finally, he did a tour of duty in NASA's Technology Transfer Office, helping to pass on the discoveries of space research to private industry. Mr. McGill holds a BA, MA (ABD) in economics from West Virginia University.



Jon Gray
VP, Research & Insight
Rockport Analytics LLC
30 E Ostend Street
Baltimore, MD 21230
443-629-7150
jon.gray@rockportanalytics.com

PROFILE

Jon Gray is VP of Research & Insight at Rockport. He is responsible for leading innovative research initiatives that empower travel suppliers, associations, and Destination Marketing Organizations (DMOs) to make informed marketing and planning decisions. Jon has advised clients in a multitude of market and economic research areas including consumer behavior, strategic planning, customer analytics, market segmentation, competitive analysis, and economic impact assessment. Prior to joining Rockport, Jon worked for Vantage Strategy, a strategy and research firm headquartered in Annapolis, MD. Jon is Rockport's resident expert on survey research, quantitative analysis, and market modeling. In recent years, he has focused these talents on the travel industry, particularly on behalf of destinations, travel suppliers, and trade associations. His recent landmark study on meeting planner personas for Meeting Planners International (MPI) is being used to develop innovative training programs for hotel, CVB, and DMO sales staff.

Mr. Gray spent five years at Strategic Business Insights (formerly SRI International) in Princeton, NJ where he conducted market research and provided thought leadership for top financial services institutions, universities and government agencies. Additionally, Jon has worked for companies conducting research in the areas of technology and public policy. Jon holds a Bachelor of Science in Economics from Towson University.