

City of Milford



CITY COUNCIL AGENDA Monday, March 22, 2021

In accordance with the State of Emergency Declaration issued by Governor John Carney that became effective on March 13, 2020, and as extended, all public meetings of the City of Milford shall be conducted electronically through Zoom until further notice to prevent unnecessary public gatherings.

*This meeting is available for viewing by the public by accessing the following link:
<https://zoom.us/j/95711967012>*

*Members of the public may also dial in by phone using the following number:
Dial 1 301 715 8592 Webinar ID: 957 1196 7012*

Public Comments are encouraged on the items as noted on the agenda and must be submitted via email to cityclerk@milford-de.gov no later than the start of the meeting. Attendees may also alert the City Clerk that they wish to speak at the appropriate time by submitting their name, address, and agenda item on which they would like to comment via the Zoom Q&A function or by using the Raise Your Hand function during the meeting. All public comments received will be read into the record at the meeting.

6:00 P.M. WORKSHOP

Annual Updates & Funding Requests:
Milford Museum
Milford Public Library
Carlisle Fire Company

7:00 P.M. COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Public Hearings ®

ORDINANCE 2021-03/CONDITIONAL USE

*Equitable Owners/Applicant Jason L. Sr. & Pamela T. James, on behalf of the City of Milford, submitted a Conditional Use petition to construct a 4,000 square foot building to be used as a personal fitness business on 1.0 +/- acres of land at Lot 8 of Independence Commons.
Address: 206 Liberty Way*

*Present Comp Plan Map Designation: Commercial
Present Zoning District: OC-1 (Office Complex District)
Present Use: Vacant Proposed Use: Personal Fitness
Tax Parcel: MD-16-173.00-01-02.12*

Communication & Correspondence

Unfinished Business

Ratification/Milford Public Library Annual Agreement/Addendum

New Business

ADA Assessment Plan

Executive Session

Motion to Recess into Executive Session

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

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

Return to Open Session

Potential Vote/Property Sale/Lease

Potential Vote/Ratification/Collective Bargaining Agreement

Adjournment

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

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

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

011521 020221 020921 021921 030121 031221 031521
031821

**MILFORD MUSEUM
ANNUAL UPDATE & FUNDING REQUEST
MARCH 2021**

OPERATIONS/PROGRAMS/SERVICES

- 1) State maintenance teams removed an interior wall in the basement and provided us with additional shelves and a rack for our storage area. We then scraped and painted the walls. A Lions Club Grant allowed us to install LED lighting in the basement exhibit & storage areas.
- 2) We purchased a storage building for non-collections items and the City kindly allowed us to place it in the fenced area under the water tower.
- 3) Claudia Leister re-wrote the “Mispillion Greenway Walking Trail & Tour” booklet. Printing was paid with Vinyard Shipyard Project funds.
- 4) Assisted Chamber of Commerce with organization & set up of baskets for Taste of Milford event.
- 5) Installed new THEN & NOW exhibit comparing old and new appliances. Received great newspaper coverage for this exhibit.
- 6) Hired 302 Stories to prepare a two minute video of the Museum and posted QR code for this outside so people could watch our story.
- 9) A total of 144 new items have been added to the Museum’s collections during 2020.

PERFORMANCE INDICATORS

Due to COVID, the Museum has been closed according to the Governor’s Recommendations. Our total visitation for calendar year 2019 was 3,255. Our visitation for 2020 was only 1,122. Naturally this decrease also caused a decrease in funds from donations and sales.

VOLUNTEERS

The Museum will start the year with one new Board member. Angela Tibbitt, CPA will take over the Treasurer’s position. The Museum Board now includes a total of 14 members who volunteer their time and talents.

UPCOMING EVENTS

The following Fundraising events are being planned for 2021: Saturday May 1 KENTUCKY DERBY PARTY @ Benvenuto Restaurant, Saturday August 22 HIPPIEFEST at Causey Mansion and Saturday October 23 GHOSTWALK beginning at Causey Mansion.

CITY FUNDING

CALENDAR YEAR 2019		CALENDAR YEAR 2020	
ITEM	AMOUNT	ITEM	AMOUNT
Payroll	\$44,387.74	Payroll	\$36,936.94
Utilities	\$9,192.85	Utilities	\$7,498.22
TOTAL:	\$53,580.59	TOTAL:	\$44,435.16

The Milford Museum is requesting funding support from the City of Milford for 2021 in the amount of \$30,000.



The State of Milford Public Library

For: Kent County Library Advisory Committee

Presented by: Kay Hudson

Milford Public Library 2019-2020

Throughout the pandemic, the library has maintained 24/7 service through curbside pickup, eResources, Ask-A-Librarian, Zoom programs and other venues to provide service to the community.

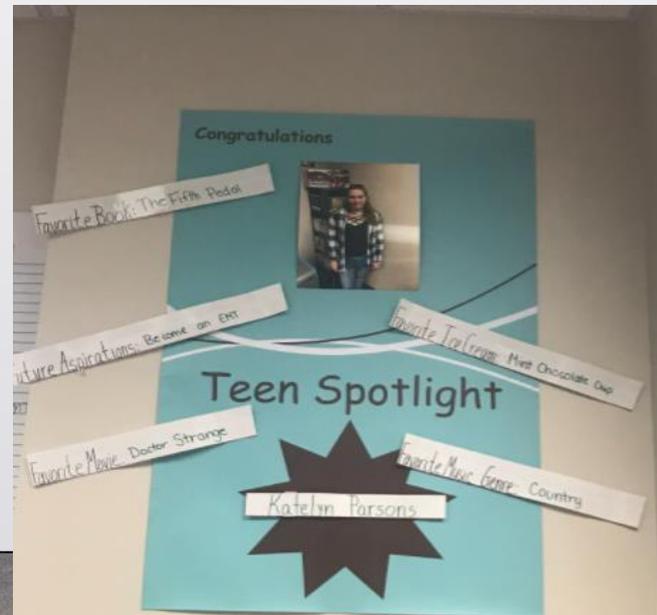


What's Happening at
the
Milford Public Library
Teen Center
2019-2021





Inside Our Teen Center



Choose This or That
Meet With Certified Dietitians/Nutritionists

Delaware Aero Space
Education
Starlab
Indoor Planetarium

CPR Trainer

Culinary School of Milford

Explore China

Summer Reading
2019

Hacking Your Brain
Brain Based Learning

Meet a Local Author

SPCA Brandywine Valley



Presenters
2019-2021

Nanticoke Indian Dance Troupe

Hispanic Awareness Month

A Day With the Bearded Dragon

YOGA

Paint Night

Dover Airforce Base C5 and C17 Pilots



**Delaware Aero Space Education
Starlab Indoor Planetarium**

Calling All Teens, Children and Adults!



Visit us on April 16th from 4:30pm to 5:30p
for a special presentation from the Dover Air
Force Base 3rd and 9th Airlift Squadrons. The
C-17 and C-5 Pilots will discuss the principles of
flight, responsibilities of a pilot, requirements
to join the United States Air Force, and
qualifications for becoming a pilot.
Refreshments will be provided after the
presentation.

Dover Airforce Base C5 and C17 Pilots



**Milford Central Academy
Outreach**



**Milford Culinary
Arts School**



Nanticoke Native Americans



Hispanic Awareness Month

Just the Art Club

Unplugged Board Game Night

BINGO Night

STEM

Knitting and Croqueting Club

Tinker Cad -3 D Printing

Anime Night

Arts and Craft Night

Movie Night



Programs
To meet the Needs of All Teens
2019-2021

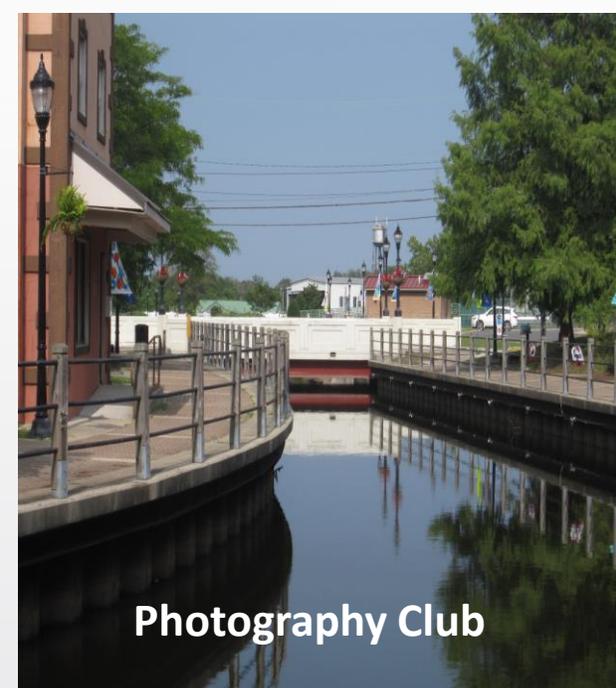
Virtual Reality Night

Photography Club

Dungeons and Dragons Club

Model United Nations

Who's the best at Checkers and Chess Club?



Photography Club



STEM: Crystallization



Build devices to play a volleyball game!
(How many times can you get the ball back and forth over the net without it touching the ground?)

STEM: Create a Volleyball Launcher



Just the Art Club



STEM



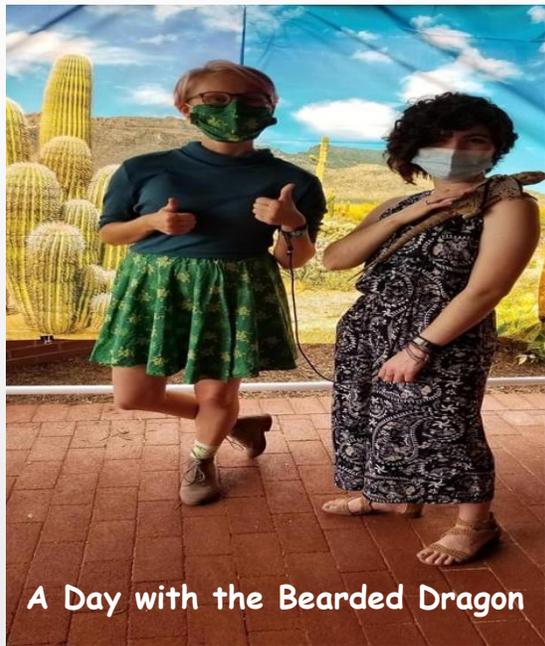
STEM



STEM



Arts and Crafts



A Day with the Bearded Dragon

Virtual Activities

Looking for some stuff to do? Check out our virtual events and have some fun from home!

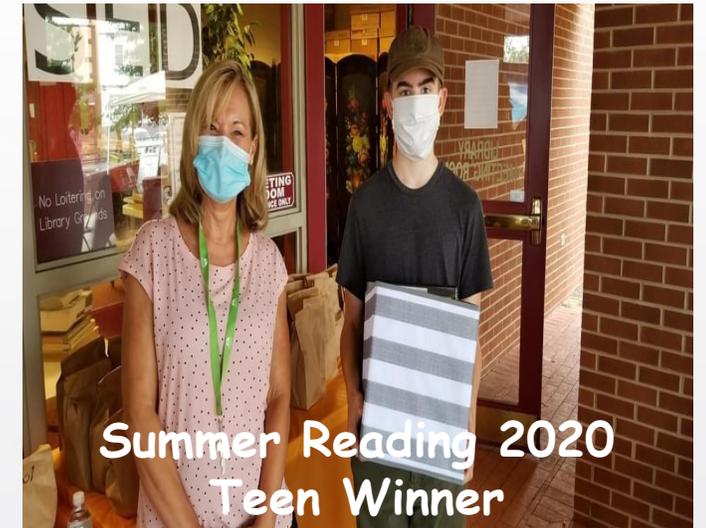
This Week's Theme: Being Productive Means Success

Personal productivity is completing the actions that move you closer to accomplishing your goals in a manner that brings balance and ease into your life.



[.https://milford.lib.de.us/virtual-events//](https://milford.lib.de.us/virtual-events//)

How We Adjusted to COVID 19 and Continued to Serve Our Teens!



Summer Reading 2020
Teen Winner

Weekly Newsletter
<https://us20.admin.mailchimp.com/templates/edit?id=238867>

Virtual Teen Clubs

- Book Club
- Anime Club
- Dungeons and Dragons Club
- On-line Gaming Club
- Art Club
- Discord Chat



Monthly Outside STEM & Arts and Crafts



Have a Holly Jolly Holiday

In Teen Center Activities

	2019 Attendance Count	2019 # of Programs	2019 Program Attendance	2020 Attendance Count	2020 # of Programs	2020 Program Attendance
January	183	21	N/A	164	27	112
February	140	23	N/A	184	24	117
March	160	13	69	57	11	41
April	142	14	76			
May	157	14	130			
June	148	11	66			
July	141	14	100			
August	212	14	112			
September	133	22	65			
October	221	27	99			
November	125	28	208			
December	137	26	93			
Year End	1899	227	1018			

Virtual Activities on Teen Website Site

Month	Attendance On-line Activities
April	N/A
May	136
June	202
July	102
August	270
September	201
October	191
November	98
December	91
Total	1291

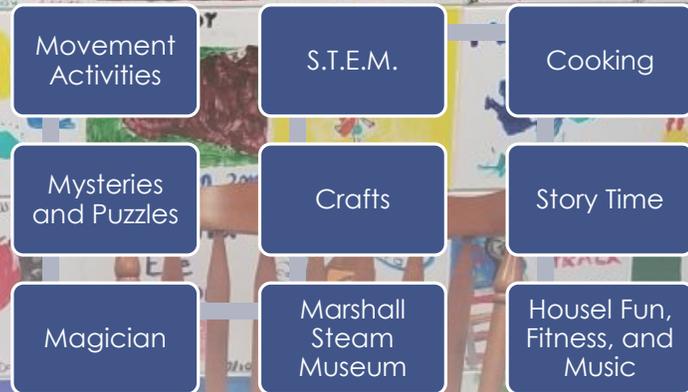
Total 2020 Attendance: 1608

In Person Programs



Milford Children's Programs

Virtual Programs



Curbside Pickup Programs



Outreach Events



Children's Data 2019 and 2020

2019 In Person Programs	Number of Programs	Number of Participants
January	24	517
February	26	724
March	21	370
April	25	387
May	26	785
June	26	659
July	39	743
August	33	1090
September	17	250
October	24	380
November	16	263
December	18	524
Total	295	6,692

2020 In Person Programs	Number of Programs	Number of Participants
January	18	589
February	19	418
March	9	148
August	1	47
September	2	147
October	4	196
November	3	41
December	1	60
Total	57	1,646

Year	Number of Programs	Number of Participants
2019	295	6,692
2020	173	8,070

2020 Virtual Programs	Number of Programs	Number of Views
April	23	1,003
May	32	2,179
June	24	840
July	13	297
August	13	287
September	1	1,475
Total	106	6,081

2020 Curbside Programs	Number of Programs	Number of Views
July	1	24
August	1	50
September	2	86
October	2	96
November	2	50
December	2	37
Total	10	343



Adult Services

Programming
1,928

New Cards
726

WiFi usage
8,208

Curbside Pickups
5,184

Social Media

Milford Public Library and COVID-19 Preparations

Curbside Pickup



PPE



**Carlisle Fire Co., Inc.
Annual Funding Request FY 2021**

Fiscal Year 2021 Request- \$200,000

City Electric/Water/Trash- \$35,000

Employee Health and Dental- \$32,000

Salary/Payroll Tax- (\$467,000) \$73,000

Total \$140,000

(2) Stretchers- \$35,000 Current stretchers are 15 years old

(3) Apparatus tire replacements- \$15,000

Fire Gear- \$10,000

Total- \$60,000

Carlisle Fire Co., Inc. City Request of \$200,000

Carlisle Fire Co., Inc.
Annual Funding Request

Carlisle Fire Co., Inc.

Fiscal Year 2022 Request- \$200,000

- City Electric/Water/Trash- \$35,000
- Employee Health and Dental- \$32,000
- Salary/Payroll Tax- (\$467,000) \$73,000

Total \$140,000

Carlisle Fire Co., Inc.

Fiscal Year 2022 Request- \$200,000 Cont.

- (2) Stretchers- \$35,000 Current stretchers are 15 years old
- (3) Apparatus tire replacements- \$15,000
- Fire Gear- \$10,000

Total- \$60,000

Carlisle Fire Co., Inc. City Request of \$200,000



CITY OF MILFORD
NOTICE OF PUBLIC HEARING

Planning Commission Hearing: Tuesday, March 16, 2021
City Council Hearing: Monday, March 22, 2021

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by Milford Planning Commission and City Council, with action scheduled to occur on the date(s) and time(s) so indicated:

ORDINANCE 2021-03

Equitable Owners/Applicant Jason L. Sr. & Pamela T. James, on behalf of the City of Milford, submitted a Conditional Use petition to construct a 4,000 square foot building to be used as a personal fitness business on 1.0 +/- acres of land at Lot 8 of Independence Commons.

Address: 206 Liberty Way

Present Comp Plan Map Designation: Commercial Present Zoning District: OC-1 (Office Complex District)

Present Use: Vacant Proposed Use: Personal Fitness

Tax Parcel: MD-16-173.00-01-02.12

WHEREAS, Chapter 230-18(D)(4) states “indoor recreation (tennis, racquetball, handball, swimming, etc.)” is a conditional use subject to special requirements set forth by City Council within the OC-1 (Office Complex District) zoning category; and

WHEREAS, the equitable owners/applicants of the property, as described herein, have petitioned the City of Milford for a conditional use permit to allow a personal fitness facility at 206 Liberty Way in Independence Commons; and

WHEREAS, the City of Milford Planning Commission considered the application during their meeting on Tuesday, March 16, 2021, at which time interested parties were permitted to publicly comment on the application so that an informed recommendation could be provided to City Council; and

WHEREAS, Milford City Council held a Public Hearing on Monday, March 22, 2021, to allow for additional public comment and review of the ordinance at which time a final determination was made; and

WHEREAS, the notice as required by Chapter 230, has been published in the Milford Beacon on February 24, 2021, and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, the equitable owners/applicants entered into a sales agreement with the City of Milford to purchase the property, contingent upon conditional use and preliminary site plan approvals; and

WHEREAS, this ordinance becomes effective ten days following the date of its adoption by City Council.

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

Section 1. Upon the adoption of this ordinance, Equitable Owners/Applicants Jason L. Sr. & Pamela T. James, on behalf of the City of Milford, are hereby granted a Conditional Use Permit to permit a Personal Fitness Facility in an Office Complex Zoning District on 1.0 +/- acres at 206 Liberty Way in Independence Commons, in accordance with the application, approved plans and any conditions set forth by City Council.

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

City Council Introduction: Monday, March 8, 2021

Planning Commission Review & Public Hearing: Tuesday, March 16, 2021

City Council Public Hearing: Monday, March 22, 2021

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: *Milford Beacon 02/24/2021*



DATA SHEET FOR LOT 8 – INDEPENDENCE COMMONS

Development Advisory Committee: January 20, 2021

Planning Commission Meeting: March 16, 2021

Application Number / Name	:	21-001 / Lot 8 – Independence Commons
Applicant	:	Jason L. & Pamela T. James 1 James Drive Milford, DE 19963
Owner	:	City of Milford 201 S. Walnut Street Milford, DE 19963
Application Type	:	Conditional Use & Preliminary Site Plan
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	OC-1 (Office Complex District)
Present Use	:	Vacant
Proposed Use	:	Personal Fitness
Size and Location	:	1.0 +/- acres of land located along the north side of W. Liberty Way within the Independence Commons business park, addressed as 206 W. Liberty Way.
Tax Map & Parcel	:	MD-16-173.00-01-02.12

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



STAFF REPORT
2/23/2021

Application Number / Name	:	21-001 / Lot 8 – Independence Commons
Present Comprehensive Plan Designation	:	Commercial
Present Zoning District	:	OC-1 (Office Complex District)
Present Use	:	Vacant
Proposed Use	:	Personal Fitness
Tax Map & Parcel	:	MD-16-173.00-01-02.12
Size and Location	:	1.0 +/- acres of land located along the north side of W. Liberty Way within the Independence Commons business park, addressed as 206 W. Liberty Way.

I. BACKGROUND INFORMATION:

- The applicant proposes to construct a 4,000 square foot building to be used as a personal fitness business on Lot 8 of the Independence Commons business park.
- The applicant has entered into a sales agreement with the City of Milford to purchase the property contingent upon conditional use and preliminary site plan approvals.
- Chapter 230-18(D)(4) states “indoor recreation (tennis, racquetball, handball, swimming, etc.)” is a conditional use subject to special requirements set forth by City Council.

II. STAFF ANALYSIS:

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

- The plans have been reviewed for general compliance with the City’s Standard Construction Specifications. The applicant acknowledged plan review comments from the City Engineer and agrees to address these during the Final Site Plan submission process.

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

A. The presence of adjoining similar uses.

The property is located within the Independence Commons Business Park. Other uses in the immediate vicinity include professional offices, medical offices, Delaware Veterans Home, Delaware Hospice and the Milford Boys and Girls Club.

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

The proposed use is allowed by conditional use approval within the OC-1 zoning category and is permitted by right within the C-1, C-2, C-2A and C-3 zoning districts.

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

The Comprehensive Plan designates this area as Commercial. The proposed use is consistent with the land use plan for the Comprehensive Plan and the zoning code permits the use by conditional use approval from City Council.

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

The project is located within the Independence Commons Business Park and is surrounded by professional and medical offices, indoor recreation, and long-term or end of life care facilities. There is no need to screen the use from adjacent uses.

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

The proposed use would not detract from other permitted uses in the district. The subject parcel is located within the Independence Commons Business Park and is surrounded by professional offices, indoor recreation facilities and long-term or end of life care facilities.

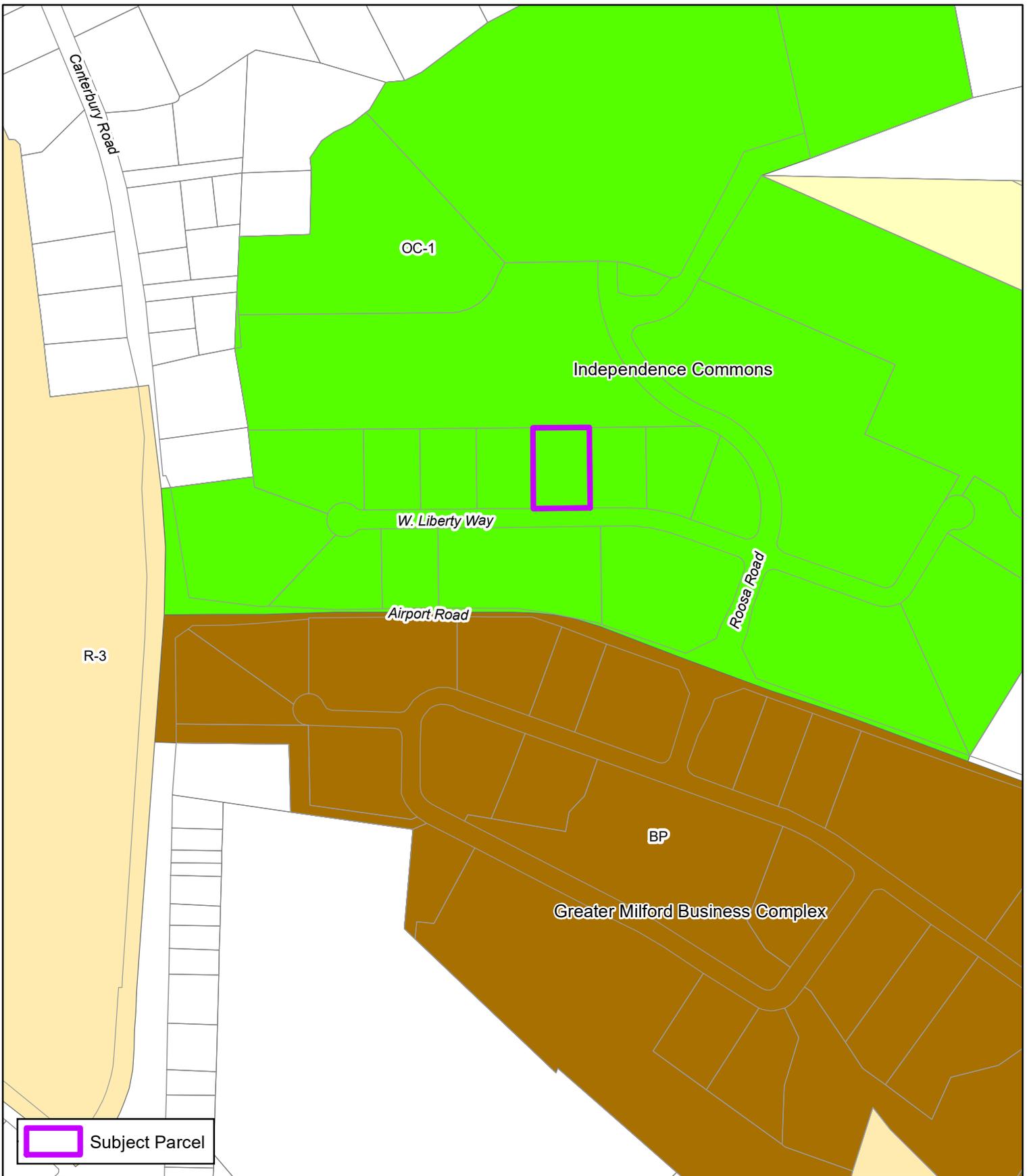
F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

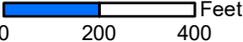
The site is located within the Independence Commons Business Park and would have access along W. Liberty Way. Adequate off-street parking is proposed which meets the City's zoning ordinance. There is no need to screen the proposed use from adjoining business park uses.

- The following comments must be addressed prior to final site plan approval:
 - Final Site Plan approval will require approvals or no objection letters from the State Fire Marshal's Office, Office of Drinking Water and Kent Conservation District;
 - Address Preliminary Site Plan and Conditional Use review comments (a copy of which is provided in the packet);
 - Applicant must obtain final approval of engineering plans from the City Engineer; and,
 - Additional department and agency comments outlined in Section III.

III. AGENCY COMMENTS:

- **Delaware Health and Social Services – Division of Public Health**
Contact: William Milliken – 302-741-8646
No comments provided.
- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
Contact: Keith Kooker – 302-739-9946
No comments provided.
- **Kent Conservation District**
Contact: Jared Adkins – 302-741-2600
No comments provided.
- **Delaware State Fire Marshal’s Office**
Contact: Duane Fox – 302-856-5298
See attached comments.
- **Carlisle Fire Company**
No comments provided.
- **City Engineer**
Contact: Jason McClafferty, P.E. – KCI Technologies
See attached Preliminary Site Plan review comments dated February 22, 2021.
- **City of Milford Public Works Department**
Contact: Mike Svaby – 302-422-1110
No comments provided.
- **City of Milford Parks and Recreation Department**
No comments provided.
- **City of Milford Police Department**
No comments provided.
- **Milford School District**
No comments provided.



	Scale:  Feet 0 200 400	Title: Preliminary Site Plan Lot 8 - Independence Commons Location & Zoning Map
	Drawn by: WRP Date: 01/11/21	
Filepath: PreliminarySitePlan_Lot8IndependenceCommons.mxd		

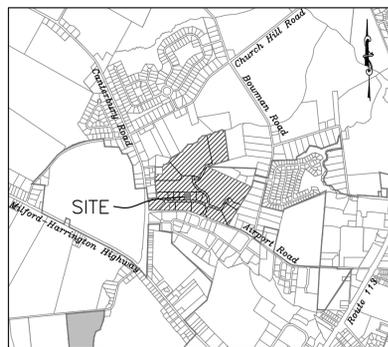
LOT 8 PERSONAL FITNESS

CITY OF MILFORD, KENT COUNTY, DELAWARE

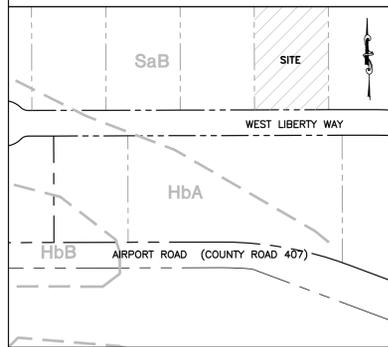
DBF PROJECT #3745A001

PRELIMINARY SITE PLAN

DECEMBER, 2020



VICINITY MAP SCALE: 1" = 1/2 MILE



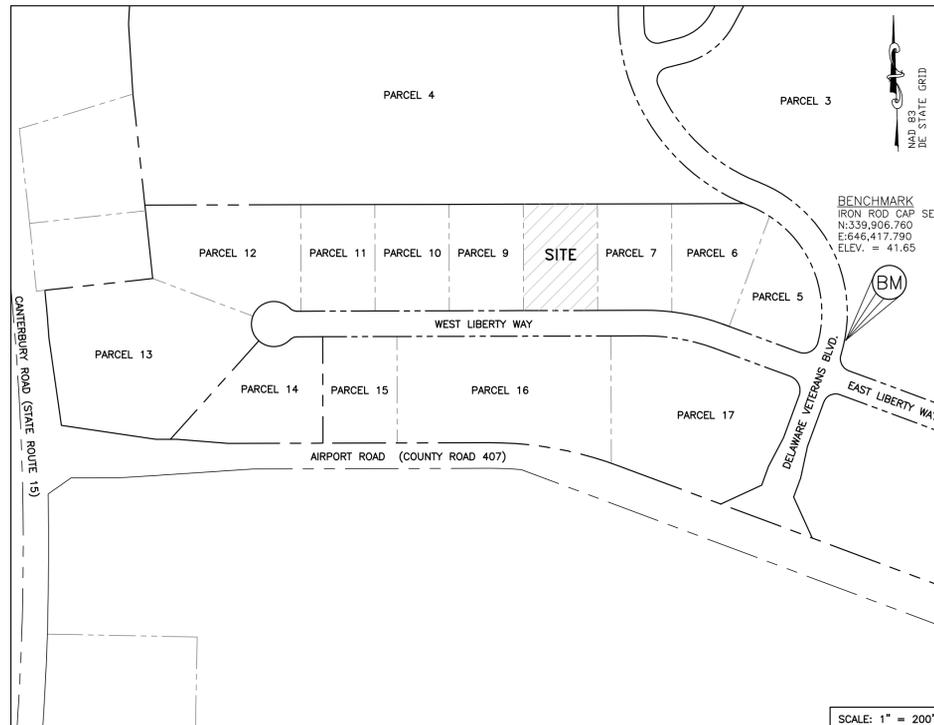
SOILS MAP SCALE: 1" = 200'

DATA COLUMN

TAX MAP ID:	MD-16-173.00-01-02.12 (D 0286 0059)
DATUM:	NAVD 88
VERTICAL:	NAVD 88
HORIZONTAL:	NAVD 83 (DE STATE PLANE)
LAND USE:	VACANT LOT
EXISTING:	COMMERCIAL
PROPOSED:	
ZONING:	
EXISTING:	DC-1 (OFFICE COMMERCIAL)
(DC-1) ZONING REQUIREMENTS:	REQUIRED PROPOSED
MINIMUM LOT SIZE:	1 ACRE 1,004 ACRES
MAXIMUM LOT COVERAGE:	75% 32%
MAXIMUM BUILDING HEIGHT:	70 FT 20 FT
MINIMUM FRONT YARD SETBACK:	50 FT 50 FT
MINIMUM SIDE YARD SETBACK:	15 FT 20 FT
MINIMUM REAR YARD SETBACK:	40 FT AGGREGATE 40 FT AGGREGATE
MINIMUM LOT WIDTH:	25 FT 25 FT
100 FT 175 FT	
(DC-1) REQUIRED PARKING SPACES:	
COMMERCIAL:	1.00 SPACES PER 150 SF
PARKING SHOWN:	4000 SF/150 = 26.67 SPACES
	27 SPACES - 25 (9'x18'); 2 HANDICAP (9'x18')
AREAS:	
EXISTING SITE:	
TOTAL SITE AREA:	1,004 AC.
UTILITIES:	
SEWER PROVIDER:	CITY OF MILFORD
WATER PROVIDER:	CITY OF MILFORD
ELECTRIC PROVIDER:	CITY OF MILFORD
PROPOSED BUILDING CONSTRUCTION:	WOOD AND MASONRY
PROPOSED AVERAGE SEWER FLOW:	750 GPD
PROPOSED PEAK SEWER FLOW:	2,250 GPD
WETLANDS - THIS PROPERTY IS NOT IMPACTED BY WETLANDS.	
THIS PROPERTY IS LOCATED 700'± TO THE NORTHWEST OF THE INTERSECTION OF DELAWARE VETERANS BLVD. AND WEST LIBERTY WAY.	
WEST LIBERTY WAY POSTED SPEED LIMIT: 25 M.P.H.	
PROPERTY OWNER:	
JASON AND PAM JAMES	
1 JAMES DRIVE	
MILFORD, DE 19963	
302-422-3079	
ENGINEER:	
DAVIS, BOWEN & FRIEDEL, INC.	
JAMIE L. SECHLER, P.E.	
1 PARK AVENUE	
MILFORD, DE 19963	
PHONE: 302-424-1441	
FAX: 302-424-0430	

LEGEND

EXISTING	PROPOSED
BOUNDARY LINE	RIGHT-OF-WAY
ADJACENT PROPERTY OWNER	SETBACK LINE
CONTOUR ELEVATION AND LABEL	CONTOUR ELEVATION AND LABEL
SOILS BOUNDARY LINE	
DRAINAGE INLET, STORM PIPE, LABELS	DRAINAGE INLET STORM PIPE, LABELS
SANITARY SEWER MANHOLE, PIPE, FLOW ARROW, PIPE SIZE	SANITARY SEWER CLEANOUT
WATER MAIN, W/ VALVES	SERVICE LINE
WATER METER	
FIRE HYDRANT ASSEMBLY	
SIGN, STREET LIGHT	SIGN
OVERHEAD ELECTRIC	
GAS	
UTILITY POLE	STREET LIGHT
	LANDSCAPE
SIDEWALK	SIDEWALK
PAVEMENT	PAVEMENT / FULL DEPTH



SHEET INDEX	
TITLE SHEET	PL-01
PRELIMINARY SITE PLAN	PL-02

OWNER'S CERTIFICATION

WE, JASON AND PAM JAMES HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

PRINT NAME _____
 SIGNATURE _____ DATE _____
 PRINT NAME _____
 SIGNATURE _____ DATE _____

ENGINEER'S STATEMENT

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

DAVIS, BOWEN & FRIEDEL, INC.
 by JAMIE L. SECHLER, P.E.

 DATE _____

CITY OF MILFORD GENERAL NOTES:

- THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY DAVIS, BOWEN & FRIEDEL INC, ON DECEMBER 15, 2020.
- A TOPOGRAPHIC SURVEY WAS PERFORMED BY DAVIS, BOWEN & FRIEDEL ON DECEMBER 15, 2020.
- HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, CONTROL MONUMENTS (TO BE ADDED DURING DESIGN).
- HYDRIC SOILS ARE NOT INDICATED AS BEING PRESENT ACCORDING TO KENT COUNTY SOIL SURVEY.
- THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA PANEL 10005C0037J DATED JANUARY 6, 2005.
- ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE OWNER.
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION 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.
- 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.
- 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.
- 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.
- PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID AFTER ONE (1) YEAR, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED, FOR GOOD CAUSE, BY THE PLANNING COMMISSION PRIOR TO THE DATE OF EXPIRATION.
- THE APPROVAL OF A CONDITIONAL USE IS VALID FOR ONE YEAR. UNLESS PERMITS ARE OBTAINED OR CONSTRUCTION OR USE IS SUBSTANTIALLY UNDERWAY, ALL PROVISIONS OF THE CONDITIONAL USE ARE AUTOMATICALLY RESCINDED.
- FINAL APPROVAL FROM THE CITY SHALL BECOME VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERTAKEN WITHIN ONE (1) YEAR OF FINAL SITE PLAN APPROVAL THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.
- THIS SITE DOES NOT CONTAIN A WELL-HEAD PROTECTION AREA.
- THERE ARE NOT FEDERALLY REGULATED WETLANDS PRESENT ON THIS SITE.

CITY OF MILFORD APPROVAL	
MARK WHITFIELD	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

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



1 SALISBURY, MARYLAND (410) 543-9091
 MILFORD, DELAWARE (302) 424-1441

LOT 8 - PERSONAL FITNESS
 MILFORD COMMONS BUSINESS PARK
 CITY OF MILFORD, KENT COUNTY, DELAWARE

Revisions:
 2021-02-05
 CITY OF MILFORD

Date: DECEMBER, 2020
 Scale: AS NOTED
 Dwn.By:
 Proj.No.: 3745A001
 Dwg.No.:

PL-01



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

February 22, 2021

City of Milford
201 South Walnut Street
Milford, Delaware 19963

Attention: Rob Pierce
Subject: Personal Fitness – Preliminary Site Plan
KCI Job No. 131803632 – Task 30

Dear Mr. Pierce,

As requested, KCI Technologies performed a review of the Preliminary Site Plan for Personal Fitness. This review was performed on the basis of the City of Milford's Standard Specifications, Codes and general engineering best practices. The plan was submitted by DBF and is dated December, 2020.

We find the plans generally acceptable, subject to the following. Comments 7, 11, 21, 25, 27, 28, 31, 33 and 34 may be addressed when Final Plans are submitted.

1. Currently, many of the items from the Preliminary Site Plan Checklist are missing are missing from the plan. Many of the items are listed below, but all applicable items on the checklist shall be included on the plans. **Addressed.**
2. Currently, there are revisions dates in the title block of the cover sheet that date back to 2012. Verify if these revision dates are accurate and revise the plan accordingly so that all revisions dates are accurate going forward. **Addressed.**
3. Update the City approval blocks. **Addressed.**
4. Revise the plan accordingly so that all City of Milford General Notes are included. **Comment Remains.**
5. Add the deed reference (D 0286 0059) to the data column. **Addressed.**
6. Add the zoning of the adjacent parcels to the plan. **Addressed.**
7. Add the gas and electric provider to the utility providers. **Comment Remains.**
8. Add the source and date of the topographic and boundary survey. **Addressed.**

Employee-Owned Since 1988

9. Currently, the owner's name in the data column and the owner's certification do not match. Verify the spelling of the owner's name in both locations and revise the plan accordingly so that it is consistent throughout the plan. **Addressed.**
10. There is a FEMA Flood Map note in both the General Notes and the Data Column. Revise the plan accordingly to that it is only in one location. **Addressed.**
11. List the projected sanitary sewer flow data (average and peak). **Addressed with Comment – Add a calculation to this note which shows how the projected sewer flow data was determined.**
12. Add a statement regarding if there are any source water protection areas to the cover sheet. **Addressed.**
13. Revise "Maximum Building Coverage" listed in the data column to be "Maximum Lot Coverage". In addition, revise the proposed coverage to be all impervious surfaces (pavement, sidewalk, building, etc.) not just the building coverage. **Addressed.**
14. Add the minimum lot width to the data column. **Addressed.**
15. Add a stop sign and stop bar at the exit of the site. **Addressed.**
16. Clarify if a sign will be provided for the business. If so, add the location and dimension the distance from the property lines. The minimum distance from the front and side property lines shall be 10' and 25', respectfully. **Addressed.**
17. There are two lines below the 24' drive aisle width dimension label. Clarify what these two lines are or remove them from the plan. **Addressed.**
18. Extend the 5' sidewalk to the most eastern property line. **Addressed.**
19. Currently, there does not appear to be enough space for the two northern most parking spaces to back out of their spaces without hitting the dumpster pad. Revise the location of the dumpster pad to be farther north to give the vehicles adequate room to back out of the parking space. **Addressed.**
20. Add the dumpster enclosure location to the dumpster pad with height and type of screening labeled. **Addressed.**
21. Add the limits of the existing building, sidewalk, pavement, etc. of the adjacent parcel. The proposed sidewalk along West Liberty Way in front of this parcel shall be shown tying into the existing sidewalk along West Liberty Way In addition, all existing utilities (water, sanitary, and storm) within the plan view shall be shown in the City's right-of-way. **Comment Remains – At a minimum, add the sidewalk of the adjacent property along West Liberty Way and show the sidewalks tying in at the property line. At the property line, label the sidewalk "Contractor to connect to the existing sidewalk".**
22. Add handicap ramps at the entrance of the site. **Addressed.**
23. Label the right-of-way width of West Liberty Way. **Addressed.**

24. Label on the plan that West Liberty Way is City owned/maintained. **Addressed.**
25. Label the curb within the parking lot on the plan. **Comment Remains – Provide curbing for the parking lot. At a minimum, parking blocks for all parking spaces shall be provided if there is no proposed curb.**
26. Add a cleanout 5' from the proposed building. **Addressed.**
27. When construction plans are submitted, the existing inverts and rim elevation of the storm drain inlet along West Liberty Way shall be added to the plans. It will have to be labeled on the construction plans that the contractor shall tie into the inlet via core drill. **Addressed with Comment – It appears that existing storm drain pipe P 40 does not tie into the center of existing CB 29. Verify that this is correct or revise the plan accordingly to fix this drafting mistake.**
28. Add the existing sanitary sewer main and stub to the plan. It currently appears that the sewer lateral ties into a dead end cleanout. Any information needed to confirm that the lateral is 2% minimum in slope shall be provided on the construction plans. **Comment Remains – The existing cleanout will have to be surveyed and the as-built invert/elevation shall be added to the construction plans. The proposed sanitary sewer lateral shall be at least 2% in slope from the proposed building to the existing cleanout.**
29. Revise the sanitary sewer lateral to be at least 6". **Addressed.**
30. Add the water meter and curb stop for the water service to the plan. **Addressed.**
31. Verify if a water service stub was provided and revise the plans accordingly to reflect this. If not, then when construction plans are submitted it shall be clarified if the contractor will tie into the existing water main with a tapping sleeve/valve or connect to the existing water main with isolation and a tee. **Comment Remains – Verify that the main cannot be isolated. It is preferred that the water service be tied into the main by isolating and tying in with a tee instead of tapping the main.**
32. Add any existing/proposed utility easements to the plan. **Addressed.**
33. Provide existing conditions, landscape, lighting, grading, and utility plan sheets when final construction plans are submitted. **Comment Remains.**
34. Provide approvals from the following agencies prior to final approval:
 - a. Kent Conservation District. **Comment Remains.**
 - b. Fire Marshal. **Comment Remains.**
 - c. Office of Drinking Water. **Comment Remains.**
 - d. DHSS. **Comment Remains.**

If you have any questions or comments regarding this letter, please do not hesitate to contact us any time.

Sincerely,



Eric T. Gibson,
Engineer in Training



Jason McClafferty, P.E.
Project Manager

§ 230-18. - OC-1 Office Complex District.

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

- A. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.
- B. Permitted uses. Permitted uses for the OC-1 District shall be as follows:
 - (1) Offices for banking institutions, technical centers, research/data centers, emergency service centers (i.e., police, fire and rescue), corporate offices and other general professional offices.
 - (2) Television and radio studios (without towers).
 - (3) Professional schools (nonindustrial).
 - (4) Health centers and clinics (medical or dental).
- C. Prohibited uses. The following are expressly prohibited in an OC-1 District:
 - (1) Residences, except those in existence at the time of adoption of this section.
 - (2) Manufacturing of any kind.
 - (3) Bulk or wholesale storage or distribution centers.
- D. Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:
 - (1) Charitable and philanthropic organizations.
 - (2) Day-care centers.
 - (3) Civic and/or conference centers.
 - (4) Indoor recreation (tennis, racquetball, handball, swimming, etc.).
 - (5) Private clubs or organizations.
 - (6) Medical/dental laboratories.
- 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) The premises shall be suitably landscaped.
 - (3) All driveways shall meet width requirements of the State Fire Marshal's Office.
 - (4) Any uses not permitted, as previously listed, are prohibited.
 - (5) All internal roads, driveways and parking areas (for public, in-house employee or vehicular traffic) shall be paved.
 - (6) All OC-1 District projects and proposals are subject to site plan review by the Planning Commission.
 - (7) Exterior lighting will be adequately shielded from the view of all surrounding properties and streets.
- F. Area and height regulations.

- (1) Minimum lot area shall be one acre.
- (2) Maximum lot coverage shall be 75%, with the remainder being that of grass and landscape areas.
- (3) Minimum lot width shall be 100 feet.
- (4) Maximum building height shall be 70 feet.
- (5) Minimum front yard setback shall be 50 feet.
- (6) Minimum side yard setback shall be at least 15 feet, with a total combined aggregate dimension of 40 feet.
- (7) Minimum rear yard setback shall be 25 feet.
- (8) Off-street parking. See Article IV of this chapter.
- (9) Landscape screening.
 - (a) There shall be a one-hundred-foot buffer from all residential areas or districts.
 - (b) Planted screening shall be at least six feet in height.
 - (c) There shall be a ten-foot buffer along all nonresidential lot lines.
 - (d) Each planted area of buffering shall:
 - [1] Retain natural vegetation.
 - [2] Be planted with indigenous evergreens, deciduous and ornamental trees or shrubs.
- (10) Signs shall comply with the requirements provided in 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 25 feet from the rear lot line.

§ 230-21. - Parking and loading standards.

A. Design standards (general).

- (1) Parking spaces and aisle ways shall be designed in accordance with the following dimensional standards:

Parking Angle	Stall Width (feet)	Aisle Way to Curb (feet)	Aisle Way Width
90°	9	18	As required by State Fire Marshal
60°	9	20	As required by State Fire Marshal
45°	9	18	As required by State Fire Marshal
Parallel	10	20	As required by State Fire Marshal

- (2) All spaces reserved for handicapped accessibility shall conform to the requirements set forth by the federal standards provided by the ADA (Americans with Disabilities Act).
- (3) All parking spaces for use in conjunction with public parking lots, garages, storage areas operated on a commercial basis and parking areas accessory to multifamily, commercial, industrial and office uses shall be appropriately paved and striped.
- (4) Exceptions to the design standards shall be permitted as follows.

B. Use standards. All uses permitted in this chapter shall be subject to the following minimum off-street parking requirements in addition to any special requirements as indicated in each zoning district.

Types and Uses	Required Off-Street Parking Spaces
Retail stores and shops, all types, supermarkets, retail food stores and undertakers	1 per 200 square feet of floor area used or designed for sales on the ground floor, plus 1 per 300 square feet of floor area used or designed for sales on all other floors, plus 1 for each 2 employees
New and used car and boat sales, mobile dwelling unit sales, truck and trailer sales, outdoor equipment and machinery sales, commercial nurseries and auctions	4 per salesperson, plus 1 per per 2 employees during the period of greatest employment
Personal service establishments, laundromats and dry cleaning	1 per 200 square feet of gross floor area
Banks and other financial institutions	1 per 200 square feet of gross floor area, plus 1 for each employee
Business, governmental and professional offices	1 per 100 square feet of gross floor area
Medical and dental offices or clinics [Amended 7-14-1997]	1 per 150 square feet of gross floor area for medical and dental offices or clinics
Hospitals	1 for each bed of planned patient capacity, plus 1 per 3 employees or the shift of greatest employment
Sanatorium or nursing home	1 for every 4 beds
Churches and other places of worship	1 per 5 seats
Indoor and commercial outdoor	1 for each 150 square feet of gross floor, building or ground

recreation	area devoted to such use or 1 per 4 seats of facilities available for patron use, whichever is applicable to the facility
Restaurants, taverns and similar uses	1 per 3 seating accommodations, plus 1 per 2 employees on the shift of greatest employment
Dwelling, one-family detached, semidetached or mobile home	2 1/2 per dwelling unit
Dwelling, townhouse, garden apartment or multifamily dwelling	2 1/2 per dwelling unit
Rooming and boarding house or converted unit	1 per rented unit
Museum, art gallery and similar use	1 per 4 seats in rooms for public assembly or for each 150 square feet of gross floor area for use by the public, whichever is greater, plus 1 for each 2 employees on the shift of greatest employment
Public library	1 per 400 square feet of gross floor area for public use, plus 1 per 2 employees on the shift of greatest employment
Fire station	25
Auditorium, stadium, assembly hall, gymnasium, theater (excluding drive-in) and community or recreation center	1 per 4 fixed seats in the largest assembly room area or for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or 1 per 150 square feet of gross floor area, whichever is applicable to the facility
Social club and fraternal, social service, union and civic organization building	1 per adult attendant, plus 1 per 100 square feet gross floor area devoted to such uses
Public or private school	3 per room used for administrative offices, plus 1 per room used for class instruction, plus 1 for each 5 seats in the auditorium and other places of assembly or facility available to the public
Industrial, manufacturing or wholesaling	1 per 2 employees on the shift of the greatest employment,

establishment	plus 1 per 200 square feet of floor area devoted to sales
Hotel and motel	1 for each guest room plus 1 for each 3 employees

- (1) Reduction in the required number of off street parking spaces in the case of developments such as shopping centers or other commercial developments required to provide more than 50 off-street parking space.

The developer must set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this Ordinance, but, upon the request of the developer, if agreed by the City of Milford, the developer may be permitted to set aside space to accommodate 100% of the area necessary to provide the parking requirements established by this chapter but not be required to construct more than 80% of the required parking spaces. In the event the developer is permitted to construct fewer than the required parking spaces, the remainder of the parking area set aside must be kept free of all construction and be planted and maintained as a grassy area and designated as Future Parking Space. The City of Milford may require construction of the remaining parking spaces at any time by the then owner of the premises upon giving the owner not less than six months' advance written notice. In the event of the granting of the waiver herein described, the fact of the grant as well as the requirement that the owner maintain the space set aside as a level grass area and that the City of Milford has reserved the right to require construction of the remaining parking spaces upon six months' notice to the owner of the site must be reflected in a note appearing on the subdivision or site development plans recorded.

C. Loading spaces.

- (1) No building or structure shall be erected in any district for the uses listed below unless loading space for the accommodation of trucks is provided on the premises in accordance with the following requirements:
- (a) For retail stores, markets, wholesale and jobbing establishments and storage warehouses, the number of berths based on the gross floor area devoted to such use shall be as follows:
 - [1] Five thousand to 7,999 square feet of floor area: one berth.
 - [2] Eight thousand to 19,999 square feet of floor area: two berths.
 - [3] Each additional 20,000 square feet or major fraction thereof up to a maximum of 60,000 square feet of floor area: one additional berth.
 - (b) For hotels and motels, the number of berths based on the gross floor area devoted to such uses shall be as follows:
 - [1] Eight thousand to 20,000 square feet of floor area: one berth.
 - [2] Each additional 50,000 square feet or major fraction thereof up to a maximum of 120,000 square feet of floor area: one additional berth.
 - (c) Each manufacturing, office research and industrial establishment with a total of 3,500 square feet or more of gross floor area devoted to manufacturing, research and/or industrial uses shall provide loading space adequate to accommodate the normal demands for loading and unloading incidental to the type of use proposed on the premises.
- (2) Loading spaces shall not be allowed in any front yard of any property.

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning Director

CC: Mark Whitfield, City Manager

DATE: February 22, 2021

RE: City of Milford and Milford District Free Library Commission
Conveyance of Land

Enclosed is a copy of a survey prepared in November of 2005 showing the abandonment of Pearl Alley and the exchange of land between the City of Milford and the Milford District Free Library Commission. The survey shows Parcel E containing the northern portion of the library parking lot being conveyed from the City to the Library and Parcel D containing a portion of the amphitheater being conveyed from the library to the City. The survey was recorded with Sussex County Recorder of Deeds in 2009 along with a conveyance deed for the alley abandonment. No conveyance deeds were recorded for the exchange of Parcels D and E. Legally, execution and recordation of both the survey and deeds are required to convey ownership.

Since the survey was prepared 16 years ago, the City contacted the library to determine if there was still an interest to exchange Parcels D and E. The City made a presentation to the library board on January 25, 2021, at which time the board agreed to proceed with executing any required documents to finalize the land exchange with the condition that the City would coordinate the use of the amphitheater with the library. Staff recommends adding a statement to the existing agreement between the Library and City to that effect. The agreement is due to be renewed in the upcoming months, at which time the language can be added.

The City Solicitor's office has prepared the enclosed deeds and compiled the appropriate legal documents to finalize the land exchange.

Staff recommends City Council authorize the Mayor to execute the deed and associated documents to convey Parcel E to the Milford District Free Library Commission in exchange for Parcel D as depicted on the attached survey.

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning Director

CC: Mark Whitfield, City Manager

DATE: February 22, 2021

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3-30-6.20-005.00 (portion)
NO TITLE EXAMINATION
REQUESTED OR PERFORMED

Prepared by and Return to: Moore & Rutt, P.A. (DNR)
PO Box 554
Georgetown, DE 19947

THIS DEED, made this _____ day of _____, in the year of our LORD Two Thousand Twenty-One (2021),

BETWEEN CITY OF MILFORD, a political subdivision of the State of Delaware, with offices at 201 South Walnut Street, Milford, Delaware 19963, party of the first part,

-AND-

MILFORD DISTRICT FREE LIBRARY COMMISSION, a not for profit corporation of the State of Delaware, with its registered office at 11 S.E. Front Street, Milford, Delaware 19963, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) lawful money and other good and valuable considerations, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part,

ALL THAT CERTAIN lot, piece and parcel of land, lying and being situate in the City of Milford, Sussex County and the State of Delaware, as depicted on a plat prepared by Charles D. Murphy Associates, Inc., dated 7 November 2005, and comprising all of Parcel E fronting on the westerly right-of-way line of S. Washington Street, adjoining lands now or formerly of Milford District Free Library Commission and lands now or formerly of the City of Milford, and being more particularly described as follows; to wit:

BEGINNING at a point on the westerly right-of-way line of S. Washington Street and at the northeast corner for lands now or formerly of Milford District Free Library Commission, said point being distant 146 feet, more or less, from the right-of-way intersection of S. E. Front Street; thence following said Library Commission lands the following two (2) courses and distances;

- 1) North 72 degrees 31 minutes 43 seconds West 117.00 feet to a corner and
- 2) North 17 degrees 28 minutes 17 seconds East 12.56 feet to a corner for lands now or formerly of the City of Milford;

thence continuing with said City of Milford lands the following two (2) courses and distances;

- 1) South 72 degrees 31 minutes 43 seconds East 36.75 feet and
- 2) deflecting right along a 90.61 foot radius curve, the chord of which bears North 54 degrees 57 minutes 47 seconds East 102.48 feet, an arc distance of 108.92 feet to a point on the right-of-way line of S. Washington Street;

thence running with the aforementioned right-of-way the following three (3) courses and distances;

- 1) South 01 degrees 01 minutes 49 seconds West 38.89 feet to a point of curvature
- 2) deflecting right along a 168.22 foot radius curve, the chord of which bears South 09 degrees 03 minutes 15 seconds West 46.96 feet, an arc distance of 47.12 feet to a point of tangency, thence finally
- 3) South 17 degrees 28 minutes 17 seconds West 10.12 feet to the place of beginning, containing 5,995 square feet of land, more or less.

BEING part of the same lands conveyed to City of Milford by Deed of Harry B. Derrickson, Dorothy E. Derrickson, Thomas B. Derrickson and Susan L. Derrickson dated December 15, 1964 and recorded in the Office of the Recorder of Deeds in and for Sussex County, Georgetown, DE in Deed Book 584, Page 340.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal, the day and year aforesaid.

SIGNED, SEALED, DELIVERED,
And witnessed in the
presence of

ATTEST:

CITY OF MILFORD

Teresa K. Hudson, City Clerk

By: _____ (SEAL)
Arthur J. Campbell, Mayor

[MUNICIPAL SEAL]

STATE OF DELAWARE :
 : ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this _____ day of _____, 2021, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Arthur J. Campbell, Mayor of the City of Milford, party to this Indenture, known to me personally to be such, and he acknowledged this Indenture to be his act and deed.

GIVEN under my hand and seal of office, the day and year aforesaid.

Notary Public

Printed Name of Notary
My Commission Expires:



**AFFIDAVIT FOR REALTY TRANSFER TX ON UNINCORPORATED
AREAS IN SUSSEX COUNTY PURSUANT TO CHAPTER 103 OF
THE SUSSEX COUNTY CODE**

NOTE: Affidavit is required on all transactions (incorporated or unincorporated areas)

Part A – To Be Completed by GRANTOR/SELLER

NAME City of Milford SOCIAL SECURITY # _____
 ADDRESS 201 South Walnut Street or _____
 CITY Milford EMPLOYER I.D. # _____
 STATE DE ZIP 19963

Part B – To Be Completed by GRANTEE/BUYER

NAME Milford District Free Library Commission SOCIAL SECURITY # _____
 ADDRESS 11 S.E. Front Street or _____
 CITY Milford EMPLOYER I.D. # _____
 STATE DE ZIP 19963

Part C – PROPERTY LOCATION

Portion of:
 District 330 MAP 6.20 PARCEL 5.00

Part D – COMPUTATION OF THE TAX

1. CONVEYANCES WITH CONSIDERATION - \$ 0
 Enter Consideration Received
2. CONVEYANCES WITHOUT CONSIDERATION - \$ _____
 Enter Highest Assessed Value For Local Tax Purposes
3. Enter the greater, Line 1 or Line 2 \$ _____
4. Multiply Line 3 times 1.5% -- Tax Due and Payable \$ _____

EXEMPT CONVEYANCES: If transaction is exempt from Transfer tax, explain the basis for the exemption:

Exempt – 30 Del. C. §5401(m)

First Time Home Buyer? Yes _____ No _____ (If “Yes”, attach First Time Home Buyer Affidavit)

Sworn and Subscribed before me on this
 ____ day of _____, _____.

 Seller’s Signature

 Notary Public
 My Commission expires:

OFFICE USE ONLY:

3-30-6.20-005.01 (portion)
NO TITLE EXAMINATION
REQUESTED OR PERFORMED

Prepared by and Return to: Moore & Rutt, P.A. (DNR)
PO Box 554
Georgetown, DE 19947

THIS DEED, made this _____ day of _____, in the year of our LORD Two Thousand Twenty-One (2021),

BETWEEN MILFORD DISTRICT FREE LIBRARY COMMISSION, a not for profit corporation of the State of Delaware, with its registered office at 11 S.E. Front Street, Milford, Delaware 19963, party of the first part,

-AND-

CITY OF MILFORD, a political subdivision of the State of Delaware, with offices at 201 South Walnut Street, Milford, Delaware 19963, party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00) lawful money and other valuable considerations of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part,

ALL THAT CERTAIN lot, piece and parcel of land, lying and being situate in the City of Milford, Sussex County and the State of Delaware, as depicted on a plat prepared by Charles D. Murphy Associates, Inc., dated 7 November 2005, and comprising all of Parcel D, adjoining Pearl Alley (to be abandoned and also known as parcel C) lands now or formerly of City of Milford and lands now or formerly of Milford District Free Library Commission, and being more particularly described as follows, to wit:

Beginning at a corner for lands now or formerly of Milford District Free Library Commission and at a point on line of Pearl Alley, said point being distant 157 feet, more or less, from the right-of-way line of S. E. Front Street at fifty (50) feet wide; thence following said alley North 17 degrees 28 minutes 17 seconds East 26.28 feet to a corner for lands now or formerly of City of Milford; thence continuing with said City of Milford lands the following three (3) courses and distances;

1) North 86 degrees 29 minutes 08 seconds East 51.16 feet to a corner

- 2) South 03 degrees 30 minutes 52 seconds East 12.72 feet to a corner and
- 3) South 17 degrees 28 minutes 17 seconds West 32.72 feet to a corner for lands now or formerly of Milford District Free Library Commission;

thence finally running with said Library Commission lands North 72 degrees 31 minutes 43 seconds West 52.32 feet to the place of beginning, containing 1,869 square feet of land, more or less.

BEING, part of the same lands conveyed to Milford District Free Library Commission by Quitclaim Deed of Rachel E. Webb and Rebecca F. Robinson dated March 5, 2009 and recorded in the Office of the Recorder of Deeds in and for Sussex County, Georgetown, Delaware in Deed Book, 3732, Page 110.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal, the day and year aforesaid.

SIGNED, SEALED, DELIVERED,
And witnessed in the
Presence of

ATTEST: MILFORD DISTRICT FREE LIBRARY COMMISSION

_____ (SEAL) By: _____ (SEAL)
Kay Hudson, Executive Director

[CORPORATE SEAL]

STATE OF DELAWARE :
 : ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this _____ day of _____, 2021, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Kay Hudson, Executive Director of the Milford District Free Library Commission, party to this Indenture, known to me personally to be such, and he acknowledged this Indenture to be his act and deed.

GIVEN under my hand and seal of office, the day and year aforesaid.

Notary Public

Printed Name of Notary
My Commission Expires:



**REAL ESTATE TAX RETURN
DECLARATION OF ESTIMATED
INCOME TAX**

Delaware Division of Revenue
820 N. French Street, P.O. Box 8763
Wilmington, DE 19899-8763

FORM 5403

DO NOT WRITE OR STAPLE IN THIS AREA

Form 5403 must be completed for all conveyances, and must be presented at the time of recording.

1. Description and address of property transferred (include property tax parcel number):

NW Intersection of SE Front St, Washington St, Milford, DE 19963

Tax Parcel Number: 330-6.20-005.01 (portion) County: New Castle Kent Sussex Date of Transfer:

2. Transferor/Seller is:

- Individual or Revocable Living Trust
- Corporation
- Trust or Estate
- Business Trust
- Partnership
- S Corporation
- Limited Liability Company
- Other:

3. Transferor or Seller acquired property by:

- Purchase
- Gift
- Inheritance
- 1031 Exchange
- Foreclosure/Repossession
- Other:

4. Transferor/Seller's name; SSN or EIN; and address to which correspondence is to be mailed after settlement. (Enter only one name and SSN or EIN per return. If more than one transferor/ seller, use separate forms for each; however, if Transferors/Sellers are spouses, enter only the primary taxpayer name and SSN, and only file one return. If transferor/seller is not an individual, list only EIN of non-individual transferor/seller and file only one Form 5403 for such transferor/seller – no Form 5403 should be filed for the members, partners, stockholders, trustees or other individuals or entities having an ownership interest in any such non-individual transferor/seller.)

Enter Social Security Number or Employer Identification Number of the Transferor/Seller

Name of Transferor/Seller **Milford District Free Library Commission**
 Address **11 S.E. Front Street**
 City **Milford** State **DE** ZIP Code **19963**

5. If applicable, check appropriate box. (Check no more than one box.)

- Transferor/seller is a resident (a) individual, (b) pass-through entity or (c) corporation, and not subject to withholding under 30 Del. C §§1126, 1606 or 1909;
- Sale or exchange exempt from capital gain recognition;
- Gain realized excluded from income for tax year of sale or exchange.
- Sale exempt due to foreclosure. (See Instructions)



DF24018019999

If any box in Section 5 is checked, DO NOT complete Sections 6, 7 and 8 below. No payment is due at this time.

6. Computation of payment and tax to be withheld. (See Instructions.)

6.a Total sales price	6.a \$
6.b Less selling expenses/reductions to sale price	6.b \$
6.c Net sales price (Subtract line 6.b from line 6.a)	6.c \$
6.d Adjusted basis of property or liens paid at settlement	6.d \$
6.e Total gain (Subtract line 6.d from line 6.c)	6.e \$
6.f Delaware estimated income tax due - multiply line 6.e by 8.7% for C corp., and by 6.6% for all others	6.f \$

NOTE: If section 6 is not filled out or incomplete, the required 6.6% or 8.7% will be withheld from the net proceeds at settlement and submitted to the Division of Revenue as required by law.

7. Check this box if the transferor/seller is reporting gain under the installment method. No tax is payable at this time.
 Note: If completing this section, when you recognize any capital gain arising from the sale of property in the State of Delaware, you must report and remit the tax due to the State of Delaware on that transaction.

8. Delaware estimated income tax paid (See instructions). \$

Under penalty of perjury, I declare that I have examined this return and to the best of my knowledge and belief, it is true, correct and complete. If prepared by a person other than the transferor/seller, the declaration is based on all information of which the preparer has any knowledge. Transferor/Seller, Please sign and print full name and title (if any):

Signature

Name

Title



**AFFIDAVIT FOR REALTY TRANSFER TX ON UNINCORPORATED
AREAS IN SUSSEX COUNTY PURSUANT TO CHAPTER 103 OF
THE SUSSEX COUNTY CODE**

NOTE: Affidavit is required on all transactions (incorporated or unincorporated areas)

Part A – To Be Completed by GRANTOR/SELLER

NAME Milford District Free Library Commission SOCIAL SECURITY # _____
 ADDRESS 11 S.E. Front Street or _____
 CITY Milford EMPLOYER I.D. # _____
 STATE DE ZIP 19963

Part B – To Be Completed by GRANTEE/BUYER

NAME City of Milford SOCIAL SECURITY # _____
 ADDRESS 201 South Walnut Street or _____
 CITY Milford EMPLOYER I.D. # _____
 STATE DE ZIP 19963

Part C – PROPERTY LOCATION

Portion of:
 District 330 MAP 6.20 PARCEL 5.01

Part D – COMPUTATION OF THE TAX

1. CONVEYANCES WITH CONSIDERATION - \$ 0
 Enter Consideration Received
2. CONVEYANCES WITHOUT CONSIDERATION - \$ _____
 Enter Highest Assessed Value For Local Tax Purposes
3. Enter the greater, Line 1 or Line 2 \$ _____
4. Multiply Line 3 times 1.5% -- Tax Due and Payable \$ _____

EXEMPT CONVEYANCES: If transaction is exempt from Transfer tax, explain the basis for the exemption:

Exempt – 30 Del. C. §5401(m)

First Time Home Buyer? Yes _____ No _____ (If “Yes”, attach First Time Home Buyer Affidavit)

Sworn and Subscribed before me on this
 ____ day of _____, _____.

 Seller’s Signature

 Notary Public
 My Commission expires:

OFFICE USE ONLY:

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

This AMENDMENT to the AGREEMENT made and entered into the 27th day of July 2020, is by and between the Milford Public Library, a Delaware corporation (“Library”), and the City of Milford, Delaware, a Delaware municipal corporation (“City”) and on file at Milford City Hall, 201 South Walnut Street, Milford, DE 19963 and the Milford Public Library, as a result of the transfer of additional properties in 2021.

Transfer of property

Enclosed is a copy of a survey prepared in November of 2005 showing the abandonment of Pearl Alley and the exchange of land between the City of Milford and the Milford District Free Library Commission (Milford Public Library). The survey shows Parcel E being conveyed from the City to the Library and Parcel D (containing amphitheater) being conveyed from the Library to the City. The survey was recorded with Sussex County Recorder of Deeds in 2009, along with a conveyance deed for the alley abandonment. No conveyance deeds were recorded for the exchange of Parcels D and E at that time. Legally, execution and recordation of both the survey and deeds are required to convey ownership.

Premise

This Agreement pertains to the use, and operation of the Library Amphitheater and surrounding parklands owned by the City of Milford directly adjacent to the Library.

Scheduling

The Library will present a Preferred Use Schedule for the use of the City lands (including the amphitheater) in advance to Parks and Recreation. With the exception of those activities shown on the Preferred Use Schedule, any other uses will be scheduled on a first-come, first-served basis, with scheduling determinations of Parks and Recreation being final. Scheduling for all-day or multi-day events by the Library should be presented thirty (30) days prior to the event and may be subject to additional terms, fees or deposits depending on the extent and nature of the event. Events are also subject to the City of Milford’s Special Event Policy which can be found at <http://cityofmilford.com/418/Plan-an-Event-in-Milford>.

Term

All other terms and agreement details remain the same.

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



DIRECTOR MICHAEL J. SVABY
O 302.422.1110, EXT 1173
C 302.387.9389
msvaby@milford-de.gov

TO: Mayor Campbell and Council Members
THRU: Mark Whitfield, City Manager
FROM: Michael Svaby, Public Works Director
DATE: March 19, 2021

The City of Milford has been working on developing an ADA Transition Plan to be in compliance with Americans with Disabilities Act requirements. The development of the Plan involves several steps as outlined below.

The first step in this process has already begun with the two-pronged approach of 1) a City-Wide field review of compliance of all City-Owned property; 2) publication of a City Employee Survey which has been distributed and will be taken by all non-Police employees of the Superintendent-level and above in City Government and returned for compilation by April 2, 2021. In addition, as of March 15th, 2021, individual and organizational surveys have been posted and made available to the public for responding via the City's website and Public Works' Facebook site. These information gathering tools will be available to the public until end of day Friday, April 30th, 2021. The surveys were created by a contractual vendor the City hired (Disability Access Consultants, DAC) to assist in creating the Transition Plan. Both the individual and organizational surveys - as well as the employee survey - are automated and as such, cannot be printed for preview unless they are initiated on the website by someone (either an individual or an organization) answering questions and submitting the survey.

Individual and Organizational surveys can be taken at the following worldwide web URL's:

If you are responding on behalf of an organization, please click on this link and take the survey:
https://dac.sjc1.qualtrics.com/jfe/form/SV_cYoeAkCHW7CVFvn

If you are an individual survey participant, please click on this link and take the survey:
https://dac.sjc1.qualtrics.com/jfe/form/SV_6kQN4kVGEEdHBbZr

After April 30th, all three surveys will be compiled by DAC along with the field review of City-Owned property in order to determine the needs of the City in terms of becoming fully compliant. These identified opportunities will then comprise the ADA Transition Plan. As work begins on writing the Transition Plan, updates will be given in the monthly report to Council, ultimately leading toward publishing the draft Transition Plan, making it available to the Public – at large – for a period of 30 days and holding a public hearing to entertain comments or questions. Once Public Comment is gathered and the report is updated/finalized, it will be published on the City's website. The goal time frame for finalizing this effort is mid to late Fall of 2021.



The governing body has recessed to Executive Session. The regular meeting will resume shortly.