



CITY COUNCIL AGENDA

Monday, December 13, 2021

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

Per the Declaration of a Public Health Emergency issued by Governor Carney on July 13, 2021 and the virtual meeting provisions as provided in Senate Bill 94, Milford City Council and Committees will be held in a hybrid format, unless otherwise indicated on the agenda. Public Comments are encouraged on the items as noted on the agenda. Virtual attendees may 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 written public comments received prior to the meeting will be read into the record.

This meeting is also available for viewing by the public by accessing the following link:
<https://zoom.us/j/99156131279>

Members of the public may also dial in by phone using the following number:
Call 301 715 8592 Webinar ID: 991 5613 1279

6:00 P.M.

WORKSHOP SESSION

6pm – Zoning Code/Right-of-Way Ordinance
6:30pm – Personnel Policy Update/Medical Marijuana/Weapons

7:00 P.M.

COUNCIL MEETING

Call to Order - Mayor Archie Campbell

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Introduction/New City Employees
2021 Excellence Award Winners

Monthly Staff Reports:

Police Department

City Manager:

Public Works Department

Planning & Zoning Department
Parks & Recreation Department
Human Resources
Economic Development & Community Engagement
IT Department
Finance Department

Monthly Finance Report

Committee & Ward Reports

Communication & Correspondence
SCAT January 2022 Meeting/Milford Hosted

Unfinished Business
Adoption/Ordinance 2021-25/Chapter 63-Salaries & Compensation ®
Adoption/Ordinance 2021-26/Chapter 57-Planning Commission/Salaries ®

New Business
Authorization/Electric Funds/Forklift Purchase/Public Works
Introduction/Ordinance 2021-28/Chapter 19-Economic Development & Redevelopment/Incentives

Executive Session
Motion to Recess into Executive Session
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/Legal Matter

Adjournment

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

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

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

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TO: City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: December 13, 2021

RE: Chapter 230 – Zoning – Wireless Facilities Ordinance

Enclosed is draft language for a new section of the zoning code that would regulate wireless communication facilities. There are currently no provisions in the City Code for the allowance of wireless communication facilities within City limits on private property or in the public right-of-way.

The language provides regulations for Small Wireless Communication Facilities (WCF), Non-tower WCFs and Tower-based WCFs.

- Small WCFs includes antenna and support structures that are generally 50 feet or less in height.
- Tower-based WCFs are structures used to support one or more antennae that include self-supporting lattice towers, guy towers and monopoles.
- Non-tower WCFs are antenna facilities that are not supported by towers.

Tower-Based Wireless Communication Facilities

- Would be allowed by conditional use approval within the BP Business Park, C-3 Highway Commercial, I-2 General Industrial, I-1 Limited Industrial and IS Institutional Service districts.
- Height would be limited to a maximum of 150 feet and the minimum distance from the base of a tower and any property line shall equal 110 percent of the tower height.
- Additional standards are provided for security, lighting, fences, accessory structures and visual appearance.

Non-tower Wireless Communications Facilities

- Would be allowed within all zoning districts and within the public right-of-way.
- Would not be permitted to be attached to residential dwellings or residential accessory structures.
- The height of the WCF cannot exceed the maximum height permitted within the zoning district in which it is located.

Small Wireless Communication Facilities

- Would be allowed within all zoning districts and the public right-of-way.
- When on private property, the height of the facility cannot exceed the maximum height permitted within the zoning district in which it is located.
- When in the right-of-way, the height of the facility cannot be more than 10 percent taller than the tallest existing utility pole or wireless support structure within 250 feet of the proposed location or 50 feet above the ground, whichever is greater.

- New towers may be denied if the applicant does not make a good faith effort to mount antennas on existing structures. The applicant would need to evaluate the viability of any existing wireless support structure within ¼ mile of the proposed site.

The draft language is similar to the regulations adopted by the City of Dover. Included in the packet is Dover's Small Wireless Communications Facility Design Manual which is adopted by reference in their ordinance. Milford would prepare something similar to establish design standards and application processes for the review of small wireless communication facility applications.

Wireless Facilities would be subject to the commercial building permit application fee. An additional right-of-way license fee would be added to the Planning Department Fee Schedule at a rate of \$270 per structure per year for small-cell wireless facilities placed within the City right-of-way.

§ 230-19.10 – Wireless Communication Facilities

A. Purpose and intent. The purpose of this section is to establish uniform standards for the siting, design, permitting, construction, maintenance, and use of wireless communications facilities (WCF) in the City of Milford (referred to herein as the "city"). While the city recognizes the importance of wireless communications facilities in providing high quality communications service to its residents, the city also recognizes that it has an obligation to protect public safety and to minimize the adverse effects of such facilities through the standards set forth in the following provisions and as referenced.

(1) By enacting these provisions, the city intends to:

- (a) Promote the deployment of wireless communications facilities in the city while regulating their location and number to ensure the provision of necessary services;
- (b) Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both city residents and wireless carriers in accordance with federal and state laws and regulations;
- (c) Address new wireless technologies, including, but not limited to, distributed antenna systems, data collection units, small cells, cable Wi-Fi and other wireless communications facilities;
- (d) Establish procedures for the design, siting, construction, installation, maintenance and removal of small wireless communications facilities, non-tower based wireless communications facilities, and tower-based wireless communications facilities, in the city, including facilities both inside and outside the public rights-of-way;
- (e) Preserve the character of the city's neighborhoods and corridors;
- (f) Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of wireless communications services collocate their commercial communications antennas and related facilities on existing wireless support structures where feasible;
- (g) Promote the health, safety and welfare of the city's residents.

B. Definitions.

Accessory equipment. Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term "accessory equipment" includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Antenna. An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.

Changes in height. Changes in height is measured from the original wireless support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of

the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act (47 CFR §1.4001(b)(7)(i)(A)).

Collocation. The mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.

Eligible facilities request. Any request for modification of an existing WCF that does not constitute a substantial change. Such request may involve: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

Emergency. A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

Equipment compound. An area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

FCC. Federal Communications Commission.

Height of a tower-based WCF. The vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennae mounted on the tower and any other appurtenances.

Modification or modify. The improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

Non-tower wireless communications facility (non-tower WCF). A wireless communications facility located or collocated on existing structures, such as, but not limited to, buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF. This definition excludes any installation constituting a small wireless communications facility.

Person. Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the State of Delaware, provided that "person" does not include or apply to the city, or to any department or agency of the city.

Replacement. The replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment that does not result in increased wind or structural loading, is substantially similar in size and weight as the wireless communications facilities initially installed, and that does not substantially change the physical dimensions of the existing wireless support structure.

Small wireless communications facility (small WCF). A wireless communications facility that meets the following criteria:

- (1) The structure on which antenna facilities are mounted
 - (a) Is 50 feet or less in height; or

- (b) Is no more than ten percent taller than other adjacent structures; or
- (c) Is not extended to a height of more than 50 feet or by more than ten percent above its preexisting height as a result of the collocation of new antenna facilities.
- (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
- (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
- (4) The facilities do not require antenna structure registration under 47 CFR Part 17; and
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR §800.16(x); and
- (6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR §1.1307(b).

Stealth technology. Camouflaging or screening methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in a manner appropriate to the site's context and surrounding environment. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

Substantial change. A modification to an existing WCF substantially changes the physical dimensions of a wireless support structure if it meets any of the criteria set forth in 47 CFR §1.6100, as amended.

Tower-based wireless communications facility (tower-based WCF). Any structure that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. This definition excludes any installation meeting the definition of a small wireless communications facility.

Wireless. Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

Wireless communications facility (WCF). An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

Wireless communications facility applicant (WCF Applicant). Any person that applies for a wireless communications facility building permit, zoning/conditional use approval, and/or permission to use the public right-of-way or other city owned land or property.

Wireless support structure. A freestanding structure, pole, tower, or other building, whether or not it has an existing antenna facility, that is used or to be used to support the placement or installation of a wireless communication facility for the provision of wireless service (whether on its own or comingled with other types of services).

C. Applicability. The terms and provisions of this section shall apply to wireless communication facilities in the city. As defined, each type of WCF has specific allowable locations, development regulations, and design standards as follows:

- (1) Small WCF described in 230-19.10(F).
- (2) Non-tower WCF described in 230-19.10(G).

(3) Tower WCF described in 230-19.10(H).

(1) Exceptions. The activities by city residents to utilize satellite dishes, citizen and/or band radios, and antennae for the purpose of maintaining television, phone, and/or internet connections at their residences for non-commercial activity shall be exempt from the regulations enumerated in this Section 230-19.10.

(2) Nonconforming uses. The following provisions shall apply to all buildings, support structures, and uses as related to wireless communication facilities:

- (a) All types of WCFs shall be permitted to collocate upon existing non-conforming WCFs, wireless support structures, and other non-conforming structures subject to the provisions of this Section 230-19.10.
- (b) Collocation of antennae is permitted on non-conforming structures.
- (c) Collocation of non-tower WCFs upon existing tower-based WCFs is encouraged even if the tower-based WCF is non-conforming as to use within a zoning district.
- (d) WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this Section 230-19.10.

D. Type of Activity determination. The following provisions outline the types of wireless communication facility applications.

(1) Eligible facilities request. The WCF application type is classified as an eligible facilities request if the request for modification of an existing WCF that does not constitute a substantial change under 47 CFR §1.6100, as amended. The request may involve: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

(2) Substantial change activity. The WCF application type is classified as a substantial change activity if the modification substantially changes the physical dimensions of a wireless support structure by meeting any of the criteria set forth in 47 CFR §1.6100, as amended, relating to height of the support structure or addition of new appurtenances or equipment cabinets.

(3) New facility. The WCF application type is classified as a new facility if it involves the construction and placement of a new wireless support structure and does not meet the definition of small WCF.

(4) Small WCF. The WCF application type is classified as a small WCF if the proposed antennas, accessory equipment and support structure (whether an existing, replacement or new structure) comply with the volume and height parameters set forth in the definition of small WCF.

E. Application procedures. The following provisions outline the procedures for wireless communication facility applications, policies and procedures for the administration of the WCF permitting and review process shall be developed by the Planning Director.

(1) Location within public right-of-way. WCF applicants proposing a WCF to be located within the public right-of-way, shall be required to obtain application approvals as follows:

- (a) Pole attachment process. Compliance with the procedures found in Milford Code Ordinances, Chapter 197—Streets, Sidewalks, Storm Sewers and Other Public Places, Article VIII-Public Utilities, for a WCF proposed for attachment to Milford Public Works Department facilities. [PR1]
- (b) Master license agreement required. Any WCF applicant for a WCF proposed for attachment to a utility pole owned or controlled by the City of Milford Public Works Department shall first enter into a valid master license agreement with the city authorizing such attachment. No WCF shall be permitted to be attached to such utility poles without proof a valid master license agreement being provided as part of the permit application.
- (c) Permit—Use of rights-of-way. Obtain a right-of-way use permit from the city in accordance with permit policies and procedures pursuant to Milford Code of Ordinances, Chapter 197—Streets, Sidewalks, Storm Sewers and Other Public Places, for a WCF proposed with city rights-of-way.
- (d) Permit. Obtain a WCF building permit from the city in accordance with applicable permit policies and procedures pursuant to Chapter 88 – Building Construction.
- (e) Documentation. WCF application shall also be accompanied by documentation demonstrating that the proposed WCF complies with all applicable provisions of this Section 230-19.10 for the type of WCF.
- (f) Fee. Each application to be approved under this section shall be accompanied by fees as provided for in City Fee Schedule as adopted by resolution by City Council. [PR2]

(2) Compliance with zoning ordinance. The following section of the zoning ordinance shall be adhered to, as applicable, in the approval of a WCF application:

- (a) Environmentally sensitive areas. Location shall document compliance with the environmental protection measures for flood hazard areas and waterbodies and wetlands pursuant to Chapter 130 Floodplain Management.

(3) Eligible facilities request. WCF applicants proposing an eligible facilities request shall be required to obtain application approvals as follows:

- (a) Type. WCF Applicant shall designate in writing that the application constitutes an eligible facilities request pursuant to 47 CFR §1.6100 and as defined by this Section 230-19.10.
- (b) Permit. Obtain a WCF building permit from the city in accordance with applicable permit policies and procedures pursuant to Chapter 88 – Building Construction.
- (c) Documentation. WCF application shall also be accompanied by documentation demonstrating that the proposed WCF complies with all applicable provisions of this Section 230-19.10 for the type of WCF.
- (d) Fee. Each application to be approved under this section shall be accompanied by fees as provided for in the City Fee Schedule as adopted by resolution by City Council. [PR3]

(4) Substantial change activity. WCF applicants proposing a substantial change activity shall be required to obtain application approvals as follows:

- (a) Type. WCF Applicant shall designate in writing that the application constitutes a substantial change activity as defined by this Section 230-19.10.
- (b) Permit. Obtain a WCF building permit from the city in accordance with applicable permit policies and procedures pursuant to Chapter 88 – Building Construction.
- (c) Documentation. WCF application shall also be accompanied by documentation demonstrating that the proposed WCF complies with all applicable provisions of this Section 230-19.10 based on the type of facility.
- (d) Fee. Each application to be approved under this section shall be accompanied by fees as provided for in the City Fee Schedule as adopted by resolution by City Council. [PR4]

(5) New facilities. WCF applicants proposing a new facility located in a public right-of-way shall be subject to the provisions of Section 230-19.10(E)(1). WCF applicants proposing a new facility meeting the definition of tower-based WCF outside of a public right-of-way of shall be required to obtain application approvals as follows:

- (a) Conditional use authorization required. Any WCF applicant proposing the construction of a new facility shall first obtain conditional use authorization pursuant to Chapter 230-48.
- (b) Documentation. The conditional use application shall demonstrate that the proposed WCF complies with all applicable provisions of Section 230-19.10 based on the type of facility.
- (c) Conditional use application requirements. The additional requirements for conditional use applications shall include the following:
 - i. A description of the type and manufacturer of the proposed transmission/radio equipment, the power in watts at which the WCF applicant transmits, and any relevant related tests conducted by the WCF applicant in determining the need for the proposed site and installation.
 - ii. Documentation demonstrating that the proposed tower-based WCF complies with all applicable state and federal laws and regulations concerning aviation safety.
 - iii. Evidence that the owner of the property on which the tower-based WCF is proposed has granted authorization to construct and operate the tower-based WCF.
 - iv. Written certification from a structural engineer licensed in the State of Delaware that the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure.
 - v. An application for a new tower-based WCF shall demonstrate that the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. The City Council may deny an application to construct a new tower-based WCF if the WCF applicant has not made a good faith effort to mount the antenna(s) on an existing structure. The WCF applicant shall address the viability of any existing wireless support structures within a one quarter (1/4) mile radius of the site proposed and demonstrate that such alternative candidates are inferior with respect to technical feasibility, cost, or terms of use.

- (d) *Permit.* Obtain a WCF building permit from the city in accordance with applicable permit policies and procedures pursuant to Chapter 88 – Building Construction.
- (e) *Documentation.* WCF application shall also be accompanied by documentation demonstrating that the proposed WCF complies with all applicable provisions of this Section 230-19.10 based on the type of WCF.
- (f) *Fee.* Each application to be approved under this section shall be accompanied by fees as provided for in the City Fee Schedule as adopted by resolution by City Council. [PR5]

(6) *New small WCF.* WCF applicants proposing a new small WCF that does not qualify as an eligible facilities request shall be required to obtain application approval as follows:

- (a) *Type.* WCF applicant shall designate in writing that the application constitutes a small WCF as defined by this Section 230-19.10.
- (b) *Permit.* Obtain a WCF building permit from the city in accordance with applicable permit policies and procedures pursuant to Chapter 88 – Building Construction.
- (c) *Documentation.* WCF application shall also be accompanied by documentation demonstrating that the proposed WCF complies with all applicable provisions of this Section 230-19.10 based on the type of facility.
- (d) *Fee.* Each application to be approved under this section shall be accompanied by fees as provided for in the City Fee Schedule as adopted by resolution by City Council. [PR6]
- (e) *New wireless support structures.* An application involving installation of a new wireless support structure shall demonstrate that the proposed small WCF cannot be reasonably accommodated on an existing or approved structure or building within the right-of-way. The WCF applicant shall address the viability of any existing wireless support structures within 100 feet of the site proposed and demonstrate that such alternative candidates are inferior with respect to technical feasibility, cost, or terms of use.

(7) *Timing of approvals.* Each specific type of WCF is subject to specific approval timeframes. Such timeframes shall be subject to the tolling procedures established by the FCC.

- (a) *Small WCF:* Timing of approval for all small WCF facilities that do not meet the definition of eligible facilities request. Once a WCF application is submitted these are the approval time lines:
 - i. *Notification of incomplete applications for small WCF.* Within ten days of receipt of an application for a small WCF, the city shall notify the WCF applicant in writing of any additional information required to complete application.
 - ii. *Approval timeframe—Collocation.* Within 60 days of receipt of an application for a collocation of a small WCF on a preexisting wireless support structure, the city shall make a final decision on whether to approve the application and the city shall notify the WCF applicant in writing of such decision.
 - iii. *Approval timeframe—New facility.* Within 90 days of receipt of an application for a small WCF requiring the installation of a new wireless support structure, the city planning department shall make a final decision on whether to approve the application and shall notify the WCF applicant in writing of such decision.

- (b) *Non-tower WCF*: Timing of approval for all non-tower WCF facilities that do not meet the definition of eligible facilities request. Once a WCF application is submitted these are the approval time lines:
- i. *Notification of incomplete applications for non-tower WCF*. Within 30 days of receipt of an application for a WCF on a preexisting wireless support structure, the city shall notify the WCF applicant in writing of any additional information required to complete application.
 - ii. *Approval timeframe—Substantial change*. Within 90 days of receipt of an application for a non-tower WCF on a preexisting wireless support structure that substantially changes the wireless support structure to which it is attached, the city shall make a final decision on whether to approve the application and the city shall notify the WCF applicant in writing of such decision.
 - iii. *Approval timeframe—Not substantial change*. Within 60 days of receipt of an application for a non-tower WCF on a preexisting wireless support structure that does not substantially change the wireless support structure to which it is attached, the city planning department shall issue the required building permit authorizing construction of WCF.
- (c) *Tower-based WCF*: Timing of approval for all tower-based WCF facilities that do not meet the definition of eligible facilities request. Once a WCF application is submitted these are the approval time lines:
- i. *Notification of incomplete applications for tower-based WCF*. Within 30 days of receipt of an application for a tower-based WCF, the city shall notify the WCF applicant in writing of any additional information required to complete application.
 - ii. *Approval timeframe*. All applications for tower-based WCFs shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF and the city shall advise the WCF applicant in writing of its decision. If additional information was requested by the city planning department to complete an application, the time required by the WCF applicant to provide the information shall not be counted toward the 150 day review period

(8) *Fees*. Each application for permit or plan approval shall be accompanied by a fee as as provided for in the City Fee Schedule as adopted by resolution by City Council. [PR7]

- (a) *Permit fees*. The city may assess appropriate and reasonable permit fees directly related to the city's actual costs in reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring and related costs. Such permit fees shall be established by City Council and shall comply with the applicable requirements of the FCC. [PR8]
- (b) *Reimbursement for WCF in right-of-way*. In addition to permit fees as described in this section, every small WCF in the right-of-way is subject to the city's right to recover its actual costs incurred as a result of the small WCF's presence in the right-of-way, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other right-of-way management activities by the city. The owner of each small WCF shall reimburse the city for the city's costs reasonably incurred in connection with the activities described above. All fees shall comply with applicable state and federal law and not exceed amounts presumed reasonable by the FCC.

F. *Small wireless communication facilities (small WCF)*. The following regulations shall apply to all small WCF and associated wireless support structures as defined by this Section 230-19.10.

(1) Location.

- (a) Small WCF are permitted to be located in all city zoning districts subject to the application requirements of this Section 230-19.10.
- (b) Small WCF are subject to compliance with zoning ordinance provisions outlined in Section 230-19.10(E)(2).
- (c) Small WCF are permitted to be located within the public right-of-way subject to application requirements of this Section 230-19.10.

(2) Development regulations.

- (a) Sizing. To be considered as small WCF, the WCF must comply with the criteria established in the definition of small wireless communications facility in Section 230-19.10(B).
- (b) Height. The total height of a small WCF shall comply with the maximum height permitted in the zoning district of the property to the extent technically feasible. In accordance with industry standards, small WCF applicants must submit documentation to the city justifying the total height of the WCF.
- (c) Height. The total height of a small WCF when located in the public right-of-way shall be no more than ten percent taller than the tallest existing utility pole or wireless support structure within a 250 radius of the proposed WCF or 50 feet above ground level, whichever is greater. [PR9]
- (d) Placement. All small WCF shall comply with the applicable requirements of the Americans with Disabilities Act and all applicable requirements pertaining to streets and sidewalks, as codified in Chapter 197 of the Milford Code.
- (e) Placement. Small WCF in the public right-of-way requiring the installation of a new wireless support structure shall not be located directly in front of any building entrance or exit such that it would interfere with ingress or egress.
- (f) Accessory equipment. Small WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the city.

- (3) Design standards. All small WCF shall be designed to meet applicable requirements of the city "Small Wireless Communications Facility Design Manual," a copy of which is kept on file at the City Planning Department. [PR10]

G. Non-tower wireless communication facilities (non-tower WCF). The following regulations shall apply to all non-tower WCFs as defined by this Section 230-19.10 and that do not meet the definition of a small WCF.

(1) Location.

- i. Non-tower WCF are permitted to locate in all city zoning districts subject to the application requirements of this Section 230-19.10.
- ii. Non-tower WCF are subject to compliance with zoning ordinance provisions outlined in Section 230-19.10(B).
- iii. Non-tower WCF are permitted to be located within the public right-of-way subject to application requirements of this Section 230-19.10.
- iv. Non-tower WCF shall be collocated on existing wireless support structures, such as poles, certain existing buildings or tower-based WCF.

- (2) Prohibitions on certain structures. Non-tower WCF shall not be located on one-family detached dwellings, one-family attached dwellings, semi-detached dwellings, duplexes, townhouses, manufactured homes, mobile homes, modular homes, or any residential accessory structure.
- (3) Development regulations.
- i. Sizing. To be considered as non-tower WCF, the WCF must comply with the criteria established in the definition of non-tower wireless communications facility in Section 230-19.10(B).
 - ii. Height. The total height of a non-tower WCF shall not exceed the maximum height permitted in the zoning district. In accordance with industry standards, non-tower WCF applicants must submit documentation to the city justifying the total height of the WCF.
 - iii. Replacement of existing support structure. The replacement of an existing support structure with a similar structure that is required to support the weight of the proposed WCF is allowed.
 - iv. Accessory equipment buildings. If accessory equipment is to be located in a separate building, the building shall comply with the minimum requirements for accessory structure in the applicable zoning district.
 - v. Fences. A security fence with a minimum height of six feet and a maximum height of eight feet shall surround any separate equipment compound located outside the right-of-way. [PR11]
 - vi. Access. Vehicular access to the accessory equipment building or equipment compound shall not interfere with the parking or vehicular circulations on the site for the principal use.
- (4) Design standards. Where appropriate, non-tower WCF shall employ stealth technology and be treated to match the wireless support structure in order to minimize aesthetic impact. The stealth technology utilized by the WCF applicant shall be subject to the application approval process.

H. Tower-based wireless communication facilities (tower-based WCF). The following regulations shall apply to all tower-based WCFs as defined by this Section 230-19.10 and that do not meet the definition of a small WCF.

- (1) Conditional uses. Tower-based WCF are permitted outside the public rights-of-way in certain zoning districts upon conditional use approval of the City Council in accordance with the procedures and subject to the general conditions set forth in Chapter 230-48.
- (a) In approving the conditional use, the City Council may take into consideration the following:
- [1] The aesthetic impact of the proposed facility, including, but not limited to, whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved;
 - [2] Encourage compatibility with the character and type of development existing in the area;
 - [3] Prevent a negative impact on the aesthetic character of the community;
 - [4] Preserve woodlands and trees existing at the site to the greatest possible extent; and
 - [5] Encourage sound engineering and land development design and construction principles, practices and techniques.

(b) Additional antennae. As a condition of approval for all tower-based WCF, the WCF applicant shall provide with a written commitment that it will allow a minimum of two other service providers the opportunity to collocate antennae on tower-based WCF where technically feasible. [PR12]

(2) Location.

- (a) Tower-based WCF are allowed by a conditional use permit within the BP, I-1, I-2, C-3 and IS zones.
- (b) Tower-based WCF are subject to the application requirements of this Section 230-19.10.
- (c) Tower-based WCF are subject to compliance with zoning ordinance provisions outlined in Section 230-19.10(E)(2).

(3) Uses on property.

- (a) Principal use. A tower-based WCF shall be permitted as a sole principal use on a lot.
- (b) Combined with another use. A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another permitted use.
- (c) Existing uses. The existing use on the property may be any permitted use in the applicable zoning district and need not be affiliated with the WCF.
- (d) Ability to use. Where applicable, the WCF owner shall present documentation that the property owner has granted an easement or other property right for the proposed facility.

(4) Development regulations.

- (a) Minimum lot area. The minimum lot area shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.
- (b) Height. Tower-based WCFs shall be designed and kept at the minimum functional height. The maximum total height of a tower-based WCF shall not exceed the 150 feet. No WCF applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height.
- (c) Minimum setbacks. The minimum distance between the base of a tower-based WCF and any property line or street right-of-way line shall equal 110 percent of the proposed height of the tower-based WCF, unless the WCF applicant shows to the satisfaction of the City that the proposed tower-based WCF has been designed in such a manner that a lesser setback will have no negative effects on public safety.

(5) Design standards.

- (a) Multiple antennae. Any proposed tower-based WCF shall be designed structurally to accommodate both the WCF applicant's antennae and at least two comparable antennae for future users.
- (b) Security. Any tower-based WCF shall be equipped with an anti-climbing device, as approved by the manufacturer.
- (c) Lighting. No tower-based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

- (d) Surrounding environs. Existing vegetation, trees and shrubs located within proximity to the tower-based WCF structure shall be preserved to the maximum extent possible.
- (e) Fences. A security fence having a minimum height of six feet and a maximum height of eight feet shall surround any tower-based WCF, as well as guy wires, equipment compound or housing WCF equipment. [PR13]
- (f) Screening. A screen of evergreen trees planted eight feet on center, each at least four feet in height, shall surround the tower-based WCF and security fence. Existing vegetation shall be preserved to the maximum extent possible and landscaping is not required where landscaping already exists
- (g) Accessory equipment. Where feasible, accessory equipment associated, or connected, with a tower-based WCF shall be placed underground. Any above-ground accessory equipment associated or connected with a tower-based WCF shall be screened from public view using stealth technology. All ground-mounted accessory equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated.
- (h) Accessory equipment buildings. If accessory equipment is to be located in a separate building, the building shall comply with the minimum requirements for accessory structures in the applicable zoning district.
- (i) Accessory equipment. Accessory equipment not exceeding 500 square feet in area shall be permitted for each unrelated company sharing space on the tower-based WCF.
- (j) Access road. Where necessary, an access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.
- (h) Visual appearance. Tower-based WCF shall employ stealth technology which may include painting or finish of the tower portion. All tower-based WCF and accessory equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

I. General requirements for wireless communication facilities. The following shall apply to all types of wireless communication facilities. Each application for a WCF shall require proof of compliance with the following.

(1) Standards for wireless communication facilities.

- (a) Wind and ice. Each WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
- (b) Aviation safety. WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- (c) Interference. WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services by occupants of nearby properties.

- (d) Radio frequency emissions. WCF shall not, by itself or in conjunction with other WCFs existing on the same structure at the time of installation, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (e) Signage. WCF owners shall post a sign in a readily visible location identifying the name, phone number of a party to contact in the event of an emergency, and permit number. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- (f) Noise. WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (g) Engineer seal and signature. All plans and drawings for a WCF shall contain a seal and signature of a professional structural engineer, licensed in the State of Delaware.
- (h) FCC license. Each person that owns or operates a tower-based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.

(2) Maintenance and care of wireless communications facilities.

- (a) Standard of care. Any WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, National Association of Tower Erectors, or to the industry standard applicable to the structure.
- (b) Maintenance. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or damage any property in the city. Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the city's residents and utilize industry standard technology for preventing failures and accidents. The following maintenance requirements shall apply:
 - [1] The WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
 - [2] Such maintenance shall be performed to ensure compliance with applicable structural safety standards and radio frequency emissions regulations.
 - [3] All maintenance activities shall conform to industry maintenance standards.
- (c) Lighting. The WCF applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the city.
- (d) Graffiti. Any graffiti on the WCF or on any accessory equipment shall be removed at the sole expense of the owner within 30 days of notification by the city.

(3) Inspection of wireless communication facilities. The city reserves the right to inspect any WCF to ensure compliance with the provisions of Chapter 230 – Zoning and any other provisions found within the City Code or state or federal law. The city and/or its

agents shall have the authority to enter the lease area of any property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

(4) Construction and repairs in the right-of-way.

- (a) Work in right-of-way. The City of Milford Public Works Department, in consultation with the city planning department, shall determine the time, place and manner of construction, maintenance, repair and/or removal of all small WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. All construction, maintenance, repair and/or removal of small WCF shall comply with the applicable requirements of the City Code.
- (b) Pole repairs. In the event of damage to a small WCF attached to a utility pole owned or controlled by the City of Milford Public Works Department, the owner of the small WCF shall be solely responsible for all costs associated with the repair of the small WCF, unless such damage was caused by the city's own negligence or willful misconduct.
- (c) Repairs of city property. In the event of damage to city property during installation of any WCF, including utility poles, streets, sidewalks, streetlights, signs, or other infrastructure, the company responsible for the damage shall make repairs accepted by the city or shall reimburse the city for the cost of such repairs.
- (d) Change or alteration required. Within 90 days following written notice from the city, or such longer period as the city determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the city, consistent with its police powers and applicable public utility commission regulations, determines that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - [1] The construction, repair, maintenance or installation of any city or other public improvement in the right-of-way;
 - [2] The operations of the city or other governmental entity in the right-of-Way;
 - [3] Vacation of a street or road or the release of a utility easement; or
 - [4] An emergency as determined by the city.In such cases the city will make reasonable efforts to assist the WCF owner in identifying and permitting an alternate location for the WCF.

(5) Removal. In the event that use of a WCF is to be discontinued, the owner shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued and removed. Unused or abandoned WCF, or portions of WCF, shall be removed as follows:

- (a) Complete removal of the structure of a tower-based WCF shall require a demolition permit in accordance with permit policies and procedures pursuant to Chapter 88-Building Construction.
- (b) Any unused portions of tower-based WCF, including antennae, shall be removed within 90 days of the time of cessation of operations. All replacements of portions of a tower-based WCF previously removed are subject to the provisions of this Section 230-19.10.

(c) All used or abandoned WCFs and accessory equipment shall be removed from the wireless support structure within 90 days of the cessation of operations at the site unless a time extension is approved by the city.

(d) If the WCF or accessory equipment is not removed from the wireless support structure within 90 days of the cessation of operations at a site, or within any longer period approved by the city, the WCF and/or associated facilities and equipment may be removed by the city and the cost of removal assessed against the owner of the WCF.



Chapter 230 - Zoning Wireless Facilities Ordinance

Draft Revisions

December 13, 2021



Purpose of the Code Review

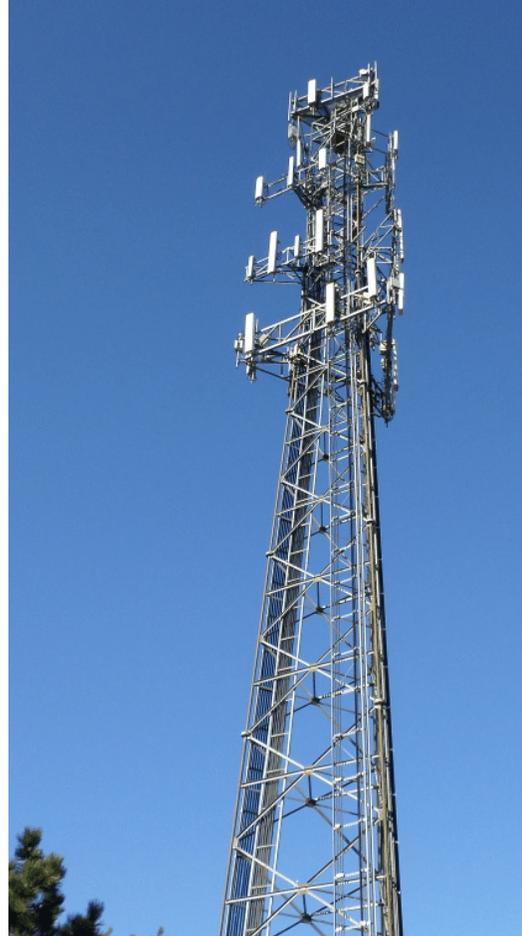
- ▶ There are currently no provisions in the City Code for the allowance of Wireless Communication Facilities within City limits on private property or in the public right-of-way.
- ▶ Allows for the construction of tower-based and non-tower wireless communication facilities.
- ▶ Allow for the installation of small-cell wireless facilities within the public right-of-way to accommodate current and future cellular data needs.



Wireless Communication Facilities

- ▶ Tower-based Wireless Communication Facilities (WCF). - Structures used to support one or more antennae that include self-supporting lattice towers, guy towers and monopoles.
- ▶ Non-tower WCFs - Antenna facilities that are not supported by towers and not considered Small WCFs.
- ▶ Small WCFs - Includes antenna and support structures that are generally 50 feet or less in height.
 - ▶ The draft ordinance provides procedures and standards for each of the above three categories.

Tower-based WCFs





Tower-based WCFs

- ▶ Tower-based WCFs
 - ▶ Would be allowed by Conditional Use approval within the BP Business Park, C-3 Highway Commercial, I-1 Limited Industrial, I-2 General Industrial and IS Institutional Service zoning districts.
 - ▶ Height would be limited to a maximum of 150 feet and the minimum distance from the base of a tower and any property line shall equal 110 percent of the tower height.
 - ▶ Additional standards are provided for security, lighting, fences, accessory structures and visual appearance.
 - ▶ New towers may be denied if the applicant does not make a good faith effort to mount antennae on existing structures. The applicant would need to evaluate the viability of any existing wireless support structure within $\frac{1}{4}$ mile of the proposed site.



Non-tower WCFs





Non-tower WCFs

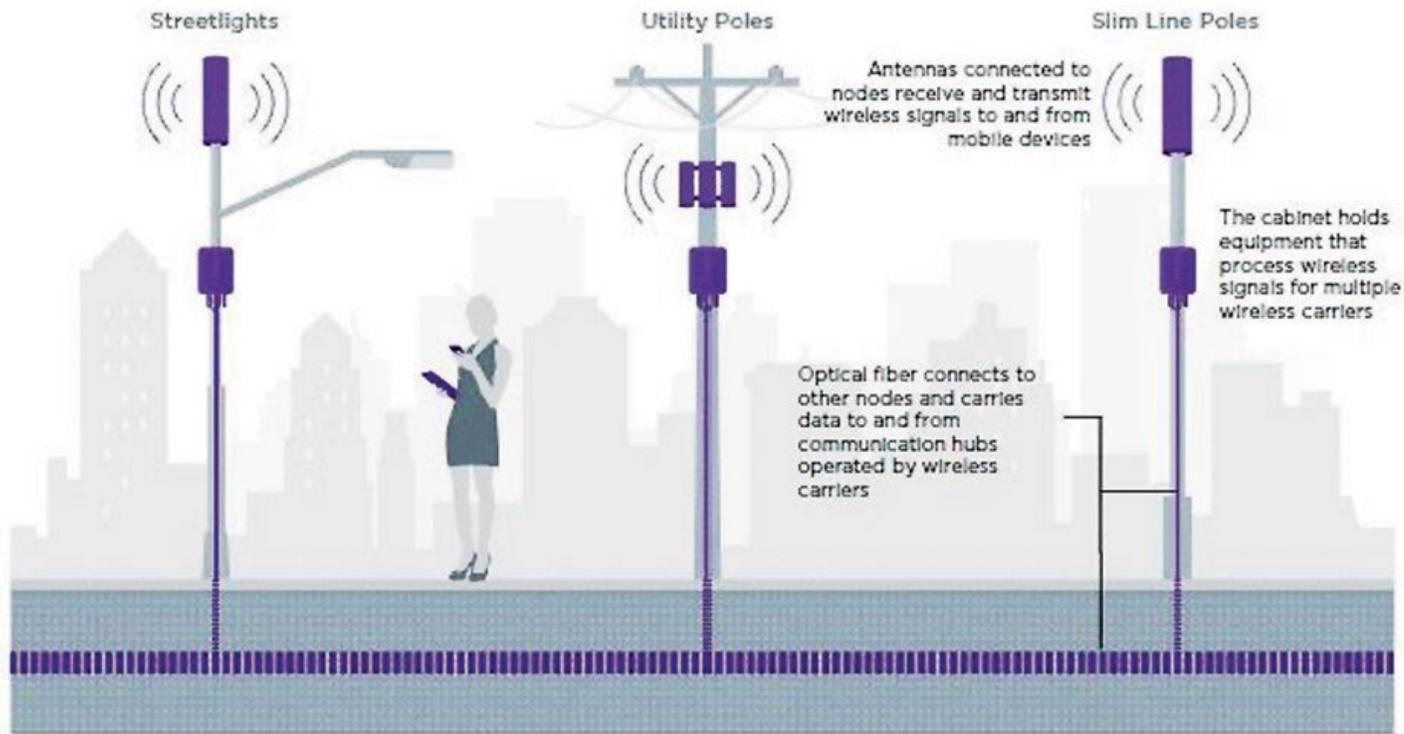
- ▶ Non-tower WCFs
 - ▶ Would be allowed within all zoning districts and within the public right-of-way.
 - ▶ Would not be permitted to be attached to a residential dwelling or residential accessory structure.
 - ▶ The height of the WCF cannot exceed the height permitted within the zoning district in which it is located.

Small WCFs

1/10/17

What Are Small Cell Deployments?

Small cell deployments are complementary to towers, adding much needed coverage and capacity to urban and residential areas, venues, and anywhere large crowds gather



Source: Crown Castle



Small WCFs

- ▶ Small WCFs
 - ▶ Would be allowed within all zoning districts and the public right-of-way.
 - ▶ When on private property, the height of the facility cannot exceed the maximum height permitted in the zoning district in which it is located.
 - ▶ When in the public right-of-way, the height of the facility cannot be more than 10 percent taller than the tallest utility pole or wireless support structure within 250 feet of the proposed location or 50 feet above the ground, whichever is greater.



Design Manual

- ▶ A design manual would need to be prepared with the assistance of the Planning Commission similar to the attached document from the City of Dover.



Permit & Licensing Fees

- ▶ WCFs would be added to the Planning Department Fee schedule and charged in the same format as commercial building permits.
 - ▶ \$100 plus \$5 per \$1,000 of construction costs
- ▶ WCFs placed within the City right-of-way would be assessed an annual licensing fee of \$270 per structure.



Next Steps



We Are Here



Chapter 197 - Streets and Sidewalks

Draft Revisions

December 13, 2021



Purpose of the Code Review

- ▶ The Streets and Sidewalks ordinance currently provides little regulation on the right-of-way (ROW) or on storms sewers or other public places.
- ▶ Other cities (including Dover, Newark and others) regulate the use of the ROW in their code to much higher degree than Milford currently regulates.
- ▶ Staff scraped and replaced the entirety of Chapter 197 and replaced it with what staff views as a more comprehensive and effective regulation of the ROW



Article 1: General Provisions

- ▶ Temporary occupation of the right-of-way requires approval of the City Manager and permanent occupation of the right-of-way is not permitted except for proper access to buildings (with approval of the City Manager)
- ▶ All construction or placement of utilities with the right-of-way requires a permit and licensing fee and excavation in ROW requires 100% bond
- ▶ Property owners are responsible for sidewalk maintenance, repair, and obstruction removal (including snow and ice removal). The City will repair ADA curb ramps at intersections but will not take responsibility for snow and ice removal at ADA curb ramps. Snow and ice must be removed within 12 hours of daylight after cessation of precipitation
- ▶ Playing games in the street is prohibited; devices like soccer goals and hockey nets may not be placed in the ROW



Article 2: Streets and ROW

- ▶ Street construction must be in accordance with Chapter 200 Subdivision of Land and the City Standard Construction Specifications
- ▶ Process for changing street names
- ▶ The City has the authority to create, accept and abandon streets.



Article 3: Curb Cuts

- ▶ Curb cuts require a permit
- ▶ Entrances must comply with Chapter 230 Zoning and the City Standard Construction Specifications



Article 4: Sidewalks

- ▶ Builders and developers are required to construct sidewalks in all new construction sites and subdivisions
- ▶ Existing residences and commercial establishments that want sidewalks may petition the City Engineer for permission to install sidewalks at the property owner's expense. The City may install curb and gutter with discretion at the City's expense.
- ▶ City Council may order installation of sidewalks at the property owner's expense, which must be completed within 365 days.
- ▶ The property owner may finance their improvements and may apply for financial assistance from the City
- ▶ Owners who fail to complete payments within 90 days will be subject to legal action and/or a lien on the property



Article 4: Sidewalks Cont.

- ▶ Responsibility for the repair of sidewalks rests with the property owner
- ▶ If the property owner fails to repair their sidewalks, the City must wait 90 days and provide proper notice to the landlord before repairing the sidewalks at the property owner's expense
- ▶ Property owners must obtain a permit for construction or reconstruction of sidewalks



Article 5: Storm Sewers

- ▶ Public sewers may not be tapped without a permit
- ▶ Citizens may not discharge articles, objects or substances into the storm sewer that may be dangerous or injure the storm sewer
- ▶ The City may enter any private property as reasonably necessary to inspect, convey or remove materials, or improve/repair storms sewers



Article 6: Excavations

- ▶ Traffic conditions must remain as close to normal as possible during excavations of the ROW
- ▶ Streets and sidewalks excavations must include a suitable barrier to protect against injury of pedestrians and vehicles
- ▶ Excavations must be repaired by the person making the excavation
- ▶ The City may make inspections to enforce proper use of excavations



Article 7: Wireless Facilities within the ROW

- ▶ A permit is required to locate a WCF in the ROW
- ▶ An annual fee of \$270 will be assessed per WCF located in the ROW as provided in the Planning Department Fee Schedule



Article 8: Public Utilities

- ▶ Placement of utilities in the ROW requires a permit (either underground or aboveground)
- ▶ Public utilities are subject to a franchise agreement as approved by City Council
- ▶ No attachment may be made to any Milford Electric Division facilities without a license agreement



Questions?

FINAL DRAFT

CITY OF DOVER, DELAWARE

SMALL WIRELESS COMMUNICATIONS FACILITY (Small WCF) DESIGN MANUAL

This **Small Wireless Communications Facility Design Manual (Small WCF Design Manual)** is part of the City of Dover Wireless Communication Facilities provisions as found in the *Dover Code of Ordinances*, Appendix B – Zoning, Article 5 – Supplemental Regulations, Section 23 and other referenced sections. The City’s Wireless Communications Facilities provisions were adopted as **Ordinance #2020-13** by action of the City Council on November 9, 2020 following recommendation of the City of Dover Planning Commission (October 19, 2020).

The **Small WCF Design Manual** addresses the applicable design standards and the process for application and review by the City of Dover for Small Wireless Communications Facility applications. Small Wireless Communications Facilities have a specific definition and are governed by the *Dover Code of Ordinances* and the *Zoning Ordinance*, Article 5 Section 23 which outlines development regulations and application review procedures. This **Small WCF Design Manual** is specifically referenced in *Zoning Ordinance*, Article 5 Section 23.6(c) as the source for the Design Standards for Small Wireless Communications Facilities.

The installation of Small WCFs are subject to applicable Review Processes and Fees for Permits, Applications, Pole Attachment provisions, and Annual Right-of-Way Usage. A **Wireless Communications Facility Building Permit (WCF Building Permit)** is required for all proposed Small Wireless Communications Facility activities whether involving modifications to existing facilities or involving an attachment to an existing utility pole or similar support structure or a new location for a Small Wireless Communications Facility. Review of Small Wireless Communications Facilities proposals is an administrative review process subject to the adopted Code regulations and this **Small WCF Design Manual**.

DESIGN STANDARDS for SMALL WIRELESS COMMUNICATION FACILITIES

SECTION I. DEFINITIONS

The adopted Wireless Communications Facilities Ordinance (*Zoning Ordinance*, Article 5 Section 23) includes a series of definitions. For assistance in using the **Small WCF Design Manual**, the following terms are defined as follows:

1. *Accessory Equipment* – Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term “Accessory Equipment” includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.
2. *Antenna* – An apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.
3. *Collocation* – The mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.
4. *Decorative Pole* – A City-owned pole that is specially designed and placed for aesthetic purpose and on which no appurtenances or attachments, other than a small wireless communications facility, lighting, or municipal attachments (informational or directional signage, temporary holiday/event attachments as banners or decorations, etc.) have been placed or are permitted to be placed.
5. *Prior Approved Design* – A design for a small wireless communications facility that has been reviewed and deemed to be in accordance with this Design Manual and approved for construction by the City.
6. *Small Wireless Communications Facility (Small WCF)* - A wireless communications facility that meets the following criteria:
 - (1) The structure on which antenna facilities are mounted
 - a) is 50 feet or less in height, or
 - b) is no more than 10 percent taller than other adjacent structures, or
 - c) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
 - (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three (3) cubic feet in volume; and
 - (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
 - (4) The facilities do not require antenna structure registration under 47 CFR Part 17; and
 - (5) The facilities are not located on Tribal lands, as defined under 36 CFR §800.16(x); and

(6) The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 CFR §1.1307(b).

7. *Stealth Technology* — Camouflaging or screening methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in a manner appropriate to the site’s context and surrounding environment. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.
8. *Underground Utility Area* – A portion of the City in which all utility installations are required to be installed underground on a non-discriminatory basis pursuant to Section 110-31 of the *Dover Code of Ordinances*. The Section 110-31 incorporates the “Electric Service Handbook” by reference.
9. *Wireless Communications Facility (WCF)* - An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.
10. *Wireless Support Structure* - A freestanding structure, pole, tower, or other building, whether or not it has an existing antenna facility, that is used or to be used to support the placement or installation of a wireless communication facility for the provision of wireless service (whether on its own or comingled with other types of services).

SECTION II. GENERAL DESIGN STANDARDS FOR SMALL WIRELESS COMMUNICATIONS FACILITIES

Small Wireless Communications Facilities (Small WCF) are governed by the regulations found in *Zoning Ordinance*, Article 5 Section 23.6. Small WCF may be located within the public rights-of-way or on other property in all zoning districts. In addition to the Location and Development Regulations found within the Code, the following Design Standards are presented.

1. Applicants for Small Wireless Communications Facility locations shall first consider collocation on an existing City owned utility pole, or a replacement with a new pole in the same general location and matching to the maximum extent possible the existing style, color, materials, and configuration of the pole being replaced.
2. Small Wireless Communications Facilities shall only be located on distribution voltage electric utility poles meeting the approval of the City of Dover Electric Department. These installations will be a minimum of six (6) feet above the secondary conductors. Installation

above primary conductors is prohibited. Installation on transmission voltage poles is prohibited.

3. Small Wireless Communications Facilities may be considered for placement on an existing Decorative Pole when the applicant provides documentation showing that such Decorative Pole is the only technically feasible location for placement and that no suitable alternative sites exist. A replacement Decorative Pole of similar style or the addition of a Decorative Pole may be used if accepted by the City Manager or their designee.
4. The viability of any existing wireless support structures within 100 feet of the proposed Small Wireless Communications Facility location shall be evaluated. The Applicant must demonstrate that the alternative candidates are inferior with respect to technical facility, cost, or terms of use prior to a new wireless support structure being authorized.
5. Small Wireless Communications Facility locations must comply with applicable provisions set forth in *Zoning Ordinance*, Article 5 Section 23.52 for the Wireless Communications Facilities as related to Historic Districts, Airport Environs Overlay Zone (AEOZ), and Environmentally Sensitive Areas.
6. Small Wireless Communications Facilities shall comply with the maximum height permitted in the zoning district to the extent technically feasible.
7. Small Wireless Communications Facilities shall be designed and constructed to minimize aesthetic impact on the surrounding neighborhood in accordance with this **Small WCF Design Manual** to the extent technically feasible.
8. Stealth technology methods to camouflage or screen shall be utilized to render Small Wireless Communications Facilities more visually appealing or to blend the proposed facility into its wireless support structure and/or the visual backdrop of the placement. Methods should be appropriate to the site's context and surrounding environment.
9. Small Wireless Communications Facility shall not extend beyond the boundaries of the rights-of-way unless approved on a case-by-case basis by the City Manager or their designee.
10. The wireless support structure and related equipment of the Small Wireless Communications Facility shall not obstruct vehicular, pedestrian, or cyclist traffic or sight lines in an unsafe manner that obstructs, impedes or hinders the usual travel or public safety.

11. Small Wireless Communications Facilities shall comply with applicable federal and state standards regarding pedestrian access and movement.
12. Small Wireless Communications Facilities shall comply, to the extent consistent with applicable state and federal law, the Americans with Disabilities Act, guidelines adopted by the City, and all applicable requirements of the City Code relating to streets and sidewalks as established by the *Dover Code of Ordinances*, Chapter 98.
13. Small Wireless Communications Facilities shall be installed and maintained in compliance with the National Electric Safety Code and the National Electrical Code, as applicable.
14. Small Wireless Communications Facilities shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
15. Any existing City-owned utility pole requiring replacement that is currently utilizing a concrete base will have the concrete base removed and replaced with a breakaway steel screw in foundation. This foundation type is not required for third party pole installations.

SECTION III. ANTENNA AND ACCESSORY EQUIPMENT STANDARDS

The following standards are presented for Antenna, Accessory Equipment, and Wiring as associated with Small Wireless Communications Facilities.

1. Antenna Standards

- a. Any Antenna associated with a Small Wireless Communications Facility shall not exceed three (3) cubic feet in volume.
- b. All pole-top Antennas shall be flush-mounted as closely to the top of the pole as technically feasible. Location must be a minimum of six (6) feet above secondary conductors on a utility pole.
- c. All Antennas shall be of a design, style, and color that reasonably matches the pole upon which they are attached.
- d. Any necessary pole-top extension shall be of the minimum height necessary to achieve separation from the existing pole attachments; and a minimum clearance of six (6) feet above secondary distribution wires.
- e. Any Antenna mounted on a lateral standoff bracket shall protrude no more than necessary to meet clearances.
- f. If mounted on an existing structure, Antenna shall not impair the function of said structure.

- g. Antenna placement shall not materially impair light, air, or views from adjacent windows to the extent technically feasible.
- h. No more than two (2) collocated Small Wireless Communications Facilities shall be permitted on a single utility pole.

2. Accessory Equipment Standards

- a. Accessory Equipment shall not exceed twenty-eight (28) cubic feet in volume. Equipment utilized solely for the minimization or mitigation of the aesthetic impact of the Small Wireless Communications Facility shall not be included in the Accessory Equipment volume calculation.
- b. Accessory Equipment shall be mounted flush to the side of a pole, or as near flush to the side of a pole as technically feasible.
- c. Accessory Equipment shall be mounted to provide a minimum of eight (8) feet vertical clearance from ground level.
- d. Meter socket installations shall be no lower than four (4) feet and no higher than six (6) feet above finished grade. If installed in a pole manufactured to house Small WCF equipment, the pole will be positioned to allow a minimum of three (3) feet clearance to allow access to the meter.
- e. Accessory Equipment and its attachment hardware (i.e. banding, straps) shall be of a color that reasonably matches the pole or wireless support structure upon which such Accessory Equipment is mounted.
- f. To the extent feasible, Accessory Equipment shall be contained within a single equipment shroud or cabinet. Such equipment shroud or cabinet shall be of the smallest dimensions technically feasible.
- g. Small Wireless Communications Facilities shall post a sign in a readily visible location identifying the owner's permit number and the name and phone number of a party to contact in the event of an emergency. The only other signage permitted shall be that required by the FCC or any other federal or state agency. All signage associated with a Small Wireless Communications Facility shall be reviewed as part of the WCF Building Permit process.
- h. Accessory Equipment placement shall not materially impair light, air or views from adjacent windows. To the extent technically feasible, all Accessory Equipment shall be placed away from adjacent windows and the primary pattern of pedestrian and vehicular traffic.
- i. Accessory Equipment shall not feature any lighting, including flashing indicator lights, unless required by state or federal law.

3. Wiring Standards

- a. Exposed wiring is prohibited on any Small Wireless Communications Facility, Accessory Equipment or Accessory Equipment enclosure.

- b. Transmission, fiber, power cables and any other wiring shall be contained within any pole for which such concealment is technically feasible. If wiring cannot be contained within the pole, all wiring shall be contained within conduit or U-guard that is flush-mounted to the pole.
- c. Any conduit or U-guard shall be of a color that reasonably matches the pole to which the Small Wireless Communications Facility is attached.
- d. All wiring shall be installed without excessive slack or extra cable storage on the pole. Loops or coils of extra wiring shall not be attached to or otherwise visibly stored on any pole.
- e. Service lines must be undergrounded whenever feasible to avoid additional overhead lines.

SECTION IV. POLE STANDARDS

The following standards are presented for the types of Poles as wireless support structures for Small Wireless Communications Facilities.

1. Replacement Utility Poles.

- a. Any replacement utility poles utilized as wireless support structures shall comply with the following requirements to the extent that the requirements do not conflict with the standards and requirements of the owner of the wireless support structure being replaced:
 - i. The maximum height of any proposed replacement utility pole shall be: 1) no more than ten (10%) percent taller than the tallest existing utility pole in the public rights-of-way within a two hundred fifty (250) foot radius of the proposed Small Wireless Communications Facility; or 2) fifty (50) feet above ground level, whichever is greater.
 - ii. Any replacement utility pole shall be of comparable materials and design to the existing utility pole unless otherwise authorized by owner. All attachment hardware will match, as much as possible, to the color of the pole being installed.
 - iii. Any replacement utility pole shall be placed within five (5) feet of the existing utility pole being replaced.
 - iv. Any replacement utility pole shall be designed to accommodate all uses that existed on the existing utility pole prior to replacement. As part of an application for a Small Wireless Communications Facility, the applicant shall provide documentation from a structural engineer licensed in the State of Delaware confirming that the replacement utility pole, Small Wireless Communications Facility, and prior existing uses shall be structurally sound.

- v. Any replacement utility pole shall not deviate from the predominant pattern of existing adjacent structures including their alignment to the extent possible.
- b. Replacement of any City owned utility pole shall additionally comply with the following requirements:
 - i. Any existing City owned utility pole requiring replacement that is currently utilizing a concrete base will have the concrete base removed and replaced with a breakaway steel screw-in foundation.
 - ii. City owned poles requiring replacement that contain lighting attached with davit arms must allow for the installation of the same lighting configuration on the new pole.
 - iii. Replaced City owned poles will be capable of supporting davit arms for lights. If the original arm cannot be installed on the new pole, a new arm will be provided by the applicant.

2. New Small WCF Poles

- a. The maximum height of any new Small Wireless Communications Facility pole when located in the public right-of-way shall be: 1) no more than ten (10%) percent taller than the tallest existing utility or wireless support structure in the public rights-of-way within a two hundred fifty (250) foot radius of the proposed Small Wireless Communications Facility; or 2) fifty (50) feet above ground level, whichever is greater.
- b. Any new pole shall be installed in accordance with the predominant pattern of existing adjacent structures including their alignment to the extent possible.
- c. New poles shall be of the same or similar material and color of existing adjacent structures.
- d. To the extent technically feasible, a new Small WCF pole shall not be installed:
 - i. Directly in front of any building entrance or exit so that it would interfere with ingress or egress;
 - ii. Directly in front of a window of any residential structure;
 - iii. Within ten (10) feet of the edge of any driveway;
 - iv. In the public rights-of-way directly opposite any driveway;
 - v. In a manner that unreasonably increases visual clutter or disorganization of utility infrastructure along the street; or
 - vi. In violation of the Design Standards contained herein.

3. Decorative Poles:

- a. Decorative Poles shall be required in any portion of the City where all utility installations are required to be installed underground on a non-discriminatory basis

pursuant to *Dover Code of Ordinances*, Section 110-31 unless not technically feasible.

- b. Decorative Poles shall be required for the replacement of any existing Decorative Pole.
- c. For any replacement Decorative Pole, the new Decorative Pole shall match the existing Decorative Pole in shape, design, color, and material.
- d. Replacement Decorative Poles shall also comply with the requirements of replacement utility poles found in Section IV, Item 1 of this **Small WCF Design Manual**.

SECTION V. REVIEW AND APPROVAL

There are review and approval processes established for Small Wireless Communications Facilities as part of the adopted Wireless Communications Facilities provisions.

A **Wireless Communications Facility Building Permit (WCF Building Permit)** is required for all proposed Small Wireless Communications Facility activities whether involving modifications to existing facilities or involving an attachment to an existing utility pole or similar support structure or a new location for a Small Wireless Communications Facility. An Application for Wireless Communications Facility Building Permit shall be submitted on the proper form with accompanying documentation to the City of Dover, Delaware Department of Planning & Inspections prior to initiation of any construction or installation. The Department will coordinate an administrative review for proposals under the adopted Code regulations and this **Small WCF Design Manual**.

The following is a summary of the review and approval process for Small Wireless Communications Facilities.

1. Consultation

- a. Applicants are encouraged to become familiar with the regulations and application review procedures for Wireless Communications Facilities for the City of Dover, Delaware.
- b. The applicant may choose to participate in a pre-application consultation meeting with City Planner or their designee in order to discuss any location, aesthetic or safety concerns of the City with respect to the proposed Small WCF.
- c. The City Planner shall consult with the City Manager, the Dover Electric Department, the City Public Works Department and any other applicable City departments and shall advise the applicant of any findings or recommendations.

2. Application Submission

- a. A Wireless Communications Facilities Building Permit package consisting of the WCF Building Permit Application Form, documentation materials, and Fees are to be submitted to the Department of Planning & Inspections.

- b. The City Planner shall create a Checklist to be used to determine the requirements for submittal of a “Complete Permit Application.” A Sample Checklist is attached.
- c. The minimum information required for the WCF Building Permit includes the following:
 - i. Name and address of applicant, including contact person information (phone, email, and mailing address).
 - ii. Address of the proposed Small WCF which may be street address, parcel number, or other definitive location as may be relevant to the location.
 - iii. Physical geographic coordinates (latitude and longitude)
 - iv. Design and construction details presented in plans and drawings
- d. For Small WCF installations within City rights-of-way, a Rights-of-way Use Permit with Fee is required.
- e. For Small WCF installations on City-owned support structures (poles), submission of proof of valid Master License Agreement is required.
- f. For Small WCF installations on wireless support structures owned by other non-City entities, proof of authorization from the owner is required.

3. Application Review

- a. The City Planner shall reasonably determine whether a proposed Small Wireless Communications Facility design complies with the requirements of the **Small WCF Design Manual** and Code regulations.
- b. The City Planner shall coordinate the review of Application Submission by the appropriate City Departments including the City Manager, the Dover Electric Department, the City Public Works Department, and the City Department of Planning & Inspections. The City Planner shall advise the applicant of any findings or recommendations from the review.
- c. The City Planner may impose such additional, reasonable conditions as determined by the City to minimize the impact of the Small Wireless Communications Facility on the neighborhood in which to be located.
- d. A WCF Building Permit will not be issued until a Rights-of-Way Use Permit and/or City of Dover Pole Agreement/Master License Agreement are approved and in place if required for the Small Wireless Communications Facility.
- e. The review and the resulting approval or denial of the WCF Building Permit shall be provided in writing to the applicant. The WCF Building Permit may be issued by paper copy or authorized electronic copy.

4. Waivers of Small WCF Design Manual

- a. Any requests for a waiver of the requirements of this **Small WCF Design Manual** shall be considered on a case-by-case basis by the City Planner. The waiver request shall be approved upon a determination that such waiver is in the best interests of the City or necessary to avoid the effective prohibition of wireless service pursuant to the Rules of the Federal Communications Commission.

- b. Upon approval of a design for a Small Wireless Communications Facility requiring a waiver from the requirements of this **Small WCF Design Manual**, such design shall be incorporated by reference into this Design Manual as a Prior Approved Design.
- c. A record of Prior Approved Designs shall be kept on file at the City Department of Planning and Inspections Office.

SECTION VI. APPROVAL TIMING

Approval timing for Permits and Applications shall be as set forth in Section 23.57 of the City of Dover Wireless Communications Facilities regulations (*Dover Code of Ordinances*, Appendix B-Zoning, Article 5, Section 23 and referenced sections). The specific approval timeframes are also subject to the tolling procedures established by the Federal Communications Commissions (FCC).

SECTION VII. AMENDMENT OF DESIGN MANUAL

This **Small Wireless Communications Facility Design Manual** may be amended as necessary to comply with adopted regulations for Wireless Communications Facilities, the *Dover Code of Ordinances*, and other related regulations and policies established by the City affecting this activity. A copy of the current **Small WCF Design Manual** shall be available from the Department of Planning & Inspections.

DRAFT Small Wireless Communications Facility Design Checklist

The information detailed in the following Checklist shall be included with any Application for a Small Wireless Communications Facility (Small WCF):

Item	Description	Included in Application?	
		Yes	No
WCF Building Permit Form	<ul style="list-style-type: none"> Complete Wireless Communications Facility Building Permit Application form for each proposed Small WCF installation. 		
Cover Letter	<ul style="list-style-type: none"> The Application shall include a cover letter detailing the location of the proposed Small WCF site, summary of equipment being proposed, and a certification that the applicant has included all information required by the City Code. 		
Plan & Drawings	<ul style="list-style-type: none"> Plan and drawings shall show existing wireless support structure to be utilized or the proposed wireless support structure and equipment associated with the Small WCF. 		
	<ul style="list-style-type: none"> The manufacturer and model, proposed location, and dimensions of each piece of equipment should be clearly shown. 		
	<ul style="list-style-type: none"> Before and after diagrams of the proposed site showing the dimensional changes shall be included. 		
	<ul style="list-style-type: none"> If the existing pole supports existing attachments, the site plan shall show the location and dimensions of all such attachments. 		
	<ul style="list-style-type: none"> If installation of a new utility pole or decorative pole is being proposed, the site plan shall include the color, dimensions, material and type of pole proposed. 		
	<ul style="list-style-type: none"> The site plan shall show the location of any existing wireless support structures within one hundred (100) feet of the proposed Small WCF location, including but not limited to structures, commercial structures, light poles, traffic signals, traffic signage, and existing poles. 		
	<ul style="list-style-type: none"> The plan and drawings shall show location and information of existing utility poles within two hundred fifty (250) feet radius of the proposed Small WCF location. 		

Item	Description	Included in Application?	
		Yes	No
Volume Calculations	<ul style="list-style-type: none"> • Provide dimensions and volume calculations of each Antenna. 		
	<ul style="list-style-type: none"> • Provide dimensions and volume calculations of Accessory Equipment. 		
Photo Simulations	<ul style="list-style-type: none"> • Photo simulations shall depict the Small WCF from at least two locations near the proposed site. • The photo simulations should reflect the proposed design and location of all Antenna and Accessory Equipment associated with the Small WCF. 		
Material & Color	<ul style="list-style-type: none"> • Information on material and color of Wireless Support Structure and Accessory Equipment to match mounting location. • Information on methods employed to achieve aesthetic uniformity of the site. 		
Wiring	<ul style="list-style-type: none"> • All proposed wires associated with the Small WCF shall be clearly shown. • A depiction and description of the concealment methods to be utilized for the wiring shall be included. 		
Signage	<ul style="list-style-type: none"> • Signage shall be posted in a readily visible location and identify the owner's permit number and the name and phone number of a party to contact in the event of an emergency. • If required, FCC-mandated signage is permitted. Applicant shall identify such signage in its application. 		
Right-of-way Placement	<ul style="list-style-type: none"> • Copy of Rights-of-Way Use Permit for Small WCF location, if required. • Information to demonstrate that line of sight and paths of travel are not impaired. 		
Authorizations	<ul style="list-style-type: none"> • Submit documentation of a valid Master License Agreement for Pole Attachments to City owned poles. • Submit documentation of authorization to attach to non-City owned support structures. 		

**CITY OF MILFORD
RESOLUTION 2020-xx
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT FEE SCHEDULE**

PLANNING & DEVELOPMENT FEES		
Description		Fee
Major Residential Subdivision / Land Development Plan (up to 25 lots)	Preliminary Plan Review	\$1,750.00 plus \$85.00 per unit/lot
	Final Construction and Record Plan Review	\$3,500.00 plus \$185.00 per unit/lot
Major Residential Subdivision / Land Development Plan (greater than 25 lots)	Preliminary Plan Review	\$3,000.00 plus \$30.00 per unit/lot
	Final Construction and Record Plan Review	\$6,500.00 plus \$85.00 per unit/lot
Minor Subdivision or Lot Line Adjustment (up to 5 lots)	Final Residential	\$300.00 plus \$50.00 per unit
	Final, Other than Residential	\$500.00 plus \$100.00 per unit
	Engineering Construction Review	Fees charged to the City of Milford by engineering consultant, plus 10%
Land Development Plan (up to 9,999 sf of GFA)	Preliminary Plan Review	\$2,000.00 plus \$75 per 1K SF of GFA
	Final Construction and Record Plan Review	\$3,000.00 plus \$50 per 1K SF of GFA
Land Development Plan (10,000 sf to 50,000 sf of GFA)	Preliminary Plan Review	\$2,500.00 plus \$30 per 1K SF of GFA
	Final Construction and Record Plan Review	\$4,000.00 plus \$50 per 1K SF of GFA
Land Development Plan (greater than 50,000 sf of GFA)	Preliminary Plan Review	\$3,500.00 plus \$10 per 1K SF of GFA
	Final Construction and Record Plan Review	\$5,000.00 plus \$40 per 1K SF of GFA
Conditional Use or Amendment to a Conditional Use		\$700.00
Zoning Map Amendment/Comprehensive Plan Amendment		\$1,000.00 plus \$100.00 per acre
Zoning Code Amendment Request		\$700.00
Annexation	Residential, less than 2 acres	\$700.00
	Residential, 2+ acres	\$1,000.00 plus \$100.00 per acre
	Other than Residential	\$2,500.00 plus \$500.00 per acre
Variance(s)	1-3 variances	\$300.00
	4-6 variances	\$400.00
	7+ variances	\$500.00
Board of Adjustment Hearing (no variance)		\$300.00
Subdivision Agreement		\$2,500.00
Zoning Verification Letter		\$20.00
Certificate of Use		\$75.00
Legal Interpretation of Subdivision or Zoning Code		Cost of legal services provided plus 10% administration fee
Street or Alley Closing		\$300.00
Application Resubmission or Rescheduling Fee		\$200.00
Professional Service Fees (including but not limited to Legal Fees, Engineering Review Fees)		Fees charged the City of Milford, plus 10%; Billed as encumbered.
Incomplete/Resubmission/Re-review Engineering Fee		\$1,000.00
Transfer of Development Rights (TDR) Credit		\$3,000 per dwelling unit
Engineering Construction Inspection		4% of Construction Costs for all infrastructure to be owned, operated and maintained by the City of Milford.
ENGINEERING REVIEW: At the time of filing an application for plan review, the applicant shall submit to the City the fees required to cover the engineering plan review in accordance with the adopted Fee Schedule listed in this Resolution. Incomplete submissions, plans that have changed significantly from a prior submission, or plan		

submissions that fail to adequately address mandated requirements may be charged an additional fee as determined by the City Manager in order to cover expenses associated with the additional cost for the engineering review.

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

CODE ENFORCEMENT AND LICENSING FEES		
Description		Fee
Licensing	Contractors	\$100.00 annually, prorated semi-annually
	Residential Rental Operating	\$50.00 per unit
	Transfer of Rental License	\$50.00 per license
	Peddler, Solicitor, and Transient Merchant	\$50.00 annually, prorated semi-annually
	Business	\$30.00 per location
Inspection	Re-Inspection / Follow Up Inspection	\$50.00
<u>Small Cell Wireless Facility</u>	<u>Right-of-Way License</u>	<u>\$270 annually, per location</u>

Section 2. This Resolution replaces in its entirety Resolution 2019-15.

Section 3. Dates.

Adopted: September 28, 2020

Effective: October 8, 2020*

*Coincides with effective date of Ordinance 2020-23

FINAL DRAFT

CITY OF DOVER, DELAWARE

SMALL WIRELESS COMMUNICATIONS FACILITY (Small WCF) DESIGN MANUAL

This **Small Wireless Communications Facility Design Manual (Small WCF Design Manual)** is part of the City of Dover Wireless Communication Facilities provisions as found in the *Dover Code of Ordinances*, Appendix B – Zoning, Article 5 – Supplemental Regulations, Section 23 and other referenced sections. The City’s Wireless Communications Facilities provisions were adopted as **Ordinance #2020-13** by action of the City Council on November 9, 2020 following recommendation of the City of Dover Planning Commission (October 19, 2020).

The **Small WCF Design Manual** addresses the applicable design standards and the process for application and review by the City of Dover for Small Wireless Communications Facility applications. Small Wireless Communications Facilities have a specific definition and are governed by the *Dover Code of Ordinances* and the *Zoning Ordinance*, Article 5 Section 23 which outlines development regulations and application review procedures. This **Small WCF Design Manual** is specifically referenced in *Zoning Ordinance*, Article 5 Section 23.6(c) as the source for the Design Standards for Small Wireless Communications Facilities.

The installation of Small WCFs are subject to applicable Review Processes and Fees for Permits, Applications, Pole Attachment provisions, and Annual Right-of-Way Usage. A **Wireless Communications Facility Building Permit (WCF Building Permit)** is required for all proposed Small Wireless Communications Facility activities whether involving modifications to existing facilities or involving an attachment to an existing utility pole or similar support structure or a new location for a Small Wireless Communications Facility. Review of Small Wireless Communications Facilities proposals is an administrative review process subject to the adopted Code regulations and this **Small WCF Design Manual**.

DESIGN STANDARDS for SMALL WIRELESS COMMUNICATION FACILITIES

SECTION I. DEFINITIONS

The adopted Wireless Communications Facilities Ordinance (*Zoning Ordinance*, Article 5 Section 23) includes a series of definitions. For assistance in using the **Small WCF Design Manual**, the following terms are defined as follows:

1. *Accessory Equipment* – Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term “Accessory Equipment” includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.
2. *Antenna* – An apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.
3. *Collocation* – The mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.
4. *Decorative Pole* – A City-owned pole that is specially designed and placed for aesthetic purpose and on which no appurtenances or attachments, other than a small wireless communications facility, lighting, or municipal attachments (informational or directional signage, temporary holiday/event attachments as banners or decorations, etc.) have been placed or are permitted to be placed.
5. *Prior Approved Design* – A design for a small wireless communications facility that has been reviewed and deemed to be in accordance with this Design Manual and approved for construction by the City.
6. *Small Wireless Communications Facility (Small WCF)* - A wireless communications facility that meets the following criteria:
 - (1) The structure on which antenna facilities are mounted
 - a) is 50 feet or less in height, or
 - b) is no more than 10 percent taller than other adjacent structures, or
 - c) is not extended to a height of more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and
 - (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three (3) cubic feet in volume; and
 - (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
 - (4) The facilities do not require antenna structure registration under 47 CFR Part 17; and
 - (5) The facilities are not located on Tribal lands, as defined under 36 CFR §800.16(x); and

(6) The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 CFR §1.1307(b).

7. *Stealth Technology* — Camouflaging or screening methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in a manner appropriate to the site’s context and surrounding environment. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.
8. *Underground Utility Area* – A portion of the City in which all utility installations are required to be installed underground on a non-discriminatory basis pursuant to Section 110-31 of the *Dover Code of Ordinances*. The Section 110-31 incorporates the “Electric Service Handbook” by reference.
9. *Wireless Communications Facility (WCF)* - An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.
10. *Wireless Support Structure* - A freestanding structure, pole, tower, or other building, whether or not it has an existing antenna facility, that is used or to be used to support the placement or installation of a wireless communication facility for the provision of wireless service (whether on its own or comingled with other types of services).

SECTION II. GENERAL DESIGN STANDARDS FOR SMALL WIRELESS COMMUNICATIONS FACILITIES

Small Wireless Communications Facilities (Small WCF) are governed by the regulations found in *Zoning Ordinance*, Article 5 Section 23.6. Small WCF may be located within the public rights-of-way or on other property in all zoning districts. In addition to the Location and Development Regulations found within the Code, the following Design Standards are presented.

1. Applicants for Small Wireless Communications Facility locations shall first consider collocation on an existing City owned utility pole, or a replacement with a new pole in the same general location and matching to the maximum extent possible the existing style, color, materials, and configuration of the pole being replaced.
2. Small Wireless Communications Facilities shall only be located on distribution voltage electric utility poles meeting the approval of the City of Dover Electric Department. These installations will be a minimum of six (6) feet above the secondary conductors. Installation

above primary conductors is prohibited. Installation on transmission voltage poles is prohibited.

3. Small Wireless Communications Facilities may be considered for placement on an existing Decorative Pole when the applicant provides documentation showing that such Decorative Pole is the only technically feasible location for placement and that no suitable alternative sites exist. A replacement Decorative Pole of similar style or the addition of a Decorative Pole may be used if accepted by the City Manager or their designee.
4. The viability of any existing wireless support structures within 100 feet of the proposed Small Wireless Communications Facility location shall be evaluated. The Applicant must demonstrate that the alternative candidates are inferior with respect to technical facility, cost, or terms of use prior to a new wireless support structure being authorized.
5. Small Wireless Communications Facility locations must comply with applicable provisions set forth in *Zoning Ordinance*, Article 5 Section 23.52 for the Wireless Communications Facilities as related to Historic Districts, Airport Environs Overlay Zone (AEOZ), and Environmentally Sensitive Areas.
6. Small Wireless Communications Facilities shall comply with the maximum height permitted in the zoning district to the extent technically feasible.
7. Small Wireless Communications Facilities shall be designed and constructed to minimize aesthetic impact on the surrounding neighborhood in accordance with this **Small WCF Design Manual** to the extent technically feasible.
8. Stealth technology methods to camouflage or screen shall be utilized to render Small Wireless Communications Facilities more visually appealing or to blend the proposed facility into its wireless support structure and/or the visual backdrop of the placement. Methods should be appropriate to the site's context and surrounding environment.
9. Small Wireless Communications Facility shall not extend beyond the boundaries of the rights-of-way unless approved on a case-by-case basis by the City Manager or their designee.
10. The wireless support structure and related equipment of the Small Wireless Communications Facility shall not obstruct vehicular, pedestrian, or cyclist traffic or sight lines in an unsafe manner that obstructs, impedes or hinders the usual travel or public safety.

11. Small Wireless Communications Facilities shall comply with applicable federal and state standards regarding pedestrian access and movement.
12. Small Wireless Communications Facilities shall comply, to the extent consistent with applicable state and federal law, the Americans with Disabilities Act, guidelines adopted by the City, and all applicable requirements of the City Code relating to streets and sidewalks as established by the *Dover Code of Ordinances*, Chapter 98.
13. Small Wireless Communications Facilities shall be installed and maintained in compliance with the National Electric Safety Code and the National Electrical Code, as applicable.
14. Small Wireless Communications Facilities shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
15. Any existing City-owned utility pole requiring replacement that is currently utilizing a concrete base will have the concrete base removed and replaced with a breakaway steel screw in foundation. This foundation type is not required for third party pole installations.

SECTION III. ANTENNA AND ACCESSORY EQUIPMENT STANDARDS

The following standards are presented for Antenna, Accessory Equipment, and Wiring as associated with Small Wireless Communications Facilities.

1. Antenna Standards

- a. Any Antenna associated with a Small Wireless Communications Facility shall not exceed three (3) cubic feet in volume.
- b. All pole-top Antennas shall be flush-mounted as closely to the top of the pole as technically feasible. Location must be a minimum of six (6) feet above secondary conductors on a utility pole.
- c. All Antennas shall be of a design, style, and color that reasonably matches the pole upon which they are attached.
- d. Any necessary pole-top extension shall be of the minimum height necessary to achieve separation from the existing pole attachments; and a minimum clearance of six (6) feet above secondary distribution wires.
- e. Any Antenna mounted on a lateral standoff bracket shall protrude no more than necessary to meet clearances.
- f. If mounted on an existing structure, Antenna shall not impair the function of said structure.

- g. Antenna placement shall not materially impair light, air, or views from adjacent windows to the extent technically feasible.
- h. No more than two (2) collocated Small Wireless Communications Facilities shall be permitted on a single utility pole.

2. Accessory Equipment Standards

- a. Accessory Equipment shall not exceed twenty-eight (28) cubic feet in volume. Equipment utilized solely for the minimization or mitigation of the aesthetic impact of the Small Wireless Communications Facility shall not be included in the Accessory Equipment volume calculation.
- b. Accessory Equipment shall be mounted flush to the side of a pole, or as near flush to the side of a pole as technically feasible.
- c. Accessory Equipment shall be mounted to provide a minimum of eight (8) feet vertical clearance from ground level.
- d. Meter socket installations shall be no lower than four (4) feet and no higher than six (6) feet above finished grade. If installed in a pole manufactured to house Small WCF equipment, the pole will be positioned to allow a minimum of three (3) feet clearance to allow access to the meter.
- e. Accessory Equipment and its attachment hardware (i.e. banding, straps) shall be of a color that reasonably matches the pole or wireless support structure upon which such Accessory Equipment is mounted.
- f. To the extent feasible, Accessory Equipment shall be contained within a single equipment shroud or cabinet. Such equipment shroud or cabinet shall be of the smallest dimensions technically feasible.
- g. Small Wireless Communications Facilities shall post a sign in a readily visible location identifying the owner's permit number and the name and phone number of a party to contact in the event of an emergency. The only other signage permitted shall be that required by the FCC or any other federal or state agency. All signage associated with a Small Wireless Communications Facility shall be reviewed as part of the WCF Building Permit process.
- h. Accessory Equipment placement shall not materially impair light, air or views from adjacent windows. To the extent technically feasible, all Accessory Equipment shall be placed away from adjacent windows and the primary pattern of pedestrian and vehicular traffic.
- i. Accessory Equipment shall not feature any lighting, including flashing indicator lights, unless required by state or federal law.

3. Wiring Standards

- a. Exposed wiring is prohibited on any Small Wireless Communications Facility, Accessory Equipment or Accessory Equipment enclosure.

- b. Transmission, fiber, power cables and any other wiring shall be contained within any pole for which such concealment is technically feasible. If wiring cannot be contained within the pole, all wiring shall be contained within conduit or U-guard that is flush-mounted to the pole.
- c. Any conduit or U-guard shall be of a color that reasonably matches the pole to which the Small Wireless Communications Facility is attached.
- d. All wiring shall be installed without excessive slack or extra cable storage on the pole. Loops or coils of extra wiring shall not be attached to or otherwise visibly stored on any pole.
- e. Service lines must be undergrounded whenever feasible to avoid additional overhead lines.

SECTION IV. POLE STANDARDS

The following standards are presented for the types of Poles as wireless support structures for Small Wireless Communications Facilities.

1. Replacement Utility Poles.

- a. Any replacement utility poles utilized as wireless support structures shall comply with the following requirements to the extent that the requirements do not conflict with the standards and requirements of the owner of the wireless support structure being replaced:
 - i. The maximum height of any proposed replacement utility pole shall be: 1) no more than ten (10%) percent taller than the tallest existing utility pole in the public rights-of-way within a two hundred fifty (250) foot radius of the proposed Small Wireless Communications Facility; or 2) fifty (50) feet above ground level, whichever is greater.
 - ii. Any replacement utility pole shall be of comparable materials and design to the existing utility pole unless otherwise authorized by owner. All attachment hardware will match, as much as possible, to the color of the pole being installed.
 - iii. Any replacement utility pole shall be placed within five (5) feet of the existing utility pole being replaced.
 - iv. Any replacement utility pole shall be designed to accommodate all uses that existed on the existing utility pole prior to replacement. As part of an application for a Small Wireless Communications Facility, the applicant shall provide documentation from a structural engineer licensed in the State of Delaware confirming that the replacement utility pole, Small Wireless Communications Facility, and prior existing uses shall be structurally sound.

- v. Any replacement utility pole shall not deviate from the predominant pattern of existing adjacent structures including their alignment to the extent possible.
- b. Replacement of any City owned utility pole shall additionally comply with the following requirements:
 - i. Any existing City owned utility pole requiring replacement that is currently utilizing a concrete base will have the concrete base removed and replaced with a breakaway steel screw-in foundation.
 - ii. City owned poles requiring replacement that contain lighting attached with davit arms must allow for the installation of the same lighting configuration on the new pole.
 - iii. Replaced City owned poles will be capable of supporting davit arms for lights. If the original arm cannot be installed on the new pole, a new arm will be provided by the applicant.

2. New Small WCF Poles

- a. The maximum height of any new Small Wireless Communications Facility pole when located in the public right-of-way shall be: 1) no more than ten (10%) percent taller than the tallest existing utility or wireless support structure in the public rights-of-way within a two hundred fifty (250) foot radius of the proposed Small Wireless Communications Facility; or 2) fifty (50) feet above ground level, whichever is greater.
- b. Any new pole shall be installed in accordance with the predominant pattern of existing adjacent structures including their alignment to the extent possible.
- c. New poles shall be of the same or similar material and color of existing adjacent structures.
- d. To the extent technically feasible, a new Small WCF pole shall not be installed:
 - i. Directly in front of any building entrance or exit so that it would interfere with ingress or egress;
 - ii. Directly in front of a window of any residential structure;
 - iii. Within ten (10) feet of the edge of any driveway;
 - iv. In the public rights-of-way directly opposite any driveway;
 - v. In a manner that unreasonably increases visual clutter or disorganization of utility infrastructure along the street; or
 - vi. In violation of the Design Standards contained herein.

3. Decorative Poles:

- a. Decorative Poles shall be required in any portion of the City where all utility installations are required to be installed underground on a non-discriminatory basis

pursuant to *Dover Code of Ordinances*, Section 110-31 unless not technically feasible.

- b. Decorative Poles shall be required for the replacement of any existing Decorative Pole.
- c. For any replacement Decorative Pole, the new Decorative Pole shall match the existing Decorative Pole in shape, design, color, and material.
- d. Replacement Decorative Poles shall also comply with the requirements of replacement utility poles found in Section IV, Item 1 of this **Small WCF Design Manual**.

SECTION V. REVIEW AND APPROVAL

There are review and approval processes established for Small Wireless Communications Facilities as part of the adopted Wireless Communications Facilities provisions.

A **Wireless Communications Facility Building Permit (WCF Building Permit)** is required for all proposed Small Wireless Communications Facility activities whether involving modifications to existing facilities or involving an attachment to an existing utility pole or similar support structure or a new location for a Small Wireless Communications Facility. An Application for Wireless Communications Facility Building Permit shall be submitted on the proper form with accompanying documentation to the City of Dover, Delaware Department of Planning & Inspections prior to initiation of any construction or installation. The Department will coordinate an administrative review for proposals under the adopted Code regulations and this **Small WCF Design Manual**.

The following is a summary of the review and approval process for Small Wireless Communications Facilities.

1. Consultation

- a. Applicants are encouraged to become familiar with the regulations and application review procedures for Wireless Communications Facilities for the City of Dover, Delaware.
- b. The applicant may choose to participate in a pre-application consultation meeting with City Planner or their designee in order to discuss any location, aesthetic or safety concerns of the City with respect to the proposed Small WCF.
- c. The City Planner shall consult with the City Manager, the Dover Electric Department, the City Public Works Department and any other applicable City departments and shall advise the applicant of any findings or recommendations.

2. Application Submission

- a. A Wireless Communications Facilities Building Permit package consisting of the WCF Building Permit Application Form, documentation materials, and Fees are to be submitted to the Department of Planning & Inspections.

- b. The City Planner shall create a Checklist to be used to determine the requirements for submittal of a “Complete Permit Application.” A Sample Checklist is attached.
- c. The minimum information required for the WCF Building Permit includes the following:
 - i. Name and address of applicant, including contact person information (phone, email, and mailing address).
 - ii. Address of the proposed Small WCF which may be street address, parcel number, or other definitive location as may be relevant to the location.
 - iii. Physical geographic coordinates (latitude and longitude)
 - iv. Design and construction details presented in plans and drawings
- d. For Small WCF installations within City rights-of-way, a Rights-of-way Use Permit with Fee is required.
- e. For Small WCF installations on City-owned support structures (poles), submission of proof of valid Master License Agreement is required.
- f. For Small WCF installations on wireless support structures owned by other non-City entities, proof of authorization from the owner is required.

3. Application Review

- a. The City Planner shall reasonably determine whether a proposed Small Wireless Communications Facility design complies with the requirements of the **Small WCF Design Manual** and Code regulations.
- b. The City Planner shall coordinate the review of Application Submission by the appropriate City Departments including the City Manager, the Dover Electric Department, the City Public Works Department, and the City Department of Planning & Inspections. The City Planner shall advise the applicant of any findings or recommendations from the review.
- c. The City Planner may impose such additional, reasonable conditions as determined by the City to minimize the impact of the Small Wireless Communications Facility on the neighborhood in which to be located.
- d. A WCF Building Permit will not be issued until a Rights-of-Way Use Permit and/or City of Dover Pole Agreement/Master License Agreement are approved and in place if required for the Small Wireless Communications Facility.
- e. The review and the resulting approval or denial of the WCF Building Permit shall be provided in writing to the applicant. The WCF Building Permit may be issued by paper copy or authorized electronic copy.

4. Waivers of Small WCF Design Manual

- a. Any requests for a waiver of the requirements of this **Small WCF Design Manual** shall be considered on a case-by-case basis by the City Planner. The waiver request shall be approved upon a determination that such waiver is in the best interests of the City or necessary to avoid the effective prohibition of wireless service pursuant to the Rules of the Federal Communications Commission.

- b. Upon approval of a design for a Small Wireless Communications Facility requiring a waiver from the requirements of this **Small WCF Design Manual**, such design shall be incorporated by reference into this Design Manual as a Prior Approved Design.
- c. A record of Prior Approved Designs shall be kept on file at the City Department of Planning and Inspections Office.

SECTION VI. APPROVAL TIMING

Approval timing for Permits and Applications shall be as set forth in Section 23.57 of the City of Dover Wireless Communications Facilities regulations (*Dover Code of Ordinances*, Appendix B-Zoning, Article 5, Section 23 and referenced sections). The specific approval timeframes are also subject to the tolling procedures established by the Federal Communications Commissions (FCC).

SECTION VII. AMENDMENT OF DESIGN MANUAL

This **Small Wireless Communications Facility Design Manual** may be amended as necessary to comply with adopted regulations for Wireless Communications Facilities, the *Dover Code of Ordinances*, and other related regulations and policies established by the City affecting this activity. A copy of the current **Small WCF Design Manual** shall be available from the Department of Planning & Inspections.

DRAFT Small Wireless Communications Facility Design Checklist

The information detailed in the following Checklist shall be included with any Application for a Small Wireless Communications Facility (Small WCF):

Item	Description	Included in Application?	
		Yes	No
WCF Building Permit Form	<ul style="list-style-type: none"> Complete Wireless Communications Facility Building Permit Application form for each proposed Small WCF installation. 		
Cover Letter	<ul style="list-style-type: none"> The Application shall include a cover letter detailing the location of the proposed Small WCF site, summary of equipment being proposed, and a certification that the applicant has included all information required by the City Code. 		
Plan & Drawings	<ul style="list-style-type: none"> Plan and drawings shall show existing wireless support structure to be utilized or the proposed wireless support structure and equipment associated with the Small WCF. 		
	<ul style="list-style-type: none"> The manufacturer and model, proposed location, and dimensions of each piece of equipment should be clearly shown. 		
	<ul style="list-style-type: none"> Before and after diagrams of the proposed site showing the dimensional changes shall be included. 		
	<ul style="list-style-type: none"> If the existing pole supports existing attachments, the site plan shall show the location and dimensions of all such attachments. 		
	<ul style="list-style-type: none"> If installation of a new utility pole or decorative pole is being proposed, the site plan shall include the color, dimensions, material and type of pole proposed. 		
	<ul style="list-style-type: none"> The site plan shall show the location of any existing wireless support structures within one hundred (100) feet of the proposed Small WCF location, including but not limited to structures, commercial structures, light poles, traffic signals, traffic signage, and existing poles. 		
	<ul style="list-style-type: none"> The plan and drawings shall show location and information of existing utility poles within two hundred fifty (250) feet radius of the proposed Small WCF location. 		

Item	Description	Included in Application?	
		Yes	No
Volume Calculations	<ul style="list-style-type: none"> • Provide dimensions and volume calculations of each Antenna. 		
	<ul style="list-style-type: none"> • Provide dimensions and volume calculations of Accessory Equipment. 		
Photo Simulations	<ul style="list-style-type: none"> • Photo simulations shall depict the Small WCF from at least two locations near the proposed site. • The photo simulations should reflect the proposed design and location of all Antenna and Accessory Equipment associated with the Small WCF. 		
Material & Color	<ul style="list-style-type: none"> • Information on material and color of Wireless Support Structure and Accessory Equipment to match mounting location. • Information on methods employed to achieve aesthetic uniformity of the site. 		
Wiring	<ul style="list-style-type: none"> • All proposed wires associated with the Small WCF shall be clearly shown. • A depiction and description of the concealment methods to be utilized for the wiring shall be included. 		
Signage	<ul style="list-style-type: none"> • Signage shall be posted in a readily visible location and identify the owner's permit number and the name and phone number of a party to contact in the event of an emergency. • If required, FCC-mandated signage is permitted. Applicant shall identify such signage in its application. 		
Right-of-way Placement	<ul style="list-style-type: none"> • Copy of Rights-of-Way Use Permit for Small WCF location, if required. • Information to demonstrate that line of sight and paths of travel are not impaired. 		
Authorizations	<ul style="list-style-type: none"> • Submit documentation of a valid Master License Agreement for Pole Attachments to City owned poles. • Submit documentation of authorization to attach to non-City owned support structures. 		



Local Government
Management Fellow
10 SE Second Street
Milford, DE 19963

PHONE 302.422.1111 Ext. 1215
www.cityofmilford.com

Date: December 13, 2021

To: Mayor Archie Campbell and Members of City Council

From: Melody Barger, Local Government Management Fellow

Re: Chapter 197, Streets and Sidewalks Revision

Dear Mayor and Members of Council,

You find in your packet a copy of the revised Chapter 197, Streets and Sidewalks. Due to a lack of relevant legislation regarding what may and may not occur in the right-of-way, I (Local Government Management Fellow), in conjunction with Rob Pierce (Planning Director), James Puddicombe (City Engineer), Mike Svaby (Public Works Director) and Mark Whitfield (City Manager) have developed a new version of Chapter 197, now known as Streets, Sidewalks, Storm Sewers and Other Public Places, for your consideration. The following relevant changes have been made in this version:

- Property owners are responsible for sidewalk maintenance, repair and obstruction removal (including snow and ice removal). The City will repair ADA curb ramps at intersections, but will not take responsibility for snow and ice removal at ADA curb ramps.
- Permits are required for entrance construction, sidewalk construction, and excavation or placement of utilities.
- A process has been developed for changing street names, including a petition, planning commission review and public hearings.
- Existing residences and commercial establishments that want sidewalks may petition the City Engineer for permission to install sidewalks at the property owner's expense. The City also has discretion to install curb and gutter at the City's expense.
- The City Council may order the installation of sidewalks at the property owner's expense, to be completed within 365 days. Failure to complete the sidewalks and pay for, finance or apply for financial assistance for the sidewalks will result in legal action and a lien on the property.



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- Public sewers may not be tapped without a permit, and the City may enter private property as necessary to inspect, convey or remove materials, or improve and repair storm sewers.
- Excavations must be repaired by the person making the excavation, and the City has the power to inspect said excavation for safety and repair purposes.
- A permit is required to locate a Wireless Communications Facility (WCF) within the right-of-way, and the City will charge \$270 annually per WCF.
- Placement of utilities in the right-of-way requires a permit and is subject to a franchise agreement as approved by the City Council.

Staff recommends implementation of the above changes to Chapter 197 and welcomes any comments or adjustments made to the ordinance.

Sincerely,

Melody Barger

Local Government Management Fellow



Chapter 230 - Zoning Wireless Facilities Ordinance

Draft Revisions

December 13, 2021



Purpose of the Code Review

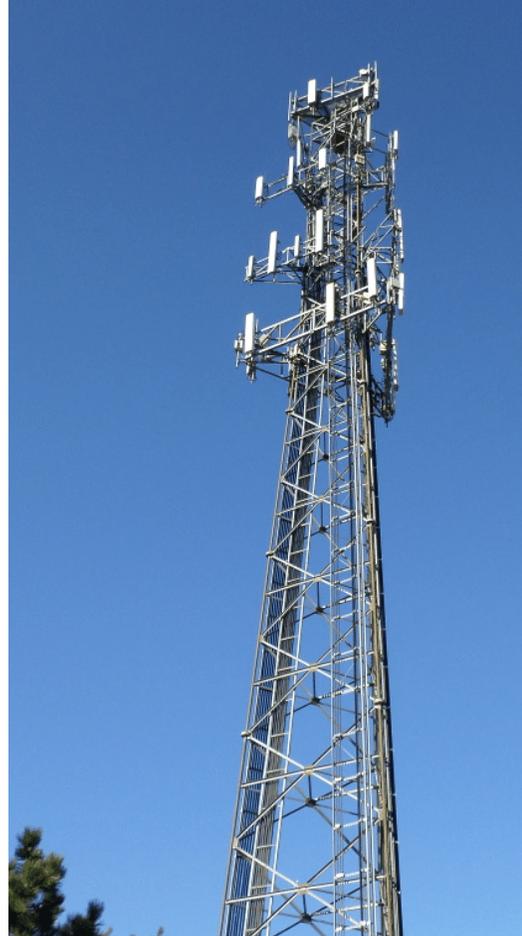
- ▶ There are currently no provisions in the City Code for the allowance of Wireless Communication Facilities within City limits on private property or in the public right-of-way.
- ▶ Allows for the construction of tower-based and non-tower wireless communication facilities.
- ▶ Allow for the installation of small-cell wireless facilities within the public right-of-way to accommodate current and future cellular data needs.



Wireless Communication Facilities

- ▶ Tower-based Wireless Communication Facilities (WCF). - Structures used to support one or more antennae that include self-supporting lattice towers, guy towers and monopoles.
- ▶ Non-tower WCFs - Antenna facilities that are not supported by towers and not considered Small WCFs.
- ▶ Small WCFs - Includes antenna and support structures that are generally 50 feet or less in height.
 - ▶ The draft ordinance provides procedures and standards for each of the above three categories.

Tower-based WCFs





Tower-based WCFs

- ▶ Tower-based WCFs
 - ▶ Would be allowed by Conditional Use approval within the BP Business Park, C-3 Highway Commercial, I-1 Limited Industrial, I-2 General Industrial and IS Institutional Service zoning districts.
 - ▶ Height would be limited to a maximum of 150 feet and the minimum distance from the base of a tower and any property line shall equal 110 percent of the tower height.
 - ▶ Additional standards are provided for security, lighting, fences, accessory structures and visual appearance.
 - ▶ New towers may be denied if the applicant does not make a good faith effort to mount antennae on existing structures. The applicant would need to evaluate the viability of any existing wireless support structure within $\frac{1}{4}$ mile of the proposed site.



Non-tower WCFs





Non-tower WCFs

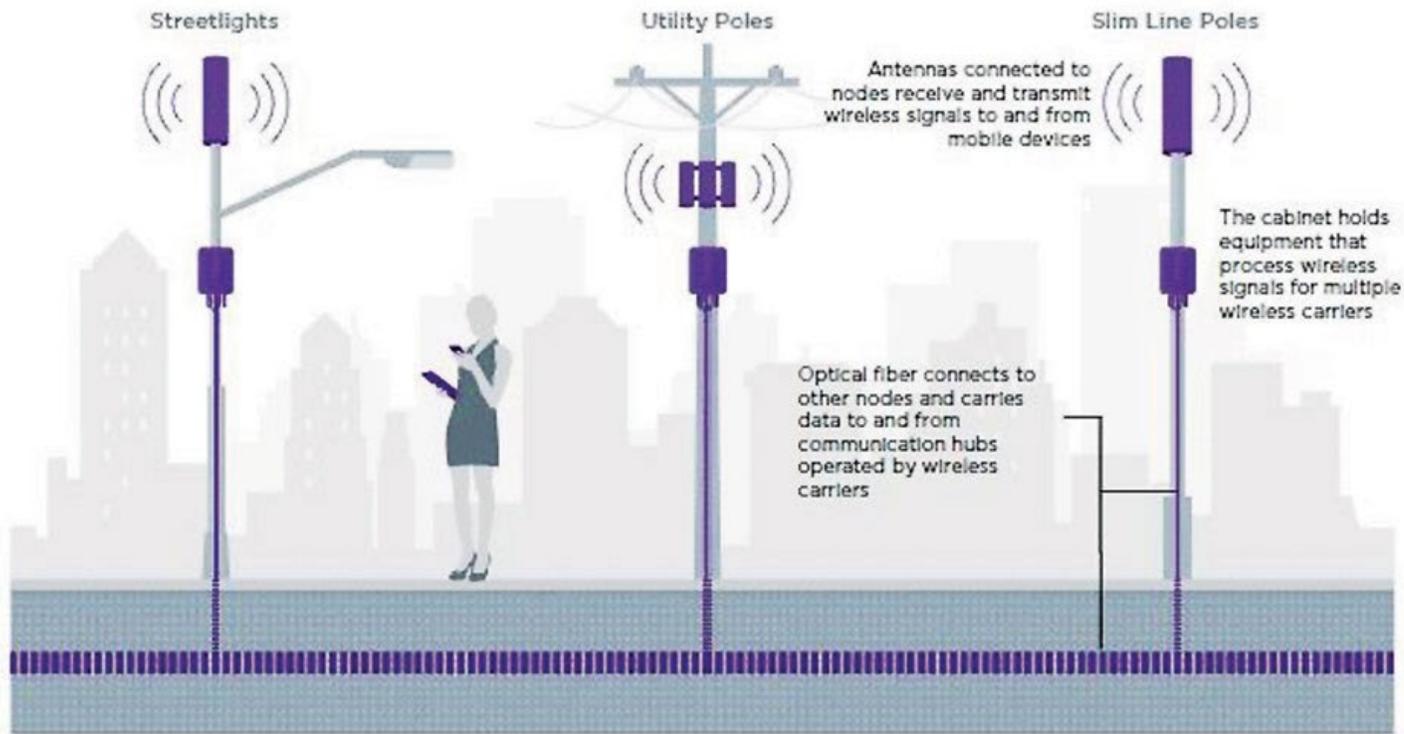
- ▶ Non-tower WCFs
 - ▶ Would be allowed within all zoning districts and within the public right-of-way.
 - ▶ Would not be permitted to be attached to a residential dwelling or residential accessory structure.
 - ▶ The height of the WCF cannot exceed the height permitted within the zoning district in which it is located.

Small WCFs

1/10/17

What Are Small Cell Deployments?

Small cell deployments are complementary to towers, adding much needed coverage and capacity to urban and residential areas, venues, and anywhere large crowds gather



Source: Crown Castle



Small WCFs

- ▶ Small WCFs
 - ▶ Would be allowed within all zoning districts and the public right-of-way.
 - ▶ When on private property, the height of the facility cannot exceed the maximum height permitted in the zoning district in which it is located.
 - ▶ When in the public right-of-way, the height of the facility cannot be more than 10 percent taller than the tallest utility pole or wireless support structure within 250 feet of the proposed location or 50 feet above the ground, whichever is greater.



Design Manual

- ▶ A design manual would need to be prepared with the assistance of the Planning Commission similar to the attached document from the City of Dover.



Permit & Licensing Fees

- ▶ WCFs would be added to the Planning Department Fee schedule and charged in the same format as commercial building permits.
 - ▶ \$100 plus \$5 per \$1,000 of construction costs
- ▶ WCFs placed within the City right-of-way would be assessed an annual licensing fee of \$270 per structure.



Next Steps



We Are Here



Chapter 197 - Streets and Sidewalks

Draft Revisions

December 13, 2021



Purpose of the Code Review

- ▶ The Streets and Sidewalks ordinance currently provides little regulation on the right-of-way (ROW) or on storms sewers or other public places.
- ▶ Other cities (including Dover, Newark and others) regulate the use of the ROW in their code to much higher degree than Milford currently regulates.
- ▶ Staff scraped and replaced the entirety of Chapter 197 and replaced it with what staff views as a more comprehensive and effective regulation of the ROW



Article 1: General Provisions

- ▶ Temporary occupation of the right-of-way requires approval of the City Manager and permanent occupation of the right-of-way is not permitted except for proper access to buildings (with approval of the City Manager)
- ▶ All construction or placement of utilities with the right-of-way requires a permit and licensing fee and excavation in ROW requires 100% bond
- ▶ Property owners are responsible for sidewalk maintenance, repair, and obstruction removal (including snow and ice removal). The City will repair ADA curb ramps at intersections but will not take responsibility for snow and ice removal at ADA curb ramps. Snow and ice must be removed within 12 hours of daylight after cessation of precipitation
- ▶ Playing games in the street is prohibited; devices like soccer goals and hockey nets may not be placed in the ROW



Article 2: Streets and ROW

- ▶ Street construction must be in accordance with Chapter 200 Subdivision of Land and the City Standard Construction Specifications
- ▶ Process for changing street names
- ▶ The City has the authority to create, accept and abandon streets.



Article 3: Curb Cuts

- ▶ Curb cuts require a permit
- ▶ Entrances must comply with Chapter 230 Zoning and the City Standard Construction Specifications



Article 4: Sidewalks

- ▶ Builders and developers are required to construct sidewalks in all new construction sites and subdivisions
- ▶ Existing residences and commercial establishments that want sidewalks may petition the City Engineer for permission to install sidewalks at the property owner's expense. The City may install curb and gutter with discretion at the City's expense.
- ▶ City Council may order installation of sidewalks at the property owner's expense, which must be completed within 365 days.
- ▶ The property owner may finance their improvements and may apply for financial assistance from the City
- ▶ Owners who fail to complete payments within 90 days will be subject to legal action and/or a lien on the property



Article 4: Sidewalks Cont.

- ▶ Responsibility for the repair of sidewalks rests with the property owner
- ▶ If the property owner fails to repair their sidewalks, the City must wait 90 days and provide proper notice to the landlord before repairing the sidewalks at the property owner's expense
- ▶ Property owners must obtain a permit for construction or reconstruction of sidewalks



Article 5: Storm Sewers

- ▶ Public sewers may not be tapped without a permit
- ▶ Citizens may not discharge articles, objects or substances into the storm sewer that may be dangerous or injure the storm sewer
- ▶ The City may enter any private property as reasonably necessary to inspect, convey or remove materials, or improve/repair storm sewers



Article 6: Excavations

- ▶ Traffic conditions must remain as close to normal as possible during excavations of the ROW
- ▶ Streets and sidewalks excavations must include a suitable barrier to protect against injury of pedestrians and vehicles
- ▶ Excavations must be repaired by the person making the excavation
- ▶ The City may make inspections to enforce proper use of excavations



Article 7: Wireless Facilities within the ROW

- ▶ A permit is required to locate a WCF in the ROW
- ▶ An annual fee of \$270 will be assessed per WCF located in the ROW as provided in the Planning Department Fee Schedule



Article 8: Public Utilities

- ▶ Placement of utilities in the ROW requires a permit (either underground or aboveground)
- ▶ Public utilities are subject to a franchise agreement as approved by City Council
- ▶ No attachment may be made to any Milford Electric Division facilities without a license agreement



Questions?

~~Chapter 197 – STREETS AND SIDEWALKS⁽⁴⁾~~

~~ARTICLE I – Curb, Gutter and Sidewalk Installation and Maintenance~~

~~§ 197-1. Purpose.~~

~~These guidelines shall be used to determine when and to what extent public sidewalk, driveway approach, and alley approach repair shall be required. Repair or removal and replacement shall be required whenever a public sidewalk, driveway approach, or alley approach is in a hazardous or unsafe condition. A hazardous or unsafe condition shall be determined by the limits as set forth in these guidelines in conjunction with the judgment of the City Engineer or designated representative.~~

~~§ 197-2. Definitions.~~

~~As used in this article, the following terms shall have the meanings indicated:~~

~~ALLEY APPROACH — That portion of an alley between the curb and property line side of the sidewalk or right of way.~~

~~CITY ENGINEER — The City Engineer of the City of Milford or his duly authorized representative.~~

~~CODE ENFORCEMENT OFFICER — The Code Enforcement Officer of the City of Milford or his duly authorized representative.~~

~~DRIVEWAY APPROACH — That portion of the driveway between the curb and the property line.~~

~~PANEL — Any defined section by joints, or score marks or an approximate square when joints do not exist.~~

~~PROPERTY OWNER — Any natural individual or individuals, firm or firms, company or companies or corporation owning real estate in the City of Milford.~~

~~PUBLIC — Any facility within the public right of way between the property line and street curb and surfacing.~~

~~A. — In all new construction sites and subdivisions, the City shall require the builder and/or developer to install curb, gutter and sidewalk in cases where no such improvements previously existed or where, if in existence, they are in need of repair. Issuance of a certificate of occupancy by the City will be contingent upon compliance. In proposed~~

~~developments, the City Council may, at its discretion, waive the requirement to install curb, gutter and sidewalk.~~

- ~~B. Existing residences and commercial establishments which are desirous of having curb, gutter and sidewalk installed where no such improvements currently exist may petition the City, in writing, for said installation. The City Council shall, within 60 days, notify the owner or proprietor making the request of the feasibility of installation of the improvements.~~

~~§ 197-4. Responsibility for maintenance.~~

~~In all instances, property owners shall be responsible for maintaining, repairing, or replacing sidewalks and for keeping sidewalks in good repair, in safe condition and free of vegetation and shall not permit hazards to either pedestrian or vehicular traffic to exist. All sidewalks within, adjacent to, or approximately parallel to an owner's property line, although it may be situated partially or wholly in a City right-of-way or easement, shall be considered the property owner's responsibility.~~

~~§ 197-5. Responsibility for costs; financing.~~

- ~~A. In all areas of new construction, the full cost of installation of curb, gutter and sidewalk shall be borne by the property owner, builder or developer at the time of construction.~~
- ~~B. In instances where sidewalk repair or replacement is required, the property owner shall be given the opportunity to finance such improvements through a method of reimbursement to the City, which shall not exceed 60 equal consecutive monthly payments.~~
- ~~C. Owners who are in arrears on said payments for a period of 90 days will be subject to legal action and/or a lien being placed upon the property where improvements were made.~~
- ~~D. Property owners who meet the low income criteria may apply for financial assistance, provided the City funding is available, for the cost of sidewalk repair or replacement.~~

~~§ 197-6. Specifications; written approval required.~~

~~Installation of all curbs, sidewalks, and gutter shall be made in compliance with Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, most recent edition. Written approval from the City shall be required prior to any work being performed.~~

~~§ 197-7. Conditions requiring repair or removal and replacement of sidewalks.~~

~~The following is the criteria by which a sidewalk is considered hazardous or unsafe and therefore requires repair or removal and replacement. Repairs or removal and replacement may be required based on any one of the items individually or a combination of the items. These criteria should be used as guidelines, with judgments and discretion of the City Engineer or designated representative used in their application. The repair of a sidewalk shall be at the City Engineer's discretion to determine if a sidewalk requires repair; however, removal and replacement of complete panels is required when any of the following conditions exist:~~

- ~~A. A vertical separation of more than one inch at either a joint or crack.~~
- ~~B. A horizontal separation of one inch or more at either a joint or crack.~~
- ~~C. The cross slope of sidewalks is greater than 3/4 inch per foot (1:16).~~
- ~~D. Insufficient cross slope or misalignment.~~
- ~~E. Water ponds due to insufficient cross slope or misalignment. If the problem is corrected by modifications to adjacent landscaping or obstruction, then the removal and replacement may not be required.~~
- ~~F. Severely rough, uneven surface due to scaling or spalling that would cause a tripping hazard.~~
- ~~G. Severe cracking resulting in multiple loose or unstable individual pieces within a panel.~~

~~§ 197-8. Grinding.~~

~~Grinding is required when any of the following conditions exist:~~

- ~~A. A vertical separation between 1/2 inch to one inch at the joint. Ground surfaces shall have a maximum slope of 1.5 inches per foot (1:8). Ground surfaces four inches or more in width shall be roughened.~~

~~§ 197-9. Other conditions: tree roots.~~

~~The following alternatives may be used to repair sidewalks affected by adjacent tree roots. Please consult the City of Milford Arborist regarding these options.~~

- ~~A. The sidewalk may be removed around the offending roots. Rerouting of the sidewalk may require dedication of an easement to the City for the sidewalk.~~

- ~~B. The sidewalk may be ramped over the tree roots, provided the longitudinal slope does not exceed one inch per foot (1:12).~~
- ~~C. The sidewalk may be removed and replaced after the tree roots have been pruned.~~
- ~~D. Prior to the removal of a tree within a public right of way the City Arborist shall be consulted. The removal of a tree in the public right of way should be considered only if other remedies are impractical.~~

~~§ 197 10. City to perform work.~~

- ~~A. Upon the neglect of any property owner to comply with any of the requirements provided in the preceding sections, the City may, after 90 days and after duly notifying the property owner, cause the repairing, removal and replacement, or removal of obstructions and/or guttering to be done at the cost of such owner and may collect the cost thereof, from such owner, and may file a municipal lien therefor or collect the same by an action in assumpsits.~~
- ~~B. All such notices shall be served upon the owner of the premises to which the notice refers. If the owner is not a resident, such notice may be served upon the agent or tenant of the owner or upon the occupant of such premises. If the owner, agent or tenant cannot be located, then service shall be by notice posted on the premises.~~
- ~~C. The property owner is to contact the City Engineer within 30 days of receipt of the notice with a schedule of work, the name of the contractor, a cost estimate and any other information.~~
- ~~D. Upon receiving the notice, the property owner is required to obtain the appropriate permit for construction or reconstruction of said sidewalks and pay the appropriate fees as established by City Council.~~

~~§ 197 11. Stop orders.~~

~~If any property owner shall commence, or permit others to commence, the repair or removal and replacement of any sidewalk not in compliance with this article or not in compliance with specifications provided by the City Engineer, said Code Enforcement Officer is authorized to issue a stop order directed to the property owner and serve it upon the property owner. Upon service of such stop order, all repair or removal and replacement shall immediately cease.~~

~~§ 197 12. Duties of City Engineer.~~

~~The City Engineer shall maintain specifications regarding the installation of sidewalks and inspect and approve all construction of sidewalks.~~

~~§ 197-13. Duties of Code Enforcement Officer.~~

~~The Code Enforcement Officer shall inspect complaints and determine if the sidewalk is in violation. If the sidewalk is in violation, the Code Enforcement Officer shall send a violation notice to the property owner, giving him/her 30 days to develop a schedule to repair the sidewalk violation and 90 days to fix the sidewalk violation. The Code Enforcement Officer shall also serve on the owner that failure to complete the violation in 90 days will result in the City of Milford completing the work and attaching a lien to the property. The Code Enforcement Officer will also inform the property owner that he/she needs to contact the City Engineer regarding the specifications for repair of the sidewalk violation.~~

~~§ 197-14. Liability.~~

~~Nothing in this article, including the issuing of a permit or a compliance certificate, shall be construed to hold the City of Milford liable for any failure due to faulty construction or any other act in connection with sidewalk construction.~~

~~ARTICLE II Miscellaneous Provisions~~

~~§ 197-15. Authority to temporarily close streets and sidewalks.~~

~~(A) The City Manager and/or designee and the Chief of Police and/or designee shall have the authority to temporarily close or block streets, sidewalks or private entrances onto public streets to vehicular and pedestrian traffic when necessary for the public's safety or to conduct work on streets or sidewalks. Permission shall be granted in the form of a permit issued by the Office of the City Clerk. Permit shall at all times, when streets or sidewalks are closed, be in the possession of a person at the site of the temporary closure and provided to any Police Officer or employee of the City upon request.~~

~~(1) Notification shall be provided to Milford Police Department, City Departments and the Carlisle Fire Company.~~

~~(B) The Chief of Police and/or designee is hereby authorized to close temporarily any street or roadway in an impending or existing emergency or when in his/her opinion, there is reasonable justification for the closing of such street or roadway.~~

~~(C) This section shall not apply to those governmental agencies which are otherwise authorized to close streets. Any roadway, lane or sidewalk closure request having direct and indirect impacts on a State of Delaware right-of-way must inform the~~

~~Special Events Manager in Delaware Department of Transportation Traffic Safety Section.~~

~~§ 197-16. Litter, refuse, and debris.~~

~~It shall be unlawful for any person to cast, throw, drop, place, or otherwise cause or permit to be located upon, in, or about any public street, sidewalk, alley or any private or public property adjacent thereto, any litter, refuse, or debris.~~

~~(a) — Exception.~~

~~Items permitted and regulated in Chapter 193.~~

~~§ 197-17. Throwing and kicking objects and playing games in streets.~~

~~It shall be unlawful for any person to throw, kick or project, in any manner whatsoever, any stone, ball or other object in the city streets, or to play or practice athletic games, pitching pennies and like games on the city streets, unless a specific area has been officially designated for those purposes by the city manager.~~

Chapter 197 – STREETS, SIDEWALKS, STORM SEWERS AND OTHER PUBLIC PLACES

ARTICLE I - General Provisions

§ 197-1. - Purpose.

This chapter defines the use, maintenance and installation requirements of sidewalk, entrances, storm sewer, streets and alleyways.

§ 197-2. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALLEY APPROACH — That portion of an alley between the curb and property line side of the sidewalk or right-of-way.

AWNING - A piece or several pieces of canvas, plastic, metal or similar material joined together and stretched over or attached to a frame to be affixed to the exterior of a building in front of a window or doorway for the purposes of providing protection from the sun or weather, for ornamentation of the building and/or for display of a business name or logo type.

CANOPY - A roof-like structure, projecting from a wall or supported on pillars, for the purposes of providing protection from the sun or weather, ornamentation of the building and/or display of a business name or logo type.

CITY ENGINEER — The City Engineer of the City of Milford or their duly authorized representative.

CITY MANAGER – The City Manager or their duly authorized representative.

CODE ENFORCEMENT OFFICER – The Code Enforcement Officer of the City of Milford or their duly authorized representative.

DRAIN – means any pipe which carries water in a drainage system.

DRIVEWAY APPROACH – That portion of the driveway between the curb and the property line.

PANEL – Any defined section by joints, or score marks or an approximate square when joints do not exist.

PRIVATE STORM SEWER – means any storm sewer not within the City ROW or otherwise dedicated to and accepted by the City.

PROPERTY OWNER – Any natural individual or individuals, firm or firms, company or companies or corporation owning real estate in the City of Milford.

PUBLIC – Any facility within the public right-of-way between the property line and street curb and surfacing.

PUBLIC STORM SEWER – means any storm sewer owned by the City.

STORM SEWER – means any system used for conveying rain water, stormwater, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage.

§ 197-3. Authority to temporarily close streets and sidewalks.

- A. The City Manager shall have the authority to temporarily close or block streets, sidewalks or private entrances onto public streets to vehicular and pedestrian traffic when necessary for the public's safety or to conduct work on streets or sidewalks.
- B. Notification shall be provided to Milford Police Department, City Departments and the Carlisle Fire Company.
- C. Any street or sidewalk closure that occurs requires proper maintenance of traffic, pursuant to the guidelines in the most recently amended Delaware Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD), and sidewalk accessibility, pursuant to the guidelines laid out by the Americans with Disabilities Act.
- D. Any roadway, lane or sidewalk closure request having direct and indirect impacts on a State of Delaware right-of-way must inform the Special Events Manager with the Delaware Department of Transportation Traffic Safety Section.
- E. Emergency closures performed by emergency personnel including Police, Fire and Ambulatory Services are not required to gain permission from the City Manager to obstruct streets and sidewalks immediately preceding, during and shortly following emergency circumstances but shall strive to maintain traffic control in a safe manner.

§ 197-4. Right of Way Use and Construction Permits.

A. Temporary occupation of the right of way. No person shall occupy or place any object, building or structure that occupies the right of way on a temporary basis without first obtaining approval from the City Manager or designee for that purpose.

B. Permanent occupation of the right of way.

(1) No person shall occupy or place any object, building or structure that occupies the right of way on a permanent basis without first obtaining approval from the City Manager for that purpose. The right of way may not be permanently occupied for any reason except for provision of proper access to buildings or improvements to protect buildings after gaining approval from the City Manager.

(2) Placement of canopies and awnings within rights-of-way.

(a) APPLICABILITY – The provisions of this section shall apply only to commercial establishments located within commercial zoning districts.

(b) APPROVAL REQUIRED – It shall be unlawful for any person to construct, erect or affix any canopy or awning which is situated within or encroaches upon any right-of-way owned or maintained by the city, unless and until such canopy or awning placement shall have been approved by the city manager. Prior to review and action by the city manager, the department of planning shall review each application. Concluding its review, the department of planning shall make a recommendation on each application under this section and forward its findings and recommendation to the city manager, in writing, for review and consideration.

(c) MAINTENANCE – Any such canopy or awning shall be maintained in good condition. If, upon inspection by the building inspector, such canopy or awning is determined by the building inspector to be in a state of disrepair or is otherwise in violation of the original approval, the applicant, owner or other responsible person shall be given reasonable notice by the building inspector to undertake corrective action. Failure to restore such canopy or awning to an acceptable condition or to otherwise comply with the original approval may, upon order of the city council, result in the removal of the canopy or awning at the property owner's expense.

(d) CONDITIONS – The city council may impose any additional conditions as it may deem necessary to protect the best interests of the city, its citizens and surrounding properties.

(e) RESPONSIBILITY – The applicant, owner or other responsible person shall enter into a written agreement with the city council to accept full responsibility for persons or property injured as a result of the canopy or awning and to completely indemnify and save harmless the city from any liability of any nature whatsoever regarding the canopy or awning.

C. Entrance Construction.

(1) It shall be unlawful for any person to alter the curb of any street so as to create a curb depression for the purpose of permitting vehicles to enter onto or exit from the city streets, without a permit issued by the City Manager.

D. Sidewalk Construction.

(1) Installation of all curbs, sidewalks, and gutter shall be made in compliance with the City of Milford Standard Construction Specifications, most recent edition, available on the City website. Written approval from the City shall be required prior to any work being performed.

E. Excavation or Placement of Utilities.

(1) No person shall injure or tear up any pavement, dig any hole, ditch or drain in, or dig or remove any soil, stone, earth, sand, or gravel from any street, public alley or public ground in the city, without having first obtained a written permit from the City Manager given in accordance with the provisions of this chapter.

F. Permit or License Fee. A person desiring a permit required by the provisions of this chapter shall pay such fee as may be established by the City Council.

G. No permit shall be issued to any person permitting or allowing the opening or the making of an excavation in any street, sidewalk, public alley or public place, or any part thereof, until the person making application for such permit shall have first executed to the city a good and sufficient bond in the amount of 100% of the cost of the construction work, with sureties to be approved by the City Manager, conditioned to indemnify and keep harmless the City from any and all loss, cost, damage, expense or liability of any kind whatsoever, which the City may suffer or to which it may be put or which may be recovered from it or on account of the issuance of such permit or from or on account of any act or thing done by virtue of the authority given in such permit or by reason of careless or improper guarding of said openings or excavation, or for any damage, loss or expense to any person caused by or on account of the obstruction of any street, sidewalk, public alley, or public space, or the tearing up, repairing or removing of such street, sidewalk, public alley or public place, or part thereof. Upon satisfactory completion of construction work, a maintenance bond in the amount of 10% shall be retained for a period of one-year for the completed work within the right-of-way.

§ 197-5. Responsibilities of Property Owners or Tenants.

A. Property owners shall be responsible for maintaining, repairing, or replacing sidewalks adjacent to their property, and for keeping sidewalks in good repair, in safe condition, free of snow, ice, and vegetation, and shall not permit hazards to either pedestrian or vehicular traffic to exist. All sidewalks within, adjacent to, or approximately parallel to an owner's property line, although it may be situated partially or wholly in a City right-of-way or easement, shall be considered the property owner's responsibility. The City is responsible for repair of ADA curb ramp at intersections; however, the property owner is responsible for the clearing snow, ice, and vegetation.

- B. It shall be unlawful for the owner or occupant of any premises abutting upon a sidewalk to permit or allow snow or ice to remain thereon for longer than 12 hours of daylight after it has ceased snowing, or to permit debris or other materials to accumulate at any time so that pedestrians cannot conveniently and safely pass.
- C. It is the responsibility of the owner or occupant of any premises abutting upon a sidewalk to keep the landscaped area between the sidewalk and the curblin, or where no sidewalk exists between the property line and curblin or paved street, maintained in accordance with the standards set forth in the Property Maintenance Code of the City of Milford Chapter 174.
- D. It shall be unlawful to sweep, blow or otherwise discharge grass clippings into any street, sidewalk, storm drain, or water course more than incidental amounts of grass.
- E. All persons occupying commercial establishments or premises fronting on any street or public place shall keep the sidewalk immediately front of the premises clear of debris or other materials so that pedestrians may conveniently pass, and shall not sell, display or advertise goods or services on the sidewalk. Further, upon obtaining special permission from the City Manager (or his/her designee), such persons may utilize, for the display of merchandise, areas within the sidewalk right-of-way.
- F. It shall be unlawful and a nuisance for any person to obstruct or obscure, or permit to be obstructed or obscured, the light from any streetlight erected by the authority of the city, by erecting any object upon or over any street or sidewalk. If, within five days after receiving a notice from the City Manager to remove the obstruction, the violator fails to comply with the notice, the City Manager shall proceed to have the obstruction removed and shall charge the cost of removal to the violator.
- G. The following clearances must be maintained for the proper flow of vehicular and pedestrian traffic along all streets and sidewalks.
- (1) Vision Clearance Areas. Vision clearance areas are triangular-shaped areas located at the intersection of any combination of right-of-ways, alleys, or driveways. The sides of the triangle extend 25 feet from the intersection of the right-of-way, alley or driveway in either/each direction. Trees, bushes and other vegetation shall be maintained as to not obscure an intersection vision clearance. No fences or other structures shall be erected as to interfere with the required vision clearance.
 - (2) Vehicle Area Clearances. Trees, bushes and other vegetation shall be maintained to provide at least 14 feet of vertical clearance between the street and the bottom of the vegetation to allow the safe passage of vehicular traffic.
 - (3) Pedestrian Area Clearances. Trees, bushes and other vegetation shall be maintained to provide at least 8 feet of vertical clearance between the sidewalk and the bottom of the vegetation to allow the safe passage of pedestrians and a minimum passing area the width of the sidewalk or 3 feet whichever is greater.
- H. Violations; penalties. Any person(s) violating any provision of this section shall be fined as provided for in the Code of the City of Milford, Chapter 1, General Provisions.

§ 197-6. Speed reduction devices.

- A. Prohibited. Any device used as a means of speed reduction on a city street, drive, parking lot, or any other driven surface, which causes a change in elevation is prohibited unless permission from the City Manager is obtained.
- B. Permitted. Speed cushions may be installed on privately owned commercial property, at the owner's expense.
- C. Installation and Design Standards. Installation and design standards for speed reduction devices shall be in accordance with the Delaware Traffic Calming Design Manual.

§ 197-7. - Litter, refuse, and debris.

- A. It shall be unlawful for any person to cast, throw, drop, place, or otherwise cause or permit to be located upon, in, or about any public street, sidewalk, alley or any private or public property adjacent thereto, any litter, refuse, or debris.

(1) Exception. Items permitted and regulated in Chapter 193.

§ 197-8. - Throwing and kicking objects and playing games in streets.

- A. It shall be unlawful for any person to throw, kick or project, in any manner whatsoever, any stone, ball or other object in the city streets, or to play or practice athletic games, pitching pennies and like games on the city streets, unless a specific area has been officially designated for those purposes by the city manager. Basketball hoop standards, skate board ramps, hockey nets, soccer goals, and other such devices shall not be placed within the street or right-of-way.

ARTICLE II – Streets and Right of Way

§ 197-9. Street Design.

- A. All streets construction, including pavement section, curb ramps, curb cuts and other right-of-way improvements shall be in accordance with Chapter 200 Subdivision of Land and the City's Standard Construction Specifications.

§ 197-10. Street name change procedure

- A. Recognizing that changing the name of a city street already named is a complicated and expensive procedure affecting many departments and many persons, the following procedure is adopted:
 - (1) PETITION – In order to initiate the procedure for changing the name of an existing street, a petition of other formal request must be received from a majority of the property owners abutting on the street in question, which documentation must be submitted to the Planning Director for further processing. The Planning Director shall verify that the requirements of a majority of the owners has been met. If the petition or other documentation does not meet this requirement, then the request shall be summarily dismissed by the city clerk and the person or persons presenting such request shall be notified.

- (2) COMMENTS TO COMMITTEE – Once the requirements of subsection (1) of this section have been met, the Planning Director shall refer the request to the development advisory committee (DAC) to obtain comments of all involved parties, specifically including the police department, fire department, public works department, department of planning and city manager. The response from the DAC shall be submitted to the city clerk.
- (3) PLANNING COMMISSION REVIEW – The Planning Director shall refer the petition and the DAC comments directly to the planning commission for its review and recommendation regarding the request. No public hearing is required before the planning commission and the planning commission shall recommend approval of the change of name or disapproval of the change of name, along with its reasons.
- (4) NOTICE OF HEARING – Upon recommendation from the Planning Commission, a public hearing shall be scheduled for a regular council meeting regarding the request, and notice of the public hearing shall be given by placing such notice in one edition of a local newspaper, to be published at least ten days prior to the date of the public hearing before the city council.
- (5) COUNCIL HEARING – The council shall hear public comments, and shall, at the conclusion of the public hearing, vote to approve the change of name or to disapprove the change of name. An affirmative vote to change the name shall require an affirmative vote of two-thirds of all persons elected to the council. If the change of name is granted, then notifications thereof shall be given to the city manager to implement the name change.

§ 197-11. Authority to Create, Accept and Abandon Streets, Alleys and Sidewalks

- A. The City Council shall have the power and authority to create, locate, accept, and open new streets to widen and to alter existing streets or parts thereof, and to vacate or abandon streets or parts thereof, whenever they shall deem it in the best interest of the city.
- B. Definitions. The words street, alley, roadway and public use shall have the meanings defined in this Chapter 197 and in Chapters 200 and 230 of the Code of the City of Milford.
- C. Discretion of Planning Commission to Recommend a Street or Alley Not Be Accepted for Public Use
 - (1) The Planning Commission shall have the discretion to recommend to the City Council as part of the consideration of any subdivision, site plan, zoning request or conditional use that the City not accept a street, alley or roadway shown on any plan under review as being accepted or dedicated to the public use for purpose of ownership and maintenance.
- D. Conveyance of Vacated or Abandoned Street.

(1) Whenever, the land comprehended or included in any street, or part thereof, vacated or abandoned under this section is owned by the City, the City Council may, in their discretion, sell such land either at private or public sale and for such consideration as the council shall deem proper, and shall have the right and power to convey to the purchaser or purchasers thereof a good and sufficient title thereto. Any streets, alleys or roadways not dedicated to the public use and accepted by the City shall be owned according to the law of the State of Delaware.

E. Abandonment Procedure. The City Manager or designee shall prepare a policy setting forth the procedure for any street, alley or roadway to be vacated or abandoned.

Article III – Curb Cuts.

§ 197-12. Entrance Permit Required.

- A. It shall be unlawful for any person to alter the curb of any street without a permit issued by the city manager or designee.
- B. Entrances shall comply with the requirements of Chapter 230 Zoning and the City’s Standard Construction Specifications.

Article IV – Sidewalks.

§ 197-13. Sidewalk Specifications.

- A. Sidewalks shall be located as outlined in Chapter 200 Subdivision of Land and meet the requirements of the City’s Standard Construction Specifications.
- B. The City Engineer shall maintain specifications regarding the installation of sidewalks and inspect and approve all construction of sidewalks.

§ 197-14. - Responsibility of installation.

- A. In all new construction sites and subdivisions, the City shall require the builder or developer to install curb, gutter and sidewalk in cases where no such improvements previously existed or where, if in existence, they are in need of repair. Issuance of a certificate of occupancy by the City will be contingent upon compliance. In proposed developments, the City Council may, at its discretion, waive the requirement to install curb, gutter and sidewalk.
- B. Existing residences and commercial establishments which are desirous of having curb, gutter and sidewalk installed where no such improvements currently exist may petition the City Engineer for permission to install said improvements. The City, at it’s own discretion, may install curb and gutter at the City’s expense. Upon approval of the City Engineer, the property owner may install sidewalks at their own expense. The City Engineer shall provide lines and grades, in writing, for said installations.
- C. The City Council may order the installation of sidewalks at existing residents and commercial businesses, where sidewalks do not exist, at the property owner’s expense, and the property owner shall, within 365 days, shall make the improvements.

§ 197-15. - Responsibility for costs; financing.

- A. In all areas of new construction, the full cost of installation of curb, gutter and sidewalk shall be borne by the property owner, builder or developer at the time of construction. Where the City Council has

waived the requirement for sidewalk installation a fee shall be assessed in the approximate amount of installation costs to be placed into escrow for construction by the City at a future date.

- B. In instances where sidewalk installation, repair or replacement is required, the property owner shall be given the opportunity to finance such improvements through a method of reimbursement to the City, which shall not exceed 60 equal consecutive monthly payments.
- C. Owners who are in arrears on said payments for a period of 90 days will be subject to legal action and/or a lien being placed upon the property where improvements were made.
- D. Property owners who meet the low-income criteria may apply for financial assistance, provided the City funding is available, for the cost of sidewalk repair or replacement.

§ 197-16. - Specifications

Installation of all curbs, sidewalks, and gutter shall be made in compliance with Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, most recent edition.

§ 197-17. - Conditions requiring repair or removal and replacement of sidewalks.

All City sidewalks shall be maintained in compliance with current American with Disabilities Act requirements. In addition, sidewalks exhibiting a likelihood of failure within a 4 year period such as those with extensive cracking or heaving may require replacement prior to falling out of ADA compliance. The repair of a sidewalk shall be at the City Engineer's discretion to determine if a sidewalk requires repair.

§ 197-18. - City to perform work.

- A. Upon the neglect of any property owner to comply with any of the requirements provided in the preceding sections, the City may, after 90 days and after duly notifying the property owner, cause the repairing, removal and replacement, or removal of obstructions and/or guttering to be done at the cost of such owner and may collect the cost thereof, from such owner, and may file a municipal lien therefor or collect the same by an action in assumpsits.
- B. All such notices shall be served upon the owner of the premises to which the notice refers. If the owner is not a resident, such notice may be served upon the agent or tenant of the owner or upon the occupant of such premises. If the owner, agent or tenant cannot be located, then service shall be by notice posted on the premises.
- C. The property owner is to contact the City Engineer within 30 days of receipt of the notice with a schedule of work, the name of the contractor, a cost estimate and any other information.
- D. Upon receiving the notice, the property owner is required to obtain the appropriate permit for construction or reconstruction of said sidewalks and pay the appropriate fees as established by City Council.

§ 197-19. - Stop orders.

If any property owner shall commence, or permit others to commence, the repair or removal and replacement of any sidewalk not in compliance with this chapter or not in compliance with specifications provided by the City Engineer, said Code Enforcement Officer is authorized to issue a stop

order directed to the property owner and serve it upon the property owner. Upon service of such stop order, all repair or removal and replacement shall immediately cease.

§ 197-20. - Liability.

Nothing in this chapter, including the issuing of a permit or a compliance certificate, shall be construed to hold the City of Milford liable for any failure due to faulty construction or any other act in connection with sidewalk construction.

ARTICLE V - Storm Sewers

§ 197-21. General

- A. It shall be unlawful for any person to tap or have tapped any public storm sewer without a permit from the City Manager.
- B. Public storm sewers shall be designed and constructed according to the City's Construction Standards and Specifications and Delaware Stormwater Management Regulations.

§ 197-22. Prohibited discharges into system.

- A. It shall be unlawful for any person or group of persons to throw, place or deposit, or attempt to throw, place or deposit, or cause to be thrown, placed or deposited, any article, object or substance in any of the storm sewers or into any of the inlets into the storm sewers of the city, or into any of the streets, lanes, alleys or gutters of the streets in the city from which such article, object or substance would be likely to enter into the storm sewers of the city, which object, or substance would injure in any manner said storm sewer system or area into which such storm sewers empty.

§ 197-23. Authority to enter and inspect private property.

- A. The City Manager and their authorized agents shall have the authority to enter upon any lands as may reasonably be necessary to discharge their duties pursuant to this chapter. Pursuant to the entry, the city manager and their authorized agents shall properly discharge their duties, which may include inspection, conveyance or removal of materials necessary for construction upon the land or improvement or repair of any drain, gutter, storm sewer, manhole or natural watercourse.

§ 197-24. Violations.

- A. Whenever the City Manager or their authorized agents shall determine that a condition exists which violates any portion of this chapter, the City Manager or their authorized agents shall notify the property owner or occupant of the specific violation.
- B. Unless the condition is remedied within ten days after notice is given, the city may cause the condition to be remedied and assess the cost thereof against the property owner.
- C. Any person violating any of the provisions of this chapter shall, upon conviction therefore, pay to the city the cost of any of the repairs resulting from the violation and be subject to the penalty provided in Chapter 1 General Provisions.

ARTICLE VI - Excavations.

§ 197-25. Interference with traffic or property.

- A. The holder of a permit issued pursuant to this chapter shall take all appropriate measures to ensure that, during the performance of the excavation work, traffic conditions shall be maintained as nearly normal as practical at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public.

§ 197-26. Fire hydrants.

- A. The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants. Materials or obstructions shall not be placed within 15 feet of fire hydrants.

§ 197-27. Drainage.

- A. The holder of a permit issued pursuant to this chapter shall provide for the flow of all watercourses, sewers or drains intercepted during the excavation work and shall make provision to take care of all surplus water, muck, silt, slickings or other runoff pumped from the excavation or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

§ 197-28. Barricades.

- A. All street and sidewalk excavations shall be properly protected by a fence or suitable barrier, and if left open at night, in order to prevent injury to pedestrians or vehicles using the street or sidewalks, by proper lights.

§ 197-29. Repair of excavated areas.

- A. When any excavation is made in a street or sidewalk, all earth and other materials taken up shall, when the work is completed, be replaced by the person making the excavation. The earth shall be rammed solid so as to be even with the street level and all paving shall be replaced so that the street or sidewalk shall be in as good or better condition than before the excavation. Replacement work shall be under the supervision of the city manager and, if he deems that it is improperly done, he shall cause it to be properly done, charging the costs thereof to the person responsible.

§ 197-30. Required Inspections.

- A. The City Manager shall make such inspections as are reasonably necessary to enforce this chapter. He shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter.

ARTICLE VII – Wireless Facilities within Rights-of-Way.

§ 197-31. Applicability. The provisions of this section shall apply to the use of rights-of-way as dedicated to the city or as otherwise maintained by the city.

§ 197-32. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

WIRELESS COMMUNICATIONS FACILITY (WCF) – An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

WIRELESS SUPPORT STRUCTURE – A freestanding structure, pole, tower, or other building, whether or not it has an existing antenna facility, that is used or to be used to support the placement or installation of a wireless communication facility for the provision of wireless service (whether on its own or comingled with other types of services).

§ 197-33. Permit Required.

- A. It shall be unlawful for any person to construct, erect or affix any wireless support structure within or that encroaches upon any right-of-way owned or maintained by the city, unless and until such use of the right-of-way shall have been approved. A rights-of-way use permit shall be obtained from the city manager or their designee.
- B. Each application for permit shall be accompanied by a fee as provided for in the Planning Department Fee Schedule as adopted by City Council.
- C. Each wireless support structure not owned or maintained by the city located within or that encroaches upon any right-of-way owned or maintained by the city shall be subject to an annual fee as provided for in the Planning Department Fee Schedule as adopted by City Council.
- D. Construction, erection or placement of any wireless communication facility or wireless support structure within or that encroaches upon any right-of-way owned or maintained by the city shall be in accordance with the provisions of Chapter 230 Zoning, Chapter 88 Building Construction, Appendix A Electric Rules and Regulations and other applicable City, State or Federal Regulations.

ARTICLE VIII – Public Utilities

§ 197-35. Public Utilities.

- A. Placement of any public utilities within the public right-of-way, either underground or overhead, shall obtain a permit from the Public Works Department as outlined in Article I of this Chapter.
- B. Public utilities shall be subject to a franchise agreement as approved by City Council.
- C. It shall be unlawful for any person, company, city employee, or any employee of a contractor engaged by the city, to make an attachment to or within Milford Electric Division (MED) facilities without a valid, existing pole, duct, or conduit license agreement. All new or renewed pole, duct, or conduit license agreements with the MED shall be adopted pursuant to this chapter. The provisions of this chapter shall be deemed incorporated in each such agreement and shall be limited in scope or application only to the extent agreed by the parties or required by applicable federal or Delaware law. Notwithstanding the foregoing, MED may at its option enter into a joint use agreement with another utility that owns or controls poles that are utilized by MED; in such instances the terms of such joint use agreement may vary from the specifications of this section to the extent reasonable to reflect the reciprocal nature of the joint use agreement.



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To: Mayor and City Council
From: Mark Whitfield, City Manager
Jamesha Williams, Human Resources Director
Subject: Revisions-Chapter 55-Personnel
Date: December 9, 2021

Purpose

The purpose of this memorandum is to outline the recent review of the City's personnel policies and regulations and recommend a change to Section 12.5, Alcohol & Drug Free Workplace and the addition of Section 16.2, Weapons-Free Workplace.

Background: Section 12.5 Alcohol & Drug Free Workplace

The Chief of Police, Kenneth Brown reached out to the Human Resources Director, Jamesha Williams and City Manager, Mark Whitfield to seek clarification on the City's policy related to the use of a Delaware Medical Marijuana Registry Identification Card.

Title 16 Chapter 49A of The Delaware Medical Marijuana Act (the "Act") authorizes the use of a medical marijuana registry card for qualifying medical conditions to include but not limited to cancer, terminal illness, and glaucoma.

The Act prohibits an employer from discriminating against an individual on the basis of being a medical-marijuana cardholder unless doing so would cause the employer to lose a monetary or licensing-related benefit under federal law or regulations.

Additionally, the federal Department of Transportation does not provide for exemptions for marijuana use based on state law. Consequently, any City employee who is required to hold a Commercial Driver's License does not qualify for the protections of the Act.

Finally, the Delaware State Police prohibits employees and applicants from using marijuana, even if such use is lawful under the Act.

Recommendation

The management team of Directors and the Chief of Police recommend prohibiting all City employees and applicants from using marijuana, even if the individual has a Delaware Medical Marijuana Registry Identification Card because permitting employees to use marijuana, even if such use would be lawful under state law, would cause the City to lose federal funding.

Background: Section 12.6 Weapons-Free Workplace

City employees reached out to the Human Resources Director, Jamesha Williams to seek clarification on the City's policy related to carrying concealed deadly weapons. After further research, the Human Resources Director determined that the City did not have a clear, defined

policy or ordinance on weapons in the workplace which prompted several discussions with the management team of Directors and Chief of Police.

Gun control is a controversial, complicated and delicate topic; however, it is critical for the City to have a clear, workplace violence policy that addresses weapons as well as broader safety issues.

In 2019, a longtime City employee shot and killed 12 people and injured at least 4 others after opening fire in the Public Works building at the Virginia Beach Municipal Center. According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries (CFOI), of the 5,333 fatal workplace injuries that occurred in the United States in 2019, 761 were cases of intentional injury by another person. The Gun Violence Archive counted 225 shootings in the United States in 2021 as of May 28, 2021 and more than 17,000 people in the United States have died so far in 2021 from gun-related violence. However, it manifests itself, workplace violence is a major concern for employers and employees nationwide as 2 million people become victims of workplace violence annually.

Other Cities/Towns

<u>Municipality</u>	<u>Policy</u>
Seaford	Weapons-Free, Concealed Carry is not specifically addressed in the policy.
Middletown	No formal policy
Smyrna	Weapons-Free
Newark	Banned-Open Carry, Allowed-Concealed Carry
Wilmington	Weapons-Free
Rehoboth	No formal policy
Lewes	No formal policy
Dover	Banned-Open Carry, Allowed-Concealed Carry
Kent County	Weapons-Free, Allowed-Concealed Carry

Recommendation

After several meetings and email discussions related to weapons in the workplace, the management team of Directors recommend prohibiting the possession or use of weapons in the workplace, at City sponsored functions, in or on City owned, rented or leased property, or in City owned, rented or leased vehicles for all employees (excluding law enforcement) regardless of any license or permit that an employee may have which would otherwise authorize the employee to carry firearms or weapons for the following reasons:

1. Safer work environment.
2. The ability to maintain control over City facilities.
3. City employees perform work near/on the premises of the Milford School District and Greater Milford Boys & Girls Club which have strict policies that prohibit firearms on their premises.
4. The Boys & Girls Club is governed by the Department of Education which has specific rules pertaining to running a daycare facility which state: a licensee shall ensure firearms or ammunitions are not within the center’s premises. The Parks and Recreation Department is required to apply to the Department of Education to obtain a permit for their Summer Camp Program.

5. The Delaware Criminal Code, Section 1457 prohibits the possession of a weapon in a Safe School and Recreation Zone. A Safe School and Recreation Zone is defined as any building or structure owned, operated, leased or rented by any county or municipality, or by the State, or by any board, agency, commission, department, corporation or other entity thereof, or by any private organization, which is utilized as a recreation center, athletic field or sports stadium. Based on the definition, the Parks and Recreation Department is considered a Safe School and Recreation Zone.

12.5 ALCOHOL & DRUG-FREE WORKPLACE

The goal of this policy is to maintain a safe and healthy work environment. The successful implementation of this policy will also enable the City to provide quality service to the public by maintaining efficiency and productivity. The use of illegal drugs and/or the misuse of alcohol or legal drugs are inconsistent with this goal.

12.5.A PROHIBITED ACTIVITIES

Employees are prohibited from engaging in the following activities:

1. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
2. Being under the influence of alcohol or illegal drugs while on duty.
3. The operation of any City vehicle in violation of the guidelines set forth in this policy.
4. The refusal to submit to an alcohol or drug test as defined and required by this policy.
5. *Use of a medical marijuana registry identification card as an allowance for testing positive for marijuana (THC).*

The appropriate law enforcement agency will be notified of any sale, distribution or possession of any illegal substance by an employee at any time.

While use of medically prescribed or some other legal medications and drugs is not a violation of this policy, when such drug use adversely affects job performance, the employee will be required to use sick leave or take a leave of absence. Failing to notify an employee's supervisor before beginning work, when taking medications or drugs which may interfere with the safe and effective performance of duties by a City employee, may result in disciplinary action up to and including termination. Such actions will constitute violation of the City of Milford's Employee Policy Manual. When an employee's driver's license is suspended due to alcohol or drug use and driving is required by the employee's job description, the employee is subject to disciplinary action as described in Section 11.1.

12.5.B TESTING

12.5.B.1 PRE-EMPLOYMENT

Each individual who has been conditionally offered employment with the City of Milford will be required to take a drug test as a condition of employment. The offer of employment may be withdrawn from any individual whose test reveals the presence of a controlled substance

12.5.B.2 RANDOM

Each employee who is assigned to a position which requires the possession of a

CDL shall be part of the CDL random testing pool. All other employees shall be placed in the non-CDL pool for random testing for alcohol and for the use of controlled substances. Such test shall be conducted on a random, unannounced quarterly basis and in accordance with this policy.

12.5.B.3 REASONABLE SUSPICION

The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor. These observations may include indications of the chronic and withdrawal effects of controlled substances as defined by the Federal Motor Carrier Safety Administration (FMCSA). Two trained supervisors must witness the conduct and be trained in the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

12.5.B.4 POST-ACCIDENT

Each employee who operated a City vehicle while it was involved in a traffic accident which resulted in the loss of human life, disabling damage to any motor vehicle requiring tow away, ambulance service at the scene, or the issuance of a traffic citation shall be tested for alcohol content and for the use of controlled substances.

12.5.C TESTING PROCEDURES

All testing required by this policy will be conducted in accordance with the Omnibus Transportation Employee Testing Act of 1991. The testing will only be conducted by certified, qualified individuals who are either employed by a contractor hired by the City for this purpose or are sworn, law enforcement personnel. To ensure accuracy, employee's must be tested immediately following reasonable suspicion or post-accident as described above.

Testing will be done for the following substances, however not limited to:

- Alcohol
- Marijuana (THC)
- Cocaine
- Amphetamines and methamphetamine
- Opioids
- Phencyclidine (PCP)

Refusal by an employee to cooperate or submit immediately to an alcohol and/or drug test when requested by management, will constitute insubordination and is cause for disciplinary action in accordance with 11.1 of this manual.

12.5.D PAYMENT

The City shall pay the cost of testing for alcohol and controlled substances. The employee shall pay the cost of any confirmation test requested by the employee to deny the use of a controlled substance if the results of the initial test are positive. If the results of the confirmation test are negative, the City shall pay the cost of the confirmation test. The City shall not pay the cost of evaluating, counseling or rehabilitation which may be required by the Omnibus Transportation Employee Testing Act of 1991.

12.5.E POSITIVE TESTS

Confirmation of drug or alcohol use or abuse will result in disciplinary action in accordance with Section 11.1 of this manual. Two disciplinary actions relating to drug or

alcohol use may be cause for termination.

Discipline for being under the influence of alcohol or nonprescribed controlled substances during non-job-related activities will be based on the employee's work history, previous disciplinary actions and previous identification of substance use problems. Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination. Depending on the circumstances, the employee's work history/record and any state law requirements, the City of Milford may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up alcohol and drug testing at times and frequencies established by the City. These follow-up tests will be determined by the Human Resources Administrator and Department Head and will take place for a minimum of one year but not more than two years. A waiver of the right to contest any termination resulting from a subsequent positive test will also be provided. If the employee either does not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be immediately discharged from employment.

12.6 WEAPONS-FREE WORKPLACE

To ensure that the City of Milford maintains a workplace safe and free of violence for all employees, the City of Milford prohibits the possession or use of weapons in the workplace, at City sponsored functions, in or on City owned, rented or leased property, or in City-owned, rented or leased vehicles for all employees regardless of any license or permit that an employee may have which would otherwise authorize the employee to carry firearms or weapons. The City adopts this policy in recognition of the danger presented to the health, safety, and welfare of employees and members of the public by the introduction of weapons into the workplace, particularly in light of the ongoing threat of terrorism.

The term “weapons” includes, without limitation, firearms of all types and sizes, whether loaded or not; air guns, BB-guns, pellet guns, and the like; simulated weapons; knives, swords, switchblades, razors, and the like – other than small pocket knives, utility knives, and the like with a blade of less than three inches in length; clubs, bludgeons, batons, bats, and the like; incendiary or explosive devices of any sort whatsoever; martial arts weapons, including num-chuks, throwing stars, and the like; and any item carried with the intent to go armed, or used to threaten or intimidate another. The term “weapons” shall not include the lawful possession of personal security devices, intended for use by members of the general public, including without limitation, pepper spray, mace, and such other personal defense sprays. Exemptions: Tools used on the job in accordance with employment requirements are exempt from this policy.

Exemptions:

- 1. Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;*
- 2. Law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition or explosives;*
- 3. Law enforcement agencies conducting firearms safety and training programs;*
- 4. Law enforcement agencies conducting firearm or ammunition public safety programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;*

Any employee who believes in good faith that any person is in possession of a weapon in violation of this policy or otherwise poses an imminent threat is required to report the matter as soon as possible to any supervisor, Department Director or the Human Resources Director without regard to the chain of command. Retaliation against any employee for reporting a violation of this policy or participating in an investigation is strictly prohibited.



The background of the image is a stylized American flag with a dark blue field of white stars on the left and red and white horizontal stripes on the right. The flag is set against a dark grey background.

The Pledge of Allegiance

I pledge allegiance to the flag
of the United States of America,
and to the republic for which it stands,
one nation under God,
indivisible, with liberty and justice for all.

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 24, 2021

The City Council of the City of Milford convened their regular meeting by way of a video conferencing website on Monday, May 24, 2021. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and Acting Secretary Carlene Wilson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Mike Boyle

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See May 24, 2021, Council Meeting Agenda for additional information.

CALLED TO ORDER

Mayor Campbell called the meeting to order at 7:20 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

No guests in attendance.

PUBLIC HEARINGS

ORDINANCE 2021-05

An Ordinance Amending Chapter 230 Article III Use & Regulations

Zoning of the City of Milford by Removing Paragraph C – Prohibited Uses of § 230-18 OC-1 Office Complex District

City Planning Director referenced Ordinance 2021-05, reading the purpose of the ordinance. He then provided the following review:

The packet includes a memo related to the existing code, with highlighted sections and the proposed revisions. Paragraph 230-18(E)(4) states any uses not permitted as previously listed are prohibited under the design standards and requirements of the OC-1 zoning district.

There is a section that lists the prohibited uses, but also a statement under paragraph (E)(4) that protects some of the prohibited uses occurring in the OC-1 category. In addition, Section 230-44 states any uses not permitted by this chapter are prohibited. Again, it states that if the use is not specifically listed, then it's not allowed within that zoning category.

Without the amendment, residences, manufacturing, wholesale storage, and distribution centers, which are the three items listed under paragraph C, would not be permitted unless these activities were affiliated with one of the permitted or conditional uses listed in the OC-1 zoning category.

For example, on the agenda this evening is the Food Bank conditional use application. Approving this ordinance would allow that application to proceed forward with the conditional use review.

The notice was published in the Milford Beacon on April 21, 2021, and the Planning Commission reviewed this amendment request at the May 18, 2021, public hearing after which they recommended approval unanimous vote of four to zero.

Councilman Fulton asked if there are any OC-1 areas with the prohibited uses; Director Pierce confirmed there are not, adding that the prohibited uses will be stricken from the ordinance as indicated.

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

Councilman Fulton moved to adopt Ordinance 2021-05 as presented, seconded by Councilman Marabello. Motion carried by the following unanimous roll call vote:

Wilson: Votes yes and approves as was recommended by the Planning Commission.

Marabello: Approved based on the findings of the Planning Commission recommending approval.

Baer: Approved based on the position of the Planning Commissioners.

Fulton: Approve based on the staff recommendation.

Morrow: Vote to approve because it makes sense, and he concurs with planning.

James: Votes yes because it removes unnecessary restrictions and concurs with the unanimous recommendation of the Planning Commission.

Culotta: Yes, based on the Planning Commission.

ORDINANCE 2021-06

K&G Associates LLC for a Change of Zone from OB-1 (Office Building) to R-1 (Single Family Residential) on .29 +/- acres of land addressed as 302 Polk Avenue and located between Sussex Avenue and Kings Highway; the Owner/Applicant proposes to convert the former medical office into a single-family detached dwelling. Tax Map & Parcel 1-30-3.08-067.00.

Director Pierce reviewed the information included in the packet. Also included is a copy of the zoning map located at 302 Polk Avenue near the former Milford Memorial Hospital and new Nationwide Milford Wellness Village Campus.

The property contains an existing building that was previously used as a doctor's office. The property owner had rezoned the property from H1 to OB-1 in 2019, with the intent of marketing the property for a professional office building. However, the owner is requesting the zoning be reverted back to R-1 so that potential buyers could use it as a residential home. The change of zone request is consistent with the city's comprehensive plan.

The notice was published in the Milford Beacon on April 21, 2021, and all properties within 200 feet of the subject parcel were mailed a copy of the public notice.

The Planning Commission reviewed the application at their May meeting and recommended approval by a unanimous vote of four to zero.

Deborah R. Kaplan spoke virtually on behalf of her husband, Dr. William M. Kaplan, who is the sole proprietor of K&G Associates. However, he was unable to attend due to illness.

She reiterated the zoning was changed two years ago due to the move of the Bayhealth Milford Campus from this area to their new Route 30 location. They hoped to get a low-density business to purchase the property. Unfortunately, of the 87 showings, 86 were interested in the property as a residential use. The only business that viewed the property was an attorney's office.

Ms. Kaplan's realtor was concerned that if the zoning was not changed back to residential, and a contract was signed at the time, they would not be able to obtain financing because the property is zoned incorrectly to use it as a home. Because 99.9% of interested parties looked at it for a residence, is the reason for the request to change the zoning.

Councilman Culotta pointed out that normally a change of zone involves up-zoning to commercial. He asked why it has to be done this way because it looks like a house and wondered if they can continue to have the office building flexibility and still use the structure as a residence. Director Pierce explained the OB-1 zoning category adopted by Council many years ago does not allow a provision for a residence. If the change is authorized to an R-1 district, the owner could request a conditional use to allow a home occupation. However, there would be strict limitations and it could not be a full-fledged medical office building again.

Solicitor Rutt added that banks or financial institutes are hesitant to finance commercial properties for residential uses. They are assessed under a separate criterion, and he has never seen a commercial property be approved for a residential loan.

Mayor Campbell then opened the floor to public comments. No one responded and the floor was closed.

Councilman Marabello moved to adopt Ordinance 2021-06 as presented at 302 Polk Avenue, seconded by Councilman Culotta. Motion carried by the following unanimous roll call vote:

Culotta: Votes yes based on the Planning Commission, though he hopes there are no issues in the future especially being across the street from Nationwide and in front of another doctor's office. As long as the owners understand, he is ok with it.

Wilson: Yes and thinks that more housing is needed and she understands why so many interested parties wanted it for a residential use versus commercial. She reiterated that more houses are needed in the City of Milford. Also, it is based on the Planning Commission's recommendation, and definitely votes yes.

Marabello: Yes, based on the Planning Commission's unanimous decision and there is no adverse effect with the change to the community.

Baer: Votes yes based on the Planning Commission's recommendation, and it also makes sense in this particular case to make the zone change.

Fulton: Votes yes and will enjoy seeing this home get re-converted back into a home and Planning and Zoning did a great job by passing this by unanimous decision and concurs.

James: Votes yes based on the unanimous vote of Planning and Zoning and to Councilman Marabello's words, there is no adverse effect with the change of zone.

Morrow: Also vote yes, based on Planning and Zoning's recommendation and agrees it makes sense for that area.

ORDINANCE 2021-07

Owners/Applicant Avery Properties, LLC submitted a Conditional Use petition to convert an existing commercial two-story structure at 27 South Walnut Street into four commercial tenant spaces and three residential apartments in a C-2 District (Central Business Zoning). Tax Parcel: 3-30-6.20-002.00

Director Pierce again reviewed the application in the packet adding the comprehensive plan has designated this property as commercial. It is currently zoned C-2, which is the central business district zoning category. The current usage of the building is a single occupancy retail structure, and the applicant is proposing a mixed-use structure with four commercial tenant spaces on the first floor and three residential apartments on the second floor.

He stated that Chapter 230-13(c)(10) states all dwellings, other than single family, with a maximum density of 12 units per acre, in conjunction with a non-residential use may be permitted, subject to receiving a conditional use permit from City Council.

Additionally, Chapter 230-45 states in that in any and all zoning districts, multiple permitted uses or mixed uses of a property shall be deemed a conditional use subject to special requirements. The packet includes a staff report outlining the criteria within the city zoning code to evaluate conditional use applications. A zoning map shows the property at the northwest east corner of South Walnut Street and Southeast Front Street.

The Director referenced a survey showing the existing structure, property lines and a conditional use narrative. Floor plans of the first and second floors showing the four commercial tenant spaces on the first floor and the three residential units on the second floor were also included.

The public notice was published in the Milford Beacon on April 21, 2021, and all properties within 200 feet were mailed a copy of the public notice. The Planning Commission reviewed the application at their May 18, 2021, meeting and recommended approval upon unanimous vote.

He noted that the applicant also sought a variance from the Board of Adjustment for the density limitation in the C-2 criteria which is a max of 12 units per acre for residential density. BOA reviewed the request at their May 13, 2021, hearing and approved an increase in the density from 12 units to 20 units per acre to allow for the three second floor apartment units.

Co-Applicant Dustin Parker of 7660 Hidden Meadow Lane in Greenwood, Delaware, participated virtually stating they are super excited about this building in downtown Milford. They have had a great time working with Fisher Architecture conceptualizing what they hope this will become a reality. The three higher end luxury apartments upstairs will bring some housing to downtown Milford and some retail and possibly an event and/or restaurant space.

On the downstairs portion of the building, they have had some preliminary discussions with the gentleman who owns the Counting House in Georgetown since it will become the DOJ Office. They really hope this building will help revitalize that part of the downtown with other new businesses coming in as well.

Co-Applicant, Rachel Parker, then introduced herself stating she lives at the same address as her husband.

Councilman Marabello asked what type of retail they plan to bring in; Mr. Parker said he is unsure and believes that will depend on the opportunities that present themselves. They do know that two of the units will be occupied as a real estate and mortgage location because they own two businesses that will utilize the two smaller pieces. Their hope is the largest portion of the building will become either a restaurant and/or an event space that that will be contributing to the community downtown.

Mrs. Parker added that as owner occupants, the goal is they are beautiful, upper end store fronts that will make the building a pleasant attraction in the area.

Mayor Campbell opened the floor to public comment.

Director Pierce said one public comment was received via email which was read into the record from David Pickrell, owner of Gallery 37 at 8 South Walnut Street:

Please accept this as my public comment on Ordinance 2021-07, Avery Properties LLC proposed use mixed use commercial. My name is David Pickrell, and my wife and I reside at 8 South Walnut Street. We own and manage Gallery 37 also at this address. We are in the commercial rental property at 10 South Walnut Street and the ice cream shop North Pole creamery located at One South Walnut Street in Milford.

We are in full support of the proposed use change, as requested by Avery Properties LLC. We are very pleased that Avery Properties recognizes Milford as their next destination for investment after Rehoboth and Lewes. Their desire is to create a higher-end complex that will include a restaurant, quality merchants and three apartments suitable for professionals that are moving to southern Delaware.

The city must recognize this and take hold of this opportunity, as it will help kindle interest from other like-minded entrepreneurs. Voting yes to this proposal will have a positive effect on downtown. It will help generate additional foot traffic to our merchants and be a benefit to the city's bottom line.

Heather Morrison of Fisher Architecture of 542 Riverside Drive, Salisbury, Maryland, also participated virtually. She stated as follows:

I didn't want to come and not speak. It has been a great experience working with the Parkers and enjoy their excitement for this neighborhood. I think you guys are going to have a great new resident and business owner. They have done their research and know what is going to help the community as far as the apartments and businesses. I just want to shout my approval and let everyone know I am really excited to see this project in the City of Milford.

There being no further comments, Mayor Campbell closed the floor to any further comments.

Councilman Fulton moved to adopt Ordinance 2021-07 authorizing the conditional use to allow a mixed uses at 27 South Walnut Street, as presented, also noting their approved variance by the Board of Adjustment, seconded by Councilman Baer.

Motion carried by the following unanimous roll call vote:

Wilson: Yes, based on a recommendation of Planning and Zoning and the Board of Adjustment.

Marabello: Yes, he's been very involved in Downtown Milford and the theater, etc., and the way David Pickrell described the endorsement, he concurs with wholeheartedly. It is a win for downtown Milford.

Culotta: Votes yes and looks forward to the businesses this will hopefully bring to Milford and the downtown residences are exciting and he is happy to see that the owner finally sold the building.

Baer: Votes yes stating he is enthusiastically voting yes. This project he believes is great for the downtown, and he also concurs with all the comments that have been made and referenced the four to zero vote by the Planning Commission.

Fulton: Votes yes adding it is a wonderful addition to our downtown neighborhood and the revitalization of the downtown area, so welcome to the neighborhood.

Morrow: Also votes yes in relationship to the Planning Commission voting yes and it is a great addition to downtown and is sorely needed.

James: Votes yes, based on the recommendation of the Planning and Zoning, and it is a great use for that building in that location. He concurs with all the others who have welcomed the Parkers to the City of Milford and wishes them much success.

ORDINANCE 2021-08

Property Owner City of Milford on behalf of Applicant/Equitable Owner Food Bank of Delaware submitted a Conditional Use petition for a new 60,000 square-foot facility, educational outdoor garden space, and 3,000 square foot resource center on an 11.5 +/- acre site on Lot 4 in Independence Commons. Address: 102 Delaware Veterans Boulevard; Kent County Tax Parcel: MD-16-173.00-01-02.08-000

Planning Director Pierce reviewed the related documents in the packet. The property is currently owned by the City of Milford, which will be purchased by the Food Bank of Delaware who is the applicant. The comprehensive plan designation of the property is commercial, and it is currently zoned OC-1 Office Complex and presently vacant. The Food Bank plans to construct a facility on that site which falls under the charitable organization section of the conditional use paragraph.

The buildings would be constructed in three phases, as shown on the on the preliminary site plan. The applicant has provided a written narrative for review, that outlines most of the activities that would occur, hours of operation, numbers of employees, vehicle traffic, etc.

Mr. Pierce shared that the Food Bank had originally proposed the layout shown in the packet with the 60,000 square foot main building, a 3,000-square-foot resource center on the northern side of the campus closer to the Veterans Home and the educational garden space to the south. After discussions with representatives of the Veterans Home, the applicant shifted some of the site components to appease the neighbors to the north as is reflected on sheets CC03 and CC04 in the packet.

As a result, there is no longer three entrances proposed and instead one single entrance that will align with the entrance into the Boys and Girls Club. The garden space and the 3,000 square foot building will swap locations to provide an additional buffer and allow for better collaboration or sharing of that educational garden space with the Veterans Home.

Director Pierce again pointed out Chapter 230(18)(D)(1) addresses charitable and philanthropical organizations are conditional uses subject to special requirements set forth by City Council.

Also included in the packet is the preliminary site plan which is consistent the zoning and area properties. The site plan was reviewed by the Planning Office and the City Engineering staff.

The public notice was published in the Milford Beacon on April 21, 2021, and all properties within 200 feet were mailed a copy of the public notice.

The Planning Commission reviewed the application at their May meeting and recommended approval upon unanimous vote of four to zero, subject to a list of conditions that were self-imposed by the applicant. Solicitor Rutt provided a draft with the hope to finalize them this morning. The Planning Commission made a recommendation to highlight the normal operating hours of 8:00 am to 4:30 pm, Monday through Friday. However, however, the Food Bank staff would be exempted from those restricted hours of access to allow them to come in early and prepare when needed.

The Food Bank also relies heavily on volunteer support and such shifts occur between 8:00 am and 8:00 pm, Monday through Friday, and 9:00 am to 3:00 pm on Saturdays. Receiving hours for delivery of goods and distribution of goods are 8:30 am to 3:00 pm and involves truck traffic.

The Food Bank also agreed to plant a tree line on the northern boundary to separate their facility from the Veterans Home. The garden area would have handicap access and accessible walkways and would be open to the residents of the Home and their guests.

During the site plan review, there was discussion about the parking along the north side of the building being reconfigured if allowed by the State Fire Marshal's Office to avoid headlights facing out toward the pond to the north. If not approved, the Food Bank would provide some sort of screening or low vegetative hedgerow to help alleviate any concerns.

A memorial would be erected within that garden area honoring all veterans, including those that reside in the Delaware Veterans Home.

The facade would be aesthetically conforming to the other buildings in Independence Commons.

Director Pierce then allowed Community Relations Director Chad Robinson of 8 John Andrews Drive, Harrington, to provide their presentation.

Director Robinson introduced Food Bank Chairman of the Board of Directors Andy Larimore, President and CEO Cathy Kanefsky, Chief Operations Officer Trevor Turner and Civil Engineer Ted Williams of Landmark Engineering.

Director Robinson stated that Milford has been an incredible partner for many years and has made sure the Food Bank was able to meet the important mission that all Delawareans have access, especially those in southern Delaware, to the food that they so desperately need.

He shared the Food Bank of Delaware is the only organization in the State that has the logistics, warehouse, and resources to move emergency food throughout the State. Pre-pandemic, about 121,000 Delawareans struggled with food insecurity at any given time. That number is something he feels we should not be proud of living in the greatest nation on the face of this planet and the greatest state in the United States of America. Every day, they go to work making sure that we are fighting back against food insecurity and providing those Delawareans that have those needs the resources they need to live healthy, happy, and productive lives. Our goal is to move individuals to self-sufficiency and they are proud to do that, not just through food distribution, but also, through their workforce development programs, nutrition education, financial coaching, benefit assistance and lots of other resources beyond just what folks might think of as a traditional Food Bank.

The Food Bank has been in Milford for many years at 1040 Matlind Way. That facility has served the community well, but there is now a need to grow. He recalled a construction project in 2013 for an addition that included kitchen space for their culinary school, as well as volunteer room space. At that time, there was not a need for the warehouse to expand, though it later became clear that more space was needed to better serve the residents of Kent and Sussex Counties.

He emphasized this need is not a result of Covid 19. Covid 19 has ripped the band-aid off in a way not seen coming a couple of years ago. They have moved from that 121,000 Delawareans struggling with food insecurity pre-pandemic to levels that have been unprecedented in our State's history. In just the last year and three months or so, they have distributed over 20 million pounds of food throughout Delaware to folks that need it. That has been done through the Food Bank's distributions and facilities, as well as 39 mass distribution throughout the State.

Tonight, the site plan being presented is the vision for Independence Commons. They have spent the better part of the last three or four months thinking through what they wanted at the site, sharing conversations with the Delaware Veterans Home, as well as the Delaware Commission of Veterans Affairs. They want to be good neighbors and want to do everything possible to put together a project they can be proud of, along with their neighbors in Independence Commons, the City of Milford and the State of Delaware.

Director Robinson then described Phase One which is an approximate 3,000 square foot facility that would be built to house the healthy pantry center which is where individuals come to receive assistance. They would enter across from the Boys and Girls Club exit into that space where they would receive service, with adequate space for a short line to form without causing traffic to back up on Veterans Boulevard. They would then exit out the same entrance they came in.

Phase One construction is expected to begin in the relatively near future with the hope of being operational in early 2022.

To the left is a larger 60,000 square foot facility that's outlined in two phases and consist of a 45,000 square foot Phase Two project and a smaller 15,000 square foot Phase Three project.

Director Robinson said that represents the Food Bank's continued planning for the future, by locating all the workforce development programs in the while making sure the plan has everything that is possible.

The 45,000 square foot facility in Phase Two involves the warehouse operations, as well as the volunteer room, and administrative offices. He also referenced the parking plans for the Phase One and Phase Two projects. They anticipate there will be volunteer parking and volunteer room on the end of the building. The parking spaces on the north side of the building would be utilized by staff.

As was noted earlier, they are going to do their best to swap those spaces as was requested by representatives of the Veterans Home, as well as put in some type of vegetative barrier to reduce the amount of light in that direction.

The six loading docks were moved from the end to the center of the building to reduce any noise that may be heard by their neighbors. Because they do not have a problem with truck activity in their new Newark facility, they anticipate that will not be the case in Milford either. Only five tractor trailers serve the facility, with the balance being smaller box trucks on a daily basis.

The community garden space will be shared with the resident of the Veterans Home and the residents of Milford and is a different scenario than the one at the old Armory.

Director Robinson concluded by thanking several individuals associated with the City in helping resolve any issues expressed by the Veterans Home representatives.

Mayor Campbell asked for questions from Council. Councilman Marabello stated that he hopes that all the plants and trees are somewhat mature sizes, so they would have a nice view from the Veterans Home in a relatively short time.

Councilman James commended Director Robinson for the collaboration with the Veterans Home. He understands their space is very sacred to them, especially those families who have residents there.

He asked what the plan is for the current building. Director Robinson said they will continue to have those conversations over the course of the next couple of months. Phase Three is the time frame they will decide whether they will leave components of the existing operation at 1040 Mattlind Way or if everything will be moved to Independence Commons. Though no final decision has been made on that possibility as of this time.

When asked for clarification on the community garden, Director Robinson explained the intent is to open it to their neighbors in the sense of it being an open space, particularly to those that are living in the Veterans Home. They look forward to collaboration, with the Veterans Home, as well as the Boys and Girl Club and the Hospice Center. They want that to be a space where all in the community can learn and the hope is to provide education for folks about where their food comes from, about growing food in small spaces and things of that nature.

He presented a photo of the community garden space in the Newark Facility, adding that though it would not be as large, they anticipate putting in a pergola with various growing boxes and similar plants at this location.

The Director explained the difference in this community garden versus the one at the old Armory in Milford, is that people are having to purchase their personal plots for use and that will not be done here. Instead, this would be an educational and community space that could be used by all.

Councilman Culotta recommends touring the current facility adding it contains a training center for people that want to get into the food industry.

Director Robinson said that in addition to the Culinary School they offer at the Milford site, it is their intention to also bring their logic training program here as well. That involves logistics operations, general warehousing, and inventory control program. The 11-week program teaches students the basic skills they need to get warehousing and logistics jobs. They receive forklift certification and OSHA 10 certification. Nine weeks in the warehouse and classroom. along with two weeks in a paid work experience.

He reemphasized the goal is to get these people jobs and to help them move to self- sufficiency.

When asked the number of employees, Director Robinson said they have about 56 full-time employees statewide. The Milford facility has approximately 20 employees which includes those working remotely from home.

Mayor Campbell then opened the floor to public comment.

Director Pierce asked Charles Baldwin if he wished to speak. Mr. Baldwin introduced himself as the Chairman of the Delaware Commission for Veterans Affairs and he resides in Wilmington. He met with Mayor Campbell and Mr. Pierce and representatives of the Food Bank on several occasions. They have also met with families of the veterans who reside at the Veterans Home along with executives of the facility.

Chairman Baldwin feels they have started off on the right foot and have quickly become partners and supporters. He understands the City of Milford has the right to sell that property and he cannot think of anyone or any business they would rather have at this site other than the Food Bank of Delaware. They have done an excellent job of addressing certain concerns regarding lighting and noise, especially considering those with PTSD. He appreciates their openness to making these many changes.

He is very excited about this and believes they have a good plan, and he no longer expects much of an uproar about this from the veterans' community, and instead believes they are going to be 'kind of' happy about it.

Councilmember Wilson moved to adopt Ordinance 2021-08 as presented, then welcomed and thanked them for this great enhancement in our Independence Commons development. She feels it is a wonderful opportunity and is proud to make the motion, subject to the conditions that were suggested and addressed by the Food Bank. Councilman James seconded the motion.

Motion carried by unanimous roll call vote as follows:

Wilson: Yes, I like to approve this based on Planning and Zoning and added that there are a lot of people that are very excited for this new enhancement within the City of Milford.

Marabello: Votes yes and concurs with Councilwoman Wilson's comments. He recalled this could have been a storage facility who initially requested this site. This is a much, much better enhancement and he looks forward to them finishing all the phases.

Culotta: Votes yes, the Food Bank has been great for Milford and great for Delaware. He is excited to see their growth and being a mostly volunteer organization is a great thing for Milford.

Baer: Also votes yes and is very happy to have the chance to offer them the opportunity to expand their business right here in Milford. It is great for the community, and he also supports it because of the four to zero recommendation from the Planning Commission.

Fulton: Votes yes, based upon the growth for the Food Bank for the business and because of the positive recommendation from the veterans.

Morrow: Vote yes, in accordance with the Planning and Zoning Commission and look forward to the continuing relationship with the Food Bank.

James: Vote yes in full support of this and expressed his happiness to provide the appropriate space for the Food Bank to grow right here without having to look outside of the City to offer these additional services. There is a need and additionally, they are looking to grow their offerings which is a wonderful thing. He also thanked the Planning Department for the work in collaborating with the Veterans Home because they are very important to us also, emphasizing that this partnership is absolutely wonderful.

Communication

Councilman James stated that he is unsure if the Chief is present this evening, and he hopes he doesn't mind, but he wanted to point out there has been a huge increase in crime and drug activity in the City, particularly in the fourth ward area. He wanted to thank Chief for his attention to the many issues and for him keeping a watchful eye on behalf of our citizens.

Mayor Campbell said Chief Brown is really on top of things in the City and most recently oversaw a drug bust. He also appreciates all the effort the Chief puts into the department.

Councilwoman Wilson then announced that Councilman James recently lost his brother though she is unsure everyone was aware of that. Mayor Campbell expressed his condolences on behalf of the City, adding that he was unaware and offered any assistance if needed.

FY22 Budget & Capital Program/Public Comments

City Manager Whitfield reported that the timeline for adopting the budget included a public hearing for feedback to City Council with regard to the proposed budget. There is no action needed at this time, other than to open the floor up for the public to make any comments they may have.

Mayor Campbell then opened for floor and asked if anyone had any comments on the proposed budget before City Council. No one responded and the Mayor closed the floor.

City Manager Whitfield reported the budget is on schedule to be adopted at the next meeting.

UNFINISHED BUSINESS

Authorization/Replacement E-114/ Electric Operating Funds/Vehicle Capital

Public Works Director Mike Svaby presented the request to consider the replacement of the existing 1982 Hudson Reel trailer used by the Electric Division with a 2021 Brooks Brothers three phase reel trailer. The existing trailer is 39 years old, too small, and has been used beyond its life expectancy. The replacement of the unit was identified in the 2021 Capital Improvement Plan.

Pricing for this trailer was obtained through a competitive bidding process. Specifications for the 2021 Brooks Brothers trailer were included in the packet. The Electric Division budgeted \$80,000 for the purchase of this unit, though the final cost is \$52,030.

Councilman Fulton moved to authorize the purchase to Brooks Brothers Trailers, in Troy, MO, in the amount of \$52,030, with funding from the Electric Operating funds and specifically Vehicle Capital, seconded by Councilman Culotta. Motion carried with no one opposed.

SE Milford/Transportation Improvement Plan Concept Renderings & Cost Estimates

City Planner Pierce recalled the discussion on this item during the earlier workshop. This provides the opportunity to answer additional questions Council may have. They are looking for authorization from Council to move forward by allowing allow

DelDOT to prepare cost estimates and renderings for the proposed improvements. Those cost estimates will then come back before Council for a review and to prepare for negotiations.

Councilman Marabello moved to authorize the Planning Department and DelDOT to proceed with developing cost estimates and concept renderings for the indicated TID improvements and authorize changing aspirational level of service standards for intersections from D to E. Motion seconded by Councilman Morrow, then carried with no one opposed.

NEW BUSINESS

Adoption/Resolution 2021-08/Scheduling of Property Tax Appeal Hearings

City Manager Whitfield stated that as required by City of Milford Charter and State law, Council is required to schedule a date for the Board of Revisions and Appeal for any assessment issues. Typically, it is scheduled for the last meeting in July.

Councilwoman Wilson moved to adopt Resolution 2021-08, as presented, seconded by Councilman James:

Resolution 2021-08 Scheduling of Property Tax Appeal Hearing

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

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

NOW, THEREFORE, BE IT RESOLVED, that on Monday, July 26, 2021, at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2021-2022 General Assessment.

Motion carried with no one opposed.

EXECUTIVE SESSION

Councilmember Fulton moved to go into Executive Session reference the below statutes, seconded by Councilmember Wilson:

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:42 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Wilson moved to go back into regular session, seconded by Councilmember Fulton. Motion carried.

Council returned to Open Session at 8:54 p.m.

No action needed as a result of the discussion in Executive Session.

ADJOURNMENT

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

The Council Meeting adjourned at 8:57 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber

Milford City Council
MEETING MINUTES
June 14, 2021

The City Council of the City of Milford convened their regular meeting by way of video conferencing on Monday, June 14, 2021. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

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

COUNSEL: Solicitor David Rutt, Esquire

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See June 14, 2021 Council Meeting agenda and packet for additional information.

CALL TO ORDER

Mayor Campbell called the meeting to order at 7:33 p.m.

INVOCATION AND PLEDGE

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

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the March 8, 2021 Public Works Committee and City Council Meeting. Motion made to approve by Councilmember Fulton, seconded by Councilmember Marabello. Motion carried.

RECOGNITION

City Employee Introductions

IT Director Dale Matthews was in attendance to introduce two new employees in his Department.

Denham Dodd addressed Council, stating he is from Jamaica and was hired as the City's Network Technician. Alexander Kalafut, Technical Support Specialist, was also introduced.

Both stated they have received a very warm welcome and look forward to working with everyone and providing the best computing environment for the City.

STAFF REPORTS

Monthly Police Chief Report

On behalf of Chief Brown, Police Chairman Boyle read portions of the report into the record (see associated packet).

Chief Brown reported that the Department is down several officers. The newest officer who is currently testing at another department has been offered another position within the Department in hopes he will remain at Milford. He is awaiting his response.

They tested this past weekend and had eleven candidates compared to 100 to 130 over the past several years.

Monthly City Manager Report

City Manager Whitfield submitted the following report:

- Rob Pierce and I met with First State Manufacturing regarding the culmination of a possible land exchange that was agreed upon several years ago.
- Lou, Sandra and I met numerous times over the last month on the 2022 Operating Budget.
- Our consultant AARC is putting the finishing touches on our Emergency Operations Plan update.
- I conducted a grievance hearing for disciplinary action that was taken.
- Sara and I met with several perspective business proprietors over the past month interested in locating their business in Milford.
- Rob and I met with a developer in the southeast portion of the City concerning the Transportation Improvement District and the possible need for a sewer pump station for development.
- Jamesha, Chief Brown, and I have been in several police negotiation sessions.
- Rob, Mayor, Councilman Baer, and I met with a developer looking at the property east of Route 1 on Route 14 (Lynch property).
- Mike, Chief Brown, and I met with the Police Station architects and engineers regarding site improvements, including improvements along Front Street and 4th Street.
- Rob and I met attended a town hall meeting with Perdue.
- Mike Svaby and James Puddicombe are working with a property owner on Marshall Street regarding a driveway curb cut, and how it may be impacted by the project we are doing in that area.
- We have shortlisted the number of firms applying for the Construction Manager for the Police Station to three, and we interviewed the top three.
- Rob has been working with DELDOT on a trial bike lane configuration for Marshall Street that will be put into place for three weeks this summer.
- We interviewed a candidate for the Electric Superintendent position.
- I met with Jennifer Jurczak and Todd Hilliker from the Department of Labor on several initiatives.
- Lou, Sandra and I have been keeping up to date with the various ARPA funding requirements and seminars.

Public Works Department

In addition to the monthly stats, Director Public Works Svaby reviewed highlights of his monthly report:

Director's Office

- Led advertisement and procurement process to identify potential candidates for Construction Manager on the Police Headquarters Building Construction. Began negotiation of terms and conditions with highest-scored shortlisted candidate firm. Supported Citizen's Advisory Committee meeting to provide the public with updates on this project.
- Attended Kent County Sewer Advisory Board (KSAB) meeting.
- Continued work with Disability Access Consultants (DAC) on results - from the City's ADA survey channels – working toward publishing the draft ADA Transition Plan for public comment.
- Finalized and fine-tuned all CIP and operating budget input for FY 22, presented budget drafts to Mayor and Council, and answered follow-up questions initiated by the Group.

- Held Public Meeting at Goat Island Dog Park regarding scope and schedule of Mispillion, McColley and Marshall Streets Pavement rehab Project. Had multiple individual follow ups with members of the Public/adjacent property owners.
- Interviewed two Electric Superintendent candidates.
- Worked with DelDOT to establish interim traffic signal maintenance procedures.
- Secured four additional free Automated Electronic Defibrillators (AED's) under the State's First State/First Shock Program maintained by DHSS' Office of Emergency Medical Services.
- Participated jointly with City Engineer in the initial roll-out of the City's first residential community preconstruction checklist.
- Met with Harold Stafford of the First State Community Action Agency (FSAA) to establish an energy-efficient equipment storage hub in Milford.
- Met with HOA Official from Meadows of Shawnee regarding addition street lighting at entrance Public Services Division Solid Waste and Facilities Management Section.

Public Services Division

Solid Waste and Facilities Management Section

- City Hall basement fit-out reno will begin construction on June 14. Completion is projected for the end of August.
- Final retrofit materials for the LED project are still being received. Masten Electric will complete the City-Wide LED project in the next few weeks.
- Chelsea Robinson, a new hire for Solid Waste Collection, starts work on Monday, June 21.
- Planning for paint refresh and selective floor covering replacement at the Vickers Building has begun. The project will be rolled out in early Fall and take approximately 30 days.

Streets and Utility Section

- Repair Water Leak
- Conducted ROW maintenance/mowing at PD, new PD Property, Boys & Girls Club, Airport Rd swale.
- Supported water line replacement on Marshal Street paving rehab including valve shutoff and return of service. Prepared new water lines for pressure and bacteria testing.
- Assisted Solid Waste staffing multiple times.
- All sidewalks were sprayed with weed killer.

Water/Sewer Section

- Site/service road clearing on the approach road to wells 4 & 5 (Kenton's Treatment Plant) – has been completed.
- SE Regional, Watergate, Milford Crossing, and Wendy's Pump Stations have been broken down, tuned up, and cleared all residual obstruction material.

Engineering Division

- Completed preconstruction requirements and received first two-week construction schedule for Mispillion Group
- Put out the Boys and Girls Club Parking Lot seal coating to bid and held the pre-bid meeting
- Put out the 2020 Streets Utilities for construction bid.
- Reviewed as-builts and field conditions for Windward on the River Pump Station and cleared the first CO for issuance
- Completed first draft revisions to the general section of the Standard Construction Specifications Operations Division
- Finalized ERP selection and began negotiations with the apparent awardee, Edmonds.
- Assisted with residential community preconstruction checklist design
- Scheduled GPS console upgrades
- Initiated escrow tracking system for developer payments
- Disbursed new AEDs to four (4) PW vehicles
- Continued working on PD vehicle and equipment replacement schedule
- Met with Finance to discuss key account management program

Planning and Zoning Department

In additional to the monthly stats, Director Pierce provided the following report:

- Through the first five months of the 2021 calendar year, the City has issued 75 new residential construction permits and five permits for 120 apartment units. The total construction investment in Milford from January through the end of May based on issued building permits was \$27,278,695.
- The City of Milford has seen 88 projects with a committed investment of over \$23.0 million within the Downtown Development District (DDD) area since September 2016 (based on permit valuations from submitted applications). The State of Delaware has committed or awarded over \$2.70 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over \$377,000 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines.
- Staff presented at a Downtown Development District workshop hosted by Downtown Milford, Inc. on May 25.
- The Planning Commission and City Council will review two land use applications in June: one for a final major subdivision for Knight Crossing Phase I and one for a comprehensive signage plan for the Milford Plaza Shopping Center.
- The Planning Commission has been reviewing Chapter 230 Zoning and Chapter 200 Subdivision of Land since February 2021 to address the goals and recommendations from the 2018 Comprehensive Plan, reduce the number of potential Board of Adjustment applications, provide clarity on ambiguous language and modernize portions of the code. The Planning Commission reviewed the use and area regulations at the May meeting and will review an updated draft of this section along with zoning definitions at the June meeting. Additional workshops will be needed in the upcoming months to review Chapter 200 Subdivision of Land. The workshops will be held before each Planning Commission regular meeting over the next few months to have final edits for consideration by the end of the Summer.
- The Board of Adjustment will review one variance application in June related to an oversized detached garage.
- During the month of April, the City completed a preliminary major subdivision review for the Wickersham subdivision, a preliminary site plan for Milford Fast Food Restaurant, final construction plan review for Lot 8 Independence Commons, and final construction plan review for Knight Crossing.
- Staff submitted a Comprehensive Plan amendment request to the State of Delaware Office of State Planning Coordination to change the designation of areas in our future land use plan from Residential/Commercial to Industrial. The amendment request also included a request from a private developer to change the future land use of an area east of Route 1 along New Wharf Road from Open Space to Low Density Residential. Public hearings are anticipated to be scheduled to review the comprehensive plan amendments later this Summer.
- Staff submitted the 2021 annual Comprehensive Plan report to the State of Delaware Office of State Planning Coordination, as mandated by the Delaware Code.
- Century Engineering, DelDOT and Planning Staff are finishing up the Bicycle Master Plan update to bring a final draft for the City to review in the upcoming months.
- The City is working with DelDOT, the University of Delaware and Century Engineering on a pop-up bicycle infrastructure project along Marshall Street from the Watergate subdivision to SE Second Street. The pop-up project would temporarily demonstrate a two-way 12-foot-wide bicycle lane along the east side of Marshall Street from June 11 to July 2. The path will be delineated using temporary paint and quick curb sections within the existing paved area. A temporary pedestrian crossing of Marshall Street is also proposed at SE Third Street as part of the demonstration. During this time, parking will be restricted on the east side of Marshall Street. Notices were mailed and delivered to property owners along Marshall Street in the beginning of May and an informational meeting was held on May 28 via zoom to answer any questions from the public. The purpose of the pop-up project is to show a possible bike path alignment that would improve bicycle mobility through Milford and solicit feedback from residents and cyclists. Marshall Street was identified as a preferred bicycle route in the City's Bicycle Master Plan update and has ample right-of-way to accommodate improvements.
- Staff attended the Chamber of Commerce for Greater Milford Economic Development Taskforce meeting.
- Staff attended the monthly Milford homebuilder association meeting representing City planning and building division functions.
- Met with First State Manufacturing to continue the discussion of a land swap between FSM and the City. City Council authorized the land swap in 2014 to exchange land for the use of the Little League with portions of a lot in Independence Commons.
- Met with developers in the SE Area in an effort to coordinate the construction of regional sewage infrastructure east of Route 1.
- Met with DelDOT and property owners regarding easement acquisitions for the NE Front Street Transportation Alternatives Program project slated to begin this Fall.

- Staff attended FEMA Substantial Damage/Substantial Improvement floodplain training hosted by the State of Delaware and FEMA.
- Staff continues to work towards implementing the goals and objects of the 2018 Comprehensive Plan, SE Master Plan, Downtown Development District (DDD) application, Rivertown Rebirth Master Plan and Strategic Plan.

Parks & Recreation Department

P&R Director Brad Dennehy provided a brief synopsis of his monthly report:

A successful spring season was concluded in May with soccer, field hockey and tennis. We had many positive comments about the programs from parents and players. Our coaches and recreation staff were highly praised for their efforts. After the whole disruption due to COVID, everyone was happy to have some productive activities and a healthy outlet for their children.

- "Summer Fun Club" preparations continue with approvals at the state level for permits, hiring of the seasonal staff, and solidifying the schedule. Registrations are currently open and numbers look good for the 5 week camp.
- A college intern was hired by the Department for a couple of months. Dylan is a James Madison University student studying sports and recreation. He is helping the recreation coordinator with helping to develop and run some new programs.
- Park staff continued weekly trash runs of the downtown.
- Grass cutting continued throughout the City at all city owned facilities and parkland.
- Tulip bulbs and winter greenery were removed in preparation of spring planting at City owned flower beds.
- All of the hanging flower baskets were prepped with installing new coconut liners, water reservoirs and potting soil.
- On Sunday May 16 Parks staff worked with DMI volunteers to plant the hanging baskets on the light poles and bridges and wine barrels throughout the downtown.
- Sidewalks along Walnut Street and Front Street in the downtown were weed whacked by City crews.
- Joey Philips a local resident was hired via the temporary employment agency to work on a seasonal part-time basis to assist with planting and watering of flowers in the downtown. He and some other volunteer's planted two new trees at the Finance building and he laid out all the new shrubs at the Finance building.
- Two park techs assisted the Rotary club with helping to install 350 American flags for "Flags for Hero's" in Bicentennial Park.
- A new Kubota tractor with a bucket and 6' rotary mowing deck was purchased. This will be of great benefit to the Parks Department in park maintenance.
- A Rubberized patch was made to the playground surface at the Can-Do Playground.
- Irrigation reels were transported out to Tony Silicato Memorial Park and set up for the season.
- Maintenance was performed at the Dog Park including getting the irrigation up and running and additional stones installed around the water hydrant.
- Parks Superintendent attended both the DFIT safety meeting with other municipalities and an award and recognition meeting with fellow employees.
- Director met with the new IT director and new Technical Support Specialist in regards to needs for the MP&R.
- Director met with the Economic Development and Community Engagement Administrator regarding social media needs for MP&R.
- Director attended a meeting for the next round of ORPT funding.
- Director attended a weekly WIIN meeting, and a monthly WIIN meeting.
- Director prepared budget information and attended the budget workshop.
- Director was appointed to the Delaware Sea Grant Advisory Council and attended their quarterly meeting.

Human Resources Office

HR Administrator Jamesha Eaddy presented her monthly review:

- Interviews were conducted for the positions Technical Support Specialist, Billing Clerk, Solid Waste Operator/Collector, Electric Superintendent and Electric Ground Technician.
- Onboarded new hires for the positions of Network Technician, Technical Support Specialist and Sports and Recreation Intern.

- Job offers were extended for the positions of Solid Waste Operator/Collector, Billing Clerk, Customer Service Clerk and Electric Ground Technician.
- Onsite tour scheduled for June 4, 2021 for the position of Electric Superintendent.
- The City completed the Job Assessment Tool (JAT) phase of the 2021 Job and Classification and Compensation Study on May 21, 2021. The next phase will include the firm conducting a market survey for benchmarks.
- The City celebrated National Public Works Week with Vanderwende's Ice Cream Truck on Friday, May 21, 2021 outside the Public Works Facility.
- Attended a job fair at Milford High School on May 4, 2021 hosted by the Department of Labor.
- Employee Recognition:
 1. Rooster: Mimi Velazquez, Billing Clerk. Recognized for being an awesome team player at the Customer Service Division.
 2. Promotions:
 - LeRoy Lahman: Water & Wastewater Technician
 - Howard Willis: Code Enforcement Official I
 - John Tweed: Electric Line Technician, Second Class
 - Brian Medley: Patrolman First Class
 3. Going Above and Beyond at Work: LeRoy Lahman, Water & Wastewater Technician Eric Luciano, Public Works Equipment Operator and Billy Foxwell, Public Works Equipment Operator.
 4. Where Am I Challenge Winner: Ralph Skinner, Parks Superintendent

Informational Technology Department

IT Director Dale Matthews presented the following report:

- We engaged the Cyber and Infrastructure Security Agency (Department of Homeland Security) to scan our public facing domains. Their initial findings indicate some risks and vulnerabilities exist, and we are developing plans to eliminate them.
- We interviewed and hired the following team members:
 - Network Technician (Denham Dodd)
 - Support Specialist (Alex Kalafut)
- Through assessment of the Department, I identified security and operational concerns that we will address as high / immediate priorities:

Security:

- Cybersecurity strategy and practices
- End-user operating system patching and antivirus protection
- Controls for software downloads or hardware purchases
- Mobile device management
- Physical security for critical hardware
- Password standards
- Tape backups

Operations:

- Monitoring system and network performance
- Backup restore exercises
- Disaster Recovery planning
- Central management of hardware and software
- Standard IT policies or procedures exist.
- Use of the existing licensed Help Desk ticketing system
- Shifting to an enterprise approach for software purchases
- We began developing a plan to move our infrastructure to a secure government cloud.
- We are addressing technical requirements for council chambers to support both in-person and remote meeting attendance in July.
- I have begun meeting with all vendors and reviewing contractual agreements.
- We are aligning resources to support the new ERP implementation (technical oversight, data migration, etc.)

Economic Development & Community Engagement Administrator

Administrator Sara Pletcher provided a monthly review of her activities:

Social Media

- Created a City of Milford Instagram account
- Created a City of Milford YouTube Channel and posted the Public Works Week slideshow
- Met with Brad Dennehy, Parks & Recreation Director, about the P&R Facebook page. We ultimately decided to keep this separate from the City's Facebook page, but add the City page as an admin
- Met with Rhiannon Slater, Public Works Operations Supervisor, to start the process of combining the Public Works and City of Milford Facebook pages
- Met with Sgt. Robbie Masten to review Milford Police Dept. 's social media practices, so our messages align
- Created Google Business pages for all city buildings (City Hall, Customer Service, Finance, Public Works, P&R, and MPD)
- May 2021 Insights:
 - o Facebook: 64 new likes (total: 1,998); 12,314 reached; 3,125 post engagement
 - o Instagram: 312 new likes (total: 312); 339 impressions
 - o Twitter: 7 tweets, 1,629 impressions, 390 profile visits, 7 mentions, 1,285 followers (-9)

Website

- Posted Public Works Week video
- Posted Bike Demo on Marshall St.
- Updated all job postings to pdfs from Word documents
- Posted P&R event flyers (Summer Fun Camp & Abbott's partnership paddles)
- May 2021 Insights: 13,691 visits; 29,247 pageviews

Meetings

- Nationwide: took a tour and provided business ideas for their vacant spaces, including turning their conference center into a co-working space
- Key Account Program: Met with Mike Svaby and Lou Vitola regarding the Key Account Program to establish a plan of action for the City's top 6 key accounts
- Chamber of Commerce of Greater Milford's Economic Development Task Force
- Greater Kent Committee year-end meeting
- Kent County Tourism Board
- Met with Suzannah Frederick to review customer service procedures and systems
- Met with James Puddicome to discuss and tour all current PW projects
- Confirmed orientation session with new Bayhealth residents and MSD, Dover, and Capital School District representatives
- Met with Pete Bradley of Kent County Tourism for new board member orientation

Economic Development

- Chef Bill Clifton: His Counting House Restaurant will be closed in August due to the DOJ moving into the Brick Hotel building in Georgetown. He is interested in opening a small 40-50 person restaurant in Milford. Administrator connected him with Zack King (old Penny Square Building) and Parker Group, both in Downtown Milford.
- Henlopen Sea Salt is looking for 1000 sq ft operations space. Administrator connected owner with the potential landlord on Marshall St.
- Bayside Gymnastics: Looking for 5000 sq ft of space. Has conditional lease offer for the old gym location in Riverwalk Plaza. Sent all City business resources and looking into other potential spaces
- La Vaquita Butcher Shop: Attended ribbon cutting, filmed 2-minute video and posted to City's social pages, reaching over 6,700 people
- Euphoric Herbals is looking for 4000 sq ft
- Reiki Joy' n' Peace: Looking for the new location as the current building is on the market. Connected owner with Milford Wellness Village and sent her three downtown rental options.

Email Campaigns

- Imported 285 email addresses from our business licenses into a free MailChimp account. Administrator plans to send semi-regular email newsletters with business resource information to these business owners as an added license benefit. Administrator sent the first campaign introducing herself and including DEWins grant information on May 28 with a 37% open rate.

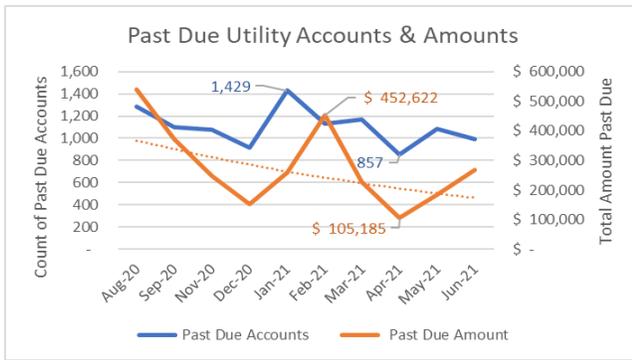
Press

- Economic Development & Community Engagement Administrator new hire press release sent to 85+ press
- MilfordLive: Four City Council members sworn in (May 4)
- Delaware State News: Milford City Council holds organizational meeting (May 10)
- MilfordLive: City of Milford hires Pletcher as new public information officer (May 11)
- Delaware State News: Milford hires new administrator (May 12)
- MilfordLive: Council hears DEMEC rate stability measures (May 13)
- MilfordLive: Annexation Committee recommends limit to property request (May 13)
- Delaware Business Times: People on the Move section (May 14)
- Delaware State News: Milford council debates annexing property along S. Rehoboth Blvd. (May 14)
- Hoy en Delaware: City of Milford hires Pletcher as new public information officer (May 17)
- MilfordLive: City of Milford considers tax increase (May 18)
- MilfordLive: City Council reviews Southeast Milford Transportation Improvement District (May 20)
- MilfordLive: City Council completes review of Capital Improvement Projects, tables action (May 20)
- MilfordLive: City Council completes budget hearings (May 21)
- MilfordLive: City Council reviews Southeast Milford Transportation Improvement District (May 24)
- MilfordLive: City Council continues to discuss proposed FY21-22 budget (May 24)
- MilfordLive: City Council completes review of Capital Improvement Projects, tables action (May 24)
- Delaware State News: Milford council OKs Food Bank expansion project (May 25)
- MilfordLive: City Council approves change of zone request (May 27)

Finance Department

Finance Director Lou Vitola provided the following staff report:

- *Monthly Financial Reporting*
 - *The April 2021 Month-to-Date (MTD) and Fiscal Year-to-Date (YTD) Financial Reporting Package was distributed to Council with a narrative addressing financial results.*
 - *No significant content or formatting changes were introduced this month.*
- *Capital Improvement Planning*
 - *The Fiscal Year 2022-2026 Capital Improvement Plan (CIP) development process concluded with Council approval on May 10, 2021 following the publication of a revised final draft that was shaped based on input received from Council following the CIP Workshops into early May.*
- *Operating Budget*
 - *The Fiscal Year 2022 Operating Budget process kicked off on March 1 and met all timelines through three public hearings and last Monday's second and final Council workshop. The final step in the process is adoption by City Council, scheduled for this coming Monday, June 14, 2021.*
 - *Much like the CIP process, the input from Council during the operating budget process was highly valued by staff in terms of our ability to finalize the budget confidently with respect to the appetite for operating expense growth attributable to certain cost drivers, such as personnel expenses, the resulting revenue requirements and the tolerance for raising new revenue versus alternate sources of revenue, and capital project priorities.*
 - *The final draft of the document was published in the City Council Packet for the June 7, 2021 meeting and will be reposted to the June 14, 2021 Council Packet.*
- *Enterprise Resource Planning (ERP) Selection Process*
 - *A meeting of the ERP team was held the first week of May to generate a final schedule of questions and clarifications with each of the final two vendors to assist in developing a software platform recommendation, though a clear selection had yet to emerge at that point.*
 - *The final schedule of questions and clarifications were distributed to each of the two final vendors, each of which responded on time, permitting a final vendor review and deliberation*
 - *Tyler Technologies emerged as the City's preferred vendor, and contact has been made to both vendors as well as the broader internal ERP team that will ultimately take part in the implementation, conversion, and training activities*
 - *Tyler delivered a draft contract, a comprehensive statement of work (SOW), and its best and final offer (BAFO) after receiving the City's notification of preferred vendor status*
 - *Following internal review of the SOW and negotiations, the draft contract will be presented to Council for review and approval. The project is expected to kick off this fall.*



Billing & Customer service Department

The graph exhibits past due accounts and balances since August 2020 – a period of time marked by uncertainty and volatility due to the COVID-19 pandemic. The Customer Service team operated pursuant to City Code, as always, while adjusting to the changing regulations throughout the period to remain diligent in its collection of accounts receivable. We continue to monitor past due accounts carefully, offering extended payment plans, COVID-19

relief funds, and referrals to charitable resources. In June, we intend to partner with the Delaware State Housing Authority (DSHA) to expand our ability to assist any Milford residents that continue to be impacted by the pandemic. Assistance is available for renters who may also find themselves behind on utility bills.

- The 2020 tax levy was due September 30, 2020. The table highlights past due property tax data since then. The formal monitions process kicked off in February and continues today with assistance from Solicitor Rutt. Several properties against which the monitions proceedings began have paid in full, while several have initiated payment arrangements and at least one other sold at Kent County sheriff sale. We will continue to review the Department's collection processes to encourage payment, improve the property tax collection rate and signal a standardized set of regular tax collection procedures. Note interim tax bills totaling \$34,189 generated in March are excluded from the table to show amounts on a comparable basis.

Property Tax Levy	Past Due Amounts as of:							
	11/5/2020	12/11/2020	1/8/2021	2/1/2021	3/3/2021	4/1/2021	5/4/2021	6/1/2021
2020	\$ 229,290	\$ 132,511	\$ 108,200	\$ 102,144	\$ 95,069	\$ 81,056	\$ 76,997	\$ 76,627
2019 & Prior	249,788	229,831	221,023	218,418	208,083	195,772	193,361	183,696
Total	\$ 479,078	\$ 362,342	\$ 329,223	\$ 320,562	\$ 303,152	\$ 276,828	\$ 270,358	\$ 260,323

In addition, two vacancies in the Customer Service Division have been filled. Those employees will be introduced at the next meeting.

Councilmember Marabello referenced the past due utility accounts and the dollar amount increased over the past two months; Director Vitola explained that it may be attributed to timing. Two months ago, those low numbers benefited from the timing of that run was just before the reading and the issuance of bills. Since then, it appears to have two large jumps due to the payments coming in.

The increase is not as drastic as the chart looks, and a portion can be attributed to being short staffed and the focus by staff on the ERP selection. Therefore, the disconnection process did not receive the normal attention and disconnections are typically done on Thursday. However, during this time, disconnections were limited due to inability to properly manage the process entirely. This should correct itself moving forward and the graph should return to normal.

MONTHLY FINANCE REPORT

Councilman James suggested a bridge or reconciliation of the projected numbers versus actual numbers used in the budget. In that manner, Council will have an idea of whether the numbers were close or changed and the related reasons. This would help in comparing to the actual budget.

He recommends that be completed pre-audit to allow sufficient time for review.

Councilman James also hopes to start seeing some graphs and charts in the monthly financial presentations to take the place of a lot of the text. He believes that may be more informative and meaningful to Council and the public.

Director Vitola then provided an update on the City's finance as of April 2021 (refer to packet for related pages):

The April 2021 Month-to-Date and Fiscal Year-to-Date (YTD) Financial Reporting Package is enclosed for your review. The following executive summary highlights this month's notable developments; no changes were made to the format or delivery of the document this month.

- Pages 1-2: Cash and Reserve Balances

- o Operating cash balances (page 1), particularly in the General Fund, dipped during April primarily due to the twice-annual occurrence that three payroll dates fall within a single month. The City reports monthly expenditures on a modified accrual basis, permitting the recognition of personnel expenses at payroll date intervals. Adjustments to report payroll on an accrual basis are made annually to the year-end financial statement production.

- o Investment balances (page 1) remain strong through April. Still, the standard caution is that reserve requirements and funding commitments (page 2) encumber a significant portion of the balance in each fund; most notably the general fund, sewer fund, the Municipal Street Aid (MSA) fund and Realty Transfer Tax (RTT) fund.

- o The disbursements made from the special-purpose accounts and major reserve accounts (page 2, lines 9-22) during April were all made in support of Council-approved capital project expenditures incurred during March and April.

- o Impact fee collections and permit charges (page 2, lines 23-30) were strong for the third consecutive month, representing a continuation of the above-average residential and commercial construction activity. RTT receipts were particularly high in February and April this year; an early look at May receipts suggests that the FY21 RTT receipts should finish the year roughly equal to the three-year average of \$1 million.

- Page 3: Enterprise Funds – Statement of Revenue & Expenditures (P&L Style Statement)

- o This presentation, first reported in February 2021, features a consolidated view of the YTD performance of the City's four major enterprise funds using a "P&L" or income statement format readers may recognize more readily than the detailed revenue (p. 4) and expenditure (p. 5-9) reports that follow.

- o The statement was modeled after the presentation of the Proprietary Funds Statement of Revenues, Expenses and Changes in Net Position found in the City's annual audited financial statements and will be modified as needed based on feedback and the Finance Department's plans to incorporate comparative data and non-financial operating data into the monthly report.

- o The City's enterprise fund gross, operating and net margins through April each posted improvements over March results in total and on a fund-by-fund basis. However, despite a positive operating margin and improvement in the net sewer margin since March, the net margin in the sewer fund is negative as a result of reserve-funded capital spending. Recall that the P&L report attempts to mimic the year-end audited financial statements, which consolidate capital and operating expenditures in one statement, regardless of funding. This should alleviate any concern of the sewer fund's achievement of operating budget targets while at the same time highlighting the fact that the sewer fund is unable to support its operations, debt service and capital needs through the sewer rate alone, highlighting the need to effectuate the rate adjustments set forth in the City's recent Cost of Service Study.

- Page 4-8: Revenue & Expenditures

- o YTD general fund revenue as a percentage of the annual budget is more than 90%, but as always, the figure is skewed by the annual tax billing and the monthly recognition of reserves and transfers to match the budget. Adjusted for property tax billing, incoming transfers and reserve-funded initiatives, YTD general fund revenue is 83% of the annual budget, which is just shy of the ten-month levelization of the annual budget. General fund expenditures continue to be monitored closely, again measuring under the levelized budgeted expenditures through the YTD reporting period.

- o Enterprise fund revenues likewise remain strong through April. After December's light results, revenue rebounded in the third quarter to exceed the budget in all funds, pushing the YTD revenue variance ahead of the levelized revenue budget by 4%.

- o Total enterprise fund expenses were lower than the prior period for the second month in a row, again due almost entirely to lower wholesale power costs, which were partially offset by the aforementioned artificial spike in personnel expenses and additional capital project activity. On a YTD basis, enterprise fund expenditures continue to track below the levelized budget in total and on a fund-by-fund basis with the exception of the sewer fund. Expenditure overages versus the levelized budget in the sewer division are primarily attributable to Kent County wastewater expenditures, which are uncontrollable but recovered directly through the County component of the sewer rate, and inflow and infiltration (I&I expenses), which are extremely difficult to control much less predict or eliminate, though efforts to mitigate I&I are ongoing.

- o The narrative through fiscal year 2021 continues to hold through ten months; the City's controllable operating expenses and capital spending funded by current operations have been held deliberately low as long as possible. Necessary operating and capital expenditures deferred to the seasonal, project-friendly weather of the fourth quarter

of the fiscal year have the potential to contribute to a reversal of the positive budget variance experienced throughout the ten months of the year.

Councilman James commented on the development of the investment policy, which Director Vitola continues to work on.

Director Vitola referenced the \$316,000 deficit in the sewer fund. Two facts qualify that deficit. First, the \$256,000 in capital spending (line 12) was not intended to be met with the operating revenue generated through rates and utility billing. All that capital was budgeted through reserves. Because capital spending is shown on the P&L, it must be funded through the sewer fund, and is skewing that deficit. Reserves are not shown as a revenue source like a cash budget. When certain initiatives or capital are funded with reserves that are carried forward from another year, they show as a revenue source. But in this report, reserves are not shown as a revenue source as that is the purpose of this statement. Adjusted for the capital spending, the variance is negative \$60,000.

When discussing the I&I expenses, there is no underlying structural concerns and instead is sewer rates, or cost recovery. The good news is the deficit has improved since March so there is no real alarm with that number. With this P&L style statement, the issue can be immediately detected. The number in brackets signifies a deficit in that fund and questions asked.

On page seven, Director Vitola pointed out the month-to-date and year-to-date spending in the sewer division on lines 71 to 77. Other than line 72, the O&M expenses being 91% of the annual budget, as opposed to the 83% timeline related to the tenth month of the twelve-month budget, the Kent County sewer line on 76, which is at 88%, there really is no indication of whether that is normal or what the underlying issue is.

When separating revenue and expense, there is no way to decouple something normal from like a volume driven increase in revenue that has an offsetting increase in expenses and a stable margin versus spike in expenses independent of revenues, or vice versa.

If ahead in revenue, it may not be as positive as it looks. If over in expenses, it also may not be as negative as it looks but with the presentation of the P&L on page three, there is a lot more value on that page than seen in the four pages that follow.

He and Councilman James have discussed how to address that, expanding on page three and making it more of an executive summary that has more value and moving the rest to the back or possibly eliminating the four pages, and presenting some other kind of detail.

Right now, he will use the last two monthly reports of this fiscal year to hone in on what page three will expand into and plans to not only graphs but some operational data to help give some flavor to what is driving the revenues and the expenses.

It was confirmed that the City does build in a price increase in the Kent County sewer costs, though there has not been one in a couple of years. Kent County has recently published some budget documents that show the rate they charged for treatment is falling a little short of their actual costs to treat all the sewer. Therefore, they have decided to hold the rates stable though he does not know how long that will last.

Director Vitola shared that when Kent County increases, the City can pass them on without a delay that would result in Milford incurring costs before being able to recover them.

Regarding a comment based on the ten months of the budget to April and the projection of a possible surplus when looking at the enterprise and the expenditures, Mr. Vitola said that is true with one caveat. As part of the budget process, certain things need to be done, not just in 22 but with the available surplus in 21. He hopes to do the water fund transfer in 21 and 22. A lot of the funding of the vehicle and equipment replacement reserves with FY21 headroom and not just starting in 22. That will create a lag if relying solely on FY22 contributions to those funds.

Those initiatives are not reflected in the year-to-date actuals through April. A lot of the surplus will be consumed by some of the FY22 budget initiatives that will be rolled back to 21.

Councilmember Marabello then moved to accept all departments and division reports as presented, seconded by Councilmember Fulton. Motion carried.

COMMITTEE & WARD REPORTS

Councilmember Fulton reported that he had a situation that has been corrected. It involved the City Manager, Mayor Campbell, and Councilman Culotta. City Manager Whitfield confirmed the immediate issue was fixed and deferred to Public Works Director Svaby. Director Svaby stated that the homeowner has been in touch with the City's insurance company who has authorized the homeowner to proceed with cleanup and repairs. He has been intermittently in touch with the homeowner about the progress.

He emphasized the back-up situation was cleared the next day.

Councilmember Fulton expressed his gratitude, stating it was excellent work by the City to take care of a bad situation. It truly shows that the City truly cares about the people who live in Milford.

Councilmember James wanted to thank the Planning Department. He stated that in the Fourth Ward, there has been a lot of restoration of older homes and new homes being built and empty lots occupied. At some point, he would like to know the impact from the time we extended the DDD area the additional five acres in this ward. He would like the initial investments been.

He is also asking Chief Brown to keep an eye on it and stamp out the additional criminal activity as it arises.

Councilmember Fulton then stated that some boarded-up homes have people using those localities as places to go to do drugs, including shooting up, and evidence have been found. He advised the homeowners to contact Milford Police Department to rectify the situation. People were seen running off when workers arrived to rehab the home for future sale.

He emphasized that any facility boarded up will become an attraction for people to get inside and do terrible things. The quicker these boarded up properties can be repaired, will make the City safer.

Councilmember Wilson agreed that is the same situation in every ward, and this has become an issue in the City. Many property owners have been working hard to make things better in our town and more livable, thus making our neighbors happier. She finds it amazing how crime areas move from one street to another. Unfortunately, if it does not impact your life, it is difficult for a person to understand how quickly it can happen more than it ever has in her neighborhood.

COMMUNICATIONS & CORRESPONDENCE

Councilmember Boyle reported that he has received comments from his constituents that Xfinity or Comcast has dropped all the major news outlet channels from Washington, Baltimore, Philadelphia, and possibly New York. Only the local networks are available, and there is a concern because so many residents have moved from the I-95 corridor.

He complained to Comcast about how they continue to remove services for the high prices they charge and will not support Comcast the next time their franchise agreement comes up.

Councilwoman Wilson suggested the City Manager reach out to the government representative with these concerns, who in the years past, used to take care of Milford as far as channels and services.

Councilman Culotta asked for a workshop with Comcast at some point in the future.

UNFINISHED BUSINESS

Adoption/Resolution 2021-07/FY22 Budget & Capital Program

City Manager Whitfield noted that on May 15, 2021, the City Manager produced a budget that was distributed to City Council, who reviewed the budget on public sessions on four different dates. With Council's input and staff's alterations and changes, he is presenting the final budget for adoption totaling operations and maintenance at \$42,945,803, debt service of \$1,098,314, a capital program of \$3,434,152 for a total expenditure of \$47,478,269 with the real estate assessment to be levied at \$.48275 per \$100 of assessed value.

It was noted that a large reduction of the original increase was needed to balance the budget of \$.65 per \$100 of assessed value.

Mayor Campbell opened the floor for comments from the public.

One person raised their hand, but was unable to mute themselves. Because the technical issue was on their end, Solicitor Rutt directed the Mayor to continue.

Bryan Lau of 19596 Drummond Drive stated that he submitted a number of questions and comments at the last budget meeting. He asked if they will be addressed at some point. His concerns related to pending legislation at the State of Delaware for raising the minimum wage. Also, he asked the status of the take-home vehicle for the police and believes that will have a material impact on the budget. Being a former public employee, it appears the employees will take a hit going from paying 10% to 15% of the cost of healthcare. He feels it is crummy to get a pay raise and the increased cost eats it up in healthcare. If that is true, he would like to thank all the public employees that will take the hit though he is unsure of the background.

City Manager Whitfield shared the take-home vehicles are not included the budget. Chief Brown may address that in the future, but it has not been presented as part of the fiscal year budget.

He added the increase in healthcare costs was made last year. As a result, employees were not only given their regular cost of living raise but also the opportunity for a 3% increase in merit bonus. The increase was factored in and employees given more than a year to make changes within their healthcare selection to offset the increase.

Mr. Lau thanked the City Manager.

There being no further comments, the floor was closed.

Councilmember Fulton moved to adopt Resolution 2021-07 approving the FY22 Operating and Capital Budget, seconded by Councilmember Boyle:

RESOLUTION 2021-07
ADOPTING THE CITY OF MILFORD
FISCAL YEAR 2021-2022 BUDGET & CAPITAL PROGRAM

WHEREAS, the operating and capital budgets of the City of Milford for the Fiscal Year 2021-2022 were prepared and submitted to the City Council by the City Manager in accordance with Article VI 'Financial Procedures' of the City Charter; and

WHEREAS, the City Council was presented with the proposed budget following a comprehensive study and review while meeting in public sessions on May 17, 2021, May 19, 2021, May 20, 2021, May 24, 2021 and June 7, 2021; and

WHEREAS, in the opinion of the City Council, the budget accurately, as possible, reflects the city's anticipated revenues and expenditures for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford's Operating Budget for Departments shown under General Fund as Administration, Planning and Zoning, Code Enforcement and Inspections, Finance, Information Technology, Police, Streets Division, Parks and Recreation

and Council; and the Water, Sewer, Sanitation and Electric Divisions was adopted and approved as the budget of the City of Milford for Fiscal Year 2021-2022 in the following amounts:

Operations and Maintenance - \$42,945,803
Debt Service - \$1,098,314
Capital Program - \$3,434,152
Total Expenditures - \$47,478,269
Real Estate Tax Assessment - \$0.48275 per \$100 of assessed value

A copy of said budget, is on file in the Office of the City Clerk, as was adopted by majority vote of Milford City Council on the 14th day of June 2021.

Motion carried with no one opposed.

NEW BUSINESS

Authorization/Contract Renewal/First State Inspections Services

Planning Director Pierce stated the renewal of the annual contract with First State Inspection Agency for residential and commercial building plan review and inspection services. He provided some background back to 2017 to assist the building inspector. Since then, he has been using their services to supplement the in-house officials and the agreement has been approved annually.

This would be the first year for a fee increase, and in summary, the First State Agency is requesting an increase on their per trip charge from \$45 to \$50, which aligns with a previous contract when they were used for rental inspections. However, now that is down to a manageable number, that contract is no longer needed.

When asked how often First State is used, Director Pierce stated that he is using them full-time since February due to the loss of the building official. Prior, they were used to cover additional work or the absence of the building official to prevent the work from piling up.

He added that if additional developments began, he would continue to use them simultaneously to prevent that burden on the in-house building official.

Mayor Campbell pointed out they have been used a lot to oversee the dilapidated homes and properties and keep our inspections current.

Councilmember Boyle Authorize the Building Inspection and Plan Review Services through June 30, 2022, seconded by Councilmember Baer. Motion carried with no one opposed.

Adoption/Resolution 2021-09/Kent County All Hazzard Mitigation Plan

Public Works Director Mike Svaby explained the intent of the resolution is for Council to update the update to the 2015 Kent County All Hazzard Mitigation Plan. The finalized updates took place in March 2021, after a year of working with the member agencies, of which Milford is one.

The Emergency Management Division of Kent County hired a consultant, and the plan was reviewed and proper updates made. There was no cost to the City other than the time committed to participating in the vendor's focus groups. The requirement to adopt the plan is necessitated by the City's continued eligibility for a range of financial assistance in relation to a disaster of some sort. Being a member of this plan, would entitle the City to whatever FEMA or other financial supplements are available because of the disaster. Each separate entity is entitled to individual assistance and does not impact any other entity.

Solicitor Rutt confirmed that Sussex County has a similar plan; Councilmember Boyle hopes that because Milford is within both counties, they are similar and do not present a point of conflict that would cause future problems. Director Svaby will follow up.

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

Councilmember Wilson moved to correct the document's text from proclamation to resolution (updated prior to start of meeting) and adopt Resolution 2021-09, seconded by Councilmember James:

RESOLUTION 2021-09
UPDATED KENT COUNTY ALL HAZARD MITIGATION PLAN

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local government develop and adopt natural hazard mitigation plans in order to receive certain federal assistance, and

WHEREAS, a local Hazard Mitigation Advisory Committee comprised of county governmental departments, municipal council members, business community representatives, nonprofit organizations and citizens working in Kent County of the State of Delaware, convened in order to study the City of Milford's risks from, and vulnerabilities to natural, technological and terrorism and to make recommendations on mitigating the effects of such hazards on the city, and

WHEREAS, a contract was issued to an experienced consulting firm to work with the Kent County Hazard Mitigation Advisory Committee and the Delaware Emergency Management Agency to develop a comprehensive All Hazard Mitigation Plan for Kent County in Delaware, and

WHEREAS, the efforts of the City of Milford, Kent County, and the consulting firm have resulted in the development of an All Hazard Mitigation Plan for Kent County and the City of Milford.

NOW THEREFORE, BE IT RESOLVED by Milford City Council, that the updated Kent County All Hazard Mitigation Plan, dated March 2021, is hereby approved and adopted for the City of Milford and Kent County in the State of Delaware, this 14th day of June 2021.

Motion carried with no one opposed.

Annual Review/2021 Milford Comprehensive Plan

Planning Director Pierce referenced the annual report submitted to the State of Delaware that provides an update to the Office of State Planning Coordination of the implementation items from our comp planning document, which also includes the Southeast Master Plan and other planning documents. He had previously discussed including the annual reports in the Council packet for informational purposes.

All the goals and objectives for the comprehensive plan in the Southeast Master Plan are listed out with a status update provided. The larger items include the Southeast Transportation Improvement District and the zoning and subdivision code revisions that would implement things from the comp plan update.

He will also do this for the Downtown Development District annual report, due this summer.

Mr. Pierce then referenced an earlier question regarding the number of projects that had been completed in the extension area of the DDD. Since the modification in August, there have been nine projects with a little over \$400,000 in committed investment. One single-family home and a duplex have been built, with another home scheduled to be built. The remaining six were interior/exterior renovation projects.

The information is available on the City website for public view.

Ordinance Introductions:

Mayor Campbell introduced the following ordinances, followed by a brief summary of each by Director Pierce:

2021-09

Application 2021-19/Milford Plaza SPE, LLC

Located at the northeast corner of Route 113 and Route 14 on 21.4 +/- acres of land

Application Type: Conditional Use – Comprehensive Sign Plan

Comprehensive Plan Designation: Commercial

Zoning District: C-3 (Highway Commercial District)

Present and Proposed Use: Shopping Center

Tax Parcel: MD-16-183.09-01-04.00

2021-10

Application of Limitless Development Company, LLC on behalf of Milford Marina Enterprise LLC

for the Final Major Subdivision (Phase I Only) of 25.80 +/- acres of land, in an R-3 (Garden Apartment & Townhouse) Zoning District to be known as Knight Crossing.

Property is located south of Cedar Beach Road, east of Beaver Dam in Road and west of Route 1, Milford, Delaware.

Present Use: Vacant; Proposed Use: Planned Unit Development.

Tax Map: 3-30-7.00-035.00, 036.00 & 037.00 (portion of)

Director Pierce noted that the Planning Commission will review the ordinances tomorrow evening, who will make a recommendation to City Council for a final determination on June 28.

2021-12

Amend the Code of the City of Milford

Part II General Legislation Chapter 204 Taxation

Adds New Article VI – Monition Fees §204.14 Fees

City Manager Whitfield introduced Ordinance 2021-12, an amendment to the Taxation Chapter to allow for the collection of fees associated with monition activity. It will be back before Council on June 28 for a final determination.

EXECUTIVE SESSION

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

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;

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:47 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Councilmember Marabello moved to go back into open session, seconded by Councilmember James. Motion carried.

Return to Open Session

Council returned to Open Session at 9:08 p.m.

Councilmember Fulton moved to authorize the City Manager to take action as discussed in the Executive Session, seconded by Councilmember Marabello. Motion carried with no one opposed.

ADJOURNMENT

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

The Council Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
June 28, 2021

The City Council of the City of Milford convened in a Workshop Session by way of video conferencing on Monday, June 28, 2021 at 6:48 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr., and Katrina Wilson

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

COUNSEL: Solicitor David Rutt, Esquire

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See June 28, 2021 Council Workshop agenda and packet for additional information.

DMI Funding Request/Ladybug Festival

Mayor Campbell deferred to City Manager Mark Whitfield, who introduced DMI's outgoing President Peggy Reilly.

President Reilly stated this is her final DMI review with City Council. DMI bylaws only permit a two-year term for each President. However, she will be continuing as a member at large for one more year, following a two-year minimum of being off the board.

President Reilly then thanked everyone in the City for their support while she was President. She wanted to introduce Yanelle Powell tonight, who will become the new President though she was not in attendance. James Robb will be the new Vice President. She wanted one of her legacies to be bringing in new young people and a lot more diversity into Downtown Milford. She believes that has been achieved over the past year or two and is anxious to work with this group.

Incoming President Powell will be in attendance for DMI's next update to ensure City Officials have an opportunity to become familiar with her.

President Reilly met last week with the City Manager, Sara Pletcher and IACP Fellow Melody Barger and they asked her to provide a brief overview before discussing the Ladybug Festival.

President Reilly reported the following:

She began her term in July 2019, working on grants and other needed items. She was working with Trish Gerken and then the Covid pandemic hit. The past fifteen months were more focused on Covid and the businesses and not so much the Downtown Milford organization. Many zoom meetings were held as they worked with the State to acquire PPE equipment and assist businesses with online ordering and getting monies to help them survive.

She is pleased to share they did not lose any of the downtown businesses and instead gained two in 2020. Cookie's Paper Petals opened on Southwest Front Street was one. Since then, they have become almost world-renowned. Their owner, Anastasia Jackson, is also on the DMI board.

CBD Supply LLC also opened and is a neighbor of the paper petal business.

They have been fortunate to keep all their businesses during the pandemic. They are now focused on the future of the organization, as well as bringing back events to the community. They also held a well-attended DDD workshop led by Dan Bond.

Third Thursdays have restarted and have been very successful. The Farmer's Market continues as the oldest farmer's market in Delaware. According to Ms. Reilly, it is vibrant and robust again this year.

DMI also received its Main Street accreditation for 2021.

They have a board member, that is very familiar with social media and does marketing for her present employer. She will be taking over all DMI's social media outlets, which is essential because that is one of the duties the executive director handles. She pointed out it is time-consuming, particularly if the person does not have the experience and background. This will help the executive director focus more on grant writing, work with businesses, and concentrate on downtown events.

Again, DMI is searching for a new Executive Director. Unfortunately, they have had a series of directors leave during the past three years. One left to retire, Ms. Gerken accepted a position with the school district, and the last one had a personal situation at home that prevented her from staying.

The Executive Director is typically a three to five-year position, but DMI does not have the money and health benefits to offer someone to stay long-term and grow into something more significant. However, they are hoping to find someone that will stay on for at least three years to help the organization move on and do better things for Downtown Milford.

President Reilly recalled that in 2020, City Council requested the money be returned when the festival was canceled. They are excited to bring it back again in 2021 with twelve different venues. There will be approximately 35 artists, food trucks, and vendors.

At first, it was planned in the park because they were still dealing with Covid. But the State of Delaware will be reopening on July 13, and they intend to bring it back to Walnut Street like was done two years ago. Because they will be using the daylight this year, they recommend the restaurants and taverns have 'a Ladybug After Party'. That means attending and staying out, having dinner, and enjoying the music at the different restaurants and taverns in town. The purpose is to make it an all-day and all-evening event.

Once again, DMI is requesting the \$30,000 though they will continue to look for sponsors. If able to get sponsors this year, that money would go toward the Ladybug Festival next year.

Ms. Reilly recalled asking for the money two years ago, after a very successful Ladybug Festival, at which time Council was highly excited. They want to do that again, encourage people to come back to Milford, be enthusiastic about reopening, and help the downtown businesses. That is the reason they are asking for the \$30,000.

Councilmember Boyle recalled that there was a question of timing last year and asked when the money was needed; Ms. Reilly said by August 1st. They gave Gable a deposit last year and will need to pay them by that time.

Councilmember Wilson commended Ms. Reilly and DMI for their work and especially for trying to make DMI a diverse organization. That will only help and enhance different events for the City of Milford. She noted there has always been difficulty in pulling in other groups, and she commends her on hiring a more diverse staff.

Ms. Reilly reported that these volunteers came in, and DMI asked them to join the board. She added that when she met with City Manager Whitfield, Economic Development Coordinator Sara Pletcher, and Parks and Recreation Director Brad Dennehy, they felt the Bug N Bud Festival had pretty much run its course. They then began to discuss doing an international festival for next year.

In July, she plans to present that to the board and has brought it up to the Promotions Committee and believes it will help diversify Downtown Milford. Ms. Reilly agrees it would bring a lot of different people to a festival and looks forward to working on that.

Councilmember Marabello concurred with Councilmember Wilson's comments. He mentioned his six years working with DMI during its relative infancy and finds it a joy to see what they've done over the years. He again thanked Ms. Reilly for her contributions.

Mayor Campbell emphasized the great job President Reilly has done and the time she had devoted to DMI and looks forward to seeing her with her golf group on Tuesday mornings.

When asked if the money was carried over from last year, Mr. Whitfield explained that \$60,000 is currently budgeted for community festivals.

There being no further questions, the Workshop Session concluded at 7:00 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

The Council Workshop concluded at 7:29 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 28, 2021

The City Council of the City of Milford convened their regular meeting by way of a video conferencing website on Monday, June 28, 2021. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr., and Katrina Wilson

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

COUNSEL: Solicitor David Rutt, Esquire

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See June 28, 2021, Council Meeting Agenda for additional information.

CALLED TO ORDER

Mayor Campbell called the meeting to order at 7:20 p.m.

INVOCATION AND PLEDGE

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

PUBLIC HEARINGS

City Engineer James Puddicombe was in attendance to present the applications in the absence of the Planning Director.

ORDINANCE 2021-09

Application 2021-19/Milford Plaza SPE, LLC

Located at the northeast corner of Route 113 and Route 14 on 21.4 +/- acres of land

Application Type: Conditional Use – Comprehensive Sign Plan

Comprehensive Plan Designation: Commercial

Zoning District: C-3 (Highway Commercial District)

Present and Proposed Use: Shopping Center

Tax Parcel: MD-16-183.09-01-04.00

Engineer Puddicombe reviewed the application included in the packet. The public notice was published in the Milford Beacon on May 26, 2021 with all property owners within 200 feet of the subject parcel mailed a copy of the public notice for this evening's hearing.

The Planning Commission recommended approval by a vote of five to one at the June 15, 2021, Planning Commission public hearing.

Councilmember Marabello asked the reason for the one objective on the Planning Commission; Solicitor Rutt said the Commissioner felt there were already enough signs at this location.

Councilmember Boyle asked if pad sites are individual stores in the Plaza or those on separate concrete slabs. Engineer James said the slab sites are the individual buildings toward the front, such AT&T, Starbucks, Chick Filet and Applebees.

Councilmember Boyle pointed out there are presently seven signs out there, and this will make eight. And if we are hearing comes to fruition, there will be two significant additions to that strip center. National stores probably want their own sign; he then asked at what point does it become too many.

He emphasized this is only a comment and is throwing it out for discussion. But he would hate to see sign after sign after sign up and down Route 113.

Mr. James Grant stated he is a representative of Tsionas Management, the owners of Milford Plaza LLC. It is necessary to move Sherwin Williams to the old Sears Store. One of the requirements of Sherwin Williams is to have a dedicated sign. His concern relates to the major stores---Aldi and Marshalls would go on the big sign by Hardees. It may also go on the sign pole used by Starbucks.

There would not be a new stand-alone sign and is a request from Sherwin Williams, and if they do not move, Aldi Grocery Store will not come to Milford. Then Marshall's Store will not come either.

The owners are paying to move Sherwin Williams and their fit-out. They are already in the lease process with Aldi, who plans to go into the previous Sav-A-Lot and current Sherwin Williams site. They were told that Marshalls just started expanding and this is taking it one step at a time.

Councilmember Boyle thanked Mr. Grant, adding that he understood the point.

Councilmember Marabello confirmed the monument sign is 10 feet high and 12 feet across. He noted there is no kind of planting in front of that sign. Mr. Grant emphasized this only a stand-alone sign. However, there is a lot of landscaping on site.

When the Starbucks and the Valvoline buildings were constructed, the amount of landscaping far exceeded what was required.

Mayor Campbell asked the question of the Marshalls store and Mr. Grant said it will fill the entire Peebles store or 32,000 square feet.

Councilmember Culotta said he could see the domino effect of the decision. He appreciates Councilman Boyle's concern of being inundated with signs, but that is a commercial area and sits on a highway. Many of your better brands want things like this, and Sherwin Williams, speaking for himself as a contractor in Milford, is a vital store. He thinks Council needs to consider what is necessary for these businesses.

Solicitor Rutt warned that the discussion will take place after the motion is presented. Councilman Culotta asked if that is the case, why does Council speak before the public; Solicitor Rutt said Council should not. Councilman Culotta said so we are not following Robert's Rules of Order and discuss this first.

Solicitor Rutt said that Council needs to listen to the application/applicant and comments. Then Council has free rein to talk and discuss what part of the record was. After the applicant completes their presentation, anyone wishing to speak in favor of the application may speak, followed by anyone in opposition. Then Council can discuss, make a motion and proceed from there. But Council needs to listen to the entire presentation, pro and con, before any opinions are expressed.

Mayor Campbell announced he was having a problem with his computer and turned the meeting over to allow time to set up an additional computer to participate.

Vice Mayor James filled in temporarily until Mayor Campbell could return to the meeting.

The Vice Mayor noted we have heard from the applicant's representative and is now opening the floor to public comment.

Nina Pletcher of 438 South Walnut Street asked where the Sherwin Williams sign presently exists and is it part of the big sign in front of Hardees. City Engineer Puddicombe referenced the drawing in the packet.

Ms. Pletcher noted that because they are not changing their location, why is it being moved from the large sign. She understands the domino benefit of obliging them, but because it is already in place, why is there a need to create a new sign. If she is looking for Sherwin Williams, she will drive up and down the center until she finds it.

Mr. Grant explained that because Sherwin Williams is in a lease and the owner is asking them to move, there is no clause because they did not want a clause in the lease for relocating their stores. He said the guy says he is working on ten stores that must be relocated. They go to the landlord and ask for everything. For instance, the owners usually do not touch the façade or front of a store. But in this case, they require the entire facade is in they asked for everything so, for instance, the front of the sears is not usually touched. In this case, the entire facade and fit-out inside the store must be done. This is a condition in the LOI as part of the move. If the landlord does not give them what they want, the store is able to say they will stay at their current site. If that happens, the new stores will not come in.

He said Marshalls is not guaranteed, but they have received a real positive response because they want to be in a Center with an Aldi, a Planet Fitness, etc. Plus, there is no competition anywhere near Milford for a clothing store. They are requesting the sign be in front of their store so that people know exactly where to find them.

Ms. Pletcher said she is confused about the sign on Route 113 versus on the façade. Mr. Grant explained they want both—a stand-alone sign on Route 113 and in addition, the sign on the building be moved to their new location on a new façade.

When Vice Mayor James asked if there was anyone else that wished to speak, no one responded. Vice Mayor James then closed the floor to public comment.

Councilmember Marabello asked if separate signs will be requested when the other two prospective stores come on board; Mr. Grant confirmed that is correct, and they will be added to the main board because they will be anchor stores.

Mr. Grant said that is another point. The sign is like a chess game. There are certain spots on the side where these stores want to be. More than likely, the Aldi sign will replace the Gorman sign. There is no way to move the signs because those locations are spelled out as part of the LOI and the leases.

There are two big signs (including the Gorman sign) that will be available to be used most likely by the anchor stores.

Councilmember Fulton said that one of the things that people wanted when they lost Sav-A-Lot was another food store. When Milford lost Peebles, and then Gormans, they wanted another clothing store that was accessible. He feels this is important to the citizens of Milford and should focus on what they have previously asked for.

He feels they should be recognized from the street so that people coming into the shopping center know where to shop and the stores can earn money to stay in business. Councilmember Fulton is not saying there is a need for signs everywhere like Rehoboth and Lewes, but this is in a commercial area and an appropriate request.

Councilmember Morrow said he agrees with Councilmember Culotta and Fulton. Milford has been fighting the battle to get some box stores and businesses. It was noted there is no clothing competition and Aldi's is an up-and-coming store and believes this is all good news.

In his opinion, this can work and send a message to other businesses that they might move to Milford.

Councilmember Wilson agrees with Councilmember Fulton and Morrow. She could barely contain herself with the thought of Marshalls and Aldi coming. She is pleased that Sherwin Williams has agreed to move further down. Because of that, she feels there is a need to accommodate them with whatever they need. She is just happy to have had Sherwin Williams all those years. And happy there will be some new stores that fill those vacant spaces.

Councilmember Wilson is excited about that and thanked Mr. Grant for his work.

Councilmember Boyle is like everyone else and is very happy to see these coming. It upgrades the shopping options in Milford. It also upgrades Milford Plaza itself, and he would hate to see it distracted by being overburdened with some signs.

So he is in favor of it but would also like to see the kind of attention given to the face of the Plaza, which will attract people rather than just be a clutter.

He also knows it is an expense upon the owner, but perhaps it needs to be looked at as part of the signage and how your Plaza is displayed to the public. In attracting its stores, we want to attract shoppers, but we also want the place to look nice. His only concern is that it becomes an overwhelming overload on the eyes. He agrees with everyone else and is something we need. He already hears comments from people about the prospect and understands the situation that Mr. Grant explained.

Councilmember Culotta feels there is a need to remember that shopping centers have a finite life and believes the average is ten years for the life of a shopping center. Anchor stores in shopping centers are the lifeblood. Without the anchor, a shopping center dies. We have the Plaza and then years after that, they built Roses across the street where Ace Hardware and those stores are now. Then we built where Walmart was up north. They tend to pull from each other, but when there's anchors, they attract and are the primary reasons that many shoppers go. The smaller businesses could benefit by keeping those shopping centers looking good, up to date, relevant.

He thinks we cannot forget that and say well, we don't want to see a sign, so we're not going to do this. Therefore, Sherwin Williams says we don't have to move according to our lease and will stay right where we are. They're willing to discuss that but they are asking and he thinks it is ok. He said if everybody read the packet, you saw the different signs that are out there. He thinks its okay and we are not inundated yet.

Like Councilman Culotta said before, this is in a C-3 zone. It is not downtown and is not in the middle of a residential area, and instead is in a commercial zone. These discussions can show our desire to be business friendly or not.

Mayor Campbell returned to the meeting. He said Milford needs the Marshalls and Aldi and does not believe we should not be nitpicking about a sign right now. The whole center needs to improve and there are so many people moving in and out, he thinks the Marshals and Aldi will be a huge benefit for the City.

Councilman James said his constituents have been asking when they are going to see more options for shopping there. Whether it is food or clothing, just more retail in general. He thinks it is a welcome to fill those empty stores and give them what they want.

He said to Councilman Boyle's comments, they want places to choose, where to shop for food, and more clothing options and they are having to drive out of town. To sacrifice by allowing an additional sign to create new businesses willing to accommodate movement for growth, he believes is a win-win.

Councilmember Marabella said he can understand Councilman Boyle's opinion. We can have business friendly strip centers and still be beautiful. The fact that they're going with a monument sign minimizes the effect of having unlimited pole signs. He agrees it is a win-win situation to everyone.

Councilmember Baer agrees with all the comments that have been made. He thinks it is great to have Aldi and Marshalls coming to town and believes everyone will really appreciate having those businesses here. He is all for it.

Councilmember Fulton moved to adopt Ordinance 2021-09 to approve the conditional use for a Comprehensive Sign package, seconded by Councilmember Wilson. Motion carried by the following unanimous vote:

Wilson: Vote yes, it is a benefit to our town, to our residents and the signage is trying to satisfy the needs of Sherwin Williams and the inconvenience of having them move. But let's just give them what they require so everything else will fall in place.

Fulton: Votes yes. The sign is something that Sherwin Williams has asked for in order for them to help the shopping center grow and help the citizens of Milford to have more choices. It will also bring more jobs to the area as well for economic growth so yes.

Marabello: Votes yes and the fact that they going with a monument sign will minimize the appearance that could be distracting and it's a win-win and he welcomes those two stores.

James: Vote yes. The sign request from Sherwin Williams is a small sacrifice for the overall growth of the shopping center and to provide the requested shopping avenues for the citizens of Milford.

Boyle: Votes yes, it complies with the comprehensive sign use ordinance it is a way. Everybody agrees it is a win for the City and for the citizens who are looking for options. This will open up a couple of other pad sites and there is still potential for others to come in.

Baer: Votes yes and looks forward to shopping at all three of the mentioned businesses.

Morrow: Vote yes, based on everybody's comments and the fact that Planning and Zoning also approved it.

Culotta: Votes yes, it is a fair ask by Sherwin Williams and I think we should accommodate it. I am excited about what is going to go on with Milford Plaza and what it means to Milford.

ORDINANCE 2021-10

Application of Limitless Development Company, LLC on behalf of Milford Marina Enterprise LLC for the Final Major Subdivision (Phase I Only) of 25.80 +/- acres of land, in an R-3 (Garden Apartment & Townhouse) Zoning District to be known as Knight Crossing. Property is located south of Cedar Beach Road, east of Beaver Dam in Road and west of Route 1, Milford, Delaware. Present Use: Vacant; Proposed Use: Planned Unit Development. Tax Map: 3-30-7.00-035.00, 036.00 & 037.00 (portion)

City Engineer James Puddicombe reviewed the Ordinance 2021-10. He noted this will be for phase one only. Phase one consists of 24 single-family detached dwellings. The remaining phases would be approved at a later date.

The public notice was published in the Milford Beacon on May 26, 2021. All property owners within 200 feet of the subject parcel were mailed a copy of the public notice. The Planning Commission recommended approval upon unanimous vote at the June 15, 2021 meeting Public Hearing.

He noted that the preliminary major subdivision conditional use was approved by City Council on February 24, 2020. There is a planned unit development associated with the application.

Stephen Gorski, PE, of Duffield Associates, Wilmington, Delaware, was present on behalf of Milford Marina Enterprises. He noted that Mr. Puddicombe provided a nice summary of the project and includes the first 24 units on the overall master plan project.

It is zoned R-3 and they 24 units are part of the PUD that consists of the initial phase one single family condo units.

Project Manager Gorski confirmed that they have received approval from DELDOT, Fire Marshal and the Sussex Conservation District for the sediment control plans, and the engineering conditional approval on an agreement being executed for the pump station that this project drains to. They are ready for approval from City Council to proceed forward.

Mayor Campbell then opened the floor to public comment. No one responded and the floor was then closed for comments.

City Manager Whitfield said that is currently being addressed by the Planning Commission in the update to the Zoning and Subdivision Codes.

Councilman Fulton asked the groundbreaking date for the 24 units. Project Manager Gorski said that is a question for the owner who is not in attendance tonight, they are working with the Estate of Wayne Knight who passed away to years ago, and has slowed things down somewhat.

He also confirmed that those these units are technically condominiums, they are detached single-family condominiums. The structure will be completely owned by the purchaser. All the land will be common space, some with limited common elements such as the backyard. The remaining land and property will be maintained by the HOA with the roads eventually becoming public roadways.

Councilmember Boyle moved to approve Ordinance 2021-10 and the final major subdivision approval of Phase 1. Councilman Morrow seconded the motion (see packet for complete ordinance):

NOW THEREFORE BE IT RESOLVED, by the City of Milford:

In accordance with Chapter 200 of the City of Milford Code, the City Council hereby finds and determines, as follows:

Section 1. The Final Major Subdivision Plan is consistent with the objectives, policies, general land uses and programs in the City of Milford Comprehensive Plan, Subdivision and Zoning Codes, in that it establishes obligations and conditions for the implementation of the Knight Crossing Project;

Section 2. The Final Major Subdivision Plan is in conformity with public convenience, general welfare and good land use practice;

Section 3. The Final Major Subdivision Plan will not be detrimental to the public health, safety and general welfare of this community;

Section 4. The Final Major Subdivision Plan will not adversely affect the orderly development of adjacent properties and will maintain the preservation of property values.

Section 5. Dates.

City Council Introduction: June 14, 2021

Planning Commission Review & Public Hearing: June 15, 2021

City Council Public Hearing: June 28, 2021

Effective: Ten Days Following Adoption by City Council

Motion carried by the following unanimous vote:

Wilson: Votes yes to approve based on the Planning Commission as well as the approval by the other agencies.

Fulton: Votes yes for the final subdivision of Phase One only with the 24 single family condo units. It is well within the usage as laid out by the comprehensive plan and it will afford some more housing to hopefully the large economic boom and more personnel coming into Milford to live.

James: Votes yes based on the recommendation of Planning and Zoning.

Boyle: Votes yes. This is a refinement or modification of the plan that was presented about a year and a half ago. He commends the developer for doing that and basically, going back and relooking at the plans to adhere to what was objected to on setbacks. He likes it, the design, the layout and votes yes.

Baer: Votes yes, based on the recommendations from the Planning Commission.

Culotta: Votes yes, based on the recommendations from planning and he also agrees with Councilman Boyle's comments about the developer accommodating the request last time this came in front of us.

Marabello: Yes, based on the planning board decision and also it's a nice addition to the City's housing.

Morrow: Votes yes in accordance with the recommendation of Planning and Zoning and he is glad that the area of the old marina on Route 36 is starting to get developed. It is a beautiful area and is glad the developer took it on for the City of Milford.

ORDINANCE 2021-12

Amend the Code of the City of Milford

Part II General Legislation Chapter 204 Taxation

Adds New Article VI – Monition Fees §204.14 Fees

City Manager Whitfield shared that Ordinance 2021-12 is an amendment to the City Code that will allow the City to collect fees and charges that relate to monitions and was introduced two weeks ago. Since that time, a chart of fees was added at the recommendation of the Solicitor. The chart of fees was removed because they differ from property to property. As a result, the ordinance simply allows the City to collect any fees incurred during the process of carrying out the monitions.

He introduced Customer Service Accountant Suzannah Frederick who asked if Council has any questions. There being no questions from Council, Mayor Campbell opened the floor to public comment on the proposed ordinance. With no response, Mayor Campbell closed the floor to comments.

Councilmember Marabello moved to adopt Ordinance 2021-12, amending the City Code Article VI and allowing for monition service fees, seconded by Councilmember James (see packet for complete ordinance):

A final draft of Ordinance 2021-12, as amended on June 28, 2021, shall read as follows:

§204.14 Fees

Sec. 204.14 Fees - Collection fees for delinquent taxes, sewer service charges or code enforcement fees.

- A. For any monition action commenced by the City Manager or his or her delegee on behalf of the City of Milford for the purpose of collecting delinquent taxes, utility service charges, code enforcement fees, or any other cost, fee or expense authorized by the City of Milford Charter or the Milford City Code to be assessed against real property, the Finance Department shall additionally assess against the delinquent property all reasonable attorneys' fees and costs incurred to collect the delinquent tax or assessment, which additional fees and costs shall be collected as part of any monition sale conducted by a Sheriff, constable or other authorized official of the State of Delaware.*
- B. If delinquent taxes or other assessments permitted by the City of Milford Charter or the Milford City Code are collected prior to a monition sale conducted by an authorized official of the State of Delaware, all reasonable attorney fees and costs incurred for the collection of taxes or assessments to the date of payment, plus such costs as may be necessary to fully satisfy any court filings to date, shall be collected as part of the payment due to the City of Milford. If the Finance Department incurs any costs in the collection of delinquent taxes, utility service charges or code enforcement fees that are not wholly covered by the fees referenced in Subsection 204-14(A), the Finance Department shall levy a charge against the property in the full amount of those costs, plus a fee of \$100.00 (one hundred dollars) to cover direct and indirect costs of administration.*
- C. For any monition action not commenced by the City's Finance in order to collect delinquent taxes, utility service charges or code enforcement fees, the Finance Department may assess against the property reasonable attorney's fees and costs, as determined by the Director of Finance in consultation with the City Manager. In addition to the fees and costs set forth above, all costs or other fees charged by the City Solicitor, Kent or Sussex County Sheriff, the Prothonotary, or by the clerk of any court for the filing, service, satisfaction, or any other activity in a monition action relating to the collection of taxes, utility service charges or code enforcement fees may be assessed against the property.*
- D. When an action to collect delinquent property taxes is filed in a court of appropriate jurisdiction, the fee as provided for in §204.14 shall be added to the amount due.*
- E. The fees established by this section shall be in addition to court costs and service fees assessed by state or county offices, but in no case same fee shall be duplicated.*
- F. Methods of collection. The Finance Department shall have the power to employ, in the collection of the property tax, all rights and remedies granted the City for the collection of real property taxes as set forth in the Charter of the City of Milford, Article VII. Taxation, Assessors and Assessment of Taxes.*

Dates:

City Council Introduction: 06/14/2021

Amended: 06/28/2021

Adoption: 06/28/2021

Effective Ten Days following Adoption

Motion carried by unanimous vote, with no one opposed.

RECOGNITION

New Employee Introduction

City Manager Whitfield introduced Melody Barger, our newest ICMA Fellow. Ms. Barger started in early June and is originally from Columbia, Maryland. She graduated from James Madison University with a Bachelor Degree in Public Policy and Administration and a Master's Degree in Public Administration.

He noted the Fellow position is shared with the City of Lewes, as was done in the past.

Ms. Barger thanked Mayor and Council noting that she is very excited about working with the City of Milford.

Finance Director Lou Vitola then introduced Lucas David and Christina Buckler.

Christina began her employment two weeks earlier as a Billing Clerk with the Customer Service Team. She was an Office Manager for an engineering firm for the past eight years and worked in accounting for an industrial supply company prior to that. She brings an arsenal of skills from accounting and working capital management to inventory/compliance from high tech firms, which will shorten her learning curve with the City's meter to cash process technology.

Lucas David began his employment today. He also joins the Customer Service Team as the second new hire in June. He will be a Customer Service Representative, where he will shine due to his more than seven years in the hospitality industry. Director Vitola congratulated Mr. David for maintaining a 4.0 GPA while achieving an Associate Degree in accounting which he plans to parlay into a Bachelor's Degree. It was his customer-first empathy-driven service style that really got our attention.

Customer Service Accountant Suzannah Frederick added that after the whole Covid pandemic issue, it is really great to have almost a full staff. Christina is already making adjustments on accounts and is learning things very quickly. Today, Mr. David picked up everything very fast and he is already posting payments.

Ms. Buckler said she is pleased to meet everyone and hopes for a great meeting.

Mr. David thanked City Council, the HR Administrator, Finance Director, and Ms. Frederick for giving him this opportunity to work for the City of Milford, stating he is excited to continue his career here. He is also looking forward to working on his Bachelor's Degree at Wilmington University in Dover this fall.

COMMUNICATIONS & CORRESPONDENCE

Insurance Company Update

City Manager Whitfield reported to Council that the City received word from our insurance broker that we will be changing insurance companies beginning July 1, 2021.

Finance Director Vitola stated that this year, the broker was asked to do a full pricing analysis on the insurance coverages of the general liability, auto, property casual, etc. The health insurance is through the State of Delaware, and workman's compensation is with the DFit program with a September 1, 2021 renewal.

One of the reasons for the quote was the signals received from our current carrier, Selective. This was due to the increase in claims over the past couple of years and to expect a much higher renewal or the possibility of not being renewed. That is why we went to the market, and through a long process, we are still not bound yet. We were able to have Selective bid on all lines but also received a quote from Travelers and Trident, run through a brokerage firm called SIP, whose manager oversees the DFit program.

Based on those signals, a 14% increase was budgeted into our premiums over the expiring premium costs in Fiscal 2021. Selective was at a 13.6% increase and Travelers at a 17.2% increase. They put together a great proposal and spent hours with staff going through some of our risks and even some of the City's operations. They had some great things to offer as a result, but the premium quote was high.

The Trident quote was the lowest of all at an 8.2% increase.

He explained it is not always feasible to go with the low bid in insurances. There are nuances, coverages, claims management service, and other items to consider. But in this case, DFit and SIP had the low bid and some positive intangibles and benefits that should benefit the City of Milford.

Most importantly, are the separation of the EPLI (employment practices liability insurance coverage). It is written separately from the public officials' liability and is a combined limit in the current program. This has two separate limits, which are basically double the coverage. Also, the umbrella coverage SIP in the Trident program is on top of each of the individual underlying coverage lines. Usually, the umbrella is an aggregate limit that covers all insurance lines. Once that large amount is consumed, it is no longer available for another line.

For example, if there is a catastrophic auto claim that consumes all the umbrella coverage, it is no longer available for any other line. But that is not true with this program and instead, we have the luxury of a \$5 million umbrella package that sits over top of auto, the public officials liability, and general liability.

Director Vitola explained it is an unusual benefit that he has not seen.

Other obvious benefits include working with our municipal peers in Delaware and getting scale in terms of brokerage fees, etc.

He is working to get the documentation together to get bound on July 1, 2021. He will move forward from there with an attractive insurance package that improves our coverages and premiums and are in line with the budget.

When asked if we carry flood insurance and if any of the policies are multiple years, Director Vitola verified they are all one-year terms. For example, the cyber liability was a two-year renewal at one point, but last year became a one-year renewal. He also believes we have flood insurance as part of the property lines for any areas that are outside of any floodplains but will need to follow up on the applicability of the flood coverage in 100% of the City-owned properties.

Nor is he aware of the specific properties in low-lying areas other than the police station just under the current project.

Councilmember James said this is welcome news, and he is glad to hear of the favorable outcome. He asked when the last time it went to market. Director Vitola is unsure though he recalled a year when the City switched from Travelers having the whole package, to DFit for the worker's comp and Selective for the commercial lines. That may have been the last year it was fully shopped.

Councilman James said a couple of Council have some experience in this industry and they recommend it be done at least every three years to five years.

If the premiums don't improve, the City could end up with better coverage, though it is possible to get both.

Chamber of Commerce Legislators Luncheon

City Manager Whitfield referenced the invitation to a Chamber of Commerce Legislators Economic Development luncheon on Wednesday, July 21, 2021, directing anyone interested to contact City Clerk Hudson.

UNFINISHED BUSINESS

Authorization of Funding/DMI Ladybug Festival

Mayor Campbell referenced the report given earlier by DMI President Peggy Reilly and asked for a motion on the request.

Councilman James confirmed this is only for the \$30,000 for the Lady Bug Festival itself.

City Manager Whitfield verified this only involves the Lady Bug funding.

Councilmember Fulton moved to authorize the use of \$30,000 of the budget amount for community events for the DMI Ladybug Festival, seconded by Councilmember Baer. Motion carried by a unanimous vote.

Council In-Person Retreat

City Manager Whitfield recalled the Council Retreat being rescheduled several times. Due to the pandemic, we continued to hold off on having an in-person retreat. Having things lifted by the middle of July should open this possibility.

The moderators are anxious to present to Council and work with the City to come up with a retreat that will be to Council's liking and update the City's strategic plan. He is currently looking for dates in late August or September on Saturdays and asked the preference of Mayor and Council.

It was agreed that August is not a good time and September would work better later in the month. More information will follow.

NEW BUSINESS

*Davis, Bowen & Friedel, Inc. on Milford Ponds Phase 3
Preliminary Plan Approval One Year Extension Request
Tax Parcel 1-30-3.00-264.00*

City Engineer Puddicombe explained this is a request for an Extension of the Preliminary Major Subdivision approval for Phase Three of Milford Ponds. Milford Ponds, is part of a planned unit development (PUD) and the applicant is on the telephone to present the one-year request extension for the Phase Three portion of the plan. The initial approval occurred on June 22 2020. This phase involves 52 single family detached dwellings.

The City Engineer reported the applicant has been submitting construction plans for review and the most recent set of comments is included in the packet.

When asked who was present to represent the request, no one responded.

Mayor Campbell attended the owner's meeting last week and he is hoping that a lot of the complaints will be addressed with the changes agreed to. Mr. Puddicombe said he does not believe they have necessarily postponed Phase 3. It is only a separate item working through the review process and is based on the amount of construction work/review needed.

Councilmember Fulton stated that he prefers having the matter postponed without a representative of the developer.

Councilmember Fulton then moved to postpone action until a representative can appear before Council to represent the development and answer questions, seconded by Councilmember Baer.

Councilmember Morrow questioned if the first approval will expire if it is delayed; Solicitor Rutt explained that having made the application prevents any deadline problems. Voting at a later date would revert to the original deadline.

Councilmember Culotta expressed concern that because the City Planner is not in attendance. In his opinion, this is a simple one-year extension, and does not feel it is necessary to have anyone from Milford Ponds be present. He thinks it is being made much more complicated than needed.

Councilmember Fulton disagreed, stating it is not complicated for a developer to ask for a one-year extension on a plan and ask for Council's blessing for another year to appear before Council and asks. Councilmember Culotta said that is his point and when it was submitted to the Planning Office is the point the developer asked. After that, it is the duty of the Planning Director to explain the request.

Solicitor Rutt added that PE Tim Metzner was in attendance at the Planning Commission meeting to explain the basis for the extension.

When asked if Mr. Metzner was told there would be a Council meeting in which he had to appear, Councilmember Culotta said no one knows that.

The matter failed by the following vote:

Wilson: Votes no she does not agree with the motion.

James: Votes no and does not think it is a requirement that the applicant be present and if it was, and if it was, Council would need to talk about that and votes no.

Boyle: Votes no, adding that in the past, once the applicant has submitted the application, then the request for the year has been granted. This is not an unusual or outside the norm.

Marabello: Votes no and concurs with Councilmember Boyle and heard it was recommended by the Planning Board.

Culotta: Votes no simply because this is straight forward and they were in front of the Planning Board and Council does not know if the applicant was instructed to be in front of Council or not and he votes no.

Baer: Votes yes and thinks they should be present and should not be a big deal for them.

Morrow: Votes no and concurs with Councilmember Culotta.

Fulton: Votes yes and from his background on the Planning Commission it was always very important to hear from the applicant who is submitting the request and the reasons for the delay. That is needed in order for the Planning and Zoning Board to make a decision based upon what they were doing. He feels as a Councilmember, it is just as important, if not more so, that Council hear the reasons before making a final decision and the reason he still votes yes.

Councilman Boyle made a motion to approve the request, stating this is very common among developers and he does not believe it is outside the norm. They have a reason to request it and this a project that has been ongoing and not like some projects that have been stalling for twelve years. Motion seconded by Councilmember Morrow. Motion carried with two dissenting votes from Councilmember Baer and Councilmember Fulton.

Adoption/Resolution 2021-10/Reimbursement of Expenditures Associated with Police Station Project

City Manager Whitfield explained that whenever a bond project is ongoing, a reimbursement resolution is done that allows the City to reimburse itself once the proceeds from the bond have been approved.

Finance Director Vitola reiterated that the resolution was drafted by City Bond Counsel and is very routine. The need arises out of US Treasury regulations, and he strongly recommends Council consider and approve it so that the City is able to reimburse ourselves with the proceeds of the bonds.

It was noted that previous resolutions make it clear what can be paid and reimbursed, and some of the things include the purchase of the land and similar matters.

Director Vitola said that is correct. The two resolutions adopted by Council and the public's vote determined whether, how much, and what rates and for what purpose we can borrow the funding. This is required because some cash spending will happen first. Then the bonds will be issued and we can reimburse ourselves with the proceeds.

There are specific de minimis amounts and purposes or uses of the funding, such as engineering expenses and planning, preliminary expenses, and legal expenses, that are always reimbursable from debt. Otherwise, Council has to declare its intent to reimburse itself per the US Treasury regulations.

This has nothing to do with the other action already done and is a treasury regulation related to the prevention of arbitrage.

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

Councilmember James moved to adopt Resolution 2021-10 for the Reimbursement of Expenditures Associated with Police Station Project, seconded by Councilmember Boyle:

*RESOLUTION 2021-10
Reimbursement of Expenditures Associated with Police Station Project*

WHEREAS, the City of Milford (the "City") expects to issue a maximum of \$20,000,000.00 principal amount of its general obligation bonds or notes (the "Bonds") to finance the design, construction and equipping of a police station and to complete other necessary infrastructure improvements in connection therewith as well as other miscellaneous capital projects (the "Project");

WHEREAS, the City has paid and expects to pay certain expenditures (the "Reimbursement Expenditures") in connection with the Project prior to the issuance of the Bonds for the purpose of financing costs associated with the Project on a long-term basis;

WHEREAS, the City reasonably expects that certain of the proceeds of the Bonds will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, this Resolution is intended to constitute a statement of "Official Intent" pursuant to Treasury Regulation §1.150-2.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milford as follows:

- 1. The City finds and determines that the foregoing recitals are true and correct.*
- 2. In accordance with Treasury Regulation §1.150-2, the City hereby states its official intent that a portion of the proceeds of the Bonds will be used to reimburse itself for Reimbursement Expenditures. This declaration does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project.*
- 3. The City intends to reimburse itself for Reimbursement Expenditures through the incurrence of debt to be evidenced by the Bonds. All expenditures to be reimbursed will be capital expenditures (as defined in Treasury Regulation §1.150-1(b)) or certain other expenditures qualifying pursuant to Treasury Regulation §1.150-2(f).*
- 4. The maximum principal amount of the Bonds expected to be issued for the Project including to reimburse the Reimbursement Expenditures is \$20,000,000.00 including the costs of issuance of the Bonds, but exclusive of original issue discount.*
- 5. Once the Bonds are issued, the City shall allocate, or cause to be allocated, Bond proceeds to reimburse the Reimbursement Expenditures; provided that, except as permitted under Treasury Regulation §1.150-2(f), such costs to be reimbursed were paid not more than 60 days prior to the date hereof. Such allocation shall specifically identify the actual expenditure to be reimbursed and shall occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service, but in no event more than 3 years after the expenditure is paid.*

NOW THEREFORE, BE IT RESOLVED by Milford City Council, that Resolution 2021-10 is hereby approved and adopted this 28th day of June 2021.

Motion carried with no one opposed.

EXECUTIVE SESSION

Councilmember Wilson moved to go into Executive Session reference the below statute, seconded by Councilmember James:

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:22 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Fulton moved to go back into regular session, seconded by Councilmember Boyle. Motion carried.

Council returned to Open Session at 9:01 p.m.

Potential Land Purchase

No action is needed as a result of the discussion in the Executive Session.

ADJOURNMENT

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

The Council Meeting adjourned at 9:02 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder



2021 Excellence Award Winners



At the City of Milford, we like to recognize employees through our Employee Recognition Program. The Program objectives include recognizing and promoting positive behaviors that support individuals, groups, divisions and departments in achieving the City's mission, vision and values.

Nominations from peers, supervisors and customers are submitted to the Human Resources Department using the electronic Employee Recognition Nomination Form on the City's website.

Katrina White, Deputy City Clerk

Katrina was recognized for the extra hours she put into preparing and mailing approximately 2,400 letters (even on Saturday) for the police borrowing referendum on January 26th, fielding election questions, handling non-stop voter registrations and absentee ballots until 5:00 pm the night before, in addition to overseeing the complete set-up of the polling place and assuring all required documents had been prepared and items delivered to Public Works, all before 7:00 am on the day of the election.



Sandra Peck, Accountant

Sandra was recognized for her hard work in the execution of the FY22 Capital Improvement Plan and Operating Budget. She demonstrated excellence in teamwork and internal customer service. Both were approved unanimously by City Council and attest to the importance of Sandra's role in the process.



Victoria Love, Billing Clerk I

Victoria was recognized for going above and beyond to help to assist a controller of the developer and property management company for a new apartment project, Windward on the River, in Milford. She was proactive and effective in communication by making sure everything was properly set up which made life easier for everyone.



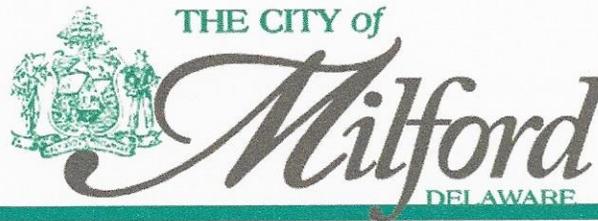
Denham Dodd, Network Technician

Denham was recognized for exhibiting performance excellence, teamwork, productivity and efficiency by assisting the Customer Service Division with software system outages, billing outages, firewall and FTP site interruptions/failures and much more.





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



400 NE Front Street
Milford Delaware 19963
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council
FROM: Kenneth L. Brown, Chief of Police 
DATE: December 8, 2021
RE: Activity Report/November 2021

Monthly Stats:

A total of 548 arrests were made by the Milford Police Department during November 2021. Of these arrests, 145 were for criminal offenses and 403 for traffic violations. Criminal offenses consisted of 46 felony and 99 misdemeanors. Traffic violations consisted of 50 Special Duty Radar, 5 Drunk-Driving charges, 348 others.

Police officers investigated 70 accidents during the month and issued 114 written reprimands. In addition, they responded to 1151 various complaints including city requests and other agency assistance.

Monthly Activities:

Throughout the month of November, participated in numerous conference calls and virtual meetings including the monthly State, Kent and Sussex Chiefs meetings, DPCC Meeting, City Council and Workshop meetings, and the bi-weekly City Manager's Meeting with Department Heads.

Attended Firearms qualifications held at Bridgeville Range on November 1, 2021.

Attended the monthly Rural Subcommittee Diversion/Co-Responder Workgroup held via Zoom on November 4, 2021.

Attended SALLE/EIDE meeting held via Zoom on November 9, 2021.

Attended The Delaware Police Accreditation Commission meeting held via WebEx on November 18, 2021.

Attended MPD IT/Security meeting in reference to the new police building on November 22, 2021.

Met with fellow Milford Senior Center Board Member in reference to matters related to the Senior Center on November 23, 2021.

New Hire Interview with police officer applicant held at MPD on November 24, 2021.

Training –

Three officers and the Mental Health Clinician attended CIT Crisis Intervention training held in Dover on from November 1, 2021 – November 5, 2021.

Social Media Update –

November statistics are as follows. Our Nextdoor posts during the month made 1267 impressions. Nextdoor reaches 1625 households in 15 neighborhoods according to statistics provided by the website. Our Facebook page has 11,003 likes. Posts during the month reached 85,653 people with 6,952 people actually engaging in our posts. On Twitter our Tweets made 5616 impressions and our followers are up to 1311. Our Instagram account is at 1665 followers and posts during the month were liked by 472 people.

SRO –

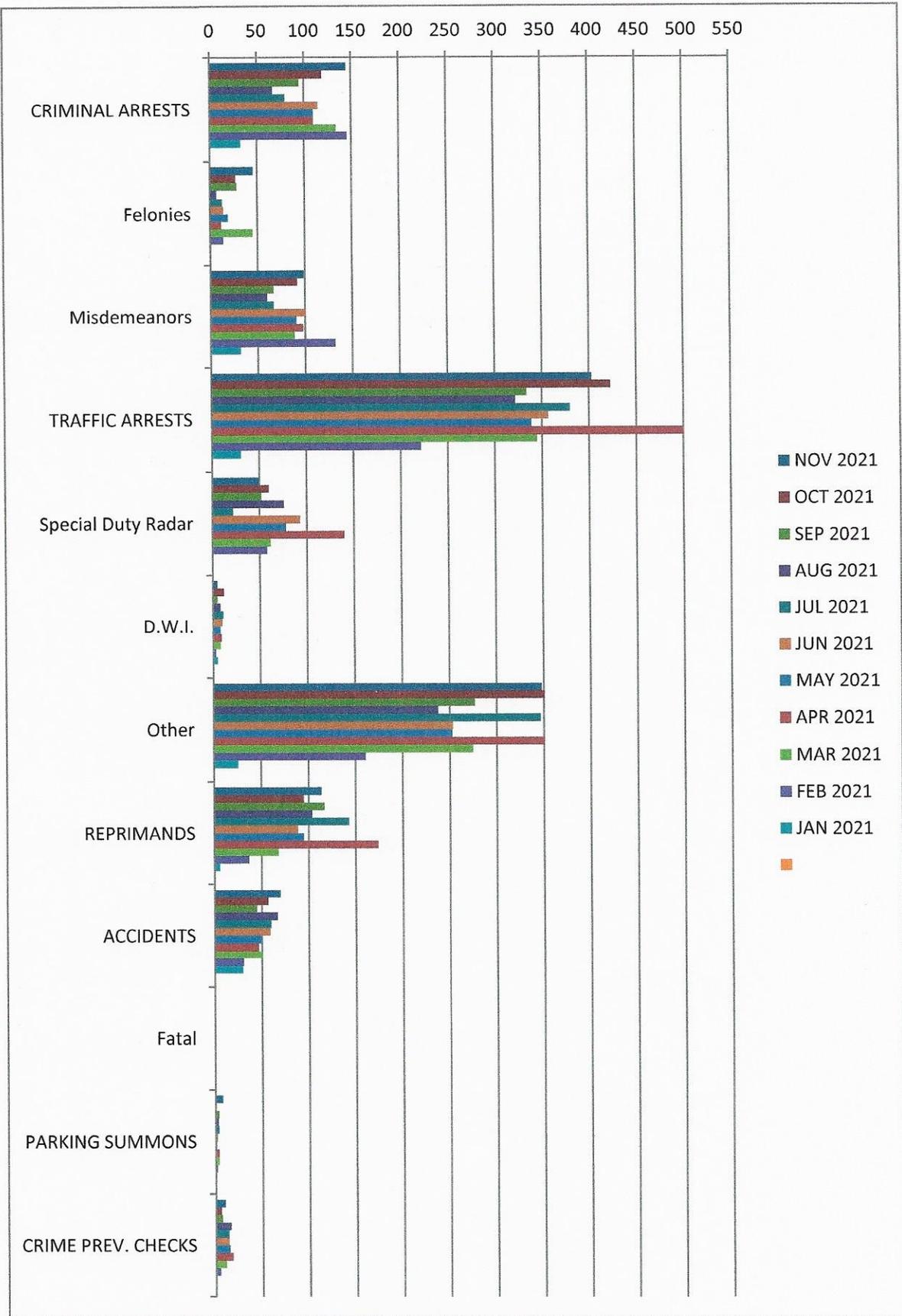
The Milford Police Department's Community Policing Unit was able to deliver 25 Thanksgiving meals to area families in need with the assistance of Mountaire Farms and Take My Hand Ministries. This annual initiative continues to be one of our most rewarding events of the year. We obtain names of families from our contacts in the community, Milford School District, and Milford Head Start.

K9 Unit –

For the month of November 2021, the Milford Police Department K9 Unit did not have any stats as K-9 Officer is out on FMLA.

NOVEMBER 2021 ACTIVITY REPORT

	NOV 2021	TOTAL 2021	NOV 2020	TOTAL 2020
COMPLAINTS	1151	12631	1173	10613
CRIMINAL ARRESTS	145	1154	128	1085
Felonies	46	226	15	175
Misdemeanors	99	928	113	874
TRAFFIC ARRESTS	403	3656	408	2918
Special Duty Radar	50	691	107	559
D.W.I.	5	84	8	59
Other	348	2881	293	2300
REPRIMANDS	114	1042	135	937
ACCIDENTS	70	567	62	354
Fatal	0	1	0	1
PARKING SUMMONS	8	33	14	57
CRIME PREV. CHECKS	10	116	3	100
FINES RECEIVED	\$10,434.44	\$ 58,975.25	\$6,468.46	\$66,667.01



Dates	Hours Worked	Meetings Attended/Hosted	Trainings Attended	# of NEW Contacts	New Contact Notes	# of Diversions from Arrest	# of Diversions from ER	# of Follow-Up's
November 1- November 5, 2021	51.25	N/A (Jenna Out of Office for CIT Training)	Crisis Intervention Team (CIT) Training = 40 hours	3	Referrals to Services: Disorderly call Overdose call	0	0	2
November 9- November 13, 2021	49.5	Delaware Community Development Network Meeting, Met w/ New Clinician Dantelle, Milford Advocacy for the Homeless Event	NASW COVID Social Work Training, Case Studies in Law Enforcement Encounters With Individuals With Autism Spectrum Disorders Training	10	Referrals to Services: Disorderly call 10-81 call Trespassing call Shoplifting call SUD call	1	1	11
November 15- November 19, 2021	54	Delaware Housing Alliance Meeting, Meeting w/ Brandwine Counseling's Support for Treatment and Recovery Services (STARS)	Trauma Victims Training, Mental Health Crisis Response: A Case Study in Reducing Arrests and Coordinating Care Training	11	Referrals to Services: 10-81 call Overdose call 10-10 call Check the Welfare call SUD call	1	2	7
November 22- November 26, 2021 OFF 11/25 & 11/26 - Thanksgiving	53	Kent/Sussex Community Response Team Meeting	N/A	15	Referrals to Services: Missing Person call 10-81 call Check the Welfare call SUD call	0	1	8
November 29- December 3, 2021	56.25	CORAS Wellness Meeting, Monthly Rural Subcommittee Meeting, Meeting w/ HMA Substance Use Disorder Needs Assessment, DE Housing Alliance Meeting	Crisis Intervention Models in Small and Rural Jurisdictions Training	16	Referrals to Services: Terroristic Threatening call Overdose calls Domestic Violence call	1	1	11
Totals:	264			55		3	5	39

Milford Police Department - November 2021 BHU Statistics
Jenna Haines, LMSW, MSW, DE-CMHS
Gregory Bisset, LCSW, C-AADC



MARK A. WHITFIELD, CITY MANAGER
201 South Walnut Street
Milford, DE 19963

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, City Manager
Subject: November Monthly Report
Date: December 10, 2021

- We welcomed Second Class Line Tech Ryan Evans and First Class Lineman Steven Porter to our electric crew this month. The new lineman has 17 years municipal experience with Middletown, and lives in Felton. We also have made an offer to a Third Class lineman who left City employment in May, but has asked to return to the City. With these two new additions, we are down one electric crew member, and the electric superintendent.
- We interviewed one candidate from Seaford and have a second interview next week for the electric superintendent position.
- We have hired Jon McDowell as a temporary employee that will be filling in for Jamesha while on maternity leave early next year. Jon is a retired HR instructor, and also worked for Bayhealth.
- DELDOT contractor painted crosswalks on SE 2nd Street this past week.
- Public Works crews continue to keep up with both refuse collection and leaf collection, despite the 4 vacancies. The new one-person operated leaf truck has made a tremendous difference in time of collection.
- The Council Chambers has been fitted with new TV screens and remote operated cameras. We are now able to live stream our meetings over a broad range of media outlets (YouTube, Facebook, etc). Cameras will be operated remotely from the IT offices in the basement. Kudos to Dale, Denham, and Garrett for bringing our Council Chambers into the 21st century!.
- Lou and I attended the DEMEC Executive Board meeting. They informed us of a rate increase in January, primarily due to rising natural gas costs. We could see a 9% increase in January.
- Rob and I met with Brent and Mike Fannin regarding several development projects.
- Jamesha and I met with our labor attorney on several personnel issues.
- The Mayor, Brad and I attended the monthly WIIN meeting with Slaughter Beach.
- Sara, Jamesha and I met with a student interested in doing an internship, primarily producing short videos for both economic development as well as educational videos.
- Brad, Rob Pierce and I met regarding a contract for Landscape Architect services for the Deep Branch Greenway project.
- Brad, Mike, Jamesha and I met regarding the Arborist position as well as the facility maintenance position.
- Rob and I continue to negotiate an MOU for the Industrial Park.
- The Police Teamster Union ratified the tentative agreement for July 2021- June 2024.
- Key Properties have given me a time frame of paving/maintenance of streets in Hearthstone.

- R. J. Skinner from our Parks and Recreation Department placed 3rd in the DFIT Small Equipment Rodeo this past week.
- Southeast Second Street has been completed by DELDOT. Additionally Mispillion Street, McColley Street and Marshall Street just north of SE Front Street has been completed. If you have not visited these areas, please do so – it is a HUGE improvement.
- I held monthly meetings with Planning Director Rob Pierce, ICMA Fellow Melody Barger, and Finance Director Lou Vitola
- Lou Vitola, Customer Services Supervisor Suzannah Frederick, City Engineer James Puddicombe, Mike Svaby, Melody Barger and I met to discuss the status of the sidewalk program, including future funding and low income options.
- I met with the Department of Justice on the Opioid Settlement case.
- Sara Pletcher has been working with DMI on a banner replacement program downtown.
- Sara and Rob met with a company that does hydroponic farming, who is interested in our Industrial Park. Milford is high on their list as a location to develop.



TO: Mayor and City Council
THRU: Mark Whitfield, City Manager
FROM: Michael Svaby, Director, Public Works
DATE: December 8, 2021
RE: November 2021 - Public Works Department Staff Report

The following input represents a high-level list of activities and accomplishments for the month of November 2021.

Director's Office

- Supported a PD Building Design charette dedicated to IT elements of design and prep for the CAC meeting.
- Led street light replacements specification ID and ordering process for delivery in mid-February and installation by first week in March.
- Met with DRWA on junior apprenticeship program with Milford High School

Engineering Division

- Continued revisions to the Standard Specifications
- Supervised construction startup at Simpsons Crossing phase 1B
- Supervised construction startup at Cypress Hall Phase 1
- Reviewed As-builts for Milford Ponds Phase 1.7
- Continued installation of watermain on NE Front Street in anticipation of TAP project to occur this spring.

Public Services Division

Streets/ Utilities/Solid Waste Section

1. Hydrant flush occurred in all 4 wards
2. Hydrants and other vertical features have been flagged for winter
3. Leaf collection continues
4. Street sweeping continues

5. Salt spreaders installed on trucks – now ready for inclement weather
6. Water Leak Repair on NW 2nd St



Water/Wastewater Section

1. Resolved Atlantic Concrete pressure issue
2. Pulled pump 1 at Truitt due to clogging.



3. New generator installed on Thursday 11/18. Also under capital improvements, wiring casing flex covering replaced for Same pump station to muffin Monster (Grinder) special thanks to Roy's Electric and Terry Webb Electric. Great job done.



4. Pump stations cleaned: Wendy's, Knotts Landing, Lighthouse, North Shore, and Watergate.



Electric/Tech Services Division

- **Traffic Signalization by DeIDOT** – Continuing work through Mike Svaby on DeIDOT signal takeover + responding with repair and troubleshooting, Solicited quote form Robynksi Engineering for signal cabinet documents, instructions for reset and troubleshooting.
- **Milford High School** – Primary meter was changed out during off hours and continued service was retained.
- **Christmas Lights** - during the month of November, installing/hanging Christmas lights during our staffing shortage was a time-consuming job and major undertaking.

New employees with the Department of Public Works

Ryan Evans (for Electric)

- Formerly employed by Rock Creek Construction
- Hired by Public Works and began employment with the City as Line Tech, Second Class - on November 1.
- Ryan lives in Greenwood, DE
- In his free time, enjoys fishing and the outdoors



Stephen Porter (for Electric)

- Formerly employed by Town of Middletown
- Hired by Public Works and began employment with the City as Line Tech, First Class - on November 1.
- Lives in Felton, DE.
- In his free time, enjoys hunting, fishing and driving on the beach.



Public Works Department -Nov 2021	Nov 2020	Nov 2021	FY21 YTD <i>(07/01/20-11/30/20)</i>	FY22 YTD <i>(07/01/21-11/30/21)</i>
Electric Division				
Trouble Service Call	12	18	90	103
Work Orders Completed	28	21	168	176
Outages	6	0	42	37
LED Street Lights Replaced	X	X	X	47
New Service Install	X	5	X	31
Poles Replaced	4	1	28	7
After Hours Calls	10	8	44	51
Trees Trimmed (Streets)	5	1	35	7
Technical Services Division				
New Electric Service Installed/Meter Set	21		104	89
New Water Service Installed/Meter Set	22		84	33
Electric Meter Replacement	7		45	17
Water Meter Replacement	30		161	157
Work Orders Completed	763	639	3,488	3,348
After Hours Calls	8	6	21	20
Streets/Utility Division				
Signs Installed/Replaced	10	3	72	93
Curb Miles Swept	230	240	635	710
Sewer Lines Flushed (in feet)	3,550	1,800	11,030	11,450
Sewer Back-up Response	2	1	12	14
Sewer Line Repaired	0	0	2	4
Water Hydrants Flushed	5	70	143	210
Fire Hydrants Replaced/Installed	0	1	0	6
Water Line Repair	1	1	9	10
Water Valves Exercised	6	28	77	117
De-icing Salt Used (tons)	0	0	0	0
Potholes Filled - Cold Patch	65	40	220	270
Potholes Filled/Spray Patch - Gallons Emulsion Used	40	0	102	7
Leaves Collected (Tons)	0	46	6	46

After Hours Calls	11	0	19	21
Crack Sealing (pounds of sealant used)	150	0	650	100
Work Orders Completed	12	14	130	105
Storm Sewer Inlets Cleaned	140	70	417	385
Street Closures/Festivals	4	4	16	20
Engineering Division				
Utility Locates Completed	248	175	1,154	649
Infrastructure Work Orders Completed	X	3	X	63
Backfill Inspection Work Orders Completed	X	11	X	38
Operations Division				
Fleet Work Orders Completed	21	21	158	55
Fuel Use-Diesel (Gallons)	2,077	2,476	13,343	10,011
Fuel Use-Gas (Gallons)	3,594	3,583	22,067	16,122
Solid Waste & Facilities Division				
Refuse Collected (Tons)	321	286	1,001	1,229
Recycle Collected (Tons)	75	73	208	292
Yard Waste Collected (Tons)	51	100.06	166	297.53
Diversion Percentage (%)	28.00%	X	30.00%	31.00%
Bulk/Brush Collection Requests Completed	84	83	344	324
Containers Delivered	45	35	231	232
Containers Serviced (Swap, Replacement, Removed)	46	25	174	135
Water & Waste Water Facilities Division				
Water Treated (Millions of Gallons)	80,161,400	74,194,600	936,101,600	916,793,400
Waste Water Transferred (Millions of Gallons)	91,536,000	70,274,000	847,465,620	884,837,000
Work Orders Completed	56	54	169	112
Pump Stations Cleaned	0	5	7	5
After Hours Calls	9	3	39	8

Public Works Projects -Nov 2021	Planning Stage	Bid/PO Award	In Progress	Complete
Electric				
DEL2 Substation Testing				
Traffic Signal Head Refurbish. - Church/Walnut/Washington				
Water				
Install Automated Blow-off Valves 2 in stock	X			
Protection Upgrades Caulk & 10th Street Towers	X			
Water Tower Altitude Valve at Caulk Tower			X	
Tenth St Water Treatment Facility Test Well, etc.	X			
Water Trtmnt Monitoring & Process Control Upgrades (4&5)	X			
City-wide Valve & Hydrant Replacement/Improvements	X			
Standardized Water Treatment Facility Controls	X			
SE 2nd Street Lead Service Line Replacement				X
NE Front Street Water Lines			X	
DNREC Water Allocation Permit	Steve / James		patty,steve,james	
Washington Street WTF Lot Consolidation	City	?	?	?
Sewer				
Truitt Avenue PS Groundwater Investigation & Repair	KCI	KCI	X	
SCADA Instrumentation Upgrades & Integration	Steve Z / Steve			
Targeted Inflow and Infiltration Investigation & Repair	KCI	KCI	X	
SE 2nd Street Sewer Line Replacement	Charlie	X	X	Done
North Shore Pump Station Hatch Replacement	DBF		X	
Streets				
Misphillion, McColley, Marshall Streets Reconstruct/Paving			X	
Fisher Ave			X	
Financing for Private Sidewalk Improvements	X			
Street Resurfacing and Rehabilitation, ADA Ramps			X	
Installation of ADA Compliant Ramps			X	
Walnut Street Pedestrian Crossing (Landscaping)	X			
Truck Turning Study	X			

PARKING				
BUILDINGS				
Council Chambers Recording System Upgrade				
Monitors in Council Chambers				
City Hall Basement Renovation Phase 2-Training Rm/Ofc				
PW-Complex Security				
City Wide-LED Replacement Project				
DMI Project (BEING SOLD)				
Customer Service-Basement Waterproofing				
Customer Service-Concrete Repair Drive-Thru				
Facilities Management Binder				
PW - Bldg 100 Paint/Flooring (fall 2021 project)				

New fence at Lighthouse Pump Station	Steve	Done	Done	Done
STREETS				
SOLID WASTE				
GARAGE				
Active Developments -Nov 2021	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Complete
Hearthstone Manor I				
Lighthouse Estates II				
Brookstone Trace				
Brookstone Trace II		X	X	
Orchard Hill			X	
West Shores at New Milford			X	
Watergate		X	X	
Walnut Village			X	
Milford Ponds Phase I		X	X	
Hearthstone Manor II	X			
Milford Ponds Phase II		X		
Simpson's Crossing Phase 1a			X	
Simpson's Crossing Phase 1b		X		
Cypress Hall Phase I		X		
Wichersham	X			
Mispiration Landing	X			

Riverwalk Villas	X			
Windward on the River			X	
Cypress Hall Phase II	X			
Milford Ponds Phase III	X			
200 NW Front				X
Hickory Glen	X			
Knights Crossing	X			
Reserves at Sawmill	X			
Commercial Developments -Nov 2021	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Complete
Microtel				
Lot 8 Independence Commons				
Food Bank				
Draper Farms				
Laundry Mat-24 Milford-Harrington Hwy				
Delaware Mini Storage				
La Kramer				



TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: December 6, 2021

RE: November 2021 – Planning Department Staff Report

- Through the first eleven months of the 2021 calendar year, the City has issued 117 new residential construction permits and five permits for 120 apartment units. The total construction investment in Milford from January through the end of November based on issued building permits was \$38,825,482.
- The City of Milford has seen 108 projects with a committed investment of over \$24.4 million within the Downtown Development District (DDD) area since September 2016 (based on permit valuations from submitted applications). The State of Delaware has committed or awarded over \$2.62 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over \$501,000 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines.
- The Planning Commission will not meet during the month of December.
- The Board of Adjustment will review three applications in December. Two of the applications involve the construction of new single-family detached dwellings on infill lots. The third application is a lot coverage exceedance for a funeral home on North Street.
- Staff is preparing the 2022 Amendment to the 2018 Comprehensive Plan which will be presented for informational purposes at the January 10, 2022 workshop. The amendment includes several future land use map revisions and text amendments to the transportation chapter.
- The City approved a revision to the final construction plans for the Hickory Glen development.
- The City approved a revision to the Watergate final construction plans and added a utility easement to the record plan.
- The City provided plan review comments for the Cypress Hall Phase I & II Final Major Subdivision and Final Site Plan applications to the applicant and is awaiting resubmission.
- The City provided plan review comments for the Pest Pro Preliminary Site Plan application and is awaiting resubmission.
- The City received the resubmission for the Cypress Hall Phase III Preliminary Major Subdivision and revised Planned Unit Development applications.
- The City received the resubmission for the Helmick Milford, LLC Preliminary Site Plan to the applicant for a commercial building at the site of the former Wendy's on N. Dupont Boulevard.
- The City received the resubmission for the Westwood Preliminary Major Subdivision and Planned Unit Development.
- The City received a preliminary site plan application for the renovation of the Buccaneer Carwash site on N. Dupont Boulevard.

- The City received a Utility Feasibility Study request for the McColley Farm between NE Front Street and NE Tenth Street for a apartment and townhouse development.
- Staff has prepared draft updates to the City’s building code which would adopt the 2018 version of the International Residential Code and International Building Code. A City Council workshop will be held on January 10, 2022 to discuss the proposed revisions and present information regarding residential domestic sprinkler systems.
- Code Enforcement Officials have completed several foot inspections of the town center area with more dates scheduled in December.
- The Department filled the newly created Permit Technician II position. Ashley Waller started on November 15, 2021.
- The Director coordinated the interviews for the vacant Board of Adjustment and Planning Commission positions. Positions were filled by City Council action on November 22, 2021
- The Director attended the 2021 American Planning Association (APA) Delaware Chapter Annual Meeting.
- Staff continues to work towards implementing the goals and objects of the 2018 Comprehensive Plan, SE Master Plan, Downtown Development District (DDD) application, Rivertown Rebirth Master Plan and Strategic Plan (see below links).
 - [2018 Comprehensive Plan & SE Master Plan \(Click Here to View\)](#)
 - [Downtown Development District Plan \(Click Here to View\)](#)
 - [Rivertown Rebirth Master Plan \(Click Here to View\)](#)
 - [Strategic Plan – Press Play: Vision 2023 \(Click Here to View\)](#)

Case Activity:

	Total
New Cases	54
Closed Cases	31
Open Cases at Start of Period	374
Open Cases at End of Period	397

*188 open cases are related to annual grass violations.

Violation Activity:

New Violations Cited	Total
Abandoned Vehicle	10
Dangerous Tree	2
Furniture Violation	1
Generic Violation	6
Property Maintenance Violation	23
Rubbish & Garbage	4
Weeds & Grass	2
Zoning Use Violation	6
Total	54

Rental Licenses Issued: 14
 Vendor Licenses Issued: 0
 Contractors Licenses Issued: 10
 Business Licenses Issued: 10

Building Permits Issued:

Permits Issued by Type	Count
Commercial Demolition	1
Commercial Foundation	0
Commercial Building Permit	7
Construction Trailer	0
Residential Demolition	0
Residential Building New Construction	8
Residential Renovation/Accessory	7
Roof/Siding Permit	7
Sign Permit	1
Solar Panel Permit	6
Utility Permit	1
Total	38

Inspections Performed:

Inspections Performed by Type	Count
Footer	22
Foundation	16
Framing	16
Insulation	3
Final	29
Residential Rental	0
Total	86

PARKS & RECREATION DEPARTMENT
207 Franklin Street
Milford, DE 19963



PHONE 302.422.1104
FAX 302.422.0409
www.cityofmilford.com

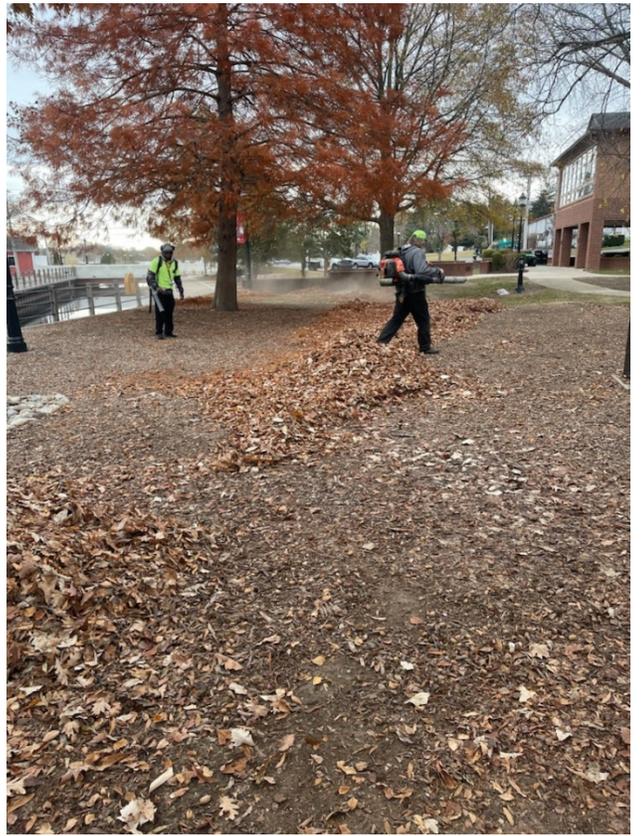
TO: Mayor and City Council
FROM: Brad Dennehy-Parks and Recreation Director
DATE: December 6, 2021
RE: November – Parks and Recreation Staff Report

- Covid-19 precautions continued with social distancing, mask wearing and enforcing non-vaccinated staff get weekly testing.
- Weekly trash pick-up continued through November of all municipal owned trash receptacles by Park staff.
- Grass cutting on all city owned facilities continued throughout the month of November as the grass cutting season came to an end.
- Petty vandalism occurred on Goat Island including a section of handrail which was torn down and thrown in the river, as well as some signs, trash can lids and a life ring. Staff were able to retrieve these items and reinstall them.
- Park staff prepped for the landing of the President of the United States on City owned property. This included cutting the sports fields and vacant lots prior to the helicopters landing, as well as a concentrated effort to remove roadside trash along Airport Road from Route 113 to Canterbury Road prior to his visit.
- Field markers were installed at Tony Silacato Memorial Park to make it easier to identify the outlines of the soccer fields for next season.
- All the seasonal flowers were removed from both the hanging baskets, flower beds and large planters on the bridges. The potting soil and water reservoirs were also removed from the hanging baskets.
- Bushes at City Hall and downtown were trimmed prior to Christmas lights being installed.
- Holiday garland was installed on 27 light poles downtown by Park staff on North Walnut Street and Front Street.
- At City Hall garland was installed on the Pillars, net lighting was installed on the bushes and two new six-foot holiday decorations were placed by Park Staff.
- Leaves were removed out of the park area where the farmers market is, in preparation for the downtown stroll.
- Aqua foam was installed in all the hanging baskets in preparation of the installation of winter greenery.
- On Sunday November 21, park staff assisted DMI volunteers with the winter greenery installation. This includes installing greenery in 72 half moon planters, 7 planters on bridges and

5 railing planters. Staff assist by collecting and depositing the greenery for the volunteers and cleaning up after the event.

- Park staff spent 4 days installing holiday lights on the trees in the downtown area. The larger trees are hung by the Electric Department using bucket trucks, but all the smaller trees are hung by Park staff using step ladders. Lights were trouble shot by staff the Saturday of Thanksgiving to make sure everything was working for the tree lighting.
- Part time staff started installing the new Holiday banners with all new hardware. To date 50 new banners and hardware have been installed on light poles.
- Park Superintendent attended the monthly safety meeting in November and the Awards and Recognition committee meeting.
- Winter registration for recreation programs opened with numbers filling in quickly for indoor soccer, basketball, wrestling and taekwondo. New programs include a kid's dance party, Christmas painting, a bowling day, and a kid's "fun" day. For Adults a basketball open gym, bingo night, and a women's community club have been planned.
- As part of registration a winter brochure was created by staff in house and was delivered to schools for children to take home and was also displayed on Social media as part of our marketing and promotion. The Boys and Girls Club also allowed us to create and display a PowerPoint slide show at their facility to help promote our programs.
- Staff met with the Director of the Boys and Girls Club to update the agreement between the Club and the City of Milford. Staff worked on updating the agreement with minor changes and no increase in user fees to the City. Staff also finalized details for our usage of the gym for the winter season.
- New signs were designed and created for the sign boards to be displayed downtown.
- Staff also decorated the office to make it welcoming for staff and the public alike for the holidays.
- Director continued to participate in the weekly and monthly WIIN coalition meetings.
- Director continued to work on Capital improvement projects including working with DNREC on grant funding for the playground/pickleball project and enlisting the expertise of a design professional for that project and the lighted handrail project.







HUMAN RESOURCES
10 SE Second Street
Milford, DE 19963

PHONE 302.424.5142
FAX 302.424.5932
www.cityofmilford.com

TO: Mayor and City Council

FROM: Jamesha C. Williams, MBA, MSL- Human Resources Administrator

DATE: December 2, 2021

RE: November 2021 –Human Resources Department Staff Report

- Interviews were conducted for the positions of Payroll Coordinator, Technical Support Specialist, Electric Superintendent and Public Works Equipment Operator.
- Job offers were extended and accepted for the positions of Cash Operations Clerk I, Payroll Coordinator and Public Works Equipment Operator.
- Onboarded new hires for the positions of Electric Line Technician, First Class, Electric Line Technician, Second Class and Permit Technician II.
- The 2021 Pay & Job Classification Study was approved by Mayor & City Council. All salary increases are effective for the December 10, 2021 pay date.
- Finalized all details with the Reward & Recognition Committee for the 2021 Holiday Party at the Milford Senior Center on Friday, December 17, 2021.
- John Matthews, Senior Risk Control Consultant (PMA Companies) and Scott Stohrer, Risk Control Supervisor (PMA Companies) conducted a Security Vulnerability Assessment for all City buildings excluding Police. The action report will be provided to the City within the next 90 days.

2021 Excellence Award Winners:

Katrina White, Deputy City Clerk
Sandra Peck, Accountant
Victoria Love, Billing Clerk I
Denham Dodd, Network Technician

To: City Council and Mayor
From: Sara Pletcher, Economic Development & Community Engagement Administrator
Subject: November Monthly Report
Date: Dec. 8, 2021

Economic Development

- Joined Gov. Carney on his veteran-owned business tour of Milford for National Small Business Week. He visited Euphoric Herbals, CNUFit and Lifecycle in Milford.
- Continuing to build out the new economic development website with a target launch date of mid-January.
- Joined Cookie's Paper Petals DE Black Chamber of Commerce Mixer and networked with many potential Milford business investors
- Attended Benchmark Physical Therapy ribbon cutting
- Showed new business potential space in Cypress Hall shopping center. She's very interested in and in negotiations with Capano Management for Unit 5.

Community Engagement

- Presented Milford Community Presentation to the Milford Rotary Club. 15 members attended and found it worthwhile and informative.
- Improved website calendar to be a Community Calendar and created an event submission form
- Implemented the new website ChatBot for easier community website navigation
- Attended revived monthly Community Conversation
- Coordinated holiday banner program in Downtown and on electric poles
- Planned and coordinated Annual City Hall Tree Lighting resulting in record turnout

Meetings/Trainings

- Met with Jen Vandervort from Chesapeake Utilities
- Attended Five Pillars of a Successful Key Accounts Program, Webinar 1 and 2 in the Advanced Key Accounts Webinar Series
- Met with Public Works staff for monthly Public Utility Working Group meeting. Topic: Solar Panel PSA
- Attended quarterly CCGM Joint Economic Task Force meeting
- Met with City Manager for monthly Manager Update
- Attended Recover Delaware Roundtable #6
- Attended WIIN monthly meeting
- Attended Public Works Lighting Replacement Planning meeting
- Attended DMI Economic Vitality Committee monthly meeting
- Met with MHS grad Madison Stalvey, City Manager and HR Director regarding a Videography/Photography Internship
- Attended Kent County Tourism Board Meeting
- Attended monthly SEDAC meeting
- Kicked off SeeClickFix app development

- Met with Key Account team

Social Media/Website

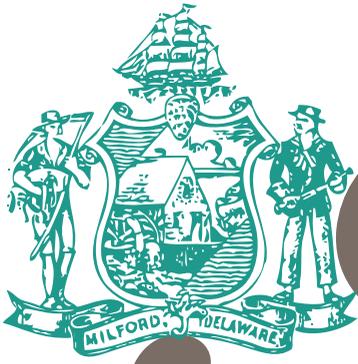
- November 2021 Insights:
 - City of Milford Facebook: 40 new likes (total: 2,341); 21,574 reached; 1,008 post engagement
 - Parks & Rec Facebook: 19 new likes (total: 2,513); 22,474 reached; 1,074 post engagement
 - Instagram: 59 new likes (total: 813); 893 accounts reached; 199 accounts engaged
 - Twitter: 4 tweets, 868 impressions, 743 profile visits, 1 mention, 1,330 followers
 - Website: 14,391 visits (16,256 last month); 25,635 pageviews (27,427 last month)
 - ChatBot: 97 self-service resolutions; 60.6% self-service resolution rate; \$485 cost savings

Email Campaigns

- Nov. utility newsletter to customers who receive e-bills (3,670): 39.2% open
- Nov. business newsletter (audience: business license holders, 608): 29.3% open
- Nov. business newsletter #2 (audience: business license holders, 608): 23.7% open

Press Releases & Coverage

- City of Milford Expresses Condolences for Former Gov. Minner (Nov. 5)
- Annual City Hall Tree Lighting set for Nov. 27 (Nov. 19)
 - Milford Live: Annual City Hall Tree Lighting set for Nov. 27 (Nov. 22)
- City of Milford welcomes Councilmember Samaroo (Nov. 19)
 - Delaware State News: Samaroo replaces Morrow to represent Milford's 3rd Ward (Nov. 24)
 - Milford Live: Samaroo joins City Council (Dec. 3)



Milford

River Town • Art Town • Home Town

DELAWARE

Happy Holidays

The City of Milford wishes you and yours a happy holiday! A friendly reminder you can always access your utility bill online and sign up to receive these newsletters on the first of each month directly to your inbox. Visit www.cityofmilford.com for more information. Also, after a few months of bill delays, we're back on track and delinquency resumed Dec.1.

Dec. Community Happenings

- Friday, Dec. 3, 7pm: SSP Presents: It's a Wonderful Life
- Saturday, Dec. 4, 8am: People's Place Annual Choral Breakfast @ Senior Center
- Saturday, Dec. 4, 9am-1pm: The After Market in the Farmers Market area
- Saturday, Dec. 4, 11am-3pm: Santa House
- Saturday, Dec. 4, 4pm: 16th Annual Holiday Stroll & 2nd Annual Christmas Market
- Saturday, Dec. 4, 7pm: SSP Presents: It's a Wonderful Life
- Sunday, Dec. 5, 12pm: Carlisle Fire Co. Kent County Santa Around Town
- Sunday, Dec. 5, 2pm: SSP Presents: It's a Wonderful Life
- Saturday, Dec. 11, 9am-1pm: The After Market in the Farmers Market area
- Saturday, Dec. 11, 11am-3pm: Santa House
- Saturday, Dec. 11, 3pm-6pm: Collage 8 Women Opening Reception @ Gallery 37
- Sunday, Dec. 12, 12pm: Carlisle Fire Co. Sussex County Santa Around Town
- Monday, Dec. 13, 7pm: City Council Meeting
- Saturday, Dec. 18, 9am-1pm: The After Market in the Farmers Market area
- Saturday, Dec. 18, 11am-3pm: Santa House
- Friday, Dec. 24: City Offices Closed due to Holiday
- Monday, Dec. 27: City Offices Closed due to Holiday
- Friday, Dec. 31: City Offices Closed due to Holiday

Are you considering solar?

Interested in adding solar power to your home? Before signing an agreement with any solar power company, be sure to contact the City of Milford Public Works Department at 302-422-1110 x 1139 to review the required maximum design sizing of the system and the terms of the Net Metering Program. Purchasing solar is a significant up-front investment and we want to ensure the system you purchase is compatible with the City's grid and properly sized to insure the maximum legal benefit to our customers for years to come!

¿Estás considerando la energía solar?

¿Interesado en agregar energía solar a su hogar? Antes de firmar un acuerdo con cualquier compañía de energía solar, asegúrese de comunicarse con el Departamento de Obras Públicas de la Ciudad de Milford al 302-422-1110 x 1139 para revisar el tamaño de diseño máximo requerido del sistema y los términos del Programa de Medición Neta. La compra de energía solar es una inversión inicial significativa y queremos asegurarnos de que el sistema que compre sea compatible con la red de la ciudad y tenga el tamaño adecuado para asegurar el máximo beneficio legal para nuestros clientes en los próximos años.

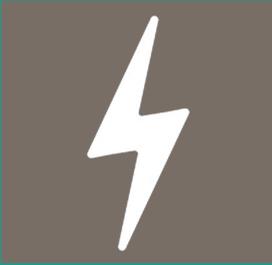
Congratulations, RJ Skinner!

RJ, our Parks Superintendent, placed 3rd in the 2021 DFIT Snow Plow Road-E-O Small Equipment Division! He will receive an award at the Dec. 14 DFIT Safety Meeting. A

video of the event can be found at <https://www.youtube.com/watch?v=1YRMs9-DFh0>



Public Utility Education



We will highlight a different public utility each month. The goal is to educate our customers on preventative measures to lower their utility bill, as well as create a more flawless system for all users. This month we're featuring our electric system. Some tips for you,

the public power user:

- Save money this winter by insulating windows, purchasing a water heater jacket, utilizing the City's budget plan, servicing your HVAC system and calling Efficiency Smart for rebates and an electric usage monitor. www.energysmart.org/milford-delaware
- Electricity usage is constant to run devices, appliances and more and your electric bill is equal to what you use. On average, it costs \$46-\$77 to keep a household's water heated for a month, \$.17-\$.73 to run one dishwasher cycle and \$1.05 to cook a turkey in an electric oven. Older appliances will not run as efficiently and an empty refrigerator costs more to run than a full one. Unplug unused appliances, devices and chargers.
- Don't overload your home. Overload warning signs: flickering or dimming lights, buzzing from receptacles, burning odor, frequently tripped circuit breakers, warm or discolored wall plates or mild shock.
- The difference a bulb makes:

	INCANDESCENT	CFL	LED
Brightness	800 lumens	840 lumens	840 lumens
Energy Used	60 watts	13 watts	9 watts
Cost per bulb	\$1.49	\$2.49	\$1.37
Yearly energy cost	\$7.55	\$1.64	\$1.13
Estimated lifespan	1.8 years (2,000 hours)	11 years (12,000 hours)	13 years (15,000 hours)
Total cost over 10 years	\$83.78	\$18.89	\$12.67

- Customers of a public power utility are likely to be without power for just 59 minutes a year, compared to customers of private utilities that may lose power for 133 minutes a year — provided there are no major adverse events.
- When the power goes out for mere seconds, the system is working as designed. A protective device kicks on to ensure a larger power outage does not occur.

Employee Spotlight

Jamesha Williams

Human Resources Director

1. How long have you worked for the City of Milford? **3.5 years**
2. Have you always worked in this role? **Yes**
3. What is your favorite thing about working for the City? **The City is constantly growing and changing in a positive aspect and I get to be a part of that change. My customers are the employees of the City and I enjoy being able to serve them.**
4. What do you enjoy doing in your free time? **Road trips with my husband, watching basketball and testing new makeup and skincare products.**



“Jamesha is a great asset to the City. She has a calming demeanor, is always professional, and always tries to do the right things. Employees feel comfortable coming to her with problems, both personal and professional, and she gives great advice. She treats everyone the same, regardless of title or position. Jamesha is also one of the most organized persons I have ever worked with, which helps her manage multiple tasks simultaneously, yet stay on top of each one of them.”

- Mark Whitfield, City Manager

Council Spotlight

Katrina Wilson

Ward 4 Councilmember

1. How long have you been a member of the City Council? **30 years, through three Mayors and six City Managers**
2. What previous city roles have you held? **I was previously the first female Vice Mayor for three terms and chairperson of the following committees: Police Dept., Annexation, Park and Recreation, and first-ever Christmas Decorating Committee, which we created a line item for in the budget.**
3. What is your favorite thing about being a Councilmember? **I enjoy representing the people of Milford and hearing their concerns or wants. Also working on solutions and creating new processes that meet the needs of our residents. Being a part of the growth in Milford, knowing that I played an intricate part of that growth.**
4. What is your full time job? **Care Coordinator at Nemours Pediatrics-Milford for 28 years**
5. What do you enjoy doing in your free time? **I love spending time with my family, especially my granddaughter (3), creating lifetime memories.**





INFORMATION TECHNOLOGY
201 South Walnut Street
Milford, DE 19963

PHONE: 302-422-1098
www.cityofmilford.com

Date: December 1, 2021
To: Mayor and City Council
From: Dale Matthews, IT Director
Re: November 2021 Information Technology Department Staff Report

Below are updates for IT open projects:

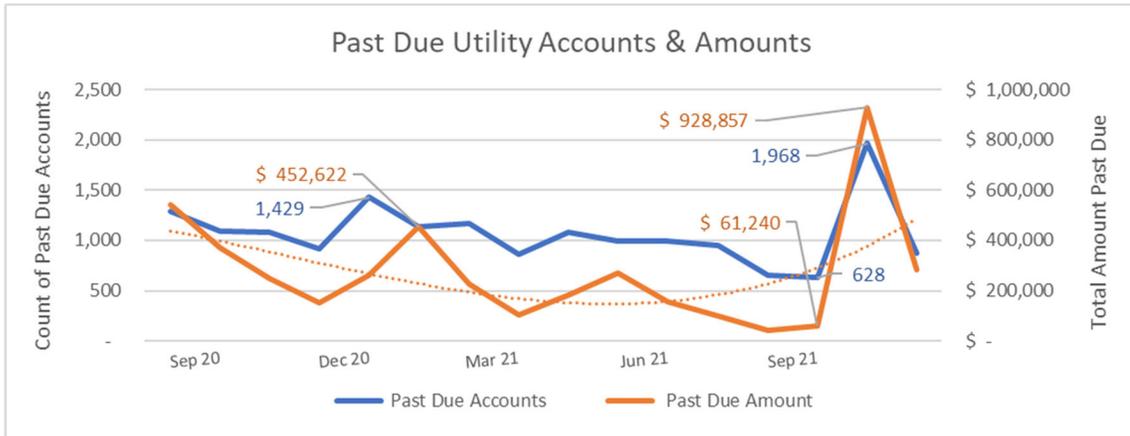
- Security:
 - We are down to 14 people who still need to take the cybersecurity training. Completion of this training will be required to maintain access to City of Milford systems.
 - We are still on track to implement improved authentication and access control practices and policies by the end of December. Two-factor authentication has been implemented early; related policies will be completed in December.
- M365 and Cloud:
 - Due to vendor constraints, we had to delay migrating shared files to OneDrive. That migration will be completed 12/1/2021.
- Council Chambers Upgrade:
 - The upgrade has been completed. We will work with Mark and Terri to determine next steps for Livestreaming.
- Policies and Procedures:
 - Due to higher priority issues, we will push the completion of this task back to January 2022.
- ERP Implementation:
 - We have begun planning activities with our project management vendor (Brandywine) and Tyler Technologies. The official kick-off will be in February.
- Network:
 - We plan to upgrade the City Hall main (core) switch by mid-January. At that time, we will upgrade the internet connection to fiber for all locations. (Our internal network is fiber, but the internet connections are not.)

To: Mayor and City Council
From: Louis C. Vitola, Finance Director
Date: December 10, 2021
Re: November 2021 Finance Department Staff Report

- Monthly Financial Reporting
 - The Finance Report for the period ended 10/31/21 was distributed to Council
 - Additional changes made for readability and convenience are highlighted in the report
- Training and other Improvement Efforts
 - Sandra Peck continued her weekly participation in the Supervisors Academy
 - Sandra Peck participated in the GFOA GAAP Update on November 4, 2021
- Staffing
 - The Accountant III position was filled following a lengthy recruitment. Our new employee starts on Monday, December 13, 2021 and will be introduced to Council in January
 - In the meantime, Sandra Peck continues to execute payroll processes, but the prolonged recruitment has significantly impacted the FY21 audit progress
 - One open position remains in the Customer Service division; while a successful recruitment process is nearing the end with a strong candidate expected to start before the end of the year, another employee resigned, temporarily increasing our unfilled positions to two.
- Police Facility Project – Planning and Design
 - The Bond Anticipation Note (BAN) successfully closed on November 30, 2021, and will provide the interim financing to construct the Police Facility through construction and until permanent financing is secured.
- FY21 Audit Process
 - Sandra Peck and I met again with the new audit team to discuss timing, deliverables and schedules.
 - Unfortunately, given the challenges in the Finance Department resulting from the loss of just one staff member (25% of 4 full-time team), we have fallen behind on the audit process and expect to present the City's financials at the second meeting of Council in February.
- Billing & Customer Service Department
 - The City's print and mail vendor has recovered from the challenges precipitated in part by its recent merger and in part due to print center consolidation and staffing.
 - Accordingly, our internal operations have returned to normal, including the generation of invoices and the dunning process for past due utility payments

- Billing & Customer Service Department, Continued

- The graph below exhibits past due accounts and balances over the past year.
- The sharp reduction back to past due counts and amounts more consistent with averages reflects the speed with which an external force can disrupt operations, but also the ability for the customer service team to rebound



- A breakdown of property taxes outstanding follows below with differentiation between the current tax levy and previous tax levies.
- The past due amounts compare favorably to the past due amounts reported one year ago:

Property Tax Levy	Past Due Amounts as of:	
	11/1/2021	12/1/2021
2021	\$279	\$189
2020 & Prior	\$213	\$185
Total	\$491	\$374

Property Tax Levy	Past Due Amounts as of:	
	11/5/2020	12/11/2020
2020	\$229	\$133
2019 & Prior	\$250	\$230
Total	\$479	\$362

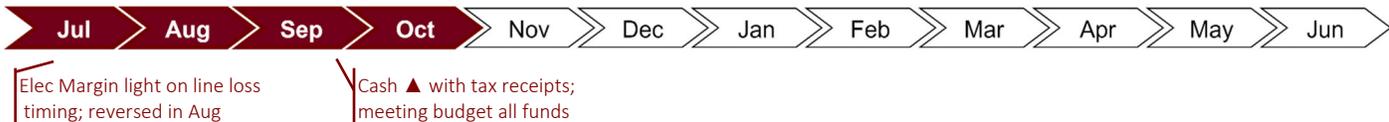
To: Mayor and City Council
Cc: Mark Whitfield, City Manager; Finance Department
From: Louis C. Vitola, Finance Director
Date: December 10, 2021
Re: October 2021 Financial Reporting Package

The Financial Reporting Package for October 2021 (FY22 YTD) is enclosed for your review. The following executive summary highlights this month's notable developments and recaps any changes to the report. The "Quick Reference" section of this memo recaps important financial highlights and modifications made in FY22 to help shorten the executive summaries.

YTD results continue to exceed budget expectations through October. Operating expenditures remain below even the seasonalized budget across funds for the fourth consecutive month, which is not surprising given our well-documented and indiscriminating staffing challenges. While understaffing results in unintended savings, we welcome what we hope is an end to that trend as we approach the halfway point of the fiscal year. Results in the electric and water funds, however, fall short of stronger performance through the same period last year, with the variance spread across operating lines somewhat evenly. Cash balances have increased another \$1.3 million in total following last month's increase of \$2 million, each of which was driven almost entirely by the increase in general fund cash as the annual property tax bills were due on September 30. Capital spending has picked up pace with activity underway on NE & NW Front St, Second St, vehicle and equipment requisitions, and the conclusion of several building, road and utility projects.

Quick Reference for FY22 Financial Developments and Report Upgrades

Recap FY22 Financial Highlights



Summary of Modifications

- P.1 – Cash Rollforward
 - New Solid Waste Reserves Acct created by FY22 Water Fund interfund loan forgiveness; new variance indicators
- P.2 – Restricted Cash Reserves Report
 - The MSA and RTT reserves were combined into one shared summary to make room for Solid Waste Fund
 - Lines 3 & 17 added to show additions & interest earnings in the capital reserve accounts
 - Lines 12, 13, 24 & 25 feature updated MCR & ERR calculations for FY22 pursuant to cash reserve policy
- P.3 – The Enterprise Funds “P&L Style” Report features a new comparative column and four new rows
 - The rightmost column compares current vs prior FYTD periods by revenue and expense lines and subtotals
 - Rows 16 & 17 compare current & prior FYTD periods net surplus by fund
 - Rows 18 & 19 compare actual surplus vs seasonalized budget surplus for the current FYTD period
 - Variance indicators added for quick reference to both P&L reports; refined in October 2021
- P.4 – The General Fund “P&L Style” Report was created to complement the existing Enterprise Funds P&L Report
 - The new statement presents the same general fund financial performance available in the legacy Revenue and Expenditure Reports in a one-page consolidated executive summary
 - The scaled, common-size columns at right match the prior year comparability goals featured in the Enterprise Fund version of the report, while also putting general fund revenues and expenses in context for the first time in the monthly financial reporting package
 - Rows 19 & 20 allow for a comparison of the current and prior year FYTD periods by major function
 - Rows 21-22 show comparison of actual surplus vs seasonalized budget surplus for the current FYTD period
- P.5 (prev p.10) – Planned Use of ARPA Funding by Category compared to Actual Spending added in Sept 2021
- P.6-10 – Revenue (p.6) & Expenditure/Inter-dept Reports (p.7-10) will be produced indefinitely as “legacy” reports



Financial Reporting Package
As of and For the Period Ended October 31, 2021

Cash & Investment Balance Rollforward

Restricted Cash Reserves Report

Enterprise Funds YTD Revenue & Expenditure Report

General Fund YTD Revenue & Expenditure Report

Appendix: ARPA Funding Plan vs Actual Expenses

Legacy Revenue Report with MTD & YTD vs Annual Budget
Legacy Expenditure Report with MTD & YTD vs Annual Budget
Legacy Interservice Department Cost Allocation

City of Milford, Delaware
Cash and Investment Balance¹ Rollforward
For the Period Ended October 31, 2021

1 **Operating Cash Balances** ▼ Marks Ref Closing Bal^{4,5,6}

Description	Opening Balance (Sep 30, 2021)	Receipts ³	Interest Earned	Disbursements	Closing Balance (Oct 31, 2021)
General Fund	\$ 4,443,094	\$ 2,399,346	\$ 988	\$ (998,950) ↑	\$ 5,844,478
Electric Fund	3,563,326	1,926,997	1,990	(1,938,289) →	3,554,024
Water Fund	1,755,303	246,061	1,083	(262,193) →	1,740,253
Sewer Fund	538,358	364,601	442	(294,084) ↑	609,317
Solid Waste Fund	550,742	122,888	72	(182,097) ↓	491,605
Operating Cash Totals^{4,5}	\$ 10,850,824	\$ 5,059,894	\$ 4,575	\$ (3,675,614) □	\$ 12,239,678

9 **Federal, State and Other Special Purpose Cash Balances**

Description	Opening Balance (Sep 30, 2021)	Receipts ³	Interest Earned	Disbursements ²	Closing Balance (Oct 31, 2021)
General Improvement	\$ 326,870	\$ -	\$ 44	\$ - →	\$ 326,914
Municipal Street Aid (MSA)	624,779	67,886	101	- ↑	692,766
Realty Transfer Tax (RTT)	4,017,031	37,482	581	(70,816) →	3,984,278
Economic Development	681,714	-	-	- →	681,714
ARPA Grant Fund	2,930,316	-	-	(350,755) ↓	2,579,561
Special Purpose Cash Totals^{4,5}	\$ 8,580,710	\$ 105,368	\$ 726	\$ (421,571) □	\$ 8,265,234

17 **Reserve Fund Cash Balances¹**

Description	Opening Balance (Sep 30, 2021)	Receipts ³	Interest Earned	Disbursements ²	Closing Balance (Oct 31, 2021)
General Fund Capital Reserves	\$ 1,949,234	\$ 8,366	\$ 11	\$ (8,073) →	\$ 1,949,538
Water Fund Capital Reserves	9,206,535	205,077	60	- →	9,411,672
Sewer Fund Capital Reserves	3,872,539	11,543	27	- →	3,884,110
Solid Waste Fund Capital Reserves	71,285	-	1	- →	71,286
Electric Fund Capital Reserves	14,050,094	-	75	- →	14,050,169
Reserve Fund Cash Totals^{4,5}	\$ 29,149,687	\$ 224,986	\$ 175	\$ (8,073) □	\$ 29,366,776

25 **Impact Fees and Police/General Facilities Cash Balances**

Description	Opening Balance (Sep 30, 2021)	Receipts ³	Interest Earned	Disbursements	Closing Balance (Oct 31, 2021)
Police & General Gov't Facilities	\$ 518,953	\$ 7,547	\$ -	\$ - →	\$ 526,500
Carlisle Fire Co Permit Fund	526,266	2,516	-	- →	528,781
Water Impact Fee Reserves	4,628,055	25,560	-	- →	4,653,615
Sewer Impact Fee Reserves	2,656,690	13,504	-	- →	2,670,194
Electric Impact Fee Reserves	1,063,990	4,800	-	- →	1,068,790
Impact Fees & Police/GF Totals^{4,5}	\$ 9,393,954	\$ 53,927	\$ -	\$ - □	\$ 9,447,880

Grand Totals⁶	\$ 57,975,175	\$ 5,444,174	\$ 5,476	\$ (4,105,258) □	\$ 59,319,567
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¹Balances are not indicative of funding availability; see enclosed Restricted Cash Reserves Report for reserve funding commitments
²ARPA disbursements include \$200k in water line upgrades & \$92k in Community support; please see Appendix for additional detail. Disbursements from General Fund Reserves (line 19) include Parks & Rec Capital and City Hall Building Construction costs. Disbursements from RTT (line 13) include the monthly recurring PD support and Mispillion St project expenditures.
³Receipts in lines 3 & 19-21 include ARPA transfers in. Lines 27-31 include ordinary / expectedly low levels of permit-generated revenue.
⁴**INDIVIDUAL ACCOUNTS:** Closing Balance Indicators **Green**, **Yellow** and **Red** signify cash **increases greater than 10%**, cash changes **within ±10%**, and cash **decreases in excess of -10%**, respectively.
⁵**GROUP SUBTOTALS:** Closing Balance Indicators **Green**, **Yellow** and **Red** signify cash **increases greater than 5%**, cash changes **within ±5%**, and cash **decreases in excess of -5%**, respectively.
⁶**GRAND TOTAL:** Closing Balance Indicators **Green**, **Yellow** and **Red** signify cash **increases greater than 2.5%**, cash changes **within ±2.5%**, and cash **decreases in excess of -2.5%**, respectively.

City of Milford, Delaware
Restricted Cash Reserves Report
As of October 31, 2021

General Fund Capital Reserves		Amount
Cash/Investment Balance (10/31/21)	\$	1,949,538
Expected Contributions & Interest		658,807
Restricted Funds:		
Vehicle & Equipment Replacement		(324,100)
Building Upgrades		(286,076)
Parking Enhancements		(200,000)
Parkland, Trails & Recreation		(606,595)
2020 Combined Utilities		(22,396)
OpEx Support (Tax R/A & PD R/M)		(497,000)
Support Policy with RTT ¹		2,000,000
Draft Reserve (MCR) Policy ²		(1,236,356)
Equipment Replacement Reserve ²		(764,100)
Uncommitted Reserve Balance	\$	671,723

Electric Fund Capital Reserves		Amount
Cash/Investment Balance (10/31/21)	\$	14,050,169
Expected Contributions & Interest		1,999,880
Restricted Funds:		
Electric Vehicles & Equipment		(96,026)
Lighting & System Improvements		(593,628)
Traffic Signal Upgrades		(350,000)
Citywide Projects ⁶		(1,433,194)
Early Redemption of Bond (Jan 2022)		(4,060,000)
Draft Reserve (MCR) Policy ³		(6,345,238)
Equipment Replacement Reserve ³		(85,400)
Uncommitted Reserve Balance	\$	3,086,564

Water Fund Capital Reserves		Amount
Cash/Investment Balance (10/31/21)	\$	9,411,672
Expected Contributions & Interest		608,120
Restricted Funds:		
Vehicle & Equipment Replacement		(201,953)
Streets 2020 Utility Engineering		(122,765)
SE Second Street - Lead Gooseneck		(2,554)
Milford Business Campus		(6,500,000)
Balance of FY20-21 Projects		(146,508)
Draft Reserve (MCR) Policy ³		(2,695,121)
Equipment Replacement Reserve ³		(201,953)
Uncommitted Reserve Balance	\$	148,938

Solid Waste Reserves		Amount
Cash/Investment Balance (10/31/21)	\$	71,286
Expected Contributions & Interest		218,782
Restricted Funds:		
Draft Reserve (MCR) Policy ⁴		-
Equipment Replacement Reserve ⁴		(290,068)
Uncommitted Reserve Balance	\$	-

Sewer Fund Capital Reserves		Amount
Cash/Investment Balance (10/31/21)	\$	3,884,110
Expected Contributions & Interest		78,254
Restricted Funds:		
Sewer Vehicles & Equipment		(169,503)
Citywide Projects & Engineering		(29,256)
Utility Engineering		(231)
NE/NW Front St Sewer Rehab, net of Impact Fee Transfer		(185,676)
Draft Reserve (MCR) Policy ³		(3,327,000)
Equipment Replacement Reserve ³		(235,000)
Uncommitted Reserve Balance	\$	15,698

MSA & RTT Reserves		Amount
RTT Balance (10/31/21)		3,984,278
MSA Balance (10/31/21)		692,766
MSA & RTT Est Receipts thru FY22:		689,595
MSA: Street & Bridge Improvements		(415,958)
RTT: Transfer to Police Dept		(266,667)
RTT: Sidewalk Project Funding		(140,000)
MSA & RTT: Mispillion Street Group		(490,440)
MSA & RTT: 2020 Combined Utilities		(404,316)
RTT: Support GF Policies ¹		(2,000,000)
RTT: Draft Reserve Policy ⁵		(1,041,454)
Uncommitted Reserve Balance	\$	607,804

¹Approved GF Reserve Policies permit support from an eligible funding source; portion of RTT balance pledged to support GF Reserves for foreseeable future
²Approved GF Reserve Policies recommend MCR of 45 days OpEx & Equip Repl Res minimum of 110% of upcoming CIP budget
³Approved Reserve Policies split Minimum Cash Req'd from COS study into new MCR & Equip Repl Reserve (20% of CIP)
⁴Solid Waste Reserves initiated in FY22 with seed funding from interfund loan forgiveness. Through at least FY23, 100% of balance will be reserved for purchase of new vehicle per FY22-26 approved CIP
⁵Approved Reserve Policies recommend dynamic MCR based on average of trailing-three-year RTT receipts
⁶This \$1.4 million funding restriction includes the \$0.9 million in FY22 CIP projects as well as the \$0.55 million restriction targeted for the open space parcel, which settled in November.

City of Milford, Delaware
Enterprise Funds: Statement of Revenues & Expenditures
For the YTD Period Ended October 31, 2021 vs Prior FYTD & Current Budget (in thousands)

Enterprise Funds Profit & Loss (P&L) Statement		Electric	Water	Sewer	Solid Waste	Total	FY22 Total (as % of Rev)	FY21 Total (as % of Rev)
1	Operating Revenue	\$ 8,841	\$ 1,068	\$ 1,662	\$ 484	\$ 12,056	100.0%	100.0%
2	Cost of Revenue ¹	(6,155)	(93)	(844)	(126)	(7,219)	-59.9%	-59.4%
3	Gross Margin	2,686	976	818	358	4,837	40.1%	40.6%
4	Operating Expenses							
5	Operations & Maintenance	(771)	(342)	(282)	(248)	(1,643)	-13.6%	-13.5%
6	Personnel	(350)	(106)	(103)	(84)	(644)	-5.3%	-5.5%
7	Total Operating Expenses	(1,122)	(448)	(385)	(332)	(2,287)	-19.0%	-19.0%
8	Operating Income	\$ 1,564	\$ 528	\$ 433	\$ 26	\$ 2,550	21.2%	21.6%
9	Non-Operating Revenue (Expense)	14	4	2	0	21	0.2%	0.1%
10	Surplus (Deficit) for debt service & capital	1,578	532	435	26	2,571	21.3%	21.7%
11	Debt Service - Principal & Interest	-	(136)	(46)	-	(182)	-1.5%	-1.4%
12	Capital Spending / Contributions from (to) Reserves	(4)	-	(59)	-	(64)	-0.5%	-0.4%
13	Surplus (deficit) available for transfers	1,574	396	330	26	2,325	19.3%	19.9%
14	Transfers Out	(833)	(100)	-	-	(933)	-7.7%	-6.9%
15	Net Surplus (Deficit) - FYTD through Oct 2021	\$ 741	\$ 296	\$ 330	\$ 26	\$ 1,392	11.5%	12.9%
16	Net Surplus (Deficit) - FYTD through Oct 2020	\$ 922	\$ 450	\$ 179	\$ 7	\$ 1,557	12.9%	
17	Current vs Prior - Favorable (Unfavorable)²	↓ \$ (181)	↓ \$ (154)	↑ \$ 151	↑ \$ 19	↓ \$ (165)	↓ -1.4%	
18	Net Surplus (Deficit) - Current FYTD Budget	\$ 29	\$ 117	\$ 50	\$ 8	\$ 205	1.8%	
19	Current vs Budget - Favorable (Unfavorable)²	↑ \$ 712	↑ \$ 178	↑ \$ 280	↑ \$ 18	↑ \$ 1,187	↑ 9.8%	

¹Cost of Revenue reported in the electric fund reflects wholesale cost of power and serves as an ideal revenue offset to arrive at gross margin. Cost of revenue in the water, sewer and solid waste funds are estimated based on a limited set of known, direct inputs to the cost of providing the utility services billed. Aside from Kent County sewer treatment charges, costs of revenue in the water, sewer and solid waste funds are likely understated.

⁴Comparative Indicators **Green**, **Yellow** and **Red** signify favorable variance greater than 5%, marginal variance within ±5%, and unfavorable variance below -5%, respectively, for departmental comparisons. Total variance carries tighter bounds of >2.5%, ±2.5% and <2.5%, while the percentage variance uses >1.0%, ±1.0% and <1.0%, respectively.

City of Milford, Delaware
 General Fund: Statement of Revenues & Expenditures¹
 For the YTD Period Ended October 31, 2021 vs Prior FYTD & Current Budget (in thousands)

General Fund Sources and Uses of Funding	Admin & Council	Public Safety	Parks & Rec	Planning & All Other	Total	FY22 Total (as % of Rev)	FY21 Total ³ (as % of Rev)
Sources of Funding:							
Real Estate (Property) Taxes	\$ 4,673	\$ -	\$ -	\$ -	\$ 4,673	71.9%	65.3%
Permits, Licensing & Franchise Fees	55	-	-	93	148	2.3%	3.0%
Fines, Fees & Misc Revenue	17	159	-	-	176	2.7%	4.8%
General Revenue Subtotal	4,745	159	0	93	4,997	76.9%	73.1%
Utility Transfers & Cost Allocation	1,312	-	-	-	1,312	20.2%	17.9%
Grant Revenue	46	11	-	-	57	0.9%	2.3%
Application of Reserve Balances	-	133	-	-	133	2.1%	6.7%
General Fund Operating Support	1,358	144	0	0	1,502	23.1%	26.9%
Total Sources of Funding	\$ 6,103	\$ 303	\$ -	\$ 93	\$ 6,499	100.0%	100.0%
Uses of Funding:							
Operations & Maintenance	356	249	183	152	941	14.5%	10.1%
Personnel	430	1,507	162	228	2,327	35.8%	35.5%
Total Operating Expenses²	786	1,756	346	380	3,268	50.3%	45.5%
Surplus (Deficit) for Debt Svc & Capital	\$ 5,317	\$ (1,453)	\$ (346)	\$ (287)	\$ 3,231	49.7%	54.5%
Debt Service - Principal & Interest	-	-	-	-	-	0.0%	0.0%
Capital Spending / Transfers from (to) Reserves	-	-	-	-	-	0.0%	3.4%
Net Surplus (Deficit) - FYTD through Oct 2021	\$ 5,317	\$ (1,453)	\$ (346)	\$ (287)	\$ 3,231	49.7%	51.1%
Net Surplus (Deficit) - FYTD through Oct 2020³	\$ 5,404	\$ (1,305)	\$ (397)	\$ (393)	\$ 3,309	51.1%	
Current vs Prior - Favorable (Unfavorable)⁴	➔ \$ (87)	⬇️ \$ (148)	⬆️ \$ 51	⬆️ \$ 107	➔ \$ (78)	⬇️ -1.3%	
Net Surplus (Deficit) - Current FYTD Budget	\$ 5,625	\$ (1,824)	\$ (360)	\$ (330)	\$ 3,111	48.4%	
Current vs Budget - Favorable (Unfavorable)⁴	⬇️ \$ (308)	⬆️ \$ 371	⬆️ \$ 14	⬆️ \$ 43	⬆️ \$ 120	⬆️ 1.3%	

¹This Statement presents the same general fund financial performance available in the legacy Revenue and Expenditure Reports in a one-page consolidated executive summary. The common size reporting (two rightmost columns) benefits readers in two ways; first, each line is scaled with total revenue to add context, and second, the common size format is comparable across fiscal years and budgets. This report should be considered a working draft that will be improved over time to improve its usefulness to readers.

²The General Fund Operating Expenses totaling \$3.3 million reported in row 14 ties to the legacy expenditure report in row 58.

³This format presents expenditures in the context of funding sources while comparing subtotals (rightmost column) and the net surplus (deficit) to the prior YTD period (rows 19 & 20)

⁴Comparative Indicators **Green**, **Yellow** and **Red** signify favorable variance greater than 5%, marginal variance within ±5%, and unfavorable variance below -5%, respectively, for departmental comparisons. Total variance carries tighter bounds of >2.5%, ±2.5% and <2.5%, while the percentage variance uses >1.0%, ±1.0% and <1.0%, respectively.

Appendix: Planned Use of Funding vs Spending by Category
American Rescue Plan Act of 2021 ("ARPA")

<i>Actual Spending by Category through</i>					
ARPA Eligibility Categories	Plan (10/31)	Plan (11/8)	9/30/2021	10/31/2021	Notes
COVID-19 Health Impact	\$ 396,280	\$ 1,178,212	\$ 20,992	\$ 30,280	
Operational Facilities	50,000	933,552	-	-	Revised Plan Reflects Take-Home Vehicle Program
Air Quality & Ventilation	147,450	147,450	-	-	
Behavioral Health Care	170,000	70,000	20,394	29,682	Primarily Personnel Costs
Administering COVID-19 Response	27,154	26,612	-	-	
COVID-19 Mitigation	1,676	598	598	598	Vaccination Incentive; COVID test kits
COVID-19 Economic Impact	\$ 936,798	\$ 879,286	\$ 2,625	\$ 102,830	
Assistance to Community (Annual)	324,460	324,460	-	45,860	DMI Funding
Critical Ops Staffing / Retention	285,392	269,790	-	-	
Assistance to Community & Households	256,929	256,929	-	46,500	MHDC Affordability Grant
Aid Tourism Recovery	27,392	25,483	-	7,845	Signage / Banner Upgrade
Parks & Rec Programming	2,625	2,625	2,625	2,625	Signage cost share with DMI
Rehiring Public Safety Staff	40,000	-	-	-	
Infrastructure	\$ 4,807,042	\$ 4,171,632	\$ 219,987	\$ 454,275	
Water Quality	3,048,582	2,902,074	178,829	382,080	Mispyllion St Project; NE Front St Water Line Replacement
Flood/Pollution Control	724,600	724,600	32,665	63,565	4th St Drainage & Mispyllion St Project
Improve Resilience to Disasters	310,000	310,000	-	-	
Improve Wastewater Treatment	723,860	234,958	8,493	8,630	Sewer component of Mispyllion St Project
Revenue Recovery	\$ 193,773	\$ 104,762	\$ -	\$ -	
Parks & Rec Programming	97,000	97,000	-	-	
Economic Development	7,762	7,762	-	-	
Public Safety Operations	89,011	-	-	-	
Grand Total	\$ 6,333,893	\$ 6,333,893	\$ 243,603	\$ 587,385	

City of Milford, Delaware
 Legacy Revenue Report: MTD and YTD Actual vs Annual Budget
 For the YTD Period Ended October 31, 2021

33.3% of Year Elapsed

Account / Function	FY'22 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget
General Fund:				
Economic Development Fund	\$ 105,860	\$ -	\$ -	0.0%
General Fund Reserves	1,967,500	-	-	0.0%
ARPA Funding - Operating Support	568,233	48,583	59,688	10.5%
Realty Transfer Tax - Police	400,000	33,333	133,333	33.3%
Real Estate Tax	4,770,043	9,353	4,672,994	98.0%
Business License	72,000	250	4,875	6.8%
Rental License	103,000	1,300	4,775	4.6%
Building Permits	316,300	12,877	45,595	14.4%
Planning & Zoning	52,200	13,030	32,230	61.7%
Grasscutting Revenue	16,000	1,333	5,333	33.3%
Police Revenues	431,500	10,006	158,989	36.8%
Misc. Revenues	418,111	10,345	60,049	14.4%
Transfers In	3,835,178	403,013	1,312,053	34.2%
Total General Fund Revenue	\$ 13,055,925	\$ 543,423	\$ 6,489,914	49.7%
Enterprise Funds:				
Water Fund Revenues	\$ 2,824,888	\$ 258,617	\$ 1,075,899	38.1%
Sewer Fund Revenues	2,893,047	226,703	948,509	32.8%
Kent County Sewer	1,974,629	164,642	715,760	36.2%
Solid Waste Fund Revenues	1,479,370	121,688	484,328	32.7%
Electric Fund Revenues	25,250,410	1,857,657	8,851,917	35.1%
Total Enterprise Fund Revenue	\$ 34,422,344	\$ 2,629,307	\$ 12,076,413	35.1%
Other Enterprise Revenue	\$ -	\$ -	\$ 13,705	
Other Enterprise Expense	-	(4,994)	(29,403)	
Total General & Enterprise Fund Revenue	\$ 47,478,269	\$ 3,167,736	\$ 18,550,629	39.1%

City of Milford, Delaware
 Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget
 For the YTD Period Ended October 31, 2021

33.3% of Year Elapsed

Fund / Account / Divisional Groupings	FY'22 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
General Fund					
City Administration					
Personnel	\$ 715,791	\$ 75,795	\$ 213,870	29.9%	\$ 501,921
Operation & Maintenance (O&M)	492,929	18,819	54,842	11.1%	438,087
Capital	230,000	-	-	0.0%	230,000
Subtotal: City Administration	1,438,720	94,614	268,712	18.7%	1,170,008
Planning & Zoning; Code					
Personnel	493,285	54,081	133,895	27.1%	359,390
O&M	138,135	8,929	49,788	36.0%	88,347
Capital	-	-	-	-	-
Subtotal: Planning & Zoning; Code	631,420	63,010	183,683	29.1%	447,737
Council					
Personnel	35,934	3,337	10,087	28.1%	25,847
Legal	35,000	-	-	0.0%	35,000
City Hall Building Expense	17,424	1,452	5,808	33.3%	11,616
Insurance	25,745	2,501	7,630	29.6%	18,115
Christmas Decorations	5,000	-	-	0.0%	5,000
Council Expense	35,000	2,476	12,854	36.7%	22,146
Employee Recognition	28,000	1,799	1,879	6.7%	26,121
Codification	15,000	1,500	4,897	32.6%	10,103
Carlisle Fire Company	140,000	-	-	0.0%	140,000
Museum	30,000	-	30,000	100.0%	-
Downtown Milford, Inc.	45,860	45,860	45,860	100.0%	-
Milford Public Library	25,000	-	-	0.0%	25,000
Transcription Service	15,000	-	-	0.0%	15,000
Armory Expenses	23,600	1,542	18,981	80.4%	4,619
Vehicle & Equipment Repl	6,500	-	-	0.0%	6,500
Resident Survey	18,500	-	17,300	93.5%	1,200
Election - Wages	6,000	-	-	0.0%	6,000
Election - Supplies	2,800	-	-	0.0%	2,800
Community Festivals	60,000	-	-	0.0%	60,000
Subtotal: Council	570,363	60,467	155,296	27.2%	415,067

City of Milford, Delaware
 Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget
 For the YTD Period Ended October 31, 2021

33.3% of Year Elapsed

Fund / Account / Divisional Groupings	FY'22 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
Finance					
Personnel	456,230	41,246	115,288	25.3%	340,942
O&M	49,970	3,019	14,031	28.1%	35,939
Capital	-	-	-		-
Subtotal: Finance	506,200	44,265	129,319	25.5%	376,881
Information Technology					
Personnel	382,258	31,979	90,365	23.6%	291,893
O&M	228,241	12,466	142,378	62.4%	85,863
Capital	96,400	-	-	0.0%	96,400
Subtotal: Information Technology	706,899	44,445	232,743	32.9%	474,156
Police Department					
Personnel	5,129,212	542,914	1,507,059	29.4%	3,622,153
O&M	974,498	55,672	249,302	25.6%	725,196
Capital	108,100	-	-	0.0%	108,100
Subtotal: Police Department	6,211,810	598,586	1,756,361	28.3%	4,455,449
Streets & Grounds Division					
Personnel	382,587	33,441	93,939	24.6%	288,648
O&M	508,931	28,533	102,065	20.1%	406,866
Capital	73,000	-	-	0.0%	73,000
Subtotal: Streets & Grounds Division	964,518	61,974	196,004	20.3%	768,514
Parks & Recreation					
Personnel	589,633	60,650	162,455	27.6%	427,178
O&M	473,362	30,959	183,157	38.7%	290,205
Capital	963,000	-	-	0.0%	963,000
Subtotal: Parks & Recreation	2,025,995	91,609	345,612	17.1%	1,680,383
Total General Fund Expenditures	\$ 13,055,925	\$ 1,058,970	\$ 3,267,730	25.0%	\$ 9,788,195

City of Milford, Delaware
 Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget
 For the YTD Period Ended October 31, 2021

33.3% of Year Elapsed

Fund / Account / Divisional Groupings	FY'22 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
Enterprise Funds:					
Water Division					
Personnel	\$ 328,260	\$ 35,750	\$ 106,094	32.3%	\$ 222,166
O&M	1,644,327	119,999	434,557	26.4%	1,209,770
Transfer to General Fund	300,000	100,000	100,000	33.3%	200,000
Capital	187,028	-	47,776	25.5%	139,252
Debt Service	365,273	-	136,137	37.3%	229,136
Subtotal: Water Division	2,824,888	255,749	824,564	29.2%	2,000,324
Sewer Division					
Personnel	\$ 319,977	34,728	103,286	32.3%	216,691
O&M	1,993,116	96,872	410,856	20.6%	1,582,260
Capital	168,528	84	870	0.5%	167,658
Debt Service	411,426	5,226	45,604	11.1%	365,822
Subtotal: Sewer Division (excl. Kent County)	2,893,047	136,910	560,616	19.4%	2,332,431
Kent County Sewer	1,974,629	164,599	715,514	36.2%	1,259,115
Subtotal: Sewer Division (Comprehensive)	4,867,676	301,509	1,276,130	26.2%	3,591,546
Solid Waste Division					
Personnel	334,276	27,808	84,467	25.3%	249,809
O&M	1,086,019	112,162	374,028	34.4%	711,991
Capital	59,075	-	-	0.0%	59,075
Subtotal: Solid Waste Division	1,479,370	139,970	458,495	31.0%	1,020,875
Subtotal: Water, Sewer & Solid Waste	9,171,934	697,228	2,559,189	27.9%	6,612,745
Electric Division					
Personnel	1,275,540	139,261	350,463	27.5%	925,077
O&M	2,759,848	189,552	771,262	27.9%	1,988,586
Transfer to General Fund	2,500,000	208,333	833,333	33.3%	1,666,667
Capital	1,549,021	-	4,189	0.3%	1,544,832
Debt Service	321,615	-	-	0.0%	321,615
Subtotal: Electric Division (excl. Power)	8,406,024	537,146	1,959,247	23.3%	6,446,777
Power Purchased	16,844,386	1,274,085	6,155,488	36.5%	10,688,898
Subtotal: Electric Division (Comprehensive)	25,250,410	1,811,231	8,114,735	32.1%	17,135,675
Total Enterprise Fund Expenditures	\$ 34,422,344	\$ 2,508,459	\$ 10,673,924	31.0%	\$ 23,748,420
Grand Total Operating Budget	\$ 47,478,269	\$ 3,567,429	\$ 13,941,654	29.4%	\$ 33,536,615

City of Milford, Delaware
 Legacy Interservice Department Expenditures: MTD and YTD Actual vs Annual Budget
 For the YTD Period Ended October 31, 2021

33.3% of Year Elapsed

Account / Divisional Groupings	FY'22 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
Interservice Departments					
Garage					
Personnel	\$ 123,933	\$ 9,515	\$ 27,411	22.1%	\$ 96,522
Operation & Maintenance (O&M)	120,813	14,806	39,969	33.1%	80,844
Capital	-	-	-		-
Subtotal: Garage	244,746	24,321	67,380	27.5%	177,366
Public Works					
Personnel	750,563	80,160	230,519	30.7%	520,044
O&M	293,510	10,165	57,489	19.6%	236,021
Capital	-	-	-		-
Subtotal: Public Works	1,044,073	90,325	288,008	27.6%	756,065
Tech Services					
Personnel	271,033	32,838	94,808	35.0%	176,225
O&M	472,729	22,042	120,045	25.4%	352,684
Capital	-	-	-		-
Subtotal: Tech Services	743,762	54,880	214,853	28.9%	528,909
Billing & Collections					
Personnel	632,304	58,894	178,518	28.2%	453,786
O&M	644,405	17,713	70,864	11.0%	573,541
Capital	-	-	-		-
Subtotal: Billing & Collections	1,276,709	76,607	249,382	19.5%	1,027,327
City Hall Cost Allocation					
O&M	45,000	1,950	13,505	30.0%	31,495
Capital	-	34,289	129,081		(129,081)
Subtotal: City Hall Cost Allocation	45,000	36,239	142,586	316.9%	(97,586)
Interdepartmental Cost Allocation	\$ (3,354,290)	\$ (282,372)	\$ (962,209)	28.7%	\$ (2,392,081)
Net Interdepartmental Costs¹	\$ -	\$ -	\$ -		\$ -

¹All costs reported here are allocated to and entirely funded by the various departments that use the services provided internally by these shared departments.



You and a guest are invited to the

Winter Wonderland
2021 Annual Holiday Party

Milford Senior Center
111 Park Ave
Milford, DE 19963

Friday, December 17, 2021 6:30pm – 10:30pm

(Southern Grillz)

Dinner Buffet – 8:00

Fried Chicken, Stuffed Pork Tenderloin, Baked Catfish, String Beans, Redskin Potatoes, Macaroni & Cheese, Meatballs, Crab Balls, Cheese, Veggies and Fruit Trays, Garden Salad & Assorted Cakes & Pies

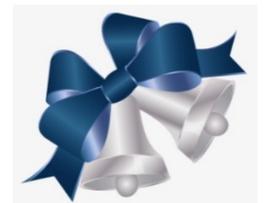
Entertainment: Just Kidding Around

Lots of great prizes: TV, Nintendo Switch Lite, Fire Pit, Chromebook,
Days off, Gift Cards and much more...

* Join in on the Festive Hat Contest*

Masks requirement to be determined

RSVP no later than Dec. 3, 2021, to Katrina White – 422-1111 x1300 or kwhite@milford-de.gov





Sussex County Association of Towns

37 The Circle, Georgetown, Delaware 19947

S.C.A.T. Dinner for Wednesday, January 5, 2022

Town of Bethany Beach

Town of Bethel

Town of Blades

Town of Bridgeville

Town of Dagsboro

Town of Delmar

Town of Dewey Beach

Town of Ellendale

Town of Fenwick Island

Town of Frankford

Town of Georgetown

Town of Greenwood

Town of Henlopen Acres

Town of Laurel

City of Lewes

City of Milford

Town of Millsboro

Town of Millville

Town of Milton

Town of Ocean View

City of Rehoboth Beach

City of Seaford

Town of Selbyville

Town of Slaughter Beach

Town of South Bethany

Sussex County Council

LOCATION: Benvenuto's Restaurant
249 NE Front Street
Milford, DE 19963

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

HOST: City of Milford

SPEAKER: Colleen C. Davis, State Treasurer, Speaking on ARPA Funding

COST: \$65.00 per person

MENU: Hor d'oeuvres:

- Tempura Shrimp served with Sweet Thai Chili sauce
- Caprese Skewer (fresh buffalo mozzarella, grape tomatoes, pesto)

Winter Salad – kale, baby greens, brussels, red cabbage, apples, pomegranate arils, butternut squash, maple vinaigrette

Entrée:

- Crowned Filet: 8oz Creekstone Filet, topped with cold water lobster, jumbo lump crab and bearnaise. Served with Dauphinoise potatoes and roasted baby heirloom carrots

Dessert:

- Bittersweet chocolate mousse, chocolate genoise, chocolate ganging, blackberry sauce. Paired with a toast to the New Year (alcoholic or non-alcoholic prosecco)

For reservations, please contact City Clerk's Office at (302) 422-1111 ext. 1300 or 1303 or by email: thudson@milford-de.gov no later than December 22, 2021, BY NOON

Please make checks payable to **City of Milford**

Mail to: City of Milford

Attn: Terri Hudson

201 S. Walnut Street

Milford, DE 19963

Reminder: S.C.A.T. Steering Committee Breakfast

SPEAKER:

Friday, January 7, 2022 at 9AM, \$11 per person

Location: First State Community Action Agency

308 North Railroad Avenue, Georgetown, DE 19947

RSVP to Kristen Dabrowski kdabrowski@georgetowndel.com

Delaware League of Local Governments



Monthly Dinner Meeting
Thursday, January 27, 2022 - 5:30 p.m.
Maple Dale Country Club
80 Mapledale Rd, Dover, DE 19904

Keynote Speaker:
David L. Edgell, AICP
Director

Delaware Office of State Planning Coordination

AECOM

Thank you to our program sponsor!



Join Us for DLLG's January 27, 2022 Dinner Meeting!

About this event

Program Information

Members, League partners, and friends are cordially invited to attend the Delaware League of Local Governments' monthly dinner meeting on Thursday, January 27, 2022 at the Maple Dale Country Club in Dover.

REGISTRATION/SOCIAL HOUR: 5:30 P.M. - 6:15 P.M.

DINNER: 6:15 P.M. – 7:15 P.M.

PROGRAM: 7:15 P.M.

Keynote Speaker

The event features David Edgell, AICP, the Director of the Office of State Planning Coordination (OSPC). David will discuss priority initiatives/programs and highlight OPSC's 2021 Report on State Planning Issues. Other topics may include:

- Development trends and their implications for thoughtful and coordinated planning, policy changes, and infrastructure investment;
- Projects and programs that are underway to help build strong communities; and/or
- Planning for Healthy Communities

About Keynote Speaker David Edgell, AICP

David Edgell currently serves as the Director of the Office of State Planning Coordination (OSPC). The mission of the OSPC is the continuous improvement of the coordination and the effectiveness of land use decisions made by state, county and municipal governments while building and maintaining a high quality of life in the State of Delaware.

Prior to his role as the Director, David spent over eighteen years as a Principal Planner with the OSPC. As the "Circuit Rider Planner for Kent County" his primary responsibilities included coordinating and aligning State land use priorities and resources with County, municipal and development interests. David performed numerous other statewide planning roles as well, including working as the staff lead for the Downtown Development Districts program, the project manager for the recent update of the Strategies for State Policies and Spending, and working on school site and facility planning. In recent years he has

taken a leadership role in planning healthy communities, focusing on planning and development policies and actions aimed at reducing health inequities. Prior to coming to the Office of State Planning Coordination, David worked at the University of Delaware's Institute for Public Administration assisting small towns with planning, zoning and governance issues. He began his career working for the City of Dover Department of Planning and Inspections, where he helped draft Dover's comprehensive plan and managed the City's development review process.

David has a Bachelor of Arts in environmental studies from Rollins College in Winter Park, Florida and a Master of Regional Planning from Cornell University in Ithaca, New York.

Local Government Spotlight

The Local Government Spotlight will feature the Town of Ocean View's Director of Planning and Development Kenneth L. Cimino and Planner Jill Oliver. They will highlight the Town's recent APA Small Town & Rural Planning Division award for its Comprehensive Plan. The presentation will discuss the Town of Ocean View's innovative public engagement, and how the Town uses fun community activities to attract, involve, and obtain input from residents/constituents.

DLLG Elections

As approved by the Executive Committee at its meeting of September 23, 2021. DLLG's membership will vote to approve the slate of candidates on 1/27/22.

[Learn More >>](#)

Event Logistics and COVID-19 Protocols

Electronic registration and payment must be made in advance via Eventbrite. No walk-in registrations will be permitted. The registration deadline is Monday, January 24, 2022.

DLLG cares about your health and safety. We will be monitoring recommendations from the CDC and Delaware Governor John Carney's COVID-19 emergency regulations.

No mask required while sitting at your table but masks use is recommended while socializing or moving around the venue. Please wear a mask if not fully vaccinated – thank you!



DELAWARE HEALTH AND SOCIAL SERVICES
Division of Public Health

LIHWAP Delaware

Delaware Division of Public Health/Health Systems Protection
Presentation to SCAT November 5, 2021



Low Income Household Water Assistance Program

Low
Income
Household
Water
Assistance
Program

- COMM_LIHWAP_Model Plan States _FY2021 (delaware.gov): www.dhss.delaware.gov/dhss/dph/hsp/files/lihwapplan.pdf
- Low Income Household Water Assistance Program (LIHWAP) | The Administration for Children and Families (hhs.gov)

Background

Legislation

- Consolidated Appropriations Act of 2021 - \$638M
- American Rescue Plan Act - \$500M
- Provides emergency assistance to low-income households that pay a high proportion of household income for drinking water and wastewater services

Funding source is the U.S. Health and Human Services Administration for Children and Families

Funding in Delaware

- \$2.5M all told at \$1.25M from each federal funding source
- Another \$2.5M has been requested from DPH share of ARPA funds
- No legislation at this time for program continuation past this award
- Funding must be expended by 12/30/23

Program Framing

- Similar to Low Income Household Energy Assistance Program (LIHEAP) but with no third-party involvement
 - Think Catholic Charities
 - Federal requirements state, “Grantees must provide funds to owners or operators of public water systems or treatment works to reduce arrearages of and rates charged to such households for such services.”
 - Funding vehicle will be vastly similar to drinking water grants but no WIAC involvement, as this is not a DWSRF program
1. *Restoration of services to households that have had drinking water and/or wastewater services disconnected due to arrearages,*
 2. *Prevention of disconnection for households at risk of disconnection due to arrearages, and*
 3. *Reducing rates charged to low-income households where possible to help ensure affordable household water services.*

Program Framing (Applicant)

- DHP will develop application for intake on existing DPH website (see first slide) and welcomes link on municipal website for applicant reference
- Applicants will be asked address and water provider
- Verification from water provider will be confirmed
- Funding from vendor agreement (slides upcoming) will be used for payment

Program Framing (Vendor)

- Use of “vendor” vs “contract recipient” note
 - DPH will reach out to get updated arrearages from towns
 - Based on those figures, a vendor agreement will be developed
 - Applicants, once verified, will have water and/or sewer bill made whole with vendor (public water system)
- 1. Restoration of services to households that have had drinking water and/or wastewater services disconnected due to arrearages,*
 - 2. Prevention of disconnection for households at risk of disconnection due to arrearages, and*
 - 3. Reducing rates charged to low-income households where possible to help ensure affordable household water services.*

Example

- Megan Smith applies for assistance on DPH website
 - Application indicates she lives in the Town of Georgetown and owes \$75 or her water will be shut off by month's end
 - Address, applicant name, and amount will be verified with Georgetown (vendor)
 - Georgetown will then provide documentation to DPH that the payment is caught up
 - Actual documentation template is TBD
 - Monthly/quarterly, etc.
 - Will be specified in vendor agreements

Where Are We Now?

- A few tele-meetings have taken place with Artesian, Suez, and Tidewater
- Today's presentation is the rollout to SCAT members to be followed by communication with DLLG and Kent and New Castle partners
- Existing relationships with water utilities can help get the word out via traditional DWSRF and ODW routes

Where Are We Now?

- Amanda Lacklen will be the primary applicant Point Of Contact
 - Starting 11/22
- Heather Warren will be the primary vendor POC
- Jamie Mack is grantor POC

Overview of Approved Plan

- Priority for this round of funding * are reconnection of disconnected services and prevention of disconnection or service disruption due to outstanding bills
- Enrollment eligible are uncomplicated
 - LIHEAP, SNAP, WIC, TANF enrollment are acceptable
 - DPH will verify enrollment
 - If applicant is not enrolled in those programs, DPH will dig deeper to see how assistance can be provided – Medicare/Medicaid perhaps

*reminder that continued funding is not in any state or federal legislation at this time

FAQs**

**from
LIHWAP
website

- **Are households that utilize their own privately-owned wells and septic systems for drinking water and wastewater eligible for benefits?**
 - No, payments for household costs associated with private wells and septic systems are not allowable as these would not be payments to owners or operators of public water systems or treatment works.

FAQs**

**from
LIHWAP
website

- **Are LIHWAP households required to be U.S. citizens or lawful permanent residents?**
 - LIHWAP falls within the definition of “Federal Public Benefits,” outlined in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), which limits eligibility for benefits to citizens or to qualified noncitizens (i.e. lawful permanent residents, asylees, refugees, and certain individuals with parole status) who may not receive benefits for a period of 5 years beginning on the date of entry with a qualified status. PRWORA prohibits the provision of these benefits to other noncitizens, including nonimmigrants (i.e., temporary residents) or undocumented immigrants. More information on these requirements is available on the following website: <https://aspe.hhs.gov/basic-report/summary-immigrant-eligibility-restrictions-under-current-law>

FAQs

- **What if a household is mixed status and includes both qualified household members (e.g. U.S. Citizens) and non-qualified household members?**
 - The appropriate policy will depend upon whether the grantee is paying for an arrearage (intended to restore services) or an ongoing rate reduction which provides a benefit for household members that can be pro-rated based on the number of eligible household members. Grantees may pay the full amount of an arrearage to reconnect services or prevent the disconnection of water services to a household with at least one qualified member in order to assure the availability of household water services. However, consistent with PRWORA requirements, grantees must establish policies to pay only a pro-rated portion of any rate reduction benefits based on the number/percentage of qualified beneficiaries in the household.

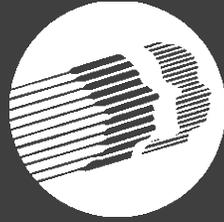
FAQs

- **Can LIHWAP funds be used to pay water utility fees and charges?**
 - Yes, payments of arrearages can include payment of standard reconnection fees, charges, and penalties. However, these fees should be standard fees consistent with the existing and ongoing business practices of the water utility (rather than a special fee charged to LIHWAP households). Grantees have discretion in determining whether these costs are included in the maximum benefit level or are in addition to the maximum benefit level.

FAQs

- **Are renters eligible?**
 - Yes, even if utilities are included in rent payment
- **Are landlords eligible?**
 - No. The program is for households
- **What are reporting requirements?**
 - Vendor reporting requirements will be outlined in vendor agreements

Q&A



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Public Health

Questions?

Amanda Lacklen: amanda.lacklen@delaware.gov

Heather Warren: heather.warren@delaware.gov

DEMEC Energy Rate Increase

Survey of Mayor & Council Compensation
10/20/2021

	Seaford	Milford	Lewes	Kent County Levy Court Commissioners	Middletown	Smyrna	Newark	Dover*	Sussex County	Rehoboth
Paid or Unpaid	Paid	Paid	Paid	Paid	Paid	Paid	Paid	Paid	Paid	Paid
If paid:										
How much?	Mayor \$6,450 / Council \$4,850	Mayor \$4,800 / Council \$1,200	Mayor \$4000 / Council \$3,000	\$34,091 Annually	Mayor \$3,600 / Council \$2,400	Mayor & Council \$600	Mayor \$8,400 / Council \$7,000	Mayor \$45,000 / Council President \$8,652 / Council \$7,416	President \$33,595 / Council \$32,416	Mayor \$1,200 / Commissioner \$600
How often?	Annually	\$400 Month / \$50 Meeting	\$1,000 Qtrly / \$750 Qtrly	Paid Bi-weekly	Mayor \$300 month / Council \$200 month	\$25 per meeting	\$323.08 Biweekly / \$269.23 Biweekly	Mayor is considered an employee / President \$721 Month / Council \$618 month	\$1,201.04 Biweekly / \$1,157.85 Biweekly	Annually
Benefits	Life Insurance \$20,000	N/A	N/A	Same as Regular Employees except sick/vacation	N/A	N/A	Voluntary Participation 457 Plan	N/A	Health & Life	N/A
Paid travel expenses?	Registration Fees Meals Lodging Transportation	Reimbursement of travel & meeting expenses for Mayor	Reimbursement of travel & meeting expenses for Mayor & Council	Reimbursement of travel & meeting expenses for Commissioners	Reimbursement of travel & meeting expenses for Mayor & Council	Reimbursement of travel & meeting expenses for Mayor & Council	Reimbursement of travel & meeting expenses for Mayor & Council	Reimbursement of travel & meeting expenses for Mayor & Council	Reimbursement of travel & meeting expenses for President & Council	Reimbursement of travel & meeting expenses for President & Council

*Dover's Mayor is considered an employee. The mayor is entitled to all benefits customary to an employee of the city, except pension benefits, and sick and vacation leave.

NOTICE OF ORDINANCE CONSIDERATION

Notice is hereby given that the following Ordinance is under review by City Council of the City of Milford with a public comment session scheduled at the meeting on Monday, December 13, 2021 that begins at 7:00 p.m.:

ORDINANCE 2021-25
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 63-SALARIES AND COMPENSATION
PART II – GENERAL LEGISLATION

WHEREAS, Article 4.03 of the City of Milford Charter states “*The City Council may determine the annual salary of Councilmembers and the Mayor by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilmembers elected at the next regular election, provided that such election follows the adoption of such ordinance by at least 6 months. Councilmembers and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office, in accordance with a policy established by City Council by Resolution*”, and

WHEREAS, Section 63-2 of the Code of the City of Milford establishes the salaries of Council and Mayor, and

WHEREAS, the Mayor and City Councilmembers of the City of Milford members provide a positive service that is invaluable to the continued progress of our City; and

WHEREAS, in recognition of the increased obligations in the positions of Mayor and City Council, there is a desire to modify the amount of compensation due to the Mayor and City Councilmembers; and

WHEREAS, from time to time, there is a need to adjust the salaries of those officials elected as Mayor and City Councilmembers; and

WHEREAS, it is appropriate those salaries be adjusted on an annual basis to align with rising costs; and

WHEREAS, the City Council's last adjustments to the salary compensation for the Mayor and City Councilmembers of the City of Milford occurred in January 1998; and

WHEREAS, City Council accepted public comment prior to adopting the Ordinance on December 13, 2021.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Section 63-2 of the Code of the City of Milford, entitled Salaries and Compensation, is hereby amended to read as follows, with strikeouts indicating matter stricken and underlined text as new matter:

- A. Each City Council member shall receive a salary of ~~\$50~~ \$100 per meeting.
 - (1) The salary shall be modified annually based on the Consumer Price Index beginning on January 1, 2023.
- B. The Mayor shall receive a salary of ~~\$400~~ \$600 per month.
 - (1) The salary shall be modified annually based on the Consumer Price Index beginning on January 1, 2023.

Section 2. Dates.

City Council Introduction: November 22, 2021

City Council Review & Final Determination: December 13, 2021

Effective: January 1, 2023

Section 3. This ordinance is effective January 1, 2023, a later date than is permitted by Article 4.03 of the City of Milford Charter. Said salary adjustments shall begin with first payroll following the July 1, 2023 date.

A complete copy of the Code of the City of Milford is available by request through the City Clerk’s office at cityclerk@milford-de.gov or by accessing the city website at www.cityofmilford.com.

Published: Milford Beacon 12.01.2021

NOTICE OF ORDINANCE CONSIDERATION

Notice is hereby given that the following Ordinance is under review by City Council of the City of Milford with a public comment session scheduled at the meeting on Monday, December 13, 2021 that begins at 7:00 p.m.:

ORDINANCE 2021-26
CODE OF THE CITY OF MILFORD
PART I-ADMINISTRATIVE LEGISLATION
CHAPTER 57-PLANNING COMMISSION

WHEREAS, the City of Milford Planning Commission was created pursuant to 22 Del. C. § 701 et seq.; and

WHEREAS, the Planning Commission is a body of citizens that play a crucial role in shaping the future of the City and acts as an advisory group to City Council to develop plans and implement policies that affect the manner in which Milford changes in growth and development; and

WHEREAS, from time to time, there is a need to adjust the compensation of those that devote so much of their time to considering matters that require the review and evaluations of land use and development issues; and

WHEREAS, Chapter 57, §57.5, establishes salaries of the Planning Commission; and

WHEREAS, it is appropriate those salaries be adjusted on an annual basis to align with rising costs and increasing responsibilities; and

WHEREAS, City Council accepted public comment prior to adopting the Ordinance on Monday, December 13, 2021.

WHEREAS, Section 4.10 Effective Date, states ‘Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of ten days after adoption, at any later date specified therein, or as provided by State law’.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. §57.5 Salaries and Compensation, is hereby amended to read as follows, with strikeouts indicating matter stricken and underlined text as new matter:

Each member of the Commission shall be paid ~~\$50.00~~ \$75.00 per regular or special meeting s/he attends, and may be reimbursed for actual expenses incurred in the connection with their official duties.

Section 2. The salary shall be modified annually based on the Consumer Price Index beginning on January 1, 2023.

Section 3. Dates.

City Council Introduction: Monday, November 22, 2021

City Council Review & Final Determination: Monday, December 13, 2021

Section 4. This ordinance is effective January 1, 2023.

A complete copy of the Code of the City of Milford is available by request through the City Clerk’s office at cityclerk@milford-de.gov or by accessing the city website at www.cityofmilford.com.



PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

PHONE 302.422.1110
FAX 302.422.1117
www.cityofmilford.com

To: City Council through Mike Svaby, Director
From: Rhiannon Slater, Operations Supervisor
Subject: Interior Forklift Replacement-Additional Funding Needed
Date: November 22, 2021

Staff requests City Council provide additional funding for the replacement of the interior forklift for the warehouse. The FY22 CIP budgeted \$12,000 for this replacement, an updated quote was recently obtained, and the cost has increased to \$15,480.

Pricing for this forklift was obtained through a competitive bidding process. Specifications and the updated quote for the Yale Forklift are attached.

RECOMMENDATION: Staff recommends City Council authorize a fund increase in the amount of \$3,500 from Electric Reserves



Budget \$ 12,000
 New Price \$ 15,497
 need \$ 3,500

MODEL: MSW025-F

All trucks shown with optional equipment. Please refer to quotation specifications.

CUSTOMER DETAILS

CUSTOMER City of Milford
 ADDRESS 180 Vickers Drive Milford Delaware 19963
 SHIP-TO ADDRESS 180 Vickers Drive Milford Delaware 19963
 CONTACT NAME Mr. Brian Boyle
 PHONE +1.302.422.1110

PROPOSED BY	Jim VunCannon	TITLE	Salesman
PHONE	856-779-8880	EMAIL	jvuncannon@easternlifttruck.com
CELL	410-353-5022		

DATE 2021-11-16 QUOTE EXPIRATION 2021-12-16



EASTERN LIFT TRUCK CO.
 11512 COMMERCIAL LANE
 LAUREL Delaware 19956
 Phone: 302-309-9963



Quoted Model: MSW025-F Available Features

MSW025

Proposal Summary

Included Items	Description	Quantity
Model	MSW025	1
Construction	Standard Environmental Construction +32°F to +120°F Key Switch Start UL Classification Type "E" 24 Volt	
Battery Compartment	8.0" x 28.3" Battery Compartment Battery Removal without Rollers - Lift Out	
Mast	2 Stage Limited Free Lift 130" Maximum Lift Height 87" Overall Lowered Lift Height	
Carriages & Attachments	33.75" Carriage 48" (1220mm) High Load Backrest Extension	
Forks	42" Long x 1.6" Thick x 3.9" Wide (1067mm x 40mm x 100mm) - Class II Hook Type - Standard Taper Forks	
Front End Accessories	Wire Mesh Mast Guard	
Hydraulics	1 Function (0 Auxiliary) Hydraulic Control Valve	
Wheels & Tires	Drive Tires - 9 x 4 - Polyurethane Mold-On 4" x 2.8" Single Polyurethane Load Wheels	
Basearm	42" Inside Dimension - 50.0" Overall Width Outrigger Bars	
Operator Compartment	Multifunctional Display for Flooded Cell Battery	
Directional Control	Two Speed Lift / Lower Composite Control Handle	
Lights & Alarms	Audible Alarm - Reverse Direction Activated - Self-Adjusting 82-102 dB(A) LED Amber Strobe Continuous Operation with Key-On	
Warranty	12 Months / No Hour Limit Full Truck Warranty, 36 Months / 6,000 Hours Powertrain Warranty, 60 Months / 10,000 Hour Frame Warranty; please see full Warranty Statement for additional details.	
Literature & Nameplate	English Literature Pack and Labels	

CITY OF MILFORD
NOTICE OF ORDINANCE REVIEW & DETERMINATION
BY CITY COUNCIL

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

ORDINANCE 2021-28
Amending the Code of the City of Milford
Chapter 19 - ECONOMIC DEVELOPMENT AND REDEVELOPMENT
ARTICLE III - Specific Economic Development Incentive Programs

WHEREAS, the City desires to provide relief to participants of housing assistance programs in the form of impact and permit fee waivers that are cost prohibitive to the completion of housing assistance projects; and

WHEREAS, Milford City Council has a goal of providing reasonable housing assistance for qualifying residents of the City of Milford; and

WHEREAS, certain construction requires and fees have proven prohibitive for home buyers who obtain housing through housing assistance programs; and

WHEREAS, Article III of Chapter 19 of the Milford Municipal Code allows Specific Economic Development Incentive Programs (SEDIP) by waiving some or all impact and permit fees for economic development within the city limits of Milford; and

WHEREAS, there is a need to encourage the development of affordable housing by reducing or waiving these fees for qualifying projects; and

WHEREAS, public comment will be taken prior to the scheduled adoption by City Council on the meeting date noticed in Section 3.

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

Section 1.

Amends Chapter 19 by adding a new section entitled 19-11 Citywide Affordable Housing Assistance Program.

Section 2. Section 19-11 will include subsections 19-11A Eligibility, 19-11B Target Area and 19-11C Development Incentives and paragraphs 19-11C(1) Impact Fee Waivers and 11C(2) Permit and Other Fee Waivers and subparagraphs 19-11C(1)(a) and 19-11C(2)a, 19-11C(2)(b) and 19-11C(2)(c), to read as follows:

§ 19-11 – Citywide Affordable Housing Assistance Program.

- A. Eligibility. Eligible projects shall include any residential project done within the city limits that is part of an authorized citywide affordable housing program. Authorized citywide affordable housing program shall be defined as a program overseen by a non-profit or governmental agency that provides housing for low-income families for homeownership as defined by the U.S. Department of Housing and Urban Development. The incentive beneficiary shall provide the necessary documentation to prove participation in such a program. Eligible projects shall be limited to a maximum of two dwelling units per property.
- B. Target Area – Citywide. The corporate limits of the City of Milford. A copy of the municipal boundary map shall be on file at City Hall, 201 S. Walnut Street, Milford, Delaware.
- C. Development Incentives.
 - (1) Impact Fee Waivers.
 - (a) Incentive Beneficiaries shall qualify for a full waiver of impact fees.
 - (2) Permit and Other Fee Waivers.

- (a) The City shall provide a one-time waiver of permits and fees identified under § 19-6(b)(1).*
- (b) The Incentive Beneficiary is responsible for obtaining all required local, State, County and Federal permits and approvals as may be required to complete the project.*
- (c) The Incentive Beneficiary shall be responsible for the Carlisle Enhancement Fee as outlined in the City of Milford Code.*

Section 3. Dates.

City Council Introduction: Monday, December 13, 2021

City Council Public Comment & Council Review: Monday, January 10, 2022

Section 4. This Ordinance is Effective 10 Days following the Date of Adoption.

For additional information, please contact Rob Pierce in the Planning Department at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised: *Milford Beacon 12.01.2021*



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

CITY COUNCIL MEETING



**Executive Session
has concluded.
Council has returned to
*Open Session***