Milford City Hall Council Chambers 201 South Walnut Street Milford DE 19963

CITY COUNCIL AGENDA
February 13, 2023

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops will be held in the Council Chambers at City Hall. Attendees are welcome to participate virtually as well. Public Comments are encouraged on the agenda items designated with a ℗. Virtual attendees may alert the City Clerk that they wish to speak by submitting their name, address, and agenda item via the Zoom Q&A function or by using the Raise Your Hand function during the meeting. Those attending in person may comment when the floor is opened for that purpose.
All written public comments received prior to the meeting will be read into the record.

This meeting is available for viewing by the public by accessing the following link:
https://zoom.us/j/99156131279
or
http://www.cityofmilford.com/553/Watch-Public-Meetings

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 PM
15-Minute Public Comment Period*

Virtual attendees must register prior to start time of meeting by calling 302-422-1111 Extension 1300 or 1303, or by sending an email to cityclerk@milford-de.gov and providing your name, address, phone number, and the specific agenda item you wish to comment on.

COUNCIL MEETING

Call to Order – Mayor Arthur J. Campbell

Invocation

Pledge of Allegiance

Roll Call

Executive Session

Motion to Recess into Executive Session

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

Return to Open Session

Potential Vote/Personnel

[2]Swearing In/Newly Appointed Police Chief

Approval of Previous Minutes

Recognition
[1]Lillian Harrison/Armory Update
Introduction/New City Employees

Public Comments ℗
Adoption/Ordinance 2023-06/Chapter 26/Enhancement Funds
Additional Fire Company Districts/Award of Funding

Staff Reports
Monthly Police Report
City Clerk
Monthly City Manager Report:
Public Works Department
Electric Department
Planning & Zoning Department
Parks & Recreation Department
Human Resources
Economic Development & Community Engagement
IT Department
Finance Department

Communications & Correspondence

Unfinished Business

New Business
Partial Termination and Release of Deed Restriction, 119 S Walnut St
Authorization/TIIF Grant Agreement - COM Industrial Park
Authorization/ Christiana Excavating Company/Utility Agreement–Outside City Limits
Authorization/ Colony West/Colony South/Utility Agreement – Outside City Limits

Introduction/Ordinance 2023-07
Lands of Oak Forest Park LLC/Change of Zone
3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard
Comprehensive Plan Designation: Low Density Residential
Present Zoning District: R-2 (Residential District)
Proposed Zoning District: C-1 (Neighborhood Commercial) (Proposed Lot One only)
Present Use: Golf Course, Clubhouse and Restaurant
Proposed Use: Restaurant/Brewery/Pub (Proposed Lot 1)
Tax Parcel: 3-30-11.00-008.00 (portion)

Introduction/Ordinance 2023-08
Amends Chapter 197-- Chapter 197 Streets, Sidewalks, Storm Sewers and Other Places

Adds New Article entitled Pedestrian Safety

Executive Session

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

Return to Open Session

Potential Vote/Real Estate

Adjournment

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

ALL 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, DISTRIBUTED, OR PRESENTED AT MEETING ONCE PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE. ANY MATERIALS UTILIZED DURING THE MEETING SHALL BE FROM THE COUNCIL PACKET AND REFERENCED BY PRESENTER USING AUDIO AND VISUAL MEANS TO ENSURE VIRTUAL PARTICIPATION BY ALL IN ATTENDANCE.

℗ *Designated Items only; Public Comment, up to three minutes per person will be accepted.*

**Comments restricted to same date's Council agenda items.*
The time limit is three minutes per speaker, not to exceed a total of fifteen minutes for all speakers.

113022 012423 012723 020623 020723
021023 Item Removed
[1]Presentation/Armory Update 21023 Item Relocated (Late Addition Requested by City Manager/& Moved to Start of Meeting
[2]021323 Swearing In/Police Chief (Late Addition Requested by City Manager)
021323 Item Removed (Mayor Campbell)

THE CITY of Milford DELAWARE

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*

CITY OF MILFORD
COUNCIL MEETING MINUTES
January 9, 2023

The City Council of the City of Milford met in Regular Session on Monday, January 9, 2023, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Police Captain Edward Huey, and Deputy City Clerk Katrina White

COUNSEL: Solicitor David Rutt, Esquire

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops are being held in the Council Chambers at City Hall, with attendees also participating virtually.

PUBLIC COMMENT PERIOD PRIOR TO MEETING

The Public Comment session commenced at 6:02 p.m.

An individual who signed up to speak about speed enforcement (inaudible) on South Walnut Street was denied due to item not being on agenda.

Martha Gery of 13 Mill Street, Milford, representing Milford Advocacy for the Homeless read a letter into record thanking the Mayor and Vice Mayor, and the Milford Police Officers who assisted with opening and manning the Public Works Facility for seventeen displaced persons over the past weekend and asked the city to continue this service as a partnership.

Matthew Sacks also thanked the city for providing this service for the homeless and to continue this service.

Jenn and Larry Lint (inaudible conversation).

Planner Rob Pierce gave an update on the South Walnut Street traffic study.

CALL TO ORDER

Mayor Campbell called the Council Meeting to order at 6:12 p.m.

INVOCATION AND PLEDGE

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

ROLL CALL

All members in attendance.

APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the October 15, 2022 Council Retreat, November 16, 2022 Special Council Meeting, November 28, 2022 and December 12, 2022 Council Meetings, and December 19, 2022 Special Council Meeting. Motion made to approve by Councilmember Boyle, seconded by Councilmember Baer. Motion carried.

RECOGNITION

IT Director Bill Pettigrew introduced his newest employee Michael Smith as a member of the IT Team as a Technical Support Specialist I-Police.

Later during the meeting, Acting Chief Edward Huey introduced Daniel Burgos as the newest member of the Milford Police Department. Most recently he was employed by the Seaford Police Department though he started his career as a Seasonal Officer in Rehoboth Beach.

STAFF REPORTS

Complete reports were included in the packet for Council and public review.

Police

Acting Police Chief Edward Huey provided some highlights in his report. He also spoke several proactive efforts planned for the Behavioral Health Unit Specialists and hopes to acquire some additional grant funding that will be available for this purpose.

Councilmember Boyle moved to accept the monthly police report, seconded by Councilmember James. Motion carried.

City Clerk

Acting City Clerk Katrina White presented the City Clerk report highlighting the work being done to prepare for the upcoming election in April.

Councilmember Boyle moved to accept the monthly city clerk report, seconded by Councilmember James. Motion carried.

City Manager

The City Manager reviewed several items in his report, also mentioned in his departmental reports. He recognized Charlie Nordberg and Brian Jester for their work over the weekend at public works.

Councilwoman Wilson asked that she be informed of any future collaborations that are being done with the homeless, noting that she has been their face at the city for several years and is glad to see that a plan was finally put together to benefit that population. However, she was very disappointed she was unable to assist in the endeavor.

Public Works

Public Works Director Mike Svaby also provided a brief synopsis of his report and spoke about the changes at the intersection of South Walnut and Southeast Front Street to a four-way stop.

Also included is an update on the construction of the police department facility.

Electric

Electric Director Tony Chipola updated Council on several ongoing projects occurring in his department.

He also reported on some recent power outages and updates to the infrastructure to correct those issues.

Director Chipola also assessed the city facilities in hopes of preventing any security or cyber-attacks on the electric system.

Planning Department

Planner Rob Pierce gave an overview of the yearly activity in his department, noting that the statistics have decreased.

He also spoke about amendments to the Comprehensive Plan that have been submitted to the Office of State Planning for their consideration.

When questioned who is responsible for issuing parking violations when vehicles are habitually parking on private parking lawns, it was confirmed that his department addresses those items, though many involve parking on the grass and street which is overseen by the police department.

Councilman James asked how long a property owner is given to clean up a property that has been demolished and referenced the property on Church Street at one of the entrances into the city; Mr. Pierce said a permit is good for twelve months though he believes they are in the process of cleaning the property as there are dumpsters on the property. Councilman Culotta said there are also safety issues that need to be addressed quickly and most municipalities ensure those sites are cleaned up promptly.

Human Resources

HR Director Jamesha Williams acknowledged the recent Holiday Party at the Milford Senior Center that she oversaw. She also recognized Kent Milligan who received the 'Rooster' for several successful videos and professional-grade photos he has taken since he was hired as a part-time employee this past ye*ar.*

Parks & Recreation

Parks & Recreation Director Brad Dennehy recognized the new City Arborist who after six months continues to be extremely busy working with the utility and public works departments.

A brick pavers project is underway to determine the issues that are causing and as a prevention effort to some unsafe sidewalk problems.

He was also asked to check out some loose railing on the Riverwalk that appears to have been part of some work that was recently completed in that area.

A status report of the pickleball project was also provided.

The lighted railing project has been awarded and the materials have been ordered with the start date contingent upon the receipt of those materials.

Economic Development & Community Engagement

ED & CE Administrator Sara Bluhm reported on several projects that included Videographer Kent Milligan before and after photos of the Penney Square building.

A video of Senior Corporal Timothy Webb's walk out was created by him and was viewed by almost 380,000 views last month.

When asked about a potential clothing store coming to Milford, she did contact a broker that does work with clothing brands and retailers throughout the country though there was no site suitable in the area.

Ms. Bluhm also reported that Harbor Freight is under construction in a portion of the old Gordmans/Peebles building.

Informational Technology

IT Director Pettigrew reported the new IT Tech met earlier started on December 20th after his clearance by DELJIS. Though his primary duties will be at the police department, he will be assisting in other duties.

The ERP Tyler project is continuing with the training of city staff ongoing.

He also spoke about the progress of the PBX Cloud system implementation and recent testing as part of the final preparation steps.

Finance

The USDA financing application for the new police facility was formally approved last month by Council with the funding commitment and terms locked in.

The spending at the new facility will continue to be reported in his report. All but three of the seventeen contracts continue to be active. Additional detail will follow.

Past due utility accounts spiked at the end of December. That was a mix of the holiday schedule and some colder weather getting in the way of collection efforts.

When asked the timeline of the rate study, Director Vitola confirmed the electric rate study is the only active rate study as those rates were in effect for three years beginning in FY 21. Solid waste, water and sewer are five-year studies and will start sometime in FY24 to FY25.

He hopes to have the study complete as soon as possible to be able to provide those updates as the budget process begins this spring.

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

MONTHLY FINANCE REPORT-November 2022

Director Vitola presented the Financial Reporting Package for the FYTD period ended November 30, 2022, as follows:

The executive summary below highlights this month's notable developments. The "Quick Reference" section of this memo recaps key financial highlights and changes made in FY23 to help shorten the executive summaries. So far, the only change made in FY23 is the August addition of a second appendix to report the progress on the new Police Facility Construction Project in terms of the final budget versus actual spending. In this month's report, the appendix is found on page 7, following the existing appendix (ARPA).

As we approach the halfway mark, the utility funds continue to exceed expectations with strong results against the seasonalized FY23 budget. All four utility funds are exceeding the YTD budget in terms of net surplus in dollars while exceeding budgeted net surplus by 6.4% in total. Gross margin across all utilities is 2.0% lower than the same period last year, but operating income was 1.5% higher to trim the negative variance in net surplus to 0.5% versus the YTD results through November 2022. To be clear, utility revenue is up across the board – for all four major utility funds, driven by higher volumes and rates – but expenses are increasing at nearly the same rate, which preserves gross margin on a dollar basis, but which erodes gross margin as a percentage. Gross margin was almost $0.2 million higher this period versus last period. Operating expenses are lower versus the budget and prior year for all four utilities, but sewer operating expenses are particularly lower, in part to the continued trend of low inflow and infiltration costs.

The results in the general fund are less positive than the enterprise funds, as YTD November results fall short of the seasonalized FYTD budget in total and across all but one department, while performance lags in total and in each departmental group compared to the same period last year. With December's report coming on the heels of the November report due to the holiday, additional analysis will be provided based on more current

information for the first half year of general fund operations.

General fund operating cash receipts lagged disbursements in November which, combined with ARPA funding, contributed to net cash outflows in November. The police facility construction continues to move well; expenditures are being met primarily with the Bond Anticipation Note (BAN), as summarized in the Appendix tracking project expenditures versus budget.

The complete report can be found in the Council packet.

Councilman James pointed out that he and Director Vitola has been working constantly on providing transparency of information to the public and for Council to use for decision making. In particular, pages 1, 2, and 3 provide a great picture of where the city stands as far as cash available, and project, plans and monies remaining. He thanked the Director for turning that information to be read easily by our taxpayers.

Director Vitola also briefed Council on ARPA funding. The second tranche was received which will be spent pursuant to ARPA regulations. There was a $250,000 in November that utilized ARPA funding. There was another project related to audio visual equipment in the Council Chambers at a cost of $50,000 to be paid with ARPA funds, though the additional CARES Act provided some additional funding and because that project was eligible, it freed up another $50,000 for ARPA projects.

It was also noted that property tax collections started high with a jump in August which is much earlier than in the past. There was a slight falloff in November, and we are currently at 96 to 97% collected which is not as high as last year.

Councilmember James moved to accept the November 2022 finance report, seconded by Councilmember Boyle. Motion carried.

COMMUNICATIONS & CORRESPONDENCE

All communications are included in the packet including meeting invite notices.

Councilmember Baer reported there has been a release of air pollution and odor in the third ward and asked if Code Enforcement can address it. Director Pierce will contact Seawatch though he is willing to contact DNREC about the air pollution though he can reach out to other state environmentalists as well.

Councilmember James said this has been addressed by Seawatch previously and he assumes it was not a danger though there can be an odor problem. He does not recall who was in touch with Seawatch though there was communication with them.

Councilmember Wilson said one of our former Councilmembers was an employee at Seawatch and would handle these complaints in the past. She suggests the City Manager contact them and inform them of the public's complaints. Mr. Whitfield said they are required to change out the biofilters from time to time and sometimes need reminders which he will do.

UNFINISHED BUSINESS

Discussion/Options for Displaced Persons

Mayor Campbell provided a synopsis of a recent meeting regarding the homeless.

He also noted that because of the pallet city in Georgetown, everyone is expecting them to take all the homeless population in this area. Unfortunately, they are only qualified to take forty or so people and there are a lot of restrictions and rules in place.

Inaudible conversation taking place.

Ms. Gery then spoke about the program and provided an update of what she is continuing to do and the relationship with the police department. She added there are going to be some issues because some people do not want to come in and many have mental issues. She appreciates the city's help and the fact that because this is always being talked about, there is a plan, and she continues to work with Brandywine every day.

Unfortunately, the same people that were serviced that night at public works are going to be displaced, and they want nothing to do with the police because they know they are squatting.

Councilman James then spoke stating that not everyone is homeless because they choose to be. Some are victims of circumstances. Anything this municipality can do would be helpful. He has been examining other municipalities and it appears there has been a partnership between the nonprofit group, a for-profit enterprise, and the municipality. None have been able to do it alone and he does not expect it to be different for the City of Milford.

Councilman Culotta said this is a bigger conversation. He agrees multiple partners are needed to make it work. There are a lot of programs in place that needs to be considered and these people need to be aware of those programs. He does understand there are some gaps in the system. There is a misconception that the homeless choose that lifestyle which is not always the case.

However, he does not want to enable the situation either. He thinks that there may be some short-term programs, whether it's a year or six months, and believes there are things in place that can help these people get on their feet or be self-supportive.

The Councilman does think the use of the public works facility as a heating center over the holidays was a good one. The Public Works Building serves the purpose of the public works offices, and this use was a nice way to accomplish this service as a city. This can be talked about and what can be done in similar circumstances when the temperatures get too cold and not as an everyday use.

He is willing to help but also does not want to enable the situation either which is his concern.

Councilmember James said that Milford is looking at the model in Georgetown though he does not want to misrepresent this. In many people's mind, they think that the Town of Georgetown is administering this. Instead, there is an organization called Springboard LLC that is the umbrella who is administering pallet city, per say, along with First State Community Action, that has the wraparound services for case management including feeding, etc. As a result, the nonprofit is administering the functions and the case management and taking the people through the programs to get them into the program. There are a number of steps along the way and are assessed for 45 to 90 days to evaluate the progress

If they find a job, they then can pay rent. And now they can be reintroduced back into society on a path to independent living and that is the goal.

Discussion continued with the public/private partnership being the preferred method of aiding this population.

Mayor Campbell said the entire State of Delaware is watching what occurs in Georgetown to see how this pans out as Milford will do as well.

NEW BUSINESS

Authorization/City Solicitor/Moore & Rutt Agreement

City Manager Whitfield referenced the retainer agreement with Moore and Rutt included in the packet indicating it was discussed this past May when the agreement was awarded to David Rutt, and this memorializes that agreement.

Councilmember Fulton moved to authorize City retain Moore & Rutt and/or Rutt for an annual sum of $90,000.00 to be paid by City monthly at the rate of $7,500.00 for the upcoming year, plus any direct costs incurred by Rutt or Moore & Rutt in its representation of the City and to enter into separate Retainer Agreements with Rutt and Moore & Rutt for duties performed for the purchase or sale of real property, and for any litigation matters for which Rutt

or Moore & Rutt will be required to enter an appearance as counsel for the City with a State or Federal Court sitting in the State of Delaware. Motion seconded by Councilmember Culotta. Motion carried.

Authorization/Budget Adjustment IT/Virtualization Efforts

Finance Director Vitola recommends City Council reallocate $70,000 of the $75,000 authorized in the FY23-27 CIP for cabling upgrades to ongoing virtualization efforts. IT Director Pettigrew has completed an initial review of the City's most pressing technology needs vis a vis the current budget and has determined that the City's critical operations would benefit more by redirecting the funding authorized for the cabling project toward server virtualization.

The FY23-27 CIP includes $75,000 for cabling upgrades. Department-level budget notes suggest that the funding was requested to allow for cabling upgrades should a planned review of infrastructure reveal that one or more of the City's facilities revealed cabling problems. However, only minor needs have materialized, and the majority of funding would be better served if redirected to more critical operations.

IT is recommending City Council reallocate $70,000 authorized in the FY23-27 CIP for cabling upgrades to ongoing virtualization efforts.

Councilmember James moved to reallocate $70,000 in the FY23-27 CIIP for cabling upgrades to ongoing virtualization efforts, as requested, seconded by Councilmember Wilson. Motion carried.

Authorization/Budget Adjustment/Electric/Transformer Maintenance

As discussed in his monthly report, Electric Director Chipola is requesting the authorization of an adjustment to the FY23 operating budget of $60,000 to support the cost of materials, parts, and contract services to address deficiencies identified during a recent visual inspection and oil analysis. Sufficient reserves are available in the electric fund.

Recent chemical analyses at Delivery 1 Substation identified four (4) pieces of oil filled equipment with unacceptable results:

- T1 showed signs of insulating oil degradation resulting in unacceptable power factor ratings, and interfacial tension.
- Inhibitor content was also lower than then accepted concentration levels.
- Three (3) Voltage Regulators also exhibited signs of oil degradation and increased levels of contaminates.
- T2 Filter press valve needs to be replaced as there was indication of it not being fully sealed and showing signs of weeping.

Councilmember James moved to authorize an adjustment to the FY23 operating budget of $60,000 from electric fund reserves for materials, parts, and contract services to remedy the identified deficiencies and avoid potential equipment damage and electrical outages, seconded by Councilmember Baer. Motion carried.

When asked about the transformer supply chain, Director Chipola provided Council with information on various manufacturers concluding that the time frame has improved.

Authorization/Budget Adjustment/Electric CIP/Broadband Feasibility Study

The following request was submitted for Council consideration as discussed by Finance Director Vitola:

The FY23 Operating Budget authorized $35,000 for the City's Strategic Plan Update (the "Update") and $50,000 from the approved FY23-27 CIP for a Broadband Feasibility Study (the "Study"). Expenses related to the Update are expected to be under budget by $15,000. While the Study itself was under budget by $1,300, additional costs related to market research totaled $12,092, requiring additional funds netting to $10,792. Because the two initiatives

are inter-related and the total amount authorized across the budget lines are sufficient to meet the total costs for both projects, staff recommend a budget transfer of $10,792 from the Update to the Study.

	Strategic Plan Update	Broadband Feasibility Study
Budget	$35,000	$50,000
Estimated Actual Costs	$20,000	$60,792
Under (Over) Budget	$15,000	($10,792)
Recommended Transfer	($10,792)	$10,792
Under (Over) Budget	$ 4,208	$ 0

Councilmember James moved to authorize a transfer of $10,792 from the Strategic Planning line budget to the Broadband Feasibility Study Project in the FY23 CIP Plan, seconded by Councilmember Baer. Motion carried.

Introduction/Ordinance 2023-01
Code of the City of Milford/Chapter 55
Personnel Code Amendment
Police Special Duty

City Manager Whitfield introduced Ordinance 2023-01 related to the Milford Police Departments' Lieutenant working and payment for special duty events.

Mayor Campbell introduced the following ordinances, after which Planner Pierce provided a brief review of each:

Introduction/Ordinance 2023-02 - Conditional Use
Application of Collins Bowers Investments, LLC
0.40 +/- acres located along the east side of Lakeview Avenue between Kings Highway and Sussex Avenue
Comprehensive Plan Designation: Low Density Residential
Zoning District: R-1 (Single-family Residential District)
Present Use: Single-family Detached Dwelling
Proposed Use: Single-family Detached Dwelling with an Accessory Dwelling Unit
Tax Parcel: 1-30-3.08-008.00

Introduction/Ordinance 2023-03 - Change of Zone
Application of Growmark FS, Inc.
4.865 +/- acres of land located along the south side of NE Front Street between NE Fourth & East Streets
Comprehensive Plan Designation: Commercial
Present Zoning District: I-2 (General Industrial District)
Proposed Zoning District: C-3 (Highway Commercial District)
Present Use: Office Proposed Use: Office and Vacant Lot
Tax Parcel: MD-16-183.10-04-27.00

Introduction/Ordinance 2023-04 - Preliminary Conditional Use
Application of Masten Circle, LLC
2.39 +/- acres of land located along the east side of E. Masten Circle
Comprehensive Plan Designation: Industrial
Zoning District: I-1 (Limited Industrial District)
Present Use: Vacant Proposed Use: Flex Office/Warehouse
Tax Parcel: MD-16-183.00-01-08.00

Introduction/Ordinance 2023-05 – Amended Conditional Use
Application of Milford Mini-Storage, Inc.
5.38 +/- acres of land located along the east side of Marshall Street approximately 1,025 feet north of the McCoy Street intersection
Comprehensive Plan Designation: Industrial
Zoning District: I-1 (Limited Industrial District)

Present Use: Self Storage and Vacant Lot Proposed Use: Self Storage
Address: 609 & 615 Marshall Street
Tax Parcel: 3-30-11.09-029.01, 029.02 and 029.07

Authorization to Proceed/City of Milford Comprehensive Plan Amendments:

According to Planner Pierce, he is reporting the submission of the following applications to the Office of State Planning for PLUS review:

> *Amendment #1 – Southern States*
> *Kent County Tax Parcel MD-16-182.00-01-03.00*
> *Milford-Harrington Highway & Parcel Consolidation*
> *Change of Future Land Use from I-1 Limited Industrial to Commercial (C-3 Highway Commercial}*
>
> *Amendment #2 – Milford Mini Storage, Incorporated*
> *Sussex County Tax Parcel 3-30-11.09-134.00*
> *Marshall & South Washington Street(s) Area*
> *Change of Future Land Use from Moderate Density Residential to Industrial (I-1 Limited Industrial)*

EXECUTIVE SESSION

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

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

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:48 p.m. for the purposes as are permitted by the Delaware Freedom of Information Act.

At 8:53 p.m., Councilmember Boyle moved to return to Open Session, seconded by Councilmember Baer. Motion carried.

Potential Vote/Personnel/Chief of Police
Potential Vote/Land Acquisition
Potential Vote/Land Sale

No other action taken.

Councilwoman Wilson moved to authorize the City Manager negotiate the purchase of property for potential parkland, seconded by Councilmember James. Motion carried.

ADJOURNMENT

Councilmember James moved to adjourn the meeting, seconded by Councilmember Wilson. Motion carried.

The Council Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriptionist

CITY OF MILFORD
COUNCIL MEETING MINUTES
January 23, 2023

The City Council of the City of Milford met in Regular Session on Monday, January 23, 2023.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Police Captain Edward Huey, and Deputy City Clerk Katrina White

COUNSEL: Solicitor David Rutt, Esquire

Per the Limited Public Health Emergency Declaration issued by Governor John Carney on March 1, 2022, and the virtual meeting provisions provided in Senate Bill 94, Milford City Council Meetings and Workshops are being held in the Council Chambers at City Hall, with attendees also participating virtually.

PUBLIC COMMENT PERIOD PRIOR TO MEETING

No one signed up in advance of the meeting, as is required.

CALL TO ORDER

Mayor Campbell called the meeting to order at 6:03 p.m.

INVOCATION AND PLEDGE

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

RECOGNITION

None mentioned.

PUBLIC COMMENTS/PUBLIC HEARINGS

Adoption/Ordinance 2023-01
Code of the City of Milford/Chapter 55
Personnel Code Amendment
Police Special Duty

City Manager Whitfield said that he asked Labor Attorney Mike Stafford to draft the ordinance that only impacts the Lieutenants in the police department and excludes the Captain and Chief of Police, as well as those covered under the bargaining agreement.

Attorney Mike Stafford was present at the request of the City Manager.

Councilman James questioned the meaning of "Special Duty" means work done under contract with a third party-vendor that requires police officers for special events or activities not be part of the officer's regular duties and not paid in full or part by the City. There was an indication that the language was correct.

When asked the reason captains were not included, Mr. Stafford said that is a policy choice. In Newark, the Chief and other high-ranking officers are unable to work special duty. Those highly compensated exempt employee/officers are always on duty. However, it is a policy choice but the most highly compensated officers in the department who work on the side was not the intention with special duty intended more for the rank and file. Again, it is a policy choice.

The floor was open to public comment. No one responded in person or online. The floor was then closed.

Councilman Boyle moved to adopt Ordinance 2023-01 amending Chapter 55 of the Code of the City of Milford by adding a Police Special Duty section, seconded by Councilman Fulton. Motion carried.

Adoption/Ordinance 2023-02 - Conditional Use
Application of Collins Bowers Investments, LLC
0.40 +/- acres located along the east side of Lakeview Avenue between Kings Highway and Sussex Avenue
Comprehensive Plan Designation: Low Density Residential
Zoning District: R-1 (Single-family Residential District)
Present Use: Single-family Detached Dwelling
Proposed Use: Single-family Detached Dwelling with an Accessory Dwelling Unit
Tax Parcel: 1-30-3.08-008.00

City Planner Rob Pierce read the staff report that was included in the packet also described above. The applicant proposes to convert an existing 20 x 40 detached garage into an accessory cottage which requires conditional use approval from City Council. He also read excerpts from the City Code related to access noting the plan meets the parking requirements for the dwelling and accessory dwelling. There are two accesses on the property.

The property is located primarily in a residential area though the former Milford Memorial Hospital and current Wellness Village to the rear and east of this property, as well as an existing veterinary clinic to its south.

Planning Director Pierce noted the survey and again reviewed the accesses and parking areas, narrative from the applicant related to the plan, and a copy of the zoning code requirements.

The notice was published in the Delaware State News on January 3, 2023, and property owners within 200 ft mailed a notice. The site was also posted with a Public Hearing sign.

There is a requirement that any accessory building be located five feet from the side property line or meet the minimum setback requirement for accessory building and this application did not meet the requirement and needed a Board of Adjustment variance which was approved earlier in January.

The Planning Commission heard the application on January 17, 2023, and recommended approval by a vote of 7 to zero.

Tanner Bowers of 10 Commerce Street, Harrington, Delaware will be living at the property and explained he is doing substantial renovations to the home and garage at 304 Lakeview Avenue. His plan is to modify the space above the garage into a studio apartment. There is more than 700 square feet to comfortably fit an apartment and still have a suitable amount of room in the garage below. There is room for at least four off-street parking spaces in the rear of the property that will service the apartment and room for over five off street parking spaces in the front of the property that will service the main house.

Parking areas to garage and home are accessed from different streets so there will be no conflict. He also received a letter from Dr. Mallory Alexander who supported the application and is closest in proximity to the accessory dwelling. All other neighbors supported the application as well.

He noted there will be no change to the character of the neighborhood because it is an existing building.

Tyler Nichols of 413 Kings Highway, Milford, is the brother-in-law of the applicant though his home is seven across the street from this residence. He favors the plan noting the amount of money he has put into the project. When they looked at the home it been vacant for many years and believes the approval will allow him to continue the renovations.

Planner Pierce then read a letter of support from Dr. Mallory Alexander for the variance and project for an apartment dwelling, in addition to the main dwelling. It noted this property was once neglected and Mr. Nichols plans are to reinvigorate the property to its full potential.

There was a clarification that the property, which is in an LLC at the present time, must be transferred into his personal name and must be owner-occupied before the Accessory Dwelling Unit Certificate of Occupancy would be issued.

Councilman James asked if there is a time limit the property must be owner occupied or into perpetuity; Planner Pierce stated that one of the two units would have to be owner-occupied forever or it would have to be converted back to an accessory building. That is recorded on the deed so that anyone later purchasing the property would have notification of that requirement.

Councilman James also mentioned this was the intent of the ordinance when it was adopted and is excited to see this type of work continue.

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

Councilmember Fulton moved to adopt Ordinance 2023-02 to allow a Conditional Use for the application of Collins Bowers Investments, LLC, seconded by Councilmember Culotta. Motion carried by the following unanimous roll call vote of 8 to 0:

Wilson-votes yes, it meets all the qualifications and the variance approved, as well as receiving Planning Commission recommended approval.
James-votes yes, the applicant has done this by the book and checked every box, and with the support of the surrounding neighbors and it will be a great project.
Fulton-votes yes, it is great to see people taking the time and money to improve the neighborhood.
Samaroo-votes yes because it meets the requirements of the zoning code and has the 7 to zero recommendation of the Planning Commission.
Marabello-votes yes because of the approval by the Planning Commission of 7 to zero and it is an improvement to the neighborhood.
Boyle-votes yes and paraphrase what Councilman James said about when this ordinance was passed with this a classic example of the intent of the ordinance and redevelops the neighborhood and provides additional medium income housing and basically improves all areas in that part of town.
Fulton-votes yes it meets the requirements of the ADU and is a good step and is exactly what we had in mind as was pointed out. Also, because the deed restriction will be placed on the property so that way the future owner will know that exists and what their limitations are. Also, for the owner-occupation purpose.
Culotta-votes yes for many of the same reasons stated and this is great in that it follows the idea of accessory dwelling units and the importance of them being in the city and he believes this is the second official ADU. He looks forward to I and he enjoys the work the Bowers and Collins group does to the various homes in Milford and thanks them.

Adoption/Ordinance 2023-03 - Change of Zone
Application of Growmark FS, Inc.
4.865 +/- acres of land located along the south side of NE Front Street between NE Fourth and NE East Streets
Comprehensive Plan Designation: Commercial
Present Zoning District: I-2 (General Industrial District) Proposed Zoning District: C-3 (Highway Commercial District)
Present Use: Office Proposed Use: Office and Vacant Lot
Tax Parcel: MD-16-183.10-04-27.00

City Planner Rob Pierce read the staff report that was included in the packet also described above. The change of zone is for approximately 4.8 acres from I-2 General Industrial District to C-3 Highway Commercial District. The property contains an existing office building, and the owner proposes to subdivide the property into two parcels sectioning out the office building from the residential vacant piece which will be reviewed by Mr. Pierce administratively.
The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps that shows it as commercial, for which the C3 district as a suitable zoning designation. Future use of the property must comply with Chapter 230 and the C-3 zoning use and area regulations.
He referenced the maps and the area showing the Growmark FS office buildings, as well as the other area uses, and site plan, all included in the packet.

The notice was published in the Delaware State News on January 3, 2023, and mailed to property owners within 200 feet. A public notice sign was also posted at the site.

The Planning Commission reviewed the application recommending approval by a vote of 6 to zero, with one member recusing themselves from any discussion or action.

Merestone Consultant Robert Nash of 634 Abbott Drive, Milford, presented the application on behalf of Growmark FS. He shared the property at one time was a fertilizer plant, which was not a good use on the river. At some point, that was moved to State Route 14 and the office was completed on this site. In the event approval is granted for the change of zone, which was needed for some time, because it was an industrial use in the middle of C3 zoning properties. Upon approval, a subdivision will be completed to the east of the office.

This seems to be more housekeeping because the industrial use does not fit in the C3 zoning area.

The floor was open to public comment.

Dan Perez, owner of River Lights Café, stated that the subdivision and asked Mr. Nash to explain. What he said about the history is 90% correct though his tax office is right next to this. He asked for more information and asked if it will be broken down into offices. But depending on the use, he would like some additional information, such as heavy trucks being moved in and out of the area.

Mr. Nash said he is unaware of any plans at this point, though he believes that office space will also fit, though there is a possibility of real estate as well. They are aware of the flood zone and any structure would need to comply with those regulations as well as DelDOT, the Conservation District, and the Fire Marshall regulations.

Director Pierce stated that he wants Mr. Perez to understand this will be changed to commercial, not industrial, which is the current zoning.

Councilman Fulton referred to the present zoning, noting that the heavy trucks would be allowed in that district. Planning Pierce pointed out that any development would still require future approvals and an opportunity for the public to review and make comments during those hearings.

Councilmember Marabello questioned and Mr. Nash confirmed there is a present office on the property that has been used by Growmark FS. No other plans for office buildings are proposed at this time.

Michael Layton of 531 Dr. Smith Road, Harrington, Delaware, was online stating he is Growmark FS LLC's Manager, Safety and Environment Manager and has some operational duties at the Milford property. He stated that his predecessor Norm Hamstead had previously thought the property was zoned commercial. This is an attempt to get the property in the correct zoning and in compliance with the City's comprehensive plan. There are no current deals or contracts on the table, though there has been interest expressed. Correcting the zone will allow this to occur, though any development will be going through the Planning Commission with future hearings as was previously stated.

There being no further interested persons to speak, the public comment session was closed.

Councilmember Fulton moved to adopt Ordinance 2023-03, changing the zone of the Growmark FS LLC site from industrial to commercial C3.

Marabello-votes yes based on the Planning Commission's recommendation vote of 6 to zero with the one recusal. He hopes the owner takes into consideration Mr. Perez's café in this area.
Boyle-votes yes noting the plan is consistent with the comp plan future land use map. It makes sense to change the industrial zone to a C3 zone and is in line with the commercial area and similar uses surrounding it.
Fulton-votes yes adding it is consistent with the 2018 vetted and reviewed comp plan and recognized Mr. Perez' main concern of large and heavy trucks, though industrial zone allows the heavier traffic, and this action may quell some of his misgivings.
Culotta-votes yes based on the recommendation of the Planning Commission.
Wilson-votes yes based on the recommendation of the Planning Commission, and this is matter of cleaning up the zone and correcting it. It makes sense for potential businesses to come into this area.
James-votes yes, this change of zone places this piece of property in conformity with the 2018 comp plan future land use.

map and anything planned for this property would have to confirm to the C3 zoning regulations.
Baer-votes yes it makes total sense regarding the city's comprehensive plan, and he also supports Planning Commission's vote of 6 to zero.
Samaroo-votes yes based on the Planning Commission's recommendation of six to zero.

Adoption/Ordinance 2023-04 - Preliminary Conditional Use
Application of Masten Circle, LLC
2.39 +/- acres of land located along the east side of E. Masten Circle
Comprehensive Plan Designation: Industrial
Zoning District: I-1 (Limited Industrial District)
Present Use: Vacant Proposed Use: Flex Office/Warehouse
Tax Parcel: MD-16-183.00-01-08.00

Planner Pierce read the staff report included in the council packet as described above.

The applicant proposes to construct two 9,400 square foot flex style storage buildings as shown on the preliminary site plans. Chapter 230-45 states in all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

Based on the information presented, the City of Milford Code, and the Comprehensive Plan, staff submitted a request for the Preliminary Conditional Use Site Plan. The applicant is seeking a waiver from the bicycle parking facility requirement that was added to the last zoning code amendment, outlined under Chapter 230-20(M) due to the property's industrial nature. Other than the bicycle waiver request, the Preliminary Site Plan meets the minimum standards to Chapter 230 Zoning and Chapter 200 Subdivision of Land. The plans have been reviewed for general compliance with the City's Standard Construction Specifications.

He also acknowledged the conditional use application requirements, agency review comments, location map, and a property line adjustment completed by the previous owner.

The preliminary site plans were also included, and other related documents, all of which were also available in the packet.

The public notice was published on January 3, 2023, in the Delaware State News, mailed to property owners within 200 feet, and a sign posted at the site.

The Planning Commission recommended approval of the application, along with the waiver of the bicycle parking facility requirement, at their January 17, 2023 meeting.

Eric Wahl, Senior Landscape Architect and Alan Decktor, Professional Engineer of Pennoni Associates were in attendance to present the application. Property owner Timothy Hoover of Masten Circle LLC was also present.

Mr. Wahl shared this is a 2.39-acre property on the east side of East Masten Circle zoned I1 under the industrial district. They are proposing two 9,400 square feet flex office warehouse buildings that requires a conditional use.

The building will be built as a shell, but the plans show six units per building. Each unit has an entry door and a 12-foot garage door. Forty parking spaces are required with fifty-four provided.

The grading and landscaping plans were also described by Mr. Wahl.

Individual agency reviews and approvals were discussed, though final comments have not yet been received from the Kent Conservation District. The City Engineer has reviewed the plan and comments addressed. Outstanding items will be addressed during the construction phase.

A waiver has been requested for the bicycle parking due to no bicycle paths connecting to this area and no designated bicycle lanes on Masten Circle.

The City Engineer recommended approval of the preliminary plan as well as the Planning Commission.

It was clarified the Subdivision Code states that the bicycle parking racks are required or encouraged for any redevelopment or development.
Councilman Boyle pointed out that bicycle lanes are being added to the upcoming Route 113 construction plan. He does not believe the bicycle trend will continue and no everyone can afford a vehicle and instead uses bicycles. He asked the applicant to reconsider that waiver request.
Mr. Wahl stated that at the Planning Commission meeting last week, another item of safety came up and because there are a lot of heavy vehicles on Masten Circle which also played a role in the lack of bicycle traffic in the area.
The floor was opened for public comment. No one in attendance or online wished to comment.
Nina Pletcher of 428 South Walnut Street stated she agrees with Councilman Boyle that a bicycle rack should be installed and that big trucks using that area would be a deterrent. It sounds to her like a safety issue, and it is probably not the responsibility of this organization to worry about safety. But the people who need to get to locations to work and if biking is the way, there is a need for a place to park their bicycles safely and soundly.
Planner Pierce explained that five plus one for every parking space is required. City Council has the right to waive the bicycle parking requirement if demonstrated the bicycle parking would not be appropriate in consideration of the use of the site.
There being no further comments, the public comment session was officially closed.
Councilmember Fulton moved to grant a preliminary conditional use and adopt Ordinance 2023-04, excluding the bicycle parking waiver, seconded by Councilmember Boyle.
The roll call vote failed by the following roll call vote of 4 to 5:
Wilson-votes no and if there becomes a need for a place for bicycles to park, she feels the company would provide that need based on that. But to start out, she does not think it should be something dictated by the city as this point.
James-votes no and believes that if there was a reason for a waiver of the bicycle rack, this would be it. He thinks to the spirit of why the waiver was put into existence as read by the City Planner, then this fits the criteria for a waiver.
Baer-votes yes and he prefers to encourage more biking in the city.
Samaroo-votes no based on safety reasons.
Marabello-votes yes to not removing the waiver and he also encourages bicycling. If it doesn't pan out, the city can ask that it be changed, but it will not hurt it there.
Boyle-votes yes and this aligns with our bicycle plan that will encourage bicycle use, and the construction of the bike path on Route 113 will begin this week, which is a major road near this circle and will encourage more bicycle use as well.
Fulton-votes yes and believes that a bicycle rack would be appropriate for people to bike to work considering we have a Boys and Girls Club down the road with no bike lanes with heavy traffic that goes past Walmart, and they have bike racks out there.
Culotta-votes no on the motion as it stands because we are getting hung up on a bike rack when there is an opportunity to add more businesses and job creation in Milford which is the whole point of the industrial park out there in this location. He is happy with what is being proposed and he does not think getting hung up on whether a bike rack is needed or not. If the businesses that lease those spaces feel the need to add a bike rack, they will do that.
The vote of Council being 4 to 4, Mayor Campbell's vote was needed to break the tie. He voted no and agrees that if a company believes there is a need for a bike rack to be installed, he is confident they will do so.
Councilmember Culotta then moved to adopt Ordinance 2023-04 with approval of the bicycle parking waiver, seconded by Councilmember James.
Motion carried by the following 5 to 4 roll call vote:
Wilson-votes yes and the industrial park should be able to go forth without any stipulations at this time.
James-votes yes and as mentioned that if there was an area in a project for a waiver of the bicycle rack, this would meet the criteria.
Baer-votes no and he does not think it is a big deal to ask for a bike rack to be installed at this new development site.
Samaroo-votes yes and agrees with Councilmembers Wilson and James' reasons.
Marabello-votes no and agrees with Councilman Baer that it is not a big deal to install a bike rack.
Boyle-votes no and believes based on our bicycle plan and encourages the use of bicycles.
Fulton-votes no and he does not think a bicycle rack is a big ask for a company putting in large warehouses and expecting employees to be able to go to work and not necessarily burn gas if employing local residents.
Culotta-votes yes and he is all for voting as everyone here. He believes we do not need to get hung up on this and if a bicycle rack is needed, they will put it in.
Due to a 4 to 4 tie, Mayor Campbell votes yes because it is easy to put a bicycle rack in and he would feel bad if the company did not do that and it was needed by employees.
COMMUNICATIONS & CORRESPONDENCE

The notices included in the packet were referenced. Council was asked to contact the City Clerk's Office if anyone wishes to attend any of the events.

Councilmember James thanked the property owner, and any staff that may have been involved, for the cleanup of the demolished property at the end of Church Street discussed at the last Council meeting.

MONTHLY FINANCE REPORT – DECEMBER 2022

Finance Director Lou Vitola stated the finance statements for the first half of the year are included in the packet. Recalling from the discussion in November, cash dipped somewhat for the first time in a while though it did somewhat rebound in December.

Part of that was property transfers that occurred in November though the realty transfer taxes were received in December.

There were also strong receipts coming through permits and other development activities that's primarily due to the Food Bank. That was slightly more than $.5 million and that trend should continue in January, if not February, with the receipt of bond bill funding. There is $1.4 million dollars in projects and bond bill funding.

There has been some spending that will be swept into the general fund.

Utilities continue to be strong, except for electric. He is only referring to the gross margin as a percentage in electric that's being squeezed as a function of the rising wholesale power costs over and above the budget. That should be delivering the same dollars in terms of gross margin, though mathematically it is a smaller percentage.
Water sewer, and solid waste our all performing strongly in terms of both dollars and gross marginal as a percentage.
Electric is behind in gross margin but not as nearly as you would think looking at the percentage.

That should stabilize toward the second half of the year now that we have the wholesale rates in place. No additional PCA is expected for the remaining fiscal year or the first half of DEMEC's calendar budget.

The general fund was underperforming through November and into December, but it has improved. Two of the four departmental groups have turned positive versus the budget. They were somewhat mixed versus last year.

A couple of adjustments needed to be made related to the seasonalization of the budget though that will continuously improve as we proceed.

The sewer fund and police fees on page one of the report show a bump, which Director Vitola said that the sewer fund is just due to operating performance. I&I had a low month. It has an annualized budget of $55,000 a month and was only $24,000 plus this month. That accounts for $30,000 of that.

On the police side in the on the police and general government facilities fund, most of that is Food Bank at the permit stage. The rest of lines are affected by those fees as well.

The impact of the Indian River plant is approximately $400,000 to all customers over the next five years and is affecting the electric margin.

When questioned about what type of parking enhancements are occurring, in fiscal 22, there was 60,000 and $80,000 budgeted for resurfacing the city's municipal lots. The costs have since increased and additional dollars were added for one or two lots this year. There is a grand total in FY23.

When asked about the general fund and tax income, Director Vitola said the vast majority of the fiscal 23 levy has been collected and is over 97%. He will have an update at the first February meeting.

He noted that a check received one day and is posted to the utility account. It is deposited either the same day or the following day, but it depends on the length of time it takes to clear the bank.

When asked about a 48-hour turnaround, he explained that if the billing department receives 4,000 tax payments within a day or two, it takes staff longer to turn through them. Also, some checks will be delivered to a city hall, or the finance building and then are manually turned over to the billing group where they are then posted, and then deposited.

On average, the checks received on a normal business day, are posted, and are deposited into the bank that day of posting, or the next day.

It was noted that "FHY" on the report is an abbreviation for "fiscal half year".

Councilmember James moved to accept the monthly December 2022 finance report, seconded by Councilmember Baer. Motion carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Introduction/Ordinance 2023-06/Chapter 26/Enhancement Funds

City Manager Whitfield said this ordinance is the result of Council's direction during a recent discussion of the new fire districts that will be providing services within the City of Milford.

In addition, there was a new sentence added this afternoon that states *The City Council, at its sole discretion, may utilize the funds for any fire safety purpose it so deems reasonable.*

Ordinance 2023-06 is scheduled for public comments and final action by Council at the next meeting on February 13, 2023.

Authorization/Milford Corporate Center/Becker Morgan Contract

The Planner read the following memo to City Council, also included in the packet:

On February 14, 2022, City Council authorized the execution of a Memorandum of Understanding (MOU) with Tsionas Management Company, Inc and NAI Emory Hill Real Estate Services, Inc. for the development of the Milford Corporate Center located on the Fry property. Phase I of the MOU includes professional assistance with the development of a concept master plan and evaluation of off-site improvements.

On February 28, 2022, City Council authorized the execution of a contract for engineering services to Becker Morgan Group to produce a concept master plan for the Milford Corporate Center.

On August 8, 2022, City Council reviewed the preliminary concept plan prepared by the development team prior to scheduling the public workshop and submitting for State of Delaware Preliminary Land Use Service (PLUS) review. A PLUS hearing was held on August 24, 2022, with State agencies and we are awaiting PLUS comments.

On October 10, 2022, City Council authorized engineering service contracts with Becker Morgan Group in the amounts of $210,000 and $313,000 for the design and permitting of onsite construction improvements and anticipated DelDOT road and right-of-way improvements. The contracts excluded the cost for a new Transportation Impact Study (TIS).

On November 28, 2022, City Council authorized an amendment to the engineering agreement with Becker Morgan Group in the amount of $28,000 for the preparation of a Traffic Impact Study.

Engineering Services Contract – Environmental, Geotechnical, and other Reimbursable Expenses

The engineering contract executed with Becker Morgan Group excluded costs associated with environmental and geotechnical testing performed by Becker Morgan's third-party vendors. The subdivision design requires a wetland delineation for a small portion of land located in the northeast section of the property and soil borings will be needed to

determine road design and stormwater management design. The anticipated costs for these services are approximately $22,000. Staff is requesting an additional $10,000 to cover costs associated with agency permit submissions, vehicle and mileage reimbursement, printing materials and other miscellaneous reimbursable expenses not specifically covered in the contract executed with Becker Morgan.

When questioned, Planner Pierce confirmed that all costs of these agreements will be reimbursed through the sale of lots in the new business park.

Councilman Fulton questioned the recommendation by Planner Pierce to authorize the appropriation of $32,000 and suggested it be reworded to 'up to' $32,000 from general fund reserves to cover the costs associated with anticipated third-party expenses related to those engineering services Geotechnical services and other anticipated expenses.

Planner Pierce explained it was worded that way because he did not want to come back and ask Council for a large sum of money at the end of the project.

Councilmember Fulton moved to authorize the appropriation of *up to* $32,000 from General Fund Reserves to cover the costs associated with anticipated third-party expenses for environmental services, geotechnical services and other anticipated reimbursable expenses associated with the design of the Milford Corporate Center. All project costs related to the acquisition, development and sale of Milford Corporate Center lots, net of all grant funding received for the specific purpose of offsetting project costs, shall be recovered through lot sales, and returned on a pro rata basis to the internal funding sources leveraged to support such project costs. Councilmember James seconded the motion. Motion carried with the change so noted.

EXECUTIVE SESSION

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

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

Motion carried.

Mayor Campbell recessed the Council Meeting at 7:27 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

At 7:57 p.m., Councilmember Marabello moved to return to Open Session, seconded by Councilmember Wilson. Motion carried.

No action to be taken.

ADJOURNMENT

Councilmember Fulton moved to adjourn the meeting, seconded by Councilmember Boyle. Motion carried.

The Council Meeting adjourned at 7:58 p.m.

Respectfully submitted,
Terri K. Hudson, MMC
City Clerk/Transcriptionist

ELEVATED
COMMUNITY DEVELOPMENT CORPORATION

To the Members of the Milford DE City Council,

I hope this letter finds you well. Elevated Community Development Corporation (ECDC) requests your consideration in the purchase of the formerly abandoned Milford Armory, now converted into a Community and Service Center.

As you may know, Elevated Community Development Corporation (ECDC) is a non-profit organization dedicated to improving the quality of life in our communities through various programs and initiatives. Over the past several years, we have worked tirelessly to revitalize the once-neglected Milford Armory into a vibrant and thriving community hub that provides essential services to local residents.

The Community Service Center offers a wide range of programs and services, including job training, education and literacy classes, health and wellness workshops, and a myriad of other activities. The Center has become a source of pride for the community, providing a safe and supportive environment for residents to gather and access the resources they need to succeed.

Given the significant investment of time and resources made in converting this property into a thriving community hub, it would be in the best interest of the City to consider allowing the purchase of the property by Elevated Community Development Corporation (ECDC). Alternatively, if the City is not in a position to allow the purchase of the property, it is suggested that the City would consider a long-term lease of 50-99 years.

Understanding this is a significant request, by working together, ensures that the community service center will continue to provide essential services and support to residents for many years to come.

Thank you for your time and consideration. We look forward to the opportunity to further discuss this proposal with you and to serving the residents of Milford DE.

Sincerely,

Lillian Harrison
Executive Director
Elevated Community Development Corporation

believe

604 N Walnut Street, Milford, DE 19963
Tel: 302-381-7053 Email: Elevatedcdc@gmail.com

RUTH BRIGGS KING
STATE REPRESENTATIVE
37th District

HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

COMMITTEES
Appropriations
Education
Health & Human Development
Joint Finance
Manufactured Housing
Public Safety & Homeland Security
Transportation, Land Use & Infrastructure
Veterans Affairs

February 10, 2023

Milford City Council
Joseph Ronnie Rogers Council Chamber
201 South Walnut Street
Milford, Delaware 19963

Honorable Council Members,

I write to you today in support of Lillian Harris and Elevated Community Development Center (CDC), which is seeking the ability to purchase or long-term lease the Milford Armory building, located at 604 N. Walnut Street, Milford, Delaware.

Through Elevated CDC, the Milford Amory Community & Resource Center offers a myriad of programs and services including employment assistance, budget, and credit counseling to help with housing needs and computer training. The center also provides space for community members to meet, study, and network, in addition to participate in athletic activities.

Lillian personally has worked for several years to bring the center to the place it is now. However, more efforts are needed. The purchase or long-term lease of the building will enable Elevated CDC to apply for grant funding and embark on the much-needed improvements and repairs to the structure. I know Lillian and her dedication to the restoration of people as well as properties. She has grown in the size and scope of her offerings as a non-profit during many challenging circumstances and I strongly support her initiative and desire to grow in Milford.

It is because of this that I respectfully ask for your consideration of her request to purchase or long-term lease the Milford Armory.

If you have additional questions, do not hesitate to contact me.

Sincerely,

Ruth Briggs King
37th District
State Representative

RBK/dmh

411 Legislative Avenue, Dover, Delaware 19901
House Office: (302) 744-4251 Fax: (302) 739-2773
Email: Ruth.BriggsKing@delaware.gov

Lillian Harrison
President/CEO

Tel: 302-381-7053 Fax: 302-572-8006 Email: elevatedcdc@gmail.com

"A Workforce and Community Development Corporation"

ELEVATED
COMMUNITY DEVELOPMENT CORPORATION

MISSION

Elevated Community Development Corporation, a not for profit 501(c)3 was formed to provide employment, training and supportive services to ex-offenders, chronically homeless, displaced veterans, TANF and TANF like individuals.

Today, its' core services are resource and referrals, employment training, supportive services, business training & development, housing counseling, credit restoration and an overall platform for the needs of the community.

ELEVATED
COMMUNITY DEVELOPMENT CORPORATION

Operations & Management

- Transitional Housing
  - Re-Entry Program
  - (Work Release & Sex Offenders)
- QLC CONSTRUCTION
  - Employment & Training

MACSC

Milford Armory Community & Service Center

- Women's Forum
- Business Training/Consulting
- Commercial Food Preparation
- Board Room/Conference Room
- Leased Office Space
- Shared Office Area
- Networking Lounge
- Cafe

ELEVATED
COMMUNITY DEVELOPMENT CORPORATION

Operations & Management

- Executive Director- Nonprofit management, fundraising, marketing and other activities. (Volunteer)
- Operations Director-Oversees daily operations of Milford Armory Community Service Center. (Volunteer)
- Director Business Training/Marketing -provides business tools for start-up & existing businesses as well marketing for MACSC. (Volunteer)
- Administration Staff (2 PT)- Responsible for administrative duties; to include accounting. (Future staff)
- Maintenance Manager-oversees daily operations of facility/both interior & exterior. (Future staff)

MACSC

Milford Armory Community & Service Center

The original vision for the Milford Armory in 2019 was that it become a Community Services Building and under Elevated Community Development Corporation, programs and services were offered. With feedback from the community, in 2021 Milford Armory Community & Service Center was officially created and branded…

"Revitalized To Change Lives"

Its legacy continues as a community platform, open to all. To date, activities & services include:

- Active gymnasium (teams and leagues practice and compete (table tennis, basketball & more)
- Event space for birthdays, community events, weddings, recitals
- Lounge for networking/both business and pleasure (includes a Musical Domain)
- Boardroom/Conference room (serves corporate/small, medium space) (Leased)
- Commercial Kitchen/Food Preparation (Leased)
- Women's Forum/Gown Room (workshops, empowerment sessions, gowns-formal occasions)
- Community Resource Room(provides clothing, accessories and housewares for men, women & children)
- Office Space (Leased)
- Workshare Space (Leased)

ELEVATED
COMMUNITY DEVELOPMENT CORPORATION

Advisory Board

The Advisory Board serves as a valuable resource in credibility and community investment. Each member offers guidance from marketing to management. There are currently 7 members of the Advisory Board.

Sunset
Boulevard

A Presentation of
Milford Armory Community and Service Center's
Women's Forum

Preparing For Life's Final Journey

January 21, 2023
10 am - 2 pm
Doors open at 9:30 am
***Seating is limited**

A properly planned memorial will help your family move forward with comfort and ease. Statistics show that very few people have a prepared plan when a loved one passes on.

The focus of the 1st Women's Forum 2023 is building families, transforming lives, and helping you to prepare for the most important things that confront you daily. Dynamic teams will share their knowledge, skill, and experience on the following topics and answer questions.

a. Estate Planning, Wills, Advanced Healthcare Directives
b. Memorial Service Pre-Planning
c. Building Healthy Lifestyles
d. Life Insurance Pre-Planned

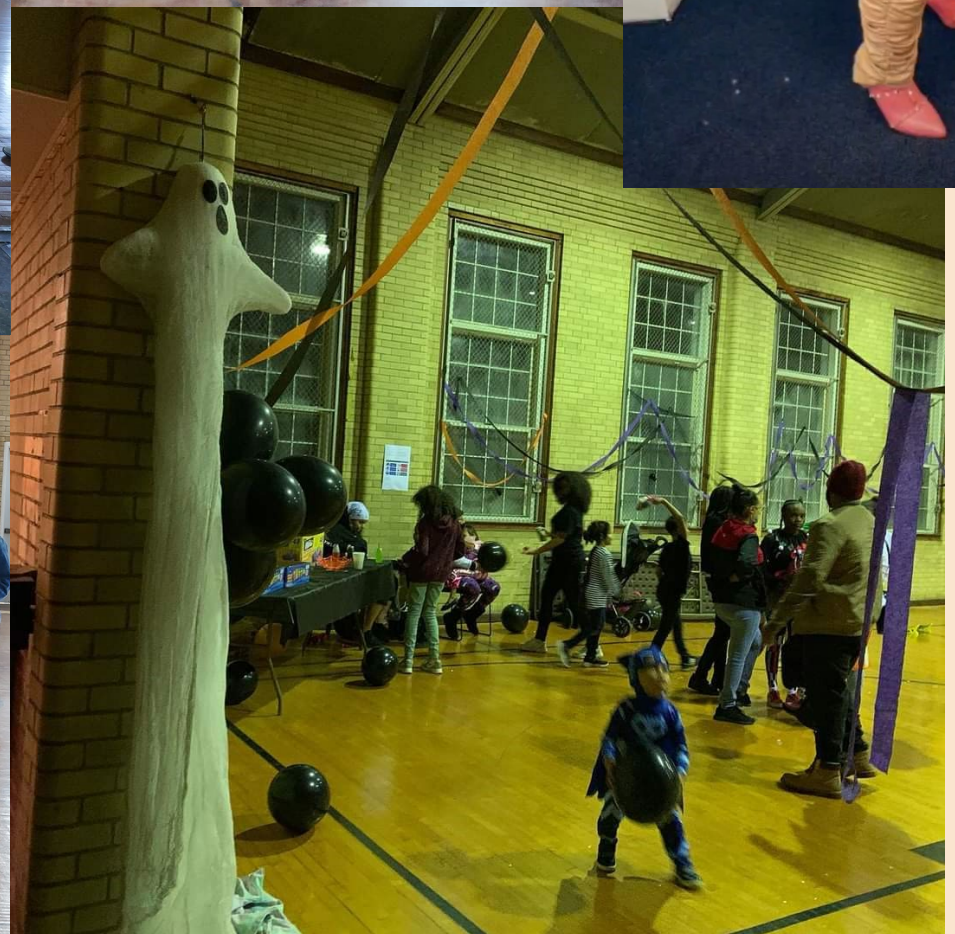
Jaclyn Quinn, Esquire DCRAC Estate Planning	**Sandra Cook** Memorial Service Attendant	**Jacqueline Johnson** Pre-Planning	**Sharon Pinckney** Healthy Lifestyles

Milford Armory Community & Service Center

604 N Walnut Street
Milford, DE 19963
Tel: 302-381-7053/1-302-359-7231

Chat & Chew ~Call to Register

Weekly Activities and Events



Martin Luther King Jr. Day Of Service

Volunteer - Family

Café
Donated by
Chic Fil A

Resource Room
Discover Bank

MILFORD ARMORY

COMMUNITY & SERVICE CENTER

ELEVATED
COMMUNITY DEVELOPMENT CORPORATION

Community Resource!

Employment

We offer employment, job search assistance, resume writing and job referrals

Housing

We offer budget and credit counseling, first time homeowner counseling/workshops, resource information and referrals, homes for sale (upon availability)

Training

Basic Computer literacy, Financial literacy, Flagging certification, Soft skills training and more.

Workshare/Study/Office Space

Whether you need a place to study, work or meet clients, we have the office, board room and/or networking space available.

Activities

Stay fit and socialize by joining and/or hosting an activity in our gym. Currently, we have Tabe Tennis and Basket Ball weekly!

For more information, call 302-381-7053

ELEVATED
COMMUNITY DEVELOPMENT CORPORATION

You're invited to an

Open House

March 25, 2023
10 am – 2 pm

MARK A. WHITFIELD, CITY MANAGER
201 South Walnut Street
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark Whitfield, City Manager
Subject: Chapter 26 Amendments – Enhancement Funds
Date: January 20, 2023

Chapter 26 – Enhancement Funds

Based on the current City municipal boundary and the Urban Growth Boundary shown in the City's adopted Comprehensive Plan, properties within the City are currently served by two volunteer fire companies (Carlisle and Houston) and could eventually be served by up to three separate volunteer fire companies (Carlisle, Houston and Ellendale).

Staff recommends removing references to a specific fire company in the title of the enhancement fund and making the charge a generic fire company fee.

CITY OF MILFORD
NOTICE OF ORDINANCE REVIEW

City Council Public Comments: Monday, February 13, 2023 @ 6:00 PM

NOTICE IS HEREBY GIVEN the following Ordinance is under review by the City Council of the City of Milford. Public comments will be accepted during a regular session of Council that begins at 6:00 p.m. on Monday, February 13, 2023. Following, City Council will take action to approve, deny, or modify the Ordinance that amends Chapter 26 of the Code of the City of Milford:

Ordinance 2023-06
ARTICLE III. Powers of the City-Council and Mayor
Chapter 26-Enhancement Funds

WHEREAS, the Charter of the City of Milford ("City") authorizes City Council ("Council") to provide for the organization of a fire department and to contribute such amounts of money as deemed appropriate and necessary for the prevention or extinguishment of fires; and

WHEREAS, the costs of providing fire protection and life safety services continues to increase and the ordinance was created to find an alternative method of supplementing those expenses; and

WHEREAS, at the time of its origination, Carlisle Fire Company was the sole volunteer fire organization serving the residents and businesses within the City of Milford; and

WHEREAS, as the City continues to expand its boundaries, City Staff recommends the enhancement fee created by Chapter 26 of the Code of the City of Milford no longer be restricted for use exclusively by the Carlisle Fire Company; and

WHEREAS, upon the effective date of this ordinance, any funds collected for the outlined purposes under Chapter 26 shall be shared among those fire districts within its jurisdiction and specifically assigned to the volunteer fire company whose service district in which the enhancement fee was collected to be distributed after proper application and Council approval.

NOW THEREFORE, the City of Milford hereby ordains:

Section 1. Part I Administrative Legislative Chapter 26 Enhancement Funds of the Code of the City of Milford is hereby amended.

§ 26-1. Surcharges authorized.

Enhancement Funds shall be funded by means of surcharges on the construction costs as indicated on the applications for building permits issued by the City, as outlined in this chapter. Said surcharges shall be paid to and collected by the City as are all other building permit fees for new construction projects, expansion projects or other building projects that increase building size. Enhancement Fund surcharges shall not be required, billed or collected on permits for residential accessory structures, renovations, replacements or similar work that does not increase the building size.

§ 26-2. Rates.

A. ~~Carlisle~~ Fire Company Equipment and Facilities:

(1) City Council may award ~~to the Carlisle Volunteer Fire Company~~ grants for equipment purchases and facility improvements **to volunteer fire companies with service districts within the City**, which shall be in addition to any other payments provided by the City.

(a) ~~Carlisle~~ **The** fire company shall identify the amount and need for the grant by written request to the City Manager.

(b) In accordance with Delaware's Freedom of Information Act, the request will be placed on the next permitted City Council agenda.

(c) Upon a favorable determination by City Council, the funds will be dispersed within sixty days of the date of approval.

(2) The grants shall be known as the "~~Carlisle~~ Fire Company Enhancement Fund."

(3) On or after August 1st of each year, the City Manager shall provide ~~the Carlisle Volunteer Fire Company~~ an estimate of the funds that may be available for grants as a result of the imposed surcharge described hereinafter **to all volunteer fire companies with service districts within the City**.

(4) The surcharge for the "~~Carlisle~~ Fire Company Enhancement Fund" shall be billed at the rate of 0.25% in accordance with Section 26-1 **and shall be tracked by fire service districts.**

(5) The City Council, at its sole discretion, may utilize the funds for any fire safety purpose it so deems reasonable.

B. Police and General Government Facilities

(1) The surcharge, to be used by City Police and General Government, shall be known as "Police and General Government Facilities Enhancement Fund".

(2) The surcharge for the "Police and General Government" shall be billed at the rate of 0.75% in accordance with Section 26-1.

§ 26-3. Rules and regulations.

The City Manager is hereby authorized to promulgate such rules and regulations as he/she deems necessary for the purpose of giving full force and effect to the provisions of this chapter.

Section 4. Dates.
Council Introduction 01/23/2023
Public Comments Scheduled 02/13/2023
Projected Adoption 02/13/2023

Section 5. Effective Date.
This ordinance will be effective Ten Days following its adoption.

For additional information, please contact the City Clerk's Office at Milford City Hall at 302-422-1111 or by email at cityclerk@milford-de.gov.

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

THE CITY of Milford DELAWARE

400 NE Front Street
Milford Delaware 19963
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council

FROM: Edward A. Huey Acting Chief of Police

DATE: February 9, 2023

RE: Activity Report/January 2023

Monthly Stats:

A total of 433 arrests were made by the Milford Police Department during January 2023. Of these arrests, 111were for criminal offenses and 322 for traffic violations. Criminal offenses consisted of 24 felony and 87 misdemeanors. Traffic violations consisted of 15 Special Duty Radar, 8 Drunk-Driving charges, 299 others.

Police officers investigated 51 accidents during the month and issued 114 written reprimands. In addition, they responded to 1133 various complaints including city requests and other agency assistance.

Monthly Activities:

Throughout the month of January, participated in numerous conference calls and virtual meetings including the monthly State, Kent and Sussex Chiefs meetings, DPCC Meeting, City Council and Workshop meetings, bi-weekly City Manager's meeting with Department Heads, and PD Staff meetings. Throughout the month attended numerous meetings with Tyler New World to resolve issues with the Case Import Software. Conducted minimal training with new Information Technology Technician assigned to the Police Department.
Attended the Surf Bagel Ribbon Cutting Ceremony on January 5, 2023.

Attended Police Department Project Update meeting held at building site on January 10, 2023.

Attended Purple Heart Presentation for Officer Timothy Webb held at the Delaware Federal Courthouse on January 11, 2023.

Attended the RAVE Mobile Public Information Platform Intro meeting held via Zoom on January 16, 2023.

Attended Shift Commanders meeting held at the Police Department on January 30, 2023.

Training –

Most training courses for department personnel during the month of January 2023 were performed via webinars.

One officer attended Basic Criminal Investigations training held in Ocean City on January 16, 2023.

Two Officers attended East Coast Gang Conference held at Wilmington College in Dover on from January 24, 2023 – January 25, 2023.

One officer attended Dark Webb Training held at Wor-Wic Technical College, MD., from January 3o, 2023 – January 31, 2023.

One Officer attended Patrol Response Tactics & Critical Incidents Training held at the DSP Academy from January 31, 2023 – February 1, 2023.

Social Media Update –

January statistics are as follows. Our Nextdoor post reached 339 people during the month. Nextdoor reaches 1835 households in 15 neighborhoods according to statistics provided by the website. Our Facebook page has 12,270 followers. Posts during the month reached 22,820 people. On Twitter our Tweets made 583 impressions and our followers are at 1389. Our Instagram account has 1785 followers and posts during the month reached 1221 users.

SRO –

S/Cpl. Bloodsworth met with members of the Safety Committee at Avenue United Methodist Church. During this meeting the committee shared safety related initiatives they are working and sought further guidance on additional protocols that could be put in place.

S/Cpl. Bloodsworth assisted with an AAA Safety Patrol swearing of a new member at Benjamin Banneker Elementary School. She also assisted staff at Mispillion Elementary with intruder drills

Sgt. Masten assisted staff at Milford Senior High School with one of their annual intruder drills. Delaware law requires a minimum of two intruder drills each school year. MHS staff and students performed extremely well during the drill.

Sgt. Masten has begun planning the 2023 annual Milford's Night Out. The date set for this year's event is August 1st.

K9 Unit –

For the month of January 2023, the Milford Police Department K9 Unit had the following stats:

K9-1 (Mason)

- Precaution 1

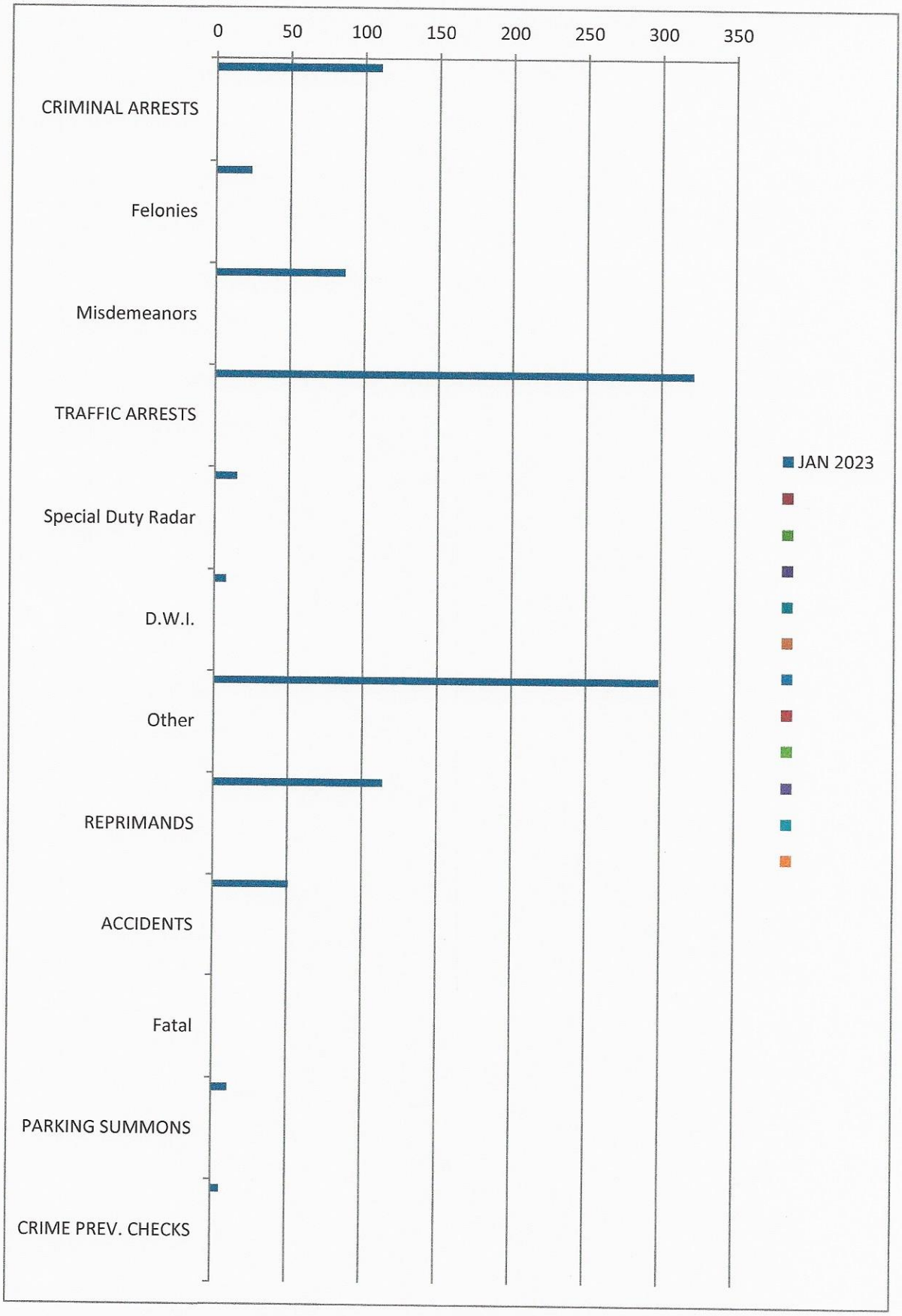
K9-2 (Raven)

- Drug Sniff 1
- Assist Other Agency 1
- No-Bite Apprehension 1
- Track 2

Seized Items	**Amount**
• Cocaine	4.5 grams

JANUARY 2023 ACTIVITY REPORT

	JAN 2023	TOTAL 2023	JAN 2022	TOTAL 2022
COMPLAINTS	1133	1133	992	992
CRIMINAL ARRESTS	111	111	105	105
Felonies	24	24	5	5
Misdemeanors	87	87	100	100
TRAFFIC ARRESTS	322	322	238	238
Special Duty Radar	15	15	24	24
D.W.I.	8	8	7	7
Other	299	299	207	207
REPRIMANDS	114	114	68	68
ACCIDENTS	51	51	56	56
Fatal	0	0	0	0
PARKING SUMMONS	11	11	3	3
CRIME PREV. CHECKS	6	6	9	9
FINES RECEIVED	$0.00 $	-	$5,458.49	$5,458.49


0
50
100
150
200
250
300
350
CRIMINAL ARRESTS
Felonies
Misdemeanors
TRAFFIC ARRESTS
Special Duty Radar
D.W.I.
Other
REPRIMANDS
ACCIDENTS
Fatal
PARKING SUMMONS
CRIME PREV. CHECKS
JAN 2023

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
January 1-January 8, 2023 NY Day	52.75	1. Rural Subcommittee Meeting	1. Men and Their Unique Mental Health Needs Training	17	Referrals to Services: 10-81 Overdose Domestic Public Assistance Check the Welfare	1	2	7
January 9-January 15, 2023	59.5	1. Opioid System of Care Meeting 2. Meeting w/ Brandywine Counseling & Milford Advocacy for the Homeless (regarding Tent City)	1. The Evolution of Opioid Use Disorder Training	13	Referrals to Services: 10-81 Check the Welfare Public Assistance Domestic Overdose	0	3	8
January 16-January 22, 2023 MLK Day	50	1. Delaware Housing Authority Meeting	1. What's New in Medicare? Training 2. Geriatric Population and Suicide Training	8	Referrals to Services: Check the Welfare Domestic Public Assistance 10-81	0	1	12
January 23-January 29, 2023	70	1. Division of Substance Abuse and Mental Health Meeting 2. DE MH Clinician Huddle	1. The Effect of Race on Mental Illness Conversations Training 2. What's the Big Deal About Trauma? Training	15	Referrals to Services: Public Assistance 10-81 Check the Welfare DUI Domestic Disorderly	2	1	8
January 30-January 31, 2023	17	1. Statewide Behavioral Health Stakeholders Meeting 2. Meeting w/ Sun Behavioral regarding 10-81 incident	1. Juvenile Psychopathy Training	2	Referrals to Services: 10-81 Overdose	0	0	3
Totals:	249.25			55		3	7	38
Overall Totals:	3890/85			838		64	86	778

Milford Police Department - January 2023 BHU Statistics
Jenna Haines, LMSW, MSW, DE-CMHS
Gregory Bisset, LCSW, C-AADC
Danielle Blackwell, LMSW

OFFICE of the City Clerk
201 South Walnut Street
Milford, DE 19963

THE CITY of Milford DELAWARE

Teresa K. Hudson, MMC
O 302.422.1111 | F 302.424.3558
www.cityofmilford.com

DATE: February 7, 2023

TO: Mayor and Members of City Council

FROM: Terri Hudson, City Clerk

RE: January 2023

The city clerk continues to work with IIMC (International Institute of Municipal Clerks) on the establishment of the Pennsylvania Clerks Institute. After several years of meetings and information gathering to ensure the educational criteria and post secondary and grad academic instructor qualifications are met, we are proud to announce an opening date of Fall 2023. In addition to in-person classes at the Albright College in Reading, Pennsylvania, a number of virtual opportunities will be available to IIMC's more than 15,000 worldwide members, as well as other municipal and county employees. More information will follow.

The new updates for the code books have come in. We will be issuing those soon. Anyone who prefers to use the online Municipal Code and does not want the code book can turn it back in to the Clerk's office. Anyone who still has a code book is responsible to stay current with the supplements. As was explained, it is very important to manage each supplement as they are received. Holding off and combining old supplements does not work and is the reason most people choose to use the on-line version.

We have sent out letters to those who were affected by the redistricting. There were just under 500 residents that were transferred to or from different wards. We worked with City Engineer James Puddicombe and GIS Tech Zach Lawson who were very instrumental in getting this all done.

We have begun making the preparations for the 2023 election that will be held on April 22nd . The filing deadline for candidates is February 21st.

Deputy City Clerk participated in the filming of What Makes The City Of Milford An Exciting Place to Work Video.

- ❑ Coordinated SCAT Dinner registrations and payments (6)
- ❑ Coordinated SCAT Breakfast registrations and payments (3)
- ❑ Coordinated DLLG January Dinner registrations and payments (5)
- ❑ Preparations made for May International Conference in Minneapolis, Minnesota
- ❑ Assisted several Delaware Municipalities with policy, procedural and related items

- ❑ Record requests/assistance from City Departments (3)
- ❑ FOIA 8 for the Year; worked with other departments to fulfill
- ❑ Created/prepared 1/09 Council Meeting Agenda/Executive Session
- ❑ Created/revised/reloaded 1/09 Council Meeting Agenda (9)
- ❑ Created/revised/reloaded 1/09 Council Meeting Packet (11)
- ❑ Created/prepared 1/18 Council Meeting Agenda/Workshop (4)
- ❑ Created/prepared 12/19 Council Workshop Packet/Executive Session (4)
- ❑ Created/revised/reloaded 1/23 Council Meeting Agenda (3)
- ❑ Created/revised/reloaded 1/23 Council Meeting Packet (6)
- ❑ Created/revised/reloaded 1/31 Council Meeting Agenda/Executive Session (3)
- ❑ Created/revised/reloaded 1/31 Council Meeting Packet/Executive Session (3)
- ❑ Created/revised/reloaded Planning Commission Notices (4)
- ❑ Created/revised/reloaded Planning Commission Agenda (1)
- ❑ Created/revised/reloaded Board of Adjustment Notices (3)
- ❑ Created/revised/reloaded Board of Adjustment Agenda (1)
- ❑ Created/revised/reloaded P & R Advisory Board Agenda
- ❑ Created/revised/reloaded P & R Advisory Board Packet
- ❑ Created/revised/reloaded Milford Community Cemetery Board Agenda (1)
- ❑ Created/revised/reloaded Milford Community Cemetery Board Packet (1)
- ❑ Provided Notary Public Services (5)
- ❑ Transcribed and proofread Minutes from City Council Meetings (9)
- ❑ Transcribed and Proofread Minutes from Board of Adjustment (2)
- ❑ Transcribed and proofread Minutes from Planning Commission (1)
- ❑ Transcribed and proofread Minutes from P & R Advisory Board
- ❑ Transcribed and Proofread Minutes from Milford Community Cemetery Board (2)
- ❑ Proclamations Created, Signed, Sealed, and Distributed 22 for the Year
- ❑ Resolutions Created, Signed, Sealed, and Distributed for the Year
- ❑ Special Event Permits Requested to Date (3)
- ❑ Ongoing Research Continues on Records Management & Storage Contractor

MARK A. WHITFIELD, CITY MANAGER
201 South Walnut Street
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, City Manager
Subject: January Monthly Report
Date: February 6, 2023

- Jamesha and I spent a considerable amount of time this month on the Chief of Police recruitment.
- Rob, James and I met with a developer regarding a potential workforce housing project on Mispillion Street.
- I worked with the State Bond Bill Committee to transfer fund originally set aside for golf course cleanup to the development of the Sharp property. The money will be used for parkland development.
- Rob and I met with Lifebuilders, Inc regarding housing in the City.
- Mayor Campbell, Councilman James and I attended the SCAT breakfast in Georgetown.
- I attended the Chamber of Commerce Executive Board meeting and gave an update on various City projects and Council actions.
- We received a complaint on low water pressure in the medical office building next to Grotto's Pizza. Due to the office hours within the facility, we made arrangements for testing to be completed in the early morning hours so not to inconvenience patients and medical professionals. After pinpointing the location of the source, public works crews excavated the tap onto the main line that was installed incorrectly. Thanks to Steve Ellingsworth's diligence in finding the problem, as well as making the arrangements with the building owner for the after hours work.
- A property on Sunset Lane was notified of the need to secure the weatherhead electric conduit onto the house. The owner then notified us that the conduit pulled loose from the house due to a car accident which left the utility pole next to her property leaning. The leaning pole belongs to Verizon, but has her electric service line attached. After some considerable investigation by Tony Chipola, we were able to pinpoint the accident. Police of pulled the accident report which will enable us, Verizon and the property owner to obtain funding for the repairs through the person's car insurance.
- Rob Pierce, Mike Svaby and I met with a developer with a project in the DDD on North Street, about water and sewer service to his house project.
- I have my monthly meetings with Rob Pierce, Lou Vitola, Bill Pettigrew, Sara Bluhm, and Tony Chipola.
- Rob and Sara met with Bayhealth regarding their commercially zoned land
- I attended the APWA's annual dinner and the monthly business meeting.
- Mayor Campbell, Councilman Baer, Brad Dennehy and I attended the Milford Community Cemetery meeting.

- Rob, James and I met with Century Engineering to review comments from the South Walnut Street Traffic Calming open house.
- I attended the DELDOT Utilities Coordination Council meeting in Dover as the DEMEC representative.
- Captain Huey, Mike Svaby and I met with Becker Morgan regarding the dispatch center layout and heard concerns from the dispatchers.
- Rob and I attended a meeting with Becker Morgan on the Milford Corporate Center project.
- Rob, James and I met with the school district and Century Engineering regarding the 10th Street shared use path.
- Councilman James (Pam), Mayor Campbell (Ronnie) and I attended the DLLG Dinner.
- Melody and I attended the UD ICMA Student Chapter Career Trek and Networking event sponsored by the City of Lewes.
- I met with a develop interested in putting a new restaurant in town.
- I met with the Carlisle Fire Company regarding the fire siren, enhancement funds, and annual funding.
- I met with a the Hearthstone developer regarding their plans for 2023.
- Tony Chipola continues to work with various vendors on the relocation of fire sirens.

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

THE CITY of Milford DELAWARE

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

TO: Mayor and City Council

THRU: Mark Whitfield, City Manager

FROM: Michael Svaby, Director, Public Works

DATE: February 8, 2023

RE: January 2023 - Public Works Department Staff Report

The following input represents a high-level list of activities and accomplishments for the month of January 2023.

Director's Office

- **Intersection and Street Conversion** – under an effort to turn traffic signal control over to DelDOT, the intersections of S Walnut/SW Front as well as S Walnut and Causey Ave are under review for signal *elimination* instead. February 28 is the target date of change for these intersections to switch from live signals to four-way flash/stop signs. The effectiveness of this traffic control means will be evaluated for up to a year, and if successful, made permanent. A simultaneous effort with the same effective date will change SW Front from a one-way westward traffic flow to two-way. This second change will ultimately be necessary to accommodate maintenance of traffic control that will be needed when DelDOT undertakes a rebuild of the SW Front Street Bridge, a DelDOT-owned structure that currently has a traffic weight limit of 3 tons, but is also identified on DelDOT's bridge inventory as substandard.

- **Efficiency Smart (E/S)** - a group of us in PW met with ES to discuss an audit and analysis of the City's Fleet to identify opportunities for EV's as replacement or expansion vehicles. Under a Grant Program offered by the DE Strategic Energy Utility (newly named *Energize DE*), the cost of the analysis, replacements and charging stations are eligible for reimbursement. The Program is on a rolling cycle that expires when the $5M of funding escrowed by Energize DE is consumed by grantees. An application for the analysis is underway to be submitted in February.

- **Kent County SAB** - I met multiple times with the Kent County Sewer Advisory Board. January is the beginning of Kent County's budget process, part of which includes their sewer enterprise budget. The SAB is preparing to make a recommendation about the budget prospective proposed by Kent County staff, one that will likely involve a multiple year rate increase (i.e., 10% per year over 3 years) . This proposal passed a Board vote by a count of 4-3, with Smyrna, Dover and Milford voting against it due to the enterprise fund having a reserve balance of ~$26M. This amount represents an entire year's operating budget for the sewer fund. The final presentation will

be given to Levy Court on Feb 21. I plan on attending and submitting comments against the proposal of 10% per year for 3 years.

- **Police Dept project** - Attended job meetings, filed monthly Department of Labor report for US Census, reviewed transmittals and progress payments for the PD Building project. Roof work is nearly complete. Entrance and front site grade with bike/ped path are nearly complete. PW will be meeting with dispatch personnel in February to coordinate equipment and furniture ordering.

- **Excess Fill Material** – Value engineering change orders accomplished on the PD project have yielded surplus fill and topsoil that is not needed to complete the project. This surplus material will be advertised for partial/full sale in the month of February.

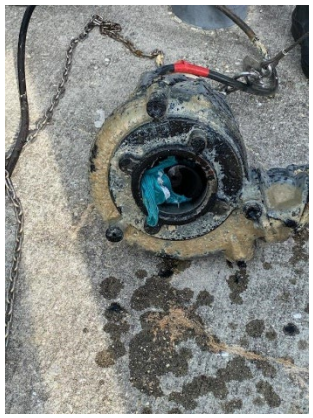
Facilities Section

- Repaired facility cameras at Public Works
- Installed new exterior lights at the Parks & Rec Bldg.
- Repaired water leak at City Hall
- Installed and activated key badge access at the warehouse and the garage.

Public Services Division

Sewer/Water Section

- **Fork Landing** – pulled, cleared and repaired pumps and one check valve at the Fork Landing Pump Station. Pictures seen here reflect typical blockages caused by objects/materials in the sanitary sewer that should not be discarded there.



- **Water Operator Licensing** – Equipment Operators Brandon Keller, Jose Perez, and Brandon Brown successfully passed the State's Water Operator Exam with results of 100%, 82% and 96%, respectively. The Water section of the Public Services Division currently has one vacancy and is undergoing interviews.

- **2022 SARA -312** – The 2022 SARA Annual Chemical Inventory Report is being accomplished by Compliance Environmental. Sections 312 of SARA Title III address emergency and hazardous chemical inventory reporting. The implementing regulations are codified in 40 CFR Part 370. The regulations are intended to provide the public, local governments, fire departments and other emergency officials with information concerning the potential chemical risks in their communities.

- **End of Year Water Consumption Report** – the CY 2022 Consumption Report was filed with DNREC was filed successfully and on time to DNREC. Accountable water exceeded most municipal filings at 91.8%.

Streets/ Utilities Section

- Leaf pickup and Street sweeping continued.
- Made repairs of water utility for a street leak, fire hydrant struck by vehicle, and insufficient pressure problem.
- Replaced the meter pit at 812 NE Front St.
- Assisted Sewer section in pulling pumps for cleaning and repair at multiple pump station locations.

Engineering Division

- Worked with the Planning Department to sort documents in the plans room to prepare for future digitization.
- Performed preconstruction meetings for Wash-it, Splash Laundromat, Lot 3 along Silicato Parkway, Cypress Hall Phase 2, Simpsons Crossing Phase 1C, and Wickersham.
- Performed as-built plan reviews and field inspections for turnover for Simpsons Phase 1B, Windward on the River, Cypress Hall Phase 1 and Milford Ponds phase 1.1-1.8.
- Participated in training provided by the state for State Revolving Fund (SRF) grants.
- Continued installation of sidewalks repairs throughout the City.
- Met with multiple potential construction projects regarding feasibility studies and requirements in conjunction with the Planning Department.

Operations/Administration Division

- Reviewed and updated the City's Vehicle inventory and replacement schedule, in preparation for the budget cycle.
- Attended ERP training sessions for the beginning modules.
- Held a lunch and learn for DEMEC members on photography basics.

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

THE CITY of Milford DELAWARE

Anthony J. Chipola III, Electric Director
PHONE 302.422.1110, Ext 1137
achipola@milford-de.gov

To: Mayor and City Council
From: Anthony Chipola, Electric Director
Subject: January 2023 Electric Dept Staff Report
Date: February 8, 2023

Director's Office

- Discussed potential load reduction measures for Public Works w/ Mike Svaby and Brian Jester
- Performed Physical Security Audit of Substations
    - No significant defects found
- Conducted Departmental Safety Meeting
- EV Charging stations
    - Met w/ DNREC RE: EV Charger installations to address potential flooding concerns and scope impacts
    - Held discussions regarding ADA compliance and site layout
    - Chargers are on order and shipping out
- Attended various preconstruction meetings for new businesses / developments
- Held mtg to discuss the communication plan to customers regarding updated NEM regulations and the billing process with various City departments (Finance, Customer Service, and others)
- Participated in the DELDOT South Utility Mtg

Electric Lines

- Monthly Substation Inspections completed – No Issues Noted
- Jason Garcia participated in development of HR video for the Electric Department
- Removed Holiday lights and decorations
- Developed various estimates for new developments
- Responded to various outages

Technical Services

- Reviewed underfrequency load shedding scheme for PJM submission
- Worked w/ Public Works on 10th St Pump Station Controls
- Work with AMP to resolve issues with AMI devices and software
- Met with various contractors to specify metering equipment and advise on installation.
- Developing Displays for SCADA
- Reviewed Solar interconnection requests
- Work with customer service to identify and resolve issues with meters
- Meet with customers to discuss high consumption, meter pan replacement and upgrade etc
- Assist water department with industrial control issues and troubleshooting

Electric Department -January 2023	January 2022	**January 2023**	FY22 YTD *(07/01/21-01/31/22)*	**FY23 YTD *(07/01/22-01/31/23)***
Electric Division				
Trouble Service Call	42	**23**	167	**145**
Work Orders Completed	55	**35**	273	**255**
Outages	25	**3**	68	**54**
LED Street Lights Replaced	5	**12**	56	**108**
New Service Install	2	**1**	42	**23**
Poles Replaced	2	**1**	11	**23**
After Hours Calls	17	**9**	78	**105**
Trees Cut (Days)	2	**0**	10	**19**
Technical Services Division				
New Electric Service Installed/Meter Set	52	**4**	148	**86**
New Water Service Installed/Meter Set	5	**4**	46	**26**
Electric Meter Replacement	4	**8**	29	**51**
Water Meter Replacement	56	**57**	248	**394**
Work Orders Completed	597	**679**	4,500	**4,668**
After Hours Calls	4	**5**	27	**37**

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

THE CITY of Milford DELAWARE

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

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: February 1, 2023

RE: January 2023 – Planning Department Staff Report

- During the first month of the 2023 calendar year, the City issued 3 new residential construction permits. The total construction investment in Milford for through the end of January based on issued building permits was $2,762,234.
- The City of Milford has seen 154 projects with a committed investment of over $32.4 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 $3.5 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over $650,00 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines (click the below link to see project locations).
  https://milfordde.maps.arcgis.com/apps/MapSeries/index.html?appid=ab3ecb0d8cbc44d884b7c3063f75125c
- The Planning Commission will review three land use applications at the February meeting. The commission will review a final site plan for the proposed Arby's on Route 113 and a final site plan for an expansion of the former Teal Creek Plaza. The commission will also review a change of zone request for a portion of the former Rookery North property on S. Rehoboth Boulevard.
- The Board of Adjustment will not meet during the month of February.
- The City reviewed the resubmission of the Milford Fast Food Restaurant final site plan and the application has been placed on the February Planning Commission for review.
- The City reviewed the resubmission of the Teal Creek Plaza Expansion final site plan and the application has been placed on the February Planning Commission agenda for review.
- The City received a resubmission for Knight Crossing Phase 2B and provided plan review comments to the applicant.
- The City reviewed and approved a revision to the Deep Branch Plaza wetland crossing.
- The City reviewed a resubmission for construction plans for a minor subdivision at the end of Pennsylvania Avenue and provided plan review comments to the applicant.
- The City received a final major subdivision submission for the Westwood development and is currently reviewing the plans.
- The City received a preliminary conditional use site plan application for Napa Investments, LLC for flex warehouse space within the Greater Milford Business Park and is currently reviewing the plans.
- Staff attended preconstruction meetings for Wash It, LLC, William Allen Property Management, Inc, Wickersham, Cypress Hall – Phase II, and Simpsons Crossing Phase 1C.

- Attended the Town Managers & Planners meeting for the Kent Economic Partnership.
- Attended the Affordable Housing Task Force meeting for the Greater Milford Chamber of Commerce.
- Attended the monthly BRAD / City of Milford Nuts & Bolts Meeting.
- Attended weekly ERP Project update meetings.
- Met with various municipal planners to discuss land use approval processes.
- Attended meeting between DelDOT, Milford School District and the City regarding the construction of a path that would connect the high school sidewalk system to the existing pedestrian facilities on Silicato Parkway.
- Attended monthly Milford Corporate Center progress meeting. Becker Morgan Group is preparing preliminary major subdivision plans for City review. Staff anticipates the plans being before the Planning Commission and City Council in April.
- Attended the kick-off meeting for the Milford Municipal Freight Study that is being conducted by DelDOT.
- Met with Century Engineering and City staff to discuss the results of the S. Walnut Street Traffic Calming and Bike/Ped project open house. A second public open house will be scheduled for April to review updated drawings before a final presentation is made to City Council on the study recommendation.
- Met with KCI Technologies to review updated downtown streetscape concepts for SW Front Street, Park Avenue, N. Washington and Denney Row. The City will hold a public open house in early March to get feedback from residents on the proposed concepts.
- Staff attended the PLUS meeting for the City's 2023 Comprehensive Future Land Use Map amendment requests. These included requests from Southern States for a vacant property on Route 14 to be changed from Industrial to Commercial future land use and from Milford Mini Storage for a vacant parcel within the Watergate development from Moderate Density Residential to Industrial. The mini storage property was part of a legal settlement between the mini storage owner and the developer of Watergate.
- The majority of the City's license renewals (business, contractor, vendor and rental) were processed by the Department during the month of January.
- Included in the packet is a summary report of code enforcement violations closed during the 2022 calendar year. This information, along with a report of current open cases, has been updated on the Code Enforcement website.
- The Code Enforcement Officials have begun rental inspections in Ward 4 and have completed initial inspections in Brightway Commons and Parson Thorne. Staff plans on inspected the 800 plus rental units in the larger complexes in February and March before starting on the smaller, individual properties in April.
- Staff continue 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	11
Closed Cases	15
Open Cases at Start of Period	144
Open Cases at End of Period	141

*0 open cases is for tall grass, which stays open the entire growing season.

Violation Activity:

New Violations Cited	Total
Abandoned Vehicle	3
Dangerous Tree	0
Furniture Violation	0
Generic Violation	5
Property Maintenance Violation	1
Rubbish & Garbage	2
Weeds & Grass	0
Zoning Use Violation	0
Total	11

Rental Licenses Issued: 743
Vendor Licenses Issued: 0
Contractors Licenses Issued: 100
Business Licenses Issued: 209

Building Permits Issued:

Permits Issued by Type	Count
Commercial Demolition	0
Commercial Foundation	0
Commercial Building Permit	6
Construction Trailer	0
Residential Demolition	0
Residential Building New Construction	3
Residential Renovation/Accessory	5
Roof/Siding Permit	14
Sign Permit	2
Solar Panel Permit	3
Utility Permit	3
Total	36

Inspections Performed:

Inspections Performed by Type	Count
Footer	14
Foundation	8
Framing	14
Insulation	3
Final	53
Residential Rental	124
Total	216

Code Enforcement

Planning Department

Remedied Violations

2022 Calendar Year

Code Enforcement

- 6535 Shawnee Rd
- Rental Inspection Request
- Completed

Code Enforcement

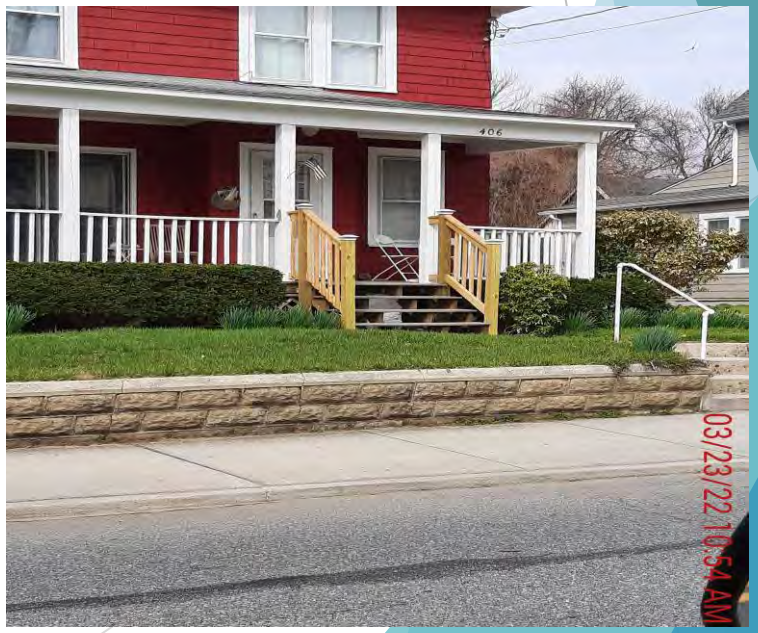
- 519 West St
- Property Maintenance
- Rubbish
- Remedied

Code Enforcement

- 301 NW Front St
- Property maintenance violation
- Remedied

Code Enforcement

- 406 N Walnut
- Property Maintenance
- Safety Handrail
- Remedied



Code Enforcement

- 6276 Pebblebrook Dr
- Generic Violation
- Vehicle Safety Violation
- Remedied

Code Enforcement

- 602 Marshall St.
- Condemnation / No Utilities
- Remedied

Code Enforcement

- 3601 N Sagamore Dr
- Condemnation / No Utilities
- Remedied

Code Enforcement

- 205 North St
- Condemnation / No Utilities
- Remedied

Code Enforcement

- 301 West St.
- Furniture Violation
- Grass Violation
- Remedied

Code Enforcement

- 937 N Dupont Blvd
- Property Maintenance
- Fire Hydrant Safety
- Remedied

Code Enforcement

- 937 N Dupont Blvd
- Property Maintenance
- Safe Vehicular Passage
- Remedied

Code Enforcement

- 941 N Dupont Blvd
- Property Maintenance
- Safe Vehicular Passage
- Remedied

Code Enforcement

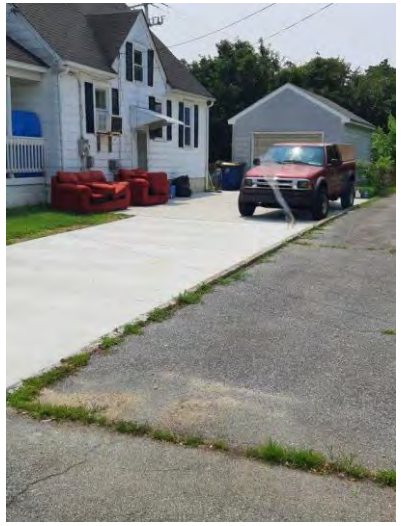
- 208 Truitt Ave
- Property Maintenance
- Sidewalk Safety Violation
- Remedied

Code Enforcement

- 315 NW Front St.
- Property Maintenance
- Rubbish
- Remedied

Code Enforcement

- 14 NW Tenth St
- Furniture Violation
- Remedied



Code Enforcement

- 103 Starland Way
- Furniture Violation
- Remedied

Code Enforcement

- 304 Hall Pl
- Dangerous Tree
- Remedied

Code Enforcement

- 18 W Clarke Ave
- Property Maintenance
- Safe sidewalk passage
- Remedied

Code Enforcement

- 506 Crestview
- Dangerous Tree
- Remedied

Code Enforcement

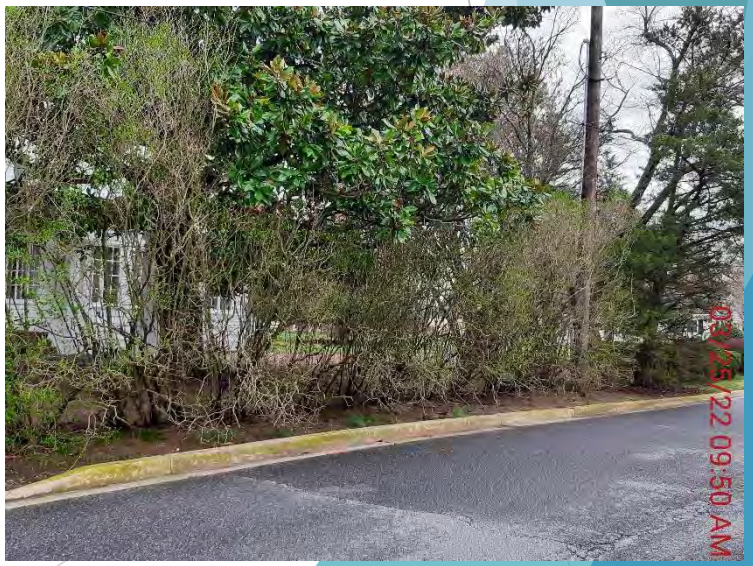
- 101 Kings Hwy
- Dangerous Tree
- Remedied

Code Enforcement

- 19 W Clarke Ave
- Property Maintenance
- Fire Hydrant Safety Violation
- Remedied

Code Enforcement

- 19 W Clarke Ave
- Property Maintenance
- Safe Vehicular Passage
- Remedied

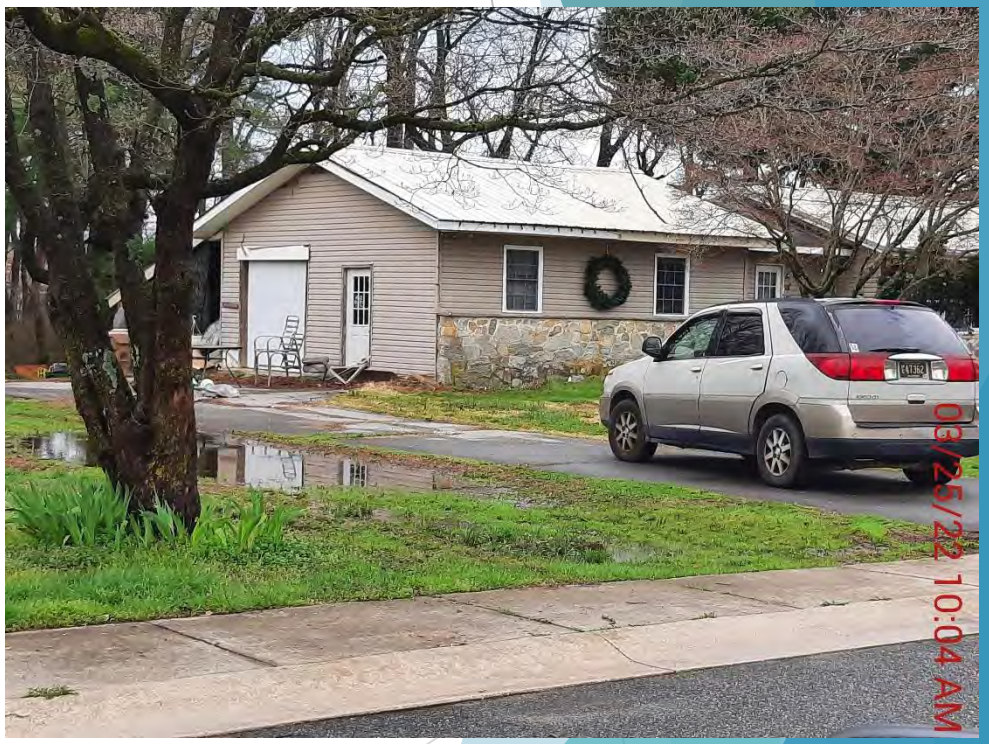


Code Enforcement

- 910 N Church St.
- Property Maintenance
- Rubbish & Garbage
- Remedied

Code Enforcement

- 710 Truitt Ave-Ext
- Abandoned Vehicle
- Remedied



Code Enforcement

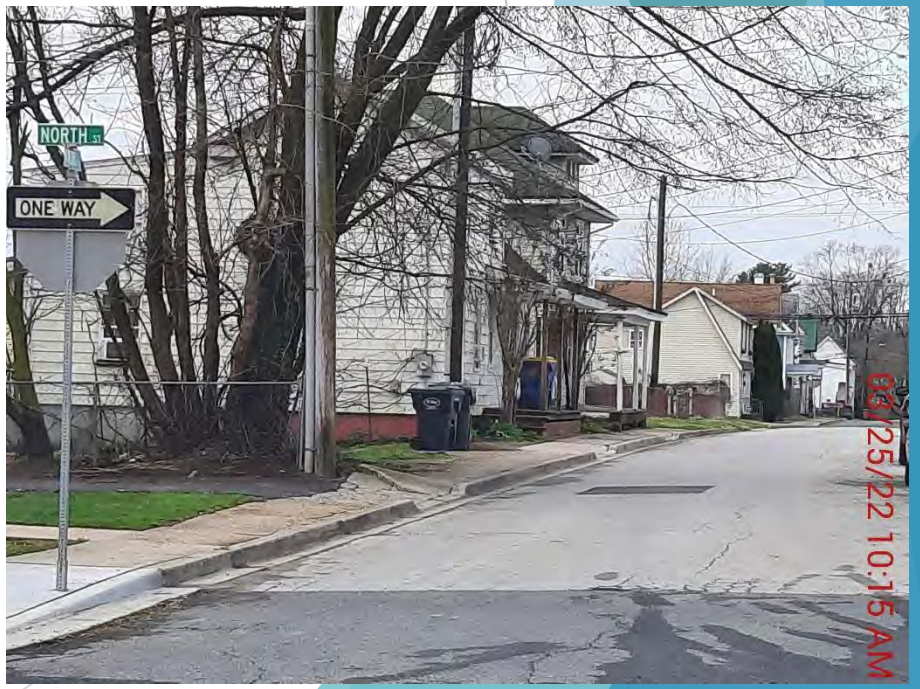
- 710 Truitt Ave-Ext
- Rubbish
- Remedied

Code Enforcement

- 500 N Church St
- Property Maintenance
- Unsafe Sidewalk
- Remedied

Code Enforcement

- Lot NW Second
- Property Maintenance
- Tree over sidewalk and road
- Remedied



Code Enforcement

- 110 NW Second
- Dangerous Tree
- Remedied

Code Enforcement

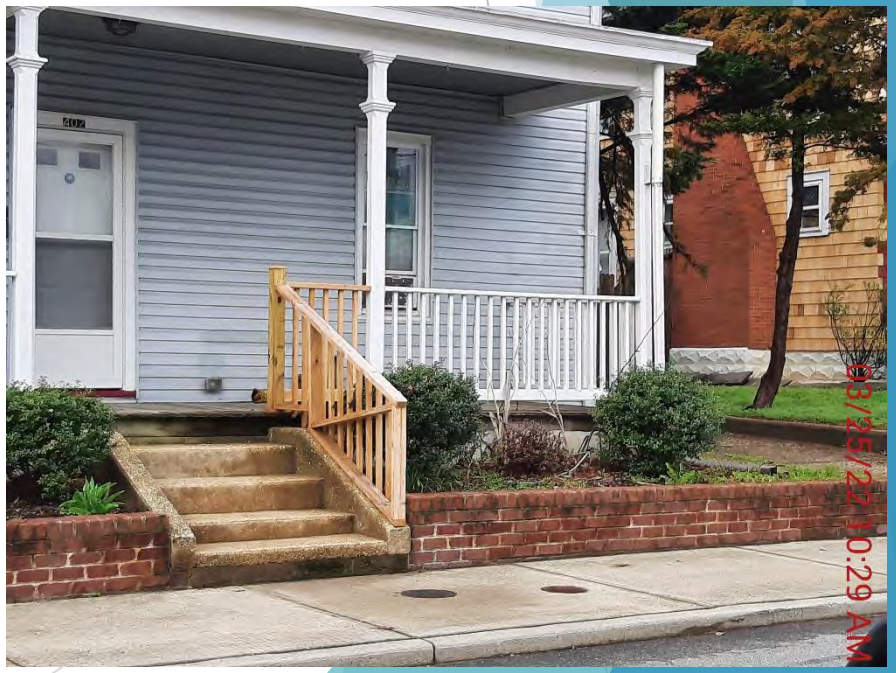
- 126 NW Second St
- Property Maintenance
- Roof
- Remedied

Code Enforcement

- 212 N Walnut St
- Property Maintenance
- Remedied

Code Enforcement

- 400 N. Walnut
- Furniture violation
- Remedied

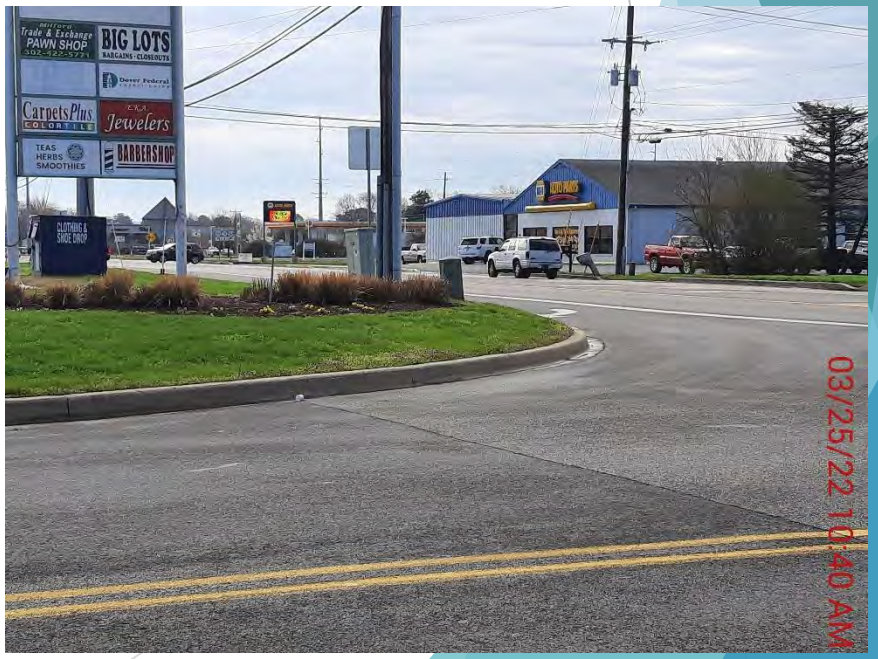


Code Enforcement

- 1049 N Walnut St
- Zoning Violation
- Remedied

Code Enforcement

- 605 N. Dupont
- Property maintenance
- Blocking view of traffic
- Remedied



Code Enforcement

- 500 N Church St
- Furniture violation
- Remedied

Code Enforcement

- 402 Truitt Ave
- Rubbish
- Property Sold for development

Code Enforcement

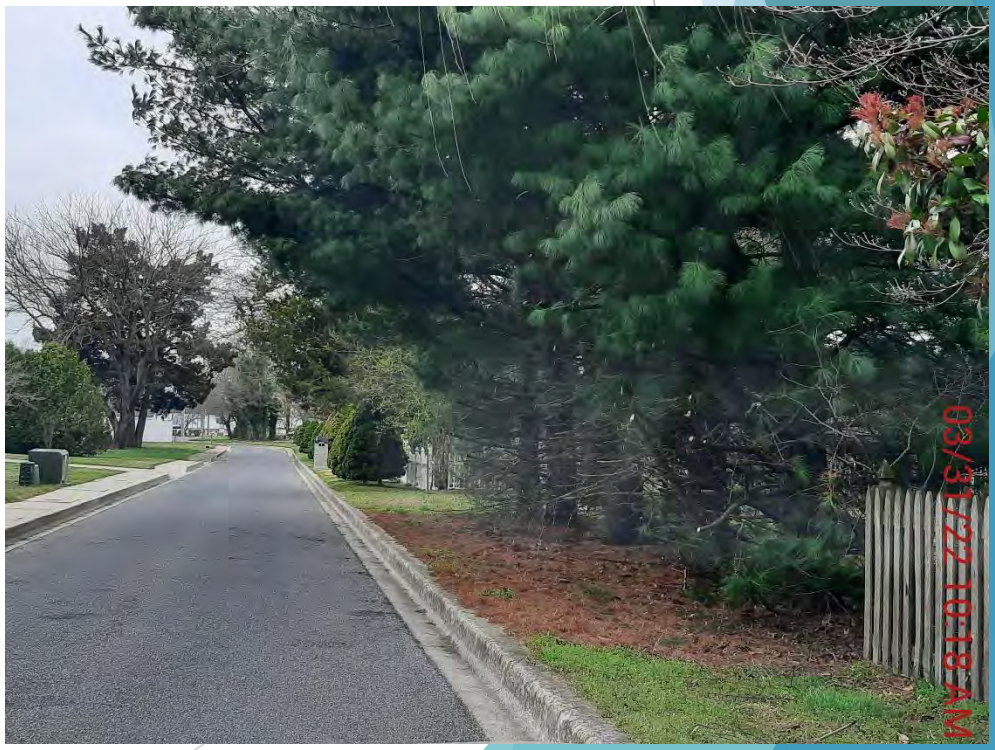
- 108 Anchor Ln
- Zoning Violation - Permit
- Permit Pulled
- Remedied

Code Enforcement

- 347 Calvary Rd
- Zoning use issue
- Sidewalk requirements
- Variance approved
- Remedied

Code Enforcement

- 304 Hall Pl
- Dangerous Tree
- Remedied



Code Enforcement

- 1 NW Front St
- Property maintenance
- Broken window
- Renovation permit pulled
- Remedied

Code Enforcement

- 111 West St
- Zoning Violation
- No Certificate of occupancy
- Electrical final completed
- C of O issued

Code Enforcement

- 305 Lovers Lane
- No rental license
- Remedied

Code Enforcement

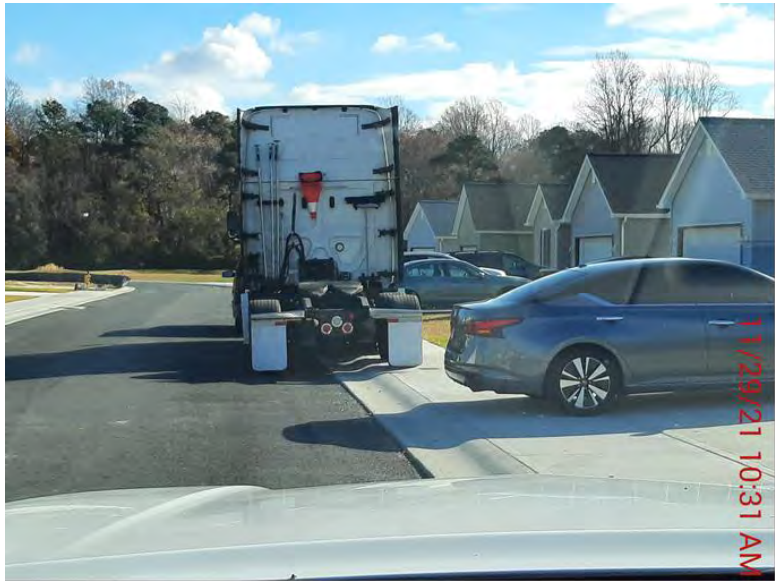
- 608 North Street Ext
- Abandoned Vehicle
- Remedied

Code Enforcement

- 4 Pennsylvania Ave
- Furniture Violation
- Remedied

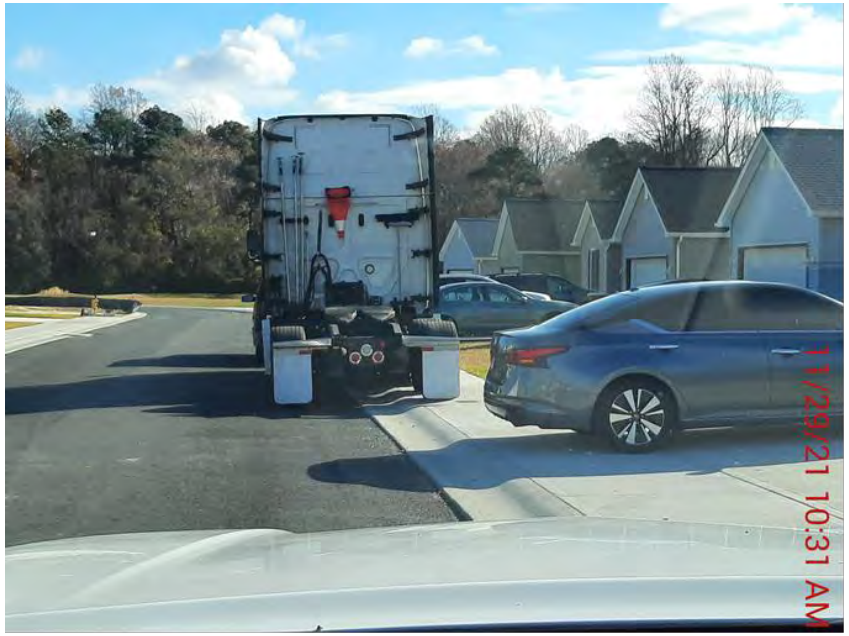
Code Enforcement

- 18589 Eleanor Ln
- Oversized vehicle
- Remedied



Code Enforcement

- 18587 Eleanor Ln
- Sidewalk safety parking on sidewalk
- Remedied



Code Enforcement

- 7 Mill St
- Property Maintenance
- Abandoned / Unregistered Vehicle
- Remedied

Code Enforcement

- 710 Truitt Ave-Ext
- Property Maintenance
- Exterior Siding/ Improper parking
- Remedied

Code Enforcement

- 0 Truitt Ave-Ext
- Sidewalk Safety Violation
- Remedied

Code Enforcement

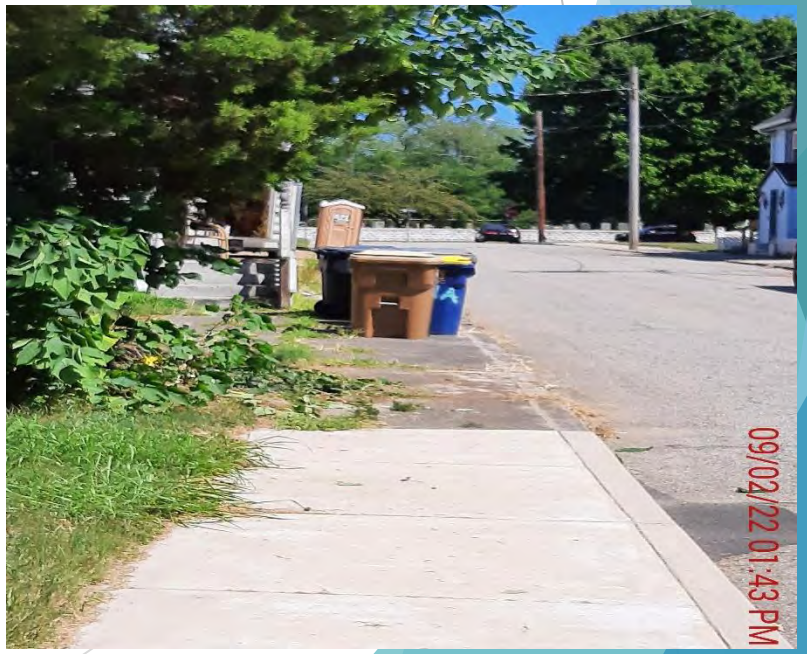
- 1036 N Walnut St
- Zoning violation
- Abandoned vehicle
- Remedied

Code Enforcement

- 907 N Dupont
- Zoning violation
- Remedied

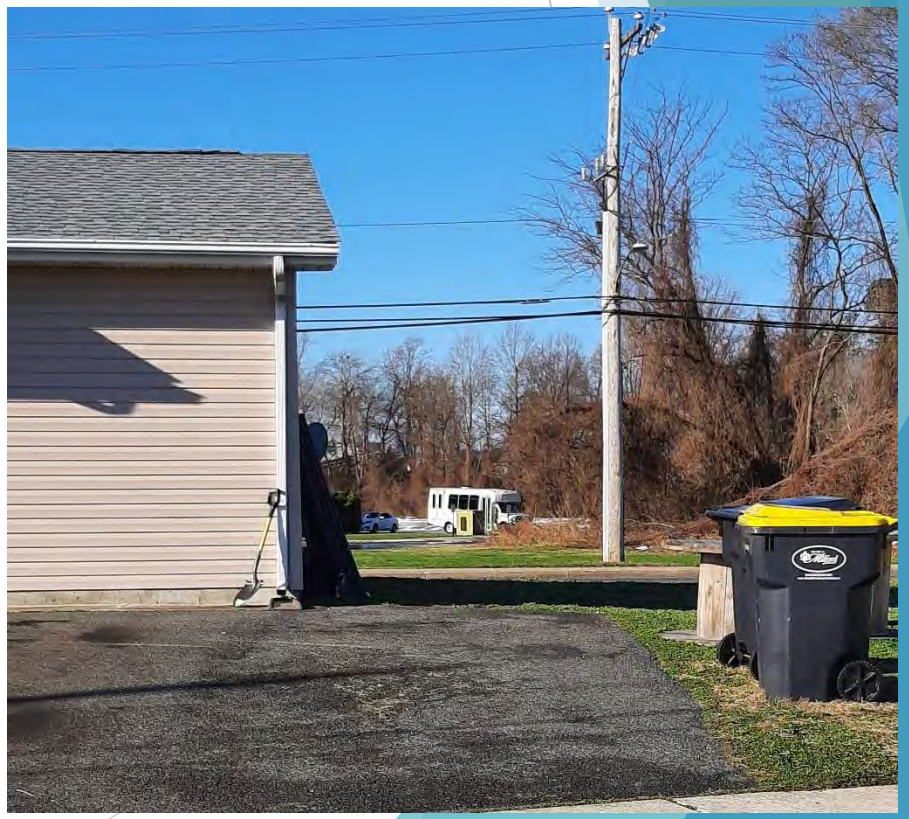
Code Enforcement

- 305 N Church St
- Property Maintenance
- Sidewalk safety
- Remedied



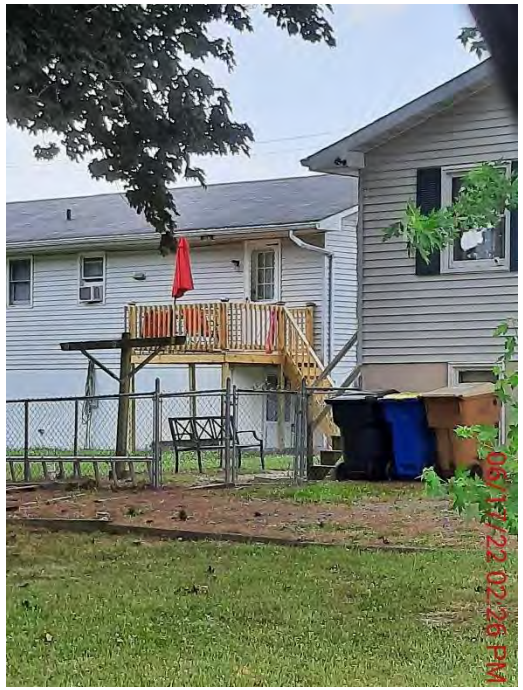
Code Enforcement

- 454 North St.
- Abandoned Vehicle
- Remedied



Code Enforcement

- 803 Seabury Ave.
- Zoning Violation - Permit
- Permit Pulled
- Remedied

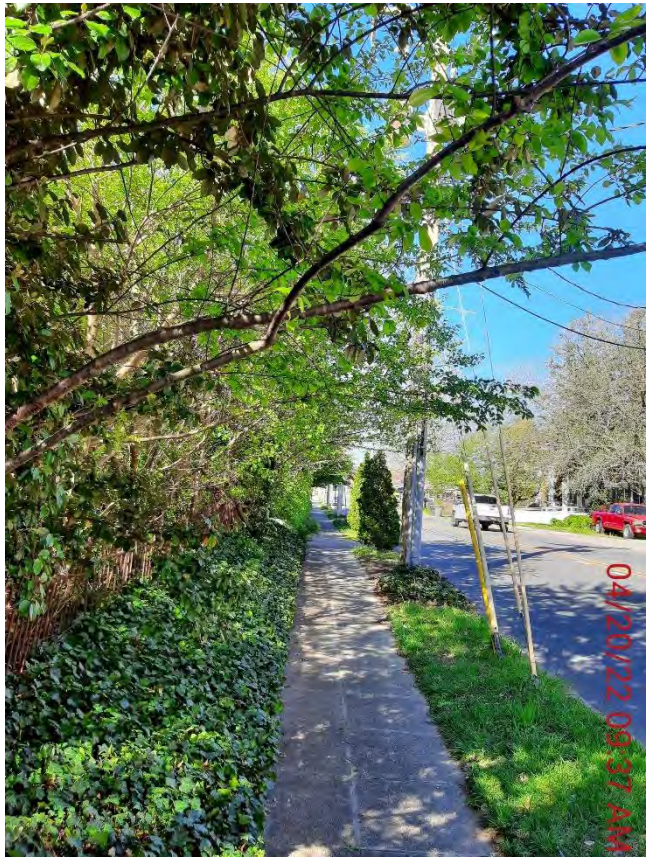


Code Enforcement

- 22 S Walnut St
- Accessory Structures
- Remedied

Code Enforcement

- 2 Causey Ave
- Property Maintenance
- Vegetation over sidewalk
- Remedied



Code Enforcement

- 600 N Walnut St
- Zoning violation
- Conditional use required for bed and breakfast
- Not Conducting Business
- Remedied

Code Enforcement

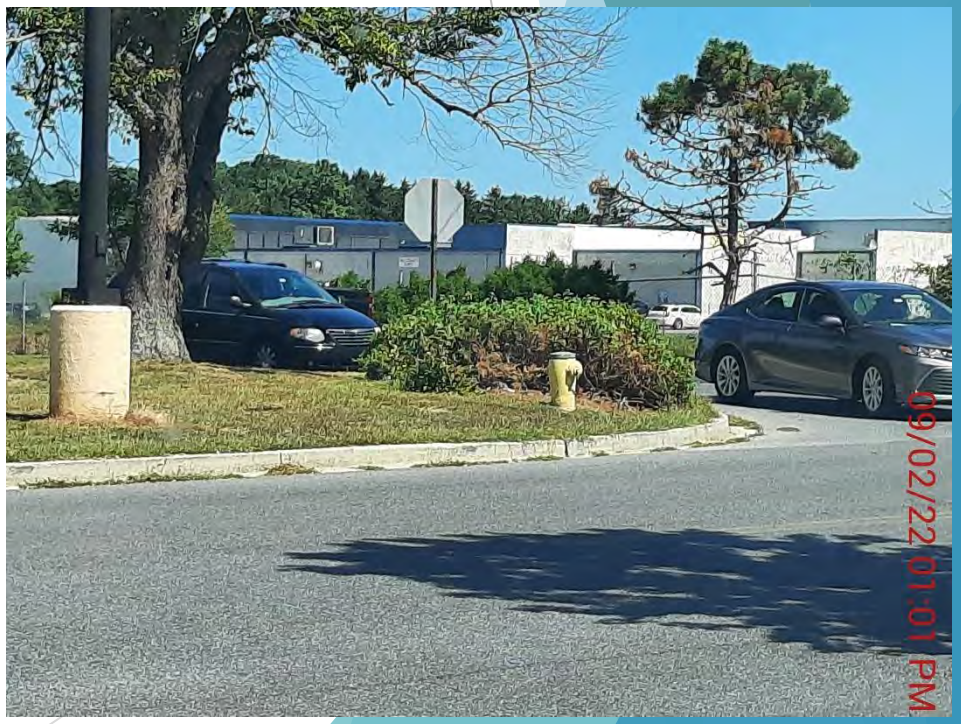
- 1001 S Dupont Blvd
- Prohibited Animals
- Remedied

Code Enforcement

- 2 Rogers Dr.
- Dangerous Trees
- Remedied

Code Enforcement

- N Dupont Blvd - Walmart Property
- Fire Hydrant Safety
- Remedied

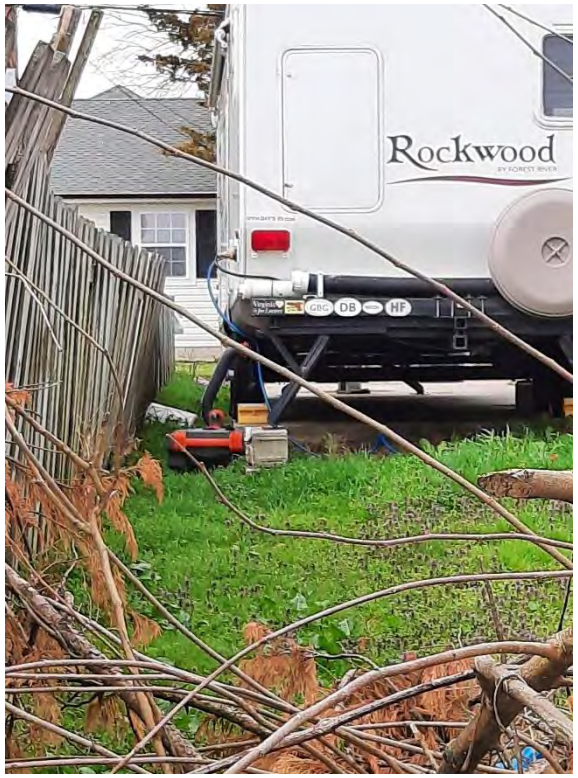


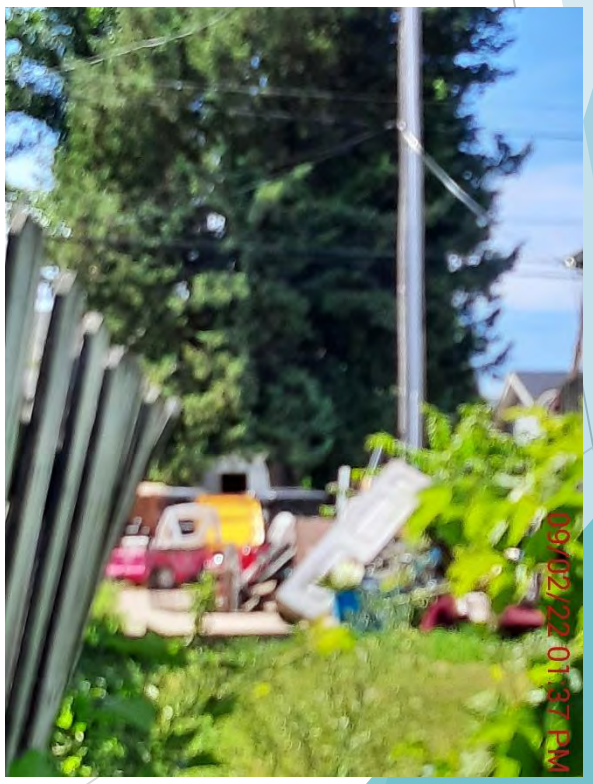
Code Enforcement

- 200 Tull Way
- Property Maintenance
- Rubbish
- Remedied

Code Enforcement

- 443 North St.
- Zoning Violation
- Remedied



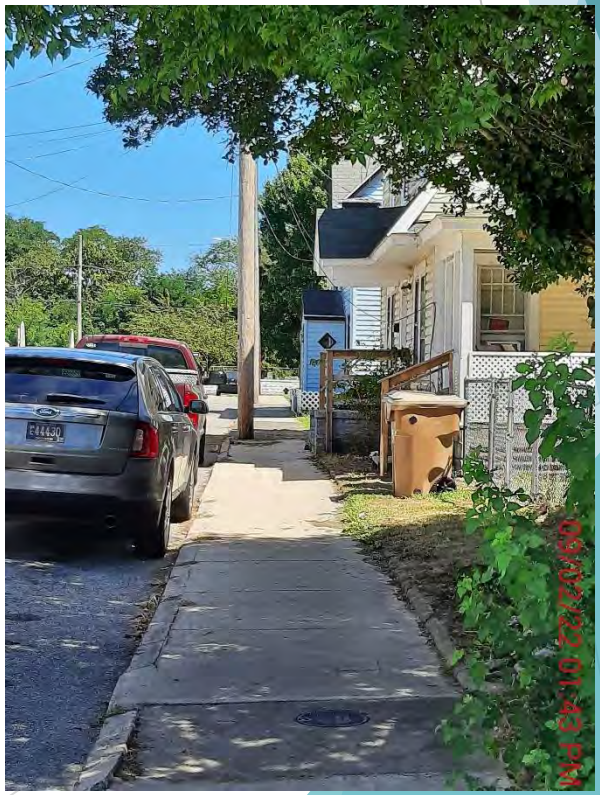


Code Enforcement

- 443 North St
- Property Maintenance
- Rubbish
- Remedied

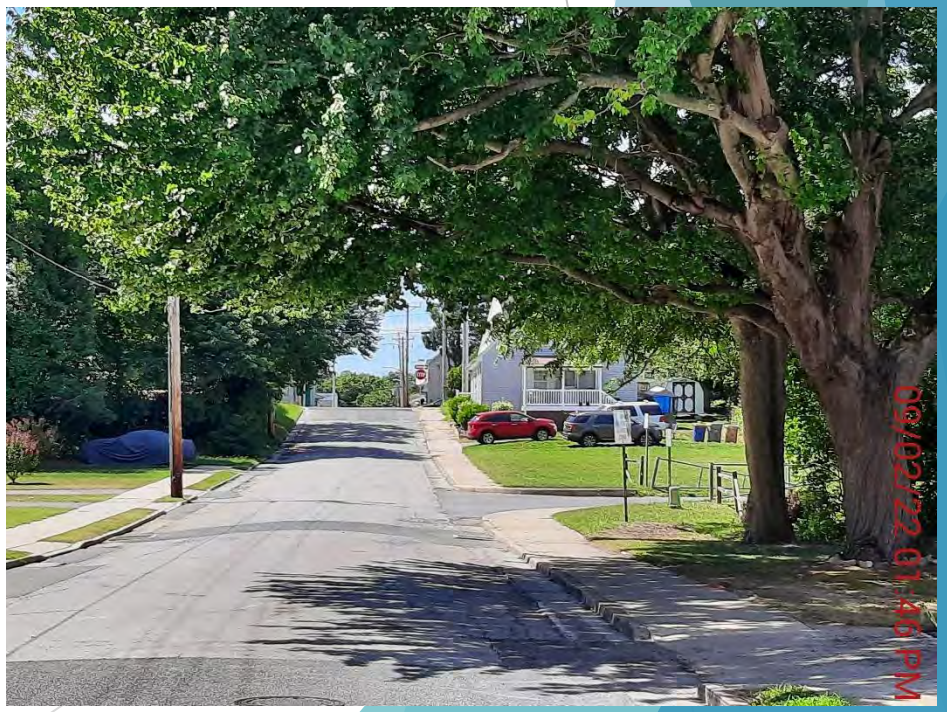
Code Enforcement

- 118 NW Third St
- Property Maintenance
- Vehicular Safety
- Remedied



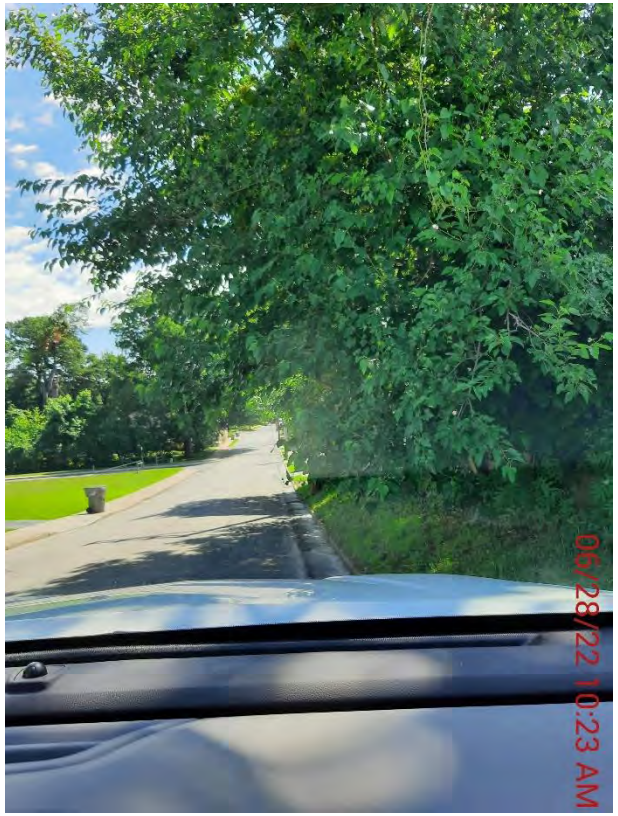
Code Enforcement

- 5 NW Fourth St.
- Property Maintenance
- Vehicular Safety
- Remedied



Code Enforcement

- 309 North St.
- Property Maintenance
- Vehicular Safety
- Remedied

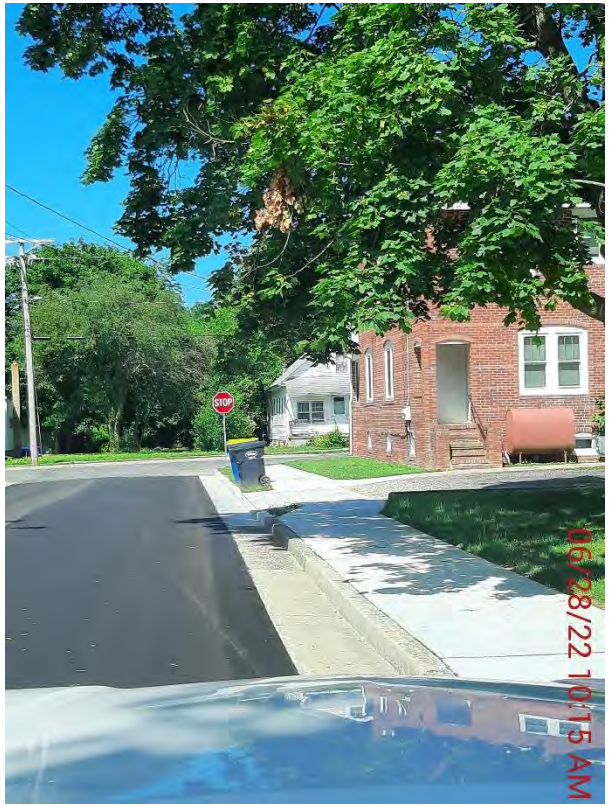


Code Enforcement

- 110 NW Second St
- Property Maintenance
- Vehicular Safety
- Remedied

Code Enforcement

- 301 Truitt Ave
- Property Maintenance
- Vehicular Safety
- Remedied



Code Enforcement

- 24 NW Front St.
- Property Maintenance
- Remedied

Code Enforcement

- 210 S Walnut St.
- Property Maintenance
- Vehicular Safety
- Remedied

Code Enforcement

- 17629 Fieldstone Ave
- Unlicensed Rental
- License acquired
- Remedied

Code Enforcement

- 14 NW Second St
- Unlicensed Rental
- Sold to tenant
- Remedied

Code Enforcement

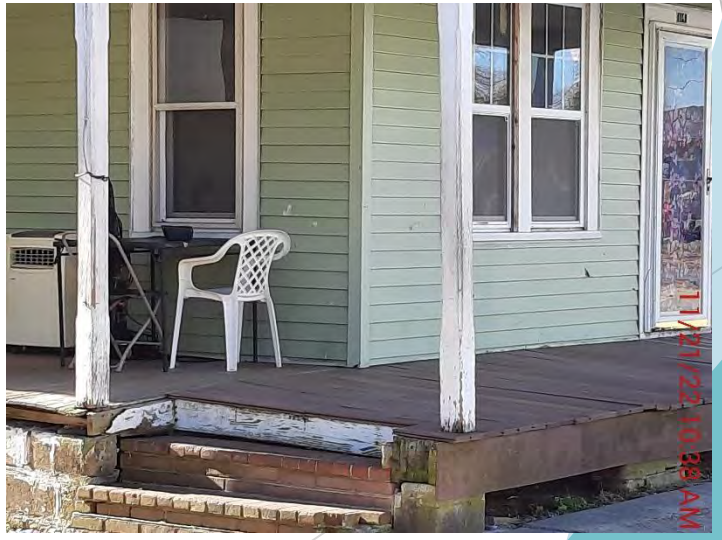
- 404 S Walnut St.
- Pool Safety Violation
- Remedied

Code Enforcement

- 114 NW Second
- Dangerous Tree
- Remedied

Code Enforcement

- 114 NW Second
- Furniture violation
- Remedied



Code Enforcement

- 111 NW Third
- Furniture violation / Grass
- Remedied

Code Enforcement

- 105 NW Fourth St
- Furniture Violation
- Remedied

Code Enforcement

- 205 NW Fourth St
- Abandoned Vehicle
- Remedied

Code Enforcement

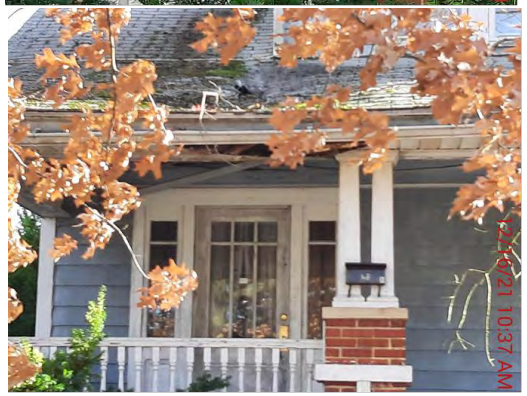
- 201 N Church St
- Abandoned Vehicles
- Remedied

Code Enforcement

- 407 S Walnut St
- Abandoned Vehicle
- Remedied

Code Enforcement

- 407 S Walnut St
- Condemnation- Unsafe structure
- New Owner- Permits pulled
- Remedied



Code Enforcement

- 504 N Church St
- Abandoned Vehicle
- Remedied

Code Enforcement

- 521 West St
- Property Maintenance
- Rubbish

Code Enforcement

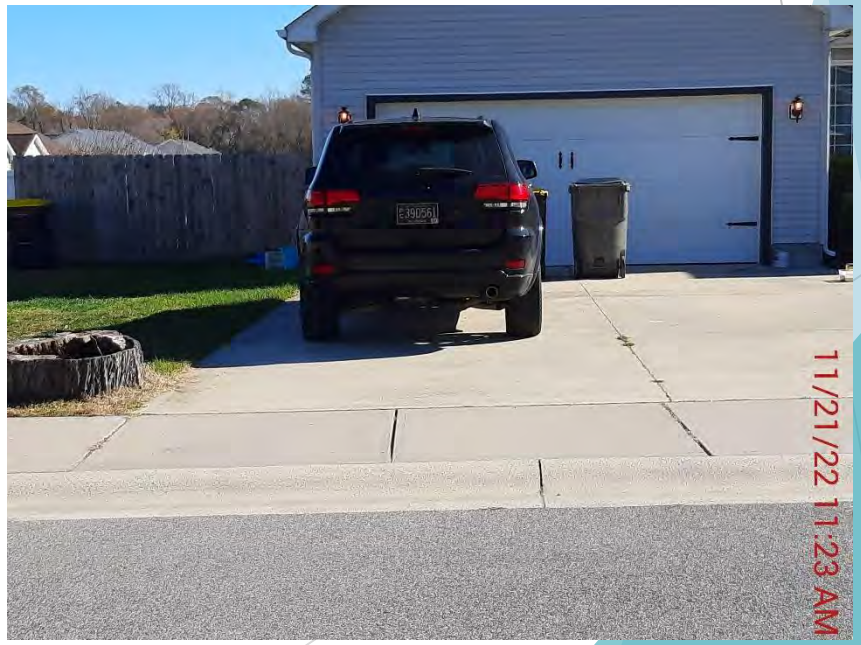
- 108 S Church St
- Abandoned Vehicle
- Remedied

Code Enforcement

- 501 NW Front St
- Dangerous Tree
- Remedied

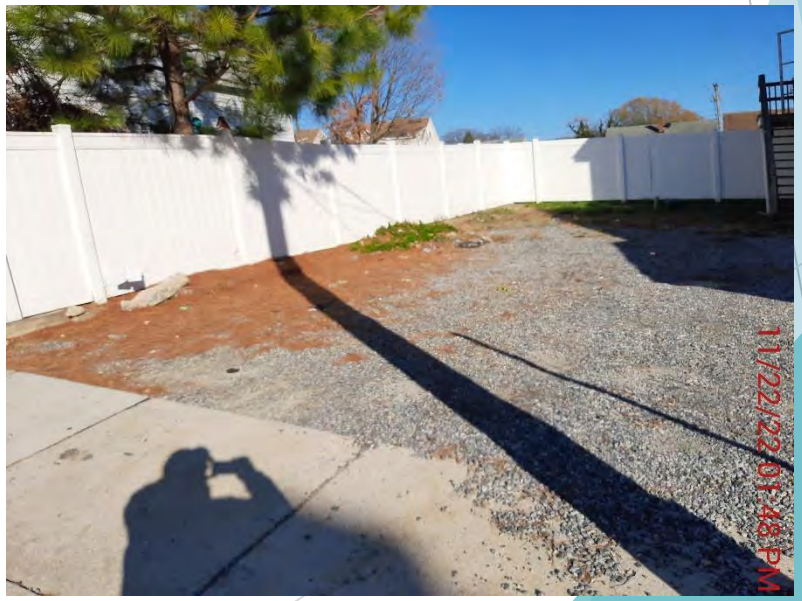
Code Enforcement

- 18521 Thelma Ln
- Furniture Violation
- Remedied



Code Enforcement

- 217 NW Front St
- Abandoned vehicle
- Remedied



Code Enforcement

- 708 Truitt Ave-Ext
- Abandoned Vehicle
- Improper parking surface
- Remedied

Code Enforcement

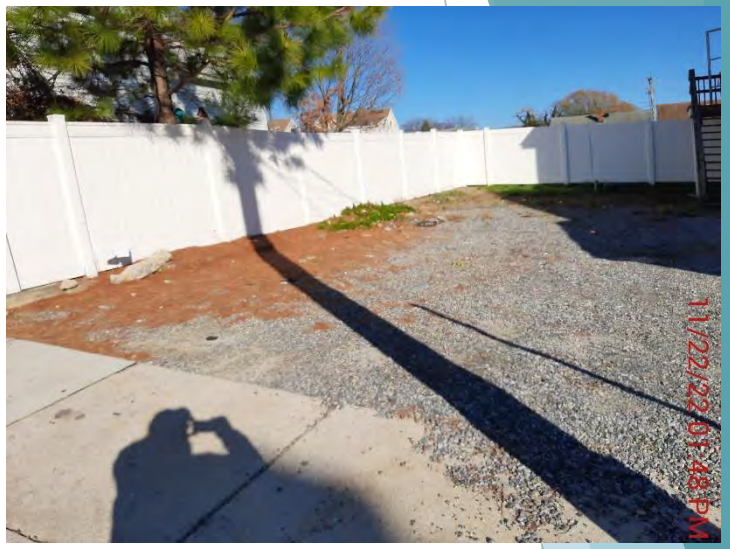
- 708 Truitt Ave Ext
- Abandoned Vehicle
- Remedied

Code Enforcement

- 217 NW Front St
- Property Maintenance
- Infestation
- Remedied

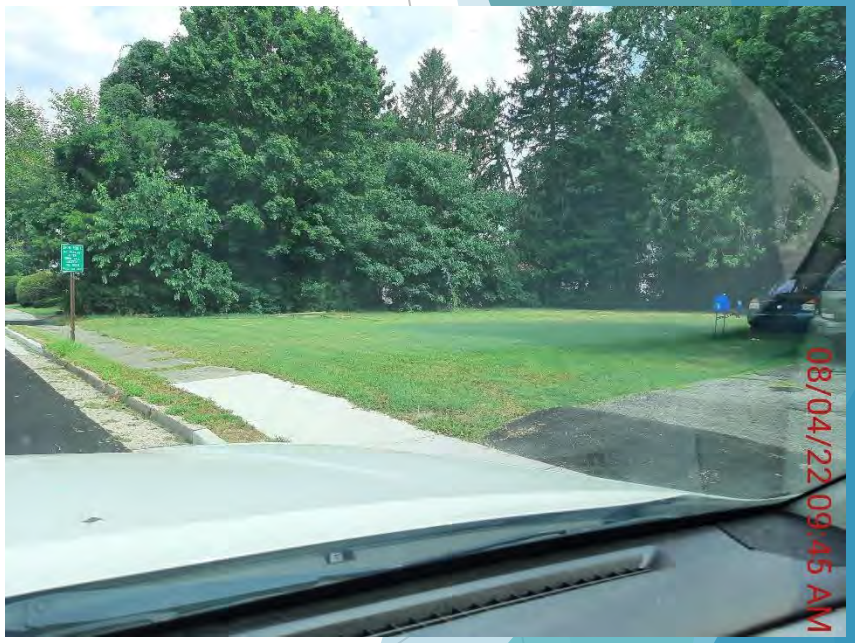
Code Enforcement

- 217 NW Front St
- Rubbish & Garbage
- Remedied



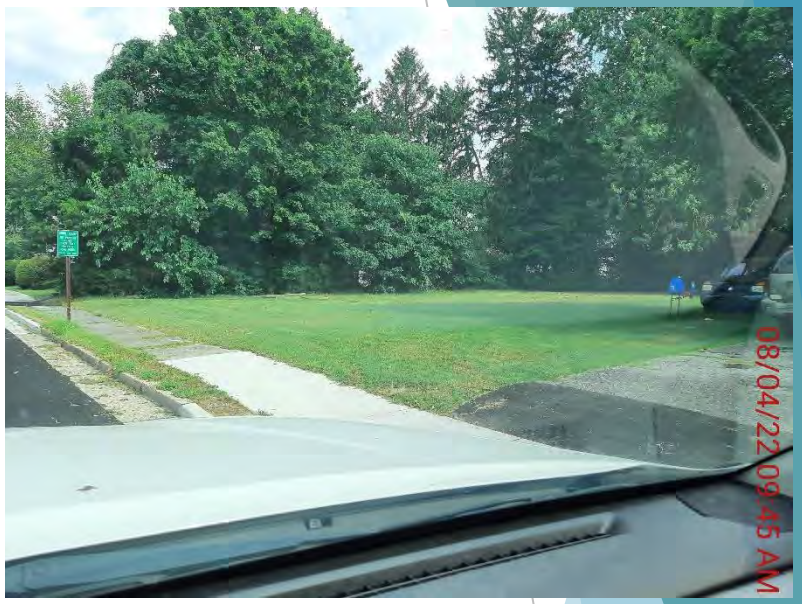
Code Enforcement

- 404 S Walnut St
- Abandoned Vehicle
- Remedied



Code Enforcement

- 404 S Walnut St
- Rubbish & Garbage
- Remedied



Code Enforcement

- 404 S Walnut St
- Property Maintenance
- Parking on grass
- Remedied

Code Enforcement

- 708 Truitt Ave Ext
- Property Maintenance
- Remedied

Code Enforcement

- 606 Milford-Harrington Hwy
- Zoning Violation
- Permit required
- Permit pulled
- Remedied

Code Enforcement

- 502 Truitt ave
- Property Maintenance
- Windows
- New owner
- Demo permit pulled
- Remedied

Code Enforcement

- 704 North St Ext
- Property Maintenance
- Accessory Structure
- Remedied

Code Enforcement

- 300 NW Front St
- Property Maintenance
- Sidewalk Safety
- Remedied

Code Enforcement

- 103 NE Fourth St
- Property Maintenance
- Sidewalk and road safety
- Remedied

Code Enforcement

- 212 NW Fourth St
- Property Maintenance
- Sidewalk safety
- Remedied

Code Enforcement

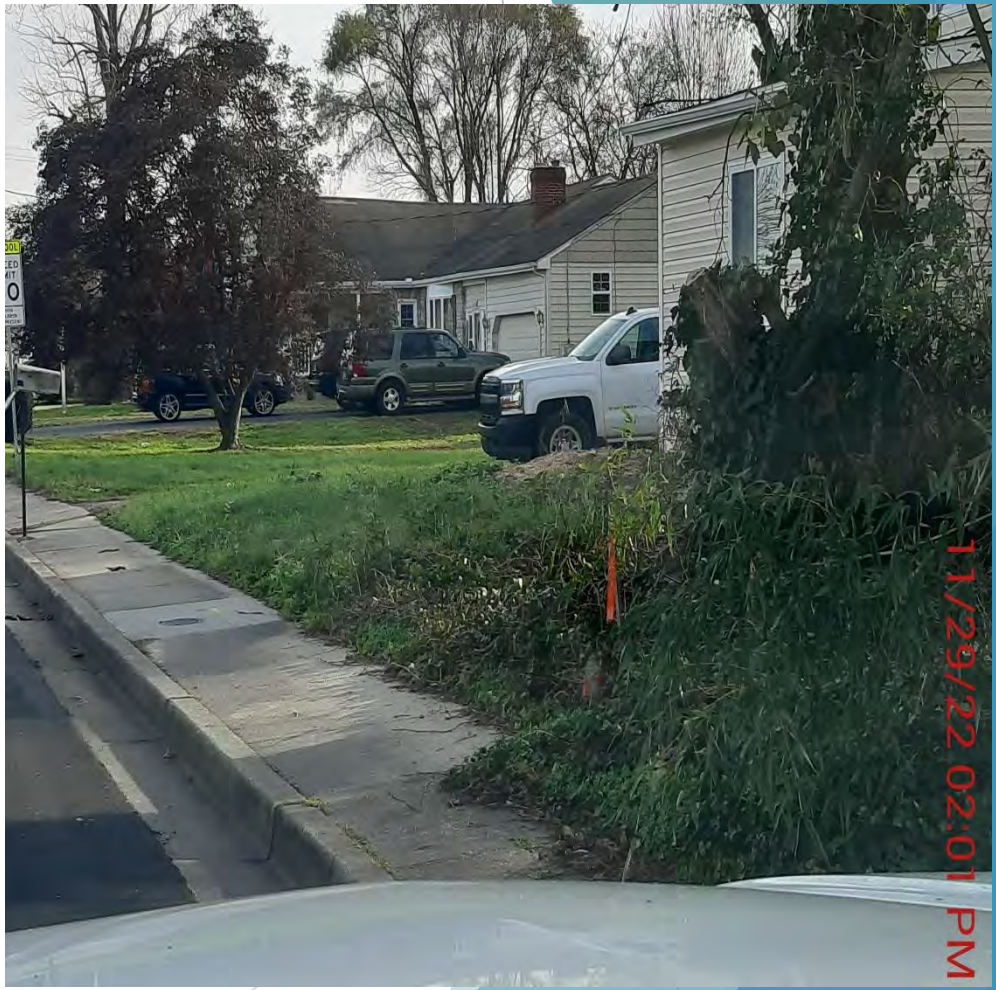
- 500 N Church St
- Property Maintenance
- Sidewalk Safety
- Remedied

Code Enforcement

- 504 N Church St
- Property Maintenance
- Garbage Rubbish
- Remedied

Code Enforcement

- 604 North St Ext
- Property Maintenance
- Sidewalk Safety
- Remedied



Code Enforcement

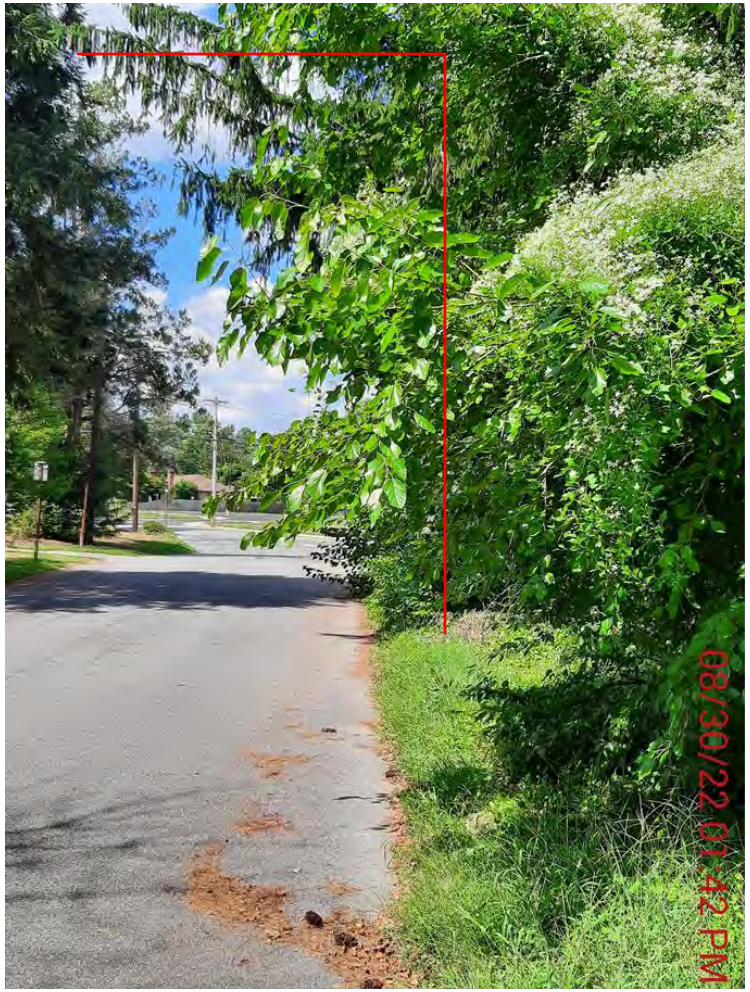
- 105 North St
- Property Maintenance
- Sidewalk Safety
- Remedied

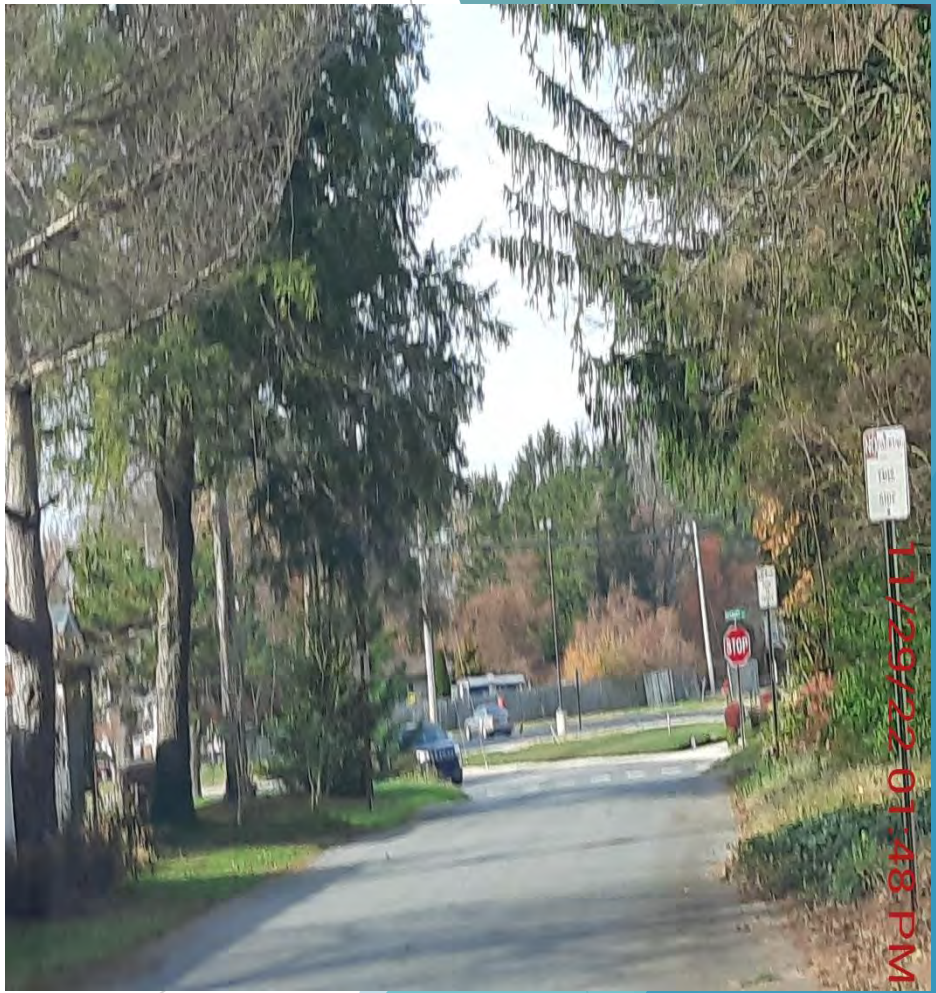
Code Enforcement

- 505 Seabury Ave
- Property Maintenance
- Sidewalk Safety
- Remedied

Code Enforcement

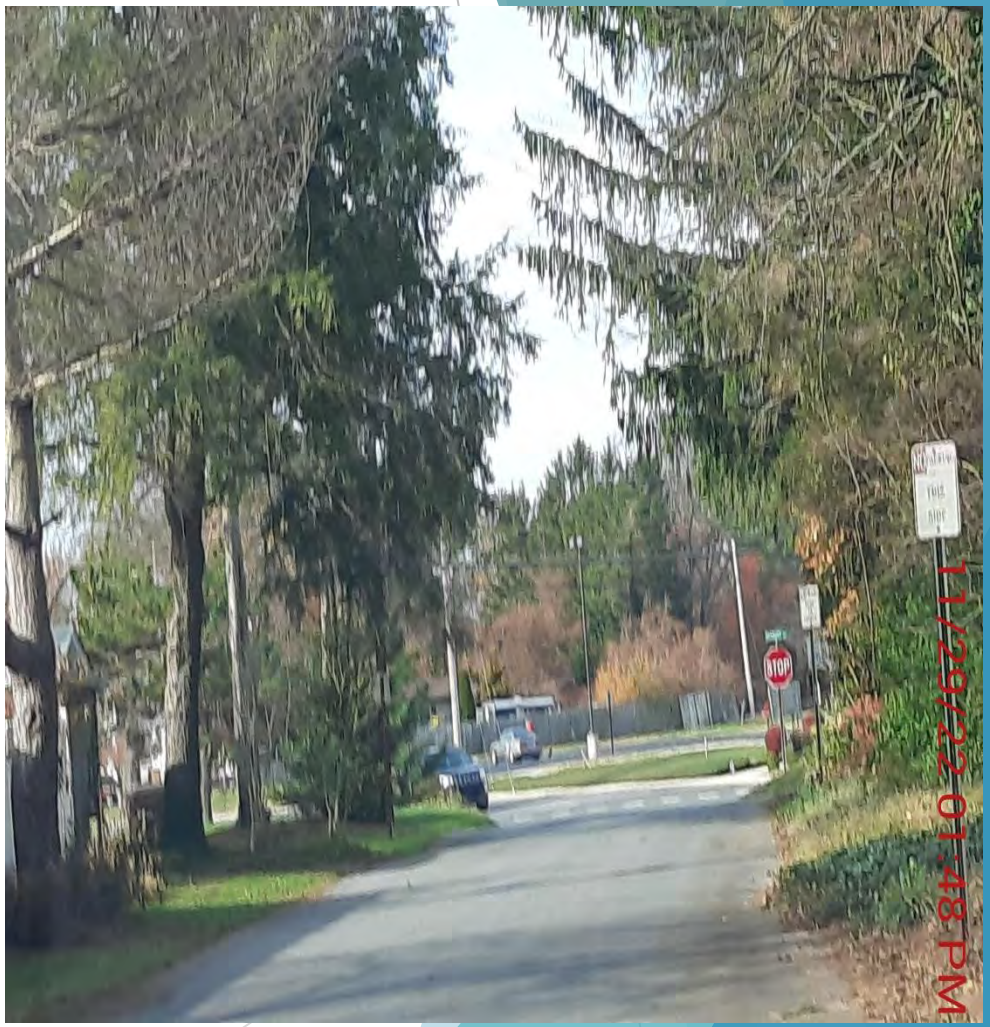
- 513 Seabury Ave
- Property Maintenance
- Road Safety
- Remedied





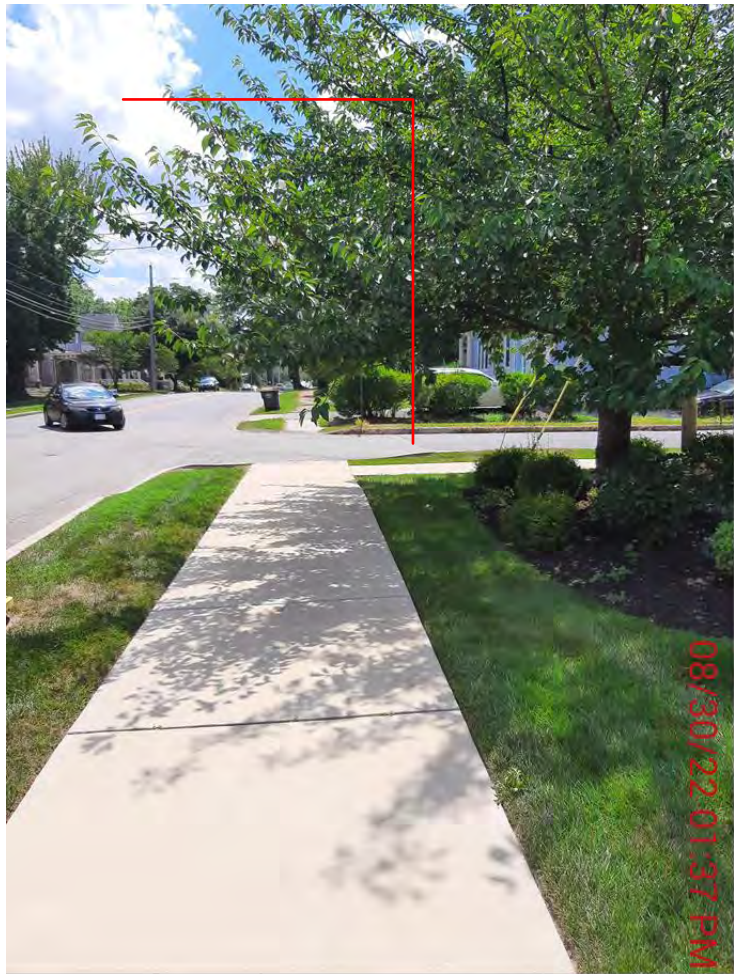
Code Enforcement

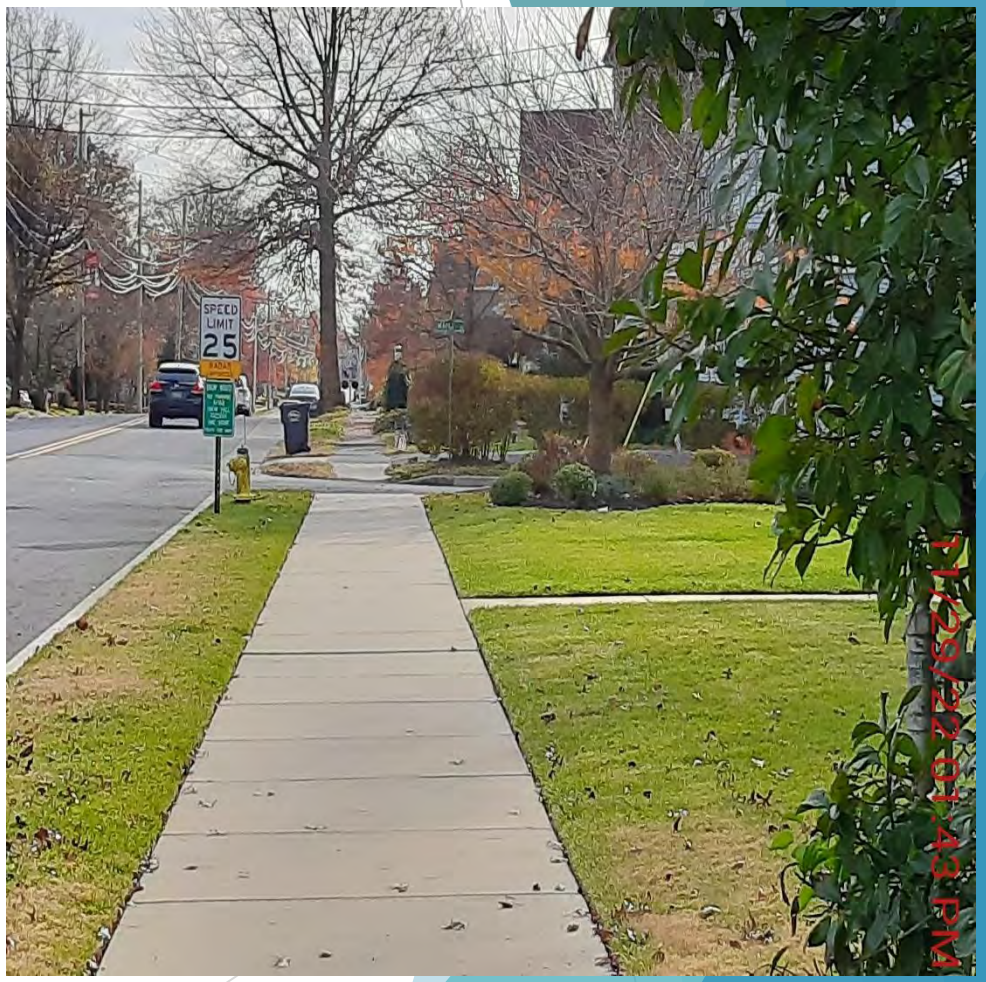
- 504 New St
- Property Maintenance
- Road Safety
- Remedied



Code Enforcement

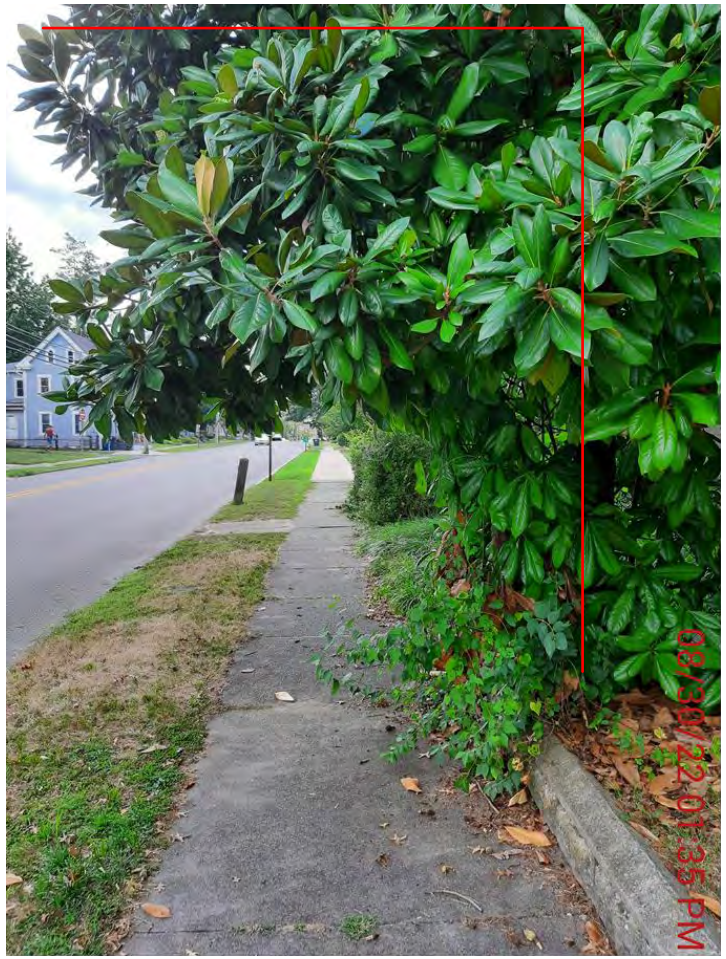
- 214 S Walnut St
- Property Maintenance
- Sidewalk Safety
- Remedied

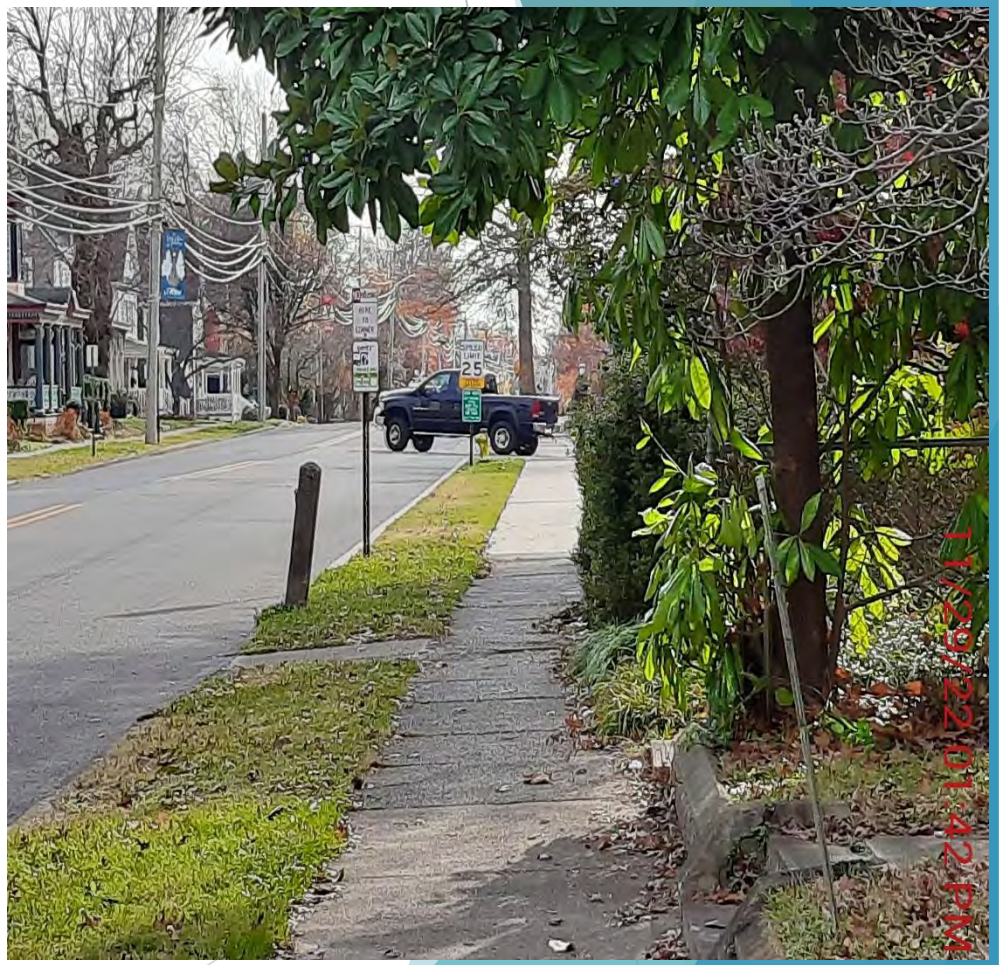




Code Enforcement

- 208 S Walnut St
- Property Maintenance
- Sidewalk Safety
- Remedied





Code Enforcement

- 206 S Walnut St
- Property Maintenance
- Sidewalk Safety
- Remedied

Code Enforcement

- 6439 Pebblebrook Dr
- Property Maintenance
- Pest Elimination
- Remedied

Code Enforcement

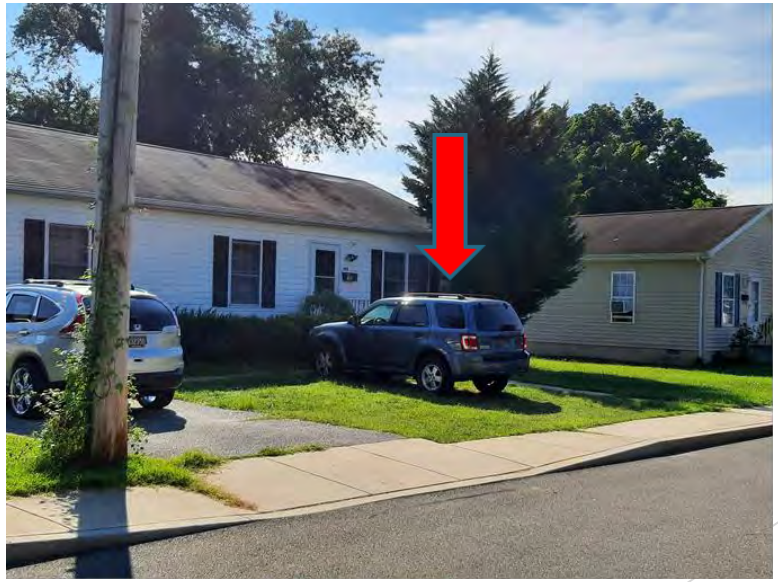
- 113 S Church St
- Property Maintenance
- Sidewalk Safety
- Remedied

Code Enforcement

- 203 Truitt Ave
- Property Maintenance
- Accessory structure/ Windows
- remedied

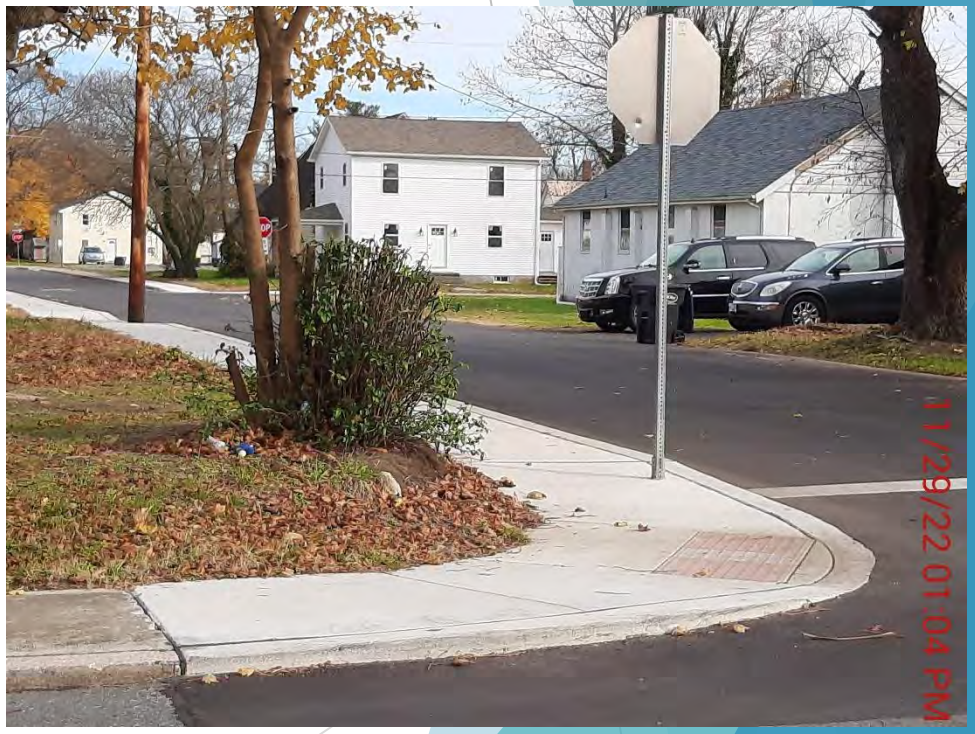
Code Enforcement

- 409 Truitt Ave
- Property Maintenance
- Abandoned Vehicle
- Parking on grass
- Remedied



Code Enforcement

- 501 Truitt Ave
- Property Maintenance
- Sidewalk Safety
- Remedied



Code Enforcement

- 511 West St
- Property Maintenance
- Sidewalk Safety
- Remedied

Code Enforcement

- 503 West St
- Property Maintenance
- Sidewalk Safety
- Remedied

Code Enforcement

- 403 West St
- Property Maintenance
- Sidewalk Safety
- Remedied

Code Enforcement

- 113 West St
- Property Maintenance
- Sidewalk Safety
- Remedied

Code Enforcement

- 104 West St
- Property Maintenance
- Accessory Structure/ Fence
- Remedied

Code Enforcement

- 400 N Church St.
- Property Maintenance
- Sidewalk Safety
- Remedied

Code Enforcement

- 17629 Fieldstone Ave
- No permit / Deck
- Permit pulled
- Remedied

Code Enforcement

- 4 Pennsylvania Ave
- Property Maintenance
- Remedied

Code Enforcement

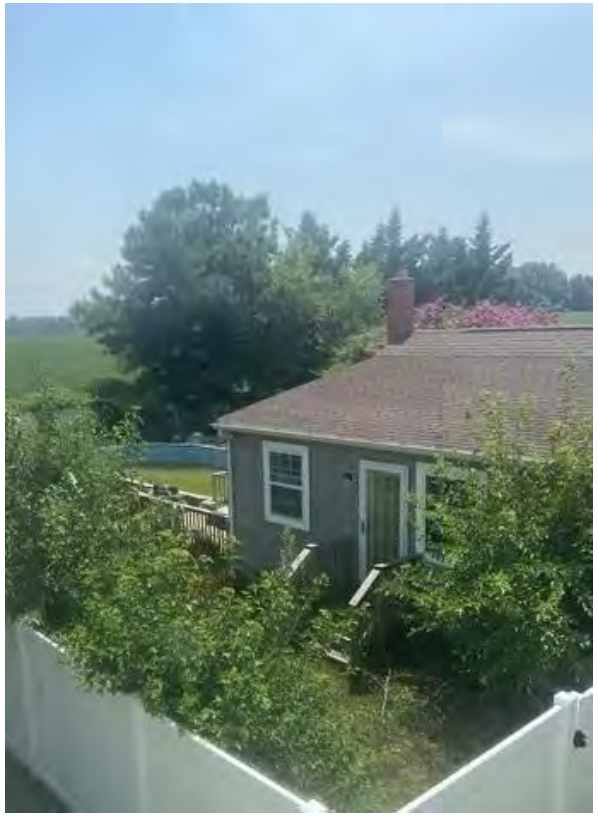
- 821 S Dupont Blvd
- Zoning Violation
- Remedied

Code Enforcement

- 18509 Thelma Ln
- Zoning Use Violation
- Home Occupation
- Remedied

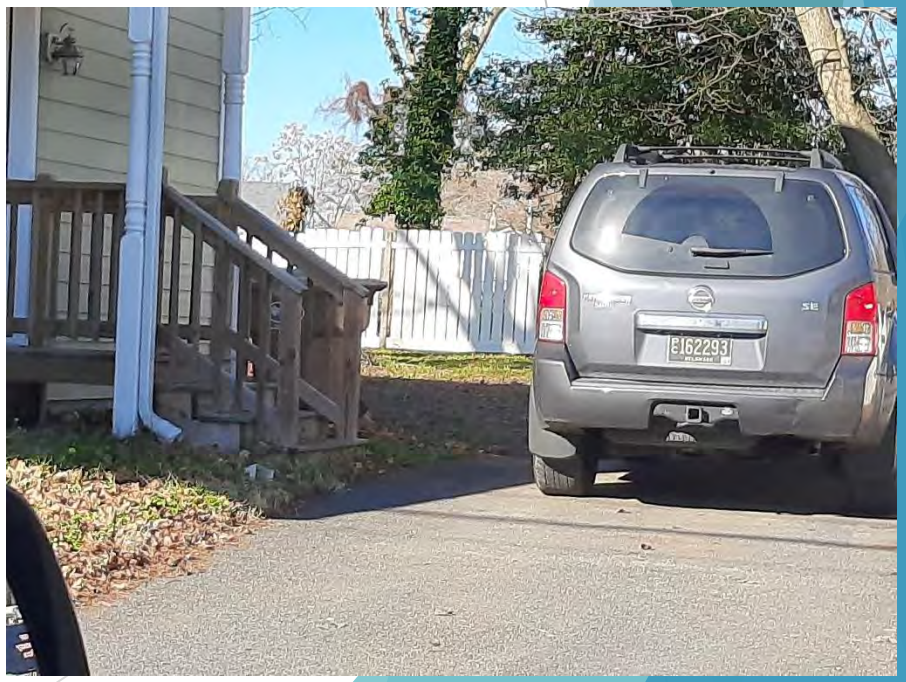
Code Enforcement

- 803 New St
- Property & Pool Maintenance
- Remedied



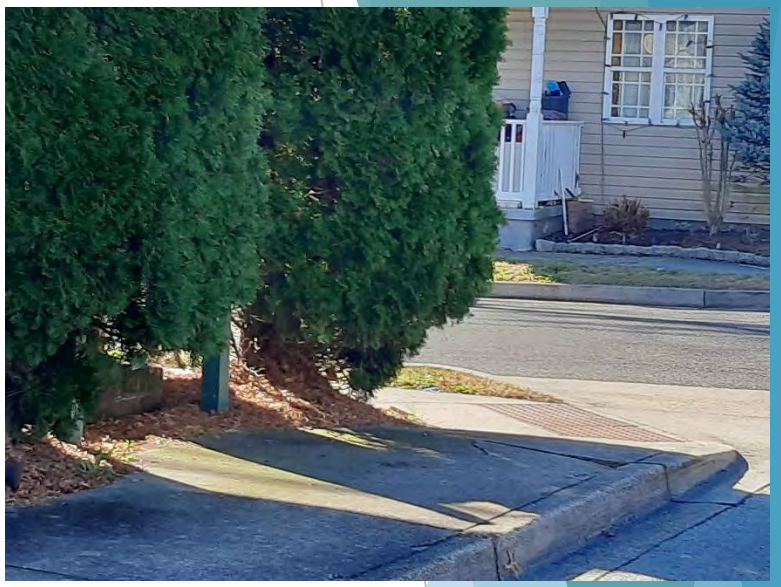
Code Enforcement

- 21 NW Second
- Property Maintenance
- Accessory Structure
- Remedied



Code Enforcement

- 126 NW Second St.
- Property Maintenance
- Sidewalk Safety
- Remedied



Code Enforcement

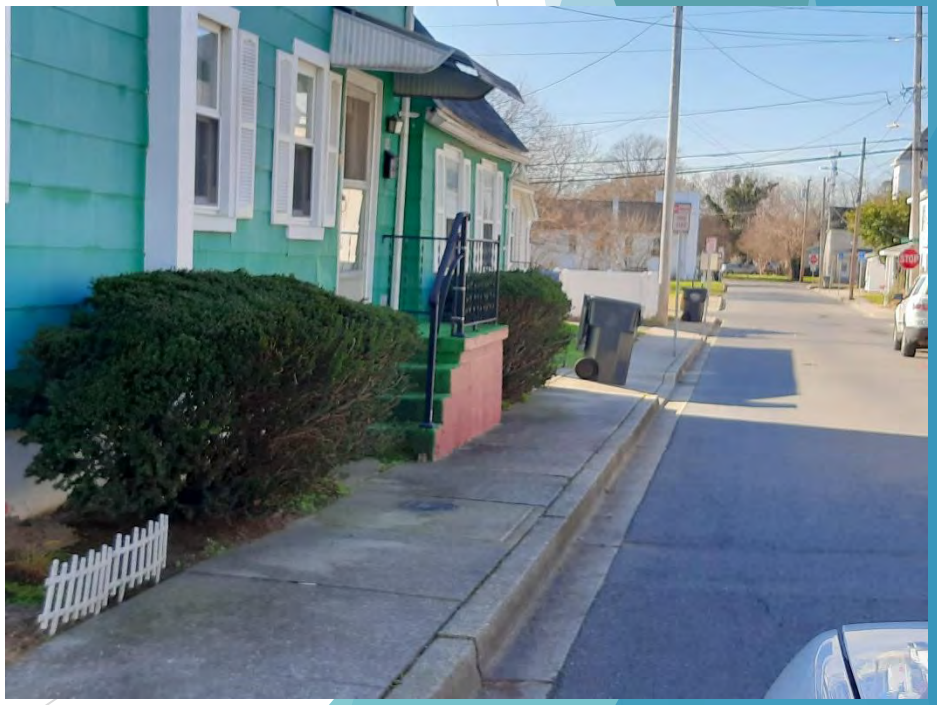
- 301 West St
- Property Maintenance
- Fence and hanging wires
- Remedied

Code Enforcement

- 300 North St
- Property Maintenance
- Accessory Structure / Fence
- Remedied

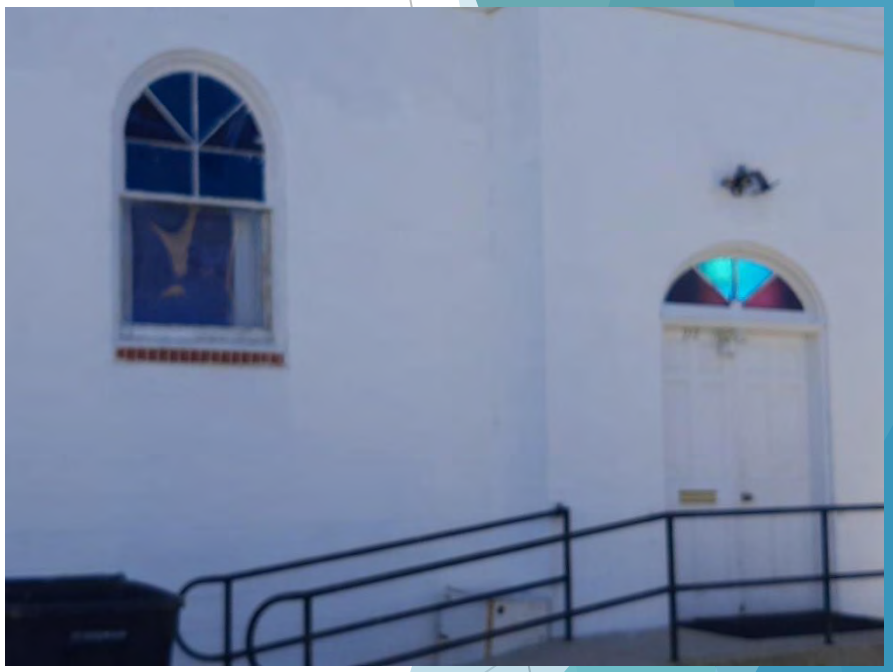
Code Enforcement

- 110 NW Fourth St
- Property Maintenance
- Sidewalk Safety
- Remedied



Code Enforcement

- 212 NW Fourth St
- Property Maintenance
- Flaking paint and broken window
- Remedied



Code Enforcement

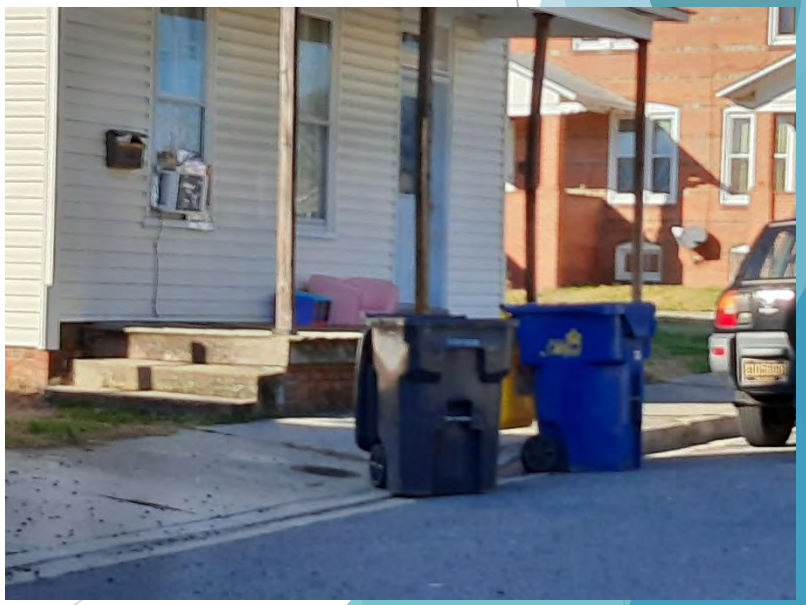
- 512 N Church St
- Property Maintenance
- Siding
- Remedied

Code Enforcement

- 521 Truitt Ave
- Property Maintenance
- Sidewalk Safety
- Remedied

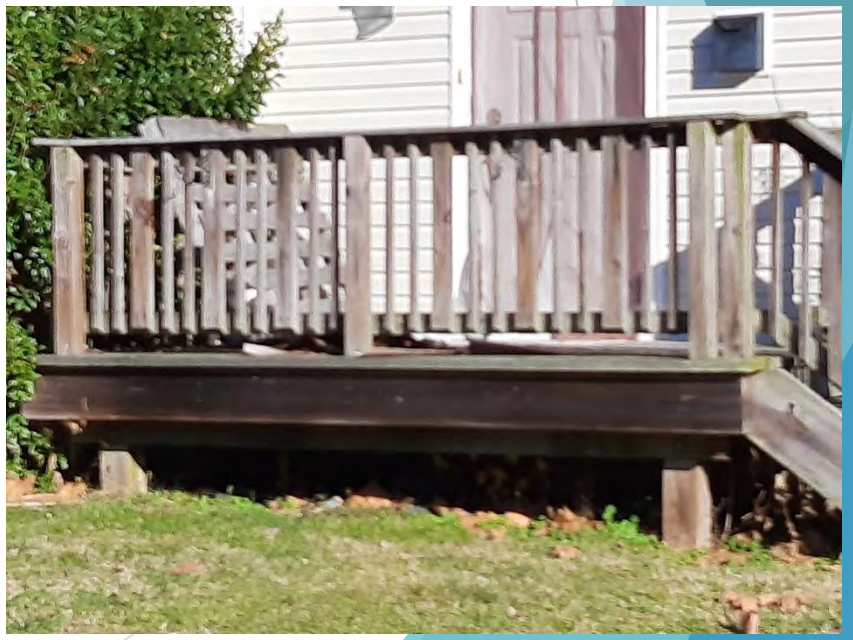
Code Enforcement

- 110 West St
- Furniture Violation
- Remedied



Code Enforcement

- 503 West St
- Property Maintenance
- Weeds/ Vines
- Remedied



Code Enforcement

- 113 NW Second St
- Property Maintenance
- Exterior walls/ Siding
- Remedied

Code Enforcement

- 205 North St
- Property Maintenance
- Flaking Paint
- Remedied

Code Enforcement

- 612 North St-Ext
- Property Maintenance
- Sidewalk safety/ Window
- Remedied

Code Enforcement

- 710 North St-Ext
- Property Maintenance
- Flaking paint
- Remedied

Code Enforcement

- 712 North St-Ext
- Abandoned Vehicle
- Remedied

Code Enforcement

- 712 North St-Ext
- Property Maintenance
- Screens
- Remedied

Code Enforcement

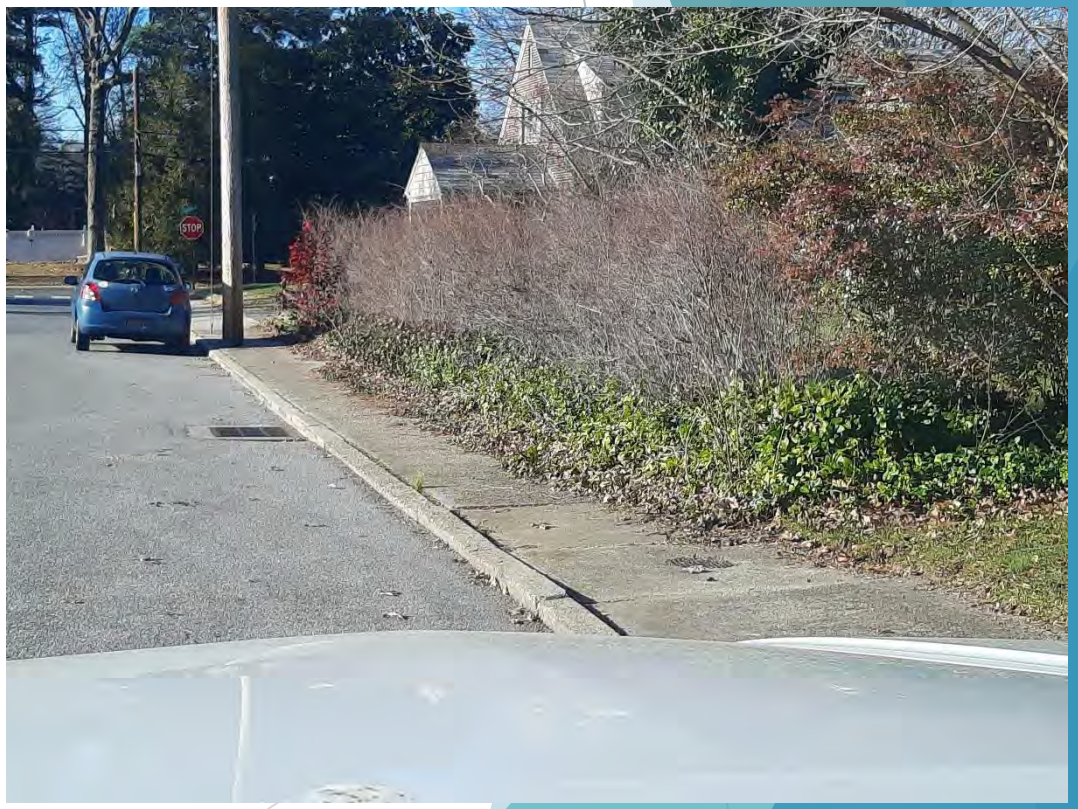
- 615 North St-Ext
- Property Maintenance
- Sidewalk safety
- Remedied

Code Enforcement

- 12 Causey Ave
- Property Maintenance
- Low branches over sidewalk
- Remedied

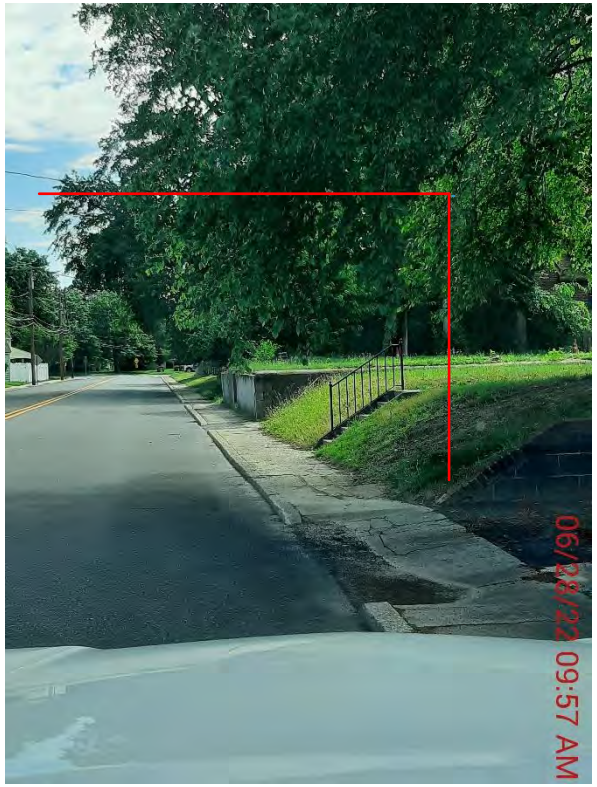
Code Enforcement

- 510 Lakeview Ave
- Property Maintenance
- Shrubs over sidewalk
- Remedied



Code Enforcement

- 509 Seabury
- Property Maintenance
- Sidewalk safety
- Remedied

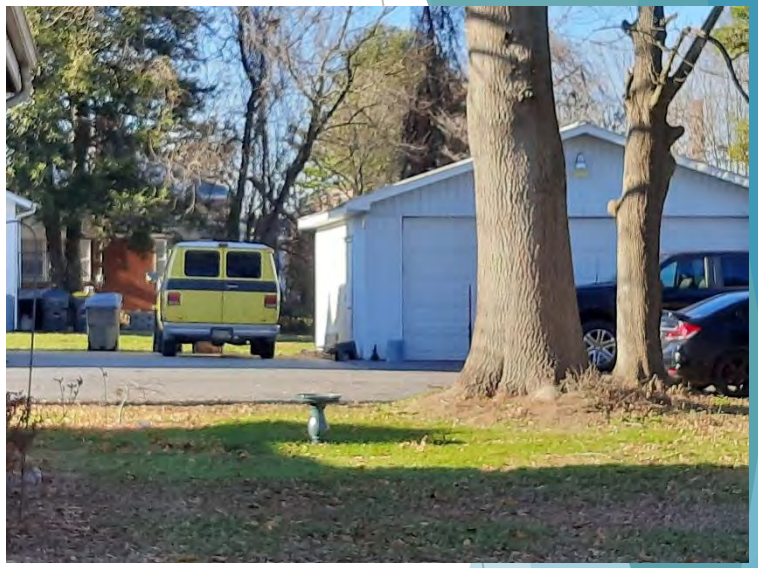


Code Enforcement

- 701 Seabury Ave
- Property Maintenance
- Tree over road and sidewalk
- Remedied

Code Enforcement

- 7 W Clark Ave
- Zoning Use Violation
- Home Occupation
- Remedied



Code Enforcement

- 308 Lakeview Ave
- Dangerous tree
- Sidewalk safety
- Remedied

Code Enforcement

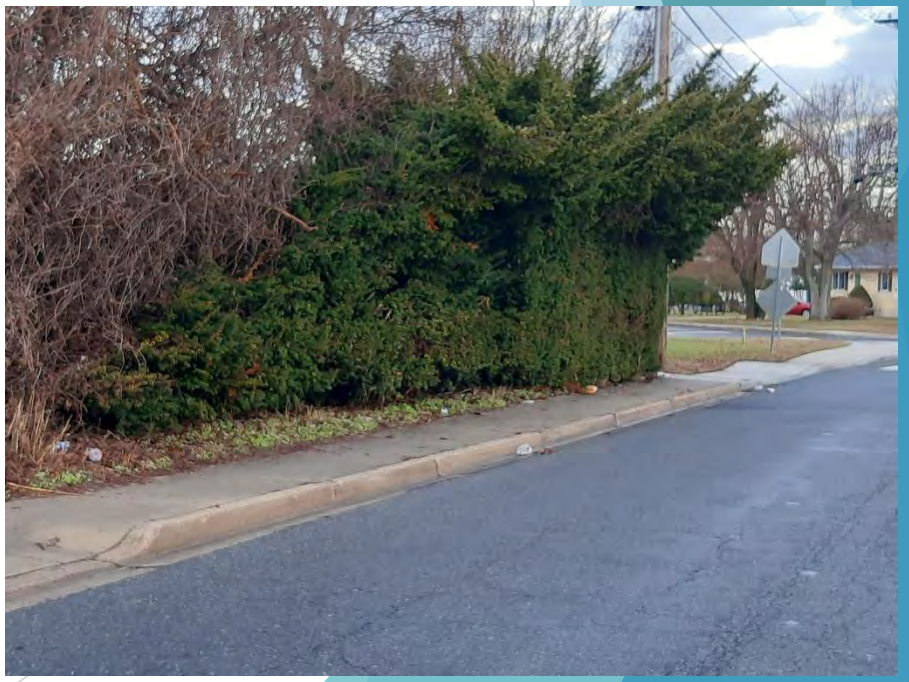
- 101 NW Front St
- Property Maintenance
- Sidewalk Safety
- Remedied

Code Enforcement

- 208 Truitt Ave
- Property Maintenance
- New owners demo permit pulled
- Remedied

Code Enforcement

- 600 North St Ext
- Property Maintenance
- Sidewalk Safety
- Remedied

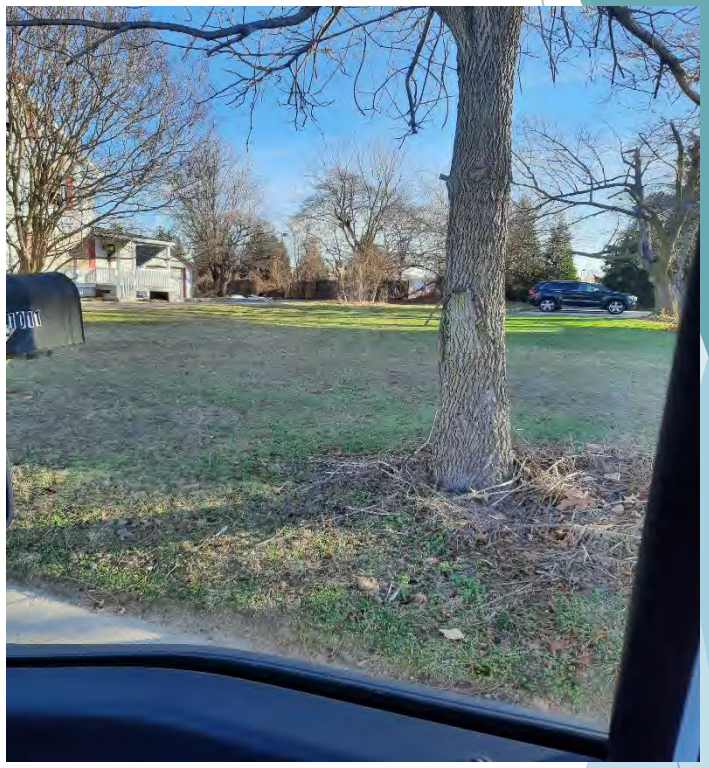


Code Enforcement

- 213 Marshall St
- Rubbish
- Remedied

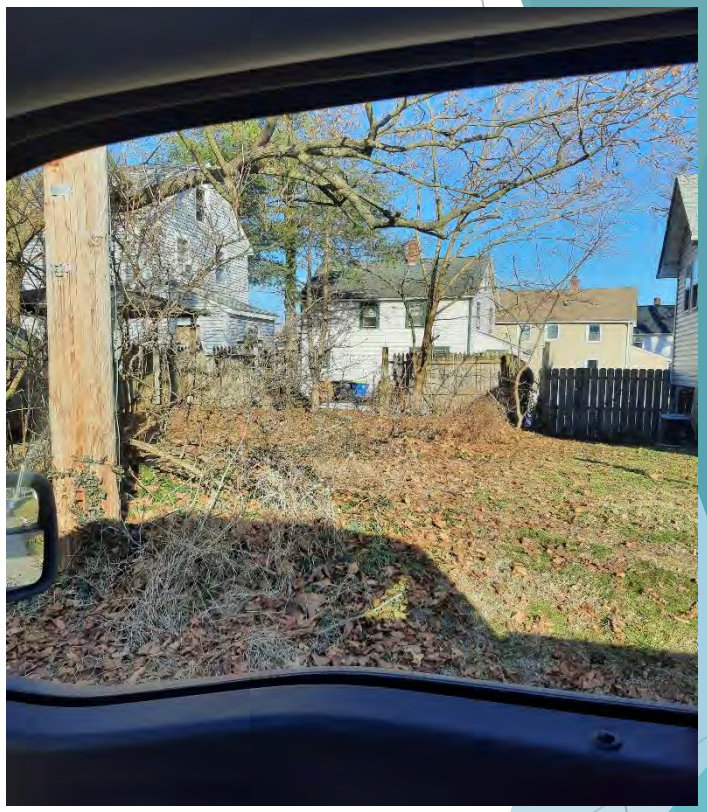
Code Enforcement

- 1015 N Walnut St
- Rubbish
- Remedied



Code Enforcement

- 201 N Washington St
- Property Maintenance
- Shed
- Remedied



Code Enforcement

108 SE Fourth

FU

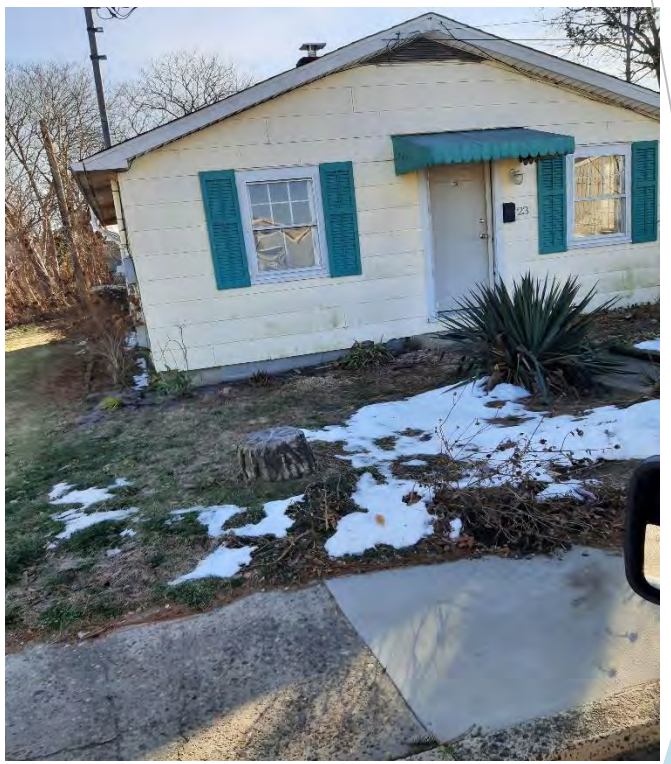
Remedied

Code Enforcement

23 Fisher

Rubbish

Remedied

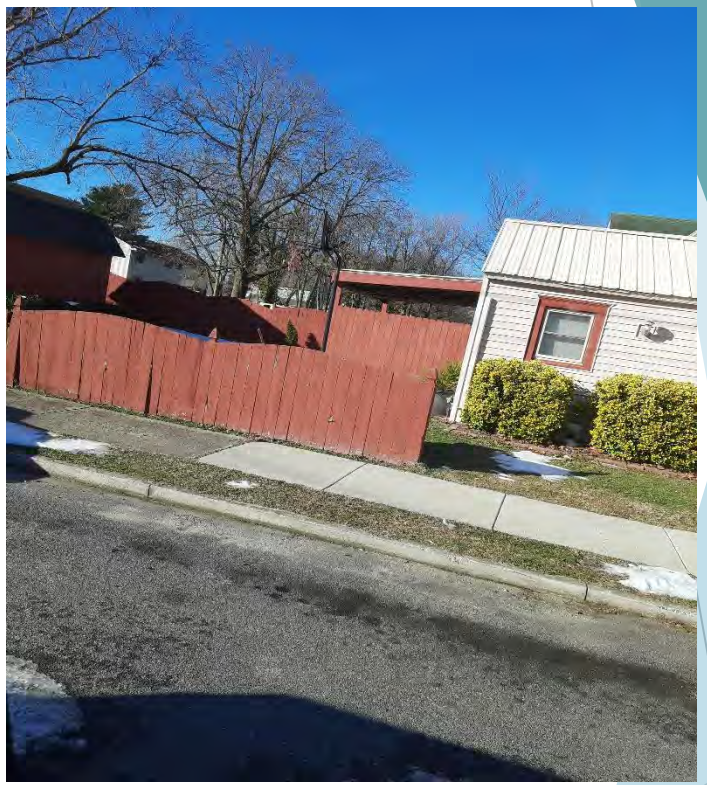


Code Enforcement

614 SE Front St

AV

Remedied



Code Enforcement

29 Fisher Ave

AV

Remedied

Code Enforcement

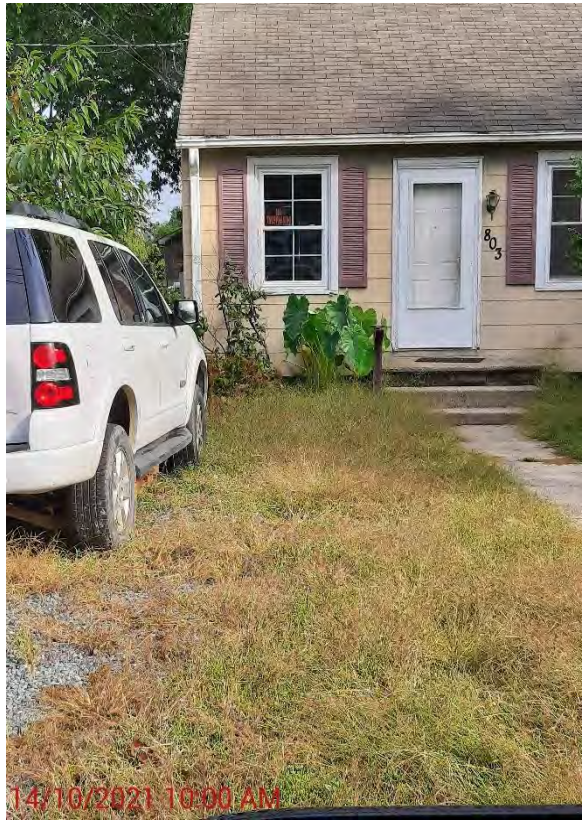
416 S Washington St

Rubbish / tires, wood

Remedied

Code Enforcement

- 803 SE Fourth St
- AV
- Remedied



Code Enforcement

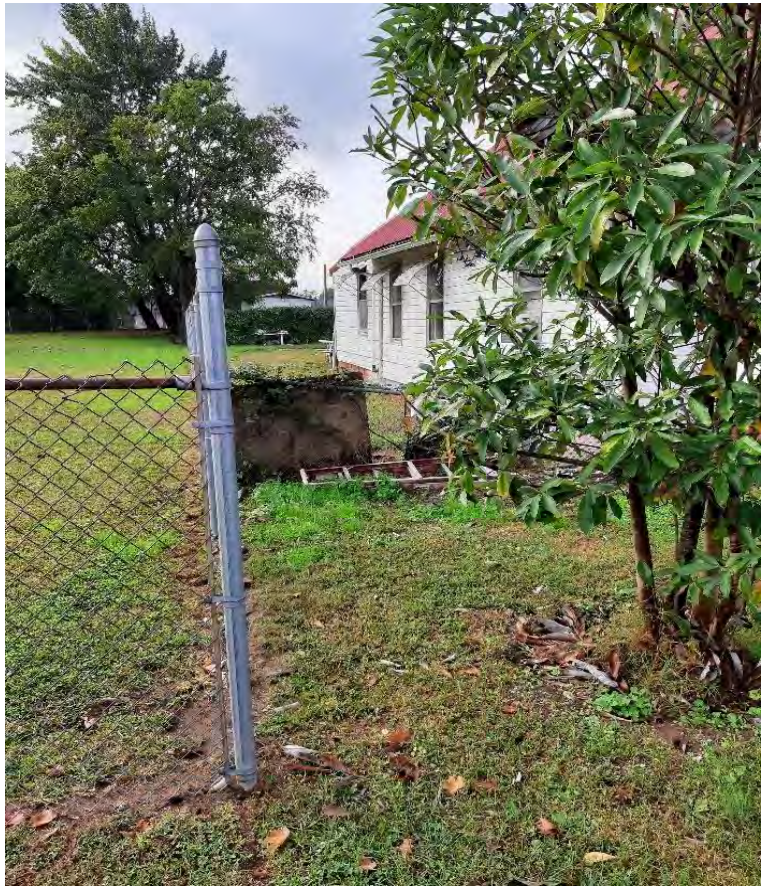
124 SE Second St

AV

Remedied

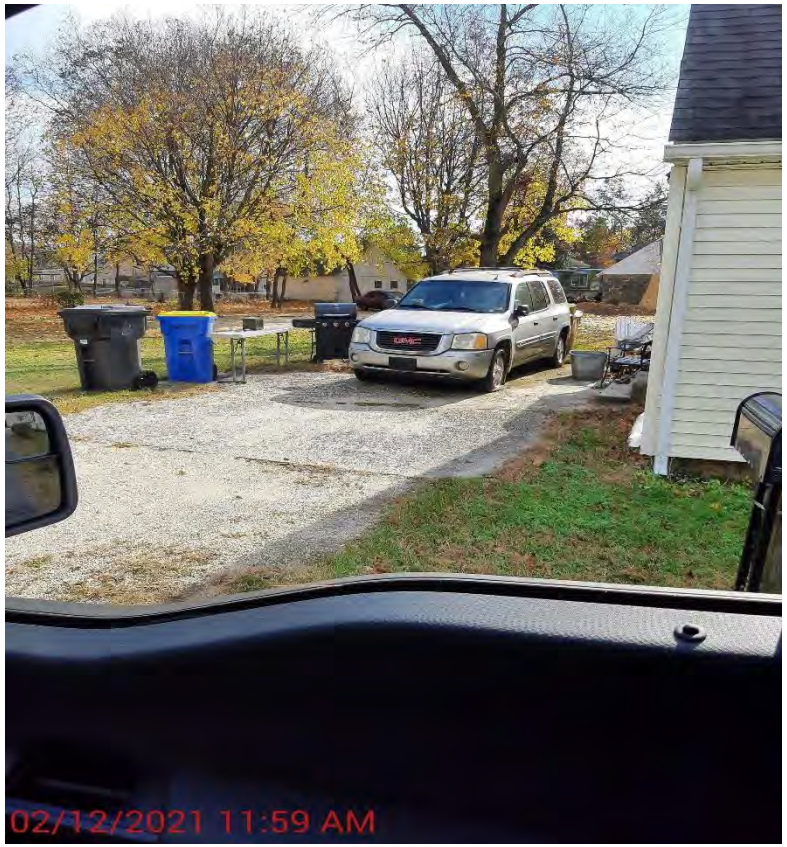
Code Enforcement

- 212 NE Fourth St
- EXT Fence
- Remedied



Code Enforcement

- 910 Berry Ln
- AV
- Remedied

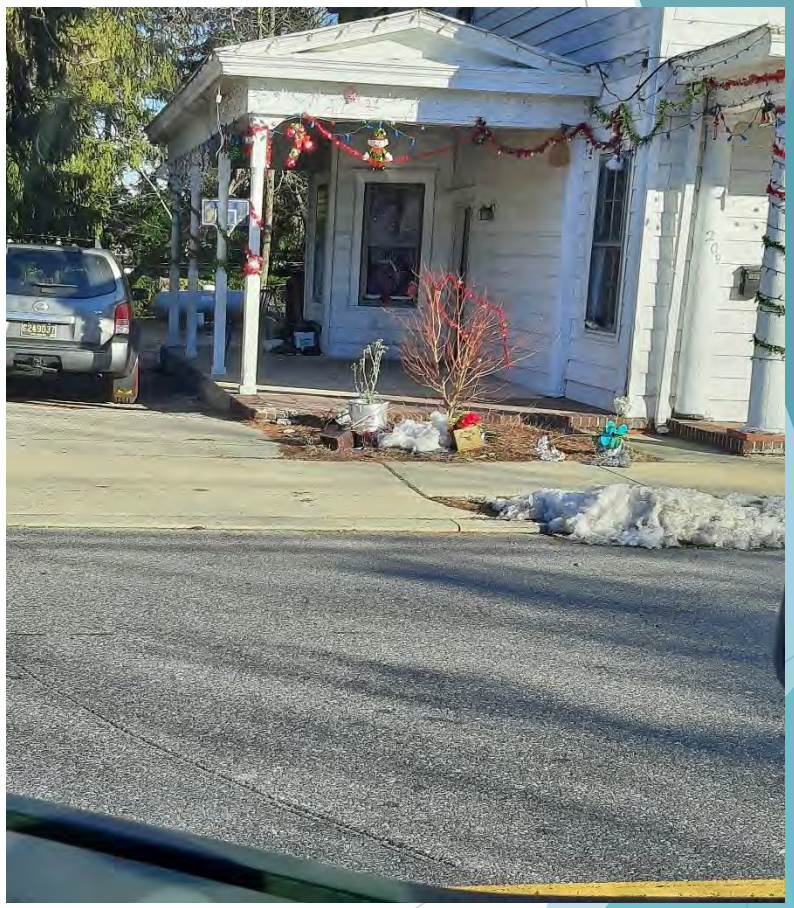


Code Enforcement

209 SE Front St

Rubbish

Remedied



Code Enforcement

37 Fisher Ave

Rubbish

Remedied

Code Enforcement

701 SE Front St

AV

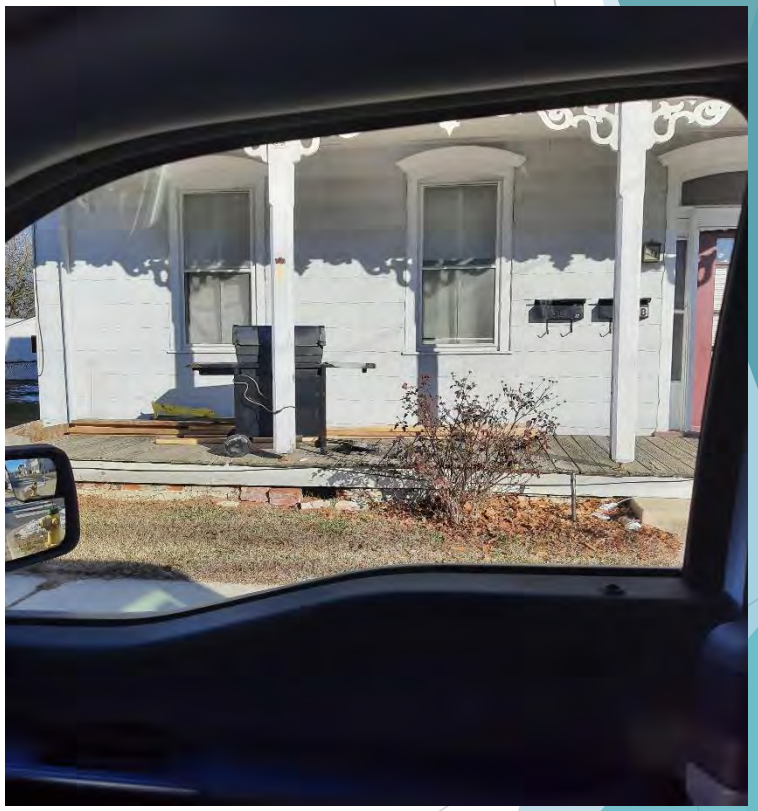
Remedied

Code Enforcement

609 SE Front St

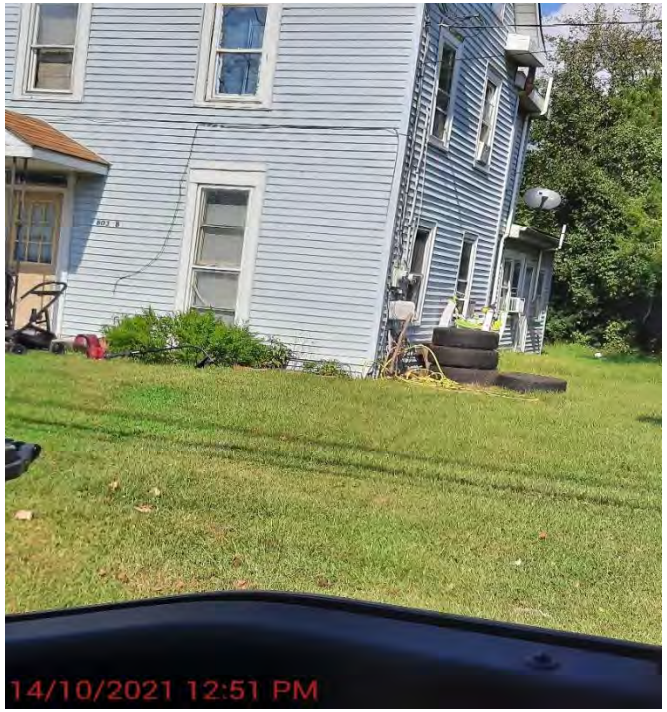
FU

Remedied



Code Enforcement

- 803 SE Second St
- Rubbish Tires
- Remedied

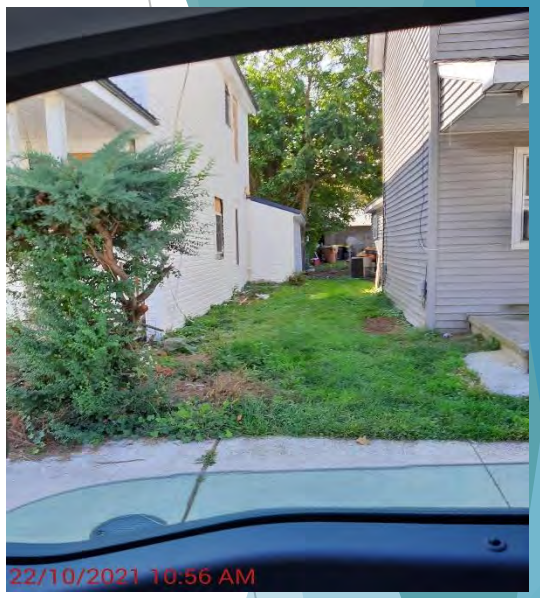


Code Enforcement

- 408 Pierce St
- EXT Gutters
- Remedied

Code Enforcement

- 702 SE Front St
- Rubbish
- Remedied



Code Enforcement

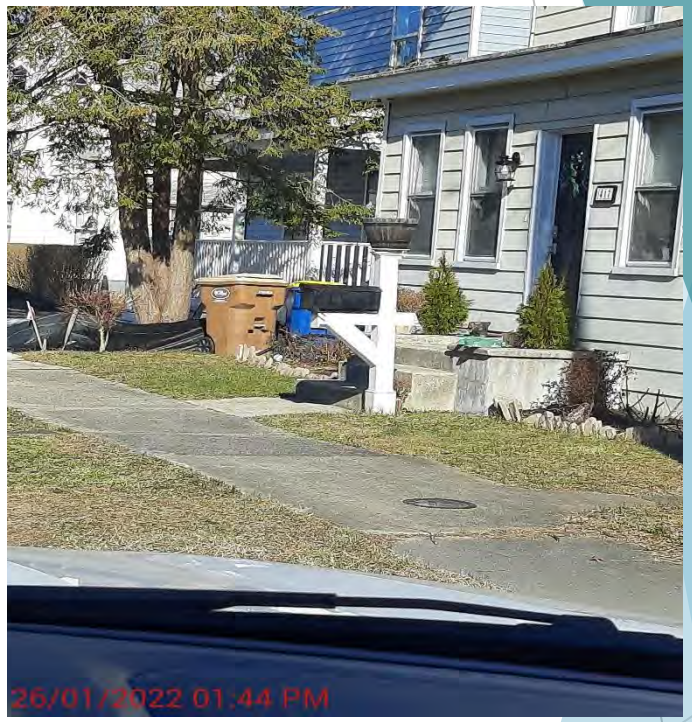
- 107 NE Second St
- Property Maintenance
- Window
- Remedied

Code Enforcement

417 S Washington St

Tree

Remedied



Code Enforcement

104 Charles St

Rubbish

Remedied

Code Enforcement

102 Charles St

FU

Remedied

Code Enforcement

304 Woodlawn Dr

Tree

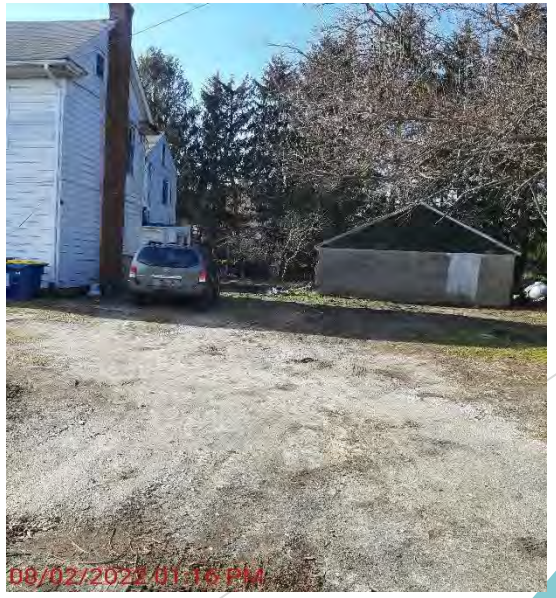
Remedied

Code Enforcement

211 SE Front St

Tree

Remedied



Code Enforcement

310 Carlisle Ln

Rubbish

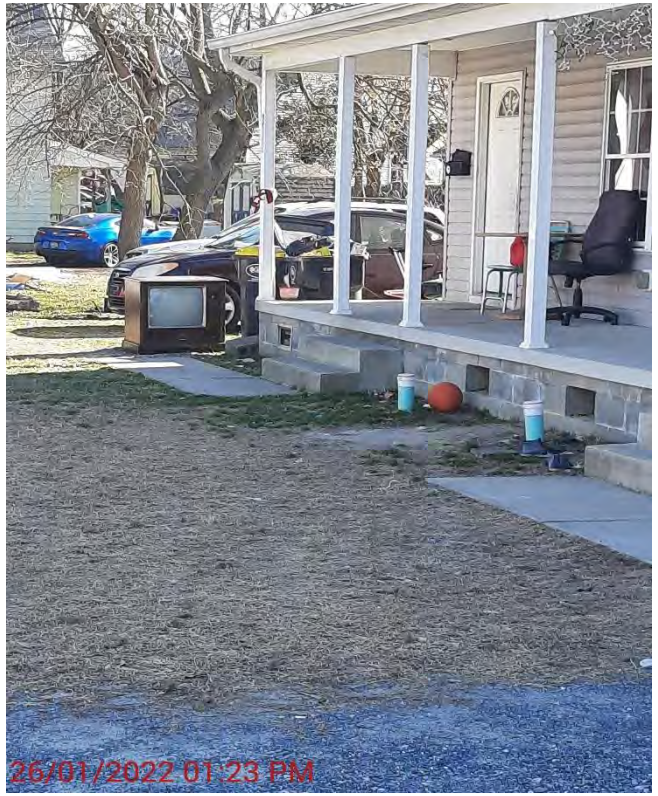
Remedied

Code Enforcement

312 Carlisle Ln

Rubbish

Remedied



Code Enforcement

120 W Green Ln

AV

Remedied

Code Enforcement

34 Fisher Ave

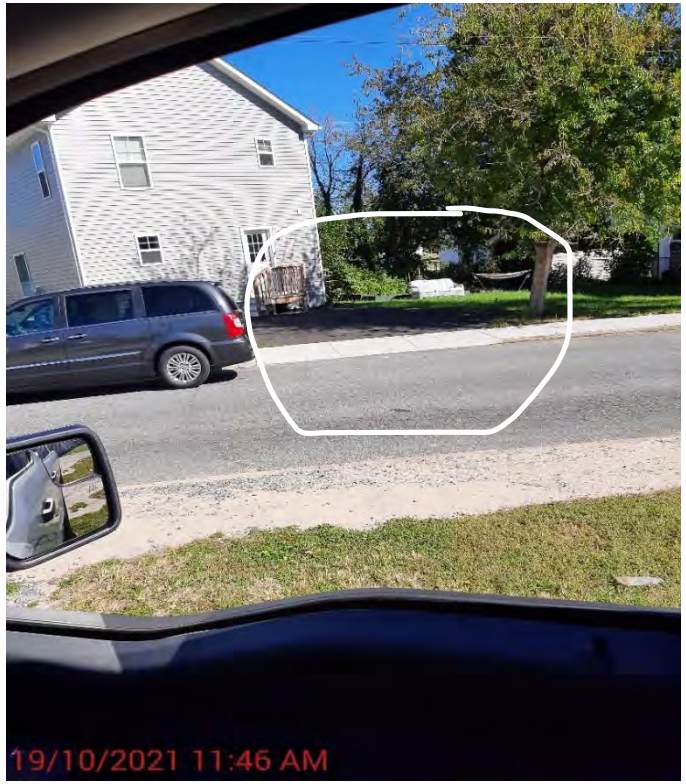
FU

Code Enforcement

- 43 Fisher Ave
- Rubbish and Garbage
- Remedied

Code Enforcement

- 306 SE Front St
- FU
- Remedied

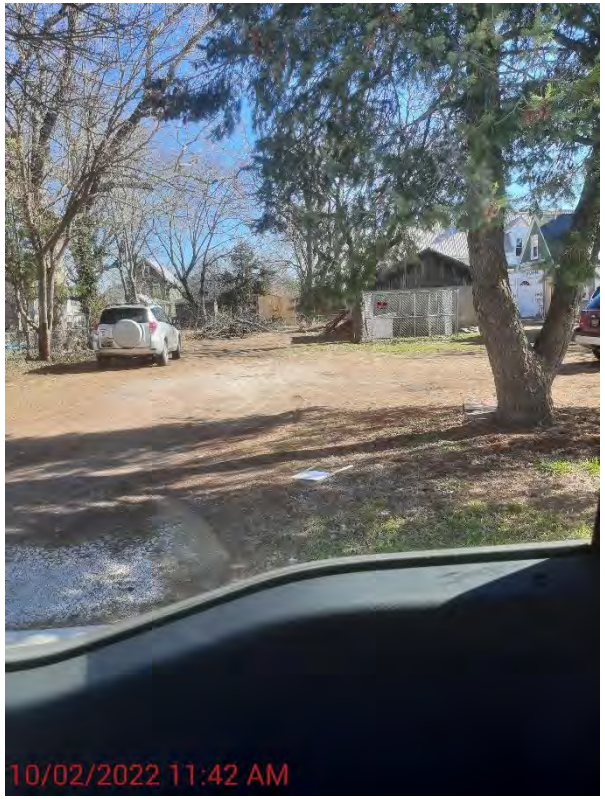


Code Enforcement

501 SE Front St

AV

Remedied



Code Enforcement

602 SE Front St

Property Maintenance

Fence

Remedied

Code Enforcement

- 114 SE Second St
- Rubbish
- Posted property
- Remedied

Code Enforcement

27 Fisher

FU

Posted

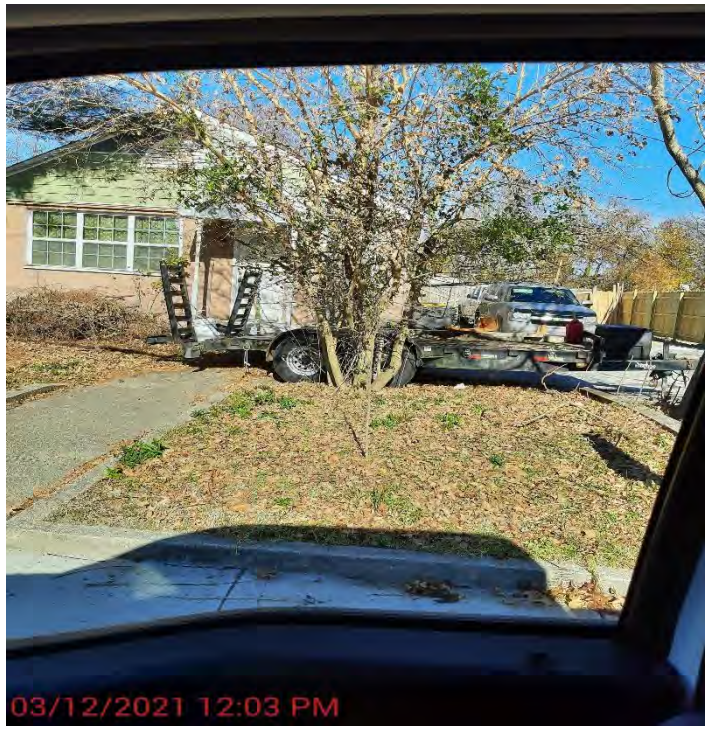
Remedied

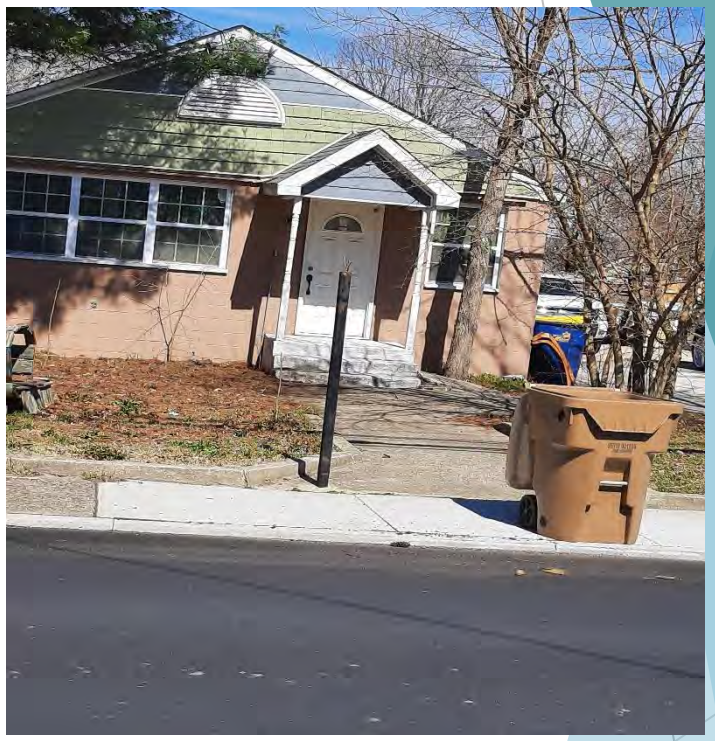
Code Enforcement

- 511 N Walnut St
- Property Maintenance
- Paint / Roof
- Roof is done
- Remedied

Code Enforcement

- 915 SE Second St
- Rubbish
- Remedied





Code Enforcement

415 S Washington St

Tree

Remedied

Code Enforcement

423 S Washington St

Rubbish

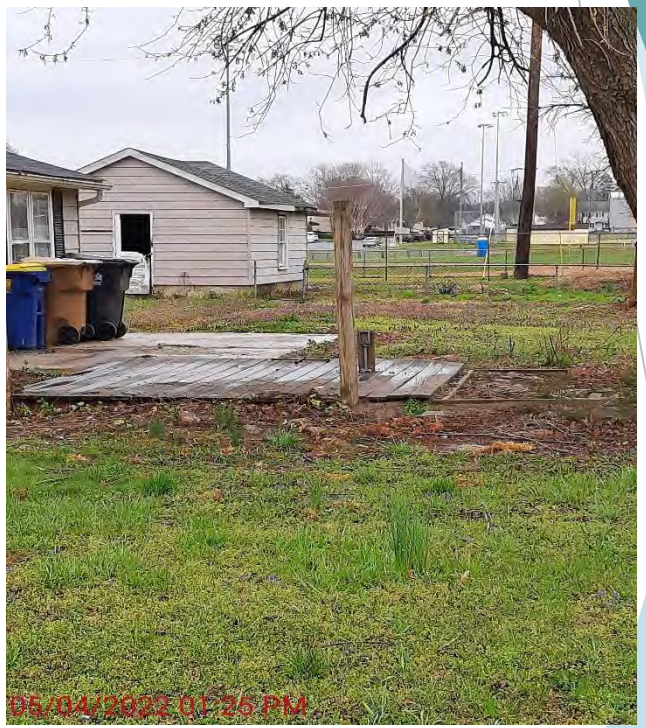
Remedied

Code Enforcement

423 S Washington St

Fence

Remedied



Code Enforcement

404 S Washington St

Rubbish/ branches

Posted property

Remedied

Code Enforcement

212 East St

Rubbish

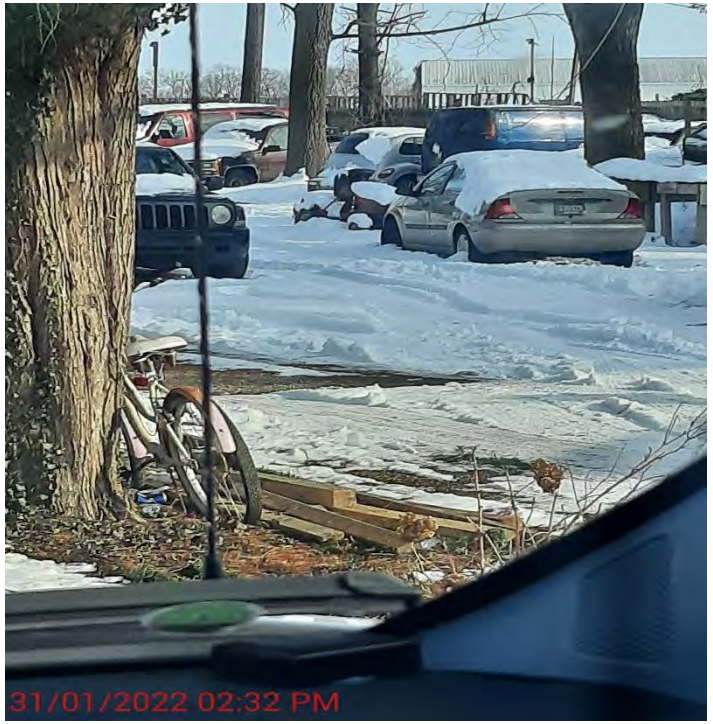
Remedied

Code Enforcement

405 Pierce St

AV

Remedied



Code Enforcement

405 Pierce St

ZU Parking on grass/dirt

Code 174-2 I

Remedied

Code Enforcement

106 Montgomery St

AV

Remedied

Code Enforcement

302 Pierce St

ZU Prohibited Animals

Chickens

Remedied

Code Enforcement

104 E Clarke

Rubbish

Remedied

Code Enforcement

410 Marshall St

Property Maintenance

Roof

Demo / Remedied

Code Enforcement

- 424 S Washington St
- AV
- Remedied

Code Enforcement

205 Smithfield Cir

GV Zoning

Remedied no violation

Code Enforcement

200 SE Second St

AV

Remedied

Code Enforcement

107 Fisher

FU

Remedied

Code Enforcement

- 25 MCCOLLEY ST
- Prohibited Animals
- Posted property
- Chickens removed

Code Enforcement

- 103 Charles St
- Property Maintenance
- Remedied

Code Enforcement

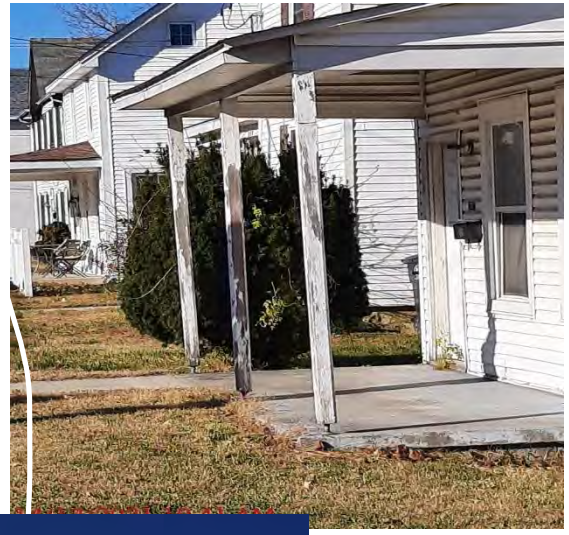
- 709 SE Front St
- Property Maintenance
- Siding / Window
- Remedied

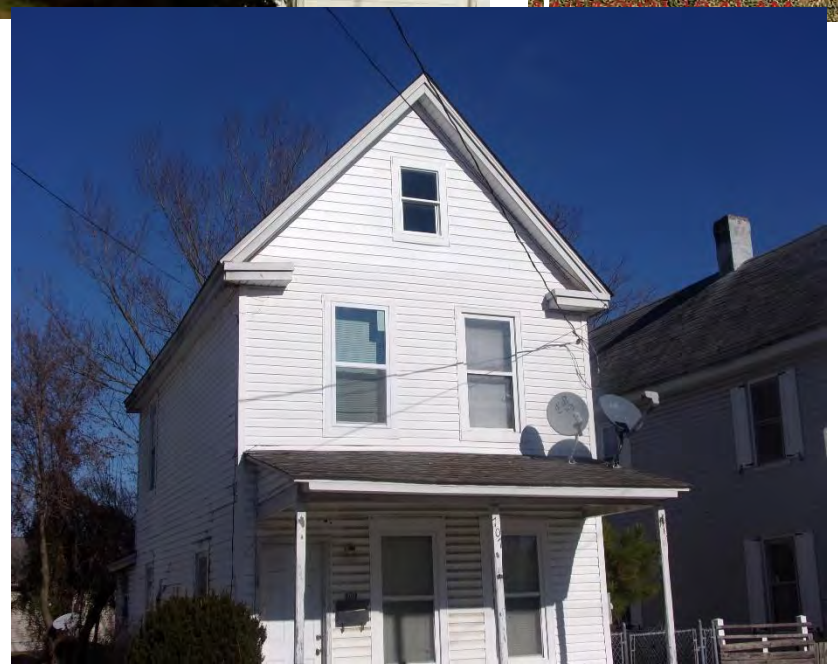
Code Enforcement

707 SE Front St

Paint

Remedied





Code Enforcement

1015 N Walnut St

Property Maintenance

Condemned

Remedied

Code Enforcement

- 103 Charles St
- AV
- Remedied

Code Enforcement

208 Charles St

AV

Sent letter

Remedied

Code Enforcement

205 SE Front St

Tree

Remedied

Code Enforcement

305 S Rehoboth Blvd

Ext

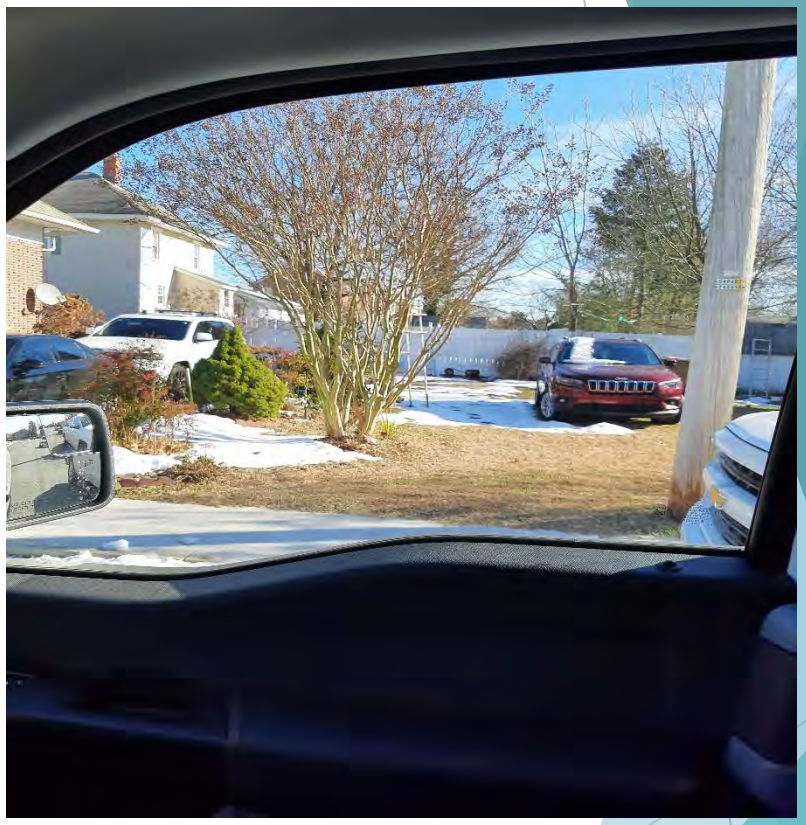
Remedied

Code Enforcement

900 SE Front St

AV

Remedied



Code Enforcement

707 SE Front St

AV

Remedied

Code Enforcement

301 SE Second St

Rubbish

Remedied

Code Enforcement

111 Park Ave

Ext

Remedied

Code Enforcement

900 SE Second St

Zoning Violation chickens

Remedied

Code Enforcement

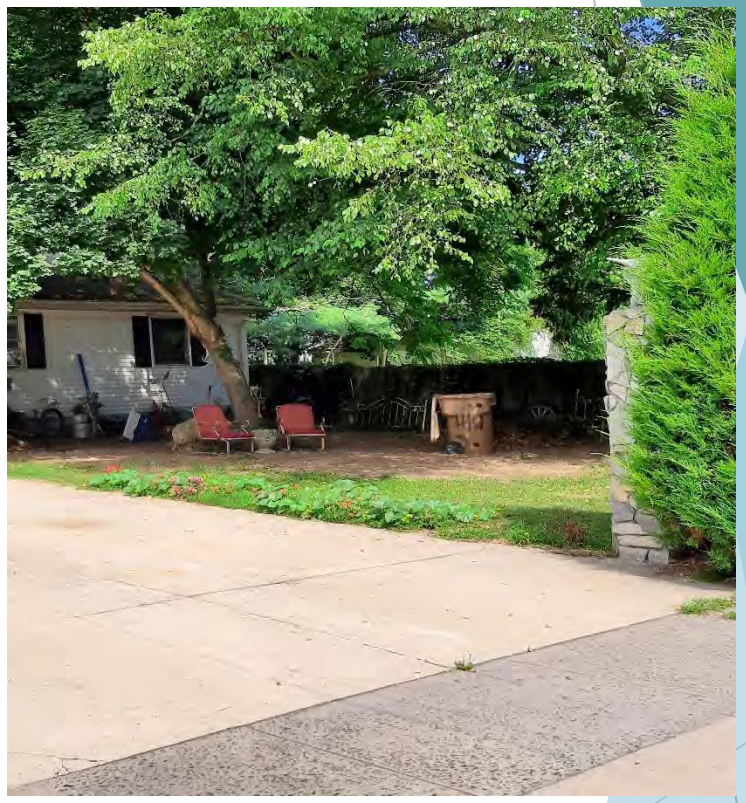
611 Cedarwood Ave

Dangerous Tree

Remedied

Code Enforcement

- 410 East St
- AV
- Remedied



Code Enforcement

- 305 S Washington St
- Property Maintenance
- Shed
- Remedied

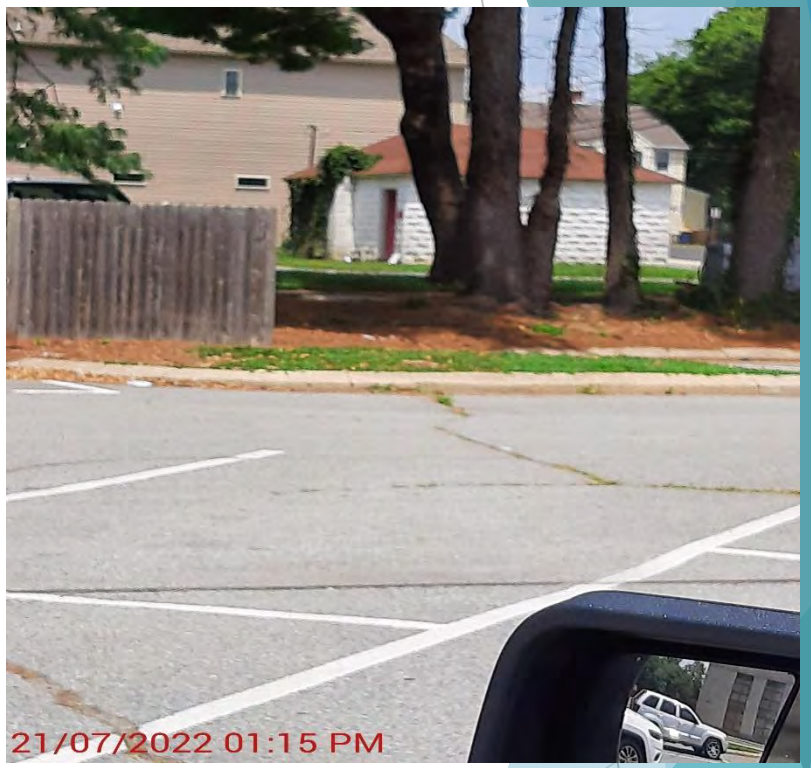
Code Enforcement

107 N Walnut St

Property Maintenance

Fence

Remedied



Code Enforcement

- 208 S. Walnut Street
- Deteriorating porch,
- rotting wood, flaking paint
- Permit renewed
- Currently working on the porch
- Remedied

Code Enforcement

408 S Washington St

Property Maintenance

Paint

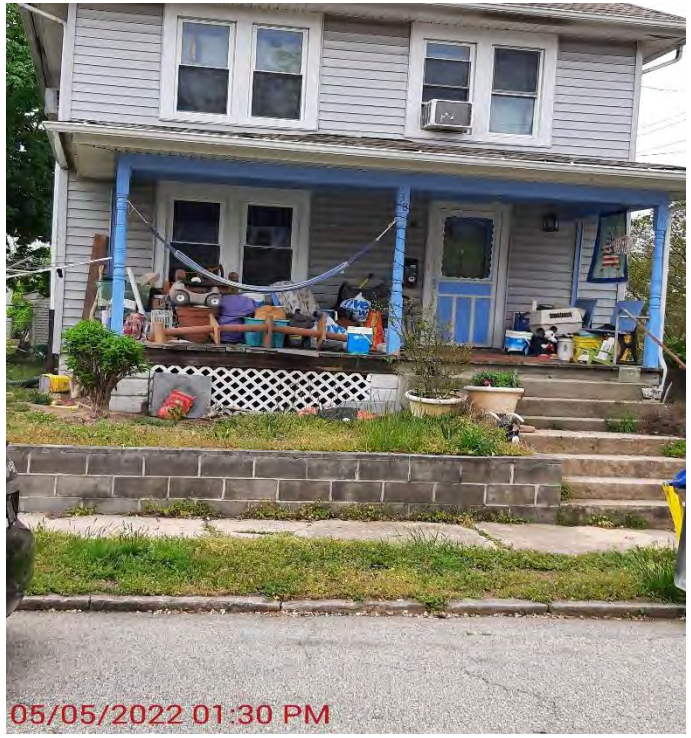
Remedied

Code Enforcement

38 Fisher Ave

Rubbish

Remedied



Code Enforcement

- 103 SE Third St
- Rubbish
- Remedied

Code Enforcement

42 Fisher Ave

Paint

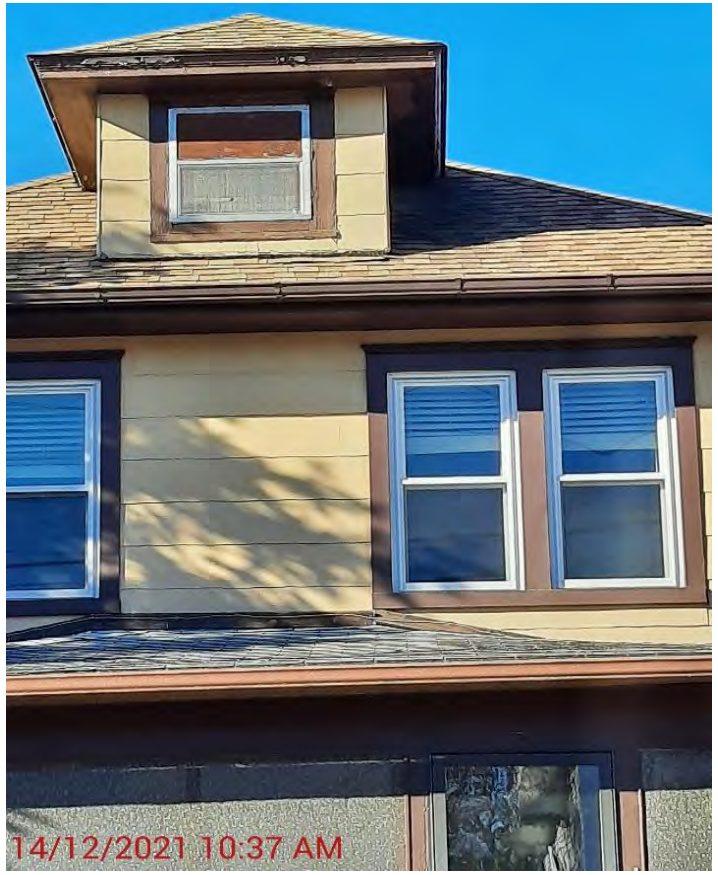
Remedied

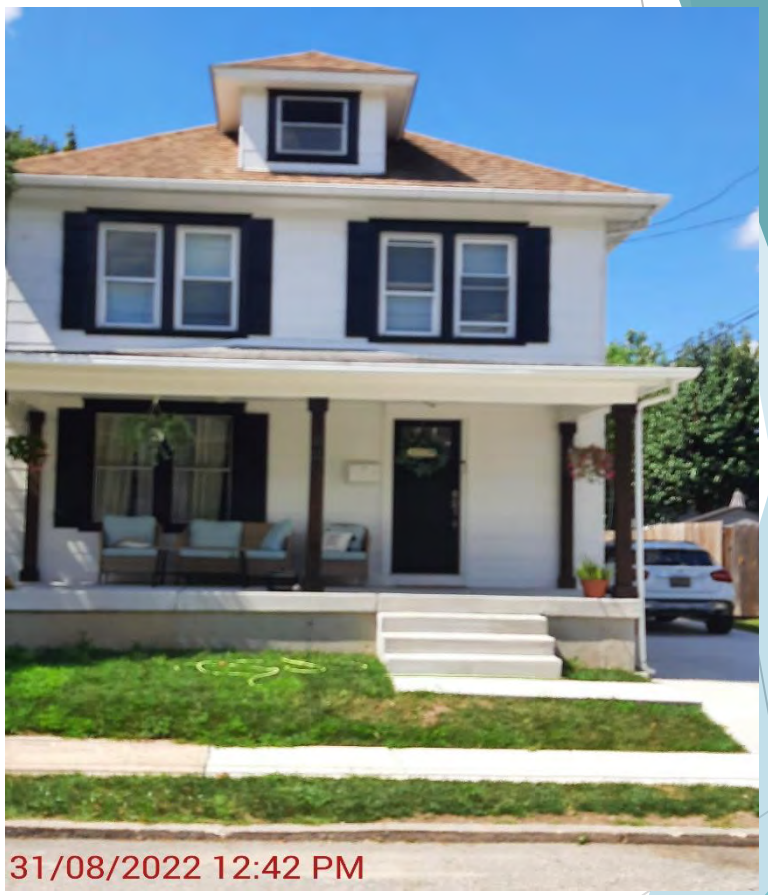
Code Enforcement

44 Fisher Ave

Window

Remedied



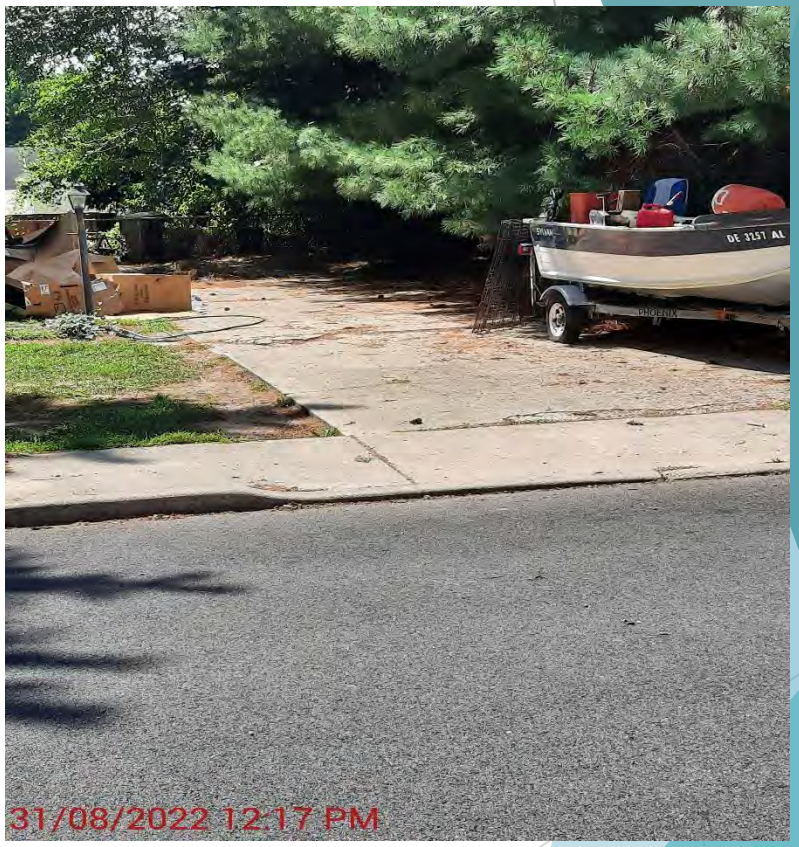


Code Enforcement

700 SE Fifth St

AV

Remedied

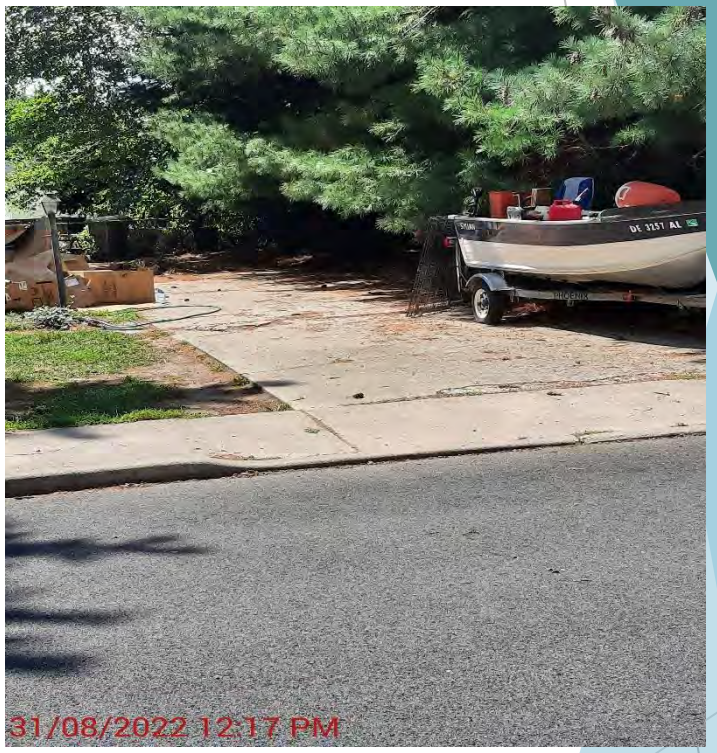


Code Enforcement

700 SE Fifth St

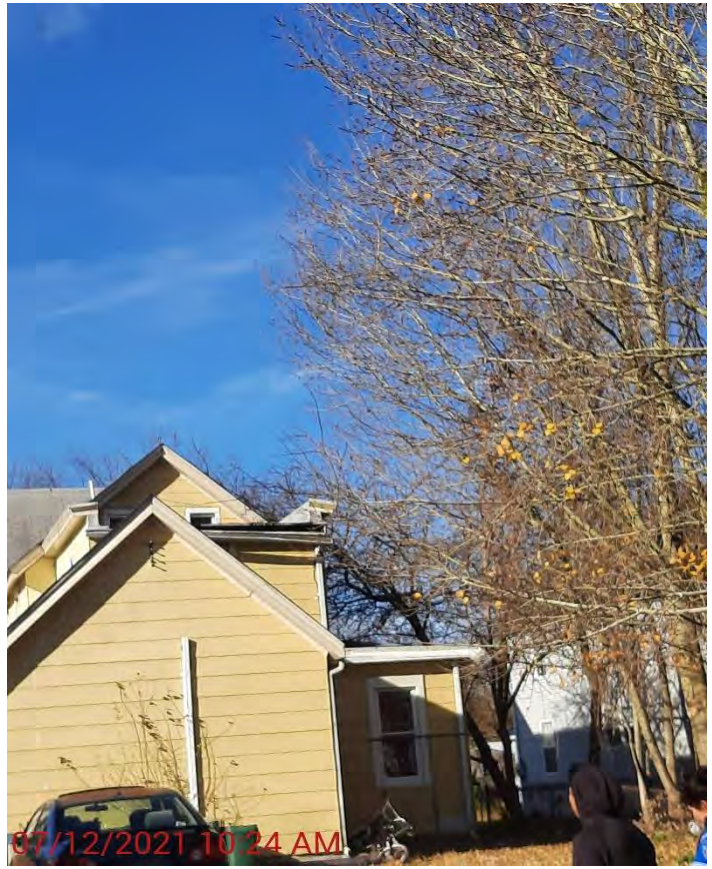
Rubbish

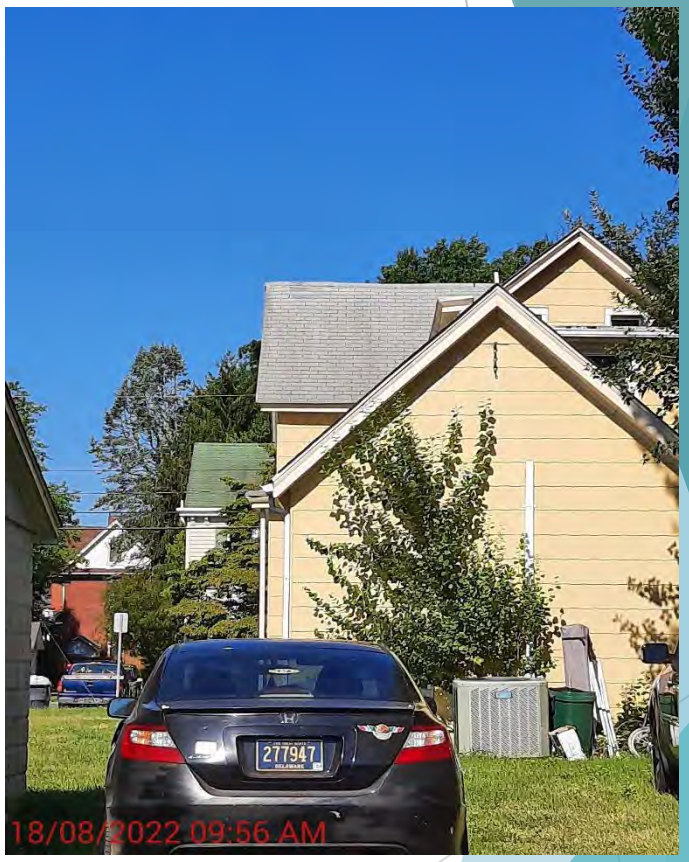
Remedied



Code Enforcement

- 323 S Washington St
- Property Maintenance
- Remedied





Code Enforcement

9 Charles St

AV

Remedied

Code Enforcement

- 212 N Walnut Street
- Ext deck
- New Owner/Permit issue
- Remedied

Code Enforcement

11 Charles St

AV

Remedied

Code Enforcement

100 SE Second St

Rubbish

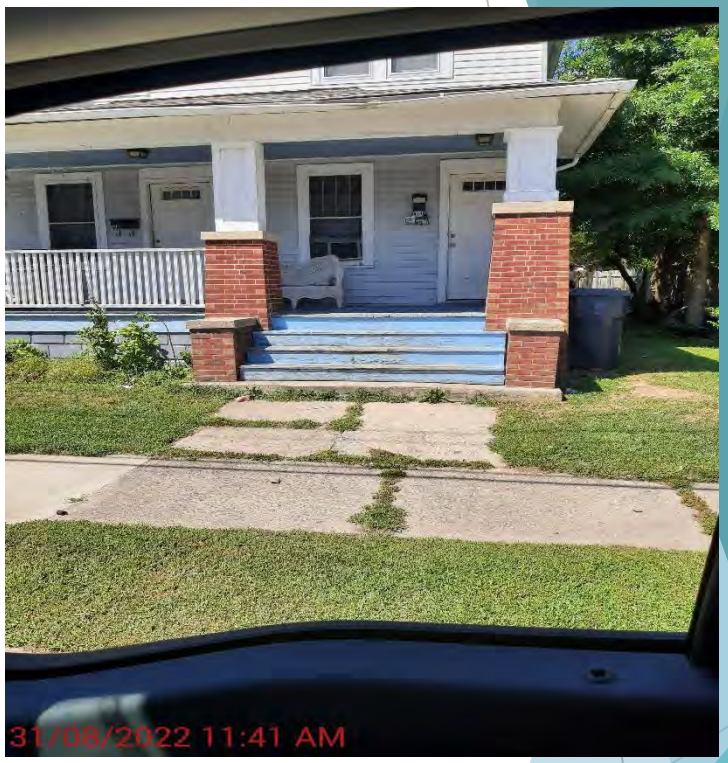
Remedied

Code Enforcement

- 102 NE Fourth St
- EXT Siding
- Remedied

Code Enforcement

- 424 S Washington St
- FU
- Remedied



Code Enforcement

- 609 NE Front St
- AV
- Campers still there
- Remedied

Code Enforcement

- 4000 Heather Dr
- Ext Pot holes
- Remedied

Code Enforcement

- Pebble Ln Heartstone Manor
- Ext Pot holes
- Remedied

Code Enforcement

400 Bridgeham

AV

Remedied

Code Enforcement

610 SE Front St

Fence

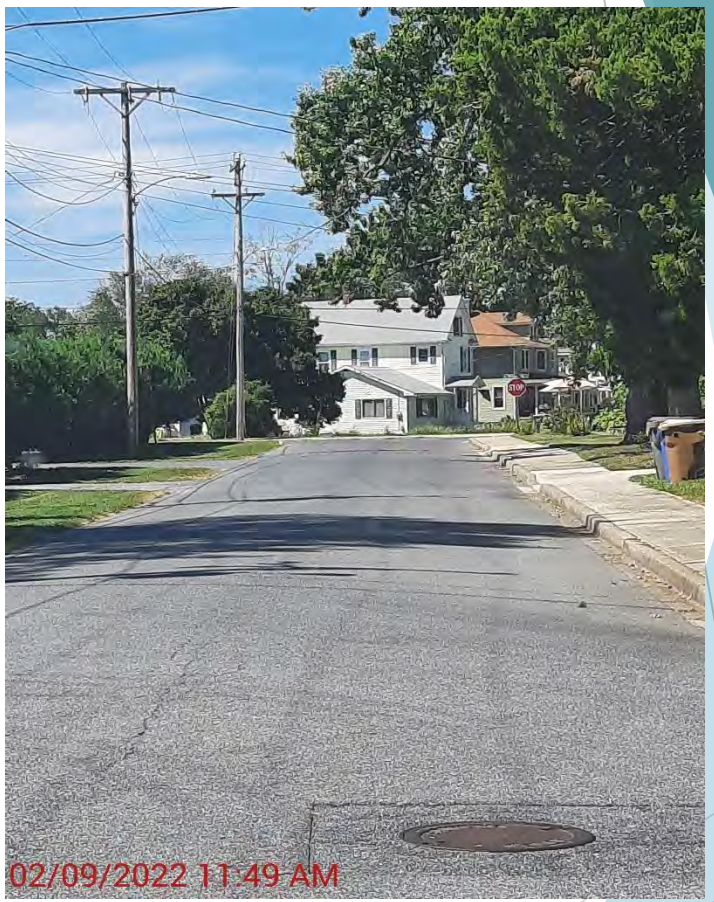
Remedied

Code Enforcement

105 Delaware Ave

Tree

Remedied



Code Enforcement

805 SE Front

Ext

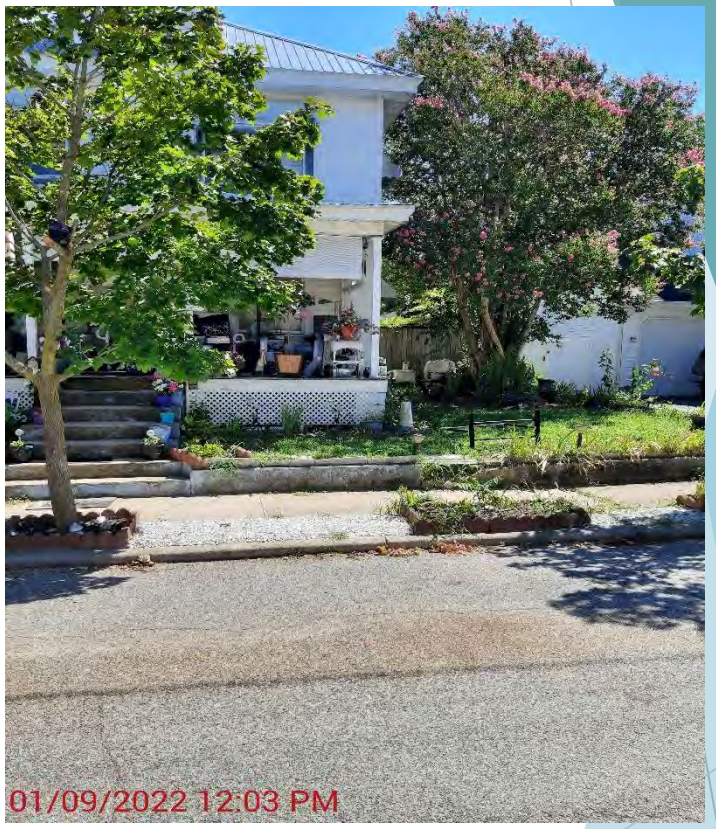
Remedied

Code Enforcement

43 Fisher Ave

Rubbish

Remedied

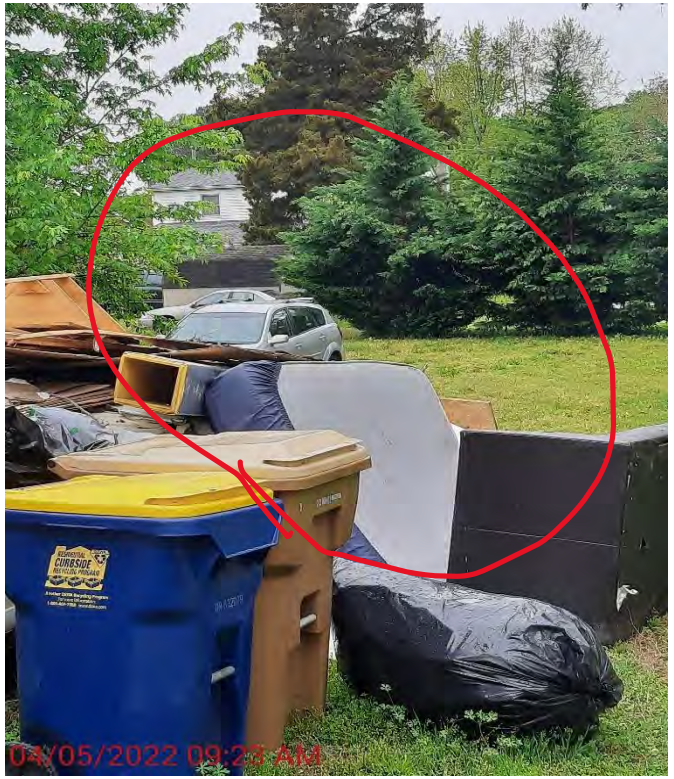


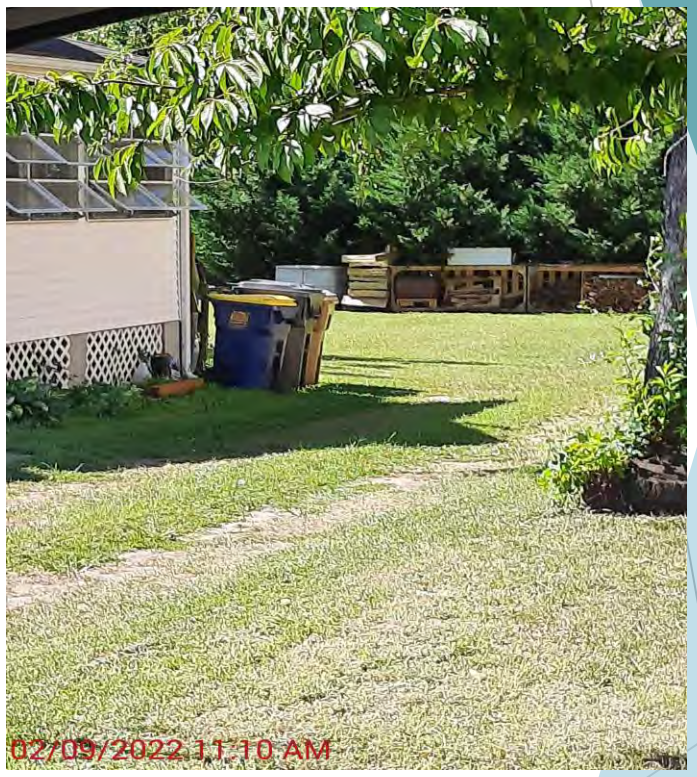
Code Enforcement

206 N Rehoboth Blvd

Rubbish

Remedied





Code Enforcement

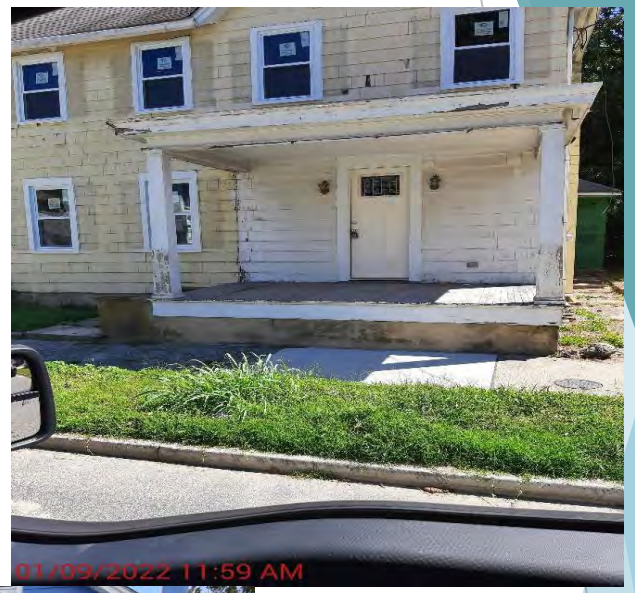
701 SE Front St

Rubbish

Remedied

Code Enforcement

- 109 Fisher Avenue
- Condemned -Unfit
- Potential DDD Project
- Same / Permit issues
- Remedied



Code Enforcement

- 410 Mispillion Street
- Property maintenance
- Issued court summons
- Remedied

Code Enforcement

- 412 Pierce St
- Fence
- Remedied

Code Enforcement

- 105 SE Third St
- Property Maintenance
- Paint
- Remedied

Code Enforcement

204 Charles ST

AV

Remedied

Code Enforcement

221 S Rehoboth Blvd

GV

Remedied

Rental inspection

done

Code Enforcement

221 S Rehoboth Blvd

GV

Remedied

Obtain sign permit

Code Enforcement

216 N Rehoboth Blvd

Dangerous Tree

Remeided

Code Enforcement

208 Fisher Ave

Property Maintenace

Deck

Remedied, permit

To build porch

Code Enforcement

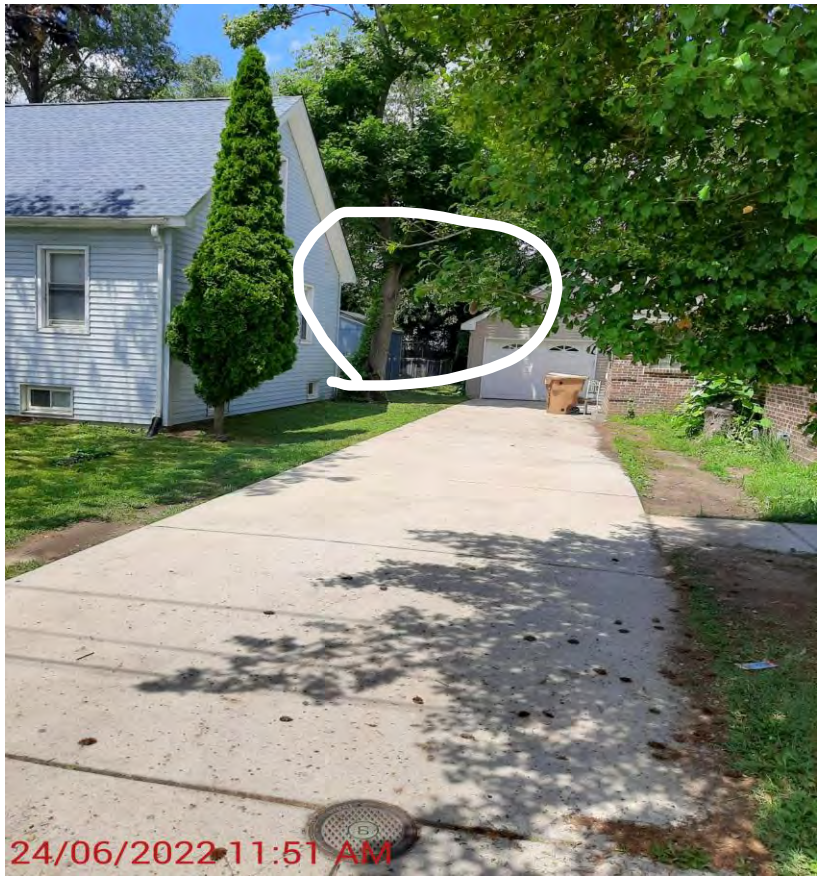
208 Fisher Ave

GV

No permit for Shed

Remedied

Obtain shed permit

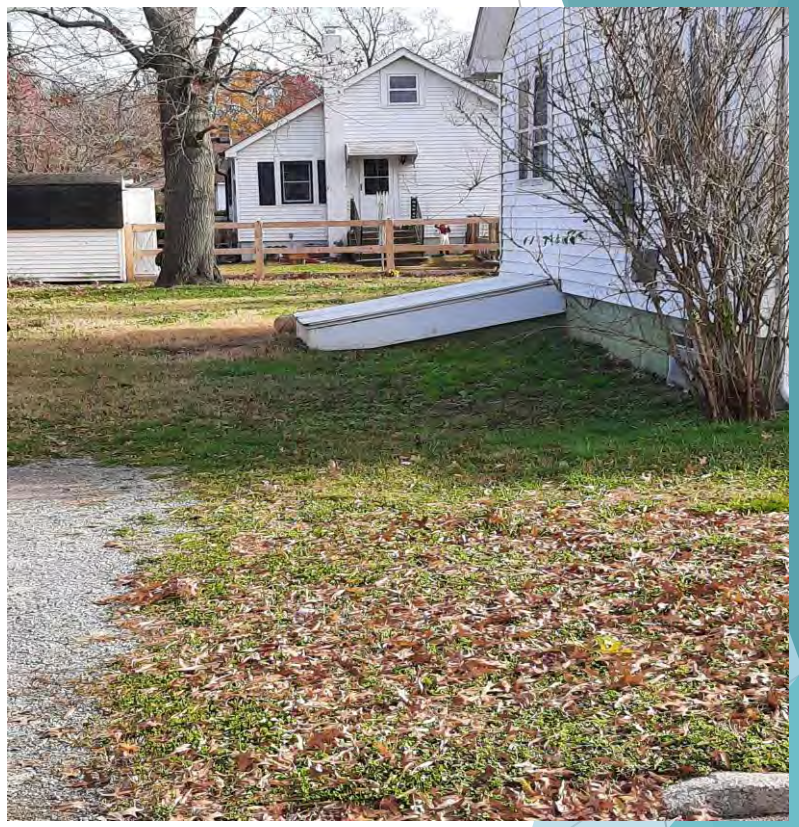


Code Enforcement

305 Lovers Ln

GV

Remedied



Code Enforcement

700 SE Fifth St

Abandoned Vehicle

Remedied

Code Enforcement

412 Pierce St

Abandoned Vehicle

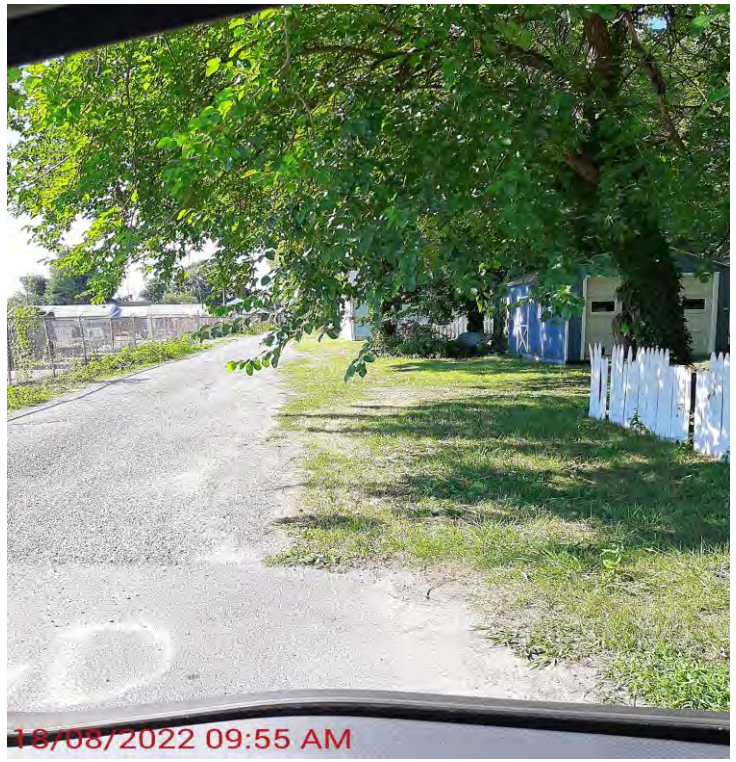
Remedied

Code Enforcement

303 S Washington St

Dangerous Tree

Remedied

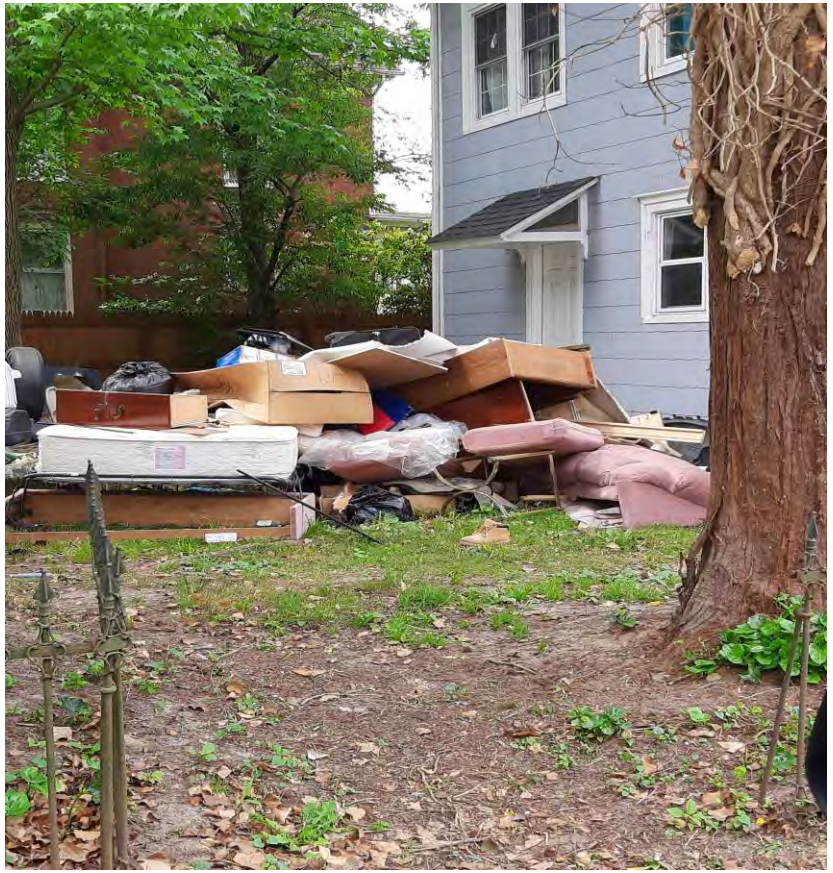


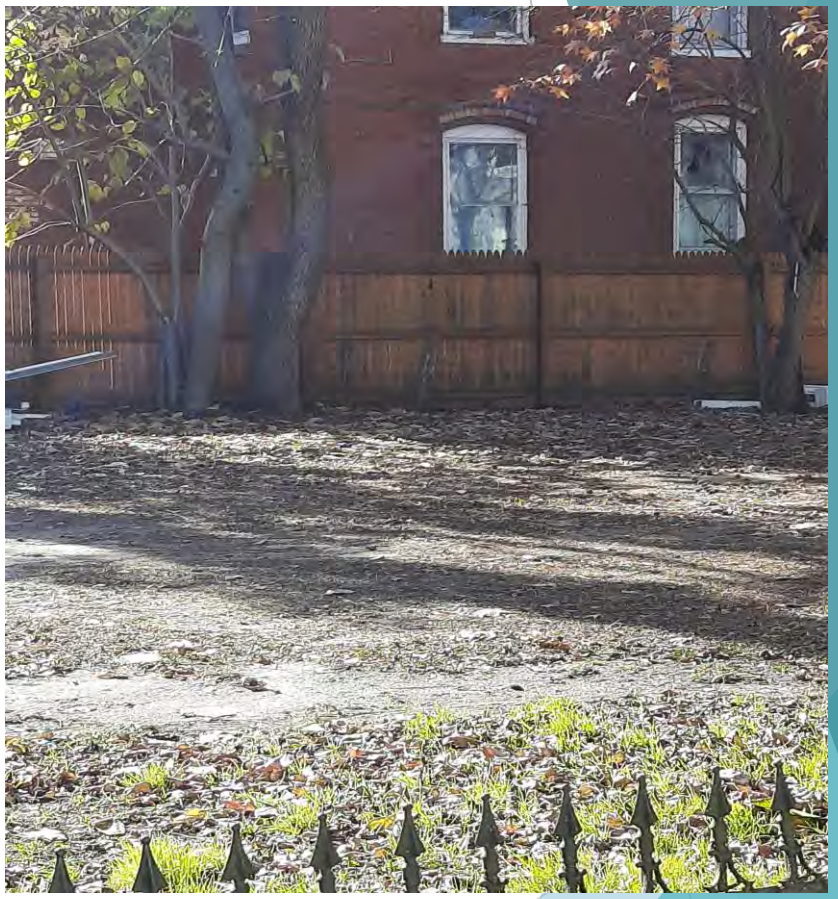
Code Enforcement

301 S Walnut St

Rubbish

Remedied



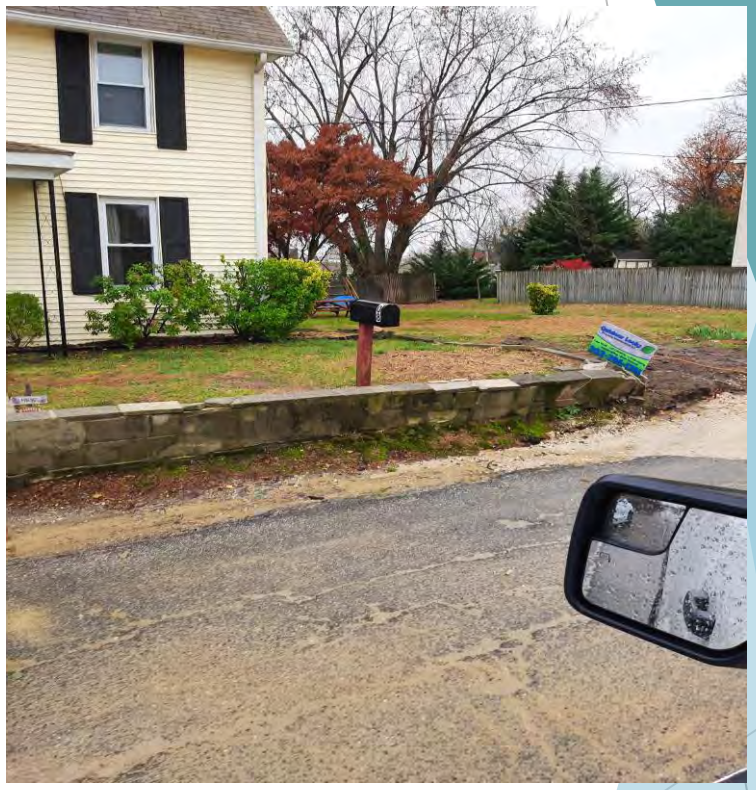


Code Enforcement

408 NE Fourth St

Dangerous Tree

Remedied

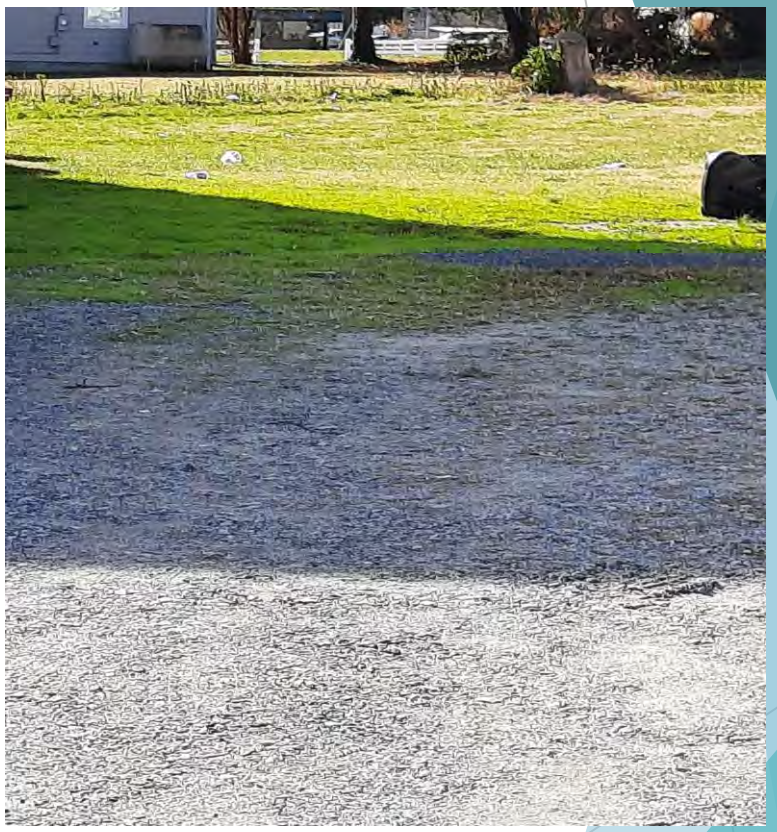


Code Enforcement

308 Carlisle Ln

Rubbish

Remedied



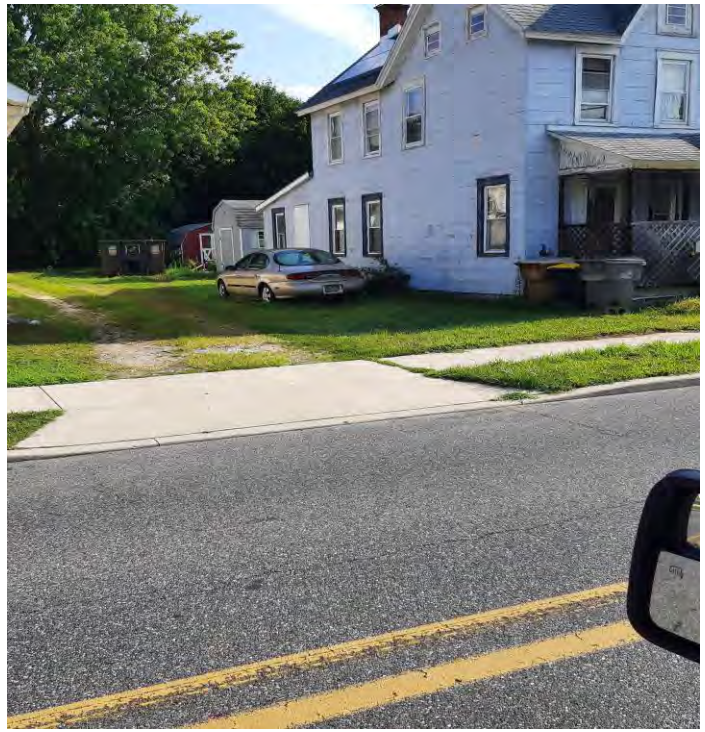
Code Enforcement

807 SE Front St

Property Maintenance

Remedied / Demo

Permit issued

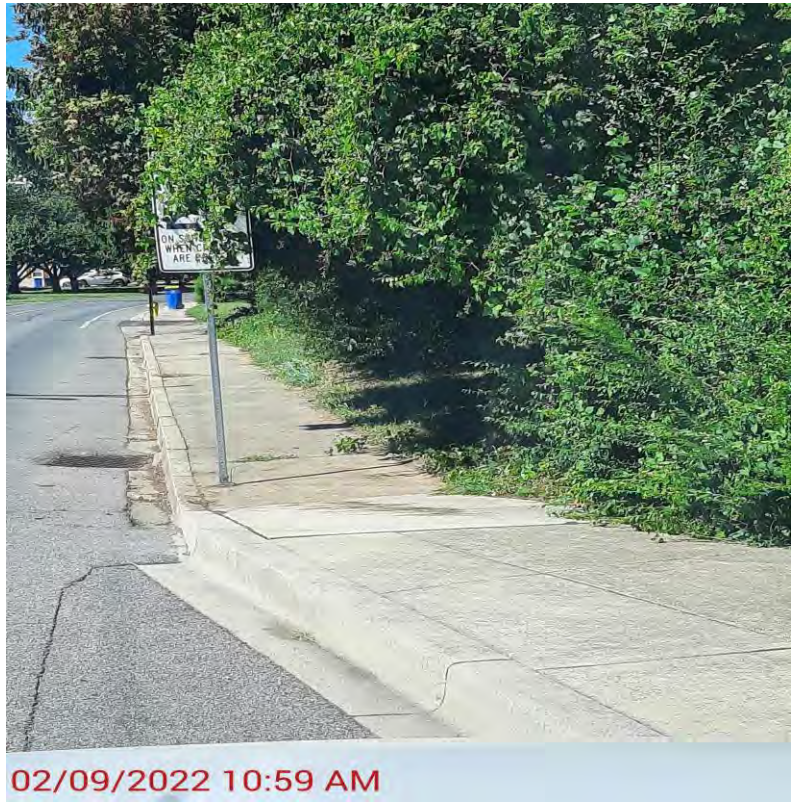


Code Enforcement

401 NE Tenth St

Dangerous Tree

Remedied



Code Enforcement

108 Brady Dr

Rubbish

Remedied

Code Enforcement

218 S Washington St

Property Maintenance

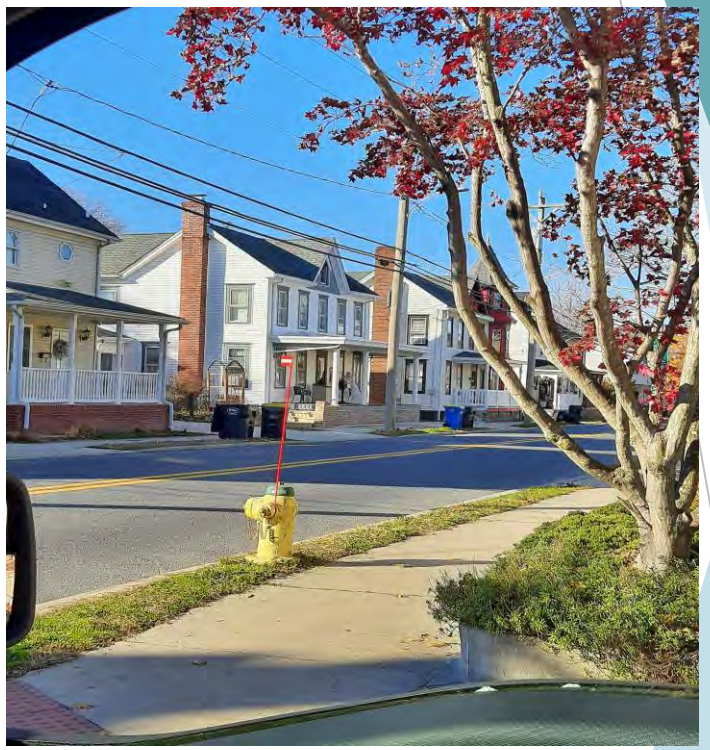
Remedied

Code Enforcement

511 SE Front St

Dangerous Tree

Remedied

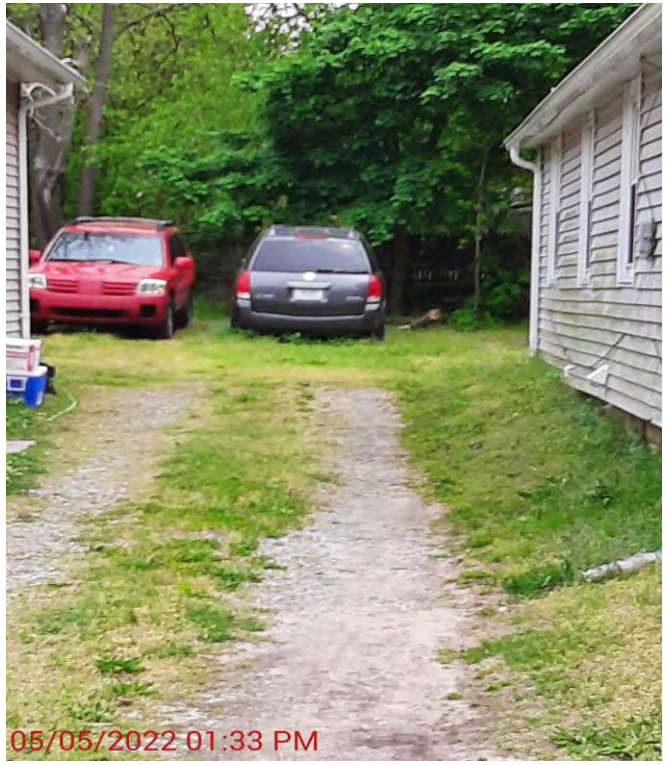


Code Enforcement

9 Charles St

Abandoned Vehicle

Remedied



Code Enforcement

9 Charles St

Rubbish

Remedied

Code Enforcement

4000 Heather Dr

Rubbish

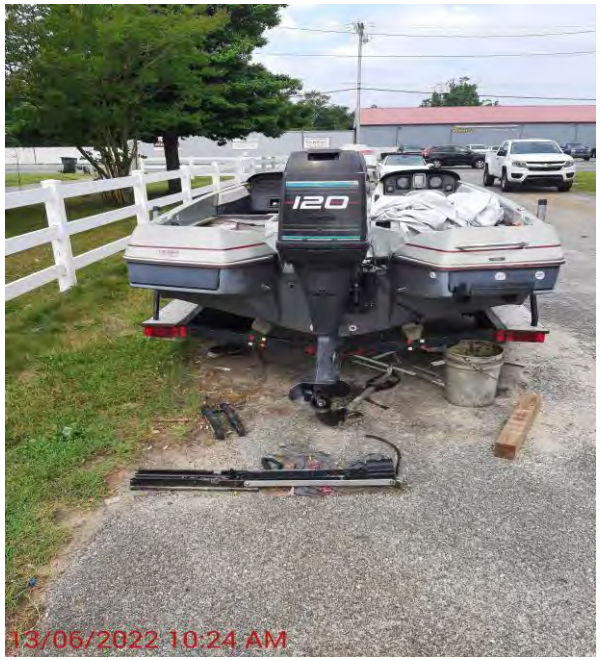
Remedied

Code Enforcement

225 S Rehoboth Blvd

AV

Remedied

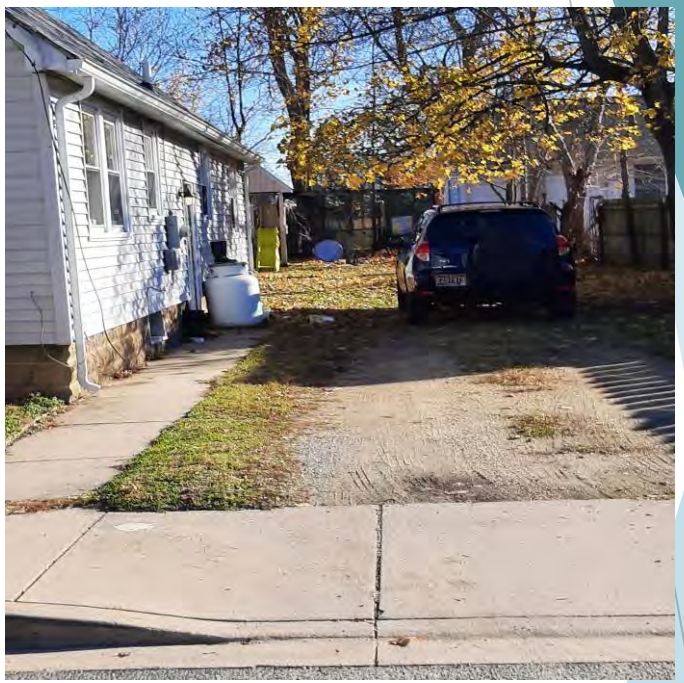


Code Enforcement

11 Charles St

Rubbish

Remedied



Code Enforcement

208 N Washington St

Rubbish

Remedied

Code Enforcement

909 Berry Ln

GV / Chickens

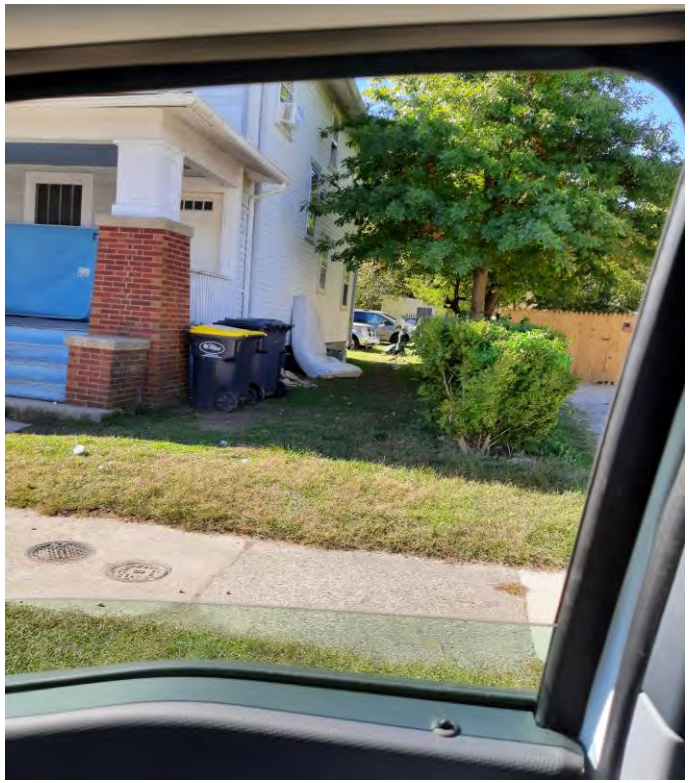
Remedied

Code Enforcement

424 S Washington St

Rubbish

Remedied



Code Enforcement

- 412 East Street
- Vacant, Exterior Violations
- Foreclosure
- Same / New Owner
- Permit issue
- Remedied

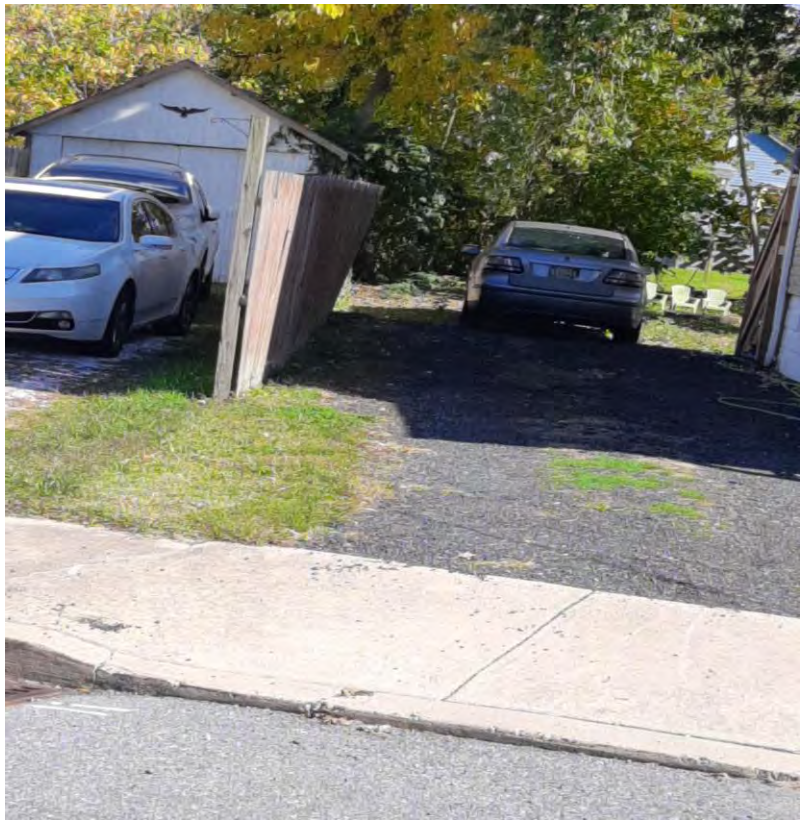
Code Enforcement

209 N Washington

Property Maintenance

Fence

Remedied



Code Enforcement

204 NE Front St

GV Shed

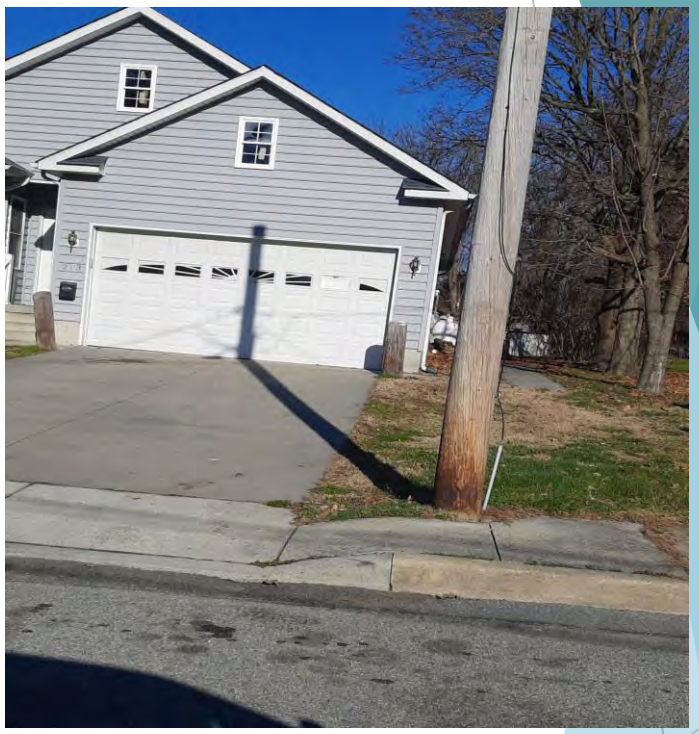
No permit

Remedied obtain

Permit

Code Enforcement

- 213 NE Fourth St
- Property Maintenance
- Window
- Remedied



Code Enforcement

- 604 North ST
- Condemned
- Remedied

Code Enforcement

- 500 N Washington St
- Dangerous Tree
- Remedied?

Code Enforcement

- 7 Big Pond
- Zoning violation
- Remedied

Code Enforcement

27 Fisher

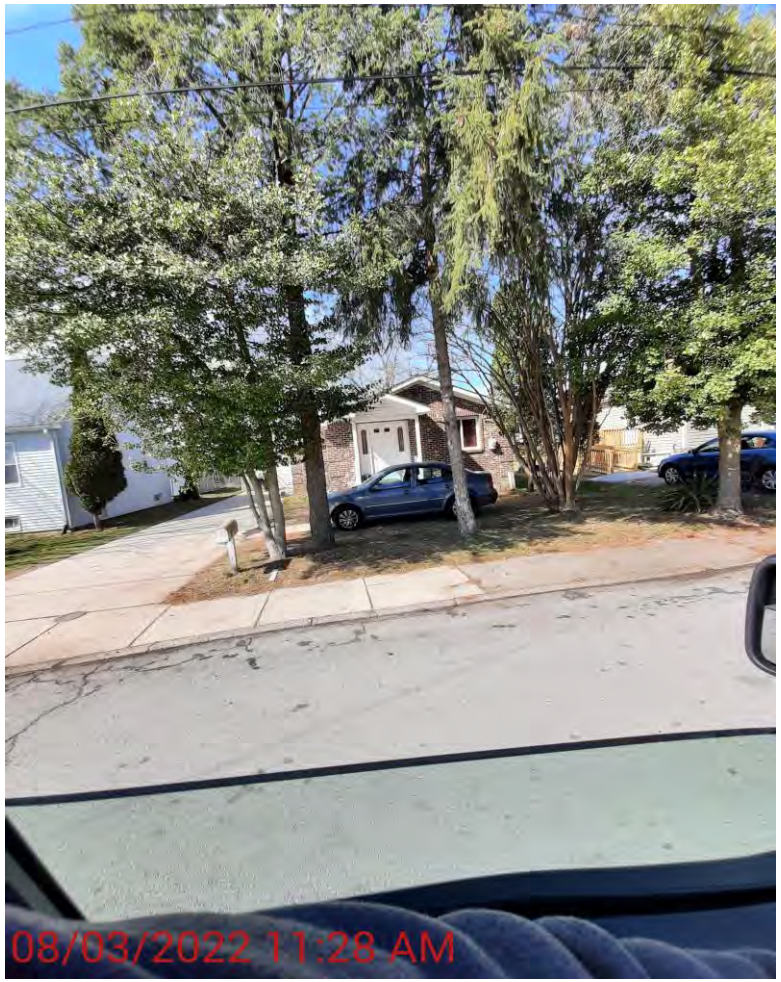
Property Maintenance

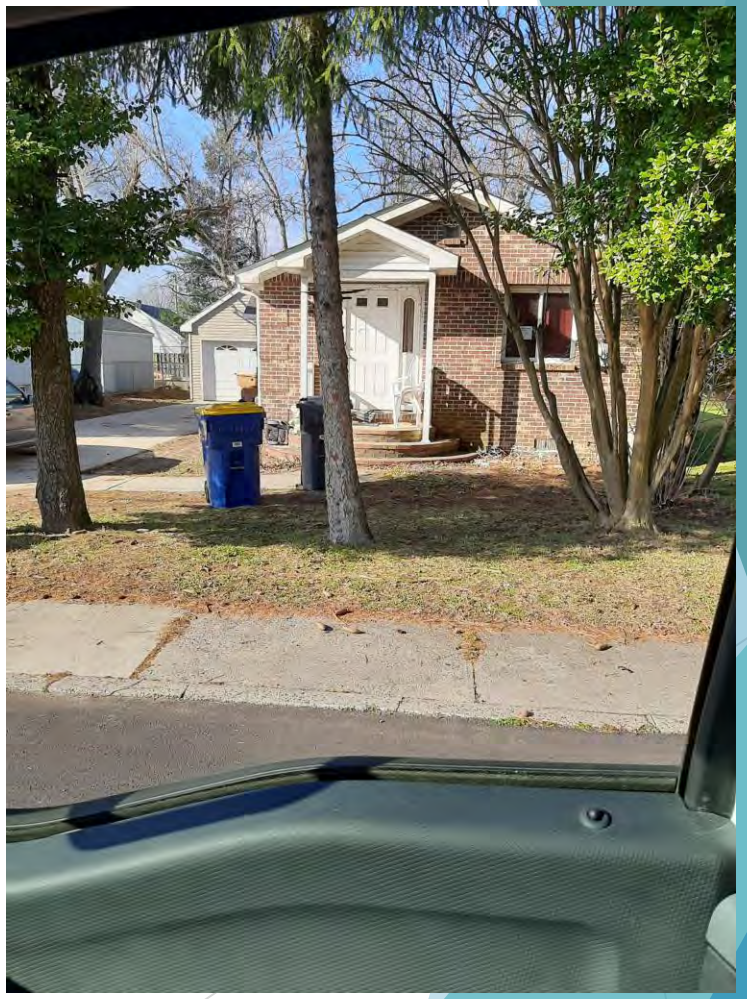
Posted

Remedied

Code Enforcement

- 206 Fisher Ave
- GV Parking on grass
- Remedied





Code Enforcement

- 301 SE Second St
- AV
- Remedied

Code Enforcement

- 604 North St
- Property Maintenance
- Remedied

Code Enforcement

104 E Clarke

AV

Remedied

Code Enforcement

- 500 N Washington St
- Property Maintenance gutters
- Remedied

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: February 7th, 2023

RE: January 2023 – Parks and Recreation Staff Report

Parks

- Heavy trash run was done for all the facilities the parks department maintains.
- Crews began removing holiday decorations, starting with garland and greenery in hanging baskets and planters on the Bridges. They then took down City Hall decorations, followed by the blue and red lighting. Other lights will remain in the trees downtown until daylight saving begins.
- Park coordinators started de-weeding flower beds and mulch beds throughout the City.
- All the park staff assisted with fixing a major tripping hazard on Walnut street, involving tree roots. This required an 8' section of sidewalk to removed, many tree roots be cut out, and the brick pavers reinstalled. This is in conjunction with the other work another contractor is performing in the downtown to remove and replace brick pavers which have settled.
- Illegal dumping continues to be an issue around the Riverwalk. For the second time in a month dumping has occurred along the Riverwalk, in the same location (specifically alongside the Riverwalk behind God's Way to Recovery).
- Several shopping carts were also retrieved from the river after a complaint was received.
- Park Superintendent and administrative assistant for P&R were made administrators of the SeeClickFix app and received training, allowing for more timely responses from P&R.
- Three out of the four "animal trackers" were able to be repaired by Park staff at the Can-Do playground. Staff continue to address concerns made by the Rotary club in terms of maintenance issues.
- Three staff members went to Wilmington and take ATSSA flagger course for a 4-year certified flagger certification.
- Park Superintendent participated in an HR video shoot at Can-do playground about his years of services to the City and my responsibilities as superintendent.
- Staff installed temporary cleanup signs up in both cemeteries in preparation for March cleanup.
- Park Superintendent attended the monthly safety meeting.
- Routine maintenance of park equipment and vehicles continued.

Arborist

- Assisted park staff with trash collection, leaf litter cleanup at finance building, vegetation control and pesticides application.
- Cleared tree limbs away from electric lines at #2 Cedar beach road and #4 cedar beach road.
- Continued to perform vegetation control (vines) at the Parks maintenance facility.
- Cleared tree limbs away from electric lines at #506 McColley St.
- Attended the monthly safety meeting with Electric department.
- Attended the City safety meeting to discuss and demonstrate chainsaw safety.
- Performed electric line clearance at 700 S.E 5th St. and 401 Marvel Avenue.
- Performed electric line clearance at 103 lake lawn, and 203 lake lawn.
- Tree removal (trunk and crown) at 1000 S. Walnut St, also topped a second tree at this location to make way for pole line re-location.
- Trimmed and cleared limbs and vines out of electric lines on 508 caulk rd.
- Trimmed tree limbs and branches at Memorial park parking lot. Also trimmed, and capped large overhanging elm tree causing parking issues.
- Perform vegetation control along access road at Memorial park, raised up trees alongside the area causing interferences with mowing operations.
- Removed large damaged, and leaning tree (trunk and crown) at Leer hall parking lot.
- Removed large broken and dangerous portion of a wild cherry tree in the same area (Leer hall), trimmed and prune said tree, sealed up and removed dead areas and attempted best efforts to save this large tree.
- Arborist assistant and seasonal helper received flagger training and certification.
- Co-ordinated with public works for materials delivery and placement to create a safe solid parking spot for the new chipper so it is out of the elements.
- Removed dead bushes leaning over sidewalk at the Milford museum.
- Cleaned up tree litter at ballpark area, remove vines and other debris, chipped all of it up.
- Assisted park staff with sidewalk repair on Walnut Street by removing tree roots that were uprooting brick pavers and causing unsafe pedestrian conditions. Worked with parks staff to regrade base, and re-install 90 brick pavers to repair walkway.

Recreation

- **Winter Programming**

Our Winter programs have hit the halfway mark, and everything has been running smoothly.

- Indoor Soccer: Has completed 3 official games for each of its age groups. This program was a few players shy of nearly maxing out all age groups. There have been no dropouts since the program started on January 8th.
- Taekwondo: This program has hit the second phase of its course to now introduce self-defense sparring for its students

- Youth Basketball: This program has continued to stay maxed out since November 2022 with up to 15 people still on the waiting list. This program has completed 3 official games for each of its age groups.
- 6-7 Instruction Basketball: Since securing a 2nd location for our instructional basketball, we were able to offer our waitlisted players instruction time. 13 new participants were able to play because of this 2nd location.
- Pickleball: 7 people have signed up for this program; however, we have been averaging between 4-6 drop in players every Wednesday and Thursday.
- Adult Basketball: 16 people have signed up for this program. Like pickleball, we have between 7-12 additional drop in players for this program.
- Little Buc Wrestling: Wrestling program ended on January 26th.

Future Programming

Basketball

- Due to the high popularity of our youth basketball program, Milford Park & Recs has secured more gym time from the Boys & Girls club to offer another round of basketball for our Spring season.
- Those on the waitlist were offered the Spring Program first. Out of 15 waitlisted, 6 have signed up.

Soccer

- Preparations to advertise for Spring Soccer is already underway with the start date of April 4th.
- Those that were on the waitlist for indoor soccer were offered the Spring Program first. Out of 12 waitlisted, 4 have signed up.

Tennis

- We plan on having a tennis program again starting in April. Milford Parks & Recs are in the process of communicating with the tennis coach.

Flag Football:

- We plan on having flag football starting in April.

Promo Video

- The first week of February, Milford Parks & Recs plans on uploading our promotional video to various media platforms.

Adaptive Easter Egg Hunt

- We are in the early stages of planning for our Easter egg hunt. We plan to host several hunts that will allow participants with disabilities to join in the fun.

Other

- Director met with City Manager and Planning Director to discuss directions of parkland improvements to the Sharp property.
- Director attended a meeting with the City Manager and Planning Director regarding a potential land sale contiguous to the Riverwalk and explored options with the potential new owner.
- Director attended a meeting regarding the Tyler ERP project.
- Director attended a Rotary meeting with the City Manager pertaining to maintenance issues at the Can-Do playground.
- Director met with two landscape architects to discuss the preliminary designs for the beautification efforts for the gateways leading into the City.
- Director attended a meeting with the Economic Development and Community Engagement Coordinator and the Director of DMI.
- Director attended the quarterly Milford Community Cemetery meeting.
- Director continues to coordinate with contractors and design professionals regarding awarded capital projects.

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 Director

DATE: February 2, 2023

RE: January 2023 –Human Resources Department Staff Report

- Onboarded new hires for the following positions:
  Executive Assistant-City Manager
  Police Officer

- Interviews conducted for the position of Cash Operations Clerk II.

- 3 City employees attended ATSSA Flagger Certification Class on January 20, 2023.

- Interviews scheduled for the positions of Mechanic and Civil Engineer I.

- Wellness Health Fair Kick-Off Meeting scheduled for February 8, 2023, with the Reward & Recognition Committee.

- Filming began for the HR branding video project led by Kent Milligan, Photographer/Videographer Intern.

- Proctored Spanish Proficiency test for a Police Officer on February 1, 2023, through Language Testing International's (LTI) website.

Current Spanish Proficiency Statistics:

Police Officers-2 employees
Billing Clerk II-1 employee
Cash Operations Clerk II-1 employee
Engineering Technician-1 employee

INFORMATION TECHNOLOGY
201 South Walnut Street
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

City Hall 302.422.1098
www.cityofmilford.com

Date: February 13th 2023

To: Mayor and City Council

From: Bill Pettigrew

Re: February 2023 Information Technology Department Staff Report

---

City Council, the February 2023 report is in your packages.

Virtualization

With council's approved capital budget adjustment last month from cabling to virtualization we were able to purchase the additional hardware to get the proper virtualization solution for the 20 physical servers that Milford has. We also negotiated with Dell to return the lower capacity memory and storage for full credit towards the virtualization project. Virtualizing will mean that if we ever have a server failure we cant spin a redundant virtual server back up in minutes giving us high availability.

ERP

In regard to IT's role in the Tyler Munis ERP implementation things are moving along well with ongoing training, we are on track to go live with financials in early July, training has started for additional modules.

Cloud PBX

The new city-wide cloud PBX phone system is on track for implementation one week from today on Presidents Day February 20th, training is this Thursday February 16th at 10:00AM. This will be another step towards our formal disaster recovery & business continuity solution for Milford. The cloud PBX integrates with our current Microsoft Teams cloud application and will provide a better mobile workforce while maintaining the functionality of call groups much needed for certain departments. I thank all city departments for assisting.

Network Security

It has been over a year that Milford has been attempting to recruit a network technician, HR & IT has been doing its diligence to fill this important position. Despite our efforts there has not been an ideal candidate. It has been decided that we should utilize an outside consulting company to monitor, patch and protect our network. This solution is less than a third of the salary of the network tech position and we will have 24/7/365 monitoring of Milford's critical infrastructure. This solution will allow us to do away with some costly monitoring tools. The company we decided to go with is operated by the network engineer that helped design Milford's network. The company Subnets, inc. knows our network well, and with them on the job we all can sleep better at night knowing our network is protected.

Riverwalk Wifi

With the completion of the city wide wifi feasibility study, it was proposed that we consider implementing wifi in a widely used public area. With the help of public works, electrical, the city engineer & parks and recreation IT did a walk through and is awaiting a proposal from a Comcast recommended VAR to allow us to offer free wifi along the Riverwalk, and adjoining recreation areas. If this project is implemented it will give the citizens of Milford connectivity, and the City the option of installing security cameras for public safety.

INFORMATION TECHNOLOGY
201 South Walnut Street
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

City Hall 302.422.1098
www.cityofmilford.com

Date: December 12th 2022

To: Mayor and City Council

From: Bill Pettigrew

Re: December 2022 Information Technology Department Staff Report

---

Delaware's ongoing Cybersecurity Committee which I am a member of is developing a plan to receive the cybersecurity grant funds from the Department of Homeland Security, we are structuring a plan for Milford and the other municipalities to utilize those funds.

We are waiting for the new IT tech who will be assigned mainly to the police department to be cleared by DELJIS, they will be able to start two weeks after that.

Training is coming along nicely with the staff member we dedicated to be our Tyler Munis ERP specialist. It is my goal that once we bring on the new IT tech, we will assign them as a backup for the new system.

We had a presentation with department heads last week with Netcarrier, a company we currently utilize for our phone circuits. After working with Milford IT, doing extensive research, and on-site visits we were given a proposal for a PBX in the cloud solution for our city-wide phone system. When implemented, it will be a great step towards having a formal disaster recovery & business continuity solution for Milford. The cloud PBX solution integrates with Microsoft Teams and will provide a better mobile workforce, while maintaining the functionality of call groups needed for certain departments to function remotely. Finance discovered we will be able to move forward.

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com

To: Mayor and City Council
From: Louis C. Vitola, Finance Director
Date: February 8, 2023
Re: January 2023 Finance Department Staff Report

- Monthly Financial Reporting
  - The Reports for the YTD periods ending November and December 2022 were presented to Council
- Staffing
  - The Cash Operations Clerk recruitment remains open following January's interviews
- Training and Improvement Efforts
  - The Finance team participated in a collective total of 26 training hours for the Tyler ERP Implementation in the areas of accounts payable, bids & contract management, capital assets, chart of accounts, and the payroll/HR kickoff
  - The Customer Service team was closed on January 24, 2023 to permit the entire team to engage in part one of the three-part APPA[1] Customer Service Certificate Program
- Police Facility Project Financing
  - USDA Officials continue to participate in weekly project update meetings when available
  - With all but two contracts active among 17 total, the PD contract stats were eliminated from the "blind" financial summary in favor of more detailed financial information
  - Construction activity – financial summary:

Police Facility Project: Budget & Payment Activity	Approved Budget	Incurred thru 1/31/23	Less: Retainage & Unpaid	Paid as of 1/31/23
Construction & CM: Total Bid Awards	$ 13,650,954	$ 4,671,750	$ (986,868)	$ 3,684,882
Plus (Less) Proposed Change Orders	105,244	-	-	-
Subtotal: Construction & CM Contracts	$ 13,756,198	$ 4,671,750	$ (986,868)	$ 3,684,882
Other Project Expenses & Contingencies				
Design / Architect (BMG)	$ 811,725			-
Builder's Contingency	421,733		-	-
Owner's Contingency	682,260	86,665		86,665
Owner's FFE ($350k) / Tech ($150k)	500,000			-
Subtotal: Pre/Post-Construction & Contingencies	$ 2,415,718	$ 86,665	$ -	$ 86,665
Grand Total Project Budget	$ 16,171,916	$ 4,758,415	$ (986,868)	$ 3,771,547

- Investment Management RFP
  - PFM Asset Management[2] will take the lead in February's investment management workshop
- Billing & Customer Service Department
  - The ATM restriction was successfully negotiated out of the PNC deed restrictions on the customer service building, which advances the potential for one of the two final kiosk vendors
  - Past Due Property Tax Statistics for **Current** and Prior Years are reported in the following tables:

Property Tax Levy	Past Due ($000) as of: 11/1/22	12/1/22	1/3/23	2/2/23	As % of Levy 2/2/23
2022 ***(FY23)***	$237	$208	$197	$169	3.5%
2021 & Prior	$202	$196	$196	$186	3.8%
Total	**$439**	**$404**	**$392**	**$355**	**7.3%**

Property Tax Levy	As of 2/1/22	As % of Levy 2/1/22
2021 ***(FY22)***	$131	2.8%
2020 & Prior	$172	3.7%
Total	**$303**	**6.6%**

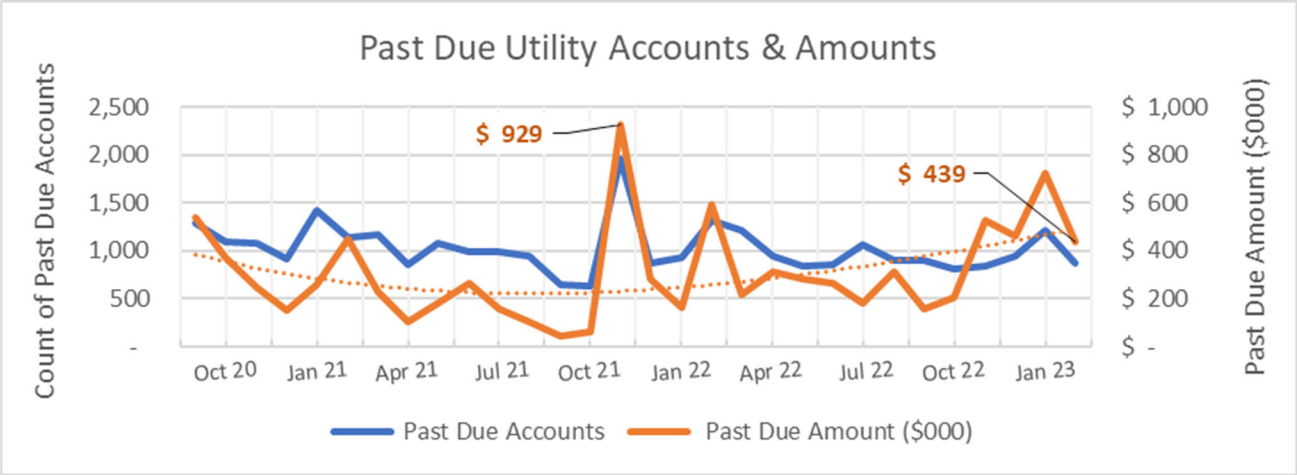
[1] American Public Power Association (APPA) Customer Service Certificate Program: Strategies for Successful Customer Service Operations (Part 1 of 3) hosted by DEMEC at no cost to the City of Milford
[2] One of the investment managers serving the Office of the State Treasurer; https://www.pfmam.com/

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

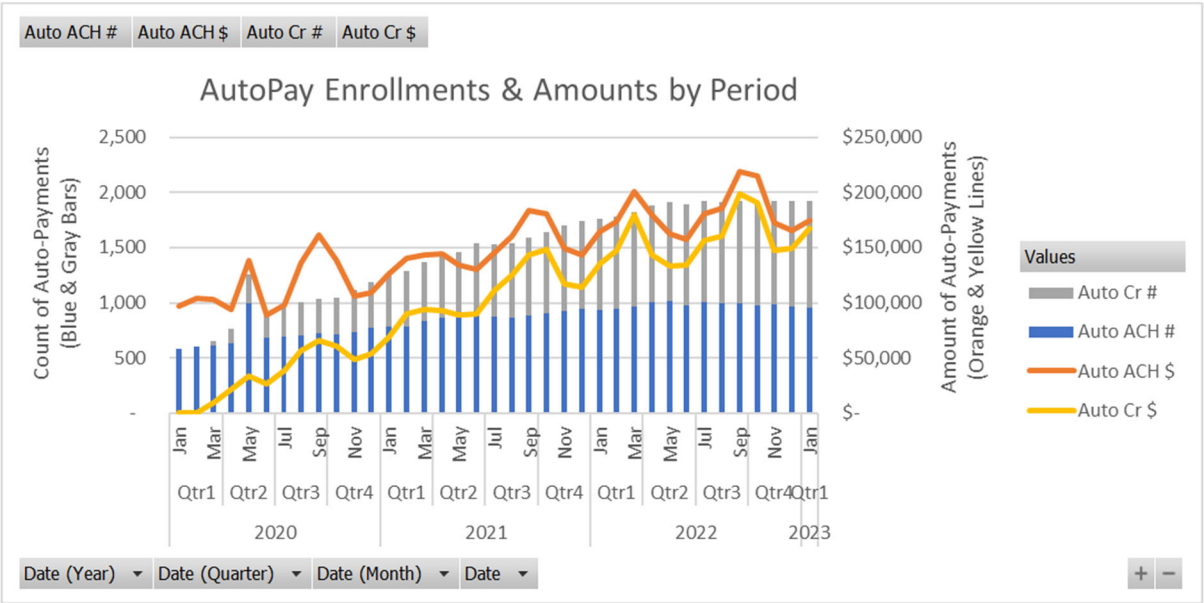
THE CITY of Milford DELAWARE

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com

- Billing & Customer Service Department, Continued
  - Past due utility balances improved after the payment system upgrade, weather and holidays combined to push balances higher over a three-month period from October through December
  - January results compare favorably to averages and to last January thanks to the efforts of the customer service team to reach out to the most past due former customers with personal phone calls prior to remitting accounts to the City's third-party collections firm



    - The dollar amount past due (solid orange line) remains over the average for all graphed periods but is 26% lower than last January
    - The accounts with any amount past due (blue line) is 16% below the long-term average and 35% below last January
  - The graph below exhibits the number and dollar amount of automatic payments by type and period from 2020 through the month ended January 31, 2023
    - The report data for Oct-Nov 2022 is skewed downward in the wake of the payment software upgrade
    - Volumes have largely recovered from the drop-off associated with the payment system upgrade, which may have been overstated by cyclical volume in the first place
    - The auto-payment count is 9% higher this January than last, while dollar volume is over $42,000 higher (14%) than last January



PACE YOUR LIFE

is hosting a Business Mixer
Thursday, February 23, 2023
4:00 p.m. – 6:00 p.m.
21 W. Clarke St.
Suite 1010
Milford, DE 19963

(Main entrance is on Polk Ave.)

Name: _____

Business/Organization:_____

Yes, I can bring a door prize:_____

You must RSVP by Tuesday, February 21st by emailing milford@milfordchamber.com or by calling (302)422-3344

DLLG February 23, 2023 Dinner Meeting

League members, partners, and friends are cordially invited to attend the Delaware League of Local Governments' monthly dinner meeting from 5:30 - 8:00 p.m. on Thursday, February 23, 2023 at the Maple Dale Country Club in Dover. The event features a panel presentation on "Delaware's Delaware's Prescription Opioid Settlement Distribution Commission and Program."

Presentations will be made by Commission co-chairs - Delaware Lieutenant Governor Bethany Hall-Long and Attorney General Kathleen Jennings. The presentation also features Deputy Attorney General Jason Staib and Opioid Fund Program Manager Susan Holloway,

Please register by 2/20 via **Eventbrite** to attend the February 23 Dinner Meeting! We are unable to take "walk-in" guests.

Repairs to the Milford Drawbridge over the Mispillion River will begin on February 6. You will recall that the bridge was struck by an improperly transported excavator on December 27, 2021 and again on December 30, 2022. The repairs will require the road to be closed for the duration of the work, which is currently estimated at 90 days. The detour for travelers heading northbound on Rehoboth Boulevard is to turn right onto SR36 Cedar Beach Road, head northbound on SR1, and exit onto Northeast Front Street. The detour is reverse heading southbound.

It should be noted that after the first 2-3 weeks, there will be very little activity occurring on site for a period of a few weeks while the road remains closed. Unfortunately, this is required due to the stability of the structure. The first work activities require support members to be removed so they can be repaired in a fabrication shop. While these repairs are being made, a support system must remain in place across the roadway. The 90 day closure is dependent upon both weather and supply chain issues, given that the repairs require specialty work. We'll keep you updated as work progresses and please let us know if you have any questions.

Sincerely,

Charles "C.R." McLeod

Director of Community Relations

Delaware Department of Transportation

Desk: 302-760-2079

Milford Lions Club

We Serve

Chartered April 1946
P.O. Box 25 • Milford, Delaware 19963

January, 2023

Dear Business owner:

The Milford Lions Club announces our 57th annual Spaghetti Dinner to be held as a takeout event at the Milford High School in Saturday, March 4, 2023. Our spaghetti dinner is one of our oldest fundraisers and has always been looked forward to by the community as well as members of the Lions Club.

The money raised from this event will be used towards our many charitable activities, such as youth & education programs, civic improvement projects and Christmas food baskets, to name a few. In keeping with the philosophy of Lions International, all funds received from the community go back to the community.

We need your help to fund this important work. The purpose of this letter is to request a donation from your business. Each sponsor will be acknowledged in a flyer to be sent out with each dinner and all donors will be listed in a note of appreciation to appear in local newspapers following the event. If your business would like to be acknowledged as a supporter, please contact Lion Nancy Czerwinski at 302-422-2861 or nanski08@outlook.com.

Please make your check payable to Milford Lions Service Foundation. Our list of sponsorship levels is listed below, but no amount is too small a contribution to what is one of our few fundraising efforts this year.

$1000 Platinum Sponsorship
$500 Gold Sponsorship
$250 Silver Sponsorship
$100 Bronze Sponsorship

We are a 501(c)(3) organization and your donation is tax deductable (Tax ID 51-0365044).

Thank you for your support of our Lions Club work in your community.

Sincerely,

The Milford Lions Club Spaghetti Dinner Committee

Contact person: Nancy Czerwinski

nanski08@outlook.com

Sussex County Association of Towns

37 The Circle, Georgetown, Delaware 19947

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

S.C.A.T. Dinner for Wednesday, March 1, 2023

LOCATION: The Landing Restaurant
Plantation Lakes Country Club
20301 Charlotte Blvd.
Millsboro, DE 19966

TIME: 6:00 pm – Guest Social Hour
6:30 pm – Dinner

HOST: Town of Millsboro

SPEAKER: Bryan Behrens, DelDOT Sussex County Project Engineer

COST: $45.00 per person

MENU: Classic Italian lasagna with meat
Meatballs with Marinara
Penne Pasta
Chicken Piccata
Garlic Bread
Garden Salad
Iced Tea Station, Coffee, & Water

For reservations, please contact Joyce at
(302) 934-8171 or by email: joycea@millsboro.org
no later than February 15, 2023

Please make checks payable to Town of Millsboro
Mail to: Town of Georgetown
Attn: Joyce Angellella
322 Wilson Highway
Millsboro, DE 19966

Reminder: S.C.A.T. Steering Committee Breakfast
Friday, March 3, 2023, at 9AM, $11 per person
Location: First State Community Action Agency
308 North Railroad Avenue, Georgetown, DE 19947
RSVP to Kayla Pedrick at kpedrick@ci.lewes.de.us

TM# 330-6.20-43.00,
45.00 and 47.00
Prepared by and return to:
Moore & Rutt, P.A.
P.O. Box 554
Georgetown, DE 19947

PARTIAL TERMINATION, RELEASE AND EXTINGUISHMENT OF DEED RESTRICTION

THIS PARTIAL TERMINATION, RELEASE AND EXTINGUISHMENT OF DEED RESTRICTION ("Agreement"), is made this ___ day of _____, 2023,

BETWEEN

PNC BANK, NATIONAL ASSOCIATION, a national banking association and successor to The Milford Trust Company and Bank of Delaware, party of the first part, hereinafter referred to as the "Grantor,"

AND

THE CITY OF MILFORD DELAWARE, a political subdivision of the State of Delaware, party of the second part, hereinafter referred to as the "Grantee."

WITNESSETH:

WHEREAS, Grantor conveyed the Property to Grantee by Deed dated July 31, 2013, which is of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Deed Book 4158, Page 248 (the "Deed"); and

WHEREAS, the Deed contained a restriction which prohibits the placement of an ATM on the Property for a period of twenty (20) years, being the Restriction Period (the "Restriction"); and

WHEREAS, by mutual agreement, the Grantor and Grantee desire to terminate, release and extinguish that portion of the Restriction which prohibits the placement of an ATM on the Property for the Restriction Period, while retaining only the prohibition against using the Property "for the purpose of conducting or in connection with the business of a commercial bank, savings bank, savings and loan association, credit union or mortgage bank, or other financial services organization, including, without limitation, the installation and operation of a night depository box or safe deposit box"; and

WHEREAS, by the execution of this Agreement, the parties desire to memorialize their mutual agreement that the Property shall no longer be encumbered by the portion of the Restriction which prohibits the placement of an ATM on the Property.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of One Dollar ($1.00), cash in hand paid, the receipt and sufficiency of which is hereby acknowledged, and other good and valuable consideration, the Grantor has this day terminated, released and extinguished, and by these presents does forever terminate, release and extinguish the Restriction set forth in the Deed as follows:

> Restriction. Grantee acknowledges and agrees with Grantor that from and after the date of the Deed and continuing for a period of twenty (20) years (the "Restriction Period"), the Property (including, but not limited to, any improvements thereon and thereto) shall not be used for the purpose of conducting or in connection with the business of a commercial bank, savings bank, savings and loan association, credit union or mortgage bank, or other financial services organization, including, without limitation the installation and operation of an automated teller machine or machines ("ATM"), and/or a night depository or safe deposit box. The restrictions set forth herein do not prohibit general office purposes that include Grantee's financial operations, including but not limited to billing, accounting, collections, and accounts payable and receivable. Further, the Grantee may maintain a night depository for the payment of bills to Grantee. Finally, Grantee shall have the right to install an ATM at the Property. so long as Grantee provides Grantor with the first right to be the ATM provider, pursuant to the requirements of these restrictions. In the event Grantee desires to install an ATM at the Property during the Restriction Period, Grantee shall notify Grantor of such desire, in writing. Grantor and Grantee shall then negotiate in good faith upon the terms and conditions under which Grantor would license to Grantee, and Grantee would license from Grantor, an ATM for the Property in the event the parties are unable to come to terms, in writing, on an ATM License Agreement within ninety (90) days after Grantor's receipt of Grantee's notice, then Grantee shall be free to enter into an ATM license agreement (or similar) with another financial institution. This right of first offer shall remain in effect during the entire Restriction Period if Grantee does not enter into an ATM license (or similar) agreement with another provider, or if Grantee enters into such an agreement and it expires or terminates, during the Restriction Period (the "Deed Restriction"). Grantee also acknowledges and agrees with Grantor that the Deed Restriction: (i) is for the benefit of Grantor and Grantor's successors and assigns; (ii) shall run with the land, and shall be binding on all persons and parties subsequently acquiring any interest in and/or to the Property until the end of the Restriction Period; (iii) shall (in addition to any other rights and remedies available to Grantor a law or in equity) be enforceable by an action for specific performance and/or an injunction to enjoin any continuing breach or violation of the Deed Restriction, and (iv) shall be (until the end of the Restriction Period) included in any future deeds or other documents conveying an interest in and/or to the Property.

Notwithstanding anything to the contrary contained herein, the Grantor and Grantee hereby mutually agree that the following Restriction shall be and is hereby inserted in the Deed in its place and stead:

Restriction. Grantee acknowledges and agrees with Grantor that from and after the date of the Deed and continuing for a period of twenty (20) years (the "Restriction Period"), the Property (including, but not limited to, any improvements thereon and thereto) shall not be used for the purpose of conducting or in connection with the business of a commercial bank, savings bank, savings and loan association, credit union or mortgage bank, or other financial services organization, including, without limitation, the installation and operation of a night depository box or safe deposit box (the "Deed Restriction"). Grantee also acknowledges and agrees with Grantor that the Deed Restriction: (i) is for the benefit of Grantor and Grantor's successors and assigns; (ii) shall run with the land, and shall be binding on all persons and parties subsequently acquiring any interest in and/or to the Property until the end of the Restriction Period; (iii) shall (in addition to any other rights and remedies available to Grantor a law or in equity) be enforceable by an action for specific performance and/or an injunction to enjoin any continuing breach or violation of the Deed Restriction, and (iv) shall be (until the end of the Restriction Period) included in any future deeds or other documents conveying an interest in and/or to the Property.

[THE REMAINDER OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY. SIGNATURE PAGES TO FOLLOW.]

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the dates set forth in their respective acknowledgements below.

GRANTOR:

PNC BANK, NATIONAL ASSOCIATION,
successor to The Milford Trust Company and
Bank of Delaware

_____ _____ (SEAL)
WITNESS Kathleen A. Taylor, Vice President

COMMONWEALTH OF PENNSYLVANIA :
: ss.
COUNTY OF ALLEGHENY :

BE IT REMEMBERED, that on this ____ day of _____, 2023, A.D., personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, Kathleen A. Taylor, who acknowledged herself to be the Vice President of PNC Bank, National Association, a national banking association, who I am satisfied is the person who signed the within Indenture and who acknowledged that she executed same as Vice President on behalf of PNC Bank, National Association, being authorized to do so, and that the within Indenture is the voluntary act and deed of such national banking association.

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

_____
Notary Public

_____
Printed Name of Notary

My Commission Expires: _____

GRANTEE:

CITY OF MILFORD, a political subdivision of the State of Delaware

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

Attest: _____
Teresa K. Hudson, City Clerk

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this ___ day of _____, A.D. 2023, personally came before me, a Notary Public for the State and County aforesaid, Arthur J. Campbell**,** Mayor of the City of Milford, a political subdivision of the State of Delaware, party to this Indenture, known to me personally to be such and acknowledged this Indenture to be his act and deed and the act and deed of said political subdivision, that the signature of the Mayor thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said municipality, and that his act of sealing, executing, acknowledging and delivering said indenture was duly authorized by a resolution of said municipality.

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

_____
Notary Public

_____
Printed Name of Notary

My Commission Expires: _____

MARK A. WHITFIELD, CITY MANAGER
201 South Walnut Street
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, City Manager
Subject: Transportation Infrastructure Investment Fund Grant Agreement
Date: February 8, 2023

Included in the Council packet is an Agreement for the Transportation Infrastructure Investment Fund grant awarded to the City for the construction of a roundabout at Airport Road and Canterbury Road. The grant award is for reimbursement of expenditures for the project up to $2,766,799.89.

RECOMMENDATION: Staff recommends City Council authorize City Manager to execute all agreements and documents pertaining to the Transportation Infrastructure Investment Fund Grant.

AGREEMENT OUTLINING THE TERMS AND CONDITIONS OF TRANSPORTATION INFRASTRUCTURE INVESTMENT FUND GRANT

City of Milford (the "Grantee") agrees to the terms and conditions (the "Terms") set forth in this agreement (the "Agreement"), dated February 1, 2023, by and between the Grantee, the Delaware Department of Transportation ("DelDOT") and Delaware Secretary of State (the "SOS") as a condition of accepting a grant (the "Grant") from the Transportation Infrastructure Investment Fund, 29 *Del. C.* §8422 (the "TIIF Program").

WHEREAS, Grantee has made an application dated September 6, 2022, ("Application") to the Transportation Infrastructure Investment Fund Council (the "Council") for a grant under the TIIF Program, in an amount not to exceed $2,766,799.89 for reimbursement of expenditures up to $2,766,799.89 related to transportation improvements (the "TIIF Scope of Work") associated with construction of an Industrial Park in Milford, Delaware (the "Economic Development Project"), as more completely described in the Application and the attachments thereto; and

WHEREAS, pursuant to 2 Del. Admin. Code §2312 the Council held a public meeting with respect to the Application on November 16, 2022, and voted to recommend approval of the Application to the Secretary of Transportation and the Secretary of State (the "Secretaries") and the making of a grant under the Program in an amount not to exceed $2,766,799.89 (the "Grant"); and

WHEREAS, the Secretaries have considered (i) the Application, (ii) the criteria for the amount and type of assistance that are set forth in the statutes governing the Program, including 29 *Del. C.* §8422, and 2 Del. Admin. Code §2312 (the "Regulation") and (iii) the recommendation of the Council;

WHEREAS, pursuant to section 6.2 of 2 Del. Admin. Code §2312, the Secretaries have decided to issue their final approval of the issuance of the Grant, subject to execution of this Agreement and acceptance of the Terms set forth herein; and

NOW THEREFORE, in consideration of the mutual promises contained herein and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Final Approval. This Agreement constitutes final approval of the Grant in an amount not to exceed $2,766,799.89.

2. Withdraw of Final Approval. The Secretaries may withdraw Final Approval at any time prior to the disbursement of the Grant, if they determine that (1) the Applicant's circumstances have changed adversely since the date of final approval or since completion of the Application, if such adverse change did not come to the Council's attention prior to Final Approval or (2) the Application contained a statement that

was materially false or failed to include information necessary to prevent the Application from being materially false. The Applicant will be notified in writing and given 10 days to respond.

3. Reimbursement Request. Upon completion of the TIIF Scope of Work, Grantee may submit a request to the Secretaries for reimbursement in an amount not to exceed $2,766,799.89 (the "Reimbursement Request"). Grantee shall provide a detailed expenditure report along with its Reimbursement Request in a form acceptable to the Council.

   (a) The Secretaries or designated staff shall review the Reimbursement Request for compliance with the Terms, the Application, 29 *Del. C.* §8422, and 2 Del. Admin. Code §2312. The Secretaries or designated staff shall notify the Grantee in writing within 30 days of the approval or denial of the Reimbursement Request.

   (b) Should the TIIF Scope of Work cost less than the maximum amount set forth in this Agreement, Grantee shall only be reimbursed for actual amounts expended. Should the TIIF Scope of Work cost more than the maximum amount set forth in this Agreement, Grantee shall not be reimbursed funds in an amount that exceeds what is set forth herein.

   (c) Should the TIIF Scope of Work include construction of Pedestrian Facilities (i.e., Sidewalks or Shared Use Paths) within a Permanent Easement(s), Grantee shall record with the Recorder of Deeds the Permanent Easement Agreement(s), prior to submitting a Reimbursement Request.

4. Progress Payments. Prior to the completion of the TIIF Scope of Work, the Grantee may apply to the Council for approval of interim progress reimbursement of less than the entire amount of the Grant without forfeiting the remainder of the Grant. The aggregate amount of the progress payments approved shall not exceed the maximum amount of the Grant. Once approved by the Council, the Grantee shall make a Reimbursement Request for the progress payment in a form acceptable to the Council.

5. Term. Grantee shall have three (3) years from the date of this Agreement to make a Reimbursement Request. If Grantee has not made a Reimbursement Request within three years from the date of this Agreement, the Grant shall be null and void and the funds returned to the Transportation Trust Fund.

6. Encumbered Funds. Upon execution of this Agreement, the Grant, in the amount of $2,766,799.89 shall be encumbered from the Fund for the Transportation Infrastructure.

7. Annual Reporting. Grantee shall, for a period of seven (7) years following the date of this Agreement, submit to the Division of Small Business ("DSB"), on an annual basis, financial statements, a progress report in a form acceptable to the Council on

the status of the Economic Development Project, including, but not limited to, demonstration of a good faith effort to substantially comply with the Employment Standard as stated in the Application; the number of permanent, quality, full-time jobs created or saved as a result of the Economic Development Project and the wage scale applicable to such persons; any economic impact of the funding (such as sales, costs, etc.); and any other information required by the Council. Grantee shall report to the Division of Small Business no later than June 30 of each of the years for which the report is required.

8. Miscellaneous Covenants of Grantee.

   (a) *Records Access and Retention*. Grantee agrees to give the Council, the SOS, DelDOT, DSB, the Auditor of Accounts of the State, any private firm of certified public accountants engaged by the Council, DSB or the Auditor of Accounts of the State, the Attorney General of the State, or any of their duly authorized employees, agents or representatives access to any and all books, documents, papers and records of Grantee that are directly pertinent to this Agreement, the Economic Development Project, the TIIF Scope of Work or the Grant, for the purpose of making audits, examinations, investigations, copies, excerpts and transcriptions. Such access shall be granted by Grantee during its normal business hours, after receipt by Grantee of at least ten (10) business days advance written notice of a request for such access, at its offices in Delaware, or at such other place or places agreed to by Grantee and the requesting person; provided, however, that this notice provision shall not apply to the execution of any search warrants or subpoenas. Grantee agrees to retain such records for a period of eight (8) years following the date of the last or final disbursement of the Grant. The provisions of this Section shall survive termination or cancellation of this Agreement.

   (b) *Assignment; Successors*. Grantee shall not assign or transfer all or any portion of its interest in this Agreement or delegate any of its duties hereunder without the prior written consent of the Council. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors or permitted assigns.

9. Notices. All notices, reports or other written communication required or permitted hereunder shall be given in writing by certified or registered mail, return receipt requested, nationally recognized private courier (provided that written evidence of the date of delivery by such courier is available) or facsimile (provided that written evidence of the date of receipt of such facsimile transmission is available) to the addresses or facsimile telephone numbers set forth below, or to such other addresses or facsimile telephone numbers as the parties shall designate in writing, from time to time:

   (i) If to the Council

   TIIF Council

c/o Director of Planning
Delaware Department of Transportation
800 Bay Road
Dover, DE 19901

With copy to

DelDOT General Counsel
Delaware Department of Transportation
800 Bay Road
Dover, DE 19901

(ii) If to the Secretaries

The Honorable Jeffrey Bullock
Delaware Department of State
401 Federal Street
Dover, DE 19901

The Honorable Nicole Majeski
Delaware Department of Transportation
800 Bay Road
Dover, DE 19901

(iii) If to Grantee:

City of Milford
Attention: Sara M. Bluhm, Economic Development Administrator
201 S. Walnut Street
Milford, DE 19963
Phone: 302-725-2068
Email: sbluhm@milford-de.gov

(iv) If notice is given by United States Mail, it shall be deemed given three (3) calendar days after the post-marked date thereof, or sooner if the return receipt so indicates; if by nationally recognized private courier, on the date delivered by such nationally recognized private courier, as confirmed by written evidence of such delivery, and if by facsimile on the date transmitted to the other party.

10. Entire Agreement; No Oral Modification. This Agreement constitutes the entire agreement pertaining to the subject matter hereof among the Secretaries and Grantee. No amendment, modification, waiver, or variation of the terms hereof shall be effective, unless in writing signed by all parties hereto.

11. Governing Law. The laws of the State of Delaware, without regard to the principles of conflicts of laws thereof, shall govern this Agreement. Grantee consents to jurisdiction and venue in the courts of the State in New Castle County.

12. Severability. If any provision of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

13. Captions. The captions in this Agreement are inserted only for the purpose of convenient reference and shall not be construed to define, limit or prescribe the scope or intent of this Agreement or any part thereof.

14. Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same document.

15. Defaults. The following events shall constitute an event of default under this Agreement:

    (a) *Reporting Requirement Default.* Any failure of Grantee to provide DSB with any report required in this Agreement within the time provided in Section 7 of this Agreement, the Grantee shall be placed on a Watch List.

        (i) Right to Cure.

            (1) *Watch List.* Once a Grantee has been notified that it has been placed on the Watch List for failing to provide any report required in Section 7 herein, the Grantee shall provide to the Council (within 30 days) a written cure report, signed by an authorized officer of the Grantee, which sets forth a proposed plan ("Cure Report") by Grantee to cure any default of its failure to report hereunder.

            (2) *Council Evaluation of Cure Report*. The Council shall evaluate the Cure Report within thirty (30) days of receipt and in its reasonable discretion may accept, modify, or reject the proposed plan in writing. If the Council rejects the plan set forth in a Cure Report, it may determine that Grantee is in Default.

    (b) *Cessation Event Default.* The substantial cessation of operations in the State by Grantee with respect to the Economic Development Project or Grantee's operation in the State on or before the last day of the reporting period as per Section 7 of this Agreement.

    (c) *Bankruptcy Event Default*. Grantee shall have applied for or consented to the appointment of a receiver, trustee or liquidator of all or a substantial part of its assets; admitted in writing the inability to pay its debts as they mature; made a general assignment for the benefit of creditors; had an order for relief entered

against it under any bankruptcy law, or filed a petition or an answer seeking liquidation, reorganization or an arrangement with creditors or taken advantage of any insolvency law, or submitted an answer admitting the material allegations of a petition in bankruptcy, reorganization or insolvency proceeding; or an order, judgment or decree shall have been entered by any court of competent jurisdiction approving a petition seeking liquidation or reorganization of Grantee or appointing a receiver, trustee or liquidator of Grantee or a substantial part of its assets and such order, judgment or decree shall continue unstayed and in effect for any period of ninety (90) consecutive days; or filed a voluntary petition in bankruptcy or failed to remove an involuntary petition in bankruptcy filed against it.

If a Bankruptcy Event Default occurs, the Grantee shall provide to DelDOT and SOS written notice of the Bankruptcy proceedings and list DelDOT as a creditor.

16. Grantee's Obligation to Repay Grant. Upon receipt of written notice from DelDOT, repayment of the Grant shall be immediately due and owing to DelDOT as set forth in this Section. Grantee shall not be obligated to repay an amount greater than the amount(s) specified below. Grant repayment shall be as follows:

    (a) *Reporting Default Payment.* Grantee shall pay to DelDOT an amount equal to the entire amount actually disbursed to the Grantee. If no money has been disbursed to the Grantee, this Agreement shall be terminated and deemed to be NULL and VOID.

    (b) *Cessation Event Default Payment.* Grantee shall pay to DelDOT an amount equal to the entire amount actually disbursed to the Grantee. If no money has been disbursed to the Grantee, this Agreement shall be terminated and deemed to be NULL and VOID.

    (c) *Bankruptcy Event Default Payment.* Grantee and/or its estate shall pay to DelDOT an amount determined by the reorganization plan or liquidation plan approved by the bankruptcy court.

IN WITNESS WHEREOF, intending to be legally bound, the parties hereto have caused this Agreement to be executed under seal as of the day and year first above written.

DELAWARE SECRETARY OF STATE

By: _____
Jeffrey Bullock
Secretary

DELAWARE DEPARTMENT OF TRANSPORTATION

By: _____
Nicole Majeski
Secretary

City of Milford

Attest: _____

By: _____
Title: _____

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

THE CITY of Milford DELAWARE

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

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Director

CC: Mark Whitfield, City Manager

DATE: February 13, 2023

RE: Christiana Excavating Company – Utility Agreement – Outside City Limits

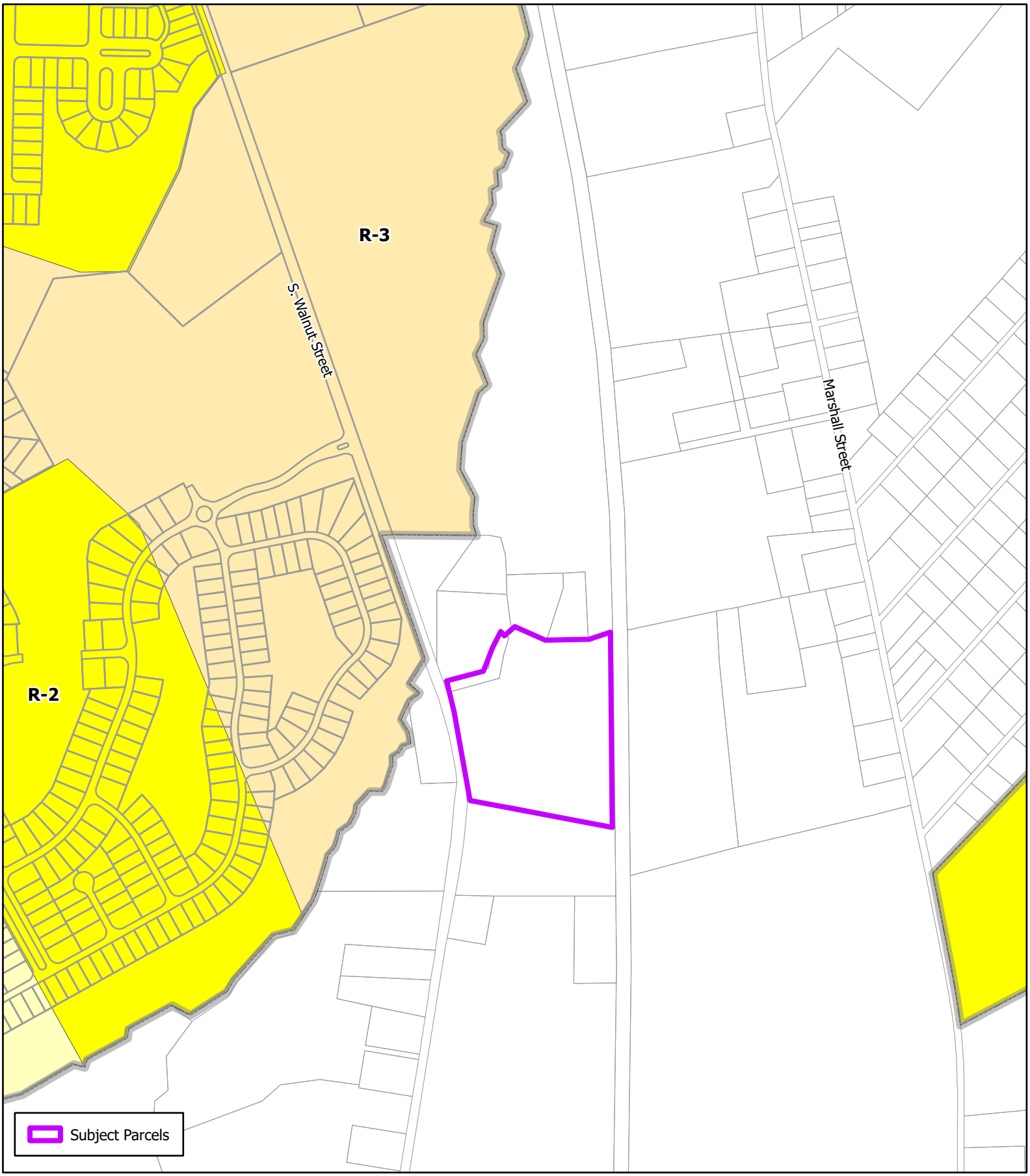
---

The City received a request from Davis, Bowen & Friedel, Inc. on behalf of Christiana Excavating Company to extend water, sewer and electric service beyond our current municipal boundary. The request includes two parcels located in Sussex County along the east side of S. Walnut Street south of the Milford Ponds development identified as parcel numbers 3-30-14.00-001.0 & 001.01 (see enclosed exhibit). The properties are not contiguous to City limits but only have one parcel between the current municipal boundary and subject parcels. The owner contacted the adjacent property owners to see if they are interested in annexing into the City of Milford but they have not received an answer to date.

Staff is seeking guidance from City Council on whether to allow this property to connect to the City's electric, water and sewer utility. If permitted, the City would require the property owner to sign a utility agreement which would require the properties to annex into the City of Milford if and when the properties become contiguous to City limits.

Enclosed is a draft agreement for review.

If City Council so desires, the motion would be to authorize the Mayor to sign the Electric, Water and Sewer Agreement with Christiana Excavating Company to provide utilities to the property located outside City limits, with the condition that if and when the properties become contiguous to the City boundary, the owner would be required to annex.



THE CITY of Milford DELAWARE

Scale: 0 300 600 Feet

Drawn by: WRP

Date: 02/03/23

Filepath: UtilityAgreement_ChristianaExcavating.aprx

Title:

Electric, Water and Sewer Service Agreement

Christiana Excavating

Location & Zoning Map

DAVIS BOWEN & FRIEDEL, INC.

ARCHITECTS • ENGINEERS • SURVEYORS

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

January 17, 2023

City of Milford
201 South Walnut Street
Milford, DE 19963

Attn: Mr. Rob Pierce

RE: Christiana Excavating
Tax Parcel No.: 330-14.00-1.00 & 330-14.00-1.01

Dear Mr. Pierce:

On behalf of our client, Christiana Excavating Company, we are requesting your consideration to provide City of Milford sewer and water services to their property located off South Walnut Street, just south of the Milford Ponds development. The site is currently located in the jurisdiction of Sussex County. Our client would gladly annex into the City of Milford which would alleviate any issue of providing service to the site, however they are one property removed from being contiguous with City of Milford's boundary to both the north and west of the proposed site. A plan of the site has been provided with this letter, showing the location of the site, the surrounding properties, and the City of Milford boundary.

Our client is in the process of contacting two neighboring property owners (330-10.00-2.01 and 130-6.00-110.01 on the attached plan. Our client also owns 330-10.00-3.00 which would also be annexed if an agreement with parcel 2.01 is made) for an agreement to annex into the City of Milford, however, to date an agreement has not been reached.

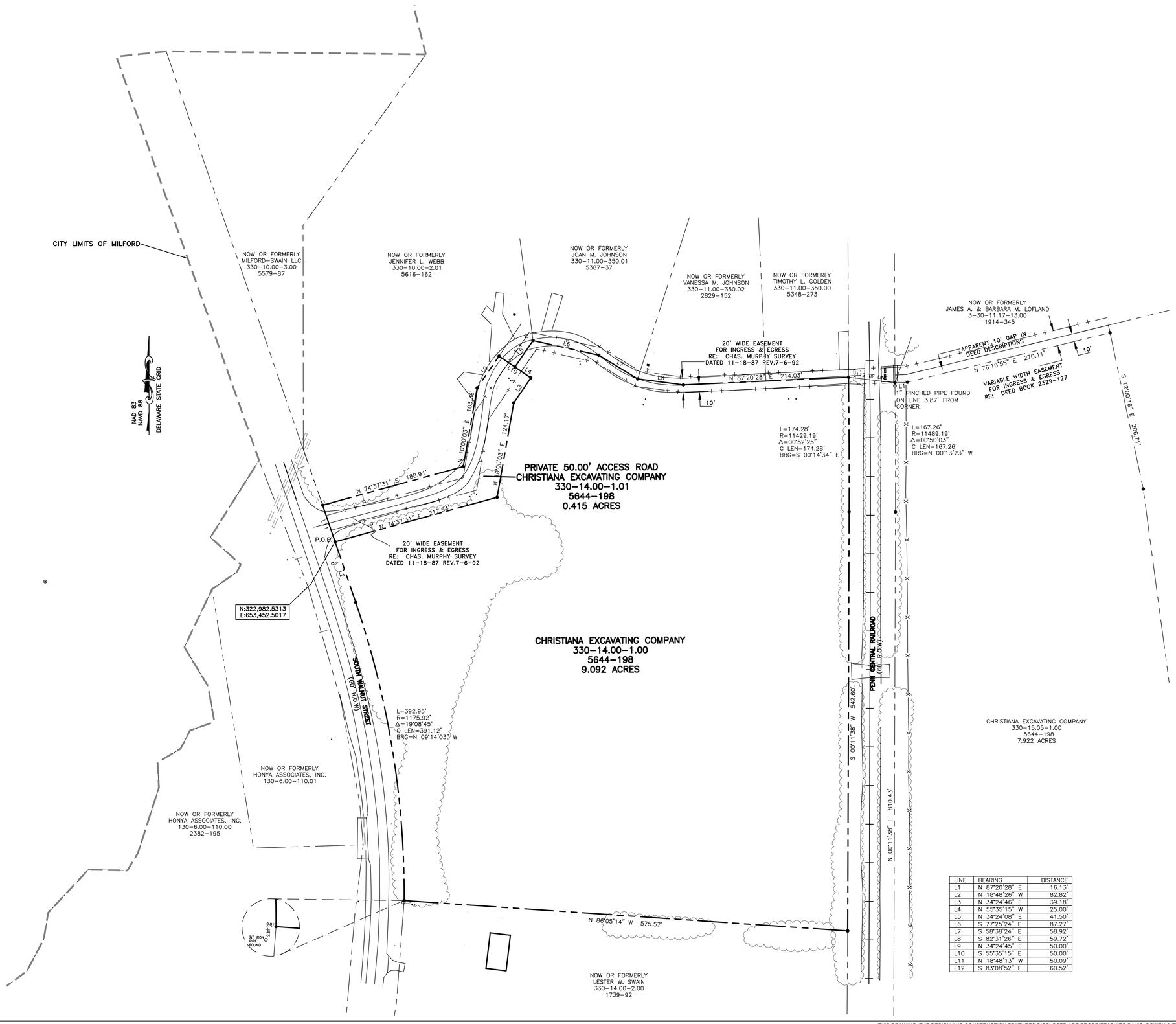
Ideally for our client, the project will be designed and constructed to comply with City of Milford code. Our client and the City will enter into an agreement to supply sewer and water to the property under the understanding that once the parcel becomes contiguous with the City of Milford boundary, the parcel must be annexed into the City. We understand that this is not standard practice for the City, however due to our site's close proximity to the City of Milford boundary, future annexation is inevitable. Additionally, our clients proposed use of this site directly matches the land use for this parcel as shown in the City of Milford's Comprehensive Plan. Our client would connect to the City's sewer and water through the Milford Pond's development which would also provide the City with an additional 1000ft of sewer and water service down South Walnut Street, allowing for additional properties to connect to the City in the future.

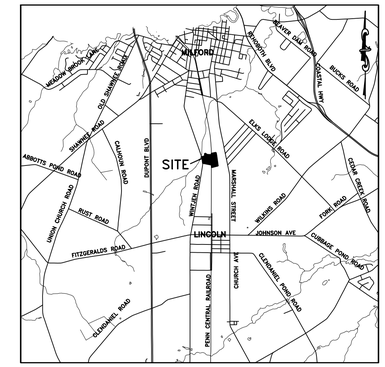
Without the City of Milford's help to provide sewer and water services to this property, our client is unsure if the development of this site is feasible. It is because of this, and the reasons listed above that we are requesting the City of Milford to consider providing sewer and water services to our property.

If you have any questions or need additional information, please call me at (302) 424-1441, or email at csw@dbfinc.com

Sincerely,
Davis, Bowen & Friedel, Inc.

Chad S. Warren, P.E.
Project Engineer





LOCATION MAP 1" = 1MILE

DATA COLUMN

TAX MAP NUMBER:	330-14.00-1.00 & 330-14.00-1.01
EXISTING ZONING:	HI-1 HEAVY INDUSTRIAL
PROPOSED ZONING:	HI-1 HEAVY INDUSTRIAL
LAND USE EXISTING:	VACANT LAND
PROPOSED:	WAREHOUSE STORAGE
TOTAL PARCEL AREA:	9.507 AC.±
WETLANDS:	STATE MAPPED WETLANDS NOT LOCATED ON THE PARCELS
FLOOD HAZARD:	THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 100050043K, DATED MARCH 16, 2015

ENGINEER:
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DE 19963
(302) 424-1441

OWNER/DEVELOPER
CHRISTIANA EXCAVATING CO.
2016 SUNSET LAKE ROAD
NEWARK, DE 19702

LINE	BEARING	DISTANCE
L1	N 87°20'28" E	16.13'
L2	N 18°48'26" W	82.82'
L3	N 34°24'46" E	39.18'
L4	N 55°35'15" W	25.00'
L5	N 34°24'08" E	41.50'
L6	S 77°25'24" E	87.27'
L7	S 58°38'24" E	58.92'
L8	S 82°31'26" E	59.72'
L9	N 34°24'45" E	50.00'
L10	S 55°35'15" E	50.00'
L11	N 18°48'13" W	50.09'
L12	S 83°08'52" E	60.52'

0 60 120 180

DAVIS BOWEN & FRIEDEL, INC.
ARCHITECTS · ENGINEERS · SURVEYORS
EASTON, MARYLAND 410.770.4744
MILFORD, DELAWARE 302.424.1441
SALISBURY, MARYLAND 410.543.9091

CHRISTIANA EXCAVATING COMPANY
WAREHOUSE STORAGE FACILITY
SUSSEX COUNTY, DELAWARE

DATE	COMMENTS

Date: JANUARY, 2023
Scale: 1"=60'
Dwn.By: CSW
Proj.No.: P1229D23.038

SITE PLAN

Dwg.No.: 1

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC., AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2022

P:\MMC Properties\2023 Warehouse Facility\CONCEPTS\SITE PLAN.dwg Jan 17 , 2023 - 4:05pm wsrc

Tax Parcel No. 3-30-14.00-001.00
3-30-14.00-001.01
Prepared by: City of Milford
201 S. Walnut St.
Milford, DE 19963
Return to: City Clerk
City of Milford, 201 S. Walnut St.
Milford, DE 19963

ELECTRIC, WATER AND SEWER AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2023, by and between CHRISTIANA EXCAVATING COMPANY (hereinafter "OWNER") whose principal location is located at 2016 SUNSET LAKE RD, NEWARK, DE 19702, and the City of Milford, a municipal corporation of the State of Delaware, with its principal offices located at 201 South Walnut Street, Milford Delaware, 19963 (hereinafter "CITY").

RECITALS

WHEREAS, the OWNER is the record title owner of a parcel of land consisting of 9 acres, more or less, lying contiguous to the City of Milford, said tracts identified on the Sussex County, Delaware tax maps as Tax Parcel No(s). 3-30-14.00-001.00 and 3-30-14.00-001.01, said tracts hereinafter referred to as the "PROPERTY"; and

WHEREAS the OWNER desires to have the City exercise exclusive authority to provide electric, water and sanitary sewer service for all buildings located on the PROPERTY pursuant to the rules, regulations and rates established from time to time by the CITY and the State of Delaware.

NOW THEREFORE, in consideration of the OWNER'S request to receive CITY electric, water and sanitary sewer service and in consideration of charges to be paid by the OWNER through the City's Utility Permit application, the parties hereto, intending to be legally bound, hereby covenant and agree as follows:

1. Permits. The OWNER shall be responsible for obtaining a Utility Permit from the City of Milford and pay all applicable impact fees and inspection fees as required by the City Code and adopted fee schedule.

2. Costs. The OWNER shall be responsible for all costs associated with connecting to the electric, water and sanitary sewer system.

3. Annexation. The OWNER acknowledges, if and when the PROPERTY becomes contiguous with the CITY municipal boundary, the OWNER shall annex the entire PROPERTY into the City limits. The OWNER must file a petition to annex with the City Planning Department within 90 days of when the property becomes contiguous with the City.

4. Governing Law. This Agreement shall be governed by the laws of the State of Delaware (notwithstanding the fact that one or more parties may now or later become a resident of another state) and the parties hereto agree that the courts of the State of Delaware shall have jurisdiction over any case or controversy and hereby consent to such jurisdiction.

5. Separability. If any section, paragraph, sentence or clause of this Agreement is determined or declared to be invalid or unenforceable by any court of competent jurisdiction, the remainder hereof shall remain in full force and effect.

6. Entire Agreement. This Agreement constitutes the entire understanding of the parties. It supersedes any and all prior agreements between them. There are no representations or warranties other than those herein contained.

7. Amendments. This Agreement shall not be amended except in writing executed by all parties hereto.

8. Binding Effect. This Agreement shall be binding upon the parties hereto, their administrators, successors, successors in interest and assigns.

9. Contra Proferentum. The fact that one party has drafted this Agreement shall in no way be used against that party in construing the terms, condition, and obligations hereunder.

10. Headings. Headings and captions used herein are solely for the convenience of the parties and shall have no legal significance in construing the terms of this Agreement.

11. Non-Waiver. The failure of either party to exercise any of its rights under this Agreement for a breach thereof shall not be deemed to be a waiver of such rights or a waiver of any subsequent breach.

12. Enforcement. In the event of a breach, this Agreement shall be enforced through a decree of specific performance, the parties agreeing that monetary damages would not provide an adequate remedy.

13. Recording. This agreement, duly executed by the City and OWNER, shall be recorded in the office of the Recorder of Deeds, in and for Sussex County, Delaware. The cost of recording shall be paid by OWNER. The utility permit will be withheld until this agreement is recorded.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

CHRISTIANA EXCAVATING COMPANY

Attest: _____

By: _____
R.J. Andrews, Secretary

CITY OF MILFORD

Attest: _____
City Clerk

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

STATE OF DELAWARE :
:
COUNTY OF :

Signed and sworn to before me this _____ day of _____, 2023, by R.J. Andrews.

_____
Signature of Notary Public

STATE OF DELAWARE :
:
COUNTY OF SUSSEX :

Signed and sworn to before me this _____ day of _____, 2023, by Arthur J. Campbell, Mayor of the City of Milford.

_____
Signature of Notary Public

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

THE CITY of Milford DELAWARE

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

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Director

CC: Mark Whitfield, City Manager

DATE: February 13, 2023

RE: Colony West/Colony South – Utility Agreement – Outside City Limits

---

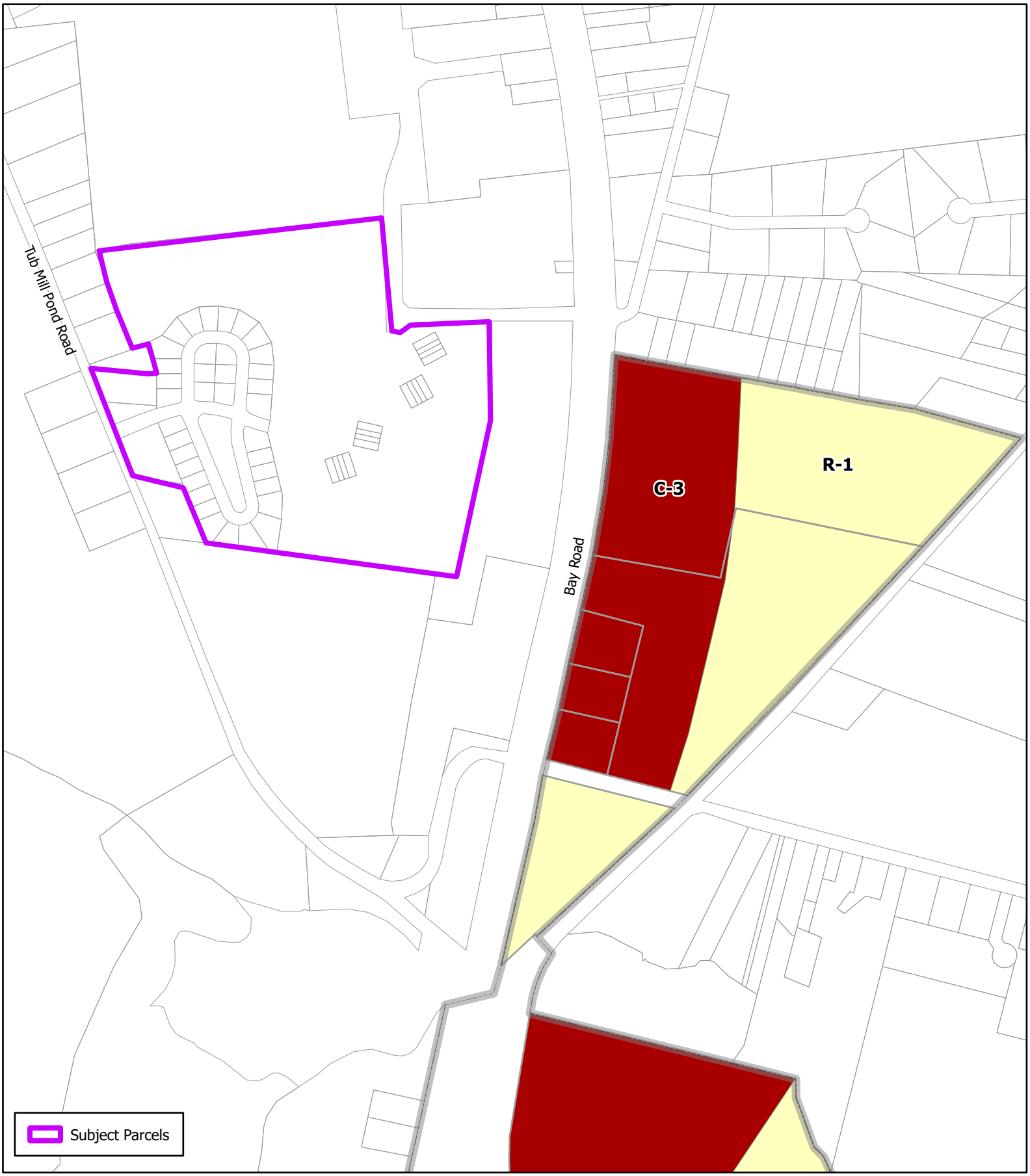
The City was contacted by VanDemark & Lynch, Inc. on behalf of Interfaith Housing Delaware, Inc. regarding a development known as Colony South located just outside of City limits. The project is located along the west side of Route 113/Bay Road directly behind the I.G. Burton car dealership (see enclosed exhibit).

The first phase of the project was approved in the late 1980's, early 1990's and is already served by City water and electric. The newer portion of the project was recorded in the early 2000's. Based on the enclosed minutes dated June 11, 1990, City Council authorized the extension of water utilities to serve 43 acres of land in the vicinity of this project and required the signing of a Water Service Agreement. The minutes allude to the fact that the properties "agreed to come into the City as soon as it is possible." Staff is currently looking for a copy of this agreement.

If the agreement cannot be located, and in an effort to allow the Colony South project to move forward, staff recommends authorizing the Mayor to sign an agreement documenting the extension of City utilities beyond our corporate limits. This agreement would be recorded with Kent County Recorder of Deeds.

Enclosed is a draft agreement to provide water and electric service to the proposed Colony South project along with existing lots still owned by Interfaith Housing Delaware, Inc. within the Colony West portion.

If City Council so desires, the motion would be to authorize the Mayor to sign the Electric and Water Agreement with Interfaith Housing Delaware, Inc. to provide electric and water utilities to the properties located outside City limits, with the condition that if and when the properties become contiguous to the City boundary, the owner would be required to annex.



THE CITY of Milford DELAWARE

Scale: 0 300 600 Feet

Drawn by: WRP

Date: 10/31/22

Filepath: UtilityAgreement_ColonySouth.aprx

Title:

Electric and Water Service Agreement

Colony West/Colony South

Location & Zoning Map

MILFORD CITY COUNCIL

MINUTES OF MEETING
June 11, 1990

The regular monthly meeting of Milford City Council was held in Council Chambers on Monday evening, June 11, 1990.

PRESIDING: Honorable Mayor Joseph R. Rogers

IN ATTENDANCE: Councilpersons Mitzi Boddy, Robert D. Clendaniel, S. Allen Pikus, William J. McKenzie, Owen S. Brooks, Jr., Douglas E. Morrow, Tommye C. Staley and Douglas A. Gibson.

Also: Michael T. Booker, City Manager; and June G. Barto, Secretary.

The meeting was called to order at 8:15 P.M., followed by the Pledge to the flag.

Motion made by Mr. Pikus and seconded by Mrs. Staley for approval of the minutes of the previous meeting. Motion carried.

Mr. Emory reported that the Recreation Department's Report will be submitted at next month's meeting.

Motion made by Mrs. Boddy and seconded by Mrs. Staley for acceptance of the Monthly Police Report. Motion carried.

Mr. McKenzie reported complaints from motorists northbound on Route #113 from tailgating when they are attempting to turn into their driveways, and he asked the City Manager about blinking lights or other warnings regarding the lane changes in this area where there is now construction.

Mr. Charles Coverdale complained about those electric bills which are due on the 15th of the month, explaining that he had conducted a survey and many people do not get paid on the dates the bills are due and he believes it is unfair when they are penalized late charges.

Mayor Rogers explained that the City's billings are tied in with DP&L's and he also told Mr. Coverdale that no penalty charges are imposed for three days. He asked Mr. Coverdale to bring in bills which he believes were penalized unfairly.

Mr. Pikus discussed the confusion many motorists have at the downtown Plaza where vehicles going north from S. Walnut Street meet those that are going east on Causey Avenue, and he asked Chief Carmean to give consideration to installation of a YIELD sign.

Mr. Charles Coverdale reported that the Route #113 and Johnson Lane traffic light is malfunctioning, causing backups for east and west bound motorists and they finally pull out to cross when #113 seems clear.

Mr. Charles Jenkins complained about speeding problems with southbound vehicles on Church Street, particularly around Third. Mr. Frank Fountain said he thought it would be helpful if the police would park along this street to do their reports and other paper work and their visibility might take care of some other problems too.

Mr. Booker was informed that although the grass at 109 Brady Drive had been cut, the thicket behind it had not.

The City Manager advised Mr. Gibson that a letter has been sent to the State for permission to remove the large tree that blocks visibility at the Maple Avenue intersection.

Mrs. Marguerite Jones reported a problem with poor visibility at the intersection of 4th and N.E. Front because of a large dirt pile. Mr. Brooks said there is also a sign there that perhaps should be moved.

Mr. Jerry Guyer, Dixie Avenue, complained about trucks across the railroad tracks at Layton Trucking Company that run for very long periods, sometimes from Fridays to Sundays, and also across from him at Mastens where the trucks have diesel engines.

Mr. Booker reported that the City Solicitor is presently working on a noise ordinance because of another problem. Mayor Rogers referred Mr. Guyer's complaints to the Police Committee and said he will contact Mr. Fuqua. In the meantime, Chief Carmean will contact Mr. Layton and ask him if he will pull the trucks in, nose first, to help the noise problem somewhat.

A letter was read from Gary Emory inviting the Mayor and Council to the Parks & Recreation Commission's annual Awards & Recognition Ceremony at Abbotts Mill Nature Center on Friday, June 15th at 4 P.M.

The City Manager's Monthly Report was as follows:

1. PUBLIC WORKS

A. Effective July 1, 1990, Kent County will begin assessing a user fee to its contract users in order to finance future capital improvements to the sanitary sewer conveyance system. Under this method of funding, the contract users, such as Milford, will be responsible for funding any increases in their average annual daily flow which exceed their average in the previous year.

For purposes of calculating the user fee or impact fee, one (1) EDU (Equivalent Dwelling Unit) which under the County system equals 300 gpd, will cost $894. For example, if the City's annual average daily flows increased next year by ten (10) EDUs or 3,000 gallons, we would owe Kent County $8,940 ($894 x 10).

Basically, there are two available methods to collect this money. One would be through the current rate structure whereby everyone (including existing users) shares the increased expense. The other method would be to assess an impact fee on all new and expanded users of our sewer system. This alternative would be fairer in that those who are responsible for increases in the sewer flow will actually be paying the fee. Our City engineer is currently working on a formula for calculating the assessment of a sewer impact fee to new users of the system.

Mr. Conrad Riecke told Council that they have a choice, referring to literature for a pilot system he submitted to former Councilman Goodwin and to Senator Minner. Mrs. Staley also said she had information on a new kind of sewer system which appears to be at almost no cost to the City.

Randy Marvel asked that if impact fees are imposed, they be paid when the system is actually being used.

In response to whether or not the City will have the money it needs before it owes Kent County, Mr. Booker said, "If you have a great deal of infiltration you might not be ahead, but we should be safe."

2. PLANNING & ZONING

A. Work is underway to create two (2) new zoning classifications. One class will be geared to office complexes/business parks, and the other toward light industry. Both classifications will be completed in time for the next meetings of the Planning Commission and City Council.

B. Likewise, the City Inspector, the Downtown Development Committee and I are reviewing the BOCA Existing Structures Code for use in the City. This Code would act as an addition to our current BOCA Code which applies predominantly to new construction.

Mr. Booker explained that the "Existing Structures" Code would give the inspector the power to go in to inspect rundown structures and would be an asset to downtown.

Motion made by Mr. Pikus and seconded by Mr. Gibson for acceptance of the City Manager's Monthly Report. Motion carried.

COMMITTEE REPORTS

Police: Mrs. Boddy announced a committee meeting at 5:30 P.M., June 19th, at the Police Station.

Annexation: Mrs. Boddy reported that on May 21st this committee heard the requests of Mr. and Mrs. Edward M. Kielbasa, Jr., 12 Sunset Lane, and Mr. and Mrs. Donald E. Lucas, Jr., 14 Sunset Lane, to annex into the City and, as Chairman, she recommends their requests be approved.

Motion made by Mr. Pikus and seconded by Mrs. Staley for adoption of the following two Resolutions:

> WHEREAS, pursuant to a Resolution adopted by the City Council of the City of Milford, a committee appointed by the Mayor of the City of Milford according to the requirements of Article X of the Charter of the City of Milford, as amended, recommended in its report that certain territory located contiguous to the present corporate limits of the City of Milford be annexed; and
>
> WHEREAS, in the opinion and judgement of the individual members of the City Council of the City of Milford, no cause has been shown why the territory located contiguous to the present corporate limits of the City of Milford should not be annexed, and it positively appearing that said territory should be annexed.

NOW, THEREFORE, BE IT RESOLVED by two-thirds (2/3) of all the elected members of the City Council of the City of Milford that the lands of Mr. and Mrs. Edward Mr. Kielbasa, Jr., 12 Sunset Lane, shall be and are hereby annexed as part of the corporate limits of the City of Milford.

AND BE IT FURTHER RESOLVED that the City Manager is directed to cause a description and plot of said lands so annexed to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

WHEREAS, pursuant to a Resolution adopted by the City Council of the City of Milford, a committee appointed by the Mayor of the City of Milford, according to the requirements of Article X of the Charter of the City of Milford, as amended, recommended in its report that certain territory located contiguous to the present corporate limits of the City of Milford be annexed; and

WHEREAS, in the opinion and judgement of the individual members of the City Council of the City of Milford, no cause has been shown why the territory located contiguous to the present corporate limits of the City of Milford should not be annexed, and it positively appearing that said territory should be annexed.

NOW, THEREFORE, BE IT RESOLVED by two-thirds (2/3) of all the elected members of the City Council of the City of Milford that the lands of Mr. and Mrs. Donald E. Lucas, Jr., 14 Sunset Lane, shall be and are hereby annexed as part of the corporate limits of the City of Milford.

AND BE IT FURTHER RESOLVED that the City Manager is directed to cause a description and plot of said lands so annexed to be recorded in the Office of the Recorder of Deeds in said County where said lands are situate.

Motion for adoption of these Resolutions carried by the following 8-0 vote:

YES	NO
Mrs. Boddy	
Mr. Clendaniel	
Mr. Pikus	
Mr. McKenzie	
Mr. Brooks	
Mr. Morrow	
Mrs. Staley	
Mr. Gibson	

Mrs. Boddy also reported that although Mr. Gupta had wanted his land annexed as unzoned, the Committee agreed at the meeting it be zoned R-2 and presented at the next Planning Commission meeting; however, the City Manager received a letter today from Mr. Gupta stating he still wants it unzoned and his letter will be forwarded to the Commission.

Mr. McKenzie reported complaints from Mr. Nelson Hall, Lakeview and School Place, about flooding problems.

Mr. Brooks recommended that Mr. McKenzie invite Mr. Hall to the next Public Works meeting, June 25th, at 6:30 P.M.

Recreation: Mr. Emory presented an update on the Substance Abuse Prevention Program, advising they are now advertising for a full-time Youth Coordinator and part-time Family Components. He also reported that the Advisory Board is sponsoring a Fun Olympics at Banneker School between 10 A.M and 4 P.M. on Saturday, June 30th.

Motion made by Mr. Pikus and seconded by Mr. McKenzie for acceptance of Mr. Emory's report. Motion carried.

OLD BUSINESS

Mr. McKenzie questioned when work will begin on McColley Street.

Mr. Pikus asked about drainage improvements by the old railroad station and this will begin when the Clarke Avenue work is finished.

Mr. Pikus asked about the parking sign requested by the Museum and was advised they have been ordered and should arrive within six weeks.

Mayor Rogers, Mr. Pikus and Mr. Morrow will go to Dover on Tuesday, June 19th, to seek information regarding City matters.

Mr. William Wiley, Wiley Fuel & Appliances, S. Walnut Street, presented a problem merchants in the area between the Walnut Street Bridge and S.E. Front Street are having with regard to the Parking Authority facilities behind their businsses which are now "being bombarded with new vehicles that are coming in and creating a problem with parking." He asked Council to look into this and see the impact it is having on the merchants and what can be done.

Following discussion regarding this, Mr. Wiley reported that a Parking Authority meeting is being scheduled and he will advise the Mayor so that he can attend.

The proposed WATER SERVICE AGREEMENT between the City and IPM Corporation in which the City agrees to provide water to service the Colony Inn Restaurant and Motel and a forty-three (43) acre undeveloped parcel located on the west side of Route 113, was reviewed. Mr. Booker reported that concerns from the work-shop had been addressed.

Mr. Riecke asked if the City's entering into this agreement would set a precedent for additional services of this type precluding annexation.

Mr. Booker: "I don't believe it will for two reasons: 1)The City has an existing relationship with them through the UDAG grant, and 2)They have agreed to come into the City as soon as it is possible."

There was some discussion as to whether the City was responsible for a portion of the engineering costs, however, Mr. Booker said that after reviewing the AGREEMENT which Council had before them, this has not been included.

Mr. Wiley asked if anyone outside the City could tap on to this proposed line and was advised that they could if they were annexed into the City.

Motion made by Mr. Pikus and seconded by Mrs. Staley for approval of the WATER SERVICE AGREEMENT between the City of Milford and IPM Corporation to provide water service to lands owned by them, particularly the Colony Inn Restaurant and Motel and a forty-three (43) acre undeveloped parcel located on the west side of U.S. Route 113, and that the Agreement is that which says that the City of Milford bears none of the cost for this project. The motion was carried by the following 8-0 vote:

YES	NO
Mrs. Boddy	
Mr. Clendaniel	
Mr. Pikus	
Mr. McKenzie	
Mr. Brooks	
Mr. Morrow	
Mrs. Staley	
Mr. Gibson	

Mr. Charles Coverdale reported that the fire hydrant that was knocked over in the 900 block of S.E. Front Street has not been replaced.

The City Manager was advised that there is a pipe protruding from the roadway on S.E. Second Street.

Mayor Rogers appointed Jean Wiley, Jerry Guyer and Don Parsley to the Parks & Recreation Commission. Mrs. Wiley will fill Mr. Orkin's seat.

Motion made by Mr. Pikus and seconded by Mrs. Boddy for approval of the appointment of Mrs. Wiley and the re-appointment of Messrs. Guyer and Parsley to the Parks & Recreation Commission. Motion carried.

Mr. Coverdale reported there are attempts to pass a bill in Legislature to ban balloon launchings for ecological reasons and it needs some backing and support. Mr. Pikus said he would secure a copy of this bill when he is in Dover next week.

Mayor Rogers said he and several others are unable to attend the forthcoming Partnership meeting, therefore, it might be postponed.

Motion made by Mr. Pikus and seconded by Mrs. Boddy for approval of the Monthly Financial Statement. Motion carried.

Motion made by Mr. Pikus and seconded by Mrs. Boddy that the meeting adjourn. Motion carried. The meeting adjourned at 9:35 P.M.

Respectfully submitted,

June G. Barto

June G. Barto, Secretary

Tax Parcel No.	MD-00-163.18-03-01.00	MD-00-163.18-03-24.00
	MD-00-163.18-03-02.00	MD-00-163.18-03-25.00
	MD-00-163.18-03-03.00	MD-00-163.18-03-26.00
	MD-00-163.18-03-04.00	MD-00-163.18-03-27.00
	MD-00-163.18-03-05.00	MD-00-163.18-03-28.00
	MD-00-163.18-03-06.00	MD-00-163.18-03-29.00
	MD-00-163.18-03-07.00	MD-00-163.18-03-30.00
	MD-00-163.18-03-08.00	MD-00-163.18-03-31.00
	MD-00-163.18-03-09.00	MD-00-163.18-03-32.00
	MD-00-163.18-03-10.00	MD-00-163.18-03-33.00
	MD-00-163.18-03-11.00	MD-00-163.18-03-34.00
	MD-00-163.18-03-12.00	MD-00-163.18-03-35.00
	MD-00-163.18-03-13.00	MD-00-163.18-03-36.00
	MD-00-163.18-03-14.00	MD-00-163.18-03-37.00
	MD-00-163.18-03-15.00	MD-00-163.18-03-38.00
	MD-00-163.18-03-16.00	MD-00-163.18-03-39.00
	MD-00-163.18-03-17.00	MD-00-163.18-03-40.00
	MD-00-163.18-03-18.00	MD-00-163.18-03-44.00
	MD-00-163.18-03-19.00	MD-00-163.18-03-46.00
	MD-00-163.18-03-20.00	MD-00-163.18-03-49.00
	MD-00-163.18-03-21.00	MD-00-163.18-03-51.00
	MD-00-163.18-03-22.00	MD-00-163.18-03-56.00
	MD-00-163.18-03-23.00	

Prepared by: City of Milford
201 S. Walnut St.
Milford, DE 19963

Return to: City Clerk
City of Milford, 201 S. Walnut St.
Milford, DE 19963

ELECTRIC AND WATER SERVICE AGREEMENT

THIS AGREEMENT is entered into this _____ day of _____, 2023, by and between INTERFAITH HOUSING DELAWARE, INC. (hereinafter "OWNER") whose principal location is located at 613 N WASHINGTON STREET, WILMINGTON, DE 19801, and the City of Milford, a municipal corporation of the State of Delaware, with its principal offices located at 201 South Walnut Street, Milford Delaware, 19963 (hereinafter "CITY").

RECITALS

WHEREAS, the OWNER is the record title owner of parcels of land consisting of 38 acres, more or less, lying near the City of Milford, in Kent County, Delaware, said tracts hereinafter referred to as the "PROPERTY"; and

WHEREAS the OWNER desires to have the City exercise exclusive authority to provide electric and water service for all buildings located on the PROPERTY pursuant to the rules, regulations and rates established from time to time by the CITY and the State of Delaware.

NOW THEREFORE, in consideration of the OWNER'S request to receive CITY electric and water service and in consideration of charges to be paid by the OWNER through the City's Utility Permit application, the parties hereto, intending to be legally bound, hereby covenant and agree as follows:

1. Permits. The OWNER shall be responsible for obtaining a Utility Permit from the City of Milford and pay all applicable impact fees and inspection fees as required by the City Code and adopted fee schedule.

2. Costs. The OWNER shall be responsible for all costs associated with connecting to the electric and water system, including the costs associated with properly.

3. Annexation. The OWNER acknowledges, if and when the PROPERTY becomes contiguous with the CITY municipal boundary, the OWNER shall annex the entire PROPERTY into the City limits. The OWNER must file a petition to annex with the City Planning Department within 90 days of when the property becomes contiguous with the City.

4. Governing Law. This Agreement shall be governed by the laws of the State of Delaware (notwithstanding the fact that one or more parties may now or later become a resident of another state) and the parties hereto agree that the courts of the State of Delaware shall have jurisdiction over any case or controversy and hereby consent to such jurisdiction.

5. Separability. If any section, paragraph, sentence or clause of this Agreement is determined or declared to be invalid or unenforceable by any court of competent jurisdiction, the remainder hereof shall remain in full force and effect.

6. Entire Agreement. This Agreement constitutes the entire understanding of the parties. It supersedes any and all prior agreements between them. There are no representations or warranties other than those herein contained.

7. Amendments. This Agreement shall not be amended except in writing executed by all parties hereto.

8. Binding Effect. This Agreement shall be binding upon the parties hereto, their administrators, successors, successors in interest and assigns.

9. Contra Proferentum. The fact that one party has drafted this Agreement shall in no way be used against that party in construing the terms, condition, and obligations hereunder.

10. Headings. Headings and captions used herein are solely for the convenience of the parties and shall have no legal significance in construing the terms of this Agreement.

11. Non-Waiver. The failure of either party to exercise any of its rights under this Agreement for a breach thereof shall not be deemed to be a waiver of such rights or a waiver of any subsequent breach.

12. Enforcement. In the event of a breach, this Agreement shall be enforced through a decree of specific performance, the parties agreeing that monetary damages would not provide an adequate remedy.

13. Recording. This agreement, duly executed by the City and OWNER, shall be recorded in the office of the Recorder of Deeds, in and for Kent County, Delaware. The cost of recording shall be paid by OWNER. The utility permit will be withheld until this agreement is recorded.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

INTERFAITH HOUSING DELAWARE, INC.

Attest: _____

By: _____
Owner

CITY OF MILFORD

Attest: _____
City Clerk

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

STATE OF DELAWARE :
:
COUNTY OF :

Signed and sworn to before me this _____ day of _____, 2023, by OWNER NAME.

_____
Signature of Notary Public

STATE OF DELAWARE :
:
COUNTY OF SUSSEX :

Signed and sworn to before me this _____ day of _____, 2023, by Arthur J. Campbell, Mayor of the City of Milford.

_____
Signature of Notary Public

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, February 21, 2023 @ 6:00 p.m.
City Council Hearing: Monday, February 27, 2023 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

ORDINANCE 2023-07
Legal Owner Oak Forest Park, LLC for a Change of Zone from
R-2 (Residential District) to C-1 (Neighborhood Commercial) (Proposed Lot 1 only)
on 3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard
Present Use Golf Course, Clubhouse and Restaurant;
Proposed Use Restaurant/Brew Pub (Proposed Lot 1)
Tax Map & Parcel 3-30-11.00-008.00 (portion)

WHEREAS, the equitable owners of the property, as described herein, have petitioned the City of Milford Planning and Zoning Office for a Change of Zone from R-2 to C-1, to permit a Restaurant/Brew Pub (Proposed Lot 1) on 3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard; and

WHEREAS, the Change of Zone request is consistent with the Adopted 2018 Comprehensive Plan Future Land Use Maps, as amended, whose designation for the property is Low Density Residential; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on February 21, 2023, at which time interested parties will publicly comment on the application; and allowing an informed recommendation to be forwarded to City Council; and

WHEREAS, Milford City Council will hold a Public Hearing on February 27, 2023, allowing for additional public comment, after which City Council will make a final determination on the application; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Delaware State News on February 2, 2023 and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, this Ordinance becomes effective ten days following the date of its adoption.

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

Section l. The adoption of this Ordinance hereby grants Legal Owner Oak Forest Park, LLC a Change of Zone from R-2 to C-1 on 3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard, Sussex County, Milford, Delaware, Tax Map & Parcel 3-30-11.00-008.00 (portion).

Section 2. Any future use of the property must comply with the City Zoning Code §230-12. C-1 Neighborhood Commercial District.

Section 3. Scheduled Dates.
City Council Introduction: Monday, February 13, 2023
Planning Commission Review & Public Hearing: Tuesday, February 21, 2023
City Council Public Hearing: Monday, February 27, 2023
Effective: Ten (10) Days following Adoption

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised*: Delaware State News 02-02-2023*

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

THE CITY of Milford DELAWARE

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

DATA SHEET FOR OAK FOREST PARK, LLC

Planning Commission Meeting: February 21, 2023

Application Number / Name	:	23-001 / Oak Forest Park, LLC
Applicant	:	Oak Forest Park, LLC PO Box 452 Smyrna, DE 19977
Owner	:	Same
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Low Density Residential
Present Zoning District(s)	:	R-2 (Residential District)
Proposed Zoning District(s)	:	C-1 (Neighborhood Commercial) (Proposed Lot 1 only)
Present Use	:	Golf Course, Clubhouse and Restaurant
Proposed Use	:	Restaurant/Brew Pub (Proposed Lot 1)
Size and Location	:	3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard. Addressed as 6152 S. Rehoboth Blvd.
Tax Map & Parcel(s)	:	3-30-11.00-008.00 (portion)

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

PUBLIC WORKS FACILITY
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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
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STAFF REPORT
January 11, 2023

Application Number / Name	**:**	23-001 / Oak Forest Park, LLC
Size and Location	**:**	3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard. Addressed as 6152 S. Rehoboth Blvd**.**
Tax Map & Parcel(s)	**:**	3-30-11.00-008.00 (portion)

I. BACKGROUND INFORMATION:

- The applicant proposes subdivide parcel 3-30-11.00-008.00 into two parcels, separating the existing golf course operation from the former restaurant and pro shop. The applicant is requesting to rezone approximately 3.93 acres of land from R-2 (Residential District) to C-1 (Neighborhood Commercial) shown as "Proposed Lot 1" on the provided survey. The rezoned portion of the property currently contains the existing clubhouse and restaurant. The applicant would like to renovate the existing clubhouse and restaurant into a standalone restaurant and brewpub.

- Staff would review the minor subdivision administratively per Chapter 200 Subdivision of Land.

II. STAFF ANALYSIS:

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

- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps. The Future Land Use designation for the property is Low Density Residential, for which C-1 (Neighborhood Commercial) is a suitable zoning designation. See attached Land Use & Zoning Link table from the comprehensive plan document.

- Per the 2018 Comprehensive Plan, "Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-1, R-2, C-1, and OB-1 zoning districts found in the Milford Zoning Ordinance.

- Chapter 230 states, the purpose of the C-1 district is to provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.

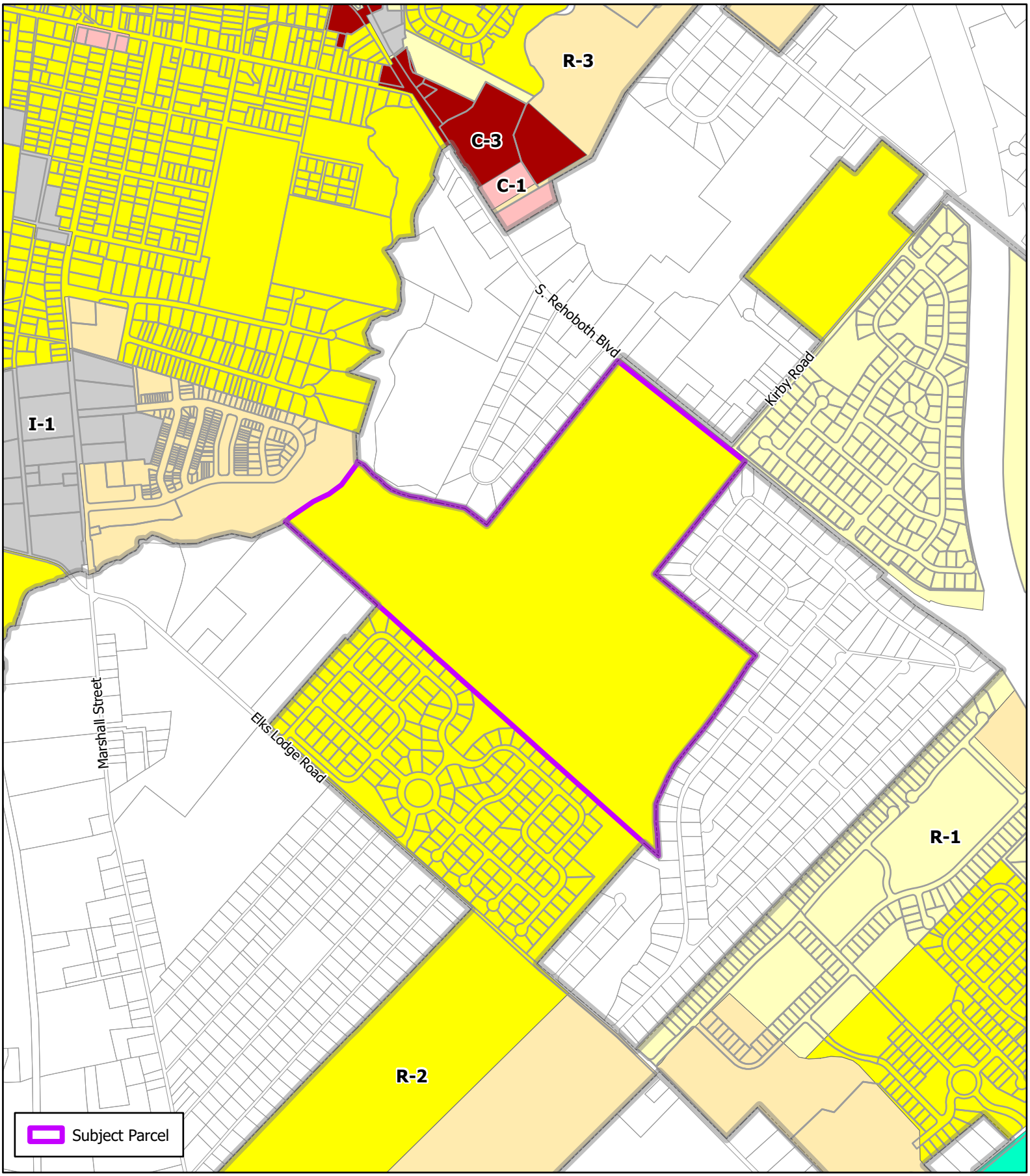
- "Restaurants, excluding fast-food service or franchised food service operated restaurants" are permitted uses within the C-1 zoning district.

- The provided plan provides adequate off-street parking for the restaurant on the C-1 zoned property per the City's off-street parking requirements found under Chapter 230-21. The zoning ordinance does not provide a specific parking calculation for a public golf course. The residual land containing the golf course would contain 81 parking spaces, which equates to more than four spaces per hole, which should be adequate.

- Any future use of the property must comply with Chapter 230 and the C-1 (Neighborhood Commercial District) zoning use and area regulations. Enclosed is a copy of the current permitted and conditional uses within the C-1 District.

III. AGENCY COMMENTS:

- DelDOT – No comments solicited
- Kent Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



THE CITY of Milford DELAWARE

Scale: 0 600 1,200 Feet

Drawn by: WRP

Date: 01/31/22

Filepath: COZ_OakForestPark.aprx

Title:

Change of Zone

Oak Forest Park, LLC

Location & Zoning Map

SITE DATA:

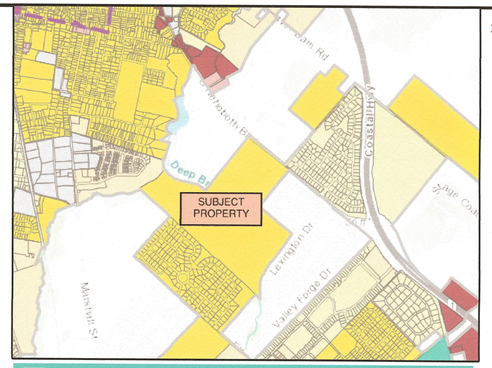
TAX MAP	330-11.00-8.00
ADDRESS	6152 SOUTH REHOBOTH BLVD. MILFORD, DELAWARE 19963
	CEDAR CREEK HUNDRED, SUSSEX COUNTY

EXISTING -

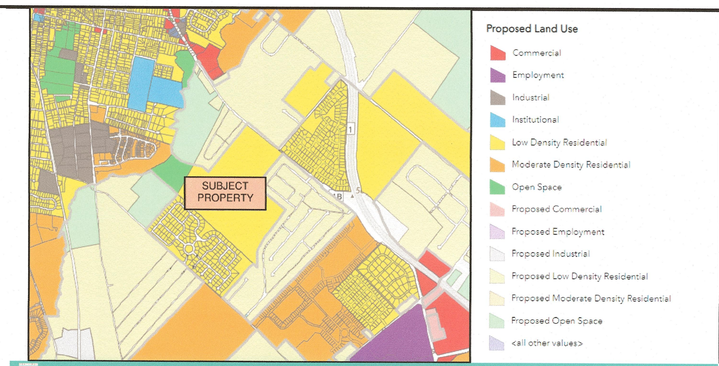
AREA	149.30 ACRES *MORE-OR-LESS*
ZONING DISTRICT	R-2 (RESIDENTIAL DISTRICT)
USE	PUBLIC GOLF COURSE & RESTAURANT (ROOKERY NORTH)
2018 COMP PLAN FUTURE LAND USE DESIGNATION	LOW DENSITY RESIDENTIAL
SANITARY SEWER	EX.SEPTIC & CITY OF MILFORD
WATER	COMMERCIAL ONSITE WELL

PROPOSED -

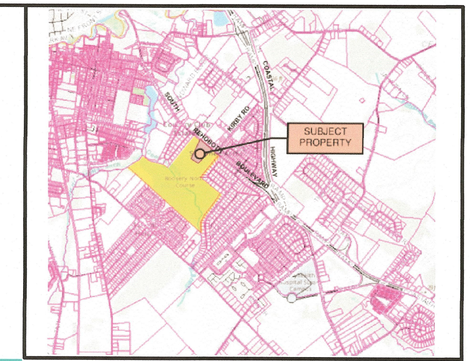
	PROPOSED LOT 1	***RESIDUAL***
AREA	3.93± ACRES	145.37± ACRES
ZONING DISTRICT	C-1 (COMMUNITY NEIGHBORHOOD' COMMERCIAL)	R-2 RESIDENTIAL DISTRICT
USE	RESTAURANT	PUBLIC GOLF COURSE
2018 COMP PLAN FUTURE LAND USE DESIGNATION	LOW DENSITY RESIDENTIAL	LOW DENSITY RESIDENTIAL
SANITARY SEWER	MILFORD	MILFORD
WATER	MILFORD	MILFORD
MAX. LOT COVERAGE	80%	30%
PARKING	0.75± ACRES	
BUILDING	0.24± ACRES	
PATHS, WALKWAYS, ETC.	0.30± ACRES	
TOTAL	***1.29± ACRES (33%)***	



City of Milford - Parcel and Zoning Map



City of Milford - Comprehensive Plan Future Land Use Map (as amended)



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

PARKING RATIONALE:

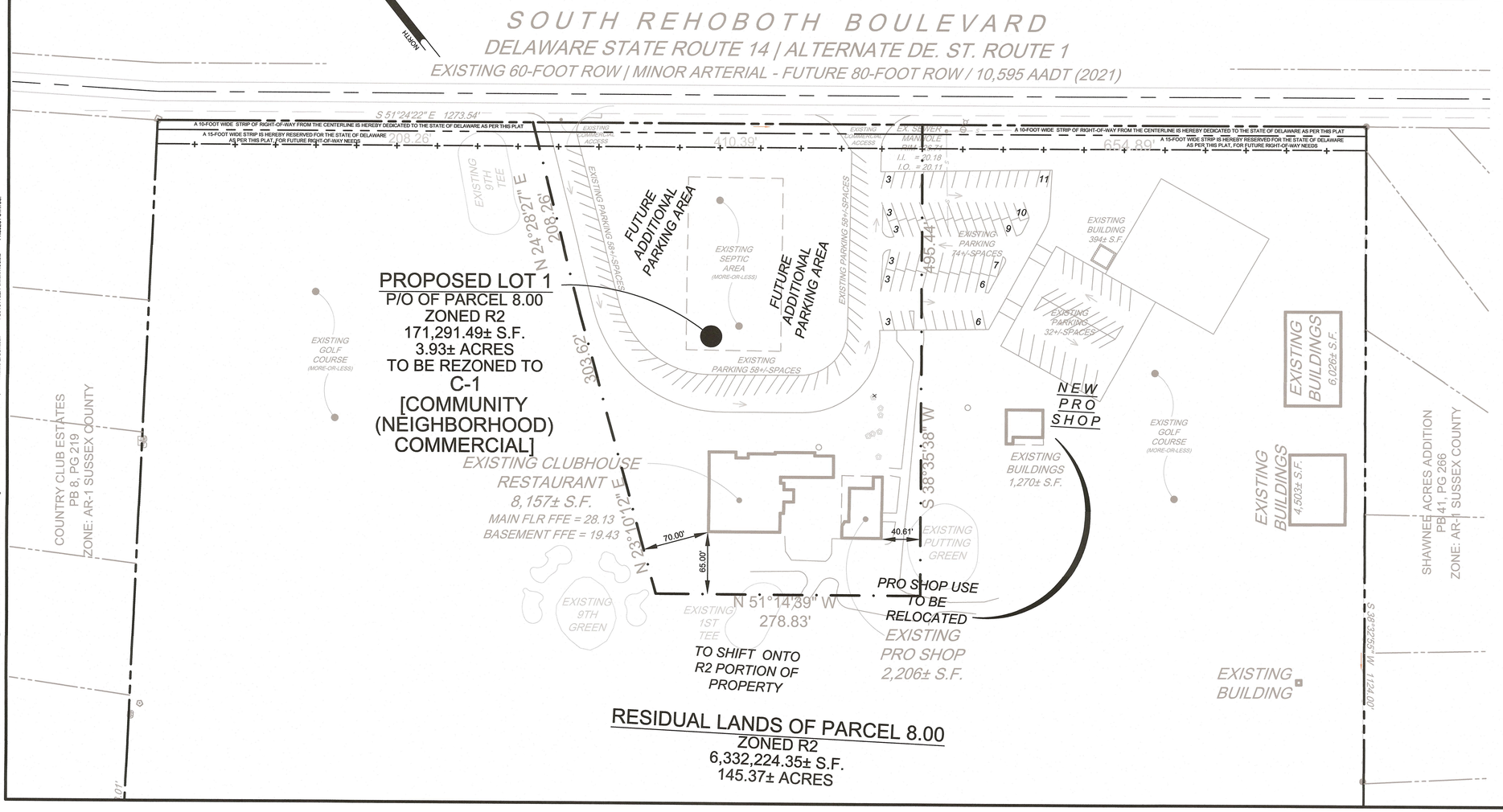
EXISTING PARKING	164 SPACES
C-1 | RESTAURANT (200-SEATS)	
REQUIRED	67 SPACES
EXISTING	76 SPACES
R2 | PUBLIC GOLF COURSE	81 EXISTING SPACES
SHARED PARKING	7 SPACES

AREA REGULATIONS:

§ 230-10 R-2 (RESIDENTIAL DISTRICT) B. PERMITTED USES => § 230-9. - R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. (9) COUNTRY CLUB, REGULATION GOLF COURSE, INCLUDING CUSTOMARY ACCESSORY USES, PROVIDED THAT ALL BUILDINGS HAVE A MINIMUM SETBACK OF 120 FEET FROM ALL STREET AND PROPERTY LINES.

		C-1 ((COMMUNITY (NEIGHBORHOOD) COMMERCIAL]
INTERIOR LOT AREA (MIN.)	10,000 S.F.	10,000 S.F.
CORNER LOT AREA (MIN.)	13,000 S.F.	
LOT COVERAGE (MAX)	40%	80%
LOT WIDTH (MIN.)	80-FEET	80-FEET
BUILDING HEIGHT (MAX.)	35-FEET	35-FEET
ACCESSORY BLDG. (MAX.)	15-FEET	
FRONT YARD SETBACK (MIN.)	25-FEET	25-FEET
REAR YARD SETBACK (MIN.)	25-FEET (FOR CORNER LOTS THE REAR YARD MAY BE REDUCED 20% IN DEPTH TO ALLOW FOR THE SKEWING OF RESIDENTIAL DWELLING ONTHE LOT).	25-FEET
SIDE YARD SETBACK (MIN.)	12-FEET EACH SIDE	12-FEET

A PERPETUAL CROSS ACCESS EASEMENT FOR INGRESS, EGRESS, REGRESS, PARKING, UTILITIES AND DRAINAGE WILL BE PROVIDED WITHIN THE PARKING LOT, DRIVE AISLES AND COMMERCIAL ACCESS AREAS SHOWN AS PER THIS PLAT.



ARTICLE III - USE AND AREA REGULATIONS

§ 230-12. - C-1 COMMUNITY (NEIGHBORHOOD) COMMERCIAL DISTRICT.

IN A C-1 DISTRICT NO BUILDING OR PREMISES SHALL BE USED AND NO BUILDING SHALL BE ERECTED OR ALTERED WHICH IS ARRANGED, INTENDED OR DESIGNED TO BE USED EXCEPT FOR ONE OR MORE OF THE FOLLOWING USES AND COMPLYING WITH THE REQUIREMENTS SO INDICATED.

A. PURPOSE. THE C-1 DISTRICT WILL PROVIDE FOR LIMITED COMMERCIAL AND PROFESSIONAL SERVICES ACTIVITIES THAT CAN BE COMPATIBLE IN A NEIGHBORHOOD SETTING TO PROVIDE GOODS AND SERVICES TO LOCAL RESIDENTS.

B. PERMITTED USES. PERMITTED USES FOR THE C-1 DISTRICT SHALL BE AS FOLLOWS:

(7) RESTAURANTS, EXCLUDING FAST-FOOD SERVICE OR FRANCHISED FOOD SERVICE OPERATED RESTAURANTS.

D. AREA REGULATIONS.
(1)MINIMUM LOT AREA SHALL BE 10,000 SQUARE FEET.
(2)MAXIMUM LOT COVERAGE SHALL BE 80%.
(3)MINIMUM LOT WIDTH SHALL BE 80 FEET.
(4)HEIGHT OF BUILDINGS SHALL NOT EXCEED 35 FEET.
(5)MINIMUM FRONT YARD SETBACK SHALL BE 25 FEET.
(6)SIDE YARDS SHALL BE AT LEAST 12 FEET IN WIDTH.
(7)MINIMUM REAR YARD SHALL BE 25 FEET.
(8)PARKING SHALL COMPLY WITH THE REQUIREMENTS PROVIDED IN ARTICLE IV OF THIS CHAPTER.
(9)LANDSCAPE SCREENING SHALL COMPLY WITH THE REQUIREMENTS PROVIDED IN ARTICLE V OF THIS CHAPTER.
(10)SIGNS SHALL COMPLY WITH THE REQUIREMENTS PROVIDED IN ARTICLE VI OF THIS CHAPTER.
(11)ACCESSORY STRUCTURES IN AGGREGATE SHALL OCCUPY NO MORE THAN 30 PERCENT OF THE REQUIRED REAR AND SIDE YARD OF THE LOT AREA AND MAY NOT DOMINATE IN AREA, EXTENT OR PURPOSE TO THE PRINCIPAL USE OR STRUCTURE. THE ARE OF THE PRINCIPAL STRUCTURE SHALL BE CALCULATED USING THE DEFINITION OF FLOOR AREA IN THIS CHAPTER.
(12) ACCESSORY STRUCTURES SHALL BE LOCATED IN THE SIDE AND REAR LOT AREAS.
(13) ACCESSORY STRUCTURES FOR RESIDENTIAL USES SHALL BE LOCATED AT LEAST 5 FEET FROM THE REAR LOT LINE AND AT LEAST 5 FEET FROM THE SIDE LOT LINE AND SHALL NOT BE LOCATED LESS THAN 5 FEET FROM A PRINCIPAL STRUCTURE.
(14) ACCESSORY STRUCTURES FOR NON-RESIDENTIAL USES SHALL MEET THE PRINCIPAL USE SETBACKS AND SHALL NOT BE LOCATED LESS THAN 5 FEET FROM A PRINCIPAL STRUCTURE.

ARTICLE IV - OFF-STREET PARKING AND LOADING

§ 230-21. - PARKING AND LOADING STANDARDS.

B. USE STANDARDS. ALL USES PERMITTED IN THIS CHAPTER SHALL BE SUBJECT TO THE FOLLOWING MINIMUM OFF-STREET PARKING REQUIREMENTS IN ADDITION TO ANY SPECIAL REQUIREMENTS AS INDICATED IN EACH ZONING DISTRICT.

RESTAURANTS, FAST FOOD, TAVERNS AND SIMILAR USES: 1 SPACE PER 3 SEATING ACCOMMODATIONS.

ARTICLE V - LANDSCAPE SCREENING

§ 230-22. - DISTRICT REQUIREMENTS.

B. COMMERCIAL DISTRICTS. IN ANY C-1, OB-1, 0C-1 C-2 OR C-3 DISTRICT, A FIFTEEN-FOOT VISUAL AND SOUND BUFFER AREA SHALL BE PROVIDED ON NON-RESIDENTIAL USE PROPERTIES (OTHER THAN AGRICULTURAL USES) WHEN ABUTTING A RESIDENTIAL USE. SCREENING SHALL CONSIST OF AN OPAQUE BARRIER AT LEAST SIX FEET IN HEIGHT ACCOMPANIED BY LANDSCAPING.

Pennoni
PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

MARK W. DECKTOR LICENSED PROFESSIONAL ENGINEER No. 17771 STATE OF DELAWARE
11/1/2023

TM: 330-11.00-PORTION OF 8.00
N/F THE GREENS AT BROADVIEW, LLC
6152 S REHOBOTH BLVD MILFORD, DE 19963
CITY OF MILFORD, CEDAR CREEK HUNDRED, SUSSEX COUNTY, DE

ZONING AMENDMENT PLAT

OAK FOREST PARK, LLC
P.O. BOX 452
SMYRNA, DE 19977

DATE	NO.	REVISIONS	BY
2023-01-09	1	PER CITY COMMENTS VIA EMAIL DATED 2023-01-05	KEDM/HD

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES; AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	OAKPR22001
DATE	2022-12-30
DRAWING SCALE	1"= 60'
DRAWN BY	MHD
APPROVED BY	MHD/AMD

0 60' 120'

SHEET 1 OF 1

U:\Accounts\OAKPR\OAKPR22001 - Shawnee Country Club Parcel\DESIGN_SHEETS\2023-01-011 lwd FINAL OAKPR22001-CS-ZONING.dwg PLOTTED: 11/1/2023 12:18 PM, BY: Katherine E. Davidson PLOTSTYLE: Pennoni NCS.ctb PROJECT STATUS: ----

OAK FOREST PARK, L.L.C.
P.O. BOX 452
SMYRNA, DE 19977
(302) 653-1212

January 9, 2023

The City of Milford
180 Vickers Drive
Milford, DE 19963

Attn: Planning & Zoning

RE: 6152 S. Rehoboth Blvd.
Milford, DE 19963

The existing Rookery North golf course, formerly known as Shawnee Country Club, has been sitting vacant for the past 2 years. However, effective December 27, 2022, Tim and Matt Johnson t/a Oak Forest Park, LLC have purchased the golf course and former country club. Our plan is to reopen the golf course and country club after giving them both an extensive remodel. The golf course will remain a regulation 18-hole course with semi-private memberships, that will also be open to the public.

The old country club building will receive a much-needed facelift both inside and out using the existing footprint. Our concept for the former country club is to open a restaurant and brewpub that will occupy the main building and former pro shop. This new restaurant and brewpub is expected to employ 75-100 people, not including the 15-25 employees for the golf course. Ample parking already exists to satisfy the needs for both the restaurant and golf course. Typical hours of operation for the restaurant will be comparable to other restaurants in town, which are approximately 8am-9pm. The plan is to have the restaurant and brewpub open to the public by September 1st 2023.

Currently, a restaurant and brewpub would be an approved conditional use in the R2 zoning as long as the golf course remains open. The potential tenant is going to make a substantial investment into the renovation of the former clubhouse and because of this, they would like the option to purchase their portion of the property in the future. Essentially, we would like to carve out 4 acres for the restaurant and rezone this to C1, which would be an approved use.

For the golf course, work has already begun to clean up the existing landscaping. We plan to have the first 9 holes, driving range, and pro shop open by September 1st 2023 to coincide with the opening of the restaurant. The final 9 holes, we will have open by June 1st 2024, if not sooner. Since the existing course layout will remain the same, all of our concentration will be on landscaping and refurbishing the greens, fairways, bunkers, and irrigation systems. The former pool house will be remodeled into the new pro shop which will provide services to both golf and pickleball activities.

Aside from the golf course, we know the City of Milford is looking to connect multiple properties going West towards Elks Lodge Rd. We have no problem with allowing the city to install a bike/walking path across our property to allow access to other adjacent properties in the future.

The future success of this property depends on the establishment of a new restaurant, which will be the anchor, and create an attraction for the golf course. We would hate to see the golf course fail once again and houses take its place. We are excited about the potential for this property and the great benefit it will once again provide residents of the City of Milford and surrounding communities.

Thank you,

Timothy S. Johnson

Timothy S. Johnson
Managing Member

MJ/bjd

Milford South East Neighborhood Master Plan

Map #2 Land Use & Agriculture

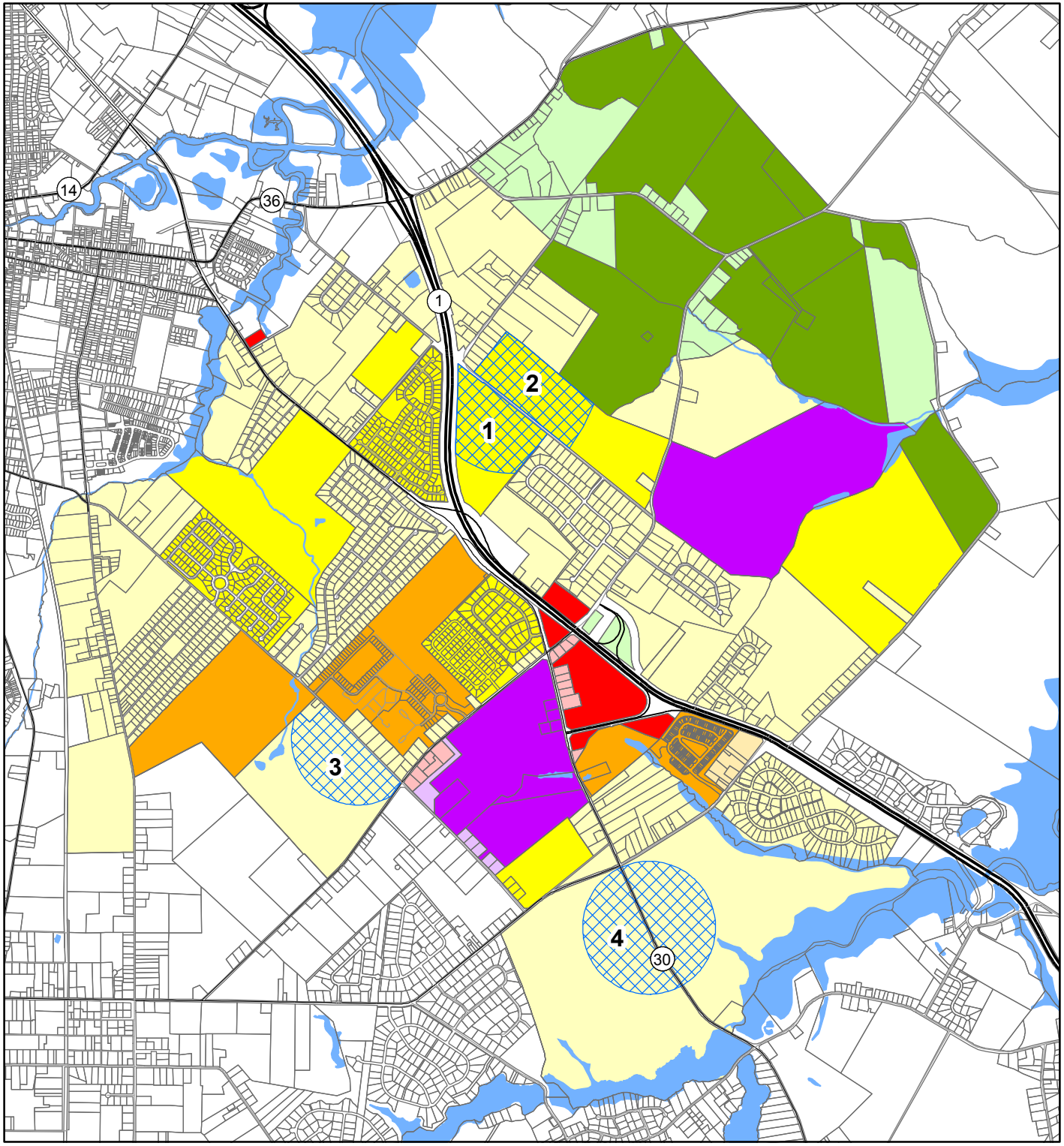
Revised March 2019

Legend

- TDR Receiving Areas
- TDR Sending Areas
- Commercial
- Employment Center
- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Proposed Commercial
- Proposed Employment
- Proposed Residential - Low Density
- Proposed Residential - High Density
- Proposed Open Space Agriculture

N W E S

0 0.25 0.5 1 Miles



Industrial

The industrial category is intended to serve as a primary location for light to moderate industrial and manufacturing uses. This land use is similar to the I-1 and I-2 zoning districts found in the Milford Zoning Ordinance.

Institutional

The institutional category includes government, civic, and community facilities such as libraries, schools, colleges, hospitals, medical facilities, community centers, places of worship, nursing homes, assisted living facilities, and other similar uses. Institutional uses may be found within residential, commercial, and employment areas.

Low Density Residential

The Low Density Residential District represents typical single-family detached dwellings and duplex development. These units receive full urban services. Other dwelling types may be allowed as part of a density bonus by providing additional open space and amenities of development or through a conditional use of a Planned Unit Development by Milford City Council. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-1, R-2, C-1, and OB-1 zoning districts found in the Milford Zoning Ordinance.

Moderate-Density Residential

The Moderate Density Residential District represents typical single-family detached dwellings, attached single-family dwelling units, patio homes, duplexes, triplexes, quadplexes, townhomes/row houses, condominiums, apartments, and loft-style units. Availability of open space and walkable sidewalks are also key components. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-3, R-8, C-1, and OB-1 zoning districts and the PUD conditional use for residential development found in the Milford Zoning Ordinance.

Transitional Commercial and Industrial Areas

These areas are designed to allow for a migration from residential to the underlying future land use categories depicted on the *Future Land Use and Urban Growth Boundary* map. There are two main transitional areas, commercial and industrial. The commercial transition areas are located along major roadways, including US 113 and Rehoboth Boulevard (Route 1A). The Industrial transition area is located along Route 14 between Routes 1A and 1.

The transitional areas will allow the property owners to maintain their current residential zoning until such time they wish to change their zoning to either commercial or industrial. This will allow the area to transition slowly along these corridors, without forcefully rezoning properties and potentially creating non-conforming properties and uses. Once the property owner changes the zoning of the property from residential to commercial or industrial, the property will remain industrial or commercial unless there is an amendment to the Milford Comprehensive Plan that would allow otherwise. The Comprehensive Plan will be reviewed again in five years, where the future land use exhibits can be updated to permanently show the properties that have transitioned from the residential categories to the more intense uses, and reduce the footprint of the transitional area on the maps.

Open Space

The Open Space category includes both existing open space owned by the city as well as the large area of open space located east of DE 1. Milford may elect to annex existing developed residential properties within the proposed Open Space future land use areas at the lowest intensity residential zoning category and provide services if deemed cost effective.

One of the recommendations of the Milford Comprehensive Plan is to prepare an Open Space Preservation Plan. Local governments and conservation groups offer many tools to preserve farmland and other open space. Some rely on the donation or sale of property development rights by a property owner, while other tools may include marketing assistance or protective planning and zoning. The primary goals of the Open Space designation east of DE 1 are the following:

- Promote the Transfer of Development Rights (TDR) – A TDR is a legal agreement that allows a developer who wants to build at a higher density than is permitted to purchase or trade for additional development rights from a willing seller who owns land in an area designated for preservation. The goal of the Open Space designation is to use the land as a sending area either into designated areas of the City of Milford or designated areas of Sussex County, thus protecting the open space area.
- Promote Conservation Easements – A conservation easement is a legal agreement between a landowner and a land trust or government agency whereby a landowner sells or donates the rights to develop his or her property to a conservation organization.
- Protective Rural Zoning – This type of zoning allows a very low density per acre. This is one of the most effective ways to protect rural and agricultural land and maintain a mass of land required to support agriculture economies without buying conservation easements.

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

10-4b. Land Use and Zoning Link

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

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

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

Table 27. Land Use and Zoning Link

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

Future Land Use Designation	Corresponding Zoning District(s)
Low Density Residential	R-1 – Single Family Residential
	R-2 - Residential
	C-1 – Community Commercial
	OB-1 – Office Building
Moderate Density Residential	R-3 – Garden Apartment & Townhouse
	R-8 – Garden Apartment & Townhouse
	C-1 – Community Commercial
	OB-1 – Office Building
Open Space	Designed for preservation. Existing residential properties may be zoned R-1.

Disclaimer: Table 27 shows the relationship between the future land use designations depicted on the future land use map and the zoning districts summarized in Table 28. This table describes how Milford's zoning districts might match up with the land uses recommended on the future land use map. These match ups are intended as guidance for the Milford City Council to consider during the rezoning process. They are not intended to preclude the development of new zoning districts or revisions to the zoning ordinance, the subdivision ordinance, or any other land use regulations.

10-4c. Zoning Districts

The current zoning map depicts Milford's zoning districts, and Table 28 provides a list of the current zoning classifications.

As of the date of the plan adoption, Table 28 and the existing zoning exhibit represent a fixed period in time and Milford reserves the right to create new zoning categories and change property zonings as long as the intent of the Comprehensive Plan is upheld. This table and section is for informational purposes only.

Zoning is the chief means for implementing the Milford Comprehensive Plan, consisting of a written document and a series of maps. The maps show a number of districts or zones into which the municipality is divided to regulate the use of land. The document specifies the types of activities (uses) that can occur in each district either as a matter of right (in all circumstances) or under certain conditions (conditional uses). It also regulates building height, lot sizes, setbacks, yards and green space, the number and sizes of signs, and space for off-street parking. Some municipalities incorporate environmental protection standards in zoning ordinances, while others have stand-alone ordinances with cross-references to zoning standards.

(b) Maximum lot coverage shall be 80%.
(c) Minimum lot width shall be 50 feet.
(d) Minimum front yard setback shall be 30 feet.
(e) Minimum rear yard setback shall be 30 feet.
(f) Minimum side yard setback shall be 20 feet.
(g) The maximum number of dwelling units per building shall be 24.
(h) The number of dwelling units per acre shall not exceed 16.
(i) Distance between buildings or groups of buildings shall be as follows: each building or group of buildings shall be at least 25 feet from any other building or group of buildings.

(5) Heights of buildings shall not exceed 35 feet. Accessory buildings shall not exceed 15 feet in height.
(6) Parking shall comply with the requirements provided in Article IV of this chapter.
(7) Signs shall comply with the requirements provided in Article VI of this chapter.
(8) Landscape screening shall comply with the requirements provided in Article V of this chapter.
(9) Open space and recreational amenities shall comply with the requirements of Chapter 230-19.7.
(10) Accessory structures for non-residential uses in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.
(11) Accessory structures for non-residential uses shall be located in the side and rear lot areas.
(12) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-12. - C-1 Community (Neighborhood) Commercial District.

In a C-1 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A. Purpose. The C-1 District will provide for limited commercial and professional services activities that can be compatible in a neighborhood setting to provide goods and services to local residents.
B. Permitted uses. Permitted uses for the C-1 District shall be as follows:

(1) Single-family **detached** dwellings~~.~~
(2) ~~Offices for professional services and administrative activities.~~ **Professional Offices.**
(3) ~~Branch offices only of financial institutions and banks.~~ **Financial institutions, loan companies and banks.**
(4) ~~Barbershops and beauty shops.~~ **Personal service establishments.**
(5) Studio ~~– workshop~~ **for artists, designers, photographers, musicians, sculptors and related uses,** including sales.
(6) Retail food stores, such as bakeries, candy and convenience stores (without gas pumps) and grocery meat markets.
(7) Restaurants, excluding fast-food service or franchised food service operated restaurants.
(8) Retail sales and specialty stores.
(9) Repair and servicing, indoor and off site, of any article for sale which is permitted in this district.
(10) Public parking lot.
(11) Off-street parking as an accessory use.
~~(12) Antique shop or bookstore.~~

(12~~13~~) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric and gas facilities.

(13~~14~~) Community recreation center, as a nonprofit community service.

(14~~15~~) Laundromats.

(15~~16~~) Neighborhood shopping centers, to include only those uses permitted in this section, as listed above, and subject to the following special requirements:

(a) Maximum lot size for the grouping of stores shall be 1 1/2 acres.

(b) Maximum floor area for any single permitted establishment within the neighborhood shopping center shall be 30,000 square feet.

(c) Minimum lot width shall be at least 250 feet.

(d) Minimum distance between any building or accessory use, except parking, and any residential district shall be 50 feet.

(e) Minimum distance between any access driveway (including ingress or egress points) and any residential district shall be 50 feet.

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

(1) Convenience stores with gas pumps.

(2) Community residential treatment program.

(a) These are minimum requirements, and community residential treatment programs are additionally subject to those requirements imposed by the Planning Commission and/or the City Council.

[1] Prior to occupancy of the facility, the program will obtain any applicable license from the State of Delaware. City approval is conditional upon the Zoning Office receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state. If a license is not required by the State of Delaware, minimum standards may be required by the City.

[2] The program will require a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy and assistance in the development of daily skills.

[3] The program shall include a description of client population, services provided, staffing schedule and client/staff ratio.

[4] The program will be operated under the authority of a reputable governing board, proprietor or government official to whom staff are responsible and who will be available to City officials, if necessary, to resolve complaints pertaining to the facility. Each provider shall send complaint procedures to every property owner within 200 feet of the property within 45 days subsequent to City approval to facilitate good neighbor relations. The operators will have a workable, written plan that includes a method for recording and resolving complaints by neighbors pertaining to the operation of the program. Complaints, efforts to resolve complaints and the results of such efforts shall be recorded.

[5] The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture.

[6] The health and safety of the residents will be protected. Community residential programs shall meet all City ordinances and regulations, including review by the Office of the State Fire Marshal and the Department of Public Health.

[7] Community residential programs shall be located a minimum of 1,500 feet from any other community residential program or school.

[8] The following documentation will be required to be submitted with the application:

[a] Site plan, including parking area and landscaped area.

[b] Floor plan, with elevation drawings or photographs of existing building.

[c] List of board members, proprietors or governmental officials to whom staff are responsible.

[d] Written neighborhood relations plan.

[e] Complaint recording and resolution plan.

(3) ~~All dwellings other than single family with a maximum density of 12 units per acre.~~ **Daycare Centers.**

(4) Undertaker or funeral home.

D. Area regulations.

(1) Minimum lot area shall be **10,000** ~~3,630~~ square feet.

(2) Maximum lot coverage shall be 80%.

(3) Minimum lot width shall be **80**~~30~~ feet.

(4) Height of buildings shall not exceed ~~three stories or~~ 35 feet.

(5) Minimum **front yard** ~~building~~ setback shall be **25**~~10~~ feet.

(6) Side yards shall be at least **12** ~~five~~ feet in width.

(7) Minimum rear yard shall be 25 feet.

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

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

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

(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures for residential uses shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

(14) Accessory structures for non-residential uses shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-13. - C-2 Central Business District.

In a C-2 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

A. Purpose. The purpose of the C-2 District is to create an atmosphere that encourages the preservation and revitalization of the Central Business District. Specifically, the regulations are designed to encourage the development and opening of new businesses. This may be accomplished by providing an attractive and convenient shopping center or mall that is organized and developed as an

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, February 21, 2023 @ 6:00 p.m.
City Council Hearing: Monday, February 27, 2023 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council. City Council has the option to approve or deny the application. By not adopting the ordinance, City Council will deny the application. By adopting the ordinance, City Council will approve the application and the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

ORDINANCE 2023-07
Legal Owner Oak Forest Park, LLC for a Change of Zone from
R-2 (Residential District) to C-1 (Neighborhood Commercial) (Proposed Lot 1 only)
on 3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard
Present Use Golf Course, Clubhouse and Restaurant;
Proposed Use Restaurant/Brew Pub (Proposed Lot 1)
Tax Map & Parcel 3-30-11.00-008.00 (portion)

WHEREAS, the equitable owners of the property, as described herein, have petitioned the City of Milford Planning and Zoning Office for a Change of Zone from R-2 to C-1, to permit a Restaurant/Brew Pub (Proposed Lot 1) on 3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard; and

WHEREAS, the Change of Zone request is consistent with the Adopted 2018 Comprehensive Plan Future Land Use Maps, as amended, whose designation for the property is Low Density Residential; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on February 21, 2023, at which time interested parties will publicly comment on the application; and allowing an informed recommendation to be forwarded to City Council; and

WHEREAS, Milford City Council will hold a Public Hearing on February 27, 2023, allowing for additional public comment, after which City Council will make a final determination on the application; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Delaware State News on February 2, 2023 and provided to property owners within 200 feet of the subject parcel; and

WHEREAS, this Ordinance becomes effective ten days following the date of its adoption.

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

Section l. The adoption of this Ordinance hereby grants Legal Owner Oak Forest Park, LLC a Change of Zone from R-2 to C-1 on 3.93 +/- acres of land located along the west side of S. Rehoboth Boulevard, Sussex County, Milford, Delaware, Tax Map & Parcel 3-30-11.00-008.00 (portion).

Section 2. Any future use of the property must comply with the City Zoning Code §230-12. C-1 Neighborhood Commercial District.

Section 3. Scheduled Dates.
City Council Introduction: Monday, February 13, 2023
Planning Commission Review & Public Hearing: Tuesday, February 21, 2023
City Council Public Hearing: Monday, February 27, 2023
Effective: Ten (10) Days following Adoption

For additional information, please contact Rob Pierce in the Planning & Economic Development Department either by e-mail at RPierce@milford-de.gov or by calling 302.424.8396.

Advertised*: Delaware State News 02-02-2023*

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 publics' 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 written 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 written 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 written 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) WRITTEN 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 th e 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. Pedestrian Safety

A. It shall be unlawful for any person, other than a person in or on a vehicle, to be on a City Street and approach any vehicle in operation within 200 feet of a traffic signal, except a vehicle that is legally parked at the curb on the shoulder.

B. No person shall be upon a median of a City Street unless that person is in the process of crossing the highway in a safety zone or crosswalk. It is prima facie evidence of a violation of this section if a person stays on the median through two consecutive opportunities to cross the highway in a legal manner under this Chapter and the State of Delaware traffic laws. This may include a change in the traffic control signal or lack of traffic, as applicable. After such two consecutive opportunities, such person shall not be considered to be "using the safety zone or crosswalk to cross the highway."

C. No operator of a vehicle shall park, stop or leave standing a vehicle on a City Street where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to persons violating 197-5 A or B.

D. This ordinance applies to intersections at any street or right-of-way within the incorporated boundaries of the City of Milford, but only for the first two hundred (200) feet of the intersection as measured along the center lines where the two rights-of-way intersect.

§ 197-6~~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 curbline, or where no sidewalk exists

between the property line and curbline 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.

§ 197-7~~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.

§ 197-8~~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.

§ 197-9~~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

§ 197-10~~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.

§ 197-11~~0~~. 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.

§ 197-12~~1~~. Street Abandonment, Vacation, Auction or Sale

A. Definition. For purposes of this section, “Street” or “Public Street” shall consist of the entire right-of-way, whether or not improved, including sidewalks, curbs, lanes, alleys, roadways, streets, or other highways owned by, titled in the name of, or under the jurisdiction and control of the City of Milford. “Street” does not include any road, street, highway, or other public way under the jurisdiction and control of the Delaware Department of Transportation (or any successor state agency).
B. Power of the City Council to Abandon, Vacate, Sell or Auction Public Streets. City Council has the power and authority to abandon, vacate, sell or auction public streets or parts thereof, whenever City Council may deem it to be in the best interest of the City of Milford. The adjacent landowners of record have the first right to purchase or acquire any street being sold or auctioned by the City of Milford.
C. Procedure. For any action taken under this section, the procedure to be followed is as follows.

(1) Upon its own motion, or upon a petition of the majority of the adjacent landowners to the street, the City Council may adopt a Resolution that identifies the street or any portion thereof and states the action being considered. The Resolution must include a general description of the street, and the time, place and date of the hearing when City Council will consider the matter and allow any interested parties to appear and comment thereon.
(2) A copy of said Resolution shall be sent via certified mail to all adjacent landowners of record, the county in which the street is located, and the Delaware Department of Transportation at least 10 days before the scheduled hearing.
(3) A copy of the Resolution shall be published in a newspaper of general circulation within the City of Milford once a week for two consecutive weeks prior to the date fixed for the hearing.

(4) City Council may, following the hearing affording any interested persons an opportunity to be heard, take any such action by adoption of a resolution that must provide a legal description of such street or portion thereof and state whether such street or portion thereof to be abandoned, vacated, sold or auctioned.

(5) Upon adoption of the resolution, the street as described will cease to exist as a public street. If the action taken involves the vacation or abandonment of the street, the persons entitled to enclose the street may proceed to use and occupy the vacated street. The City of Milford may convey to any purchaser or adjacent landowner any interest the City of Milford may have in the street.

Article III – Curb Cuts.

§ 197-13~~2~~. 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.

§ 197-14~~3~~. 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.

§ 197-15~~4~~. - 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.

§ 197-16~~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. 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.

§ 197-17~~6~~. - 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.

§ 197-18~~7~~. - 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.

§ 197-19~~8~~. - 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.

§ 197-20~~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.

§ 197-21~~0~~. - 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

§ 197-22~~1~~. 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.

§ 197-23~~2~~. 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.

§ 197-24~~3~~. 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.

§ 197-25~~4~~. 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.

§ 197-265. 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.

§ 197-276. 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.

§ 197-287. 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.

§ 197-298. 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.

§ 197-3029. 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.

§ 197-310. 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.

§ 197-321. 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.

§ 197-332. 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).

§ 197-34~~3~~. 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~~4~~. 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.

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 publics' 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 written 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 written 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 written 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) WRITTEN 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 th e 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. Pedestrian Safety

A. It shall be unlawful for any person, other than a person in or on a vehicle, to be on a City Street and approach any vehicle in operation within 200 feet of a traffic signal, except a vehicle that is legally parked at the curb on the shoulder.

B. No person shall be upon a median of a City Street unless that person is in the process of crossing the highway in a safety zone or crosswalk. It is prima facie evidence of a violation of this section if a person stays on the median through two consecutive opportunities to cross the highway in a legal manner under this Chapter and the State of Delaware traffic laws. This may include a change in the traffic control signal or lack of traffic, as applicable. After such two consecutive opportunities, such person shall not be considered to be "using the safety zone or crosswalk to cross the highway."

C. No operator of a vehicle shall park, stop or leave standing a vehicle on a City Street where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to persons violating 197-5 A or B.

D. This ordinance applies to intersections at any street or right-of-way within the incorporated boundaries of the City of Milford, but only for the first two hundred (200) feet of the intersection as measured along the center lines where the two rights-of-way intersect.

§ 197-6~~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 curbline, or where no sidewalk exists

between the property line and curbline 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.

§ 197-7~~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.

§ 197-8~~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.

§ 197-9~~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

§ 197-10~~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.

§ 197-11~~0~~. 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.

§ 197-12~~1~~. Street Abandonment, Vacation, Auction or Sale

A. Definition. For purposes of this section, “Street” or “Public Street” shall consist of the entire right-of-way, whether or not improved, including sidewalks, curbs, lanes, alleys, roadways, streets, or other highways owned by, titled in the name of, or under the jurisdiction and control of the City of Milford. “Street” does not include any road, street, highway, or other public way under the jurisdiction and control of the Delaware Department of Transportation (or any successor state agency).
B. Power of the City Council to Abandon, Vacate, Sell or Auction Public Streets. City Council has the power and authority to abandon, vacate, sell or auction public streets or parts thereof, whenever City Council may deem it to be in the best interest of the City of Milford. The adjacent landowners of record have the first right to purchase or acquire any street being sold or auctioned by the City of Milford.
C. Procedure. For any action taken under this section, the procedure to be followed is as follows.

(1) Upon its own motion, or upon a petition of the majority of the adjacent landowners to the street, the City Council may adopt a Resolution that identifies the street or any portion thereof and states the action being considered. The Resolution must include a general description of the street, and the time, place and date of the hearing when City Council will consider the matter and allow any interested parties to appear and comment thereon.
(2) A copy of said Resolution shall be sent via certified mail to all adjacent landowners of record, the county in which the street is located, and the Delaware Department of Transportation at least 10 days before the scheduled hearing.
(3) A copy of the Resolution shall be published in a newspaper of general circulation within the City of Milford once a week for two consecutive weeks prior to the date fixed for the hearing.

(4) City Council may, following the hearing affording any interested persons an opportunity to be heard, take any such action by adoption of a resolution that must provide a legal description of such street or portion thereof and state whether such street or portion thereof to be abandoned, vacated, sold or auctioned.

(5) Upon adoption of the resolution, the street as described will cease to exist as a public street. If the action taken involves the vacation or abandonment of the street, the persons entitled to enclose the street may proceed to use and occupy the vacated street. The City of Milford may convey to any purchaser or adjacent landowner any interest the City of Milford may have in the street.

Article III – Curb Cuts.

§ 197-13~~2~~. 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.

§ 197-14~~3~~. 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.

§ 197-15~~4~~. - 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.

§ 197-16~~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. 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.

§ 197-17~~6~~. - 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.

§ 197-18~~7~~. - 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.

§ 197-19~~8~~. - 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.

§ 197-20~~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.

§ 197-21~~0~~. - 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

§ 197-22~~1~~. 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.

§ 197-23~~2~~. 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.

§ 197-24~~3~~. 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.

§ 197-25~~4~~. 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.

§ 197-265. 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.

§ 197-276. 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.

§ 197-287. 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.

§ 197-298. 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.

§ 197-3029. 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.

§ 197-310. 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.

§ 197-321. 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.

§ 197-332. 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).

§ 197-34~~3~~. 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~~4~~. 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.

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.

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

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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 publics' 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 written 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 written 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 written 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) WRITTEN 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 curbline, or where no sidewalk exists between the property line and curbline 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 rights-of-way, 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. Street abandonment, vacation, auction or sale.

A. Definition. For purposes of this section, "Street" or "Public Street" shall consist of the entire right-of-way, whether or not improved, including sidewalks, curbs, lanes, alleys, roadways, streets, or other highways owned by, titled in the name of, or under the jurisdiction and control of the City of Milford. "Street" does not include any road, street, highway, or other public way under the jurisdiction and control of the Delaware Department of Transportation (or any successor state agency).

B. Power of the City Council to Abandon, Vacate, Sell or Auction Public Streets. City Council has the power and authority to abandon, vacate, sell or auction public streets or parts thereof, whenever City Council may deem it to be in the best interest of the City of Milford. The adjacent landowners of record have the first right to purchase or acquire any street being sold or auctioned by the City of Milford.

C. Procedure. For any action taken under this section, the procedure to be followed is as follows.

1(1) Upon its own motion, or upon a petition of the majority of the adjacent landowners to the street, the City Council may adopt a Resolution that identifies the street or any portion thereof and states the action being considered. The Resolution must include a general description of the street, and the time, place and date of the hearing when City Council will consider the matter and allow any interested parties to appear and comment thereon.

(2) A copy of said Resolution shall be sent via certified mail to all adjacent landowners of record, the county in which the street is located, and the Delaware Department of Transportation at least 10 days before the scheduled hearing.

(3) A copy of the Resolution shall be published in a newspaper of general circulation within the City of Milford once a week for two consecutive weeks prior to the date fixed for the hearing.

(4) City Council may, following the hearing affording any interested persons an opportunity to be heard, take any such action by adoption of a resolution that must provide a legal description of such street or portion thereof and state whether such street or portion thereof to be abandoned, vacated, sold or auctioned.

(5) Upon adoption of the resolution, the street as described will cease to exist as a public street. If the action taken involves the vacation or abandonment of the street, the persons entitled to enclose the street may proceed to use and occupy the vacated street. The City of Milford may convey to any purchaser or adjacent landowner any interest the City of Milford may have in the street.

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 its 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

§ 197-34. 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.

ARTICLE IX – Pedestrian Safety.

197-35 Purpose.

Promote pedestrian safety and ensure roadways and streets as described herein within the jurisdiction of the City of Milford are safer for those traveling by foot.

A. It shall be unlawful for any person, other than a person in or on a vehicle, to be on a City Street and approach any vehicle in operation within 200 feet of a traffic signal, except a vehicle that is legally parked at the curb on the shoulder.
B. No person shall be upon a median of a City Street unless that person is in the process of crossing the highway in a safety zone or crosswalk. It is prima facie evidence of a violation of this section if a person stays on the median through two consecutive opportunities to cross the highway in a legal manner under this Chapter and the State of Delaware traffic laws. This may include a change in the traffic control signal or lack of traffic, as applicable. After such two consecutive opportunities, such person shall not be considered to be "using the safety zone or crosswalk to cross the highway."
C. No operator of a vehicle shall park, stop or leave standing a vehicle on a City Street where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to persons violating 197-5 A or B.
D. This ordinance applies to intersections at any street or right-of-way within the incorporated boundaries of the City of Milford, but only for the first two hundred (200) feet of the intersection as measured along the center lines where the two rights-of-way intersect.

WHEREAS, the City of Milford has been experiencing an increase in individuals moving to within an unsafe distance from busy intersections in the City limits; and

WHEREAS, the City Council of the City of Milford wishes to preserve pedestrian safety on and around those busy intersections; and

WHEREAS, City Staff are seeking to prevent undue harm or injury to pedestrians without creating an overly restrictive environment; and

WHEREAS, the Milford City Council held a Public Hearing on [INSERT DATE] to allow for additional public comment and further review of the application, after which a final determination was made; and

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

NOW THEREFORE BE IT RESOLVED the City of Milford hereby ordains as follows:

Section 1. It is now unlawful for anyone to approach any vehicle in operation within 200 feet of a traffic signal.

Section 2. Loitering on a median for an excessive amount of time is considered prima facie evidence of violation of the above.

Section 3. No one may park or leave standing a vehicle where prohibited, or suddenly decrease the speed of that vehicle to respond to persons violating the above.

Section 4. Scheduled Dates.

City Council Introduction: February 13, 2023 ~~October 10, 2022~~

City Council Public Hearing: [INSERT DATE] February 27, 2023

Effective: Ten (10) Days following adoption.

THE CITY of Milford DELAWARE

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*