



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

CITY COUNCIL AGENDA

May 8, 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. Persons in attendance that wish to speak must sign up prior to the start of the Council Meeting.

COUNCIL MEETING

Call to Order – Mayor Arthur J. Campbell

Invocation

Pledge of Allegiance

Roll Call

Approval of Previous Minutes

Recognition

Introduction/New City Employees

Proclamation 2023-09/Children’s Mental Health Awareness Week

Proclamation 2023-10/National Public Works Week

Proclamation 2023-11/Economic Development Week⁴

DEMEC Presentation/RP3 Award ²

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

Change Order Authorization/Playground Project/Surfacing Upgrade ¹

Adoption Resolution 2023-06/Capital Improvement Plan

Introduction/Ordinance 2023-18

Code of the City of Milford

Part II-General Legislation

Chapter 222-Water

Cross Connection Control Program

Introduction/Ordinance 2023-20

Conditional Use Application/DE OZ Property Management, LLC

0.373 +/- acres of land located at the southeast corner

of the SW Front Street and N. Church Street intersection

Application Type: Conditional Use

Comprehensive Plan Designation: Commercial

Zoning District: C-2 (Central Business District)

Present Use: Office

Proposed Use: Multi-family Residential

Address: 13 N. Church Street

Tax Parcel: MD-16-183.10-04-69.00

Executive Session

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

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

Return to Open Session

Potential Vote/Real Estate Purchase/Sale/Lease

Potential Vote/Personnel Matter/Communications Item Adjournment

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.

032823 040323 041423 042123

¹ 050323 Late Addition by P&R Director (Late Info Rec'd)

² 050423 Late Addition by Electric Dept Director (Omitted from Staff Agenda in Error)

³ 050423 Ordinance 2023-18 Defined/Additional Info Added by City Clerk

⁴ 050823 Late Addition/Omitted in Error



CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
March 22, 2023

The City Council of the City of Milford convened in a Workshop Session on Wednesday, March 22, 2023, beginning at 6:06 p.m.

PRESIDING: Mayor Archie Campbell

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

STAFF: Police Chief Cecilia Ashe and Deputy City Clerk Katrina White

COUNSEL: Solicitor David Rutt, Esquire

No one spoke at the unofficial public comment session prior to the start of the workshop.

FOIA (Freedom of Information) Training

Esquire Max Walton of Connolly Gallagher LLP provided the presentation. He began teaching land use classes at the University of Delaware, and later was asked to teach FOIA and still teaches both today.

He explained that FOIA is basically simple and theoretically in the statute. However, the Attorney General's (AG's) has a number of opinions that often makes it not logical or practical. The intro to the statute states it's vital in a democratic society that public business be conducted in an open manner, and for citizens to observe.

Citizens, now, have the right to participate in a certain way, and they have to have easy access to documents.

Mr. Walton talked about what a public body is, and that in the past, he taught that any group appointed by a legislative body was subject to FOIA. In a recent Rehoboth case, the AG opinion 19-IB-04 referenced a group put together by their mayor and included the city manager, finance director, and public works director. The AG's office held that was a working group and subject to FOIA.

Another case involved the Christina School District in which the board president and vice president worked on negotiations with a new superintendent. They claimed they were not a committee and were just two board members getting together and talking to this person. The AG's office held that there must, they must have been at least impliedly appointed, if not directly; and therefore that committee or negotiation group ended up being subject to FOA and was found to be in violation.

The most recent was a small group established by the parks director, to look at surf fishing tags. The AG's office establishes a two-part text about whether a working group constitutes a public body. First, if the entity is impliedly or specifically charged by another public official, body, or agency to advise or make reports, investigations, or recommendations, then it is a public body and the meeting must be noticed, an agenda created, etc.

Secondly, if any public funds are expended, meaning expends or disburses any public funds, and/or is supported in part or in whole by any public funds.

The exception is that focus groups are not subject to FOIA.

When asked if ward meetings or town hall meetings are subject to FOIA, Attorney Walton said he is unfamiliar with the ward structure. However, if a recommendation is being made back to council, he would say that falls under a public body.

Another question followed that if the meeting is only for the purpose of informing constituents and hear response, but not recommendations will follow, Mr. Walton emphasized that if a report, investigation, or a recommendation is the result, then it is a public body.

It was agreed that ward meetings would fail under that explanation.

Mr. Walton explained that if a public body is meeting, public comment must be permitted.

An anchor location must also be provided in the case of virtual meetings, that allows the public to observe it. Observers must have the ability to know who is talking when participating virtually. Any offsite meeting would need to be set up to meet the requirements of the statute, including allowing the public to attend.

He discussed the newest 2023 case that requires video access and in this case, all board members had all cameras off, and only permitted telephone access by audio only. Only one person turned their camera on for a brief period of time and only allowed phone access by audio only. It was determined that audio access only is sufficient to meet the requirements of the statute.

To summarize, all (small or large) committee meetings must be provided at least seven days in advance, along with all regular meetings. The meeting must be posted in house, and each notice must include virtual component and the anchor location.

The agenda can be limited on a very limited basis. In light of an emergency, the meeting date can be moved. Other than that, the date cannot be changed.

The test to use the amendment of an agenda is that if unable to provide seven days' notice, something can be added. For example, if a judge issues a decision on a litigation item on a Friday, and the upcoming meeting is Tuesday. The attorney involved has to make a decision on whether to file a motion for argument within five days, he was unable to provide the seven days' notice, and because he can provide a legitimate reason, it can be done.

However, adding an ordinance, which a municipality has done, and that case is presently in court, is not appropriate. The test he uses is if seven days' notice should have been given, then the agenda item should not be added.

He understands the agenda can change for a typographical error, or additional information needs to be added. An executive session can be added for an urgent matter such as a personnel matter that involves a very important item that cannot wait until the next meeting, Mr. Walton believes the city could get away with that.

Mr. Walton noted there are two material changes in the FOIA statute in the last five years. One is the virtual meetings and the anchor location he talked about.

The second is to allow public comments. Councilmember Baer pointed out that when we allow public comment, it has to relate to an agenda item. Mr. Walton said that is perfectly fine.

Councilmember Baer prefers public comment be allowed on any matter.

Attorney Walton said Solicitor Rutt is here, but provided a horror story about that that occurred in Virginia. Charlottesville Town Council had a policy where they had an open mic and people could talk about anything with no limitation. A gentleman starts talking and begins to express his views upon the Muslims and the community. The mayor threw him out, and he sued them, and won because he had a first amendment right. This was his speech and involved a public forum, and there was no threats to anyone.

Council has the right to do that, but council or the mayor can no longer restrict speech. However, you can restrict speech by allowing only agenda items be discussed. He is not talking about Milford's policy, but there needs to be a close watch on it. He knows that the Town of Charlottesville lost that case and the reason he uses that example.

He explained that minutes are always required, and need to include a record of what happened, who was there and what the votes were on. Because no vote can be taken in an executive session, the minutes only require to was present. However, the Delaware Attorney General does not like that and that should not be done. Actual minutes should be taken as a result, and at least a generalized talking point.

Attorney Walton often takes his own minutes, and he tries to get the sum and substance of what was discussed. He always gets the sum and substance of what was discussed, and how he reeled Council in from talking about things that they weren't supposed to.

He emphasized that executive sessions are really against the public policy of FOIA, which is everything ought to be done in public, so they are very scrutinized.

Following the reasons for allowing an executive session were discussed. Attorneys have to be interviewed for a position because the attorney falls under a contract and is not an employee.

In discussing potential litigation, Attorney Walton spoke about a recent decision that states 'every action of the government has some threat of being sued' and that is insufficient to go into executive session. Whether or not it's reasonably or likely foreseeable the litigation and there must be a clear nexus between the requested documents and the subject matter of the litigation. If a demand letter is received, that is sufficient, but it has to be realistic and tangible threat of litigation. He referred to FOIA 22-IB29 – DelDOT August 2022.

A detailed explanation of the various forms of non-public records was discussed.

Executive Session Rules require the agenda to be specific about the statutory exemption that applies, the need for the body to vote to go into executive session, no votes can be taken in executive session, minutes must be taken, and the body can only talk about the matter allowed by the exemption and not lead into other topic.

Public records are defined as everything except where there is an express exemption. He compared the Brandywine Town Center and the model that is referred to in the deed restrictions that the restrictions are based off. The model is a public record.

Attorney Walton talked about how anything that said could end up in a newspaper or on a website. He cautioned council about writing cuss words into emails. When electronic discovery is done, a flash drive is taken of the hard drive, and several searches follow. Once he possesses everything, he has search terms he runs for all the cuss words, because they end up being the most powerful in the litigation. He encouraged the council to not use cuss words in any document, email, etc.

A review of what is not a public record was then provided. They include personnel records, medical files, trade, secret or financial information, police and criminal and other files, any records specifically exempted from public disclosure under the statute or common law (attorney client privileged memos, letters, things of that nature), the identity of contributors, labor negotiations or collective bargaining, records pertaining to pending or potential litigations that are not records of the court.

While executive sessions are confidential, they may not be confidential forever unless they come from the city attorney.

Also included as non-public records are emails received or sent by members of the Delaware General Assembly or their staff and any communications between a member of the General Assembly and that General Assembly member's constituent. But if it's not their constituents, letters are not protected, but all emails are.

When asked if an environmental report that is used during negotiations, become a public record. Attorney Walton said that it will eventually become a public record and would depend on the timing and the confidentiality needs for that particular issue.

He emphasized that if public money is spent, it will eventually become a public record.

Attorney Walton said that legal bills also become public, and he has had his legal bills FOIA'd many times.

He talked about items that are not public documents but a lot of people forget, such as building plans, procedures for emergency responses, blueprints, tunnels, emergency response facilities like stadiums, waste and water systems, electric facilities and equipment, utilities records, life, safety and support systems, structural elements, surveillance techniques,

alarm or security systems or technologies, operational and transportation plans or protocols, or personnel deployments, and especially IT information.

The importance of protecting public documents was also discussed and how and when they must be available.

There is no requirement to answer questions and documents can be released without any explanation. While payment of a settlement is often confidential, that will not work, because it is public money under FOIA.

Specific items related to FOIA requests were also included and FOIA Coordinator responsibilities were also reviewed.

Several recent AG opinions/findings were also presented.

Delaware Ethics Training

Attorney Walton talked about City Council in 2017 choosing to adopt the State of Delaware Public Officers, Officials, and Employees Code. He explained that because of that, the Mayor, Council and city officials are subject to the jurisdiction of the Public Integrity Commission. Their purpose is to set standards for employees of government. The statute that you follow is written for state employees though the application applies to all local governments, unless the municipality adopts their own code of conduct, which must be at least as stringent as the state code and approved by Public Integrity Commission (PIC).

Only nine jurisdictions in Delaware chose to adopt their own Code of Conduct.

The powers and duties of the PIC members, pursuant to 29 Del. C. § 5809, are to recommend rules of conduct, issue advisory opinions, investigate (through counsel), hold hearings, and take, or recommend, disciplinary action, maintain records, follow the rules, subpoena witnesses, prepare manuals and guides; assist agencies, employees and officials in administering the provisions of the law, request agencies provide assistance to the commission as needed to do their job, and administer and implement financial disclosure provisions and lobbyist registration provisions.

Discussing conflicts of interest, Attorney Walton stated that an employee/official is unable to participate if there is a personal or a private interest (a personal or private interest is an interest which intends to impair the person's impartial judgment in the performance of their duties).

A personal interest involves a financial interest, which can include your immediate family, etc. It is defined in the statute as 10% financial interest of a company even though any financial interest will be found by PIC to be a disqualifying interest.

If an official becomes disqualified, there is a need to delegate the responsibility to another, and physically get up and leave the seat at the council dais. The code suggests the person with the conflict shouldn't participate in the matter at all.

Attorney Walton said the difficult thing is because the code says the official should not participate in the matter, but the official is really in an agitated state and wants to say something, but the code says it is not permitted. Then again, there is the First Amendment right to go up and speak.

The Attorney said that unless you absolutely have to speak, the official should leave the room and be done with it. Let others do the speak. He added that from a First Amendment perspective, that is a very difficult question. And he does not have the answer but would handle it very gently.

If there is no one else to delegate to when there is a financial interest, as occurs in tiny towns with two employees, the attorney usually goes to PIC ahead of time and try to figure out the right way to handle it.

Officials cannot assist other people with respect to the matter. For example, a councilmember cannot be telling someone how to handle something. No elected official is able to assist a private enterprise with respect to any matter before the city.

An official or an enterprise in which the official has a 10% or greater ownership interest shall not contract with the city except after public notice and competitive bidding, unless the contract involves less than \$2,000 a year, contracts with public school district and/or State Board of Education for the transportation of school children do not require public notice and bidding.

Attorney Walton emphasized that the sole 10% ownership requirement means nothing, and instead applies to a financial interest of any kind to PIC.

When questioned about two councilmembers from the same ward having a potential conflict, Attorney Walton stated, as an example, all of Council had the same conflict of interest, there would be a need to invoke the Rule of Necessity, because there would be nobody that could act. He said that involves a process and he will defer to Solicitor Rutt for the notice requirement to PIC, and other procedures.

Attorney Walton said it could happen, but is very rare and is usually handled through a disqualification. The disqualification can sometimes be used as a weapon especially in zoning. There is one developer's attorney who searches for public comments that were made, goes through FOIA requests to try to disqualify the opponents, what they perceive on council, especially with respect to controversial zoning actions. They FOIA all of their emails, and try to claim they have a personal, or an interest, or a bias because you have prejudged the application. At the end of the day, this process can be used.

He shared a situation whereby a planning commissioner wrote a general letter about 'is this the kind of thing we want in our community'; the developer sent him to PIC and several procedures followed. The planning commissioner ended up being named in a federal court action.

Attorney Walton warned council against making public statements on zoning issues. He added that if an official violates the sanctity of your executive session and your privilege of talking to your attorney, and that information is leaked, that official is in violation of the statute. The leaking of confidential information is something that can't be done under the PIC statutes.

He has had someone take his memo and puts it out there five minutes after it is done. If the City Solicitor provides a memo stating this is a bad idea, and council responds by stating they want to do it anyway, that will catch up with that official. The penalty is whatever PIC enforces under their powers. It could be grounds for removal from office or discipline.

Attorney Walton said that is it not only illegal, it is bad business, bad practice. The official is here to act in the best interest of the city, and the best interest of the city is not the best interest to your political career. He said a councilperson does not want to act in a way that makes it appear that they are violating the public trust. Instead, they are a public officer and the standard of the PIC uses it all the time. The problem is what the appearance is different from person to person and a fuzzy standard.

A city official shall not represent or otherwise assist any private enterprise on any matter involving the city for a period of two years following termination of employment/term of office with the city, if the employee/officer has provided any opinions, investigated, or was directly and materially responsible for the same matter during their employment/term of office.

There was a long discussion about gifts and directed Mayor and Council not to take gifts from anyone. He talked about a developer in a municipality that would pick up the bar tab after the council meeting. In the opinion of PIC, such 'gifts' Impair one's judgment, results in preferential treatment to a person, results in governmental decision, and adversely affects the confidence of the public.

A disclosure statement should be filed of any financial interest in a private enterprise that does business or is regulated by the city. Do not use your position to secure unwarranted privileges, advancement, or gain.

The Attorney shared the process of the waiver procedure and filing a written request.

Reasons the request is no longer confidential were reviewed.

Complaints to PIC can be initiated by the commission or by a third party through a sworn complaint. They can be dismissed if found frivolous or failed to cite the violation.

Attorney Walton concluded by talking about hearing procedures and rights, then the consequences of possible administrative sanctions.

Land Use Training

Planning Director Rob Pierce provided Council with zoning training. He disclosed that some slides were borrowed from the University of Delaware training session created by the previous presenter Max Walton.

Zoning Applications

- ◆ Minor Subdivision, Lot Line Adjustment, Lot Consolidation
- ◆ Permitted Use Site Plan
- ◆ Conditional Use Site Plan
- ◆ Conditional Use
- ◆ Change of Zone
- ◆ Comprehensive Plan Amendment
- ◆ Major Subdivision
- ◆ Planned Unit Development
- ◆ Annexation/De-Annexation
- ◆ Variance (Board of Adjustment)
- ◆ Administrative Appeals (Board of Adjustment)

Delaware Code/State Enabling Legislation

Code Title & Chapter	Sections	Topics
Municipal Planning Authority Title 22, Ch 7	701 702	Planning commission organization Comprehensive plan standards
Municipal Zoning Title 22, Ch 3	301-311 321-332	General provisions Boards of adjustment
Annexation Title 22 Ch 1	101 105	Annexation requirements De-annexation
Statute of Repose Title 10, Ch 81	8126	Limitations on adopted plans and development plans
Meetings & Records (FOIA) Title 29, Ch 100	1003 1004	Public records Open meetings

Subdivisions, Site Plans, Conditional Uses, Change of Zone Requests

Authority to Plan

- Title 22 Municipalities, Chapter 7, Planning Commission
- Title 22 Municipalities, Chapter 3, General Provisions
- City Charter – 5.12 – City Planning Commission
- Chapter 57 – Planning Commission
- Chapter 200 – Subdivision of Land
- Chapter 230 – Zoning
- https://library.municode.com/de/milford/codes/code_of_ordinances?nodeId=14818

Minor Subdivision, Lot Line Adjustment & Lot Consolidation

- Chapter 200 Subdivision of Land

- *Chapter 230 Zoning*
 - *Article III – Use and Area Regulations*
 - *Minimum Lot Area, Minimum Lot Width, Max. Lot Coverage, Front, Rear, Side Setbacks*
- *City Construction Standards and Specifications*
- *Administrative Review*

Permitted Use Site Plans

- Chapter 200 Subdivision of Land
- Chapter 230 Zoning
 - Article III – Use and Area Regulations
 - 230-19.7 – Open Space, Recreation and Other Public Facilities
 - 230-19.8 - Tree Planting and Preservation
- Article IV- Off-street Parking
- Article V – Landscape Screening
- Article X – Site Plan (procedure)
- State Agency Approvals – DelDOT, Conservation District, SFMO, DNREC/ACE, DHSS
- City Construction Standards and Specifications
- Reviewed during a public meeting but the application is not part of a public hearing.
- Approved by the Planning Commission

Conditional Use Site Plans

- Chapter 200 Subdivision of Land
- Chapter 230 Zoning
 - Article III – Use and Area Regulations
 - 230-19.7 – Open Space, Recreation and Other Public Facilities
 - 230-19.8 - Tree Planting and Preservation
 - Article IV- Off-street Parking
 - Article V – Landscape Screening
 - Article X – Site Plan (procedures)
 - Article IX – Conditional Use
- City Construction Standards and Specifications
- State Agency Approvals – DelDOT, Conservation District, SFMO, DNREC/ACE, DHSS.
- Reviewed during a public hearing.
- Planning Commission makes a recommendation to City Council who makes final decision.

Conditional Use Criteria

- The purpose of the conditional use is to maintain a measure of control over uses that have an impact on the entire community.
- Chapter 230-48 (motions should consider the six below criteria)
 - The presence of adjoining similar uses.
 - An adjoining district in which the use is permitted.
 - There is a need for the use in the area proposed as established by the Comprehensive Plan.
 - There is sufficient area to screen the conditional use from adjacent different uses.
 - Use will not detract from permitted uses in the district.
 - Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.
- City Council approves, denies, or approves applications with conditions (conditions must be reasonable).

Major Subdivision

- Chapter 200 Subdivision of Land
- Chapter 230 Zoning
 - Article III – Use and Area Regulations
 - 230-19.7 – Open Space, Recreation and Other Public Facilities
 - 230-19.8 - Tree Planting and Preservation

- Article IV- Off-street Parking
- Article V – Landscape Screening
- State Agency Approvals – DelDOT, Conservation District, SFMO, DNREC/ACE, DHSS.
- City Construction Standards and Specifications
- Reviewed during a public hearing.
- Planning Commission makes a recommendation to City Council. City Council makes final decision.

Planned Unit Development

- Definition – A development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities.
- Chapter 200 Subdivision of Land
- Chapter 230 Zoning
 - Article III – Use and Area Regulations
 - 230-19.7 – Open Space, Recreation and Other Public Facilities
 - 230-19.8 - Tree Planting and Preservation
 - 230-19.9 – Planned Unit Development
 - Article IV- Off-street Parking
 - Article V – Landscape Screening
 - Article X – Site Plan (procedure)
- State Agency Approvals – DelDOT, Conservation District, SFMO, DNREC/ACE, DHSS.
- City Construction Standards and Specifications
- Planned Unit Developments (PUDs) allow for flexibility in design, including lot size, lot width, off-street parking, housing types, etc.
- 230-19.9 – Outlines permitted uses, minimum lot area and width requirements, density calculation, bulk regulations and conditions for neighborhood commercial.
- Promotes a mixture of housing types in a single development without needing to rezone the entire property.
- Subject to the same conditional use criteria found under 230-48.

Change of Zone

- Article XII – Zoning Amendments
- Planning Commission makes a recommendation to City Council. City Council makes final decision.
- Change of Zone requests must be consistent with the Comprehensive Plan Future Land Use exhibits & Land; Use & Zoning Link table.
- The purpose statement for each zoning category should be taken into consideration when determining the appropriate zone for a property.

Comprehensive Plan Amendment

- Comprehensive Plan Amendment requests are compiled annually at the end of the calendar year and submitted to the Office of State Planning Coordination for review.
- These could be text or map amendments.
- These could be initiated by private property owners or the City.
- Requests are presented to City Council for informational purposes only prior to solicitation for State comments.
- Upon receipt of State comments, additional public outreach may be needed prior to formal public hearings are scheduled with the Planning Commission and City Council.
- Amendment requests would be reviewed during a public hearing.
- Planning Commission makes recommendation to City Council; Council makes final decision.

Unfavorable Recommendation from Planning Commission

- This applies to Change of Zone requests, Zoning Code amendments, Major Subdivision, Planned Unit Development, Comprehensive Plan amendments and Conditional Use applications.
- In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.

Annexation/De-Annexation

- Title 22 Municipalities, Chapter 1, Annexation
- City Charter, Article I, Incorporation, Territory and Annexation
 - 1.04 Annexation
 - 1.05 De-Annexation

Annexation

- Written Petition submitted by property owner.
- Annexation request is reviewed by the Annexation Committee.
- Planning Department submits Plan of Services to State Planning Office.
 - Sewer, water, police, fire, electric service analysis.
- Planning Commission/City Council Public Hearings
- Annexation Agreement
- Request must be contiguous to the City.
- Must be consistent with the City's Comprehensive Plan.
 - Within Urban Growth Boundary.
 - Requested zoning must meet the adopted future land use maps.

De-Annexation

- Except as provided for in Section 1.05(b) of the City Charter, De-Annexation shall follow procedures established in the Delaware Code.
- Section 1.05(b), City Council may authorize the de-annexation of either of the following:
 - Property with zero residents and assessed valuation of less than \$25,000 by ordinance following a public hearing.
 - A parcel which contains less square footage than the smallest parcel in the zoning district in which it is located.

Board of Adjustment

- Title 22 Municipalities, Chapter 3, Board of Adjustment
 - City Charter, Article V, Administration and Appointees
 - 5.13, Board of Adjustment
 - Chapter 230, Article VII, Board of Adjustment
 - Quasi-judicial body
 - Applicant and witnesses are sworn in.
- ✓ Area Variance
- ✓ Use Variance
- ✓ Administrative Appeal
- ✓ Responsible for the interpretation of Chapter 230 Zoning.

Area Variance

- ✓ Area variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the zoning ordinance that address lot layout, buffers, and dimensions, In considering a
- ✓ request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:
 - The nature of the zone in which the property lies;
 - The character of the immediate vicinity and the contained uses therein;
 - If restriction upon the applicant's property were removed, removal would seriously affect such neighboring properties and uses;
 - Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to his efforts to make normal improvements in the character of that use of the property which is a permitted use under the provisions of the zoning ordinance.

There being no further business, the Council Workshop concluded at 8:00 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

*Delaware Freedom of
Information Act (FOIA)
Milford, Delaware*

March 22, 2023

Max Walton

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CONNOLLY
GALLAGHER_{LLP}

Summary

FOIA has two basic components:

1. Open Meetings

2. Open Records

- **These two categories present a number of tricky questions.**
- **Many times the answers are not logical, practical or simple.**



Public Policy of FOIA

It is vital in a democratic society that public business be performed in an open and public manner so that our citizens shall have the opportunity to observe the performance of public officials and to monitor the decisions that are made by such officials in formulating and executing public policy; and further, it is vital that citizens have easy access to public records in order that the society remain free and democratic.



Public Bodies

- **While the Town Council is clearly a public body, the statute has a far broader reach.**
- **A public body includes any regulatory, administrative, advisory, executive, appointive, or legislative body of any political subdivision of the State.**
- **That means any board, bureau, commission, department, agency, committee, ad hoc committee, special committee, temporary committee, advisory board and committee, subcommittee, legislative committee, association, group, panel, council or any other entity or body is subject to FOIA.**



Public Bodies, Cont'd.

- **19-IB-04 – Feb. 11, 2019 (Rehoboth)**
 - **Mayor established a working group to look at rate structures. The group included the City Manager, Finance Director, Public Works Director, and four members of the public.**
 - **Held – Working group is subject to FOIA.**



Public Bodies, Cont'd.

- **No. 20-IB29 December 2, 2020 (Christiana School District)**
 - **Board President and Vice President set out to conduct negotiations with a superintendent candidate.**
 - **Alleged that two board members were not a committee.**
 - **Held – Board members must have been appointed to engage in negotiations impliedly if not directly and this violates FOIA.**



22-IB50 – DNREC (Dec. 2022)

- **Held: A parks working group, established by the Parks Director, to assist in review of the surf fishing program, constitutes a public body under FOIA.**
- **The AG’s office established a 2 part test for whether a working group constitutes a public body.**
- **First, does it fall within the statutory definition? Second, does it expend public funds.**
- **That, as the AG puts it, can be met “if the entity in question ‘impliedly or specifically [is] charged by any other public official, body or agency to advise or make reports, investigations, or recommendations.”**
- **While focus groups are not public bodies, this body provided recommendations and therefore constitutes a public body.**



Open Meetings

- **The general rule, subject to a few exceptions, is that every meeting of all “public bodies” shall be open to the public. Del. Code Ann. tit. 29 § 10004(a).**
- **So, if there is doubt, the discussion and the meeting should be in the public and follow the statute.**
- **Meetings must be held within the jurisdiction of the public body.**



New FOIA Statute Change

- **Section 10004 (a) (2)**
 - **A meeting that is open to the public under paragraph (a)(1) of this section must include time for public comment, unless the meeting is of a public body within the General Assembly which is governed by the rules of proceedings adopted under § 9 of Art. II of the Delaware Constitution.**
 - a. The time for public comment must provide a meaningful opportunity for the public to engage with the public body.**
 - b. A public body may impose reasonable time, place, and manner restrictions on the length of the public comment period and the amount of time allotted for each public comment.**



Del. Code Ann. tit. 29 § 10006(a)

(c) A public body may hold a virtual meeting if all of the following occur:

- (1) The meeting notice under § 10004 of this title includes information regarding how the public can monitor or participate in the meeting under paragraph (c)(6) of this section.**
- (2) The meeting has an anchor location.**
- (3) The identity of a member or witness is verified, and the actions of a member are authenticated, in a manner satisfactory to the presiding officer or chair.**



Del. Code Ann. tit. 29 § 10006(a), Cont'd.

- (4) All participating members and witnesses can simultaneously do 1 of the following regarding each member or witness who is recognized by the presiding officer or chair:**
 - a. Hear the comments of each member or witness.**
 - b. Hear the comments of and view each member or witness.**

- (5) A document used during the meeting by a member or witness, and that is accepted by the presiding officer or chair, is immediately provided to each member or witness participating in the meeting and made available to the public under § 10003 of this title.**



Del. Code Ann. tit. 29 § 10006(a), Cont'd.

(6) Except during an executive session under § 10004 of this title, the public is able to do all of the following through an electronic means of communication:

a. Monitor the meeting.

b. Provide public comment, if the public body is required to accept, or provides an opportunity for, public comment.

(7) Minutes of the virtual meeting are maintained under § 10004 of this title.



Del. Code Ann. tit. 29 § 10006(a), Cont'd.

- (d) (1) All actions taken during a virtual meeting conducted under this section have the same legal effect as if the members were physically present at the same location.**
- (2) For the purposes of determining quorum for a virtual meeting, a member participating in a virtual meeting is considered present as if the member were physically present at the meeting.**
- (3) For the purposes of voting during a virtual meeting, a member participating in a virtual meeting is able to vote as if the member were physically present at the meeting.**
- (4) A technological problem that prevents or limits public access otherwise required under this chapter does not invalidate a virtual meeting or an action taken at a virtual meeting.**



Del. Code Ann. tit. 29 § 10002(b),

- **Anchor location means the physical location within the geographic jurisdiction of the public body that is open to the public and at which one or more members of the public body attend a virtual meeting.**



23-IB08 – Delaware Board of Elections (Feb. 2023)

- **The board did not violate FOIA by allowing only audio access to the public instead of video access when the board members had video and audio access.**



Notice

- **All public bodies shall give public notice of their regular meetings and of their intent to hold an executive session closed to the public, at least 7 days in advance thereof. The notice shall include the agenda, if such has been determined at the time, and the dates, times and places of such meetings . . .**
- **“Regularly scheduled meeting” means any meeting of a public body held on a periodic basis.**



Notice. Cont'd.

- **Public notice is a conspicuous posting of notice at the principal office of the public body holding the meeting, or if no such office exists, at the place where meetings of the public body are regularly held.**
- **If you plan to do virtual meetings, you must say so in the meeting notice and provide contact information.**



Notice, Cont'd.

- **All public bodies shall give this same public notice of any special or rescheduled meeting as soon as reasonably possible, but in any event no later than 24 hours before such meeting.**
- **A special or rescheduled meeting is defined as one to be held less than 7 days after the scheduling decision is made.**



Agenda

- **Agendas are required for all meetings.**
- **“Agenda” is defined as a general statement of the major issues expected to be discussed at a public meeting.**
- **The agenda may change.**



Agenda, Cont'd.

- **The statute provides that “the agenda shall be subject to change to include additional items including executive sessions or the deletion of items including executive sessions which arise at the time of the public body’s meeting.”**



Agenda, Cont'd.

- **When the agenda is not available as of the time of the initial posting of the public notice it must be added to the notice at least 6 hours in advance of said meeting, and the reasons for the delay in posting shall be briefly set forth on the agenda.**
- **So, there is flexibility in the agenda for matters that come up after the initial posting.**
- **Hypothetical – what happens if a council member requests that an ordinance be placed on the agenda with less than 7 days notice? What about a request for an executive session?**



Minutes

- **Minutes are always required.**
- **Minutes, at minimum, must include a record of those members present and a record, by individual members, of each vote taken and action agreed upon.**
- **Minutes of executive sessions must be taken and the minutes are considered public records “so long as public disclosure would defeat the lawful purpose for the executive session, but no longer.”**



Executive Sessions



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Executive Sessions

- **Executive sessions, while necessary, are in contravention of the public policy of the open meeting laws.**
- **Thus, executive sessions are closely scrutinized to assure that they are proper.**



Executive Sessions, Cont'd.

- **Executive sessions are permitted ONLY IF they fall under the categories listed in Del. Code Ann. tit. 29 § 10004(b).**
- **The big ones are:**



Executive Sessions, Cont'd.

- (1) Discussion of an individual citizen's qualifications to hold a job or pursue training unless the citizen requests that such a meeting be open.**
- This provision does not apply to an individual citizen's qualifications to pursue any profession or occupation for which a license must be issued by the public body in accordance with Delaware law.**



Executive Sessions, Cont'd.

- (4) **Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, but only when an open meeting would have an adverse effect on the bargaining or litigation position of the public body.**



Potential Litigation Test

- **To invoke the potential litigation exception, litigation must be likely or reasonably foreseeable.**
- **When determining whether litigation is “likely or reasonably foreseeable,” the public body should look for objective signs that litigation is coming.**
- **A written demand letter in which a claim is asserted, or action is demanded, may give rise to a proper inference that litigation will soon follow.**



Potential Litigation Test, Cont'd.

- **Other indicators of “potential litigation” might include “previous or preexisting litigation between the parties or proof of ongoing litigation concerning similar claims or [] proof that a party has both retained counsel with respect to the claim at issue and has expressed an intent to sue.”**
- **The public body must be able to point to a “realistic and tangible threat of litigation ... characterized with reference to objective factors” before it may avail itself of the “potential litigation” exception to FOIA.**



22-IB29 – DeIDOT (Aug. 2022)

- **DeIDOT had refused to accept subdivision streets, and the propane company’s attorney filed the FOIA request, which DeIDOT denied under the pending litigation exception.**
- **The AG’s office articulated a two prong test for potential litigation:**
 - (1) litigation must be reasonably foreseeable; and**
 - (2) there must be a clear nexus between the requested documents and the subject matter of the litigation.**
- **It was found that DeIDOT violated FOIA.**



22-IB24 DeIDOT (July 2022)

- **Participant that was denied discovery in the claims committee process sought the same documents through FOIA.**
- **It was held that the pending litigation exception applies to quasi-judicial and administrative processes.**



Executive Sessions, Cont'd.

- (6) Discussion of the content of documents, excluded from the definition of “public record” where such discussion may disclose the contents of such documents.**
- (8) The hearing of employee disciplinary or dismissal cases unless the employee requests a public hearing.**
- (9) Personnel matter in which the names, competency and abilities of individual employees or students are discussed, unless the employee or student requests that such a meeting be open. (**Must be only employees-not subcontractors).**



Executive Session Rules

- **Minutes must be taken.**
- **Governing body must vote to hold an executive session.**
- **Executive session must be on the agenda.**
- **Agenda must be specific about the statutory exemption that applies.**



Executive Session Rules, Cont'd.

- **No votes may be taken in executive session – votes must be in public.**
- **The executive session topics cannot stray from the issues on the agenda.**
- **Prohibited from having a straw poll.**



Public Records



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Public Records

- **Public records are defined by Del. Code Ann. tit. 29 § 10002(1) as:**
 - **“information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected, by any public body, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced.”**



Public Records, Cont'd.

- **The exemptions regarding what is a public record are very narrow and are generally narrowly construed.**
- **Thus, assume everything that is written will end up on the front page of the newspaper or on a troublesome website.**



Non-Public Records

- **The following records shall not be deemed public:**
 - (1) Any personnel, medical or pupil file, the disclosure of which would constitute an invasion of personal privacy, under this legislation or under any State or federal law as it relates to personal privacy;**
 - (2) Trade secrets and commercial or financial information obtained from a person which is of a privileged or confidential nature;**



Non-Public Records, Cont'd.

- (3) Investigatory files compiled for civil or criminal law-enforcement purposes including pending investigative files, pretrial and presentence investigations and child custody and adoption files where there is no criminal complaint at issue;**
- (4) Criminal files and criminal records, the disclosure of which would constitute an invasion of personal privacy.**
- (5) Intelligence files compiled for law-enforcement purposes, the disclosure of which could constitute an endangerment to the local, state or national welfare and security;**



Non-Public Records, Cont'd.

- (6) Any records specifically exempted from public disclosure by statute or common law;**
- (7) Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to said contribution by the contributor;**
- (8) Any records involving labor negotiations or collective bargaining;**



Non-Public Records, Cont'd.

(9) Any records pertaining to pending or potential litigation which are not records of any court;

➤ **New decisions regarding this exception allow withholding of the documents so long as they relate to the litigation.**

(10) Subject to § 10004(f) of this title with respect to release of minutes of executive sessions, any record of discussions held in executive session pursuant to § 10004(b) and (c) of this title;



Non-Public Records, Cont'd.

(11) Any records which disclose the identity or address of any person holding a permit to carry a concealed deadly weapon; provided, however, all records relating to such permits shall be available to all bona fide law-enforcement officers;

(12) Any records of a public library which contain the identity of a user and the books, documents, films, recordings or other property of the library which a patron has used;



Non-Public Records, Cont'd.

(16) Emails received or sent by members of the Delaware General Assembly or their staff;

...

(19) Any communications between a member of the General Assembly and that General Assembly member's constituent, or communications by a member of the General Assembly on behalf of that General Assembly member's constituent, or communications between members of the General Assembly.

***Example - Flowers v. Office of the Governor**



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Non-Public Records, Cont'd.

(17)a. The following records, which, if copied or inspected, could jeopardize the security of any structure owned by the State or any of its political subdivisions, or could facilitate the planning of a terrorist attack, or could endanger the life or physical safety of an individual:

- 1. Response procedures or plans prepared to prevent or respond to emergency situations, the disclosure of which would reveal vulnerability assessments, specific tactics, specific emergency procedures or specific security procedures.**



Non-Public Records, Cont'd.

- 2. Building plans, blueprints, schematic drawings, diagrams, operational manuals or other records of mass transit facilities, bridges, tunnels, emergency response facilities or structures, buildings where hazardous materials are used or stored, arenas, stadiums, waste and water systems, electric transmission lines and substations, high-pressure natural gas pipelines and compressor stations, and telecommunications networks facilities and switching equipment, the disclosure of which would reveal the building's or structure's internal layout, specific location, life, safety and support systems, structural elements, surveillance techniques, alarm or security systems or technologies, operational and transportation plans or protocols, or personnel deployments.**

...



Non-Public Records, Cont'd.

3. **Records of any building or structure operated by the State or any of its political subdivisions, the disclosure of which would reveal the building's or structure's life, safety and support systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols, or personnel deployments.**
4. **Records prepared to prevent or respond to emergency situations identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features or capabilities of individual medical facilities, storage facilities, or laboratories established, maintained or regulated by the State or any of its political subdivisions.**



Non-Public Records, Cont'd.

5. Those portions of records assembled, prepared or maintained to prevent, mitigate or respond to criminal acts, the public disclosure of which would have a substantial likelihood of threatening public safety. The only items that are protected from disclosure by this paragraph are:

A. Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments or to the response or deployment plans; and



Non-Public Records, Cont'd.

B. Records not subject to public disclosure under federal law that are shared by federal or international agencies an information prepared from national security briefings provided to state or local government officials related to domestic preparedness for criminal acts against United States citizens or targets.



Non-Public Records, Cont'd.

7. Information technology (IT) infrastructure details, source code, logical and physical design of IT systems and interfaces, detailed hardware and software inventories, network architecture and schematics, vulnerability reports, and any other information that, if disclosed, could jeopardize the security or integrity of an information and technology system owned, operated or maintained by the State or any public body subject to the requirements of this chapter.



Non-Public Records, Cont'd.

(18)a. Any military service discharge document or documents, a discharge, separation notice, certificate of service, report of transfer or discharge, or any other notice or document which is evidence of severance or transfer from military service and which contains a service record from the armed forces of the United States, or any document that purports to represent a notice of separation from or service in any armed forces of the United States

- **There are a number of exceptions applicable to the veteran's exemption.**



Production of Public Documents

- **Records should be open for inspection during normal business hours.**
- **FOIA requests should generally be made in writing.**
- **The requestor must be as specific as possible – and seeking clarification about what the requestor wants is acceptable.**
- **Even if not in physical possession of the documents sought, “the public body shall promptly request that the relevant custodian provide the noncustodial records to the public body.”**



Production of Public Documents, Cont'd.

- **E-mails (if requested) must be produced.**
- **If they cannot be obtained with “reasonable effort,” “the public body shall promptly request that its information and technology personnel or custodians provide the e-mail records to the public body.”**
- **Additional costs should be paid by the persons requesting – and an itemized list of charges must be presented to the requestor in advance for this special service.**



Responses to Requests – Production of Public Documents

- **Responses to FOIA requests must be made within 15 business days.**
- **If more time is needed, the reason for more time must be legitimate and must be explained.**
- **If the request is denied, the reason for denial must be explained.**
- **Documents may be reviewed prior to disclosure to assure that non-public records are excluded from the request.**



FOIA QUIZ

- **Does FOIA require public bodies to answer questions?**
- **Does a confidentiality clause in a settlement agreement exempt the settlement agreement from FOIA?**
- **Can a public body go into executive session to discuss interview questions?**



FOIA QUIZ, Cont'd.

- **Can you remove someone from a public meeting for saying, in public comment**
 - **“You treated him like a pubescent son found with a porn magazine?”**
- **Is it a violation of FOIA not to explain why additional time is needed to respond to a FOIA request?**
- **Are you required to post meeting minutes on a website?**
- **Is the public body required to respond to FOIA requests from out of state requestors?**



Recouping Incurred Costs

- **Unless your code provides otherwise, the standard charges are:**
 - **The first 20 pages of standard-sized, black and white copies shall be provided free of charge.**
 - **The charge for copying standard sized, black and white public records for copies over and above 20 shall be \$0.10 per sheet (\$0.20 for a double-sided sheet).**
 - **Other standard rates are set for oversized, color, and microfiche.**
 - **Charges for copying records maintained in an electronic format will be calculated by the material costs involved in generating the copies (including but not limited to DVD, CD, or other electronic storage costs) and administrative costs.**



Recouping Incurred Costs, Cont'd.

- **Administrative costs may be charged if the project takes more than 1 hour at the rate of the lowest paid capable employee. Fees and anticipated costs must be disclosed to the person making the request.**
- **Administrative costs must be billed in ¼ hour increments.**



23-IB03 – DOE (Jan. 2023)

- **This is a dispute about costs.**
- **The estimate was for \$38 an hour for 2.1 hours to extract items from archives and to redact e-mails (e.g. scrubbing e-mails).**
- **This cost was valid. But, attorney time may not be charged.**



FOIA Coordinator

- **Every public body must designate a FOIA coordinator.**
- **FOIA coordinator must be designated on website with contact information.**
- **Duty to notify AG's office when FOIA coordinator changes – within 20 days of change.**
- **FOIA coordinator responsible for fostering cooperation.**
- **Public bodies are required to provide reasonable assistance to the public in identifying and locating public records to which they are entitled access.**



Enforcement

- **Attorney General's Office generally enforces FOIA and/or decides a FOIA complaint, although citizens may bring suit as well in certain circumstances.**
- **For public records denials, there is a 60 day SOL.**
- **For open meeting violations, the SOL is 6 months.**
- **The burden is on the custodian denying access to public records.**



Enforcement, Cont'd.

- **The Court may award attorneys' fees and costs for the failure to produce records in a FOIA suit.**
- **For open meeting violations, the offending parties may be required to forfeit compensation for participation.**
- **The Attorney General's Office may also hear an action for a prospective violation.**



Appeals

- **A person denied records by a State agency is permitted to file an appeal to the Chief Deputy and thereafter to the Superior Court.**
- **Such appeal must be filed within 60 days of the Attorney General's decision.**
- **Thus far, these appeals have been very rare – but they are not unprecedented.**



Recent Decisions

- **No. 21-IB17 – July 23, 2021 (Georgetown)**
 - **Phone calls and emails resulting in a decision violated FOIA.**
- **No. 21-IB14 – June 20, 2021 (Sussex County)**
 - **No requirement to post agenda on website for municipalities and counties.**
- **No. 21-IB03 – February 25, 2021 (Sussex Technical School District)**
 - **Board agenda not required to name the personnel to be discussed in executive sessions but “Personnel Action Items” insufficient to alert public of vote of superintendent.**



Recent Decisions, Cont'd.

- **No. 22-IB04 – March 3, 2022 (Wilmington Charter)**
 - **Violated FOIA by not properly noticing Advancement and Finance Committee Meetings.**

- **No. 22-IB03 – February 18, 2022 (Diamond State Port Corp.)**
 - **Violation of FOIA for not properly posting notice of Executive Session.**

- **No. 22-IB49 – City of New Castle (Dec. 2022)**
 - **Allegation that council members must have met and discussed a particular contract appointment. They held that the Petitioner bears the burden of demonstrating a prima facie case that a meeting occurred. Thereafter, the burden shifts to the public body to establish that no violation of the open meeting laws occurred.**



Recent Decisions, Cont'd.

- **22-IB34 – Georgetown (Sept. 2022)**
- **Allegation that Town Council members met illegally to sign a check for a contribution to the historical society. It was a prima facie violation (according to the AG's office) for the three members to meet to issue the check. There was an intent found that the members desired to avoid a physical quorum – and a FOIA violation was found.**



Questions?



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ETHICS IN GOVERNMENT TRAINING MILFORD, DELAWARE

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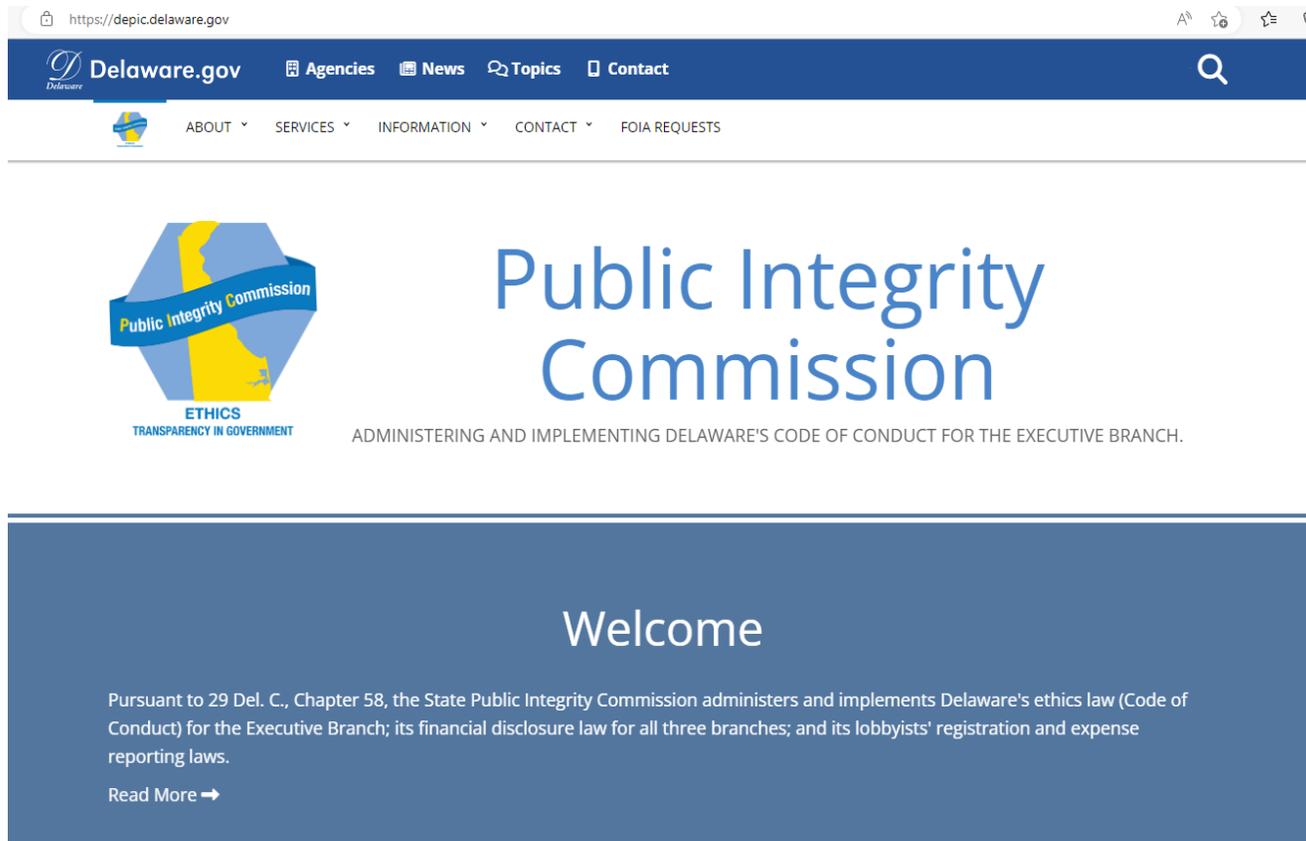


The Public Integrity Commission “PIC”



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https://depic.delaware.gov



The screenshot shows the homepage of the Delaware Public Integrity Commission. At the top is a dark blue navigation bar with the Delaware state logo and the text "Delaware.gov". To the right of the logo are links for "Agencies", "News", "Topics", and "Contact". A search icon is on the far right. Below the navigation bar is a horizontal menu with a small globe icon and the following items: "ABOUT", "SERVICES", "INFORMATION", "CONTACT", and "FOIA REQUESTS".

The main content area features the Public Integrity Commission logo on the left, which consists of a yellow map of Delaware inside a blue hexagon with a banner across it that says "Public Integrity Commission". Below the logo is the text "ETHICS" and "TRANSPARENCY IN GOVERNMENT". To the right of the logo, the title "Public Integrity Commission" is displayed in a large, blue, sans-serif font. Below the title is the tagline "ADMINISTERING AND IMPLEMENTING DELAWARE'S CODE OF CONDUCT FOR THE EXECUTIVE BRANCH."

Below this is a large, dark blue rectangular section with the word "Welcome" centered in white. Underneath "Welcome" is a paragraph of text: "Pursuant to 29 Del. C., Chapter 58, the State Public Integrity Commission administers and implements Delaware's ethics law (Code of Conduct) for the Executive Branch; its financial disclosure law for all three branches; and its lobbyists' registration and expense reporting laws." Below the paragraph is a "Read More" link with a right-pointing arrow.

PIC

- *Purpose-* to ensure propriety, public respect and confidence by setting specific standards of conduct for State personnel/government employees without unduly circumscribing their activities.
- *Application-* applies to all local governments unless they adopt their own Code of Conduct which must be approved by the PIC and must be at least as stringent as the PIC's code of conduct.
- *Authority-* 29 Del. C. § 5808.



PIC

Article IV, City of Milford Charter

Section 4.14 - The Mayor and City Council shall develop, adopt, and adhere to a Code of Ethics applying to elected officials and to City employees in general (passed 3/2017).

In **2022**, local governments who had adopted their own Codes of Conduct included:

New Castle County
Dover
Lewes

Millsboro
Newark
Smyrna

Delaware City
Georgetown
City of Wilmington



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PIC

Members-

- 7 members appointed by the Governor with concurrence of the senate
- No more than 4 of the same political party
- Appointed for a term of 7 years
- Cannot hold elected office
- A quorum requires 4 members present and disciplinary actions requires at least 4 affirmative votes



PIC

Powers and Duties- 29 Del. C. § 5809

- To recommend rules of conduct.
- Issue advisory opinions.
- Investigate (through counsel), hold hearings, and take, or recommend, disciplinary action.
- Maintain records, follow the rules, subpoena witnesses.
- Prepare manuals and guides; assist agencies, employees and officials in administering the provisions of the law; and request agencies provide assistance to the Commission as needed to do their job.
- Administer and implement financial disclosure provisions and lobbyist registration provisions.





Conflict of Interest

Conflict of Interest

- 29 *Del. C.* §5805(a).
- No employee/official may participate in the review or disposition of a matter in which the employee/official has a personal or private interest.
- A personal or private interest is an interest which tends to impair a person's impartial judgment in the performance of their duties.



Conflict of Interest, cont.

- Impairment of judgment occurs where-
 - the employee/officer or a close relative will receive a financial benefit or suffer a detriment to a greater extent than would accrue to other members of the same class.
 - the employee/officer or a close relative has a financial interest in a private enterprise which enterprise or interest would be affected to a lesser or greater extent than like enterprises or interest.
- Action
 - Delegate the responsibility to another
 - If unable to do so, must provide written notice to the PIC fully disclosing the interest and where the duty cannot be delegated



Conflict of Interest, cont..

- 29 *Del. C.* § 5805(b).
- No employee/officer may represent or assist any private enterprise with respect to a matter before the state agency with which the employee/office is associated.
- No officer may assist a private enterprise with respect to any matter before the State (city or town).
- Exception- an employee/officer may assist a private enterprise in the exercise of such person's official duties.



Conflict of Interest, cont..

- 29 *Del. C.* § 5805(c).
- An employee/officer, or an enterprise in which the employee/officer has a 10% or greater ownership interest
 - Shall not contract with the State except after public notice and competitive bidding.
 - Unless the contract involves less than \$2,000/year.
 - Contracts with public school district and/or State Board of Education for the transportation of school children do not require public notice and bidding.



Conflict of Interest, cont..

- 29 *Del. C.* § 5805(d).
 - An employee/officer shall not represent or otherwise assist any private enterprise on a matter involving the State for a period of 2 years following termination of employment with the State, if the employee/officer
 - gave an opinion about
 - investigated
 - or was directly and materially responsible for the same matter during their employment.



Conflict of Interest, cont..

- 29 *Del. C.* § 5805(e).
- **Do not disclose confidential information including (but not limited to):**
 - Disclosure statements of financial interests of employees/officers. 29 *Del. C.* § 5806(d).
 - Applications to the PIC for waivers of requirements or advisory opinions. 29 *Del. C.* § 5807(b) and (d).
 - Proceedings related to a violation of these rules. 29 *Del. C.* § 5810(h).



Conflict of Interest, cont..

Recent High Profile Case-



COURTS & LAW

Delaware auditor dodges felony charges, guilty of misconduct

Jurors on Friday acquitted McGuinness of felony theft and intimidation charges. But they found her guilty of conflict of interest official misconduct.



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Conflict of Interest, cont..

Violations:

- Illegally structuring a contract for a firm that worked on her campaign (later overturned).
- Conflict of interest related to employing her daughter.
- Conflict of interest- favorable treatment.



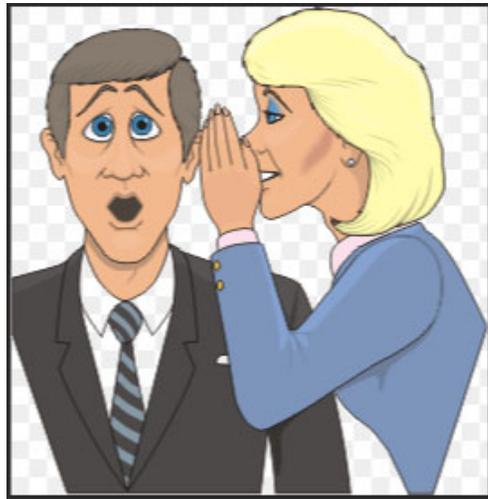


Code of Conduct

Code of Conduct

29 Del. C. § 5806-

- (a) Act in a way that does not make it appear you are violating public trust.



- (b) Avoid the appearance of impropriety – do not obtain interests in enterprises which are in conflict with the performance of your duties.

Code of Conduct

29 Del. C. § 5806-



- Do not accept gifts, compensation or payment of expenses where it could appear such item:
 - (i) Impairs your judgment
 - (ii) Results in preferential treatment to a person
 - (iii) Results in governmental decision
 - (iv) Adversely affects the confidence of the public



Code of Conduct, cont.

29 Del. C. § 5806-

- (c) Avoid financial interest in private enterprises which may be directly involved in decisions you make in your employment.
- (d) File a disclosure of any financial interest in a private enterprise that does business with the State or is regulated by the State.
- (e) Do not use your office to secure unwarranted privileges, advancement, or gain.
- (f)-(h) Do not engage in activity in activity which may cause disclosure of confidential information, or disclose confidential information, or use sexual favors as a condition for favorable treatment.



Code of Conduct, cont.

Recent Advisory Opinion (2021)

- Government official approached Town Council requesting the official be given a historic artifact. After initially saying no, the Town attempted to appraise the artifact but was unable to do so. The official asked again and this time, the Town considered giving the artifact to the official, but decided to seek an advisory opinion.
- The Commission opined:
 - The proposed conduct made the artifact a “gift” and, in asking for the gift, the conduct already showed impaired judgment;
 - giving it to an official rather than disposing through bidding would show preferential treatment;
 - a governmental body giving government property to a government official did not avoid the appearance of impropriety.





Waivers and Advisory Opinions



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Waivers and Advisory Opinions

- Waiver Procedure- File a written request 29 Del. C. § 5807 (a) and (b).
- The written request is confidential unless-
 - The applicant requests public disclosure writing.
 - It is required for prosecution of a violation.
 - The PIC needs the utilize the document to report substantial evidence of a criminal violation.
 - If a waiver is granted, the decision and record proceedings are no longer confidential.



Waivers and Advisory Opinions, cont.

- Opinion Procedure- File a written request 29 *Del. C.* § 5807 (c) and (d).
- The written request is confidential unless-
 - The applicant requests in public disclosure writing.
 - It is required for prosecution of a violation.
 - The PIC needs to utilize the document to report substantial evidence of a criminal violation.
 - A summary of all advisory opinions shall be prepared by the PIC and made public without disclosure of the applicant's identity(s).



Complaints, Hearings, and Dispositions

Complaints, Hearings, and Dispositions

- 29 Del. C. § 5810.
- Complaints
 - The Commission can initiate a complaint on its own.
 - If initiated by a third party, must be a sworn complaint.
 - May be dismissed if deemed frivolous or fails to state a violation. 29 Del. C. § 5809(3).



Complaints, Hearings, and Dispositions

Hearing Procedure/Rights

- Notice and an opportunity to be heard.
- Legal counsel.
- Right to inspect, copy or photograph tangible evidence which will be used as evidence against a party.
- The Commission must share any exculpatory information.
- Subpoena witnesses.
- Confidentiality unless the person charged requests a public hearing.
- Appeal to the Superior Court.



Complaints, Hearings, and Dispositions

Consequences



Complaints, Hearings, and Dispositions, cont.

Consequences- Possible Administrative Sanctions

- 29 Del. C. § 5810(d)- If the Commission determines a violation has occurred it may:
 - Issue a written reprimand or censure of conduct; and/or
 - Non-elected employee/officer may be removed, suspended or demoted, or other (undefined) disciplinary action;
 - For elected officials recommend action by taken to remove from office.



Complaints, Hearings, and Dispositions, cont.

Consequences- Rules Resulting in Administrative Sanctions Only

- Improperly accepting gifts, other employment, compensation, or anything of monetary value.
- Misuse of public office for private gain or unwarranted privileges.
- Improper use or disclosure of confidential information.



Complaints, Hearings, and Dispositions, cont.

Consequences - Criminal

- 29 *Del. C.* § 5805(f)- A person who knowingly violates Chapter 58 faces a misdemeanor charge punishable by up to a year in jail and up to a \$10,000 fine.
- 4 of the previously discussed violations are considered criminal:
 - participates in State matters if a personal or private interest would tend to impair judgment in performing official duties
 - represents or assists a private enterprise before their own agency and/or other State agencies
 - contracts with the State absent public notice and bidding/arm's length negotiations
 - represents or assists a private enterprise on certain State matters for 2 years after leaving State employment



Complaints, Hearings, and Dispositions, cont.

Further Possible Consequences

- 29 *Del. C.* § 5805(g)- Any contract entered into in violation of Chapter 58 is voidable within 30 days of when the state agency knew, or should have known, of the violation.





Planning & Zoning Training

Planning Department

March 22, 2023



Zoning Applications

- ▶ Minor Subdivision, Lot Line Adjustment, Lot Consolidation
- ▶ Permitted Use Site Plan
- ▶ Conditional Use Site Plan
- ▶ Conditional Use
- ▶ Change of Zone
- ▶ Comprehensive Plan Amendment
- ▶ Major Subdivision
- ▶ Planned Unit Development
- ▶ Annexation/Deannexation
- ▶ Variance (Board of Adjustment)
- ▶ Administrative Appeals (Board of Adjustment)



Delaware Code/State Enabling Legislation

Code Title & Chapter(s)	Sections	Topics
Municipal Planning Authority Title 22, Ch 7	701 702	Planning commission organization Comprehensive plan standards
Municipal Zoning Title 22, Ch 3	301-311 321-332	General provisions Boards of adjustment
Annexation Title 22 Ch 1	101 105	Annexation requirements De-annexation
Statute of Repose Title 10, Ch 81	8126	Limitations on adopted plans and development plans
Meetings & Records (FOIA) Title 29, Ch 100	1003 1004	Public records Open meetings

► <https://delcode.delaware.gov/>



Subdivisions, Site Plans, Conditional Uses, Change of Zone Requests



Authority to Plan

- ▶ Title 22 Municipalities, Chapter 7, Planning Commission
- ▶ Title 22 Municipalities, Chapter 3, General Provisions
- ▶ City Charter - 5.12 - City Planning Commission
- ▶ Chapter 57 - Planning Commission
- ▶ Chapter 200 - Subdivision of Land
- ▶ Chapter 230 - Zoning
- ▶ https://library.municode.com/de/milford/codes/code_of_ordinances?nodeId=14818



Minor Subdivision, Lot Line Adjustment & Lot Consolidation

- ▶ Chapter 200 Subdivision of Land
- ▶ Chapter 230 Zoning
 - ▶ Article III - Use and Area Regulations
 - ▶ Min. Lot Area, Min. Lot Width, Max. Lot Coverage, Front, Rear, Side Setbacks.
- ▶ City Construction Standards and Specifications
- ▶ Administrative Review



Permitted Use Site Plan

- ▶ Chapter 200 Subdivision of Land
- ▶ Chapter 230 Zoning
 - ▶ Article III - Use and Area Regulations
 - ▶ 230-19.7 - Open Space, Recreation and Other Public Facilities
 - ▶ 230-19.8 - Tree Planting and Preservation
 - ▶ Article IV- Off-street Parking
 - ▶ Article V - Landscape Screening
 - ▶ Article X - Site Plan (procedure)
- ▶ State Agency Approvals - DelDOT, Conservation District, SFMO, DNREC/ACE, DHSS.
- ▶ City Construction Standards and Specifications
- ▶ Reviewed during a public meeting but the application is not part of a public hearing.
- ▶ Approved by the Planning Commission



Conditional Use Site Plan

- ▶ Chapter 200 Subdivision of Land
- ▶ Chapter 230 Zoning
 - ▶ Article III - Use and Area Regulations
 - ▶ 230-19.7 - Open Space, Recreation and Other Public Facilities
 - ▶ 230-19.8 - Tree Planting and Preservation
 - ▶ Article IV- Off-street Parking
 - ▶ Article V - Landscape Screening
 - ▶ Article X - Site Plan (procedures)
 - ▶ Article IX - Conditional Use
- ▶ City Construction Standards and Specifications
- ▶ State Agency Approvals - DelDOT, Conservation District, SFMO, DNREC/ACE, DHSS.
- ▶ Reviewed during a public hearing.
- ▶ Planning Commission makes a recommendation to City Council. City Council makes final decision.



Conditional Use Criteria

- ▶ Purpose of the conditional use is to maintain a measure of control over uses that have an impact on the entire community.
- ▶ Chapter 230-48 (motions should consider the six below criteria)
 - ▶ The presence of adjoining similar uses.
 - ▶ An adjoining district in which the use is permitted.
 - ▶ There is a need for the use in the area proposed as established by the Comprehensive Plan.
 - ▶ There is sufficient area to screen the conditional use from adjacent different uses.
 - ▶ There use will not detract from permitted uses in the district.
 - ▶ Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.
- ▶ City Council can approve conditional use applications, deny them or approve with conditions. Conditions placed on the approval must be reasonable.



Major Subdivision

- ▶ Chapter 200 Subdivision of Land
- ▶ Chapter 230 Zoning
 - ▶ Article III - Use and Area Regulations
 - ▶ 230-19.7 - Open Space, Recreation and Other Public Facilities
 - ▶ 230-19.8 - Tree Planting and Preservation
 - ▶ Article IV- Off-street Parking
 - ▶ Article V - Landscape Screening
- ▶ State Agency Approvals - DelDOT, Conservation District, SFMO, DNREC/ACE, DHSS.
- ▶ City Construction Standards and Specifications
- ▶ Reviewed during a public hearing.
- ▶ Planning Commission makes a recommendation to City Council. City Council makes final decision.



Planned Unit Development

- ▶ Definition - A development providing housing of various densities, lot sizes, lot coverage and types, including related recreational and community facilities.
- ▶ Chapter 200 Subdivision of Land
- ▶ Chapter 230 Zoning
 - ▶ Article III - Use and Area Regulations
 - ▶ 230-19.7 - Open Space, Recreation and Other Public Facilities
 - ▶ 230-19.8 - Tree Planting and Preservation
 - ▶ 230-19.9 - Planned Unit Development
 - ▶ Article IV- Off-street Parking
 - ▶ Article V - Landscape Screening
 - ▶ Article X - Site Plan (procedure)
- ▶ State Agency Approvals - DelDOT, Conservation District, SFMO, DNREC/ACE, DHSS.
- ▶ City Construction Standards and Specifications



Planned Unit Development

- ▶ Planned Unit Developments (PUDs) allow for flexibility in design, including lot size, lot width, off-street parking, housing types, etc.
- ▶ 230-19.9 - Outlines permitted uses, minimum lot area and width requirements, density calculation, bulk regulations and conditions for neighborhood commercial.
- ▶ Promotes a mixture of housing types in a single development without needing to rezone the entire property.
- ▶ Subject to the same conditional use criteria found under 230-48.



Change of Zone

- ▶ Article XII - Zoning Amendments
- ▶ Planning Commission makes a recommendation to City Council. City Council makes final decision.
- ▶ Change of Zone requests must be consistent with the City's Comprehensive Plan Future Land Use exhibits and the Land Use & Zoning Link table.
- ▶ The purpose statement for each zoning category should be taken into consideration when determining the appropriate zone for a property.

Future Land Use	Zoning District
Employment	H-1, IM, IS
Commercial	C-1, C-2, C-2A, C-3, OC-1, BP, H-1
Industrial	I-1, I-2
Institutional	Permitted as conditional uses in residential, commercial and employment zones.
Low Density Residential	R-1, R-2, C-1, OB-1
Moderate Density Residential	R-3, R-8, C-1, OB-1
Open Space	R-1



Comprehensive Plan Amendment

- ▶ Comprehensive Plan Amendment requests are compiled annually at the end of the calendar year and submitted to the Office of State Planning Coordination for review.
- ▶ These could be text or map amendments.
- ▶ These could be initiated by private property owners or the City.
- ▶ Requests are presented to City Council for informational purposes only prior to solicitation for State comments.
- ▶ Upon receipt of State comments, additional public outreach may be needed prior to formal public hearings are scheduled with the Planning Commission and City Council.
- ▶ Amendment requests would be reviewed during a public hearing.
- ▶ Planning Commission makes recommendation to City Council. City Council makes final decision.



Unfavorable Recommendation from Planning Commission

- ▶ This applies to Change of Zone requests, Zoning Code amendments, Major Subdivision, Planned Unit Development, Comprehensive Plan amendments and Conditional Use applications.
- ▶ In case of an unfavorable recommendation for denial by the Planning Commission, such application shall not be approved except by a favorable vote of 3/4 of the City Council.



Annexation/Deannexation



Annexation/Deannexation

- ▶ Title 22 Municipalities, Chapter 1, Annexation
- ▶ City Charter, Article I, Incorporation, Territory and Annexation
 - ▶ 1.04, Annexation
 - ▶ 1.05, Deannexation



Annexation

- ▶ Written Petition submitted by property owner.
- ▶ Annexation request is reviewed by the Annexation Committee.
- ▶ Planning Department submits Plan of Services to State Planning Office.
 - ▶ Sewer, water, police, fire, electric service analysis.
- ▶ Planning Commission/City Council Public Hearings
- ▶ Annexation Agreement
- ▶ Request must be contiguous to the City.
- ▶ Must be consistent with the City's Comprehensive Plan.
 - ▶ Within Urban Growth Boundary.
 - ▶ Requested zoning must meet the adopted future land use maps.



Deannexation

- ▶ Except as provided for in [Section 1.05\(b\)](#) of the City Charter, deannexation shall follow procedures established in the Delaware Code.
- ▶ Section 1.05(b), City Council may authorize the deannexation of either of the following:
 - ▶ Property with zero residents and assessed valuation of less than \$25,000 by ordinance following a public hearing.
 - ▶ A parcel which contains less square footage than the smallest parcel in the zoning district in which it is located.



Board of Adjustment



Board of Adjustment

- ▶ Title 22 Municipalities, Chapter 3, Board of Adjustment
- ▶ City Charter, Article V, Administration and Appointees
 - ▶ 5.13, Board of Adjustment
- ▶ Chapter 230, Article VII, Board of Adjustment
- ▶ Quasi-judicial body
 - ▶ Applicant and witnesses are sworn in.



Board of Adjustment

- ▶ Area Variance
- ▶ Use Variance
- ▶ Administrative Appeal
- ▶ Responsible for the interpretation of Chapter 230 Zoning.



Area Variance

- ▶ Area variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the zoning ordinance that address lot layout, buffers, and dimensions, In considering a request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:
 - ▶ The nature of the zone in which the property lies;
 - ▶ The character of the immediate vicinity and the contained uses therein;
 - ▶ Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect such neighboring properties and uses; and
 - ▶ Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to his efforts to make normal improvements in the character of that use of the property which is a permitted use under the provisions of the zoning ordinance.



Use Variance

- ▶ Use Variance. A variance shall be considered a use variance if it would permit a use of the subject property that would otherwise not be permitted on the subject property. In considering a request for a use variance, the board shall determine that the following criteria exist and document them in their findings of fact:
 - ▶ The property cannot yield a reasonable return when used only for the permitted use;
 - ▶ The need for the variance is due to unique circumstances and not general conditions in the neighborhood;
 - ▶ The use sought will not alter the essential character of the locality; and
 - ▶ All uses permitted on the land under the existing zoning are economically unfeasible.



Questions

CITY OF MILFORD
COUNCIL MEETING MINUTES
March 27, 2023

The City Council of the City of Milford met in Regular Session on Monday, March 27, 2023.

PRESIDING: Vice Mayor Jason James Sr.

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

STAFF: City Manager Mark Whitfield, Police Chief Cecilia Ashe, 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

Vice Mayor Jason James Sr. presided over the meeting due to Mayor Arthur Campbell being out of state at a Congressional Conference.

Vice Mayor James confirmed that no one was signed up to comment prior to the start of the meeting.

CALL TO ORDER

Vice Mayor James then called the meeting to order at 6:03 p.m.

INVOCATION AND PLEDGE

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

PUBLIC HEARING/PUBLIC COMMENTS/ORDINANCE ACTION

*Adoption/Ordinance 2023-09 - Conditional Use
Application of Bay to Beach Builders, Inc.
0.172 +/- acres of land located along the north side of
SE Second Street between Montgomery Street and Franklin Street
Comprehensive Plan Designation: Low Density Residential
Zoning District: R-2 (Residential District)
Present Use: Vacant
Proposed Use: Single-family Semi-detached
Tax Parcel: 3-30-7.17-118.00*

Solicitor Rutt announced that he has a conflict of interest related to this application and will not participate and remained at the Council dais.

Planning Director Rob Pierce read portion of the applicant packet into recording noting this is a conditional use application from Bay to Beach Builders, Incorporated for a property zoned R-2 residential district. The property at the northwest corner of Franklin Street and Southeast Second Street is currently vacant and the proposed use is a single-family semi-detached dwelling/duplex.

He read various excerpts from the zoning code related to conditional uses and the need for approval from City Council. Also referenced was the city staff's analysis of the conditional use application.

A copy of the location and zoning map, survey, zoning code and public notice were included in the packet. The notice was published in the Delaware State News on March 5, 2023, and mailed to all owners of properties with 200 feet of the parcel. The site was also posted with a public notice sign.

The Planning Commission reviewed the application at their last meeting and recommended approval of the conditional use by a vote of five to zero.

Bay to Beach Builders Representative John Zotcavage of PO Box 209 Greenwood, Delaware addressed Council.

He stated that the design complements the area, and blends well with the other existing structures in the vicinity. They are confident that the design of this structure and quality will become an asset to the community.

Vice Mayor James opened the floor to public comment. There was no indication that anyone wished to speak for or against the application.

Councilmember Fulton moved to adopt Ordinance 2023-09 conditional use for the single-family semi-detached duplex, seconded by Councilmember Culotta. Motion carried by the following unanimous roll call vote:

Samaroo: Votes yes, based on its compliance with Chapter 230 and because it meets the front setback of 30 feet, the maximum allowed lot coverage of 40%, and the requirement to construct new sidewalk on the entire frontage, or replace sidewalks based on the failing condition to issuance of the Certificate of Occupancy.

Baer: supports the proposition, and I am in favor of the general upgrading of the third ward, by improving the housing stock. I think this is a great additive bonus to the third ward.

Wilson: Votes yes, based on it meeting all the conditions and standards within our codes, and is an enhancement to the neighborhood and the City of Milford.

Marabello: Votes yes, it's consistent with the all the conditions that are required and is also similar to what's going on presently. We have more affordable housing, and it's an improvement of that vacant land.

Boyle: I vote yes, in favor of the motion. The proposal is consistent with a conditional use in an R-3. The site is currently surrounded by multiple semi-detached units. I also would like to remind them of the conditional use that was approved by the Planning Commission for the sidewalks should be in effect.

Fulton: I vote yes, it is in accordance with the comprehensive plan and meets the requirements of Chapter 230, and welcome to the city.

Culotta: I vote yes, it's a good use of the piece of property, and the duplex is always good for affordable housing.

James: I, as a Councilman, votes yes, it does fit similar uses in the area, and does help add to the housing stock that is needed in the City of Milford.

Adoption/Ordinance 2023-10 - Conditional Use

Application of Jaasiel, LLC

*0.304 +/- acres of land located at the northwest corner
of the NE Front Street and East Street intersection*

Comprehensive Plan Designation: Commercial

Zoning District: C-2 (Central Business District)

Present Use: Single-Occupancy Retail

Proposed Use: Mixed Use – (3) Commercial Tenant Spaces and (10) Apartments

Tax Parcel: MD-16-183.10-03-68.00

Planner Pierce stated the application is for Jaasiel, LLC for a conditional use application for a property at 115 Northeast Front Street in the C-2 central business district. Present use is a vacant single occupancy retail, and it is proposed as a mixed-use structure with three commercial tenant spaces on the first floor and ten residential apartments on the second floor. This property is located at 115 Northeast Front Street

In September 2021, Council approved a similar application to convert the building into a two-story structure, with the commercial spaces on the first floor and residential units on the second floor. Since the applicant did not obtain a building permit prior to September 2022, the conditional use approval expired and the reason the applicant has returned for reapproval.

He referred to excerpts of the zoning code stating that all dwellings other than single family, with a maximum density of twelve units, along with non-residential use, must receive approval of a conditional use permit by Council.

The Planner also read from the zone requirements related to multiple permitted uses or mixed use of a property require a conditional use, subject to special requirements.

It was also noted this is the site of the former Rite Aid Pharmacy/Store.

He reviewed the staff analysis, aerial photograph, survey, proposed floor plan, elevation drawings and the narrative provided by the applicant.

The public notice was published in the Delaware State News on March 5, 2023, mailed to all owners of properties within 200 feet of the parcel, and a hearing sign was posted at the site.

The Planning Commission reviewed the application at their last meeting, recommending approval by a vote of five to zero.

It was noted that a variance was approved by the Board of Adjustment in September 2021, and there was no expiration date at that time, so Mr. Pierce allowed the approval to stand.

Representing the owners/applicant was Cameron Llewellyn of 57 Castle Pines Court, Wyoming, who works for Tidemark Construction from Dover. He stated that Mr. Pierce explained the project which was seen by Council previously. They ran into an affordability issue with the escalation of material costs. Since, the market has stabilized, and they are moving forward with the project.

When asked if the main tenant will be a laundromat and asked if that is a different owner from the one next to Gigante Market; Mr. Llewellyn confirmed this is an additional laundromat.

Councilmember Marabello expressed concern about parking and referenced the waiver from next door to share the eleven spots. His concern is the increasing number of food stores and apartments, and that having ten tenants could be a problem. When asked if the applicant feels this is sufficient parking, with increased development, and the parking needed by others if these spaces are used by these tenants.

Mr. Llewellyn confirmed the design was based on the comprehensive plan for walking communities. A number of younger folks today do not own an automobile and do not have the related expenses. He pointed out these are small town-style apartments and those residents typically live downtown and use public transportation to get to doctor appointments but walk to other stores and service facilities.

He believes that downtown Milford can now sustain that.

A facility like this exists in Georgetown and all the doors are power operated with motion sensors, because they typically have two laundry baskets in their possession which is the reason for the powered door. The goal is to serve the downtown Milford community with a walkable style facility both for the folks that live upstairs, and those that work downstairs who will be part of that downtown fabric.

It was confirmed the lot across the street is a public parking lot and will be available, in addition to the ten parking spaces they will provide immediately next to the building.

Solicitor Rutt pointed out that C-2 zone has no parking requirements.

Councilmember Boyle noted that several parking spaces were approved for the other apartment building. They already take up a great deal of the parking lot across the street. The argument then was the same in that Milford is a walkable community.

He added that Milford may be at a crunch time where the parking study needs to be reinvigorated as he expects more development and renovation of the downtown facilities.

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

Councilman Fulton then moved to adopt Ordinance 2023-10 authorizing the conditional use application of Jaasiel, LLC, seconded by Councilmember Baer. Motion carried by the following roll call vote:

Culotta: I vote yes. It was approved once already and nothing much has changed. I know there is a concern about parking every time we look at one of these. But downtown is still growing and people living downtown is a good thing. There is plenty of parking in the area and we own a parking lot not a block to the left that is not always full. I believe we cannot just keep looking at everything from a parking standpoint. This is a historic city and was built long before cars and if we are going to allow multi-use downtown, we must allow that.

Fulton: I vote yes, and it falls within the comprehensive plan, it was previously approved by this same council and the variance is still active. So, in that case yes.

Boyle: I vote yes. The project meets the requirements of Chapter 230(13)(c)(10) for conditional use in the downtown business district.

Marabello: I vote yes. It meets all the requirements of the conditional use. I'm hoping everything works out as far as parking, and I welcome the fact that we'll have more people living downtown to patronize all the new places going up—eateries, etc.

Wilson: I vote yes based on its previous approval by this Council. Also, it was reviewed by the Board of Adjustment. There are similar uses with other properties along Walnut and Front Street, so it meets within our comp plan.

Baer: I vote yes, I still support the building here, and I think it's a great way to have more people downtown and revitalize our downtown development district.

Samaroo: I vote yes, based on the compliance to maintain the appearance with the historic downtown area and having a mixed-use downtown will be great for the community and downtown.

James: I vote yes. This does help foster our idea of having multi-use dwellings downtown with the commercial at the bottom, and residential up top. This is a desired project for this area.

Adoption/Ordinance 2023-11 - Conditional Use

Application of Patricia Persia

0.238 +/- acres located along the north side

of School Place between Lakeview Avenue and Seabury 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: 1-30-3.08-028.00

Planner Pierce reviewed the packet in the packet noting this is another conditional use request for an R-1/single family residential zone at 129 School Place. The property currently contains a single family detached dwelling, and the applicant is proposing to convert a 20 x 26 garage into an accessory (cottage) dwelling unit (ADU).

He read the associated section, conditions, and definitions from the zoning code that allows accessory buildings with conditional use approval by Council.

The Planner continued reading the criteria for a dwelling unit from the enclosed staff report.

The application meets the off-street parking requirements.

A location and zoning map, survey, a simple floor plan of the cottage, and narrative from the applicant were included in the packet.

The ordinance was published in the Delaware State News on March 5, 2023, and all owners of properties within 200 feet were mailed a notice. In addition, a public notice sign was posted on the site.

The Planning Commission reviewed the application at their March meeting, and recommended approval by a vote of five to zero.

It was confirmed that with an accessory dwelling unit, one of the units must remain owner-occupied and an associated deed restriction be recorded.

Ms. Persia addressed Council stating that the garage is never used for vehicles and when she learned of a recent accessory dwelling unit that was approved, she applied with the intent to turn the garage into an apartment. The goal is to primarily make income from it. But for now, she would also like to have the opportunity that if one of her children wants to come home, they would have a place to stay.

She lives in the main house, which is very close to the garage, as can be seen from the survey.

Noting that the property backs up to Caulk, and if there is an issue with noise, she will be the first to hear it as she also works from home.

Though the ADU would provide income, there may also come a point where Ms. Persia no longer needs a huge home and would have this as an option. Regardless, she will live in one of the two units on the property.

The floor was opened for public comment, and no one responded. The floor was closed to comments.

Councilmember Marabello moved to adopt Ordinance 2023-11 to allow an accessory dwelling unit, seconded by Councilmember Boyle. Motion carried by the following roll call vote:

Wilson: I vote yes, based on it meeting the requirements and it is a good idea as well. Meets the requirements of our conditional uses. I was concerned about the setbacks, and there was a variance that was approved. I'm trying to think in my mind on this square footage of those units, and how we need more housing in Milford. And it is a very livable appropriate space for individuals.

Baer: I vote yes. I think it is a great way to allow the owner additional flexibility and it's nice to have another potential apartment spot that is close to downtown.

Samaroo: I vote yes based on its compliance with Chapter 230 and with the information provided by Planning Commission, it complies with adequate space within the existing driveway to accommodate four vehicles.

Culotta: I vote yes. I think this is our third ADU for possibly being approved. It's great for Milford and great for affordable housing. To Councilmember Wilson's point about the size—at about 520 square feet, this might be a little bigger than some garages that would be converted. One thing I think we need to look at is the cost of doing this just to get to the starting line of this approval process here with impact fees, with Board of Adjustment fees, and things like that. It is a big chunk of money that goes against our philosophy of affordable housing. The reason I'm making this point is if this was a 2,000 square foot house, fine. But it's not. It's an accessory dwelling unit and is usually much smaller than the primary unit, and we require the homeowner to live in one of the two. With all of that, we should consider all those fees and especially the impact fees. Some the city cannot control because they are passed through to the state, but some we can. For future discussion, these higher fees need to be looked at.

Fulton: I vote yes, this is a great thing to be done and is the third one that has been approved. He is a big fan of ADUs, and some people have built them so that they can rehab their primary, and then still have the other. Some have done that, and they have an office which they turned into a small business. I think it's great, and I think having a place for your kids to come back to, if it's not being rented out, is a wonderful idea so they have their own place, as young adults. It does comply with Chapter 230, and it does not have to match the original dwelling, because it's being built in an existing building, which is one of the key points of this already existing building.

Boyle: I will vote yes for this too, as it does meet the accessory dwelling requirements of Chapter 230(9)(c)(5) as a conditional use. It just meets all the requirements that we established when we went into establishing the accessory dwelling units as an alternate means of housing in Milford.

Marabello: I vote yes because it does increase affordable housing for a single bedroom. I like the way she has the parking. It's very adequate in the back there and the fact that we're having a new school opening nearby, I don't think you'll have any trouble renting it if your children don't come with you. But I welcome it.

James: I vote yes. It does meet all the requirements of accessory dwelling units, and this is in what the city had in mind to help per Councilman Fulton's comments of when you may have someone moving back home. You may have a need to support your parents. It does satisfy a need within the city.

*Adoption/Ordinance 2023-13/City of Milford Comprehensive Plan Amendments:
Amending and Adopting the 2018 City of Milford Comprehensive Plan Amendment #15
Milford Mini Storage
3-30-11.09-134.00
Future Land Use Designation Change*

*Adoption/Ordinance 2023-15 – Change of Zone
Application of Milford Mini-Storage, Inc.
0.08 +/- acres of land located along the south of
Industrial Boulevard and Watergate Boulevard North
Comprehensive Plan Designation: Industrial
Present Zoning: R-3 (Garden Apartment & Townhouse)
Proposed Zoning: I-1 (Limited Industrial)
Present Use: Vacant
Proposed Use: Self-Storage
Tax Map & Parcel 3-30-11.09-134.00*

Solicitor Rutt explained the next ordinance amends the comprehensive plan and the second ordinance involve the same parcel. They will be considered together in terms of the testimony and the record.

Planner Pierce explained the first ordinance is a comprehensive plan future land use amendment. The second is the subsequent change of zone because of the comp plan ordinance amendment is adopted.

The first is a future land use map amendment to change a property from modern density residential to industrial. The city received a request from the property owner for the modification. Comprehensive plan amendments are permitted once a year for review by the Planning Commission and City Council.

Once compiled, the requests are presented to Council for informational purposes before they are submitted to the State planning office for preliminary land use review.

Tonight's amendments were previously reviewed by City Council on January 9, 2023. The PLUS meeting for this request was held on January 25, 2023, and a copy of those comments are in the Council packet.

The property is part of the recorded Watergate Subdivision and was left as a small parcel of open space. It was exchanged as a part of a legal settlement for access to the Industrial Boulevard between Milford Mini Storage, Incorporated and Watergate Liborio LLC. The comprehensive plan future land use map is consistent with the terms of that legal settlement.

The staff report includes future land use comments. If the future land use map is approved, the property owner has requested in Ordinance 2023-15 from R-3 garden apartment/townhouse district to I-1 limited industrial. That property would then be combined with the adjacent property.

The packet contains the future land use map and shows the irregularly shaped parcel that abuts the industrial land.

A copy of the zoning map, Watergate development record plan, comprehensive plan documents, and the public notices are included in the packet.

Both notices were advertised in the Delaware State News on March 5, 2023, and mailed to owners of properties within 200 feet. A public notice sign was posted at the site.

The Planning Commission reviewed both ordinances at their March 21, 2023, meeting and recommended approval of each by a vote of five to zero. The Commission added a condition to the change of zone approval that the lot be combined with the adjacent industrial property.

When asked about Ordinance 2023-12, Planner Pierce stated that the conditional use is not contingent upon this vote and is an unrelated application for Mr. Wiley.

Milford Mini Storage Owner Joseph Wiley, who resides at 202 Lakeview Avenue, Milford, stated that the application was explained by the Planner. Looking at the original lot, the industrial use initially ran with the face of that property. When that development was built, the roadway was deterred away from the face of the property. What is being requested is to reestablish the frontage with the same zoning as the remainder of the property.

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

Councilmember Fulton moved to adopt Ordinance 2023-13 amending the future land use designation, seconded by Councilmember Baer. Motion carried by the following roll call vote:

Marabello: I vote yes for the approval, and it does not have any adverse effect in the area by changing the designation to industrial.

Boyle: I vote yes for the request, and it makes sense for the area.

Fulton: I vote yes. It is suitable for the area, no matter where you want the line. Moving the line over one property is perfectly fine for them to have a successful business.

Culotta: I vote yes, it is being put what it should be and takes out any gray area.

Samaroo: I vote yes, based on the same reasons that were mentioned.

Baer: I vote yes, as this is just a cleanup of land owned by a Milford Mini Storage.

Wilson: I vote yes based on the state-level comprehensive office signing off on it, and it makes sense for the City of Milford.

James: I vote yes. I agree with this does right it based on the surrounding area. And he also agrees it is a cleanup.

Councilmember Fulton moved to adopt Ordinance 2023-15 for the change of zone from R-3 to I-1, seconded by Councilmember Baer. Motion carried by the following roll call vote:

Culotta: I vote yes, for the same reasons stated earlier.

Fulton: I vote yes, and this is a definitely a cleanup job.

Boyle: I vote yes as it will be used for what is intended to be used for.

Marabello: I vote yes, it is just a small parcel and not to change it.

Wilson: I vote yes based on all the reasons stated before.

Baer: I vote yes based on my earlier comments.

Samaroo: I vote yes, it is consistent with adopted and amended 2018 comprehensive plan future land use map.

James: I vote yes for the same reasons I stated for the adoption of Ordinance 2023-13.

Adoption/Ordinance 2023-12 - Conditional Use

Application of Milford Mini-Storage, Inc.

1.82 +/- 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: Vacant Lot

Proposed Use: Outdoor Storage

Tax Parcel: 3-30-11.09-029.01

Planner Pierce stated this is a conditional use application for 1.82 acres addressed as 609 Marshall Street that is

currently zoned I-1, limited industrial. The proposed use is outdoor storage and is adjacent to an existing self-storage facility with no interconnection between the two properties.

The applicant proposes to utilize the vacant parcel located at the southeast corner of Marshall Street and Industrial Boulevard. The proposed use would have access through an existing gate and entrance along the Industrial Boulevard area.

The Planner then read the section of the zoning code related to mini warehouses and public storage facilities requiring a conditional use subject to special requirements set forth by the City Council.

The staff report, location and zoning map, survey and related exhibits, applicant narrative requesting to store recreational vehicles, campers, other vehicles, portable storage units, equipment, and other outdoor items, were included in the Council packet.

The public notice was published in the Delaware State News on March 5, 2023, mailed to owners of properties within 200 feet of the parcel, and a public notice sign posted at the site.

The Planning Commission reviewed this conditional use application at their March meeting, and recommended approval upon a vote of five to zero.

Council asked if the property was already being used for this purpose and then ceased. The Planner responded by stating some materials, including mulch and stone and similar items, were on the property, but he could not find any conditional use approval.

When asked if the vehicles and recreational vehicles be covered in some manner, Mr. Wiley explained that he would like all the Planner's comments adopted into the record as far as his intent is concerned, though he welcomes any questions.

Councilmember Fulton asked what security measures are in place, Mr. Wiley explained that currently anyone entering access through the regular gate with a security camera that records license plates and driver photos. When the updated process is in place, access will only be permitted from Industrial Boulevard. A new camera system will be installed at the new gate and access will be through a code box initially.

Councilmember Wilson then questioned if future plans include a car port or something similar that will allow the vehicles and RVs to be stored inside, Mr. Wiley stated not at this time. A staff member is attending an upcoming inside self-storage show and will be educated in the newest technology in this field, which could be considered later.

Mr. Wiley also shared that he has no plans to install a privacy fence when Councilmember Baer inquired about the possibility of hindering someone's vision from Marshall Street. He added there is presently a six-foot chain-link fence around the parcel and no buffer is planned mainly because his property faces other industrial use properties.

The floor was opened for public comment; no one responded, and the public hearing session was closed.

Councilmember moved to adopt Ordinance 2023-12 with all 'preexisting conditions imposed by the Planning Commission', seconded by Councilmember Boyle.

Motion carried by the following roll call vote:

Marabello: I vote yes, changing it from industrial to limited industrial is not a significant change and does not adversely affect anyone around it.

Boyle: I vote yes, the proposed use is consistent with the land use in accordance with the comprehensive plan.

Fulton: I vote yes, this conditional use does fall within the guidelines for the I-1 limited industrial district.

Culotta: I vote yes, believe it or not, RV storage is in short supply in Sussex County, and this is a good thing to have an option especially for people that live in HOAs that are not allowed to store their RV in their yard. This is great for Milford.

Samaroo: I vote yes. There is a need for the use in the area and as proposed as established by the Comprehensive Plan

Baer: I vote yes. I think it is a good thing to have additional RV storage.

Wilson: I vote yes. It meets the I-1 code and we need more storage for large vehicles in our city.

James: I vote yes. It does meet the I-1 requirements, and there is a growing need for this type of business in the City of Milford.

*Adoption/Ordinance 2023-14/City of Milford Comprehensive Plan Amendments:
Amending and Adopting the 2018 City of Milford Comprehensive Plan
Amendment #14
Southern States Milford Cooperative, Inc.
MD-16-182.00-01-03.00
Future Land Use Designation Change*

*Adoption/Ordinance 2023-16 – Change of Zone
Application of Southern States Milford Coop, Inc.
4.959 +/- acres of land located along the north side of
Milford-Harrington Highway at the intersection of Williamsville Road
Present Zoning: I-1 (Limited Industrial)
Proposed Zoning: C-3 (Highway Commercial)
Present Use: Vacant
Proposed Use: Retail Sales
Tax Map & Parcel MD-16-182.00-01-03.00*

Solicitor Rutt noted the next two applications involve the need for approval of a comp plan amendment before a change of zone can be considered in Ordinance 2023-16.

Planner Pierce presented Ordinance 2023-14 involving an amendment to the comprehensive plan map which would change the parcel zoning from industrial to commercial.

The application was submitted to the State Planning Office and reviewed at their January 25, 2023, PLUS hearing. Those comments are included in the packet.

Also included is the staff report comments, future land use map showing the highlighted parcel and surrounding properties all being commercial, written request from the property owner, PLUS minutes, and the public notice.

Ordinance 2023-16 is for the change of zone from I-1 Limited Industrial to C-3 Highway Commercial, for the parcel owned by Southern States which involves slightly less than five acres located on the north side of State Route 14. The adoption of the previous ordinance is required before this rezoning can be approved.

Both public notices were published in the Delaware State News and owners of properties within 200 feet of the parcel were mailed a copy. The property was posted with the comprehensive plan map amendment and the change of zone notices.

The applicant provided an existing condition plan with the majority vacant with a larger driveway area that sometimes contains some stored items.

Also provided was a general conceptual plan though that will be reviewed later by the Planning Commission during their site plan review.

Included in the packet were sections of the comprehensive plan, map amendment, zoning code sections, and commercial future land map designation.

The Planning Commission reviewed both ordinances at their March meeting, and recommended approval by a vote of five to zero.

Professional Engineer Cliff Mumford of Davis, Bowen and Friedel, located at 1 Park Avenue, Milford represented the application. Also present was Milford Southern States General Manager Gary Rhodes.

Mr. Mumford stated, for the record, they agree with the Planner's findings included in the staff report in the packet.

He then presented the future land use map and rezoning application on behalf of the existing Southern States Store on Williamsville Road, which is basically caddy-corner to this location. Southern States has owned the since 1999 and have had an eye on growing within Milford. They have been part of the Milford community for many years and intend to expand their services by investing in a new retail sales building.

Mr. Mumford continued by explaining that retail sales is not a permitted use in the I-1 zone. Therefore, a change of zoom must be completed from industrial to C-3 highway commercial before the site plan can be approved. The future land use and zoning maps in the packets show this property as sandwiched between commercial uses that would be similar to the character in the area, and complimentary to the neighboring properties, and would connect those commercial uses along Route 14

The new store would include a small landscape nursery, outdoor area for landscaping and farm supplies, a tractor showroom and sales, service bay for repairing and servicing tractors and small lunge and garden equipment. The store will also contain retail sales of home and garden supplies. The full site plan review will be done at a later time.

The existing store will continue operations and maintain the agronomy and energy services portion of the business.

Mr. Rhodes then addressed the Council stating he lives at 164 Marsh Branch Road, Greenwood and is the General Manager of Southern States Milford Cooperative. He has been with the company 45 years this year, and this is the 75th year in business in Milford and are very proud of that.

He said they need more space for growth and sell lots of items, farm supplies, tractors and mowers and similar items. That require more space. They also anticipate a large growth coming to the Milford area, and believe that to be competitive in the Milford market, need more retail space to allow an enjoyable shopping experience at Southern States.

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

Councilmember Fulton moved to adopt Ordinance 2023-14, authorizing the future land use designation change, seconded by Councilmember Wilson. Motion carried by the following roll call vote:

Wilson: I vote yes. It is like properties and the C-1 makes sense. It was reviewed through the state's PLUS review and is within the city comprehensive plan.

Baer: I vote yes based on the fact it is surrounded by like properties.

Samaroo: I vote yes. It meets the requirement for the 2018 comprehensive plan, and it does not pose any adverse effect.

Culotta: I vote yes, and this is another good thing for Milford's growth from a company that has been here a very long time and it is always great to see the reinvestment in our community.

Fulton: I vote yes. It makes sense based upon the east and west companies all being commercial. And s very proud they want to enhance the retail opportunities for the citizens of Milford and those surrounding.

Boyle: I vote yes. It makes sense and the property is surrounded by commercial on two sides. It is puzzling why it was industrial to start with.

Marabello: I vote yes, and it is consistent with what is there already.

James: I vote yes, and it does bring it in line with the properties that are already facing the Milford-Harrington Highway, and as echoed by other Councilmembers it is great to see that the 75-year resident of the City of Milford has decided to continue to invest in the city on behalf of the growth that is taking place.

Councilmember Fulton moved to adopt Ordinance 2023-16 for a change of zone from I-1 limited industrial to C-3 highway commercial, seconded by Councilmember Wilson. Motion carried by the following unanimous roll call vote:

Samaroo: I vote yes, for the same reasons stated for the previous ordinance.

Baer: I vote yes, and it makes sense for the land.

Wilson: I vote yes, based on all the reasons that were stated previously.

Marabello: I vote yes, if you look at the quality of whatever they do, where they have the gas station and the landscaping. Anything they do is beautiful, in addition, to the City and is very proud and wish everything looked like that.

Boyle: I too vote yes for the motion. The change of zone makes sense and Council just approved the future land use to commercial.

Fulton: I vote yes based upon the reason stated for the future land use designation change.

Culotta: I vote yes for the reasons stated earlier.

James: I vote yes for all the reasons stated for Ordinance 2023-14.

RECOGNITION

No special guests in attendance.

COMMUNICATIONS & CORRESPONDENCE

Brightway

Commons

Conditions

Councilwoman Wilson reported several issues with old of the oldest housing developments in Milford. The residents of the former Banneker Heights, now called Brightway Commons, are living in deplorable conditions and the reports of raw sewage coming up through the pipes into their units. The residents were moved to other units, though they were also below the proper standards of living.

Many had to leave their personal items and one mother of seven children, had to leave their furniture as they were removed from the rentals.

The media has contacted Councilmember James and her and she wanted Council to be aware of the situation and how many of our residents are living. She is trying to find some support and was able to contact the Armory Service Center. Lillian Harrison has put together some resources though more are needed. Ms. Harrison is collecting items and takes them to the Armory where these residents can come and choose what they need.

The City is working with the managing agency Volunteers of America, as well as the State Department. Though more assistance is needed.

Vice Mayor James added that they have worked with Brightway Commons for some time. For now, he believes the attention is at the appropriate level for all parties and asked for prayer for those residents.

Later during the meeting, Councilwoman Wilson shared that March is National Women's History Month. She recognized the City Clerk, Deputy City Clerk, Administrator, and supporting staff, for doing everything they do and the support of the City of Milford on a daily basis.

Councilmembers added Councilwomen Wilson and Samaroo as well.

Trash Collection-Fork Landing

Councilmember Baer reported that the yard waste was not collected today at his development.

Public Works Director Mike Svaby responded stating he was unaware of any problems with the trucks, nor was he aware of any missed collections. He will check into it to determine the reason for the missed collection.

UNFINISHED BUSINESS

None to discuss.

NEW BUSINESS

Vice Mayor James shared that the requests for funding will not be voted on at this meeting, though they will be considered during the upcoming reviews of the FY24 budget. He noted this year will be a trying one due to several items occurring within the city. The police department continues to be built, the new business park is being prepared for development, and there may be other in-house operational needs from various departments.

He asked each requestor to remember to keep the entire city in mind and to reconsider the request to determine how well each can work with what they have now.

Council was reminded that as part of each organization's agreement with the city, they are required to provide an annual update in March of what has been accomplished and their request for funding.

Annual Report & Request/Greater Milford Chamber of Commerce

Angela Dorey stated she is a volunteer with the Chamber of Commerce for Greater Milford and lives at 1063 Scotts Corner Road, Milford. She thanked Council for their generosity and support of the River Walk Freedom Festival. Last year they celebrated their 22nd year. It was a phenomenal day with a record number of attendees that was gauged at over 10,000 throughout the day.

The following request was submitted:

The Chamber of Commerce for Greater Milford is excited to host the 22nd Riverwalk Freedom Festival scheduled for Saturday, September 16, 2023. As in the past, the event will be held on one day, with vendors and various attractions beginning at 9 am continuing throughout the day, concluding with fireworks after dark that evening. We would like to host the Red, White and Brew Garden in Bicentennial Park again this year. We request your permission to waive the alcohol restrictions in the park on the date of the festival.

We will use a similar layout that has worked so well in past years. There will be a fenced area in a section of the park with a view of the stage. We will be checking identifications and applying wrist bands to those twenty-one (21) years old or older. This will allow the purchase and consumption of alcoholic beverages in the designated area only. As the Delaware Alcoholic Beverage Control regulations permit, the designated area will be family friendly, so all ages will be permitted to enter the area. We will have one entrance/exit clearly marked with eye level signage that no alcoholic beverages are permitted beyond the designated area. We will have crowd monitors to assure no one leaves the area with alcohol. We will have a portable restroom in the enclosed area, as well as multiple trash bins. We plan to have cornhole and food vendor(s) in the area as well. We will provide several open tents to provide shade and cover and in the evening the area will be well lit. All Delaware Alcoholic Beverage Control regulations regarding alcohol service, including obtaining a "Gathering License" will be observed and adhered to.

The City's contribution of \$30,000 was allocated and paid for the 2022 festival expenses as follows:

- Fireworks (Brother's Pyro, LLC) \$10,000.00
- Comcast Co-op advertising: \$1,515.00
- WBOC advertising: \$2,700.00
- Facebook Boosts advertising: \$500.00
- Forever Media Eagle 97.7 advertising: \$1,000.00
- Bicentennial Park stage rental \$5,500.00
- Lincoln City band: \$650.00
- Petting Hendrix band: \$700.00
- Bobby Lee Jones band: \$800.00
- Plead the 5th band: \$2,000.00
- Salisbury Zoo: \$370.00
- Watkins Wonders Petting Zoo: \$500.00
- The Juggling Hoffmans: \$600.00
- Milford Police Dept (traffic & crosswalk) \$1,992.00
- American Sanitation (porta potties) \$1,469.00
- Total \$30,296.00*

*Total ONLY reflects expenses paid with the City funds. Additional expenses are paid by Chamber of Commerce for Greater Milford in the amount of \$22,200.00

Vice Mayor James questioned the \$1,992 for the use of Milford's officers.

Ms. Dorey confirmed that just in the past two years, they were required to have two special duty officers, in addition to having traffic safety authorities. The previous Chief had worked with them by providing officers who were paid overtime

for the duty. As in the past, they feel having Milford officers in attendance is important, versus using them as cross walk attendants.

City Manager Whitfield said the police department started billing for that service based on the requirements of the Teamsters contract. He also thinks that the city can review this, though he is also aware of the amount of city staff that works the event at no cost to the Chamber.

Mr. Whitfield is willing to work with Chief Ashe to review this.

Chief Ashe said she will look at that anything community-supported will be reevaluated.

Because the alcohol waiver was not on the agenda, it will be added to the April 10th agenda for a vote by City Council.

Annual Report & Request/Milford Museum

Milford Museum's Executive Director Claudia Leister, of 1466 McGinnis Pond Road, Magnolia, presented the following report:

- 1) Changing official name to Milford Museum and Landmark Commission; Bylaws were rewritten.
- 2) Compiled Master List of all Milford historic houses and owners. Working with State Preservation Office to have information here for interested homeowners.
- 3) Received \$700,000 from State Reinvestment Grant monies with the help of Senator Dave Wilson. Working with Davis, Bowen & Friedel as Project Managers to prepare drawings and work plans for an Education/Meeting Room addition to the Museum, and up-to-date Collections Storage area in the basement. Project estimate is \$2.5 million.
- 4) Selected to receive two National Museum Grants: CAP (Collections Assessment Program through the Institute for Museums and Library Services) which is almost completed, and MAP (Museum Assessment Program through the American Alliance of Museums) which will begin next month.
- 5) Our full-time Museum Operations Manager left for a Teaching job. Currently interviewing for a new person to fill this position.
- 6) Successful installation of a museum store.
- 7) Beneficiary of Chamber of Commerce's Taste of Milford event.
- 8) Participated in Holiday Stroll with over 300 visitors.
- 9) A total of 100 new items have been added to the Museum's collections during 2022.

PERFORMANCE INDICATORS

2021 Visitation equaled 2,365. Our total visitation for calendar year 2022 was 3,827.

VOLUNTEERS

The Museum has two new Board members. Tiffany Shipe, Branch Manager for Shore United Bank, and Keith Geise, Financial Center Manager for Fulton Bank. The Museum Board now includes a total of 11 members who volunteer their time and talents.

UPCOMING EVENTS

The following Fundraising events are being planned for 2023: Held very successful Regency Ball in February which was sold out, tomorrow night March 21 is opening of new General Torbert exhibit 5-7pm; May 27 & September 9 will be the WALKING TOURS; August 19 is HIPPIEFEST at Causey Mansion; October 21 is the GHOSTWALK from the Towers to Causey Mansion

December 1 Member Appreciation Night

We continue to participate in the Library Easter Scavenger Hunt, Chamber Expo, MHS Antiques Market at Parson Thorne Mansion, Bug & Bud, and Freedom Festivals.

We are planning our next Gala "Last Night on the Titanic" for February 2, 2024, and Regency Ball for June 8th.

CITY FUNDING

CALENDAR YEAR 2022		CALENDAR YEAR 2023 (anticipate)	
ITEM	AMOUNT	ITEM	AMOUNT
Payroll	\$44,387	Payroll	\$48,000
Utilities	\$9,193	Utilities	\$10,000
TOTAL:	\$53,580	TOTAL:	\$58,000

The Milford Museum is requesting Operational funding support from the City of Milford 3 in the amount of \$40,000.

Ms. Leister confirmed that their building is owned by the State Division of Historical and Cultural Affairs but rented to the City who allows their nonprofit to use it. In their discussions with Historical and Cultural Affairs, they have suggested giving the building to Milford Museum. But because they continue to maintain the building, that is the reason the state will continue to own it.

Annual Report & Request/Carlisle Fire Company

The annual report and finance request were included in the Council packet.

Administrative Vice President Barry Fry provided the update on behalf of President Troy Hazzard who was not in attendance due to a medical procedure.

2023 Board of Directors

- President- Tor Hazzard
- Vice President- Barry Fry
- Secretary- Dallas McKenzie
- Treasurer- Joseph Mriss
- Fire Chief- Shawn Hinton
- Chief Engineer- Joe Morris Sr.
- Building Superintendent- Billy Foxwell
- Ambulance Captain- Vada Sample
- Director- Wayne B. Whitney
- Director- Richard Jester
- Director- Brennon Fountain
- Fire Recorder- Lester Guyer

Community Events

- Fire Prevention Awards for Milford School District
- Milford Community Parade
- Bud and Bug Festival
- Riverwalk Freedom Festival
- Milford Holiday Stroll
- Several Carlisle Fire Co. Touch a Truck Events
- Harrington, Rehoboth and Milton Community Parades
- DVFA 100th Anniversary Parade

Fire Company Functions

- Community Crab Feast
- Mutual Aid Crab Feast
- Chicken BBQ's
- Annual Auxiliary Craft Show
- Auxiliary Sporting Clay Shoot
- Trunk or Treat
- Touch a Truck Events
- Santa Runs
- Milford Day Care Centers Fire Prevention Events
- Movie Nights at the Fire House

Fire Chief Shawn Hinton then provided the operational report noting the department remains very busy.

In 2022, they had a total of 781 calls. That number continues to increase as is shown on the graph in the report.

In response to an earlier inquiry, the Chief has determined that 85% of their total calls were from within the boundaries of the city limits. Year to date, they are at 84%.

Chief Hinton shared that automatic fire alarms are the main reason for the high number of calls. That can involve anything from cooking causes, dirty smoke detectors, insufficient maintenance, to accidental cutting of wires. He feels they can be viable training sessions because there is typically smoke inside of a building or residence, which activates the alarm company who then activates the fire company.

The second highest cause of alarms is motor vehicle accidents.

They also respond to multiple calls involving vehicle fires, dumpster fires, wires down, and assisting other companies.

The fire siren is not activated for officer calls and last year involved 22 calls.

Their fire police respond to calls that do not involve the fire siren, and last year responded to 23 calls.

EMS calls have increased dramatically and 90% of that is due to Covid. He does not have that exact number to date, adding that they have had at least three calls since the meeting began. Last year, they had 3,817 dispatches within the Carlisle Fire Company district and average about 318 calls per month, or a call within every 20 to 30 minutes.

There were 2,610 dispatches that were transports from one medical facility to another, and 1,207 were non-emergency transports. Over 650 calls involved sick people and involve anything from flu symptoms to breaking a toe. More than 300 calls involved unconscious people.

Five new volunteers have joined the company and two additional applicants will be interviewed. The increase with new applicants continues as they progressively advertise the company. Several inactive members have returned.

Alarm attendance has improved to 50% which is an upper trend; drill participation has also increased 50%.

Carlisle has improved relationships with its neighboring companies. Those companies come to Carlisle's district more than Carlisle goes to them, because of how busy Milford has become.

There has been an increased number of fire company tours by area businesses in their attempt to reestablish those relationships.

Overall, he reported that call volumes continue to increase. To date, fire calls are at 171 with increased community development the driving force in that increase. The company is providing additional fire prevention education and is working with schools for recruitment purposes in hopes of attracting younger members and maintaining community events.

The high EMS call volume impacts staff retention, so there is a need to remain competitive with benefits and pay.

Chief Hinton talked about continuing projects including the renovation of the banquet hall, upgrade and maintenance of the trucks and ambulances, as well as the acquisition of new and upgraded tools to help them be more efficient.

He looks forward to a continued relationship with the Mayor and Council as they continue to improve their services. He referred to the request for the upcoming fiscal year:

Upcoming Fiscal Year Request	
• City Electric/Water/Trash	\$35,000
• Employee Health and Dental	\$32,000
• Salary/Payroll Tax	\$150,000
Total	\$217,000

Noting that several committees have been formed, Chief Hinton and President Hazzard are planning to form a committee to review future building and land needs. However, it is at a very early stage and a chairman has not yet been appointed.

Also discussed was the minor upgrades to the banquet hall which has included painting and flooring though nothing major has been considered. It was confirmed that would include all areas including the kitchen.

Living/sleeping quarters for the staff is also part of their renovation plans.

Authorization/Carlisle Fire Company/Enhancement Fund Request

Chief Hinton also submitted a request for funds from the Carlisle Fire Company Building Enhancement fund in the amount of \$55,000 for the replacement of rescue tools. Rescue or emergency tools are primarily used for motor vehicle accidents. The goal is to purchase three rescue system sets to be placed on multiple pieces of equipment to allow the firefighters greater abilities in battery life and cycling limits but also in the versatility offered in use of the tools.

Currently, they use hydraulic tools while the battery-operated tools will allow them to be used at a longer distance. The core reels on the apparatus only extend out to about 28 feet on some trucks and 33 feet on another truck.

The purchase of the tools will include an extended maintenance agreement to prolong their lifespan.

Councilmember Fulton moved to authorize \$55,000 be paid from the Fire Company Enhancement Fund for the purchase of battery-operated rescue tools, seconded by Councilmember Wilson. Motion carried with no one opposed.

Annual Report & Request/Downtown Milford Incorporated

DMI President James Rabe of 5765 Karen Court, Salisbury, Maryland, provided the report on behalf of Downtown Milford.

Below is the executive summary of their annual report:

Downtown Milford Inc completed a successful year that included a FULL event schedule and a successful turning point for adding additional volunteers and community stakeholders. In 2022, DMI began experimenting with more staff to support the Executive Director in event planning that would allow the director to focus on value-adding community work.

Financially, DMI finished the year with a budgetary surplus which DMI intends to extend forward into growing value by adding additional services and events for the downtown and surrounding community.

The total direct and indirect economic impact of Downtown Milford for 2022 is estimated at \$376,424 (2021 value - \$335,140). This is the culmination of the DMI volunteer base, an outstanding farmer's market, an outstanding partnership from the City of Milford, and the downtown businesses DMI is privileged to serve.

Financial Summary

In 2022 Downtown Milford, Inc. received funds from the City of Milford totaling \$47,500.00, for operations expenses. In addition to the other fundraising activities that DMI undertakes, DMI was able to expand our operations this year with the addition of short-term part-time staff. DMI is planning to add an additional part-time staff member in H1 of 2023 with the ambition that this role will further permit the Executive Director to spend more time in the community.

To date for FYE 2023 (June 30th), Downtown Milford has a total of \$64,696.77 in total expenditures and \$83,614.53 in income from grants, events, and donations resulting in a net income of \$18,917.76.

President Rabe shared that 2022 was a great year and the first year a full event schedule was completed. Their strategy was to grow their volunteer base, and with that volunteer base start bringing back many of the events. Coming into 2021, one or two events were added, and in 2022, a couple more were added.

Downtown Milford's events & fundraisers for 2022 included the following:

- Milford Clean Up
- Bug & Bud Festival
- Irish Music Dance Festival
- Third Thursdays Summer Events - Heroes, Dog Days of Summer, and more.
- Riverwalk Farmers Market
- Ladybug Music Festival
- Trunk or Treat Street Party
- Small Business Saturday
- The Aftermarket
- The Christmas Market
- Holiday Wreath Fundraiser
- Holiday Stroll
- Santa's House
- Several Ribbon Cuttings and Business Openings
- Do More 24
- Downtown Milford Street Banner Program/Hometown Heroes/Recognition of Graduating Classes

Volunteers continue to be the limiting factor, especially because many contribute after hours, weekends, etc.

DMI's estimate of the total direct and indirect economic benefit to the downtown of the City of Milford is \$376,424. That number is based upon the following items:

2022 DMI Volunteer Hours – 5,284 hours - \$158,255.80 in volunteer value

2022 Executive Director - - 2,000 hours - \$47,500

2022 Total Economic Value of the Farmer's Market - \$170,669.09

Total Economic Value to the City of Milford was \$376,00 based on 5,0000+ DMI Volunteer Hours

All three values increased from 2021.

One item they are considering adding is the addition of a part-time member to assist with operations and event planning. That leaves the Executive Director to get more involved in the community and spend less time sitting behind a desk answering email and phones.

This year, five of five was completed with the previous City of Milford contract. They are asking that funding amount be increased slightly.

They are now renting from a different facility. When the previous contract was executed, they were occupying space made available by the city with no rent costs. That offered living space and no-charge rent. Now they are required to rent on Walnut Street and have a full-time Executive Director and part-time staff, resulting in an increase in costs.

The other item involves the Ladybug Music Festival, with an urgency for Council to make a decision on the funding very quickly.

He stated that DMI requests three decisions from the Council tonight:

- (1) Budget allocation for DMI operations of \$60,500
- (2) Budget allocation for Ladybug Music Festival Operations of \$55,000.
- (3) Ladybug disbursements of July 1 (\$25,000) and August 15 (\$30,000)

DMI's goal is to make the Ladybug Festival a self-sustaining event with less reliance on the city within the next four to five years. Any money made during the event will be rolled back into next year's event and decrease the amount requested by the City.

President Rabe commented that Main Street has provided \$2,500 per quarter or \$10,000 annually.

Milford Public Library

Ella Wilkerson of 3136 Main Street, Frederica, introduced herself as the Library Director.

She reported the library has 18 staff members (6 full-time) and a Board of Trustees which is made up of five members.

In the summer of 2022, the library applied for and received a Community Investment Recovery Fund Grant for \$900,000 to upgrade the HVAC system.

They are working to modernize the library to meet the needs of the growing community. It is very important to meet the needs of the different demographics moving into the city. The computer lab has served the community for many years and has done well. In pre-pandemic times, it was adequate to meet the needs of most patrons.

Since, post-Covid has made social distancing a norm. Second, the need to use the computer to do everything in life has drastically increased. That has caused the lab to no longer be sufficient and now prevents social distancing.

There is enough space to move the computers in the library. However, the biggest problem is the lack of electrical outlets and data ports. When the library was constructed, electrical outlets were not needed as they are today and there are few of them. Moving more electricity options into the building would provide a healthier and more secure place for patrons to use the technology.

Also, under consideration is the lowering of shelves throughout the stacks to provide a direct line of site throughout the collection.

The State has been asked to fund a needs assessment to enlarge the library with a robust teen and children's section and more meeting rooms, which are always in big demand. They hope to transform the library into a hybrid community center one day.

She then talked about the number of changes that were made over the past year.

They are working with their volunteer program so that volunteers may assist in different areas of the library, not just shelving books or packing the transit daily. Instead, doing programming and outreach.

Circulation grew in 2022 and Ms. Wilkerson reviewed the monthly circulation.

The library has a multitude of programs of interest to adults, from information from the Delaware Senior Medicare Patrol to Murder by the Book a live performance held last Saturday at the library.

She talked about their outreach and partnership with the Food Bank. The most successful program is Music in the Park and there are plans to expand that into more months. Other programs and services were also talked about.

Ms. Wilkerson then spoke about the risk of losing one of their main sources of funding from Kent County. That is in the form of a school tax district formed many years ago. This year, two new libraries, Duck Creek/Smyrna and Harrington will be opening. Both requested school tax districts.

Prior to that, Milford was the only one with a tax district in the State of Delaware. Milford Public Library could lose 25% of its funding as a result.

They receive less funding from Sussex County, as well as the City of Milford. Kent County will be looking at that when they make their final decision.

She thanked Council for their continuing support and to contact them with any suggestions they can do to help the city.

Presentation Update/WIIN Project Update

Danielle Swallow of Delaware Sea Grant updated Council on the project. She recalled the previous time she addressed Council stating this is now wrapping up. After 2.5 years, there is now a nature-based watershed investment strategy that's coming out tomorrow publicly. A copy of the strategy is in the packet.

It incorporates information gained through an economic valuation study that was done through the University of Maryland's Environmental Finance Center that found the natural resources of the Mispillion and Cedar Creek Watersheds contribute millions of dollars in value just for recreation and leisure alone.

A lot of stakeholder engagement and some vulnerability assessment work. Through feedback from partners of the WIIN Coalition, which Milford and Slaughter Beach are part of, they were able to generate a collection of ideas that invest in natural resources as a way of keeping them around, sustaining them for future generations. They want to enhance the values they bring to each community and want to incentivize folks that want to preserve and maintain these resources.

The strategy is a collection of ideas generated by the towns, partners, and community stakeholders and expresses the importance of the Mispillion River and Cedar Creek from an ecological, economic, and resilience perspective. It is not a management plan and is more to outline the vision that the resources are too valuable not to invest in into the future.

At the last meeting with Council, Ben Muldrow talked about the branding and marketing strategy that was included as part of this effort.

She does not want the strategy to sit idle, and instead is hoping Milford will look at some of the recommendations and work to implement it. There is a partnership that is willing to support that.

This investment strategy is another piece to encourage and excite people and bring investors to the table as well as visitors.

The Mispillion River was branded as Delaware's Hidden River because few folks have been able to go beyond the Riverwalk limits of the river or down by Slaughter Beach. There is a whole expanse waiting to be discovered.

Cedar Creek was branded as Naturally Pristine which is a showcase of what unspoiled nature looks like.

She hopes the towns will utilize this and incorporate it into websites and banners and other give-away types of things so residents can take to heart this tremendous resource waiting to be discovered.

With the final press release tomorrow, the final strategy will go live. This Friday at 10:00 am, there will be a reception at Bicentennial Park to thank all partners in the WIIN Coalition.

To conclude, she hopes that this vision really centerpieces the Mispillion and Cedar Creek into the future of each community.

The Coalition has agreed to continue and both Milford and Slaughter Beach have agreed to chair that moving forward.

The Town of Slaughter Beach partnered with the City of Milford on a grant proposal for a continuous bike path. Slaughter Beach also partnered with the University of Delaware's Coastal Resilience Design Studio on a new resilience, planning effort, and she encourage the review of the ideas in the investment strategy and select one or two to move out on.

She again thanked all the coalition partners and Slaughter Beach and their Mayor Bob Wood and his many community members.

Slaughter Beach Robert Mayor Wood of 418 Bay Avenue, Slaughter Beach, explained that because of this WIIN. He talked about how dangerous it is to ride a bike to Slaughter Beach. His town manager put in a grant, and it is already at their second stage. The idea will be Milfordians could ride down to Slaughter Beach, stay at the beach for the day. People from Slaughter Beach take their bikes to Milford and shop and go to the grocery store.

He is already seeing ecotourism coming to Slaughter Beach and they don't even have a soda machine and most of what they buy comes from Milford. It's an economic driver and is already starting. Soon the horseshoe crabs will come in, and they

get 10,000 visitors on their tiny boardwalk each year. They also have a bathroom that allows people to stay in Slaughter Beach longer.

Mayor Wood hopes to continue with this and see where it goes, because it is important to both communities.

Adoption/Resolution 2023-01/Ecotourism & Resilience Investment Strategy

Councilmember Fulton to adopt Resolution 2023-02, seconded by Councilmember Baer:

RESOLUTION 2023-01

Endorsement of Final Ecotourism and Resilience Investment Strategy & Partnership Support with Slaughter Beach

Whereas, the National Coastal Resilience Fund is a national program that supports targeted investments by helping communities address their specific resilience needs and priorities; and

Whereas, the National Coastal Resilience Fund invests in projects that benefit coastal communities by reducing threats from coastal hazards such as rising sea- and lake-levels, more intense storms, increasing flooding and erosion, and melting permafrost to property and key assets, such as hospitals and evacuation routes; and benefits fish and wildlife by enhancing the ecological integrity and functionality of coastal ecosystems; and

Whereas, the Final Ecotourism & Resilience Investment Strategy for the Mispillion and Cedar Creek Watersheds involves a project funded by the National Fish and Wildlife Foundation's National Coastal Resilience Fund; and

Whereas, the watersheds provide crucial habitat for a range of marine life and storm protection for surrounding communities and feature largely undisturbed expanses that offer extensive recreational and ecotourism opportunities; and

Whereas, the natural resource economic valuation study, completed by the University of Maryland Environmental Finance Center in June 2021, funded by The Pew Charitable Trusts, can be accessed at: https://arch.umd.edu/sites/default/files/docs/UMD_EFC_Pew_Mispillon_Resources_Benefits_Report_0_0.pdf; and

Whereas, the vulnerability assessment, completed in July 2022, was completed by the Partnership for the Delaware Estuary; and

Whereas, this Ecotourism and Resilience Investment Strategy incorporates elements of the first two efforts and contains recommendations to expand conservation and recreation opportunities while building the resiliency of the region's communities and ecosystems to future climate impacts.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milford, by majority vote during a regular session of Council, hereby endorses the Final Ecotourism and Resilience Investment Strategy for the Mispillion and Cedar Creek Watersheds and continue support of the partnership with Slaughter Beach.

AND BE IT FURTHER RESOLVED that the associated branding within the Riverwalk be utilized on corresponding letterhead and documents.

Motion carried.

Authorization/Knight Crossing Phase 2B/ Preliminary Major Subdivision/Conditional Use/Extension #3

This is the third and final portion of the Knight Crossing Development and are seeking a third extension. Phases 1 and 2A were previously approved by City Council. The Planning Commission recommended approval of the extension by a vote of four to one.

Senior Project Manager Steve Gorski of Duffield Associates of 5400 Limestone Road, Wilmington reiterated this is the third and final phase of the project. All approvals have been received.

When asked the reason for the one dissenting vote, Mr. Pierce shared the Planning Commission Chairman did not like the idea of a third extension. He has consistently voted against multiple requests for extensions in the past.

When asked when the project begin, Mr. Gorski said that Developer Don Lockwood was unavailable tonight. But he has been trying to get a builder online. But with the economy, he is softening a bit though he has had a difficult time getting to this point. He hopes to have someone here within the next year.

Planner Pierce added that the letter states the final plan will be before Council in May 2023. But once recorded, they have five years to begin construction.

There remains a need for the execution of the development agreement and a public works agreement with the neighboring property owner for the construction of the sewer pump station before the five-year sunset.

Councilmember Boyle moved to authorize the Knight's Crossing Preliminary Plan Request and PUD Master Plan Revision for six months, seconded by Councilmember Fulton. Motion carried with no one opposed.

Adoption/Resolution 2023-02/Final Acceptance of Windward on the River Subdivision, Water and Sewer Infrastructure

City Engineer Puddicombe reported that Windward on the River has completed their one-year maintenance period with no issues. An inspection was completed and is ready to be turned over to the city.

He added this does not include the roadway which will remain private at the developer's request.

Councilmember Boyle moved to accept Resolution 2023-02 authorizing the city to accept responsibility for the future maintenance and repair of the water and sewer systems in Windward on the River Subdivision, as noted in the resolution, seconded by Councilmember Baer:

RESOLUTION 2023-02

Final Acceptance of Windward on the River Subdivision
Water and Sewer Infrastructure

WHEREAS, Chapter 200 provides that public roads and public utilities shall be accepted into the City of Milford's street system and public utility system by Resolution of City Council; and

WHEREAS, the Public Works Director and City Engineer have determined the water and sewer included in the Windward on the River Subdivision have been completed in accordance to City standards and requirements; and

WHEREAS, the portion of the Windward on the River Subdivision to be accepted includes the water and sewer utilities within the Windward on the River Subdivision depicted on the construction and pump station plans sealed and dated February 04, 2020 and March 10, 2020, respectively; and

WHEREAS, the water and sewer utilities within Windward Boulevard, a privately maintained street, are to be included; and

WHEREAS, this Resolution does not include acceptance of the sidewalks and streets within this subdivision; and

WHEREAS, approval to operate those utilities has been obtained from the applicable State agencies; and

WHEREAS, the maintenance bond for the completed utilities is to be relinquished to the developer in an amount equivalent to that withheld for maintenance of the accepted utilities; and

WHEREAS, said developer has provided as-built drawings of the utilities to the City of Milford.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Milford, during a lawful session duly assembled on the 27th day of March 2023, by a favorable majority vote, accepts the water and sewer systems in the Windward on the River Subdivision, that are being dedicated for public use into the City of Milford's public utility system.

BE IT FURTHER RESOLVED, that the City of Milford shall assume responsibility for the future maintenance and repair of the water and sewer systems in Windward on the River Subdivision, as noted in this Resolution.

Motion carried.

Adoption/Resolution 2023-03/Final Acceptance of Brookstone Trace Subdivision/Phase 2/Rights of Way and Associated Infrastructure

City Engineer Puddicombe shared this applies only to Phase 2 and still have topcoat to complete in Phase 1. In this phase, the sewer, water, some stormwater infrastructure, curbs, sidewalks, and roadway are ready for acceptance.

Councilmember Boyle moved to adopt Resolution 2023-03, final acceptance of Brookstone Trace Subdivision, Phase 2, whereby the city will assume responsibility for the future maintenance and repair of the water, stormwater and sewer systems, and associated rights of ways in Brookstone Trace Subdivision, Phase 2, as noted in the resolution, seconded by Councilmember Wilson.

RESOLUTION 2023-03

Final Acceptance of Brookstone Trace Subdivision Phase 2
Rights of Way and Associated Infrastructure

WHEREAS, Chapter 200 provides that public roads and public utilities shall be accepted into the City of Milford's street system and public utility system by Resolution of City Council; and

WHEREAS, the Public Works Director and City Engineer have determined the water, sewer and stormwater systems included in Phase 2 of the Brookstone Trace Subdivision have been completed in accordance to City standards and requirements; and

WHEREAS, the portion of Phase 2 to be accepted includes the utilities within the Right-of-Way ("ROW") and public utilities within associated open spaces adjacent to, but within the phase, as depicted on the phasing plan sealed and dated August 2, 2018 and recorded with the Sussex County Recorder of Deeds on Book 266, Page 59; and

WHEREAS, the phase to be accepted is phase 2 which encompass lots 45 through 89 and 105 through 128; and

WHEREAS, utilities within the following rights-of-way are to be included: Pebblebrook Drive from Fieldstone Avenue to Fieldstone Avenue; and

WHEREAS, this Resolution includes acceptance of the sidewalks and public streets within these phases; and

WHEREAS, approval to operate those utilities has been obtained from the applicable State agencies; and

WHEREAS, the maintenance bond for the completed utilities is to be relinquished to the developer in an amount equivalent to that withheld for maintenance of the accepted utilities; and

WHEREAS, said developer has provided as-built drawings of the utilities to the City of Milford.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Milford, during a lawful session duly assembled on the 27th day of March 2023, by a favorable majority vote, accepts the water, stormwater, sewer systems and rights of way in the Brookstone Trace Subdivision, Phase 2, that are being dedicated for public use into the City of Milford's public utility system.

BE IT FURTHER RESOLVED, that the City of Milford shall assume responsibility for the future maintenance and repair of the water, stormwater and sewer systems in Brookstone Trace Subdivision, Phase 2, as noted in this Resolution.

Motion carried.

Authorization/Milford PD/SLEAF Account Creation

Chief Ashe referenced the City of Milford Charter which requires an additional authorized user on the Milford SLEAF account. This account is a special law enforcement assistance fund whereby money is taken when used in crimes and related to crime evidence that is before the court. Those funds are seized and required to be placed in a separate account from other city funds to prevent any mixing.

This is presently regulated through the State of Delaware under 11 DE Code Chapter 41 § 4110 thru § 4116. Specifically, § 4112(a) and § 4112(b) requires the authoritative individual that oversees those accounts and the funds received from the State of Delaware, be the authorized user as the individual that represents the agency.

Under §4113(b) details the conditions the agency must, by court order, release the funds back to the SLEAF account.

Chief Ashe is requesting she be the authorized user of the account to ensure compliance with the court orders. This gives her the ability to issue a check back to SLEAF from the evidence funds.

Vice Mayor James asked the Chief to continue to correct any matters currently in place to ensure the city remains in compliance with procedures and laws.

Councilmember Boyle moved to authorize Chief Ashe to be added to the City of Milford Asset Forfeiture Checking Account signature authorization list for Special Law Enforcement Funds, seconded by Councilmember Wilson. Motion carried.

Monthly Finance Report – February 2023

Finance Director Vitola reported that cash is very stable other than a lot of ARPA projects seeing activity. Most of the projects are on schedule and those funds will be spent in time. The CIP process may uncover a couple projects that funds may be reused though he is unsure of the Fourth Street drainage project.

Both the enterprise fund and the general fund budgets have improved significantly after a small dip in January. But the results are mixed in both the general funds and enterprise funds versus last year. Once we are fully staffed, and begin to incur personnel expenses and will no longer fluctuate. That is a good thing because it provides more people to fulfil the city's projects, so capital funds, O&M, personnel are all higher and are finally able to do everything we are tasked to do.

When asked about property tax and utility collection accounts that are in arrear, Director Vitola explained that with more distance between the holiday season, the utility past dues have improved. In February, property tax delinquents improved on we've improved on the utility past use, and in in February we picked up some steam when past due property tax invoices were mailed and started to come in in February getting us closer to where we were last year. That was a good year and are getting closer each year.

It was also confirmed that more customers are signing up for the auto payment, though Director Vitola is unsure if that is people signing up for the auto payment or signing in and making a payment without enrolling. According to Councilmember Baer, there was a glitch in February where the auto payment was not deducted, and he received a bill showing his new bill and the past due amount.

Director Vitola recalled stating that unfortunately that was picked up after the new bill was mailed. In addition, there has been some issues with the new payment issues. In the past, a cash op representative had to be used with the payer. The upgraded system prevents that and while it can be done, it fails half the time, so we do not want to risk it.

In the beginning, there were issues with untokenized payments with debit cards and that has largely solved itself except for those people that did not jump on the system and re-enroll when it launched. Anyone trying to rejoin will incur that same problem.

IT Director Bill Pettigrew is working closely with Cash Operations and Revenue Manager Suzannah Frederick. They communicate daily and especially whenever there is an issue.

Councilmember Fulton moved to accept the February 2023 Monthly Finance Report, seconded by Councilmember Baer. Motion carried.

ADJOURNMENT

Councilmember Wilson moved to adjourn, seconded by Councilmember Culotta. Motion carried.

The meeting was adjourned by the Vice Mayor at 9:323 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL MEETING MINUTES
April 10, 2023

The City Council of the City of Milford met in Regular Session on Monday, April 10, 2023, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield, Police Chief Cecilia Ashe, and Deputy City Clerk Katrina White

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Katrina Wilson

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

Because no one registered to speak, the public comment session was not needed.

CALL TO ORDER

Mayor Campbell called the meeting to order prior to the unofficial Public Comment Session period at 6:04 p.m.

INVOCATION AND PLEDGE

The invocation was given by Councilmember James, followed by the Pledge of Allegiance prior to the start of the Council Meeting.

ROLL CALL

All members in attendance.

APPROVAL OF PREVIOUS MINUTES

Councilmember Fulton moved to approve the minutes of the February 22, 2023 Council Workshop, February 27 and March 13, 2023 Council Meetings, as presented. Seconded by Councilmember Culotta and carried.

RECOGNITION

Introduction of New Employees

Chief Ashe introduced her newest officers Hunter Simpson and Carlos Hernandez.

Deputy City Clerk White provided a quick bio of each officer on behalf of Chief Ashe. Both graduated from the Dover Police Academy and began their patrol training in March 2023.

City Engineer James Puddicombe introduced Minjong “Bill” Wu who started his employment in the Public Works Department as a Civil Engineer I on March 30, 2023.

The City Engineer also announced that Nevis Gregory was also hired and began working in the refuse department on March 20, 2023. He was previously employed with GFL Environmental.

Proclamation 2023-06/National Linemen Appreciate Day

Mayor Campbell proclaimed April 18, 2023 as Lineman Appreciation Day in the City of Milford recognizing the employees that work tirelessly each day to ensure electricity continues to flow to our homes, schools, hospitals, and businesses throughout our community.

Proclamation 2023-07/Public Safety Dispatchers Telecommunicators Week

Mayor Campbell proclaimed the week of April 10 through 16, 2022, to be National Public Safety Telecommunicators Week in the City of Milford, in honor of the men and women of the Milford Police Department Emergency Communications Center, Sussex County 911 Center and Kent County 911 Center,

MONTHLY STAFF REPORTS

Complete reports from each department were included in the council packet.

Police Report

Chief Ashe provided highlights of the officer’s monthly statistics.

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

City Clerk

Deputy City Clerk White reminded councilmembers of the upcoming Organizational Meeting on May 1, 2023. Ms. White furnished information related to various activities and events.

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

Monthly City Manager Report

City Manager Whitfield reviewed several items in his report.

Public Works Department

City Engineer James Puddicombe provided a brief update on Public Works activities.

Electric Department

Electric Department Director Tony Chipola offered information related to his department.

Planning & Zoning Department

Director Rob Pierce provided a quick synopsis of what he has accomplished during March.

Parks & Recreation Department

Parks & Recreation Director Brad Dennehy was on leave and no report given as a result.

Human Resources

Human Resources Director Jamesha Williams provided HR highlights from the month.

Economic Development & Community Engagement

Administrator Sara Bluhm remains out on FMLA part-time and will return next month.

IT Department

IT Director Pettigrew reviewed his monthly report.

Finance Department

Finance Director Lou Vitola provided finance and staff updates.

Councilmember Boyle moved to accept the city manager and associated departmental reports, seconded by Councilmember Marabello. Motion carried.

COMMUNICATIONS & CORREONDENCE

A special workshop is scheduled for Monday, April 17, 2023 at 6:00 pm and will only take about an hour.

Councilman Fulton received an email regarding the traffic concerns at the entry point to the city in Ward 2. Specifically, it involved complaints about the speed problems and accidents on US Route 113 after entering the City of Milford which is fifty-five miles per hour extending beyond the Redners Market, which then is reduced to 50 miles per hour.

It was suggested that the speed limit match the other side of the City which drops to forty-five miles per hour.

Councilman Baer commended the city for hosting the Tenth Street meeting and the overwhelming number of attendees. He also thanked the city manager for getting the word out about the pump station issue in Fork Landing.

Mayor Campbell reported that as president of Delaware League, he was in Washington DC with our federal legislators to get grant money for Delaware cities. He recommended other councilmember attend next year.

UNFINISHED BUSINESS

Waiver Authorization/Chapter 77 Alcohol/Riverwalk Freedom Festival

The following request from Riverwalk Freedom Festival Event Chair Angela Dorey of the Chamber of Commerce:

The Chamber of Commerce for Greater Milford is excited to host the 22nd Riverwalk Freedom Festival scheduled for Saturday, September 16, 2023. We would like to host the Red, White, and Brew Garden in Bicentennial park again this year and request permission to waive the alcohol restrictions in the park on the date of the festival.

A similar layout that has worked so well in past years will again be used with a fenced area in a section of the park with a view of the stage. We will be checking identifications and applying wrist bands to those twenty-one (21) years old or older. This will allow the purchase and consumption of alcoholic beverages in the designated area only.

As the Delaware Alcoholic Beverage Control regulations permit, the designated area will be family friendly, so all ages will be permitted to enter the area. We will have one entrance/exit clearly marked with eye level signage that no alcoholic beverages will be allowed beyond the designated area. We will have crowd monitors to assure no one leaves the area with alcohol.

The Brew Garden would open at 12 noon on Saturday, September 16th and close at 10:30 pm. All alcoholic beverage sales will end promptly at 10:00 pm. We are requesting your approval to waive the restrictions against alcohol in the park on this date.

When asked if a standing waiver can be granted or if a waiver request and approval is needed for each event, City Manager Whitfield said that each event needs an individual waiver.

Ms. Dorey verified the waiver should apply until 10:30 p.m. on that date.

Councilmember Fulton moved to authorize the alcohol prohibition waiver in the park as described in the request on September 16th from 12 noon until 10:30 p.m., seconded by Councilmember Baer. Motion carried.

Authorize/DMI Funding/Ladybug Festival

President James Rabe submitted the following request:

Downtown Milford and the greater Milford community very much appreciates the partnership with the City of Milford in providing a stage for female musicians and groups from the mid-Atlantic, northeast, and national stages.

This year, in partnership with Gable Music, DMI is expecting the largest LadyBug music festival to date. Upgrades have occurred to attract larger and more popular female groups from across the country while providing a stage for popular local groups as well.

DMI is requesting two decisions from the Council this evening:

1. Approval in the total amount of \$55,000 for this event (increase of \$15,000 from previous year).
2. Approval for two payouts from the City of Milford (1) on July 1 - \$25,000 and (2) on August 15 - \$30,000.

City Manager Whitfield reported that this is a \$25,000 increase from previous years. However, there was \$30,000 was budgeted this fiscal year 23 per their request last year. An additional \$25,000 could be provided in the next fiscal year 24 for the August request.

Councilmember James expressed concern about promising money in the next fiscal year's budget. Assuming \$25,000 will be approved, and if they want to do that again, there will be nothing left if the request continues to increase.

The City Manager said if \$30,000 were budgeted, that would only leave \$5,000 for next year's proceed funding. There was a question about the money being issued in the new fiscal year, though Mr. Whitfield is requesting \$30,000 be appropriated in FY23 on June 30th instead of July 1st.

Councilmember Culotta recalled that when Council originally approved \$30,000 though they originally requested \$15,000. He believes that was a gift and not a form of regular funding. Without taking anything away from the value of the festival, he thinks this is an extremely aggressive request.

Councilmember Marabello disagreed, asking if there is a need to consider what it does for the city. If council approves \$30,000 next year to get the \$25,000 to make up the \$55,000, that should be considered especially if Milford wants the festival to be here and not in Smyrna. He has already talked to people downtown who have other towns lined up if this does not happen in Milford. They also told him they must know if the money is available before they contract their partners.

When asked what DMI has done to pursue other sponsorships besides the city, noting the organization qualifies for a number of grant funding. It was noted that in the past they have come up with significant contributions from other businesses though that is not included in this year's request.

Former DMI President Peggy Reilly explained that the \$30,000 being requested tonight (by June 30th) is what has already been approved and need it for this year's Lady Bug Festival. Once they were aware they would have access to the money, DMI is attempting to get sponsors and are working on a \$15,000 sponsorship with Beebe Hospital who also gave them \$15,000 last year. They continue to work on grants as well.

She emphasized the importance of sponsorships and to proceed with them.

Ms. Reilly also noted that the letter is requesting funds out of the city's next fiscal year budget. When asked why Council is approving for the second time the \$30,000 that was already approved, Mr. Whitfield said the check can be cut now.

DMI Executive Director Janne Collins confirmed they are only asking for the check to be released by June 30th. In addition, they are working on additional forms of funding.

A DMI representative thanked Council for recognizing this is a valuable festival for the community and there is competition not only in Delaware, but in Maryland as well.

Councilmember James pointed out there are additional needs in the City this year, and the amount of taxpayer money is limited. It does not expand overtime and tough decisions on what the top priorities will be, including proper staffing, trash collection, healthcare increases, etc.

He is stressing to all outside organizations that are requesting money to be patient and understanding. Council wants the citizens to have entertainment and enjoyment. But the must haves will come first.

Director Collins said they understand and appreciate the city's support.

Though noted by the City Manager that additional approval by Council was not needed, Councilmember Boyle moved to authorize the release of the already approved \$30,000 for the Ladybug Festival, seconded by Councilmember Marabello. Motion carried.

NEW BUSINESS

Authorization/General Fund Reserve Funding/Police Take-Home Vehicles

Chief Ashe recalled coming before Council in March and requested the police department be able to purchase any type of vehicles and not just hybrid vehicles that she finds available.

Since that time, a total of eight vehicles. With the next shipment, four of the Chevy Tahoe's were received recently and they are now expecting the shipment of the Dodge Chargers that were purchased in August. Those vehicles will then be outfitted.

One of those requests made in March was due to the significant increase of the cost of the vehicles since Council approved the project in November of 2021. Of those vehicles, there are only three left to purchase at a total cost of \$, which will complete the project and allow the stabilization of the police fleet and start cycling out the other vehicles for FY24 by adding those vehicles into the CIP budget.

Finance Director Vitola then shared that the balance of the program was funded by ARPA and there remains a contingency amount of \$203,000 ARPA available to support the incremental cost of the take on vehicles. With the CIP and the O&M budget shaping up in the preliminary meetings, it would be appropriate to use the existing ARPA funding and not general fund reserves for continued support of the police vehicle program.

Any additional funding has been encumbered. There was a placeholder after the RTT funding came in to support the vehicle program, which made over \$300,000 available, of which \$182,000 was redeployed, leaving the \$203,000.

Chief Ashe was commended for acquiring the new vehicles quickly, having them decaled and out in the community for our taxpayers to see. Director Vitola was also applauded for adding the fiscal notes which will answer many questions that may come from Council or the public.

Councilmember Fulton moved to authorize ARPA funds in the amount of \$203,000 for the take home vehicle program, seconded by Councilmember Culotta. Motion carried.

Authorization/Interfund Loan/Police Facility Project

Director Vitola explained there are two moving parts of the police department facility financing. One is the USDA loan being divided into two portions of \$8.5 million and \$8 million. The other being the sharp increase in short-term rates. There is an opportunity, not only to stay within the original capitalized interest budget for the project, but also redirect some of our own internal financing, and save as much as \$227,000.

That is a substantial portion of the owner's contingency budget for the project and he thinks the city would be remiss not to take advantage of our own of our own cash, and using it to work to our own good.

He recommends that \$5 million be used in realty transfer tax (RTT) reserves, \$2.5 to \$3.5 million of electric reserves, and zero to \$.5 million each of lodging tax and economic development fund reserves. Both of those accounts have a balance of approximately \$550,000. This can be done without impacting cash flows required for any other city projects. The rate study will not be impacted, and it is consistent with the city's cash reserve policies. The funds would also be consistent with the state restrictions on the funds, particularly the realty transfer tax funds.

He explained that those four funds were chosen because of their availability totals of \$8.5 million. In addition, any of the funding sources would be an eligible source to pay for the police facility outright, besides using them short term and repaid with USDA proceeds.

Director Vitola strongly recommends that Council approve the temporary use of reserve funding internally to free up some of the owner's contingency budget.

He reiterated the funds will only be used until the date on loan two of two USDA police community facility loan.

The Director said that only \$5.3 million has been spent which allows time to get documentation together and close on that on the first tranche. Then the reserves will be used to pay for the second half of the project. When the project is complete, and the second half of the USDA loan is closed, that USDA money will replenish the city's reserves.

Councilmember James moved to authorize internal financing of \$5 million from RTT reserves and \$3.5 million from electric fund, lodging tax and/or economic development fund reserves to be reimbursed at an annual rate of 1.00% to support PD Facility construction costs from May 2023 through the settlement date of the final USDA Community Facility loan as approved for the PD Facility construction project on December 12, 2022, seconded by Councilmember Baer. Motion carried.

Agreement/DeIDOT/SE Transportation Improvement District

Planner Director Pierce referenced the March 13, 2023 presentation by DeIDOT Principal Planner Sarah Coakley. He again reviewed the TID program. In January 2019, Council incorporated the master plan as an appendix to the city's comprehensive plan. He waited until that time to ensure council was firm on what the development they wanted to see in the southeast neighborhood before engaging with DeIDOT on the transportation model so the cost estimates and renderings could be prepared.

He referenced the various meeting dates in which council discussed the plan.

The agreement in the packet is what is under consideration by Council this evening. Exhibits A and B is the overall boundary and service standards remains unchanged from when it was reviewed a couple of years ago. Exhibit C relates to the land use and transportation plan and incorporates the bicycle master plan completed a couple of years ago as well.

Exhibit D incorporates the most recent cost estimates presented to Council at the March meeting and includes some renderings. Exhibit E establishes the developer contribution and the rate tables for the TID.

The Director informed Council of the need to determine the preferred developer contribution rate. DelDOT provided two ends of the option but are comfortable with anything between a 30% and a 35% developer contribution on the area improvements.

Planner Pierce referenced the exhibit that outlines the city's TID boundary and any development within the area would pay into a TID fund for transportation improvements resulting from the overall growth. Some improvements include capacity improvements along Cedar Creek Road, adjacent to the Sussex Health Campus and include two signals over the next 20 to 25 years. One at Johnson Road and Cedar Creek Road, and the other at the northbound on/off-ramp of State Route 1 and Cedar Neck Road.

Included are eight roundabouts at various locations.

When asked to comment on the questions Planner Pierce received regarding the corridor capacity preservation program and its impacts on the local area, Ms. Coakley the goal of the corridor capacity preservation program is to maintain the capacity along State Route 1 in this area, along the whole corridor from the Five Points area in Lewes up to Dover. It will involve a thru route for regional traffic to maintain and build a parallel route for local traffic. The intent is to keep local and regional traffic separate. This would prevent local traffic from experiencing bottlenecks on State Route 1 and allow other ways of moving around without being impacted by traffic on Route 1. New roads would be built including parallel service roads to Route 1.

Because of the number of comments received on that program, DelDOT plans additional outreach before any plans are finalized.

Planner Pierce added that the corridor capacity preservation program includes elements related to the on/off ramp at Cedar Neck Road that would be incorporated in with the TID in terms of the location of the one intersection.

Other than that piece, the corridor capacity preservation program is a separate study that is being done outside of the adoption of the TID. Any impact would be provided to the public and the project manager's information made available.

He reiterated that the concept still needs to go through a formal engineering process with additional public outreach related to actual construction drawings and whether, additional rights-of-way would be needed to make the improvements. This included the Cedar Creek Corridor, Cedar Creek Road Corridor, which extends across Route 1 on Cedar Neck Road until it meets the edge of the city's annexation area, and up Bucks Road.

Additional improvements are proposed near the Southeast Front Street and Rehoboth Boulevard intersection, outside of the roundabouts shown on the early slides.

If adopted, Council will need to determine the developer contribution.

Councilmember Culotta confirmed the difference between the 30 and 35% looks like an average of \$500 per unit for a house.

Ms. Coakley stated that after the March Council meeting, DeIDOT went back to the list of contacts for the southeast Milford area with what is called a planning and development coordination application that is used when applying for entrance plans and record plans. They notified all the project engineers and owners from the past few years involving approximately fifteen parcels.

She will let them know about tonight and will send the draft agreement asking for any comments or suggestions. Only one developer's engineer asked the exact same question and what is the difference between the 30 and 35%.

Ms. Coakley explained that by the very nature of being in the TID agreement, the improvements listed will get extra points awarded to them in DeIDOT's capital transportation program (CTP) prioritization process. The CTP is a six-year program and projects are typically added in years five and six to begin preliminary engineering design and takes anywhere from a year to three or four years, another six months to two years for rights of way acquisition before getting into construction.

That results in the list of projects that are going to be in the CTP, and a review of the various pots of funding from the federal highway administration that can be used. Up to 80% of federal highway funding can be used for a project which results in a minimum 20% match.

In the second cut of prioritization projects, those with additional match funding are factored into it.

The main benefit of selecting a 35% developer contribution over 30% is to move projects forward quicker and to get them programmed into the CTP and allowing design and construction quicker.

She also talked about other projects for comparison in other towns. In Newark, their TID fee for single-family detached residential is \$4,200 per unit compared to the 35% developer contribution here would be \$3,250 per unit, and the 30% contribution would be \$2,750.

Most of their development is multi-family residential and their fees are closer to \$3,000 or \$2,000 per unit, which is similar. Milford's multi-family would be between \$1,952 per unit to \$2,300 per unit for the low rise, and then \$1,320 to \$1,560 for the mid-rise. So, Milford would be lower with 30% lower and 35% a little bit higher compared to them.

In Southern New Castle County, their fees are a lot higher because they also receive credit for their entrance improvements against their TID fee. What is being proposed for Milford and Newark and East Town is a little bit different because they have to do their entrance improvements plus pay into the TID.

For southern New Castle County, their fees are almost \$5,000 or \$4,800 for single family detached, and their multi-family \$3,560. East Town is similar to Milford and Newark and is \$2,735 for single-family detached and \$1,368 per multi-family. East Town in Middletown is small and the TID is about half of their town area, and there's a lot less development coming in there, and also a lot less projects needed. Their whole budget was under \$30 million while this is going to be close to \$60 million.

Finally, Henlopen TID is their largest TID though it is also a resort area. The fees are \$5,300 for single family detached, \$4,100 for low rise multi-family and \$3,100 for multi-family mid-rise.

Another thing Ms. Coakley asked Council to consider is that the fees escalate or go up every year based on the rolling five-year average of the CPI. The annual CPI runs from January to December of each year and the fees will increase on January 31st, based on the previous five years.

Councilmember Culotta pointed out the developer contributions will be passed through to the home buyer and asked Council to remember the number of conversations related to affordable housing and how all these fees add to those costs. He emphasized the 35% will be paid by the developer but it will also be passed through to the homeowner.

Councilman James thanked Councilmember Culotta noting that because he is a contractor, Council benefits when he lends his expertise to this Council for things that Councilmembers may not otherwise pay attention to.

When asked the contribution rates of the other towns, Ms. Coakley shared that Newark is at 25% and Middletown is at 30%. The 35% would be higher except for some in New Castle County and New Castle County is 50%. New Castle County also gets credit

Councilmember James emphasized that if a project can be done quicker, that may neutralize what is passed onto the consumer.

The floor was open to public comment or questions.

PE Mike Riemann of Becker Morgan Group, 309 South Governors Avenue, Dover, stated he appreciates the opportunity to comment on the TID and commends the City of Milford and DelDOT for moving the TID forward. They are extremely supportive of TIDs in general concept and are a better way to plan improvements in growth areas to better mesh with growth in local areas.

He said this will allow DelDOT to more cohesively implement improvements as opposed to what he called 'developers piecemealing improvements. He said there are a lot of those situations throughout the State of Delaware where five or six developers are widening five or six different sections of roadways at five or six different times. The end is not a good product or as good of a product as DelDOT could this by collecting the necessary funding.

He reiterated that TIDs are the way to go and urges Council to seriously consider leaving the rate at 30 because 35 would be higher than everyone except for southern New Castle County which is 50% and that is because the entrance improvements themselves are baked in. That is why it is so much higher as compared to here, where the developers would still be responsible to construct the entrances.

Mr. Riemann concluded by providing statistics from the National Association of Home Builders. For every \$1,000 that the price of a house nationally, 118,000 people are kicked out of the ability to afford a mortgage. All the fees add up and his position is that if 30% gets the job done and that is what is necessary to implement the improvements, he agrees there is a need to keep the cost as minimal as possible to get the improvements made.

He continued by stating this this also impacts the commercial and economic development projects that the city is hoping to attract.

There was no other interest in participating in the public comment session. The floor was then closed.

When asked if grants are available if street work and bike paths are combined, Ms. Coakley said a number of different programs are available. And one is called the transportation alternatives program or tap program. That provides a separate specific pool of federal highway funding that can only be used for bicycle and pedestrian improvements. Most of the improvements in the city's bicycle plan would be eligible for that program and funds projects up to \$1 million at a time.

The improvements listed in the TID agreement would be eligible for other funding sources as well and explained the process.

Mr. Pierce noted that one thing to keep in mind is One thing to keep in mind is the developer pays at the time of building permit issuance, not when the project is actually constructed. He does not think it is related in terms of cost of improvements versus when the developer is ready to start building. The quicker they pull their permits, the less money will be involved because it won't escalate each year. The improvements might occur a couple of years later.

Councilmember Culotta moved to approve the southeast transportation district with the infrastructure fee program at 30%, seconded by Councilmember James. Motion carried by the following 5-1-1 roll call vote:

Marabello-no.

Boyle-no.

Fulton-yes, there is no differentiation for me to go 30 or 35, because we are talking about a lot of hypotheticals, and if it decreases the ability for someone to want to come in and start helping the development that's bad. But if 35% slows some of these crazy developers, that is good.

Culotta-yes, and he appreciates the desire to have things happen faster and with more funding things happen faster. However, my primary concern is the individual home buyer and what that means to them.

Samaroo-Unavailable

James-yes, because with the additional comments that the payment is made up front initially. If that is the case, the developer would be more inclined to pull to avoid escalating costs which would speed up the project anyway.

Baer-yes, and I think we could go for some of those grants, too, to help speed things along.

Introduction/Ordinance 2303-19 Electric Rate Increase

City Manager Whitfield introduced Ordinance 2303-19, adding that a copy of the rate study is also included. That will be reviewed at the next meeting at the time Council can adopt the new rates.

*Introduction/Ordinance 2023-17 - Preliminary Major Subdivision
Application of Milford Corporate Center on behalf of City of Milford
182 +/- acres of land located at the northwest corner of
Milford-Harrington Highway and Canterbury Road
Comprehensive Plan Designation: Industrial Commercial
Zoning District: I-1 (Limited Industrial) BP (Business Park)
Present Use: Vacant Proposed Use: Industrial Park
Tax Parcel: MD-16-173.00-01-01.00*

Planner Pierce read the agenda item description noting that it will be before the Planning Commission on April 18th and will be before Council at the April 25, 2023 meeting for a public hearing and final action.

ADJOURNMENT

The previous executive session was canceled.

The Council meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
April 17, 2023

The City Council of the City of Milford convened in a Workshop Session on Monday, April 17, 2023, beginning at 6:11 p.m.

PRESIDING: Mayor Archie Campbell

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

STAFF: City Manager Mark Whitfield and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Nirmala Samaroo

PUBLIC COMMENT PERIOD PRIOR TO MEETING

Because no one registered to speak, the public comment session was not needed.

City of Milford Strategic Plan Update

Institute for Public Administration Senior Fellow William McGowan and Assistant Policy Scientist Chase Barnes were in attendance to collaborate with the Mayor and City Council to finalize the city's strategic plan update.

Dr. McGowan provided a synopsis of the process that has occurred over the past six months. Four community conversations were held beginning from November 2022 through February 2023.

Comments received were as follows:

Growth – Growth is a major concern of all residents and is a contributing factor to an emerging identity challenge. Residents want to see more controlled growth and limited sprawl. However, they also want more amenities.

He suggests looking at the deeper issue. Milford is in decent shape, but there is a need to pay attention to what the city is doing, because the residents are paying attention and want growth but controlled and reasonable.

Housing is directly tied to growth. There should be a variety of housing options available. But the price of new and existing housing stock is a major concern to people. People living here have major skepticism about the role developers play in determining what is being done in the community and the type of housing that is available.

Dr. McGowan pointed out that housing is a huge issue in every small town, and mainly because people cannot afford it. Concerns about what it will look like, how it will be taken care of are significant. Housing in Milford is not just a place to live but also speaks to the character of the town. Milford remains an attractive town, and still has trees and beautiful architecture, but there is a need to pay closer attention, because all that can go away.

There are always issues with the development community and residents mentioned this several times during the conversations.

Folks are going to look at code enforcement to make sure they are doing their jobs. There is a great concern about littering in Milford and that does not seem to be getting the attention they want it to have.

People also want more activities and amenities. Milford just hired a youth program coordinator, and there is a need to keep the younger residents engaged by providing things to do for both Milford's youth and the adults. He agrees that is a large

piece of a successful community and emphasized the importance of showing up at sporting events, going to the theater, and even walking on the riverwalk or downtown.

Residents would like to see a better mix of businesses in Milford. More opportunities for a variety of jobs and talents.

Some of the challenges of the downtown area include homelessness, lack of connectivity to the larger region, the presence of the state agencies, lack of parking, and a slow business permitting process. The current lack of jobs situation is seen as a deterrent to people, especially the younger population.

The City needs to embrace healthcare, industry, and culture to be able to increase economic development.

People spoke honestly and admitted they are coming to Milford because it is a cheap place to live. They are not coming to this community because they want to live, work, and play here. They want to come here and live, but then they admitted they will go to the beach and do other things. Milford is in a location that is easily accessible to other towns and states.

When asked about seniors moving to Milford, Mr. McGowen said Milford is not 'yet' a retirement community. Retirees are coming to Milford to live but are going to other places to spend their money. On the other hand, the people that come to Milford and spend money come from the west—typically Harrington, Felton, and Greenwood.

Other major safety issues mentioned by residents were high rates of youth crime, lack of community policing, homelessness, and code enforcement.

He commented that the new police chief comes from Wilmington and has a strong community policing background. Mr. McGowen pointed out that the real community policing philosophy comes with a whole new language. The community wants our police to be fully engaged and prefer to see those officers everywhere including in their neighborhoods, downtown, riverwalk, and public events. They want a lot more community outreach like a police athletic league. Residents want these officers to be seen and more involved with our youth.

Residents also want to see better lighting both downtown and in their neighborhoods.

Most residents felt comfortable driving and walking around Milford.

There was a lot of interest expressed in cycling. However, residents are uncomfortable using the current streets and roadways without separate bike facilities. Many of their concerns involved heavy truck traffic and congested intersections. There needs to be much more focus on transportation options. Ways are needed to connect Milford with the larger community/regional destinations, such as DE Turf and Bayhealth Campus.

Milford also needs to find ways to capture the market that attends DE Turf. Ways to reach the huge crowds at the complex is desperately needed. Those attendees need to be directed to Milford and get them to return.

Residents are skeptical whether streets in developments are being properly graded and repaved when construction concludes. Some appear unfinished with little or no pressure from the city.

Most residents rate Milford's infrastructure as good and dependable, especially snow removal. Concerns include expanded gas service, lack of internet service provider competition, and the effectiveness of solid-waste removal.

Residents are also acutely aware that increased development might strain city resources when it comes to infrastructure. City reassurance that essential infrastructure is properly secured from vandalism and domestic terrorism is crucial.

Most residents recognize the positive attributes of the city and its government. However, there are many areas they feel could be improved including better communications, greater variety of mediums, and more frequent sharing of success stories.

Having in-person resources available at centralized locations is vital to most residents.

Civic participation and volunteerism is a priority to most residents and there are little or no communication when it comes to learning about potential opportunities. Most of the people in attendance at the community conversations want to get involved, but they also understand the difficulty in getting people to show up and participate.

Community engagement was discussed and what it really understands. There is need to get people engaged, but Mr. McGowen emphasized the importance of listening to Milford's residents and showing them, they have been heard.

He suggests doing more than having the Economic Development Administrator send out blips to citizens. He feels there is a need to talk more about this and work is needed in this area before Milford becomes a successful community.

Concluding with the ideas and thoughts resulting from the community conversations, it was determined that Milford is at an identity crossroads with different opinions about the vision of Milford's future emerging between newer residents and legacy residents.

Updates to the current strategic plan was then discussed.

The overall summary is Milford is a well-managed city with solid fiscal and operational policies and implementation. Milford is at a critical identity crossroads. It is a destination because of its location near the resorts, affordable costs, and small-town feel. It is not a destination recognized as a place to live, work and play. Residents of Milford want to participate in their community at all levels from arts, entertainment, parks, and recreation to a deeper engagement with each other and how the city grows. The downtown and surrounding core city is a vital part of the character of Milford

Recommended are three plan changes. Separate community engagement from fiscal responsibility, creating six priority areas. Focus more attention on implementation of the downtown river plan and bicycle and pedestrian plan. Add an easy-to-use matrix as a pathway to progress for community use.

When speaking to public community engagement, it is embedded in each of the plans. Mr. McGowen believe it is important enough to pull it out and talk about it directly.

A new page will be added to the downtown river plan and a page to the bike and ped plan. What is in the current plan is implemented in the downtown river plan. That does not cut it, and it is important to add how do you know where you are, who is doing the job, and what is getting done. The same applies to the bike and ped plan.

A matrix is in place, but it is entirely too detailed. Instead, an easy-to-use matrix should be used as a pathway for the community to use to track progress. Having to go through twenty-three different boxes to determine the status of a project is unsuitable.

The matrix was reviewed and the highlights of what has been done in the past five years was pulled out. Those accomplishments include:

Conducted a retreat to build and strengthen cohesiveness and communication among council members and staff.

Developed belief statements for each priority area.

Construction of a police station with an estimated completion of October 2023.

Hired a police chief and several officers with effort to fully staff the department.

Accepted plan to adjust and add fire siren locations.

Adoption of an emergency management plan and designation of an emergency management director.

Purchase of property for a new industrial park. Hired an economic development and community engagement administrator.

Created a checklist for how to start and conduct a business in Milford.

Adopted the Bicycle Master Plan. Updated and continually monitor sidewalk status.

Updated the city building code. Developed a checklist for landlords and homeowners on property upkeep.

Construction of pickleball courts, playground, and restrooms for Memorial Park with anticipated completion Fall of 2023.

Hired a Parks and Recreation Program Coordinator.

Farmer's Market to continue.

Conducted the second National Citizen Survey.

Completed a utility rate study and updated the 5-year rate plan.

Developed a cash reserve policy.

Council discussed ways to get people to participate, as well as finding out residents' interest. Survey participation and the pros and cons were considered.

Mr. McGowen recalled discussing the Harwood Center for Public Innovation and where the community is within the community rhythms. There is another list called nine elements of public capital that include intangible elements of a community surrounding places where people can gather and have fun. As such, is there a safe place for leaders to discuss things, are there informal networks, etc. Those are not embedded in the plan but added to share them. If a community is well-managed and fiscally responsible, it is council's task to climb to another level. That is how to get our citizens to live and love and 'want' to be in Milford, though that is difficult.

When compared to the effective volunteerism in Lewes, the challenge in Milford is to reach the working residents and the new residents coming from New York and New Jersey, and get them to buy in, chip in and make it happen. At the same time, there is a need to take care of the folks that are home.

The new priority is community engagement and Council identified the following belief statements:

- We believe in all residents volunteering for the betterment of the city.
- We believe city government is open, transparent, and engaging.
- We believe constant citizen contact will lead to better governance.
- We believe community events are vital to the wellbeing of the city.

Demographic data was examined and the importance of understanding the variables in the overall community to be successful. It was agreed that community events bring people together. Community events are perfect for promoting positive change, and there's opportunity for improvement in every community.

Councilman James pointed out that without economic development, the events do not have the draw. He thinks more needs to be done to attract the various groups.

The importance of good education and a sound school system is significant to attract new families.

Councilmember Culotta said it begins with economic development. He believes that the business portion and that investment in the city creates better housing, creates better events, which then creates better schooling. He pointed out that the city borrowed money from its own coffers to buy the land for the new business park. He asked where we with that are and believes that should be the city's laser focus.

He continued by stating he and Councilmember Boyle lived in Northern Virginia and they have seen growth there. That was the result of economic input and well-paying jobs.

Mr. McGowen then talked about the community engagement goals and building an open, transparent, and engaged dialogue between the city government and the Milford community.

Objective 1

- Build and maintain regular and timely communications with community members about the City's activities, programs, and services.

Strategies

- Continue to broaden the city's communication channels to include a wider range of print, email, social media, radio/tv, and in person opportunities.
- Increase frequency of opportunities to listen and engage community members.
- Consider surveying residents to assess the best way to communicate with them.
- Give particular focus to promoting recreational opportunities, emergency preparedness, community events, development, and city achievements.

Objective 2

- Promote community participation in all aspects of city life.
- Strategies
- Create a central hub for information on volunteer opportunities and contact information.
- Create ways of recognizing community volunteers and activists.
- Investigate ways to incorporate creative placemaking principles to develop the arts in Milford.

Objective 3

- Develop monthly community events to engage the community and attract visitors to the city.
- Strategies
- Expand community festivals and establish new events, such as a concert series and art loop.

Some of the existing objectives and strategies will remain in the strategic plan. There will be subtle changes and one or two may be removed and a couple added.

Regarding public safety and preparedness, the following belief statements were reviewed and the most important items:

- We believe in a fully diverse staff and professionally trained police force
- We believe in a properly funded and staffed police force and emergency services to meet future growth of the city
- We believe that mutual trust exists between the police and residents

Minor updates:

- Added objective on Homelessness (came up throughout the conversations):

Objective 3 - Expand the city's efforts and capacity to address homelessness.

Strategies

- Partner with state agencies and towns to identify and implement best practices
- Explore the feasibility of innovative housing solutions, such as pallet housing, e.g., Georgetown, Salisbury, MD
- Continue to build and expand partnerships with organizations who serve the homeless population.
- Promote opportunities for residents to volunteer in assisting this population

Under economic health and development:

- We believe in the creation of higher paying jobs and career opportunities (focus on medical industry and related fields)
- We believe in a strong economic policy based on well thought out regulations
- We believe in attracting companies with strong potential for growth that will enhance Milford's future

- We believe in high quality amenities including beautification will establish excellent quality of life for residents while maintaining the unique characteristics of the city

Minor changes:

- Added page on Downtown Plan
- Revised Objective on Tourism

The Downtown River Plan was written in 2015 which is seven years old. It is time for that to be looked at again. Mr. McGowen suggests raising the level of the relationship between Downtown Milford (DMI) and the city. DMI is focused on one of the city's engines, and there is a need for the city to be there for them in a big way.

GOAL: Bring More Tourism to Milford

Objective 1

- Actively promote tourism opportunities through arts, culture, and eco-tourism in Milford, to bring in visitors and provide residents with more recreational options.

Strategies

- Expand community festivals and establish new events, such as a concert series and art loop.
- Advertise on print, radio/tv, social media, other Delaware park webpages, etc.
- Continue to pursue creative methods of promoting City events, such as street banners.
- Provide amenities such as public bathrooms that support tourism.

Councilwoman Wilson pointed out that in addition to the downtown, there is a need to focus on our shopping centers and other commercial areas.

Mr. McGowen reiterated the bike and ped plan kept coming back. The bike plan has been adopted and that page will be added.

Items related to mobility and infrastructure:

- We believe all residents need equal access to broadband
- We believe in a well-planned, walkable city
- We believe in well-maintained and well-planned infrastructure to meet future needs
- We believe all residents have access to alternate transportation

Minor changes:

- Add a page on Bicycle and Pedestrian Plan
- Added Promote See, Click, Fix.
- Changed Council updates to semi-annual
- Added strategy "Ensure regulations are updated to comply with recommendations in the comprehensive plan."

Objective 4 - Implement the Bicycle and Pedestrian Plan

Strategies

- Implement high value standalone road projects and intersection improvements based on impact
- Collaborate with Kent County, Sussex County, nearby local governments, DelDOT, Dover-Kent MPO, and the University of Delaware to develop regional bicycle routes

Councilmember Fulton suggested adding the Transportation Improvement District (TID) and some of items on the August 19, 2023 Workshop be added in relation to the Downtown Development District. Council agreed.

The Neighborhoods and community services involve

- We believe all residents and business take pride in our City (overlap with econ dev)

- We believe all residents have equal access to City services (overlap with infrastructure)
- We believe all residents of all ages have access to open space and recreational opportunities
- We believe all residents have an equal voice in their governance (overlap with community engagement)
- We believe all neighborhoods will have interconnectivity with each other

Minor changes:

- Added strategies to encourage partnerships

Strategies

- Continue to partner with external organizations to gain access to more outdoor and indoor facilities for adult and child sports leagues.
- Build capacity of the Parks and Recreation Advisory Board consisting of residents to advise City Council, expand outreach, and recruit volunteers.
- Expand access to existing regional recreational amenities through varied transportation options.
- Work with residents and partners to create a recreational scholarship or subsidy for families who struggle to pay program fees.

Council agreed we are moving in the right direction.

Mr. Barnes shared that the groups were a good mix of ages though there could have been a little more representation of families with children, though that is a difficult group to tap into in the evenings. High school age youth were not in attendance as well.

Mr. McGowen pointed out that Milford, in general, is in a good place. But now it is time to get serious about helping people own this community. The school district is Milford's future and there is a need to engage the middle and high school students and find a way to attract them.

Councilmember James pointed out that Milford School District is currently working on their own five-year strategic plan. One of the things that they are speaking of being highly interested in is being able to get the eighth grader and older more engaged in the community, as part of their overall rounding of their educational experience. This is a great time to partner with them because of that.

It was agreed that once the introduction pages are reviewed, it is only a six or seven-page document.

Mr. McGowen also emphasized the need for an easy-to-use matrix in the plan that could be updated on a regular basis.

He then asked Council if they need the strategies or just the goal/objective with an update.

Councilmember Fulton prefers the goals/objectives, in addition to the timeline of completion. This ensures something is being done and those things are happening. Councilmember James agreed, then referenced the preset milestones, and asked what the milestones are and what things Council expects progress on at certain points in time though it could be fluid due to early completions or delays.

It was agreed that builds accountability and transparency.

An extended conversation regarding the number of projects the city has accomplished and the next things that are going to happen.

Mr. Barnes suggested removing the strategy section. The updates would then become the progress of the goals and objectives per year. Councilmember James then added the milestone markers that measure the progress of the goals and objectives.

Summarizing, the plan is to keep the goals, objectives and add some type of benchmark or milestone and a space for progress.

Mr. McGowen then reviewed the underlying conditions of public capital factors.

The underlying conditions of a community, or public capital factors, includes nine factors—the capacities, relationships, networks, and norms that enable a community to work effectively.

These underlying conditions enable communities to work and progress through the five stages of community life. While many communities lack these conditions, the good news is that we can create them through our intentional actions. The nine factors operate as an ecosystem—each factor is independent and interdependent.

FACTOR	DESCRIPTION
Abundance of Social Gathering Places	These enable people to learn about what is happening in the community and begin to develop a sense of mutual trust.
Organized Spaces for Interaction	Where people can come together to learn about, discuss, and often act on community problems. These spaces help a community begin to identify and tap existing resources—and at times, new resources to address common concerns.
Catalytic Organizations	That help engage people in public life, spur discussion on community challenges and marshal the community’s resources to move ahead. These organizations help lay the foundation for action, but do not act as the driving force.
Safe Havens for Decision Makers	Where a community’s leaders can deliberate and work through community concerns in “unofficial,” candid discussions
Strong, Diverse Leadership	That exists at all layers of a community, understands the concerns of the community as a whole, and serves as a connector among individuals and organizations throughout the community.
Informal Networks and Links	That connect various individuals, groups, organizations, and institutions together to create a cross fertilization effect of experience, knowledge, and resources.

Conscious Community Discussion	Where a community has many opportunities to think about and sort through its public concerns before acting. People play an active role in helping decide how the community should act.
Community Norms for Public Life	That help guide how people act individually, interact and work together. These norms set the standards and tone for civic engagement.
A Shared Purpose for the Community	That sends an explicit message about the community's aspirations and conveys a sense of "we're in this together."

The next step will be for Mr. McGowen and Mr. Barnes to incorporate Council comments. Additional thoughts or suggestions around the matrix should be sent to them, in addition to any other sidebar. They will then finalize the plan.

In the meantime, the strategic plan needs to be posted and advertised and dates established for the tentative public hearing and adoption potentially in June.

Council agreed the public hearing is critical in the process and they look forward to hearing any comments.

There being no further business, the Council Workshop concluded at 7:49 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder



PROCLAMATION 2023-09

CHILDREN'S MENTAL HEALTH WEEK

Whereas, addressing the complex mental health needs of children, youth, and families today is fundamental to the future of this community;

Whereas, the need for comprehensive, coordinated mental health services for children, youth, young adults, and families places upon our community a critical responsibility;

Whereas, since the recent pandemic, children have faced increased stress due to changes, fear and uncertainty caused by illness and isolation at rates never before seen;

Whereas, the Centers for Disease Control and Prevention reports that more than 20 percent of youth have a diagnosed mental health disorder in the United States;

Whereas, the average age of early signs of mental illness is 14, when most students are entering high school;

Whereas, the number of children ages 6 to 12 who visited children's hospitals for suicidal thoughts or self-harm has more than doubled since 2016, according to the Children's Hospital Association;

Whereas, studies show that educating school staff, students and parents in the signs and symptoms of mental illness is key to both early intervention and dismantling the stigma surrounding health.; and

Whereas, it is appropriate that a week should be set apart each year for the direction of our thoughts toward our children's mental health and well-being.

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do hereby proclaim the week of May 7 to 13, 2023 as Children's Mental Health Awareness Week and urge our citizens and all agencies and organizations interested in meeting every child's mental health needs to unite during that week in the observance of such exercises as will acquaint the people of the City of Milford with the fundamental necessity of a year-round program for children, youth, and young adults with mental health or substance use disorders and their families.

IN WITNESS WHEREOF, I have hereunto set my hand
and caused the Seal of the City to be affixed hereto this
8th day of May 2023.

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson

City of Milford



PROCLAMATION 2023-10

National Public Works Week May 21–27, 2023

WHEREAS, Public Works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and the public health, high quality of life, and well-being of the people of the City of Milford, Delaware; and,

WHEREAS, these infrastructures, facilities, and services could not be provided without the dedicated efforts of Public Works professionals, who are federally mandated first responders, and the engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of Milford, Delaware to gain knowledge and maintain ongoing interest and understanding of the importance of Public Works first responders and Public Works programs in their respective communities; and,

WHEREAS, observed the third full week of May, Year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association.

THEREFORE, BE IT RESOLVED, that I, Arthur J. Campbell, Mayor of the City of Milford, do hereby designate the week May 21-27, 2023 as National Public Works Week and urge all citizens to join with representatives of the American Public Works Association and government agencies to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed hereto this 8th day of May 2023.

Mayor Arthur J. Campbell

Attest:

City Clerk Teresa K. Hudson



PROCLAMATION 2023-11

ECONOMIC DEVELOPMENT WEEK MAY 8-12, 2023

WHEREAS, economic development is a process that is supported by the collaborations between economic development professionals and local government leadership to promote a shared vision for developing resilient communities; and

WHEREAS, economic developers work with industries, brokers, educators, and other key allies to foster an effective business climate and meet the increasingly critical need for a skilled and competitive workforce; and

WHEREAS, economic developers are engaged in a wide variety of settings including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions; and

WHEREAS, economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the American economy; and

WHEREAS, the economic development entities throughout Delaware work to strengthen our state's economy by unifying organizations involved in economic development, fostering the exchange of ideas, insights, and best practices for economic developers; and

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, do hereby proclaim May 8 to 12, 2023 as "National Economic Development Week" and recognize the contributions of our Economic Development and Community Engagement Coordinator and our affiliations, including Downtown Milford, Inc. and the Chamber of Commerce for Greater Milford, and remind community members and business persons of the importance of this community celebration that supports expanding career opportunities and improving the quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Milford to be affixed hereto this 8th day of May 2023.

Mayor Arthur J. Campbell

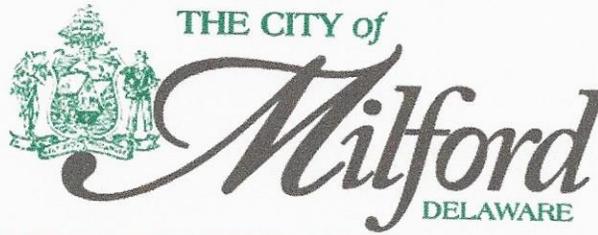
Attest:

City Clerk Teresa K. Hudson



OFFICE OF THE CHIEF OF POLICE

CECILIA E. ASHE
cecilia.ashe@cj.state.de.us



400 NE Front Street

Milford Delaware 19963
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council
FROM: Chief Cecilia E. Ashe *[Signature]*
DATE: May 3, 2023
RE: Activity Report/April 2023

Monthly Stats:

A total of 649 arrests were made by the Milford Police Department during April 2023. Of these arrests, 172 were for criminal offenses and 477 for traffic violations. Criminal offenses consisted of 29 felony and 143 misdemeanors. Traffic violations consisted of 38 Special Duty Radar, 14 Drunk-Driving charges, 425 others.

Police officers investigated 52 accidents during the month and issued 119 written reprimands. In addition, they responded to 1367 calls for service.

Monthly Activities:

Throughout the month of April, participated in numerous conference calls, virtual meetings and in-person 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. Mayor & Council are provided weekly updates on major incidents throughout the month and ensure they stay informed of the status and results of these incidents. Also, attended the Active Assailant Symposium held at Delaware State University.

Welcomed Senator Carper and David Baker, State Director for United States Department of Agriculture (USDA) to a tour of the new Milford Police Department Facility.

- **Training Unit**
- **Social Media/Public Information Update**

April statistics are as follows: Our Nextdoor post reached 2173 people during the month. Nextdoor reaches 1865 households in 15 neighborhoods according to statistics provided by the website. Our Facebook page has 12,546 followers. Posts during the month reached 324,913 people. On Twitter our Tweets made 9456 impressions and our followers are at 1412. Our Instagram account has 1822 followers and posts during the month reached 2155 users. Below are some items that received attention during the month.

https://www.wboc.com/news/milford-wants-to-change-speed-limit-on-route-113/video_844b6148-0dcc-54ae-b5c8-986a7bec9017.html

<https://www.milfordpolicede.org/news/Chief-Ashe-Announces-Most-Recent-MPD-Promotions-.htm>

- **Community Engagement**

S/Cpl. Bloodsworth assisted administration at the Milford Central Academy with conducted a tabletop exercise. A tabletop exercise is a mock scenario where school staff analyzes a scenario and evaluate their policies and procedures in managing the event.

S/Cpl. Bloodsworth attended an event hosted by Courageous Hearts at the Boys and Girls Club. The event was the Delaware Reality Tour, a national award-winning parent and child drug prevention program. The Milford event was one of four being hosted throughout the state and discussed drug prevention with both parents and children.

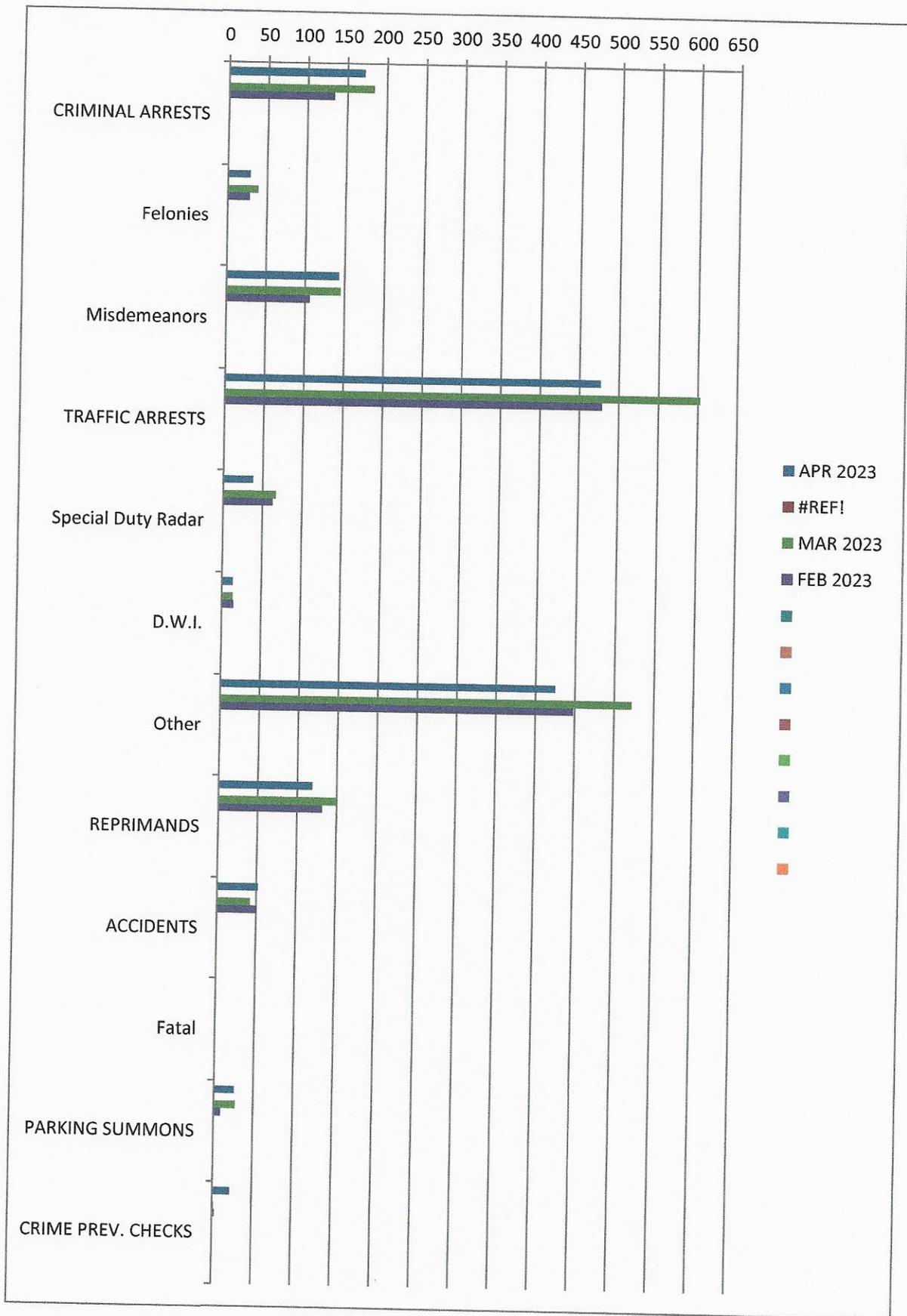
With the assistance of the Drug Enforcement Administration (DEA), Lt. Masten conducted a drug take back at MPD. This event is held twice a year and we appreciate the DEA's assistance with this initiative that's beneficial to the Milford community. We collected over approximately 263lbs of prescription drugs.

We were thrilled to start our "Coffee with a Cop" program this month. We have reached out to various local coffee looking to partner with this event which will occur monthly. This not only improves community relationship with law enforcement but also highlights the great businesses of Milford. Starbucks participated in "Coffee with a Cop" event for this month. This was a big hit with the community and next month we will be having our next event at La Hacienda on Walnut Street.

Captain Wells, Lt. Masten and S/Cpl. Bloodsworth attended the annual Bug and Bud Event.

APRIL 2023 ACTIVITY REPORT

	APR 2023	TOTAL 2023	APR 2022	TOTAL 2022
COMPLAINTS	1367	5148	1219	4430
CRIMINAL ARRESTS	172	601	129	399
Felonies	29	120	48	79
Misdemeanors	143	481	81	321
TRAFFIC ARRESTS	477	1881	336	1282
Special Duty Radar	38	183	66	254
D.W.I.	14	51	10	32
Other	425	1694	260	996
REPRIMANDS	119	516	151	433
ACCIDENTS	52	196	58	209
Fatal	0	0	0	0
PARKING SUMMONS	26	73	9	17
CRIME PREV. CHECKS	22	33	17	48



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
April 3-April 9, 2023	55	1. Rural Subcommittee Meeting 2. Delaware League of Local Governments Meeting	1. The Rural Opioid Crisis	6	Referrals to Services: Check the Welfare Public Assistance Overdose Juvenile	0	0	10
April 10-April 16, 2023	63	1. Opioid System of Care Meeting	1. Mental Health 2. The Effect of Wellness Check-Ins 3. First Responder and Law Enforcement-led Deflection in Rural Communities	11	Referrals to Services: Check the Welfare Victim Services Shoplifting Overdose	1	2	11
April 17-April 23, 2023	58	1. Delaware Housing Authority Meeting	1. Supporting Co-Workers Through Critical Incident Stress	8	Referrals to Services: 10-81 Domestic Shoplifting Check the Welfare	0	1	9
April 24-April 30, 2023	67.5	1. Delaware Behavioral Health Consortium Meeting 2. Bug & Bud Festival 3. Narcan Distribution Event 4. Coffee with a Cop	1. Working With Those Who Have Intellectual or Developmental Disabilities	10	Referrals to Services: 10-81 Check the Welfare Victim Services Shoplifting	1	1	8
Totals:	243.5			35		2	4	38
Overall Totals:	4626.35			958		72	98	893

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



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

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

DATE: May 1, 2023
TO: Mayor and Members of City Council
FROM: City Clerk Terri Hudson
RE: April 2023

The number of inquiries and application submissions for summer events continue to climb. A call was received from the organizer of a long-term Dover event who wants to move their national organization's walk/run to Milford, due to some increased regulations in the capital city. We were pleased and welcomed the new event, after which the organizer visited Milford to view the potential area and planned route. My department, along with Parks and Recreation, will proceed with assisting in hopes of finalizing the plans for the October event in the near future.

Katrina spent a great deal of the month working with Downtown Milford on the Bug and Bud Festival. A lot of changes were needed due to the increased number of vendors received. The permit was finalized the Friday prior to the event and despite the inclement weather the night before, it turned out to be a highly successful event and Milford was blessed with no rain and pleasant temperatures.

We continue to work with Kevin Andrade, President, and CEO of The Voice Radio Network. After meeting with him on two occasions, Kevin is planning a large international event he is calling 'Maxima Summer Jam 2023' that will be held on June 25th in Bicentennial Park. Kevin is a successful entrepreneur who opened his headquarters in Georgetown Delaware in 2015. He has been a radio personality for more than 30 years and has organized Hispanic Festivals in Georgetown and Wilmington that have brought in thousands of visitors to those cities. Being the first event in Milford, he is anticipating about 12,000 attendees and at least twenty-five vendors.

Requests for events received to date for May and June:

Permit	Organization	Event Name	Event Date
2023 11	Downtown Milford Inc	Riverwalk Farmers Market	May-October 2023
2023 08	St John the Apostle Church	Cinco De Mayo Celebration	05/05/2023

2023 02	Boys & Girls Club of DE/ Races 2 Run	Run the Goat	05/19/2023
2023 10	City of Milford	Touch a Truck	5/20/2023
2023 12	Feebs Distilling Co	2nd Annual Memorial Day Feebs Fest	5/28/2023
2023 09	WE Cross Charitable Foundation Inc	Meals for Wheels Annual Bike Ride	6/3/2023
2023 14	Temple Lodge #9	President Warren Harding's Visit to Milford/Parade	6/10/2023
2023 04	Joshua Miller Contact	First State Chainsaw Competition	6/15/23 - 6/17/23
2023 06	Milford Public Library	Music in the Park	6/30/23, 7/5/23, 7/12/23, 7/19/23, 7/26/23
2023 13	Kevin Andrade	Maxima Summer Jam 2023	06/24/2023

We are still attempting to resolve the issue with the unexecuted lease for the Old Post Office located between City Hall and Customer Service. The agreement with the State has not been executed for a couple of years, and Milford Museum is hoping to have the building turned over to them so they can proceed with their expansion plans.

My office had a great deal of interaction with Milford Public Library, Chamber of Commerce, Downtown Milford, and Milford Museum in preparation of their annual reports to City Council.

The University of Delaware Institute of Public Administration's newest training session for municipal officials and staff will be held on May 12th at the St. Jones Reserve on Kitts Hummock Road in Dover. The instructors will be Lynne Pusey, Eddie Meade, Jordana Cutajar, and Kristen Thornton from DNREC, Danielle Swallow from Delaware Sea Grant, and Ada Carter Puzzo from the Town of Bowers Beach. Anyone wishing to attend should contact my office as soon as possible so that we may register you.

Any councilmember planning to attend the May DLLG Monthly Dinner on May 18th, should contact Katrina or me immediately as the deadline is May 8th (Council meeting date). Delaware Art Alliance's Neil Kirschling will speak on Delaware's Creative Economy and Cultural Tourism Recovery and Growth Plan.

A great deal of our time is dedicated to transcribing minutes, and it is becoming more difficult to maintain up-to-date documents. While we try to work on them during regular business hours, it is almost impossible due to our other duties and deadlines. I will be asking Council for a third person in our office in the FY24 budget to assist with this and the other many daily assignments, including record management upkeep and ordinance processing, which comes across our desks.

I appreciate your sincere consideration with this matter.

Katrina has been collaborating with the Employee Awards and Recognition Committee in the planning of the upcoming Touch-A-Truck event and the City Employee Health Fair.

Monthly Activities

- Coordinated SCAT Dinner registrations and payments (6)
- Coordinated SCAT Breakfast registrations and payments (3)
- Coordinated DLLG Dinner registrations and payments (7)
- Assisted multiple Delaware Municipalities with policy, procedural and related items
- Record requests/Assistance from City Departments (5)
- Record Requests/Assistance from Elected Officials (1)
- FOIA Requests to Date (38)
- Coordinate FOIA issues with other Departments to ensure compliance
- Created/revised/reloaded 4/10 Council Meeting Agenda (9)
- Created/revised/reloaded 4/10 Council Meeting Packet (8)
- Created/revised/reloaded 4/17 Council Workshop Agenda (3)
- Created/revised/reloaded 4/17 Council Workshop Packet (6)
- Created/revised/reloaded 4/19 Council Workshop Agenda (4)
- Created/revised/reloaded 4/19 Council Workshop Packet (4)
- Created/revised/reloaded 4/24 Council Meeting Agenda (10)
- Created/revised/reloaded 4/24 Council Meeting Packet (11)
- Executive Sessions Year to Date (9)
- Created/revised/reloaded Planning Commission Notices (1)
- 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 (0)
- Created/revised/reloaded P & R Advisory Board Packet (0)
- Created/revised/reloaded Tree Preservation Advisory Council Agenda
- Created/revised/reloaded Tree Preservation Advisory Council Packet

- Provided Notary Public Services (1)
- Transcribed and proofread Minutes from City Council Meetings (7)
- Transcribed and Proofread Minutes from Board of Adjustment (1)
- Transcribed and proofread Minutes from Planning Commission (0)
- Transcribed and proofread Minutes from P & R Advisory Board (0)
- Transcribed and Proofread Minutes from Milford Community Cemetery Board (1)
- Transcribed and Proofread Minutes from Tree Preservation & Advisory Council
- Proclamations Created Year to Date (9)
- Resolutions Created Year to Date (6)
- Special Event Permits Requested to Date (16)



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

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, City Manager
Subject: April 2023 Monthly Report
Date: May 4, 2023

- Senator Carper toured the new Police Station as a guest of the USDA (who is financing the project) on April 13.
- Public Works informed me of a failed pump at the Fork Landing sanitary sewer pump station. When the failed pump was removed, crews found rags and article's of clothing wrapped around the impeller. There is a secondary pump at the station, however, it will take several weeks to repair the failed pump.
- Century Engineering and the Planning Department held an Open House on the South Walnut Street Traffic Calming Study on April 5. Citizen's requested multi-way stops at three intersections be considered at the previous open house. Century provided an update to residents that the stop sign warrant was completed, and the study indicated that the warrants for multiway stops along Walnut were not met, and therefore DELDOT would not approve of their installation.
- We received word from DELDOT that the drawbridge repair will take longer than expected, and they now anticipate it not being complete until the second week in June. Damage to various parts of the bridge was more extensive than initially known, and many of the steel pieces need to be fabricated.:
- I attended DELDOT's quarterly Utility Coordination Council meeting as DEMEC's representative.
- The Mayor (and Ronnie) and I attended the Chamber of Commerce's Volunteer Appreciation luncheon.
- We conducted interviews for a University of Delaware public administration summer internship program. We interviewed two excellent candidates interested in working for the City.
- Councilmen Marabello, Boyle, James and Mayor Campbell and I attended the SCAT dinner in Ocean View. The program was by the Sussex County Association of Realtors on affordable/workforce housing.
- I, along with representatives from Cities of Seaford and Newark and the towns of Middletown and Clayton, met with Governor Carney as part of DEMEC Day. We had a good dialogue with the Governor regarding the Indian River generating station and the need for an additional transmission line into the state.
- I met with James Puddicombe and Mike Svaby on several on-going issues at Milford Ponds as well as several other projects.
- Much of the month was spent working with the Finance Department and department heads completing budget reviews.

- Chief Ashe, Mike Svaby, Lou Vitola and I met regarding the purchase and funding for a new dispatch radio console for the Police Department. Unfortunately, this was not considered in the project scope, and therefore was not budgeted for, nor included in the project.
- Tony Chipola and I have been working with DEMEC on a possible battery project for storing electricity from the Milford Solar Farm for use at night. DEMEC has found a vendor interested in the project, and we will be discussing possible next steps.
- I attended the quarterly meeting of the City Managers Association of Delaware
- Jamesha Williams, Chief Ashe and I participated in union negotiations with the Teamsters representing the Dispatchers.
- Terri, Katrina and I met with Representative Shupe and Kevin Andrade of Maximus Radio Delaware regarding a Hispanic cultural festival in Milford this summer. Tentatively, they are looking a June 25 for the event which is to be held in Bicentennial Park.
- I worked with Bill McGowan on finalizing the Strategic Plan.
- Sara, Rob and I met with Becker Morgan Group on the Traffic Impact Study for the Milford Corporate Center. The impacted intersections that will eventually require upgrades due to increased traffic caused by the corporate center are: US113/DE14, Williamsville Rd/DE14, DE14/DE15, and Churchill Road/DE15. BMG did not have the financial impact estimates for those intersections as of yet.
- Brad, Councilman Baer, Mayor Campbell and I attended the quarterly meeting of the Milford Community Cemetery, Inc. Quite a few lot owners came out to voice their displeasure over the clean-up notices posted on lots in March. While most individuals were understanding of the need to clean-up lots, their primary complaint was how folks were notified. The board will be working with many of the lot owners that came out on how to better the communications, as well as review and update the rules.
- We received notice this week of obtaining a grant from Energize Delaware for the evaluation of converting various vehicles of our fleet to electric as well as the need for charging stations at City facilities. Once the study is done, we can apply for another grant through Energize Delaware for the purchase of electric vehicles and charging stations.
- I attended the monthly Chamber of Commerce Executive Board meeting
- Mayor Campbell (Ronnie), Councilman James (Pam), and I attended the monthly DLLG dinner in Dover.
- Mike Svaby and I attended a seminar on the Beach Replenishment project in Rehoboth Beach
- I attended the monthly meeting of the Delaware Chapter of APWA.
- Jamesha and I worked on wage proposals for the Dispatchers.
- I attended the Sussex County Association of Realtor's local government breakfast. The meeting was very informative.
- Mike Svaby, Captain Wells, Lt Masten, Brian Jester and I attended the Sussex County Emergency Evacuation meeting in Georgetown.
- Sara and I met with a commercial real estate broker interested in working with the City.
- Mike Svaby, Rob Pierce, Valerie, Sara, James, Bill and I met regarding the sidewalk program and needed improvements to communication with residents.
- Chief Ashe and I met with Representative Shupe on several legislative matters that may affect the City.

Public Works Department - May 2023	<i>May 2022</i>	<i>May 2023</i>	<i>FY22 YTD (07/01/21-06/30/22)</i>	<i>FY23 YTD (07/01/22-06/30/23)</i>
Streets/Utility Division				
Signs Installed/Replaced	30	4signs 1 pole	216	312
Curb Miles Swept	400	1,400	5,590	12,150
Sewer Lines Flushed (in feet)	2,400	14,000	27,785	65,198
Sewer Back-up Response	2	0	32	21
Sewer Line Repaired	0	0	4	3
Water Hydrants Flushed	8	14	373	176
Fire Hydrants Replaced/Installed	0	0	10	2
Water Line Repair	0	0	14	11
Water Valves Exercised	8	14	221	138
De-icing Salt Used (tons)	0	0	104	1
Potholes Filled - Cold Patch	42	21	521	465
Potholes Filled/Spray Patch - Gallons Emulsion Used	0	100	7	100
Leaves Collected (Tons)	0	0	102	113
After Hours Calls	2	Data Unavailable	71	52
Crack Sealing (pounds of sealant used)	200	300	600	1,440
Work Orders Completed	17	Data Unavailable	206	159
Storm Sewer Inlets Cleaned	62	80	708	842
Street Closures/Festivals	1	3	31	26
Engineering Division				
Utility Locates Completed	222	306	1,790	1832
Infrastructure Work Orders Completed	4	Data Unavailable	94	143
Backfill Inspection Work Orders Completed	9	Data Unavailable	127	116
Operations Division				
Fleet Work Orders Completed	42	24	236	300
Fuel Use-Diesel (Gallons)	2,710	2,824	4,959	26,416
Fuel Use-Gas (Gallons)	4,133	4,112	39,853	31,249
Blue Def (Gallons)	16.37	90	16	831
Solid Waste & Facilities Division				
Refuse Collected (Tons)	289.60	319.35	2,722	3,689
Recycle Collected (Tons)	79.65	53.14	716	856.9
Yard Waste Collected (Tons)	68.00	46.15	538.77	542.9
Missed Collections	Data Unavailable	55	Data Unavailable	481
Bulk/Brush Collection Requests Completed	8	67	600	642
Containers Delivered	50.00	16	451	395
Containers Serviced (Swap, Replacement, Removed)	17.00	24	557	270
Facilities After Hours Calls	Data Unavailable	Data Unavailable	Data Unavailable	84
Facilities Work Orders Completed	Data Unavailable	Data Unavailable	Data Unavailable	164
Water & Waste Water Facilities Division				
Water Treated (Millions of Gallons) 5 Month 2023	86,535,400	Not Complete	306,614,200	238,002,900
Waste Water Transferred(Millions of Gallons)	85,206,000	72,975,000	224,840,000	314,605,000
Work Orders Completed	53	88	445	529
Pump Stations Cleaned	Data Unavailable	3	2	21
After Hours Calls	0	7	25	62

Public Works Projects - May 2023	Planning Stage	Bid/PO Award	In Progress	Complete
Water				
Install Automated Blow-off Valves 2 in stock	Charlie / James	charlie	X	simpson/mil. Pon
Protection Upgrades Caulk & 10th Street Towers	Steve			
Water Tower Altitude Valve at Caulk Tower	Charlie / James	Schrock	X	DONE
Water Trtmnt Monitoring & Process Control Upgrades (4&5)	Steve / Steve Z.		X	
City-wide Valve & Hydrant Replacement/Improvements	Charlie / James	Charlie		
Standardized Water Treatment Facility Controls	Steve / Steve Z.		X	
DNREC Water Allocation Permit	Steve	State	Complete	DONE
Sewer				
Truitt Avenue PS Groundwater Investigation & Repair	KCI	KCI	X	
SCADA Instrumentation Upgrades & Integration	Steve / Steve Z.		X	
Targeted Inflow and Infiltration Investigation & Repair	KCI	KCI	X	
North Shore Pump Station Hatch Replacement	DBF	?		
Streets				
Mispillion, McColley, Marshall Streets Reconstruct/Paving				
Fisher Ave				
Financing for Private Sidewalk Improvements				
Street Resurfacing and Rehabilitation, ADA Ramps				
Installation of ADA Compliant Ramps				
Walnut Street Pedestrian Crossing (Landscaping)				
Truck Turning Study				

PARKING				
BUILDINGS				
PW-Complex Security				X
Shutter Painting and Molding Repair- City Hall	X			
Siding Replacement- Parks & Rec		X		
HVAC Replacement- Parks & Rec				X
Exterior Lighting- Parks & Rec				X
Basement Waterproofing- Customer Service				X
Concrete Repair Drive-Thru- Customer Service	X			
Door Replacement- Armory		X		
HVAC- Armory		X		
Facilities Management Binder				
Public Works Equipment & Vehicles - May 2023	Planning Stage	Bid/PO Award	In Progress	Complete
ELECTRIC				
Replacing Vermer Trencher (E128)				
Replacing 3 Phase Wire Trailer (E114)				
Replacing Dump Truck				
TECHNICAL SERVICES				
WATER				
Replace W-16 IR Compressor				
Replace W-8 F250 2022	Ordered	Hertrich	Ordered	Still on Hold
Replace W-15 Pick up 2022	Ordered	Hertich	Ordered	Still on Hold
SEWER				
Replace SE-2 Ford F250 Pickup 2022	Ordered	Hertrich	Ordered	Still on Hold

Public Works Department - April 2023	<i>April 2022</i>	April 2023	<i>FY22 YTD (07/01/21-06/30/22)</i>	<i>FY23 YTD (07/01/22-06/30/23)</i>
Streets/Utility Division				
Signs Installed/Replaced	28	23 signs 5poles	186	307
Curb Miles Swept	280	1,475	5,190	10,750
Sewer Lines Flushed (in feet)	3,500	13,600	25,385	51,198
Sewer Back-up Response	2	6 at pump st.	30	21
Sewer Line Repaired	0	0	4	3
Water Hydrants Flushed	125	12	365	162
Fire Hydrants Replaced/Installed	0	0	10	2
Water Line Repair	0	1	14	11
Water Valves Exercised	30	12	213	124
De-icing Salt Used (tons)	0	0	104	1
Potholes Filled - Cold Patch	50	30	479	444
Potholes Filled/Spray Patch - Gallons Emulsion Used	0	0	7	0
Leaves Collected (Tons)	0	0	102	113
After Hours Calls	3	8	69	52
Crack Sealing (pounds of sealant used)	300	360	400	1,140
Work Orders Completed	28	14	189	159
Storm Sewer Inlets Cleaned	60	78	646	762
Street Closures/Festivals	6	3	30	23
Engineering Division				
Utility Locates Completed	194	<i>Data Unavailable</i>	<i>1,568</i>	1526
Infrastructure Work Orders Completed	7	28	90	143
Backfill Inspection Work Orders Completed	4	5	118	116
Operations Division				
Fleet Work Orders Completed	33	26	194	276
Fuel Use-Diesel (Gallons)	2,544	2,507	22,493	23,592
Fuel Use-Gas (Gallons)	3,953	3,924	35,720	27,137
Blue Def (Gallons)		95		741
Solid Waste & Facilities Division				
Refuse Collected (Tons)	72.00	264.68	2,788	3,370

Recycle Collected (Tons)	71.48	90.82	641	803.76
Yard Waste Collected (Tons)	50.65	56	421.44	496.75
Diversion Percentage (%)	<i>Data Unavailable</i>	<i>Data Unavailable</i>	54.40	34.00%
Missed Collections	<i>Data Unavailable</i>	54	<i>Data Unavailable</i>	426
Bulk/Brush Collection Requests Completed	65	44	662	575
Containers Delivered	30.00	37	598	379
Containers Serviced (Swap, Replacement, Removed)	36.00	13	242	246
Facilities After Hours Calls	<i>Data Unavailable</i>	24	<i>Data Unavailable</i>	84
Facilities Work Orders Completed	<i>Data Unavailable</i>	47	<i>Data Unavailable</i>	164
Water & Waste Water Facilities Division				
Water Treated (Millions of Gallons)	70,089,600	<i>Data Unavailable</i>	306,614,200	238,002,900
Waste Water Transferred (Millions of Gallons)	88,581,000	<i>Data Unavailable</i>	224,840,000	168,132,000
Work Orders Completed	57	<i>Data Unavailable</i>	392	441
Pump Stations Cleaned	X	<i>Data Unavailable</i>	2	18
After Hours Calls	6	<i>Data Unavailable</i>	25	55

Public Works Projects - April 2023	Planning Stage	Bid/PO Award	In Progress	Complete
Water				
Install Automated Blow-off Valves 2 in stock	Charlie / James	charlie	X	simpson/mil. Pon
Protection Upgrades Caulk & 10th Street Towers	Steve			
Water Tower Altitude Valve at Caulk Tower	Charlie / James	Schrock	X	DONE
Water Trtmnt Monitoring & Process Control Upgrades (4&5)	Steve / Steve Z.		X	
City-wide Valve & Hydrant Replacement/Improvements	Charlie / James	Charlie		
Standardized Water Treatment Facility Controls	Steve / Steve Z.		X	
DNREC Water Allocation Permit	Steve	State	80% complete	Patty Murray
Sewer				
Truitt Avenue PS Groundwater Investigation & Repair	KCI	KCI	X	
SCADA Instrumentation Upgrades & Integration	Steve / Steve Z.		X	
Targeted Inflow and Infiltration Investigation & Repair	KCI	KCI	X	
North Shore Pump Station Hatch Replacement	DBF	?		
Streets				
Mispillion, McColley, Marshall Streets Reconstruct/Paving				
Fisher Ave				
Financing for Private Sidewalk Improvements				
Street Resurfacing and Rehabilitation, ADA Ramps				
Installation of ADA Compliant Ramps				
Walnut Street Pedestrian Crossing (Landscaping)				
Truck Turning Study				

PARKING				
BUILDINGS				
PW-Complex Security				X
Shutter Painting and Molding Repair- City Hall	X			
Siding Replacement- Parks & Rec		X		
HVAC Replacement- Parks & Rec				X
Exterior Lighting- Parks & Rec				X
Basement Waterproofing- Customer Service				X
Concrete Repair Drive-Thru- Customer Service	X			
Door Replacement- Armory		X		
HVAC- Armory		X		
Facilities Management Binder				
Public Works Equipment & Vehicles - April 2023	Planning Stage	Bid/PO Award	In Progress	Complete
ELECTRIC				
Replacing Vermer Trencher (E128)				
Replacing 3 Phase Wire Trailer (E114)				
Replacing Dump Truck				
TECHNICAL SERVICES				
WATER				
Replace W-16 IR Compressor				
Replace W-8 F250 2022	Ordered	Hertrich	Ordered	
Replace W-15 Pick up 2022	Ordered	Hertich	Ordered	
SEWER				
Replace SE-2 Ford F250 Pickup 2022	Ordered	Hertrich	Ordered	
STREETS				
SOLID WASTE				
Grappler Hook Body				
GARAGE				

WAREHOUSE				
Active Developments - April 2023	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Awaiting Final Inspection
Hearthstone Manor I				
Lighthouse Estates II				
Brookstone Trace				
Brookstone Trace II				

Orchard Hill				
West Shores at New Milford				
Watergate				
Walnut Village				
Milford Ponds Phase I				
Hearthstone Manor II				
Milford Ponds Phase II				
Simpson's Crossing Phase 1a				
Simpson's Crossing Phase 1b				
Simpson's Crossing Phase 1c				
Cypress Hall Phase I				
Cypress Hall Phase II				
Wickersham				
Misphillion Landing				
Riverwalk Villas				
Windward on the River				
Milford Ponds Phase III				
Red Cedar Farms				
Hickory Glen				
Knights Crossing				
Commercial Projects - April 2023	Plan Review	Utility Mains Installation	Utility Service Line Inspection	Awaiting Final Inspection
Wash-It				
Splash Laundry Mat				
Deep Branch Plaza				
Police Station				
Delaware Mini Storage				
William Allen Property Lot 3				
Food Bank				
Arbys				
PAM				



PUBLIC WORKS FACILITY

180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

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: April 2023 Electric Dept Staff Report
Date: May 3, 2023

Director's Office

- Attained RP3 Gold Designation demonstrating the City's commitment to safe, reliable electric service.
- Conducted Substation Tour / Walkthrough for new PW Civil Engineer
- Assurance Media tested Fiber reel to ensure integrity for use on future project(s)
 - Parks & Rec Bldg at the Armory
 - Future Redundant Fiber Feed to Public Works
- Held Departmental Safety Mtg
- Coordinated Substation Pre-emergence Spraying with Asplundh
 - Weed control for Delivery 1, Delivery 2, 138kV Tap Station, and City Owned Solar Field
- Attended various preconstruction meetings for new businesses / developments
- Attended Monthly AMI Call to discuss outstanding software issues
- Worked with Finance and City Manager to review O&M budget for Electric and Technical Services
- Attended Tyler Munis Quarterly Meeting
- Participated in discussions with City Planner and Permitting group regarding Solar Application Process
- Conducted Interviews for open Line Technician Position
- Coordinated Spill response Training for Elect Department
- Resolved DPL Metering Issues at Delivery 1 with T1 out of service

Electric Lines

- Participated in Spill Response Training
- Escorted Asplundh for Pre-emergence Spraying
- Developed various estimates for new developments
- Responded to various outages

Technical Services

- Met with various contractors to specify metering equipment and advise on installation.
- Developing Displays for SCADA
- Repaired damaged instrument rated metering at Southern States.
- Worked with AMP to correct how meter information is populated in the MDM
- Identified and replaced a malfunctioning SCADA communication switch at Seabury water plant
- Processed multiple applications for solar panel interconnections
- Met with planning and engineering to refine permit process

Electric Department -April 2023	April 2022	April 2023	FY22 YTD (07/01/21-04/30/22)	FY23 YTD (07/01/22-04/30/23)
Electric Division				
Trouble Service Call	10	16	234	194
Work Orders Completed	40	30	417	342
Outages	8	2	95	59
LED Street Lights Replaced	61	13	155	133
New Service Install	8	2	69	37
Poles Replaced	2	3	15	34
After Hours Calls	12	13	110	134
Trees Cut (Days)	0	1	10	20
Technical Services Division				
New Electric Service Installed/Meter Set	21	9	218	101
New Water Service Installed/Meter Set	7	2	83	31
Electric Meter Replacement	3	3	38	70
Water Meter Replacement	45	48	385	538
Work Orders Completed	642	715	4,594	6,744
After Hours Calls	8	9	46	57

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: May 1, 2023

RE: April 2023 – Planning Department Staff Report

- During the first four months of the 2023 calendar year, the City issued 26 new residential construction permits. The total construction investment in Milford through the end of April based on issued building permits was \$12,405,334.
- The City of Milford has seen 162 projects with a committed investment of over \$32.7 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 a conditional use application for new apartment units within the former firehouse located at the corner of SW Front Street and N. Church Street and a preliminary site plan application for Milford Ponds – Phase IV.
- The Planning Commission finished reviewing the zoning and subdivision of land ordinance at their April meeting. Draft revisions will be prepared and hopefully presented to City Council in June or July.
- The Board of Adjustment will review a variance application related to the redevelopment of the former firehouse at the corner of SW Front Street and N. Church Street.
- The City reviewed a final major subdivision submission for the Westwood development on Williamsville Road and provided plan review comments to the applicant.
- The City reviewed a resubmission of a final major subdivision application for Milford Ponds – Phase III. The application has been placed on the June agendas for review by the Planning Commission and City Council.
- The City reviewed a final site plan resubmission for the PAM Milford project and provided plan review comments to the applicant.
- The City received a preliminary site plan submission for The Lab at Seascape medical office building in Independence Commons and provided plan review comments to the applicant.
- The City received a final site plan resubmission for Masten Circle, LLC and provided the final plan review approval letter. The City is awaiting submission of final plan sets for administrative approval.
- The City received and reviewed a preliminary site plan submission for Milford Ponds – Phase IV and placed the item on the May Planning Commission agenda for review.

- The City received a resubmission of construction plans for a minor subdivision at the east end of Pennsylvania Avenue.
- The City received a resubmission of the Caliber Collision preliminary conditional use site plan which is currently under review.
- The City received a resubmission of the Knight Crossing – Phase 2B final major subdivision plan which is currently under review.
- Staff attended the weekly ERP Project update meetings and discussed adjusting the schedule to implement the business license module, taxation module and energov module sooner than anticipated.
- Attended a DelDOT pre-submittal meeting for the 1st State Self Storage project on Route 113.
- Prepared for and attended the second open house for the S. Walnut Street Traffic Calming and Bike/Ped Study on April 4, 2023.
- Attended the bi-monthly Builders and Remodelers Association of Delaware (BRAD) & City of Milford Nuts & Bolts Meeting.
- Met with the new owner of the Rookery North golf course to discuss possible bike path through the property between Watergate and Shawnee Acres.
- Met with the Milford School District and their engineering consultant to review plan review comments for the Middle School redevelopment project.
- Met with the Finance Department to review the FY24 Planning Department budget.
- Attended monthly Milford Corporate Center project update meeting.
- Attended the Dover/Kent County Metropolitan Planning Organization (MPO) Technical Advisory Committee (TAC) meeting.
- The Building Division met with the Electric Department to discuss the process for reviewing and inspecting solar panel permit applications.
- Attended a development coordination meeting hosted by the City Engineer to review the status of various projects with the Public Works Department and Electric Department.
- The Code Enforcement Officials completed over 800 rental inspections so far this year in the larger apartment complexes in the 4th Ward. Individual properties will begin receiving notices in May for inspections in June, July and August.
- 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	143
Closed Cases	0
Open Cases at Start of Period	142
Open Cases at End of Period	286

*117 open cases are for tall grass, which stay open the entire growing season.

Violation Activity:

New Violations Cited	Total
Abandoned Vehicle	3
Dangerous Tree	2
Furniture Violation	0
Generic Violation	8
Property Maintenance Violation	5
Rubbish & Garbage	5
Weeds & Grass	117
Zoning Use Violation	3
Total	143

Rental Licenses Issued: 95

Vendor Licenses Issued: 1

Contractors Licenses Issued: 34

Business Licenses Issued: 8

Building Permits Issued:

Permits Issued by Type	Count
Commercial Demolition	0
Commercial Foundation	1
Commercial Building Permit	4
Construction Trailer	1
Residential Demolition	0
Residential Building New Construction	1
Residential Renovation/Accessory	15
Roof/Siding Permit	3
Sign Permit	0
Solar Panel Permit	1
Utility Permit	2
Total	28

Inspections Performed:

Inspections Performed by Type	Count
Footer	22
Foundation	22
Framing	26
Insulation	9
Final	49
Residential Rental	136
Total	264

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: May 3rd, 2023

RE: April 2023 – Parks and Recreation Staff Report

Parks/Arbor

- Trash and recycling for all municipal waste receptacles continued to be emptied on a weekly basis by parks crews.
- Mulching of all locations maintained by the city was completed by staff.
- The remainder of all lights in the trees on Walnut Street and Northwest Front Street were removed.
- Started preparing for the season at Tony Silicato Memorial Park. Park Tech started cutting soccer fields on April 3rd.
- Soccer Fields were prepped for opening day (goals placed, trash receptacles placed, fields lined).
- Bathrooms at Tony Silicato Memorial Park were opened for the season.
- Crews continued to cut grass on all park land and facilities owned by the city.
- Park crews assisted recreation coordinators with the annual community egg hunt, held April 8th. Park staff helped in setting up and taking down of the event and trash detail.
- Three mowers were sent to the city mechanic for services.
- Park staff assisted with getting grounds ready for the flag football at Marvel Square.
- Three oval tubs were filled with dirt out to the dog park for when dogs dig holes.
- Our seasonal flower planter returned and started planting flowers and shrubs for the season.
- Potting soil and topsoil were purchased for the upcoming flower season planting in May.
- Park staff prepared ball fields for opening day of Little League on April 22nd.
- Park Superintendent continued to help coordinate community clean-up event with maps of zone locations, dumpster coordination, etc.
- Park staff weeded and trimmed the sidewalks on Walnut Street and Northeast Front Street in preparation for the Bug and Bud festival.
- Crews weed trimmed underneath the bridge and across the rail fence by the State services building on North Church Street.
- Park staff assisted Arborist helper with a tree limb that fell on the soccer goals at Tony Silicato Memorial Park.

- The Park Superintendent attended the award and recognition meeting with fellow employees of the city, as well as the safety meeting.
- The stage was set up at the amphitheater behind the library for the bug and bud event.
- All parking lots trimmed prior to the Bug and Bud Festival. Crews then prepared for the day of the event, getting additional trash cans ready, and prepping the paddle boats for the event.
- Bug & Bud Festival was held, and parks staff worked with day of trash duties.
- Park Superintendent continued to address any problems on the see-click-fix app as it was assigned to the department.
- Tree removal on NE 4th Street occurred due to the tree interfering with electric lines.
- Crews cleared the woods line at Hearthstone Manor for bucket truck access.
- Start power line clearing project at Hearthstone Manor and Shawnee Acres.
- A fallen tree cleanup project at ballpark occurred, requiring a team effort as it was the day prior to opening day of Little League.
- Laptop, email, and SeeClickFix software setup with IT department was assigned to the arborist helper.
- Removed diseased rose bushes from Memorial Park flower bed and City Hall.
- Remove porcelain berry vines from bushes at Bicentennial Park.
- Responded to a fallen tree cleanup at Gagne Lane due to storm damage.

Recreation

Spring Programming

- **Spring Soccer**
 - Our soccer program is in full swing. Kids are getting the opportunity to learn the basics while also having fun. Our older groups get the chance every Saturday to practice their newfound skills on a full pitch in a 45 min game.
- **Spring Youth Basketball**
 - Basketball has entered its fourth week marking a transition toward a game like atmosphere. Participants will experience game-like situations.
- **Flag Football**
 - This skills and drills program emphasizes the basics of NFL Flag. Participants will shortly begin to utilize what they learn in full field play. Scrimmages will take place at the beginning of practices.
- **Tennis**
 - Tennis Instructors focused heavily on helping participants grow more comfortable in this sport. A solid foundation in forehands backhands and serving will allow participants to

progress more easily in the program. Our Intermediate level players learn strategies that they can use to strengthen their play.

- **Spring Pickleball**

- Pickleball has been our fastest growing program to date. Participation in drop-in programs is extremely high nearly reaching seventy-five drop-in participants.

- **Adult Basketball**

- Drop-in basketball has hit a lull period with significantly more drop-in players opting to utilize our outdoor recreational courts due to the warm weather lately. During poor weather, our adult drop-in numbers increase significantly.

Special Events

- Our Community Egg Hunt had a great turn out. Seventy-five participants partook in an egg hunt that started from SE Second Street to Milford Little Leagues Machine Pitch Field.

Summer Fun Club

- Summer Fun Club planning is in full motion. Coordinators are solidifying field trips to Go Ape, Killen's Pond, Shell We Bounce, Cape Henlopen State Park, Delaware Aerospace Education Foundation's Environmental Outpost, and many other activities. The first week of camp starts June 26th.

Summer Camps

- Coordinators are in the process of securing instructors for a minimum of four summer sports camps. Sports include Soccer, Flag Football, Pickleball, Basketball, Tennis.



Other

- The Director and Park Superintendent attended the Chamber of Commerce Volunteer luncheon to recognize volunteer efforts during the last year.
- The floating kayak dock and gangplank were removed from the water behind the Police station by crane, to figure out why the dock has been listing to one side and figure out what repairs need to be made to it.
- Director submitted CIP and operating budgets and continued to revise budgets as directed.
- The director attended the Milford Community Cemetery meeting and listened to a long list of concerns regarding the cemetery from plot owners.
- The Director continues to meet as part of the focus group for Delaware's Statewide Comprehensive Outdoor Recreation Planning process.
- A meeting was held with the owner of the Rookery North golf course, City Planner, and designer to discuss potential additional pedestrian connectivity through the golf course.
- The Director continued to oversee several CIP park projects, including removal and replacement of brick pavers in the downtown, removal, and replacement of broken sections of exposed concrete on the Riverwalk, the installation of the new lighted handrail on the Riverwalk, pickleball courts construction and new playground construction.

TO: Mayor and City Council

FROM: Jamesha C. Williams, MBA, MSL- Human Resources Director

DATE: May 2, 2023

RE: April 2023 –Human Resources Department Staff Report

- Job offer extended and accepted for the position of Electric Line Technician, Second Class.
- Worked with the Reward & Recognition Committee to finalize the details for the 2023 Touch-A-Truck Event that will be held on Saturday, May 20, 2023, from 10:00am-2:00pm.
- Worked with the Reward & Recognition Committee to finalize the details for the 1st Annual Wellness and Health Fair Event that will be held on Monday, June 5, 2023, from 11:00am-3:00pm.
- In-Person meeting scheduled with Kate Lynch in May related to opportunities for City employees to speak with Milford students in the 2023/2024 school year.

- Bilingual Proficiency Stats: (Spanish)

Police: 2 employees

Customer Service: 2 employees

Engineering: 1 employee

Garage: 1 employee (new)

- Rooster Recipient: Charles Nordberg, Streets & Utilities Supervisor received the Rooster from Vince Waydelis, Head Mechanic for all his hard work and dedication to the city. Charles always helps when help is required.



- **Current Job Openings as of May 2, 2023:**

Accountant-1 opening

Associate Engineer-1 opening

Police Dispatcher-1 opening

Police Officer-2 openings

Public Works Equipment Operator-Solid Waste-1 opening

To: City Council and Mayor
From: Sara Bluhm, Economic Development & Community Engagement Administrator
Subject: April Monthly Report
Date: May 3, 2023

Economic Development

- Rt. 1 static billboard went up on Feb. 1; website traffic is increasing (see metrics below)
- Attended quarterly Delaware Prosperity Partnership Partners meeting
- Began promoting City's "why invest" video series on social media
- Met with KEP, mead business owner and potential landlord

Community Engagement

- Received notification the City and key community partners (Slaughter Beach and DeIDOT) were selected as a recipient of technical assistance, planning and capacity building support through the FY2022 Thriving Communities Program. Attended an introduction webinar with other recipients.
- Posted new community videos from CGI on city website
- Promoted community clean-up and managed registration list; videographer created commercial
- Attended April Village Fest planning committee meeting
- Attended Food Bank of Delaware Happy Hour to learn more about their plans in Milford

Meetings/Trainings

- Reviewed department FY24 budget requests with finance team
- Attended quarterly ERP/Tyler check-in meeting
- Attended monthly DMI Economic Vitality meeting
- Attended monthly Kent County Tourism board meeting
- Met with new CivicPlus (website) representative and began redesign timeline
- Met with BMG twice regarding Milford Corporate Center planning
- Met with Monsido to continue discussions about ADA website compliance
- Met with commercial real estate company to discuss development opportunities within city limits
- Attended meeting to discuss sidewalk program letters

Social Media/Website

- April 2023 Insights:
 - City of Milford Facebook: 29 new likes (total: 3,259); 18,283 reached (5,369 last month); 1,465 page visits (535 last month)
 - Parks & Rec Facebook: 89 new likes (total: 3,293); 4,478 reached (20,182 last month); 1,949 page visits (1,705 last month)
 - Instagram: 38 new likes (total: 1,187); 974 accounts reached (750 last month); 102 profile visits (68 last month)
 - Twitter: 5 tweets, 535 impressions, 157 profile visits, 2 mentions, 1,364 followers
 - COM Website: 12,019 users (10,258 last month); 17,027 sessions (15,049 last month); 31,044 pageviews (27,115 last month)

- ED Website: 315 users (169 last month); 372 sessions (202 last month); 616 pageviews (465 last month)
- ChatBot: 71 self-service resolutions; 51.1% self-service resolution rate; \$355 cost savings
- MyMilford: 87 issues created; 73 issues closed; Average Days to Close: 2.9

Email Campaigns

- Jan. utility newsletter to full database (customers and business license holders) (4,900): 53% open
- Feb. utility newsletter to full database (customers and business license holders) (4,890): 57% open
- March utility newsletter to full database (customers and business license holders) (4,879): 54% open
- April utility newsletter to full database (customers and business license holders) (4,861): 52% open
- April business newsletter to business license holders (866): 43% open

Press Releases & Coverage

- Made several news appearances for Rt. 113 speed reduction request



Milford

River Town • Art Town • Home Town

DELAWARE

Whitfield Credentialed by ICMA

Mark Whitfield, City Manager of the City of Milford, recently received the Credentialed Manager designation from ICMA, the International City/County Management Association. Whitfield is one of over 1,300 local government management professionals currently credentialed through the ICMA Voluntary Credentialing Program.

To receive the prestigious ICMA credential, a member must have significant experience as a senior management executive in local government; have earned a degree, preferably in public administration or a related field; and demonstrated a commitment to high standards of integrity and to lifelong learning and professional development.

MPD Officers Promoted

On April 25, Chief Ashe announced the department's most recent set of promotions, appointing Lt. David Wells to the rank of Captain, Sgt. Robert Masten to the rank of Lieutenant, and Detective S/Cpl. Mikhail Stanton to the rank of Sergeant. Captain Wells was a 1990 graduate of Cape Henlopen High School, attended DTCC and was a 1995 graduate of the DE State Police Academy. Captain Wells began his career with the Milford Police Department in 1997.

Lt. Masten is a 1994 graduate of Milford Senior High School, a 1999 graduate of DTCC, a 2000 graduate of Wilmington University, and will graduate in May with his Master's Degree in Criminal Justice Leadership from the University of Mississippi. Lt. Masten is a 2002 graduate of the DE State Police Academy and has served with MPD throughout his entire career.

Sgt. Stanton was raised in Dagsboro, DE and is a 2005 graduate of Sussex Central High School. Sgt. Stanton is a 2012 graduate of DTCC and earned a Bachelor's and a Master's Degree in Homeland Security from Wilmington University. Sgt. Stanton is a 2013 graduate of the DE State Police Academy and has served with MPD his entire career.

City Council Round-up: April

City Council had a busy April with two regularly scheduled meetings, a workshop to review the next five-year Strategic Plan and a workshop to discuss Downtown Streetscape Plans, Council Rules of Procedure/Public Comment, and the 2024-2028 Capital Improvement Plan. At the April 10 meeting, Council authorized the purchase of MPD take-home vehicles and an agreement with DelDOT for a SE Transportation Improvement District. At the April 24 meeting, Council adopted the Preliminary Major Subdivision of the Milford Corporate Center and electric rate increase, as well as authorized the Mayor to send a letter of request to DelDOT for potential speed reduction on Rt. 113 and funding for the purchase of a Police Dispatch Radio Console. All public meetings can be viewed live or recorded online at the City of Milford website at www.cityofmilford.com/553/Watch-Public-Meetings.

Senior Tax Credit Deadline

The City offers a senior citizen exemption (reduction) on their annual tax bill provided they meet the income qualifications and submit the required application to the Customer Service office by Thursday, June 1. An application must be filed annually. Find out if you qualify here www.cityofmilford.com/208/Tax-Payments-Assessments-and-Senior-Exem

Touch-a-Truck Community Event

The City of Milford is hosting a Touch-a-Truck Community Event and City Hall Open House on Saturday, May 20 from 10am-2pm. Stop by City Hall to chat with the Mayor, City Manager, and Chief of Police from 10am-12pm and enjoy food trucks, city department booths, emergency vehicles, and city trucks Downtown on Walnut St. until 2pm. The event is free and all are welcome!



Public Utility Education

By Mike Svaby, Public Works Director
City of Milford Celebrates National Public Works Week
May 21–27, 2023

“Connecting the World Through Public Works”

The City of Milford, much like many other jurisdictions, employs public works professionals who focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people who live, work and play here.

These roles include engineers, managers, employees at all levels of government, as well as elected officials. They all proceed to execute responsibilities each and every day with the public's well-being in mind. The success of these carried-out roles and responsibilities enable the private sector to rebuild, improve and protect our nation's transportation, water supply, water treatment and solid waste systems, public buildings and other structures and facilities essential for day-to-day life.

Today, the City recognizes those engaged in this line of work. They have chosen this path, in spite of knowing the hours can sometimes be late, the expressions of “thank you” can sometimes be few, but the satisfaction of knowing they played a major part in the health, safety and quality of life of those who live, work and play in Milford – is immeasurable.

Thank you to a staff of very qualified, talented and committed people!

Community Happenings

Scan this QR code to view the always up-to-date Milford Community Calendar for local events and public meetings.



City Office Closures

City offices will be closed the following dates due to upcoming holidays: Monday, May 29 Tuesday, July 4
Monday, June 19

Trash, Recycling and yard waste may differ on these dates. Check the schedule online at www.cityofmilford.com/87/Solid-Waste

Report Concerns on MyMilford

The City of Milford launched the MyMilford app in mid-February 2022. The MyMilford app is the fastest, easiest way to submit non-emergency requests. Please download the app to your smartphone or submit a request at www.cityofmilford.com/535/MyMilford



Employee Spotlight

Chief Cecilia Ashe
Chief of Police



1. How long have you worked for the City of Milford? *I have worked with the City of Milford since February of 2023*
2. Have you always worked in this role? *No I have not always been a Chief, but my mom would often have to remind me there was only one chief in her kitchen and it wasn't me!*
3. What is your favorite thing about working for the City? *I think my favorite thing about working for the City is the level of commitment to improving and growing the city in a thoughtful way.*
4. What do you enjoy doing in your free time? *I love fishing and spending time with my family.*

“Chief Ashe has an excellent background, is very personable and the Milford police officers like her. She's a great addition to the City.”

- Archie Campbell, Mayor

Do you have what it takes

to be a public servant?

Join the City of Milford for a career that matters!

Now hiring the following positions:

Associate Engineer

\$49,777.32

Electric Line Technician, First Class

\$91,769.60

Electric Line Technician, Second Class

\$83,428.80

Electric Line Technician, Third Class

\$75,836.80

Public Works Equipment Operator II-Solid Waste

\$45,252.11

Apply Online @ www.cityofmilford.com

Drive25 sign registration open

The City of Milford KEEP KIDS ALIVE DRIVE 25[®] campaign is accepting Spring sign orders. Residents who live on a 25-mph road within city limits can apply through MyMilford (<http://www.cityofmilford.com/535/MyMilford>) for a branded yard sign to be placed in their yard. Detailed ordering instructions can be found online or call 302.725.2068.

Date: May 8th 2023
To: Mayor and City Council
From: Bill Pettigrew
Re: May 2023 Information Technology Department Staff Report

Good evening Mr. Mayor and City Council, the IT departments full May 2023 report is in your packages, I will address some highlights.

Virtualization

After completing as much of our virtualization as we can before FY24's budget, IT has shifted to increasing memory and storage from decommissioned servers out of warranty to other servers still in warranty to create a testing / training environment that we did not have prior. After the FY24 budget we will be virtualizing about 5 additional servers and moving nodes in our cluster to one of our other data centers to eliminate single point of failure in one data center.

The Affordable Connectivity Program (ACP)

We have flyers for citizens printed in multiple languages around the city for awareness. I have left some flyers for council to share with organizations in their wards, maybe bulletin boards, etc.

IT's Role in ERP

April's on site training went well, IT exported some much needed files from Central Square for Tyler

Riverwalk Wifi

At Mark's recommendation we are reaching out to a few other cities in DE for any public wifi projects they have done in the past.



FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com

To: Mayor and City Council
From: Louis C. Vitola, Finance Director *LV*
Date: May 4, 2023
Re: April 2023 Finance Department Staff Report

- Monthly Financial Reporting
 - The Report for the YTD period ending March 2023 was presented to City Council.
- Staffing
 - The recruitment has begun for the new Accountant position approved by Council in April.
- Training and Improvement Efforts
 - The Finance team participated in extensive training and implementation sessions as the Tyler ERP core financial module nears the July 3, 2023 go-live date.
 - The Customer Service team will be closed on May 17, 2023 to permit the entire team to engage in part two of the three-part APPA¹ Customer Service Certificate Program.
- Police Facility Project Financing
 - USDA Officials continue to participate in weekly project update meetings when available.
 - An investigator with Selective Insurance conducted a site visit on April 23 and reported a clean visit.
 - Construction activity – financial summary:

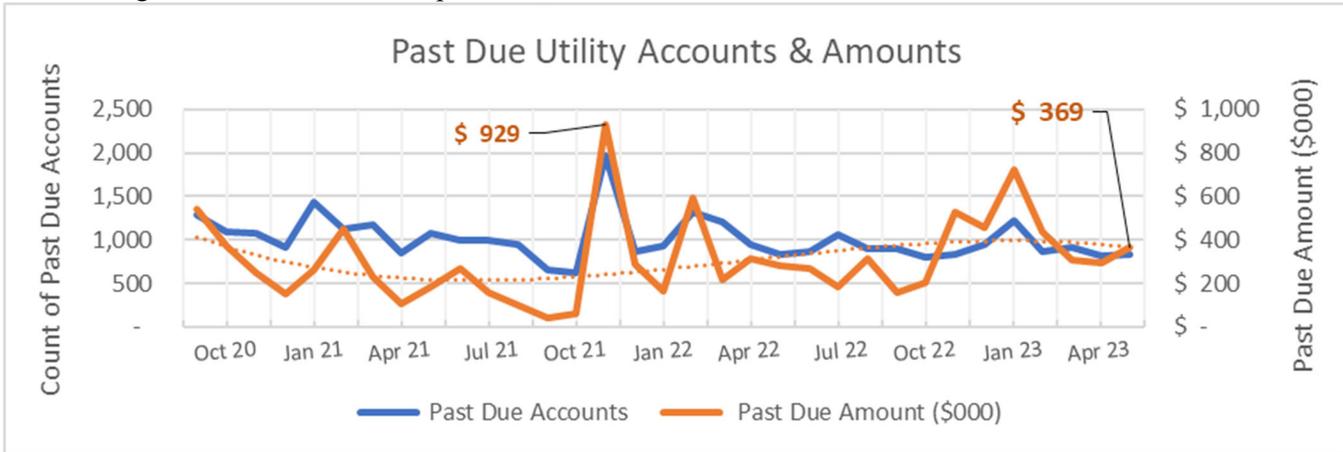
Police Facility Project: Budget & Payment Activity	Approved Budget	Incurred thru 4/30/23	Less: Retainage & Unpaid	Paid as of 4/30/23
Construction & CM: Total Bid Awards	\$ 13,650,954	\$ 7,429,870	\$ (397,305)	\$ 7,032,565
Plus (Less) Proposed Change Orders	300,310	-	-	-
Subtotal: Construction & CM Contracts	\$ 13,951,264	\$ 7,429,870	\$ (397,305)	\$ 7,032,565
Other Project Expenses & Contingencies				
Design / Architect (BMG)	\$ 823,088	\$ 774,971	\$ -	\$ 774,971
Builder's Contingency	226,667	-	-	-
Owner's Contingency	670,897	122,562	(21,198)	101,363
Owner's FFE (\$350k) / Tech (\$150k)	500,000	-	-	-
Subtotal: Pre/Post-Construction & Contingencies	\$ 2,220,653	\$ 897,532	\$ (21,198)	\$ 876,334
Grand Total Project Budget	\$ 16,171,916	\$ 8,327,403	\$ (418,503)	\$ 7,908,899

- FY24 CIP and Budget Process
 - Finance Department Staff have spent the majority of April work hours on CIP & Budget related analysis, interviews/gathering data, presentations and other budget development tasks
- FY22 Audit
 - The FY22 audit process has been delayed from the outset as a result of the extended FY21 process
- Billing & Customer Service Department
 - Kiosk selection and placement has been refined for the FY24 CIP recommendation.
 - With the most recent addition to the Customer Service team, the department is fully staffed and the in-house billprint initiative is included with the FY24 CIP and will be continue to be evaluated.
 - Past Due Property Tax Statistics for **Current** and **Prior Years** are reported in the following tables:

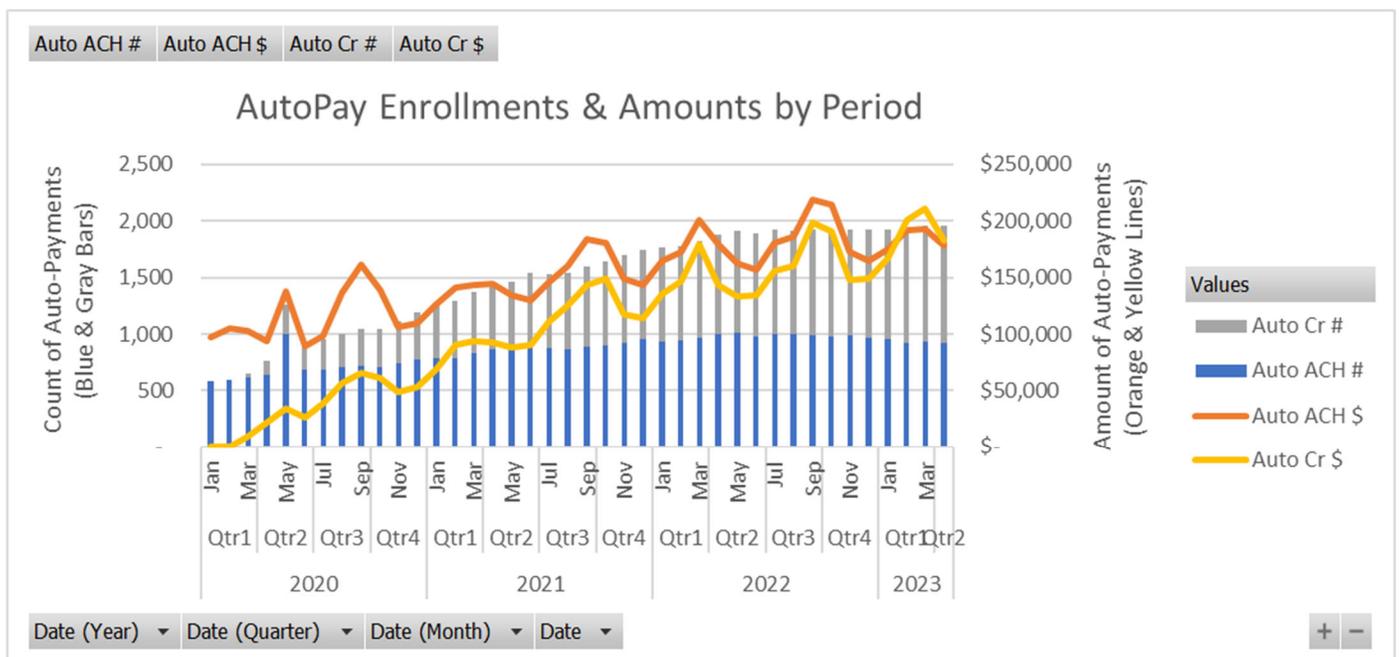
Property Tax Levy	Past Due (\$000) as of:							As % of Levy 5/1/23	Property Tax Levy	As of: 5/2/22	As % of Levy 5/2/22
	11/1/22	12/1/22	1/3/23	2/2/23	3/1/23	4/1/23	5/1/23				
2022 (FY23)	\$237	\$208	\$197	\$169	\$132	\$113	\$98	2.0%	2021 (FY22)	\$86	1.9%
2021 & Prior	\$202	\$196	\$196	\$186	\$176	\$125	\$121	2.5%	2020 & Prior	\$144	3.1%
Total	\$439	\$404	\$392	\$355	\$308	\$239	\$219	4.5%	Total	\$230	5.0%

¹ American Public Power Association (APPA) Customer Service Certificate Program: Strategies for Successful Customer Service Operations (Part 2 of 3) hosted by DEMEC at no cost to the City of Milford

• Billing & Customer Service Department, Continued



- Past due utility balances increased slightly since last month in terms of dollar amount outstanding
- April results are favorable compared to both the average and last April in terms of the number of customers with past due balances outstanding
 - The accounts with any amount past due (blue line) are 17% below the long-term average and 12% below last April
 - The dollar amount past due (orange line) is about 20% and 18% higher than last April and the long-term average, respectively
- The graph below exhibits the number and dollar amount of automatic payments by type and period from 2020 through April 30, 2023
 - The auto-payment count is flat this month versus March, while dollar volume is almost \$43,000 lower (-11%) than last month
 - The auto-payment count is 3.9% higher this April than last, and dollar volume is nearly \$37,000 higher (11%) than last April





Sussex County Association of Towns

37 The Circle, Georgetown, Delaware 19947

S.C.A.T. Dinner for Wednesday, June 7, 2023

Town of Bethany Beach

Town of Bethel

Town of Blades

Town of Bridgeville

Town of Dagsboro

Town of Delmar

Town of Dewey Beach

Town of Ellendale

Town of Fenwick Island

Town of Frankford

Town of Georgetown

Town of Greenwood

Town of Henlopen Acres

Town of Laurel

City of Lewes

City of Milford

Town of Millsboro

Town of Millville

Town of Milton

Town of Ocean View

City of Rehoboth Beach

City of Seaford

Town of Selbyville

Town of Slaughter Beach

Town of South Bethany

Sussex County Council

LOCATION: Irish Eyes Pub and Restaurant
The Lewes Room*
213 Anglers Road
Lewes, DE 19958

TIME: 5:30 pm – Cash Bar
6:00 pm – Dinner

HOST: The City of Lewes

SPEAKERS: Fabrice Veron, PhD, Dean
University of Delaware, College of Earth, Ocean and Environment
Arthur Trembanis, PhD, Professor
University of Delaware, School of Marine Science and Policy

COST: \$67.00 per person

MENU: **Buffet Style Dinner**
Chicken Chesapeake
Garlic Mashed Potatoes
Green Beans
Four Cheese Lasagna
Mixed Green Salad
Rolls with Butter
Mini Dessert Bar (Cookies and Cream Puffs)
Coffee, Iced Tea, and Soft Drinks
Cash Bar

**The Lewes Room is located on the second floor overlooking Lewes Harbor. Irish Eyes Management asks that our guests arrive not more than 15 minutes before start time. Large numbers of people can clog the entrance and in doing so presents a danger in case of an emergency.*

RSVP no later than Friday, May 19, 2023 to:

Sue Ann Hennessy

(302) 645-7777 ext. 104

email: shennessy@ci.lewes.de.us

Please let us know if you have any special needs.

Your check should be made payable to City of Lewes and mailed to:

The City of Lewes

Sue Ann Hennessy

City Manager's Office

PO Box 227

Lewes, DE 19958



TO: Mayor and City Council
FROM: Brad Dennehy-Parks and Recreation Director
DATE: May 2, 2023
RE: Memorial Park Phase I Change Order #1 – Playground Safety

Dear Mayor and Council,

The new playground in Memorial Park is currently under construction and taking shape. During construction in consultation with the playground builders and the design professionals we wish to make a change to the surface material underneath the playground equipment.

Woodchip safety surfacing was originally specified for this project, and it was designed and bid accordingly. However, as construction unfolded, evaluation at the site resulted in the recommendation to swap the woodchip base from the start in favor of a poured in place rubber surfacing for the following reasons:

1. It is more level and stable and considered one of the best materials for playground surfaces.
2. It is a safer product and offers better surfacing over time as it does not move.
3. Woodchips tend to move whether by the users, or the weather and require more maintenance (must be constantly replenished).
4. The poured in place surfacing is more durable and lasts longer.
5. Poured in place surfacing allows for more accessibility and is more inclusive for all children.

The cost of the poured in place surfacing with installation is **\$145,800**. There are also design fees associated with this process which would be an additional **\$10,700** for a total of **\$156,500**. However, by removing the original cost of the mulch there would be a saving of **\$26,810**. Of the \$129,690 net funding required to satisfy the change order, approximately \$122,090 remains available from the general fund and electric fund reserve matching funds, FY22 and FY23 Bond Bill (CRF) Funding, and FY23 DNREC ORPT funding across the combined Memorial Park and Riverwalk Improvements Projects. Sufficient general fund reserves were approved by City Council with the FY23 operating and capital budgets before the grant awards were known, but the change order itself must be approved by Council. Staff formally recommends the shortfall of \$7,600 be funded with general fund reserves. The Finance Department had the opportunity to reconcile the Council-approved, grant-funded projects and provided input to the following recommendation.

RECOMMENDATION

At this time, I am respectfully asking Council to approve Gateway Construction Change Order #1 in the amount of \$129,690 funded primarily through existing grant awards plus additional funding of \$7,600 through general fund reserves.

MILFORD MEMORIAL PARK
SAFETY SURFACE CHANGE ORDER

The original design at Milford Memorial Park is for the Playground to have Woodcarpet wood chip Safety Surface. This request is to change the material to a poured-in place (PIP) surface.

Public playgrounds typically avoid PIP surfacing because of its cost. Yet, because of its level of stability and durability it's considered one of the best materials for playground surfaces.

When it comes to **safety**, PIP surfacing is the better surface over the long term. The reason for this is because it doesn't move, so there's no risk of it becoming thinned out and unsafe in places. Wood chips, on the other hand, do move around and can become thin in areas of high use, like around the bottoms of swings and slides, if they are not constantly maintained.

When it comes to **maintenance**, with its seamless, fixed surface, PIP surfacing requires little in the way of maintenance. An occasional hose down or going over with a leaf blower is really all it takes to keep this surface looking good into the long term. Wood chips, on the other hand, require constant weekly maintenance to ensure the space is properly filled and distributed to ensure it's safe for use. Another thing to keep in mind is that wood chips compact and degrade over time, so they need to be topped up once a year and replaced every 3 years. Lastly, woodchips will escape the play area and can become a problem on paths and in drains.

In terms of **durability**, PIP surfacing performs better than wood chip surfacing. This is simply because it doesn't need annual topping up and replacement every 3 years like wood chip surfacing does. A PIP surface lasts about 12 years.

Creating a playground space that is fully **accessible and inclusive** for users of all abilities is important and PIP is the better surface to create smooth, seamless edges that are easier to move around on from place to place in the playground.

Cost of Woodcarpet surfacing per the original contract	(26,810.00)
Change Order amount	145,800.00
Additional funding needed	\$118,990.00

Gateway Construction Inc.
498 Sudlersville Road
Clayton, DE 19938
(302)-653-4400
gwc2001@gmail.com



ADDRESS

The City of Milford

Estimate Change Order #001 REV

DATE 04/18/2023

DESCRIPTION	AMOUNT
Project Quote For:	
Milford Memorial Park	
PlayBound Poured-in Place Rubber Safety Surfacing	
Installation of 10" of stone to bring up to grade, including more stone over sub drainage	
Installation of Poured-in Place Rubber Safety Surfacing	
	145,800.00
	Subtotal: 145,800.00

*NO CHANGE ON TIMBER EDGING

*NO CHANGE ON SUBDRAINAGE PIPING

*COLORS:

Army Green, Beige, Bright Green, Brown, Dark Gray
Eggshell, Gold, Hunter Green, Light Gray, Pearl, Royal
Blue, Sky Blue or Terra Cotta, Teal Yellow, Purple or
Primary Red

TOTAL \$145,800.00

Accepted By

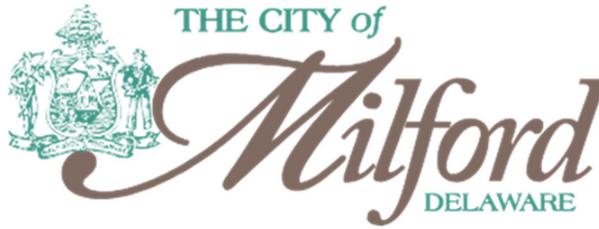
Accepted Date

PROFESSIONAL SERVICES

SCOPE:

1. Research poured-in-place (PIP) surface, timber border, concrete curbing, drainage design.
2. Prepare sections and markups for PIP, timber border, concrete curbing, drainage design.
3. PIP Surface: Design & Sketch for Layout and Colors
4. Obtain Change Order cost from contractor.
5. PIP Surface: Finalize Layout Colors
6. Musical Play Equipment - Placement Coordination
7. Musical Play Equipment - Footing Design – Detailing
8. One (1) Site Visit.

Total cost for the above scope of services would be \$10,700.00.



RESOLUTION 2023-06

ADOPTING THE CITY OF MILFORD FY24 CAPITAL IMPROVEMENT PROJECTS AND RECOMMENDATIONS FOR FISCAL YEARS 2024 to 2028 CAPITAL PROGRAM

WHEREAS, the Capital Improvement Plan of the City of Milford for Fiscal Year 2024 was prepared and submitted to the City Council by the City Manager in accordance with Article VI 'Financial Procedures' of the City Charter; and

WHEREAS, the plan identifies capital projects and equipment purchases and provides a planning schedule; and

WHEREAS, in the opinion of the City Council, the Capital Improvement Plan, has been presented as accurately, as possible, reflects the City's approved FY24 plan and recommendations for FY24-FY28; and

WHEREAS, funding sources not identified, will be determined in each applicable fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford's Capital Improvement Plan is hereby authorized.

A copy of the said Capital Improvement Plan, is also on file in the Office of the City Clerk, as adopted by majority vote of Milford City Council on the 8th day of May 2023.

APPROVED: _____
Mayor Arthur J. Campbell

ATTEST: _____
City Clerk Teresa K. Hudson



Capital Improvement Plan (CIP)
For the Five Fiscal Years Ending June 30, 2024 through 2028

Final Draft
Presented to City Council May 8, 2023



Capital Improvement Plan (CIP)
For the Five Years Ending June 30, 2024 through 2028

Presented to City Council May 8, 2023

Executive Summary w/Comparison to First Draft	Page 1
Executive Summary w/Funding Breakdown	Page 2
Summary with Strategic Plan Alignment	Page 3
Summary by Fund Type, Department and Project Type	Page 4
CIP FY2024-28 Line Item Detail	Pages 5-12

CAPITAL IMPROVEMENT PLANNING (CIP) EXECUTIVE SUMMARY: FY2024-28 FINAL DRAFT - MAY 8, 2023

A	B	C	D	E	F	G	H	I
FUND TYPE & OPS DEPT	FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)
ENTERPRISE								
ELECTRIC	1,522,428	(681,569)	840,859	1,130,000	741,000	1,553,000	915,000	1,140,000
WATER	13,548,143	(8,775,488)	4,772,655	3,690,500	6,085,500	3,545,500	1,220,500	460,000
SEWER	2,174,235	(594,823)	1,579,412	2,396,000	3,165,000	4,890,000	5,960,000	250,000
SOLID WASTE	575,071	(575,071)	-	-	-	500,000	650,000	-
GENERAL								
IT	1,450,837	(796,410)	654,427	609,739	182,313	205,300	65,000	69,500
PARKS & REC	3,254,787	(1,266,648)	1,988,139	1,838,200	1,693,000	3,330,000	946,000	987,000
POLICE	17,201,739	(9,608,100)	7,593,639	639,673	2,166,422	256,763	269,361	282,580
STREETS	7,450,000	(2,566,586)	4,883,414	5,654,232	11,091,500	7,333,500	5,722,500	1,615,000
PARKING	320,000	-	320,000	-	300,000	-	-	-
CITY HALL	105,000	(75,000)	30,000	254,800	-	-	-	-
PLANNING	-	-	-	50,000	-	-	50,000	-
INTERSERVICE								
PUBLIC WORKS	1,697,310	(986,552)	710,758	150,000	2,200,000	-	-	-
GARAGE	-	-	-	7,000	-	85,000	-	-
CUSTOMER SERVICE	-	-	-	301,900	160,000	-	-	-
TECH SERVICES	80,000	-	80,000	50,000	-	-	-	-
Grand Total	\$49,379,550	\$(25,926,248)	\$23,453,302	\$16,772,044	\$27,784,735	\$21,699,063	\$15,798,361	\$4,804,080



EXCERPT FROM CIP SUMMARY: FY2024-28 AS PRESENTED TO COUNCIL APRIL 19, 2023

Grand Total (4/19/23)	\$48,650,616	\$(15,585,179)	\$33,065,437	\$22,946,735	\$25,899,735	\$22,043,063	\$14,898,361	\$4,804,080
Sum of Updates ^{1,2}	\$728,934	\$(10,341,069)	\$(9,612,135)	\$(6,174,691)	\$1,885,000	\$(344,000)	\$900,000	\$ -

¹ \$729k difference in FY20-23 Approvals (Column B) between submissions reflects post-budget grant awards

² \$10.3 million difference in FY20-23 Spending/Deobligation (Column C) between submissions reflects the PD Facility loan funding and the application of grant funding

CIP BREAKDOWN OF FY24 PLAN YEAR ADJUSTMENTS

Description of Adjustment / Project Information	FY24 (Plan) Subtotal	FY24 (Plan) Line Total
Impact of Project Deferrals / Timing Reassessment:	\$ (4,021,110)	65.1%
PD Maint Building		\$ (1,700,000)
PW Building Expansion		(1,350,000)
SW Front Street Bridge Replacement (City 20% share of DeDOT Construction Est)		(320,000)
Milford Corp Center (Water Component - Reallocation)		(100,000)
Bike Path - Route 113 (Mullet Run Crossing)		(50,000)
Bike Path - Wickersham to Cedar Creek Road		(50,000)
ERP Reallocation	-	(150,000)
PD Replacement Vehicles (Driven by Veh Repl Res Balance)		(211,110)
Streetscape Projects		(90,000)
Impact of Rollover Availability:	(1,351,513)	21.9%
Milford Corp Center (Sewer Component - Rollover Availability)		(330,000)
Advanced Electric Relocation		(100,000)
Marshall Pond Riverbank Development		(100,000)
City-wide Valve & Hydrant Replacement/Improvements		(150,000)
Install Automated Blow-off Valves		(50,000)
Street Rehab - Sewer Component		(305,000)
Open Space Development		(250,000)
Network Infrastructure Rollover / Scope		(66,513)
Impact of Grant or Alternative Funding:	(789,868)	12.8%
Milford Corp Center (Street Component - TAP Project Surplus)		(370,068)
Bike Paths (DeDOT Ownership of NE 10th St)		(315,000)
LED Streetlight Replacement		(51,830)
Walnut St Pedestrian Crossing		(25,000)
Consolidated Riverwalk Improvements		(27,970)
Corrections:	(12,200)	0.2%
Components of P&R Building Maint Captured in O&M Budget		(12,200)
Sum of Adjustments to FY24 Plan from April 19, 2023 to May 8, 2023	\$(6,174,691)	100%

CIP FUNDING SUMMARY: FY2024-28 FINAL DRAFT - MAY 8, 2023

FUND TYPE & OPS DEPT	FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)
ENTERPRISE								
ELECTRIC	1,522,428	(681,569)	840,859	1,130,000	741,000	1,553,000	915,000	1,140,000
WATER	13,548,143	(8,775,488)	4,772,655	3,690,500	6,085,500	3,545,500	1,220,500	460,000
SEWER	2,174,235	(594,823)	1,579,412	2,396,000	3,165,000	4,890,000	5,960,000	250,000
SOLID WASTE	575,071	(575,071)	-	-	-	500,000	650,000	-
GENERAL								
IT	1,450,837	(796,410)	654,427	609,739	182,313	205,300	65,000	69,500
PARKS & REC	3,254,787	(1,266,648)	1,988,139	1,838,200	1,693,000	3,330,000	946,000	987,000
POLICE	17,201,739	(9,608,100)	7,593,639	639,673	2,166,422	256,763	269,361	282,580
STREETS	7,450,000	(2,566,586)	4,883,414	5,654,232	11,091,500	7,333,500	5,722,500	1,615,000
PARKING	320,000	-	320,000	-	300,000	-	-	-
CITY HALL	105,000	(75,000)	30,000	254,800	-	-	-	-
PLANNING	-	-	-	50,000	-	-	50,000	-
INTERSERVICE								
PUBLIC WORKS	1,697,310	(986,552)	710,758	150,000	2,200,000	-	-	-
GARAGE	-	-	-	7,000	-	85,000	-	-
CUSTOMER SERVICE	-	-	-	301,900	160,000	-	-	-
TECH SERVICES	80,000	-	80,000	50,000	-	-	-	-
Grand Total	\$49,379,550	\$(25,926,248)	\$23,453,302	\$16,772,044	\$27,784,735	\$21,699,063	\$15,798,361	\$4,804,080

FUNDING SOURCES: AUTHORIZED PROJECTS (FY20-23) AND PROPOSED PROJECTS (FY24)

APPROVED FINANCING ¹	7,593,639	406,361	¹ USDA Community Facility Financing for New PD Building
PLANNED FINANCING ²		2,500,000	² NW Water Storage Tank (\$5mm total)
GRANTS AWARDED	4,650,000	3,721,800	
GRANT APPLICATIONS "OR BUST" ³		900,000	³ Refers to projects that will be undertaken only if grant-funded
BALANCE OF FUNDING REQUIREMENTS	\$11,209,663	\$9,243,883	
GRANT APPLICATIONS "HOPEFUL" ⁴	206,105	1,595,000	⁴ Projects that must be funded internally if not awarded grants
SPECIFIC PURPOSE RESERVES ⁵	3,144,750	1,270,000	⁵ Primarily Impact Fees, Economic Development Funds, Etc.
CITY RESERVES	\$7,858,808	\$6,378,883	
DISPOSITION OF FUNDS	\$ -	\$ -	

CIP ALIGNMENT WITH STRATEGIC PLAN: FY2024-28 FINAL DRAFT - MAY 8, 2023

Strategic Plan Priority Areas and Goals	FY24 (Plan)	Project Count	FY24 (as %)	FY21-23 (as %) ¹
Economic Health & Development				
Foster the Establishment of New Businesses	4,824,232	6	28.8%	31.3%
Enable Growth of Existing Businesses	50,000	3	0.3%	0.1%
Meet Commercial Needs of All	20,000	1	0.1%	0.5%
Fiscal Responsibility & Community Engagement				
Operate Efficiently & Responsibly	1,225,841	67	7.3%	12.9%
Mobility & Infrastructure				
Enable Growth w/Proactive Infrastructure Improvements	2,865,000	19	17.1%	6.5%
Proactively Maintain Utility Infrastructure	1,932,000	60	11.5%	12.1%
Proactively Maintain Streets	1,631,000	19	9.7%	12.5%
Develop Citywide, Multi-Modal, Pedestrian-Friendly Framework	850,000	30	5.1%	9.5%
Improve Citywide Traffic Mgmt	676,000	3	4.0%	1.0%
Promote Mobile, Pedestrian Friendly City	120,000	1	0.7%	0.0%
Proactively Invest in Infrastructurestructure to Support Growth	100,000	1	0.6%	0.0%
Neighborhoods & Community Service				
Promote Healthy Community with Recreational Activities	1,450,500	28	8.6%	6.9%
Preserve and Enhance the Property Values and Quality of Neighborhoods	300,000	8	1.8%	1.4%
Bring More Tourism to Milford	210,000	8	1.3%	1.8%
Public Safety & Preparedness				
Utilize PD Resources Efficiently	517,471	2	3.1%	3.5%
Grand Total	\$ 16,772,044	256	100%	100%

¹FY21-23 Approval as % of funding (rightmost column in blue) excludes the PD Facility to promote comparability. Including the PD Facility, the bottom line "Utilize PD Resources Efficiently" tops the chart with close to 35% of the three-year approvals.

CIP CATEGORY SUMMARY: FY2024-28 FINAL DRAFT - MAY 8, 2023

FUND TYPE & OPS DEPT	FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)
ENTERPRISE								
ELECTRIC								
EQUIPMENT	15,000	(1,834)	13,166	62,000	66,000	43,000	40,000	-
INFRASTRUCTURE	1,417,428	(679,736)	737,692	756,000	675,000	1,250,000	875,000	1,140,000
VEHICLES	90,000	-	90,000	312,000	-	260,000	-	-
SEWER								
EQUIPMENT	507,500	(463,917)	43,583	236,000	325,000	250,000	350,000	150,000
INFRASTRUCTURE	1,591,735	(205,538)	1,386,197	2,160,000	2,840,000	4,640,000	5,510,000	100,000
VEHICLES	75,000	74,632	149,632	-	-	-	100,000	-
SOLID WASTE								
VEHICLES	575,071	(575,071)	-	-	-	500,000	650,000	-
WATER								
EQUIPMENT	7,500	(917)	6,583	-	-	-	-	-
INFRASTRUCTURE	13,419,643	(8,725,605)	4,694,038	3,690,500	6,025,500	3,545,500	1,220,500	400,000
VEHICLES	121,000	(48,966)	72,034	-	60,000	-	-	60,000
GENERAL								
CITY HALL								
BUILDING	105,000	(75,000)	30,000	254,800	-	-	-	-
IT								
BUILDING	-	-	-	25,000	-	-	-	-
HARDWARE	580,837	(496,824)	84,013	303,487	20,000	20,000	20,000	22,000
PARKS	-	-	-	45,000	-	-	-	-
SOFTWARE	870,000	(299,586)	570,414	236,252	162,313	185,300	45,000	47,500
PARKING								
INFRASTRUCTURE	320,000	-	320,000	-	300,000	-	-	-
PARKS & REC								
BUILDING	349,000	(66,000)	283,000	280,600	-	-	-	-
EQUIPMENT	113,000	(23,000)	90,000	141,000	63,000	25,000	66,000	27,000
PARKS	2,652,787	(1,121,105)	1,531,682	1,300,000	1,630,000	3,305,000	880,000	870,000
VEHICLES	140,000	(56,543)	83,457	116,600	-	-	-	90,000
PLANNING								
EQUIPMENT	-	-	-	-	-	-	50,000	-
VEHICLES	-	-	-	50,000	-	-	-	-
POLICE								
BUILDING	16,093,639	(8,500,000)	7,593,639	406,361	1,700,000	-	-	-
EQUIPMENT	-	-	-	22,202	23,091	24,014	24,975	25,974
VEHICLES	1,108,100	(1,108,100)	-	211,110	443,331	232,749	244,386	256,606
STREETS								
EQUIPMENT	27,000	(27,000)	-	-	185,000	-	-	-
INFRASTRUCTURE	7,423,000	(2,539,586)	4,883,414	5,569,232	10,906,500	7,333,500	5,722,500	1,515,000
VEHICLES	-	-	-	85,000	-	-	-	100,000
INTERSERVICE								
CUSTOMER SERVICE								
BUILDING	-	-	-	151,900	160,000	-	-	-
EQUIPMENT	-	-	-	150,000	-	-	-	-
GARAGE								
EQUIPMENT	-	-	-	7,000	-	-	-	-
VEHICLES	-	-	-	-	-	85,000	-	-
PUBLIC WORKS								
BUILDING	1,633,758	(938,000)	695,758	150,000	2,200,000	-	-	-
EQUIPMENT	30,500	(15,500)	15,000	-	-	-	-	-
VEHICLES	33,052	(33,052)	-	-	-	-	-	-
TECH SERVICES								
EQUIPMENT	80,000	-	80,000	50,000	-	-	-	-
Grand Total	\$ 49,379,550	\$ (25,926,248)	\$ 23,453,302	\$ 16,772,044	\$ 27,784,735	\$ 21,699,063	\$ 15,798,361	\$ 4,804,080



Capital Improvement Plan (CIP)
For the Five Years Ending June 30, 2024 through 2028

CIP FY2024-28 Line Item Detail

Enterprise Funds - Electric	Page 5
Enterprise Funds - Water & Sewer	Page 6
Enterprise Funds - Solid Waste	Page 7
General Fund	Pages 8-11
Interservice Funds	Page 12

CIP LINE DETAIL: FY2024-28 FINAL DRAFT - MAY 8, 2023

FUND TYPE, OPS DEPT & PROJ CATEGORY	FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)
ENTERPRISE								
ELECTRIC								
EQUIPMENT								
Bobcat	-	-	-	-	-	-	40,000	-
Equipment - Hetra Lifts	-	-	-	-	-	-	-	-
NOAA Reference Station	15,000	(1,834)	13,166	-	-	-	-	-
Portable Light Towers (2)	-	-	-	35,000	-	-	-	-
Snow Blowers	-	-	-	-	4,000	-	-	-
Trailer (R: 1994 Saub E-119)	-	-	-	15,000	-	-	-	-
Trailer (R: 1996 Butler E-123)	-	-	-	12,000	-	-	-	-
Trailer (R: 1999 Homemade E-127)	-	-	-	-	12,000	-	-	-
Trailer, Cable Reel (R: 2007 Butler E-129)	-	-	-	-	-	15,000	-	-
Utility Trailer (R: 1992 Krueger E-121)	-	-	-	-	25,000	-	-	-
Utility Trailer (R: 2005 Butler E-132)	-	-	-	-	-	10,000	-	-
Utility Trailer (R: 2005 Towmaster E-131)	-	-	-	-	-	18,000	-	-
Uiltiy Trailer (R:2002 Towmaster E-126)	-	-	-	-	25,000	-	-	-
VEHICLES								
Internation Digger Derrick Truck (R: 2015 E-107)	-	-	-	-	-	260,000	-	-
Pick up Truck	55,000	-	55,000	10,000	-	-	-	-
Ram QuadCab Pick-up (R: 2017 E-101)	35,000	-	35,000	2,000	-	-	-	-
Trex Bucket with chipper body (Arborist) E-116	-	-	-	300,000	-	-	-	-
INFRASTRUCTURE								
Advanced Relocation	100,000	-	100,000	-	100,000	100,000	100,000	100,000
Arborist Office - P&R Facility	20,000	-	20,000	-	-	-	-	-
DelDOT Traffic Signals	350,000	(83,822)	266,178	151,000	-	-	-	-
Delivery #1 Circuit Addition	-	-	-	-	-	-	100,000	850,000
Delivery #2 Circuit Additions	-	-	-	-	100,000	850,000	-	100,000
Delivery 1 Electrical Testing	-	-	-	-	-	-	-	65,000
Delivery 2 Electrical Testing	-	-	-	65,000	-	-	-	-
EV Charging Stations Downtown	182,428	(125,914)	56,514	20,000	-	-	-	-
Feeder extention and tie - Hospital Loop (110 & 150)	-	-	-	-	-	-	250,000	-
Fiber Network Mapping	-	-	-	-	25,000	-	-	-
Fiber Optic Backup to PW	20,000	(20,000)	-	40,000	100,000	-	-	-
GIS/Mapping - Smart Metering	300,000	(150,000)	150,000	-	-	-	-	-
Horseshoe Dr Distribution	-	-	-	-	-	-	200,000	-
LED Streetlight Replacements	150,000	(150,000)	-	20,000	-	-	-	-
Milford Corporate Center	120,000	-	120,000	200,000	200,000	200,000	200,000	-
Physical Security	-	-	-	125,000	125,000	75,000	-	-
Pole Inspection	25,000	-	25,000	25,000	25,000	25,000	25,000	25,000
Power Flow Analysis Software	-	-	-	110,000	-	-	-	-
Parks & Rec Consolidation	150,000	(150,000)	-	-	-	-	-	-

CIP LINE DETAIL: FY2024-28 FINAL DRAFT - MAY 8, 2023

FUND TYPE, OPS DEPT & PROJ CATEGORY		FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)
42	WATER								
43	EQUIPMENT								
44	NOAA Continuous Operating Reference Station	7,500	(917)	6,583	-	-	-	-	-
45	VEHICLES								
46	Dodge Cargo Van (R: 2006 W-29)	-	-	-	-	60,000	-	-	-
47	Ford F350 (R: W-15)	49,000	(48,966)	34	-	-	-	-	-
48	Ford F450 (R: W-8)	72,000	-	72,000	-	-	-	-	-
49	Ford Transit Van (R: W-028)	-	-	-	-	-	-	-	60,000
50	INFRASTRUCTURE								
51	Milford Corporate Center	8,737,590	(6,685,094)	2,052,496	100,000	250,000	250,000	250,000	-
52	Street Rehab	810,000	(102,866)	707,134	405,000	405,000	405,000	405,000	-
53	10" Water Main - Holly Hill Rd to Westwood Subdivision	-	-	-	45,000	300,000	-	-	-
54	Asbestos Pipe Removal	115,500	-	115,500	115,500	115,500	115,500	115,500	-
55	City-wide Valve & Hydrant Replacement/Improvements	500,000	(250,000)	250,000	100,000	250,000	250,000	250,000	250,000
56	Install Automated Blow-off Valves	198,628	(98,628)	100,000	-	50,000	50,000	50,000	-
57	Lead Service Line Removal	250,000	-	250,000	250,000	1,300,000	-	-	-
58	NE Front Street Waterline Replacement	1,351,175	(1,352,268)	(1,093)	-	-	-	-	-
59	New NW City Area Tower/Wells/Treatment	300,000	-	300,000	2,500,000	2,500,000	-	-	-
60	North Shore Drive Water Extension	-	-	-	25,000	150,000	-	-	-
61	NW Front Street Water Lines	-	-	-	-	375,000	1,125,000	-	-
62	SE Regional Water Infrastructure - East of Route 1	920,000	-	920,000	-	-	-	-	-
63	SE Regional Water Infrastructure - South of Johnson Road	-	-	-	-	150,000	1,000,000	-	-
64	SE Regional Water Quality Study	36,750	(36,750)	-	-	-	-	-	-
65	Shawnee Acres Water Extension	-	-	-	-	30,000	200,000	-	-
66	Treatment Plant Upgrades	200,000	(200,000)	-	150,000	150,000	150,000	150,000	150,000
67	SEWER								
68	EQUIPMENT								
69	Compressor, Ingersol Rand (R)	-	-	-	-	50,000	-	-	-
70	Equipment Trailer (R: Currahee)	-	-	-	10,000	-	-	-	-
71	FN150 Pump & MGS GLG Trailer (R: 2013 SE-27)	-	-	-	-	-	50,000	-	-
72	John Deere 524K Loader (R: 2018 SE-7)	-	-	-	-	-	-	200,000	-
73	Kubota Excavator (R: SE26)	-	-	-	-	75,000	-	-	-
74	Kubota F3060 Mower w/ plow & blower (R: 2011 SE-10)	40,000	-	40,000	1,000	-	-	-	-
75	Kubota Mower w/ Blower (R: 2015 SE25)	-	-	-	-	50,000	-	-	-
76	Kubota Mower w/ Plow (R: 2016 SE24)	-	-	-	-	-	50,000	-	-
77	NOAA Continuous Operating Reference Station	7,500	(917)	6,583	-	-	-	-	-
78	PS Upgrades (grinders, spares, design)	300,000	(300,000)	0	150,000	150,000	150,000	150,000	150,000
79	Pump Stations	40,000	(40,000)	-	-	-	-	-	-
80	ROVVER Mainline Sewer Inspection System	120,000	(123,000)	(3,000)	-	-	-	-	-
81	Stationary Generator Fork Landing Pump Station	-	-	-	75,000	-	-	-	-

CIP LINE DETAIL: FY2024-28 FINAL DRAFT - MAY 8, 2023

FUND TYPE, OPS DEPT & PROJ CATEGORY		FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)
82	VEHICLES								
83	Ford F250 Pickup (R: SE-2)	75,000	74,632	149,632	-	-	-	-	-
84	Ford F350 Super Cab (R: 2016 SE-3)	-	-	-	-	-	-	100,000	-
85	INFRASTRUCTURE								
86	Milford Corporate Center	330,000	-	330,000	1,170,000	300,000	200,000	200,000	-
87	Abandon BAC PS & install grav ext. frm Hickory Glen	20,000	-	20,000	20,000	-	150,000	-	-
88	Abandon USCS PS & install grav ext fm Williamsville Rd	-	-	-	-	20,000	250,000	-	-
89	Asbestos Removal	50,000	-	50,000	50,000	50,000	50,000	50,000	-
90	DDD (4th St) Flood Mitigation	100,000	(39,000)	61,000	-	-	-	-	-
91	I&I Engineering Study	156,735	(156,735)	-	-	-	-	-	-
92	NE Front St Sewer Ext & Silicato PS Abandmt	-	-	-	-	-	90,000	600,000	-
93	North Shore Dr Sewer Ext	-	-	-	45,000	300,000	-	-	-
94	SE 2nd Street Pump Station Replacement	225,000	-	225,000	575,000	1,500,000	-	-	-
95	SE Reg Pump St/Force Mn: S of Jonsn/FM-NE Front St	-	-	-	-	525,000	3,500,000	-	-
96	SE Reg Pump Stn & Force Main - East of SR1	500,000	-	500,000	-	-	-	4,560,000	-
97	SE Reg WW Study FY22	10,000	(9,104)	896	-	-	-	-	-
98	Shawnee Acres Sewer Extension	-	-	-	-	45,000	300,000	-	-
99	Street Rehab	200,000	(700)	199,301	100,000	100,000	100,000	100,000	100,000
100	Washington St Pump Stn Environ Cond & Control Relo	-	-	-	200,000	-	-	-	-
101	SOLID WASTE								
102	VEHICLES								
103	Automated Side Loader Truck (R: SW11)	-	-	-	-	-	500,000	-	-
104	Automated Side Loader Truck (R: SW28)	-	-	-	-	-	-	650,000	-
105	Vehicle - Solid Waste	430,571	(430,571)	-	-	-	-	-	-
106	Vehicle - Solid Waste Crane/Body	144,500	(144,500)	-	-	-	-	-	-

CIP LINE DETAIL: FY2024-28 FINAL DRAFT - MAY 8, 2023

FUND TYPE, OPS DEPT & PROJ CATEGORY	FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)
GENERAL								
CITY HALL								
BUILDING								
City Hall Parking Lot Enhancements	30,000	-	30,000	-	-	-	-	-
City Hall Public Plaza	75,000	(75,000)	-	250,000	-	-	-	-
Fence installs (2) per PMA	-	-	-	4,800	-	-	-	-
IT								
BUILDING								
Badge Access IT area (3 doors)	-	-	-	25,000	-	-	-	-
HARDWARE								
Cabling Upgrades	75,000	(75,000)	-	-	-	-	-	-
Integration - Virt. GIS AX640 Server / Failover	50,000	-	50,000	20,000	-	-	-	-
IT Security	301,837	(301,837)	-	-	-	-	-	-
Network Infrastructure Upgrades	154,000	(119,987)	34,013	283,487	20,000	20,000	20,000	22,000
PARKS								
Riverwalk Public Free Wifi	-	-	-	45,000	-	-	-	-
SOFTWARE								
Naviline & IBM iSeries Cloud Migration	-	-	-	110,000	40,000	42,500	45,000	47,500
Tyler ERP System Implementation	870,000	(299,586)	570,414	126,252	122,313	142,800	-	-
PARKING								
INFRASTRUCTURE								
N Walnut St/NE Front St Lot Enhancements	200,000	-	200,000	-	-	-	-	-
Park Ave Lot Enhancements	120,000	-	120,000	-	-	-	-	-
SW Front St Lot Enhancements	-	-	-	-	300,000	-	-	-

CIP LINE DETAIL: FY2024-28 FINAL DRAFT - MAY 8, 2023

FUND TYPE, OPS DEPT & PROJ CATEGORY		FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)
131	PARKS & REC								
132	EQUIPMENT								
133	Brush cutter attachment		-	-	15,000	-	-	-	-
134	Kubota Tractor w/Snow Blade (2011 PR-035 & 036)		-	-	-	-	-	40,000	-
135	Kubota Zero Turn Mower (PR-8, 11, 20, 52)	35,463	(15,463)	20,000	21,000	23,000	25,000	26,000	27,000
136	Replacement 4x2 Gator (FY22 PR-010;PR-13 & PR-29)	40,000	-	40,000	20,000	-	-	-	-
137	Stand-up Mower, John Deere (PR-50 & 51)	-	-	-	-	40,000	-	-	-
138	Tractor, New Holland w/ Cab (PR-30) w/ mower deck (PR-33)	-	-	-	85,000	-	-	-	-
139	Trailer	7,537	(7,537)	-	-	-	-	-	-
140	Ventrac Tractor with Mulching Mower	30,000	-	30,000	-	-	-	-	-
141	VEHICLES								
142	Dodge Ram 1500 Pick up (R: PR-015)		-	-	-	-	-	-	90,000
143	Econoline Van (R: PR-6)	33,457	-	33,457	16,600	-	-	-	-
144	F350 Pickup Truck (Expansion)		-	-	85,000	-	-	-	-
145	Vehicle - Parks & Rec	56,543	(56,543)	-	-	-	-	-	-
146	Water Truck (R: PR-41)	50,000	-	50,000	15,000	-	-	-	-
147	BUILDING								
148	Access control at P&R Building	18,000	-	18,000	-	-	-	-	-
149	Armory Improvements	-	-	-	150,000	-	-	-	-
150	Building - Parks & Rec	66,000	(66,000)	-	-	-	-	-	-
151	Convert Heating Sys at P&R Bld to NG	-	-	-	50,000	-	-	-	-
152	Demo of existing huts	60,000	-	60,000	-	-	-	-	-
153	Fiber Optic at P&R Bld	20,000	-	20,000	-	-	-	-	-
154	P&R Building Improvements	-	-	-	20,600	-	-	-	-
155	P&R Lot Paving	10,000	-	10,000	60,000	-	-	-	-
156	Pole Bld Storage at P&R Bld	175,000	-	175,000	-	-	-	-	-

CIP LINE DETAIL: FY2024-28 FINAL DRAFT - MAY 8, 2023

FUND TYPE, OPS DEPT & PROJ CATEGORY		FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)
157	PARKS								
158	Memorial Park I - Playground & Pickleball Ct	755,781	(316,978)	438,803	60,000	-	-	-	-
159	Riverwalk Upgrades	525,000	(280,315)	244,685	-	-	-	-	-
160	Sharp Property - Open Space Development/Greenway	250,000	(9,850)	240,150	250,000	250,000	250,000	250,000	250,000
161	Public Restrooms	300,000	(17,500)	282,500	-	-	350,000	-	-
162	Gateway signage and improvements	20,000	-	20,000	50,000	20,000	20,000	20,000	20,000
163	Open Space Acquisition	320,000	(313,895)	6,105	500,000	500,000	500,000	500,000	500,000
164	Additional Recreational Court	-	-	-	-	-	75,000	-	-
165	Bsktball Court Rehab	112,443	(72,443)	40,000	-	-	-	-	-
166	Construct Rec/Community Ctr@Marvel Sq	-	-	-	-	-	2,000,000	-	-
167	Construction of beach volleyball court	15,000	-	15,000	-	-	-	-	-
168	Construction of courts @ TSM	-	-	-	-	200,000	-	-	-
169	Frisbee golf course	-	-	-	-	150,000	-	-	-
170	Goat Island Bridge	36,000	(36,000)	-	-	-	-	-	-
171	Irrigation wells at TSM	20,000	-	20,000	-	-	-	-	-
172	Marshall Pond Riverbank Development	150,000	(24,649)	125,351	-	100,000	100,000	100,000	100,000
173	Marvel Sq Redevel/outdoor skating track	-	-	-	-	100,000	-	-	-
174	Memorial Park II - Pavilion	75,000	-	75,000	-	-	-	-	-
175	Memorial Park II - Shade/Walks/Bench	-	-	-	30,000	-	-	-	-
176	Redevelopment of Bicentennial Park	-	-	-	250,000	-	-	-	-
177	Riverwalk Ext/Bulkhead Const	-	-	-	150,000	200,000	-	-	-
178	Splash Pad	-	-	-	-	100,000	-	-	-
179	Tree Planting	30,000	(5,913)	24,087	10,000	10,000	10,000	10,000	-
180	Parks & Rec Consolidation	43,563	(43,563)	-	-	-	-	-	-
181	PLANNING								
182	EQUIPMENT								
183	2028 Comprehensive Plan Update							50,000	-
184	VEHICLES								
185	Ford F150 (expansion)				50,000	-	-	-	-
186	POLICE								
187	EQUIPMENT								
188	Axon Cameras - Interview Rooms in New PD Bld				22,202	23,091	24,014	24,975	25,974
189	VEHICLES								
190	Police Vehicles	1,108,100	(1,108,100)	-	211,110	443,331	232,749	244,386	256,606
191	BUILDING								
192	Maintance Bldg - New Police Facility Location				100,000	1,700,000	-	-	-
193	Police Facility; FY20-23 acct 140-1110-413.70-80	16,093,639	(8,500,000)	7,593,639	306,361	-	-	-	-

CIP LINE DETAIL: FY2024-28 FINAL DRAFT - MAY 8, 2023

FUND TYPE, OPS DEPT & PROJ CATEGORY	FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)	
194	STREETS								
195	EQUIPMENT								
196	Backhoe (R: John Deere S-6)	-	-	-	-	185,000	-	-	-
197	Salt Spreader	27,000	(27,000)	-	-	-	-	-	-
198	VEHICLES								
199	Ford F250 w/Plow & Salt Spr (R: 2012 S-2)	-	-	-	85,000	-	-	-	-
200	Ford F450 Pick Up (S-023)	-	-	-	-	-	-	-	100,000
201	INFRASTRUCTURE								
202	Milford Corporate Center	1,250,000	370,068	1,620,068	3,354,232	957,500	957,500	957,500	-
203	DDD (4th St) Flood Mitigation	500,000	-	500,000	-	-	-	-	-
204	10th Street Intersection	-	-	-	500,000	1,500,000	-	-	-
205	2020 Streets / Utilities	705,000	(705,000)	-	-	-	-	-	-
206	ADA Plan & Improvements	310,000	(159,501)	150,499	150,000	150,000	150,000	150,000	150,000
207	Annual Street Rehab	1,805,000	(900,087)	904,913	840,000	840,000	840,000	840,000	840,000
208	Bike Path - 113 (Community Cemetery)	60,000	20,000	80,000	-	300,000	-	-	-
209	Bike Path - 113 (Milford Plaza to Mullet Run)	73,000	-	73,000	-	150,000	-	-	-
210	Bike Path - 113 (Mullet Run Crossing)	-	85,000	85,000	-	200,000	-	-	-
211	Bike Path - 113 (Seabury Water Plant)	-	-	-	30,000	200,000	-	-	-
212	Bike Path - Airport Rd (113 to Indep Comm)	-	-	-	-	213,000	1,925,000	-	-
213	Bike Path - Golf Course	-	70,000	70,000	-	-	1,000,000	-	-
214	Bike Path - MHS to Banneker Elementary	-	-	-	-	50,000	-	450,000	-
215	Bike Path - Milford High School Perimeter	-	-	-	-	-	75,000	1,750,000	-
216	Bike Path - NE 10th St (MHS to Silicato)	444,000	(444,000)	-	-	-	-	-	-
217	Bike Path - Watergate to Golf Course	-	40,000	40,000	-	600,000	-	-	-
218	Bike Path - Wickersham to Cedar Creek Road	-	-	-	-	50,000	-	450,000	-
219	Columbia Street Streetscape	-	-	-	-	11,000	70,000	-	-
220	Franklin Street Streetscape	-	-	-	-	15,000	100,000	-	-
221	Maple Street Bridge Replacement	-	-	-	-	-	501,000	-	-
222	N. Washington Street Streetscape	200,000	-	200,000	45,000	200,000	-	-	-
223	Park Avenue/Denny Row Streetscape	345,000	-	345,000	-	500,000	-	-	-
224	S Walnut St & Sidewalk (McCoy to Maple)	-	-	-	150,000	3,400,000	-	-	-
225	Sidewalk Connectivity Initiative	250,000	(100,000)	150,000	350,000	350,000	450,000	450,000	450,000
226	SW Front Street Bridge Replacement	-	-	-	-	480,000	-	-	-
227	SW Front Street Streetscape	45,000	-	45,000	-	600,000	-	-	-
228	Traffic Calming	-	-	-	25,000	25,000	25,000	25,000	25,000
229	Transportation Studies	125,000	(43,953)	81,047	50,000	50,000	50,000	50,000	50,000
230	Walnut St Pedestrian Crossing	425,000	(46,648)	378,352	-	-	-	-	-
231	Washington Street Bridge Painting	-	-	-	75,000	-	-	-	-
232	NW Front St Streetscape (TAP Proj) Ph I & II	-	-	-	-	-	90,000	600,000	-
233	Bike Path - Marshall St Striping (SE 2nd - Watergate)	86,000	74,536	160,536	-	-	-	-	-
234	NE Front St Streetscape Ph I & II	800,000	(800,000)	-	-	65,000	1,100,000	-	-

CIP LINE DETAIL: FY2024-28 FINAL DRAFT - MAY 8, 2023

FUND TYPE, OPS DEPT & PROJ CATEGORY	FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)
235 INTERSERVICE								
236 CUSTOMER SERVICE								
237 EQUIPMENT								
238 In House Bill Print Equipment	-	-	-	150,000	-	-	-	-
239 BUILDING								
240 Kiosk Const & Install	-	-	-	120,000	-	-	-	-
241 Security Glass & Panel Ph I: A/E Design	-	-	-	20,000	-	-	-	-
242 Security Glass & Panel Ph II: Const/CM	-	-	-	-	160,000	-	-	-
243 Drivethrough Curb	-	-	-	5,000	-	-	-	-
244 Noise reduction panels	-	-	-	5,000	-	-	-	-
245 Fencing	-	-	-	1,900	-	-	-	-
246 GARAGE								
247 EQUIPMENT								
248 Compressor	-	-	-	7,000	-	-	-	-
249 VEHICLES								
250 Ford F250 Garage Service Truck (G01)	-	-	-	-	-	85,000	-	-
251 PUBLIC WORKS								
252 EQUIPMENT								
253 GPS Survey Field Unit	15,000	-	15,000	-	-	-	-	-
254 Interior Forklift-Warehouse	15,500	(15,500)	-	-	-	-	-	-
255 VEHICLES								
256 Vehicle - Public Works	33,052	(33,052)	-	-	-	-	-	-
257 BUILDING								
258 Air Infiltration Proj & Roof Drain Repl	165,000	-	165,000	-	-	-	-	-
259 Building - Public Works	88,000	(88,000)	-	-	-	-	-	-
260 Electric Dept. Rack/Reel Pole Building	475,000	-	475,000	-	-	-	-	-
261 HVAC Automation Sys - Bld 200 & 300	55,758	-	55,758	-	-	-	-	-
262 Installation of Stormwater Pond	200,000	(200,000)	-	-	200,000	-	-	-
263 Public Works Building Expansion Project	-	-	-	150,000	1,350,000	-	-	-
264 Public Works Parking Lot Paving	650,000	(650,000)	-	-	650,000	-	-	-
265 TECH SERVICES								
266 EQUIPMENT								
267 SCADA Replacement System	80,000	-	80,000	20,000	-	-	-	-
268 Sea Watch Upgrade Metering Cluster	-	-	-	30,000	-	-	-	-
269 Grand Total	\$ 49,379,550	\$ (25,926,248)	\$ 23,453,302	\$ 16,772,044	\$ 27,784,735	\$ 21,699,063	\$ 15,798,361	\$ 4,804,080

CITY OF MILFORD
NOTICE OF PUBLIC HEARING

Planning Commission Hearing: Tuesday, May 16, 2023 @ 6:00 p.m.
City Council Hearing: Monday, May 22, 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 2023-20

Conditional Use Application of DE OZ Property Management, LLC
0.373 +/- acres of land located at the southeast corner
of the SW Front Street and N. Church Street intersection
Address: 13 N. Church Street Comprehensive Plan Designation: Commercial
Zoning District: C-2 (Central Business District)
Present Use: Office Proposed Use: Multi-family Residential
Tax Parcel: MD-16-183.10-04-69.00

WHEREAS, the applicant proposes to convert the existing commercial office building into a 16-unit apartment building; and

WHEREAS, Chapter 230-13(C)(5) states “all dwellings other than single-family with a maximum density of 16 units per acre in conjunction with nonresidential use” are considered a conditional use subject to approval from City Council; and

WHEREAS, the City of Milford Planning Commission will consider the application during their regular meeting on May 16, 2023, at which time interested parties will publicly comment on the application; and

WHEREAS, Milford City Council will hold a Public Hearing on May 22, 2023, allowing for additional public comment, after which City Council will make a final determination on the application; and

WHEREAS, the notice as required by Chapter 230, was published in the Delaware State News on April 30, 2023 and provided to property owners within 200 feet of the subject parcel.

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

Section 1. Upon the adoption of this ordinance by City Council, a conditional use permit will be granted to DE OZ Property Management, LLC to allow Multi-family Residential at 13 N. Church Street.

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

Section 3. Dates.

City Council Introduction: May 8, 2023

Planning Commission Review & Public Hearing: May 16, 2023

City Council Public Hearing: May 22, 2023

Section 4. If this ordinance is adopted by City Council, it will become effective 10 days following the date the action is taken. If not adopted, the ordinance becomes null and void unless addressed at a later date. Should that occur, the ordinance would be republished, and new notices mailed to properties within 200 feet of the subject parcel(s).

042623

Published: *Delaware State News 04-30-2023*

DATA SHEET FOR DE OZ PROPERTY MANAGEMENT, LLC

Planning Commission Meeting: May 16, 2023

Application Number / Name	:	23-015/DE OZ Property Management, LLC
Applicant	:	DE OZ Property Management, LLC 101 NW Front Street Milford, DE 19963
Owner	:	Same
Application Type	:	Conditional Use
Present Comprehensive Plan Map Designation	:	Commercial
Present Zoning District	:	C-2 (Central Business District)
Present Use	:	Office
Proposed Use	:	Multi-family Residential
Size and Location	:	0.358 +/- acres of land located at the southeast corner of the SW Front Street and N. Church Street intersection, addressed as 13 N. Church Street.
Tax Map & Parcel	:	MD-16-183.10-04-69.00

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



STAFF REPORT
May 1, 2023

Application Number / Name	:	23-015/DE OZ Property Management, LLC
Tax Map & Parcel	:	MD-16-183.10-04-69.00
Size and Location	:	0.373 +/- acres of land located at the southeast corner of the SW Front Street and N. Church Street intersection, addressed as 13 N. Church Street.

I. BACKGROUND INFORMATION:

- The applicant proposes to convert the existing commercial office building into a 16-unit apartment building. The proposed layout would include parking and limited storage on the first floor and apartments on the second and third floor as shown on the provided floor plans.
- Chapter 230-13(C)(5) states “all dwellings other than single-family with a maximum density of 16 units per acre in conjunction with nonresidential use” may be permitted subject to receiving a conditional use permit by the City Council.
- Chapter 230-42 states “in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.”

II. STAFF ANALYSIS:

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

- The applicant sought an area variance from the Board of Adjustment from the density limitation of 16 units per acre as required under Chapter 230-13(C)(5).
- The applicant sought a use variance from the Board of Adjustment from the requirement to incorporate a nonresidential use with the multi-family residential project as required under Chapter 230-13(C)(5).

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

A. The presence of adjoining similar uses.

The subject parcel is bound on the south and east by the Mispillion River, to the north by SW Front Street and to the west by N. Church Street. The immediate vicinity is generally characterized as a central business district with various uses, including retail businesses, professional and governmental offices, places of worship, vehicle repair, convenience store with gas pumps and residential uses.

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

The proposed apartment use is not permitted within the C-2 Central Business District unless it is in conjunction with a non-residential use. Converting larger single-family dwellings into apartments are permitted within the R-1 and R-2 zoning districts as a conditional use. The construction of apartment buildings is a permitted use within the R-3 and R-8 zoning districts. The construction of apartment buildings is a conditional use within the C-3 zoning district. There are R-3 zoned properties located north of NW Front Street, which is approximately 500 feet north of the subject parcel.

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

The Comprehensive Plan and the City's Downtown Master Plan encourage projects that provide affordable housing options for City residents. The former firehouse was listed as a priority redevelopment project within the City's Downtown Development District application to the State of Delaware, which is also referenced in the City's Comprehensive Plan.

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

The property is bound on the south and east by the Mispillion River and to the north and west by City streets. The adjacent uses are commercial in nature and there is no need to screen the proposed use from adjacent uses in the area.

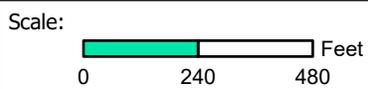
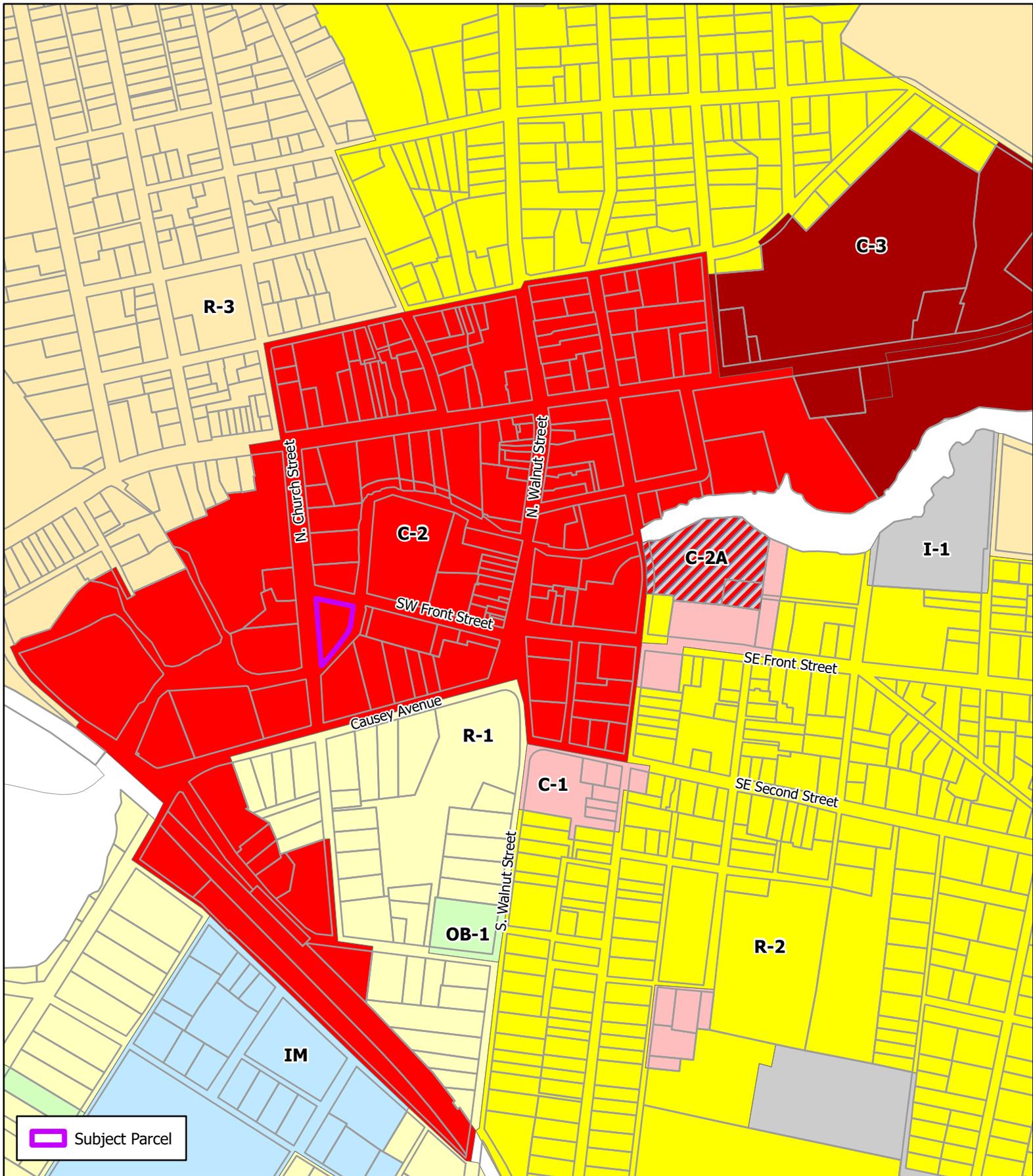
E. The use will not detract from permitted uses in the district.

The proposed use should not detract from permitted uses in the district, but could impact the availability of on-street parking on N. Church Street. The applicant is providing 16 off-street parking spaces on the property, but any overflow parking would need to utilize on-street parking or publicly owned parking lots in the Central Business District.

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

The subject parcel is located within the Central Business District which does not require off-street parking for permitted uses. The residents and visitors of the proposed uses would utilize the proposed 16 off-street parking spaces on the property, available on-street parking in the area and the public parking lots maintained by the City in the downtown area. The proposed use would be located within the existing structure and no additions are being proposed, therefore there would be no change in building setbacks from the current conditions. No screening is proposed.

- If the Planning Commission and City Council elect to approve the applicant's request, staff recommends the following minimum conditions of approval:
 - The applicant must obtain a building permit from the Planning Department and obtain approval from the State Fire Marshal's Office and State Plumbing Office.
 - The applicant should consider maintaining the historic character of the building and work with the State of Delaware Division of Cultural Affairs and local resources to maintain an appearance consistent with the historic downtown area.



Drawn by: WRP

Date: 04/26/23

Title:

Conditional Use
DE OZ Property Management, LLC
 Location & Zoning Map

Filepath: CU_DEOZPropertyManagement.aprx

SITE DATA

TAX PARCEL:
5-16-18310-04-6900-000

ADDRESS:
11 NORTH CHURCH AVENUE
MILFORD, DE 19963

AREA:
0.373 ACRE

DEED REFERENCE:
DEED BOOK 685 PAGE 96

CURRENT OWNER:
MOBIUS INVESTMENTS, LLC

SURVEY CLASS:
THIS SURVEY MEETS OR EXCEEDS THE
REQUIREMENTS FOR AN URBAN SURVEY.

TITLE NOTE:
OLD REPUBLIC TITLE SEARCH NO. OR2302004K
SEARCH COVER DATE JANUARY 24, 2023.

SURVEYOR'S NOTE:

1. THE LOCATION OF THE 20' WIDE ALLEY, FOR INGRESS & EGRESS, DESCRIBED IN DEED BOOK 445 PAGE 98 AND DEED BOOK 685 PAGE 96, IS UNKNOWN.
2. THIS SURVEY ATTEMPTS TO FOLLOW THE DEED DESCRIPTION IN DEED BOOK 685 PAGE 96, WHICH REFERS TO A SURVEY OF 1979. AS THERE HAVE BEEN CHANGES TO THE ROADWAY, SIDEWALKS AND A PORTION OF THE BULKHEAD SINCE THEN, THE DIMENSIONS OF SOME OF THE LINES ARE DIFFERENT. THIS SURVEY IS BASED ON DELAWARE STATE PLANE COORDINATES, THEREFORE THE BEARINGS DISAGREE WITH THE DEED BEARINGS.

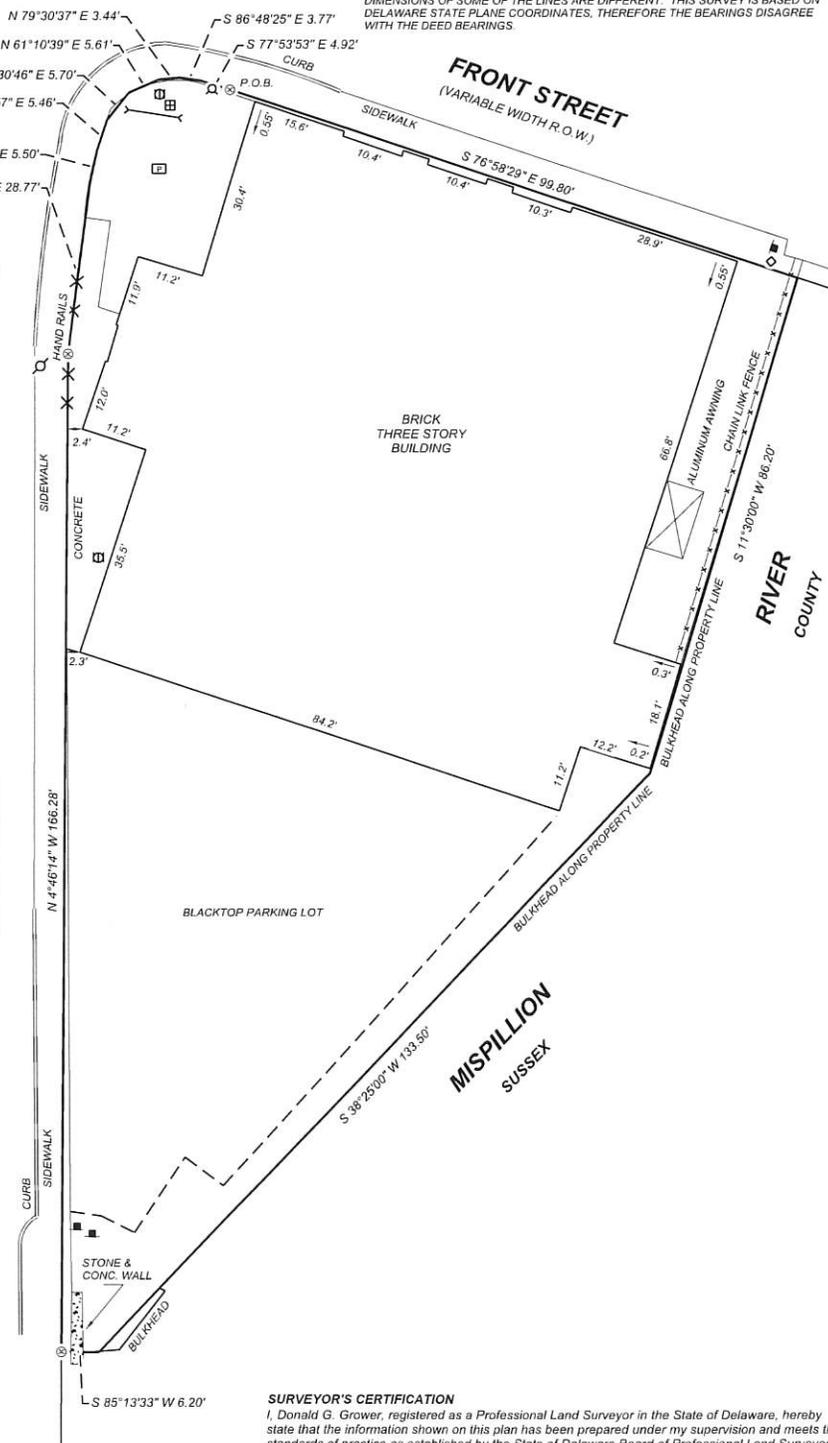


NORTH CHURCH STREET
(VARIABLE WIDTH R.O.W.)

FRONT STREET
(VARIABLE WIDTH R.O.W.)

RIVER COUNTY

MSPILLION
SUSSEX



LEGEND

- ⊙ DRILL HOLE IN CONCRETE SET
- UTILITY POLE
- ⊞ WATER METER
- ⊞ WATER VALVE
- ◇ SANITARY CLEANOUT
- ROAD SIGN
- ⊞ UNDERGROUND PROPANE TANK
- ⊞ FIRE HYDRANT

SURVEYOR'S CERTIFICATION

I, Donald G. Grower, registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, improvements, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

Donald G. Grower, DE PLS 0734

Date:

**BOUNDARY SURVEY PLAN
FOR
DE OZ PROPERTY
MANAGEMENT, LLC**

CITY OF MILFORD
MILFORD HUNDRED
KENT COUNTY, DELAWARE

PREPARED FOR: HUDSON JONES JAYWORK & FISHER, LLC

DONALD G. GROWER, PLS, INC.
PROFESSIONAL LAND SURVEYING SERVICES

50 EAST EVENS ROAD, VIOLA, DE 19979
CEL. 302-632-1979 EMAIL: dgrower@comcast.net

DATE: 02/06/2023

JOB NO: 3459-2023

SCALE: 1"=30'

DWG. NO: 3459A-2023

DRAWN BY: DGG

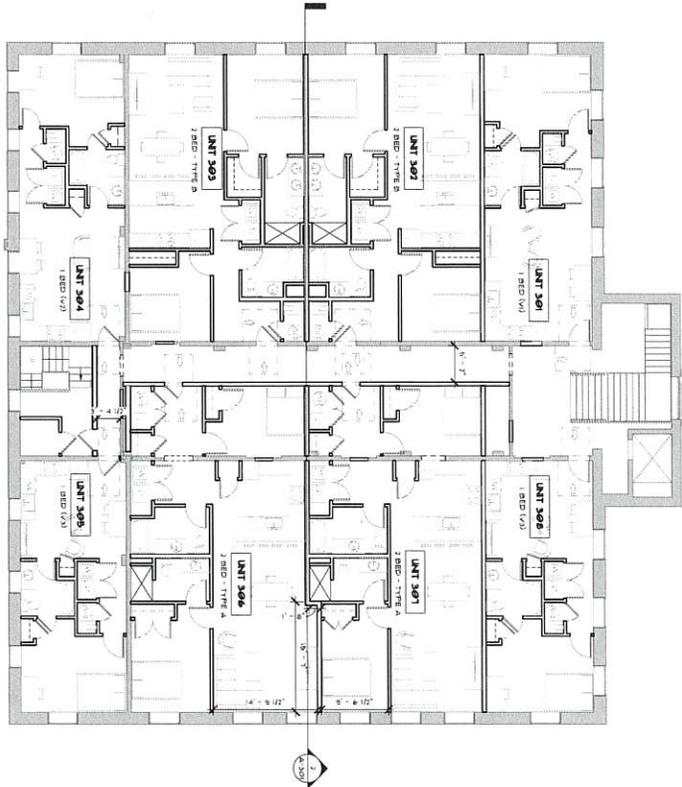
SHEET NO.: 1 OF 1

COPYRIGHT 2023

DONALD G. GROWER, PLS NO. 0734



① THIRD FLOOR - DEMO PLAN
1/8" = 1'-0"



② THIRD FLOOR - PROPOSED
1/8" = 1'-0"

UNIT NUMBER	AREA	SECOND	THIRD	TOTAL
1 BEDROOM (VERSION 1)	447 SF	1	1	2
1 BEDROOM (VERSION 2)	710 SF	1	1	2
1 BEDROOM (VERSION 3)	710 SF	2	2	4
2 BEDROOM - TYPE B	1,070 SF	2	2	4
2 BEDROOM - TYPE A	1,203 SF	2	2	4
TOTAL		8	8	16



MILLFORD FIREHOUSE

CORNER OF N. CHURCH ST. / FRONT ST.
MILFORD, DELAWARE 19963

SHEET INFO

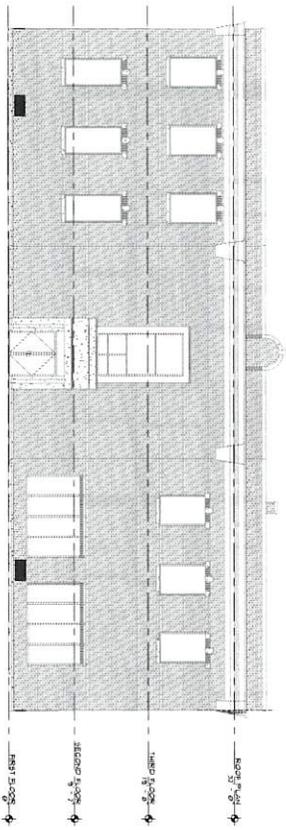
THIRD FLOOR PLAN

A-1-03

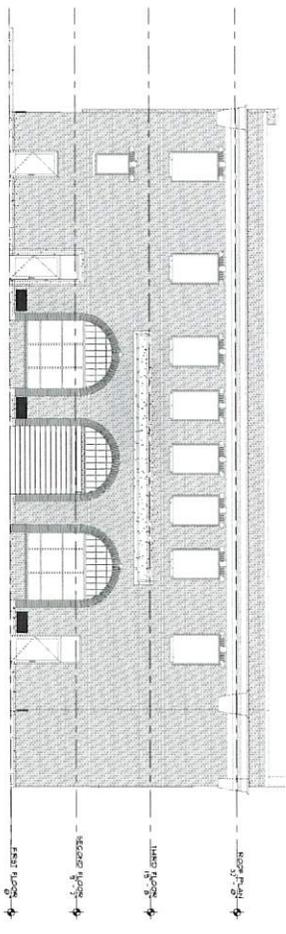


FISHER
ARCHITECTURAL
1000 N. MARKET ST.
MILFORD, DE 19963
TEL: 302.436.1100
WWW.FISHERARCHITECT.COM

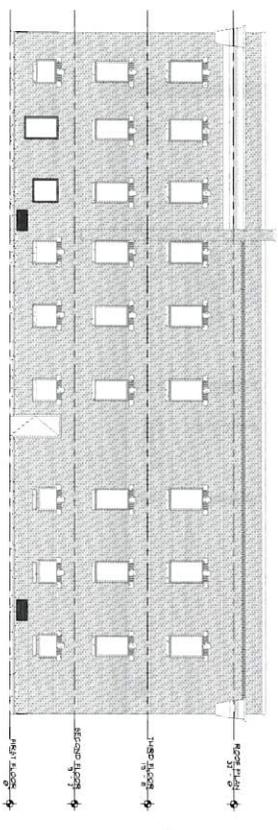
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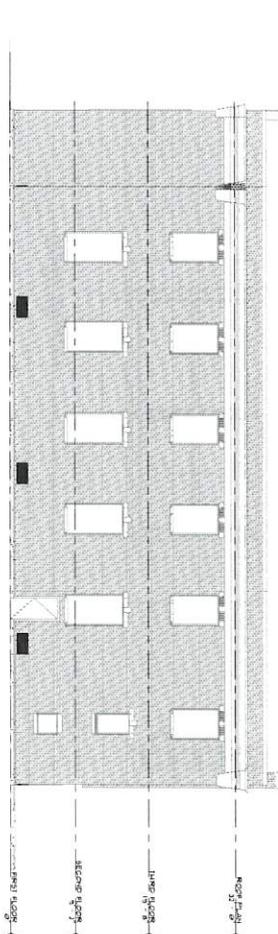
1 ELEVATION WEST
1/8" = 1'-0"



2 ELEVATION NORTH
1/8" = 1'-0"



3 ELEVATION EAST
1/8" = 1'-0"



4 ELEVATION SOUTH
1/8" = 1'-0"

MILFORD FIREHOUSE

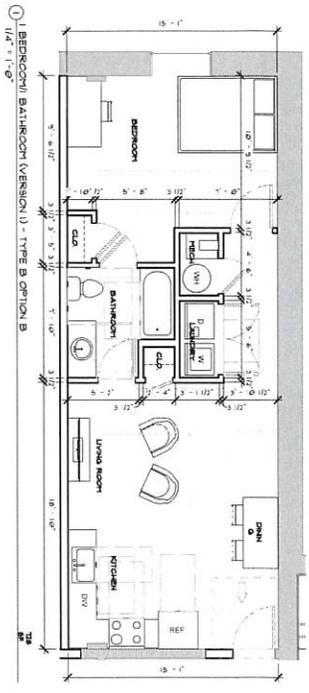
CORNER OF N. CHURCH ST. / FRONT ST.
MILFORD, DELAWARE 19963

SHEET INFO

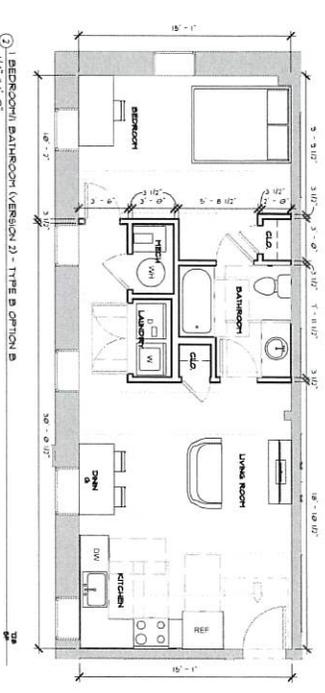
ELEVATIONS

NO.	DATE	DESCRIPTION
1	11/11/2010	ISSUED FOR PERMITS
2	11/11/2010	ISSUED FOR CONSTRUCTION
3	11/11/2010	ISSUED FOR CONSTRUCTION
4	11/11/2010	ISSUED FOR CONSTRUCTION
5	11/11/2010	ISSUED FOR CONSTRUCTION
6	11/11/2010	ISSUED FOR CONSTRUCTION
7	11/11/2010	ISSUED FOR CONSTRUCTION
8	11/11/2010	ISSUED FOR CONSTRUCTION
9	11/11/2010	ISSUED FOR CONSTRUCTION
10	11/11/2010	ISSUED FOR CONSTRUCTION

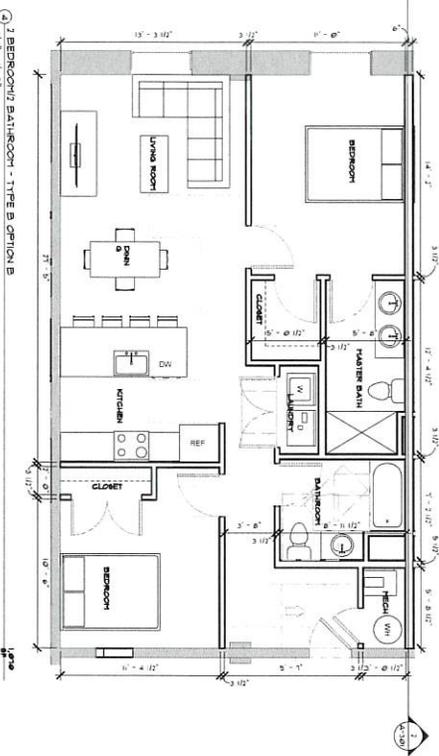
A-201



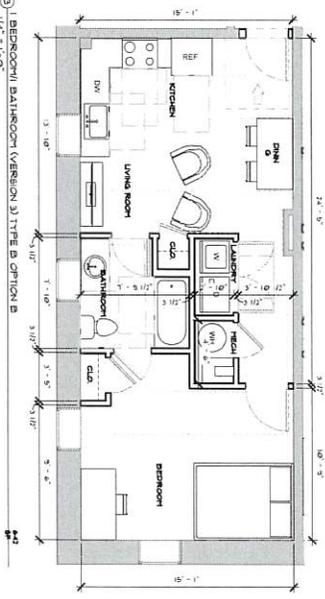
1 BEDROOM BATHROOM (VERSION 1) - TYPE B OPTION B
1/4" = 1'-0"



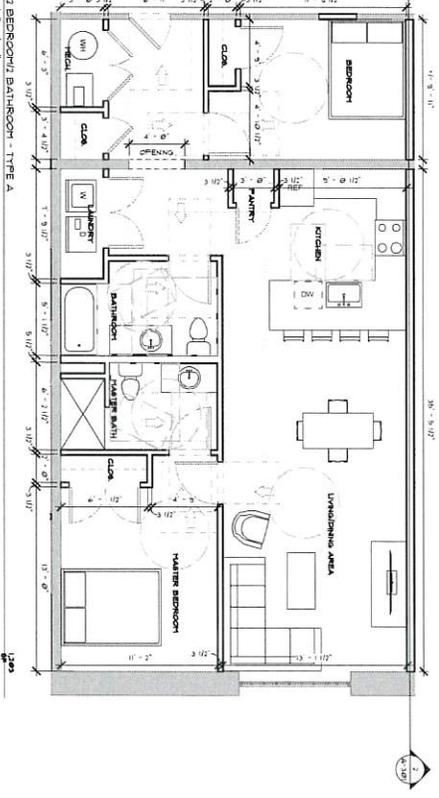
1 BEDROOM BATHROOM (VERSION 2) - TYPE B OPTION B
1/4" = 1'-0"



2 BEDROOM BATHROOM - TYPE B OPTION B
1/4" = 1'-0"



1 BEDROOM BATHROOM (VERSION 3) TYPE B OPTION B
1/4" = 1'-0"



2 BEDROOM BATHROOM - TYPE A
1/4" = 1'-0"

UNIT SHORTNAME	AREA	BECOND	TMRG	TOTAL
1 BEDROOM (VERSION 1)	441 SF	1	1	2
1 BEDROOM (VERSION 2)	378 SF	2	2	4
1 BEDROOM (VERSION 3)	420 SF	2	2	4
2 BEDROOM - TYPE B	1,023 SF	2	2	4
2 BEDROOM - TYPE A	1,023 SF	2	2	4
TOTAL		9	9	16



FOR REVIEW ONLY NOT FOR CONSTRUCTION

DATE: 08/11/2011
 PROJECT: MILLFORD FIREHOUSE
 SHEET: A-401
 DRAWN BY: J. B. FISHER
 CHECKED BY: J. B. FISHER
 APPROVED BY: J. B. FISHER

MILLFORD FIREHOUSE
 CORNER OF N. CHURCH ST / FRONT ST
 MILFORD, DELAWARE 19963

ENLARGED PLANS
 SHEET INFO

A-401

Conditional Use Application

Applicant is seeking a relief of the Code of the City of Milford; Part II General Legislation: Chapter 230 titled “Zoning Code”, Article III, titled “Use & Area Regulations”, Section 230, Subsection 13 which states: In C-2 Central Business District the following uses are permitted subject to receiving a conditional use permit by the City Council. “All dwellings other than single-family with a maximum density of 16 units per acre and in conjunction with nonresidential use.”

Applicant is requesting to be allowed:

To undertake substantial improvements to 11 N. Church Ave. (the old Carlisle Firehouse & Community Center) to create sixteen apartments on the second and third floors with parking and storage on the first floor (for the sole use of the apartment tenants). Thus, relief is being sought:

- to have apartments not in conjunction with non-residential use in a building in the Central Business District.

REQUIRED ITEMS

1. Land Use Application Cover Sheet.

Attached.

2. A copy of a survey/site plan, drawn to scale, showing;
- A. Existing and proposed structures and other improvements;
 - B. The location of existing and proposed parking;
 - C. Existing and proposed utilities;
 - D. Existing natural features;

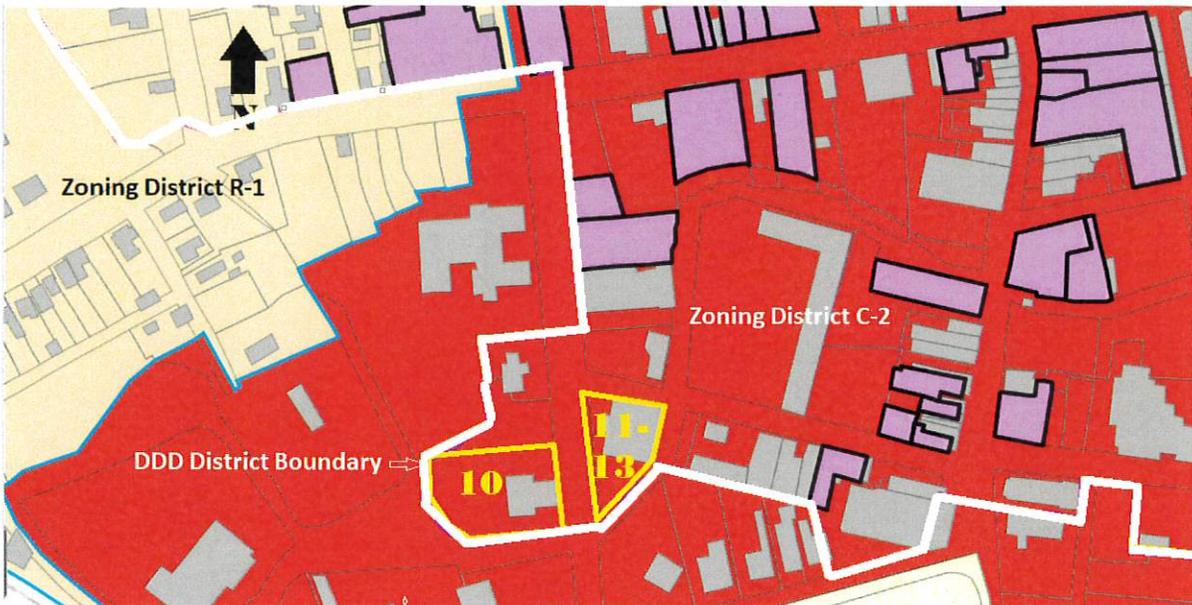
Attached – Surveys of both the old Carlisle Firehouse & Community Center 11 N. Church Ave., Parcel ID MD-16-183.10-04-69.00-000 (the old Carlisle Firehouse & Community Center) and 10 N. Church Ave., Parcel ID MD-16-183.10-01-72.00-000 (the Draper property) are provided. Plans are for 16 parking spaces to be provided on the first floor of 11 N. Church. The existing 26 parking spaces on the Draper property will be used for the apartments to be constructed at 11 N. Church Ave., as well as the business tenants at 10 N. Church Ave.

3. State Exceptional Practical Difficulty based on the following 4 criteria:

- A. The nature of the zone where the property lies;

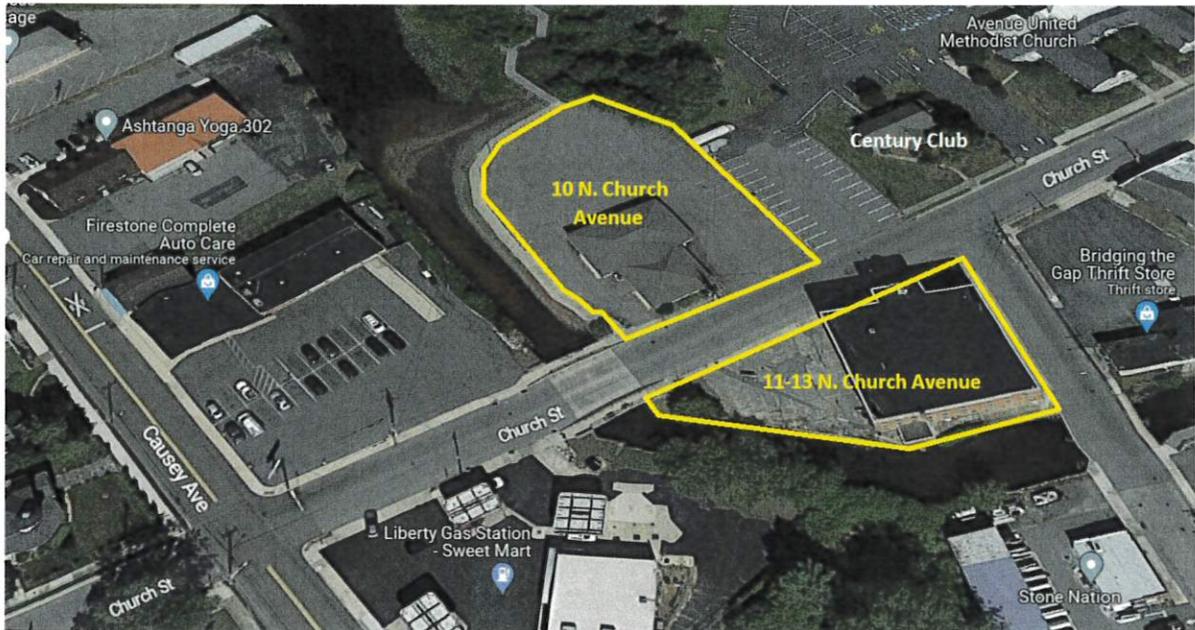
Plans are to substantially renovate 11 N. Church Avenue, which is located in the Central Business District (C-2). The plan is to have parking for sixteen vehicles and storage on the first floor and sixteen rental apartments on the second and third floors. (Architectural drawing of the plans are attached.) This will require variances both on the building's use and the density of residential units on the site, which is 0.358 acres. No changes are planned for the building at 10 N. Church Ave., which has 5,880 SF of rental office space and the lot is 0.720 acre with parking for twenty-six vehicles. The parking on this site will be used both by apartment residents in 11 N. Church Ave. and the tenants using the office space at 10 N. Church Ave.

Both properties are also in Milford's Downtown Development District and Opportunity Zone, and 11 N. Church Ave. is listed on the National Register of Historic Places. The owners and investors decided that it should be possible rehab the old Carlisle Firehouse & Community Center given the subsidies and tax benefits available through the use of these Federal and State programs.



B. The character and uses of the immediate vicinity;

Most of the properties in the immediate vicinity are used for commercial purposes (gas station, tire sales, stone sales, and second-hand goods). Two nearby non-commercial properties are the Century Club and the Avenue United Methodist Church.



C. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect such neighboring properties and uses;

Allowing apartments not in conjunction with non-residential use in the building would not have a detrimental impact on the neighboring properties and uses. And it would be consistent with the City of Milford's efforts to encourage more residential units to help revitalize the City's historic Main Street District. The surrounding blocks contain a mix of commercial, office, institutional, religious, and single-family residential uses.

D. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to his or her efforts to make normal improvements in the character of that use of the property which is a permitted use under the provisions of the zoning ordinance.

In order for a substantial rehabilitation of the old Carlisle Firehouse to be undertaken on a commercial basis it is essential that the property generate sufficient rental income to justify the investment that is being made in the building. A rough estimate of the total costs of the rehab is approximately \$3.2 million (\$200,000 per apartment). Given that the first floor of the building floods occasionally, it is difficult to see any use of it that would generate significant rental income. The upper floor apartments are estimated to provide gross rental income of approximately \$20,800 per month (average monthly rent of \$1,300) and a net rental income of about \$14,560 monthly. This would support a mortgage debt of only about \$1.9 million (20-year mortgage at a 7.5% interest rate). DDD reimbursements, monetized State Historic Tax Credits, and Energy Efficiency/Renewal Energy grants should be available

for the project and could reduce the amount of long-term debt financing down to this amount.

If the upper floors were converted to office space, one of the few likely alternative uses, the rent per square foot per year would have to be around \$15, a relatively high rate for downtown Milford. Also, it is currently much more difficult to rent office space than apartments in Milford. (However, the rehab costs could be lower for office space than for apartments.)

“Promotion of the City’s historic and cultural resources is one key to the success of Milford’s integration of the Mispillion Riverwalk Master Plan and economic redevelopment of the central business district.” (Excerpt from City of Milford Comprehensive Plans (2018), page 27.) The building at 11 N. Church Ave. was built in 1925 as a combined firehouse for the Carlisle Firehouse Company and a community center for Milford. Thus, it played a major role in the City for almost a century. Renovating it now will put this historic building back into productive use and perhaps save it from potential demolition. This will contribute to the City’s objective of promoting its historic and cultural resources. It will also bring more residents into the City’s central business district, which will likely lead to more business for downtown businesses and increase property values in the surrounding area.

§ 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 integrated unit. The district regulations also recognize the unique circumstances that are peculiar to the downtown area.
- B. Permitted uses. Permitted uses for the C-2 District shall be as follows:
- (1) Those permitted uses in the C-1 District.
 - (2) Taverns and tap rooms.
 - (3) Libraries, museums, art galleries and public information centers.
 - (4) Churches and other places of worship.
 - (5) Fraternal, social service, union or civic organization.
 - (6) Publishing, printing and reproduction establishments.
 - (7) Indoor storage facilities as an accessory use to any of the permitted uses in this district.
 - (8) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Planning Director or designee. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.
 - (9) Craft distillery and microbrewery establishments, provided that:
 - (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
 - (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
 - (c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.
 - (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.
 - (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery

intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.

- (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
- [1] Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - [2] Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.
 - [3] Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.
 - [4] All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.
 - [5] The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.
 - [6] Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
 - [7] Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.
- C. Conditional uses subject to special requirements. All uses specified as conditional uses in the C-1 zoning district and 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) Commercial indoor recreation activities, including amusement arcades, indoor theaters, social clubs, youth clubs or similar facilities.
 - (2) Motels and hotels.
 - (3) Instructional, business or trade stores.
 - (4) Fast-food or franchised food service operated restaurants.

-
- (5) All dwellings other than single-family with a maximum density of 16 units per acre and in conjunction with nonresidential use.

D. Area regulations.

- (1) Minimum lot area shall be 2,500 square feet.
- (2) Minimum lot width shall be 50 feet.
- (3) Height of buildings shall not exceed 35 feet.
- (4) There shall be no required front, rear or side yard setback.
- (5) Signs shall comply with the requirements provided in Article VI of this chapter.
- (6) Landscape screening shall comply with the requirements provided in Article V of this chapter.
- (7) Parking shall comply with the requirements provided in Article IV of this chapter.
- (8) 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.
- (9) Accessory structures shall be located in the side and rear lot areas.
- (10) Accessory structures for residential and non-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.

[Ord. No. 2022-06, 1-24-2022]

§ 230-42. Multiple permitted uses and mixed uses.

In any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements.

[Ord. No. 2022-06, 1-24-2022]

§ 230-46. Purpose.

- A. The intent of the conditional use is to maintain a measure of control over uses that have an impact on the entire community. Generally, conditional uses may be desirable in certain locations for the general convenience and welfare. They must use the property in a manner that assures neither an adverse impact upon adjoining properties nor the creation of a public nuisance. In short, because of the nature of the use, it requires sound planning judgment on its location and site arrangement.
- B. Conditional use permits may be issued for any of the conditional uses for which a use permit is required by the provisions of this chapter, provided that the City Council shall find that the application is in accordance with the provisions of this chapter after duly advertised hearings held in accordance with the provisions of Article XII.

[Ord. No. 2022-06, 1-24-2022]

§ 230-48. Criteria for evaluation.

The following criteria shall be used as a guide in evaluating a proposed conditional use:

- A. The presence of adjoining similar uses.
- B. An adjoining district in which the use is permitted.
- C. There is a need for the use in the area proposed as established by the Comprehensive Plan.
- D. There is sufficient area to screen the conditional use from adjacent different uses.
- E. The use will not detract from permitted uses in the district.
- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

[Ord. No. 2022-06, 1-24-2022]

CITY OF MILFORD
NOTICE OF ORDINANCE REVIEW

NOTICE IS HEREBY GIVEN the following ordinance is currently under review by Milford City Council:

ORDINANCE 2023-18
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
Chapter 222-Water
Cross Connection Control Program

WHEREAS, the City of Milford provides public water services to its customers within City limits and to some customers outside the City limits; and

WHEREAS, the City of Milford has previously adopted water regulations and established rates; and

WHEREAS, the Cross-Connection Control regulations, 16 Del. C. § 4462, State of Delaware, Regulations Governing Public Drinking Water Systems, § 21.0, took effect on February 1, 2021; and

WHEREAS, all public water systems are governed by the Cross-Connection Control regulations and must comply with the regulations by February 1, 2024; and

WHEREAS, the City's Public Works Staff proposes changes to the Water Chapter of the City of Milford Code, to adhere the requirements as outlined which includes the development of a Cross-Connection Control Program; and

WHEREAS, City Council found that the updated provisions are in the best interest of the health, safety, convenience and general welfare of the citizens of the City.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Section 222-20 of Chapter 220-Water of the Code of the City of Milford, entitled Private Fire Service, is hereby amended to read as follows, with underlined text to be added accordingly:

§ 222-20. - Private fire service.

D. No cross - connection or tap for use other than fire protection shall be made in the piping of a private fire protection service line on the premises or within a building, and no water shall be used through a private fire service line except for the purpose of fire extinguishment **Add: and the installation of these shall only be lawful if equipped with the appropriate cross connection and control devices as outlined in *City of Milford's Cross Connection Control Program adopted by City Council on May 22, 2023 and effective on June 1, 2022 to be known as Appendix C of the Code of the City of Milford.***

Section 2. Section 222-29 of Chapter 220-Water of the Code of the City of Milford, currently entitled Backflow, shall be renamed Cross Connection Control and Backflow Prevention, and is hereby amended to read as follows, with strikeouts indicating matter stricken and underlined text to be added accordingly:

§ 222-29. (~~Backflow.~~) **Cross Connection Control and Backflow Prevention**

No customer shall permit any conditions to exist upon premises serves whereby there exists, or in the opinion of the City, could exist a back flow into the mains of the City of non-potable matter, hot or other liquids or any leakage or seepage of such into said main. **ADD: Measures must be taken in accordance with the *City of Milford's Cross Connection Control Program, adopted by City Council on May 22, 2023, and effective on June 1, 2023, to be known as Appendix C of the Code of the City of Milford.***

Section 3. Subsection 222-29(b) of Chapter 220-Water of the Code of the City of Milford is hereby amended to read as follows with underlined text to be added accordingly:

B. For prevention of back flow causing loss to both the City and the customer, all connections are required to have a gate valve or ball valve on each side of the meter as an A.S.S.E. approved backflow preventer on the outlet side of the meter of a type approved by the City. It is recommended that a safety valve be installed at some convenient location on the house piping to relieve excess pressure due to heating water. Approved devices to ensure this precaution is effective in preventing cross connection and backflow shall be in accordance with the City of Milford's Cross Connection Control Program, adopted by City Council on May 22, 2023, and effective on June 1, 2023, to be known as Appendix C of the Code of the City of Milford.

Section 4. Subsection 222-29(e) of Chapter 220-Water of the Code of the City of Milford, is hereby amended to read as follows with underlined text to be added accordingly:

E. The costs of furnishing and installing any backflow prevention device shall be borne by the customer, who shall also retain ownership of it and be responsible for testing and maintaining it. The City reserves the right to require that backflow prevention devices be tested at least once in every twelve-month period. Details of this process shall be in accordance with the City of Milford's Cross Connection Control Program, adopted by City Council on May 22, 2023, and effective on June 1, 2023, to be known as Appendix XX of the Code of the City of Milford.

Section 5. Section 222-30 of Chapter 220-Water of the Code of the City of Milford, entitled Violations and Penalties, is hereby amended to read as follows, with strikeouts indicating matter stricken and underlined text to be added accordingly:

§ 222-30. - Violations and penalties.

A. Any person or any officer of any firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof before a District Magistrate, be sentenced to pay a fine in accordance with ~~(the Water Fee Schedule.)~~ Water-Miscellaneous Fees section of the City Fee Schedule.

Section 6. Section 222-30(b) of Chapter 220-Water of the Code of the City of Milford, entitled Violations and Penalties, is hereby amended to read as follows with underlined text to be added accordingly:

B. Every violator of this chapter shall be deemed guilty of a separate offense for each and every day a violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense up to and including the maximum in accordance with Water- Miscellaneous Fees of the City Fee schedule.

Section 7. In accordance with 16 Del. C. § 4462, State of Delaware, Regulations Governing Public Drinking Water Systems, the City of Milford's Cross Connection Control Program has been created and upon adoption, shall be cited as 'Appendix C- Cross Connection Control Program' to the Code of the City of Milford.

Section 8. Dates.

Council Introduction: 05/22/2023

Council Adoption (Projected): 06/12/2023

Section 9. Effective Date.

This Ordinance will become effective ten days following its adoption by a majority vote of Milford City Council.

Prepared for:

City of Milford

180 Vickers Drive
Milford, DE 19963



**CROSS CONNECTION CONTROL AND BACKFLOW
PREVENTION PLAN**

For

City of Milford

City of Milford Approved: May 22, 2023

Prepared by:

HydroCorp, Inc.

5700 Crooks Road

Troy, MI 48098

By: Larry J. La Bute

248-981-6981

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1. 1. INTRODUCTION

1.1. Purpose

The purpose of this document is to outline the City of Milford's Cross Connection Control (CCC) policies for all residential and commercial facilities having service connections to the public water supply, and is summarized as follows:

- Protect the public water supply from contaminants and pollutants that could backflow through the service connection(s)
- Promote the elimination of actual and/or potential cross connections between the public water supply and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable quality
- Promote the elimination of actual and/or potential cross connections between the facility potable water supply and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable quality
- Provide guidance for the maintenance of a continuing program for protection from the potential of service line and internal cross connections within the facility

1.2. Legality

In accordance with the Delaware Division of Public Health, 16 Delaware Code, Section 122(3)c (16 Del.C. §122(3)(c), 16 DE Admin. Code 4462 Public Drinking Water Systems section: "7.4.4.8.2 The system must have in place or adopt one or more additional enhancements to the water system barriers to contamination in subsections 7.4.4.8.2.1 through 7.4.4.8.2.5. and 7.4.4.8.2.1 Cross connection control, as approved by the Division." Public Drinking Water Systems, Section: 21.0 Cross-Connection Control.

1.3. Local Ordinance

Legal authority to carry out and enforce the City of Milford Cross Connection Control Program is provided in the City of Milford book of Ordinances, §222-29. A copy of said ordinance can be found in Appendix A of this plan.

2. AUTHORITY

The City of Milford shall be the Authority and the Administrator of the Cross Connection Control (CCC) Program. This CCC Program shall include:

- Establish Authority
- Local Ordinance (See Appendix A)
- Applicable Rules and Regulations
- Inspection Process and Requirements
- Approved Backflow Prevention Devices and Assemblies
- Testing Requirements of Backflow Prevention Assemblies
- Data Management
- Reporting
- Public Education and Awareness

2.1. Designated CCC Program Administrator

As required by Code Delaware Division of Public Health, 16 Delaware Code, Section 122(3)c (16 Del.C. §122(3)(c), 16 DE Admin. Code 4462 Public Drinking Water Systems section: "The cross-connection control program shall include an individual designated by the public water system and appropriately trained and experienced in cross-connection control programs to be responsible for the program." Public Drinking Water Systems, Section: 21.2.1

2.2. Inspector

The City of Milford or Designated Agent (Administrator/Agent) conducting inspections on behalf of the City of Milford must be designated or approved by the City of Milford. The Administrator/Agent must meet the ASSE requirements set forth by Delaware Division of Public Health 16 DE Administrative Code 4462, Section 21.0 Cross Connection Control.

Inspector Certification/Training

Acceptable certification/training may include one- (1) or more of the following:

- Meet American Society of Sanitary Engineer Standards (ASSE) 5020 and completed their Cross Connection Inspector Course (40 hours)

3. INSPECTIONS

3.1. Inspection

Authorized Inspectors, having proper identification, shall be permitted to enter the property and common buildings at any reasonable time for the purpose of inspection for the presence or absence of cross connections, testing, repair, and maintenance of any part of the plumbing system or any cross-connection control device connected to the water system. The Authority shall deny or discontinue water service if there is reason to believe the building/premises pose a potential for danger to the public and/or occupants.

3.2. Responsibility of the Owner

The Owner shall be responsible for the protection of the public water supply from contamination due to backflow through the water service connection. The Authority may require Owner, at their expense, to install, alter, replace, or repair any plumbing connected to the public water system that may pose a threat to public health. Failure, refusal, or the inability on the part of the Owner to correct any deficiency or violation immediately shall be unlawful and the Authority may deny or discontinue water service to the premises. The owner shall be responsible for the elimination of all unprotected cross connections, to include service line protection and any connections downstream of the service line supply to the building(s).

3.3. Service Line Protection Inspection

- a) Existing service line connections shall be reassessed/inspected annually (unless the service line is protected with an approved Reduced Pressure Backflow Prevention Assembly or properly installed air gap for High Hazard or a Double Check Valve for Low Hazard) to determine if the existing backflow preventer/method is appropriate for the level of hazard, or if service line protection is required.
- b) New service line connections shall be assessed *prior* to introduction of new service to determine what method of backflow protection is required.
- c) Existing and/or new service line protection backflow prevention devices/methods shall be determined and required for certain buildings by referencing Delaware Plumbing Code.
- d) Failure to install backflow protection as required by the Authority may precede disciplinary action from the Authority.

3.4. Internal Potable Plumbing System Inspection

- a) Internal plumbing system inspections will be conducted at all common areas using the public water system. The facilities internal water use practices shall be reviewed to determine whether there are actual or potential cross connections to the plumbing system through which contaminants or pollutants could backflow into the public water supply and/or the facilities internal plumbing system.
- b) All openings from which secondary water may be obtained on any premises shall always have a sign prominently posted within two (2) feet of the opening bearing the following warning: WATER UNSAFE FOR DRINKING. Such sign shall be at least eight (8) inches by ten (10) inches in size, prominently lettered in contrasting colors, with no letters less than one (1) inch in height. Signs are to be furnished and maintained by the owner of the secondary supply and must be of material and design acceptable to the Authority.

3.5. Inspection/Survey Forms

An *Inspection/Survey Form* shall be used in every inspection cycle and will be filed in a location as identified in Section 3.7, along with other pertinent information accumulated. This form will be used to record both existing backflow prevention devices discovered, changes in the plumbing system, and any requirements for additional backflow prevention devices at the time of the inspection.

3.6. Inspection Procedures

Cross connection control inspections shall be completed as follows:

- a) Identify building to be inspected and schedule inspection.
- b) Meet on-site with owner.
- c) Explain the Cross Connection Control Program to the owner before inspection of the facility.
- d) Inspect/Evaluate the status of service line protection – complete all inspection forms as required (See line item “e” below).
- e) Inspect the building downstream of the service line if required and complete the Inspection Form(s) as applicable/required with the following information:
 - Visually review all exposed piping and water outlets/uses downstream of the service connection
 - Document all existing backflow prevention assemblies, devices and methods (including make, model#, size, serial # if applicable) that are currently protecting cross connections on the *Inspection/Survey Form*
 - Describe the point of use or equipment supplied for each backflow prevention assembly, device or method on the *Inspection/Survey Form*
 - Use the *Inspection/Survey Form* to provide specific requirements for corrective action
 - Fill out an *Inspection/Survey Form* to document general findings; provide a “Compliance Status” and any follow up action to be taken. If no action is required (*i.e.*, *Compliant*), provide a date of the next inspection due, if applicable. If the facility requires corrective action (*i.e.*, *Non-Compliant*), provide a due date to complete corrective action(s) as designated on form.

- Date all forms with the date of the in-field inspection

3.7. Record Keeping and Data Management Software

All data obtained from the *Inspection Forms*, *Existing Devices Forms* and *Requirements Forms* will be input into a data management system and held for a period of no less than ten- (10) years to facilitate the CCC Program. This information will include:

- Address and location
- Owner name and contact information
- Required re-inspection frequency
- Degree of hazard classification
- List of assemblies
- Location of assemblies
- Make, model, and size of assemblies
- Testing and maintenance of assemblies
- Description of other backflow prevention
 - Air gaps
 - Non-testable devices

Draft for Public/Council Review

4. BACKFLOW PREVENTION ASSEMBLIES AND DEVICES

4.1. Responsibility

With respect to backflow prevention devices/assemblies or methods the City of Milford shall require the following:

- a) Installation and maintenance of assemblies, devices and/or methods to protect all existing cross connections shall be the responsibility of the Owner.

4.2. Approved Backflow Prevention Assemblies and Devices

- a) The City of Milford accepts backflow prevention devices, assemblies, and methods (downstream of service line protection) as recognized by the DE Plumbing Code and ASSE recommended protection methods for specific hazards.
- b) New installation of Reduced Pressure Backflow Prevention Assemblies and Double Check Valve Assemblies intended for service line protection must conform to AWWA Standards C510 and C511.

4.3. Service Line Backflow Prevention Assembly Protection

With respect to backflow prevention assemblies installed at the service line, the Authority will require the following:

- a) Service line protection shall be required in accordance with the DE Plumbing Code.
- b) Where service line protection is required, the owner shall receive written notification detailing the requirement and instructions pertaining to the need for protection from thermal expansion (see *Containment Notification* located in Appendix C).
- c) The installation of a Reduced Pressure Backflow Prevention Assembly as service line protection shall be required at all facilities where auxiliary water systems exist.
- d) Backflow prevention assemblies, devices or methods installed as service line protection shall be installed immediately downstream of the water meter and prior to the first branch line in the plumbing system.
- e) New Installation of Reduced Pressure Backflow Prevention Assemblies and Double Check Valve Assemblies must conform to AWWA Standards C510 and C511.
- f) Assemblies located at the service line shall be tested upon installation, upon repair, upon responding to a reported backflow incident, and on an annual basis.

4.4. Lawn Irrigation Systems

Lawn irrigation systems which are supplied from a dedicated service line shall be equipped with a Reduced Pressure Backflow Prevention Assembly immediately downstream of the water meter and prior to the first irrigation branch line. Lawn irrigation systems installed in such a manner that the supply originates downstream of the potable service line connection to a building shall be equipped with a Pressure Vacuum Breaker Assembly or Reduced Pressure Backflow Prevention Assembly at the point of origination of the system. These assemblies must be installed in accordance with the DE Building Code and the manufacturers' installation requirements.

4.5. Testing of Backflow Prevention Assemblies

- a) All backflow prevention assemblies located at the service line and downstream shall be tested upon installation, upon repair, upon responding to a reported backflow incident, and on an annual basis. Assemblies must be tested in accordance with applicable standards referenced within the DE Department of Public Health.
- b) Equipment used to field test assemblies must be checked for accuracy annually.
- c) Assembly test form(s) to record test results will be maintained by the Tester and within the database management system of the Utility. Tester will electronically submit all completed test form to the Authority as instructed.
- d) The Owner shall have all assemblies tested annually by a tester having completed the 40 hour DRWA ASSE Backflow Prevention Assembly Tester Training and Certification Course or is currently American Society of Sanitary Engineers certified. All testers must also complete a recertification exam at an interval not to exceed once every three years.
- e) The City of Milford shall reserve the right to direct and administer testing of any backflow prevention assemblies installed as service line protection. All costs associated with testing and any necessary repairs of these assemblies shall be the responsibility of the owner.
- f) Failure to test assemblies and submit appropriate test forms located at the service line may result in termination of water service.

4.6. Assembly and Device Abbreviation List

Device Legend			
A.S.S.E Standard	Legend	Acronym	Testable Device
1001	Atmospheric Type Vacuum Breakers	AVB	No
1002	Anti-siphon Fill Valves (Ballcocks)	ASBC	No
1011	Hose Connection Vacuum Breaker	HBVB	No
1012	Backflow Preventer w/Intermediate Atmospheric Vent	VDCV	No
1013	Reduced Pressure Backflow Prevention Assembly	RPBP	Yes
1015	Double Check Valve Backflow Prevention Assembly	DCV	Yes
1019	Vacuum Breaker Wall Hydrants	HBIVB	No
1020	Pressure Vacuum Breaker Assembly	PVB	Yes
1022	Backflow Preventer for Carbonated Beverage Machine	VMBP	No
1024	Dual Check Valve Type Backflow Preventers	DC	No
1024	Residential Dual Check	RDC	Yes/No
1035	Laboratory Faucet Backflow Preventer	LFVB	No
1037	Pressurized Flushing Devices (Flushometers)	PFD	No
1047	RP Detector Backflow Prevention Assembly	RPDA	Yes
1048	Double Check Detector Backflow Prevention Assembly	DDCV	Yes
1052	Hose Connection Backflow Preventer	HCBP	No
1055	Chemical Dispensing Systems	AG	No
1056	Spill Resistant Vacuum Breaker Assembly	SVB	Yes
1057	Freeze Resistant Yard Hydrant W/Backflow		No
A112.1.2	Air Gap	AG	No
	Single Check Valve	SCV	No

5. NEW SERVICE INSPECTION

5.1. Procedures

All plumbing plans and permits for a proposed building shall be reviewed by the Authority, Plumbing Inspector, Building Inspector and building contractor(s). The Authority's Cross Connection Control Plan and Backflow Prevention requirements will be reviewed with the responsible party.

5.2. Inspections

The Authority/Designated Agent conducting the cross-connection control inspection shall inspect the building for compliance with the Cross Connection Control Program.

5.3. Compliance

Upon completion of the cross-connection control inspection and determination that the building complies and has met any required actions of this plan, a certificate of occupancy and water service may be initiated as applicable.

5.4. Non-Compliance

If the building does not comply with the Cross Connection Control Program the Authority shall enforce this plan as required. The water service and the certificate of occupancy will not be initiated until compliance is achieved and approved.

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6. EMERGENCY RESPONSE PLAN

6.1. Emergency Response Plan Procedures

The City of Milford shall develop and maintain an Emergency Response Plan (ERP) document intended to facilitate in properly responding to a backflow event. The written ERP shall be readily available to designated personnel.

Investigative actions to address an actual or potential backflow event are intended to:

- a) Protect the distribution system from the spread of a contaminant detected in the water supply
- b) Quickly restore the quality of water in the distribution system if a contaminant has entered the system through backflow
- c) Prevent any further contamination of the distribution system

The facilities investigation should include these steps:

- 1) Locate the source of contamination
- 2) Isolate the source to protect the water distribution system from further contamination
- 3) Determine the extent of the spread of contamination through the distribution system and provide timely, appropriate notification to the public and its regulatory agencies as applicable
- 4) Take corrective action to clean the contamination from the distribution system
- 5) Restore water service

6.2. Emergency Scenarios

Common scenarios causing unintended backflow forcing execution of Emergency Response may include the following:

- b) Main water supply pipe break
- c) Internal facility water pipe break
- d) Internal facility – unprotected cross connection allowing contaminant to flow into potable water distribution system
- e) Report of illness due to water supply contamination
- f) Report of discolored water

6.3. Sample Emergency Response Plan

BACKFLOW INCIDENT REPORT FORM

There are many backflow incidents, which occur that are not reported. This is usually because they are of short duration, are not detected, the customer is not aware they should be reported, or it may not be known to whom the incident should be reported. If you have any knowledge regarding incidents, please complete the form below and return it to the Manager at the above address.

Reporting Agency: _____ Report Date: _____
Reported By: _____ Position: _____
Mail Address: _____ City: _____
Province: _____ Postal Code: _____ Telephone: _____
Date of Incident: _____ Time of Occurrence: _____
General Location (Street, etc.): _____

1. Backflow Originated From:

Name of Premise: _____
Street Address: _____ City: _____
Contact Person: _____ Telephone: _____
Type of Business: _____

2. Description of Contaminant(s):
(Attach Chemical Analysis if available)

3. Distribution of Contaminant(s):

Contained within customer's property: Yes: ___ No: ___
Number of persons affected: _____

4. Effect of Contamination:

Illness reported: _____
Physical irritation reported: _____

5. Cross Connection Source of Contaminant:
(boiler, chemical pump, irrigation system, etc.)

Backflow Incident Report Form
Page 2

6. Cause of Backflow:
(main break, fire flow, etc.)

7. Corrective Measures Taken to Restore Water Quality:
(main flushing, disinfection, etc.)

8. Corrective Action Ordered to Eliminate or Protect from Cross Connection:
(type of backflow preventer, location, etc.)

9. Previous Cross Connection Survey of Premise:

Date: _____ By: _____

10. Type(s) of Backflow Preventer Isolating Property:

RP: ___ RPDA: ___ DCVA: ___ DCDA: ___ PVB: ___ SVBA: ___
AVB: ___ Air Gap: ___ None: ___ Other Type: _____

11. Date of Latest Test of Device: _____

12. Notification of Health Department:

Date: _____ Time: _____ Person Notified: _____

Attach sheets containing any additional information, sketches, etc. to the back of this form.

7. EDUCATION AND AWARENESS

The cross-connection control program staff must have a good understanding of the program. The City of Milford shall ensure their cross-connection control staff receives proper in-the-field training as well as classroom education focusing on terminology, backflow prevention devices/assemblies, regulations, and hydraulic concepts. In addition, cross connection control staff will be encouraged to receive continuing education to be made aware of new backflow prevention devices/assemblies, regulation changes (i.e., plumbing code updates), new water use devices that pose cross connection concerns, etc.

Furthermore, attempts to educate the public about cross connections will be made by distributing pamphlets on common residential cross connections, providing onsite education of residents during routine inspections, speaking at association meetings, or posting newsletter announcements.

Cross connection staff shall also be available upon request to provide backflow prevention education to pertinent community officials and City of Milford employees.

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APPENDIX A - LOCAL RESOLUTION

§222-29 Cross Connection Control and Backflow Prevention

A. F. Edit as indicated in the document labeled *Transcribed Revisions §222-29 0503231515*.

Beginning with paragraph G, below, add the following paragraphs and language:

G. Manual adopted; compliance required.

The City of Milford adopts by reference the City of Milford "Manual of Cross Connection Control and Backflow Prevention," 2023 version, as may be updated and amended from time to time. A copy of the program document may be obtained by contacting the Milford City Clerk at 302-424-8393. Compliance with the manual and the cross-connection program contained therein is hereby required.

H. Inspections.

The director of public works or his designee shall cause inspections to be made of all properties served by the public potable water supply. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the "Manual of Cross Connection Control" of the department of public works of the City of Milford and in accordance with Delaware Department of Public Health requirements. Any fees or charges established by the City of Milford pursuant to the regulations or requirements established herein may be changed from time to time by resolution of the city commission.

I. Property access for inspection.

Duly authorized representatives of the City of Milford shall be permitted to enter any building, structure, or property served by a connection to the public potable water supply system of the city for the purpose of inspecting the piping system or systems on such property. Consent to such access shall be obtained from a person of suitable age and discretion therein or in control thereof. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

J. Discontinuance of service.

The City Manager or his designee is hereby authorized and directed to discontinue potable water service to any property, wherein any connection in violation of §222-29 exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public potable water supply system. Water services to such property shall not be restored until the actual or potential cross connection has been eliminated or until an appropriate backflow prevention device has been installed in compliance with the provisions of this division.

K. Protection of public potable water supply; labeling required.

The potable water supply made available on the properties served by the City of Milford shall be protected from present or future possible contamination as specified by this section and by state and local plumbing codes. Any water outlet which could be used for potable or domestic purposes, and which is not supplied by the potable system must be labeled "WATER UNSAFE FOR DRINKING" in a conspicuous manner.

L. Testing.

All testable backflow prevention assemblies shall be tested initially upon installation to be sure

that the assembly is working properly. Subsequent testing of assemblies shall be conducted on an annual basis as required by the City of Milford. Only individuals that are approved by the City of Milford and State of Delaware certified shall be qualified to perform such testing. That individual(s) shall certify the results of his/her testing.

M. Expenses and records, consumer responsibility.

The consumer shall bear all expense of installing, testing, and maintaining the protective devices required by §222-29 to ensure proper operation on a continuing basis. Installation, testing, and maintenance of protective devices shall be conducted by certified personnel approved by the City's Department of Public Works. The tester shall keep records on testing, maintenance, and repair activities related to cross connection control and shall make such records available upon request. Copies of all testing, maintenance, and repair records shall be sent electronically via web based software, to the Delaware Rural Water Association (DRWA) or their designated agent.

N. Other codes and rules.

§222-29 does not supersede the Delaware Plumbing Code, the Delaware State Department of Health Plumbing Rules, or any local plumbing resolution, but is supplementary to them; provided that where conflicts exist, the more restrictive provision shall apply.

O. Violation liability.

Any person or customer found guilty of violating any of the provisions of §222-29 or any written order of the City or pursuant thereof, shall be punishable in accordance with §222-30 – Violations and penalties. In addition, such person or customer shall pay all costs and expenses involved in the case to include attorney's fees. Notice of such violation shall be given by delivering the same to the premises and a copy thereof mailed to the billing address as it appears on the City of Milford billing records. Each day upon which a violation of the provisions of §222-29 shall occur shall be deemed a separate and additional violation. Any person or customer in violation of any of the provisions of §222-29 shall become liable to the City of Milford for any expense, loss, or damage incurred by the City of Milford by reason of such violation to include attorney's fees. In addition to any penalty provided by law for the violation of any of the provisions of §222-29, the City may bring suit in the appropriate court to enjoin, restrain, or otherwise prevent the violation of any of the provisions of this division.

P. Liability public employees.

No provisions of this division designating the duties of any City of Milford officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty for failure to perform such duty.

Q. Cross connection areas embraced.

All territory within the City of Milford served by the City of Milford potable water system, shall be governed by this division to the extent permitted by law.

APPENDIX B - FIELD FORMS

Draft for Public/Council Review

Cross-Connection Control Survey/Inspection Report

Facility Name _____	Survey Date _____
Facility Name 2 _____	Survey By _____
Service Loc/Address _____	
Contact Name _____	Contact Phone _____
Area Name _____	Acct Number _____
Service Type _____	Facility Status _____
Comments	_____

BFP/CC Info

# 1	Location Floor _____	Location Room _____	<input type="checkbox"/> Confinement															
	Equip Location _____		<input type="checkbox"/> UD CB 1															
			<input type="checkbox"/> Freeze Protect															
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Type</td><td> </td><td> </td></tr> <tr><td>Mfr</td><td> </td><td> </td></tr> <tr><td>Size</td><td> </td><td> </td></tr> <tr><td>Model</td><td> </td><td> </td></tr> <tr><td>Serial Num</td><td> </td><td> </td></tr> </table>	Type			Mfr			Size			Model			Serial Num			Location ID _____	Map Page _____
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		PT _____																
		Haz. Level _____	Protection Type _____															
		Install Date _____	Status _____															

# 2	Location Floor _____	Location Room _____	<input type="checkbox"/> Confinement															
	Equip Location _____		<input type="checkbox"/> UD CB 1															
			<input type="checkbox"/> Freeze Protect															
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		Install Date _____	Status _____															

# 3	Location Floor _____	Location Room _____	<input type="checkbox"/> Confinement															
	Equip Location _____		<input type="checkbox"/> UD CB 1															
			<input type="checkbox"/> Freeze Protect															
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Type</td><td> </td><td> </td></tr> <tr><td>Mfr</td><td> </td><td> </td></tr> <tr><td>Size</td><td> </td><td> </td></tr> <tr><td>Model</td><td> </td><td> </td></tr> <tr><td>Serial Num</td><td> </td><td> </td></tr> </table>	Type			Mfr			Size			Model			Serial Num			Location ID _____	Map Page _____
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		Haz. Level _____	Protection Type _____															
		Install Date _____	Status _____															

APPENDIX C - NOTICE TEMPLATE

Draft for Public/Council Review

(This is a sample Notice that can be reworded to be used as a Program Introduction or any other notice the Utility may need)

Cross Connection Control Program Inspection Notice

January 1, 2021

Sam Samples
000 Sample Drive
Sample City, FL 00000

RE: The Sam Samples Store at 111 Test Drive

Dear Mr. Samples

The Purpose of the **Sample City** Cross Connection Control Program, as defined in the local Resolution 12345, is to help eliminate possible contamination of the public water distribution system. There are two required components of the program; 1) site inspection, and 2) testing of backflow prevention assemblies.

The Sample City will be working jointly with inspectors from Hydro Designs Inc. to conduct these inspections. Thank you in advance for your cooperation in this matter.

As part of this program, an inspection of your facility's internal water system is to be completed. Inspectors will be reviewing your water system for connections that could possibly contaminate the water distribution system. The inspection is tentatively scheduled for **[fill in date, time]**. Our inspector will do their best to be on site this day however we may be on site a day or two before or after the scheduled date. The inspection must be completed during normal business hours 8:00 AM to 5:00 PM. If you need a more specific time please call **[Insert Phone Number]** to arrange an appointment.

Any costs associated with the replacement, modification, installation and/or testing of backflow prevention assemblies is the responsibility of the property owner/manager and/or occupant.

You will be notified following the inspection if modification(s) and/or testing of backflow prevention assemblies are necessary. We look forward to working with you in protecting the drinking water supply. If you have any questions or concerns, please contact **[Insert Contact Information]**

APPENDIX D – RESERVE FOR TEST FORM

Draft for Public/Council Review

APPENDIX E - DEFINITIONS

Draft for Public/Council Review

Air Gap: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet and at no time less than 1 inch.

Approved: Accepted by the authority responsible as meeting an applicable specification stated or cited in this plan or as suitable for the proposed use.

Auxiliary Water System: Any water system on or available to the premises other than the purveyor's approved public water supply.

Backflow: The undesirable reversal of flow in a potable water distribution system as a result of a cross connection.

Backflow Preventer: An assembly, device or method designed to prevent backflow.

Backflow Prevention Assembly: A mechanical backflow preventer used to prevent backward flow of contaminants or pollutants into a potable water distribution system. An assembly has a resilient seated, full flow shut-off valve before and after the backflow preventer making it testable in line.

Backflow Prevention Device: A mechanical backflow preventer without shut-off valves. Typically these devices are not testable in the field.

Backpressure: A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

Backsiphonage: Backflow caused by negative or reduced pressure in the supply piping.

Contaminant: Any foreign substance (liquid, solid or gas) that degrades the quality of water and creates a health hazard.

Cross Connection: A connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any circumstances, would allow such substances to enter the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or non-potable), or any matter that may change the color or add an odor to the water.

Owner: Person or entity receiving service from the public water distribution system.

Pollutant: Any foreign substance (liquid, solid or gas) that degrades the quality of water as to constitute a non-health hazard or impair the usefulness of the water.

Potable Water: Water that is safe for human consumption as described by the public health official having jurisdiction.

Non-Potable Water: Water that is not safe for human consumption or of questionable quality.

Reclaimed Water: Water that, because of treatment of wastewater, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is not safe for human consumption.

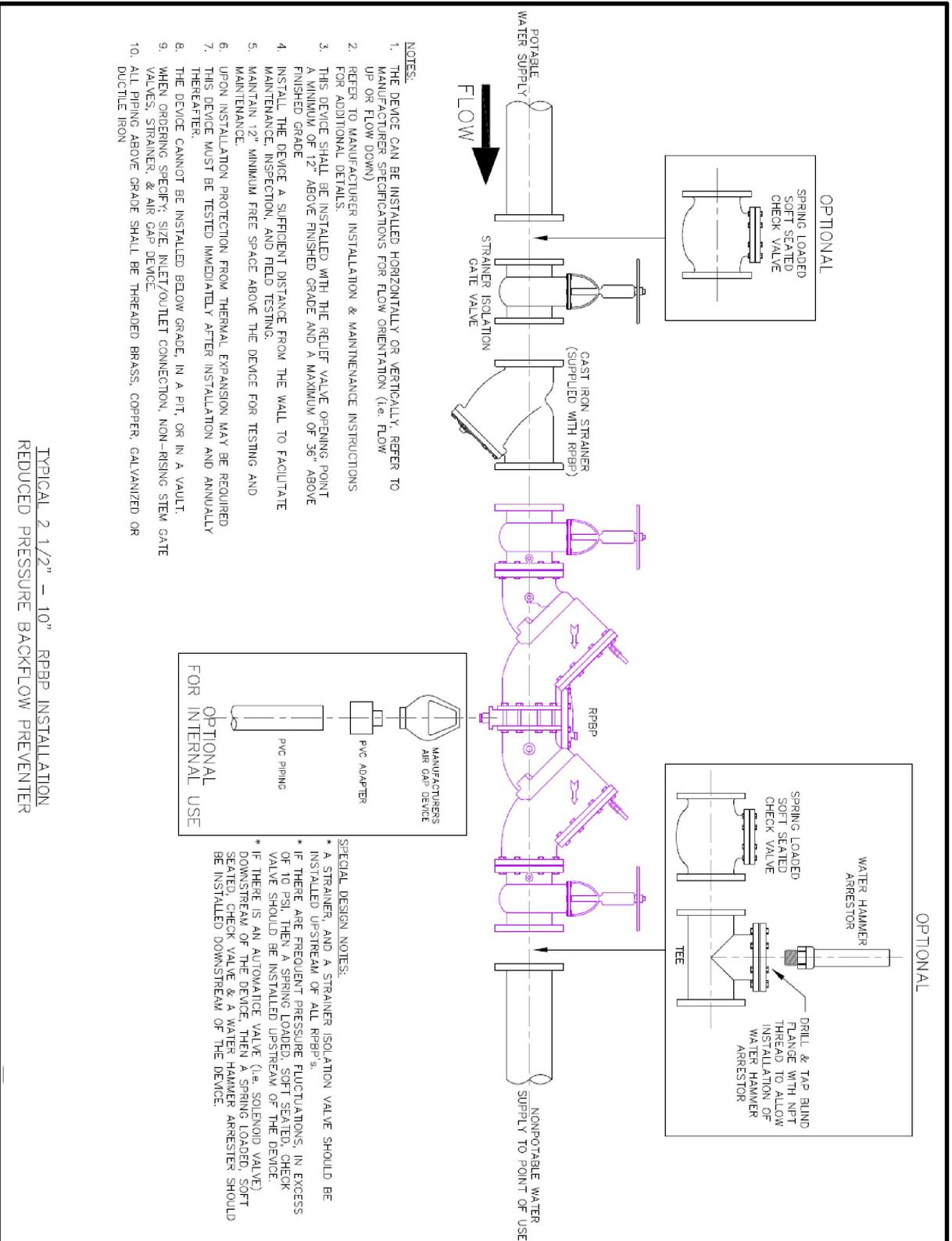
Service Line Protection: Installation of an approved backflow prevention device, assembly, or method at the point of service in order to confine potential contamination caused by a cross connection within the facility where it arises; also referred to as containment.

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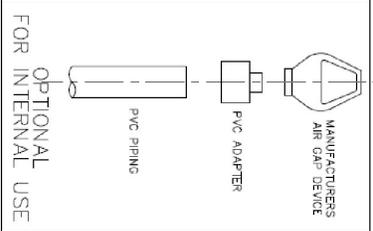
APPENDIX F – INSTALLATION SCHEMATICS

Drawings contained in this section are only “typical” installations for reference purposes. All new installations must be installed per code and manufacturer specifications

Draft for Public/Council Review

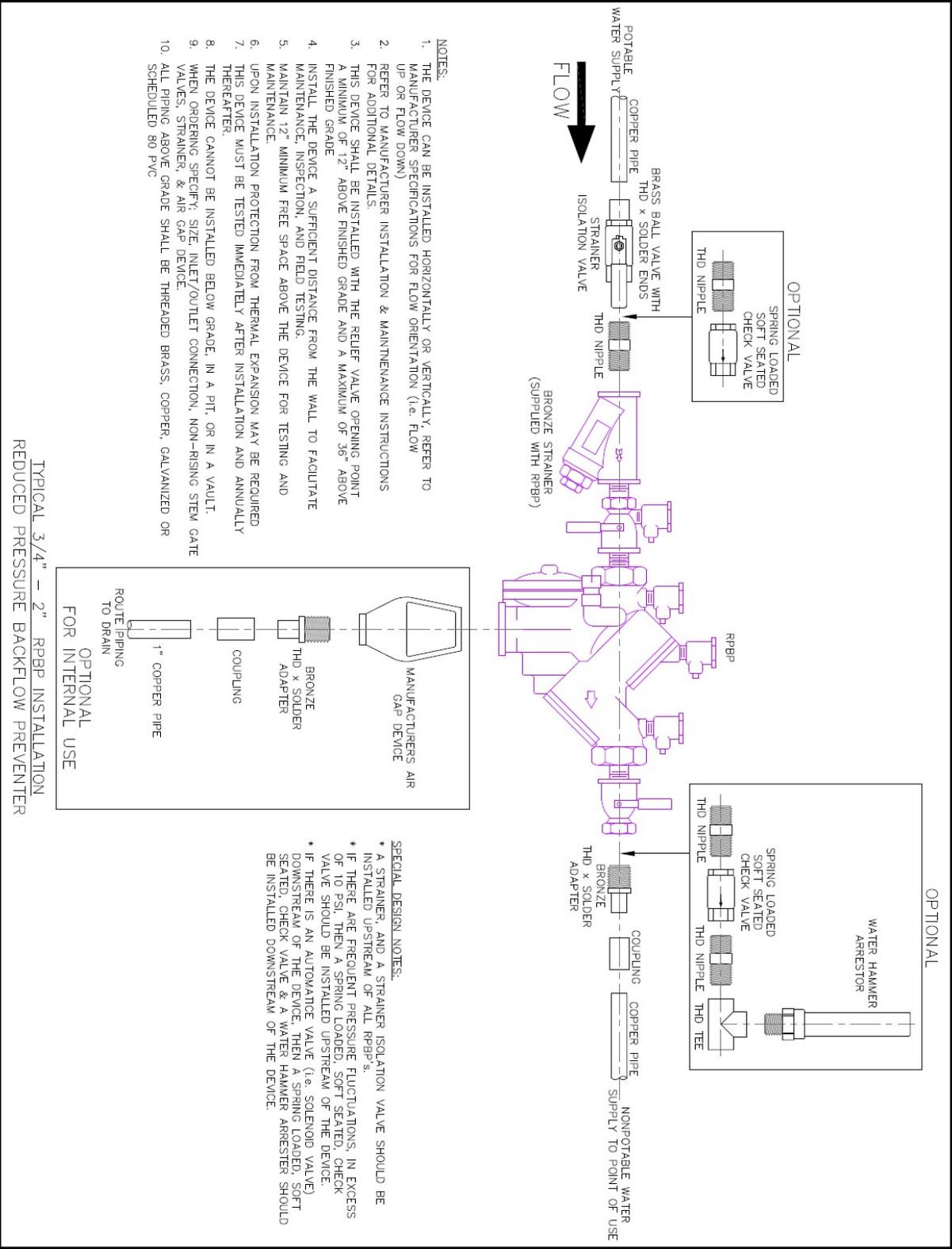


- NOTES:**
1. THE DEVICE CAN BE INSTALLED HORIZONTALLY OR VERTICALLY. REFER TO MANUFACTURER SPECIFICATIONS FOR FLOW ORIENTATION (i.e. FLOW UP OR FLOW DOWN)
 2. REFER TO MANUFACTURER INSTALLATION & MAINTENANCE INSTRUCTIONS FOR ADDITIONAL DETAILS.
 3. THIS DEVICE SHALL BE INSTALLED WITH THE RELIEF VALVE OPENING POINT A MINIMUM OF 12" ABOVE FINISHED GRADE AND A MAXIMUM OF 36" ABOVE FINISHED GRADE
 4. INSTALL THE DEVICE A SUFFICIENT DISTANCE FROM THE WALL TO FACILITATE MAINTENANCE, INSPECTION, AND FIELD TESTING.
 5. MAINTAIN 12" MINIMUM FREE SPACE ABOVE THE DEVICE FOR TESTING AND MAINTENANCE.
 6. UPON INSTALLATION PROTECTION FROM THERMAL EXPANSION MAY BE REQUIRED
 7. THIS DEVICE MUST BE TESTED IMMEDIATELY AFTER INSTALLATION AND ANNUALLY THEREAFTER.
 8. THE DEVICE CANNOT BE INSTALLED BELOW GRADE, IN A PIT, OR IN A VAULT.
 9. WHEN ORDERING SPECIFY: SIZE, INLET/OUTLET CONNECTION, NON-RISING STEM GATE VALVES, STRAINER, & AIR GAP DEVICE.
 10. ALL PIPING ABOVE GRADE SHALL BE THREADED BRASS, COPPER, GALVANIZED OR DUCTILE IRON



- SPECIAL DESIGN NOTES:**
- * A STRAINER, AND A STRAINER ISOLATION VALVE SHOULD BE INSTALLED UPSTREAM OF ALL RRPB's.
 - * IF THERE ARE FREQUENT PRESSURE FLUCTUATIONS, IN EXCESS OF 10 PSI, THEN A SPRING LOADED, SOFT SEATED, CHECK VALVE SHOULD BE INSTALLED UPSTREAM OF THE DEVICE.
 - * IF THERE IS AN AUTOMATIC VALVE (i.e. SOLENOID VALVE) DOWNSTREAM OF THE DEVICE, THEN A SPRING LOADED, SOFT SEATED, CHECK VALVE & A WATER HAMMER ARRESTER SHOULD BE INSTALLED DOWNSTREAM OF THE DEVICE.

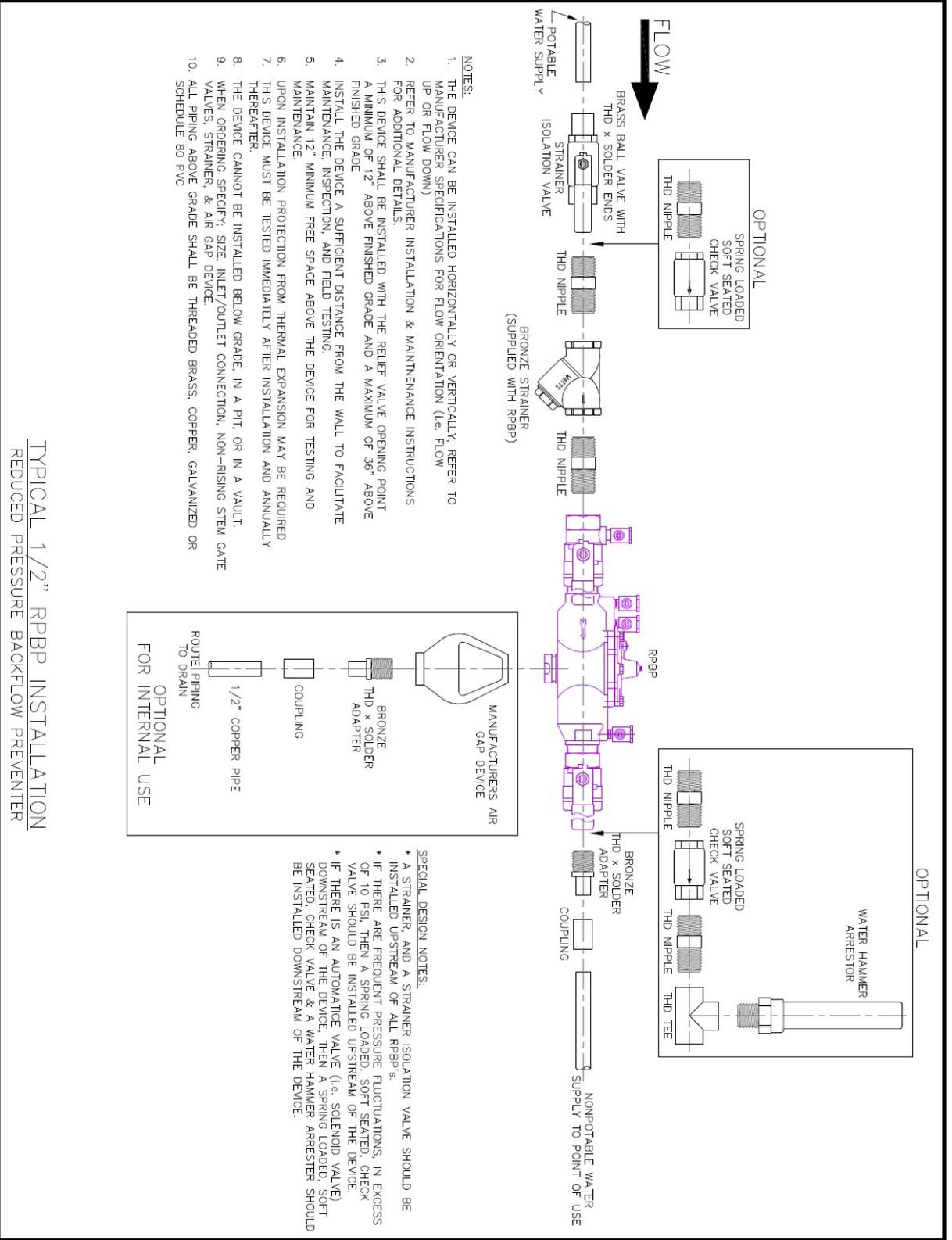
TYPICAL 2 1/2" - 10" RRPB INSTALLATION
REDUCED PRESSURE BACKFLOW PREVENTER



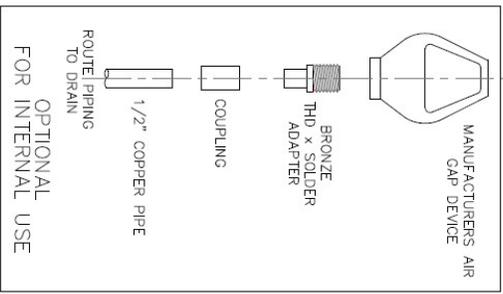
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 7. THIS DEVICE MUST BE TESTED IMMEDIATELY AFTER INSTALLATION AND ANNUALLY THEREAFTER.
 8. THE DEVICE CANNOT BE INSTALLED BELOW GRADE, IN A PIT, OR IN A VAULT.
 9. WHEN ORDERING SPECIFY: SIZE, INLET/OUTLET CONNECTION, NON-RISING STEM GATE VALVES, STRAINER, & AIR GAP DEVICE
 10. ALL PIPING ABOVE GRADE SHALL BE THREADED BRASS, COPPER, GALVANIZED OR SCHEDULED 80 PVC

- SPECIAL DESIGN NOTES:**
- * A STRAINER, AND A STRAINER ISOLATION VALVE SHOULD BE INSTALLED UPSTREAM OF ALL RBPB'S.
 - * IF THERE ARE FREQUENT PRESSURE FLUCTUATIONS, IN EXCESS OF 10 PSI, THEN A SPRING LOADED, SOFT SEATED, CHECK VALVE SHOULD BE INSTALLED UPSTREAM OF THE DEVICE.
 - * IF THERE IS AN AUTOMATIC VALVE (i.e. SOLENOID VALVE) DOWNSTREAM OF THE DEVICE, THEN A SPRING LOADED, SOFT SEATED, CHECK VALVE & A WATER HAMMER ARRESTER SHOULD BE INSTALLED DOWNSTREAM OF THE DEVICE.

TYPICAL 3/4" - 2" RBPB INSTALLATION
REDUCED PRESSURE BACKFLOW PREVENTER

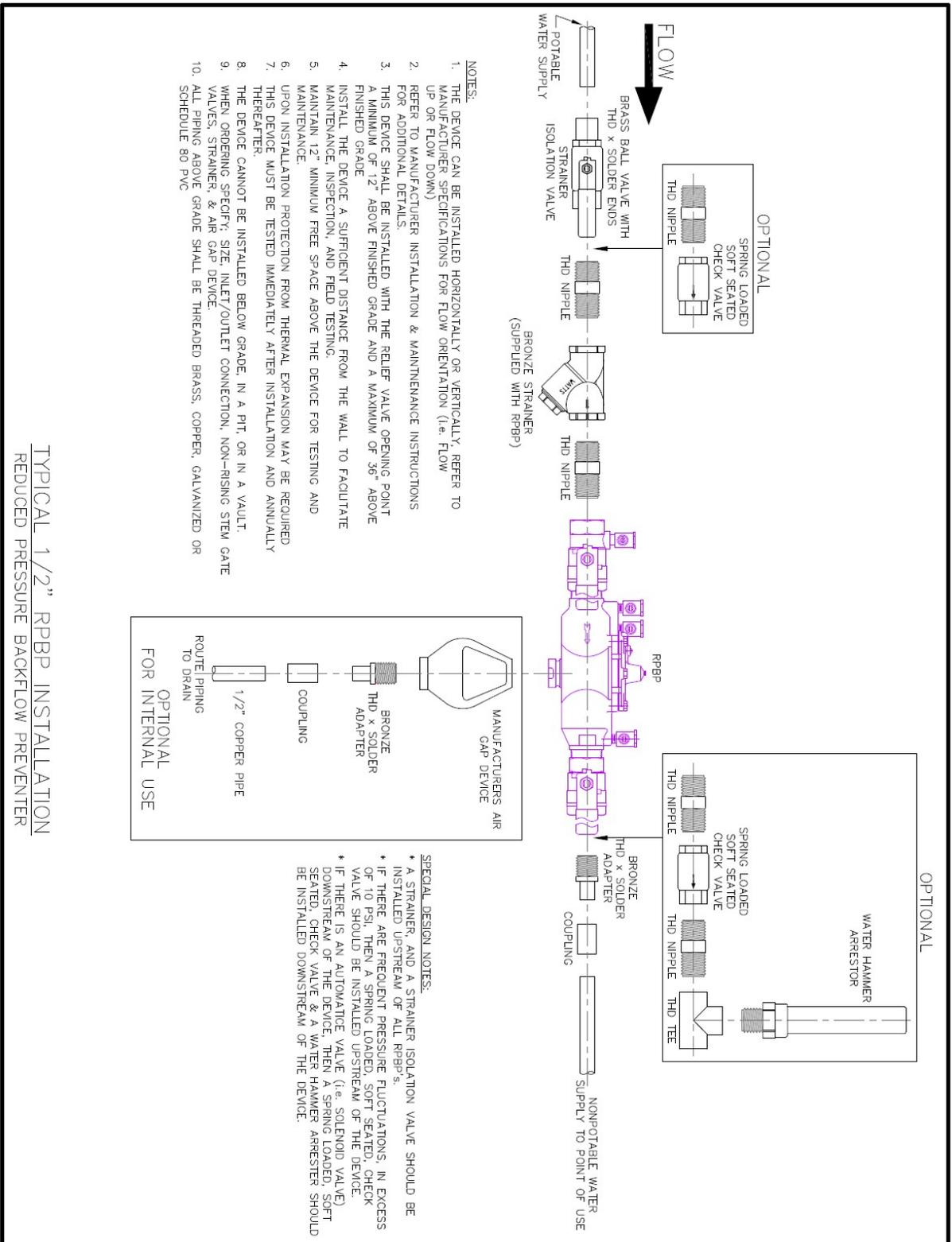


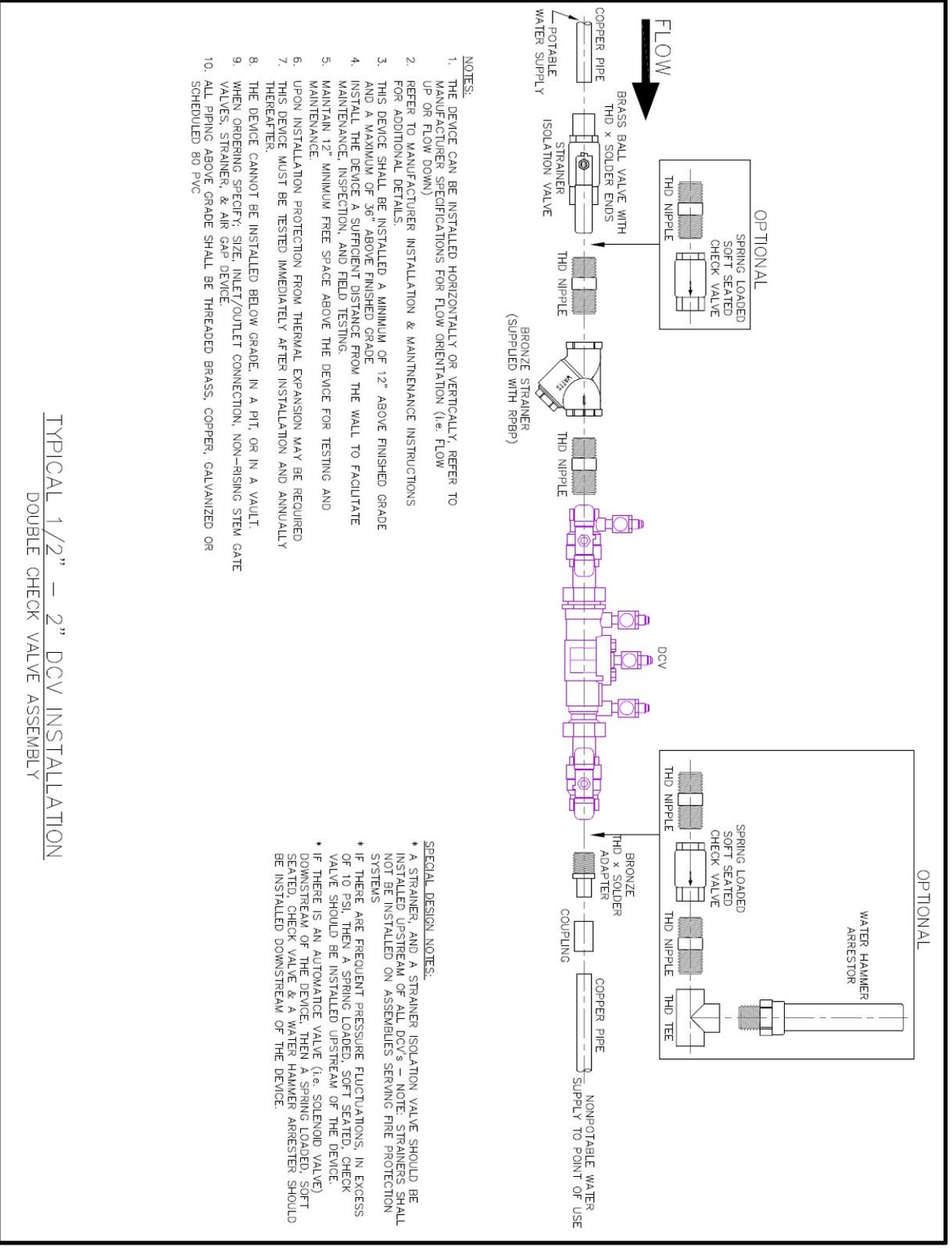
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 7. THIS DEVICE MUST BE TESTED IMMEDIATELY AFTER INSTALLATION AND ANNUALLY.
 8. THE DEVICE CANNOT BE INSTALLED BELOW GRADE, IN A PIT, OR IN A VAULT.
 9. WHEN ORDERING SPECIFY: SIZE, INLET/OUTLET CONNECTION, NON-RISEING STEW GATE VALVES, STRAINER, & AIR GAP DEVICE.
 10. ALL PIPING ABOVE GRADE SHALL BE THREADED BRASS, COPPER, GALVANIZED OR SCHEDULE 80 PVC



- SPECIAL DESIGN NOTES:
- * A STRAINER AND A STRAINER ISOLATION VALVE SHOULD BE INSTALLED UPSTREAM OF ALL RPPB's.
 - * IF THERE ARE FREQUENT PRESSURE FLUCTUATIONS, IN EXCESS OF 10 PSI, THEN A SPRING LOADED, SOFT SEATED, CHECK VALVE SHOULD BE INSTALLED UPSTREAM OF THE DEVICE.
 - * IF THERE IS AN AUTOMATIC VALVE (i.e. SOLENOID VALVE) DOWNSTREAM OF THE DEVICE, THEN A SPRING LOADED, SOFT SEATED, CHECK VALVE & A WATER HAMMER ARRESTER SHOULD BE INSTALLED DOWNSTREAM OF THE DEVICE.

TYPICAL 1/2" RPPB INSTALLATION
REDUCED PRESSURE BACKFLOW PREVENTER

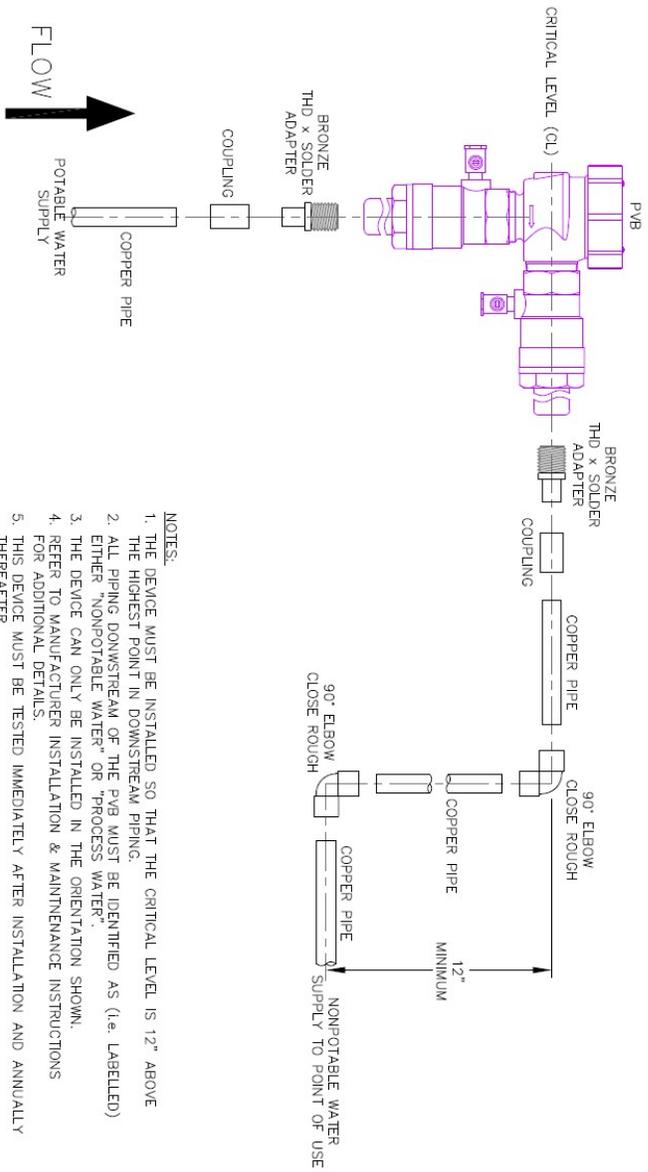




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1. THE DEVICE CAN BE INSTALLED HORIZONTALLY OR VERTICALLY. REFER TO MANUFACTURER SPECIFICATIONS FOR FLOW ORIENTATION (I.E. FLOW UP OR FLOW DOWN).
 2. REFER TO MANUFACTURER INSTALLATION & MAINTENANCE INSTRUCTIONS FOR ADDITIONAL DETAILS.
 3. THIS DEVICE SHALL BE INSTALLED A MINIMUM OF 12" ABOVE FINISHED GRADE AND A MAXIMUM OF 36" ABOVE FINISHED GRADE.
 4. INSTALL THE DEVICE A SUFFICIENT DISTANCE FROM THE WALL TO FACILITATE MAINTENANCE, INSPECTION, AND FIELD TESTING.
 5. MAINTAIN 12" MINIMUM FREE SPACE ABOVE THE DEVICE FOR TESTING AND MAINTENANCE.
 6. UPON INSTALLATION PROTECTION FROM THERMAL EXPANSION MAY BE REQUIRED.
 7. THIS DEVICE MUST BE TESTED IMMEDIATELY AFTER INSTALLATION AND ANNUALLY THEREAFTER.
 8. THE DEVICE CANNOT BE INSTALLED BELOW GRADE, IN A PIT, OR IN A VAULT.
 9. WHEN ORDERING SPECIFY: SIZE, INLET/OUTLET CONNECTION, NON-RISING STEM GATE VALVES, STRAINER, & AIR GAP DEVICE.
 10. ALL PIPING ABOVE GRADE SHALL BE THREADED BRASS, COPPER, GALVANIZED OR SCHEDULED 80 PVC.

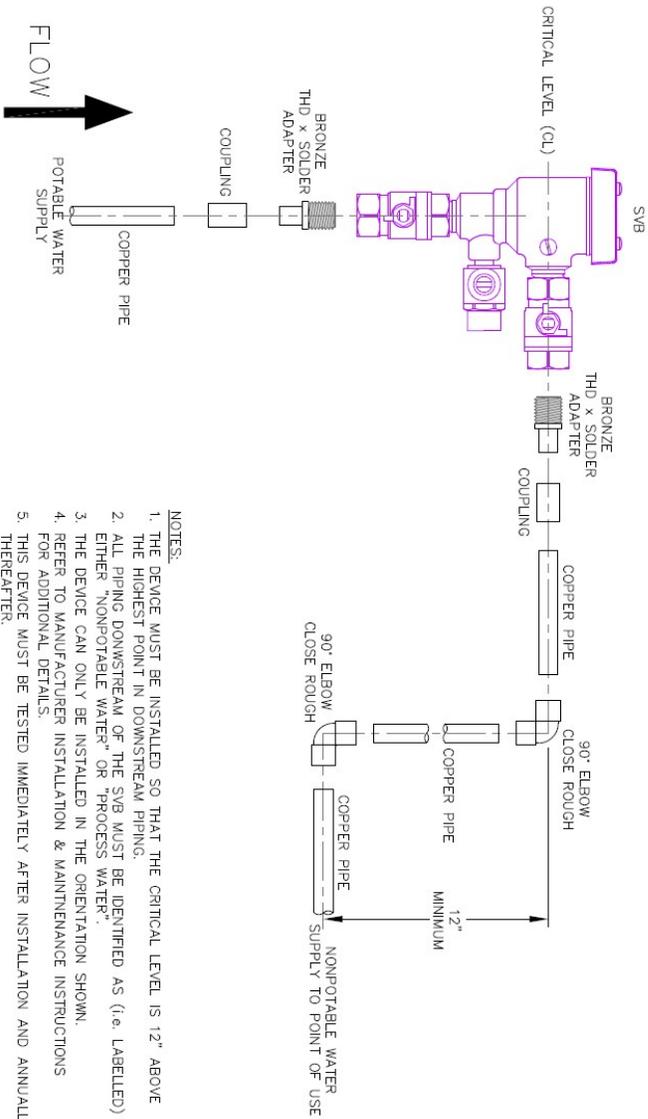
- SPECIAL DESIGN NOTES:
- * A STRAINER, AND A STRAINER ISOLATION VALVE SHOULD BE INSTALLED UPSTREAM OF ALL DCV's. NOTE: STRAINERS SHALL NOT BE INSTALLED ON ASSEMBLIES SERVING FIRE PROTECTION SYSTEMS.
 - * IF THERE ARE FREQUENT PRESSURE FLUCTUATIONS, IN EXCESS OF 10 PSI, THEN A SPRING LOADED, SOFT SEATED, CHECK VALVE SHOULD BE INSTALLED UPSTREAM OF THE DEVICE.
 - * IF THERE IS AN AUTOMATIC VALVE (I.E. SOLENOID VALVE) DOWNSTREAM OF THE DEVICE, THEN A SPRING LOADED, SOFT SEATED, CHECK VALVE & A WATER HAMMER ARRESTER SHOULD BE INSTALLED DOWNSTREAM OF THE DEVICE.

TYPICAL 1/2" – 2" DCV INSTALLATION
DOUBLE CHECK VALVE ASSEMBLY



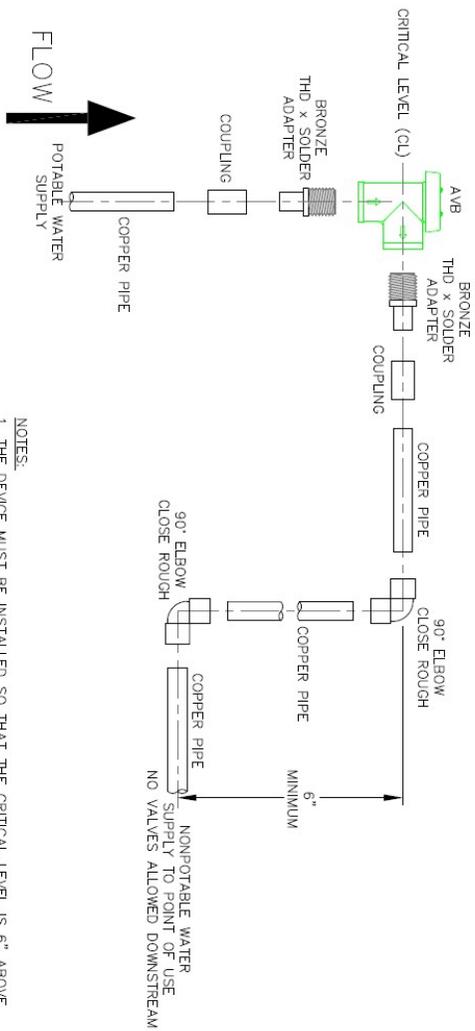
- NOTES:**
1. THE DEVICE MUST BE INSTALLED SO THAT THE CRITICAL LEVEL IS 12" ABOVE THE HIGHEST POINT IN DOWNSTREAM PIPING.
 2. ALL PIPING DOWNSTREAM OF THE PVB MUST BE IDENTIFIED AS (I.e. LABELLED) EITHER "NONPOTABLE WATER" OR "PROCESS WATER".
 3. THE DEVICE CAN ONLY BE INSTALLED IN THE ORIENTATION SHOWN. REFER TO MANUFACTURER INSTALLATION & MAINTENANCE INSTRUCTIONS FOR ADDITIONAL DETAILS.
 4. THIS DEVICE MUST BE TESTED IMMEDIATELY AFTER INSTALLATION AND ANNUALLY THEREAFTER.
 5. INSTALL THE DEVICE NO MORE THAN 6' ABOVE GROUND LEVEL (OR MEZZANINE/ PLATFORM LEVEL) TO FACILITATE MAINTENANCE, INSPECTION, AND FIELD TESTING.
 6. MAINTAIN 8" MINIMUM FREE SPACE ABOVE THE DEVICE FOR TESTING AND MAINTENANCE.
 7. THE DEVICE CANNOT BE INSTALLED BELOW GRADE, IN A PIT, OR IN A VAULT.
 8. WHEN ORDERING SPECIFY: SIZE, INLET/OUTLET CONNECTION, & QUARTER TURN BALL VALVES.

TYPICAL PVB INSTALLATION
PRESSURE VACUUM BREAKER



- NOTES:
1. THE DEVICE MUST BE INSTALLED SO THAT THE CRITICAL LEVEL IS 12" ABOVE THE HIGHEST POINT IN DOWNSTREAM PIPING.
 2. ALL PIPING DOWNSTREAM OF THE SVB MUST BE IDENTIFIED AS (i.e. LABELLED) EITHER "NONPOTABLE WATER" OR "PROCESS WATER".
 3. THE DEVICE CAN ONLY BE INSTALLED IN THE ORIENTATION SHOWN.
 4. REFER TO MANUFACTURER INSTALLATION & MAINTENANCE INSTRUCTIONS FOR ADDITIONAL DETAILS.
 5. THIS DEVICE MUST BE TESTED IMMEDIATELY AFTER INSTALLATION AND ANNUALLY THEREAFTER.
 6. INSTALL THE DEVICE NO MORE THAN 6' ABOVE GROUND LEVEL (OR MEZZANINE/PLATFORM LEVEL) TO FACILITATE MAINTENANCE, INSPECTION, AND FIELD TESTING.
 7. INSTALL THE DEVICE A SUFFICIENT DISTANCE FROM THE WALL TO FACILITATE MAINTENANCE, INSPECTION, AND FIELD TESTING.
 8. MAINTAIN 8" MINIMUM FREE SPACE ABOVE THE DEVICE FOR TESTING AND MAINTENANCE.
 9. THE DEVICE CANNOT BE INSTALLED BELOW GRADE, IN A PIT, OR IN A VAULT.
 10. WHEN ORDERING SPECIFY: SIZE, INLET/OUTLET CONNECTION, & QUARTER TURN BALL VALVES.

TYPICAL SVB INSTALLATION
 SPILL PROOF VACUUM BREAKER



- NOTES:
1. THE DEVICE MUST BE INSTALLED SO THAT THE CRITICAL LEVEL IS 6" ABOVE THE HIGHEST POINT IN DOWNSTREAM PIPING.
 2. NO VALVES ARE ALLOWED DOWNSTREAM OF THE AVB
 3. ALL PIPING DOWNSTREAM OF THE AVB MUST BE IDENTIFIED AS (i.e. LABELLED) EITHER "NONPOTABLE WATER" OR "PROCESS WATER".
 4. THE DEVICE CAN ONLY BE INSTALLED IN THE ORIENTATION SHOWN.
 5. REFER TO MANUFACTURER INSTALLATION & MAINTENANCE INSTRUCTIONS FOR ADDITIONAL DETAILS.
 6. WHEN ORDERING SPECIFY: SIZE & INLET/OUTLET CONNECTION.

TYPICAL AVB INSTALLATION
ATMOSPHERIC VACUUM BREAKER

APPENDIX G – 2021 DELAWARE CROSS CONNECTION CONTROL REGULATION

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(13) Chlorine dioxide	Summary of CT values for each day as described in subsection 20.21.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in subsection 20.14.
(14) Ozone	Summary of CT values for each day as described in subsection 20.21	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in subsection 20.14.
(15) UV	(1) Validation test results demonstrating operating conditions that achieve required UV dose.	No later than the applicable treatment compliance date in subsection 20.14.
	(2) Monthly report summarizing the percentage of water entering the distribution system that was not treated by UV reactors operating within validated conditions for the required dose as specified in subsection 20.21.4.	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in subsection 20.14.

20.23 Recordkeeping requirements

- 20.23.1 Systems must keep results from the initial round of source water monitoring under subsection 20.2.1 and the second round of source water monitoring under subsection 20.2.2 until 3 years after bin classification under subsection 20.11 for filtered systems or determination of the mean *Cryptosporidium* level under subsection 20.11 for unfiltered systems for the particular round of monitoring.
- 20.23.2 Systems must keep any notification to the Division that they will not conduct source water monitoring due to meeting the criteria of subsection 20.2.4 for 3 years.
- 20.23.3 Systems must keep the results of treatment monitoring associated with microbial toolbox options under subsections 20.17 through 20.21 and with uncovered finished water reservoirs under subsection 20.15, as applicable, for 3 years.

20.24 Requirements to respond to significant deficiencies identified in sanitary surveys performed by the Division.

- 20.24.1 A sanitary survey is an onsite review of the water source (identifying sources of contamination by using results of source water assessments where available), facilities, equipment, operation, maintenance, and monitoring compliance of a PWS to evaluate the adequacy of the PWS, its sources and operations, and the distribution of safe drinking water.
- 20.24.2 For the purposes of this section, a significant deficiency includes a defect in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that the Division determines to be causing, or has the potential for causing the introduction of contamination into the water delivered to consumers.
- 20.24.3 For sanitary surveys performed by the Division, systems must respond in writing to significant deficiencies identified in sanitary survey reports no later than 45 days after receipt of the report, indicating how and on what schedule the system will address significant deficiencies noted in the survey.
- 20.24.4 Systems must correct significant deficiencies identified in sanitary survey reports according to the schedule approved by the Division, or if there is no approved schedule, according to the schedule reported under subsection 20.24.3 if such deficiencies are within the control of the system.

20 DE Reg. 555 (01/01/17)

20 DE Reg. 808 (04/01/17)

24 DE Reg. 794 (02/01/21)

21.0 Cross-Connection Control ←

21.1 Cross-connection control requirements and prohibitions.

- 21.1.1 No public water system shall install or maintain a water service connection to any premises where actual or potential cross-connections to a public water system exist unless such actual or potential cross-

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connections are eliminated or controlled to the satisfaction of the owner of the public water system and the Division.

- 21.1.2 No public water system shall install or maintain any connection whereby water from an auxiliary water system may enter a public water system unless the auxiliary water supply and the method of connection and use of such system has been approved by the owner of the public water system and the Division.
- 21.1.3 In accordance with subsection 1.12.1.4, public water systems shall maintain acceptable water pressure throughout the distribution system so that the risk of backflow is reduced.
- 21.1.4 If a cross-connection exists or backflow occurs at a consumer's water system, the public water system may discontinue service to the consumer and water service shall not be restored until the deficiencies have been corrected.
- 21.2 Cross-connection control programs.
 - 21.2.1 A public water system shall develop a plan for a comprehensive cross-connection control program for the elimination, prevention, and control of cross-connections appropriate to the number of service connections, size of the distribution system, and type of customers. The cross-connection control program shall include an individual designated by the public water system and appropriately trained and experienced in cross-connection control programs to be responsible for the program.
 - 21.2.2 A cross-connection control program shall include an inventory and records of testing, repairs, and maintenance of all backflow prevention assemblies, and backflow elimination methods.
 - 21.2.3 A cross-connection control program shall include appropriate policies to complete assessments of customer premises for potential cross-connections, to establish hazard criteria to classify customer premises consistent with Table 1, and to determine the degree of hazard and adequacy of existing preventive measures.

Table 1 Backflow Prevention Assembly Types Required for Service Line Containment	
Premise - Degree of Hazard	
High Hazard	Low Hazard
Air Gap	Air Gap
Reduced Pressure Principle Backflow Prevention Assembly	Reduced Pressure Principle Backflow Prevention Assembly
-	Double Check Valve Assembly

- 21.2.4 An approved backflow prevention assembly or backflow elimination method shall be installed at premises where the following conditions exist in a location intended to prevent backflow into the distribution system:
 - 21.2.4.1 Premises having an auxiliary water system;
 - 21.2.4.2 Premises types that are deemed by the public water system or the Division to represent a health or high hazard to the public water system, to include but not be limited to:
 - Agricultural facilities (e.g., farms, dairies)

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- Beverage bottling plants
 - Car washes
 - Chemical plants
 - Dry cleaners (on site processing)
 - Film processing plants
 - Food processing plants
 - Laboratories
 - Medical facilities
 - Metal plating industries
 - Mortuaries
 - Petroleum processing or storage plants
 - Piers, marinas, docks and waterfront facilities
 - Radioactive material processing plants
 - Wastewater treatment facilities
- 21.2.4.3 Premises having internal cross-connections that, in the judgment of the public water system, are not correctable or are impractical to determine if cross-connections exist due to intricate plumbing arrangements;
- 21.2.4.4 Premises where because of security requirements or other prohibitions, it is impossible to complete a cross-connection control survey; or
- 21.2.4.5 Premises having a history of cross-connections being established or reestablished.
- 21.2.5 In lieu of assessments and installation of backflow prevention assemblies at customer premises deemed low hazard, a public water system may implement a public education program.
- 21.2.5.1 The public education program shall include, at minimum:
- 21.2.5.1.1 Causes and dangers of backflow and cross-connections, including health effects;
 - 21.2.5.1.2 Information on how to identify actual and potential cross-connections;
 - 21.2.5.1.3 Preventive measures to reduce or eliminate cross-connection and backflow risks; and
 - 21.2.5.1.4 Information on reporting suspected cross-connections to the public water system.
- 21.3 Corrections and protective devices.
- 21.3.1 Backflow prevention assemblies shall conform to the standards of the American Society of Sanitary Engineering (ASSE), the American Water Works Association (AWWA), and the American Society of Mechanical Engineers (ASME).
- 21.4 Cross-connection control records and reporting.
- 21.4.1 All backflow prevention assembly test records which document the test results of assemblies designed to protect the public water system shall be retained on file for a period of no less than 10 years.
- 21.4.2 All cross-connection control survey records which document results from the monitoring of cross-connections shall be retained on file for a period of no less than 10 years.
- 21.5 Violations.
- 21.5.1 The following items shall be deemed to be violations of these regulations:
- 21.5.1.1 Failure to develop and implement a comprehensive cross-connection control program in accordance with subsection 21.2 of this regulation within three years of the effective date of these regulations;
 - 21.5.1.2 Failure to implement the cross-connection control program as prescribed; and
 - 21.5.1.3 Failure to maintain all backflow prevention assembly test records on file for at least 10 years.
- 21.6 Penalty Clause. Any person who neglects or fails to comply with these regulations shall be subject to penalty as provided in 16 **Del.C.** §122(3)c.
- 5 DE Reg. 2121 (05/01/02)**
- 9 DE Reg. 999 (12/01/05)**
- 15 DE Reg. 73 (07/01/12)**
- 17 DE Reg. 439 (10/01/13)**
- 19 DE Reg. 517 (12/01/15)**
- 20 DE Reg. 555 (01/01/17)**
- 20 DE Reg. 808 (04/01/17)**



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