

City of Milford



AGENDA

Council Meeting

July 25, 2011

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

7:00 p.m.

BOARD OF REVISION AND APPEAL—CANCELED
Fiscal year 2011-2012 General Assessment as Adjusted by Supplemental Assessments

PUBLIC HEARINGS
Zoning Code Amendment/Outdoor Woodburning Furnaces/Adoption of Ordinance 2011-5
Morris and Ritchie Associates, Incorporated on behalf of Griffin Realty, LLC—DEFERRED
(formerly known as Central Parke at Milford/Milford Ponds)

COUNCIL MEETING

Call to Order - Mayor Joseph Ronnie Rogers

Invocation

Pledge of Allegiance

Recognition

Communications

National Night Out

Unfinished Business

Adoption of Ordinance 2011-15/Amend 2008 Comprehensive Plan to Include Southeast Master Plan
URS Engineering Agreement
Planning Commission Vacancy
Planning Commission Reappointments/Replacements

New Business

State Contract/Kubota Tractors & Snow Blade/Parks and Recreation

Introduction of Ordinance 2011-20/Readjustment of Ward Boundaries in the City of Milford

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

Executive Session Matter

Funding Approval/Tyler Technology Agreement/Electric Reserves

Adjourn

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

This 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.

City of Milford



CITY OF MILFORD PUBLIC NOTICE

Amended 2008 Comprehensive Plan to Include the SE Master Plan

Notice of Public Hearings-Planning Commission and City Council

The Planning Commission of the City of Milford is currently in the process of updating the 2008 Comprehensive Plan to include the addition of the Southeast Master Plan. This will provide a more detailed plan for land use including build-out calculations, detailed planning for the provision of infrastructure and services including timing, phasing, and funding, partnerships and collaborative planning among different levels of government and a more predictable plan to address items necessary for implementation and commitments, agreements and time frames. The area covered is located in the South East Neighborhood, including lands east and west of State Route 1 and incorporating a number of existing and developing subdivisions.

The City Council and Planning Commission will receive a presentation on the recommendation for the Southeast Milford Master Plan with hearings scheduled for the purpose of receiving public comments. Following the Public Hearing, Milford Planning Commission will consider recommending approval of the Plan to the City Council. After the Planning Commission takes action on this item, City Council will then consider adoption of an Ordinance approving the Plan.

Reviews will take place in the Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on the following dates:

Monday, May 23, 2011	7:00 p.m.	City Council–Presentation Only
Thursday, June 16, 2011	7:00 p.m.	Planning Commissioner-Public Comment Session
Tuesday, June 21, 2011	7:00 p.m.	Planning Commission-Public Hearing
Monday, July 11, 2011	7:00 p.m.	City Council-Public Hearing

Dates are subject to change depending on comments and responses received from the public.

Members of the public are encouraged to attend the meeting to be heard. Written comments will also be accepted up to one week prior to the public hearing(s). Questions should be directed to the Planning Office at 302-424-3712 Extension 308.

SE MASTER PLAN

JULY 11, 2011

PUBLIC HEARING JUNE 16, 2011

- ◉ MAJOR COMMENTS AT THIS HEARING
- ◉ ANNEXATION OF LAND INTO THE CITY OF MILFORD
- ◉ PRESENTATION OF THIS PLAN TO THE CHAMBER OF COMMERCE FOR THEIR INPUT
- ◉ TRANSFER OF DEVELOPMENT RIGHTS TO WORK- LAND HAS TO BE ZONED R-1
- ◉ WILL OTHER MASTER PLANS BE DONE FOR THE OTHER NEIGHBORHOODS?

PUBLIC HEARING JUNE 16, 2011

- KEEP TRACK ON A YEARLY BASIS REGARDING THE NUMBER OF UNITS CONSTRUCTED IN SE. (2% per year)
- NEED FOR A WATER TOWER IN THE SE PLANNING AREA

PUBLIC HEARING BY THE PLANNING COMMISSION MAY 21, 2011

- MAJOR COMMENTS
- ANNEXATIONS

CITY COUNCIL AWARENESS

- ① 1. Transportation improvements will be made on rural roads, upgrading these roads increasing speed limits, traffic, and possibly congestion.
- ② 2. Future annexations in the SE Planning Area will have to be annexed at **R-1 or R-2** in order for the Transfer of Development Rights Program to work
- ③ 3. DNREC comments concerning buffers near Cedar Creek are recommendations
- ④ 4. Requirements and Recommendations by State Agencies
- ⑤ 5. Public utilities will have to be constructed.

STATE RESPONSIBILITIES

- ◉ DELDOT – CONSTRUCT ROAD IMPROVEMENTS
- ◉ DEPARTMENT OF AGRICULTURE – IN CHARGE OF THE TRANSFER OF DEVELOPMENT RIGHTS
- ◉ DNREC – ENVIRONMENTAL RECOMMENDATIONS AND PROTECTION

PROCEDURE

- PUBLIC HEARING ON JUNE 16,2011
- PUBLIC HEARING BY THE PALNNING COMMISSION ON JUNE 21,2011
- PUBLIC HEARING BY CITY COUNCIL ON JULY11, 2011
- IF ADOPTED THIS WOULD BE AN AMENDMENT TO THE CERTIFIED COMPREHENSIVE PLAN FOR THE CITY OF MILFORD FOR THE SE NEIGHBORHOOD

Dare to be first.



Milford's SE Neighborhood Master Plan and Growth Scenarios

Source: UD-SCC Community Land Use Model



Prepared By Carol Bason
Program Manager, CommunityViz
University of Delaware
Sustainable Coastal Communities Initiative
April 22, 2011

Products

- **UD-SCC Community Land Use Model & Density Parameters**
- **Existing Land Use (Baseline)**
- **“Preferred” Scenario from Public Workshops**
- **Revision of the Public Option (“Preferred”) Scenario**
- **Master Plan & Growth Scenarios**
 - **Master Plan “Preferred-Revised” Scenario**
 - **Growth 2020 Scenario**
 - **Growth 2030 Scenario**
- **Comparative Analysis**
- **Density Visualizations**

UD-SCC Community Land Use Model

Land Use Crayon	Land Use Name	Description	3D Google Earth Representation
	T100 Rural	Category: RURAL Farm land, open space, preserved space, critical resources. Density: 1 DU/100A Range: 0-4 DU	
	T20 Rural	Category: RURAL Rural area, agriculture and recreational and camping. Typically 20-Acre lots. Density: 5 DU/100A Range: 5-20 DU	
	T2 Suburban	Category: RESIDENTIAL Residential only, Cluster Subdivision. No commercial. May be conditional use or self-employed. Includes recreational facilities and schools. Examples: Lewes Beach, Cripple Creek Development. Density: 2 DU/A Range: 51 to 200 DU	
	T6 Urban Mixed	Category: MIXED USE TND; Residential and commercial mixed, includes SFR, MFR, and TH, offices, hospitals, and retail. Example: Village of Five Points Density: 6 DU/A Range: 401 to 600 DU NR: 300,000 SQFT	
	T8 Town Center	Category: MIXED USE Municipalities & Towns. Mixed Use; MU Buildings; Medium High density residential, business & medical offices, retail and lodging. Examples: The Vineyards, Seaford. Density: 8 DU/A Range: 601 to 800 DU NR: 500,000 SQFT	

Land Use Crayon	Land Use Name	Description	3D Google Earth Representation
	T30 Employment	Category: NONRESIDENTIAL Small business, utilities, transportation, institutional, civic, planned industrial, NO residential. Examples: Ross Business Park, Georgetown Airport, Indian River Power Plant, Chicken Processing & DuPont Plants, Del Tech DU: 0 NR: 200,000 SQFT	
	T200 Retail	Category: NONRESIDENTIAL Regional shopping center, NO residential. PLUS Example: Overbrook Center DU: 0 NR: 800,000 SQFT	

Source: UD-SCC Community Land Use Model

COLOR CODE

- **GREEN** REPRESENTS RURAL/AGRICULTURE
- **PURPLE** REPRESENTS EMPLOYMENT
- **RED** REPRESENTS RETAIL/COMMERCIAL
- **ALL OTHER** COLORS REPRESENT SOME TYPE OF RESIDENTIAL WITH LIMITED COMMERCIAL
- **WHEN THE PUBLIC MEETINGS WERE HELD A 100 ACRE SQUARE WAS USED TO DETERMINE THE EXISTING AND FUTURE LAND USE PATTERN FOR THE SE PLANNING AREA.**

T 20 RURAL (5 D.U./ 100 ACRES) RANGE OF 5 TO 20 D.U. -GREEN



T 20 RURAL



T 2 SUBURBAN (2 D.U./ACRE) RANGE 51 TO 200 UNITS/100 ACRES



T 4 CITY RESIDENTIAL (3-4 D.U./ACRE – 300 TO 400/100 ACRES)



T- 4 RESIDENTIAL



T- 8 CITY MULTI –FAMILY 8 D.U./ ACRE



T-12 CITY MULTI-FAMILY 12 D.U. /ACRE



T – 8 TOWN CENTER



T- 8 TOWN CENTER



T – 30 EMPLOYMENT



T -30 EMPLOYMENT



T – 30 EMPLOYMENT



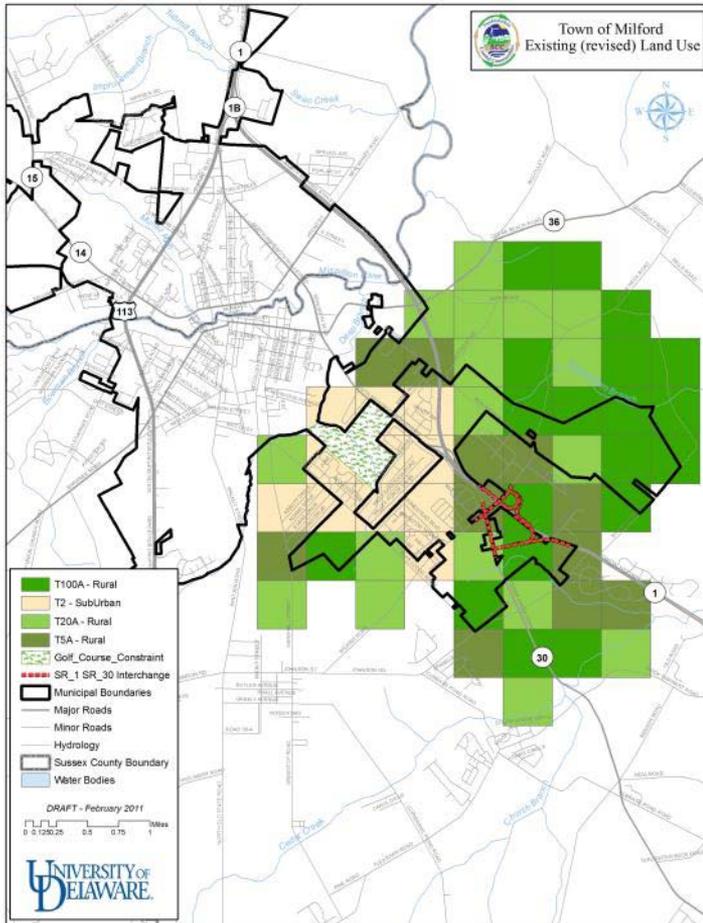
T- 200 RETAIL



Land Uses & Density Parameters -- South Milford

Community Land Use Type	Legend	Density (Residential DU)	Floor Area (SQFT) (Nonresidential) (Per 100 Acres)	Build Efficiency (Full Occupancy)	Mixed Use Factor	Net Density (Residential DU) (Per 100 Acres)	Net Floor Area (Residential) (Per 100 Acres)
T100 – Rural		4 DU / 100A	0	100%		4	
T20 – Rural		20 DU / 100 A	0	100%		20	
T2 – Suburban		2 DU / A	0	70%		140	
T4 – Suburban		4 DU / A	0	80%		320	
T10 - Suburban		10 DU / A	0	90%		900	
T6 – Urban Mixed		6 DU / A	300,000 SQFT	75%	70%:30%	315	225,000 SQFT
T8 – Town Center		8 DU / A	500,000 SQFT	90%	50%:50%	360	450,000 SQFT
T12 – Urban Mixed		12 DU / A	500,000 SQFT	90%	50%:50%	540	450,000 SQFT
T30 -Employment		0	200,000 SQFT	80%		0	160,000 SQFT
T200 – Retail		0	800,000 SQFT	80%		0	640,000 SQFT

South Milford Existing Land Use (2010)



Dwelling Units	1,900
Residents	4,700
Nonresidential Floor Area	0
Employees	260

Employees of Existing scenario are home-based employees

South Milford : Existing Land Use Profile

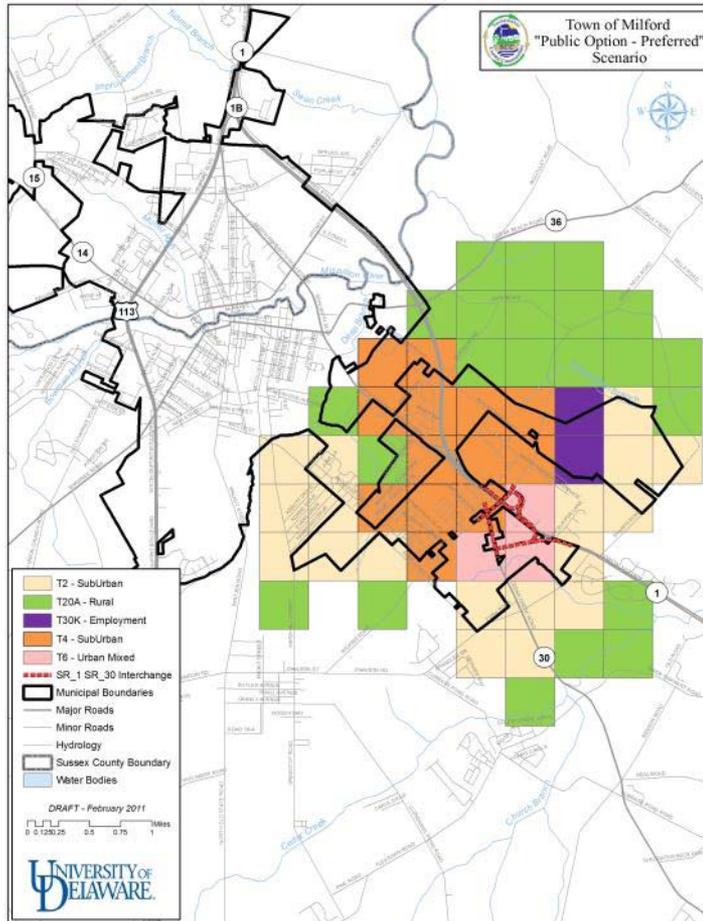
SE Neighborhood Character

- Predominantly rural landscape
- Approximately 20% of neighborhood comprised of low density residential villages offering single family (SF) and multi-family (MF) villa-type homes with golf course/open space connected to Milford City Center
- Multijurisdictional with intermingled incorporated lands (City of Milford) and unincorporated lands from Sussex County; borders Kent County at northern edge
- Over 80% of community agricultural along with environmentally sensitive riverine lands to north, east and south
- Scenic highway corridor (SR 1) provides opportunity for transportation-oriented development and retail center at SR 30 Interchange

Growth Opportunities and Challenges

- Maintain rural and village character
- Development of Transfer of Development Rights (TDR) Program to preserve sensitive riverine lands and agricultural economy
- Expansion of highway corridor into overpass and Regional Center
- Cost of annexation to City (expanded public services, utilities, and infrastructure) to support growth; challenging in economic downturn

South Milford -- Public Option "Preferred Scenario"



Dwelling Units	7,600
Residents	19,500
Nonresidential Floor Area	995,000
Employees	2,500

South Milford -- Public Option Profile

SE Neighborhood Character

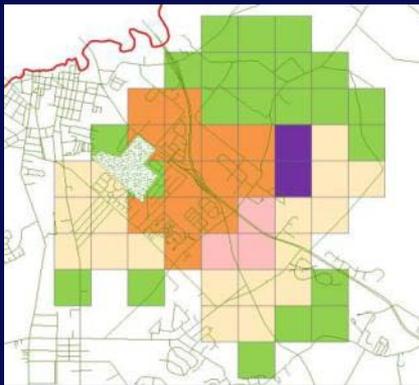
- Community predominately residential, accommodating growth adjacent to Milford City Center and at new Town Center Hub. Moderate density residential adjacent to City Center fans out to surrounding low density residential subdivisions to south and east
- Green space and agricultural acreage to north, east, and south (DNREC-cited Cedar Creek, Swiggetts and Cabbage Ponds) preserve rural riverine lands and agricultural base
- New, well-defined mixed use hub at expanded SR1/SR30 Interchange and adjacent 200 A Employment Center provide new public-envisioned “Town Center” with retail centers and localized compact mixed housing

Growth Opportunities and Challenges

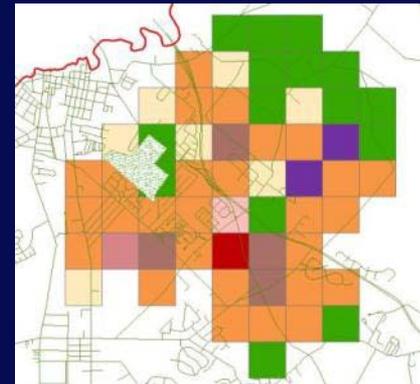
- Residential growth plan, while half of Milford Comprehensive Plan for SE Neighborhood, quadruples number of residents from Existing Land Use and provides previously nonexistent economic growth opportunities
- Pattern of Growth supports sustainable development principles while preserving much of the rural character. Offers localized multiple housing types and potential transit-oriented development for economically growing community
- TDR Program required to preserve sensitive riverine lands and agricultural economy
- Funding needed for annexation to City (expanded public services, utilities, and infrastructure) to support growth challenging in economic downturn

Revision of the Public “Preferred” Scenario

- The reason and the rationale behind the changes to the Public Option (“Preferred” Scenario) and the Master Plan (Preferred –Revised Scenario) is based on two reasons.
- 1. The existing proposed residential development currently being developed is at a higher density than a T- 2 (2 d.u./acre) which is closer to a T-8 (8 d.u./acre). **Wickersham and Hearthstone II are two examples.**
- 2. In City of Milford’s Zoning Ordinance in the R-1 Zoning District the minimum lot size is **10,000 sq. ft** instead of $\frac{1}{2}$ to $\frac{3}{4}$ (21,000 sq. ft to 32,000sq. Ft.) of an acre in Sussex County



Public Option

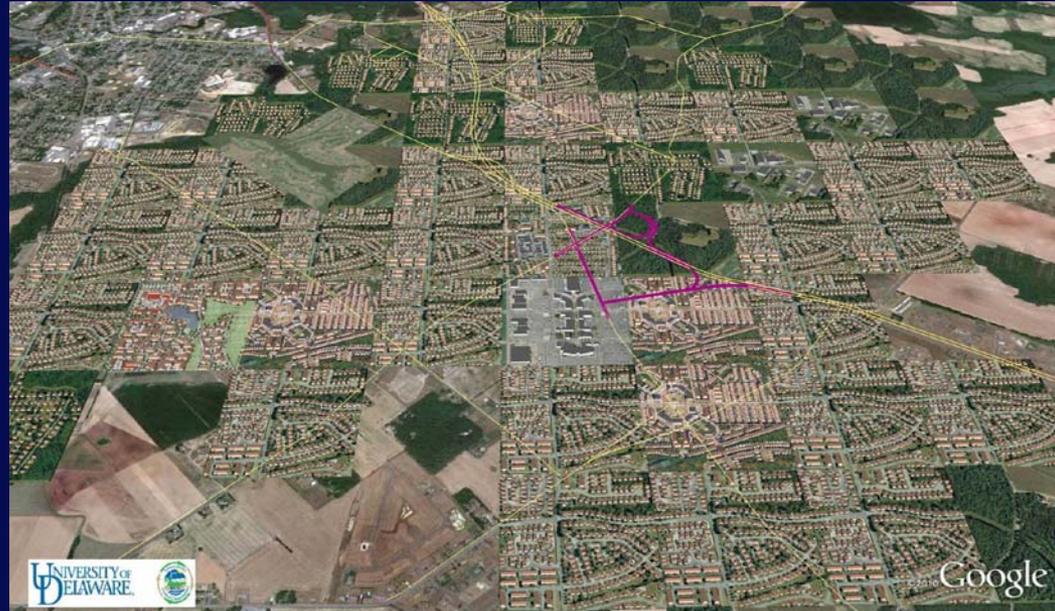
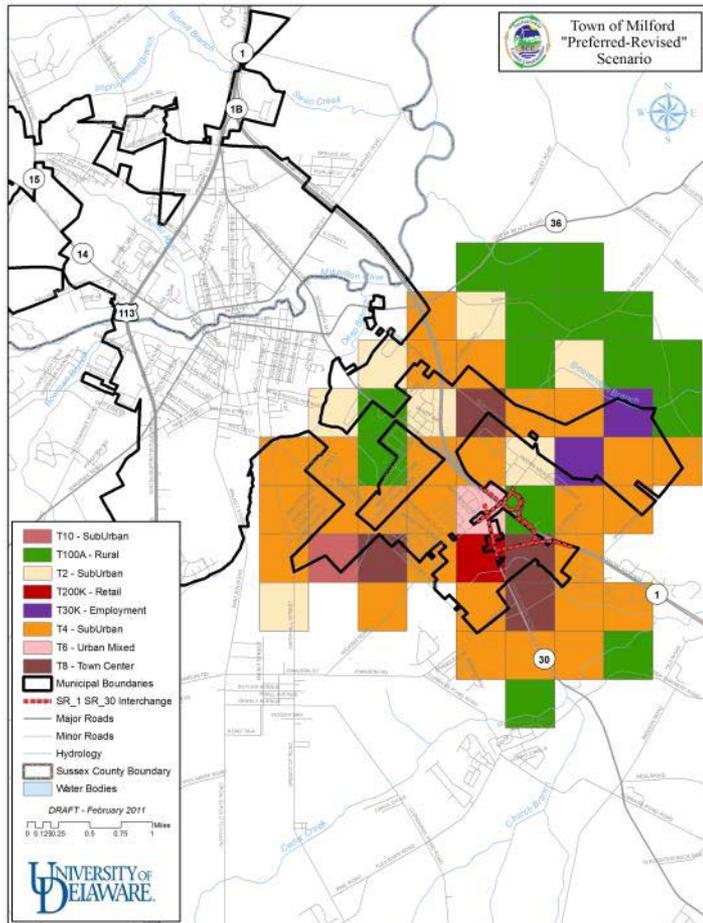


Master Plan

T -2 becomes a T -8



South Milford – Master Plan “Build-Out” “Preferred-Revised Scenario”



Dwelling Units	11,800
Residents	30,700
Nonresidential Floor Area	3,000,000
Employees	4,900

South Milford – Master Plan Profile

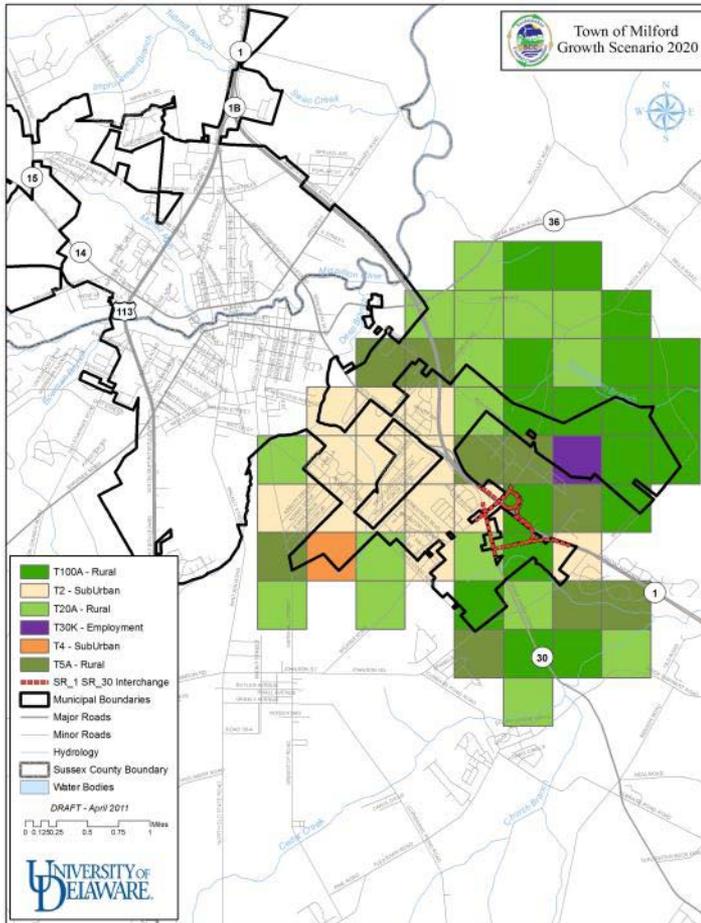
SE Neighborhood Character

- Master Plan assumes annexation of the SE Neighborhood into the City of Milford
- Area becomes a mix of medium to high density residential communities consistent with City of Milford zoning; both SF and MF housing options. Higher density mixed use areas dot the landscape.
- New Regional Commercial Center is surrounded by multifamily and/or mixed use neighborhoods, with hub at enhanced SR1/SR30 Interchange and new public-envisioned Town Center. 200-Acre Employment Center adjacent to interchange hub
- TDR Receiving Areas identified in three mixed use hubs around Commercial Center
- Agricultural lands to northeast and TDR Sending Areas identified for preservation purposes

Growth Opportunities and Challenges

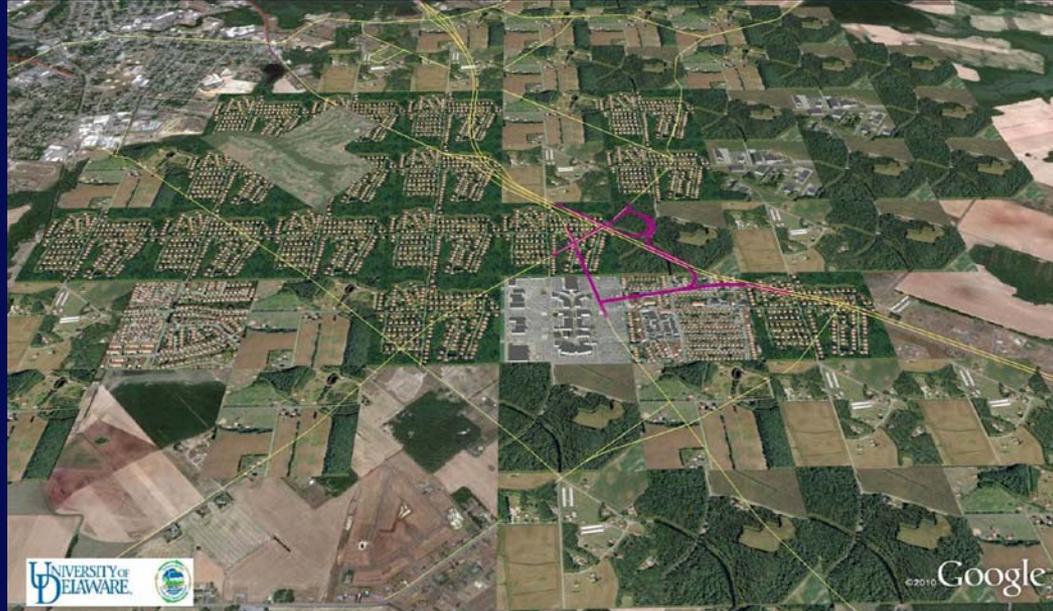
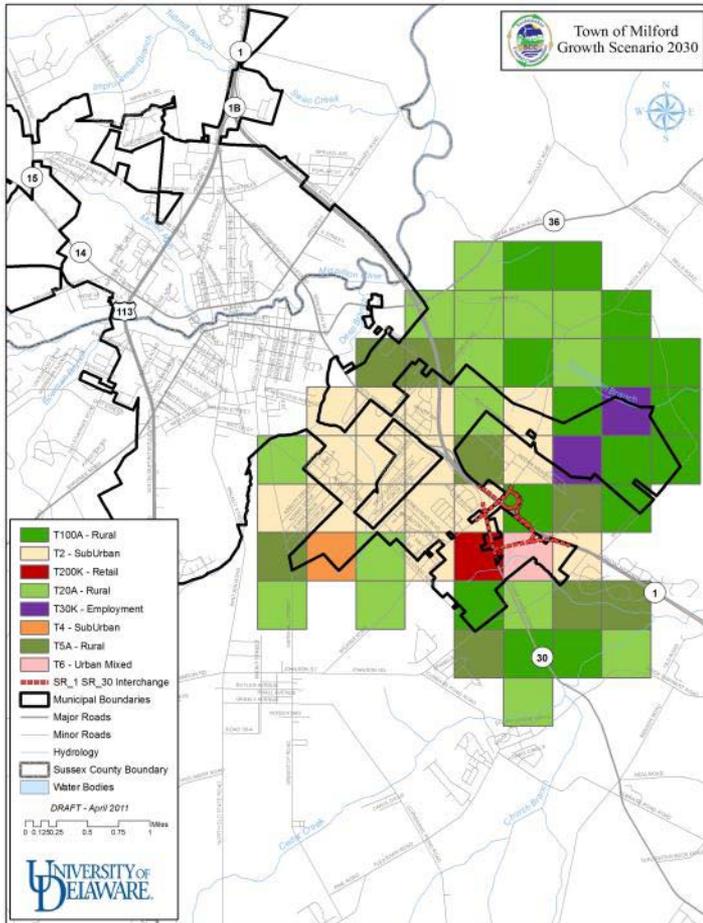
- Higher density residential replaces Public Option's low density residential communities. Opportunity for residential growth 75% of Comprehensive Plan; 1.5 times Public Option. Promotes compact, diverse housing types and mixed use growth principles
- Potential for transit-oriented development and new local employment opportunities
- Funding for infrastructure & services required for annexation challenging in economic downturn
- Plan based more on current zoning regulations – may limit long-term vision
- DNREC-cited environmentally sensitive lands not directly protected by land use designation

South Milford Master Plan : Growth 2020



Dwelling Units	2,400
Residents	6,000
Nonresidential Floor Area	160,000
Employees	700

South Milford Master Plan: Growth 2030



Dwelling Units	3,000
Residents	8,000
Nonresidential Floor Area	1,185,000
Employees	2,300

South Milford : Growth 2020 & 2030 Profile

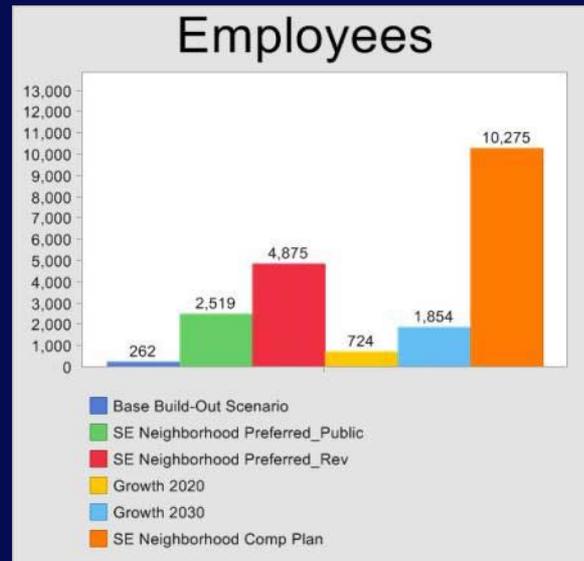
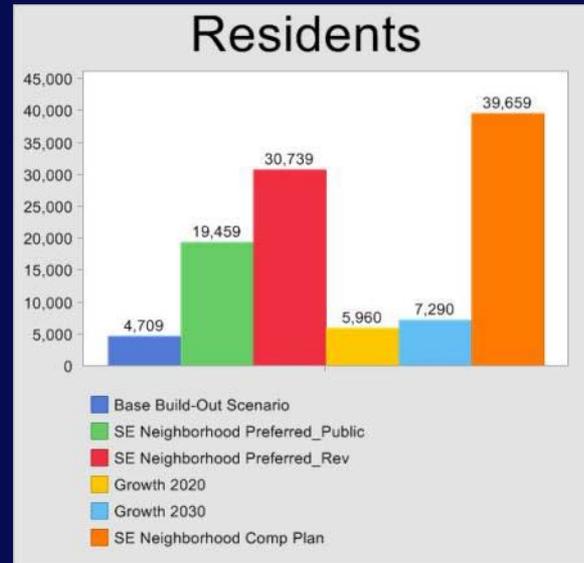
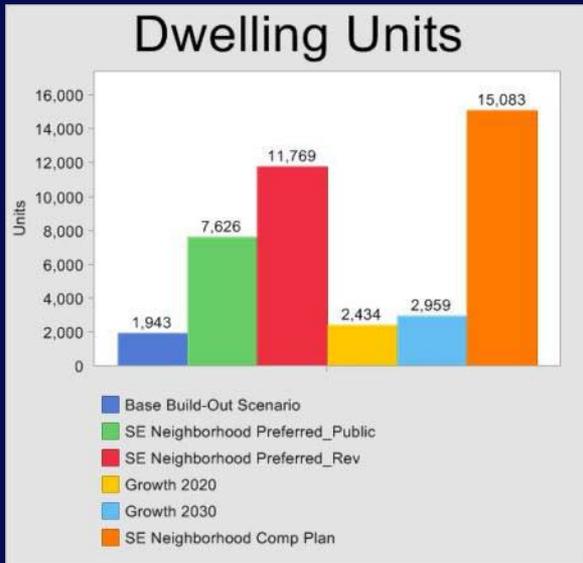
SE Neighborhood Character

- Depicts 10 and 20-year growth of SE Neighborhood assuming 1) 2% per year growth rate; 2) implementation of SE Neighborhood Master Plan; and 3) annexation into the City of Milford
- Two of Master Plan areas are “built-out” while almost 90% of the rural landscape remains (agriculture, villages, and low density subdivisions)
 - **2010-2020**: Development of 500 residential units and 160,000 square feet of nonresidential space in growing neighborhood. Hearthstone II subdivision is underway, building to approximately 400 of the 900 expected SF/MF residential units. 100 acres of the new Employment Center (medical/professional park) is operational
 - **2020-2030**: Adds 500 more residential units adjacent to Employment Center and new enhanced Town Center with mixed use. Regional Shopping Center at enhanced interchange is built and Medical/Professional Employment Center is complete. Total square footage climbs to over 1,000,000 square feet

Growth Opportunities and Challenges

- 20-Year growth plan implements new “town center” as envisioned by Public Option scenario. Adds centralized retail, commercial, and professional economic opportunities to neighborhood
- 20-Year growth plan doesn’t show implementation of TDR program, therefore potentially jeopardizing identified agricultural preserve areas by development
- New services/infrastructure funding more feasible as growth areas predominately in City bounds

Comparing the Numbers



Density Visualization -- Existing Land Use



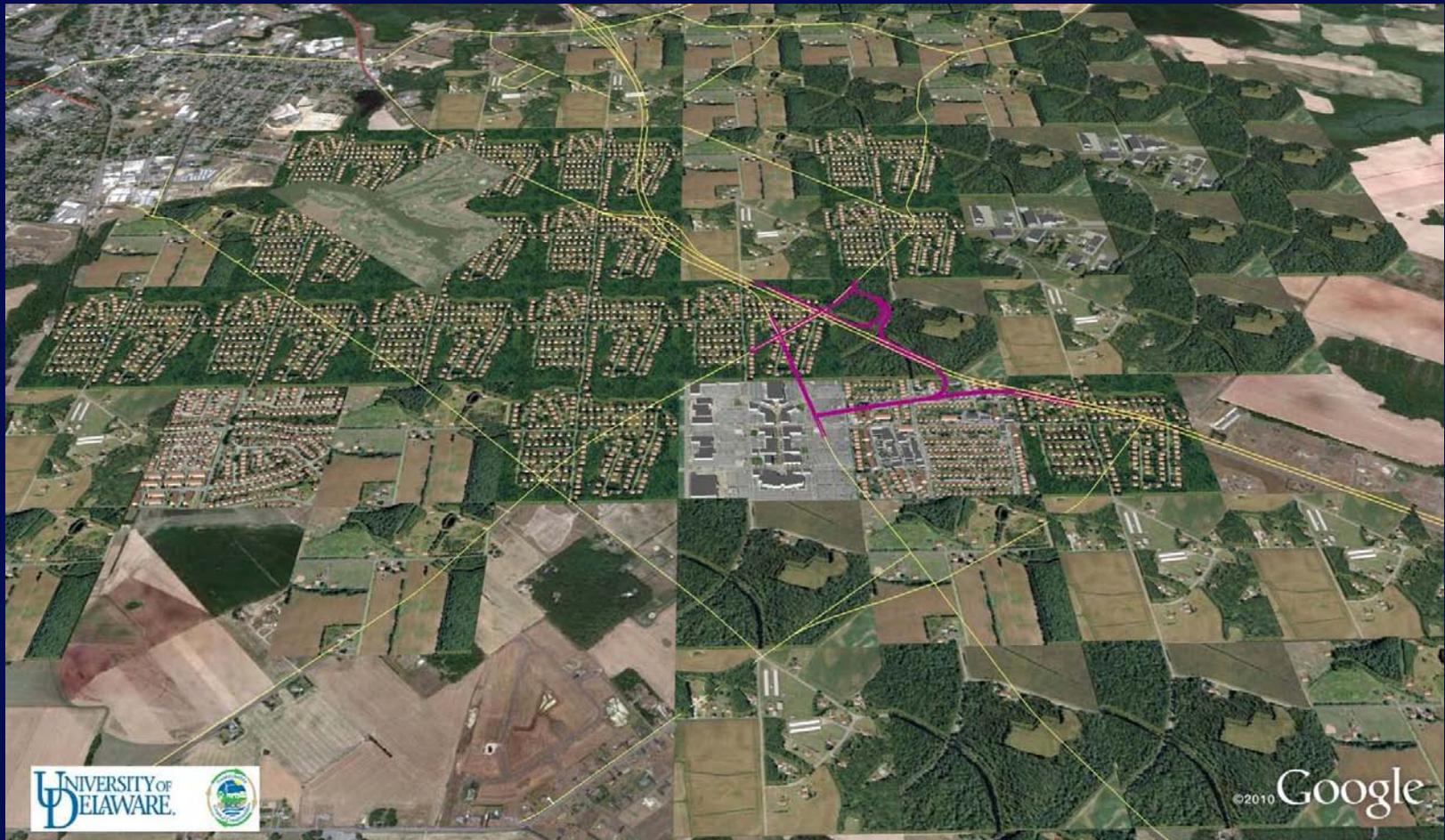
Density Visualization -- Public Option Scenario



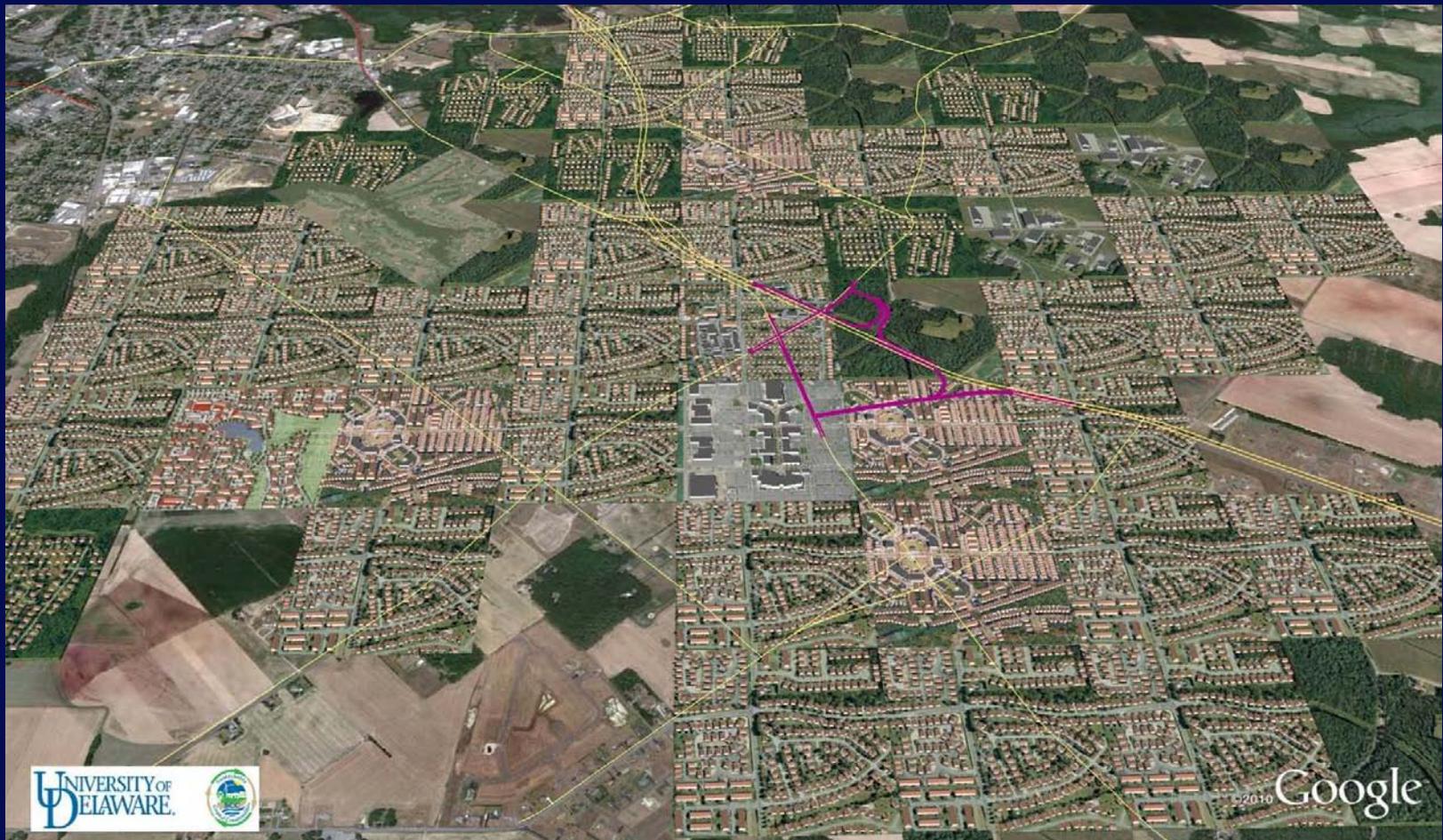
Density Visualization – Growth 2020



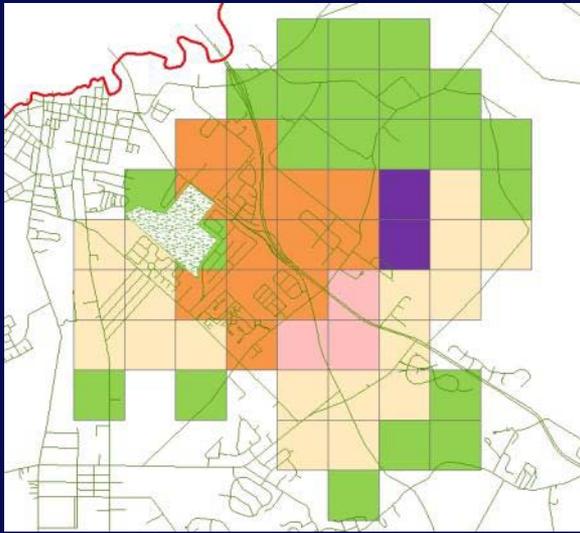
Density Visualization – Growth 2030



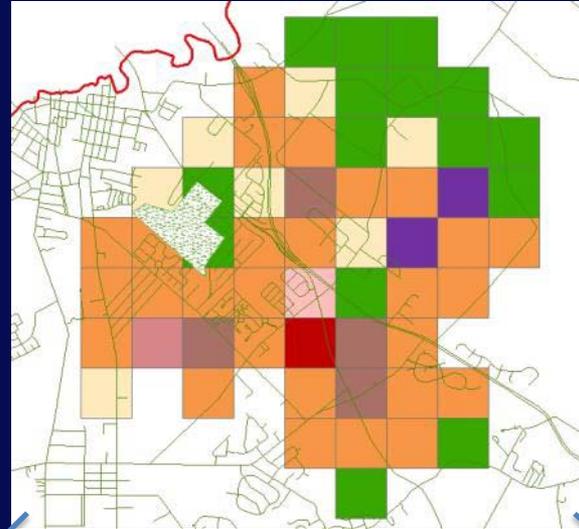
Density Visualization – Master Plan



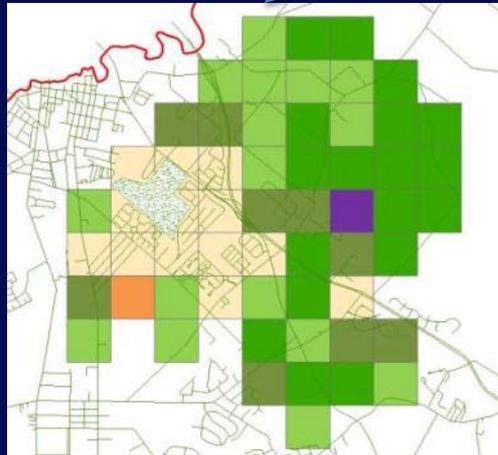
UD-SCC Scenarios: Public Option → Preferred Revision



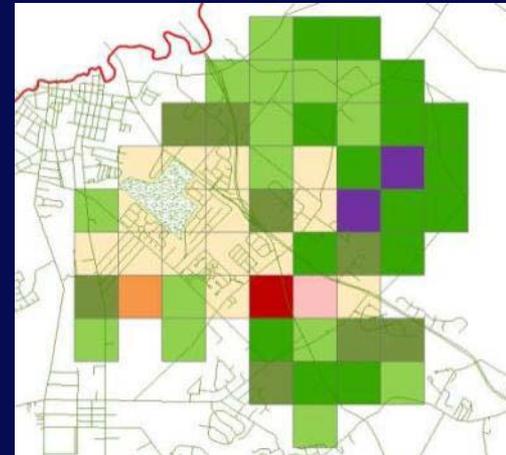
Public Option



Preferred Revision



Growth 2020



Growth 2030

SUMMARY

- **The expected growth using current data is that the SE Planning Area will grow at a 2% annual rate in housing. (approximately 40 -50 houses to be constructed each year)**
- **The City's residential construction for the entire city is averaging 50 units per year.**
- **The City has approximately 4,000 approved residential lots throughout the City**

CITY COUNCIL AWARENESS

- **1. Transportation improvements will be made on rural roads, upgrading these roads increasing speed limits, traffic, and possibly congestion.**
- **2. Future annexations in the SE Planning Area will have to be annexed at R-1 or R-2 in order for the Transfer of Development Rights Program to work**
- **3. Requirements and Recommendations by State Agencies**
- **4. Public utilities will have to be constructed.**

PROPOSED AGENDA

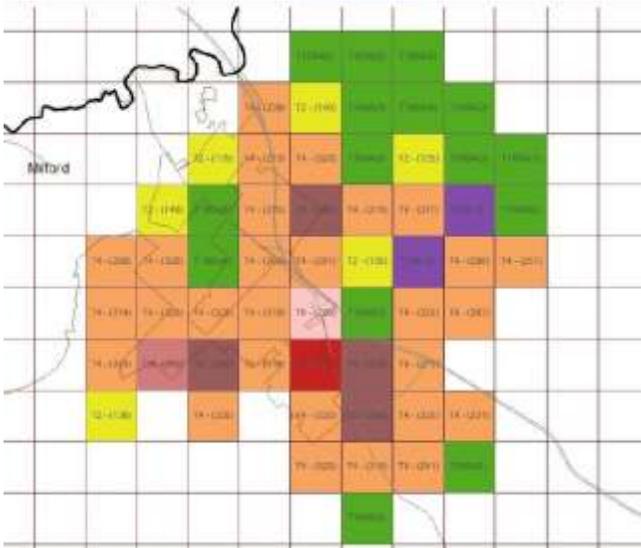
- **1. Initial presentation to City Council**
- **2. Public meeting at Carlisle Fire Company inviting the participants from the three meetings.**
- **Review and recommendation by Planning Commission**
- **Review of Public Comment**
- **Approval by City Council amending the Comprehensive Plan**

Sources & Tools

- **UD-SCC Community Land Use Model, 2011**
 - Land Use Designations and Maps (Vector & 3D Visualization)
 - Build-Out Analyses & Profiles
 - Comparative Analysis
- **Software Tools**
 - **ArcGIS (ESRI)**
 - **CommunityViz (Placeways, LLC.)**
 - **Google Earth Pro**
 - **Google SketchUp**
- **GIS Data**
 - City of Milford Planning Department
 - Delaware Office of State Planning (OSPC)
 - Delaware Department of Transportation (DelDOT)
 - University of Delaware

Milford South East Neighborhood Master Plan

Public Review DRAFT – May 6, 2011



Adopted and Certified as an Amendment to the
City of Milford Comprehensive Plan
DATE, 2011

Prepared by:

The City of Milford, Delaware

In conjunction with:

The State of Delaware

With assistance from the:

University of Delaware
Sustainable Coastal Communities Program

Acknowledgements

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Chapter 1

Overview of the Master Plan

Milford's Comprehensive Plans

The City of Milford has a long history of comprehensive planning. In the early 1990s the City developed a comprehensive plan that included land use, growth, and annexation recommendations for an area that surrounded the existing City. Despite a rather large growth area, annexations were slow during this time. In 2003, Milford updated that plan with a new comprehensive plan designed to comply with the State's new planning statutes. That plan was eventually reviewed and certified by the State of Delaware in accordance with the new requirements in the Delaware Code.

During the mid-2000s, the national economy experienced what was then thought of as a "housing boom." Milford was not immune to this economic force, and experienced a rapid increase in annexation and subdivision requests during this time period. The development community aggressively sought to take advantage of new market opportunities, eventually subdividing over 8,000 lots in the City alone. Several of the annexations requested required amendments to Milford's plan. Milford amended their plan in 2004, 2005 and 2006 to address new annexation opportunities, among other changes to their plan document.

Annexation in the South East Neighborhood

Prior to 2005, the land to the East of State Route 1 (SR 1) South East of Milford was farmland interspersed with a few large lot subdivisions and various rural homes on large lots. In 2005, a land developer proposed a major subdivision consisting of approximately 780 single family homes in this area. The developer's intention was to develop this subdivision under existing Sussex County regulations. This property was not adjacent to the City of Milford, but was very close to property that was already in the City limits. The City became concerned that if this subdivision was constructed, they would be the de-facto provider of services (fire, police, library, parks and possibly even sewer and water eventually) without the benefit of a tax base to support those services.

Milford engaged in discussions with the developer, other adjacent property owners, and the Office of State Planning Coordination to explore the annexation of this area. The City was neutral regarding whether or not this area should be developed. However, if the area was to be developed the City's position was that they would rather have it in the municipal jurisdiction in order to provide necessary public services and infrastructure in a cost effective manner. The

State and its agencies were concerned about “urban sprawl” in this area compromising active, productive farmland, some of which had been permanently protected using State tax dollars. There are also many environmentally sensitive resources in this area associated with Cedar Creek and its tributaries. And finally, the location East of SR1 was difficult and dangerous to access due to an at-grade cross over and heavy traffic, especially during the summer months.

After much discussion, a consensus was reached. The State supported a comprehensive plan amendment that would allow for annexation and development of this area. The caveat was that the development must occur in accordance with a Master Plan to be developed collaboratively by the City and the State. This Master Plan would address detailed strategies to protect farmland and open space, provide needed transportation and utility infrastructure, and prevent further development activities to the East of this area. This document is the Master Plan that was envisioned during these discussions.

Milford’s comprehensive plan was amended in 2006 to include this area as an annexation area, subject to the Master Plan. Annexations of some of these parcels began shortly thereafter.

The Memorandum of Agreement

The process of developing this Master Plan began in earnest with the signing of a Memorandum of Agreement (MOA) by the City and the State in March, 2008. The MOA set out the general parameters that formed the consensus of all parties to work together on development in this area. These parameters included a commitment to work collaboratively; to include other stakeholders; to address utility and road infrastructure in a comprehensive manner; to protect the agricultural economy through farmland preservation and limits on further utility expansions; protect natural resources; and to ensure an appropriate mix of land uses in the developed area.

The original signatories of the MOA included the City, the Office of State Planning Coordination, the Delaware Department of Transportation and the Delaware Department of Agriculture. As the development of this document has progressed, the Delaware Department of Natural Resources, the Delaware State Housing Authority, and the State Historic Preservation Office have all contributed materials and have become partners in this endeavor.

The project area covered by the MOA was originally limited to areas East of SR1. In 2008 the City engaged in a complete re-write of their comprehensive plan which culminated in an entirely new plan document that was adopted in early 2009. The new plan separated the city into several “neighborhoods” for planning purposes. The area covered by the MOA was located

in the South East Neighborhood, which also included lands west of SR1 including a number of existing and developing subdivisions. By mutual consent, all parties agreed that it made sense to adopt the entire South East Neighborhood as the project boundary for this Master Plan. The City's new 2009 comprehensive plan included other planning concepts that have been integrated into the Master Plan, including an urban growth boundary and a greenbelt with open space and farmland within and adjacent to the Eastern edge of the project area.

What is a Master Plan?

Definition of a Master Plan

A Land Use Plan focused on one or more sites within an area that identifies access and general improvements, and is intended to guide growth and development over a number of years or in phases.

From the Planners Dictionary, American Planning Association

While the City's comprehensive plan forms the foundation for the Master Plan, the Master Plan differs from a local government's comprehensive plan in a number of ways:

- A more detailed plan for land use, including build-out calculations
- Detailed planning for the provision of infrastructure and services, including timing , phasing, and funding
- Partnerships and collaborative planning between and among different levels of government
- A more predictable plan that addresses items necessary for implementation
- Commitments, agreements and timeframes for implementation coordinated among the various partners in the planning process.

The Master Plan Process

The development of the Master Plan proceeded from 2008 until today. The City and the Office of State Planning Coordination have been the co-chairs of this planning effort. The process was kicked off with a series of three public meetings to consider ideas and public opinions about the future of this area. The University of Delaware's Sustainable Coastal Communities program provided support for these workshops, and has continued to work with the City to assist with land use modeling and phasing of development.

After gathering public input, Milford’s City Planner developed a consensus land use plan that reflected a composite of the public’s input. That land use plan has continued to be revised based on input from the other stakeholder agencies, and the City’s plans for utilities in the area. All of the stakeholder agencies have worked with the co-chairs to develop chapters for this Master Plan. The stakeholders have included the City itself, DDA, DNREC, and DelDOT. In addition, the Delaware State Housing Authority (DSHA) and the State Historic Preservation Office (SHPO) have provided valuable input.

This draft represents the first public release of the full document. It is the first time that all of the chapters have been placed in a single document for review. The City and the State Agency partners welcome public input. The process will continue with a series of public hearings and workshops for citizens, landowners, developers and other stakeholders. After all public input is collected and addressed; this Master Plan will be adopted as an amendment to Milford’s comprehensive plan and will guide future development and preservation activities in Milford’s South East Neighborhood.

The Result: Predictable, Shovel-Ready Development along with Proactive Preservation

This process has resulted in the achievement of two complimentary goals for this Master Plan Area.

Ready for Economic Development

The detail of this Master Plan has addressed many of the infrastructure issues that would have been managed in an ad-hoc manner through conventional development practices. As such, in the areas that are identified for future development developers will know in advance how utilities will be provided and what their other contributions and requirements would be. Notably, the City and State have designed the following “package” of infrastructure improvements for the area:

- DelDOT will be constructing a new grade separated intersection at Routes 1 and 30. Construction is currently scheduled for 2012 and 2013, with completion due in late 2013. This improvement will allow safe, efficient movement of traffic between the East and West sides of the Master Plan Area, and enable to development of the area East of SR 1. See Chapter 8 for more details.
- The City will be constructing a new water system in the Master Plan Area that will include a water tower and distribution lines. Depending on the acquisition of easements and other siting factors, this infrastructure may extend East of SR 1. Funding is in place to construct this system in the immediate term future. See Chapter 9 for more details.

- The City has commissioned their engineering consultant to design the sewer transmission system for the Master Plan Area. The basics of the design are described further in Chapter 9. The City's commitment extends to actually completing the engineering necessary to have the system installed, and permitting the system so that it is ready to be constructed as soon as there is a user ready to build a new project and tie in to it. The City will work with interested developers to identify financing options that will enable development to occur in accordance with the Master Plan.

The impact of these infrastructure commitments is that virtually any parcel within the Master Plan Area will be ready for development and occupancy. Areas to the West of SR 1 could be constructed at any time, pending completion of the water system. Areas to the East of SR 1 could be ready for occupancy in late 2013, which is when the road access is projected to be completed by DelDOT.

Poised for Preservation

The Master Plan is not only about preparing land for development. Much of the detailed work that has gone into preparing this Master Plan has been done to assure that any new development is completed in a way that does not negatively impact the natural environment or the viability of the agricultural lands located in the Master Plan Area.

- The Delaware Department of Agriculture has developed an innovative Transfer of Development Rights (TDR) program that provides land owners incentives and options to preserve the lands that are identified as Open Space Agriculture in this plan. This program is but one of many options land owners have to remain in farming and protect their land. The Land Use Plan clearly identifies where land is to be protected and where development is to be promoted so that issues of fragmentation and encroachment are minimized. See Chapter 4 for more details.
- The Delaware Department of Natural Resources and Environmental Control has identified significant natural resources in the Master Plan Area, and promoted design guidelines to protect these areas. Most of the critical resources are located along the tributaries of Cedar Creek, and include wooded areas, rare species, excellent wildlife habitat, wetlands, and sensitive watercourses. The Master Plan directs dense development away from these areas. When parcels that contain sensitive resources are subject to future development, DNREC has offered design guidelines which will enable development that does not degrade or encroach on these important natural features. See Chapter 5 for more details.

Chapter 2

Public Workshop Sessions

To kick off the Master Plan process, the City held three public workshops at the Carlyle Fire Hall in September and October of 2009. The goal was to engage citizens and property owners in the Master Plan area in a discussion about the future of the neighborhood. Over 1000 invitations were mailed to those who lived or owned property in this area. Only a portion of this land is currently in the City limits, so both City and County residents were included in this mailing. The meetings were also widely advertised through newspapers and on the City's website.

The University of Delaware's Sustainable Coastal Communities Program was engaged to help structure and run the workshops to maximize public participation and ensure that productive input was received. UD devised the three workshops as a series: the expectation was for residents to attend all three in sequence as each built upon the last. More than 70 individuals attended the first workshop, and over 30 people remained with the process for all three.

The UD project team used CommunityViz geographic information system software to develop the "University of Delaware SCC Land Use Model." This model was developed for use throughout Sussex County, and was immediately useful for this process because the entire South East Neighborhood is in Sussex. The model uses 100-acre tiles in a grid across Sussex County to illustrate potential development patterns. A palette of colors ("crayons") represents 13 typical land use types (4 rural, 6 suburban/urban mixed, and 3 non-residential), each with its associated residential and non-residential densities, population, employment, tax, water and wastewater usage, and traffic generation characteristics. To help people visualize the land uses, the team used computer graphics programs including CommunityViz Scenario 3D and Google Earth to create three-dimensional models for each of the 13 land use types.

At Meeting One, citizens reviewed current plans for the neighborhood, learned about constraints to development, and identified their values. They viewed and deliberated about three potential long-range growth scenarios based on 3D representations of land use types and their associated demographics.

At Meeting Two, citizens used a table exercise to plan the Southeast Neighborhood, using colored tile "crayons" placed on an aerial map. The attendees produced seven somewhat different plans that were merged into three scenarios: "Current Trends," "New Community," and "Suburban." Build-outs of each scenario were analyzed in numeric terms, mapped, and

visualized in 3D, and had their associated demographic impacts estimated.

At Meeting Three, citizens viewed the results of the analyses and discussed the benefits, challenges and cost implications of each. They used keypads to vote on preferred scenarios. A resulting Composite Scenario was developed by Milford's City Planner and has become the basis for this Master Plan for the neighborhood.

The project modeled an expanded public process combining scenario development and deliberation, analysis, and decision-making. According to UD project leaders, citizens were astounded to be able to significantly influence the resulting plan. The County Plan had envisioned approximately 18,000 dwelling units for the area and the City Plan showed approximately 15,000 dwelling units. The agreed-upon Composite Scenario (labeled Preferred – Alt) results in only 8,500 dwelling units, incorporates open space, consolidates commercial areas, and retains areas of farmland. Map 2.1 shows the Preferred-Alt Scenario developed at the workshops.

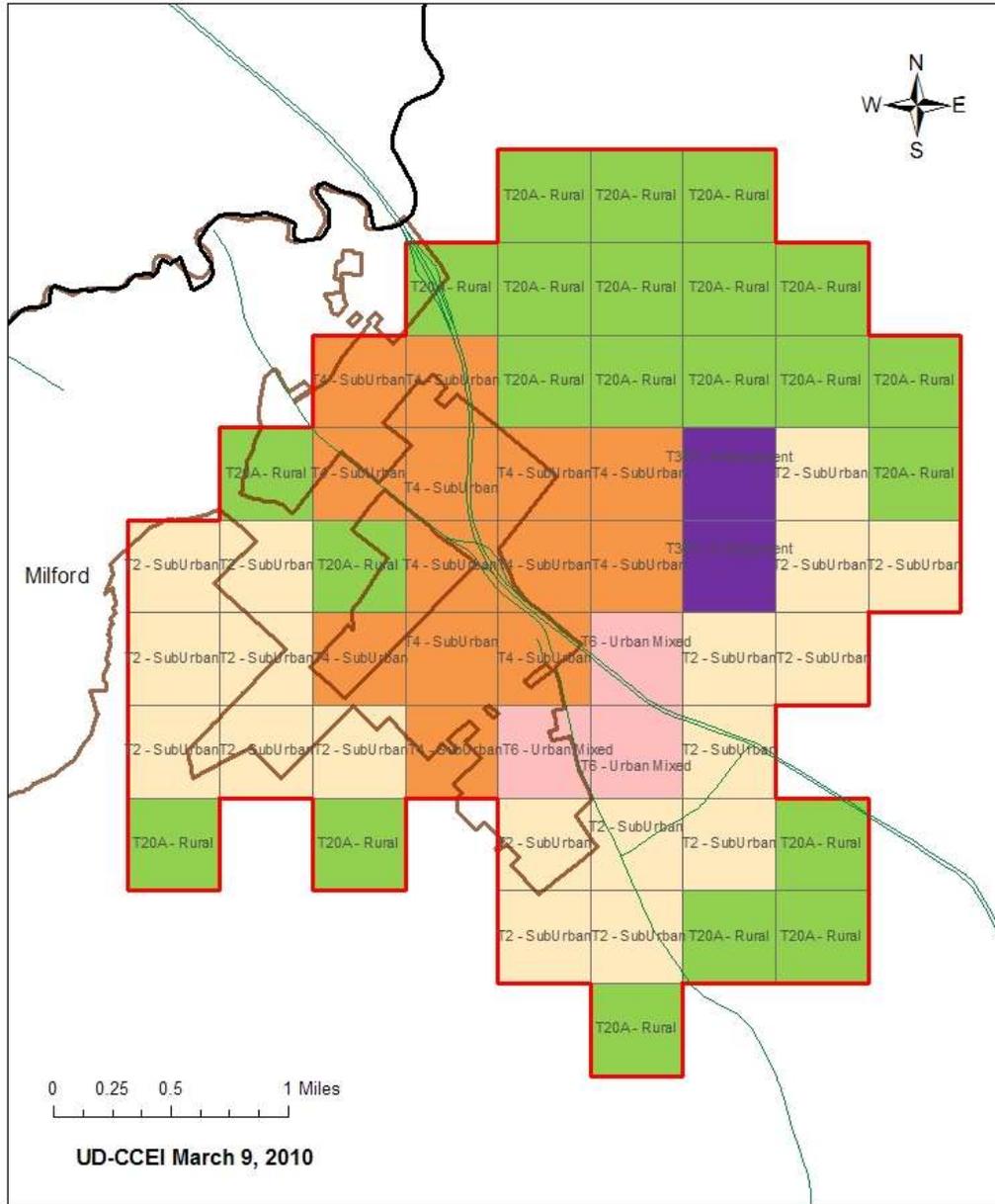
UD has continued to assist the partners as they have developed detailed plan elements. CommunityViz software has been very helpful to estimate build-out potential for the area and phasing for infrastructure improvements. The final version of the land use plan (known as Preferred – Revised) contains the potential for approximately 11,700 dwelling units and corresponding increases in commercial space and jobs. The increases over the Preferred-Alt scenario are due to a more accurate accounting of existing units and approved and recorded subdivisions, as well as a reflection that the base density in the City is approximately 3 du / acre corresponding to the least dense zoning district available. The Preferred- Revised Scenario is more fully described in the Land Use Plan, Chapter 3.

Portions of this chapter have been adapted from a Community-Viz case study titled "Community Planning with Digital Crayons and Real-Time 3D" written by Carol Bason and Bill McGowan of the University of Delaware Sustainable Coastal Communities Program. This document has been used with permission. The software vendor, Placeways LLC, has this case study on their website. To view the full case study, please visit:

<http://placeways.com/communityviz/gallery/casestudies.php>

Map 2.1. The Preferred – Alt Scenario

SE Neighborhood - Milford "Preferred" Scenario Map by Land Use



Chapter 3

Land Use Plan

The standard way of thinking about Land Use for the Southeast Planning area was that it would continue as it had in the past, in a rather haphazard way, commonly referred to as “urban sprawl.” As a result of public input at the workshop series and through many meetings and with input from State agencies including the Office of State Planning Coordination, DelDOT, DNREC, the Department of Agriculture, the University of Delaware and the City of Milford a new planning concept has emerged. This new “planning model” as proposed protects and preserves valuable farm land from development through a program called Transfer of Development Rights, conserving approximately over five hundred (500) acres of agricultural lands for future generations. This plan shields the environment through recommendations from DNREC concerning encroachment of the flood plain, storm water management in designated water recharge areas and the protection of aquifer areas. With the cooperation of DelDOT, a Transportation Element has been developed for the Southeast Neighborhood Planning Area that identified and analyzed the transportation improvements that will be required to accommodate the expected changes in land use and increases in traffic volumes for this area. The City of Milford’s part in this program was the preparation of a master plan for the construction of water and sewer utilities to serve this neighborhood in a cost efficient manner ensuring that development would be served adequately and that this new development would pay its fair share through a variety of options. The second contribution from the City was the preparation of a Land Use Plan for this area, which would reflect the actual development presently occurring in this neighborhood and guide future development in accordance with this Master Plan.

Public Input: The “Preferred – Alt” Plan

The public input received at the three public meetings described in Chapter 2 formed the basis for this Land Use Plan. The final result of these three meetings was the development, by the public, of three (3) Future Land Use Map Scenarios. The first was labeled “Current Trends” because it reflected a business as usual approach to development. The second was called “New Community” because it consolidated growth, particularly non-residential uses, around the interchange that was to be built at Routes 30 and 1. The third was labeled “Suburban.” This scenario drastically reduced density and removed most commercial or employment uses. At the last civic meeting the participants voted on the three Scenarios. After the vote was tallied there was no clear cut preference for the most representative Future Land Use Map. Milford’s

City Planner took the three scenarios and consolidated them into the “best choice” Future Land Use Map. This version of the map was titled Preferred – Alt (see Map 2.1).

All of the partners agreed that this map reflected the goals of the public during the public workshops, while also reflecting existing conditions, approved subdivisions, and known infrastructure improvements occurring in the neighborhood. Density and commercial development were reduced from the current comprehensive plan, development was concentrated around the interchange, and open space and agricultural lands were protected around the periphery of the planning area.

Refining the Public’s Vision: The “Preferred – Revised” Plan

The City and the partner agencies worked over the next year and a half to refine the Preferred – Alt Land Use Plan into the plan that has become the Future Land Use Plan for this Master Plan. The important components of the revision process are described below.

Moving from 100 Acre Grids to Parcels

The land use model developed by the University of Delaware using CommunityViz software was designed using 100 acre grids as a unit of measure. This makes it easy for planners and members of the public to visualize different land use and neighborhood types. It is easy to move the grids around to create different land use scenarios, even in public meeting settings such as those held at the fire hall. The relative simplicity of this model allows the software to “recalculate” the impact of new land use scenarios quickly, even when using a standard laptop computer.

While this model is perfect for working with the public to visualize different land use scenarios, it is not accurate enough to plan for new infrastructure such as sewer, water, and roads. The Delaware Department of Transportation, a partner in this project, offered their staff expertise to provide detailed mapping of the Master Plan Area using their Geographic Information System (GIS) software. Very early on in the process the project team worked with DeIDOT GIS and planning staff to develop a version the preferred scenario at the parcel level. This map has continued to be refined and is now known as the Land Use Map, Map 1.

Accurately Reflecting Existing Units and Approved Subdivisions

The Master Plan Area currently contains many existing houses, subdivisions and approved subdivisions. Moving to a parcel based map allowed the project team to accurately count those units. Although the area is quite large and has a lot of land left to develop, the team quickly realized that many of the parcels already had approved and recorded subdivisions located on

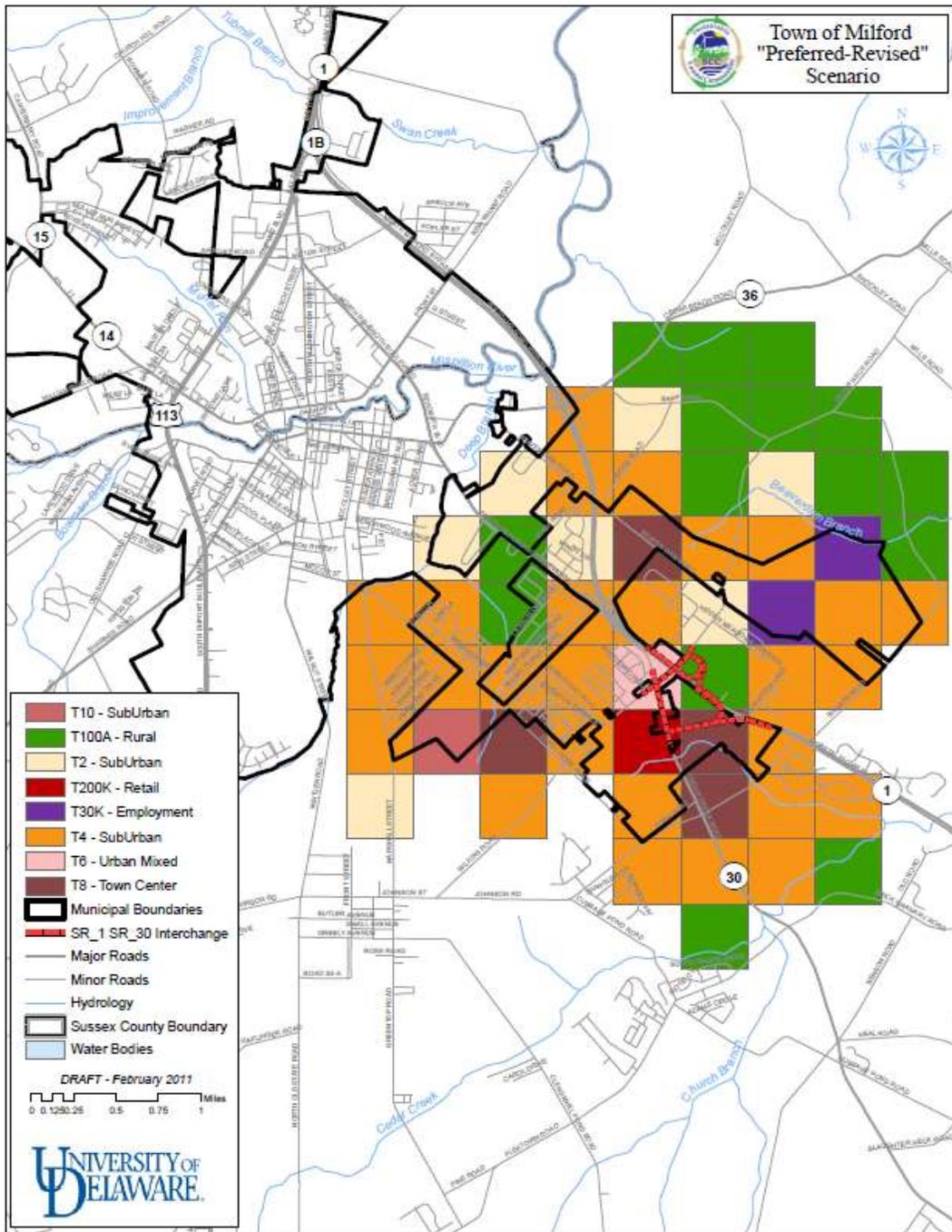
them. Some of those subdivisions had already started to be constructed, although construction had slowed by this time due to economic conditions. The decision was made to assume that these subdivisions would eventually be built as they are currently designed. This left a smaller sub-set of parcels that would be the focus of new residential, commercial and employment land uses. This information is reflected on the Future Land Use Map (Map 1), and eventually was fed back in to the CommunityViz land use model to become the Preferred – Revised Scenario (Map 3.1).

Coordinate Land Use Plan with Agricultural Preservation

As a partner in this project, the Delaware Department of Agriculture (DDA) worked to develop a strategy to preserve the agricultural lands along the eastern portion of the Master Plan Area. A number of large farms have already been preserved in this area, and they developed a program to encourage land owners of near-by farms to preserve their land as well. This program is called Transfer of Development Rights (TDRs), and is fully described in Chapter 4.

DDA evaluated the lands within the Master Plan Area in detail and determined which farms had the characteristics and suitability to remain productive. These were identified for future preservation, and have been shown as Open Space Agriculture on Map 1. Should the land owners choose to preserve their land using the TDR program, they would be compensated for their “development rights” and those rights would be transferred to another area. Those areas would be called “receiving areas” where higher densities would be permitted only by redeeming rights purchased from landowners willing to sell them and protect their land. The land use plan identified three receiving areas where up to eight units per acre would be permitted. These areas are shown as hatch marks on Map 1.

Map 3.1. The Preferred – Revised Scenario



The Land Use and Transportation Connection

As DelDOT was developing their transportation plan for the Master Plan Area (see Chapter 8), they identified the concept of transit loops that would link residential, employment, and commercial uses in the developing area with the existing downtown. Transit service is not viable at the low densities that are present in the area today. In order for transit to be efficient and cost effective, there must be “nodes” or locations of activity where people or jobs are clustered together so that they might take advantage of bus service or other transit.

The Master Plan initially provided two important nodes of activity. The first is a commercial center or district that is planned West of SR 1 in the vicinity of the planned grade separated intersection at Routes 1 and 30. The other is the proposed employment center located to the East of the same interchange. Both areas will provide a concentration of jobs and services that make them ideal locations for future bus stops. The TDR receiving areas conceived by DDA would also be ideal locations because they would allow for higher density residential uses, up to 8 du / acre. The project team carefully planned the location of the TDR receiving areas so that they would be along the bus routes, providing bus stop locations to ensure the future viability of transit service for the Master Plan Area.

Base Density in Milford

The Preferred – Alt land use scenario developed as a composite of the public input received at the workshops identified a large portion of the land area to be for single family housing at a density of 2 units per acre. This is consistent with the density permitted by-right under Sussex County’s regulations with access to sewer and water. The City’s position is that any lands that will receive sewer and water must annex into the City limits. Milford’s zoning ordinance allows for a minimum base density of approximately 3 du/acre through their R-1 Zoning District. The City finds that sewer and water utilities are not cost effective with densities of less than this amount. This information was loaded back into the Community Viz model as a part of the Preferred – Revised scenario.

Milford South East Neighborhood Master Plan - Land Use Plan

The final map that will guide future land use in the Master Plan Area is the Land Use Plan, included as Map 1. The land uses identified on this are described as follows:

Residential – Low Density. The majority of the residential land uses in the Master Plan Area are low density, which includes many existing homes and subdivisions, some of which are unbuilt. It

is assumed that undeveloped lands would be built as mostly single family homes at a density of about 3 units per acre if annexed into Milford.

Residential – High Density. This land use category is reserved for two approved subdivisions that are planned for up to 12 units per acre. One of these subdivisions, Hearthstone I, has been under construction for many years. The other is currently unbuilt.

Open Space Agriculture. The Eastern portion of the Master Plan Area is identified for open space and agriculture. This will protect the viability of the agricultural industry in this area, protect the environment, and create a “greenbelt” to prevent future development from encroaching future to the East towards Slaughter Beach and the sensitive coastal environment near the Delaware Bay. This land use category is also used for the golf course at Shawnee Country Club, as the assumption was made that this land would stay as open space of some type.

Innovation Park (Employment). This land use category is named for the current proposal for the lands East of SR 1 that are intended for future institutional use. The current concept is for a medical campus that would provide many jobs and medical services for the region. Regardless of the ultimate user, it is intended that this land use be associated with a large employer to bring jobs and economic development to the Master Plan Area.

Commercial. This land use category is used to identify a future commercial use or district in the vicinity of the proposed interchange at SR 1 and Rt. 30. It is expected and encouraged that this commercial district may include some mixed uses, such as residential condos or apartments over stores, to provide a vibrant community center that will serve the entire Master Plan Area with needed services and recreation.

TDR Receiving Areas. In these areas the City will allow residential development of up to 3 du / acre “by-right.” In addition to this, developers will be given the opportunity to purchase TDR credits through the program described in Chapter 4 and build at a density of up to 8 du / acre. The areas are hatch marked to indicate that the boundaries are subject to change based on design review at the time of development. The only criterion is that all of the higher density units must be within ¼ mile of a current or future transit stop. Mixed uses, such as small scale commercial to serve the residents, may be considered at the time of development.

DeIDOT Owned Property. Lands in this category are owned by DeIDOT to allow for the construction of the grade separated intersection at Routes 1 and 30.

By the Numbers: Build-Out Timing and Phasing

The land use details included in Map 1 were loaded back into the CommunityViz software in order to generate build-out calculations for the area. This allowed the project team to compare the Land Use Plan with the Preferred – Alt scenario developed as a composite from the workshops. It also allowed comparisons to the current Milford Comp Plan. See Table 3.1 for a summary of the differences, and Appendix 1 for a more detailed review of the model output.

Build-Out: How Much Could be Built Some Day?

Planners use the term “build-out” to describe how much development could be achieved in a given plan or planning area. This is a very effective and necessary exercise for this Master Plan, as it has allowed the project team to properly design and size infrastructure improvements such as roads, water and sewer.

The current Milford Comprehensive Plan would allow for up to 15,000 new dwelling units and approximately 39,700 new residents. The Preferred – Alt scenario yielded approximately 7,600 new homes and 19,500 residents. The Land Use Plan, reflected by the Preferred – Revised scenario on Table 3.1, has room for about 11,800 homes and 30,700 residents. This is less than the current comp plan but more than the Preferred – Alt scenario. The increases are due to Milford’s base density for low density development, and the higher accuracy in accounting for existing homes as well as approved subdivisions.

In terms of jobs and non-residential space, the relationship is similar. The current comprehensive plan would allow for a massive amount of commercial space, almost 8 million square feet and 10,200 jobs. In the workshops, the public drastically reduced this amount of commercial to just less than 1 million square feet and about 2,500 jobs. Perhaps more importantly, the commercial activities and employment land uses were clustered around the new grade separated intersection to allow for safe road access. Other positive effects of this choice were that these areas can be served by transit and have the potential to serve as a commercial district for the new community. The project team revised the amount of building square footage up to about 3 million and 4,800 jobs to account for developer’s plans for these areas, but did not increase the overall amount of land devoted to commercial and employment uses. In fact, the team realized that some of the commercial lands identified in the current comprehensive plan were not able to be safely accessed from the roadways, and were thus changed to low density residential future land use.

Timing and Phasing: How Long Will This Take?

While the “build-out” exercise is important for planners and engineers, the question that most people want to know the answer to is, “when will all of this development get built?” The answer to this question is very important to planners as well because it is necessary to develop timing and phasing plans to ensure that infrastructure is in place when it is needed by new residents and businesses. It is not a cost effective use of tax dollars to build infrastructure before it is needed, either. So timing is critical.

The project team developed some realistic assumptions about the pace and timing of development based on regional and Statewide data about population growth, and data specific to Milford in the form of building and development permits. Many people can remember the frantic pace of building and land development activity just a few short years ago in the mid-2000s. We all know now that this was what economists call a “bubble,” and was an unusual and short term phenomenon that does not reflect what might happen in the future over a longer period of time. Actual growth and development rates will be much more modest and sustainable based on economic realities, not market “bubbles.”

The team selected a growth rate of approximately 2% per year for Milford, including the Master Plan Area. This averages out to about 40 new houses and 80 new residents per year, which is similar to the historic average experienced in Milford. Using the CommunityViz software, two future scenarios were developed to reflect what is expected in future years. In 2020 it is expected that an additional 491 houses and 1,251 residents would be in the Master Plan Area. This scenario also assumes that a small amount of new commercial is constructed, only 160,000 square feet employing 462 people. The second scenario assumes the same rate for residential growth, with an additional 525 houses and 1,330 people. However, by 2030 the team assumed that some of the larger commercial and employment uses would be constructed and operational (perhaps a new shopping center, or even a medical campus at the Innovation Park site). As such, more than 1 million non-residential square feet of building space and over 1,100 new employees would be expected by 2030.

Table 3.1. Summary of Alternative Plan Scenarios from Community Viz

	Existing Land Use	Preferred Alt (at buildout)	Preferred Revised (at buildout)	Growth 2020	Growth 2030	Milford Comp Plan as adopted (at buildout)
Dwelling Units	1,943	7,626	11,769	2,434	2,959	15,083
Number of Residents	4,709	19,459	30,739	5,960	7,290	39,659
Commercial Floor Area	0	995,000	2,985,000	160,000	1,185,000	7,970,000
Employees	262	2,519	4,875	724	1,854	10,275
Date Created	Oct. 2009	Oct. 2009	Dec. 2010	Apr. 2011	Apr 2011	Jan. 2009

Sources: University of Delaware Sustainable Coastal Communities Program. Growth 2020 and 2030 Scenarios developed by City of Milford, Office of State Planning Coordination, and UD based on Delaware Population Consortium growth rates and City of Milford building permit information.



Milford South East Neighborhood Master Plan

Map #1 Land Use

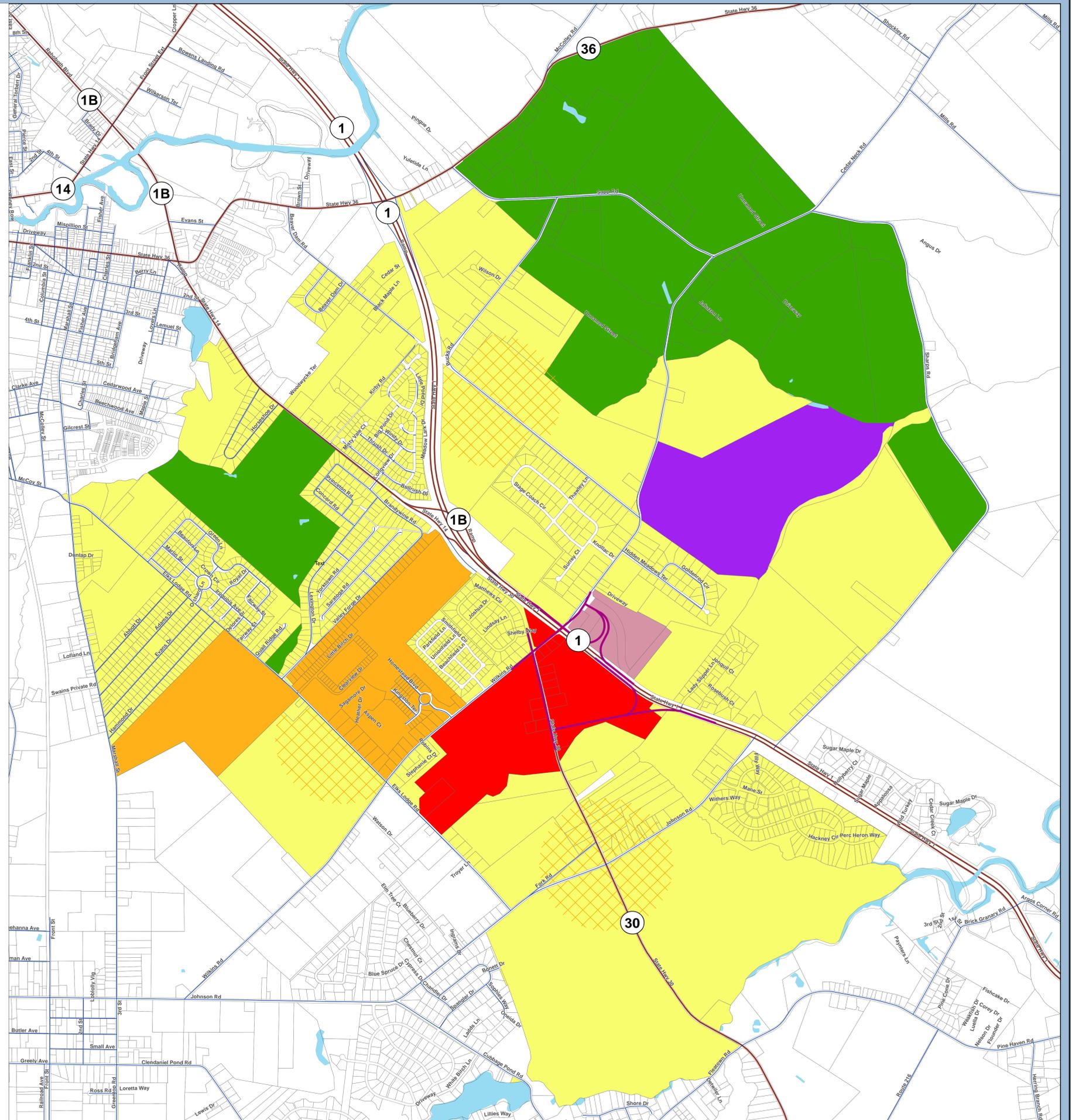
Legend

-  Residential - Low Density
-  Residential - High Density
-  Open Space Agricultural
-  Innovation Park
-  Commercial
-  TDR Receiving Areas
-  DeIDOT Owned Property

Map created by DeIDOT Division of Planning



0 0.25 0.5 1 Miles



Chapter 4

Agricultural Preservation

The Delaware Department of Agriculture (DDA) supports and endorses the City of Milford South East Neighborhood Master Plan. The Department is especially encouraged to see the large area of farmland to southeast designated as continued agricultural use. The state has already made a significant investment of taxpayer's money to permanently preserve a number of farms in this area through the Delaware Agricultural Lands Preservation Foundation (DALPF). In addition, the Department has performed a Land Evaluation/Site Assessment (LESA) analysis of the parcels designated as Open Space-Agricultural in the plan. The LESA model was developed by the United State Department of Agriculture (USDA) to evaluate a parcel of land's suitability to remain in agriculture for the foreseeable future. The analysis showed all of the parcels are well-suited, and best used, for agricultural in the future. The DDA will continue to work with land owners in this area to preserve their farms permanently, and build on the investment the state has already made.

Simply preserving farmland is not enough to encourage and support farming in the state. State government and municipalities must make the occupation of farming a viable and rewarding living for the farmer and their family. The Department offers some suggestions below that are mutually beneficial to both the city and the surrounding farms. In addition, the Department has outlined a plan for a transfer of development rights (TDR) program whereby the city and DALPF can partner to permanently preserve the farmland identified in the master plan.

In addition to providing a living to farmers, farmland provides a number of intangible benefits to the cities and people who live around them. In the case of Milford, preserving the farmland to the southeast will create a predictable city limit, with no threat that the land can be developed into residential developments through Sussex County. This would ensure that city's services and infrastructure will not be stressed and overextended without additional tax base to support it.

The farmland will also provide a visual amenity of open green space to city residents along the southeast boundary of the city. There are also environmental benefits such as cleansing precipitation before it recharges the underlying aquifers that feed the city's well fields. The surrounding farm businesses will also be a source of income for the city's businesses, when farm families shop in city. Nearby farms also present the possibility of providing fresh local fruits and vegetables to city residents via roadside produce stands or "u-picks".

Milford Southeast Neighborhood Master Plan Transfer of Development Rights Program

The Delaware Agricultural Lands Preservation Foundation (DALPF) will partner with the City to develop a Transfer of Development Rights (TDR) program. The Department suggests a program whereby the city selects which farms they want to permanently preserve, and which properties within the city would be allowed to use the TDR credits to build additional dwelling units.

Although the city would have discretion in choosing which farms to preserve, the Department recommends the farms be enrolled in the DALPF program first in order to be eligible. The DALPF is a voluntary program whereby the landowner initially agrees not to develop their land for 10 years. During that 10 year period, the landowner is eligible to sell their developments rights to the state and receive money in exchange for permanently preserving the property in agriculture. In this area, the landowner will also have the option to sell Transfer of Development Rights through the program that will be described in this chapter. Land owners will have at least two options for preservation to choose from.

The DALPF is a well-established program for preserving farmland. It has been operation for nearly 20 years, and has permanently preserved over 100,000 acres in Delaware. This 100,000 acres represents nearly 20% of the state’s available farmland, and approximately 8% of the state’s total land area.

By partnering with the DALPF, the City will avoid the initial financial expenditures required to preserve a parcel of land. These expenditures include paying to survey the property, paying the legal costs of a real estate settlement, and other associated administrative costs. The DALPF would bear those costs. In addition, the city would avoid the future obligation of monitoring the preserved farms to make sure they remain in compliance with the preservation agreement (easement). The DALPF would assume that responsibility, and would add any properties preserved by Milford to the hundreds of permanently preserved farms it already monitors. In addition, should any future litigation be required to uphold the preservation easement, the City would not have to incur any legal costs.

How a Transfer of Development Rights (TDR) Program Works:

In order for a TDR program to work, a viable market has to be created through a number of steps, including ordinances.

The first step in the process is for the City of Milford to identify “sending areas” and “receiving areas.” TDR sending areas are defined as the areas, and properties, where TDR credits will come from. The goal is to permanently preserve these areas as farmland and open space through deed restriction/easement. In return for agreeing to permanently preserve their farm, the landowner would be compensated monetarily. The number of dwelling units (DUs) that could have been built on the property would then be “sent”, or “transferred” to a previously designated receiving area where the city is prepared for development at higher densities. In addition to sending areas, the City would also have to identify “receiving areas” within their municipal boundary. These areas would have to have the available infrastructure to accept higher density. The City would also need strong ordinances in place that would only allow additional density if the developer participated in the city’s TDR program. In addition, the ordinance must make the addition of more DUs (higher density) through the TDR program “by right.”

Milford’s TDR Program

Selecting the Sending Areas

In order to identify suitable sending areas, the DDA performed a GIS analysis of properties just outside, or straddling, the city’s future projected growth boundary to the southeast. In order to determine which farm parcels would be most suitable for preservation, the department applied the same qualifying criteria used by the state’s Agricultural Lands Preservation Program. The analysis identified 11 farm parcels encompassing 720 acres. These properties are shown in Table 4.1 and on the Agriculture Map, Map 2. This area is ideal because a number of farms have already been permanently preserved by the Delaware Agricultural Lands Preservation Program. In addition, there are several other farms in the area that are currently enrolled in the DALPF program, waiting to be permanently preserved. The farms in the sending area currently zoned for two (2) units to the acre under Sussex County zoning code. Therefore, approximately 1,452 dwelling units could be transferred into the City of Milford, and used on properties designated as receiving areas. The proposed sending areas are shown as “Open Space Agriculture” (green color on legend) on the land use map (Map 1).

Selecting the Receiving Areas

Finding eligible farms willing to sell their development rights is only one side of the equation. The City must also identify areas prepared to accept additional dwelling units above the maximum number allowed by the underlying zoning. The additional DUs would only be allowed if the developer participated in the City’s TDR program. Receiving areas have been identified

based on a number of enabling factors, including: sewer and water availability, road and traffic considerations, availability of public transportation, existing density in the area, proximity to public services, environmental considerations, and other factors.

After considering and weighing all the factors previously discussed, the Department supports the City using the three (3) areas defined by the hatched areas on the Land Use Map (Map 1). These areas are centered on future public transportation locations, or nodes. These areas are in proximity to future employment centers, commercial services and are not located on environmentally sensitive lands as identified by DNREC. See Table 4.2 for more details.

Some the land in the receiving areas is already in Milford's municipal boundaries. In order for the other lands to participate as receiving areas through this program they will have to be annexed into the City of Milford. Upon annexation, these lands will be zoned at the base density, currently known as R-1 under Milford's existing zoning ordinance. This ordinance currently allows development at up to approximately (3) dwelling units per acre. Property owners / developers would be allowed to develop at that density under the current regulations. However, if the property owner / developer choose to participate in the TDR program, the land could be developed at up to eight (8) dwelling units per acre if they transfer units from the sending area. This transfer would be "by-right," meaning that there is no special approval needed to complete the transfer as long as the parameters and requirements of the program are adhered to. The developer's plan would still have to go through the standard subdivision review process through the Planning Commission and City Council, to ensure it met city code requirements. The area encompassed by the hatched areas equals approximately 280 acres. Therefore, multiplying that area by five (5) additional units per acre, would allow up to 1,400 units to be transferred, potentially preserving 720 acres of farmland in the receiving area.

Table 4.1. TDR Sending Area Analysis

Parcel Number	LESA Score	Acres	Zoning Yield ¹
330-12.00-10.00	185.08	60	120
330-08.00-47.00	220.19	14.7	28
330-12.00-08.00	222.51	117.4	235
330-08.00-28.00	172.61	46.2	92
330-08.00-24.00	189.26	41.29	101
330-12.00-01.03 ²	210.7	118.18	236
330-12.00-01.02 ²	Part of 330-12.00		
330-12.00-01.02 ² (Unit 21805)	Part of 330-12.00		
330-12.00-01.00	181.54	66.8	132
330-08.00-19.00	192.19	85.5	170
330-08.00-19.02	192.19	16.3	32
330-08.00-20.00	232.5	105.6	210
330-07.00-75.00	184.27	48.4	96
Totals		720.37	1,452

Source: Delaware Department of Agriculture

¹ Zoning Yield reflects 2 dwelling units per acre, which is currently allowed in the Sussex County AR-1 Zoning District

² Shaded parcels are currently enrolled in an existing Agricultural District

Table 4.2. TDR Receiving Area Analysis

Milford TDR Receiving Areas: Located within ¼ Mile of Public Transportation Nodes				
Node	Acres	Base Zoning at 3 DU / Acre	TDR Zoning at 8 DU / Acre	Additional DUs through TDR Use
1	58	174	696	522
2	118	354	1,416	1,062
3	104	312	1,248	936
Totals	280	840	2,240	1,400

Source: Delaware Department of Agriculture, City of Milford, and Office of State Planning Coordination

Purchasing Development Rights Using a TDR Bank Concept

Some traditional TDR programs require the developer to find a suitable farm to preserve and a landowner willing to sell their development rights. The developer would have to negotiate a price with the owner, and handle all of the legal and administrative requirements to permanently preserve a parcel of land from future development. This process typically requires a lot of time and money from the developer. This is generally not in the developer's best interest if they are trying to take advantage of prevailing real estate market conditions favoring building at higher densities.

The Department will assist the City in the creation and administration of a TDR bank in lieu of the aforementioned process. In a TDR bank concept, the City would begin with either seed money or TDR credits from lands already preserved. Developers would purchase TDR units to allow them to build at higher density from the bank. An administrative fee may also be assessed to account for legal and other costs that may be necessary to complete the transfer. The City (aka “the bank”) would aggregate all the funds it collects from developers who purchase these rights and use that money to purchase the development rights on properties enrolled in the DALPF program and located in the city’s designated sending area. These units would then be available to be re-sold to future developers. The City would choose which farms they wanted to purchase based on predetermined criteria they establish.

In addition to the funds the city would have, they would also be eligible for state-matching funds from the DALPF, as well as any federal matching funds from United States Department of Agriculture (USDA) Farm and Ranch Lands Protection Program (FRPP). As allowed by law, these matching funds would be awarded to the city based on availability. If the city were able to capture state and federal matching funds, they could significantly leverage their funds with additional money, and preserve additional farm land.

Setting the Cost of TDR Credits or Units:

The DALPF recommends the value/cost of a unit of development rights for transfer be based on the most recent real estate appraisals done on properties near the designated sending areas. If there are insufficient real estate appraisals to determine a value, the DALPF could undertake a sample appraisal process to establish a fair value. The value could be established for a given calendar year, or on any other schedule the City deems appropriate. Pricing could be done by land classification if the rights were variable in the city’s system, again based on recent appraisal information. As another option, the city could set values based on the presumed value of the rights, with a deduction for the developer’s profit. Studies have shown that a developer needs to realize a 35 percent profit margin when buying TDR credits in order to have an incentive to buy them.

Summary of Benefits of this Program:

- The TDR Bank allows developers to purchase rights at pre-set prices. No need to locate willing land owners and negotiate prices.
- Farmers and landowners can sell directly to the TDR Bank at pre-set prices, determined through fair appraisal methods. No need to negotiate with developers.

- TDRs can be sold and purchased in appropriate increments based on needs and market conditions at the time. No need to match a farmer / landowner with a developer who needs exactly the number of TDRs they wish to sell.
- Additional density would be allowed “by right”, the developer will not have to go through a separate public approval process to use the credits.
- As a part of this program, the use of TDRs will entitle the builder / developer to all of the benefits of expedited review and processing that accrue to those who adhere to the recommendations and requirements in the Master Plan area (See Implementation, page XX).
- The City and the State will also dedicate a permanent plaque or marker in the development, and the farmland that was preserved, that memorializes and recognizes the developer’s contribution.

Additional Recommendations for Implementation of Agricultural Preservation:

1). The Department recommends the city require any property developed adjacent to land designated Open Space Agriculture to include a forested buffer between the property and adjacent farmland. This is already required by Sussex County. As a courtesy to Sussex County, the DDA Forest Service reviews the effectiveness of the buffer, and makes a recommendation to the County on whether or not to accept the buffer as is, or require modifications. The Department would offer the same service to the City.

2). In addition to a forested buffer requirement, the Department also asks that the City work with developers on where they “mass” their houses or buildings. Whenever practicable, the Department requests that the City require developers to cluster their approved building lots, and place as much of the residual community open space near adjacent farm parcels. This would further help eliminate or mitigate any conflict that may arise from dissimilar land uses.

3). The Department asks that the city review its zoning ordinances for compatibility with future agricultural business or agricultural related uses. It is important to provide provisions and flexibility in the zoning code to accommodate future agricultural related activities.

4). The Department would note that all properties enrolled in the state’s farmland preservation program are afforded the protections listed in Appendix 3. In addition, Sussex County adopted a “mirror” ordinance to provide these protections to all farms located in Sussex County. These protections should be considered during the city’s planning process in an attempt to place more

compatible land uses next to properties engaged in agriculture. In addition, there is a restriction on the location of water wells in DNREC's regulations that should be considered.



Milford South East Neighborhood Master Plan

Map #2 Land Use & Agriculture

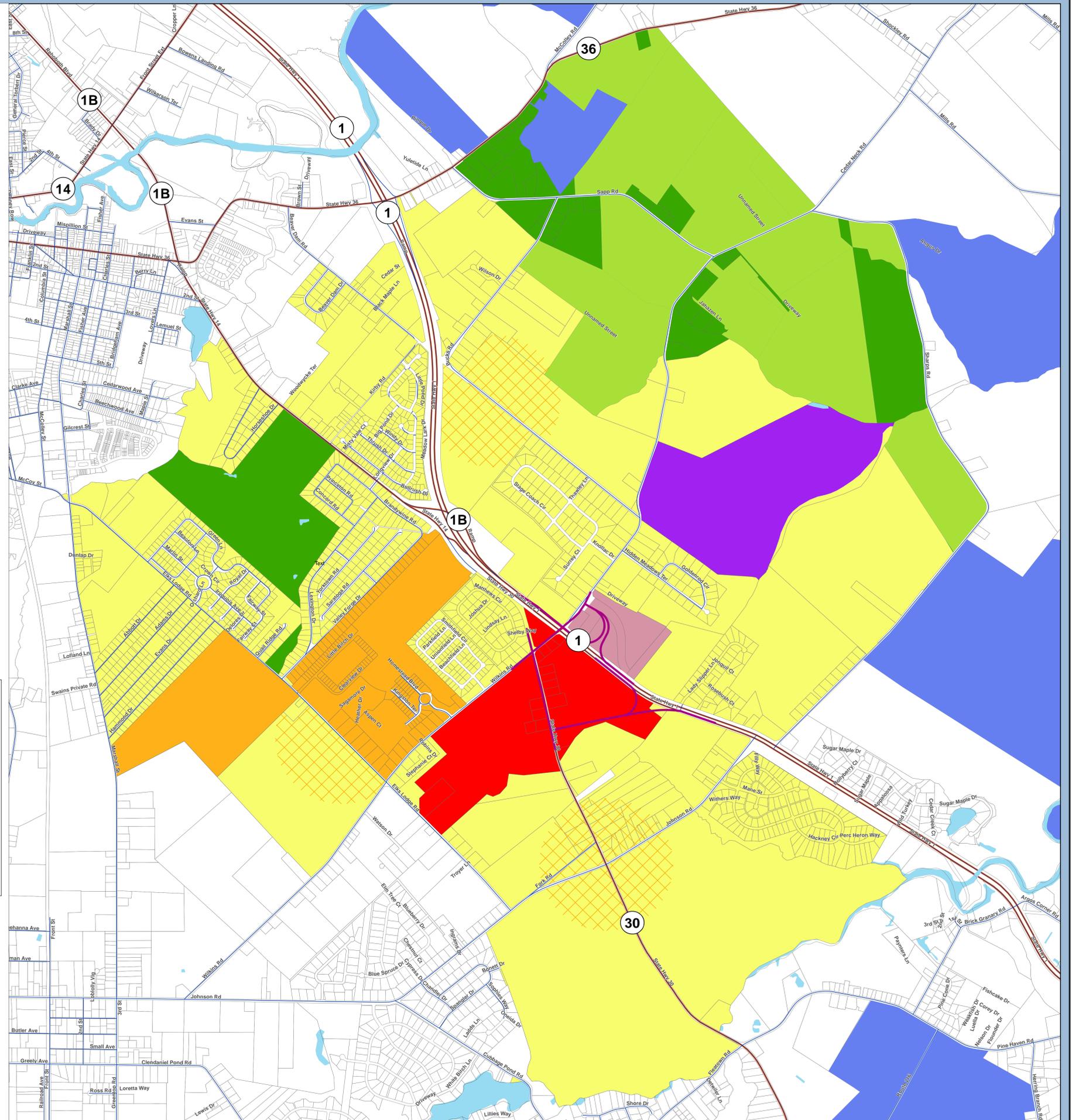
Legend

- Residential - Low Density
- Residential - High Density
- Open Space Agricultural
- Innovation Park
- Commercial
- TDR Receiving Areas
- DeIDOT Owned Property
- Agricultural Easement
- TDR Sending Areas

Map created by DeIDOT Division of Planning



0 0.25 0.5 1 Miles



Chapter 5

Environmental Protection

The Delaware Department and Natural Resources and Environmental Control (DNREC) has evaluated Milford's South East Neighborhood in order to develop a proactive environmental protection strategy to be a part of this plan. This plan will allow the development of the master plan area to proceed while protecting key resources and creating more livable and connected communities in that area. DNREC utilized GIS resources and a collaborative planning process involving several programs within the Department to identify three opportunity areas for preservation and environmental protection. The first area is the medical / commercial area east of Route 1 (Area 1). The second is the mixed use shopping area at the intersection of Route 30 and Johnson Road (Area 2). The third area is the southernmost boundary of the South East Neighborhood along Swiggetts Pond and Cedar Creek (Area 3).

Environmental Overview of the Master Plan Area

Delaware's natural life support system (often referred to as green infrastructure) is a network of natural areas, parks, conservation areas, and working lands all with conservation value. Many of these areas are carefully planned and managed by federal, state or local governments, not-for-profit organizations and individual landowners. These components support native species, maintain natural ecological processes, sustain air and water resources, agricultural enterprises and contribute to the health and quality of life for Delaware's communities and people.

The Department of Natural Resources and Environmental Control (DNREC) has embraced as its core policy for natural resource protection, the following eight Ecological Guidelines:

- 1) Maintain large areas of contiguous habitat and avoid fragmenting these areas;
- 2) Maintain meaningful wildlife corridors and potential non-consumptive bicycle and pedestrian connections between habitat areas and adjacent land uses;
- 3) Protect rare landscape elements, sensitive areas, and associated species;
- 4) Allow natural patterns of disturbance to continue to maintain diversity and resilience of habitat types;
- 5) Minimize direct and indirect human disturbances and the introduction and spread of nonnative species and favor native plants and animals;
- 6) Minimize human introduction of nutrients, chemicals, and pollutants;

- 7) Avoid land uses that deplete natural resources over a broad area and allocating such land uses to areas of minimal natural resource impacts; and
- 8) Compensate for adverse effects of development on natural processes.

Excellent Recharge Areas

There is a number of excellent recharge areas within the South East Neighborhood, notably in the vicinity of the employment center proposed east of Rt. 1 (Area One). The protection of excellent recharge areas offers multiple long-term environmental benefits. These benefits include water quantity, water quality, and the preservation of stream/wetland ecological functions. An estimated one third of Milford's total drinking water supply is withdrawn from a shallow unconfined aquifer known as the Columbia aquifer. The Columbia aquifer's major source of water recharge is from those areas delineated as areas of excellent recharge. Therefore, using this area of excellent recharge to site building structures and/or water infiltration structures may reduce the quality and quantity of water available to existing and future residents from wells that obtain drinking water from this aquifer. Moreover, the impact to water quality and quantity is likely to extend to those residents that live far beyond the proposed project site as the Columbia aquifer is a major drinking water source for a significant portion of the population that resides in Kent and Sussex counties. The upshot to development in the area of excellent water recharge is to pass those water quality and water quantity impacts in the form of increased water utility rates to existing and future residents as the waters of the Columbia aquifer are depleted and/or contaminated.

Regional Stormwater Management

DNREC originally had urged the City to consider regional approaches to stormwater management for new development in the planning area. A GIS review of the terrain and natural features indicated that a regional stormwater management approach is not practical at this time. In order to obtain sufficient drainage area for a regional system to work, existing subdivisions would need to be retrofitted and stormwater from DeIDOT roads and road improvements would have to be included. Neither is likely to happen in the short term, or on a regional scale in this area. This is due to both the topography as well as the fact that there are numerous existing developments that are not likely to re-develop in the foreseeable future.

However, there is an opportunity for greater communication and coordination between DNREC and DeIDOT with regards to stormwater management and road improvements. This coordination will be ongoing throughout the development of this master plan area.

Opportunities to share facilities and streamline the review process will be continually evaluated and implemented as individual properties within the master plan area develop and re-develop.

A stormwater utility is a legal and financial structure to allow stormwater facilities to be constructed, managed and maintained in common by a local government or other entity that functions as a public utility. A stormwater utility would be modeled after a sewer or water utility, only the infrastructure would be stormwater ponds, pipes, outfalls, ditches, drainage ways and the like. Stormwater management facilities rarely impact only one property, which is what makes the utility approach a logical tool to manage drainage. This master plan area is well suited to such a utility, although there are many ways to structure such an entity. Both the City and DNREC agree to explore this option in more detail as this area develops in accordance with this master plan.

Cedar Creek Natural Area.

Sections of the wooded areas of the Milford Southeast Master Plan Area are part of the Cedar Creek Natural Area (see Map 5.1). Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware. The Milford Southeast Area Master Plan acknowledges and provides protection for the Cedar Creek Natural Area.

Natural Area protections are listed below. These protections are included as Design Guidelines in Chapter 10:

1. Prohibit/limit the removal of trees within the Natural Area
2. Provide buffers to the Natural Area. Prohibit additional development within 300 ft. of the existing Natural Area
3. Prohibit storm water structures in the Natural Area
4. Require green technologies to manage stormwater in the master plan area, and particularly in the vicinity of the natural area. These best management practices use the natural processes of vegetation to filter stormwater and take up harmful pollutants and improve groundwater recharge without expensive infrastructure.

Cedar Creek Nature Preserve.

Cedar Creek Nature Preserve is adjacent to the south end of the Southeast Planning Area (see Map 5.1). A number of rare species can be found in association with this habitat type. To protect the rest of this contiguous forest area it should be preserved as a Nature Preserve. A Nature Preserve is a special designation that provides additional protection for this important natural resource area. Such a designation would be achieved with the assistance of the State Office of Nature Preserves within DNREC. Should these areas be annexed as envisioned by the Master Plan, Milford will work with private landowners and the State Office of Nature Preserves to promote the dedication of the Natural Area as a Nature Preserve.

Wildlife Habitat.

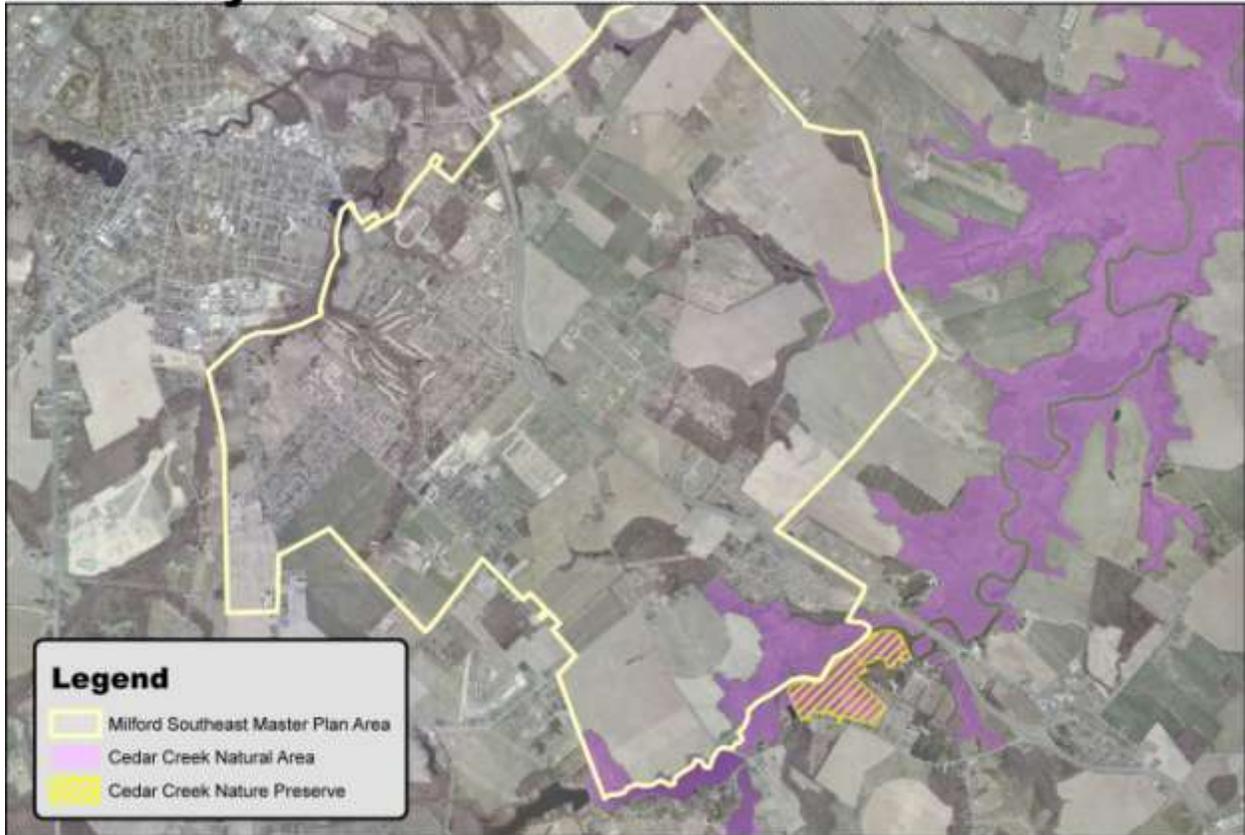
There are several significant natural features in the Southeast Master Plan Area, including the aforementioned Cedar Creek Natural Area and Cedar Creek Nature Preserve, which provide habitat for a wide variety of plant and animal species. Key Wildlife Habitats (KWH), a designation found within the Delaware Wildlife Action Plan (DEWAP) are rare, have special significance in Delaware, are particularly sensitive to disturbance, and/or have a high diversity of rare plants. Large blocks of unfragmented forests and wetlands are also considered to be KWH because of their importance to area-sensitive species, particularly vertebrates.

Priority areas include riparian buffers, contiguous forest blocks, and forested corridors. In order to retain the ecological function of the forests within the Southeast Master Plan Area, fragmentation of existing forest blocks would need to be minimized. Preserving larger, connected areas of forest as open space will provide wildlife with needed food, water, shelter and places to raise young.

A minimum 300-foot upland buffer is recommended in all areas that support State-rare Atlantic White Cedar Wetlands (AWCW), specifically in Area One and Area Three. Swamp pink, a federally threatened plant, occurs within the AWCW and is very sensitive to changes in hydrology, especially increases in pH and inputs of sediment. To protect water quality for other wetlands, water courses, and water bodies, and to provide wildlife habitat for wetland dependent species, upland buffers of at least 100 feet are recommended within the planning area.

Map 5.1. Cedar Creek Natural Area and Nature Preserve

Cedar Creek Nature Preserve City of Milford SE Area Master Plan



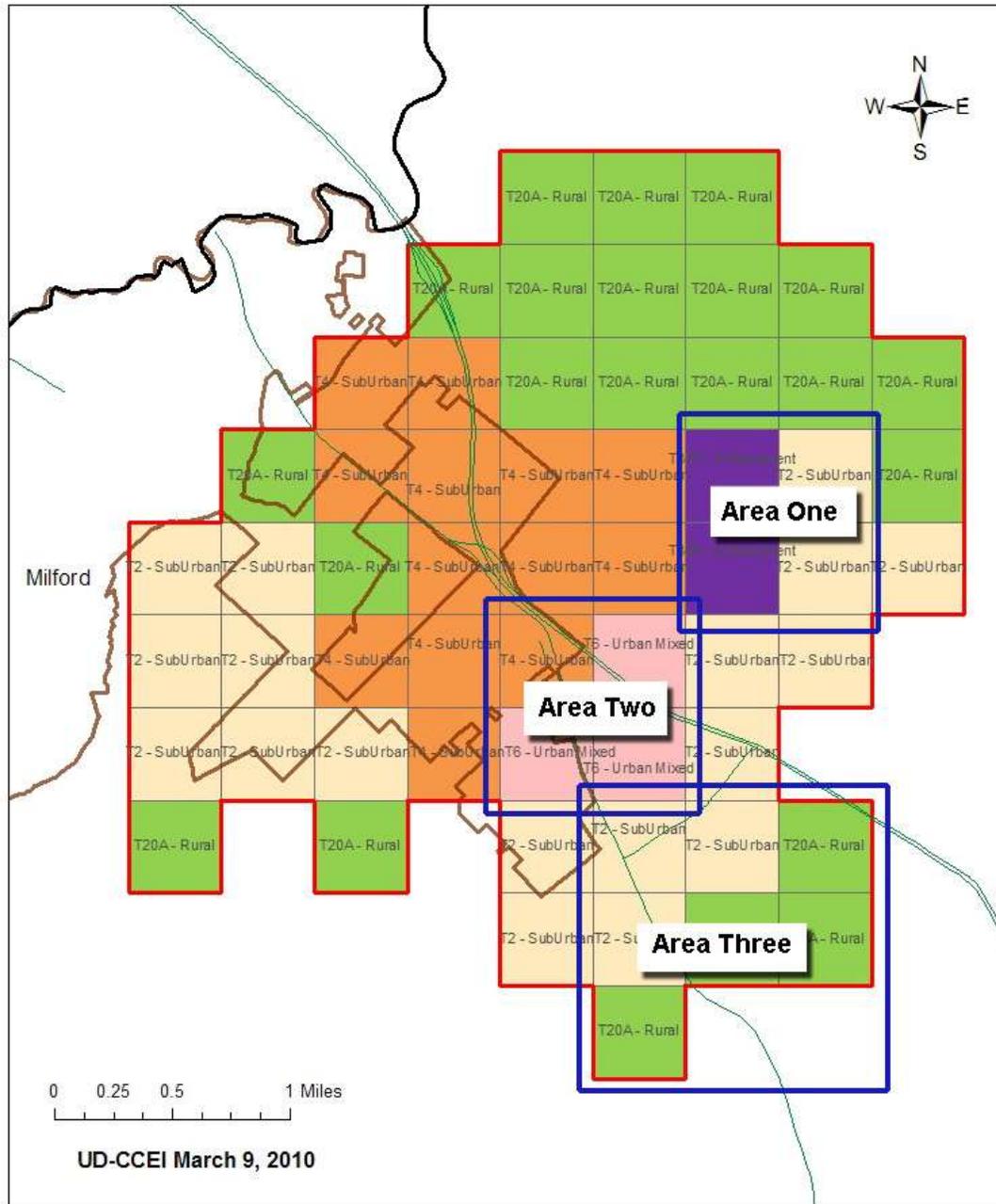
Parks and Recreation.

The City of Milford has been awarded a grant through the Delaware Land and Water Conservation Trust Fund (DTF) to develop a Pedestrian/Multi-Modal Master Plan. The purpose of this plan will be to identify new routes within the City of Milford that need to be designated for bicycle facilities and multi-modal paths as well as gaps in the existing connectivity system and links to other modes of transportation. The plan will expand the existing transportation system and will support economic activity and growth by integrating land use and transportation planning through coordinated bike and multi-modal routes. The recommendations and findings of this plan will be implemented in the Master Plan area in coordination with Chapter 8, Transportation.

The 2008 - 2011 Statewide Comprehensive Outdoor Recreation Plan (SCORP) provides guidance for investments in needed outdoor recreation facilities. Citizens surveyed in Milford and eastern Sussex list the following as high priorities for recreation: walking/jogging paths, bicycle paths, public swimming pools, playgrounds, open space/passive recreation, picnic areas, hiking trails and fishing areas. In the Master Plan area, these outdoor recreation priorities will be implemented through the development of complete streets and a multi-modal transportation network as described in Chapter 8, Transportation. They will also be addressed through the design of new communities in accordance with Chapter 10, Design Guidelines, and the other ordinances found within the City of Milford Subdivision Ordinance.

Map 5.2. Specific Conservation Areas in the Master Plan

SE Neighborhood - Milford "Preferred" Scenario Map by Land Use



Specific Conservation Areas

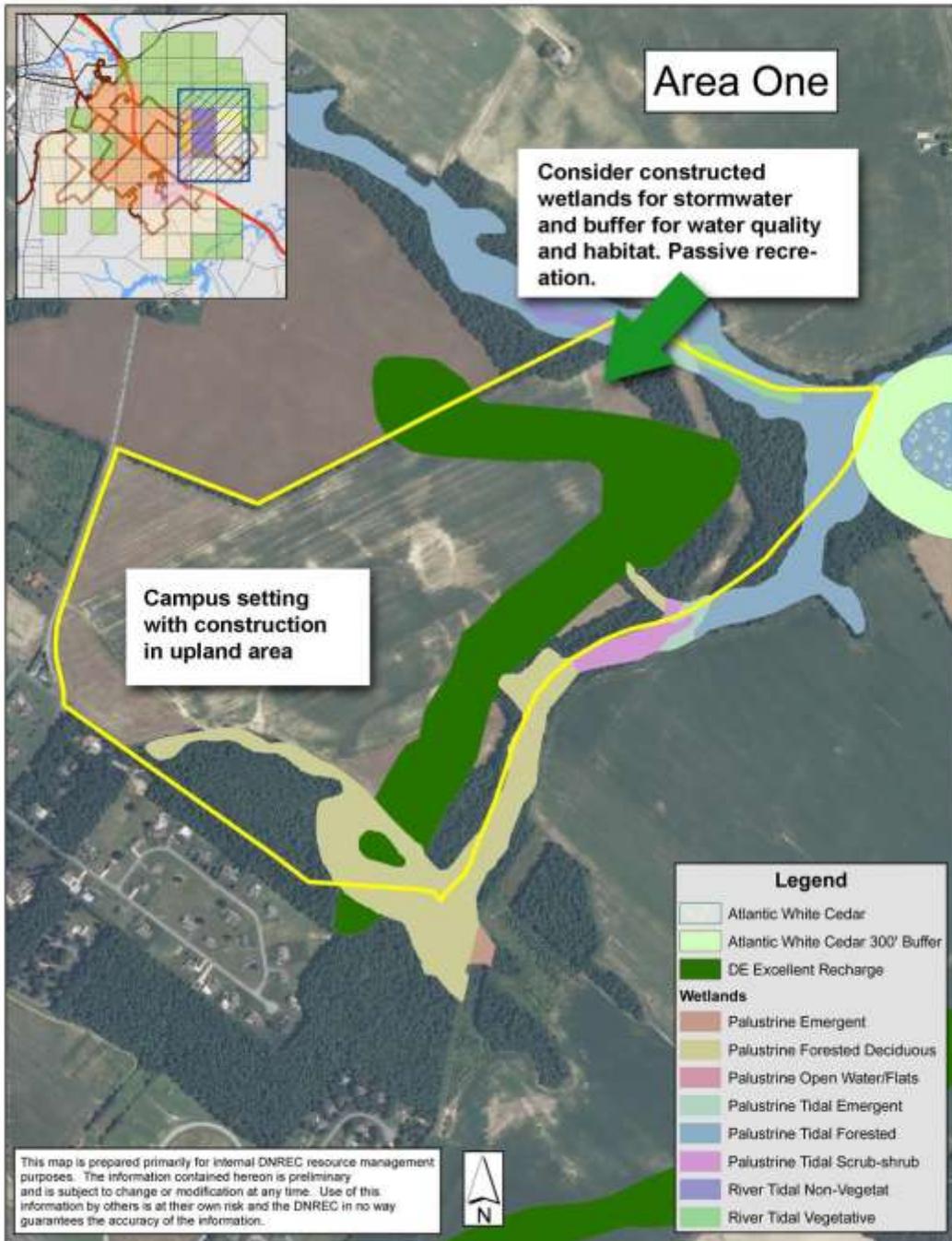
Area One - Employment Center

Area One consists of the lands proposed for an employment center in the master plan. The current proposal for the development of this area contains a commercial and medical campus. This area contains a large excellent recharge area (see Map 5.3, Area One) and forested tidal wetlands on its easternmost edge.

The current developers have said they intend for this complex to be developed as a campus, with the likelihood of multiple stories and even structured parking. Such an approach is necessary to limit impervious cover and protect these key resources. Intense development should be clustered on the upland portion of the parcel, and that the eastern portion would be used for passive recreation and open space.

The Downer and Ingleside soils in Area One are the preferred location for stormwater infiltration. The excellent recharge areas should be protected so that they may function for the maximum benefit possible to limit the generation of stormwater runoff. When these areas are to be utilized for any stormwater runoff management practices, the pretreatment of stormwater may be necessary prior to infiltration. Another possibility is to construct wetlands between the excellent recharge area and the forested tidal wetlands to manage stormwater and strengthen the buffer between the tidal areas and the developed portion of the property. This is one area that could benefit from a stormwater utility approach. Revenues from a stormwater utility could be used to purchase easements and/or construct and maintain those wetlands as stormwater facilities by the City or other management entity identified in the design of the utility.

Map 5.3. Area One



Area Two - Commercial / Mixed Use Area

A large mixed use residential and retail development is planned for Area Two (see Map 5.4, Area Two). Our chief area of concern here is protecting the forested wetlands that are mapped in the southern end of this area, on both sides of Route 30. Because of the falling elevations from the north end of this area toward the mapped wetlands, we advise that optimal stormwater management would be constructed wetlands or other green technology best management practices in the area immediately north of the forested wetlands, on either side of Route 30. They would help buffer the wooded wetlands from development.

The wooded section in this area also supports Key Wildlife Habitat. Generous riparian buffers (300 feet or greater) are important to protect water quality and preserve forested areas surrounding the tributaries of Cedar Creek to enable these rare species to thrive.

Map 5.4. Area Two



Area Three – Southern Master Plan Area

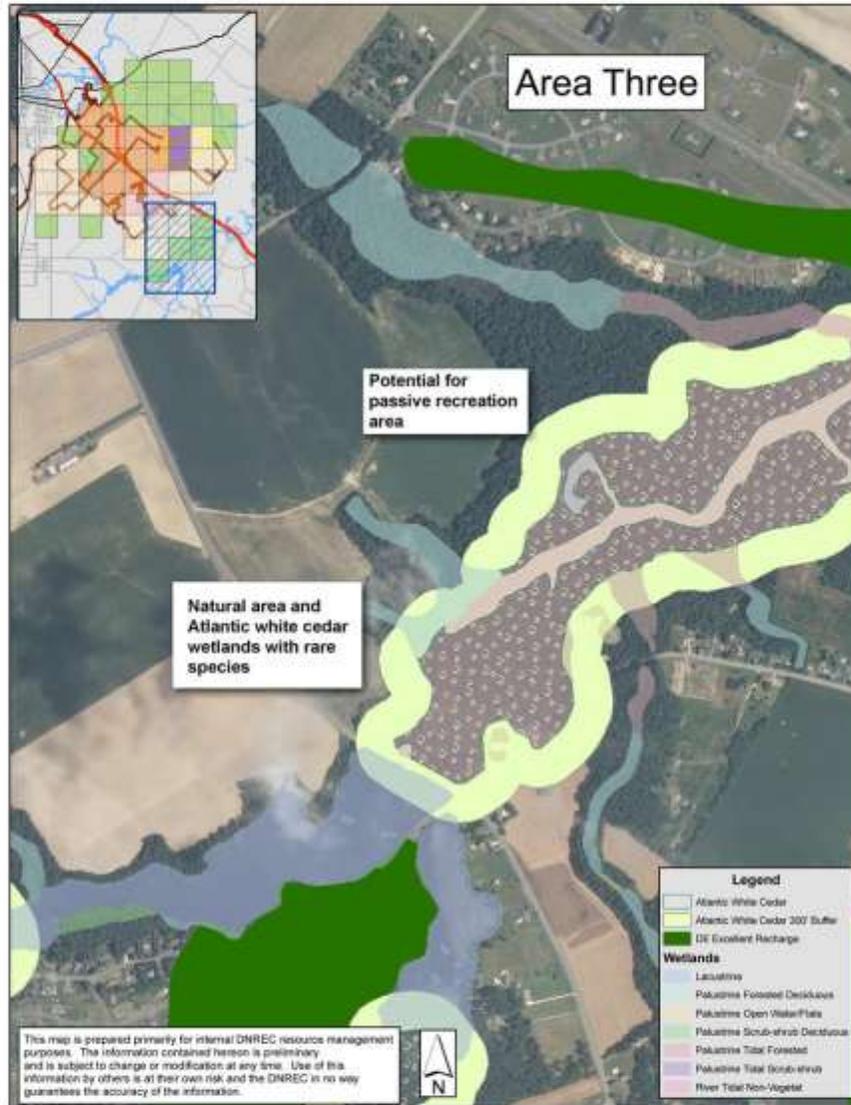
Area Three (see Map 5.5, Area Three) contains Atlantic White Cedar Wetlands, which are considered very rare within the state and support rare species. This vegetative community grows under unique conditions and is sensitive to changes in water quality – especially pH. Adequate upland buffers are extremely important to the persistence of these wetlands and the species it supports.

Rare plant, insect, mussel, fish and birds occur within the forest and wetland areas association with the Cedar Creek drainage, as well as impoundments such as Swiggetts Pond and Cabbage Pond. Known occurrences of the federally threatened plant, swamp pink (*Hellonias bullata*) have been documented within wetlands associated with Beaverdam Branch and Cedar Creek.

In most cases, we recommend at least a 300 foot upland buffer primarily due to the presence of or potential for swamp pink. The buffer would also be instrumental in achieving the Total Maximum Daily Load (TMDL) pollution limits for this portion of the Mispillion watershed.

We believe the recommended buffer also provides an opportunity for Milford to work with landowners, DNREC and other partners to establish a passive recreation resource that could include a kayak launch and allow for birding and hiking on unpaved trails in and around the Cedar Creek Natural Area.

Map 5.5. Area Three



Chapter 6

Housing

The Delaware State Housing Authority (DSHA) supports the inclusion of affordable housing in the Master Plan area. The Master Plan area includes all of the elements of a complete community, including employment, transit, commercial services, and opportunities for the construction of a variety of housing types, especially in Transfer of Development Rights (TDR) receiving areas. Consider these factors:

- Moderate-income working families benefit the most from having access to transit, employment, retail, and services. They are also the most likely to use transit. Typically, well designed developments on transit and nearby community amenities become desirable places to live. As a result, if left unchecked, prices quickly rise beyond the reach of the families that would most benefit.
- Even though there is a surplus of housing on the market, most of the surplus is large homes for move-up buyers. As a result, there is a significant mismatch between product available and housing demand. To better meet demand, these master planned areas should provide different types of housing in more compact configurations to create more housing choices, which often means more affordable options.

How DSHA can contribute to the current master planning efforts.

Low Income Housing Tax Credit Program

DSHA administers the Low Income Housing Tax Credit program which provides direct federal income tax credit to qualified owners and investors to build, acquire or rehabilitate rental housing units. DSHA has just revised its Qualified Allocation Plan (QAP), which is our selection criteria to be used to determine housing priorities, to ensure developments facilitated through the LIHTC program are well integrated in to communities.

Up to fifteen (15) points can now be awarded to developments that demonstrate overall quality of location, access to services and transit, community design and compatibility, connectivity to surrounding communities (via Complete Streets), and protection of environmental resources. DSHA is exploring other incentives to include in the QAP to prioritize affordable housing in areas that are considered 'strategically important' by the State. Master Plan areas such as this

one in Milford may be considered as we work with the Office of State Planning Coordination to define “strategically important” and integrate those areas into our criteria.

Affordable Housing Resource Center

DSHA has developed an online Affordable Housing Resource Center that communities can access to learn about different strategies that can be used to encourage affordable housing. In addition, DSHA has a range of homeownership, rental, and rehabilitation programs, as well as relationships with non-profits, that are familiar with DSHA’s programs that we can bring into these master planning efforts.

Design Assistance

DSHA finds value in Form-Based Codes (FBC) in that they emphasize the physical character of development and deemphasize the regulation of land use. FBCs provide greater predictability about the look and feel of development and offer developers a clearer understanding of what the community seeks. More importantly, they emphasize site design and building form over density and land uses and therefore encourage a mix of uses and housing types. As this master plan area develops, DSHA would be willing to work with the City of Milford, the Office of State Planning Coordination and others to develop a FBC or something similar to ensure good design in the master plan area.

Future Grant Opportunities

The Partnership for Sustainable Communities is a national effort to coordinate the activities of the Department of Housing and Urban Development (HUD), the Department of Transportation (DOT), and the Environmental Protection Agency (EPA) to help communities become economically strong and environmentally sustainable. Through the Partnership and guided by six Livability Principles, the three agencies are coordinating investments and aligning policies to support communities that want to give Americans more housing choices, make transportation systems more efficient and reliable, reinforce existing investments, and support vibrant and healthy neighborhoods that attract businesses. Last year, this Partnership provided several grant opportunities that supported activities similar to those being considered in the Milford and Georgetown master plan areas.

While we realize that the Federal government is going through severe budget cuts and that these initiatives may suffer as a result, we would be interested in participating on a working group to do some of the pre-planning work that would be needed in case another grant opportunity is available, either from the Sustainable Communities effort or some other effort, that the master planning efforts would be competitive.

Chapter 7

Historic and Cultural Preservation

The Division of Historical and Cultural Affairs/State Historic Preservation Office (DHCA/DE SHPO) is the state agency responsible for promoting and protecting Delaware's historic identity through its leadership in museums, collections, historic preservation, and stewardship of historic properties. The DE SHPO Research Center manages information collected statewide about historic buildings and structures, archaeological sites, and cultural landscapes. DE SHPO provides project developers, interested parties, and agencies with information on historic buildings and sites that may be affected by their projects and makes recommendations on how to avoid or reduce any adverse effects.

In general, the DE SHPO performs the following services:

- Reviews federally-funded, permitted, or licensed undertakings/projects and advises the sponsors of the effects on cultural resources that include historic properties and sites
- Reviews and comments on land use and development proposals under the State Preliminary Land Use Service
- Leads efforts in securing and accepting nominations of significant properties and sites to the National Register of Historic Places in conjunction with the Delaware State Review Board for Historic Preservation
- Encourages and assists local governments in securing Certified Local Government designation for potential awarding of federal grants in the area of historic preservation activities
- Administers federal and state historic preservation tax incentive programs for the rehabilitation of properties listed in the National Register of Historic Places
- Monitors and enforces the terms of maintenance and public benefit covenants and easements under the stewardship of the Division of Historical and Cultural Affairs

- Provides guidance upon the discovery of historical unmarked human remains and for the identification, treatment, and disposition of non-Native-American historical unmarked human burials and/or skeletal remains
- Conducts, or supports others in conducting, statewide cultural resource surveys of historic properties
- Maintains a central research repository of historical and cultural resource information related to historic properties and sites in Delaware
- Provides technical assistance to the public as regards historic preservation topics
- Provides and participates in educational programs about Delaware history, archaeology, and historic architecture
- Drafts every five years and maintains a commitment to Delaware's State Historic Preservation Plan
- Disseminates historic preservation information via the latest information technology

DHCA is responsible for overseeing the requirements of three major preservation laws in Delaware: the National Historic Preservation Act of 1966 (as amended); the State Antiquities Act of 1933 (last amended 2005); and the Unmarked Human Remains Act of 1987. All of these laws are applicable to future preservation and development activities in the Milford Master Plan Area.

National Historic Preservation Act

The National Historic Preservation Act established a federal-state partnership approach to the identification, study, and preservation of historic properties, creating the National Register of Historic Places as the standard for determining if a property is worthy of preservation or not. Section 106 of the Act mandates a review process for all federally funded, permitted, or licensed projects that may impact properties listed in, or eligible for listing in, the National Register. The main purpose of the Section 106 review process is to minimize potential harm to historic properties and sites. A federal agency whose project (undertaking) may harm a historic property must consider alternative plans for its project. If it is believed that such a project would not have an adverse effect, the federal agency is required to document this finding. If an

adverse effect is expected, the agency is required to work with the State Historic Preservation Office to ensure that all interested parties are given an opportunity to review the proposed work and provide comments. DE SHPO staff members assist planners, developers, research consultants, agencies, and interested parties in planning for projects while maintaining compliance with applicable laws and regulations and protecting important resources from adverse effects. This federal review often requires that an agency or its client conduct architectural and/or archaeological surveys and mitigations prior to any construction. Much of the information and reports in the Research Center has been generated by these reviews.

Delaware State Antiquities Act

The State Antiquities Act requires that archaeological excavations on state-owned or controlled lands must be done under a permit from the Director of DHCA. Recent amendments also give the Director authority to close or restrict access to state lands, including sections of public beaches and shorelines, if needed to protect an archaeological resource from damage.

Delaware Unmarked Human Remains Act

DE SHPO administers provisions under Delaware's Unmarked Human Burials and Human Skeletal Remains law, 7 Delaware Code, Chapter 54. The law is generally triggered when, in the course of construction or archaeological activities, human remains are discovered. The law assigns certain duties to the Division of Historical and Cultural Affairs to investigate, attempt to identify, protect, and ensure the proper treatment of historical unmarked human remains that do not fall under the jurisdiction of the State Medical Examiner.

DE SHPO staff carries out procedures under this law relating to public notification, assisting in the development of treatment and disposition plans, and, where indicated, conducting the dignified reburial of disturbed remains.

Discovery of Forgotten Burials and Cemeteries

On occasion, historical human remains (that is, remains that were interred a long time ago) are accidentally discovered in Delaware. These discoveries are often made during construction and other earth-moving activities. In such cases, state law protects the historical remains from further damage, first by requiring that the actions that uncovered the remains stop immediately, and then that the Division of Historical and Cultural Affairs and the state Medical Examiner's Office be notified.

Within 24 hours of notification, a DE SHPO archaeologist will visit the discovery site to determine if the remains are human and to ascertain the approximate time period in which the

remains were interred. Any time that remains are determined to be of human origin, the Division of Historical and Cultural Affairs is required to notify the state Medical Examiner's Office of the discovery. The Medical Examiner's Office then determines whether the case is, or is not, under its jurisdiction.

The preferred approach for managing historical human remains that have been discovered is to leave them in situ—that is, to keep them where they have been found—until a treatment and disposition plan can be developed. In the event that historical remains need to be removed for safekeeping, they will be transported to DE SHPO's curation facility. DE SHPO holds any recovered remains for appropriate study and storage until they can be respectfully re-interred. The project, developer, or agency that inadvertently disturbed the remains generally pays for historical research and an archaeological survey of the area, to determine the extent of possible other burials or remains that could be damaged by the project, and to determine the approximate date and origin of the remains. (Because this process is costly in both money and time, DE SHPO often advises developers to hire an archaeological consultant prior to any construction and have the project area investigated for the presence of a small family cemetery or Native American site with burials.)

If the remains are determined to be from a historical period cemetery or burial, DE SHPO advertises for next-of-kin, based on the date of the burials and the ownership history of the property. If the remains are determined to be Native American, a committee defined by law convenes to develop a treatment and disposition plan.

In both cases, DE SHPO writes the plan for the treatment and ultimate disposition of the remains in consultation with the next-of-kin (if any come forward); or the committee, the land owner, and the project developer, or other representative. Once agreement is reached, the plan is put into action.

The preferred option for reburial is always in the original location. If this is possible, a preservation covenant recorded with the deed is usually placed on the area to prevent any disturbance of the remains in the future. If removal and re-interment in another location is the decision, any associated archaeological, acreage, reburial, and marking costs are borne by the project, developer, or agency requiring the removal. Next-of-kin have the option of claiming their kin and paying for re-interment in a cemetery and plot of their choice.

What if you uncover or see remains that you think are human?

First, leave them in place if at all possible. If you think the remains are recent in origin, perhaps due to accident or criminal action, notify the police (911) immediately. If not, call DE SHPO at 302-736-7400.

Historic Properties Research and Assistance

DHCA staff members are available to assist agencies and developers with questions about any of these processes and with information on historic properties. The DE SHPO Research Center is open Monday through Friday, 8:30 am to 4:00 pm, except for state holidays; an appointment is recommended to use the Center. DHCA also has an on-line web portal, the Cultural and Historical Resource Information System (CHRIS). While the public has some access, full access to archaeological site location information and other features requires a password. Information on this system and an application form for a password can be found at <http://history.delaware.gov/preservation/research/gis.shtml>.

Historical and Cultural Resources in the Milford Master Plan Area

This area falls within Cedar Creek Hundred. Native Americans began populating this area thousands of years ago. European settlement began in Cedar Creek as early as the 1670s. Milford was an early crossing point, and the area around it quickly became farmland.

The first historic architectural survey of Cedar Creek Hundred was in 1983. The located buildings and structures included 19th- and 20th-century farms with dwellings, barns, and other outbuildings, a school, and bridges. These have not been evaluated for their importance to Delaware's history at this point, but probably would contribute to our understanding of farming, settlement, education, and transportation in this area.

More recently, DelDOT hired consultants to perform further historic architectural survey of this area in preparation for the Route 113 project. This survey added a number of early- to mid-20th-century dwellings and commercial buildings to DHCA's inventory. Much of this area however is now outside of the narrowed project area under consideration, and these properties will not be evaluated further. They too probably contribute to our understanding of changes in settlement in this area during the 20th century.

The area has not been comprehensively surveyed for archaeological sites. Two small projects have been done, with reports on file at DHCA. There are several areas of high probability for the location of prehistoric, colonial, and 19th-century sites. Such sites have the potential to contain significant information to our understanding of prehistoric and historic settlement and lifeways in Delaware.

Because many family farms included family cemeteries, this area also has a high potential for unmarked human burials. Two cemeteries are recorded in the area. Unmarked human remains are protected in state law (see 7 Del. Code Ch. 57).

A table describing known historic properties and sites and some aerial pictures showing their locations is included as Appendix 4.



Milford South East Neighborhood Master Plan

Map #3 Land Use & Environment

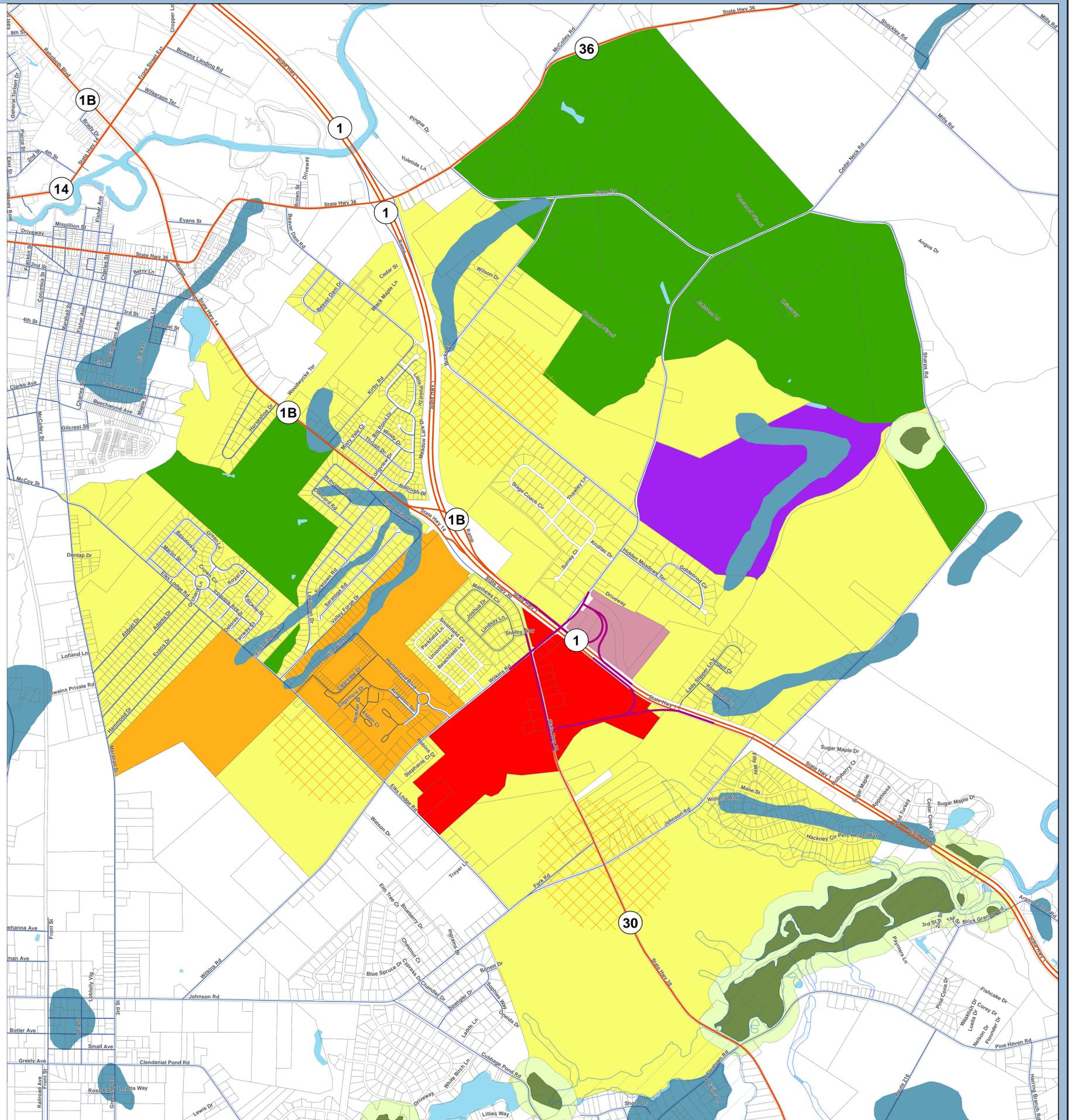
Legend

- Residential - Low Density
- Residential - High Density
- Open Space Agricultural
- Innovation Park
- Commercial
- TDR Receiving Areas
- DeIDOT Owned Property
- Wetlands
- Excellent Recharge Area
- Atlantic White Cedar
- Atlantic White Cedar 300' Buffer

Map created by DeIDOT Division of Planning



0 0.25 0.5 1 Miles



Chapter 8

Transportation Plan

This chapter documents transportation recommendations developed by the Delaware Department of Transportation (DelDOT) Division of Planning that are required to support the implementation of the Milford South East Neighborhood Master Plan (hereon referred to as the Master Plan). The Master Plan was developed by the City (with assistance from the Office of State Planning Coordination, State agencies including DelDOT, and the University of Delaware) to provide the community with a plan that will be used to oversee the orderly development of south-east Milford including those areas identified in the City's Comprehensive Plan Urban Growth Boundary.

The Master Plan also seeks to ensure that new residential and commercial growth within the study area encompasses the goals and objectives of good planning practice including:

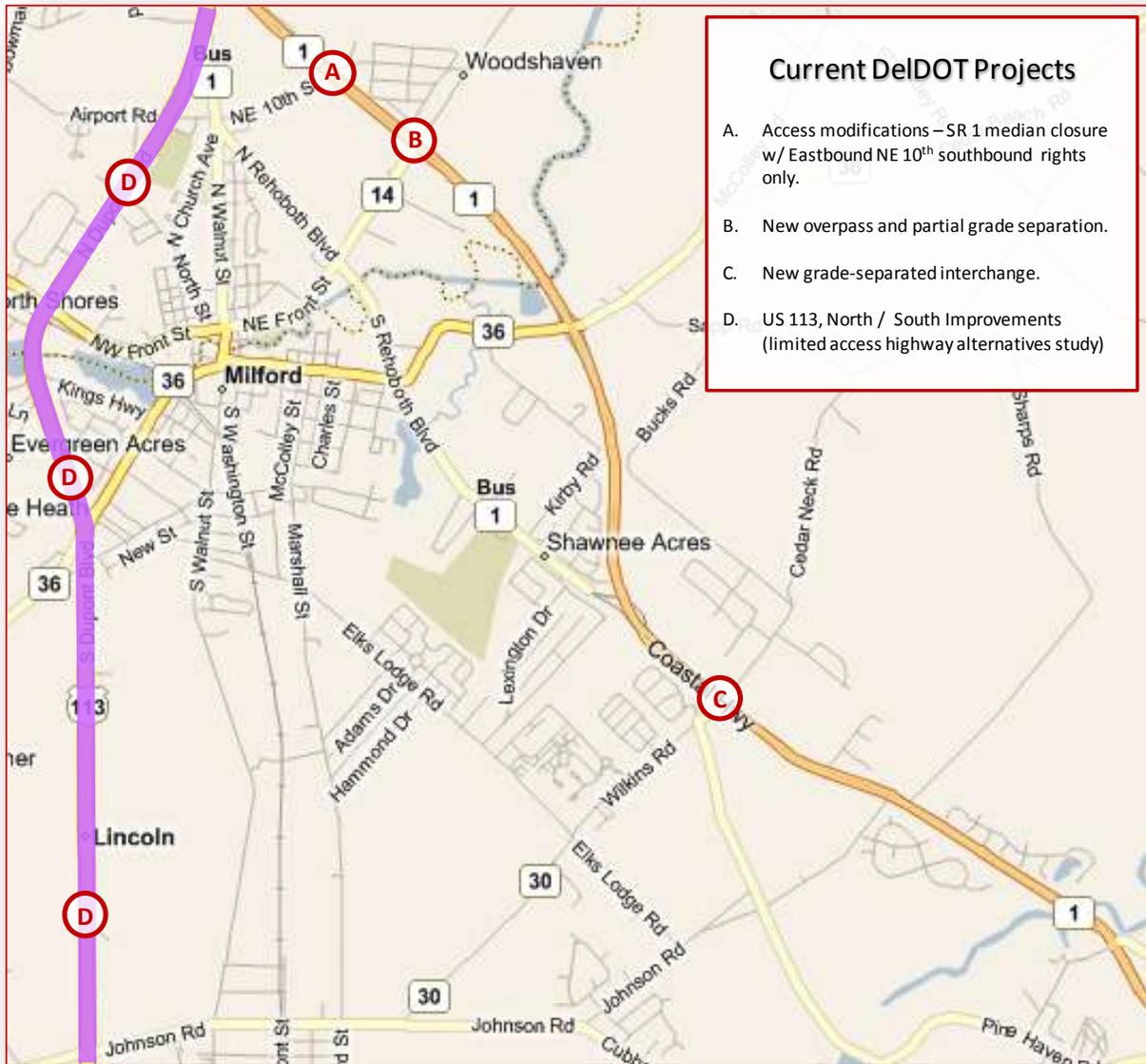
- More efficient land use
- Farmland preservation
- Greater variety in housing types and affordability
- More bicycle and pedestrian facilities and connections
- Transit Opportunities

Current DelDOT Projects

DelDOT currently has several capital projects (see Map 8.1) within or near the study area that are either in the planning, design, or construction stages. The DelDOT Capital Transportation Program (FY 2010-2015) contains the following major projects:

- (a) SR 1 / NE 10th Street – access modifications
- (b) SR 1 / NE Front Street – new overpass and partial grade separation
- (c) SR 1 / SR 10 – new grade separated interchange
- (d) US 113 – limited access highway study

Map 8.1. Current DelDOT Projects



Master Plan – Transportation Element

The primary role of DeIDOT in the development and implementation of the Master Plan is to identify and analyze transportation improvements that will be required to accommodate projected traffic volume projections associated with the Plan's land use designations and demographic projections. Many of the transportation project recommendations found in this report will be implemented in conjunction with private and/or public land use development as it occurs. This document provides a framework by which those future projects will be identified and implemented and includes the following goals and objectives:

- Establish the Master Plan study area as a DeIDOT Transportation Investment District (TID).
- Increase the mode share of non-vehicle trips by supporting and proposing transportation projects that enhance the expansion of pedestrian, bicycle, and transit facilities within the study area.
- Formally partner with the development community and the public to ensure that transportation improvements are constructed and sequenced in a proper order that supports the quality of life goals and objectives of the Master Plan.
- Ensure that traffic studies associated with DeIDOT projects or new development are coordinated in a manner that improves efficiency and reduces costs.
- Support smart growth concepts and design in all future proposed land use development and implement the DeIDOT Community Streets program when designing and constructing any transportation projects deemed necessary to support the Master Plan.

Similar to other Master Plan agreements within the State, DeIDOT will work with the City, development community, and the public to forge an agreement that encompasses the following responsibilities:

1. DeIDOT – Conduct traffic analysis for the purposes of identifying needed roadway improvements, right-of-way, and funding requirements by the public and private sectors.
2. City – Plan and identify and funding mechanisms for needed electrical, water and sewer service.

3. Development Community – contribute equitable funding to roadway projects, donate right-of-way where necessary, and work with the City and DeDOT to maximize the most efficient vehicle, transit, and bicycle and pedestrian connections and services.

Master Plan Preferred Land Use Scenario

The Master Plan preferred land use scenario was developed by the City with assistance from the Office of State Planning Coordination and the University of Delaware. Community VIZ software was utilized at several public workshops to gather input from the public regarding what type of land uses they desired for the study area. Land use preferences derived from the public workshops were at the grid level and did not follow any natural or man-made boundaries. A final land use map produced at the tax parcel level that also included three transfer of development right (TDR) receiving areas was created and adopted by the technical working group in October, 2010 (see Map 1 and Map 4).

Outputs from the Community VIZ software included residential and commercial daily vehicle trips for each grid within the study area. The Preferred Land Use Scenario is considered a build-out plan.

Projected demographic changes (Table XX) associated with the scenario, as compared to existing land use, are as follows:

- * +5,581 dwelling units (+272%)
- * +14,503 population (+292%)
- * +2,268 employment (+903%)
- * +76,260 daily residential vehicle trips (+272%)
- * +24,875 daily commercial vehicle trips (n/a)

Editor’s Note: DeDOT model runs are based upon the first Community Viz future land use scenario, labeled “Preferred Alt” in Table 8.1 below. The City of Milford and the University of Delaware continued to refine this scenario from October 2009 through December of 2010. The resulting final scenario labeled “Preferred Revised” reflects a more accurate count of existing dwelling units, approved and recorded subdivisions, and a based density of approximately 3 du/acre in Milford’s R-1 zoning district, the least dense available. This resulted in +9,826 dwelling units, and corresponding increases in population and employment as well. At time of publication, The City and the Office of State Planning Coordination are consulting with DeDOT about whether or not the transportation model runs should be re-run to reflect these increases.

Table 8.1. Summary of Alternative Plan Scenarios from Community Viz

	Existing Land Use	Preferred Alt (at buildout)	Preferred Revised (at buildout)	Growth 2020	Growth 2040	Milford Comp Plan as adopted (at buildout)
Dwelling Units	1,943	7,626	11,769	2,434	2,959	15,083
Number of Residents	4,709	19,459	30,739	5,960	7,290	39,659
Commercial Floor Area	0	995,000	2,985,000	160,000	1,185,000	7,970,000
Employees	262	2,519	4,875	724	1,854	10,275
Date Created	Oct. 2009	Oct. 2009	Dec. 2010	Apr. 2011	Apr 2011	Jan. 2009

Source: University of Delaware, Sustainable Coastal Communities Program

Methodology

DeIDOT utilized the following methodology for incorporating and analyzing the daily vehicle trip outputs from Community VIZ into the DeIDOT Travel Demand Model (CUBE 5):

1. Create new traffic analysis zones (TAZs) in CUBE 5 model to match Community VIZ grids.
2. Create additional road network detail in CUBE 5 model to match the study area.
3. Import Community VIZ daily trip data into CUBE 5 model.
4. Run CUBE 5 model.
5. Analyze outputs (Level of Service and Volume/Capacity ratio) from model to compare existing conditions with Preferred Scenario.
6. Create and analyzed additional road network improvements as necessary.
7. Develop recommendations.

Recommendations

Project recommendations contained in this chapter are broken into the following categories and are reflective of both quantitative results from the travel demand model and qualitative goals aimed at improving transportation choices for residents and employees within the study area:

- Bicycle facilities
- Pedestrian facilities
- Transit facilities
- Park and Ride facilities
- Intersection upgrades or modification

- Road upgrades
- Smart Growth
- Policy

The project and policy recommendations contained in this report are also reflective of the DeIDOT Complete Streets policy which was adopted in 2009. This policy mandates that any new transportation projects in the state right-of-way (road reconstruction and/or widening) take into consideration all transportation modes and accommodate accordingly.

Transportation modes include all travelers including public transit users, bicyclists, pedestrians and motorists.

Please note that a summary listing of this report's transportation recommendations can be found in **Table XX** at the end of this chapter.

Bicycle Facilities

Currently there are no DelDOT designated bicycle routes within the study area. While bicycle use is allowed by law on all of the study area roads (with the exception of SR 1) many of these roads do not include shoulders which enhance rider safety (see Map 8.2). Approximately 28% of the study area roadways have hard surface shoulders with a width of 3 feet or greater. Similarly, there are few sidewalks or other pedestrian facilities within the study area.

Recommendations:

On-road bicycle facilities should be included as part of any new roadway construction, entrance plans, widening and rehabilitation of existing roadway facilities. Implement specific bicycle recommendations as per Table 8.2.

Pedestrian Facilities

Currently there are limited pedestrian facilities within the study area (see Map 8.2). The City of Milford does now require, however, the construction of sidewalk facilities for new residential streets within its municipal boundaries.

DelDOT is in the process of implementing the Delaware Statewide Pedestrian Action Plan which includes the following elements:

- (1) Inventory of pedestrian facilities
- (2) Transition Plan identifying all gaps and non Americans with Disabilities Act (ADA) compliant facilities
- (3) Complete Streets policy and implementation plan
- (4) Development of a transition plan

The Pedestrian Action Plan will identify gaps in the system and opportunities for enhanced pedestrian facilities for the City of Milford. It will also look at access issues to transit locations and make recommendations for improvements.

Recommendations:

Evaluate the need for bicycle and pedestrian facilities and transit stops as part of any new roadway construction, entrance plans, widening and rehabilitation of existing roadway facilities in accordance with the Complete Streets policy, the Statewide Bicycle Plan and the Statewide Pedestrian Action Plan. Implement specific recommendations as per Table 8.1.

Map 8.2. Existing Pedestrian and Roadway Shoulder Facilities



Transit Facilities

Between 2,500 and 4,900 new employees are projected to be added to the City of Milford's South East Neighborhood under the adopted Master Plan. Many of these new employees are expected to work at a new major employment center east of SR 1 along Cedar Neck Rd. This employment center, currently known as "Innovation Park" presents DelDOT with a unique opportunity to establish a new transit loop that would service Innovation Park while also making a connection to currently established residential neighborhoods and businesses west of SR 1.

Recommendations:

Establish a new DART transit loop to connect existing and new development on east and west side of SR 1. The transit loop would consist of the following three phases and locations:

Phase I – Establish new transit route adjacent to existing and developing residential and employment areas west of SR 1 utilizing the following road network:

- Business Route 1
- Wilkens Rd
- SE Front St
- State Route 36
- Marshall St
- Elks Lodge Rd

Phase II – Establish new transit route east of SR 1 for the purpose of providing access between the east and western side of Milford and to service the proposed "Innovation Park" employment center utilizing the following road network:

- Cedar Neck Rd
- Bucks Rd
- Sapp Rd
- State Route 36

Phase III – Establish new transit route west of SR 1 in southern portion of study area for the purpose of servicing proposed new residential and employment areas utilizing the following road network:

- Elks Lodge Rd
- Johnson Rd
- State Route 30

Intersection Upgrades or Modifications

A projected increase of nearly 100,000 new residential and commercial daily vehicle trips in the study area will require upgrades or modifications to several existing intersections within the study area.

The proposed adoption by the City of Milford traffic to require traffic impact studies for new residential and employment developments within the study area will serve to provide DeIDOT with additional analysis needed to determine the various geometric improvements required for each intersection to function in an efficient manner. It is anticipated that additional intersections will need to be improved as development of the study area progresses in the future.

Preliminary traffic capacity analysis has identified the following intersections that would require improvements under the land use projections of the Master Plan:

- State Route 30 and Johnson Rd
- Elks Lodge Rd and Wilkens Rd
- Cedar Neck Rd and Bucks Rd

The following intersections or road segments have been identified for either removal or access modifications:

- SR 30 (Cedar Creek Rd) and Fork Rd – the removal of Fork Rd has inherent safety benefits that would result from the shifting of vehicles from Fork Rd to the Johnson Rd / SR 30 intersection.

The existing intersection approaches (Fork Rd at Johnson Rd/SR 30) are under-utilized and not necessary for area traffic flow needs.

Map 8.3: Fork Rd and SR 30



- SR 1 and Sharps Rd / Johnson Rd

DelDOT is aware and actively involved in identifying and proposing solutions for unsafe median crossings and access concerns from local roads onto SR 1. The Department is proposing the following safety enhancement improvements for Sharps Rd and Johnson Rd:

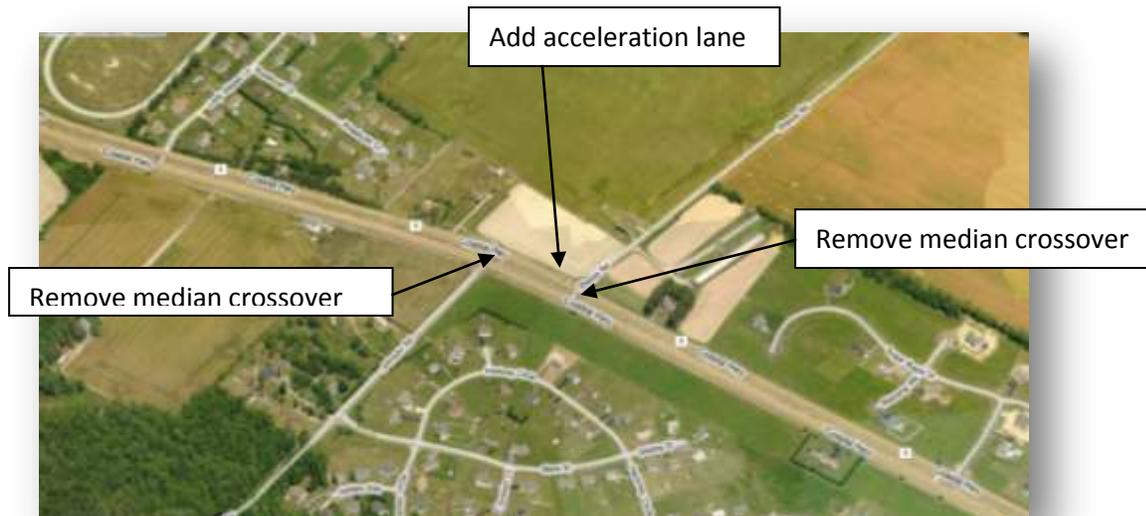
SR 1 / Sharps Rd

- (a) Revise movements from Sharps Rd to rights-in and rights-out only.
- (b) Remove SR 1 median crossover.

SR 1 / Johnson Rd

- (a) Revise movements from Johnson Rd to rights-in and rights-out only.
- (b) Add northbound acceleration lane on SR 1.
- (b) Remove SR 1 median crossover.

Map 8.4. SR 1 and Johnson Rd / Sharps Rd Improvements



Roadway Upgrades

Much of the study area road network east of SR 1 and south of Wilkins rd on the west side of SR 1 has served primarily rural and/or agricultural land uses in the past. A majority of these roads do not include any shoulders. In fact, only 28% of the entire study area roadways contain hard surface shoulders with a width of 3 feet or greater. As the study area continues to accommodate new and projected future residential and employment much of the transportation network will require upgrades including shoulders, intersection improvements, capacity increases, and possible new connections.

Recommendations:

Improve the following roadway facilities to meet a minimum standard of two 11 ft travel lanes and 5 ft shoulders:

- (1) Kirby Rd (from RD 14 to Cedar Beach Rd)
- (2) Bucks Rd – (from Sapp Rd to Cedar Neck Rd)
- (3) Sapp Rd (from Bucks Rd to Cedar Beach Rd)
- (4) Cedar Neck Rd (from Sapp Rd to SR 1)
- (5) Sharps Rd (from 1 mile north of SR 1 to SR 1)
- (6) Business Route 1 (from Wilkins Rd to SE Front St)
- (7) Cedar Beach Rd/SR 36 (from Sapp Rd Business Route 1)

The preceding road segments improvements also overlap proposed new transit routes which will in turn support pedestrian and bicycle accessibility to future bus stop locations.

Smart Growth

DelDOT seeks to further support the land use designations contained in the Milford Master Plan by implementing projects and policies that encourage the construction of smart growth based residential and commercial spaces.

Smart growth is a set of principles and guidelines that attempts to create a nexus between land use and transportation in which zoning, subdivision regulations, architectural standards and transportation design act as mutually supporting entities leading to greater efficiencies in vehicle and person movements and an enhanced sense of quality of life.

The Department supports the creation and adoption of a unified development ordinance by the City of Milford as a means for maximizing DelDOT's transportation investments in the study area.

Map 8.5. Bucks Rd Area - Conceptual New Residential Development



Map 8.6. Bucks Rd Area - Conceptual New Residential Development



Policy

The successful adoption and implementation of several policy initiatives are necessary for the Transportation Element to function as a successful component of the overall Master Plan for southeast Milford.

Recommendations:

- Adoption of the study area as a Transportation Investment District (TID) by DeIDOT for the purpose of allowing the Department to enter into agreements with the private sector community for the development and implementation of cost-sharing mechanisms to fund the transportation improvements identified in this report.
- Adoption of provision requiring traffic studies by the City of Milford to be undertaken when proposed residential or commercial development exceeds particular dwelling units and/or commercial square footage thresholds.
- Adoption of development ordinances by the City of Milford for the purpose of providing land development standards that support transportation improvement projects.

Table 8.2. Transportation Recommendations

Improvement	Area or Location	Type	Goal
Bicycle	Statewide Connector, Regional, and Statewide Bike Routes within Study Area	Install bike facilities as part of roadway improvements as per the Delaware Bicycle Facility Master Plan	Improve multi-modal options for residents
Pedestrian	Existing DART Bus Stop Locations	Provide safe pedestrian access to stops	Improve multi-modal options for residents
	Existing bus stops in the study area.	Install improvements at bus stops (bus stop signs, bus pad, benches, lighting, shelters)	Improve multi-modal options for residents
Transit	<u>New Local Circulator Routes</u> Phase I (see Map 4) Phase II Phase III	Increase frequency of bus service to provide access to downtown and new residential development / employment centers east of SR 1	Improve multi-modal options for residents
Park and Rides	To be identified		Reduce congestion
Intersection Upgrades	(1) Elks Lodge Rd / Wilkins Rd (2) SR 30 / Johnson Rd (3) Bucks Rd / Cedar Neck Rd (4) SE Front St / Marshall St	Add turn lanes and/or signalization to be determined by existing and projected traffic count data and studies	Improve safety and reduce delay

Intersection Modifications	(1) SR 1 / Johnson Rd (2) SR 1 / Sharps Rd	Revise movements to rights-in and rights-out only. Remove SR 1 median crossover. Add NB SR 1 acceleration lane.	Improve safety
Road Upgrades	(1) <u>Kirby Rd</u> (from RD 14 to Cedar Beach Rd) (2) <u>Bucks Rd</u> – (from Sapp Rd to Cedar Neck Rd) (3) <u>Sapp Rd</u> (from Bucks Rd to Cedar Beach Rd) (4) <u>Cedar Neck Rd</u> (from Sapp Rd to SR 1) (5) <u>Sharps Rd</u> (from 1 mile north of SR 1 to SR 1) (6) <u>Business Route 1</u> (from Wilkins Rd to SE Front St) (7) <u>Cedar Beach Rd/SR 36</u> (from Sapp Rd Business Route 1)	Improve to a minimum of two 11 ft travel lanes and 5 ft shoulders	Improve safety, reduce delay, enhance multi-modes of travel
Smart Growth	Master Plan Study Area	Assist City with integration of smart growth transportation designs and principles	Enhance quality of life

Table 8.2 – Transportation Recommendations (cont.)

Policy	Master Plan study area	Transportation Investment District (TID)	(1) Coordination of land use and transportation projects as per DelDOT Complete Streets Policy (2) Private / Public partnership to identify and share costs associated with required capital transportation projects within study area
Policy	Master Plan study area	Development Ordinances	Efficient use of land use and transportation design standards
Policy	Assist City of Milford with drafting a traffic impact study requirement	City code	Collection of existing and projected traffic data



Milford South East Neighborhood Master Plan

Map #4 Transportation Recommendations

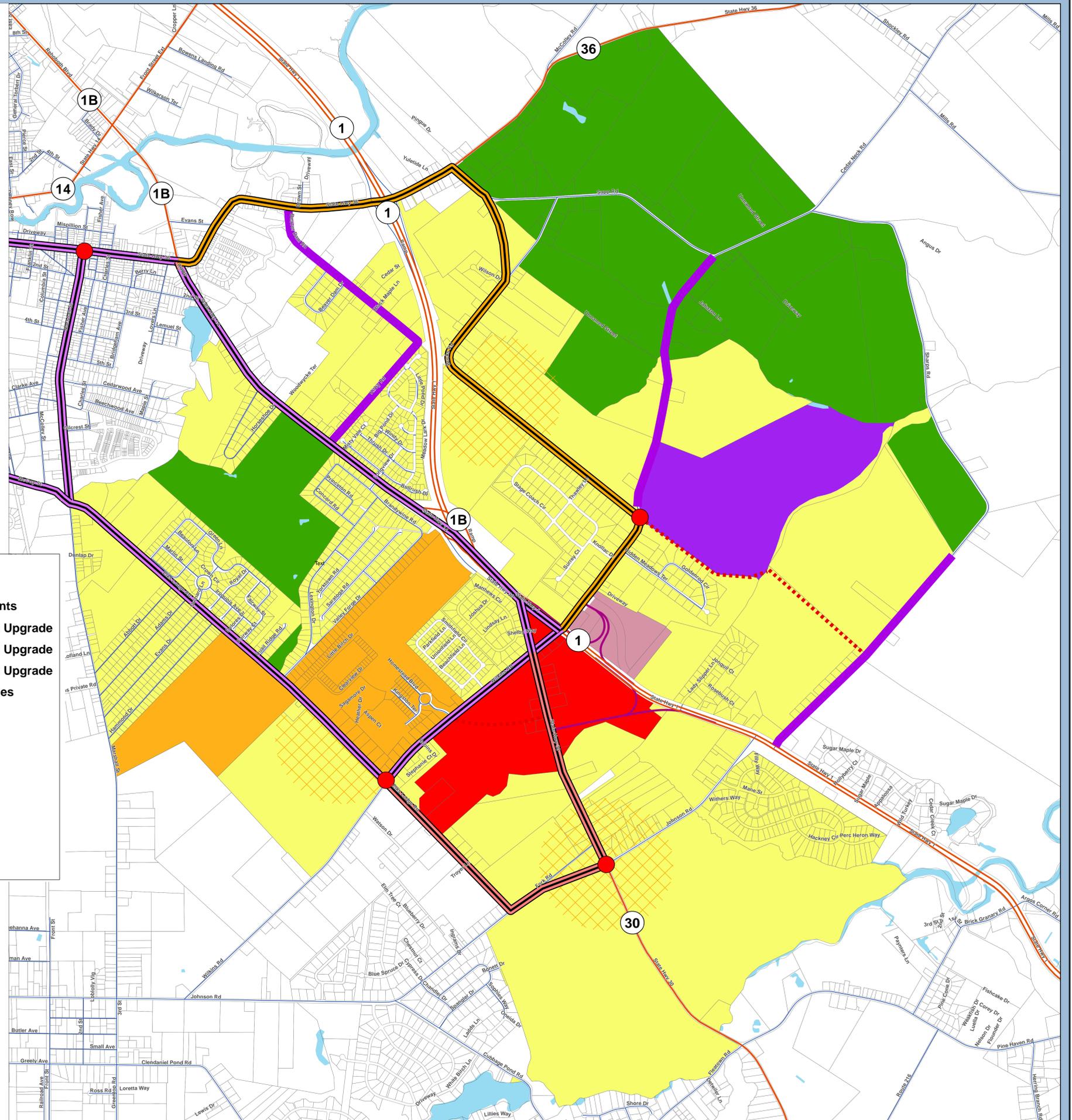
Legend

-  Proposed Intersection Improvements
-  Phase 1 - Transit Circulator / Road Upgrade
-  Phase 2 - Transit Circulator / Road Upgrade
-  Phase 3 - Transit Circulator / Road Upgrade
-  Proposed Additional Road Upgrades
-  Proposed New Connector Roads*
-  Residential - Low Density
-  Residential - High Density
-  Open Space Agricultural
-  Innovation Park
-  Commercial
-  TDR Receiving Areas
-  DeIDOT Owned Property

Map created by DelDOT Division of Planning
*Conceptual alignment subject to change



0 0.25 0.5 1 Miles



Chapter 9

Water and Sewer Infrastructure

One responsibility of the City of Milford for the SE Neighborhood is the planning, financing, and construction of public utilities for this area. These public utilities include water, sewer and electricity.

The City of Milford has engaged the engineering firm of Davis, Bowen, and Friedel to prepare the water and sewer extensions East of Route 1. After reviewing proposed and existing development, DB& F has prepared cost estimates and schematic drawings showing the proposed location of these public utilities (see Map 5).

Public Water System Improvements

The water extensions include a new elevated storage facility and a new proposed well either east of SR 1 or west of SR 1 depending on the flow rates, easements, and approval from DNREC. Addition water facilities include extension of a 12" water line from an existing connection near Meadows at Shawnee running southward near the three major properties east of SR 1 (Dugan Property, Isaac Property, and the Mill's Property) then westward along Johnson Road until it meets Cedar Creek Road. At this intersection the water line is reduced to a 10" water line then continues in a westerly direction until it meets Elks Lodge Road. At Elks Lodge Road it continues in a northerly direction until it connects with an existing water line near the Orchard Hills development. This proposed extension of the water utility into the SE East Planning area includes addition wells and will loop with the existing City of Milford water system providing improved water provisions, storage capabilities, and fire fighting capabilities.

The estimated cost of these improvements according to DB&F is approximately \$3.5 million dollars. Presently the City of Milford has funding in place through the U.S. Department of Agriculture for the construction of these water facilities.

Public Sewer System Improvements

Regarding the proposed sewer extensions for the SE Planning Area, again DB&F has provided cost estimates and schematic drawings showing the proposed location of these public utilities. The sewer extensions include the construction of a proposed 12" force main from an existing 18" force main near the Meadows of Shawnee along Rehoboth Blvd. running eastward then southward along the Dugan property which would serve the area east of DEL 1. Additional construction in this area would include the erection of a Pump Station on the Isaac's property.

Proposed sewer extension for the area west of DEL 1 include the construction of 12" force main near the Meadows at Shawnee on Rehoboth Blvd. continuing southward along Rehoboth Blvd. then along the right-of-way of DEL 1 near the Matlinds Estate housing development, then southward along Cedar Creek Road. This proposed sewer extension would serve all the proposed development west of DEL 1 and south of existing development within the corporate limits of the City of Milford (see Map 6).

Costs estimates prepared by DB&F for this sewer extension amount to \$3.6 million dollars.

Electric Utility

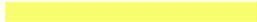
Electric serve would be provided by the City of Milford's Electric Department on an as needed basis according to submitted and approved development plans.



Milford South East Neighborhood Master Plan

Map #5 Land Use & Water

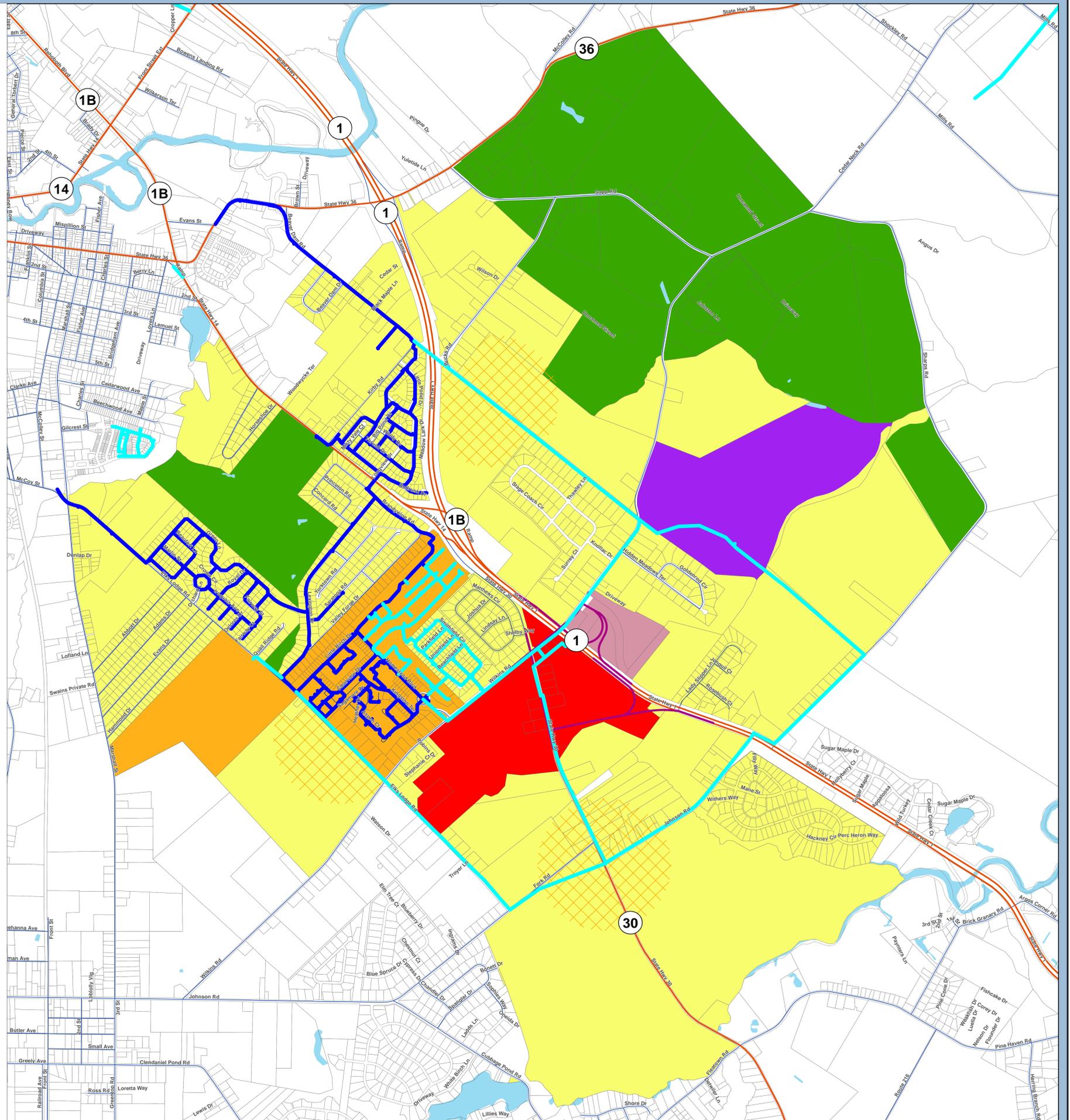
Legend

-  Residential - Low Density
-  Residential - High Density
-  Open Space Agricultural
-  Innovation Park
-  Commercial
-  TDR Receiving Areas
-  DeIDOT Owned Property
-  Existing Water System
-  Proposed Water System Extension

Map created by DeIDOT Division of Planning



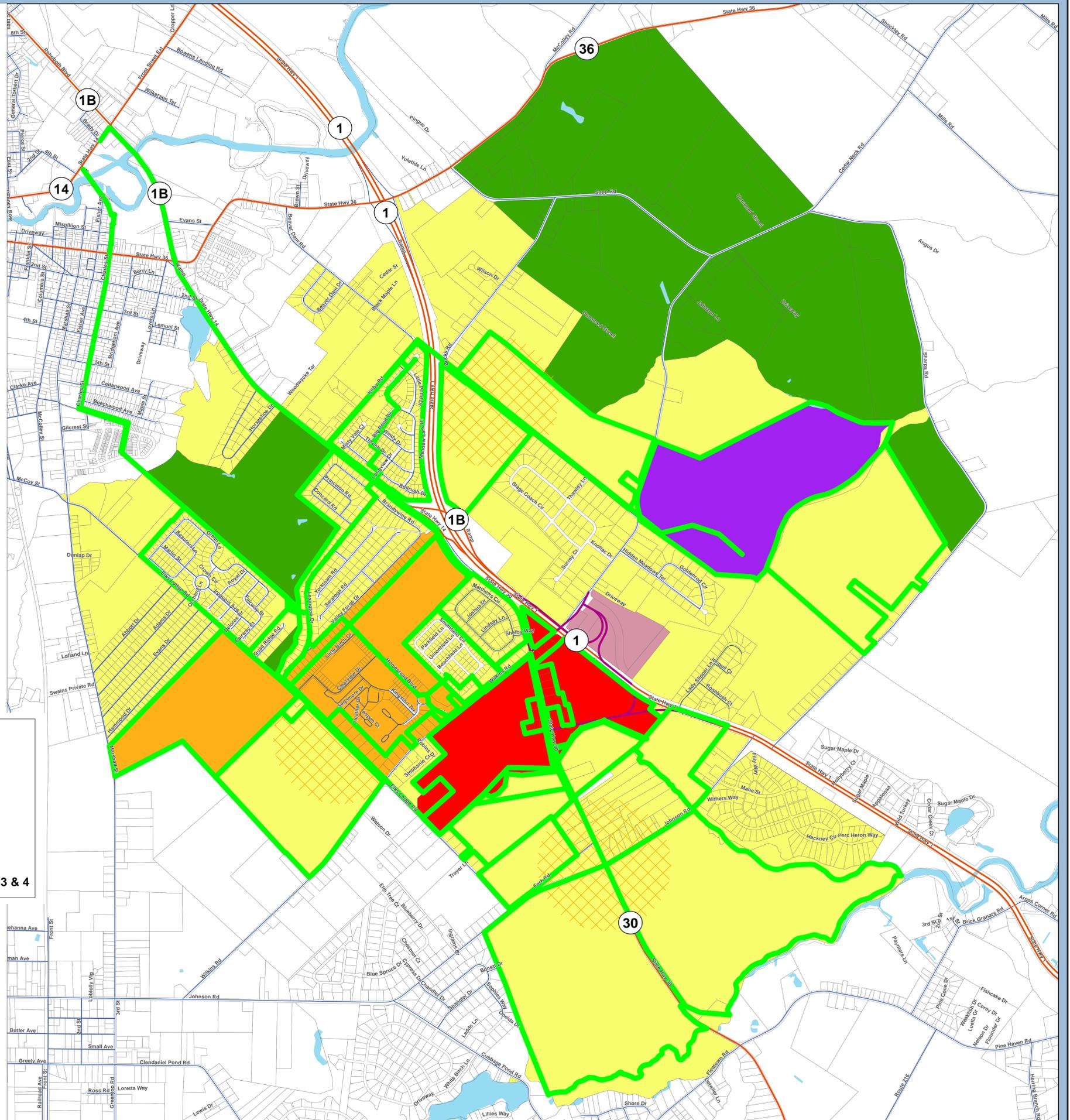
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Milford South East Neighborhood Master Plan

Map #6 Land Use & Sewer



Legend

- Residential - Low Density
- Residential - High Density
- Open Space Agricultural
- Innovation Park
- Commercial
- TDR Receiving Areas
- DeIDOT Owned Property
- Proposed SE Sewer Extension Phases 3 & 4

Map created by DeIDOT Division of Planning



0 0.25 0.5 1 Miles

Chapter 10

Design Guidelines

1. The Department recommends the city require any property developed adjacent to land designated Open Space Agriculture to include a forested buffer between the property and adjacent farmland. This is already required by Sussex County. As a courtesy to Sussex County, the DDA Forest Service reviews the effectiveness of the buffer, and makes a recommendation to the County on whether or not to accept the buffer as is, or require modifications. The Department would offer the same service to the City.
2. In addition to a forested buffer requirement, the Department also asks that the City work with developers on where they “mass” their houses or buildings. Whenever practicable, the Department requests that the City require developers to cluster their approved building lots, and place as much of the residual community open space near adjacent farm parcels. This would further help eliminate or mitigate any conflict that may arise from dissimilar land uses.
3. As each new project is proposed, the City, DNREC, DeIDOT and the developer should coordinate to discuss opportunities to develop shared stormwater management facilities that integrate best practices for maximum flood protection and water quality protection and enhancement.
4. Utilize green technologies to manage stormwater. Green technology stormwater management is a best practice that uses the natural processes of vegetation to filter stormwater and take up harmful pollutants, improve groundwater recharge without expensive infrastructure.
5. Minimize the removal of trees within the Cedar Creek Natural Area to the greatest extent possible with the goal of preserving 100% of existing trees and all contiguous forested blocks (a map of this area was unavailable at time of publication).
6. Provide buffers to the Cedar Creek Natural Area. Prohibit additional development within 300 ft. of the existing Natural Area (a map of this area was unavailable at time of publication).

7. Do not place storm water structures in the Cedar Creek Natural Area (a map of this area was unavailable at time of publication).
8. Incorporate sidewalks, bike lanes, and multi-modal paths in the Master Plan Area in accordance with Chapter 8, Transportation and the Milford Pedestrian/Multi-Modal Master Plan.
9. Specific Conservation Areas, Area One (see Chapter 5 and Map 5.3, Area One)
 - a. Avoid building and/or stormwater infiltration in the area of excellent recharge
 - b. Limit intense development to the upland portion of the parcel; the eastern portion should be used for passive recreation and open space.
 - c. We recommend that the Downer and Ingleside soils in Area One be the preferred location for stormwater infiltration.
10. Specific Conservation Areas, Area Two (see Chapter 5 and Map 5.4, Area Two)
 - a. Protect the forested wetlands that are mapped in the southern end of Area Two, on both sides of Route 30. Because of the falling elevations from the north end of this area toward the mapped wetlands, we advise that optimal stormwater management would be constructed wetlands or other green technology best management practices in the area immediately north of the forested wetlands, on either side of Route 30.
 - b. The wooded section in this area also supports Key Wildlife Habitat. We recommend generous riparian buffers (300 feet or greater) to protect water quality and preserve forested areas surrounding the tributaries of Cedar Creek to enable these rare species to thrive.
11. Specific Conservation Areas, Area Three (see Chapter 5 and Map 5.5, Area Three)
 - a. Provide at least a 300 foot upland buffer primarily due to the presence of or potential for swamp pink. The buffer would also be instrumental in protecting the Atlantic White Cedar wetlands as well as achieving the Total Maximum Daily Load (TMDL) pollution limits for this portion of the Mispillion watershed.

Chapter 11

Implementation

Commitments:

The City of Milford

1. The City will develop and adopt an ordinance to enable to use of transfer of development rights credits (TDRs) in receiving zones. This ordinance will enable developers build at up to eight (8) units per acre by-right through the purchase of TDR credits from farms in the sending areas.
2. A stormwater utility is a legal and financial structure to allow stormwater management facilities to be constructed, managed and maintained in common by a local government or other entity. This master plan area is well suited to such a utility, although there are many ways to structure such an entity. Both the City and DNREC agree to explore this option in more detail as this area develops in accordance with this master plan.
3. The City will construct a public water system as described in Chapter 9 to serve the Master Plan Area. This is a funded project.
4. The City will design and permit a sewer system to serve the Master Plan Area as described in Chapter 9. Private developers will be responsible for funding and constructing this system. The City will discuss various financing and construction options with any developer.

Delaware Department of Agriculture

1. The Delaware Department of Agriculture (DDA) and the Delaware Agricultural Lands Preservation Foundation (DALPF) will partner with the City to establish a Transfer of Development Rights program as described in the Agricultural Preservation chapter of this document (Chapter 4).
2. By partnering with the DALPF, the City will avoid the initial financial expenditures required to preserve a parcel of land. These expenditures include paying to survey the property, paying the legal costs of a real estate settlement, and other associated administrative costs. The DALPF would bear those costs.
3. The City would avoid the future obligation of monitoring the preserved farms to make sure they remain in compliance with the preservation agreement (easement). The DALPF would assume that responsibility, and would add any properties preserved by Milford to the hundreds of permanently preserved farms it already monitors. In

addition, should any future litigation be required to uphold the preservation easement, the City would not have to incur any legal costs.

4. DDA will assist the City in the creation and administration of a TDR bank as described in the Agricultural Preservation chapter of this document (Chapter 4). This includes assistance with appraisals to set the fair market value of TDR units.
5. In addition to any funds the City would have for agricultural preservation and the TDR bank, they would also be eligible for state-matching funds from the DALPF, as well as any federal matching funds from United States Department of Agriculture (USDA) Farm and Ranch Lands Protection Program (FRPP). As allowed by law, these matching funds would be awarded to the city based on availability. If the City were able to capture state and federal matching funds, they could significantly leverage their funds with additional money, and preserve additional farm land.

Delaware Department of Natural Resources and Environmental Control (DNREC).

1. There is an opportunity for greater communication and coordination between DNREC and DelDOT with regards to stormwater management and road improvements. This coordination will be ongoing throughout the development of this master plan area. Opportunities to share facilities and streamline the review process will be continually evaluated and implemented as individual properties within the master plan area develop and re-develop. Streamlined review and approval processes will only be available in return for implementing “best practice” designs.
2. DNREC will work with the City to explore and implement the concept of a stormwater utility in the master plan area as development occurs.

The Delaware State Housing Authority (DSHA)

If requested, the DSHA stands ready to assist in the development of affordable housing opportunities in the Master Plan Area in the following ways:

1. Work with the Office of State Planning Coordination to further refine our criteria for tax credits, which may give more weight to Master Plan areas such as this one in the future.
2. Continue to provide developers information and resources through our Affordable Housing Resource Center and other sources.
3. Work with the City and the Office of State Planning Coordination on the development of ordinances, such as Form Based Codes, to ensure quality design in the Master Plan Area.
4. Participate with the City on future grant applications to facilitate development in the Master Plan Area.

The Delaware Department of Transportation (DelDOT)

1. DelDOT will fund and construct the grade separated interchange at SR 1 and Route 30 as per the current Capital Transportation Plan. The current timeline involves construction in 2012 and 2013, with completion in late 2013. Please note that the CTP is subject to amendment annually.
2. Work with the City of Milford to adopt this master plan area as a Transportation Improvement District (TID) to enable equitable and timely funding for roadway improvements within the area in accordance with the recommendations in this Master Plan.
3. DelDOT will work with the City to ensure that the road improvements identified in this report are implemented by the public and / or private sector in a phased manner that is paced with the timing of development activities.

Requirements:

Division of Historical and Cultural Resources: Delaware State Historic Preservation Office

1. Any project that involves Federal funds or permits must comply with Section 106 of the National Historic Preservation Act.
2. The State Antiquities Act requires that archaeological excavations on state-owned or controlled lands must be done under a permit from the Director of DHCA.
3. Any un-marked human remains that are disturbed during construction must be respectfully handled in conformance with the Delaware Unmarked Human Remains Act.

Recommendations:

Recommendations for Implementation of Agricultural Preservation:

1. The Department recommends the city require any property developed adjacent to land designated Open Space Agriculture to include a forested buffer between the property and adjacent farmland. This is already required by Sussex County. As a courtesy to Sussex County, the DDA Forest Service reviews the effectiveness of the buffer, and makes a recommendation to the County on whether or not to accept the buffer as is, or require modifications. The Department would offer the same service to the City.
2. In addition to a forested buffer requirement, the Department also asks that the City work with developers on where they “mass” their houses or buildings. Whenever

practicable, the Department requests that the City require developers to cluster their approved building lots, and place as much of the residual community open space near adjacent farm parcels. This would further help eliminate or mitigate any conflict that may arise from dissimilar land uses.

3. The Department asks that the city review its zoning ordinances for compatibility with future agricultural business or agricultural related uses. It is important to provide provisions and flexibility in the zoning code to accommodate future agricultural related activities.
4. The Department would note that all properties enrolled in the state's farmland preservation program are afforded the protections listed in Appendix 3. In addition, Sussex County adopted a "mirror" ordinance to provide these protections to all farms located in Sussex County. These protections should be considered during the city's planning process in an attempt to place more compatible land uses next to properties engaged in agriculture. In addition, there is a restriction on the location of water wells in DNREC's regulations that should be considered.

Recommendations for Protection of the Cedar Creek Natural Area

1. Sections of the wooded areas of the Milford Southeast Master Plan Area are part of the Cedar Creek Natural Area (see Map 5.1). All developments near or adjacent to this Natural Area are recommended to follow the design guidelines regarding protection of the Natural Area, found in Chapter 5.
2. Cedar Creek Nature Preserve is adjacent to the south end of the Southeast Planning Area (see Map 5.1). A number of rare species can be found in association with this habitat type. To protect the rest of this contiguous forest area it should be preserved as a Nature Preserve. A Nature Preserve is a special designation that provides additional protection for this important natural resource area. Such a designation would be achieved with the assistance of the State Office of Nature Preserves within DNREC. Should these areas be annexed as envisioned by the Master Plan, Milford will work with private landowners and the State Office of Nature Preserves to promote the dedication of the Natural Area as a Nature Preserve.

Recommendations for the Protection of Specific Conservation Areas

1. When designing development projects within Specific Conservation Areas One, Two and Three (see Chapter 5 and Maps 5.3, 5.4 and 5.5) the land developers and the City will collaborate and coordinate to ensure that the specific design guidelines related to these important conservation areas are incorporated into the site designs. The design guidelines are specifically listed in Chapter 10.

Transportation Recommendations

1. Upgrade primary circulation and transit routes (see Chapter 8, and Map 4) to 11 foot lanes and 5 foot shoulders.
2. Along these same routes, construct bicycle and pedestrian improvements to ensure interconnectivity, multi-modal connections and “complete streets.”
3. In order to accommodate increased traffic from new development activities, upgrade the intersections identified in Chapter 8 and shown on Map 4.
4. Encourage the use of TDRs to enable higher density developments (up to 8 du/acre) at the designated TDR receiving areas. These areas are planned around bus stops to enable the transit improvements envisioned to operate smoothly.

Signatures:

The undersigned agree to honor the above stated commitments, agreements, requirements and recommendations as they relate to the development and preservation of land within the Milford South East Neighborhood Master Plan area. This document, including text and maps, shall guide land development, agricultural preservation, environmental protection, and infrastructure investments in the Southeast Neighborhood Master Plan Area described herein. This document shall be in full force and effect until such time as all parties reconvene and mutually consent to amend this document and the commitments, agreements, requirements and recommendations.

Mayor, City of Milford

Director, Office of State Planning Coordination

Secretary, Delaware Department of Agriculture

Secretary, Delaware Department of Natural Resources and Environmental Control

Secretary, Delaware Department of Transportation

Appendixes

Appendix 1. South East Neighborhood Master Plan Land Use Scenarios Comparison

Appendix 2. TDR Sending and Receiving Area Analysis

Appendix 3. Proposed Agricultural Use Protections

Appendix 4. Historic and Cultural Resources in or Near the Master Plan Area

Appendix 1.
South East Neighborhood Master Plan Land Use Scenarios Comparison

South Milford Master Plan
SE Neighborhood Land Use Scenarios - Demographic Comparative Analysis
April 2011

Build-Out Results	Master Plan Build-Out Scenarios					Milford Comp Plan (SE Neighborhood)
	Existing Land Use	SE_Neighborhood Public Option	SE_Neighborhood Master Plan	Growth 2020 ⁴	Growth 2030 ⁴	
		Preferred (ALT) Scenario ² October, 2009	Preferred (Revised) Scenario ³ December, 2010	April, 2011	April, 2011	
Build-Out Numeric Dwelling Units	1,943	7,626	11,709	2,434	2,959	15,083
Build-Out Numeric Buildings	1,943	6,811	10,101	2,438	2,893	7,578
Build-Out Numeric Floor Area	0	995,000	2,985,000	180,000	1,185,000	7,970,000
RESIDENTIAL						
Dwelling Units	1,943	7,626	11,709	2,434	2,959	15,083
Residents	4,709	19,459	30,739	5,960	7,290	39,659
Children	1,360	3,885	4,892	1,600	1,884	4,414
Residential Taxes	184,295	756,930	1,153,035	234,575	287,905	1,384,885
Residential VTD	19,430	76,260	114,590	24,380	29,590	134,480
Residential Waste Water	582,900	2,287,800	3,530,700	730,200	887,700	4,524,900
Residential Water Use	582,900	2,287,800	3,530,700	730,200	887,700	4,524,900
NONRESIDENTIAL						
Commercial FloorArea (SQFT)	0	995,000	2,985,000	180,000	1,185,000	7,970,000
Employees ¹	262	2,519	4,875	724	1,854	10,275
Commercial Taxes	0	49,539	137,060	7,964	65,373	320,632
Commercial VTD	0	24,875	70,692	4,000	30,692	178,000
Commercial Waste Water	0	32,875	70,158	8,000	30,158	186,000
Commercial Water Use	0	41,094	87,698	10,000	37,698	232,500

¹ Existing Land Use Scenario employees are calculated as home-based employees, therefore no associated nonresidential space.

² SE_Neighborhood "Preferred (ALT)" Scenario - composite of scenarios developed at Public Workshop, October, 2009

³ SE_Neighborhood "Preferred (Revised)" - Public Option composite revised December 2010 by City of Milford Planning after reviewing State Agency input & PLUS project constraints

⁴ Growth 2020 and Growth 2030 Scenarios assume a growth rate of 2% per year

Source: UD-SCC Community Land Use Model
Analysis performed by the University of Delaware, Sustainable Coastal Communities (SCC) Program, 2011



Appendix 2
TDR Sending and Receiving Area Analysis

TDR Sending Area Analysis for Select Parcels East of Milford

Parcel Number	Owner Name	LESA Score	Acres	Zoning Yield ¹	Build Yield ²	Septic Yield ³
330-12.00-10.00	Ruth Williams	185.08	60	120	78	78
330-08.00-47.00	Richard, Fay Shockley	220.19	14.7	28	19	19
330-12.00-08.00	GW Shockley & Sons, Inc.	222.51	117.4	235	153	99
330-08.00-28.00	Alan and Arenath Mills	172.61	46.2	92	60	60
330-08.00-24.00	Beverly & Louis O'Day	189.26	41.29	101	66	66
330-12.00-01.03	Howard & Katherine Webb ⁴	210.7	118.18	236	153	99
330-12.00-01.02	Howard & Katherine Webb ⁴	Part of 330-12.00				
330-12.00-01.02 (Unit 21805)	Howard & Katherine Webb ⁴	Part of 330-12.00				
330-12.00-01.00	BKW Farm Limited	181.54	66.8	132	86	86
330-08.00-19.00	Alan & Arenath Mills	192.19	85.5	170	111	99
330-08.00-19.02	Alan & Arenath Mills	192.19	16.3	32	21	21
330-08.00-20.00	Warnock Farms, LLC	232.5	105.6	210	137	99
330-07.00-75.00	GW Shockley & Sons, Inc.	184.27	48.4	96	63	63
Totals			720.37	1,452	947	789

¹ Sussex County AR-1 zoning provides for 2 units to the acre

² in practice, the average subdivision yields 1.3 units per acre

³ Del Code Title 7, Chapter 60 limits the number of individual on-site septic systems to 99; a community wastewater system is required to achieve the max. dwelling units allowed by zoning.

⁴ Existing Agricultural District

Milford TDR Receiving Areas
Located within 1/4 Mile of Public Transportation Nodes

Node	Acres	Base Zoning 3 DUs/acre	TDR Zoning 8 DUs/acre	Additional DUs through TDR use
1	58	174	696	522
2	118	354	1416	1062
3	104	312	1248	936
Total	280	840	2240	1,400

Appendix 3

Proposed Agricultural Use Protections

The following is sample language that the Delaware Department of Agriculture recommends the City of Milford integrate into their review of any subdivision located adjacent to an Agricultural Preservation District:

The proposed development is near two properties currently enrolled in the State's Agricultural Lands Preservation Program (Example: N & M Burton Farm Agricultural District, (Parcel Numbers # 2.34-16.00-11.00 and 2.34-16.00-17.00). Therefore, the activities conducted on these preserved properties will be protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is

expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.). In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

Section 1. Chapter 99, Code of Sussex Section 99-6 may also apply to this subdivision. The applicant should verify the applicability of this provision with Sussex County. This Section of the Code states:

G. Agricultural Use Protections.

(1) Normal agricultural uses and activities conducted in a lawful manner are preferred. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural

chemicals and nighttime farm operations, land uses adjacent to land used primarily for agricultural purposes shall be subject to the following restrictions:

(a) For any new subdivision development located in whole or in part within three hundred (300) feet of the boundary of land used primarily for agricultural purposes, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

“This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.”

(b) For any new subdivision development located in whole or in part within fifty (50) feet of the boundary of land used primarily for agricultural purposes no improvement requiring and occupancy approval for a residential type use shall be constructed within fifty (50) feet of the boundary of land used primarily for agricultural purposes.

Appendix 4
Historical and Cultural Resources in or Near the Master Plan Area

*Ordinance No. 2011-15
Amending and Adopting by Ordinance
The 2008 City of Milford Comprehensive Plan by Including the SE Master Plan*

WHEREAS, Title 22, Section 702 of the Delaware Code, the Livable Delaware program of the Governor of the State of Delaware and House Bill 255 amending Title 9, Title 22 and Title 29 of the Delaware Code authorize Delaware municipalities to carefully prepare and adopt Comprehensive Land Use Plans to guide and regulate future growth and community development, and

WHEREAS, Delaware's Office of State Planning Coordination provides guidance to municipalities in order to effectuate the goal of having well-drawn and executed Comprehensive Plans for all Delaware counties and municipalities, including the provision that Comprehensive Plans be approved and certified by the Governor of Delaware upon their completion, and further requires that certified Comprehensive Plans be revised on a five-year cycle, and

WHEREAS, the City of Milford's Comprehensive Plan was last adopted in 2009, and requires revisions to account for physical changes and potential growth in the Southeast Planning Area which have occurred in both the built and natural environments of the community; and

WHEREAS, the City of Milford Planning Commission has prepared and approved, in consultation with the public, interested parties, and government agencies, a Southeast Master Plan for the City of Milford, which articulates an overall vision for the Southeast Planning neighborhood's future, including policies and action project recommendations for achieving that vision and has conducted a duly advertised public hearing for public review and comment on June 16, 2011 and, at its meeting on June 21, 2011 did recommend approval and adoption of the Amended 2008 City of Milford Comprehensive Plan to include the Southeast Master Plan by Milford City Council.

WHEREAS, the Amended 2008 City of Milford Comprehensive Plan will be the foundation for planning and development in the Southeast Planning Area;

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the Southeast Milford Master Plan on July 11, 2011, at which time the Amended 2008 City of Milford Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the Amended 2008 City of Milford Comprehensive Plan is hereby adopted and made effective as the Comprehensive Plan for Milford on this ___ day of July 2011.

Dates:

Planning Commission Review and Recommendation: June 21, 2011

Introduction to City Council: June 27, 2011

City Council Review and Adoption: July __, 2011

CITY OF MILFORD

DELAWARE



OFFICE OF THE CHIEF OF POLICE
E. KEITH HUDSON

“THE GARDEN CITY OF TWIN COUNTIES”

400 N.E. FRONT STREET
MILFORD, DELAWARE 19963
(302)422-8081 FAX (302)424-2330

MEMORANDUM

TO: Mayor and Members of City Council

FROM: E. Keith Hudson, Chief of Police

DATE: July 6, 2011

RE: Activity Report/June 2011

Monthly Stats:

A total of 646 arrests were made by the Milford Police Department during June 2011. Of these arrests, 171 were for criminal offenses and 475 for traffic violations. Criminal offenses consisted of 30 felonies and 141 misdemeanors. Traffic violations consisted of 195 Special Duty Radar, 7 Drunk-Driving charges, and 358 other.

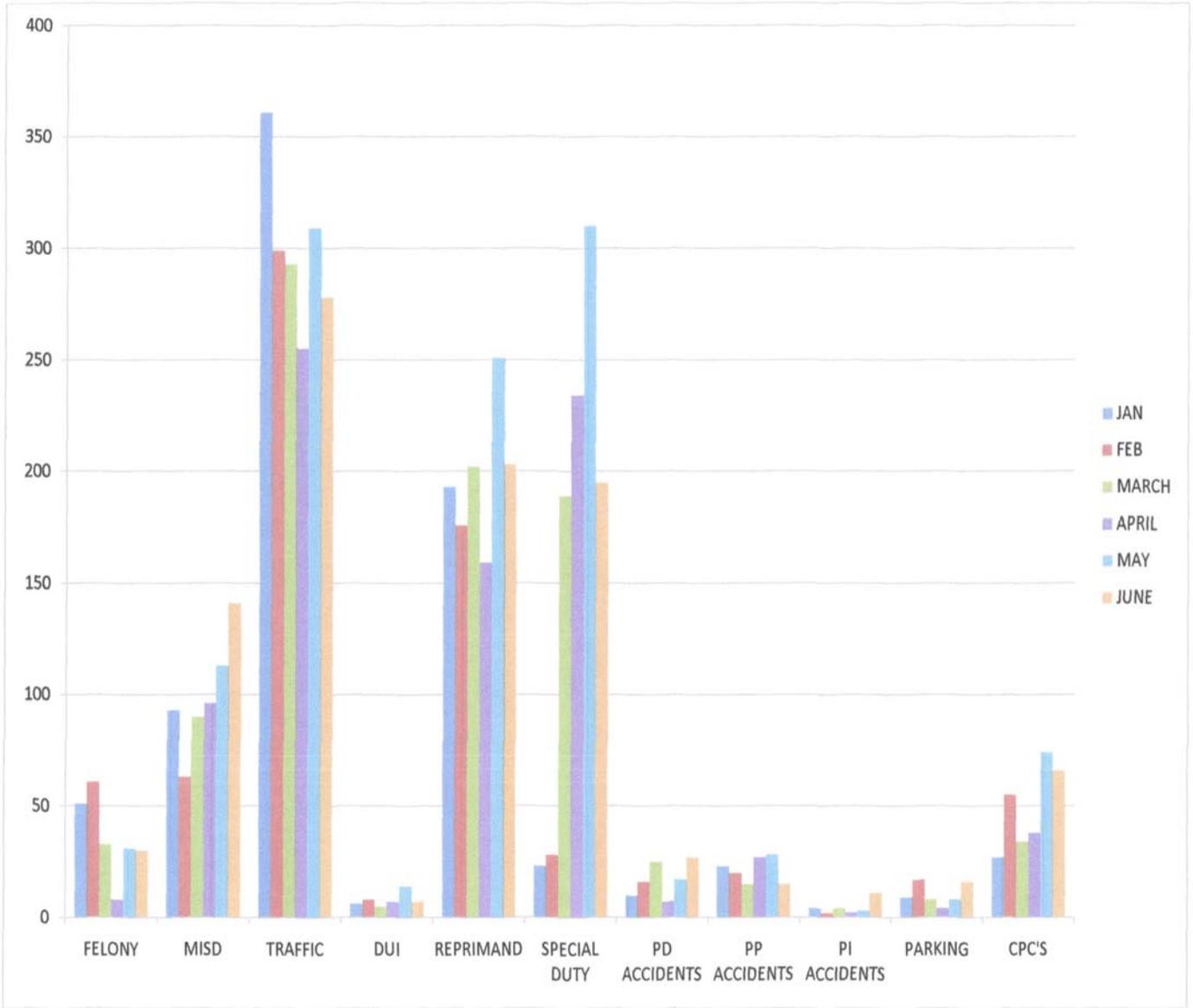
Police officers investigated 53 accidents during the month (11 personal injury, and 42 property damage) and issued 203 written reprimands. In addition, they responded to 1351 various complaints including city requests and other agency assistance.

A total of \$13,164.77 was collected in fines during June.

No False Alarm Violation Invoices were issued during the month of June.

JUNE ACTIVITY REPORT

	<u>JUNE 2010</u>	<u>TOTAL 2010</u>	<u>JUNE 2011</u>	<u>TOTAL 2011</u>
<u>Complaints</u>	1296	6840	1351	7248
<u>Criminal Arrests</u>	97	821	171	813
Felonies	19	236	30	210
Misdemeanors	78	585	141	587
<u>Traffic Arrests</u>	292	1822	475	2475
Special Duty Radar	113	381	193	990
D.W.I.	11	48	7	44
Other	179	1297	358	1333
<u>Reprimands</u>	160	803	203	1184
<u>Accidents</u>	38	265	53	250
Personal Injury	9	43	11	25
Property Damage	38	231	42	225
Fatal (included in PI)	0	1	0	0
<u>Parking Summons</u>	4	46	15	61
<u>Crime Prevention Checks</u>	71	264	66	291
<u>Fines Received</u>	\$18,574.32	\$55,448.41	\$13,164.77	\$60,741.61



City Manager's Report July 11, 2011

- **Solid Waste & Recycling**

In 2010, SB234 was signed into law and part of the legislation establishes diversion rates of 50% by January 1, 2015 for Municipal Solid Waste being disposed of at the landfill. The tables below compare the City's diversion rate by month with the same period of the previous year as well as year to date and annual totals.

	Solid Waste	Curbside Recycling	Igloo Recycling	Yard Waste	Total	Diversion Rate
May 2010	406.54	32.45	41.40	0	480.39	15.3%
May 2011	370.75	37.41	40.08	46.21	494.45	25.0%

	Solid Waste	Curbside Recycling	Igloo Recycling	Yard Waste	Total	Diversion Rate
2009	4,684.38	442.44	545.68	-	5,672.50	17.4%
2010	4,630.47	450.12	505.82	37.49	5,632.39	17.6%
2011(YTD)	1,649.04	199.18	201.71	138.8	2,188.73	24.7%

- **Impact Fee Waivers**

Since the waiver of impact fees was implemented in June 2010, the City has waived \$200,387 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$11,190,883 (based on building permit values) during the months of June 2010 through June 2011.

- **Wawa Property Sale**

The City is proceeding with the sale of the Wawa property on NE 10th Street. Mr. Burton has informed us that he will not be exercising his right of first refusal on the property which puts Wawa in position as purchaser for the price of \$1.2 Million. We are currently working with Wawa on the subdivision plan that will separate the parcel into 3 pieces, one will be maintained by the City for the water tower and the remaining two will be conveyed to Wawa. The subdivision will need to be approved through the City's normal subdivision process and settlement will occur following that approval and the 30 day appeal period. It is anticipated this will be in late September or October.

- **Washington Street Water Plant & Billing Office**

The initial building program for the billing office at the Washington Street site has been completed and we are projecting 4,000 sq. ft. to be needed for billing. Early indications are the site could accommodate this size footprint which would allow us to add additional floor space on the second floor to be used for future space and to continue our current lease arrangements with the Chamber of Commerce and Downtown Milford. We will continue to keep the Council and Public Works Committee updated on our progress.

- **Electric Substation Project**

The City has acquired the Fordmill Property and will be discussing the additional acquisitions needed during an Executive Session on July 11. We continue to coordinate with Delmarva Power and are working to meet a schedule that will allow the interconnection work to be completed during the Fall. If we are not able to meet this schedule, the work will have to be pushed into the Spring and that may cause a delay in our final delivery of the project. You will begin to see activity on the Fordmill site involving the pouring of concrete pads for the transformer, the installation of the transformers and fencing around the substation area.

- **Downtown Lighting Project**

City Electric crews are continuing the refurbishment of the street light poles and light heads in the downtown area. They will be completing the final section on N.W. Front Street in the coming weeks which will bring the project to a close. The new light head are energy efficient LED lights and were paid for with a grant from the US Department of Energy. The LED lights are projected to save the City's general fund approximately \$2,300 annually in energy costs.

- **Electric Utility Rate Comparison**

See attached report from DEMEC.

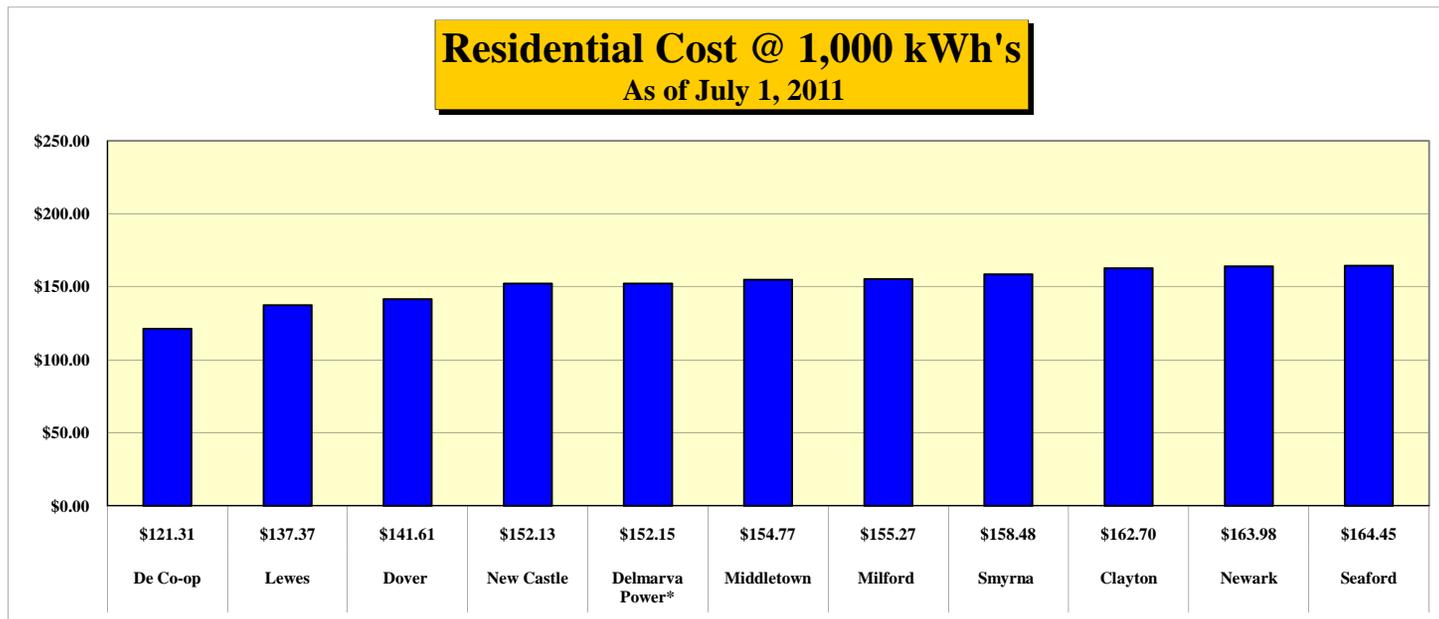
Selected Area Utilities

Summer (June - Sept.)

RESIDENTIAL RATE COMPARISON @ 1,000 kWh

		<u>% Difference</u>	<u>% Difference</u>
<u>De Co-op</u>	\$121.31	0%	-20%
<u>Lewes</u>	\$137.37	13%	-10%
<u>Dover</u>	\$141.61	17%	-7%
<u>New Castle</u>	\$152.13	25%	0%
<u>Delmarva Power*</u>	\$152.15	25%	0%
<u>Middletown</u>	\$154.77	28%	2%
<u>Milford</u>	\$155.27	28%	2%
<u>Smyrna</u>	\$158.48	31%	4%
<u>Clayton</u>	\$162.70	34%	7%
<u>Newark</u>	\$163.98	35%	8%
<u>Seaford</u>	\$164.45	36%	8%

* Approximate. DP&L's new transmission capacity charge is based on each individual's Peak Load Contribution (PLC) to the overall transmission load. Each customer has a unique PLC that changes every January.





DELAWARE SOLID WASTE AUTHORITY

Pasquale S. Canzano, P.E., BCEE
Chief Executive Officer

Richard P. Watson, P.E., BCEE
Chief Operating Officer

Board of Directors

Richard V. Pryor
Chairman
Ronald G. McCabe
Vice Chairman
Theodore W. Ryan
Timothy P. Sheldon
Tonda L. Parks
Gerard L. Esposito
Gregory V. Moore, P.E.

June 21, 2011

Mr. David Baird
City of Milford
P.O. Box 159
Milford, DE 19963

Dear David:

Enclosed please find the City of Milford's numbers for the month of May 2011.

**May 2011
Weight in Pounds**

MARSHALL STREET

CARD BOARD	SINGLE-STREAM	TOTAL	OIL GALLONS
3,883	56,070	59,953	425

MILFORD MIDDLE SCHOOL

1,125	3,601	4,726	
-------	-------	--------------	--

MILFORD COMMONS

1,585	13,889	15,474	
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Sincerely,

Rich Von Stetten
Sr. Manager of Statewide Recycling

C:\RVS\RD correspondence\cityofmilford.doc
Attachments: City of Milford Site Totals

1128 S. Bradford Street, P.O. Box 455, Dover, Delaware 19903-0455
Phone: (302) 739-5361 Fax: (302) 739-4287

CITIZENS' RESPONSE LINE: 1-800-404-7080 www.dswa.com

**CITY OF MILFORD
MAY 2011**

Date Out	Trans Num	MT Label	DT Label	Bill Acct Name	Net TN
5/12/2011	757382	2550-Single Stream R	100-Invent	City of Milford	6.01
5/26/2011	758765	2550-Single Stream R	100-Invent	City of Milford	5.77
5/26/2011	758766	2550-Single Stream R	100-Invent	City of Milford	6.96
5/13/2011	757402	2550-Single Stream R	100-Invent	City of Milford	1.83
5/19/2011	758029	2550-Single Stream R	100-Invent	City of Milford	5.43
5/6/2011	756660	2550-Single Stream R	100-Invent	City of Milford	5.43
5/13/2011	757400	2550-Single Stream R	100-Invent	City of Milford	5.98
				TOTAL	37.41



Milford Historical Society

P. O. Box 352

Milford, Delaware 19963

Celebrating our 50th Anniversary 1961 - 2011

The Milford Historical Society is celebrating the 50th Anniversary of its founding and the gift from James Richard Draper of the Parson Thorne Mansion. The trustees and members of the society are proud of the accomplishments in the past fifty years and will continue to preserve Milford's history for the future generations.

In 1961 the Milford Historical Society was organized to restore and preserve the Parson Thorne Mansion and maintain it as a museum, to encourage the preservation of other historic buildings by their owners, to collect written records on Milford, and to arouse interest in local history.

As part of the fundraising for the work on the Parson Thorne Mansion, the society held Old Milford Day and Christmas in Milford, which were tours of homes and landmarks rarely opened to the public. The society held the annual Garden Parties, when members opened their homes and gardens. For the past ten years, the society has held the Antiques Markets at Silver Hill, as the main fundraiser, and has partnered with the Mispillion Art League and the Milford Garden Club to fully utilize the grounds for the community.

The society can count a long list of accomplishments in addition to the major project of the restoration and preservation of the Parson Thorne Mansion. The books that have been published include **A History of Milford, Delaware** in 1962 and reprinted in 1974; **The Pictorial History of Milford, Delaware**; and **Mispillion-Built Sailing Vessels** by Elizabeth Harrington Macdonald. We are most proud of the research work by the members of the society for the National Register of Historic Places Multiple Resource Nomination, which resulted in the creation of the three National Register Historic Districts in Milford.

On behalf of the Board of Trustees, I ask you to support the preservation of the Parson Thorne Mansion and the educational work of the Milford Historical Society.

Thank you,

Marvin P. Schelhouse, President

Donations to the society are tax deductible to the full extent allowed by law. The Milford Historical Society is a 501 (c) (3) tax-exempt organization, as recognized by the United States Department of the Treasury Internal Revenue Service.



Milford Historical Society

P. O. Box 352

Milford, Delaware 19963

Celebrating our 50th Anniversary 1961 - 2011

DUES AND CONTRIBUTIONS FOR 2011

In 1961 the Milford Historical Society was organized to restore the Parson Thorne Mansion and maintain it as a museum, to encourage the preservation of other historic buildings by their owners, to collect written records on Milford, and to arouse interest in local history.

The Milford Historical Society is registered with the United States Internal Revenue Service as a 501 (c) (3) non-profit organization. Dues and contributions are tax deductible to the fullest extent allowed by law.

Membership dues and contributions help to support the preservation of the Parson Thorne Mansion and the educational programs of the Milford Historical Society. Members receive a published newsletter, which contains information on the activities of the Society and original research on local history.

Memberships:

Individual-----	\$ 10.00	Sustaining-----	\$ 50.00
Joint-----	\$ 15.00	Patron-----	\$ 100.00
Contributor -----	\$ 25.00	Life Member-----	\$ 1,000.00

(Student: \$ 2.00 / non-voting category)

(Please return the lower portion with your check.)

Enclosed is a check made payable to the Milford Historical Society:

Membership: \$ _____ Capital Campaign: \$ _____

Name: _____

Address: _____

EMAIL ADDRESS: _____

ADVERTISEMENT

PROJECT: Rehabilitation of select sanitary sewer facilities within the City of Milford by open cut and trenchless methods. The project generally comprises the removal and replacement of existing sanitary sewers, removal and replacement of manhole frames and covers, the grouting of manholes and grouting and lining of manholes in addition to other ancillary work.

OWNER: City of Milford
180 Vickers Drive
Milford, DE 19963

ENGINEER & ISSUING OFFICE: URS Corporation
Iron Hill Corporate Center
4051 Ogletown Road, Suite 300
Newark, Delaware 19713
(302) 781-5900

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Bidding Documents may be examined at the Issuing Office between 8:00 AM. and 2:30 PM Monday through Friday. Copies of the Bidding Documents may only be purchased at the Issuing Office for a non-refundable fee of \$75.00. There will be an additional \$30.00 fee if you wish to have the Bidding Documents mailed. Checks should be made payable to URS Corporation. Only planholders purchasing documents from URS will receive revisions by Addendum and be eligible to submit a bid.

The bid must include all costs incidental to the Work of the Project and must be accompanied by a bid security in the form of a certified check or bid bond in the amount of ten percent (10) of the bid total and made payable to the City of Milford.

No bidder may withdraw his bid within 60 days after the bid opening date.

The City of Milford reserves the right, at its option, to waive any informalities, irregularities, defects, errors or omissions in any or all bids and to reject any or all bids.

Issued by:
City of Milford
Mark Mallamo, P.E.
City Engineer

ADVERTISEMENT

PROJECT: Rehabilitation of select sanitary sewer facilities within the City of Milford by trenchless methods. The project generally comprises the installation of cured-in-place main line sewer pipe, reinstatement of laterals and other ancillary work.

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Iron Hill Corporate Center
4051 Ogletown Road, Suite 300
Newark, Delaware 19713
(302) 781-5900

Sealed bids for the Project must be received by the City Clerk at the City Office, 201 South Walnut Street, Milford, DE 19963 by 10:00 AM local time on June 17, 2011. All bids must be marked "ATTN: TERRI HUDSON – SS-11-04 – BID" on the outside of the sealed bid package. The bids will then be publicly opened and read.

All bidders are encouraged to attend a pre-bid meeting on June 8, 2011 at 9:00 AM to be held at the City Office. Bidders are encouraged to walk the sites after the meeting.

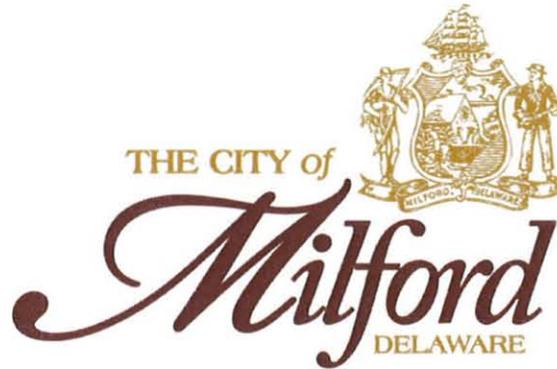
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Issued by:
City of Milford
Mark Mallamo, P.E.
City Engineer



ENGINEERING DEPARTMENT
302.422.1110, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

www.cityofmilford.com

MEMORANDUM

TO: David Baird, City Manager

FROM: Mark S. Mallamo, P.E., City Engineer 

DATE: July 7, 2011

REFERENCE: Sanitary Sewer Rehabilitation Contracts for Reduction of I&I

Phase 3 of the Inflow and Infiltration (I&I) Study with URS identified several areas of sanitary sewer that need repair or replacement. URS then prepared a scope of work for the needed rehabilitation and prepared cost estimates. The cost of all the needed repairs exceeded the funding available so the scope of work was reduced to concentrate on the areas that contributed the largest flows to the system. The project was advertised and one bid was received and opened on May 12, 2011. The lone bid exceeded the budget and was therefore rejected. City staff and URS then agreed to additional reductions in the scope of work and the project was divided into three specialty areas of sewer rehabilitation; open cut, cured in place pipe main, and cured in place laterals. These three projects were duly advertised and bids were opened publicly on July 1, 2011.

The table below shows the results of the bid opening.

Contract SS-11-02 Open Cut

Contractor	Base Bid
Teal Construction Inc.	\$ 986,000.00
A. P. Croll & Son, Inc.	\$ 1,112,276.75
Bunting & Murray Construction Corp.	\$ 1,123,850.48
JJID, Inc	\$ 2,336,850.00

Contract SS-11-03 Cured in Place Main

Contractor	Base Bid
Insituform Technologies Inc.	\$ 277,932.10
Pipevision Products Inc.	\$ 457,891.00

Contract SS-11-04 Cured in Place Laterals

Contractor	Base Bid
BLD Services, LLC	\$ 986,520.00
B. Frank Joy, LLC	\$ 1,094,800.00
Musson Brothers, Inc.	\$ 1,098,595.00

City staff and our consultants, URS, have reviewed the bids and recommend award of all three contracts to the respective low bidder for each contract. Recommendation letters from URS are attached. In summary we recommend the following,

- Award of Contract SS-11-02, Open Cut, in the amount of \$986,000.00 to Teal Construction Inc.
- Award of Contract SS-11-03, Cured in Place Main, in the amount of \$277,932.10 to Insituform Technologies Inc.
- Award of Contract SS-11-04, Cured in Place Laterals, in the amount of \$986,520.00 to BLD Services, LLC.

The total cost of all three contracts is \$2,250,452.10. The total is within the budget and sufficient funding is in place for these construction contracts.



July 7, 2011

Mr. Mark Mallamo, P.E.
Public Works Facility
P.O. Box 159
180 Vickers Drive
Milford, DE 19963

**RE: Sanitary Sewer Rehabilitation – Phase 1
Contract Number SS-11-02
Open Cut**

Dear Mark:

On July 1, 2011 at 10:00 A.M., bids were due at City Hall for the above referenced project. Teal Construction, Inc. submitted a bid in the amount of \$986,000.00, A.P. Croll & Son, Inc. submitted a bid in the amount \$1,112,276.75, Bunting and Murray Construction Corporation submitted a bid in the amount \$1,123,850.48 and JJID, Inc. submitted a bid in the amount \$2,336,850.00. URS's review was limited to the bidders' technical capabilities and whether they supplied a responsive bid. Based on our review, we believe Teal Construction, Inc. is responsive and responsible and recommend that they be awarded the contract for SS-11-02, Open Cut in the amount of \$986,000.00.

If you have any questions, please feel free to give us a call.

Sincerely,

URS Corporation

Ed Strauss, P.E.
Project Environmental Engineer

Cc: David Baird, City Manager

URS Corporation
Iron Hill Corporate Center
4051 Ogletown Road, Suite 300
Newark, DE 19713
Tel: 302.781.5900
Fax: 302.781.5901
www.urscorp.com



July 7, 2011

Mr. Mark Mallamo, P.E.
Public Works Facility
P.O. Box 159
180 Vickers Drive
Milford, DE 19963

**RE: Sanitary Sewer Rehabilitation – Phase 1
Contract Number SS-11-03
Cured-In-Place Pipe - Main**

Dear Mark:

On July 1, 2011 at 10:00 A.M., bids were due at City Hall for the above referenced project. Insituform Technologies, Inc. submitted a bid in the amount of \$277,932.10 and Pipevision Products, Inc. submitted a bid in the amount \$457,891.00. URS's review was limited to the bidders' technical capabilities and whether they supplied a responsive bid. Based on our review, we believe Insituform Technologies, Inc. is responsive and responsible and recommend that they be awarded the contract for SS-11-03, Cured-In-Place Pipe – Main in the amount of \$277,932.10.

If you have any questions, please feel free to give us a call.

Sincerely,

URS Corporation

Ed Strauss, P.E.
Project Environmental Engineer

Cc: David Baird, City Manager

URS Corporation
Iron Hill Corporate Center
4051 Ogletown Road, Suite 300
Newark, DE 19713
Tel: 302.781.5900
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www.urscorp.com



July 7, 2011

Mr. Mark Mallamo, P.E.
Public Works Facility
P.O. Box 159
180 Vickers Drive
Milford, DE 19963

**RE: Sanitary Sewer Rehabilitation – Phase 1
Contract Number SS-11-04
Cured-In-Place Pipe - Laterals**

Dear Mark:

On July 1, 2011 at 10:00 A.M., bids were due at City Hall for the above referenced project. Musson Brothers, Inc. submitted a bid in the amount of \$1,098,595.00, BLD Services, LLC submitted a bid in the amount \$986,520.00 and B. Frank Joy, LLC submitted a bid in the amount of \$1,094,800.00. URS's review was limited to the bidders' technical capabilities and whether they supplied a responsive bid. Based on our review, we believe BLD Services; LLC is responsive and responsible and recommend that they be awarded the contract for SS-11-04, Cured-In-Place Pipe – Laterals in the amount of \$986,520.00.

If you have any questions, please feel free to give us a call.

Sincerely,

URS Corporation

A handwritten signature in blue ink that reads "Ed Strauss /spd".

Ed Strauss, P.E.
Project Environmental Engineer

Cc: David Baird, City Manager

URS Corporation
Iron Hill Corporate Center
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City Engineer

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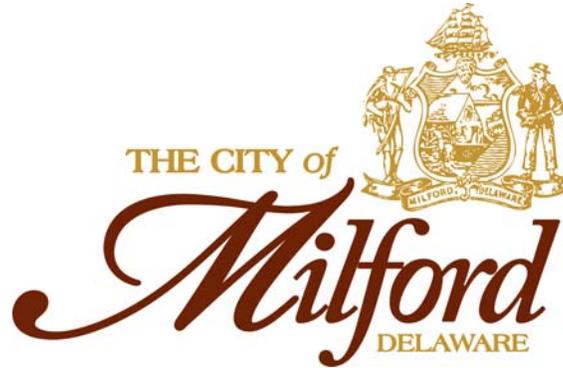
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Issued by:
City of Milford
Mark Mallamo, P.E.
City Engineer



PROPERTY ASSESSMENT DEPT.
302.424.3712, EXT 314 FAX 302.424.3559

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

Proposal

The City of Milford will receive sealed proposals on June 1, 2011 at 2:00 p.m. local time for the **REVALUATION SERVICES FOR THE 2012 ASSESSMENT FOR THE CITY OF MILFORD** The RFP must be submitted in three copies.

Questions

If you have questions concerning this Request for Proposal, they must be made in writing and emailed to the Assessment Department by close of business May 20, 2011

City of Milford
John Darsney Assessor
201 S Walnut St.
Milford, De 19963
Ph: (302)424-3712 ext 314
Fax: (302)424-3559
jdarsney@milford-de.gov

PROPOSALS MUST BE SUBMITTED TO THE ADDRESS BELOW BY 2:00 P.M. JUNE 1, 2011.

Terri Hudson
City Clerk
201 S Walnut St.
Milford De. 19963

The City of Milford is not responsible for delays in the delivery of the mail by the U.S. Postal Service, private couriers, or the inter office mail system. It is the sole responsibility of the Offerer to ensure that its proposal reaches the City Clerk by the designated date and hour

Proposals will be opened publicly at the time and place designated in this letter. The name of each offeror shall be read publicly and recorded. All other information contained in the proposals shall be confidential so as to avoid disclosure of contents prejudicial to competing offerors during the process of negotiation. The main purpose of the bid opening is to reveal the name(s) of the bidder(s), not to serve as a forum for determining the low bidder(s).

It is the intent of the City to award the contract within sixty (60) days of the closing date to the offeror whose proposal is determined in writing to be the most advantageous to the City. All prices must be held firm for a minimum of one-hundred-twenty (120) days from the date of opening. The proposals, summaries, and tabulations shall not be open for public inspection until after receipt of a fully executed contract.

The City of Milford reserves the right to waive technicalities, to reject any or all bids, or any portion thereof, to advertise for new proposals, to proceed to do the work otherwise, or to abandon the work, if in the best interest of the City.

In the event the contractor does not fulfill its obligations under the terms and conditions of this contract, the City of Milford may contract for an equivalent product on the open market. Any difference in cost between the contract prices herein and the price of open market product shall be the responsibility of the contractor. Under no circumstances shall monies be due the contractor in the event open market products can be obtained below contract cost. Any monies charged to the contractor may be deducted from an open invoice.

Neither the contractor nor the City of Milford shall be held liable for non-performance under the terms and conditions of this contract due, but not limited to, government restriction, strike, flood, fire, or unforeseen catastrophe beyond either party's control. Each party shall notify the other in writing of any situation that may prevent performance under the terms and conditions of this contract.

Vendors must provide references to the City of Milford upon request. Vendor references may be checked to verify the proposer's ability to perform the contract requirements, the quality of work and the ability to meet obligations.

ENVELOPES MUST BE MARKED "REVALUATION SERVICES, FOR THE 2012 ASSESSMENT CYCLE, OPENING JUNE 1, 2011, 2:00 P.M." No faxed bid will be accepted. Failure to comply with the above format *may* result in disqualification of your bid.

SPECIFICATIONS FOR RE-APPRAISAL AND REVALUATION FOR MILFORD, DELAWARE

Scope of Revaluation

The project shall be for the complete physical reappraisal of all taxable real estate, and exempt real estate within the corporate limits of the City of Milford, Delaware, as of January 1, 2012, in accordance with Delaware General Statutes 12-62, as described below.

1. All taxable real estate, land, buildings and improvements.
2. All exempt real estate, land, buildings and improvements.
3. All public utility land and buildings.

All work to be carried out in this project and all forms, materials, and supplies utilized in this project shall be subject to the approval of the ASSESSOR of Milford, Delaware. The value to be determined shall be 100% of the full fair market value as defined in the Delaware General Statutes and shall be based upon recognized methods of appraising.

City Data

1. The last revaluation was effective as of January 1, 2002.
2. Administration/Tax Billing System is Sunguard H T E.
3. CAMA System presently used is Tyler Technologies CLT.

The CONTRACTOR shall value all newly constructed improvements created prior to June 1, 2011, or those incomplete as of this valuation date, and these parcels shall be included in the contract price and valued in the same manner as stated above, and as provided hereinafter.

GENERAL INFORMATION

FORM OF GOVERNMENT:	City Council
POPULATION (2010):	9,559
RESIDENTIAL SINGLE FAMILY:	2,467
RESIDENTIAL CONDOMINIUMS:	356 units total
COMMERCIAL / INDUSTRIAL:	512
VACANT LAND RESIDENTIAL:	652
VACANT LAND COMM / INDUST	181
BUILDING PERMITS (2010):	329
CERTIFICATES OF OCCUPANCY (2010):	32

MEDIAN HOUSE ASSESSMENT (2010): \$113,750
MEDIAN HOUSE SALES PRICE (2010): \$162,500
RESIDENTIAL SALES (2010): 98
LAND AREA: 5.6 sq. miles
GRAND LIST (2010): \$561,900,018

I. GENERAL CONDITIONS

A. CONTRACTOR

Proposal

Each PROPOSAL submitted shall include a copy of the CONTRACTOR'S Delaware Division of Revenue License. The CONTRACTOR shall submit a complete client list of municipalities to which it has rendered services during the last five years and the nature of those services. The PROPOSAL shall also include a statement showing the number of years the proposer has actually been engaged as a CONTRACTOR, corporation, partnership, or individual specializing in municipal tax revaluation services.

The CONTRACTOR shall not make any changes to this Request for Proposal (RFP) as presented. The proposal shall reflect all costs required fulfilling the contract as stated. The proposal shall be in the same format as this RFP. If exceptions or clarifications are taken, they must be contained in a proposal section noted as such.

B. PERSONNEL

The CONTRACTOR shall provide experienced and qualified personnel in compliance with the requirements of the Equal Employment Opportunity provisions of both the federal and state governments. The CONTRACTOR shall adhere to all other legislation relating to employment procedures.

Qualifications of Personnel

All personnel assigned to this project shall be subject to approval of the ASSESSOR and shall be subject to removal from this project by the CONTRACTOR upon the written request of the ASSESSOR.

Project Manager or Supervisor

The administration of this project shall be assigned by the CONTRACTOR to a project manager or supervisor who shall have not less than five years of practical appraisal experience in the appraisal of residential, commercial, industrial and farm properties.

Reviewers and Appraisers

Shall have at least three years of practical experience in Delaware in the appraisal of particular types of properties for which they are responsible.

C. MEASURES AND LISTERS

MEASURERS and LISTERS shall have not less than 40 hours training in this phase of a revaluation project. Any field person who does not meet the above qualifications must work under the direct supervision of an APPRAISER, REVIEWER until the training is complete. The Project Manager is required to notify the ASSESSOR of the names, starting dates, qualifications, and field assignments of all MEASURERS and LISTERS. Minimum age for MEASURERS and LISTERS shall be eighteen (18) years of age.

The CONTRACTOR must exercise extreme vigilance over the instruction and supervision of the MEASURERS and LISTERS, emphasizing the necessity for the MEASURERS and LISTERS to help establish a good relationship with the property owners. Supervisory personnel will oversee the MEASURERS and LISTERS on no more than a 1:5 ratio through the data collection phase of the PROJECT. The supervisor(s) and MEASURERS and LISTERS shall work closely with the ASSESSOR to assure accuracy and reliability in data collection.

The CONTRACTOR shall give all MEASURERS and LISTERS clear and unequivocal instruction that they shall not discuss with any property owner or property occupant in the City, the value or the assessment of any property they inspect, the property taxes being paid on the property being inspected, or any aspect of the local budget or various City issues or political matters.

Employment, Release or Transfer

. Any person who is employed by the CONTRACTOR and is assigned to this PROJECT is released from employment, or transferred from this PROJECT; the ASSESSOR shall be notified in writing of the individual's name and date of occurrence.

Whenever new personnel are assigned to this PROJECT in any capacity, the ASSESSOR shall be notified in writing of the individuals name, qualifications, starting date, and assigned duties.

All personnel assigned to this PROJECT shall be subject to the approval of the ASSESSOR.

Identification

All field personnel shall carry suitable identification cards supplied by the CONTRACTOR and signed by the appropriate municipal official. Such cards shall be laminated and include a recent photograph. All motor vehicles used by field personnel shall be reported to the appropriate municipal official, giving license number, make, model, year and color of vehicle.

Conflict of Interest

No resident or City employee shall be employed by the CONTRACTOR, except for clerical purposes, without prior approval of the ASSESSOR.

D. LEGAL AND INSURANCE

Bonding

The CONTRACTOR shall, to insure the faithful performance by the CONTRACTOR of the terms of this contract, furnish to the City a performance surety bond in the amount of this contract, which bond shall be issued by a bonding CONTRACTOR authorized to do such business in the State of Delaware. Said bond shall be in a form satisfactory to and approved by the city or City attorney. The performance

bond shall be delivered to the City prior to the commencement of actual work. This bond shall include the appeal requirements of these specifications. It is understood and agreed upon that the completion of the approved delivery to the City of the Revaluation Project that the performance bond shall be reduced to 10% of the value of the contract to cover the defense of any appeals as described below. This reduced amount of bond shall become effective after the Revaluation Project has been completed and has been approved by the ASSESSOR and after the completion of the duties of the Board of Assessment Appeals. The reduced amount of the bond shall remain effective until a final resolution in the courts of any timely appeals taken from the doings of the Board of Assessment Appeals on the Grand List of June 30, 2012

Insurance & Indemnification

Except as provided below, the Company agrees to defend and save harmless the City, its officers, agents and employees against all claims, demands, payments, suits, actions, recovery, and judgments of every kind and description arising out of the performance of this Agreement, for personal injury or property damage brought or recovered against it by reason of any negligent action or omission of the Company, its agents, or employees and with respect to the degree to which the City is free from negligence on the part of itself, its employees and agents.

The City agrees to defend and indemnify and save harmless the Company, its officers, agents and employees against all claims, demands, payments, suits, actions, recovery and judgments of every kind and description arising out of any valuation disputes, or challenges to the methodology employed under this Agreement brought or recovered against it, whether based in contract, negligence or otherwise.

Neither party shall be liable to the other for consequential, indirect or incidental damages, including, but not limited to, loss of tax revenue or claims related to valuation of property, whether based in contract, negligence, and strict liability or otherwise.

In any event, the Company's liability for damages (except for damage to real or personal property or personal injury as provided above) under any theory of liability or form of action including negligence shall not exceed the total amount paid by the City to the Company under this Agreement.

The Company shall carry Public Liability Insurance in the amount of \$1,000,000 including protection for bodily injury and property damage with a combined single limit of \$1,000,000 and \$500,000 for each occurrence.

The Company shall also maintain Automobile Liability Insurance providing limits of \$1,000,000 per occurrence, and the Company shall provide Workers' Compensation Insurance. The Workers' Compensation Insurance shall provide coverage under the Compensation Act of Delaware and shall provide employer's liability insurance in the amount of \$100,000.

Upon the request by the Client, Certificates of Insurance shall be supplied to the Client by the Company detailing the above coverage. A carrier authorized to do business within the State of Delaware will issue these certificates.

Force Majeure

Neither party shall be liable to the other for any loss, damage, failure, delay or breach in rendering any services or performing any obligations hereunder to the extent that such failure, delay or breach results from any cause or event beyond the control of the party being released hereby ("Force Majeure"), including but not limited to acts of God, acts or omissions of civil or military authorities.

If either party is prevented or delayed in the performance of its obligations hereunder by Force Majeure, that party shall immediately notify the other party in writing of the reason for the delay or failure to

perform, describing in as much detail as possible the event of Force Majeure causing the delay or failure and discussing the likely duration of the Force Majeure and any known prospects for overcoming or ameliorating it. Both parties agree to take any commercially reasonable measures to overcome or ameliorate the Force Majeure and its adverse effects on this Agreement, and to resume performance as completely as is reasonably possible once the Force Majeure is overcome or ameliorated.

. Non-solicitation

During the Period of Agreement and for a period of six months following the project completion date, the Jurisdiction will not solicit for employment or hire any Company employee without the express written consent of the Company

Termination

This Agreement may be terminated by either party by giving thirty (30) days written notice to the other, before the effective date of termination. In the event of termination or suspension, the Company shall be entitled to receive payment in full (at the amounts and rates set forth herein, or if not specifically set forth in this Agreement, at the Company's standard or published rates) for all services, software, licenses and/or bonding delivered by the Company up to the effective date of the termination or suspension, as the case may be, plus such other charges as may be agreed upon by the parties.

E. COMPLETION DATE AND TIME SCHEDULE

Awarding of Contract

Within sixty (60) days of the closing date, the City shall award the contract for the reappraisal and revaluation project. The City reserves the right to reject any and all proposals as previously stated.

Signing of Contract

Within thirty (30) days after the receipt of notice of acceptance by the City of its Proposal, the CONTRACTOR shall execute with the City the contract upon the basis of these Specifications for Reappraisal and Revaluation.

Changes and Subletting of Contract

Changes

Changes in these specifications for reappraisal and revaluation in the contract will be permitted only upon written mutual agreement of the CONTRACTOR and the City.

Subletting

The CONTRACTOR shall not assign, transfer, or sublet the contract or any interest or part therein, without first receiving written approval from the City and the bonding CONTRACTOR. It shall be mutually agreed and understood that said consent by the City shall in no way release the CONTRACTOR from any responsibility or liability as covered in these Specifications for Reappraisal and Revaluation and the contract

Time Schedule

Data Collection and field inspections may begin at any time after July 1, 2011 but work must be complete by July 1, 2012. The CONTRACTOR is subject to penalties if the following completion dates

are not meet:

Completion Dates

The following phases of the revaluation must be completed in accordance with the schedule below.

1. Property Record Cards with all measurements and listings shall be completed by January 1, 2012.
2. Pricing, review, and final valuation by February 1, 2012.
3. Assessment notices addressed and prepared for mailing by February 2012.
4. Informal hearings to begin no later than May 1, 2012 and end no later than May 30, 2012.
5. All Property Record Cards will be corrected and finalized after the informal hearings and delivered to the ASSESSOR no later than June 15, 2012.
6. Completion of the project shall not be final until either the ASSESSOR has certified the entire project by signing the appropriate forms, or if applicable, the CONTRACTOR has fulfilled all requirements set forth in the contract.

Assessment Date

The completed appraisals will serve as a basis for assessment effective on the Assessment Register of July 1, 2012 upon approval of the ASSESSOR.

Project Timetable

The CONTRACTOR is required to submit the timetable for the entire project before the commencement of the project. The timetable must be followed by the CONTRACTOR. Any variation of the timetable must have the express consent of the ASSESSOR.

F. PAYMENT SCHEDULE

Payments shall be made in the following manner:

At the end of each thirty day period during the period covered by this contract, the CONTRACTOR is to certify in writing in the form of a progress report to the ASSESSOR

The percentage of the total work completed under the contract which the CONTRACTOR has performed during the said thirty day period. Such notification will itemize and accurately indicate the extent and nature of work performed by volume, street, category, or in any other manner required by the ASSESSOR.

The City, upon determination by the ASSESSOR that the certification of the CONTRACTOR concerning work during said period is accurate, will pay to the CONTRACTOR a percentage of the total compensation under this contract equal to the percentage of work certified as having been performed during said period in accordance with the schedule below, less ten percent (10%) which is to be retained by the City for payment to the CONTRACTOR upon the Board of Assessment Appeals completion of its duties on the July 1, 2012 Assessment Register

Additional Compensation

Additional compensation that may be due the Company as the result of services requested by the City that are beyond the scope of this Agreement will be invoiced in the month subsequent to the month in which the services were provided

Company Right to Stop Work for Non-Payment

Payment of billings is due within thirty (30) days after the date of each billing. Failure of the City to make payment when due shall entitle the Company, in addition to its other rights and remedies, to suspend, temporarily, further performance of this Agreement without liability

II. CAMA REQUIREMENTS

A. ASSESSMENT ADMINISTRATION MODULE

Before commencement of sales data collection, each parcel on the legal file/administrative file must be confirmed by the ASSESSOR. A list of all discrepancies between the legal file/administrative file shall be submitted together with recommendations for correcting such discrepancies. The CONTRACTOR must implement the recommendations approved by the ASSESSOR.

B. CAMA SYSTEM

The CONTRACTOR is required to generate all values using the City's CLT CAMA system. The City will make CLT available to the CONTRACTOR at no cost to the CONTRACTOR.

C. IMAGING

A visual imaging database using the Landisc imager in conjunction with the CAMA System shall be in place by the completion of this project. New images of all parcels will be required and shall be included in the cost of the proposal by the CONTRACTOR

III. RESPONSIBILITIES OF REVALUATION CONTRACTOR

The CONTRACTOR is responsible for the fulfilling all requirements stated in this Request for Proposal in a timely fashion, and in a professional and satisfactory manner. During the course of this project, the CONTRACTOR shall work cooperatively with and shall provide any reports, invoices, schedules and other information required by this RFP or requested by the ASSESSOR

A. PERIODIC STATUS REPORTS

The CONTRACTOR shall submit to the ASSESSOR monthly status reports as well as any work completed that is to be reviewed by the ASSESSOR. The report shall contain specifics as to the work completed and the work to be done in the next month. The ASSESSOR shall review and evaluate the progress of the project, and shall notify the CONTRACTOR whether the work performed is satisfactory and timely.

IV. VALUATION STANDARDS

A. MARKET APPROACH

The CONTRACTOR must utilize the City's CLT CAMA system to develop a Market Approach where applicable. A sales file shall be developed which will reflect the property characteristics of the property

as of the date of sale. These validated sales will be the basis for the comparable sales approach for the residential properties. The CONTRACTOR shall develop and provide the ASSESSOR with written documentation for the sales verification effort.

B. COST ANALYSIS

The CONTRACTOR shall derive a value for real property by estimating the current cost to replace or reproduce the existing structure, deducting for all accrued depreciation in the property, and adding the estimated land value. The CONTRACTOR shall develop cost schedules based on current costs of labor and materials prevailing in the city/town during the year immediately proceeding July 1, 2012 valuation date. The Cost approach to value is to be developed using the City's CLT CAMA program where applicable.

C. INCOME APPROACH

The CONTRACTOR shall determine a value for income-producing property by converting anticipated income into a property value. The CONTRACTOR shall capitalize a single year's income expectancies at a market-derived capitalization rate or a capitalization rate that reflects a specified income pattern, return on investment, and change in the value of investment, or discount the annual cash flows for the holding period and the reversion at a specified yield rate. The Income approach to value is to be developed using the City's CLT CAMA program where applicable.

D. LAND VALUATION

The land values will be derived from market sales and/or land residual analysis. The land values will be set by the CONTRACTOR and reviewed by the ASSESSOR. In the event of any disagreement between the ASSESSOR and the CONTRACTOR, the ASSESSOR shall have the final decision confirming all land values and methods.

E. NEIGHBORHOOD DELINEATION

The CONTRACTOR, with the assistance and approval of ASSESSOR will delineate the city/town into valuation neighborhoods. These neighborhoods will be determined by analysis of the market factors needed to select comparable sales for the sales comparable approach to value. Boundaries such as highways, natural, economic conditions and zoning etc. shall be considered.

F. DEPRECIATION ANALYSIS

The CONTRACTOR shall develop, and explain separately, the depreciation on the property record card and/or worksheet (if used). Land values shall be added to the depreciated improvement value. Compare the depreciated replacement cost of each property with the value produced via income analysis, or sales comparison, and develop obsolescence guides by type of property and location. Analysis should be reviewed with the ASSESSOR and a copy shall be provided at the completion of the project.

V. VALUATION OF REAL ESTATE

The CONTRACTOR will calculate a value estimate for each parcel that will be comprised of a land, building, outbuilding, and total value. The final value shall reflect 100% of fair market value as of January 1, 2012. The CONTRACTOR shall compute to the nearest 100 dollars the value of all properties identified above.

A. RESIDENTIAL PROPERTIES

The CAMA System will present a summary of the cost approach for a subject and up to 5 comparable sales, showing the basic inventory information for each. The comparable sales in the same market environment will be the three to five most comparable sales. This determination will be made by calculating a weighted measure of comparability based on the relative importance of each physical characteristic (location, size, age, grade, & condition etc.). The sales, which most closely resemble the subject, will then be selected as comparable

B. COMMERCIAL/INDUSTRIAL PROPERTIES

The appraisal of income producing properties relies heavily on an analysis of what the prudent investor would pay for a given property based on the income stream that the property could reasonably be expected to produce.

The CAMA System will give the APPRAISER the ability to model the market place by physical characteristics, construction type, and actual use for income producing properties and apply the results of the models to individual commercial or industrial properties.

The review APPRAISER will be provided with a single review document which provides information regarding the physical characteristics of the property, the indicated cost approach, and one or more approaches to value that have already been adjusted to reflect the location, age, and condition of the subject property.

Capitalization rates shall be developed by type of property, and location. When the ASSESSOR has approved capitalization rates and techniques, the CONTRACTOR shall perform income approaches using economic income and expense data.

C. FIELD REVIEW & DATA COLLECTION/VERIFICATION

The CONTRACTOR will field review all parcels after values have been set. The CONTRACTOR is responsible for the review of value estimates for all real property parcels to verify that the application of the valuation methodology employed has resulted in the uniform and consistent valuation of comparable properties. The CONTRACTOR shall be required to submit final values in a timely manner to be determined by the ASSESSOR. The CONTRACTOR will record on the CAMA data file the source of the final appraisal value (cost, market, income, APPRAISER override, etc.)

Individuals conducting this phase of the program must have valuation expertise, field review experience and knowledge of the valuation techniques employed in the City, as well as complete familiarity with the revaluation project. During review valuation changes are made due to data error, the data must be corrected on the property file by the CONTRACTOR.

The CONTRACTOR shall provide the ASSESSOR with written procedures for the conduct of data collection/verification at least ten (10) days prior to the scheduled date for the commencement of the activity.

NOTIFICATION

The CONTRACTOR shall send property owners an information brochure prior to the commencement of data collection/verification.

VERIFICATION

Company data collectors will make an attempt to inspect the interior and exterior of all improved properties. If the occupant is not available at the time of the inspection attempt the exterior will be measured. An opportunity will be provided by way of the data mailer to arrange for an interior inspection for those properties not inspected during the initial attempt. Any parcel which is not inspected as a result of safety considerations for company personnel will be brought to the attention of the assessor.

ENTRANCE REFUSED

When entrance to a building for an inspection is refused, the CONTRACTOR shall make note of the fact and within two (2) working days notify the ASSESSOR of the fact in writing, giving the facts as to the time of the visit and if possible, the name of the party refusing entrance and other pertinent information.

LISTERS IDENTIFIED

The data collection card and the property record card shall indicate the initials of the LISTER and date(s) of the listing.

STATUS REPORTS

The CONTRACTOR must provide the ASSESSOR with bi-weekly status reports as to the percentage of interior inspections with signatures that have been obtained in relationship to the total number of properties that have been inspected.

. EXTERIOR INSPECTION

The perimeter of all buildings and improvements shall be measured.

All buildings and improvements shall be measured to the nearest foot. (Six (6) inches or less should be rounded down; greater than six (6) inches should be rounded up.)

An outline sketch, prepared to scale, shall be made.

Physical data of the land parcel shall be recorded in the field.

REVIEW

All properties shall be reviewed in the field, by the CONTRACTOR'S personnel trained as reviewers. The Properties shall be reviewed for correct listing of information, classification, and final value and to assure that they are correlated to comparable properties. The ASSESSOR shall be notified of the dates of the reviews and may accompany the CONTRACTOR'S REVIEWER during any phase of the revaluation PROJECT.

DATA MAILER

As residential listings are completed, the CONTRACTOR, at its expense, shall send mailers to owners of each parcel of property. The format of these mailers and the schedule of mailings are subject to the approval of the ASSESSOR. Mailers must consist of a selected property description as collected, and a cover letter (approved by the ASSESSOR) which explains the purpose and content of the mailer. The mailers for parcels in the residential category shall include, but not be limited to, the following:

Property type classifications
Zoning
Parcel size
Building style
Exterior wall material
Total number of rooms
Number of baths
Heating type
Basement type
Year built
Number of fireplaces
Garage type
Central air conditioning
Latest sale price & date

Notification by mail will be sent to each owner of a property in all other property classifications. This notification shall state the place and time that the data items collected on his/her parcel may be reviewed. Or, data mailers approved by the ASSESSOR may be used for such other property categories as well.

D. ASSESSMENT NOTICES

At the close of the revaluation, a notice shall be sent at the CONTRACTOR'S expense including envelope, by first class mail, to each owner of record, setting forth the valuation that has been placed upon the property identified in the notice. The notice shall be prepared in conformity with the Delaware General Statutes, as from time to time amended. Further, enclosed with such notice shall be a letter specifying the dates, times, and place of the informal public hearings with an explanation as to the appeal process. Such notices and letters shall be subject to the approval of the ASSESSOR.

E. INFORMAL PUBLIC HEARINGS

At a time mutually agreeable to the ASSESSOR and the CONTRACTOR following completion of all review work by the ASSESSOR and the CONTRACTOR, the CONTRACTOR shall hold public hearings so that property owners, or their legal representatives, may appear at specified times to discuss their new assessments with qualified members of the CONTRACTOR'S staff.

The CONTRACTOR, in conjunction with recommendations of the ASSESSOR, shall schedule a sufficient number of hearings and provide adequate personnel to handle said hearings expeditiously and fairly. Any information offered by the taxpayer shall be given consideration and adjustments shall be made when warranted.

The CONTRACTOR shall have an adequate number of days for the informal public hearings, said hearings to include at evenings and Saturdays. Every property owner shall have the opportunity to an informal hearing with the CONTRACTOR within said period of time agreed upon by the ASSESSOR and the CONTRACTOR.

The CONTRACTOR shall mail a notice that reflects the result of the informal hearings at the CONTRACTOR'S expense. The ASSESSOR prior to mailing must approve this notice

F. BOARD OF ASSESSMENT APPEALS & LITIGATION

The CONTRACTOR shall include a separate per diem price for support of values beyond the Informal Meetings process.

G. ASSESSORS' OFFICE STAFF TRAINING PROGRAM

The CONTRACTOR will be responsible for training local staff in such manner that, at the end of the project, the ASSESSOR'S Office will be knowledgeable in the operation of all phases of the valuation system. On-the-job training, where feasible, shall consist of the ASSESSOR and any other staff working in the appropriate phases of this project under the CONTRACTOR'S supervision. The CONTRACTOR shall submit a reasonable training plan and schedule to achieve the objective stated above prior to the commencement of the project

H. TRANSMITTAL OF RECORDS TO THE ASSESSOR

Regular periodic delivery of appraisals, as completed, shall be turned over to the ASSESSOR for review. All appraisals of buildings either completed or under construction and all completed and corrected records shall be turned over to the ASSESSOR by the dates specified in the schedule agreed upon by the ASSESSOR. All documentation employed in conjunction with this program, including software programs, shall become the property of the ASSESSOR.

The final inspection and review shall take into consideration any known or apparent changes in the individual property since it was first inspected in order that the final appraisal of property shall be made as of January 1, 2012. This information and/or appraisal or record shall not be made public until after the informal hearings, except to the extent that public access may be compulsory under the provisions of applicable law.

VI. RESPONSIBILITY OF THE CITY

A. NATURE OF SERVICE

It is clearly understood and agreed that the services rendered by the CONTRACTOR are in the nature of assistance to the ASSESSOR and all decisions as to proper valuations, taxable or tax exempt, shall rest with the ASSESSOR.

B. COOPERATION

The ASSESSOR, the City, and its employees will cooperate with and render reasonable assistance to the CONTRACTOR and its employees.

C. ITEMS FURNISHED BY THE CITY

The City shall furnish the following to the CONTRACTOR:

MAPS the ASSESSOR shall provide copies of available tax maps. The ASSESSOR shall also provide available parcel identification data for each parcel of real property including at a minimum the following items all current legal information, i.e. ownership, property location, mailing address, map/block/lot number.

LAND DIMENSIONS The ASSESSOR shall be responsible for providing accurate lot sizes and total acreage of all pieces of property where the tax maps or present records fail to disclose measurements or acreage.

ZONING

The city/town shall provide a current city/town zoning and planning regulations and zoning maps.

PROPERTY TRANSFERS

The city/town shall notify the CONTRACTOR on a regular basis, of transfers and property splits occurring after 30 days of said date. The CONTRACTOR shall update owner and street property record cards within 90 days of sale.

DATA The following data: parcel inventory, owner of record, location of property, deed references, map and lot references, age and date of construction of all buildings, if available, and lot size or amount of acreage, or any other pertinent information shall be given to the CONTRACTOR.

BUILDING PERMITS Records of all building permits issued during the course of the revaluation project up to July 2012. All such records shall be returned to the City.

MAILING ADDRESS The ASSESSOR shall provide through the ASSESSOR Office the current mailing address of all property owners.

OFFICE SPACE Office space including furniture and free parking will be provided to the CONTRACTOR to carry out the terms of this contract.

COMPUTERS & SOFTWARE

The city will provide access to the city's server and CLT software, printers, and related resources for the company's use. CONTRACTOR must supply Lap Tops for the company's use.

D. PROPOSAL AWARD

The City reserves the right to reject any, or any part of, or all PROPOSALS; to waive informalities and technicalities; and to accept the PROPOSAL which the City of Dover deems to be in the best interest of the City, whether or not it is the apparent lowest dollar proposal. Consideration in the awarding of the CONTRACT will be given to price, prior experience and competence of the proposer, the nature and size of the proposer's organization and familiarity with the area, and the quality of similar projects the proposer has completed in the past.

VII. PROPOSAL SUBMISSION

The written proposal submitted should, at a minimum, include the following information:

1. Business name and contact person, together with the address, telephone number, facsimile number and email address, of the office from which the services will be provided.
2. A brief history of the business along with evidence that there is a licensed appraiser on staff and that the business is insured and authorized to do business in the State of Delaware.
3. A description of qualifications and services, specifically relating to reassessments, which the proposer is capable of providing, together with an explanation of how these services might best assist the City.
4. A list of at least three (3) references the City may contact in order to assist in the evaluation of your past performance. For each reference listed, the information provided should consist of the following:
 - a. Name and mailing address of the owner/business
 - b. Name and telephone number of your contact person within said business

5. Information on the nature and magnitude of any litigation or proceeding whereby, during the past three (3) years, a court or any administrative agency has ruled against the proposer in any matter related to the professional activities of the proposer. Similar information shall be provided for any current or pending litigation or proceeding.

6. A statement to the effect that the selection of the proposer shall not result in a conflict of Interest with any other party which may be affected by the work to be undertaken. Should any potential or existing conflict be known by a proposer, said proposer must specify the party with which the conflict exists or might arise, the nature of the conflict, and whether or not the proposer would step aside or resign from the engagement or representation creating the conflict. (The City reserves the right to select more than one firm to perform the required services to avoid conflict of interest and other similar occurrences.)

7. Examples of forms/reports to be used.

8. Any additional information that you feel will be beneficial to the City in evaluating your qualifications to serve.

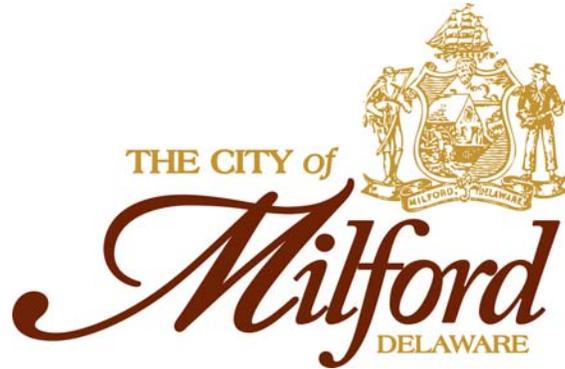
VIII. TIMETABLE

The City will use the following tentative timetable in the selection process, which should result in a recommendation to City Council by June 13 2011.

Date	Event
Thursday May 12, 2011	Publicly Advertise RFP
Friday May 20, 2011	Deadline for submitting questions
Wednesday May 25, 2011	Answers to bidders questions published
Wednesday June 1, 2011	Deadline to submit final proposals. (3 copies)
Monday June 13, 2011	The City of Milford Tax Assessor prepares a recommendation for submission to the governing body.

IX. SELECTION CRITERIA In order to ascertain which proposal best meets the needs of the City, proposals will be evaluated according to the following criteria.

Factor	
A	Price
B	Prior experience and competence
C	Nature and Size of the proposers organization
D	Familiarity with the area
E	Quality of similar projects



PROPERTY ASSESSMENT DEPT.
302.424.3712, EXT 314 FAX 302.424.3559

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

Date: June 24, 2011

The revaluation of properties is required every ten years according to the City Charter, the purpose of performing revaluations is to ensure that real property is assessed at a fair estimate of market value thereby ensuring a fair and equitable distribution of the tax burden for all property owners. On June 13, 2011 Milford City Council was presented with a proposal from Tyler Technologies in the amount of \$261,200. There was concern with the cost of this proposal and council requested the assessment department to research some comparables from other revaluation projects. I have included examples of projects involving towns similar in size to Milford and a couple of larger projects

Large Revaluation Projects

Hillsborough Township NJ	Dover Delaware
Parcel Count 14,000	Parcel Count 11,000
Cost \$800,200	Cost \$731,000
Per Parcel \$57.15	Per Parcel \$66.46

Small Revaluation Projects

Seaford Delaware	Princetownship Nj	Milford Delaware
Parcel Count 2,800	Parcel Count 5,779	Parcel Count 5,700
Cost \$140,000	Cost \$509,500	Cost \$261,200
Per Parcel \$50	Per Parcel \$88.16	Per Parcel \$45.82

A PROPOSAL FOR:
The City of Milford, Delaware:
*Revaluation Services for the 2012
Assessment for the City of Milford*

PRESENTED BY:
Tyler Technologies



June 1, 2011 @ 2:00pm

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It is not our intent to claim these names or trademarks as our own.

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Tyler Technologies, Appraisal & Tax, 3199 Klepinger Road, Dayton, Ohio 45406
800-800-2581 937-276-5261 866-658-4258 fax · info@tylertech.com · www.tylertech.com

- ❑ Letter of Transmittal
- ❑ Section 1 – Company History
- ❑ Section 2 – Scope of Work
- ❑ Section 3 – Client References List
 - Five Year Client List
- ❑ Section 4 – Conflict of Interest
- ❑ Section 5 – Litigation Statement
- ❑ Section 6 – Cost Proposal
 - State of Delaware Business License
- ❑ Section 7 – Resumes
- ❑ Section 8 – Sample Documents
 - Sample Pre-List Mailer
 - Sample Res. PRC
 - Sample Comm. PRC
 - Sample Data Mailer
 - Sample I&E Collection Form
 - Sample I&E Form



12 Goose Lane
Tolland, Connecticut 06084

P: 800.273.8605
F: 860.872.9526

www.tyler-tech.com

June 1, 2011

City of Milford
Mr. John Darsney
201 S. Walnut St
Milford, DE 19963

Reference: Revaluation Services For The 2012 Assessment For The City Of Milford

Dear Mr. Darsney,

Tyler Technologies, Inc., CLT Appraisal Services (CLT) has reviewed the City's Request for Proposal (RFP) and is pleased to submit this proposal for revaluation for your review.

Founded in 1938, CLT is North America's oldest, largest and most experienced supplier of mass appraisal services and property tax administration software. We have completed more than 2,500 major projects in 46 states, including 23 state capitals. We have extensive appraisal experience with all sizes of jurisdictions including Dover, Smyrna, and Milford's most recent revaluation in Delaware; many Counties in Pennsylvania; Nassau County, New York; and Middle and Lower Townships in New Jersey.

CLT brings the financial stability and the professional resources necessary to perform this type of project in a timely and professional manner. We have a staff of over 200 appraisal personnel from which we have identified a team that we believe is well suited for this opportunity. The team includes professionals that are familiar with Delaware assessment practices and have a significant number of successful projects to their credit. Our efforts will utilize techniques and practices recognized by the International Association of Assessing Officers (IAAO) and which are consistent with USPAP Standard 6 to perform the services required.

CLT maintains an aggressive quality assurance program to promote the highest standards in all phases of company operations, products, and services. Our quality control coordinators conduct a series of information gathering tasks to verify the consistency and accuracy of each project.

We sincerely appreciate the opportunity to submit this proposal to the City of Milford and we are excited by the prospect of partnering with the City for yet another important endeavor. Thank you for your consideration. Should you have questions, please contact me at 610.246.6539 (cell), or paul.miller@tylertech.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul C. Miller".

Paul C. Miller
Project Supervisor | Sales Executive

Section 1 Company History



Company History Overview

Now part of Tyler Technologies' Appraisal & Tax Division, CLT Appraisal Services began serving the appraisal market in 1938 as the Cole-Layer-Trumble Company. Sound appraisal practices and knowledge of developing computer systems allowed it to become the leading provider of appraisal and tax software and services in the U.S. The division has continually refined its techniques, pioneering the application of computer-assisted mass appraisal (CAMA) along the way. Division headquarters is in Dayton, Ohio, with the northeast regional operations office in Tolland, Connecticut.

Known for its dependability for completing projects on time and on budget, the division is recognized for its expertise in areas such as property valuation modeling and analysis. Because its team of professionals understands the challenges clients face communicating with leadership, other agencies and the public, they are able to work with clients to develop successful communication strategies—something that differentiates the division from its competitors. Tyler's appraisal and tax subject matter experts keep pace with evolving legislation and practices through training, certifications and professional associations. The division's staff of more than 300 professionals includes many certified appraisers who are exceedingly familiar with the regions in which they work.

The Cole-Layer-Trumble Company was acquired by Tyler in 1999. Tyler Technologies, Inc. (Tyler) was formed in 1966 and incorporated under the laws of the State of Delaware. Tyler has its corporate headquarters in Dallas, TX, and is listed on the New York Stock Exchange, traded under the symbol TYL. Tyler's vision is simple: resources and talents dedicated to the single goal of maintaining its role as the leader in the local government market. Tyler has built its success upon proven products that work.

Tyler is a leading provider of integrated, end-to-end information management solutions and services to local governments and provides software and professional appraisal and IT services to more than 6,000 local government offices throughout all 50 states, Canada, Puerto Rico and the United Kingdom. These mission-critical-applications provide counties and municipalities with the ability to streamline and automate operations, resulting in improved productivity and reduced costs. In addition to appraisal services, Tyler's professional services for local government include consulting, network design and management, installation, conversion, customization, training and ongoing support.

Section 2 Scope Of Work

Scope of Services

1.0 SUMMARY OF SERVICES TO BE PROVIDED

1.1 Understanding of the City's Goals

The Company will provide appraisal services relating to a full market value reappraisal of residential, commercial, farm, industrial, public utility, and exempt parcels of real property in City of Milford using the City's Unifers software. This reappraisal includes parcels contained within these real estate classes and manufactured homes taxed as real estate.

1.2 Compliance with Rules and Regulations

The Company will comply with all the State Rules and Regulations of the as of the date of this Agreement. The appraisal methods the Company proposes to employ will provide an efficient and effective reappraisal for the City. The accuracy for which the Company strives in establishing the final estimate of market value is not only supportable in the pre-appeal stage of the project, but is targeted to control the number of appeals and to ensure the methods of their defense. The success of any project of this magnitude relies on monitoring done by the City, and the Company welcomes the Assessor's or his designee's active participation.

1.3 Appraisal Manuals and Appraisal Methods

The Company will provide new replacement cost manuals for all types of properties and will utilize three (3) approaches to value, when applicable as determined by the Company, in the appraisal of the residential, agricultural, commercial, industrial and exempt properties to ensure that the final results are both accurate and equitable in relation to all values produced.

1.4 Appraiser-In-Chief

It is understood that the Assessor is to serve and act as Appraiser-in-Chief and that all decisions as to final assessed valuations, procedures followed, and forms used in the reappraisal will be made by the Assessor or his designee.

The Company agrees that the appraisers, reviewers, and field representatives employed by the Company are subject to the Assessor's approval.

1.5 Period of Performance

The Company's performance of its obligations under this Agreement, "the Project," shall begin on or before August 1, 2011 with the commencement of planning and other preparatory work, and the Company shall be prepared to make delivery to the City as hereinafter provided for on June 15, 2012.

1.6 Value to be Determined

The appraisals shall be the Company's opinion of the full Market Value as of January 1, 2012 the "Date of Value," reflecting parcel inventory as of that date, the "Tax Lien Date," also the "Cutoff Date." The Company shall appraise improvements partially complete on the Cutoff Date.

1.7 Step-by-Step Summary of Procedures

The following is the procedure the Company will use during the reassessment reappraisal of City of Milford, Delaware:

Using Unifers software, begin map pack preparation for start up of the field effort.

Print data collection documents in map/routing order.

Each parcel will receive an on-site inspection for the purpose of verifying, collecting and recording data. The data collector will list all required current parcel characteristics including measurements and data as to the physical specifications of each structure except when a parcel is vacant, permission is denied, or the premises appear to be unsafe or the occupant(s) threatening. For manufactured homes assessed as real estate the park name and owner will also be verified.

A report will be provided to the Assessor bi-weekly on the status of the data collection process with appropriate statistical information.

Field quality checks will be performed by group leaders on data collected throughout the process. Results will be reviewed with individual data collectors. The results of these field quality checks will be available for the Assessor or his staff's review. Quality control procedures are outlined in more detail in Article 2.9.

Agricultural data collection will follow the same basic approach as outlined above with special attention being given to outbuildings separately and as to their functional utility to the whole property.

One hundred percent of all data collected parcels will undergo a clerical check for completeness and accuracy. Parcels failing the quality check requirements will be returned to the field for correction.

Results from the data collection effort will be entered into the Unifers CAMA system.

Using data provided by the City in the Unifers CAMA system, research and validate

sales with field checks and transfer verification. For land values, use land only sales and the abstraction process as necessary.

With input from the City's staff, define neighborhood delineation using validated sales and Unifers system tools. Creation of neighborhood delineation map and post any changes to the neighborhood codes to parcels in the Unifers CAMA system.

Analyze land sales and establish land values in square foot, site value or acreage format. Update the computer assisted land tables (CALP) in the Unifers system. See section 2.3.9 of this proposal for more detail.

Gather and analyze current construction costs for dwellings and various types of farm buildings. Using verified construction cost, determine cost schedule level. Test and refine cost and depreciation schedules. After approval by the Assessor, compile a Review manual for use in final valuation and update cost and depreciation tables in the Unifers CAMA system.

Cost the CAMA file and test results against sale parcels by neighborhood grouping. Finalize cost and depreciation tables.

Concurrent to the Residential/Agricultural effort, Commercial/Industrial data collection will begin. The Commercial/Industrial data collector will visit each commercial/industrial parcel and verify, collect, and record data. The data collector will make an interior and exterior inspection of each principal structure except when a parcel is vacant, permission is denied, or the premises appear to be unsafe or the occupant(s) threatening.

Special attention will be given to gathering rents, income, and expense data and verifying sales.

Commercial/Industrial Field Reviewers will determine that the structures have been properly described so as to assure the use of the proper schedules for computing replacement cost new; shall make a judgment as to the grade of construction and depreciation (both functional and physical) of each structure; shall apply unit land value and adjust values to account for the property site characteristics; shall take into account the income approach to value, if applicable; shall consider indicated value of the structure and indicated value of the land against sales information concerning comparable properties and shall make a determination on the judgmental factors which affect the computation of the opinion of value.

Data collected or changed during the field review of properties will be keyed into the Unifers CAMA system.

Perform analysis to verify uniformity and equalization of parcels throughout the City.
Generate reports showing impact of reappraisal.

Continue analysis of sales ratio studies towards finalization of values using both neighborhood and taxing district groups.

Run and resolve mismatch reports between tax accounting and the CAMA files.

Generate tentative abstract using the City's software and submit to the Assessor for his approval.

Conduct informal hearings.

Inspect properties where needed as a result of informal hearings.

Mail notices of change to those properties where the values changed as a result of the informal hearing process.

2.0 COMPANY RESPONSIBILITIES

2.1 Approach

The Company proposes to use the tools available in the Unifers software and its years of appraisal expertise to provide equitable, defensible appraisal values for all specified properties in City of Milford.

2.1.1 Planning and Preproduction Service

Effective initial planning and preproduction services are necessary for the successful implementation of the project.

2.1.2 Preliminary Review

Within thirty (30) days of the signing of this Agreement the Company will conduct a preliminary review of the inventory of properties as made available by the City.

2.1.3 Project Work Plan

The Company has provided a project work as part of this proposal. As part of the project planning process, the work plan will be finalized and augmented relative to the starting and completion dates for all the various phases of the program as well as personnel needs and, once approved and agreed upon, will become part of this

Agreement. The work plan will be used to track progress in the monthly status reports.

2.1.4 Project Monitoring

In addition to the work plan, other monitoring activities take place on a continuing basis throughout the project. Staff evaluation is an important internal activity for any industry. Because of the visibility and obvious interest that surrounds a reappraisal project, it is critical that staff not only produce quality work, but also present themselves as courteous, concerned representatives of the City and the Company. Company procedures monitor and are responsive to this need.

Other manuals will monitor functions including the tracking of taxpayer inquiries, public informational meetings, media release timing, documentation of training sessions and video presentations to concerned taxpayers.

2.2 Project Personnel

The project shall be performed by personnel that have experience or training for the role that they will fill. Data collectors, reviewers, data entry personnel and clerical personnel working under the direct supervision of the Project Manager, Paul Miller, who will be supported by the Regional Manager, Paul Flynn with additional support from the Company's general staff and facilities. Resumes are included in the appendix.

Experienced personnel will be supplemented by locally hired and trained personnel. The primary function of the data collectors is to verify or collect and record data; the primary function of the reviewers is to determine the judgmental factors affecting the Company's computation of its opinion of value. The Company agrees that the appraisers, reviewers, and field representatives employed by the Company are subject to the Assessor's approval. Each Company employee engaged in field work shall be provided with a proper identification card.

2.3 Data Verification/Property Inspection

2.3.1 General

The Company will verify, collect, record, and analyze general supporting data to serve as a basis for the development of guidelines for cost, market, and economic coefficients needed when applying the three (3) approaches to value and to produce market driven comparables with the emphasis on the comparable sales approach to value.

The sales comparison approach is considered the most objective and reliable method of estimating the value of residential improved properties. The essence of the sales comparison approach is estimating the value of unsold properties from sales of

similar properties. The comparable sales approach has two essential components, selecting the comparables and adjusting for differences between the subject property and the sales properties.

Mass appraisal is well suited to the application of the comparable sales approach because of the availability of a large sales base and a standardized data base of property characteristics which can be easily used in both market analysis and comparable sales selection.

The general supporting data to be analyzed will include cost data, lease data, economic data, and sales data to be used for the cost, income and market approaches to values.

The guidelines, which will be developed from this analyzed data, will include replacement cost schedules, market models, economic rent schedules, income capitalization rates, comparative property sale units, and unit land values.

2.3.2 Cost Data

The Company will calibrate the Unifers cost tables to City of Milford building cost levels.

A determination of construction costs in the City will be compiled. This will include data on actual new construction occurring in the City as well as information provided by a national cost service. This information will be considered in determining the replacement cost new level for the City.

2.3.3 Lease Data

The Company will investigate current leases in the City and compile, classify, and document lease data to support the development of guidelines for estimating net income potential of properties on the open market.

Both parties will request and attempt to collect specific lease data on leased properties to be appraised under the terms of this Agreement. The data collectors will request this data from the occupant or owner during the data collection visit. The City will be responsible for mailing Income and Expense Disclosure Forms to all leaseable commercial or industrial real estate.

The data will be collected and recorded on Income and Expense Disclosure Forms designed to accommodate different property classification groupings.

Income information will serve as a data base from which to select comparable rents and from which to extract, classify, and analyze general data required to develop stabilized income and expense guidelines for various representative property models.

In developing income and expense guidelines, the data obtained through specific income and expense disclosures and recorded leases will be supplemented with general data obtained through the study and analysis of actual experience reported in national publications, as well as through interviews with local investors, property managers, real estate brokers, and appraisers. All data compiled will be referenced to source and documented in support of the guidelines developed.

2.3.4 Economic Data

The Company will make an investigation of prevailing economic determinants and practices underlying local property transactions and compile data on interest rates, equity requirements, loan terms, holding periods, and investment yields sufficient enough to support the development and validation of income capitalization rates.

The source of the data will be the local marketplace supplemented by trade publications and augmented by the experience and knowledge of the Company's analysts.

2.3.5 Sales Data

The Company will examine recent sales involving the properties to be appraised, as said sales data are periodically provided by the City.

The sales will be cataloged by location and use type, classified by age, quality and condition, and verified and serve as a comparable sales data base to accommodate the application of the market approach to value through direct sales comparison.

A sales history file may be created that contains a "snapshot" of sale parcels as they were at the time of sale. This will increase the number of valid sales that can be used during valuation and provide a more accurate indicator of changes in the market using paired sales. The Company will review its procedures with the Assessor.

2.3.6 Property Data

The geographical and physical characteristics of the all properties in City of Milford are to be maintained to reflect the status of the properties as of January 1, 2012 or such other date as may be mutually agreed to by the parties in order to meet the key project milestone dates . For property appraisals to be accurate they must be based on actual physical characteristics. This is not only essential for valuation it is

essential in winning and maintaining the public trust. Our methodology ensures that we have captured accurate, meaningful data.

2.3.7 Data Collection

2.3.7.1 Data Collection

The Company's data collectors will visit and go upon each parcel for the purpose of verifying, collecting, and recording data. The data collector will make an interior and exterior inspection of the principal structures on the parcel, except that if:

1. Permission to inspect the interior or exterior of a structure is denied, then the data collector will verify the data and will record the fact on the field document and reason for the estimation; or if
2. After one (1) visit to the parcel, if the data collector fails to make contact with the occupant.

2.3.8 Sketch of Structure

Sketches on the data collection document will contain the data needed to have the sketch vectors and building descriptions input in the Univers CAMA system.

2.3.9 Establishing Tentative Unit Land Values

The Company shall collect information concerning sales of land and sales of improved parcels which may indicate the residual value of land. From these and other sources, it shall familiarize itself with land values throughout the jurisdiction. The Company shall establish its tentative opinion of unit land values, expressed on an acreage, site, or square foot basis, in the various areas of the jurisdiction; such values shall be approved in writing by the City prior to being utilized by the Company in valuing all parcels.

2.3.10 Final Valuation

During the review phase the Company's reviewers will review each parcel; shall consider the data placed upon the review document and determine that the structures have been properly described so as to assure the use of proper schedules for computing replacement cost new. The Company shall make a judgment as to the grade (quality) of construction and of the condition, desirability, and usefulness of each structure. Unit land values will be applied to each parcel and adjusted to account for the particular characteristics of the site. If applicable the income approach to value is considered. A qualified appraiser will make a determination on

all judgmental factors which affect the Company's computation of its final opinion of value.

2.3.11 Market Valuation

The market value subsystem of the Unifers CAMA software will be reviewed for implementation. The assessor will choose the default value for parcels in all classes from the available approaches.

2.3.12 Income Valuation

Both parties shall gather data for the income approach to value as outlined in sections 2.3.3 and 2.3.4. Following the file building of parcel information in the Unifers CAMA system, income models for various types of income-producing properties in different geographic areas (neighborhoods) will be maintained in the system and applied consistently to each property with the appropriate characteristics.

The potential net income streams are then capitalized to provide estimates of value in accordance with the income approach. The application of gross rent multipliers or gross income multipliers is available as part of the model approach for appropriate types of properties.

The income approach to value will be reserved for commercial and industrial properties and will utilize the direct capitalization of to estimate market value. Properties normally valued like this include apartment complexes, hotel/motels, retail, offices, restaurants, and warehouses. The system-generated values will be based upon income, expense and capitalization models developed from an economic analysis of market indicators. Data from several sources will be utilized, including actual rents from property surveys as well as industry publications and surveys with local realtors. The Income and Expense form mailing will be another source.

The income model approach uses the description of the property laid out in the collection of improvement characteristics for the cost approach, as the basis for aggregating areas and units against which income and expense models will be applied. This income model approach is a *Pro Forma* type approach. Once the income models are loaded, the appraiser will adjust the neighborhood-based models to arrive at an appropriate income value for the parcel. At that time the appraiser can select between the cost and income value. The use of income adjustments and the selection of the appropriate valuation approach will be monitored for consistency in valuation method and to arrive at the ultimate goal: market value.

2.3.13 Computation of Replacement Cost New

The Company shall calibrate pricing schedules for the purpose of computing the replacement cost new for all structures. We will use Marshall Swift Valuation Services to aid in the calibration of the Unifers schedules.

Also see Sec 2.3.2 for additional procedures on gathering cost data.

2.3.14 Computation of Appraisals

Company employees shall use the Univers CAMA System to calculate total land, total building and total value for each parcel being appraised.

2.3.15 Public Information and Public Relations

Throughout the appraisal process, the Company shall endeavor to satisfy all reasonable requests made by the City for information as to the Company's planned work schedule for the project, personnel employed on the project, appraisal methods and procedures utilized, and the status of the work. Field staff are instructed not to engage in conversations with property owners, including answering questions regarding values or taxes. A letter of introduction will be carried by all field personnel, which will include contact information for questions from property owners. For further information about public relations, please see section 7.0, Additional Services.

2.3.16 Determination of Classifications

As to each parcel, the Company shall:

- A. Determine its classification as residential, commercial (apartment), industrial, farm (agricultural), utility, exempt. Note: The City will make final determination for exempt properties.
- B. Code each parcel according to its present use.
- C. Determine its land use and shall record the same on the property record card. In the event any parcel falls within more than one classification or land use, the Company shall select the apparent predominant classification or use and record it on the card.

2.4 Property Record Card

A computer generated review document for each parcel will be produced by the Company. These property record cards will be used in the final review phase of the project and will be a deliverable to the City. The final property record cards will be electronic, and can be printed by the City when needed.

2.5 Exempt Properties

Exempt properties will be appraised in the same manner as other classes depending upon the physical make-up of the individual property. For example, an exempt property that is residential in character would be valued in the same manner as other residential properties.

2.6 Informal Reviews; Support of Values

2.6.1 Company's Conduct of Informal Reviews

The Company shall mail each property owner a notice showing their tentative value. The Company shall have an informal discussion with the owner or agent who requests the same during the specified period at a location provided by the City. The Company will be responsible for all informal reviews filed as a direct result of this reappraisal which are requested within the timeframe scheduled for setting appointments.

2.6.2 Results of Informal Reviews

The Company will mail a notice to all property owners who attended an informal review or whose values were changed during the informals process of the final value that the company will recommend to the City.

2.6.3 Support of Values Beyond the Informal Process

The Company shall, upon request, participate in appeal preparation, hearings, or deliberations taken and processed in accordance with administrative or statutory procedures from any assessment which is computed directly from the Company's appraised value. Included in this Proposal, the Company will provide three (3) person days of support beyond the informal meeting process. The three (3) person days of support are to be used in one to two day segments. Any participation beyond the three (3) days included in this Proposal will be performed for a per diem rate of \$1100.00 per day.

2.7 Manufactured Homes (House Trailers)

As outlined in Section 1.7, the Company is responsible for the valuation of manufactured homes assessed as real estate as enumerated in the parcel counts provided in the Request for Proposals.

2.8 Data Entry

The Company shall be responsible for entering changes pertinent to the 2012 Reappraisal into the Unifers software.

2.9 Quality Control Plan

Quality in a service business can be a difficult concept to define. The Company's definition consists of five basic components:

1. Understanding what is to be done.
2. Defining what constitutes successful completion of each project activity.
3. Gaining assurance that the client shares this understanding.
4. Doing this work on time.
5. Getting recognition of success from the client.

It is important for the City to know that the Company is dedicated from the top down to delivering quality work. A primary element of management's job is to ingrain this precept into the culture of all new employees and to build upon it during their careers.

A key part of the Quality Control Plan for City of Milford is the Quality Control Audit. The audit is performed by an internal team of individuals, including senior management personnel. The team contains employees from outside the project who have functional expertise in appraisal, data processing, and imaging systems. The team follows an outline to make sure all aspects of the project are covered. Written documents such as planning calendars, procedural manuals, systems specifications and documentation, and control reports are checked for their existence and accuracy. The Project Manager and the team conduct a contract review for compliance with key benchmark dates, events, and other terms and conditions. Group interviews are held with project employees, including supervisors, reviewers, systems, and clerical personnel, to get input from several different directions as to what is being done right, what is being done wrong, and ways that improvements can be implemented.

As indicated in the quality definition, client understanding and approval is an absolute necessity to quality assurance, so there is a client interview in each of these audits. A summary report is written after management debriefing on audit results, and the City will receive written documentation of the findings.

Formal Quality Assurance Audits will occur on at least two occasions during the project: first, during the data collection; and second at project wrap up with a final detailed written report to the Assessor.

The Company does not want or expect the City to rely solely upon Company statements about job quality. As another part of the Quality Plan, the Company strongly encourages City participation in checking work at all levels as it is completed. The Company has found out that the quicker an error or misunderstanding can be uncovered and eliminated, the better chance we have of achieving our common goals. Therefore, the Company will cooperate fully with the City in its work audit process or with a third party to provide supporting documents and access to quality control records.

At the project level several quality control procedures will be in place. For field data collection personnel we will follow these procedures:

1. The field supervisor will recheck all properties completed during the training period by each data collector. All noted errors are recorded on a QC form and discussed with the employee; corrective action is identified and taken.
2. After the successful completion of the training period the field supervisor will review 25 of the first 100 cards completed by each trainee. The results are recorded on QC forms and discussed with the employee.
3. Throughout the field effort the field supervisor will review at least 5% of the completed cards for each employee within his/her team. A "Quality Check Form" will be completed for each card reviewed.
4. If the results of the quality check are satisfactory, they are discussed with the employee and the pack is turned in to the project office for clerical quality control.
5. If the results of the quality check are unsatisfactory the quality check report is returned to the employee and one of two courses of action is taken:
 - a. A pack with a less significant degree of error but a still unsatisfactory quality report is returned to the employee. The employee corrects the noted errors and rechecks the balance of the cards in the pack for similar errors.
 - b. A significant level of multiple significant errors requires a complete rework of the pack by the employee.
6. Periodic field training exercises are conducted with each employee. The objective is refinement of the employee's basic skills and improvement in targeted problem areas such as productivity and accuracy.
7. Regular reviews are held between the Project Supervisor and all field supervisors for current status regarding quality results, productivity, training and corrective actions.

Spreadsheet records will be kept by the Project Supervisor reflecting (by individual and by work pack) number of parcels completed, number of parcels audited, number of parcels passed, number of parcels with minor errors to be corrected, and number of failed parcels (unacceptable errors).

There will also be clerical spreadsheet records to document errors found during clerical checks which will occur at several points during the project. These reports will be run bi-weekly.

In an effort to increase the quality of the data in the City's CAMA system, as well as involve the public in the process, the Company will mail a Data Mailer (see sample elsewhere in this proposal) to each residential improved taxable property in the City. The Company is often the only proposer to include this important step. The Company believes it to be a critical part of any successful reassessment project. For parcels which have not had an interior inspection, the data mailer will contain language offering the property owner an interior inspection by appointment.

2.10 Facilities

The City will provide, at no cost to the company, the project office including furniture, utilities, all data processing equipment, local telephone services, communications between the server and the company's workstations' adequate light, heat, air conditioning, and parking. Except as may be specifically provided in this Agreement, all vehicles, and office supplies required by the Company for the project shall be provided or paid for by the Company. The City shall provide a site for the informal hearings, preferably a public handicap accessible building with adequate parking for company staff and property owners.

3.0 MATERIALS AND DATA TO BE PROVIDED BY CITY

3.1 Parcel Identification Characteristics/Data

Within thirty (30) days of signing, the City shall provide the company access to the City's CAMA file.

3.2 Tax Maps

Within thirty (30) days of contract execution, the City shall provide three (3) sets of maps. Certain data from the GIS-produced maps will also be provided in an electronic format suitable for importing into or use in conjunction with the CAMA file.

3.3 Zoning Classification Data

Within thirty (30) days of contract execution the City shall provide, where available, the zoning classification or classifications for each parcel, correct and current as of the most recent tax lien date prior thereto. This data will be provided in electronic format suitable for importing into the CAMA file.

3.4 Obligation to Keep Current

The City shall continually and currently update the information referred to in Sections 3.1 through 3.6 to the Cutoff Date by written change notices. The last of such written change notices shall be delivered to the Company by the City within fifteen (15) days after the Cutoff Date. The Company may rely on the correctness, completeness, and currency of all such information as of the Cutoff Date.

3.5 Sales Information

The City shall continuously and currently provide copies of all sales information available to it with respect to transfers of parcels occurring since January 1, 2009, and ending with the December 31, 2011.

3.6 Additional Information

The City shall further assist the Company by providing or making available such other information which it possesses or which is conveniently available to it, including, but not limited to, general assessment records, Pictometry(if available), and ortho photographs.

3.7 Postage and Forms

Mass mailings will be an initial pre-data collection leaflet, a data mailer, an income and expense request, notice of new value, and informals change/no change notification. The City is responsible for the costs associated with the income and expense request and the Company will be responsible for the others.

3.8 Computer Processing and Supplies

The City will be responsible for all costs required to operate the computers. The City will be responsible for providing the use of the computer during normal working hours. All cost associated with computer access, dedicated phone lines and associated items would be the responsibility of the City.

3.9 Parcel Splits

The City will process all parcel splits and combinations within fifteen (15) days of receipt of a deed and forward written change notices to the Company. The last of such written change notices will be delivered to the Company within fifteen (15) days of the "Cutoff Date."

3.10 Digital Imagery

Digital images will be taken from public right of way for of all parcels with an improvement. The digital images will be integrated into Unifers.

Images will be taken between late fall or early spring to avoid snow or emerging leaves obstructing the view. Photos will be clearly focused with adequate tint, brightness, and clarity and obstructions will be avoided as it possible. Multiple images will be taken of commercial, industrial, condominium, apartment and utility properties with multiple buildings.

The City will review and accept or reject digital images after development of mutually agreeable quality criteria and reasonable image review deadlines.

6.0 PROJECT DELIVERABLES

6.1 Property Record Cards

The Company will provide property characteristics and related data in electronic format. The City is responsible for the cost and printing of the final Property Record Card (PRC) if desired.

6.2 Manuals

Two (2) bound copies and one .pdf format of the appraisal manual containing information about the general appraisal methods and procedures utilized by the Company and the specific schedules (building cost, depreciation etc.) used on the project.

6.3 Sales Ratio Study

The Company shall prepare a Sales Ratio Study of properties from January 1, 2009 to December 31, 2011 or such other timetable as may be agreed upon to support values.

7.0 ADDITIONAL SERVICES

7.1 Public Relations

A successful public relations effort is in reality a joint function of the City and the Company. The Company is aware of its highly visible role in the project. In order to achieve public awareness, understanding, and acceptance of the results of the project, the Company will provide the following items as part of a standard public relations package.

1. Periodic regular briefings will be held with the City, including progress reports and discussion of problem areas and solutions.
3. A point of contact for the media will be established and such a contact should act as the reappraisal project spokesperson upon request and approval by the Assessor. The contact will be provided by the Company.
4. Periodic news releases will be issued prior to, during, and after the completion of the project. These releases are particularly important during the data collection phase of the project, prior to release of appraisal figures, and prior to and during informal reviews. Writing assistance for these releases is provided by the Company. Newspaper articles will be presented for clearance to the City Assessor prior to release.
5. Company project personnel will be available for presentations to the public, community leaders, local service organizations, and other groups, and for appearances on radio and TV talk shows. The Assessor will join Company personnel in such presentations, which are typically followed by question and answer periods.

7.2 Training

The Company's ability to successfully execute a project and the City's ability to successfully maintain the results of the project are directly related to the quality of training conducted in conjunction with project execution.

7.2.1 Company Staff Training

The Company intends to staff key project and appraisal positions with experienced Company personnel. Certain positions will be staffed by personnel hired locally. Personnel hired into these positions (i.e., clerical, data collectors, data entry operators) receive on-the-job training in their duties. Other staff, such as review appraisers, will participate in formal briefing sessions to review comparable sales selection criteria, value adjustment coefficients, and income/expense models prior to review so that they may accurately pass judgment on values being reviewed.

The material prepared in the course of providing this instruction will form the basis for various training documentation that will be used to train City personnel in the various functions.

7.2.2 City Staff Training

The City and Company will jointly develop a training program that encompasses the various phases of the reappraisal program. A key to any successful reassessment project is the success of the City's personnel when the project is complete. To further this cause, the Company encourages the City's staff in attending CLT's internal training sessions for all aspects of the project. These training sessions will be a combination of classroom and field work. These will be supplemented with on the job training during the course of the reappraisal.

We will manage the execution of the training plan throughout the project, and will work closely with the City staff to tailor our training materials to meet the requirements of the various personnel. The basis for the tailoring will be our deep understanding of the business processes and office needs identified during the requirements gathering phase of the project. The training sessions will include:

- Classroom lectures and discussions
- "On-the-job" training developed during the actual reappraisal process
- Use of Unifers as an appraisal tool

Involving and Mentoring Client Staff

Mentoring and development of staff is one of the cornerstones of Tyler | CLT. Since 1938, we have continued to prosper largely because of the care we have taken to ensure the personal growth of our people. We do this well and we will apply this method of operation to your staff as part of this project.

The term “learning curve” refers to the period of time in which an individual learn something new. There is an old saying that states... “What I hear I forget, what I see I remember, what I do I understand.” Our training approach is designed to maximize user understanding by providing considerable hands-on use cases based on underlying client business processes. This approach results in achieving the best possible results that can be yielded in a classroom environment. It is challenging, however, for any student to remember all course work until they have had an opportunity to perform what they have learned a number of times in a live environment.

7.3 Communications Plan

Following contract signing, the project manager will initiate meetings with the City’s point of contact to formalize a communications plan. As a beginning point, we propose the communications plan include the following:

1. Project Meetings

a. Monthly Status Meetings - A monthly review of project progress, issues, and proposed changes. The monthly meetings are generally held the same day, time, and place. Items covered in the meetings will include:

- Updated project plan
- Tasks completed during the last reporting period
- Tasks planned for the next reporting period
- Tasks planned for completion during the next reporting period
- Anticipated staffing needs
- Outstanding issues; current status and plans for resolution
- Any issues that can affect schedules
- Any issues that can delay or impact the completion of the project

b. Quarterly Executive Meetings - will be held with the City commissioners, the Assessor, and other City staff to discuss general project topics and to review plans for the next quarter. The intention of this meeting is to ensure visibility into project progress, and facilitate open communications.

2. Monthly Status Reports

The project manager will submit monthly written project status reports to the City's point of contact detailing activities, accomplishments, milestones, identified issues, and problems. Each report will include a written summary of progress during the past month, detailing the status of items in the project plan, identification of issues, and proposed resolutions.

Section 3 Client References List

Five Year Client List



Client Reference List

Delaware

City of Dover, DE

iasWorld / Appraisal
Mr. Anthony DePrima, City Manager
P.O. Box 475
Dover, DE 19903-0475
(302) 736-7005

City of Dover, DE

iasWorld / Appraisal
Ms. Cheryl Russell, Chief Assessor
City Hall – The Plaza
P.O. Box 475
Dover, DE 19903-0475
(302) 736-7022

City of Milford, DE

Univis / Appraisal
Mr. John Darsney, Assessor
201 S. Walnut Street
Milford, DE 19963
(302) 424-3712

Town of Smyrna, DE

Univis / Appraisal
Mr. David Hugg III, Town Manager
27 S Market Street Plaza
Smyrna, DE 19977
(302) 653-9231

New Jersey

Township of Voorhees

Univis / Appraisal
Mr. Michael Kane, CTA, Assessor
Township of Voorhees
620 Berlin Road
Voorhees, NJ 08403
(609) 429-7767

Borough of West Wildwood

Univis / Appraisal
Mr. Joseph Gallagher, CTA, Assessor
701 Glenwood Ave.
West Wildwood, NJ 08260
(609) 522-2444

Township of Middle

Appraisal
Ms. Lee Ann Russ, Assessor
33 Mechanic Street
Cape May Court House, NJ 08210
(609) 465-8726

FIVE YEAR CLIENT LIST

Client	Year Signed	Type of Service
Alaska		
Municipality of Anchorage	2007, 2008, 2009, 2010	MAS, Landisc
California		
Alameda County	2009, 2010	AES
Contra Costa County	2009	AES
Merced County	2010	AES
Orange County	2010	AES
Riverside County	2009, 2010	AES
San Bernardino County	2009	AES
Santa Clara County	2009	AES
San Diego County	2007, 2009	MAS
	2010	AES, MAS
San Joaquin County	2009, 2010	AES
San Luis Obispo County	2010	AES
Solano County	2009, 2010	AES
Sonoma County	2010	AES
Ventura County	2009, 2010	AES
Colorado		
Arapahoe County	2007, 2008, 2009, 2010	OASIS
Boulder County	2010, 2011	spatialest
City & County of Denver	2007	MAS, OASIS
	2008	Landisc
	2009	OASIS Consulting
	2010	Landisc, MAS, OASIS
Logan County	2007	IAS
	2008	iasWorld, IAS Consulting
	2010	IAS Consulting, spatialest
	2011	IAS Consulting
Connecticut		
Towns of Avon & Canton	2008	Appraisal
Town of Bethel	2007, 2008, 2009, 2010	Landisc, Univers
City of Bridgeport	2007	OASIS
City of Bristol	2007	Landisc, Univers
Town of Canton	2008	Appraisal Consulting
Town of Clinton	2007	Appraisal
Town of Darien	2007	Appraisal, iasWorld, Landisc, Univers
	2008, 2009	iasWorld
	2010	Appraisal Consulting, iasWorld
Town of Durham	2007, 2008, 2009, 2010	Appraisal, Landisc, Univers
Town of East Haddam	2007	Landisc, Univers
Town of Farmington	2007	Appraisal
Town of Franklin	2007	Appraisal
Town of Griswold	2010	Appraisal
Town of Groton	2007	Appraisal, iasWorld, Univers
	2008	iasWorld, Univers
	2009	iasWorld
	2010	Appraisal, iasWorld

Five Year Client List

Client	Year Signed	Type of Service
Town of Killingly	2007	Landisc, Univers
	2008, 2009	iasWorld, Landisc
	2010	iasWorld
Town of Lebanon	2007	Appraisal
City of Middletown	2007	Appraisal, Landisc, Univers
	2008, 2009, 2010	Landisc, Univers
Town of Monroe	2007, 2008	Landisc, Univers
	2009, 2010	Appraisal, Landisc Univers
Town of Newington	2007, 2008, 2009	iasWorld
	2010	Appraisal, iasWorld
NECCOG	2011	Appraisal
Town of North Branford	2010	Appraisal
Town of North Haven	2007, 2008	Appraisal, Landisc, Univers
	2009	Landisc, Univers
	2010	Appraisal Consulting
Town of Plainfield	2008, 2010	iasWorld
Town of Plainville	2007	Landisc, Univers
	2008, 2009	Univers
	2010	Appraisal, Univers
Town of Plymouth	2008, 2009, 2010	Landisc, Univers
Town of Portland	2007, 2008, 2009	Landisc, Univers
	2010	Appraisal, Landisc, Univers
Town of Putnam	2007	Appraisal
Town of Redding	2007, 2008, 2009, 2010	Univers
Town of Scotland	2007	Appraisal
Town of Southington	2007	IAS, Landisc
	2008, 2009, 2010	iasWorld
	2011	IAS Consulting
Town of Stafford	2007, 2008, 2009, 2010	Landisc, Univers
Town of Sterling	2008, 2009, 2010	iasWorld
Town of Thomaston	2008	Appraisal
	2010	Appraisal, Landisc, Univers
Town of Thompson	2010	Appraisal Consulting
Town of Voluntown	2007, 2008	Univers
	2009	Landisc, Univers
Town of Weston	2007, 2008	Landisc, Univers
Town of Willington	2007	Appraisal, Landisc, Univers
	2008	Appraisal
Town of Windham	2007, 2008, 2009, 2010	Landisc, Univers
Delaware		
City of Dover	2007, 2009, 2010	iasWorld
	2008	Appraisal, iasWorld
City of Milford	2008, 2009, 2010	Landisc, Univers
Town of Smyrna	2007, 2008, 2011	Landisc, Univers
	2009, 2010	Appraisal
Florida		
Leon	2007	IAS
	2008	IAS, IAS Consulting, Landisc
Manatee	2007	IAS, iCare
	2009	IAS Consulting
	2010	iasWorld
Palm Beach County	2008, 2009	IAS, IAS Consulting
	2011	iasWorld
Georgia		
Bibb County	2007, 2009	Appraisal

Five Year Client List

Client	Year Signed	Type of Service
Bulloch County	2007, 2008, 2009	Univers
Cobb County	2007	Appraisal, IAS
	2008	Appraisal, IAS, IAS Consulting
	2009, 2010	Appraisal, iasWorld, Landisc
Columbia County	2008, 2009, 2010	Landisc
Columbus Consolidated Gov.	2007, 2008, 2009, 2010	OASIS
DeKalb County	2008, 2009	OASIS
	2010	iasWorld
Dougherty County	2007	Appraisal
Fayette County	2007, 2009, 2010	iasWorld
Forsyth County	2007	IAS, iCare
	2009	iasWorld, IAS Consulting
	2010, 2011	iasWorld
Fulton County	2007, 2008	IAS, iCare, Landisc
	2009	IAS Consulting, iCare
	2010	iasWorld, IAS BPAS
Gwinnett County	2009	Appraisal
Pierce County	2009	Appraisal
Stephens County	2007, 2008, 2010	Univers
Hawaii		
Hawaii County	2007	iasWorld
	2008, 2009	iasWorld, IAS BPAS, IAS Consulting
	2010	IAS, IAS BPAS
City & County of Honolulu	2007	iasWorld
	2008	iasWorld, IAS Consulting
	2009	IAS, IAS BPAS, IAS Consulting, Landisc
	2010	iasWorld, IAS BPAS, IAS Consulting
Kauai County	2007, 2008	iasWorld, Landisc
	2008, 2009	iasWorld, IAS BPAS, Landisc
	2010	IAS, IAS BPAS
Maui County	2007	IAS
	2008	iasWorld, IAS BPAS, IAS Consulting, Landisc
	2009	IAS, IAS BPAS, Landisc
	2010	IAS, IAS BPAS
Indiana		
Bartholomew County	2007, 2008, 2009	Appraisal
Boone County	2007	Appraisal
Clay County	2007, 2010	Appraisal
Crawford County	2007, 2008, 2009	Appraisal
Dearborn County	2009	Appraisal
Dubois County	2007, 2008, 2009, 2010	Appraisal
Fountain County	2008, 2010, 2011	Appraisal
Gibson County	2007, 2008, 2009, 2011	Appraisal
Greene County	2007, 2008, 2010	Appraisal
Henry County	2007	IAS, Landisc
	2008	iasWorld
Jackson County	2009, 2010	Appraisal
Jefferson County	2009	Appraisal
Jennings County	2007, 2008, 2009	Appraisal
Johnson County	2008, 2009	Appraisal
Knox County	2010	Appraisal
LaPorte County	2010	Appraisal
Owens County	2008, 2010	Appraisal
Parke County	2009, 2010, 2011	Appraisal
Perry County	2007, 2008, 2009, 2010	Appraisal
Portage Township	2010	Appraisal

Five Year Client List

Client	Year Signed	Type of Service
Porter County	2009, 2010	Appraisal
Posey County	2010	Appraisal
Ripley County	2009	Appraisal
Scott County	2007, 2008, 2009, 2011	Appraisal
Spencer County	2009	Appraisal
Sullivan County	2008, 2009, 2010	Appraisal, iasWorld
Switzerland County	2009, 2010, 2011	Appraisal
Tippecanoe County	2007, 2008, 2009, 2010	Appraisal
Vermillion County	2009, 2010	Appraisal
Warrick County	2007, 2008, 2009, 2010	Appraisal
Washington County	2008, 2009, 2010	Appraisal
White County	2009, 2010	Appraisal
Iowa		
Clinton County	2008, 2010	Landisc, Univers
City of Davenport	2008, 2009, 2010	Univers
Kansas		
State of Kansas DOR	2007, 2008, 2009	MAS
	2010	MAS, Orion
	2011	Orion
Butler County	2010	Orion
Dickinson County	2010	Orion
Douglas County	2011	Orion
Finney County	2010	Orion
Johnson County	2008	OASIS
	2010, 2011	Orion
Sedgwick County	2007, 2008	MAS
	2010, 2011	Orion
Shawnee County	2007	MAS
Wyandotte County	2004, 2007, 2008	MAS
	2009	Univers
	2010	Orion
Kentucky		
Fayette County	2008, 2009, 2010	iasWorld
Hardin County	2007, 2008, 2009, 2010	Landisc, Univers
Louisiana		
Orleans Parish	2007, 2010	Appraisal
	2008, 2009	Appraisal, iasWorld
Maine		
City of Bath	2008, 2009, 2010	iasWorld
City of Lewiston	2007	Appraisal, Univers
	2008, 2009	iasWorld
	2010	Appraisal, iasWorld
City of Portland	2007, 2008	iasWorld, Landisc, Univers
	2009	IAS Consulting
	2010	iasWorld
Town of Wiscasset	2008, 2009, 2010	Appraisal
Maryland		
Baltimore County	2007, 2008, 2009, 2010	OASIS

Client	Year Signed	Type of Service
Massachusetts		
City of Brockton	2007, 2008, 2010 2009 2011	Appraisal, Landisc, Univers Landisc, Univers Appraisal
City of Chicopee	2007, 2008, 2009, 2010	Appraisal, Univers
City of Everett	2007, 2009 2010	Appraisal Landisc, Univers
Town of Natick	2008 2007, 2009, 2010	Landisc, Univers Appraisal, Landisc, Univers
City of Northampton	2007, 2009, 2010 2008	Appraisal, Univers Univers
City of Peabody	2007, 2008, 2009, 2010	Appraisal, Landisc, Univers
City of Pittsfield	2007, 2008 2009 2010	Appraisal, Univers Univers Appraisal, Univers
City of Portland	2009	iasWorld
Town of Southborough	2008	Appraisal
City of Springfield	2007 2008, 2010 2009	Appraisal, IAS Appraisal, iasWorld Appraisal
Town of Stow	2007, 2008, 2009, 2010	Appraisal, Univers
Minnesota		
Dakota	2007, 2008 2009	Gap Analysis iasWorld
Olmsted County	2010	iasWorld
Ramsey County	2007, 2010, 2011	iasWorld, Landisc
Missouri		
Cape Girardeau	2007, 2008, 2010	iasWorld
Greene County	2007, 2008, 2009, 2010	IAS, Landisc
Jackson County	2009, 2010	Appraisal
Jasper County	2008 2010, 2011	iasWorld, Landisc iasWorld
Knox County	2007, 2010	Univers
Scotland County	2008	Univers
St. Louis County	2007 2008, 2009, 2010	IAS iasWorld
Montana		
State of Montana DOR	2007 2010, 2011	Landisc, MAS Orion
Nebraska		
State of Nebraska	2010	Orion
Lancaster County	2007, 2008, 2009 2010, 2011	OASIS Orion
New Hampshire		
Town of Allenstown	2007, 2008, 2009	Landisc, Univers
Town of Bristol	2007, 2008, 2009, 2010	Landisc, Univers
Town of Conway	2007, 2008, 2009, 2010	Landisc, Univers
City of Dover	2007, 2008, 2009, 2010	Landisc, Univers
City of Franklin	2007, 2008, 2009, 2010	Landisc, Univers
Town of Gilford	2007, 2008, 2009, 2010	Landisc, Univers
Town of Holderness	2007, 2008, 2009, 2010	Landisc, Univers
City of Keene	2007, 2009, 2010 2008	Appraisal iasWorld

Five Year Client List

Client	Year Signed	Type of Service
Town of Newington	2008, 2009, 2010	Landisc, Univers
Town of Peterborough	2008, 2009	Landisc, Univers
	2007, 2008, 2010	iasWorld
Town of Plaistow	2007, 2008, 2010	Landisc, Univers
City of Portsmouth	2007, 2008	Landisc, Univers
New Jersey		
State of New Jersey DOR	2008	iasWorld
City of Brigantine	2008, 2009	Appraisal
City of Camden	2008	Appraisal
Deerfield Township	2008, 2010	Univers & Landisc
Dennis Township	2010	Univers
City of North Wildwood	2007, 2009, 2011	Landisc, Univers
	2010	Appraisal
City of Salem	2008	Landisc, Univers
Voorhees Township	2008	Landisc, Univers
City of Ventnor	2008	Univers
City of Vineland	2007	Univers
	2009	Landisc, Univers
Voorhees Township	2007	Landisc, Univers
City of Wildwood	2009, 2010	Landisc, Univers
City of West Wildwood	2007	Landisc, Univers
	2008	Appraisal
New Mexico		
Bernalillo County	2008	IAS, IAS Consulting
	2009, 2010	iasWorld
New York		
Village of Bronxville	2007	Appraisal
Town of Brookhaven	2007, 2008	iasWorld, Landisc
	2009	iasWorld
Town of Lewisboro	2007, 2008, 2009, 2010	Univers
Village of Mineloa	2008, 2009, 2010	Univers
Nassau County	2007, 2008, 2009	iasWorld, Landisc
	2010	IAS
City of New York	2009	MAS
Town of Southampton	2007, 2008, 2009, 2011	Appraisal
North Carolina		
Alamance County	2007	IAS, Landisc
Alleghany County	2007, 2008, 2010	Landisc, Univers
Anson County	2007, 2008, 2009, 2010	MAS
Catawba County	2007, 2010	Univers
	2009	Appraisal
Cumberland County	2007, 2008, 2009, 2010	Landisc, OASIS
Currituck County	2009	iasWorld
Dare County	2007, 2008, 2009, 2010, 2011	iasWorld
Franklin County	2007, 2008, 2009, 2010	iasWorld, Landisc
Greene County	2009	Univers
Halifax County	2007	IAS, Landisc
	2008, 2009, 2010	IAS, Landisc
Hoke County	2009	Univers
Johnston County	2010, 2011	spatialest
Lee County	2007, 2008, 2009, 2010	iasWorld
Martin County	2007, 2008, 2009, 2010	Univers
Mecklenburg County	2010	spatialest

Five Year Client List

Client	Year Signed	Type of Service
Moore County	2007, 2008, 2010 2009	MAS IAS, MAS
Nash County	2007, 2009, 2010 2008	iasWorld, Landisc Appraisal, iasWorld, Landisc
New Hanover County	2007, 2008, 2011 2009	iasWorld, Landisc iasWorld, Landisc, spatialest
Onslow	2007, 2008, 2009, 2010, 2011	iasWorld
Pasquotank County	2007, 2008, 2009, 2010	Univers
Randolph County	2007, 2008, 2009, 2010	MAS
Tyrrell County	2010	Landisc & Univers
Watauga County	2008, 2009, 2010	iasWorld
Wilkes County	2007, 2009, 2010	Landisc, Univers
Yadkin County	2007	Landisc
Yancey County	2007 2010	Univers Landisc, Univers
Ohio		
Ashtabula County	2008, 2010	iasWorld
Athens County	2007 2008 2011	IAS, Landisc Appraisal, IAS, Landisc Appraisal
Auglaize County	2007 2008 2009, 2011 2010	Appraisal, IAS Appraisal, Landisc IAS, Landisc Appraisal, IAS, Landisc
Butler County	2007, 2008 2009 2010 2011	Appraisal, IAS, iCare, Landisc IAS, iCare, Landisc Appraisal, IAS, iCare, Landisc IAS,
Clark County	2008, 2009 2010 2011	IAS Appraisal, IAS Consulting, Landisc IAS, Landisc
Clermont County	2007 2008 2009 2010	Appraisal, IAS, Landisc Appraisal, IAS, iCare, Landisc iasWorld, iCare iasWorld, IAS, Landisc
Coshocton County	2007, 2008, 2009 2010	IAS IAS Consulting
Fairfield County	2007, 2008, 2010	IAS
Franklin County	2009	Appraisal
Gallia County	2007, 2008 2010 2011	Appraisal, IAS Appraisal, IAS, Landisc Appraisal
Greene County	2007 2008 2010 2011	IAS Appraisal, IAS Appraisal IAS
Jackson County	2007 2009 2010 2011	Appraisal, IAS Appraisal Appraisal, Landisc IAS
Lake County	2007, 2008, 2009, 2011 2010	IAS Appraisal, IAS
Lorain County	2010	Appraisal
Montgomery County	2007 2008, 2009 2010 2011	IAS, Landisc Appraisal, iasWorld, Landisc Appraisal iasWorld

Five Year Client List

Client	Year Signed	Type of Service
Morgan County	2007, 2008 2011	Appraisal, IAS IAS IAS
Muskingham County	2009, 2010	Appraisal
Ottawa County	2007, 2008, 2009, 2010 2011	IAS iasWorld
Perry County	2007, 2008, 2009	IAS
Pickaway County	2007, 2008, 2009 2010 2011	Appraisal, IAS, Landisc, ReCo Appraisal, IAS IAS, ReCo
Richland County	2007 2008 2009, 2010	iasWorld Appraisal, iasWorld, Landisc iasWorld, Landisc
Scioto County	2008, 2010 2009	Appraisal Digital Images
Seneca County	2007 2008 2009 2010, 2011	Appraisal, IAS, Appraisal, IAS, Landisc Appraisal, IAS Consulting iasWorld, Landisc
Summit County	2007, 2008, 2009, 2010	IAS
Wyandot County	2010	Appraisal
Oregon		
Multnomah County	2010	Orion
Pennsylvania		
Allegheny County	2007, 2010	Appraisal, IAS
Armstrong County	2007, 2008 2011	IAS, Landisc IAS, Landisc
Bedford	2007 2010 2011	Appraisal, IAS IAS iasWorld
Berks County	2007, 2008, 2009, 2010, 2011	MAS
Bucks County	2008, 2010	iasWorld
Carbon County	2011	Landisc, Univers
Chester County	2008, 2009, 2010	IAS, Landisc
Clearfield County	2007	Landisc, Univers
Columbia County	2007, 2008, 2009 2010	IAS IAS Consulting
Delaware County	2007, 2008, 2009	IAS, Landisc
Erie County	2007, 2009, 2011 2008, 2010	IAS, Landisc IAS Consulting
Fayette County	2007, 2008, 2009 2010	IAS, iCare, Landisc iCare
Lancaster County	2010	spatialest
Montgomery County	2007, 2008 2010	iCare IAS, Landisc
Montour County	2009	iCare, Landisc, Univers
Northampton County	2007, 2008 2009 2010, 2011	IAS, iCare, Landisc Appraisal, IAS, Landisc IAS, Landisc
Northampton County	2009	Appraisal
Somerset County	2007, 2008, 2009, 2010	MAS
Westmoreland County	2011	iasWorld
York County	2007, 2008 2010	IAS IAS Consulting

Five Year Client List

Client	Year Signed	Type of Service
Rhode Island		
City of Pawtucket	2007	IAS, Appraisal
	2008	Appraisal, iasWorld
City of Providence	2007	Appraisal, IAS, Landisc
	2008	Appraisal, iasWorld, Landisc
	2009, 2010, 2011	Appraisal
City of Warwick	2007	iCare
Town of West Warwick	2007	iasWorld, Landisc, Univers
	2008	Appraisal, iasWorld, Landisc
	2010	iasWorld
South Carolina		
Oconee County	2010	Appraisal
South Dakota		
Pennington County	2010, 2011	Orion
Tennessee		
State of Tennessee	2007	iasWorld
Davidson County	2010	spatialest
Shelby County	2007, 2010	iasWorld, Landisc
	2008, 2009	Appraisal, iasWorld, Landisc
Texas		
Anderson County	2010	Orion
Aransas County	2010, 2011	Orion
Bastrop County	2010, 2011	Orion
Fort Bend County	2010, 2011	Orion
Franklin County	2010, 2011	Orion
Galveston County	2010, 2011	Orion
Grayson County	2010	Orion
Grimes County	2010, 2011	Orion
Guadalupe County	2010, 2011	Orion
Hays County	2010, 2011	Orion
Hutchinson County	2010, 2011	Orion
Jackson County	2010, 2011	Orion
Jasper County	2010, 2011	Orion
City of Katy	2011	Orion
Kerr County	2010, 2011	Orion
Lavaca County	2010, 2011	Orion
Limestone County	2010, 2011	Orion
Lubbock County	2010, 2011	Orion
Medina County	2010, 2011	Orion
Montgomery County	2010, 2011	Orion
Newton County	2010, 2011	Orion
Nueces County	2010, 2011	Orion
Orange County	2010, 2011	Orion
Pasadena County	2010, 2011	Orion
San Jacinto County	2010, 2011	Orion
San Patricio County	2010	Orion
Victoria County	2010	Orion
Washington County	2010, 2011	Orion
Williamson County	2010, 2011	Orion
Wood County	2010	Orion
Vermont		
Town of Colchester	2007, 2008, 2009	Univers
City of Rutland	2005	Appraisal

Client	Year Signed	Type of Service
Virginia		
Fairfax County	2007	iasWorld, Landisc
	2008	iasWorld, iCare, Landisc
	2009, 2010	iasWorld, Landisc
Loudoun County	2011	iasWorld
Montgomery County	2007	IAS, Landisc
	2008, 2009, 2010	IAS, Landisc
City of Newport News	2011	iasWorld
West Virginia		
State of West Virginia	2007, 2009	IAS
	2008, 2010	Appraisal, IAS
Barbour County	2008	Appraisal Consulting
Jackson County	2007	Landisc
Kanawha County	2010, 2011	Appraisal
Mason County	2007, 2008, 2010, 2011	Landisc
	2009	Appraisal, Landisc
Monongalia County	2009, 2010	Appraisal
Wetzel	2007	Landisc
Wisconsin		
State of Wisconsin DOR	2007, 2008, 2009, 2010	iasWorld
City of Baraboo	2007	Univers
Town of Caledonia	2007	Appraisal, Univers
	2010, 2011	Appraisal
City of Fond du Lac	2007, 2008, 2010, 2011	Landisc, MAS
	2009	Appraisal, Landisc, MAS
City of Franklin	2007, 2009	Appraisal
	2008	Appraisal, Univers
Town of Grand Chute	2009	Appraisal
City of Green Bay	2007, 2008, 2009, 2010, 2011	MAS
City of Hartford	2009	Appraisal, MAS
City of Janesville	2007, 2009, 2010	Appraisal
Manitowoc Public Utilities	2007, 2008, 2009, 2010	IAS
Village of Menomonee Falls	2007	Appraisal
	2008	Appraisal, IAS, Landisc
	2009, 2010	IAS
Village of Mt. Pleasant	2007	Univers
City of Muskego	2008	Appraisal, iasWorld
	2007, 2009	IAS
	2010	IAS, IAS Consulting, Landisc
City of Neenah	2007, 2008	Appraisal, MAS
	2009	Appraisal, Landisc, MAS
	2010	Appraisal
City of New Berlin	2011	Landisc, MAS
	2007, 2008, 2009	IAS, Landisc
	2010	IAS, IAS Consulting
City of Oshkosh	2007	IAS, Landisc
	2008	IAS, iCare, Landisc
	2009	iasWorld, iCare, Landisc
City of Sheboygan	2007, 2008	MAS
City of Sun Prairie	2011	Appraisal
City of Wauwatosa	2007, 2008, 2009, 2010	Univers
City of West Bend	2008, 2009	MAS
Village of Whitefish Bay	2007	Appraisal, Univers
	2011	Appraisal
City of Wisconsin Rapids	2004	Landisc, Univers

Five Year Client List

Client	Year Signed	Type of Service
Australia City of Whittlesea	2011	spatialest
Canada Province of Newfoundland Province of Nova Scotia	2008, 2009, 2010 2008, 2009, 2010	IAS iasWorld, IAS Consulting
United Kingdom EDS/England Valuation Office Agency	2007, 2008, 2009, 2010	OASIS

April 2011

Section 4 Conflict of Interest



Conflict of Interest Statement

Tyler Technologies sees no conflicts of interest as it relates to conducting a Revaluation Project for the City of Milford.

Section 5 Litigation Statement



Litigation & Judgements

CLT joined with **Shelby County, Tennessee** in an action brought by Robert Bates et al against the County and its assessor in Shelby County, Tennessee Chancery Court. The case number is CH-01-1158-1. Bates brought the action against the County as a result of the County's denial to provide, under a Freedom of Information request, data and software in an electronic format. The County maintained that the data was available in hard copy, and that it was not required to provide the requested information in electronic format. CLT petitioned the Court and was allowed to join the case on the side of the County to protect proprietary CLT and Oracle information, which the County is precluded from releasing by virtue of its agreement with CLT. The judge ruled that the non-proprietary data should be provided to Bates. While CLT was satisfied by this decision, the County is appealing it. CLT and the County have filed briefs with the appeals court.

The town of **Milford, New Hampshire** has filed suit against CLT in 2003 claiming breach of contract relative to the April 1, 2000 revaluation. The town accepted the revaluation at the time and continued to use it as a basis for their assessment roll. CLT denied the breach, and the matter moved to arbitration as required by contract. In January of 2006 the arbitrator ruled that CLT was in breach due to CLT's failure to satisfy the New Hampshire Board of Tax and Land Appeal's order to the town to perform a revaluation that would satisfy the Board. The matter was settled to the satisfaction of both parties.

In 2009 **Beach Creek Marina** of North Wildwood, New Jersey filed a lawsuit in Federal Court seeking damages from Tyler and others as a result of the 2006 revaluation we performed for the city. We have filed a motion to dismiss and await the Court's ruling on that motion.

In 2010 **Beach Creek Marina** of North Wildwood, New Jersey filed a lawsuit in New Jersey State Court seeking damages from Tyler and others as a result of the 2006 revaluation we performed for the city. We feel that the case has no merit, and our strategy is still under consideration as the suit was recently (May, 2010) received.



Section 6 Cost Proposal

State of Delaware Business License

Cost Breakdown

Revaluation & Imaging of the City of Milford \$261,200.00

Billing Summary

<u>activity</u>	<u>%</u>	<u>fee</u>
Project Bonding & Commencement	10%	\$ 26,120
Data Collection & Data Entry	45%	\$ 117,540
Data Mailer Process	5%	\$ 13,060
Image Gathering	3%	\$ 7,836
Valuation Analysis	15%	\$ 39,180
Valuation Production	2%	\$ 5,224
Field Review of Values	14%	\$ 36,568
Informals Process	6%	\$ 15,672
total	100%	\$ 261,200
 <u>options</u>		
Local Formal Appeal Support > 3 days, per diem, add		\$ 1,100
County, State, or Court Appeal Support, per diem, add		\$ 1,200
 Parcel Overage Fee (over 4168 parcels), per parcel		 \$ 50

Please Note: Not included in CLT's base proposal are any costs for:

- City computer hardware, software or network hardware/software, software license;
- City printing, postage and mailing costs for any Income & Expense requests;
- City staff effort to review Project work products, to attend training and public meetings or to answer citizen or media inquiries;
- City effort to resolve mapping exceptions;
- Meeting room(s) for Informal Meetings and Formal Appeals meetings/hearings; or
- Any regular or normal City assessment, mapping or clerical activities.

TIME AND MATERIALS RATES

Services requested in writing by the City in addition to those covered in this Agreement will be provided by CLT at its time and material rates. Travel and other out-of-pocket expenses will be invoiced at cost.

CLT's hourly time and materials rates are as follows:

Senior Company Officer	\$206.00	\$257.50
Company Officer	175.00	218.75
Program Manager	150.00	187.50
Project Supervisor	145.00	181.25
Application DBA	195.00	243.75
Lead Programmer/Analyst	140.00	175.00
Senior Programmer/Analyst	125.00	156.25
Senior Appraiser	120.00	150.00
Senior Technical Writer	107.50	134.50
Intermediate Programmer/Analyst	107.50	134.50
Technical Writer	90.00	112.50
Junior Programmer/Analyst	90.00	112.50
Appraiser	82.50	103.00
Administrative Support	62.50	78.00
Data Collector	62.50	78.00
Data Entry Supervisor	62.50	78.00
Data Entry Operator	52.50	65.50
Clerical	52.50	65.50

LICENSE NO. 2005204864 DORAL

STATE OF DELAWARE

VALID

POST CONSPICUOUSLY

DIVISION OF REVENUE

01/01/11 - 12/31/11
NOT TRANSFERABLE

DLN: 10 83444 75

BUSINESS CODE
GROUP CODE

377

LICENSED
ACTIVITY

WHOLESALER-ANY PRODUCTS

DATE ISSUED: 12/20/10

VALIDATED

2011

LICENSE FEE: \$ 75.00

MAILING ADDRESS

BUSINESS LICENSE

BUSINESS LOCATION

#BWNKHPS
#1CFW HF40 2LM1 2Z29#
TYLER TECHNOLOGIES INC
5949 SHERRY LN STE 1460
DALLAS TX 75225-8039



TYLER TECHNOLOGIES INC
5949 SHERRY LN STE 1460
DALLAS TX 75225-8039

PATRICK T. CARTER

DIRECTOR OF REVENUE

IS HEREBY LICENSED TO PRACTICE, CONDUCT OR ENGAGE IN THE OCCUPATION
OR BUSINESS ACTIVITY INDICATED ABOVE IN ACCORDANCE WITH THE LICENSE
APPLICATION DULY FILED PURSUANT TO TITLE 30, DEL CODE.

IMPORTANT - TEAR AT ABOVE PERFORATION AND DISPLAY IN A PUBLIC LOCATION

Federal E.I. No. or
Social Security Number 1 75230 3920 002

Business Code 377
Group Code

Licensed
Activity WHOLESALER-ANY PRODUCTS

The State of Delaware Business License printed above must be posted in a public area at the location address listed. If you have any questions regarding this license, please call (302) 577-8778.

REPLACEMENT LICENSES

Keep this portion of your license separate, in case you need a replacement for any lost, stolen or destroyed license. A \$15 fee will be charged for the replacement of a license. Send the \$15 along with a copy of this form or provide your Federal Employer Identification Number, or Social Security Number, suffix, Business Code, Business Name and address to Delaware Division of Revenue, Attn.: Business Master File, PO Box 8750, Wilmington, DE 19899-8750. You will receive your replacement license within three to four weeks.

OTHER IMPORTANT INFORMATION

Most licensees are also required to pay either gross receipts or excise taxes in addition to the license fee. You can file these taxes online or obtain a paper form from our website at www.revenue.delaware.gov. You must submit all business tax returns filed with the Division of Revenue under the same identification number. If you are a sole-proprietor, and have a federal employer identification number, use the employer identification number, not your social security number. Only sole proprietors with no employees are allowed to file under their social security number. Inquiries regarding your coupon booklets to pay withholding, corporate tentative, and Sub Chapter "S" estimated taxes, or to make changes to your name, address, or identification number, should be directed to the Business Master File Unit at (302) 577-8778.

INTERNET SITE

The Division of Revenue web address is: www.revenue.delaware.gov. Visit our web site for tax tips, links to telephone numbers, forms that you can download, links to other State agencies, the Delaware Code, the publication "Delaware Guide for Small Business" and lots more. Internet filing of personal income tax returns via the Division of Revenue's website is available. Internet filing for Withholding, Gross Receipts and Corporate Tentative payments is also available.

Section 7 Resumes

Name	Paul M. Flynn, ASA, Northeast Regional Manager
Date of Hire	12/11/78
Position Responsibilities	Responsible for all appraisal operations of Tyler's northeast region.
Previous Appraisal and Tax Experience	Regional operations manager, residential/farm data collector, commercial/industrial data collector, residential group leader, residential reviewer, senior residential reviewer, project supervisor
Education	Central Connecticut State College: Business major University of Connecticut: Business Major
Technical skills, qualifications or experience	Vermont Certified Revaluation Project Supervisor Connecticut Certified at all levels for revaluation New Hampshire Certified Revaluation Project Supervisor Accredited Senior Appraiser – American Society of Appraisers Member of International, Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, Northeastern Regional Associations of Assessing Officers, New York State Assessor's Association, Assessors Association of Pennsylvania, Association of Municipal Assessors of New Jersey
Appraisal and Tax Project Experience	Numerous projects in

Name	Paul C. Miller, Project Supervisor/Sales Executive
Date of Hire	04/04/97
Position Responsibilities	Management of real estate appraisal projects and associated staff; sales of real estate appraisal and computer system projects
Previous Appraisal and Tax Experience	Staff supervisor, group leader, review appraiser
Education	Shepherd College – Associate of Arts
Previous Work Experience	Delaware Co., DE: Chief Assessor York Co., PA: Assessor
Technical skills, qualifications or experience	New Jersey Certified Assessor Certified Pennsylvania Evaluator (CPE) Connecticut Certified Land/Residential and Commercial/Industrial
Appraisal and Tax Project Experience	Camden, Lopatcong, Middle, and West Wildwood, NJ; Delaware and York Counties, PA

Name	Wesley K. Graham, Appraisal Senior Project Supervisor
Date of Hire	10/02/04
Position Responsibilities	Management of large real estate mass appraisal projects and associated staff.
Previous Appraisal and Tax Experience	Project supervisor, residential supervisor
Education	Bluefield State College: BS in Mining Engineering
Previous Work Experience	Manatron, Inc: Project Manager, Regional Manager Sullivan Co., Pennsylvania: Chief Assessor, Tax Claim Directors
Technical skills, qualifications or experience	Certification Degree Real Estate- Penn State University Certified General Real Estate Appraiser, Certified Pennsylvania Evaluator Real Estate Salesperson License Certified AAP Instructor for CPE Designation IAAO member, Assessors Association of Pennsylvania member
Appraisal and Tax Project Experience	Allegheny and Sullivan Counties, Pennsylvania

Name	Eric S. Hardy, Area Manager
Date of Hire	09/28/83
Position Responsibilities	Management of multiple concurrent mass appraisal projects and associated staff.
Previous Appraisal and Tax Experience	Project supervisor, review appraiser
Education	Akron University: Earth Sciences, Geography
Previous Work Experience	John G. Cleminshaw: Appraiser
Technical skills, qualifications or experience	Connecticut Certified Land/Residential, Commercial/Industrial, Personal Property, Project Supervisor Vermont Certified Project Supervisor New Hampshire Certified Project Supervisor IAAO 101, 102, 301, 311, 917 ASA 203
Appraisal and Tax Project Experience	Mass appraisal work in Connecticut, Massachusetts, New York, Vermont, New Hampshire, Rhode Island, Maine, Delaware, New Jersey, Pennsylvania, West Virginia, and Kansas

LICENSE NO.

X1-0000546

STATE OF DELAWARE

DIVISION OF PROFESSIONAL REGULATION

651 Silver Lake Blvd.
Cannon Building, Suite 203
Dover, DE 19904-2457

NOT TRANSFERABLE

PROFESSION:

Certified General Real Property Appraise

EXPIRATION DATE:

10/31/2011

ISSUED TO:

Wesley K. Graham

MAILING ADDRESS

**Wesley K. Graham
PO Box 254
Laporte PA 18626**



PROFESSIONAL LICENSE

THIS CERTIFIES THAT THE PERSON NAMED IS HEREBY LICENSED TO CONDUCT OR ENGAGE IN THE PROFESSION INDICATED ABOVE. THIS DOCUMENT IS DULY ISSUED UNDER THE LAWS OF THE STATE OF DELAWARE.

Wesley K. Graham

LICENSEE SIGNATURE

267528

Name	Ryan S. Zuck, Appraisal Residential Reviewer
Date of Hire	09/15/08
Position Responsibilities	Residential real estate appraisal and defense of values.
Previous Appraisal and Tax Experience	Residential group leader
Education	Camden County College
Previous Work Experience	Malton, NJ: Real Estate Appraiser
Technical skills, qualifications or experience	Delaware Licensed Appraiser USPAP
Appraisal and Tax Project Experience	Dover, DE; Camden, NJ

Name	Richard W. Arrowood, Residential Review Appraiser
Date of Hire	01/19/09
Position Responsibilities	Real estate property appraisal and defense of values
Previous Appraisal and Tax Experience	Commercial review appraiser
Education	Rutgers University- BA in Business Administration
Previous Work Experience	Appraisal Systems, Inc: Commercial Review Appraiser Vital Appraisal Systems: Commercial Appraiser Borough of Laurel Springs, NJ: Tax Assessor Borough of Stratford, NJ: Acting Tax Assessor Borough of Hi-Nella, NJ: Acting Tax Assessor
Technical skills, qualifications or experience	Certified Connecticut Land/Residential and Commercial/Industrial IAAO 101, 102, USPAP Rutgers University courses in Property Tax Administration, Real Property Appraisal, Income Approach to Value
Appraisal and Tax Project Experience	Camden, NJ

Section 8 Sample Documents

Sample Pre-List Mailer
Sample Res. PRC
Sample Comm. PRC
Sample Data Mailer
Sample I&E Collection Form
Sample I&E Form

City of Dover Revaluation Project

The City of Dover is conducting a revaluation of all 11,600 properties in the City in accordance with a local ordinance requiring a revaluation every 3 years. The City last revalued properties in 2005. The City of Dover has hired Tyler Technologies' CLT Division to conduct the revaluation. This brochure offers a general explanation of revaluation. It describes the process and timetable to assure property owners that this important project will be conducted professionally, uniformly and fairly.

What Taxpayers want to know

How will I know when data collectors will be in my neighborhood?

If you have received this brochure in the mail, data collectors will be working in your area of the City within the next month.

Local police will receive advance schedules listing the streets where CLT staff will be working.

Do I have to let the data collector inside?

While owners or occupants are not obligated to allow a data collector to enter their property, interior information is helpful in generating an accurate appraisal. Characteristics will be estimated if they cannot be observed. Interior inspections enhance overall assessment quality, as there may be conditions apparent from the insides that are not discernible from the outside.

Data Collectors will check items such as:

- Number of bedrooms and bathrooms
- Fireplaces
- Types of heating and cooling systems
- Year house was built
- Basement Type
- General construction, materials and physical condition of the interior and exterior

Personal items such as furniture or décor do not influence the value of a house; they will not be noted. All data collectors will carry identification cards and you should not admit anyone into your home without proper identification.

What if I'm not home?

If no one is home, the data collector will complete an exterior inspection – including exterior measurements and estimate interior data using the data currently on file for the property as a guideline. Later in the project owners will receive a parcel inventory mailer listing the data upon which the appraisal will be based. At that time any corrections can be made and the owner may also request an appointment for an interior inspection.

What about photography?

Photographers will gather a digital image of every property in the City of Dover. The outside of each property from the street will be photographed. These images will become part of the City Assessors' computer database.

PLEASE NOTE

Data collectors have been trained to identify and record necessary property characteristics quickly and accurately. However, they are **not appraisers** and **will not be able to answer questions regarding property values or taxes.**

What's different about commercial and industrial data collection?

Much of it is the same as residential collection and will follow roughly the same timetable. Naturally factors will differ from those affecting a house. Information such as building income, expenses and vacancy rates will be gathered in addition to physical characteristics.

When will property owners be notified of new values?

This information will be mailed to all owners beginning in January 2010. These values will first be used to calculate new tax bills starting with the 2010 tax year.

How will Revaluation affect my taxes?

By itself, a revaluation is revenue neutral, although it will cause tax burden shifts between

properties. Some owners will see increases while others will see decreases. However, the total amount of taxes collected will depend upon the City budget.

After Data Collection....

Valuation Analysis

After data collection, beginning in the fall of 2009, CLT will perform valuation analysis using Computer Assisted Mass Appraisal (CAMA) techniques. During this process, CLT appraisers analyze local building costs, property sales, commercial income and expense information and other valuation factors to establish preliminary market values. These initial values are then reviewed in the field, along with property images to check for errors and make any necessary corrections.

Beginning in December 2009, CLT will submit the preliminary values to the City of Dover Assessor for review and approval.

New Value Notification

Notification of new tentative values will be mailed to all property owners in January 2010. The notice will also have instructions on how to contact CLT to ask questions or schedule a meeting with a CLT appraiser.

Although formal appeals are filed with the Assessor's Office, the appeals are heard and decided upon by The Board of Assessment Appeals.

Property Owner's Appeal

Informal value review meetings will be conducted by CLT during January and February 2010. If a property owner is not satisfied with the results of an informal review, a formal appeal may be filed with the City of Dover Assessor's Office by April 30, 2010.

If you have any questions regarding the revaluation project, please call CLT at:

1-302-736-4927

Tyler | CLT

The City of Dover has hired Tyler Technologies, Inc., CLT Division to conduct the revaluation project. CLT has over 70 years experience. CLT is North America's oldest and largest mass appraisal firm. CLT pioneered Computer Assisted Mass Appraisal (CAMA) in the 1950's and is widely recognized as the industry leader in this field.

CLT has completed over 2,500 projects in 46 states and Canadian provinces appraising over 50,000,000 parcels of real estate and capturing over 6,000,000 property images.

The CLT Team includes expert appraisers, highly skilled computer programmers and analysts experienced in residential, commercial, industrial and agricultural mass appraisal.

Key Revaluation Dates

Data Collection BeginsFeb 2009

Photography BeginsFeb 2009

Valuation Analysis Begins Sept 2009

Notices to Property Owners.....Jan 2010

Informal Value Reviews Jan & Feb 2010

Formal Assessment Appeals..... May 2010

Note: Property Taxes will not be levied on new assessments until the year 2010.

Tyler Technologies/CLT
C/o City of Dover Assessor's Office
P.O. Box 475
Dover, DE 19903

Revaluation Information



General Questions & Answers

City of Dover,
Delaware

Residential Property Record Card - Milford, Delaware

Property Location: 512 Kings Hwy

Account: 1-30-1.19-004.00

Map Block No:

Class: **State Class:** R

Printed: Fri, Mar 21, 2003 **Card 1 of 1**

Current Owner
French Alvin & Cynthia 512 Kings Hwy Milford De 19963

Previous Owner History		
Name	Deed	Date

Miscellaneous	
Deed Info:	/-R10
Zoning:	
Routing No:	9961
Neighborhd:	101
Living Units:	1
Census Trct:	
District:	0
Estimates	
MRA:	201,600
Weighted:	210,000
Market:	214,800

Assessment Information		
Appraised Value:	*	Prior
Land:	56,900	
Building:	157,900	
Total:	214,800	
Assessed Information:		
Code:		Value:
Effective DOV: 12/30/1999		
Value Flag: MARKET VALUE		
Manual Override Reason:		

Notes

Entrance Information					
Date	Time	ID	Actv	Entrance Code	Source
01/22/2002	12:45	ME		Ownr Not Hom	Other
				Entry/Sig	
				Entry/Sig	

Sales History				
Book/Page	Date	Price	Type	Validity

Permit Information				
Date	Permit #	Price	Purpose	% Comp.
				0
				0

Land Information				
Type	Size	Grade	Influence Factor 1, 2 and %	Value
Waterfront	S	38335	0	56,870
Total Acres for this Parcel			0.88	Total Land Value 56,900

Out Building Information								
Type	Qty	Year	Size1	Size2	Grade	Cond	%Good	Value
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
	0	0	0	0			0%	0
Total OBY for this card								0



Commercial Property Record Card - Milford, Delaware

Property Location: Lakeview Ave
 Account: 1-30-3.11-050.00
 Map Block No:
 Class:
 State Class: E
 Printed: Fri, Mar 21, 2003
 Card 1 of 1

Current Owner
Milford School District Lakeview Ave. Milford De 19963

Previous Owner History			
Name	Deed	Date	

Miscellaneous	
Deed Info:	/- ·E20
Zoning:	
Routing No:	9902
Neighborhd:	303
Living Units:	0
Census Trct:	
District:	0

Assessment Information	
Cost Estimate:	*
Income:	226,800
Land:	42,700
Bldg:	188,900 Prior
Total:	231,600
Assessed Information:	
Code:	Value:
Effective DOV: 12/30/1999	
Value Flag: COST VALUE	
Manual Override Reason:	

Notes

Entrance Information					
Date	Time	ID	Actv	Entrance Code	Source
02/05/2002	11:00	IDK		Entry/Sig	Other
				Entry/Sig	
				Entry/Sig	

Sales History				
Book/Page	Date	Price	Type	Validity

Permit Information				
Date	Permit #	Price	Purpose	% Comp.
				0
				0

Land Information					
Type	Size	Grade	Influence Factor 1, 2 and %		Value
Primary	S	27488	0	0	42,713
Total Acres for this Parcel		0.631	Total Land Value		42,700

Owner/Values: Includes all Land/Buildings/OBYs for this Parcel					
	Current	Cost	Market	Income	Prior
Land:	42,700	42,700	0	42,700	0
Building:	188,900	188,900	0	184,100	0
Total:	231,600	231,600	0	226,800	0



Commercial Property Record Card - Milford, Delaware

Property Location: Lakeview Ave
 Account: 1-30-3.11-050.00
 Map Block No:
 Class:
 State Class: E
 Printed: Fri, Mar 21, 2003
 Card 1 of 1

Exterior/Interior Information

Sec	Levels	Size	Perimeter	Use Type	Height	Exterior Walls	Construction Type	Finish	Partitions	Heating	A/C	Plumbing	Physical Condition	Functional Utility	%Good Override	Unadjusted RCNLD
1	1-1	1x5400	308	Office Building	13	Conc. Block	Wood Joist	100	Normal	Hot Air	Central	Normal	Normal	Normal	0%	192,320
0	-	0x0	0		0			0							0%	0
0	-	0x0	0		0			0							0%	0
0	-	0x0	0		0			0							0%	0
0	-	0x0	0		0			0							0%	0
0	-	0x0	0		0			0							0%	0
0	-	0x0	0		0			0							0%	0
0	-	0x0	0		0			0							0%	0
0	-	0x0	0		0			0							0%	0

Building Information

Building No: 1
Year Built: 1950
No of Units: 0
Structure Type: Office Building - Low-Rise
Grade: C-
Identical Units: 1
Efficiencies: 0
1 Bedroom Apts: 0
2 Bedroom Apts: 0
3 Bedroom Apts: 0
Covered Park: 0
Uncovered Park: 0
Notes:

Building Summary

Total Unadjusted RCN: 384,640
Average Percent Good: .50
Total Unadjusted RCNLD: 176,930
Grade Factor: 0.92
No of Identical Units: 1
Economic Cond Factor: 1.00
RCNLD: 176,930

Income Approach Summary

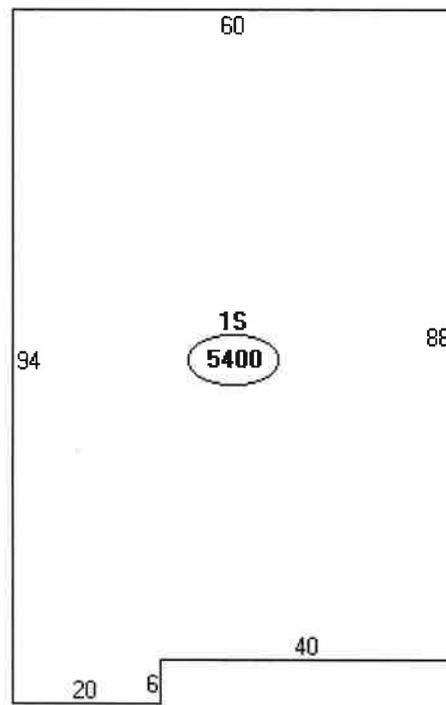
Net Rentable Area: 5,400
Efficiencies: 0
1Br: 0 **2Br:** 0 **3Br:** 0
of Units: 0
PGI: 43,200
EGI: 38,880
Expenses: 11,664
NOI: 27,216
Cap Rate: 12
Residual Land:
Income Ind Value: 226,800

Out Building Information

StructureCode	+/-	Lgth/ Width	Ident. SqFt	Units	Gr	Physical Condition	Functional Utility	Year	Percent Good	RCNLD
Asphalt Parking	1	13000	1			Normal	Normal	1975	0%	11,980
	0	0	0					0	0%	0
	0	0	0					0	0%	0
	0	0	0					0	0%	0
	0	0	0					0	0%	0

Building Other Information

Line	StructureCode	+/-	Measure 1	Measure 2	IdenticalUnits
0			0	0	0
0			0	0	0
0			0	0	0
0			0	0	0
0			0	0	0
0			0	0	0
0			0	0	0
0			0	0	0
0			0	0	0
0			0	0	0
Total Other Features					0



Descriptor/Area
 A: 1S
 5400 sqft

Cole-Layer-Trumble Co.
C/O City of North Wildwood
REVALUATION PROJECT
P.O Box 177
North Wildwood, NJ 19977

Date: Thursday, September 16, 2010
Property Location: 928 Ash Ave R-22
Parcel ID: 00001 01 00001

Telephone (609)555-0863
Fax (800)664-0757



Orlando, Kenneth John & Jeanne M
185 Sellersville Rd
Chalfont PA 18914

The information below was collected or estimated for your property. Please review the information, making corrections where needed and return the corrected copy to the Colchester Municipal Offices before August 16, 2002. The sketch is based on exterior measurements. Please read the reverse side of this letter for explanations of the terms and data used on the form before making corrections to it. Prompt attention to this form will help insure that your 2001 assessment will be based on the most accurate information possible.

Thank you for attention to this important matter

IF THE INFORMATION IS CORRECT, THERE IS NO NEED TO REPLY

NOTE: When returning, please include a daytime phone number so that we may call you for clarification, if necessary.

Dwelling Data	Total Living Area: 1853
Style: Condo	Total Rooms: 6
Exterior Wall: Frame	Total Bedrooms: 3
Story Height: 2	Total Full Baths: 2
Attic: None	Total Half Baths: 1
Basement: Cb_crawl	Rec Room Area: 0
Year Built: 2004	Finish Basement Living Area: 0
System Type: None	W/D Fireplace Openings: 1

Name _____

Daytime Phone _____

Date _____

**City of Camden Revaluation Project
Field I & E Collection Form**

Map _____ Block _____ Lot _____ Qual _____ Routing _____

Property known as: _____

Data Collector: _____ Date: _____

Info regarding or from: _____

Area rented: _____

Rent: Amount _____

Lease term _____

Overage _____

Expenses: Amount _____

Paid by _____

Other _____

Info regarding or from: _____

Area rented: _____

Rent: Amount _____

Lease term _____

Overage _____

Expenses: Amount _____

Paid by _____

Other _____

Info regarding or from: _____

Area rented: _____

Rent: Amount _____

Lease term _____

Overage _____

Expenses: Amount _____

Paid by _____

Other _____

Info regarding or from: _____

Area rented: _____

Rent: Amount _____

Lease term _____

Overage _____

Expenses: Amount _____

Paid by _____

Other _____

Owner 1
Mailing Address
City, State Zip

Dear Property Owner,

The City of Providence Revaluation Project is underway. This is a state mandated project, which requires periodic analysis of properties to determine the fair market value of all property located in the City of Providence. Tyler Technologies| CLT Division, the firm that conducted the full revaluation in 1999 and the statistical revaluation updates in 2003 and 2006, is the same firm that has been retained to conduct this update of assessments effective for a taxable status date of December 31, 2009.

At this time, the Assessor's office is collecting the economic information for all commercial, apartment and industrial property. Completing the enclosed form is critical for analysis of current economic conditions within the City. The analysis of the returns will provide an important basis for the income approach to value. Please note that we are seeking information regarding the income and expense attributable to the rental or leasing of your real estate during the 2008 calendar year. One return is needed for each property you own. If you have the requested information in an alternate format, please attach it to a signed blank form. Returns should be mailed to the address below.

Providence Assessor's Office
Providence City Hall – Room 208
25 Dorrance Street
Providence, RI 02903

Once completed, sign and return to the above address. Please do not include any of your personal financial information.

The information you furnish will be held in strict confidence and is not public record. Failure to respond will require the Company to estimate these figures. Your cooperation is imperative to guarantee equitable assessments.

Please return the questionnaire by: **April 24, 2009**

For additional information contact:
Tyler Technologies | CLT Division
c/o Assessors Office
Providence City Hall
25 Dorrance Street Room 208
Providence, RI 02903
(401) 421-5900 ext 630

or **City of Providence Assessor's Office**
(401) 421-5900 ext 229

2009 Commercial/Industrial Income and Expense Report

Providence City Hall
Tax Assessor –Room 208
25 Dorrance Street
Providence, RI 02903

FILING INSTRUCTIONS

- **Who should file:** All individuals and businesses receiving this form should complete and return it to the City of Providence Assessor's Office. All owners of properties, which are rented or leased, including commercial, retail, industrial and residential properties are asked to complete this Income and Expense Report
- **Owner-occupied properties.** If your property is 100% owner-occupied, you need only return this form indicating that the owner of the real estate and the owner of the business occupying the real estate are exactly the same; and that no lease exists and no rental payments are being made (including payment of the mortgage) by the business occupying the real estate. Real estate occupied by a business and owned by a principal of the business are not owner-occupied properties and must complete the form in full.
- **Owners of multiple properties.** A separate report must be filed for each property in the City of Providence. An income and expense report summary page and the appropriate income schedule must be completed for each rental property.

GENERAL INSTRUCTIONS: All information should be for the calendar year 2009.

- Correct any ownership or property information shown that is incorrect.
- Complete questions 1 through 6
- Complete **Rental Information for 2009** (non-apartment spaces)
- Complete **Apartment Rental Information for 2009**
- Complete **Expense Information for 2009**

Rental Information for 2009 (non-apartment spaces) **INSTRUCTIONS:** provide non-residential rental information. A computer printout is acceptable, providing all the required information is provided.

- **Escalation** is the amount, in dollars, of adjustment to base rent either pre-set or tied to an inflation index. If an option provision or base rent increase provision is in the lease indicate the percentage or increment and time period. **Common Area Maintenance** is income received from charges to tenant for common area maintenance, or other income received from the common area property. **OVERAGE** is an additional fee or rental income usually based on a percent of sales or income.
- **PARKING:** Indicate the number of parking spaces and annual rent for each tenant, include spaces or areas leased or rented to a tenant as a concession.
- **INTERIOR FINISH:** Indicate whether tenant or owner provided interior finish and at what cost.

Apartment Rental Information for 2009 INSTRUCTIONS: provide residential rental information. A computer printout is acceptable providing all the required information is provided.

- Complete and return the form to the **City of Providence Assessor's Office. If you have any questions, please call the Assessor's office at (401) 421-5900 ext. 229 or, Tyler Technologies| CLT Division at (401) 421-5900 ext. 630**

PLEASE RETURN THE INCOME & EXPENSE REPORT ON OR BEFORE May 29, 2009.

Owner Name MARINUCCI, ANTONIO
Mailing Address 167 WALLACE ST

00000180018

City/State/Zip PROVIDENCE, RI 02909-3815

Property Location CORLISS LANDING SLIPS

1 **Primary Use** (Check One) Apartment Office Retail Mixed Use Shopping Center Industrial Other _____

2 Gross Building Area (Including Owner-Occupied Space) _____ Sq. Ft. 6 Number of Parking Spaces _____
3 Net Leasable Area _____ Sq. Ft. 7 Actual Year Built _____
4 Owner-Occupied Area _____ Sq. Ft. 8 Year Remodeled _____
5 Number of Units _____

INCOME

EXPENSES

9 Apartment Rentals (From Schedule A) _____
10 Office Rentals (From Schedule B) _____
11 Retail Rentals (From Schedule B) _____
12 Mixed Rentals (From Schedule B) _____
13 Shopping Center Rentals (From Schedule B) _____
14 Industrial Rentals (From Schedule B) _____
15 Other Rentals (From Schedule B) _____
16 Parking Rentals _____
17 Other Property Income _____
18 **TOTAL POTENTIAL INCOME**
(Add Line 9 through Line 17) _____
19 Loss Due to Vacancy and Credit _____
20 **EFFECTIVE ANNUAL INCOME**
(Line 18 Minus Line 19) _____

21 Heating/Air Conditioning _____
22 Electricity _____
23 Other Utilities _____
24 Payroll (Except management) _____
25 Supplies _____
26 Management _____
27 Insurance _____
28 Common Area Maintenance _____
29 Leasing Fees/Commissions/Advertising _____
30 Legal and Accounting _____
31 Elevator Maintenance _____
32 Tenant Improvements _____
33 General Repairs _____
34 Other (Specify) _____
35 Other (Specify) _____
36 Other (Specify) _____
37 Security _____
38 **TOTAL EXPENSES** _____
39 **NET OPERATING INCOME** _____
40 Capital Expenses _____
41 Real Estate Taxes _____
42 Mortgage Payment (Principal & Interest) _____

COPY AND ATTACH IF ADDITIONAL PAGES ARE NEEDED

VERIFICATION OF PURCHASE PRICE

Purchase Price: \$ _____ Down Payment: \$ _____ Date of Purchase: _____

Date of Last Appraisal: _____ Appraisal Firm: _____ Appraised Value: \$ _____

First Mortgage:	\$ _____	Interest Rate: _____ %	Payment Schedule Term: _____ Years	<input type="checkbox"/> Fixed	<input type="checkbox"/> Variable
Second Mortgage:	\$ _____	Interest Rate: _____ %	Payment Schedule Term: _____ Years	<input type="checkbox"/> Fixed	<input type="checkbox"/> Variable
Other:	\$ _____	Interest Rate: _____ %	Payment Schedule Term: _____ Years	<input type="checkbox"/> Fixed	<input type="checkbox"/> Variable
Chattel Mortgage:	\$ _____	Interest Rate: _____ %	Payment Schedule Term: _____ Years	<input type="checkbox"/> Fixed	<input type="checkbox"/> Variable

Did the purchase price include a payment for: Furniture? \$ _____ (Value) Equipment? \$ _____ (Value) Other? \$ _____ (Value)

Has the property been listed for sale since your purchase? Yes No

If Yes, list the asking price: \$ _____ Date Listed: _____ Broker: _____

Remarks – Please explain any special circumstances or reasons concerning your purchase (i.e. vacancy, conditions of sale, etc):

I DO HEREBY DECLARE UNDER PENALTIES OF FALSE STATEMENT THAT THE FOREGOING INFORMATION, ACCORDING TO THE BEST OF MY KNOWLEDGE, REMEMBRANCE AND BELIEF, IS A COMPLETE AND TRUE STATEMENT OF ALL THE INCOME AND EXPENSES ATTRIBUTABLE TO THE ABOVE IDENTIFIED PROPERTY.

Signature: _____ Name (Print): _____ Date: _____

Title: _____ Telephone: _____ Email: _____

A PROPOSAL FOR:

The City of Milford, Delaware: *Revaluation Services for the 2012
Assessment for the City of Milford*

Chapter 57-Planning Commission

§57-1. Establishment.

There is hereby established, pursuant to 22 Del. C. § 701 et seq., the Milford Planning Commission.

§57-2. Membership; term of office.

The Commission shall consist of nine members to be appointed by the Council. The term of each member so appointed and confirmed shall be for three years, except that of the members first appointed, three shall be appointed to a term of three years, three shall be appointed to a term of two years and three shall be appointed to a term of one year.

§57-3. Removal; vacancies

Any member of the Planning Commission may be removed for cause, after a public hearing, by the Mayor with the approval of the City Council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as an original appointment.

CITY OF MILFORD CHARTER

2.07- Council Districts; Adjustment of Districts

(a) Number of Districts. There shall initially be four City Council districts to be known as Wards.

(b) Districting Commission. The City Council shall comprise the districting commission.

(c) Report; Specifications. By the first day of January of the second year following the decennial census, the districting commission shall file with the City Clerk a report containing a recommended plan for adjustment of the Council district boundaries to comply with these specifications:

(1) Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets or other natural boundaries or survey lines as required.

(2) Each district shall contain as nearly as possible the same number of qualified voters and Districts shall not differ in population by more than ten (10) percent of the population in the smallest district created. The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the Clerk, the report shall be treated as an ordinance introduced by a Council member.

(d) Procedure. The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that the summary, including both the map and descriptions of the recommended districts, must be published in two newspapers of general circulation in the City of Milford, no less than one month prior to its adoption.

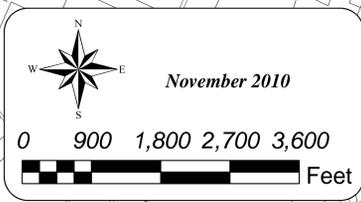
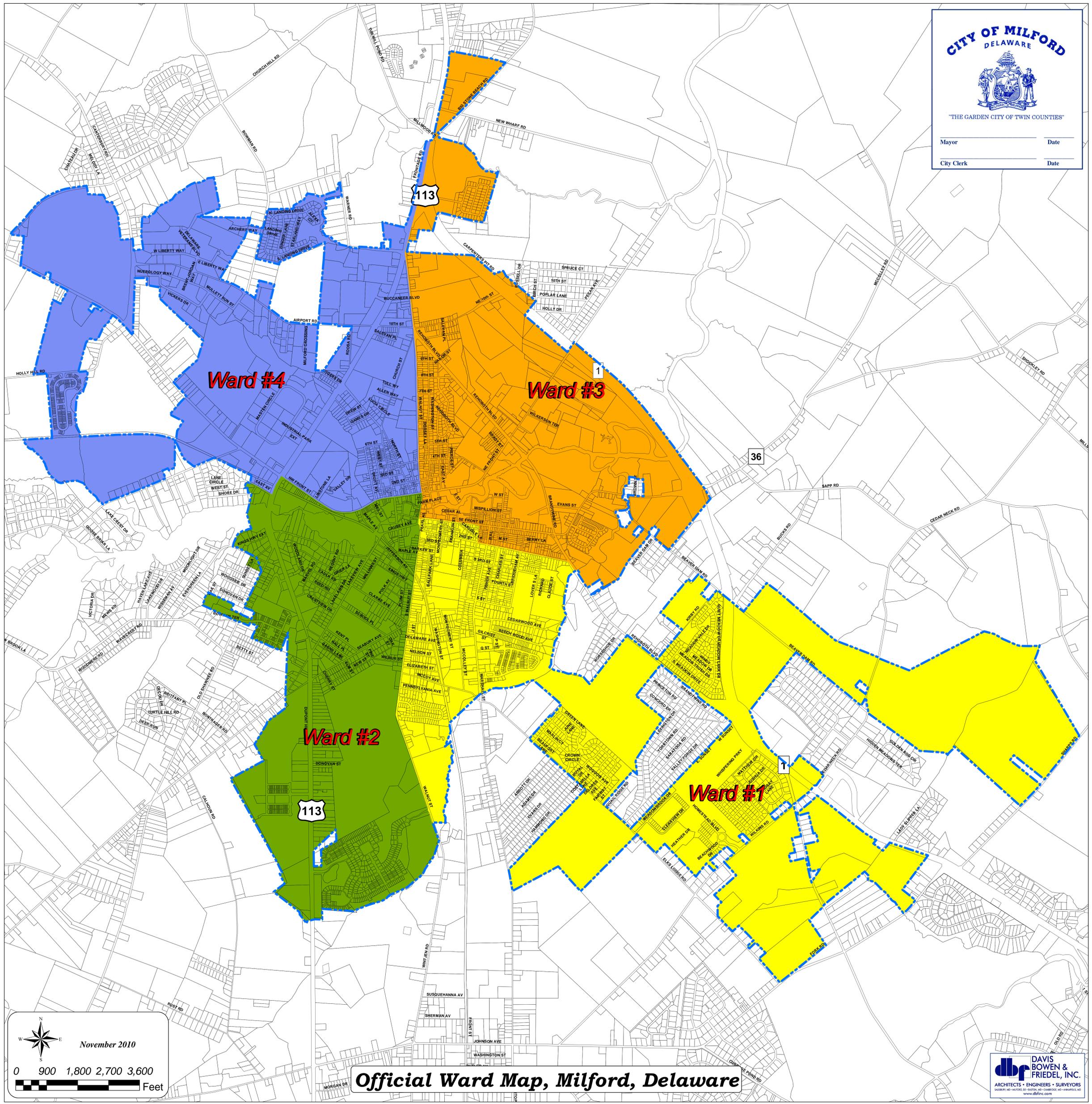
(e) The Commission may, but is not required to, establish five Wards instead of four, with two Councilpersons to be elected from each Ward.

(f) Enact Ordinance. The Council shall adopt the ordinance at least six months before the next regular City election.

(g) Effect of Enactment. The new Council districts and boundaries, as of the date of enactment, shall supersede previous Council districts and boundaries for all the purposes of the next regular City election, including nominations. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all Councilpersons elected at the regular City election take office.



Mayor _____ Date _____
City Clerk _____ Date _____



November 2010

Official Ward Map, Milford, Delaware



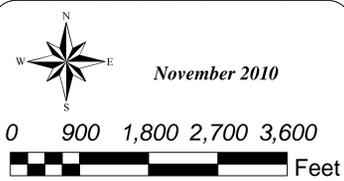
Mayor _____ Date _____
City Clerk _____ Date _____

Ward #4
2,418 Persons

Ward #3
2,368 Persons

Ward #2
2,331 Persons

Ward #1
2,442 Persons



November 2010

Ward Map, Milford, Delaware

CITY OF MILFORD

PLANNING COMMISSION MEMBERS

Charles M. Rini, Chairman
Appointed: 07/07
Term Expiration: 08/31/11

Kim S. Hoey-Stevenson, Vice Chair
Appointed: 10/05
Term Expiration: 08/31/11

James F. Burk, Secretary
Appointed: 11/08
Term Expiration: 08/31/12

Vacant

Karen K. McColley
Appointed: 02/08
Term Expiration: 08/31/13

Marvin C. Sharp
Appointed: 09/08
Term Expiration: 08/31/12

Archie J. Campbell
Appointed: 10/09
Term Expiration: 08/31/13

George R. Pilla
Appointed: 10/09
Term Expiration: 08/31/11

William J. Lane
Appointed: 08/10
Term Expiration: 08/31/12

Gary Norris, AICP
City Planner

Christine Crouch
Recording Secretary/Department Administrative Assistant

All correspondence is to be mailed to:

*Planning Commission
c/o Planning Department
201 S Walnut Street
Milford, DE 19963*



(302) 422-6616
FAX # (302) 422-1117

180 Vickers Drive
Milford, Delaware 19963

INVITATION TO BID

Sealed bids for the latest model year *Compact Track Loader* will be received by the City of Milford Electric Department at City Hall, 201 S. Walnut St., Milford, Delaware until 2:00 p.m., on, Wednesday, June 22, 2011, and then at said office publicly opened and read aloud.

Specifications are available at the City of Milford Public Works Facilities, 180 Vickers Drive, Milford, Delaware, or at City Hall, 201 S. Walnut Street, Milford, Delaware.

Mailing Address: City of Milford
 Attn: City Clerk
 201 S. Walnut Street
 Milford, DE 19963
 (302) 422-6616

Bids must be clearly marked "*Sealed Bid –Electric Department-Compact Track Loader*". Award of the bid will be made at the next regularly scheduled City Council meeting.

The City of Milford reserves the right to reject ANY AND ALL BIDS and to waive any informality within the bids.

***Any reference to a model or brand name in the bid specifications is only to denote quality and does not mean that equal equipment will not be considered.**

**City of Milford Electric
Bid Tabulation**

2:00 p.m.

Wednesday, June 22, 2011

Compact Track Loader

<u>Bidder</u>	<u>Truck Bid</u>	<u>Manufacturer</u>	<u>Delivery Terms</u>	<u>Exceptions</u>	OPTION 1	OPTION 2	<u>Total Bid Price</u>
					<u>Trade-In Value</u>	<u>5 Yr Trade Value</u>	
1.) Burke Equipment Co. 26831 Sussex Hwy. Seaford, DE 19973 (302) 629-7500	\$44,653.05	2011 Bobcat Model #T650	60-90 Days	Yes *See Bid Specs	\$9,000.00	\$21,000.00	\$35,653.05
2.) Alban Tractor Company 1770 Westwood Dr. Salisbury, MD 21801 (443) 521-9098	\$48,391.00	2011 Caterpillar Model #259B3	45-60 Days	None	\$7,500.00	\$18,700.00	\$42,952.00
3.)							
4.)							

Electric Department

To: David Baird
CC: Brad Dennehy, Jeff Portmann, Terri Hudson
From: Rick Carmean
Date: 6/30/2011
Re: Compact Track Loader Bid Acceptance

The Electric Department has decided to accept a bid for a Compact Track Loader (model 2011 Bobcat T650) from Burke Equipment Company. The cost for this equipment will be \$35,653.05. This was the lowest bid. If anyone has any questions, please let me know.

6/30/11

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: May 2011

Cash Balance - General Fund Bank Balance	\$1,762,620
Cash Balance - Electric Fund Bank Balance	\$2,226,743
Cash Balance - Water Fund Bank Balance	\$874,263
Cash Balance - Sewer Fund Bank Balance	\$455,382
Cash Balance - Trash Fund Bank Balance	\$538,562

	General <u>Improvement</u>	Municipal <u>Street Aid</u>	Real Estate <u>Transfer Tax</u>	Water Bond <u>Escrow</u>
Beginning Cash Balance	411,709	732,774	503,276	412,757
Deposits			8,053	
Interest Earned this Month	43	78	50	
Disbursements this Month	(8,418)		(41,666)	(300)
Investments			1,600,000	
Ending Cash Balance	\$403,334	\$732,852	\$2,069,713	\$412,457

	GF Capital <u>Reserves</u>	Water Capital <u>Reserves</u>	Sewer Capital <u>Reserves</u>	Electric <u>Reserves</u>
Beginning Cash Balance	836,853	1,257,398	383,946	2,560,601
Deposits				
Interest Earned this Month	4		41	
Disbursements this Month			(300)	
Investments	1,000,000	2,960,000	2,245,000	7,484,000
Ending Cash Balance	\$1,836,857	\$4,217,398	\$2,628,687	\$10,044,601

	Water <u>Impact Fee</u>	Sewer <u>Impact Fee</u>	Electric <u>Impact Fee</u>
Beginning Cash Balance	62,632	\$38,516	\$7,828
Deposits			
Interest Earned this Month			
Disbursements this Month			
Investments	850,000	\$625,000	\$250,000
Ending Cash Balance	\$912,632	\$663,516	\$257,828

INTEREST THROUGH THE ELEVENTH MONTH OF THE FISCAL YEAR:

General Fund	7,612	Water Fund	1,070
GF Capital Reserves	19,356	Water Bond Escrow	257
General Improvement Fund	713	Water Capital Reserves	38,173
Municipal Street Aid	1,077	Water Impact Fees	6,765
Real Estate Transfer Tax	16,258	Sewer Fund	447
Electric Fund	4,505	Sewer Capital Reserves	29,678
Electric Reserves	86,605	Sewer Impact Fees	6,493
Electric Impact Fees	1,927	Trash Fund	884

TOTAL INTEREST EARNED TO DATE \$221,820

REVENUE REPORT

Page Two

Date: May 2011 ACCOUNT	AMOUNT BUDGETED	MTD	92% of Year Expended	
			YTD	YTD%
Budgeted Fund Balance	242,749	0	242,749	100.00%
General Fund Capital Reserves	226,000	0	178,207	78.85%
Property Transfer Tax-Capital	152,100	0	139,460	91.69%
Property Transfer Tax-Police	500,000	41,666	458,333	91.67%
Real Estate Tax	2,962,377	2,282	2,951,698	99.64%
Business License	35,000	1,100	36,770	105.06%
Rental License	85,000	300	84,050	98.88%
Building Permits	30,000	4,124	62,517	208.39%
Planning & Zoning	40,000	700	12,700	31.75%
Misc. Revenues	346,775	14,254	245,242	70.72%
Transfers From	3,215,480	267,958	2,947,524	91.67%
Police Revenues	297,166	26,123	161,445	54.33%
Engineering & Inspection Fees	40,000	500	47,941	119.85%
Total General Fund Revenues	\$8,172,647	\$359,007	\$7,568,636	92.61%
Water Revenues	2,139,312	174,150	2,055,706	96.09%
Sewer Revenues	1,966,956	154,343	1,728,626	87.88%
Kent County Sewer	1,400,000	107,000	1,192,982	85.21%
Solid Waste Revenues	1,085,702	84,320	989,171	91.11%
Electric Revenues	26,925,565	1,195,358	25,389,768	94.30%
TOTAL REVENUES	\$41,690,182	\$2,074,178	\$38,924,889	93.37%
YTD Enterprise Expense	84,528			
YTD Enterprise Revenue	92,418			
LTD Carlisle Fire Building Permit Fee	29,862			

EXPENDITURE REPORT

Page Three

Date: May 2011

92% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	336,780	\$28,010	303,982	90.26%	32,798
O&M	124,398	\$9,338	106,145	85.33%	18,253
Capital	0	\$0	0		0
Total City Manager	\$461,178	\$37,348	\$410,127	88.93%	51,051
Planning & Zoning					
Personnel	174,735	\$13,337	153,291	87.73%	21,444
O&M	51,176	\$1,323	28,319	55.34%	22,857
Capital	0	\$0	0		0
Total P, C & I	\$225,911	\$14,660	\$181,610	80.39%	44,301
Code Enforcement & Inspections					
Personnel	127,975	\$9,703	112,733	88.09%	15,242
O&M	62,245	\$2,011	47,673	76.59%	14,572
Capital	0	\$0	0		0
Total P, C & I	\$190,220	\$11,714	\$160,406	84.33%	29,814
Tax Department					
Personnel	73,405	\$5,578	\$65,189	88.81%	8,216
O&M	19,914	\$300	\$12,215	61.34%	7,699
Capital	0	\$0	\$0		0
Total Tax Department	\$93,319	\$5,878	\$77,404	82.95%	15,915
Council					
Personnel	31,225	\$2,238	25,640	82.11%	5,585
O&M	26,840	\$900	16,529	61.58%	10,311
Council Expense	18,500	\$157	18,471	99.84%	29
Contributions	436,734	\$0	436,734	100.00%	0
Codification	4,200	\$0	3,092	73.62%	1,108
Employee Recognition	9,107	\$0	9,107	0.00%	0
Insurance	16,420	\$0	10,791	65.72%	5,629
Live Near Your Work	2,000	\$0	2,000	100.00%	0
Total Council	\$545,026	\$3,295	\$522,364	95.84%	22,662
Finance					
Personnel	309,230	\$23,549	279,901	90.52%	29,329
O&M	60,900	\$2,781	40,624	66.71%	20,276
Capital	0	\$0	0		0
Total Finance	\$370,130	\$26,330	\$320,525	86.60%	49,605
Information Technology					
Personnel	160,595	\$12,514	148,594	92.53%	12,001
O&M	171,000	\$10,052	158,846	92.89%	12,154
Capital	27,000	\$0	26,960	99.85%	40
Total Information Technology	\$358,595	\$22,566	\$334,400	93.25%	24,195

EXPENDITURE REPORT

Page Four

Date: May 2011

92% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,457,955	\$253,817	3,046,532	88.10%	411,423
O&M	465,245	\$33,882	404,248	86.89%	60,997
Capital	162,500	\$0	159,537	98.18%	2,963
Total Police	\$4,085,700	\$287,699	\$3,610,317	88.36%	475,383
Streets & Grounds Division					
Personnel	399,605	\$30,112	358,197	89.64%	41,408
O&M	386,551	\$24,026	295,364	76.41%	91,187
Capital	91,000	\$0	81,170		9,830
Debt Service	46,445	\$0	42,011	90.45%	4,434
Total Streets & Grounds	\$923,601	\$54,138	\$776,742	84.10%	146,859
Parks & Recreation					
Personnel	468,165	\$41,892	403,072	86.10%	65,093
O&M	242,415	\$25,194	210,942	87.02%	31,473
Capital	54,615	\$0	7,015	12.84%	47,600
Total Parks & Recreation	\$765,195	\$67,086	\$621,029	81.16%	144,166
Engineering & Inspections					
Personnel	162,225	\$12,537	145,300	89.57%	16,925
O&M	70,981	\$2,814	47,897	67.48%	23,084
Capital	0	\$0	0		0
Total Engineering & Inspections	\$233,206	\$15,351	\$193,197	82.84%	40,009
Less Interdepartmental Revenue	(\$87,600)	\$0	(73,000)	83.33%	(14,600)
Net Engineering & Inspections	\$145,606	\$15,351	\$120,197	82.55%	25,409
Total General Fund					
Operating Budget	\$8,164,481	\$546,065	\$7,135,121	87.39%	1,029,360

EXPENDITURE REPORT

Page Five

Date: May 2011

92% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	207,695	\$15,982	190,356	91.65%	17,339
O&M	1,200,927	\$63,085	861,153	71.71%	339,774
Capital	640	\$0	640	0.00%	0
Debt Service	730,050	\$0	451,392	61.83%	278,658
Total Water	\$2,139,312	\$79,067	\$1,503,541	70.28%	635,771
Sewer Division					
Personnel	207,695	\$15,981	190,317	91.63%	17,378
O&M	1,103,611	\$131,684	972,297	88.10%	131,314
Capital	0	\$0	0	0.00%	0
Debt Service	655,650	\$0	255,752	39.01%	399,898
Sewer Sub Total	\$1,966,956	\$147,665	\$1,418,366	72.11%	548,590
Kent County Sewer	1,400,000	\$106,044	1,192,036	85.15%	207,964
Total Sewer	\$3,366,956	\$253,709	\$2,610,402	77.53%	756,554
Solid Waste Division					
Personnel	338,080	\$26,383	261,181	77.25%	76,899
O&M	701,185	\$67,099	620,829	88.54%	80,356
Capital	68,000	\$0	0	0.00%	68,000
Total Solid Waste	\$1,107,265	\$93,482	\$882,010	79.66%	225,255
Total Water, Sewer Solid Waste					
	\$6,613,533	\$426,258	\$4,995,953	75.54%	1,617,580
Electric Division					
Personnel	1,049,515	\$72,461	855,697	81.53%	193,818
O&M	2,013,055	\$144,964	1,426,383	70.86%	586,672
Transfer to General Fund	2,500,000	\$208,334	2,291,667	91.67%	208,333
Capital	195,000	\$13,255	86,665	44.44%	108,335
Debt Service	667,995	\$0	297,995	44.61%	370,000
Electric Sub Total	\$6,425,565	\$439,014	\$4,958,407	77.17%	1,467,158
Power Purchased	20,500,000	\$1,627,821	18,933,863	92.36%	1,566,137
Total Electric	\$26,925,565	\$2,066,835	\$23,892,270	88.73%	3,033,295
TOTAL OPERATING BUDGET					
	\$41,703,579	\$3,039,158	\$36,023,344	86.38%	5,680,235

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: May 2011

92% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Garage					
Personnel	129,330	5,127	59,125	45.72%	70,205
O&M	76,450	3,726	52,346	68.47%	24,104
Capital	0	0	0		0
Total Garage Expense	\$205,780	8,853	\$111,471	54.17%	94,309
Public Works					
Personnel	162,980	13,018	147,176	90.30%	15,804
O&M	162,602	8,108	129,713	79.77%	32,889
Capital	20,000	0	0		20,000
Total Public Works Expense	\$345,582	21,126	\$276,889	80.12%	68,693
Meter Department-Water					
Personnel	118,479	8,769	108,582	91.65%	9,897
O&M	108,372	1,792	36,027	33.24%	72,345
Capital	100,000	5,220	55,544	55.54%	44,456
Total Water Meter Expense	\$326,851	15,781	\$200,153	61.24%	126,698
Meter Department-Electric					
Personnel	225,995	18,267	204,191	90.35%	21,804
O&M	163,667	8,114	71,410	43.63%	92,257
Capital	0	0	0		0
Total Electric Meter Expense	\$389,662	26,381	\$275,601	70.73%	114,061
Billing & Collections					
Personnel	434,621	33,901	384,844	88.55%	49,777
O&M	169,051	14,327	144,939	85.74%	24,112
Capital	0	0	0		0
Total Billing & Collections	\$603,672	48,228	\$529,783	87.76%	73,889
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	54,200	4,698	49,491	91.31%	4,709
Capital	0	0	0		0
Total City Hall Cost Allocation	\$54,200	4,698	\$49,491	91.31%	4,709

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 6, 2011

The Finance Committee of Milford City Council met in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware, on Monday, June 6, 2011 to discuss the upcoming FY 2011-2012 Budget.

PRESIDING: Chairman S. Allen Pikus

IN ATTENDANCE: Committee Members Douglas Morrow and Garrett Grier III

MAYOR & COUNCIL: Mayor Joseph Ronnie Rogers

Council Members Steven Johnson, Dirk Gleysteen, Owen Brooks, Jr.,
James Starling, Sr. and Katrina Wilson

STAFF: City Manager David Baird, Finance Director Jeff Portmann & City Clerk Terri Hudson

Chairman Pikus called the Finance Committee meeting to order at 6:10 p.m. to review the proposed Fiscal Year 2011-2012 City of Milford Budget.

Mr. Johnson and Mr. Gleysteen arrived after the meeting began.

Milford Museum

Don Abrutyn of Milford Museum provided an overview of the exhibits, activities and events occurring at the Milford Museum. He then spoke about the need and creation of an Executive Director position. He emphasized the fact they are not asking for financial assistance to support the new director's position as her salary was raised through donations. They hired Claudia Leister who retired from the state where she was in charge of acquisitions for the state museums. Ms. Lister is also an active member of the Delaware Museum Association.

Noting the city has provided the museum \$18,000 the last few years, Mr. Abrutyn said he initially requested \$30,000 this year. However, with the number of new things occurring, they are hoping to raise that. After a conversation with Finance Chairman Pikus, Mr. Abrutyn reduced the request to \$25,000. The request for the additional money is the result of increased costs in fuel and electricity. There are also additional internet/ hosting costs affiliated with their new website. More exhibit supplies are required as a result of utilizing the basement.

Mr. Abrutyn reported that recurring expenses from previous years have been in the area of \$24,900. New expenses will run approximately \$6,000 for a total of \$32,000.

Regarding a need for a new handicapped ramp, Mayor Rogers suggested contacting Milford Lions Club who often assist with the actual construction. In addition, there is a group of retired telephone workers that assist with these ramps as well. Mr. Brooks advised that Mr. Hurd also builds them. Mr. Abrutyn asked Mayor Rogers to follow up.

Downtown Milford

DMI President Irv Ambrose then introduced the new Downtown Milford Executive Director Lee Nelson who was hired as of June 1st. Mr. Nelson stressed the importance of meeting city officials and businesses. He comes from Union Point, Georgia with a background and great deal of experience in main street management.

He added that his wife is a full time professional artist and owned and operated an art gallery in Union Point for five years. She is now opening a gallery in the William Tharp Building where the Lady Bug store was previously housed.

City Budget

Mr. Pikus advised that the finance committee has met previously with the city manager and finance director to discuss

the upcoming budget. A lot of information and numbers were examined and as of this date, he is presenting a balanced budget. However, there are some areas that the city manager and finance director were asked to review.

It was agreed that insurance costs should be considered; Mr. Pikus informed council that this is Mr. Morrow's expertise because of his experience in that field.

He reported that the city manager has also been reviewing overtime structures to consider areas where overtime can be reduced. Take-home vehicles and cell phones are also being assessed.

Mr. Pikus noted that other towns are in debt but by keeping our expenses down, we are able to continue our present services in a frugal manner.

Mr. Morrow advised that during the last SCAT meeting, DELEA Founders Insurance Trust (DFIT) presented their program. He recommends the city review these plans occasionally to compare costs and benefits in addition to considering other companies.

Mr. Baird stated that our broker is Marvel Agency. Over the past couple of years, Harvey Marvel has shopped the account during which time we have actually seen a savings.

He explained that when the DFIT pool was announced, the city did consider it. At that time, it was more expensive to get into the pool through Delaware League. He said some municipalities have had good luck but others have not. He noted that Mr. Marvel includes DFIT as a comparison.

Mr. Morrow informed the city manager that he would like to be included in the meeting when the comparisons are made. Mr. Pikus asked that information be provided as quickly as possible; Mr. Portmann then noted that the renewal packages were already provided to a number of companies.

Mr. Portmann emphasized that the lowest price may not mean the best deal and referenced a past workman compensation carrier the city switched to that ended up going bankrupt the second year.

Mr. Pikus then pointed out there is a small deficit in the budget which created a need to find some expenses that could be reduced. It was agreed that overtime is for emergency purposes and should only be used as needed. However, in a few cases, it is being used as a convenience or treated like a benefit.

Mr. Baird then passed out a document showing the overtime submitted for each department. The city manager explained the police department's overtime is split between the police and civilians. The document included the amounts submitted for 2011-2012, 2010-2011 and the actual for 2008-2009 and 2009-2010.

Mr. Pikus pointed out there are many times when overtime is required, but there are some instances when overtime is being abused. That is why there was need to review the overall overtime and consider where it could be cut. However, there are funds available should we have an emergency or a major problem. If that occurs, council has the authority to transfer funds from one account back into the overtime line item. By reducing the line item, they are hoping for better control.

The administration overtime is for meeting support and specifically council and miscellaneous overtime. It shows a lower number in 2009-2010 because Ms. Wilson was still assigned to the billing department. When reassigned to administration, the number increased. It was agreed that no change would be made to the administration department overtime.

The same applies to overtime in the planning and zoning department. It includes meeting support related to the planning commission, comprehensive plan public hearings, master plan hearings, etc. Noting the increase in overtime, it was agreed to reduce the budgeted amount to \$4,500.

Overtime in the code department is very minimal. It is only budgeted in case they are called in during an emergency after hours. It was noted that nothing was spent in overtime this fiscal year. No change was made to their overtime request. The police department overtime was reduced by \$5,000. Mr. Baird pointed out the numbers are bigger in the larger departments; however, those number depend on staffing issues and can be easily impacted by people out on workman

comp, medical or family leave, for example. It is more of a necessity in the larger departments and particularly those that require full coverage. The past years, their numbers have been \$138,000, \$129,000 and though budgeted last year at \$149,000, it will probably end in the \$125,000 range.

When reviewing the police/civilian overtime, Mr. Baird said that number is very consistent adding he would be cautious about reducing that number due to the needs of their emergency dispatchers.

It was noted that overtime in the streets and grounds budget was snow-related; otherwise, it is minimal. Mr. Pikus recommended no reduction. However, Mr. Baird feels it can be reduced from \$10,000 to \$8,000. Any additional overtime would be related to weather. Because additional overtime could be easily transferred in those situations, Mr. Pikus agreed to reduce it to \$8,000.

The city manager explained that water and sewer personnel overlap. Some changes have been made in those departments. Currently, the entire staff in both the water and sewer departments are eligible for overtime. They are considering moving the department's supervisor to salaried employees. His base line salary would be slightly increased as a result. However, he expects a savings of \$1,200 to \$1,400 in those departments which would correlate with the salary adjustment. In addition, Mr. Baird feels scheduled adjustments can be made because they are required to come in two to four hours on Saturdays and Sundays. That involves taking pump readings, checking chemical feeds, etc. He will recommend that the schedule of those staff members working four to eight hours on the weekend be taken off during the week.

Mr. Baird feels there is some room in the overtime area which can be handled through staffing changes and personnel assignments. Mr. Pikus asked if the city manager was comfortable reducing the water and sewer overtime line item by \$1,500 to \$11,500; Mr. Baird stated yes that can easily be managed.

Mr. Baird said the meter/water department submitted a request for \$5,000 though there is room for an adjustment. Major projects have been completed at Perdue and Seawatch and the school project will be done this year. In those cases, it was necessary for our employees to work around their schedules. However, when that work is completed, our employees' schedules can also be rearranged to prevent paying the weekend overtime.

The city manager recommends removing \$1,250 from the meter/water overtime line item.

In the solid waste department, Mr. Baird reports the numbers have been all over the board beginning in 2008-2009 at \$13,000 and can be attributed to being short-staffed at that time. We started to get back up to a full complement of employees in 2009-2010. In 2010-2011, we have exceeded the previous budget by \$3,000 as a result of recycling and increasing trash collections. It was agreed that \$11,000 remain with no changes made.

During a review of the overtime in the electric department, it was determined it had been consistently spent throughout the year. At six months, it was half spent. Mr. Baird verified that all employees in the electric department work a normal eight-hour day. He added that any overtime submitted must be approved by the supervisor. It was recommended and agreed to reduce their overtime budget by \$30,000.

In the meter/electric department, \$12,500 was budgeted and the city manager feels there is room for adjustment there as well. Much of that overtime is the result of meter personnel staying late on disconnect days. They are needed to restore service and often come in early. Mr. Brooks asked if the reconnect fee charges help balance that overtime; Mr. Baird said that goes back into the general revenues of the electric department. Mr. Baird recommends reducing that overtime line item from \$12,500 to \$9,500 as was agreed by the finance committee.

Mr. Baird feels the \$3,000 overtime line item in the public works line item can be reduced to \$2,000. It covers any overtime of the locator and the administrative assistant in that department.

Mr. Portmann added there are two new staff members in the public works department—the city engineer and the utility locator. Thereby, the department's overall costs increased as a result of going from two to four employees.

The city manager explained the garage overtime is similar to code enforcement overtime. There is minimal overtime used and is typically related to inclement weather situations when the mechanic comes in to ensure our vehicles are able to stay

on the road and up and running. Personnel included in the garage budget is 1.5 employees (one full-time and one part-time employee).

Mr. Baird recalled that since Everett Roberts retired last year, they have been operating the garage with one employee. Each time they check in on him, they ensure he is holding up and if help is needed, he has been informed to contact someone immediately.

So far, when the mechanic is on leave, other employees have filled in or any unexpected work is outsourced. In addition, if the mechanic is working on a project that needs assistance, he is able to pull from other departments which has worked well so far.

Mayor Rogers added that we may also want to consider contracting out some of the work to help alleviate any heavy work loads when necessary. In such a case, the small engine work could be outsourced especially during the summer because of the increased use of lawnmowers, lawn and weed equipment, etc.

It was agreed that no changes be made to the garage overtime.

The billing department has \$20,000 budgeted. Mr. Baird pointed out that in 2008-2009, more that \$30,000 was spent. After an active approach, it was reduced by one-third. He feels there is still some room and believes it can be reduced another 20-25%. It was agreed to reduce the line item to \$15,000.

The city manager pointed out that because of some of the fiduciary responsibilities, there are a limited number of employees who can overlap in those responsibilities. For example, the people preparing the bills cannot collect the money. A lot of the overtime occurs before and during disconnect days. He feels that if the city went to four billing cycles, we would not have the big rushes and the flow would be more routine. He continues to work with the office manager to eliminate the additional hours being worked.

After a review of the cuts, Mr. Pikus announced that overtime was reduced by approximately \$34,000.

Mr. Gleysteen then questioned the engineering and inspection fee revenue line items this year. He noted that last year, there was \$40,000 budgeted; this year no revenues are budgeted. The finance director explained that number was provided by the engineer's estimate of charges for known subdivisions coming into the city and he is unaware of any new projects at this time. It is a 4% fee of new infrastructure costs.

He asked for an explanation of the real estate transfer fee also budgeted for zero. Mr. Portmann explained that over the past ten years, the city has received 1.5% of the sale price of any eligible home being sold or purchased. In recent years, home sales have declined and currently, we are collecting approximately \$200,000. Typically, the city pays \$500,000 per year for police support; this is the first year that no capital has been budgeted in an attempt to preserve the fund. Presently, there is \$2 million in that fund. Those fees go into a side fund which is shown on page 35.

The finance director added that if the housing market comes back and we begin collecting \$500,000 to \$600,000 a year, it will most likely be used again.

Mr. Baird then gave an explanation of impact fees noting that an upfront fee is applied to any new connection to the water, sewer or electric system. Those fees were waived last year as an incentive. The small revenue reflected in the water and a sewer impact fee is a result of the limitation of 5 EDU's for commercial developments and is proposed to continue for the next fiscal year.

Economic development issues were then discussed including various incentive recommendations for new businesses and existing businesses.

Mr. Grier then noted that no funds were budgeted for business land sales this fiscal year. He recalled the discussions about contacting those property owners that purchased land several years ago in the original business park but have made no attempt to begin construction within the required two-year period. When asked the status, Mr. Baird said the properties have been identified and the city could move forward and make those contacts. He then stated the projected zero budget

is because it is an unknown.

Mr. Grier asked that we proceed with purchasing the land back from the property owners to prevent that land from sitting idle; Ms. Wilson agreed.

Mr. Pikus then asked for a discussion on take-home vehicles and the associated insurance and asked Mr. Baird to explain the policy. Mr. Baird advised the city currently allows take-home vehicles only for department heads and those employees on call. In addition, department heads are required to provide the city manager a list of employees taking vehicle homes in addition to informing him of changes as they occur.

He said the list has been the same the last couple of years noting there is a total of sixteen vehicles listed as take-home vehicles. One in administration, three in electric, two in parks and recreation, two in the metering department (only when employees are on call), two in the street department, one in the water/sewer department and an on-call vehicle shared between the on-call employees in addition to seven at the police department.

Overall, Mr. Baird advised there are nine assigned vehicles that are taken home. He said that obviously is an issue that can be reevaluated. It was agreed that the policy states that only the supervisors should be taking cars home. Mr. Pikus stated that the exception would be anyone on call; Mr. Baird said that would require his approval as well.

Mayor Rogers pointed out when anyone is on-call, the employee is already being paid. Mr. Grier asked if anyone on call automatically reports to the public works department. Mr. Baird stated yes, adding that he has also heard that vehicles have been spotted in various places during non-working hours. He reported that his supervisors live in Milford, Frederica, Houston and Lincoln. The balance of the cars are used by employees on call.

Mr. Portmann confirmed that city insurance covers vehicles outside city limits.

It was agreed that the policy will remain that only department heads will take vehicles home. Mr. Baird asked for a clarification on-call employees noting they receive a two-hour minimum when they are called in.

The committee agreed that to save money on fuel, that policy needs to be implemented immediately; the only exception are the sworn officers.

Mr. Baird agreed with Mr. Pikus that would become effective tomorrow morning.

Mr. Brooks left at this time due to another commitment.

When asked the cost of cell phones, Mr. Baird confirmed we are currently spending \$33,400 on cell phones. Mr. Baird reported there are 54 city cell phones that have been issued. Mr. Pikus feels it is not a major item, but something that should be more closely scrutinized. Mr. Baird advised there are 19* cell phones in the police department at an average cost of \$526 per year (\$10,000 annual costs) and 35 cell phones in the remainder of the city averaging approximately \$668 per year (\$23,400 annual costs).

The city manager then pointed out the rates are all over the board and range from \$40 to \$75 a month. A lot of the phones were purchased at the time the city's current radio system was being faded out. When the new radio band is put in place

in 2013, the city can eliminate some of their phones. In emergency situations, Mr. Baird feels that cell phones are unreliable. In addition, many of our employees are unable to hear the cell phones ring or feel them vibrate in many cases. It is his opinion that radios are the way the city needs to proceed. In the meantime, the focus will be on the FCC requirement zone by 2013. Radios should then become more reliable and should greatly reduce our cell phone budget.

*NOTE: Police Department has eight total cell phones of which one remains inactive until needed; the balance of the number referenced are pagers.

The city manager feels we can address this problem by reducing phones and modifying the current plans.

Mr. Portmann pointed out the \$70 plans are data plans (phone and data); the \$40 a month are for cell phones. Mr. Pikus feels that if an employee needs a cell phone for immediate communication, they should have them. If they have one that

is unjustified, it should be removed.

Mr. Baird agreed to review the list of those employees with an assigned cell phone.

It was noted that the city is currently accepting bids for an annual maintenance program on all three existing water towers which is the reason that line item increased from \$10,000 to \$52,000 this fiscal year. The proposal will be presented for approval to city council at the next business meeting.

Mr. Gleysteen questioned the \$145,000 budgeted for a dump truck as a capital expense and asked if we have considered purchasing used vehicles. Mr. Baird said that is considered and noted that we just recently got rid of the 1970's equipment; their newest equipment is 1993-1994. Because we can purchase off state contracts, it has benefitted the city to look at purchasing such vehicles/equipment long term though it will not exclude us from considering used equipment. Even though we have budgeted for a new truck, he said that does not mean that is the avenue we will choose.

Mr. Baird reported that he previously reviewed the budget line by line with the finance committee and discussed the specific details being addressed tonight.

He then provided a budget comparison between the current budget year and proposed budget year. The 14.6% increase in administration is the result of adding an economic development director.

The 30% reduction in the planning and zoning department is a result of some personnel changes.

Code enforcement and inspections show an 11.7% reduction which is the result of some projects that were completed this past year.

There is a minimal increase in the finance department and basically only reflects the 2% employee increase. There is a small decrease in the IT, tax assessment and police department budgets.

The street and grounds department increased by 22% which was impacted when the engineering budget was moved to the public works department. As a result, the streets and ground department is now paying a higher allocation. In addition, their capital budget increased from \$90,000 to \$225,000 this year.

Parks and recreation and city council expenses are both showing a slight decrease. The engineering and inspections budget is being pulled into the public works budget.

Mr. Baird did not include the public works, garage and billing departments on the budget comparison because they are inner service funds which means the balance of the departments in the city are paying their expenses.

He noted the 2.39% increase in the water fund which is also the result of the salary increase. Sewer funds show a 3% decrease which is the result of lower I&I costs due to drier conditions. In addition, we hope to see some results from the I&I project that is currently ongoing.

The sanitation fund remains the same.

Revenues in the electric fund have increased by approximately 4%; however, purchase power costs are also higher.

In the electric budget, Mr. Baird pointed out the \$906,000 is revenue over expenses as projected. He explained that a half million dollars can come and go in the electric industry very quickly. At this time, there are no capital projects included in that amount. There is \$50,000 allocated for some work at the existing substation.

Mr. Baird emphasized that our departments have been cutting back and back over the past few years. It is necessary to get into the type of detail being addressed this year just to find some additional savings.

He said that overall, the budget includes a 2% salary increase, utility rates remain the same and staffing levels increased by a half position which is the result of the economic development director changing from part-time to half-time and by

eliminating the second position in the garage.

However, there was a vehicle request for \$350,000 that Mr. Baird made a decision not to include as part of this year's proposal.

Mr. Portmann then reported on the bond sale on June 1st. The average blended rate of interest is 3.72% for both sewer and electric. The night of the presentation it was projected 3.82% on sewer and a little over 4% on the electric side.

During the 15-minute auction, there were eight potential bidders; Morgan Keegan out of Kentucky was the winning bidder. He advised the city will actually save \$542,000 of interest if we keep the bonds and make payments over that entire period. However, they are callable after six years.

The refunding bonds will be sold June 16th.

When asked about the reduction in capital parks, Mr. Gleysteen noted that last year we spent \$85,000 and only \$25,000 is budgeted this year. Mr. Baird advised that we received a state grant for the Chaney/Wilmont Greenway last year. That project will be bid out this summer with construction beginning this fall.

The city manager explained that the funds approved in the capital budget are available for three years. After that three years, it will need to be reallocated and re-authorized by city council.

Mr. Gleysteen then referenced the \$2 million scheduled to spend on Goat Island in fiscal year 2013-2014. Mr. Baird explained that is only a projection at this time though the plan is it become part of the greenway by adding an at-grade boardwalk and raised boardwalk in the wetland area.

Mr. Pikus recalled the recent requests for the Live Near Your Work Program. He stated that in previous budget years when multiple requests were received, council capped the funding at \$5,000. He asked how this is handled now noting each request is for \$1,000.

Mr. Portmann said we have received three requests (\$3,000) this fiscal year and one (\$1,000) was received last year.

Mr. Pikus recommends we approve a cap of \$5,000 this fiscal year and suggests that item be added to the June 13th meeting agenda.

The request for an additional \$15,000 from Downtown Milford and an additional \$7,000 from Milford Museum was then discussed.

Mr. Baird reported that currently, the city has allocated \$35,000 to Downtown Milford and \$18,000 to Milford Museum. It was emphasized that the Downtown Milford letter indicated this was a two-year request.

Council recalled that when the Downtown, Incorporated was established, the city's plan was to support them for five years after which time they would support themselves financially. When asked if the additional funding will support their new executive director's salary, Mr. Baird advised that at one point they had \$115,000 to \$125,000. However, they have spent those monies to promote events and by putting it back into the community on various projects. As a result, that fund has dwindled down to between \$45,000 and \$50,000. It was noted that initially, they were asking for \$35,000 and now they are asking for \$15,000 more. There was concern expressed that the city will become the sole source of revenue for Downtown Milford.

There were also questions raised about taking money from the city departments and handing it to outside entities which could send a bad message. Mr. Grier pointed out it could also open the door for other requests though we continue to cut within our own budget.

Mr. Baird said there is money set aside in which the city provided \$325,000 of matching funds toward the Northeast Front Street/Streetscaping Project. That project will not move forward anytime soon because more money is needed. He recalled that city council reallocated \$125,000 for another project. He said that could be increased by \$7,500 without

having a budgetary impact.

Mr. Pikus supports the organization and also recommends their new director be appointed to the Advisory Panel. He thinks it is important we work together emphasizing this is an investment in our downtown. He agrees we are cutting their request by only giving them half. If it is successful, he encourages them to come back next year for another \$7,500.

The general consensus was to provide \$7,500 to Downtown Milford which the finance committee will recommend to city council. Mr. Baird said his recommendation is to reallocate part of the street project dollars that were already set aside for the streetscape project by adding another \$7,500 this fiscal year. We will then consider the other \$7,500 next year.

It was then agreed to provide Milford Museum with half of their request. Council acknowledged that Milford Museum is a commission of the city versus Downtown Milford which is an independent entity though the city works hand in hand with both.

After reviewing the increase in their expenses, it was agreed the finance committee would recommend providing another \$3,500 to Milford Museum which would be paid from the general fund for one year.

Mr. Pikus emphasized that though these were unexpected requests, both organizations are assets to the city and neither are private organizations.

Mr. Pikus then commended council members for attending the budget hearings, noting that this is the first time he remembers having all eight members in attendance.

In summary, he said the cuts in the overtime budget were addressed, the new take home vehicle policy will become effective immediately, cell phones have been addressed, the insurances are being addressed and the two requests for funding have been resolved.

It was agreed that no additional budget hearings were required as all issues have been addressed. Mr. Pikus said the finance committee can now present a balanced budget with no loss of employees and by keeping our reserve accounts intact. The final proposal on the operating and capital budgets will be presented to council for approval on June 13th.

With no further business, the budget hearings were adjourned at 8:44 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 9, 2011

A meeting of the Economic Development Advisory Panel was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Thursday, June 9, 2011.

PRESIDING: Chair Sher Vanezuela

IN ATTENDANCE: Robert Connelly, Irvin Ambrose, Nolan Williams, Fred Rohm, David Hitchens, Sharon Kanter, David Markowitz, Bill Pilecki
Economic Development Committee Chair Garrett Grier III
Economic Director Richard Carmean
Recording Secretary Terri Hudson

ABSENT: Jason James, Craig Crouch

Call to Order

Mrs. Vanezuela called the meeting to order at 5:34 pm.

Approval of Minutes

The May 4, 2011, May 18, 2011 and June 9, 2011 minutes will be reviewed for approval at the June 22, 2011 meeting.

General Announcements

Mr. Ambrose introduced Mr. Lee Nelson as the new Director of Downtown Milford Inc.

Mr. Hitchens reported he met with Mr. Carmean and discussed ways to improve Milford's marketing to include website improvements, fee reductions and a packet to hand out to prospective clients.

Mr. Hitchens also met with DEDO and Mrs. Connie Holland of the office of state planning where the Milford SE Master Plan was discussed. Mr. Rhodes may be involved with a feasibility study as that moves forward. He will provide additional information during his action team report.

Resource Directory:

Mrs. Vanezuela reported about half of the panel has submitted their strengths thus far. A copy of what has been put together will be sent to everyone.

Letter to Mayor Rogers and Council:

A letter from Mrs. Vanezuela will be going to City Council asking for their continued support.

Economic Development Director Report

Mr. Carmean apologized for being late; he had a personal issue to take care of.

He has spent a great deal of time in the month discussing the SE Master Plan for the City. He will be speaking with Mr. Rhodes next week regarding a feasibility study for a medical campus in the SE area. As many people are aware, Key Properties Group is looking to build a medical campus in the SE planning area on a few hundred acres. Mr. Carmean feels we need to get a good handle on what the best use of the area is and how much of a partnership they should take on. DEDO felt businesses will not look at the City until the overpass at Rt 30 is complete. Utilities in the area are also of great concern.

Mr. Carmean is also working on an incentive plan together for local businesses and new businesses. The electric is of concern therefore the City's Electric Consultant will be meeting with Mr. Carmean next week.

A *First State Moves* seminar was held recently which was not only fun but informative.

SeaWatch continues to move forward with adding more jobs. A public announcement is being held until a later date.

US Cold Storage is looking to expand their full time employment base due to the increase product from SeaWatch. The City may be able to work with USCS because of the additional load if they add jobs, to give them an incentive plan.

Mr. Carmean continues to speak with a lot of smaller entities, such as DMI. Mr. Ambrose sent City Council's Budget Committee a request to assist financially with running the DMI organization.

City Council approved as part of their budget a position for the Economic Development Director. Mr. Carmean is not interested in assuming that position; therefore a decision needs to be made pretty soon as to where the person will come from. Mr. Carmean's position was approved for six months, which officially ends this month.

Mr. Hitchens asked Mr. Carmean to step out of the meeting for a moment. After his departure, Mr. Hitchens commended Mr. Carmean's hard work during the past six months. Because of the momentum the panel has created and gained, Action Team 4 moved to recommend the extension of the position of the Economic Director through December 31, 2011 under the leadership of Mr. Carmean with the current organization reporting structure continuing to be City Council Chairman of the Economic Development Committee, Mr. Garrett Grier.

Mr. Rohm seconded the motion. Mr. Markowitz asked if he heard Mr. Carmean correctly a few minutes ago in that he is not interested in staying. Mrs. Vanezuela stated he does not want the position in a permanent capacity. During lunch with Mr. Carmean this week, Mr. Hitchens confirmed with him he wants to continue in the position as long as council deems appropriate or at such time as the position goes full time.

Mr. Ambrose felt Mr. Carmean is the right person, at the right time. It would be wise for council to move forward with a full time replacement and have Mr. Carmean get that person up to speed until December 31st.

Mr. Connelly asked Mr. Grier if Council can move quick enough to find a full time replacement and have that person in place so Mr. Carmean could leave in December. Mr. Grier replied it would depend upon the candidates, but he would think so although he would personally like to see Mr. Carmean stay a year. The panel felt collectively council should begin seeking the right candidate right away.

Motion carried unanimously. Mr. Carmean reentered the meeting and was informed of the motion and results. Mr. Carmean thanked the panel for their kind words and reiterated he commitment.

Action Team Reports

Action Team 2-Workforce Development:

Mr. Pilecki reported a meeting was recently held to bring the action team up to date. Mr. Rohm has been in touch with the State Economic Development Director and it appears there may be funding available. Mr. Markowitz has drafted a letter to be mailed to local businesses asking them to get involved in the Panel.

Mrs. Vanezuela reported the Junior Achievement accelerator will be housed at the First State Manufacturing offices. The feasibility study has been given the go ahead by the City and Mr. Rhodes has been notified. She anticipates Mr. Rhodes coming to Milford soon to begin that work.

Action Team 3-Infrastructure:

Mr. Hitchens reported a meeting with the Director of Infrastructure and Intra-Government Planning for DEDO Jeff Stone, Melanie Booker, Office of State Planning Planner David Edgell and State of Delaware Planning Director Connie Holland was held recently. Mr. Stone commented that when businesses are looking at Delaware, they are looking to see if the site is “shovel ready” meaning if the infrastructure is already at the site. Historically it meant the site was ready to be built upon and infrastructure could be run to the site during construction. Mr. Stone felt this was a new game. Mr. Stone would like to discuss with Mr. Rhodes a new strategy going forward as it relates to this new concept.

Mr. Hitchens also met with the Acting Transportation Secretary Cleon Cauley and Ted Bishop who is the Director of Projects with the State to discuss the Wilkins Road overpass as it relates to the SE Master Plan. Mr. Hitchens was assured 110% that the overpass is fully funded and will be built, starting in March 2012 and ending in 2013. Thompsonville and Little Heaven overpasses are being delayed in order to make sure Wilkins Road overpass is completed.

Action Team 4-Economic Development Support:

Action Team 5-Support New Business Start-Ups and Expansion of Existing Businesses:

Mr. Ambrose asked Mr. Angelucci to explain the School of Fine Arts concept. Mr. Angelucci explained the school would serve the Mid-Atlantic regional area to educate and instruct students on fine art and craft development. What he has found is most of the schools similar to this concept started as a need for economic development. He has met with DEDO and a developer regarding securing a location and one school that has expressed an interest in Milford. Funding is being looked at.

Mrs. Vanezuela again reported on the Junior Achievement progress announcing the funding is expected to be dispersed in November from a grant being submitted in July.

Mr. Carmean stated during his meeting with Mr. Stone, he was informed to not expect any developer to look at plans in the SE Planning area until dirt is being moved on the overpass.

Mr. Connelly spoke with Jason of Abbott’s Mill recently. He is trying to work on trails, waterways and walking paths, so Mr. Connelly will invite him to a meeting.

Mr. Ambrose added to Mr. Angelucci’s report, stating it is important the panel have available when meeting with businesses, such as the school, a letter of support from the Governor, a letter from this Panel, and one from the City because it gives the person meeting with them credibility.

Action Team 6-Marketing, Promotion and Internal Communications:

Mr. Connelly apologized for an error in his previous reporting of the student survey. A corrected survey response synopsis was handed out to the panel for their review.

Mr. Williams has been trying to establish contact with Joanne Miller of First Class Properties in order to start up a “welcome wagon”. Ms. Miller will be making a presentation to the panel in the coming meetings on her ideas and proposal.

Mrs. Vanezuela reminded the panel the business survey has been discussed several times by this panel. Mr. Connelly asked Mrs. Hudson if the addresses have been separated into commercial and retail yet. Mrs. Hudson was not certain if that had been accomplished. Mr. Hitchens moved to have the business survey as it is be mailed by June 22, 2011, seconded by Mr. Connelly. Motion carried unanimously.

Special Guest-Mr. Dirk Gleysteen, City Councilman

Mr. Gleysteen introduced himself as the latest addition to City Council. He also owns his own business, Delmarva Plastics. He has been manufacturing all his life. A plastic materials company is what brought him to Milford and once here decided it was a perfect fit for him. He feels it important for the City to have a good blend of residential growth along with the service sector being commercial and manufacturing. Since he has been here however he has seen manufacturing go downhill though because of outsourcing overseas. He started Delmarva Plastics and even saw his customers utilize overseas outsourcing. He feels Milford has great opportunities ahead because of the reasonable costs, great workforce and good schools. His prescription for growth of Milford would be to actively court businesses. Mr. Gleysteen thanked the panel for the invitation tonight and offered his ideas on marketing and concerns on having a planner also perform economic development. The panel agreed with his concern. In addition he offered a copy of an exit interview that could be used for businesses that close or decide not to open in Milford.

Mrs. Vanezuela reminded the panel to have their team reports to Mrs. Hudson by close of business on the Monday prior to the panel's meetings.

Adjourn

The next meeting will be held June 22, 2011 at 5:30 pm. With no further business the meeting adjourned at 7:14 pm

Respectfully submitted,

Christine R. Crouch
Recording Secretary

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 13, 2011

The Monthly Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on Monday, June 13, 2011

RESIDING: Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Garrett Grier III, S. Allen Pikus, Dirk Gleysteen, Owen Brooks, Jr., Douglas Morrow, Sr., James Starling, Sr. and Katrina Wilson

City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Rogers called the Monthly Meeting to order at 7:03 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilman Starling.

APPROVAL OF MINUTES

Motion made by Mr. Brooks, seconded by Mr. Pikus to approve the minutes of the May 4, 5, 9, 18, and 23, 2011 Meetings as presented. Motion carried.

RECOGNITION

POLICE REPORT

Police Committee Chairman Morrow presented the monthly report on behalf of Chief Hudson. With no questions or comments, he moved to accept the report, seconded by Ms. Wilson. Motion carried.

CITY MANAGER REPORT

Mr. Baird read the following report into record:

Solid Waste & Recycling

In 2010, SB234 was signed into law and part of the legislation establishes diversion rates of 50% by January 1, 2015 for Municipal Solid Waste being disposed of at the landfill. The tables below compare the City's diversion rate by month with the same period of the previous year as well as year to date and annual totals.

	Solid Waste	Curbside Recycling	Igloo Recycling	Yard Waste	Total	Diversion Rate
April 2010	468.90	43.02	39.55	0	551.47	15.0%
April 2011	336.36	46.80	39.52	44.58	467.26	28.0%

	Solid Waste	Curbside Recycling	Igloo Recycling	Yard Waste	Total	Diversion Rate
2009	4,684.38	442.44	545.68	-	5672.50	17.4%
2010	4,630.47	450.12	505.82	37.49	5632.39	17.6%
2011(YTD)	1,278.29	161.77	161.63	92.59	2065.03	20.14%

Impact Fee Waivers

Since the waiver of impact fees was implemented in June 2010, the City has waived \$184,874 in fees. This waiver has allowed property owners in Milford to retain this money and has helped to support a total investment of \$10,809,507 (based on building permit values) during the months of June 2010 through May 2011.

City Bond Issue

On June 1, the City held a sale of the 2011 Series A Bonds totaling \$9,000,000 for our electric and sewer projects. The blended rate of interest on the new bond issue was 3.722% and on the rate discussed at the May 23 council meeting it was 4.2%. This resulted in an interest savings over the life of the bond issue of \$535,111 from what was presented on May 23rd. The 2011 Series B Bonds are scheduled to be sold on Thursday, June 16.

Washington Street Water Plant & Billing Office

The City is moving forward with preparations for this project and has engaged DBF to begin the preliminary planning on the project. City Staff is working the engineers to finalize the scope of the project and to conduct interviews with our billing staff regarding space requirements for a billing office. A more detailed discussion will be held with the Public Works Committee later this month.

I&I Project

As discussed at your last meeting, the revised I&I project is now out to bid and the bid opening is scheduled for Friday, June 17th at City Hall.

Electric Utility Rate Comparison

Residential Rate @ 1,000 kWh

Del Co-Op	\$121.31	0%	-22%
Lewes	\$139.15	15%	-10%
Dover	\$145.88	20%	-6%
New Castle	\$152.13	25%	-2%
Middletown	\$154.74	28%	0%
Milford	\$155.27	28%	0%
Delmarva Power*	\$155.28	28%	0%
Smyrna	\$158.48	31%	2%
Clayton	\$162.70	34%	5%
Newark	\$163.98	35%	6%
Seaford	\$164.45	36%	6%

The city manager advised that Milford has slipped down to fifth among the municipals though this normally occurs during the summer. Conversations will follow up with Electric Consultant Jay Kumar to review all rate classes and consider the economic development needs of the city.

COMMITTEE REPORTS

Economic Development

Economic Development Chairman Grier referenced the letter sent out by Chair Sher Valenzuela as well as two related items.

He then requested council members review and make any comments on the business survey found on page ten of the council packet. Approval of the Business Survey is scheduled at the June 27th meeting of council. The intent is to do a mass mailing to businesses identified through the city's commercial accounts.

Mr. Grier recalled the initial survey was an eight-page document which has been condensed to a more appealing two-page document with questions that can be answered quickly and easily. His recommendation is to approve the survey with the intent it be mailed as soon as possible thereafter.

He noted the second item is the part-time Economic Development Director position currently filled by Richard Carmean. He reported the proposed FY 2011-12 budget includes funding for that position to become full-time effective July 1, 2011. The finance committee has also recommended Mr. Carmean's term be extended to December 31, 2011.

Mayor Rogers said he is very pleased with the work being accomplished by the Economic Development Advisory Panel and believes making this position a full-time position will allow Mr. Carmean to devote more time in assisting the panel with their goals.

Mr. Pikus moved to accept Mr. Grier's report, seconded by Mr. Morrow. Motion carried.

Public Works Committee

A meeting is scheduled for June 28th though it is still being confirmed by the city manager.

COMMUNICATIONS

None to report.

UNFINISHED BUSINESS

Introduction of Ordinance 2011-5/Zoning Code/Outdoor Woodburning Furnaces

Mr. Grier advised that he and Mr. Johnson have received a number of calls from Ward I residents. He reported that the resident who has the furnace wants to keep it; the surrounding neighbors have all expressed concerns about the associated smoke problems.

He said if he was in that position, he would be opposed to it as well. He prefers the furnaces be banned immediately for health and safety reasons. The way it is currently written, they must be removed by the property owners by April 30, 2012.

Mr. Baird agreed there have been discussions about making the deadline earlier adding the date can be changed at the time of introduction. The consensus of city council was that outdoor furnaces are banned as of August 31, 2011.

The ordinance was officially introduced with the following amendment:

Section 5.

Amends Article VIII, Miscellaneous Provisions, §230-41, Accessory Uses, by adding a new paragraph (D) regulating Outdoor Woodburning Furnaces, to read as follows:

D. Outdoor Woodburning Furnaces

(1) Prohibited

(A) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.

(2) Nonconforming Uses

(A) All woodburning furnaces operating within the City of Milford must be removed by the property owner from the subject premise no later than ~~April 30, 2012~~ AUGUST 31, 2011.

Mayor Rogers noted the date for public comment will be June 27, 2011 at 7:00 p.m.

Introduction of Ordinance 2011-6/Zoning Code/Recreational Vehicles

Mr. Baird reported the ordinance clears up the definition for recreational vehicles, provides a definition for vehicle height and length and adds a section about the manner in which they are parked and stored.

Mr. Pikus asked if it addresses large recreational vehicles which has been the problem since the ordinance was first discussed. Mr. Baird answered by reading the following section:

Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile.

The city manager said the language is not as restrictive as originally proposed and this provides a clearer interpretation.

Mr. Pikus referenced a couple of large, expensive recreational vehicles parked appropriately in adjacent, large lots. He asked if they would be in violation. Mr. Baird verified they are allowed.

The ordinance was official introduced with a new public hearing scheduled on June 27th.

NEW BUSINESS

Approval of Bid/Diesel Generator/Water Department

The invitation to bid was properly advertised with sealed bids for a backup generator for the sewer pump station at the Wendy's Pump Station received and opened in the Council Chamber of Milford City Hall on June 7, 2011.

The following bids were received:

Roy's Electric Service	\$41,800
Tudor Electric	\$30,675
Zober Contracting	\$32,340
Cahill Electric	\$28,800
First State Electric Company	\$28,495

City Engineer Mark Mallamo reviewed the bids and recommends approval of the low bid from First State Electric Company in the amount of \$28,495. The budget has sufficient funding for its purchase.

Mr. Brooks moved to award the bid to First State Electric Company in the amount of \$28,495, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Water Tower Maintenance Proposal/City Engineer Mark Mallamo

Mr. Mallamo advised that he is presenting an annual contract with terms to renewal annually for up to ten years for long term water tower maintenance on all three water towers. It includes repainting, washouts and exterior pressure washing.

He confirmed the request for proposals for long term maintenance on the city's water towers was duly advertised. Six companies attended a pre-proposal meeting with proposals received from Corrosion Control Corporation, Southern Corrosion Incorporated and Utility Service Company, Incorporated. After a complete review of the proposals, it was determined the original proposal from Southern Corrosion would best serve the long term needs of the city. The Southern Corrosion proposal provides painting the exterior and dry interior of the Tenth Street water tower in the first

year and the exterior again in year eight. They will also paint the Washington Street tower exterior in year two and again in year nine. The LD Caulk tower exterior will be painted in years three and ten. The interior wet zones will be painted as follows:

Tenth Street-Year Four
Washington Street-Year Five
LD Caulk-Year Six

Mr. Mallamo reported that inspections and minor repairs are scheduled every year and the contract includes interior washouts and exterior pressure washing at appropriate intervals. This proposal provides a fixed annual fee of \$52,647.00 for the ten-year term with no inflation clause.

The city engineer noted that by the end of the term of the contract, all three towers will be painted and some will be painted twice. Interiors will be painted at least once.

He confirmed the fourth tower planned in the southeast Milford area is not included and will need to be addressed as an add on. However, any service will fall under the warranty period for a minimum of one year and in his opinion, that tower would not need to be added for several years. Because it is new, the costs would be minimal at the time of the add-on.

The city engineer also noted that Southern Corrosion and Corrosion Control (Corrosion Control) were one company several years ago.

Mr. Pikus confirmed that Southern Corrosion has their own insurance in case there are any problems including overspray. When asked about containing the paint on site, Mr. Mallamo explained they did not specify anything in particular and this is not a full containment job because there is no sandblasting of the tower. They were going to use a dry fall paint which dries before it hits the ground and typically within a ten to twenty foot fall. It is formulated to dry to a chalky powder before they hit the ground.

He also explained that generally a paint sprayer is not used; it will be rolled and handpainted as much as possible to eliminate the overspray problem. However, dry fall paint actually dries best when it is sprayed because the particles are very small. A larger drop can be created by a roller and will most likely not dry when it gets to the ground.

The city engineer noted that another advantage of using this company is they have their own painters and do not subcontract that work out.

Mr. Mallamo confirmed that the Tenth Street tower will be washed and painted this year. The new logo will also be added at no additional cost. Pressure washing will occur throughout the contract term as well.

He noted the problems on the interior need to be addressed as well. He explained that the interior platforms in the dry zones are corroded and were not repainted ten years ago when the outside tower was done. What will be painted will be above the water line and within reach of the ladder to prevent the tank from being taken out of service. To completely paint the interior, the tank would have to be drained and currently, the city does not have enough storage capacity to do that.

To reach the areas not specified in the agreement, it would be necessary to take down the water and put up some scaffolding or rigging to reach the outer areas. There will be zones that are not 100% covered though the worst problems were in the detail areas such as the welded ladder rungs and top hatch area.

Mr. Mallamo explained that into the manway and wet zone of the tank, there are some welding issues around the ring of the hatchway that will need to be addressed, in addition to the ladder itself. Those issues will be touched up in the wet zone; the dry zone will be painted up to the bowl of the tower.

The city engineer advised that moisture condenses inside the tank as well as outside and hits the platforms with the ladders. That needs to be protected before the problem gets worse and the platforms need to be replaced.

Mr. Mallamo commented that this company is very reputable and currently has 300 towers along the east coast. He has been in touch with many of the Southern Corrosion clients and in doing so, received great comments and feedback.

He noted that a color selection can also be chosen by the city. Mayor Rogers asked how much it would cost to have a Buccaneer painted on the tower which Milford High School had requested that some time ago. Mr. Mallamo explained the current contract only includes the new Milford logo.

Mr. Mallamo concluded by stating it will most likely be painted in the fall due to the more favorable weather conditions.

Mr. Brooks moved for approval of the ten-year contract to Southern Corrosion, seconded by Mr. Pikus.

Mr. Rutt then stated that the contract has a termination provision in paragraph seven which states it can be terminated and canceled by Southern Corrosion if the owner is in default; he recommends a similar provision should Southern Corrosion be in default.

Motion was amended by Mr. Brooks to include the termination provision be added on behalf of the city, seconded by Mr. Morrow. Motion carried.

Motion to approve the award of a 10-year contract with Southern Corrosion, Incorporated in the amount of \$52,647 per year subject to an amendment to include a termination clause whereby the city has the right to terminate the contract for default made by Mr. Brooks, seconded by Mr. Pikus. Motion carried by unanimous roll call vote.

Adoption of Resolution 2011-8/Hearthstone Manor/Acceptance of Public Improvements (Phase I, Phase II & Clearview Drive)

City Engineer Mallamo advised that this dedication is different than previous dedications because it goes slightly outside the phased boundaries. Though Phase I and Phase II are delineated, roads, water and sewer systems run through the lines to connect to the rest of the system. In this case, Clearview Drive has been built out though it is not part of either phase. The street is 90% paved and must be completed before the balance (unpaved area) is accepted. Public utilities are also a part of this dedication and the electric, water and sewer systems included, all have the necessary approvals and are currently in operation.

Mr. Mallamo stated that he and Public Works Director Brad Dennehy had several meetings with the developer to determine the limits of streets and utilities that would be dedicated for the mutual benefit of the city, the residents of Hearthstone Manor and the developer as many of the homes are already occupied.

The city will accept the water and sewer systems, from the point where these lines enter the subdivision lands up to the water meters or sewer cleanouts serving the individual lots or multi-family units. The dedication includes all easements and rights of way necessary for access to these systems. However, the maintenance of the ground surface in these easements remains the responsibility of the developer, adjacent land owner or condominium association of homeowners' association as may apply.

The city engineer referenced the ongoing drainage complaints and in particular, Wilkins Road continues to flood after heavy rain. Because it is a state-maintained road, the drainage is also state maintained though it is inadequate. They have met with DelDOT to discuss the problem on several occasions though there has been no solution. During the review of the Route 30 overpass, it was again requested that additional drainage be extended to this area. Unfortunately, they still have been unable to satisfactorily address the water problems occurring at the main entrance of Hearthstone.

He confirmed the city will take over snow management in the public streets; the condominium areas and parking lots are private and will continue to be maintained by private contractors. This has been reviewed and approved by Street Superintendent Tim Webb.

The wooden street limit signs currently in place show a 15 mile an hour (MPH) speed limit. Once the streets are accepted, the city will enforce a 25 MPH speed limit. Though the current signs do not meet other state sign standards,

they will not need to be replaced initially and any maintenance is required by the developer. Should a sign need to be replaced, it will be replaced with a state-issued sign.

Chief Hudson then explained that the speed limit set forth in Delaware Code states that all residential speed limits will be 25 MPH. If there is cause for the speed limit to be lowered, that must be determined by a traffic engineer/study.

Mr. Mallamo said that he and Mr. Dennehy agreed to leave the decorative speed limit signs in place even though it is not enforceable. In that manner, some drivers may obey the 15 MPH though they cannot be arrested unless they are traveling over 25 MPH. However, council has the right to change those signs and install the state-issued signs.

When asked if Key Properties would be willing to later install 25 MPH signs, Dave Hitchens of Key Property Group was present and stated that from a personal standpoint, he would think state law would take precedence when moving forward.

Chief Hudson emphasized that the municipality has the right to request a traffic study be performed to determine if 25 MPH is too fast.

Economic Development Director and Former City Manager/Police Chief Richard Carmean recalled a similar situation on New Wharf Road when the city tried to lower the speed limit. It was determined that a municipality has the right to set a speed limit higher but not lower. The reasoning behind that is to prevent establishing speed traps.

Mr. Grier asked if the Hearthstone residents were aware of the changes being proposed. He felt that initially, all the residents would favor what is being considered particularly when considering the costs of private snow removal. However, he has received some comments and questions over the last few days. He prefers meeting with the residents to discuss some of the concerns and postpone action until the next meeting.

Michael Spillane of 20 Clearview Drive agreed with Mr. Grier adding that a lot of the residents do not understand what is being dedicated. He prefers having a meeting so that everyone will understand what is being impacted and explain exactly what is being taken over by the city and if it involves streets, the swales or anything else.

Mr. Brooks is concerned about the 15 MPH signs though the speed limit is higher.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, stated that once Hearthstone is turned over and the city becomes the landlord, they should change all the signs though they can still have a traffic study done. He believes that no more than fifteen signs are needed.

Mr. Grier moved to postpone action until June 27th and schedule a meeting with Hearthstone residents for next Wednesday, seconded by Mr. Pikus. Motion carried by unanimous roll call vote.

Mr. Brooks asked if DelDOT is able to do the traffic study within the next week; Mayor Rogers said he will work with the city manager to have it done as soon as possible.

Approval of RFP/Evaluation Services/2012 City of Milford Property Assessment

Mr. Baird said the city charter states that not less frequently than every ten years, there shall be made a general assessment of all the real properties within the city limits. He said we are coming up on that ten years.

He reported that City Tax Assessor John Darsney has been working on the Reassessment Project. An RFP was issued with proposals requested from various firms to do this work on behalf of the city. Mr. Baird said that only one vendor responded to the proposal. Tyler Technologies, who completed our reassessment ten years ago and has worked with us since that time, was the sole bidder on the project. Tyler handled the reassessment in 2002 and has worked with us since that time as part of the maintenance efforts.

Tax Assessor John Darsney then confirmed that Tyler handled our 2002 assessment. The first thing he did was go back and review the costs at that time. In 2002, the city had 3,000 tax parcels which came out to approximately \$68 per parcel.

That included a site inspection of every building and consideration of any improvements or add-ons as well as to look for any new properties discovered. They measure, look at the amenities inside and make a cost determination. He said this proposal for 2012 came in at \$48.82 per parcel for \$5,700 parcels. He said by bringing Tyler back, no additional software needs to be purchased which is a savings of \$50,000 plus. The other cost saving is that Tyler's software communicates with our assessment software that produces bills and includes an update program. The tax billing software is run by Sungard HTE and to rewrite the program with another vendor would cost at least \$23,000 which Sungard quoted.

Mr. Darsney reported that only one bid proposal was submitted because Delaware does not have any mandatory requirements for the counties or municipalities. Therefore, there is no business for vendors in this state. According to Mr. Darsney, Tyler has a strong presence in the surrounding states and has done some assessment projects with other towns.

He said the program purchased in 2002 works flawlessly and their customer support has been phenomenal. Mr. Darsney informed council that he was requested to have a Delaware-licensed appraiser on staff should there be any appeals.

Mr. Darsney verified that the City of Dover just completed a reappraisal in 2009 and used this company.

The city manager noted the total cost of the project is \$261,200; there is also an additional \$2,300 fee for appeal assistance that could be offered at the local level as well as the state level should that be needed. There is a \$50 charge per parcel in excess of the count their proposal was based on.

Mr. Baird feels everything is in order and emphasized we are under a statutory requirement through our charter that a reassessment be completed every ten years. He said the city used a five-year payback of \$50,000 per year to pay for the 2002 appraisal. Mr. Portmann had recommended city council authorize payment of the reassessment out of the electric reserves. That would be then be reviewed by the finance committee to determine if and how a payback could be structured because it is a general fund item.

When asked if an ad was done, Mr. Darsney stated yes and he posted the RFP on the website. He said he then went with the IAAO (International Association of Assessing Officers) who distributes a publication with a section of vendors offering this service. He then sent out a broad e-mail to their e-mail addresses telling them the city is looking for a proposal.

Mr. Darsney further commented that Delaware is very unique noting that the last assessment in Sussex County was in 1974 and Kent County was in 1986. Therefore, there is no business in this state and vendors are not interested in establishing a presence by bringing a company here. In New Jersey, municipalities are mandated by state law.

When asked about individual towns, Mr. Darsney stated there are a handful of municipalities that run their own assessment. Most of the smaller towns use the county assessments though there is no equity because they were performed so long ago. Therefore, you shift the cost burden to the taxpayers. He said as an example, in Sussex County, if your home was built in 1974 and a neighbor builds an identical home in 2011, it will be assessed as though it were built in 1974. Though the neighbor has a more modern and higher quality building, both homes have the same tax value. With Milford doing this in-house, he said we ensure everyone is paying their fair share of taxes.

Mr. Pikus is cautious because of the \$260,000 proposal and is surprised that no one else was interested in the project particularly considering the amount of money involved.

Mr. Baird said the alternative is to consider the county assessments and adopt those. That would be done at no cost other than getting the tax rolls from the county. The problem would be the differences in the two counties and the city would experience the same problem the school district has. Property owners in Sussex pay one rate and property owners in Kent pay a different rate. He added that if you do not deal with this on a regular basis, it is difficult for many people to understand.

Mr. Baird advised that the charter is very clear that a reassessment needs to be done. Mr. Pikus pointed out that we assess every year but need to reassess every ten years. Based on that, he agrees the funds will need to come from our electric

reserves and the finance committee will follow up with the finance director and city manager to determine how the payback will be handled. He does not feel it is suitable to raise taxes nor can the burden be put on the general funds. Based on that, he prefers to see more proposals. Mr. Grier asked if the project can be rebid. Mr. Baird said that is an option but in conversations with these vendors, there is no interest in this type work in Delaware.

Mr. Gleysteen agrees it is exorbitantly expensive. He said the quote indicates their hourly rate to range from \$60 to \$257. Mr. Darsney said those quotes are based on appeals; there is an informal appeal process after the assessment is completed. Once that is done, there are four hearings on different dates and one has to be held on a weekend. At that time, he said we will explain how they arrived at this value. Things can then be adjusted if evidence is presented. Then they offer three days for formal appeals or if it goes before council. The higher rates are only charged for anything beyond that and in particular, if it goes in a court.

Mr. Gleysteen pointed out the contract states the \$60 per hour appraisers will have a minimum of forty hours worth of training. He believes the city could benefit by having their own trained appraiser and getting this done by a fraction of this cost.

Mr. Darsney said they have certified appraisers and field evaluators; the field evaluators receive forty hours of training and only do the measuring and fill in the property cards. The appraisers are on staff to ensure the accuracy of that information and will determine the value. He said they revise the cost factor tables inside the software based on current sales values, construction costs, etc. to get a true market value.

When computed, the information from the data collectors will be input and the appraisers verify the numbers.

Ms. Wilson asked Mr. Darsney if he is qualified to handle the duties of the data collectors; Mr. Darsney answered that he does that job and has been trained by CLT. He noted that every number they provide has to be reviewed by Mr. Darsney. However, one person would be unable to handle a complete reassessment of the city.

Mr. Pikus and Mayor Rogers recommended the city manager consider other options. Mr. Pikus then moved to postpone action on this matter at this time, seconded by Mr. Grier. Motion carried.

When asked about the timeline, Mr. Baird said the reassessment is required to be completed by the next tax year. He also cautioned it is an extremely lengthy process in addition to the notification and appeals process which needs to be completed for the 2012 tax year.

The tax assessor then said the contract allows for eight months to complete the reassessment. It took the City of Dover a year to complete their reassessment. He feels it needs to be started to complete the process in time.

In the meantime, Mr. Darsney will determine what other towns have paid for this process.

Mr. Baird plans to present the information at the June 27th meeting for a final decision.

Property Tax Exempt Status Reinstatement/Mr. Wiggles LLC (Former McColley Property)

A letter was received from Key Properties Group requesting the tax exempt status remain on this property as was approved last year. When the property was transferred in 2010, it was changed to a taxable status.

Key Property Representative Dave Hitchens was present and stated this was discovered by an audit after the property was purchased. The land continues to be farmed with corn being planted most recently.

Mr. Brooks asked the current policy; Mr. Baird stated that back in June of 2009, there were a number of properties in an exempt status. They were presented to city council; one was this property which was under the ownership of Lynn and Karen McColley at the time. It was given an exemption contingent upon the sale or transfer of ownership of the property. This property transferred ownership on August 10, 2010. The city received documentation in October at which time the property owner was informed it was subject to taxation according to the city policy adopted in 2009.

Mr. Darsney added that when the property was exempted, Mr. McColley stated the land was under the agricultural preservation district in the state. As a property owner, the McColleys could have renewed that but elected not to which changed the taxation status.

He said that Mr. McColley implied that the city had approached him to annex his land because the city had plans for adjacent properties. He agreed and was annexed. At that time, he was informed that the land would remain tax exempt.

Research determined the state has two programs that address exemptions on farmland. They are outlined in Title 9 and Title 3. The intent was to preserve farmland and to relieve the burden and pressure on a farmer from selling his land because of its increasing value. There is no mention of other buyers purchasing and holding the land even though the agricultural use continues.

He recommends that Mr. Wiggles LLC apply to these state agencies to continue that exemption; at that time, the city would apply the appropriate tax rate. Under Title 22, the city would have to follow those assessments.

It was confirmed the land was tax exempt at the time Mr. McColley owned the property under the land preservation act. Mr. Darsney added that it came out of the preservation district under the McColleys' ownership.

The land is currently assessed at \$502,600; the tax liability is \$2,311.96 per year. The tax assessor verified there has been no taxes received on the property.

Mr. Hitchens said it was their impression that any land whose use is farming is tax exempt and referenced similar properties. The city manager said those properties were exempted in June 2009 when city council made that decision. When the property was sold, the McColley exemption was no longer valid.

Mr. Morrow recommends the city solicitor review the policy and compare to similar parcels being farmed.

Mr. Baird said that whichever direction is selected, clarity is needed as was addressed in 2009. Additionally, he does not believe every property being used for agriculture should automatically be tax exempt.

Mr. Darsney said if we develop a written policy for agricultural land, any land already under the farmland assessment act or that is part of a farmland preservation district, will need to follow that guideline. Any policy should coincide with those state codes.

Mr. Pikus moved to postpone any action on this request, seconded by Mr. Grier. Motion carried with no one opposed.

Adoption of Resolution 2011-6/Tax Appeal Hearing Scheduled

Mr. Pikus moved for adoption of the following resolution, seconded by Mr. Brooks:

WHEREAS, the provisions of Article VII, Section 7.06 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment to be hung in two public places in the City of Milford and there to remain for the space of ten days for public information; and

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

NOW, THEREFORE, BE IT RESOLVED, that on Monday, the 25th day of July 2011 at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2011-2012 General Assessment.

s/Mayor Joseph Ronnie Rogers

Motion carried.

Adoption of Resolution 2011-7/Live Near Your Work Program

Mr. Baird advised this will set the maximum expenditure for the Live Near Your Work Program at \$5,000 for any fiscal year and in particular, Fiscal Year 2011-2012. Qualifying five properties is consistent with what the city has done in the past and the finance committee agreed to in their budget hearing.

Mr. Pikus moved for adoption of the following resolution, seconded by Mr. Morrow:

WHEREAS, the Council of the City of Milford believes it is important to increase the percentage of home ownership in the City as a means of helping to maintain and revitalize the City's neighborhoods; and

WHEREAS, on April 12, 2004, the Council of the City of Milford, Delaware originally adopted a resolution approving the development of a Live Near Your Work ("LNYW") Program within the City of Milford ("City") in cooperation with local employers and the Delaware State Housing Authority ("DSHA"); and

NOW, THEREFORE, BE IT RESOLVED, it is agreed by and between the parties hereto as follows:

The City Council hereby authorizes the City Manager to be the Administrator of the LNYW Program for the City of Milford.

The Administrator shall implement and administer the LNYW Program with care, skill and diligence in a manner that ensures fairness, impartiality and nondiscrimination with respect to all LNYW program applicants.

The City of Milford has designated LNYW targeted neighborhoods within the City of Milford.

The City of Milford authorizes the expenditure or other incentive(s) of \$1,000 per approved application for this program, subject to a maximum expenditure for the program, during the Fiscal Year of 2011-2012 of \$5,000, which will be appropriated in the City's FY 2011-2012 budget for this program.

The City of Milford will provide the local financial assistance to qualified applicant(s) at the time of settlement; and

The City of Milford will carry out these activities in accordance with the LNYW Program and all applicable Federal, State and local laws.

Motion carried.

Introduction of Ordinance 2011-16/Sewer/Chapter 185/Extends Impact Fee Exemption

Introducing Ordinance 2011-16, the city manager advised this ordinance extends the sewer impact fee waiver from June 30, 2011 to June 30, 2012 as has been discussed by city council in the past.

Mr. Brooks noted in the past, the extension was granted in increments of six months; it was confirmed that is correct.

Mr. Brooks then confirmed that the conditions currently in place will continue to apply; Mr. Baird stated yes.

Introduction of Ordinance 2011-17/Water/Chapter 222/Extends Impact Fee Exemption

Introducing Ordinance 2011-17, the city manager advised this ordinance extends the water impact fee waiver from June 30, 2011 to June 30, 2012 as has been discussed by city council in the past.

Introduction of Ordinance 2011-18/Electrical Standards/Chapter 192/Extends Impact Fee Exemption

Introducing Ordinance 2011-18, the city manager advised this ordinance extends the electrical impact fee waiver from June 30, 2011 to June 30, 2012 as has been discussed by city council in the past.

Introduction of Ordinance 2011-19/Taxation/Chapter 204/Extends Tax Waiver Extension on Improvements

Introducing Ordinance 2011-19, the city manager explained this ordinance extends the property tax waiver for one full year. He advised this is a tax abatement of up to \$1,000 for residential properties and up to \$5,000 for all other properties. The exemption only applies to improvements or additions made to a property.

Adoption of Resolution 2011-9/Approval of City of Milford FY2011-12 Budget/Capital Plan

Finance Chairman Pikus then presented a balanced budget for the fiscal year beginning July 1, 2011. He stated that on behalf of his finance committee, he is pleased to report there are no tax increases and no reserve funds will need to be used. He emphasized it is a tight budget and though some cuts were necessary, no positions were eliminated. In addition, some assistance was provided to a couple of organizations on a small level. He recommends approval of FY2011-12 budget as presented.

Mr. Pikus moved for approval of the following resolution, seconded by Mr. Gleysteen:

WHEREAS, the operating and capital budgets of the City of Milford for the Fiscal Year 2011-2012 were prepared and submitted to the City Council by the City Manager in accordance with Article VI-Financial Procedures of the City Charter; and

WHEREAS, the City Council was presented with the proposed budget after the Finance Committee made a comprehensive study and review during meetings on May 5, 2011 and June 6, 2011; and

WHEREAS, in the opinion of the City Council, the budget accurately, as possible, reflects the city's anticipated revenues and expenditures for the fiscal year beginning July 1, 2011 and ending June 30, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILFORD, that the City of Milford's Operating Budget for Departments shown under General Fund as Administration, Planning and Zoning, Code Enforcement and Inspections, Finance, Information Technology, Tax Assessment, Council, Police, Streets, Parks and Recreation and Engineering; and the Water Department, Sewer Department, Sanitation Department and Electric Department was adopted and approved as the budget of the City of Milford for Fiscal Year 2011-2012 in the following amounts:

Operations and Maintenance - \$39,026,490
Debt Service - \$2,173,585
Capital Program - \$1,371,810
Total Expenditures - \$42,571,885

AND BE IT FURTHER RESOLVED, that the City of Milford's Five Year Capital Plan was adopted and approved for Fiscal Year 2011-2012 in the following amount:

\$6,092,500

A copy of said budget is on file in the Office of the City Clerk as was passed and adopted by the Council of the City of Milford on the 13th day of June 2011 by a unanimous 8-0 vote.

Motion carried by unanimous roll call vote.

FY2011-2012 Police Department Budget Adjustment

Chief Hudson requested transfers in his current budget of \$1,840.00 from the Sale/Police Equipment and Vehicles (101-0000-342.10-92) to Vehicle/Garage Labor (101-1610-421.40-29) and \$2,482.23 from the Sale/Police Equipment and Vehicles (101-0000-342.10-92) to Fuel Oil and Diesel (101-1610-421.60-24).

Mr. Pikus moved for approval of the transfers, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

FY2011-2012 Finance Department Budget Adjustment

Due to receiving more than \$500,000 in federal funds as a result of the COPS Grant, the city was required to have a single audit done. The bill was for \$7,685 of which no funds were budgeted due to being an unknown. The finance director recommends the police sale of equipment unbudgeted funds be used to pay for the audit which will increase the overall police budget. The accounts involved are Auditing Expense 101-1610-421-30-30 and Sale of Property 101-0000-342-10-92.

It was noted the COPS Grant was the result of the technology grant in which Milford School District was the recipient. Since this request was prepared, the school has agreed to pay half of the audit expense. Therefore, the request is reduced to \$3,842.50 which will leave a balance of \$5,842 in the police sale of equipment fund.

Mr. Pikus moved to approve \$3,842.50 from the Sale of Property 101-0000-342-10-92 line item and transferred into the Auditing Expense line Item 101-1610-421-30-30, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

MONTHLY FINANCE REPORT

Chairman Pikus reported that through the tenth month of Fiscal Year 2010-2011 with 83% of the fiscal year having passed, 88.41% of revenues have been received and 79.09% of the operating budget expended. He added that 70% of our departments on the revenue side have exceeded their revenues projections.

Mr. Pikus moved to accept the April 2011 Financial Statement as presented, seconded by Ms. Wilson. Motion carried.

EXECUTIVE SESSION

Ms. Wilson moved to go into Executive Session pursuant to 29 Del. C. §10004(b)(4) strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, seconded by Mr. Morrow. Motion carried.

Mayor Rogers recessed the Council Meeting at 9:01 p.m. to go into a closed session.

Return to Open Session

Council returned to open session at 9:29 p.m.

Executive Session Matter

Mayor Rogers announced that no action was necessary on the legal issues discussed in closed session.

ADJOURN

Motion to adjourn Monthly Meeting made by Mr. Pikus, seconded by Mr. Morrow. Motion carried.

Mayor Rogers adjourned the Monthly Council Meeting at 9:30 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

*MILFORD CITY COUNCIL
MINUTES OF MEETING
June 27, 2011*

The Milford City Council held Public Hearings on the following matters on Monday, June 27, 2011 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen,
Owen Brooks, Jr., Douglas Morrow and James Starling, Sr.

City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder Terri Hudson

City Solicitor David Rutt, Esquire

Mayor Rogers called the hearings to order at 7:07 p.m.

Equitable Owner Two Farms, Incorporated on behalf of Harry H. Mulholland, Trustee of James P. Hammond, III for a Conditional Use to allow a Convenience Store with Gas Pumps and Car Wash in a C-3 District on 2.69+- acres at 601 North DuPont Boulevard, Milford, Delaware. Tax Map(s): MD-16-183.09-01-01.00; MD-16-183.09-01-02.00; MD-16-183.09-01-03.00.

City Planner Gary Norris advised the application was reviewed by the Planning Commission on May 17, 2011. The proposed Royal Farms site is in a C-3 zone at the intersection of Route 14 and Route 13. By a vote of 8-0, the planning commission recommended the conditional use be approved.

He noted that the applicant's engineers are present for any additional questions.

Mr. Pikus commended Chairman Rini and the planning commission for the excellent job they did after a number of questions were raised on the application.

Mayor Rogers asked for comments from the public; no one responded. The floor was closed to any additional comments.

No additional comments were heard from city council.

Mr. Pikus moved to adopt Ordinance 2011-11 allowing Two Farms, Incorporated a conditional use to build a Royal Farms Convenience Store with gasoline pumps and car wash, seconded by Mr. Johnson. Motion carried by unanimous roll call vote.

Davis, Bowen and Friedel, Incorporated on behalf of Shawnee Farm LLC for the Final Major Subdivision of 42.87 +/- acres, known as Cypress Hall Commercial, into six lots in a C-3 District on the southwest side of Route 113, at the corner of Seabury Avenue Extended. Tax Map No. 1-30-3.00-261.00.

City Planner Norris reported the application was reviewed by the planning commission on May 17, 2011. By a vote of 8-0, they recommended approval of the Final Major Subdivision of Cypress Hall Commercial. Also at that meeting, the commission approved a site plan for Redner's Grocery after which they began construction on a stormwater facility. He explained this involves a six-lot subdivision. The properties include five outparcels that will front Route 113.

The applicant's representatives were present for any additional questions.

It was noted that an ordinance is not required for a subdivision.

Mayor Rogers asked for comments from the public; no one responded. The floor was closed to any additional comments.

No comments were heard from city council.

Mr. Pikus moved for approval of the Final Major Subdivision for Cypress Hall Commercial into six lots, seconded by Mr. Grier. Motion carried by unanimous roll call vote.

Morris and Ritchie Associates, Incorporated on behalf of Griffin Realty, LLC for a Modification of a Conditional Use to Allow a Planned Unit Development. Property is located east of US Route 113 at the intersection of W. Heirloom Way, south of Seabury Avenue, Milford, Delaware, formerly known as Central Parke at Milford/Milford Ponds. Area of Petition is 107.50 +/- Acres; Current Zoning is R-1, R-2 and R-3. Tax Map No(s): 1-30-6.00-108.00, 1-30-3.00-6.00-167.00 thru 1-30-3.00-6.00-550.00; 1-30-3.00-6.00-557.00; 1-30-3.00-6.00-558.00.

City Planner Norris advised that Griffin Realty has requested the hearing be postponed while they negotiate with two properties owners. It will be reviewed by the Planning Commission at their July 19th meeting.

The city manager recalled this was formally referred to as the Milford Ponds subdivision which is across from the DSWA Transfer Station south of Milford. The property was purchased by two separate property owners.

Mr. Pikus moved to postpone the hearing until July 25, 2011, seconded by Mr. Morrow. Motion carried.

Zoning Code Amendment/Outdoor Woodburning Furnaces/Adoption of Ordinance 2011-5

Mayor Rogers advised that this hearing will also be postponed until July 25th. Planning Commission will revisit the ordinance at their July 19th meeting. A new publication/advertisement was needed after council moved the effective date up from April 30, 2012 to August 31, 2011.

Planning Commission Chairman Chuck Rini confirmed that public comment could still be taken at the planning commission hearing. City Solicitor Rutt suggested making the public hearing testimony taken June 21st part of the record and any additional or new comments could be taken.

Zoning Code Amendment/Recreational Vehicles/Adoption of Ordinance 2011-6

At the June meeting of the Planning Commission, City Planner Norris reported the recommendation was to approve the following amendment to the City of Milford Zoning Code, by a vote of 5-0:

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

ORDINANCE NO. 2011-6

Chapter 230: Zoning

Section 1.

An Ordinance to amend the Code of the City of Milford, Chapter 230, thereof, entitled, Zoning, by defining and regulating Recreational Vehicles in the City of Milford.

Section 2.

Amends Article I, General Provisions, §230-4, Definitions, by adding a definition for Recreational Vehicle.

RECREATIONAL VEHICLE- *Any vehicle used for recreational purposes, including but not limited to, antique or classic autos, drag or race cars, motorcycles, boats, boat trailers, jet skis, campers, camper trailers, motor/mobile homes, snowmobiles, ATVs, all-terrain vehicles and utility trailers.*

Section 3.

Amends Article I, General Provisions, §230-4, Definitions, by adding a definition for Vehicle Height.

VEHICLE HEIGHT - *A vehicle height will be determined by measuring from the ground surface to the top of the vehicle, as stored.*

Section 4. Amends Article I, General Provisions, §230-4, Definitions, by adding a definition for Vehicle Length. VEHICLE LENGTH - A vehicle length will be determined by the physical measurement of the outside dimension of said vehicle, i.e., a boat will be measured from the bow to the stern, a camper/motor home will be measured from bumper to bumper, a utility trailer or camper trailer will be measured front to rear excluding the trailer tongue, a boat trailer will be measured from the rear to the point of the bow support excluding the tongue.

Section 5. Amends Article IV, Off-Street Parking and Loading, §230-20 General Provisions, by inserting a new sentence at the end of Paragraph I, to read as follows:

(I) Boat, trailer, bus and van parking. In any residential district, no house trailer, camper, boat trailer, bus or boat shall be parked in the front yard. Parking is allowed in the side or rear yards five feet from the property line if it does not take up space normally occupied by an automobile. All vehicles requiring a trailer for transportation must be stored on a registered trailer.

Section 6. Amends Article VIII, Miscellaneous Provisions, §230-44, Prohibited Uses, by amending Paragraph B and inserting text, to read as follows:

B. The parking, storing or keeping of a dismantled, inoperative or discarded motor vehicle, to include, but not limited to cars, boats, boat trailers, campers, tractors or any parts thereof unless within an enclosed building. All vehicles requiring tags/registration must be valid at all times and vehicles maintained in its original configuration. All boats requiring a trailer for transportation must be stored on a registered trailer.

Section 7. Dates.

Introduction to City Council: 06/13/11

Planning Commission Hearing: 06/21/11

City Council Hearing: 06/27/11

Ordinance becomes effective ten days following adoption date by City Council.

Mayor Rogers asked for comments from the public; no one responded. The floor was closed to any further comment.

Mr. Grier moved to adopt Ordinance 2011-6 as presented, seconded by Mr. Johnson. Motion carried by unanimous roll call vote.

With no further business, the Public Hearing session was adjourned at 7:16 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 27, 2011

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, June 27, 2011.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen
Owen Brooks, Jr., Douglas Morrow, Sr. and James Starling, Sr.

City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder
Terri Hudson

City Solicitor David Rutt

Before the start of the official meeting, Mayor Rogers, along with First Ward Councilmen Steve Johnson and Garrett Grier, III honored Olivia "Libby" Schmidt by presenting her with the following proclamation:

*Proclamation 2011-9
Recognizing Olivia "Libby" Schmidt as Grand Regent*

Whereas, the Women of the Moose, founded in 1913, is a unit of Moose International; and

Whereas, more than 400,000 women are members in approximately 1,600 chapters in all 50 states and four Canadian provinces; and

Whereas, Olivia Schmidt of Maryland joined Aberdeen, Maryland Chapter #1209 in 1973; and

Whereas, throughout the years, Olivia has contributed countless hours as she served her Chapter in many capacities and fulfilling various appointments made by the International Headquarters; and

Whereas, Olivia Schmidt is a life member of the Fraternity and earned the Academy Degree in 1976, College Degree in 1978 and Star Degree in 1980; and

Whereas, during the 1986-1987 year, Olivia Schmidt was the Deputy Grand Regent for MD-DE-DC, served on the College of Regents Board for 1991-1993 and was President of the College Board in 1997-1998; and

Whereas, Olivia Schmidt was a Grand Council Member in 1999-2001 and has been the Gimme Five Co-Chairman since 2007; and

Whereas, Olivia Schmidt served as a Deputy Regional Manager and as Chapter Analyst for MD-DE-DC; and

Whereas, Olivia Schmidt also holds membership in Milford, Delaware Chapter 1949; and

Whereas, Olivia Schmidt is a true leader and the Moose Organizations has been blessed and shaped by her will, her guidance and her vision; and

Whereas, the Mayor and City Council pause in its deliberations to honor Olivia Schmidt in recognition of these achievements and most notably, her designation as Grand Regent for the Years 2010-2011.

Now, Therefore, Be it Resolved, that, I, Joseph Ronnie Rogers, Mayor of the City of Milford, Gratefully Express My Appreciation to Olivia "Libby" Schmidt for Her Commitment and Dedication to the Women of the Moose since 1973 and Proudly Present Her with a Key to the City.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 27th Day of June in the Year of our Lord Two Thousand and Eleven.

s/Mayor Joseph Ronnie Rogers

CALL TO ORDER

Mayor Rogers called the Council Meeting to order at 7:31 p.m.

PLEDGE & INVOCATION

Following the Pledge of Allegiance, Councilman Starling gave the invocation.

RECOGNITION

Proclamation 2011-9

Mayor Rogers recognized Olivia Schmidt, Grand Regent of Women of the Moose, prior to the start of the meeting(s).

COMMUNICATIONS

None to report.

UNFINISHED BUSINESS

Economic Development Advisory Panel/Milford Business Attitude Survey

Economic Development Chair Grier advised that survey, which has been discussed previously, was again included in the packet. He is hoping that by reducing the survey from eight pages to less than two full pages, we will receive a good response from the business community.

Mr. Grier moved that the survey be approved and mailed as was directed by the Advisory Panel, seconded by Mr. Starling.

Mr. Baird said the goal is to mail the surveys later this week, but no later than next week. Mr. Brooks asked how they will be distributed; the city manager said that initially they were to be mailed separately, but will now be included in the utility bills. Mr. Grier added that by reducing the number of pages, he is hoping there will be no additional postage costs to the utility bills.

Motion carried with no one opposed.

Economic Development Advisory Panel/Vacancy

Mr. Grier also advised that no recommendation has been made by the Advisory Panel but hopes to have that name by the July 11th council meeting.

Adoption of Resolution 2011-8/Hearthstone Manor/Acceptance of Public Improvements (Phase I, Phase II & Clearview Drive)

Mayor Rogers advised that a question and answer forum was held with Hearthstone residents last Wednesday with city officials and the Milford Police Community Officers.

The city manager reported that there were a couple of comments regarding continuing trends and in particular, clarification on what will be accepted. It was clarified that only the main streets are being dedicated to the city. The parking areas in the condos and villas were not designed to be dedicated and will continue to be privately maintained.

Additional comments were received from a few residents regarding the speed limit signs. Currently, the speed limit is posted at 15 miles per hour (MPH); when the city accepts the street that will increase to 25 MPH. As Chief Hudson had alluded to at the last council meeting, a study could be done to determine if 25 is too fast for that area.

Mr. Baird noted that additional questions involved the design of the road which has been discussed in detail over the past couple of years, and specifically, shoulders and swales. The biggest concern was the main entrance off Wilkins Road and the flooding and drainage problems. City Engineer Mark Mallamo and Mr. Baird continue to have conversations with DelDOT who is responsible for the area because it is a state-maintained road. It was determined there is no way for the water from Wilkins Road to be conveyed anywhere and sits in the ditches along the roadway until it dissipates. They have had discussions about trying to alleviate the problem with the construction of the Route 30 overpass. However, they imply it is out of their scope and have no plans to address it.

The city manager encouraged residents to contact state officials as the city tries to resolve it simultaneously.

Another question involved signs for street-side parking or parking in the grass. According to Mr. Baird, that issue is driven by the homeowner's association and deed restrictions and covenants and not a city ordinance. At this time, the city manager said the city will address signage for safety, stop signs and speed limit signs. Once the 25 MPH signs are up, the police department will have the authority to enforce traffic laws.

When asked for any public comment, Vivian Ginn of 20 Clearview Drive, Hearthstone Manor questioned the following section of the proposed resolution:

"the maintenance of swales along private property, including condominium property, shall be the property owners' responsibility".

She explained she has a ditch in front of her home and only owns to the beginning of the ditch and not from that point to the road. However, she is required by the bylaws and covenants to maintain the ditch. Ms. Ginn questioned the language 'property owner' and recommends changing it to 'homeowners' association'.

Mr. Baird noted that the covenants and restrictions require the property owner to maintain the swales in front of their property. Therefore, the homeowner's association does not maintain it.

Mr. Rutt suggests changing the language to read 'the swales would be maintained in accordance with the covenants and restrictions of Hearthstone Manor'.

When asked if there were any more comments from the public, no one responded.

Mr. Brooks then asked if the homeowners' association spoke on the speed limit and if any guidance was provided in relation to the increase to 25 MPH. Mayor Rogers advised there were two Milford Police Officers who confirmed the state law requires the speed limit become 25 MPH once they become public streets. He added that the city was willing to ask the state for a traffic study if that was the general consensus of the Hearthstone residents.

Mr. Baird said that speed was a concern though it was agreed to accept the streets at 25 MPH which would allow enforcement and should reduce some of that problem. Overall, the residents preferred it remain below 25 MPH though that would need to be determined by the state and could not be attempted until after the streets were dedicated.

Mr. Morrow pointed out the streets need to be dedicated and accepted so that the city can request the study be done.

Josephine Marcavage of 22 Clearview Drive, Hearthstone then stated that in reference to the speed limit, her mailbox has been knocked down by a car. The mailboxes on the other sides have also been knocked down. The mayor is hoping this will help eliminate that problem adding that another resident had reported his mailbox had been knocked down three different times.

Ms. Marcavage asked if a shoulder will now be added; Mayor Rogers said the streets will not be redesigned but future needs will now be easier to address.

Mr. Grier moved to adopt the following resolution, amended as noted, seconded by Mr. Johnson:

ACCEPTING PUBLIC IMPROVEMENTS FOR HEARTHSTONE MANOR SUBDIVISION

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 City Engineer has determined that all required improvements for the Hearthstone Manor Subdivision Phase 1 and Phase 2 and roads, including portions of Clearview Drive, that extend beyond those original phase lines have been completed; and

WHEREAS, the improvements in Phase 1 and Phase 2 and that of Clearview Drive have been in service by the residents and in full operation of the City Water and Sewer Department for several years, thus exceeding the prescribed one year warranty period; and

WHEREAS, the developer has recently completed all requested repairs to the streets, sewer and water utilities, thereby allowing the maintenance bond requirement to be waived; and

WHEREAS, the streets, easements and public utilities in Phase 1 and Phase 2 of Hearthstone Manor, including Hickory Branch Lane and Kingston Terrace in their entirety, Homestead Boulevard from Wilkins Road to the end of Phase I at the point where final paving ends and the portion of Clearview Drive where final paving has been completed, are hereby dedicated for public use as shown (highlighted) on the attached map of Hearthstone Manor Subdivision; and

WHEREAS, the remainder of Clearview Drive will be dedicated at the time of final paving; and

WHEREAS, for purposes of dedication, public utilities include potable water, sanitary sewer and electric power, and such operation and maintenance for the water and sewer systems will begin at the point these lines enter into the subdivision and extend to the water meters and/or sewer cleanouts serving individual lots or multi-family units; and

WHEREAS, the operation and maintenance for electric power utility will begin at the point it enters into the subdivision and extends to the meters for single family and multi-family units two stories or less in height; and

WHEREAS, city maintenance will end at the transformer(s) of residential units three or more stories in height and at any commercial service; and

WHEREAS, for purposes of dedication, public improvements shall include the stormwater infrastructure crossing city streets and extending to the storm water management ponds, including catch basins within the right of ways, but excluding all open swales; and

WHEREAS, the stormwater management ponds shall remain the responsibility of the Hearthstone developer, until such time the Homeowners' Association or Condominium Association accepts said responsibility; and

~~*WHEREAS, the maintenance of swales along private property, including condominium property, shall be the property owners' responsibility.*~~

WHEREAS, the maintenance of swales along private property, including condominium property, shall be the responsibility, as stated in the covenants and restrictions of the Hearthstone Manor Development.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milford during a regular session, by a favorable majority vote, accepts the streets, easements and operational public utilities, as described herein, as such streets,

sewer, water and electric utilities of the Hearthstone Manor Subdivision are being dedicated for public use into the City of Milford's Street System and Public Utility System.

BE IT FURTHER RESOLVED that the City of Milford shall assume responsibility for the future maintenance and repair of the dedicated and completed streets and operational public utility systems, as described herein, in the Hearthstone Manor Subdivision.

AND BE IT FURTHER RESOLVED that the Delaware traffic laws regulating the speed of vehicles at twenty-five miles per hour in a residential district shall become applicable and the city maintenance of signs is restricted to city and state issued traffic signage; signs not meeting state standards shall remain the responsibility of the developer, Homeowners' Association or Condominium Association.

Motion carried by unanimous roll call vote.

Approval of RFP/Evaluation Services/2012 City of Milford Property Assessment

City Manager Baird recalled council requesting some other options be considered which they have done. He stated they have also provided a comparison of costs in similar communities in Delaware and New Jersey.

He explained that one option is to take the county assessments (Kent County 1986 assessments and Sussex County 1974 assessments) though council indicated they would not consider that. He agreed it would only cause confusion with the two sets of assessment numbers and two different tax rates. However, under this scenario, the city would only incur the costs of obtaining a printed copy of the county tax rolls each year.

Another option is to handle the reevaluation in-house. However, that would be very labor intensive and temporary employment and training would be needed. People would also need to be hired to interpret the data when the information was provided from the field staff.

Mr. Baird then referenced the current proposal from Tyler Technologies for \$261,200. He pointed out it reduces our cost on a per parcel basis to \$45.82 compared to the city paying \$70.66 per parcel ten years ago.

He said other comparisons ranged from \$45.82 (the lowest per parcel number compared) in Milford to \$88.16 in Princetownship, New Jersey. He and Mr. Darsney feel we are getting an extremely competitive price.

The city manager said to annualize the cost over the ten-year period comes out to \$26,100 a year. The city collects slightly below \$3 million in property taxes a year; to maintain our assessments will cost the city less than 1% .

Additional support will be provided by Tyler Technologies should their numbers be challenged. Because their appraisers are certified, the challenges should be minimum and those that are challenged, should be quickly dismissed or worked out very easily versus the appeal process. Should that occur, they are prepared to do so.

Though he was not here at the time, Mr. Baird said he has been informed that ten years ago, the city was told a complete reevaluation would not be required. He said when the city entered into that agreement ten years ago, there should have been an assumption we would continue the relationship. There was an investment when they were hired to complete the reassessment, but the city also invested in the tools needed to do that including the associated software, the CAMA software and the time and investment in making sure it communicated with our operating and billing software.

The city manager reported that John Darsney has become an expert in this field during the past few years he has been the city assessor.

During the past three to four years the city has been able to uphold its end of the bargain as was agreed ten years ago. The first couple of years, we had a contractual assessor who did not provide the best of services. Since that time, Mr. Darsney has made any needed adjustments.

Mr. Baird feels this is a very competitive price and that Tyler will continue to provide a valuable service based on an equitable assessment for the city and residents and taxpayers.

He said another consideration was to amend the charter and remove the ten-year reassessment requirement. However, by having a recurring assessment, the numbers will be reviewed, updated and kept accurate. The market value of property will also be kept current. He said that is a major component that impact the city's rating during bond events. Part of that evaluation is the value of property within the city over a period of time, as well as projected values. He said that having current and up-to-date assessments are extremely important in that process.

It is Mr. Baird's recommendation to move forward with the Tyler Technology proposal.

Mr. Gleysteen asked if when the software and tools were purchased ten years ago, did Tyler (CLT at the time) indicate the savings during the next reassessment; Mr. Baird explained that no one anticipated we would need as much field work as is being anticipated. That is a necessity because of the building boom that occurred during the past five to six-year period minus the past couple of years. He feels that everything should have been done correctly 95% of the time; but the 5% needs to be looked at for accuracy.

Mr. Gleysteen questioned how that is related to the software; Mr. Baird explained it is about the overall assessment and going back out. The software is just the portal in which it is maintained and how we maintain the assessment data and how it is communicated into our operating and billing software.

He advised the city received about \$50,000 in add-ons which included software and maintenance fee-related type costs that were part of the proposal ten years ago.

Mr. Grier asked that if the city chose another company, would another software package need to be purchased. Mr. Baird explained that upgrades would be needed because any new company would promote their package. Besides not having a lot of assessment businesses in Delaware, the RFP required the software fit into our current system. It was written that way because we have a good working relationship with Tyler and a proven track record.

Mr. Morrow said he has reviewed the proposal a couple of times and found that it did not address the partnership and investment in software and hardware ten years ago. He prefers that be addressed. It appears to him they are giving a cold quote as though they were a brand new vendor coming into the city.

It was his impression the software would allow us to keep our property records current and up to date which would make this reassessment much easier. He feels there is a missing link in the fifteen-page proposal. He prefers to know how their quote is impacted by the relationship and assessment program started ten years ago.

Mr. Baird believes they are speaking with their pricing and instead of the \$70.66 per parcel charged ten years ago, they are now quoting a per parcel price of \$45.82 or \$25 less.

Mr. Morrow would be more confident voting on a \$260,000 agreement that includes some explanation about how the price reflects the work started ten years ago. He understands there are more structures this time, but the software was to ensure proper additions and upgrades could be made which would result in a much simpler reassessment.

Tax Assessor John Darsney advised that Tyler only responded to the proposal he wrote. He explained this is basically a business transaction or contract and they will not put out a proposal to a government entity stating that because we have a relationship, special consideration will be given. In this case, he feels they looked at the exact specifications in the RFP and submitted it. In addition, Milford grew by 2,500 parcels over that ten-year period.

Mr. Brooks recalled that ten years ago, council was informed we needed to buy special software and special hardware so that changes could be taken care of by our staff. When the reassessment was done, it was to be done easier and quicker and without a big investment. He asked how much money has been saved over that ten-year period and getting this done now. Mr. Baird stated he does not believe it should be looked at from a cost-saving standpoint.

Mr. Brooks explained that is how the company sold council on the hardware and software. Mr. Baird noted that at that time, everything was done manually with property assessment cards that may or may not have been updated.

Mr. Baird does not believe the city is saving anything but instead there is a cost associated with maintaining our assessments that we are required by charter to do every ten years.

Mr. Brooks recalled another software company that sold the city a system that was supposed to be able to be upgraded long term at a minimum though there were associated huge costs each time. The same situation occurred ten years ago when council was convinced there would be a savings and minimal work related to the next reassessment. However, he understands its need and that it must be done.

Mr. Morrow was under the impression that everything was being kept up to date; Mr. Brooks questioned if we have to start from scratch every ten years.

Mr. Baird agreed with Mr. Darsney that it was not addressed because it was not part of the questions in the proposal. From a standpoint it was already in place, there was no need to provide pricing information on doing that again which he feels is irrelevant. He agrees that approximately \$50,000 was spent ten years ago above the reassessment for software components, maintenance agreements, equipment, etc. so that it could be maintained in-house.

Mr. Pikus suggested a representative attend the next council meeting and answer some of these questions. It appears to him that council was under the impression their program would save money during the next reassessment.

The consensus of council was that the reassessment needed to be done.

Mr. Baird asked where council is looking for a savings; Mr. Pikus said council purchased the program with the idea it would save the city money in the long run because it could be maintained and updated during that ten-year period.

Mr. Grier believes another concern is the city only received one quote. His opinion is that we only received one quote because it directly relates to Tyler Technology. He recalled Mr. Darsney indicating he had sent e-mails to many different companies, but if it only applies to Tyler Technology software, no other bids would be received.

The city manager explained that it was not necessarily the Tyler software, but a need to have the ability to communicate with the operating and billing software.

Mr. Grier said he is curious what other companies would bid to upgrade the software which could be an even higher price.

Mr. Darsney said he was not with the city in 2001. However, a CAMA system is a computer-assisted mass appraisal system. It gathers in data such as building permits, sales, transfers, etc. With that software, which is what this company must have indicated in 2001, you can do statistical analysis with this product, as well as sampling and value adjusting. Normally, that is done in a three to five year time table and a full, field reassessment would not be needed.

He said we went through a boom and bust cycle and he is not confident in the data collected during the first seven years. He said that prevents him from using the cost savings this time around. He said that any company, including the IAO (International Assessors Association), would not recommend a statistical reevaluation even if he had more confidence in the data.

Mr. Darsney explained there are a number of things that triggered a mass assessment and it was not just the fact they indicated they would save the city money. He would anticipate going forward by maintaining the data, keeping current on the building data, keeping current on all sales data, borrowing any large boom/bust cycles like we have had. By doing that, we should be able to do a statistical analysis, along with some sampling and simply adjust our tables from that point forward without another full-blown reevaluation.

Mayor Rogers said the problem is we were led to believe that once the system was in place, our staff would be able to handle any changes including new properties.

Mr. Morrow agrees but prefers to hear this from Tyler.

Council agreed the reassessment is needed but prefers Tyler representatives attend the next meeting.

Mr. Pikus moved that action on the Tyler proposal be postponed until the July 11th meeting at which time representatives will be present to answer these questions, seconded by Mr. Morrow.

Mr. Darsney emphasized that the proposal the city spec'd out is what Tyler bid on; the cost was in relation to those specs. He added that if additional software is needed, those costs will be above and beyond that number. In 2001, the proposal covered 3,000 parcels and the purchase of software. This proposal is based solely on 5,700 parcels without any software.

Mr. Baird then clarified that a Tyler representative would attend the July 11th meeting. If there are any additional questions, he asked they be forwarded to the city clerk or him so the representative can be prepared in advance.

Motion carried with no one opposed.

NEW BUSINESS

Approval of Audit Engagement Proposal

Based on the recommendation of Finance Director Jeff Portmann and City Manager David Baird, Mr. Pikus moved to award the City of Milford Audit Proposal to Beck, Villata and Company, P.C. for the fiscal years ending June 30, 2011, June 30, 2012 and June 30, 2013 at a price of \$45,000 per year, seconded by Mr. Gleysteen. Motion carried by unanimous roll call vote.

Mr. Baird noted that any single audit needed as a result of federal funding received would be above and beyond this proposal.

Introduction of Ordinance 2011-15/Adoption of Southeast Milford Master Plan

Mr. Baird advised that the Planning Commission held a public hearing on Tuesday, June 21, 2011. An ordinance is needed to adopt the plan and is what is being introduced this evening. City Council will hold a public hearing at their next meeting on July 11th at which time the ordinance could be adopted.

City Planner Gary Norris then commented on the concerns expressed at the planning commission hearing regarding the city annexing areas of Lincoln and Slaughter Beach. At that time, he explained the city is not actively pursuing annexation but would entertain requests from property owners in the southeast planning area. He further explained the 2003 Comprehensive Plan included a large planning area that went to Slaughter Beach. That planning area has since been reduced, in conjunction with a recommendation from the state planning office.

The following ordinance was then officially introduced:

*Ordinance No. 2011-15
Amending and Adopting by Ordinance
The 2008 City of Milford Comprehensive Plan by Including the SE Master Plan*

WHEREAS, Title 22, Section 702 of the Delaware Code, the Livable Delaware program of the Governor of the State of Delaware and House Bill 255 amending Title 9, Title 22 and Title 29 of the Delaware Code authorize Delaware municipalities to carefully prepare and adopt Comprehensive Land Use Plans to guide and regulate future growth and community development, and

WHEREAS, Delaware's Office of State Planning Coordination provides guidance to municipalities in order to effectuate the goal of having well-drawn and executed Comprehensive Plans for all Delaware counties and municipalities, including the provision that Comprehensive Plans be approved and certified by the Governor of Delaware upon their completion,

and further requires that certified Comprehensive Plans be revised on a five-year cycle, and

WHEREAS, the City of Milford's Comprehensive Plan was last adopted in 2009, and requires revisions to account for physical changes and potential growth in the Southeast Planning Area which have occurred in both the built and natural environments of the community; and

WHEREAS, the City of Milford Planning Commission has prepared and approved, in consultation with the public, interested parties, and government agencies, a Southeast Master Plan for the City of Milford, which articulates an overall vision for the Southeast Planning neighborhood's future, including policies and action project recommendations for achieving that vision and has conducted a duly advertised public hearing for public review and comment on June 16, 2011 and, at its meeting on June 21, 2011 did recommend approval and adoption of the Amended 2008 City of Milford Comprehensive Plan to include the Southeast Master Plan by Milford City Council.

WHEREAS, the Amended 2008 City of Milford Comprehensive Plan will be the foundation for planning and development in the Southeast Planning Area;

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the Southeast Milford Master Plan on July 11, 2011, at which time the Amended 2008 City of Milford Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the Amended 2008 City of Milford Comprehensive Plan is hereby adopted and made effective as the Comprehensive Plan for Milford on this ___ day of July 2011.

Dates:

Planning Commission Review and Recommendation: June 21, 2011

Introduction to City Council: June 27, 2011

City Council Review and Adoption: July __, 2011

Approval of Milford Community Parade Date & Contribution Request

Per city policy, the city is unable to contribute the requested \$5,000 to the parade committee for this year's parade. However, council agreed that a notice asking for donations from the city utility customers can again be included in either the August or September utility bill. Mr. Baird said he will coordinate with them to determine the best month due to some other obligations.

The billing department reported the city has collected donations each year on behalf of the committee as follows:

2007	-	\$1,500.00
2008	-	\$3,542.00
2009	-	\$3,575.00
2010	-	\$3,825.00

Mr. Baird agrees it is an effective tool though there are some minor costs associated with the copies they provide. Though they are asking for \$5,000, the city helps them raise almost \$4,000 each year. In addition, the city incurs other costs associated with the parade including personnel, overtime and other related expenses.

Mr. Pikus moved for approval for the Community Parade to be held Wednesday, October 19, 2011 from 6:30 p.m. to 9:00 p.m., seconded by Mr. Starling. Motion carried.

Adoption of Ordinance 2011-16/Sewer/Chapter 185/Extends Impact Fee Exemption

The following ordinance extends the current waiver to June 30, 2012:

ORDINANCE 2011-16

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-8 and Ordinance 2010-16 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010 and 2011 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional twelve months the waiver of sewer impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 185 of the Code of the City of Milford, entitled Sewers, Article III §24 Impact Fee Established, §185-24-D shall be amended by extending the deadline from June 30, 2011 to June 30, 2012 as follows:

§185-24 D. The sewer impact fee described in §185-24C shall be waived for all permits issued between June 3, 2010 and ~~June 30, 2011~~ June 30, 2012. The waiver shall be for a maximum of 5 EDUs per project. The City will continue to collect the impact fee charged by Kent County during this period.

Section 2. Chapter 185 of the Code of the City of Milford, §185-24-D(1) and §185-24-D(1) shall remain in effect until the extended deadline of ~~June 30, 2011~~ June 30, 2012.

§185-24 D (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

<i>Single Family Residential</i>	<i>6 Months</i>
<i>Multi Family Residential</i>	<i>12 Months</i>
<i>Commercial</i>	<i>12 Months</i>

§185-24 D (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction to City Council—June 13, 2011

Projected Adoption by City Council—June 27, 2011

Projected Effective Date—July 7, 2011 - June 30, 2012

Mr. Gleysteen stated the city's intent is to promote economic development and he agrees that is what we need to do. However, he feels that waiving the fees is a bad idea for the city. He explained that is based on the May government housing figures which show a 34% spread between the median new home value and the median existing home value. With that spread, it has more than doubled what the historical average has been.

As a result, he feels that the finances of someone wanting to purchase a new home are not as important as other factors. They will build these homes whether the city grants the 2% waiver or tax exemption.

He said that secondly, if you think about this from a builder's point of view, he considers the approximate \$187,000 waived of which the city received approximately \$10 million in permit values. He asked if they are making a building decision based on 2%. Being a businessman, he has never made a decision based on a 2% margin because there are many other things that could go wrong. He never makes a decision based on less than 10%. In his opinion, the 2% is not quite as attractive; should it become marginal, he would need to make a decision about whether to do the manufacturing just to keep

people employed or to please a particular customer, etc. He feels that is what is occurring with the builders. They have variables—building costs, material costs, labor costs. If it rains for a week after they rented equipment, they cannot get out of the rental and will need to re-rent or return it. He said that 2% can be eaten up so quickly it is not something that makes a decision.

Mr. Gleysteen feels the best way to promote economic development is to collect the fees and by working with the economic development committee, create a more targeted approach. He feels what really needs to be concentrated on is job creation and not just building buildings. They do compliment each other but bringing more jobs to the city is more important.

He recommends taking that money and put those tools in a bag to be used for economic development. That is why he is opposed to waiving those impact fees.

Mr. Pikus explained that council started the program to waive the fees to encourage the builders, real estate agents, contractors, etc. to feel like the city was providing a little incentive. He agrees it is not much money, but in many cases, 2% is better than nothing. It has created a larger tax base. There has been a lot of time spent trying to entice people to move to Milford in hopes of helping them to buy some land. They encourage real estate agents to sell the lots in hopes of building a new plant, a new home or expand and increase the EDU's.

He recalled years ago when property owners were encouraged to enlarge their buildings, remodel them and do whatever was necessary to make the property more appealing. The reward was to keep their tax base the same even though the assessment went up. It was a small thing but had a big impact.

Mr. Pikus has spoken with various contractors who have indicated it is providing some help. More people are buying and some work is being done that may have been put on a back burner before the waivers.

Mr. Gleysteen feels that it may provide a little psychological help but feels it is too targeted on contractors and builders. The city needs to be focusing more on job creation in his opinion.

Mr. Grier pointed out there are additional incentives being considered that are geared more toward job creation and this is one extra tool that the economic development director is able to use. He pointed out the max is 5 EDU's which is not a complete waiver. A new business (for example Grottos) may have \$20,000 waived, though the city still collected \$30,000 in other fees. We ended up making money and still had a new business open that provided more jobs.

Mr. Gleysteen prefers to use the money from the impact fees for a more targeted approach to benefit more than just the construction trade. He believes we could have enticed that business to open here using more appealing incentives.

Mr. Grier is in favor of this and explained the difficulty in getting a prospective business owner to just come and talk to us. He believes the waiver of \$187,000 in the grand scheme is not a lot of money considering some of this has brought jobs to Milford.

Mr. Gleysteen asked for the split between commercial and residential on these permits; Mr. Baird said he does not have those statistics. Mr. Gleysteen says his recommendation would be for that waiver to apply only to commercial properties.

Mr. Grier added that from the residential side, the city gains new taxpayers. Mr. Gleysteen pointed out the other side is there are more foreclosures than ever and building new homes when there is no demand is only exacerbating the problem.

Joe Palermo of 5 Misty Vale Court, Meadows at Shawnee, stated that Mr. Gleysteen's point is well taken noting there are 183 homes at Meadows of Shawnee of which 23 are for sale or in foreclosure and 16 are empty.

No other comments were heard.

Mr. Grier then moved for adoption of Ordinance 2011-16, extending the deadline thru June 30, 2012, seconded by Mr. Pikus. Motion carried by the following 6-1 roll call vote:

Yes-Johnson, Grier, Pikus, Brooks, Morrow, Starling
No-Gleysteen

Mr. Pikus stated he is voting yes is because of the position the city is in with economic development and this helps our economic director and promotes this program, though its impact should be reviewed at the time of the expiration date.

Mr. Gleysteen voted no stating he feels it is a poor use of taxpayers' money.

Adoption of Ordinance 2011-17/Water/Chapter 222/Extends Impact Fee Exemption

The following ordinance extends the current waiver to June 30, 2012:

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-9 and 2010-17 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010 and 2010 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional twelve months the waiver of water impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 222 §31 of the Code of the City of Milford, entitled Water, shall be amended by extending the deadline from June 30, 2011 to June 30, 2012 as follows:

§222-31 I. The water impact fee described in §222-31H shall be waived for all permits issued between June 3, 2010 and ~~June 30, 2011~~ June 30, 2012. The waiver shall be for a maximum of 5 EDUs per project.

Section 2. Chapter 222 of the Code of the City of Milford, §222-31-I (1) and §222-31-I (2) shall remain in effect until the extended deadline of ~~June 30, 2011~~ June 30, 2012.

§222-31 I. (1) To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

<i>Single Family Residential</i>	<i>6 Months</i>
<i>Multi Family Residential</i>	<i>12 Months</i>
<i>Commercial</i>	<i>12 Months</i>

§222-31 I. (2) Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

*Introduction to City Council—June 13, 2011
Projected Adoption by City Council—June 27, 2011
Projected Effective Date—July 7, 2011 - June 30, 2012*

No one from the public commented.

Mr. Grier moved for adoption of Ordinance 2011-17, extending the deadline thru June 30, 2012, seconded by Mr. Starling.

Motion carried by the following 6-1 roll call vote:

Yes-Johnson, Grier, Pikus, Brooks, Morrow, Starling
No-Gleysteen

Mr. Pikus stated he is voting yes for the same reasons as stated in relation to the previous ordinance.

Mr. Gleysteen votes no based on the reasons he previously stated.

Adoption of Ordinance 2011-18/Electrical Standards/Chapter 192/Extends Impact Fee Exemption

The following ordinance extends the current waiver to June 30, 2012:

WHEREAS, the City continues to encourage the building of residential and commercial structures within the City limits; and

WHEREAS, the waiver of impact fees authorized by Ordinance 2010-10 and Ordinance 2010-18 led to more projects being launched; and

WHEREAS, City Council has learned that building permit values increased in 2010 and 2011 when compared to the same period in 2009; and

WHEREAS, to further stimulate the local economy, it is in the City of Milford's best interest to extend for an additional six months the waiver of water impact fees.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 119 of the Code of the City of Milford, entitled Electrical Standards, shall be amended by extending the deadline for the waiver of Electric Impact Fees as follows:

The electric impact fee established under this Chapter shall be waived for all permits issued between June 3, 2010 and ~~June 30, 2011~~ June 30, 2012.

Section 2. The following sections of Chapter 119 of the Code of the City of Milford shall remain in effect until the extended deadline of ~~June 30, 2011~~ June 30, 2012:

To qualify for the impact fee waiver, construction must be completed and a certificate of occupancy received in accordance with the following schedule:

<i>Single Family Residential</i>	<i>6 Months</i>
<i>Multi Family Residential</i>	<i>12 Months</i>
<i>Commercial</i>	<i>12 Months</i>

Any structure that does not receive a certificate of occupancy in accordance with this schedule shall be ineligible for the impact fee waiver and shall pay the required impact fee in full prior to the issuance of a certificate of occupancy.

Section 3. Dates

Introduction to City Council—June 13, 2011

Projected Adoption by City Council—June 27, 2011

Projected Effective Date—July 7, 2011 - June 30, 2012

There were no comments from the public.

Mr. Grier moved for adoption of Ordinance 2011-18, extending the deadline thru June 30, 2012, seconded by Mr. Johnson. Motion carried by the following 6-1 roll call vote:

Yes-Johnson, Grier, Pikus, Brooks, Morrow, Starling
No-Gleysteen

Mr. Pikus advised he is voting yes for the same reasons as stated in relation to the previous ordinances.

Mr. Gleysteen voted no because he feels it is a poor use of taxpayers' money.

Adoption of Ordinance 2011-19/Taxation/Chapter 204/Extends Tax Exemption on Property Improvements

The following ordinance extends the current tax exemption to June 30, 2012:

WHEREAS, the City desires to encourage the building of residential and commercial structures within the City limits; and,

WHEREAS, it is recognized that financial incentives are an effective means of encouraging individuals and corporations to invest in the City of Milford; and,

WHEREAS, investment within the City of Milford creates opportunities for temporary and permanent employment, expands the City's tax base, and increases the use of City utilities; and

WHEREAS, on May 24, 2010, Milford City Council enacted Ordinance 2010-7 which initially provided a one year tax exemption for improvements on any property located within the City of Milford; and

WHEREAS, an additional one year extension represents the City of Milford is doing all it can to help stimulate an economic recovery.

NOW, THEREFORE THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Chapter 204 of the Code of the City of Milford, entitled Taxation, is hereby amended to include a new Article to read as follows:

ARTICLE II—EXEMPTION OF NEW IMPROVEMENTS ADDED TO PROPERTY

§204-6 Eligibility for new improvement exemption of real property taxes.

The exemption shall apply to any improvement to any property (residential, commercial, industrial, etc.) located within the City limits that results in an increase in the improvement assessment as contained in the City's General Assessment Records. The building permit for the said improvements must be submitted to the City prior to June 30, 2012. The exemption shall be based on the change in the improvement assessment value only. The land assessment is not eligible for exemption under this Article.

§204-7 Amount of the exemption.

The amount of the exemption shall be determined by subtracting the improvement assessment value prior to the new construction from the improvement assessment value following the new construction.

§204-8 Application of the exemption and limitations.

The dollar amount of the exemption shall be multiplied by the property tax rate in the first full tax year following the issuance of a certificate of occupancy by the City. The dollar amount of the exemption shall be limited to a maximum of \$1,000 for residential properties and limited to a maximum of \$5,000 for all other properties. The exemption shall only be good for one year immediately following the issuance of a certificate of occupancy.

§204-9 Appeals.

An aggrieved taxpayer may appeal from the disposition of an exemption claim in the same manner as is provided for appeals from assessments generally.

Section 2. Dates

Introduction to City Council 06-13-11

Projected Adoption by City Council 06-27-11

Projected Effective Dates—July 7, 2011 - June 30, 2012

Mr. Grier moved for adoption of Ordinance 2011-19, extending the deadline thru June 30, 2012, seconded by Mr. Johnson. Motion carried by the following 6-1 roll call vote:

Yes-Johnson, Grier, Pikus, Brooks, Morrow, Starling

No-Gleysteen

Mr. Grier votes yes adding that though we are exempting the tax on property improvements for one year, it is a sustained revenue from that point forward.

Mr. Pikus advised he is voting yes for the same reasons as stated in relation to the previous ordinances.

Mr. Gleysteen votes no stating we are gifting taxpayers' money.

Landscape Architectural Services LLC Proposal/DMI Tree and Grate Project

The city manager explained this proposal is for the Downtown Milford Tree and Grate Project. He recalled the funding authorized by city council at the previous meeting in the amount of \$125,000. He explained the Streetscape Renovations will occur on North and South Walnut Street between Northeast Front Street and City Hall and Northwest Front Street Church to Walnut Street and Northeast Front Street from Walnut to Washington Street. The proposal is from Matt Spong of Landscape Architectural Services LLC in the amount of \$13,905.60 who has been involved in the greenway project as well as other downtown landscaping projects.

Mr. Pikus added that those monies were transferred from the previously approved DMI funding of the Northeast and Southeast Street projects. Therefore, Mr. Pikus moved for approval of the Landscape Architectural Services LLC Proposal in the amount of \$13,905.06, seconded by Mr. Morrow. Motion carried by unanimous roll call vote.

Planning Commission/Vacancy

The item was postponed until the July 11, 2011 council meeting. Reappointments will also be considered at that time.

FY2010-11 Capital Budget Amendment/Transfer/Street Department

The street department submitted a request for a Pro-Tech Snow Pusher/Attachment to be purchased from Tim Johnson using their remaining capital funds. This will provide an additional tool for snow removal.

Mr. Brooks moved for approval of \$3,400 from Account 101-1810-431-70.42/Capital Vehicles to Account 101-1810-431-70.42/Capital Equipment to purchase the Pro-Tech Snow Pusher, seconded by Mr. Morrow. Motion carried.

EXECUTIVE SESSION

Mr. Pikus moved to go into executive session, pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, seconded by Mr. Grier. Motion carried.

Mayor Rogers recessed the regular Council Meeting at 8:26 p.m. to go into a closed session.

Return to Open Session

Council returned to open session at 8:35 p.m.

Milford Police Department FOP Lodge #18

Police Committee Chairman Morrow moved for approval of the Milford Police FOP Lodge #18 and City of Milford Agreement for the three-year time period beginning July 1, 2011 and ending June 30, 2014 as negotiated, seconded by Mr. Pikus. Motion carried by unanimous roll call vote.

ADJOURN

Mr. Pikus moved to adjourn the Council Meeting, seconded by Mr. Starling. Motion carried.

The Council Meeting adjourned at 8:36 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 27, 2011

The City Council of the City of Milford met in Workshop Session on Monday, June 27, 2011 in the Joseph Ronnie Rogers Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Honorable Mayor Joseph Ronnie Rogers

IN ATTENDANCE: Councilpersons Steve Johnson, Garrett Grier III, S. Allen Pikus, Dirk Gleysteen,
Owen Brooks, Jr., Douglas Morrow, Sr., and James Starling, Sr.

City Manager David Baird, Police Chief Keith Hudson and City Clerk/Recorder
Terri Hudson

City Solicitor David Rutt

The Workshop Session convened at 8:36 p.m.

City of Milford Ward Redistricting/Proposal

City Manager Baird referred to the last three pages of the packet noting this is a proposal for the ward realignment per the 2010 Census data.

He then read the following requirements for ward realignment into record:

- (1) Each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets or other natural boundaries or survey lines as required.
- (2) Each district shall contain as nearly as possible the same number of qualified voters and Districts shall not differ in population by more than ten (10) percent of the population in the smallest district created. The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the Clerk, the report shall be treated as an ordinance introduced by a Council member.

Mr. Baird referenced the existing ward boundaries and the proposal ward boundaries.

Based on the census data, the proposal shows the first ward with 2,442 persons, the second ward with 2,331 persons, the third ward with 2,368 persons and the fourth ward with 2,418 persons. This proposal meets the 10% requirements.

He then reported there are minimal modifications made to the ward boundaries to meet the requirements. Specifically, the boundary between the first and third wards runs down the center of Southeast Front Street. The boundary then moves over to Southeast Third Street with the exception of everything to the west of Columbia Street.

The boundary between the second and the fourth wards for the most part remains the same. The largest district in the second ward is the eastern boundary that was moved from Walnut Street to the railroad tracks at Washington Street. The area around city hall also moves into the second ward. The fourth ward, for the most part remains the same other than the boundary between the third and fourth wards that currently follows North Walnut and now moves over and follows Church Street and North Street coming into Northeast and Northwest Front Streets.

The area around Banneker School now becomes part of the third ward; the area across the street remains in the fourth ward.

Mr. Baird asked for council to review it in order to get any comments or recommendations back.

Mayor Rogers emphasized that the numbers displayed are not registered voters but Census numbers. He asked council to carefully review the realignments so it can be finalized and in place before the next election. Once council has had an

opportunity to familiarize themselves with the map, he would like it discussed at an upcoming meeting.

Upon approval, the city manager explained that an ordinance will be developed. With the thirty-day advertising requirement, we need to move forward so the process can be completed no later than September.

With no further business, the Workshop Session concluded at 8:39 p.m.

Respectfully submitted,

Terri K. Hudson, CMC
City Clerk/Recorder