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

CITY COUNCIL AGENDA
November 13, 2023

Attendees are welcome to participate virtually as well. Public Comments are encouraged on the agenda items designated with a Ⓟ. Virtual attendees may alert the City Clerk that they wish to speak by submitting their name, address, and agenda item via the Zoom Q&A function or by using the Raise Your Hand function during the meeting.
Those attending in person may comment when the floor is opened for that purpose.
All written public comments received prior to the meeting will be read into the record.

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

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

6:00 PM
15-Minute Public Comment Period*

Virtual attendees must register prior to start time of meeting by calling 302-422-1111
Extension 1300 or 1303, or by sending an email to cityclerk@milford-de.gov and
providing your name, address, phone number, and item name and/or description you wish to comment on.
Persons in attendance that wish to speak must sign up prior to the start of the Council Meeting.

COUNCIL MEETING

Call to Order – Mayor Arthur J. Campbell

Invocation

Pledge of Allegiance

Roll Call

Recognition
Introduction/New City Employees

Ordinances/Public Hearings/Public Comments/Final Determination Ⓟ

Ordinance 2023-39
Lands of Riverwalk Villas on behalf of Milford Housing Development Corporation
3.829 +/- acres of land located along the north side of Mispillion Street and
west side of Marshall Street
Application Type: Preliminary Major Subdivision
Comprehensive Plan Designation: Moderate Density Residential

Zoning District: R-3 Garden Apartment & Townhouse District
Present Use: Vacant Land
Proposed Use: Townhouse Subdivision
Tax Parcel: 3-30-7.17-11.00

Ordinance 2023-40
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #16
Milford Corporate Center
MD-16-173.00-01-01.00 (portion)
Future Land Use Designation Change

Ordinance 2023-41
Lands of Milford Corporate Center
182 +/- acres of land (portion of) located at the northwest
corner of Milford-Harrington Highway & Canterbury Road
Application Type: Change of Zone
Comprehensive Plan Designation: Industrial & Commercial (pending adoption of Ordinance 2023-40)
Present Zoning District: I-1 (Limited Industrial)
Proposed Zoning District(s):BP (Business Park)
Present Use: Vacant Land
Proposed Use: Industrial Park/Corporate Center
Tax Parcel: MD-16-173.00-01-01.00 (portion of)

Ordinance 2023-42
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #17
Burris Foods Incorporated
3-30-10.08-070.00 (portion)
Future Land Use Designation Change

Ordinance 2023-43
Lands of Burris Foods, Inc.
0.621 +/- acres of land located to the west of 412 McColley Street
Application Type: Change of Zone
Comprehensive Plan Designation: Industrial (pending adoption of Ordinance 2023-42)
Present Zoning District: R-2 (Residential District)
Proposed Zoning District(s): I-1 (Limited Industrial District)
Present Use: Industrial Outdoor Storage
Proposed Use: Industrial Outdoor Storage
Tax Parcel: 3-30-10.08-070.00 (portion)

Ordinance 2023-44
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #18
Kenton Property
MD-16-183.07-01-12.00 & MD-16-183.07-01-14.00

Approval of Previous Minutes

Staff Reports
Police Department

City Clerk
City Manager
Public Works
Electric
Planning & Zoning
Parks & Recreation
Human Resources
Economic Development & Community Engagement
Information Technology
Finance

Monthly Finance Report [1]

Communications & Correspondence

Unfinished Business
FY24 Budget Adjustment/Emergency/Generator//Public Works Facility

New Business
Authorization/Additional Funding/Davey Resource Group/Electric Infrastructure Inventory Project [2]
Confirmation/Mayoral Appointment/Tree Preservation & Advisory Council [2]
Authorization/General Fund Reserves/NE Front Street Floating Dock Repairs [2]
Authorization/Easement License Agreement/West Shores at New Milford/Stormwater Management Infrastructure
Authorization/Windward on the River Pump Station Agreement & Pump Station Contribution
Authorization/Knight Crossing Development Agreement

Introduction/Ordinance 2023-45
Amendment to City of Milford Code
Chapter 180-Residential Rental Operating License
License Fee Waiver/Disabled Tenants

Introduction/Ordinance 2023-46
Lands of Randall Kenton
3.72 +/- acres of land located along the north side
of NE Front Street and the east side of N. Rehoboth Boulevard
Application Type: Change of Zone
Comprehensive Plan Designation: Commercial (pending adoption of Ordinance
2023-46)
Zoning District: C-3 (Highway Commercial District)
Present Use: Pallet Recycling
Proposed Use: Pallet Recycling
Address: 609 NE Front St
Tax Parcel: MD-16-183.07-01-12.00 & MD-16-183.07-01-14.00

Introduction/Ordinance 2023-47
Lands of Iglesia Pentecostal Bethel Delaware, Inc.
0.808 +/- acres of land located along the north side of
SE Front Street approximately 55 feet east of the Charles Street Intersection
Application Type: Conditional Use
Comprehensive Plan Designation: Low Density Residential
Zoning District: R-2 (Residential District)
Present Use: Church (095.00), Church Parking (094.00), Former Single-family Dwelling (096.00)
Proposed Use: Church with associated parking
Address: 803, 805 & 807 SE Front Street
Tax Parcel: 3-30-7.17-094.00, 3-30-7.17-095.00 & 3-30-7.17-096.00

Adoption/Resolution 2023-28 Ⓟ
AUTHORIZING A CERTAIN PROJECT HEREIN DESCRIBED AND THE INCURRENCE OF INDEBTEDNESS AND THE RATIFICATION OF THE APPROVAL OF A CERTAIN CAPITAL PROJECT; AUTHORIZING THE ISSUANCE OF THE USDA GENERAL OBLIGATION BONDS, SERIES OF 2023 (THE "USDA BONDS"), IN ONE OR MORE SERIES, TO PROVIDE FUNDS FOR AND TOWARD SUCH PROJECT; SETTING FORTH TERMS OF THE USDA BONDS; COVENANTING TO BUDGET, APPROPRIATE AND PAY DEBT SERVICE ON THE USDA BONDS AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY FOR PAYMENT OF THE USDA BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF THE USDA BONDS; PROVIDING FOR THE EXECUTION AND AUTHENTICATION OF THE USDA BONDS; PROVIDING FOR THE SALE OF THE USDA BONDS AND AUTHORIZING THE ACCEPTANCE OF THE USDA COMMITMENTS FOR THE PURCHASE OF THE USDA BONDS: SETTING FORTH THE INTEREST RATE AND MAXIMUM DATE OF MATURITY; SETTING FORTH CERTAIN FEDERAL TAX COVENANTS; PROVIDING FOR THE APPLICATION OF USDA BOND PROCEEDS; AUTHORIZING OFFICERS TO ACT; APPROVING THE UNDERTAKING OF CERTAIN CONTINUING DISCLOSURE, IF ANY; SETTING FORTH THE DATE OF THE USDA BONDS AND OTHER DOCUMENTS; AUTHORIZING OTHER NECESSARY ACTION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL INCONSISTENT ORDINANCES; AND STATING THE EFFECTIVE DATE.

Adoption/Resolution 2023-29 Ⓟ
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS 2023 MILFORD POLICE FACILITY ACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE IN THE AMOUNT OF $8,500,000.00.

Adoption/Resolution 2023-30 Ⓟ
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS 2023 MILFORD POLICE FACILITY ACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE IN THE AMOUNT OF $8,000,000.00.

Sussex County Land Use Application CZ-2004
Key Properties Group, LLC/Tax Parcel 3-30-11.00-070.00

Adjournment

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

ALL SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CITY CLERK IN ELECTRONIC FORMAT NO LATER THAN ONE WEEK PRIOR TO MEETING. NO PAPER DOCUMENTS WILL BE ACCEPTED, DISTRIBUTED, OR PRESENTED AT MEETING ONCE PACKET HAS BEEN POSTED ON THE CITY OF MILFORD WEBSITE. ANY MATERIALS UTILIZED DURING THE MEETING SHALL BE FROM THE COUNCIL PACKET AND REFERENCED BY PRESENTER USING AUDIO AND VISUAL MEANS TO ENSURE VIRTUAL PARTICIPATION BY ALL IN ATTENDANCE.

**Time Limit is three minutes per speaker, not to exceed a total of fifteen minutes for all speakers prior to start of meeting/workshop.*
Ⓟ Designated Items only; Public Comment, up to three minutes per person will be accepted.

100523 102323 110123
[1] 102423 Item Moved from 102323 Agenda (Provisional)
110623
[2] 110823 Late Addition/City Electric Director/Received with Monthly Report
110823 Late Addition/P&R Director/Vacancy Timing Issue
110823 Late Addition/P&R Director/Emergency Repairs Reported
110823 Executive Session Removed
110923 City Manager Requested Agenda Amendment (Order of Items)



CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, October 24, 2023 @ 6:00 p.m.
City Council Hearing: Monday, November 13, 2023 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the following proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council with public comments scheduled on the times indicated above.

City Council has the option to approve or deny the application. All ordinances under consideration shall be written in the affirmative whereby the Council votes to approve the measure by voting yes (adopts the Ordinance) or not approve the measure by voting no (denial). This form of writing is not intended to influence any decision of City Council:

ORDINANCE 2023-39
Application 23-020/Riverwalk Villas
Applicant & Owner: Milford Housing Development Corporation
977 East Masten Circle
Milford, DE 19968
Application Type: Preliminary Major Subdivision
Comprehensive Plan Designation: Moderate Density Residential
Zoning District: R-3 Garden Apartment & Townhouse District
Present Use: Vacant Land Proposed Use: Townhouse Subdivision
Area and Location:
3.829 +/- acres of land located along the north side of Mispillion Street and west side of Marshall Street.
Tax Map & Parcel: 3-30-7.17-11.00

WHEREAS, the applicant/owners of the property as above described propose to construct a 27-lot townhouse subdivision on the above referenced parcel as shown on the provided preliminary major subdivision plans; and

WHEREAS, the application is consistent with the requirements of the Code of the City of Milford Zoning and Subdivision Chapters and the Construction Standards and Specifications; and

WHEREAS, the City of Milford Planning Commission has considered the application at a Public Hearing where public comment was permitted on Tuesday, October 24, 2023; and

WHEREAS, Milford City Council held a Public Hearing on Monday, November 13, 2022, allowing for additional review and public comment at which time a final determination was made.

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

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

Section 1. The Application for a Preliminary Major Subdivision is consistent with Chapter 230 Zoning and Chapter 200 Subdivision of Land.
Section 2. The Application is compliant with the City's construction Standards and Specifications; and
Section 3. Agency and Department Comments shall be addressed prior to the approval of the Final Major Subdivision Plan.
Section 4. The Final Major Subdivision Plan will not be detrimental to the public health, safety and general welfare of the community.

Section 5. These changes and additions will not adversely affect the orderly development of adjacent properties and will maintain the preservation of property values.
Section 6. Dates.
City Council Introduction: October 23, 2023
Planning Commission Review & Public Hearing: October 24, 2023
City Council Public Hearing: November 13, 2023
Effective: Ten Days Following Adoption by City Council

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or RPierce@milford-de.gov.

100523

Published: Delaware State News 10-10-2023

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

THE CITY of Milford DELAWARE

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

STAFF ANALYSIS REPORT
September 12, 2023

Application Number / Name	**:**	23-020 / Riverwalk Villas
Property Identification Numbers	**:**	3-30-7.17-11.00
Area and Location	**:**	3.829 +/- acres of land located along the north side of Mispillion Street and west side of Marshall Street.

I. BACKGROUND INFORMATION:

- The applicant proposes to construct a 27-lot townhouse subdivision on the above referenced parcel as shown on the provided preliminary major subdivision plans.

II. STAFF ANALYSIS:

Based on the information presented, the City of Milford Code and the Comprehensive Plan, staff submits the following regarding the request for a revised Preliminary Major Subdivision approval:

- The application is consistent with Chapter 230 Zoning and Chapter 200 Subdivision of Land.

- The preliminary major subdivision plans have been reviewed for general compliance with the City's Construction Standards and Specifications. See plan review comment letter dated September 11, 2023.

- The following comments must be addressed prior to final major subdivision approval;
  - Final Major Subdivision Plan approval will require approvals or no objection letters from the State Fire Marshal's Office, Sussex Conservation District, and DHSS Office of Engineering;
  - Applicant must address remaining Preliminary Major Subdivision review comments (copy of which is included in the packet);
  - Applicant must obtain final approval of engineering plans from the City Engineer; and
  - Address additional department and agency comments outlined in Section III.

III. AGENCY & DEPARTMENT COMMENTS:

- **Office of State Planning Coordination**
  No comments provided.

- **DelDOT**
  No comments provided.

- **Delaware Health and Social Services – Division of Public Health**
  No comments provided.

- **Department of Natural Resources and Environmental Control (DNREC), Division of Water, Surface Water Discharges Section (SWDS)**
  No comments provided.

- **Sussex Conservation District**
  No comments provided.

- **Delaware State Fire Marshal's Office**
  See attached comments.

- **Carlisle Fire Company**
  No comments provided.

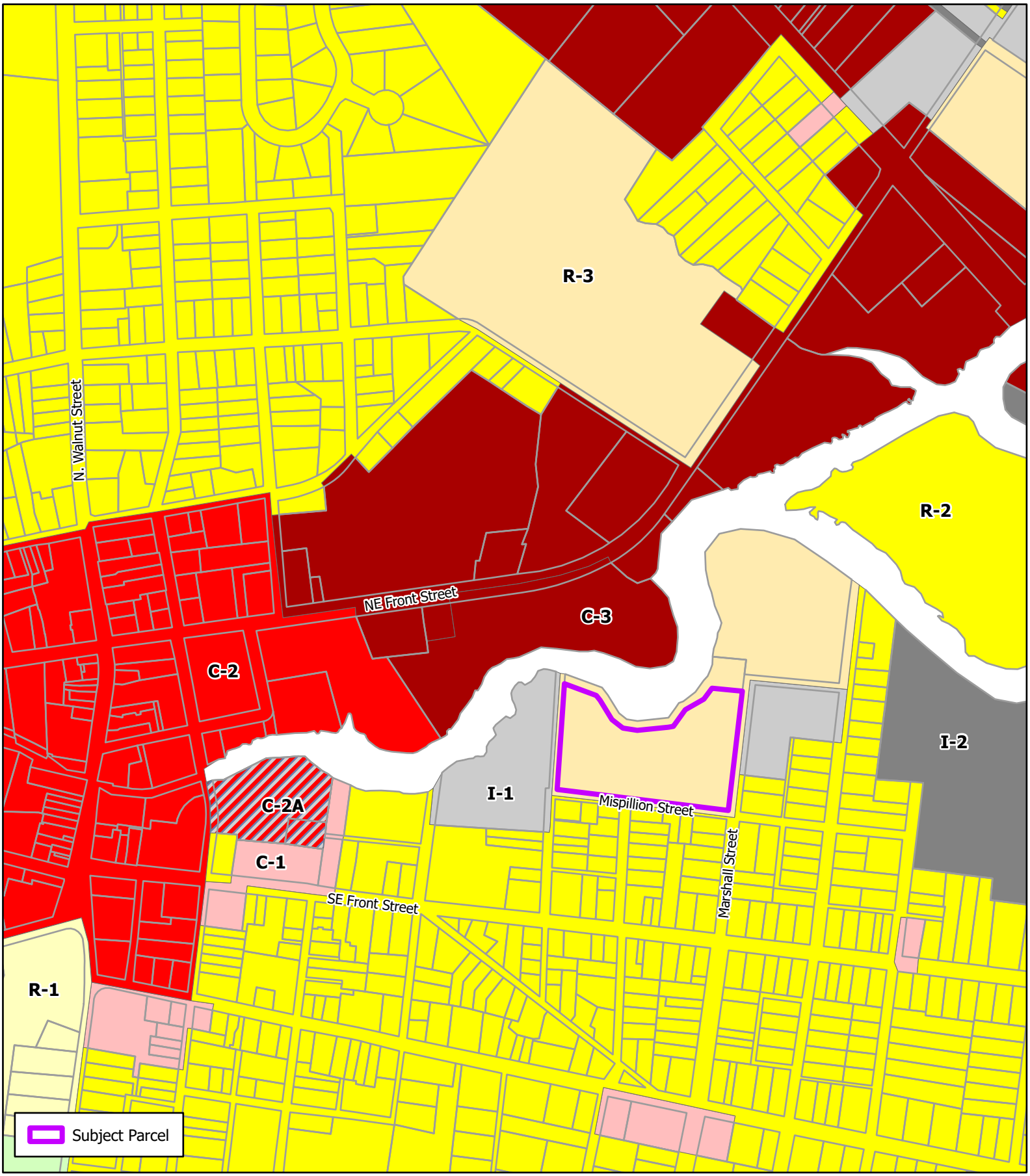
- **City Engineer, City of Milford Public Works Department**
  See plan review comments dated September 11, 2023.

- **City of Milford Electric Department**
- No comments provided.

- **City of Milford Parks and Recreation Department**
  No comments provided.

- **City of Milford Police Department**
  No comments provided.

- **Milford School District**
  No comments provided.



THE CITY of Milford DELAWARE

Scale: 0 240 480 Feet

Drawn by: WRP

Date: 06/02/23

Filepath: MajorSub_RiverwalkVillas.aprx

Title:

Major Subdivision

Riverwalk Villas

Location & Zoning Map

RECORD SITE PLAN

FOR PROPERTY KNOWN AS:

RIVERWALK VILLAS

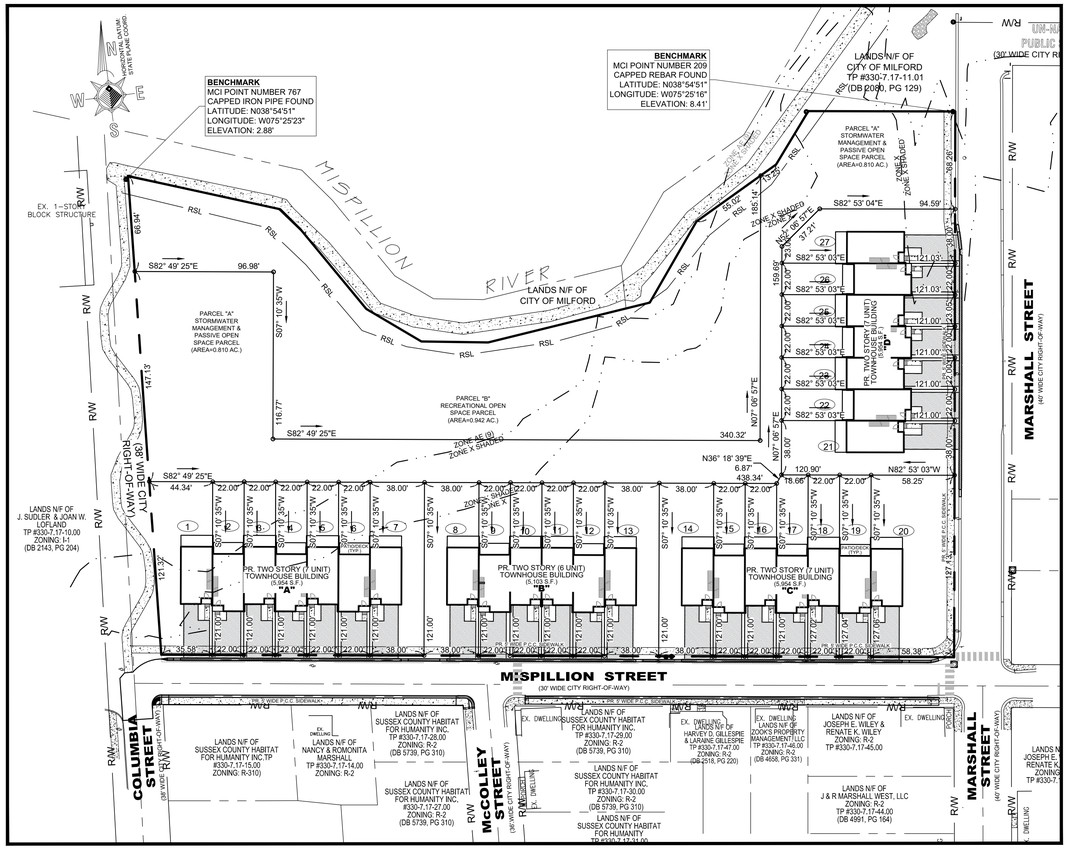
GENERAL NOTES:

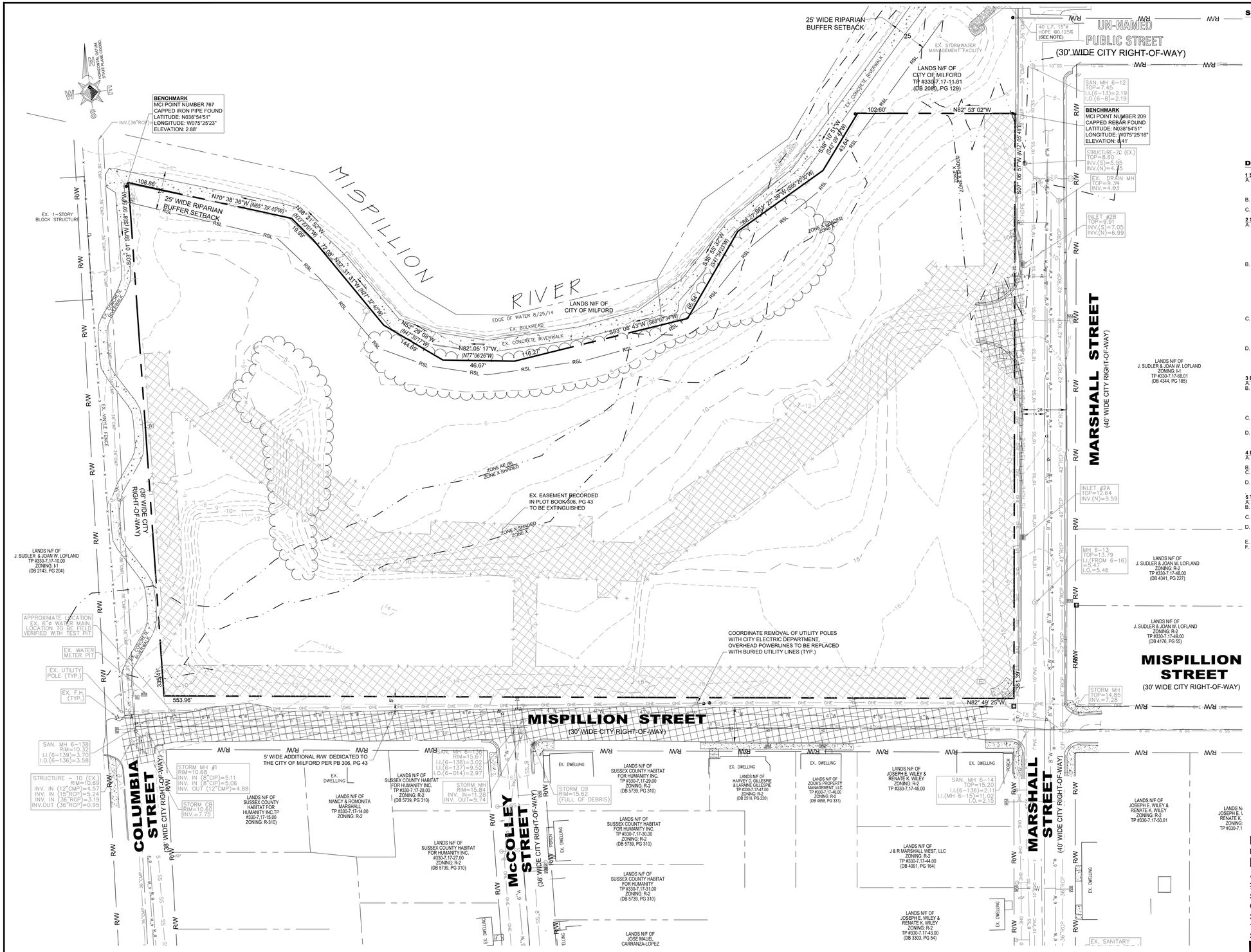
1. THE BOUNDARY INFORMATION SHOWN ON THESE DRAWINGS IS BASED ON A SURVEY PERFORMED BY MERESTONE CONSULTANTS, INC. IN AUGUST 2022.
2. A TOPOGRAPHIC SURVEY WAS PERFORMED BY MERESTONE CONSULTANTS, INC. OF LEWES, DELAWARE IN AUGUST 2022. ELEVATIONS ARE BASED ON VERTICAL DATUM NAVD '88
3. HORIZONTAL DATUM IS BASED ON DELAWARE STATE GRID, NAD83/91, CONTROL MONUMENTS #767 (CAPPED IRON PIPE FOUND) AND #209 (CAPPED REBAR FOUND).
4. HYDRIC SOILS ARE INDICATED AS BEING PRESENT ACCORDING TO THE SUSSEX COUNTY SOIL SURVEY. SOILS HAVE BEEN INSPECTED BY THOM NOBILE, ENVIRONMENTAL RESOURCES, INC., A LICENSED WETLANDS SCIENTIST.
5. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY DELMARVA (800-282-8555) A MINIMUM OF THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO ANY EXCAVATION.
6. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. MATERIALS AND WORKMANSHIP SHALL MEET THE REQUIREMENTS OF THE CITY OF MILFORD STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION AND SUBDIVISION PAVEMENT DESIGN, AND ALL APPLICABLE AGENCIES HAVING JURISDICTION OVER THE PROPOSED IMPROVEMENTS.
7. USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACKFILLING TRENCHES.
8. THE CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.
9. ALL VALVE CLOSURES AND CUT-INS SHALL BE COORDINATED WITH THE CITY. CITY OFFICIALS WILL CARRY OUT ALL NECESSARY VALVE CLOSURES. CONTRACTOR SHALL COORDINATE ISOLATION OF EXISTING WATER MAINS WITH THE CITY AND NOTIFY AFFECTED RESIDENTS AT LEAST 48 HOURS PRIOR TO CUT-IN.
10. PIPELINE DETECTION TAPE SHALL BE COLOR CODED, APPROPRIATELY LABELED, AND INSTALLED 18 INCHES BELOW THE GROUND SURFACE AND DIRECTLY ABOVE ALL PROPOSED NON-METALLIC WATER MAIN, SEWER MAIN, SEWER LATERALS, AND WATER SERVICES.
11. CONDUCTIVE TRACER WIRE SHALL BE INSTALLED WITH ALL NON-METALLIC WATER PIPE AND SERVICES; AND ALONG ALL SEWER LATERALS AND FORCEMAIN. WIRE SHALL BE SECURED TO THE PIPE AND SHALL BE SECURELY BONDED TOGETHER AT ALL WIRE JOINTS WITH APPROVED WATERTIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.
12. PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.
13. SHOP DRAWINGS FOR ANY ITEM(S) WHICH WILL EVENTUALLY BE TAKEN OVER BY THE CITY SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE ORDERING OF AND/OR INSTALLATION OF THE ITEM(S).
14. ALL SANITARY SEWER MAINS AND FORCEMAINS SHALL HAVE A MINIMUM COVER OF 36 INCHES AND ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 42 INCHES AS MEASURED FROM THE TOP OF PIPE TO PROPOSED GRADE. SEWER LATERALS SHALL HAVE A MINIMUM DIAMETER OF SIX (6) INCHES AND HAVE A MINIMUM COVER OF 36 INCHES.
15. THERE SHALL BE A MINIMUM HORIZONTAL SEPARATION BETWEEN WATER MAINS AND SANITARY SEWER MAINS AND FORCEMAINS OF 10 FEET, AS MEASURED FROM EDGE OF PIPE TO EDGE OF PIPE. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 18 INCHES BETWEEN WATER MAINS AND SANITARY SEWER MAINS OR FORCEMAINS AT CROSSINGS. ONE FULL LENGTH OF WATER PIPE SHALL BE LOCATED SO THAT BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE AT CROSSINGS.
16. THERE SHALL BE A MINIMUM VERTICAL SEPARATION OF 12 INCHES BETWEEN ANY STORM DRAIN PIPE AND ANY WATER MAIN OR SEWER MAIN. IF 12 INCHES CANNOT BE MAINTAINED, A MINIMUM OF SIX (6) INCHES IS REQUIRED AND PROVISIONS SHALL BE MADE ACCEPTABLE TO THE CITY OF MILFORD FOR PROPERLY ENCASING THE PIPE IN CONCRETE.
17. PORTIONS OF THIS SITE ARE LOCATED WITHIN ZONE "AE" WITH A BASE FLOOD ELEVATION DETERMINED TO BE 9.0; SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AS DESIGNATED ON THE FLOOD INSURANCE RATE MAP NUMBER 10005C0041 K, LAST REVISED MARCH 16, 2015. ALL DEVELOPMENT AND/OR CONSTRUCTION ACTIVITIES WITHIN THE DESIGNATED FLOOD ZONE SHALL BE PERFORMED IN ACCORDANCE WITH THE FLOOD PLAIN STANDARDS AND SPECIFICATIONS SET FORTH BY THE CITY OF MILFORD.
18. ALL ROADWAYS ARE TO BE SWEPT FREE OF SEDIMENT ON A DAILY BASIS.
19. THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE WORK AREA, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE.
20. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER WILL OCCUR AFTER PAVING IS COMPLETE.
21. THE STORM DRAINAGE SYSTEM HAS BEEN DESIGNED USING THE CRITERIA OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION DEVELOPMENT COORDINATION MANUAL, LATEST EDITION.
22. ALL FIRE LANES, FIRE HYDRANTS, EXITS, AND STANDPIPES WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS.
23. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEBRIS, INCLUDING TREES AND STUMPS, ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE OWNER.
24. DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
25. CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.
26. THE OWNER &/OR CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE SERVICES OF A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE FOR THE PLACEMENT THE PERMANENTLY RE-ESTABLISHING OF ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT, FOR VERIFICATION.
27. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING THE SERVICES OF A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE FOR THE PLACEMENT OF PERMANENT MONUMENTS ON EACH CORNER OF ANY BUILDING LOT AND ALONG THE PROJECT BOUNDARY AND THE RIGHT-OF-WAY AT ALL CORNERS AND TANGENT POINTS PRIOR TO FINAL SETTLEMENT FOR THE PROPERTY.
28. THE OWNER SHALL BE RESPONSIBLE FOR THE SHORT-TERM MAINTENANCE OF THE ANY AND ALL STORMWATER MANAGEMENT FACILITIES AND STORM SEWER SYSTEMS UNTIL SUCH TIME THAT THE LONG-TERM MAINTENANCE RESPONSIBILITIES CAN BE TRANSFERRED TO A LEGALLY-ESTABLISHED HOMEOWNERS ASSOCIATION OR OTHER RESPONSIBLE ENTITY.
29. THE CITY OF MILFORD WILL ASSUME OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF WATER AND SEWER PIPES AND APPURTENANCES, INSTALLED WITHIN CITY RIGHT-OF-WAY AND EASEMENTS DEDICATED TO THE CITY, STORM SEWER PIPES AND CATCH BASINS, INSTALLED FULLY WITHIN CITY RIGHT-OF-WAY; ONCE THE FOLLOWING CONDITIONS HAVE BEEN MET:
    A. ALL ITEMS HAVE PASSED CITY INSPECTION;
    B. THE CITY HAS RECEIVED AND APPROVED DIGITAL AND HARD COPIES OF THE RECORD DRAWINGS; AND
    C. THE RIGHTS-OF-WAY AND/OR EASEMENTS HAVE BEEN DEEDED TO THE CITY AND RECORDED WITH THE RECORDER OF DEEDS.
30. SEWER AND WATER CAPACITY ARE NOT GUARANTEED UNTIL BUILDING PERMITS ARE ISSUED, ALL FEES ARE PAID AND SUITABLE UTILITIES ARE IN PLACE FOR PROPER CONVEYANCE, TREATMENT AND DISPOSAL.
31. PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID TWENTY-FOUR (24) MONTHS, UNLESS AN EXTENSION IS REQUESTED BY THE OWNER AND APPROVED, FOR GOOD CAUSE, BY THE PLANNING COMMISSION PRIOR TO THE DATE OF EXPIRATION.
32. THE APPROVAL OF A CONDITIONAL USE IN CONJUNCTION WITH A MAJOR SUBDIVISION PLAN APPLICATION SHALL EXPIRE UPON THE EXPIRATION OF THE ASSOCIATED MAJOR SUBDIVISION.
33. WITHIN 90 DAYS OF FINAL APPROVAL FROM CITY COUNCIL, THE SUBDIVIDER SHALL RECORD THE PLAT AT THE COUNTY RECORDER OF DEEDS OFFICE. FAILURE TO RECORD THE APPROVED PLAT WITHIN 90 DAYS FROM THE DATE OF CITY COUNCIL APPROVAL SHALL VOID THE FINAL APPROVAL. IN ORDER TO OBTAIN FINAL APPROVAL AFTER IT HAS BEEN VOIDED, THE SUBDIVIDER MUST MAKE APPLICATION FOR PRELIMINARY AND FINAL APPROVALS AGAIN
34. IF CONSTRUCTION OF IMPROVEMENTS SHOWN ON THE RECORDED SUBDIVISION PLANS DO NOT COMMENCE WITHIN FIVE YEARS OF THE ORIGINAL RECORDATION DATE, AND CONTINUE PROGRESSING TOWARDS COMPLETION, THE SUBDIVISION IS SUBJECT TO EXPIRATION PER CHAPTER 200-7 OF THE CITY CODE.
35. THE APPLICANT IS RESPONSIBLE TO ENSURE THAT ALL CITY AND/OR AGENCY CONSTRUCTION PLAN APPROVALS HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR AN ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.
36. AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT, THE APPLICANT SHALL POST A COMPLETION GUARANTY IN THE AMOUNT OF 125% OF THE COST OF INSTALLATION FOR THE CONSTRUCTION OF RECREATIONAL AND OPEN SPACE AMENITIES, INCLUDING BUT NOT LIMITED TO COMMUNITY BUILDINGS, PLAYGROUNDS, WALKING PATHS, LANDSCAPING AND LANDSCAPE SCREENING. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT.
37. A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE CONSTRUCTION VALUE FOR ANY CONSTRUCTED IMPROVEMENTS AND A PERFORMANCE BOND IN THE AMOUNT OF 125% OF THE CONSTRUCTION VALUE FOR ANY UNCOMPLETED WORK SHALL BE PROVIDED IN ORDER TO OBTAIN CERTIFICATES OF OCCUPANCY AND ACHIEVE FINAL COMPLETION OF THE IMPROVEMENTS AND RELEASE OF ANY COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR AND ALL CONSTRUCTION VALUES MUST BE SUBMITTED TO, REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE ISSUANCE OF ANY BONDS.
38. UPON COMPLETION OF THE CONSTRUCTION IMPROVEMENTS AND PRIOR TO THE RELEASE OF ANY DEVELOPER'S COMPLETION GUARANTEE, THE DEVELOPER SHALL PROVIDE THE CITY ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER OR SURVEYOR. ADDITIONALLY, A CD SHALL BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2018 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD88 VERTICAL CONTROL. RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF THE FOLLOWING:
    A. ALL PROPERTY MONUMENTS/MARKERS;
    B. SEWER MANHOLE RIM & INVERT ELEVATIONS, WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, PUMP STATION RIM, BOTTOM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, FORCEMAIN INVERT ELEVATIONS EVERY 50 FEET, FOREGMAIN AIR RELEASE VALVE RIM & INVERT ELEVATIONS, SEWER CLEANOUT RIM & INVERT ELEVATIONS, AND GREASE TRAP RIM, BOTTOM & INVERT ELEVATIONS;
    C. WATER VALVES, FIRE HYDRANTS, METER VAULTS, METER PITS, AND CURB STOPS;
    D. STORM SEWER CATCH BASIN AND/OR MANHOLE GRATE, RIM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED; AND
    E. ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE CITY.
39. THE CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS DEPARTMENT AT (302) 422-1110 A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE.
40. ISOLATED NON-REGULATED WETLANDS HAVE BEEN DETERMINED TO EXIST BASED ON A SOIL INSPECTION PERFORMED BY ENVIROTECH ENVIRONMENTAL CONSULTANTS, INC. BASED IN MILTON, DELAWARE.
41. NO BUILDINGS, STRUCTURES, IMPERVIOUS SURFACE, FILL, OBSTRUCTIONS TO DRAINAGE, OR LAND DISTURBANCE SHALL BE SITUATED NEARER THAN 25 FEET TO A DELINEATED RIPARIAN/WETLAND AREA.
42. ALL SUBDIVISION LOTS SHALL HAVE A 5-FOOT-WIDE GENERAL UTILITY EASEMENT ON EACH SIDE LOT LINE, A 10-FOOT-WIDE GENERAL UTILITY EASEMENT ALONG THE REAR PROPERTY LINE, AND A 15-FOOT-WIDE GENERAL UTILITY EASEMENT ALONG THE FRONTAGE OF THE LOT FOR THE INSTALLATION OF CITY UTILITIES AND CONVEYANCE OF DRAINAGE.
43. NO PLANTINGS OR IMPROVEMENTS MAY BE PLACED IN THE DEDICATED EASEMENT AREAS, EXCEPT FOR FENCES.

LEGEND

PROPERTY LINE
BUILDING SETBACK LINE — BSL — BSL — BSL
EASEMENT LINE
FLOODZONE
CENTERLINE
TREELINE
RIPARIAN SETBACK LINE — RSL — RSL
SCREENING AND LANDSCAPE BUFFER
PROPOSED MILL & OVERLAY OF EXISTING PAVEMENT
DEMOLITION AREA
CAPPED REBAR SET — MAIL BOX
CAPPED REBAR FOUND — CLEAN OUT
REBAR FOUND — PR. SITE LIGHT
CONCRETE MONUMENT FOUND — NUMBER OF PARKING STALLS IN ROW (8)
SOIL BORING — HANDICAP MARKER
FIRE DEPARTMENT CONNECTION — PR. SIGN

	EXISTING	PROPOSED
SANITARY SEWER	SS — (S) MH	SS — (S) MH
WATER LINE	W — W.V.	W — W.V.
STORM SEWER	C.B.	C.B.
ELECTRIC	OHE — U.P.	E — U.P.
CONTOUR	20	8
HYDRANT		
SPOT ELEVATIONS	x18.50	X (18.50)
CULVERT (w/F.E.S.)	15"RCP	15"RCP
WATER LINE	W — W	W
GAS LINE	GAS — GAS	GAS


BENCHMARK
MCI POINT NUMBER 767
CAPPED IRON PIPE FOUND
LATITUDE: N038°54'51"
LONGITUDE: W075°25'23"
ELEVATION: 2.88'
BENCHMARK
MCI POINT NUMBER 209
CAPPED REBAR FOUND
LATITUDE: N038°54'51"
LONGITUDE: W075°25'16"
ELEVATION: 8.41'
MISPILLION RIVER
LANDS N/F OF CITY OF MILFORD
LANDS N/F OF CITY OF MILFORD TP #330-7.17-11.01 (DB 2090, PG 129)
PARCEL "A" STORMWATER MANAGEMENT & PASSIVE OPEN SPACE PARCEL (AREA=0.810 AC.)
PARCEL "B" RECREATIONAL OPEN SPACE PARCEL (AREA=0.942 AC.)
ZONE "AE" SHADED ZONE X (SHADED)
PR. TWO STORY (7 UNIT) TOWNHOUSE BUILDING "A" (5,954 S.F.)
PR. TWO STORY (6 UNIT) TOWNHOUSE BUILDING "B" (5,193 S.F.)
PR. TWO STORY (7 UNIT) TOWNHOUSE BUILDING "C" (5,954 S.F.)
PR. TWO STORY (7 UNIT) TOWNHOUSE BUILDING "D" (5,954 S.F.)
PROPOSED 5' SIDEWALK (TYP.)
MARSHALL STREET (40' WIDE CITY RIGHT-OF-WAY)
MISPILLION STREET (30' WIDE CITY RIGHT-OF-WAY)
COLUMBIA STREET (50' WIDE CITY RIGHT-OF-WAY)
McCOLLEY STREET (50' WIDE CITY RIGHT-OF-WAY)
LANDS N/F OF J. SUDLER & JOAN W. LOFLAND TP #330-7.17-10.00 ZONING: I-1 (DB 2143, PG 204)
LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. TP #330-7.17-15.00 ZONING: R-310)
LANDS N/F OF NANCY & ROMONITA MARSHALL TP #330-7.17-14.00 ZONING: R-2
LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. TP #330-7.17-28.00 ZONING: R-2 (DB 5739, PG 310)
LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. TP #330-7.17-27.00 ZONING: R-2 (DB 5739, PG 310)
LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. TP #330-7.17-29.00 ZONING: R-2 (DB 5739, PG 310)
LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. TP #330-7.17-30.00 ZONING: R-2 (DB 5739, PG 310)
LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY TP #330-7.17-31.00 ZONING: R-2 (DB 5739, PG 310)
LANDS N/F OF HARVEY D. GILLESPIE & LARAINE GILLESPIE TP #330-7.17-47.00 ZONING: R-2 (DB 2518, PG 220)
LANDS N/F OF ZOOK'S PROPERTY MANAGEMENT LLC TP #330-7.17-46.00 ZONING: R-2 (DB 4658, PG 331)
LANDS N/F OF JOSEPH E. WILEY & RENATE K. WILEY ZONING: R-2 TP #330-7.17-45.00
LANDS N/F OF J & R MARSHALL WEST, LLC ZONING: R-2 TP #330-7.17-44.00 (DB 4991, PG 164)
LANDS N/F OF JOSEPH E. RENATE K. ZONING TP #330-7.
EX. DWELLING
EX. 1-STORY BLOCK STRUCTURE
EX. SHED
EX. GAZEBO
PROPERTY LINE (TYP.)
S82° 49' 25"E 96.98'
S82° 53' 04"E 94.59'
S82° 49' 25"E 340.32'
S82° 49' 25"E 44.34'
N82° 53' 03"W 58.25'
N36° 18' 39"E 6.87'
N07° 06' 57"E 436.34'
S07° 10' 35"W 147.5'
S07° 10' 35"W 116.77'
N07° 06' 57"E 159.69'
N07° 06' 57"E 38.00'
S07° 10' 35"W 121.00'
S07° 10' 35"W 99.94'
S07° 10' 35"W 120.90'
S07° 10' 35"W 121.04'
S07° 10' 35"W 121.03'
S07° 10' 35"W 121.00'
S07° 10' 35"W 121.02'
S07° 10' 35"W 121.01'
S07° 10' 35"W 121.00'
S07° 10' 35"W 121.02'
S07° 10' 35"W 121.00



SITE DEMOLITION AND CLEARING NOTES:

1. ALL SITE DEMOLITION AND CLEARING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND ALL APPLICABLE LOCAL, COUNTY, STATE OR FEDERAL REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LOCAL, COUNTY, STATE OR FEDERAL DEMOLITION PERMITS BEFORE BEGINNING DEMOLITION WORK.
2. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELMARVA AT LEAST THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
3. THE CONTRACTOR SHALL PROVIDE THE REQUIRED DEMOLITION AND REMOVAL OF STRUCTURES/ITEMS IN ACCORDANCE WITH THE AREAS SHOWN ON THE PLAN AND THOSE AREAS NECESSARY TO INSTALL THE PROPOSED IMPROVEMENTS. THE CONTRACTOR SHALL CONDUCT DEMOLITION ACTIVITIES IN A MANNER TO ENSURE MINIMUM INTERFERENCE WITH PEDESTRIAN AND VEHICULAR TRAFFIC AREAS TO PROVIDE A SAFE WORK ZONE.
4. NO DEBRIS WILL BE BURIED ON THIS SITE. ALL DEMOLITION WASTE AND DEBRIS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, COUNTY, STATE AND FEDERAL REGULATIONS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE AND REPAIRS TO EXISTING STRUCTURES THAT ARE TO REMAIN THAT OCCUR DURING SITE DEMOLITION. ALL REPAIRS MUST USE NEW MATERIALS AND RESTORE THE ITEM TO THE PRE-DEMOLITION CONDITION AT HIS/HER EXPENSE.
6. THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY FOR SITE DEMOLITION. ALL DEMOLITION, CLEARING, SOLID WASTE DISPOSAL AND REMOVAL MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
7. MAINTENANCE OF TRAFFIC AND TRAFFIC CONTROL IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "TRAFFIC CONTROL FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY, AND EMERGENCY OPERATIONS" (LATEST EDITION).

DEMOLITION STANDARDS AND PROCEEDURES:

1 SCOPE OF WORK

A. Section includes demolition of existing building(s) and designated structures, including all building architectural, structural, mechanical, plumbing and electrical features, concrete floor slabs, and column and wall foundation, in their entirety; demolition of foundations and slabs-on-grade; disconnecting and capping and demolition of identified utilities; and demolition of piping; removing demolished materials from site; protection of items to remain as indicated on Drawings.
B. The Contractor shall examine the various Drawings, visit the site, determine the extent of the Work, the extent of work affected therein, and all conditions under which he is required to perform the various operations.
C. Removal of other materials as necessary to construct work shown on the Drawings and specified herein.

2 SITE CONDITIONS

A. Protection of Persons and Property:
   1. Install silt fencing and/or orange safety fencing around the area of demolition work.
   2. Erect and maintain temporary bracing, shoring, lights, barricades, signs, and other measures as necessary to protect the public, workers, and adjoining property from damage from demolition work, all in accordance with applicable codes and regulations.
   3. Open depressions and excavations occurring as part of this work shall be barricaded and posted with warning lights when accessible through adjacent property or through public access. Operate warning lights during hours from dusk to dawn each day and as otherwise required.
   4. Protect utilities, pavements, and facilities from damage caused by settlement, lateral movement, undermining, washout, and other hazards created by demolition operations.
B. Protection of Utilities:
   1. Utility Services: Contractor shall notify utility companies or local authorities furnishing gas, water, electrical, telephone, or sewer service to remove any equipment in the structures to be demolished and to remove, disconnect, cap, or plug their services to facilitate demolition.
   2. Protect active sewer, water, gas, electric, and other utilities; and drainage and irrigation lines indicated or, when not indicated, found or otherwise made known to the Contractor before or during demolition work. If utility is damaged, immediately notify the utility owner for corrective action.
   3. Arrange with and perform work required by utility companies and municipal departments for discontinuance or interruption of utility services due to demolition work.
   4. All utilities being abandoned shall be terminated at the service mains in conformance with the requirement of the utility companies or the municipality owning or controlling them.
C. Noise and Dust Abatement:
   1. Provide continuous noise and dust abatement as required to prevent disturbance and nuisance to the public and workers and to the occupants of adjacent premises and surrounding areas. Dampen or cover areas affected by demolition operations as necessary to prevent dust nuisance.
   2. When a certain level of noise is unavoidable because of the nature of the work or equipment involved, and such noise is objectionable to the occupants of adjacent premises, make arrangements with the jurisdictional authorities to perform such work or operate such equipment at the most appropriate time periods of the day.
D. Unknown Conditions:
   1. The Contract Drawings and related documents may not represent all surface conditions at the site and adjoining areas. The known surface conditions are as indicated, and shall be compared with actual conditions before commencement of work.
   2. Existing utilities and drainage systems below grade are located from existing documents and from surface facilities such as manholes, valve boxes, area drains, and other such surface fixtures.

3 DEMOLITION

A. Perform demolition in accordance with the approved Demolition Plan. Perform demolition work in accordance with ANSI A10.6, as applicable.
B. Mark location of utilities. Existing utilities are shown in accordance with the best available information. completeness or correctness thereof is not guaranteed. it shall be the contractor's responsibility to contact the utility companies involved in order to secure the most accurate information available as to utility location and elevation. no construction around or adjacent to utilities shall begin without notifying their owners at least 48 hours in advance. the contractor shall take the necessary precautions to protect the existing utilities and maintain uninterrupted service and any damage done to them due to his/her negligence shall be immediately and completely repaired at the contractor's expense. to locate existing utilities in the field prior to construction, the contractor shall contact Miss Utility of Delmarva at least three (3) consecutive working days prior to excavation, at 1-800-282-8555.
C. Before commencing demolition work, all structure relocations, bypassing, capping or modifications necessary will be completed. Cap or plug sanitary sewer in accordance with the utility owner's standard details and instructions. Cap and plug pipe and other conduits abandoned due to demolition, with approved type caps and plugs as required by the utility owners.
D. The Contractor shall fill and compact all voids left by the removal of pipe, structures, etc. with materials described herein to a grade that will provide for positive drainage of the disturbed area to drain run-off in direction consistent with the surrounding area. The Contractor shall provide all fill materials to the site as needed. Compaction of fill shall match the compaction of adjacent undisturbed material.

4 DISPOSAL OF REMOVED MATERIALS AND DEBRIS

A. Dispose of removed materials, waste, trash, and debris in a safe, acceptable manner, in accordance with applicable laws and ordinances and as prescribed by authorities having jurisdiction.
B. Burying of trash and debris on the site will not be permitted.
C. Remove trash and debris from the site at frequent intervals so that their presence will not delay the progress of the work or cause hazardous conditions for workers and the public.
D. Removed materials, trash, and debris shall become the property of the Contractor and shall be removed from the property and disposed of in a legal manner. Location of disposal site and length of haul shall be the Contractor's responsibility.

5 TRAFFIC, ACCESS & WORK ZONE SAFETY

A. Conduct work to ensure minimum interference with on-site and off-site roads, streets, sidewalks, and occupied or used facilities.
B. Special attention is directed towards maintaining safe and convenient access to the existing facilities remaining in operation by residents and associated vehicles, including trucks and delivery vehicles.
C. Do not close or obstruct streets, sidewalks, or other occupied or used facilities without permission. Provide alternate routes around closed or obstructed traffic in access ways.
D. Conduct operations to minimize damage by falling debris or other causes to adjacent buildings, structures, roadways, other facilities, and persons. Provide interior and exterior shoring, bracing, or support to prevent movement or settlement or collapse of structures to be demolished and adjacent facilities to remain.
E. Provide a clean and orderly site at all times.
F. Clean adjacent areas within the property of dust, dirt, and debris caused by demolition. Return adjacent areas to condition existing before demolition operations began.

LEGEND

PROPERTY LINE
BUILDING SETBACK LINE — BSL
RIPARIAN SETBACK LINE — RSL
FLOODZONE
UNREGULATED/ISOLATED WETLAND
STREET RIGHT-OF-WAY — R/W
CENTERLINE
TREELINE
EXISTING EASEMENT TO BE EXTINGUISHED
DEMOLITION AREA
IRON PIN FOUND
CAPPED REBAR SET
PROPOSED UNIT/LOT NUMBER (D7)
IRON PIN IN CONCRETE FOUND

	EXISTING	PROPOSED
SANITARY SEWER	SS — S MH	SS — S MH
WATER LINE	4"W	4"W W.V.
STORM SEWER	42"RCP C.B.	C.B.
ELECTRIC	OHE U.P.	E U.P.
CONTOUR	20	8
HYDRANT		
SPOT ELEVATIONS		(16.30)
CULVERT (w/F.E.S.)	15"RCP	ST
WATER LINE	W	W
GAS LINE	GAS	GAS
UPRIGHT CURB		
WATER METER	WM	M
SANITARY SEWER CLEANOUT		

EXISTING CONDITIONS & DEMOLITION PLAN

FOR PROPERTY KNOWN AS:
RIVERWALK VILLAS
ALSO KNOWN AS:
#401 MISPILLION STREET
SITUATE IN:
CITY OF MILFORD * SUSSEX COUNTY
STATE OF DELAWARE
TAX PARCEL #: 330-7.17-11.00
SCALE: 1"=30'

GRAPHIC SCALE
30 0 30 90
1 inch = 30 ft.

SHEET INDEX:

RECORD SITE PLAN COVER PAGE	SHEET NO. SP-1
EXISTING CONDITIONS & DEMOLITION PLAN	SHEET NO. SP-2
PRELIMINARY RECORD SITE PLAN	SHEET NO. SP-3

PRELIMINARY CONSTRUCTION IMPROVEMENT PLANS

SITE CONSTRUCTION PLAN	SHEET NO. SP-4
UTILITY CONSTRUCTION PLAN	SHEET NO. SP-5
SITE GRADING	SHEET NO. SP-6
SITE DETAILS PLAN	SHEET NO. SP-7
DRAINAGE DETAILS	SHEET NO. SP-8
PRELIMINARY LANDSCAPE PLAN	SHEET NO. SP-9

ROGER A. GROSS, P.E. (DE REGISTRATION NO. 7842) DATE:

MERESTONE CONSULTANTS, INC.
ENGINEERS - PLANNERS - SURVEYORS
5215 WEST WOODMILL DRIVE UNIT 38 WILMINGTON, DE 19808 PH: 302-992-7900
35516 CROSSING AVENUE, UNIT 1 FIVE POINTS SQUARE LEWES, DE 19958 PH: 302-226-5880

DATE	REVISION	CHKD.	DRAWN BY: HMG	DATE: 18 AUGUST 2022	SHEET#: SP-2
6/19/23	PER CITY ENGINEER COMMENTS	R.A.G.			

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PLAN #: 20239RB-330894

BENCHMARK
MCI POINT NUMBER 767
CAPPED IRON PIPE FOUND
LATITUDE: N038°54'51"
LONGITUDE: W075°25'23"
ELEVATION: 2.88'

BENCHMARK
MCI POINT NUMBER 209
CAPPED REBAR FOUND
LATITUDE: N038°54'51"
LONGITUDE: W075°25'16"
ELEVATION: 8.41'

RECORD PLAN GENERAL NOTES

1. THE OWNER AND/OR THEIR CONTRACTOR IS RESPONSIBLE FOR OBTAINING THE SERVICES OF A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF DELAWARE FOR THE PERMANENTLY RE-ESTABLISHING OF ANY PROPERTY MARKERS OR MONUMENTS DISTURBED DURING CONSTRUCTION. A SURVEY AND METES AND BOUNDS THAT INCLUDES THE RE-ESTABLISHED MARKER(S) OR MONUMENT(S) SHALL BE PRESENTED TO THE PROPERTY OWNER FOR COMPARISON WITH THE ORIGINAL PLAT FOR VERIFICATION.
2. HYDRIC SOILS ARE INDICATED AS BEING PRESENT ACCORDING TO THE SUSSEX COUNTY SOIL SURVEY. SOILS HAVE BEEN INSPECTED BY THOM NOBILE, ENVIRONMENTAL RESOURCES, INC., A LICENSED WETLANDS SCIENTIST.
3. THE APPLICANT IS RESPONSIBLE FOR ENSURING THAT ALL CITY AND/OR AGENCY THE APPLICANT IS RESPONSIBLE FOR ENSURING THAT ALL CITY AND/OR AGENCY CONSTRUCTION PERMIT APPLICATIONS HAVE BEEN COMPLETED, SUBMITTED, AND ALL APPLICABLE FEES HAVE BEEN PAID PRIOR TO COMMENCING CONSTRUCTION. THE CITY SHALL NOT BE HELD RESPONSIBLE FOR AN ANTICIPATED CONSTRUCTION START DATE THAT IS NOT MET DUE TO THE APPLICANT OR HIS/HER CONTRACTOR NOT HAVING MET THE CONSTRUCTION PERMITTING REQUIREMENTS.
4. AS A CONDITION OF THE APPROVAL OF THE CONSTRUCTION DRAWINGS, AND PRIOR TO THE ISSUANCE OF THE FIRST BUILDING PERMIT, THE APPLICANT SHALL POST A COMPLETION GUARANTY IN THE AMOUNT OF 125% OF THE COST OF INSTALLATION FOR THE CONSTRUCTION OF RECREATIONAL AND OPEN SPACE AMENITIES, INCLUDING BUT NOT LIMITED TO COMMUNITY BUILDINGS, PLAYGROUNDS, WALKING PATHS, LANDSCAPING AND LANDSCAPE SCREENING. THE GUARANTY SHALL BE IN THE FORM OF A BOND OR FUNDS DEPOSITED IN AN ESCROW ACCOUNT.
5. A MAINTENANCE BOND IN THE AMOUNT OF 10% OF THE CONSTRUCTION VALUE FOR ANY CONSTRUCTED IMPROVEMENTS AND A PERFORMANCE BOND IN THE AMOUNT OF 125% OF THE CONSTRUCTION VALUE FOR ANY UNCOMPLETED WORK SHALL BE PROVIDED IN ORDER TO OBTAIN CERTIFICATES OF OCCUPANCY AND ACHIEVE FINAL COMPLETION OF THE IMPROVEMENTS AND RELEASE OF ANY COMPLETION GUARANTY. THE MAINTENANCE PERIOD SHALL BE A MINIMUM OF ONE YEAR AND ALL CONSTRUCTION VALUES MUST BE SUBMITTED TO, REVIEWED AND APPROVED BY THE CITY ENGINEER PRIOR TO THE ISSUANCE OF ANY BONDS.
6. UPON COMPLETION OF THE CONSTRUCTION IMPROVEMENTS AND PRIOR TO THE RELEASE OF ANY DEVELOPER'S COMPLETION GUARANTEE; THE DEVELOPER SHALL PROVIDE THE CITY ENGINEER A DRAFT PAPER SET OF DETAILED RECORD PLANS (PLAN VIEW AND PROFILE SHEETS). RECORD INFORMATION SHALL BE PLACED ON THE APPROPRIATE APPROVED DRAWINGS. ORIGINAL DESIGN ELEVATION AND/OR DISTANCE INFORMATION SHALL BE STRUCK THROUGH WITH A FINE LINE AND THE RECORD INFORMATION SHALL BE INSERTED NEXT TO IT. WHEN THE DRAFT SET OF DRAWINGS HAS BEEN APPROVED BY THE CITY, THREE (3) FINAL PAPER COPIES SHALL BE SUBMITTED, SIGNED AND SEALED BY THE OWNER'S ENGINEER OR SURVEYOR. ADDITIONALLY, A CD SHALL BE PROVIDED WITH DIGITAL RECORD INFORMATION IN AUTOCAD FORMAT (VERSION 2018 OR LATER). THE DIGITAL INFORMATION SHALL BE ON DELAWARE STATE PLANE, NAD 83 HORIZONTAL CONTROL AND NAVD88 VERTICAL CONTROL. RECORD PLAN INFORMATION SHALL INCLUDE SURVEYED AS-BUILT ELEVATIONS AND HORIZONTAL LOCATIONS OF THE FOLLOWING:
   A. ALL PROPERTY MONUMENTS/MARKERS;
   B. SEWER MANHOLE RIM & INVERT ELEVATIONS, WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, PUMP STATION RIM, BOTTOM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED, FORCEMAIN, INVERT ELEVATIONS EVERY 50 FEET, FORCEMAIN AIR RELEASE VALVE RIM & INVERT ELEVATIONS, SEWER CLEANOUT RIM & INVERT ELEVATIONS, AND GREASE TRAP RIM, BOTTOM & INVERT ELEVATIONS;
   C. WATER VALVES, FIRE HYDRANTS, METER VAULTS, METER PITS, AND CURB STOPS;
   D. STORM SEWER CATCH BASIN AND/OR MANHOLE GRATE, RIM & INVERT ELEVATIONS WITH ASSOCIATED PIPE SIZES & MATERIALS NOTED; AND
7. ANY OTHER ITEM WHICH WILL BE TAKEN OVER BY THE CITY.
8. THE CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS DEPARTMENT AT (302) 422-1110 A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SCHEDULE A PRE-CONSTRUCTION MEETING. THE SITE CONTRACTOR AND THE OWNER, OR HIS/HER REPRESENTATIVE SHALL BE IN ATTENDANCE.

LOT AREA TABLE	
LOT NO.	AREA (S.F.)
1	4,835
2	2,662
3	2,662
4	2,662
5	2,662
6	2,662
7	4,598
8	4,598
9	2,662
10	2,662
11	2,662
12	2,662
13	4,598
14	4,598
15	2,662
16	2,662
17	2,784
18	2,795
19	2,795
20	7,411
21	4,596
22	2,662
23	2,662
24	2,662
25	2,662
26	2,662
27	4,251

LEGEND
PROPERTY LINE
BUILDING SETBACK LINE (BSL)
RIPARIAN SETBACK LINE (RSL)
PR. LOT LINE
FLOODZONE
UNREGULATED/ISOLATED WETLAND
STREET RIGHT-OF-WAY (R/W)
CENTERLINE
EASEMENT
PROPOSED DEPRESSED CURB
TREELINE
PROPOSED BUILDING FOOTPRINT
PROPOSED EASEMENT AREA
PR. CONCRETE SIDEWALK
IRON PIN FOUND
PROPOSED UNIT/LOT NUMBER (D7)
CAPPED REBAR SET
IRON PIN IN CONCRETE FOUND
EXISTING / PROPOSED
ELECTRIC (OHE, U.P., E, U.P.)
HYDRANT
UPRIGHT CURB

SHEET INDEX:

RECORD SITE PLAN COVER PAGE	SHEET NO. SP-1
EXISTING CONDITIONS & DEMOLITION PLAN	SHEET NO. SP-2
PRELIMINARY RECORD SITE PLAN	SHEET NO. SP-3
PRELIMINARY CONSTRUCTION IMPROVEMENT PLANS	
SITE CONSTRUCTION PLAN	SHEET NO. SP-4
UTILITY CONSTRUCTION PLAN	SHEET NO. SP-5
SITE GRADING	SHEET NO. SP-6
SITE DETAILS PLAN	SHEET NO. SP-7
DRAINAGE DETAILS	SHEET NO. SP-8
PRELIMINARY LANDSCAPE PLAN	SHEET NO. SP-9

SUPERSEDENCE NOTE

THIS PLAN SUPERSEDES THE RECORD SITE PLAN FOR RIVERWALK VILLAS AS RECORDED IN THE RECORDER OF DEEDS OFFICE IN AND FOR SUSSEX COUNTY, STATE OF DELAWARE IN PLOT BOOK 306, PAGE 43.

PRELIMINARY RECORD PLAN

FOR PROPERTY KNOWN AS:
RIVERWALK VILLAS
ALSO KNOWN AS:
#401 MISPILLION STREET
SITUATE IN:
CITY OF MILFORD * SUSSEX COUNTY
STATE OF DELAWARE
TAX PARCEL #: 330-7.17-11.00
SCALE: 1"=30'

GRAPHIC SCALE
30 0 30 90
1 inch = 30 ft.

ROGER A. GROSS, P.E. (DE REGISTRATION NO. 7842) DATE:

MERESTONE CONSULTANTS, INC.
ENGINEERS - PLANNERS - SURVEYORS
5215 WEST WOODMILL DRIVE, UNIT 38, WILMINGTON, DE 19808, PH: 302-992-7900
35516 CROSSING AVENUE, UNIT 1, FIVE POINTS SQUARE, LEWES, DE 19958, PH: 302-226-5880

DATE	REVISION	CHKD.
6/19/23	PER CITY ENGINEER COMMENTS	R.A.G.

DRAWN BY: HMG | DATE: 18 AUGUST 2022 | SHEET#: SP-3

© MERESTONE CONSULTANTS, INC. 2023

PLAN #: 20239RB-330894

NEW DATUM
HORIZONTAL
SYSTEM:NAD 83
STATE PLANE COORD

BENCHMARK
MCI POINT NUMBER 767
CAPPED IRON PIPE FOUND
LATITUDE: N038°54'51"
LONGITUDE: W075°25'23"
ELEVATION: 2.88'

BENCHMARK
MCI POINT NUMBER 209
CAPPED REBAR FOUND
LATITUDE: N038°54'51"
LONGITUDE: W075°25'16"
ELEVATION: 8.41'

25' WIDE RIPARIAN BUFFER SETBACK

MISPILLION RIVER

EDGE OF WATER 8/25/14

EX. BULKHEAD

EX. CONCRETE RIVERWALK

LANDS N/F OF CITY OF MILFORD

LANDS N/F OF CITY OF MILFORD TP #330-7.17-11.01 (DB 2080, PG 129)

UN-NAMED PUBLIC STREET (30' WIDE CITY RIGHT-OF-WAY)

MARSHALL STREET (40' WIDE CITY RIGHT-OF-WAY)

MISPILLION STREET (30' WIDE CITY RIGHT-OF-WAY)

COLUMBIA STREET (38' WIDE CITY RIGHT-OF-WAY)

McCOLLEY STREET (36' WIDE CITY RIGHT-OF-WAY)

PARCEL "A" STORMWATER MANAGEMENT & PASSIVE OPEN SPACE PARCEL (AREA=0.810 AC.)

PARCEL "B" RECREATIONAL OPEN SPACE PARCEL (AREA=0.942 AC.)

PROPOSED EPHEMERAL CONSTRUCTED WETLANDS

PROPOSED VEGETATED CHANNEL (BIOFILTRATION SWALE)

PR. R4 ROP (TY(P.)

PR. TWO STORY (7 UNIT) TOWNHOUSE BUILDING (5,954 S.F.) "A"

PR. TWO STORY (6 UNIT) TOWNHOUSE BUILDING (5,103 S.F.) "B"

PR. TWO STORY (7 UNIT) TOWNHOUSE BUILDING (5,954 S.F.) "C"

PERFORM TRENCH RESTORATION PER CITY OF MILFORD DETAIL OVER CLEANOUT AND METER SERVICE INSTALLATION

1-1/2" MILL & OVERLAY OVER ENTIRE WIDTH OF ROAD THROUGH PORTION HAVING TRENCH RESTORATION

(X2) 9' X 18' DRIVEWAY PARKING SPACE (TYP.)

15' WIDE EASEMENT FOR ACCESS & MAINTENANCE OF STORMWATER FACILITIES

15' UTILITY & SIDEWALK EASEMENT HEREBY DEDIC. TO THE CITY OF MILFORD

5' WIDE ADDITIONAL R/W DEDICATED TO THE CITY OF MILFORD PER PB 306, PG 43

PR. 5' WIDE P.C.C. SIDEWALK

PR. CURB TAPER (TYP.)

PR. TYPE 2 PEDESTRIAN CONNECTION

SAW CUT EDGE & PAVEMENT TIE-IN (SEE DETAIL)

MATCH EXISTING PAVEMENT IN LINE & GRADE

PR. P.C.C. CURB TYPE 3-6 (SEE DETAIL)

PR. P.C.C. CURB TYPE 3-4 (SEE DETAIL)

PROPOSED FULL DEPTH PAVEMENT SECTION (SEE DETAIL)

EX. HANDICAP RAMP

EX. DWELLING

PATIO/DECK (TYP.)

INSTALL DEPRESSED CURB

LANDS N/F OF J. SUDLER & JOAN W. LOFLAND ZONING: I-1 TP #330-7.17-10.00 (DB 2143, PG 204)

LANDS N/F OF J. SUDLER & JOAN W. LOFLAND ZONING: I-1 TP #330-7.17-68.01 (DB 4344, PG 185)

LANDS N/F OF J. SUDLER & JOAN W. LOFLAND ZONING: R-2 TP #330-7.17-48.00 (DB 4341, PG 227)

LANDS N/F OF J. SUDLER & JOAN W. LOFLAND ZONING: R-2 TP #330-7.17-49.00 (DB 4176, PG 55)

LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. TP #330-7.17-28.00 ZONING: R-2 (DB 5739, PG 310)

LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. TP #330-7.17-15.00 ZONING: R-2 (DB 5739, PG 310)

LANDS N/F OF NANCY & ROMONITA MARSHALL TP #330-7.17-14.00 ZONING: R-2

LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. TP #330-7.17-27.00 ZONING: R-2 (DB 5739, PG 310)

LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. TP #330-7.17-31.00 ZONING: R-2 (DB 5739, PG 310)

LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY TP #330-7.17-30.00 ZONING: R-2 (DB 5739, PG 310)

LANDS N/F OF ZOOK'S PROPERTY MANAGEMENT, LLC TP #330-7.17-46.00 ZONING: R-2 (DB 4658, PG 331)

LANDS N/F OF HARVEY G. GILLESPIE & LARAINE GILLESPIE TP #330-7.17-47.00 ZONING: R-2 (DB 2518, PG 220)

LANDS N/F OF JOSEPH E. WILEY & RENATE K. WILEY ZONING: R-2 TP #330-7.17-45.00

LANDS N/F OF JOSEPH E. WILEY & RENATE K. WILEY ZONING: R-2 TP #330-7.17-50.01

LANDS N/F OF J & R MARSHALL WEST, LLC ZONING: R-2 TP #330-7.17-44.00 (DB 4991, PG 164)

LANDS N/F OF

ZONE X SHADED

ZONE AE

ZONE A

STRUCTURE - (1A)

STRUCTURE - (1B)

STRUCTURE - (1C)

STRUCTURE - (2A)

STRUCTURE - (2B)

STRUCTURE - (2C)

STRUCTURE - (3A)

STRUCTURE - (3B)

STRUCTURE - (3C)

STRUCTURE - (3D)

Pipe - (1A)

Pipe - (1B)

Pipe - (2A)

Pipe - (2C)

Pipe - (3A)

EX. 1-STORY BLOCK STRUCTURE

EX. 1-STORY CONCRETE BLOCK STRUCTURE

EX. WHITE FENCE

EX. CONCRETE RIVERWALK

LEGEND

PROPERTY LINE	
BUILDING SETBACK LINE	BSL
RIPARIAN SETBACK LINE	RSL
PR. LOT LINE	
FLOODZONE	
UNREGULATED/ISOLATED WETLAND	
STREET RIGHT-OF-WAY	R/W
CENTERLINE	
PROPOSED DEPRESSED CURB	
PAVEMENT TIE-IN	
TREELINE	
PROPOSED BUILDING FOOTPRINT	
PROPOSED EASEMENT AREA	
EXISTING EASEMENT TO BE EXTINGUISHED	
PROPOSED PAVEMENT RESTORATION	
DEMOLITION AREA	
PR. CONCRETE SIDEWALK	
IRON PIN FOUND	
CAPPED REBAR SET	
IRON PIN IN CONCRETE FOUND	
SOIL BORING	
PROPOSED UNIT/LOT NUMBER	D7
PROPOSED CURB ELEVATION	TC(16.64) BC(16.31)
STREET CROSS-SECTION DESIGNATION	3

	EXISTING	PROPOSED
SANITARY SEWER	SS (S) MH	SS (S) MH
WATER LINE	4"W	4"W W.V.
STORM SEWER	42"RCP C.B.	C.B.
ELECTRIC	OHE U.P.	E U.P.
CONTOUR	20	8
HYDRANT		
SPOT ELEVATIONS	16.09 +	(16.30)
CULVERT (w/F.E.S.)	15"RCP	ST
WATER LINE	W	W
GAS LINE	GAS	GAS
UPRIGHT CURB		
WATER METER	WM	M
SANITARY SEWER CLEANOUT		

PRELIMINARY CONSTRUCTION IMPROVEMENT PLAN (SITE CONSTRUCTION)

FOR PROPERTY KNOWN AS:
RIVERWALK VILLAS
ALSO KNOWN AS:
#401 MISPILLION STREET
SITUATE IN:
CITY OF MILFORD * SUSSEX COUNTY
STATE OF DELAWARE
TAX PARCEL #: 330-7.17-11.00
SCALE: 1"=30'

GRAPHIC SCALE
30 0 30 90
1 inch = 30 ft.

ROGER A. GROSS, P.E. (DE REGISTRATION NO. 7842) DATE:

DATE	REVISION	CHKD.
6/19/23	PER CITY ENGINEER COMMENTS	R.A.G.

MERESTONE CONSULTANTS, INC.
ENGINEERS - PLANNERS - SURVEYORS
5215 WEST WOODMILL DRIVE UNIT 38 WILMINGTON, DE 19808 PH: 302-992-7900
35516 CROSSING AVENUE, UNIT 1 FIVE POINTS SQUARE LEWES, DE 19958 PH: 302-226-5880

DRAWN BY: HMG | DATE: 18 AUGUST 2022 | SHEET#: SP-4

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PLAN #: 20239RB-330894

Storm Sewer Pipe Table						
Pipe Name	Size (in)	Length (ft)	Slope (%)	Description	Beg. Structure	End Structure
Pipe - (1A)	15	47	4.25%	Concrete Pipe	Structure - (1A)	Structure - (1B)
Pipe - (1B)	15	179	3.79%	Concrete Pipe	Structure - (1B)	Structure - (1C)
Pipe - (2A)	12	13	2.95%	HDPE Pipe	Structure - (2A)	Structure - (2B)
Pipe - (2B)	12	118	3.00%	HDPE Pipe	Structure - (2B)	Structure - (2C)
Pipe - (2C)	12	92	2.14%	HDPE Pipe	Structure - (2C)	Structure - (2D)
Pipe - (3A)	12	17	2.77%	HDPE Pipe	Structure - (3A)	Structure - (3B)
Pipe - (3B)	12	79	2.38%	HDPE Pipe	Structure - (3B)	Structure - (3C)
Pipe - (3C)	12	124	1.58%	HDPE Pipe	Structure - (3C)	Structure - (3D)

Storm Sewer Structure Table		
Structure Name	Description	Structure Details
Structure - (1A)	66 x 30 Rect Structure 36 x 20 Frm 30 x 66 inch Rectangular Structure Doghouse Rectangular Junction Structure	Rim = 10.49, Depth = 10.14' Pipe - (1A) INV.(E) = 3.50
Structure - (1B)	34 x 24 Rect Structure 36 x 20 Frm 34 x 24 Rect. Structure 36 x 20 Grate Type C Inlet w/Type 3 Grate	Rim = 10.85, Depth = 5.66' Pipe - (1B) INV.(E) = 5.69 Pipe - (1A) INV.(W) = 5.69
Structure - (1C)	34 x 24 Rect Structure 36 x 20 Frm 34 x 24 Rect. Structure 36 x 20 Grate Type C Inlet w/Type 3 Grate	Rim = 14.92, Depth = 2.85' Pipe - (1B) INV.(W) = 12.57
Structure - (2A)	12 inch Flared End Section 41 x 33 HDPE Flared End Section	Pipe - (2A) INV.(SW) = 3.00
Structure - (2B)	24 inch Cylindrical Structure Nyloplast Cylindrical Junction Structure	Rim = 6.12, Depth = 3.22' Pipe - (2B) INV.(S) = 3.40 Pipe - (2A) INV.(NE) = 3.40
Structure - (2C)	24 inch Cylindrical Structure Nyloplast Cylindrical Junction Structure	Rim = 9.50, Depth = 3.00' Pipe - (2C) INV.(E) = 7.00 Pipe - (2B) INV.(N) = 7.00
Structure - (2D)	24 inch Cylindrical Structure Nyloplast Cylindrical Junction Structure	Rim = 12.72, Depth = 4.22' Pipe - (2C) INV.(W) = 9.00
Structure - (3A)	12 inch Flared End Section 41 x 33 HDPE Flared End Section	Pipe - (3A) INV.(SE) = 4.50
Structure - (3B)	24 inch Cylindrical Structure Nyloplast Cylindrical Junction Structure	Rim = 8.50, Depth = 4.00' Pipe - (3B) INV.(S) = 5.00 Pipe - (3A) INV.(NW) = 5.00
Structure - (3C)	24 inch Cylindrical Structure Nyloplast Cylindrical Junction Structure	Rim = 11.05, Depth = 4.55' Pipe - (3C) INV.(S) = 7.00 Pipe - (3B) INV.(N) = 7.00
Structure - (3D)	24 inch Cylindrical Structure Nyloplast Cylindrical Junction Structure	Rim = 12.50, Depth = 4.00' Pipe - (3C) INV.(N) = 9.00

LEGEND

PROPERTY LINE
BUILDING SETBACK LINE (BSL)
RIPARIAN SETBACK LINE (RSL)
PR. LOT LINE
FLOODZONE
UNREGULATED/ISOLATED WETLAND
STREET RIGHT-OF-WAY (R/W)
CENTERLINE
PROPOSED DEPRESSED CURB
PAVEMENT TIE-IN
TREELINE
PROPOSED BUILDING FOOTPRINT
PROPOSED EASEMENT AREA
EXISTING EASEMENT TO BE EXTINGUISHED
PROPOSED PAVEMENT RESTORATION
DEMOLITION AREA
PR. CONCRETE SIDEWALK
IRON PIN FOUND
CAPPED REBAR SET
IRON PIN IN CONCRETE FOUND
SOIL BORING
PROPOSED UNIT/LOT NUMBER (D7)
PROPOSED CURB ELEVATION (TC16.64 EC16.31)
STREET CROSS-SECTION DESIGNATION (3)

	EXISTING	PROPOSED
SANITARY SEWER	SS (S) MH	SS (S) MH
WATER LINE	4"W	4"W W.V.
STORM SEWER	42"RCP	C.B. C.B. U.P. U.P.
ELECTRIC	OHE	E
CONTOUR	20	8
HYDRANT		
SPOT ELEVATIONS	+ (16.30)	
CULVERT (w/F.E.S.)	15"RCP	ST
WATER LINE	W	W
GAS LINE	GAS	GAS
UPRIGHT CURB		
WATER METER	WM	M
SANITARY SEWER CLEANOUT	CO	

SHEET INDEX:

RECORD SITE PLAN COVER PAGE	SHEET NO. SP-1
EXISTING CONDITIONS & DEMOLITION PLAN	SHEET NO. SP-2
PRELIMINARY RECORD SITE PLAN	SHEET NO. SP-3
PRELIMINARY CONSTRUCTION IMPROVEMENT PLANS	
SITE CONSTRUCTION PLAN	SHEET NO. SP-4
UTILITY CONSTRUCTION PLAN	SHEET NO. SP-5
SITE GRADING	SHEET NO. SP-6
SITE DETAILS PLAN	SHEET NO. SP-7
DRAINAGE DETAILS	SHEET NO. SP-8
PRELIMINARY LANDSCAPE PLAN	SHEET NO. SP-9

PRELIMINARY CONSTRUCTION IMPROVEMENT PLAN (UTILITY CONSTRUCTION)

FOR PROPERTY KNOWN AS:

RIVERWALK VILLAS

ALSO KNOWN AS:

#401 MISPILLION STREET

SITUATE IN:

CITY OF MILFORD * SUSSEX COUNTY
STATE OF DELAWARE
TAX PARCEL #: 330-7.17-11.00
SCALE: 1"=30'

GRAPHIC SCALE
30 0 30 90
1 inch = 30 ft.

ROGER A. GROSS, P.E. (DE REGISTRATION NO. 7842) DATE:

DATE	REVISION	CHKD.	DRAWN BY: HMG	DATE: 18 AUGUST 2022	SHEET#: SP-5
6/19/23	PER CITY ENGINEER COMMENTS	R.A.G.			

MERESTONE CONSULTANTS, INC.
ENGINEERS - PLANNERS - SURVEYORS
5215 WEST WOODMILL DRIVE UNIT 38 WILMINGTON, DE 19808 PH: 302-992-7900
35516 CROSSING AVENUE, UNIT 1 FIVE POINTS SQUARE LEWES, DE 19958 PH: 302-226-5880

©MERESTONE CONSULTANTS, INC. 2023

PLAN #: 20239RB-330894

NAD 83 DATUM DELAWARE STATE PLANE COORD. SYSTEM

BENCHMARK
MCI POINT NUMBER 767
CAPPED IRON PIPE FOUND
LATITUDE: N038°54'51"
LONGITUDE: W075°25'23"
ELEVATION: 2.88'

BENCHMARK
MCI POINT NUMBER 209
CAPPED REBAR FOUND
LATITUDE: N038°54'51"
LONGITUDE: W075°25'16"
ELEVATION: 8.41'

25' WIDE RIPARIAN BUFFER SETBACK

MISPILLION RIVER

EDGE OF WATER 8/25/14

EX. BULKHEAD

EX. CONCRETE RIVERWALK

LANDS N/F OF CITY OF MILFORD

LANDS N/F OF CITY OF MILFORD TP #330-7.17-11.01 (DB 2080, PG 129)

UN-NAMED PUBLIC STREET (30' WIDE CITY RIGHT-OF-WAY)

MARSHALL STREET (40' WIDE CITY RIGHT-OF-WAY)

MISPILLION STREET (30' WIDE CITY RIGHT-OF-WAY)

COLUMBIA STREET (38' WIDE CITY RIGHT-OF-WAY)

McCOLLEY STREET (36' WIDE CITY RIGHT-OF-WAY)

EX. 1-STORY BLOCK STRUCTURE

EX. WOOD DECK & STAIRS

EX. WOOD DECK

EX. CONCRETE SIDEWALK

PARCEL "A" STORMWATER MANAGEMENT & PASSIVE OPEN SPACE PARCEL (AREA=0.810 AC.)

PROPOSED EPHEMERAL CONSTRUCTED WETLANDS

PARCEL "B" RECREATIONAL OPEN SPACE PARCEL (AREA=0.942 AC.)

PROPOSED VEGETATED CHANNEL (BIOFILTRATION SWALE)

PR. R4 ROP (TY[P.)

PR. TWO STORY (7 UNIT) TOWNHOUSE BUILDING (5,954 S.F.) "A"

PR. TWO STORY (6 UNIT) TOWNHOUSE BUILDING (5,103 S.F.) "B"

PR. TWO STORY (7 UNIT) TOWNHOUSE BUILDING (5,954 S.F.) "C"

PR. TWO STORY (7 UNIT) TOWNHOUSE BUILDING (5,954 S.F.) "D"

15' UTILITY & SIDEWALK EASEMENT HEREBY DEDICATED TO THE CITY OF MILFORD

15' WIDE EASEMENT FOR ACCESS & MAINTENANCE OF STORMWATER FACILITIES

PR. 5' WIDE P.C.C. SIDEWALK

PR. 6' WIDE SIDEWALK

5' WIDE ADDITIONAL R/W DEDICATED TO THE CITY OF MILFORD PER PB 306, PG 43

PATIO/DECK (TYP.)

ZONE AE-10 ZONE X (SHADED) ZONE X

LANDS N/F OF J. SUDLER & JOAN W. LOFLAND TP #330-7.17-10.00 ZONING: I-1 (DB 2143, PG 204)

LANDS N/F OF J. SUDLER & JOAN W. LOFLAND TP #330-7.17-48.00 ZONING: R-2 (DB 4344, PG 185)

LANDS N/F OF J. SUDLER & JOAN W. LOFLAND ZONING: R-2 TP #330-7.17-48.00 (DB 4341, PG 227)

LANDS N/F OF J. SUDLER & JOAN W. LOFLAND ZONING: R-2 TP #330-7.17-49.00 (DB 4176, PG 55)

LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC.TP #330-7.17-15.00 ZONING: R-310)

LANDS N/F OF NANCY & ROMONITA MARSHALL TP #330-7.17-14.00 ZONING: R-2

LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. TP #330-7.17-28.00 ZONING: R-2 (DB 5739, PG 310)

LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. #330-7.17-27.00 ZONING: R-2 (DB 5739, PG 310)

LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. TP #330-7.17-29.00 ZONING: R-2 (DB 5739, PG 310)

LANDS N/F OF SUSSEX COUNTY HABITAT FOR HUMANITY INC. TP #330-7.17-30.00 ZONING: R-2 (DB 5739, PG 310)

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LANDS N/F OF HARVEY G. GILLESPIE & LARAINE GILLESPIE TP #330-7.17-47.00 ZONING: R-2 (DB 2518, PG 220)

LANDS N/F OF ZOOK'S PROPERTY MANAGEMENT, LLC TP #330-7.17-46.00 ZONING: R-2 (DB 4658, PG 331)

LANDS N/F OF JOSEPH E. WILEY & RENATE K. WILEY ZONING: R-2 TP #330-7.17-45.00

LANDS N/F OF J & R MARSHALL WEST, LLC ZONING: R-2 TP #330-7.17-44.00 (DB 4991, PG 164)

LANDS N/F OF JOSEPH E. WILEY & RENATE K. WILEY ZONING: R-2 TP #330-7.17-50.01

LANDS N/F OF JOSEPH E. WIL RENATE K. WI ZONING: R- TP #330-7.17-5

EX. DWELLING

PORCH

EX. SHED

EX. GAZEBO

EX. POOL

EX. WOOD FENCE

EX. CHAIN LINK FENCE

EX. WOOD PICKET FENCE

EX. WOOD PRIVACY FENCE

EX. WOOD RAIL FENCE

EX. CHIMNEY

EX. OVERHEAD UTILITY

EX. GAS

EX. WATER

EX. SANITARY SEWER

EX. STORM SEWER

EX. CONTOUR

EX. TREELINE

EX. SPOT ELEVATIONS

EX. CURB

EX. GUY WIRE

EX. UTILITY POLE

EX. LIGHT POLE

EX. MAILBOX

EX. FIRE HYDRANT

EX. WATER VALVE

EX. GAS VALVE

EX. SIGN

EX. TREE

EX. SHRUB

EX. BUSH

EX. FLAG POLE

EX. AIR CONDITIONER

EX. GAS METER

EX. ELECTRIC METER

EX. WATER METER

EX. SANITARY SEWER CLEANOUT

EX. STORM SEWER MANHOLE

EX. STORM SEWER INLET

EX. STORM SEWER CLEANOUT

EX. SANITARY SEWER MANHOLE

EX. CATCH BASIN

EX. FLARED END SECTION

EX. ROOF DRAIN

EX. SILT FENCE

EX. SOIL BORING

EX. MONITORING WELL

EX. TEST PIT

EX. PERCOLATION TEST

EX. BENCHMARK

EX. SURVEY MONUMENT

EX. IRON PIN FOUND

EX. CAPPED REBAR SET

EX. IRON PIN IN CONCRETE FOUND

EX. CONCRETE MONUMENT FOUND

EX. CONCRETE MONUMENT SET

EX. PK NAIL FOUND

EX. PK NAIL SET

EX. RAILROAD SPIKE FOUND

EX. RAILROAD SPIKE SET

EX. MITERED END SECTION

EX. TRAFFIC SIGNAL

EX. TRAFFIC SIGNAL CONTROL BOX

EX. TRAFFIC SIGNAL PEDESTAL

EX. TRAFFIC SIGNAL PUSH BUTTON

EX. TRAFFIC SIGNAL CONTROLLER

EX. TRAFFIC SIGNAL CONDUIT

EX. TRAFFIC SIGNAL CABLE

EX. TRAFFIC SIGNAL CONTROL CABLE

EX. TRAFFIC SIGNAL INTERCONNECT CABLE

EX. TRAFFIC SIGNAL LOOP DETECTOR

EX. TRAFFIC SIGNAL CAMERA

EX. TRAFFIC SIGNAL CAMERA CABLE

EX. TRAFFIC SIGNAL CAMERA CONDUIT

EX. TRAFFIC SIGNAL CAMERA CONTROL CABLE

EX. TRAFFIC SIGNAL CAMERA INTERCONNECT CABLE

EX. TRAFFIC SIGNAL CAMERA LOOP DETECTOR

EX. TRAFFIC SIGNAL CAMERA CONTROL BOX

EX. TRAFFIC SIGNAL CAMERA PEDESTAL

EX. TRAFFIC SIGNAL CAMERA PUSH BUTTON

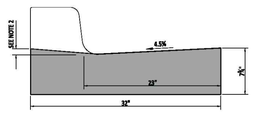
EX. TRAFFIC SIGNAL CAMERA CONTROLLER

EX. TRAFFIC SIGNAL CAMERA CONDUIT

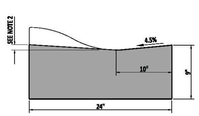
EX. TRAFFIC SIGNAL CAMERA CABLE

THIS DETAIL IS TO BE USED ONLY FOR THE SECTIONS OF CURB & GUTTER THAT ARE DIRECTLY IN FRONT OF THE PEDESTRIAN CONNECTIONS. REFER TO DETAIL C-1, SHEET 2 FOR TYPICAL CURB DIMENSIONS AND FOR DEPRESSING CURB AT DRIVEWAYS

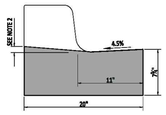
SCALE : NTS



INTEGRAL PCC CURB AND GUTTER
TYPES 1-3 THRU 1-8



INTEGRAL PCC CURB AND GUTTER
TYPE 2



INTEGRAL PCC CURB AND GUTTER
TYPES 3-2 THRU 3-8

NOTES:
1). WHEN PCC CURB OR INTEGRAL PCC CURB AND GUTTER IS PLACED ADJACENT TO PORTLAND CEMENT CONCRETE PAVEMENT, CONSTRUCT THE JOINT AS PER THE LONGITUDINAL JOINT SEALANT DETAIL ON DETAIL P-2, SHEET 3. USE APPROVED JOINT FILLER TO SEAL. WORK TO BE PAID UNDER RESPECTIVE CURB AND GUTTER ITEM.
2). DEPRESS CURB FLUSH WITH PAVEMENT WITH NO 1.0% SLOPE THE TOP OF THE CURB TO MATCH THE RUNNING SLOPE OF THE ADJACENT PEDESTRIAN CONNECTION.
3). WHEN ROADWAY GEOMETRY DEVELOPS SHEET FLOW ANWY FROM THE INTEGRAL PCC CURB AND GUTTER, TRANSITION THE GUTTER TO A 4.0% SLOPE TOWARDS THE ROADWAY. PROVIDE AN ADEQUATE TRANSITION LENGTH TO PROVIDE POSITIVE DRAINAGE.
4). SEE TYPICAL CURB AND GUTTER SECTION DETAIL ON DETAIL C-1, SHEET 2 FOR PLACEMENT OF GABC UNDER CURB AND GUTTER.
5). TRANSITION FROM NON-COMPLIANT PCC GUTTER SLOPE OVER 15' WHEN LONGITUDINAL SLOPE IS LESS THAN 0.4%.

INTEGRAL PCC CURB AND GUTTER TYPE 3

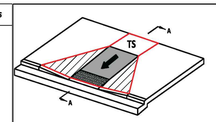
LONGITUDINAL SLOPE	TRANSITION LENGTH REQUIRED TO MEET 0.003 MIN SLOPE
0.003	N/A
0.004	25
0.005 OR MORE	15

INTEGRAL PCC CURB AND GUTTER TYPE 1

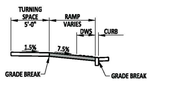
LONGITUDINAL SLOPE	TRANSITION LENGTH REQUIRED TO MEET 0.003 MIN SLOPE
0.003	N/A
0.004	65
0.005	35
0.006	25
0.007	20
0.008 OR MORE	15

DelDOT					
Andrew Shatt 12/13/2022 ENGINEERING SUPPORT DATE	INTEGRAL PCC CURB & GUTTER (FOR USE AT PEDESTRIAN CONNECTIONS ONLY)			REVIEWED	12/16/2022 DEPUTY DIRECTOR, ENGINEER DATE
RECOMMENDED	STANDARD NO. C-1 (2022)	SHT. 3	OF 4	APPROVED	12/21/2022 CHIEF ENGINEER DATE

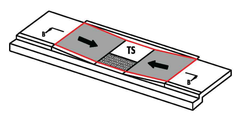
SCALE : NTS



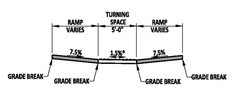
PERPENDICULAR CURB RAMP
SEE SHEET 2 AND 3 FOR LAYOUT ALTERNATIVES



SECTION A-A



PARALLEL CURB RAMP
SEE SHEET 4 FOR LAYOUT ALTERNATIVES



SECTION B-B
*SEE NOTE 3

LEGEND

- TS — TURNING SPACE
- RAMP
- BLENDED TRANSITION
- CROSSWALK STRIPING
- BUFFER OR OTHER NON-WALKABLE SURFACE
- TRIANGULAR AREA
- DETECTABLE WARNING SURFACE
- FLARED SIDE
- LIMIT OF 6" MIN. SIDEWALK OVER 6" GABC

GENERAL PEDESTRIAN CONNECTION NOTES:
1). TO AVOID CHASING GRADE INDEFINITELY ON STEEP ROADWAYS, RAMP LENGTH IS NOT REQUIRED TO EXCEED 15'-0" REGARDLESS OF THE RESULTING RAMP RUNNING SLOPE.
2). ALL JOINTS AND GRADE BREAKS ARE TO BE CONSTRUCTED FLUSH.
3). TO CREATE A FLUSH TRANSITION TO THE STREET, THE CROSS SLOPE OF THE INDICATED ELEMENTS MAY EXCEED THE REQUIRED 2.0% MAXIMUM CROSS SLOPE. THE ELEMENT PERMITTED TO EXCEED THE 2.0% MAXIMUM VARIES BY PEDESTRIAN CONNECTION TYPE. SEE THE CURRENT PEDESTRIAN ACCESSIBILITY STANDARDS MANUAL FOR ADDITIONAL INFORMATION ABOUT WHICH ELEMENTS MAY BE PERMITTED TO EXCEED THE 2.0% MAXIMUM. IN ALL CASES, THE CROSS SLOPE OF THE ELEMENT PERMITTED TO EXCEED THE 2.0% MAXIMUM IS NOT TO EXCEED THE SLOPE OF THE ADJACENT ROADWAY.
4). GRADE BREAKS AT THE TOP AND BOTTOM OF A RAMP, BLENDED TRANSITION, AND TURNING SPACE SHALL BE PERPENDICULAR TO THE RUNNING SLOPE. GRADE BREAKS SHALL NOT BE LOCATED WITHIN THE RAMP, BLENDED TRANSITION, TURNING SPACE, OR DETECTABLE WARNING SURFACE.
5). WHEN ADJACENT TO GRASS, A 6:1 GRADE IS REQUIRED FOR A MINIMUM OF 2'-0" ADJACENT TO THE PEDESTRIAN CONNECTION IN ACCORDANCE WITH M-3, SHEET 1. ALTERNATIVELY, A CURB AT THE BACK OF THE PEDESTRIAN PATH MAY BE INSTALLED AT DEPRESSED TURNING SPACES OR RAMP SEGMENTS IN LIEU OF PROVIDING A 6:1 GRADE.
6). SEE PLANS FOR WIDTH. PEDESTRIAN CONNECTIONS THAT SERVE SHARED USE PATHS ARE TO PROVIDE A RAMP WIDTH AND TURNING SPACE WIDTH THE SAME WIDTH AS THE APPROACH SHARED USE PATH.
7). PROVIDE A TURNING SPACE AT LOCATIONS WHERE THE PRIMARY DIRECTION OF TRAVEL IS REQUIRED TO CHANGE IN ORDER TO ACCESS THE PEDESTRIAN CONNECTION IN ACCORDANCE WITH THESE SHEETS.
8). IN ALTERATIONS, WHERE THE PEDESTRIAN CONNECTION WILL TIE INTO AN EXISTING CROSS SLOPE THAT EXCEEDS 2.0%, PLACE A MINIMUM 5'-0" LONG TRANSITION SLAB IN THE DIRECTION OF PEDESTRIAN TRAVEL TO CONNECT THE NEW PEDESTRIAN CONNECTION TO THE EXISTING PEDESTRIAN PATH. THE TRANSITION SLAB SHALL NOT OVERLAP ANY OTHER REQUIRED PEDESTRIAN CONNECTION ELEMENT. THE CROSS SLOPE TRANSITION SHALL BE SPREAD EVENLY OVER THE SLAB TO MINIMIZE THE DEGREE OF WARPING. THE RATE OF CROSS SLOPE CHANGE IN THE TRANSITION AREA SHALL NOT EXCEED 3% PER LINEAR FOOT.
9). REFER TO THE DE MUTCD FOR DETAILS REGARDING THE LOCATION OF PEDESTRIAN PUSH BUTTONS.
10). PROVIDE FLARED SIDES ON PERPENDICULAR CURB RAMPS AND BLENDED TRANSITIONS WHERE THE RAMP OR BLENDED TRANSITION EDGE ABUTS A WALKABLE SURFACE. UNLESS APPROVED OTHERWISE BY THE ENGINEER, PROVIDE JOINTS BETWEEN THE FLARED SIDE AND THE ABUTTING WALKABLE SURFACE AND RAMPED SEGMENT. FLARED SIDES MAY BE SUBSTITUTED WITH APPROVAL OF THE ENGINEER WITH VERTICAL RETURNED CURBS OR A 4:1 CURB TAPER WITH ASSOCIATED GRADING ALONG THE RAMP WHERE THE RAMP ABUTS A NON-WALKABLE SURFACE, OR WHERE THE ADJACENT RAMP SURFACE IS BLOCKED TO PEDESTRIAN TRAFFIC. THE RETURNED CURB MUST NOT AFFECT THE CLEAR WIDTH OF THE PEDESTRIAN ACCESS ROUTE AND SHALL BE FLUSH WITH THE PEDESTRIAN PATH AT TERMINATION.
11). LAYOUT JOINTS AND EXPANSION MATERIAL IN ACCORDANCE WITH M-3, SHEET 1 OF 1.
12). ALIGN THE PEDESTRIAN CONNECTION AND THE CROSSWALK SO THAT A 4'-0" X 4'-0" CLEAR SPACE AREA LOCATED BELOW THE BOTTOM GRADE BREAK OF CURB RAMPS AND BLENDED TRANSITIONS IS CONTAINED WHOLLY WITHIN THE CROSSWALK. ONLY DIAGONAL CURB RAMPS REQUIRE THAT THE CLEAR SPACE BE LOCATED OUTSIDE OF THE PARALLEL VEHICLE TRAVEL LANE AND THAT A SEGMENT OF CURB 2'-0" LONG MINIMUM BE LOCATED ON EACH SIDE OF THE DIAGONAL CURB RAMP'S FLARED SIDES AND BE WITHIN THE MARKED CROSSING.
13). WHERE PEDESTRIAN CONNECTIONS ARE LOCATED ON A RADII, THE REQUIRED DIMENSIONS ARE MEASURED PERPENDICULAR TO THE PEDESTRIAN CONNECTION ELEMENT AND NOT ALONG THE CURVE. SEE THE CURRENT DELDOT PAS MANUAL FOR ADDITIONAL INFORMATION.

REQUIRED ELEMENT DIMENSIONS AND CRITERIA (APPLIES TO ALL SHEETS OF STANDARD C-2)

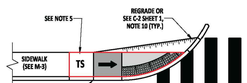
PEDESTRIAN CONNECTION ELEMENT	CRITERIA	LIMITS FOR DESIGN AND LAYOUT	LIMITS FOR WORK ACCEPTANCE	RELATED NOTES
RAMP	WIDTH	5'-0" MIN.	5'-0" MIN.	SEE NOTE 6
	RUNNING SLOPE	7.5%	8.3% MAX.	SEE NOTE 1
	CROSS SLOPE	1.5%	2.0% MAX.	SEE NOTE 3
	SLOPE OF FLARED SIDE	9.5%	10.0% MAX.	SEE NOTE 10
TURNING SPACE	DIMENSION	5'-0" X 5'-0" MIN.	5'-0" X 5'-0" MIN.	SEE NOTE 6
	RUNNING SLOPE	1.5%	2.0% MAX.	
	CROSS SLOPE	1.5%	2.0% MAX.	SEE NOTE 3
BLENDED TRANSITION	RUNNING SLOPE	4.5%	5.0 MAX.	
	CROSS SLOPE	1.5%	2.0% MAX.	SEE NOTE 3
TRIANGULAR AREA	RUNNING SLOPE	1.5%	5.0% MAX.	
	CROSS SLOPE	1.5%	2.0% MAX.	SEE NOTE 3
CLEAR SPACE	DIMENSION	4'-0" X 4'-0"	4'-0" X 4'-0"	SEE NOTE 12

* CROSS SLOPE IS MEASURED PERPENDICULAR TO THE PRIMARY DIRECTION OF PEDESTRIAN TRAVEL.
** RUNNING SLOPE IS MEASURED PARALLEL TO THE PRIMARY DIRECTION OF PEDESTRIAN TRAVEL.
*** ALL SLOPES ARE MEASURED WITH RESPECT TO A LEVEL PLANE.

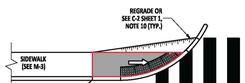
DelDOT					
03/07/2022 ENGINEERING SUPPORT DATE	PEDESTRIAN CONNECTIONS, GENERAL NOTES			REVIEWED	03/20/2022 DEPUTY DIRECTOR, ENGINEER DATE
RECOMMENDED	STANDARD NO. C-2 (2021)	SHT. 1	OF 7	APPROVED	03/30/2022 CHIEF ENGINEER DATE

12/13/2022

SCALE : NTS



DIRECTIONAL WITH BUFFER STRIP



DIRECTIONAL BLENDED TRANSITION WITH BUFFER STRIP

LEGEND

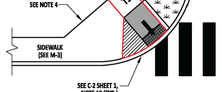
- TS — TURNING SPACE
- RAMP
- BLENDED TRANSITION
- CROSSWALK STRIPING
- BUFFER OR OTHER NON-WALKABLE SURFACE
- TRIANGULAR AREA
- DETECTABLE WARNING SURFACE
- FLARED SIDE
- LIMIT OF 6" MIN. SIDEWALK OVER 6" GABC



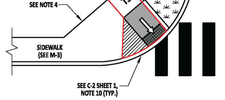
DIRECTIONAL WITH NO BUFFER STRIP
SEE NOTE 6



DIRECTIONAL BLENDED TRANSITION WITH NO BUFFER STRIP
SEE NOTE 6



PERPENDICULAR NON-DIRECTIONAL



PERPENDICULAR NON-DIRECTIONAL BLENDED TRANSITION

PEDESTRIAN CONNECTION, TYPE 1: PERPENDICULAR CURB RAMPS AND BLENDED TRANSITIONS
SINGLE APPROACH LAYOUT ALTERNATIVES

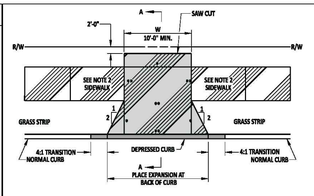
NOTES:
1). SEE C-2, SHEET 1 FOR GENERAL PEDESTRIAN CONNECTION NOTES AND ELIMENT REQUIREMENTS.
2). PERPENDICULAR CURB RAMPS HAVE A RAMPED SECTION THAT CUTS THROUGH THE CURB AT AN ANGLE. SEE THE CURRENT DELDOT PAS MANUAL FOR ADDITIONAL INFORMATION.
3). A SINGLE PERPENDICULAR CURB RAMP LOCATED ON THE APEX OF A CURB RETURN AND WHICH SERVES TWO SEPARATE CROSSWALKS IS CONSIDERED A DIAGONAL CURB RAMP. INSTALLATION OF A DIAGONAL CURB RAMP REQUIRES APPROVAL FROM THE DEPARTMENT'S OFFICE OF CIVIL RIGHTS.
4). LOCATE THE BACK OF PEDESTRIAN PATH IN A MANNER THAT ALLOWS FOR THE INSTALLATION OF A TURNING SPACE AT THE TOP OF THE PERPENDICULAR CURB RAMP.
5). A TURNING SPACE IS NOT REQUIRED AT THE TOP OF THE RAMP WHEN NO TURNING MOVEMENT IS REQUIRED TO ENTER OR EXIT THE RAMP.
6). USE OF A SINGLE APPROACH PARALLEL CURB RAMP (SEE C-2, SHEET 4) IS PREFERRED TO THE USE OF A SINGLE APPROACH DIRECTIONAL WITH NO BUFFER STRIP PERPENDICULAR TYPE APPLICATION.
7). SEE C-2, SHEET 7, NOTE 5 FOR ADDITIONAL INFORMATION ON THE PLACEMENT OF THE DETECTABLE WARNING SURFACE.

DelDOT					
Andrew Shatt 12/13/2022 ENGINEERING SUPPORT DATE	PEDESTRIAN CONNECTION, TYPE 1			REVIEWED	12/16/2022 DEPUTY DIRECTOR, ENGINEER DATE
RECOMMENDED	STANDARD NO. C-2 (2022)	SHT. 3	OF 7	APPROVED	12/21/2022 CHIEF ENGINEER DATE

12/13/2022

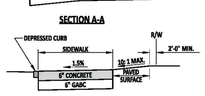
08/20/2020

SCALE : NTS

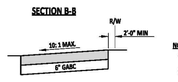


ENTRANCE WITH SIDEWALK AND GRASS STRIP
* - JOINT
** - EXPANSION MATERIAL

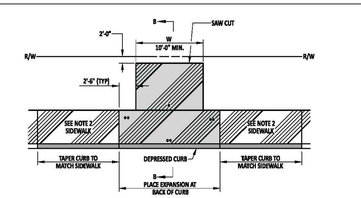
SECTION A-A



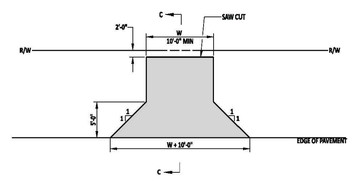
SECTION B-B



SECTION C-C



ENTRANCE WITH SIDEWALK AND NO GRASS STRIP
* - JOINT
** - EXPANSION MATERIAL



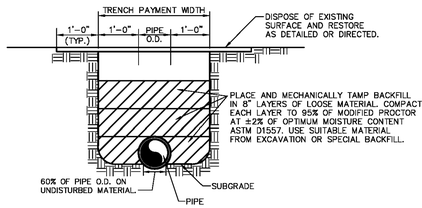
ENTRANCE WITHOUT SIDEWALK

NOTES:
1). A MAXIMUM SIDEWALK RUNNING SLOPE OF 4.5% IS PREFERRED WITH ALLOWANCE TO FOLLOW THE ADJACENT ROAD GRADES.
2). PROVIDE A SIDEWALK RUNNING SLOPE OF 4.5% LEADING TO THE DRIVEWAY APRON. THE LENGTH OF THE SLOPED SEGMENT LEADING TO THE DRIVEWAY APRON MAY BE LIMITED TO 15'-0" WHEN A 4.5% RUNNING SLOPE CREATES A GRADE CHASING SCENARIO.

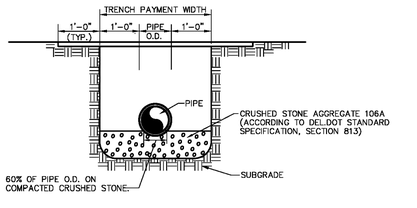
- PCC SIDEWALK
- PCC 6"

DelDOT					
Andrew Shatt 12/13/2022 ENGINEERING SUPPORT DATE	ENTRANCES			REVIEWED	12/16/2022 DEPUTY DIRECTOR, ENGINEER DATE
RECOMMENDED	STANDARD NO. C-3 (2022)	SHT. 1	OF 1	APPROVED	12/21/2022 CHIEF ENGINEER DATE

12/13/2022



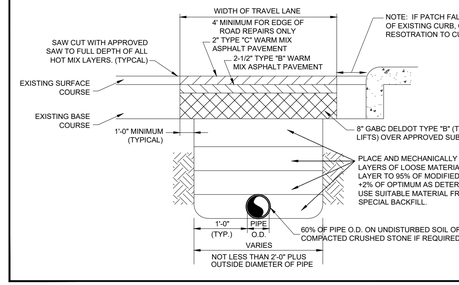
TRENCH BACKFILL



CRUSHED STONE BEDDING

DATE:	REVISION NO.:	APPROVED:
CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS WATER & WASTEWATER DIVISION CONSTRUCTION STANDARDS		TRENCH BACKFILL & PIPE BEDDING DETAIL NO SCALE
	SECTION - 1	DRAWING: D1-1

PERMANENT CROSS ROAD AND LONGITUDINAL PATCH DETAIL
HOT-MIX OVER CRUSHER RUN OR DEEP LIFT TYPE BASE COURSE
(NOT TO SCALE)

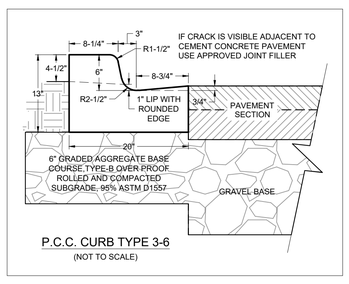


SHEET INDEX:

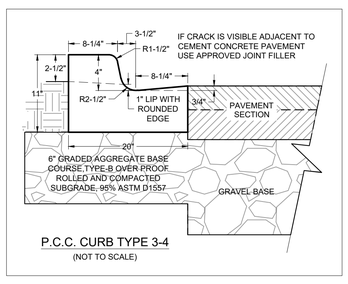
RECORD SITE PLAN COVER PAGE	SHEET NO. SP-1
EXISTING CONDITIONS & DEMOLITION PLAN	SHEET NO. SP-2
PRELIMINARY RECORD SITE PLAN	SHEET NO. SP-3
PRELIMINARY CONSTRUCTION IMPROVEMENT PLANS	
SITE CONSTRUCTION PLAN	SHEET NO. SP-4
UTILITY CONSTRUCTION PLAN	SHEET NO. SP-5
SITE GRADING	SHEET NO. SP-6
SITE DETAILS PLAN	SHEET NO. SP-7
DRAINAGE DETAILS	SHEET NO. SP-8
PRELIMINARY LANDSCAPE PLAN	SHEET NO. SP-9

PRELIMINARY CONSTRUCTION IMPROVEMENT PLAN (SITE DETAILS)

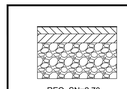
FOR PROPERTY KNOWN AS:
RIVERWALK VILLAS
ALSO KNOWN AS:
#401 MISPILLION STREET
SITUATE IN:
CITY OF MILFORD * SUSSEX COUNTY
STATE OF DELAWARE
TAX PARCEL #: 330-7.17-11.00
SCALE: AS SHOWN



P.C.C. CURB TYPE 3-6
(NOT TO SCALE)



P.C.C. CURB TYPE 3-4
(NOT TO SCALE)

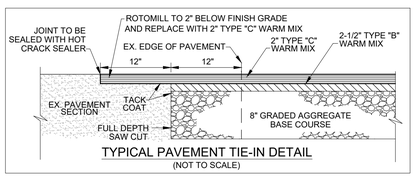


2" SUPERPAVE, TYPE "C", PG 64-22 (CARBONATE STONE) (401005)
2-1/2" SUPERPAVE, TYPE "B", PG 64-22 (CARBONATE STONE) (401014)
8" GABC (301001) TWO LIFTS

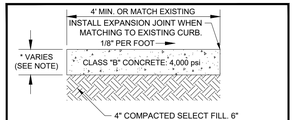
REQ. SN=2.70
PR. SN=2.92

NOTE: SUBGRADE SHALL BE PREPARED IN ACCORDANCE TO DEL. D.O.T. STANDARD SPECIFICATIONS.

MISPILLION STREET PAVEMENT SECTION DETAIL
(NOT TO SCALE)

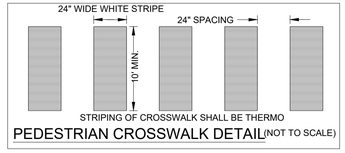


TYPICAL PAVEMENT TIE-IN DETAIL
(NOT TO SCALE)



NOTES:
1. PLACE EXPANSION JOINTS 20' ON CENTER AND CONTROL JOINTS 5' ON CENTER OR MATCH EXISTING PATTERN.
2. STANDARD SIDEWALK SHALL BE 4" THICK. FOR DEPRESSED AND TRANSITION AREAS, SIDEWALK SHALL BE 6" THICK.

SIDEWALK DETAIL
(NOT TO SCALE)



PEDESTRIAN CROSSWALK DETAIL(NOT TO SCALE)

ROGER A. GROSS, P.E. (DE REGISTRATION NO. 7842) DATE:

DATE	REVISION	CHKD.	
6/19/23	PER CITY ENGINEER COMMENTS	R.A.G.	

MERESTONE CONSULTANTS, INC.
ENGINEERS - PLANNERS - SURVEYORS

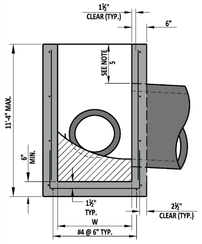
5215 WEST WOODMILL DRIVE UNIT 38 WILMINGTON, DE 19808 PH: 302-992-7900
35516 CROSSING AVENUE, UNIT 1 FIVE POINTS SQUARE LEWES, DE 19958 PH: 302-226-5880

DRAWN BY: HMG | DATE: 18 AUGUST 2022 | SHEET#: SP-7

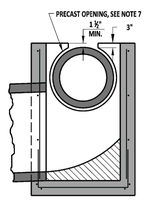
©MERESTONE CONSULTANTS, INC. 2023

PLAN #: 20239RB-330894

SCALE : NTS



SECTION A-A



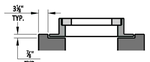
OPTIONAL PIPE OPENING DETAIL

SEE NOTE 5

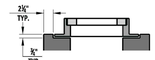
INLET BOX SCHEDULE			
L	W	FABRICATION TOLERANCE	
17⅞"	11⅞"	+1"	*
24"	24"	+1"	*
34"	18"	-1"	**
34"	24"	-1"	
48"	30"	+6"	
48"	48"	+6"	
66"	30"	+6"	
66"	48"	+6"	
66"	66"	+6"	
72"	24"	-1"	
72"	48"	-1"	
72"	72"	-1"	

* - THESE SIZES ARE TO BE USED FOR LAWN INLETS AND ARE NOT INTENDED TO BE USED IN THE TRAVELWAY. THE MAX DEPTH FOR THESE INLETS IS 4'. SEE NOTE 8 FOR REINFORCEMENT.
** - MAX DEPTH IS 4' FOR THIS DRAINAGE INLET.

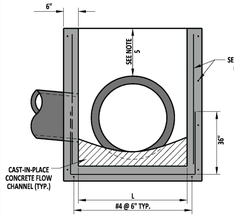
WALL REINFORCEMENT SCHEDULE		
INTERIOR WALL DIMENSION	AREA OF HORIZONTAL REINFORCEMENT PER FOOT IN²	AREA OF VERTICAL REINFORCEMENT PER FOOT IN²
LESS THAN 4'	0.132	0.132
≥ 4'	0.163	0.132
≥ 4.5'	0.198	0.132
≥ 5'	0.239	0.132
≥ 5.5'	0.284	0.132



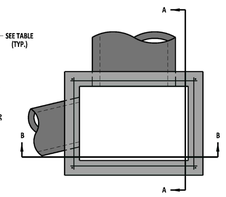
24" X 24" LAWN INLET BOX DETAIL



17 ⅞" X 11 ⅝" LAWN INLET BOX DETAIL



SECTION B-B



TOP VIEW

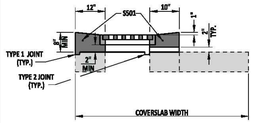
NOTES:

1). PROVIDE PRECAST OR CAST-IN-PLACE INLET BOXES IN ACCORDANCE WITH SECTION 602 .
2). DO NOT INSTALL PIPES THROUGH ANY CORNER OF THE INLET BOX.
3). RISER SECTIONS MAY BE USED FOR DEEP INLET BOXES.
4). PIPES MAY BE INSTALLED NEAR OR THROUGH JOINTS FOR RISER SECTIONS.
5). WHEN THE COVER ABOVE THE PIPE IS LESS THAN 4" TO THE COVER SLAB OR TOP UNIT OPENING, THE PORTION OF BOX WALL ABOVE THE PIPE MAY BE REMOVED AS SHOWN IN THE OPTIONAL PIPE OPENING DETAIL. FORM AND FILL THE AREA ABOVE THE PIPE WITH HIGH-STRENGTH, NON-SHRINK GROUT MIXED WITH COARSE AGGREGATE IN A 1:1 RATIO BY WEIGHT.
6). ENSURE POSITIVE FLOW WHEN CONSTRUCTING THE FLOW CHANNEL.
7). WHEN INLET BOX IS PRECAST, PROVIDE A PIPE OPENING DIAMETER BETWEEN 3" AND 4" LARGER THAN OUTSIDE DIAMETER OF PIPE.
8). USE 4" X 4", W4 X W4 WELDED WIRE AS REINFORCEMENT FOR LAWN INLET BOXES.
9). EXTEND PIPE TO BE FLUSH WITH THE INSIDE WALL OF THE INLET BOX IN ACCORDANCE WITH SECTION 602.3.B OF THE STANDARD SPECIFICATIONS.
10).PIPE SHALL NOT ENCROACH ON ADJACENT WALL.
11).INSTALL STEPS IN ACCORDANCE WITH SECTION 602.3.B WHEN INLETS ARE 4' OR DEEPER FROM THE TOP OF GRATE TO THE INVERT OF THE LOWEST PIPE.

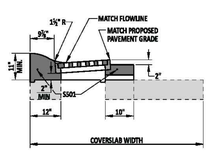
DelDOT						
ENGINEERING REPORT	09/01/2020 DATE	INLET BOX			REVIEWED	09/01/2020 DATE
	RECOMMENDED	STANDARD NO. D-4 (2020)	SHT. 1	OF 1	APPROVED	09/01/2020 DATE

08/20/2020

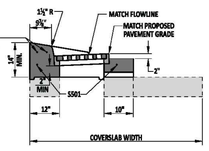
SCALE : NTS



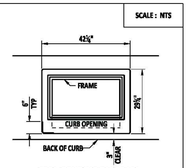
TYPE A



TYPE D

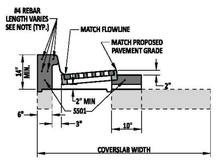


TYPE E



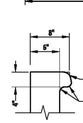
S501 BENDING DIAGRAM

#5 REBAR TO BE CONTINUOUS OR WITH 12" OVERLAP BETWEEN BARS.



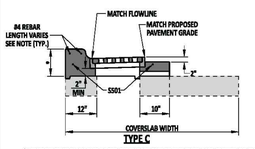
TYPE B

SEE CURB OPENING DETAIL ON THIS SHEET



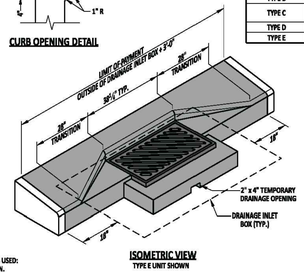
CURB OPENING DETAIL

INLET TOP UNIT APPLICATIONS	
TOP UNIT	CURB
TYPE A	USE IN IRON CURBED
TYPE B	INTEGRAL PCC CURB & GUTTER, TYPE 1-8 & 3-8, PCC CURB TYPE 1-8
TYPE C	INTEGRAL PCC CURB & GUTTER, TYPES 1-6, 3-6, 1-4, 3-4 , 1-2 AND 3-2 AND PCC CURB TYPE 1-6, 1-4, AND 1-2.
TYPE D	INTEGRAL PCC CURB & GUTTER, TYPE 2
TYPE E	PCC CURB TYPE 2



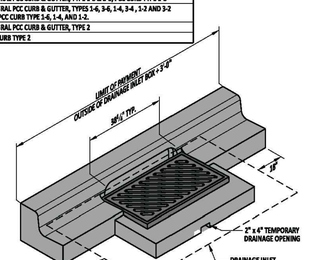
TYPE C

* - THIS DIMENSION VARIES BASED ON THE HEIGHT OF THE CURB AND GUTTER OR CURB USED:
- INTEGRAL PCC CURB AND GUTTER, TYPES 1-6 AND 3-6 & CURB, TYPE 1-6 - 12" MIN.
- INTEGRAL PCC CURB AND GUTTER, TYPES 1-4 AND 3-4 & CURB, TYPE 1-4 - 10" MIN.
- INTEGRAL PCC CURB AND GUTTER, TYPES 1-2 AND 3-2 & CURB, TYPE 1-2 - 8" MIN.



ISOMETRIC VIEW

TYPE E UNIT SHOWN



ISOMETRIC VIEW

TYPE B TOP UNIT SHOWN WITH INTEGRAL CURB & GUTTER TYPE 3

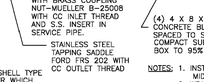
NOTE: LENGTH OF #4 REBAR SHALL BE THE OUTSIDE OF THE DRAINAGE INLET BOX PLUS 2'-0".

TYPE E TOP UNITS ARE INTENDED TO LIMIT INTRUSION INTO BIKE AND TRAVEL LANES. WHERE SUFFICIENT SHOULDER EXISTS, THE GRATE IS TO BE INSTALLED IN LINE WITH THE CURB FACE.

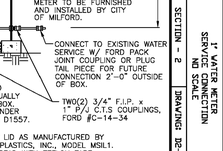
DelDOT						
ENGINEERING REPORT	12/13/2022 DATE	DRAINAGE INLET TOP UNITS			REVIEWED	12/16/2022 DATE
	RECOMMENDED	STANDARD NO. D-5 (2022)	SHT. 3	OF 9	APPROVED	12/21/2022 DATE

12/13/2022

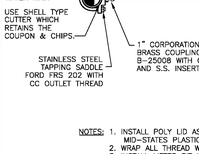
SCALE : NTS



TYPE A



TYPE B



TYPE D

TYPE C

TYPE E

TOP UNIT DETAILS

NOTE: SEE DETAIL D-5, SHEET 3 OF 9 FOR INLET TOP UNIT APPLICATIONS.

TOP VIEW

SECTION A-A

SECTION B-B

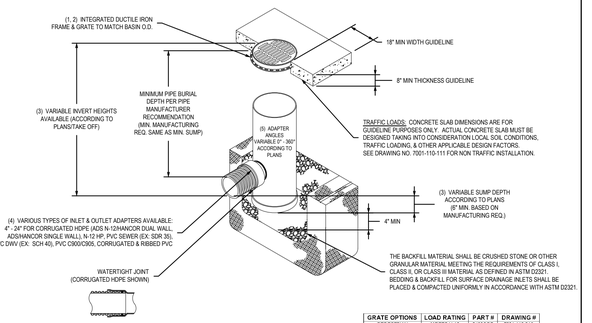
DRAINAGE INLET DETAILS

NOTE: REFER TO PREVIOUS SHEETS FOR REINFORCING REQUIREMENTS
* - SEE OPTIONAL PIPE OPENING DETAIL ON STANDARD NO. D-4, SHEET 1 OF 1

DelDOT						
ENGINEERING REPORT	09/01/2020 DATE	34" x 24" DRAINAGE INLET			REVIEWED	09/01/2020 DATE
	RECOMMENDED	STANDARD NO. D-5 (2020)	SHT. 6	OF 9	APPROVED	09/01/2020 DATE

08/20/2020

NYLOPLAST 24" DRAIN BASIN: 2824AG _ _X



GRATE OPTIONS	LOAD RATING	PART #	DRAWING #
RESISTRAM	MEETS H-10	2496CGP	7001-110-216
STANDARD	MEETS H-25	2496CGS	7001-110-217
SOLID COVER	MEETS H-25	2496CGC	7001-110-218
DOME	N/A	2496CGD	7001-110-219
ONCOR BI-GRATE	LIGHT DUTY	2425CG	7001-110-070

1 - GRATES/SOLID COVER SHALL BE DUCTILE IRON PER ASTM A536 GRADE 70-50-05.
2 - FRAMES SHALL BE DUCTILE IRON PER ASTM A536 GRADE 70-50-05.
3 - DRAIN BASIN TO BE CUSTOM MANUFACTURED ACCORDING TO PLAN DETAILS. RISERS ARE NEEDED FOR RAISING OVER 84" DUE TO SHIPPING RESTRICTIONS. SEE DRAWING NO. 7001-110-065.
4 - DRAINAGE CONNECTION STUB JOINT TIGHTNESS SHALL CONFORM TO ASTM D3212 FOR CORRUGATED HDPE (ADS N-12/HANCOR DUAL WALL), N-12 HP & PVC SEWER.
5 - ADAPTERS CAN BE MOUNTED ON ANY ANGLE 0° TO 360°. TO DETERMINE MINIMUM ANGLE BETWEEN ADAPTERS SEE DRAWING NO. 7001-110-072.

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DRAWN BY	EBC	MATERIAL	
DATE	04-03-06		
REVISED BY	NMH	PROJECT NO./NAME	
DATE	03-14-16		
DWG SIZE	A	SCALE 1:40 SHEET 1 OF 1	

ADS Nyloplast — 3128 VERONA AVE BUFORD, GA 30518 PHN (770) 932-2443 FAX (770) 932-2490 www.nyloplast-us.com

TITLE: 24 IN DRAIN BASIN QUICK SPEC INSTALLATION DETAIL

DWG NO. 7001-110-102 REV E

Section 2721

Engineered Surface Drainage Products

GENERAL

PVC surface drainage inlets shall include the drain basin type as indicated on the contract drawing and referenced within the contract specifications. The ductile iron grates for each of these fittings are to be considered an integral part of the surface drainage inlet and shall be furnished by the same manufacturer. The surface drainage inlets shall be as manufactured by Nyloplast a division of Advanced Drainage Systems, Inc., or prior approved equal.

MATERIALS

The drain basins required for this contract shall be manufactured from PVC pipe stock, utilizing a thermoforming process to reform the pipe stock to the specified configuration. The drainage pipe connection stubs shall be manufactured from PVC pipe stock and formed to provide a watertight connection with the specified pipe system. This joint tightness shall conform to ASTM D3212 for joints for drain and sewer plastic pipe using flexible elastomeric seals. The flexible elastomeric seals shall conform to ASTM F477. The pipe bell spigot shall be joined to the main body of the drain basin or catch basin. The raw material used to manufacture the pipe stock that is used to manufacture the main body and pipe stubs of the surface drainage inlets shall conform to ASTM D1784 cell class 12454.

The grates and frames furnished for all surface drainage inlets shall be ductile iron for structure sizes 8", 10", 12", 15", 18", 24", 30" and 36" and shall be made specifically for each basin so as to provide a round bottom flange that closely matches the diameter of the surface drainage inlet. Grates for drain basins shall be capable of supporting various wheel loads as specified by Nyloplast. 12" and 15" square grates will be hinged to the frame using pins. Ductile iron used in the manufacture of the castings shall conform to ASTM A536 grade 70-50-05. Grates and covers shall be provided painted black.

INSTALLATION

The specified PVC surface drainage inlet shall be installed using conventional flexible pipe backfill materials and procedures. The backfill material shall be crushed stone or other granular material meeting the requirements of class 1, class 2, or class 3 material as defined in ASTM D2321. Bedding and backfill for surface drainage inlets shall be well placed and compacted uniformly in accordance with ASTM D2321. The drain basin body will be cut at the time of the final grade. No brick, stone or concrete block will be required to set the grate to the final grade height. For load rated installations, a concrete slab must be poured under and around the grate and frame. The concrete slab must be designed taking into consideration local soil conditions, traffic loading, and other applicable design factors. For other installation considerations such as migration of fines, ground water, and soft foundations refer to ASTM D2321 guidelines.

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DRAWN BY	CJA	MATERIAL	
DATE	3-19-90		
REVISED BY	NMH	PROJECT NO./NAME	
DATE	03-21-18		
DWG SIZE	A	SCALE 1:1 SHEET 1 OF 1	

ADS Nyloplast — 3128 VERONA AVE BUFORD, GA 30518 PHN (770) 932-2443 FAX (770) 932-2490 www.nyloplast-us.com

TITLE: 8 IN - 36 IN DRAIN BASIN SPECIFICATIONS

DWG NO. 7001-110-011 REV J

SHEET INDEX:

RECORD SITE PLAN COVER PAGE	SHEET NO. SP-1
EXISTING CONDITIONS & DEMOLITION PLAN	SHEET NO. SP-2
PRELIMINARY RECORD SITE PLAN	SHEET NO. SP-3
PRELIMINARY CONSTRUCTION IMPROVEMENT PLANS	
SITE CONSTRUCTION PLAN	SHEET NO. SP-4
UTILITY CONSTRUCTION PLAN	SHEET NO. SP-5
SITE GRADING	SHEET NO. SP-6
SITE DETAILS PLAN	SHEET NO. SP-7
DRAINAGE DETAILS	SHEET NO. SP-8
PRELIMINARY LANDSCAPE PLAN	SHEET NO. SP-9

PRELIMINARY CONSTRUCTION IMPROVEMENT PLAN (UTILITY DETAILS)

FOR PROPERTY KNOWN AS:

RIVERWALK VILLAS

ALSO KNOWN AS:

#401 MISPILLION STREET

SITUATE IN:

CITY OF MILFORD * SUSSEX COUNTY
STATE OF DELAWARE
TAX PARCEL #: 330-7.17-11.00
SCALE: AS SHOWN

6/19/23	PER CITY ENGINEER COMMENTS	R.A.G.	
DATE	REVISION	CHKD.	

MERESTONE CONSULTANTS, INC.
ENGINEERS - PLANNERS - SURVEYORS

5215 WEST WOODMILL DRIVE, UNIT 38, WILMINGTON, DE 19808, PH: 302-992-7900
35516 CROSSING AVENUE, UNIT 1, FIVE POINTS SQUARE, LEWES, DE 19958, PH: 302-226-5880

DRAWN BY: HMG | DATE: 18 AUGUST 2022 | SHEET#: SP-8

PLAN #: 20239RB-330894

CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS WATER & WASTEWATER DIVISION CONSTRUCTION STANDARDS

DATE: | REVISION NO.: | APPROVED:

SECTION - 2 | DRAWING: D2-1

STANDARD SINGLE METER PIT DETAIL(PREFABRICATED)
NO SCALE

NOTES: 1. INSTALL POLY LID AS MANUFACTURED BY MID-STATES PLASTICS, INC., MODEL MSIL1.
2. WRAP ALL THREAD WITH TEFLON TAPE.
3. INSTALL METER PIT IN NON-TRAFFIC AREA ONLY.
4. METER SHALL BE RADIO-READ.

CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS WATER & WASTEWATER DIVISION CONSTRUCTION STANDARDS

DATE: | REVISION NO.: | APPROVED:

SECTION - 2 | DRAWING: D2-2

SERVICE CONNECTION
NO SCALE

NOTES: 1. INSTALL POLY LID AS MANUFACTURED BY MID-STATES PLASTICS, INC., MODEL MSIL1.
2. WRAP ALL THREAD WITH TEFLON TAPE.
3. INSTALL METER PIT IN NON-TRAFFIC AREA ONLY.
4. METER SHALL BE RADIO-READ.

CITY OF MILFORD DEPARTMENT OF PUBLIC WORKS WATER & WASTEWATER DIVISION CONSTRUCTION STANDARDS

DATE: | REVISION NO.: | APPROVED:

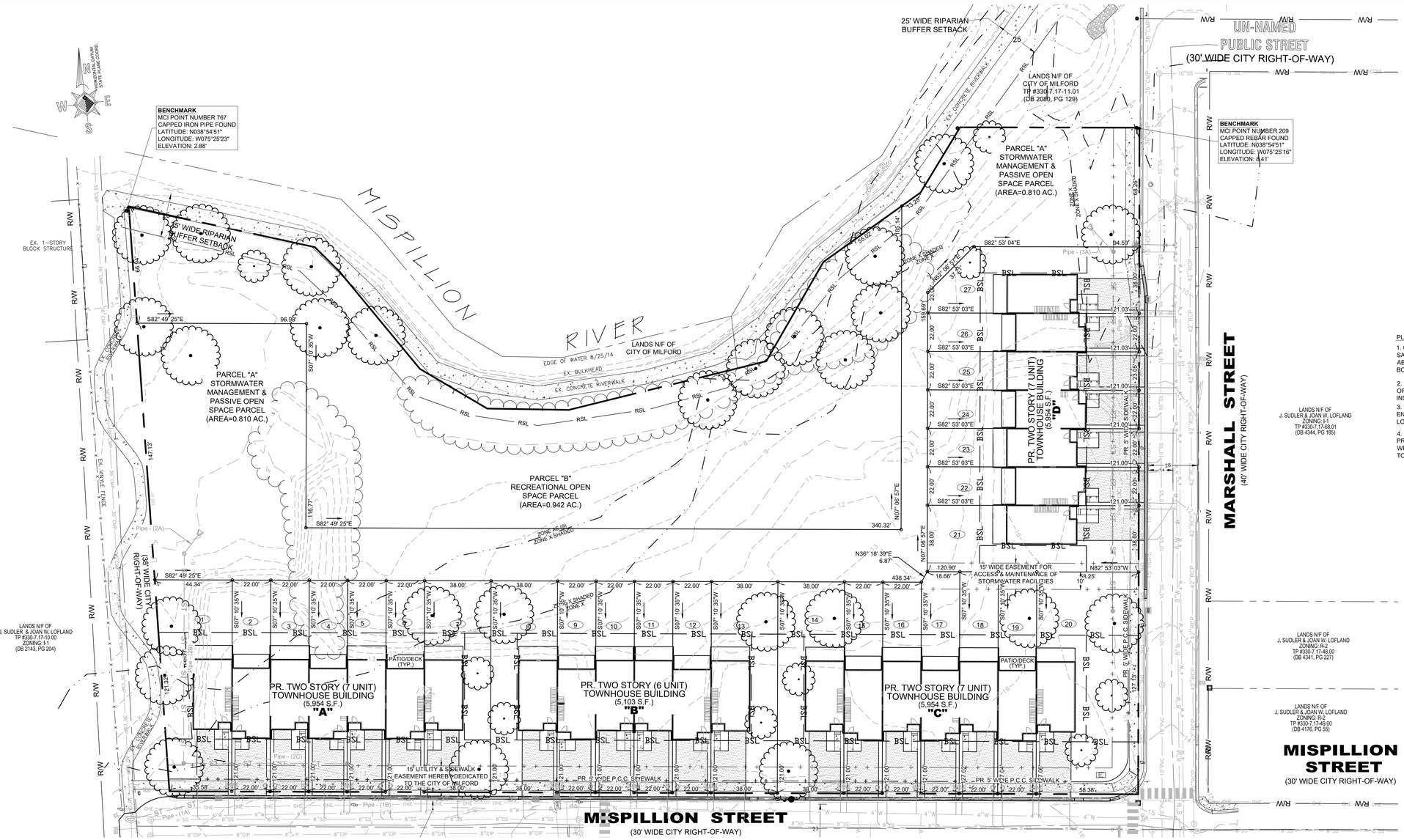
SECTION - 3 | DRAWING: D2-7

BUILDING LATERAL CLEANOUT DETAIL
NO SCALE

NOTES: LOCATE LATERALS IN FIELD AS DIRECTED BY CITY OF MILFORD.

ROGER A. GROSS, P.E. (DE REGISTRATION NO. 7842) DATE:

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BENCHMARK
MCI POINT NUMBER 767
CAPPED IRON PIPE FOUND
LATITUDE: N038°54'51"
LONGITUDE: W075°25'23"
ELEVATION: 2.88'
MISPILLION RIVER
EDGE OF WATER 8/25/14
EX. BULKHEAD
EX. CONCRETE RIVERWALK
25' WIDE RIPARIAN BUFFER SETBACK
LANDS N/F OF CITY OF MILFORD
PARCEL "A" STORMWATER MANAGEMENT & PASSIVE OPEN SPACE PARCEL (AREA=0.810 AC.)
PARCEL "B" RECREATIONAL OPEN SPACE PARCEL (AREA=0.942 AC.)
EX. 1-STORY BLOCK STRUCTURE
EX. 1-STORY FRAME
EX. 2-STORY FRAME
EX. 1-STORY BLOCK
EX. 2-STORY BLOCK
EX. 2-STORY BRICK

KCI TECHNOLOGIES

ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

1352 Marrows Road, Suite 100 • Newark, DE 19711 • Phone 302-731-9176 • Fax 302-731-7807

September 11, 2023

City of Milford
201 South Walnut Street
Milford, Delaware 19963

Attention: Rob Pierce

Subject: **Riverwalk Villas – Preliminary and Record Site Plan**
KCI Job No. 131803632.23 – Task 60

Dear Mr. Pierce:

As requested, KCI Technologies reviewed the Preliminary and Record Plans for Riverwalk Villas per the City of Milford's Standard Specifications, codes, and general engineering best practices. These plans were submitted by Merestone Consultants, Inc. and are dated August 18, 2022, and revised June 19, 2023.

We offer the following comments for your consideration. Provide Final plans with your next submission.

1. Clarify/show calculations of how the required minimum and provided open space area are calculated. **Addressed.**
2. Clarify how the number of proposed parking spaces are calculated and show calculations in the Site Data. City of Milford Zoning requires 2.5 parking spaces for each dwelling unit. **Addressed.**
3. Provide the name of the utility providers in the Site Data Column (Gas, Electric, Water, etc.) **Comment Remains – Provide the name of the gas provider in the Data Column and revise the plans accordingly.**
4. Remove the "ND" from the statement regarding the water supply in Data Column. In addition, remove reference to DNREC approval. Only City engineer and DHSS Office of Engineering are needed for drinking water. **Addressed.**
5. Add minimum townhouse parcel size of 1 acre and actual parcel size to the Height, Area, and Bulk Table. **Addressed.**

6. Remove Maximum Building Coverage from the Height, Area, and Bulk Table. **Addressed.**
7. Provide the minimum side yard setback in the Height, Area, and Bulk Table (10 feet, aggregate 30 feet). **Addressed.**
8. The Data Column lists 28 proposed lots; however, there are 27 proposed lots shown on the plans. Revise the number of lots in Data Column accordingly. **Addressed.**
9. The rear yard setback requirement in the R-3 district is 30 feet. The bulk table indicates that only 29 feet is provided. Revise the table and update the plans to meet the minimum setback requirement or submit individual variance applications for each lot asking for Board of Adjustment relief from the rear setback requirement. **Addressed with Comment – Provide rear setback dimension on the plan.**
10. Provide active open space as required by Chapter 230-19.7(A). The code requires 275 square feet of active open space per dwelling unit. If a cash in lieu option is preferred, procedures for the determination of suitability are listed in this same section. **Comment Remains – Provide the correspondence with the City of Milford.**
11. Indicate the amount of passive open space provided as described under Chapter 230-19.7 (B). **Addressed.**
12. Update the information under Lot Area Rationale for Passive Open Space and Active Open Space based on comments 10 and 11 of this letter. **Addressed.**
13. Provide a FEMA map on the cover sheet. **Addressed.**
14. Provide a statement regarding presence or absence of state or federal wetland. In addition, provide a wetland certification statement on the cover sheet. **Comment Remains – Include a wetland certification statement on the cover sheet.**
15. Show/label the 25' wetland buffer line. Per Chapter 230-45.2, "No buildings, structures, impervious surface, fill, obstructions to drainage, or land disturbance shall be situated nearer than 25 feet to a delineated wetland area. **Addressed.**
16. Replace the site plan record plan notes with the attached major subdivision record plan notes. Incorporate the attached major subdivision construction plan notes within the plan set. **Comment Remains.**
17. Currently, there are no sanitary sewer cleanouts shown for units 'A4' and 'C4'. Revise the plans so all units are connected to sanitary sewer. **Addressed.**
18. Label any proposed curbing on the Site Construction Plan and revise the plan accordingly. **Comment Remains – Curbing should be provided to protect the green space between each lot, specially where the water meters are proposed.**
19. The city is concerned that the developer is designing these lots to the maximum allowed impervious coverage. Homeowners may not be allowed to add sheds, additions, covered decks, etc. without obtaining variances from the Board of Adjustment. **Comment Noted.**
20. Change the zoning of Parcel 3-30-7.17-068.01 to 'I-1'. **Addressed.**

21. Remove the Data Column, approval blocks, general notes from the Record Plan. These are on the cover sheet. The entire subdivision plan set will need to be recorded once final major subdivision approval is obtained. **Addressed.**
22. Label the lots with number (1, 2, 3, etc.) instead of A1, B1, C1, etc. **Addressed.**
23. Label each open space area with a unique identifier (A, B, C, etc.) and provide the areas for these proposed parcels in the data column under open space. **Addressed.**
24. Dimension the rear setback for townhouse building D. **Addressed.**
25. Extend the proposed sidewalk from lot D7 north along the west side of Marshall Street to the property line shared with the City of Milford. **Addressed.**
26. Place the water meters in the sidewalk outside the driveway path and revise the plans accordingly. **Comment Remains – Water meter will need to be protected from vehicular traffic if depressed curbing is proposed.**
27. Currently, the Construction Plan does not show the location of ADA ramps. Revise the plans to show the location of all the ADA ramps. In addition, show detectable warning surfaces for the ADA ramps and revise the plans accordingly. **Addressed with comment – Show all existing features in gray scale and revise the plans accordingly.**
28. Show the location of all fire hydrants (existing and proposed) on the Construction Improvement Plan. If there are any existing fire hydrants make sure to show them on the existing conditions plan as well. **Addressed.**
29. Will the developer be providing fire lines to each building? If so, show these on the preliminary utility plan. **Comment Noted.**
30. Submit the following for final approval:
    a. Sussex Conservation District Approval for the Stormwater and Erosion & Sediment Control Plans. **Comment Remains.**
    b. Fire Marshal Approval. **Comment Remains.**
    c. DHSS Office of Engineering. **Comment Remains.**
31. Ensure the previously completed LOMR-F is consistent with the proposed grading activities for the site. A LOMR-F will be required prior to the issuance of any building permits. **Addressed.**
32. **Please note that any trees shown on the landscaping plan will be required to remain in place or be replaced if they die or removed. The developer may want to consider limiting the number of trees shown in the private rear and side yards. These trees could be relocated into the open space areas or along the existing or proposed sidewalk/trails.**
33. **On several sheets the street name background is not transparent and is obscuring utility, curb, and street details. Adjust background of road name labels so they do not obstruct information.**

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

Sincerely,

Ardalan Faghri,
Project Designer

Thomas K. Fruehstorfer
Senior Project Manager

MERESTONE
Consultants, Inc.

Civil Engineers - Land Surveyors - Site Planners

August 21, 2023

Rob Pierce
City of Milford
Planning & Zoning Department
201 South Walnut Street
Milford, DE 19963

Re: Riverwalk Villas– Preliminary and Record Site Plan Review
Tax Parcel #330-7.17-11.00

Dear Mr. Pierce:

Enclosed for your review and approval of the above referenced project, please find revised plans as per KCI Technologies Preliminary and Record Plan review letter dated June 8, 2028, the following items have been addressed.

1. Addressed.
2. Provided in data column.
3. Addressed.
4. Addressed.
5. Addressed.
6. Addressed.
7. Addressed.
8. Addressed
9. Revised
10. The developer is in correspondence with the city regarding transferring of a portion of subject lands to the city for public use.
11. Detailed in data column.
12. Addressed as indicated above.
13. Provided in upper right corner of cover sheet.
14. Please refer to note 39.
15. This is defined as the RSL line near the northern boundary of the property.
16. Addressed.
17. Corrected.
18. Addressed.
19. The property line has been moved back 15’ to allow for room for some customization in each unit and for a 8’ patio at the rear of each unit.
20. Addressed.
21. Revised and noted.
22. Revised.
23. Addressed.
24. Addressed

25. Addressed
26. Addressed.
27. Existing ramps that the construction plans show sidewalk tying into have been labeled and the proposed ramp has been called out with the type.
28. The features have been made a solid color as opposed to greyscale.
29. The developer is not intending to provide fire lines to each building.
30. Acknowledged. All approval will be provided for final approval.
31. The LOMR-F will be amended as necessary for development as required with the new proposed use.

If any additional information is required for this review, please reach out at your earliest convenience. Thanks for your time and consideration,

Sincerely,

Heather Gilbert

Merestone Consultants, Inc.

City of Milford, Delaware
Development Advisory Committee

Comment Sheet

****

DATE OF REVIEW: June 27, 2023

REVIEWING AGENCY: **Delaware State Fire Marshal's Office, Sussex Office**

INDIVIDUAL REVIEWERS: **Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services**
Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist
Desiree B. McCall, CFI, Sr. Fire Protection Specialist
John A. Colpo, Sr. Fire Protection Specialist
Rodney T. Marvel, Fire Protection Specialist

AGENCY PHONE NUMBERS: **302-856-5298, Fax: 302-856-5800**

RE: RIVERWALK VILLAS (23-020)

The reasons and conditions applied to this project and their sources are itemized below:

****

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements**:
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Townhouses)
  - One- and Two-Family dwellings are required by law to offer the homeowner an automatic sprinkler system, therefore infrastructure should accommodate water needs.
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

c. **Accessibility**
- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Mispillon Street must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information:**
   - Provide type of fuel proposed and show locations of bulk containers on plan.

e. **Required Notes**:
   - Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
   - Proposed Use
   - Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
   - Square footage of each structure (Total of all Floors)
   - National Fire Protection Association (NFPA) Construction Type
   - Maximum Height of Buildings (including number of stories)
   - Townhouse 2-hr separation wall details shall be shown on site plans
   - Note indicating if building is to be sprinklered
   - Name of Water Provider
   - Letter from Water Provider approving the system layout
   - Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, October 24, 2023 @ 6:00 PM
City Council Hearing: Monday, November 13, 2023 @ 6:00 PM

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

The Planning Commission of the City of Milford will hold a PUBLIC HEARING on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, October 24, 2023 at 6:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, November 13, 2023 at 6:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2023-40

AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #16
MILFORD CORPORATE CENTER
MD-16-173.00-01-01.00 (portion)

FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Muncipalities, Chapter 7-Planning Commission, Section 702 Comprehensive Development Plan of the Delaware Code, the City of Milford adopted Ordinance 2017-24 the '2018 Comprehensive Plan' on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, during a PLUS review on July 26, 2023, the Planning Director prepared and consulted with the Office of State Planning the sixteenth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use Maps, which will permit the future land use designation change of a portion of Kent County Tax Parcel MD-16-173.00-01-01.00 from Industrial to Commercial; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the sixteenth 2018 Comprehensive Plan amendment on October 24, 2023 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the sixteenth amendment of the 2018 Comprehensive Plan on November 13, 2023 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

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

Section 1. Purpose: The 2018 Comprehensive Plan is hereby amended to modify the Future Land Use Maps.

Section 2. The Future Land Use of a portion of Kent County Tax Parcel MD-16-173.00-01-01.00 owned by the City of Milford to be known as the Milford Corporate Center is hereby changed from Industrial to Commercial.

Section 3. Dates.
City Council Introduction: October 23, 2023
Planning Commission Review & Public Hearing: October 24, 2023
City Council Review & Public Hearing: November 13, 2023

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or RPierce@milford-de.gov.

100523

Published: Delaware State News 10-10-2023

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180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

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

DATA SHEET FOR 2023 COMPREHENSIVE PLAN AMENDMENT

CITY OF MILFORD – MILFORD CORPORATE CENTER

Planning Commission Meeting: October 24, 2023

Ordinance Number	:	2023-40
Applicant	:	City of Milford 201 S. Walnut Street Milford, DE 19963
Application Type	:	Comprehensive Plan Future Land Use Map Amendment
Present Comprehensive Plan Map Designation	:	Industrial
Proposed Comprehensive Plan Map Designation	:	Commercial
Tax Map & Parcel(s)	:	MD-16-173.00-01-01.00 (portion)

ENC: Staff Analysis Report
PLUS Comments
Exhibit A – 2023 Comprehensive Plan Amendment
Ordinance 2023-40

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STAFF REPORT
September 26, 2023

Ordinance Number	**:**	2023-40
Application Type	**:**	Comprehensive Plan Future Land Use Map Amendment

I. BACKGROUND

- The City is the owner of Kent County Tax Parcel MD-16-173.00-01-01.00 which is being developed by the City of Milford as a future business and industrial park known as Milford Corporate Center. The City is requesting permission to change the future land use for a portion of the parcel from Industrial to Commercial. The change would extend the Commercial Future Land Use further into the property along Milford-Harrington Highway (Route 14) and Canterbury Road (Route 15) as shown on the provided exhibit. The purpose of the map amendment is to align the Business Park (BP) and Limited Industrial (I-1) zoning district boundary with the proposed lot layout.

- Comprehensive plan amendment requests from property owners are typically compiled annually to be reviewed by the City of Milford Planning Commission and City Council. The City recently finalized the lot layout of the proposed Milford Corporate Center, and there is a need to adjust the future land use maps in order to obtain final major subdivision approval of the project and begin construction. Therefore, the City is making an exception and requesting a second set of Comprehensive Plan amendments mid-year.

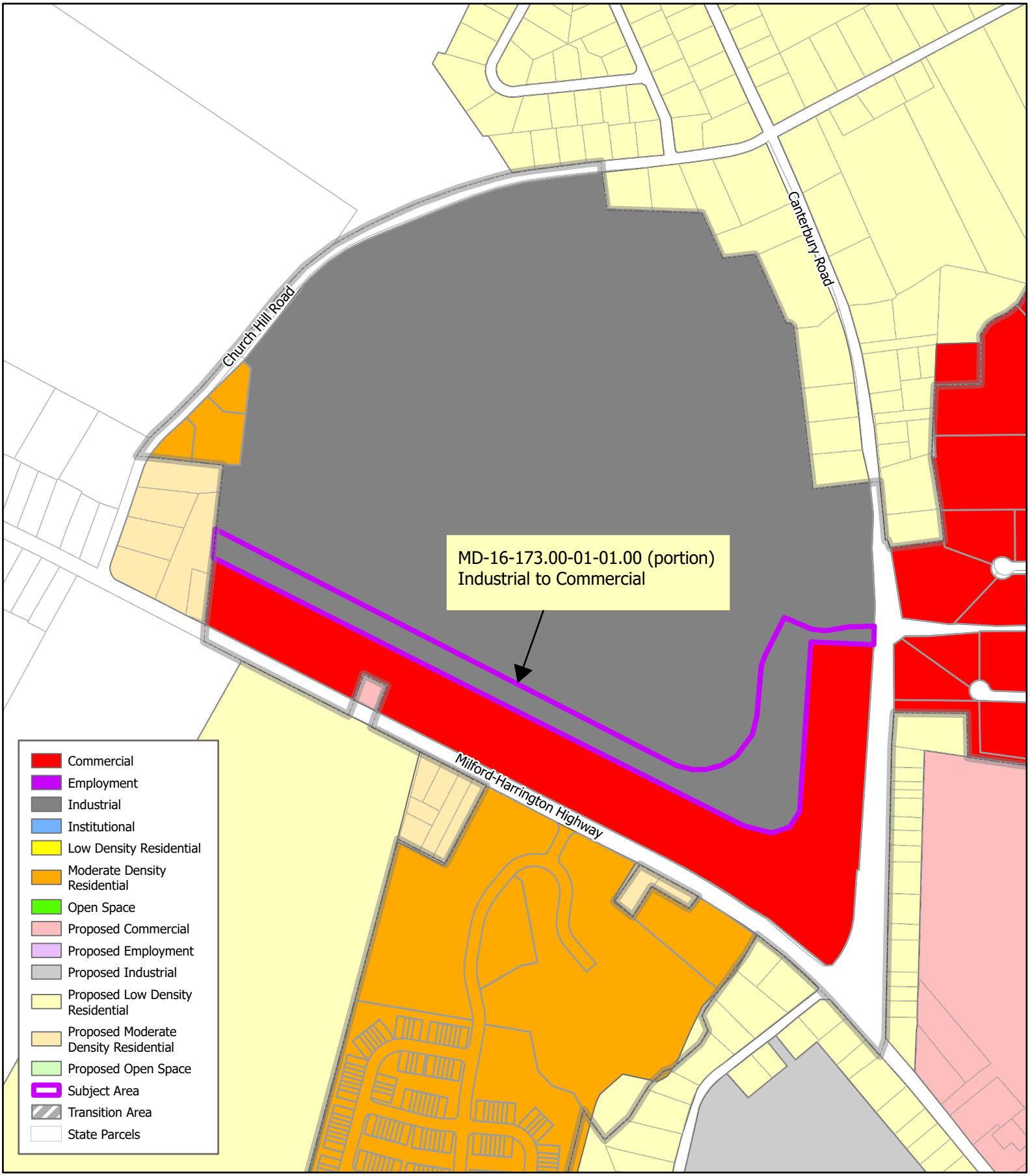
- The PLUS meeting for this amendment request was held on July 26, 2023 and a copy of the PLUS comments dated August 23, 2023 are enclosed.

II. STAFF ANALYSIS

- The Commercial Future Land Use category allows for different levels of commercial development intensity. This category includes neighborhood commercial, central business district, highway development, office buildings, and medical services. The individual characteristics of each site should be considered before identifying the level of commercial development suitable for the property. The land use would allow the C-1, C-2, C-2A, C-3, BP, OC-1 and H-1 zoning districts.

- The subject parcel is generally bound on the north by Church Hill Road, the east by Canterbury Road and the south by Milford-Harrington Highway. There are residentially zoned properties located adjacent to the northeast and southwest portions of the site.

- If the future land use map change is approved, the City is seeking a change of zone from I-1 Limited Industrial to BP Business Park for a portion of the property.



THE CITY of Milford DELAWARE

Scale: 0 360 720 Feet

Drawn by: WRP

Date: 06/08/23

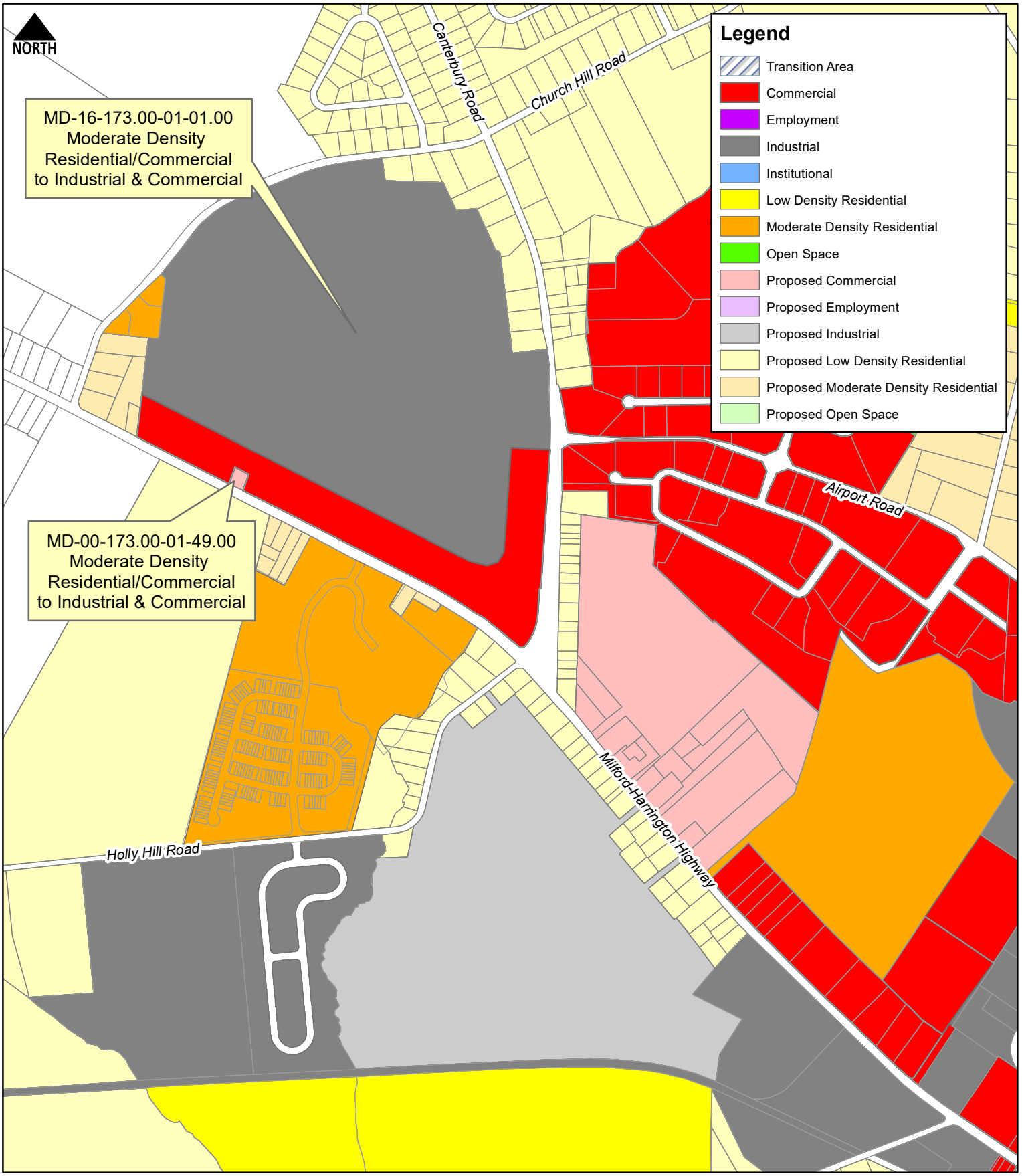
Filepath: 2023_CompPlanAmendment_ExhibitA.aprx

Title:

Exhibit A

2023 Comprehensive Plan Map Amendment

Future Land Use Map



THE CITY of Milford DELAWARE

Scale: 0 500 1,000 Feet

Drawn by: WRP

Date: 05/12/21

Filepath: 2021_CompPlanAmendment_ExhibitA

Title:

Exhibit A

2021 Comprehensive Plan Amendment

Future Land Use Map

STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

August 23, 2023

Rob Pierce
City of Milford
Planning Department
201 S Walnut Street
Milford, DE 19963

RE: PLUS Review – 2023-07-06; Milford Corporate Center – Milford Comprehensive Plan Amendment

Dear Mr. Pierce,

Thank you for meeting with State agency planners on July 26, 2023, to discuss the proposed Milford comprehensive plan amendment. According to the application, the City desires to amend a portion of parcel 5-16-173.00-01-01.00 on the Future Land-Use Map within their Certified Comprehensive Plan to change a portion from Industrial to Commercial.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

This office has received the following comments from State agencies:

<u>Office of State Planning Coordination (OSPC) – Contact: Joshua Thomas 302-739-3090</u>

The proposed amendment is located in investment Levels 1 and 2 according to the 2020 Strategies for State Policies and Spending.

Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Because development in Levels 1 and 2 is consistent with the 2020 Strategies for State Policies and Spending, the Office of State Planning Coordination supports this comp plan amendment.

Department of Transportation (DelDOT) – Contact Stephen Bayer 302-760-4834

- DelDOT has no comments on the Plan Amendment itself. DelDOT notes that should the location be developed in the future any developer will still need to obtain any applicable permits and complete any necessary reviews or approvals.

Department of Natural Resources and Environmental Control (DNREC) – Contact Beth Krumrine 302-735-3495

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

- DNREC reviewers have no comments on the proposed comprehensive plan amendment.

Delaware Emergency Management Agency (DEMA) – Contact Phillip Cane 302-659-2325

- DEMA has no objections, concerns, or comments regarding the comprehensive plan amendment.

State Historic Preservation Office (SHPO) – Contact Carlton Hall 302-736-7400

- There are no known archaeological sites or known historic or eligible properties currently on the parcel. The potential for prehistoric sites is high based on a number of environmental factors conducive to human habitation, including well drained soils, dry upland areas, and proximity to perennial water sources. In addition, the potential for historic resources is also high based on sites within and around the parcel indicated on historic maps. Historically, the area in question has seen significant agricultural use. An agricultural complex is located within the parcel and dates to as far back as the mid-late 19th century (K04930, McGregg Gen. D House). Therefore, there are most likely archaeological resources associated with this agricultural complex.

- It's important that the developers be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Delaware Code: Title 7, Chapter 54), which pertains to the discovery and disposition process of such remains. Abandoned or unmarked family cemeteries are very common in Delaware, especially on historic farm sites, rural areas, or open space lands. Disturbing unmarked burials triggers Delaware's Unmarked Human Burials and Human Skeletal Remains Law, and

such discoveries can result in substantial delays while the procedures required under this law are carried out.

- This office recommends that an archaeological consultant investigate their project area for the presence of such a cemetery, and that an archaeological survey be completed prior to any ground disturbing activities.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- The Office of the State Fire Marshal has no objection to the approval of this comprehensive plan amendment.

Once the amendment is voted on by Planning and Zoning and/or City Council, please forward a copy of the decision regarding the amendment to this office for our files. Thank you for the opportunity to review this amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,



David L. Edgell, AICP
Director, Office of State Planning Coordination

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, October 24, 2023 @ 6:00 p.m.
City Council Hearing: Monday, November 13, 2023 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the following proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council with public comments scheduled on the times indicated above.

City Council has the option to approve or deny the application. All ordinances under consideration shall be written in the affirmative whereby the Council votes to approve the measure by voting yes (adopts the Ordinance) or not approve the measure by voting no (denial). This form of writing is not intended to influence any decision of City Council:

ORDINANCE 2023-41

Application: 23-008 / Milford Corporate Center
Applicant & Owner: City of Milford, 201 South Walnut Street, Milford, DE 19963
Application Type: Change of Zone
Present Comprehensive Plan Map Designation: Industrial & Commercial (pending adoption of Ordinance 2023-40)
Present Zoning District(s): I-1 (Limited Industrial) Proposed Zoning District(s):BP (Business Park)
Present Use: Vacant Land Proposed Use: Industrial Park/Corporate Center
Size and Location:
182 +/- acres of land (portion of) located at the northwest corner of Milford-Harrington Highway & Canterbury Road
Tax Map & Parcel: MD-16-173.00-01-01.00 (portion of)

WHEREAS, the equitable owners of the property, as described herein, have petitioned the City of Milford Planning and Zoning Office for a Change of Zone from I-1 Limited Industrial to BP Business Park , to permit an Industrial Park/Corporate Center on 182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road; and

WHEREAS, the Change of Zone request is consistent with the Adopted 2018 Comprehensive Plan Future Land Use Maps, as amended, based on the adoption of Ordinance 2023-40; and

WHEREAS, the City of Milford Planning Commission considered the application during their meeting on Tuesday, October 24, 2023, at which time interested parties publicly commented on the application allowing an informed recommendation to be forwarded to City Council; and

WHEREAS, Milford City Council held a Public Hearing on November 13, 2023 to allow for additional public comment and further review of the application, after which a final determination was made; and

WHEREAS, the Public Notice was published in the Delaware State News, provided to property owners within 200 feet of the subject parcel, and site properly posted with announcement of public hearing; and

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

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

Section l. The adoption of this Ordinance hereby grants Legal Owner/Applicant City of Milford a Change of Zone of I-1 (Limited Industrial) to BP (Business Park) to allow for larger lots along Routes 14 and 15 withing the 182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road, Kent County, Milford, Delaware, Tax Map & Parcel MD-16-173.00-01-01.00 (partial).

Section 2. Any future use of the property must comply with Chapter 230 Zoning and must comply with the zoning use and area regulations as adopted at the time of building permit issuance.

Section 3. Dates.
City Council Introduction: October 23, 2023

Planning Commission Review & Public Hearing: October 24, 2023
City Council Review & Public Hearing: November 13, 2023

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or RPierce@milford-de.gov.

100523

Published: Delaware State News 10-10-2023

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THE CITY of Milford DELAWARE

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

DATA SHEET FOR MILFORD CORPORATE CENTER

Planning Commission Meeting: October 24, 2023

Application Number / Name	:	23-008 / Milford Corporate Center
Applicant	:	City of Milford 201 S. Walnut Street Milford, DE 19963
Owner	:	Same
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Industrial Commercial
Present Zoning District(s)	:	I-1 (Limited Industrial) BP (Business Park)
Proposed Zoning District(s)	:	I-1 (Limited Industrial) BP (Business Park)
Present Use	:	Vacant Land
Proposed Use	:	Industrial Park/Corporate Center
Size and Location	:	182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road.
Tax Map & Parcel(s)	:	MD-16-173.00-01-01.00 (portion)

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

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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
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O 302.424.8396 | F 302.424.3559

STAFF REPORT
September 25, 2023

Application Number / Name	**:**	23-008 / Milford Corporate Center
Size and Location	**:**	182 +/- acres of land located at the northwest corner of Milford-Harrington Highway and Canterbury Road.
Tax Map & Parcel(s)	**:**	MD-16-173.00-01-01.00 (portion)

I. BACKGROUND INFORMATION:

- The City of Milford received preliminary major subdivision approval from City Council on April 24, 2023 for the Milford Corporate Center.

- The City is seeking to rezone a portion of the property from I-1 (Limited Industrial) to BP (Business Park) to allow the proposed lots along Route 14 and Route 15 to be slightly larger in order to line up with the proposed internal road network.

II. STAFF ANALYSIS:

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

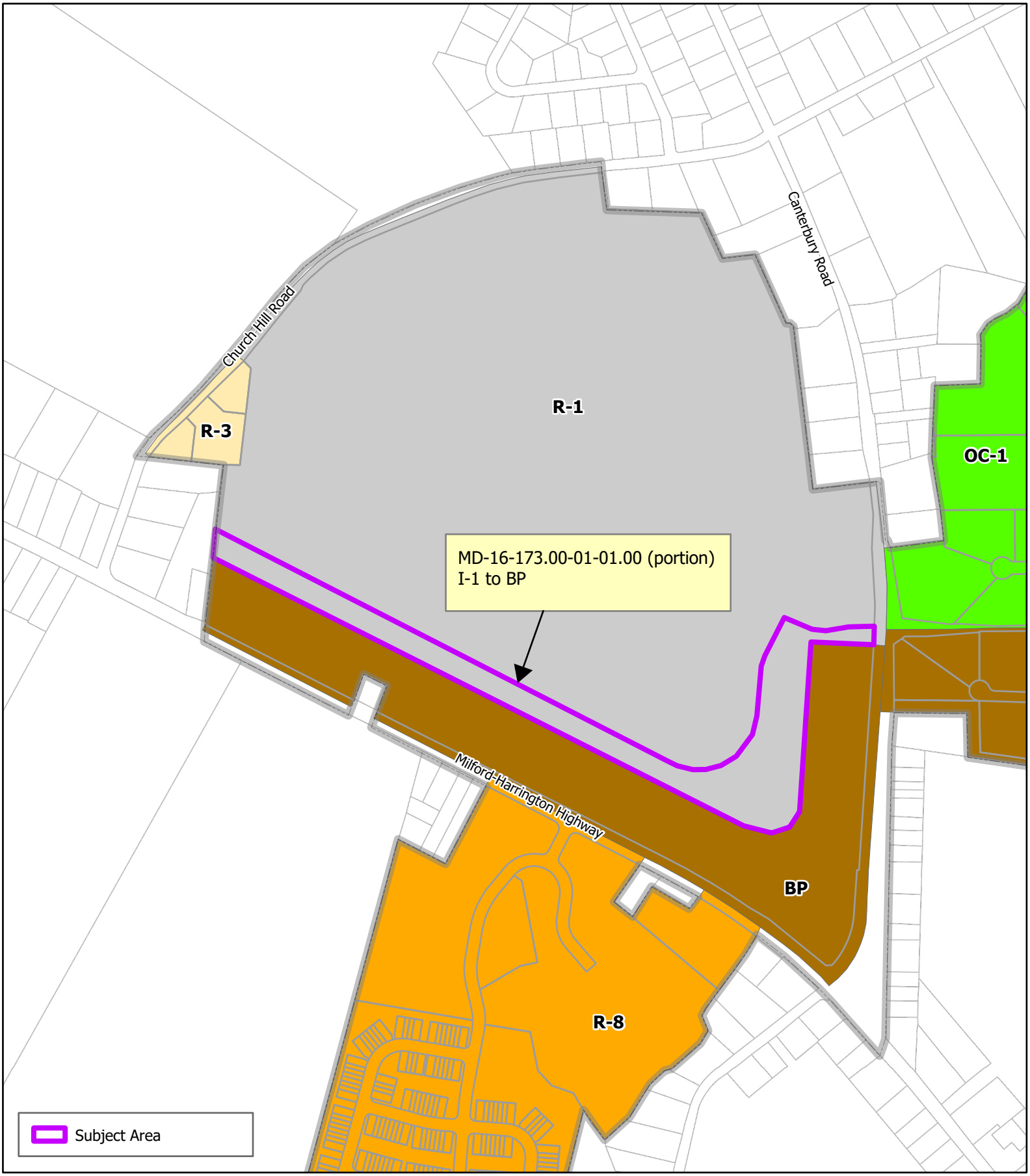
- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps, as amended. The Future Land Use designation for the property is a combination of Commercial and Industrial, for which BP Business Park and I-1 Limited Industrial are suitable zoning designations.

- The properties to the north and west are zoned residential and are located within the unincorporated areas of Kent County. The properties to the south are zoned residential in Kent County and R-8 inside the City of Milford. The properties to the east are zoned a combination of residential in Kent County and OC-1 Office Complex and BP Business Park within the City of Milford. The western portion of the City contains other lands zoned industrial, primarily located south of the subject parcel along Holly Hill Road and Route 14.

- Any future use of the property must comply with Chapter 230 Zoning and must comply with the zoning use and area regulations as adopted at the time of building permit issuance.

III. AGENCY COMMENTS:

- DelDOT – See attached PLUS comments.
- Sussex Conservation District – No comments solicited.
- State Fire Marshall – No comments solicited.



THE CITY of Milford DELAWARE

Scale: 0 360 720 Feet

Drawn by: WRP

Date: 09/26/23

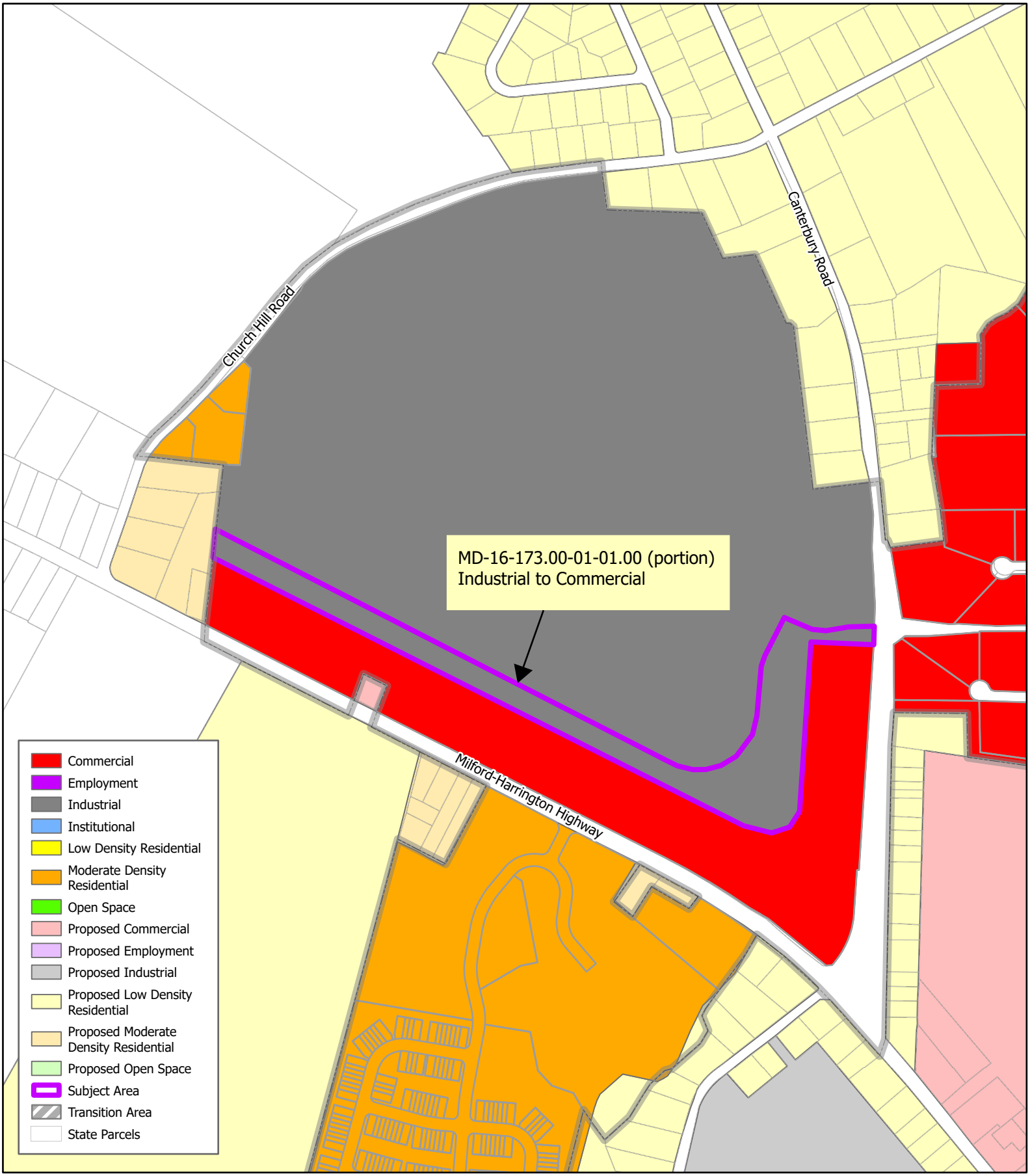
Filepath: COZ_MCC.aprx

Title:

Change of Zone

City of Milford - Milford Corporate Center

Location & Zoning Map



THE CITY of Milford DELAWARE

Scale: 0 360 720 Feet

Drawn by: WRP

Date: 06/08/23

Filepath: 2023_CompPlanAmendment_ExhibitA.aprx

Title:

Exhibit A

2023 Comprehensive Plan Map Amendment

Future Land Use Map

right to do so). The city's future land use map is largely a reflection of its understanding of likely growth and development. Wherever possible, the future land use attempts to anticipate likely changes. A key feature of the 2017 Comprehensive Plan Update is the "transition" future land use category.

The "transition" future land use designation, conceptually, helps with all three key considerations. It is straightforward and simple to see on the overall and neighborhood maps. It limits the potential need for plan amendments, in that each time a residential property requests rezoning to a commercial or industrial use, it will still be in compliance with the existing future land use map. It maintains flexibility in the identified areas. If and when properties petition for rezoning, procedural changes can be made to the zoning ordinance without it conflicting with the Milford Comprehensive Plan.

The transitional future land use classification has the added benefit of allowing the existing, largely residential uses, as by-right uses to ensure that existing property owners who wish to remain residential are not classified as non-conforming uses.

10-4. Land Use and Zoning

10-4a. Future Land Use Categories

Employment

The employment category is intended to serve as a primary location for a large employer to bring jobs and economic development to the city. Potential uses include schools and healthcare-related uses that would provide many jobs and services for the region. This land use category is similar to the H-1, IM, and IS zoning districts found in the Milford Zoning Ordinance.

Commercial

The commercial category allows for different levels of commercial development intensity. This category includes neighborhood commercial, central business district, highway development, office buildings, and medical services. The *Future Land Use and Urban Growth Boundary* map designates all commercial areas in one category, but the individual characteristics of each site would be considered before identifying the level of commercial development that is suitable for each property. Each level of commercial use differs by the size of the site and use intensity. This land use is similar to the C-1, C-2, C-2A, C-3, BP, OC-1, and H-1 zoning districts found in the Milford Zoning Ordinance.

Regular Highway Commercial for the city is located along major state transportation routes, including DE 1, US 113, Route 14 and Business 1.

Industrial

The industrial category is intended to serve as a primary location for light to moderate industrial and manufacturing uses. This land use is similar to the I-1 and I-2 zoning districts found in the Milford Zoning Ordinance.

Institutional

The institutional category includes government, civic, and community facilities such as libraries, schools, colleges, hospitals, medical facilities, community centers, places of worship, nursing homes, assisted living facilities, and other similar uses. Institutional uses may be found within residential, commercial, and employment areas.

Low Density Residential

The Low Density Residential District represents typical single-family detached dwellings and duplex development. These units receive full urban services. Other dwelling types may be allowed as part of a density bonus by providing additional open space and amenities of development or through a conditional use of a Planned Unit Development by Milford City Council. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-1, R-2, C-1, and OB-1 zoning districts found in the Milford Zoning Ordinance.

Moderate-Density Residential

The Moderate Density Residential District represents typical single-family detached dwellings, attached single-family dwelling units, patio homes, duplexes, triplexes, quadplexes, townhomes/row houses, condominiums, apartments, and loft-style units. Availability of open space and walkable sidewalks are also key components. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-3, R-8, C-1, and OB-1 zoning districts and the PUD conditional use for residential development found in the Milford Zoning Ordinance.

Transitional Commercial and Industrial Areas

These areas are designed to allow for a migration from residential to the underlying future land use categories depicted on the *Future Land Use and Urban Growth Boundary* map. There are two main transitional areas, commercial and industrial. The commercial transition areas are located along major roadways, including US 113 and Rehoboth Boulevard (Route 1A). The Industrial transition area is located along Route 14 between Routes 1A and 1.

The transitional areas will allow the property owners to maintain their current residential zoning until such time they wish to change their zoning to either commercial or industrial. This will allow the area to transition slowly along these corridors, without forcefully rezoning properties and potentially creating non-conforming properties and uses. Once the property owner changes the zoning of the property from residential to commercial or industrial, the property will remain industrial or commercial unless there is an amendment to the Milford Comprehensive Plan that would allow otherwise. The Comprehensive Plan will be reviewed again in five years, where the future land use exhibits can be updated to permanently show the properties that have transitioned from the residential categories to the more intense uses, and reduce the footprint of the transitional area on the maps.

Open Space

The Open Space category includes both existing open space owned by the city as well as the large area of open space located east of DE 1. Milford may elect to annex existing developed residential properties within the proposed Open Space future land use areas at the lowest intensity residential zoning category and provide services if deemed cost effective.

One of the recommendations of the Milford Comprehensive Plan is to prepare an Open Space Preservation Plan. Local governments and conservation groups offer many tools to preserve farmland and other open space. Some rely on the donation or sale of property development rights by a property owner, while other tools may include marketing assistance or protective planning and zoning. The primary goals of the Open Space designation east of DE 1 are the following:

- Promote the Transfer of Development Rights (TDR) – A TDR is a legal agreement that allows a developer who wants to build at a higher density than is permitted to purchase or trade for additional development rights from a willing seller who owns land in an area designated for preservation. The goal of the Open Space designation is to use the land as a sending area either into designated areas of the City of Milford or designated areas of Sussex County, thus protecting the open space area.
- Promote Conservation Easements – A conservation easement is a legal agreement between a landowner and a land trust or government agency whereby a landowner sells or donates the rights to develop his or her property to a conservation organization.
- Protective Rural Zoning – This type of zoning allows a very low density per acre. This is one of the most effective ways to protect rural and agricultural land and maintain a mass of land required to support agriculture economies without buying conservation easements.

- Purchase of Land – In the interest of Milford City Council to protect our recharge areas, funding could be used to protect our recharge areas and preserve open space.

10-4b. Land Use and Zoning Link

The link between land use and zoning is important because Title 22, Section 702(c) of the Delaware Code requires that Milford:

"…within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan."

Table 27 shows the link between the future land use designations depicted on the *Future Landuse and Urban Growth Boundary* map and the zoning districts summarized in Table 28. Table 27 provides guidance as to the zoning districts that would be considered consistent with each land use designation.

Table 27. Land Use and Zoning Link

Future Land Use Designation	Corresponding Zoning District(s)
Employment	H-1 – Institutional Development
	IM – Institutional Medical
	IS – Institutional Service
Commercial	C-1 – Community Commercial
	C-2 – Central Business
	C-2A – Riverfront Development
	C-3 – Highway Commercial
	OC-1 – Office Complex
	BP – Business Park
	H-1 – Institutional Development
Industrial	I-1 – Limited Industrial
	I-2 – General Industrial
Institutional	Institutional uses may be permitted or conditionally permitted in residential, commercial, and employment zones

Future Land Use Designation	Corresponding Zoning District(s)
Low Density Residential	R-1 – Single Family Residential
	R-2 - Residential
	C-1 – Community Commercial
	OB-1 – Office Building
Moderate Density Residential	R-3 – Garden Apartment & Townhouse
	R-8 – Garden Apartment & Townhouse
	C-1 – Community Commercial
	OB-1 – Office Building
Open Space	Designed for preservation. Existing residential properties may be zoned R-1.

Disclaimer: Table 27 shows the relationship between the future land use designations depicted on the future land use map and the zoning districts summarized in Table 28. This table describes how Milford's zoning districts might match up with the land uses recommended on the future land use map. These match ups are intended as guidance for the Milford City Council to consider during the rezoning process. They are not intended to preclude the development of new zoning districts or revisions to the zoning ordinance, the subdivision ordinance, or any other land use regulations.

10-4c. Zoning Districts

The current zoning map depicts Milford's zoning districts, and Table 28 provides a list of the current zoning classifications.

As of the date of the plan adoption, Table 28 and the existing zoning exhibit represent a fixed period in time and Milford reserves the right to create new zoning categories and change property zonings as long as the intent of the Comprehensive Plan is upheld. This table and section is for informational purposes only.

Zoning is the chief means for implementing the Milford Comprehensive Plan, consisting of a written document and a series of maps. The maps show a number of districts or zones into which the municipality is divided to regulate the use of land. The document specifies the types of activities (uses) that can occur in each district either as a matter of right (in all circumstances) or under certain conditions (conditional uses). It also regulates building height, lot sizes, setbacks, yards and green space, the number and sizes of signs, and space for off-street parking. Some municipalities incorporate environmental protection standards in zoning ordinances, while others have stand-alone ordinances with cross-references to zoning standards.

Table 28. Milford Zoning Districts

Zoning District
BP – Business Park
R-1 – Single Family Residential
R-2 – Residential
R-3 – Garden Apartment & Townhouse
R-8 – Garden Apartment & Townhouse
C-1 – Community Commercial
C-2 – Central Business
C-2A – Riverfront Development
C-3 – Highway Commercial
H-1 – Institutional Development
IM – Institutional Medical
IS – Institutional Service
I-1 – Limited Industrial
I-2 – General Industrial
OB-1 – Office Building
OC-1 – Office Complex

Zoning works with subdivision regulations. Subdivision refers to the process of splitting up or assembling land for development. The regulations governing this process designate utility locations, street rights-of-way, open space, and common areas. They also outline the services, such as water, sewer, gas, and electricity and amenities that a developer must supply prior to sale of subdivided (or assembled) land.

Increasingly, the distinction between zoning and subdivision regulations is becoming blurred.

Development plan approvals cannot take place without making sure that plans are in compliance with zoning and subdivision codes. Over the past several years, a number of Delaware municipalities have consolidated subdivision and zoning regulations into a single land use code.

10-5. Land Use and Growth Management Goals and Recommendations

Milford has, and continues to, work diligently to build its economic and employment base through development of all types. It has also made significant efforts to include relevant state agencies, county and municipal governments, school districts, property owners, and development interests. Milford has successfully utilized a master planning approach for its southeastern area and now envisions undertaking a similar initiative for potential growth, development, and redevelopment in its Northeastern area.

GOAL

Encourage compatible, resilient, connected development, redevelopment, and growth within Milford's municipal boundary and entertain annexation or growth opportunities within the municipality's established Urban Growth Boundary, provided cost-effective services can be provided.

OBJECTIVES

- Create a variety of suitable zoning categories and targeted land use areas within the city to accommodate the assortment of business sectors.
- Update the zoning ordinance to reflect the objectives of the city's Comprehensive Plan.
- Refer to the Milford Comprehensive Plan for rezoning and annexation agreements.
- See the State Strategy mapping to guide growth.
- Ensure that the design of new developments complement and enhance the city's unique character by developing and implementing architectural review standards for major residential and commercial developments.
- Encourage infill and redevelopment of vacant, underutilized, or in-need-of-repair properties, particularly within the Downtown Development District.
- Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.
- Establish a process to review comprehensive plan amendment requests once a year, which may be needed to harmonize proposed development plans with the Milford Comprehensive Plan.

(8) Signs shall comply with the requirements provided in Article VI of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Parking shall comply with the requirements provided in Article IV of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-16. - I-1 Limited Industrial District.

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

A. The purpose of an I-1 Limited Industrial District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas. Also, the purpose is to provide guidelines and performance standards which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.

B. Permitted uses. Permitted uses of the I-1 District shall be as follows:

(1) All permitted uses of the OC-1 District and BP District.

(2) Light manufacturing, assembling, converting, altering, finishing, baking, cooking or any other type of processing or storage of an industrial nature for the production and/or distribution of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees. **Accessory retail storefront/gift shop is permitted for products that are manufactured on site. The area for this use must be incidental and subordinate to the manufacturing use and must meet all commercial building code requirements for the use. (NAICS Reference - 313: Textile Mills; 314: Textile Product Mills; 315: Apparel Manufacturing; 316: Leather and Allied Product Manufacturing (except 3161 {Hazardous}); 323: Printing and Related Support Activities; 326: Plastics and Rubber Products Manufacturing (except tires 32621{Hazardous}); 3271: Clay Product and Refractory Manufacturing; 327991: Cut Stone and Stone Product Manufacturing; 3322: Cutlery and Handtool Manufacturing; 3323: Architectural and Structural Metals Manufacturing; 3324: Boiler, Tank, and Shipping Container Manufacturing; 3325: Hardware Manufacturing; 3326: Spring and Wire Product Manufacturing; 3327: Machine Shops; Turned Product; and Screw, Nut, and Bolt**

Manufacturing; 3328: Coating, Engraving, Heat Treating, and Allied Activities; 33291: Metal Valve Manufacturing; 332991: Ball and Roller Bearing Manufacturing; 332996: Fabricated Pipe and Pipe Fitting Manufacturing; 332999: All Other Miscellaneous Fabricated Metal Product Manufacturing; 3331: Agriculture, Construction, and Mining Machinery Manufacturing; 3332: Industrial Machinery Manufacturing; 333314: Optical Instrument and Lens Manufacturing; 333316: Photographic and Photocopying Equipment Manufacturing; 3335: Metalworking Machinery Manufacturing; 3336: Engine, Turbine, and Power Transmission Equipment Manufacturing; 3339: Other General Purpose Machinery Manufacturing (except 333913 {Hazardous}); 334: Computer and Electronic Product Manufacturing; 335: Electrical Equipment, Appliance, and Component Manufacturing; 337: Furniture and Related Product Manufacturing; 339: Miscellaneous Manufacturing)

(3) Wholesale storage, warehousing and distribution centers. **49311: General Warehousing and Storage; 49312: Refrigerated Warehousing and Storage (except for farm products grown on site); 49319: Other Warehousing and Storage)**

C. Conditional uses. All uses specified as conditional uses in the OC-1 and BP zoning districts and the following uses are permitted in the I-1 District, in accordance with the provisions within Article IX of this chapter:

~~(1) Airfields or airpark facilities.~~

(1~~2~~) Mini-warehouses or public storage facilities.

(2~~3~~) Radio-television facilities.

(3~~4~~) Craft distillery and microbrewery establishments, provided that:

(a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.

(b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.

(c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.

(d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

(e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment

that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.

(f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:

[1] Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

[2] Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

[3] Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

[4] All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

[5] The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

[6] Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.

[7] Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

(4) Community energy generating facility.

(a) The footprint of the solar array, as defined as the by the outer limit of the panels and exclusive of buffers shall be no larger than fifty (50) acres in size.

(b) No more than one Community Solar Energy Facility (SEF) shall be permitted on a parcel. All separate parcels in existence on June 1, 2023, shall be considered original

parcels. Future subdivision of an original parcel shall not enable the development of additional Community Solar Energy Facilities.

(c) Facility location and siting shall be in accordance with the requirements of Title 26 Public Utilities of the Delaware Administrative Code, 3001 (Rules for Certification and Regulation of Electric Suppliers) as amended.

(d) Setbacks for the Facility shall be:

[1] Front setback shall be 75 feet.

[2] Side setback shall be 50 feet.

[3] Rear setback shall be 50 feet.

[4] Distance from any off-site dwelling unit shall be 100 feet.

[5] Distance from any State recognized Scenic Byway shall be 150 feet.

[6] Distance from any wetlands shall be 100 feet.

(e) The site area shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[1] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[2] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[3] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[4] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[5] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

(f) The required buffer may be counted toward planting requirements included in this Chapter.

(g) If topsoil is removed for improvements, it shall remain on the site.

(h) Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

(i) A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall

be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

(j) Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(k) Abandonment. A Community Energy Generating Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[1] Physical removal of all solar photovoltaic facilities, structures, equipment, security barriers and transmission lines from the site.

[2] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[3] Stabilization or re- vegetation of the site as necessary to minimize erosion. The
Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation and/or agriculture.

(l) Decommissioning plan.

[1] A decommissioning plan outlining the anticipated means and costs of removing the solar facility must be submitted, with the application.

[2] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation.

[3] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

(m) Financial Assurance. The operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the solar Facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

(5) Energy system utility scale solar & wind.

(a) The following are conditions specific to Solar Facilities:

[1] Setbacks for a Solar facility shall be:

[a] Front setback shall be 100 feet.

[b] Side setback shall be 75 feet.

[c] Rear setback shall be 75 feet.

[d] Distance from any off-site dwelling unit shall be 100 feet.

[e] Distance from any State recognized Scenic Byway shall be 150 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] The required setback shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[a] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[b] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[c] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[d] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[e] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

[3] A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed

for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

[4] Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(b) The following are conditions specific to Wind Facilities:

[1] Setbacks for a Wind Facility shall be:

[a] Front setback shall be 800 feet.

[b] Side setback shall be 800 feet.

[c] Rear setback shall be 800 feet.

[d] Distance from any off-site dwelling unit shall be 1,000 feet.

[e] Distance from any State recognized Scenic Byway shall be 800 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] No climbing pegs or tower ladders shall be located closer than 12 feet to the ground level at the base of the structure for freestanding single poles.

[3] The facility shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.

[4] All access roads shall be gated and locked.

[5] All power transmission lines from the tower to any other building or other structure shall be located underground to the maximum extent practical.

[6] No tower shall be lit except to comply with Federal Aviation Administration requirements. Minimum-security lighting for ground level facilities shall be allowed as approved on the site plan. Security lighting shall be designed to minimize light pollution, including the use of light hoods, low-glare fixtures, and directing lights at the ground.

[7] All structures in a project shall be finished in a single, non-reflective, matte color or a camouflage scheme.

[8] Signs

[a] No advertising signs are allowed on any part of the WECS, including
fencing and support structures.

[b] No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

[c] Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of the fence around each tower or group of towers and any building (or on the tower or building if there is no fence) containing emergency contact information, 911 address, including a local telephone number with 24-hour, 7-days-a-week coverage. The City may require additional signs based on safety needs.

[9] Noise level shall not exceed 50 dBA, including constructive interference at existing off-site residences, businesses, and public buildings.

(c) The following are conditions required for all Utility Solar and Wind Energy Facilities

[1] Required buffers may be counted toward planting requirements included in this Chapter.

[2] If topsoil is removed for improvements, it shall remain on the site.

[3] Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

[4] Abandonment. A Utility Solar or Wind Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Utility Solar Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[a] Physical removal of all solar photovoltaic facilities, wind turbines, structures, equipment, security barriers and transmission lines from the site.

[b] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[c] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade

foundations in place in order to minimize erosion and disruption to vegetation.

[5] Decommissioning plan.

[a] A decommissioning plan outlining the anticipated means and costs of removing the facility must be submitted, with the application.

[b] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation and/or agriculture.

[c] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

[6] Financial Assurance. Prior to final plan approval, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the City Council.

(1) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen, fence or wall.

(2) In a planned industrial park or any lands designated as an I-1 District, no building/structure, accessory structure or sign shall be located closer than 200 feet to any nonindustrial district boundary.

(3) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.

(4) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(5) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

(6) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of the DNREC, State of Delaware.

(7) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.

(8) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.

(9) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.

E. Area regulations.

(1) Minimum lot area shall be two acres.

(2) Maximum lot coverage shall be 75%.

(3) Minimum lot width shall be 150 feet.

(4) Maximum building height shall be 50 feet.

(5) Minimum front yard setback shall be 75 feet.

(6) Minimum side yard setback shall be 40 feet.

(7) Minimum rear yard setback shall be 45 feet.

(8) Parking shall comply with the requirements provided in Article IV of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Signs shall comply with the requirements provided in Article VI of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the rear yard/lot area.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-17. - I-2 General Industrial District.

In an I-2 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in

part, for any purpose except for one or more of the following uses and complying with the requirements herein indicated.

A. The purpose of the I-2 General Industrial District shall be to provide locations for the development of large or heavy manufacturing, warehousing, wholesale and research establishments, which may include those that may produce some objectionable conditions, and also to concentrate the more intensive industrial uses in areas that would least impact neighboring zoning districts or uses.

B. Permitted uses. Permitted uses for the I-2 District shall be as follows:

(1) All permitted uses in the I-1 District.

(2) Heavy manufacturing, assembling, converting, altering, finishing, cleaning or any other processing, handling or storage of products or materials, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees. **Accessory retail storefront/gift shop is permitted for products that are manufactured on site. The area for this use must be subordinate to the manufacturing use and must meet all commercial building code requirements for the use. (NAICS Reference - 3113: Sugar and Confectionery Product Manufacturing; 3114: Fruit and Vegetable Preserving and Specialty Food Manufacturing; 3115: Dairy Product Manufacturing; 3117: Seafood Product Preparation and Packaging; 3118: Bakeries and Tortilla Manufacturing; 3119: Other Food Manufacturing; 3122: Tobacco Manufacturing; 321: Wood Product Manufacturing (except sawmills which are classified elsewhere); 327215: Glass Product Manufacturing Made of Purchased Glass; 482: Rail Transportation; 4882: Support Activities for Rail Transportation; 483: Water Transportation; 4883: Support Activities for Water Transportation).**

(3) Research, design and development laboratories.

(4) Large public utility facilities, or major uses thereof.

C. Conditional uses. All uses specified as conditional uses in the I-1 zoning district and the following uses are permitted in the I-2 District in accordance with the provisions within Article IX (conditional use portion) of this chapter:

~~(1) Airfields or airpark facilities.~~

(1~~2~~) Tractor-trailer storage and parking facilities.

(2~~3~~) Farm machinery and truck manufacture, sales, storage and repairs.

(3~~4~~) Fertilizer storage and distribution centers.

(4~~5~~) Heating, ventilating, cooling and refrigeration manufacturing.

(5~~6~~) Trash compaction: transfer station and solid waste management system, not to include hazardous waste.

(6~~7~~) Recycling or collection facilities for paper, glass, plastics and metal.

(7~~8~~) Grain storage and processing.

(8~~9~~) Meat processing, chicken processing and seafood processing.

(9~~10~~) Aluminum recycling and smelting (small scale).

(10~~11~~) Food and vegetable cleaning, canning and freezing.

D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by City Council.

(1) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except in areas approved by the Planning Commission during the site plan review hearing.

(2) In a planned industrially zoned I-2 District, no building/structure, accessory structure or sign shall be located closer than 250 feet to any existing nonindustrial district boundary.

(3) Fencing is required in any and all areas which would pose a threat to public safety and the security of the facility.

(4) All front yard areas shall be maintained in a neat and attractive condition. All side and rear yard areas shall be kept uncluttered and free from any conditions that would constitute a safety hazard for employees or anyone visiting the site.

(5) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(6) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks or chimneys and internal combustion engines must comply with the requirements set forth by the DNREC, State of Delaware.

(7) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of DNREC, State of Delaware.

(8) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.

(9) The proposed use shall not endanger the surrounding facilities or communities to the possibility of fire or explosion. All uses shall comply with state regulations which control or govern their operation. There shall be no allowances for the storage of radioactive materials or those materials deemed to be toxic or dangerous.

(10) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties.

E. Area regulations.

(1) Minimum lot area shall be 2 1/2 acres.

(2) Maximum lot coverage shall be 75%.

(3) Minimum lot width shall be 150 feet.

(4) Maximum building height shall be 50 feet.

(5) Minimum front yard setback shall be 75 feet.

(6) Minimum side yard setback shall be 50 feet.

(7) Minimum rear yard setback shall be 50 feet.

(8) Parking shall comply with the requirements provided in Article IV of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Signs shall comply with the requirements provided in Article VI of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

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

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

A. The purpose of an OC-1 Office Complex District shall be to provide locations for the development of general and professional offices and office parks in areas of high accessibility and visibility. Also, this district will facilitate the expansion of the City's service industries in attractive environments.

B. Permitted uses. Permitted uses for the OC-1 District shall be as follows:

(1) Offices for banking institutions, technical centers, research/data centers, emergency service centers (i.e., police, fire and rescue), corporate offices and other general professional offices.

(2) Television and radio studios (without towers).

(3) Professional schools (nonindustrial).

(4) Health centers and clinics (medical or dental).

(5) Charitable and philanthropic organizations.

(6) Day-care centers.

(7) Indoor or outdoor recreation.

(8) Private clubs or organizations.

(9) Medical/dental laboratories.

C. Conditional uses. The following uses are permitted in the OC-1 District in accordance with the provisions within Article IX (conditional uses portion) of this chapter:

~~(1) Charitable and philanthropic organizations.~~

~~(2) Day-care centers.~~

(1~~3~~) Civic and/or conference centers.

~~(4) Indoor or outdoor recreation.~~

~~(5) Private clubs or organizations.~~

~~(6) Medical/dental laboratories.~~

(2~~7~~) Nursing homes.

D. Area regulations.

(1) Minimum lot area shall be one acre.

(2) Maximum lot coverage shall be 75%.

(3) Minimum lot width shall be 100 feet.

(4) Maximum building height shall be 70 feet.

(5) Minimum front yard setback shall be 50 feet.

(6) Minimum side yard setback shall be at least 15 feet, with a total combined aggregate dimension of 40 feet.

(7) Minimum rear yard setback shall be 25 feet.

(8) Parking shall comply with the requirements provided in Article IV of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Signs shall comply with the requirements provided in Article VI of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19. - OB-1 Office Building District.

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

A. The purpose of the OB-1 Office Building District shall be to provide locations for the operation of professional offices of a low-profile, low-traffic category in areas of a residential nature where existing nonresidential buildings/structures are present. In short, this district will

provide such locations that will not detract from the surrounding residential atmosphere of the neighborhood but allow viable businesses to operate in existing buildings/structures.

B. Permitted uses. Permitted uses for the OB-1 District shall be as follows:

(1) Professional services and administrative activities, including but not limited to architects, engineers, brokers, insurance agents, realtors, physicians, dentists, artists and attorneys, within a single occupancy setting.

(2) Branch libraries and public information centers.

(3) Government offices serving the public.

C. Conditional uses. Conditional uses shall be as follows:

~~(1) Medical and dental offices in a multiple occupancy setting.~~

(1~~2~~) Day-care centers.

(2~~3~~) Civic or fraternal organizations.

~~(4) Government offices serving the public.~~

D. Area regulations

(1) Minimum lot area.

(a) Existing buildings/structures on site: none.

(b) New construction (conditional use): 1/2 acre.

(2) Maximum lot coverage (building/structure and paved area) shall be no greater than 50%, with the remainder being utilized for plantings and landscaping (new construction, with conditional use). Existing facilities shall not decrease any existing planted or landscaped areas on the site without obtaining a variance for said decrease from the Board of Adjustment.

(3) Minimum lot width.

(a) New construction, with conditional use: 100 feet.

(b) Existing facilities: existing dimension accepted.

(4) Maximum building/structure heights shall not exceed the requirements set forth within this chapter for the residential zoning district in which the building/structure exists.

(5) Minimum front yard setback (new construction, with conditional use): 30 feet. Existing facilities shall not be allowed to encroach further into the front yard area(s) if the setback is less than 30 feet.

(6) Minimum side yard setback (new construction, with conditional use): 15 feet. Existing facilities shall not be allowed to encroach further into the side yard area(s) if the setback is less than 15 feet.

(7) Minimum rear yard setback (new construction, with conditional use): 30 feet. Existing facilities shall not be allowed to encroach further into the rear yard area if the setback is less than 30 feet.

(8) Parking shall comply with the requirements provided in Article IV of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Signs shall comply with the requirements provided in Article VI of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall be located at least 5 feet from the rear lot line and at least 5 feet from the side lot line and shall not be located less than 5 feet from a principal structure.

§ 230-19.1. - BP Business Park District.

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

A. The purpose of a Business Park District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas while still providing attractive landscaping, on-site recreation and a better working environment. The emphasis will be on employment rather than warehouse space. Also, the purpose is to provide guidelines and performance standards, which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.

B. Permitted uses. Permitted uses of the BP District shall be as follows:

(1) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices and cafeterias for the exclusive use of in-house staff and employees. **Accessory retail storefront/gift shop is permitted for products that are manufactured on site. The area for this use must be incidental and subordinate to the manufacturing use and must meet all commercial building code requirements for the use. (NAICS Reference - 313: Textile Mills; 314: Textile Product Mills; 315: Apparel Manufacturing; 316: Leather and Allied Product Manufacturing (except 3161 {Hazardous}); 323: Printing and Related Support Activities; 326: Plastics and Rubber Products Manufacturing (except tires 32621{Hazardous}); 3271: Clay Product and Refractory Manufacturing; 327991: Cut Stone and Stone Product Manufacturing; 3322: Cutlery and Handtool Manufacturing; 3323: Architectural and Structural Metals Manufacturing; 3324: Boiler, Tank, and Shipping Container Manufacturing; 3325: Hardware Manufacturing; 3326: Spring and Wire Product Manufacturing; 3327: Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing; 3328: Coating, Engraving, Heat Treating, and Allied Activities; 33291: Metal Valve Manufacturing; 332991: Ball and Roller Bearing Manufacturing;**

332996: Fabricated Pipe and Pipe Fitting Manufacturing; 332999: All Other Miscellaneous Fabricated Metal Product Manufacturing; 3331: Agriculture, Construction, and Mining Machinery Manufacturing; 3332: Industrial Machinery Manufacturing; 333314: Optical Instrument and Lens Manufacturing; 333316: Photographic and Photocopying Equipment Manufacturing; 3335: Metalworking Machinery Manufacturing; 3336: Engine, Turbine, and Power Transmission Equipment Manufacturing; 3339: Other General Purpose Machinery Manufacturing (except 333913 {Hazardous}); 334: Computer and Electronic Product Manufacturing; 335: Electrical Equipment, Appliance, and Component Manufacturing; 337: Furniture and Related Product Manufacturing; 339: Miscellaneous Manufacturing)

(2) Research, design, testing and development laboratories.

(3) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.

(4) Business, professional or administrative offices.

(5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.

(6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be any closer than 500 feet from existing residence, residential district, school or building(s) used for assembly.

(7) Farm machinery manufacture, sales, storage and repairs.

(8) Heating, ventilating, cooling and refrigeration manufacturing.

(9) Building contractor yards.

(10) Veterinary clinics.

(11) Beverage blending, bottling (all types).

(12) Boat manufacture and repair (vessels less than five tons), boat sales and service.

(13) Dairy operations and dairy products, ice cream and cheese.

(14) Fruit and vegetable processing, including canning, preserving, drying and freezing.

(15) Greenhouses, commercial, wholesale or retail.

(16) Ice manufacture, including dry ice.

(17) Sign fabrication and painting shops.

(18) Wood product manufacture, including baskets, boxes, crates, barrels and veneer.

(19) Indoor or outdoor recreation.

C. Conditional uses. The following uses are permitted in the BP District in accordance with the provisions within Article IX (conditional use portion) of this chapter:

~~(1) Public, private or professional schools.~~

~~(2) Schools for vocational training.~~

~~(3) Day care centers.~~

(14) Radio-television facilities.

~~(5) Indoor or outdoor recreation.~~

(26) Craft distillery and microbrewery establishments, provided that:

(a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.

(b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.

(c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.

(d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

(e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.

(f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:

i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.

vii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by City Council.

(1) All uses must be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen that may include a fence or wall.

(2) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.

(3) All loading and unloading operations shall be conducted at the side or rear of the building. In the loading and unloading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(4) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

(5) Dust or particle debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

(6) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.

(7) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.

(8) Walls.

(a) Exterior front and side walls are subject to site plan approval and must be finished on the exterior with the following:

[1] Architectural masonry units, excluding concrete block and cinder block.

[2] Natural stone.

[3] Precast concrete.

[4] Steel.

[5] Aluminum.

[6] Glass materials or their equivalent.

(b) Rear walls may be masonry block if the masonry block wall is appropriately painted. Finished building materials shall be applied to all sides of a building which are visible to the general public as well as from adjacent residential property and streets. Colors shall be harmonious and compatible with colors of the natural surroundings and other adjacent buildings. The Planning Commission shall have the sole right to approve or disapprove materials and colors.

(9) No pipe, conduit, cable or line for water, gas, sewerage, steam, electricity or any other energy or service shall be installed or maintained upon a parcel outside of the building above the surface of the ground. All auxiliary machinery, equipment or facilities used on any parcel outside of any building in connection with such energies or services shall be located upon the parcel in such manner and upon such conditions as may be specifically approved by the Planning Commission and/or City Council during site plan or conditional use review.

E. Area regulations.

(1) Minimum area for a business park will be 40 acres.

(2) Minimum lot area shall be one acre (43,560 square feet).

(3) Maximum impervious lot coverage shall be 75%.

(4) Minimum lot width shall be 150 feet.

(5) Maximum building height shall be 50 feet.

(6) Minimum front yard setback shall be 30 feet.

(7) Minimum side yard setback shall be 15 feet. The setback shall be computed from the berm line, not the property line.

(8) Minimum rear yard shall be 25 feet. The setback shall be computed form the berm line, not the property line.

(9) Parking shall comply with the requirements provided in Article IV of this chapter.

(10) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(11) Signs shall comply with the requirements provided in Article VI of this chapter.

(12) Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(13) Accessory structures shall be located in the side and rear lot areas.

(14) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-19.2. - IS Institutional Service District.

A. Purpose. The purpose of the Institutional Service District is to further the public health, safety and welfare by providing a location for schools, governmental buildings and uses, health-care-related uses, a hospital, and all other health-care facilities with appropriate access to public streets, utilities and municipal services, adequate parking areas, and circulation of traffic. This district is created to serve residents of the City of Milford as well as surrounding areas by allowing the existing educational, governmental, hospital and health-care facilities and corresponding supporting uses and structures to expand, in order to meet the growing demand and needs of the community for these above-mentioned uses. This district has been created to establish reasonable standards for such educational, governmental, health-care facilities and services, as well as uses permitted in the R-8 Zoning District.

B. Permitted uses.

(1) Hospital and all other health-care facilities, including any and all support services related thereto.

(2) Outpatient health-care centers and health-care facilities.

(3) Professional and medical offices involving the diagnosis, treatment and care of humans, including any and all support services related thereto.

(4) Medical laboratories utilized for the diagnosis, treatment, and care of humans.

(5) Pharmacies.

(6) Heliports.

(7) Private education institutions and training centers.

(8) Nursing facilities, convalescent homes, and a continued-care retirement communities.

CITY OF MILFORD
COUNCIL MEETING MINUTES
July 24, 2023

The City Council of the City of Milford met in Regular Session on Monday, July 24, 2023.

PRESIDING: Mayor Arthur Campbell

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

STAFF: City Manager Mark Whitfield, Police Captain David Wells, and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

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

CALL TO ORDER

Mayor Campbell called the meeting to order at 6:05 p.m.

INVOCATION AND PLEDGE

The innovation was given by Vice Mayor James, followed by the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

Though the Public Comment period was scheduled prior to the start of the meeting, it was opened by Mayor Campbell after the invocation and pledge. No one signed up to speak, and Solicitor Rutt directed the Mayor to forego the Public Comment Session.

PUBLIC HEARING/PUBLIC COMMENTS/ORDINANCE ACTION

Solicitor Rutt read the rules of the Public Hearings into record.

Adoption/Ordinance 2023-26
Lands of Cypress Hall on behalf of Shawnee Farm, LLC
91.69 +/- acres of land located along the west side of Route 113
approximately 3,100 feet south of the Shawnee Road intersection
Application Type: Conditional Use - Comprehensive Sign Plan
Comprehensive Plan Designation: Moderate Density Residential
Zoning District: R-3 (Garden Apartment and Townhouse District)
Present use: Planned Unit Development
Proposed Use: Planned Unit Development
Tax Parcel: 1-30-3.00-261.01, 1-30-3.00-562.00 thru 659.00

Planning Director Pierce reviewed the applications and the documents in the packet.

Phase I and Phase II were approved and construction of the residential units ongoing. Preliminary subdivision of Phase III, the final phase, was also approved. Chapter 230 allows plan unit developments (PUD) to submit a comprehensive sign but does not comply with Zoning Code's sign regulations.

The applicant is seeking one free standing sign, which is nine feet tall, containing about twenty square feet of sign area. The code only allows a four-foot-tall sign not to exceed 64 square feet. A rendering of the sign was also referenced, which would be located on the south side of the entrance off US Route 113.

Public notices were published in the Delaware State News on June 29, 2023, all properties owners within 200 feet of the property were mailed copies, and the site was posted with the public notice announcement.

The Planning Commission reviewed this application at their July 18th meeting and recommended approval of the comprehensive signed plan by a vote of 7 to zero.

PLA Timothy Metzner of Davis, Bowen and Friedel of 1 Park Avenue, Milford, Delaware, was present on behalf of the property owner Shawnee Farm LLC. He reiterated that only one sign is being proposed at the southern portion of the entrance. It would be located right at the corner of the right-of-way line at US 113, approximately 60 feet from the actual edge of payment. The distance is key to height of the sign, considering the speed limit is 55 miles per hour on the highway and the distance back from the pavement makes it difficult to read the sign.

He emphasized the sign itself from the finished grade elevation to the top is six feet eight inches. The decoration portion includes the tree overhang, which is where the nine feet comes into play.

It includes the same design features as are replicated inside the development with the stone features as the apartments.

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

Councilmember Boyle moved to approve Ordinance 2023-26, seconded by Councilmember Culotta. Motion carried by the following 7-0 roll call vote:

Samaroo-votes yes, the sign and the surrounding landscaping is especially notice, adding the stone features match the architecture on the building.
Baer-votes yes and aesthetically it is pleasing, and he sees no problem with the sign.
Culotta-votes yes, the sign gives the community identity, and this is a nice one.
Fulton-votes yes, the sign keeps with architectural design of the development, and the size indicates quality that will be identify the whole area.
Boyle-votes yes, the sign is attractive, and the size is appropriate for that location and is consistent with other nonconforming requests that have been approved for other housing developments.
Marabello-votes yes, and in addition to the previous comments, it is well designed and not high when consider the nine foot includes the trees and it is a well-designed sign.
James-votes yes, the sign is well designed and properly accommodates the size of the project itself.

Adoption/Ordinance 2023-29
Lands of Mac Rentals LLC on behalf of Cascades Subdivision Phase II
8.05 +/- acres of land located along the south side of Airport Road
1,100 feet east of the Bowman Road intersection
Application Type: Revised Conditional Use/Planned Unit Development
Comprehensive Plan Designation: Moderate Density Residential
Zoning District: R-3 (Garden Apartment and Townhouse District)
Present Use: Vacant
Proposed Use: Multi-family Housing
Tax Parcel: MD-16-173.00-01-04.04 & 04.05
Councilwoman Wilson arrived during the presentation.

Planner Pierce reviewed the application as described above noting the property is vacant and multi-family housing proposed. The applicant is proposing to construct nine multi-family buildings containing 66 units on former Phase II of the Cascades development.

The project was originally approved as a plan unit development (PUD) with phase I already constructed which he believes contains around 76 units right now.

Phase II was purchased from the original developer and plans to decouple the two phases or bring it in as a separate development plan which would be required to meet independently all code requirements.

The request is to amend the original PUD approval of 2006 and decouple phase I from phase II, with phase II to be reviewed by the planning commission and Mr. Pierce administratively.

The applicant is required to enter into an agreement with the owner of phase I for the perpetual maintenance of the storm water infrastructure. Any other open space or amenity in phase one would not count toward the required amounts to be provided under the new development.

Phase II is located off the entrance of Airport Road with Cascade Lane splitting the two developments.

All documents in the packet were described by Planner Pierce.

The public notice for the amended PUD was advertised in the Delaware State News on June 29, 2023, all properties within 200 feet of the parcel were mailed public hearing notices, and the site was posted with an announcement of the public hearings.

The Planning Commission recommended approval of decoupling the two phases, amended conditional use (PUD), at their July 18th 2023 meeting, by a vote of 6-0-1, with one member abstaining.

The Planning Commission also approved the preliminary site plan for phase II contingent upon City Council's decision to approve the ordinance to amend the PUD by a 6-0-1 zone as well.

Solicitor Rutt pointed out the Planning Commission approved it, subject to entry into an agreement with phase I for perpetual maintenance. Planner Peirce added the conservation district will require that automatically.

Professional Engineer Roger Gross of Merestone Consultants, Incorporated, 33516 Crossing Avenue, Unit 1, Lewes, Delaware, was present with owner/developer and Mac Rentals Amrut Patel and Chetan Patel.

PE Gross shared the plan proposes developing the site with nine two-story multi-family buildings, with a total of 66 garden apartment units at a proposed density of 14.7 dwelling units per acre. The plan was developed in accordance with the R-3 zoning requirements. It meets the dimensional and open space requirements of the R-3 district. Areas proposed for a playground park and picnic area have been designated on the plan. The open space requirements are met for the garden apartment district.

He also talked about the ten-foot-wide shared use path along the property frontage along Airport Road, and the wet pond constructed in phase one that was designed to account for additional impervious areas within the future phases.

They are close to having stormwater approval for the project.

The site plan was also submitted to the State Fire Marshal Office and was approved and meets the requirements of the City Code.

Mr. Gross also talked about the picnic and park amenities proposed.

He also noted that the dumpster locations are at the terminal end of the aisle for the parking lot, and it was recommended that sidewalks be added to connect to the dumpster pads. Mr. Gross said they will evaluate the plan to determine if that merits consideration.

Amrut Patel of Mac Rentals LLC of 131 Dodge Drive, Smyrna, Delaware confirmed the apartments/townhouses will be two-bedroom units.

The floor was opened for public comment.

Martha Gerry of 13 Mill Street, Milford, stated she represents Milford Advocacy for the Homeless, and said she does not hear any low-income housing. She wants to bring it up and when building this many units, they sound pricy and we always have a big problem with low-income housing, and asked if that is engrained into the units, because she does not want to segregate. She heard earlier Council is trying to treat everyone the same and is that included. And if not, why not. She also asked why this would be approved in the City when there is already a problem.

Chetan Patel, 31 Dodge Drive, Smyrna, DE, stated it is something that had not been considered, and they have no immediate plans for developing any type of low-income housing.

The public comment hearing was then closed.

Councilmember Fulton moved to approve the decoupling by adopting Ordinance 2023-29, seconded by Councilmember Culotta. Motion carried by the following unanimous roll call vote:

Councilmember Boyle noted the comments from the State pointing out there have been changes from the apartments to this type of townhouse, and the motion missed the fact the applicant needs to enter a new agreement of phase I for the perpetual maintenance and the shared stormwater infrastructure.

At the direction of Solicitor Rutt, Councilman Fulton responded by accepting the amendment to include the additional requirements, which Councilmember Culotta agreed to as well.

The amended motion carried by the following 7-0-1 roll call vote:

Marabello-votes yes based on the restated amendment and approves the changes as presented.
Boyle-votes yes, with the modified amendment for the decoupling.
Fulton-votes yes, it is the same housing development with different owners, and it should allow more open space with the two separate developments like that instead of just one.
Culotta-votes yes, for the motion and knows there is still site plan approval to be done but thinks this is a good first step in addressing the housing situation in Milford because a lot of housing is determined by supply and demand. When increasing the supply, the cost of housing can be reduced. While it may not be slated for Section 8 type housing, it still contributes to available housing in Milford, and he commends them.
Samaroo-votes yes for the changes discussed and thinks it would be great for the two phases to be decoupled just to give homeowners a better option and believes there will be a little more space with the decoupling.
Baer-votes yes, the decoupling will work and with the amendment that is included as well. It is great to have additional housing available.
James-votes yes for the decoupling and there is no substantial change in the use of the property due to the change in ownership and there is a dramatic need for affordable housing and all levels of housing in the City of Milford.
Wilson-abstained (as directed because she did not hear the introduction) and apologizes for being late. However, because it is low rental housing does not mean it is Section 8 and Milford needs low rental housing, for people that work every day and pay rent, need affordable housing.

Adoption/Ordinance 2023-27

Amendment to City of Milford Code
Chapter 200/Subdivision of Land/Section 200-4 - Application Procedure
Subsection A - Preliminary Major Subdivision Review
Subsection B - Final Major Subdivision Review

Adoption/Ordinance 2023-28
Amendment to City of Milford Code Chapter 230 - Zoning Code
Article I - General Provisions; Article III - Use and Area Regulations;
Article IV - Off-Street Parking and Loading; Article VI – Signs;
Article VII - Board of Adjustment; Article IX - Conditional Uses; Article X - Site Plan Review;
Article XI – Administration; Article XII – Zoning Amendments

Planning Director Rob Pierce submitted the following memo relating to amendments to Ordinances 2023-27 and 2023-28:

Over the past six months, the Planning Commission, City Solicitor, and Planning Director have reviewed Chapter 230 Zoning and Chapter 200 Subdivision of Land to address the following;
• Modify the review process for major subdivision and/or conditional use applications to provide final decision-making authority to the Planning Commission or Staff;
• Perform a more thorough review of permitted and conditional uses within each zoning district to make sure the code is comprehensive and there is consistency across zones relative to development and intensity of use;
• Reduce the number of conditional uses within each zoning district by making them permitted uses;
• Modify or eliminate 230-42 which states "in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements." We have had numerous applications that would not have needed to be reviewed by City Council or the Planning Commission if the applicant wasn't seeking approval for multiple tenants or mixed-use projects;
• Fix some errors found in the 2022 code update;
The Planning Commission dedicated time after each regularly scheduled Planning Commission meeting to review these two chapters in workshop sessions. The workshops primarily reviewed application approval authorities and the use and area regulations within the zoning ordinance. Comments from Commissioners were taken and added to the draft amendments. Below is a summary of the meetings held (or to be held) to review Chapter 230 Zoning and Chapter 200 Subdivision of Land;
• December 8, 2022 – Board of Adjustment – Annual Code Review
• January 17, 2023 – Planning Commission - Introductory Meeting
• January 18, 2023 – City Council Workshop
o Discussed approval authorities and procedures.
• February 21, 2023 – Planning Commission - Chapter 230
o Discussed approval authorities and procedures.
o R-1, R-2, R-3, R-8, OB-1, C-1, C-2, C-2A
• March 21, 2023 – Planning Commission - Chapter 230
o C-3, BP, I-1, I-2, OC-1, H-1, IM, IS
o Article VIII - Miscellaneous Provisions
• April 18, 2023 – Planning Commission - Chapters 200 & 230 – Review Draft Edits
• July 18, 2023 – Planning Commission – Ordinance Public Hearing
• July 24, 2023 – City Council – Ordinance Public Hearing

Below is an executive summary of proposed code revisions for Chapter 230 Zoning and Chapter 200 Subdivision of Land organized by articles and sections.

Chapter 230 - Article I - General Provisions
• Added definitions for Accessory Small-Scale Solar & Wind Energy Systems, Community Energy Generating Facility, Emergency Shelter Facility, Group Home For the Care of Disabled or Elderly Persons, Group Homes Other Than For the Care of Disabled and Elderly Persons, Manufactured Home, Model Home (Sample Home)/Sales Office, Modular Home, Shopping Center, Short-Term Rental (30 Days or Less), and Tiny House.

• Modified the definition for Mobile Home.
• Deleted the definition for Community Residential Treatment Program.

Chapter 230 - Article III – Use and Area Regulations

R-1 Single-Family Residential District
• Added Small Scale Solar & Wind Energy Systems as a permitted accessory use.
• Added the keeping of chicken hens as a permitted use with conditions.
• Added Group Homes for the Care of Disabled or Elderly Persons as a permitted use.
• Added Model Homes as permitted use.
• Added Short-Term Rentals as permitted use with conditions.
• Fixed a grammatical error in Bed and Breakfast conditions.
• Added Group Homes for Others as a conditional use.
• Added Emergency Shelter Facility as a conditional use.
• Added structures to the height regulations for standalone renewable energy systems.

R-2 Residential District
• Moved Single-Family Semi-Detached Dwellings from a conditional use to a permitted use.

R-3 Garden Apartment & Townhouse District
• Changed language from Mobile Home Park to Manufactured Home Park.
• Added Tiny Home Village as permitted use.
• Updated the conditions for Manufactured Home Park and reduced the minimum project area from 20 acres to 1 acre (which matches the requirement for townhouse and apartment projects).
• Added conditions for Tiny Home Village (similar to the Manufactured Home Park conditions).

C-1 Community (Neighborhood) District
• Removed the Neighborhood Shopping Center as permitted use. Multiple permitted uses in the zone will require conditional use approval.
• Removed Off-street Parking as an Accessory Use.
• Added Group Home for the Care of Disabled or Elderly Persons as a permitted use.
• Removed Community Residential Treatment Program from conditional uses.
• Added Group Home for others as a conditional use.
• Added Emergency Shelter Facility as a conditional use.

C-2 Central Business District
• Moved Commercial Indoor Recreation Activities and All Dwellings other than Single-family in Conjunction With a Non-Residential Use from conditional use to permitted use.
• Added Bed and Breakfast as permitted use.

C-2A Riverfront Development District
• Same changes as C-2.

C-3 Highway Commercial District
• Moved Motels or Hotels, Commercial Greenhouse, Wholesale Establishment, Contractors Establishment, Laboratory Testing and Research, and Carwash from conditional use to permitted use.
• Made changes to the Shopping Center conditions. Shopping Center is now defined as four or more tenant spaces.
• Added Community Energy Generating Facility, Energy System Utility Scale Solar and Wind, and Emergency Shelter Facility as conditional uses.

H-1 Institutional Development District
• Added Nursing Home as a permitted use.
• Removed Nursing Home, Sanatoriums, Multilevel Parking Facilities and Community Residential Treatment Programs from the conditional uses.
• Added statement regarding the sunsetting of this zoning category.

I-1 Limited Industrial District
• Added statement regarding the allowance of accessory retail storefront/gift shop for products manufactured on site.
• Added NAICS References for light industrial uses.
• Added NAICS References for wholesale storage, warehousing, and distribution centers.
• Removed Airfields as a conditional use.
• Added Community Energy Generating Facility and Energy System Utility Scale Solar and Wind as conditional uses.

I-2 General Industrial District
- Added statement regarding the allowance of accessory retail storefront/gift shop for products manufactured on site.
- Added NAICS References for general industrial uses.
- Removed Airfields as a conditional use.

OC-1 Office Complex District
- Moved Charitable Organizations, Daycare Centers, Indoor/Outdoor Recreation, Private Organizations and Medical/Dental Laboratories from conditional uses to permitted uses.

OB-1 Office Building District
- Moved Government Offices from conditional use to permitted use.

BP Business Park District
- Added statement regarding the allowance of accessory retail storefront/gift shop for products manufactured on site.
- Added NAICS References for light industrial uses.
- Moved Indoor/Outdoor Recreation from conditional use to permitted use.
- Deleted Schools and Daycare Centers from conditional uses.

IS Institutional Service District
- Added Places of Worship, Emergency Shelter Facility, Community Energy Generating Facility and Energy System Utility Scale Solar and Wind as conditional uses.

IM Institutional Medical District
- Added Emergency Shelter Facility and Places of Worship as conditional uses.
- Fixed typo under area regulations.

R-8 Garden Apartment & Townhouse District
- Same changes proposed in the R-3 district.

230-19.8. Tree Planting and Preservation
- Reduce the tree density requirement for planting plans from 1 tree per 3,000 square feet to 1 tree per 10,000 square feet for residential development and 1 tree per 5,000 square feet for non-residential development.

Chapter 230 - Article IV – Off-Street Parking and Loading
- Added recommendation for EV Charging Stations for new parking lots.
- Added parking calculation for group homes and short-term rentals.

Chapter 230 - Article VI – Signs
- Increased the allowable sign height for subdivision signs from four feet to seven feet.

Chapter 230 - Article VII - Board of Adjustment
- Fixed the newspaper publication requirement.

Chapter 230 - Article VIII – Miscellaneous Provisions
- Added requirements for fences.
- Modified the language for Multiple Permitted Uses or Mixed Use of a property so that multiple permitted uses or mixed use of a property in the R-1, R-2, R-3, R-8, OB-1, or C-1 zoning districts still requires conditional use approval. Instances within the C-2, C-2A, C-3, OC-1, or H-1 where four or more non-residential uses are proposed would require conditional use approval, which is in alignment with the definition of shopping center. Instances in the I-1, I-2, BP, IS or IM zoning districts would be permitted uses.

Chapter 230 - Article X - Site Plan Review
- Added a 12-month expiration of a preliminary application from their initial submission for both permitted use site plans and conditional use site plans.
- Fixed the newspaper publication requirement.
- Modified the site plan expiration language to be similar to the subdivision expiration language from Chapter 200.

Chapter 230 - Article XI - Administration
- Added statement that any use not specifically permitted within a particular zoning district shall be considered prohibited except for the following; for non-residential uses, the Planning Director would have the authority to evaluate the proposed use by referencing the most recent North American Industry Classification System (NAICS) manual and where the same NAICS code is found in several use categories, the Planning Director would have the ability to consider the characteristics and adverse impacts of the proposed use and allow the use to be classified with similar uses in the zoning code.

Chapter 230 - Article XII – Zoning Amendments

• Fixed the newspaper publication requirement.
Chapter 200-4 – Application Procedure
• Added a 12-month expiration of a preliminary application from their initial submission for both permitted use site plans and conditional use site plans.
• Fixed the newspaper publication requirement.
• Changed final major subdivision approval from City Council to administrative.

Planning Director confirmed that he is proposing a permit will be required for a chicken coop and the chickens must be registered with the Department of Agriculture, and there is a maximum of four chickens and a coop requires 3 square feet per chicken at a maximum of 20 square feet.

He also confirmed that in a residential zone, a 3½ foot fence would be allowed in the front yard and 6-foot fence in the rear to prevent the obstruction of neighbor's views. Private fences are prohibited in the front yard except in the industrial and business parks and institutional zones.

It was confirmed anything not in compliance with the new regulations would be grandfathered as legal non-conforming.

Charging stations in parking lots and tiny home villages were discusses by Council. In particular, concerns with the acreage, lot width, minimal lot area, set yard setbacks were expressed. Comparisons were made to Georgetown's tiny village. Tiny homes and pallet shelters were differentiated.

Council agreed to keep the language as is and consider an ordinance or policy to describe a tiny home. Several options were talked about.

When asked at what point Council authorized chicken coops in the City of Milford, Mr. Pierce said he chose to bring it to Council for debate. Several councilmembers recalled council stating they wanted no chicken coups in the city.

There were also questions about council being eliminated from an increasing number of approval processes by turning them over to the administration. Planner Pierce was directed to bring some scenarios back to council before the ordinance is approved. When asked to define a substantial change, the Planner read Section 200-6 relating to perimeters established for recorded plots. He is willing to insert those perimeters for that purpose.

Planner Pierce said he does not want to be the only one signing off on the plans, which is the reason he included the City Engineer and City Manager as part of the administrative approval.

Questioned about the overall feeling of development plans and the time involved, Planner Pierce said the applicants are very pleased with the site plan which is a very simple process. Subdivisions are a lengthy process, and he wants them done correctly, but that is the case in any town or even in the county.

Councilman Culotta receives complaints from developers that Milford's process are sometimes tedious but a lot of people in private business believe that bureaucracy is tedious. But that is not a general statement.

Councilmember Fulton said he spent a lot of time on the planning commission and most of the time when reviewing the preliminary and then the final plan, there are minor changes, and all the other requirements have been discussed. He agrees it is bureaucracy and slows the process down that should not require a lot of steps, when every detail is hammered out in the preliminary plan. He agrees with the change to speed up the process because of the checks and balances in place.

Though the process has improved according to Councilmember Boyle, he asked when a major development occurs, what would cause the planner to take it back for additional approval. He is only asked what constitute for that to be considered.

The floor was open to public comment.

Martha Gerry of 13 Mill Street, Milford, representing Milford Advocacy for the Homeless, stated that she commended the entire committee here for the work they are doing to try to resolve some of the issues with affordable housing, emergency shelter, tiny village, and pallet homes.

There is some great stuff in what is being done but wants to focus on a couple of things. One of the things they are looking for is what is the solution to some of those problems. She said there are pallet houses which creates some solutions to those people who are displaced. But then there are tiny homes and that is another population. There are several seniors that are now displaced because they can't afford the housing. Tiny homes would do that and the
more acreage that we don't have to use for smaller things like, if there's a place for a car, and there's a place for their home, and still put it on a solid foundation like is being suggesting and make guidelines, whether it's maintenance, and just like anything else. What it makes the city look like is the real key.

There is some work that is needed so it can include all those things, but also, they are looking at 9 Causey Avenue which is a 10-room house, and when looking at wording, she wants to make sure something like that would fit. Whether or not that is the place they get, it could be ten rooms, and it could be temporary shelter, or a group home, with four floors. She is asking to look at that kind of situation, because if she can do more of that, she can help more people. It takes a larger population than what is trying to be solved. When she hears words like conditional, it sounds expensive and time consuming and that will take a lot of legislative type of things.

Those are some words that are concerning to her, and she encourages Council to go back and revisit these things so it can be all inclusive, to prevent revisiting it again and again. Define what a tiny village is, what a pallet shelter is, what an emergency shelter is. The mayor helped her allowed public works to be opened last year. If they had a home like 9 Causey and it was already zoned to allowed temporary emergency shelter, it's a no brainer. It could then be easily opened when it's cold because it has already been approved. City Council does not have to do anything special.

She has a lot more to say and thanked Council for their continuing efforts and encouraged them to go back and refine it again so that time can be spent on other things.

With no one else responding, the floor was closed to public comments.

Planner Pierce shared the Planning Commission recommended approval of Ordinance 2023-27 by a vote of 7 to zero and recommended approval of Ordinance 2023-28 by a vote of 7 to zero at their July meeting.

Councilmember Culotta moved to approve Ordinance 2023-27, with the administrative approval, as written, seconded by Councilmember Fulton.

Motion carried by the following

Marabello-votes yes, I think it simplifies some things and we have enough areas to keep it in line, so nothing goes awry.
Boyle-votes no, based on the only stipulation there should be a trigger, for final site plan to come back to council if significant changes have been made to the original plan. Votes no based on the lack of that stipulation.
Fulton-votes yes, thinks it simplifies the process, but it also still has safeguards to keep things operating.
Culotta-votes yes, and while appreciating other comments to make sure there is flexibility for Council to do what is needed to do, he also believes in speed and ease, and thinks this is a good step in that direction. So yes.
James-votes yes. There are substantial safeguards in place. and Council has the power to act if they deem things are not working properly.
Samaroo-thinks making the city code a little clearer with the verbiage, so it explains a little more, and votes in favor because it elaborates a little more.
Baer-votes yes as it is important to streamline the language.
Wilson-votes yes based on the explanation that the planner will make sure those things in question shall be brought before Council, and that three staff members will be held accountable to sign off. Those are safety nets in place.

Councilmember Culotta moved to approve Ordinance 2023-28, as written, Councilmember Baer seconded the motion.

The motion was denied by the following 7-1 vote:

Wilson-votes no, because she prefers an amendment be added prohibiting chickens and chicken coops in the city limits.
Baer-votes no because he prefers some amendments to the ordinance.
Samaroo-votes no, based on the chicken coops, tiny homes regulations, and some other items that were discussed by Council, and some changes are needed.
James-votes no, and agrees some amendments are needed.
Marabello-votes no due to the addition of the chickens and some other sections that must be changed regarding tiny homes and other items.
Boyle-votes no, based on the need to reexamine the chicken issue, and the tiny homes and pallet structures.
Fulton-votes no because amendments are needed.
Culotta-votes yes because he is fine with the current language though other things can be added later.

Councilmember Wilson moved to table to Ordinance 2023-28 and direct the City Planner to clean up the ordinance as has been discussed and revote on allowing chickens and the updates to tiny houses, seconded by Councilmember Marabello.

Motion was carried by a vote of 7-1 with Councilmember Culotta casting the dissenting vote.

STAFF REPORT

Milford Police Department/2023 Edward Byrne Memorial Justice Assistance Grant (JAG) Notification

Captain Wells reported the 2023 Edward Byrne Memorial Justice Assistance Grant, known (JAG) to the U.S. Department of Justice. The JAG program is the primary provider of Federal criminal justice funding for eligible state and local jurisdictions to support a wide range of crime prevention and intervention activities based on local needs and conditions. This solicitation is for a disparate of Sussex County agencies, with recommended allocations of $19,091 to the City of Milford, $18,051 to the Town of Seaford, $11,960 to the Town of Laurel and $11,515 to the Town of Georgetown. FY23 JAG total allocation for Sussex County is $60,617.

Part of the process is to make City Council aware of the grant and to provide public notice. Currently there are no plans for the money though it will be final by August 31, 2023.

COMMJNICATIONS AND CORRESPONDENCE

Councilman Culotta talked about a property that remains in a condition of disrepair on South Walnut Street. Mayor Campbell said to provide the Planner Director said it has already been addressed.

Mayor Campbell referred to a packet about Mispillion Apartments noting that it is almost as bad as Brightway Commons. He turned it over to Councilmembers Fulton and Culotta for further action.

The Mayor also received a complaint with a photo about residents planning an outdoor family outing and barbeque when chickens showed up at their front door.

He is also having City Manager Whitfield has prepared a job description and will be handling the hiring process for the Executive Session Director vacancy with Delaware League of Local Governments.

Councilmember Boyle referenced a recent Delaware State News article regarding the legal options for marijuana legislation. He received some concerns about how City Council will be handling that in Milford.

Councilmember Fulton noted there are restrictions on alcohol in Milford, including not permitting alcohol consumption in public, and he thinks Milford should mirror the same rules when using marijuana for recreational use.

MONTHLY FINANCE REPORT

Finance Director Vitola reviewed the June financials. Coming off two strong financial performances back-to-back and fiscal year 23 (fy23) hales in comparison. Though the city made out fine, the two largest sources of revenue—property tax receipts exceeded expectations and the utility margins on a dollar basis delivered exactly what was needed for the city to carryout operations and to invest in capital improvements and equipment.

More was spent than in the previous two years though turnover was reduced, and more funding was targeted for capital spending.

Looking at cash in total, and adjusting for ARPA, the cash position is strong compared to the last two years.

June was a good month and the trend downwards turned around somewhat in the general funds and the utilities. Other than solid waste, it was a strong fiscal year.

NEW BUSINESS

Adoption/City of Milford Fiscal Year 2024 Tax Warrant

A copy of last year's tax warrant was included for Council review.

Councilmember Boyle moved to adopt the FY24 Tax Warrant, seconded by Councilmember Wilson:

Greetings:

The Charter of the City of Milford provides the following:

"Article VII, Section 7.12: Attached to said tax list shall be a warrant, under the Seal of the City of Milford, Signed by the Mayor and Attested to by the City Clerk, commanding the City Manager to make collection of Taxes as stated in the Tax Lists."

THEREFORE, YOU, THE CITY MANAGER, DULY APPOINTED BY THE COUNCIL OF THE CITY OF MILFORD, ARE HEREBY COMMANDED TO COLLECT THE TAXES AS LEVIED IN THE FOUR WARDS, AS FOLLOWS:

Property Assessment Values Per Billing Register	*$ 1,386,738,152*
Exemptions	*[$ 351,283,041]*
Total Assessed Values	*$ 1,035,455,111*
Tax Rate	*x $0.005460*
Estimated Tax Collection	*$ 5,653,585*
Senior Citizen Discount	*[$ 47,174]*
TOTAL TAX COLLECTION (Fiscal Year 2023-2024)	*$ 5,606,411*

Tax Payment Deadline: September 29, 2023

Motion carried.

Authorization/Chesapeake Gas Easement/Marshall's Pond Park

City Engineer James Puddicombe submitted the following memo:

Chesapeake Utilities has requested to install a gas main within City property located near Marshalls Pond to alleviate supply issues during winter months. The current land is used as a playing field and park, with some improvements which will not be impacted by the proposed gas main. Chesapeake intends to complete the construction prior to winter 2023 and currently have an existing franchise agreement with the City for the use of existing rights-of-way.

Councilmember Boyle moved to approve:

Tax Parcel No. 330-11.05-43.00
PERMANENT EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (the "Agreement"), made the 24 day of July, 2023, between CITY OF MILFORD, 10 S. Walnut Street, Milford, DE 19963 ("Grantor") and CHESAPEAKE UTILITIES ("Grantee"), a corporation of the State of Delaware, which includes a provision to cover the costs to the City of Milford while operating within our rights-of-way as the infrastructure is predominantly intended to serve City residents,

seconded by Councilmember Culotta. Motion carried.

Ratification/Milford Community Gardens Agreement

The agreement is up for renewal as the current agreement expires next month. City Manager Whitfield noted the error in the address of the City which needs to be changed to the City Hall address.

Councilwoman Wilson moved to authorize the following agreement, with the corrected address, seconded by Councilmember Fulton:

Milford Community Gardens Lease Agreement

THIS LEASE AGREEMENT (hereinafter referred to as the "Agreement") made and entered into this 24th day of July 2023, by and between City of Milford, (hereinafter referred to as "Landlord") and Milford Community Gardens, (hereinafter referred to as "Tenant").

WITNESSETH:
WHEREAS, the Landlord is the fee owner of certain real property being, lying and situated in Kent County, Delaware such real property as shown on Exhibit "A" and described as the northeast corner of parcel 5-16-18306-02-1400-0001 on N. Walnut Street approximately 300' south of the intersection of NE 7th Street (hereinafter referred to as the "Premises").
WHEREAS; Landlord desires to lease the Premises to Tenant upon the terms and conditions as contained herein; and
WHEREAS, Tenant desires to lease the Premises from Landlord on the terms and conditions as contained herein;
NOW, THEREFORE, for and in consideration of the covenants and obligations contained herein and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as stated.

Motion carried.

ADJOURNMENT

There being no further business, Councilmember Fulton moved to adjourn the meeting, seconded by Councilmember Wilson. Motion carried.

The Council Meeting adjourned at 8:04 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
PUBLIC SAFETY COMMITTEE MINUTES
August 14, 2023

The Public Safety Committee of the Milford City Council met on Monday, August 14, 2023 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Chairman Mike Boyle

IN ATTENDANCE: Committee Members:
Councilpersons Andrew Fulton, Brian Baer, and Jason James Sr.,

STAFF: City Manager Mark Whitfield, Police Chief Cecilia Ashe, and City Clerk Terri Hudson

Call to Order

Due to technical issues, the start of the meeting was delayed until 5:15 p.m. Chairman Boyle called the meeting to order at that time.

Departmental Report:

Enhanced Initiatives

Social Change Impacts

Future Vision of Department

Behavioral Health Unit Update:

Policing & Successes

Community Perception

Homeless Interaction

Improved Image Within Community

Chairman Boyle announced that Chief Ashe and staff will be providing an overview of the Department's Behavioral Health Unit and its impact to the department and the community.

Chief Ashe added that tonight there will be a brief presentation of the program that includes its beginning, status, and future plans.

She then introduced Licensed Clinical Social Worker/Director Jenna Haines and Clinician Amy Kevis. Both provided a synopsis of their previous experience. Director Haines began employment with Milford Police Department in February 2021 and was hired full-time in September 2021. She came to Milford from the James T. Vaughn Correctional Facility where she worked in the forensics population.

Also in attendance was Clinician Amy Kevis, a veteran of the New Castle County Police Department, who is currently the Executive Director of Partners in Public Safety Solutions, Incorporated, a nonprofit she started in 2020. There are two additional part-time clinicians who are also contracted through Ms. Kevis' nonprofit.

Ms. Kevis provided an in-depth background with statistics noting that Milford is the third highest city in drug overdoses within the state, only behind Wilmington and Dover.

She emphasized that some of the biggest benefits to having this newly created unit, which was originally suggested by Councilman Jason James, is that it allows individuals to be diverted from the criminal justice system when relevant which lessens the burden on the criminal justice system.

It also reduces strain on emergency rooms by connecting individuals with appropriate levels of care and lessens recidivism by linking individuals with needed behavioral health treatment.

In Milford, clinicians ride with police officers during their shift and are readily available when needed to respond to calls for service, providing necessary resources or interventions in real time. They also do brief case management and follow-up with individuals throughout continuum treatment. If a clinician is unavailable, the officer can also refer individuals to the clinicians when needed.

Ms. Kevis described their responses to situations all have a behavioral health component to them. The clinical social worker or behavioral health individual have a different conversation with the individual than a police officer does. The officers normally would make the arrest and go to the next course of action. Because the clinicians are capable of handling in a different manner by obtaining other relevant information, they can make a more informed decision about what the individual requires. Instead, they are connected with community-based treatment providers, in lieu of being arrested, and sent to jail or another institution.

She shared that many times, when a person enters the criminal justice system, the person loses their state funded resources including housing. They then become homeless and lose their jobs. Those lost resources then prevent them from becoming successful members of society.

In turn, the criminal justice entry for them is many times detrimental.

A lot of agencies now understand the need and that there is an opportunity to get behind the needs of these people.

Ms. Kevis then presented the following statistics:

- 89% of people who need behavioral health treatment do not receive it
- 70%-80% of individuals in jail have either SUD or BH challenges
- 4 largest "behavioral health facilities" are jails
    - Los Angeles, Houston, Chicago, and New York City
- 73% of DE fatal overdoses had at least one opportunity for linkage to care prior to overdose
- Police are often the first, and many times, the only intervention with these individuals

Ms. Kelvis emphasized that if a person commits a crime, there may be a need for an arrest. However, if the reason for Milford's crime rate is behavioral health or substance abuse, there is a need to be proactive in getting someone help in lieu of being arrested. The behavioral health clinician works to get that person the treatment that he or she needs with the goal that person continues to be responsible for their actions. Regardless, they will either be deflection or diversion as 89% of people who need behavioral health treatment never receive it (percentage used is two years old and is anticipated to be higher today). Unfortunately, the largest behavioral health facility in the United States today are jails.

She talked about past programs such as the 911 campaign that was intended to get help for individuals with behavioral health disorders, but instead only brought police officers to deal with the situation. Today, there is a bigger focus on getting treatment.

In Delaware, the Mobile Crisis Units are no longer 24/7 causing Kent and Sussex County police officers to encounter problems when they encounter a serious mental health issue after hours.

Though the state has stabilization and drop off centers, the closest in Milford is Brandywine Counseling. Ellendale and Newark also have recovery centers though they are also not always available due to staffing issues which also creates additional issues when someone needs to be taken somewhere.

She stressed the importance of having a qualified clinician on site at the time of an emergency. She talked about the needs of an addict and continued use, often because that person has not gotten a fair opportunity for treatment.

Ms. Kevis applauds Milford for understanding and seeing the need for this program.

Behavior Health Director Haines then shared information about a grant received for Ms. Kevis' organization and Milford Police to create model guidelines for co-responders. Using technical assistance and training scenarios, the co-response model would be designed to assist in calls for these situations.

Because it was written using an academic tone, it was reevaluated and made more cop friendly in the end.

She explained the model being used in Milford is to have the behavioral specialists in the vehicles with the officers responding to these situations in real time. Other agencies use other models that involve following up by telephone or even the next day or so, though that comes with other issues that make follow-up unlikely. The situation then become low-level priority.

Director Haines provided some brief excerpts from her job description that included working alongside police officers to engage with members of the community, performing crisis intervention techniques to deescalate people in the safest way, and identifying clients who need various resources. Also included are homeless resources, domestic violence, and victim services. The specialist will assess the situation and decide whether an official referral is needed. Case management tasks are also completed with follow-up in a day, week, or month to prevent recurrences.

Her staff also does informal education through follow-up conversations with the officers who have responded to such situations. Community education is also being done with Narcan events offered.

To begin with, she believed that suicidal/homicidal circumstances would be a big part of her job, but she is pleased that is not the case and is convinced that being involved at the start of an occurrence deters that type of action.

Education of officer wellness is a priority of Chief Ashe. Director Haines stressed the importance of officers always feeling they are supported. When these clinicians ride with an officer for eight hours straight, they can have comfortable conversations whereby any concerns not normally observed could be noted.

Director Haines then reviewed their approach to responding to calls for mental health emergencies and other concerns.

Clinician Kevis then talked about the reform that policing has taken with respect to these issues and the need for continuing education and training for all first responders, and not just law enforcement.

Even though there are dollar and cent constraints, it was agreed that if there is a need to hire more clinicians or police officers, the City needs to do whatever is needed to stay in front of this growing problem.

Chief Ashe pointed out that she is traveling all over the country comparing models and last week was in Colorado looking at their co-responder models. She believes Milford's model is the best with the clinicians in the vehicles with the officers, instead of responding to a situation after the fact or being asked to come on site once an officer has called for their assistance.

Getting the support of the community, Chief Ashe also believes that people want to see the statistics. They want research that proves whether a model is effective or not. As Milford's population continues to grow, there is a need to consider the increase in behavioral health issues within the city. About 74% of the officers are trained and that training continues when they ride with these behavioral specialists. She wants all officers to learn this model and understand the challenges Milford is facing with drug addiction, alcohol, and homelessness.

Because of that, it is her goal to get this unit to 24 hours coverage. Whether that can be accomplished through more grant funding or as part of the FY 25 budget, she sees a need for additional personnel.

Her goal is to have fewer arrests and the decriminalization of mental illness with the help of these specialists.

With no further discussion at this time, the Committee meeting was adjourned by Chairman Boyle at 6:00 pm.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, October 24, 2023 @ 6:00 PM
City Council Hearing: Monday, November 13, 2023 @ 6:00 PM

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

The Planning Commission of the City of Milford will hold a PUBLIC HEARING on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, October 24, 2023 at 6:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, November 13, 2023 at 6:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2023-42
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #17
BURRIS FOOD, INC.
3-30-10.08-070.00 (portion)

FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Muncipalities, Chapter 7-Planning Commission, Section 702 Comprehensive Development Plan of the Delaware Code, the City of Milford adopted Ordinance 2017-24 the '2018 Comprehensive Plan' on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, during a PLUS review on July 26, 2023, the Planning Director prepared and consulted with the Office of State Planning the seventeenth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use Maps, which will permit the future land use designation change of a portion of Sussex County Tax Parcel 3-30-10.08-070.00 from Open Space to Industrial; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the seventeenth 2018 Comprehensive Plan amendment on October 24, 2023 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the seventeenth amendment of the 2018 Comprehensive Plan on November 13, 2023 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

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

Section 1. Purpose: The 2018 Comprehensive Plan is hereby amended to modify the Future Land Use Maps.

Section 2. The Future Land Use of a portion of Sussex County Tax Parcel 3-30-10.08-070.00 owned by Burris Food, Inc. is hereby changed from Open Space to Industrial.

Section 3. Dates.

City Council Introduction: October 23, 2023
Planning Commission Review & Public Hearing: October 24, 2023
City Council Review & Public Hearing: November 13, 20023

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or RPierce@milford-de.gov.

100523

Published: Delaware State News 10-10-2023

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

THE CITY of Milford DELAWARE

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

DATA SHEET FOR 2023 COMPREHENSIVE PLAN AMENDMENT

BURRIS FOODS, INC.

Planning Commission Meeting: October 24, 2023

Ordinance Number	:	2023-42
Applicant	:	Burris Foods, Inc. 501 SE 5th Street Milford, DE 19963
Application Type	:	Comprehensive Plan Future Land Use Map Amendment
Present Comprehensive Plan Map Designation	:	Open Space
Proposed Comprehensive Plan Map Designation	:	Industrial
Tax Map & Parcel(s)	:	3-30-10.08-70.00 (portion)

ENC: Staff Analysis Report
PLUS Comments
Exhibit A – Comprehensive Plan Amendment
Ordinance 2023-42

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
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THE CITY of Milford DELAWARE

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

STAFF REPORT
September 26, 2023

Ordinance Number	**:**	2023-42
Application Type	**:**	Comprehensive Plan Future Land Use Map Amendment

I. BACKGROUND

- The City received a request from the owner of Sussex County Tax Parcel 3-30-10.08-070.00 to change the Comprehensive Plan Future Land Use classification for a portion of the property from Open Space to Industrial.

- The property is currently used as industrial storage associated with the industrially zoned parcel to the east. The property has been utilized as a fenced-in industrial storage area associated with adjacent industrial building since at least 1992 per Delaware First Map's Historic Imagery application. The property is also home to several baseball/softball fields for which the owner allows the Milford Little League to utilize. The comprehensive plan amendment would allow the industrial use to be separated from the recreational/open space use.

- The applicant proposes to record a lot line adjustment plan to add this area to the adjacent parcel to the east, which will be reviewed administratively by the City if the Comprehensive Plan Map Amendment and Change of Zone applications are approved by City Council.

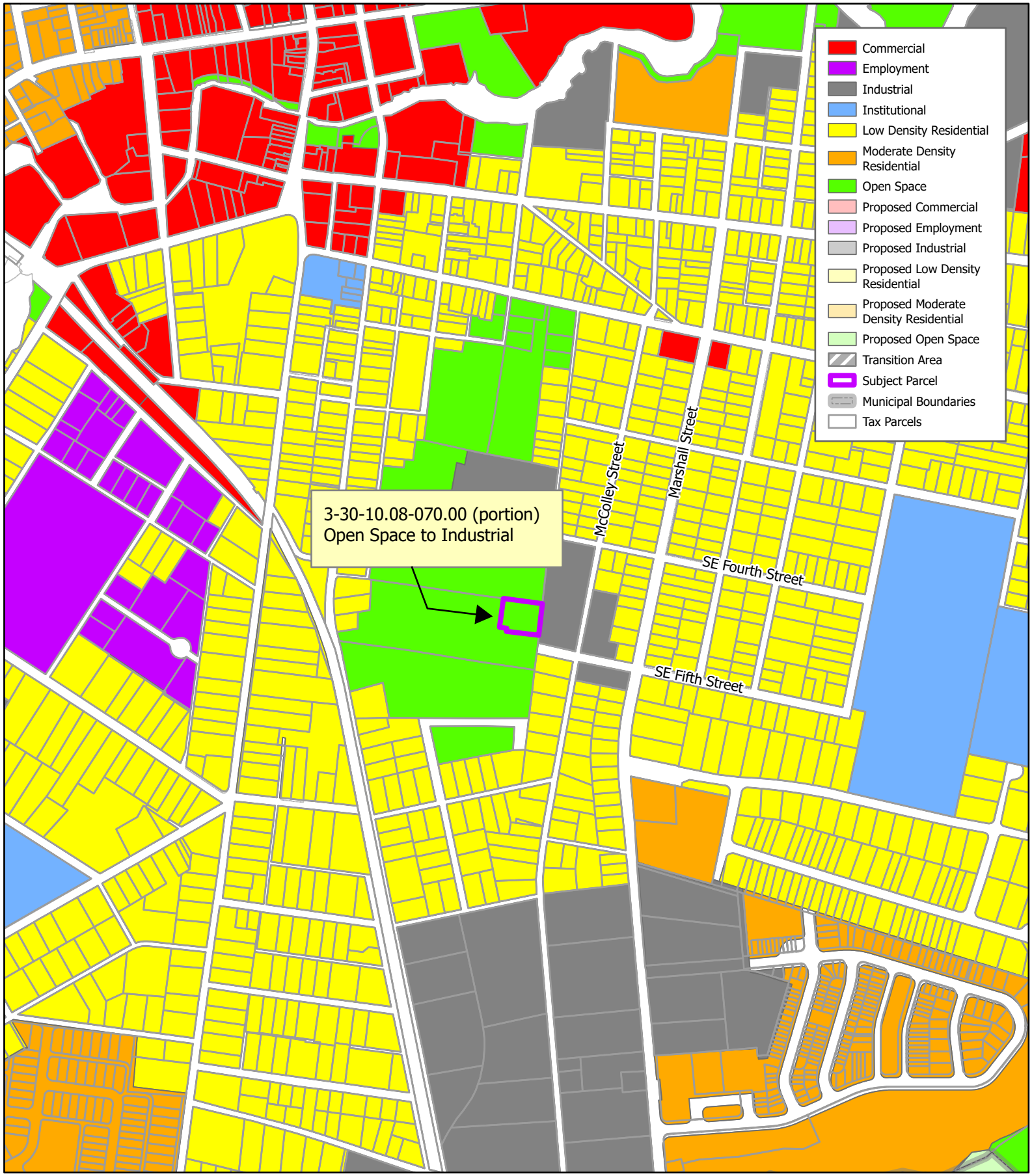
- The PLUS meeting for this amendment request was held on July 26, 2023 and a copy of the PLUS comments dated August 23, 2023 are enclosed.

II. STAFF ANALYSIS

- The Industrial Future Land Use category is intended to serve as a primary location for light to moderate industrial and manufacturing uses. This land is similar to the I-1 and I-2 zoning districts found in the Milford Zoning Ordinance.

- The subject parcel is bound on the east by a property owned by the applicant that is zoned I-1 and used for industrial warehousing. The parcels to the north, west and south are zoned R-2 Residential District and are home to the Milford Little League facility.

- Enclosed in the packet is a copy of the PLUS comments dated August 23, 2023. There are no significant comments from State agencies regarding the change in land use designation for this property.



THE CITY of Milford DELAWARE

Scale: 0 360 720 Feet

Drawn by: WRP

Date: 06/14/23

Filepath: 2023_CompPlanAmendment_ExhibitC.aprx

Title:

Exhibit C

2023 Comprehensive Plan Map Amendment

Future Land Use Map

SURVEYOR CERTIFICATION

I, CHRISTOPHER D. WATERS, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

DAVIS, BOWEN & FRIEDEL, INC.
by CHRISTOPHER D. WATERS, AGENT

2-02-23

CHRISTOPHER D. WATERS
PROFESSIONAL LAND SURVEYOR
DE NO. S6-647
EXPIRES: 6/30/23

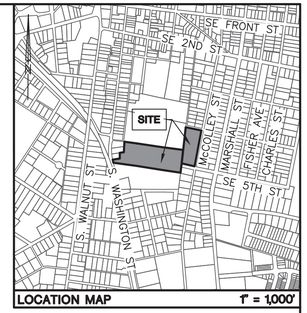
CHRISTOPHER D. WATERS — REGISTERED — No. PLS S6-647 — DELAWARE — PROFESSIONAL LAND SURVEYOR

LEGEND

IRCS	IRON ROD WITH CAP TO BE SET
IPF	IRON PIPE FOUND
CMF	CONCRETE MONUMENT FOUND
IRF	IRON ROD FOUND
DHF	DRILL HOLE FOUND
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	BUILDING RESTRICTION LINE
X	FENCE LINE
	TREE LINE

SITE DATA

CURRENT OWNER:	BURRIS FOOD INC. PO BOX 219 MILFORD, DE 19963 BURRIS FOOD INC. 501 SE 5TH ST MILFORD, DE 19963
TAX PARCEL NO.:	3-30-11.05-121.00 & 3-30-10.08-70.00
DEED REF.:	DB 2674 PG 59
PLAT REF.:	N/A
SITE AREA:	PARCEL 121.00: 2.235 ± ACRES PARCEL 70.00: 6.280 ± ACRES
ZONING:	R-2 & I-1
SETBACKS:	R-2 FRONT: 30' SIDES: 8' REAR: 15' I-1 FRONT: 75' SIDES: 40' REAR: 45'
FLOOD ZONE:	ZONE X – MINIMAL FLOODING
F.I.R.M. No.:	10005C 0041 K,
LAST REVISED:	MARCH 16, 2015



LOCATION MAP 1" = 1,000'

NAD 83 DELAWARE STATE GRID

BALL PARK LANE

N/F R & A RENTALS LLC. 330-10.08-69.00 D.B. 2862/43

N/F EDUARDO & CLARA PENA 330-10.08-69.01 D.B. 2859/93

N/F KEVIN M. HUMPHREY 330-10.08-70.01 D.B. 3222/202

N/F CITY OF MILFORD 330-11.05-120.00

N/F MILFORD LITTLE LEAGUE INC. 330-10.08-71.00 D.B. 2180/49

N/F NORMA LEE MESSICK 330-11.05-186.00 D.B. 2483/120

SE 4TH STREET

McCOLLEY STREET

S. WASHINGTON STREET

330-10.08-70.00
6.280 ± ACRES
ZONED: R-2

330-11.05-121.00
2.235 ± ACRES
ZONED: I-1

0 40 80 120

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S:\3155m - Burris\BOUNDARY TOPO.dwg Jan 23, 2023 - 7:25am

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

BOUNDARY SURVEY PLAN
of the Lands of
BURRIS FOOD INC.
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

Revisions:

Date:	JANUARY 2023
Scale:	1"=40'
Dwn.By:	KTH
Proj.No.:	3155A003
Dwg.No.:	1 OF 1

Google Maps



Imagery ©2023 CNES / Airbus, Maxar Technologies, U.S. Geological Survey, Map data ©2023 Google 20 ft

ArcGIS Web Map



5/26/2023, 6:14:31 PM

- Address
- Municipal Boundary
- Urban Growth Boundary
- Tax Parcels

Proposed Land Use

- Industrial
- Low Density Residential
- Open Space

1:2,257

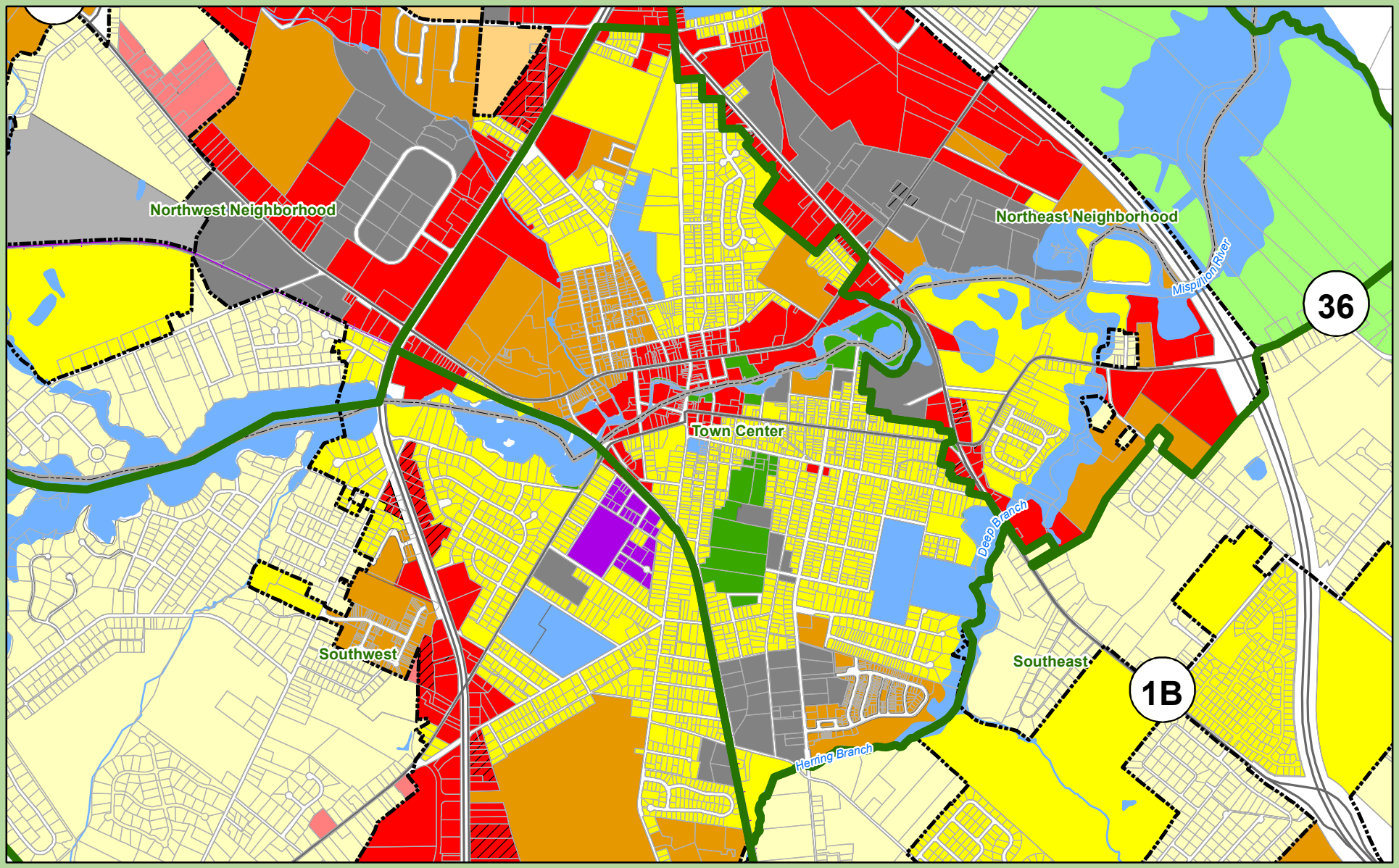
0 0.01 0.03 0.06 mi

0 0.02 0.04 0.09 km

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Web AppBuilder for ArcGIS

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Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Town Center

Adopted Jan. 22, 2018, Certified TBD

0 0.1 0.2 0.4 0.6 0.8 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.
DRAFT Future Landuse - City of Milford, Delaware 01/18.
Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.
Hydrology - USGS and EPA, FirstMap 01/18.

Note:This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.

THE CITY of Milford DELAWARE

UNIVERSITY OF DELAWARE

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institute for Public Administration

DAVIS BOWEN & FRIEDEL, INC.

ARCHITECTS • ENGINEERS • SURVEYORS

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

May 26, 2023

City of Milford – Public Works Facility
180 Vickers Drive
Milford, DE 19963

Attn: Rob Pierce, Planning Director

RE: **Comprehensive Plan Amendment**
Tax Parcel No: 330-10.08-70.00 (part of)
Property Address: 412 McColley St., Milford, DE 19963
DBF #3155A003.A01

Dear Mr. Pierce,

On behalf of the owner of the above refenced parcel, Burris Foods, Inc., and as discussed with your office, we respectfully request an amendment to the future land use map of the 2018 Comprehensive plan to change the land use from Open Space to Industrial to match the use of the site and allow for a potential future lot-line consolidation with parcel 330-11.05-121.00 and rezoning to I-1. The amendment would be consistent with the two adjacent properties to the east.

Owner's Signature:
Maggie Owens, Executive Business Administrator,
Corporate Secretary
Burris Foods, Inc.

If you have any questions or need additional information, please do not hesitate to contact me at (302) 424-1441 or cdm@dbfinc.com.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

Cliff Mumford, P.E.
Associate

P:\Burris Logistics\McColley St Warehouse\Docs\Future Land Use Map Amendment\3155_Comp-Plan-Amendment_COM-RPierce-Cover.docx

STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

August 23, 2023

Rob Pierce
City of Milford
Planning Department
201 S Walnut Street
Milford, DE 19963

RE: PLUS Review – 2023-07-08; Burris Foods Inc. – Milford Comprehensive Plan Amendment

Dear Mr. Pierce,

Thank you for meeting with State agency planners on July 26, 2023, to discuss the proposed Milford comprehensive plan amendment. According to the application, the City desires to amend a portion of parcel 330-10.08-70.00 on the Future Land Use Map within their Certified Comprehensive Plan to change a portion of the parcel from Open Space to Industrial.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

This office has received the following comments from State agencies:

Office of State Planning Coordination (OSPC) – Contact: Joshua Thomas 302-739-3090

The proposed amendment is located in investment Level 1 according to the 2020 Strategies for State Policies and Spending.

Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Because development in Level 1 is consistent with the 2020 Strategies for State Policies and Spending, the Office of State Planning Coordination supports this comp plan amendment.

Department of Transportation (DelDOT) – Contact Stephen Bayer 302-760-4834

- DelDOT has no comments on the Plan Amendment itself. DelDOT notes that should the location be developed in the future any developer will still need to obtain any applicable permits and complete any necessary reviews or approvals.

Department of Natural Resources and Environmental Control (DNREC) – Contact Beth Krumrine 302-735-3495

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

- DNREC reviewers have no comments on the proposed comprehensive plan amendment.

Delaware Emergency Management Agency (DEMA) – Contact Phillip Cane 302-659-2325

- DEMA has no objections, concerns, or comments regarding the comprehensive plan amendment.

State Historic Preservation Office (SHPO) – Contact Carlton Hall 302-736-7400

- There are no known archaeological sites or known historic properties on the parcel.

- There are no archaeological concerns. Our office has no objections.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- The Office of the State Fire Marshal has no objection to the approval of this comprehensive plan amendment.

Once the amendment is voted on by Planning and Zoning and/or City Council, please forward a copy of the decision regarding the amendment to this office for our files. Thank you for the opportunity to review this amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,



David L. Edgell, AICP
Director, Office of State Planning Coordination

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS
Planning Commission Hearing: Tuesday, October 24, 2023 @ 6:00 p.m.
City Council Hearing: Monday, November 13, 2023 @ 6:00 p.m.

NOTICE IS HEREBY GIVEN that the following proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council with public comments scheduled on the times indicated above.

City Council has the option to approve or deny the application. All ordinances under consideration shall be written in the affirmative whereby the Council votes to approve the measure by voting yes (adopts the Ordinance) or not approve the measure by voting no (denial). This form of writing is not intended to influence any decision of City Council:

ORDINANCE 2023-43
Application 23-027/Burris Foods, Inc.
Applicant & Owner: Burris Foods, Inc., 501 SE Fifth Street, Milford, DE 19963
Application Type: Change of Zone
Present Comprehensive Plan Map Designation: Industrial (pending adoption of Ordinance 2023-42)
Present Zoning District(s): R-2 (Residential District) Proposed Zoning District(s): I-1 (Limited Industrial District)
Present Use: Industrial Outdoor Storage Proposed Use: Industrial Outdoor Storage
Size and Location: 0.621 +/- acres of land located to the west of 412 McColley Street.
Tax Map & Parcel: 3-30-10.08-070.00 (portion)

WHEREAS, the equitable owners of the property, as described herein, have petitioned the City of Milford Planning and Zoning Office for a Change of Zone from R-2 (Residential District) to I-1 (Limited Industrial District); and
WHEREAS, the property is currently used as industrial storage associated with the industrially zoned parcel to the east; and
WHEREAS, the Change of Zone request will be consistent with the adopted 2018 Comprehensive Plan Future Land Use maps, as amended, based on the adoption of Ordinance 2023-42; and
WHEREAS, following the approval of the change of zone, the applicant proposes to record a lot line adjustment plan, to be reviewed administratively by the City Planner; and
WHEREAS, the City of Milford Planning Commission considered the application during their meeting on Tuesday, October 24, 2023, at which time interested parties publicly commented on the application allowing an informed recommendation to be forwarded to City Council; and
WHEREAS, Milford City Council held a Public Hearing on November 13, 2023 to allow for additional public comment and further review of the application, after which a final determination was made; and
WHEREAS, as required by Chapter 230, the Public Notice was published in the Delaware State News, provided to property owners within 200 feet of the subject parcel, and the site properly posted with an announcement of the public hearing.

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

Section l. The adoption of this Ordinance hereby grants Legal Owner/Applicant Burris Foods, Incorporated a Change of Zone from R-2 to I-1 (Limited Industrial District) of 0.621 +/- acres of land located west of 412 McColley Street, thus allowing an appropriate use within the newly assigned zoning district.
Section 2. Any future use of the property must comply with Chapter 230 and the I-1 (Limited Industrial District) zoning use and area regulations. Enclosed is a copy of the current permitted and conditional uses within the I-1 District.
Section 3. Dates.
City Council Introduction: October 23, 2023
Planning Commission Review & Public Hearing: October 24, 2023

City Council Review & Public Hearing: November 13, 2023

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or RPierce@milford-de.gov.

100523

Published: Delaware State News 10-10-2023

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Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

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

DATA SHEET FOR BURRIS FOODS, INC.

Planning Commission Meeting: October 24, 2023

Application Number / Name	:	23-027 / Burris Foods, Inc.
Applicant	:	Burris Foods, Inc. 501 SE Fifth Street Milford, DE 19963
Owner	:	Same
Application Type	:	Change of Zone
Present Comprehensive Plan Map Designation	:	Industrial (pending adoption of Ordinance 2023-42)
Present Zoning District(s)	:	R-2 (Residential District)
Proposed Zoning District(s)	:	I-1 (Limited Industrial District)
Present Use	:	Industrial Outdoor Storage
Proposed Use	:	Industrial Outdoor Storage
Size and Location	:	0.621 +/- acres of land located to the west of 412 McColley Street.
Tax Map & Parcel(s)	:	3-30-10.08-070.00 (portion)

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

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THE CITY of Milford DELAWARE

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

STAFF REPORT
September 26, 2023

Application Number / Name	**:**	23-027 / Burris Foods, Inc.
Size and Location	**:**	0.621 +/- acres of land located to the west of 412 McColley Street.
Tax Map & Parcel(s)	**:**	3-30-10.08-070.00 (portion)

I. BACKGROUND INFORMATION:

- The applicant is requesting to rezone a portion of property from R-2 (Residential District) to I-1 (Limited Industrial District).

- The property is currently used as industrial storage associated with the industrially zoned parcel to the east. The applicant proposes to record a lot line adjustment plan to add this area to the adjacent parcel to the east, which will be reviewed administratively by the City if the change of zone application is approved by City Council.

II. STAFF ANALYSIS:

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

- The Change of Zone request is consistent with the adopted 2018 Comprehensive Plan Future Land Use maps, as amended. The Future Land Use designation for the property is Industrial, for which I-1 (Limited Industrial) is a suitable zoning designation. See attached Land Use & Zoning Link table from the comprehensive plan document.

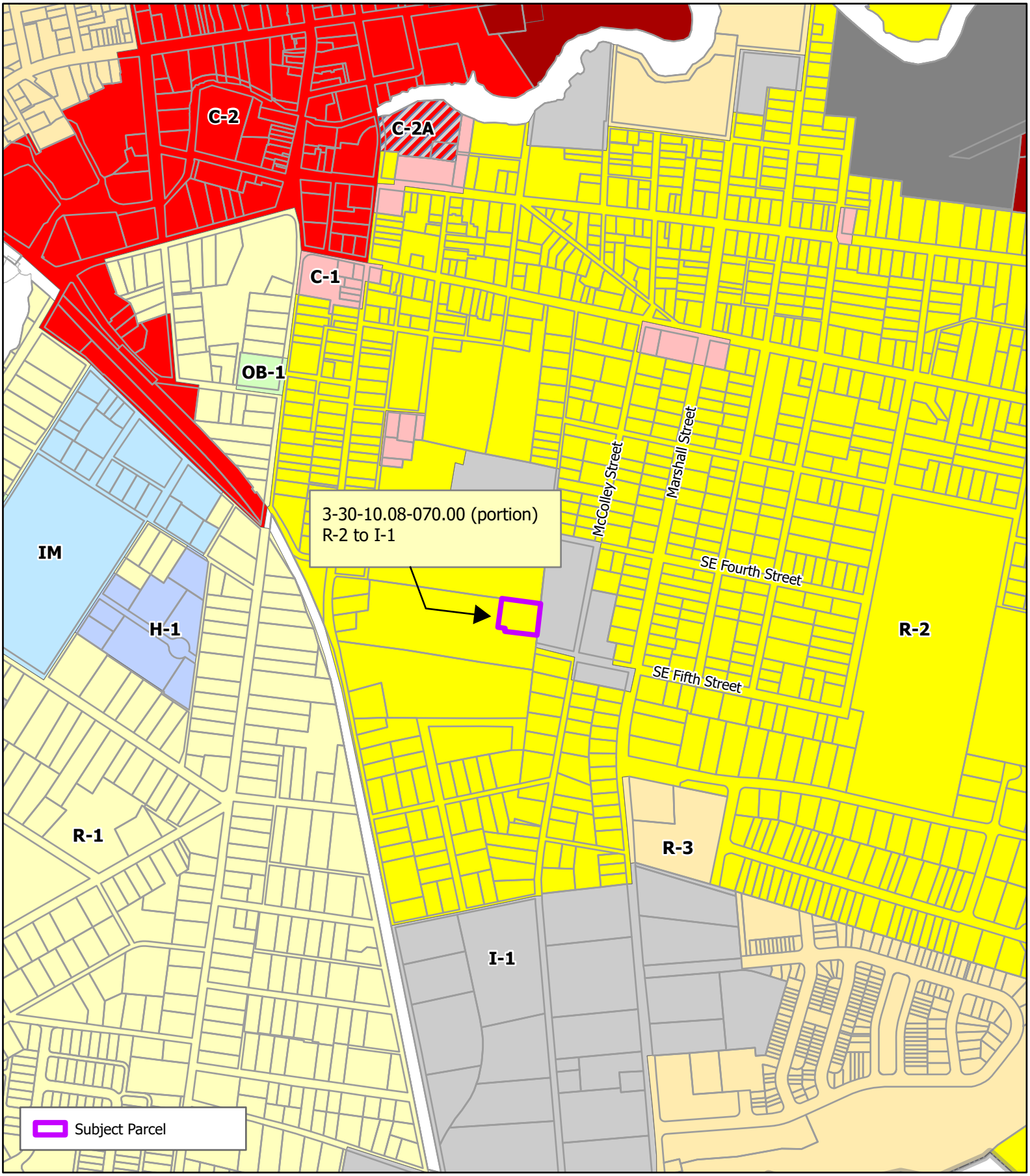
- Per the 2018 Comprehensive Plan, the Industrial Future Land Use category is intended to serve as a primary location for light to moderate industrial and manufacturing uses. This land is similar to the I-1 and I-2 zoning districts found in the Milford Zoning Ordinance.

- Chapter 230 states, the purpose of the I-1 district is to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas.

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

III. AGENCY COMMENTS:

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



THE CITY of Milford DELAWARE

Scale: 0 360 720 Feet

Drawn by: WRP

Date: 09/26/23

Filepath: COZ_BurrisFoods.aprx

Title:

Change of Zone

Burris Foods, Inc.

Location & Zoning Map

SURVEYOR CERTIFICATION

I, CHRISTOPHER D. WATERS, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

DAVIS, BOWEN & FRIEDEL, INC.
by CHRISTOPHER D. WATERS, AGENT

2-02-23

CHRISTOPHER D. WATERS
PROFESSIONAL LAND SURVEYOR
DE NO. S6-647
EXPIRES: 6/30/23

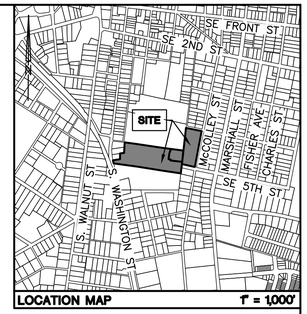
CHRISTOPHER D. WATERS REGISTERED No. PLS S6-647 PROFESSIONAL LAND SURVEYOR DELAWARE

LEGEND

IRCS	IRON ROD WITH CAP TO BE SET
IPF	IRON PIPE FOUND
CMF	CONCRETE MONUMENT FOUND
IRF	IRON ROD FOUND
DHF	DRILL HOLE FOUND
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	BUILDING RESTRICTION LINE
X	FENCE LINE
	TREE LINE

SITE DATA

CURRENT OWNER:	BURRIS FOOD INC. PO BOX 219 MILFORD, DE 19963 BURRIS FOOD INC. 501 SE 5TH ST MILFORD, DE 19963
TAX PARCEL NO.:	3-30-11.05-121.00 & 3-30-10.08-70.00
DEED REF.:	DB 2674 PG 59
PLAT REF.:	N/A
SITE AREA:	PARCEL 121.00: 2.235 ± ACRES PARCEL 70.00: 6.280 ± ACRES
ZONING:	R-2 & I-1
SETBACKS:	R-2 FRONT: 30' SIDES: 8' REAR: 15' I-1 FRONT: 75' SIDES: 40' REAR: 45'
FLOOD ZONE:	ZONE X – MINIMAL FLOODING
F.I.R.M. No.:	10005C 0041 K,
LAST REVISED:	MARCH 16, 2015



LOCATION MAP 1" = 1,000'

NAD 83 DELAWARE STATE GRID

BALL PARK LANE

N/F
R & A RENTALS, LLC.
330-10.08-69.00
D.B. 2862/43

N/F
EDUARDO & CLARA PENA
330-10.08-69.01
D.B. 2859/93

N/F
KEVIN M. HUMPHREY
330-10.08-70.01
D.B. 3222/202

N/F
MILFORD LITTLE LEAGUE INC.
330-10.08-71.00
D.B. 2180/49

N/F
CITY OF MILFORD
330-11.05-120.00

N/F
NORMA LEE MESSICK
330-11.05-186.00
D.B. 2483/120

CHAIN LINK FENCE
UTILITY POLE #540284
CMF
IPF DISTURBED
19.16'
WOOD FENCE
148.57' (TOTAL) 68.55'
IPF
N 07°33'42" E 80.02'
30' B.R.L.
8' B.R.L.
UTILITY POLE NO#
N 89°11'20" E 57.22'
IRF
IPF
N 00°05'21" W 78.70'
UTILITY POLE #15
DHF N 89°09'48" E 100.00'
IRF
DHF 0.12'
0.48'
N 12°27'25" W 65.46'
IRCS
UTILITY POLE #540251
S. WASHINGTON STREET
UTILITY/ LIGHT POLE
VINYL POSTS
GRAVEL DRIVEWAY
N 81°44'44" W 948.67'
WATER METER
SCORE BOARD POSTS
BLEACHERS
DUGOUT
SCORE BOOTH
SHED
EBOX & METER BOXES
UTILITY/ LIGHT POLE PAD
S 82°08'05" E 821.28'
40.8'
16.0'
2.5'
CONCESSION STAND
0.7'
3.0'
3.8'
37.2'
330-10.08-70.00
6.280 ± ACRES
ZONED: R-2
PROPOSED PARCEL LINE
AREA OF REZONING TO BE JOINED WITH PARCEL 330-11.05-121.00
27,039 SF (0.621 AC)
175.00'
N 21°21'50" E 60.00'
N 07°51'55" E 86.00'
S 07°31'30" W 14.26'
S 83°27'53" E 160.00'
N 82°08'05" W 30.00'
METER BOX POSTS
STORAGE CONTAINER
HAZMAT CONTAINER
EXISTING GARAGE
PAD
LOADING DOCK
CB II
330-11.05-121.00
2.235 ± ACRES
ZONED: I-1
TMH
TPED
UTILITY POLE #540279
ELECTRIC PAD
40' B.R.L.
15' B.R.L.
S 06°32'07" W 318.03'
N 77°29'13" W 170.35'
11.2'
24.4'
EXISTING BUILDING
UTILITY POLE #540262
WATER VALVE
SMH
N 06°32'07" E 505.21'
22.8'
UTILITY POLE #540290
N 11°37'07" W 507.44'
13.8'
UTILITY POLE #540284
McCOLLEY STREET
SE 4TH STREET
S 78°47'46" E 215.09'
UTILITY POLE #540312
SIGN
8.5'
40' B.R.L.
54.4'
75' B.R.L.
45' B.R.L.
UTILITY POLE #550108
21'
12.78'
IRCS
CMF

0 40 80 120

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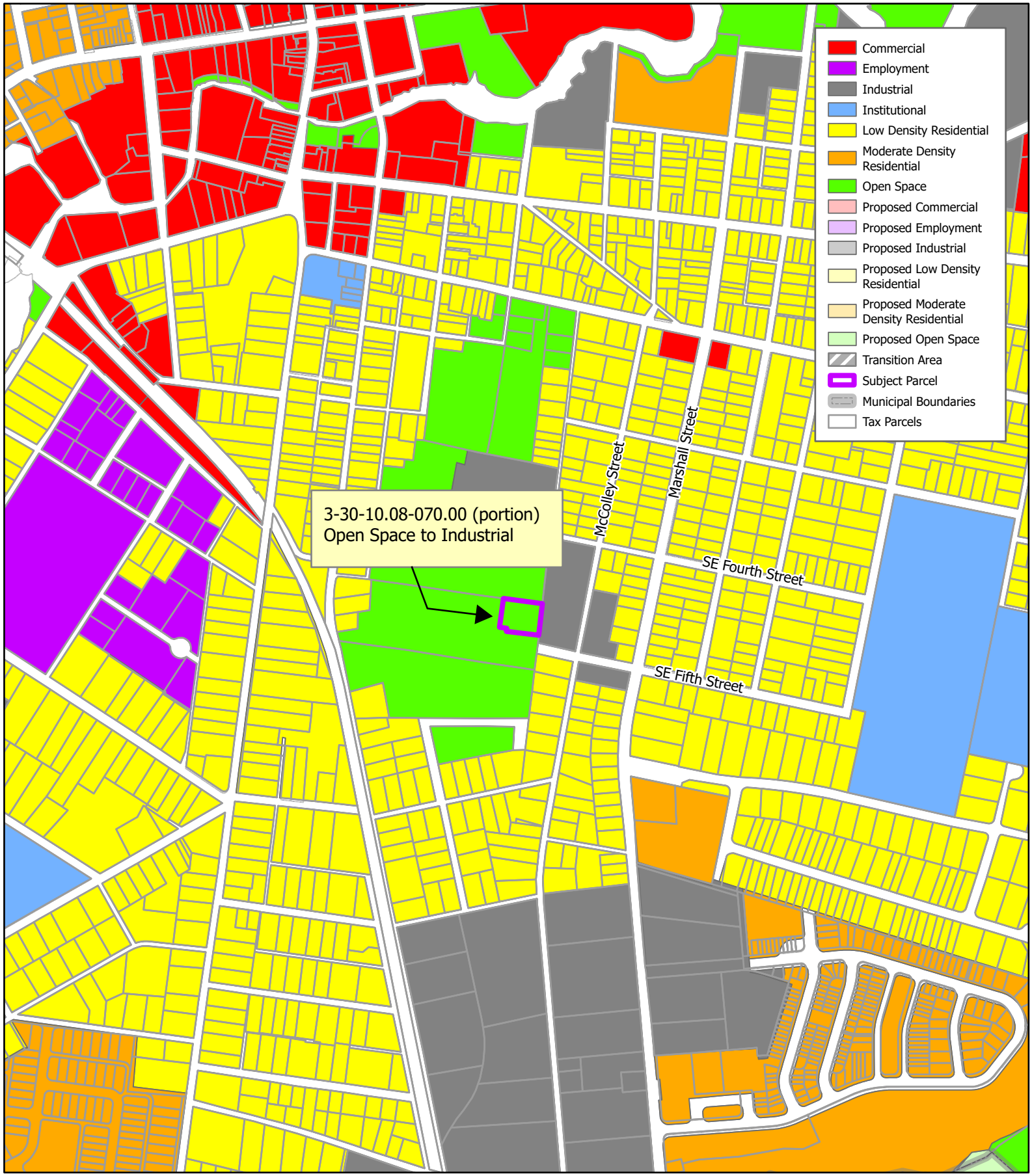
P:\Burris Logistics\McColley St Warehouse\Design\3155-Boundary-Rezoning-Plan.dwg Sep 08, 2023 - 3:28pm

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441
EASTON, MARYLAND (410) 770-4744

BOUNDARY SURVEY PLAN
of the Lands of
BURRIS FOOD INC.
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

Revisions:

Date:	JANUARY 2023
Scale:	1"=40'
Dwn.By:	KTH
Proj.No.:	3155A003
Dwg.No.:	1 OF 1



THE CITY of Milford DELAWARE

Scale: 0 360 720 Feet

Drawn by: WRP

Date: 06/14/23

Filepath: 2023_CompPlanAmendment_ExhibitC.aprx

Title:

Exhibit C

2023 Comprehensive Plan Map Amendment

Future Land Use Map

right to do so). The city's future land use map is largely a reflection of its understanding of likely growth and development. Wherever possible, the future land use attempts to anticipate likely changes. A key feature of the 2017 Comprehensive Plan Update is the "transition" future land use category.

The "transition" future land use designation, conceptually, helps with all three key considerations. It is straightforward and simple to see on the overall and neighborhood maps. It limits the potential need for plan amendments, in that each time a residential property requests rezoning to a commercial or industrial use, it will still be in compliance with the existing future land use map. It maintains flexibility in the identified areas. If and when properties petition for rezoning, procedural changes can be made to the zoning ordinance without it conflicting with the Milford Comprehensive Plan.

The transitional future land use classification has the added benefit of allowing the existing, largely residential uses, as by-right uses to ensure that existing property owners who wish to remain residential are not classified as non-conforming uses.

10-4. Land Use and Zoning

10-4a. Future Land Use Categories

Employment

The employment category is intended to serve as a primary location for a large employer to bring jobs and economic development to the city. Potential uses include schools and healthcare-related uses that would provide many jobs and services for the region. This land use category is similar to the H-1, IM, and IS zoning districts found in the Milford Zoning Ordinance.

Commercial

The commercial category allows for different levels of commercial development intensity. This category includes neighborhood commercial, central business district, highway development, office buildings, and medical services. The *Future Land Use and Urban Growth Boundary* map designates all commercial areas in one category, but the individual characteristics of each site would be considered before identifying the level of commercial development that is suitable for each property. Each level of commercial use differs by the size of the site and use intensity. This land use is similar to the C-1, C-2, C-2A, C-3, BP, OC-1, and H-1 zoning districts found in the Milford Zoning Ordinance.

Regular Highway Commercial for the city is located along major state transportation routes, including DE 1, US 113, Route 14 and Business 1.

Industrial

The industrial category is intended to serve as a primary location for light to moderate industrial and manufacturing uses. This land use is similar to the I-1 and I-2 zoning districts found in the Milford Zoning Ordinance.

Institutional

The institutional category includes government, civic, and community facilities such as libraries, schools, colleges, hospitals, medical facilities, community centers, places of worship, nursing homes, assisted living facilities, and other similar uses. Institutional uses may be found within residential, commercial, and employment areas.

Low Density Residential

The Low Density Residential District represents typical single-family detached dwellings and duplex development. These units receive full urban services. Other dwelling types may be allowed as part of a density bonus by providing additional open space and amenities of development or through a conditional use of a Planned Unit Development by Milford City Council. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-1, R-2, C-1, and OB-1 zoning districts found in the Milford Zoning Ordinance.

Moderate-Density Residential

The Moderate Density Residential District represents typical single-family detached dwellings, attached single-family dwelling units, patio homes, duplexes, triplexes, quadplexes, townhomes/row houses, condominiums, apartments, and loft-style units. Availability of open space and walkable sidewalks are also key components. Neighborhood commercial and office-type uses that do not detract from the residential character of the area may be found in this area as well. This land use is similar to the R-3, R-8, C-1, and OB-1 zoning districts and the PUD conditional use for residential development found in the Milford Zoning Ordinance.

Transitional Commercial and Industrial Areas

These areas are designed to allow for a migration from residential to the underlying future land use categories depicted on the *Future Land Use and Urban Growth Boundary* map. There are two main transitional areas, commercial and industrial. The commercial transition areas are located along major roadways, including US 113 and Rehoboth Boulevard (Route 1A). The Industrial transition area is located along Route 14 between Routes 1A and 1.

The transitional areas will allow the property owners to maintain their current residential zoning until such time they wish to change their zoning to either commercial or industrial. This will allow the area to transition slowly along these corridors, without forcefully rezoning properties and potentially creating non-conforming properties and uses. Once the property owner changes the zoning of the property from residential to commercial or industrial, the property will remain industrial or commercial unless there is an amendment to the Milford Comprehensive Plan that would allow otherwise. The Comprehensive Plan will be reviewed again in five years, where the future land use exhibits can be updated to permanently show the properties that have transitioned from the residential categories to the more intense uses, and reduce the footprint of the transitional area on the maps.

Open Space

The Open Space category includes both existing open space owned by the city as well as the large area of open space located east of DE 1. Milford may elect to annex existing developed residential properties within the proposed Open Space future land use areas at the lowest intensity residential zoning category and provide services if deemed cost effective.

One of the recommendations of the Milford Comprehensive Plan is to prepare an Open Space Preservation Plan. Local governments and conservation groups offer many tools to preserve farmland and other open space. Some rely on the donation or sale of property development rights by a property owner, while other tools may include marketing assistance or protective planning and zoning. The primary goals of the Open Space designation east of DE 1 are the following:

- Promote the Transfer of Development Rights (TDR) – A TDR is a legal agreement that allows a developer who wants to build at a higher density than is permitted to purchase or trade for additional development rights from a willing seller who owns land in an area designated for preservation. The goal of the Open Space designation is to use the land as a sending area either into designated areas of the City of Milford or designated areas of Sussex County, thus protecting the open space area.
- Promote Conservation Easements – A conservation easement is a legal agreement between a landowner and a land trust or government agency whereby a landowner sells or donates the rights to develop his or her property to a conservation organization.
- Protective Rural Zoning – This type of zoning allows a very low density per acre. This is one of the most effective ways to protect rural and agricultural land and maintain a mass of land required to support agriculture economies without buying conservation easements.

- Purchase of Land – In the interest of Milford City Council to protect our recharge areas, funding could be used to protect our recharge areas and preserve open space.

10-4b. Land Use and Zoning Link

The link between land use and zoning is important because Title 22, Section 702(c) of the Delaware Code requires that Milford:

"…within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan."

Table 27 shows the link between the future land use designations depicted on the *Future Landuse and Urban Growth Boundary* map and the zoning districts summarized in Table 28. Table 27 provides guidance as to the zoning districts that would be considered consistent with each land use designation.

Table 27. Land Use and Zoning Link

Future Land Use Designation	Corresponding Zoning District(s)
Employment	H-1 – Institutional Development
	IM – Institutional Medical
	IS – Institutional Service
Commercial	C-1 – Community Commercial
	C-2 – Central Business
	C-2A – Riverfront Development
	C-3 – Highway Commercial
	OC-1 – Office Complex
	BP – Business Park
	H-1 – Institutional Development
Industrial	I-1 – Limited Industrial
	I-2 – General Industrial
Institutional	Institutional uses may be permitted or conditionally permitted in residential, commercial, and employment zones

Future Land Use Designation	Corresponding Zoning District(s)
Low Density Residential	R-1 – Single Family Residential
	R-2 - Residential
	C-1 – Community Commercial
	OB-1 – Office Building
Moderate Density Residential	R-3 – Garden Apartment & Townhouse
	R-8 – Garden Apartment & Townhouse
	C-1 – Community Commercial
	OB-1 – Office Building
Open Space	Designed for preservation. Existing residential properties may be zoned R-1.

Disclaimer: Table 27 shows the relationship between the future land use designations depicted on the future land use map and the zoning districts summarized in Table 28. This table describes how Milford's zoning districts might match up with the land uses recommended on the future land use map. These match ups are intended as guidance for the Milford City Council to consider during the rezoning process. They are not intended to preclude the development of new zoning districts or revisions to the zoning ordinance, the subdivision ordinance, or any other land use regulations.

10-4c. Zoning Districts

The current zoning map depicts Milford's zoning districts, and Table 28 provides a list of the current zoning classifications.

As of the date of the plan adoption, Table 28 and the existing zoning exhibit represent a fixed period in time and Milford reserves the right to create new zoning categories and change property zonings as long as the intent of the Comprehensive Plan is upheld. This table and section is for informational purposes only.

Zoning is the chief means for implementing the Milford Comprehensive Plan, consisting of a written document and a series of maps. The maps show a number of districts or zones into which the municipality is divided to regulate the use of land. The document specifies the types of activities (uses) that can occur in each district either as a matter of right (in all circumstances) or under certain conditions (conditional uses). It also regulates building height, lot sizes, setbacks, yards and green space, the number and sizes of signs, and space for off-street parking. Some municipalities incorporate environmental protection standards in zoning ordinances, while others have stand-alone ordinances with cross-references to zoning standards.

Table 28. Milford Zoning Districts

Zoning District
BP – Business Park
R-1 – Single Family Residential
R-2 – Residential
R-3 – Garden Apartment & Townhouse
R-8 – Garden Apartment & Townhouse
C-1 – Community Commercial
C-2 – Central Business
C-2A – Riverfront Development
C-3 – Highway Commercial
H-1 – Institutional Development
IM – Institutional Medical
IS – Institutional Service
I-1 – Limited Industrial
I-2 – General Industrial
OB-1 – Office Building
OC-1 – Office Complex

Zoning works with subdivision regulations. Subdivision refers to the process of splitting up or assembling land for development. The regulations governing this process designate utility locations, street rights-of-way, open space, and common areas. They also outline the services, such as water, sewer, gas, and electricity and amenities that a developer must supply prior to sale of subdivided (or assembled) land.

Increasingly, the distinction between zoning and subdivision regulations is becoming blurred.

Development plan approvals cannot take place without making sure that plans are in compliance with zoning and subdivision codes. Over the past several years, a number of Delaware municipalities have consolidated subdivision and zoning regulations into a single land use code.

10-5. Land Use and Growth Management Goals and Recommendations

Milford has, and continues to, work diligently to build its economic and employment base through development of all types. It has also made significant efforts to include relevant state agencies, county and municipal governments, school districts, property owners, and development interests. Milford has successfully utilized a master planning approach for its southeastern area and now envisions undertaking a similar initiative for potential growth, development, and redevelopment in its Northeastern area.

GOAL

Encourage compatible, resilient, connected development, redevelopment, and growth within Milford's municipal boundary and entertain annexation or growth opportunities within the municipality's established Urban Growth Boundary, provided cost-effective services can be provided.

OBJECTIVES

- Create a variety of suitable zoning categories and targeted land use areas within the city to accommodate the assortment of business sectors.
- Update the zoning ordinance to reflect the objectives of the city's Comprehensive Plan.
- Refer to the Milford Comprehensive Plan for rezoning and annexation agreements.
- See the State Strategy mapping to guide growth.
- Ensure that the design of new developments complement and enhance the city's unique character by developing and implementing architectural review standards for major residential and commercial developments.
- Encourage infill and redevelopment of vacant, underutilized, or in-need-of-repair properties, particularly within the Downtown Development District.
- Prioritize growth on the significant developable and vacant areas within the existing municipal boundaries.
- Establish a process to review comprehensive plan amendment requests once a year, which may be needed to harmonize proposed development plans with the Milford Comprehensive Plan.

(8) Signs shall comply with the requirements provided in Article VI of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Parking shall comply with the requirements provided in Article IV of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 30 percent of the required rear and side yard of the lot area and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the side and rear lot areas.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-16. - I-1 Limited Industrial District.

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

A. The purpose of an I-1 Limited Industrial District shall be to provide locations for the development of light to moderate industrial manufacturing, warehousing, wholesale and limited research establishments which, because of their type and nature, would be compatible with or adjacent to residential areas. Also, the purpose is to provide guidelines and performance standards which will control and confine any offensive features (i.e., noise, vibration, heat, smoke, glare, dust, objectionable odors, toxic wastes or unsightly storage) to the confines of the premises and within enclosed buildings or within a visually enclosed space.

B. Permitted uses. Permitted uses of the I-1 District shall be as follows:

(1) All permitted uses of the OC-1 District and BP District.

(2) Light manufacturing, assembling, converting, altering, finishing, baking, cooking or any other type of processing or storage of an industrial nature for the production and/or distribution of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices, cafeterias and recreational facilities for the exclusive use of in-house staff and employees. **Accessory retail storefront/gift shop is permitted for products that are manufactured on site. The area for this use must be incidental and subordinate to the manufacturing use and must meet all commercial building code requirements for the use. (NAICS Reference - 313: Textile Mills; 314: Textile Product Mills; 315: Apparel Manufacturing; 316: Leather and Allied Product Manufacturing (except 3161 {Hazardous}); 323: Printing and Related Support Activities; 326: Plastics and Rubber Products Manufacturing (except tires 32621{Hazardous}); 3271: Clay Product and Refractory Manufacturing; 327991: Cut Stone and Stone Product Manufacturing; 3322: Cutlery and Handtool Manufacturing; 3323: Architectural and Structural Metals Manufacturing; 3324: Boiler, Tank, and Shipping Container Manufacturing; 3325: Hardware Manufacturing; 3326: Spring and Wire Product Manufacturing; 3327: Machine Shops; Turned Product; and Screw, Nut, and Bolt**

Manufacturing; 3328: Coating, Engraving, Heat Treating, and Allied Activities; 33291: Metal Valve Manufacturing; 332991: Ball and Roller Bearing Manufacturing; 332996: Fabricated Pipe and Pipe Fitting Manufacturing; 332999: All Other Miscellaneous Fabricated Metal Product Manufacturing; 3331: Agriculture, Construction, and Mining Machinery Manufacturing; 3332: Industrial Machinery Manufacturing; 333314: Optical Instrument and Lens Manufacturing; 333316: Photographic and Photocopying Equipment Manufacturing; 3335: Metalworking Machinery Manufacturing; 3336: Engine, Turbine, and Power Transmission Equipment Manufacturing; 3339: Other General Purpose Machinery Manufacturing (except 333913 {Hazardous}); 334: Computer and Electronic Product Manufacturing; 335: Electrical Equipment, Appliance, and Component Manufacturing; 337: Furniture and Related Product Manufacturing; 339: Miscellaneous Manufacturing)

(3) Wholesale storage, warehousing and distribution centers. **49311: General Warehousing and Storage; 49312: Refrigerated Warehousing and Storage (except for farm products grown on site); 49319: Other Warehousing and Storage)**

C. Conditional uses. All uses specified as conditional uses in the OC-1 and BP zoning districts and the following uses are permitted in the I-1 District, in accordance with the provisions within Article IX of this chapter:

~~(1) Airfields or airpark facilities.~~

(1~~2~~) Mini-warehouses or public storage facilities.

(2~~3~~) Radio-television facilities.

(3~~4~~) Craft distillery and microbrewery establishments, provided that:

(a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.

(b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.

(c) Such establishment offers the public, on a regular and continuing basis, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes, demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.

(d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.

(e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware. If a craft distillery or microbrewery intends to operate on its premises a food establishment

that is otherwise a permitted use in this district (i.e. restaurant, café, or full-service restaurant), the City may require the property owner to provide the City with a letter of no objection from the Delaware Alcoholic Beverage Control Commissioner regarding the operation of a food establishment on the premises of a craft distillery or microbrewery.

(f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:

[1] Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.

[2] Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height. The regulations herein shall be in addition to any regulations imposed by the State of Delaware.

[3] Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the Office of the State Fire Marshall.

[4] All structures and uses related to outdoor seating and gathering areas and facilities are subject to the City of Milford Building Code and the City of Milford Zoning Code.

[5] The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Milford and State of Delaware. Outdoor seating and gathering areas shall meet all requirements of the City of Milford and the State of Delaware.

[6] Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.

[7] Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

(4) Community energy generating facility.

(a) The footprint of the solar array, as defined as the by the outer limit of the panels and exclusive of buffers shall be no larger than fifty (50) acres in size.

(b) No more than one Community Solar Energy Facility (SEF) shall be permitted on a parcel. All separate parcels in existence on June 1, 2023, shall be considered original

parcels. Future subdivision of an original parcel shall not enable the development of additional Community Solar Energy Facilities.

(c) Facility location and siting shall be in accordance with the requirements of Title 26 Public Utilities of the Delaware Administrative Code, 3001 (Rules for Certification and Regulation of Electric Suppliers) as amended.

(d) Setbacks for the Facility shall be:

[1] Front setback shall be 75 feet.

[2] Side setback shall be 50 feet.

[3] Rear setback shall be 50 feet.

[4] Distance from any off-site dwelling unit shall be 100 feet.

[5] Distance from any State recognized Scenic Byway shall be 150 feet.

[6] Distance from any wetlands shall be 100 feet.

(e) The site area shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[1] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[2] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[3] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[4] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[5] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

(f) The required buffer may be counted toward planting requirements included in this Chapter.

(g) If topsoil is removed for improvements, it shall remain on the site.

(h) Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

(i) A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall

be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

(j) Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(k) Abandonment. A Community Energy Generating Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[1] Physical removal of all solar photovoltaic facilities, structures, equipment, security barriers and transmission lines from the site.

[2] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[3] Stabilization or re- vegetation of the site as necessary to minimize erosion. The
Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation and/or agriculture.

(l) Decommissioning plan.

[1] A decommissioning plan outlining the anticipated means and costs of removing the solar facility must be submitted, with the application.

[2] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation.

[3] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

(m) Financial Assurance. The operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the solar Facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

(5) Energy system utility scale solar & wind.

(a) The following are conditions specific to Solar Facilities:

[1] Setbacks for a Solar facility shall be:

[a] Front setback shall be 100 feet.

[b] Side setback shall be 75 feet.

[c] Rear setback shall be 75 feet.

[d] Distance from any off-site dwelling unit shall be 100 feet.

[e] Distance from any State recognized Scenic Byway shall be 150 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] The required setback shall be planted to achieve a minimum six (6) foot high four-season visual barrier in accordance with the following guidelines:

[a] Include a variety of native evergreen trees. Existing native vegetation may be used to achieve the required planted buffer.

[b] A minimum of two (2) rows shall be installed and trees shall be planted in staggered rows. Plantings shall be placed at maximum 20 feet apart within the same row and 10 feet apart from the adjacent, staggered row.

[c] Include groundcover to minimize growth of invasive species or provide a mowing schedule until the area is fully established in a natural condition.

[d] The buffer shall be maintained to prevent disease from spreading and any trees that don't survive shall be replaced.

[e] A raised berm with a 1:4 side slope and flat top may be used to achieve minimum height at planting.

[3] A soils study establishing the presence of any contaminants shall be completed prior to construction and every five (5) years thereafter. Surface Soil samples shall be collected from the first six inches of soil. One composite sample shall be collected every 5 acres of SEF footprint. The composite sample should be a maximum of 10 aliquots collected from evenly spaced locations throughout the 5-acre footprint. A baseline sample shall be collected prior to the start of the SEF construction. The composite sample should be analyzed

for the primary component of the installed solar panel via the prevailing EPA method for Inorganic Compounds. A letter report of findings shall be submitted within 45 days from receipt of the laboratory results to the City and shall include a summary table showing current and past results and the original certified laboratory results. A sketch showing the sample locations should be provided with the letter report. The full report shall be kept on file by the applicant and available for review by the City. If contaminate levels appear to exceed the baseline, the City will forward the report to DNREC to determine appropriate mitigation measures. If the 5 year and 10 year tests do not show material increase in the metal constituents tested, then testing interval may be extended to every 10 years.

[4] Signage, not to exceed six (6) square feet, identifying the operator, its contact numbers, 911 address and emergency contact information shall be posted at each entrance or exit of the property.

(b) The following are conditions specific to Wind Facilities:

[1] Setbacks for a Wind Facility shall be:

[a] Front setback shall be 800 feet.

[b] Side setback shall be 800 feet.

[c] Rear setback shall be 800 feet.

[d] Distance from any off-site dwelling unit shall be 1,000 feet.

[e] Distance from any State recognized Scenic Byway shall be 800 feet.

[f] Distance from any wetlands shall be 100 feet.

[2] No climbing pegs or tower ladders shall be located closer than 12 feet to the ground level at the base of the structure for freestanding single poles.

[3] The facility shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked.

[4] All access roads shall be gated and locked.

[5] All power transmission lines from the tower to any other building or other structure shall be located underground to the maximum extent practical.

[6] No tower shall be lit except to comply with Federal Aviation Administration requirements. Minimum-security lighting for ground level facilities shall be allowed as approved on the site plan. Security lighting shall be designed to minimize light pollution, including the use of light hoods, low-glare fixtures, and directing lights at the ground.

[7] All structures in a project shall be finished in a single, non-reflective, matte color or a camouflage scheme.

[8] Signs

[a] No advertising signs are allowed on any part of the WECS, including
fencing and support structures.

[b] No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

[c] Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of the fence around each tower or group of towers and any building (or on the tower or building if there is no fence) containing emergency contact information, 911 address, including a local telephone number with 24-hour, 7-days-a-week coverage. The City may require additional signs based on safety needs.

[9] Noise level shall not exceed 50 dBA, including constructive interference at existing off-site residences, businesses, and public buildings.

(c) The following are conditions required for all Utility Solar and Wind Energy Facilities

[1] Required buffers may be counted toward planting requirements included in this Chapter.

[2] If topsoil is removed for improvements, it shall remain on the site.

[3] Noninvasive, perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off. A seed mix will be used to promote the growth of a ground cover that is favorable to future use of the land by animals. The height of the vegetation growth shall be maintained as to reduce the possibility of the airborne spreading of weeds and seeds transmitted to other adjacent lands.

[4] Abandonment. A Utility Solar or Wind Facility that does not produce energy for a continuous period of one year or more shall be presumed to have been abandoned. The Applicant may request a Good Cause Exemption that may not be unreasonably withheld so long as all Real Estate and Personal Property Taxes are in Good Standing. Any Utility Solar Facility that has been abandoned without attaining a Good Cause Exemption must be decommissioned and removed within 180 days. Decommissioning must consist of:

[a] Physical removal of all solar photovoltaic facilities, wind turbines, structures, equipment, security barriers and transmission lines from the site.

[b] Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

[c] Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Director is authorized to allow the owner or operator to leave landscaping or designated below-grade

foundations in place in order to minimize erosion and disruption to vegetation.

[5] Decommissioning plan.

[a] A decommissioning plan outlining the anticipated means and costs of removing the facility must be submitted, with the application.

[b] The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation and/or agriculture.

[c] The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.

[6] Financial Assurance. Prior to final plan approval, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure payment of one hundred (100) percent of the anticipated cost of removal of all associated site improvements and restoration of the site to its pre-development condition. The financial assurance shall remain in full force and effect as long as the facility remains in place. The financial assurance shall be reviewed and renewed every five (5) years to ensure the amount reflects the current market.

D. Design standards and requirements. These are minimum requirements for all activities that are permitted or conditional uses. Conditional use activities are subject to much greater restrictions as may be required by the City Council.

(1) All uses shall be conducted within a completely enclosed building. There shall be no open storage of raw, in process or finished products, supplies or waste material, except that these items shall be shielded from public view by a landscaped screen, fence or wall.

(2) In a planned industrial park or any lands designated as an I-1 District, no building/structure, accessory structure or sign shall be located closer than 200 feet to any nonindustrial district boundary.

(3) All front yard areas and all areas open to public view shall be maintained in a neat and attractive condition.

(4) All loading operations shall be conducted at the side or rear of the building. In the unloading or loading process, no vehicles participating in these operations shall be allowed to extend into any public or private driveway or street or impede its traffic circulation.

(5) All odorous fumes or matter emitted into the environment from any/all fuel-burning equipment, open stacks and internal combustion engines must comply with the requirements set forth by the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

(6) Dust or particulate debris from any processing or production operations will be minimized by the use of appropriate mechanical and/or electrical devices to the extent necessary to ensure that such emissions shall not be offensive at or beyond the property line of the industry/warehouse. All such activities will comply with the requirements of the DNREC, State of Delaware.

(7) All dry waste, in dust or particulate form, will be transported in closed or covered vehicles.

(8) The proposed use shall not endanger the surrounding areas to the possibilities of fire, explosion or contamination. All uses shall comply with state regulations which govern their operations. There shall be no allowance for the storage of radioactive materials or those materials deemed to be toxic or dangerous. All liquid storage shall have an approved containment (area) barricade capable of containing any failure of storage medium.

(9) The proposed use shall not allow the emission of heat or glare beyond its property line. All lighting shall be directed so as not to cause glare to the surrounding properties. The light source shall be shielded so as not to be visible from adjoining properties or streets.

E. Area regulations.

(1) Minimum lot area shall be two acres.

(2) Maximum lot coverage shall be 75%.

(3) Minimum lot width shall be 150 feet.

(4) Maximum building height shall be 50 feet.

(5) Minimum front yard setback shall be 75 feet.

(6) Minimum side yard setback shall be 40 feet.

(7) Minimum rear yard setback shall be 45 feet.

(8) Parking shall comply with the requirements provided in Article IV of this chapter.

(9) Landscape screening shall comply with the requirements provided in Article V of this chapter.

(10) Signs shall comply with the requirements provided in Article VI of this chapter.

(11) Accessory structures in aggregate shall occupy no more than 10 percent of the required rear and side yard of the lot and may not dominate in area, extent or purpose to the principal use or structure. The area of the principal structure shall be calculated using the definition of floor area in this chapter.

(12) Accessory structures shall be located in the rear yard/lot area.

(13) Accessory structures shall meet the principal use setbacks and shall not be located less than 5 feet from a principal structure.

§ 230-17. - I-2 General Industrial District.

In an I-2 District no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, October 24, 2023 @ 6:00 PM
City Council Hearing: Monday, November 13, 2023 @ 6:00 PM

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

The Planning Commission of the City of Milford will hold a PUBLIC HEARING on an amendment to the City of Milford 2018 Comprehensive Plan on Tuesday, October 24, 2023 at 6:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, November 13, 2023 at 6:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2023-44
AMENDING AND ADOPTING BY ORDINANCE
THE 2018 CITY OF MILFORD COMPREHENSIVE PLAN
Amendment #18
KENTON PROPERTY
MD-16-183.07-01-12.00 & MD-16-183.07-01-14.00

FUTURE LAND USE DESIGNATION CHANGE

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 7-Establishment; Membership, of the Delaware Code, the City of Milford established a Planning Commission, and

WHEREAS, pursuant to Title 22-Muncipalities, Chapter 7-Planning Commission, Section 702 Comprehensive Development Plan of the Delaware Code, the City of Milford adopted Ordinance 2017-24 the '2018 Comprehensive Plan' on January 22, 2018 to implement the current Comprehensive Plan, and

WHEREAS, during a PLUS review on July 26, 2023, the Planning Director prepared and consulted with the Office of State Planning the eighteenth amendment to the 2018 Comprehensive Plan; and

WHEREAS, the amendment involves changes to the Comprehensive Plan Future Land Use Maps, which will permit the future land use designation change of Kent County Tax Parcel(s) MD-16-183.07-01-12.00 & MD-16-183.07-01-14.00 from Industrial to Commercial; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the eighteenth 2018 Comprehensive Plan amendment on October 24, 2023 and did recommend approval and adoption of the amendment to the 2018 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the eighteenth amendment of the 2018 Comprehensive Plan on November 13, 2023 at which time the amendment of the 2018 Comprehensive Plan was reviewed with the public.

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

Section 1. Purpose: The 2018 Comprehensive Plan is hereby amended to modify the Future Land Use Maps.

Section 2. The Future Land Use of Kent County Tax Parcel(s) MD-16-183.07-01-12.00 & MD-16-183.07-01-14.00 owned by Joyce A. Kenton, Frederick J. Kenton and Randall D. Kenton are hereby changed from Industrial to Commercial.

Section 3. Dates.

City Council Introduction: October 23, 2023
Planning Commission Review & Public Hearing: October 24, 2023
City Council Review & Public Hearing: November 13, 2023

Additional information may be obtained by contacting Rob Pierce in the Planning Department at either 302.424.8396 or RPierce@milford-de.gov.

100523

Published: Delaware State News 10-10-2023

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

THE CITY of Milford DELAWARE

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

DATA SHEET FOR 2023 COMPREHENSIVE PLAN AMENDMENT

KENTON PROPERTY

Planning Commission Meeting: October 24, 2023

Ordinance Number	:	2023-44
Applicant	:	Joyce A. Kenton, Randall D. Kenton & Frederick J. Kenton 15886 Winners Circle Lincoln, DE 19960
Application Type	:	Comprehensive Plan Future Land Use Map Amendment
Present Comprehensive Plan Map Designation	:	Industrial
Proposed Comprehensive Plan Map Designation	:	Commercial
Tax Map & Parcel(s)	:	MD-16-183.07-01-12.00 & 14.00

ENC: Staff Analysis Report
PLUS Comments
Exhibit B – Comprehensive Plan Amendment
Ordinance 2023-44

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THE CITY of Milford DELAWARE

PLANNING DEPARTMENT
Planning, Economic Development,
Enforcement, and Inspections Office
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STAFF REPORT
September 26, 2023

Ordinance Number	**:**	2023-44
Application Type	**:**	Comprehensive Plan Future Land Use Map Amendment

I. BACKGROUND

- The City received a request from the owner of Kent County Tax Parcel(s) MD-16-183.07-01-12.00 and MD-16-183.07-01-14.00 to change the Comprehensive Plan Future Land Use classification for the property from Industrial to Commercial.

- Both parcels are vacant and are being used for industrial storage. The owner has requested the land use change to potentially redevelop this corner into commercial under the C-3 Highway Commercial zoning classification. Adjacent properties located along Rehoboth Boulevard are classified Commercial Future Land Use in the City's Comprehensive Plan and are zoned C-3. The proposed request would be consistent with the surrounding uses and consistent with the City's vision of NE Front Street being a gateway into Milford from Route 1.

- The PLUS meeting for this amendment request was held on July 26, 2023 and a copy of the PLUS comments dated August 23, 2023 are enclosed.

II. STAFF ANALYSIS

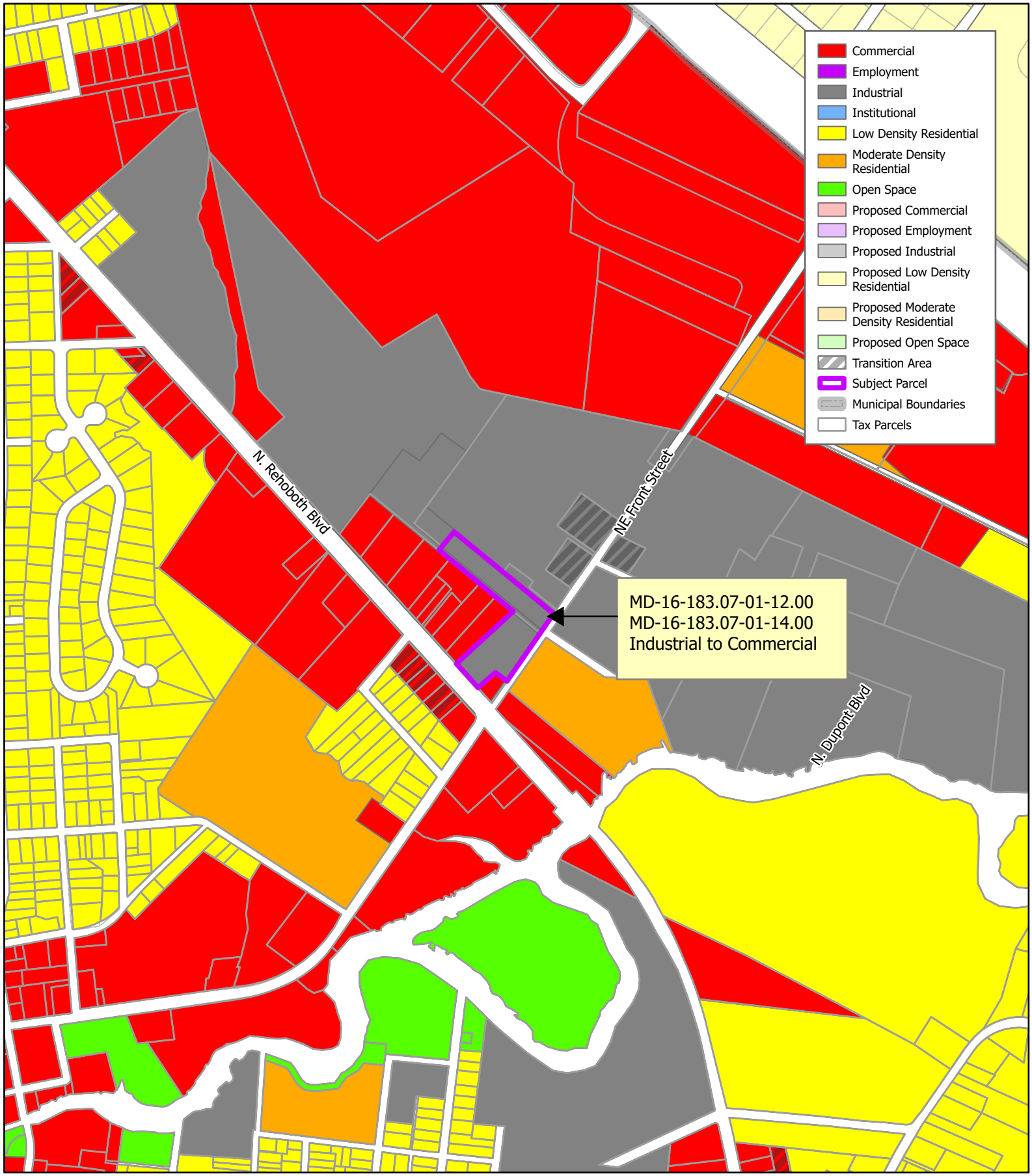
- The Commercial Future Land Use category allows for different levels of commercial development intensity. This category includes neighborhood commercial, central business district, highway development, office buildings, and medical services. The individual characteristics of each site should be considered before identifying the level of commercial development suitable for the property. The land use would allow the C-1, C-2, C-2A, C-3, BP, OC-1 and H-1 zoning districts.

- Per the 2018 Comprehensive Plan, Chapter 10, regular Highway Commercial for the City is located along major State transportation routes, including DE 1, US 113, Route 14 and Business 1.

- The subject parcel is located along Route N. Rehoboth Boulevard (Business 1) and NE Front Street (Route 14) which are considered Major Collectors per DelDOT's functional classification map.

- The subject parcels are bound on the southwest by a small parcel zoned C-3 Highway Commercial at the corner of N. Rehoboth Boulevard and NE Front Street. The properties are also bound to the north by parcels zoned C-3 Highway Commercial and to the west by parcels zoned R-2 Residential District and I-2 General Industrial. The properties south across NE Front Street are zoned R-3 Garden Apartment and Townhouse District and I-1 Limited Industrial.

- Enclosed in the packet is a copy of the PLUS comments dated August 23, 2023. There are no significant comments from State agencies regarding the change in land use designation for this property.



THE CITY of Milford DELAWARE

Scale: 0 360 720 Feet

Drawn by: WRP

Date: 06/14/23

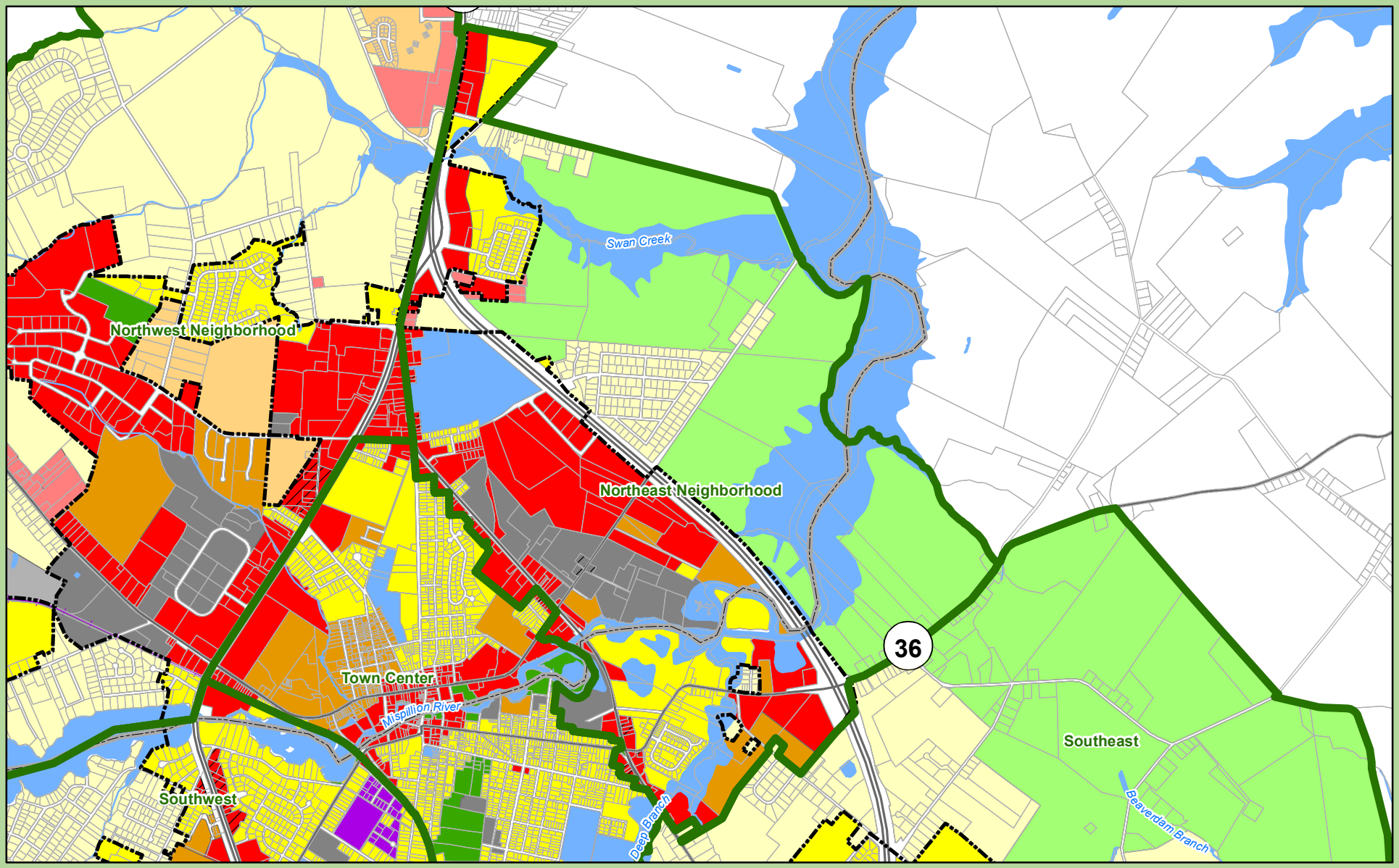
Filepath: 2023_CompPlanAmendment_ExhibitB.aprx

Title:

Exhibit B

2023 Comprehensive Plan Map Amendment

Future Land Use Map



Neighborhoods

Land Use Type

- Open Space
- Proposed Open Space
- Low Density Residential
- Proposed Low Density Residential
- Moderate Density Residential
- Proposed Moderate Density Residential
- Employment
- Proposed Employment
- Institutional
- Commercial
- Proposed Commercial
- Industrial
- Proposed Industrial
- Transition Area
- Municipal Boundary
- County Boundaries
- State Parcels
- Routes
- Rail Lines
- Hydrology
- Bodies of Water

City of Milford, Delaware

Future Land Use

Northeast Neighborhood

Adopted Jan. 22, 2018, Certified TBD

0 0.15 0.3 0.6 0.9 1.2 Miles

Sources:

Municipal Boundaries - Delaware Office of State Planning Coordination, FirstMap 10/17.
DRAFT Future Landuse - City of Milford, Delaware 01/18.
Road and Rail Network - Delaware Department of Transportation, FirstMap 01/18.
Hydrology - USGS and EPA, FirstMap 01/18.

Note:This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than which it was intended.

THE CITY of Milford DELAWARE

UNIVERSITY OF DELAWARE

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institute for Public Administration

March 18, 2023

City of Milford
Planning and Zoning
Rob Pierce
80 Vickers Drive
Milford, DE 19963

Mr. Pierce:

Re: Property Zoning Change

As per our conversation, we, Joyce A. Kenton, Randall D. Kenton and Frederick J. Kenton owners of 609 N E Front Street and 701 N E Front Street, Milford, Delaware would like to have the zoning changed from I-1 to C-3 on the parcels listed below

Tax parcel numbers are:
MD-16-18307-01-1200-000
MD-16-18307-01-1400-000

If you have any questions, please feel free to contact Randall D. Kenton @ 302-242-3663 or Frederick J. Kenton @ 302-242-3807

Respectfully

Joyce A. Kenton Joyce A Kenton

Randall D. Kenton Randall D Kenton

Frederick J. Kenton —

STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

August 23, 2023

Rob Pierce
City of Milford
Planning Department
201 S Walnut Street
Milford, DE 19963

RE: PLUS Review – 2023-07-07; Kenton Property – Milford Comprehensive Plan Amendment

Dear Mr. Pierce,

Thank you for meeting with State agency planners on July 26, 2023, to discuss the proposed Milford comprehensive plan amendment. According to the application, the City desires to amend two parcels, 5-16-183.07-01-12.00 and 5-16-183.07-01-14.00, on the Future Land Use Map within their Certified Comprehensive Plan to change the designation from Industrial to Commercial.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

This office has received the following comments from State agencies:

Office of State Planning Coordination (OSPC) – Contact: Joshua Thomas 302-739-3090

The proposed amendment is located in investment Level 1 according to the 2020 Strategies for State Policies and Spending.

Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Because development in Level 1 is consistent with the 2020 Strategies for State Policies and Spending, the Office of State Planning Coordination supports this comp plan amendment.

Department of Transportation (DelDOT) – Contact Stephen Bayer 302-760-4834

- DelDOT has no comments on the Plan Amendment itself. DelDOT notes that should the location be developed in the future any developer will still need to obtain any applicable permits and complete any necessary reviews or approvals.

Department of Natural Resources and Environmental Control (DNREC) – Contact Beth Krumrine 302-735-3495

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

- DNREC reviewers have no comments on the proposed comprehensive plan amendment.

Delaware Emergency Management Agency (DEMA) – Contact Phillip Cane 302-659-2325

- DEMA has no objections, concerns, or comments regarding the comprehensive plan amendment.

State Historic Preservation Office (SHPO) – Contact Carlton Hall 302-736-7400

- There are no known archaeological sites or known historic or eligible properties within the project area.

- The area appears to have been moderately to severely disturbed from construction, storage, and industrial activity in the project area.

- Our office has no archaeological concerns.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- The Office of the State Fire Marshal has no objection to the approval of this comprehensive plan amendment.

Once the amendment is voted on by Planning and Zoning and/or City Council, please forward a copy of the decision regarding the amendment to this office for our files. Thank you for the opportunity to review this amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,



David L. Edgell, AICP
Director, Office of State Planning Coordination

CITY OF MILFORD
COUNCIL MEETING MINUTES
July 24, 2023

The City Council of the City of Milford met in Regular Session on Monday, July 24, 2023.

PRESIDING: Mayor Arthur Campbell

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

STAFF: City Manager Mark Whitfield, Police Captain David Wells, and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

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

CALL TO ORDER

Mayor Campbell called the meeting to order at 6:05 p.m.

INVOCATION AND PLEDGE

The innovation was given by Vice Mayor James, followed by the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

Though the Public Comment period was scheduled prior to the start of the meeting, it was opened by Mayor Campbell after the invocation and pledge. No one signed up to speak, and Solicitor Rutt directed the Mayor to forego the Public Comment Session.

PUBLIC HEARING/PUBLIC COMMENTS/ORDINANCE ACTION

Solicitor Rutt read the rules of the Public Hearings into record.

Adoption/Ordinance 2023-26
Lands of Cypress Hall on behalf of Shawnee Farm, LLC
91.69 +/- acres of land located along the west side of Route 113
approximately 3,100 feet south of the Shawnee Road intersection
Application Type: Conditional Use - Comprehensive Sign Plan
Comprehensive Plan Designation: Moderate Density Residential
Zoning District: R-3 (Garden Apartment and Townhouse District)
Present use: Planned Unit Development
Proposed Use: Planned Unit Development
Tax Parcel: 1-30-3.00-261.01, 1-30-3.00-562.00 thru 659.00

Planning Director Pierce reviewed the applications and the documents in the packet.

Phase I and Phase II were approved and construction of the residential units ongoing. Preliminary subdivision of Phase III, the final phase, was also approved. Chapter 230 allows plan unit developments (PUD) to submit a comprehensive sign but does not comply with Zoning Code's sign regulations.

The applicant is seeking one free standing sign, which is nine feet tall, containing about twenty square feet of sign area. The code only allows a four-foot-tall sign not to exceed 64 square feet. A rendering of the sign was also referenced, which would be located on the south side of the entrance off US Route 113.

Public notices were published in the Delaware State News on June 29, 2023, all properties owners within 200 feet of the property were mailed copies, and the site was posted with the public notice announcement.

The Planning Commission reviewed this application at their July 18th meeting and recommended approval of the comprehensive signed plan by a vote of 7 to zero.

PLA Timothy Metzner of Davis, Bowen and Friedel of 1 Park Avenue, Milford, Delaware, was present on behalf of the property owner Shawnee Farm LLC. He reiterated that only one sign is being proposed at the southern portion of the entrance. It would be located right at the corner of the right-of-way line at US 113, approximately 60 feet from the actual edge of payment. The distance is key to height of the sign, considering the speed limit is 55 miles per hour on the highway and the distance back from the pavement makes it difficult to read the sign.

He emphasized the sign itself from the finished grade elevation to the top is six feet eight inches. The decoration portion includes the tree overhang, which is where the nine feet comes into play.

It includes the same design features as are replicated inside the development with the stone features as the apartments.

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

Councilmember Boyle moved to approve Ordinance 2023-26, seconded by Councilmember Culotta. Motion carried by the following 7-0 roll call vote:

Samaroo-votes yes, the sign and the surrounding landscaping is especially notice, adding the stone features match the architecture on the building.
Baer-votes yes and aesthetically it is pleasing, and he sees no problem with the sign.
Culotta-votes yes, the sign gives the community identity, and this is a nice one.
Fulton-votes yes, the sign keeps with architectural design of the development, and the size indicates quality that will be identify the whole area.
Boyle-votes yes, the sign is attractive, and the size is appropriate for that location and is consistent with other nonconforming requests that have been approved for other housing developments.
Marabello-votes yes, and in addition to the previous comments, it is well designed and not high when consider the nine foot includes the trees and it is a well-designed sign.
James-votes yes, the sign is well designed and properly accommodates the size of the project itself.

Adoption/Ordinance 2023-29
Lands of Mac Rentals LLC on behalf of Cascades Subdivision Phase II
8.05 +/- acres of land located along the south side of Airport Road
1,100 feet east of the Bowman Road intersection
Application Type: Revised Conditional Use/Planned Unit Development
Comprehensive Plan Designation: Moderate Density Residential
Zoning District: R-3 (Garden Apartment and Townhouse District)
Present Use: Vacant
Proposed Use: Multi-family Housing
Tax Parcel: MD-16-173.00-01-04.04 & 04.05
Councilwoman Wilson arrived during the presentation.

Planner Pierce reviewed the application as described above noting the property is vacant and multi-family housing proposed. The applicant is proposing to construct nine multi-family buildings containing 66 units on former Phase II of the Cascades development.

The project was originally approved as a plan unit development (PUD) with phase I already constructed which he believes contains around 76 units right now.

Phase II was purchased from the original developer and plans to decouple the two phases or bring it in as a separate development plan which would be required to meet independently all code requirements.

The request is to amend the original PUD approval of 2006 and decouple phase I from phase II, with phase II to be reviewed by the planning commission and Mr. Pierce administratively.

The applicant is required to enter into an agreement with the owner of phase I for the perpetual maintenance of the storm water infrastructure. Any other open space or amenity in phase one would not count toward the required amounts to be provided under the new development.

Phase II is located off the entrance of Airport Road with Cascade Lane splitting the two developments.

All documents in the packet were described by Planner Pierce.

The public notice for the amended PUD was advertised in the Delaware State News on June 29, 2023, all properties within 200 feet of the parcel were mailed public hearing notices, and the site was posted with an announcement of the public hearings.

The Planning Commission recommended approval of decoupling the two phases, amended conditional use (PUD), at their July 18th 2023 meeting, by a vote of 6-0-1, with one member abstaining.

The Planning Commission also approved the preliminary site plan for phase II contingent upon City Council's decision to approve the ordinance to amend the PUD by a 6-0-1 zone as well.

Solicitor Rutt pointed out the Planning Commission approved it, subject to entry into an agreement with phase I for perpetual maintenance. Planner Peirce added the conservation district will require that automatically.

Professional Engineer Roger Gross of Merestone Consultants, Incorporated, 33516 Crossing Avenue, Unit 1, Lewes, Delaware, was present with owner/developer and Mac Rentals Amrut Patel and Chetan Patel.

PE Gross shared the plan proposes developing the site with nine two-story multi-family buildings, with a total of 66 garden apartment units at a proposed density of 14.7 dwelling units per acre. The plan was developed in accordance with the R-3 zoning requirements. It meets the dimensional and open space requirements of the R-3 district. Areas proposed for a playground park and picnic area have been designated on the plan. The open space requirements are met for the garden apartment district.

He also talked about the ten-foot-wide shared use path along the property frontage along Airport Road, and the wet pond constructed in phase one that was designed to account for additional impervious areas within the future phases.

They are close to having stormwater approval for the project.

The site plan was also submitted to the State Fire Marshal Office and was approved and meets the requirements of the City Code.

Mr. Gross also talked about the picnic and park amenities proposed.

He also noted that the dumpster locations are at the terminal end of the aisle for the parking lot, and it was recommended that sidewalks be added to connect to the dumpster pads. Mr. Gross said they will evaluate the plan to determine if that merits consideration.

Amrut Patel of Mac Rentals LLC of 131 Dodge Drive, Smyrna, Delaware confirmed the apartments/townhouses will be two-bedroom units.

The floor was opened for public comment.

Martha Gerry of 13 Mill Street, Milford, stated she represents Milford Advocacy for the Homeless, and said she does not hear any low-income housing. She wants to bring it up and when building this many units, they sound pricy and we always have a big problem with low-income housing, and asked if that is engrained into the units, because she does not want to segregate. She heard earlier Council is trying to treat everyone the same and is that included. And if not, why not. She also asked why this would be approved in the City when there is already a problem.

Chetan Patel, 31 Dodge Drive, Smyrna, DE, stated it is something that had not been considered, and they have no immediate plans for developing any type of low-income housing.

The public comment hearing was then closed.

Councilmember Fulton moved to approve the decoupling by adopting Ordinance 2023-29, seconded by Councilmember Culotta. Motion carried by the following unanimous roll call vote:

Councilmember Boyle noted the comments from the State pointing out there have been changes from the apartments to this type of townhouse, and the motion missed the fact the applicant needs to enter a new agreement of phase I for the perpetual maintenance and the shared stormwater infrastructure.

At the direction of Solicitor Rutt, Councilman Fulton responded by accepting the amendment to include the additional requirements, which Councilmember Culotta agreed to as well.

The amended motion carried by the following 7-0-1 roll call vote:

Marabello-votes yes based on the restated amendment and approves the changes as presented.
Boyle-votes yes, with the modified amendment for the decoupling.
Fulton-votes yes, it is the same housing development with different owners, and it should allow more open space with the two separate developments like that instead of just one.
Culotta-votes yes, for the motion and knows there is still site plan approval to be done but thinks this is a good first step in addressing the housing situation in Milford because a lot of housing is determined by supply and demand. When increasing the supply, the cost of housing can be reduced. While it may not be slated for Section 8 type housing, it still contributes to available housing in Milford, and he commends them.
Samaroo-votes yes for the changes discussed and thinks it would be great for the two phases to be decoupled just to give homeowners a better option and believes there will be a little more space with the decoupling.
Baer-votes yes, the decoupling will work and with the amendment that is included as well. It is great to have additional housing available.
James-votes yes for the decoupling and there is no substantial change in the use of the property due to the change in ownership and there is a dramatic need for affordable housing and all levels of housing in the City of Milford.
Wilson-abstained (as directed because she did not hear the introduction) and apologizes for being late. However, because it is low rental housing does not mean it is Section 8 and Milford needs low rental housing, for people that work every day and pay rent, need affordable housing.

Adoption/Ordinance 2023-27

Amendment to City of Milford Code
Chapter 200/Subdivision of Land/Section 200-4 - Application Procedure
Subsection A - Preliminary Major Subdivision Review
Subsection B - Final Major Subdivision Review

Adoption/Ordinance 2023-28
Amendment to City of Milford Code Chapter 230 - Zoning Code
Article I - General Provisions; Article III - Use and Area Regulations;
Article IV - Off-Street Parking and Loading; Article VI – Signs;
Article VII - Board of Adjustment; Article IX - Conditional Uses; Article X - Site Plan Review;
Article XI – Administration; Article XII – Zoning Amendments

Planning Director Rob Pierce submitted the following memo relating to amendments to Ordinances 2023-27 and 2023-28:

Over the past six months, the Planning Commission, City Solicitor, and Planning Director have reviewed Chapter 230 Zoning and Chapter 200 Subdivision of Land to address the following;
• Modify the review process for major subdivision and/or conditional use applications to provide final decision-making authority to the Planning Commission or Staff;
• Perform a more thorough review of permitted and conditional uses within each zoning district to make sure the code is comprehensive and there is consistency across zones relative to development and intensity of use;
• Reduce the number of conditional uses within each zoning district by making them permitted uses;
• Modify or eliminate 230-42 which states "in any and all zoning districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements." We have had numerous applications that would not have needed to be reviewed by City Council or the Planning Commission if the applicant wasn't seeking approval for multiple tenants or mixed-use projects;
• Fix some errors found in the 2022 code update;
The Planning Commission dedicated time after each regularly scheduled Planning Commission meeting to review these two chapters in workshop sessions. The workshops primarily reviewed application approval authorities and the use and area regulations within the zoning ordinance. Comments from Commissioners were taken and added to the draft amendments. Below is a summary of the meetings held (or to be held) to review Chapter 230 Zoning and Chapter 200 Subdivision of Land;
• December 8, 2022 – Board of Adjustment – Annual Code Review
• January 17, 2023 – Planning Commission - Introductory Meeting
• January 18, 2023 – City Council Workshop
o Discussed approval authorities and procedures.
• February 21, 2023 – Planning Commission - Chapter 230
o Discussed approval authorities and procedures.
o R-1, R-2, R-3, R-8, OB-1, C-1, C-2, C-2A
• March 21, 2023 – Planning Commission - Chapter 230
o C-3, BP, I-1, I-2, OC-1, H-1, IM, IS
o Article VIII - Miscellaneous Provisions
• April 18, 2023 – Planning Commission - Chapters 200 & 230 – Review Draft Edits
• July 18, 2023 – Planning Commission – Ordinance Public Hearing
• July 24, 2023 – City Council – Ordinance Public Hearing

Below is an executive summary of proposed code revisions for Chapter 230 Zoning and Chapter 200 Subdivision of Land organized by articles and sections.

Chapter 230 - Article I - General Provisions
• Added definitions for Accessory Small-Scale Solar & Wind Energy Systems, Community Energy Generating Facility, Emergency Shelter Facility, Group Home For the Care of Disabled or Elderly Persons, Group Homes Other Than For the Care of Disabled and Elderly Persons, Manufactured Home, Model Home (Sample Home)/Sales Office, Modular Home, Shopping Center, Short-Term Rental (30 Days or Less), and Tiny House.

• Modified the definition for Mobile Home.
• Deleted the definition for Community Residential Treatment Program.

Chapter 230 - Article III – Use and Area Regulations

R-1 Single-Family Residential District
• Added Small Scale Solar & Wind Energy Systems as a permitted accessory use.
• Added the keeping of chicken hens as a permitted use with conditions.
• Added Group Homes for the Care of Disabled or Elderly Persons as a permitted use.
• Added Model Homes as permitted use.
• Added Short-Term Rentals as permitted use with conditions.
• Fixed a grammatical error in Bed and Breakfast conditions.
• Added Group Homes for Others as a conditional use.
• Added Emergency Shelter Facility as a conditional use.
• Added structures to the height regulations for standalone renewable energy systems.

R-2 Residential District
• Moved Single-Family Semi-Detached Dwellings from a conditional use to a permitted use.

R-3 Garden Apartment & Townhouse District
• Changed language from Mobile Home Park to Manufactured Home Park.
• Added Tiny Home Village as permitted use.
• Updated the conditions for Manufactured Home Park and reduced the minimum project area from 20 acres to 1 acre (which matches the requirement for townhouse and apartment projects).
• Added conditions for Tiny Home Village (similar to the Manufactured Home Park conditions).

C-1 Community (Neighborhood) District
• Removed the Neighborhood Shopping Center as permitted use. Multiple permitted uses in the zone will require conditional use approval.
• Removed Off-street Parking as an Accessory Use.
• Added Group Home for the Care of Disabled or Elderly Persons as a permitted use.
• Removed Community Residential Treatment Program from conditional uses.
• Added Group Home for others as a conditional use.
• Added Emergency Shelter Facility as a conditional use.

C-2 Central Business District
• Moved Commercial Indoor Recreation Activities and All Dwellings other than Single-family in Conjunction With a Non-Residential Use from conditional use to permitted use.
• Added Bed and Breakfast as permitted use.

C-2A Riverfront Development District
• Same changes as C-2.

C-3 Highway Commercial District
• Moved Motels or Hotels, Commercial Greenhouse, Wholesale Establishment, Contractors Establishment, Laboratory Testing and Research, and Carwash from conditional use to permitted use.
• Made changes to the Shopping Center conditions. Shopping Center is now defined as four or more tenant spaces.
• Added Community Energy Generating Facility, Energy System Utility Scale Solar and Wind, and Emergency Shelter Facility as conditional uses.

H-1 Institutional Development District
• Added Nursing Home as a permitted use.
• Removed Nursing Home, Sanatoriums, Multilevel Parking Facilities and Community Residential Treatment Programs from the conditional uses.
• Added statement regarding the sunsetting of this zoning category.

I-1 Limited Industrial District
• Added statement regarding the allowance of accessory retail storefront/gift shop for products manufactured on site.
• Added NAICS References for light industrial uses.
• Added NAICS References for wholesale storage, warehousing, and distribution centers.
• Removed Airfields as a conditional use.
• Added Community Energy Generating Facility and Energy System Utility Scale Solar and Wind as conditional uses.

I-2 General Industrial District
- Added statement regarding the allowance of accessory retail storefront/gift shop for products manufactured on site.
- Added NAICS References for general industrial uses.
- Removed Airfields as a conditional use.

OC-1 Office Complex District
- Moved Charitable Organizations, Daycare Centers, Indoor/Outdoor Recreation, Private Organizations and Medical/Dental Laboratories from conditional uses to permitted uses.

OB-1 Office Building District
- Moved Government Offices from conditional use to permitted use.

BP Business Park District
- Added statement regarding the allowance of accessory retail storefront/gift shop for products manufactured on site.
- Added NAICS References for light industrial uses.
- Moved Indoor/Outdoor Recreation from conditional use to permitted use.
- Deleted Schools and Daycare Centers from conditional uses.

IS Institutional Service District
- Added Places of Worship, Emergency Shelter Facility, Community Energy Generating Facility and Energy System Utility Scale Solar and Wind as conditional uses.

IM Institutional Medical District
- Added Emergency Shelter Facility and Places of Worship as conditional uses.
- Fixed typo under area regulations.

R-8 Garden Apartment & Townhouse District
- Same changes proposed in the R-3 district.

230-19.8. Tree Planting and Preservation
- Reduce the tree density requirement for planting plans from 1 tree per 3,000 square feet to 1 tree per 10,000 square feet for residential development and 1 tree per 5,000 square feet for non-residential development.

Chapter 230 - Article IV – Off-Street Parking and Loading
- Added recommendation for EV Charging Stations for new parking lots.
- Added parking calculation for group homes and short-term rentals.

Chapter 230 - Article VI – Signs
- Increased the allowable sign height for subdivision signs from four feet to seven feet.

Chapter 230 - Article VII - Board of Adjustment
- Fixed the newspaper publication requirement.

Chapter 230 - Article VIII – Miscellaneous Provisions
- Added requirements for fences.
- Modified the language for Multiple Permitted Uses or Mixed Use of a property so that multiple permitted uses or mixed use of a property in the R-1, R-2, R-3, R-8, OB-1, or C-1 zoning districts still requires conditional use approval. Instances within the C-2, C-2A, C-3, OC-1, or H-1 where four or more non-residential uses are proposed would require conditional use approval, which is in alignment with the definition of shopping center. Instances in the I-1, I-2, BP, IS or IM zoning districts would be permitted uses.

Chapter 230 - Article X - Site Plan Review
- Added a 12-month expiration of a preliminary application from their initial submission for both permitted use site plans and conditional use site plans.
- Fixed the newspaper publication requirement.
- Modified the site plan expiration language to be similar to the subdivision expiration language from Chapter 200.

Chapter 230 - Article XI - Administration
- Added statement that any use not specifically permitted within a particular zoning district shall be considered prohibited except for the following; for non-residential uses, the Planning Director would have the authority to evaluate the proposed use by referencing the most recent North American Industry Classification System (NAICS) manual and where the same NAICS code is found in several use categories, the Planning Director would have the ability to consider the characteristics and adverse impacts of the proposed use and allow the use to be classified with similar uses in the zoning code.

Chapter 230 - Article XII – Zoning Amendments

• Fixed the newspaper publication requirement.
Chapter 200-4 – Application Procedure
• Added a 12-month expiration of a preliminary application from their initial submission for both permitted use site plans and conditional use site plans.
• Fixed the newspaper publication requirement.
• Changed final major subdivision approval from City Council to administrative.

Planning Director confirmed that he is proposing a permit will be required for a chicken coop and the chickens must be registered with the Department of Agriculture, and there is a maximum of four chickens and a coop requires 3 square feet per chicken at a maximum of 20 square feet.

He also confirmed that in a residential zone, a 3½ foot fence would be allowed in the front yard and 6-foot fence in the rear to prevent the obstruction of neighbor's views. Private fences are prohibited in the front yard except in the industrial and business parks and institutional zones.

It was confirmed anything not in compliance with the new regulations would be grandfathered as legal non-conforming.

Charging stations in parking lots and tiny home villages were discusses by Council. In particular, concerns with the acreage, lot width, minimal lot area, set yard setbacks were expressed. Comparisons were made to Georgetown's tiny village. Tiny homes and pallet shelters were differentiated.

Council agreed to keep the language as is and consider an ordinance or policy to describe a tiny home. Several options were talked about.

When asked at what point Council authorized chicken coops in the City of Milford, Mr. Pierce said he chose to bring it to Council for debate. Several councilmembers recalled council stating they wanted no chicken coups in the city.

There were also questions about council being eliminated from an increasing number of approval processes by turning them over to the administration. Planner Pierce was directed to bring some scenarios back to council before the ordinance is approved. When asked to define a substantial change, the Planner read Section 200-6 relating to perimeters established for recorded plots. He is willing to insert those perimeters for that purpose.

Planner Pierce said he does not want to be the only one signing off on the plans, which is the reason he included the City Engineer and City Manager as part of the administrative approval.

Questioned about the overall feeling of development plans and the time involved, Planner Pierce said the applicants are very pleased with the site plan which is a very simple process. Subdivisions are a lengthy process, and he wants them done correctly, but that is the case in any town or even in the county.

Councilman Culotta receives complaints from developers that Milford's process are sometimes tedious but a lot of people in private business believe that bureaucracy is tedious. But that is not a general statement.

Councilmember Fulton said he spent a lot of time on the planning commission and most of the time when reviewing the preliminary and then the final plan, there are minor changes, and all the other requirements have been discussed. He agrees it is bureaucracy and slows the process down that should not require a lot of steps, when every detail is hammered out in the preliminary plan. He agrees with the change to speed up the process because of the checks and balances in place.

Though the process has improved according to Councilmember Boyle, he asked when a major development occurs, what would cause the planner to take it back for additional approval. He is only asked what constitute for that to be considered.

The floor was open to public comment.

Martha Gerry of 13 Mill Street, Milford, representing Milford Advocacy for the Homeless, stated that she commended the entire committee here for the work they are doing to try to resolve some of the issues with affordable housing, emergency shelter, tiny village, and pallet homes.

There is some great stuff in what is being done but wants to focus on a couple of things. One of the things they are looking for is what is the solution to some of those problems. She said there are pallet houses which creates some solutions to those people who are displaced. But then there are tiny homes and that is another population. There are several seniors that are now displaced because they can't afford the housing. Tiny homes would do that and the
more acreage that we don't have to use for smaller things like, if there's a place for a car, and there's a place for their home, and still put it on a solid foundation like is being suggesting and make guidelines, whether it's maintenance, and just like anything else. What it makes the city look like is the real key.

There is some work that is needed so it can include all those things, but also, they are looking at 9 Causey Avenue which is a 10-room house, and when looking at wording, she wants to make sure something like that would fit. Whether or not that is the place they get, it could be ten rooms, and it could be temporary shelter, or a group home, with four floors. She is asking to look at that kind of situation, because if she can do more of that, she can help more people. It takes a larger population than what is trying to be solved. When she hears words like conditional, it sounds expensive and time consuming and that will take a lot of legislative type of things.

Those are some words that are concerning to her, and she encourages Council to go back and revisit these things so it can be all inclusive, to prevent revisiting it again and again. Define what a tiny village is, what a pallet shelter is, what an emergency shelter is. The mayor helped her allowed public works to be opened last year. If they had a home like 9 Causey and it was already zoned to allowed temporary emergency shelter, it's a no brainer. It could then be easily opened when it's cold because it has already been approved. City Council does not have to do anything special.

She has a lot more to say and thanked Council for their continuing efforts and encouraged them to go back and refine it again so that time can be spent on other things.

With no one else responding, the floor was closed to public comments.

Planner Pierce shared the Planning Commission recommended approval of Ordinance 2023-27 by a vote of 7 to zero and recommended approval of Ordinance 2023-28 by a vote of 7 to zero at their July meeting.

Councilmember Culotta moved to approve Ordinance 2023-27, with the administrative approval, as written, seconded by Councilmember Fulton.

Motion carried by the following

Marabello-votes yes, I think it simplifies some things and we have enough areas to keep it in line, so nothing goes awry.
Boyle-votes no, based on the only stipulation there should be a trigger, for final site plan to come back to council if significant changes have been made to the original plan. Votes no based on the lack of that stipulation.
Fulton-votes yes, thinks it simplifies the process, but it also still has safeguards to keep things operating.
Culotta-votes yes, and while appreciating other comments to make sure there is flexibility for Council to do what is needed to do, he also believes in speed and ease, and thinks this is a good step in that direction. So yes.
James-votes yes. There are substantial safeguards in place. and Council has the power to act if they deem things are not working properly.
Samaroo-thinks making the city code a little clearer with the verbiage, so it explains a little more, and votes in favor because it elaborates a little more.
Baer-votes yes as it is important to streamline the language.
Wilson-votes yes based on the explanation that the planner will make sure those things in question shall be brought before Council, and that three staff members will be held accountable to sign off. Those are safety nets in place.

Councilmember Culotta moved to approve Ordinance 2023-28, as written, Councilmember Baer seconded the motion.

The motion was denied by the following 7-1 vote:

Wilson-votes no, because she prefers an amendment be added prohibiting chickens and chicken coops in the city limits.
Baer-votes no because he prefers some amendments to the ordinance.
Samaroo-votes no, based on the chicken coops, tiny homes regulations, and some other items that were discussed by Council, and some changes are needed.
James-votes no, and agrees some amendments are needed.
Marabello-votes no due to the addition of the chickens and some other sections that must be changed regarding tiny homes and other items.
Boyle-votes no, based on the need to reexamine the chicken issue, and the tiny homes and pallet structures.
Fulton-votes no because amendments are needed.
Culotta-votes yes because he is fine with the current language though other things can be added later.

Councilmember Wilson moved to table to Ordinance 2023-28 and direct the City Planner to clean up the ordinance as has been discussed and revote on allowing chickens and the updates to tiny houses, seconded by Councilmember Marabello.

Motion was carried by a vote of 7-1 with Councilmember Culotta casting the dissenting vote.

STAFF REPORT

Milford Police Department/2023 Edward Byrne Memorial Justice Assistance Grant (JAG) Notification

Captain Wells reported the 2023 Edward Byrne Memorial Justice Assistance Grant, known (JAG) to the U.S. Department of Justice. The JAG program is the primary provider of Federal criminal justice funding for eligible state and local jurisdictions to support a wide range of crime prevention and intervention activities based on local needs and conditions. This solicitation is for a disparate of Sussex County agencies, with recommended allocations of $19,091 to the City of Milford, $18,051 to the Town of Seaford, $11,960 to the Town of Laurel and $11,515 to the Town of Georgetown. FY23 JAG total allocation for Sussex County is $60,617.

Part of the process is to make City Council aware of the grant and to provide public notice. Currently there are no plans for the money though it will be final by August 31, 2023.

COMMJNICATIONS AND CORRESPONDENCE

Councilman Culotta talked about a property that remains in a condition of disrepair on South Walnut Street. Mayor Campbell said to provide the Planner Director said it has already been addressed.

Mayor Campbell referred to a packet about Mispillion Apartments noting that it is almost as bad as Brightway Commons. He turned it over to Councilmembers Fulton and Culotta for further action.

The Mayor also received a complaint with a photo about residents planning an outdoor family outing and barbeque when chickens showed up at their front door.

He is also having City Manager Whitfield has prepared a job description and will be handling the hiring process for the Executive Session Director vacancy with Delaware League of Local Governments.

Councilmember Boyle referenced a recent Delaware State News article regarding the legal options for marijuana legislation. He received some concerns about how City Council will be handling that in Milford.

Councilmember Fulton noted there are restrictions on alcohol in Milford, including not permitting alcohol consumption in public, and he thinks Milford should mirror the same rules when using marijuana for recreational use.

MONTHLY FINANCE REPORT

Finance Director Vitola reviewed the June financials. Coming off two strong financial performances back-to-back and fiscal year 23 (fy23) hales in comparison. Though the city made out fine, the two largest sources of revenue—property tax receipts exceeded expectations and the utility margins on a dollar basis delivered exactly what was needed for the city to carryout operations and to invest in capital improvements and equipment.

More was spent than in the previous two years though turnover was reduced, and more funding was targeted for capital spending.

Looking at cash in total, and adjusting for ARPA, the cash position is strong compared to the last two years.

June was a good month and the trend downwards turned around somewhat in the general funds and the utilities. Other than solid waste, it was a strong fiscal year.

NEW BUSINESS

Adoption/City of Milford Fiscal Year 2024 Tax Warrant

A copy of last year's tax warrant was included for Council review.

Councilmember Boyle moved to adopt the FY24 Tax Warrant, seconded by Councilmember Wilson:

Greetings:

The Charter of the City of Milford provides the following:

"Article VII, Section 7.12: Attached to said tax list shall be a warrant, under the Seal of the City of Milford, Signed by the Mayor and Attested to by the City Clerk, commanding the City Manager to make collection of Taxes as stated in the Tax Lists."

THEREFORE, YOU, THE CITY MANAGER, DULY APPOINTED BY THE COUNCIL OF THE CITY OF MILFORD, ARE HEREBY COMMANDED TO COLLECT THE TAXES AS LEVIED IN THE FOUR WARDS, AS FOLLOWS:

Property Assessment Values Per Billing Register	*$ 1,386,738,152*
Exemptions	*[$ 351,283,041]*
Total Assessed Values	*$ 1,035,455,111*
Tax Rate	*x $0.005460*
Estimated Tax Collection	*$ 5,653,585*
Senior Citizen Discount	*[$ 47,174]*
TOTAL TAX COLLECTION (Fiscal Year 2023-2024)	*$ 5,606,411*

Tax Payment Deadline: September 29, 2023

Motion carried.

Authorization/Chesapeake Gas Easement/Marshall's Pond Park

City Engineer James Puddicombe submitted the following memo:

Chesapeake Utilities has requested to install a gas main within City property located near Marshalls Pond to alleviate supply issues during winter months. The current land is used as a playing field and park, with some improvements which will not be impacted by the proposed gas main. Chesapeake intends to complete the construction prior to winter 2023 and currently have an existing franchise agreement with the City for the use of existing rights-of-way.

Councilmember Boyle moved to approve:

Tax Parcel No. 330-11.05-43.00
PERMANENT EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (the "Agreement"), made the 24 day of July, 2023, between CITY OF MILFORD, 10 S. Walnut Street, Milford, DE 19963 ("Grantor") and CHESAPEAKE UTILITIES ("Grantee"), a corporation of the State of Delaware, which includes a provision to cover the costs to the City of Milford while operating within our rights-of-way as the infrastructure is predominantly intended to serve City residents,

seconded by Councilmember Culotta. Motion carried.

Ratification/Milford Community Gardens Agreement

The agreement is up for renewal as the current agreement expires next month. City Manager Whitfield noted the error in the address of the City which needs to be changed to the City Hall address.

Councilwoman Wilson moved to authorize the following agreement, with the corrected address, seconded by Councilmember Fulton:

Milford Community Gardens Lease Agreement

THIS LEASE AGREEMENT (hereinafter referred to as the "Agreement") made and entered into this 24th day of July 2023, by and between City of Milford, (hereinafter referred to as "Landlord") and Milford Community Gardens, (hereinafter referred to as "Tenant").

WITNESSETH:
WHEREAS, the Landlord is the fee owner of certain real property being, lying and situated in Kent County, Delaware such real property as shown on Exhibit "A" and described as the northeast corner of parcel 5-16-18306-02-1400-0001 on N. Walnut Street approximately 300' south of the intersection of NE 7th Street (hereinafter referred to as the "Premises").
WHEREAS; Landlord desires to lease the Premises to Tenant upon the terms and conditions as contained herein; and
WHEREAS, Tenant desires to lease the Premises from Landlord on the terms and conditions as contained herein;
NOW, THEREFORE, for and in consideration of the covenants and obligations contained herein and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as stated.

Motion carried.

ADJOURNMENT

There being no further business, Councilmember Fulton moved to adjourn the meeting, seconded by Councilmember Wilson. Motion carried.

The Council Meeting adjourned at 8:04 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

CITY OF MILFORD
PUBLIC SAFETY COMMITTEE MINUTES
August 14, 2023

The Public Safety Committee of the Milford City Council met on Monday, August 14, 2023 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Chairman Mike Boyle

IN ATTENDANCE: Committee Members:
Councilpersons Andrew Fulton, Brian Baer, and Jason James Sr.,

STAFF: City Manager Mark Whitfield, Police Chief Cecilia Ashe, and City Clerk Terri Hudson

Call to Order

Due to technical issues, the start of the meeting was delayed until 5:15 p.m. Chairman Boyle called the meeting to order at that time.

Departmental Report:

Enhanced Initiatives

Social Change Impacts

Future Vision of Department

Behavioral Health Unit Update:

Policing & Successes

Community Perception

Homeless Interaction

Improved Image Within Community

Chairman Boyle announced that Chief Ashe and staff will be providing an overview of the Department's Behavioral Health Unit and its impact to the department and the community.

Chief Ashe added that tonight there will be a brief presentation of the program that includes its beginning, status, and future plans.

She then introduced Licensed Clinical Social Worker/Director Jenna Haines and Clinician Amy Kevis. Both provided a synopsis of their previous experience. Director Haines began employment with Milford Police Department in February 2021 and was hired full-time in September 2021. She came to Milford from the James T. Vaughn Correctional Facility where she worked in the forensics population.

Also in attendance was Clinician Amy Kevis, a veteran of the New Castle County Police Department, who is currently the Executive Director of Partners in Public Safety Solutions, Incorporated, a nonprofit she started in 2020. There are two additional part-time clinicians who are also contracted through Ms. Kevis' nonprofit.

Ms. Kevis provided an in-depth background with statistics noting that Milford is the third highest city in drug overdoses within the state, only behind Wilmington and Dover.

She emphasized that some of the biggest benefits to having this newly created unit, which was originally suggested by Councilman Jason James, is that it allows individuals to be diverted from the criminal justice system when relevant which lessens the burden on the criminal justice system.

It also reduces strain on emergency rooms by connecting individuals with appropriate levels of care and lessens recidivism by linking individuals with needed behavioral health treatment.

In Milford, clinicians ride with police officers during their shift and are readily available when needed to respond to calls for service, providing necessary resources or interventions in real time. They also do brief case management and follow-up with individuals throughout continuum treatment. If a clinician is unavailable, the officer can also refer individuals to the clinicians when needed.

Ms. Kevis described their responses to situations all have a behavioral health component to them. The clinical social worker or behavioral health individual have a different conversation with the individual than a police officer does. The officers normally would make the arrest and go to the next course of action. Because the clinicians are capable of handling in a different manner by obtaining other relevant information, they can make a more informed decision about what the individual requires. Instead, they are connected with community-based treatment providers, in lieu of being arrested, and sent to jail or another institution.

She shared that many times, when a person enters the criminal justice system, the person loses their state funded resources including housing. They then become homeless and lose their jobs. Those lost resources then prevent them from becoming successful members of society.

In turn, the criminal justice entry for them is many times detrimental.

A lot of agencies now understand the need and that there is an opportunity to get behind the needs of these people.

Ms. Kevis then presented the following statistics:

- 89% of people who need behavioral health treatment do not receive it
- 70%-80% of individuals in jail have either SUD or BH challenges
- 4 largest "behavioral health facilities" are jails
    - Los Angeles, Houston, Chicago, and New York City
- 73% of DE fatal overdoses had at least one opportunity for linkage to care prior to overdose
- Police are often the first, and many times, the only intervention with these individuals

Ms. Kelvis emphasized that if a person commits a crime, there may be a need for an arrest. However, if the reason for Milford's crime rate is behavioral health or substance abuse, there is a need to be proactive in getting someone help in lieu of being arrested. The behavioral health clinician works to get that person the treatment that he or she needs with the goal that person continues to be responsible for their actions. Regardless, they will either be deflection or diversion as 89% of people who need behavioral health treatment never receive it (percentage used is two years old and is anticipated to be higher today). Unfortunately, the largest behavioral health facility in the United States today are jails.

She talked about past programs such as the 911 campaign that was intended to get help for individuals with behavioral health disorders, but instead only brought police officers to deal with the situation. Today, there is a bigger focus on getting treatment.

In Delaware, the Mobile Crisis Units are no longer 24/7 causing Kent and Sussex County police officers to encounter problems when they encounter a serious mental health issue after hours.

Though the state has stabilization and drop off centers, the closest in Milford is Brandywine Counseling. Ellendale and Newark also have recovery centers though they are also not always available due to staffing issues which also creates additional issues when someone needs to be taken somewhere.

She stressed the importance of having a qualified clinician on site at the time of an emergency. She talked about the needs of an addict and continued use, often because that person has not gotten a fair opportunity for treatment.

Ms. Kevis applauds Milford for understanding and seeing the need for this program.

Behavior Health Director Haines then shared information about a grant received for Ms. Kevis' organization and Milford Police to create model guidelines for co-responders. Using technical assistance and training scenarios, the co-response model would be designed to assist in calls for these situations.

Because it was written using an academic tone, it was reevaluated and made more cop friendly in the end.

She explained the model being used in Milford is to have the behavioral specialists in the vehicles with the officers responding to these situations in real time. Other agencies use other models that involve following up by telephone or even the next day or so, though that comes with other issues that make follow-up unlikely. The situation then become low-level priority.

Director Haines provided some brief excerpts from her job description that included working alongside police officers to engage with members of the community, performing crisis intervention techniques to deescalate people in the safest way, and identifying clients who need various resources. Also included are homeless resources, domestic violence, and victim services. The specialist will assess the situation and decide whether an official referral is needed. Case management tasks are also completed with follow-up in a day, week, or month to prevent recurrences.

Her staff also does informal education through follow-up conversations with the officers who have responded to such situations. Community education is also being done with Narcan events offered.

To begin with, she believed that suicidal/homicidal circumstances would be a big part of her job, but she is pleased that is not the case and is convinced that being involved at the start of an occurrence deters that type of action.

Education of officer wellness is a priority of Chief Ashe. Director Haines stressed the importance of officers always feeling they are supported. When these clinicians ride with an officer for eight hours straight, they can have comfortable conversations whereby any concerns not normally observed could be noted.

Director Haines then reviewed their approach to responding to calls for mental health emergencies and other concerns.

Clinician Kevis then talked about the reform that policing has taken with respect to these issues and the need for continuing education and training for all first responders, and not just law enforcement.

Even though there are dollar and cent constraints, it was agreed that if there is a need to hire more clinicians or police officers, the City needs to do whatever is needed to stay in front of this growing problem.

Chief Ashe pointed out that she is traveling all over the country comparing models and last week was in Colorado looking at their co-responder models. She believes Milford's model is the best with the clinicians in the vehicles with the officers, instead of responding to a situation after the fact or being asked to come on site once an officer has called for their assistance.

Getting the support of the community, Chief Ashe also believes that people want to see the statistics. They want research that proves whether a model is effective or not. As Milford's population continues to grow, there is a need to consider the increase in behavioral health issues within the city. About 74% of the officers are trained and that training continues when they ride with these behavioral specialists. She wants all officers to learn this model and understand the challenges Milford is facing with drug addiction, alcohol, and homelessness.

Because of that, it is her goal to get this unit to 24 hours coverage. Whether that can be accomplished through more grant funding or as part of the FY 25 budget, she sees a need for additional personnel.

Her goal is to have fewer arrests and the decriminalization of mental illness with the help of these specialists.

With no further discussion at this time, the Committee meeting was adjourned by Chairman Boyle at 6:00 pm.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

OFFICE OF THE CHIEF OF POLICE
CECILIA E. ASHE
cecilia.ashe@cj.state.de.us

THE CITY of Milford DELAWARE

400 NE Front Street
Milford Delaware 19963
302.422.8081 Fax 302.424.2330

TO: Mayor and Members of City Council

FROM: Chief Cecilia E. Ashe

DATE: November 7, 2023

RE: Activity Report/October 2023

Chief and Police Command Staff:

Throughout the month of October, Chief and Command Staff participated in numerous conference calls, virtual meetings and in-person meetings including City Council and Workshop meetings, bi-weekly City Manager's meeting with Department Heads, and PD Staff meetings. Mayor and City Council are provided weekly updates on major incidents and activities within MPD throughout the month to ensure they stay informed of all activities. Three members of the command staff along with one sergeant traveled to the International Association of Chiefs of Police Conference, to continue to advance national best practices in policing.

In the month of October Milford PD responded to over 1251 calls for service.

MPD Activities for the Month

Community Engagement:

- Oct 6-9th Milford Police joined the Faith and Blue Weekend which is a national movement to maintain and improve police and community relationships

Faith and Blue Weekend (Oct. 6-8)

Prayer in the Park





Faith and Blue Weekend (Oct. 6-8)

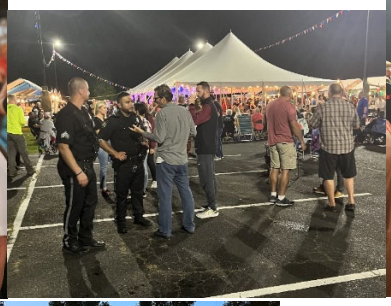







- MPD Command Staff along with patrol officers attended the Oktoberfest at St. John's Church







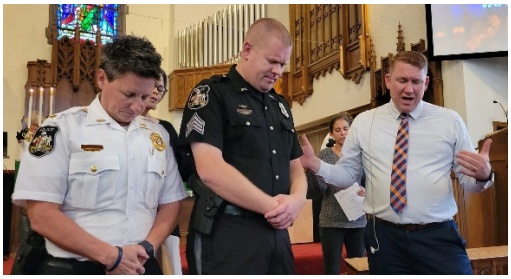
Coffee with a Cop Events

(Avenue UMC, Milford Church of God, United Church and Jesus Love Temple)

Avenue UMC







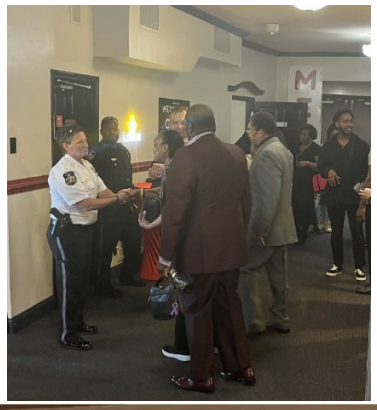
Milford Church of God







Jesus Love Temple







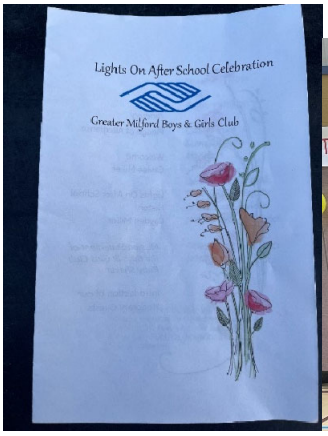


United Church



- PFC Matthews visited the Boys and Girls Club twice this month. First, with a group of teen advocates and discussed community issues such as gun violence, racism, mental health concerns, and vaping. The second visit consisted of sharing bullying/cyberbullying information with the children from first grade through roughly 6th grade. He was a guest invited as a part of the National Lights after School initiative.

Milford Boys & Girls Club's Lights On After School Celebration











- S/Cpl. Bloodsworth, with the assistance of the Milford School District elementary administration, conducted the annual AAA Safety Patrol Induction Ceremony to swear in our newest safety patrollers from all three elementary schools. The event was held at Milford High School and was presided over by Delaware Justice of the Peace Court Judge John Adams with families in attendance. Chief Ashe had the honor of pinning all of the badges on the children after they recited the Safety Patrol oath. PFC Matthews and Sgt. Maloney were on hand to assist with the pinning and congratulations to each selected patroller.

AAA Safety Patrol Ceremony











- PFC Matthews worked the DEA Drug Take Back event collecting prescription drugs for proper disposal to keep those substances out of our environment.
  The Milford Police Department participates in each of these events bi-annually and continues to support this effort with a drop off box in our lobby, which year to date has collected over 217 lbs. of unwanted prescription drugs.

- S/Cpl. Bloodsworth attended two Trunk or Treats at Avenue Church and Carlisle Fire Company and enjoyed engaging with the youth and their families at these fun and safe community events.

- S/Cpl. Bloodsworth attended Cooking with a Cop at the Milford Library with Chief Ashe, PFC Dryden and Cpl. Badger. We were very grateful for the invitation and opportunity to do something unique with the public.

- S/Cpl. Bloodsworth attended the Mispillion Elementary Fall Festival and enjoyed the family connections and festive activities on hand.

- Sgt. Maloney and PFC Dryden attended Special Olympics Athletes Award ceremony at Milford Elk Lodge. The officers were honored to present awards to a number of athletes ranging from the age of 4- 7 year olds.

Special Olympics: Young Athletes Medal Presentation









- K9 Mason and Raven performed a DEMO for the public at the Meet the Chief event at the Milford Public Library where K9's were introduced to the citizens by their handlers.

- K9 Mason performed a DEMO and meet and greet with children during Halloween night at the Delmarva RV Center.

- K9 Mason performed a DEMO and meet and greet with the public at the Carlisle Fire Company Trunk or Treat event.

- K9 Raven performed a DEMO at Brightway Commons several small children out playing in the neighborhood.

- K9 Raven did a surprise visit to Bayhealth Sussex Campus- Emergency Room Staff. Raven walked around the ED and people love seeing her. Staff stated that having Raven around boost the moral in the department and they really enjoyed the visit.





Emergency Preparedness:

K9 Unit: S/Cpl. Kosiorowski / K9 Mason

- K9 Mason performed over 50 hours of training in the month of October. This was in preparation of the National Police Canine Association (NPCA) certifications that took place in the middle of the month.
- K9 Mason achieved the highest level of certification offered by NPCA, including bonus points for additional exercises he completed successfully.

K9 Unit: S/Cpl. Swan/ K9 Raven

- K9 Raven performed over 120 hours of training in the month of October. This was in preparation of National Police Canine Association (NPCA) certifications that took place in the middle of the month.

- K9 Raven completed National Police Canine Association (NPCA) certifications. Raven certified in criminal apprehension, Tracking, Narcotics, and Handler Protection. K9 Raven received the highest certification that NPCA can award.

K-9's Complete Annual Certifications





Emergency Preparedness cont:

- Command Staff members met with Milford School District officials to review safety protocols.
- The Chief met with Director Ms. Valerie Welbon of the Milford Boys and Girls Club in reference to reviewing Active Shooter Drills and training at their facility.

Training and Professional Development:

- Two detectives attended a Search Warrants as an Investigative Tool training held at the DSP Academy.
- One officer attended a Drug Investigation Course held at the DSP Academy.
- Canine officers attended their annual Canine Certification Course held in Wilmington, Delaware. Both Canines received highest the level of certification offered by NPCA.
- Four officers attended the 2023 International Chiefs of Police Conference held in San Deigo, California.
- Three detectives attended the Annual DSP Homicide Conference held in Dewey Beach

- Two officers attended the Sim-Munitions Scenario Instructor & Safety Certification training held in Jackson Springs, North Carolina.

Munitions Training (S/Cpl. Collins and S/Cpl. Malone)



Police Headquarters:

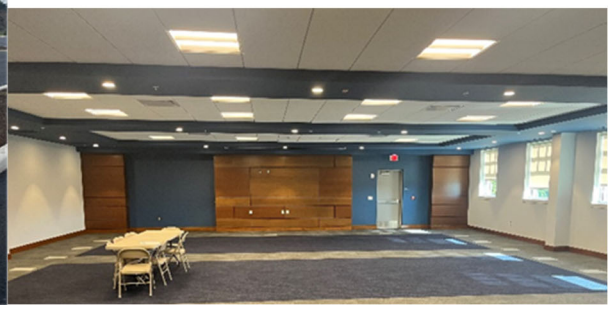
- Chief and staff throughout the month met with Bill and Mike from City IT to discuss layout of Net Carrier Phone System.

- Chief Ashe and Captain Wells attended PD Project Update meetings throughout the month.

- Gym equipment has been installed as well as other furniture. Shipment are arriving everyday

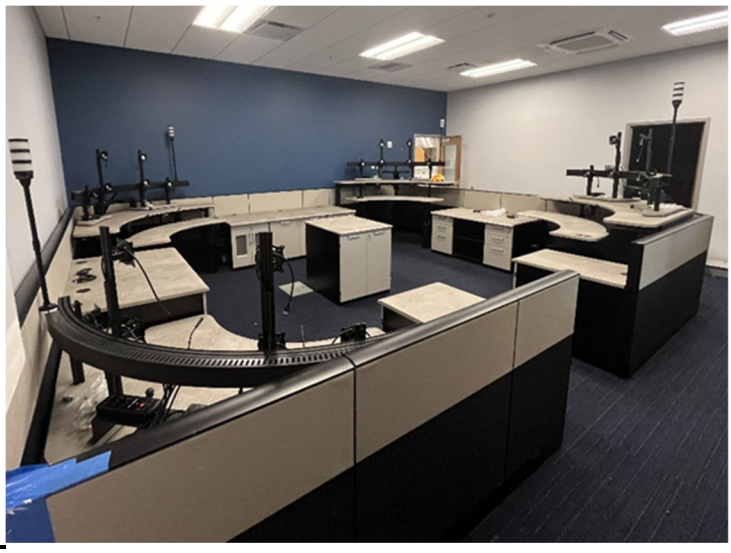
New Building Progress











Highlights of Milford PD Activities

Milford Police Officer Reunion



Breast Cancer Awareness



Donation from Children at TLC for Adopt a Family





Highlights of Milford PD Activities

Story Time with a Police Officer (Milford Library)







Cooking with a Cop



Highlights of Milford PD Activities

Officer of the 3rd Quarter



S/Cpl. Malone

IACP Conference



Highlights of Milford PD Activities

3rd Ward- Meet the Chief Event





Special Olympics Night of Heroes



Law Enforcement Torch Run International Conference







Behavioral Health Unit for Month of September:

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

Dates	Hours Worked	Meetings Attended/Hosted	Trainings Attended	# of NEW Contacts	New Contact Notes	# of Diversions from Arrest	# of Diversions from ER	# of Follow-Up's
October 1-October 8, 2023	58	1. Rural Subcommittee Meeting	1. The Unique Impacts of the Opioid Epidemic on Rural Communities	8	**Referrals to Services:** Ambulance Assistance Public Assistance Homeless Resources Check the Welfare Victim Services	1	1	8
October 9-October 15, 2023	45	1. Opioid System of Care Meeting	1. Victim Services and Trauma Victims	6	**Referrals to Services:** Check the Welfare Verbal Domestic Public Assistance Homeless Resources	0	2	6
October 16-October 22, 2023	47	1. Delaware Housing Authority Meeting 2. Milford Police Department & Milford School District Collaboration Meeting 3. Milford Halloween Parade	1. The Effect of Extreme Climate on Psychosis	6	**Referrals to Services:** Domestic Public Assistance Check the Welfare 10-81	1	0	6
October 23-October 29, 2023	54	1. Mind & Body Consortium Collaboration Narcan Event 2. Sun Behavioral Health Overdose Awareness Event	1. The New Outcomes of the Opioid Epidemic in 2023	7	**Referrals to Services:** Domestic Public Assistance Check the Welfare Shoplifting 10-81	0	1	5
October 30-October 31, 2023	22	N/A	1. The Survivor's Journey: Helping Survivors Of Trauma Heal	2	**Referrals to Services:** Domestic Public Assistance	0	0	2
Totals:	**226**			**29**		**2**	**4**	**27**
Year to Date Totals:	**2308.25**			**366**		**26**	**44**	**314**
Overall Totals:	**5949.85**			**1149**		**87**	**123**	**1074**

Social Media/Public Information Update:

Public Information / Social Media Stats for October are as follows:

Our Facebook page had 204 new followers for a total following of 13,905. Currently our followers are 35% male and 65 % female. Posts during the month reached 105,778 people. Our top post for the month was the new building progress post with a reach of 53,507 and 9,755 post engagement.

Our Instagram account had 35 new followers for a total following 1,902. Currently our followers are 37% male and 63 % female. Posts during the month reached 2,118 people.

On Twitter, our Tweets made 3560 impressions and our followers are at 1438 with an increase of seven additional followers this month.

Our Nextdoor posts reached 2465 people during the month. Nextdoor reaches 2763 according to statistics provided by the website.

News Releases:

October 5, 2023: Milford Man Arrested For Sexual Assault
https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.milfordpolicede.org%2Fnews%2FMilford-Man-Arrested-for-Sexual-Assault.htm&data=05%7C01%7Cvictoria.knorr%40CJ.State.de.us%7C4125cdf3babb4f4ea8c508dbdbcd23be%7C4f545c4f3624442d8cdf65a784877e12%7C0%7C0%7C638345446338142346%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=pS8JnEjXmMXDpd7wz%2BBVQXBpGYBqdnqoQQAGSRk9y5E%3D&reserved=0

October 13, 2023: Milford Man Arrested on Drug Charges
https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.milfordpolicede.org%2Fnews%2FMilford-Man-Arrested-On-Drug-Charges.htm&data=05%7C01%7Cvictoria.knorr%40CJ.State.de.us%7C4125cdf3babb4f4ea8c508dbdbcd23be%7C4f545c4f3624442d8cdf65a784877e12%7C0%7C0%7C638345446338142346%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=%2B0Wxth%2BWP6%2Fg9rha8xd8sYchHbvbij4jTq9qiZPng1E%3D&reserved=0

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

THE CITY of Milford DELAWARE

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

DATE: November 1, 2023
TO: Mayor and Members of City Council
FROM: City Clerk Terri Hudson
RE: October 2023

October was a busy month in Milford. With warm but comfortable temperatures, it has become a popular month for special events. The City welcomed many out-of-town visitors looking for fun and that last chance to soak up what was left of the summer sunshine.

While permit activity has slowed down, below are a few activities that are currently scheduled over the remainder of the year:

Permit #	Organization	Event Name	Event Date
2023 27	DMI	Holiday Stroll & Christmas Market	12/2/2023
2023 37	DMI	Marvel Square Cup Soccer Tournament	11/07/2023
2023 37	DMI	After Market	11/5/23 – 12/17/23
2023 32	Mispillion Art League	Run for the Arts	11/04/2023

My office continues to take advantage of the many training opportunities offered by various professional affiliates throughout the country

Continuing with the 14-series Education PLUS Program through the International Institute of Municipal Clerks (IIMC), I have most recently successfully completed the following two bi-monthly courses:

Leading Virtual Teams
Preparing for the Digital Transformation

Those accepted into the program are required to demonstrate their active pursuit of educational and professional activities with a desire to remain informed of current socio-political, cultural, and economic issues that affect local governments and municipalities.

The education requirements for the EPP are advanced and complex, like those of the MMC program. The breadth and depth of the EPP courses are academically advanced.

Senior Deputy City Clerk Katrina White continues her pursuit of furthering education by attending a training session sponsored by the New England Municipal Clerks Institute and Academy on October 11th.

She also joined other municipal clerks from across the United States and Europe in a Zoom meeting with IIMC President MaryAnn Hess from Laurel, Mississippi on October 30th.

As an active member of the City's Employee Recognition Committee, Ms. White was also instrumental in the planning, preparing, and setting up of the Employee Service Award Picnic in October. That afternoon, she was one of our employees who received a service award for ten years of employment with the City. Seven of those have been spent in the City Clerk's Office.

I also had the honor of being recognized as the longest tenured employee for my forty-five years of employment with the City.

We were excited to attend the October Delaware League Dinner at Maple Dale Country Club and share the moment when Town Clerk Matt Amerling from the Town of South Bethan Beach received the Delaware Clerk of the Year Award. Town Manager Maureen Hartman nominated Matt who has been with South Bethany since 2021, after he served several years as Millville's Town Clerk.

We also attended the Annual Membership Luncheon of the Chamber of Commerce at Etta's Catering on October 18th.

Along with Economic Development Coordinator Sara Bluhm, Ms. White, and I, representing the City of Milford, joined other alumni in the daylong celebration of the University of Delaware's 50th Anniversary of the School of Public Policy and the 30th Anniversary of the Delaware Municipal Clerk's Institute in Newark on October 20th. Delaware's Federal and State Legislators, along with Governor John Carney, were also in attendance and guest speakers to the crowd of just under three hundred.

Monthly Activities

- ❑ Assisted multiple Delaware Municipalities with policy, procedural, and related items
- ❑ Record requests/Assistance from City Departments (8)
- ❑ FOIA Requests to Date (103)
- ❑ Coordinate FOIA issues with other Departments to ensure compliance
- ❑ Created/revised/reloaded 10/09 Economic Development & Code Enforcement Committee Agenda (1)
- ❑ Created/revised/reloaded 10/09 Economic Development & Code Enforcement Committee Packet (1)
- ❑ Created/revised/reloaded 10/09 Council Meeting Agenda (4)
- ❑ Created/revised/reloaded 10/09 Council Meeting Packet (4)
- ❑ Created/revised/reloaded 10/21 Council Retreat Agenda (5)
- ❑ Created/revised/reloaded 10/21 Council Retreat Packet (18)
- ❑ Created/revised/reloaded 10/25 Public Works & Utilities Committee Agenda (4)
- ❑ Created/revised/reloaded 10/25 Public Works & Utilities Committee Packet (3)

- ❑ Created/revised/reloaded 10/25 Council Meeting Agenda (7)
- ❑ Created/revised/reloaded 10/25 Council Meeting Packet (14)
- ❑ Executive Sessions Year to Date (20)
- ❑ Created/revised/reloaded Planning Commission Notices (5)
- ❑ Created/revised/reloaded Planning Commission Agenda (1)
- ❑ Created/revised/reloaded Board of Adjustment Notices (1)
- ❑ Created/revised/reloaded Board of Adjustment Agenda (1)
- ❑ Created/revised/reloaded P & R Advisory Board Agenda (0)
- ❑ Created/revised/reloaded P & R Advisory Board Packet (0)
- ❑ Created/revised/reloaded Tree Preservation Advisory Council Agenda (0)
- ❑ Created/revised/reloaded Tree Preservation Advisory Council Packet (0)
- ❑ Created/revised/reloaded Milford Community Cemetery Board Agenda (1)
- ❑ Created/revised/reloaded Milford Community Cemetery Board Packet (1)
- ❑ Transcribed and Proofread Minutes from City Council Meetings (5)
- ❑ Transcribed and Proofread Minutes from Board of Adjustment (0)
- ❑ Transcribed and proofread Minutes from Planning Commission (0)
- ❑ Transcribed and proofread Minutes from P & R Advisory Board (0)
- ❑ Transcribed and Proofread Minutes from Milford Community Cemetery Board (1)
- ❑ Transcribed and Proofread Minutes from Tree Preservation & Advisory Council (0)
- ❑ Provided Notary Public Services (12)
- ❑ Proclamations Created Year to Date (25)
- ❑ Resolutions Created Year to Date (30)
- ❑ Special Event Permits Requested to Date (41)

AND, for those of you I haven't informed, I am extremely proud to announce, not only to Mayor and Council, but also to the members of this community, that our own Senior Deputy City Clerk Katrina White, has obtained the highest designation that a Municipal Clerk can receive—Master Municipal Clerk.

As a former IIMC Board member, and on behalf of the current Board of Directors, I am honored to share this news. And I think it is very important that Katrina know, that our Mayor, City Council, and her fellow colleagues also share in this pride and that we all recognize the vital role that Katrina plays in this City and applaud her efforts.

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

THE CITY of Milford DELAWARE

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, City Manager
Subject: October 2023 Monthly Report
Date: November 9, 2023

- September 30 through October 4 I attended the International City Manager's Association conference in Austin Texas. I attended sessions on Strategic Budgeting, The Art of Strategic Leadership, Championship Visioning, Innovations in Homelessness, How to Lead and Succeed in Multigenerational Workplace, Meeting Resident's Expectation in the Digital Age, Uncertain and Undeterred: Unconventional Leadership in Unparalleled Times, The Manager's Role in Rethinking Budgeting, The Power of Connectional Intelligence, Your Local LGBTQIA+, Creatively Engaging Conversation in Your Community, and Strategies to Bridge the Housing Gap and Plan for Site, and Develop Workforce Housing. As with any conference, there were long days, but fun evenings connecting with other professional colleagues from around the nation. I appreciate the opportunity to attend and continue to learn.
- After nearly 4 years of planning, DEMEC held a ribbon cutting for the new lineworker training yard in Smyrna. This will be extremely helpful for training the City's electric lineworkers. Prior to this development, the City sent lineworkers to Virginia for 4 - 5 day stints for training, which required hotel stays. With a training facility in Smyrna, workers can return home each night, and can even return to work in cases of an emergency. Educators will be used from the Tennessee Valley Authority to do the training. Ground Tech, First, Second- and Third-Class Lineman certifications will be taught. Pole installation and climbing, distribution line maintenance and installation, substation repair, and transformer repair will all be taught at the Smyrna facility.
- Mayor Campbell, Vice Mayor James and I attended the SCAT Steering Committee breakfast where we heard presentations on Project Blue Delaware and Sussex County's Economic Development study on a school of osteopathic medicine within Sussex County.
- I appreciate Council's support of the Employee Awards and Appreciation that was held this afternoon. The Employee Awards and Recognition Committee did an excellent job with the event, and I heard many positive comments from employees who appreciated the time to celebrate the milestones of their fellow employees with good food and fellowship. For those who were able to attend, your presence meant a great deal to the employees. And again, thank you for your support.
- I attended the DELDOT Utilities Coordination Council meeting as DEMEC's representative.
- I attended the monthly DEMEC Executive Board meeting.
- Mike and I met with Councilman Culotta on the downtown restrooms.

- I attended an open house at the City of Lewes held for the departure of City Manager Ann Marie Townshend.
- Mayor Campbell and I attended a meeting with the Milford Museum
- Mike, James and I met regarding the sidewalk in-fill project.
- I appreciate the time Council spent for the annual retreat. I hope you found the presentations worthwhile. The feedback given to each department director was valuable in helping us move the strategic plan forward.
- I had correspondence with Sussex County DelDOT regarding the installation of sidewalks along Lakeview Avenue. The property owners failed to obtain a DELDOT permit, and they were requiring the newly placed sidewalk to be demolished at re-poured. I appealed the decision to the Transportation Secretary. The District Administrator then worked out a compromise to leave the sidewalk, but the property owner had to give a 5-year warranty on the sidewalk. The entire issue reopened discussion between the City and DELDOT on the responsibility of sidewalks. I am requesting DelDOT exempt City sidewalks from DELDOT permits and inspection, because the property owner is responsible for the sidewalk repair, and the City has a routine inspection program. They have agreed to meet with us to discuss a better solution.
- Solicitor Rutt, Rob Pierce, James Puddicombe, Mike Svaby and I met regarding the West Shores development and the contractor's neglect in paving the streets.
- Lou Vitola, Valerie Heritage and I met with Dawn Lund of UFS regarding having their company review our utility tapping fees.
- Councilmen James and Marabello (and wives), Terri Hudson, Katrina While, Mayor Campbell (and wife) and I attended the DLLG Dinner and heard a presentation on a Senate bill that would enable Counties to institute a fire safety tax to assist in the funding of volunteer fire companies.
- Mayor Campbell, Brad Dennehy, Councilman Baer, and I attended the Milford Community Cemetery meeting.
- I attended the monthly Delaware State Chapter of APWA meeting.
- Chief Ashe, Tony Chipola and I met regarding emergency call outs for utility outages.
- Sara and Rob met with Becker Morgan on the Milford Corporate Center.

PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
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THE CITY of Milford DELAWARE

Anthony J. Chipola III, Electric Director
PHONE 302.422.6616, Ext 1137
achipola@milford-de.gov

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

Director's Office

- Attended DEMEC Joint Lineworker Training Yard Ribbon Cutting w/ M. Patterson (2nd Class Line Technician)
- Met w/ Bayline Construction to discuss potential work opportunities and emergency support
- Completed Quarterly 10 year Load forecast
- Developed New Pole attachment Application for 3rd party attachers (Comcast, Verizon, etc)
- Participated in Capital Projects Update Mtg
- Attended Kent / Sussex Monthly DELDOT MTg
- Attended DEMEC Monthly Board Mtg
- Attended QEI Webinar Re: Command Sequences for SCADA System
- Participated in Governors Energy Advisory Council (GEAC) Grid Modernization Working Group
- Attended APPA Webinar on leveraging Smart Meters
- Met w/ City Planner R. Pierce regarding Electric Requirements for new Milford Corporate Center
    - Discussed options w/ Line Supervisor T. Barnett
- Held Project Status Update Mtg w/ DRG RE: Field Asset Collection
- Participated in monthly AMI support call with AMP
- Participated in Discussions with Beneficial Electrification League (BEL) and DEMEC regarding potential Grant opportunities for Energy Storage
- Attended Lineworker Communication Safety Webinar
- Continued EV Charger Installs - Met w/ Electrical Contractor for cable installation
- Continued Line Technician Interviews
    - Offer made and accepted
    - Tentative Start Date of 11/20/2023
- Completed Annual Oil Sample Analysis
- Completed Annual Preventative Maintenance for Station Batteries and DC systems
- Presented Electrical Department Updates at Council Retreat
- Authored article for utility newsletter re: "Blinks"

Electric Lines

- Provided Technical Support to DRG for Field Audits
- Participated in Interviews for Line Technician
- Continued construction activities for New Business
- Developed various estimates for new developments
- Responded to various outages

Technical Services and Engineering

- Corrected issue at Washington St pump station Re: pressure sensor used to send the level of the towers to SCADA
- Resolved communication issue of Rte 113 Capacitor Bank
- Assisted in installation of fiber for P&R Armory Building
- Continued Physical Security Updates – Installing Cameras
- Developed Switching Document for Offloading Del 1 in support of DPL requested outage
- Repaired / replaced damaged display at Well 5
- Escorted SD Myers for pulling oil samples
- Incorporated PW Generator Alarms and Status into SCADA
- Updated prints for DELDOT bridge projects – Front St, Maple Ave
- Participated in AMI monthly support call
- Met with various contractors to specify metering equipment and advise on installation.
- Processed multiple applications for solar panel interconnections

Electric Department -October 2023	October 2022	October 2023	FY23 YTD *(07/01/22-10/31/22)*	**FY24 YTD *(07/01/23-10/31/23)***
Electric Division				
Trouble Service Call	19	26	80	86
Work Orders Completed	41	37	163	180
Outages	15	6	36	31
LED Street Lights Replaced	63	4	84	14
New Service Install	3	5	15	29
Poles Replaced	0	2	19	8
After Hours Calls	22	14	55	55
Trees Cut (Days)	0	2	19	6
Technical Services Division				
New Electric Service Installed/Meter Set	5	11	72	45
New Water Service Installed/Meter Set	3	14	15	34
Electric Meter Replacement	4	7	29	22
Water Meter Replacement	47	109	228	215
Work Orders Completed	642	873	2,634	2,973
After Hours Calls	14	4	24	12

6 outages - 1 MVA, 1 unknown, 1 tree, 1 squirrel, and 2 birds

PUBLIC WORKS FACILITY
180 Vickers Drive
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THE CITY of Milford DELAWARE

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

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: November 8, 2023

RE: October 2023 – Planning Department Staff Report

- During the first ten months of the 2023 calendar year, the City issued 97 new residential construction permits and three building permits for 72 new multi-family residential units. The total construction investment in Milford through the end of October based on issued building permits was $65,965,679.
- The City of Milford has seen 173 projects with a committed investment of over $33.0 million within the Downtown Development District (DDD) area since September 2016 (based on permit valuations from submitted applications). The State of Delaware has committed or awarded over $3.75 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over $960,00 in permit fees and taxes associated with these projects in accordance with Chapter 19 Economic Development and Redevelopment and DDD program guidelines (click the below link to see project locations).
  https://milfordde.maps.arcgis.com/apps/MapSeries/index.html?appid=ab3ecb0d8cbc44d884b7c3063f75125c
- The Planning Commission will review three land use applications at the November meeting. These include a conditional use amendment for a church on SE Front Street, a change of zone for the Kenton property at the corner of NE Front Street and N. Rehoboth Boulevard and a preliminary major subdivision approval extension for the Red Cedar Farms project.
- The Board of Adjustment will review three variance applications at the November meeting. One is an application that was tabled from October for a residential addition in Knotts Landing, the second is for a residential shed in Milford Ponds and the third item is for a large stone driveway and entrance on Pierce Street.
- The City granted final site plan approval for the Napa Valley Investments, LLC project in the Greater Milford Business Park.
- The City received a preliminary conditional use site plan resubmission for the Caliber Collision project and provided review comments to the applicant.
- The City received a final site plan submission for the 1st State Self Storage project and provided plan review comments to the applicant.
- The City administratively approved a minor revision to the Burger King drive-thru.
- The City reviewed a resubmission of the 84 Lumber preliminary site plan application provided comments to the applicant.

- The City received a final major subdivision application for the Milford Corporate Center and provided review comments to the applicant.
- The City received a final major subdivision application for the Red Cedar Farms project and is currently reviewing the plans.
- The City received a final major subdivision resubmission for the Westwood project and is currently reviewing the plans.
- The City reviewed the final site plan application for the Westwood Amenity area and provided plan review comments to the applicant.
- The City reviewed a preliminary site plan application for Southern States and provided plan review comments to the applicant.
- The City received a variance application for a modification to the Chick-Fil-A drive-thru and is currently reviewing the request.
- Staff attended the weekly ERP Project update meetings.
- Planning Department staff attended 64 hours of ERP implementation sessions. Department resources will be committed to additional sessions over the next nine months.
- Attended monthly Milford Corporate Center project update meeting.
- Staff met with the tenant farmer for the Milford Corporate Center property to coordinate the planting schedule for 2024 against the proposed phasing plan for the project.
- Planning Director interviewed candidates for the new Code Enforcement position. Howard Rothstein was hired and his first day with the City was November 6, 2023.
- City staff and members of the Dover/Kent County Metropolitan Planning Organization held an open house for the N. Rehoboth Boulevard Corridor Study on 10/25/23 at the Public Works building. The open house was used to gather feedback from residents and business owners for N. Rehoboth Boulevard from the Mispillion River to the Route 113 intersection.
- Attended Quarterly Kent Economic Partnership Town Managers & Planners Meeting in Dover along with Sara Bluhm.
- Met with a consultant working with DNREC to review the State's Brownfields program.
- Met with the new owners of Hickory Glen to begin utility coordination discussions between their project and the Milford Corporate Center.
- Staff is in the beginning stages of preparing for a Downtown Development District renewal application submission. Our current designation expires in 2026 and the State has provided an application for current districts to renew their designations for another 5 years. The renewal would extend our designation until 2031. We can submit a renewal request towards the end of August 2023.
- Staff continue to work towards implementing the goals and objects of the 2018 Comprehensive Plan, SE Master Plan, Downtown Development District (DDD) application, Rivertown Rebirth Master Plan and Strategic Plan (see below links).
    - **2018 Comprehensive Plan & SE Master Plan (Click Here to View)**
    - **Downtown Development District Plan (Click Here to View)**
    - **Rivertown Rebirth Master Plan (Click Here to View)**
    - **Strategic Plan – Press Play: Vision 2023 (Click Here to View)**

Case Activity:

	Total
New Cases	33
Closed Cases	61
Open Cases at Start of Period	478
Open Cases at End of Period	444

*232 open cases are for tall grass, which stay open the entire growing season.

Violation Activity:

New Violations Cited	Total
Abandoned Vehicle	3
Dangerous Tree	0
Furniture Violation	0
Generic Violation	7
Property Maintenance Violation	4
Rubbish & Garbage	1
Weeds & Grass	16
Zoning Use Violation	2
Total	33

Rental Licenses Issued: 4
Vendor Licenses Issued: 0
Contractors Licenses Issued:22
Business Licenses Issued: 9

Building Permits Issued:

Permits Issued by Type	Count
Commercial Demolition	0
Commercial Foundation	0
Commercial Building Permit	2
Construction Trailer	1
Residential Demolition	1
Residential Building New Construction	18
Residential Renovation/Accessory	8
Roof/Siding Permit	7
Sign Permit	5
Solar Panel Permit	0
Utility Permit	4
Total	46

Inspections Performed:

Inspections Performed by Type	Count
Footer	12
Foundation	12
Framing	31
Insulation	16
Final	30
Residential Rental	43
Total	144

PARKS & RECREATION DEPARTMENT
207 Franklin Street
Milford, DE 19963

PHONE 302.422.1104
FAX 302.422.0409
www.cityofmilford.com

TO: Mayor and City Council

FROM: Brad Dennehy-Parks and Recreation Director

DATE: 11/7/23

RE: October 2023 – Parks and Recreation Staff Report

Parks

- Park staff continued to do weekly trash runs in the downtown of municipal trash and recycling cans.
- Staff continued to cut grass at all City maintained facilities with grass cutting coming to end near the end of October/early November.
- Continued to maintain the soccer fields at Tony Silicato Memorial Park as the soccer program was still in session.
- Rope at the City Hall flagpole broke and was replaced. A tire swing was fixed at the Can-Do playground.
- In preparation for City of Milford Service awards, park staff prepared Memorial Park with cutting of the grass, pressure washing fence, trimming trees, layout of the event, coordination of the tents and corn hole tournament.
- In preparation of the Milford Community parade everything was cut along the parade route, as well as bushes and shrubbery being trimmed (City Hall, Customer Service, Walnut Street sidewalks, parking lots, the Armory, and Rehoboth Blvd flower bed).
- Staff assisted with the parade with the loaning of tables, chairs, and a portable stage. They also installed temporary fencing across the entrances at the cemetery on Walnut Street to help prevent cars from parking in the cemetery during the parade at a request from PD.
- Park staff assisted the Recreation staff with the decoration of a truck and trailer for a float for the Milford Community parade.
- The retention pond at ball fields was cut back for the season.
- Watering of flowers in all hanging baskets and flowerbeds came to an end in October, and plants began to be removed in preparation for the installation of holiday greenery.
- Any issues which were reported on the SeefixClick app were addressed.
- Water reels were brought in from the sports fields for winter maintenance, and end of season maintenance was performed on the mowers.

- All new woodchips were installed in the farmers market area after leaves were blown off and removed to offer coverage in that area for the Christmas market and for the winter months.
- Staff installed an area of certified playground mulch between the retaining wall and the new climbing apparatus at the new playground.

Recreation

- **Soccer**
    - Fall soccer finished on October 28th. All players left the field with new knowledge of the game that can be used in their future.
        - ” I liked how the soccer program was inclusive to both boys and girls, even those with special needs, with equal play time.”
        - “It was a great balance between coaching and fun!”
        - “The coaches are excellent! I really appreciate the variety of skills they'd review each week and how they kept practices and games 'tight.' Lots of positive and constructive feedback to the players.”

- **Tiny Tykes Multi-Sport Program**
    - Tiny Tykes concluded on October 25th. The little tykes learned a plethora of skills surrounding three sports Soccer, Basketball, Flag Football.
        - “I love the enthusiasm the coaches had for the sports and kept the children engaged. The kids had such much fun. I also LOVED the social media photos.”
        - “Coach Derek and coach Josh are fantastic! Also, the Tiny Tikes program was a great program to get the kids introduced to sports. I am very happy it was offered.”
        - “I loved that you had a program for tiny tykes. The coaches were awesome with the children. The program allowed the children to participate in three sports. Which was ideal for them.”
- **Tennis**
    - This Fall Tennis season was marked by a new participant record of 26. The final session took place on October 25th.
        - “Coach Anne was absolutely amazing with our kids. It was the first time they ever played tennis and they were completely hooked. We can't wait for spring!”
        - “My kids learned so much and had a great time!”
        - “Location, positive staff, learning for kids.”

- **Field Hockey**
    - This program was highlighted by the outstanding new coaches of Layna Reynolds & Emily Thode. The ladies did an exceptional job and the boys and girls in the program had a great time.

- "Coach Emily did an excellent job teaching field hockey skill and keeping it fun for the girls!"
- "It taught her a new skill in a safe environment. The coaches were attentive and were patient."
- "Convenient time & location, good communication, positive coaching that motivates & encourages the athletes."

- **Adult Kickball**
  - Adult Kickball is approaching its final inning. We are currently in the 3rd round of our playoffs. Top seeds "Absolute Rushers" and "Serial Kickers" will face off on 11/1 to see who will advance to the Championship game. Team "Slim Kickins" pulled out an upset win over "Punt Stars" to advance to the next round against "Get Schooled".

- **Milford Parade**
  - Milford Parks & Recreation made its first ever appearance in the Milford Parade. This occasion was highlighted by the unveiling of the department's first ever official mascot "Parker B. Heron", who took home the "best mascot" award.

Future Winter Programs

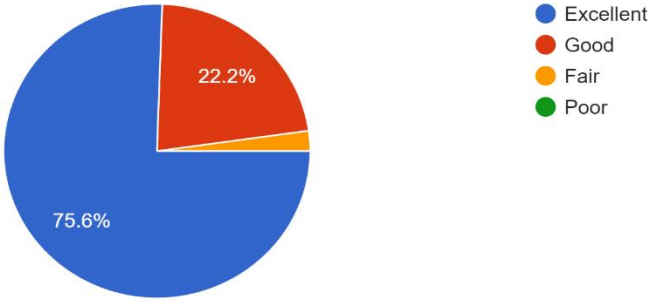
  - Milford Parks & Recreation has seen a huge uptick in winter program registrations.
    - Youth Basketball
    - Youth Indoor Soccer
    - Wrestling
    - Taekwondo
    - Pickleball
    - Adult Basketball
    - Dodgeball

Other

- Awards and recognition ceremony was hosted by Parks and Rec. Three staff members received awards for a year of service and Park Superintendent (RJ Skinner) received an award for 10 years of service to the City of Milford.
- Director attended the Milford Community cemetery meeting.
- Director presented the City Council retreat held at Etta's catering.
- Capital projects continued to advance with the new playground and pickleball courts nearing completion.

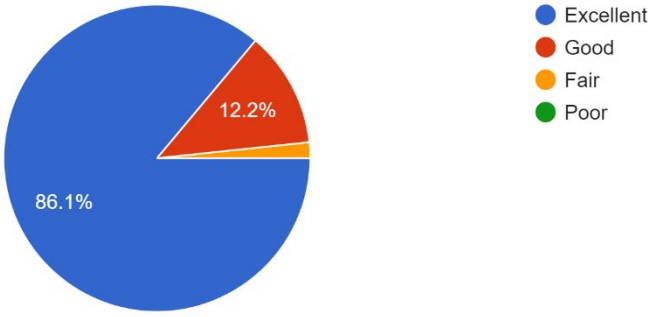
How would you rate our program(s)?

180 responses



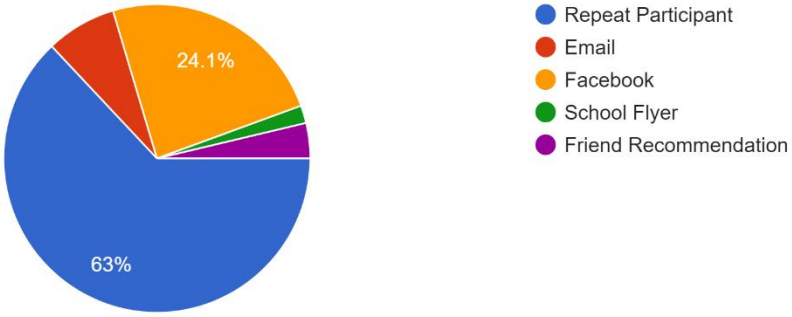
How would you rate our staff?

180 responses



How did you hear about our programs?

54 responses



Instructional Soccer



Tennis



Tiny Tykes



























Parker “B”. Heron



Field Hockey



HUMAN RESOURCES
10 SE Second Street
Milford, DE 19963

THE CITY of Milford DELAWARE

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TO: Mayor and City Council

FROM Jamesha C. Williams, MBA, MSL- Human Resources Director

DATE: November 7, 2023

RE: October 2023 –Human Resources Department Staff Report

- Onboarded new hires for the following positions:
  Police Dispatcher-1 employee
  Cash Operations Clerk II-2 employees
  Electric Line Technician, Second Class-1 employee
  Code Enforcement Official II-1 employee

- Job offer was extended and accepted for the position of Electric Line Technician, Second Class.

- Attended HR/Payroll Tyler Munis Sessions

- 2023 Holiday Party-Friday, December 15, 2023, Milford Senior Center, 6:30pm-10:30pm.

- **Current Job Openings as of November 7, 2023:**
- Arborist/Urban Forestry Coordinator-1 opening
- Electric Line Technician (All levels)-1 opening
- Public Works Equipment Operator-Streets-1 opening
- Police Dispatcher-1 opening
- Police Officer-1 opening

- Office of the Quarter-Senior Corporal Rhett Malone, July 1-2023-September 30, 2023



- Promotion to Network Technician-Denham Dodd and Mike Smith.



CITY HALL
201 South Walnut Street
Milford, DE 19963
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THE CITY of Milford DELAWARE

Economic Development, Public Information,
and Community Engagement Office
O: 302-725-2068

To: City Council and Mayor
From: Sara Bluhm, Economic Development & Community Engagement Administrator
Subject: October Monthly Report
Date: November 8, 2023

Economic Development

- Met with Food Lion Shopping Center leasing agent to discuss leasing opportunities
- Gave annual Economic Development & Community Engagement update to the Economic Development & Code Enforcement Committee
- Attended KEP's quarterly Town Managers & Planners Meeting with Planning Director
- Attended My Bambino ribbon cutting
- Attended EasterSeals 75th Anniversary dinner with LDI
- Attended UP IPA 50th Anniversary Celebration
- Met with new SBDC Southern DE director
- Met with Tre Sorelle Dolce owner regarding Bicentennial Park holiday pop-up ice rink
- Attended Excellence in Education luncheon with LDI
- Met with Bayhealth representative to discuss Rt. 30 commercial parcel

Community Engagement

- Attended DMI's Santa House fundraiser with Opera DE – PopUp Opera
- Principaled for a Day at Odessa HS and Milford HS
- Appeared on Delmarva Life promoting Opera DE Microgala at Benvenuto
- Attended CCGM Affordable Housing Taskforce quarterly meeting

Meetings/Trainings

- Ordered holiday wreaths from DMI fund raiser for all city buildings
- Attended AudioEye website accessibility demonstration with IT Director
- Participated in ERP training – service request categories
- Met with Energize DE grant administrator to discuss new grant parameters - $175k for emergency vehicles
- Attended October Leadership Delaware sessions; themes – Education & Leadership
- Prepared Annual Council Retreat PowerPoint providing a consistent design for all depts
- Coordinated dept. head call with NetCarrier to review phone system reports
- Met with VEIC x3 to finalize EV feasibility study and begin discussion for MPD EV fleet grant application
- Met with new SeeClickFix (MyMilford) account rep
- Met with website redesign project coordinator to kickoff the redesign project
- Participated in weekly streets update meeting with PW Dept
- Attended 2023 Service Awards ceremony; posted awardees and pictures on city social channels
- Attended monthly DMI EV Committee meeting
- Attended monthly Kent County Tourism Board meeting
- Attended monthly Thriving Communities Program (TCP) cohort meeting

- Met with Slaughter Beach Manager, UD GAP representative and Main St. America TCP reps to tentatively plan MSA Site Visit for TCP grant
- Monthly BMG meeting regarding Milford Corporate Center planning

Social Media/Website

- October 2023 Insights:
    - City of Milford Facebook: 14 new likes (total: 4,616); 74,502 reached (97,613 last month); 2,636 page visits (1,903 last month)
    - Parks & Rec Facebook: 20 new likes (total: 3,625); 8,959 reached (8,170 last month); 2,717 page visits (3,180 last month)
    - Instagram: 16 new likes (total: 1,273); 840 accounts reached (840 last month); 100 profile visits (94 last month)
    - Twitter: 229 impressions, 1,371 followers
    - ChatBot: 58 self-service resolutions; 60.4% self-service resolution rate; $290 cost savings
    - MyMilford: 33 issues created; 27 issues closed; Average Days to Close: 4.2

Email Campaigns

- October utility newsletter to full database (customers and business license holders) (5,383): 52% open

News Appearances

- Economic Development Update
- Opera DE Pop-Up Opera event
- Opera DE Microgala event
- Downtown restrooms

THE CITY of Milford DELAWARE
River Town • Art Town • Home Town
Vol. III • Issue 11

Employee Recognition

The City held its 5th Annual Service Awards Ceremony on Friday, Oct. 13 on the Parks and Recreation grounds. Congratulations to all employees recognized for their milestone years of service. City employees enjoyed the 2nd Annual Cornhole Competition where Tony DeMora and RJ Skinner took home the championship trophy!





City Council Round-up: October

At the Oct. 9 City Council meeting, Council heard department reports and awarded a contract to Becker Morgan Group for professional services to produce construction documents and prepare site plan applications for Sussex County for the Deep Creek/Herring Branch Greenway. The Economic Development and Code Enforcement Committee also met on Oct. 9 to hear an annual update on economic development and community engagement activities. On Saturday, Oct. 21, City Council met for their annual Retreat and all dept. heads gave an update on their Strategic Plan projects for the year. At the Oct. 23 meeting, Council authorized vehicle purchases for Parks & Recreation and approved public restrooms for downtown - they will be installed in Spring 2024. All public meetings can be viewed live or recorded online at the City of Milford website at www.cityofmilford.com/553/Watch-Public-Meetings.

City Office Closures

City offices will be closed Thursday, November 23; Friday, November 24; Friday, December 22; Monday, December 25 and Monday, January 1 for the holidays. Trash, Recycling and yard waste may differ on these dates. Check the schedule online at www.cityofmilford.com/87/Solid-Waste

New Community Calendar

Downtown Milford, Inc. recently released a new online community event calendar where organizations can post events and residents and visitors can view and subscribe. Use the QR code at the right to view the event board. To suggest an event, visit bit.ly/19963events.

Public Utility Education

By Tony Chipola, Electric Director

"Blinks" may be a sign of a properly working electrical system

Have you ever noticed your lights blink? Maybe once or even several times in a short period? This "blink" is when the electric distribution system is subject to a momentary loss of power. It can be annoying, and the City of Milford takes all possible measures to minimize their impact on our customers, but the blinks may have just saved you from sitting in the dark.

A majority of system faults tend to be temporary – a tree limb hitting the lines before falling to the ground, momentary contact by an animal, or even an errant balloon from a neighbor's party. In order to protect the public and our equipment, a device known as a recloser will quickly de-energize the line to allow the fault to clear then close back in restoring power. It may go through this operation several times to "test" if the fault has cleared. If successful, your lights will remain on and you can go about resetting the clock on your microwave or oven. If the fault is permanent, the line will remain de-energized until repairs are made.

Customers can lessen the effect and inconvenience of "blinks" when they occur by investing in surge-protectors and uninterruptable power supplies (UPS).

If you are experiencing a prolonged outage, please contact us immediately. Your report helps our crews locate the problem and to make repairs as quickly as possible. Any additional information is also helpful, such as if you heard a loud bang or flash of light, are the neighbor is out or just you, did a tree or large limb fall and is in contact with the wires, etc. In any case, keep your distance and do not go actively looking for anything abnormal.

Remember: When lights blink, it is an indication that the City's equipment is operating properly and potentially saving you from a prolonged outage.

To report an outage, please call us at (302) 422-6616.

Do you have what it takes

to be a public servant?

Join the City of Milford for a career that matters!
Now hiring the following positions:

Electric Line Technician, First Class, Second Class, Third Class, or Ground Technician (1 opening)
Salary Range:
66,435.20-97,260.80

Arborist/Urban Forestry Coordinator
$56,123.93

Public Works Equipment Operator-Streets
$46,383.42

Apply Online @ www.cityofmilford.com

Employee Spotlight



Fred Coppock

Building Code Official

1. How long have you worked for the City of Milford? 2 years
2. Have you always worked in this role? Yes.
3. What is your favorite thing about working for the City? I immensely enjoy going out in the field and working with the public. Also, my co-workers, in all departments, are professional, courteous and very helpful.
4. What do you enjoy doing in your free time? I like to ride my motorcycle on weekends, go to auctions and antique shops, attend local sporting events. I am also an avid reader.

"Fred is a dedicated employee who works hard every day to serve the residents, contractors and business owners of Milford. He is known for being professional, polite and helpful and often goes out of his way to deliver excellent customer service. We are very thankful to have him on our team."

- Rob Pierce, Planning Director

Drive25 sign registration open

The City of Milford KEEP KIDS ALIVE DRIVE 25® campaign is accepting Spring sign orders. Residents who live on a 25-mph road within city limits can apply through MyMilford (https://cityofmilford.com/535/MyMilford) for a branded yard sign to be placed in their yard. Detailed ordering instructions can be found online or call 302.725.2068.



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

THE CITY of Milford DELAWARE

City Hall 302.422.1098
www.cityofmilford.com

Date: November 13th 2023

To: Mayor and City Council

From: Bill Pettigrew

Re: November 2023 Information Technology Department Staff Report

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New Milford PD Building

All necessary computer hardware has been ordered, delivered, and configured, including Cisco switches, Checkpoint firewall, and Meraki Wi-Fi access points. Comcast fiber is also now installed.

PD Phone System

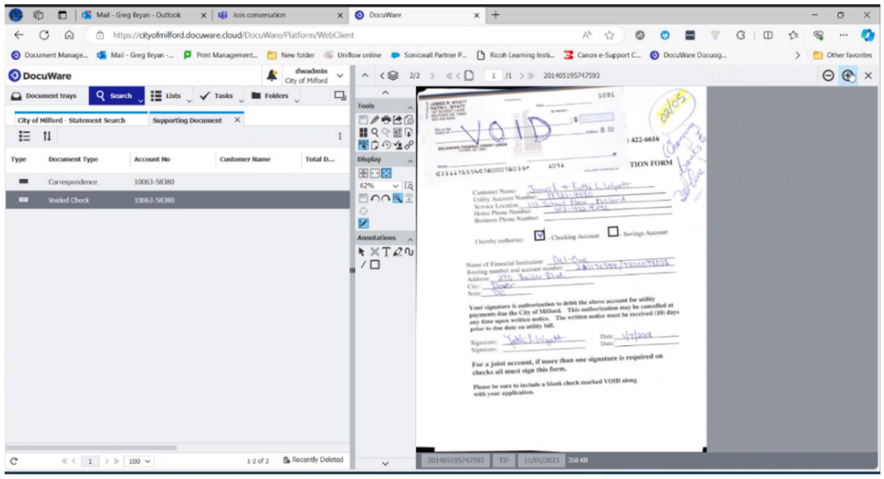
The phone system for PD is on track, an artificial intelligent auto attendant has been scripted like the cities system.

New Microsoft Licenses

After 3 months of working with vendors and Microsoft the city now has the government grade Microsoft M365 licenses available, they were purchased off the state contract that council had previously approved.

Document / Content Management

We were successful working with a vendor in converting the now end of life Optiview imaging system files and data that was based on the IBM I Series, we are also looking to convert other legacy systems and migrate them to the cloud.



Solid Waste Route Application
Tablets and connectivity completed; this system is currently in testing.

ERP Project Summary
Core Financial is fully implemented and most workflows worked out, additional modules are in progress with data imports, table creations, group creations, and security. These Munis modules are EP&L (Enterprise Permitting& Licensing) EAM (Enterprise Asset Management), and HCM (Human Capital Management).

Riverwalk Public Wi-Fi
A Sample draft RFI is awaiting committee approval looking to be released in early January

Business Impact / Continuity Plan
A Sample draft RFI is awaiting committee approval looking to be released in early January

Central Square's Naviline Cloud Hosting
We are currently scheduled to switch over to the cloud this Friday, replacing and decommissioning the 2 older IBM frames, we will also start cloud backups rather than on premise tape backups. This migration will allow us to be current on all OS versions and this system will eventually twilight once all Tyler Munis modules are implemented.

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com

To: Mayor and City Council
From: Louis C. Vitola, Finance Director
Date: November 9, 2023
Re: October 2023 Finance Department Staff Report

- Monthly Financial Reporting
  - The Finance Report for the month ended September 30, 2023 was postponed and will be presented at the November 13, 2023 meeting of Council
- Staffing
  - The Cash Operations recruitment closed successfully with the addition of Zuleika Ramos-Diaz on the 30th and Alexis Janusiewicz on November 6th
- Training and Improvement Efforts
  - Training efforts related to the Tyler ERP core financial module continued following the July 3, 2023 go-live date; and we are planning for additional training for budgets, projects and grants
  - The customer service team logged 12 hours in supervisor training and16 hours onboarding
  - The property tax implementation kicked off in October with sessions across customer service, finance and IT disciplines; transaction coding, G/L mapping, and the timing of tax assessment and tax billing were established with Tyler trainers
- Police Facility Project Financing
  - USDA Officials continue to participate in weekly project update meetings when available
  - Finance Staff and the City's Bond Counsel worked with the USDA on permanent financing
  - Construction activity – financial summary:

Police Facility Project: Budget & Payment Activity	Approved Budget	Incurred thru 10/31/23	Less: Retainage & Unpaid	Paid as of 10/31/23
Construction & CM: Total Bid Awards	$ 13,650,954	$ 12,666,519	$ (1,446,672)	$ 11,219,847
Plus (Less) Proposed Change Orders	321,965	-	-	-
Subtotal: Construction & CM Contracts	$ 13,972,918	$ 12,666,519	$ (1,446,672)	$ 11,219,847
Other Project Expenses & Contingencies				
Design / Architect (BMG)	$ 849,912	$ 834,520	$ (22,187)	$ 812,333
Builder's Contingency	487,698	-	-	-
Owner's Contingency	589,472	515,388	(329,985)	185,403
Owner's FFE ($350k) / Tech ($150k)	600,000	176,181	(176,181)	-
Subtotal: Pre/Post-Construction & Contingencies	$ 2,527,082	$ 1,526,089	$ (528,353)	$ 997,736
Grand Total Project Budget	$ 16,500,000	$ 14,192,608	$ (1,975,025)	$ 12,217,583

- FY22 Audit
  - The FY22 audit process has been delayed from the outset as a result of the extended FY21 process
  - We are working on outstanding components of the financial statements and have scheduled time with the City's audit engagement partner
- Billing & Customer Service Department
  - With the due date for the FY24 property tax billing behind us, standard reporting can resume
  - The table below shows the outstanding tax receivables for the current year and prior years in thousands and as a function of the total levy for comparability

Property Tax Levy	Past Due ($000) as of: 11/1/23	As % of Levy 11/1/23
2023 *(FY24)*	$396	7.0%
2022 & Prior	$149	2.6%
Total	**$544**	**9.6%**

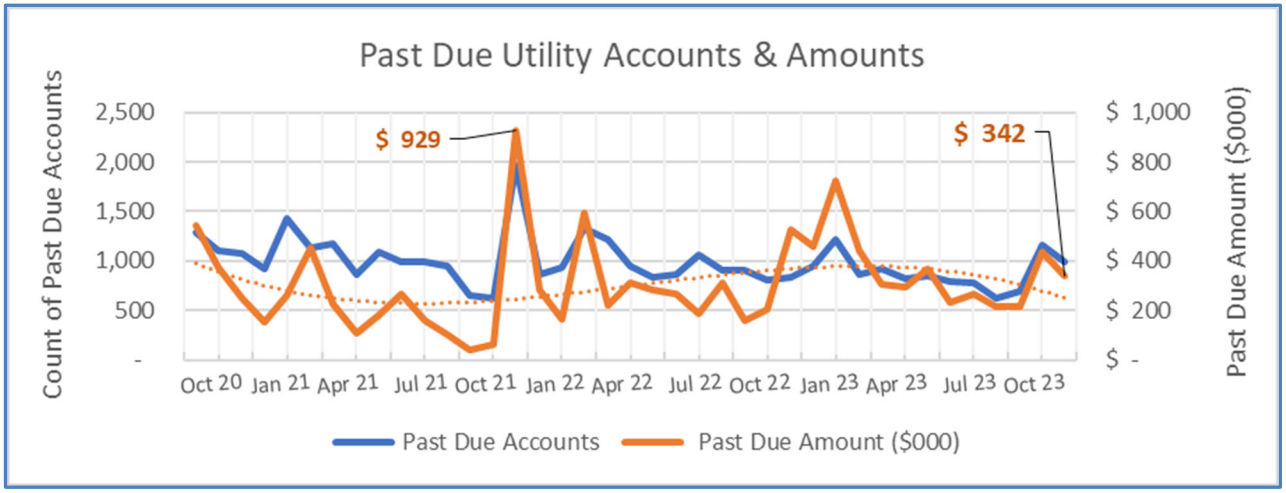
Property Tax Levy	As of: 11/1/22	As % of Levy 11/1/22
2022 *(FY23)*	$237	4.9%
2021 & Prior	$202	4.1%
Total	**$439**	**9.0%**

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

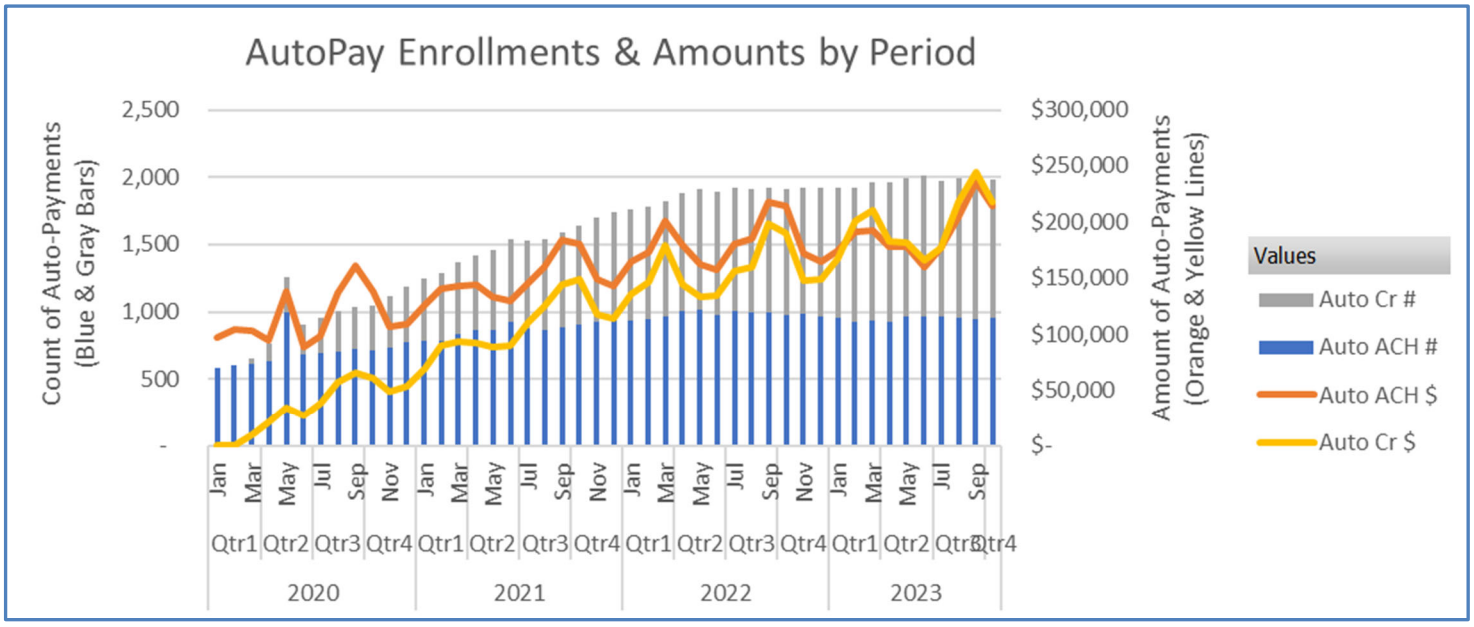
THE CITY of Milford DELAWARE

PHONE 302.424.5140
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www.cityofmilford.com

- Billing & Customer Service Department, Continued
  - Past due utility balances improved since last month in terms of both count and amount



  - October results improved over a challenging September, while performance is mixed versus prior periods
    - The accounts with any amount past due (blue line) are equal to the long-term average but 18% higher than last October
    - The dollar amount past due (orange line) is 12% above the long-term average but 35% below last October's $0.5 million spike
  - The graph below exhibits the number and dollar amount of automatic payments by type and period from January 1, 2020 through October 31, 2023
    - The auto-payment count is flat with September, although dollar volume is down 10% versus last month simply as a result of seasonally lower bill amounts
    - The auto-payment count is 3.8% higher this October than last, and dollar volume is about $27k (7%) higher than last October
    -



FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

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www.cityofmilford.com

To: Mayor and City Council
Cc: Mark Whitfield, City Manager; Finance Department
From: Louis C. Vitola, Finance Director
Date: November 6, 2023
Re: Financial Reporting Package – September 2023

The Financial Reporting Package for the FYTD period ended September 30, 2023 is enclosed. The executive summary below highlights this month's notable developments. The "Quick Reference" section of this memo recaps key financial highlights and changes planned in FY24 to help shorten the executive summaries.

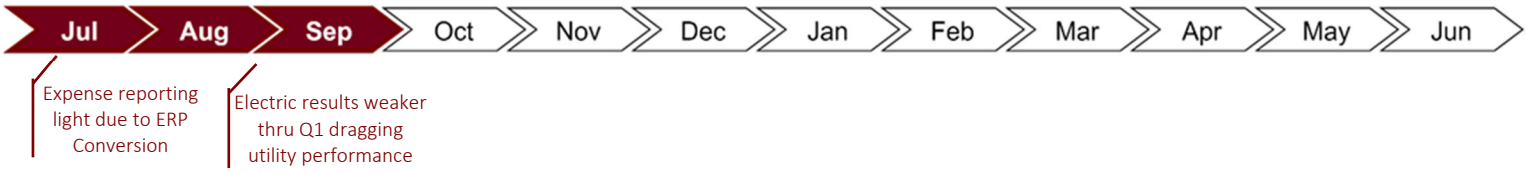
Operating cash balances rebounded as expected, driven by property tax receipts in the general fund coinciding with the September 29, 2023 due date for the FY24 tax billing. Capital spending from the reserve accounts totaled $178k, but cash outflows were nearly offset with strong investment returns. Special purpose and permit/fee related cash balances were higher in September than August on receipts that exceeded funding needs.

The utility funds are mixed versus the FY24 seasonalized budget and lagging the first quarter of FY23. Electric revenue was seasonally weak on milder weather versus summer 2022, resulting in the shortfall versus the FYTD budget as well as a $0.4 million variance compared to the first quarter results last fiscal year. Further, O&M was unseasonably low last year, exacerbating the comparison between FY23 and FY24, while payroll expenses are naturally higher in FY24. Typically, when the summer season kicks off the fiscal year with light results, the variance persists throughout the fiscal year, but we are hopeful that continued growth will help offset weather-driven results.

The general fund is ahead of the Q1 seasonalized FY24 budget but behind FY23 results for the same period. Capital spending is far greater in the first quarter this year than last, while personnel expenses are contributing to the variance, as staffing levels hadn't quite normalized completely by Q1 FY23. Higher revenue from permits and fees as well as a higher transfer from utilities helped to partially offset the shortfall. And despite the negative variance versus FY23, the results versus the seasonalized budget through the first quarter are promising for the general fund.

Quick Reference for FY24 Financial Developments and Report Upgrades

Recap FY24 Financial Highlights



Summary of Planned Reporting Changes

- Addition of consolidated balance sheet
- Frequency of ARPA Appendix to quarterly after the September report

THE CITY of Milford DELAWARE

Financial Reporting Package

As of and For the Period Ended September 30, 2023

Net Cash and Funding Availability Summary *(in thousands)*

Cash & Investment Balance Rollforward

Restricted Cash Reserves Report

Enterprise Funds YTD Revenue & Expenditure Report

General Fund YTD Revenue & Expenditure Report

Appendix: ARPA Funding Plan vs Actual Expenses

Appendix: Milford Police Facility Project Spending vs Budget

Legacy Revenue Report with MTD & YTD vs Annual Budget

Legacy Expenditure Report with MTD & YTD vs Annual Budget

Legacy Interservice Department Cost Allocation

City of Milford, Delaware

Net Cash and Funding Availability Summary *(in thousands)* [1]

For the Period Ended September 30, 2023

Operating Cash Balances

▼ *Marks Ref Closing Bal* [3]

Description	Opening Balance (Aug 31, 2023)	Closing Balance (Sep 30, 2023)	Projected Cashflows	Commitments & Restrictions	Minimum Cash Requirement/ERR	Uncommitted / Unrestricted
General Fund	$ 2,252	$ 4,709	$ 65	$ (487)	$ (1,509)	$ 2,778
Electric Fund	3,853	3,784	126	(1,303)	(1,652)	955
Water Fund	3,620	3,813	90	(2,205)	(294)	1,404
Sewer Fund	2,264	2,442	54	(1,637)	(205)	654
Solid Waste Fund	407	428	9	(132)	(190)	115
Operating Cash Totals [3]	**$ 12,396**	**$ 15,175**	**$ 344**	**$ (5,764)**	**$ (3,849)**	**$ 5,906**

Federal, State and Other Special Purpose Cash Balances

Description	Opening Balance (Aug 31, 2023)	Closing Balance (Sep 30, 2023)	Projected Cashflows	Commitments & Restrictions	Minimum Cash Requirement/ERR	Uncommitted / Unrestricted
General Improvement	$ 1,398	$ 1,403	$ -	$ (1,403)	$ -	$ -
Municipal Street Aid (MSA)	656	660	-	(660)	-	-
Realty Transfer Tax (RTT)	704	754	5,653	(4,184)	(1,280)	943
Economic Development	515	515	89	(419)	-	185
Lodging Tax Fund	639	645	99	(744)	-	-
ARPA Grant Fund	443	441	-	(441)	-	-
Special Purpose Cash Totals [3]	**$ 4,356**	**$ 4,417**	**$ 5,841**	**$ (7,850)**	**$ (1,280)**	**$ 1,128**

Reserve Fund Cash Balances [1]

Description	Opening Balance (Aug 31, 2023)	Closing Balance (Sep 30, 2023)	Projected Cashflows	Commitments & Restrictions	Minimum Cash Requirement/ERR	Uncommitted / Unrestricted
General Fund Capital Reserves	$ 2,016	$ 2,022	$ 2,941	$ (4,686)	$ (249)	$ 28
Water Fund Capital Reserves	2,058	2,030	2,205	(1,381)	(2,758)	96
Sewer Fund Capital Reserves	4,504	4,459	1,637	(1,791)	(3,887)	418
Solid Waste Fund Capital Reserves	126	127	141	(227)	(40)	1
Electric Fund Capital Reserves [2]	12,280	12,309	3,803	(7,650)	(7,018)	1,443
Operating Cash Totals [3]	**$ 20,985**	**$ 20,947**	**$ 10,727**	**$ (15,735)**	**$ (13,952)**	**$ 1,987**

Impact Fees and Police/General Facilities Cash Balances

Description	Opening Balance (Aug 31, 2023)	Closing Balance (Sep 30, 2023)	Projected Cashflows	Commitments & Restrictions	Minimum Cash Requirement/ERR	Uncommitted / Unrestricted
Police & General Gov't Facilities	$ 508	$ 516	$ 207	$ (723)	$ -	$ -
Carlisle Fire Co Permit Fund	713	721	69	(790)	-	-
Parks & Recreation Facilities	151	152	4	(155)	-	-
Water Impact Fee Reserves	5,520	5,526	404	(5,931)	-	-
Sewer Impact Fee Reserves	3,129	3,144	214	(3,357)	-	-
Electric Impact Fee Reserves	1,233	1,240	65	(1,305)	-	-
Impact Fees & Police/GF Totals [3]	**$ 11,255**	**$ 11,299**	**$ 962**	**$ (12,261)**	**$ -**	**$ -**

Grand Totals [3]	**$ 48,992**	**$ 51,838**	**$ 17,874**	**$ (41,610)**	**$ (19,081)**	**$ 9,021**

[1] New report merges Cash Roll (p.2) and Restricted Reserves (p.3) into one single reference for net funds available after commitments & restrictions.

[2] Realty Transfer Taxes (RTT) and Electric Fund Reserves totaling $7.5 million are being temporarily consumed to offset interest costs associated with the PD Facility construction. The recovery of the funds through project financing is reflected in the Projected Cashflows columns for RTT and Electric ($5 million and $2.5 million, respectively).

[3] Closing Balance Indicator sets ***Red,*** ***Yellow*** and ***Green*** signify month-to-month cash variance as follows:



-10% ≤ Variance ≤ 10%



-5% ≤ Variance ≤ 5%



-2.5% ≤ Variance ≤ 2.5%

City of Milford, Delaware
Cash and Investment Balance[1] Rollforward
For the Period Ended September 30, 2023

Operating Cash Balances

▼*Marks Ref Closing Bal*[4]

Description	Opening Balance (Aug 31, 2023)	Receipts	Interest Earned	Disbursements	Closing Balance (Sep 30, 2023)
General Fund[2]	$ 2,252,457	$ 3,466,093	$ 12,854	$ (1,022,512)	$ 4,708,892
Electric Fund	3,852,582	2,845,601	21,986	(2,936,098)	3,784,071
Water Fund	3,619,661	307,597	20,656	(135,364)	3,812,550
Sewer Fund	2,264,149	470,366	12,921	(305,629)	2,441,807
Solid Waste Fund	407,338	137,559	2,325	(119,703)	427,519
Operating Cash Totals[4]	**$ 12,396,187**	**$ 7,227,217**	**$ 70,741**	**$ (4,519,305)**	**$ 15,174,840**

Federal, State and Other Special Purpose Cash Balances

Description	Opening Balance (Aug 31, 2023)	Receipts	Interest Earned	Disbursements[3]	Closing Balance (Sep 30, 2023)
General Improvement	$ 1,398,163	$ -	$ 7,979	$ (3,210)	$ 1,402,932
Municipal Street Aid (MSA)	656,012	-	3,744	-	659,756
Realty Transfer Tax (RTT)	704,254	62,083	4,019	(16,667)	753,690
Economic Development	515,247	-	-	-	515,247
Lodging Tax Fund	638,884	5,892	-	-	644,776
ARPA Grant Fund[3]	443,299	-	-	(2,700)	440,599
Special Purpose Cash Totals[4]	**$ 4,355,859**	**$ 67,976**	**$ 15,741**	**$ (22,577)**	**$ 4,416,999**

Reserve Fund Cash Balances

Description	Opening Balance (Aug 31, 2023)	Receipts	Interest Earned	Disbursements[3]	Closing Balance (Sep 30, 2023)
General Fund Capital Reserves	$ 2,016,307	$ -	$ 13,493	$ (7,937)	$ 2,021,863
Water Fund Capital Reserves	2,058,281	-	13,774	(41,987)	2,030,069
Sewer Fund Capital Reserves	4,504,414	-	30,143	(75,098)	4,459,459
Solid Waste Fund Capital Reserves	126,132	-	844	-	126,977
Electric Fund Capital Reserves[2]	12,279,596	-	82,175	(53,159)	12,308,612
Reserve Fund Cash Totals[4]	**$ 20,984,731**	**$ -**	**$ 140,429**	**$ (178,181)**	**$ 20,946,980**

Impact Fees and Police/General Facilities Cash Balances

Description	Opening Balance (Aug 31, 2023)	Receipts	Interest Earned	Disbursements	Closing Balance (Sep 30, 2023)
Police & General Gov't Facilities[3]	$ 508,205	$ 22,953	$ -	$ (14,725)	$ 516,432
Carlisle Fire Co Permit Fund	713,137	7,651	-	-	720,788
Parks & Recreation Facilities	151,300	400	-	-	151,700
Water Impact Fee Reserves	5,520,216	44,928	-	(38,953)	5,526,191
Sewer Impact Fee Reserves	3,129,113	23,738	-	(9,188)	3,143,663
Electric Impact Fee Reserves	1,232,790	7,200	-	-	1,239,990
Impact Fees & Police/GF Totals[4]	**$ 11,254,762**	**$ 106,870**	**$ -**	**$ (62,866)**	**$ 11,298,765**

Grand Totals[4]	**$ 48,991,539**	**$ 7,402,062**	**$ 226,911**	**$ (4,782,928)**	**$ 51,837,585**

[1]Balances are not indicative of funding availability; see enclosed Restricted Cash Reserves and Net Cash & Funding Availability Reports for detail.

[2]General Fund Operating Cash (Row 3) rebounded with tax receipts as expected. Significant receipts were also posted the first week of October.

[3]$3k in ARPA funding (Line 16) is related to FY23 security/data projects. $178k disbursed from reserves (lines 20-24) is attributable to the ERP project and budgeted equipment purchases. Lines 31 & 32 reflect design & engineering expenditures related to the Milford Corporate Center development.

[4]Closing Balance Indicator sets ***Red,*** ***Yellow*** and ***Green*** signify month-to-month cash variance as follows:



-10% ≤ Variance ≤ 10%



-5% ≤ Variance ≤ 5%



-2.5% ≤ Variance ≤ 2.5%

City of Milford, Delaware

Restricted Cash Reserves Report

As of September 30, 2023

General Fund Capital Reserves		Amount
Cash/Investment Balance (9/30/23)	$	2,021,863
Expected Contributions & Interest		940,913
Restricted Funds:		
Vehicle & Equipment Replacement		(640,677)
Street Repair		(1,115,364)
Parking Enhancements		(320,000)
Parkland, Trails & Recreation		(943,612)
Other Proj, Incl MCC Design		(668,196)
OpEx Support (PD R/M)		(998,036)
Support Policy with RTT[1]		2,000,000
Reserve (MCR) Policy[6]		-
Equipment Replacement Reserve[2]		(248,870)
Uncommitted Reserve Balance	**$**	**28,021**

Water Fund Capital Reserves		Amount
Cash/Investment Balance (9/30/23)	$	2,030,069
Expected Contributions & Interest		2,204,753
Restricted Funds:		
Vehicle & Equipment Replacement		(136,859)
Street-Utility Engineering/Infra		(606,000)
		-
Milford Business Campus		-
Reserve-Funded Projects		(637,859)
Reserve (MCR) Policy[3,6]		(2,607,752)
Equipment Replacement Reserve[3]		(150,545)
Uncommitted Reserve Balance	**$**	**95,806**

Sewer Fund Capital Reserves		Amount
Cash/Investment Balance (9/30/23)	$	4,459,459
Expected Contributions & Interest		1,637,122
Restricted Funds:		
Sewer Vehicles & Equipment		(48,112)
Citywide Projects & Engineering		(2,869)
Utility Engineering		-
Reserve-Funded Projects		(1,740,192)
Reserve (MCR) Policy[3,6]		(3,834,077)
Equipment Replacement Reserve[3]		(52,923)
Uncommitted Reserve Balance	**$**	**418,408**

Electric Fund Capital Reserves		Amount
Cash/Investment Balance (9/30/23)	$	12,308,612
Expected Contributions & Interest		3,803,489
Restricted Funds:		
Electric Vehicles & Equipment		(359,306)
Lighting & System Improvements		(584,637)
Traffic Signal Upgrades		(289,464)
Citywide Projects		(2,357,015)
Investment Policy/Rate Stability[7]		(4,060,000)
Reserve (MCR) Policy[3,6]		(6,623,223)
Equipment Replacement Reserve[3]		(395,237)
Uncommitted Reserve Balance	**$**	**1,443,221**

Solid Waste Reserves		Amount
Cash/Investment Balance (9/30/23)	$	126,977
Expected Contributions & Interest		140,924
Restricted Funds:		
Solid Waste Vehicles & Equipment[4]		(150,760)
Solid Waste Alloc of PW Projects		(76,063)
Reserve (MCR) Policy[4]		-
Equipment Replacement Reserve[4]		(39,582)
Uncommitted Reserve Balance	**$**	**1,496**

MSA & RTT Reserves	Amount
RTT Balance (9/30/23)	753,690
MSA Balance (9/30/23)	659,756
MSA & RTT Est Receipts thru FY24:	5,653,437
MSA: Street & Bridge Improvements	(1,190,958)
RTT: Transfer to Police Dept	(150,000)
RTT: Sidewalk Project Funding	(632,170)
MSA & RTT: 2020 Combined St-Util	(871,000)
	-
RTT: Support GF Policies[1]	(2,000,000)
RTT: Reserve Policy[5]	(1,280,031)
Uncommitted Reserve Balance	**$ 942,724**

[1]Approved GF Reserve Policies permit support from an eligible funding source; portion of RTT balance pledged to support GF Reserves for forseeable future

[2]Approved GF Reserve Policies recommend MCR of 45 days OpEx & Equip Repl Res minimum of 110% of upcoming CIP budget

[3]Approved Reserve Policies split Minimum Cash Req'd from COS study into new MCR & Equip Repl Reserve (20% of CIP)

[4]Solid Waste Reserves initiated in FY22 with seed funding from interfund loan forgiveness. Funds accumulated through FY23 used for collection equipment; 100% being reserved in FY24+.

[5]Approved Reserve Policies recommend dynamic MCR based on average of trailing-three-year RTT receipts; FY24 increase related to strong FY23 vs FY20, which fell out of T3 Avg

[6]The Days Operating Expenditures (Days OpEx) piece of MCRs reclassified from Reserve balances here to Operating Cash; the Total MCR has not changed

[7]This funding has been deployed pursuant to the City's Investment Policy to achieve rate stability and structured returns. Interest rate increases and land investments prompted a revised strategy to benefit both the electric and sewer funds over a 13-year investment horizon.

City of Milford, Delaware

Enterprise Funds: Statement of Revenues & Expenditures

For the YTD Period Ended September 30, 2023 vs Prior FYTD & Current Budget (in thousands)

	Enterprise Funds Profit & Loss (P&L) Statement	Electric	Water	Sewer	Solid Waste	Total	FY24 Total (as % of Rev)	FY23 Total (as % of Rev)
1	Operating Revenue	$ 7,221	$ 927	$ 1,410	$ 401	$ 9,960	100.0%	100.0%
2	Cost of Revenue[1]	(5,836)	(98)	(709)	(118)	(6,762)	-67.9%	-61.5%
3	Gross Margin	1,385	829	701	283	3,198	32.1%	38.5%
4	Operating Expenses							
5	Operations & Maintenance	(540)	(263)	(335)	(241)	(1,378)	-13.8%	-3.3%
6	Personnel	(350)	(80)	(78)	(91)	(599)	-6.0%	-5.8%
7	Total Operating Expenses	(889)	(343)	(413)	(332)	(1,976)	-19.8%	-9.1%
8	**Operating Income**	**$ 496**	**$ 486**	**$ 288**	**$ (49)**	**$ 1,221**	**12.3%**	**29.4%**
9	Non-Operating Revenue (Expense)	19	-	0	-	20	0.2%	0.1%
10	Surplus (Deficit) for debt service & capital	516	486	288	(49)	1,241	12.5%	29.5%
11	Debt Service - Principal & Interest	-	-	(13)	-	(13)	-0.1%	-1.6%
12	Capital Spending / Contributions from (to) Reserves	(0)	(66)	(105)	-	(171)	-1.7%	0.0%
13	Surplus (deficit) available for transfers	515	420	170	(49)	1,057	10.6%	27.9%
14	Transfers Out	(813)	(75)	(75)	-	(963)	-9.7%	-6.9%
15	**Net Surplus (Deficit) - FYTD through Sep 2023**	**$ (297)**	**$ 345**	**$ 95**	**$ (49)**	**$ 95**	**0.9%**	**14.7%**
16	***Net Surplus (Deficit) - FYTD through Sep 2022***	*$ 290*	*$ 317*	*$ 402*	*$ 96*	*$ 1,106*	*14.7%*	
17	*Current vs Prior - Favorable (Unfavorable)[2]*	*$ (587)*	*$ 28*	*$ (307)*	*$ (145)*	*$ (1,011)*	*-13.8%*	
18	***Net Surplus (Deficit) - Current FYTD Budget***	*$ (306)*	*$ (63)*	*$ 423*	*$ 80*	*$ 133*	1.3%	
19	*Current vs Budget - Favorable (Unfavorable)[2]*	*$ 9*	*$ 409*	*$ (328)*	*$ (129)*	*$ (39)*	*-0.3%*	

20 [1]Cost of Revenue reported in the electric fund reflects wholesale cost of power and serves as an ideal revenue offset to arrive at gross margin. Cost of revenue in the water, sewer and solid waste funds are estimated based on a limited set of known, direct inputs to the cost of providing the utility services billed. Aside from Kent County sewer treatment charges, costs of revenue in the water, sewer and solid waste funds are likely understated.

21 [2]Comparative Indicators ***Green*** , ***Yellow*** and ***Red*** signify favorable variance greater than 5%, marginal variance within ±5%, and unfavorable variance below -5%, respectively, for departmental comparisons. Total variance carries tighter bounds of >2.5%, ±2.5% and <2.5%, while the percentage variance uses >1.0%, ±1.0% and <1.0%, respectively.

City of Milford, Delaware

General Fund: Statement of Revenues & Expenditures[1]

For the YTD Period Ended September 30, 2023 vs Prior FYTD & Current Budget (in thousands)

	General Fund Sources and Uses of Funding	Admin & Council	Public Safety	Parks & Rec	Planning & All Other	Total	FY24 Total *(as % of Rev)*	FY23 Total[2] *(as % of Rev)*
1	***Sources of Funding:***							
2	Real Estate (Property) Taxes	$ 5,675	$ -	$ -	$ -	$ 5,675	78.0%	95.8%
3	Permits, Licensing & Franchise Fees	59	-	-	93	152	2.1%	1.7%
4	Fines, Fees & Misc Revenue	11	222	-	-	233	3.2%	0.6%
5	General Revenue Subtotal	5,745	222	0	93	6,060	83.3%	98.2%
6	Utility Transfers & Cost Allocation	963	-	-	-	963	13.2%	0.8%
7	Grant Revenue	-	-	-	-	-	0.0%	0.0%
8	Application of Reserve Balances	203	50	-	-	253	3.5%	1.0%
9	General Fund Operating Support	1,166	50	0	0	1,216	16.7%	1.8%
10	**Total Sources of Funding**	**$ 6,911**	**$ 272**	**$ -**	**$ 93**	**$ 7,276**	**100.0%**	**100.0%**
11	***Uses of Funding:***							
12	Operations & Maintenance	61	247	148	144	601	8.3%	11.2%
13	Personnel	225	1,172	170	459	2,026	27.8%	14.6%
14	Total Operating Expenses	287	1,418	318	603	2,626	36.1%	25.8%
15	**Surplus (Deficit) for Debt Svc & Capital**	**$ 6,624**	**$ (1,146)**	**$ (318)**	**$ (510)**	**$ 4,650**	**63.9%**	**74.2%**
16	Debt Service - Principal & Interest	-	-	-	-	-	0.0%	0.0%
17	Capital Spending / Transfers from (to) Reserves	73	725	223	89	1,109	15.2%	1.9%
18	**Net Surplus (Deficit) - FYTD through Sep 2023**	**$ 6,551**	**$ (1,871)**	**$ (540)**	**$ (599)**	**$ 3,541**	**48.7%**	**72.2%**
19	***Net Surplus (Deficit) - FYTD through Sep 2022***	*$ 5,117*	*$ (826)*	*$ (164)*	*$ (262)*	*$ 3,864*	72.2%	
20	*Current vs Prior - Favorable (Unfavorable)[2]*	↑ *$ 1,435*	↓ *$ (1,045)*	↓ *$ (376)*	↓ *$ (337)*	↓ *$ (323)*	↓ *-23.6%*	
21	***Net Surplus (Deficit) - Current FYTD Budget***	*$ 5,369*	*$ (2,734)*	*$ (652)*	*$ (558)*	*$ 1,424*	24.6%	
22	*Current vs Budget - Favorable (Unfavorable)[3]*	↑ *$ 1,183*	↑ *$ 863*	↑ *$ 112*	↓ *$ (40)*	↑ *$ 2,117*	↑ *24.1%*	

[1]This Statement presents the same general fund financial performance available in the legacy Revenue and Expenditure Reports in a one-page consolidated executive summary. The common size reporting (two rightmost columns) benefits readers in two ways; first, each line is scaled with total revenue to add context, and second, the common size format is comparable across fiscal years and budgets. This report should be considered a working draft that will be improved over time to improve its usefulness to readers.

[2]This format presents expeditures in the context of funding sources while comparing subtotals (rightmost column) and the net surplus (deficit) to the prior YTD period (rows 19 & 20)

[3]Comparative Indicators ***Green*** , ***Yellow*** and ***Red*** signify favorable variance greater than 5%, marginal variance within ±5%, and unfavorable variance below -5%, respectively, for departmental comparisons. Total variance carries tighter bounds of >2.5%, ±2.5% and <2.5%, while the percentage variance uses >1.0%, ±1.0% and <1.0%, respectively.

Appendix: Planned Use of Funding vs Spending by Category
American Rescue Plan Act of 2021 ("ARPA")

	Actual Spending by Category vs Plan, as Amended					
ARPA Eligibility Categories	**Plan (4/30/23)[1]**	**Actual (8/31/23)**	**Actual (9/30/23)**	**Sep 2023 Activity[2]**	**Remaining**	**Notes**
COVID-19 Health Impact	**$ 1,133,567**	**$ 1,056,369**	**$ 1,056,369**	**$ -**	**$ 77,198**	
Operational Facilities	778,000	778,000	778,000	-	-	PD Vehicles, City Hall/IT Upgrades
Administering COVID-19 Response	29,258	24,510	24,510	-	4,748	Pro Rata portion of DE Treasury ARPA Attorney
Behavioral Health Care	180,000	180,000	180,000	-	-	Primarily Personnel Costs
Air Quality & Ventilation	145,712	73,262	73,262	-	72,450	HVAC Repair in Finc & P&R Offices; PW Areas
COVID-19 Mitigation	598	598	598	-	-	Vaccination Incentive; COVID test kits
COVID-19 Economic Impact	**$ 855,992**	**$ 855,992**	**$ 855,992**	**$ -**	**$ -**	
Assistance to Community (Annual)	322,114	322,114	322,114	-	-	DMI, Armory, Museum, CFC
Assistance to Community & Households	255,394	255,394	255,394	-	-	MHDC, CFC, Food Bank, Library
Critical Ops Staffing / Retention	236,476	236,476	236,476	-	-	December 2021 Initiative
Aid Tourism Recovery	24,709	24,709	24,709	-	-	Signage / Banner Upgrade, Parks & Planning Rev
Operational Facilities	14,674	14,674	14,674	-	-	City Hall Access Panel Upgrades
Parks & Rec Programming	2,625	2,625	2,625	-	-	Signage cost share with DMI
Infrastructure	**$ 4,329,459**	**$ 3,707,607**	**$ 3,710,307**	**$ 2,700**	**$ 619,152**	
Water Quality	2,877,074	2,827,074	2,827,074	-	50,000	Misp St Proj; NE Front St Water Line Replacement; 2020 Combined Utilities / Streets Proj
Flood/Pollution Control	724,527	212,729	212,729	-	511,798	4th St Drainage & Mispillion St Project
Improve Resilience to Disasters	435,000	374,946	377,646	2,700	57,354	Pump Station Upgrades, Spare Pumps & IT Initiatives
Improve Wastewater Treatment	292,858	292,858	292,858	-	-	Sewer part of Mispillion St Proj; NW Front Sewer
Revenue Recovery	**$ 14,874**	$ 14,874	**$ 14,874**	**$ -**	**$ -**	
Parks & Rec Programming	7,112	7,112	7,112	-	-	
Economic Development	7,762	7,762	7,762	-	-	
Public Safety Operations	-	-	-	-	-	Public Safety Revenue Recovery diverted to Vehicles
Grand Total	**$ 6,333,892**	**$ 5,634,841**	**$ 5,637,541**	**$ 2,700**	**$ 696,350**	

[1]Adjusted to reflect funding available through the CARES act, Sussex County RTT funds and Council approval of additional vehicle funding

[2]This ARPA Spending Update will be generated quarterly following the September 2023 Financial Report

Appendix: Milford Police Facility Project Spending vs Budget

Project Inception through September 30, 2023

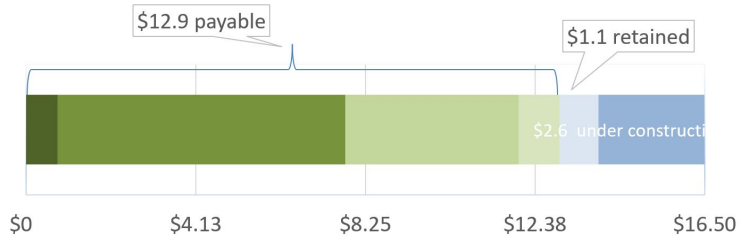
	Actual Spending by Category & Subcategory vs Budget						
Bid Category	Awarded Contracts / Budget	Project Activity	Less: Retainage	Total Payable	PNC BAN Payments	Facility Fund Payments	General Fund Payments	Notes
Pre-Construction	**$ 835,265**	**$ 738,892**	**$ -**	**$ 738,892**	**$ -**	**$ (709,221)**	**$ (29,671)**	
Design / Architecture[3]	805,594	709,221	-	709,221	-	(709,221)	-	FY19-FY23
Referendum / Administrative	29,671	29,671	-	29,671	-	-	(29,671)	FY19-FY22
Construction Management	**$ 649,392**	**$ 448,010**	**$ -**	**$ 448,010**	**$ (363,865)**	**$ -**	**$ -**	
Fixed/On-Stie Construction Mgmt: RYJ	266,260	263,403	-	263,403	(215,512)	-	-	FY23
Variable Const Mgmt Fees: RYJ	383,132	184,607	-	184,607	(148,353)	-	-	FY23
Construction: 16 Core Contracts	**$ 13,314,149**	**$ 12,110,059**	**$ 605,503**	**$ 11,504,556**	**$ (10,650,023)**	**$ -**	**$ -**	
Sitework: Zack Excavating	1,976,508	1,394,048	69,702	1,324,345	(1,235,119)	-	-	FY23 / Current
Concrete: Gullwing	293,000	293,000	14,650	278,350	(278,350)	-	-	FY23 / Current
Masonry: L. Wilson	790,000	788,500	39,425	749,075	(749,075)	-	-	FY23 / Current
Steel Work: R.C. Fabricators	868,000	856,082	42,804	813,278	(813,278)	-	-	June (FY22) - Current
Carpentry & Gen: Conventional	1,076,360	1,013,334	50,667	962,667	(879,108)	-	-	Sept (FY22) - Current
Roofing: Quality Exteriors	933,252	923,252	46,163	877,089	(877,089)	-	-	June (FY22) - Current
Hardware: Precision	232,231	224,367	11,218	213,149	(125,953)	-	-	Jan (FY23) - Current
Glasswork: Walker & LaBarge	183,600	172,500	8,625	163,875	(163,875)	-	-	Oct (FY22) - Current
Drywall/Stud: Peninsula	1,317,000	1,317,000	65,850	1,251,150	(1,206,398)	-	-	FY23 / Current
Acoustical: Master Interiors	259,080	235,522	11,776	223,746	(142,728)	-	-	June (FY22) - Current
Floor Covering: Tri-State	492,124	490,624	24,531	466,093	(355,418)	-	-	June (FY22) - Current
Caulk & Paint: M&S Painting	66,570	49,119	2,456	46,663	(40,298)	-	-	Feb (FY23) - Current
Casework: Modular Concepts	116,465	113,873	5,694	108,179	-	-	-	Sept (FY23)
Mechanical: J.F Sobieski	2,081,649	1,960,686	98,034	1,862,651	(1,767,837)	-	-	June (FY22) - Current
Fire Sprinkler: Bear Industries	98,780	88,780	4,439	84,341	(84,341)	-	-	FY23 / Current
Electrical: Filec Services	2,529,530	2,189,373	109,469	2,079,904	(1,931,156)	-	-	FY23 / Current
Construction: Other Activity	**$ 600,000**	**$ 93,837**	**$ -**	**$ 93,837**	**$ (23,837)**	**$ -**	**$ (23,837)**	
Technology	150,000	-	-	-	-	-	-	FY23 - Orders Placed
Furniture, Fixtures & Equip	450,000	93,837	-	93,837	(23,837)	-	(23,837)	FY23 / Current
Post-Construction / Contingencies	**$ 1,101,194**	**$ 526,123**	**$ 450,715**	**$ 185,403**	**$ (185,403)**	**$ -**	**$ -**	
Builder's Contingency[1]	520,062	340,720	340,720	-	-	-	-	Jan/Feb (FY23) - Current
Owner's Contingency[2]	581,132	185,403	109,995	185,403	(185,403)	-	-	FY22 - Current
Grand Total	**$ 16,500,000**	**$ 13,916,920**	**$ 1,056,218**	**$ 12,970,697**	**$ (11,223,128)**	**$ (709,221)**	**$ (53,508)**	

[1,2]Builder's and Owner's Contingency were established to account for anticipated but unknown project expenditures arising at the site as construction unfolded (Builder's) and a mix of known and unknown project expenditures related to project financing, permitting and administration. About $270k of Builder's Contingency arose from Jan-Feb 2023 and was presented to Council February 27, 2023.

[1]About $270k of Builder's Contingency was related to the facility's electric service emerging in Jan-Feb 2023 and was presented to Council February 27, 2023.

[2]$160k of Owner's Contingency consists primarily of interest on temporary financing and is paid monthly with loan proceeds, while about $330k is the estimated cost of the communications upgrade.

[3]BMG Contract Reconciliation reflects amounts billed against architectural contract - full design services tasks 6 & 9 only.



City of Milford, Delaware

Legacy Revenue Report: MTD and YTD Actual vs Annual Budget

For the YTD Period Ended September 30, 2023

25.0% of Year Elapsed

	Account / Function	FY24 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget
1	**General Fund:**				
2	Economic Development Fund[1]	$ 105,860	$ 8,822	$ 17,643	16.7%
3	General Fund Reserves	1,114,525	92,877	185,754	16.7%
4	ARPA Funding - Operating Support	21,245	-	-	0.0%
5	Realty Transfer Tax - Police	200,000	16,667	50,000	25.0%
6	Real Estate Tax	5,732,358	1,980	5,675,281	99.0%
7	Business License	67,000	585	4,200	6.3%
8	Rental License	120,000	1,425	2,800	2.3%
9	Building Permits	250,000	29,215	64,870	25.9%
10	Planning & Zoning	65,000	9,605	17,249	26.5%
11	Leases and Franchise Fees[1]	430,069	9,049	58,870	13.7%
12	Grasscutting Revenue	20,000	1,333	4,000	20.0%
13	Police Revenues	523,680	170,162	222,074	42.4%
14	Misc. Revenues[1]	20,500	10,666	11,136	54.3%
15	Transfers In	5,221,976	320,833	962,500	18.4%
16	**Total General Fund Revenue**	**$ 13,892,213**	**$ 673,219**	**$ 7,276,378**	**52.4%**
17	**Enterprise Funds:**				
18	Water Fund Revenues	3,601,227	339,786	927,026	25.7%
19	Sewer Fund Revenues	3,271,974	288,187	811,296	24.8%
20	Kent County Sewer	2,533,811	188,065	599,067	23.6%
21	Solid Waste Fund Revenues	1,710,494	120,402	400,739	23.4%
22	Electric Fund Revenues	28,893,293	1,944,170	7,223,794	25.0%
23	**Total Enterprise Fund Revenue**	**$ 40,010,799**	**$ 2,880,610**	**$ 9,961,921**	**24.9%**
24	Other Enterprise Revenue	-	-	1,005	
25	Other Enterprise Expense	-	3,973	24,329	
26	**Total General & Enterprise Fund Revenue**	**$ 53,903,012**	**$ 3,557,803**	**$ 17,263,633**	**32.0%**

[1]Recurring, budgeted revenue such as franchise fees, tower leases and pole attachment fees reclassified from miscellaneous revenues (line 14) to leases and franchise fees (line 11)

City of Milford, Delaware

Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget

For the YTD Period Ended September 30, 2023

25.0% of Year Elapsed

	Fund / Account / Divisional Groupings	FY24 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
1	**General Fund**					
2	City Administration					
3	Personnel	$ 621,570	$ 49,853	$ 155,081	24.9%	$ 466,489
4	Operation & Maintenance (O&M)	137,511	5,223	15,693	11.4%	121,818
5	Capital	-	-	-		-
6	Subtotal: City Administration	759,081	55,075	170,774	22.5%	588,307
7	City Clerks					
8	Personnel	337,869	10,282	62,481	18.5%	$ 275,388
9	Operation & Maintenance (O&M)	81,851	13,838	16,675	20.4%	65,175
10	Capital	-	-	-		-
11	Subtotal: City Clerks	419,720	24,120	79,156	18.9%	340,563
7	Planning & Zoning					
8	Personnel	$ 676,580	46,189	132,019	19.5%	544,561
9	O&M	154,432	13,997	30,807	19.9%	123,625
10	Capital	70,000	-	-	0.0%	70,000
11	Subtotal: Planning & Zoning	901,012	60,187	162,826	18.1%	738,186
12	Council					
13	Personnel	54,990	4,683	7,826	14.2%	47,164
14	Legal	30,150	2,513	7,538	25.0%	22,613
15	City Hall Building Expense	38,961	(0)	3,247	8.3%	35,714
16	Insurance	17,650	-	444	2.5%	17,206
17	Council Expense	40,000	6,237	7,825	19.6%	32,175
18	Codification	18,000	-	3,618	20.1%	14,382
19	Carlisle Fire Company	205,000	-	-	0.0%	205,000
20	Museum	40,000	-	-	0.0%	40,000
21	Downtown Milford, Inc.	50,000	-	-	0.0%	50,000
22	Milford Public Library	28,000	-	-	0.0%	28,000
23	Armory Expenses	25,000	-	1,154	4.6%	23,846
24	Community Festivals	70,000	-	-	0.0%	70,000
25	Election Expense	3,000	-	-	0.0%	3,000
26	Other O&M	76,390	79	5,238	6.9%	71,152
27	Emergency Operations	50,000	-	-	0.0%	50,000
28	Subtotal: Council	747,141	13,511	36,889	4.9%	710,252

City of Milford, Delaware

Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget

For the YTD Period Ended September 30, 2023

25.0% of Year Elapsed

	Fund / Account / Divisional Groupings	FY24 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
29	Finance					
30	Personnel	643,770	49,661	$ 127,690	19.8%	516,079
31	O&M	35,080	2,291	10,797	30.8%	24,283
32	Capital	-	-	-		-
33	Subtotal: Finance	678,850	51,952	138,487	20.4%	540,363
34	Information Technology					
35	Personnel	482,545	36,658	102,133	21.2%	380,412
36	O&M	524,445	23,261	50,444	9.6%	474,000
37	Capital	973,743	-	72,957	7.5%	900,785
38	Subtotal: Information Technology	1,980,733	59,919	225,534	11.4%	1,755,198
39	Police Department					
40	Personnel	5,530,716	421,562	1,171,799	21.2%	4,358,916
41	O&M	1,388,456	105,447	246,696	17.8%	1,141,760
42	Capital	-	270,039	725,023		(725,023)
43	Subtotal: Police Department	6,919,172	797,048	2,143,518	31.0%	4,775,654
44	Streets & Grounds Division					
45	Personnel	425,400	34,859	96,695	22.7%	328,706
46	O&M	565,968	15,903	52,406	9.3%	513,562
47	Capital	182,330	54,965	88,634	48.6%	93,697
48	Subtotal: Streets & Grounds Division	1,173,699	105,727	237,734	20.3%	935,965
49	Parks & Recreation					
50	Personnel	790,970	53,760	170,100	21.5%	620,869
51	O&M	701,910	70,572	148,016	21.1%	553,894
52	Capital	1,034,676	2,175	222,821	21.5%	811,855
53	Subtotal: Parks & Recreation	2,527,556	126,507	540,938	21.4%	1,986,618
54	**Total General Fund Expenditures**	**$ 15,687,243**	**$ 1,269,925**	**$ 3,735,857**	**23.8%**	**$ 11,951,386**

City of Milford, Delaware

Legacy Expenditure Report: MTD and YTD Actual vs Annual Budget

For the YTD Period Ended September 30, 2023

25.0% of Year Elapsed

	Fund / Account / Divisional Groupings	FY24 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
55	**Enterprise Funds:**					
56	Water Division					
57	Personnel	$ 412,740	$ 13,269	$ 80,006	19.4%	$ 332,734
58	O&M	1,787,676	146,699	262,853	14.7%	1,524,824
59	Transfer to General Fund	300,000	25,000	75,000	25.0%	225,000
60	Capital	735,536	58,783	65,683	8.9%	669,853
61	Debt Service	365,275	-	-	0.0%	365,275
62	Subtotal: Water Division	3,601,227	243,751	483,541	13.4%	3,117,686
63	Sewer Division					
64	Personnel	$ 402,430	12,856	78,420	19.5%	324,010
65	O&M	1,928,765	186,537	334,544	17.3%	1,594,221
66	Transfer to General Fund	300,000	25,000	75,000	25.0%	225,000
67	Capital	231,927	99,971	105,269	45.4%	126,658
68	Debt Service	408,853	-	12,735	3.1%	396,117
69	Subtotal: Sewer Division (excl. Kent County)	3,271,974	324,365	605,968	18.5%	2,666,006
70	Kent County Sewer	2,533,811	187,341	599,126	23.6%	1,934,685
71	Subtotal: Sewer Division (Comprehensive)	5,805,785	511,706	1,205,094	20.8%	4,600,691
72	Solid Waste Division					
73	Personnel	403,570	21,486	90,939	22.5%	312,631
74	O&M	1,306,924	159,993	240,583	18.4%	1,066,341
75	Capital	-	-	-		-
76	Subtotal: Solid Waste Division	1,710,494	181,478	331,522	19.4%	1,378,972
77	Subtotal: Water, Sewer & Solid Waste	11,117,506	936,935	2,020,158	18.2%	9,097,348
78	Electric Division					
79	Personnel	$ 1,803,070	63,720	349,628	19.4%	1,453,442
80	O&M	3,018,229	408,681	539,526	17.9%	2,478,703
81	Transfer to General Fund	3,250,000	270,833	812,500	25.0%	2,437,500
82	Capital	993,014	466	466	0.0%	992,548
83	Debt Service	322,590	-	-	0.0%	322,590
84	Subtotal: Electric Division (excl. Power)	9,386,904	743,700	1,702,120	18.1%	7,684,783
85	Power Purchased	20,492,823	1,710,643	5,836,055	28.5%	14,656,768
86	Subtotal: Electric Division (Comprehensive)	29,879,727	2,454,343	7,538,176	25.2%	22,341,551
87	**Total Enterprise Fund Expenditures**	**$ 40,997,232**	**$ 3,391,278**	**$ 9,558,333**	**23.3%**	**$ 31,438,900**
88	**Grand Total Operating Budget**	**$ 56,684,475**	**$ 4,661,203**	**$ 13,294,190**	**23.5%**	**$ 43,390,285**

City of Milford, Delaware

Legacy Interservice Department Expenditures: MTD and YTD Actual vs Annual Budget

For the YTD Period Ended September 30, 2023

25.0% of Year Elapsed

Account / Divisional Groupings	FY24 Budget, as Approved	MTD Actual	YTD Actual	YTD Actual as % of Annual Budget	Unexpended Balance
Interservice Departments					
Garage					
Personnel	$ 178,430	$ 13,930	$ 39,169	22.0%	$ 139,261
Operation & Maintenance (O&M)	134,410	453	14,664	10.9%	119,746
Capital	-	-	-		-
Subtotal: Garage	312,840	14,383	53,833	17.2%	259,007
Public Works					
Personnel	921,530	69,860	208,770	22.7%	712,760
O&M	265,540	15,606	50,528	19.0%	215,012
Capital	-	-	-		-
Subtotal: Public Works	1,187,070	85,466	259,298	21.8%	927,772
Tech Services					
Personnel	304,930	23,141	67,696	22.2%	237,234
O&M	509,816	21,126	57,578	11.3%	452,238
Capital	-	-	-		-
Subtotal: Tech Services	814,746	44,266	125,274	15.4%	689,472
Billing & Collections					
Personnel	800,480	59,524	166,168	20.8%	634,313
O&M	451,020	16,831	48,745	10.8%	402,275
Capital	-	-	-		-
Subtotal: Billing & Collections	1,251,500	76,356	214,912	17.2%	1,036,588
City Hall Cost Allocation					
O&M	83,600	103	12,209	14.6%	71,391
Capital	-	-	-		-
Subtotal: City Hall Cost Allocation	83,600	103	12,209	14.6%	71,391
Interdepartmental Cost Allocation	**$ (3,649,757)**	**$ (220,574)**	**$ (665,526)**	**18.2%**	**$ (2,984,231)**
Net Interdepartmental Costs[1]	**$ -**	**$ -**	**$ -**		**$ -**

[1]All costs reported here are allocated to and entirely funded by the various departments that use the services provided internally by these shared departments.

Celebrating
the 17th annual

Holiday Auction & Tastes of Milford

Benefitting the Chamber of Commerce for Greater Milford and the Food Bank of Delaware

THURSDAY | NOVEMBER 16 |
DOORS OPEN AT 6PM

18951 ELKS LODGE ROAD, MILFORD DE 19963

Tickets are $20/person in advance or $25 at the door (if not sold out).

To purchase tickets, call (302) 422-3344.

Sponsored by:

Chamber of Commerce for Greater Milford, Inc.

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BK Rentals
Tents Tables Chairs & More

- Local food vendors
- Silent & Live Auction
- Gift Card Surprise Table
- Surprise Table of Cheer

2023 18th Annual Holiday Stroll



Downtown Milford, Inc., invites you to enjoy the fun at the 18th Annual Holiday Stroll and 4th Annual Christmas Market in historic downtown Milford, Delaware on Saturday, December 2nd from 3:00 p.m. – 8:00 p.m.

Experience an old-fashioned Christmas with your family and friends as you visit the beautifully decorated shops, bakeries, restaurants and art galleries, enjoy complimentary treats, a firetruck display by Carlisle Fire Hall, children's activities, listen to live holiday music, shop at the 3rd Annual Christmas Market, visit Santa at the Santa House, find that "one-of-a-kind" holiday treasure and more!

SNOW or SHINE and FREE of charge, you don't want to miss this holiday classic! Mark your calendars, gather your family and friends and come enjoy the yuletide festivities with us! Sing carols, try some great food, shop local and stroll.

Sussex County Association of Towns

104 Tidewaters, Henlopen Acres, Delaware 19971

Town of Bethany Beach
Town of Bethel
Town of Blades
Town of Bridgeville
Town of Dagsboro
Town of Delmar
Town of Dewey Beach
Town of Ellendale
Town of Fenwick Island
Town of Frankford
Town of Georgetown
Town of Greenwood
Town of Henlopen Acres
Town of Laurel
City of Lewes
City of Milford
Town of Millsboro
Town of Millville
Town of Milton
Town of Ocean View
City of Rehoboth Beach
City of Seaford
Town of Selbyville
Town of Slaughter Beach
Town of South Bethany
Sussex County Council

S.C.A.T. Dinner for Wednesday, December 6, 2023

LOCATION: Boardwalk Plaza Hotel
2 Olive Ave.
Rehoboth Beach, DE 19971

TIME: 5:30 pm – Cocktail Hour
6:00 pm – Dinner

HOST: City of Rehoboth Beach

SPEAKER: Holiday Party

COST: **$70.00** per person

MENU: **Please see the attached Menu**

For reservations, please get in touch with Margaret Carson at 302-227-4641
Or by email: mcarson@cityofrehoboth.com
no later than November 24th**, 2023.**

Please make checks payable to the City of Rehoboth Beach
Mail to: City of Rehoboth Beach
Attn: Margaret Carson
229 Rehoboth Avenue
P.O. Box 1163
Rehoboth Beach, DE 19971

BOARDWALK PLAZA
H • O • T • E • L

Sussex County Association of Towns
Dinner Menu ~ December 6, 2023

$70. Per Person, Includes Gratuity

Salad

Poached Pear Salad
Romaine, frisée, candied pumpkin seeds, blue cheese crumbles,
mustard vinaigrette

Warm, House-Made Rolls and Butter

Entrée

Grilled Filet Mignon with Horseradish Soubise
paired with
Crab Imperial – Stuffed Shrimp

Served With

Roasted Fingerling Potatoes
Roasted Brussel Sprouts and Baby Carrots

Dessert

Tiramisu

Iced Tea, Coffee

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PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

PHONE 302.422.1110
FAX 302.422.1117
www.cityofmilford.com

TO: Mayor and City Council

THRU: Mark Whitfield, City Manager
Michael Svaby, Director, Public Works

FROM: Brian Jester, Facilities

SUBJECT: Public Works Generator – Emergency Repair

DATE: October 18, 2023

Staff requests City Council authorize a budget adjustment of $8,000 each from the Stationary Generator at Fork Landing Pump Station CIP, electric reserves, and water reserves totaling $24,000 to Public Works O&M Building Maintenance for an emergency repair of the existing backup generator serving public works facilities. The addition of the generator at the Fork Landing Pump Station was identified in the FY24 Capital Improvement Plan (See enclosed excerpt of Page 3, line 81). Considering the project is being funded with sewer reserves, an underspent slice of its budget is an ideal funding source in lieu of sewer reserves as part of a three-way cost share between electric, water and sewer reserves.

The need for repair of the generator that supports the Public Works (PW) Complex is an urgent one. Not only does its functionality enable the full operation of the PW facility including the administrative offices, the garage, warehouse and wash bays during power outages, it also includes continuous operation of the IT server room that supports the SCADA system – that tracks alarms for sanitary sewer wet wells, drinking water wells, and electrical service continuity throughout the City.

RECOMMENDATION: Staff recommends City Council authorize a budget adjustment of $24,000 to the Public Works operating budget to fund the emergency generator repair at the Public Works facility, with funding sourced equally from among electric, water and sewer reserves, with the sewer share derived from the surplus funds of the Fork Landing Generator Project

Finance Team:	BUA $8k CR 33307070-527040-4SE02, $16k CR 220 499996; $24k DR 22804349-554031
Purchasing:	Munis G/L 22804349-554031

Dawson & Bedsworth Electrical, Inc.

29580 Jones Store Rd
Georgetown, De 19947

Quote

Date	Quote #
9/13/2023	9132023-01

Name / Address	Ship To
City of Milford 180 Vickers Drive Milford, De 19963	City of Milford 180 Vickers Drive Milford, DE 19963

Terms	Project
Net 30	Transfer Switch Rep...

Description	Qty	Cost	Total
Labor, material and travel for Eaton to replace one (1) spring release for the normal power "SPB" breaker in the automatic transfer switch Go# 33K35699 CAT# ATVISPC31600BKU and supply one (1) spare spring as per requested by customer. Price is good for one site visit during overtime hours Monday-Friday. Any Requirements for additional repairs or replacements are not included and will be quoted separately. No cost is included for labor for Dawson & Bedsworth Electrical and will be billed on T & M as needed for support for City of Milford. Call if you have any questions. Thank you, Jeff Dawson 302-745-6641 (cell)	1	13,848.75	13,848.75

Thank you for your business.

Total $13,848.75

Quote good for 30 days

Phone #	Fax #
302-854-0210	302-854-0211

Dawson & Bedsworth Electrical, Inc.

29580 Jones Store Rd
Georgetown, De 19947

Invoice

Date	Invoice #
9/13/2023	#8177

Bill To
City of Milford 180 Vickers Drive Milford, De 19963

P.O. No.	Terms	Project
	Net 30	Transfer Switch Test...

Description	Qty	Rate	Amount
Labor to support/assist with setting up for Eaton to perform testing on Transfer Switch. Set up IT equipment temporary in and have a man on site during testing.	1	1,100.00	1,100.00

Thank you for your business.

Total	$1,100.00
Payments/Credits	$0.00
Balance Due	$1,100.00

Phone #	Fax #	E-mail
302-854-0210	302-854-0211	cindy@dawsonandbedsworth.com

Dawson & Bedsworth Electrical, Inc.

29580 Jones Store Rd
Georgetown, De 19947

Invoice

Date	Invoice #
9/13/2023	#8176

Bill To
City of Milford 180 Vickers Drive Milford, De 19963

P.O. No.	Terms	Project
	Net 30	City Milford Transfe...

Description	Qty	Rate	Amount
Travel and labor for Eaton to send a service engineer to site 180 Vickers Drive Milford De 19963, to trouble shoot complex generator transfer switch, per Proposal # 7312023-07	1	8,000.00	8,000.00

Thank you for your business.

Total	$8,000.00
Payments/Credits	$0.00
Balance Due	$8,000.00

Phone #	Fax #	E-mail
302-854-0210	302-854-0211	cindy@dawsonandbedsworth.com

CIP LINE DETAIL: FY2024-28 FINAL AS APPROVED JUNE 12, 2023

	FUND TYPE, OPS DEPT & PROJ CATEGORY	FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)
67	**SEWER**								
68	EQUIPMENT								
69	Compressor, Ingersol Rand (R)	-	-	-	-	50,000	-	-	-
70	Equipment Trailer (R: Currahee)	-	-	-	10,000	-	-	-	-
71	FN150 Pump & MGS GLG Trailer (R: 2013 SE-27)	-	-	-	-	-	50,000	-	-
72	John Deere 524K Loader (R: 2018 SE-7)	-	-	-	-	-	-	200,000	-
73	Kubota Excavator (R: SE26)	-	-	-	-	75,000	-	-	-
74	Kubota F3060 Mower w/ plow & blower (R: 2011 SE-10)	40,000	-	40,000	1,000	-	-	-	-
75	Kubota Mower w/ Blower (R: 2015 SE25)	-	-	-	-	50,000	-	-	-
76	Kubota Mower w/ Plow (R: 2016 SE24)	-	-	-	-	-	50,000	-	-
77	NOAA Continuous Operating Reference Station	7,500	(917)	6,583	-	-	-	-	-
78	PS Upgrades (grinders, spares, design)	300,000	(300,000)	(0)	150,000	150,000	150,000	150,000	150,000
79	Pump Stations	40,000	(40,000)	-	-	-	-	-	-
80	ROVVER Mainline Sewer Inspection System	120,000	(123,000)	(3,000)	-	-	-	-	-
81	Stationary Generator Fork Landing Pump Station	-	-	-	75,000	-	-	-	-
82	VEHICLES								
83	Ford F250 Pickup (R: SE-2)	75,000	74,632	149,632	-	-	-	-	-
84	Ford F350 Super Cab (R: 2016 SE-3)	-	-	-	-	-	-	100,000	-
85	INFRASTRUCTURE								
86	Milford Corporate Center	330,000	-	330,000	1,170,000	300,000	200,000	200,000	-
87	Abandon BAC PS & install grav ext. frm Hickory Glen	20,000	-	20,000	20,000	-	150,000	-	-
88	Abandon USCS PS & install grav ext fm Williamsville Rd	-	-	-	-	20,000	250,000	-	-
89	Asbetos Removal	50,000	-	50,000	50,000	50,000	50,000	50,000	-
90	DDD (4th St) Flood Mitigation	100,000	(39,000)	61,000	-	-	-	-	-
91	I&I Engineering Study	156,735	(156,735)	-	-	-	-	-	-
92	NE Front St Sewer Ext & Silicato PS Abandmt	-	-	-	-	-	90,000	600,000	-
93	North Shore Dr Sewer Ext	-	-	-	45,000	300,000	-	-	-
94	SE 2nd Street Pump Station Replacement	225,000	-	225,000	575,000	1,500,000	-	-	-
95	SE Reg Pump St/Force Mn: S of Jonsn/FM-NE Front St	-	-	-	-	525,000	3,500,000	-	-
96	SE Reg Pump Stn & Force Main - East of SR1	500,000	-	500,000	-	-	-	4,560,000	-
97	SE Reg WW Study FY22	10,000	(9,104)	896	-	-	-	-	-
98	Shawnee Acres Sewer Extension	-	-	-	-	45,000	300,000	-	-
99	Street Rehab	200,000	(700)	199,301	100,000	100,000	100,000	100,000	100,000
100	Washington St Pump Stn Environ Cond & Control Relo	-	-	-	200,000	-	-	-	-
101	**SOLID WASTE**								
102	VEHICLES								
103	Automated Side Loader Truck (R: SW11)	-	-	-	-	-	500,000	-	-
104	Automated Side Loader Truck (R: SW28)	-	-	-	-	-	-	650,000	-
105	Vehicle - Solid Waste	430,571	(430,571)	-	-	-	-	-	-
106	Vehicle - Solid Waste Crane/Body	144,500	(144,500)	-	-	-	-	-	-

PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.422.6616
FAX 302.422.1117
www.cityofmilford.com

To: Mark Whitfield, City Manager
From: Tony Chipola, Electric Director
Subject: Field Inventory Services / GIS Mapping - Reauthorization
Date: November 6, 2023

Staff requests that City Council authorize an increase of $65,000 to the existing professional services engagement with Davey Resource Group (DRG) for the ongoing project to survey and conduct a field inventory of the City's electric infrastructure.

BACKGROUND INFORMATION:

- The FY24 Capital Budget included a consolidated total of $200,000 for this project funded with electric reserves[1]
- Council authorized the existing $125,000 engagement with DRG on December 14, 2022[2] following a public bid process ($119,895 award + contingency of $5,105)
- Work commenced early in 2023

Initial estimates were based on older maps and data which did not capture the true number of featured points. As of October 26, 2023, 11,864 features were collected by DRG out of an original estimate of 12,203. Based on the number of circuits remaining and the average feature count per circuit, it is estimated that there are at least 5,000 additional features that need to be collected. However, with the remainder of the infrastructure located in the downtown area where the assets are more highly concentrated with recordable features, we are estimating 7,035 remaining at the initial bid of $9.83 per feature, or about $69,154 (although only $65,000 is required thanks to the initial contingency budget).

DRG has mapped six of nine distribution circuits, plus the 138KV Transmission line, and the City has been provided preliminary data for review / approval of four distribution circuits. Internal audits have shown the data collection to be highly accurate with no inconsistencies found to date through various spot checks / audits.

RECOMMENDATION:
Staff recommend Council authorize an increase of $65,000 to the existing engagement with Davey Resource Group for a total of $190,000 to cover the anticipated overages due to increased feature counts. No additional *funding* is required; only the authorization to proceed with DRG is required.

[1] See enclosed FY24 CIP excerpt; $150k line 34 & $25k line 39 carried from prior year; $25k line 39 approved in FY24
[2] See enclosed recommendation; $119,895 + contingency of ≈4.25% = $125,000 authorization

CIP LINE DETAIL: FY2024-28 FINAL AS APPROVED JUNE 12, 2023

	FUND TYPE, OPS DEPT & PROJ CATEGORY	FY20-FY23 (Approved)	FY20-FY23 (Spent/DeOb)	FY23 Balance Remaining	FY24 (Plan)	FY25 (Plan)	FY26 (Plan)	FY27 (Plan)	FY28 (Plan)
1	**ENTERPRISE**								
2	**ELECTRIC**								
3	EQUIPMENT								
4	Bobcat	$ -	$ -	$ -	$ -	$ -	$ -	$ 40,000	$ -
5	Equipment - Hetra Lifts	-	-	-	-	-	-	-	-
6	NOAA Reference Station	15,000	(1,834)	13,166	-	-	-	-	-
7	Portable Light Towers (2)	-	-	-	35,000	-	-	-	-
8	Snow Blowers	-	-	-	-	4,000	-	-	-
9	Trailer (R: 1994 Saub E-119)	-	-	-	15,000	-	-	-	-
10	Trailer (R: 1996 Butler E-123)	-	-	-	12,000	-	-	-	-
11	Trailer (R: 1999 Homemade E-127)	-	-	-	-	12,000	-	-	-
12	Trailer, Cable Reel (R: 2007 Butler E-129)	-	-	-	-	-	15,000	-	-
13	Utility Trailer (R: 1992 Krueger E-121)	-	-	-	-	25,000	-	-	-
14	Utility Trailer (R: 2005 Butler E-132)	-	-	-	-	-	10,000	-	-
15	Utility Trailer (R: 2005 Towmaster E-131)	-	-	-	-	-	18,000	-	-
16	Utiltiy Trailer (R:2002 Towmaster E-126)	-	-	-	-	25,000	-	-	-
17	VEHICLES								
18	Internation Digger Derrick Truck (R: 2015 E-107)	-	-	-	-	-	260,000	-	-
19	Pick up Truck	55,000	-	55,000	10,000	-	-	-	-
20	Ram QuadCab Pick-up (R: 2017 E-101)	35,000	-	35,000	2,000	-	-	-	-
21	Trex Bucket with chipper body (Arborist) E-116	-	-	-	300,000	-	-	-	-
22	INFRASTRUCTURE								
23	Advanced Relocation	100,000	-	100,000	-	100,000	100,000	100,000	100,000
24	Arborist Office - P&R Facility	20,000	-	20,000	-	-	-	-	-
25	DelDOT Traffic Signals	350,000	(83,822)	266,178	151,000	-	-	-	-
26	Delivery #1 Circuit Addition	-	-	-	-	-	-	100,000	850,000
27	Delivery #2 Circuit Additions	-	-	-	-	100,000	850,000	-	100,000
28	Delivery 1 Electrical Testing	-	-	-	-	-	-	-	65,000
29	Delivery 2 Electrical Testing	-	-	-	65,000	-	-	-	-
30	EV Charging Stations Downtown	182,428	(125,914)	56,514	20,000	-	-	-	-
31	Feeder extention and tie - Hospital Loop (110 & 150)	-	-	-	-	-	-	250,000	-
32	Fiber Network Mapping	-	-	-	-	25,000	-	-	-
33	Fiber Optic Backup to PW	20,000	(20,000)	-	40,000	100,000	-	-	-
34	GIS/Mapping - Smart Metering	300,000	(150,000)	150,000	-	-	-	-	-
35	Horseshoe Dr Distribution	-	-	-	-	-	-	200,000	-
36	LED Streetlight Replacements	150,000	(150,000)	-	20,000	-	-	-	-
37	Milford Corporate Center	120,000	-	120,000	200,000	200,000	200,000	200,000	-
38	Physical Security	-	-	-	125,000	125,000	75,000	-	-
39	Pole Inspection	25,000	-	25,000	25,000	25,000	25,000	25,000	25,000
40	Power Flow Analysis Software	-	-	-	110,000	-	-	-	-
41	Parks & Rec Consolidation	150,000	(150,000)	-	-	-	-	-	-

PUBLIC WORKS DEPARTMENT
180 Vickers Drive
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.422.1110
FAX 302.422.1117
www.cityofmilford.com

To: Mark Whitfield, City Manager
From: Tony Chipola, Electric Director
Subject: Field Inventory Services / GIS Mapping
Date: November 30, 2022

Staff requests City Council consider a recommendation for professional services to conduct an extensive survey and field inventory of the electric infrastructure and to obtain results in a format compatible with the City's existing ESRI GIS system with verified model connectivity from the feeder head to the customer meter.

Current paper records are outdated, inaccurate, limited in the ability to convey necessary information to field personnel, and lack the ability to develop automated reports / analyses.

The GIS network model will serve as the system of record which can be leveraged to support various asset management activities, allow for automated reports, aid in identifying 3rd party attachments, assist in underground locate activities, expedite fault location identification, and performance of reliability and Root Cause Investigations. This will result in decreased outage frequencies and durations for our customers while also allowing the city to work more effectively and efficiently.

The model will also serve as a starting point in developing customer facing outage maps and integration into an outage management system. Other future benefits would be the ability to import models into various load flow applications to assist with more in-depth engineering analyses (internal and external), such as load and distributed energy resource forecasting, Electric Vehicle and Electrification Impact studies, and other system planning tools and functions.

Proposed unit costs amount to $21.15 per pole / padmount location to survey equipment, and $2.68 per meter location to develop a network connectivity model. Based on estimated quantities from existing records, the extended price amounts to $119,894.95.

RECOMMENDATION:
Staff recommend Council authorize award to Davey Resource Group, in the amount of $125,000 ($119,894.95 extended cost plus $5,105.05 contingency) to conduct the requested inventory and mapping services as budgeted in the 2022 Approved CIP.

Anthony J. Chipola

From: Henson, Melvin <melvin.henson@davey.com>
Sent: Tuesday, October 24, 2023 8:09 PM
To: Anthony J. Chipola; Joseph Hawbaker; Kevin Kirkwood; Barnett, Timmy; Weston Duke; Scott Anderson; Melvin Henson
Subject: Estimated Feature Count- Milford

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tony,

Please see our estimated feature counts below, which you requested. This is where we believe we will be by the end of the project. Please note this is only an estimate based upon previous work, it may be higher, and it could conceivably be lower. I also want to make sure you know we will most likely exceed 100% this week, do we have your approval to continue to collect? Please advise, as soon as possible. If we could please get your email confirming the Pilot 1-110 is acceptable. Any questions please feel free to contact me. Thanks, Be Safe!

Original Feature Projection:

- 12,203
- 100%

Current Features Collected:

- 11,864
- 97.22%

Projected Features outstanding:

- 5,000

Projected Feature End Count:

- 17,203
- 141% of original estimate

Circuits Remaining:

- 2-220 (Partial)
- 2-240
- 2-250

Melvin "Johnny" Henson | Project Manager
Davey Resource Group, Inc | Asset Management
C: 330.267.8014
melvin.henson@davey.com

PARKS & RECREATION DEPARTMENT
207 Franklin Street
Milford, DE 19963

PHONE 302.422.1104
FAX 302.422.0409
www.cityofmilford.com

TO: Mayor and Council

FROM: Brad Dennehy-Parks and Recreation Director

DATE: 11/8/23

RE: Vacancy and appointment to Tree preservation and Advisory Council.

We currently have a vacancy on the Tree preservation and Advisory Council. Several people have applied to be appointed. In consultation with Mayor Cambell, we feel the most suitable experienced candidate is Eric Johnsen of 703. North Walnut Street.

Mr. Johnsen is a retired horticulturist from New England and a new resident of Milford, who brings a depth of knowledge for all things tree related.

It is my recommendation to appoint Mr. Johnsen to the Tree preservation and Advisory Council to fill the current vacancy whose term will end 08/31/2026.

Application for Boards and Commissions

Applications for Boards and Commissions are always accepted. Should a vacancy occur, the City will review all applications on file.

Which Board or Commission are you applying for?	Tree Preservation & Advisory Council
Applicant Name:	Eric Johnsen
Street Address:	703 N. Walnut Street
City, State, Zip:	Milford, DE 19963
Personal Phone Number:	[redacted]
Email Address:	[redacted]
How long have you been a resident of Milford?	4 years
Occupation and Employer:	Retired Horticulturist
Describe any special knowledge, education, experience, qualities or talents you have that are relevant to the Board or Commission on which you are interested in serving:	52 years of operating a tree service and landscaping business
Community and/or civic groups of which you are a member:	None
Please describe why you wish to serve on this Board or Commission:	I have a lot of knowledge on the subject and i care about this community.
Do you, your spouse or any immediate family members have any potential conflicts of interest (personal or financial) that could require you to recuse yourself from votes of the board/commission for which you are applying?	No

If yes, please describe: *Field not completed.*

Thank you for your willingness to serve the City of Milford! Please be aware of the time commitment for the Board or Commission you are interested in serving on by reviewing the below information.

By submitting this form, you certify the information contained is true and correct.

PARKS & RECREATION DEPARTMENT
207 Franklin Street
Milford, DE 19963

PHONE 302.422.1104
FAX 302.422.0409
www.cityofmilford.com

TO: Mayor and City Council

FROM: Brad Dennehy, Parks and Recreation Director

DATE: November 6, 2023

RE: Request for funds for emergency repair of floating kayak/boat dock

---

Earlier this year, we discovered that the floating kayak/boat dock behind the Milford Police Station had suffered some damage and was listing significantly, posing a risk to users. This dock is used year-round not just for kayaks, but to launch fishing, crabbing, and other boats onto the river.

The dock is fabricated out of aluminum and consists of a hinged gangplank connected to the floating dock; flotation is provided by ballast underneath the dock and gangplank. Somehow the dock's flotation separated from the dock (likely being struck by debris or possibly a boat in the river). As a result, both the dock and the gangplank had to be removed by crane from the river.

We spent considerable time figuring out who originally built the dock and how it can be repaired. I have had several meetings with an experienced marine contractor (First State Crane) and the firm has prepared a proposal to fix the dock and place it back in the water. I am confident that these contractors are more than capable of making the repairs, and it is the most cost-effective way of returning the dock to a usable condition.

RECOMMENDATION

Staff recommend that City Council approve $24,900 from general fund reserves to fund the emergency repairs to be made to the floating dock by First State Crane Services. The Finance department reviewed funding availability in the context of ongoing projects and the FY24 CIP and recommended the use of general fund reserves for the repair.

First State Crane Service, Inc.

13326 South DuPont Highway, Felton, DE 19943 Telephone: 302-284-3100

09/15/23

CITY OF MILFORD

DEPT. OF PARKS & REC

MILFORD,DE

ATTN: Brad Dennehy

Quote: Rebuilding floating Dock

This quote includes the following:

Weighing Dock,Design & Calculatesize of Floatation cell,Manufacture and install cell.

Provide &install attachments for docking Kayaks.

Reset dock overboard.

Total Price : $24,900.00

Thanks, John Hayden

First State Crane Services,Inc

PARKS & RECREATION DEPARTMENT
207 Franklin Street
Milford, DE 19963

PHONE 302.422.1104
FAX 302.422.0409
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PUBLIC WORKS FACILITY
180 Vickers Drive
Milford, DE 19963
www.cityofmilford.com

THE CITY of Milford DELAWARE

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

TO: Mayor and City Council

FROM: Rob Pierce, Planning Director

DATE: November 13, 2023

RE: West Shores at New Milford
Stormwater Pond Outfall Modification
License Agreement

Over the past few years, the developer for the West Shores at New Milford development has been working with the Sussex Conservation District (SCD) to address a failed infiltration stormwater management pond in the northeast corner of the development. In order to address the failed pond, the developer is proposing to construct an outfall pipe that would discharge into the existing roadside swale along the west side of Cedar Creek Road (SR30) as shown on the provided exhibit. The developer has received approvals from SCD and DelDOT for this modification.

Deed Book 3233 Page 288 recorded with the Sussex County Recorder of Deeds reserves and grants a perpetual non-exclusive easement to the City of Milford along the north side of the Matlinds Estates development. A copy of the deed and development record plat is included in the packet for reference.

Staff met with representatives of the Matlinds Estates Homeowners Association (HOA) in February 2023 to review the proposed outfall modification and to begin coordination of access to the easement within the open space area. Enclosed is a letter dated February 17, 2023 from the HOA acknowledging receipt of notice. Staff sent a clarification email on February 20, 2023 to the HOA, indicating that the West Shores at New Milford developer and HOA would only maintain the stormwater pipe, manholes and other stormwater infrastructure below grade within the easement area, and that the Matlinds Estates HOA would still be the owner of the land and would have to maintain the vegetation, grass and trees.

In order for the West Shores at New Milford developer to construct and maintain the stormwater utility within the City's non-exclusive easement area, a license agreement must be executed between the City and the developer. Enclosed is a copy of the draft license agreement for consideration.

Staff recommends City Council authorize the Mayor to execute the license agreement to allow the West Shores at New Milford developer to install the stormwater outfall pipe, manholes, outfall structure and related appurtenances within the City of Milford easement located on Sussex County Tax Parcel 3-30-11.00-407.00 with the condition that the developer provide confirmation from the bonding company that the performance bond is still in effect to complete the streets, curbing, sidewalk and utility repairs within the development or provide a new bond. Said stormwater improvements within the license area will be initially maintained by the developer

until such time that the West Shores at New Milford open space areas are properly assigned to the West Shores at New Milford Homeowners Association or similar maintenance corporation.

LANDS NOW OR LATE OF GEORGE J & SUZANNE M ROWAN
D/R 2919/343
ZONED AR1

LANDS NOW OR LATE OF ROBERT & MARIE GORACCI
D/R 2786/005
ZONED AR1

LANDS NOW OR LATE OF JOHN B & SUSAN H ROBINSON
D/R 2899/178
ZONED AR1

LANDS NOW OR LATE OF VALERIE TOLSON
D/R 2559/299
ZONED AR1

BERNARD J & BRANDI M NOWAKOWSKI
D/R 2659/306
ZONED AR1

ZONED AR1

ZONED AR1

D/R
ZC

PHASE 1
19.2321 ACRES ±

TEMPORARY SEDIMENT TRAP DURING CONSTRUCTION

TEMPORARY STOCKPILE AREA DURING PHASE 1 CONSTRUCTION

TEMPORARY SEDIMENT TRAP DURING CONSTRUCTION

INFILTRATION BASIN 1

INFILTRATION BASIN 3

ROCK OUTLET PROTECTION UNDERLINED WITH FILTER FABRIC. SEE DETAIL.
d50=6"
LENGTH=25 L.F.
WIDTH AT BOTTOM=12'

ROCK OUTLET PROTECTION UNDERLINED WITH FILTER FABRIC. SEE DETAIL.
d50=6"
LENGTH=5 L.F. (UP SIDE OF SWALE)
WIDTH AT BOTTOM=12'
DEPTH=12'

ROCK OUTLET PROTECTION UNDERLINED WITH FILTER FABRIC. SEE DETAIL.
d50=4"
LENGTH=10 L.F.
WIDTH AT BOTTOM=12'
DEPTH=9" MIN.

ROCK OUTLET PROTECTION UNDERLINED WITH FILTER FABRIC. SEE DETAIL.
d50=6"
LENGTH=19'
WIDTH AT BOTTOM=25'

RIPRAP FOREBAY WALL SEE DETAIL SHEET.
TOP ELEVATION : 28.50'

TOPSOIL 6" AND INSTALL PERMANENT GRASS SEEDING, DRY GROUND, PER DELDOT SPECIFICATIONS WITHIN RIGHT-OF-WAY

REGRADE SWALE PER ENTRANCE PLANS. TOPSOIL TOP 6" AND IMMEDIATELY HYDROSEED AND INSTALL TYPE 5 EROSION CONTROL BLANKET.

LANDS N/F
SANDRA L. RICE
TAX #: 3-30 15.00 85.00
DEED REF: 2933/346
ZONED AR-1

EXISTING 20' EASEMENT

SCD HAS NO OBJECTION TO THE PROPOSED REVISION
APPROVED BY Jessica Watson DATE: 10/27/23

REVISION

APPROVED
SEDIMENT CONTROL & STORMWATER MANAGEMENT
Reviewed by: Date:
Approved by: Date: 7/12/19

☐ FINAL
☐ PRELIMINARY

ISSUED:

PRINTS ISSUED FOR :
- ☐ INFORMATION ONLY
- ☐ REVIEW
- ☐ APPROVAL
- ☐ PERMITS
- ☐ BIDDING
- ☐ CONSTRUCTION
- ☐ AS-BUILTS

NO.	DATE	ITEM
1.	8/23/05	REVISED PER CITY OF MILFORD COMMENTS
2.	8/29/11	REVISED PER DELDOT COMMENTS

REVISIONS

JEFFREY A. KATZ — LICENSED — No. 13401 — DELAWARE — PROFESSIONAL ENGINEER

BECKER MORGAN GROUP

ARCHITECTURE ENGINEERING

Dover
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington
307 A Street
Wilmington, DE 19801
Ph. 302.888.2600
Fax 302.888.2427

www.beckermorgan.com

DIAMOND LAND MANAGEMENT, LLC.

WEST SHORES AT NEW MILFORD

WILKENS ROAD
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

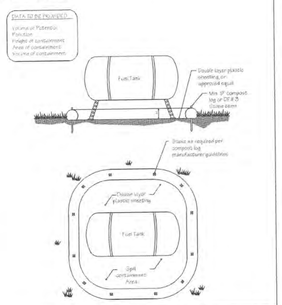
EROSION & SEDIMENT CONTROL PLAN SOUTH

BMG: 2003113.00	DRAWN BY: BCH
SCALE: 1"=50'	SHEET
DATE: 5/14/2004	C17
ACAD: 2003113-SUB	

F:\Auto\CADD\Projects\2003\2003113\dwg\2003113-Complete-2018.dwg, Jul 08, 2019 - 10:13am

Standard Detail & Specifications

Construction Site Waste Mgt & Spill Control



Source:	Symbol:	Detail No.
Delaware ESC Handbook		DE-ESC-3.6.1 Sheet 1 of 5 Effective FEB 2019

Standard Detail & Specifications

Construction Site Waste Mgt & Spill Control

Pollution Prevention – Spill Prevention

1. Fueling should only take place in signed designated areas, away from downstream drainage facilities and watercourses
2. Fueling must be with nozzles equipped with automatic shut-off to control drips. Do not top off.
3. Protect the areas where equipment or vehicles are being repaired, maintained, fueled or parked from storm water run-on and runoff.
4. Use barriers such as berms to prevent storm water run-on and runoff, and to contain spills.
5. Place a "Fueling Area" sign next to each fueling area.
6. Store hazardous materials such as fuel, solvents, oil and chemicals in secondary containment.
7. Inspect vehicles and equipment for leaks on each day of use. Repair fluid and oil leaks immediately.
8. Absorbent spill clean-up materials and spill kits must be available in fueling areas and on fuel trucks.
9. If fueling is to take place at night, make sure the fueling area is sufficiently illuminated.
10. Properly dispose of used oil, fluids, lubricants and spill clean-up materials.

CLEAN UP SPILLS

1. If it is safe to do so, immediately contain and clean up any chemical and/or hazardous material spills.
2. Properly dispose of used oil, fluids, lubricants and spill clean-up materials.
3. Do not bury spills or wash them down with water.

LEAKS AND DRIPS

1. Use drip pans or absorbent pads at all times. Place under and around leaky equipment.
2. Do not allow oil, grease, fuel or chemicals to drip onto the ground.
3. Use spill kits and clean up material on-site.
4. Repair leaky equipment promptly or remove problem vehicles and equipment from the site. Clean up contaminated soil immediately.
5. Store contaminated waste in sealed containers constructed of suitable material. Label these containers properly.
6. Clean up all spills and leaks. Promptly dispose of waste and spent clean up materials.

Source:	Symbol:	Detail No.
Delaware ESC Handbook		DE-ESC-3.6.1 Sheet 2 of 5 Effective FEB 2019

Standard Detail & Specifications

Construction Site Waste Mgt & Spill Control

Notes:

The Construction Site Pollution Prevention Plan should include the following elements:

1. **Material Inventory**

   Document the storage and use of the following materials:
   a. Concrete
   b. Detergents
   c. Paints (enamel and latex)
   d. Cleaning solvents
   e. Pesticides
   f. Wood scraps
   g. Fertilizers
   h. Petroleum based products
2. **Good housekeeping practices**
   a. Store only enough product required to do the job.
   b. All materials shall be stored in a neat, orderly manner in their original labeled containers and covered.
   c. Substances shall not be mixed.
   d. When possible, all of a product shall be used up prior to disposal of the container.
   e. Manufacturers' instructions for disposal shall be strictly adhered to.
   f. The site foreman shall designate someone to inspect all BMPs daily.
3. **Waste management practices**
   a. All waste materials shall be collected and stored in securely lidded dumpsters in a location that does not drain to a waterbody.
   b. Waste materials shall be salvaged and/or recycled whenever possible.
   c. The dumpsters shall be emptied a minimum of twice per week, or more if necessary. The licensed trash hauler is responsible for cleaning out dumpsters.

Source:	Symbol:	Detail No.
Adapted from USEPA Pub. 840-B-92-002		DE-ESC-3.6.1 Sheet 3 of 5 Effective FEB 2019

Standard Detail & Specifications

Construction Site Waste Mgt & Spill Control

Notes (cont.)

d. Trash shall be disposed of in accordance with all applicable Delaware laws.
e. Trash cans shall be placed at all lunch spots and littering is strictly prohibited. Recycle bins shall be placed near the construction trailer.
f. If fertilizer bags can not be stored in a weather-proof location, they shall be kept on a pallet and covered with plastic sheeting which is overlapped and anchored.

4. **Equipment maintenance practices**
   a. If possible, equipment should be taken to off-site commercial facilities for washing and maintenance.
   b. If performed on-site, vehicles shall be washed with high-pressure water spray without detergents in an area contained by an impervious berm.
   c. Drip pans shall be used for all equipment maintenance.
   d. Equipment shall be inspected for leaks on a daily basis.
   e. Washout from concrete trucks shall be disposed of in a temporary pit for hardening and proper disposal.
   f. Fuel nozzles shall be equipped with automatic shut-off valves.
   g. All used products such as oil, antifreeze, solvents and tires shall be disposed of in accordance with manufacturers' recommendations and local, state and federal laws and regulations.
5. **Spill prevention practices**
   a. Potential spill areas shall be identified and contained in covered areas with no connection to the storm drain system.
   b. Warning signs shall be posted in hazardous material storage areas.
   c. Preventive maintenance shall be performed on all tanks, valves, pumps, pipes and other equipment as necessary.
   d. Low or non-toxic substances shall be prioritized for use.

Source:	Symbol:	Detail No.
Adapted from USEPA Pub. 840-B-92-002		DE-ESC-3.6.1 Sheet 4 of 5 Effective FEB 2019

Standard Detail & Specifications

Construction Site Waste Mgt & Spill Control

Notes (cont.)

e. Contact information for reporting spills through the DNREC 24-Hour Toll Free Number shall be prominently posted.

6. **Education**
   a. Best management practices for construction site pollution control shall be a part of regular progress meetings.
   b. Information regarding waste management, equipment maintenance and spill prevention shall be prominently posted in the construction trailer.

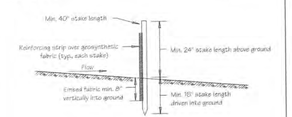
CONTACT INFORMATION

DNREC 24-Hour Toll Free Number	**800-662-8802**
DNREC Solid & Hazardous Waste Management Section	**302-739-9403**

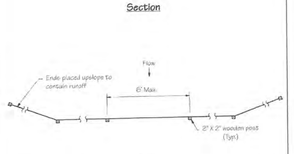
Source:	Symbol:	Detail No.
Adapted from USEPA Pub. 840-B-92-002		DE-ESC-3.6.1 Sheet 5 of 5 Effective FEB 2019

Standard Detail & Specifications

Silt Fence



Section



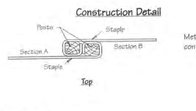
Plan

Source:	Symbol:	Detail No.
Adapted form MD Stds. & Specs. for ESC	SF	DE-ESC-3.1.2.1 Sheet 1 of 2 Effective FEB 2019

Standard Detail & Specifications

Silt Fence

Construction Detail



Top

Method for joining continuous sections

Construction Notes:

1. Geosynthetic fabric to be fastened securely to fence posts with wire ties or staples.
2. When two sections of filter cloth adjoin each other they shall be overlapped by six inches and folded.
3. Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.

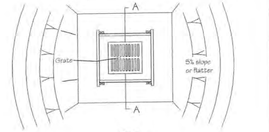
Materials:

1. Stakes: Steel (either T or UL or 2" x 2" hardwood
2. Geosynthetic Fabric: Type GD-I
3. Reinforcing strip: Wooden lath or plastic strip

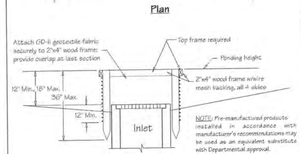
Source:	Symbol:	Detail No.
Adapted from MD Stds. & Specs. for ESC	SF	DE-ESC-3.1.2.1 Sheet 2 of 2 Effective FEB 2019

Standard Detail & Specifications

Inlet Protection - Type 1



Plan



Section A-A

Source:	Symbol:	Detail No.
Adapted from Erosion Draw Manual J. McCulloh & Assoc.	IP-1	DE-ESC-3.1.5.1 Sheet 1 of 2 Effective FEB 2019

Standard Detail & Specifications

Inlet Protection - Type 1

Construction Notes:

1. Excavate completely around inlet to a depth of 18" below grate elevation.
2. Drive 2" x 4" post 1' into ground at four corners of inlet. Place nail strips between posts on ends of inlet. Assemble top portion of 2"x 4" frame using overlap joint shown. Top of frame (weir) must be 6" below edge of roadway adjacent to inlet.
3. Stretch wire mesh tightly around frame and fasten securely. Ends must meet at post.
4. Stretch geotextile fabric tightly over wire mesh, the cloth must extend from top of frame to 18" below inlet grate elevation. Fasten securely to frame. Ends must meet at post, be overlapped and folded, then fastened down.
5. Backfill around inlet in compacted 6" layers until at least 12" of geotextile fabric is buried.
6. If the inlet is not in a low point, construct a compacted earth dike in the ditchline below it. The top of this dike is to be at least 6" higher than the top of frame lweir).
7. This structure must be inspected frequently and the filter fabric replaced when clogged.

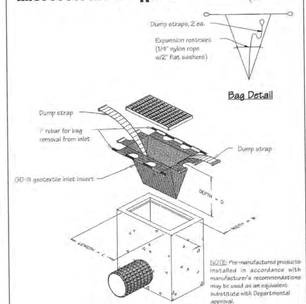
Materials:

1. Wooden frame is to be constructed of 2" x 4" construction grade lumber.
2. Wire mesh must be of sufficient strength to support filter fabric with water fully impounded against it.
3. Geotextile fabric: Type GD-II

Source:	Symbol:	Detail No.
Adapted. from Erosion Draw Manual J. McCulloh & Assoc.	IP-1	DE-ESC-3.1.5.1 Sheet 2 of 2 Effective FEB 2019

Standard Detail & Specifications

Inlet Protection - Type 2

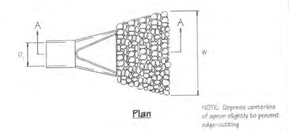


Perspective

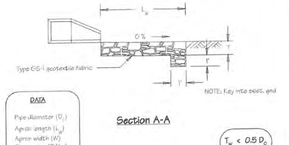
Source:	Symbol:	Detail No.
Adapted from ACF Products, Inc.	IP-2	DE-ESC-3.1.5.2 Sheet 1 of 2 Effective FEB 2019

Standard Detail & Specifications

Riprap Outlet Protection - 1



Plan



Section A-A

Source:	Symbol:	Detail No.
Adapted from MD Stds. & Specs. for ESC	ROP-1	DE-ESC-3.3.10.1 Sheet 1 of 2 Effective FEB 2019

Standard Detail & Specifications

Riprap Outlet Protection - 1

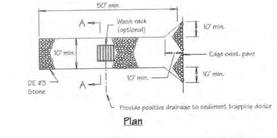
Construction Notes:

1. The subgrade for the riprap shall be prepared to the required lines and grades as shown on the plan. Any fill required in the subgrade shall be compacted to a density of approximately that of the surrounding undisturbed material.
2. The riprap shall conform to the grading limits as shown on the plan.
3. Filter cloth shall be protected from punching, cutting or tearing. Any damage other than an occasional small hole shall be repaired by placing another piece of cloth over the damaged area. All connecting joints should overlap a minimum of 1 ft. If the damage is extensive, replace the entire filter cloth.
4. Stone for the riprap or gabion outlets may be placed by equipment. Riprap shall be placed in a manner to prevent damage to the filter cloth. Hand placement will be required to the extent necessary to prevent damage to the conduits, structures, etc.

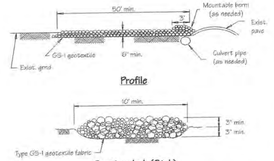
Source:	Symbol:	Detail No.
Adapted from MD Stds. & Specs. for ESC	ROP-1	DE-ESC-3.3.10.1 Sheet 2 of 2 Effective FEB 2019

Standard Detail & Specifications

Stabilized Construct. Entrance



Plan



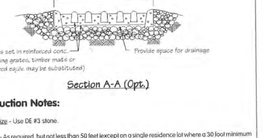
Profile

Section A-A (Std.)

Source:	Symbol:	Detail No.
Adapted from VA ESC Handbook	SCE	DE-ESC-3.4.7 Sheet 1 of 2 Effective FEB 2019

Standard Detail & Specifications

Stabilized Construct. Entrance



Section A-A (Opt.)

Construction Notes:

1. Stone size - Use DE #3 stone.
2. Length - As required, but not less than 50 feet (except on a single residence lot where a 30 foot minimum length would apply).
3. Thickness - Not less than size #3 inches.
4. Width - Ten (10) foot minimum, but not less than the full width at points where ingress or egress occurs.
5. Geotextile - Type GS-I, placed over the entire area prior to placing of stone.
6. Surface Water - All surface water flowing or diverted toward construction entrances shall be piped across the entrance. If piping is impractical, a mountable berm with 5:1 slopes will be permitted.
7. Maintenance - The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanout of any measures used to trap sediment. All sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately.
8. Washing - Vehicle wheels shall be cleaned to remove sediment prior to entrancing onto public rights-of-way. When washing is required, it shall be done on an area stabilized with stone and which drains into an approved sediment trapping device.
9. Inspection - Periodic inspection and needed maintenance shall be provided after each rain

Source:	Symbol:	Detail No.
Adapted from VA ESC Handbook	SCE	DE-ESC-3.4.7 Sheet 2 of 2 Effective FEB 2019

Standard Detail & Specifications

Inlet Protection - Type 2

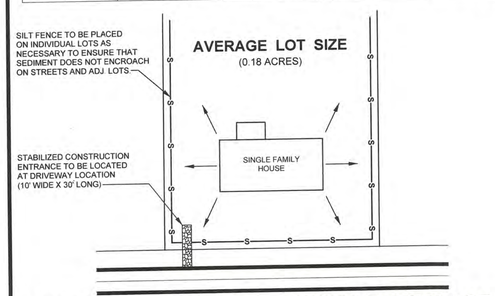
Notes:

1. This practice shall only be used in situations in which Inlet Protection - Type 1 cannot be used due to site constraints. These include, but are not limited to partially completed parking areas, streets, roads, etc.
2. It may be necessary to transition from Type 1 to Type 2 Inlet Protection as construction proceeds.
3. For areas where there is a concern for oil run-off or spills, insert shall meet one of the above specifications with an oil-absorbant pillow or shall be made completely from an oil-absorbant material with a woven pillow.

Materials:

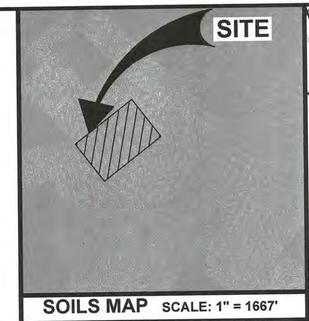
The geotextile inlet insert shall meet or exceed the specifications of Type GD-III geotextile in accordance with Appendix A-3 of the Delaware Erosion & Sediment Control Handbook.

Source:	Symbol:	Detail No.
Adapted from ACF Products, Inc.	IP-2	DE-ESC-3.1.5.2 Sheet 2 of 2 Effective FEB 2019

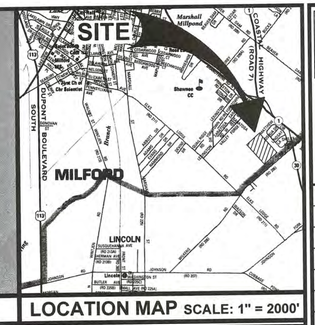


E&S PLAN FOR TYPICAL SINGLE FAMILY LOT

NO SCALE



SOILS MAP SCALE: 1" = 1667'



LOCATION MAP SCALE: 1" = 2000'

SEDIMENT AND STORMWATER CONSTRUCTION NOTES:

1. THE SUSSEX CONSERVATION DISTRICT SEDIMENT AND STORMWATER PROGRAM MUST BE NOTIFIED IN WRITING FIVE (5) DAYS PRIOR TO COMMENCING WITH CONSTRUCTION. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED SEDIMENT AND STORM WATER MANAGEMENT PLAN.
2. REVIEW AND OR APPROVAL OF THE SEDIMENT AND STORM WATER MANAGEMENT PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM HIS OR HER RESPONSIBILITIES FOR COMPLIANCE WITH THE REQUIREMENTS OF *THE DELAWARE SEDIMENT AND STORM WATER REGULATIONS*. NOR SHALL IT RELIEVE THE CONTRACTOR FROM ERRORS OR OMISSIONS IN THE APPROVED PLAN.
3. IF THE APPROVED PLAN NEEDS TO MODIFIED, ADDITIONAL SEDIMENT AND STORM WATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY DNREC OR THE DELEGATED AGENCY.
4. FOLLOWING INITIAL SOIL DISTURBANCE OR RE-DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED FOR ALL PERIMETER SEDIMENT CONTROLS DIKES, SWALES, DITCHES, PERIMETER SLOPES, STOCKPILES, AND ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WITHIN FOURTEEN (14) CALENDAR DAYS UNLESS MORE RESTRICTIVE FEDERAL REQUIREMENTS APPLY.
5. ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL COMPLY WITH THE DELAWARE EROSION CONTROL HANDBOOK, LATEST EDITION.
6. ALL SITE DEWATERING SHALL BE DONE THROUGH AN APPROVED FILTRATION DEVICE AND PREVIOUSLY APPROVED BY THE AGENCY. CONSTRUCTION SITE REVIEWER FOR THE NON-EROSIVE POINT OF DISCHARGE, AND A DEWATERING PERMIT SHALL BE APPROVED BY DNREC WELL PERMITTING BRANCH. THE SEDIMENT FILTER MUST BE PLACED SO AS NOT TO CAUSE EROSION OF THE DOWNSTREAM AREA. A DNREC INSPECTOR MUST APPROVE DEWATERING FILTER PLACEMENT AND USE PRIOR TO COMMENCEMENT OF DEWATERING ACTIVITIES.
7. APPROVED PLANS REMAIN VALID FOR FIVE (5) YEARS FROM DATE OF APPROVAL.
8. POST CONSTRUCTION VERIFICATION DOCUMENTS ARE TO E SUBMITTED TO THE SUSSEX CONSERVATION DISTRICT SEDIMENT AND STORMWATER PROGRAM WITHIN 60-DAYS OF STORMWATER MANAGEMENT FACILITY COMPLETION.
9. APPROVAL OF A SEDIMENT AND STORM WATER MANAGEMENT PLAN SHALL NOT GRANT OR IMPLY A RIGHT TO DISCHARGE STORM WATER RUNOFF OR THE OWNER/DEVELOPER IS RESPONSIBLE FOR ACQUIRING ANY AND ALL AGREEMENTS, EASEMENTS, ETC., NECESSARY TO COMPLY WITH STATE DRAINAGE AND OTHER APPLICABLE LAWS.
10. THE NOTICE OF INTENT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER A NPDES GENERAL PERMIT FOR THIS PROJECT IS **# ????** AT ANY TIME THE OWNERSHIP FOR THIS PROJECT CHANGES, A TRANSFER OF AUTHORIZATION OR A CO-PERMITTEE APPLICATION MUST BE SUBMITTED TO DNREC. THE PERMITTEE OF RECORD SHALL NOT BE RELIEVED OF THEIR RESPONSIBILITY UNTIL A NOTICE OF TERMINATION HAS BEEN PROCESSED BY DNREC.
11. THE OWNER SHALL BE FAMILIAR WITH AN COMPLY WITH ALL ASPECTS OF THE NPDES CONSTRUCTION GENERAL PERMIT ASSOCIATED WITH THE PROJECT, INCLUDING BUT NOT LIMITED TO , PERMINING WEEKLY SITE INSPECTION DURING THE CONSTRUCTION AND AFTER RAIN EVENTS AND MAINTAINING WRITTEN LOGS OF THESE INSPECTIONS.
12. BEFORE ANY EARTHWORK OR EXCAVATION TAKES PLACE THE CONTRACTOR SHALL CALL MISS UTILITY AT 811 OR 1-800-282-8555 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION, TO HAVE ALL EXISTING UTILITY MARKED ONSITE.
13. THE CONTRACTOR SHALL AT ALL TIMES PROTECT AGAINST SEDIMENT OR DEBRIS LADEN RUNOFF OR WIND FROM LEAVING THE SITE. PERIMETER CONTROL SHALL BE CHECKED DAILY AND ADJUSTED AND/OR REPAIRED TO FULLY CONTAIN AND CONTROL SEDIMENT FROM LEAVING THE SITE. ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN IT HAS REACHED HALF OF THE EFFECTIVE CAPACITY OF THE CONTROL. IN ADDITION THE CONTRACTOR MAY NEED TO ADJUST OR ALTER MEASURES IN TIME OF ADVERSE WEATHER CONDITIONS, OR AS DIRECTED BY THE AGENCY CONSTRUCTION SITE REVIEWER.
14. BEST AVAILABLE TECHNOLOGY (BAT) SHALL BE EMPLOYED TO MANAGE TURBID DISCHARGES IN ACCORDANCE WITH REQUIREMENT OF 7 DEL C CH60, REGULATIONS GOVERNING THE CONTROL OF WATER POLLUTION , SECTION 9.1.02, KNOWN AS SPECIAL CONDITIONS FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES, AND DEPARTMENT POLICIES, PROCEDURES AND GUIDANCE.
15. DOCUMENTATION OF SOIL TESTING AND MATERIAL USED FOR TEMPORARY OR PERMANENT STABILIZATION INCLUDING BUT NOT LIMITED TO SOIL TEST RESULTS, SEED TAGS, SOIL AMENDMENT TAGS, ETC. SHALL BE PROVIDED TO THE DEPARTMENT OR DELEGATED AGENCY TO VERIFY THAT THE PERMANENT OR TEMPORARY STABILIZATION HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED PLAN AND THE STANDARDS AND THE PERMANENT OR TEMPORARY STABILIZATION HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED PLAN AND THE STANDARDS AND SPECIFICATION OF THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION. THE DEPARTMENT OR DELEGATED AGENCY SHALL HAVE THE DISCRETION TO REQUIRE ADDITIONAL SOIL TESTING AND REAPPLICATION OF PERMANENT OR TEMPORARY STABILIZATION IN ACCORDANCE WITH THE SPECIFICATION PROVIDED IN THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST ADDITION.
16. PERIODIC MAINTENANCE OF ALL SEDIMENT CONTROL MEASURES IS REQUIRED TO INSURE EFFECTIVE SEDIMENT CONTROL. INSPECTION OF ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE MADE AT LEAST WEEKLY AND AFTER EACH RAINFALL EVENT. REPAIRS SHALL BE THE CONTRACTORS RESPONSIBILITY AND MADE WITHIN 24 HOURS OF THE RAIN EVENT OR WHEN OTHERWISE IDENTIFIED.
17. THE SEQUENCE OF CONSTRUCTION ON THE APPROVED SEDIMENT AND STORMWATER MANAGEMENT PLAN MUST BE STRICTLY ADHERED. ANY DIVERGENCE FROM THE APPROVED CONSTRUCTION SEQUENCE REQUIRES A WRITTEN REQUEST TO MODIFY AND THE WRITTEN APPROVAL OF DNREC.
18. A COPY OF THE APPROVED SEDIMENT AND STORMWATER MANAGEMENT PLANS MUST BE MAINTAINED ON-SITE AT ALL TIMES DURING CONSTRUCTION.
19. TO PREVENT OR REDUCE THE MOVEMENT OF DUST FROM DISTURBED SOIL SURFACES THE SITE SHALL BE SPRINKLED WITH WATER UNTIL THE SURFACE IS MOIST AND REPEATED AS NECESSARY. ALTERNATIVE METHODS OF DUST CONTROL REQUIRE APPROVAL OF DNREC.
20. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO MAINTAIN AND REPAIR ALL EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT PRACTICES DURING UTILITY INSTALLATION.
21. ALL POINTS OF CONSTRUCTION INGRESS AND EGRESS SHALL BE PROTECTED TO PREVENT TRACKING OF MUD ONTO PUBLIC WAYS BY A STABILIZED CONSTRUCTION ENTRANCE.
22. A PRE-CONSTRUCTION MEETING MUST TAKE PLACE BEFORE ANY EARTH DISTURBING ACTIVITY BEGINS. THE MEETING MUST BE ATTENDED BY AN OWNER'S REPRESENTATIVE, CONTRACTOR, CCR (IF REQUIRED FOR THE SITE), AND SCD INSPECTOR.
23. THE SCD RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE INSPECTION.
24. SOIL STOCKPILE AREAS MUST BE DELINEATED. LOCATE STOCKPILES ON AREAS WITH LITTLE OR NO SLOPE. STOCKPILES MUST BE SURROUNDED WITH SILT FENCE OR A STABILIZED EARTHEN BERM. STOCKPILE AREAS MUST BE SEEDED WITH TEMPORARY SEEDING MIXTURE AND MULCHED.
25. SCD RESERVES THE RIGHT TO WITHHOLD PERMITS AND LETTERS OF NO OBJECTION RELATED TO OBTAINING CERTIFICATES OF OCCUPANCY FROM THE LOCAL JURISDICTION FOR NON COMPLIANCE WITH THE PLANS AND SPECIFICATIONS FOR STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL.
26. SCD RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE SEDIMENT CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.
27. THE CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF ALL SEDIMENT AND EROSION CONTROL MEASURES DURING CONSTRUCTION.
28. ALL TEMPORARY STOCKPILES ARE TO BE LOCATED ON AREAS WITH LITTLE OR NO SLOPE AND PROTECTED BY SILT FENCE OR A STABILIZED EARTHEN BERM AND ARE TO BE TEMPORARILY STABILIZED.
29. EROSION AND SEDIMENT CONTROL WILL BE STRICTLY ENFORCED.
30. SEDIMENT CONTROL FOR UTILITY CONSTRUCTION IN AREAS OUTSIDE OF DESIGNED CONTROLS:
    a. EXCAVATED TRENCH MATERIAL SHALL BE PLACED ON THE HIGH SIDE OF THE TRENCH.
    b. IMMEDIATELY FOLLOWING PIPE INSTALLATION THE TRENCH SHALL BE BACK FILLED, COMPACTED AND STABILIZED.
    c. TEMPORARY SILT FENCE OR STRAW BALE DIKES SHALL BE PLACED IMMEDIATELY DOWNSTREAM OF ANY DISTURBED AREA INTENDED TO REMAIN DISTURBED LONGER THAN ONE WORKING DAY.
33. EROSION CONTROL MATTING IS REQUIRED ON SLOPES OF 3:1 OR GREATER IN AREAS OF CONCENTRATED FLOW. MATTING TYPE IS TO BE SSM-1 (NORTH AMERICAN GREEN S-75BN, OR APPROVED EQUIVALENT).
34. THE CONSTRUCTION STAGING AREA, INCLUDING DUMPSTER LOCATION(S), SHALL BE LOCATED WITHIN THE PROJECT LIMIT OF DISTURBANCE AND SHALL BE DETERMINED BY THE CONTRACTOR AND THE CONSTRUCTION REVIEWER IN THE FIELD.

STABILIZATION AND SEEDING NOTES :

1. PERMANENT SEEDING :
   A. SHALL BE CONDUCTED YEAR AROUND.
   B. SEED BED PREPARATION : SHALL BE IN ACCORDANCE WITH DE-ESC-3.4.3, SHEET 4 OF 4.
   C. SOIL AMENDMENTS : FERTILIZER AND LIME APPLICATION SHALL BE IN ACCORDANCE WITH DE-ESC-3.4.3, SHEET 4 OF 4.
   D. SEEDING : APPLY 5.0 LBS. PER 1000 SQ. FT., OR 100 LBS/ACRE OF KENTUCKY 31 TALL FESCUE ON A MOIST SEED BED WITH SUITABLE EQUIPMENT, MINIMUM COVER 1/4 INCH.
   E. MULCH : IMMEDIATELY AFTER SEEDING, UNIFORMLY MULCH ENTIRE AREA WITH STRAW AT A RATE OF 2 TONS PER ACRE MINIMUM. ALL MULCHING SHALL BE DONE IN ACCORDANCE WITH DETAIL DE-ESC-3.4.5.
   F. TOPSOIL : ALL AREAS TO BE PERMANENTLY SEEDED SHALL HAVE A MINIMUM OF 4" OF TOPSOIL.
2. TEMPORARY STABILIZATION :
   A. PROVIDE SEED BED SAME AS 1-B ABOVE.
   B. APPLY MIX NO. 5 (ANNUAL RYEGRASS) IN ACCORDANCE WITH DETAIL DE-ESC-3.4.3, SHEET 1 OF 4.
   C. MULCH SAME AS 1-E ABOVE.
3. IF TEMPORARY STABILIZATION IS REQUIRED, PERMANENT SEEDING SHALL BE PERFORMED AS SOON AS POSSIBLE.
4. ALL FILL SLOPE AREAS SHOWN ON PLAN ARE TO BE STABILIZED AS PER STATEMENT 1 OR 2 ABOVE IMMEDIATELY AFTER COMPLETION OF GRADING OPERATIONS FOR THESE SLOPES.
5. EROSION CONTROL MATTING IS REQUIRED ON ALL SLOPES OF 3:1 OR GREATER AND IN AREAS OF CONCENTRATED FLOW.

SWM MAINTENANCE AGREEMENT

The maintenance of the stormwater facility shall be the responsibility of the site owner until such time as the homeowners association assumes responsibility.

EQUITABLE OWNER'S CERTIFICATION

I, THE UNDERSIGNED CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED PLAN AND CERTIFY THAT RESPONSIBLE PERSONNEL INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING AT A DEPARTMENT SPONSORED OR APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT CONTROL BEFORE INITIATION OF THE PROJECT. I ALSO ACKNOWLEDGE THE RIGHT OF THE CONSERVATION DISTRICT TO CONDUCT ON SITE INSPECTIONS.

William R Luther — 7/1/2019 (DATE)

WILLIAM R. LUTHER — OWNER (TITLE)

RB LAND HOLDINGS, LP
2205 COMMERCE ROAD
FOREST HILL, MD 21050
PHONE (410) 877-7350
FAX (410) 803-7146

TOTAL DISTURBED AREA

37.58 ACRES±

☐ FINAL
☐ PRELIMINARY

ISSUED:

PRINTS ISSUED FOR :
☐ INFORMATION ONLY
☐ REVIEW
☐ APPROVAL
☐ PERMITS
☐ BIDDING
☐ CONSTRUCTION
☐ AS-BUILTS

NO.	DATE	ITEM
1.	07/16/04	REVISED PER SCD AND DBF COMMENTS
2.	01/24/05	GENERAL REVISIONS.

REVISIONS

JEFFREY A. HALL — LICENSED PROFESSIONAL ENGINEER — DELAWARE — PROFESSIONAL ENGINEER

BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING

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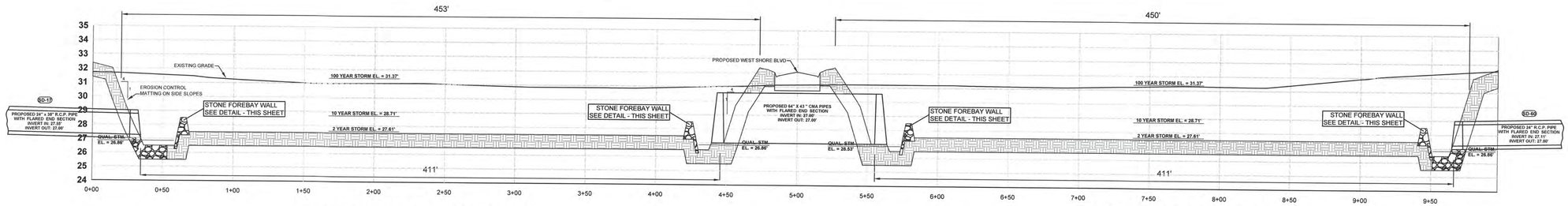
www.beckermorgan.com

RB LAND HOLDINGS, LP
WEST SHORES AT NEW MILFORD SUBDIVISION
WILKENS ROAD
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

EROSION AND SEDIMENT CONTROL NOTES AND DETAILS

BMG: 2003113.00 — DRAWN BY: BCH
SCALE: NTS — SHEET
DATE: 5/14/2004 — C19
ACAD: 2003113-SUB

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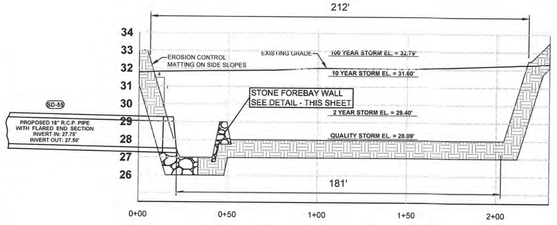


INFILTRATION BASIN 3 - SECTION A-A

SCALE : 1" = 40' HORIZONTAL
1" = 4' VERTICAL

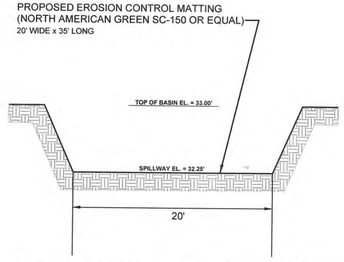
INFILTRATION BASIN 1 - SECTION A-A

SCALE : 1" = 40' HORIZONTAL
1" = 4' VERTICAL



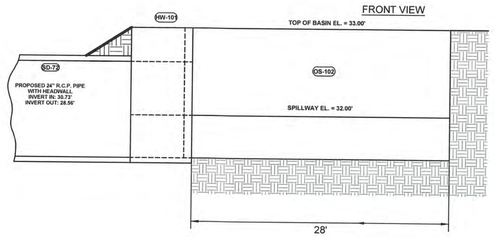
INFILTRATION BASIN 2 - SECTION B-B

SCALE : 1" = 40' HORIZONTAL
1" = 4' VERTICAL



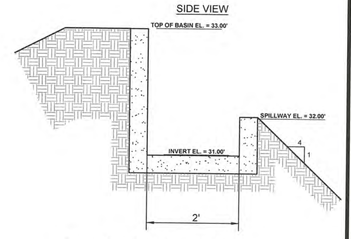
EMERGENCY SPILLWAY DETAIL (BASIN 2) TEMPORARY

NO SCALE



EMERGENCY SPILLWAY DETAIL (BASIN 2)

NO SCALE



BOTTOM OF CONCRETE CHANNEL WILL BE INSTALLED WITH A .005 FT/FT SLOPE FROM 31.00' AT THE END FURTHEST FROM THE HEADWALL TO 30.73' AT THE HEADWALL.

CONSTRUCTION SCHEDULE FOR EROSION AND SEDIMENT CONTROL

PHASE 1 (LOTS 1-11, 39-72)

1. NOTIFY SUSSEX CONSERVATION DISTRICT TO ARRANGE AND HOLD A PRE-CONSTRUCTION MEETING AT LEAST FIVE (5) DAYS PRIOR TO THE START OF CONSTRUCTION.
2. OBTAIN ALL TOWN, COUNTY AND STATE PERMITS PRIOR TO THE START OF CONSTRUCTION.
3. INSTALL STABILIZED CONSTRUCTION ENTRANCE AND PERIMETER CONTROLS AT THE LOCATIONS SHOWN ON THE EROSION AND SEDIMENT CONTROL PLANS.
4. CONTACT SUSSEX CONSERVATION DISTRICT FOR PERIMETER INSPECTION BY INSPECTOR OR CCR.
5. CLEAR AND GRUB AREA OF INFILTRATION BASIN 1
6. CONSTRUCT INFILTRATION BASIN 1 TO DEPTHS AS SHOWN ON THE APPROVED PLANS.
7. CONSTRUCT TEMPORARY SEDIMENT TRAP AND STABILIZE SIDE SLOPES WITH EROSION CONTROL MATTING. TEMPORARY STABILIZATION IS TO BE DONE IN ACCORDANCE WITH THE STABILIZATION NOTES.
8. CLEAR AND GRUB THOSE AREAS LOCATED WITHIN THE PHASE 1 CONSTRUCTION AREA.
9. ROUGH GRADE ROADWAY AREAS LOCATED WITHIN THE PHASE 1 CONSTRUCTION AREA.
10. BEGIN INSTALLATION OF UNDERGROUND UTILITIES INCLUDING ELECTRIC, TELEPHONE, CABLE, WATER, SANITARY SEWER.
11. AND STORM DRAINS. INSTALL INLET PROTECTION AROUND ALL CATCH BASINS DURING CONSTRUCTION. INSTALL CURB AND CRUSHER RUN ASSOCIATED WITH PHASE 1 AS SPECIFIED IN THE CONSTRUCTION DRAWINGS.
12. FINAL GRADE ROADWAY AND INSTALL TYPE "B" BASE COURSE AND SIDEWALKS ASSOCIATED WITH PHASE 1.
13. BEGIN HOME CONSTRUCTION UPON RECEIVING STANDARD PLAN APPROVAL. SEE SEQUENCE OF CONSTRUCTION FOR SINGLE FAMILY HOMES.
14. TOPSOIL, SEED, AND STABILIZE ALL DISTURBED AREAS AS PER STABILIZATION AND SEEDING NOTES.
15. FOLLOWING THE FINAL STABILIZATION OF PHASE 1, OBTAIN APPROVAL FROM SUSSEX CONSERVATION DISTRICT TO CONVERT THE SEDIMENT TRAP TO AN INFILTRATION BASIN.
16. CONVERT SEDIMENT TRAPS TO INFILTRATION BASINS PER SEQUENCE OF CONSTRUCTION FOR SEDIMENT TRAP CONVERSION.
    A. A GEOTECHNICAL ENGINEER IS TO BE PRESENT DURING THE EXCAVATION OF BASIN TO FINAL GRADE. THE INTENT OF THE GEOTECHNICAL ENGINEER IS TO GUIDE THE CONTRACTOR DURING EXCAVATION SO AS NOT TO COMPACT THE SOILS AND COMPROMISE INFILTRATION. NO HEAVY EQUIPMENT IS TO TRAVERSE ON THE BOTTOM OF THE INFILTRATION FACILITY. IN ADDITION THE GEOTECHNICAL ENGINEER MAY NEED TO DIRECT THE CONTRACTOR TO REMOVE/OVER EXCAVATE RESTRICTIVE SOILS. (TO BE COMPLETED BY END OF AUG. 2019).
    B. SUBMIT AS-BUILT SURVEY, POND CONSTRUCTION CHECKLIST AND GEOTECH REPORT TO SCD FOLLOWING.
17. REMOVE REMAINING PERIMETER CONTROL MEASURES WITHIN PHASE, ONLY AFTER APPROVAL OF THE SITE INSPECTOR.

PHASE 2 (LOTS 12-38, 73-114)

1. CONTRACTOR MUST RECEIVE APPROVAL PRIOR TO PROCEEDING WITH PHASE 2 CONSTRUCTION.
2. INSTALL PERIMETER CONTROLS AT THE LOCATIONS SHOWN ON THE EROSION AND SEDIMENT CONTROL PLANS.
3. CONTACT SUSSEX CONSERVATION DISTRICT FOR PERIMETER INSPECTION BY INSPECTOR OR CCR.
4. CLEAR AND GRUB AREA OF INFILTRATION BASIN 2.
5. CONSTRUCT TEMPORARY SEDIMENT TRAP/STORMWATER MANAGEMENT BASIN 2 AND STABILIZE SIDE SLOPES WITH EROSION CONTROL MATTING. TEMPORARY STABILIZATION IS TO BE DONE IN ACCORDANCE WITH THE STABILIZATION NOTES. SEE SEQUENCE OF CONSTRUCTION FOR TEMPORARY SEDIMENT TRAP 2.
6. CLEAR AND GRUB THOSE AREAS LOCATED WITHIN THE PHASE 2 CONSTRUCTION AREA.
7. ROUGH GRADE ROADWAY AREAS LOCATED WITHIN THE PHASE 2 CONSTRUCTION AREA. ROUGH GRADE LOTS 12 - 38 AND 73 - 114.
8. BEGIN INSTALLATION OF UNDERGROUND UTILITIES INCLUDING ELECTRIC, TELEPHONE, CABLE, WATER, SANITARY SEWER, AND STORM DRAINS. INSTALL INLET PROTECTION AROUND ALL CATCH BASINS DURING CONSTRUCTION.
9. INSTALL CURB AND CRUSHER RUN ASSOCIATED WITH PHASE 2 AS SPECIFIED IN THE CONSTRUCTION DRAWINGS.
10. FINAL GRADE ROADWAY AND INSTALL TYPE "B" BASE COURSE AND SIDEWALKS ASSOCIATED WITH PHASE
11. BEGIN HOME CONSTRUCTION UPON RECEIVING STANDARD PLAN APPROVAL. SEE SEQUENCE OF CONSTRUCTION FOR SINGLE FAMILY HOMES.
12. TOPSOIL, SEED, AND STABILIZE ALL DISTURBED AREAS AS PER STABILIZATION AND SEEDING NOTES.
13. INSTALL TYPE "C" TOP COURSE PAVEMENT ASSOCIATED WITH ALL PHASES.
14. FOLLOWING FINAL STABILIZATION OF PHASE 2, OBTAIN APPROVAL FROM SUSSEX CONSERVATION DISTRICT TO CONVERT THE SEDIMENT TRAP TO AN INFILTRATION BASIN.
15. CONVERT SEDIMENT TRAPS TO INFILTRATION BASINS PER SEQUENCE OF CONSTRUCTION FOR SEDIMENT TRAP CONVERSION.
    A. A GEOTECHNICAL ENGINEER IS TO BE PRESENT DURING THE EXCAVATION OF BASIN TO FINAL GRADE. THE INTENT OF THE GEOTECHNICAL ENGINEER IS TO GUIDE THE CONTRACTOR DURING EXCAVATION SO AS NOT TO COMPACT THE SOILS AND COMPROMISE INFILTRATION. NO HEAVY EQUIPMENT IS TO TRAVERSE ON THE BOTTOM OF THE INFILTRATION FACILITY. IN ADDITION THE GEOTECHNICAL ENGINEER MAY NEED TO DIRECT THE CONTRACTOR TO REMOVE/OVER EXCAVATE RESTRICTIVE SOILS.
    B. SUBMIT AS-BUILT SURVEY, POND CONSTRUCTION CHECKLIST AND GEOTECH REPORT TO SCD FOLLOWING.
16. REMOVE REMAINING PERIMETER CONTROL MEASURES WITHIN PHASE, ONLY AFTER APPROVAL OF THE SITE INSPECTOR.

TEMPORARY SEDIMENT TRAP 1 CONSTRUCTION SEQUENCE

1. STAKEOUT TOP AND TOE OF SLOPE OF THE TEMPORARY SEDIMENT TRAP 1.
2. EXCAVATE TEMPORARY SEDIMENT TRAP 1 TO A BOTTOM ELEVATION OF 28.50. INSTALL TEMPORARY STONE OUTFALL BETWEEN THE TEMPORARY SEDIMENT TRAP AND INFILTRATION BASIN 1.
4. EXCESS MATERIAL SHOULD BE STORED WITHIN THE TEMPORARY SOIL STOCKPILE AREA AS LOCATED ON THE EROSION AND SEDIMENT CONTROL PLAN OR HAULED OFF SITE TO AN APPROVED LOCATION. STOCKPILE TO BE IMMEDIATELY STABILIZED AFTER COMPLETION.
5. SEED THE SIDESLOPES OF THE SEDIMENT TRAP. INSTALL EROSION CONTROL MATTING, AMERICAN GREEN 575 OR APPROVED EQUIVALENT.

TEMPORARY SEDIMENT TRAP 2 CONSTRUCTION SEQUENCE

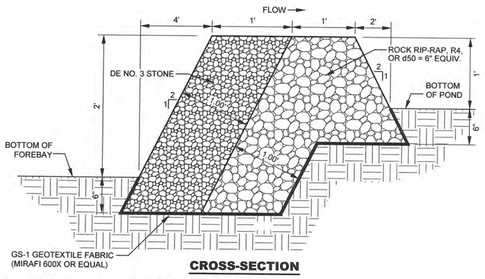
1. STAKEOUT TOP AND TOE OF SLOPE OF THE TEMPORARY SEDIMENT TRAP 2.
2. STAKEOUT THE LOCATION OF TEMPORARY EARTHEN EMERGENCY SPILLWAY.
3. EXCAVATE TEMPORARY SEDIMENT TRAP 2 TO A BOTTOM ELEVATION OF 29.00. EXCAVATE THE FOREBAYS TO A BOTTOM ELEVATION OF 28.00. TEMPORARY SEDIMENT TRAP 2 SHALL BE CONSTRUCTED WITH A BACKHOE OR EXCAVATOR ONLY. CONSTRUCTION EQUIPMENT MAY NOT TRAVERSE THE LOCATION OF THE SEDIMENT TRAP TO MINIMIZE COMPACTION.
4. INSTALL TEMPORARY EMERGENCY SPILLWAY. THIS SPILLWAY WILL REMAIN IN OPERATION UNTIL CONSTRUCTION OF HEARTHSTONE PHASE 11 PROCEEDS ON THE ADJACENT PROPERTY.
5. EXCESS MATERIAL SHOULD BE STORED WITHIN THE TEMPORARY SOIL STOCKPILE AREA AS LOCATED ON THE EROSION AND SEDIMENT CONTROL PLAN OR HAULED OFF SITE TO AN APPROVED LOCATION. STOCKPILE TO BE IMMEDIATELY STABILIZED AFTER COMPLETION.
6. SEED THE SIDESLOPES OF THE SEDIMENT TRAP. INSTALL EROSION CONTROL MATTING, AMERICAN GREEN 575 OR APPROVED EQUIVALENT.

SEQUENCE OF CONSTRUCTION FOR SINGLE FAMILY HOMES

1. INSTALL STABILIZED CONSTRUCTION ENTRANCE.
2. INSTALL PERIMETER SILT FENCE.
3. INSTALL FOOTERS AND FOUNDATION. BACKFILL AND STABILIZE.
4. COMPLETE HOME CONSTRUCTION.
5. FINAL GRADE AND STABILIZE. CONTACT SCD FOR FINAL INSPECTION.

SEQUENCE OF CONSTRUCTION FOR SEDIMENT TRAP CONVERSION TO INFILTRATION BASIN

1. IF REQUIRED, DEWATER THE SEDIMENT TRAP.
2. REMOVE ACCUMULATED SEDIMENT AND GRADE THE INFILTRATION BASIN TO THE FINAL GRADE INDICATED ON THE CONSTRUCTION PLANS. EXCAVATION MUST BE ACCOMPLISHED USING A BACKHOE OR EXCAVATOR. NO CONSTRUCTION EQUIPMENT MAY TRAVERSE THE BOTTOM OF THE INFILTRATION BASIN. A GEOTECHNICAL ENGINEER IS TO BE PRESENT DURING THE EXCAVATION OF BASIN TO FINAL GRADE. THE INTENT OF THE GEOTECHNICAL ENGINEER IS TO GUIDE THE CONTRACTOR DURING EXCAVATION SO AS NOT TO COMPACT THE SOILS AND COMPROMISE INFILTRATION. NO HEAVY EQUIPMENT IS TO TRAVERSE ON THE BOTTOM OF THE INFILTRATION FACILITY. IN ADDITION THE GEOTECHNICAL ENGINEER MAY NEED TO DIRECT THE CONTRACTOR TO REMOVE/OVER EXCAVATE RESTRICTIVE SOILS.
3. STABILIZE THE SIDESLOPES OF THE BASIN AS DIRECTED IN THE PERMANENT SEEDING SECTION OF THE STABILIZATION AND SEEDING NOTES.
4. COMPLETE AN AS-BUILT SURVEY OF EACH INFILTRATION BASIN AND SUBMIT AS-BUILT SURVEY, POND CONSTRUCTION CHECKLIST AND GEOTECH REPORT TO SCD FOLLOWING.



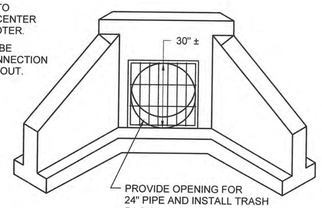
CROSS-SECTION

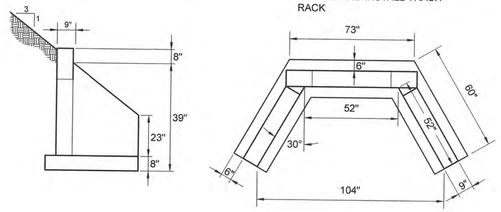
RIP-RAP FOREBAY WALL (TYP.)

NO SCALE

NOTES: ALL REINFORCEMENT TO BE #4 BARS 12" C/C IN CENTER LINE OF WALL AND FOOTER.

WATERTIGHT SEAL TO BE PROVIDED AT PIPE CONNECTION USING NON-SHRINK GROUT.





CONCRETE ENDWALL DETAIL

NO SCALE

BMG NO. : SD-4A

- [ ] FINAL
- [ ] PRELIMINARY

ISSUED:

PRINTS ISSUED FOR :
- [ ] INFORMATION ONLY
- [ ] REVIEW
- [ ] APPROVAL
- [ ] PERMITS
- [ ] BIDDING
- [ ] CONSTRUCTION
- [ ] AS-BUILTS

NO.	DATE	ITEM
1	07/15/04	REVISED PER SCD AND DBF COMMENTS
2	1/31/05	GENERAL REVISIONS

REVISIONS

JEFFREY A. RABAN LICENSED No. 17664 PROFESSIONAL ENGINEER

BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING

Dover
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington
307 A Street
Wilmington, DE 19801
Ph. 302.888.2600
Fax 302.888.2427

www.beckermorgan.com

DIAMOND LAND MANAGEMENT, LLC.

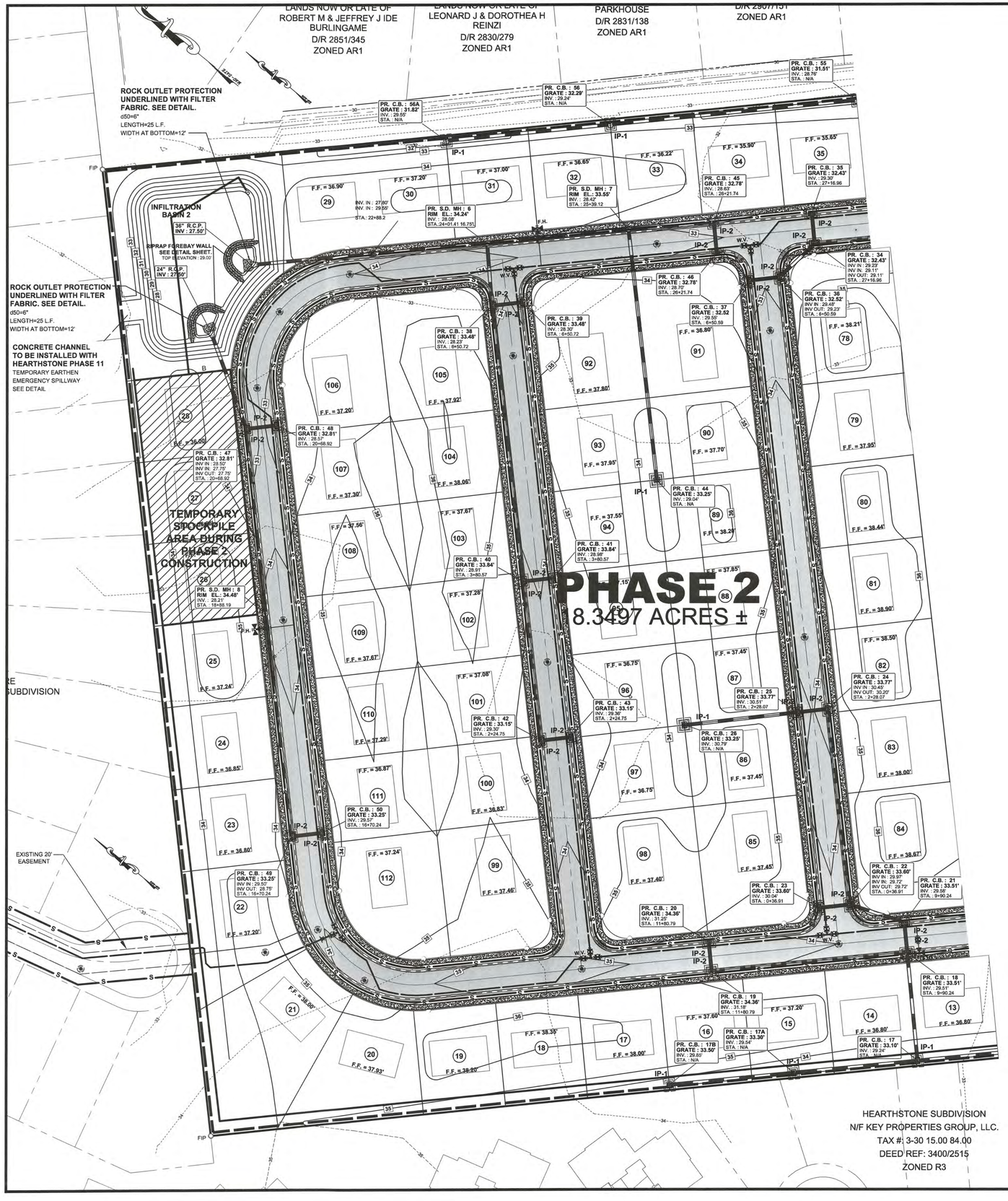
WEST SHORES AT NEW MILFORD SUBDIVISION

WILKENS ROAD
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

EROSION AND SEDIMENT CONTROL SECTIONS AND DETAILS

BMG: 2003113.00	DRAWN BY: TWB
SCALE: NTS	SHEET
DATE: 5/14/2004	
ACAD: 2003113-SUB	C20

F:\AutoCAD\Projects\2003\2003113\Dwg\2003113-Complete-2018.dwg, Jul 08, 2019 - 10:11am



- FINAL
- PRELIMINARY

ISSUED:

PRINTS ISSUED FOR :
- INFORMATION ONLY
- REVIEW
- APPROVAL
- PERMITS
- BIDDING
- CONSTRUCTION
- AS-BUILTS

NO.	DATE	ITEM
1.	8/23/05	REVISED PER CITY OF MILFORD COMMENTS.

REVISIONS

JEFFREY A. HARMAN
LICENSE
NO. 10036
DELAWARE
PROFESSIONAL ENGINEER

BECKER MORGAN GROUP

ARCHITECTURE ENGINEERING

Dover
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

Salisbury
312 West Main St. Suite 300
Salisbury, MD 21801
Ph. 410.546.9100
Fax 410.546.5824

Wilmington
307 A Street
Wilmington, DE 19801
Ph. 302.888.2600
Fax 302.888.2427

www.beckermorgan.com

TROLLEY SQUARE PARTNERS, LLC

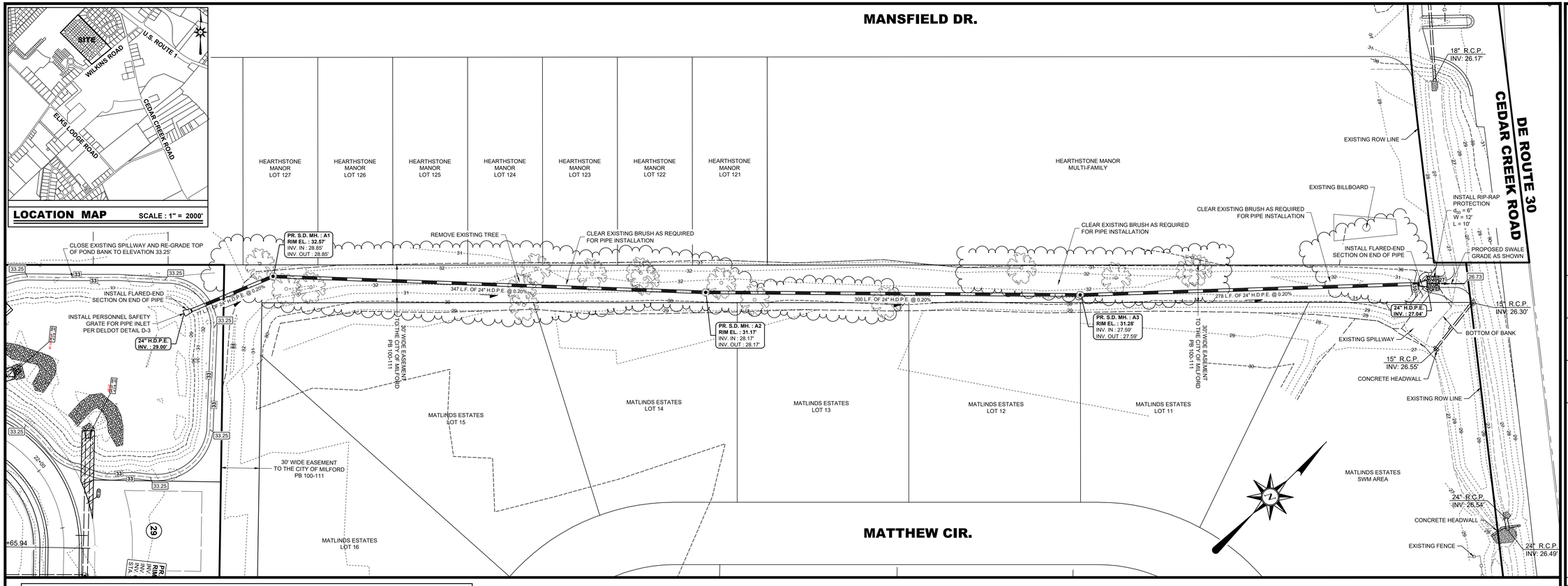
WEST SHORES AT NEW MILFORD

WILKENS ROAD
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

EROSION & SEDIMENT CONTROL PLAN NORTH

BMG: 2003113.00	DRAWN BY: BCH
SCALE: 1"=50'	SHEET
DATE: 5/14/2004	
ACAD: 2003113-SUB	C18

F:\AutoCAD\Projects\2003\2003113\dwg\2003113-Complete-2018.dwg, Jul 05, 2019 - 10:12am



*NOTE: CONTRACTOR TO FOLLOW TYPICAL PIPE INSTALLATION PROCEDURE FOR SEDIMENT CONTROL. MATERIAL REMOVED FOR PIPE INSTALLATION IS TO BE PLACED ON THE HIGH SIDE OF THE TRENCH AND IS TO BE RESTORED AS QUICKLY AS POSSIBLE. REPAIRED TRENCH IS TO BE COVERED WITH SEED/MULCH IN ACCORDANCE WITH DNREC STANDARD 3.4.5.

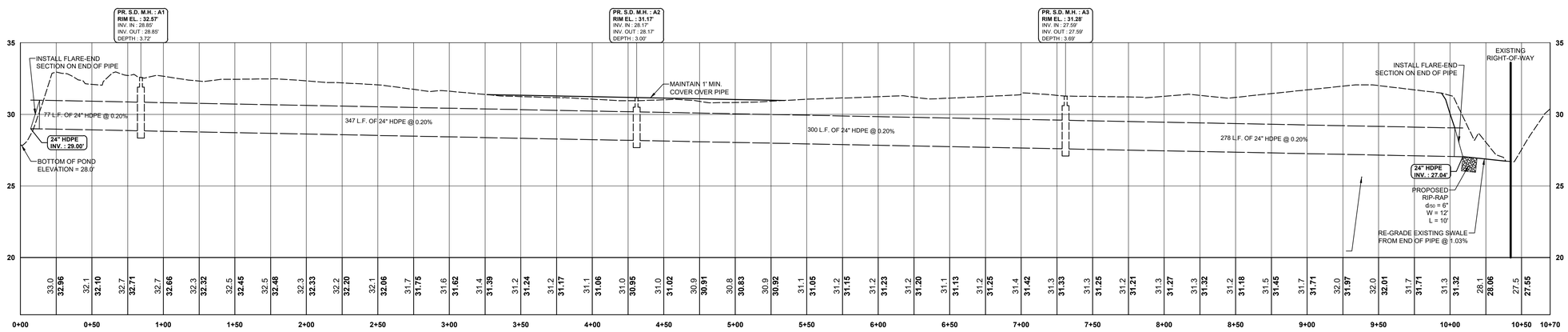
STORM DRAIN MANHOLE SCHEDULE

MH NO.	RIM EL.	DIA.	DEPTH	INV. IN	INV. OUT
A1	32.57'	48"	3.72'	28.85' *(A-1)*	28.85' *(A-2)*
A2	31.17'	48"	3.00'	28.17' *(A-2)*	28.17' *(A-3)*
A3	31.28'	48"	3.69'	27.59' *(A-3)*	27.59' *(A-4)*

STORM DRAIN PIPE SCHEDULE

PIPE NO.	SIZE	PIPE TYPE	LENGTH	SLOPE	INV. IN	INV. OUT
A-1	24"	HDPE	77'	0.20%	29.00'	28.85'
A-2	24"	HDPE	347'	0.20%	28.85'	28.17'
A-3	24"	HDPE	300'	0.20%	28.17'	27.59'
A-4	24"	HDPE	278'	0.20%	27.59'	27.04'

DelDOT
REVIEWED FOR
GENERAL
CONFORMITY
Aug. 25, 2023



BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Delaware
309 South Governors Avenue
Dover, DE 19904
302.734.7950
The Tower at STAR Campus
100 Discovery Boulevard, Suite 102
Newark, DE 19713
302.369.3700

Maryland
312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina
3333 Jaeckle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

JEFFREY A. HARMAN
REGISTERED
No. 17495
PROFESSIONAL ENGINEER
STATE OF DELAWARE

PROJECT TITLE

WEST SHORES AT NEW MILFORD

WILKINS ROAD
CITY OF MILFORD
SUSSEX COUNTY, DELAWARE

SHEET TITLE

OUTFALL PIPE EXHIBIT

ISSUE BLOCK

MARK	DATE	DESCRIPTION

- LAYER STATE: - OFF-SITE EXHIBIT -

PROJECT NO.: 2003113.05
DATE: 03/22/23
SCALE: 1" = 40'
DRAWN BY: SDB | PROJ. MGR.: JAH

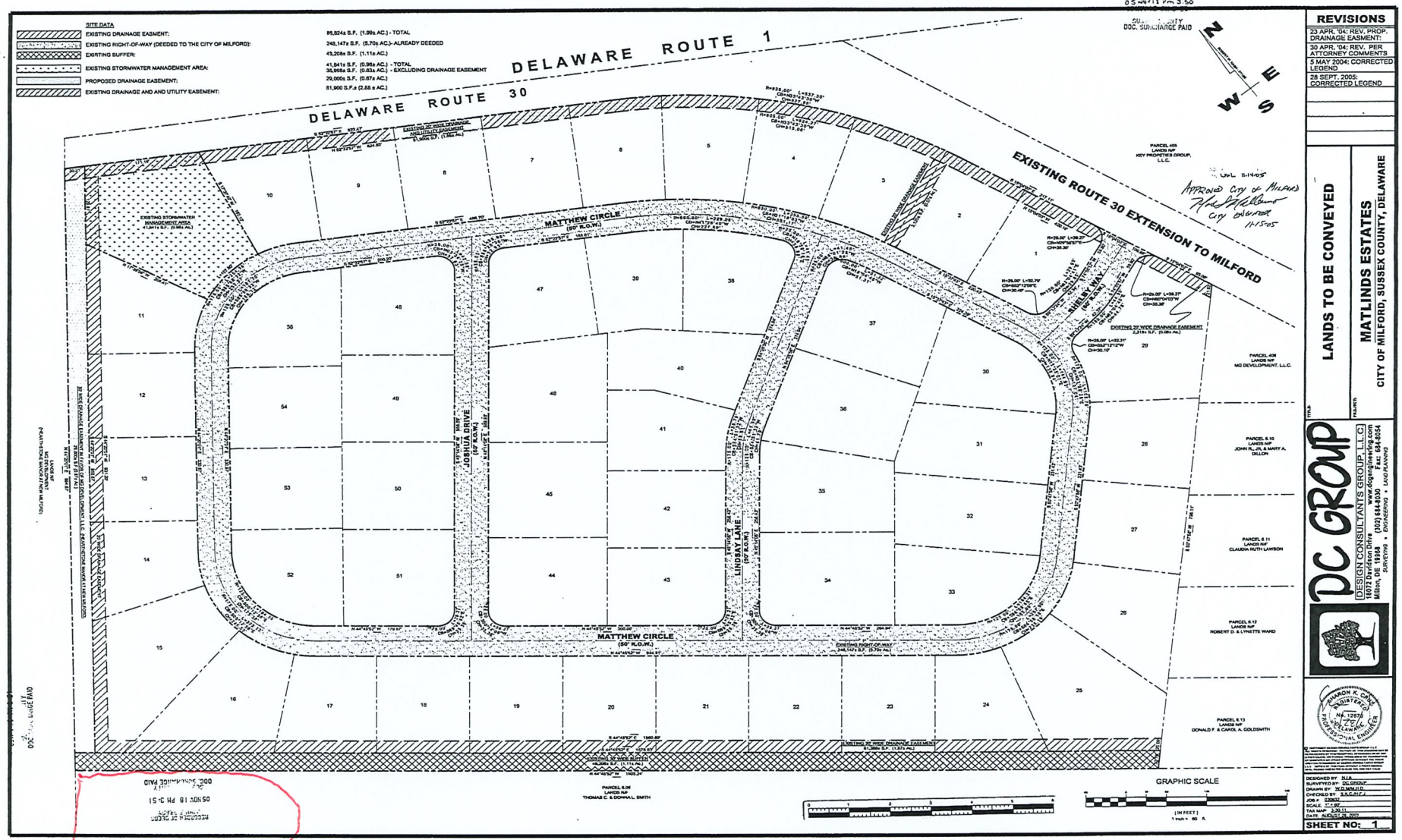
SHEET
OF-1

COPYRIGHT 2023

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62262

100 PAGE 11



REVISIONS

23 APR. '04: REV. PROP. DRAINAGE EASMENT:
30 APR. '04: REV. PER ATTORNEY COMMENTS
5 MAY 2004: CORRECTED LEGEND
28 SEPT. 2005: CORRECTED LEGEND

TITLE: LANDS TO BE CONVEYED

PROJECT: MATLINDS ESTATES
CITY OF MILFORD, SUSSEX COUNTY, DELAWARE

DC GROUP
DESIGN CONSULTANTS GROUP L.L.C.
18072 Davidson Drive Phone: (302) 684-8030
Milton, DE 19968 Fax: 684-8054
SURVEYING • ENGINEERING • LAND PLANNING

SHANNON K. CARMEAN
REGISTERED
No. 12571
PROFESSIONAL ENGINEER

DESIGNED BY: N.I.A.
SURVEYED BY: DC GROUP
DRAWN BY: M.D.MILLER
CHECKED BY: S.K.C./N.I.J.
JOB #: 03013
SCALE: 1"=80'
TAX MAP: 3-30-11
DATE: AUGUST 24, 2003

SHEET No: 1

RECORDED AT 05 NOV 18 PM 3:51
DOC. SURCHARGE PAID

POND #2

WEST SHORE

62263 BK03233 PG288

PREPARED BY: GRIFFIN & HACKETT, P.A.
P.O. BOX 612
GEORGETOWN, DE 19947

RETURN TO: MG Development, LLC
14701 Coastal Highway
Milton, DE 19968

PARCEL I.D. NUMBER:
3-30-11.00-409
(Buffer, drainage, utility and stormwater management easement areas)

THIS DEED, made this 4th day of November, A.D. 2005, by and between:

MG DEVELOPMENT, LLC, a Delaware Limited Liability Company, of 14701 Coastal Highway, Milton, Delaware 19968, and **COUNTRY LIFE HOMES, INC., a Delaware corporation**, of 14701 Coastal Highway, Milton, Delaware 19968, Grantors,

- A N D -

MATLINDS ESTATES HOMEOWNERS ASSOCIATION, having an address of 14701 Coastal Highway, Milton, Delaware 19968, Grantee.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of **ONE DOLLAR ($1.00)**, current lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, their heirs and assigns:

ALL those certain parcels of land lying and being in Cedar Creek Hundred, City of Milford, State of Delaware within the subdivision known as Matlinds Estates, the record plan of which is recorded in the Office of the Recorder of Deeds at Georgetown, Delaware in Plot Book 54, page 283, as amended in Plot Book 95, page 69 and as further amended in the CORRECTIVE SURVEY OF LANDS TO BE CONVEYED of record in Plot Book 100, page 11 in the Office of the Recorder of Deeds at Georgetown, Sussex County, Delaware, including the following areas:

TRACT 1: All of the 20 foot wide stormwater management area consisting of 41,841 square feet (.96 acres) lying between Lots 10 and 11 as shown and as depicted on the aforesaid CORRECTIVE SURVEY OF LANDS TO BE CONVEYED.

Consideration: 0.00 Exempt Code: A

County	State	Total
0.00	0.00	0.00

Counter Date: 11/18/2005

TRACT 2: All of the 30 foot wide drainage easement area lying along and adjacent to the westerly boundary of Matlinds Estates consisting of 29,000 square feet (.67 acres) as depicted on the aforesaid CORRECTIVE SURVEY OF LANDS TO BE CONVEYED.

TRACT 3: All of the 30 foot wide buffer area lying along and adjacent to the southwesterly boundary of Matlinds Estates containing 48,208 square feet (1.11 acres) as depicted on the aforesaid CORRECTIVE SURVEY OF LANDS TO BE CONVEYED.

TRACT 4: All of the 20 foot wide drainage and utility easement area consisting of the rear 20 feet of Lots 1 through 25 and Lot 29 with the portion of said easement lying within the rear boundaries of Lots 1 through 15 consisting of 81,900 square feet (1.88 acres) as depicted on the aforesaid CORRECTIVE SURVEY OF LANDS TO BE CONVEYED.

TRACT 5: All of the 20 foot wide drainage easement consisting of the rear 20 feet of Lots 16 through 25 containing 81,386 square feet (1.87 acres); the northeasterly 20 feet of Lot 29 consisting of 2,318 square feet (.05 acres); and the 20 foot strip having its centerline along the common boundary between Lots 2 and 3 and containing 3,120 square feet (.07 acres), as depicted on the aforesaid CORRECTIVE SURVEY OF LANDS TO BE CONVEYED.

The above described lands are conveyed subject to the following easements reserved by the grantor to the grantor and the City of Milford:

1. A perpetual non-exclusive easement is hereby reserved unto MG Development, LLC, its successors and assigns, to all of the above described areas for the use and benefit of MG Development, LLC granting it access to and the use of said lands for the purpose of conveying surface and stormwater from Hearthstone Manor across the above conveyed easement areas to the stormwater management area in Matlinds Acres.

2. A perpetual non-exclusive easement hereby reserved and granted unto the City of Milford, its successors and assigns to all of the above described areas for the use and benefit of the City of Milford granting it access to and the use of said areas for such municipal purposes as may be necessary and/or desirable to allow the City of Milford to provide utility and other municipal services to the Matlinds Estates Subdivision and/or to interconnect to or with municipal utilities in other subdivisions and/or areas outside the boundaries of Matlinds Estates, which shall include the right to construct, install and maintain such below or above ground utility lines, pipes, conduits and other facilities and/or equipment and structures for the transmission, collection and distribution of municipal services to and through the Matlinds Estates Subdivision.

BEING a part of the same lands conveyed to MG Development, LLC by deed of Timothy S. Johnson dated April 20, 2000 of record in Deed Book 2447, page 248.

The 20 foot wide drainage and/or utility easements granted over the rear 20 feet of Lots 11 through 14 and 16 through 20 and Lot 22 are a part of the same lands conveyed by Timothy S. Johnson to Country Life Homes, Inc. by deed dated April 16, 1003 of record in Deed Book 2826, page 125.

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

Signed, Sealed and Delivered
in the Presence of:

Carol A. Wilkins

CAROL ANN WILKINS
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES
SEP 23 2007

MG DEVELOPMENT, LLC

By: Country Life Homes, Inc.
Managing Member

By: _____
Elmer G. Fannin, President

COUNTRY LIFE HOMES, INC.

By: _____
Elmer G. Fannin, President

Attest: _____
Elmer G. Fannin, Secretary

STATE OF DELAWARE :
: **ss.**
COUNTY OF SUSSEX :

BE IT REMEMBERED, That on this 4th day of November, A.D., 2005, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, **ELMER G. FANNIN, President of Country Life Homes, Inc.,** a corporation existing under the laws of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said corporation; that the signature of the President thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said corporation; and that his act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of the Board of Directors of the said corporation.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

City of Milford
Realty Transfer Tax
Serial # 1525
Amount 0
Date 11/18/05
By Stacie

Carol A. Wilkins
Printed Name: CAROL A. WILKINS
Title: NOTARY PUBLIC
Commission Expires: 9-23-07

CAROL ANN WILKINS NOTARY PUBLIC STATE OF DELAWARE MY COMMISSION EXPIRES SEP 23 2007

STATE OF DELAWARE :
: **ss.**
COUNTY OF SUSSEX :

BE IT REMEMBERED, That on this 4th day of November A.D., 2005, personally came before me, a Notary Public for the State and County aforesaid, ELMER G. FANNIN, Managing Member of **MG Development, LLC**, a Delaware Limited Liability Company existing under the laws of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said corporation; that the signature of the President thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said corporation; and that his act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of the Members of the Limited Liability Company.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Carol A. Wilkins
Printed Name: CAROL A. WILKINS
Title: NOTARY PUBLIC
Commission Expires: 9-23-07

CAROL ANN WILKINS NOTARY PUBLIC STATE OF DELAWARE MY COMMISSION EXPIRES SEP 23 2007

RECORDER OF DEEDS
JOHN F. BRADY
05 NOV 18 PM 3:53
SUSSEX COUNTY
DOC. SURCHARGE PAID

Received
NOV 21 2005
ASSESSMENT DIVISION
OF SUSSEX CTY

Matlinds Estates Homeowners Association
PO Box 705
Milford, DE 19963

February 17, 2023

Good Day,

Rob, in receipt of your letter and West Shores interest of the access to our property of Matlinds Estate and its residents of Matlinds Estate HOA.

The notification from the City of Milford and West Shores Community regarding the easement in the Matlinds Estate Development.
The maintenance and repair of easement, piping, drainages, landmass and maintenance of the system in general. As well as that which extends to the Matlinds Estate residents current and future will be maintained and repaired by City of Milford and West Shores Development and HOA Community of West Shores. Responsibility of said such area will begin immediately of Friday, February 17, 2023.

Thank you for the notification regarding the matter.

Sincerely,

Veronica Austin

Veronica Austin

President HOA

President - Veronica Austin 304 Matthew Circle 302-424-3663 lovejoi29@hotmail.com
Vice President - Len Rienzi 320 Matthew Circle 302-424-3560 jjall@comcast.net
Vice President - Greg Weist 514 Matthew Circle 724-612-5837 gandlwiest@gmail.com
Secretary - Connie Smith 800 Joshua Drive 302-245-2119 issmithrn@comcast.net
Treasurer- Sherrie Shupe 805 Joshua Drive 302-542-1042 sashupe0213@comcast.net

TAX MAP 3-30-11.00-407.00
NO TITLE EXAMINATION
REQUESTED OR PERFORMED
Prepared by and Return to:
City of Milford
201 S. Walnut Street
Milford, DE 19963

LICENSE AGREEMENT

This **LICENSE AGREEMENT**, made this _____ day of _____, 2023 between the **CITY OF MILFORD**, a political subdivision of the State of Delaware (hereinafter the "Licensor") and **DIAMOND LAND MANAGEMENT, LLC**, a Delaware limited liability corporation (hereinafter "Licensee").

WHEREAS the Licensor, its successor and assigns had reserved to it a perpetual nonexclusive utility easement on real property located in Sussex County, Delaware, said parcel of land (hereinafter referred to as the "Property") being described as Sussex County Tax Parcel No. 3-30-11.00-407.00 as furthermore fully described in the Sussex County Deed Book 3233-288. The "Property" is considered "Buffer Area" within the Matlinds Estates residential development as shown on PB 100 PG 11 on file with the Sussex County Recorder of Deeds Office and is owned by Matlinds Estates Homeowners Association. The Licensor hereby assigns to the Licensee the hereafter described licenses in order to facilitate the installation and maintenance of a stormwater outfall pipe, stormwater manholes, outfall and related appurtenances as depicted on **Exhibit A** within the City of Milford utility easement. The improvements will be constructed and maintained at the Licensee's expense.

NOW THEREFORE, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the parties hereunto do hereby agree as follows:

1. The Licensor hereby assigns to the Licensee and the Licensee hereby accepts from the Licensor a limited license which shall permit the Licensee to utilize a portion of the City of Milford utility easement as depicted on Exhibit A attached hereto and made part hereof for the Licensee's purpose of installing a stormwater outfall pipe, stormwater manholes, outfall and related appurtenances conveying stormwater for the West Shores at New Milford subdivision from an existing stormwater management pond located on Sussex County Tax Parcel 3-30-11.00-006.06 to the Cedar Creek Road State of Delaware Department of Transportation right-of-way as approved by the State of Delaware Department of Transportation and Sussex Conservation District. The purpose of the installation of the stormwater pipe is to provide an adequate outfall pipe and discharge for a failed infiltration stormwater pond within the West Shores at New Milford development.
2. The License granted herein shall be limited to the area depicted on Exhibit A attached hereto and made part hereof.
3. The license shall commence as of the date of this agreement and continue until the earlier of (a) the 20th anniversary of the License Agreement, unless extended by the

parties in writing no later than ninety (90) days prior to the 20th anniversary, or (b) mutual agreement of the parties to terminate this agreement.

4. Licensor also grants to Licensee a temporary construction easement to facilitate the Licensee in constructing the improvements depicted on Exhibit A.
5. The improvements will be constructed by the Licensee and all costs of construction and maintenance will be borne by the Licensee. The improvement shall be maintained in good order and repaired as necessary by the Licensee, and Licensor shall have no obligations for any cost of maintenance or repair.
6. The Licensee shall restore the disturbed area used for the temporary construction easement upon completion of construction to prior conditions.
7. Licensee recognizes the improvements will be within a City of Milford utility easement and land owned by Matlinds Estates Homeowners Association and holds harmless the Licensor and Matlinds Estates Homeowners Association for any damage caused to the improvements now and in the future of the City and HOA.
8. Licensee shall be fully responsible for all claims arising as a result of the Licensee's use and occupancy at the area depicted on Exhibit A as well as the area of the temporary construction for the facilities and will indemnify and hold harmless Licensor and Matlinds Estates Homeowners Association from all claims and costs including reasonable defense costs arising out of claims made as a result of the Licensee's utilization in the area depicted on Exhibit A.
9. In the event Licensee fails to fulfill any obligation for repair, maintenance, liability coverage or damages arising from Licensee's breach of any obligation in the License Agreement which are assumed by or found to be the responsibility of the City for failure of the Licensee to comply, the City will have the right to assess a lien against Sussex County Tax Parcel 3-30-11.00-006.06 containing the stormwater management pond for the West Shores at New Milford subdivision for the City's expenses or costs to be collected in the same manner as collection for delinquent taxes.
10. The within license will be binding upon the parties hereinto as well as their respective successors, heirs, personal representatives and assigns.
11. The Licensee, at the time the ownership, maintenance and control of the common area of West Shores at New Milford are conveyed or transferred to the West Shores at New Milford Homeowners Association, shall assign this License to said HOA which shall thereafter become obligated to perform all duties and obligation of Licensee herein. Licensee shall give written notice of the assignment to the Planning Department Director of the City of Milford, and until such written notice of the assignment is received by the City, the Licensee herein shall remain obligated as if the assignment had not occurred.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

DRAFT

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their officers and their seals to be herewith affixed, this day and year first above written.

Signed, sealed and delivered in the presence of:

DIAMOND LAND MANAGEMENT, LLC

_____ _____(SEAL)
Attest

By:_____
Printed Name/Title

Sworn to and subscribed before me this ____ day of _____, 2023.

_____ _____
Notary Public Date Commission Expires

CITY OF MILFORD

_____ _____(SEAL)
Attest/City Clerk By: Mayor Arthur J. Campbell

Sworn to and subscribed before me this ____ day of _____, 2023.

_____ _____
Notary Public Date Commission Expires

DRAFT

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

THE CITY of Milford DELAWARE

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

TO: Mayor and City Council

FROM: Rob Pierce, Planning Director

DATE: November 13, 2023

RE: Windward on the River – Regional Sewer Pump Station & Related Infrastructure
Windward on the River, LP (Windward) – Amended Development Agreement
Milford Marina, LLC (Knight Crossing) – Development Agreement

---

Windward executed a development agreement with the City of Milford on October 18, 2019 (see enclosed) related to the construction of a 264-unit apartment project located off Beaverdam Road. The agreement included a requirement to construct a regional sanitary sewer pumping station, force main and gravity sewer main that would accommodate anticipated sewer flows from Windward on the River – Residential (264 Equivalent Dwelling Units (EDUs)), Windward on the River – Commercial (50 EDUs) as well as Knight Crossing (131 EDUs). The City required Knight Crossing to enter into a private cost-sharing agreement with Windward to facilitate Windward's recovery of the pro-rata cost attributable to Knight Crossing sewer capacity needs. Both Windward and Knight Crossing were made aware of these terms early on in the development review process and both parties agreed in principle.

The Windward on the River apartment project obtained final approval from the City in 2019 and completed construction of the required sanitary sewer pump station, force main and extended the gravity sewer to the Knight Crossing development in 2021.

Due to unforeseen circumstances, the Knight Crossing project progressed at a much slower pace than the Windward on the River project, and a private cost-sharing agreement for the sewer infrastructure was never executed between the parties.

In an effort to resolve the timing difference and promote continued development across the regional sewer collection area, staff is recommending that the City acquire the pro-rata share of the sewer infrastructure improvements attributable to Knight Crossing's sewer capacity from Windward for $468,549.10, representing Knight Crossing's contribution to the sewer infrastructure. In order to do so, the original Windward on the River development agreement would need to be amended. Enclosed is a copy of the draft amendment for review.

Additionally, staff recommends that the City recover its investment in the sewer infrastructure through Aid-in-Construction (AIC) fees that would be collected at the time of building permit issuance for the first 122 EDUs of the Knight Crossing development. The AIC fee would be subject to increase on July 1st each year at the same rate of increase as the City Sewer Impact Fee as adopted by City Council. If authorized by City Council, we would add this AIC fee to the City fee schedule for tracking purposes at a later date.

Both Windward on the River, LP and Milford Marina, LLC (Knight Crossing) are agreeable to the terms outlined above and in the draft development agreements and amendments.

Staff recommends City Council authorize the Mayor to execute an amendment to the Windward on the River development agreement and authorize a one-time payment from the City to Windward on the River, LP in the amount of $468,549.10 for costs related to the design and construction of the regional sewer pumping station, force main and gravity sewer main to be paid from Sewer Impact Fee Reserves.

Staff recommends City Council authorize the Mayor to execute the Knight Crossing development agreement requiring the developer to remit scheduled AIC fees per EDU in consideration of the City's contribution to the regional sewer pumping station and related infrastructure in the initial amount of $468,549.10 in the form outlined in the agreement. Fees collected shall be reimbursed to the City's Sewer Impact Fee Reserves.

WINDWARD ON THE RIVER
RESIDENTIAL SITE PLAN

DEVELOPMENT AGREEMENT
CITY OF MILFORD, DELAWARE

This Agreement, hereinafter the **AGREEMENT,** dated this 18th day of October, 2019, by and between the equitable property owner **WINDWARD ON THE RIVER, LP,** a Delaware Limited Partnership, hereinafter the "**OWNER**",

AND

The **City of Milford**, a municipal corporation of the State of Delaware, hereinafter the "**CITY**".

WHEREAS, the OWNER is proposing to construct a 264-unit multi-family housing project named Windward on the River – Residential, located on Sussex County Tax Parcel Numbers 3-30-7.00-033.00 & 3-30-11.00-264.00 located along the west side of Beaver Dam Road, hereinafter the "**PROJECT,**

WHEREAS, the OWNER, intends to develop the parcel in accordance with the project plans previously reviewed and approved by the City, hereinafter "**THE PLANS,**

WHEREAS, it is a requirement of the CITY's Ordinance that properties within the CITY are connected to the municipalities' electrical, water and sewer systems;

WHEREAS, the OWNER, shall complete all improvements of the PROJECT as shown on THE PLANS.

NOW THEREFORE, in consideration of the requirements of the CITY and the services required by the OWNER, the parties hereto agree, under seal, as follows:

ARTICLE ONE

DEFINITIONS

1.1 AS-BUILTS include a set of detailed record plans prepared by the OWNER that include surveyed elevations and horizontal locations of all property monuments/markers; sewer manhole rims, pipe sizes and inverts, pump station force main inverts every 50 feet, cleanouts, air release valves, grease traps; all water valves, hydrants, vaults, meter pits and curb stops; all storm sewer catch basins, manhole rims, pipe sizes and inverts, and any other item which will be taken over by the CITY.

1.2 BENEFICIAL OCCUPANCY means satisfactory completion and inspection of the storm water, sanitary sewer, water and electrical systems; a "Notice to Operate" from the Delaware Division of Public Health; base coat of hot mix to the roads and parking areas;

and AS-BUILT plans provided by the OWNERS engineer. The CITY will operate the utilities during BENEFICIAL OCCUPANCY at the expense of the OWNER.

1.3 CITY means "the City of Milford."

1.4 CONDITIONAL ACCEPTANCE means completion of the improvements required by the PLANS following an inspection by the CITY of such improvements and completion of any unresolved issues identified during the inspection by the OWNER. The OWNER shall provide, prior to CONDITIONAL ACCEPTANCE, a maintenance bond in the amount of ten percent (10%) of the construction contract costs for all items of work which are to be operated and maintained by the CITY upon completion of each phase. CONDITIONAL ACCEPTANCE begins the one (1) year warranty period.

1.5 CONTRACTOR means a licensed contractor, which is contracted, or to be contracted, by the OWNER to construct and complete the improvements required by the PLANS.

1.6 DEPARTMENT means the CITY Public Works Department or Designee authorized by the City to represent the CITY and the DEPARTMENT.

1.7 ENGINEER means the engineer, which is contracted, or to be contracted, by the OWNER to provide professional consultant services for the PROJECT.

1.8 FINAL ACCEPTANCE means the improvements required by the PLANS have been satisfactorily installed and inspected by the CITY and the OWNER has been released from any and all obligations associated with the PROJECT or that portion of the project.

1.9 PROJECT means the improvements to the site or portion of the site required by the PLANS and any and all accessories, equipment and other incidentals required to provide satisfactory and complete use of such project.

1.10 SPECIFICATIONS mean the CITY of Milford Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, as revised.

1.11 WORKING DAY means any calendar day in which the CONTRACTOR performs construction operations.

ARTICLE TWO

SCOPE OF SERVICES

2.1 OWNER

2.1.A All design and construction work required for the satisfactory completion of the PROJECT shall be the responsibility of the OWNER, subject to the approval of the CITY and the DEPARTMENT.

2.1.B All design and construction shall be subject to the approval of all Federal, Regional, State, County, CITY, and other public governmental agencies, hereinafter the "AGENCIES", insofar as the interest of each is concerned. All design and construction

shall be subject to the approval of the AGENCIES, insofar as the interest of each is concerned.

2.1.C Close cooperation between the AGENCIES and the OWNER is intended in order that the interest of the AGENCIES may best be served. The OWNER shall confer when and where requested by the CITY with the CITY and with representatives of the AGENCIES. The OWNER shall maintain a continuing and close liaison with the DEPARTMENT in order to resolve questions and obtain needed approvals from the AGENCIES so as to permit the work effort for the PROJECT to be uninterrupted.

2.1.C At all times, the OWNER will have the right to cause the ENGINEER or the OWNER'S agents to participate in the planning and meetings and determination of the course of construction of the work to be performed, as it affects the PROJECT.

2.1.D The OWNER shall provide administration of the construction contract documents.

2.1.E The OWNER shall be allowed to construct the project in phases provided the PROJECT phasing plan is approved by the CITY prior to start of construction and that all infrastructure necessary to support each phase is installed and completed to the satisfaction of the CITY.

2.2 CITY

2.2.A The CITY shall promptly review and approve all plans and submittals relating to the PROJECT. Any changes to the approved PLANS may result in a resubmission by the OWNER to the CITY for re-approval. Said changes must be submitted in writing with appropriate backup information by the OWNER to the CITY for determination of the process necessary to approve or disapprove such a change.

2.2.B The CITY shall promptly conduct construction inspection on improvements to the entire PROJECT within the public right-of-way and/or improvements to be dedicated to the CITY.

2.2.C The CITY shall promptly review and approve plans for building construction of the PROJECT and promptly conduct inspections thereof.

2.2.D The CITY shall set all water meters. OWNER will set meter pit and sewer cleanout frame and cover as shown in the approved construction drawings and as approved by the City Engineer.

ARTICLE THREE

FEE STRUCTURE

3.1 The OWNER shall be subject to the following fees:

3.1.A The following fees shall be paid in accordance with the fee schedule of the CITY that is in effect at the time a notice to proceed is issued for each phase of the project:

3.1.A.2 Engineering Plan Review Fees: OWNER shall be responsible for any and all professional service costs associated with their project plus an additional 10% to cover CITY administration costs. These costs will be billed as encumbered.

3.1.A.3 Project Management and Infrastructure Inspection Fees: The OWNER shall provide 4% of the construction contract costs for all items of work which are to be operated and maintained by the CITY upon project completion prior to construction commencement. If CITY expenses exceed the amount provided, the OWNER shall cover additional expenses.

3.1.B The development is subject to the fees in effect at the time of building permit issuance in accordance with the fee schedule adopted by the City, which may include but is not limited to the following;

3.1.B.1 Water Meter Fee;

3.1.B.2 Water Connection Fee;

3.1.B.3 Water Impact Fee;

3.1.B.4 Fire Connection Fee;

3.1.B.5 Sewer Connection Fee;

3.1.B.6 Sewer Impact Fee (City);

3.1.B.7 Sewer Impact Fee (County);

3.2.B.8 Electric Connection Fee;

3.1.B.9 Electric Impact Fee;

3.1.B.10 Building Permit Fee;

3.1.B.11 Certificate of Occupancy Fee; and,

3.2 If this AGREEMENT is terminated prior to the completion of the scope of work, the payment made in accordance with Section 3.1 of this AGREEMENT, shall not be refunded.

ARTICLE FOUR

BUILDING PERMITS / CERTIFICATES OF OCCUPANCY

4.1 A building permit shall be issued for a building within the Project upon approval of the building plans by the CITY Building Inspectors office. As previously stated, utility work shall not proceed until the PROJECT PLANS are approved by the CITY.

4.2 Street addresses for the units within the PROJECT shall be obtained from the County 911 address system prior to the issuance of any building permits.

4.3 A Certificate of Occupancy shall not be issued until all approvals are obtained from the various inspection agencies for safe occupation of the building and for access to the site. Additionally, all water, sewer and electric utilities must be complete, tested and accepted and the CITY must have BENEFICIAL OCCUPANCY of the water, sewer and electric utilities within the applicable phase of the Project prior to issuance of a Certificates of Occupancy.

ARTICLE FIVE

OWNER'S RESPONSIBILITIES

5.1 The OWNER shall employ only Registered Architects licensed in the State of Delaware to perform any architectural work required for the scope of services specified in Article 2 of this AGREEMENT. All plans and specifications containing architectural work shall be stamped with the seal of a Registered Architect, registered in the State of Delaware.

5.2 The OWNER shall employ only Registered Professional Engineers licensed in the State of Delaware to perform any engineering work required for the scope of services specified in Article 2 of this AGREEMENT. All plans and specifications containing engineering work shall be stamped with the seal of a Professional Engineer registered in the State of Delaware.

5.3 The OWNER shall employ only Registered Professional Land Surveyors licensed in the State of Delaware to perform any survey work required for the scope of services stages specified in Article 2 of this AGREEMENT. All plans and specifications containing survey work shall be stamped with the seal of a Professional Land Surveyor registered in the State of Delaware.

5.4 The OWNER in the performance of its work for the PROJECT shall hold harmless, indemnify and defend the CITY from any claims or liability due to the negligence of the OWNER and the OWNER'S agents or employees.

5.5 The OWNER warrants that in the event errors or omissions are found in the final design documents after the construction contract has been awarded, and these errors or omissions result in increased cost, whether design, construction or otherwise, the OWNER shall be liable for all additional cost incurred as a result of such error or omission by the OWNER and the OWNER'S agents or employees; provided, however, this Section 6.5 shall not be construed to prohibit OWNER from recovering such costs from any person liable or found liable for such errors or omissions.

5.6 The OWNER warrants that he has not employed or retained any company or person, other than OWNER's agent or a bona fide employee working solely for it to solicit or secure this AGREEMENT, and that OWNER has not paid or agreed to pay any company or person, other than OWNER's agent or a bona fide employee working solely for it, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent

upon or resulting from the making of this AGREEMENT. For breach or violation of this warranty the CITY shall have the right to terminate this AGREEMENT without liability, at its discretion and retain the fees paid pursuant to Article III of this AGREEMENT.

5.7 The CONTRACTOR shall protect itself from claims under the Workmen's Compensation Act by having insurance as required by law from an insurance company authorized to do business in the State of Delaware at the following minimums:

5.7.1 Bodily injury liability insurance in an amount not less than $250,000.00 for injuries including accidental death, to any one person, and subject to the same limits for each person, in an amount not less than $500,000.00 for any one accident in an insurance company authorized to do business in the State of Delaware.

5.7.2 Comprehensive property damage insurance for the PROJECT.

5.7.3 Automobile bodily injury liability insurance in an amount not less than $250,000.00 for injuries including death, to any one person, and, subject to the same limits for each person, in an amount not less than $500,000.00 on account of any one accident in an insurance company authorized to do business in the State of Delaware.

5.7.4 Automobile property damage liability insurance in an amount not less than $100,000.00 for any one accident in an insurance company authorized to do business in the State of Delaware.

5.7.5 Certificate of Liability Insurance naming the CITY as an additional insured.

5.7.6 The procuring of all insurance as set forth in this Article or elsewhere in this Agreement shall be in addition to and not in any way in substitution for all the other protection provided under this AGREEMENT.

5.8 The CONTRACTOR shall secure, maintain and furnish the DEPARTMENT copies of its CITY and State of Delaware business licenses. The OWNER shall also furnish the DEPARTMENT with such copies of licenses and authorizations for its agents and subcontractors.

5.9 The OWNER shall comply with all Federal, Regional, State, County, City, and all other laws applicable to the work to be done under this AGREEMENT.

5.10 The OWNER shall notify the DEPARTMENT in writing if it is of the opinion that any work exceeds the scope of services specified in Article 2 of this AGREEMENT. The DEPARTMENT shall render the final decision after reviewing the OWNER'S written opinion.

5.11 The OWNER shall meet with the DEPARTMENT in the event that any matter cannot be resolved in a mutually satisfactory manner. All interested parties shall be present with the DEPARTMENT hearing all arguments and rendering a decision.

5.12 The OWNER shall provide all labor, all services, all materials and the like necessary to satisfactorily complete the scope of services contained in Article 2 of this AGREEMENT for the PROJECT.

5.13 The OWNER shall be responsible for all costs due to testing and inspection of materials and equipment to ascertain that all such materials and equipment are in accordance and in compliance with the SPECIFICATIONS.

5.14 The OWNER shall be liable for any damage to the PROJECT, including off-site and/or third party damages that are a result of activities related to the development of the PROJECT, until the PROJECT is completed and passed FINAL ACCEPTANCE.

5.15 The OWNER is required to maintain the PROJECT until FINAL ACCEPTANCE. Maintenance includes but is not limited to: snow removal, debris removal, patching roads, street signage repairs, etc.

5.16 Project, plans, maps, descriptions, specifications, records and documents made by the ENGINEER shall be delivered to the DEPARTMENT and become the property of the CITY after BENEFICIAL OCCUPANCY of the PROJECT by the DEPARTMENT.

5.17 The OWNER shall confer with the DEPARTMENT during the PROJECT as to the interpretation of the PLANS and for the correction of errors and omissions and shall prepare any necessary design plans therefore.

5.18 The ENGINEER shall make all revisions, modifications, additions, and changes in the PLANS, as lawfully required by the DEPARTMENT.

5.19 Any required easements are to be in effect prior to receiving a Notice to Proceed. The Developer may request assistance from the City for acquiring easements for the off-site water main extension or proposed sanitary force main.

5.20 Prior to BENEFICIAL OCCUPANCY, the CITY shall be paid all additional costs incurred as calculated in Article 3 of this AGREEMENT.

5.21 Prior to BENEFICIAL OCCUPANCY, the ENGINEER shall provide two sets of prints and a CD in AutoCAD Format to the DEPARTMENT depicting the "AS-BUILT" conditions of the satisfactorily completed PROJECT. The information for the preparation of such prints shall be based on the information furnished by the CONTRACTOR from its own participation and control of the PROJECT as specified in the scope of services in Article 2 of this AGREEMENT. All prints shall bear the ENGINEER'S seal and signature.

5.22 Prior to FINAL ACCEPTANCE, the OWNER shall obtain from the CONTRACTOR, its subcontractors, and other persons and organizations executing portions of the work for the PROJECT a standard release of liens from all applicable parties, excepting the DEPARTMENT, stating that the PROJECT has been satisfactorily completed within the terms and conditions of its contract and is free and clear of any and all liens, claims, security interests and/or encumbrance and provide a copy to the DEPARTMENT.

5.23 The OWNER shall pay for all costs associated with the design and construction of the water improvements as shown on the approved PROJECT PLANS and in accordance with all Federal, State and City standards, specifications and requirements.

5.23.1 The OWNER shall be responsible for the construction of the required off-site water main extension from the PROJECT to the determined connection point located along S. Rehoboth Boulevard as approved by the City Engineer. Off-site improvement plans must be approved by the City prior to the issuance of any Notice to Proceed for on-site construction.

5.24 The OWNER shall pay for all costs associated with the design and construction of the sanitary sewer system improvements as shown on the approved PROJECT PLANS and in accordance with all Federal, State and City standards, specifications and requirements.

5.24.1 The OWNER shall be responsible for the design and construction of the regional sanitary sewer pumping station, force main and off-site gravity sewer as approved by the CITY. This system shall be designed to accommodate anticipated sewer flows from the following projects;

Windward on the River – Residential – 264 Equivalent Dwelling Units (EDUs)
Windward on the River – Commercial – 50 EDUs
Knight Crossing – 131 EDUs

The CITY shall require a note on the record plan of Knights Crossing requiring the developer of Knights Crossing to enter into a cost sharing agreement with OWNER related to the requirements of this Section 5.24.1.

5.24.2 The pump station, force main and off-site gravity sewer must be designed, permitted and approved by the CITY prior to the issuance of any Notice to Proceed for on-site construction.

5.24.3 The OWNER shall design and construct the gravity sanitary sewer interceptor through the PROJECT site to the adjacent development called Knight Crossing in accordance with the provisions of Section 5.24. The gravity interceptor should be designed to accommodate the future development of this parcel and be installed deep enough to serve the proposed adjacent development by gravity as approved by the City Engineer.

ARTICLE SIX

CITY'S RESPONSIBILITIES

6.1 With the construction contracts being awarded by the OWNER, the ENGINEER, as the representative of the OWNER shall advise and consult with the DEPARTMENT. The DEPARTMENT shall have authority to act on behalf of the CITY to the extent provided in the SPECIFICATIONS unless otherwise modified in writing by the CITY. The DEPARTMENT shall upon request of OWNER or its designated agent, schedule,

administer and coordinate a pre-construction meeting of all applicable parties prior to the issuance of a written notice to proceed to the OWNER to begin the construction work.

6.2 The DEPARTMENT shall make periodic visits at least once each calendar week and more often if required to the construction site of the PROJECT to determine in general if the work being executed by the contractors is proceeding in sequence and accordance with the SPECIFICATIONS. The DEPARTMENT shall determine the quality of the executed work by the CONTRACTOR during its periodic visits. The DEPARTMENT shall endeavor to guard the CITY against defects and deficiencies in the work executed by the OWNER'S contractors. The DEPARTMENT shall disapprove or reject any work executed by the CONTRACTOR that fails to conform to the SPECIFICATIONS.

6.3 The DEPARTMENT shall review and approve or disapprove all shop drawings, samples, the results of tests and inspections and other data which any contractor is required to submit for conformance with the design concept of the PROJECT and compliance with the SPECIFICATIONS. The DEPARTMENT shall receive and review maintenance and operating instructions, schedules, guarantees, bonds, or bond reductions, and certificates of inspection, which are to be assembled by the OWNER'S contractors in accordance with the submittal requirements of the DEPARTMENT.

6.4 The DEPARTMENT shall receive three (3) copies of the herein before stated information given by the CONTRACTOR for the records and the use of the CITY.

6.5 The DEPARTMENT shall have the authority to reject all work executed by the CONTRACTOR which does not conform to the SPECIFICATIONS. Whenever in its reasonable opinion the DEPARTMENT considers it necessary or advisable to insure the proper implementation of the intent of the SPECIFICATIONS, the DEPARTMENT shall have the authority to require special inspection or testing of all work executed by the OWNER'S contractors in accordance with the SPECIFICATIONS whether or not such work be then fabricated, installed and/or completed.

6.6 PROCEDURES FOR PROJECT CLOSEOUT

6.6.A BENEFICIAL OCCUPANCY

6.6.A.1 Prior to the completion of each phase of the PROJECT, a BENEFICIAL OCCUPANCY inspection will be performed by the CITY. The CONTRACTOR and the DEPARTMENT will determine when the PROJECT is ready for an inspection in accordance with the terms discussed during the preconstruction meeting.

6.6.A.2 The DEPARTMENT, after receipt of "Notice to Operate" from the State of Delaware Department of Health, will schedule the BENEFICIAL OCCUPANCY inspection and notify the OWNER, the ENGINEER and the CONTRACTOR.

6.6.A.3 If construction is found satisfactory at the inspection, and upon receipt of the "Notice to Operate" from the Delaware Division of Public Health,

the DEPARTMENT will grant BENEFICIAL OCCUPANCY thus, enabling the OWNER to allow connections to the sanitary sewer and water system(s) by the OWNER.

6.6.A.4 No sewer or water connections will be permitted at the water meter vault or sewer cleanout until after BENEFICIAL OCCUPANCY is granted by the CITY.

6.6.B CONDITIONAL ACCEPTANCE

6.6.B.1 The OWNER and the DEPARTMENT will determine when the PROJECT is ready for the CONDITIONAL ACCEPTANCE inspection in accordance with the terms discussed during the preconstruction meeting.

6.6.B.2 All pavement will be in place and all concrete installation and grading around the sewer clean outs, water meter pits and electrical transformers shall be completed prior to the CONDITIONAL ACCEPTANCE inspection.

6.6.B.3 The DEPARTMENT will schedule the CONDITIONAL ACCEPTANCE inspection and notify the OWNER and the CONTRACTOR.

6.6.B.4 If all construction is found satisfactory at the inspection, the DEPARTMENT will recommend CONDITIONAL ACCEPTANCE of the PROJECT to the CITY Council.

6.6.B.5 The OWNER shall provide, prior to CONDITIONAL ACCEPTANCE, a maintenance bond in the amount of ten percent (10%) of the construction contract costs for all items of work which are to be operated and maintained by the CITY upon completion of each phase. CONDITIONAL ACCEPTANCE begins the one (1) year warranty period.

6.6.C FINAL INSPECTION

6.6.C.1 Prior to the end of the one-year warranty period, a FINAL ACCEPTANCE inspection shall be scheduled by the DEPARTMENT.

6.6.C.2 If all construction is satisfactory, then FINAL ACCEPTANCE has been achieved.

6.6.C.3 If corrections are needed, a punch list will be compiled by the DEPARTMENT and sent to the OWNER and the CONTRACTOR.

6.6.C.4 Upon completion of the corrections, the DEPARTMENT will verify the acceptance of the corrections. If all corrections are found to be satisfactory, then FINAL ACCEPTANCE will have been achieved and

the CITY will release the balance of the maintenance bond upon FINAL ACCEPTANCE.

ARTICLE SEVEN

INDEPENDENT CONTRACTOR

7.1 The CONTRACTOR shall be responsible for its own acts and those of its subordinates, employees and subcontractors during the term of this AGREEMENT. OWNER shall indemnify, hold harmless and defend the CITY, its members, officers, agents and employees of, from and against all claims, suits, judgments, expense, actions, damages, and cost of every name and description, arising out of and or resulting from negligence of the CONTRACTOR under this AGREEMENT; provided, however, such indemnification shall not affect the right of OWNER to reimbursement from the CONTRACTOR.

ARTICLE EIGHT

ELECTRIC INSTALLATION

8.1 The OWNER will be responsible to pay for all, or a portion of, electric distribution upgrades or primary line extensions that are required to service the PROJECT, at the sole discretion of the CITY. The CITY shall design and install the Primary Electric Infrastructure inside the PROJECT, at current cost plus 10% handling, to be paid by OWNER. Payment shall be due before or at the Pre-Construction meeting date. No material will be ordered or released before payment is received. Any changes to the PROJECT PLANS which result in the redesign of the electrical system shall also be paid for by the OWNER.

8.2 The OWNER will install all meter pans, disconnects, and secondary electric services at the locations determined by the CITY.

8.3 The OWNER will install all conduits per CITY specifications for road crossings, including under blacktop and anywhere soil completion is necessary.

8.4 OWNER shall be responsible for any damaged equipment or material until final acceptance.

8.5 If applicable the OWNER shall be responsible for identification of lots by lot numbers within a minimum of 10 working days of the installation of the electric infrastructure, with a sign clearly legible from the roadway.

8.6 OWNER shall be responsible for establishing site grades to within six (6) inches of proposed elevation prior to the electrical service being installed. Should changes to electrical service be required based on the proposed grade not being properly established all cost associated with said changes shall be the responsibility of the OWNER.

8.7 The CITY reserves the right to obtain easements as necessary to provide electric service. These easements shall be incorporated into a final record plan at no cost to the CITY.

8.8 The CITY also reserves the right to periodically adjust any and all costs, detailed herein, due to escalating material and labor costs.

8.9 Any changes to the project which result in the redesign of the electrical system supply equipment shall also be paid for by the OWNER.

ARTICLE NINE

AMENDMENT OF AGREEMENT

9.1 This AGREEMENT may only be amended or modified by a written agreement of the parties.

ARTICLE TEN

SUCCESSORS AND ASSIGNMENTS

10.1 This AGREEMENT is binding on the parties and their successors and assigns. To the extent permitted by law, this AGREEMENT shall be a covenant running with the land.

10.2 All escrow accounts are automatically transferable to the OWNER'S successors and assigns in accordance with Delaware law.

ARTICLE ELEVEN

TERMINATION

11.1 If, for any reason or cause, conditions are encountered by the OWNER or the CITY, which require termination of this AGREEMENT and/or any modification hereof, the parties shall work in good faith to resolve such issues or amicably terminate this AGREEMENT.

11.2 In the event of termination of this AGREEMENT, the OWNER and the CITY shall take all reasonable steps to minimize the further incurrence of fees under this AGREEMENT.

ARTICLE TWELVE

INCORPORATED DOCUMENTS

12.1 This AGREEMENT incorporates by reference as fully set forth herein the following documents. All other terms and conditions of these referenced documents shall remain the same and unchanged.

12.1.1 "City of Milford Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design", as revised.

12.1.2 Additional Conditions of Final Site/Record Plan Approval.

ARTICLE THIRTEEN

GOVERNING LAW

13.1 This AGREEMENT shall be governed by the laws of the State of Delaware.

[Signatures appear on the next page]

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their officers and their seals to be herewith affixed, this day and year first above written.

Signed, sealed and delivered in the presence of:

WINDWARD ON THE RIVER, LP
By: Jack Lingo Asset Management, LLC,
Its General Partner

Attest

(SEAL)

By: Douglas Motley, Authorized Representative
Printed Name/Title

Sworn to and subscribed before me this 4th day of October, 2019.

MEGHAN ELIZABETH KERN
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES ON 10-10-2022

Notary Public

10.10.2022
Date Commission Expires

CITY OF MILFORD

Attest/City Clerk

By: Mayor Arthur J. Campbell

(SEAL)

Sworn to and subscribed before me this 10th day of Oct, 2019.

CHRISTINE R. CROUCH
NOTARY PUBLIC
State of Delaware
My Commission expires on Aug. 1, 2021

Notary Public

Date Commission Expires

WINDWARD ON THE RIVER
RESIDENTIAL SITE PLAN

DEVELOPMENT AGREEMENT AMENDMENT
CITY OF MILFORD, DELAWARE

This Agreement, hereinafter the **AGREEMENT,** dated this _____ day of _____, 2023, by and between **WINDWARD ON THE RIVER, LP,** a Delaware Limited Partnership, hereinafter the "**OWNER**",

AND

The **CITY OF MILFORD**, a municipal corporation of the State of Delaware, hereinafter the "**CITY**".

WHEREAS, this AGREEMENT amends the previously executed development agreement dated October 18, 2019 between the OWNER and the CITY pertaining to the Windward on the River-Residential project located on Sussex County Tax Parcel Number 3-30-7.00-033.00 located along the west side of Beaver Dam Road, hereinafter the "**PROJECT,**

NOW THEREFORE, in consideration of the requirements of the CITY and the services required by the OWNER, the parties hereto agree to delete and replace Section 5.24 and related subsections from the agreement dated October 18, 2019 and with the following:

5.24 The OWNER shall pay for all costs associated with the design and construction of the sanitary sewer system improvements as shown on the approved PROJECT PLANS and in accordance with all Federal, State and City standards, specifications and requirements.

5.24.1 The OWNER shall be responsible for the design and construction of the regional sanitary sewer pumping station, force main and off-site gravity sewer as approved by the CITY. This system shall be designed to accommodate anticipated sewer flows from the following projects;

Windward on the River – Residential – 264 Equivalent Dwelling Units (EDUs)
Windward on the River – Commercial – 50 EDUs
Knight Crossing – 131 EDUs

The CITY shall reimburse the OWNER $468,549.10 for the design and construction of the regional sanitary sewer pumping station, force main and gravity sewer main as approved by the City. The CITY'S contribution to the regional pump station and associated infrastructure shall be reimbursed to the City by the developer of Sussex County Tax Parcels 3-30-7.00-035.00, 036.00 and 037.00, currently known as Knight Crossing.

DRAFT

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their officers and their seals to be herewith affixed, this day and year first above written.

Signed, sealed and delivered in the presence of:

WINDWARD ON THE RIVER, L9
By: Jack Lingo Asset Management, LLC,
Its General Partner

_____ _____(SEAL)
Attest

By:_____

Sworn to and subscribed before me this ____ day of _____, 2023.

_____ _____
Notary Public Date Commission Expires

CITY OF MILFORD

_____ _____(SEAL)
Attest/City Clerk By: Arthur J. Campbell, Mayor

DRAFT

KNIGHT CROSSING
RESIDENTIAL PLANNED UNIT DEVELOPMENT

DEVELOPMENT AGREEMENT
CITY OF MILFORD, DELAWARE

This Agreement, hereinafter the **AGREEMENT,** dated this _____ day of _____, 2023, by and between the equitable property owner **MILFORD MARINA, LLC,** a Delaware Limited Liability Corporation, hereinafter the "**OWNER**",

AND

The **City of Milford**, a municipal corporation of the State of Delaware, hereinafter the "**CITY**".

WHEREAS, the OWNER is proposing to construct a 117-unit condominium community consisting of a mixture of detached and townhouse product known as Knight Crossing, located on Sussex County Tax Parcel Number(s) 3-30-7.00-035.00, 036.00 & 037.00 located along the east side of Beaver Dam Road, hereinafter the "**PROJECT,**

WHEREAS, the OWNER, intends to develop the parcel in accordance with the project plans previously reviewed and approved by the City, hereinafter "**THE PLANS,**

WHEREAS, it is a requirement of the CITY's Ordinance that properties within the CITY are connected to the municipalities' electrical, water and sewer systems;

WHEREAS, the OWNER, shall complete all improvements of the PROJECT as shown on THE PLANS.

NOW THEREFORE, in consideration of the requirements of the CITY and the services required by the OWNER, the parties hereto agree, under seal, as follows:

ARTICLE ONE

DEFINITIONS

1.1 AS-BUILTS include a set of detailed record plans prepared by the OWNER that include surveyed elevations and horizontal locations of all property monuments/markers; sewer manhole rims, pipe sizes and inverts, pump station force main inverts every 50 feet, cleanouts, air release valves, grease traps; all water valves, hydrants, vaults, meter pits and curb stops; all storm sewer catch basins, manhole rims, pipe sizes and inverts, and any other item which will be taken over by the CITY.

1.2 BENEFICIAL OCCUPANCY means satisfactory completion and inspection of the storm water, sanitary sewer, water and electrical systems; a "Notice to Operate" from the Delaware Division of Public Health; base coat of hot mix to the roads and parking areas;

and AS-BUILT plans provided by the OWNERS engineer. The CITY will operate the utilities during BENEFICIAL OCCUPANCY at the expense of the OWNER.

1.3 CITY means "the City of Milford."

1.4 CONDITIONAL ACCEPTANCE means completion of the improvements required by the PLANS following an inspection by the CITY of such improvements and completion of any unresolved issues identified during the inspection by the OWNER. The OWNER shall provide, prior to CONDITIONAL ACCEPTANCE, a maintenance bond in the amount of ten percent (10%) of the construction contract costs for all items of work which are to be operated and maintained by the CITY upon completion of each phase. CONDITIONAL ACCEPTANCE begins the one (1) year warranty period.

1.5 CONTRACTOR means a licensed contractor, which is contracted, or to be contracted, by the OWNER to construct and complete the improvements required by the PLANS.

1.6 DEPARTMENT means the CITY Public Works Department or Designee authorized by the City to represent the CITY and the DEPARTMENT.

1.7 ENGINEER means the engineer, which is contracted, or to be contracted, by the OWNER to provide professional consultant services for the PROJECT.

1.8 FINAL ACCEPTANCE means the improvements required by the PLANS have been satisfactorily installed and inspected by the CITY and the OWNER has been released from any and all obligations associated with the PROJECT or that portion of the project.

1.9 PROJECT means the improvements to the site or portion of the site required by the PLANS and any and all accessories, equipment and other incidentals required to provide satisfactory and complete use of such project.

1.10 SPECIFICATIONS mean the CITY of Milford Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design, as revised.

1.11 WORKING DAY means any calendar day in which the CONTRACTOR performs construction operations.

ARTICLE TWO

SCOPE OF SERVICES

2.1 OWNER

2.1.A All design and construction work required for the satisfactory completion of the PROJECT shall be the responsibility of the OWNER, subject to the approval of the CITY and the DEPARTMENT.

2.1.B All design and construction shall be subject to the approval of all Federal, Regional, State, County, CITY, and other public governmental agencies, hereinafter the "AGENCIES", insofar as the interest of each is concerned. All design and construction

shall be subject to the approval of the AGENCIES, insofar as the interest of each is concerned.

2.1.C Close cooperation between the AGENCIES and the OWNER is intended in order that the interest of the AGENCIES may best be served. The OWNER shall confer when and where requested by the CITY with the CITY and with representatives of the AGENCIES. The OWNER shall maintain a continuing and close liaison with the DEPARTMENT in order to resolve questions and obtain needed approvals from the AGENCIES so as to permit the work effort for the PROJECT to be uninterrupted.

2.1.C At all times, the OWNER will have the right to cause the ENGINEER or the OWNER'S agents to participate in the planning and meetings and determination of the course of construction of the work to be performed, as it affects the PROJECT.

2.1.D The OWNER shall provide administration of the construction contract documents.

2.1.E The OWNER shall be allowed to construct the project in phases provided the PROJECT phasing plan is approved by the CITY prior to start of construction and that all infrastructure necessary to support each phase is installed and completed to the satisfaction of the CITY.

2.2 CITY

2.2.A The CITY shall promptly review and approve all plans and submittals relating to the PROJECT. Any changes to the approved PLANS may result in a resubmission by the OWNER to the CITY for re-approval. Said changes must be submitted in writing with appropriate backup information by the OWNER to the CITY for determination of the process necessary to approve or disapprove such a change.

2.2.B The CITY shall promptly conduct construction inspection on improvements to the entire PROJECT within the public right-of-way and/or improvements to be dedicated to the CITY.

2.2.C The CITY shall promptly review and approve plans for building construction of the PROJECT and promptly conduct inspections thereof.

2.2.D The CITY shall set all water meters. OWNER will set meter pit and sewer cleanout frame and cover as shown in the approved construction drawings and as approved by the City Engineer.

ARTICLE THREE

FEE STRUCTURE

3.1 The OWNER shall be subject to the following fees:

3.1.A The following fees shall be paid in accordance with the fee schedule of the CITY that is in effect at the time a notice to proceed is issued for each phase of the project:

3.1.A.2 Engineering Plan Review Fees: OWNER shall be responsible for any and all professional service costs associated with their project plus an additional 10% to cover CITY administration costs. These costs will be billed as encumbered.

3.1.A.3 Project Management and Infrastructure Inspection Fees: The OWNER shall provide 4% of the construction contract costs for all items of work which are to be operated and maintained by the CITY upon project completion prior to construction commencement. If CITY expenses exceed the amount provided, the OWNER shall cover additional expenses.

3.1.B The development is subject to the fees in effect at the time of building permit issuance in accordance with the fee schedule adopted by the City, which may include but is not limited to the following;

3.1.B.1 Water Meter Fee;

3.1.B.2 Water Connection Fee;

3.1.B.3 Water Impact Fee;

3.1.B.4 Fire Connection Fee;

3.1.B.5 Sewer Connection Fee;

3.1.B.6 Sewer Impact Fee (City);

3.1.B.7 Sewer Impact Fee (County);

3.2.B.8 Electric Connection Fee;

3.1.B.9 Electric Impact Fee;

3.1.B.10 Building Permit Fee;

3.1.B.11 Certificate of Occupancy Fee; and,

3.2 If this AGREEMENT is terminated prior to the completion of the scope of work, the payment made in accordance with Section 3.1 of this AGREEMENT, shall not be refunded.

ARTICLE FOUR

BUILDING PERMITS / CERTIFICATES OF OCCUPANCY

4.1 A building permit shall be issued for a building within the Project upon approval of the building plans by the CITY Building Inspectors office. As previously stated, utility work shall not proceed until the PROJECT PLANS are approved by the CITY.

4.2 Street addresses for the units within the PROJECT shall be obtained from the County 911 address system prior to the issuance of any building permits.

4.3 A Certificate of Occupancy shall not be issued until all approvals are obtained from the various inspection agencies for safe occupation of the building and for access to the site. Additionally, all water, sewer and electric utilities must be complete, tested and accepted and the CITY must have BENEFICIAL OCCUPANCY of the water, sewer and electric utilities within the applicable phase of the Project prior to issuance of a Certificates of Occupancy.

ARTICLE FIVE

OWNER'S RESPONSIBILITIES

5.1 The OWNER shall employ only Registered Architects licensed in the State of Delaware to perform any architectural work required for the scope of services specified in Article 2 of this AGREEMENT. All plans and specifications containing architectural work shall be stamped with the seal of a Registered Architect, registered in the State of Delaware.

5.2 The OWNER shall employ only Registered Professional Engineers licensed in the State of Delaware to perform any engineering work required for the scope of services specified in Article 2 of this AGREEMENT. All plans and specifications containing engineering work shall be stamped with the seal of a Professional Engineer registered in the State of Delaware.

5.3 The OWNER shall employ only Registered Professional Land Surveyors licensed in the State of Delaware to perform any survey work required for the scope of services stages specified in Article 2 of this AGREEMENT. All plans and specifications containing survey work shall be stamped with the seal of a Professional Land Surveyor registered in the State of Delaware.

5.4 The OWNER in the performance of its work for the PROJECT shall hold harmless, indemnify and defend the CITY from any claims or liability due to the negligence of the OWNER and the OWNER'S agents or employees.

5.5 The OWNER warrants that in the event errors or omissions are found in the final design documents after the construction contract has been awarded, and these errors or omissions result in increased cost, whether design, construction or otherwise, the OWNER shall be liable for all additional cost incurred as a result of such error or omission by the OWNER and the OWNER'S agents or employees; provided, however, this Section 6.5 shall not be construed to prohibit OWNER from recovering such costs from any person liable or found liable for such errors or omissions.

5.6 The OWNER warrants that he has not employed or retained any company or person, other than OWNER's agent or a bona fide employee working solely for it to solicit or secure this AGREEMENT, and that OWNER has not paid or agreed to pay any company or person, other than OWNER's agent or a bona fide employee working solely for it, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent

upon or resulting from the making of this AGREEMENT. For breach or violation of this warranty the CITY shall have the right to terminate this AGREEMENT without liability, at its discretion and retain the fees paid pursuant to Article III of this AGREEMENT.

5.7 The CONTRACTOR shall protect itself from claims under the Workmen's Compensation Act by having insurance as required by law from an insurance company authorized to do business in the State of Delaware at the following minimums:

5.7.1 Bodily injury liability insurance in an amount not less than $250,000.00 for injuries including accidental death, to any one person, and subject to the same limits for each person, in an amount not less than $500,000.00 for any one accident in an insurance company authorized to do business in the State of Delaware.

5.7.2 Comprehensive property damage insurance for the PROJECT.

5.7.3 Automobile bodily injury liability insurance in an amount not less than $250,000.00 for injuries including death, to any one person, and, subject to the same limits for each person, in an amount not less than $500,000.00 on account of any one accident in an insurance company authorized to do business in the State of Delaware.

5.7.4 Automobile property damage liability insurance in an amount not less than $100,000.00 for any one accident in an insurance company authorized to do business in the State of Delaware.

5.7.5 Certificate of Liability Insurance naming the CITY as an additional insured.

5.7.6 The procuring of all insurance as set forth in this Article or elsewhere in this Agreement shall be in addition to and not in any way in substitution for all the other protection provided under this AGREEMENT.

5.8 The CONTRACTOR shall secure, maintain and furnish the DEPARTMENT copies of its CITY and State of Delaware business licenses. The OWNER shall also furnish the DEPARTMENT with such copies of licenses and authorizations for its agents and subcontractors.

5.9 The OWNER shall comply with all Federal, Regional, State, County, City, and all other laws applicable to the work to be done under this AGREEMENT.

5.10 The OWNER shall notify the DEPARTMENT in writing if it is of the opinion that any work exceeds the scope of services specified in Article 2 of this AGREEMENT. The DEPARTMENT shall render the final decision after reviewing the OWNER'S written opinion.

5.11 The OWNER shall meet with the DEPARTMENT in the event that any matter cannot be resolved in a mutually satisfactory manner. All interested parties shall be present with the DEPARTMENT hearing all arguments and rendering a decision.

5.12 The OWNER shall provide all labor, all services, all materials and the like necessary to satisfactorily complete the scope of services contained in Article 2 of this AGREEMENT for the PROJECT.

5.13 The OWNER shall be responsible for all costs due to testing and inspection of materials and equipment to ascertain that all such materials and equipment are in accordance and in compliance with the SPECIFICATIONS.

5.14 The OWNER shall be liable for any damage to the PROJECT, including off-site and/or third party damages that are a result of activities related to the development of the PROJECT, until the PROJECT is completed and passed FINAL ACCEPTANCE.

5.15 The OWNER is required to maintain the PROJECT until FINAL ACCEPTANCE. Maintenance includes but is not limited to: snow removal, debris removal, patching roads, street signage repairs, etc.

5.16 Project, plans, maps, descriptions, specifications, records and documents made by the ENGINEER shall be delivered to the DEPARTMENT and become the property of the CITY after BENEFICIAL OCCUPANCY of the PROJECT by the DEPARTMENT.

5.17 The OWNER shall confer with the DEPARTMENT during the PROJECT as to the interpretation of the PLANS and for the correction of errors and omissions and shall prepare any necessary design plans therefore.

5.18 The ENGINEER shall make all revisions, modifications, additions, and changes in the PLANS, as lawfully required by the DEPARTMENT.

5.19 Any required easements are to be in effect prior to receiving a Notice to Proceed. The Developer may request assistance from the City for acquiring easements for the off-site water main extension or proposed sanitary force main.

5.20 Prior to BENEFICIAL OCCUPANCY, the CITY shall be paid all additional costs incurred as calculated in Article 3 of this AGREEMENT.

5.21 Prior to BENEFICIAL OCCUPANCY, the ENGINEER shall provide two sets of prints and a CD in AutoCAD Format to the DEPARTMENT depicting the "AS-BUILT" conditions of the satisfactorily completed PROJECT. The information for the preparation of such prints shall be based on the information furnished by the CONTRACTOR from its own participation and control of the PROJECT as specified in the scope of services in Article 2 of this AGREEMENT. All prints shall bear the ENGINEER'S seal and signature.

5.22 Prior to FINAL ACCEPTANCE, the OWNER shall obtain from the CONTRACTOR, its subcontractors, and other persons and organizations executing portions of the work for the PROJECT a standard release of liens from all applicable parties, excepting the DEPARTMENT, stating that the PROJECT has been satisfactorily completed within the terms and conditions of its contract and is free and clear of any and all liens, claims, security interests and/or encumbrance and provide a copy to the DEPARTMENT.

5.23 The OWNER shall pay for all costs associated with the design and construction of the water improvements as shown on the approved PROJECT PLANS and in accordance with all Federal, State and City standards, specifications and requirements.

5.24 The OWNER shall pay for all costs associated with the design and construction of the sanitary sewer system improvements as shown on the approved PROJECT PLANS and in accordance with all Federal, State and City standards, specifications and requirements.

5.24.1 The OWNER shall be responsible for contributing to the design and construction the regional sanitary sewer pumping station, force main and gravity sewer main as approved by the CITY in the amount of $468,549.10. The amount shall be paid to the CITY through an Aid-in-Construction (AIC) fee collected at the time of building permit issuance for the first one-hundred and twenty-two (122) Equivalent Dwelling Units. The initial AIC fee shall be $3,840.57 per EDU and shall be subject to increase each year on July 1st at the same rate of increase as the City Sewer Impact Fee as adopted by City Council on the City Fee Schedule. This system shall be designed to accommodate anticipated sewer flows from the following projects;

Windward on the River – Residential – 264 Equivalent Dwelling Units (EDUs)
Windward on the River – Commercial – 50 EDUs
Knight Crossing – 131 EDUs

5.24.2 The pump station, force main and off-site gravity sewer must be designed, permitted and approved by the CITY prior to the issuance of any Notice to Proceed for on-site construction.

ARTICLE SIX

CITY'S RESPONSIBILITIES

6.1 With the construction contracts being awarded by the OWNER, the ENGINEER, as the representative of the OWNER shall advise and consult with the DEPARTMENT. The DEPARTMENT shall have authority to act on behalf of the CITY to the extent provided in the SPECIFICATIONS unless otherwise modified in writing by the CITY. The DEPARTMENT shall upon request of OWNER or its designated agent, schedule, administer and coordinate a pre-construction meeting of all applicable parties prior to the issuance of a written notice to proceed to the OWNER to begin the construction work.

6.2 The DEPARTMENT shall make periodic visits at least once each calendar week and more often if required to the construction site of the PROJECT to determine in general if the work being executed by the contractors is proceeding in sequence and accordance with the SPECIFICATIONS. The DEPARTMENT shall determine the quality of the executed work by the CONTRACTOR during its periodic visits. The DEPARTMENT shall endeavor to guard the CITY against defects and deficiencies in the work executed by the OWNER'S

contractors. The DEPARTMENT shall disapprove or reject any work executed by the CONTRACTOR that fails to conform to the SPECIFICATIONS.

6.3 The DEPARTMENT shall review and approve or disapprove all shop drawings, samples, the results of tests and inspections and other data which any contractor is required to submit for conformance with the design concept of the PROJECT and compliance with the SPECIFICATIONS. The DEPARTMENT shall receive and review maintenance and operating instructions, schedules, guarantees, bonds, or bond reductions, and certificates of inspection, which are to be assembled by the OWNER'S contractors in accordance with the submittal requirements of the DEPARTMENT.

6.4 The DEPARTMENT shall receive three (3) copies of the herein before stated information given by the CONTRACTOR for the records and the use of the CITY.

6.5 The DEPARTMENT shall have the authority to reject all work executed by the CONTRACTOR which does not conform to the SPECIFICATIONS. Whenever in its reasonable opinion the DEPARTMENT considers it necessary or advisable to insure the proper implementation of the intent of the SPECIFICATIONS, the DEPARTMENT shall have the authority to require special inspection or testing of all work executed by the OWNER'S contractors in accordance with the SPECIFICATIONS whether or not such work be then fabricated, installed and/or completed.

6.6 PROCEDURES FOR PROJECT CLOSEOUT

6.6.A BENEFICIAL OCCUPANCY

6.6.A.1 Prior to the completion of each phase of the PROJECT, a BENEFICIAL OCCUPANCY inspection will be performed by the CITY. The CONTRACTOR and the DEPARTMENT will determine when the PROJECT is ready for an inspection in accordance with the terms discussed during the preconstruction meeting.

6.6.A.2 The DEPARTMENT, after receipt of "Notice to Operate" from the State of Delaware Department of Health, will schedule the BENEFICIAL OCCUPANCY inspection and notify the OWNER, the ENGINEER and the CONTRACTOR.

6.6.A.3 If construction is found satisfactory at the inspection, and upon receipt of the "Notice to Operate" from the Delaware Division of Public Health, the DEPARTMENT will grant BENEFICIAL OCCUPANCY thus, enabling the OWNER to allow connections to the sanitary sewer and water system(s) by the OWNER.

6.6.A.4 No sewer or water connections will be permitted at the water meter vault or sewer cleanout until after BENEFICIAL OCCUPANCY is granted by the CITY.

6.6.B CONDITIONAL ACCEPTANCE

6.6.B.1 The OWNER and the DEPARTMENT will determine when the PROJECT is ready for the CONDITIONAL ACCEPTANCE inspection in accordance with the terms discussed during the preconstruction meeting.

6.6.B.2 All pavement will be in place and all concrete installation and grading around the sewer clean outs, water meter pits and electrical transformers shall be completed prior to the CONDITIONAL ACCEPTANCE inspection.

6.6.B.3 The DEPARTMENT will schedule the CONDITIONAL ACCEPTANCE inspection and notify the OWNER and the CONTRACTOR.

6.6.B.4 If all construction is found satisfactory at the inspection, the DEPARTMENT will recommend CONDITIONAL ACCEPTANCE of the PROJECT to the CITY Council.

6.6.B.5 The OWNER shall provide, prior to CONDITIONAL ACCEPTANCE, a maintenance bond in the amount of ten percent (10%) of the construction contract costs for all items of work which are to be operated and maintained by the CITY upon completion of each phase. CONDITIONAL ACCEPTANCE begins the one (1) year warranty period.

6.6.C FINAL INSPECTION

6.6.C.1 Prior to the end of the one-year warranty period, a FINAL ACCEPTANCE inspection shall be scheduled by the DEPARTMENT.

6.6.C.2 If all construction is satisfactory, then FINAL ACCEPTANCE has been achieved.

6.6.C.3 If corrections are needed, a punch list will be compiled by the DEPARTMENT and sent to the OWNER and the CONTRACTOR.

6.6.C.4 Upon completion of the corrections, the DEPARTMENT will verify the acceptance of the corrections. If all corrections are found to be satisfactory, then FINAL ACCEPTANCE will have been achieved and the CITY will release the balance of the maintenance bond upon FINAL ACCEPTANCE.

ARTICLE SEVEN

INDEPENDENT CONTRACTOR

7.1 The CONTRACTOR shall be responsible for its own acts and those of its subordinates, employees and subcontractors during the term of this AGREEMENT. OWNER shall

indemnify, hold harmless and defend the CITY, its members, officers, agents and employees of, from and against all claims, suits, judgments, expense, actions, damages, and cost of every name and description, arising out of and or resulting from negligence of the CONTRACTOR under this AGREEMENT; provided, however, such indemnification shall not affect the right of OWNER to reimbursement from the CONTRACTOR.

ARTICLE EIGHT

ELECTRIC INSTALLATION

8.1 The OWNER will be responsible to pay for all, or a portion of, electric distribution upgrades or primary line extensions that are required to service the PROJECT, at the sole discretion of the CITY. The CITY shall design and install the Primary Electric Infrastructure inside the PROJECT, at current cost plus 10% handling, to be paid by OWNER. Payment shall be due before or at the Pre-Construction meeting date. No material will be ordered or released before payment is received. Any changes to the PROJECT PLANS which result in the redesign of the electrical system shall also be paid for by the OWNER.

8.2 The OWNER will install all meter pans, disconnects, and secondary electric services at the locations determined by the CITY.

8.3 The OWNER will install all conduits per CITY specifications for road crossings, including under blacktop and anywhere soil completion is necessary.

8.4 OWNER shall be responsible for any damaged equipment or material until final acceptance.

8.5 If applicable the OWNER shall be responsible for identification of lots by lot numbers within a minimum of 10 working days of the installation of the electric infrastructure, with a sign clearly legible from the roadway.

8.6 OWNER shall be responsible for establishing site grades to within six (6) inches of proposed elevation prior to the electrical service being installed. Should changes to electrical service be required based on the proposed grade not being properly established all cost associated with said changes shall be the responsibility of the OWNER.

8.7 The CITY reserves the right to obtain easements as necessary to provide electric service. These easements shall be incorporated into a final record plan at no cost to the CITY.

8.8 The CITY also reserves the right to periodically adjust any and all costs, detailed herein, due to escalating material and labor costs.

8.9 Any changes to the project which result in the redesign of the electrical system supply equipment shall also be paid for by the OWNER.

ARTICLE NINE

AMENDMENT OF AGREEMENT

9.1 This AGREEMENT may only be amended or modified by a written agreement of the parties.

ARTICLE TEN

SUCCESSORS AND ASSIGNMENTS

10.1 This AGREEMENT is binding on the parties and their successors and assigns. To the extent permitted by law, this AGREEMENT shall be a covenant running with the land.

10.2 All escrow accounts are automatically transferable to the OWNER'S successors and assigns in accordance with Delaware law.

ARTICLE ELEVEN

TERMINATION

11.1 If, for any reason or cause, conditions are encountered by the OWNER or the CITY, which require termination of this AGREEMENT and/or any modification hereof, the parties shall work in good faith to resolve such issues or amicably terminate this AGREEMENT.

11.2 In the event of termination of this AGREEMENT, the OWNER and the CITY shall take all reasonable steps to minimize the further incurrence of fees under this AGREEMENT.

ARTICLE TWELVE

INCORPORATED DOCUMENTS

12.1 This AGREEMENT incorporates by reference as fully set forth herein the following documents. All other terms and conditions of these referenced documents shall remain the same and unchanged.

12.1.1 "City of Milford Standard Specifications for Installation of Utility Construction Projects and Subdivision Pavement Design", as revised.

12.1.2 Additional Conditions of Final Site/Record Plan Approval.

ARTICLE THIRTEEN

GOVERNING LAW

13.1 This AGREEMENT shall be governed by the laws of the State of Delaware.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their officers and their seals to be herewith affixed, this day and year first above written.

Signed, sealed and delivered in the presence of:

MILFORD MARINA, LLC

_____ _____(SEAL)
Attest

By: Don Lockwood, Managing Member

Sworn to and subscribed before me this ____ day of _____, 2023.

_____ _____
Notary Public Date Commission Expires

CITY OF MILFORD

_____ _____(SEAL)
Attest/City Clerk By: Mayor Arthur J. Campbell

Sworn to and subscribed before me this ____ day of _____, 2023.

_____ _____
Notary Public Date Commission Expires

CITY OF MILFORD
NOTICE OF ORDINANCE REVIEW & PUBLIC COMMENT PERIOD
City Council Public Comment Opportunity: Monday, November 27, 2023 @ 6:00 PM

NOTICE IS HEREBY GIVEN that the following Ordinance is currently under review by the City of Milford City Council, with action scheduled to occur on the date and time as indicated.

ORDINANCE 2023-45
AMENDMENT TO CITY OF MILFORD CODE
CHAPTER 180 - RESIDENTIAL RENTAL OPERATING LICENSE

WHEREAS, the City of Milford enacted a Residential Rental Operating License Ordinance to protect the health, safety, and welfare of its residents and to prevent the deterioration of the housing stock in the City; and

WHEREAS, from time to time, City Council determines a need for amendments and additions to the Residential Rental Operating License Ordinance of the City of Milford; and

WHEREAS, it is recommended that clarification be made within the ordinance regarding who is required to obtain a rental license; and

WHEREAS, it is recommended to provide a waiver from the rental license fee for disabled tenants who are directly related to the owner of the property.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Code of the City of Milford is hereby amended to clarify specific definitions within Chapter 180, Residential Rental Operating Licenses and provide a fee exemption for rental units occupied by disabled tenants who are directly related to the property owner.

Section 2. Sections 180-3, 180-4 and 180-9 are hereby amended.

Section 3. Strikethrough text denotes a deletion; underlined, and bold text denotes an addition.

Chapter 180 RESIDENTIAL RENTAL OPERATING LICENSES

§ 180-1. Title.

This chapter shall be known as the "Residential Rental Operating License Ordinance."

§ 180-2. Purpose.

This chapter is adopted to protect the health, safety and welfare of the City residents and to prevent deterioration of the housing stock in the City.

§ 180-3. Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

CITY — The City of Milford, Delaware.

CODE OFFICIAL — The Building Inspector and/or Code Enforcement Official.

DIRECTLY RELATED TO THE OWNER – Any person who is related by blood, adoption or marriage (i.e. "in-laws") to the following degrees of kinship: husband, wife, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, uncle, aunt, niece, nephew.

LANDLORD — A person and/or an authorized representative, heir, successor or assignee of a person who leases or otherwise permits another person to occupy a rental unit ~~for money or other consideration~~.

OWNER – Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian or personal representative of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON — An individual, proprietorship, partnership, corporation, association, or other legal entity.

RENTAL UNIT — ~~—~~ Any house, building, structure or portion thereof, which is occupied, rented or leased as the home or residence of one or more persons. "Rental unit" does not include motel, hotel or bed-and-breakfast rooms where paying guests stay on a temporary basis. "Rental unit" also does not include rehabilitation or mental health group homes where residents may pay rent, but the home is managed and owned by nonprofit entities for the benefit of the renters' special needs.

TENANT — A person who occupies a rental unit ~~for which said person pays money or gives other consideration~~.

§ 180-4. Rental operating license required.

A. No dwelling unit shall be leased, subleased, or occupied by any person other than the owner until a rental license has been issued by the City. ~~No landlord shall operate a rental unit in the City unless an application has been filed and a current rental operating license has been issued for the specified rental unit for the current year.~~

B. Exceptions.

(1) No rental license shall be required where the owner occupies the dwelling unit.

(2) No fee shall be charged if the tenant is directly related to the owner and the owner provides a written medical affidavit from a doctor or physician satisfactory to the City that the tenants are disabled. The owner shall provide a written affidavit satisfactory to the City that the tenants are directly related to the owner. The owner shall register the rental unit and the unit is subject to required rental inspections.

(3) Any entity existing by virtue of a statutory formation does not qualify for these exemptions.

§ 180-5. Application for rental operating license and agreement to comply.

A. Every landlord shall apply for a rental operating license and shall agree to comply with all provisions of this and any other applicable City ordinance.

B. The application shall be in the form provided by the Code Enforcement Department and shall be accompanied by a check or money order payable to the City of Milford in the amount set forth by City Council.

C. It shall be unlawful for any person to operate any rental dwelling without obtaining a rental license from the City in order to determine compliance. The license shall expire annually on December 31. The fee for the annual license shall be set by City Council as part of the City Fee Schedule.

D. In the event that the license fee set forth herein is not paid on the date due, then the licensee shall incur a penalty fee in the amount of $25 per month per unit until the license fee is paid.

E. An owner whose license has been suspended shall pay a reinstatement fee of $100.

F. The owner or occupant of any rental shall not be entitled to receive utilities until the license fee required is paid in full, and City personnel shall refuse to provide sewage, water and electric to the property until satisfactory proof is furnished that such fee has been paid.

§ 180-6. Contents of applications.

Every landlord shall supply the following information to the City as part of the annual application for a rental operating license and agreement to comply:

A. The mailing and street address of the rental units.

B. Name of responsible party leasing the unit and telephone number at time of application.

C. The total number of persons living in the rental unit at time of application.

D. Landlord's name, mailing address, telephone number, email address, website and leasing agent contact information, if different from the landlord.

§ 180-7. Regulations for issuance of licenses.

A. If violations are found that pose a health or safety risk to the tenants, the unit may be judged as unfit for occupancy by the Code Official.

B. Expiration of permits. Each rental operating license shall expire on December 31 of the year in which it was issued. No prorating, rebate or refund shall be made because of nonuse of the permit.

C. Transfer of license. If a rental property is purchased or sold during the annual licensing period, the license may be transferred from owner to owner upon payment of $50 for administrative expenses. Purchaser must make application as outlined in §180-6.

D. Every rental unit owned shall have a "caretaker" designated by the owner.

(1) The caretaker may be the property owner if residing within a ten-mile radius of Milford, Delaware.

(2) The caretaker shall be an adult person(s) 18 years or older, specifically identified in writing by the owner on the rental license application (stating name, address and telephone numbers) and reside in such proximity to the City as to allow him or her to meet with the Code Official at the rental unit within 48 hours of receipt of notice from the Code Official. The caretaker may also be a management company (corporation, LLC and/or partnership); however, the management company must assign a contact person.

(3) The caretaker shall be charged, by the owner, with responsibility and authority to deal with occupants of the premises on behalf of the owner, to make repairs to the rental unit, to maintain the premises and the common areas thereof, and to accept service of process on behalf of the owner.

(4) Once notified of a defective condition and unless circumstances are beyond the caretaker's control, the caretaker will be given an amount of time to make repairs as deemed reasonable by the Code Official.

(5) The owner shall notify the City in writing of any changes in the name, address, and/or telephone number of the caretaker.

E. No license shall be issued to any person or business unless all taxes, assessments, sewer, water, electric, trash charges and any other fees due the City are paid and in good standing.

F. The owner is subject to penalties as defined in § 180-9 for failure to comply.

§ 180-8. Inspections.

A. The Code Official reserves the right to inspect property at any time to ensure compliance with all property maintenance (Chapter 174), Building Construction (Chapter 88), Zoning (Chapter 230) and other City codes.

B. When such inspections are deemed necessary, the Code Official will provide at least 48 hours' notice to the owner or caretaker. Exceptions to this rule will apply when health or safety conditions exist that require immediate inspection.

C. A rental unit shall be deemed to be not in substantial compliance if:

(1) There are one or more violations that pose a serious and substantial threat to the health, safety or welfare of the occupants.

(2) There are an extensive number of minor violations that, cumulatively, pose a significant threat to the health, safety, and welfare of the occupants.

D. When the Code Official schedules an inspection, it is the responsibility of the property owner to make sure the structure/property is ready by the time the inspector arrives on site.

(1) If an inspection needs to be cancelled or rescheduled, the Code Official must be notified by 4:00 p.m. the day before the inspection.

(2) If an inspector arrives on site and the structure/property is not ready and the inspection was not cancelled or rescheduled, a fee of $50 must be paid at City Hall before the inspection can be rescheduled. This fee may be waived if the property is not ready for inspection due to circumstances beyond the control of the landlord/caretaker.

E. When conditions of a property are such that cause more than one follow-up inspection, for the purpose of ensuring compliance, a fee of $50 per inspection will be imposed.

§ 180-9. Violations and penalties; enforcement.

A. Penalty for violation.

(1) Any property owner who shall violate any provisions of this chapter or who fails to comply with any notice or order issued by a Code Official pursuant to the provisions of this chapter shall be guilty of violating the provisions of this chapter and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000. The minimum fine is not subject to suspension or reduction.

(2) Except where an appeal is taken, each day of a separate and continuing violation shall be deemed a separate offense.

(3) The City as part of the violation penalty has the power to revoke a rental license or an exemption of the rental license fee.

B. Should the aforesaid penalties not be paid within 30 days of being assessed, and after notice of said failure is served, then the property covered by this chapter will be assessed for the unpaid penalties, which shall be collected in the same manner and at the same time as City taxes.

C. If any of the cited violations are not remedied, the Code Official shall revoke the residential rental operating license.

D. The remedies contained within this section shall further not be exclusive but shall be in addition to any other remedy provided by law, so long as not inconsistent herewith, nor shall the invoking of any remedy or procedure contained within this section preclude the pursuit of any and all other remedies, and the same are intended to be cumulative.

Section 4. Dates
Council Introduction: November 13, 2023
Council Public Comments/Determination: November 27, 2023

Section 5.
Ordinance is effective Ten (10) days following adoption date.

101923

DSN 110923

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

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

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

ORDINANCE 2023-46
Legal Owner Randall Kenton for a Change of Zone from
I-1 (Limited Industrial District), I-2 (General Industrial District)
to C-3 (Highway Commercial)
on 3.72 +/- acres of land located along the north side
of NE Front Street and the east side of N. Rehoboth Boulevard
Address: 609 NE Front Street , Milford, DE
Present Use Pallet Recycling; Proposed Use Pallet Recycling
Tax Map & Parcels MD-16-183.07-01-12.00 & MD-16-183.07-01-14.00

WHEREAS, the property owner has petitioned the City of Milford Planning and Zoning Office for a Change of Zone from I-1, I-2 to C-3 on 3.72 +/- acres of land at 609 NE Front Street; and

WHEREAS, the Change of Zone to request to Commercial is consistent with the Adopted 2018 Comprehensive Plan Future Land Use Map, as amended; and

WHEREAS, the City of Milford Planning Commission considered the application during their regular meeting on November 21, 2023, at which time interested parties had the opportunity to comment on the application to assist in an informed recommendation to City Council; and

WHEREAS, Milford City Council held a Public Hearing on November 27, 2023 to allow additional public comment, after which City Council made a final determination; and

WHEREAS, as required by Chapter 230, the Public Notice was published in the Delaware State News on October 31, 2023 and provided to property owners within 200 feet of the subject parcel; and

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

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

Section 1. Chapter 230 states the purpose of the C-3 district is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact, and generally require locations on major arterial routes and serve both local and regional customers.

Section 2. Pallet Recycling is a permitted use within the C-3 Zoning District.

Section 3. The adoption of this Ordinance grants Lands of Randall Kenton a Change of Zone to C-3 on 3.72 +/- acres of land at 609 NE Front Street in Kent County, Milford, Delaware, Tax Map/Parcels MD-16-183.07-01-12.00 & MD-16-183.07-01-14.00

Section 4. Any future use of the property must comply with Chapter 230 (Zoning Code) and the C-3 (Highway Commercial District) uses and area regulations.

Section 5. Dates.
Planning Commission Review & Public Hearing: November 21, 2023
City Council Introduction: November 13, 2023
City Council Public Hearing: November 27, 2023
Effective: Ten Days following Adoption

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

Published: Delaware State News 10/31/2023

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

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

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

ORDINANCE 2023-47
Conditional Use Application of Iglesia Pentecostal Bethel Delaware, Inc.
0.808 +/- acres of land located along the north side of
SE Front Street approximately 55 feet east of the Charles Street intersection
Address: 803, 805 & 807 SE Front Street
Comprehensive Plan Designation: Low Density Residential
Zoning District: R-2 (Residential District)
Present Use: Church (095.00), Church Parking (094.00),
Former Single-family Dwelling (096.00)
Proposed Use: Church with associated parking
Tax Parcel: 3-30-7.17-094.00, 3-30-7.17-095.00 & 3-30-7.17-096.00

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Conditional Use to construct an accessory dwelling; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on November 21, 2023; and

WHEREAS, Milford City Council will hold a Public Hearing on November 27, 2023 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to approve the Conditional Use, as herein described.

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

Section 1. Chapter 230-9(C)(5) states accessory dwellings are allowed upon conditional use approval from City Council subject to conditions.

Section 2. Following adoption of Ordinance 2023-47, and upon the effective date, Iglesia Pentecostal Bethel Delaware, Inc. is hereby granted a Conditional Use to construct a church with associated parking at 803, 805 & 807 SE Front Street.

Section 3. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 4. Dates.
Planning Commission Review & Public Hearing: November 21, 2023
City Council Introduction: November 13, 2023
City Council Public Hearing: November 27, 2023
Effective: Ten Days following Adoption

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

Advertised: Delaware State News 10/31/2023

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com

Date: November 8, 2022

To: Mayor and City Council

From: Louis C. Vitola, Finance Director

Re: USDA Financing Resolutions 2023-28, 2023-29, 2023-30
(Final Approval of Terms & Conditions Required to Close on PD Facility Loans)

EXECUTIVE SUMMARY

Staff recommend that City Council authorize resolutions 2023-28, 2023-29, and 2023-30, the latter two of which represent the USDA counterparts to the City's single resolution 2023-28. Council authorization of the resolutions together paves the way for the City and the USDA to close on the permanent financing for the PD Facility. The terms and conditions have not changed since the City's USDA application was first accepted in 2022.

ADDITIONAL INFORMATION

As the construction of the police facility nears completion, we are preparing to close on the permanent project financing with the USDA. Resolution 2023-28 authorizes the City to execute all closing documents required by the USDA for the entire $16.5 million loan. Resolutions 2023-29 and 2023-30 are USDA resolutions memorializing Council's acceptance of each individual bond placement in the form of $8.5 million Series 2023A and $8.0 million Series 2023-B, respectively. Solicitor David Rutt and the City's Bond Counsel, Tim Anderson, have taken the lead on the document production and review, which is typical for a bond closing transaction. City Council approved the loan terms and conditions on November 28 and December 12, 2022, which satisfied prerequisites of the USDA to formally obligate the funding at that time. The authority to undertake the borrowing and all terms, conditions, and constraints set forth in all prior resolutions remain in force and unchanged. The closing on Note 2023A may occur as early as November 17, 2023, while Note 2023B is expected to close in 2024.

RECOMMENDATION

Staff strongly recommend the approval of Resolutions 2023-28, 2023-29, and 2023-30, which memorialize the USDA community facility financing terms secured by Council in 2022, including a loan term not to exceed 40 years, a rate not to exceed 3.5%, and loan funding not to exceed $16.5 million, amortized quarterly.

CITY OF MILFORD, DELAWARE

RESOLUTION NO. 2023 - 28

AUTHORIZING A CERTAIN PROJECT HEREIN DESCRIBED AND THE INCURRENCE OF INDEBTEDNESS AND THE RATIFICATION OF THE APPROVAL OF A CERTAIN CAPITAL PROJECT; AUTHORIZING THE ISSUANCE OF THE USDA GENERAL OBLIGATION BONDS, SERIES OF 2023 (THE "USDA BONDS"), IN ONE OR MORE SERIES, TO PROVIDE FUNDS FOR AND TOWARD SUCH PROJECT; SETTING FORTH TERMS OF THE USDA BONDS; COVENANTING TO BUDGET, APPROPRIATE AND PAY DEBT SERVICE ON THE USDA BONDS AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY FOR PAYMENT OF THE USDA BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF THE USDA BONDS; PROVIDING FOR THE EXECUTION AND AUTHENTICATION OF THE USDA BONDS; PROVIDING FOR THE SALE OF THE USDA BONDS AND AUTHORIZING THE ACCEPTANCE OF THE USDA COMMITMENTS FOR THE PURCHASE OF THE USDA BONDS: SETTING FORTH THE INTEREST RATE AND MAXIMUM DATE OF MATURITY; SETTING FORTH CERTAIN FEDERAL TAX COVENANTS; PROVIDING FOR THE APPLICATION OF USDA BOND PROCEEDS; AUTHORIZING OFFICERS TO ACT; APPROVING THE UNDERTAKING OF CERTAIN CONTINUING DISCLOSURE, IF ANY; SETTING FORTH THE DATE OF THE USDA BONDS AND OTHER DOCUMENTS; AUTHORIZING OTHER NECESSARY ACTION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL INCONSISTENT RESOLUTIONS; AND STATING THE EFFECTIVE DATE.

WHEREAS, the City of Milford, Delaware (the "City") is granted the power by its charter, as adopted by the Delaware General Assembly, as amended (the "Charter"), to incur indebtedness and to issue bonds within certain limitations and for certain specified purposes, and in connection with capital projects, may do so by obtaining the approval of qualified voters in the City for the issuance of any such bonds, and in connection with a refunding for the purposes of achieving present value debt service savings, may do so without obtaining the approval of the qualified voters of the City for the issuance of any such bonds; and

WHEREAS, the City Council of the City of Milford, Delaware ("Council") has undertaken a capital project, including the design, construction and equipping of a police station and to complete other necessary infrastructure improvements in connection therewith as well as other miscellaneous capital projects (the "Capital Project"); and

WHEREAS, the City is granted the power by its Charter to borrow money, and to secure the payment of the same by pledging the full faith and credit of the City for purposes of financing the Capital Project; and

WHEREAS, the City may borrow money through the incurrence of debt and issue bonds within certain limitations for the Capital Project with the approval of the qualified voters of the City for the issuance of any such bonds; and

WHEREAS, on October 12, 2020, the City adopted a resolution proposing the approval of up to $20,000,000 in the aggregate principal amount of its general obligation bonds or notes to finance the Capital Project, and subsequently held a duly advertised public hearing on December 14, 2020, after which the City adopted a second resolution establishing the date of obtaining the approval of the qualified voters of the City for the issuance of any such Bonds, and such approval was obtained and certified on January 26, 2021 (together, the "Electoral Approval").

WHEREAS, on November 30 2021, the City issued interim financing in the form of its Bond Anticipation Note, Series of 2021 (the "2021 BAN") in the maximum amount of $20,000,000, to provide interim funding for the Capital Project;

WHEREAS, the City intends to issue permanent financing based upon the Electoral Approval in the form of USDA Bonds (the "USDA Bonds"), in two series, as general obligations in an aggregate principal amount not to exceed $16,500,000, proceeds of which will be used to redeem a portion of the outstanding amount of the interim financing of the 2021 BAN and to pay certain issuance costs relating to the issuance of the USDA Bonds (the "Project"); and

WHEREAS, the City has received and previously approved obligation agreements and commitments (together, the "USDA Commitments") for the purchase of the USDA Bonds at a private negotiated sale and hereby award the sale of the USDA Bonds to the United States Department of Agriculture, Rural Development ("USDA") in accordance with the terms of this Resolution; and

WHEREAS, the City now desires to authorize the issuance of the USDA Bonds, to set forth the form thereof, maximum final maturity dates and certain other terms and provisions relating to the USDA Bonds, to authorize the sale of the USDA Bonds pursuant to the USDA Commitment.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY RESOLVES:

1. Approval of the Project; Ratification of the Capital Project and Incurrence of Indebtedness. The City hereby approves the Project and ratifies its approval of the Capital Project and the issuance of the USDA Bonds as permanent financing for the Capital Project, as described in the above recitals to this Resolution. The City hereby approves and deems the Project to be a necessary and proper undertaking in accordance with its Charter and consistent with the promotion of health, education and general welfare of the City.

2. Authorization of Issuance of the USDA Bonds. In order to provide long-term, permanent financing to pay the costs of the Capital Project, the City is hereby authorized to issue, pursuant to its Charter, the Electoral Approval and this Resolution, the USDA Bonds, in the aggregate principal amount of $16,500,000, issuable in two series to be known as "USDA General Obligation Bond, Series of 2023A (USDA Loan 11)", in the principal amount of $8,500,000 (the "USDA 2023A Bonds") and "USDA General Obligation Bond, Series of 2023B (USDA Loan 12)", in the principal amount of $8,000,000 (the "USDA 2023B Bonds"), or such other designations as determined by the City, with a final maturity date of forty (40) years from the date of issuance of each series of the USDA Bonds, and a rate of interest of up to 3.500% percent.

3. Terms of the USDA Bonds. The USDA 2023A Bonds shall be dated as of November 17, 2023, or such later date as may be determined by the Director of Finance and the USDA 2023B Bonds shall be dated February 17, 2024, or such other date as may be determined by the Director of Finance. The USDA Bonds shall be issued in an aggregate principal amount of $16,500,000 and shall pay interest at the rates and principal in the amounts as set forth in the USDA Commitments authorized by this Resolution and by the respective USDA Resolution for each loan (together, the "USDA Resolutions"), presented at this meeting for approval and incorporated herein by reference, subject to the limitations set forth in Section 2 hereof. Principal of the USDA Bonds shall be payable in the form and manner set forth in the form of USDA Bonds attached hereto as Exhibit A and made a part hereof and the USDA Resolutions.

4. Covenant to Pay Debt Service - Pledge of Taxing Power. The City hereby covenants with the registered owners of the USDA Bonds outstanding pursuant to this Resolution, as follows: That the City has included in its budget and will include in its budget for the fiscal year ending June 30, 2025, and in its budgets for each fiscal year thereafter, the amount of the debt service on the USDA Bonds issued hereunder which will be payable in each such fiscal year so long as any of the USDA Bonds shall remain outstanding; that the City shall appropriate such amounts to the payment of such debt service; that the City shall duly and punctually pay or cause to be paid the principal of every USDA Bond and the interest thereon at the dates and places and in the manner stated in the USDA Bonds according to the true intent and meaning thereof, and for such budgeting, appropriation and payment the City hereby pledges its full faith, credit and taxing power. The covenant contained in this Section 4 shall be specifically enforceable. The amounts to be budgeted, appropriated and paid pursuant to the foregoing covenant are those set forth in the USDA Commitments and the USDA Bonds, which shall be deemed to be incorporated in the foregoing covenant with the same effect as if the same were specified in the text of such covenant.

The principal of the USDA Bonds shall be payable in lawful money of the United States of America which shall be legal tender at the time of payment at the designated office of the USDA or its agent for such purpose. Interest on the USDA Bonds shall be payable in the manner provided in the form of USDA Bonds set forth in Exhibit A hereto.

5. Form of USDA Bonds. The USDA Bonds shall be substantially as set forth in Exhibit A hereto, subject only to such appropriate changes, additions, deletions or modifications

as counsel to the City may recommend and the Mayor may approve, such approval to be conclusively evidenced by the execution thereof by the Mayor.

6. Execution and Authentication of USDA Bonds. The USDA Bonds shall be executed by the Mayor of the City and the City seal shall be affixed, imprinted or reproduced thereon and attested to by the City Clerk. Each such execution may be by facsimile signature. If any officer whose signature appears on the USDA Bonds shall cease to hold such office before the actual delivery date of the USDA Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such person had remained in such office until the actual delivery date of the USDA Bonds. The USDA Bonds shall be authenticated by the manual signature of the USDA.

7. Award and Sale of Bonds. The City hereby determines that it is in its best financial interest to sell the USDA Bonds by private negotiated sale to the USDA. The City hereby authorizes the Mayor, City Manager or Director of Finance to award and sell the USDA Bonds to the USDA in accordance with the terms of this Resolution, the Charter, the USDA Resolutions, the Electoral Approval and the USDA Commitments, with such USDA Commitments previously having been approved by the City.

8. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the USDA Bonds is within the legal debt limit of the City.

9. Federal Tax Covenants.

A. General. The City hereby covenants not to take or omit to take any action so as to cause interest on the USDA Bonds to be no longer excluded from gross income of the owners of the USDA Bonds for the purposes of federal income taxation and to otherwise comply with the requirements of sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), and all applicable regulations promulgated under the Code (the "Treasury Regulations"), throughout the term of the USDA Bonds.

B. Investment of Proceeds. The City further covenants that it will make no investments or other use of the proceeds of the USDA Bonds during the term thereof which would cause the USDA Bonds to be "arbitrage bonds," within the meaning of section 148 of the Code and the Treasury Regulations promulgated under the Code. The City further covenants to comply with the rebate requirements (including the prohibited payment provisions) contained in section 148(f) of the Code and the Treasury Regulations thereunder, to the extent applicable, and to pay any interest or penalty imposed by the United States for failure to comply with said rebate requirements, to the extent applicable.

10. Application of Bond Proceeds. The proper officers of the City are authorized to pay the costs of the Project, including the issuance costs on behalf of the City. The proper officers of the City shall, pursuant to such written directions, pay the issuance costs on behalf of the City upon presentation of proper invoices therefor.

11. Officers Authorized to Act. For the purpose of expediting the closing and the issuance and delivery of the USDA Bonds, or in the event that the Mayor or the City Clerk shall be absent or otherwise unavailable for the purpose of executing documents, or for the purpose of taking any other action which they or either of them may be authorized to take pursuant to this Resolution, the Vice Mayor or the City Manager or the Director of Finance of the City, respectively (or other officer authorized under the Charter to execute contracts on behalf of the City), are hereby

authorized and directed to execute documents, or otherwise to act on behalf of the City in their stead, including providing any necessary notice required for payment of all or a portion of the amounts outstanding on the 2021 BAN.

The City covenants to provide such continuing disclosure as set forth in the continuing disclosure agreement, if any, executed in connection with the issuance of the USDA Bonds. Any continuing disclosure filing under this Resolution may be made by transmitting such filing to the continuing disclosure service of the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") System.

15. Dating of USDA Bonds and Documents. The USDA 2023A Bond is to be dated as of November 17, 2023 and the USDA 2023B Bond is to be dated as of February 17, 2024, or such other dates as may be determined by the Director of Finance. Additionally, the Council hereby approves and consents to later dates for the USDA Bonds and such documents if the closing for the USDA Bonds is delayed.

16. Further Action. The proper officers of the City are hereby authorized and directed to take all such action, to execute, deliver, file and/or record all such documents, to publish all notices and otherwise comply with the provisions of this Resolution and the Charter in the name and on behalf of the City.

17. Contract with Bondholders. This Resolution constitutes a contract with the registered owners from time to time of the USDA Bonds outstanding hereunder and shall be enforceable in accordance with the provisions of the laws of the State of Delaware.

18. Parties Interested Herein. Nothing in this Resolution expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the USDA Bonds, any right, remedy or claim under or by reason of this Resolution or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Resolution contained by and on behalf of the City shall be for the sole and exclusive benefit of the City, and the registered owners of the USDA Bonds.

19. Severability. In case any one or more of the provisions contained in this Resolution or in any USDA Bond issued pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Resolution or of said USDA Bonds and this Resolution or said USDA Bonds shall be construed herein or and enforced as if such invalid, illegal or unenforceable provisions had never been contained herein or therein.

21. Repealer. All Resolutions and parts of Resolutions heretofore enacted, to the extent that the same are inconsistent herewith, are hereby repealed.

22. Effective Date. This Resolution shall take effect on the earliest date permitted by law.

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CERTIFICATE OF CITY CLERK

The undersigned, City Clerk, **HEREBY CERTIFIES** that:

The foregoing Resolution authorizing the issuance of USDA Bonds of the City of Milford, Delaware, was duly moved and seconded and adopted by a majority vote of all City Council members of the City at a duly called public meeting of said Council held on November 13, 2023; that the roll of the City Council was called and such members voted or were absent as follows:

VOTE

Name	Aye	Nay	Absent
Jason L. James Sr.			
F. Todd Culotta			
Daniel Marabello			
Brian C. Baer			
Nirmala Samaroo			
Andrew P. Fulton			
Michael J. Boyle			
Katrina E. Wilson			

and that such Resolution and the votes thereon have been duly recorded in the minutes.

WITNESS my hand and seal of the City this 13th day of November, 2023.

City Clerk

_____

(Seal)

SUPPLEMENTAL CERTIFICATE

I certify that the foregoing Resolution has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and seal of the City this ____ day of November, 2023.

City Clerk

_____

(Seal)

EXHIBIT A

(FORM OF USDA BOND)

$_____

CITY OF MILFORD

Kent and Sussex Counties, State of Delaware

USDA GENERAL OBLIGATION BOND, SERIES 2023[A/B] ([USDA Loan 11][USDA Loan 12])

Issuance Date: [November][December] ___, 2023

Maturity Date: _____, 2063

Interest Rate: 3.500%

Principal Amount: $_____

Registered Owner: United States Department of Agriculture, Rural Development

The City of Milford, Kent and Sussex Counties, State of Delaware (the "Issuer"), for value received and intending to be legally bound, hereby acknowledges itself indebted and promises to pay to the Registered Owner hereof, the principal sum of $_____, together with interest thereon from the Issuance Date hereof, at the offices of the Registered Owner in Washington, D.C. or such other address as is indicated on the Register kept by the Issuer, at the stated Interest Rate, per 30/360 day year, on the Maturity Date hereof with respect to the principal thereof and on the 1st day of each _____, _____, _____, and _____, commencing on _____, 2024 (or if such payment date is not a Business Day, then the next succeeding Business Day) with respect to the interest due thereon, upon presentation and surrender of this Bond to the Issuer, in lawful money of the United States of America in immediately available funds. This Bond is subject to early redemption and prepayment prior to the Maturity Date as more fully described herein. Payment of Principal and Interest due on this Bonds are as set forth on Schedule I attached hereto and incorporated herein.

This Bond is issued under and pursuant to the Charter adopted by the General Assembly of the State of Delaware, as amended (the "City Charter") and pursuant to a resolution duly adopted by City Council on November 13, 2023 (the "Resolution") subsequent to certain resolutions duly adopted by City Council on October 12, 2020 and on December 14, 2020, and a favorable special election conducted on January 26, 2021. The Bond is payable by the Issuer from whatever source derived.

The Issuer hereby pledges and grants its full faith and credit for the benefit of the owner of this Bond during the period when this Bond is outstanding (including during any period of default) in order to secure the payment of the principal indebtedness evidenced hereby and the interest

hereon and the Bond is a direct and limited taxing obligation of the City payable from ad valorem taxes levied upon all the taxable property within the City within limitations set forth under the City Charter. The City covenants (i) to include the amount of debt service for this Bond for each fiscal year in which such sums are due and payable in its budget for that year; (ii) to appropriate such amounts to the payment of such debt service; and (iii) to duly and punctually pay, or cause to be paid, the principal of and interest on this Bond at the dates and places and in the manner stated herein according to the true intent and meaning hereof.

The indebtedness evidenced hereby is a borrowing by the Issuer of long-term, permanent financing for a capital project, including the design, construction and equipping of a police station and to complete other necessary infrastructure improvements in connection therewith as well as other miscellaneous capital projects (the "Project") and the proceeds of this Bond are to be used to redeem interim financing used to fund such Project.

Prepayments of scheduled installments of principal or interest, or any portion thereof, may be made at any time as the option of the Issuer. Refunds, extra payments and loan proceeds obtained from outside sources for the purpose of paying down the amounts due hereunder, shall, after payment of interest, be applied to the installments last to become due under this Bond and shall not affect the obligation of the Issuer to pay the remaining installments as scheduled pursuant to this Bond.

As used herein:

"Business Day" shall mean any day other than a Saturday or Sunday or a legal holiday on which commercial owners are authorized or required by law to be closed for business in the State of Delaware.

"Law" shall mean any law (including common law), constitution, statute, treaty, regulation, rule, Resolution, opinion, release, ruling, order, injunction, writ, decree, bond, judgment, authorization or approval, lien or award by or settlement agreement entered into by the Issuer.

The occurrence of any of the following events shall be deemed an Event of Default hereunder:

(a) Default in the payment of principal or interest on this Bond for a period in excess of fifteen (15) days or any other default under the terms of this Bond; or

(b) Default in performance of any covenant or agreement set forth in the Resolution or in this Bond or the occurrence of a default under any other agreement between the Issuer and the Registered Owner; or

(c) Any representation or warranty made by the Issuer is untrue or incomplete in any material respect or any schedule, statement, report, warranty, representation, notice or writing furnished by the Issuer pursuant to the Resolution is untrue or incomplete in any material respect on the date as of which the facts set forth are stated or certified; or

(d) The Issuer shall fail or refuse to comply with any provisions of the Law, or shall for any reason be rendered incapable of fulfilling its obligations hereunder or thereunder; or

(e) The Issuer shall become insolvent or shall be unable to pay its debts as they mature, or the Issuer shall cease operations, file a voluntary petition in bankruptcy or a voluntary petition seeking reorganization or to effect a plan or other arrangement with creditors, or shall file an answer admitting the jurisdiction of the court and the material allegations of any involuntary petition pursuant to any Act of Congress relating to bankruptcy, or shall be the subject of any order for relief, or shall make an assignment for the benefit of creditors or make an assignment to an agent (authorized to liquidate any substantial amounts of the assets of the Issuer), or shall apply for or consent to or suffer the appointment of a receiver or trustee for the Issuer or a substantial part of its property; or

(f) An order for relief shall be entered pursuant to an Act of Congress or any law of the State of Delaware relating to bankruptcy with respect to an involuntary petition seeking reorganization of, or an order shall be entered appointment any receiver or trustee for, the Issuer or a substantial part of its property, or a writ or warrant of attachment or any similar process shall be issued against a substantial part of the property of the Issuer, or an order shall be entered at either the state court level enjoining or preventing the Issuer from conducting all or any part of its business as it is usually conducted, or garnishment proceedings shall be instituted by attachment, levy or otherwise, against any deposit balance maintained, or any property deposited, with the Registered Owner by the Issuer; or

(g) The Issuer shall fail to submit to the Registered Owner: (i) the annual audited financial statements of the Issuer by July 1st of the fiscal year; and (ii) such other information concerning the financial or business affairs of the Issuer as may be reasonably requested from time to time.

Upon the occurrence of an Event of Default specified in clause (e) or (f) above shall occur, the outstanding principal balance and accrued interest hereunder together with any additional amounts payable hereunder shall be immediately due and payable without demand and without notice of any kind, at the Registered Owner's option. Further, the Registered Owner may exercise from time to time any of the rights and remedies available under the loan documents or under applicable law.

No recourse shall be had for the payment of the principal of or the interest on this Bond, or for any claim based hereon, against any officer, agent or employee, past, present or future, of the Issuer, as such, either directly or through the Issuer, whether by virtue of any constitutional provision, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise; all such liability of such officers, agents or employees is hereby renounced, waived and released as a condition of and as consideration for the issuance, execution and acceptance of this Bond.

It is hereby certified that all acts, conditions and things required to be done, to occur or be performed precedent to and in the issuance of this Bond, or in the creation of the indebtedness of which this Bond is evidence, have been done, have occurred and have been performed in regular

and due form and manner as required by law, and that the repayment obligation represented by this Bond is not in excess of any constitutional or statutory limitation.

[USDA BOND – SIGNATURE PAGE]

DULY EXECUTED by the authorized officers of the Issuer set forth below as of the Issuance Date.

[SEAL]

CITY OF MILFORD, DELAWARE

By: _____
Arthur J. Campbell
Mayor

Attest:

By: _____
Teresa K. Hudson
City Clerk

REGISTRATION FORM

This Bond can be validly negotiated only upon proper execution of the form set forth below, and upon notation of the same upon the books of the Issuer, maintained for such purpose. The Issuer shall treat the registered owner of this Bond, as noted on this Bond and on said books, as the absolute owner hereof, and shall not be affected by any changed circumstances, nor by any notice to the contrary.

Original Registered Owner: United States Department of Agriculture, Rural Development

Date	Transferor	Subsequent Registered Owner	Registrar

For value received, the last-named Transferor, by its due execution above, does hereby, on the above-stated date, sell, transfer and negotiate this Bond unto the last-named Subsequent Registered Owner, warranting that this transfer is effective and rightful; that this Bond is genuine and has not been materially altered; and that it has no knowledge of any fact which might impair the validity of this Bond.

SCHEDULE I

Loan repayments on this Bond begin on ____, 202_ and are to be repaid in amortizing quarterly installments in the amount of $_____ on _____, _____, _____, and _____ of each year, until _____, 2063 (with any necessary adjustments for final payment).

CLOSING AGENDA [DRAFT]

CITY OF MILFORD
Kent and Sussex Counties, Delaware
$8,500,000 USDA General Obligation Bond, Series 2023A (USDA Loan 11)
$8,000,000 USDA General Obligation Bond, Series 2023B (USDA Loan 12)

CLOSING AGENDA

Time, Date and Place of Closing re: 2023A Bond	11:00 A.M., November [17], 2023 By Conference Call
Time, Date and Place of Closing re: 2023B Bond	11:00 A.M., February [17], 2024 By Conference Call

PARTICIPANTS

City of Mildford, Delaware	City
Moore & Rutt P.A.	City Solicitor
Taylor English Duma LLP	Bond Counsel
United State Department of Agriculture, Rural Development	Purchaser

DESCRIPTION OF PROJECT

The USDA General Obligation Bond, Series of 2023A (USDA Loan 11) and USDA General Obligation Bond, Series of 2023B (USDA Loan 12) are issued to provide long-term permanent financing by refinancing a portion of the City's General Obligation Note, Series of 2021 (the "2021 BAN"), issued to provide interim funds to finance the capital project, including the design, construction and equipping of a police station and to complete other necessary infrastructure improvements in connection therewith as well as other miscellaneous capital projects (the "Project").

DOCUMENTS DELIVERED AT CLOSING

A transcript of the following documents will be delivered to the Participants named herein following the Closing:

Document			Responsible Party
1.	City Charter		City
2.	Bond Resolution of the City adopted November 13, 2023		City
3.	Election Proceedings		City
	(a)	Resolution #1 adopted October 12, 2020	
	(b)	Resolution #2 adopted December 14, 2020	
	(c)	Special Election Certification January 26, 2021	
2023A Bonds			
4.	USDA Obligation Materials		Purchaser
	(a)	Loan 11 Obligation Agreement	
	(b)	Loan 11 Resolution	
	(c)	Letter of Conditions	
5.	USDA General Obligation Bond (Loan 11)		Bond Counsel
6.	2023A Bond Tax Documents		
	(a)	Tax Certificate re: 2023A Bond	Bond Counsel
	(b)	IRS Form 8038-G	Bond Counsel
7.	City's General Certificate Exhibit A — Incumbency and Signatures		Bond Counsel
8.	Opinion of City Solicitor		City Solicitor
9.	Opinion of Bond Counsel		Bond Counsel
10.	Closing Statement and Receipt		Bond Counsel

2024B Bonds

11.	USDA 2023B Obligation Materials		Purchaser
	(a)	Loan 12 Obligation Agreement	
	(b)	Loan 12 Resolution	
	(c)	Letter of Conditions	
12.	USDA General Obligation Bond (Loan 11)		Bond Counsel
13.	2023B Bond Tax Documents		
	(a)	Tax Certificate	Bond Counsel
	(b)	IRS Form 8038-G	Bond Counsel
14.	Opinion of City Solicitor		City Solicitor
15.	Opinion of Bond Counsel		Bond Counsel
16.	Closing Statement and Receipt		Bond Counsel

FORM OF GENERAL CERTIFICATE

Closing Document No. __

CITY OF MILFORD
Kent and Sussex Counties, Delaware
$8,500,000 USDA General Obligation Bond, Series 2023A (USDA Loan 11)

GENERAL CERTIFICATE

We, the undersigned officials of the City of Milford, Kent and Sussex Counties, Delaware (the "City"), DO HEREBY CERTIFY this ____ day of November, 2023, that:

1. The City is a municipal corporation duly organized and validly existing under the laws of the State of Delaware with full power and authority pursuant to its Charter adopted by the Delaware General Assembly, as amended (the "Charter") to increase its indebtedness and to issue its $8,500,000 USDA General Obligation Bond, Series 2023A (USDA Loan 11)(the "USDA 2023A Bond") and $8,000,000 USDA General Obligation Bond, Series 2023B (USDA Loan 12) (the "USDA 2023B Bond" and together with the USDA 2023A Bond, the "2023 USDA Bonds") to provide permanent, long-term financing for a capital project (the "Project"), including the design, construction and equipping of a police station and completion of other necessary infrastructure improvements in connection therewith as well as other miscellaneous capital projects (the "Capital Project") initially funded by interim financing with the 2021 Bond Anticipation Note issued on November 30, 2021, all as described in the Bond Resolution adopted on November 13, 2023 (the "Bond Resolution"), subsequent to certain resolutions duly adopted by City Council on October 12, 2020 and on December 14, 2020, and a favorable special election conducted on January 26, 2021. The USDA 2023A Bond is issued on the date hereof and the USDA 2023B Bond shall be issued at a subsequent date as shall be determined by the City.

2. The issuance of the USDA 2023A Bond has been authorized by the City Charter and the Bond Resolution.

3. The City has duly authorized, executed and delivered or approved, as the case may be, such agreements and documents necessary or appropriate for the issuance of the USDA 2023A Bond, and in order to carry out, give effect to, and consummate the transactions contemplated by the USDA 2023A Bond and the USDA Obligation Agreement, dated as of January 11, 2023 for the USDA 2023A Bond, by and between the City and the United States Department of Agriculture, Rural Development (the "USDA Obligation Agreement"), including but not limited to, (a) the USDA 2023A Bond; (b) the Bond Resolution; and (c) the USDA Obligation Agreement and all related documents (all documents specifically mentioned in this paragraph, together with any other documents, certificates or agreements delivered by the City in connection with the issuance and sale of the USDA 2023A Bonds, are hereinafter collectively called the "USDA 2023A Bond Documents," unless noted otherwise).

4. The names and the specimen signatures of the officials of the City who executed or attested any of the USDA 2023A Bond Documents or whose facsimile signatures are affixed thereto are as set forth in Exhibit A attached hereto.

5. Each of the officials named in the attached Exhibit A is now, and was at the time the USDA 2023A Bond Documents were so executed and attested, duly elected or appointed, as the case may be, qualified and acting.

6. The Bond Resolution was duly adopted by City Council at public or special meetings held on November 13, 2023, and the resolutions approved by City Council on October 12, 2020 and on December 14, 2020 were duly adopted, and the favorable special election on January 26, 2021, related thereto was duly conducted, after notice thereof had been duly given in accordance with all applicable law and procedural rules of the City and at which a quorum of City Council attended and acted throughout; have been duly recorded in the Minutes of such meetings and are in full force and effect on and as of the date hereof, not having been rescinded, amended or modified.

7. Since the date of the USDA Obligation Agreement, there has been no material adverse change in the general affairs or financial condition of the City other than as disclosed in or contemplated thereby.

8. No event has occurred and is continuing which constitutes, or would, with notice or lapse of time or both, constitute a default under the USDA 2023A Bond Documents.

9. The USDA 2023A Bond is a valid and binding general obligation of the City and the City has the power and is obligated to levy *ad valorem* taxes on all taxable property within the City to provide for the payment of the principal of, and interest on, the USDA 2023A Bond within the limits set forth in the Bond Resolution and the Charter.

10. To the best of our knowledge, after reasonable investigation, there is no litigation now pending or threatened against the City (a) seeking to restrain or enjoin the issuance, sale or delivery of the USDA 2023A Bond; (b) contesting the validity of, or affecting any action taken by the City with respect to the issuance or sale of the USDA 2023A Bond or otherwise questioning or affecting the validity of the USDA 2023A Bonds, the Bond Resolution, the USDA Obligation Agreement or the application of moneys provided for the payment of, or security for, the USDA 2023A Bond; (c) contesting the City's corporate existence or boundaries or the title of its officers to their respective offices; or (d) wherein an unfavorable decision, ruling or finding would adversely affect the financial condition or operations of the City.

11. Attached hereto as Exhibit B is a true, correct and complete copy of the executed USDA 2023A Bond.

12. The forms of the USDA 2023A Bond Documents, as executed and delivered this date, are in substantially the form approved by the City.

13. Insofar as each of us who have signed below is aware, all discussions at which a quorum of the City Council was present and any formal action taken relating to the Project or relating to the sale and issuance of the USDA 2023A Bond took place in accordance with the requirements of Delaware's Freedom of Information Act, the Charter and all applicable law.

IN WITNESS WHEREOF, we have hereunto set our signatures as such officials of

the City of Milford, Delaware, as of the day and year first above written.

CITY OF MILFORD, DELAWARE

By: _____
Arthur J. Campbell
Mayor

Attest:

By: _____
Teresa K. Hudson
City Clerk

[SEAL]

EXHIBIT A
to General Certificate of
City of Milford
Kent and Sussex Counties, Delaware
Dated November ____, 2023

Name	Title	Specimen Signatures
The Honorable Arthur J. Campbell	Mayor	_____
Teresa K. Hudson, CMC	City Clerk	_____
Mark Whitfield	City Manager	_____
Louis C. Vitola	Finance Director	_____

EXHIBIT B
to General Certificate of
City of Milford
Kent and Sussex Counties, Delaware
Dated November __, 2023

[EXECUTED USDA 2023A BOND]

FORM OF TAX CERTIFICATE

Closing Document No. __

CITY OF MILFORD
Kent and Sussex Counties, Delaware
$8,500,000 USDA General Obligation Bond, Series 2023A (USDA Loan 11)

TAX CERTIFICATE

This Certificate dated this ____ day of November, 2023, is being executed and delivered by and on behalf of the City of Milford, Kent and Sussex Counties, Delaware (the "Issuer" or "City"), a governmental unit with general taxing powers, in connection with the issuance and sale by the Issuer of the above-captioned series of bonds (the "2023A Bond" or "Bond") and the exclusion from gross income of the owners of the Bond for federal income tax purposes of the interest payable thereon. The undersigned officers of the Issuer as the officers responsible for issuing the Bond certify and expect that the following will occur with respect to the Bond:

1. The Capital Project; Repayment of Interim Financing. The Bond is being issued under the provisions of the Issuer's Charter adopted by the Delaware General Assembly, as amended (the "Charter") and pursuant to an Bond Resolution adopted by the City Council on November 13, 2023 (the "Bond Resolution"), subsequent to certain resolutions duly adopted by City Council on October 12, 2020 and on December 14, 2020, and a favorable special election conducted on January 26, 2021, to provide permanent, long-term financing for, and redeem a portion of the Issuer's 2021 Bond Anticipation Note issued on November 30, 2021 (the "2021 BAN") used to provide interim financing for, a capital project, including the design, construction and equipping of a police station and completion of other necessary infrastructure improvements in connection therewith as well as other miscellaneous capital projects (the "Capital Project"). In addition, the City will issue its $8,000,000 USDA General Obligation Bond, Series 2023B (USDA Loan 12) at a date to be determined by the City to fund a portion of the Project (as defined below).

2. Sources and Uses of Funds. The proceeds of the Bond will not exceed the amount necessary for the permanent, long-term financing for the Capital Project (the "Project") as indicated on the table showing the expected sources and uses of funds for the Project attached hereto as Schedule I.

3. Sale of the Bond. The Bond has been sold to the United States Department of Agriculture, Rural Development (the "Purchaser") at a purchase price of $8,500,000 and the price paid for the Bond was determined on the basis of actual facts and reasonable expectations as of the date of the execution of the USDA Obligation Agreement for the Bonds, dated as of January 11, 2023, by and between the Issuer and the Purchaser (the "USDA Obligation Agreement").

I. ARBITRAGE REQUIREMENTS

1. In General. The Issuer has covenanted in the Resolution that it will make no use of the proceeds of the Bond during the term thereof which would cause Bond to be an "arbitrage

bond," within the meaning of section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations promulgated under the Code (the "Treasury Regulations") which specify: (a) whether the Bond proceeds (and amounts treated as the Bond proceeds) can be invested at a yield in excess of the yield on the Bond or must be restricted to the yield on the Bond ("yield restriction"), and (b) whether all earnings on investments of the Bond proceeds (and amounts treated as Bond proceeds) at a yield in excess of the yield on the Bond can be retained by the Issuer, or whether earnings in excess of the amount that would have been earned through an investment at the yield on the Bond must be paid to the United States Treasury ("rebate"). The Issuer's reasonable expectations regarding the investment of the Bond proceeds (and amounts treated as proceeds) and other matters regarding compliance with Code section 148 are as set forth below.

2. Yield. The yield on the Bond is that discount rate which when used in computing the present value of all the unconditionally payable payments of principal and interest with respect to the Bond produces an amount equal to their aggregate principal amount, minus any original issue discount, plus any original issue premium and any accrued interest, using semiannual compounding and a 360-day year. The yield on the Bond has been calculated to be not less than 3.500%.

3. Payment of Interim Financing. Proceeds of the Bond in the amount of $_____ will be transferred to the holders of the 2021 BAN pursuant to the Bond Resolution for redemption on November __, 2023.

4. Issuance Costs. Proceeds of the Bond in the amount of $_____ will be expended on the date hereof to pay costs of issuance of the Bond.

5. Debt Service Fund. The Issuer has established a debt service fund (the "Debt Service Fund") for the Bond, which will be used primarily to achieve a proper matching of revenues and debt service within each bond year. The Debt Service Fund is intended to constitute a bona fide debt service fund as described in section 1.148-1(b) of the Treasury Regulations and will be used to pay interest and principal on the Bond as such amounts become payable. Moneys so deposited will be spent within a thirteen-month period beginning with the date of deposit, and any amount realized from the investment of such moneys will be spent within a one-year period beginning on the date of receipt thereof. The Issuer expects that such moneys deposited in the Debt Service Fund will be exhausted annually, using a first in-first out accounting convention, except for a reasonable carry over amount not in excess of the greater of 1/12th of the annual debt service on the Bond or one year's earnings on the investment thereof. Amounts on deposit in the Debt Service Fund may be invested without restriction as to yield, and any amounts earned thereon in excess of the yield on the Bond will not be subject to arbitrage rebate.

6. No Other Sinking Fund. Except as set forth in Section 5 of this Part I, the Issuer has not created or established and does not expect to create or establish any debt service fund or other similar fund which would be utilized to pay the principal of and/or interest on the Bond.

7. Replacement Funds. No portion of the original proceeds of the Bond will be used as a substitute for other funds of the Issuer which were otherwise available for use as a source of financing for any portion of the costs of the Capital Project and which have been or will be used

to acquire, directly or indirectly, securities producing a yield in excess of the yield on the Bond. The weighted average maturity of the Bond does not exceed 120% of the average reasonably expected economic life of the facilities being financed with proceeds of the Bond (as determined under section 147(b) of the Code).

8. Prior or Subsequent Issues. No tax-exempt obligations have been or will be sold by the Issuer within 15 days prior or subsequent to the sale date of the Bond which are payable from the same source of revenues as secure the payment of the Bond.

9. No Hedge Bonds. The Issuer reasonably expects that at least 85% of the spendable proceeds (as defined in section 1.149(g)-1(a) of the Treasury Regulations) of the Bond will be used for the Capital Project within three years from the date hereof. Not more than 50% of the proceeds of the Bond will be invested in nonpurpose investments (as defined in Section 10(c) below) having a substantially guaranteed yield for four or more years. Accordingly, the Bond is not a "hedge bond" within the meaning of Code section 149(g).

10. Rebate Calculation and Payment.

(a) Determination and Payment Dates. The Issuer hereby covenants that it will calculate the amount of rebatable arbitrage earnings, if any, as of the following dates: (i) a date selected by the Issuer not later than five years after the date on which the Bond is issued; (ii) the last day of each succeeding five-year period on which the Bond is outstanding; and (iii) the date on which the Bond matures or is redeemed (each a "Computation Date"). Within 60 days after each Computation Date, the Issuer will cause the above calculation to be made and will make or will cause to be made payment to the United States Treasury sufficient to ensure that the amount paid, after taking into account amounts previously remitted to the United States Treasury, is equal to the total rebate due as of that date.

(b) Retention of Experts. The Issuer covenants that it will retain legal counsel, certified public accountants or other nationally recognized experts to the extent necessary to accurately calculate the yield on the Bond and the amount of rebate due.

(c) Method of Calculation. The rebate due, if any, as of any date, shall be calculated by future valuing receipts from the investment of Bond proceeds (and amounts treated as Bond proceeds) in nonpurpose investments from the date of receipt to the Computation Date and then subtracting from the sum of those future values the sum of the future values of payments made from Bond proceeds (and amounts treated as Bond proceeds) invested in nonpurpose investments. The future value of a receipt or a payment is computed from the date of such receipt or payment, as appropriate, to the date for which the computation is being made, using semiannual compounding at the yield on the Bond and a 360-day year. Furthermore, for purposes of the foregoing calculation, (i) receipts and payments with respect to Bond proceeds in any bona fide debt service fund for the Bond will not be taken into account; (ii) the term "nonpurpose investment" shall include all investments of Bond proceeds (and amounts treated as Bond proceeds) other than any tax-exempt bond (other than a bond described in Code section 57(a)(5)(C)) or any demand deposit U.S. Treasury Security - State and Local Government Series; and (iii) the term "receipts" shall include not only interest earnings and amounts received from the sale or other disposition of nonpurpose investments, but shall also include the fair market value of

any investment of Bond proceeds (or any amount treated as Bond proceeds) as of any Computation Date, except that, with respect to fixed rate investments the present value, as calculated under Treasury Regulations section 1.148-5(d), may be substituted for fair market value.

(d) Six-Month Spending Exception. Notwithstanding the foregoing, no rebate calculation will be required with respect to amounts earned, if any, on the investment of the Bond proceeds allocable to the Capital Project if, as expected, all such proceeds are expended within six months of the date hereof.

11. Abusive Transaction. The Bonds is not and will not be part of a transaction or series of transactions that attempts to circumvent the provisions of section 148 of the Code and the Treasury Regulations thereunder by (a) enabling the Issuer to exploit the difference between tax-exempt and taxable interest rates to gain a material financial advantage and (b) increasing the burden on the market for tax-exempt obligations.

II. USE OF BOND PROCEEDS

Investment of Proceeds. The Issuer covenants that it will make no use of the proceeds of the Bond during the term thereof which would cause the Bond to be an "arbitrage bond," within the meaning of section 148 of the Code, and that it will comply with the requirements of all Code sections necessary to ensure that the Bond is described in Code section 103(a) and not described in Code section 103(b) throughout the term of the Bond.

1. Refunding. No proceeds of the Bond will be used to refund any tax-exempt obligation or indebtedness of the Issuer.

2. General Obligations. The Bond is a general obligation of the Issuer, payable solely from the revenues of the Issuer.

3. Private Use. No more than 10% of the net proceeds of the Bond, less any amounts applied to the payment of the costs of issuance of the Bond, will be used for any private business use as described in section 141(b)(1) of the Code. No more than 10% of the payment of principal of, or interest on, the Bond will be (a) secured, directly or indirectly, by property used for a private business use or payments in respect of such property, or (b) derived from payments (whether or not to the Issuer) in respect of property or borrowed money, used or to be used for a private business use as described in section 141(b)(2) of the Code. With respect to private use of Bond proceeds that is unrelated or disproportionate to the governmental use of Bond proceeds, the foregoing limitations shall be applied by substituting "5%" for "10%."

4. Treatment of Interest. The Issuer will not take any action which will cause the interest on the Bond to be includible for federal income tax purposes in the gross income of a holder of the Bond.

III. ADDITIONAL REPRESENTATIONS AND COVENANTS

1. Information Reporting. The Issuer will cause to be timely filed the Internal Revenue Service Form 8038-G to be prepared in connection with the issuance of the Bond and

will assure that the information contained therein is, to the best of the Issuer's knowledge, correct and complete.

2. Reasonable Expectations. To the best of the knowledge, information and belief of the undersigned, the above expectations are reasonable. In rendering this certificate, the undersigned has relied upon the representations and certifications contained in the Underwriter's Certificate and the Financial Advisor's Certificate.

3. Responsible Officers. The undersigned are officers of the Issuer charged by the Issuer with the responsibility of issuing the Bond.

4. Regulatory Compliance. This certificate is executed and delivered pursuant to section 1.148-2(b) of the Treasury Regulations.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

(Signature Page to Tax Certificate)

CITY OF MILFORD
Kent and Sussex Counties, Delaware

By: _____
Arthur J. Campbell
Mayor

Attest:

By: _____
Teresa K. Hudson
City Clerk

[SEAL]

Dated as of the day and year first above written.

SCHEDULE I
to 2023 Bond Tax Certificate of
City of Milford
Kent and Sussex Counties, Delaware
Dated: November ___, 2023

ESTIMATED SOURCES OF FUNDS	
Principal Amount of 2023A Bonds	$8,500,000.00
TOTAL SOURCES OF FUNDS	$8,500,000.00
ESTIMATED USES OF FUNDS	
Costs of Project	$ .00
Costs of Issuance	$ .00
TOTAL USES OF FUNDS	$8,500,000.00

FORM OF CLOSING STATEMENT AND RECEIPT

Closing Document No. __

CLOSING STATEMENT AND RECEIPT

$8,500,000
CITY OF MILFORD
Kent and Sussex Counties, Delaware
$8,500,000 USDA General Obligation Bond, Series 2023A (USDA Loan 11)

RECEIPT, executed this _____ day of November, 2023, by and on behalf of the City of Milford, Kent and Sussex Counties, Delaware (the "Issuer") and the United States Department of Agriculture, Rural Development (the “Purchaser).

W I T N E S S E T H :

As used herein the following terms have the indicated meaning:

2023A Bond	The Issuer's USDA General Obligation Bond, Series 2023A (USDA Loan 11), in the principal amount of $8,500,000, dated the date hereof. The 2023A Bond, as issued, bears interest and matures in the amount and on the respective dates as set forth therein.
Bond Resolution	The Bond Resolution of the Issuer adopted on November 13, 2023, authorizing, inter alia, the issuance of the 2023A Bonds pursuant to its Charter subsequent to certain resolutions duly adopted by City Council on October 12, 2020 and on December 14, 2020, and a favorable special election conducted on January 26, 2021. The Bond Resolution also authorizes the issuance of the Issuer's USDA General Obligation Bond, Series 2023B (USDA Loan 12), in the principal amount of $8,000,000, to be dated the date of its issuance.
USDA Commitment	The USDA Obligation Agreement by and between the Issuer and the Purchaser dated as of January 11, 2023, relating to the 2023A Bonds as well as related documentation.
Project	The issuance of permanent, long-term financing for a portion of the capital project, including the design, construction and equipping of a police station and completion of other necessary infrastructure improvements in connection

	therewith as well as other miscellaneous capital projects (the "Capital Project") through the redemption of a portion of the Interim Financing.
Interim Financing	The 2021 Bond Anticipation Note issued on November 30, 2021, to provide interim financing of the Capital Project.

ISSUER has delivered to the Purchaser the 2023A Bonds as described above and hereby (1) acknowledges receipt from the Purchaser of the Amount Due at Settlement as set forth on Schedule A; and (2) authorizes the payment of the expenses listed on Schedule A attached hereto, it being stated that each expense is a proper cost in connection with the issuance of the 2023A Bonds, and to apply the balance remaining therein after the payment of such expenses to the Project as shown on Schedule A attached hereto.

PURCHASER hereby acknowledges receipt of the 2023A Bonds.

The undersigned have each caused this Closing Receipt to be duly executed and delivered as of the day and year first above written.

CITY OF MILFORD, DELAWARE
Kent and Sussex Counties, Delaware

By: _____
Arthur J. Campbell
Mayor

UNITED STATES DEPARTMENT OF
AGRICULTURE, RURAL DEVELOPMENT

By: _____
Authorized Representative

SCHEDULE A
to Closing Receipt
of City of Milford, Delaware
Dated November ___, 2023

Settlement Account Reconciliation — 2023 Bonds

I.	Total Amount Due at Settlement	
1.	Principal re: 2024A Bond (Loan 11)	$8,500,000.00
	Total Funds Available:	$8,500,000.00
II.	Disposition of Funds	
1.	To Issuer for Project:	$_____
2.	To Issuer for Payment of Issuance Costs	$_____
	Total Disposition:	$8,500,000.00

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com

Date: November 8, 2022

To: Mayor and City Council

From: Louis C. Vitola, Finance Director

Re: USDA Financing Resolutions 2023-28, 2023-29, 2023-30
(Final Approval of Terms & Conditions Required to Close on PD Facility Loans)

EXECUTIVE SUMMARY

Staff recommend that City Council authorize resolutions 2023-28, 2023-29, and 2023-30, the latter two of which represent the USDA counterparts to the City's single resolution 2023-28. Council authorization of the resolutions together paves the way for the City and the USDA to close on the permanent financing for the PD Facility. The terms and conditions have not changed since the City's USDA application was first accepted in 2022.

ADDITIONAL INFORMATION

As the construction of the police facility nears completion, we are preparing to close on the permanent project financing with the USDA. Resolution 2023-28 authorizes the City to execute all closing documents required by the USDA for the entire $16.5 million loan. Resolutions 2023-29 and 2023-30 are USDA resolutions memorializing Council's acceptance of each individual bond placement in the form of $8.5 million Series 2023A and $8.0 million Series 2023-B, respectively. Solicitor David Rutt and the City's Bond Counsel, Tim Anderson, have taken the lead on the document production and review, which is typical for a bond closing transaction. City Council approved the loan terms and conditions on November 28 and December 12, 2022, which satisfied prerequisites of the USDA to formally obligate the funding at that time. The authority to undertake the borrowing and all terms, conditions, and constraints set forth in all prior resolutions remain in force and unchanged. The closing on Note 2023A may occur as early as November 17, 2023, while Note 2023B is expected to close in 2024.

RECOMMENDATION

Staff strongly recommend the approval of Resolutions 2023-28, 2023-29, and 2023-30, which memorialize the USDA community facility financing terms secured by Council in 2022, including a loan term not to exceed 40 years, a rate not to exceed 3.5%, and loan funding not to exceed $16.5 million, amortized quarterly.

USDA RESOLUTION 2023-29
SERIES 2023A (LOAN 11)

Position 5

USDA
Form RD 1942-47
(Rev. 12-97)

LOAN RESOLUTION
(Public Bodies)

FORM APPROVED
OMB NO. 0575-0015

A RESOLUTION OF THE City Council

OF THE City of Milford

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

2023 Milford Police Department Facility

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the City of Milford
(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

$8,500,000

pursuant to the provisions of the State of Delaware and the Charter of the City of Milford ; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of $ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is O575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.

12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.

13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.

14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:

    (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
    (b) Repairing or replacing short-lived assets.
    (c) Making extensions or improvements to the facility.

    Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.

15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.

16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

17. To accept a grant in an amount not to exceed $ 8,500,000

    under the terms offered by the Government; that the Mayor

    and City Council of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

    The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee

    The vote was: Yeas _____ Nays _____ Absent _____.

IN WITNESS WHEREOF, the City Council of the City of Milford has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this 13th day of November, 2023.

(SEAL)

By Arthur J. Campbell

Attest:

Title Mayor

Teresa K. Hudson, City Clerk

Title

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as Mayor of the City of Milford hereby certify that the City Council of such Association is composed of eight members, of whom XXX, constituting a quorum, were present at a meeting thereof duly called and held on the 13th day of November, 2023; and that the foregoing resolution was adopted at such meeting by the vote shown above. I further certify that as of _____, the date of closing of the loan from the Government, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, this _____ day of _____, _____.

_____

Title Mayor

FINANCE DEPARTMENT
10 SE Second Street
Milford, DE 19963

THE CITY of Milford DELAWARE

PHONE 302.424.5140
FAX 302.424.5932
www.cityofmilford.com

Date: November 8, 2022

To: Mayor and City Council

From: Louis C. Vitola, Finance Director

Re: USDA Financing Resolutions 2023-28, 2023-29, 2023-30
(Final Approval of Terms & Conditions Required to Close on PD Facility Loans)

EXECUTIVE SUMMARY

Staff recommend that City Council authorize resolutions 2023-28, 2023-29, and 2023-30, the latter two of which represent the USDA counterparts to the City's single resolution 2023-28. Council authorization of the resolutions together paves the way for the City and the USDA to close on the permanent financing for the PD Facility. The terms and conditions have not changed since the City's USDA application was first accepted in 2022.

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USDA RESOLUTION 2023-30
SERIES 2023B (LOAN 12)

Position 5

USDA
Form RD 1942-47
(Rev. 12-97)

LOAN RESOLUTION
(Public Bodies)

FORM APPROVED
OMB NO. 0575-0015

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pursuant to the provisions of the State of Delaware and the Charter of the City of Milford ; and

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    and City Council of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

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    The vote was: Yeas _____ Nays _____ Absent _____.

IN WITNESS WHEREOF, the City Council of the City of Milford has duly adopted this resolution and caused it to be executed by the officers below in duplicate on this 13th day of November, 2023.

(SEAL)

_____

By Arthur J. Campbell

Attest:

Title Mayor

_____

_____

Title

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as Mayor of the City of Milford hereby certify that the City Council of such Association is composed of eight members, of whom XXX, constituting a quorum, were present at a meeting thereof duly called and held on the 13th day of November, 2023; and that the foregoing resolution was adopted at such meeting by the vote shown above. I further certify that as of _____, the date of closing of the loan from the Government, said resolution remains in effect and has not been rescinded or amended in any way.

Dated, this _____ day of _____, _____.

_____

Title Mayor

E MAYOR
Valnut Street
19963
ilford.com

Arthur J. Campbell, MAYOR
City Hall 302.422.1111
Fax 302.424.3558
Mayor@milford-de.gov

November 13, 2023

Jamie Whitehouse, AICP
Planning & Zoning Director
2 The Circle
PO Box 589
Georgetown, DE 19947

RE: Sussex County Land Use Application CZ-2004
Key Properties Group, LLC
3-30-11.00-070.00
AR-1 (Agricultural Residential District) to C-4 (Planned Commercial District)

Mr. Whitehouse:

Please accept this letter from City Council in opposition to Sussex County Land Use Application CZ-2004 for the rezoning of Sussex County Tax Parcel 3-30-11.00-070.00 from AR-1 to C-4.

Milford's Comprehensive Plan & Southeast Neighborhood Master Plan

According to the City's 2018 Comprehensive Plan, the subject parcel is located within the City's approved annexation area and is designated Low Density Residential. Low Density Residential would permit the property to be annexed into the City of Milford as R-1 (Single-family Residential District), R-2 (Residential District), C-1 (Neighborhood Commercial District) or OB-1 (Office Building District). The property is bound on the north by 70 acres of vacant land zoned R-2 within the City of Milford, to the east by the Knollac Acres zoned AR-1 in Sussex County, to the west by Route 1, and to the south by 9 acres of vacant land zoned C-3 (Highway Commercial District) within the City of Milford.

The property was added to the City's approved annexation area in 2006 through an amendment to the City's 2003 Comprehensive Plan. The development of this parcel, along with the surrounding area east of Route 1 was contingent upon the City developing a Master Plan which required approval from the State of Delaware. The City entered into a Memorandum of Agreement with the State of Delaware in 2008 and began the master planning process.

The Southeast Neighborhood Master Plan was an amendment to the City's 2008 Comprehensive Plan and is used to guide growth and development in the Southeast Neighborhood of the City. The Master Plan was prepared in close coordination with the State of Delaware Office of State Planning Coordination (OSPC), Department of Agriculture (DDA), Department of Natural Resources and Environmental Control (DNREC) and Department of Transportation (DelDOT). The Master Plan was adopted by City Council in 2011 and was signed by the Mayor, the Director of the OSPC and the Secretaries of DelDOT, DNREC and the DDA.

The purpose of the Master Plan was to provide for predictable, shovel ready development while incorporating proactive preservation of farmland to the east of the City's projected growth area. The master planning process (2008-2011) included an extensive public participation effort with input from

local residents and property owners. The subject parcel was considered for commercial land use during the initial phase of the master plan, but commercial was not ultimately recommended due to difficulty in gaining road access to the property and the proximity to low density residential land uses.

Previous Change of Zone/Comprehensive Plan Amendment Requests – City of Milford (2016 & 2022)

City Council denied Comprehensive Plan Future Land Use map amendments for the subject parcel in 2016 and again in 2022. In both instances, the property owner requested to change the future land use of the property from Low Density Residential to Commercial. The request was denied by City Council due to the proximity of low-density residential land uses in the area, availability of other commercial land for development within the City, and the difficulty in providing commercial road access to the site. According to PLUS comments provided by the State of Delaware in 2022, transportation access to the property would be by way of the adjacent parcel to the north owned by Mr. Wiggles, LLC and direct access to Route 1 would not be permitted.

City of Milford Commercial Land Inventory

There are approximately 325 acres of developed C-3 (Highway Commercial District) land within Milford City limits. This does not include other zoning categories that provide areas for employment and commercial services such as C-1, C-2, C-2A, BP, OC-1, OB-1, I-1, I-2, H-1, IS and IM districts.

There are approximately 375 acres of undeveloped or underutilized C-3 land within City limits, of which 245 acres are located along the Route 1 corridor. Bayhealth Medical Center, Inc. owns approximately 65 acres of vacant C-3 land east of the Sussex Health Campus on the west side of Route 1 in the immediate area, which could yield over 500,000 square feet of retail space.

Sussex County Zoning Code – C-4 Planned Commercial District

Per Chapter 115-83.24, the purpose of the C-4 district is to encourage carefully planned large-scale commercial, retail, and mixed-use developments as a means of creating a superior shopping, working and living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan.

As previously stated, the City has significant vacant land zoned C-3 and other categories to fulfill the retail and employment needs of the residents of Milford. It should also be noted that the City of Milford has over 5,400 approved and planned residential units in the City's housing pipeline, with another potential 2,600 units on vacant land already annexed into the City. At full build-out, this could result in an additional 20,000 residents.

Per Chapter 115-83.25, the land area for the C-4 district shall have access to an existing or planned arterial or collector road. DelDOT provided PLUS comments in 2022 stating transportation access to the property would be by way of the adjacent parcel to the north and that direct access to Route 1 would not be permitted. The zoning code also states the land area shall be served by adequate existing or planned infrastructure. This property would not be served by City central sewer or central water utilities under the proposed zoning designation. The property would need to be annexed into the City of Milford with a zoning designation consistent with the City's comprehensive plan in order to be served by City water and sewer utilities.

Summary

On behalf of our constituents in the City of Milford, we are writing to recommend that the Sussex County Council and Planning & Zoning Commission deny application CZ-2004 (Key Properties Group,

LLC) for the change of zone request for Sussex County Tax Parcel 3-30-11.00-070.00 from AR-1 to C-4. The request is not consistent with the City of Milford's adopted Comprehensive Plan and Southeast Master Plan, which was prepared through an extensive and inclusive planning effort by the City and its residents. There is already sufficient land within the City appropriately zoned to accommodate the needed and welcomed commercial growth to serve area residents. We hope Sussex County considers the negative impacts this proposal has on the implementation of the City's master plan and the negative impacts this proposal has on City and County residents.
Sincerely,

Arthur J. Campbell
Mayor

CC: Sussex County Council Members
Sussex County Planning & Zoning Commissioners