



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

CITY COUNCIL AGENDA December 9, 2024

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Call 301 715 8592 Webinar ID: 991 5613 1279

6:00 PM

15-Minute Public Comment Period*

All interested parties are invited to speak during the public comment portion of the Meeting. Discussion of those items appearing on the agenda as a public hearing is prohibited during the Public Comment Period, as an opportunity will be provided at the time it is being considered. Virtual attendees must register prior to start time of the meeting by calling 302-422-1111 Extension 1142 or 1303, or by sending an email to cityclerk@milford-de.gov and providing their name, address, phone number, and item name and/or description you wish to comment on. Persons in attendance wishing to speak must sign up prior to the start of the Meeting. Citizen comments are limited to three (3) minutes. Council and Committee Members are prohibited from responding or taking action since this is not an official session; however, items may be considered for placement on a future agenda.

COUNCIL MEETING

Call to Order - Mayor F. Todd Culotta

Invocation

Pledge of Allegiance

Roll Call

Recognition

New City Employee Introduction

2024 Excellence Award Winners

2024 Delaware Supervisory Academy Graduates

Staff Reports

Police Department

City Clerk

City Manager

Public Works

Electric

Planning & Zoning

Parks & Recreation
Human Resources
Economic Development & Community Engagement
Information Technology
Finance

Communications & Correspondence

Unfinished Business

New Business

Acceptance/FY2023 City of Milford Audit
Resolution 2024-23/Council Rules of Procedure Changes
Resolution 2024-24/Intent to Reimburse/Water Fund
Resolution 2024 25/Intent to Reimburse/Milford Corporate Center

Ordinance introductions:

Introduction/Ordinance 2024-13
Application of Mavis Discount Tires on behalf of LC Management, LLC
for Preliminary Conditional Use
1.63 +/- acres of land located along the east side of Lexus Drive within
the Cypress Hall Commercial Shopping Center, approximately 260
feet south of the Cypress Hall Boulevard intersection
Comprehensive Plan Designation: Commercial
Zoning District: C-3 (Highway Commercial District)
Present use: Vacant Land
Proposed Use: Car Repair Shop
Tax Parcel: 1-30-3.00-261.04

Ordinance 2024-14 Zoning Code Chapter 230 – Marijuana Regulations #2 Alternate
Amendment to City of Milford Code Chapter 230/Zoning Code

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 ADDITIONAL 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 MUST BE INCLUDED IN THE COUNCIL PACKET AND ACCESSIBLE BY AUDIO AND VISUAL MEANS PURSUANT TO 29 Del. Code, Chapter 100, §10006A(c)(5).

**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.*





2024 Excellence Award Winners



At the City of Milford, we like to recognize employees through our Employee Recognition Program. The Program objectives include recognizing and promoting positive behaviors that support individuals, groups, divisions and departments in achieving the City's mission, vision, and values.

Nominations from peers and supervisors are submitted to the Human Resources Department using the electronic Employee Recognition Nomination Form on the City's website and the winner is decided by the Reward & Recognition Committee by a blind peer vote (i.e., employee's name is excluded, and the vote is based off the nomination submission).



▶ Deron Lucas, Public Works
Equipment Operator II-Solid Waste

▶ DeAndre Wilson, Public Works
Equipment Operator II-Solid Waste

▶ On August 29, 2024, while working on the trash truck Deron Lucas and DeAndre Wilson noticed a man on SE Front Street who had fallen out of his wheelchair. Without hesitation, both drivers immediately stopped their work to help the man back into his wheelchair and ensured he reached his destination safely.



▶ Paul Beebe, IT Systems and Enterprise Resource Planning Specialist

▶ The Central Square Cloud migration was a major project, Paul Beebe actively listened and learned how the Customer Service software works together, especially with file transfers and third-party vendors. The Customer Service Division employees made a point to say how seamless the transfer was for them, the end user.



2024 Delaware Municipal Supervisory Management Academy Graduates



The City of Milford would like to recognize our 2024 Delaware Municipal Supervisory Management Academy graduates.

This is our 5th academy year with our partnership with Wilmington University. Other participants included: City of Lewes, Town of Milton, Town of Middletown, City of Harrington, and Delaware Municipal Electric Corporation.

All graduates earned 3 Wilmington University credits towards an undergraduate business program.

Presenters & Topics

Mrs. Jamee E. Boone, *WilmU Graduate, Adjunct Instructor, College of Business & College of Social and Behavioral Sciences (COSBS)*

- Leadership
- Performance Management, Appraisals and Developing S.M.A.R.T. Goals
- Building a Culture of Trust and Accountability
- Enhancing Employee Experience Through Successful Onboarding

Dr. Hugh Broomall, *WilmU Professor, College of Business*

- Quality Interviews and Candidate Selection

Dr. Scott Walton, *Chair of Marketing, College of Business*

- Managing Multi-Generational Employees

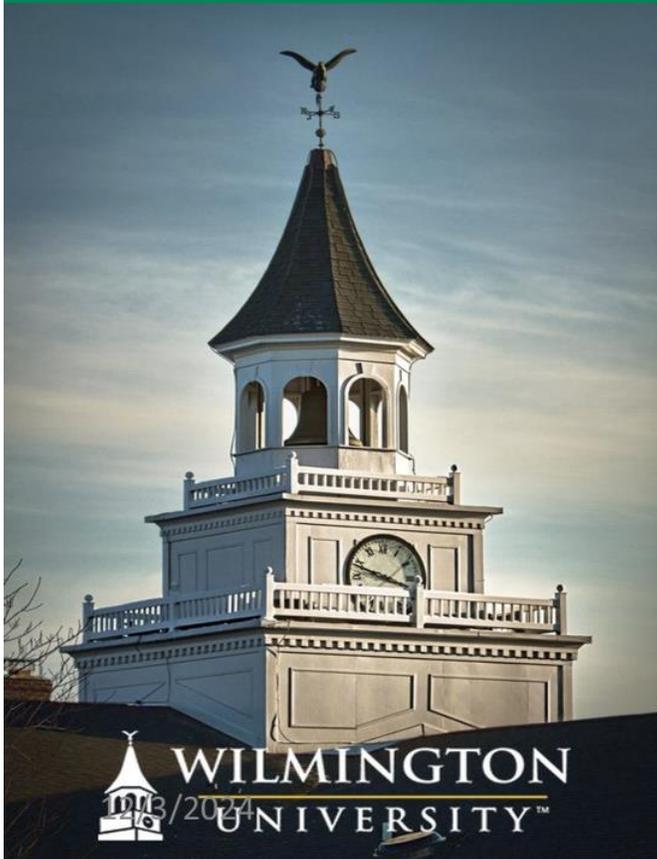
Dr. Mary Willis, *WilmU Professor, College of Business*

- Motivating Employees & Customer Service

Dr. Shiloh Andrus, *Adjunct Program Coordinator, COSBS*

- Mindful Leadership: Enhancing Mental Health and Well-Being for Supervisors

Thank
you



Valerie Heritage, Executive Assistant- City Manager



Howard Willis, Code Enforcement Official I



Scott Gerardi, Public Works Equipment Operator II- Streets & Utilities



Cody Lahman, Public Works Equipment Operator II- Streets & Utilities





OFFICE OF THE CHIEF OF POLICE
 CECILIA E. ASHE
 cecilia.ashe@cj.state.de.us



401 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: December 3, 2024
 RE: Activity Report for November 2024

In the month of November, Milford PD responded to over 1,201 calls for service.

Chief and Police Command Staff:

- Throughout the month of November, the 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 meetings 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.

MPD Activities for the Month

Community Engagement:

- The Police Department was visited by Little Caesars Love Kitchen at the beginning of November. They provided us with lunch, talked about their mission and gave us a tour of the mobile kitchen. Little Caesars founders, the Ilitches, had a passion for helping those in need and giving back to their community. This passion led them to create the Little Caesars Love Kitchen. These mobile kitchens travel across the country providing relief to the food and housing insecure, disaster survivors, military and first responders.



- Senior Corporal John Badger and PFC Leah Brasure were recognized by the Delaware Office of Highway Safety, Mothers Against Drunk Driving (MADD) and State Farm for their outstanding service in impaired driving enforcement.



- With the assistance of Take My Hand Ministries and Mountaire Farms Thanksgiving for Thousands, we were able to provide Thanksgiving Meals for 25 families to our local community. This annual effort provides for those who might not otherwise enjoy a family meal this season.



- S/Cpl. Bloodsworth attended the Fall Festival at Lulu Ross Elementary School and socialized with families in attendance. It presented an opportunity to engage with parents and students from the district in a fun and relaxed environment.
- Officers assisted Carlisle Fire Company with escorting Santa downtown to the Santa House. They had the opportunity to socialize with the public and Santa during this annual event.



- Delaware Office of Highway Safety provided us with two new car seats, which will be beneficial in those circumstances when we need to transport children in the course of our duties.



Training and Professional Development:

- One officer attended Crisis Intervention Training (CIT) held at Milford Police Department. Behavioral Health Director Jenna Haines also assisted with the instruction of this course.



- Three officers attended Green Lab Cannabis Enforcement Training held at the Chesapeake Regional Safety Council in Windsor Mill, MD.
- Two officers attended the DE Alliance Against Sexual Violence (DAASV)/Gender and Racial Justice held at the Chase Center on the Riverfront in Wilmington.
- Two officers attended NTOA Ballistic Shield Training held at the Altoona Police Department in Altoona, IA.
- One officer attended The International Law Enforcement Torch Run (LETR) Conference held in San Antonio, TX.



- Five officers attended the Hometown Security Conference held at the Atlantic Sands Hotel & Conference Center in Rehoboth.

- Staff officers, detectives and Councilwoman Wilson attended Group Violence Intervention (GVI) University and GVI Law Enforcement Training, which we hosted at the Milford Public Works Facility.
- Two officers attended K9 Tactical Combat Casualty Care Training held at the Camp Barnes Campground in Frankford, DE.



Learning lifesaving techniques for canines are (l-r) Milford Police Department officers John Badger and Miles Kosiorowski, and Laurel EMT James Ashmead.

Community Room:

- We had six (6) organizations use the community room in November. Also during the month of November, our new audio/visual equipment was installed into the community room (projector, side monitors and sound system/microphones). These items were secured through remaining building budget monies and grant funds.



Behavioral Health Unit:

Milford Police Department – November 2024 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 28- October 31, 2024	19	N/A: JH Vacation	N/A: JH Vacation	3	Referrals to Services: Public Assistance Check the Welfare	0	0	4
November 1- November 3, 2024	23	N/A: JH Vacation	N/A: JH Vacation	6	Referrals to Services: Check the Welfare Public Assistance Homeless Resources	0	1	6
November 4- November 10, 2024 Tu: Election Th: Returns	74	1. Rural Subcommittee Meeting JH on Vacation	JH on Vacation	6	Referrals to Services: Check the Welfare Public Assistance Victim Services 10-81	1	0	3
November 11- November 17, 2024 M: Veterans Day	87	1. Opioid System of Care Meeting	1. Domestic Violence Lethality Training	8	Referrals to Services: Victim Services Check the Welfare Public Assistance Theft	1	1	5
November 18- November 24, 2024	83	1. CIT Suicide Awareness & Prevention Presentation 2. CIT Scenarios	1. Disability Resource Training 2. Emerging Trends in Overdose Prevention	7	Referrals to Services: Victim Services Homeless Resources 10-81 Check the Welfare	0	1	6
November 25- November 30, 2024 Th & F: Thanksgiving	51	N/A	N/A	5	Referrals to Services: Homeless Resources 10-81 Check the Welfare Public Assistance	1	1	7
Totals:	337			35		3	4	31
Year to Date Totals:	3434.75			430		51	66	332
Overall Totals:	9843.6			1644		144	201	1435

Social Media/Public Information Update:

Our Facebook page had 97 new followers for a total following of 16,114. Currently our followers are 34% male and 66% female. Posts during the month were viewed 429,273 times and reached 54,778 people. Our viewed and reached post for November was the news releases related to the attempted murder suspect from the 11/3/2024 domestic related stabbing.

Our Instagram account had 36 new followers for a total following 2,337. Currently our followers are 39% male and 61% female. Posts during the month were viewed 56,274 times and reached 7,490 people.

Our Twitter followers are 1,455.

We did not have any Nextdoor posts during the month of November. Nextdoor reaches 3,415 members according to statistics provided by the website.

MPD News Releases:

November 6, 2024: Police Asking Community's Assistance in Locating Wanted Subject

<https://www.milfordpolicede.org/news/Police-Asking-Communitys-Assistance-in-Locating-Wanted-Subject.htm>

November 14, 2024: Shots Fired Incident Results in Arrest of Three

<https://www.milfordpolicede.org/news/Shots-Fired-Incident-Results-in-Arrest-of-Three.htm>

November 24, 2024: Missing Juvenile Located

<https://www.milfordpolicede.org/news/Missing-Juvenile-Located.htm>

November 26, 2024: Attempted Murder Suspect Located

<https://www.milfordpolicede.org/news/Attempted-Murder-Suspect-Located.htm>

DATE: December 1, 2024
TO: Mayor and Members of City Council
FROM: City Clerk Katrina White
RE: November 2024

During the month of November, I worked with the HR Director to conduct interviews and fill the vacant Deputy City Clerk position. Some of the things that were accomplished this month for the Clerks Department are:

- I coordinated the November 6, 2024 SCAT dinner that was hosted by Milford at the Delaware Food Bank Milford location.
- Met with Evergreen Solutions LLC for the job classification and pay study.
- Conducted interviews for the Deputy City Clerk position on November 15, 2024.
- This month, I met with the Employee Rewards & Recognition Committee on November 21, 2024, to continue planning for the employee holiday party, Employee Adopt-a-Family and finalize the plans for the Employee Thanksgiving Turkeys.
- Worked along with the Employee Rewards and Recognition Committee members to distribute the Thanksgiving turkeys on November 26, 2024.
- Attended the staff meetings where council meeting agendas and departmental information were shared.

Monthly Activities

Requests for information are still coming in and I continue to work with other Delaware municipalities assisting with policy, procedural, and related information.

- ❖ FOIA Requests to Date (98)
- ❖ Coordination of FOIA issues with City Departments to ensure Compliance
- ❖ Attended and Prepared Agendas & Packets for:
 - Council Meetings – November 12, November 20 (Council Workshop) & November 25
 - Board of Adjustment – November 14
 - Planning Commission – November 19
 - Tree Preservation & Advisory Board Meeting – October 20
- ❖ Prepared Public Notices (10)
- ❖ Transcribed and Proofread Minutes (6)
 - Council Meetings
 - Charter Review Committee
 - Public Works & Utilities

Board of Adjustment

- ❖ Executive Sessions Year to Date (20)
- ❖ Notary Public Services Provided (0) (Public)
- ❖ Proclamations Created Year to Date (25)
- ❖ Resolutions Created Year to Date (26)
- ❖ Special Event Submissions to Date (39)

Special event applications continue to be submitted for processing. The Clerk’s office continues to work with applicants, other city departments and outside agencies to ensure proper preparation and direction. A list of upcoming events in 2024 follows:

Permit #	Organization	Event Name	Event Date
2024 39	Not Too Shabby	Holiday Shopping Event	12/14/2024
2024 38	DMI	Milford Tree Lighting	11/30/2024
2024 37	DMI	Holiday Stroll	12/7/2024



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

PHONE 302.422.1111
FAX 302.424.3553
www.cityofmilford.com

To: City Council and Mayor
From: Mark A. Whitfield, City Manager
Subject: November 2024 Monthly Report
Date: December 4, 2024

Museum Board

I met with the Museum Board and gave them an update on the outstanding issues with the old police station. They are planning on starting in earnest at the beginning of the year. We are still tracking down an apparent water leak in the building. Engineering staff is checking to see if the contractor working on the streets project and parking equipment at the site, may be using the water. I also agreed to have public works remove the remainder of the furniture.

Milford School District

As a follow up from the retreat, Councilman Marabello and I met with Dr. Bridget Amory and Dr. Sara Hale from the MSD about the possible institution of impact fees for the school district. Kent County already assesses a 1.19% impact fee for schools. Sussex County is contemplating instituting an impact fee, but with the changeover with Council, that has been put on hold until after the first of the year. The only other municipalities served by MSD is the Town of Ellendale and City of Milford. The institution of impact fees by the City would have a significant positive impact on the district. I have asked both Dr. Amory and Dr. Hale to attend the January workshop of Council to further discuss.

HR/Payroll ERP

Rob Pierce, Bill Pettigrew, Lou Vitola and I met with Seth Morecraft regarding the issues we have experience with Tyler on the implementation of the HR/Payroll module of the ERP system. We have managed to obtain a 0\$ change order for Tyler to address the deficiencies we are experiencing by developing software customization solutions. Ironically, a number of other Delaware cities have experienced the same issue with Tyler.

Charter Review Committee

The Charter Review Committee met to further refine possible changes to the Charter as well as Council's Rules of Procedures. After discussions with the entire Council at the November 20 workshop, the committee will formulate a final recommendation for Council's consideration in January.

Parks and Recreation Scholarship Fund

Brad Dennehy, Lou Vitola, Lance Tressler and I met regarding the development of a policy for the Parks and Recreation Scholarship Fund. Lance is working with Brad on this item as part of the internship with Salisbury University. Lance has made significant progress.

Milford-Slaughter Beach Bikeway

Rob, Lauren, Mayor Culotta and I, along with WRA engineer consultants, MPO representatives and Slaughter Beach Mayor Wood, met with a group of landowners along Route 36 regarding the feasibility study for the Milford-Slaughter Beach bikeway. During the meeting it was emphasized that this was a feasibility study and not a planning study.

Pay Study

We kicked off the pay study with Evergreen Consulting this week. Meetings were set up to go over parameters with each department head. Next week, the consultant will be meeting with individual employees. Evergreen is also completing a simultaneous pay study for the City of Seaford.

Milford Corporate Center Bids

Numerous City staff along with Becker-Morgan engineers, KCI engineers, and Emory Hill consultants met to discuss the MCC construction bids and develop a recommendation for award for City Council. This item will be on the November 25 Council agenda.

Battery Storage Project

Tony, Rob and I, along with DEMEC employees, met with Light Shift regarding the battery storage project and the next steps in moving the project forward. Light Shift will be developing drawings to move through the planning and zoning land use process.

Delaware Municipal Supervisory Academy

The City had four employees graduate this past week from the Delaware Municipal Supervisory Academy. The employees will be recognized at the next Council meeting.

Armory

I met with lessee regarding the lease arrangement with the City for the Armory. Due to significant capital improvements needed, they are seeking a longer-term lease arrangement in order to qualify for loans for the project. The lessee will be addressing Council in January.

ECM/NE Front Street Payment

Solicitor Rutt, Ring Lardner (DBF), Willis Shafer and I met regarding the ongoing claim from ECM for the City to pay for the NE Front Street paving. The paving by ECM was rejected, and the City contracted Diamond Materials to complete the job when ECM informed us that the job they did was the best they could do.

Lulu Ross/Mispillion Schools Traffic

Rep. Shupe met with MPD officials, MSD officials and COM public works/engineering regarding concerns with traffic flow during school arrival/dismissal. MSD is making several changes in the upcoming year but expressed the need for additional school crossing guards. School crossing guards report to MPD, and MSD reimburses the City for the cost. Rep. Shupe will be looking at how the state may assist with funding for additional

crossing guards. Additionally, changes being made for the 2025-26 school year should reduce the congestion currently being experienced.

Meter Techs

Jamesha and I met with electric and public work staff regarding the upcoming retirement of one of our meter techs and how the position may be changed/filled.

Milford Corporate Center

Rob and I met with Emory Hill and Becker Morgan regarding Council's award of bids for the MCC construction. Emory Hill will begin to put marketing materials together for the sale of lots. Lauren Swain will be working on a groundbreaking ceremony once we receive contracts back from George & Lynch. Presently, it looks like a mid-January groundbreaking.

DEMEC 2025 Budget

The DEMEC Executive Board adopted the 2025 Operating Budget. The budget includes an approximate 2% increase in energy charges effective January 1. We will compute the necessary power cost adjustment for our customers which will be effective February 1.

IT Grant Award

We received a grant for \$31,703 from the State that will go toward reimbursing the City for the OKTA purchase which is used by employees to gain access to our IT systems.

City Manager Recruitment

Councilmembers completed and submitted questionnaires which will be used by the recruiter to complete a brochure for the City Manager position.

To: Mark Whitfield, City Manager
From: Willis Shafer, Public Works Director
Subject: November Public Works Accomplishments
Date: December 4, 2024

Building Maintenance

- Fixed back door at City Hall
- Fixed panels on customer service drive through
- Fixed Dropbox for customer service
- Had tube heaters in warehouse fixed
- Mounted bird spikes above C/S
- Called in to fix IT door 11/12
- Completed annual Fire testing at public works
- Installed bird spikes above customer service door
- Hung pictures in mayors office
- Had customer service entrance pressure washed
- Moved desk in City Hall
- Fixed sink at Can-do playground

Engineering

Locates in the month: 261

- Worked with the State to receive an extension on Lead Services Loan to December 2025
- Coordinated with contractor for electric GIS plugins and data imports
- Issued Lead Service notifications as required by EPA and began receiving input from the public via the City's survey at <https://maps.milford-de.gov/lead>
- Participated in a walk through with DelDOT for a proposed path along NW Front St
- Performed walk through and continued inspections for West Shores break and replace and paving installation
- Provided oversight of Simpsons Crossing Phase 1B and 1C topcoat paving
- Participated in School Safety meeting with school district and PD
- Met with Milford Middle School to resolve water and sewer installation issues

Street/Infrastructure

- Picked up 62.85 tons of leaves for the month of November
- Put salt spreader in the trucks to get ready for bad weather.
- Helped with solid waste pickups.
- Flush fire hydrant wards 1 and part of ward 3 stopped due to custom calling about the lead lines.
- Set up messaging boards at West shores to notify homeowners of road construction.
- Replace Valve box on Dixie Allen way & Delaware
- Scott and Jared are competing in the snowplow rodeo in Newark DE. Nov 13
- Delivering messenger boards on Franklin St.& customer service for the tree lighting ceremony along with barricades.

Water and Sewer

- Water leak at Seabury treatment plant on high lift pump – needed new brass fitting.
- Rebuild Fluoride pumps and add new tubing.
- Attended PFAS Training at the Office of Drinking Water.
- Conducted daily water testing





To: Mark Whitfield, City Manager
From: Willis Shafer, Public Works Director
Subject: Council follow-up on 8" pump purchase vs rental
Date: December 2, 2024

During the October 14, 2024 Council meeting, public works presented to Council a request to purchase a wastewater bypass pump in the amount of \$66,025.50, which had been approved in the FY25 budget. During the meeting, a Council member requested additional backup information on rental vs purchase. The Council did approve the purchase that evening and the pump has been ordered.

The following is a cost comparison for Councils review.

- **Rental data:** During the FY24 calendar year, a wastewater pump was rented 7 times, for a total of \$30,636. This total does not include labor to coordinate rental, administrative paperwork/invoices, pump rental pick-up, pump set-up, site monitoring and breakdown of pump and rental return. According to staff, operations and emergency rental is needed approximately 5 to 6 times per year.
 - August 2023 \$2,307
 - September 2023 \$2,111
 - November 2023 \$4,285
 - January 2024 \$5,632
 - January 2024 \$7,556
 - January 2024 \$5,135
 - January 2024 \$3,610

- **Purchase price:** the cost of a new 8-inch portable bypass pump, trailer and hoses will be \$66,025.

It was staff's recommendation to purchase a pump at \$66,025 rather than to continue to budget \$30,000 a year for a rental and that within a 2 to 3 year period, the option to purchase a pump would be more cost efficient than renting. The pumps life expectancy is over 20 years.

PUBLIC WORKS FACILITY
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wshafer@milford-de.gov

To: Mayor and Council
Thru: Mark Whitfield, City Manager
From: Willis Shafer, Director of Public Works
Subject: Wastewater Bypass Pump Purchase
Date: October 2, 2024

Public Works staff are requesting that City Council approve the purchase of a portable diesel driven 8-inch bypass pump, trailer and hoses.

The pump is capable of handling large flow volumes, allowing it to serve our Fisher, Shawnee, Truitt and Washington pump stations. In addition to expected use multiple times per month for planned and unplanned maintenance throughout the year. The pump will be used for weather events that cause flooding in the pump stations, monthly wet well maintenance cleaning and pump repair due to clogs and grease buildup. Currently, staff rent a pump unit to perform these tasks.

Staff recommends the purchase of the BBA portable pump, trailer and hoses through the Sourcewell/NCSA Contract # 24-08-0421R at a contract price of \$66,025.50 funded with sewer fund reserve as approved in the FY25 Capital Improvement Plan (CIP) and capital budget. The finance team have reviewed the purchase and have confirmed that the funding was approved in the FY25 budget through the sewer fund reserves. The FY25 CIP sheet and pump specifications are attached.

Recommendation: Staff recommend City Council authorize a purchase order in the amount of \$66,025.50 to acquire an 8-inch portable bypass pump, trailer and hoses through PPS Pumps pursuant to the Sourcewell/NCSA Contract # 24-08-0421R.

Willis L. Shafer
Director, Public Works





PUBLIC WORKS FACILITY

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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: November 2024 Electric Dept Staff Report
Date: December 4, 2024

Director's Office

- Continued evaluating Load Flow Analysis Software
 - Working with Z. Lawson on associated data requests
- B. Boyle and I met with Martini and Associates to review products and equipment
 - Efforts in finding alternate vendors and competitive pricing
- Participated in DELDOT Monthly Project Update Mtg
- Participating in Monthly Dept Head Mtg
- Attended FERC Technical Conference
- Attended Weekly Streets Mtg
- Participated in DELDOT Kent / Sussex Monthly Mtg
- Met with City's consultant regarding Job Classification and Pay Study
- Attended monthly AMI call with AMP
- Attended DEMEC Quarterly Board Mtg
- Prepared for Delivery one Offload in support of DPL requested Switching
- Participated in Mtg with Battery Vendor, DEMEC and our Engineering Consultant to review Proposed Technical package
 - Reviewed interconnection and system Configuration
 - Discussed Site access and Permitting Requirements
- Participated in DelDot UPA Permit Review Mtg chaired by J. Puddicombe

Electric Lines

- Participated in Pole Top and Bucket Rescue Training
- Installed Christmas lights and other Holiday Decorations
- Continued construction activities for New Business
- Developed various estimates for new developments
- Responded to various outages

Technical Services and Engineering

- Installed 3 CT cabinets for instrument rated metering
- Identified fiber splice case locations in AutoCad for Zach to add to the new GIS fiber map
 - Also discussed future improvements to make the current mapping more accurate
- Developed Switching Procedures for offloading and re-energizing Del 1
- Ordered new relays for the Del2 Relay Upgrade Capital Project
- Reviewed multiple solar interconnection applications including one with Solar Shingles - a first for Milford.
- Worked with planning and the water department to update the fee schedule to make water service/meter charges more accurate and aligned with current costs and installation practices.

System Modernization Strategy Update:

Critical Path(s):

Finalization of Electrical Infrastructure Mapping

Continue auditing power quality issues identified through Meter Data Management tool (ie voltage events)

Working with AMP to determine what tools are available in the MDM platform

May require additional programming and support from IPKeys.

Next Steps:

Engage Engineering Consultant on leveraging current systems and infrastructure for CVR implementation and develop scope of work.

EV Charger Statistics	<u>Previous Month</u>	<u>Current Month</u>
Unique Drivers	46	59
# of Sessions	185	186
Energy Delivered (MWh)	5.69	5.00

Total Avoided Greenhouse Gas Emissions:

27,634kg

Electric Department -November 2024	November 2023	November 2024	FY24 YTD (07/01/23-11/30/23)	FY25 YTD (07/01/24-11/30/24)
Electric Division				
Trouble Service Call	33	25	119	146
Work Orders Completed	5	51	185	315
Outages	8	1	39	35
LED Street Lights Replaced	4	3	18	7
New Service Install	5	4	34	63
Poles Replaced	1	0	9	17
After Hours Calls	19	15	74	75
Vegetation Control (Days)	1	2	7	2
Technical Services Division				
New Electric Service Installed/Meter Set	9	21	54	236
New Water Service Installed/Meter Set	3	8	37	130
Electric Meter Replacement	4	7	26	23
Water Meter Replacement	117	43	332	322
Work Orders Completed	721	723	3,694	2,179
After Hours Calls	3	2	15	33

1 Storm related outage

TO: Mayor and City Council

FROM: Rob Pierce, AICP - Planning Director

DATE: December 3, 2024

RE: November 2024 – Planning Department Staff Report

- During the first eleven months of the 2024 calendar year, the City issued 213 new residential dwelling construction permits.
- The City of Milford has seen 232 projects with a committed investment of over \$36.9 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 \$4.4 million in grant funds for both large and small commercial and residential projects in Milford. The City has waived over \$1,061,000 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://maps.milford-de.gov/portal/apps/webappviewer/index.html?id=4ae5fcb23f0c466b924cecc41fc1db46>
- The Planning Commission will review a preliminary conditional use site plan at the December meeting for a new Mavis Discount Tire on Lexus Drive within the Cypress Hall shopping center. The Planning Commission will also review proposed zoning code amendments related to marijuana businesses.
- The Board of Adjustment will review one variance application at the December meeting for a privacy fence on a property on Marshall Street.
- The City reviewed a final site plan resubmission for the Caliber Collision project and granted final site plan approval for the project.
- The City reviewed a resubmission for the Mavis Discount Tire preliminary conditional use site plan application and placed the item on the December Planning Commission agenda for review.
- The City reviewed a resubmission of the Sussex Campus Development, LLC (Bayhealth Daycare) final site plan and provided comments to the applicant. The City received subsequent resubmission and is currently reviewing the plans.
- The City reviewed a final site plan submission for the Southern States site plan and provided plan review comments to the applicant.
- The City received a final site plan submission for the Recovery Solutions project and is currently reviewing the plans.
- The City received a preliminary site plan application for the Reserves at Herring Branch apartment project, which replaces the former Milford Ponds Phase IV project. The plans are currently being reviewed by the City.

- The City received a preliminary conditional use site plan application for the Forino Pre-School to be located at the corner of McCoy Street and S. Walnut Street. The plans are currently being reviewed by the City.
- The City received a preliminary major subdivision resubmission for Cypress Hall Phase III and is currently reviewing the plans.
- The City received a preliminary major subdivision resubmission for the Carlisle Lane, LLC townhouse project on Truitt Avenue and is currently reviewing the plans.
- The City received a final major subdivision reapproval request for the Hearthstone Manor II development which was approved by the City in 2009 but has not begun construction. Expiration of approved subdivision plans are subject to the requirements outlined in Chapter 200-7.
- Staff met with DelDOT, Century Engineering regarding the NW Front Street Pathway project that would connect the existing pathway at the Milford Plaza Shopping Center to the western end of the riverwalk trail on Maple Avenue.
- Staff met with DelDOT and Century Engineering to review potential alignments for a pathway from the Milford Plaza Shopping Center to the Milford High School property along Route 113 and Buccaneer Boulevard.
- Attended the bi-monthly Homebuilders Association of Delaware & City of Milford coordination meeting.
- Attended the Dover/Kent County MPO Safety Action Plan – Safety Working Group meeting.
- Staff met with DSHA, Volunteers of America and Severn Companies to review the conditions of the existing condemned units within Brightway Commons. The purpose of the meeting was to identify a path forward to eliminate the condemned status.
- Staff attended the weekly ERP Project update meetings.
- Staff is working on drafting a zoning code amendment to establish a Historic District Commission.
- Staff is working on drafting a code amendment to Chapter 174 Property Maintenance to address habitual offenders.
- 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.
- 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:

	Count
New Cases	8
Cases Closed	51
Open Cases at Start of Period	529
Open Cases at End of Period	478

*350 open cases are for weeds/grass which stay open until the end of the year.

Violation Activity:

New Violations Cited	Count
Animals	0
Building	0
Exterior Property Areas	1
Exterior Structure	0
Floodplain	0
Interior Structure	0
Legacy	1
Licensing	0
Noise	0
Residential Rental	4
Right-of-Way	0
Rubbish	1
Sidewalk	0
Unregistered/Inoperable Vehicle	0
Vegetation	1
Zoning	0
Total	8

Rental Licenses Issued: 25
 Vendor Licenses Issued: 0
 Contractors Licenses Issued: 26
 Business Licenses Issued: 9

Building Permits Issued:

Permits Issued by Type	Count
Fence	7
New Single-Family Detached	5
Roof	4
Addition	4
Water	3
Residential Exterior Renovation	2
Sign	2
Commercial Interior Renovation	2
Right of Way Permanent Use	2
Shed	2
Residential Interior Renovation	1
Electric	1
Demolition	1
Detached Garage	1
Commercial Exterior Renovation	1
Milford Solar Part 1	1
Right of Way Construction	1
Total	40

Inspections Performed:

Inspections Performed by Type	Count
Footing	23
Foundation Wall	21
Slab	12
Waterproofing	14
Foundation As-built	22
Framing	25
Dry-in	16
Insulation	25
Energy Final	27
Final	43
Residential Rental	18
Total	246

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: 12/4/2024
RE: November 2024 – Parks and Recreation Staff Report

Parks

- Weekly refuse collection was performed on all City receptacles in the parks and downtown areas.
- Staff continue to monitor and address any issues which are submitted by the seeclickfix app.
- A truck and trailer was dropped off at the Union Cemetery so Lions Club volunteers could do the Fall clean up of the cemetery of fallen limbs and leaves.
- All the bushes at City Hall were trimmed and a large dead pine tree was taken down.
- Several other tree jobs were completed at the Ball fields and Banneker basketball courts.
- Crews cut back vegetation along the banks of Chaney Wilmont and cleaned up along the banks of the river for the last time of the season.
- Due to the drought conditions crews continued to run irrigation reels at the soccer fields. The grass responded to this, and going into winter the playing fields are in good shape for the spring.
- Repairs began to playground equipment at the Can-do playground. Some miscellaneous repairs were made, and the rubber surfacing repairs were completed. Additional playground mulch was installed. We are still awaiting some other parts which have been ordered and will be installed in December.
- Leaves were raked out of the farmers market area and removed from the curb with the leaf vacuum.
- We continue to make repairs to the brick pavers in the downtown area, this is an ongoing project.
- All the hanging baskets were taken down, plants removed and then prepared for the holiday decorations.
- Veteran banners were removed and replaced with the holiday banners for the season on all the light poles.
- Crews worked with volunteers from DMI, Sunday November 24th to install all the holiday greenery in the hanging baskets and planters in the downtown.

- Crews decorated City Hall with new 9-foot garland on the pillars and handrails and front door. Installed solid color net lights on all the bushes in the front of City Hall. Installed wreaths on the front windows and placed the Christmas present decorations out front.
- Holiday garland was installed on all the light poles in the downtown and along Wilmont Chaney.
- Many hours were spent by crews installing holiday lights in the downtown region. This also required “trouble shooting” to make sure everything was working correctly for the downtown tree lighting held Saturday November 30th.

Other

- Bid opening was held 11/1 for the City Hall Plaza project.
- Director met with a structural engineer regarding the retaining wall project at the old Fire house. A contract has been signed to develop a scope of work and cost estimate for the repairs to the bulkhead.
- Director participated in the job classification and pay scale with employment consultant.
- Director worked on the contract for the Boys and Girls club lease agreement. This was sent to Council for approval, 11/25.
- Director and City Manager attended the Tree Preservation Committee meeting 11/20.
- Director continues to work with Del.DOT in pursuing Federal funding for the downtown restroom. The project requires several internal reviews from Del.DOT and it is currently under environmental impact review.
- Director continues to work with the landscape designer on the Deep Branch Park project. As part of the pre-submittal with Del.DOT meeting, one of the issues raised was potentially moving some utility poles for the entrance. A meeting with the utility companies is to be held in December.

Recreation

Winter Program Information

Winter Programs registrations for 2024 have just opened and early sign-ups are already looking strong for the start of the season.

Pickleball League

- This program is currently starting its 3rd season, and it is currently maxed out with 9 teams on the waiting list.

Drop-In Pickleball

- MPR has included a Drop-In Pickleball morning session.
- This program has entered its third year in providing recreation and social activities for the community.

Youth Basketball

- This program is currently maxed out for all age groups. 30 participants are currently on the wait list in hopes of being eligible to play this season.

Indoor Soccer

- This program is currently 76 percent full.
- MPR decided to try a new vendor to upgrade the look of our jerseys.

Taekwondo

- This program is completely full, with 4 participants on the waiting list.
- This curriculum has expanded to introduce sparring.

Wrestling

- This program is completely full, with 3 on the waiting list.

Creative Sparks Art Program

- This program has expanded to include 2 different time slots due to its popularity within the community.
- Another session is in the works in continuing this program in the next 8 weeks.







RIVER TOWN • ART TOWN • HOME TOWN

TO: Mayor and City Council

FROM: Jamesha C. Williams, MBA, MSL, IPMA-CP- Human Resources Director

DATE: December 3, 2024

RE: November 2024 –Human Resources Department Staff Report

- Onboarded an employee in the following position:
Economic Development and Community Engagement Administrator-1 employee
- Attended HR/Payroll Tyler Munis Sessions, anticipated Go-Live Date-Pending
- 2024 Holiday Party: Friday, December 13, 2024-Carlisle Fire Co Inc., 6:30pm-10:30pm. NEW LOCATION!
NEW DJ/ENTERTAINMENT!
- Job Openings: Public Works Equipment Operator II-Streets & Utilities and Public Works Equipment
Operator II-Solid Waste
- Attended the 5th Annual Graduation for the 2024 Delaware Municipal Supervisory Management Academy
Graduates on November 26, 2024. Other participants included:

Delaware Municipal Electric Corporation
City of Lewes
Town of Middletown
Town of Milton
City of Harrington
- NEW EMPLOYEE PAID BENEFIT: New York Life Business Solutions; Employee Whole Life Insurance.
Enrollment dates were November 6, 2024, and November 8, 2024.

To: City Council and Mayor
From: Lauren Swain, Economic Development & Community Engagement Administrator
Subject: December 2024 Monthly Report
Date: December 4, 2024

Economic Development

- Visited with small business owners in downtown Milford along with Division of Small Business, Small Business Administration (SBA), Small Business Development Center (SBDC) in preparation of Small Business Saturday and Shop Small Delaware to encourage residents and visitors to support small businesses during the holiday season. Each business owner was presented with an appreciation certificate and highlighted via social media and news outlet reporting.
- Met with a business owner who currently occupies space in downtown Milford and recently bought commercial property in downtown Milford to expand their operations. We discussed their plan to move operations along with the timeline.
- Participated in various meetings/discussions for Milford Corporate Center.
- Discussed Division of Small Business's EDGE Grant Program with a new business owner in Milford.

Community Engagement

- Attended SCAT dinner at Food Bank in Milford
- Met with Downtown Milford Inc (DMI) to finalize plans for the Tree Lighting Ceremony.
- Met with DMI to discuss Holiday Stroll logistics.
- Participated in pop-up event at Gigante with WRA and MPO for feedback from the community on the Milford-Slaughter Beach Shared Use Path Feasibility Study.
- Attended the Annual Tree Lighting Ceremony at City Hall. It was a great turn out and was expanded this year in partnership with DMI, Milford Public Library, Milford School District, etc.
- Attended Santa's Arrival to downtown Milford via fire truck

Meetings/Trainings

- Attended quarterly Home Builders Association/City of Milford Nuts & Bolts Meeting
- Attended monthly DMI Economic Vitality meeting
- Attended meetings with stakeholders for the Milford-Slaughter Beach Shared Use Path Feasibility
- Met with Chase Barnes, Assistant Policy Scientist, with Biden School of Public Policy & Administration to discuss TCP conference in mid December 2024.
- Met with the City of Lewes and IT Director to discuss communication tool RAVE
- Met with IT Director and Civic Plus to discuss City website
- Met with Customer Service Department to review their website and updates needed
- Attended Main Street America cohort meeting to discuss with Thriving Communities Program recipients' relevant information and share community updates.
- Met with IT Director and IT team to discuss communication tool RAVE and

Social Media/Website

- November 2024 Insights:
 - City of Milford Facebook: 172 new follows (total: 5,0563,); 15,772 reached; 2,454 page visits
 - City of Milford Instagram: 12 new follows (total: 1,381); 1,400 accounts reached; 79 profile visits
 - Parks & Rec Facebook: 11 new follows (total: 4,012); 4,211 reached; 648 page visits

Press Release & Coverage

- Milford-Slaughter Beach Shared Use Path Feasibility Study Kick-Off (November 13, 2024)
 - WBOC article 11.13.24
 - Coast TV 11.14.24
 - WBOC interview 11.18.24
 - Milford Live article 11.18.24
 - Bay to Bay News article 11.18.24
 - WMDT article 11.18.24
- Milford Water Update: Lead Service Line Inventory (November 20, 2024)
 - Coast TV article 11.21.24
- City of Milford Enhances Infrastructure with 2024 Streets and Utilities Rehabilitation Project (November 21, 2024)
 - Milford Live article 11.25.24
 - WBOC interview 11.26.24
- City of Milford New Hire – Lauren Swain (November 25, 2024)
 - Milford Live reached out to do their own article 12.3.24

Date: December 2024
To: Mayor and City Council
From: Bill Pettigrew – IT Director
Re: December 2024 Information Technology Department Staff Report

Cybersecurity Awareness Month Months – 90% of users took the training with only a few reminders, to get them to do so, sadly there are still a little over 10 people that have still not taken the training. If we were to get hacked or are subject to a ransomware attack our insurance company's incident responders can track to what user caused the breach, I would not want to be one of the users who did not take the training and caused a breach. We are working out a plan to suspend those users accounts until the very short easy training is completed.



Docuware City Wide Document Management – This is now an ongoing application and will be removed from my council report.

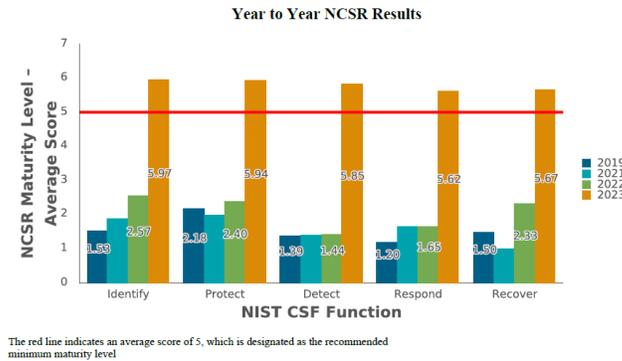
Tyler Munis ERP - HR and Payroll seems to be now on track and we are shooting for a parallel payroll. Tyler is including at no charge two reports that were deal breakers for Milford this savings is about \$15,000.

IT Physical Access Control (CIP) – The ball is still in Advantech's court!

State Local Cyber Security Grant – Our subgrant was approved and accepted, Milford's finance is setting up the accounts to issue a PO, we are shooting for January for training and implementation of OKTA a single sign on, adaptive MFA cybersecurity tool. OKTA is used by the state and Milford was applauded as one of the best uses of the SLCGP funding We will be looking at new projects for the next round of funds.

Business Impact / Business Continuity Plan- Vendor Coordinated Response has completed public works and is now working with other departments to complete the BI/BC plan, the IT part of this will assist in raising our 2025 National Cyber Security Review score.

National Cyber Security Review – We have met with our MSP who handles our endpoint protection (CrowdStrike) and discussed a few items that we could use improvement to increase our cyber security posture, these will be in place by the end of the year making our already above national average number even higher



Riverwalk Public Wi-Fi (CIP) – We keep gaining new users each month and have over 600 unique users take advantage of the service, with the average of 15 new users per

Summary Report from Jul 1, 2024 00:00 EDT - Dec 3, 2024 00:00 EST

NETWORK(S): Milford-Public-Wifi | DEVICE TAG: All devices | SSID: All SSIDs | SHOW TOP RESULTS: 50 | Export to Excel | Customize report

Usage stats

TOTAL DATA TRANSFERRED	TOTAL DATA DOWNLOADED	TOTAL DATA UPLOADED
395.85 GB	343.20 GB	52.65 GB

Client stats

TOTAL UNIQUE CLIENTS	AVERAGE # OF CLIENTS PER DAY	AVERAGE USAGE PER CLIENT
625	15	648.6 MB

Usage over time

Clients per day

Number of sessions over time

Splash page

NUMBER OF CLIENTS TO REQUEST PAGE	NUMBER OF CLIENTS GRANTED ACCESS
569	430

Top clients by usage

Milford Public Wi-Fi analytics chart



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: December 4, 2024
Re: November 2024 Finance Department Staff Report

- Monthly Financial Reporting
 - The Finance Report for the YTD period ended October 31, 2024 was presented to City Council
- Training and Improvement Efforts

FINANCE DEPARTMENT TRAINING - NOVEMBER 2024

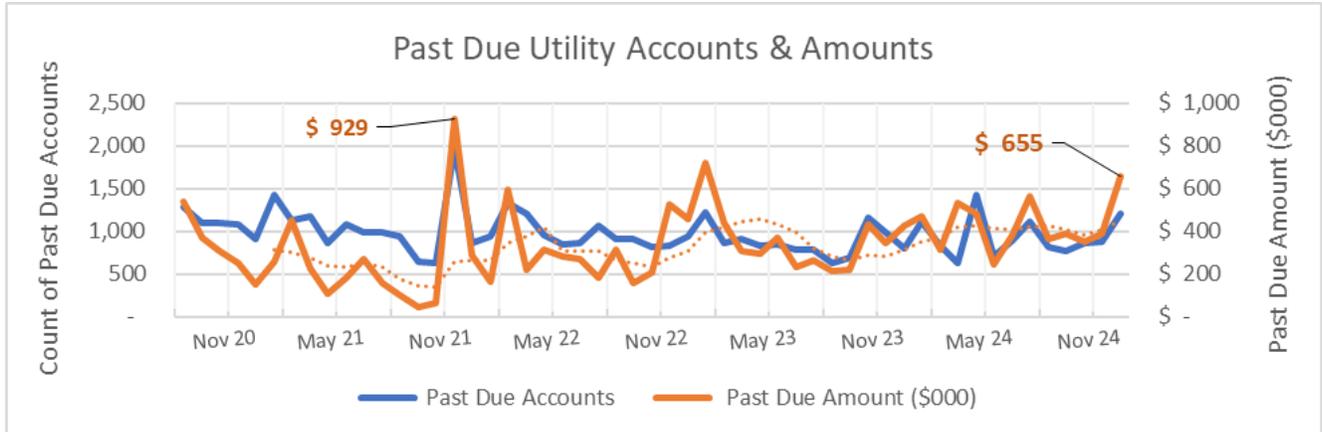
FINANCE DEPT TRAINING BY CATEGORY	GRAND TOTAL	FINC SUBTOT	C/S SUBTOT	NOTES
Accounting & Professional Certification	10.0	10.0	-	CPE & GASB/GFOA Lit Review
Customer Service	16.0	-	16.0	DEMEC Training
Management & Staff Development	-	-	-	
ERP, Software and Technology	48.8	48.8	-	Primarily PR/HR ERP
MONTHLY TOTAL (HOURS)	74.8	58.8	16.0	92.8 TOTAL HOURS LAST MONTH

- Police Facility Project Financing
 - Finance staff is working with the Project Mangers at RYJ, Bank Counsel, the City’s Bond Counsel and the USDA on permanent financing
 - The extension of the PNC BAN was successfully put into place in November
 - Complete reconciliation will be provided to Council when all activity is processed and the loan closes
- Milford Corporate Center & Water Utility Project Financing
 - Staff are working with engineers and the City’s Bond Counsel on any resolutions required to support the use of debt financing on the recently-approved Corporate Center Project and the water infrastructure project currently being designed
- FY23 Audit
 - The FY23 audit process is complete, and the audited financial statements and audit communications were distributed to Council and the Finance & Audit Committee in November
 - The FY23 financial statements are included in the 12/9/2024 packets
 - In the meantime, staff are reconciling FY24 accounts in preparation for the FY24 audit process
- Vendor payment processing utilizing EFT capabilities in the new system continues to grow as we identify and convert vendors from check payment to EFT payment default; third party accounts payable check and ACH processing is being explored with the City’s commercial bankers at WSFS to promote redundancy and save finance department overhead costs
- Billing & Customer Service Department
 - The new tax billing module in Tyler Munis went live as scheduled at the start of the new fiscal year
 - The following web address links to the City’s tax portal for making tax payments, viewing assessments and bills, and finding exemption and appeal information:
 - <https://www.cityofmilford.com/208/Tax-Payments-Assessments-and-Senior-Exem>
 - The extension of the grace period for tax payments impacted collection, but heavy collections continued into the first full week of November, as expected, which sharply reduced receivables

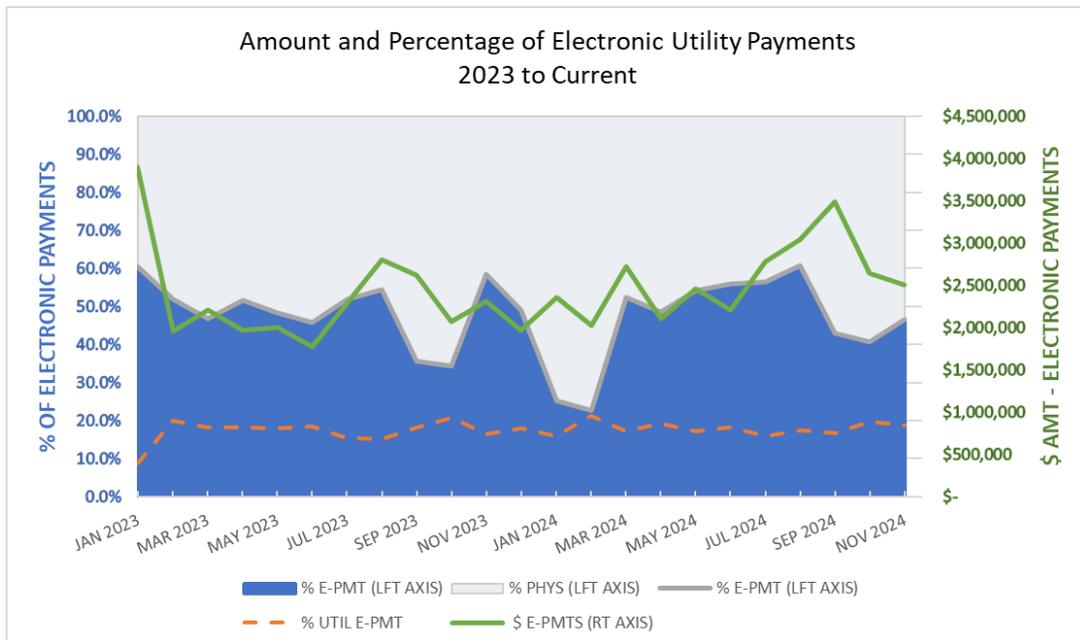
Property Tax Levy	Past Due (\$000) as of:			As % of Levy 12/1/24	Property Tax Levy	As of: 12/1/23	As % of Levy 12/1/23
	11/1/24	12/1/24	1/1/25				
2024 (FY25)	\$766	\$518		8.3%	2023 (FY24)	\$315	5.5%
2023 & Prior	\$274	\$209		3.4%	2022 & Prior	\$142	2.5%
Total	\$1,041	\$727	\$0	11.7%	Total	\$456	8.1%

• Billing & Customer Service Department, Continued

- November results show higher past due amounts and accounts versus October and are higher than last November and the long-term average due to an outstanding commercial account reduced service interruptions due to the holiday
 - The count of past due accounts (blue) is 24% above average and 52% higher than last November
 - The dollar amount past due (orange) is 95% above average and 55% higher than last November



- The graph below exhibits the dollar amount and percentage of electronic payments by month from January 1, 2023 through November 30, 2024
 - This graph replaces the previous chart to better show the penetration of electronic payments – incoming wires, ACH payments, and automatic card transactions – as a function of all payments, which include cash, check, and other physical forms of payment
 - The blue area represents e-payments as a function of all payments & corresponds to the blue axis
 - The green line represents the dollar amount of e-payments & corresponds to the green axis at right
 - The orange line was added this month to show the proportion of utility e-payments vs all payments & corresponds to the blue axis at left
 - Both the count and dollar amount of e-payments is higher in November vs averages and last November
 - The percentage of all e-payments is down versus last November, while the proportion specific to utilities improved vs last November (18.7% vs 16.5%)





The City of Milford, Delaware

Annual Financial Statements

As of and for the Year Ended June 30, 2023

The City of Milford, Delaware

Table of Contents

TRANSMITTAL LETTER	i
INDEPENDENT AUDITOR'S REPORT.....	1
MANAGEMENT'S DISCUSSION AND ANALYSIS	4
BASIC FINANCIAL STATEMENTS	17
Government-Wide Financial Statements	
Statement of Net Position	18
Statement of Activities	19
Fund Financial Statements	
Governmental Funds	
Balance Sheet	20
Reconciliation of the Governmental Funds Balance Sheet to the Statement of Net Position.....	21
Statement of Revenues, Expenditures and Changes in Fund Balances	22
Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances of Governmental Funds to the Statement of Activities	23
Proprietary Funds	
Statement of Net Position	24
Statement of Revenues, Expenses and Changes in Net Position	25
Statement of Cash Flows	26
NOTES TO THE BASIC FINANCIAL STATEMENTS	27
REQUIRED SUPPLEMENTARY INFORMATION	59
Budgetary Comparison Schedule – General Fund	60
Schedule of Proportionate Share of Net Pension Liability	61
Schedule of Employer Contributions – Pension Plan	62
Notes to Required Supplementary Information	63
ADDITIONAL INFORMATION AND REPORTS	64

The City of Milford, Delaware

Table of Contents

OTHER SUPPLEMENTAL INFORMATION – Single Audit.....	68
Independent Auditor’s Report on Internal Control over Financial Reporting and on Compliance and Other Matters based on an Audit of Financial Statements performed in Accordance with Government Auditing Standards	69
Independent Auditor’s Report on Compliance for each Major Federal Program and Report on Internal Control over Compliance Required by the Uniform Guidance.....	71
Schedule of Expenditures of Federal Awards	74
Notes to Schedule of Expenditures of Federal Awards	75
Schedule of Findings and Questioned Costs	76
Summary Schedule of Prior Audit Findings	80



TRANSMITTAL LETTER

November 25, 2024

The Honorable Mayor and Members of the City Council
City of Milford, Delaware

The Finance Department and City Manager's Office are pleased to submit the Annual Financial Report for the City of Milford, Delaware, for the fiscal year ended June 30, 2023.

This report is published to provide the City Council, City staff, our citizens, bondholders and other interested parties with detailed information concerning the financial condition and activities of the City government. Responsibility for both the accuracy of the data presented and the completeness and fairness of the presentation, including all disclosures, rests with the City.

To the best of our knowledge and belief, the enclosed data is accurate in all material respects, and is organized in a manner designed to fairly present the financial position and results of operations of the City as measured by the financial activity of its various funds. We also believe that all disclosures sufficiently inform that data to enable the reader to gain a complete understanding of the City's financial condition and performance.

REPORT STRUCTURE

The accompanying financial section includes a Management's Discussion and Analysis (MD&A), basic financial statements including combining and individual fund statements, required supplementary information and schedules, and addition information and reports, as well as the independent auditor's report on the basic financial statements upon completion of the audit. We expect Zelenkofske Axelrod LLC to issue an unmodified opinion on the City's financial statements for the year ended June 30, 2023. The independent auditor's report will be located at the front of the financial section of this report upon finalization of the audit process.

The MD&A is a narrative introduction, overview, and analysis to accompany the basic financial statements. This letter of transmittal is designed to complement and should be read in conjunction with the MD&A. The City of Milford's MD&A can be found immediately following the report of the independent auditors.

The Financial Section described above is prepared in accordance with generally accepted accounting principles for governments as prescribed by the Governmental Account Standards Board (GASB) and other professional associations, as applicable.

CITY PROFILE

Location & Demographics

The City of Milford is the fifth largest city in population in the State of Delaware, serving more than 13,000 residents within a rapidly growing corridor along U.S. Route 113/DE Route 1 in Kent and Sussex Counties. Located on the Mispillion River, within both Kent and Sussex Counties, the City is approximately 95 miles from Philadelphia, Pennsylvania, 85 miles from Baltimore, Maryland, and 100 miles from Washington, D.C. Locally, the City is 19 miles south of Dover, the State Capital.

Form of Government

The City is a home rule city operating under the Council-Manager form of government. The City Council is composed of the Mayor and eight Council members, who enact local laws, determine policies and adopt the annual budget. The City Manager is appointed by the City Council and is responsible for the daily management of the City. The Basic Financial Statements of the City include all government activities, organizations and functions for which the City is financially accountable as defined by the GASB. Based on these criteria, no other governmental organizations are included in this report.

OPERATIONS AND FINANCIAL MANAGEMENT

Services Provided

The City of Milford provides critical public services and utilities in the most efficient and cost-effective manner possible for the benefit of its citizens, the business community and non-resident utility customers. Major services provided under general government and enterprise functions include police protection, water and sewer services, electric services, sanitation services, park and recreational facilities, street improvements and general administrative services.

Accounting System and Budgetary Control

The City's accounting records for general governmental operations are maintained on a modified accrual basis with revenues recognized when available and measurable, and expenditures recorded when goods or services are received and associated liabilities are incurred. Accounting records for the City's utilities and other proprietary activities are maintained on the accrual basis.

In developing and maintaining the City's accounting system, consideration is given to the adequacy of the internal control structure. Internal accounting controls are designed to provide reasonable, but not absolute, assurance regarding (1) the safeguarding of assets against loss from unauthorized use or disposition; and (2) the reliability of financial records for preparing financial statements and maintaining accountability for assets. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived, and (2) the evaluation of costs and benefits requires estimates and judgements by management.

All internal control evaluations occur within the context of the framework. We believe that the City's formal and informal accounting controls adequately safeguard assets and provide reasonable assurance of proper recording of financial transactions.

The City Charter provides the City Council shall adopt the annual budget prepared by City Management. This budget is reviewed by the City Council and is formally adopted by the passage of a budget ordinance. The City Manager is authorized to transfer budgeted amounts between the items and departments within any fund; however, any revisions that alter the total expenditures of any fund must be approved by the City Council.

Budgetary control has been established at the major fund levels. Financial reports are produced showing current cash and investment balances, restricted and committed funding detail and actual expenditures by line item versus budget. Revenue performance versus levelized budgetary expectations is incorporated into the monthly financial report. The reporting package is published for public consumption and distributed monthly to City departmental and divisional management and presented to City Council in an open meeting for review and approval.

Internally, line-item detail is reviewed and analyzed for budgetary compliance at the purchase order level before discretionary spending is authorized. Personnel expenditures are monitored and controlled at the departmental level on a position-by-position basis, and capital expenditures are monitored to ensure compliance with budgetary approvals and funding methods.

OTHER INFORMATION

Independent Audit

The City Charter requires an annual audit of the accounts, financial records and transactions of the City by independent certified public accountants selected by the City Council. This requirement has been complied with, and the independent auditor's report has been included in this report. Additionally, the City of Milford's Director of Finance hears and reviews all recommendations made by the independent auditors.

Acknowledgements

The preparation of this report could not have been accomplished without the efficient and dedicated service of the City's Finance Department staff. We sincerely appreciate the efforts made by the Finance team as well as dedicated employees throughout the City.

We sincerely thank the Mayor, Milford City Council and the Finance & Audit Committee for their responsible oversight of the City's independent audit process. We especially appreciate the active interest and open support of our continued pursuit of improvements to the transparency, relevance and timeliness of the City's financial planning and reporting processes.

Respectfully submitted,



Mark A. Whitfield
City Manager



Louis C. Vitola
Finance Director



Zelenkofske Axlerod LLC

CERTIFIED PUBLIC ACCOUNTANTS

EXPERIENCE | EXPERTISE | ACCOUNTABILITY

INDEPENDENT AUDITOR'S REPORT

City Council
City of Milford, Delaware

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Milford (the "City"), as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City, as of June 30, 2023, and the respective changes in financial position, and, where applicable, and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards (GAS)*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

The City's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate where there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt thereafter.

Auditor's Responsibility for the Audit of Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatements, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance, but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and GAS will always detect a material misstatement when it exists.

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34745 Burbage Road, Frankford, DE 19945

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Page 2

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is substantial likelihood that, individually or in the aggregate, they would influence the judgement made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and GAS, we:

- Exercise professional judgement and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatements of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtaining an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by managements, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgement, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time.

We are required to communicate to those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we have identified during the audit.

Adoption of New Governmental Accounting Standards Board Pronouncements

As described in Note 1 to the financial statements, in 2023 the City adopted the provisions of Governmental Accounting Standards Board's Statements No. 91 "*Conduit Debt Obligations*", Statement No. 94 "*Public-Private and Public-Public Partnerships and Availability Payment Arrangements*", Statement No. 96 "*Subscription-Based Information Technology Arrangements*", and part of Statement No. 99 "*Omnibus 2022*". Our opinion is not modified with respect to these matters.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison schedule – General Fund, schedule of the city's proportionate share of the net pension liability, and the schedule of city contributions – pension plan on pages 4 through 16 and pages 60 through 63 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context.

We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquires of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements.



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Page 3

We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The accompanying Schedule of Expenditures of Federal Awards, as required by Title 2 U.S. *Code of Federal Regulations* (CFR), Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The Schedule of Expenditures of Federal Awards is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated, in all material respects in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the report. The other information comprises the transmittal letter and the additional information but does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon. In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated November 25, 2024, on our consideration of the City's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

Zelenkofske Axlerod LLC

ZELENKOFKSKE AXELROD LLC

Harrisburg, Pennsylvania
November 25, 2024

MANAGEMENT'S DISCUSSION AND ANALYSIS (MD&A)

The Administrative and Financial Management of the City of Milford, Delaware are pleased to offer readers of the City's financial statements this narrative overview and analysis of the financial activities and financial position of the City for the fiscal year ended June 30, 2023. In the broadest context, the financial well-being of a government lies in the underlying means and willingness of its citizens and property owners to fund their pro rata allocation of taxes to support the vision of the government's elected and appointed leadership to deploy tax receipts strategically to ensure the City's tax base, service levels, City assets and the City's desirability will be maintained not just for the current year but well into the future. Financial reporting is limited in its ability to provide this "big picture" but rather focuses on financial position and the net changes in financial position from year to year. In other words, are revenues and expenses higher or lower than the previous year? Has net position (containing both short- and long-term assets and liabilities) or fund balances (the current "spendable" assets less current liabilities) of the City been maintained? We encourage readers to consider the information presented here in conjunction with additional information that we have furnished in our letter of transmittal (pages i-iii of this report) as well as information contained in the City's annual budget and other community information that can be found by visiting the City's website at www.cityofmilford.com. It should be noted that small differences across different financial statements and tables may differ due to rounding. In addition, the Independent Auditor's Report describes the auditor's association with the various sections of this report and that all additional information from the website and other City sources is unaudited and has not been updated for events that may have occurred following the issuance of the respective report.

IN BRIEF

The assets (and deferred outflows of resources) of the City on a "government-wide" or consolidated basis exceeded its liabilities (and deferred inflows of resources) at the close of the most recent fiscal year by approximately \$115.0 million (net position). This amount, while representing an increase in excess of \$7.4 million (6.9%), must be viewed in the context that a significant portion of the City's net position (\$66.5 million, or almost 57.8%) is invested in capital assets, net of related debt, and that most capital assets procured for governmental purposes do not directly generate revenue nor can they be sold to generate liquid capital. Net position totaling \$16.7 million, or 14.5% of total net position, is restricted for capital improvements. The remaining \$31.6 million represents unrestricted net position that may be used to meet the government's ongoing obligations to citizens and creditors in accordance with the City's fund designation and fiscal policies. This unrestricted portion of net position decreased by \$4.2 million (11.6%) during fiscal year 2023 (FY23).

As of the close of FY23, the City's governmental activities (a subset of the government-wide information reported in the preceding paragraph) reported \$34.1 million in total net position. Within this total, \$27.2 million (79.5%) is invested in capital assets, net of related debt, and \$7.4 million is restricted by specific legal requirements. This leaves a residual deficit of \$0.5 million in unrestricted net position, which should not be interpreted as budgetary or operational inflexibility in terms of the governmental funds outlook. Rather, it is a function of interfund activity supporting large capital projects under construction at the close of FY23.

The City's business-type activities include water, sewer, electric and solid waste operations and, combined with the governmental activities, constitute the balance of the activity measured on a government-wide basis. Business-type activities closed the year with a \$4.0 million (5.2%) increase in net position to \$81.0 million, \$39.5 million (48.8%) of which is invested in capital assets, net of related debt. Another \$9.3 million (11.5%) is restricted by specific legal requirements. The remaining net position of \$32.1 million (39.7%) is unrestricted at fiscal year-end.

Additional details regarding the structure of the City's financial reporting segments and the performance of the City's various funds and departments can be found in the sections that follow.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is presented by City management to introduce the City's basic financial statements, which include four major components: 1) government-wide financial statements, 2) fund financial statements, 3) notes to the financial statements, and 4) required supplementary information, including this MD&A narrative. This report also contains other important information, such as the report on internal controls governing federal grant awards.

Government-Wide Financial Statements – The government-wide financial statements are designed to provide readers with a broad overview of the City's finances in a manner similar to a private-sector business. The Statement of Net Position presents information on all of the City's assets (and deferred outflows of resources), liabilities (and deferred inflows of resources) with the difference between them reported as net position (similar to a private sector balance sheet). Net position can be divided into restricted and unrestricted net position, with the former representing balances that are legally or contractually reserved for a particular purpose. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating. The Statement of Activities presents information showing how the City's net position changed during the fiscal year. All changes in net position are reported when the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g. tax revenue that has yet to be collected, or "compensated absences" – employee time off earned but unused this fiscal year). When an expense is incurred for purposes for which both restricted and unrestricted net position are available, the City's policy is to apply restricted net position first.

The government-wide financial statements distinguish between functions of the City that are principally supported by (1) taxes and intergovernmental revenues (governmental activities) versus (2) functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include general government and administration, public safety, public works, and culture and recreation. The business-type activities of the City include water, sewer, electric and solid waste operations. The government-wide financial statements can be found on pages 18 and 19 of this report.

Fund Financial Statements – A fund is a self-balancing set of accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with internal assignments, approved funding commitments, and legal requirements. All City funds can be divided into two categories – governmental funds and proprietary funds.

Governmental Funds – Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on current sources and uses of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Governmental fund balance can be divided into restricted, committed, assigned, and unassigned fund balance categories. In circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications, the order in which resources will be expended by fund balance class follows: restricted, followed by committed, assigned, and lastly unassigned. Non-financial “fixed” assets such as governmental buildings, roads, drainage ways, and park land that do not generate revenue or provide liquidity in the short term are excluded from the fund financial statements. Similarly, long-term liabilities such as bonds payable in ten years or pension liabilities with a multi-decade liability table will not be paid with current assets and are therefore excluded from the fund financial statements. Such long-lead future events are not as useful in evaluating a government's near-term financing requirements. Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the near-term, current information presented for governmental funds with the similar, but more comprehensive, long-term information presented for the governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the City's near-term financing decisions. Both the governmental funds balance sheet and the governmental funds statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds (short-term “fund” statements) and governmental activities (long-term “government-wide” statements). The governmental financial statements can be found on pages 20 and 22 of this report.

Proprietary Funds – The City maintains two types of proprietary funds. Enterprise funds are presented as business-type activities in the government-wide financial statements. The City uses enterprise funds to account for its water, sewer, electric and solid waste operations. Internal service funds are an accounting device used to accumulate and allocate costs internally among the City's various functions. The City uses its internal service funds to account for its fleet management, billing services, shared technical services, public works, and City Hall building maintenance cost allocation programs.

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for the water, sewer, electric, and solid waste funds because all are classified as major funds of the City. All internal service funds are combined into a single aggregated presentation in the proprietary fund financial statements. The basic proprietary fund financial statements can be found on pages 24 through 26.

CITY OF MILFORD, DELAWARE
MANAGEMENT'S DISCUSSION AND ANALYSIS, CONTINUED
FOR THE FISCAL YEAR ENDED JUNE 30, 2023 (UNAUDITED)

Notes to the Financial Statements – The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 27 through 58.

Other information – In addition to the basic financial statements and accompanying notes, the basic financial statements contain required supplementary information, including this MD&A.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

The following table (“MDA Schedule 1”) summarizes the City’s net position resulting from both the governmental activities and business-type activities reported in Milford’s government-wide financial statements as of June 30, 2023, including comparative tools as of June 30, 2022.

MDA Schedule 1

CITY OF MILFORD NET POSITION (*Unaudited*)
(Amounts in Thousands)

	Governmental Activities		Business-Type Activities		Total	
	<u>2022</u>	<u>2023</u>	<u>2022</u>	<u>2023</u>	<u>2022</u>	<u>2023</u>
Current and other assets	\$ 18,325	\$ 10,343	\$ 42,923	\$ 46,637	\$ 61,248	\$ 56,981
Capital assets, net	23,640	30,740	54,424	54,311	78,064	85,050
Total Assets	<u>41,965</u>	<u>41,083</u>	<u>97,347</u>	<u>100,948</u>	<u>139,312</u>	<u>142,031</u>
Deferred outflows of resources	1,432	2,185	266	256	1,698	2,441
Long term liabilities	1,399	3,376	14,729	13,825	16,128	17,201
Other liabilities	5,491	4,847	5,959	6,422	11,450	11,269
Total Liabilities	<u>6,890</u>	<u>8,223</u>	<u>20,688</u>	<u>20,246</u>	<u>27,578</u>	<u>28,469</u>
Deferred inflows of resources	5,726	976	-	-	5,726	976
Net Position						
Net investment in capital assets	18,283	27,178	39,369	39,533	57,652	66,711
Restricted	5,173	7,382	8,683	9,303	13,856	16,685
Unrestricted	7,325	(490)	28,873	32,121	36,198	31,631
Total Net Position	<u>\$ 30,781</u>	<u>\$ 34,069</u>	<u>\$ 76,925</u>	<u>\$ 80,957</u>	<u>\$ 107,706</u>	<u>\$ 115,027</u>

Over time, a government’s net position (especially changes in net position by category) may serve as a useful indicator of the organization’s financial condition. The City of Milford is no different; the \$7.4 million (6.9%) improvement in Milford’s total net position from \$107.7 million as of June 30, 2022 to \$115.1 million as of June 30, 2023 reflects positive financial performance (See MDA Schedule 1). The City’s net position in FY23 was influenced by strong investment in ongoing capital projects, many of which were funded through the application of federal and state grants. US Treasury American Rescue Plan Act (“ARPA”) funding and Delaware Community Reinvestment Fund (“CRF”) grants collected before and during FY23 were consumed in the pursuit of investments in the City’s parks & recreation system, utility infrastructure, and capital equipment. Net position increased in total and within the governmental and business-type activities alike. However, the consumption of current resources in favor of investment in fixed assets contributed to an overall reduction in unrestricted net position. Though the change in the composition of the City’s net position infers reduced flexibility in the short term, the reality is that unrestricted net position grew across all enterprise funds and internal service funds during FY23. Further, the

decrease in unrestricted funds across governmental activities (general funds) is neither a function of eroding assets – liquid or otherwise – nor a function of expanding liabilities. Rather, it is an effort by the City's elected officials and administrative leadership to ensure that existing funding remains available into the future for critical operations, capacity-driven capital improvements, and citizen-demanded facilities. By committing funding to traffic improvements, bike and walking trails, parkland and recreation, public safety initiatives like modern facilities and assigned vehicles, and even operational funding assignments, Milford is outwardly demonstrating its ongoing commitment to the community's wants and needs as manifested through professional, periodic citizen survey updates and strategic planning. In total, governmental net position increased in FY23 – and the shift in its composition away from unrestricted net position is evidence of the City's continued support for initiatives that have come to fruition in the form of new amenities, facilities and infrastructure – not an indication of financial inflexibility.

The largest portion of the City's net position, \$66.7 million (57.8%) reflects investments in capital assets (e.g., land, building, equipment, improvements and infrastructure), less any outstanding debt used to acquire those assets. The City uses its capital assets and equipment to provide services to citizens; consequently, these assets are not available for future spending, and with the exception of business type assets, do not generate direct revenue for the City. They do, however, represent an obligation on the part of the City to maintain these assets into the future.

Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources required to repay this debt must be provided from other sources, as the capital assets themselves cannot be used to liquidate these liabilities. In addition to the capital assets, another \$16.7 million (14.5%) of the City's net position is subject to legal and local restrictions; the majority of the restricted funds are intended for investment in the repair, maintenance and replacement of capital assets. The remaining balance of unrestricted net position may be used to meet the City's ongoing obligations to citizens, employees and creditors.

MDA Schedule 2 on the opposite page summarizes the City's operating results for the fiscal years ended June 30, 2023 and 2022. Total net position increased by \$7.4 million (6.9%) during fiscal year 2023, which compares well to the City's 10-year compound annual growth rate of 6.2% in total net position. This year's improvement ranks the second and third highest in terms of absolute and percentage growth, respectively, in the last ten years. Milford's FY23 financial performance is the latest example of the City's ability to recognize and respond to economic and operational challenges to maintain strong, consistent results year after year. The overall increase in net position consists of a \$3.4 million (11%) jump in governmental net position and a \$4 million (5.2%) increase in net position across business-type activities. The governmental funds benefited from a combination of operating and capital grant revenue, which is made up of a diverse grant funding mix that is neither a sustainable certainty nor a significant risk of erosion or volatility. Property tax revenue increased on a mix of AV growth and the incremental annual rate increase of \$0.01 per \$100 of AV. The improvement in business-type activities is attributable to utility revenue growth through a combination of organic growth in volume and rate adjustments prescribed by multi-year utility rate studies. Additional detail is provided for the governmental and business-type activities in the next two sections.

CITY OF MILFORD, DELAWARE
MANAGEMENT'S DISCUSSION AND ANALYSIS, CONTINUED
FOR THE FISCAL YEAR ENDED JUNE 30, 2023 (UNAUDITED)

The following table ("MDA Schedule 2") provides a summary of the City's operations for the fiscal years ended June 30, 2023 and 2022.

CITY OF MILFORD CHANGES IN NET POSITION (Unaudited)
(Amounts in Thousands)

	Governmental Activities		Business-Type Activities		Total	
	<u>2022</u>	<u>2023</u>	<u>2022</u>	<u>2023</u>	<u>2022</u>	<u>2023</u>
Revenues						
Program Revenues:						
Fees, fines and charges for services	\$ 157	\$ 103	\$ 35,651	\$ 38,433	\$ 35,808	\$ 38,536
Operating grants and contributions	4,169	3,570	-	-	4,169	3,570
Capital grant	-	1,089	53	-	53	1,089
General Revenues:						
Property taxes	4,750	5,020	-	-	4,750	5,020
Real estate transfer taxes	1,413	1,295	-	-	1,413	1,295
Franchise taxes	1,160	1,852	-	-	1,160	1,852
Impact fees	-	-	362	693	362	693
Gain on sale of property	410	135	-	-	410	135
Investment earnings	54	292	50	758	104	1,050
Miscellaneous	416	250	(341)	(49)	75	201
Total revenues	<u>\$ 12,528</u>	<u>\$ 13,606</u>	<u>\$ 35,775</u>	<u>\$ 39,835</u>	<u>\$ 48,304</u>	<u>\$ 53,441</u>
Expenses						
General government	1,860	3,073	-	-	1,860	3,073
Public safety	6,411	6,291	-	-	6,411	6,291
Public works	1,001	1,124	-	-	1,001	1,124
Culture and recreation	1,760	1,325	-	-	1,760	1,325
Interest on long-term debt	-	-	325	298	325	298
Electric	-	-	22,854	25,678	22,854	25,678
Water	-	-	2,525	2,305	2,525	2,305
Sewer	-	-	4,601	4,451	4,601	4,451
Trash	-	-	1,392	1,576	1,392	1,576
Total expenses	<u>\$ 11,032</u>	<u>\$ 11,813</u>	<u>\$ 31,697</u>	<u>\$ 34,308</u>	<u>\$ 42,729</u>	<u>\$ 46,121</u>
Increase (decrease) in net assets before transfers and special items	1,496	1,793	4,078	5,528	5,574	7,320
Transfers	1,307	1,495	(1,307)	(1,495)	-	-
Change in net position	<u>2,803</u>	<u>3,288</u>	<u>2,771</u>	<u>4,032</u>	<u>5,574</u>	<u>7,321</u>
Net position, July 1	27,978	30,781	74,154	76,925	102,132	107,706
Net position, June 30	<u>\$ 30,781</u>	<u>\$ 34,070</u>	<u>\$ 76,925</u>	<u>\$ 80,957</u>	<u>\$ 107,706</u>	<u>\$ 115,027</u>

Government Activities – The two leftmost columns in MDA Schedule 2 summarize the City's governmental revenues, expenses, transfers and changes in net position, which ties from MDA Schedule 2 back to MDA Schedule 1.

Revenues generated by governmental activities increased 8.6% versus the prior year, excluding transfers from business-type activities and special items. While revenue increases are nearly always positive, the governmental revenue increase in FY23 must be couched with the reality that the increases were driven in part by operating and capital grants, investment earnings, and franchise fees, neither of which are guaranteed sources of recurring revenue. While franchise fees and other lease revenues are more reliable and stable income sources, they are also subject to long- and mid-term market pressures, regulatory risk and technological obsolescence, and are

CITY OF MILFORD, DELAWARE
MANAGEMENT'S DISCUSSION AND ANALYSIS, CONTINUED
FOR THE FISCAL YEAR ENDED JUNE 30, 2023 (UNAUDITED)

not guaranteed to recur at the level of previous years. Property tax revenue, perhaps the City's most reliable and sustainable revenue source, increased in FY23 by \$0.3 million (5.7%). The increase was driven by a three-part combination of a modest rate increase, parcel growth (count) and growth in assessed value (new construction, not reassessment-driven). The City's property tax rate did not change from 2007-2021, so property tax growth through fiscal year 2021 had been driven entirely by new development in Milford. The City increased the property tax rate from \$0.48275 to \$0.49275 per \$100 of AV effective for the FY23 property tax levy, continuing an important step in a series of strategic efforts aimed at improving structural balance and revenue diversity. Other efforts include additional increases in the property tax rate of \$0.01 per \$100 of AV effective in fiscal years 2024 and 2025 as approved by City Council, diversion of nonrecurring and less reliable revenue sources from the operating budget to capital reserves, investments in tax base growth, and intergovernmental coordination to reduce duplicative services. Management expects these initiatives coupled with property tax revenue growth will further stabilize revenue in the event we face volatility in other revenue sources.

Governmental expenditures increased by \$0.7 million (6.1%) in FY23, representing the second consecutive year of inflationary cost pressure. The increase was mixed; recreation and public safety expenditures decreased by a combined \$0.5 million but were more than offset by general governmental and public works expense increases exceeding \$1.1 million to drive the net increase versus fiscal year 2022 (FY22). The general governmental cost areas most responsible for the increase over FY22 include salary and benefits lines, in part due to wage inflation and in part due to increased staff retention, the latter of which is viewed as a positive result based on Milford's strategic retention efforts in the face of the former, which was one symptom among several labor challenges experienced throughout the national economy. Further, part of the personnel cost increase was attributable to the non-cash pension expense reported in the government-wide financial statements resulting from the City's participation in the State of Delaware pension plans; last year's pension credit exacerbated this year's negative variance.

Business-Type Activities – Net position from business-type activities increased by \$4.0 million, or 5.2% from \$77 million to \$81 million during fiscal year 2023 (See MDA Schedule 2). For the third year in a row, all four major utilities contributed to the positive change in net position across business activities, with the water fund's \$2.9 million (11%) increase in net position pacing the sewer and electric funds' increases of \$0.9 million (5.4%) and \$0.1 million (0.4%), respectively, followed by the solid waste fund's increase of \$0.04 million (3%). The positive changes started with top-line revenue as all four utilities posted revenue increases over FY22. The City's revenue growth was balanced and healthy, comprised of steady, organic growth in rate base and controlled, phased increases in usage rates determined through cost-of-service studies conducted for all business-type activities. Further, the utilities controlled operating expenses extremely well, posting a year-over-year increase of just \$0.2 million, or 0.7% across all four utility funds after adjusting for the \$2.4 million year-over-year increase in wholesale power costs. The proprietary funds do not report on gross margin, but the wholesale power cost represents the City's electric fund "cost of services provided" and is instead reported as contractual services within operating expenses. Wholesale power costs were driven higher in FY23 by increased demand across global markets for natural gas (and in turn, power) as well as regulatory costs arising out of regulators' conflicting goals of coal plant retirement and grid reliability. The City

CITY OF MILFORD, DELAWARE
MANAGEMENT'S DISCUSSION AND ANALYSIS, CONTINUED
FOR THE FISCAL YEAR ENDED JUNE 30, 2023 (UNAUDITED)

overcame the spikes in power costs through automatic purchased power cost adjustments (PPCAs) designed to pass unexpected changes in the wholesale costs of power through the existing rate structure across all rate classes, thereby mitigating the potential for market fluctuations that would otherwise negatively impact electric revenue, margin and rate requirements. Aside from personnel and contractual cost increases in the solid waste fund and incremental / inflationary operating cost increases in the electric fund, operating costs in the utility funds were reduced from FY22, particularly in the water and sewer funds, which saw 9% and 3% decreases in operating expenses, respectively, versus FY22. Once again, all four utilities, including the solid waste fund, generated positive income before transfers and positive changes in net position during FY23.

Investment Policies – The City's accumulated cash surplus and reserves attributable to governmental and business-type activities are combined and invested pursuant to the City's investment policies, as amended. Last year, the City completed an initiative started in fiscal year 2021 to reallocate investment balances to more heavily weight money market funds in response to changes in the market to capture additional yield without being exposed to incremental interest rate risk. By the end of FY22, 100% of the City's investable cash was consolidated into money market funds, which were combined with bank deposits and reported as cash and cash equivalents. That interest rate environment prevailed throughout FY23, promoting the consistent reporting from FY22 into FY23. Additional information about the City's cash and investments can be found in Note 7 on page 39. In response to changing market conditions early in FY24, the City procured investment advisory services through PFM Asset Management to implement the City's investment program pursuant to its investment policy statement.

CITY OF MILFORD, DELAWARE
MANAGEMENT'S DISCUSSION AND ANALYSIS, CONTINUED
FOR THE FISCAL YEAR ENDED JUNE 30, 2023 (UNAUDITED)

FUND FINANCIAL STATEMENT ANALYSIS

Governmental Funds – The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unreserved fund balances may serve as a useful measure of a government's net resources available for spending in the next fiscal year. At the end of the fiscal year 2023, the City's combined governmental funds reported ending balances of \$4.8 million (See Governmental Funds Balance Sheet on page 20). Within this total, \$7.4 million is restricted by specific legal requirements, primarily for (a) capital investments in infrastructure and other eligible expenditures pursuant to the US Treasury's Final Rule governing the use of funding advanced through the American Rescue Plan Act of 2021 ("ARPA") and (b) street improvement funding advanced through the Realty Transfer Tax (RTT) and Municipal Street Aid (MSA) funds. Another \$0.1 million representing prepaid expenses is classified as "nonspendable", leaving the residual deficit of \$2.6 million in unassigned fund balance in the general fund. The unassigned deficit balance is a function of the narrowed scope of the fund financial statements, which feature a critically important caveat unique to the FY23 statements. That is, interfund receivables and payables – regardless of the stated term – are reported on the fund financial statements. Therefore, the \$7.5 million in long-term interfund commitments are reported in the current liabilities of the governmental fund financial statements, while the corresponding \$7.5 million in assets constructed using the interfund balances are not reported in the fund financial statements, causing an artificial deficit in the general fund section of the governmental funds balance sheet. The treatment is partially mitigated by the same treatment of the special revenue fund receivable in the current asset section of the general fund balance sheet. This phenomenon is captured in the MDA Schedule 2A, which restates excerpts from the Governmental Funds Balance Sheet excluding the \$7.5 million in long-term interfund activity. Figures italicized in bold exhibit the changes, for illustration and discussion purposes only, as compared to the audited Governmental Funds Balance Sheet:

MDA Schedule 2A

CITY OF MILFORD, DE - BALANCE SHEET - AS OF JUNE 30, 2023
GOVERNMENTAL FUNDS AS ADJUSTED, UNAUDITED

	General Fund	Special Revenue Fund	Non-Major Governmental Fund	Total Governmental Funds
ASSETS				
Total Assets, as stated	\$ 7,159,900	\$ 9,715,623	\$ 899,399	\$ 17,774,922
Exclude long-term interfund receivables	-	<i>(5,000,000)</i>	-	<i>(5,000,000)</i>
Total Assets, as adjusted	<i>\$ 7,159,900</i>	<i>\$ 4,715,623</i>	<i>\$ 899,399</i>	<i>\$ 12,774,922</i>
LIABILITIES AND FUND BALANCES				
Total Liabilities, as stated	10,028,497	2,464,903	6,613	12,500,013
Exclude long-term interfund payables	<i>(7,500,000)</i>	-	-	<i>(7,500,000)</i>
Total Liabilities, as adjusted	<i>\$ 2,528,497</i>	<i>\$ 2,464,903</i>	<i>\$ 6,613</i>	<i>\$ 5,000,013</i>
DEFERRED INFLOWS OF RESOURCES	449,075	-	-	449,075
Fund Balances, as adjusted:				
<i>Nonspendable</i>	<i>50,702</i>	-	-	<i>50,702</i>
<i>Restricted</i>	<i>436,060</i>	<i>2,250,720</i>	892,786	<i>3,579,566</i>
<i>Unassigned</i>	<i>3,695,566</i>	-	-	<i>3,695,566</i>
Total Fund Balances, as adjusted:	<i>4,182,328</i>	<i>2,250,720</i>	892,786	<i>7,325,834</i>
Total Liabilities and Fund Balances	<i>\$ 7,159,900</i>	<i>\$ 4,715,623</i>	<i>\$ 899,399</i>	<i>\$ 12,774,922</i>
Total Fund Balances, as stated	(3,317,672)	7,250,720	892,786	4,825,834
Difference, Total Fund Balance, adjusted	<i>7,500,000</i>	<i>(5,000,000)</i>	-	<i>2,500,000</i>

Proprietary Funds – The City's proprietary fund statements provide the same type of information found in the government-wide financial statements, but in more detail (See pages 24-26). Unrestricted net position in the enterprise funds totaled \$32.1 million, made up of the electric fund (\$20.2 million), water fund (\$4.9 million), sewer fund (\$6.5 million) and solid waste fund (\$0.5 million). The total net position across all enterprise funds at the end of the fiscal year was \$81.0 million, representing an increase of \$4.0 million versus FY22. The increases in net position in the electric, water, sewer, and solid waste funds of \$0.1 million, \$2.9 million, \$1.0 million, and \$0.04 million, respectively, versus the prior period resulted primarily from stable top-line revenue growth while utility operations teams contained expense growth through budget austerity measures and cost controls.

General Fund Budgetary Highlights – The City's operational budget contemplated a deficit of \$8.2 million before principal debt service, capital outlay and other financing sources on \$6.5 million in revenue and \$14.6 million in operating expenditures. Actual results on a budgetary basis were \$7.6 million in revenue and \$11.0 million in operating expenditures, which represented a positive budget variance of \$1.1 million and \$3.7 million, respectively. Aside from franchise and lease revenue, all revenue lines exceeded anticipated revenue, most notably the licenses and permits, taxes, investment income and miscellaneous revenue. Including principal debt service, capital outlay and other financing sources, the City's comprehensive general fund budget expected a fund balance decrease in the current year of \$7.5 million prior to the use of cash and reserves. The actual decrease in fund balance was \$8.8 million, driven primarily by lower-than-expected capital outlays and the Council-approved swap in external financing sources (the bond anticipation note, or "BAN") for internal funding sources (the interfund transfers, which resulted in a principal prepayment on the BAN). Actual general fund expenditures were significantly below total budgeted expenses due to cost control measures and project timing. During the FY23, City Council made revisions to the original appropriations approved by the Council prior to the start of the fiscal year. Overall, these changes resulted in an increase in budgeted operating expenditures of \$1.8 million, net of offsetting increases in anticipated revenues. The changes were primarily driven by grant-funded projects and related expenditures in general administration or public safety that are included in budget controls when grant revenue is anticipated and grant-funded expenditures are incurred through the ordinary requisition, purchase order and accounts payable processes.

DEBT ADMINISTRATION

As of June 30, 2023, the City's bonded indebtedness and outstanding note obligations (See MDA Schedule 3) totaled \$16.2 million, all of which is backed by the full faith and credit of the City of Milford taxing authority.

MDA Schedule 3

**Outstanding Debt at Fiscal Year End
Bonds and Notes Payable**

	<u>Government Activities</u>		<u>Business-Type Activities</u>		<u>Total</u>	
	<u>2022</u>	<u>2023</u>	<u>2022</u>	<u>2023</u>	<u>2022</u>	<u>2023</u>
General Obligation Bonds	\$ 41	\$ 1,669	\$ 6,260	\$ 5,825	\$ 6,301	\$ 7,494
DE Revolving Fund Loans	-	-	2,426	2,210	2,426	2,210
USDA Loans	-	-	5,543	5,410	5,543	5,410
Kent County Note	-	-	1,070	1,042	1,070	1,042
Total	<u>\$ 41</u>	<u>\$ 1,669</u>	<u>\$ 15,300</u>	<u>\$ 14,487</u>	<u>\$ 15,341</u>	<u>\$ 16,156</u>

During fiscal year 2023, the City's outstanding debt increased by \$0.82 million as a result of scheduled payments of debt obligations totaling \$0.81 million and additional bond anticipation note (BAN) \$1.63 million issued during the fiscal year to finance the construction of the City's new police headquarters facility.

The City's General Obligation Bond Rating is AA- as rated by S&P Global Credit. Additional information about the City's long-term debt obligations and a detailed roll-forward of long-term liabilities can be found in Note 9 on pages 43 to 47 of this report.

CAPITAL ASSETS

The City's investment in capital assets for its governmental and business-type activities as of June 30, 2023 amounts to \$85.1 million (net of accumulated depreciation). This investment in capital assets includes land, building, equipment, improvements, and infrastructure assets. The total increase in the City's investment in capital assets, net of accumulated depreciation, for the current fiscal year was \$11.6 million for governmental activities, representing an increase of 16.0% versus fiscal year 2022. The business-type activities had an increase in capital assets net of accumulated depreciation of \$2.9. Additional information on the City's capital assets can be found in Note 8 on pages 40 to 42 of this report.

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Major capital asset purchases and projects completed or in process during fiscal year 2023 included the following:

General Fund

- \$10.1 million toward the construction of the City's new Police Headquarters Facility
- \$ 1.2 million in building and street improvements, technology, vehicles and equipment
- \$ 1.1 million in additions to parkland and open space improvements

Electric Fund

- \$ 0.2 million for physical security and data security upgrades
- \$ 0.2 million for traffic light improvements and LED streetlight upgrades
- \$ 0.2 million for electric vehicle (EV) charging stations, machinery & equipment

Water Fund

- \$ 0.6 million in ongoing water line upgrades and system improvement projects
- \$ 0.4 million in engineering and design costs related to the Milford Corporate Center
- \$ 0.1 million in other water system infrastructure
- \$ 0.1 million in equipment and data security upgrades

Sewer Fund

- \$ 0.2 million in improvements to sewer mains, laterals and other infrastructure
- \$ 0.1 million for sewer line camera with video inspection equipment
- \$ 0.1 million in equipment and data security upgrades

Internal Service Funds

- \$ 0.1 million in building improvements & equipment

ECONOMIC FACTORS AND FUTURE BUDGETS

The fiscal year 2024 and 2025 O&M budgets for general fund activity are 4.8% lower and 8.0% higher, respectively, than fiscal year 2023. Excluding the impact of the first full year of debt service on the Police Headquarters Facility project, the FY25 budget is only 3.6% higher than the FY23 operating budget. The balance between cost control and the delivery of broad services demanded by Milford residents was struck well during the 2024 and 2025 budget processes. Personnel costs in support of our diverse mix of valued employees represent the largest contribution to general fund costs, particularly in 2024 as scheduled contractual rate increases, personnel additions and full staffing levels added pressure to the operating budget. Most recently, health insurance premium growth further fueled personnel cost increases in the FY25 budget. The higher general fund costs will be offset with economic development initiatives, organic growth in the City's tax base, years three and four of a five-year plan to offset \$0.1 million realty transfer tax reductions from O&M support for police operations with property taxes, and enhancements to utility transfers to the general fund. In addition, a greater mix of governmental capital expenditures are expected to be funded through grants and existing reserves. Staff remain

steadfast in their dedication to service excellence, fiscal responsibility and efficiency. Moreover, City leadership and staff are aligned in efforts to uphold and improve the quality of life in Milford through citywide accessibility to high-quality services, infrastructure, public safety, parks and recreation, backed by strategic investments in property, capital projects and infrastructure to support the City's growing population and thriving business community.

TIMING OF RECENT FINANCIAL STATEMENTS AND INDEPENDENT AUDIT REPORT

Staffing shortages in the City's Finance Department, exacerbated by a 42% reduction in third-party contract support, contributed to delayed financial statement production and audit processes in FY21, which in turn protracted the FY22 and FY23 audit processes. Internal staffing rebounded during FY22, while additional staff and resources were allocated in FY23, putting the department in position to return to the City's normal reporting cycle beginning with FY24. The City's FY24 and FY25 budgets include provisions to maintain staffing and contractual services levels to augment financial reporting and audit requirements. The City's financial and operating results remained strong throughout the last several fiscal years, as increases in revenue outpaced well-managed costs in an inflationary environment to improve the City's balance sheet for at least the eleventh consecutive year. The City's financial position remained healthy throughout FY24 and into FY25. Monthly, unaudited financial reports, the City's audits, budgets, capital improvement plans and other documents are reported regularly on the City's website for the benefit of Milford citizens and City stakeholders.

REQUEST FOR INFORMATION

The financial report is designed to provide our citizens, customers, investors and creditors with a general overview of the City's financial structure and past performance. If you have questions about this report or if you would like to request additional information, please contact the Department of Finance, Attention: Finance Director, 10 SE 2nd Street, Milford, DE 19963, call 302-424-5141 or email the finance team at finance@milford-de.gov.

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BASIC FINANCIAL STATEMENTS

CITY OF MILFORD, DE
STATEMENT OF NET POSITION
JUNE 30, 2023

	Governmental Activities	Business-type Activities	Total
ASSETS			
Current Assets			
Cash and Equivalents	\$ 10,295,572	\$ 28,964,735	\$ 39,260,307
Restricted Cash	1,426,220	9,303,453	10,729,673
Tax & Utility Receivables, net of allowances	241,175	3,049,871	3,291,046
Leases Receivable	449,075	-	449,075
Other Receivables	576,907	125,940	702,847
Internal Balances, net	(3,054,926)	3,054,926	-
Inventories	42,525	2,138,407	2,180,932
Prepaid Expenses	50,702	-	50,702
Total Current Assets	<u>10,027,250</u>	<u>46,637,333</u>	<u>56,664,582</u>
Non-Current Assets			
Capital Assets			
Assets Not Depreciated or Amortized			
Land	8,577,885	8,961,039	17,538,924
Construction in Process	12,279,717	703,628	12,983,345
Right-to-Use Software in Progress	902,775	-	902,775
Utility System & Infrastructure	11,282,401	71,000,445	82,282,846
Buildings and Improvements	5,663,852	7,348,799	13,012,651
Equipment and Vehicles	7,970,399	10,369,262	18,339,661
Lease Assets	89,725	-	89,725
Right-to-Use Software	129,041	-	129,041
Less: Accumulated Depreciation & Amortization	<u>(16,156,202)</u>	<u>(44,072,567)</u>	<u>(60,228,769)</u>
Net Capital Assets	30,739,593	54,310,606	85,050,199
Net Pension Asset	<u>316,194</u>	<u>-</u>	<u>316,194</u>
Total Assets	<u>41,083,037</u>	<u>100,947,939</u>	<u>142,030,975</u>
DEFERRED OUTFLOWS OF RESOURCES			
Pensions	2,185,143	-	2,185,143
Deferred Loss on Refunding	-	255,667	255,667
Total Deferred Outflows of Resources	<u>2,185,143</u>	<u>255,667</u>	<u>2,440,810</u>
LIABILITIES			
Current Liabilities			
Accounts Payable and Accrued Expenses	2,163,790	4,776,304	6,940,094
Customer Deposits	179,158	801,890	981,048
Unearned Revenue	2,199,781	-	2,199,781
SBITA Payable	157,830	-	157,830
Leases Payable	19,683	-	19,683
Bonds and Notes Payable	-	821,362	821,362
Compensated Absences	126,732	22,011	148,743
Total Current Liabilities	<u>4,846,974</u>	<u>6,421,567</u>	<u>11,268,541</u>
Noncurrent Liabilities			
SBITA Payable	465,495	-	465,495
Leases Payable	44,290	-	44,290
Bonds and Notes Payable	1,669,226	13,687,685	15,356,911
Compensated Absences	<u>1,197,036</u>	<u>137,203</u>	<u>1,334,239</u>
Total Noncurrent Liabilities	<u>3,376,047</u>	<u>13,824,888</u>	<u>17,200,935</u>
Total Liabilities	8,223,021	20,246,455	28,469,476
DEFERRED INFLOWS OF RESOURCES			
Pensions	526,623	-	526,623
Leases	449,075	-	449,075
Total Deferred Inflows of Resources	<u>975,698</u>	<u>-</u>	<u>975,698</u>
NET POSITION			
Net Investment in Capital Assets	27,178,152	39,532,882	66,711,034
Restricted for Capital Improvements:	7,381,572	9,303,453	16,685,025
Unrestricted:			
Assigned by City Council	-	6,366,919	6,366,919
Unassigned	<u>(490,263)</u>	<u>25,753,896</u>	<u>25,263,633</u>
Total Net Position	<u>\$ 34,069,461</u>	<u>\$ 80,957,150</u>	<u>\$ 115,026,611</u>

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2023

Functions/Programs	Program Revenue				Net (Expense) Revenue and Changes in Net Assets		
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-Type Activities	Total
Primary Government							
Governmental Activities							
General Government	\$ 3,073,111	\$ 20,880	\$ 82,500	\$ -	\$ (2,969,731)		\$ (2,969,731)
Public Safety	6,290,591	-	1,071,173	199,092	(5,020,326)		(5,020,326)
Public Works	1,124,093	-	2,329,430	881,149	2,086,486		2,086,486
Culture and Recreation	1,325,282	82,139	86,543	8,400	(1,148,200)		(1,148,200)
Total Governmental Activities	11,813,077	103,019	3,569,646	1,088,641	(7,051,771)		(7,051,771)
Business-Type Activities							
Electric Fund	25,775,055	28,120,115	-	-	2,345,060		2,345,060
Water Fund	2,407,703	3,491,998	-	-	1,084,295		1,084,295
Sewer Fund	4,549,080	5,181,252	-	-	632,172		632,172
Solid Waste Fund	1,575,740	1,639,794	-	-	64,054		64,054
Total Business-Type Activities	34,307,578	38,433,159	-	-	4,125,581		4,125,581
Total Primary Government	\$ 46,120,655	\$ 38,536,178	\$ 3,569,646	\$ 1,088,641	(7,051,771)		(2,926,190)
General Revenues:							
Taxes:							
Property Taxes, Levied for General Purposes					5,020,216		5,020,216
Real Estate Transfer Taxes					1,295,111		1,295,111
Franchise Taxes & Fees					1,851,679		1,851,679
Gain on Disposal of Capital Assets					135,208		135,208
Impact Fees					-	693,087	693,087
Unrestricted Investment Earnings					292,116	758,183	1,050,299
Miscellaneous					250,315	(49,394)	200,921
Transfers					1,495,238	(1,495,238)	-
Total General Revenues, Special Items, and Transfers					10,339,883	(93,362)	10,246,521
Change in Net Position					3,288,112	4,032,219	7,320,331
Net Position - Beginning of Year					30,781,349	76,924,931	107,706,280
Net Position - End of Year					\$ 34,069,461	\$ 80,957,150	\$ 115,026,611

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
BALANCE SHEET
GOVERNMENTAL FUNDS
JUNE 30, 2023**

	<u>General Fund</u>	<u>Special Revenue Fund</u>	<u>Non-Major Governmental Fund</u>	<u>Total Governmental Funds</u>
ASSETS				
Cash and Cash Equivalents	\$ 5,661,216	\$ 3,271,451	\$ 899,399	\$ 9,832,066
Restricted Cash	436,060	990,160	-	1,426,220
Taxes Receivable, net of allowance for doubtful accounts	88,550	152,625	-	241,175
Lease Receivable	449,075	-	-	449,075
Other Receivables	256,062	301,387	-	557,449
Due From Other Funds	218,235	5,000,000	-	5,218,235
Prepaid Expenses	50,702	-	-	50,702
Total Assets	<u>\$ 7,159,900</u>	<u>\$ 9,715,623</u>	<u>\$ 899,399</u>	<u>\$ 17,774,922</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts Payable	\$ 1,345,509	\$ -	\$ 1,429	\$ 1,346,938
Salaries and Wages Payable	279,945	356	-	280,301
Unearned Revenue	13,469	2,186,312	-	2,199,781
Due to Other Funds	7,994,926	278,235	-	8,273,161
Other Payables	394,648	-	5,184	399,832
Total Liabilities	<u>10,028,497</u>	<u>2,464,903</u>	<u>6,613</u>	<u>12,500,013</u>
DEFERRED INFLOWS OF RESOURCES	449,075	-	-	449,075
Fund Balances:				
Nonspendable	50,702	-	-	50,702
Restricted	-	6,488,786	892,786	7,381,572
Unassigned	(3,368,374)	761,934	-	(2,606,440)
Total Fund Balances	<u>(3,317,672)</u>	<u>7,250,720</u>	<u>892,786</u>	<u>4,825,834</u>
Total Liabilities and Fund Balances	<u>\$ 7,159,900</u>	<u>\$ 9,715,623</u>	<u>\$ 899,399</u>	<u>\$ 17,774,922</u>

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
RECONCILIATION OF THE GOVERNMENTAL FUNDS
BALANCE SHEET TO THE STATEMENT OF NET POSITION
FOR THE YEAR ENDED JUNE 30, 2023**

Total Fund Balance, Governmental Funds	\$	4,825,834
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Amounts reported for governmental activities in the Statement of Net Position are different because:

Capital assets used in governmental activities are not current financial resources and therefore are not reported in the fund financial statements, but are reported in the governmental activities of the Statement of Net Position.		30,604,619
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Internal service funds are used by management to charge the costs of centrally managed services to the funds and departments that consume the services. The assets and liabilities of the internal service funds are included in governmental activities in the Statement of Net Position. The increase is equal to the Internal Service Net Position, including Capital Assets net of accumulated depreciation.		203,061
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Some liabilities and other items are not due and payable in the current period and are not included in the fund financial statements, but are included in the governmental activities of the Statement of Net Position.

Compensated absences		(1,182,243)
Deferred financing inflows - retirement		(526,623)
Deferred financing outflows - retirement		2,185,143
Net Pension Asset		316,194
Bond Payable		(1,669,226)
Lease Liability		(63,973)
SBITA liability		(623,325)

Net Position of Governmental Activities	\$	34,069,461
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The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2023

	<u>General Fund</u>	<u>Special Revenue Fund</u>	<u>Non-Major Governmental Fund</u>	<u>Total Governmental Funds</u>
REVENUES				
Property Taxes	\$ 5,020,216	\$ -	\$ -	\$ 5,020,216
Real Estate Transfer Taxes	-	1,295,111	-	1,295,111
Fees and Fines	177,804	13,450	-	191,254
Licenses and Permits	1,242,042	-	207,492	1,449,534
Franchise and Lease Revenue	418,383	-	-	418,383
Intergovernmental	405,002	4,045,793	-	4,450,795
Charges for Services	20,880	-	82,139	103,019
Investment Earnings	112,904	179,212	-	292,116
Miscellaneous	211,320	38,995	-	250,315
	<u>7,608,551</u>	<u>5,572,561</u>	<u>289,631</u>	<u>13,470,743</u>
EXPENDITURES				
Current:				
General Government	2,384,966	-	55,000	2,439,966
Public Safety	6,154,327	136,264	-	6,290,591
Public Works	1,122,875	1,218	-	1,124,093
Culture and Recreation	1,266,743	-	58,539	1,325,282
Debt Service:				
Principal	7,125,395	-	-	7,125,395
Interest	47,545	-	-	47,545
Capital Outlay	12,627,105	8,230	-	12,635,335
	<u>30,728,956</u>	<u>145,712</u>	<u>113,539</u>	<u>30,988,207</u>
(Deficiency) Excess of Revenues Over Expenditures	<u>(23,120,405)</u>	<u>5,426,849</u>	<u>176,092</u>	<u>(17,517,464)</u>
OTHER FINANCING SOURCES (USES)				
Transfers In	5,528,655	-	-	5,528,655
Transfers Out	(339,071)	(4,045,781)	-	(4,384,852)
Bond Anticipation Note	8,627,781	-	-	8,627,781
SBITA and Lease Proceeds	202,051	-	-	202,051
Proceeds from Asset Sales	278,648	-	-	278,648
	<u>14,298,064</u>	<u>(4,045,781)</u>	<u>-</u>	<u>10,252,283</u>
Net Change in Fund Balances	(8,822,341)	1,381,068	176,092	(7,265,181)
Fund Balances - Beginning	<u>5,504,669</u>	<u>5,869,652</u>	<u>716,694</u>	<u>12,091,015</u>
Fund Balances - Ending	<u>\$ (3,317,672)</u>	<u>\$ 7,250,720</u>	<u>\$ 892,786</u>	<u>\$ 4,825,834</u>

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2023

Net change in fund balances - total governmental funds: \$ (7,265,181)

Amounts reported for Governmental Activities in the Statement of Activities are different because:

Some items reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.

Compensated absences expense	(184,527)
Pension expense	405,035
Change in contingent liabilities	203,516

Internal Service funds are used by management to charge the costs of centrally managed services to using funds and departments. The increase is equal to the change in the Internal Service Net Position

50,034

Governmental funds report proceeds from bond issuance as a financing source. In contrast, the Statement of Activities treats such proceeds as an increase in long-term liabilities. Repayment consumes current financial resources of governmental funds.

Bond Proceeds	(8,627,781)
Bond Principal Payments	7,000,000
Lease and SBITA Proceeds	(202,051)
Lease and SBITA Principal	125,395

Governmental funds report outlays for capital assets as expenditures because such outlays use current financial resources. In contrast, the Statement of Activities reports only a portion of the outlay as expense. The outlay is allocated over the assets' estimated useful lives as depreciation expense for the period in the Statement of Activities. This is the amount by which capital outlays of \$12,844,359 exceeded depreciation/amortization expense of \$917,245 in the current period.

11,927,112

Government funds report the proceeds from the sale of assets as revenue. In contrast, the Statement of Activities reports the difference between the amount of the proceeds and the net book value of the related assets as a gain or loss.

(143,440)

Change in net position of governmental activities

\$ 3,288,112

The accompanying notes are an integral part of these financial statements.

**CITY OF MILFORD, DE
STATEMENT OF NET POSITION
PROPRIETARY FUNDS
JUNE 30, 2023**

	Business Type Activities - Enterprise Funds					<i>Governmental Activities - Internal Service Fund</i>
	Electric	Water	Sewer	Solid Waste	Total	
ASSETS						
Current Assets						
Cash and Cash Equivalents	\$17,180,662	\$ 4,777,412	\$ 6,632,315	\$ 374,346	\$ 28,964,735	\$ 463,506
Restricted Cash	1,210,498	5,156,169	2,936,759	27	9,303,453	-
Accounts Receivable, net of allowance for doubtful accounts	2,213,075	291,341	441,380	104,075	3,049,871	14,608
Due from Other Funds	3,054,926	-	-	-	3,054,926	-
Other Receivables	7,477	-	-	118,463	125,940	4,850
Inventories	2,132,119	6,288	-	-	2,138,407	42,525
Total Current Assets	25,798,757	10,231,210	10,010,454	596,911	46,637,332	525,489
Non-Current Assets						
Capital Assets						
Land and Improvements	2,460,507	6,471,894	28,638	-	8,961,039	-
Construction in Process	268,257	435,371	-	-	703,628	-
Utility System	20,559,591	26,839,447	23,601,407	-	71,000,445	-
Buildings and Improvements	7,056,015	123,078	164,056	5,650	7,348,799	58,466
Vehicles and Equipment	4,653,917	1,997,904	1,883,158	1,834,283	10,369,262	269,480
Less Accumulated Depreciation	(20,743,032)	(10,695,155)	(11,720,096)	(914,284)	(44,072,567)	(192,972)
Net Capital Assets	14,255,255	25,172,539	13,957,163	925,649	54,310,606	134,974
Total Non-Current Assets	14,255,255	25,172,539	13,957,163	925,649	54,310,606	134,974
Total Assets	40,054,012	35,403,749	23,967,617	1,522,560	100,947,938	660,463
DEFERRED OUTFLOWS OF RESOURCES						
Deferred Charges On Refundings	145,364	-	110,303	-	255,667	-
LIABILITIES						
Current Liabilities:						
Accounts Payable	1,815,776	551,053	259,930	46,646	2,673,405	66,081
Salaries and Wages Payable	42,535	13,287	13,219	11,751	80,792	70,638
Other Accrued Expenses	1,736,557	-	285,550	-	2,022,107	-
Customer and Other Deposits	741,390	-	-	60,500	801,890	179,158
Compensated Absences	11,606	3,843	3,843	2,719	22,011	22,378
Bonds and Notes Payable	240,000	265,020	316,342	-	821,362	-
Total Current Liabilities	4,587,864	833,203	878,884	121,616	6,421,567	338,255
Non-Current Liabilities:						
Compensated Absences	82,562	26,094	26,094	2,453	137,203	119,147
Bonds and Notes Payable	3,599,331	5,414,908	4,673,446	-	13,687,685	-
Total Non-Current Liabilities	3,681,893	5,441,002	4,699,540	2,453	13,824,888	119,147
Total Liabilities	8,269,757	6,274,205	5,578,424	124,069	20,246,455	457,402
NET POSITION						
Net Investment in Capital Assets	10,553,617	19,027,389	9,027,272	924,604	39,532,882	134,974
Restricted for Capital Improvements	1,210,498	5,156,169	2,936,759	27	9,303,453	-
Unrestricted:						
Assigned by City Council	5,552,857	495,140	234,084	84,838	6,366,919	-
Unassigned	14,612,647	4,450,846	6,301,381	389,022	25,753,896	68,087
Total Net Position	\$ 31,929,619	\$ 29,129,544	\$ 18,499,496	\$ 1,398,491	\$ 80,957,150	\$ 203,061

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
PROPRIETARY FUNDS
FOR THE YEAR ENDED JUNE 30, 2023

	Business Type Activities - Enterprise Funds					<i>Governmental Activities -Internal Service Fund</i>
	Electric	Water	Sewer	Solid Waste	Total	
REVENUES						
Charges for Services	\$ 27,620,356	\$ 3,426,826	\$ 5,173,043	\$ 1,551,828	\$ 37,772,053	\$ 3,141,776
Miscellaneous	499,759	65,172	8,209	87,966	661,106	-
Total Operating Revenues	28,120,115	3,491,998	5,181,252	1,639,794	38,433,159	3,141,776
OPERATING EXPENSES						
Personnel Services	2,769,054	346,481	338,327	323,082	3,776,944	1,956,382
Contractual Services	20,237,546	35,240	2,513,477	387,444	23,173,707	257,324
Utilities	7,046	229,113	986	484	237,629	42,619
Repairs and Maintenance	571,478	124,426	20,553	191,072	907,529	551,252
Other Supplies and Expenses	665,053	912,894	889,218	525,402	2,992,567	309,644
Insurance Claims and Expenses	135,420	29,408	13,865	13,552	192,245	9,741
Bad Debt Expense	36,443	1,318	156	5,770	43,687	-
Depreciation	1,255,595	625,841	674,634	128,934	2,685,004	29,448
Total Operating Expenses	25,677,635	2,304,722	4,451,216	1,575,740	34,009,313	3,156,410
Operating Income (Loss)	2,442,480	1,187,276	730,036	64,054	4,423,847	(14,634)
NON-OPERATING REVENUES (EXPENSES)						
Interest and Investment Revenue	390,508	220,577	135,958	11,140	758,183	-
Impact Fees	110,250	382,477	200,360	-	693,087	-
Capital Grant	-	-	-	-	-	-
Miscellaneous	(54,811)	4,417	-	1,000	(49,394)	3,733
Interest Expense	(97,420)	(102,981)	(97,864)	-	(298,265)	-
Total Non-Operating Revenues (Expenses)	348,527	504,490	238,454	12,140	1,103,611	3,733
Income Before Transfers	2,791,007	1,691,766	968,490	76,194	5,527,457	(10,901)
Transfers In	-	1,600,673	53,492	-	1,654,165	60,935
Transfers Out	(2,651,709)	(383,465)	(78,215)	(36,014)	(3,149,403)	-
Change in Net Position	139,298	2,908,974	943,767	40,180	4,032,219	50,034
Net Position - Beginning of Year	31,790,321	26,220,570	17,555,729	1,358,311	76,924,931	153,027
Net Position - End of Year	\$ 31,929,619	\$ 29,129,544	\$ 18,499,496	\$ 1,398,491	\$ 80,957,150	\$ 203,061

The accompanying notes are an integral part of these financial statements.

CITY OF MILFORD, DE
STATEMENT OF CASH FLOWS
ALL PROPRIETARY FUND TYPES
FOR THE YEAR ENDED JUNE 30, 2023

	ENTERPRISE FUNDS					<i>Governmental Activities - Internal Service Fund</i>
	Electric	Water	Sewer	Solid Waste	Total	
Cash Flows from Operations:						
Receipts from Customers	\$ 27,633,375	\$ 3,421,368	\$ 5,185,403	\$ 1,553,998	\$ 37,794,144	\$ 3,222,470
Other Operating Receipts	(1,943,948)	131,931	830,961	(19,503)	(1,000,559)	(4,850)
Payments to Suppliers	(20,859,303)	(2,283,783)	(3,324,294)	(1,099,652)	(27,567,032)	(1,185,449)
Payments to Employees	(2,842,942)	(364,537)	(356,273)	(315,474)	(3,879,226)	(1,955,165)
Insurance Premiums Paid	(135,420)	(29,408)	(13,865)	(13,552)	(192,245)	(9,741)
Net Cash Provided by Operating Activities	<u>1,851,762</u>	<u>875,571</u>	<u>2,321,932</u>	<u>105,817</u>	<u>5,155,082</u>	<u>67,265</u>
Cash Flows from Non-Capital Financing Activities						
Operating Transfers In (Out)	(2,651,709)	1,217,208	(24,723)	(36,014)	(1,495,238)	60,935
Net Cash Flows Provided by (Used in) Non-Capital Financing Activities	<u>(2,651,709)</u>	<u>1,217,208</u>	<u>(24,723)</u>	<u>(36,014)</u>	<u>(1,495,238)</u>	<u>60,935</u>
Cash Flows Provided by (Used in) Capital and Related Financing Activities:						
Net cash for additions to Capital Assets	(782,422)	(1,056,432)	(260,881)	(498,436)	(2,598,171)	(49,986)
Principal Paid on Debt	(236,024)	(262,293)	(314,986)	-	(813,303)	-
Interest Paid on Debt	(97,420)	(102,981)	(97,864)	-	(298,265)	-
Other Nonoperating Items	(54,811)	4,417	-	1,000	(49,394)	3,733
Impact Fees and Other Development Fees	110,250	382,477	200,360	-	693,087	-
Net Cash Flows Provided by (Used in) Capital and Related Financing Activities	<u>(1,060,427)</u>	<u>(1,034,812)</u>	<u>(473,371)</u>	<u>(497,436)</u>	<u>(3,066,046)</u>	<u>(46,253)</u>
Cash Flows from Investing Activities						
Net Proceeds/(Purchases) from Sales Income on Investments	390,508	220,577	135,958	11,140	758,183	-
Net Cash Flows Provided by (Used in) Investing Activities	<u>390,508</u>	<u>220,577</u>	<u>135,958</u>	<u>11,140</u>	<u>758,183</u>	<u>-</u>
Net Increase (Decrease) in Cash and Cash Equivalents	(1,469,866)	1,278,544	1,959,796	(416,493)	1,351,980	81,947
Cash and Cash Equivalents - Beginning of Year	<u>19,861,026</u>	<u>8,655,037</u>	<u>7,609,279</u>	<u>790,866</u>	<u>36,916,208</u>	<u>381,559</u>
Cash and Cash Equivalents - End of Year						
Cash and Cash Equivalents	17,180,662	4,777,412	6,632,315	374,346	28,964,735	463,506
Restricted Cash	1,210,498	5,156,169	2,936,759	27	9,303,453	-
Total Cash	<u>\$ 18,391,160</u>	<u>\$ 9,933,581</u>	<u>\$ 9,569,074</u>	<u>\$ 374,373</u>	<u>\$ 38,268,188</u>	<u>\$ 463,506</u>
Reconciliation of Operating Income to Net Cash						
Cash Flows from Operating Activities						
Operating Income (Loss)	\$ 2,442,480	\$ 1,187,276	\$ 730,036	\$ 64,054	\$ 4,423,846	\$ (14,634)
Adjustments to Reconcile Operating Income (Loss) to Net Cash Provided by Operating Activities:						
Deferred Charges On Refundings	10,758	-	-	-	10,758	-
Depreciation and Amortization	1,255,595	625,841	674,634	128,934	2,685,004	29,448
Effect of Changes in Operating Assets & Liabilities:						
Accounts Receivable, net	(2,454,808)	62,619	835,268	(102,379)	(1,659,300)	22,605
Inventory	(703,298)	(203)	-	-	(703,501)	6,129
Accounts Payable & Accrued Expenses	1,325,118	(981,906)	99,940	4,750	447,902	(30,742)
Salaries Payable	(5,343)	2,008	2,118	4,734	3,517	19,978
Customer Deposits	49,805	-	-	2,850	52,655	53,242
Liability for Compensated Absences	(68,545)	(20,064)	(20,064)	2,874	(105,799)	(18,761)
Net Cash Provided by Operating Activities	<u>\$ 1,851,762</u>	<u>\$ 875,571</u>	<u>\$ 2,321,932</u>	<u>\$ 105,817</u>	<u>\$ 5,155,082</u>	<u>\$ 67,265</u>

The accompanying notes are an integral part of these financial statements.

NOTES TO THE BASIC FINANCIAL STATEMENTS

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Introduction

The City of Milford, Delaware (the "City"), operates under a Council-Manager form of government and provides the following services as authorized by its charter adopted on May 24, 1977, as amended: public safety (police), highways and streets, sanitation, health and social services, electric, water, parks and recreation, public improvements, planning and zoning, and administrative services.

The accounting and reporting policies of the City relating to the funds included in the accompanying basic financial statements conform to accounting principles generally accepted in the United States of America (GAAP) applicable to state and local governments. GAAP for local governments include those principles prescribed by the Governmental Accounting Standards Board (GASB).

The accounting and reporting framework and the more significant accounting policies and practices are discussed in subsequent sections of this Note. The remainder of the notes are organized to provide explanations, including required disclosures, of the City's financial activities for the year ended June 30, 2023. Please note that slight differences may exist due to rounding.

Financial Reporting Entity

The City's basic financial statements include the accounts of all City operations. The criteria for including organizations as component units within the City's reporting entity, as set forth in Section 2100 of GASB's Codification of Governmental Accounting and Financial Reporting Standards, include whether:

- the organization is legally separate (can sue and be sued in their own name)
- the City holds the corporate powers of the organization
- the City appoints a voting majority of the organization's board
- the City is able to impose its will on the organization
- the organization has the potential to impose a financial benefit/burden on the City
- there is fiscal dependency by the organization on the City

Based on the aforementioned criteria, the City has no component units.

Use of Estimates

The preparation of financial statements in conformity with GAAP requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Actual results may differ from those estimates.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Encumbrances

Encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of funds are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budgetary control in governmental funds. Encumbrances as of the end of the fiscal year are reported as reservations of fund balance because they do not constitute expenditures or liabilities, but rather serve as authorization for expenditures in the following year. As of June 30, 2023, the City had no such encumbrances.

Government-Wide and Fund Financial Statements

The government-wide financial statements (statement of net position and statement of activities) report information on all of the non-fiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which are normally supported by taxes and inter-governmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or activity. Program revenues include (a) charges to customers who directly benefit from goods or services provided by a given function or activity and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or activity. Taxes and other items not properly included among program revenues are reported as general revenues.

The City uses Fund Accounting to provide separate financial statements for governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements, while non-major funds are consolidated and reported in a single column in the fund financial statements.

The City reports the following governmental funds:

General Fund – The general fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund.

Special Revenue Fund – The special revenue fund accounts for revenues derived from earmarked revenue sources. Separate self-balancing funds are established to account for each restricted special revenue source.

Non-Major Governmental Fund – This fund accounts for revenues derived from activities provided by the City's parks and recreation department, which include primarily youth and adult sports leagues, summer camps and clinics. In addition, the fund accounts for building permit revenue levied for specific recreational and public safety initiatives, the latter of which are restricted for local fire and ambulance companies.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Government-Wide and Fund Financial Statements (continued)

The City reports the following proprietary funds:

Enterprise Funds – The Enterprise Funds of the City include the electric, water, wastewater (“sewer”) and sanitation (“solid waste” or “trash”) funds. Enterprise funds are used to account for operations (a) which are financed and operated in a manner similar to private business enterprises; where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods and services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body had decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, or accountability.

Internal Service Fund – Consists of five internal funds which are used to account for the financing of goods and services provided by one department to other departments of the City on a cost-recovery basis.

Measurement Focus, Basis of Accounting and Financial Statement Presentation

Measurement focus refers to what is being measured; basis of accounting refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurement made, regardless of the measurement focus.

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Financial resources used to acquire capital assets are capitalized in the government-wide financial statements, rather than reported as expenditures. Proceeds of long-term debt are recorded as a liability in the government-wide financial statements, rather than as a source of financing. Amounts paid to reduce long-term debt of the City are reported as a reduction of the related liability, rather than as an expenditure in the government-wide financial statements.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter (within 60 days) to pay liabilities of the current period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures are recorded only when payment is due. Similarly, accrued compensated absences are recorded as expenditures only when paid.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

General capital asset acquisitions, including entering into contracts giving the City of Milford the right to use leased assets, are reported as expenditures in governmental funds. Issuance of long-term debt and financing through leases are reported as other financing sources.

Permits and fees, recreation fees, fines and court fees, franchise fees and taxes, other miscellaneous revenues and earned but unreimbursed state and federal grants associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Property taxes are measurable as of the date levied (assessed) and are recognized as revenues when they become available, which means when due, or past due, and received within the current period or collected soon enough thereafter to be used to pay liabilities of the current period. All other revenues are considered to be measurable and therefore only available and recordable upon receipt of cash.

Budgets and Budgetary Accounting

Budgetary Process

The City Council follows these procedures in establishing the budgetary data reflected within the financial statements:

- 1) In accordance with the City Charter, prior to June 1 each year, the City Manager submits to City Council a proposed operating budget for the fiscal year commencing the following July 1. The operating budget includes proposed expenditures and the means of financing them for the upcoming year, along with estimates for the current year.
- 2) Public hearings are conducted to solicit comment from taxpayers and ratepayers.
- 3) Prior to June 30, the budget is legally enacted through passage of an ordinance.
- 4) The City Manager is required by the City Charter to present a monthly report to City Council explaining any variances from the approved budget.
- 5) Formal budgetary integration is employed as a management control device during the year for the general fund.
- 6) The budget for the general fund is adopted on a basis consistent with GAAP as applicable to governments.
- 7) The budgets for the special revenue fund are approved on a program-by-program basis by the funding agencies.
- 8) Budgetary amendments are approved by City Council as required throughout the year. If revenues in excess of those estimated in the budget become available, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

Cash and Cash Equivalents

Cash and cash equivalents consist of cash, checking and money market accounts generally maturing within three months.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Receivables

Receivables are shown net of the allowances for estimated uncollectible accounts. The allowance for uncollectible accounts is based upon historical data established according to experience and other factors which in the judgment of City officials should be recognized in estimating possible losses. Management believes that they have adequately provided for future probable losses.

Interfund Receivables/Payables

Advances between funds are accounted within the appropriate interfund receivable and payable accounts. These advances (reported as "due from/to other funds") are considered "available spendable resources."

Inventories

Inventory in the internal service fund consists of garage supplies, meter parts and fittings, gasoline and diesel fuel held for consumption. The inventory acquisitions are recorded in the inventory accounts initially and charged to expenditures when used. The inventory is reported at cost and is presented on an average cost basis.

Inventories in the water and electric funds consist primarily of meters and other equipment and appurtenances required for service connection and revenue billing. The electric fund also carries certain system infrastructure components and replacement parts that serve the dual purpose of internal consumption for repair and maintenance as well as for sale to third party developers required to share in the cost of new connections to the electric system. Inventories in the water and electric funds are reported at cost and presented on an average cost basis.

Capital Assets

Capital assets which include land, buildings, improvements, equipment, vehicles and infrastructure assets, consisting of roads, bridges, curbs and gutters, streets and sidewalks, drainage and lighting systems, are reported on the applicable governmental or business-type activities columns in the government-wide financial statements and the proprietary fund financial statements. Capital assets are recorded at historical cost (except for intangible right-to-use lease and SBITA assets, the measurement of which is discussed below) if purchased, and at fair market value if donated. The capitalization threshold for all capital assets is \$5,000. No dollar threshold is set for land. Capital asset depreciation and amortization is recognized using the straight-line method over the estimated lives of the respective assets. Estimated useful lives are as follows:

Utility System & Infrastructure	10 - 50 years
Building and Improvements	10 - 20 years
Equipment and Vehicles	3 - 20 years
Lease Assets	2 - 6 years
SBITAs	2 - 5 years

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Subscription-Based IT Arrangements

The City implemented GASB Statement No. 96, Accounting for Subscription-Based IT Arrangements, for the period ended June 30, 2023. Subscription-Based IT Arrangement (SBITA) is an arrangement in which the City of Milford contracts with a third party for the right-to-use their cloud-based solution for the City's information technology needs. The City recognizes a SBITA liability and an SBITA asset in the government-wide financial statements. The City only recognizes SBITA agreements with annual payments greater than \$5,000, noncancelable by both parties, and for longer than one year are recorded.

At the commencement of a SBITA, the City of Milford initially measures the SBITA liability at the present value of payments expected to be made during the SBITA term. Subsequently, the SBITA liability is reduced by the principal portion of SBITA payments made. The SBITA asset is initially measured at the initial amount of the SBITA liability, adjusted for SBITA payments made at or before the commencement date, plus certain initial direct costs. Subsequently, the SBITA asset is amortized on a straight-line basis over its useful life.

Key estimates and judgements related to SBITA include how the City of Milford determines (1) the discount rate it uses to discount the expected SBITA payments to present value, (2) SBITA term, and (3) SBITA payments.

- The City of Milford uses the interest rate charged by the third party as the discount rate. When the interest rate charged by the third party is not provided, the City generally uses its estimated incremental borrowing rate as the discount rate for leases.
- The SBITA term includes the noncancellable period of the agreement. SBITA payments included in the measurement of the SBITA liability are composed of fixed payments and purchase option price that the City of Milford is reasonably certain to exercise.

The City of Milford monitors changes in circumstance that would require a remeasurement of its SBITA and will remeasure the SBITA asset and liability if certain changes occur that are expected to significantly affect the amount of the SBITA liability.

SBITA assets are reported with other capital assets and SBITA liabilities are reported with long-term debt on the statement of net position.

Leases

The City of Milford is a lessee for noncancellable leases of equipment. The City recognizes a lease liability and an intangible right-to-use lease asset (lease asset) in the government-wide financial statements. The City recognizes lease liabilities with an initial, individual value of \$5,000 or more.

At the commencement of a lease, the City of Milford initially measures the lease liability at the present value of payments expected to be made during the lease term. Subsequently, the lease liability is reduced by the principal portion of lease payments made. The lease asset is initially measured at the initial amount of the lease liability, adjusted for lease payments made at or

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

before the commencement date, plus certain initial direct costs. Subsequently, the lease asset is amortized on a straight-line basis over its useful life.

Key estimates and judgements related to leases include how the City of Milford determines (1) the discount rate it uses to discount the expected lease payments to present value, (2) lease term, and (3) lease payments.

- The City of Milford uses the interest rate charged by the lessor as the discount rate. When the interest rate charged by the lessor is not provided, the City generally uses its estimated incremental borrowing rate as the discount rate for leases.
- The lease term includes the noncancellable period of the lease. Lease payments included in the measurement of the lease liability are composed of fixed payments and purchase option price that the City of Milford is reasonably certain to exercise.

The City of Milford monitors changes in circumstance that would require a remeasurement of its lease and will remeasure the lease asset and liability if certain changes occur that are expected to significantly affect the amount of the lease liability.

Lease assets are reported with other capital assets and lease liabilities are reported with long-term debt on the statement of net position.

Compensated Absences

A maximum of 30 days of vacation and 130 days of sick leave may be accumulated by each employee except for those hired before 1992, for whom carry-over is unlimited. The City accrues a liability for compensated absences which meet the following criteria:

- The City's obligation relating to employees' rights to receive compensation for future absences is attributable to employees' services already rendered.
- The obligation relates to rights that vest or accumulate.
- Payment of the compensation is probable.
- The amount can be reasonably estimated.

In accordance with the above criteria, the City has accrued a liability for vacation and sick pay which has been earned but not taken by City employees. For governmental activities, the liability for compensated absences is split between current and non-current liabilities in the government-wide financial statements. Only the current portion of compensated absences is reported on the governmental funds balance sheet. The liability for compensated absences is recorded in proprietary fund types as an accrued liability in accordance with GASBS No. 16 (GASB Cod. Sec. C60), Accounting for Compensated Absences.

Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions and pension expense, information about the fiduciary net position of the Delaware Public Employees' Retirement System (DPERS) and additions to/deductions from DPERS fiduciary net position have been determined on the same basis as they are reported by DPERS. For this purpose, benefit payments (including refunds of employee

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

Long-Term Liabilities

In the government-wide financial statements, and in the proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business type activities, or proprietary fund type statements of net position. Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the straight-line method. Bonds payable are recorded net of the applicable bond premium or discount. Bond issuance costs are reported as deferred charges and are amortized over the life of the related debt. In the fund financial statements, governmental fund types recognize bond premium and discounts, as well as debt issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuance are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs are reported as debt service expenditures.

Subsequent Events

Subsequent events were evaluated through the opinion date, which is the date the financial statements were available to be issued. Management of the City have disclosed the formal approval and submission of application for permanent financing through the United States Department of Agriculture (USDA) Community Facilities Program for the construction of the new Police Headquarters Facility. Please see Note 18: Subsequent Events for additional detail. Management of the City have determined that no events, including the disclosed events, resulted in any adjustment to the accounts reported in these financial statements.

Deferred Outflows of Resources

Decreases in net position that relate to future periods are recorded as deferred outflows of resources in a separate section of the City's government-wide statement of net position. Deferred outflows of resources generally include pension contributions made subsequent to the measurement date but may also include differences in pension plan actuarial data between measurement dates, such as differences between expected and actual plan experience, the effect of actuarial assumption changes, actual investment earnings below expected earnings on plan assets, and changes in the City's proportion of the broader plan. Deferred outflows of resources also include the difference in the carrying value of refunded debt and its reacquisition price, which is then amortized over the shorter of the life of the refunded or refunding bond.

Deferred Inflows of Resources

Increases in net position that apply to future periods are recorded as deferred inflows of resources in a separate section of the City's government-wide statement of net position. Deferred inflows of resources may include differences in pension plan actuarial data between

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

measurement dates, such as differences between expected and actual plan experience, the effect of actuarial assumption changes, actual pension plan investment earnings in excess of projected amounts, and changes in the City's proportion of the broader plan.

Lease-related amounts are recognized at the inception of the lease. The deferred inflow of resources is recorded in amount equal to the corresponding lease receivable plus certain additional amounts received from the lessee at or before commencement of the lease term that relate to future periods, less any incentives paid to, or on behalf of the lessee at or before commencement of the lease term. The inflow of resources is recognized in a systematic and rational manner over the term of the lease.

Deferred outflows and inflows of resources related to pensions, excluding employer-specific amounts, will be recognized as pension expense over five years, including the current year.

Government-Wide and Proprietary Fund Net Positions

Net position represents the extent to which the sum of assets and deferred outflows of resources differ from the sum of liabilities and deferred inflows of resources. Net investment in capital assets consists of capital assets net of accumulated depreciation and the outstanding balances of any borrowing spent for the acquisition, construction or improvements of those assets. Net position is reported as restricted when there are limitations imposed on their use either through the enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors or laws or regulations of other governments. When an expense is incurred for purposes for which both restricted and unrestricted net position are available, the City's policy is to apply restricted net position first.

Governmental Fund Balances

In the governmental fund financial statements, fund balances are classified as follows:

- Non-spendable - Amounts that cannot be spent either because they are in a non-spendable form or because they are legally or contractually required to be maintained intact.
- Restricted - Amounts that can be spent only for specific purposes due to the City Charter, City code, state or federal laws, or externally imposed conditions by grantor or creditors.
- Committed - Amounts that can be used only for specific purposes determined by a formal action by City Council ordinance or resolution. This includes the Budget Reserve Account.
- Assigned - Amounts that are designated by the Mayor for a particular purpose but are not spendable until a budget ordinance is passed or there is a majority vote approval (for capital projects or debt service) by City Council.
- Unassigned - All amounts not included in other spendable classifications.

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

In circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications, the order in which resources will be expended by fund balance class follows: restricted, followed by committed, assigned and lastly unassigned.

Interfund Transactions

The City records transactions between funds to support operations in certain funds, to return a risk premium to certain funds, to allocate administrative and overhead costs among funds, to construct assets, to distribute grant proceeds and to coordinate other activities that impact more than one fund. These transactions are generally reflected as operating transfers, which are transfers from a fund authorized to receive certain revenues to the fund through which the resources are expended. Interfund loans having repayment terms beyond one year are reported separately as noncurrent assets (lending fund) and noncurrent liabilities (borrowing fund) in the statements of net position.

NOTE 2: FINANCIAL INSTRUMENTS

The City invests its eligible reserves in a variety of financial instruments pursuant to its investment policy and records investments at adjusted cost. The City estimates that the fair value of all financial instruments as of June 30, 2023 does not differ materially from the aggregate carrying values of its financial instruments as reported in the accompanying balance sheet and statement of net position.

NOTE 3: REAL ESTATE TAXES

The millage rate levied by City Council on all non-exempt real estate in the City of Milford for the fiscal year ended June 30, 2023 was 4.9275 mills (\$4.9275 per \$1,000 of assessed valuation, or "AV"), and is commonly expressed as \$0.49275 per \$100 of AV. The City executes the annual tax billing, periodic supplemental billing and all real estate tax payment collection internally, though property assessment is conducted by a professional firm through a contractual arrangement. Delinquent taxes are subject to lien by the City. The schedules of real estate taxes levied for the fiscal year 2023 follow:

July 1:	Levy Date (effective date of enforceable lien)
August 1 - September 30:	Face Payment Period
October 1:	Penalty of 1% of cumulative past due balance each month

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 4: IMPACT FEES

All applications for new service connections to water, sewage, and electric systems within the City of Milford’s utility service territories are required to contribute a one-time impact fee. The purpose of the fee is to compensate for the impact of new users to the existing water and sewage systems, in order to provide for future expansion. All impact fees collected are restricted for the construction, maintenance and expansion of the City’s utility infrastructure systems resulting from the growth demands of new development. The commercial impact fees for the year ended June 30, 2023 were \$3,323 and \$1,756 per Equivalent Dwelling Unit (EDU) for water and sewage, respectively, and \$600 and \$1,200 for electric connections of 200 amps and 400 amps, respectively.

The City has recorded as revenue in the proprietary funds Statement of Revenues, Expenses and Changes in Net Position and in the government-wide Statement of Activities the impact fee monies, as required by GASB No. 33. Restricted net position as of June 30, 2023 attributable to cumulative impact fee collections is \$9,302,199.

NOTE 5: INTERFUND TRANSACTIONS

During the course of normal operations, the City has numerous transactions between funds including expenditures and transfers of resources primarily to provide services. The financial statements of the governmental and proprietary fund types generally reflect such transactions as transfers. Transfers that are not considered operating or residual equity transfers give rise to interfund receivables and payables within individual funds.

	Due To	Due From	Transfer In	Transfer Out
General Fund	\$ 7,994,926	\$ 218,235	\$ 5,528,655	\$ 339,071
Special Revenue Fund	278,235	5,000,000	-	4,045,782
Internal Service Fund	-	-	60,936	-
Electric Fund	-	3,054,926	-	2,651,709
Water Fund	-	-	1,600,673	383,465
Sewer Fund	-	-	53,492	78,215
Solid Waste Fund	-	-	-	36,014
Total, excluding Capital Assets	<u>\$ 8,273,161</u>	<u>\$ 8,273,161</u>	<u>\$ 7,243,756</u>	<u>\$ 7,534,256</u>
Capital Asset Transfers			290,500	-
Total, including Capital Assets			<u>\$ 7,534,256</u>	<u>\$ 7,534,256</u>
 Presentation of Net Transfers - Fund Level vs. Government-wide Statements				
Interfund Transfers, Net (Fund Financial Statements)			\$ 1,204,738	\$ 1,495,238
Capital Asset Transfers			290,500	-
Interfund Transfers, Net (Statement of Activities)			<u>\$ 1,495,238</u>	<u>\$ 1,495,238</u>

The Statement of Revenues, Expenditures, and Changes in Net Position for the proprietary funds reports net transfers out of \$1,495,238, which includes \$290,500 in capital asset transfers. Because the governmental fund financial statements exclude capital assets, the transfers in likewise exclude capital asset transfers, reducing net incoming transfers to \$1,204,738 as reported in the fund financial statements (including internal service funds). The Government-wide Statement of Activities reports transfers out from business-type activities and transfers into governmental activities of (\$1,495,238) and \$1,495,238, respectively.

NOTE 6: INTERGOVERNMENTAL RECEIVABLES

Amounts due from other governmental units represent receivables for revenues earned by the City or collections made by another governmental unit on behalf of the City.

NOTE 7: CASH AND EQUIVALENTS

It is the policy of the City of Milford to invest its funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City, while confirming to all state and local statutes governing the investment of public funds, using the “prudent person” standard for managing the overall portfolio. The primary objective of the policy is safety (preservation of capital), followed by liquidity, and lastly yield.

The City of Milford utilizes a pooled cash and investment concept for all funds to maximize transactional efficiency and the effectiveness of its investment management program. Investment income from this internal pooling is allocated to the respective funds based upon the sources of funds invested. The deposits and investments associated with the City’s participation in the State of Delaware Police and Firefighters’ Pension Fund and the State of Delaware County and Municipal Pension Plans are held and managed separately.

Custodial Credit Risk

Custodial credit risk is the risk of loss of City deposits in the event of financial institution failure. The City maintains a formal deposit policy within its broader Investment Policy Statement to manage custodial credit risk. As of June 30, 2023, the City of Milford’s bank balances, including deposits and money market funds, totaled \$50,119,000. FDIC insurance applied to \$501,566 of the deposits, while the remainder of \$49,617,434 was hedged against custodial credit risk because it was collateralized with securities pledged by the City’s financial institution and held by its custodian in the name of the City of Milford. Deposits are classified as Category 1 if fully insured, registered or held by the agent in the City’s name. The carrying amount of the deposits as of June 30, 2023 was \$49,987,129, the City holds petty cash in the amount of \$2,851, and is reported in the financial statements as follows:

Government-wide Statement of Net Position	
Governmental Activities	\$11,721,792
Business-type Activities	<u>38,268,188</u>
Total carrying amount of deposits	<u><u>\$49,989,980</u></u>

Assets whose use is limited to a specific purpose have been classified as “restricted” in the balance sheet and statement of net position. Restricted cash is composed of \$436,060 in the general fund for capital projects, \$990,160 in the special revenue fund for grants, \$9,302,199 in the business-type funds for impact fees and \$1,254 in the business-type funds for street improvements.

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 8: CAPITAL ASSETS

The following schedule presents the capital activity of governmental activities for the fiscal year, including Internal Service Funds:

Asset Categories by Function	FOR THE YEAR ENDED JUNE 30, 2023				
	Balances June 30, 2022	Additions	Reductions	Adjustments & Transfers	Balances June 30, 2023
<u>Total Governmental</u>					
Capital Assets:					
Land	\$ 8,601,885	\$ -	\$ (24,000)	\$ -	\$ 8,577,885
Street Improvements	11,148,458	-	-	133,943	11,282,401
Buildings and Improvements	5,742,973	40,320	(119,441)	-	5,663,852
Vehicles and Equipment	6,845,267	1,175,251	(50,119)	-	7,970,399
Construction in Progress	1,158,685	11,195,381	-	(74,349)	12,279,717
Right-to-Use Software in Progress	681,027	-	-	221,748	902,775
Right-to-Use Software	16,715	112,326	-	-	129,041
Lease Assets	-	89,725	-	-	89,725
<hr/>					
Total Governmental Capital Assets	33,584,368	12,613,003	(193,560)	281,342	46,895,795
Accumulated Depreciation	(15,259,627)	(946,694)	50,119	-	(16,156,202)
<hr/>					
Total Governmental Capital Assets, Net	<u>\$ 18,324,741</u>	<u>\$ 11,666,310</u>	<u>\$ (143,441)</u>	<u>\$ 281,342</u>	<u>\$ 30,739,594</u>

The following schedule presents the capital activity of governmental activities for the fiscal year, excluding Internal Service Funds:

Asset Categories by Function	FOR THE YEAR ENDED JUNE 30, 2023				
	Balances June 30, 2022	Additions	Reductions	Adjustments & Transfers	Balances June 30, 2023
<u>Governmental, excluding Internal Service Funds</u>					
Capital Assets:					
Land	\$ 8,601,885	\$ -	\$ (24,000)	\$ -	\$ 8,577,885
Street Improvements	11,148,458	-	-	133,943	11,282,401
Buildings and Improvements	5,704,941	19,886	(119,441)	-	5,605,386
Vehicles and Equipment	6,605,339	1,145,699	(50,119)	-	7,700,919
Construction in Progress	1,158,685	11,195,381	-	(74,349)	12,279,717
Right-to-Use Software in Progress	681,027	-	-	221,748	902,775
Right-to-Use Software	16,715	112,326	-	-	129,041
Lease Assets	-	89,725	-	-	89,725
<hr/>					
Total Governmental Capital Assets	33,917,050	12,563,017	(193,560)	281,342	46,567,849
Acc. Depreciation & Amortization	(15,096,105)	(917,245)	50,119	-	(15,963,231)
<hr/>					
Total Governmental Capital Assets, Net	<u>\$ 18,820,945</u>	<u>\$ 11,645,772</u>	<u>\$ (143,441)</u>	<u>\$ 281,342</u>	<u>\$ 30,604,618</u>

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 8: CAPITAL ASSETS, CONTINUED

The following schedule presents the capital activity of business-type activities for the fiscal year:

Asset Categories by Function	FOR THE YEAR ENDED JUNE 30, 2023				Balances June 30, 2023
	Balances June 30, 2022	Additions	Reductions	Adjustments & Transfers	
<u>Electric Fund:</u>					
Land	\$ 2,460,507	\$ -	\$ -	\$ -	2,460,507
Construction in Progress	-	411,953	(17,588)	(126,108)	268,257
Buildings and Improvements	7,056,015	-	-	-	7,056,015
Electric System	20,262,504	297,087	-	-	20,559,591
Vehicles and Equipment	4,463,840	190,077	-	-	4,653,917
Total Capital Assets	34,242,866	899,117	(17,588)	(126,108)	34,998,287
Accumulated Depreciation	(19,487,437)	(1,255,595)	-	-	(20,743,032)
Net Book Value	14,755,430	(356,478)	(17,588)	(126,108)	14,255,255
<u>Water Fund:</u>					
Land	6,471,894	-	-	-	6,471,894
Construction in Progress	2,559,631	-	(9,505)	(2,114,755)	435,371
Buildings and Improvements	123,078	-	-	-	123,078
Water System	23,640,867	1,130,862	-	2,067,718	26,839,447
Vehicles and Equipment	2,015,792	243	-	(18,131)	1,997,904
Total Capital Assets	34,811,262	1,131,106	(9,505)	(65,168)	35,867,695
Accumulated Depreciation	(10,069,314)	(625,841)	-	-	(10,695,155)
Net Book Value	24,741,948	505,265	(9,505)	(65,168)	25,172,540
<u>Sewer Fund:</u>					
Land	28,638	-	-	-	28,638
Construction in Progress	-	64,415	-	(64,415)	-
Buildings and Improvements	164,056	-	-	-	164,056
Waste Water System	23,601,407	-	-	-	23,601,407
Vehicles and Equipment	1,650,926	261,129	(28,651)	(247)	1,883,158
Total Capital Assets	25,445,027	325,544	(28,651)	(64,662)	25,677,259
Accumulated Depreciation	(11,074,114)	(674,633)	28,651	-	(11,720,096)
Net Book Value	14,370,913	(349,089)	-	(64,662)	13,957,162
<u>Solid Waste Fund:</u>					
Construction in Progress	9,176	19,746	(3,790)	(25,132)	-
Buildings and Improvements	5,650	-	-	-	5,650
Vehicles and Equipment	1,448,503	552,413	(157,203)	(9,430)	1,834,283
Total Capital Assets	1,463,329	572,159	(160,993)	(34,562)	1,839,933
Accumulated Depreciation	(907,182)	(128,934)	121,833	-	(914,284)
Net Book Value	\$ 556,147	\$ 443,225	(39,160)	\$ (34,562)	\$ 925,649

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 8: CAPITAL ASSETS, CONTINUED

The following schedule summarizes the capital activity of business-type activities for the fiscal year:

Asset Categories by Function	FOR THE YEAR ENDED JUNE 30, 2023				Balances June 30, 2023
	Balances June 30, 2022	Additions	Reductions	Adjustments & Transfers	
Total Enterprise Funds					
Land	\$ 8,961,039	\$ -	\$ -	\$ -	\$ 8,961,039
Construction in Progress	2,568,807	496,114	(30,883)	(2,330,410)	703,628
Buildings and Improvements	7,348,799	-	-	-	7,348,799
Electric System	20,262,504	297,087	-	-	20,559,591
Water System	23,640,867	1,130,862	-	2,067,718	26,839,447
Waste Water System	23,601,407	-	-	-	23,601,407
Vehicles and Equipment	9,579,061	1,003,862	(185,854)	(27,808)	10,369,262
Total Fixed Assets	95,962,484	2,927,925	(216,737)	(290,500)	98,383,173
Accumulated Depreciation	(41,538,047)	(2,685,003)	150,484	-	(44,072,566)
Net Book Value	\$ 54,424,437	\$ 242,922	\$ (66,253)	\$ (290,500)	\$ 54,310,606

The following schedule summarizes the activity of internal service fund activities for the fiscal year:

Asset Categories by Function	FOR THE YEAR ENDED JUNE 30, 2023				Balances June 30, 2023
	Balances June 30, 2022	Additions	Reductions	Adjustments & Transfers	
Internal Service Funds:					
Land	\$ -		\$ -	\$ -	\$ -
Buildings and Improvements	38,032	20,434	-	-	58,466
Vehicles and Equipment	239,928	29,552	-	-	269,480
Total Internal Service Funds	277,960	49,986	-	-	327,946
Accumulated Depreciation	(163,523)	(29,449)	-	-	(192,972)
Total Internal Service Funds, Net	\$ 114,437	\$ 20,538	\$ -	\$ -	\$ 134,975

Depreciation and amortization expense for governmental activities, which amounted to \$917,245 for the year ended June 30, 2023, was charged to the general government function of the primary government. Depreciation expense of \$2,685,003 for the business-type activities was charged to the funds as noted above.

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 9: LONG-TERM DEBT OBLIGATIONS

Long-Term liability activity for the year ended June 30, 2023 is summarized as follows:

	FOR THE YEAR ENDED JUNE 30, 2023				
	Balances 06/30/22	Additions	Reductions	Balances 06/30/23	Current Portion
Governmental Activities:					
General Obligation Bonds	\$ 41,445	\$ 8,627,781	\$ (7,000,000)	\$ 1,669,226	\$ -
Net Pension Liability (Asset)	(5,223,050)	-	4,906,853	(316,197)	-
Compensated Absences	1,315,693	8,075	-	1,323,768	126,732
Leases	-	89,725	(25,752)	63,973	19,683
SBITA ¹	610,642	112,326	(99,643)	623,325	157,830
Governmental Activities					
Total Debt Obligations:	\$ (3,255,270)	\$ 8,837,907	\$ (2,218,542)	\$ 3,364,095	\$ 304,245
Business-Type Activities:					
General Obligation Bonds					
Series 2016	\$ 6,260,000	\$ -	\$ (435,000)	\$ 5,825,000	\$ 440,000
Bond Premium	22,850	-	(1,856)	20,994	-
Total General Obligation Bonds	6,282,850	-	(436,856)	5,845,994	440,000
State of Delaware					
DNREC WPC RF, 2010	483,502	-	(56,313)	427,189	56,876
Water SRF, 2012A	1,942,939	-	(160,244)	1,782,695	161,850
Note Payable, Kent County	1,069,575	-	(27,103)	1,042,472	27,718
USDA Notes Payable					
Water Facilities, 2013	3,999,282	-	(102,049)	3,897,233	103,772
Sewer Facilities, 2019	574,319	-	(10,940)	563,379	11,132
Sewer Facilities, 2020	969,883	-	(19,798)	950,085	20,014
Total Bonds and Notes Payable	15,322,350	-	(813,303)	14,509,047	821,363
Other Liabilities					
Compensated Absences	265,013	-	(105,798)	159,215	22,011
Business-Type Activities					
Total Debt Obligations:	\$ 15,587,363	\$ -	\$ (919,101)	\$ 14,668,262	\$ 843,374

¹Beginning balances were adjusted to reflect the adoption of GASB 96

General Obligation Bonds

The City issues general obligation bonds to provide funds for the acquisition and construction of major capital facilities. General obligation bonds are direct obligations and pledge the full faith and credit of the City. Annually, the City is required to compute the rate of property tax required to provide a fund to pay interest and principal at maturity. The City is in compliance with this requirement.

NOTE 9: LONG-TERM DEBT OBLIGATIONS, CONTINUED

General Obligation Bonds, Series 2016

On December 6, 2016, the City issued General Obligation Bonds, Series 2016 in the aggregate principal amount of \$8,065,000, with interest rates ranging from 2.0% to 2.55%. The proceeds of the 2016 bond issuance were utilized to currently refund the outstanding principal balance of \$7,850,000 related to the General Obligation Bonds, Series 2011 A. The 2016 bonds are scheduled to mature January 1, 2037. Semi-annual interest payments commenced July 1, 2017, while annual principal payments commenced January 1, 2018. The bonds had an original issue premium of \$37,171, the unamortized portion of which is included in the balance reflected in the financial statements as of June 30, 2023. The current refunding resulted in an economic gain (difference between the present values of the debt service payments on the old and new debt) of approximately \$1.3 million.

General Obligation Bond Anticipation Notes, Series 2021

The City closed on a general obligation bond anticipation note (BAN), series 2021 with PNC Bank, N.A. in an amount not to exceed \$20 million on November 30, 2021 as authorized by Council on December 14, 2020 and approved by referendum on January 26, 2021. The temporary, construction-period loan bears a variable rate of interest calculated daily based on the tax-exempt equivalent of the Bloomberg Short Term Bank Yield Index or "BSBY" plus a fixed margin, subject to a floor of 1.08%, billed monthly as applied only to outstanding principal balances drawn. The loan matures on November 30, 2024, at which point the entire principal balance is due and payable in full. The City anticipates satisfying the BAN in full on or before the maturity date with a permanent issuance of long-term, tax-exempt general obligation bonds at a fixed rate of interest. Through June 30, 2023, \$8,669,226 was drawn against the BAN, and the City exercised its option to make principal prepayments, which totaled \$7,000,000. As of June 30, 2023, \$1,669,226 remained outstanding, all of which is reported in noncurrent liabilities in the government-wide statement of net position.

United States Department of Agriculture (USDA)

Water Facility Loan

In June 2013, the City issued bonds in an amount not to exceed \$5 million in connection with its Southeast Water Expansion project. The funding for the project was provided by the USDA under the federal direct loan for rural water and waste disposal systems program. Pursuant to program terms, the City was eligible for distributions of loan proceeds only after incurring project expenditures. The project was completed and the City expended a cumulative total of \$5 million through fiscal year 2017. The balance of the loan as of June 30, 2023 is \$3,897,233, which represents total project expenditures under the program less principal payments made. Under the terms of the note, the City is required to make quarterly payments in the amount of \$46,500, which include interest calculated at the fixed annual rate of 2.125% on the outstanding balance, with the remainder of each payment applied to the principal balance. The note is scheduled to mature June 28, 2053.

NOTE 9: LONG-TERM DEBT OBLIGATIONS, CONTINUED

Sewer Facility Loans

In September 2015, Milford City Council approved a resolution to borrow an amount not to exceed \$1.6 million to finance various sewer infrastructure projects, including a supervisory control and data acquisition (SCADA) system, pump station upgrades, inflow and infiltration remediation, and related projects; collectively the "sewer project." A financing agreement was reached with the USDA under the federal direct loan for rural water and waste disposal systems program in two phases. The borrowing limit in phase one is \$0.6 million subject to an annual rate of interest not to exceed 2.375%; the actual rate as determined at final loan closing in December 2019 was 1.75%. The borrowing limit in phase two is \$1 million subject to an annual rate of interest not to exceed 2.125%; the actual rate as determined at final loan closing in December 2020 was 1.25%. Pursuant to program terms, the City was eligible for distributions of loan proceeds only after incurring project expenditures, which occurred during fiscal years 2020 and 2021 for phases one and two, respectively.

The balance of the 2019 facilities loan as of June 30, 2023 is \$563,379, representing the balance attributable to phase one project financing. The balance of the 2020 facilities loan as of June 30, 2023 is \$950,085, representing the balance attributable to phase two project financing. Under terms of the notes, the City is required to make quarterly payments in the amount of \$5,226 and \$7,960, which include interest calculated at the fixed annual rate of 1.75% and 1.25% on the outstanding balance of the phase one and two loans, respectively, with the remainder of each payment applied to the corresponding principal balance. The notes underlying loans phase one and two are scheduled to mature on December 31, 2059 and 2060, respectively.

State of Delaware Revolving Funds

Water Pollution Control Revolving Fund (WPC RF)

The City received funds in connection with its Wastewater Collection System Expansion project through financing agreements with the Delaware Water Pollution Control Revolving Fund. Funds received for the first part of the project were repaid in full during the fiscal year ended June 30, 2017. Additional funds were received for the second part of the project under a separate financing agreement. The balance of this obligation as of June 30, 2023 is \$427,189. Semi-annual payments of \$32,852 include interest calculated at an annual rate of 2.0%. The note is scheduled to mature of July 1, 2030.

Drinking Water State Revolving Fund (SRF)

The City has also received funds from the State of Delaware in connection with its Washington Street Water Treatment Facility Replacement Project. The funds were provided by the Delaware Drinking Water State Revolving Funding only as expenditures were incurred by the City and approved by the State, subject to a maximum funding commitment of \$4 million. Interest only payments commenced September 1, 2012 and were due semi-annually at 1% per annum on the balancing outstanding as the project progressed. The project was completed during the fiscal year ended June 30, 2018 at a total cost of \$3,832,876. In accordance with the agreement, upon

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 9: LONG-TERM DEBT OBLIGATIONS, CONTINUED

completion of the project, thirty-five percent of the amounts advanced were forgiven, resulting in forgiveness of debt in the amount of \$1,341,507 in fiscal year 2018. The remaining balance of \$2,491,369 is being amortized over a twenty-year period from the original advance date with interest at 1% per annum. The balance of this obligation as of June 30, 2023 is \$1,782,695. The note is scheduled to mature September 1, 2033.

Kent County Levy Court

Sewer Infrastructure Improvement Loan

Kent County constructed a new southern transmission bypass sewer line and related facilities (the "bypass") to remediate failing components of its sewer infrastructure. The County issued bonds to finance the cost of the improvements, a significant portion of which run through the City of Milford and benefit the users of Milford's sewer system. Pursuant to the Agreement for Services, as amended, between the City and Kent County, the City is responsible for the pro rata portion of the debt service attributable to the costs of the bypass installed in the City's sewer service territory. The City is required to remit payments in quarterly installments of \$12,735, which include interest at the fixed rate of 2.25% per annum. The balance of the obligation as of June 30, 2023 is \$1,042,472 and is scheduled to mature November 10, 2050.

The annual requirements to amortize all debt outstanding as of June 30, 2023 follow:

Year(s) Ending June 30	Governmental Activities			Business-Type Activities		
	Principal	Interest	Total	Principal	Interest	Total
2024	\$ -	\$ 35,950	\$ 35,950	\$821,363	\$273,801	\$1,095,163
2025	1,669,226	-	1,669,226	837,686	258,787	1,096,472
2026	-	-	-	853,864	243,497	1,097,360
2027	-	-	-	870,150	227,896	1,098,046
2028	-	-	-	881,321	212,064	1,093,385
2029-2033	-	-	-	4,226,726	813,795	5,040,522
2034-2038	-	-	-	2,366,415	474,434	2,840,849
2039-2043	-	-	-	1,147,536	300,619	1,448,155
2044-2047	-	-	-	1,269,803	178,026	1,447,829
2048-2052	-	-	-	859,558	54,517	914,075
2053-2057	-	-	-	246,799	16,921	263,720
2058-2062	-	-	-	106,832	2,623	109,455
Total	\$1,669,226	\$ 35,950	\$1,705,176	\$14,488,053	\$3,056,979	\$17,545,033

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 9: LONG-TERM DEBT OBLIGATIONS, CONTINUED

Long-Term Debt outstanding as of June 30, 2023 is summarized as follows:

Obligation	Interest Rate (%)	Issue Date	Maturity Date	Amounts Outstanding as of June 30, 2023 (in thousands)				Total
				General Fund	Electric Fund	Water Fund	Sewer Fund	
General Obligation Bonds								
Series of 2016	2.00-2.55	12/6/16	1/1/37	\$ -	\$ 3,825	\$ -	\$ 2,000	\$ 5,825
Series of 2021	1.80-5.00	11/30/21	11/30/24	1,669	-	-	-	1,669
USDA								
Note Payable, 2013	2.125	6/28/13	6/28/53	-	-	3,897	-	3,897
Note Payable, 2019	1.750	12/31/19	12/31/59	-	-	-	563	563
Note Payable, 2020	1.250	12/31/20	12/31/60	-	-	-	950	950
State of Delaware								
DNREC WPC RF, 2010	2.00	12/22/09	7/1/30	-	-	-	427	427
Drinking Water SRF, 2012A	1.00	3/15/12	9/1/33	-	-	1,783	-	1,783
Kent County, 2012	2.25	11/12/12	11/10/50	-	-	-	1,042	1,042
Total Long-Term Debt Obligations				\$ 1,669	\$ 3,825	\$ 5,680	\$ 4,983	\$ 16,157

NOTE 10: COMMITMENTS AND CONTINGENCIES

In the ordinary course of the City's municipal and public utility operations, various commitments and contingent liabilities arise in addition to routine purchases of goods and services.

Commitments

City Council awarded a contract to Richard Y. Johnson & Son, Inc. ("RYJ") for the project management, construction and inspection activities for the City of Milford's new Police Headquarters Facility totaling \$0.6 million, \$0.2 million of which remained outstanding as of June 30, 2023. The firm executed a construction bid process on behalf of the City pursuant to USDA and City of Milford procurement requirements, resulting in City Council approval of contracts with 16 additional firms totaling \$13.7 million for the construction of the Facility. As of June 30, 2023, \$9.5 million was incurred pursuant to the contracts, which is reported as construction in process in Governmental Activities on the Government-wide Statement of Net Position. Of the improvements reported as construction in process, amounts incurred and paid with interim financing are reported in notes payable, while amounts incurred but unpaid are recognized in current liabilities, each in Governmental Activities on the Government-wide Statement of Net Position. \$4.8 million of the contract commitment remained outstanding as of June 30, 2023.

Contingencies

The City does not anticipate material losses as a result of any claims arising in the ordinary course of municipal operations over and above the amounts reported in the statement of activities, which includes a provision for claims incurred.

NOTE 10: COMMITMENTS AND CONTINGENCIES, CONTINUED

Government Grant/Award Programs

The City participates in a number of federal and state-assisted programs. These programs are subject to program compliance audits by the grantors or their representatives. Accordingly, the City's compliance with applicable program requirements will be established at some future date. The amount of expenditures not already disclosed, if any, which may be disallowed by the granting agencies, cannot be determined at this time, although the City expects such amounts, if any, to be immaterial.

NOTE 11: DEFERRED COMPENSATION PLAN

The City's employee benefits program includes a deferred compensation plan under Internal Revenue Code (IRC) 457(b) which is available to substantially all full-time City employees. Participants may elect contributions through base salary deferral to the Plan not to exceed the lesser of the allowable calendar year maximum under IRC 457(b)(2) and 100% of net compensation. The City matches 100% of employee contributions up to a maximum of 6.0% of the base salary. The City made contributions into the Plan totaling \$314,309 for the year ended June 30, 2023.

NOTE 12: ADOPTION OF GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

The City adopted the provisions of GASB Statement No. 96 Subscription-Based Information Technology Arrangements, which resulted in the recognition of right-to-use assets and subscription liabilities as well as additional disclosures (see Note 16). The City also adopted GASB Statement No. 91 Conduit Debt Obligations, GASB Statement No. 94 Public-Private and Public-Public Partnerships and Availability Payment Arrangements, and the required provisions of GASB Statement No. 99 Omnibus 2022. The adoption of these Statements had no effect on previously reported amounts.

NOTE 13: PENDING CHANGES IN ACCOUNTING PRINCIPLES

The GASB has approved the following:

- Statement No. 100, Accounting Changes and Error Corrections – an amendment of GASB Statement No. 62 (effective for 2024)
- Statement No. 101, Compensated Absences (effective for 2025)
- Statement No. 102, Certain Risk Disclosures (effective for 2025)
- Statement No. 103, Financial Reporting Model Improvements (effective for 2026)
- Statement No. 104, Disclosure of Certain Capital Assets (effective for 2026)

The City has not yet completed the various analysis required to estimate the financial impact, if any, of these new pronouncements.

NOTE 14: POST-RETIREMENT BENEFITS

Defined Contribution Plan

The City has a defined contribution plan under IRC 401(a) which was available to substantially all full-time City employees through December 31, 2004 (the "legacy plan"). For plan years beginning January 1, 2005, the City no longer makes contributions to the legacy plan, coinciding with the effective date of the City's election to participate in the State of Delaware's County and Municipal Pension Plans. All participants in the legacy plan will remain in the legacy plan until separation of employment from the City and may continue to invest funds in their respective accounts. The legacy plan is administered by VOYA Financial and was last amended and restated January 25, 2016 in order to comply with applicable IRS rules and regulations.

State of Delaware County and Municipal Pension Plans

Effective January 1, 2005, City Council elected, under provisions of the Delaware Code, to participate in the County and Municipal Police and Firefighter and the General Employees Retirement Funds. In connection with this election, the City agreed to fund prior service costs up to the maximum of 15 years of service for all eligible employees. Funding was provided from the City's Water and Sewer reserves and from assets of its existing retirement funds. Descriptions of the State of Delaware Plans, important disclosures and information follow.

Police and Firefighters' Pension Plan

The City contributes to a governmental cost-sharing multiple-employer defined benefit pension plan administered by the Delaware Public Employees' Retirement System (DPERS) and managed by the State Board of Pension Trustees. The plan, which is the State of Delaware County and Municipal Police and Firefighter Pension Plan, covers the City of Milford's sworn police officers.

The State of Delaware General Assembly is responsible for setting benefits and amending plan provisions. The State Board of Pension Trustees determines the contributions required. The board is composed of five members appointed by the Governor and confirmed by the State Senate, plus two ex-officio members. Service benefits under the plan include 2.5% of final average monthly compensation multiplied by years of credited service up to 20 years, plus 3.5% of final average monthly compensation multiplied by years of service in excess of 20 years. The final monthly compensation is the monthly average of the highest three consecutive years of compensation. There are also disability benefits as well as survivor benefits provided by the plan. An employee is vested upon five years of credited service.

Employer contributions to the plan are determined annually by the State Board of Pension Trustees. The employer contribution policy is set by State law and required contributions by active members and by participating employers. The contributions required by participating employers are based on an actuarial valuation and are expressed as a percentage of annual covered payrolls during the period for which the amount is determined. The employer contribution rate in fiscal year 2023 was 11.34% of payroll. In addition, employees are required to contribute 7.00% of compensation.

NOTE 14: POST-RETIREMENT BENEFITS, CONTINUED

Other Employees' Pension Plan

The City contributes to a governmental cost-sharing multiple-employer defined benefit pension plan administered by the Delaware Public Employees Retirement System and managed by the State Board of Pension Trustees. The plan, which is the State of Delaware County and Municipal Other Employees Pension Plan, covers all full-time non-uniformed City employees as well as elected officials. The State of Delaware General Assembly is responsible for setting benefits and amending plan provisions. The State Board of Pension Trustees determines the contributions required. The board is composed of five members appointed by the Governor and confirmed by the State Senate, plus two ex-officio members.

Service benefits include 1/60th of final average monthly compensation multiplied by years of credited service, subject to maximum limitations. For this plan, the final average monthly compensation is the monthly average of the highest five years of compensation. There are also disability benefits as well as survivor benefits provided by the plan. An employee is vested upon five years of credited service.

Employer contributions to the plan are determined annually by the State Board of Pension Trustees. The employer contribution policy is set by State law and required contribution by active members and by participating employers. The contributions required by participating employers are based on actuarial valuation and are expressed as a percentage of annual covered payrolls during the period for which the amount is determined. The employer contribution rate in fiscal year 2023 was 5.55% of pension-creditable payroll. In addition, employees are required to contribute 3.0% of compensation in excess of \$6,000.

Pension Liabilities, Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

The components of the total net pension liability (asset) of each plan as of the June 30, 2023 measurement date were as follows:

	<u>Police & Firefighters</u>	<u>Other Employees</u>
Total pension liability	\$ 538,482,000	\$ 86,080,000
Plan fiduciary net position	548,996,000	86,758,000
Employer net pension liability (asset)	<u>(10,514,000)</u>	<u>(678,000)</u>
Plan fiduciary net position as percentage of total pension liability	<u>101.95%</u>	<u>100.79%</u>
Proportionate share of net pension liability (asset)	<u>\$ (254,855)</u>	<u>\$ (61,339)</u>

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 14: POST-RETIREMENT BENEFITS, CONTINUED

The net pension liability was measured as of June 30, 2022, and the total pension liability used to calculate net pension liability was determined by rolling forward the DPERs total pension liability as of June 30, 2021 to June 30, 2022. The City's proportionate share of the net pension liability was calculated utilizing the employer's one-year reported covered payroll as it related to the total one-year reported covered payroll. As of June 30, 2023 and 2022, the City's proportion for each plan is as follows:

	<u>June 30, 2022</u>	<u>June 30, 2021</u>	Increase (Decrease)
Police & Firefighters	2.4240%	2.4627%	-0.0387%
Other Employees	9.0386%	8.7574%	0.2812%

For the year ended June 30, 2023, the City recognized pension expenses for the plans as follows:

Police & Firefighters	\$ 72,443
Other Employees	<u>150,204</u>
Total	<u>\$ 222,647</u>

As of June 30, 2023, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	<u>Police & Fire</u>		<u>Other Employees</u>	
	<u>Deferred Outflows</u>	<u>Deferred Inflows</u>	<u>Deferred Outflows</u>	<u>Deferred Inflows</u>
Difference between expected and actual experience	\$ 433,470	\$ 105,962	\$ 236,152	\$ 98,983
Change of assumptions	91,694	206,920	63,751	48,903
Net difference between projected and actual investment earnings	422,262	-	276,020	-
Change in proportion	32,939	27,129	914	38,726
Contributions subsequent to the measurement date	280,739	-	347,202	
Total	<u>\$ 1,261,104</u>	<u>\$ 340,011</u>	<u>\$ 924,039</u>	<u>\$ 186,612</u>

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 14: POST-RETIREMENT BENEFITS, CONTINUED

Amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

Year	<u>Police & Fire</u>	<u>Other Employees</u>	<u>Total</u>
2023	\$ (20,509)	\$ 9,551	\$ (10,959)
2024	(60,021)	(11,961)	(71,982)
2025	(4,608)	(10,244)	(14,852)
2026	679,930	375,975	1,055,905
2027	38,709	8,014	46,723
Thereafter	6,853	18,890	25,743
Total	<u>\$ 640,354</u>	<u>\$ 390,225</u>	<u>\$ 1,030,579</u>

Actuarial Assumptions

The total pension liability (asset) was determined by an actuarial valuation as of June 30, 2021, and update procedures were used to roll forward the total pension liability to June 30, 2022. The following actuarial assumptions were used and applied to all periods included in the measurement:

- Investment return – 7.0%, includes inflation at 2.50%
- Salary increases – Effective average of 2.50%, which reflects an allowance for inflation of 2.50%, plus merit.

The discount rate assumption of 7.0% is unchanged from the prior year. Mortality rates were based on the Pub-2010 tables with gender adjustments for healthy annuitants and disabled retirees and an adjusted version on MP-2020 mortality improvement scale on a fully generational basis.

The total pension liabilities are measured based on assumptions pertaining to interest rates, inflation rates and employee demographics in future years. It is likely that future experience will not exactly conform to these assumptions. To the extent that actual experience deviates from these assumptions, the emerging liabilities may be higher or lower than anticipated. The more the experience deviates the larger the impact on the future financial statements.

Investments

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by an asset allocation percentage which is based on the nature and mix of current and expected plan investments, and by adding expected inflation.

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 14: POST-RETIREMENT BENEFITS, CONTINUED

Best estimates of geometric real rates of return for each major asset class as of June 30, 2023 are summarized in the following table:

Asset Class	<u>Asset Allocation</u>	<u>Long-Term Expected Real Rate of Return</u>
Domestic Equity	31.8%	5.7%
International Equity	15.0%	5.7%
Fixed Income	23.6%	2.0%
Alternative Investments	21.5%	7.8%
Cash & Equivalents	8.1%	0.0%

Discount Rate

The discount rate used to measure the total pension liability (asset) was 7.0%. The projection of cash flows used to determine the discount rate assumed that contributions from plan members will be made at the current contribution rate and that contributions from employers will be made at rates determined by the Board of Pension Trustees, actuarially determined. Based on those assumptions, the pension plan’s fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the City’s Proportionate Share of the Net Pension Liability (Asset)

The following presents the City’s net pension liability, calculated using the discount rate of 7.0% as well as what the resulting net pension liability if calculated using a discount rate one percentage point lower (6.0%) or higher (8.0%) than the current rate:

	1% Decrease 6.00%	Current Discount Rate 7.00%	1% Increase 8.00%
Police and Firefighters	\$ 1,695,709	\$ (254,855)	\$ (1,844,179)
Other Employees	\$ 1,158,929	\$ (61,339)	\$ (1,058,510)

Pension Plan Fiduciary Net Position

Detailed information about DPERS’ fiduciary net position is available in DPERS Comprehensive Annual Financial Report which can be found on the System’s website at <https://open.omb.delaware.gov>.

CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 15: LEASES

Pertinent information regarding leases is presented below.

Leases Payable

Date of Issue	Initial Liability	Purpose	Outstanding Liability Balance 6/30/2023	Asset Value 6/30/2023	Accumulated Amortization 6/30/2023
Various	\$ 63,099	During 2023, the City of Milford had 2 active lease agreements for acquisition and use of copier machines ending in 2027. The City of Milford is required to make various monthly principal and interest payments between \$274 and \$989. The leases have no specified interest rates.	\$ 55,897	\$ 63,099	\$ 8,890
Various	\$ 26,626	During 2023, the City of Milford had 2 active lease agreements for acquisition and use of postage machines ending in various year between 2024-2025. The City of Milford is required to make various monthly principal and interest payments between \$56 and \$406. The leases have no specified interest rates.	\$ 8,076	\$ 26,626	\$ 9,055
			<u>\$ 63,973</u>	<u>\$ 89,725</u>	<u>\$ 17,945</u>

The future principal and interest lease payments as of June 30, 2023, were as follows:

Year Ending	Principal	Interest	Total
2024	\$19,683	\$ 3,098	\$ 22,781
2025	13,562	2,205	15,767
2026	13,760	1,394	15,154
2027	14,048	558	14,606
2028	2,920	14	2,934
	<u>\$63,973</u>	<u>\$ 7,269</u>	<u>\$ 71,242</u>

NOTE 15: LEASES, CONTINUED

Leases Receivable

Water Towers

The City of Milford, as the lessor, has entered into lease agreements permitting access to City property and the use of water tower space with Cellco Partnership (three individual agreements), New Cingular Wireless PCS, AT&T, and Sprint Spectrum Realty Company. An initial lease receivable was recorded in the amount of \$500,344. No additional revenue was recorded for variable and other payments not included in the measurement of the lease receivable. As of June 30, 2023, the value of the lease receivable is \$236,309 and the related deferred inflow for future payments expected to be collected on the lease is \$236,309. The lessees are required to make monthly expiring fixed payments of \$10,961 to \$2,000 through September 2026. The leases have no interest rate; therefore, the City uses its incremental borrowing rate of approximately 6.0% to discount future payments. The City of Milford recognized lease revenue and interest of \$143,035 and \$17,623, respectively, for the fiscal year.

Fiber-Optic Cable Network

The City of Milford, as the lessor, has entered into three lease agreements extending the availability of capacity on the City's fiber optic network to lessees Dentsply Sirona, Bayhealth Imaging MMH-DI, Bayhealth Dickinson, and DHSS. An initial lease receivable was recorded in the amount of \$235,490. No additional revenue was recorded for variable and other payments not included in the measurement of the lease receivable. As of June 30, 2023, the value of the lease receivable is \$178,154 and the related deferred inflow for future payments expected to be collected on the lease is \$178,154. The lessees are required to make monthly expiring fixed payments of \$3,215 to \$2,487 through April 2029. The leases have no interest rate; therefore, the City uses its incremental borrowing rate of approximately 6.0% to discount future payments. The City of Milford recognized lease revenue and interest of \$28,505 and \$10,084, respectively, for the fiscal year.

Land & Agricultural

The City of Milford, as the lessor, has entered into a lease agreement for the agricultural use of City-owned land with Fry Farms, Inc. An initial lease receivable was recorded in the amount of \$77,446. No additional revenue was recorded for variable and other payments not included in the measurement of the lease receivable. As of June 30, 2023, the value of the lease receivable is \$34,612 and the related deferred inflow for future payments expected to be collected on the lease is \$34,612. While the lease is subject to annual renewals, the lessee is expected to make annual payments equal to the maximum of \$24,000 in fiscal year 2023 to an estimate of \$12,000 by fiscal year 2025. The lease has no interest rate; therefore, the City uses its incremental borrowing rate of approximately 6.0% to discount future payments. The City of Milford recognized lease revenue and interest of \$22,041 and \$1,959, respectively, for the fiscal year.

NOTE 15: LEASES, CONTINUED

City of Milford as Lessor

The City of Milford has entered into a fiber optic agreement with an external party to provide capacity on the City's fiber optic network. This agreement does not meet the criteria of a lease under GASB Statement No. 87 as the terms and conditions specify the agreement expires within one year. Due to the short-term nature of the agreement, the City of Milford has not recorded a receivable in the financial statements for this agreement in accordance with GASB Statement No. 87.

The City of Milford has entered into three agreements permitting counterparties to access and attach equipment to City-owned utility infrastructure, such as utility poles, buildings and other fixtures. These agreements do not meet the criteria of a lease under GASB Statement No. 87 as the terms and conditions specify each agreement will expire within one year. Due to the short-term nature of the agreement, the City of Milford has not recorded a receivable in the financial statements for this agreement in accordance with GASB Statement No. 87.

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CITY OF MILFORD, DELAWARE
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 16: SUBSCRIPTION-BASED INFORMATION TECHNOLOGY ARRANGEMENTS (SBITAs)

Pertinent information regarding SBITAs is presented below.

Date of Issue	Initial Liability	Purpose	Outstanding Liability Balance 6/30/2023	Asset Value 6/30/2023	Accumulated Amortization 6/30/2023
10/8/2021	\$ 593,927	During FY 2023, the City of Milford had an active SBITA agreement with Tyler Technologies ending in FY 2027. The software is still in the implementation stage on 6/30/23 with \$308,848 of implementation cost included in the right-to-use asset value. The city of Milford is required to make various quarterly principal and interest payments between \$30,680 and \$39,054. The City's incremental borrowing rate was 6%.	\$ 494,284	\$ 902,775	\$ -
Various	\$ 129,041	During FY 2023, the City of Milford entered into SBITA agreements with Axon Enterprises ending in various year between FY 2023-2026. The city of Milford is required to make various annual principal and interest payments between \$24,673 and \$35,212. The City's incremental borrowing rate was 6%.	\$ 129,041	\$ 129,041	\$ 25,808
			<u>\$ 623,325</u>	<u>\$ 1,031,816</u>	<u>\$ 25,808</u>

The future principal and interest lease payments as of December 31, 2023, were as follows:

Year Ending	Principal	Interest	Total
2024	\$ 157,830	\$ 29,770	\$ 187,600
2025	172,348	19,965	192,313
2026	168,607	10,421	179,028
2027	99,866	1,966	101,832
2028	24,673	0	24,673
	<u>\$ 623,325</u>	<u>\$ 62,121</u>	<u>\$ 685,446</u>

NOTE 17: THE DELAWARE MUNICIPAL ELECTRIC CORPORATION:

The City is a member of the Delaware Municipal Electric Corporation (DEMEC). DEMEC is a public corporation constituted as Joint Action Agency and a wholesale electric utility. DEMEC was established in 1979 and represents eight municipal electric distribution utilities located in the State of Delaware and provides full requirements wholesale electric power supply service to all eight members, including the City of Milford, through the operation of owned generation assets and various wholesale supply contracts with external parties. The City purchases 100% of its electric supply requirements from DEMEC under a long-term full requirements service contract dated January 1, 2004 (the "Agreement"), which will remain in effect unless terminated upon one year's written notice by either party. The obligation of the City to purchase and pay for full requirements service, including its allocated costs under any then-current forward contract for capacity and energy between DEMEC and a third party in effect as of the date of notice of termination, shall survive the termination of the Agreement. On May 1, 2001, the City entered into separate power sales agreements to purchase an interest in the capacity produced by Unit 1 of the Warren F. "Sam" Beasley Power Station located in Smyrna, Delaware (the "Facilities"). On May 1, 2011, the City entered into separate power sales agreements to purchase an interest in the capacity produced by Unit 2 of the Facilities. The City is entitled to 20.3 percent of all power supply and ancillary benefits produced from the existing nominal 45 MW and 50 MW natural gas-fired combustion turbine generators installed in connection with Units 1 & 2, respectively, for the useful life of the Facilities. Under the terms of the various agreements, DEMEC is authorized to act as agent for the City in all matters relating to the acquisition and delivery of its wholesale power supply and management of energy cost risk on behalf of the City in the energy markets.

NOTE 18: SUBSEQUENT EVENTS:

Police Facility Contract Awards, Financing and Construction Activity

United States Department of Agriculture (USDA) Community Facilities Loan, Series 2024 A&B

The City anticipates satisfying the general obligation BAN in full on or before the maturity date, as may be extended, with a permanent issuance of long-term, tax-exempt general obligation bonds at a fixed rate of interest placed directly with the USDA in connection with its Community Facilities Loan Program. The City expects to close on USDA loans in successive bond series 2024 A in the amount of \$8.5 million and series 2024 B in the amount of \$8.0 million. City Council awarded architectural contracts totaling \$1.0 million during the planning phases of the project, a construction management contract for \$0.6 million in advance of the construction procurement process, and construction contracts totaling \$13.7 million in April 2022 to build the Facility. Along with technology equipment, furniture, fixtures and other equipment, contingencies, related roadwork and other improvements, the entire project is expected to cost \$17.5 million, \$16.5 million of which will be financed through USDA programs. As of June 30, 2023, the City had drawn \$8,669,226 on the ban (\$1,669,226 net of \$7,000,000 in principal prepayments). As of the issue date, the City incurred project expenses totaling \$16,895,888, of which \$43,614 was withheld as retainage, \$362,219 is payable, \$886,693 was met through the City reserve funds targeted for the project, and \$14,517,698 was satisfied through gross draws against the BAN.

The City of Milford

Required Supplementary Information

As of and for the Year Ended June 30, 2023

**CITY OF MILFORD, DE
BUDGETARY COMPARISON SCHEDULE
GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2023**

	<u>Budgeted Amounts</u>		<u>Actual Amounts, Budgetary Basis</u>	<u>Variance with Final Budget - Positive (Negative)</u>
	<u>Original</u>	<u>Final</u>		
REVENUES				
Property Taxes	\$ 4,941,100	\$ 4,941,100	\$ 5,020,216	\$ 79,116
Fees and Fines	95,000	95,000	177,804	82,804
Licenses and Permits	477,100	571,300	1,242,042	670,742
Franchise & Lease Revenue	428,351	428,351	418,383	(9,968)
Charges for Services	88,000	5,000	20,880	15,880
Intergovernmental	387,000	387,885	405,002	17,117
Investment Earnings	9,500	9,500	112,904	103,404
Miscellaneous	12,250	16,250	211,320	195,070
	<u>6,438,301</u>	<u>6,454,386</u>	<u>7,608,551</u>	<u>1,154,164</u>
Total Revenues				
EXPENDITURES				
Current:				
General Government	4,822,717	5,318,609	2,384,966	2,933,643
Public Safety	6,185,274	6,211,159	6,154,327	56,832
Public Works	2,298,142	1,678,142	1,122,875	555,267
Culture and Recreation	1,482,240	1,391,197	1,266,743	124,454
Debt Service:				
Principal	-	7,500,000	7,125,395	374,605
Interest and Other Charges	-	47,545	47,545	-
Capital Outlay	12,160,659	14,117,370	12,627,105	1,490,265
	<u>26,949,032</u>	<u>36,264,022</u>	<u>30,728,956</u>	<u>5,535,066</u>
Total Expenditures				
Deficiency of Revenues Over Expenditures	<u>(20,510,731)</u>	<u>(29,809,636)</u>	<u>(23,120,405)</u>	<u>6,689,230</u>
OTHER FINANCING SOURCES				
Real Estate Transfer Tax (from Special Revenue Fund)	400,000	400,000	400,000	-
Transfers In From Utilities	2,800,000	2,800,000	2,800,000	-
Transfers In From Special Revenue Fund	586,411	588,475	1,128,479	540,004
SBITA and Lease Proceeds	-	-	202,051	202,051
Proceeds from Sale of Assets	2,000	5,507	278,648	273,141
Bond Anticipation Note	15,619,379	15,619,379	8,627,781	(6,991,598)
Other Transfers In	1,130,257	3,428,898	1,200,176	(2,228,722)
Transfers Out	(500,000)	(500,000)	(339,071)	160,929
	<u>(472,684)</u>	<u>(7,467,377)</u>	<u>(8,822,341)</u>	<u>(1,354,965)</u>
Net Change in Fund Balance				
DEFICIENCY FUNDED BY (SURPLUS DIRECTED TO)				
General Fund Balance and Reserves	472,684	7,467,377	8,822,341	1,354,965
	<u>472,684</u>	<u>7,467,377</u>	<u>8,822,341</u>	<u>1,354,965</u>
Net Revenues, Other Financing Sources, Prior Fund Balances and Expenditures	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

CITY OF MILFORD, DELAWARE
SCHEDULE OF PROPORTIONATE SHARE OF THE NET PENSION LIABILITY
FOR THE LAST EIGHT FISCAL YEARS (DOLLAR AMOUNTS IN THOUSANDS)

	2023	2022	2021	2020	2019	2018	2017	2016
<u>County & Municipal Police and Firefighters' Pension Plan</u>								
Proportion of the net pension liability (asset)	2.4240%	2.4627%	2.6455%	2.4289%	2.2946%	2.3779%	2.3824%	2.4964%
Proportionate share of the net pension liability (asset)	\$ (255)	\$ (3,389)	\$ 407	\$ 698	\$ 528	\$ 240	\$ 379	\$ (132)
Covered-employee payroll	\$ 2,524	\$ 2,485	\$ 2,412	\$ 2,147	\$ 1,906	\$ 1,944	\$ 1,736	N/A
Proportionate share of the net pension liability (asset) as a percentage of covered-employee payroll	10.1%	136.4%	16.9%	32.5%	24.6%	12.6%	21.8%	N/A
Plan's fiduciary net position	\$ (548,996)	\$ 625,792	\$ 446,384	\$ 396,829	\$ 367,470	\$ 325,867	\$ 284,298	\$ 273,109
Plan fiduciary net position as a percentage of the total pension liability (asset)	102.0%	128.2%	96.7%	93.3%	94.1%	97.0%	94.7%	102.0%
<u>County & Municipal Other Employees' Pension Plan</u>								
Proportion of the net pension liability (asset)	9.0386%	8.7574%	9.5271%	9.4728%	10.0609%	10.3165%	10.8530%	12.1628%
Proportionate share of the net pension liability (asset)	\$ (61)	\$ (1,834)	\$ 202	\$ 434	\$ 317	\$ 668	\$ 672	\$ 5
Covered-employee payroll	\$ 5,485	\$ 4,687	\$ 4,107	\$ 4,206	\$ 3,476	\$ 3,628	\$ 3,631	N/A
Proportionate share of the net pension liability (asset) as a percentage of covered-employee payroll	1.1%	39.1%	4.9%	10.3%	9.1%	18.4%	\$ 0	N/A
Plan's fiduciary net position	\$ 86,758	\$ 96,932	\$ 67,470	\$ 58,536	\$ 53,122	\$ 45,874	\$ 39,292	\$ 37,840
Plan fiduciary net position as a percentage of the total pension liability	100.8%	127.6%	96.9%	92.7%	94.4%	87.6%	86.4%	99.9%

The accompanying notes are an integral part of this schedule.

CITY OF MILFORD, DELAWARE
SCHEDULE OF EMPLOYER CONTRIBUTIONS - PENSION PLAN
FOR THE LAST EIGHT FISCAL YEARS (DOLLAR AMOUNTS IN THOUSANDS)

	2023	2022	2021	2020	2019	2018	2017	2016
County & Municipal Police and Firefighters' Pension Plan								
Contractually required contribution	\$ 281	\$ 405	\$ 396	\$ 406	\$ 358	\$ 269	\$ 240	\$ 251
Contributions in relation to the contractually determined contribution	281	405	396	406	358	269	240	251
Contribution (excess) deficiency	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Covered-employee payroll	\$ 2,476	\$ 2,524	\$ 2,485	\$ 2,412	\$ 2,147	\$ 1,906	\$ 1,944	\$ 1,736
Contributions as a percentage of covered-employee payroll	11.34%	16.03%	15.95%	16.84%	16.68%	14.12%	12.37%	14.48%

	2023	2022	2021	2020	2019	2018	2017	2016
County & Municipal Other Employees' Pension Plan								
Contractually required contribution	\$ 347	\$ 372	\$ 331	\$ 340	\$ 284	\$ 259	\$ 225	\$ 235
Contributions in relation to the contractually determined contribution	347	372	331	340	284	259	225	235
Contribution (excess) deficiency	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Covered-employee payroll	\$ 6,256	\$ 5,485	\$ 4,687	\$ 4,107	\$ 4,206	\$ 3,476	\$ 3,628	\$ 3,631
Contributions as a percentage of covered-employee payroll	5.55%	6.78%	7.06%	8.28%	6.76%	7.46%	6.21%	6.49%

The accompanying notes are an integral part of this schedule.

CITY OF MILFORD, DELAWARE
NOTES TO THE REQUIRED SUPPLEMENTARY SCHEDULES
FOR THE FISCAL YEAR ENDED JUNE 30, 2023

NOTE 1 – GENERAL

Required supplementary information includes financial information and disclosures that are required by the Governmental Accounting Standards Board but are not considered part of the basic financial statements.

NOTE 2 – BUDGETARY BASIS

The budgetary comparison schedule is prepared on a basis that is consistent with generally accepted accounting principles (GAAP).

NOTE 3 – PENSION PLANS

The following notes pertain to both the County and Municipal Police and Firefighters Pension Plan and the County and Municipal Other Employees' Pension Plan.

Changes in Benefit Terms

None

Changes in Assumptions

The changes in assumptions used to determine total pension liability are described in Note 15 to the basic financial statements.

Method and Assumptions used in calculations of actuarially determined contributions

The actuarially determined contribution rates in the Schedule of Employers' Contributions are calculated as of the June 30 two years prior to the end of the fiscal year in which the contributions are reported. Complete descriptions of the methods and assumptions used to determine the contribution rates for Fiscal Year 2022 can be found in the June 30, 2021 actuarial valuation reports. The following actuarial methods and assumptions were used to determine contribution rates reported in that schedule:

- Actuarial Cost Method – Entry Age Normal
- Amortization Method – Open 10 Year Level Percent of Payroll
- Remaining Amortization Period – 10 Years
- Asset Valuation Method: 5 Year Smoothed Market
- Actuarial Assumptions
 - Discount Rate – 7.0%
 - Amortization Growth Rate 2.5%
 - Price Inflation – 2.5%

10-year Reporting Requirements

The preceding required supplementary schedules, as related to pensions, are intended to show information for 10 years. Additional years will be displayed as they become available.

The City of Milford

Additional Information

As of and for the Year Ended June 30, 2023

CITY OF MILFORD, DELAWARE
 ADDITIONAL INFORMATION, CONTINUED
 JUNE 30, 2023

Taxation

The City annually adopts an assessment listing based on its own assessments of real property, with the option to adopt the assessed values as determined by either or both of Kent or Sussex Counties. Real Property was last reassessed in the City of Milford in 2012. The assessment reflected actual property sale data available in 2012. Assessments are based on a level of 100% of the 2012 values as appraised by the City of Milford. Appraisals for all classifications of property are equal to estimated replacement cost less depreciation.

Ratable Classification	2023 Assessed Value (AV)	2023 Market Value (MV)*	AV ÷ MV
Public Utilities	\$5,508,755	\$10,393,877	
Agriculture	878,100	\$1,656,792	
Residential	645,791,700	\$1,218,474,906	
Multi-Family	43,996,300	\$83,011,887	
Commercial	336,522,359	\$634,947,847	
Industrial	11,315,900	\$21,350,755	
Exempt	344,779,000	\$650,526,415	
TOTAL	\$1,388,792,114	\$2,620,362,479	53%

*Estimated based on City of Milford market sales data sampling

Tax Assessments

Year	Assessment*	Ratio, Assessed to Market Value	Market Value
2023	\$ 1,388,792,114	53%	\$ 2,620,362,479
2022	1,370,587,152	60%	2,284,311,920
2021	1,322,462,352	69%	1,911,072,763
2020	1,304,217,652	74%	1,762,456,286
2019	1,108,131,359	78%	1,420,681,230
2018	1,076,761,765	75%	1,435,213,740
2017	1,064,336,304	81%	1,319,777,017
2016	1,049,526,712	89%	1,175,823,786
2015	1,038,988,192	91%	1,141,745,266
2014	1,030,515,982	95%	1,084,753,665

*Last Reassessment Completed in September 2012

The City's property tax rate was \$0.49275 per \$100 of assessed value (AV) throughout the FY23 reporting period. City Council approved the rate of \$0.54600 per \$100 of AV for FY24. About 20% of the increase in FY24 reflects an ongoing initiative to promote structural balance in the City's operating budget, while the balance supports the referendum-approved debt service obligation arising from the Police Headquarters Facility financing. Milford also collects a Realty Transfer Tax (RTT) of 1.50% of the consideration of all property transfers in City limits effective July 1, 2001.

Tax Appeals

Milford City Council serves in the capacity of Board of Appeals to review assessments when appealed by property owners. There are generally few appeals of assessments each year.

CITY OF MILFORD, DELAWARE
 ADDITIONAL INFORMATION, CONTINUED
 JUNE 30, 2023

Top 20 Taxpayers

	2023 Assessed Value	Land Use	Parcel Owner	2023 Tax Levy
\$	27,687,259	Commercial	Clark Avenue Realty	\$ 151,172
	19,401,400	Commercial	Milford Plaza	105,932
	17,007,800	Multi-Family	Windward on the River	92,863
	16,426,800	Commercial	Wal-Mart Stores	89,690
	11,628,900	Multi-Family	Watergate At Milford	63,494
	9,447,900	Multi-Family	Reserve at Saw Mill	51,586
	8,514,300	Multi-Family	Key Properties Group	46,488
	8,369,100	Commercial	Milford Center	45,695
	6,869,500	Commercial	Cypress Capital	37,507
	6,780,100	Commercial	Helmick Milford	37,019
	6,734,300	Multi-Family	Cascades	36,769
	6,558,100	Commercial	Baltimore Aircoil Company	35,807
	6,547,100	Commercial	US Cold Storage	35,747
	5,302,800	Multi-Family	Case Edwards Management	28,953
	5,158,300	Industrial	Purdue RE Holdings	28,164
	4,899,500	Multi-Family	Tran Con Builders	26,751
	4,799,800	Commercial	SW Acquisitions	26,207
	4,770,900	Multi-Family	Misphillion Realty	26,049
	4,763,300	Commercial	Riverwalk Center At Milford	26,008
	4,698,800	Commercial	Milford Microtel	25,655

Tax Collections and Delinquent Taxes

Year Ended June 30	Tax Collections			Past Due
	Taxes Budgeted	Cash Collections	Collections as % of Budget	Outstanding as of June 30
2023	\$ 4,912,100	\$ 5,178,348	105%	\$ 154,361
2022	4,741,043	4,745,519	100%	184,552
2021	4,296,000	4,322,838	101%	180,783
2020	4,126,385	4,074,644	99%	241,673
2019	3,902,716	3,943,184	101%	210,077
2018	3,820,560	4,038,010	106%	178,337
2017	3,732,970	3,817,534	102%	344,177
2016	3,701,000	3,720,159	101%	307,883
2015	3,746,000	3,660,900	98%	359,772
2014	3,556,965	3,518,917	99%	358,545

CITY OF MILFORD, DELAWARE
 ADDITIONAL INFORMATION, CONTINUED
 JUNE 30, 2023

Selected Demographic Data and Corresponding Debt Ratios

	Direct Debt ¹	Population ²	Assessed Valuation (AV) ¹
	\$ 7,494,226	13,289	\$ 1,388,792,114
Direct Debt per Capita		\$ 564	
Direct Debt as % of AV			0.54%

¹ Debt and AV measured as of and for the period ended June 30, 2023, respectively

² Based on most current US Census Bureau Population Estimate as of July 1, 2023

Direct Debt as of June 30, 2022 consisted entirely of the City's General Obligation Bond Series 2016 outstanding balance of \$6.26 million. As of June 30, 2023, Direct Debt increased to \$7.5 million, driven by \$1.67 million in new construction financing related to the City's referendum-approved Police Headquarters Facility Project, net of \$0.44 million in principal repayments against the General Obligation Bond Series 2016. Milford's organic growth in population and assessments serve to maintain stability in the debt ratios, while debt service requirements are scheduled into tax and utility rate structures.

Largest Employers

The largest employers in and around the City of Milford follow:

Employer	Description	Employee Count
Perdue Farms	Poultry Processing	1,485
Bayhealth - Sussex Campus	Healthcare	900
Milford School District	Education	578
Dentsply Sirona	Dental Equipment	525
Walmart Stores	Retail	349
Sea Watch International	Seafood Processing	250
City of Milford	Municipal Government	135
Burris Logistics	Supply Chain Logistics	110
Kent-Sussex Industries	Vocational Services	85
First State Manufacturing	Industrial Sewing	50

Employee counts based on employer-reported data and City of Milford survey data

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The City of Milford

Other Supplemental Information Single Audit

For Year Ended June 30, 2023



Zelenkofske Axlerod LLC

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

INDEPENDENT AUDITOR'S REPORT

City Council
City of Milford, Delaware

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Milford (the "City"), as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the City's basic financial statements and have issued our report thereon dated November 25, 2024.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) as a basis for designing the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or combination of deficiencies, in internal control that is less severe than a material weakness, yet, important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. We did identify certain deficiencies in internal control, described in the accompanying schedule of findings and questioned costs as items 2023-001 and 2023-002 that we consider to be a material weaknesses.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.



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City Council
City of Milford, Delaware

City's Response to Findings

Government Auditing Standards requires the auditor to perform limited procedures on the City's responses to the findings identified in our audit and described in the accompanying schedule of findings and questioned costs. The City's responses were not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on them.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Harrisburg, Pennsylvania
November 25, 2024

Zelenkofske Axlerod LLC

Zelenkofske Axlerod LLC



Zelenkofske Axlerod LLC

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REPORT ON COMPLIANCE FOR EACH MAJOR FEDERAL PROGRAM AND REPORT ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE

INDEPENDENT AUDITOR'S REPORT

City Council
City of Milford, Delaware

Report on Compliance for Each Major Federal Program

Opinion on Major Federal Program

We have audited the City of Milford's ("City") compliance with the types of compliance requirements identified as subject to audit in the OMB *Compliance Supplement* that could have a direct and material effect on the City's major federal program for the year ended June 30, 2023. The City's major federal program is identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

In our opinion, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on its major federal program for the year ended June 30, 2023.

Basis for Opinion on Major Federal Program

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*); and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards, and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for the major federal program. Our audit does not provide a legal determination of the City's compliance with compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable to the City's federal programs.

Auditor's Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the City's compliance based on our audit.



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City of Milford, Delaware

Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material, if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the City's compliance with the requirements of the major federal program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the City's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the City's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on Internal Control Over Compliance

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance.



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City of Milford, Delaware

Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Zelenkofske Axelrod LLC

ZELENKOFKSKE AXELROD LLC

Harrisburg, Pennsylvania
November 25, 2024

CITY OF MILFORD, DE
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2023

Federal Grantor/Pass-through Grantor/Program	Federal AL Number	Pass Through Entity Identifying Number	Passed Through to Subrecipients	Total Federal Expenditures
US Department of the Treasury COVID-19 American Rescue Plan Act	21.027	n/a	-	2,208,432 *
US Department of Justice Bulletproof Vest Partnership	16.607	n/a	-	5,229
US Department of Justice Edward Byrne Memorial Justice Assistance	16.738	n/a	-	<u>17,215</u>
Total expenditures of federal awards			<u>\$ -</u>	<u>\$ 2,230,876</u>

* Denotes testing as major program

See accompanying notes to schedule of expenditures of federal awards.

CITY OF MILFORD, DELAWARE
SCHEDULE OF FINDINGS AND QUESTIONS COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2023

NOTE 1 – BASIS OF PRESENTATION

The City of Milford, Delaware is the reporting entity for financial reporting purpose as defined in Note 1 to the City's basic financial statements. The accompanying schedule of expenditures of federal awards (the Schedule) includes the federal award activity of the City of Milford, Delaware under programs of the federal government for the year ended June 30, 2023. The information in this Schedule is presented in accordance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Expenditures reported on the Schedule are reported on the accrual basis of accounting. Such expenditures are recognized following cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

NOTE 3 – INDIRECT COST RATE

The City of Milford did not use the 10% de minimis indirect cost rate allowed by the Uniform Guidance.

NOTE 4 – RISK-BASED AUDIT APPROACH

The 2023 threshold for determining Type A and Type B programs is \$750,000. The following program was audited as major:

<u>ALN</u>	<u>Name of Federal Program or Cluster</u>
21.027	American Rescue Plan Act

The amounts expended under the program audited as a major federal program for the year ended June 30, 2023, totaled \$2,208,432 or 99.0% of total federal awards expended.

CITY OF MILFORD, DELAWARE
SCHEDULE OF FINDINGS AND QUESTIONS COSTS
FOR THE YEAR ENDED JUNE 30, 2023

Section I – Summary of Auditor’s Results:

Financial Statements

Type of auditor’s report issued: Unmodified

Internal control over financial reporting:

- Material weakness(es) identified? yes no
- Significant Deficiency(s) identified that are not considered to be material weaknesses?
 yes none reported

Noncompliance material to financial statements noted? yes no

Federal Awards

Internal control over major programs:

- Material weakness(es) identified? yes no
- Significant Deficiency(s) identified that are not considered to be material weaknesses?
 yes none reported

Type of auditor’s report issued on compliance for major programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516(a)?
 yes no

Type of auditor’s report issued on compliance for major programs: Unmodified

Identification of major programs:

<u>AL Number(s)</u>	<u>Name of Program or Cluster</u>
21.027	American Rescue Plan Act

Dollar threshold used to distinguish between Type A and Type B programs: \$750,000

Auditee qualified as low-risk auditee? yes no

CITY OF MILFORD, DELAWARE
SCHEDULE OF FINDINGS AND QUESTIONS COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2023

Section II – Financial Statement Findings and Questioned Costs

Finding 2023-001

Accounting Records/Financial Statement Close Process

Criteria: The accounts of the City should be reconciled to ensure transactions are being presented in the period of benefit and the year-end closing should be performed in a timely manner.

Condition: During the audit, it was noted the information in the general ledger did not agree to support documents for several balance sheet accounts, which required material audit adjustments to present financial transactions in the period of benefit. In addition, final closing and the preparation of trial balances were not completed until several months after the City's year-end. The lack of adequate closing procedures creates a condition that may adversely affect the City's ability to initiate, record, and process financial data reliably and could result in a misstatement in the financial statements that will not be prevented or detected.

Cause: The staffing challenges experienced in the finance department caused significant delays in the production of financial statements in the prior year, which in turn delayed the closing process in the current year. This issue was exacerbated by the implementation of the City's new accounting and financial reporting software system leading up to and following the July 1, 2023 (FY24) go-live date.

Effect: Internal controls were not operating effectively and the financial records did not reflect the correct financial activity of the period resulting in material misstatements to the financial statements that required adjustments. This finding was a repeat of finding 2022-001 in the prior year.

Questioned Costs: No known questioned costs.

Recommendation: The City should review procedures in place with responsible employees and revise procedures, as necessary, to ensure accounts are reconciled in a timely manner and financial statements are prepared accurately and timely.

Management's Response: The City is following the recommendation of its independent auditors to review accounting and reporting procedures with all staff to ensure account reconciliation is completed with timeliness and accuracy, which will promote efficient periodic closing and a more timely financial statement production process. The City recently expanded full-time staffing in the Finance Department and engaged with third-party consultants to enable the department to carry out the process review and implement the required changes.

CITY OF MILFORD, DELAWARE
SCHEDULE OF FINDINGS AND QUESTIONS COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2023

Section II – Financial Statement Findings and Questioned Costs (Continued)

Finding 2023-002

Approval of Disbursements

Criteria: Proper internal control dictates that disbursements should be reviewed and approved by management prior to payment.

Condition: During testing it was noted that one of the forty invoices selected for testing did not demonstrate evidence of change order approval prior to payment. The initial purchase order was approved by the requisitioner's department director and the City Manager pursuant to system workflow design; however, fluctuations in unit costs resulted in an invoice that significantly exceeded the dollar value of the initial invoice and the City was unable to demonstrate that the change in cost had been approved.

Cause: Due to staff oversight, the invoice was not compared to the value of the original purchase order and documentation of approval of any change orders was not maintained.

Effect: Internal controls were not operating effectively and may result in a material misstatement to the financial statements.

Questioned Costs: No known questioned costs.

Recommendation: The City should review procedures in place with responsible employees and revise procedures, as necessary, to ensure invoices are reconciled with the original purchase order and any variances are subsequently approved by management prior to payment.

Management's
Response:

As part of the City's new accounting and financial reporting system, which began live production on July 1, 2023 to coincide with the start of fiscal year 2024, the City is following the recommendation of its independent auditors. The purchase order change process is embedded into the system's technology controls to follow the same purchase-to-pay workflow requirements as original requisitions, with the exception of a minor tolerance to account for immaterial changes in unit pricing or shipping. The control was tested and approved by staff and the City's implementation team prior to going live, and has been in place and operating effectively since day one of the following fiscal year.

Further, with respect to the FY23 finding, several compensating controls were in place throughout the year, which mitigated the risk of a material misstatement in the financial statements. First, line-by-line budgetary controls in the system prevent a requisition from entering the workflow on the front end (making it impossible to be transacted against let alone paid) if such requisition, combined with the cumulative sum of paid invoices, unpaid invoices, and approved requisitions would cause a budgetary overage in that individual line. Second, a three-way match is required between the requisition / purchase order quantities and amounts, the receipt quantities, and the invoice amounts before an invoice can be posted and paid. Third, system-level technology controls limit user authority at both function and account levels. And fourth, though the item tested was out of scope, accounts payable disbursements in excess of \$10,000 must be approved by Council-level signers on the City's operating bank account, which sharply reduces the likelihood that a post-approval change to an existing purchase order could lead to a material misstatement in the financial statements.

CITY OF MILFORD, DELAWARE
SCHEDULE OF FINDINGS AND QUESTIONS COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2023

Section III – Federal Award Findings and Questioned Costs

None noted.

CITY OF MILFORD, DELAWARE
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
FOR THE YEAR ENDED JUNE 30, 2023

The summary which follows indicates the current year status of findings identified in the prior year Single Audit Report.

<u>Program</u>	<u>Prior Year Finding</u>	<u>Brief Description of Finding</u>	<u>Current Year Status</u>
Financial Statement	2022-001	Accounting Records/Financial Statement Close Process	Unresolved – See 2023-001



RESOLUTION 2024-23

AMENDS MILFORD CITY COUNCIL RULES OF PROCEDURE

WHEREAS, Resolution 2018-01 was adopted by unanimous vote of City Council on February 12, 2018 adopting the Milford City Council Rules of Procedure; and

WHEREAS, Resolution 2022-02 was adopted by unanimous vote of City Council on February 14, 2022 adopting amended Milford City Council Rules of Procedure; and

WHEREAS, Resolution 2022-07 was adopted by unanimous vote of City Council on May 23, 2022 adopting amended Milford City Council Rules of Procedure; and

WHEREAS, Resolution 2023-05 was adopted by unanimous vote of City Council on April 24, 2023 adopting amended Milford City Council Rules of Procedure; and

WHEREAS, at the beginning of the meetings, agendas will be approved by City Council ; and

WHEREAS, agenda items may be removed prior to the meeting by the original establisher and may be removed by a majority vote of Council at the beginning of each meeting; and

WHEREAS, Council has requested the Finance Director to provide the most up to date Financial Report as possible; and

WHEREAS, the Finance Director can produce a Finance Report for the immediately preceding month by the second Monday of the month; and

WHEREAS, the Mayor shall have authority to manage meetings in accordance with the Charter and Ordinances of the City of Milford and this Resolution; and

WHEREAS, the City Solicitor serving as Parliamentarian when in attendance; and

WHEREAS, in those matters not covered by such rules, the most current edition of Mason's Manual of Legislative Procedure shall be the parliamentary authority; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Milford, during a lawful session duly assembled on the 9th day of December 2024, by a favorable majority vote adopt the Procedural Rules hereto attached as Exhibit A(8), as amended, are hereby adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Official Seal of the City of Milford to be affixed this 9th day of December 2024.

Mayor F. Todd Culotta

Attest:

City Clerk Katrina White

EXHIBIT A(8)
Effective 01 01 2025

City of Milford City Council
Rules of Procedure

Regular meetings of City Council shall be held on the second and fourth Monday of each month at Milford City Hall and shall commence at 6:00 p.m. In the case of a holiday on said Monday, the meeting shall be on the next business day. There shall be only one regular City Council meeting held on the second Monday of the month of December. Additional workshop meetings may be scheduled on alternate Wednesdays and will begin at 6:00 p.m. when needed.

Section I.

City Council Regular Meetings
Order of Business

Unofficial Public Comment Period (First 15 minutes—related to agenda items only)

1. Call to Order
2. Invocation & Pledge of Allegiance
3. Approval of the Agenda
4. Approval of Previous Minutes (Second Monday only)
5. Roll Call of those in Attendance (unless taken at a prior meeting/workshop on same date)
6. Public Hearing (Fourth Monday as needed; alternate meeting dates if warranted)
7. Staff Reports (Second Monday only)
8. Monthly Finance Report (~~Fourth~~ **Second** Monday only)
9. Council Business
 - a. Recognition (If needed, this item is for recognition of City staff (new or special achievements) or Proclamations for community members who have made special contributions to improve the quality of life of our community.)
 - b. Staff Reports (Second Monday only)
 - i. Police Report
 - ii. City Clerk Report
 - iii. Monthly City Manager Report:
 - iv. Public Works Department
 - v. Planning & Zoning Department
 - vi. Parks & Recreation Department
 - vii. Human Resources
 - viii. Economic Development & Community Engagement
 - ix. IT Department
 - x. Finance Department
 - c. Correspondence & Communication - Council/Informational only—no action (staff to report back to CC through PC, CM, CC)
10. Unfinished Business (Items included in this section are ordinances introduced at a prior meeting, or items postponed from previous City Council meetings. The order in which items will be addressed is as follows:)

021218R
042022R
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061222R
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042424R

- a. Presentation / Report by 1) staff, 2) consultants or 3) other pertinent party
- b. City Council Discussion / Questions
- c. Public Comment as applicable
- d. Council Action (Approve, Deny or Postpone)

11. New Business (The order in which items will be addressed is as follows:)
 - a) Presentation / Report by 1) staff, 2) consultants or 3) other pertinent party
 - b) City Council Discussion / Questions
 - c) Public Comment as applicable
 - d) Council Action (Approve, Deny or Postpone)

12. Executive Session (If needed and only if included on agenda.)

13. Adjourn

Section II.

City Council Workshop Meetings Order of Business

1. Convened
2. Roll Call of those in Attendance
3. (The order in which items will be addressed is as follows:)
 - a. Presentation / Report by staff, consultants, or others
 - b. City Council Discussion / Questions
4. Conclusion

Section III.

City Council Executive Session (ES) Order of Business

1. Mayor Announces Executive Session
2. Motion to go into ES and Provide Reason (In Open Meeting)
3. Go into closed session
4. Close Doors
5. Items (restricted to statutes cited)
6. Upon conclusion, open door
7. Motion to Return to Open Session
8. Mayor announces: No action or ask for a motion (if any, to Approve, Deny or Postpone)
9. Take voice vote
10. Motion to Adjourn
11. Voice vote to adjourn

Section IV.

City Council Public Hearing Procedures

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The Solicitor shall preside over Land Application Public Hearings and follow these steps:

1. Mayor calls the Public Hearing to order.
2. City Solicitor explains the procedure.
3. City Solicitor identifies the application or subject by name and number.
4. City Planner - the Solicitor calls on the City Planner or other appropriate staff to provide the application.
5. Solicitor calls on the applicant or representative to concisely present their application and purpose. The applicant is asked to limit their presentation to 15 minutes. If the application is sufficiently complex, and more time is required, the applicant should notify the City Clerk prior to the meeting and the Solicitor will determine and announce if additional time is granted.
6. Questions may be asked by the City Council or the Mayor after the testimony to clarify comments or statements made during the remarks. The Solicitor must recognize each Councilmember before speaking. When every Councilmember has spoken, then the Solicitor may call on a Councilmember the second time, etc. However, City Councilmembers should reserve discussion or expression of opinions until the deliberation portion of the Public Hearing.
7. The floor is then opened to the public.
8. Solicitor will then invite testimony from the public who favor the application (up to three minutes per person).
9. Solicitor will then invite testimony from all opposed to the application (up to three minutes per person).
10. After everyone has spoken, the Solicitor turns the hearing back to the Mayor who declares the public hearing closed.
11. The Mayor will then ask Council their pleasure. Any Councilmember still wishing to speak before the motion is made, must be recognized by the Mayor before speaking. Once every Councilmember who wishes to speak has done so, then the Solicitor may call on a Councilmember a second time, etc.
12. Mayor asks for a motion only (not to approve or deny).
13. A roll call vote will be conducted on the motion with each Councilmember voicing her/his vote (aye or nay) followed by a brief reason for supporting or opposing the motion based on information presented on the record.
14. The Mayor shall have the discretion to change the order of the roll call vote at any time. Such orders will be tracked by the City Clerk and the proper order recorded in the minutes.

Section V.

City Council Public Comment Procedures

1. The Public Comment session is a specified time prior to the start of the official Council Meeting for individuals to speak on any business matter within the authority or responsibility of the City of Milford.
2. Prior to the start of the session, individuals wishing to speak shall sign and complete the information requested in the sign-in document which will be available when entering the Council Chambers. At that time, the City Clerk will remove the document and no further

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061222R
062322R
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- individuals will be permitted to sign up.
3. Individuals who have signed up for public comment will be recognized by the Mayor and shall proceed to the podium, state their name, address, and commence with their comments.
 4. The time limit is two minutes per speaker, not to exceed a total of fifteen minutes for all speakers.
 5. Speakers will be asked to speak into the microphone clearly so their comments can be heard by all present and for proper recordation. The time limit may be extended by the Mayor, if in his/her opinion, the speaker is representing a contingent of individuals present at the meeting and the speaker is acting as spokesperson for the group of individuals who choose not to speak.
 6. Speakers shall remain polite, civil and respect the decorum of the City Council meeting. Comments are to be addressed to the Mayor and City Council as a whole, and should not include insults, personal attacks, etc. Once the comments are completed, the speaker should be seated or may leave the Council Chambers. Speakers who, in the opinion of the Mayor, are not following these rules shall be stopped and asked to leave the podium.
 7. During this session, no comments will be allowed on any matter scheduled for an official public hearing.
 8. Virtual attendees must register prior to start time of meeting by calling 302-422-1111, Extension 1300 or 1303, or by sending an email to cityclerk@milford-de.gov and providing your name, address, phone number, and the specific agenda item you wish to comment on.
 9. Audience members are asked to be courteous to those who are speaking during public comment by refraining from applause, cheers or commenting while others are speaking.
 10. Mayor and Council are prohibited from deliberating or acting upon items discussed during the Public Comment session until the matter (if applicable) is discussed before Council on the meeting agenda.
 11. Mayor and Council may direct the City Manager, Police Chief, or City Clerk to respond to any concerns at a later date.
 12. Speakers are prohibited from commenting on Public Hearings items during the Public Comment session. Instead, relative comments must be provided, and properly recorded, when the floor is opened during the regular session of Council.

Section VI.

Additional Procedures

1. Public Posting Compliance: In accordance with State FOIA regulations and the City Charter, the final agenda for all City Council meetings will be prepared and posted by the City Clerk at least seven days prior to the meeting. The final agenda will be posted on the City website and the City Hall bulletin board as soon as it becomes available.
2. Agenda items will be established by the City Manager, Mayor, and City Clerk. **Agenda items may be removed prior to the meeting by the original establisher. Agenda items may be removed by a majority vote of Council at the beginning of each meeting.** Staff reports, supporting materials, presentations, memos, etc. for the packet shall be emailed to the City Clerk's Office no later than five days prior to the meeting. The packet will be posted on the City website and the link emailed to the Mayor, City Councilmembers, City Manager, and department heads no later than the Friday morning prior to the Monday meeting.
3. Councilmembers are encouraged to review the agenda and packet prior to the meeting and shall

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contact the City Manager or Police Chief, in the case of items originating from the Police Department, with any questions or concerns that may require additional information or research by noon on the day of the meeting.

4. Councilmembers shall refrain from sending or responding to emails in which other Councilmembers are copied.
5. Cancellation of Meetings: Cancellation of any meeting shall be at the discretion of the Mayor as circumstances may require. In any case, as much notice of said cancellation as is practical shall be given through the City Clerk's Office to City Council members, City Manager and department heads and shall be posted on the City's website.
6. Handouts: Any person(s) addressing Council are strictly prohibited from distributing items either just prior to, or during any meeting or workshop. Such items must be provided to the City Clerk's Office by noon on the Wednesday prior to the meeting to become part of the Council packet. Items to be presented at a weekday workshop must be provided to the City Clerk five days in advance of the session.
7. Minutes: Minutes shall be kept of all City Council meetings, including the language of and votes upon all motions. The City Clerk's Office will strive to have minutes of the prior meeting prepared and included in the appropriate monthly packet. Audio recordings shall record the business transacted at all City Council meetings/workshops/sessions and shall be stored for future reference according to the approved Record Retention Schedule for the State of Delaware. Minutes shall be prepared of all executive session meetings by the City Clerk and maintained under the custody, control, and supervision of the City Clerk.
8. Consent Agenda: A Consent Agenda may be used to approve a group of matters with one motion and vote at the beginning of the meeting. This is used for routine matters and/or items that have been vetted through prior City Council discussion. Prior to approving the Consent Agenda, the items are to be read aloud by the City Clerk so that everyone in the room is aware of the items that will be approved together, with one vote. Prior to the vote, any Councilmember may request an item be removed from the Consent Agenda if more detailed discussion is needed on the item.
9. Parliamentary Procedure: The Mayor shall have authority to manage meetings in accordance with the Charter and Ordinances of the City of Milford and this Resolution. The City Solicitor serving as Parliamentarian when in attendance. In those matters not covered by such rules, the most current edition of ~~Robert's Rules of Order~~ *Mason's Manual of Legislative Procedure* shall be the parliamentary authority.

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RESOLUTION 2024-24

Reimbursement of Expenditures Associated with Northwest Water Infrastructure Improvement Projects

WHEREAS, the City of Milford (the "City") expects to issue a maximum of \$8,500,000.00 principal amount of its general obligation bonds or notes (the "Bonds") to finance the design, engineering, and construction of water utility infrastructure improvements to supply the northwest service area and to complete other necessary construction administration, construction inspection, and infrastructure improvements in connection therewith as well as other miscellaneous capital projects (the "Project");

WHEREAS, the City has paid and expects to pay certain expenditures (the "Reimbursement Expenditures") in connection with the Project prior to the issuance of the Bonds for the purpose of financing costs associated with the Project on a long-term basis;

WHEREAS, the City reasonably expects that certain of the proceeds of the Bonds will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, this Resolution is intended to constitute a statement of "Official Intent" pursuant to Treasury Regulation §1.150-2.

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

- 1. The City finds and determines that the foregoing recitals are true and correct.*
- 2. In accordance with Treasury Regulation §1.150-2, the City hereby states its official intent that a portion of the proceeds of the Bonds will be used to reimburse itself for Reimbursement Expenditures. This declaration does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project.*
- 3. The City intends to reimburse itself for Reimbursement Expenditures through the incurrence of debt to be evidenced by the Bonds. All expenditures to be reimbursed will be capital expenditures (as defined in Treasury Regulation §1.150-1(b)) or certain other expenditures qualifying pursuant to Treasury Regulation §1.150-2(f).*
- 4. The maximum principal amount of the Bonds expected to be issued for the Project including to reimburse the Reimbursement Expenditures is \$8,500,000.00 including the costs of issuance of the Bonds, but exclusive of original issue discount.*
- 5. Once the Bonds are issued, the City shall allocate, or cause to be allocated, Bond proceeds to reimburse the Reimbursement Expenditures; provided that, except as permitted under Treasury Regulation §1.150-2(f), such costs to be reimbursed were paid not more than 60 days prior to the date hereof. Such allocation shall specifically identify the actual expenditure to be reimbursed and shall occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service, but in no event more than 3 years after the expenditure is paid.*

NOW THEREFORE, BE IT RESOLVED by Milford City Council, that Resolution 2024-24 is hereby approved and adopted this 9th day of December 2024.

Mayor F. Todd Culotta

City Clerk Katrina L. White



RESOLUTION 2024-25

Reimbursement of Expenditures Associated with Milford Corporate Center Project

WHEREAS, the City of Milford (the "City") expects to issue a maximum of \$7,500,000.00 principal amount of its general obligation bonds or notes (the "Bonds") to finance the development of the Milford Corporate Center, including the design, engineering, and construction of all phases of onsite and offsite infrastructure improvements and to complete other necessary construction administration, construction inspection, and infrastructure improvements in connection therewith as well as other miscellaneous capital projects (the "Project");

WHEREAS, the City has paid and expects to pay certain expenditures (the "Reimbursement Expenditures") in connection with the Project prior to the issuance of the Bonds for the purpose of financing costs associated with the Project on a long-term basis;

WHEREAS, the City reasonably expects that certain of the proceeds of the Bonds will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, this Resolution is intended to constitute a statement of "Official Intent" pursuant to Treasury Regulation §1.150-2.

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

- 1. The City finds and determines that the foregoing recitals are true and correct.*
- 2. In accordance with Treasury Regulation §1.150-2, the City hereby states its official intent that a portion of the proceeds of the Bonds will be used to reimburse itself for Reimbursement Expenditures. This declaration does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project.*
- 3. The City intends to reimburse itself for Reimbursement Expenditures through the incurrence of debt to be evidenced by the Bonds. All expenditures to be reimbursed will be capital expenditures (as defined in Treasury Regulation §1.150-1(b)) or certain other expenditures qualifying pursuant to Treasury Regulation §1.150-2(f).*
- 4. The maximum principal amount of the Bonds expected to be issued for the Project including to reimburse the Reimbursement Expenditures is \$7,500,000.00 including the costs of issuance of the Bonds, but exclusive of original issue discount.*
- 5. Once the Bonds are issued, the City shall allocate, or cause to be allocated, Bond proceeds to reimburse the Reimbursement Expenditures; provided that, except as permitted under Treasury Regulation §1.150-2(f), such costs to be reimbursed were paid not more than 60 days prior to the date hereof. Such allocation shall specifically identify the actual expenditure to be reimbursed and shall occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service, but in no event more than 3 years after the expenditure is paid.*

NOW THEREFORE, BE IT RESOLVED by Milford City Council, that Resolution 2024-25 is hereby approved and adopted this 9th day of December 2024.

Mayor F. Todd Culotta

City Clerk Katrina L. White



DATA SHEET FOR MAVIS DISCOUNT TIRES

Development Advisory Committee: August 21, 2024

Planning Commission Meeting: December 17, 2024

Application Number / Name	:	24-024 / Mavis Discount Tires
Applicant	:	LC Management, LLC 105 Foulk Road Wilmington, DE 19803
Owner	:	Shawneeoutparcel, LLC 105 Foulk Road Wilmington, DE 19803
Application Type	:	Preliminary Conditional Use Site Plan
Comprehensive Plan Designation	:	Commercial
Zoning District	:	C-3 (Highway Commercial District)
Present Use	:	Vacant Land
Proposed Use	:	Car Repair Shop
Area and Location	:	1.63 +/- acres of land located along the east side of Lexus Drive within the Cypress Hall Commercial Shopping Center, approximately 260 feet south of the Cypress Hall Boulevard intersection.
Property Identification Numbers	:	1-30-3.00-261.04

ENC: Staff Analysis Report
Exhibit A - Location & Zoning Map
Preliminary Site Plan

STAFF REPORT
November 6, 2024

Application Number / Name	:	19-007 / Mavis Discount Tires
Tax Map & Parcel	:	1-30-3.00-261.04
Size and Location	:	1.63 +/- acres of land located along the east side of Lexus Drive within the Cypress Hall Commercial Shopping Center, approximately 260 feet south of the Cypress Hall Boulevard intersection.

I. BACKGROUND INFORMATION:

- The subject parcel is Parcel 2 of the recorded Cypress Hall Commercial subdivision, which was approved by City Council on June 27, 2011.
- The applicant proposes to construct a 6,979 square foot “automotive repair” business as shown on the provided site plan. The site will gain access via Lexus Drive.
- Chapter 230-14(C)(2) states “automotive repair” is a conditional use subject to special requirements set forth 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 for the Preliminary Conditional Use Site Plan:

- The Preliminary Site Plan application meets all use and area regulations set forth in Chapter 230 Zoning.
- The plans have been reviewed for general compliance with the City’s Standard Construction Specifications by the Public Works Department. See enclosed review letter from the City Engineer.
- The applicant has not provided an interconnection with the adjoining parcels. The entrance at the northwest corner of the parcel will only serve the property to the north for future development. The City will require a cross-access easement in favor of the parcel to the north be recorded on the final site plan.

- Per Chapter 230-14(C)(2), an automotive repair business is subject to the following conditions, which are listed on the cover sheet;
 - All facilities shall be located and all services shall be conducted on the lot.
 - All repair work shall be conducted within an entirely enclosed building.
 - No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.
 - No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
 - No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
 - Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.
- Evaluation based on the criteria found under Chapter 230-48 Conditional Uses.

A. The presence of adjoining similar uses.

The property is surrounded by developing commercial uses. The properties to the north, west and south are zoned C-3 (Highway Commercial). The property is bounded by Route 113 to the east. The properties on the east side of Route 113 are zoned C-1 and R-1 and contain both small commercial offices and residential uses. The property to the west contains the existing Cypress Hall Commercial Shopping center. The parcels to the north and south are vacant commercial outparcels for the Cypress Hall Commercial Shopping Center.

B. An adjoining district in which the use is permitted.

The proposed use is only allowed by conditional use approval within the C-3 Highway Commercial zoning district.

C. There is a need for the use in the area proposed as established by the Comprehensive Plan.

The Comprehensive Plan designates this area as Highway Commercial. The proposed use is consistent with the land use plan for the Comprehensive Plan and addresses additional goals and objectives related to economic development and business growth.

D. There is sufficient area to screen the conditional use from adjacent different uses.

The site is located adjacent to similar commercially zoned property where screening is not necessary. The applicant has provided some screening around the trash enclosure and some trees on the site for aesthetics.

E. The use will not detract from permitted uses in the district.

The proposed use should not detract from other permitted uses in the district and the proposed use is compatible with the adjacent commercial lands and large shopping center.

- F. Sufficient safeguards, such as traffic control, parking, screening and setbacks, can be implemented to remove potential adverse influences on adjoining uses.

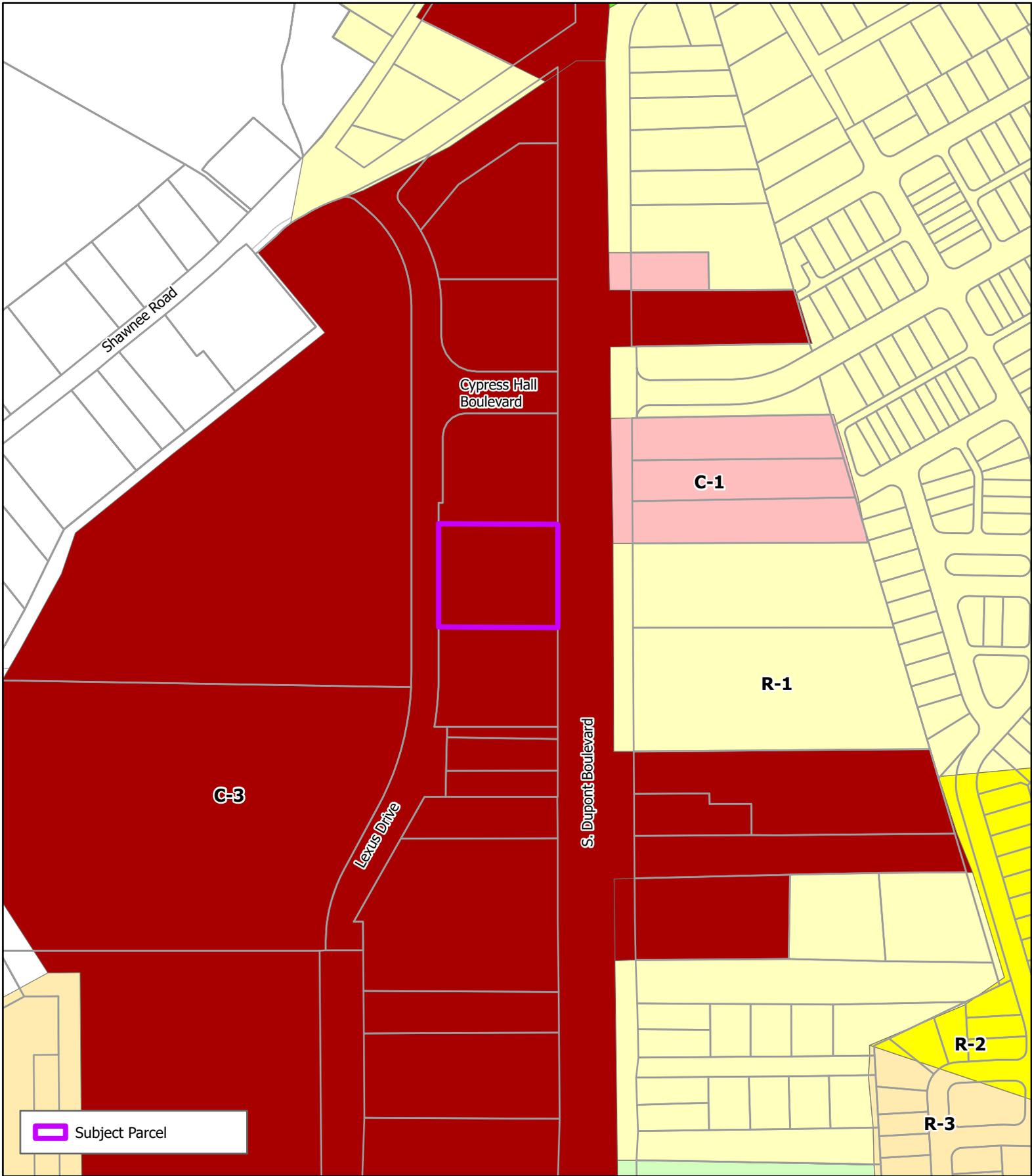
The site is located along an established City road and contains an existing entrance that was designed and installed as part of the overall commercial shopping center. The site exceeds the minimum parking standards. Landscape screening is not necessary based on the adjacent uses, however, the applicant has provided some screening around the trash enclosure.

- The following comments must be addressed prior to final site plan approval:
 - Final Site Plan approval will require approvals or no objection letters from DelDOT, the State Fire Marshal's Office and Sussex Conservation District;
 - Address Preliminary Conditional Use Site Plan review comments (a copy of which is provided in the packet);
 - Applicant must obtain final approval of engineering plans from the City Engineer; and,
 - Additional department and agency comments outlined in Section III.

III. AGENCY COMMENTS:

- **DelDOT Planning, Development Coordination**
See attached comments.
- **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**
The proposed earth disturbance exceeds the standard plan criteria; therefore, a detailed plan is required. The stormwater management design for Cypress Hall Commercial accounted for a CN value of 89 for this parcel. Please verify that the proposed project complies with the original stormwater design.
- **Delaware State Fire Marshal's Office**
See attached comments.
- **Carlisle Fire Company**
No comments provided.
- **City of Milford Public Works Department, City Engineer**
See attached review comments dated August 14, 2024 and the applicant's responses.
- **City of Milford Parks and Recreation Department**
No comments provided.

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



 Subject Parcel



Scale:  Feet
0 150 300

Drawn by: WRP Date: 07/30/2024

Title:

Conditional Use Site Plan
Mavis Discount Tires
Location & Zoning Map

Filepath: SitePlan_MavisDiscountTires.aprx



ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

BECKER MORGAN GROUP, INC.

309 SOUTH GOVERNORS AVENUE
DOVER, DELAWARE 19904
302.734.7950

THE TOWER AT STAR CAMPUS
100 DISCOVERY BOULEVARD, SUITE 102
NEWARK, DELAWARE 19713
302.369.3700

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALISBURY, MARYLAND 21801
410.546.9100

3333 JAECKLE DRIVE, SUITE 120
WILMINGTON, NORTH CAROLINA 28403
910.341.7600

615 SOUTH COLLEGE STREET, SUITE 9-112
CHARLOTTE, NORTH CAROLINA 28202
980.270.9100

314 EAST MAIN STREET
CLAYTON, NORTH CAROLINA 27520
919.243.1332

www.beckermorgan.com

October 24, 2024

Mr. Rob Pierce
City of Milford Planning & Zoning
180 Vickers Drive
Milford, Delaware 19963

RE: **Summary of Proposal for Conditional Use**
MAVIS TIRE & BRAKES
Milford, Delaware
2019009.01

Dear Mr. Pierce:

The developer, Shawneeoutparcel LLC., requests that the property located on tax parcel numbers 1- 30-3.00-261.04, existing zoning C3- Highway Commercial, be granted a conditional use for the proposed use of a car repair shop in accordance with Chapter 230 Section 14 Subsection C2 of the City of Milford Municipal Code. The site currently is an undeveloped lot and the developer, Shawneeoutparcel LLC. will be seeking to construct a new 6,979 s.f. Mavis Tire Center. New curbing, parking areas, drive aisles, dumpster enclosure and landscaping will also be constructed. The relationship of the arrangement of building is north, south with site entrance from the east off of Lexus drive and fronting South Dupont Highway to the west. Adjoining properties are undeveloped pad sites within the Cypress Hall Commercial development. The new store hours of operation are as follows: 8am-6:30pm M-F / 8am to 8:30pm Thurs / 8am-6pm Sat / 9am-5pm Sun with 16 total staff to be employed.

Feel free to contact me with any questions or concerns,

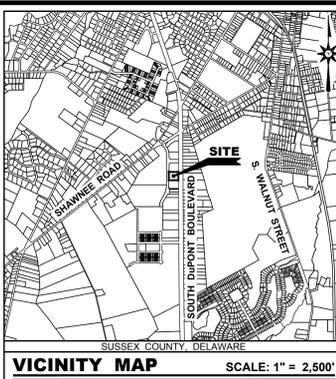
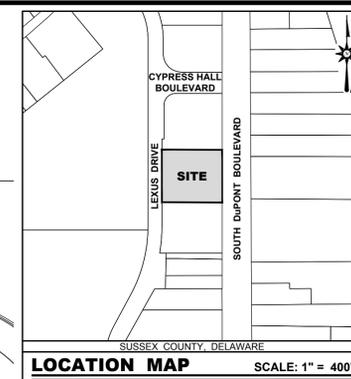
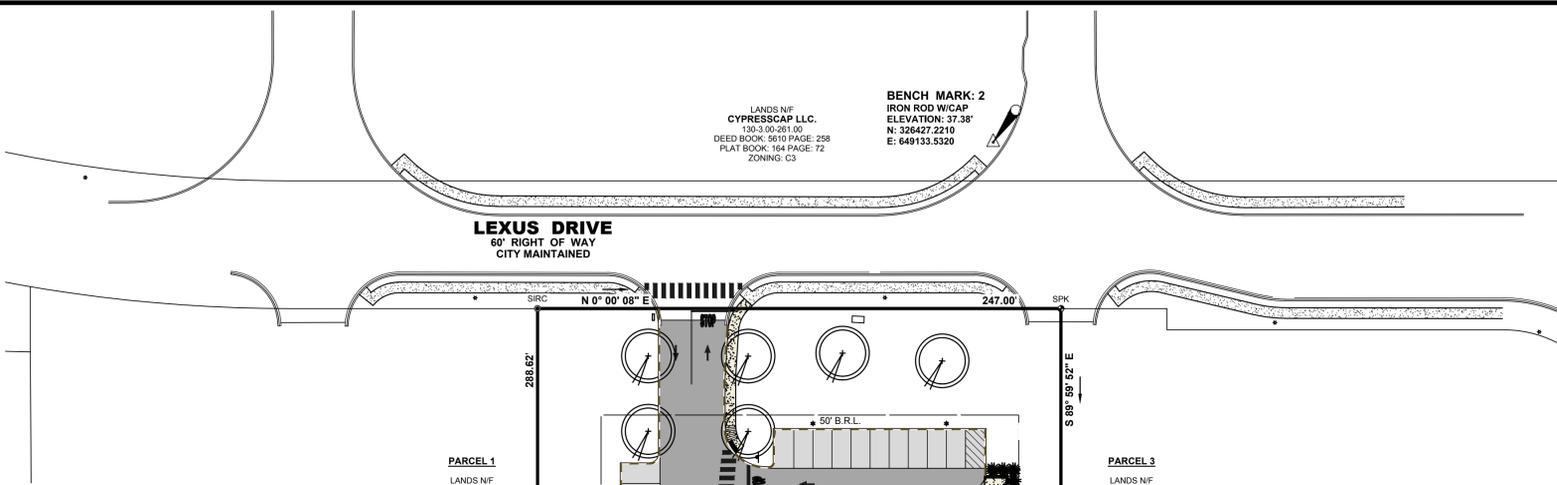
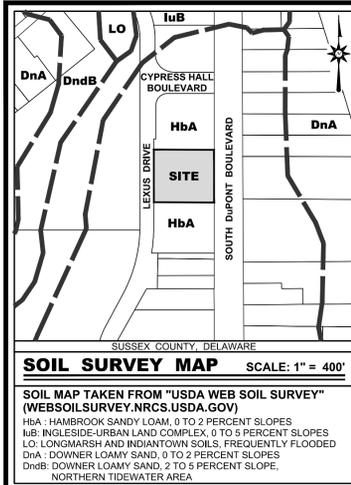
Sincerely,

BECKER MORGAN GROUP

Jonathan D. Richard, P.E.
Senior Associate

JDR/rjh

201900901aj-ltr-conduse.docx



THE PURPOSE OF THIS PLAN IS TO CONSTRUCT A NEW 6,979 S.F. BUILDING FOR A MAVIS TIRE CENTER AND DEVELOP ALL OF PARCEL 2 AS SHOWN ON THE CYPRESS HALL COMMERCIAL RECORD PLAN.

SITE DATA

- OWNER OF RECORD: SHAWNEEOUTPARCEL, LLC
105 FOULK ROAD
WILMINGTON, DE. 19803
(302) 458-1088
- ENGINEER / SURVEYOR: BECKER MORGAN GROUP INC.
309 SOUTH GOVERNORS AVENUE
DOVER, DE. 19904
(302) 374-7662
- PROPERTY MAP NUMBER: 130-3.00-261.04
- ZONING CLASSIFICATION: EXISTING: C3 / CITY OF MILFORD
PROPOSED: C3 / CITY OF MILFORD
- DEED SUMMARY: DEED BOOK: 5610 PAGE: 258
- PLAT REFERENCE: PLAT BOOK: 164 PAGE: 72
- PRESENT USE: UNDEVELOPED LOT
- PROPOSED USE: AUTOMOTIVE REPAIR
- LOT AREA: REQUIRED: 1.00 ACRES; (43,560 S.F.)
PROVIDED: 1.63 ACRES; (71,059 S.F.)
- LOT WIDTH: MINIMUM: 150'
PROVIDED: 247'
- LOT DEPTH: MINIMUM: 170'
PROVIDED: 247'
- PROPOSED BUILDING: BUILDING: 6,979 S.F.
80% MAX COVERAGE
- IMPERVIOUS COVERAGE: EXISTING: 1.163 S.F.
PROPOSED: 29,866 S.F. (69 ACRES) OR 42% IMPERVIOUS
- PARKING CALCULATIONS: 3 SPACES PER SERVICE BAY
REQUIRED: 8 BAYS PROPOSED x 3 = 24 SPACES
PROVIDED: 28 SPACES
ACCESSIBLE PARKING SPACES: 2 SPACES
- LOADING SPACE: LOADING BERTHS: 5,000 S.F. TO 7,999 S.F. OF FLOOR AREA REQUIRES
REQUIRED: 1 LOADING SPACE
PROVIDED: 1 LOADING SPACE
- BIKE PARKING CALCULATIONS: 1 BIKE PARKING RACK PER 10 SPACES / 38 SPACES = 4 BIKE RACKS
- SETBACKS: C3 / HIGHWAY COMMERCIAL DISTRICT
FRONT: 30 FT.
SIDE: 20 FT. MINIMUM, AGGREGATE OF 50 FT.
REAR: 50 FT.
- LANDSCAPE REQUIREMENT: REQUIRED: 15 TREES
PROVIDED: 28 TREES
- BUILDING HEIGHT: PERMITTED: 35' OR THREE STORIES
PROPOSED: 22'-4"
- SOURCE OF WATER: CITY OF MILFORD
- SOURCE OF SEWER: CITY OF MILFORD
- SOURCE OF GAS: CHESAPEAKE UTILITIES
- SOURCE OF ELECTRIC: CITY OF MILFORD
- SURVEY BENCHMARK: NGS MONUMENTATION
VERTICAL: NAVD 88
HORIZONTAL: NAD 83 (2011) - CORS
- MONUMENTATION: EXISTING: 0 FOUND
PROPOSED: 4 TO BE SET
- ESTIMATED EDUS: 1.6 ACRES
- TOTAL DISTURBED AREA: 1.6 ACRES
- BUILDING CONST. TYPE: VB
- WATERSHED: UPPER MISPELLION RIVER
- SUSSEX COUNTY HUNDRED: CEDAR CREEK HUNDRED

SHEET INDEX

C-001	COVER SHEET
C-101	DEMOLITION PLAN
C-201	SITE PLAN
C-301	UTILITY PLAN
L-101	LANDSCAPE PLAN

CAR REPAIR CONDITIONS:

AUTOMOTIVE REPAIR, SUBJECT TO THE FOLLOWING SPECIAL REQUIREMENTS:

- ALL FACILITIES SHALL BE LOCATED AND ALL SERVICES SHALL BE CONDUCTED ON THE LOT
- ALL REPAIR WORK SHALL BE CONDUCTED WITHIN AN ENTIRELY ENCLOSED BUILDING
- NO EQUIPMENT FOR THE SERVICE OF GASOLINE OR OIL SHALL BE PLACED CLOSER TO ANY STREET OR PROPERTY LINE THAN 20 FEET
- NO PORTION OF SUCH STRUCTURE OR ITS EQUIPMENT SHALL BE LOCATED WITHIN 500 FEET OF THE PREMISES OF ANY SCHOOL, HOSPITAL, CHURCH OR PUBLIC RECREATION BUILDING
- NO SERVICE STATION SHALL BE LOCATED WITHIN 800 FEET OF ANOTHER SERVICE STATION ON THE SAME SIDE OF THE STREET WITHIN THE SAME BLOCK
- ANY SUCH USE SHALL BE PERMITTED ONLY WHERE IT IS DETERMINED THAT IT WILL NOT MATERIALLY INTERFERE WITH THE MAIN PEDESTRIAN MOVEMENT ON CONJUNCTION WITH A COMPACT RETAIL AREA

CITY OF MILFORD APPROVAL

MARK WHITFIELD _____ CITY MANAGER _____ DATE _____

CITY PLANNING DEPARTMENT APPROVAL

PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE MOST RECENTLY ADOPTED AND/OR CERTIFIED VERSIONS OF THE CITY OF MILFORD'S CODE OF ORDINANCES AND COMPREHENSIVE LAND USE PLAN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

CITY ENGINEER APPROVAL

CONSTRUCTION IMPROVEMENTS PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE CITY OF MILFORD'S STANDARD SPECIFICATIONS FOR INSTALLATION OF UTILITY CONSTRUCTION PROJECTS AND SUBDIVISION PAVEMENT DESIGN. THE OWNER AND THEIR ENGINEER AND/OR SURVEYOR ASSUME ALL RESPONSIBILITY FOR THE DESIGN AS CONTEMPLATED HEREIN AND ACCURACY OF ALL INFORMATION SHOWN HEREON.

CITY ENGINEER _____ DATE _____

OWNERS CERTIFICATION

WE, SHAWNEEOUTPARCEL LLC, HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE _____ DATE _____

ENGINEERS CERTIFICATION

I, JONATHAN D. RICHARD, P.E. HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE DESIGN INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

JONATHAN D. RICHARD _____ P.E. NO. 19832 _____ DATE _____

LEGEND

ITEM	EXISTING	PROPOSED	ITEM	EXISTING	PROPOSED
CONCRETE CURB & GUTTER	[Symbol]	[Symbol]	SANITARY GRAVITY SEWER LINE (S) SIZE & FLOW DIRECTION	[Symbol]	[Symbol]
CONCRETE SIDEWALK, SLAB / PAVING	[Symbol]	[Symbol]	SANITARY SEWER FORCE MAIN (F.M.) SIZE & FLOW DIRECTION	[Symbol]	[Symbol]
IMPERVIOUS SURFACED ROAD, DRIVE OR PARKING LOT	[Symbol]	[Symbol]	SANITARY SEWER MANHOLE (S.S.M.H.)	[Symbol]	[Symbol]
INDIVIDUAL TREE OR BUSH	[Symbol]	[Symbol]	SANITARY SEWER CLEANOUT (C.O.)	[Symbol]	[Symbol]
WIRE FENCE	[Symbol]	[Symbol]	WATER MAIN & SIZE	[Symbol]	[Symbol]
CHAIN-LINK FENCE	[Symbol]	[Symbol]	FIRE HYDRANT (F.H.)	[Symbol]	[Symbol]
STOCKADE FENCE	[Symbol]	[Symbol]	WATER VALVE (W.V.) OR METER (W.M.)	[Symbol]	[Symbol]
STRUCTURE (CONCRETE, WOOD, METAL, ETC.)	[Symbol]	[Symbol]	STORM DRAIN MANHOLE (S.D.M.H.)	[Symbol]	[Symbol]
DRAINAGE DITCH OR SWALE	[Symbol]	[Symbol]	STORM DRAIN LINE (CMP, RCP, HDPE)	[Symbol]	[Symbol]
WETLAND BOUNDARY LINE	[Symbol]	[Symbol]	CATCH BASIN (C.B.)	[Symbol]	[Symbol]
CONTOUR	[Symbol]	[Symbol]	UTILITY POLE W/ OVERHEAD SERVICE (TELEPHONE (O.T.), ELECTRIC (O.E.))	[Symbol]	[Symbol]
ELEVATION SPOT SHOT	[Symbol]	[Symbol]	UNDERGROUND ELECTRIC (U.E.)	[Symbol]	[Symbol]
BENCHMARK	[Symbol]	[Symbol]	UNDERGROUND TELEPHONE (U.T.)	[Symbol]	[Symbol]
PROPERTY OR RIGHT-OF-WAY LINE	[Symbol]	[Symbol]	UNDERGROUND GAS MAIN (G)	[Symbol]	[Symbol]
CENTERLINE	[Symbol]	[Symbol]			
LIGHT POLE	[Symbol]	[Symbol]			

CITY OF MILFORD GENERAL NOTES:

- TOPOGRAPHIC SURVEY DATA SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, DOVER, DE, IN JANUARY 2019 VERTICAL DATUM IS BASED ON NAVD 88. HORIZONTAL DATUM IS BASED ON DELAWARE STATE PLANE NAD 83, GPS DERIVED FROM N.G.S. HORIZONTAL CONTROL MONUMENTS.
- THE BOUNDARY DATA SHOWN HEREON WAS COMPILED FROM A FIELD RUN SURVEY PERFORMED BY BECKER MORGAN GROUP, INC., DOVER, DE, IN SEPTEMBER 2024.
- THE BOUNDARY LINES PORTRAYED HEREON HAVE BEEN ESTABLISHED BASED SOLELY ON PHYSICAL EVIDENCE DISCOVERED IN THE FIELD IN CONJUNCTION WITH DETERMINATIONS DERIVED FROM SOURCE OF TITLE AND ADJACENT DEED RECORD INFORMATION.
- 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.
- 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.
- USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL FOR BACKFILLING TRENCHES.
- 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.
- 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.
- 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.
- 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 THROUGH AT ALL VALVE JOINTS WITH APPROVED WATER-TIGHT CONNECTORS. TRACER WIRE SHALL BE ACCESSIBLE AT ALL VALVE BOXES, METER PITS, CLEANOUTS, AND AIR RELEASE VALVES.
- PRIOR TO ISOLATION AND CUT-IN PROCEDURES, CONTRACTOR SHALL EXCAVATE, LOCATE, AND OBSERVE FUNCTION OF ALL EXISTING VALVES TO ASSIST IN THE SYSTEM ISOLATION.
- SHOP DRAWINGS FOR ANY ITEMS 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).
- 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.
- 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.

CITY OF MILFORD GENERAL NOTES:

- 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 ENCASED THE PIPE IN CONCRETE.
- FINAL APPROVAL FROM THE CITY SHALL BE VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERTAKEN WITHIN EIGHTEEN (18) MONTHS OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.
- THE APPLICANT IS RESPONSIBLE TO ENSURE 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.
- 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 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:
 - PROPERTY MONUMENTS/MARKERS;
 - 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 VALVES, 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.
- 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.
- BECKER MORGAN GROUP CERTIFIES THAT THERE ARE NO WELLED-HAD PROTECTION AREAS LOCATED WITHIN THE IMPROVED AREA.
- BECKER MORGAN GROUP CERTIFIES THAT THERE ARE NO FRESH WATER WETLANDS LOCATED WITHIN THE IMPROVED AREA.

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.

29. 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.

CITY OF MILFORD GENERAL NOTES:

- PRELIMINARY APPROVAL FROM PLANNING COMMISSION SHALL BE VOID AFTER 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.
- THE APPROVAL OF A CONDITIONAL USE IN CONJUNCTION WITH A SITE PLAN APPLICATION SHALL EXPIRE UPON EXPIRATION OF THE ASSOCIATED SITE PLAN.
- FINAL APPROVAL FROM THE CITY SHALL BE VOID IF THE FINAL RECORD PLAT IS NOT RECORDED WITHIN 90 DAYS OF THE DATE OF PLANNING COMMISSION'S GRANTING OF FINAL APPROVAL. IF CONSTRUCTION OF THE APPROVED IMPROVEMENTS IS NOT SUBSTANTIALLY UNDERTAKEN WITHIN EIGHTEEN (18) MONTHS OF FINAL SITE PLAN APPROVAL, THE SITE PLAN APPROVAL SHALL BE VOID. THE APPLICANT MAY REQUEST A ONE (1) YEAR EXTENSION FROM THE PLANNING COMMISSION FOR GOOD CAUSE.
- THE APPLICANT IS RESPONSIBLE TO ENSURE 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.
- 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 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:
 - PROPERTY MONUMENTS/MARKERS;
 - 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 VALVES, 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.
- 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.
- BECKER MORGAN GROUP CERTIFIES THAT THERE ARE NO WELLED-HAD PROTECTION AREAS LOCATED WITHIN THE IMPROVED AREA.
- BECKER MORGAN GROUP CERTIFIES THAT THERE ARE NO FRESH WATER WETLANDS LOCATED WITHIN THE IMPROVED AREA.

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover, DE
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3333 Jaeckle Drive, Suite 120
Wilmington, North Carolina 28403
Ph. 910.341.7600
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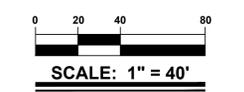
www.beckermorgan.com



MAVIS TIRES & BRAKES

LEXUS DRIVE
TOWN OF MILFORD
SUSSEX COUNTY, DE.

PRELIMINARY SITE PLAN



ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	10/07/24	PLAN REVISED PER CITY OF MILFORD COMMENTS

PROJECT NO.: 201909.00
DATE: 06/14/2024
SCALE: 1" = 20'
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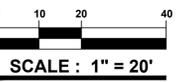
PROJECT TITLE

MAVIS TIRES & BRAKES

LEXUS DRIVE
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

SITE PLAN



ISSUE BLOCK

MARK	DATE	DESCRIPTION
1	10/07/24	PLAN REVISED PER CITY OF MILFORD COMMENTS

PROJECT NO.: 2019009.00

DATE: 02/06/2019

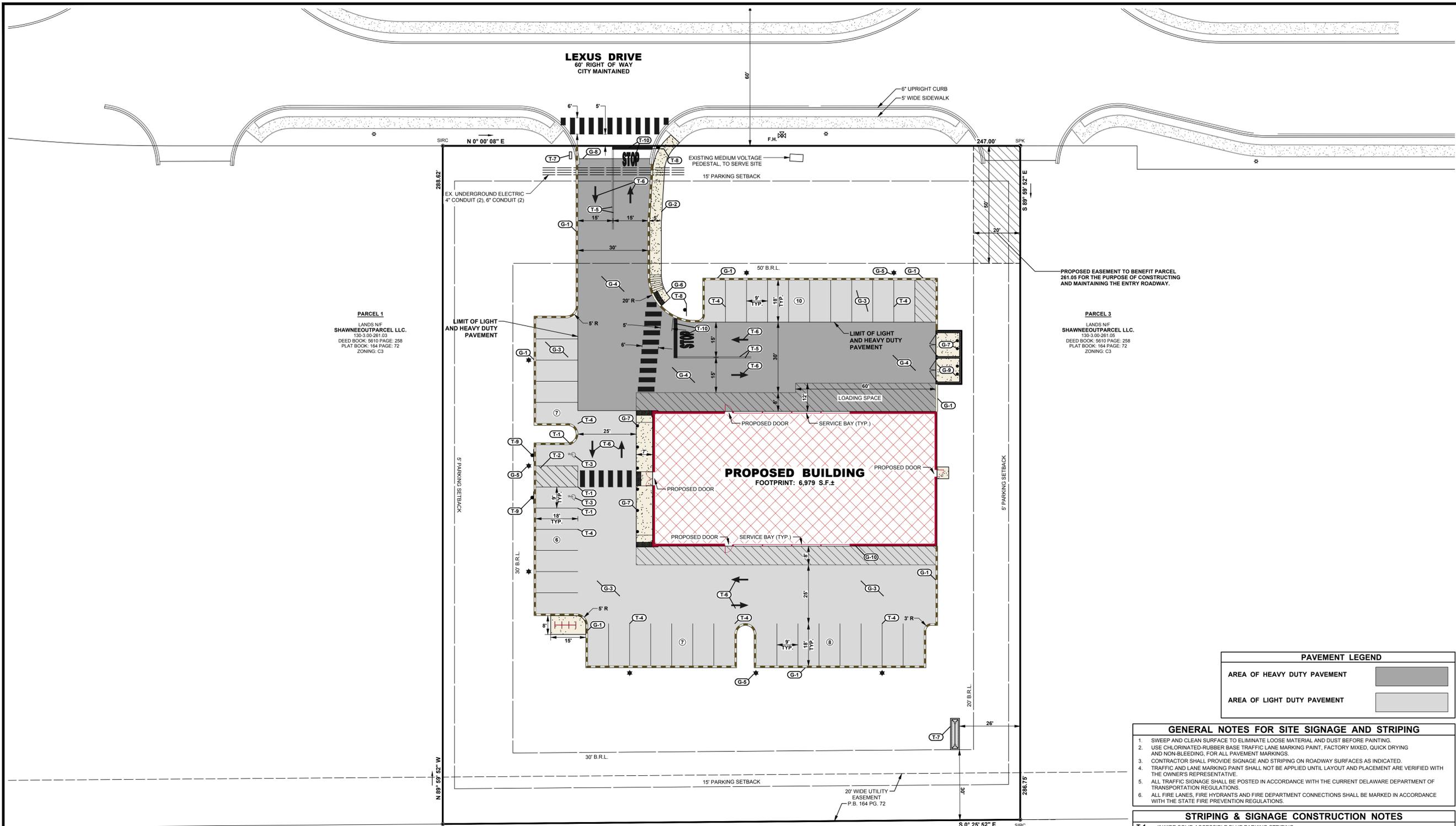
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PARCEL 1
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130-3.00-261.03
DEED BOOK: 5610 PAGE: 258
PLAT BOOK: 164 PAGE: 72
ZONING: C3

PARCEL 3
LANDS W/F
SHAWNEEOUTPARCEL LLC.
130-3.00-261.05
DEED BOOK: 5610 PAGE: 258
PLAT BOOK: 164 PAGE: 72
ZONING: C3

PAVEMENT LEGEND

AREA OF HEAVY DUTY PAVEMENT	
AREA OF LIGHT DUTY PAVEMENT	

GENERAL NOTES FOR SITE SIGNAGE AND STRIPING

- SWEEP AND CLEAN SURFACE TO ELIMINATE LOOSE MATERIAL AND DUST BEFORE PAINTING.
- USE CHLORINATED-RUBBER BASE TRAFFIC LANE MARKING PAINT, FACTORY MIXED, QUICK DRYING AND NON-BLEEDING, FOR ALL PAVEMENT MARKINGS.
- CONTRACTOR SHALL PROVIDE SIGNAGE AND STRIPING ON ROADWAY SURFACES AS INDICATED.
- TRAFFIC AND LANE MARKING PAINT SHALL NOT BE APPLIED UNTIL LAYOUT AND PLACEMENT ARE VERIFIED WITH THE OWNER'S REPRESENTATIVE.
- ALL TRAFFIC SIGNAGE SHALL BE POSTED IN ACCORDANCE WITH THE CURRENT DELAWARE DEPARTMENT OF TRANSPORTATION REGULATIONS.
- ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

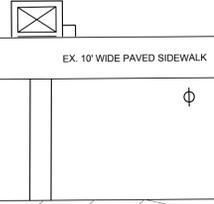
STRIPING & SIGNAGE CONSTRUCTION NOTES

- T-1 4" WIDE SOLID ACCESSIBLE BLUE PARKING STRIPING
- T-2 4" WIDE ACCESSIBLE BLUE CROSS-HATCHED STRIPING @ 45°, 2' O.C. SPACING STRIPING (TYP.). SEE DETAIL, SHEET C-901
- T-3 PAINTED HANDICAP ACCESSIBLE SYMBOL. PAINT HANDICAP ACCESSIBLE BLUE (TYP.). SEE DETAIL, SHEET C-901
- T-4 4" WIDE SOLID WHITE PARKING STRIPING (TYP.)
- T-5 PROPOSED PAINTED STRIPING - 4" WIDE SOLID WHITE LINE.
- T-6 PROPOSED EPOXY PAINTED DIRECTIONAL TRAFFIC ARROWS.
- T-7 PROPOSED PYLON SIGN AND / OR DIRECTIONAL SIGN. SEE MAVIS STANDARDS, FOR DETAILS.
- T-8 PROPOSED 'STOP' SIGN. SEE DETAIL SHEET C-901.
- T-9 PROPOSED 'ACCESSIBLE' PARKING SIGN AND CONCRETE POLE BOLLARD. SEE DETAIL SHEET C-901.
- T-10 PROPOSED 24" WIDE WHITE EPOXY PAINTED STOP LINE AND STOP TEXT. SEE DETAIL SHEET C-902.

GENERAL CONSTRUCTION NOTES

- G-1 INSTALL INTEGRAL P.C.C. CURB TYPE 1 - 6" MODIFIED SEE DETAIL SHEET C-901.
- G-2 INSTALL 4" THICK, 5' WIDE CONCRETE SIDEWALK. SEE DETAIL SHEET C-901.
- G-3 FINE GRADE WITH GABC UP TO ASPHALT PAVEMENT SUBGRADE AND INSTALL LIGHT DUTY BITUMINOUS PAVEMENT PER DETAIL, SHEET C-902.
- G-4 FINE GRADE WITH GABC UP TO ASPHALT PAVEMENT SUBGRADE AND INSTALL HEAVY DUTY BITUMINOUS PAVEMENT PER DETAIL, SHEET C-902.
- G-5 PROPOSED PARKING LOT LIGHT LOCATIONS SHOWN HEREON ARE FOR PICTORIAL PURPOSE ONLY. CONTRACTOR TO REFER TO THE LIGHTING PLAN "BY OTHERS", FOR ALL INFORMATION REGARDING THE LIGHTING INSTALLATION.
- G-6 PROPOSED CURB RAMP. SEE DETAILS SHEET C-901.
- G-7 INSTALL 6" CONCRETE FILLED STEEL PIPE BOLLARD. SEE DETAIL SHEET C-901 (6 TOTAL) AND DETAIL SHEET C-904 TRASH ENCLOSURE DETAIL (4 TOTAL).
- G-8 CONTRACTOR TO SAW CUT AND REMOVE ONLY THE NECESSARY CONCRETE / BITUMINOUS PAVEMENT FOR CONSTRUCTION AND TO MATCH EXISTING PAVEMENT PER TIE-IN DETAIL. SEE SHEET C-901.
- G-9 INSTALL REINFORCED CONCRETE PAD AND DUMPSTER ENCLOSURE AT LOCATION SHOWN. SEE DETAIL SHEET C-904.

- THE EXISTING MEDIUM VOLTAGE PEDESTAL LOCATED ON THE WEST SIDE OF THE MAVIS SITE WILL PROVIDE SERVICE TO THE PROPOSED BUILDING.
- 4" CONDUIT (2) AND 6" CONDUIT (2) HAVE BEEN INSTALLED UNDER THE ENTRANCE TO SERVE THE SITE.
- CONTRACTOR TO BACKFILL ALL UNDERGROUND PIPE RUNS IN ACCORDANCE WITH THE TRENCH BACKFILL AND PIPE BEDDING DETAIL (D-1) AS SHOWN ON DETAIL SHEET C-903.

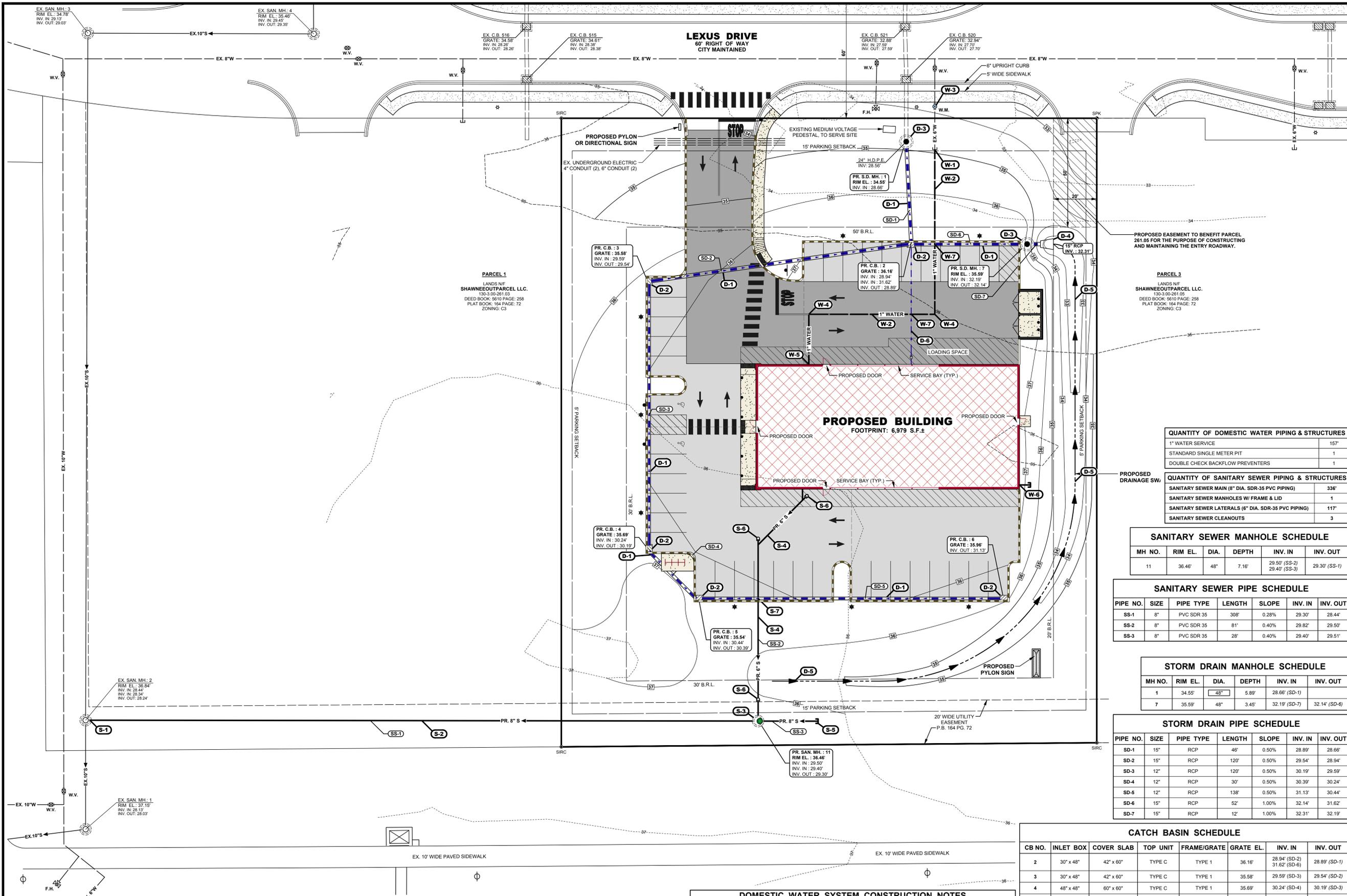


EX. 10' WIDE PAVED SIDEWALK

EX. 10' WIDE PAVED SIDEWALK

SOUTH DuPONT BOULEVARD
205' RIGHT OF WAY
SCR 113, OTHER PRINCIPAL ARTERIAL
STATE MAINTAINED

EDGE OF ROADWAY
EDGE OF TRAVEL LANE



QUANTITY OF DOMESTIC WATER PIPING & STRUCTURES

1" WATER SERVICE	157'
STANDARD SINGLE METER PIT	1
DOUBLE CHECK BACKFLOW PREVENTERS	1

QUANTITY OF SANITARY SEWER PIPING & STRUCTURES

SANITARY SEWER MAIN (8" DIA. SDR-35 PVC PIPING)	336'
SANITARY SEWER MANHOLES W/ FRAME & LID	1
SANITARY SEWER LATERALS (6" DIA. SDR-35 PVC PIPING)	117'
SANITARY SEWER CLEANOUTS	3

SANITARY SEWER MANHOLE SCHEDULE

MH NO.	RIM EL.	DIA.	DEPTH	INV. IN	INV. OUT
11	36.46'	48"	7.16'	29.50' (SS-2) 29.40' (SS-3)	29.30' (SS-1)

SANITARY SEWER PIPE SCHEDULE

PIPE NO.	SIZE	PIPE TYPE	LENGTH	SLOPE	INV. IN	INV. OUT
SS-1	8"	PVC SDR 35	308'	0.28%	29.30'	28.44'
SS-2	8"	PVC SDR 35	81'	0.40%	29.82'	29.50'
SS-3	8"	PVC SDR 35	28'	0.40%	29.40'	29.51'

STORM DRAIN MANHOLE SCHEDULE

MH NO.	RIM EL.	DIA.	DEPTH	INV. IN	INV. OUT
1	34.55'	48"	5.89'	28.66' (SD-1)	
7	35.59'	48"	3.45'	32.19' (SD-7)	32.14' (SD-6)

STORM DRAIN PIPE SCHEDULE

PIPE NO.	SIZE	PIPE TYPE	LENGTH	SLOPE	INV. IN	INV. OUT
SD-1	15"	RCP	46'	0.50%	28.89'	28.66'
SD-2	15"	RCP	120'	0.50%	29.54'	28.94'
SD-3	12"	RCP	120'	0.50%	30.19'	29.59'
SD-4	12"	RCP	30'	0.50%	30.39'	30.24'
SD-5	12"	RCP	138'	0.50%	31.13'	30.44'
SD-6	15"	RCP	52'	1.00%	32.14'	31.62'
SD-7	15"	RCP	12'	1.00%	32.31'	32.19'

CATCH BASIN SCHEDULE

CB NO.	INLET BOX	COVER SLAB	TOP UNIT	FRAME/GRATE	GRATE EL.	INV. IN	INV. OUT
2	30" x 48"	42" x 60"	TYPE C	TYPE 1	36.16'	28.94' (SD-2) 31.62' (SD-6)	28.89' (SD-1)
3	30" x 48"	42" x 60"	TYPE C	TYPE 1	35.58'	29.59' (SD-3)	29.54' (SD-2)
4	48" x 48"	60" x 60"	TYPE C	TYPE 1	35.69'	30.24' (SD-4)	30.19' (SD-3)
5	48" x 48"	60" x 60"	TYPE C	TYPE 1	35.54'	30.44' (SD-5)	30.39' (SD-4)
6	24" x 34"			TYPE 1	35.96'		31.13' (SD-5)

- FIRE MARSHAL GENERAL NOTES**
- ALL FIRE LINES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS (DSPFR).
 - ADDRESS NUMBERS OF AT LEAST 12 INCHES IN HEIGHT MUST BE PLACED ON THE STREET SIDE OF THE BUILDING VISIBLE FROM THE STREET.
 - ANY NATURAL OF LP GAS BOTTLES, METERS, REGULATORS, ETC. MUST HAVE IMPACT PROTECTION.
 - ANY GAS FIRED HVAC EQUIPMENT MUST BE EQUIPPED WITH EMERGENCY CUT OFF SWITCHES REMOTELY LOCATED.
 - AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.
 - OCCUPANCY DEFINITION PER NFPA 101, BUSINESS
 - CONSTRUCTION TYPE PER NFPA 220, TYPE VB

- DOMESTIC WATER SYSTEM CONSTRUCTION NOTES**
- W-1** CONTRACTOR TO CONNECT THE PROPOSED 1" COPPER DOMESTIC WATER SERVICE TO THE EXISTING 6" WATER STUB PROVIDED AT THE LOCATION SHOWN.
 - W-2** INSTALL 1" S.D.R. 9 POLYETHYLENE WITH #12 SOLID STRAND COATED TRACER WIRE (48" MIN. COVER) SEE BUILDING PLUMBING PLANS.
 - W-3** INSTALL STANDARD SINGLE METER PIT. PURCHASE TO BE COORDINATED WITH THE CITY OF MILFORD PUBLIC WORKS DEPARTMENT. SEE DETAIL SHEET C-903.
 - W-4** INSTALL 1"x1" ELBOW AT LOCATION SHOWN.
 - W-5** LEAD FREE, DOUBLE CHECK BACKFLOW PREVENTERS SHALL BE INSTALLED ON EACH INDIVIDUAL POTABLE WATER SERVICE, INSIDE THE BUILDINGS. APPROVED MANUFACTURERS ARE APOLLO VALVES AND WATTS WATER TECHNOLOGIES. THESE DEVICES SHALL BE OWNED BY THE PROPERTY OWNER BUT THE CITY SHALL HAVE THE RIGHT TO INSPECT THEM AND THEIR MAINTENANCE RECORDS AS THEY MAY FIND NECESSARY.
 - W-6** INSTALL IRRIGATION LINE WITH IRRIGATION WATER METER AT LOCATION SHOWN, REFER TO IRRIGATION PLAN BY OTHERS FOR ALL INFORMATION REGARDING THE IRRIGATION INSTALLATION.
 - W-7** DEFLECT WATER SERVICE UNDER OTHER UTILITIES WHERE IN CONFLICT (TYP.). MAINTAIN MINIMUM 48" COVER AND 18" VERTICAL SEPARATION FROM OTHER UTILITIES. SEE DETAIL SHEET C-902.

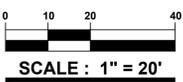
- STORM SEWER CONSTRUCTION NOTES**
- D-1** INSTALL PROPOSED STORM DRAIN PIPE (TYP.). SEE THIS SHEET FOR PIPE SCHEDULES FOR PIPE SIZES, MATERIALS AND INVERTS.
 - D-2** INSTALL PROPOSED STORM DRAIN CATCH BASIN (TYP.). SEE THIS SHEET FOR CATCH BASIN SCHEDULES FOR TYPE, SIZE, GRATE AND INVERTS.
 - D-3** INSTALL PROPOSED STORM DRAIN MANHOLE WITH FRAME AND COVER AT THE INVERTS AND ELEVATIONS SHOWN HEREON (TYP.). SEE PRECAST CONCRETE MANHOLE DETAIL, SHEETS C-902.
 - D-4** PROPOSED FLARED END SECTION, SIZE AND MATERIAL TO MATCH CONNECTING PIPE (TYP.). INSTALL SAFETY GRATE ON UPSTREAM END OF ALL FLARED END SECTIONS. SEE DETAIL SHEET C-902.
 - D-5** CONSTRUCT GRASSED SWALE WITH 4" WIDE BOTTOM AND VARYING SIDE SLOPES.
 - D-6** INSTALL PROPOSED 6" DOWN SPOUT DRAINAGE SYSTEM WITH CLEAN OUT. REFER TO ARCHITECTURAL PLANS FOR TIE-IN LOCATION.
- *ALL STORM DRAIN CONNECTIONS TO BE WATER TIGHT. UTILIZE ADS WATERSTOP DETAIL FOR CONNECTING H.D.P.E. PIPE TO CONCRETE STRUCTURES.

- SANITARY SEWER CONSTRUCTION NOTES**
- S-1** CONTRACTOR TO FIELD VERIFY INVERT ELEVATION OF THE EXISTING 8" SANITARY SEWER STUB TO ASSURE POSITIVE DRAINAGE PRIOR TO THE INSTALLATION OF THE PROPOSED 8" PVC SDR 35 SANITARY SEWER MAIN.
 - S-2** INSTALL PROPOSED 8" PVC SDR 35 SANITARY SEWER MAIN AT THE LOCATION SHOWN.
 - S-3** INSTALL SANITARY SEWER MANHOLE WITH FRAME AND COVER AT THE INVERTS AND ELEVATIONS SHOWN HEREON (TYP.).
 - S-4** INSTALL A 6" PVC SDR 35 SANITARY SEWER LATERAL (1.0% MINIMUM SLOPE) WITH CLEANOUTS AT THE LOCATION SHOWN.
 - S-5** INSTALL PROPOSED 8" PVC SDR 35 SANITARY SEWER MAIN (25') AND CAP AT THE LOCATION SHOWN, TO SERVE PARCEL 3.
 - S-6** INSTALL SANITARY SEWER CLEANOUT WITH CAST IRON COVER SURROUNDED BY AN 18" DIAMETER CONCRETE PAD AT THE LOCATION SHOWN. SEE DETAIL SHEET C-901.
 - S-7** SANITARY SEWER LATERAL AND STORM DRAIN CROSSING TO MAINTAIN A MINIMUM OF 12" VERTICAL SEPARATION, OTHERWISE SEWER LATERAL SHALL BE ENCASED IN CONCRETE.

MAVIS TIRES & BRAKES

LEXUS DRIVE
TOWN OF MILFORD
SUSSEX COUNTY, DE.

UTILITY PLAN



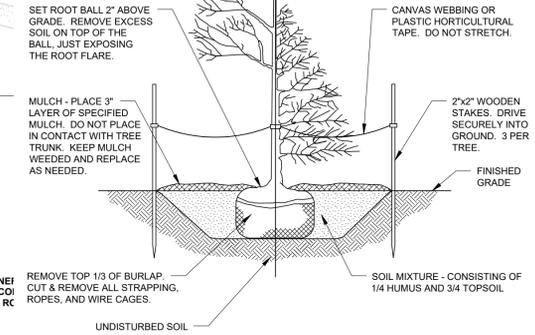
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NO.	DATE	DESCRIPTION
1	10/07/24	PLAN REVISED PER CITY OF MILFORD COMMENTS

PROJECT NO.: 2019009.00
DATE: 02/06/2019
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NOTE:
DO NOT HEAVILY PRUNE THE TREE AT PLANTING. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS, AND BROKEN OR DEAD BRANCHES. SOME INTERIOR TWIGS AND LATERAL BRANCHES MAY BE PRUNED, HOWEVER, DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN.



TREE PLANTING DETAIL

NO SCALE
BMG NO.: L-01

PLANT LIST					
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
SHADE TREES					
AR	4	ACER RUBRUM 'OCTOBER GLORY'	RED MAPLE	2-2 1/2" CAL	B&B
QB	6	QUERCUS BICOLOR	SWAMP WHITE OAK	2-2 1/2" CAL	B&B
EVERGREEN TREES					
JV	16	JUNIPERUS VIRGINIANA	EASTERN REDCEDAR	6" - 8"	B&B
TOTAL: 26 TREES					

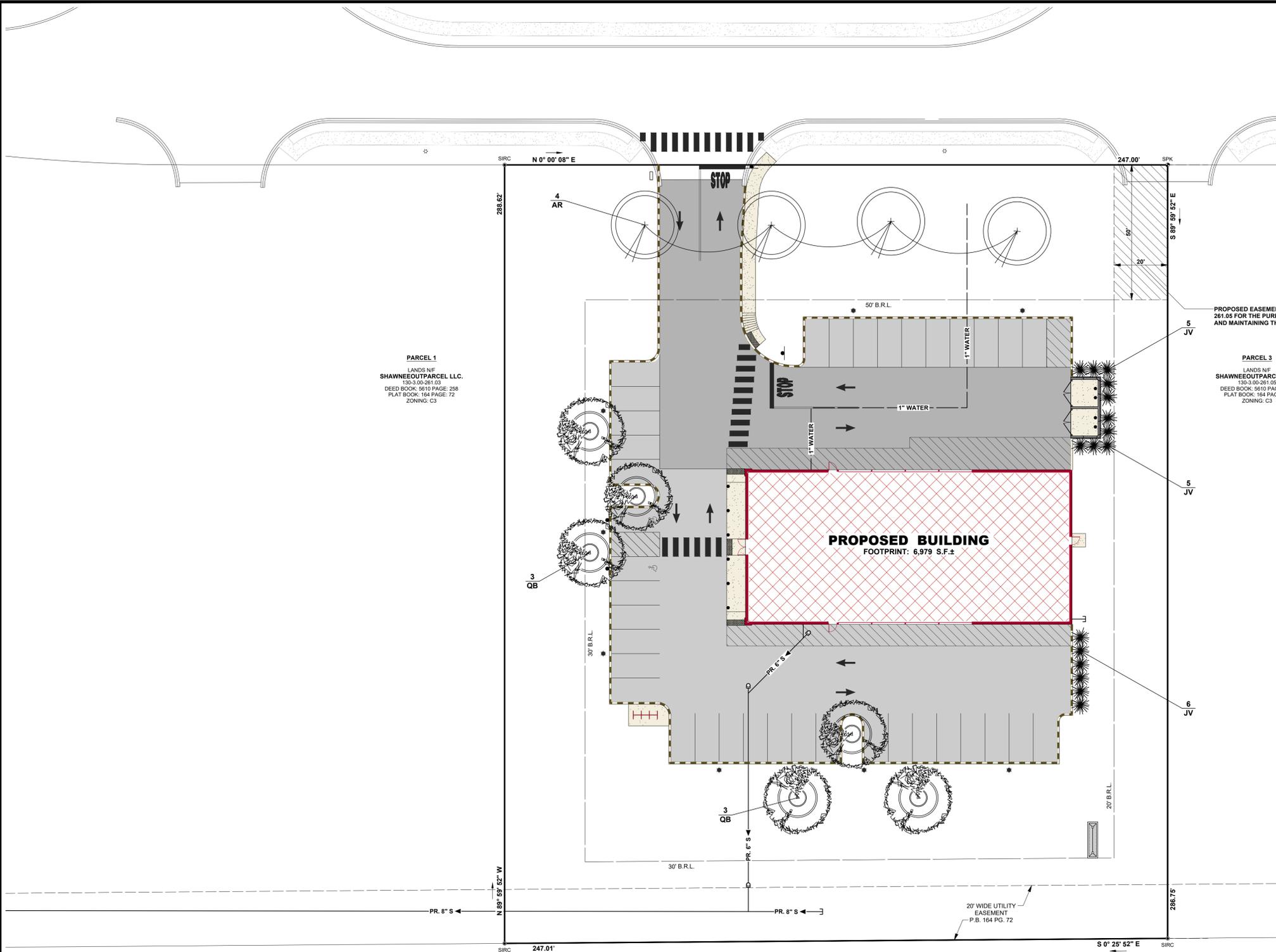
LANDSCAPE ARCHITECTS CERTIFICATION

I, CHAD D. CARTER, RLA, ASLA, HEREBY CERTIFY THAT I AM A LANDSCAPE ARCHITECT IN THE STATE OF DELAWARE. THAT THE LANDSCAPING INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF, REPRESENTS GOOD LANDSCAPING PRACTICES.

CHAD D. CARTER, RLA, ASLA S1-499 DATE

GENERAL LANDSCAPE NOTES :

- QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE DETAIL SHOWN.
PLANT MATERIALS DELIVERED TO THE SITE IN UNCOVERED TRUCKS WILL BE REJECTED.
UNACCEPTABLE PLANT MATERIALS: MATERIALS WHICH HAVE DAMAGED OR CROOKED LEADERS, DEFORMED GROWTH HABIT, ABRASIONS OF THE BARK, SUN SCALD, WINDBURN, DISFIGURING NOT COMPLETELY CALLOSED WILL BE REJECTED. IN ADDITION, TREES HAVING THEIR CENTRAL LEADERS HEADED BACK WILL ALSO BE REJECTED. PLANTS WITH LOOSE OR CRACKED ROOT BALL OR CONTAINERS WILL BE REJECTED.
- ALL PLANTS SHALL BE PLANTED IN TOPSOIL THAT IS THOROUGHLY WATERED AND TAMPED AS BACKFILLING PROGRESSES. NOTHING BUT SUITABLE TOPSOIL, FREE OF DRY SOD, STIFF CLAY, LITTER, STONES IN EXCESS OF ONE (1) INCH DIAMETER, ETC. SHALL BE USED FOR PLANTING.
MULCH FOR PLANTING BEDS SHALL BE SHREDDED HARDWOOD BARK MULCH UNLESS OTHERWISE SPECIFIED ON THE PLANS AND SHALL HAVE NO LEAVES, YOUNG GREEN GROWTH, BRANCHES, TWIGS, GREATER IN DIAMETER OF 1/2", WEEDS, SHAVINGS OR FOREIGN MATERIAL SUCH AS STONES, ETC. SHALL BE MIXED WITH THE MULCH. ALL SHRUB MASSES SHALL BE PLANTED IN CONTINUOUS MULCHED BEDS WITH A LIGHTLY COMPACTED DEPTH OF THREE (3) INCHES. ALL CONTAINER PLANTS ARE TO HAVE ROOTS CUT ON FOUR SIDES AND/ OR SPREAD OUT IN NEW SOIL MIXTURE.
- ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN AND NOTES.)
- LANDSCAPE BEDS NOT DEFINED BY CURBS, SIDEWALKS, WALLS OR OTHER STRUCTURES SHALL BE ENCLOSED BY ALUMINUM EDGING UNLESS OTHERWISE INDICATED.
- AREAS DISTURBED BY LANDSCAPE OPERATIONS SHALL BE GRADED TO MATCH EXISTING TOPSOIL AND SEED OR SOD AS REQUIRED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
- NO PLANT, EXCEPT GROUNDCOVERS, SHALL BE WITHIN THREE (3) FEET FROM SIDEWALKS.
- NO TREE SHALL BE PLANTED CLOSER THAN TEN (10) FEET FROM ANY STRUCTURE OR BUILDING.
- NO TREE SHALL BE PLANTED WITHIN TEN (10) FEET OF UNDERGROUND UTILITIES OR FIRE HYDRANTS.
- ONLY TREES THAT REACH A HEIGHT AND SIZE AT MATURITY OF SMALL TO MEDIUM SHALL BE PLANTED UNDER POWER LINES.
- THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON, UNLESS THE OWNER AGREES TO MAINTAIN AND WATER THEM.
- TREES TO REMAIN ON-SITE SHALL BE PROTECTED WITH SNOW FENCE DURING CONSTRUCTION (SEE DETAIL). SNOW FENCING TO BE MAINTAINED DURING CONSTRUCTION BY CONTRACTOR.
- THE PLANTING PLAN SHALL TAKE PRECEDENCE OVER THE PLANT SCHEDULE SHOULD ANY PLANT QUANTITY DISCREPANCIES OCCUR.
- NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER AND/ OR THE LANDSCAPE ARCHITECT.
- ALL NEW TREES SHALL BE GUARANTEED TO SURVIVE FOR ONE FULL YEAR AFTER INSTALLATION (FULL COST). ALL STAKES AND GUYS SHALL BE REMOVED FROM TREES AND SITE AS EARLY AS THREE (3) MONTHS, BUT NO LONGER THAN ONE (1) YEAR AFTER PLANTING.



PARCEL 1
LANDS W/F
SHAWNEEOUTPARCEL LLC.
130-3.00-261.03
DEED BOOK: 5610 PAGE: 258
PLAT BOOK: 164 PAGE: 72
ZONING: C3

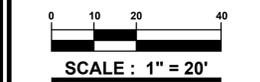
PARCEL 3
LANDS W/F
SHAWNEEOUTPARCEL LLC.
130-3.00-261.05
DEED BOOK: 5610 PAGE:
PLAT BOOK: 164 PAGE:
ZONING: C3

TREE PRESERVATION & DENSITY REQUIREMENTS	
1. EXISTING WOODLAND AREA :	0 S.F.
2. WOODLANDS TO BE CLEARED :	0 S.F.
3. TOTAL WOODLANDS REMAINING :	0 S.F.
4. TOTAL NON-WOODLAND AREA :	71,002 S.F.
5. DENSITY : 1 TREE PER 5,000 S.F. OF LOT AREA 71,002 / 5,000 S.F. / TREE = 14.2	15 TREES REQUIRED
6. EXISTING TREES TO BE RETAINED :	0
7. PROPOSED TREES :	26
8. TOTAL TREES :	26
9. TOTAL INTERIOR GREEN SPACE :	274.07 S.F.
10. DENSITY : 1 TREE PER 200 S.F. OF INTERIOR GREEN SPACE : 274.07 / 200 S.F. / TREE = 1.37	2 TREES REQUIRED
11. PROPOSED INTERIOR GREEN SPACE TREES :	2

PROJECT TITLE
MAVIS TIRES & BRAKES

PARCEL 2
TOWN OF MILFORD
SUSSEX COUNTY, DE.

LANDSCAPE PLAN



ISSUE BLOCK		
NO.	DATE	DESCRIPTION
1	10/08/24	PLAN REVISED PER CITY OF MILFORD COMMENTS
DATE: 02/06/2019		
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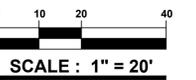
PROJECT TITLE

**MAVIS TIRES
& BRAKES**

LEXUS DRIVE
TOWN OF MILFORD
SUSSEX COUNTY, DE.

SHEET TITLE

**TRUCK TURNING
TEMPLATE**



ISSUE BLOCK

NO.	DATE	DESCRIPTION

MARK	DATE	DESCRIPTION

PROJECT NO.: 2019009.00

DATE: 06/14/2024

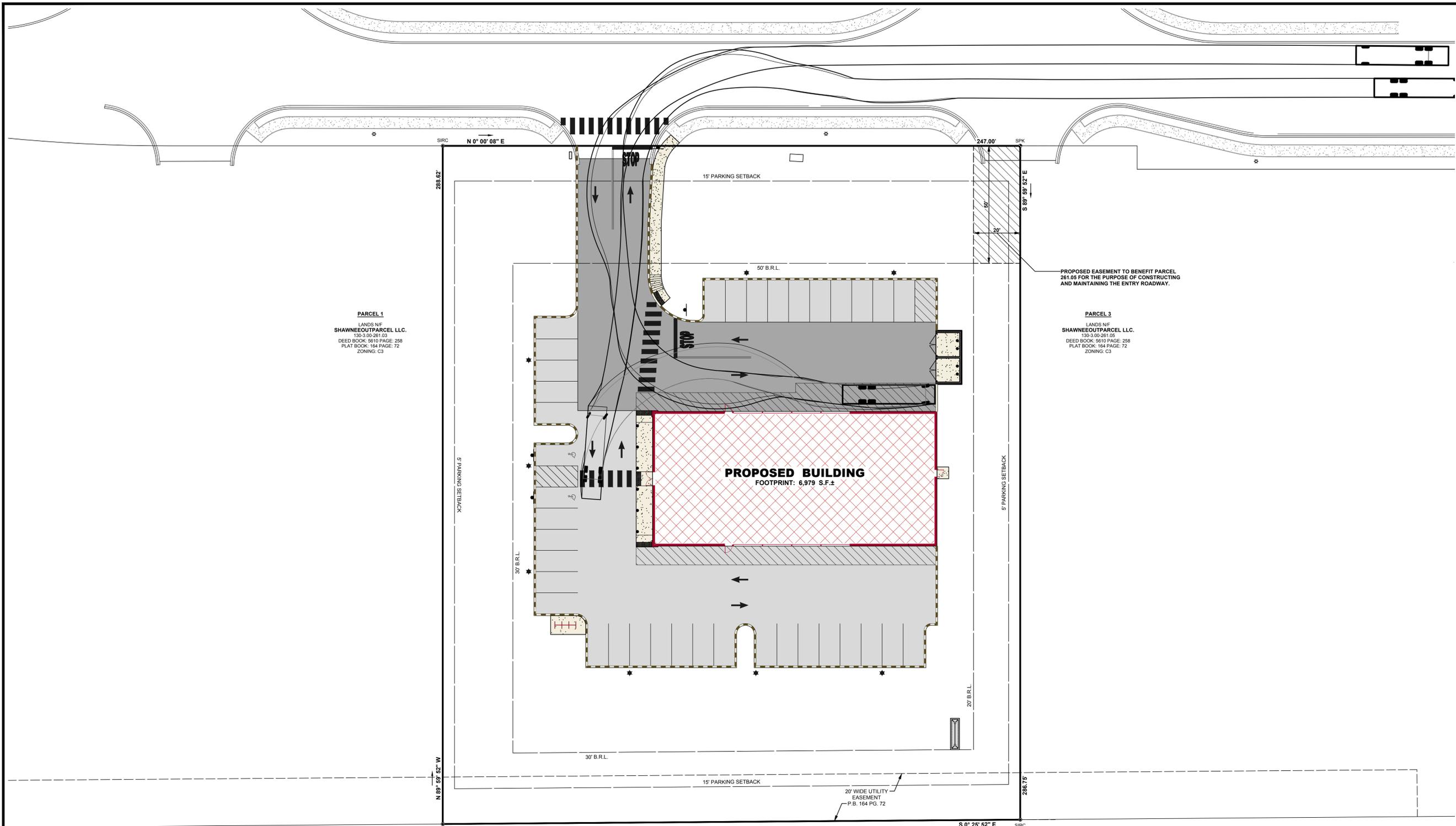
SCALE: 1" = 20'

DRAWN BY: D.S.G. PROJ. MGR.: S.T.F.

SHEET

C-001

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PARCEL 1
LANDS W/F
SHAWNEEOUTPARCEL LLC.
130-3.00-261.03
DEED BOOK: 5610 PAGE: 258
PLAT BOOK: 164 PAGE: 72
ZONING: C3

PARCEL 3
LANDS W/F
SHAWNEEOUTPARCEL LLC.
130-3.00-261.05
DEED BOOK: 5610 PAGE: 258
PLAT BOOK: 164 PAGE: 72
ZONING: C3

PROPOSED BUILDING
FOOTPRINT: 6,979 S.F.±

SOUTH DuPONT BOULEVARD
205' RIGHT OF WAY
SCR 113, OTHER PRINCIPAL ARTERIAL
STATE MAINTAINED



1 LEFT ELEVATION
A-200 SCALE: 1/8" = 1'-0"



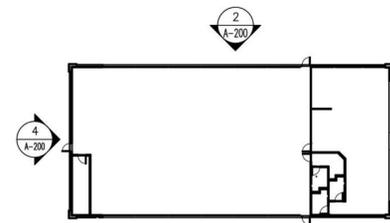
2 RIGHT ELEVATION
A-200 SCALE: 1/8" = 1'-0"



3 FRONT ELEVATION
A-200 SCALE: 1/8" = 1'-0"



4 REAR ELEVATION
A-200 SCALE: 1/8" = 1'-0"



5 KEY PLAN
A-200 SCALE: NTS

EXTERIOR MATERIALS SCHEDULE

MARK	MATERIAL	MANUFACTURER	STYLE/COLOR	NOTES
DOOR FINISHES	D-2	ALUMINUM STOREFRONT DOOR & FRAME	KAWNEER COLOR: CLEAR ANODIZED ALUMINUM	INSTALL PER MFR RECOMMENDATIONS.
	D-3	PAINT FOR GALVANIZED HM DOOR & FRAME	BENJAMIN MOORE COLOR: OC-129 ALABASTER WHITE SHEEN: SEMI-GLOSS	FINISH PER MFR RECOMMENDATIONS. PRIMER: (1) COAT- BM SUPER SPEC HP ACRYLIC PRIMER #HP04 FINISH COAT: (2) COATS- BM SUPER SPEC HP D.T.M. ACRYLIC SEMI-GLOSS #HP29
	D-4	ALUMINUM AND GLASS OH DOORS	RAYNOR GARAGE DOORS RAYNOR AV200 COLOR: CLEAR SATIN ANODIZED ALUMINUM	INSTALL PER MFR RECOMMENDATIONS. RE: SPECS FOR ADDITIONAL INFO. *DOORS AT RACKING SHALL BE FIXED AND SECURE CONTACT DH PACE: ADAM POSLOSKY, ADAM.POSLOSKY@DHPACE.COM, 816-480-2361
MISC. ITEMS	F-1	VERTICAL METAL FASCIA	ATAS MULTIPURPOSE PANELS- MPN SEMI STANDING SEAM 12" WIDE, 0.032" ALUMINUM COLOR: #19 TEAL	INSTALL PER MFR RECOMMENDATIONS.
	F-2	ALUMINUM ACCENT STRIPE	ATAS 0.032" ALUMINUM COLOR: #26 BONE WHITE	INSTALL PER MFR RECOMMENDATIONS.
	F-3	METAL ROOF COPING	ROOF MFR MATCH ROOF SYSTEM COLOR: MATCH WALL BELOW	INSTALL PER MFR RECOMMENDATIONS.
	M-3	EIFS CORNICE & BAND	DRYVT OR APPROVED EQUAL COLOR: #101 SUPER WHITE	INSTALL PER MFR RECOMMENDATIONS.
WALL FINISHES	M-4	PAINT FOR STEEL LINTELS & COLUMNS	BENJAMIN MOORE COLOR: OC-129 ALABASTER WHITE SHEEN: LOW LUSTRE	FINISH PER MFR RECOMMENDATIONS. PRIMER: (1) COAT- BM SUPER SPEC HP ACRYLIC PRIMER #HP04 FINISH COAT: (2) COATS- BM SUPER SPEC HP D.T.M. ACRYLIC LOW LUSTRE #HP25
	P-6	PAINTED SPLIT FACE BLOCK	BENJAMIN MOORE COLOR: HC-164 PURITAN GRAY SHEEN: LOW LUSTRE	FINISH PER MFR RECOMMENDATIONS. PRIMER: (1) COAT- BM ULTRA SPEC MASONRY HI-BUILD BLOCK FILLER 571 FINISH COAT: (2) COATS- BM ULTRA SPEC ELASTOMERIC LOW LUSTRE 360
	P-7	PAINTED SPLIT FACE BLOCK	BENJAMIN MOORE COLOR: OC-129 ALABASTER WHITE SHEEN: LOW LUSTRE	FINISH PER MFR RECOMMENDATIONS. PRIMER: (1) COAT- BM ULTRA SPEC MASONRY HI-BUILD BLOCK FILLER 571 FINISH COAT: (2) COATS- BM ULTRA SPEC ELASTOMERIC LOW LUSTRE 360
	P-8	STONE VENEER	DUTCH QUALITY STONE STYLE: WEATHER LEDGE COLOR: PRESTIGE	INSTALL PER MFR RECOMMENDATIONS.
	SF-1	ALUMINUM STOREFRONT SYSTEM CENTER PLANE GLAZING	KAWNEER COLOR: CLEAR ANODIZED ALUMINUM	INSTALL PER MFR RECOMMENDATIONS. INSTALL WITH 1" LOW-E INSULATED GLAZING. MAX U-FACTOR: U-0.28 MAX SHGC: 0.40
SF-2	ALUMINUM STOREFRONT SYSTEM CENTER PLANE GLAZING	KAWNEER COLOR: CLEAR ANODIZED ALUMINUM GLAZING: SPANDREL GLASS	INSTALL PER MFR RECOMMENDATIONS.	

GENERAL NOTES:
 A. ALL FINISHES ON MATERIAL SCHEDULE MAY NOT BE USED
 B. CENTER WALL LIGHTS OVER COLUMNS, DOORS & WINDOWS, ETC., AS SHOWN U.O.N.
 C. MOUNTING HEIGHT OF EXTERIOR LIGHT FIXTURE ON REAR AND SIDE ELEVATIONS TO MATCH MOUNTING HEIGHT OF LIGHT FIXTURES ON FRONT ELEVATION
 D. SIGNAGE UNDER SEPARATE PERMIT/SUBMISSION BY SIGN VENDOR.



Larson Design Group
 3000 WESTINGHOUSE DRIVE
 SUITE 400
 CRANBERRY TWP, PA 16606
 (724) 591-8562

MAVIS TIRE SUPPLY, LLC
 358 SAW MILL RIVER ROAD
 MILLWOOD, NY 10546
 (914) 984-2500

CLIENT

MARK	DATE	COMMENTS



MAVIS TIRES & BRAKES #XXX - CITY, STATE
 STREET ADDRESS, CITY, STATE XXXX

EXTERIOR ELEVATIONS

Project No.: 0000-000

Sheet No.:

A-200c



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

November 05, 2024

City of Milford
201 South Walnut Street
Milford, Delaware 19963

Attention: Rob Pierce

Subject: Mavis Discount Tire – Preliminary Site Plan
KCI Job No. 00006472_00001.013 Task 70 (*previously 131803632.24*)

Dear Mr. Pierce,

As requested, KCI Technologies reviewed the Preliminary Site Plans for the Mavis Discount Tire per the City of Milford's Standard Specifications, codes, and general engineering best practices. These plans were submitted by Becker Morgan and are dated June 14, 2024 with the first revision dated October 07, 2024.

We offer the following comments for your consideration. Please provide a point-by-point response and resubmit as Final Plans.

1. Address the comments below with regards to the site data column.
 - a. Update the owner's name to reflect the current owner. **Addressed.**
 - b. Provide the minimum required and actual lot area. **Addressed.**
 - c. Provide the minimum required and actual lot width. **Addressed.**
 - d. Provide the required number of tree plantings per Chapter 230-19.8(F)(2) and the actual number of tree plantings. **Addressed.**
 - e. Provide a minimum of two benchmarks and show them in the plans. **Addressed.**
 - f. Verify how the 3 EDUs were calculated. **Comment Remains – Estimated EDUs is blank in the Site Data Column.**
 - g. Currently, the number of parking spaces are not based on automotive repair facility. Update the parking calculation rate based on Chapter 230-21(B). **Comment Remains – The parking space labels in the Site Plan south of the site are incorrect. Correct the labels and revise the plans accordingly. In addition, 37 total parking spaces are provided in the site plan; however, the**

Employee-Owned Since 1988

number of parking spaces provided is listed as 39 parking spaces in the Data Column, revise accordingly.

- h. Provide the bicycle parking per Chapter 230-20(M) or request a waiver in writing. **Comment Remains.**
 - i. Per the City of Milford’s new requirement, provide the lot size in both acres and square feet in the Data Column. **Addressed.**
2. Label and dimension the proposed loading berth. Ensure it meets the minimum dimensions of Chapter 230-21. **Addressed.**
 3. Show all existing and proposed monuments in the plan.
 4. Provide a list of waivers and variances on the cover sheet. **Addressed with comment – Per engineer’s response, no known waivers or variances used or needed.**
 5. Provide a preliminary record plat with metes and bounds with your next submission. **Comment Remains – Provide a record plan in the final plan submission.**
 6. Provide the preliminary water and sewer utility plan with your next submission. **Addressed.**
 7. Provide preliminary storm sewer system with your next submission. **Addressed.**
 8. List the car repair conditions found under the conditional use section of Chapter 230-14(c)(2). **Addressed.**
 9. Label the cross-access easement shown at the northwest corner of the property and provide the deed reference for this easement. Is there enough room for the future drive aisle for the property to the north with the construction of the proposed drainage swale? **Addressed.**
 10. Per the City of Milford’s zoning code Chapter 230-20(L)(1), one island or peninsula (minimum 9’ x 18’) shall be provided for every 10 contiguous spaces. Adjust the parking lot design accordingly. **Addressed.**
 11. Per the City of Milford’s zoning code Chapter 230-24.16(B)(1)(c), freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 25 feet from adjacent property line. **Addressed.**
 12. Show/label the entrances to the proposed building. **Addressed.**
 13. Per City of Milford’s zoning code Chapter 230-20(c), show the required 15 feet off-street parking setback from any street line and 5 feet from any property line. **Addressed.**
 14. A minimum of one 2-1/2” caliper shade tree with a mature height of 12 feet shall be provided per every 200 square feet of interior green space within the parking lot islands per Article IV Chapter 230-20(L)(1)(d) of the City of Milford Zoning Ordinance. **Addressed.**

15. There are 20 Juniperus Virginiana listed on the Plant list, and only 17 are showing in the landscaping plans. Revise accordingly so the number of plants on the list and plans match. **Addressed.**
16. Provide a detail for heavy duty pavement and a detail for light duty pavement. **Comment Remains.**
17. Provide a lighting plan with final site plan submission for review. The lighting for the parking lot must meet the requirements of the most recent version of the Illuminating Engineering Society (IES) Standards. **Comment Remains.**
18. Provide SFMO and SCD approvals with the final site plan submission. **Comment Remains.**
19. Coordinate electric needs to the site with the Electric Department during final site plan review. **Comment Remains.**
20. All existing features should be shown in grey, and all proposed features shown in black. Revise the drawings to meet this requirement. **Addressed.**
21. Incorporate the attached General Site Plan notes. **Comment Remains – There are still some notes missing. Incorporate all notes.**
22. Provide Conditional Use written narrative per application. **Addressed.**
23. Provide a truck turning diagram with your next submission. **Addressed.**
24. Revise the cover sheet title block to refer to the Preliminary Site Plan. **Addressed.**
25. Per the Sheet Index, there are many sheets that are missing from the plan set (sheets C-301, C-401, C-501, C-502, C-503, C-901, C-902, C-903, C-904 are missing). Provide the complete plan set with your next submission. Additional comments will be provided once the additional sheets are included. **Comment Remains.**
26. Provide four-sided architectural renderings of the proposed building for the Planning Commission’s review. **Addressed.**
27. **Sanitary Sewer SS-2 is listed as 8” in the Sanitary Sewer Pipe Schedule and 6” in the plan. Correct the pipe size in the pipe schedule and revise the plan accordingly.**
28. **Provide inverts for the sanitary sewer laterals so the slope can be verified. The slope of the sanitary sewer laterals shall not be less than 2%.**
29. **Provide spot grades with your next submission so positive drainage of the parking lot and all impervious surfaces can be verified.**
30. **Per City of Milford’s checklist, minimum size for storm drain pipe is 15”. Currently, SD-3, SD-4, and SD-5 are listed as 12”, revise accordingly.**
31. **Provide a detail for the 1” Copper water service connection to the existing 6” water stub.**
32. **Provide the detail for the water meter. Sheet C-903 is not provided.**

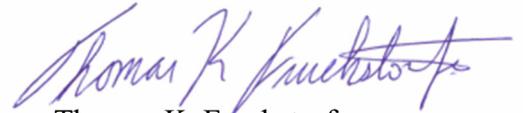
33. **Revise the Sanitary Sewer Construction Note S-4 to list the minimum slope for sanitary sewer lateral as 2% instead of 1%.**
34. **Provide storm drain profile with all utility crossings with the final submission. In addition provide the 10-yr-HGL.**

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

Sincerely,



Ardalan Faghri,
Project Designer



Thomas K. Fruehstorfer
Senior Project Manager

October 24, 2024

Mr. Rob Pierce
City of Milford Planning & Zoning
180 Vickers Drive
Milford, Delaware 19963

RE: **Preliminary Site Plan Submission**
MAVIS TIRE & BRAKES
Milford, Delaware
2019009.01

Dear Mr. Pierce:

We are hereby submitting the Preliminary Site Plan for your review and comments. This plan has been revised to address comments previously made by the Town and its reviewers. The comments are addressed as follows.

- 1.a. Update the owner's name to reflect the current owner.
***BMG Response:** The owner's name has been updated to reflect current owner.*
- b. Provide the minimum required and actual lot area.
***BMG Response:** See Site Data Column #9, 10, 11 for minimum requirements.*
- c. Provide the minimum required and actual lot width.
***BMG Response:** See Site Data Column #9, 10, 11 for minimum requirements.*
- d. Provide the required number of tree plantings per planting per chapter 230-19.8(F) and the actual number of tree plantings.
***BMG Response:** See Site Data Column #18 and Sheet L-101 for Tree Preservation and Density Requirements.*
- e. Provide a minimum of two benchmarks and show them in the plans.
***BMG Response:** One benchmark has been shown on the site plan. A second benchmark is outside of the plan view limits. The second benchmark will be shared with the contractor when construction commences.*
- f. Verify how the 3 EDU's were calculated.
***BMG Response:** EDU's are calculated by counting toilets, sinks, and water fountains. (Shown on EDU calculation sheet – attached)*

BECKER MORGAN GROUP, INC.

309 SOUTH GOVERNORS AVENUE
DOVER, DELAWARE 19904
302.734.7950

THE TOWER AT STAR CAMPUS
100 DISCOVERY BOULEVARD, SUITE 102
NEWARK, DELAWARE 19713
302.369.3700

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALISBURY, MARYLAND 21801
410.546.9100

3333 JAECKLE DRIVE, SUITE 120
WILMINGTON, NORTH CAROLINA 28403
910.341.7600

615 SOUTH COLLEGE STREET, SUITE 9-112
CHARLOTTE, NORTH CAROLINA 28202
980.270.9100

314 EAST MAIN STREET
CLAYTON, NORTH CAROLINA 27520
919.243.1332

g. Currently, the number of parking spaces is not based on automotive repair facility. Update the parking calculation rate based on Chapter 230-12(B).

BMG Response: *Parking Calculations have been updated per the automotive repair facility.*

h. Provide the bicycle parking per Chapter 230-20(M) or request a waiver in writing.

BMG Response: *Bicycle parking has been add, see Site Data Column #16.*

i. Per the City of Milford's new requirement, provide the lot size in both acres and square feet in the Data Column.

BMG Response: *Added lot size in acres and square feet to Site Data Column.*

2. Label and dimensions the proposed loading berth. Ensure it meets the minimums of Chapter 230-21.

BMG Response: *Loading space has been added to the plan and has been dimensioned.*

3. Show all existing and proposed monuments in the plan.

BMG Response: *Existing monumentation was not found, therefore all proposed monumentation has been shown.*

4. Provide a list of waivers and variances on the cover sheet.

BMG Response: *No known waivers or variances or used or needed*

5. Provide a preliminary record plat with metes and bounds with your next submission.

BMG Response: *Metes and bounds of the property have been shown on sheet C-001, C-101 and C-201. A record plan will be future plan submission in the final site plan submission.*

6. Provide the preliminary water and sewer utility plan with your next submission.

BMG Response: *Preliminary Utility layout has been included.*

7. Provide a preliminary storm system with your next submission.

BMG Response: *Preliminary Utility layout has been included.*

8. List the car repair conditions found under the conditional use section of Chapter 230-14(c)(2).

BMG Response: *Car repair conditions have been added to the cover sheet.*

9. Label the cross-access easement shown at the northwest corner of the property and provide the deed reference for this easement. Is there enough room for the future drive aisle for the property to the north with the construction of the proposed drainage swale?

BMG Response: Existing cross access easement has been added and labeled. We believe there will be sufficient room for the property to the north. The property owner of this property and the parcel to the north are the same entity and is aware of the easement and room for the adjacent drive aisle.

10. Per the City of Milford's zoning code Chapter 230-20(L)(1), one island or peninsula (minimum 9' x 18') shall be provided for every 10 contiguous spaces. Adjust parking lot design accordingly.

BMG Response: Parking islands have been added as necessary.

11. Per the City of Milford's zoning code Chapter 230-24.16(B)(1)(c), freestanding signs shall have a minimum setback of 10 feet from the front lot line and a minimum setback of 25 feet from adjacent property line.

BMG Response: Sign has been relocated as necessary and dimensioned.

12. Show/label the entrances to the proposed building.

BMG Response: Entrances have been shown and labeled on the plan.

13. Per City of Milford's zoning code Chapter 230-20(c), show the required 15 feet off-street parking setback from any street line and 5 feet from any property line.

BMG Response: Off-street parking setback's have been added to the plan.

14. A minimum of one 2-1/2" caliper shade tree with a mature height of 12 feet shall be provided per every 200 square feet of interior green space within the parking lot islands per Article IV Chapter 230-20(L)(1)(d) of the City of Milford Zoning Ordinance.

BMG Response: Tree Density requirements have been added to sheet L-101.

15. There are 20 Juniperus Virginiana listed on the Plant list, and only 17 are Showing in the landscaping plans. Revise accordingly so the number of plants on the list and plans match.

BMG Response: Plant list has been updated accordingly.

16. Provide a detail for heavy duty pavement and a detail for light duty pavement.

BMG Response: This is a preliminary site plan review, pavement section details will be provided during the final site plan submission.

17. Provide a lighting plan with the final site plan submission for review. The lighting for the parking lot must meet the requirements of the most recent version of the Illuminating Engineering Society (IES) Standards.

BMG Response: *Lighting plan will be provided during the final site plan submission.*

18. Provide SFMO and SCD approvals with the final site plan submission.

BMG Response: *Upon receipt of approval from SFMO and SCD, a copy will be forwarded to the City for their record.*

19. Coordinate electric needs to the site with the Electric Department during final site plan review.

BMG Response: *Electric needs will be coordinated during the preparation of the construction documents.*

20. All existing features should be shown in grey, and all proposed features shown in black. Revise the drawing to meet this requirement.

BMG Response: *Our plans identify the difference between existing and proposed features. BMG's drafting standard is not to show existing features in grey.*

21. Incorporate the attached General Site Plan notes.

BMG Response: *General notes have been updated.*

22. Provide Conditional Use written narrative per application.

BMG Response: *Conditional Use narrative has been provided.*

23. Provide a truck turning diagram with your next submission.

BMG Response: *See attached truck turning template.*

24. Revise the cover sheet title block to refer to the Preliminary Site Plan.

BMG Response: *Cover sheet title block has been updated to Preliminary Site Plan.*

25. Per the Sheet Index, there are many sheets that are missing from the plans (sheet C-301, C-401, C-501, C-502, C-503, C-901, C-902, C-903, C-904 are missing). Provide the complete plan set with your next submission. Additional comments will be provided once the additional sheets are included.

BMG Response: *Only the C-001, 101, 201, C-301 and L-101 are included for the preliminary site plan submission.*

26. Provide four-sided architectural rendering of the proposed building for the Planning Commission's review.

BMG Response: *Please see attached architectural rendering.*



ARCHITECTURE
ENGINEERING

October 24, 2024
Mavis Tire Center
Page 5 of 5

Feel free to contact me with any questions or concerns,

Sincerely,

BECKER MORGAN GROUP

A handwritten signature in blue ink, appearing to read 'Jonathan D. Richard'.

Jonathan D. Richard, P.E.
Senior Associate

JDR/rjh

201900901ah-ltr-c.o.m..docx

DEPARTMENT OF TRANSPORTATION
COMMENTS FOR
D.A.C. MEETING
OF August 21, 2024

Mavis Discount Tires
Tax Map # 130-3.00-261.04
SCR 113 (South DuPont Blvd.)
Sussex County

#24-024, Mavis Discount Tires

1. Please refer to the “*Development Coordination Manual*” manual for the design of the subdivision streets and/or entrance. The website for the manual is the following;

<http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>
2. For all projects, any sub-station and/or wastewater facilities will be required to have access from the internal subdivision street with no direct access to the State maintained highway.
3. For all projects, a 20-foot wide buffer will be required from the edge of the stormwater management pond to the ultimate right-of-way of the County road. The ultimate right-of-way is based on the functional classification of the road.
4. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.5.1.2: Frontage Easements, a 15-foot wide permanent easement will need to be established across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way for this road. The following note is required, “**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**”
5. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.5: Dedication of Right-Of-Way and Easements, Figure 3.2.5-a Minimum Standards for Total Roadway Right-Of-Way, the project shall be subject to dedicate right-of-way in accordance to the minimum standards.
6. Referring to the “*Development Coordination Manuals*”, Chapter 3 – Record Plan Design, Section 3.2.4.1: Subdivision Street Right-Of-Way Monuments, right-of-way monuments are recommended to be furnished and placed along the private subdivision street.
7. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.2.4.2; Frontage Road Right-of-Way Monumentation, concerning the right-of-way markers being placed to provide a permanent reference for re-establishing the right-of-way and property corners along frontage roads. Due to the right-of-way dedication,

show and note the property corners markers that will need to be installed.

8. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.5.5: Transit Facilities, transit facilities requirements shall be followed as required by DTC or DelDOT.
9. Referring to the “*Development Coordination Manual*”, under Chapter 3; Record Plan Design, Section 3.2.5.1.1 – Easements, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.
10. Metes and bounds and total areas need to be shown for any drainage easements. A minimum 20-foot wide drainage easement must be provided for storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. These easements shall be shown and noted on record plan.
11. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.5: Connectivity, connectivity requirements shall be followed for all development projects having access to state roads or proposing DelDOT maintained public road for subdivisions. Private or municipal streets should follow the local land use agency’s requirements for connectivity.
12. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2.1: Record Plan Content, the traffic generation diagram is required. See Figure 3-4-2-a: Traffic Generation Diagram for what is required.
13. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2: Record Plan Submittal Requirements, adjacent existing features are required to be shown in accordance with Figure 3.4.2-b.
14. It will need to be noted on the Record Plan the type of off-site improvements and when the off-site improvements are warranted for this project.
15. Referring to the “*Development Coordination Manual*”, Chapter 2 – Traffic Analysis and Improvements, it will need to be determined if a Traffic Impact Study (T.I.S.), Area-Wide Study Fee or a Traffic Operational Analysis (T.O.A.) will be required.
16. As per the Delaware State Strategies for Policy and Spending Map, this project is located within Investment Level I or II. Referring to the Departments Shared-Use Path/Sidewalk Policy a project an all Level I and Level II areas are required to install a path/sidewalk along the property frontage. If a physical impossibility exists, then a fee in lieu of construction shall be paid.

17. Referring to the “*Development Coordination Manual*” under Chapter 5; Design Elements, Section 5.2.5 – Subdivision and Commercial Entrance Design Guidelines – Intersection Corner Radii, a separate turning template plan shall be provided to verify vehicles can safely enter/exit the entrance. The entrance shall be designed for the largest vehicle using the entrance.
18. Please check to determine if any utilities will need to be relocated as part of this project.
19. Standard General Notes have been updated and posted to the DelDOT Website. Please begin using the new versions. The notes can be found at the following website under the *Guidance* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
20. All D.A.C. comments shall be addressed prior to submitting the plans for review.
21. Referring to the “*Development Coordination Manual*”, Chapter 6 – Construction Administration, Section 6.4.3: Commercial Entrances – Inspection and Acceptance, Figure 6.4.3-a: Construction Inspection Responsibilities, determine if the project is a Level 1 or Level 2 project and if an inspection agreement will be required.
22. The Auxiliary Lane Spreadsheet has been posted to the DelDOT website. Use this spreadsheet to determine if auxiliary lanes are warranted. The Auxiliary Lane Spreadsheet can be found at the following website under the *Forms* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
23. Referring to the “*Development Coordination Manual*” under Chapter 5; Design Elements, Section 5.4 – Sight Distance, a sight distance triangle is required. A spreadsheet has been developed to assist with this task and can be found on the following website under the *Forms* tab;
<http://www.deldot.gov/Business/subdivisions/index.shtml>
24. Please refer to the “*Development Coordination Manual*” Chapter 3; Record Plan Design, Section 3.4.1 Commercial or Major Residential Subdivisions – Record Plan Application Process, concerning if a pre-submittal meeting is required.
25. Effective August 1, 2015, all new and resubmittals shall be uploaded via the PDCA with any fees paid online via credit card or electronic check (ACH). The design firm making the submittal must create the project in the PDCA and upload all the required items to allow DelDOT to start the review process. Our website offers more detailed information, including links to guidance about creating PDCA submittals. This information can be found at the following website under the PDCA section;
<http://www.deldot.gov/Business/subdivisions/index.shtml>

26. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4.2: Record Plan Submittal Requirements, an Initial Stage review fee shall be assessed to this project.

27. Referring to the “*Development Coordination Manual*”, Chapter 3 – Record Plan Design, Section 3.4: Commercial or Major Residential Subdivisions, a record plan shall be prepared prior to issuing “Letter of No Objection”. The Record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document that can be found at the following website under the *Guidance* tab;

<https://www.deldot.gov/Business/subdivisions/index.shtml>

28. Referring to the “*Development Coordination Manual*”, Chapter 4 – Construction Plans, Section 4.3: Subdivision Construction Plan Submittal Requirements, the Construction Stage review fee shall be assessed to this project.

29. Referring to the “*Development Coordination Manual*”, Chapter 4 – Construction Plans, a subdivision/entrance plan shall be prepared prior to issuing subdivision/entrance approval. The Entrance/Construction/Subdivision plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plans document that can be found at the following website under the *Guidance* tab;

<https://www.deldot.gov/Business/subdivisions/index.shtml>

City of Milford, Delaware
Development Advisory Committee

Comment Sheet



DATE OF REVIEW: July 31, 2024

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

INDIVIDUAL REVIEWERS: **William Kelly, CFI, Asst. Chief Technical Services**
Desiree McCall, CFI, Sr. Fire Protection Specialist
John Colpo, CFI, Sr. Fire Protection Specialist
Daniel Louder, CFI, Sr. Fire Protection Specialist
Walt Johnson, CFI, Sr. Fire Protection Specialist

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

RE: Mavis Discount Tires (24-024)

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 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Industrial)
- 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:**

- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

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 from Lexus Drive 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)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- 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, December 17, 2024 @ 6:00 p.m.

City Council Hearing: Monday, January 13, 2025 @ 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 2024-13

Preliminary Conditional Use Application of Mavis Discount Tires
on behalf of LC Management, LLC

1.63 +/- acres of land located along the east side of Lexus Drive within
the Cypress Hall Commercial Shopping Center, approximately 260
feet south of the Cypress Hall Boulevard intersection

Comprehensive Plan Designation: Commercial

Zoning District: C-3 (Highway Commercial District)

Present Use: Vacant Land; Proposed Use: Car Repair Shop

Tax Parcel: 1-30-3.00-261.04

WHEREAS, the owners of the property as above described herein have petitioned the City of Milford for a Preliminary Conditional Use to construct a 6,979 square foot “automotive repair” business; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on December 17, 2024; and

WHEREAS, Milford City Council will hold a Public Hearing on January 13, 2025 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 Preliminary Conditional Use, as herein described.

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

Section 1. Chapter 230-14(C)(2) states “automotive repair” are permitted with the approval of a conditional use permit by City Council.

Section 2. Following adoption of Ordinance 2024-13, and upon the effective date, LC Management, LLC is hereby granted a Preliminary Conditional Use to construct a 6,979 square foot “automotive repair” business.

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.

City Council Introduction: December 9, 2024

Planning Commission Review & Public Hearing: December 17, 2024

City Council Public Hearing: January 13, 2025

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 11/15/2024



TO: Planning Commissioners
FROM: Rob Pierce, AICP - Planning Director
DATE: December 17, 2024
RE: Ordinance 2024-11 & Ordinance 2024-14
Chapter 230 Zoning Amendment – Marijuana Establishments

City Council held workshops on September 27, 2023 and September 25, 2024 to review the impacts of the State’s adoption of the Delaware Marijuana Control Act and the Delaware Medical Marijuana Act on the City’s zoning code in regards to marijuana establishments. City Council held a third workshop on October 28, 2024 to continue discussions and establish a timeline leading to the consideration of an ordinance to address marijuana establishments. A copy of the most recent workshop presentation is included in the packet for reference.

Delaware Marijuana Control Act

According to **Title 4, §1351**, a municipality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance. This does not include registered compassion center (medical use) operations.

Delaware Medical Marijuana Act

According to **Title 16, §4917A**, a municipality may enact an ordinance regulating the time, place, and manner of registered compassion center (medical use) operations and registered safety compliance facilities, provided that no municipality may prohibit registered compassion center operation altogether.

Draft Ordinances

Staff has prepared two ordinances for consideration by the Planning Commission and City Council. These ordinances provide the Planning Commission and City Council three different options on how to regulate marijuana establishments.

Option 1 - Ordinance 2024-11

Ordinance 2024-11 proposes to permit marijuana cultivating facilities, marijuana product manufacturing facilities, registered safety compliance facilities and marijuana testing facilities within the BP (Business Park), I-1 (Limited Industrial) and I-2 (General Industrial) zoning districts as permitted uses. The ordinance would also permit registered compassion center dispensaries within the C-3 (Highway

Commercial) and IS (Institutional Service) zoning districts as permitted uses. The ordinance would prohibit retail marijuana stores altogether within the City.

Option 2 - Ordinance 2024-14

Ordinance 2024-14 proposes to permit marijuana cultivating facilities, marijuana product manufacturing facilities, registered safety compliance facilities and marijuana testing facilities within the BP (Business Park), I-1 (Limited Industrial) and I-2 (General Industrial) zoning districts as permitted uses. The ordinance would also permit registered compassion center dispensaries within the C-3 (Highway Commercial) and IS (Institutional Service) zoning districts as permitted uses with the condition that the building footprint upon which the registered compassion center is located would be at least 500 feet away from any private or public K-12 school, residentially zoned property and any property zoned C-2 (Central Business District). The ordinance would allow marijuana retail stores in the C-3 zoning district by conditional use approval from City Council with the condition that the building footprint upon which the marijuana retail store is located would be at least 500 feet away from any private or public K-12 school, residentially zoned property and any property zoned C-2 (Central Business District). A copy of the 500-foot buffer map is included in the packet for reference.

Option 3 - Do Nothing Approach

If neither ordinance is adopted, retail marijuana stores would be treated as retail sales and would be permitted in all commercial zones as permitted uses.



Chapter 230 - Zoning Marijuana Regulations

October 28, 2024



Marijuana Land Use Discussion

- ▶ The public input session will be focused on the City's land use regulations as it pertains to marijuana related businesses (retail sales, testing, cultivation, manufacturing, etc.)
- ▶ The purpose of the public input session is not to debate whether marijuana use should be legalized. The decision to legalize medical and recreational marijuana was made by the Legislators of the State of Delaware under Title 4 and Title 16 of the Delaware Code.
- ▶ Marijuana use is controlled by State law under Delaware Code Title 16, Chapter 47, §4764.



Delaware Code - Title 16 Health and Safety Medical Marijuana

- ▶ **Chapter 49A. The Delaware Medical Marijuana Act. § 4917A. Local ordinances.**
- ▶ Nothing shall prohibit local governments from enacting ordinances or regulations not in conflict with this chapter or with Department regulations regulating the time, place, and manner of registered compassion center operations and registered safety compliance facilities, provided that no local government may prohibit registered compassion center operation altogether, either expressly or through the enactment of ordinances or regulations which make registered compassion center and registered safety compliance facility operation unreasonably impracticable in the jurisdiction.



Current Facilities in Milford

- ▶ The City currently has two medical marijuana product manufacturing facilities in the I-1 Limited Industrial zoning district and one medical marijuana dispensary in the C-3 Highway Commercial zoning district.
- ▶ [Zoning Map Link](#)



Registered Compassion Center Discussion

- ▶ Does the City want to place conditions on medical marijuana registered compassion centers?
 - ▶ Limit hours of operation?
 - ▶ Distance between compassion centers?
 - ▶ Distance from schools, churches, daycares, etc.?
 - ▶ Allow only in Highway Commercial?
 - ▶ Require a conditional use permit?
- ▶ Does the City want to allow compassion centers with no conditions in all commercial zones?



Delaware Code - Title 4 Alcoholic Liquors and Marijuana Recreational Marijuana

- ▶ **Chapter 13. The Delaware Marijuana Control Act. Subchapter IV. Determination of Applications. § 1351 Local control.**
- ▶ A municipality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measure.
- ▶ A municipality or county may enact ordinances or regulations that are not in conflict with this chapter or in conflict with regulations enacted by the Commissioner, governing the time, place, manner, and number of marijuana establishment operations. A municipality or county may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner that a marijuana establishment may operate in such municipality or county.



Recreational Marijuana Retail Store Discussion

- ▶ Does the City want to prohibit recreational marijuana sales within the City?
- ▶ Does the City want to allow recreational sales with conditions?
 - ▶ Limit hours of operation?
 - ▶ Distance between retail facilities?
 - ▶ Distance from schools, churches, daycares, etc.?
 - ▶ Allow only in Highway Commercial?
 - ▶ Require a conditional use permit?
- ▶ Does the City want to allow recreational sales with no conditions in all commercial zones?



Marijuana Cultivation, Manufacturing, Testing Discussion

- ▶ Does the City want to prohibit the following;
 - ▶ Marijuana product manufacturing facilities?
 - ▶ Marijuana testing facilities?
 - ▶ Marijuana cultivation facilities?
- ▶ Does the City want to allow these uses with conditions?
 - ▶ Allow in Industrial and Business Park zones only?
 - ▶ Require a conditional use permit?
 - ▶ Distance from schools, churches, daycares, etc.?
- ▶ Does the City want to allow the manufacturing with no conditions in Industrial and Business Park zones?



Timeline & Next Steps

▶ Timeframe

- ▶ September 25 – City Council Workshop Discussion
- ▶ October 28 – City Council Public Input Meeting
- ▶ November 20 – City Council Workshop - Rob Coupe, Office of Marijuana Control
- ▶ November 25 – City Council Discussion
- ▶ December 17 – Planning Commission Public Hearing
- ▶ January 13 – City Council Public Hearing Ordinance Adoption

Proposed Ordinance for Introduction

CITY OF MILFORD
NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, December 17, 2024 @ 6:00 PM

City Council Hearing: Monday, January 13, 2025 @ 6:00 PM

NOTICE IS HEREBY GIVEN that the following proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council with action scheduled to occur on the date(s) and time(s) so indicated:

Ordinance 2024-11

Amendment to City of Milford Code
Chapter 230/Zoning Code

WHEREAS the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS the Delaware Medical Marijuana Act allows municipalities to regulate the time, place, and manner of registered compassion center operations and registered safety compliance facilities, provided that no local government may prohibit registered compassion center operation altogether; and

WHEREAS the Delaware Marijuana Control Act allows municipalities to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores or to regulate the time, place, manner, and number of marijuana establishment operations through the enactment of an ordinance; and

WHEREAS the Mayor and City Council desire to amend the zoning code of the City of Milford to regulate the uses outlined in the Delaware Medical Marijuana Act and the Delaware Marijuana Control Act; and

WHEREAS the Planning Commission considered this ordinance at a duly noticed meeting on December 17, 2024 to allow for public comment and review of the amendment; and

WHEREAS the City Council held a public hearing on January 13, 2025, notice for which was published in the Delaware State News on October 30, 2024, at which time all interested members of the public were given an opportunity to comment on this ordinance; and

WHEREAS, the City Council finds that amending the Zoning Code to regulate the location of marijuana establishments is in the best interest of the public health, safety and general welfare of the citizens of the City.

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 ordains:

- Section 1. Purpose: The Zoning Code of the City of Milford is hereby amended to add definitions and regulations pertaining to marijuana establishments.
- Section 2. Sections 230-1, 230-14, 230-19.1, 230-19.2 and 230-41 are hereby amended.
- Section 3. Strikethrough text denotes a deletion; underlined and bold text denotes an addition.

Chapter 230 – ZONING CODE

ARTICLE I – General Provisions

§ 230-1. – Purpose.

- A. Definitions. For the purpose of this chapter, certain words and phrases shall be interpreted or defined as follows:

MARIJUANA – All parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. Marijuana does not include:

- 1. The mature stalks of the plant, fiber, produced from the stalks, oil or cake made from the deeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or other sterilized seed of the plant which is incapable of germination.**
- 2. Products approved by the US Food and Drug Administration.**
- 3. Industrial hemp, defined as all parts of the plant Cannabis sativa L., and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.**

MARIJUANA CULTIVATION FACILITY – An establishment operated by an entity licensed by the State of Delaware to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but no to consumers. A marijuana cultivation facility may not produce marijuana concentrates, tinctures, extracts, or other marijuana products.

MARIJUANA ESTABLISHMENT – A marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, marijuana retail store, registered compassion center, or registered safety compliance facility, as those terms are defined herein.

MARIJUANA PRODUCT MANUFACTURING FACILITY – An establishment operated by an entity licensed by the State of Delaware to do the following: purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and retail marijuana stores, but not to consumers.

MARIJUANA RETAIL STORE – An establishment operated by an entity licensed by the State of Delaware to purchase marijuana from marijuana cultivation facilities; to purchase marijuana and marijuana products from marijuana product manufacturing facilities; and to sell marijuana and marijuana products to consumers.

MARIJUANA TESTING FACILITY – An establishment operated by an entity licensed by the State of Delaware to test marijuana for potency and contaminants.

REGISTERED COMPASSION CENTER – An establishment operated by a not-for-profit entity registered with the State of Delaware pursuant to 16 Del. C. § 4914A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana, paraphernalia, or related supplies and educational materials to registered qualifying patients who have designated the dispenser to cultivate marijuana for their medical use and the registered designated caregivers of these patients.

REGISTERED SAFETY COMPLIANCE FACILITY – An establishment operated by a nonprofit entity registered under 16 Del. C. § 4915A by the State of Delaware to provide one

or more of the following services: testing marijuana produced for medical use or under Chapter 13 of Title 4 for potency and contaminants; and training cardholders, compassion center agents, and owners and employees of entities operating under Chapter 13 of Title 4 of the Delaware Code. The training may include, but need not be limited to, information related to one or more of the following: the safe and efficient cultivation, harvesting, packaging, labeling, and distribution of marijuana; security and inventory accountability procedures; and up-to-date scientific and medical research findings related to medical marijuana.

RETAIL STORE- A store in which nonfood goods, wares, or merchandise are sold directly to the ultimate customer, including such items as apparel, accessories, shoes, drugs, and hardware, but excluding marijuana retail stores.

ARTICLE III – Use and Area Regulations

§ 230-14. – C-3 Highway Commercial District.

In a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

B. Permitted uses. Permitted uses for the C-3 District shall be as follows:

- (1) Those permitted uses in the C-2 District.
- (2) Warehouses.
- (3) Large retail outlets.
- (4) Indoor storage accessory building.
- (5) Fast-food restaurants and drive-in restaurants.
- (6) Supermarkets.
- (7) Truck and trailer rentals.
- (8) Roadside produce market.
- (9) Outdoor commercial recreational facilities, not motorized vehicles.
- (10) Swimming club.
- (11) Indoor facility for amusement or assembly.
- (12) Bus station.
- (13) Motels or hotels.
- (14) Commercial greenhouse.
- (15) Wholesale establishment.
- (16) Contractors', craftsmen's or general service shops, including welding and similar shops.
- (17) Laboratory, testing and research.
- (18) Car wash.

(19) Registered Compassion Center Dispensary

§ 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:

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.
- (20) Marijuana Cultivation Facility.**
- (21) Marijuana Product Manufacturing Facility.**
- (22) Registered Safety Compliance Facility.**
- (23) Marijuana Testing Facility.**

§ 230-19-2. – IS Institutional Service 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.
- (9) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.
- (10) Publicly and privately owned utilities, including supporting structures and uses, including but not limited to water, sewer, electric, communications, fiber optics, natural gas, data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.
- (11) Cafeteria facilities snack and gift shops, banking facilities, restaurants and retail or personal service shops primarily for the use of health-care employees, patients and visitors.
- (12) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.
- (13) Ambulance and emergency rescue services.
- (14) Maintenance and laundry facilities.
- (15) Libraries
- (16) Places of worship.
- (17) Parking areas, including parking facilities.
- (18) Publicly owned and/or health-related recreation facilities.
- (19) Rehabilitation facilities.
- (20) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas, and telephone facilities.
- (21) Auditoriums.
- (22) Modular office units.

- (23) Overnight accommodations for patient families and individuals that are receiving treatment at the hospital facility.
- (24) Public and private elementary, junior or senior high schools and colleges.

(25) Registered Compassion Center Dispensary

§ 230-41. – Prohibited uses.

The following uses and activities shall be specifically prohibited in any zone in the City of Milford:

- A. Automobile wrecking yards, junkyards or the sorting and baling of scrap metal, paper, rags, glass or other scrap material.
- B. The parking, storing or keeping of a dismantled, inoperative or discarded motor vehicle, to include, but not limited to cars, boats, boat trailers, campers, tractors or any parts thereof unless within an enclosed building. All vehicles requiring tags/registration must be valid at all times and vehicles maintained in its original configuration. All boats requiring a trailer for transportation must be stored on a registered trailer.
- C. Outdoor woodburning furnaces.
 - (1) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.
 - (2) Nonconforming uses. All outdoor woodburning furnaces within the City of Milford must cease operations by August 31, 2011, and be removed by the property owner from the subject premise no later than October 31, 2011. This will allow sufficient time for an alternate source of heat to be established. During the transition, such use shall conform with the following provisions:
 - (3) Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.
 - (4) Wood must be stored in a neat pile no closer than five feet from side and rear property lines.
- D. Manufacturing uses involving production of the following products from raw materials; asphalt, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal): linoleum and oil cloth, matches, paint, varnishes and lerpentine; rubber (natural and synthetic); and soaps, including fat rendering.
- E. Storage of explosives and bulk or wholesale storage of gasoline above ground.
- F. Quarries, screening plants and all associated uses.
- G. The following processes: large scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.
- H. Recreational Vehicle Prohibited Activities.
 - (1) Recreational Vehicles shall not be considered dwelling units intended for permanent habitation.
 - (2) For purposes of this section, evidence of habitation shall include activities such as sleeping, setting up housekeeping or cooking, eating, recreating, and/or any other activity where it reasonably appears, in light of all the circumstances, that the vehicle is being used as a living accommodation.
 - (3) Running electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from any property to a recreational vehicle parked on a public street at any time is prohibited.
 - (4) Making a sewer connection with a recreational vehicle or dumping wastes from a recreational vehicle onto public or private land other than a designated RV dump is prohibited.

I. Marijuana Retail Stores.

Section 4. Dates.

Introduction to City Council: November 12, 2024

Planning Commission Public Hearing: December 17, 2024

City Council Public Hearing: January 13, 2025

Section 5. Effective.

This Ordinance is effective ten days following its adoption.

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

10.25.24

Published: Delaware State News 10.30.24

Proposed Ordinance for Introduction

CITY OF MILFORD

NOTICE OF PUBLIC HEARINGS

Planning Commission Hearing: Tuesday, December 17, 2024 @ 6:00 PM

City Council Hearing: Monday, January 13, 2025 @ 6:00 PM

NOTICE IS HEREBY GIVEN that the following proposed Ordinance is currently under review by the City of Milford Planning Commission and City Council with action scheduled to occur on the date(s) and time(s) so indicated:

Ordinance 2024-14

Amendment to City of Milford Code

Chapter 230/Zoning Code

WHEREAS the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS the Delaware Medical Marijuana Act allows municipalities to regulate the time, place, and manner of registered compassion center operations and registered safety compliance facilities, provided that no local government may prohibit registered compassion center operation altogether; and

WHEREAS the Delaware Marijuana Control Act allows municipalities to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores or to regulate the time, place, manner, and number of marijuana establishment operations through the enactment of an ordinance; and

WHEREAS the Mayor and City Council desire to amend the zoning code of the City of Milford to regulate the uses outlined in the Delaware Medical Marijuana Act and the Delaware Marijuana Control Act; and

WHEREAS the Planning Commission considered this ordinance at a duly noticed meeting on December 17, 2024 to allow for public comment and review of the amendment; and

WHEREAS the City Council held a public hearing on January 13, 2025, notice for which was published in the Delaware State News on November 20, 2024, at which time all interested members of the public were given an opportunity to comment on this ordinance; and

WHEREAS, the City Council finds that amending the Zoning Code to regulate the location of marijuana establishments is in the best interest of the public health, safety and general welfare of the citizens of the City.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. Purpose: The Zoning Code of the City of Milford is hereby amended to add definitions and regulations pertaining to marijuana establishments.

Section 2. Sections 230-1, 230-14, 230-19.1, and 230-19.2 are hereby amended.

Section 3. Strikethrough text denotes a deletion; underlined and bold text denotes an addition.

Chapter 230 – ZONING CODE

ARTICLE I – General Provisions

§ 230-1. – Purpose.

- A. Definitions. For the purpose of this chapter, certain words and phrases shall be interpreted or defined as follows:

MARIJUANA – All parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. Marijuana does not include:

- 1. The mature stalks of the plant, fiber, produced from the stalks, oil or cake made from the deeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or other sterilized seed of the plant which is incapable of germination.**
- 2. Products approved by the US Food and Drug Administration.**
- 3. Industrial hemp, defined as all parts of the plant Cannabis sativa L., and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.**

MARIJUANA CULTIVATION FACILITY – An establishment operated by an entity licensed by the State of Delaware to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but no to consumers. A marijuana cultivation facility may not produce marijuana concentrates, tinctures, extracts, or other marijuana products.

MARIJUANA ESTABLISHMENT – A marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, marijuana retail store, registered compassion center, or registered safety compliance facility, as those terms are defined herein.

MARIJUANA PRODUCT MANUFACTURING FACILITY – An establishment operated by an entity licensed by the State of Delaware to do the following: purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and retail marijuana stores, but not to consumers.

MARIJUANA RETAIL STORE – An establishment operated by an entity licensed by the State of Delaware to purchase marijuana from marijuana cultivation facilities; to purchase marijuana and marijuana products from marijuana product manufacturing facilities; and to sell marijuana and marijuana products to consumers.

MARIJUANA TESTING FACILITY – An establishment operated by an entity licensed by the State of Delaware to test marijuana for potency and contaminants.

REGISTERED COMPASSION CENTER – An establishment operated by a not-for-profit entity registered with the State of Delaware pursuant to 16 Del. C. § 4914A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana, paraphernalia, or related supplies and educational materials to registered qualifying patients who have designated the dispenser to cultivate marijuana for their medical use and the registered designated caregivers of these patients.

REGISTERED SAFETY COMPLIANCE FACILITY – An establishment operated by a nonprofit entity registered under 16 Del. C. § 4915A by the State of Delaware to provide one or more of the following services: testing marijuana produced for medical use or under Chapter 13 of Title 4 for potency and contaminants; and training cardholders, compassion center agents, and owners and employees of entities operating under Chapter 13 of Title 4 of the Delaware Code. The training may include, but need not be limited to, information related to one or more of the following: the safe and efficient cultivation, harvesting, packaging, labeling, and distribution of marijuana; security and inventory accountability procedures; and up-to-date scientific and medical research findings related to medical marijuana.

RETAIL STORE- A store in which nonfood goods, wares, or merchandise are sold directly to the ultimate customer, including such items as apparel, accessories, shoes, drugs, and hardware, but excluding marijuana retail stores.

ARTICLE III – Use and Area Regulations

§ 230-14. – C-3 Highway Commercial District.

In a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

B. Permitted uses. Permitted uses for the C-3 District shall be as follows:

- (1) Those permitted uses in the C-2 District.
- (2) Warehouses.
- (3) Large retail outlets.
- (4) Indoor storage accessory building.
- (5) Fast-food restaurants and drive-in restaurants.
- (6) Supermarkets.
- (7) Truck and trailer rentals.
- (8) Roadside produce market.
- (9) Outdoor commercial recreational facilities, not motorized vehicles.
- (10) Swimming club.
- (11) Indoor facility for amusement or assembly.
- (12) Bus station.
- (13) Motels or hotels.
- (14) Commercial greenhouse.
- (15) Wholesale establishment.
- (16) Contractors', craftsmen's or general service shops, including welding and similar shops.
- (17) Laboratory, testing and research.
- (18) Car wash.

(19) Registered Compassion Center Dispensary

(a) The building footprint upon which a registered compassion center dispensary is located shall be at least 500 feet away from any private or public K-12 school, at least 500 feet away from any residentially zoned property, and at least 500 feet away from any property zoned C-2 Central Business District.

- C. Conditional uses subject to special requirements. All uses specified as conditional uses in the C-2 zoning district and the following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:
- (1) Automotive sales.
 - (2) Automotive repair, subject to the following special requirements:
 - (a) All facilities shall be located and all services shall be conducted on the lot.
 - (b) All repair work shall be conducted within an entirely enclosed building.
 - (c) No equipment for the service of gasoline or oil shall be placed closer to any street or property line than 20 feet.
 - (d) No portion of such structure or its equipment shall be located within 500 feet of the premises of any school, hospital, church or public recreation building.
 - (e) No service station shall be located within 800 feet of another service station on the same side of the street within the same block.
 - (f) Any such use shall be permitted only where it is determined that it will not materially interfere with the main pedestrian movement in conjunction with a compact retail area.
 - (3) Shopping center, subject to the following site requirements:
 - (a) Traffic and parking.
 - [1] The minimum distance between accessways and a residential district shall be 50 feet.
 - [2] Spacing of accessway.
 - [a] From adjoining property: 50 feet.
 - [b] From minor intersections: 50 feet.
 - [c] From major intersections: 100 to 150 feet.
 - (b) Setback.
 - [1] From nonresidential districts: 15 feet.
 - [2] From residential districts: 100 feet.
 - (4) All uses permitted in the R-3 Zoning District subject to its area regulations.
 - (5) Business, commercial or industrial uses that do not adversely affect neighboring properties.
 - (6) Aquarium.
 - (7) 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 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-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 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 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 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 100% 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 years to ensure the amount reflects the current market.

(8) 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-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 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 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 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 100% 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 years to ensure the amount reflects the current market.

(9) Emergency shelter facility.

(a) The lot on which an emergency shelter facility is located shall not be within 500 feet of a lot on which another emergency shelter facility or group home is located.

(b) All state licenses and permits for such a facility have been obtained.

(10) Marijuana Retail Store.

(a) The building footprint upon which a retail marijuana store is located shall be at least 500 feet away from any private or public K-12 school, at least 500 feet away from any residentially zoned property, and at least 500 feet away from any property zoned C-2 Central Business District.

§ 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:

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.

(20) Marijuana Cultivation Facility.

(21) Marijuana Product Manufacturing Facility.

(22) Registered Safety Compliance Facility.

(23) Marijuana Testing Facility.

§ 230-19-2. – IS Institutional Service 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.
- (9) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.
- (10) Publicly and privately owned utilities, including supporting structures and uses, including but not limited to water, sewer, electric, communications, fiber optics, natural gas, data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.
- (11) Cafeteria facilities snack and gift shops, banking facilities, restaurants and retail or personal service shops primarily for the use of health-care employees, patients and visitors.
- (12) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.
- (13) Ambulance and emergency rescue services.
- (14) Maintenance and laundry facilities.
- (15) Libraries
- (16) Places of worship.
- (17) Parking areas, including parking facilities.
- (18) Publicly owned and/or health-related recreation facilities.
- (19) Rehabilitation facilities.
- (20) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas, and telephone facilities.
- (21) Auditoriums.
- (22) Modular office units.
- (23) Overnight accommodations for patient families and individuals that are receiving treatment at the hospital facility.
- (24) Public and private elementary, junior or senior high schools and colleges.

(25) Registered Compassion Center Dispensary

(a) The building footprint upon which a registered compassion center dispensary is located shall be at least 500 feet away from any private or public K-12

school, at least 500 feet away from any residentially zoned property, and at least 500 feet away from any property zoned C-2 Central Business District.

Section 4. Dates.

Introduction to City Council: December 9, 2024

Planning Commission Public Hearing: December 17, 2024

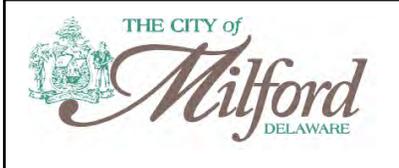
City Council Public Hearing: January 13, 2025

Section 5. Effective.

This Ordinance is effective ten days following its adoption.



	C-3 - Highway Commercial
	500 ft Buffer - Residentially Zoned Parcels, C-2 Zoned Parcels, Public or Private K-12 Schools
	Tax Parcels



Scale: Feet
 0 1,500 3,000

Drawn by: WRP	Date: 11/04/2024
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Title:

Marijuana Retail Establishments

C-3 Zoning & Buffer Map

Filepath: MarijuanaBuffers.aprx