

City of Milford



CITY COUNCIL AGENDA

October 10, 2016 - 7:00 P.M.

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

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Approval of Previous Minutes

Recognition

Monthly Police Report

Monthly City Manager Report

Monthly Finance Report

Committee & Ward Reports

Communications & Correspondence

Unfinished Business

PFM Financial Advisors LLC/Director Jamie Schlesinger & Bond Counsel Tim Anderson
Presentation/City of Milford Bond Matter/Series of 2011 Refinancing/Series of 2016 Issuance

Adoption/Refunding Resolution 2016-15/City of Milford General Obligation Bonds
Proposes the Approval of the Refunding Project
Establishes Time and Place for Public Hearing

Introduction/Ordinance 2016-19:

Authorizing a Certain 2016 Refunding Project and Incurrence of Indebtedness;
Authorizing Issuance of General Obligation Bonds Series of 2016 to Provide Funds
For and Toward Such Refunding Project; Setting Forth Terms of the 2016 Bonds

New Business

Introduction/Ordinance 2016-14:

Code of the City of Milford Part II-General Legislation
Chapter 230-Zoning Code Article III-Use and Area Regulations
§230-14 C-3 Highway Commercial District

Introduction/Ordinance 2016-17:

Amending and Adopting by Ordinance A Third Amendment to the 2011 Southeast Master Plan of
the 2008 City of Milford Comprehensive Plan East of Route 1
*Mr Wiggles LLC (3-30-11.00-056.00);
Change of future land use designation from low density residential to highway commercial.
*Country Life Homes Incorporated (3-30-11.00-070.00 & 3-30-11.00-070.03)
(Former Beverly Thawley);
Change of future land use designation from low density residential to highway commercial.

Introduction/Ordinance 2016-20:

Solid Waste Management Code Amendment*

DEMEC/Municipal Electric Utilities Renewable Portfolio Compliance Report

Recess into Executive Session

{Pursuant to 29 Del. C. §10004(b)(4)} (Collective Bargaining Update)

Return to Open Session

IBEW Contract Negotiations

Adjourn

This agenda shall be subject to change to include additional items including executive sessions or the deletion of items
including executive sessions which arise at the time of the public body's meeting.

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

CITY OF MILFORD

DELAWARE



"THE GARDEN CITY OF TWIN COUNTIES"

OFFICE OF THE CHIEF OF POLICE
KENNETH L. BROWN

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

TO: Mayor and Members of City Council

FROM: Kenneth L. Brown, Chief of Police

DATE: October 6, 2016

RE: Activity Report/Sep 2016

Monthly Stats:

A total of 552 arrests were made by the Milford Police Department during September 2016. Of these arrests, 162 were for criminal offenses and 390 for traffic violations. Criminal offenses consisted of 17 felonies and 145 misdemeanors. Traffic violations consisted of 177 Special Duty Radar, 4 Drunk-Driving charges, 209 other.

Police officers investigated 57 accidents during the month and issued 104 written reprimands. In addition, they responded to 1194 various complaints including city requests and other agency assistance.

Monthly Activities:

There was extensive flooding in the basement, including the women's locker room, boiler room, evidence locker, hallways, and carpeted classroom due to the storm during the week of September 26, 2016. There was extensive clean-up by employees, at least eight hours, to try to control the amount of water damage occurring. Clean-up and preventative maintenance to the building is estimated to cost \$3,000.

All officers were trained in Naloxone/NARCAN Administration. All officers were trained in Law Enforcement and the Transgender Community. All officers were trained in Sensitivity Training Dealing with the Deaf Community. Sgt. R-Young and Ptlm. Crew attended TacOps East Tactical Conference in Arlington, VA. Ptlm. Hartlove attended VALOR Essentials training in Wilmington, DE.

SRO:

Lt. Wells and Sgt. Masten, along with Mike Rivera of DELDOT, met with the Milford Community Parade Committee to make final arrangements for traffic flow and security for the event.

Sgt. Masten and Cpl. Bloodsworth had a display at the Riverwalk Freedom Festival.

Sgt. Masten and Cpl. Bloodsworth conducted an intruder training for the staff at Mispillion Elementary School.

Sgt. Masten conducted an intruder training for the staff at Lulu Ross Elementary School.

Sgt. Masten and Pfc. Stanton assisted the Milford Central Academy and Milford Senior High School as they conducted a series of emergency drills that are mandated by state law.

Sgt. Masten participated in a "Tabletop" exercise that created a mock emergency scenario for both the Milford Central Academy and Milford Senior High School. One "Tabletop" exercise per school per year is mandated by state law.

Our Community Policing Unit partnered with the Delaware Office of Highway Safety for an event held in Bicentennial Park in which NASCAR Xfinity Driver Ross Chastain displayed his JD Motorsports #4 Camaro. Free tickets were given to the Drive Sober 200, along with free watermelons given out to the attendees. The JD Motorsports #4 Camaro was sponsored by the Delaware Office of Highway Safety and Melon One. The slogan for the Delaware Office of Highway initiative is "Use Your Melon".

Cpl. Theresa Bloodsworth was selected by the Delaware Office of Highway Safety to be the Grand Marshal for the Drive Sober 200. Cpl. Bloodsworth participated in the pre-race activities and gave the "Drivers Start Your Engines" command at the start of the race. The race was nationally televised on NBC Sports.

K9 Unit:

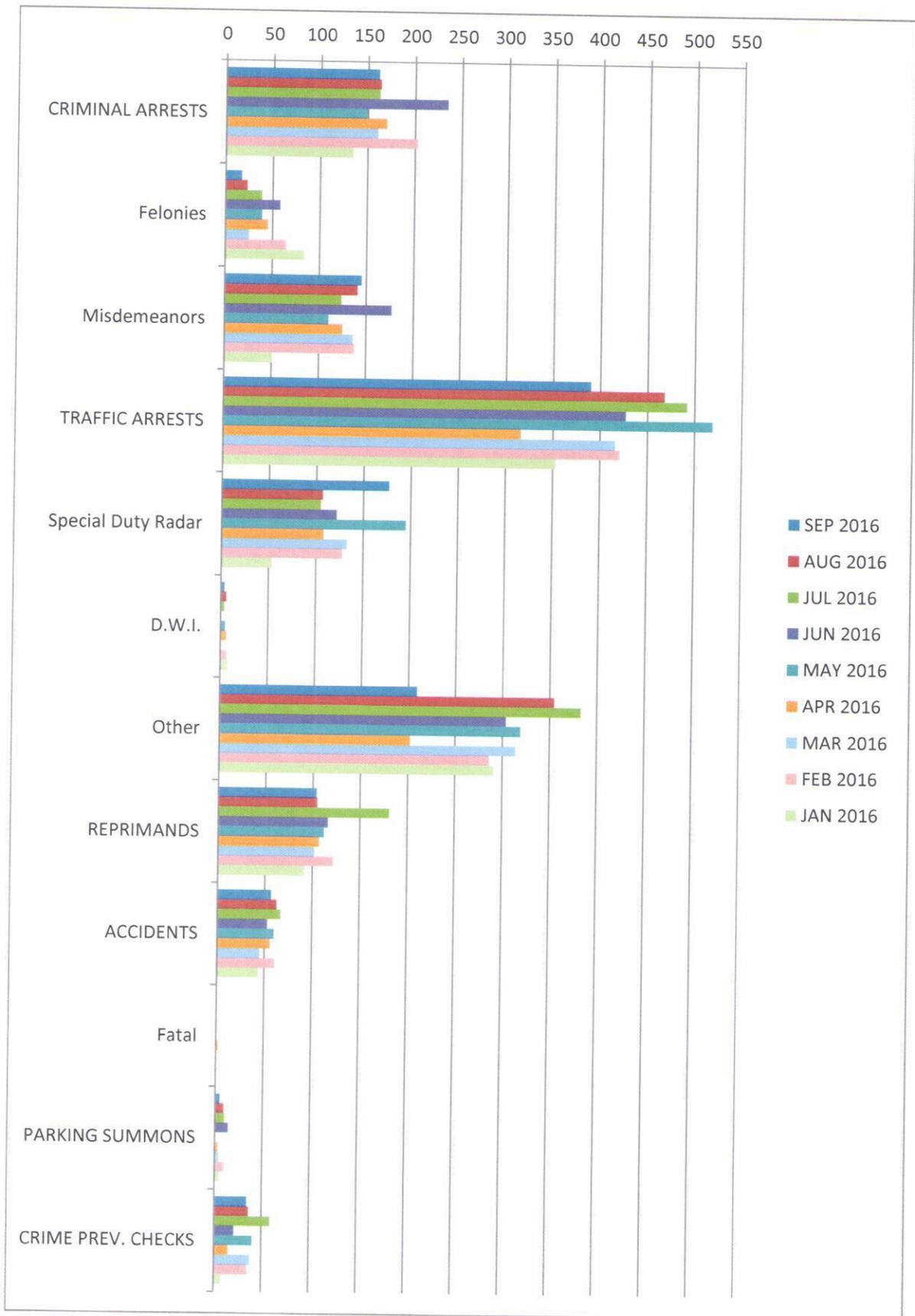
For the month of August the Milford Police Department K9 unit had the following stats:

Seized Items

Notes: K9 demo was conducted at LuLu Ross, Mispillion Elementary Schools by both K9s.
One K9 apprehended an attempted homicide suspect from New Jersey with a no bite.

SEP 2016 ACTIVITY REPORT

	SEP 2016	TOTAL 2016	SEP 2015	TOTAL 2015
COMPLAINTS	1194	11246	1164	10825
CRIMINAL ARRESTS	162	1542	108	1527
Felonies	17	395	20	345
Misdemeanors	145	1147	88	1182
TRAFFIC ARRESTS	390	3802	385	4341
Special Duty Radar	177	1129	115	1650
D.W.I.	4	41	6	43
Other	209	2663	264	2648
REPRIMANDS	104	1041	95	1028
ACCIDENTS	57	506	101	531
Fatal	0	2	0	0
PARKING SUMMONS	5	61	0	83
CRIME PREV. CHECKS	34	286	20	264
FINES RECEIVED	\$8,716.04	\$ 70,538.72	\$ 10,435.52	\$ 87,894.34





OFFICE OF THE CITY MANAGER
ERIC NOREBERG, ICMA-CM
302.424.3712, FAX 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963
www.cityofmilford.com

City Manager's Report October 10, 2016

ADMINISTRATION

Parks & Recreation

-A new, improved and redesigned program has been published and distributed to schools and placed on the City [website](#). Everyone has been very pleased with how it looks. Copies are available at various City locations.

FINANCE DEPARTMENT

Customer Service

- Due to heavy rains, rain water found its way through the electrical conduit into the basement of the Customer Service Building. The flooded basement caused the power to be disrupted. An Electric Division crew dug up the conduit, spliced it while a Water Division crew pumped the water out of the basement to dry the floors.
- The Customer Service Building is now being fed power via the new Washington Street Water Plant so that Customer Service can be on the back-up generator that serves the plant and nearby wells.

Information Technology Division

-The new part time IT Technician, David Stover, is working M, W, F and is doing well.

PLANNING & ECONOMIC DEVELOPMENT

Planning & Zoning Division

- The Planning Commission recommended approval of two conditional use applications, Gator and Associates and Christopher & Jenna Menge, which were subsequently heard by City Council at the end of September.
- Planning Commission recommended approval of amendments to Chapter 230 – Zoning, C-3 Highway Commercial, related to exemptions to height requirements for hotels, motels and aquariums.
- The University of Delaware, Institute of Public Administration (UD IPA) provided training to the Planning Commission related to the Comprehensive Plan Update and the Commission's powers and responsibilities.
- The Board of Adjustment did not meet during the month of September.
- The Comprehensive Plan Questionnaire was posted online on August 1st and closed on September 30th. Results from the survey have been compiled and will be presented to the Planning Commission at the October meeting to help review the visions, goals and objectives of the Plan.
- Met as part of a working group revising/updating the Dover/Kent MPO Regional Bicycle Plan. The working group will continue to meet monthly over the next year to review the existing plan and set new goals and objectives.

Economic Activities Division

-The City held a community workshop for property owners and interested investors outlining the new Downtown Development District Program and providing the community an update of the Rivertown Rebirth Plan. A presentation was made by the Delaware State Housing Authority regarding their grant application program and procedures. Updates from the Mayor, City Manager, staff, DMI, Chamber of Commerce and Milford Police Department were part of the bi-annual review of the downtown Master Plan.

Enforcement & Inspections Division

Code Enforcement Case Activity
New Cases: 15

Closed Cases: 65
Open at Start of Month: 205
Open at End of Month : 155

Code Enforcement Violation Activity

Abandoned Vehicle: 1
Dangerous Tree: 0
Furniture: 3
Generic: 0
Property Maintenance: 4
Rubbish & Garbage: 1
Weeds & Grass: 1
Zoning Use: 0
Total: 15

Rental Inspections Performed: 1
Rental Licenses Issued: 12
Vendor Licenses Issued: 0
Contractors Licenses Issued: 14

Building Permits Issued

Commercial Foundation: 0
Commercial Building Permit: 5
Demolition: 2
Residential New Construction: 0
Residential Renovation/Accessory Structure: 6
Roof/Siding: 6
Solar Panels: 1
Utility (Electric/Water): 4
Total: 24

PUBLIC WORKS DEPARTMENT

While most of us slept at night through the rainy nights last week, a number of Public Works folks were dealing with numerous issues, from flooding of streets and the police station, to flooded sanitary sewer pump stations. As usual, many of these people just take what they did as “part of their job”, but in fact, so many of us take what they do for granted. So thanks goes out to Timmy Webb, Eugene Helmick, Charlie Nordberg, and Vince Waydels for going above and beyond. We appreciate your dedication and service.

The entire Public Works Department had “Breakfast with the City Manager” on Friday, September 30. Eric presented the Electric Division with a Proclamation recognizing the first week in October as Public Power Week and thanked those who were up late the night before (see above). We also discussed safety and the critical role all of the divisions in Public Works play in serving the community. I then took questions and invited everyone share their favorite things about fall in Milford and Delaware.

Electric Division

- Electric crews repaired six lights in Bicentennial Park. These lights will eventually be retrofitted and powder coated, however until that time it was necessary to replace the bulbs to make sure they were operational.
- Removed four trees on NW Front Street per the homeowner’s request. These trees have to be trimmed out of our power lines at least once a year; removing them will ensure that they will not damage our lines in that area.
- Repaired the bad circuit that tied in with the timeclock for the Christmas Lighting circuit. This repair will enable the Christmas lights to go back on a timer for lighting rather than the dusk to dawn photo eye that is being used at this time.
- Assisted with Riverwalk Festival; hung American flag, checked outlets and pedestals to ensure operational.

Power Outages: 09/28-North Shores; fuse blown.

09/29-Old Shawnee Rd, Shawnee Rd, Evergreen Ln, Sunset Ln, Have Lake Ave; undetermined reason however suspect tree limb.

Crews replaced five poles due to either age, rot or damage.

Closed Work Orders: 12

Trouble Service Calls: 39

New Electric Services Installed: 7

Preventative Maintenance/Trees Trimmed: 16

Miss Utility Locates: 88

Water & Wastewater Division

-Crews worked at the Watergate pump station, Shawnee pump station and Number One pump station due to heavy rains.

-Assisted with Police Department flooding clean up.

-Hydrant flow testing took place.

-Emergency Action Plan for our well facilities was reviewed by a consultant from Kent County.

Streets & Solid Waste Division

-DNREC's *Universal Recycling Grant-Cycle 8* application submitted; seek educational outreach and tracking of non-participants.

-Crews assisted with Riverwalk Festival, Eat in the Street and Oktoberfest.

-Streets in Wards 2 and 3 have been swept.

-Storm drains around town were cleaned in preparation for heavy rains.

-Several roads were closed due to flooding downtown.

-Sandbags were offered to downtown businesses due to heavy rains.

-A section of sidewalk in front of Second Street Theater was replaced. Decorative tiles were inserted in the concrete to add to the public art in our Downtown.

-New decorative sign posts were installed on Walnut St.

Bulk Pick Ups: 29 (\$1,570 in charges billed)

Additional Containers: Trash-0; Recycle-1; Yard Waste-0

Service Terminated: 7

Change Container Size: 5

Damaged/Replaced Container: 15

After Hours Calls: 0

Solid Waste/Recycling/Yard Waste Diversion*

	Solid Waste Tonnage	Curbside Recycling	Drop Off Recycling	Yard Waste	Total	Diversion
2013	3903.34	617.90	213.77	473.85	5208.86	25.1%
2014	3206.04	645.88	243.90	472.08	4567.90	29.8%
2015	3077.95	642.20	407.07	304.55	4431.77	30.5%
2016 (YTD)	2057.73	418.92	259.8	286.30	3022.75	31.9%

	Solid Waste Tonnage	Curbside Recycling	Drop Off Recycling	Yard Waste	Total	Diversion
June	271.64	59.25	30.14	59.10	420.13	35.3%
July	257.73	61.46	36.54	36.56	392.29	34.3%
August	305.05	47.20	37.97	42.77	432.99	29.5%

*The amount of waste diverted from the landfill through the recycling and yard waste programs.

**CITY OF MILFORD
FUND BALANCES REPORT**

Date: AUGUST 2016

Cash Balance - General Fund Bank Balance	\$2,564,087
Cash Balance - Electric Fund Bank Balance	\$2,914,098
Cash Balance - Water Fund Bank Balance	\$1,205,008
Cash Balance - Sewer Fund Bank Balance	\$1,141,770
Cash Balance - Trash Fund Bank Balance	\$295,870

	<u>General Improvement</u>	<u>Municipal Street Aid</u>	<u>Real Estate Transfer Tax</u>	<u>Solid Waste Reserves</u>
Beginning Cash Balance	327,560	1,254,525	1,606,684	0
Deposits	75,897		107,486	
Interest Earned this Month	66	200	292	
Disbursements this Month	(25,292)	(105,623)	(41,667)	
Investments				250,000
Ending Cash Balance	\$378,231	\$1,149,102	\$1,672,795	\$250,000

	<u>GF Capital Reserves</u>	<u>Water Capital Reserves</u>	<u>Sewer Capital Reserves</u>	<u>Electric Reserves</u>
Beginning Cash Balance	1,781,669	7,146,310	3,286,895	6,736,748
Deposits	1,020	146,249	236,736	241,073
Interest Earned this Month	30	122	62	115
Disbursements this Month	(151,853)	(2,356)	(17,593)	(748)
Investments	250,000			
Ending Cash Balance	\$1,880,866	\$7,290,325	\$3,506,100	\$6,977,188

	<u>Water Impact Fee</u>	<u>Sewer Impact Fee</u>	<u>Electric Impact Fee</u>	<u>Economic Development Fund</u>
Beginning Cash Balance	\$1,476,536	957,119	431,715	553,765
Deposits	21,874	10,174	6,000	\$39
Interest Earned this Month				
Disbursements this Month				(\$2,000)
Investments				
Ending Cash Balance	\$1,498,410	\$967,293	\$437,715	\$551,804

INTEREST THROUGH THE SECOND MONTH OF THE FISCAL YEAR:

General Fund	2,158	Water Fund	646
GF Capital Reserves	333	Water Capital Reserves	1,338
Municipal Street Aid	620	Sewer Fund	623
Real Estate Transfer Tax	829	Sewer Capital Reserves	675
Electric Fund	1,515	Trash Fund	1,219
Electric Reserves	1,259		

TOTAL INTEREST EARNED TO DATE \$11,215

REVENUE REPORT

Page Two

Date: August 2016	AMOUNT BUDGETED	MTD	YTD	17% of Year Expended YTD%
ACCOUNT				
Economic Development Fund	201,255	0	40,000	19.88%
General Fund Reserves	411,000	0	0	0.00%
Realty Transfer Tax-Police	500,000	41,666	83,333	16.67%
Real Estate Tax	3,762,970	2,753	3,756,788	99.84%
Business License	106,250	825	1,550	1.46%
Rental License	85,000	100	350	0.41%
Building Permits	75,000	10,959	14,089	18.79%
Planning & Zoning	15,000	1,598	4,298	28.65%
Grasscutting Revenue	16,000	14,000	16,000	100.00%
Police Revenues	440,000	12,487	23,883	5.43%
Misc. Revenues	272,820	11,778	21,251	7.79%
Transfers From	3,300,000	275,001	550,001	16.67%
Total General Fund Revenues	\$9,185,295	\$371,167	\$4,511,543	49.12%
Water Revenues	2,730,500	260,130	498,977	18.27%
Sewer Revenues	2,506,500	227,981	439,392	17.53%
Kent County Sewer	1,850,000	164,114	312,966	16.92%
Solid Waste Revenues	1,360,440	113,061	231,427	17.01%
Electric Revenues	24,902,790	2,776,741	4,952,333	19.89%
TOTAL REVENUES	\$42,535,525	\$3,913,194	\$10,946,638	25.74%
YTD Enterprise Expense		10,530		
YTD Enterprise Revenue		25,313		
LTD Carlisle Fire Company Building Permit Fund		129,858		

EXPENDITURE REPORT

Page Three

Date: August 2016

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
City Manager					
Personnel	461,930	\$64,254	64,254	13.91%	397,676
O&M	259,095	\$19,392	19,392	7.48%	239,703
Capital	0	\$0	0		0
Total City Manager	\$721,025	\$83,646	\$83,646	11.60%	637,379
Planning & Zoning					
Personnel	184,400	\$26,583	26,583	14.42%	157,817
O&M	67,975	\$5,497	5,497	8.09%	62,478
Capital	0	\$0	0		0
Total P, C & I	\$252,375	\$32,080	\$32,080	12.71%	220,295
Code Enforcement & Inspections					
Personnel	225,210	\$21,095	21,095	9.37%	204,115
O&M	69,290	\$9,211	9,211	13.29%	60,079
Capital	25,000	\$0	0		25,000
Total P, C & I	\$319,500	\$30,306	\$30,306	9.49%	289,194
Council					
Personnel	31,225	\$4,198	4,198	13.44%	27,027
O&M	44,650	\$4,712	4,712	10.55%	39,938
Council Expense	17,000	\$7,443	7,443	43.78%	9,557
Contributions	206,000	\$66,000	66,000	32.04%	140,000
Codification	9,500	\$4,164	4,164	43.83%	5,336
Employee Recognition	11,000	\$0	0	0.00%	11,000
Insurance	21,740	\$9,818	9,818	45.16%	11,922
Christmas Decorations	15,000	\$0	0	0.00%	15,000
Economic Development	15,000	\$0	0	0.00%	15,000
Armory Expenses	10,000	\$7,732	7,732	77.32%	2,268
Resident Survey	15,000	\$0	0	0.00%	15,000
Total Council	\$396,115	\$104,067	\$104,067	26.27%	292,048
Finance					
Personnel	418,395	\$54,918	54,918	13.13%	363,477
O&M	62,270	\$8,559	8,559	13.74%	53,711
Capital	0	\$0	0		0
Total Finance	\$480,665	\$63,477	\$63,477	13.21%	417,188
Information Technology					
Personnel	148,680	\$16,958	16,958	11.41%	131,722
O&M	177,450	\$12,679	12,679	7.15%	164,771
Capital	55,000	\$16,882	16,882	30.69%	38,118
Total Information Technology	\$381,130	\$46,519	\$46,519	12.21%	334,611

EXPENDITURE REPORT
Page Four

Date: August 2016

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Police Department					
Personnel	3,944,180	\$545,603	545,603	13.83%	3,398,577
O&M	507,360	\$87,484	87,484	17.24%	419,876
Capital	71,600	\$14,907	14,907	20.82%	56,693
Total Police	\$4,523,140	\$647,994	\$647,994	14.33%	3,875,146
Streets & Grounds Division					
Personnel	476,960	\$55,651	55,651	11.67%	421,309
O&M	407,905	\$49,058	49,058	12.03%	358,847
Capital	211,000	\$0	0	0.00%	211,000
Debt Service	16,475	\$0	0	0.00%	16,475
Total Streets & Grounds	\$1,112,340	\$104,709	\$104,709	9.41%	1,007,631
Parks & Recreation					
Personnel	605,635	\$103,797	103,797	17.14%	501,838
O&M	267,370	\$48,000	48,000	17.95%	219,370
Capital	126,000	\$0	0	0.00%	126,000
Total Parks & Recreation	\$999,005	\$151,797	\$151,797	15.19%	847,208
Total General Fund					
Operating Budget	\$9,185,295	\$1,264,595	\$1,264,595	13.77%	7,920,700

EXPENDITURE REPORT

Page Five

Date: August 2016

17% of Year Expended

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	YTD%	UNEXPENDED BALANCE
Water Division					
Personnel	314,350	\$44,468	44,468	14.15%	269,882
O&M	1,111,675	\$167,096	167,096	15.03%	944,579
Capital	402,730	\$9,407	9,407	2.34%	393,323
Debt Service	901,745	\$5,504	5,504	0.61%	896,241
Total Water	\$2,730,500	\$226,475	\$226,475	8.29%	2,504,025
Sewer Division					
Personnel	314,350	\$44,468	44,468	14.15%	269,882
O&M	1,144,955	\$156,620	156,620	13.68%	988,335
Capital	434,725	\$0	0	0.00%	434,725
Debt Service	612,470	\$12,736	12,736	2.08%	599,734
Sewer Sub Total	\$2,506,500	\$213,824	\$213,824	8.53%	2,292,676
Kent County Sewer	1,850,000	\$313,125	313,125	16.93%	1,536,875
Total Sewer	\$4,356,500	\$526,949	\$526,949	12.10%	3,829,551
Solid Waste Division					
Personnel	401,470	\$51,587	51,587	12.85%	349,883
O&M	697,970	\$107,858	107,858	15.45%	590,112
Capital	261,000	\$0	0	0.00%	261,000
Total Solid Waste	\$1,360,440	\$159,445	\$159,445	11.72%	1,200,995
Total Water, Sewer Solid Waste	\$8,447,440	\$912,869	\$912,869	10.81%	7,534,571
Electric Division					
Personnel	1,254,300	\$177,429	177,429	14.15%	1,076,871
O&M	1,755,045	\$278,748	278,748	15.88%	1,476,297
Transfer to General Fund	2,500,000	\$416,667	416,667	16.67%	2,083,333
Capital	450,000	\$0	0	0.00%	450,000
Debt Service	346,445	\$0	0	0.00%	346,445
Electric Sub Total	\$6,305,790	\$872,844	\$872,844	13.84%	5,432,946
Power Purchased	18,600,000	\$3,833,619	3,833,619	20.61%	14,766,381
Total Electric	\$24,905,790	\$4,706,463	\$4,706,463	18.90%	20,199,327
TOTAL OPERATING BUDGET	\$42,538,525	\$6,883,927	\$6,883,927	16.18%	35,654,598

INTERSERVICE DEPARTMENTS REPORT

Page Six

Date: August 2016

ACCOUNT	AMOUNT BUDGETED	MTD	YTD	17% of Year Expended	UNEXPENDED BALANCE
				YTD%	
Garage					
Personnel	89,850	6,770	12,485	13.90%	77,365
O&M	78,135	5,872	13,793	17.65%	64,342
Capital	0	0	0		0
Total Garage Expense	\$167,985	12,642	\$26,278	15.64%	141,707
Public Works					
Personnel	199,550	16,356	21,088	10.57%	178,462
O&M	171,745	13,957	27,976	16.29%	143,769
Capital	23,235	0	368		22,867
Total Public Works Expense	\$394,530	30,681	\$49,432	12.53%	345,098
Billing & Collections					
Personnel	532,230	41,033	76,157	14.31%	456,073
O&M	225,530	15,283	30,503	13.53%	195,027
Capital	0	0	0		0
Total Billing & Collections	\$757,760	56,316	\$106,660	14.08%	651,100
City Hall Cost Allocation					
Personnel	0	0	0		0
O&M	61,000	10,662	17,012	27.89%	43,988
Capital	0	0	0		0
Total City Hall Cost Allocation	\$61,000	10,662	\$17,012	27.89%	43,988

ALL COSTS SHOWN ON PAGE 6 ARE ALSO INCLUDED IN THE VARIOUS DEPARTMENTS LISTED ON PAGES 3-5 OF THE EXPENDITURE REPORT WHO UTILIZE THE SERVICES OF THE DEPARTMENTS LISTED ABOVE. INTERSERVICE FUNDS ARE ENTIRELY FUNDED BY OTHER CITY DEPARTMENTS.

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 8, 2016

A Meeting of the Community Affairs Committee was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Thursday, September 8, 2016.

PRESIDING: Community Affairs Committee Chair Lisa Ingram Peel

IN ATTENDANCE: Economic Development Committee Member:
Councilmember James Burk

City Manager Eric Norenberg and City Clerk Terri Hudson

Chairwoman Peel called the Committee Meeting to order at 5:32 p.m.

City Planning Coordinator Rob Pierce was also present.

Request for Code Waiver (Joseph Phillips & Jan Broulik):

*City of Milford Code Chapter 79 - Animals
Article III-Prohibited Animals*

*Zoning Code Amendment/Addition -
One-Family Residential Zone (R-20, R-15, R-10, R-8 and R-7)*

Chairwoman Peel referenced the following letter received from Joseph Phillips and Jan Broulik from 2 Causey Avenue that was sent to Mayor Shupe, City Manager Norenberg and members of the Community Affairs Committee:

Greetings from your neighbors at Causey Mansion. We kindly write to ask you to consider granting us a waiver for a rule that restrict residents inside city limits from keeping chickens...or perhaps change the current law to require a minimum of three acres (similar to the well drilling law) to do so.

We wish to keep hens (up to 16) on our property as pets and for purposes of egg-gathering for our B&B—all females as no noisy roosters are needed for egg production. Causey Mansion sits on 3.14 acres—which is the entire central part of the Causey Avenue, South Walnut Street, Church Street and Maple Avenue block. Our park-like property is very private and totally unseen from all but a few neighbors.

Backyard chickens are becoming more and more popular in urban areas around the country. Aside from the constant supply of fresh eggs, chickens eat ticks and other insects. They also eat most kitchen scraps and provide high nitrogen fertilizer for gardeners. They are allowed inside many Delaware City Limits including our state capital:

Dover Delaware Chicken Ordinance

Are Chickens Allowed -Yes

Maximum Chickens Allowed - 25

Roosters Allowed - No

Permit Required - No

Coop Restrictions - Yes, property line restrictions apply.

Noise ordinance applies for all animals.

Since the house now known as the Causey Mansion has been around since 1763 and was originally 1,506 acres, we thought that providing us with an exception via a sort of post grandfather clause might be considered.

Causey Mansion hosts many outdoor events for profit and others not for profit, like the Roaring Twenties Lawn Party—with this in mind, you can rest assured that our coop will be neatly designed and maintained. Again, we will have no roosters,

eggs will not be for resale and no butchering will occur!

We hope to have a few Delaware Blue Hens in our flock along with a colorful mixture of other breeds.

Councilmember Burk stated that he called the City of Dover because the request mentioned this was permitted in Dover. He feels that we would need a process if our code were changed and has a number of questions.

Dover officials informed him that possibly only one house, and maybe two, have chickens. He asked about inspections, setbacks, permits, etc. because Kent County also permits coups. In Kent County, the coop must be fifty feet from the property and one hundred feet from the nearest adjoining property structure/dwelling. The City of Dover requires twenty feet from the property line.

Councilman Burk noted that the letter indicated other municipalities allow chickens though he is unfamiliar with any. He pointed out that Sussex County has nothing on the books. He is aware that Georgetown and the beach areas do not permit chickens.

Councilman Burk also mentioned roosters adding that in the City of Dover, that rooster crowing would fall under their noise ordinance.

When asked for staff recommendations and how our Code Official and Building Inspector felt, Planning Coordinator Pierce stated that he talked to the City Manager about this the other day. He said that the Police Department has jurisdiction over animal ordinances in other towns. Councilmember Peel said when the police are called, they do not respond to animal complaints. Councilman Burk agreed noting he believes that Delaware has consolidated animal services into one agency (Office of Animal Welfare).

Mr. Pierce feels the contract with the City should be through the police department for enforcement though our animal ordinance still references the SPCA.

Councilmember Peel confirmed that Mr. Pierce is indicating the ordinance needs to be updated. He stated yes and his department would only be involved if there was a provision in the zoning ordinance. Our current animal chapter prohibits chickens in the City in addition to any animal that makes noise.

Councilmember Burk pointed out that when the high school built their agricultural building, a waiver was granted because no one informed them that livestock was not permitted in the City. As a result, council provided them with a written waiver. However, they are off the beaten path and not in the middle of a residential area.

He also emphasized that if we call the Animal Welfare Office for chickens, they will not come nor do they come for cats. Councilmember Peel added they will not come for raccoons either.

Mr. Pierce believes Code Official Lendon Dennis found someone at DNREC who can be contacted to pick up a chicken if it was in a public area.

Chairwoman Peel stated that knowing what we know about our code enforcement and prioritizations, should we consider chickens and is it more of a headache to change the code or would a waiver be more appropriate as was done for the high school.

Mr. Pierce stated that if we want to allow people to have self-sustained chicken operations in the City, that is up to Council. However, he is willing to have it added to the zoning code as an accessory use similar to how Dover addressed it. He also agrees the lot size needs to be large enough to accommodate the chickens without infringing on any neighboring properties.

Councilman Burk reported that chickens are only allowed in the AR zoning in Kent County which is different than just a

residential district. He recently had to investigate a duck coop off Church Hill Road which was only five feet from the property line. However, he believes that ducks are more of a nuisance than chickens though a neighbor can complain regardless.

Mr. Pierce pointed out that sixteen chickens are a lot more than the five that are permitted by the Dover code though only a quarter acre lot is required.

Councilmember Burk stated that both he and Chairwoman Peel have constituents who want to have chickens; she agreed stating this is not the only request they have received.

Councilmember Burk also pointed out that there are very few lots in the City as big as the Causey Mansion lot which makes them a unique situation.

Mr. Norenberg stated that sooner or later we will find that the local agricultural uses, such as community gardens and raising a few chickens for personal use, are going to increase. He has seen it in other parts of the country. He suggests that it be handled through a waiver or code change that fits the Causey Mansion site though other residents who have smaller lots may also be interested.

The City Manager suggests we consider a one-acre lot and get some experience with the use and any potential problems. Then we can incorporate other changes as we receive more requests and lower it down another level if needed.

He feels it is a future trend though he is glad the room is not full of residents making the request.

Councilwoman Peel said she is fine with the request because she knows there are chickens in Milford already. She prefers something on the books versus something that is not being enforced. She is unsure how to address though she knows that chasing chickens is not a good use of City resources.

Councilman Burk wants to prevent having loose chickens running through the streets of Milford, which is something he dealt in another municipality.

Mr. Pierce recommends we revisit the animal ordinance and clarify who is responsible for what. Chairwoman Peel asked the Planner if he thinks the police department should be responsible for enforcing chickens. Mr. Pierce stated they are animals and asked who should be in charge of animal control. He is willing to do some research but most of the ordinances he read state the police department over see that code.

Chairwoman Peel asked if the police department is currently responsible because when they are called, they do not come out for animal complaints.

Mr. Norenberg stated the ordinance needs to be revisited since the SPCA folded and the State of Delaware took jurisdiction of those services. That is the reason so many people are in limbo. However, we need to be able to put something on the website stating that certain types of animal issues are handled by the police department, other incidents are handled by the Delaware Office of Animal Welfare and other incidents are handled by a private sector.

He said anyone with a pest problem such as squirrels in their attic needs to call a private vendor and not the police nor the state. Any zoning issue treated as a legal use would fall under the code and inspection department.

Mr. Pierce stated that the right of entry section in the animal code mentions the SPCA, and/or City of Milford Code Official or Milford Police Officer. It gives them the right of entry but does not state who is responsible for enforcement.

Councilman Burk pointed out that if the police were going to handle a call, there is a drop down box with categories starting with the more serious criminal complaints. He has seen a lot of City Councils put the responsibility on the police department

and recalled having police officers enforcing yard sales in another municipality. Those type complaints are not addressed because they are not priorities.

He continued by stating that maybe we should consider a limit per acre; Causey Mansion is asking for sixteen chickens and have 3.14 acres. He referenced the City of Dover's code that allows five chickens. Mr. Pierce stated they are only allowed five chickens regardless of how much land they have.

Councilman Burk pointed out if five chickens were allowed per acre, they would be able to have fifteen chickens, considering they have three acres.

He said no one balked at the high school having the ability to have agricultural animals and they also have a large parcel. However, he is a little nervous about the twenty feet from the property line could be a problem. Another question is whether we would require the yard to be fenced. He does not want chickens on the street or road running through town. That brings other issues that must be considered.

Councilmember Peel referenced the leash and feral cat requirements and asked if something can be added stating that the chickens must be contained.

Mr. Burk asked if Causey Mansion is fenced; the City Manager confirmed that parts of the yard are fenced though not the entire yard. The rear yard is open to some of the neighboring backyards.

She suggested something similar to the "no animal shall be permitted in or upon any public street, sidewalk, alley, park, parkway or other public place" be considered for chickens.

Councilmember Peel likes the idea of allowing only five chickens per acre and asked if something else needs to be updated. Mr. Pierce stated that if five chickens per acre are permitted, nothing will need to be modified in the animal ordinance. The Planner reiterated that it is worth investigating who should enforce the chickens.

Councilmember Burk stated that the City of Dover requires the chickens be registered with the Department of Agriculture. He also recalled a few years ago when there were public outcries about the avian flu and chicken coups. A lot of the coups are now in protected areas with warning signs and the reason they want them registered.

Councilmember Burk said he is not opposed to this request but if a waiver was granted, a stipulation would need to be added that the waiver does not transfer with new ownership. Councilmember Peel asked if a waiver or a change in code is being considered.

Mr. Pierce stated that the City of Dover allows chickens as a permitted use and not a waiver.

Councilmember Burk asked how the code official and building inspector feel about this; Mr. Pierce said he did not ask them. Councilmember Burk suggests they be asked; Mr. Pierce said he knows how he feels about it.

City Manager Norenberg said there are two issues. The first is how to allow and permit chickens. In the meantime, the police department and City administration will need to work together to update the animal-related ordinance. If chickens are permitted through a code change, language can be drafted to satisfy the suggestions discussed tonight.

It was noted that the planning commission would only be involved if this involved a zoning code change; any changes to Chapter 79 Animals would only go through City Council.

Councilman Burk prefers looking beyond Dover because of their lack of experience and the ordinance only becoming effective June 1st. He is unaware of any other municipalities that permit chickens in Delaware.

Councilmember Burk pointed out that Mr. Phillips and Mr. Broulik state in their letter that many Delaware cities permit

chickens, in addition to Dover.

The City Clerk will send out an all call to the other cities to determine who else permits this in Delaware.

Councilmember Burk feels that is a good idea but thinks we need to ask for public comments as well. He reiterated that there have been a number of residents in his ward ask for a chicken coup though he is unsure they would have sufficient acreage to meet what has been discussed.

When asked if chickens should be permitted on a parcel less than one acre, Councilmember Burk pointed out that Dover permits five chickens on a quarter acre lot, in addition to requiring twenty foot setbacks.

Mr. Norenberg pointed out that may not be an adequate setback for smell or noise. Once the committee looks at the ordinance from other communities and finds that a larger setback is more appropriate, we may need a larger lot size to accommodate the setbacks.

Councilmember Peel stated that one of the issues is who should enforce the code. Mr. Pierce suggests we determine how it is handled in the other municipalities. She also suggests getting more information about registration through the Department of Agriculture.

Mr. Pierce asked if Kent County Code Officials get involved in animal control issues; Councilmember Burk stated no, everything goes to the Delaware Office of Animal Welfare.

Mr. Pierce stated that whenever someone refers to a code official, a lot of people think they are supposed to enforce the entire code. However, there are a number of aspects that should not fall under property maintenance or a zoning violation, which chickens could be. Any chickens found in the streets should not be a zoning violation.

It was agreed this matter will need to come back to the Community Affairs Committee before going to City Council after the research is obtained.

City Manager Norenberg confirmed that it sounds like the committee is also interested in who is responsible for the animal control enforcement and asked if Chief Brown should be invited to the next meeting; Chairwoman Peel stated he should be particularly if the police department will have jurisdiction over the animal code.

When asked if the police department handles animal control, the City Clerk explained that the City always had a contract with the SPCA until the state created this new agency. Mr. Pierce confirmed the contract was through the police department and Ms. Hudson explained that was because they actually had a full-time dog catcher/custodian who was responsible for those duties at one time.

In the meantime, Councilmember Burk will follow-up with the organizations he is involved in as well.

The City Manager was directed by Chairwoman Peel to follow up with Mr. Phillips and Mr. Broulik and inform them that it looks good, though we need to figure out how we can make it work and that both of their Council Representatives support the idea.

Mr. Pierce hopes to come back on October 10th with a proposed ordinance.

There being no further business, Councilmember Burk moved to adjourn, seconded by Councilmember Peel. Motion carried.

The Committee Meeting adjourned at 6:05 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder



September 22, 2016

Dear Honorable Bryan Shupe,

On behalf of Delaware Technical Community College's Terry Campus and the Kent County Business and Entrepreneurship Consortium, please accept our sincere appreciation and thank you for being a panel speaker at the 8th Annual Kent County Economic Summit: *Building a Better Community* which was held on September 20, 2016.

As part of the event, Delaware Tech's resident photographer took photographs of all of the presenters. If you would like to obtain a copy of the pictures for your record, please let us know and we will be happy to provide it to you.

Thank you for your contribution and for taking the time out of your busy schedule to help us "Build a Better Community" for Kent County and our State.

We hope you will join us next year for another great Economic Summit!

Sincerely,

A handwritten signature in black ink that reads "June S. Turansky".

June S. Turansky, Ed.D.
Vice President and Campus Director
June.Turansky@dtcc.edu
302-857-1126

A handwritten signature in blue ink that reads "Lisa J. Strusowski".

Lisa J. Strusowski, Ed.D.
Workforce Development &
Community Education
Lisa.Strusowski@dtcc.edu
302-857-1401

CHARLES L. TERRY JR. CAMPUS

100 Campus Drive, Dover, DE 19904 | 302.857.1000 (t) 302.857.1296 (f) | www.dtcc.edu

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**DELAWARE LEAGUE OF LOCAL GOVERNMENTS
MONTHLY DINNER MEETING
THE DUNCAN CENTER
500 W. LOOCKERMAN STREET, 5TH FLOOR, DOVER**

THURSDAY, OCTOBER 27, 2016

REGISTRATION/SOCIAL HOUR: 5:30 P.M. - 6:15 P.M.

DINNER: 6:30 P.M. – 7:15 P.M.

PROGRAM: 7:15 P.M.

PROGRAM:

The DLLG is pleased to host Dr. Michael Barbieri, Director of the Delaware Division of Substance Abuse and Mental Health. Dr. Barbieri is a direct report to the DHSS Secretary and has over thirty years of experience with both clinical and management issues in the fields of mental health and chemical dependency. He was appointed Director of the Division last year, having served previously in the State House of Representatives for the 18th District. Dr. Barbieri earned his doctorate from the University of Delaware and masters in social work from Temple University. Among others, he will address the current fight against the opioid epidemic.

The DLLG wishes to thank Zelenkofske Axelrod for sponsoring this month’s dinner meeting.

Next Meeting: Thursday, December 1, 2016

WE MUST HAVE YOUR RESERVATIONS NO LATER THAN OCTOBER 21, 2016

Mail To/Make Payable to: Delaware League of Local Governments • P.O. Box 484 • Dover, DE 19903-0484
Phone: 302-678-0991 • Email: cfluft@udel.edu

_____ will have _____ attendees
(Municipality/County/Agency)

PLEASE LIST THE NAMES OF THOSE ATTENDING

<u>Name</u>	<u>Title</u>
_____	& _____
_____	& _____
_____	& _____
_____	& _____
_____	& _____
_____	& _____

- () Check enclosed for () dinners @ \$30 each
- () Payment will be made at the door
- () Check mailed for () dinners @ \$30 each

City of Milford

Parameters Discussion

October 10, 2016

Prepared by:
Jamie Schlesinger
Director



PFM Financial Advisors LLC
2533 Yellow Springs Road
Malvern, PA 19355
610.647.5487 (P)
610.647.2467 (F)
www.pfm.com



MUNICIPAL MARKET UPDATE

October 6, 2016

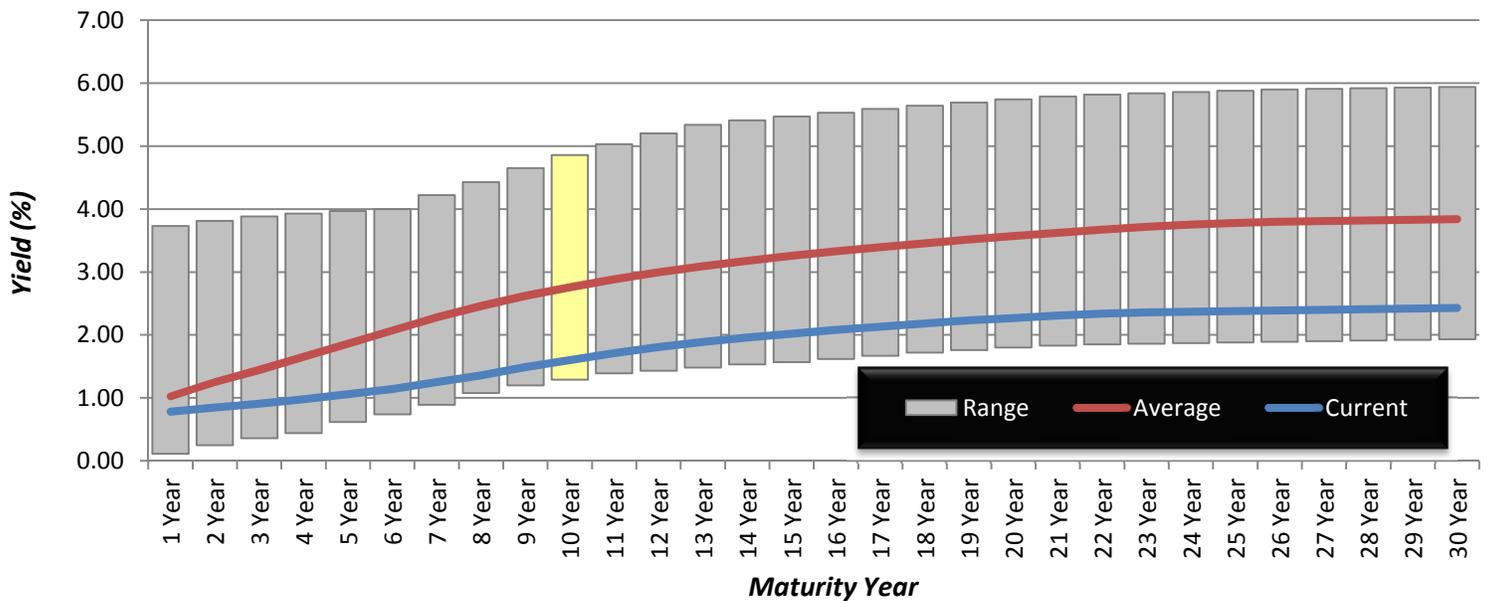


MMD YIELD CURVE

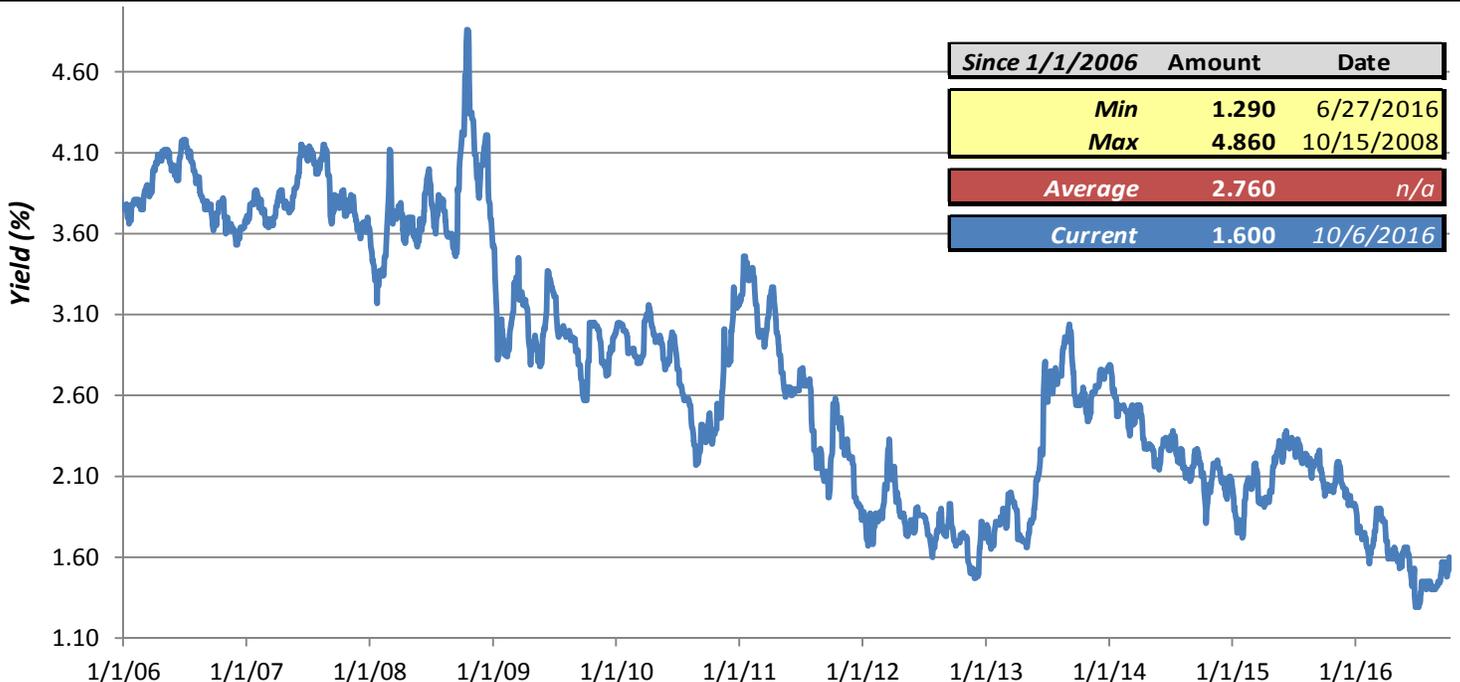
The MMD Yield Curve is a high grade municipal yield curve published daily by Municipal Market Data. It is one of the most commonly used benchmarks in municipal finance. The yields within the curve reflect the current yields for each maturity year at which bondholders would be likely to sell high quality (AAA rated) general obligation backed bonds. The yield curve is typically influenced by new issuances in the primary market as well as post-issuance trading in the secondary market.

Municipal bonds typically trade at a "spread to MMD", meaning the difference between the yield in a specific year of a bond issue and the respective yield in the MMD Yield Curve. While these spreads vary over time, they can be a meaningful and powerful tool in trying to compare relative yield levels in a volatile interest rate environment.

HISTORICAL MMD CURVE ILLUSTRATION - SINCE JANUARY 1, 2006



SPOT ANALYSIS - 10 YEAR MMD - SINCE JANUARY 1, 2006



CITY OF MILFORD SUMMARY OF OUTSTANDING BOND INDEBTEDNESS

Debt Service Requirements

1	2	3	4	5
Fiscal Year Ended	CABs Series of 1992	G.O. Bonds Series A of 2011	G.O. Bonds Series B of 2011	Total Debt Service
6/30/2017	395,000	595,008	273,100	1,263,108
6/30/2018	390,000	599,008	281,050	1,270,058
6/30/2019		599,708	278,550	878,258
6/30/2020		600,108	275,900	876,008
6/30/2021		600,208	278,100	878,308
6/30/2022		600,008		600,008
6/30/2023		602,758		602,758
6/30/2024		599,983		599,983
6/30/2025		601,858		601,858
6/30/2026		602,233		602,233
6/30/2027		602,045		602,045
6/30/2028		600,245		600,245
6/30/2029		602,845		602,845
6/30/2030		599,418		599,418
6/30/2031		600,383		600,383
6/30/2032		590,538		590,538
6/30/2033		359,288		359,288
6/30/2034		361,963		361,963
6/30/2035		364,000		364,000
6/30/2036		364,920		364,920
6/30/2037		360,180		360,180
6/30/2038				
6/30/2039				
6/30/2040				
TOTAL	785,000	11,406,698	1,386,700	13,578,398

Principal *:	133,633	7,850,000	1,270,000	9,253,633
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Call Date:	Non-Callable	1/1/2017	1/1/2017
Purpose:	Adv Ref 1989 New Money	New Money	Cur Ref 2002
Fund:	Water	Electric/Sewer	General/Sewer/ Water



Other Debt of City (2015 Audit Balances):
 Three Revolving Fund Loans State of Delaware \$2,359,667
 Kent County Note \$1,243,186
 USDA Loan \$1,773,786

* Outstanding as of October 6, 2016

**CITY OF MILFORD
REFINANCING OPPORTUNITY**

	1	2
	Option 1	Option 2
Par Amount	\$8,195,000	\$8,195,000
Savings Structure	Upfront	Level
Issue Refinanced	Series A of 2011	Series A of 2011
Settlement Date	12/1/2016	12/1/2016
Average Rate	2.75%	2.74%
Est. Total Net Savings	\$664,689	\$841,406

Fiscal Year Ending	Refunded Debt Service	Proposed Debt Service	Proposed Net Savings	Proposed Debt Service	Proposed Net Savings
6/30/2017	447,504		447,504	406,820	40,684
6/30/2018	599,008	439,286	159,722	560,444	38,564
6/30/2019	599,708	598,378	1,330	559,239	40,469
6/30/2020	600,108	596,387	3,721	557,690	42,418
6/30/2021	600,208	599,107	1,101	560,865	39,343
6/30/2022	600,008	596,358	3,650	558,588	41,420
6/30/2023	602,758	598,182	4,576	560,905	41,853
6/30/2024	599,983	599,427	556	562,665	37,318
6/30/2025	601,858	599,988	1,870	563,768	38,090
6/30/2026	602,233	599,797	2,436	564,150	38,083
6/30/2027	602,045	598,786	3,259	563,744	38,301
6/30/2028	600,245	597,022	3,224	557,612	42,633
6/30/2029	602,845	599,434	3,411	560,820	42,026
6/30/2030	599,418	595,959	3,459	558,170	41,248
6/30/2031	600,383	596,659	3,724	559,728	40,655
6/30/2032	590,538	586,621	3,917	550,566	39,972
6/30/2033	359,288	356,125	3,163	320,964	38,324
6/30/2034	361,963	356,884	5,079	322,631	39,332
6/30/2035	364,000	362,182	1,819	323,853	40,147
6/30/2036	364,920	361,853	3,068	324,620	40,301
6/30/2037	360,180	356,075	4,106	319,951	40,229
6/30/2038					
6/30/2039					
6/30/2040					
TOTAL	11,259,194	10,594,505	664,689	10,417,788	841,406



Upfront Savings

CITY OF MILFORD
SERIES A OF 2011

Optional Redemption: January 1, 2017

1	2	3	4	5	6
<u>Date</u>	<u>Principal</u>	<u>Rate</u>	<u>Interest</u>	<u>Semi-Annual Debt Service</u>	<u>Fiscal Year Debt Service</u>
1/1/2017	300,000	2.000	147,503.75	447,503.75	447,503.75
7/1/2017			144,503.75	144,503.75	
1/1/2018	310,000	3.000	144,503.75	454,503.75	599,007.50
7/1/2018			139,853.75	139,853.75	
1/1/2019	320,000	3.000	139,853.75	459,853.75	599,707.50
7/1/2019			135,053.75	135,053.75	
1/1/2020	330,000	3.000	135,053.75	465,053.75	600,107.50
7/1/2020			130,103.75	130,103.75	
1/1/2021	340,000	3.000	130,103.75	470,103.75	600,207.50
7/1/2021			125,003.75	125,003.75	
1/1/2022	350,000	3.500	125,003.75	475,003.75	600,007.50
7/1/2022			118,878.75	118,878.75	
1/1/2023	365,000	3.500	118,878.75	483,878.75	602,757.50
7/1/2023			112,491.25	112,491.25	
1/1/2024	375,000	3.500	112,491.25	487,491.25	599,982.50
7/1/2024			105,928.75	105,928.75	
1/1/2025	390,000	3.750	105,928.75	495,928.75	601,857.50
7/1/2025			98,616.25	98,616.25	
1/1/2026	405,000	3.750	98,616.25	503,616.25	602,232.50
7/1/2026			91,022.50	91,022.50	
1/1/2027	420,000	4.000	91,022.50	511,022.50	602,045.00
7/1/2027			82,622.50	82,622.50	
1/1/2028	435,000	4.000	82,622.50	517,622.50	600,245.00
7/1/2028			73,922.50	73,922.50	
1/1/2029	455,000	4.050	73,922.50	528,922.50	602,845.00
7/1/2029			64,708.75	64,708.75	
1/1/2030	470,000	4.050	64,708.75	534,708.75	599,417.50
7/1/2030			55,191.25	55,191.25	
1/1/2031	490,000	4.050	55,191.25	545,191.25	600,382.50
7/1/2031			45,268.75	45,268.75	
1/1/2032	500,000	4.250	45,268.75	545,268.75	590,537.50
7/1/2032			34,643.75	34,643.75	
1/1/2033	290,000	4.250	34,643.75	324,643.75	359,287.50
7/1/2033			28,481.25	28,481.25	
1/1/2034	305,000	4.250	28,481.25	333,481.25	361,962.50
7/1/2034			22,000.00	22,000.00	
1/1/2035	320,000	4.400	22,000.00	342,000.00	364,000.00
7/1/2035			14,960.00	14,960.00	
1/1/2036	335,000	4.400	14,960.00	349,960.00	364,920.00
7/1/2036			7,590.00	7,590.00	
1/1/2037	345,000	4.400	7,590.00	352,590.00	360,180.00
TOTALS	7,850,000		3,409,193.75	11,259,193.75	11,259,193.75

CITY OF MILFORD REQUIRED TO CALL BONDS

1 2 3 4

<i>SERIES A OF 2011</i>

<u>Date</u>	<u>Principal</u>	<u>Interest</u>	<u>Required</u>
1/1/2017	7,850,000.00	147,503.75	7,997,503.75
<hr/>			
TOTALS	7,850,000.00	147,503.75	7,997,503.75
<hr/>			

CITY OF MILFORD

SERIES OF 2016
REFUNDS THE SERIES A OF 2011

Settle 12/1/2016
Dated 12/1/2016

1	2	3	4	5	6	7	8
<u>Date</u>	<u>Principal</u>	<u>Coupon</u>	<u>Interest</u>	<u>Semi-Annual Debt Service</u>	<u>Fiscal Year Debt Service</u>	<u>Existing Debt Service</u>	<u>Savings</u>
FYE 2017						447,503.75	447,503.75
7/1/2017			120,769.25	120,769.25			
1/1/2018	215,000	1.700	103,516.50	318,516.50	439,285.75	599,007.50	159,721.75
7/1/2018			101,689.00	101,689.00			
1/1/2019	395,000	1.770	101,689.00	496,689.00	598,378.00	599,707.50	1,329.50
7/1/2019			98,193.25	98,193.25			
1/1/2020	400,000	1.820	98,193.25	498,193.25	596,386.50	600,107.50	3,721.00
7/1/2020			94,553.25	94,553.25			
1/1/2021	410,000	1.890	94,553.25	504,553.25	599,106.50	600,207.50	1,101.00
7/1/2021			90,678.75	90,678.75			
1/1/2022	415,000	1.970	90,678.75	505,678.75	596,357.50	600,007.50	3,650.00
7/1/2022			86,591.00	86,591.00			
1/1/2023	425,000	2.060	86,591.00	511,591.00	598,182.00	602,757.50	4,575.50
7/1/2023			82,213.50	82,213.50			
1/1/2024	435,000	2.170	82,213.50	517,213.50	599,427.00	599,982.50	555.50
7/1/2024			77,493.75	77,493.75			
1/1/2025	445,000	2.290	77,493.75	522,493.75	599,987.50	601,857.50	1,870.00
7/1/2025			72,398.50	72,398.50			
1/1/2026	455,000	2.420	72,398.50	527,398.50	599,797.00	602,232.50	2,435.50
7/1/2026			66,893.00	66,893.00			
1/1/2027	465,000	2.530	66,893.00	531,893.00	598,786.00	602,045.00	3,259.00
7/1/2027			61,010.75	61,010.75			
1/1/2028	475,000	2.650	61,010.75	536,010.75	597,021.50	600,245.00	3,223.50
7/1/2028			54,717.00	54,717.00			
1/1/2029	490,000	2.750	54,717.00	544,717.00	599,434.00	602,845.00	3,411.00
7/1/2029			47,979.50	47,979.50			
1/1/2030	500,000	2.860	47,979.50	547,979.50	595,959.00	599,417.50	3,458.50
7/1/2030			40,829.50	40,829.50			
1/1/2031	515,000	2.920	40,829.50	555,829.50	596,659.00	600,382.50	3,723.50
7/1/2031			33,310.50	33,310.50			
1/1/2032	520,000	2.980	33,310.50	553,310.50	586,621.00	590,537.50	3,916.50
7/1/2032			25,562.50	25,562.50			
1/1/2033	305,000	3.030	25,562.50	330,562.50	356,125.00	359,287.50	3,162.50
7/1/2033			20,941.75	20,941.75			
1/1/2034	315,000	3.080	20,941.75	335,941.75	356,883.50	361,962.50	5,079.00
7/1/2034			16,090.75	16,090.75			
1/1/2035	330,000	3.130	16,090.75	346,090.75	362,181.50	364,000.00	1,818.50
7/1/2035			10,926.25	10,926.25			
1/1/2036	340,000	3.170	10,926.25	350,926.25	361,852.50	364,920.00	3,067.50
7/1/2036			5,537.25	5,537.25			
1/1/2037	345,000	3.210	5,537.25	350,537.25	356,074.50	360,180.00	4,105.50
7/1/2037							
TOTALS	8,195,000		2,399,505.25	10,594,505.25	10,594,505.25	11,259,193.75	664,688.50

Savings as a % of Refunded Par 8.47%

CITY OF MILFORD SERIES OF 2016 Composition of the Issue
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SOURCES:

Bonds		8,195,000.00
Original Issue (Discount)/Premium		0.00
Accrued Interest		<u>0.00</u>
	Total	8,195,000.00

USES:

Cost of the Escrow		7,997,503.75
Underwriter's Discount	\$8.00	65,560.00
Bond Insurance	\$0.00	0.00
Cost of Issuance		125,250.00
Miscellaneous Expenses/Rounding		<u>6,686.25</u>
	Total	8,195,000.00

Dated Date 12/1/2016

Settlement Date 12/1/2016

Yield of the Issue	2.745233
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Level Savings

CITY OF MILFORD
SERIES A OF 2011

Optional Redemption: January 1, 2017

1	2	3	4	5	6
<u>Date</u>	<u>Principal</u>	<u>Rate</u>	<u>Interest</u>	<u>Semi-Annual Debt Service</u>	<u>Fiscal Year Debt Service</u>
1/1/2017	300,000	2.000	147,503.75	447,503.75	447,503.75
7/1/2017			144,503.75	144,503.75	
1/1/2018	310,000	3.000	144,503.75	454,503.75	599,007.50
7/1/2018			139,853.75	139,853.75	
1/1/2019	320,000	3.000	139,853.75	459,853.75	599,707.50
7/1/2019			135,053.75	135,053.75	
1/1/2020	330,000	3.000	135,053.75	465,053.75	600,107.50
7/1/2020			130,103.75	130,103.75	
1/1/2021	340,000	3.000	130,103.75	470,103.75	600,207.50
7/1/2021			125,003.75	125,003.75	
1/1/2022	350,000	3.500	125,003.75	475,003.75	600,007.50
7/1/2022			118,878.75	118,878.75	
1/1/2023	365,000	3.500	118,878.75	483,878.75	602,757.50
7/1/2023			112,491.25	112,491.25	
1/1/2024	375,000	3.500	112,491.25	487,491.25	599,982.50
7/1/2024			105,928.75	105,928.75	
1/1/2025	390,000	3.750	105,928.75	495,928.75	601,857.50
7/1/2025			98,616.25	98,616.25	
1/1/2026	405,000	3.750	98,616.25	503,616.25	602,232.50
7/1/2026			91,022.50	91,022.50	
1/1/2027	420,000	4.000	91,022.50	511,022.50	602,045.00
7/1/2027			82,622.50	82,622.50	
1/1/2028	435,000	4.000	82,622.50	517,622.50	600,245.00
7/1/2028			73,922.50	73,922.50	
1/1/2029	455,000	4.050	73,922.50	528,922.50	602,845.00
7/1/2029			64,708.75	64,708.75	
1/1/2030	470,000	4.050	64,708.75	534,708.75	599,417.50
7/1/2030			55,191.25	55,191.25	
1/1/2031	490,000	4.050	55,191.25	545,191.25	600,382.50
7/1/2031			45,268.75	45,268.75	
1/1/2032	500,000	4.250	45,268.75	545,268.75	590,537.50
7/1/2032			34,643.75	34,643.75	
1/1/2033	290,000	4.250	34,643.75	324,643.75	359,287.50
7/1/2033			28,481.25	28,481.25	
1/1/2034	305,000	4.250	28,481.25	333,481.25	361,962.50
7/1/2034			22,000.00	22,000.00	
1/1/2035	320,000	4.400	22,000.00	342,000.00	364,000.00
7/1/2035			14,960.00	14,960.00	
1/1/2036	335,000	4.400	14,960.00	349,960.00	364,920.00
7/1/2036			7,590.00	7,590.00	
1/1/2037	345,000	4.400	7,590.00	352,590.00	360,180.00
TOTALS	7,850,000		3,409,193.75	11,259,193.75	11,259,193.75

**CITY OF MILFORD
REQUIRED TO CALL BONDS**

1 2 3 4

SERIES A OF 2011

<u>Date</u>	<u>Principal</u>	<u>Interest</u>	<u>Required</u>
1/1/2017	7,850,000.00	147,503.75	7,997,503.75
TOTALS	7,850,000.00	147,503.75	7,997,503.75

CITY OF MILFORD

SERIES OF 2016

REFUNDS THE SERIES A OF 2011

Settle 12/1/2016

Dated 12/1/2016

1	2	3	4	5	6	7	8
<u>Date</u>	<u>Principal</u>	<u>Coupon</u>	<u>Interest</u>	<u>Semi-Annual Debt Service</u>	<u>Fiscal Year Debt Service</u>	<u>Existing Debt Service</u>	<u>Savings</u>
1/1/2017	390,000	1.640	16,819.96	406,819.96	406,819.96	447,503.75	40,683.79
7/1/2017			97,721.75	97,721.75			
1/1/2018	365,000	1.700	97,721.75	462,721.75	560,443.50	599,007.50	38,564.00
7/1/2018			94,619.25	94,619.25			
1/1/2019	370,000	1.770	94,619.25	464,619.25	559,238.50	599,707.50	40,469.00
7/1/2019			91,344.75	91,344.75			
1/1/2020	375,000	1.820	91,344.75	466,344.75	557,689.50	600,107.50	42,418.00
7/1/2020			87,932.25	87,932.25			
1/1/2021	385,000	1.890	87,932.25	472,932.25	560,864.50	600,207.50	39,343.00
7/1/2021			84,294.00	84,294.00			
1/1/2022	390,000	1.970	84,294.00	474,294.00	558,588.00	600,007.50	41,419.50
7/1/2022			80,452.50	80,452.50			
1/1/2023	400,000	2.060	80,452.50	480,452.50	560,905.00	602,757.50	41,852.50
7/1/2023			76,332.50	76,332.50			
1/1/2024	410,000	2.170	76,332.50	486,332.50	562,665.00	599,982.50	37,317.50
7/1/2024			71,884.00	71,884.00			
1/1/2025	420,000	2.290	71,884.00	491,884.00	563,768.00	601,857.50	38,089.50
7/1/2025			67,075.00	67,075.00			
1/1/2026	430,000	2.420	67,075.00	497,075.00	564,150.00	602,232.50	38,082.50
7/1/2026			61,872.00	61,872.00			
1/1/2027	440,000	2.530	61,872.00	501,872.00	563,744.00	602,045.00	38,301.00
7/1/2027			56,306.00	56,306.00			
1/1/2028	445,000	2.650	56,306.00	501,306.00	557,612.00	600,245.00	42,633.00
7/1/2028			50,409.75	50,409.75			
1/1/2029	460,000	2.750	50,409.75	510,409.75	560,819.50	602,845.00	42,025.50
7/1/2029			44,084.75	44,084.75			
1/1/2030	470,000	2.860	44,084.75	514,084.75	558,169.50	599,417.50	41,248.00
7/1/2030			37,363.75	37,363.75			
1/1/2031	485,000	2.920	37,363.75	522,363.75	559,727.50	600,382.50	40,655.00
7/1/2031			30,282.75	30,282.75			
1/1/2032	490,000	2.980	30,282.75	520,282.75	550,565.50	590,537.50	39,972.00
7/1/2032			22,981.75	22,981.75			
1/1/2033	275,000	3.030	22,981.75	297,981.75	320,963.50	359,287.50	38,324.00
7/1/2033			18,815.50	18,815.50			
1/1/2034	285,000	3.080	18,815.50	303,815.50	322,631.00	361,962.50	39,331.50
7/1/2034			14,426.50	14,426.50			
1/1/2035	295,000	3.130	14,426.50	309,426.50	323,853.00	364,000.00	40,147.00
7/1/2035			9,809.75	9,809.75			
1/1/2036	305,000	3.170	9,809.75	314,809.75	324,619.50	364,920.00	40,300.50
7/1/2036			4,975.50	4,975.50			
1/1/2037	310,000	3.210	4,975.50	314,975.50	319,951.00	360,180.00	40,229.00
7/1/2037							
TOTALS	8,195,000		2,222,787.96	10,417,787.96	10,417,787.96	11,259,193.75	841,405.79

Savings as a % of Refunded Par**10.72%**

CITY OF MILFORD SERIES OF 2016 Composition of the Issue
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SOURCES:

Bonds		8,195,000.00
Original Issue (Discount)/Premium		0.00
Accrued Interest		<u>0.00</u>
Total		8,195,000.00

USES:

Cost of the Escrow		7,997,503.75
Underwriter's Discount	\$8.00	65,560.00
Bond Insurance	\$0.00	0.00
Cost of Issuance		125,250.00
Miscellaneous Expenses/Rounding		<u>6,686.25</u>
Total		8,195,000.00

Dated Date 12/1/2016

Settlement Date 12/1/2016

Yield of the Issue	2.736787
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**CITY OF MILFORD, DE.
PRELIMINARY FINANCING SCHEDULE**

August 2016						
S	M	T	W	R	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

September 2016						
S	M	T	W	R	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October 2016						
S	M	T	W	R	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November 2016						
S	M	T	W	R	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December 2016						
S	M	T	W	R	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Date:	Objective:
Early/Mid August	- Request for Information for Preliminary Official Statement
Mid August	- Start Preliminary Official Statement
End of September/Early October	- Rating Call
October 10th	- City Meeting to Discuss Refinancing (1st Reading)
October 24th	- City Meeting to Discuss Refinancing (2nd Reading)
Mid October	- Rating Received
End of October	- Post POS/Invitation to Bid to Auction Website
End of October/Early November	- Price Bonds
End of November/Early December	-Settlement

PARAMETERS ORDINANCE

➤ The City will consider a “Parameters Ordinance” for the Series of 2016, which authorizes the financing team to issue the bonds as long as certain parameters are met in order to be able to enter the market with those bonds when it is most advantageous.

➤ The City will not need to hold special meetings to approve the final pricing of the bonds.

➤ The City has set a maximum parameters amount of \$9.8 million and a maximum interest rate of 5.00%.

City of Milford



NOTICE OF PUBLIC HEARING **RESOLUTION 2016-15**

WHEREAS, the City Council of the City of Milford, Delaware ("City Council") has been advised that the City of Milford can achieve present value debt service savings by refunding the City's outstanding General Obligation Bonds, Series A of 2011 (the "Refunding Program").

NOW, THEREFORE, BE IT RESOLVED, and it is resolved that the City Council of the City of Milford does hereby propose the borrowing of an amount of money not exceeding \$9,800,000 to be utilized for the Refunding Program described above, and to pay certain costs associated with the issuance of its General Obligation Bonds, Series of 2016 (the "2016 Bonds"). The average rate of interest on the 2016 Bonds shall not exceed 5.00%. The 2016 Bonds shall be secured by the full faith and credit of the City. The 2016 Bonds shall be paid or funded by available revenues of the City. The City is authorized to use a portion of the proceeds of the 2016 Bonds to pay costs associated with the issuance of the 2016 Bonds. A public hearing upon this resolution and final authorization for the borrowing is scheduled in the Council Chambers of Milford City Hall, 201 South Walnut Street, Milford, Delaware on October 24, 2016 at 7:00 p.m. with final authorization for the borrowing expected at the regular monthly meeting to follow on the same date.

IN WITNESS WHEREOF, I hereto set my hand and caused the Seal of the City of Milford to be affixed this 24th day of October 2016.

Mayor Bryan W. Shupe

Attest: _____
City Clerk Teresa K. Hudson

City Seal

Adoption Date: October 10, 2016

CITY OF MILFORD, DELAWARE

ORDINANCE NO. 2016-19

AUTHORIZING A CERTAIN 2016 REFUNDING PROJECT HEREIN DESCRIBED AND THE INCURRENCE OF INDEBTEDNESS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES OF 2016 (THE "2016 BONDS") TO PROVIDE FUNDS FOR AND TOWARD SUCH REFUNDING PROJECT; SETTING FORTH TERMS OF THE 2016 BONDS; PROVIDING FOR BOOK-ENTRY ONLY BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A PAYING AGENT AGREEMENT AND PROVIDING FOR THE APPOINTMENT OF A PAYING AGENT; COVENANTING TO BUDGET, APPROPRIATE AND PAY DEBT SERVICE ON THE 2016 BONDS AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE CITY FOR PAYMENT OF THE 2016 BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF THE 2016 BONDS; PROVIDING FOR THE EXECUTION AND AUTHENTICATION OF THE 2016 BONDS; CREATING A DEBT SERVICE FUND FOR THE 2016 BONDS; PROVIDING FOR THE SALE OF THE 2016 BONDS AND AUTHORIZING THE ACCEPTANCE OF A BOND PURCHASE AGREEMENT FOR THE PURCHASE OF THE 2016 BONDS, SETTING FORTH THE MAXIMUM INTEREST RATE AND UNDERWRITER'S DISCOUNT ON THE 2016 BONDS; SETTING FORTH CERTAIN FEDERAL TAX COVENANTS; PROVIDING FOR THE APPLICATION OF 2016 BOND PROCEEDS; AUTHORIZING OFFICERS TO ACT; APPROVING THE CONTENT AND FORM OF A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE DISTRIBUTION THEREOF AND AUTHORIZING THE PREPARATION, EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT AND THE UNDERTAKING OF CERTAIN CONTINUING DISCLOSURE; SETTING FORTH BOND INSURANCE PROVISIONS; SETTING FORTH THE DATE OF THE 2016 BONDS AND OTHER DOCUMENTS; PROVIDING FOR AN ESCROW AGREEMENT; AUTHORIZING OTHER NECESSARY ACTION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL INCONSISTENT ORDINANCES; AND STATING THE EFFECTIVE DATE.

WHEREAS, the City of Milford, Delaware (the "City") is granted the power by its charter, as adopted by the Delaware General Assembly, as amended (the "Charter"), to incur indebtedness and to issue bonds within certain limitations and for certain specified purposes, and in connection with capital projects, may do so by obtaining the approval of qualified voters in the City for the issuance of any such bonds, and in connection with a refunding for the purposes of achieving present value debt service savings, may do so without obtaining the approval of the qualified voters of the City for the issuance of any such bonds; and

WHEREAS, the City has determined to undertake a certain project, consisting of (i) the current refunding for the purposes of achieving present value debt service savings (the "Refunding Project") of the City's \$9,000,000 General Obligation Bonds, Series A of 2011, currently outstanding in the aggregate principal amount of \$_____ (the "2011 A Bonds"); and (ii) the payment of costs associated with the issuance of the 2016 Bonds (as defined below); and

WHEREAS, the City is granted the power by its Charter to borrow money, and to secure the payment of the same by pledging the full faith and credit of the City for purposes of financing the Refunding Project; and

WHEREAS, the City may borrow money through the incurrence of debt and issue bonds within certain limitations for the Refunding Project without obtaining the approval of the qualified voters of the City for the issuance of any such bonds; and

WHEREAS, on October 10, 2016, the City adopted a resolution (the "Refunding Resolution") proposing the approval of the Refunding Project, which also included a statement of the time and place for a public hearing; and

WHEREAS, the City caused to be published in the Milford Beacon and Milford Chronicle on September 28, 2016, a notice of the public hearing; and

WHEREAS, on October 24, 2016, the City held the duly advertised public hearing and adopted a second resolution finally authorizing the incurrence of debt evidenced by General Obligation Bonds, Series of 2016 (the "2016 Bonds"); and

WHEREAS, the City intends to issue the 2016 Bonds as general obligations in an aggregate principal amount not to exceed \$9,800,000, proceeds of which will be used to finance the Refunding Project; and

WHEREAS, in order to provide for the deposit and investment of moneys for the redemption of the 2011 A Bonds, the City may enter into an escrow agreement (the "Escrow Agreement") with the paying agent for the 2011 A Bonds; and

WHEREAS, the City will receive a proposal for the purchase of the 2016 Bonds at a private negotiated sale and will appoint the underwriter (the "Underwriter") and award the sale of the 2016 Bonds in accordance with the terms of this Ordinance; and

WHEREAS, the City, in reliance on advice of Public Financing Management Inc., the City's financial advisor, and the Underwriter, may determine that it is in the City's financial

interest to obtain a municipal bond insurance policy for the 2016 Bonds insuring prompt payment of principal and interest on such Bonds; and

WHEREAS, the City now desires to authorize the issuance of the 2016 Bonds, to set forth the form thereof, maximum final maturity dates and certain other terms and provisions relating to the 2016 Bonds, to authorize the sale of the 2016 Bonds pursuant to a Bond Purchase Agreement between the City and the Underwriter (the "Bond Purchase Agreement") and to authorize the acceptance of a municipal bond insurance policy, if appropriate.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

1. Authorization of 2011 Refunding Project and Incurrence of Indebtedness. The City hereby authorizes and approves the Refunding Project as described in the above recitals to this Bond Ordinance. The City is hereby authorized to undertake the Refunding Project and to incur indebtedness for the purposes thereof provided the Refunding Project results in present value savings to the City. The City hereby deems the Refunding Project to be a necessary and proper undertaking in accordance with its Charter and consistent with the promotion of health, education and general welfare of the City.

2. Authorization of Issuance of the 2016 Bonds. In order to provide funds to pay the costs of the Refunding Project, the City is hereby authorized to issue, pursuant to its Charter, the Resolutions and this Bond Ordinance, the 2016 Bonds, in a maximum aggregate principal amount of \$9,800,000, with a final maturity date of January 1, 2037, and a maximum average rate of interest of which shall not exceed 5.000 percent.

3. Terms of the 2016 Bonds. The 2016 Bonds shall be issued in fully registered book-entry-only form, in the denomination as to principal of \$5,000 or any multiple thereof. The 2016 Bonds shall be dated as of November 1, 2016, or such later date as may be determined by the Director of Finance. The 2016 Bonds shall be issued in a maximum aggregate principal amount of \$9,800,000 and shall pay interest at the rates and principal in the amounts as set forth in the Paying Agent Agreement (the "Paying Agent Agreement") authorized by this Bond Ordinance, subject to the limitations set forth in Section 2 hereof. Principal of the 2016 Bonds shall be payable in the form and manner set forth in the form of 2016 Bonds attached hereto as Exhibit A and made a part hereof.

The 2016 Bonds shall be subject to optional and mandatory redemption prior to maturity as stated in the Bond Purchase Agreement.

The City is hereby authorized to purchase 2016 Bonds in the open market and present such 2016 Bonds to the Paying Agent for cancellation. The City shall notify the Paying Agent in accordance with the Paying Agent Agreement of its intention to make such a presentment and shall state the principal amount of the 2016 Bonds to be so presented. 2016 Bonds so presented shall be credited by the Paying Agent at 100% of the principal amount thereof against the obligation of the City with respect to such 2016 Bonds upon such mandatory redemption or at maturity, and any excess shall be so credited

against future Debt Service Fund requirements for such 2016 Bonds in chronological order.

4. **Book-Entry-Only Form.** The 2016 Bonds will initially be issued in book-entry-only form, subject to the terms and conditions below, notwithstanding anything to the contrary in this Bond Ordinance:

A. 2016 Bond Certificates. The City is hereby authorized to issue bond certificates, substantially in the form attached hereto as Exhibit A. The 2016 Bonds will be issued as fully-registered securities registered in the name of Cede & Co., The Depository Trust Company ("DTC") partnership nominee, or such other name as may be requested by an authorized representative of DTC, one for each stated maturity of the 2016 Bonds in the aggregate principal amount of each maturity shown in the Paying Agent Agreement. The 2016 Bonds shall be numbered B -1 in order of issue or with such other numerical designation as the City shall determine

B. Delivery of 2016 Bonds. The City shall cause the 2016 Bonds to be delivered to DTC, or to be held by the Paying Agent as agent of DTC, for the account of the Underwriter on or prior to the date of issuance of the 2016 Bonds.

C. Payment of Principal and Interest. So long as the 2016 Bonds or any portion thereof are held by DTC under a book-entry system, payments of the principal of, and interest on, the 2016 Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC, at the times and in the manner set out in the Issuer's Blanket Letter of Representations, a true and correct copy of which is attached hereto as Exhibit B, and subject to the requirements stated in DTC's Operational Arrangements, as may be amended from time to time. The payment of principal on the 2016 Bonds shall be made only upon surrender of the 2016 Bonds to the Paying Agent on or after maturity or earlier redemption date.

D. Notices. The City shall give notice to DTC in accordance with DTC's Operational Arrangements.

5. **Authorization of Paying Agent Agreement; Appointment of Paying Agent.** The Paying Agent Agreement shall be substantially in the form presented at this meeting, subject only to such changes and modifications as counsel to the City may recommend and the Mayor may approve, which approval shall be conclusively evidenced by the execution thereof by the Mayor, in the form attached hereto as Exhibit C and made a part hereof. The form of the Paying Agent Agreement presented at this meeting is hereby approved and ordered filed with the minutes of this meeting. The proper officers of the City are hereby authorized and directed to execute and deliver the Paying Agent Agreement on behalf of the City.

The Paying Agent Agreement shall provide for the appointment of the Paying Agent. The Mayor is hereby authorized to appoint any bank or trust company qualified to serve in such capacity (the "Paying Agent"). The appointment of the Paying Agent shall be conclusively evidenced by the execution of the Paying Agent Agreement by the proper officers of the City.

6. Covenant to Pay Debt Service - Pledge of Taxing Power. The City hereby covenants with the registered owners of the 2016 Bonds outstanding pursuant to this Bond Ordinance, as follows: That the City will include in its budget for the fiscal year ending June 30, 2017, and in its budgets for each fiscal year thereafter, the amount of the debt service on the 2016 Bonds issued hereunder which will be payable in each such fiscal year so long as any of the 2016 Bonds shall remain outstanding; that the City shall appropriate such amounts to the payment of such debt service; that the City shall duly and punctually pay or cause to be paid the principal of every 2016 Bond and the interest thereon at the dates and places and in the manner stated in the 2016 Bonds according to the true intent and meaning thereof, and for such budgeting, appropriation and payment the City hereby pledges its full faith, credit and taxing power. The covenant contained in this Section 6 shall be specifically enforceable. The amounts to be budgeted, appropriated and paid pursuant to the foregoing covenant are those set forth in the Paying Agent Agreement which shall be deemed to be incorporated in the foregoing covenant with the same effect as if the same were specified in the text of such covenant.

The principal of the 2016 Bonds shall be payable in lawful money of the United States of America which shall be legal tender at the time of payment at the designated office of the Paying Agent or its agent for such purpose. Interest on the 2016 Bonds shall be payable in the manner provided in the form of 2016 Bonds set forth in Exhibit A hereto.

7. Form of 2016 Bonds. The 2016 Bonds shall be substantially as set forth in Exhibit A hereto, subject only to such appropriate changes, additions, deletions or modifications as counsel to the City may recommend and the Mayor may approve, such approval to be conclusively evidenced by the execution thereof by the Mayor.

8. Execution and Authentication of 2016 Bonds. The 2016 Bonds shall be executed by the Mayor of the City and the City seal shall be affixed, imprinted or reproduced thereon and attested to by the City Clerk. Each such execution may be by facsimile signature. If any officer whose signature appears on the 2016 Bonds shall cease to hold such office before the actual delivery date of the 2016 Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such person had remained in such office until the actual delivery date of the 2016 Bonds. The 2016 Bonds shall be authenticated by the manual signature of the Paying Agent, which shall also certify that the approving opinion of Bond Counsel, which shall be printed on or attached to each 2016 Bond, is an accurate reproduction of the approving opinion delivered at the closing for the 2016 Bonds.

9. Creation of and Deposits in Debt Service Fund. The City covenants that there shall be established and that it shall maintain a debt service fund (the "Debt Service Fund") for the 2016 Bonds to be held by the Paying Agent (or such substitute or successor Paying Agent which shall hereafter be appointed) in the name of the City, but subject to withdrawal only by the Paying Agent.

The City covenants and agrees to deposit in the Debt Service Fund at least two (2) business days prior to the date interest and principal is due, the debt service payable on the

2016 Bonds on such interest and principal payment dates, all as set forth in the Paying Agent Agreement, or such greater or lesser amount as at the time shall be sufficient to pay the principal or redemption price of, and interest on, the 2016 Bonds.

The Paying Agent is hereby authorized and directed, without further action by the City, to pay from the Debt Service Fund the principal or redemption price of, and interest on, the 2016 Bonds as the same become due and payable in accordance with the terms thereof, and the City hereby covenants that such moneys, to the extent required, will be applied to such purposes.

10. Award and Sale of Bonds. The City hereby determines that it is in its best financial interest to sell the 2016 Bonds by private negotiated sale to the Underwriter. The City hereby authorizes the Mayor, City Manager or Director of Finance to award and sell the 2016 Bonds to the Underwriter in accordance with the terms of this Bond Ordinance, the Charter and the Bond Purchase Agreement. The form of the Bond Purchase Agreement, which has been presented at this meeting, shall be approved by the Mayor or Director of Finance, and shall contain terms not inconsistent with this Bond Ordinance. The Mayor, the Vice Mayor, the City Manager or the Director of Finance (or other officer authorized under the Charter to execute contracts on behalf of the City) is hereby authorized to execute the Bond Purchase Agreement on behalf of the City, with such modifications, additions and deletions as are deemed necessary and appropriate by the officer executing the same, the execution of the Bond Purchase Agreement to be conclusive evidence of such approval.

The average rate of interest on the 2016 Bonds shall not exceed 5.000 percent. The underwriting discount shall not be more than \$15.00 per \$1,000 of aggregate principal amount of the 2016 Bonds, exclusive of any original issue discount.

11. Federal Tax Covenants.

A. General. The City hereby covenants not to take or omit to take any action so as to cause interest on the 2016 Bonds to be no longer excluded from gross income of the owners of the 2016 Bonds for the purposes of federal income taxation and to otherwise comply with the requirements of sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), and all applicable regulations promulgated under the Code (the "Treasury Regulations"), throughout the term of the 2016 Bonds.

B. Investment of Proceeds. The City further covenants that it will make no investments or other use of the proceeds of the 2016 Bonds during the term thereof which would cause the 2016 Bonds to be "arbitrage bonds," within the meaning of section 148 of the Code and the Treasury Regulations promulgated under the Code. The City further covenants to comply with the rebate requirements (including the prohibited payment provisions) contained in section 148(f) of the Code and the Treasury Regulations thereunder, to the extent applicable, and to pay any interest or penalty imposed by the United States for failure to comply with said rebate requirements, to the extent applicable.

C. Bank Qualified Bonds. The City hereby deemed designates the 2016 Bonds (to the extent they are not deemed designated) as "qualified tax-exempt obligations" within the meaning of section 265(b)(3)(B) of the Code. The City covenants that it will take such steps as may be necessary to cause the 2016 Bonds to continue to be obligations described in such Code section during the period in which the 2016 Bonds are outstanding.

12. Application of 2016 Bond Proceeds. Upon receipt of the purchase price for the 2016 Bonds, the same shall be deposited with the Paying Agent. The proper officers of the City are authorized to direct the Paying Agent to pay the issuance costs on behalf of the City in amounts set forth in written directions to the Paying Agent and to pay or cause to be paid all amounts remaining for payment of costs of the Refunding Project. The Paying Agent shall, pursuant to such written directions, pay the issuance costs on behalf of the City upon presentation of proper invoices therefor.

13. Officers Authorized to Act. For the purpose of expediting the closing and the issuance and delivery of the 2016 Bonds, or in the event that the Mayor or the City Clerk shall be absent or otherwise unavailable for the purpose of executing documents, or for the purpose of taking any other action which they or either of them may be authorized to take pursuant to this Bond Ordinance, the Vice Mayor or the City Manager or the Director of Finance of the City, respectively (or other officer authorized under the Charter to execute contracts on behalf of the City), are hereby authorized and directed to execute documents, or otherwise to act on behalf of the City in their stead.

The City covenants to provide such continuing disclosure, at such times, in such manner and of such nature as is described in the Official Statement and to execute and deliver such agreements and certificates with respect to continuing disclosure as are described in the Official Statement. Any continuing disclosure filing under this Bond Ordinance may be made by transmitting such filing to the continuing disclosure service of the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") System.

14. Approval of Preliminary Official Statement. The form of the Preliminary Official Statement prepared in connection with the offer and sale of the 2016 Bonds presented at this meeting is hereby approved. The Mayor or the Director of Finance of the City are hereby authorized to make public and to distribute or cause to be distributed an Official Statement in substantially the form presented to the City at this meeting with such changes, omissions, insertions and revisions as such officer shall deem advisable, and the Mayor or the Director of Finance are hereby authorized to sign and deliver or cause to be delivered such Official Statement to the Underwriter within seven business days of the execution of the Bond Purchase Agreement (and in sufficient time to accompany any confirmation that requests payment from any customer).

The City hereby authorizes and directs the Underwriter to file the Official Statement with the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") System immediately upon receipt by the Underwriter of the Official Statement.

15. **Bond Insurance Provisions.** The proper officers of the City are hereby authorized to purchase, or cause to be purchased, municipal bond insurance (the "Insurance Policy") guaranteeing the payment of the principal of, and interest on, the 2016 Bonds in accordance with its specific terms; to pay the premium for such Insurance Policy from the proceeds of the 2016 Bonds or other amounts available therefore; and to execute such documents as may be necessary to effect the issuance of the Insurance Policy, if the City, together with its financial advisor and the Underwriter, determine that it is in the best financial interest of the City to do so.

16. **Dating of 2016 Bonds and Documents.** The 2016 Bonds and the Paying Agent Agreement are to be dated as of November 1, 2016, or such later date as may be determined by the Director of Finance. Additionally, the Council hereby approves and consents to a later date for the 2016 Bonds and such documents if the sale or closing for the 2016 Bonds is delayed.

17. **Further Action.** The proper officers of the City are hereby authorized and directed to take all such action, to execute, deliver, file and/or record all such documents, to publish all notices and otherwise comply with the provisions of this Bond Ordinance and the Charter in the name and on behalf of the City.

18. **Contract with Bondholders.** This Bond Ordinance constitutes a contract with the registered owners from time to time of the 2016 Bonds outstanding hereunder and shall be enforceable in accordance with the provisions of the laws of the State of Delaware.

19. **Parties Interested Herein.** Nothing in this Bond Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City, the Bond Insurer (but only in the event that it shall deliver its Insurance Policy and is not in default thereunder) and the registered owners of the 2016 Bonds, any right, remedy or claim under or by reason of this Bond Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Bond Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City, the Bond Insurer (but only in the event that it shall deliver its Insurance Policy and is not in default thereunder) and the registered owners of the 2016 Bonds.

20. **Severability.** In case any one or more of the provisions contained in this Bond Ordinance or in any 2016 Bond issued pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Bond Ordinance or of said 2016 Bonds and this Bond Ordinance or said 2016 Bonds shall be construed herein or and enforced as if such invalid, illegal or unenforceable provisions had never been contained herein or therein.

21. **Repealer.** All ordinances and parts of ordinances heretofore enacted, to the extent that the same are inconsistent herewith, are hereby repealed.

22. **Effective Date.** This Bond Ordinance shall take effect on the earliest date permitted by law.

[Remainder of Page Intentionally Left Blank]

CERTIFICATE OF CITY CLERK

The undersigned, City Clerk, **HEREBY CERTIFIES** that:

The foregoing Bond Ordinance authorizing the issuance of General Obligation Bonds, Series of 2016 of the City of Milford, Delaware, was duly moved and seconded and adopted by a majority vote of all City Council members of the City at a duly called public meeting of said Council held on October 24, 2016; that the roll of the City Council was called and such members voted or were absent as follows:

<u>VOTE</u>			
<u>Name</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Arthur J. Campbell			
Christopher H. Mergner			
James F. Burk			
Lisa Ingram Peel			
Owen S. Brooks, Jr.			
Douglas E. Morrow, Sr.			
James O. Sterling, Sr.			
Katrina E. Wilson			

and that such Bond Ordinance and the votes thereon have been duly recorded in the minutes.

WITNESS my hand and seal of the City this ____ day of _____, 2016.

City Clerk

(Seal)

SUPPLEMENTAL CERTIFICATE

I certify that the foregoing Bond Ordinance has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and seal of the City this ____ day of _____, 2016.

City Clerk

(Seal)

EXHIBIT A

(FORM OF 2016 BOND)

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC") to the Paying Agent or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof Cede & Co., has an interest herein.

No. B-____

\$_____

UNITED STATES OF AMERICA
STATE OF DELAWARE
CITY OF MILFORD, DELAWARE
(Kent and Sussex Counties, Delaware)
GENERAL OBLIGATION BOND, SERIES OF 2016

INTEREST RATE MATURITY DATE DATED DATE CUSIP NO.

REGISTERED OWNER: Cede & Co.

PRINCIPAL:

DOLLARS

CITY OF MILFORD (the "City"), a municipal corporation organized and existing under the laws of the State of Delaware (the "State"), for value received, hereby promises to pay in lawful money of the United States of America to the registered owner noted above or registered assigns (the "Bondholder") on the Maturity Date set forth above, unless this 2016 Bond shall have been duly called for prior redemption and payment of the redemption price shall have been made or provided for, upon presentation and surrender hereof at the designated office of Bank, (the "Paying Agent") or its agent for such purpose, the principal sum set forth above and to pay interest thereon semiannually on January 1 and June 1 of each year, commencing January 1, 2017 (each, an "Interest Payment Date"), at the annual rate specified above, calculated on the basis of a 360-day year of twelve 30-day months until the principal amount is paid or has been provided for. This 2016 Bond will bear interest from the most recent Interest Payment Date next preceding the authentication date hereof, unless the authentication date is (a) an Interest Payment Date in which

event this 2016 Bond shall bear interest from said Interest Payment Date, or (b) after a Regular Record Date (as defined below) and before the next succeeding Interest Payment Date, in which event this 2016 Bond shall bear interest from such succeeding Interest Payment Date, or (c) on or prior to the Regular Record Date preceding January 1, 2017, in which event this bond shall bear interest from the Dated Date specified above. The interest on this 2016 Bond will be paid on each Interest Payment Date by check mailed on such Interest Payment Date to the person in whose name this 2016 Bond is registered on the registration books of the City maintained by the Paying Agent at the address appearing thereon at the close of business on the ___ 15 or ___ 15 immediately preceding such Interest Payment Date (each, a "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person in whose name this 2016 Bond is registered as of the Regular Record Date, and shall be payable to the person in whose name this 2016 Bond is registered at the close of business on a special record date (the "Special Record Date") for the payment of such defaulted interest. Such Special Record Date shall be fixed by the Paying Agent whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to Bondholders not less than ten (10) days prior thereto.

Whenever the due date for payment of interest on or principal of the 2016 Bonds or the date fixed for redemption of any 2016 Bond shall be a Saturday or Sunday, a legal holiday or a day on which banking institutions in the State of Delaware are authorized or required by law or executive order to close, then payment of such interest, principal or redemption price need not be made on such date, but may be made on the next succeeding day which is not a Saturday, Sunday, legal holiday or a day upon which banks are authorized or required by law or executive order to close, with the same force and effect as if made on the due date for payment of principal, interest or redemption price and no interest shall accrue on the amount due for any period after such due date.

THE 2016 BONDS ARE SECURED BY A PLEDGE OF THE FULL FAITH AND CREDIT OF THE CITY. THE SERIES 2016 Bonds ARE THE DIRECT AND LIMITED TAXING OBLIGATIONS OF THE CITY.

It is hereby certified and recited that all conditions, acts and things required by law to exist, to have happened and to have been performed precedent to and in the issuance of this 2016 Bond, exist, have happened and have been performed, and that the issuance of this 2016 Bond is within every debt and other limit prescribed by the laws of the State of Delaware and the City of Milford, Delaware.

This 2016 Bond shall not be valid or become obligatory for any purpose until this 2016 Bond shall have been authenticated by the execution by the Paying Agent of the certificate of authentication endorsed hereon.

This 2016 Bond is one of a duly authorized issue of bonds of the City of Milford designated "City of Milford, Delaware (Kent and Sussex Counties, Delaware) General Obligation Bonds, Series of 2016" issued in the aggregate principal amount of \$_____. Proceeds of the 2016 Bonds are expected to be used to pay for the costs of a refunding project. The 2016 Bonds are issued pursuant to the charter of the City adopted by the General Assembly of the State of Delaware, as amended (the "Charter"), resolutions of the City adopted on October 10, 2016 and

on October 24, 2016, and a Bond Ordinance of the City enacted on October 24, 2016 (collectively, the "Bond Ordinance"). The 2016 Bonds are payable in accordance with the terms and conditions contained in a Paying Agent Agreement, dated as of _____, 2016, between the City and the Paying Agent (the "Paying Agent Agreement").

The 2016 Bonds maturing prior to and including _____, 20____, are not subject to redemption prior to their stated maturities. 2016 Bonds maturing on _____ and after _____, 20__ shall be subject to redemption prior to maturity at the option of the City, as a whole or from time to time in part on _____, 20__, or on any date thereafter, upon payment of a redemption price of 100% of the principal amount of 2016onds to be redeemed, together with interest accrued to the date fixed for redemption. If less than an entire year's maturity of 2016 Bonds are to be redeemed at any particular time, such 2016 Bonds to be called for redemption shall be chosen by lot or any other customary manner by the Paying Agent.

The 2016 Bonds stated to mature _____, 20____ (the "20 Term Bonds"), _____, 20____ (the "20 Term Bonds") and _____, 20____ (the "20 Term Bonds" and collectively with the 20Terms Bonds and 20Term Bonds, the "Term Bonds") are subject to mandatory redemption (to the extent that 2016 Bonds in the principal amount otherwise required to be redeemed have not been previously purchased by the City and surrendered to the Paying Agent, or redeemed at the option of the City) prior to their stated maturity by the City in the order of their maturity and within maturities by lot from moneys to be deposited in the Debt Service Fund established under the Bond Ordinance at a redemption price of 100% of principal amount, together with accrued interest to the date fixed for redemption. The City hereby covenants that it will cause the Paying Agent to give notice of redemption and to redeem Term Bonds at said price from moneys deposited in the Debt Service Fund sufficient to effect such redemption (to the extent that Term Bonds of the maturity currently required to be redeemed shall not have been previously purchased from said moneys as permitted by law) on the dates, from the maturity and in the annual principal amounts as set forth in the following schedule, or such lesser principal amounts as shall at the time represent all Term Bonds of the maturity currently required to be redeemed which shall then be outstanding:

20 Term Bonds Mandatory Redemption Schedule

<u>Mandatory Redemption Date ()</u>	<u>Principal Amount to be Redeemed</u>
--------------------------------------	--

*maturity date

20 Term Bonds Mandatory Redemption Schedule

<u>Mandatory Redemption Date ()</u>	<u>Principal Amount to be Redeemed</u>
--------------------------------------	--

*maturity date

20 Term Bonds Mandatory Redemption Schedule

Mandatory Redemption Date ()

Principal Amount to be Redeemed

*maturity date

20 Term Bonds Mandatory Redemption Schedule

Mandatory Redemption Date ()

Principal Amount to be Redeemed

*maturity date

For the purpose of selection of 2016 Bonds for redemption, any 2016 Bond of a denomination greater than \$5,000 shall be treated as representing such number of separate 2016 Bonds, each of the denomination of \$5,000, as is obtained by dividing the actual principal amount of such 2016 Bond by \$5,000. Any 2016 Bond which is to be redeemed only in part shall be surrendered at the designated office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent or its agent for such purpose, and the registered owner of such 2016 Bond shall receive, without service charge, a new 2016 Bond or Bonds, of any authorized denomination as requested by such registered owner in an aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the 2016 Bond so surrendered.

On the date designated for redemption and upon deposit with the Paying Agent of funds sufficient for payment of the principal of and accrued interest on the 2016 Bonds called for redemption, interest on the 2016 Bonds or portions thereof so called for redemption shall cease to accrue and the 2016 Bonds or portions thereof so called for redemption shall cease to be entitled to any benefit or security under the Bond Ordinance, and registered owners of the 2016 Bonds so called for redemption shall have no rights with respect to the 2016 Bonds or portions thereof so called for redemption, except to receive payment of the principal of and accrued interest on the 2016 Bonds so called for redemption to the date fixed for redemption.

Notice of any redemption shall be given by first class mail, postage prepaid, mailed by the Paying Agent not less than 30 days nor more than 60 days before the redemption date to the registered owners of the 2016 Bonds at their addresses as they appear on the 2016 Bond register maintained by the Paying Agent. Such notice shall be given in the

name of the City, shall identify the 2016 Bonds to be redeemed (and, in the case of a partial redemption of any 2016 Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the 2016 Bonds called for redemption will be payable at the office of the Paying Agent or its agent for such purpose designated in such notice and that from the date of redemption interest will cease to accrue. The Paying Agent shall use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to 2016 Bond owners, provided that any such notice shall state that no representation is made as to the correctness of such numbers either as printed on the 2016 Bonds or as contained in any notice of redemption and that reliance may be placed only on the identification numbers prefixed "B-" printed on the 2016 Bonds. Failure to mail any notice of redemption, or any defect therein, or in the mailing thereof, with respect to any 2016 Bond shall not affect the validity of any proceeding for redemption of other 2016 Bonds so called for redemption.

With respect to any optional redemption of 2016 Bonds, if at the time of mailing such notice of redemption, the City shall not have deposited with the Paying Agent moneys sufficient to redeem all the 2016 Bonds called for redemption, such notice may state that it is conditional, that is, subject to the deposit of the redemption moneys with the Paying Agent not later than the opening of business on the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

THIS 2016 BOND SHALL NOT BE IN ANY WAY A DEBT OR LIABILITY OF THE STATE OF DELAWARE OR ANY POLITICAL SUBDIVISION OF THE STATE OF DELAWARE OTHER THAN THE CITY, AND SHALL NOT CREATE OR CONSTITUTE ANY INDEBTEDNESS, LIABILITY OR OBLIGATION OF THE STATE OF DELAWARE OR OF ANY POLITICAL SUBDIVISION THEREOF OTHER THAN THE CITY.

No recourse shall be had for payment of the principal or redemption price of or the interest on this 2016 Bond or for any claim based hereon, against any past, present or future official, officer or employee, as such, of the City, either directly or through the City or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being by the acceptance hereof and, as a material part of the consideration for the issuance hereof, expressly waived and released.

The 2016 Bonds are issuable solely as fully registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof.

This 2016 Bond is transferable and exchangeable by the 2016 Bondholder in person or by his attorney duly authorized in writing at the designated office of the Paying Agent or its agent for such purpose upon presentation and surrender hereof at said office, together with the duly executed instrument of transfer (in the case of a transfer), all subject to the exceptions and the terms and conditions provided in the Paying Agent Agreement. Upon any such transfer or exchange, the Paying Agent shall authenticate and deliver to or upon the order of the registered owner, a new registered 2016 Bond or Bonds, in authorized denominations aggregating the principal amount hereof, maturing on the same date, bearing

interest at the same rate and bearing the same series designation as this 2016 Bond. No service charge to the 2016 Bondholder shall be made for any registration, transfer or exchange, but the City may require the 2016 Bondholder to pay a sum sufficient to cover any tax or other governmental charge which may be imposed in connection therewith.

Reference is hereby made to the Paying Agent Agreement and Bond Ordinance, copies of which are on file with the Paying Agent, for the provisions, among others, with respect to the nature and extent of the rights, duties and obligations of the City, the Paying Agent and the owners of the 2016 Bonds. The owners of the 2016 Bonds, by their acceptance of the 2016 Bonds, are deemed to have agreed and consented to the terms and provisions of the Paying Agent Agreement. Any capitalized term not defined herein shall have the meaning given to such term in the Paying Agent Agreement.

The City and the Paying Agent may treat the person in whose name this 2016 Bond is registered as the absolute owner of this 2016 Bond, for all purposes, whether or not this 2016 Bond shall be overdue, and neither the City, nor the Paying Agent shall be affected by any notice to the contrary. All payments of the principal and interest made to the 2016 Bondholder registered on the books of the Paying Agent in the manner set forth herein and in the Paying Agent Agreement shall be valid and effectual to satisfy and discharge the liability upon this 2016 Bond to the extent of the sum or sums so paid, whether or not notation of the same be made hereon, and any consent, waiver or other action taken by such 2016 Bondholder hereof pursuant to the provisions of the Paying Agent Agreement shall be conclusive and binding upon such 2016 Bondholder, his heirs, successors or assigns and upon all transferees hereof, whether or not notation thereof be made hereon or on any 2016 Bond issued in exchange hereof.

IN WITNESS WHEREOF, the City of Milford, Kent and Sussex Counties, Delaware, has caused this 2016 Bond to be signed in its name by the signature of the Mayor and its corporate seal is hereunto affixed and duly attested by the signature of the City Clerk, all as of the Dated Date specified above.

CITY OF MILFORD, DELAWARE

By. _____
Mayor, City of Milford, Delaware

(SEAL)

Attest:

City Clerk

CERTIFICATE OF AUTHENTICATION

This 2016 Bond is one of the City of Milford, Delaware (Kent and Sussex Counties, Delaware) General Obligation Bonds, Series of 2016 described in the within mentioned Resolutions. The text of the approving opinion of Dinsmore & Shohl LLP attached hereto is the text of the opinion on file with the undersigned, which was dated and delivered on the date of delivery and payment for the 2016 Bonds.

as Paying Agent

By: _____

Authorized Representative

Date of Authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto
_____ (Name, Address and Taxpayer Identification
No. of Assignee) the within Bond and does hereby irrevocably constitute and appoint
_____ to transfer the said Bond on the
books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature Guarantee: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

EXHIBIT B

BLANKET ISSUER LETTER OF REPRESENTATIONS

EXHIBIT C

FORM OF PAYING AGENT AGREEMENT

NOTICE OF PUBLIC HEARINGS

PLANNING COMMISSION PUBLIC HEARING: SEPTEMBER 20, 2016
CITY COUNCIL PUBLIC HEARING: OCTOBER 24, 2016

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on Tuesday, September 20, 2016 at 7:00 p.m. or as soon thereafter as possible.

A FINAL PUBLIC HEARING is scheduled on Monday, October 24, 2016 at 7:00 p.m. before Milford City Council. Following the hearing, the ordinance may be adopted, with or without amendments.

ORDINANCE 2016-14
CODE OF THE CITY OF MILFORD
PART II-GENERAL LEGISLATION
CHAPTER 230-ZONING
ARTICLE III-USE AND AREA REGULATIONS
§230-14 – C-3 HIGHWAY COMMERCIAL DISTRICT

WHEREAS, the City of Milford deems it necessary to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers; and

WHEREAS, the City creates districts for said purpose and establishes a Board of Adjustment; and

WHEREAS, the City imposes penalties for violations, so as to lessen congestion in the streets; secure safety from fire, panic and other dangers; provide adequate light and air; prevent undue concentration of population and overcrowding of land; facilitate the adequate provision of transportation, water, sewage, school, park and other public requirements; conserve the value of buildings and encourage the most appropriate use of land; and promote the health, safety, morals and general welfare of the City of Milford.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1.

An Ordinance to Amend the Code of the City of Milford by Amending Chapter 230 entitled Zoning.

Section 2.

Article III-Use and Area Regulations, 230-14.-C-3 Highway Commercial District, C. Conditional Uses is hereby amended as follows:

- C. Conditional uses subject to special requirements. The following uses are permitted subject to receiving a conditional use permit by the City Council as provided in Article IX of this chapter:
- (1) Motels or hotels with a minimum lot size of three acres.
 - (2) Commercial greenhouse.
 - (3) Wholesale establishment.
 - (4) Newspaper publishing or printing establishment.
 - (5) Contractors', craftsmen's or general service shops, including welding and similar shops.
 - (6) Laboratory, testing and research.
 - (7) Car repair shops.
 - (8) Used car lots.
 - (9) Telephone central office or television cable central office.
 - (10) Service station, automobile sales agency, public garage, parking garage or lot, but not including storage of wrecked cars, 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.
 - (11) Shopping center, subject to site plan review and the following site requirements:
 - (a) The total shall not be less than one acre.
 - (b) The site must be served by public water, sewer and electricity.
 - (c) Stormwater drainage. The facilities shall be provided by the developer to handle the increase in stormwater runoff, and he shall make contributions towards the cost of off-site facilities of the shopping center.
 - (d) Traffic and parking.
 - [1] The internal circulation of traffic shall be separated from the external street system, and pedestrian and vehicular traffic shall be separated through traffic control devices and appropriate site design.
 - [2] Access to state highways shall be controlled by the State Department of Transportation.
 - [3] The minimum distance between accessways and a residential district shall be 50 feet.
 - [4] Spacing of accessway.
 - [a] From adjoining property: 50 feet.
 - [b] From minor intersections: 50 feet.
 - [c] From major intersections: 100 to 150 feet.
 - [5] Five and one-half parking spaces shall be provided per 1,000 feet of leasable area.
 - [6] Parking lots shall be attractively landscaped as shown on the general site plan.

- (e) Setback.
 - [1] From street right-of-way: 15 feet.
 - [2] From nonresidential districts: 15 feet.
 - [3] From residential districts: 100 feet.
- (f) Buffering and landscaping.
 - [1] There shall be a minimum of a ten-foot landscaped buffer along all lot lines. The screening shall be six feet high near residential districts.
 - [2] Ten percent of the site shall be landscaped and may include features such as pedestrian walking or rest areas and courtyards.
- (12) Day-care centers, with site plan required.
- (13) Car wash, all types (staffed, automatic, self-service, etc.).
- (14) Convenience stores with gas pumps.
- (15) Community residential treatment program.
- (16) All dwellings other than single-family with a maximum density of 12 units per acre.
- (17) Business, commercial or industrial uses that do not adversely affect neighboring properties.
- (18) Billboard, subject to the following:
 - (a) Shall be constructed and maintained in accordance with the Delaware Code, Title 17-Highways, Chapter 11-Regulations of Outdoor Advertising, Subchapter 1-General Provisions.

(19) Aquarium

Section 3.

Article III-Use and Area Regulations, 230-14.-C-3 Highway Commercial District, D. Area Regulations is hereby amended as follows:

- D. Area regulations.
 - (1) Minimum lot area shall be one acre.
 - (2) Maximum lot coverage shall be 80%.
 - (3) Minimum lot width shall be as follows: for an interior lot 150 feet and for a corner lot 170 feet.
 - (4) Height of buildings shall not exceed three stories or 35 feet, *with the following exception: a motel, hotel, or aquarium may be erected to a height of over three stories, but not over five stories, and not exceeding 60 feet.*
 - (5) Minimum building setback shall be 30 feet.
 - (6) Side yards shall be provided as follows: each lot shall have two side yards a minimum of 20 feet with a minimum aggregate width of two side yards of 50 feet.
 - (7) Minimum rear yard shall be 50 feet.
 - (8) Parking shall comply with the requirements provided in Article IV of this chapter.
 - (9) Landscape screening shall comply with the requirements provided in Article V of this chapter.
 - (10) Signs shall comply with the requirements provided in Article VI of this chapter.

Section 4. Dates.

Planning Commission Review and Public Hearing: September 20, 2016

City Council Introduction: October 10, 2016

City Council Public Hearing and Adoption: October 24, 2016

Effective: November 3, 2016

This ordinance shall take effect and be in force ten days after its adoption.

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office or by accessing the city website at www.cityofmilford.com.

Advertised: Beacon, 09/07/16

CITY OF MILFORD
PUBLIC NOTICE

NOTICE IS HEREBY GIVEN the Planning Commission of the City of Milford will hold a Public Hearing on an amendment to the City of Milford 2008 Comprehensive Plan on Tuesday, October 18, 2016 at 7:00 pm or as soon thereafter as possible.

A FINAL PUBLIC HEARING is schedule on Monday, October 24, 2016 at 7:00 pm or as soon thereafter as possible before Milford City Council. Following the hearing, Ordinance 2016-17 may be adopted, with or without amendments.

Ordinance 2016-17
AMENDING AND ADOPTING BY ORDINANCE
A THIRD AMENDMENT TO THE SOUTHEAST MASTER PLAN OF
THE 2008 CITY OF MILFORD COMPREHENSIVE PLAN

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

WHEREAS, pursuant to Title 22-Municipalities, Chapter 7-Planning Commission, Section 702-Comprehensive Development Plan, of the Delaware Code, the City of Milford adopted Ordinance 2011-15, a Comprehensive Plan Update, on July 11, 2011 to include the addition of and implementation of the Southeast Master Plan, and

WHEREAS, the City of Milford adopted Ordinance 2012-09, a second Comprehensive Plan Amendment, on June 25, 2012, and

WHEREAS, the City of Milford adopted Ordinance 2015-06, a third Comprehensive Plan Amendment, on July 27, 2015, to amend the Southeast Master Plan, and

WHEREAS, the City of Milford adopted Ordinance 2015-11, a fourth Comprehensive Plan Amendment, on June 22, 2015, and

WHEREAS, the City of Milford adopted Ordinance 2015-16, a fifth Comprehensive Plan Amendment, on October 26, 2015, a second amendment to the Southeast Master Plan, and

WHEREAS, the Planning and Economic Activities Coordinator has prepared, and consulted with the Office of State Planning, a sixth amendment to the 2008 Comprehensive Plan which will amend the Southeast Master Plan by permitting the future land use designation of three parcels from low density residential to highway commercial; and

WHEREAS, the City of Milford held a public workshop for public review and comment on the proposed amendment on October 12, 2016; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for public review and comment on the 2008 Comprehensive Plan amendment on October 18, 2016 and did recommend approval and adoption of the sixth amendment of the 2008 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the fourth amendment of the 2008 Comprehensive Plan on October 24, 2016 at which time the amendment of the 2008 Comprehensive Plan was reviewed with the public.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the amended 2008 Comprehensive Plan is hereby adopted on October 24, 2016 and made effective as the amended 2008 Comprehensive Plan for Milford on this 24th day of October, 2016.

Public Workshop: October 12, 2016

Planning Commission Review & Public Hearing: October 18, 2016

City Council Introduction: October 10, 2016

City Council Review & Public Hearing: October 24, 2016

Adoption: October 24, 2016

Effective: November 3, 2016

This ordinance shall take effect and be in force ten days after its adoption.

SYNOPSIS: This comprehensive plan amendment includes the following three properties:

1. Mr Wiggles LLC (3-30-11.00-056.00); change of future land use designation from low density residential to highway commercial.
2. Country Life Homes Inc (3-30-11.00-070.00 & 3-30-11.00-070.03); change of future land use designation from low density residential to highway commercial.

Additional information may be obtained by contacting the Rob Pierce of the Planning Department at Milford City Hall either at RPierce@milford-de.gov or by calling 302-424-3712.

Published: Beacon, 09.21.16



PUBLIC WORKS DEPARTMENT
302.422.1110, FAX 302.422.1119

180 VICKERS DRIVE
MILFORD, DE 19963

To: Eric Norenberg, City Manager
From: Mark A. Whitfield, Public Works Director
Subject: Collection Schedule for Refuse, Recycling and Compostable Materials
Date: September 30, 2016

The Public Works Department is requesting a modification to the Code of Ordinances regarding the collection of refuse, recycling and compostable materials. The request is being made for the following reasons:

1. Holidays – presently holidays are listed within the codification. Because some holidays fall on various days from year to year, the “make-up” day can vary. Staff recommends this section be eliminated, and that the City Manager be responsible for promulgating and publishing a collection schedule, that will include holidays and make-ups. Staff has been publishing such a schedule for the past several years. (Attached is the 2016 Schedule).
2. Leaf Collection – presently the ordinance calls for one-a-week loose-leaf collection, however, during the heavy leaf drop in November, crews are barely able to complete ½ of the town with present equipment. Additionally, the number of holidays in November also creates a strain. While weekly collection is possible in December and January, staff proposes that flexible schedule be promulgated by the City Manager and an every-other week schedule be completed and published for the month of November.
3. Bulk Item Collection – presently the ordinance states that Wednesdays is bulk item collection day, however with the implementation of new refuse equipment, staff anticipates changes in collection days and recommends that the City Manager have authority on developing a bulk item collection schedule.
4. Recycling Material Collection – presently the ordinance states recycling materials be collected once every two weeks, however, with the implementation of new collection equipment, more frequent collection may be possible, and staff recommends that the City Manager be given the authority for creating a collection schedule.

Staff notes that Section 193-11 contains language giving the City Manager the authority for promulgating a collection schedule.

Staff recommends the Public Works Committee of City Council consider changes to Section 193 of the Code of Ordinances as shown in Exhibit "A" attached, to address the issues outlined herein.



2016 Solid Waste Schedule

Gold Route - Monday Trash Customers

Maroon Route - Tuesday & Friday Trash Customers

JANUARY						
S	M	T	W	T	F	S
				31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

MARCH						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APRIL						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUNE						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JULY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

AUGUST						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

OCTOBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOVEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

HOLIDAYS

New Years Day 2016 - Friday, January 1st trash collection will be on Thursday, December 31st.

Martin Luther King Day - Monday, January 18th trash collection will be on regular schedule.

President's Day - Monday, February 15th trash collection will be on regular schedule.

Good Friday - Friday, March 25th trash collection will be on regular schedule.

Memorial Day - Monday, May 30th trash collection will be on Tuesday, May 31st.
Tuesday, May 31st trash collection will be on Wednesday, June 1st. Yard Waste/Recycling on regular schedule. (Maroon Route)

July 4th - Monday, July 4th trash collection will be on Tuesday, July 5th.
Tuesday, July 5th trash collection will be on Wednesday, July 6th. Yard Waste/Recycling will be on regular schedule (Gold Route)

Labor Day - Monday, September 5th trash collection will be on Tuesday, September 6th.
Tuesday, September 6th trash collection will be on Wednesday, September 7th.
Yard Waste/Recycling collection on regular schedule this week. (Maroon Route)

Elections Day - Tuesday, Nov. 8th trash collection will be on Wednesday, November 9th. Yard Waste-Leaves/Recycling will be on Regular Schedule (Gold)

Veterans Day - Friday, November 11th trash collection will be on regular schedule.

Thanksgiving Holiday
Thursday, November 24th recycling collection will be Wednesday, November 23rd. (Gold Route)
Yard Waste/Leaves (weather permitting) will be on regular schedule. (Gold Route)
Friday, November 25th trash collection will be picked up on Wednesday November 23rd.

Christmas Holiday
Friday, December 23rd trash collection will be on Thursday December 22nd.
Monday, December 26th trash collection will be Tuesday, December 27th.
Tuesday, December 27th trash collection will be on Wednesday, December 28th.
Yard Waste-Leaves (weather permitting)/Recycling collection will be on regular schedule. (Maroon)

- City Holiday - Offices Closed
- City Offices Closed -Trash Collection on schedule
- Recycle Route (Monday Trash Customers)
- Recycle Route (Tue / Fri Trash Customers)
- Yard Waste (Gold Route)
- Yard Waste (Maroon Route)

HELPFUL INFORMATION & REMINDERS

- City containers should be placed out by the curb the night before or no later than 7:00 a.m. on your collection day.
- Items **EXCLUDED** from Solid Waste collection are tree stumps, rocks, dirt, sod, bricks, tires, iron, wet paint, construction materials, automobile batteries, propane tanks, and other items restricted by the landfill. Visit our website, www.cityofmilford.com or www.dswa.com for more details on what is not accepted at the landfill.
- Personal containers are not acceptable for the removal of Trash, Yard Waste or Recycling. Only City issued containers will be emptied.
- Mixing of trash, recycling and yard waste in their perspective city containers is **PROHIBITED!!**
- Customers who do not adhere to city policies will be subject to fines in accordance with the City of Milford Solid Waste Code. (Chapter 193).
- **GOLD ROUTE** – Monday Trash Customers **MAROON ROUTE** – Tuesday / Friday Trash Customers.

BULK SERVICE

- A minimum pickup fee shall be billed for each pickup of \$50 for up to 5 items. Each additional item is \$10. Bulk charges will be billed to the utility account.
- The city will **NOT** collect bulk during those weeks in which a holiday is observed and trash services do not occur.
- Bulk trash is defined as "Large items". Furniture, Appliances, Mattress, Lawn Mowers, BBQ Grills, TV's, Air Conditioners, Hot Water Heaters, Doors, Cabinets and other types of large household items that require special handling.
- Customers are required to call 302-422-6616 to schedule a pick-up.
- Customers without prior pickup arrangements will be tagged and notified of subsequent billing. Items not removed by customer in subsequent weeks will be removed by the city and billed accordingly.

RECYCLING SERVICE

- A **bi-weekly service** is offered every other Thursday.
- Please visit our website at www.cityofmilford.com or www.dswa.com if you have any questions on what is acceptable or unacceptable for recycling. You can also call our Customer Service Department at 302-422-6616.
- Mixing of trash or yard waste in the city recycling container is **PROHIBITED!!**

YARD WASTE SERVICE

- A **bi-weekly service** is offered every other Wednesday, the same week as recycling. This service is offered year round.
- Yard waste piles and limbs outside of the container will not be collected and is the responsibility of the homeowner as stated in Article II (Yard Waste) of Chapter 193 entitled Solid Waste of the City of Milford Code. Alternative places to take excess yard waste: **Blessings Greenhouse 684-8990 or DSWA Milford Transfer Station 424-2968.**
- Mixing of trash or recycling in the city yard waste container is **PROHIBITED!!**
- Additional yard waste containers are available for a monthly fee of \$12.00. Please call our Customer Service Department at 302-422-6616 for more details.

LEAF VACUUM SERVICE

- A **weekly service** is being offered November – January.
- Leaves must be raked out to the curb or to the furthest point of the lawn by **7:00 A.M.** on your collection day.
- Leaves cannot block the sidewalk or be raked into the roadway.
- Please place a tarp over your leaves to keep leaves from blowing from wind and rain.
- See above for route information or call Customer Service. Route map is available online at www.cityofmilford.com.

MAROON ROUTE – Monday

GOLD ROUTE – Thursday

****Due to the size of the City and having one leaf vacuum available, each area may take several days to collect and will be subject to weather conditions and demand. Please be patient as our crews are working hard to provide this valuable service to the citizens of the City of Milford.**

FOR QUESTIONS, PLEASE CALL CUSTOMER SERVICE AT (302) 422-6616

City of Milford
Ordinance 2016-20
Chapter 193-Solid Waste Management

The following ordinance is currently under review by Milford City Council:

WHEREAS, the City Council of the City of Milford has heretofore enacted the “Solid Waste Management Ordinance” which is codified as Chapter 193 of the City of Milford Code of Ordinances; and

WHEREAS, under the authority of this Chapter, the City’s Public Works Department shall provide Solid Waste Disposal services for its residents and customers and make recommendations as to the collection, recycling, and disposal of associated waste and materials within the City and amendment or repeal of any and all rules, regulations and ordinances otherwise necessary or desirable for carrying out its purposes; and

WHEREAS, the City Council of the City of Milford possesses the authority to enact changes needed for the collection and disposal of solid waste, recyclable material and yard waste within the City; and

WHEREAS, the City Council finds that the adoption of updated provisions regarding the collection and disposition of solid waste, recyclable material and yard waste in the City is in the best interest of the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Chapter 193 - SOLID WASTE MANAGEMENT
ARTICLE I - General Provisions

Section 1. Article I Section 193-1 Mandatory Residential Collection is hereby amended by adding a new paragraph 193-1(B) as indicated below:

§ 193-1. - Mandatory residential collection.

- A. The maintenance of the public health, safety, sanitation and aesthetics requires that all residential properties in the City of Milford accept, arrange and pay for solid waste collection and disposal services in accordance with this chapter. Residential properties include detached homes, duplexes, townhouses and condominiums.
- B. Customers shall keep all garbage and recycling materials separate in accordance with all collection program guidelines.

§ 193-2. - Non-residential and multi-unit rental complex services.

Solid waste services through the City of Milford are optional for non-residential entities and multi-unit complexes in common ownership. Upon request containers may be provided, in accordance

with the fee established in Section 193-11. Those opting not to utilize solid waste collection through the City shall be required to make arrangements for the disposal and/or collection of the same by a private collector/hauler at no cost to the City.

§ 193-3. - Containers required.

The City shall specify the type of container to be used for each specific collection. Use of any other type container than specified by the City is prohibited. The City will provide containers to the customer as required by the desired level of service at no up-front cost to the customer. If any container is lost or destroyed, another container shall be provided at cost to the customer. Multi-unit rental complexes under common ownership may utilize a City approved dumpster.

Section 2. Article I Section 193-4 Special and Holiday Collections is hereby repealed in its entirety and subsequent sections of this Chapter are appropriately renumbered:

~~§ 193-4. - Special and holiday collections.~~

~~A. - Special collections. A special collection will occur one week in the spring and one week during the fall of each year. Customers shall be able to put out additional bulk items during these weeks without an additional charge. Adequate notice of the special collection dates and details shall be provided to customers.~~

~~B. - Holiday collections. The City observes the following six holidays in which trash services will not occur:
New Years
Memorial Day
July 4th
Labor Day
Thanksgiving
Christmas~~

~~If the holiday or observed holiday falls on a Monday, collection will be the following day affecting all workdays including Saturdays. If holiday falls on any other weekday, only the collections after that day are shifted by one day.~~

~~C. - Holidays such as Martin Luther King Birthday, Presidents Day, Good Friday, Election Day and Veterans Day will not affect collections.~~

§ 193-5 **4**. - Bills, payments and deposits.

A. The rates as established shall be an assessment and shall be billed to customers on a monthly basis. All bills for service are due and payable each month for normal and additional services performed. Monthly charges, if not paid by the due date, shall accrue interest at the rate of 1 1/2% per month until paid.

B. Bills are rendered for any indicated period of service, either special or monthly, and will show the proper charge as determined by the applicable rate schedule. Bills shall be considered as

duly rendered when delivered at or mailed to the recorded address of the customer, as provided by him for that purpose.

- C. The charges imposed under this ordinance shall be a lien against any owner-occupied property served and shall be and remain a lien for ten years from the date of assessment of such charge. Such lien shall have priority over any other lien, encumbrance or conveyance even though such other lien or liens may be of a date prior to the time of attaching of this lien. The City Manager shall have the same authorities, remedies and powers with respect to the collection of this charge as are provided for the collection of taxes.
- D. Any customer, upon receipt of a bill, having reason to doubt its accuracy shall bring or mail the bill within five days to the City for investigation.
- E. Nonpayment of two consecutive months will trigger suspension of trash collection and removal of all city-issued containers.
- F. Creation of new rental accounts, not part of a multi-unit rental complex under common ownership, will require a \$100 reimbursable deposit. Unpaid balances will be applied when account is terminated.

§ 193-6 **5** - Violations and penalties.

- A. Unless otherwise prescribed herein, any person violating any of the provisions of Chapter 193 shall, upon conviction thereof before a Justice of the Peace, be sentenced to pay a fine of not less than \$25 nor more than \$300, together with costs of prosecution.
- B. Every violation of this chapter shall be deemed a separate offense for each and every day a violation shall continue and shall be subject to the penalty imposed by this section for each and every such separate offense.

Section 3. Article I Section 193-7-Supplemental Regulations is hereby retitled and amended to read as follows:

§ 193-7 **6** - Solid Waste Management Supplemental Regulations and Schedules.

The City Manager is hereby authorized to administer Chapter 193 of the City of Milford Code pertaining to the solid waste collection system. The City Manager shall promulgate and publish such rules and schedules as necessary for the efficient and economical collection of garbage, recycling and yard waste materials. Adequate notice of the collection schedules shall be provided to all customers and any changes thereto.

Article II - Solid Waste

§ 193-8 **7** - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SOLID WASTE — Commonly referred to as trash or garbage, consisting of everyday items that are discarded which may include food wastes, containers and product packaging and other miscellaneous wastes from residential or commercial sources. Solid waste does not include yard waste, inert waste such as construction debris, hazardous waste, toxic waste or medical waste.

§ 193-9 ~~8~~ - Unlawful acts and containment requirement.

- A. It shall be unlawful to deposit or place any trash or garbage into any yard waste container or recycling container.
- B. No solid waste or any other similar materials shall be placed in the street, drainage gutter or on the sidewalk.
- C. No solid waste of any description shall be disposed of within the limits of the City in any manner other than that prescribed herein. Deposit of solid waste upon any land, alley, street, public place, vacant lot, watercourse, ditch or any other method of disposal not in accordance with this chapter shall be a violation as prescribed herein.

§ 193-10 ~~9~~ - Collection procedures.

- A. General.
 - (1) All collection of solid waste materials from residences and other approved establishments shall be by city public works crews or contractors hired or contracted by the City Council.
 - (2) On designated collection days, containers shall be placed just behind the curbline without interfering with vehicular or pedestrian traffic.
 - (3) Containers shall be placed no earlier than 3:00 p.m. of the day preceding the day of collection and not later than 7:00 a.m. on the scheduled day of collection and shall be removed to a point at the side or rear of the structure not later than 7:00 p.m. of the day of collection.
- B. Multi-unit rental complex collection. Owners and/or designee of multi units rental complexes desiring to utilize containers for mass storage may do so, provided that the container and the placement of the container is approved by the City Manager or his designated representative. In no case shall the container be in excess of three-cubic yards' capacity.
- C. Items prohibited.
 - (1) The scope of the service rendered by the City in the collection and removal of solid waste materials is intended to serve the needs of its customers' related activities. It is considered to be beyond the scope of such service to collect or remove solid waste materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste.
 - (2) Rock, scrap building materials, appliances containing freon or other trash resulting from construction, remodeling or destruction by fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in preparation for construction or landscaping shall not be

collected and removed by the City. Such materials will be removed at the expense of the customer.

- (3) Tires will not be collected. Items too bulky or heavy to be removed during the regular city collection maybe removed after special arrangements have been made by the customer.

D. Items piled alongside the container will not be picked up, nor will containers not provided by the City.

E. Mandatory additional container.

- (1) Any additional items found outside container will not be picked up. Items will be tagged and customer informed of pending additional container issuance.
- (2) Additional container delivery and associated fee will be triggered after two consecutive incidents related to additional items or three incidents in any rolling six months period.
- (3) Payment of additional container will be the responsibility of customer until account is terminated.

Section 4. Article II Section 193-11 Collection and Rate Schedule is hereby amended by rescinding Paragraph 193-11(B) and all subsequent paragraphs of this Section are appropriately renumbered:

§ 193-11 **10**. - Collection and rate schedule.

A. The City will collect solid waste as described in this Article II once every week.

~~B. The City Manager shall divide the City into districts and shall schedule the collection of solid waste in these districts on the day or days and at the times that shall be most efficient and convenient to the City. Adequate notice of the collection schedules shall be provided to all customers and any changes thereto.~~

C.B. Residential properties:

Effective:

July 1, 2015 - \$24.00 monthly - one container

July 1, 2016 - \$24.50 monthly - one container

July 1, 2017 - \$25.00 monthly - one container

D.C. Non-residential properties:

Effective:

July 1, 2015 - \$24.00 monthly - one container

July 1, 2016 - \$24.50 monthly - one container

July 1, 2017 - \$25.00 monthly - one container

E. D. Multi-unit rental complex.

Effective:

July 1, 2015 - \$24.00 monthly - one container per unit or three-cubic-yard dumpster(s)

July 1, 2016 - \$24.50 monthly - one container per unit or three-cubic-yard dumpster(s)

July 1, 2017 - \$25.00 monthly - one container per unit or three-cubic-yard dumpster(s)

- F.E. Additional trash container - \$ 20
- Additional yard waste container - \$12

ARTICLE III - Yard Waste

§ 193-12 **11**. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

YARD WASTE — Biodegradable waste consisting of leaves, grass clippings, twigs, small branches (less than four ft. in length), shrubbery, prunings and other garden material.

§ 193-13 **12**. - Containers required.

- A. Depositing or placing any yard waste or matter into any garbage container, recycling container or on any city street or in a drainage gutter is prohibited.
- B. Mandatory additional yard waste container.
 - (1) Any additional yard waste found outside container will not be picked up. Excessive yard waste will be tagged and customer informed of pending additional yard waste container issuance.
 - (2) Additional container delivery and associated fee will be triggered by two consecutive incidents related to excessive yard waste or three incidents in any rolling six months period.
 - (3) Payment for additional yard waste container will be the responsibility of customer until account is terminated.

§ 193-14 **13**. - Collection procedures.

- A. The City will collect yard waste provided that such yard waste is deposited into the yard waste containers issued by the City. Disposal of yard waste that will not fit into the container shall be the responsibility of the customer.
- B. The City will provide for looseleaf curbside collection from November 1 through January 31 in accordance with the following conditions:
 - (1) Loose leaves shall be raked and placed behind the curb for removal by the City's leaf vacuum.
 - (2) Leaves must be free of stones, branches, brush and grass clippings or they will not be collected.
 - (3) It is illegal to place, sweep or blow leaves and other yard waste into the street, storm drains or catch basins.

Section 5. Article III Section 193-15 Collection Schedule is hereby rescinded in its entirety as indicated below and all subsequent sections of this Chapter are appropriately renumbered:

~~§ 193-15. Collection schedule.~~

~~A. The City will collect yard waste as described in Section 193-14A every two weeks.~~

~~B. The looseleaf curbside collection as described in Section 193-14B will be collected once each week.~~

ARTICLE IV - Recycling

§ 193-14 **14**. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

RECYCLING — Unbagged recycling materials including cardboard, glass bottles and jars (any color), junk mail and envelopes (all types), magazines and catalogs, metal cans (tin/steel/aluminum), milk jugs, bleach/detergent bottles and shampoo bottles, narrow-neck plastic bottles, newspapers, paperboard (cereal/tissue boxes), telephone and soft cover books, pizza boxes (free of food residue). Recycling materials does not include bags, styrofoam (all types), hardback books (pages are acceptable, remove hard cover), light bulbs (all types), household batteries, electronics, broken glass/mirrors/window glass, empty aerosol spray cans, paint cans.

§ 193-17 **15**. - Unlawful acts and containment requirement.

It shall be unlawful to deposit or place any recycling material into any solid waste container or yard waste container or on any city street or in a drainage gutter.

§ 193-18 **16**. - Collection procedures.

The City will provide for the collection of recycling material, provided that such material is deposited into a recycling container provided by the City. Disposal of excessive material that will not fit into the container shall be the responsibility of the customer.

Section 6. Article IV Section 193-19 Collection Schedule is hereby rescinded in its entirety as indicated below and all subsequent sections of this Chapter are appropriately renumbered:

~~§ 193-19. Collection schedule.~~

~~The City will collect recycling material once every two weeks.~~

ARTICLE V - Bulk Items

§ 193-20 **17**. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BULK ITEMS — Unbagged garbage other than regular household trash, such as furniture, appliances, large items including, but not limited to, lawn mowers, barbeque grills, hot water heaters, air conditioners, televisions, doors, cabinets and kids toys.

Note: Bulk items does not include materials generated by clearing, construction, demolition and any other such activity producing quantities of solid waste, rock, scrap building materials, appliances containing freon or trash resulting from construction, remodeling or destruction of fire, the elements, acts of God or other causes resulting from a general cleanup of vacant or improved property or trees, brush and/or debris cleared from a property in the preparation for construction or landscaping. Any yard waste material is not considered a bulk item and shall not be collected and removed by the City. Such materials shall be removed by the customer.

§ 193-21 **18**. - Unlawful acts.

It shall be unlawful to place any bulk material or any hazardous chemical on a city street or near a drainage gutter.

§ 193-22 **19**. - Collection procedures.

- A. Customers are required to contact our Customer Service Department to schedule a pickup.
- B. Customer without prior pick-up arrangements will be tagged and notified of subsequent billing.
- C. Items not removed by customer in subsequent weeks will be removed and billed accordingly.

Section 7. Article V Section 193-23 Collection and Rate Schedule is hereby retitled and paragraphs 193-23(B) and 193-23(C) rescinded and a new paragraph 193-20(B) added as stated below:

§ 193-23 **20**. - ~~Collection and r~~Rate schedule.

- A. The bulk fee shall be determined on a sliding scale based on the number of large items picked up as indicated below:
 - (1) A minimum of \$50 will be billed for each pickup of up to five items.
 - (2) Each additional item will be billed at \$10.
- B. ~~The City will collect bulk material every Wednesday.~~
- C. ~~The City will not collect bulk material during those weeks in which a holiday is observed and trash services do not occur. Refer to Section 193-4(b) for holidays that apply.~~
- B. The City Manager shall establish procedures to allow each residential property two scheduled collections of bulk items per year at no charge.

ARTICLE VI - TEMPORARY SUSPENSION OF SERVICES

§ 193-24 **21**. - Authority.

- A. The City Manager or designee may suspend trash and recycling (and yard waste when applicable) collection services for owner-occupied residences only if the home is unoccupied between a minimum of three months and a maximum of 12 months.
- B. A "Temporarily Suspend Garbage Service Application" must be completed in order to place the service on hold.
- C. A "Temporarily Suspend Garbage Service Application" must be received by the Customer Service Department at least five business days prior to the start of the suspension period.
- D. The Solid Waste Department will collect the trash, recycling and yard waste (if applicable) containers at the start of the suspension and redeliver them on the expected date of return.
- E. The residence for which the suspension has been approved shall remain vacant during the suspension period.
- F. Service will automatically be reactivated at the end of the approved suspension period, unless a request for an additional period of temporary suspension has been requested and approved by the City Manager or designee prior to the automatic reactivation. Failure to request an extension prior to the reactivation date will result in the resumption of the monthly solid waste fee. Continuation of a suspension of service after reactivation requires a new "Temporarily Suspend Garbage Service Application" to be filed with the appropriate fee.
- G. When a suspension is active, the customer may not use any other city trash/recycling/yard waste services, including someone else's container or bulk service.
- H. No credit will be issued should customer fail to submit and complete the "Temporarily Suspend Garbage Service Application."
- I. Partial or retroactive payments of monthly fees are prohibited.

| § 193-25 **22**. - Suspension fee.

- A. At the time of the suspension request, the following service fees shall be paid by the customer:
 - (1) A fee of \$35 for removal and storage of the container(s).
 - (2) A fee of \$35 for redelivery of the container(s).
- B. Service fee shall be paid at the time the "Temporarily Suspend Garbage Service Application" is submitted to the Customer Service Department.

| § 193-26 **23**. - Noncompliance, violations and penalties.

- A. Noncompliance of this article will result in the immediate reactivation of the solid waste services.

B. The account will be billed the full service fees for the entire suspension period and a \$100 account reconciliation fee assessed for noncompliance.

C. Violations and penalties set forth in Section 193-6 shall also apply to Article VI.

Section 8. Dates:

Introduction: 10-10-2016

Adoption (Projected): 10-24-2016

Ordinances become effective no earlier than ten (10) days following adoption.



DEMEC

Delaware Municipal Electric Corporation

22 Artisan Drive, PO Box 310, Smyrna, Delaware 19977 Phone 302 653-2733 Fax 302 653-2734

October 1, 2016

EMAIL DELIVERED

City of Milford Council
Attn: Terri Hudson, City Clerk
201 S. Walnut St.
Milford, DE 19963

RE: Submittal of the Municipal Electric Utilities Renewable Portfolio Standard Compliance Report for the 2015-2016 program year

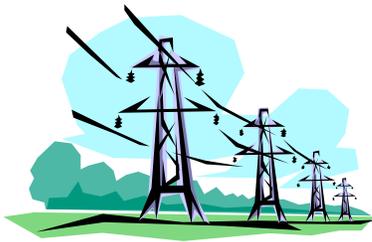
Dear Councilmembers,

The Delaware Municipal Electric Corporation has completed the administration of the Municipal Electric Utilities Renewable Portfolio Standard for the 2015-2016 program year on behalf of all nine of our Municipal Electric Utilities. As per state statute, we submit to your local regulatory body a copy of the Municipal Electric Utilities Renewable Portfolio Compliance Report for your records.

If you have any questions or would like to discuss the plan in further detail, please feel free to contact me.

Patrick E. McCullar
President & CEO

cc: Delaware General Assembly
Philip Cherry, Delaware Energy Office, Director



DEMEC

Delaware Municipal Electric Corporation

22 Artisan Drive, PO Box 310, Smyrna, Delaware 19977 Phone 302 653-2733 Fax 302 653-2734

October 1, 2016

TO: Local Regulatory Authorities:

- City of Dover City Council
- City of Newark City Council
- City of Milford City Council
- Town of Middletown Town Council
- City of Seaford City Council
- City of Lewes Board of Public Works
- Town of Smyrna Town Council
- City of New Castle Municipal Services Commission
- Town of Clayton Town Council

Delaware General Assembly
Delaware Energy Office

FROM: Patrick E. McCullar, President & CEO, DEMEC

SUBJ: Municipal Electric Utilities Renewable Portfolio Standard (“MRPS”) 2015/2016
Compliance Year Report

In accordance with 26 Del. C. § 363(b), the Delaware Municipal Electric Corporation, acting on behalf of its member communities, submits the following MRPS Annual Report.

DEMEC Background

The Delaware Municipal Electric Corporation (“DEMEC”) is a Public Power utility incorporated as a not-for-profit Delaware corporation in 1979; the members of DEMEC are the nine municipal electric distribution utilities in Delaware. DEMEC provides joint services to the members.

- DEMEC generates electricity from its portfolio of owned generation assets and purchases electricity from other generators through staggered short, medium, and long term power contracts to meet the requirements of its member municipal utilities.
- Eight of the nine member municipal utilities receive 100% of their requirements from DEMEC through long-term take-or-pay contracts and the City of Dover receives partial requirements service.

- DEMEC has been authorized by its nine member utilities to manage the compliance obligation created by the Municipal Electric Utilities Renewable Portfolio Standard Plan.

Delaware Renewable Portfolio Standard Background

The Renewable Portfolio Standard (“RPS”) is a State-mandated policy that obligates each retail seller of electricity to include in its resource portfolio annually increasing amounts of electricity from Qualifying Renewable Energy Resources through 2025 and beyond. The municipal electric utilities were exempted from the RPS requirements prior to 2010.

In 2010 DEMEC and its members responded to a request from Delaware Governor Jack Markell by voluntarily joining the Delaware RPS under S.S. 1 for S.B. 119. The bill provided, among other things:

- Increasing the RPS target to 25% by 2025 with at least 3.5% from solar sources.
- Allowed municipal electric companies to develop and implement a comparable program to the State Renewable Energy Portfolio Standard for its ratepayers beginning in the 2013 Compliance Year (6/1/2013-5/31/2014).
- Provided a method to freeze the RPS compliance obligations for utilities if costs exceed “circuit breakers” of 3% of the total cost of purchased power for Renewable Energy Credits (RECs) and 1% for Solar Renewable Energy Credits (SRECs) in any calendar year.

DEMEC Renewable Energy Commitments

In developing a comparable plan, DEMEC evaluated its accomplishments and commitments regarding investments in renewable energy. DEMEC has invested in the development of a portfolio of qualifying renewable energy resources to achieve the lowest possible compliance cost to protect its ratepayers from unreasonable and burdensome impacts on their cost of electricity. DEMEC’s goal is to comply with the spirit of the Delaware RPS without creating a negative impact on the community ratepayers or the Delaware economy.

Non-Solar:

- DEMEC has committed to purchase all the renewable electricity and associated RECs from a wind farm (Laurel Hill) in north-central Pennsylvania under a 25-year agreement. Laurel Hill is a 69-megawatt (MW) wind generation facility consisting of 30 Siemens wind turbines, each capable of generating 2.3 MW. Laurel Hill is capable of generating enough electricity to power more than 20,000 homes.
- DEMEC was the first to sign an agreement with Blue Water Wind to purchase offshore wind energy. DEMEC remains committed to support and purchase wind energy from off the coast of Delaware.
- DEMEC’s service territory is home to the only significant wind generation system installed in the State of Delaware; the utility-scale 2-megawatt (2-MW) wind turbine is located at the University of Delaware’s (“UD”) Hugh R. Sharp Campus in Lewes. RECs generated by the University of Delaware’s wind turbine are purchased by DEMEC through an agreement. The proceeds support wind and intermittent renewable energy graduate student research fellowship(s) in the University’s College of Earth, Ocean, and Environment (CEOE).

Solar:

DEMEC is the leader in deployment of Solar Renewable Energy Resources in Delaware. Of the 76.8 MW of installed or committed solar generation resources in Delaware, a clear majority (42.4 MW, or 55% of the total) is installed in DEMEC municipal service territories. This becomes an even more striking statistic when you consider DEMEC municipal service territories make up less than 15% of electric service in the entire state. DEMEC has participated in the development of qualifying solar energy systems in all of the following RPS Taskforce defined Tier sizes:

Solar Renewable Energy Tier Groups (State definition by size):

- Tier 1 = 0 to 25 kW – Typical Residential Rooftop
- Tier 2 = 25 to 200 kW – Typical Small Commercial
- Tier 3 = 200 kW to 2 MW – Typical Large Commercial and Industrial
- Tier 4 = 2MW and Up – Utility Scale

Tier 1 and Tier 2 – Green Energy Grants

- DEMEC has encouraged and supported residential and commercial renewable energy systems since June 1, 2006 through the Municipal Green Energy Grants Program.
- DEMEC has leveraged over \$7 Million dollars of overall investment in renewable energy with over \$2.3 Million dollars of grants.
- DEMEC has encouraged and supported the State Renewable Energy Taskforce to enable the owners of previously stranded solar projects to participate in the State SREC Auction and Sustainable Energy Utility SREC Procurement processes.
- DEMEC will continue to evaluate the cost effectiveness of participating in the State SREC auction process as our compliance obligation for SRECs increases.

Tier 3 – Community Scale

- DEMEC has always maintained that each member community should have support in siting a renewable energy system in its borders for the benefit of the whole community. This makes possible participation in solar by low-income customers, those without an adequate solar resource, and those who otherwise could not afford participation.
- DEMEC, on behalf of the City of Newark, developed McKees Solar Park, a 230-kilowatt community solar farm. The project revitalized a 3.91-acre brownfield site off East Cleveland Avenue. The Solar Park provides Newark with a behind-the-meter renewable power source to serve all residents of the community by reducing the City's peak power demand, lowering the wholesale cost of power, generating solar renewable energy credits, bringing locally produced green energy to the City's electric users, and reducing the City's carbon footprint. The 900-panel array produces enough electricity to power approximately 26 to 36 homes, depending on the season. The McKees Solar Park went commercial October 2014.
- DEMEC also conceived and proposed to the City of Newark the State of Delaware's first opt-in community solar program. This program was approved by Newark City Council on June 23, 2014 to launch programs to promote community involvement in the solar park. There are several program participation options such as: "Sun Ray" in which subscribers have the opportunity to make a one-time investment of \$50 in return for a monthly rebate of \$1.00 and the opportunity to purchase one (1), 100 kilowatt-hour block of power generated from McKees Solar Park each month for ten years. Participants can

also select from a variety of a tax-deductible donation options to support the solar park and be recognized on the City's website. DEMEC's Community Solar Model for the City of Newark has been recognized **twice** by the national solar industry trade group, Solar Energy Power Association (SEPA), as a leading program design for increasing access to solar energy to the public. DEMEC intends to help its members replicate this unique model.

- Several other DEMEC communities are working toward installing their own community solar projects in various tiers :
 - Clayton - 4.0 KW firehouse project – went commercial 2Q/2015
 - New Castle - 25.0 KW project near its water treatment facility – went commercial 3Q/2016
 - Smyrna - ~1.5 MW project next to Smyrna public works building – Construction Phase
 - Seaford – ~690 KW project – Construction phase
 - Middletown and Lewes are also considering initial concept designs for their own community solar projects
 - DEMEC will continue to support community interest, low-income participation, and meet its RPS obligation concurrently by investing in these community solar projects on behalf of their members.

Tier 4 – Utility Scale

- DEMEC recognized early on that the legislative circuit breakers for photovoltaics would be hit and freeze the solar portion of the municipal RPS plan within a few years if the compliance cost was not carefully managed. In order to avoid hitting the legislative circuit breakers prematurely and to assure that we do not unreasonably increase the cost of electric service to our municipal ratepayers, DEMEC chose to invest a significant portion of its RPS-dedicated funds in large-scale solar facilities. To prevent a negative impact on the Delaware economy from the cost of RPS compliance, DEMEC has committed capital to developing utility scale solar systems that create jobs and economic development for the State. The current DEMEC portfolio of Tier 4 Utility Scale Systems is:
 - Dover Sun Park – 10 MW – (DEMEC purchases 15 % of all SRECs) went commercial 2Q/2010 and produces enough to power over 1,100 Delaware homes.
 - Milford Solar Farm – 15 MW – (DEMEC purchases a majority of SRECs and all energy) went commercial 4Q/2012 and produces enough to power more than 1,300 homes.

DEMEC Comparable Plan Objectives

DEMEC has set the following objectives as goals for its Municipal RPS Plan.

- Develop and implement a compliance plan that is comparable to the State-mandated plan for Delmarva Power and that encourages development of qualifying renewable energy resources in the State of Delaware in all State-defined tiers.
- Plan in 5 year increments. The parameters of the 5 year planning cycle will have the goals of achieving a comparable plan that: 1) Achieves the lowest cost compliance solutions to mitigate high renewable energy cost impacts for our community ratepayers and the State economy, 2) Encourages the development of renewable resources in our member communities 3) Maintains the high reliability of electric service in our community systems.
- DEMEC will review and rebalance its compliance schedule annually to assure cost impacts to our community ratepayers are reasonable and accurately match qualifying retail electricity sales with renewable energy resource procurement.

State RPS Compliance Schedule

Municipal Renewable Energy 5-Year Procurement Schedule		
Compliance Year - (beginning June 1 st)	Minimum Cumulative Percentage from Eligible Energy Resources*	Minimum Cumulative Percentage from Solar Photovoltaics
2013	10.00%	0.60%
2014	11.50%	0.80%
2015	13.00%	1.00%
2016	14.50%	1.25%
2017	16.00%	1.50%
* Minimum Percentage from Eligible Energy Resources Includes the Minimum Percentage from Solar Photovoltaics.		

MRPS 2015/2016 Compliance

For compliance year 2015/2016 DEMEC set a 13.00% overall compliance goal which was achieved in **this** year’s MRPS implementation. The 13.00% compliance goal matches Delmarva Power & Light’s compliance target for 2015/2016.

The MRPS was rebalanced to value the renewable energy portion of DEMEC’s renewable energy assets. DEMEC also applied excess retirement credits from 2014/2015 to the 2015/2016 obligations. Annual adjustments will occur as necessary.

- The renewable energy sources used for REC compliance are the 69 MW Laurel Hill Wind Farm in Lycoming, Pennsylvania and 2.0 MW UD Wind Turbine in Lewes, Delaware.
- The solar renewable energy sources used for SREC compliance are the 10 MW Dover Sun Park and 15 MW Milford Solar Facility.

Municipal Renewable Energy 2015/2016 Compliance Year REC and SREC Retirements		
Municipality	Minimum Cumulative Percentage from Eligible Energy Resources 13.00%* Associated REC Quantity Retired	Minimum Cumulative Percentage from Solar Photovoltaics 1.00% Associated SREC Quantity Retired
New Castle	7,035	541
Newark	23,091	1,776
Middletown	13,724	1,056
Smyrna	8,273	636
Clayton	1,937	149
*Dover	56,087	3,040
Milford	12,776	983
Seaford	9,911	762
Lewes	6,674	513
Total	139,508	9,456
* Minimum Percentage from Eligible Energy Resources Includes the Minimum Percentage from Solar Photovoltaics.		

*The City of Dover reached the solar 1% compliance cost limit also known as the “circuit breaker” and may elect to stop increasing its solar portfolio percentage per 26 Del. C. § 363(g). The following sections of 26 Del. C. § 363(e) through (i) detail the circuit breaker provisions:

- (e) The total cost of compliance with this section shall include the costs associated with any ratepayer funded renewable energy rebate programs, REC and SREC purchases, or other costs incurred in meeting renewable energy programs.

- (f) The total cost of complying with eligible energy resources shall not exceed 3% of the total cost of the purchased power of the utility for any calendar year.
- (g) The total cost of complying with the solar photovoltaic program shall not exceed 1% of the total cost of the purchased power of the affected utility for any calendar year.
- (h) At no time during any calendar year shall the total cost of compliance with this section result in an increase of an average consumer's monthly bill in excess of 4%.
- (i) The Board of Directors of a rural electric cooperative and the local regulatory authority of a municipal electric company may approve an increase in the limit on the cost of compliance, as specified in subsections (f) and (g) of this section above.

Proposed 2016/2017 MRPS Plan

Per 26 Del. C. § 363(c), DEMEC member community local regulatory authorities shall continue to base renewable energy portfolio standard decisions on the need, value and feasibility of the renewable energy resources pertaining to the economic and environmental wellbeing of its members.

DEMEC continually evaluates the impact of the MRPS costs on its communities. Specifically DEMEC reviews the impact on rates and REC and SREC inventory as we proceed forward in the spirit of the RPS legislation. After review of these and other factors, DEMEC and its Board of Directors plan to continue forward with its original renewable energy compliance target for the 2016/2017 year.

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 12, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 12, 2016.

PRESIDING: Mayor Bryan Shupe

IN ATTENDANCE: Councilpersons Christopher Mergner, Arthur Campbell, Lisa Peel, James Burk, Owen Brooks Jr., Douglas Morrow, James Starling Sr. and Katrina Wilson

City Manager Eric Norenberg, Police Chief Kenneth Brown and
City Clerk/Recorder Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

BOARD OF APPEAL & REVISION–Canceled

Mayor Shupe announced that all tax appeals have been resolved by Tyler Technology representatives. Therefore, no appeal hearings before Council are required this evening.

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:03 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilmember Starling.

APPROVAL OF PREVIOUS MINUTES

Motion to approve the August 8, August 16 and August 22, 2016 Committee and Council Meeting minutes made by Councilmember Brooks, seconded by Councilmember Morrow. Motion carried.

RECOGNITION

Carlisle Fire Company/Carlisle Enhancement Fund/Grant Request

The following request was submitted by President Ryan Knowles:

The Carlisle Fire Company would like to take \$60,000.00 from the Carlisle Enhancement Fund for construction of an additional building to house our two ambulances and storage. The Carlisle Fire Company will also be matching the same amount for construction cost.

Councilmember Brooks moved to approve the request, seconded by Ms. Wilson. Motion carried.

Introduction/DMI Executive Director Steve Twilley

Director Twilley addressed council stating that he has worked in non profits for more than thirty years and has never seen such an empowered group of volunteers as DMI has. He then commented on the many great partnerships the organization has which includes the City of Milford.

He said that having been a Milford resident for thirty years and his love of Milford is one of the main reasons he accepted the position as Executive Director.

Mr. Twilley referenced the number of improvements that have occurred in Milford over the past twenty years and he is

excited about what is on the horizon with both the River Town Rebirth Plan and Downtown Development Designation and believes the best is yet to come.

He is excited to continue that work with the volunteer group and the City of Milford and looks forward to seeing everyone downtown.

Mayor Shupe and City Council Members congratulated Mr. Twilley on his new position.

Promotions/Milford Police Department Officers

Chief Brown then promoted two officers to the rank of Corporal. Al Sargent is a member of the Patrol Division and Timothy Maloney was transferred from the Patrol Division to the Criminal Division in January 2016. He advised that both officers were hired from Milton Police Department in July 2013 after two years of service at that department.

Commendations/Milford Police Department Officers

Chief Brown then commended Corporal Kirk Marino, Sergeant Matthew Smith, Corporal Al Sargent, PFC Nigel Golding and Jonathan Ricketts for going above and beyond for an incident that occurred in August.

The Chief then read the following e-mail that Corporal Marino wrote to Lieutenant David Wells:

Knowing that Chief is very focused on community-oriented policing and serving our citizens, I wanted to take a minute to bring something to your attention that involved several officers. On Saturday, August 13th, we responded to a personal injury accident in the parking lot of Walmart. During the investigation it was learned that one of the patients was a six-year-old girl. She had been in a mini van with her parents and three siblings. There is a language barrier with the parents so the older brother translated for the police and was very helpful. The six-year-old patient and her four-year sister were both very confused and upset. To calm them down, I grabbed three of the stuffed animals from my trunk and gave one to each of the sisters. Since the older boy was twelve-years-old, I felt he was a little outside the realm of stuffed bears and bunnies. I apologized to him and told him that I did not have anything to give him. While he was helping translate for the paramedics, his father asked me if anyone had a cell phone charger so he could call his other family members and tell them about the accident. None of the officers had one that would work on his phone. Since his battery was dead, he was unable to recover his contact numbers. Since the older boy helped us out so much and was left a little in the lurch without a gift like his sisters were given, Sergeant Smith suggested we get something a little more age appropriate to give him. So we all chipped in and purchased the older boy a gift. To prevent a future occurrence of having a dead cell phone, we also got a car charger for the dad's cell phone. We tried to get together on Sunday to drop the items off but our high complaint load prevented that from happening at a reasonable hour. We started off a little busy on Wednesday but myself, Corporal Sargent and Officer Ricketts found time to swing by and drop the toy and charger off.

None of the officers involved are seeking recognition but it was more about making a positive impression.

I wanted to let you know so that Chief understands that each of these officers shares his goal of providing the best service as possible.

Chief Brown said that is the reason he is commending these officers.

Certificates were then issued and photos taken.

Chief Brown then informed City Council that Sergeant Michael McMillan is retiring from the department after twenty-six years and Friday is his last day.

Sergeant McMillan then addressed Council stating that during his career he has watched the City and department grow. He said you will not find a better department in the state that goes out during a 24-hour cycle and commits itself and does things for its residents more than Milford does. That includes everything from foot patrol to checking businesses to simple things you do not hear about.

He said these officers are an educated and professional group and committed to law enforcement. They not only do what is ethically and morally correct, but make the town look good.

Sergeant McMillan said he has had a great ride and though it has had a few bumps, its just time to give the other officers a chance to move up.

Proclamation 2016-11/Prostate Cancer Awareness Month/David Sauls

Mayor Shupe then read the following proclamation into record:

PROSTATE CANCER AWARENESS MONTH

WHEREAS, among men, prostate cancer is the most commonly diagnosed non-skin cancer and the second leading cause of cancer-related deaths; and

WHEREAS, each day, countless physicians and researchers devote themselves to treating patients and finding a cure; and

WHEREAS, educating the public about the risks and treatment of prostate cancer is one of the strongest tools they have to increase early detection and save lives; and

WHEREAS, with early detection and treatment, prostate cancer can be cured and many deaths can be avoided; and

WHEREAS, the 2016 observance of National Prostate Cancer Awareness Month provides a unique opportunity for citizens throughout the City of Milford and the nation to join together to raise public awareness of the symptoms, prevention and treatment of prostate cancer.

NOW, THEREFORE, I, Bryan W. Shupe, by virtue of the authority vested in me as Mayor of the City of Milford, Delaware, do hereby proclaim the month of September as

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. Sauls thanked Mayor Shupe, City Manager Norenberg and City Clerk Hudson for the recognition and proudly announced he is now an eleven-year survivor.

He invited City Council to attend the Community Men's Health Fair on Saturday, September 17th at Eden Hill Medical Center. In addition, Bayhealth is hosting a Prostate Free Cancer Screening at Kent General on Saturday, September 24th and Thursday, September 29th at Milford Memorial Hospital.

He will also be giving a presentation at Milford Place (former Heritage) on September 21st.

Delaware Municipal Clerk of the Year/City Clerk Terri Hudson

Mayor Shupe then congratulated Ms. Hudson on being awarded Delaware's Clerk of the Year by the Delaware League of Local Governments.

Mrs. Hudson thanked City Manager Eric Norenberg for nominating her and Deputy City Clerk Christine Crouch for her assistance adding that it was a total surprise but she is extremely honored.

Mr. Norenberg stated that he is pleased with the number of Council Members that will be attending the recognition dinner on September 22nd.

MONTHLY POLICE REPORT

Police Committee Chair Burk presented the monthly report on behalf of Chief Brown noting the officers were extremely busy

in August. Councilmember Morrow moved to accept, seconded by Councilmember Starling. Motion carried.

Chief Brown thanked the street department for installing the two new speed signs.

CITY MANAGER REPORT

Mr. Norenberg referenced the City Manager's report in the packet this past month and the photo of the street crew installing one of the speed signs as mentioned by Chief Brown.

He informed Council that there will be a presentation by DelDOT and our Planning Coordinator at the next Council meeting regarding the proposed DelDOT Bayshore Byway Route that will be extended from Dover through Milford and extend to Lewes and Rehoboth.

He included some related information in the email sent to City Council a couple weeks ago. In addition, the packet includes a report and map from the current Byway program. He asked Council to do as much reading about the program as possible prior to the next meeting.

The City Manager also reported the City received a check last week for just under \$9,000 in reimbursement funds from FEMA for expenses incurred during the Winter Storm Jonas in January. He recalled the power line that went down and the water main break at the intersection of South Walnut and Southeast Second Street. Both of those expenses were part of the declared disaster which resulted in approximately 75% of the total repair costs being reimbursed.

Mr. Norenberg reminded Council the Retreat starts at 8:30 in Arena's meeting room. Some light refreshments and coffee will be served in the morning and a regular lunch later in the day.

Ms. Peel moved to accept the City Manager report, seconded by Mr. Campbell. Motion carried.

MONTHLY FINANCE REPORT

Finance Committee Chairman Morrow reported that through the first month of the new Fiscal Year 2016-2017 with 8% of the fiscal year having passed, 16% of revenues have been received and 8% of the operating budget expended.

He advised that on the bottom of page two, the Carlisle Enhancement fund shows a balance of \$128,107. The revenues are showing a higher percentage because of the real estate taxes, though that will balance out as we progress into the new fiscal year.

City Manager Norenberg advised that Finance Director Jeff Portmann has been working on bond refinancing and beginning in October, we will be hearing from our bond counsel, in addition to a report from the Finance Director, recommending both electric and sewer bonds be refinanced. This will result in a savings of approximately \$800,000 plus.

Mr. Burk moved to accept the monthly finance report, seconded by Mr. Starling. Motion carried.

COMMITTEE & WARD REPORTS

Community Affairs Report (Permitted Chickens)

Community Affairs Committee Chair Peel reported that her committee met to discuss a request from a resident who is interested in having chickens in the City limits. The letter indicated they had done some research on other municipalities who allow chickens. Though they are not asking for roosters, they would like to have hens for the purpose of laying eggs for food purposes only.

The committee agreed to do some additional research before a final decision is made. In the meantime, the City Clerk and the Planning Coordinator will gather that information.

Mr. Brooks asked if a specific number was considered; Chair Peel explained that what is being considered is the acreage,

number of chickens and any limitations. The request was for sixteen chickens which the committee was basing on their three-acre site. However, the general consensus of the committee was to limit the number that was requested.

Mr. Brooks recalled years ago when his neighbor had horses and chickens. There were no problems as a result.

Councilwoman Peel believes that raising chickens have become popular again and more people are growing and producing their own food today.

Councilwoman Wilson feels that a choice is made when deciding to live in the City versus living in the suburbs or a country area. She feels that when someone moves into the City limits, there is a reason for codes and policies in place. She noted that it has taken many years for the City to put those laws and ordinances in place and to ensure they are being enforced. Even though there has been some difficulty enforcing it, she recalled only a few years ago when some residents had chickens running loose in their yard. The code enforcers were contacted and had them removed.

Councilwoman Wilson finds it hard to believe that these residents are very close to downtown which is a major focus of the City right now. She thinks allowing chickens is a step backwards and she cannot fathom any reason for the request. She believes that City limits should remain City limits and chickens, horses and farm animals should continue to be prohibited. Not only is that Ms. Wilson's opinion, but a lot of residents she is familiar with.

She recalled the number of Councilmembers over years that made those decisions and believes they were put in place for sound reasons. Ms. Wilson believes the biggest nuisance would be to their neighbors and could have the ability to have a domino effect citywide.

In her opinion, this is a slippery slope.

Mr. Starling agreed adding that he will have some further comments on the matter as it is discussed in the future.

Chairwoman Peel stated that they will take everyone's comments into consideration though the final decision will be City Council's regardless of the committee's recommendation.

Mr. Campbell suggested that some confer with their neighbors before this would be allowed. Chair Peel pointed out that Milford High School has a waiver and Mr. Campbell agreed it was the result of their agricultural program and building. Councilmember Burk pointed out a lot of conditions are being considered. He pulled Kent County's code which allows chickens though they have a minimum setback. He reported the City of Dover approved a new ordinance which was only put in effect in April and only involves one or two residences so they do not have a lot of experience with this yet. He agrees that much more research is needed.

Ward Two

Councilman Burk then reported that Milly Pederson from Josephine Keir Ltd. runs the Milford in Bloom project. Ms. Pederson was unaware we had completed our budget and were in a new fiscal year. However, she is requesting the City expand the watering efforts downtown to seven days a week because of the problems with dead plants.

Councilman Burk also received an email from Marcia Reed of Gallery 37 about the issues with the rental across the street from her downtown store. He gave her some state contacts because she has questions about the possibility of tenants being evicted due to some recent activity with the police department.

Mr. Burk noted that the process the City Planning Coordinator Rob Pierce is working on, had some push back from the state with regard to the housing authority and conflicts that require eviction as a result of convictions or arrests.

Ms. Reed stated she was also worried about the safety of a child who was living at the property.

He has received another complaint from a Ward 2 resident that he will pass onto Mr. Pierce to have our code officials review.

City Manager Norenberg advised that he met with the DMI subcommittee that handles downtown beautification. At that

time, City Council had approved some additional funding for watering and other landscape maintenance by the Parks and Recreation Department. A major reason the Parks and Recreation staff hours were expanded was to keep up with the plant and flowering watering Monday through Friday. It was also agreed that weekends would be handled by volunteers on weekends.

Mr. Norenberg is aware that the summer began with four or five volunteers on Saturdays and Sundays though that number has dwindled. He will follow up with DMI Executive Director Steve Twilley.

Back to School Block Events

Councilwoman Wilson thanked the police department for their participation with the recent back to school events on Truitt Avenue Extended and the First State Manufacturing site on Southeast Fourth Street.

UNFINISHED BUSINESS

Introduction/Ordinance 2016-18/Chapter 19 Amendment/Economic Development & Redevelopment/Downtown Development Designation Incentives

Mr. Norenberg introduced Ordinance 2016-18 and recalled that in May, Council approved an application for the Downtown Development Designation (DDD) program that was submitted to the State the following month. Interviews were conducted in July and the City was approved for the DDD program in August.

As a condition, the City needs to approve the incentives that were included in the application and requires an ordinance. The document had a couple minor edits proposed by the State and have been reviewed by the City Planning Coordinator and City Solicitor.

Ordinance 2016-18 will be presented for full consideration at the September 26th Council Meeting:

Ordinance 2016-18 Chapter 19-Economic Development and Redevelopment Downtown Development District Incentive Program

WHEREAS, on May 23, 2016, Milford City Council adopted a resolution supporting the application to the State of Delaware to become a Downtown Development District; and

WHEREAS, incentives were reviewed and recommended by the Economic Development Committee and presented to Milford City Council for their approval; and

WHEREAS, building on the state's efforts to redevelop Delaware's commercial business districts and drive private investment in towns and cities, Governor Markell on August 10, 2016 officially designated the City of Milford's Downtown Development District; and

WHEREAS, an amendment to the Economic Development and Redevelopment Ordinance, Chapter 19 is needed to incorporate the designation.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. Definitions. §19-2 is hereby amended by adding two definitions.

Section 2. §19-6 Incentive Options is hereby amended by adding §19-6 (B)(7) and Paragraph E.

Section 3. Chapter 19 is hereby amended by adding a new Section to be referred to §19-9 entitled Downtown Development District Incentive Program.

Section 4. Dates.

City Council Introduction: September 12, 2016

City Council Review: September 26, 2016

Adoption (Proposed): September 26, 2016

Ordinance is effective ten days following adoption.

The full version is available in the Council packet.

NEW BUSINESS

Authorization/Davis, Bowen and Friedel, Inc. Proposal/Airport Road Design and Rehabilitation Project

City Manager Norenberg recalled that one of the largest projects budgeted this year is the Airport Road Project and our new Public Works Director Mark Whitfield has been working with Davis, Bowen and Friedel, Inc. (DBF).

Mr. Whitfield was present and explained there is a desire to have Airport Road completed before the end of the fiscal year (June 30th). As a result, we are on a tight time frame with the design between now and January, bid letting in January and award in February. Construction would need to start in April with a completion date of June. In order to maintain that schedule, it is Mr. Whitfield's recommendation to award a contract for design services to DBF in the amount of \$108,400. He noted this is roughly 5% of the total amount of the construction project and is within the scope of the project which is approximately \$237,000 budgeted for professional services.

It was confirmed the reason the June 30th deadline was a condition by one of the legislators who assisted with funding.

Ms. Wilson recalled that when this started, there were a number of funding sources involved. City Manager Norenberg agreed it involves a number of funding sources internally as well as State of Delaware CTF funds.

Ms. Wilson moved to authorize Davis, Bowen and Friedel, Inc. Professional Services Contract for the Airport Road Design and Rehabilitation Project in the amount of \$108,400 to be funded from sources determined by the Finance Director and in accordance with the FY 2016-2017 City of Milford budget, seconded by Mr. Morrow. Motion carried.

Introduction/Ordinance 2016-11/GD Blessing Child Care Learning Center on behalf of E. Stuart Outten Conditional Use to allow a Daycare Center in a C2 (Central Business) District Tax Map MD-16-183.10-04-68.00

City Manager Norenberg introduced the following ordinance:

*GD Blessing Child Care Learning Center on behalf of E. Stuart Outten
Conditional Use for a Day Care Center in a C2 (Central Business) District on .262+/- acre
North side of SW Front Street at the intersection of Church Street and SW Front Street
Present Use: Vacant Building; Proposed Use: Daycare Center.
Tax Map MD-16-183.10-04-68.00*

Adoption is proposed for the September 26, 2016 meeting following a public hearing.

Introduction/Ordinance 2016-12/Christopher & Jenna Menge Conditional Use to allow a Home Occupation in an R1 (Single Family Residential) District Tax Map 3-30-11.05-088.00

City Manager Norenberg introduced the following ordinance:

*Christopher & Jenna Menge
Conditional Use for a Home Occupation in an R2 (Residential) District on .20+/- acres
313 Marshall Street
Present Use: Single Family Detached Dwelling; Proposed Use: Same with Customary Home Occupation.*

Tax Map 3-30-11.05-088.00

Adoption is proposed for the September 26, 2016 meeting following a public hearing.

*Introduction/Ordinance 2016-16/Gator & Associates Inc. on behalf of James Grant
Conditional Use for Multiple Permitted Uses and Mixed Uses and a Business, Commercial or Industrial in a C3 (Highway
Commercial) District
Tax Map MD-16-173.00-01-12.00*

City Manager Norenberg introduced the following ordinance:

*Gator & Associates Inc. on behalf of James Grant
Conditional Use for Multiple Permitted Uses and Mixed Uses and a Business, Commercial or Industrial, in a C3
(Highway Commercial) District on 1.2+/- acres.
586 Milford-Harrington Highway
Present Use: Vacant Storage Warehouse; Proposed Use: Brew Pub with Distillery, Fitness Center and Warehouse.
Tax Map MD-16-173.00-01-12.00*

Adoption is proposed for the September 26, 2016 meeting following a public hearing.

Appointment/City of Milford Planning Commission Vacancy

Mr. Norenberg reported that Commissioner Michael Yosifon recently resigned from the Planning Commission. As a result, there is only one member from Ward 3 and Ward 4. The City has received two applications though neither are from those wards.

As a result, he preferred to announce the situation in hopes of recruiting a resident from one of those two wards to maintain the usual balance of two members from each ward with the help of the Ward 3 and 4 Councilmembers.

Adoption/Resolution 2016-14/Scheduling Trick or Treat Date & Time

Councilman Burk moved to adopt Resolution 2016-14, seconded by Councilwoman Peel:

Scheduling Halloween Trick-or-Treat

WHEREAS, the children of Milford are entitled to the fun and festivity associated with the observance of Halloween Trick-or-Treat custom of traveling with friends and family going door to door in their neighborhoods displaying their costumes and gathering treats; and

WHEREAS, parents are urged to join in the festivities by accompanying their children throughout their journeys in celebrating Halloween Trick-or-Treat; and

WHEREAS, residents are requested to indicate their willingness to welcome children by keeping their porch or exterior lights on and that youngsters call only on homes so lighted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council, that the Halloween Trick-or-Treat observance be held in an orderly manner on Monday, October 31, 2016 between the hours of 6:00 P.M. and 8:00 P.M. in the City of Milford.

AND, BE IT FURTHER RESOLVED THAT:

**Only celebrants of 12 years and under will be permitted to engage in Trick-or-Treat.*

**All celebrants are to refrain from committing acts of vandalism or destruction.*

**Motorists are asked to be ever watchful of our youngsters making these annual rounds.*

Motion carried.

EXECUTIVE SESSION

Councilmember Mergner moved to recess into Executive Session reference below reason, seconded by Councilmember Starling:

{Pursuant to 29 Del. C. §10004(b)(4)} (Collective Bargaining Matters)

{Pursuant to 29 Del. C. §10004(b)(9)} (Personnel Matters)

Motion carried.

Mayor Shupe recessed the Council Meeting at 7:49 p.m. for the purpose of an Executive Session as permitted by Delaware's Freedom of Information Act.

Return to Open Session

City Council returned to Open Session at 8:36 p.m.

Ratification/Teamsters Local 326 Collective Bargaining Agreement

IBEW Update

No action needed.

ADJOURN

There being no further business, Councilmember Mergner moved for adjournment, seconded by Councilmember Peel. Motion carried.

The Council Meeting adjourned at 8:38 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 17, 2016

The Mayor and Members of Milford City Council met for a retreat beginning at 8:30 a.m. in the meeting room at Arena's Restaurant at 200 Northeast Front Street, Milford Delaware on Saturday morning, September 17, 2016.

IN ATTENDANCE:

Mayor & City Council: Mayor Bryan Shupe

Councilmembers Arthur Campbell, Lisa Ingram Peel, James Burk,
Owen Brooks Jr. and Douglas Morrow

Staff: City Manager Eric Norenberg and City Clerk Terri Hudson

The City of Milford's City Council Retreat was an advertised, public meeting facilitated by Fran Fletcher, Policy Scientist, with the Institute for Public Administration at the University of Delaware.

The retreat opened with Mayor Shupe welcoming members of City Council and staff to the retreat.

Agenda items were as follows:

- Overview of Retreat/Fran Fletcher
- Aggregate Responses
- Work Styles 1
- Review and Discussion
- Work Styles 2
- Working Document and Planning Pages
- Identifying Priorities
- Next Steps: Strategic Planning
- Feedback Survey

The Retreat concluded at 2:05 p.m.

Prepared by Policy Scientist Fletcher, a complete summary of the retreat, including notes and outcomes, is attached.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

Attachment:

City Council September 17, 2017 Retreat Summary

Summary Notes and Outcomes

City of Milford City Council Retreat

September 17, 2016

8:30 a.m. – 2:30 p.m.

Prepared by Fran Fletcher, Facilitator
Institute for Public Administration
University of Delaware

October 2016

Introduction

The City of Milford’s City Council Retreat was held on September 17, 2016, in Milford, Delaware. The retreat was an advertised, public meeting facilitated by Fran Fletcher, Policy Scientist, with the Institute for Public Administration at the University of Delaware.

The retreat participants included City Manager Eric Norenberg, City Clerk Teresa K. Hudson, Mayor Bryan W. Shupe, Vice Mayor/Councilmember Douglas E. Morrow, Sr., and Councilmembers Owen S. Brooks Jr., James F. Burk, Arthur J. Campbell, and Lisa Ingram Peel. Other invited individuals who did not attend were Councilmembers Christopher L. Mergner, James O. Starling, Sr., and Katrina E. Wilson.

Purpose

Mayor Shupe welcomed everyone and explained the purpose of the retreat as two-fold:

1. *Planning for the Future*: “Facilitated discussion and goal setting by City Council, with the help of key City officials.” Desired Outcomes: “Identification of priorities for the next 1–2 years and consensus on next steps for developing a strategic plan to guide City Council and City Management for the next 5–10 years.”
2. *Team Building*: “Understanding roles and responsibilities of elected officials and appointed officials, City Boards, and Commissions and defining expectations.” Desired outcomes: “Enhanced understanding of work styles and focus on methods/processes of effective decision-making related to the goals and plans set in the earlier component.”

Priority Areas

Prior to the retreat, interviews were conducted with the Mayor and seven of the eight Councilmembers. The purpose of the interviews was to solicit input on six primary questions:

- 1) What are Milford’s strengths?
- 2) What are Milford’s weaknesses?
- 3) What are Milford’s opportunities?
- 4) What are Milford’s threats?
- 5) What short-term goals (within 6 months) would benefit the city?
- 6) What long-term goals (6–18 months) would benefit the city?

Interviewees were given the opportunity to offer additional perspectives on the following categories:

- Economic growth and development (land use planning, enhancing revenue, etc.)
- Encouraging and managing growth (future service delivery, historic tourism, partnerships, natural resources, gateways, etc.)
- Fiscal policies (budgeting, adequate fund balances and capital reserves, accounting, forecasting, debt management, fee collection, audit, grants, procurement, etc.)

- Capital improvements and infrastructure planning (flooding, historic preservation, grants, etc.)
- Public safety (staffing, etc.)
- Transportation (bus, multimodal, paths, etc.)
- Code enforcement (zoning updates training for board and commission members, etc.)
- Public works/Planning (project management, roads, equipment, impact fees, etc.)
- Connectivity for entire town (communication, united wards, etc.)
- Human resource management (workforce planning, recruitment, benefits, organizational structure, day-to-day management, policy and procedures, performance measures, systems, IT, communication structure, etc.)
- Strategic planning (vision and mission, goals, values, objectives, periodic review by committee and/or stakeholders, etc.)
- Town administration (leadership, ethics, collaboration, internal and external communication, response to constituents, annual town meetings/town survey, etc.)
- Goals/projects that might warrant a “tax increase”
- Clarity of roles, responsibilities, and expectations for:
 - Elected officials
 - Appointed officials
 - City Boards and Commissions
 - New incumbent orientation/training

The retreat began with a PowerPoint presentation accompanied by a handout (see Appendix A) that highlighted the aggregated responses to each question and follow up categories.

Consensus Identified

Through the interview process, consensus was noted in the following items:

- 1) Need for a new police department building
- 2) Code enforcement changes
- 3) Need for transportation options
- 4) Positive impact of hospital construction
- 5) Fiscal strength of the city
- 6) Need for new Council training and orientation

Working Document

Participants were presented with a Working Document (see Appendix B) consisting of the aggregate responses rearranged under specific headings as follows:

- Thoughts in General (comments made not requiring action)
- Communication (Internal)
- Planning
- Public Works
- Human Resources
- School District
- Partnerships
- Hospital
- Downtown Development
- Recreation
- New Council Training and Orientation
- Leadership
- Code Enforcement
- Public Safety
- Finances
- Businesses
- Transportation
- Municipality
- Marketing (and External communication)
- Other

Discussion

The participants discussed the four highlighted headings noted below and offered the following comments:

- **Thoughts in General** – no added comments
- **Leadership**
 - Report new phone system comments to the City Manager
 - Mayor wants to address the perception of closed door politics; to council people “to do what they want to be involved with”
 - Perspective shared—some community members feel spending and resources are focused on the downtown area only
- **Communication (Internal)**
 - When receiving urgent phone calls from community, direct to appropriate councilmember rather than using email
 - Request for more frequent updates with more information from Mayor
Mayor response: “want to make sure his communication is based on truthful and evidence-based information, not rumors”
 - Ward updates take place twice monthly during meetings
 - All Councilmembers need to attend meetings in accordance with the Charter

- Create a more specific policy that requires Councilmembers to communicate why they can't/didn't attend and make it part of the public record of the meeting
- Documents for meetings need to be disseminated to Councilmembers sooner [prior to the meeting] to allow more time for review
- Inconvenient with no WIFI to access documents during meetings—this would save on paper and ink and allow more to be done electronically
- **New Council Training and Orientation**
 - Include a tour of the city by the City Manager outlining the boundaries of each ward
 - Must read Charter and code books

Questions were raised based on the recent changes to committee assignments:

- What is the general committee workflow?
- How to communicate and use agendas, set up meeting logistics, how to have discussions?
- When to bring information to public council meetings?

Identifying Priorities

Participants were divided into two groups. Using the Working Document (see Appendix B) and a worksheet of the Working Document (see Appendix C), each group reviewed and made additional comments/suggestions to the categories and topics. Both groups reviewed all categories.

The table reveals the categories noted as high and lower priority:

High Priority

- Code Enforcement
- Finances
- Hospital
- Municipality
- Human Resources
- School District

Lower Priority

- Recreation
- Business

The table further highlights the categories, topics, additional comments, and classification of high or lower priorities.

Category: Planning		
Topics	Comments	Priority
<i>Strategic Plan</i>	<ul style="list-style-type: none"> Strategic Plan should include City Council, public, and stakeholder groups 	High (1)
<i>Comprehensive Update</i>	<ul style="list-style-type: none"> Comprehensive Update: focus on SE (October) and focus on communities Review Comprehensive plan survey 	High (1)
<i>Downtown Recommendations</i>	<ul style="list-style-type: none"> (Muldrow Recommendations: Muldrow was crossed out and replaced with “downtown”) Downtown meeting was well attended by over 200 people 	

Category: Code Enforcement		
Topics	Comments	Priority
<i>Review</i>	<ul style="list-style-type: none"> Don Williams very efficient 	High (6)
<i>Assess</i>	<ul style="list-style-type: none"> Cross-training with Parks and Rec staff was crossed out and fire and police department was added 	
<i>Rentals</i>	<ul style="list-style-type: none"> Focus on existing codes, instead of creating new- “instead of” was crossed out “and” added in its place, as new issues arise make/write new code Create goals for 6 months and 1 year Evaluation and accountability! Active enforcement! 	
	<ul style="list-style-type: none"> Additional code enforcement employee about to be hired What to do about landlords <ul style="list-style-type: none"> Partnerships with landlords Cannot be complacent 	

Category: Finances		High (4)
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Topics	Comments	Priority
<i>Audit departments & review budget</i>	<ul style="list-style-type: none"> Noted as important 	High (2)
<i>Fees: business licenses, real estate transfer, impact new business</i>	<ul style="list-style-type: none"> To make it inviting to outside companies 	
<i>Tax increases: police building, staff salaries</i>	<ul style="list-style-type: none"> Collect 425K, then think about 	
<i>Tax abatement & incentives</i>	<ul style="list-style-type: none"> For new business and plants 	High (1)
<i>Seek grants & investors</i>	<ul style="list-style-type: none"> On going 	
	<ul style="list-style-type: none"> What can we do within budget? Deadbeat tax list How can we save vs. looking at wish lists? 	High (1)

Category: Public Safety		
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Topics	Comments	Priority
<i>Building/ Construction</i>	<ul style="list-style-type: none"> Noted as important 	High (2)
<i>Crisis preparedness</i>	<ul style="list-style-type: none"> Do in partnership with Public Works & City Fire Dept. 	High (1)
<i>Union complaint</i>	<ul style="list-style-type: none"> Can be coupled with code enforcement and landlord education Focus on future needs 	Lower (1)

Category: Hospital		High (1)
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Topics	Comments	Priority
	<ul style="list-style-type: none"> What opportunities are there for us to encourage businesses to partner with them? <ol style="list-style-type: none"> Bayhealth looking for childcare partner Looking for collaboration with fitness and rehab Schools! Need to build reputation to attract employees to live in Milford (vs. Milton) 	

- Workforce development to meet training needs (Delaware Technical Community College’s new RN-BA programs) **High (2)**

Category: Partnerships

Topics	Comments	Priority
<i>Hospital</i>	<ul style="list-style-type: none"> • Requesting discounts, waiver of fees. How much is too much? Want to be fair in what we give in support, <u>but not</u> create precedent that is unreasonable 	Lower (1)
<i>School District</i>	<ul style="list-style-type: none"> • We all benefit from strong schools. Be good ambassadors and direct questions and concerns to factual source • Direct people to go to school meeting to understand the difference between city and school differences (taxes) • New school leadership may provide new direction 	
<i>Chamber of Commerce/public-private</i>	<ul style="list-style-type: none"> • Continue to support all efforts 	
<i>Local/Downtown Organizations Downtown Milford, Inc. (DMI)</i>		High (1)
<i>Other-library, entrepreneur network, DMI</i>	<ul style="list-style-type: none"> • Can they be open Saturday afternoons and Sundays to support foot traffic downtown? 	

Category: Transportation

Topics	Comments	Priority
<i>Public</i>	<ul style="list-style-type: none"> • Bus-downtown 1 route; infrequent, stress need to serve ALL of county via state and counties particularly with hospital site 	
<i>Uber</i>	<ul style="list-style-type: none"> • Are they here? Is it our role to entice them here? 	
<i>Explore rail</i>	<ul style="list-style-type: none"> • Is this feasible? Is there any existing state/regional infrastructure? 	Lower (1)

- Connect downtown with sidewalks*
- Work with state partners
 - “Complete Streets” vision (Front Street) slowing traffic and opening pedestrian/bike paths beyond downtown
 - Transportation Alternative Programs (TAP)
 - Instead of \$700,000 for repairs, use money to leverage TAP match to expand walkability and biking on Front Street states 80% match

Category: Current Businesses

Topics	Comments	Priority
	<ul style="list-style-type: none"> • Have DMI ask what are your future plans? 	Lower (1)
<i>Increase store operating hours</i>	<ul style="list-style-type: none"> • Is Thursday the best night for creating downtown consumerism? Is <u>Friday</u> better or is there too much competition? What does the data from 3rd Thursday suggest? Could the efforts with library be better coordinated? 	
<i>Keep timeline for business in bank [Taste of Italy]</i>	<ul style="list-style-type: none"> • Not city setting timeline—can we share updates via social mediation (reveals to build anticipation)? 	
<i>Reach out to existing businesses for expansion</i>	<ul style="list-style-type: none"> • BAC, Seawatch • Who is meeting with them? Eric • Supply chain discussions to make business easy for them (removing & reducing obstacles) • Workforce development opportunities and partnerships 	

Category: Future Business

	<ul style="list-style-type: none"> • Updates forthcoming re: Muldrow plan and Downtown Development District (DDD) merger, community meeting scheduled 	
<i>More retail choices</i>	<ul style="list-style-type: none"> • What is the City’s role in attracting retail for downtown? • How much outreach should we be doing (hiring marketing firm) rather than having businesses coming to us? This is a priority—is it in the budget? 	
<i>Increase services to serve hospital</i>		High (1)

- Manufacturing jobs*
- BAC, Dentsply, Perdue, Seawatch
 - Annex BAC to expand

Category: Downtown Development		
Topics	Comments	Priority
<i>Revitalization of commercial & residential areas</i>	<ul style="list-style-type: none"> • For this and above, see category “Municipality” [below] • Looking for non-profit partners (not direct municipal use) 	
<i>Large property development/redevelopment</i>		
<i>Use store fronts for businesses & above for residents</i>		
<i>Fill vacant buildings</i>		
<i>Develop use of Armory-needs system upgrades</i>	<ul style="list-style-type: none"> • Look for non-profit partners (not municipal use) 	
<i>Explore incentives for historic home renovation</i>	<ul style="list-style-type: none"> • State and DDD 	
<i>Proactive selling with investors</i>	<ul style="list-style-type: none"> • Linked to schools. • Should we be more assertive? • Should we outsource marketing? 	

Category: Municipality		High (1)
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Topics	Comments	Priority
<i>Vacant buildings</i>	<ul style="list-style-type: none"> • Vacant property registry as a revenue source and for monitoring 	Lower(1)
<i>Many Victorian homes</i>	<ul style="list-style-type: none"> • DMI historic preservation rental—code issues 	
<i>Several areas need traffic lights</i>	<ul style="list-style-type: none"> • DELDOT—not City role to evaluate this on state roads 	
<i>Need more housing options</i>	<ul style="list-style-type: none"> • Pilot problem to scale. What about promoting owner-occupied properties? • Potential property owner partnerships 	

Category: Recreation		Low (2)
Topics	Comments	Priority
<i>More parkland</i>	<ul style="list-style-type: none"> • Part of new development requests 	
<i>Target: youth, families, seniors, and businesses</i>	<ul style="list-style-type: none"> • Service Center, Boys & Girls Club of America 	
<i>Increase river options (boats & floating dock)</i>	<ul style="list-style-type: none"> • SUP (stand-up paddle boarding) rentals 	
<i>Concerts to connect old & new residents</i>	<ul style="list-style-type: none"> • Library and other groups 	

Category: Marketing		
Topics	Comments	Priority
<i>Better communication with community</i>	<ul style="list-style-type: none"> • Do we need a PIO (public information officer)? Can existing staff be cross trained? 	High (1)
<i>Community calendar</i>	<ul style="list-style-type: none"> • Too many conflicts—who manages events? Yes; who administers this, how do we avoid overlap with private sectors? 	
<i>Focus on heritage & activities</i>	<ul style="list-style-type: none"> • More events on river, shipbuilders race 	
<i>Connect with churches, DTCC, Perdue</i>		High (1)
<i>Meet with community leaders</i>	<ul style="list-style-type: none"> • To encourage internationalization 	
<i>Informal meetings to engage community</i>	<ul style="list-style-type: none"> • Recruiting multi-lingual employees from local high school • How do we encourage more mixture of communities? 	High (1)
<i>Better signage for entrances</i>	<ul style="list-style-type: none"> • Underway 	

Section 8 housing is located on water

- Where? Milly

Category: Human Resources		High (2)
Topics	Comments	Priority
<i>P & P manual</i>	<ul style="list-style-type: none"> • Underway 	
<i>Succession planning</i>	<ul style="list-style-type: none"> • Underway 	
	<ul style="list-style-type: none"> • Seems like policy needs update—underway • Job descriptions—updated prior to refilling and/or when major responsibilities change • Know chain of command 	
Category: Other		
Topics	Comments	Priority
<i>Expand AmeriCorps volunteer involvement</i>	<ul style="list-style-type: none"> • Not important • Boy Scouts 	
Category: Public Works		
Topics	Comments	Priority
<i>Maintenance</i>	<ul style="list-style-type: none"> • Marked with star=important 	
<i>City Scape</i>	<ul style="list-style-type: none"> • Marked with star=important 	
<i>Crisis Preparedness</i>		High (1)
<i>Air pollution</i>	<ul style="list-style-type: none"> • Seawatch 	High (1)
<i>Infrastructure</i>	<ul style="list-style-type: none"> • Old vacant buildings 	
<i>Electricity</i>	<ul style="list-style-type: none"> • Complaints, \$ too high 	High (1)
<i>Monitoring</i>	<ul style="list-style-type: none"> • Marked with star=important 	
Category: School District		High (2)
Topics	Comments	Priority

- Taxes for officers should be district wide, not just Milford tax base

Creating Goals

Working as a group, participant's crafted Short-Term Goals and Long-Term Goals from the categories and topics that received the highest number of votes.

Short-Term Goals

Code Enforcement

- Hire new code-enforcement officer
- Evaluate performance metrics across the department
- Active enforcement policy

Added comments:

- Code enforcement in downtown for hospital area is already underway, if left unattended, it becomes a threat to the success of the hospital and city
- Solid waste employees could help code enforcement flag issues

Finance

- Department heads to audit their own department to find ways to save money
- Better understanding of funding sources and options
- Set up structure to collect outstanding taxes

Long-Term Goals

Human Resources

- Succession planning
- Policy updates

Recreation

- Capitalize on matched funds
- Explore recreation on the river
- Partner with DelDOT's TAP for bike/walk paths

Next Steps

The decision was made that the Community Affairs Committee would be assigned the task of creating a plan to move forward. The Committee meets on October 10, 2016, and will begin the discussion and review the Muldrow & Comprehensive Plan data for resident input. These documents will be used to draft an action plan. The action plan will be open for additional public comment.

Final Thoughts

A final concern was expressed about back taxes:

- Should the public be made aware of the names of delinquent tax payers?
- Should there be a vacant building registry?

It was decided that further discussion will take place on these topics.

Team Building

Two teambuilding exercises were conducted. Utilizing a neuro-linguistic programming tool (see Appendix D), the first exercise focused on identifying the participant's preferred working style and communication preferences. A second Work Style Inventory (see Appendix E) assessed participants' favored methodology when working with colleagues. They rated themselves in six areas:

- 1) Amount of talking during a meeting
- 2) How I deal with conflict
- 3) During a meeting I think about...
- 4) How much information do you need before making a decision?
- 5) Decision-Making style
- 6) Attitude toward implementation of plans

Each teambuilding activity was followed by discussion offering the opportunity to increase awareness of themselves as individuals and as effective team members.

Retreat Feedback Survey

The participants completed a feedback survey (see Appendix F) regarding the effectiveness of the retreat, if outcomes were achieved, and thoughts concerning future retreats. Six out of eight feedback forms were completed. Most participants stated the retreat was a good first step toward collaborating and preparing for our strategic planning process where five responses indicated ***Strongly Agreed*** and two responses indicated ***Agreed***.

Participants agreed the desired outcomes were achieved regarding Planning and Team Building and stated the utilization of a neutral facilitator enhanced the effectiveness of the retreat process.

Finally, responses were split as to the need for future retreats. Three responded a “retreat should be conducted after each election” and three indicated “only in accordance with the length of time outlined by the strategic plan to assess if goals have been reached or need to be modified.” No one voted that retreats were not needed in the future.

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 26, 2016

Milford City Council held Public Hearings on Monday, September 26, 2016 in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilmembers Arthur Campbell, James Burk,
Owen Brooks Jr., James Starling Sr. and Katrina Wilson
Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

Mayor Shupe called the Public Hearing to order at 7:01 p.m.

City Planning Coordinator Rob Pierce was also present.

*GD Blessing Child Care Learning Center on behalf of E. Stuart Outten
Conditional Use to allow a Daycare Center
C2 (Central Business) District on .262+/- acres
19 Southwest Front Street
Present Use: Vacant Building
Proposed Use: Daycare Center
Tax Map MD-16-183.10-04-68.00*

Adoption/Ordinance 2016-11

Mr. Pierce reported the application was properly advertised in the Milford Beacon on July 13, 2016. Letters were sent to all property owners within 200 feet of the subject parcel. The site's comprehensive plan designation is highway commercial (C3) and the zoning district is central business district (C2). The applicant proposes a daycare center and intends to renovate the existing 2,050 square foot commercial building at 19 Southwest Front Street.

According to the applicant, the daycare will serve twenty-five children and employ two people. Hours of operation will be from 7:00 a.m. to 6:00 p.m. Monday through Friday.

The Planning Commission reviewed the application on August 16, 2016 and recommended approval by unanimous vote with a condition that the fence around the proposed play area be aesthetically comparable to the existing riverwalk fencing.

Included in the packet is a staff report with a comment that the sidewalk be replaced and repaired along Church and Southwest Front Streets for safety issues.

Miguel Matos of GD Blessing Child Care Learning Center then addressed Council stating their plan is to open a child care learning center. He said they have agreed to install the fence and sidewalk repairs as recommended. In addition, the appropriate parking spaces will be provided and additional renovations done, including hand washing sinks, water fountains, etc., as are required by the state so they can obtain the child care license.

When asked the number of children attending, Mr. Matos confirmed the number will be determined by the state licensing board though they are asking for twenty-five children. He noted that the number will also be based on the employee to child ratios. For example, seven to eight children, requires one staff member.

At the beginning, they plan to have two staff members full-time; however, as the numbers increase, more staff will be hired. Their goal is to have three full-time and two to three part-time employees.

It was confirmed this is the site of the old Capital Cleaners.

When questioned, Mr. Pierce reiterated that the State of Delaware will determine the number and ages of children permitted based on the size of the facility and number of employees.

Councilmember Campbell asked if 7:00 a.m. is adequate for most working parents, Mr. Matos explained that they have targeted the average working hours of 8:00 or 8:30 a.m. and believe they can accommodate the majority of children who are typically dropped off after 7:00 a.m. and picked up by 5:00 p.m.

He said they may also offer extended childcare hours after eight or nine hours; that would provide an eleven-hour window which should accommodate everyone's needs.

Councilmembers Wilson and Brooks commented the service is definitely needed.

Mayor Shupe then opened the floor for public comment; no one responded. The public comment portion of the hearing was then closed.

With no further discussion, Councilman Brooks moved to adopt Ordinance 2016-12 and approve the conditional use for GD Blessing Child Care Learning Center on behalf of E. Stuart Outten at 19 Southwest Front Street, with a requirement that the fence around the proposed play area be comparable to the riverwalk fencing and that sidewalks along Church and Southwest Front Streets are replaced/repared as needed for safety issues, seconded by Councilmember Wilson:

Ordinance 2016-11

*GD Blessing Child Care Learning Center on behalf of E. Stuart Outten for a Conditional Use for a Day Care Center
C2 (Central Business) District on .262+/- acres
19 Southwest Front Street (north side of Church Street and SW Front Street intersection), Milford, Delaware
Present Use: Vacant Building; Proposed Use: Daycare Center
Tax Map MD-16-183.10-04-68.00*

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on August 16, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on September 26, 2016 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 allow a Conditional Use for a Day Care Center as herein described.

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

Section 1. Upon the adoption of this ordinance, GD Blessing Child Care Learning Center on behalf of E. Stuart Outten is hereby granted a Conditional Use Permit to allow a Day Care Center, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.

Planning Commission Review & Public Hearing: August 16, 2016

City Council Introduction: September 12, 2016

City Council Public Hearing: September 26, 2016

Adoption: September 26, 2016

Effective: October 6, 2016

Motion carried by the following unanimous vote: .

Councilman Campbell stated that he votes yes as long as the sidewalk repairs are made and the fence is aesthetically corrected.

Councilman Burk votes yes supporting the Planning Commission recommendation.

Councilman Brooks votes yes adding that it a service that is needed and he feels it is in an appropriate location.

Councilman Starling votes yes and agrees it is a needed service particular in that area.

Councilwoman Wilson votes yes for all the reasons stated by her fellow Councilmembers.

Christopher & Jenna Menge

Conditional Use to allow a Home Occupation in an R2 (Residential) District on .192+/- acres

313 Marshall Street

Present Use: Single Family Detached Dwelling

Proposed Use: Same with Customary Home Occupation

Tax Map 3-30-11.05-088.00

Adoption/Ordinance 2016-12

Planning Coordinator Pierce reported the next application is for a conditional use to allow a home occupation at 313 Marshall Street. The current comprehensive plan designation is low density residential and the zoning district is R2 (residential).

The application was advertised in the Milford Beacon on July 27, 2016 and letters were sent to all property owners within 200 feet of the parcel.

The applicant is proposing to move their existing computer repair business to their primary residence at 313 Marshall Street. The business will be operated within a 10x20 portion of their existing residential garage. Surrounding properties are also zoned R2 with similar residential uses.

The Planning Commission reviewed the application on September 20, 2016 and recommended approval with the following condition:

The applicant obtain a variance from the Board of Adjustment to utilize the detached garage as part of the customary home occupation. Part of the definition and criteria for the customary home occupation states that the activity should occur within the principal structure.

Approval by the Planning Commission was recommended approval contingent upon the favorable variance.

Councilmember Brooks said he went by the property earlier today to determine the location of the garage in relation to the house. Mr. Pierce then referred to a map showing the garage in proximity to the house, as well as the area of the garage that will be utilized for the home occupation.

It was confirmed the variance application will be on the Board of Adjustment agenda on October 13th. Councilman Campbell asked if that approval is needed before Council can take action. Solicitor Rutt explained it can be approved contingent upon the Board of Adjustment granting the variance.

Applicant Christopher Menge then addressed City Council stating his business name is Chris and Jenna Computers LLC. He then introduced his wife who was also in attendance.

Mr. Menge explained they are proposing the use of half of their garage to relocate their computer business now located in downtown Milford. He said this is based on the fact that the computer repair business has slowed down considerably today because of the changes in technology over the years. As a result, their business needs are not nearly what they were five years ago.

Since that time, Mr. Menge has taken a full-time job with the City of Dover Police Department and because his wife watches their children throughout the week, it will be much more convenient to run the business out of their home. There is a low flow of customers in and out of the business and very little traffic and noise as a result. Therefore, he feels it is a much more appropriate route for them.

Councilman Campbell asked where their patrons would park their vehicles; Mr. Menge stated there is adequate room in their driveway for two vehicles. He told Council that on only a couple of occasions in the entire history of their business have they actually had three customers at one time. He said it is rare to have two customers at the same time and generally there is only one customer which is appropriate when considering his wife is typically working by herself.

Ms. Menge added that their home is on Marshall Street which is one of the widest streets in Milford and provides ample space for on-street parking that they currently lack on Northwest Front Street. When the customers pull up to their downtown store, they have to exit their vehicles on a very busy road with very little clearance for a vehicle door as well as the ability to remove large computers in and out of their vehicles.

Mayor Shupe then opened the floor for public comment.

Dennis Rogers of 311 Marshall Street then spoke in favor of the application. He stated there should not be a hindrance to the neighborhood adding they have been good neighbors and does not feel their investment interest will interfere with the normal activities in that area.

With no additional persons wishing to comment, Mayor Shupe closed the public hearing.

Referencing the Board of Adjustment hearing need, Solicitor Rutt explained that under the customary home occupation, the code states the area for the home occupation shall occupy no more than 50% of the total floor area of the dwelling unit in which it is located. A dwelling unit is defined in the zoning code as 'one or more rooms, including a kitchen or kitchenette and sanitary facilities in a dwelling structure designed as a unit for occupancy by not more than one family for living and sleeping purposes'.

The Solicitor stated that in this case, the occupation would be in an accessory building which is excluded from the definition. The plan is to work in the garage and the reason the variance is needed. He noted that the garage is part of the overall dwelling unit and that the space can be used for their home occupancy.

Councilman Brooks asked if a letter was sent to all neighbors; Mr. Pierce confirmed it was sent to property owners within 200 feet. When asked if any of the neighbors had a problem with it, Mr. Pierce pointed out that no one spoke at the Planning Commission public hearing other than the applicant.

Councilmember Wilson moved to adopt Ordinance 2016-12 which permits the conditional use, as requested by Christopher & Jenna Menge, by allowing a Home Occupation in an R2 (Residential) District at 313 Marshall Street, subject to the Board of Adjustment approval, seconded by Councilmember Starling:

*Ordinance 2016-12
Christopher & Jenna Menge for a Conditional Use for a Home Occupation
R2 (Residential) District on .20+/- acres
313 Marshall Street, Milford, Delaware
Present Use: Single Family Detached Dwelling; Proposed Use: Same with Customary Home Occupation
Tax Map 3-30-11.05-088.00*

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing

on September 20, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on September 26, 2016 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 allow a Conditional Use for a Customary Home Occupation as herein described.

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

Section 1. Upon the adoption of this ordinance, Christopher & Jenna Menge is hereby granted a Conditional Use Permit to allow a Customary Home Occupation, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.

Planning Commission Review & Public Hearing: September 20, 2016

City Council Introduction: September 12, 2016

City Council Public Hearing: September 26, 2016

Adoption: September 26, 2016

Effective: October 13, 2016*

*BOA Variance Approval Required

Motion carried by the following unanimous roll call vote:

Councilman Campbell votes yes contingent upon the Board of Adjustment approval.

Councilman Burk votes yes adding that it is a reasonable request for the area.

Councilman Brooks votes yes contingent upon the Board of Adjustment variance approval to use the detached garage.

Councilman Starling agrees with the reasons as stated and votes yes.

Councilwoman Wilson votes yes for all the reasons that have been stated by City Council.

Gator & Associates Inc. on behalf of James Grant

Conditional Use for Multiple Permitted, Mixed and Business, Commercial or Industrial Uses

C3 (Highway Commercial) District on 1.2+/- acres

586 Milford-Harrington Highway

Present Use: Vacant Storage Warehouse

Proposed Use: Brew Pub with Distillery, Fitness Center and Warehouse

Tax Map MD-16-173.00-01-12.00

Adoption/Ordinance 2016-16

Planning Coordinator Pierce advised that public notices were mailed to property owners within 200 feet of parcel and advertised in the Milford Beacon on August 24, 2016.

Mr. Pierce reported the property is located along the Milford-Harrington Highway at the address stated above, approximately 3,600 feet west of Route 113. The solar farm is to the rear of the parcel with existing commercial businesses on each side, some residences that are within the county across the road, as well as US Cold Storage.

The current comprehensive plan designation is highway commercial and its present zoning is C3 Highway Commercial. The structure is a vacant warehouse proposed as a brewpub with distillery, fitness center and warehouse.

He referenced the two site plans in the Council packet, one showing existing conditions and the other showing the proposed use. The plan is to convert a 7,000 square foot vacant commercial building into a 3,500 square foot brewpub and distillery and a 3,500 square foot fitness center.

The final improvement is a 1,800 square foot warehouse toward the rear of the property which may be separated into four suites/units.

All proposed uses are permitted in the C3 district. However, Chapter 230-45 states that in any and all zoning district, multiple permitted uses or mixed uses of a property shall require a conditional use subject to special requirements. In addition, the proposed distillery within the brewpub is not typical of a restaurant/bar and requires a conditional use review/approval.

The Planning Commission reviewed the application on September 20, 2016; they recommended approval subject to the following four conditions:

The owner must obtain the cross access easement from the adjacent property owner (property to the west).

The hours of operation for the brewpub shall be 4:00 p.m. until 11:00 p.m. Sunday through Wednesday and 4:00 p.m. until 1:00 a.m. from Thursday through Saturday.

The owner must adhere to the noise ordinance.

Final approval of the site plan is subject to no objection letters from DeIDOT, Kent Conservation District, State Fire Marshal Office and the City's Public Works Department.

Councilwoman Wilson asked how this is different from a bar; Mr. Pierce explained the brewpub (brewery) will actually produce the alcohol on site and serve it, along with food. It would consist of a distillery, restaurant and alcohol sales/consumption.

Mr. Pierce further explained they have proposed 33 seats in the restaurant area.

Councilman Campbell asked where the brewery will store their raw materials before they are used; Mr. Pierce explained the raw materials and processing will occur in the rear of the pub. If additional area is needed, they will have the ability to use a portion of the warehouse space.

Councilwoman Wilson asked if the developer is requesting they be considered for the economic development incentives; Mr. Pierce commented there are existing fixtures in the building and according to the plans that were submitted to our building inspector, they will only need a waiver of 1.5 EDU's to prevent paying any impact fees. That number is based on the proposed number of ten to twelve employees which qualifies for two impact fee waivers.

Councilmember Brooks asked about the requirement that construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void; Mr. Pierce and Mr. Rutt both stated that has always been a zoning requirement and is spelled out in the code.

Mr. Rutt added that they are able to ask for an extension though Mr. Pierce feels that will not be an issue.

Representing the applicant, Michael Cotten of Cotten Engineering LLC of Seaford, Delaware informed Council that he designed the project. Mr. Cotten then introduced Property Owner James Grant and Proprietors Zack and Richard King.

Zack King then told Council they have some flammable materials that fall under a fire marshal-approved fire suppression system with the appropriate fire rating walls and glass. They have a business that is currently operating in Rehoboth Beach

under Delaware Distilling. Generally, they do not have any more flammables than a large bar restaurant who stores a number of cases of liquor that is eighty proof with the exception of a very small amount that is coming out of the still.

Mr. Cotten added that the production area will have a fire suppression system as is required by law.

Mayor Shupe asked Mr. King to provide a vision of the brewpub. Mr. King stated they have been operating in Rehoboth as Delaware Distilling. They have a really good business following on the restaurant side and on the distillery side produced under the Delaware Distilling brand as well as three other brands. They would be moving all of that business to Milford from Rehoboth. The ten to twelve employees is an estimate for stating out. Because they are not starting a business from scratch, it is not a build up to that level. Instead they are starting with a good solid core of demands from their distributors, production on the distillery side and a good solid core base of customers on the restaurant side that has built up over the past four years.

Mr. King stated that they do approximately fifteen events a year across the state and expect to draw a lot of that clientele here. They also do a tremendous amount of fundraisers as well as donate products to a number of local causes.

They will be concentrating more on the production side in Milford and of the 3,500 square feet, 1,200 square feet will be used for the restaurant/bar portion. That includes a retail area where merchandise will be sold. The remainder is the production facility in the rear.

He noted they currently operate out of a restaurant-size building where a decent amount of production is crammed in. Having some industrial area in Milford will be refreshing and the space will allow them to design it to their needs.

Mr. Pierce asked that Owner James Grant explain his plans for the warehouse. Mr. Grant informed Council that four suites was an idea they came up with due to the lack of areas for small businesses. For example, an HVAC business will be able to have a small office along with some storage. Though there are a lot of mini storage facilities, there are no sites for both uses. In addition, the building would be flexible and should that business grow to the point it needs more storage, that would be available to them. Another option will be for a tenant to lease the entire warehouse. That is the reason behind the flex warehouse idea though it will be proposed as four units with four overhead doors and a walk-thru door per unit.

When asked the reason for the 4:00 p.m. start time, Mr. King stated that the distilling portion of their business operates during regular 9:00 to 5:00 p.m. business hours. The 4:00 p.m. start time applies to the front of the house, restaurant and operations. They do have deliveries coming and going throughout the day which plays into those hours though they are generally during the early morning.

Councilwoman Wilson asked if someone has been hired to operate and plan the fitness center; Mr. Grant stated that he purchased the building months ago. He was full speed ahead and was under the impression that because it was an existing building with an existing entrance, he could proceed and was to the point of leasing it to an existing company. However, he has learned a lot over the past six months and because it was a change of use in the sense it was becoming a mixed use and a change of the type of business, there were a number of steps that needed to be taken before it was leased.

Mr. Grant stated that the fitness business is still interested and this would be their second location in Kent County.

It was confirmed there is ample parking for the fitness center; Mr. Grant explained the front of the building meets the restaurant requirements and the rear area will meet the requirements for not only the fitness center, but any other tenant. There is also additional parking for the warehouse.

Though the exact hours of the fitness center have yet to be determined, it will open during the day, afternoon and evening seven days a week. According to Richard King, there are no plans for a 24-hour operation at this time.

Mayor Shupe opened the floor for public comment; no one responded. The public hearing was then closed.

Councilmember Wilson moved to adopt Ordinance 2016-15, granting conditional use approval to Gator & Associates Inc. on behalf of James Grant at 586 Milford-Harrington Highway with the following conditions:

The owner must obtain the cross access easement from the adjacent property owner (property to the west).

The hours of operation for the brewpub shall be 4:00 p.m. until 11:00 p.m. Sunday through Wednesday and 4:00 p.m. until 1:00 a.m. Thursday through Saturday.

The owner must adhere to the noise ordinance.

Final approval of the site plan subject to no objection letters from DelDOT, Kent Conservation District, State Fire Marshal Office and the City's Public Works Department.

Ordinance 2016-16

*Gator & Associates Inc. on behalf of James Grant for a Conditional Use
Multiple Permitted Uses and Mixed Uses and a Business, Commercial or Industrial*

C3 (Highway Commercial) District on 1.2+/- acres

586 Milford-Harrington Highway, Milford, Delaware

*Present Use: Vacant Storage Warehouse; Proposed Use: Brew Pub with Distillery, Fitness Center and Warehouse
Tax Map MD-16-173.00-01-12.00*

WHEREAS, the City of Milford Planning Commission will consider the conditional use application at a Public Hearing on September 20, 2016; and

WHEREAS, Milford City Council will hold a Public Hearing on September 26, 2016 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 allow a Conditional Use for Multiple Permitted Uses and Mixed Uses and a Business, Commercial or Industrial as herein described.

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

Section 1. Upon the adoption of this ordinance, Gator & Associates Inc. on behalf of James Grant is hereby granted a Conditional Use Permit to allow a Brew Pub with Distillery, Fitness Center and Warehouse, in accordance with the application, approved plans and any conditions set forth at the Public Hearings.

Section 2. Construction or operation shall commence within one year of the date of issuance of the permit otherwise the conditional use becomes void.

Section 3. Dates.

Planning Commission Review & Public Hearing: September 20, 2016

City Council Introduction: September 12, 2016

City Council Public Hearing: September 26, 2016

Adoption: September 26, 2016

Effective: October 6, 2016

Councilmember Burk seconded the motion. Motion carried by the following unanimous roll call vote:

Councilmember Campbell votes yes based on the four conditions being met.

Councilmember Burk votes yes agreeing that the four conditions must be met adding that he feels this is in the right location for this type of business.

Councilmember Brooks votes yes based on the four conditions being met adding that these type businesses are popular and popping up everywhere.

Councilmember Starling votes yes for the same reasons as have been stated.

Councilwoman Wilson votes yes adding that she feels this will bring more employment opportunities as well as potential activities and events to Milford which are a bonus.

Mayor Shupe thanked Zack and Richard Grant, as well as Mr. Grant and Mr. Cotten, who have worked diligently with the City and State agencies to make this happen. He added he is very excited to have a brewpub and another restaurant for our residents to enjoy.

With no additional business, Councilmember Burk moved to adjourn the Public Hearings, seconded by Councilmember Campbell. Motion carried.

The Public Hearing adjourned at 7:42 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
September 26, 2016

A Meeting of Milford City Council was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall on Monday, September 26, 2016.

PRESIDING: Mayor Bryan W. Shupe

IN ATTENDANCE: Councilmembers Arthur Campbell, James Burk,
Owen Brooks Jr., James Starling Sr. and Katrina Wilson
Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: City Solicitor David Rutt, Esquire

CALL TO ORDER

Mayor Shupe called the Council Meeting to order at 7:42 p.m.

It was noted that City Manager Eric Norenberg was out of town attending The Annual International City Manager Associations' Annual Conference in Kansas City.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation given by Councilmember Starling.

RECOGNITION

Proclamation 2016-12/Public Power Week in the City of Milford

Mayor Shupe read the following proclamation into record:

RECOGNIZING PUBLIC POWER WEEK

WHEREAS, the City of Milford, Delaware places high value on local control over community services and therefore, has chosen to operate its locally controlled, not-for-profit electric utility;

WHEREAS, the City of Milford Electric Department provides homes, businesses, farms, social services and government agencies with reliable, efficient and cost-effective electricity employing sound business practices designed to ensure the best possible service;

WHEREAS, the City of Milford's Electrical Service is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development and safety awareness;

WHEREAS, the City of Milford's Electric operation is dependable and trustworthy thus proving the reliable, affordable, environmentally responsible electricity needed to build strong communities.

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, do hereby proclaim October 2 - 8, 2016 as Public Power Week in the City of Milford.

BE IT FURTHER RESOLVED that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power, which is best for consumers, business, the community and the nation.

Delaware League of Local Government/Delaware Clerk of the Year

Ms. Hudson then thanked the Mayor, Council Members and Chief Brown, along with City Manager Norenberg who was

absent this evening, for attending the Delaware League of Local Government meeting this past Thursday evening during which time she was honored as the Clerk of Year. She reiterated what an honor it was and expressed gratitude adding that she personally is aware of how busy everyone’s schedule is and truly appreciates them taking time out to attend the event.

Mayor Shupe and City Council again congratulated the City Clerk adding that she well deserved the recognition.

UNFINISHED BUSINESS

Authorization/DelDOT/Proposed Delaware Bayshore Byway Participation

Related presentation included in Council packet.

DelDOT Planner Chip Kneavel and Byway’s Coordinator Mike Hahn provided the presentation (included in Council packet) related to the Bayshore Byway and the proposal for Milford to become part of the extension.

Mr. Kneavel informed Council that the six byways in Delaware are transportation routes that are adjacent to or travels through an area that has particular intrinsic scenic, historic, natural, cultural, recreational or archeological qualities. They are road corridors that offer alternative travel to major highways, while telling stories about Delaware's heritage, recreational activities or beauty. They are routes that are managed to protect special intrinsic qualities and to encourage appreciation and/or development of tourism and recreational resources.

He explained that though they have similar elements, each corridor is managed differently through the Corridor Management Plan which is similar to the City’s Comprehensive Plan or a planning tool for each byway. It recommends a number of strategies or goals of how to operate and manage the byway through preservation, economic development and protection.

Once the Bayshore Byway was established in 2007, the Delaware Bayshore Initiative was established to help recognize and protect the coast region of Delaware. The current Bayshore Byway stops in Dover and their proposal is to extend that through Milford and into our costal towns and Lewes, which is the reason they are addressing City Council this evening.

The proposed byway extension encompasses the southern end of the Bayshore Initiative area and would include the communities and areas of:

Fowler Beach*	Broadkill Beach**	Milford
Bennetts Pier*	Prime Hook WL**	Milton
South Bowers Beach**	Bowers Beach**	Frederica
Big Stone Beach*	Slaughter Beach**	Magnolia

The first column are areas that are included; part of the update to the Corridor Management Plan is to include the towns and areas that should be included as part of the extension. The third columns are towns that have not yet committed.

Adoption of the byway extension to include the southern end of the Bayshore Initiative area would provide the following advantages:

- Recognition as a state-designated byway.
- Representation on the Byway Partnership Team.
- Inclusion in an updated corridor management plan.
- Ability to form partnerships to market and develop new Discovery Zones.
- Leveraged funding opportunities for projects.
- Inclusion in the branding initiative for the Delaware Bayshore Byway.

When asked if this only involves Route 1 or will Milford’s downtown area be included; it was explained that what is proposed is only based on some of the intrinsic resources as defined by the University of Delaware’s Center for Historic Architecture and Design. They like the idea of bringing the downtown historic districts into the byway in addition to the rivertown and waterfront areas.

The following intrinsic resources have already been identified in Milford:

Historic/Cultural:

- North and South Milford Historic District
- Parson Thorne Mansion
- Causey Mansion
- Milford Historical Society/ Milford Museum

Recreational/ Cultural:

- Mispillion River Walk
- Milford Art Stroll

City Council was asked to help develop and define any others that may have been missed.

Councilman Burk recommended Mr. Kneavel and Mr. Hahn discuss this with DMI noting that they have a Historic Preservation Group that he believes should be included. Mr. Kneavel stated that Delaware City's Main Street is part of the Delaware Bayshore Byway and the only Main Street in the program though others can be considered though they must be along the byway route.

He explained the Department of Natural Resources and Delaware Greenways are two of their big promoters. In addition to cultural tourism, this is an outdoor activity whose intent is to get out of a vehicle and walk, bike, kayak, shop and spend money, similar to a promotional aspect. They also work closely with the Delaware Tourism Office on a State and County level.

It was confirmed there is no cost to the City other than the time needed to help promote the byway extension.

Mr. Kneavel explained that if this becomes a designated National Scenic Byway, off-premise advertising would be prohibited along the corridors. Any existing billboard would be grandfathered.

Mr. Hahn stated that this would be part of the federally-recognized program and the Federal Highway Administration, prohibits new billboards that are advertising off-premise items. In addition, our current State law bans variable electronic message boards within 660 feet of byway road right-of-ways.

Benefits of joining the Delaware Bayshore Byway are:

- Branding and Signage.
- Projects with State and National Recognition.
- Media and Press Coverage.
- Economic Development and Community Outreach.

Mr. Kneavel reported they are also continuing to develop Story Maps that will highlight various places of interest along the byway. A person can click on the resource and receive immediate directions and related information through the internet.

When questioned about funding, Mr. Hahn explained the program is through the State's Byways Management Group. For the Bayshore Byway, there is a collective group of ten to twelve people. If approved, the City of Milford would appoint a representative to participate in the monthly meetings as part of the Byway Extension.

When asked if Mr. Kneavel and Mr. Hahn were looking for City support, Mr. Kneavel emphasized they do not want to force this on the City. Mr. Hahn reiterated that the Corridor Management Program is really up to the entities to decide how they want to shape or form some of the Byway Projects. DelDOT will not force the projects upon the City. They emphasized it is more about how Milford wants to manage or promote the byways though they will assist as best as they can.

Councilwoman Wilson feels it is important to know which areas they plan to highlight; she would be more comfortable in making a decision at that point and would not want to exclude someone that may be later interested in the plan.

Mr. Hahn stated that based on the information provided to them from others, the historic and cultural attractions and recreational amenities in Milford would be included. Mr. Kneavel emphasized this will not preclude further growth from participating though it would need to be in a context-sensitive way. For example, there may be a certain setback, landscaping and building aesthetic that may be required.

When asked if regulations would need to be added to the downtown growth plan, Mr. Kneavel and Mr. Hahn stated that is entirely a decision of the City.

As an example, Mr. Hahn explained that as part of their protection measures, the Red Clay Valley Byway in northern New Castle County is developing new design codes or standards, in addition to setback and landscaping requirements for projects within their byway.

The program is a DelDOT recognition program and the byway designation does not come with any regulations (with the exception of the one federal regulation that there are no new billboards on the State Scenic Byways) and becoming a byway has two steps – a nomination process and Corridor Management Plan process.

It was agreed by City Council that any changes to architectural standards would need to go through the City process with final approval by Council.

Mr. Pierce stressed this is only the beginning of the program and the City does not want to spend too much time developing the landmarks and cultural resources that need to be targeted though some of the discovery zones and routes could vary based on feedback. At this point, they are only asking for a commitment that the City is interested in moving forward.

Mr. Kneavel agreed and emphasized that if the City does not feel this will work, then DelDOT will continue with their plan by taking the byway up Route 1. However, they really believe that Milford would be a great asset for the byway.

Mr. Hahn added that where Milford is a great strategic location in comparison to the lower half of the Bayshore Byway area. He pointed out the number of amenities, hotels and cultural attractions in the City and the fact that accessing the Delaware Bay is easily accomplished by starting in Milford.

Mayor Shupe noted that as this program is developed, the City can continue to look at the Eco-tourism plan along the Mispillion River, including the riverwalk, that was started in the 1960's.

Councilmember Burk then moved to support and assist DelDOT in the planning efforts with the mutual goal of developing a Byway Route through Milford to become part of the State-designated Delaware Bayshore Byway, seconded by Councilmember Wilson. Motion carried.

Adoption/Ordinance 2016-18/Chapter 19

Amendment/Economic Development & Redevelopment/Downtown Development Designation Incentives

Mayor Shupe introduced the following ordinance;

Ordinance 2016-18
Chapter 19-Economic Development and Redevelopment
Downtown Development District Incentive Program

WHEREAS, on May 23, 2016, Milford City Council adopted a resolution supporting the application to the State of Delaware to become a Downtown Development District; and

WHEREAS, incentives were reviewed and recommended by the Economic Development Committee and presented to Milford City Council for their approval; and

WHEREAS, building on the state's efforts to redevelop Delaware's commercial business districts and drive private investment in towns and cities, Governor Markell on August 10, 2016 officially designated the City of Milford's Downtown Development District; and

WHEREAS, an amendment to the Economic Development and Redevelopment Ordinance, Chapter 19 is needed to incorporate the designation.

NOW, THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS:

Section 1. §19-2 Definitions is hereby amended by adding the following:

OWNER OCCUPIED – refers to a residential property that is owned and occupied by the same persons.

TAX ABATEMENT – refers to the waiver or reduction of City of Milford property taxes.

Section 2. §19-2 Definitions is hereby amended by amending the definition of Eligible Project as follows:

ELIGIBLE PROJECT-refers to a project of an Incentive Beneficiary that is approved ~~by the City Manager~~ to receive economic incentives under a Specific Economic Development Incentive Program offered under this chapter.

Section 3. §19-6 Incentive Options is hereby amended by adding the following:

B. Permit and Fee Waiver or Reduction: An SEDIP may offer qualifying Incentive Beneficiaries a waiver or reduction from any of the following permits or fees:

- (1) Building permit fee
- (2) Water service connection fee
- (3) Sewer inspection fee
- (4) Electric service connection fee
- (5) Fees associated with any preliminary or final site plan review
- (6) Other fees associated with professional services provided by the City as it pertains to planning, engineering and legal review.
- ~~(7) Business License*~~

E. *Tax Abatements: A SEDIP may offer full or partial tax abatements on City of Milford property taxes for a specified period of time.*

Section 4. §19-9 is hereby added as follows:

§19-9. – Downtown Development District Incentive Program

A. *Eligibility*

- (1) *Eligible Projects shall include any new residential or commercial construction, redevelopment, or expansion within the Downtown Development District and meet the following criteria:*
 - a) *Is located within the target area; and*
 - b) *The fair market value of the materials to be used and the labor to be performed on the project exceeds the sum of \$15,000; and*
 - c) *Is for commercial, office, and/or residential use; and*
 - d) *Conforms to the intent of this ordinance.*
- (2) *In order for a residential use to be an eligible project, the object of the construction or renovation must be a dwelling unit as defined in the City of Milford zoning ordinance. Construction or renovation of an accessory building as defined in the City of Milford zoning ordinance shall not be eligible for development incentives.*

B. *Target Area – Downtown Development District*

The Downtown Development District refers to the area defined by Resolution/Ordinance of City Council. A copy of the district map shall be on file at City Hall, 201 S. Walnut Street, Milford, Delaware.

*C. Development Incentives**(1) Impact Fee Waivers**a) Incentive Beneficiaries shall qualify for a full waiver of impact fees.**(2) Permit and Other Fee Waivers**a) The City shall provide a one-time waiver of permits and fees identified under §19-6(b)(1), (5) and (6) for all eligible projects.**b) The City shall provide a waiver of the business license fee for new businesses for three (3) years.**c) The Incentive Beneficiary is responsible for obtaining all required local, State, County, and Federal permits and approvals as may be required to complete the project.**d) The Incentive Beneficiary shall be responsible for the Carlisle Enhancement Fee as outlined in the City of Milford Code.**(3) Installment Land Contract**a) The Incentive Beneficiary may apply to purchase City owned property through an installment land contract at a price and upon such terms and conditions as may be determined by the City Manager. The acceptance of the contract is subject to the express approval of City Council, which approval may be withheld in its complete discretion.**b) In the event the conditions outlined in the contract are not met, the City Manager may determine that the Incentive Beneficiary is in default and provide notice as required.**c) In the event the default is not cured, in addition to such other remedies as may be available, the Incentive Beneficiary shall be required to choose between the following two options:**i. Surrender all improvements and the property to the City; or**ii. Pay the entire remaining principal balance to the City within 45 days following the date the default notice was issued.**(4) Abatement of Property Taxes**a) Incentive Beneficiaries shall qualify to receive City of Milford property tax abatements for a period not to exceed ten (10) years. The abatement period shall commence from the date of final certificate of occupancy.**b) Rehabilitation Projects**i. If the incentive beneficiary improves the assessed value, as determined by the City Tax Assessor, by more than 50% of the original assessed value, the incentive beneficiary shall receive a full abatement of City property taxes for ten (10) years.**ii. If the incentive beneficiary improves the assessed value, as determined by the City tax assessor, by less than 50% of the original assessed value, the incentive beneficiary shall receive a partial abatement of City property taxes on the value of the improvements for ten (10) years.**c) New residential or commercial construction shall receive a full tax abatement for five (5) years.**d) Properties converted from rental units to owner occupied housing shall receive a full tax abatement for ten (10) years, subject to continued occupancy by the property owner.**(5) Realty Transfer Tax Waiver**a) There shall be no realty transfer tax imposed on those transfers where the buyer qualifies as a first-time homebuyer. See Chapter § 178-2(D).**Section 5. Dates.**City Council Introduction: September 12, 2016**City Council Review & Adoption: September 26, 2016**Effective: October 6, 2016***Removed this date.*

Mr. Pierce recalled that beginning in March, the City went through the Downtown Development District application process during which time a list of incentives was approved by City Council to accompany the application to the state. In August, the State of Delaware awarded the City that designation and as a follow-up, adoption of the economic development incentives for the downtown district area is needed as has been discussed.

Councilman Burk questioned 19-6(B) and the waiver of the business license.

B. Permit and Fee Waiver or Reduction: A SEDIP may offer qualifying Incentive Beneficiaries a waiver or reduction from any of the following permits or fees:

(7) Business License

He confirmed that the intent is to give a new business a waiver of the Business License Fee; Mr. Pierce stated yes for three years.

Councilmember Burk is concerned with the other existing businesses that will be required to pay their annual license. In the meantime, a new business will receive a three-year waiver. He is unsure if that is appropriate particularly when Council tries to sell the business licenses and asked the justification for the new business waiver.

Mr. Pierce recalled that these are the same incentives that were reviewed in May. If Council wants this removed, he will need to inform the State because he is unsure if it will impact our DDD application.

Councilmember Burk emphasized the need to support our local businesses and is unsure what they will think about that.

Councilmember Brooks said he agrees with Councilman Burk. Councilman Campbell feels that is part of economic development and is needed to entice them to come to Milford.

Councilmember Brooks questioned a business that has been in Milford for twenty years who has to pay for a business license and then someone who moves here for three years that does not have to pay the fee.

Councilmember Campbell recalled that in the corporate world that he worked in, there were similar waivers for new businesses that were typically for five to ten years.

The Planning Coordinator said it can be removed from this particular ordinance since it has not yet been instituted. Solicitor Rutt pointed out that at this point, it is an unenforceable criterion and City Council does know at this point whether or not they will institute a business license. However, the ordinance can be later amended if needed.

Mr. Pierce felt the City would be further along with instituting the business license and did not expect it would not be in place at this point. He suggested that a motion be made to adopt the ordinance contingent on the removal of that business license.

Councilman Burk moved to adopt Ordinance 2016-18 with the condition that Section 19-6(B)(7) Business License is removed, seconded by Councilwoman Wilson. Motion carried.

Mayor Shupe reminded City Council that on September 29th at 6:00 p.m., a DDD and Rivertown Rebirth meeting will be held. What is approved this evening, will be discussed to ensure current businesses and potential investors are aware of our incentives in addition to the State incentives that will be discussed.

Ratification/Teamsters Local 326 Collective Bargaining Agreement

Councilmember Burk moved to approve the Teamsters Local 326 Collective Bargaining Agreement as has been discussed and presented, seconded by Councilmember Wilson. Motion carried.

Planning Commission Vacancy

Mayor Shupe reminded Council there are two vacancies on the commission and that he hopes to have two new commissioners from Wards Three and Four to balance the membership citywide. The application is available on the City of Milford website for these vacancies in addition to other boards and commissions for anyone who may be interested.

He asked for anyone with a recommendation to contact him.

NEW BUSINESS

DBF Contract Change Order/Washington Street Water Treatment Facility

Public Works Director Mark Whitfield was present and reported this is a no-cost change order though the extension is needed to complete the Washington Street Water Treatment Facility. He explained this is primarily due to the delay the City caused at the Southeast Milford Water Treatment site. It was agreed at that time not to take the Washington Street facility off line until the Southeast facility was operating.

Mr. Whitfield also explained some time was also needed to obtain both easements for the electric in addition to what was needed for the installment of the electric. Both caused a two-month delay which resulted in a domino effect at the Washington Street facility.

It is the City and DBF's opinion this is warranted change order for the extension of time to complete the Washington Street Water Treatment Facility.

Councilmember Brooks moved to approve the Washington Street Water Treatment Facility Change Order as presented, seconded by Councilmember Burk. Motion carried.

Resolution 2016-15/City of Milford General Obligation Bonds 2011 Series A Refunding Program

Mayor Shupe recalled this was presented at the previous meeting at which time there was a discussion about the need to refinance bonds which will result in a more than \$800,000 savings to the City. Council action will be needed over the next month with the adoption of the first resolution being presented on October 10th.

ADJOURN

There being no further business, Councilman Campbell moved to adjourn the Council Meeting, seconded by Councilman Burk. Motion carried.

The Council Meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder