

City of Milford



CITY COUNCIL AGENDA

October 24, 2016 - 7:00 P.M.

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

PUBLIC HEARING

City of Milford Bond Refunding Project/Bond Counsel Tim Anderson

ADOPTION/RESOLUTION 2016-16

Final Authorization for the Borrowing (As Set Forth in Ordinance 2016-19)
of Amount Not Exceeding \$9,800,000 for the Refunding Program Pay Certain Costs Associated
with the Issuance of its General Obligation Bonds Series of 2016 (the "2016 Bonds")

ADOPTION/ORDINANCE 2016-19

Authorizing a Certain 2016 Refunding Project and Incurrence of Indebtedness;
Authorizing the Issuance of General Obligation Bonds, Series of 2016 (The "2016 Bonds");
Providing Funds for and toward such Refunding Project; Setting Terms of the 2016 Bonds

ADOPTION/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 (Height Increase)

ADOPTION/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 Lands)
Change of Future Land Use Designation from Low Density Residential to Highway Commercial

COUNCIL MEETING

Call to Order - Mayor Bryan Shupe

Invocation

Pledge of Allegiance

Recognition

Proclamation 2016-24/Extra Mile Day

Communications & Correspondence

Unfinished Business

Adoption/Ordinance 2016-20/Solid Waste Management Code Amendment

New Business

Reappointment/City of Milford Planning Commissioners

Appointment/City of Milford Planning Commissioners

Reappointment/City of Milford Board of Adjustment Members

Resignation/City of Milford Board of Adjustment Member

Appointment/City of Milford Board of Adjustment Member

Approval/Taser International Body/Vehicle Camera & Software Contract/Five-Year Capital Funding

Approval of Budget Adjustments:

FY2016-2017 Capital Budget Amendment/Police Department/Body/Vehicle Camera & Software Project Program

FY2016-2017 Budget Amendment/Transfer/Planning & Zoning to City Administration/Salary & Benefits

FY2016-2017 Budget Amendment/Planning & Zoning/Salary & Benefits

FY2016-2017 Budget Amendment/Electric Department/IBEW Local 126 Negotiations/Legal Expenses

FY2016-2017 Budget Amendment/Police Department/Teamsters Local 326 Contract Increase

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

MAXIMUM PARAMETERS BOND SALE DOCUMENT

October 24, 2016

Prepared by:
Jamie Schlesinger
Director



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MUNICIPAL MARKET UPDATE

October 20, 2016

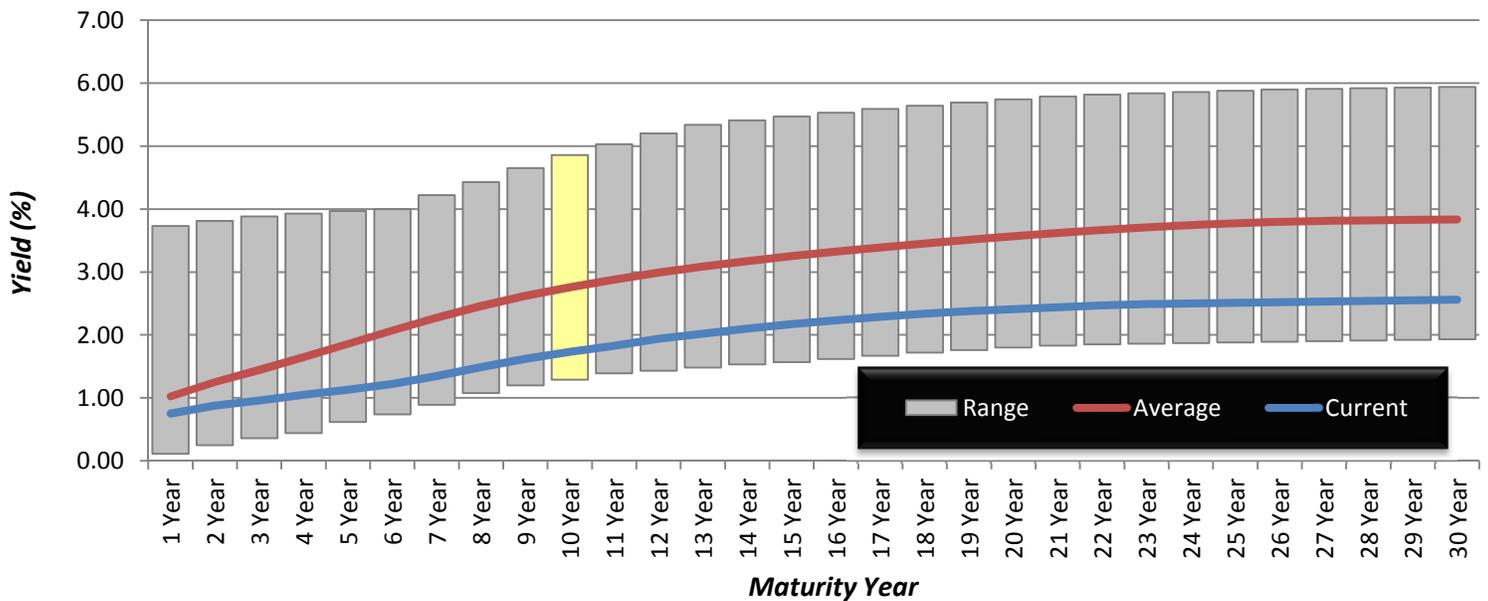


MMD YIELD CURVE

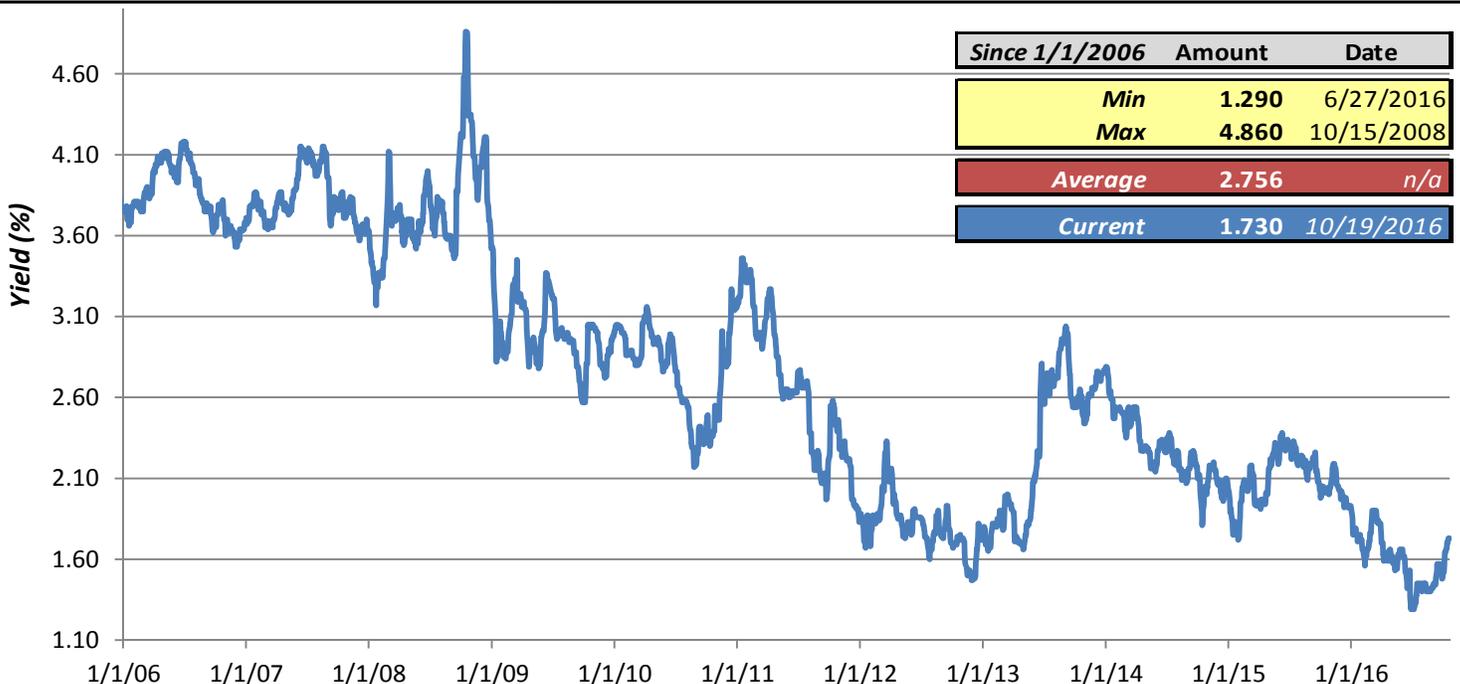
The MMD Yield Curve is a high grade municipal yield curve published daily by Municipal Market Data. It is one of the most commonly used benchmarks in municipal finance. The yields within the curve reflect the current yields for each maturity year at which bondholders would be likely to sell high quality (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 Fiscal Year Ended	2 CABs Series of 1992	3 G.O. Bonds Series A of 2011	4 G.O. Bonds Series B of 2011	5 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 20, 2016

**CITY OF MILFORD
REFINANCING OPPORTUNITY**

1

	Series of 2016
<i>Par Amount</i>	\$8,195,000
<i>Savings Structure</i>	Upfront
<i>Issue Refinanced</i>	Series A of 2011
<i>Settlement Date</i>	12/6/2016
<i>Average Rate</i>	2.87%
<i>Est. Total Net Savings</i>	\$568,804

2

3

4

5

Fiscal Year Ending	Refunded Debt Service	Proposed Debt Service	Proposed Net Savings
6/30/2017	447,504		447,504
6/30/2018	599,008	525,730	73,278
6/30/2019	599,708	595,792	3,916
6/30/2020	600,108	598,862	1,246
6/30/2021	600,208	596,436	3,772
6/30/2022	600,008	598,636	1,372
6/30/2023	602,758	600,190	2,568
6/30/2024	599,983	596,076	3,907
6/30/2025	601,858	601,386	472
6/30/2026	602,233	600,782	1,451
6/30/2027	602,045	599,352	2,694
6/30/2028	600,245	597,116	3,130
6/30/2029	602,845	599,191	3,655
6/30/2030	599,418	595,320	4,098
6/30/2031	600,383	595,470	4,913
6/30/2032	590,538	589,813	725
6/30/2033	359,288	358,537	751
6/30/2034	361,963	358,807	3,156
6/30/2035	364,000	363,601	399
6/30/2036	364,920	362,777	2,143
6/30/2037	360,180	356,523	3,657
6/30/2038			
6/30/2039			
6/30/2040			
TOTAL	11,259,194	10,690,389	568,804

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
<hr/>			
TOTALS	7,850,000.00	147,503.75	7,997,503.75
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CITY OF MILFORD

SERIES OF 2016
REFUNDS THE SERIES A OF 2011

Settle 12/6/2016
Dated 12/6/2016

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			122,856.22	122,856.22			
1/1/2018	295,000	1.680	107,873.75	402,873.75	525,729.97	599,007.50	73,277.53
7/1/2018			105,395.75	105,395.75			
1/1/2019	385,000	1.800	105,395.75	490,395.75	595,791.50	599,707.50	3,916.00
7/1/2019			101,930.75	101,930.75			
1/1/2020	395,000	1.880	101,930.75	496,930.75	598,861.50	600,107.50	1,246.00
7/1/2020			98,217.75	98,217.75			
1/1/2021	400,000	1.950	98,217.75	498,217.75	596,435.50	600,207.50	3,772.00
7/1/2021			94,317.75	94,317.75			
1/1/2022	410,000	2.060	94,317.75	504,317.75	598,635.50	600,007.50	1,372.00
7/1/2022			90,094.75	90,094.75			
1/1/2023	420,000	2.170	90,094.75	510,094.75	600,189.50	602,757.50	2,568.00
7/1/2023			85,537.75	85,537.75			
1/1/2024	425,000	2.280	85,537.75	510,537.75	596,075.50	599,982.50	3,907.00
7/1/2024			80,692.75	80,692.75			
1/1/2025	440,000	2.410	80,692.75	520,692.75	601,385.50	601,857.50	472.00
7/1/2025			75,390.75	75,390.75			
1/1/2026	450,000	2.540	75,390.75	525,390.75	600,781.50	602,232.50	1,451.00
7/1/2026			69,675.75	69,675.75			
1/1/2027	460,000	2.660	69,675.75	529,675.75	599,351.50	602,045.00	2,693.50
7/1/2027			63,557.75	63,557.75			
1/1/2028	470,000	2.750	63,557.75	533,557.75	597,115.50	600,245.00	3,129.50
7/1/2028			57,095.25	57,095.25			
1/1/2029	485,000	2.860	57,095.25	542,095.25	599,190.50	602,845.00	3,654.50
7/1/2029			50,159.75	50,159.75			
1/1/2030	495,000	3.000	50,159.75	545,159.75	595,319.50	599,417.50	4,098.00
7/1/2030			42,734.75	42,734.75			
1/1/2031	510,000	3.070	42,734.75	552,734.75	595,469.50	600,382.50	4,913.00
7/1/2031			34,906.25	34,906.25			
1/1/2032	520,000	3.130	34,906.25	554,906.25	589,812.50	590,537.50	725.00
7/1/2032			26,768.25	26,768.25			
1/1/2033	305,000	3.190	26,768.25	331,768.25	358,536.50	359,287.50	751.00
7/1/2033			21,903.50	21,903.50			
1/1/2034	315,000	3.240	21,903.50	336,903.50	358,807.00	361,962.50	3,155.50
7/1/2034			16,800.50	16,800.50			
1/1/2035	330,000	3.280	16,800.50	346,800.50	363,601.00	364,000.00	399.00
7/1/2035			11,388.50	11,388.50			
1/1/2036	340,000	3.310	11,388.50	351,388.50	362,777.00	364,920.00	2,143.00
7/1/2036			5,761.50	5,761.50			
1/1/2037	345,000	3.340	5,761.50	350,761.50	356,523.00	360,180.00	3,657.00
7/1/2037							
TOTALS	8,195,000		2,495,389.47	10,690,389.47	10,690,389.47	11,259,193.75	568,804.28

Savings as a % of Refunded Par 7.25%

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 12/6/2016

Settlement Date 12/6/2016

Yield of the Issue	2.874189
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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
October 10th	- City Meeting to Discuss Refinancing (1st Reading)
October 19	- Rating Call
October 24th	- City Meeting to Discuss Refinancing (2nd Reading)
Mid/Late October	- Rating Received
End of October	- Post POS/Invitation to Bid to Auction Website
November 2	- Price Bonds
December 6	-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



RESOLUTION 2016-16

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 refinancing a portion of 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, Delaware, after a public hearing held this day, does hereby provide final authorization for the borrowing (the provisions of which shall be set forth in an Ordinance) of an amount of money not exceeding \$9,800,000 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, shall be paid or funded by available revenues of the City and shall in all instances comply with the terms and conditions of a certain ordinance enacted this day in connection with the issuance of the 2016 Bonds.

Mayor

Attest/City Clerk

Adopted: October 24, 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 \$7,850,000 (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>Name</u>	<u>VOTE</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. Starling, 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

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

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, 230-14C-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



PLANNING & ZONING DEPARTMENT
P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

www.cityofmilford.com

DATA SHEET FOR COMPREHENSIVE PLAN AND SOUTHEAST MASTER PLAN AMENDMENT

Public Workshop: October 12, 2016

Planning Commission Public Hearing: October 18, 2016

City Council Public Hearing: October 24, 2016

Ordinance	:	2016-17
Application Type	:	Comprehensive Plan and Southeast Master Plan Amendment
Present Comprehensive Plan Designation	:	Residential – Low Density
Proposed Comprehensive Plan Designation	:	Highway/Commercial
Area and Location	:	120 +/- acres of land located along the east side of SR1 between Cedar Neck Road and Bucks Road.
Property Identification Numbers	:	3-30-11.00-056.00, 3-30-11.00-070.00, and 3-30-11.00-070.03

ENC: Staff Report
Ordinance 2016-17
Location & Zoning Map
PLUS Application
2011 Southeast Master Plan Land Use Exhibit
Current Southeast Master Plan Land Use Exhibit
Proposed Southeast Master Plan Land Use, Agriculture, Transportation Exhibits
PLUS Comments
Additional Agency Comments dated October 3, 2016
City Zoning Map – Areas of Undeveloped C-3 Highway/Commercial



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P 302.424.3712 F: 302.424.3558

201 SOUTH WALNUT STREET
MILFORD, DE 19963

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STAFF REPORT
October 3, 2016

Ordinance	:	2016-17
Application Type	:	Comprehensive Plan and Southeast Master Plan Amendment
Property Identification Numbers	:	3-30-11.00-056.00, 3-30-11.00-070.00, and 3-30-11.00-070.03
Property Location	:	120 +/- acres of land located along the east side of SR1 between Cedar Neck Road and Bucks Road.

I. BACKGROUND:

- In October 2014, Key Properties Group, LLC submitted an application to rezone parcel number 3-30-11.00-56.00 (70.07 +/- acres of land known as the Mr. Wiggles property) from R-1 Single Family Residential to C-3 Highway/Commercial. Accompanying the rezoning application was a second application to annex five (5) parcels of land, known as the Thawley properties, into the City as C-3 Highway/Commercial. These five (5) parcels have since been combined into parcel 3-30-11.00-70.00. Parcel 3-30-11.00-70.03 is already located within the City of Milford and is zoned C-3 Highway Commercial.
- The applications were reviewed by Davis, Bowen & Friedel, Inc. in November 2014 where it was determined that the requests were not in compliance with the Comprehensive Plan and Southeast Master Plan future land use exhibits. Comments were forwarded to Key Properties Group in November 2014.
- On August 27, 2015, Key Properties Group submitted a letter to the City requesting an amendment to the land use exhibits for the Southeast Master Plan, changing the above referenced parcels from Residential – Low Density to Highway/Commercial.
- Staff prepared the State required PLUS application for an amendment to the Comprehensive Plan. The application was presented for informational purposes only to both the Planning Commission and City Council in October 2015. The application was submitted to and reviewed by the State in November 2015. PLUS comments were received by the City in December 2015 and are included in the staff report. In addition to the proposed land use changes, the amendment application included relocating the Transfer Development Rights (TDR) sending area currently located on the Mr. Wiggles property to the Red Cedar Farms parcel along Bucks Road. Currently, the City does not have an active TDR program.

- In August 2016, Key Properties and the City met with representatives from DelDOT to discuss transportation and property access concerns.
- On September 22, 2016, parties of the original Southeast Master Plan, including the City, OSPC, DelDOT, DNREC, Delaware Department of Agriculture (DDA), met to review the proposed future land use amendment. Updated agency comments dated October 3, 2016 have been provided in the staff report.
- A public workshop was held on October 12, 2016 from 5-7 pm at City Hall to provide information regarding the proposed Comprehensive Plan amendment.

II. STAFF ANALYSIS:

- The 2011 Southeast Master Plan was an amendment to the City's Comprehensive Plan and is used to guide growth and development in this area of the City. The goal of the Master Plan was to provide predictable, shovel ready development and proactive preservation. The Master Planning process included an extensive public participation effort with input from local residents and property owners. As mentioned in the 2015 PLUS comments, the subject parcels were considered for commercial land use during the initial phase of the Master Plan but commercial was not ultimately recommended due to difficulty in gaining road access to the property and the proximity to low density residential. The Master Plan was approved by City Council and certified by the State in 2011.
- Included in the packet is a city-wide zoning map identifying large areas of undeveloped C-3 Highway/Commercial zoned properties. As shown, there is approximately 275 acres of land currently within City limits that is zoned C-3 and undeveloped from a commercial perspective.
- The surrounding transportation network, including Cedar Neck Road, Bucks Road and SR1 are State maintained and access to these will require DelDOT approval. DelDOT comments related to road access can be found in the attached 2015 PLUS comments and correspondence dated October 3, 2016.
- Knollac Acres subdivision is located within the unincorporated areas of Sussex County and is directly east of the subject area. This subdivision is not fully built-out and contains single family detached units. According to Sussex County tax maps, the Thawley property has limited access through Knollac Acres via Thawley Lane.

III. AGENCY & DEPARTMENT COMMENTS:

- State agency comments from the November 2015 PLUS hearing dated December 23, 2015 are attached along with updated comments from DelDOT, DDA & DNREC dated October 3, 2016.

CITY OF MILFORD
PLANNING COMMISSION

Minutes of Meeting

October 18, 2016

The regular monthly meeting of the Milford Planning Commission was held in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, DE on Tuesday, October 18, 2016.

PRESIDING: Marvin Sharp
IN ATTENDANCE: Ed Holloway, Andrew Fulton, Sara Pletcher, Raymond Lynch, Michael Boyle
Also: City Solicitor David Rutt, Planning & Economic Activities Coordinator Rob Pierce, Deputy City Clerk Christine Crouch

Chairman Sharp called the meeting to order at 7:41 pm noting the absence of Ms. Mims.

APPOINTMENT OF VICE CHAIR

A nomination by Ms. Pletcher for Mr. Fulton was seconded by Mr. Boyle. With no objections, Mr. Fulton was appointed Vice Chair.

APPROVAL OF MINUTES

The minutes from the September 2016 Planning Commission were approved unanimously as presented.

Motion by Mr. Fulton to move unfinished to after new business was second by Ms. Pletcher. Motion carried unanimously.

NEW BUSINESS

*Gator & Associates Inc on behalf of James Grant; Project 16-008
Preliminary Site Plan
586 Milford-Harrington Highway
Tax Map MD-16-173.00-01-12.00
Zoning C3*

Mr. Pierce explained this application was before Planning Commission last month for a Conditional Use which was recommended for approval. The application this evening is for a preliminary site plan review.

The details of the site plan remain the same from last month. Present use is a vacant commercial building and the proposed use is a brew pub/distillery, fitness center and warehouse which complies with the Comp Plan.

Final site plan approval is subject to the approvals or no objection letters from DelDOT, conservation district, fire marshal and final approval from public works. Any outstanding agency comments outlined in section three of the staff reports must be addressed as well.

Mr. Zach King was present to represent project and stated the property will be half brewpub/distillery/restaurant and the other is a fitness center and a warehouse on the rear of the property. Mr. King is one of the operators of the brewpub/restaurant/distillery.

Mr. Fulton confirmed parking was addressed already during the conditional use application.

A motion by Mr. Fulton to approve the preliminary site plan was seconded by Mr. Boyle. Motion carried unanimously.

Ordinance 2016-17/Amendment to the Southeast Master Plan/Future Land Use from Low Density Residential to Highway Commercial

Solicitor Rutt handed out a copy of Title 22, Chapter 7 of the Delaware Code and drew the commission's attention to page two, item b and asked the commissioners take this into consideration during their deliberation. A copy will be included in the minutes.

Mr. Pierce noted there was a technical amendment to the ordinance. On the 10th Whereas statement the language was modified for clarification that this is the sixth amendment to the 2008 comprehensive plan.

The Now therefore statement also is amended to reflect the sixth amendment. Again, just clarification.

This evening is a proposed comprehensive plan and SE Master Plan amendment dealing with three properties located on the east side Rt 1. The parcels are 70 acres, 40 acres and 9 acres between Cedar Neck Road and Bucks Road. It is approximately 120 acres of land as shown in the planning commission packet. There is background, staff analysis and agency reports included in the packet as well.

In October 2014, Key Properties Group, LLC submitted an application to rezone parcel number 3-30-11.00-056.00, 70.07 +/- acres of land known as the Mr. Wiggles property, from R-1 Single Family Residential to C-3 Highway/Commercial. Accompanying the rezoning application was a second application to annex five parcels of land, known as the Thawley properties, into the City as C-3 Highway/Commercial. These five parcels have since been combined into parcel 3-30-11.00-070.00. Parcel 3-30-11.00-070.03 is already located within the City of Milford and is zoned C-3 Highway Commercial.

The applications were reviewed by Davis, Bowen & Friedel, Inc. in November 2014 where it was determined that the requests were not in compliance with the Comprehensive Plan and Southeast Master Plan future land use exhibits. Comments were forwarded to Key Properties Group in November 2014.

On August 27, 2015, Key Properties Group submitted a letter to the City requesting an amendment to the land use exhibits for the Southeast Master Plan, changing the above referenced parcels from Residential – Low Density to Highway/Commercial.

Staff prepared the State required PLUS application for an amendment to the Comprehensive Plan. The application was presented for informational purposes only to both the Planning Commission and City Council in October 2015. The application was submitted to and reviewed by the State in November 2015. PLUS comments were received by the City in December 2015 and are included in the staff report. In addition to the proposed land use changes, the amendment application included relocating the Transfer Development Rights sending area currently located on the Mr. Wiggles property to the Red Cedar Farms parcel along Bucks Road. Currently, the City does not have an active TDR program.

In August 2016, Key Properties and the City met with representatives from DelDOT to discuss transportation and property access concerns.

On September 22, 2016, parties of the original Southeast Master Plan, including the City, OSPC, DelDOT, DNREC, Delaware Department of Agriculture, met to review the proposed future land use amendment. Updated agency comments dated October 3, 2016 have been provided in the staff report.

A public workshop was held on October 12, 2016 from 5-7 pm at City Hall to provide information regarding the proposed Comprehensive Plan amendment where about 40 area residents attended. Road access and entry via Knollac Acres subdivision was of major concerns.

The 2011 Southeast Master Plan was an amendment to the City's Comprehensive Plan and is used to guide growth and development in this area of the City. The goal of the Master Plan was to provide predictable, shovel ready development and proactive preservation. The Master Planning process included an extensive public participation effort with input from local residents and property owners. As mentioned in the 2015 PLUS comments, the subject parcels were considered for commercial land use during the initial phase of the Master Plan but commercial was not ultimately recommended due to difficulty in gaining road access to the property and the proximity to low density residential. The Master Plan was approved by City Council and certified by the State in 2011.

Included in the packet is a city-wide zoning map identifying large areas of undeveloped C-3 Highway/Commercial zoned properties. As shown, there is approximately 275 acres of land currently within City limits that is zoned C-3 and undeveloped from a commercial perspective.

The surrounding transportation network, including Cedar Neck Road, Bucks Road and SR1 are State maintained and access to these will require DelDOT approval. DelDOT comments related to road access can be found in the 2015 PLUS comments and correspondence dated October 3, 2016.

Knollac Acres subdivision is located within the unincorporated areas of Sussex County and is directly east of the subject area. This subdivision is not fully built-out and contains single family

detached units. According to Sussex County tax maps, the Thawley property has limited access through Knollac Acres via Thawley Lane.

Mr. Pierce reminded the commission this is the first step to any land use process. In order to receive and take a look at the applications and process the applications that were received two years ago we would need to amend the comprehensive plan. There would be subsequent meetings if there is a recommendation for approval and council approves it. Those meetings would be for a change of zone for the Mr. Wiggles property and annexation public hearing for the Thawley property. If that is approved, additional public hearings would take place for subdivision applications.

Chairman Sharp asked Mr. Bill Brockenbrough of DeIDOT to step to the podium.

Mr. Fulton stated as he read the DeIDOT he feels what DeIDOT is saying is the developer would have to buy more land in order to gain access from the northbound side of Rt 1 and/or there are discussions of bridges to reconnect two halves of Beaver Dam Road. There is no real access to these properties, in other words.

Mr. Brock replied there is very limited access from Rt 1 for the farm and existing residential lots. To the Mr. Wiggles property there could be access off Bucks Road. That is about the only place where there is potential for good, easy access. Anything else is a "what if". There are possibilities if they bought more land, if they modify the ramp which is not an easy process. But right now the access is Bucks Road.

Mr. Pierce felt there were three main options, based on the meeting held.

1 is access off Bucks Road.

1 is acquiring additional real estate to create better access.

1 is larger capital improvements to the limited access highway.

All options require the developer to pay for the improvements and they are required to meet DeIDOT safety requirements and possibly Federal Highway Administration.

Mr. Fulton confirmed the only access that exists currently is off Bucks Road. Mr. Brock stated that is the only place where they have frontage and could build an access.

Impervious coverage is discussed in the memo from DNREC and as the Bayhealth campus is built. Now on this side of Rt 1 we are looking at even more impervious surface being created. Mr. Pierce stated if there are areas of excellent groundwater recharge in these areas there may be some adverse impacts to any kind of development who adds impervious surface. It's not just this proposal but others as well. Our current City ordinances have limitations on the amount of impervious they can have and if they are in one of these special groundwater protection areas they would have to meet additional criteria. In terms of what DNREC provided in some of their responses, they are more of recommendations. Mr. Fulton was trying to determine what kind of impact it would have on the existing residences in the area.

Mr. Jim Griffin with Griffin & Robertson, P.A. was present on behalf of the applicant, owner and developers of the properties. He stated we are two years getting to this point and as we are aware this is just the first step. Without the SE Master Plan of 2011 being amended, we don't progress to the second step which would result in public hearings dealing with the issues of annexation and assigning a zoning category as it is annexed.

Under the 2008 Comprehensive Plan, the Thawley property, except for the 9 acres that is already in the City and zoned C3, and the Mr. Wiggles property were shown as Highway Commercial for future land use.

In 2011 when the SE Master Plan was created and adopted as part of the comprehensive plan, those two properties were changed to low density residential. Some of the reasons given by the Office of State Planning included there were concerns about road access difficulty, the fact it adjoins Knollac Acres subdivision. In Mr. Griffin's opinion it appeared the Office of State Planning was encouraging the City to limit land uses on the east side of Rt 1 to more low density types of uses.

Mr. Griffin's client owned the 160 acre property west of Rt 1 that was sold to Bayhealth and is where the medical campus is being constructed. It was zoned highway commercial prior to the sale to Bayhealth. It was his client's intent to develop that property into a regional shopping facility.

The purchase of the Thawley and Mr. Wiggles properties was after he sold the 160 acres to Bayhealth. In October 2014 in anticipation of closing, the applications were filed we are discussing tonight. His client's intent was to replace the commercial land he sold to Bayhealth with property on the east side of Rt 1.

Mr. Griffin's interpretation of the comments from DelDOT are that if the properties are zoned commercial it could be possible for the developer to obtain access from Rt 1. DNREC identified three areas of environmental concern, however the Thawley and Wiggles properties are not in those three areas.

Again, his client's intent was to develop the 160 acre parcel west of Rt 1 as a regional shopping facility and he is now seeking to replace that lost commercial property by moving it east of Rt 1 where his client can complete his vision of having a regional shopping facility.

Mr. Griffin acknowledged if the properties are re-designated in the comprehensive plan as commercial his client understands he will be required to make significant investments in public utilities and roadway access and it will be a lengthy process. Essentially what he is asking the Commission to do is make a favorable recommendation to city council to approve the amendments to the 2011 SE Master Plan.

Mr. Alex Schmidt of Century Engineering came to the podium. Key Properties initially approached him in July of this year asking them to discuss transportation and access issues to the site with DelDOT; they were aware there was an ongoing concern with that issue in particular. He is not sure what discussion was held before that time as they were not involved. His

understanding was Key Properties was initially asking for a right in, right out on SR 1 (Route 1) and that is generally not allowable anywhere on SR 1.

Century Engineering developed an initial concept that focused on using what is called a collector distributor road or a CD road for short. These are commonly used by DelDOT now where they are taking existing at grade cross overs and turning them into grade separated intersections. It is generally where there would be an off ramp south of the existing Rd 30 interchange and if you wanted to get off SR 1 at the proposed development or at the S Rehoboth flyover, you would actually get off one exit further south of there. So it would separate traffic going to the retail development and those two exits from the rest of traffic on SR 1.

Again, Century Engineering came up with a concept plan and met with DelDOT in July 2016 to discuss the plan. Several members of DelDOT and Century Engineering were present. Initially comments were that access is available from Bucks Road and both interchanges that are there now, SR 30 (Cedar Creek Road) and SR 1, SR 36 (Cedar Beach Road) and SR 1, were developed to allow access to the west and east of SR 1.

So Bucks Road was an option with DelDOT not having an issue with that. There would have to be upgrades to the local roads to support this option though. What upgrades are necessary are dependent upon what goes on the site.

A second option DelDOT discussed was a re-alignment of SR 30 off ramps which would require additional acquisition of land to do this option.

The third option is reconstruction of the S Rehoboth Blvd interchange. This is a single flyover if traveling north on SR 1. What could be done is reconstruct it to look more like the SR 36 interchange where a ramp that comes to a stop and travelers can turn right to the site, straight to merge back on SR 1 or turn left to go into south Milford. What is interesting about this option is at the workshop last week, a lot of people came up and said they have real concerns about that existing ramp and drivers fly off there doing 70 mph and are dumped off in a residential area. Mr. Schmidt feels this option would actually help with the existing issues in this area, if the developer goes that way.

Adding a caveat that although DelDOT brought these options up and was generally in agreement with all of these options, they did mention all of the options must be built to DelDOT standards. There is a process that goes along with that, but to get further into the process, what goes on on the site must first be determined in order to know how much traffic will be generated.

Mr. Schmidt recalled Mr. Brockenbrough stating something about easy access. He states easy is a relative term. Easy may not be that difficult. As far as access through the Thawley property, the developer is currently not proposing access through that process because the road will not support the potential traffic.

Ms. Pletcher asked if option three is done, would additional property need to be purchased. Mr. Schmidt stated they are uncertain at this point. DelDOT has stated they would allow the use of their right of way for construction of a new interchange. On northbound SR 1 there is property

available, owned by DeIDOT. On the southbound SR 1, they are unsure and would need to look at in more detail.

Mr. Pierce asked how access would be limited the Thawley property via Thawley Lane, offering eliminating that driveway all together. Mr. Schmidt replied no will commit to anything at this point. Initial discussion was held regarding abandoning the right of way that exists and dead ending Thawley Lane where it intersects at the cross street making it a three way intersection.

Mr. Kevin Barrett from KLNG Retail which is a regional development Brockenbrougherage company specializing in retail development. By way of example, a recent project of theirs is the former Dover Wal Mart that has become Ross, Five Below, Ulta Beauty, Outback Steakhouse and Xfinity.

KLNG has been with Mr. Fannin since before the original location was purchased by Bayhealth. The project lost traction when the economy went sideways but still believes in it and there is a need. The options are limitless as to what could be built there.

Chairman Sharp called for public comments in favor of the proposal.

Mr. Henry Lacaillade of 4402F Fullerton Ct stated he is on the Hearthstone Manor Board of Directors and he and his wife agree this proposal should be approved for the betterment of Milford. He sent an email to the same people who receive the Hearthstone newsletter asking what stores people would like to see on this site. He received 24 responses, 1 of which was negative.

Chairman Sharp called for public comments opposing the proposal.

Mr. Ken Naegeli of 20949 Surrey Ct stated he would have never purchased his house if he had known commercial was coming in so close. He proposed the people who are present in favor of the proposal to think if they were in his shoes where the value of the homes near his are valued anywhere from \$300,000 to \$700,000. We don't even know what is going to be at this location but will buffer his neighborhood. It would have been better for the developer to talk to the neighborhood about what the plans are. The developer doesn't care about these neighbors. Mr. Naegeli then referenced the Knollac Acres subdivision with the impression the Fannin's developed it and then sold it to Bestfield Homes. Later in the evening Mr. Griffin explained the Fannin's have not ever own Knollac Acres nor develop it. Mr. Naegeli also spoke to the fact the commercial zoning will create crime whereby criminals will be running through Knollac Acres. Because they are not in the City, they have to contact the State Police who take hours to respond. In regards to Thawley Road, the engineer didn't say it would definitely be closed off, so it could still be used to access the commercial property. It would be devastating to have commercial right up against this residential neighborhood.

Ms. Jennifer Legg of 6536 Cedar Neck Rd lives in the second house on the left when traveling over the overpass. One of the problems the overpass has brought is people flying off the overpass who turn around in residential driveways because they don't know where they're going.

It is rumored the developer is attempting to purchase her house and her neighbor's, but that is news to her. She has never been contacted by the developer.

Mr. David Shockley of 6343 Cedar Neck Rd stated he's lived in Milord for 76 years, so he's an established resident. When the audience began clapping, Solicitor Rutt asked the audience to please let Mr. Shockley speak and not demonstrate. Mr. Shockley replied to Solicitor Rutt if that is what he considers a demonstration, he doesn't want to take his time. Solicitor Rutt asked Mr. Shockley to please continue with what he wanted to say. Mr. Shockley asked if Solicitor Rutt had a problem with his approach to which Solicitor Rutt said no and that he wants everyone to be respectful of everyone's comments and he's just asking... Mr. Shockley interjected he thought he was respectable. Solicitor Rutt stated he is not arguing with Mr. Shockley when Mr. Shockley asked if Solicitor Rutt wants to hear what he's got to say. Solicitor Rutt replied please.

Mr. Shockley continued by stating he attended the meetings when the Isaacs and Mills properties were annexed as residential. Red Cedar Farm, he stated, was not annexed into the City when Isaacs and Mills were annexed. He would like to know the Isaacs and Mills farm were annexed if the Red Cedar Farm was not already in the City. He was told either in this council chamber or at the fire hall when the hearings were there that there would be positively no commercial properties zoned on the east side of Rt 1.

In the past, council has been quick to oblige a few developers over the citizen's in the area. It appears they don't give a damn about their investments.

Mr. Komba Kpakiwa of 30063 Stage Coach Cir stated he worked for 31 years in order to take every penny he had invested and build his house. His wife and he are concerned about what the buffer will be between this proposed commercial land and his house and all the houses that back up to this property. He reiterated Mr. Naegeli's concerns for safety. Mr. Kpakiwa also asked if Ms. Thawley had sold the property already and if so how does she not have a financial responsibility to Knollac Acres, which according to his paperwork, she is responsible for. If it's not too late, he asks that it not be changed.

Ms. Debbie Campbell of 103 Hickory Branch Ct was surprised to hear how many residents were in support of the change proposed because she knows so many in Hearthstone who are not happy. She moved here for a better quality of life. Hearthstone was marketed as "country", which she wanted. Sadly she is afraid of what is going to happen if the commercial is approved. We didn't buy here to be near a shopping Mecca. We can travel to Dover or Rehoboth if we want to get something from where we normally shop. Everything she needs is seven minutes away. It's great. There's plenty of stores and it meets the needs of the residents on a daily basis. We just don't need more big shopping stores. Planned development is great and she welcomes new restaurants and small businesses, but not big shopping. The hospital will radically change her area as it is, and she understands we need it. But shopping we do not need. It will not change our quality of life in a good way. Just because we can do it doesn't mean we should do. Please consider what everyone tonight is saying.

Mr. Howard Webb of 5536 Cedar Neck Rd reminded the commission DelDOT has stated Bucks Rd is currently the only access. Anyone familiar with Bucks Rd knows it is residential housing

and putting the amount of traffic this site will have on Bucks Rd will destroy the road and the neighborhood. Referring to the PLUS review, Mr. Webb quoted one sentence. "While DeIDOT respects the City's right to designate future land uses and zoning as it sees fit, we suggest that there may be other locations in the City better suited for highway commercial development."

Mr. George Krute of 10 Tower Rd, Brookfield, CT purchased a lot a year and half ago on Stage Coach Cir hoping to retire here. The back of his property abuts the corn field and now he's wondering if that field will be a McDonald's. He's now concerned with the noise pollution, air pollution and light pollution. So now he's wondering if he's going to even build on this lot and retire here.

Ms. Kathy Stetson of 147 Hickory Branch Ct felt the proposed change to commercial is spot zoning. It is commercial surrounded by residential. What kind of buffering can there be to protect the residents from noise, light and all the other impacts a commercial development would give in this location. Just looking at the zoning map, it is an island of commercial in the middle of residential which does not make sense.

Mr. Pasquale Visioli of 6294 Bucks Rd asks the commission use common sense when deliberating. When looking at the commercial development that was referenced earlier in Dover and comparing it to this location, it will be like stuffing 10 pounds of coal in a 5 pound bag on top of all the access problems. When they say there are options that include purchasing more property in order to gain a different access, they won't say where they are buying property. Too many questions being left unanswered.

Mr. William Pfaffenhauser of 25 Goldenrod Cir is concerned with the access issues. There was a real bad intersection not that long ago that DeIDOT reconfigured into what we have now. Adding additional traffic in this area will create problems. He agreed with Mr. Visioli with there is a lot being crammed into a small area and a convergence of vehicles.

Ms. Jan Schwarzenback of 109 Hickory Branch Ct stated she and others did not respond to Mr. Lacaillade's email because it asked what stores we wanted in the location and by not responding that meant we didn't need any. We have plenty of shopping in Dover and Rehoboth. Traffic will become a mess with this property changed to commercial.

Commissioner Lynch reminded the audience from Hearthstone there is already a large parcel of land zoned commercial so they may still have these same problems on the west side of Rt 1 anyway.

Ms. Karen Gillespie of 6552 Cedar Neck built there home where they did so they could be in the country. She referred to when the overpass was being constructed and how her home was damaged because of the construction although DeIDOT would not admit it. Now that the overpass is complete she no longer feels safe in her home because of the increased traffic pulling into her driveway all the time. She's just tired of it all. Lastly, what is going to happen to all the small businesses downtown with a new shopping facility here?

Ms. Cathy Merrill of 5642 Bucks Rd moved here because it was in a country setting and would hate to see commercial so close to it. If we do get a wonderful new department store, what will happen to Peeble's in town? What will happen to the stores downtown? It's a shame to see new businesses take away from the small businesses already established. She saw it happen where she moved from in New Jersey.

Mr. Terry Andrews of 205 Matthew Cir recalled what the commission had just talked about during the workshop. They wanted to keep the small town feeling, but this doesn't seem like it's keeping with that.

Ms. Gillespie spoke again stating her properties may not survive another overpass construction.

Mr. Naegeli spoke again adding the commission spoke earlier in the workshop about the importance of public safety. The neighbors will be less safe by changing this commercial zoning.

Mr. Henry Lacaillade of 4402F Fullerton Ct repeated what he stated earlier in that he sent an email and of the replies he received, 1 was not positive.

Mr. Leonard Ramsey of 320 Matthew Cir agrees the residents are not being looked after. First it was a water tower that was to go up right next to Matlinds, then it was a 45' billboard. Now it's this traffic and access road.

Mr. Komba Kpakiwa of 30063 Stage Coach Cir spoke again reiterating Ms. Thawley may have violated her financial responsibility to Knollac Acres.

Ms. Sara Donald of 38 Lexington Dr explained she moved here several years ago to enjoy the availability of shopping in either direction but having the quietness of the area. What she didn't realize when she bought was the amount of traffic that comes down her street from both Elks Lodge Rd and Rehoboth Blvd using her street as a cut through. She feels sorry for the people Knollac Acres if there is even the possibility of a cut through being in their development. The pot holes and speed bumps are horrible and not taken care of. It would be naive to think area roads will not be used as short cuts, because it's already happening in Shawnee Acres. When looking at Hearthstone, the same developer didn't take care of it and the retention ponds create a major problem for Shawnee Acres. If the developer hasn't taken care of the property on the west side of Rt 1, what makes anyone think they would take care of a development on the east side of Rt 1.

Ms. Judy Ingram of 5454 Bucks Rd explained there are many farms on the east side of Rt 1, one she can think off the top of her head that is now in its fourth generation. The residents east of Rt 1 like the country setting and are against commercial.

Mr. Edward Merrill of 5642 Bucks Rd prays and pleads the area on Bucks Road stays the way it is.

Mr. Pierce received a letter from Bayhealth today and read it into the record. (a copy will be attached to the minutes.)

At 9:19 pm Chairman Sharp closed the public hearing.

Solicitor Rutt asked Chairman Sharp to have the audience raise their hands to determine how many are in favor and how many opposed. 5 were in favor and 43 were opposed according to a show of hands.

Mr. Boyle stated when he received his packet and began reviewing this item on the agenda he immediately went to the comprehensive plan and SE master plan. In general these properties were reviewed in great detail during the development of the current comprehensive and master plan. From what Mr. Boyle could gather, the driving force behind the properties being changed in the master plan was it is an awkward physical location, the road network doesn't support heavy commercial use and is better suited for residential and as far as Milford is concerned, there are too many elements that lie outside its control.

When reading the state agency comments, many red flags came up. The reviews by the Office of State Planning, the Dept of Transportation and the Dept of Natural Resources all raise very serious concerns as to the advisability of amending the plans to change the designation to commercial.

The Office of State Planning made comments that, to summarize, the request represents a significant deviation from land use concept put forward in the comprehensive and master plans that could result in a domino effect that could have wide ranging consequences upon other elements including transportation in and around the property being considered, environmental and agricultural projects and preservation. Commercial use of these properties is not recommended in either the comprehensive or master plan due to the difficulty of road access and proximity of low density existing planned residential communities.

The Office of State Planning cautioned that amendments to the plans should be infrequent and not done on a piece meal basis which led Mr. Boyle to wonder what significant changes have occurred to suddenly warrant consideration of commercial for this property.

DelDOT had very significant comments. Again, DelDOT will ultimately determine how access will be provided to the property and limits the City's control over that. DelDOT is on record as stating it will not allow direct access from Rt 1 thereby forcing access through existing residential communities or conducting significant upgrades to existing feeder roads. Currently the properties are accessible from Rt 1 via Bucks Road or Cedar Neck Road through a residential community, Knollac Acres. Access from Cedar Neck Rd would be difficult if not impossible and would require significant road improvements as yet not determined or in its planning for this area at this point.

Improvements would have to be made to Beaver Dam Rd by constructing a bridge literally through the back yards of residents in the Meadows at Shawnee to connect over Rt 1 to hook up with Cedar Neck Rd and then improvements again on Bucks Rd, Sapp Rd, Cedar Beach Rd.

Modifying access from Rt 1 northbound could utilize the existing flyover from Business Rt 1, but this will require Federal Highway approval. DelDOT suggests there may be other better locations in the City for highway commercial development.

The Dept of Natural Resources states there is a potential for up to 80% of the land under consideration to be impervious coverage causing a negative impact on area water quality and stormwater management.

Mr. Boyle stated the proposed amendment presents more probable negative impacts than positive. The plans are development with considerable work by the City and state agencies along with citizen input providing a vision that establishes a degree of certainty for developers, residents and those looking to move here. Seemingly there is no apparent significant, compelling or overriding circumstance which has occurred to warrant supporting the proposed amendment. The properties will be reviewed again as part of the process for updating our comprehensive and master plans which are now in process.

The location of these properties would require, for this go forward, to compromise the current residential communities to afford access to the property ranging from construction of an access road through Knollac Acres to the demolition of currently occupied homes on Cedar Neck Road, major improvements to existing roads or a bridge over Rt 1 reconnecting Beaver Dam and Bucks Rd running through the back yards of neighborhoods and turning Kirby and Beaver Dam Roads from current neighborhood roads into thoroughfare access roads or feeder roads.

In other words, the proposal runs contrary to the long range goals set forth in the comprehensive and master plans with major negative impacts upon established residential communities and disrupting other areas in the SE region already designated for residential use.

Mr. Fulton referenced the workshop meeting held prior to this meeting whereby the upcoming comprehensive plan was discussed and a lot of the words spoken were “hometown feel, character, environment”. This proposal goes against a lot of those things. Mr. Fulton made a motion to recommend denial of the application due to lack of access point to the property, potential environmental impacts and in accordance to Delaware Code Title 22, Chapter 7 the impact on community character. Motion was seconded by Mr. Holloway. Motion carried unanimously with the commission voting as follows:

Mr. Holloway: No- He is concerned already... Chairman Sharp advised Mr. Holloway by voting No he is recommending approval of the ordinance. Mr. Rutt agreed. Mr. Holloway stated he is changing his vote to Yes. He is concerned already about the area to the SE of this property as it has already been designated as Employment Center. We don't know exactly what is going to go there yet, but it will box the development in on one side. Having approved this proposal would box it in on the other side. While Mr. Holloway welcomes new business to Milford, but suggests all commercial developers look for location where they are not impacting existing residential communities. Approving this request would preserve the developer's investment, but denying it will preserve the investments of the many, many residents in the area.

Mr. Fulton: Yes due to the impact on the community character; not keeping with our visions.

Ms. Pletcher: Yes because the impact it will have on downtown businesses as well as residents in the proposed area and the already designated commercial districts along Rt 1.

Mr. Lynch: Yes for many of the reasons already mentioned. We are talking about a development that would have a serious impact on not only the traffic but the neighborhood that is already there. He does agree there is property that is zoned C3 for development already; with Rt 1 to the east, Bayhealth Campus to the west and Wilkins Road to the north. To him that is sufficient property right now for commercial development to meet the needs of the area. The negative impact, the traffic and the existing neighborhood are his reasons for voting yes.

Mr. Boyle: Yes. He feels the proposal does not comply with the comprehensive or master plan. In addition, if we are to manage growth, we already have 275 acres of land already zoned for C3 development. This will just add another 100 acres and it becomes a piece meal operation.

Chairman Sharp: Yes for many of the reasons stated; the main reason being the comprehensive plan.

**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, the Mayor and City Council held a duly advertised public hearing on the third amendment to the Southeast Master Plan and the sixth 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.

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, said amendment to the 2008 Comprehensive Plan which amends the 2011 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 an informal review and comment on the proposed amendments on October 12, 2016; and

WHEREAS, the City of Milford Planning Commission held a duly advertised public hearing for the purpose of public review and comment on the third amendment to the 2011 Southeast Master Plan and the sixth amendment of the 2008 Comprehensive Plan on October 18, 2016 and hereby recommends approval and adoption of the third amendment to the 2011 Southeast Master Plan and the sixth amendment of the 2008 Comprehensive Plan, and

WHEREAS, the Mayor and City Council held a duly advertised public hearing on the third amendment to the 2011 Southeast Master Plan and the sixth amendment of the 2008 Comprehensive Plan on October 24, 2016, at which time the proposed amendments of the 2011 Southeast Master Plan and 2008 Comprehensive Plan were reviewed with the public.

NOW THEREFORE, THE CITY OF MILFORD HEREBY ORDAINS that the third amendment to the Southeast Master Plan is hereby adopted on October 24, 2016 by enacting the sixth amendment to the 2008 Comprehensive Plan and made effective as the amended 2008 Comprehensive Plan for Milford on this 24th day of October, 2016 and thereby becoming effective the 3rd day of November 2016.

Public Workshop: October 12, 2016

City Council Introduction: October 10, 2016

Planning Commission Review & Public Hearing: October 18, 2016

City Council Review & Public Hearing: October 24, 2016

Adoption: October 24, 2016

Effective: November 3, 2016

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

Chairman Sharp took a recess at 9:37 p.m. before continuing with the meeting.

DRAFT

TITLE 22

Municipalities

CHAPTER 7. PLANNING COMMISSION

§ 701 Establishment; membership.

Any incorporated city or town may at any time establish a planning commission under this chapter. A planning commission established hereunder shall consist of not less than 5 nor more than 9 members. Such members shall in cities be appointed by the mayor, subject to confirmation by the city council, and in towns where there is not a mayor shall be elected by the town commissioners. When a planning commission is first established the members thereof shall be appointed or elected for terms of such length and shall be so arranged that the term of at least 1 member shall expire each year and their successor shall be appointed or elected for terms of 2 to 5 years each. Any member of the planning commission so established in a city may be removed for cause after a public hearing by the mayor with the approval of city council; members of the planning commission elected by town commissioners shall be removed by them for cause after a public hearing by a majority vote. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in a city in the same manner as an original appointment and in a town by the town commissioners. Such a planning commission shall elect annually a chairperson and a secretary from among its own number and may employ experts, clerical and other assistants. It may appoint a custodian of its plan and records who may be the city engineer or town clerk.

22 Del. C. 1953, § 701; 49 Del. Laws, c. 415, § 1; 59 Del. Laws, c. 463, § 1; 70 Del. Laws, c. 186, § 1.;

§ 702 Comprehensive development plan.

(a) A planning commission established by any incorporated municipality under this chapter shall prepare a comprehensive plan for the city or town or portions thereof as the commission deems appropriate. It is the purpose of this section to encourage the most appropriate uses of the physical and fiscal resources of the municipality and the coordination of municipal growth, development and infrastructure investment actions with those of other municipalities, counties and the State through a process of municipal comprehensive planning.

(b) Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues. The comprehensive planning process shall demonstrate coordination with other municipalities, the county and the State during plan preparation. The comprehensive plan for municipalities of greater than 2,000 population shall also contain, as appropriate to the size and character of the jurisdiction, a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements, goals and planning components for public and private uses of land, transportation, economic development, affordable housing, community facilities, open spaces and recreation, protection of sensitive areas, community design, adequate water and wastewater systems, protection of historic and cultural resources, annexation and such other elements which in accordance with present and future needs, in the judgment of the municipality, best promotes the health, safety, prosperity and general public welfare of the jurisdiction's residents.

(c) The comprehensive plan shall be the basis for the development of zoning regulations as permitted pursuant to Chapter 3 of this title. Should a jurisdiction exercise its authority to establish municipal zoning regulations pursuant to Chapter 3 of this title, it shall, within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan.

(d) After a comprehensive plan or portion thereof has been adopted by the municipality in accordance to this chapter, the comprehensive plan shall have the force of law and no development shall be permitted except as consistent with the plan.

(e) At least every 5 years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary, and readopted at least every 10 years; provided, however, the municipality may request an extension of such date by forwarding an official request to the Cabinet Committee at least 90 days prior to the deadline. The basis for the request shall be clearly indicated. The decision whether to grant a request an extension, and the duration of such extension, shall be at the discretion of the Cabinet Committee.

(f) The comprehensive plan or amendments or revisions thereto shall be submitted to the Office of State Planning Coordination for review at such time as the plan is made available for public review. The plan shall be reviewed in accordance with the comprehensive plan review and certification process detailed in § 9103 of Title 29.

(g) Municipalities shall provide to the Office of State Planning Coordination a report describing implementation of their comprehensive plan and identifying development issues, trends or conditions since the plan was last adopted or amended. The report shall be due

annually no later than on each anniversary of the effective date of the most recently adopted comprehensive plan or plan update until January 1, 2012, and annually no later than July 1 each year thereafter starting on July 1, 2012.

22 Del. C. 1953, § 702; 49 Del. Laws, c. 415, § 1; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 477, § 1; 73 Del. Laws, c. 186, §§ 7-9; 78 Del. Laws, c. 92, §§ 26-28.;

§ 703 General studies and reports.

The planning commission shall have full power and authority to make such investigations, maps and reports of the resources, possibilities and needs of the city or town as it deems desirable, providing the total expenditures of said commission shall not exceed the appropriation for its expenses. Upon completion of any such reports the planning commission shall submit the same to the city council or town commissioners with its recommendations. It shall report annually to the city council or town commissioners on the activities of the planning commission during the preceding year.

22 Del. C. 1953, § 703; 49 Del. Laws, c. 415, § 1.;

§ 704 Adoption of official map.

Each incorporated city or town established under this title may, by action of its city council or town commissioners, adopt an official map prepared under the direction of such planning commission and showing the public ways and parks therein as theretofore laid out and established by law and the private ways then existing and used in common by more than 2 owners. Such official map is hereby declared to be established to conserve and promote the public health, safety and general welfare. Upon the adoption of such a map and upon any change therein or addition thereto made, as hereinafter provided, the city or town clerk shall forthwith file with the recorder of deeds in the respective counties a certificate of such action and a copy of such map as adopted or as changed or added to.

22 Del. C. 1953, § 704; 49 Del. Laws, c. 415, § 1.;

§ 705 Change of or addition to official map.

An incorporated city or town so adopting an official map by action of its city council or town commissioners may, whenever and as often as it may deem it for the public interest, change or add to such map, so as to place thereon lines and notations showing existing or proposed locations not theretofore mapped of new or widened public ways and new or enlarged parks and proposed discontinuances in whole or in part of existing or mapped public ways and parks. No such change or addition shall become effective until after a public hearing in relation thereto before the city council or town commissioners, at which parties in interest shall have an opportunity to be heard. At least 10 days' notice of such a public hearing shall be given by advertisement in a newspaper of general circulation in the city or town or in the county in which the city or town is located. No such change or addition which has not been previously recommended by the planning commission established by this chapter shall be adopted until after a report thereon by said commission and no variance from a plan prepared or approved by said planning commission shall be made except by a 2/3 vote of all



Kent General Hospital | 640 South State Street | Dover, DE 19901 | 302.744.7000 | 302.744.7181 fax
Milford Memorial Hospital | 21 West Clarke Avenue | Milford, DE 19963 | 302.430.5942 | 302.430.5598 fax

Terence M. Murphy, FACHE
President and Chief Executive Officer
Mail Code: 1107

October 18, 2016

VIA EMAIL & HAND DELIVERY

Planning & Zoning Commission
City of Milford
201 S Walnut Street
Milford, DE 19963

Attention: Robert Pierce, City Planner

Re: Proposed Amendment to South East Neighborhood Master Plan

Ladies and Gentlemen:

We submit this letter in connection with the proposed amendment to the South East Neighborhood Master Plan ("Master Plan") which would change the future land use designations for the Dugan and the Mr. Wiggles farms located on the easterly side of Route 1 from the current residential designation to a highway commercial designation.

It is our understanding that these properties were originally designated for commercial use in the City's 2008 Comprehensive Land Use Plan, but that those designations were subsequently amended in 2011, in part, because other land, including land now under development by Bayhealth was then designated to meet anticipated commercial development needs in the Master Plan area.

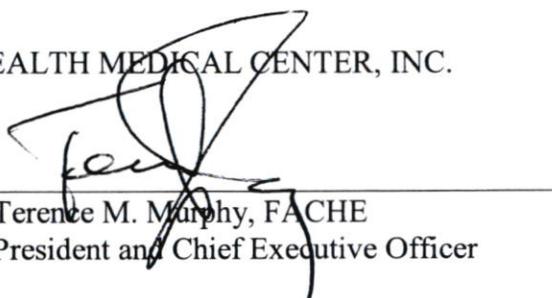
We recognize that reconsideration of elements of the Master Plan, as time passes and development takes place within the Master Plan area, has occurred and is necessary to assure that future use designations continue to reflect evolving development activities, meet the needs of the community and continue to support the Master Plan's rationale and objectives. Accordingly, we support the review of the future use designations for these properties by the Planning & Zoning Commission and the City Council in light of the recent development activity in the Master Plan area to assure that future use designations for these properties are appropriate and to provide continuing guidance for the future development of the South East Neighborhood Plan area.

Planning Commission
City of Milford
October 18, 2016
Page 2

Thank you for your consideration of this matter.

Very truly yours,

BAYHEALTH MEDICAL CENTER, INC.

By: 

Terence M. Murphy, FACHE
President and Chief Executive Officer

/nc

Bcc: James Griffin, Esq.
Walter P. McEvelly, Jr., Esq.
Richard J. King, Esq.

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Name of Municipality: City of Milford	
Address: 201 S Walnut Street Milford, DE 19963	Contact Person: Rob Pierce
	Phone Number: (302) 424-3712
	Fax Number: (302) 424-3558
	E-mail Address: rpierce@milford-de.gov

Date of Most Recently Certified Comprehensive Plan: 01/26/09

Application Type: Comprehensive Plan Amendment: Amend Future Land Use Map

Ordinance: N/A

Other: N/A

Comprehensive Plan Amendment or Municipal Ordinance prepared by:	
Address: 201 S Walnut Street Milford, DE 19963	Contact Person: Rob Pierce
	Phone Number: (302) 424-3712
	Fax Number: (302) 424-3558
	E-mail Address: rpierce@milford-de.gov

Maps Prepared by: City of Milford	
Address: 201 S Walnut Street Milford, DE 19963	Contact Person: Rob Pierce
	Phone Number: (302) 424-3712
	Fax Number: (302) 424-3558
	E-mail Address: rpierce@milford-de.gov

Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances

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122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Please describe the submission:

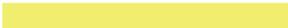
Parcels 330-11.00-56.00, 330-11.00-70.00, 70.02, 70.03, 70.05, 70.06, & 70.07 located along the east side of Route 1 between Cedar Neck Road and Bucks Road in Milford. These lots are currently agricultural use except for parcel 70.00 which is the site of the farm house. Parcel 70.03 is located within City limits and is zoned C-3 (Highway Commercial). Parcel 56.00 is currently within City limits and is zoned R-1 (Residential District). The remaining parcels are not within City limits and are shown as Residential - Low Density Future Land Use. The City requests an amendment to the future Land Use Map of the Southeast Master Plan changing the land use from Residential - Low Density to Highway Commercial. The proposed commercial land use area will replace the previously designated commercial area that was changed to Employment as part of the Bayhealth Amendment submitted earlier this year. The City anticipates ancillary commercial needs close to the planned medical campus.



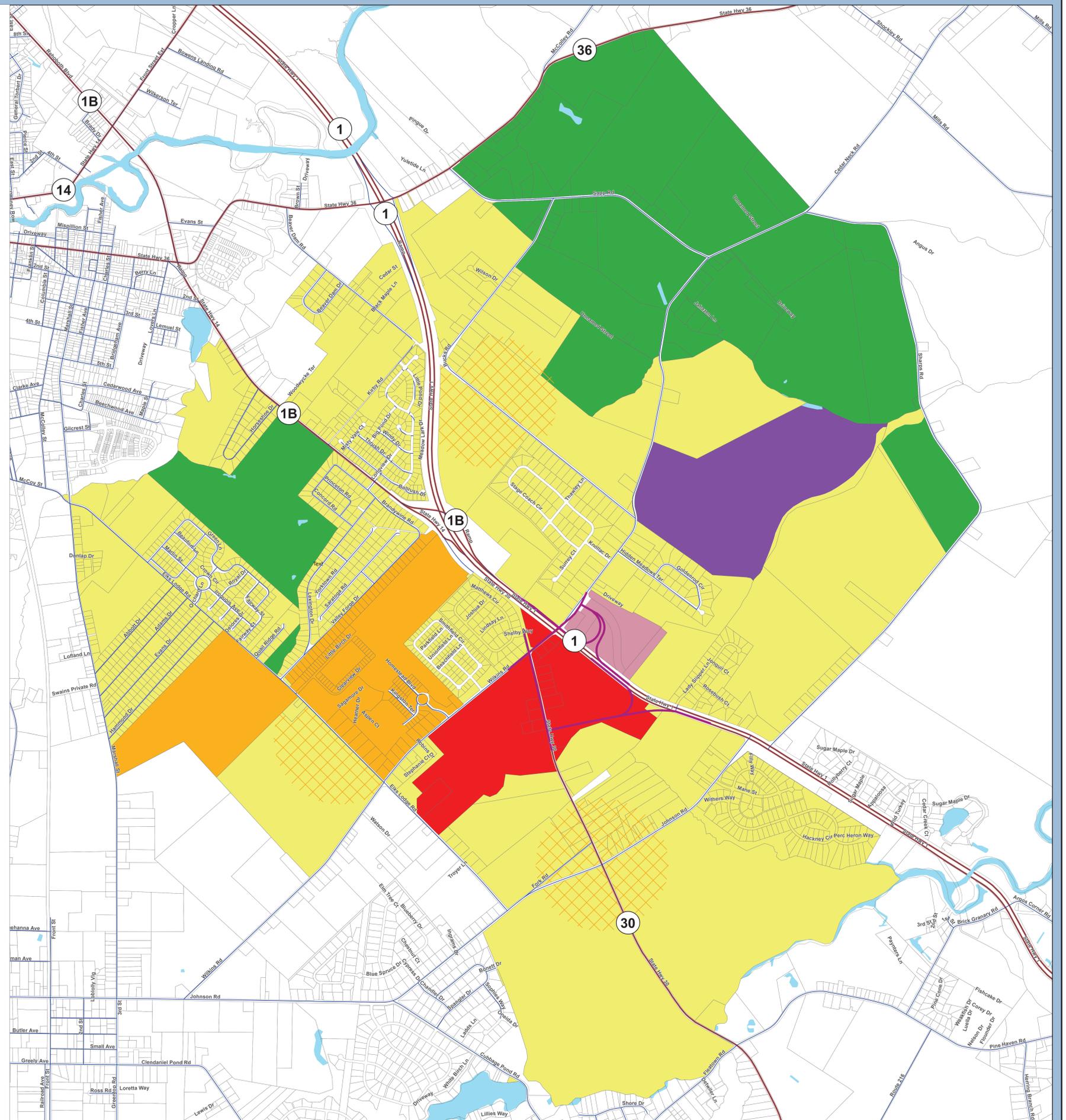
Milford South East Neighborhood Master Plan

Map #1 Land Use

Legend

-  Residential - Low Density
-  Residential - High Density
-  Open Space Agricultural
-  Employment Center
-  Commercial
-  TDR Receiving Areas
-  DeIDOT Owned Property

Map created by DelDOT Division of Planning



Milford South East Neighborhood Master Plan

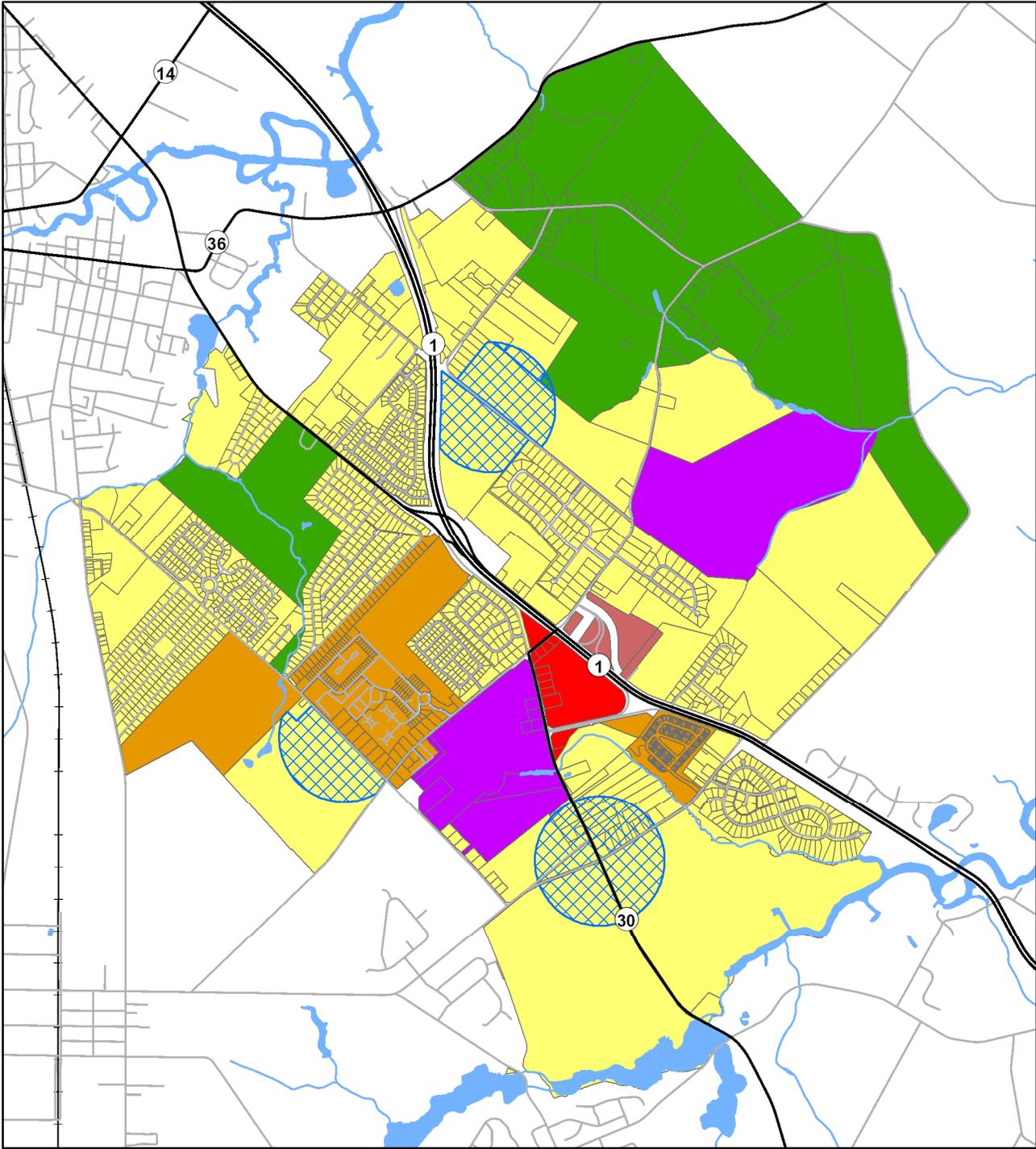
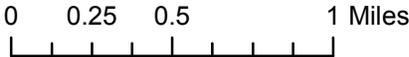
Map #1 Land Use

Current

Revised May 2015

Legend

- Residential - Low Density
- Residential - High Density
- Open Space Agriculture
- Employment Center
- Commercial
- DeIDOT Owned
- TDR Receiving Areas



Milford South East Neighborhood Master Plan

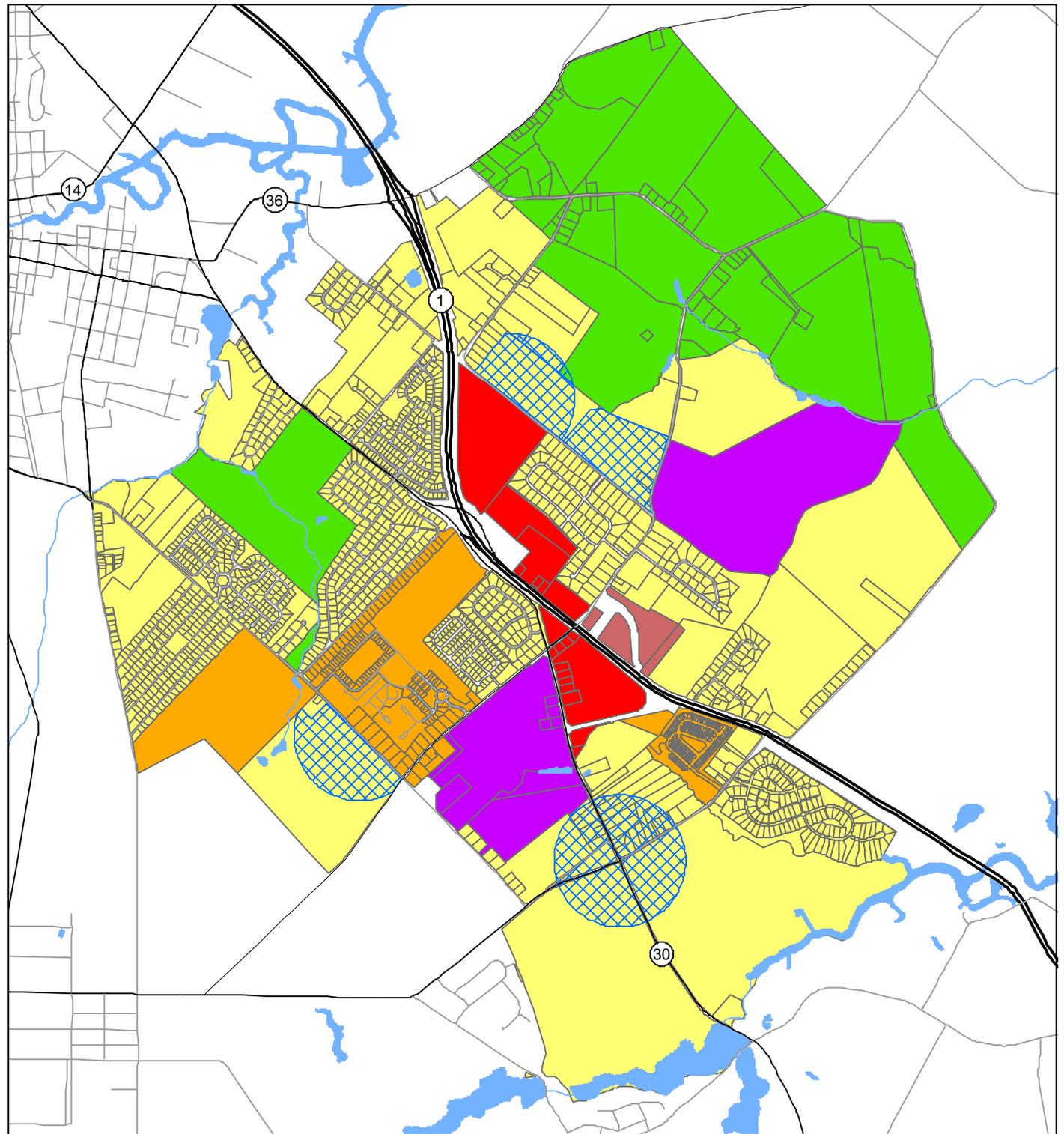
Map #1 Land Use

Revised October 2015

Proposed

Legend

- Commercial
- DeIDOT Owned
- Employment Center
- Open Space Agriculture
- Residential - High Density
- Residential - Low Density
- TDR Receiving Areas



Milford South East Neighborhood Master Plan

Map #2 Land Use & Agriculture

Revised October 2015

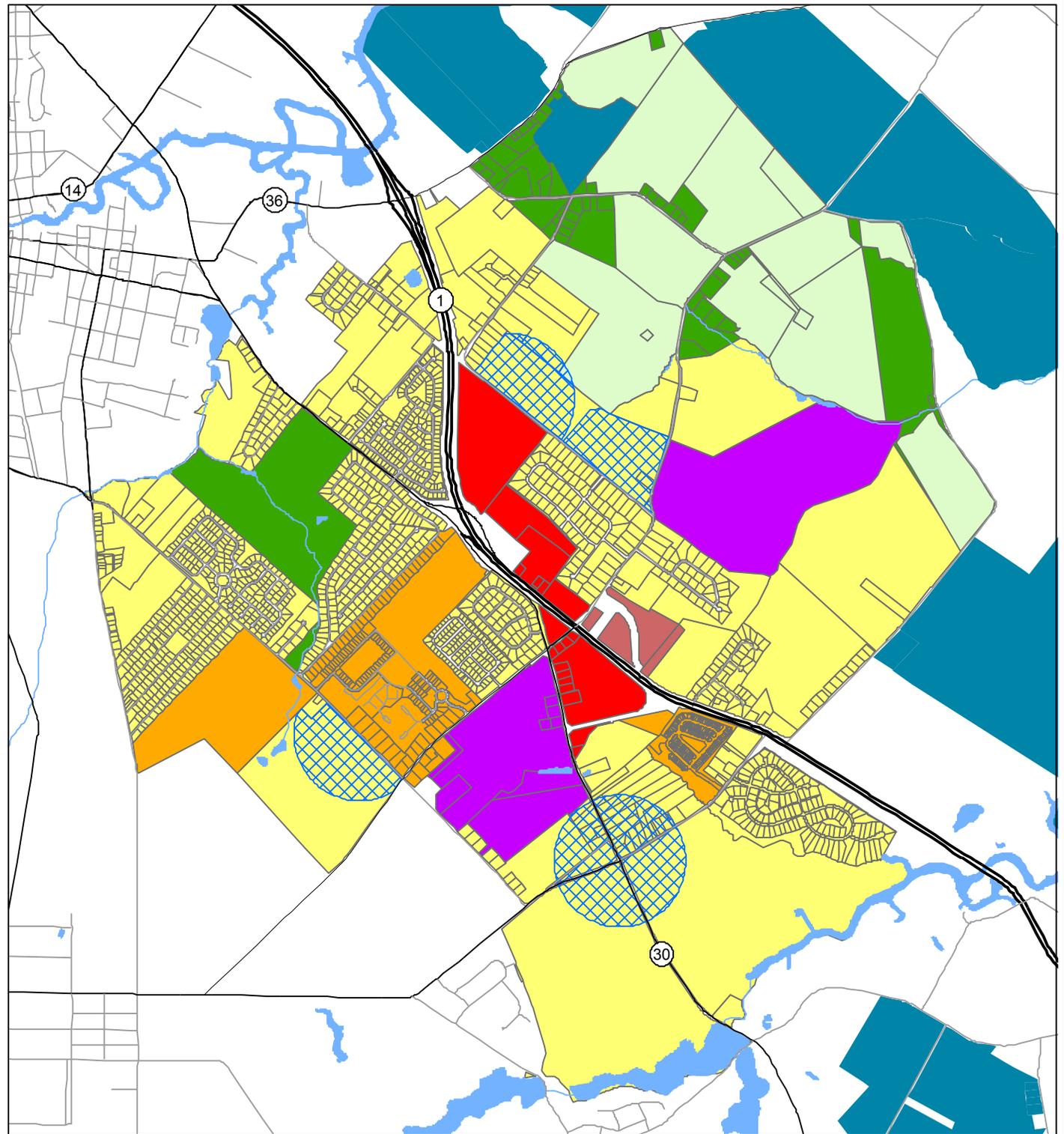
Proposed

Legend

- Commercial
- DeIDOT Owned
- Employment Center
- Open Space Agriculture
- Residential - High Density
- Residential - Low Density
- TDR Receiving Areas
- Agricultural Easement
- TDR Sending Areas



0 0.25 0.5 1 Miles



Milford South East Neighborhood Master Plan

Map #4 Land Use & Transportation Recommendations

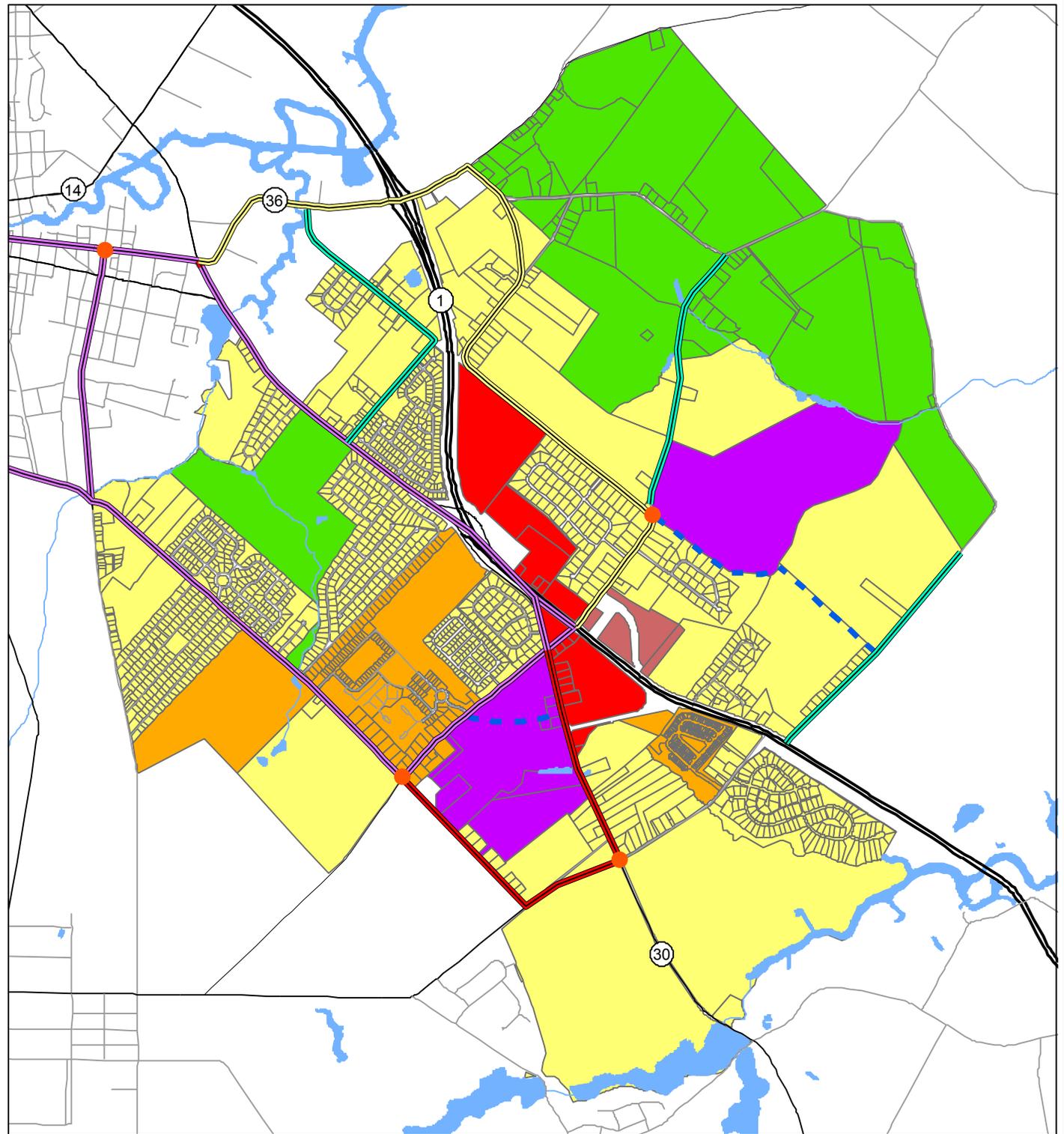
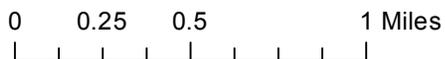
Proposed

Revised October 2015

Legend

-  Proposed Intersection Improvements
-  Proposed Additional Road Upgrades
-  Phase 1 - Transit Circulator/Road Upgrade
-  Phase 2 - Transit Circulator/Road Upgrade
-  Phase 3 - Transit Circulator/Road Upgrade
-  Proposed New Connector Roads*
-  Commercial
-  DeIDOT Owned
-  Employment Center
-  Open Space Agriculture
-  Residential - High Density
-  Residential - Low Density

*Conceptual alignment subject to change





**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

December 23, 2015

Mr. Rob Pierce
City of Milford
201 Walnut Street
Milford, DE 19963

RE: PLUS review 2015-11-01, City of Milford Comprehensive Plan Amendment

Dear Rob,

Thank you for meeting with State agency planners on November 25, 2015 to discuss the proposed comprehensive Plan Amendments for the City of Milford. The amendment changes the Future Land Use designation of certain parcels along the east side of Route 1 within the Southeast Neighborhood Master Plan.

Recommendations: Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact David Edgell 739-3090

This proposal represents an amendment to the Southeast Neighborhood Master Plan. The SE Neighborhood Master Plan was the result of a broad and inclusive planning process that took over three years to complete. The process was unique in that the City and various State agencies, including the OSPC, DelDOT, DNREC and the DDA, entered into a partnership to create the Master Plan. An extensive public participation element was a part of the process, with local residents and property owners actively giving input and responding to various model land use scenarios. In the end, the entities prepared plan elements based upon their areas of expertise and the plan was ultimately adopted by the City of Milford. To demonstrate the agencies continued commitment to implement the Master Plan, the Cabinet Secretaries and Directors of the OSPC, DDA, DNREC, and DelDOT signed an agreement along with Milford's Mayor.

With this as background, it is our recommendation that the City reconvene the parties to the Master Plan to more thoroughly evaluate this proposed land use change. This is a significant

deviation from the land use concept proposed in the Master Plan, and a change such as this could have impacts on other plan elements including transportation, environmental protection, agricultural preservation and the proposed TDR program. It is also highly recommended that the public be fully engaged and consulted about this proposed Master Plan amendment.

The OSPC will fully participate, and will work with the relevant State Agencies to coordinate their activities and participation in this process.

Here are some initial thoughts about the proposed land use change:

- Some of these parcels (probably all except 3-30-11.00-56.00) were considered for commercial use during the initial phases of the Master Plan. Commercial use for these parcels was not ultimately recommended due to difficulty gaining road access and the proximity to low density residential uses. It was also decided to place a higher density “TDR Receiving Area” in this location. The location is important due to the link to the proposed public transportation network (transit loop) and the need to include a higher density “node” with capacity to absorb TDR credits.
- The access issues were discussed at a meeting with DelDOT on July 29, 2015. At that meeting DelDOT reviewed a number of legal and technical impediments to gaining commercial access in this location. These issues will have to be addressed and resolved through the Master Planning Process.

Finally, it will be important for the City of Milford to address the Master Plan amendment and the overall Comprehensive Plan update in a methodical fashion. This is the third plan amendment proposed and reviewed through PLUS since May of 2015. Comprehensive Plans and Master Plans are long range planning documents, and should not be amended on a regular basis or in a piecemeal fashion. It is recommended that the City of Milford work on an overall schedule to complete the update to the comprehensive plan and the Master Plan that avoids incremental and piecemeal amendments. In this way, predictability will be ensured while also allowing for due process through the participation in the update cycles.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- DelDOT has no regulations that directly affect the City with regard to the proposed amendment. However, DelDOT does have regulations that bear on how the subject lands can be accessed and that access may influence the City’s consideration of the proposed amendment.

Section 1.2 of DelDOT’s Development Coordination Manual contains the policy with regard to entrance location (Section 1.2.1) and deeded access rights (Section 1.2.2). In accordance with these sections, the subject lands can be accessed as follows. The Mr. Wiggles property (Tax Parcel No. 3-30-11.00-56.00) can obtain access only on Bucks Road (a.k.a. Beaver Dam Road, Sussex Road 210). The Thawley property (collectively Tax Parcel Nos. 70.00, 70.02, 70.03, 70.05, 70.06 and 70.07) has access at a single point on Delaware Route 1 for the purpose of maintaining the existing farm on Parcels 70.00,

70.02 and 70.03 and one house each on Parcels 70.00, 70.05, 70.06 and 70.07. The Thawley property also has access for the same purposes at the south end of Thawley Lane in Knollac Acres. Parcel 70.03 could obtain access for commercial purposes on Cedar Neck Road (Sussex Road 206) although DelDOT acknowledges that a bridge approach may limit what can be built along the frontage of the Thawley Property on Cedar Neck Road.

Delaware Code Title 17, Section 145, authorizes DelDOT to develop and maintain a Corridor Capacity Preservation Program (CCPP) by which DelDOT manages access along high-volume roads included in that program for the purpose of maintaining the flow of through traffic. Delaware Route 1, from Dover Air Force Base to Nassau, is in the CCPP. Therefore, because the subject lands have other access as discussed above, DelDOT will not permit these lands to have commercial access on Route 1.

While DelDOT respects the City's right to designate future land uses and zoning as it sees fit, we suggest that there may be other locations in the city better suited for highway commercial development. As mentioned above, some limited commercial access to Tax Parcel No. 70.03 is possible on Cedar Neck Road. However, the assembled parcels would total about 118 acres and access suitable for serving this much commercial development on the Thawley property is only possible on Bucks Road, about 1.2 miles from the Route 1 interchange at Delaware Route 30 and about 1.7 miles from the Route 1 interchange at Delaware Route 36. While the subject parcels are visible from Route 1, in DelDOT's experience most highway commercial uses want more direct access.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

With the exception of new comments on sea level rise, the comments that DNREC submitted in March 2011 on the Milford SE Planning Area are still valid.

Sea Level Rise.

- Portions of the City of Milford and its surroundings will be subject to direct and permanent inundation from sea level rise (<http://www.dnrec.delaware.gov/Pages/SLRMaps.aspx>). Sea levels in Delaware have risen by about a foot over the past century (NOAA, 2014). This rate of sea level rise is likely to accelerate in the coming decades as a result of global climate change and local subsidence. Accelerated sea level rise will result in permanent flooding of low-lying coastal areas, increased risk of flood damage during storms and increased frequency of nuisance flooding (DNREC, 2012).

Recommendations:

1. The City should consider additional land use controls for the areas subject to 1.5 meter of sea level rise.

2. To reduce the costs of providing infrastructure the City should consider not permitting roads, sewer or water to be extended into areas subject to 1.5 meter of sea level rise.
3. The City should consider avoiding new structures within a mapped Sea Level Rise Area. Where such development cannot be avoided, new structures should be built with an additional 18 inches of freeboard to protect the health, safety and general welfare of people occupying and using the structures.
4. If you would like any additional information please contact Delaware Coastal Programs at (302) 739-9283.

References:

NOAA (National Oceanic and Atmospheric Administration). (2014). Mean Sea Level Trend, Lewes, DE. Retrieved from http://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?stnid=8557380.

DNREC Delaware Coastal Programs. (2012). Preparing for Tomorrow's High Tide: Sea Level Rise Vulnerability Assessment for the State of Delaware. Dover, DE: Department of Natural Resources and Environmental Control. Retrieved from <http://de.gov/slrva>.

State Historic Preservation Office – Contact: Terence Burns 7367404

There is an existing 19th-c. agricultural complex (S03743) on one of the parcels proposed for commercial rezoning. This complex is not eligible for the National Register of Historic Places. However, documentary research done in this area notes the presence of the Hill Family Cemetery on the parcel to the north of this complex. The exact location is not known.

Abandoned and unmarked family cemeteries are common on farms in Delaware. Disturbing unmarked burials triggers Delaware's Unmarked Human Burials and Human Skeletal Remains Law of 1987 (7 Del. Code Ch. 54). Such discoveries can result in substantial delays while the procedures required under this law are carried out. DHCA recommends that owners and/or developers have a qualified archaeological consultant investigate their project area for the presence of such a cemetery. If one is discovered and delineated, it is very costly to have it archaeologically excavated and the burials moved. DHCA recommends that in the event of such a discovery, the plans be redrawn to leave the cemetery on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with a homeowners association or development owner. (For further information, see <http://history.delaware.gov/preservation/umhr.shtml> and <http://history.delaware.gov/preservation/cemeteries.shtml>)

Please note that changes to the plan, could result in additional comments from the State. Additionally, the lack of comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan.

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the typed name and title.

Constance C. Holland, AICP
Director, Office of State Planning Coordination



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION**

TO: Eric Norenberg, Milford City Manager
Rob Pierce, Milford City Planner

FROM: David Edgell, AICP, Principal Planner 

RE: Milford SE Neighborhood Master Plan, proposed amendment

DATE: October 3, 2016

CC: Connie Holland, AICP, Director

Thank you for attending our meeting on September 22 to discuss the proposed amendment to the City's Southeast Neighborhood Master Plan that was reviewed as PLUS 2015-11-01. As per the comments in the PLUS letter, we held the meeting with agency staff to gather additional comments on the proposed amendment. Attached you will find a summary of the comments discussed at the meeting from DeIDOT, DNREC and the DDA.

Please don't hesitate to contact me if you have any questions about the attached.

Delaware Department of Transportation Comments
Contact Bill Brockenbrough, (302) 760-2109

This message is to provide DelDOT's comments on a proposed amendment to Milford's Southeast Regional Master Plan. The amendment would re-designate an assemblage of parcels, presently designated for residential use, for commercial use with the intent of permitting the development of a regional shopping center or mall. The parcels, known as the Thawley and Mr. Wiggles Properties, are located on the east, or north, side of Delaware Route 1 and the north, or west, side of Cedar Neck Road. As we understand it, one of the parcels, on the northwest corner of Route 1 and Cedar Neck Road is already zoned for commercial use.

DelDOT does not regulate land use. Commercial development on these parcels would require significant road improvements that have yet to be fully determined much less included in our planning for the area.

Presently, the access to these parcels from Route 1 is limited to a single driveway, the use of which is limited to the existing farm and residential use on the existing residential lots. The intersection of Route 1 and Cedar Neck Road is grade-separated, and the geometry of that grade separation is such that direct access from Cedar Neck Road would be difficult if not impossible. Therefore, commercial development on these parcels presently would need to be by way of Beaver Dam Road.

Commercial development of the sort contemplated would require significant improvements to Beaver Dam Road and Cedar Neck Road, and likely also Bucks Road, Sapp Road and Cedar Beach Road. Specific improvements would need to be determined either through a Traffic Impact Study or the Land Use and Transportation Study associated with the Transportation Improvement District that DelDOT and the City are now contemplating for this area.

We have discussed, with the City, some ways in which a developer could improve their access to the subject land. One way would be to acquire a pair of residential properties on Cedar Neck Road across from the northbound Route 1 ramps and thereby obtain access at that ramp intersection. Another way, might be to modify the existing flyover ramp, from northbound Route 1 to northbound Route 1A, to allow for access into the land. Approval for this modification would be necessary from the Federal Highway Administration as well as from DelDOT. Finally, a bridge could be built across Route 1 to reconnect the two halves of Beaver Dam Road.

Delaware Department of Natural Resources and Environmental Control Comments
Contact Kevin Coyle, (302) 739-9071

When DNREC participated in the development of the SE Neighborhood Master Plan in 2011, we identified three areas of concern within the Master Plan project area. The proposed amendment to the Master Plan, changing some lands east of SR1 from residential to commercial zoning, does not occur in or near those three areas of concern. The Department would, however, like to note the following:

Impervious Cover. The development of approximately 150 acres of land for commercial activities will potentially result in a considerable amount of impervious cover. Impervious cover may have negative impacts on water quality and stormwater management, and it contributes to the urban heat island effect. DNREC recommends an abundant use of native vegetation and shade trees throughout the landscape, as well as pervious pavement and green infrastructure, wherever practicable, to protect water quality and to better accommodate stormwater management.

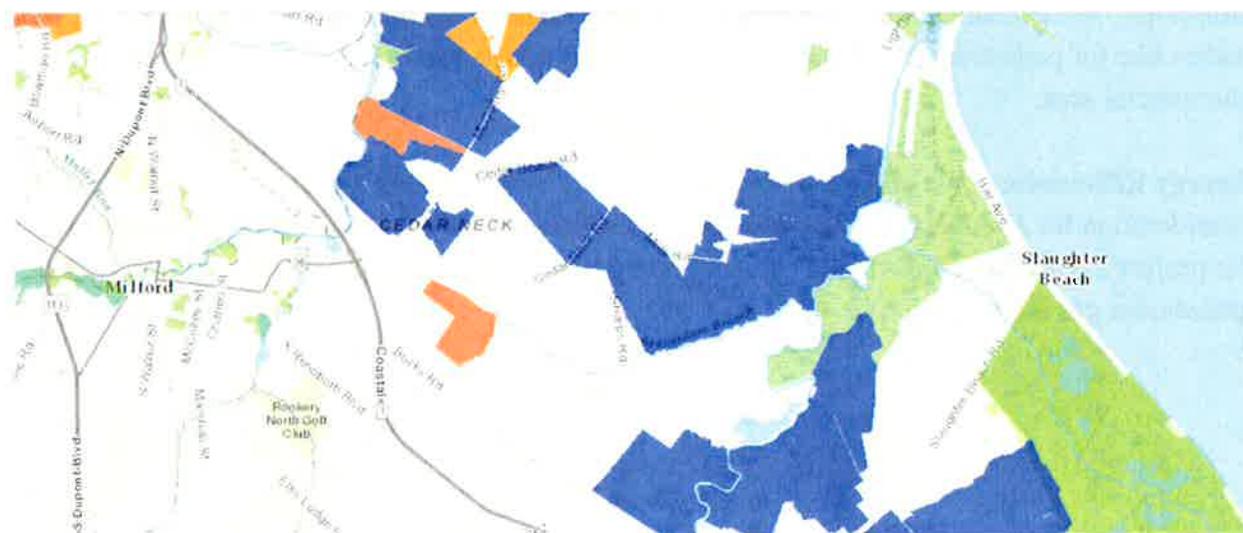
Air Quality. Increased traffic associated with commercial activities will result in increased air emissions. We encourage the developer to consider multi-modal transportation alternatives (sidewalks for pedestrian traffic, bike lanes/racks, and transit connections) in the design of the commercial area.

Energy Efficiencies. We encourage high energy efficiency building standards (with consideration for alternative energy sources), and infrastructure for electric plug-in vehicles in the project's parking design. These considerations promote clean sustainable energy and reduce greenhouse gas emissions.

Delaware Department of Agriculture Comments
Contact Scott Blaier, (302) 698-4532

The current version of the Milford Southeast Neighborhood Master plan already contains a component to permanently preserve viable farmland east of the city's corporate boundary. Through the master plan, both the city and state both saw an opportunity to create a "green belt" east of the city. This greenbelt would provide a gradual transition from the city's residential and commercial land use to the predominantly agricultural land use east of the city, and provide a demarcation to further development east. The Department of Agriculture (DDA) still believes the green belt concept is still viable, and would be glad to work with the city and other state agencies to bring it to fruition.

To date, the Delaware Agricultural Lands Preservation Foundation (DALPF) has permanently preserved over 3,000 acres of farmland east of the city through the purchase of development rights. In addition, there are several farms remaining in the area still awaiting easement purchase. The inset map shows the location of the preserved properties. The blue shaded parcels are permanently preserved, while orange properties are in program but not yet permanently preserved.



The master plan already contains a framework for implementing a transfer of development rights (TDR) program as a means to preserve farmland east of the city's boundary. In essence, the TDR program provides an opportunity for land developers to increase the density of their project in areas of the city where infrastructure and public transportation are available to accommodate such an increase. The developer would pay the city for allowing the increased density, who in turn would use those funds to preserve farmland on the eastern edge of the city.

While the city could implement its own TDR program internally, another option would be to partner with the DALPF to achieve a common goal. Instead of the city trying to find farmland to

preserve on their own, the city could use their funds to match existing state funds already allocated to the state's farmland preservation program. This would allow the city to further leverage its funds to increase the quantity of farmland they could preserve, and choose the farms it wants to preserve. The DALPF has already successfully partnered with all three counties in this manner.

There are a number of benefits to the city in this scenario. For example, because the DALPF will hold (or co-hold with the city) the farmland preservation easements, DALPF will incur the cost to monitor all the farms to ensure they comply with the preservation agreement. In addition, the DALPF would bear any future legal fees associated with uphold the farmland preservation easements.

In summary, the DDA believes the city's master plan already has working framework to implement a successful TDR program. The DDA would be glad to work with the city through its SE Neighborhood Master Plan and Comprehensive Plan to work out the details and start preserving farmland.

§ 230-14. - C-3 Highway Commercial District.

In a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

- A. Purpose. The purpose of the C-3 District is to provide for larger-scale commercial uses that may require large amounts of parking space or have a high traffic impact. These uses generally require locations on major arterial routes and serve both local and regional customers.
- B. Permitted uses. Permitted uses for the C-3 District shall be as follows:
 - (1) Those uses permitted in the C-2 District.
 - (2) Warehouses.
 - (3) Large retail outlets.
 - (4) Indoor storage accessory building.
 - (5) Fast-food restaurants and drive-in restaurants.
 - (6) Supermarkets.
 - (7) Truck and trailer rentals.
 - (8) Roadside produce market.
 - (9) Memorial stone shop.
 - (10) Outdoor commercial recreational facilities, not motorized vehicles.
 - (11) Swimming club.
 - (12) Indoor facility for amusement or assembly.
 - (13) Bus station.
- 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:

[Amended 10-12-1998 by Ord. No. 10-1998]

- (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.
- [Added 10-14-1991]
- (13) Car wash, all types (staffed, automatic, self-service, etc.).

[Added 6-14-1993]

- (14) Convenience stores with gas pumps.
- (15) Community residential treatment program.

[Added 9-13-1999 by Ord. No. 6-1999]

- (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.

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.
- (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.

[Ord. No. 2008-18, § 3, 8-24-2009; Ord. No. 2009-22, § 2, 9-27-2010]

§ 230-13. - C-2 Central Business District.

In a C-2 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

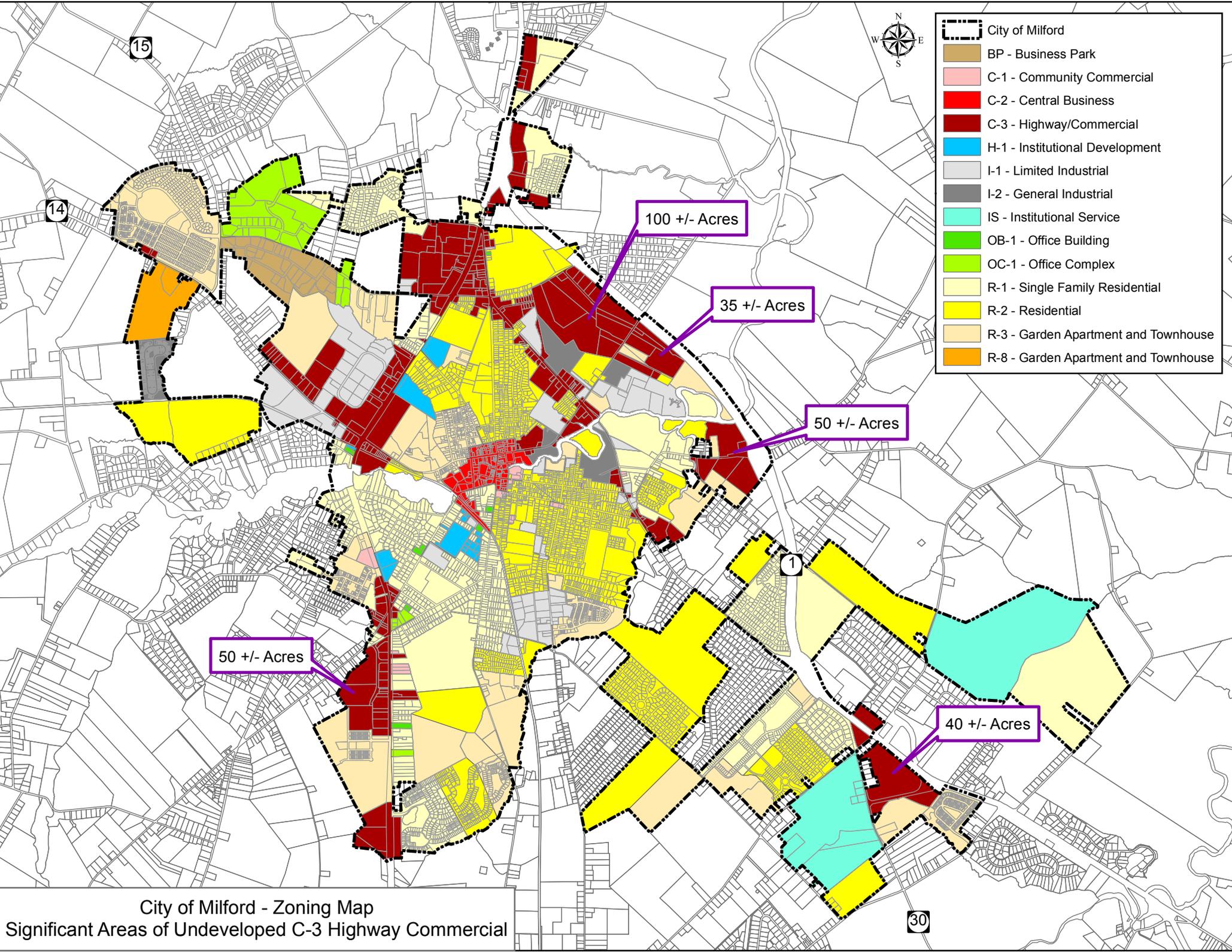
B. Permitted uses. Permitted uses for the C-2 District shall be as follows:

- (1) Those uses permitted in the C-1 District.
- (2) General merchandise stores, including such uses as department stores, apparel and accessories, hardware, shoes, drugs and variety stores.
- (3) Specialty retail stores, including such uses as gifts, antiques, crafts, newspapers, tobacco, flowers, sporting goods, books, jewelry, leather goods and stationery stores.
- (4) Personal service establishments, including such uses as barbers, beauticians, shoe repair and tailors.
- (5) Financial institutions, loan companies and banks.
- (6) Restaurants, excluding fast-food or franchised food service operated restaurants.
- (7) Taverns and tap rooms.
- (8) Retail food stores, including bakeries, confectionery, candy or gourmet shops, small convenience grocery shops (without gas pumps) and meat, fish or produce stores.
- (9) Professional services and administrative activities, including such uses as offices of agents, brokers, physicians, dentists, attorneys, architects, engineers, musicians and artists and governmental offices serving the public.
- (10) Libraries, museums, art galleries and public information centers.
- (11) Churches and other places of worship.
- (12) Fraternal, social service, union or civic organization.
- (13) Tourist home, boardinghouse, rooming house or lodging house.
- (14) Studio for artists, designers, photographers, musicians, sculptors and related uses.
- (15) Commercial parking lot, public garage or multilevel parking garage and off-street parking.
- (16) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric, gas and telephone facilities.
- (17) Publishing, printing and reproduction establishments.
- (18) Repair and servicing as an accessory activity of any article for sale in the same establishment.
- (19) Indoor storage facilities as an accessory use to any of the permitted uses in this district.
- (20) The outdoor display of merchandise, if done in a reasonable manner and if the display is kept neat and orderly as determined by the Code Official. Furthermore, the outdoor display may not interfere with the safe and efficient flow of pedestrian traffic.
- (21) Family day care, which shall involve a maximum of six full-time and two after-school children, as specified by state regulations.

§ 230-12. - C-1 Community (Neighborhood) Commercial District.

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

- (1) Single-family dwellings.
- (2) Offices for professional services and administrative activities.
- (3) Branch offices only of financial institutions and banks.
- (4) Barbershops and beauty shops.
- (5) Studio - workshop, including sales.
- (6) Retail food stores, such as bakeries, candy and convenience stores (without gas pumps) and grocery meat markets.
- (7) Restaurants, excluding fast-food service or franchised food service operated restaurants.
- (8) Retail sales and specialty stores.
- (9) Repair and servicing, indoor and off site, of any article for sale which is permitted in this district.
- (10) Public parking lot.
- (11) Off-street parking as an accessory use.
- (12) Antique shop or bookstore.
- (13) Municipal and public services and facilities, including City Hall, water storage towers, water reservoirs, water pumping stations, water treatment plants, sewage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, public transportation bus or transit stops, police and fire stations and substations for electric and gas facilities.
- (14) Community recreation center, as a nonprofit community service.
- (15) Laundromats.
- (16) Neighborhood shopping centers, to include only those uses permitted in this section, as listed above, and subject to the following special requirements:
 - (a) Maximum lot size for the grouping of stores shall be 1 1/2 acres.
 - (b) Maximum floor area for any single permitted establishment within the neighborhood shopping center shall be 30,000 square feet.
 - (c) Minimum lot width shall be at least 250 feet.
 - (d) Minimum distance between any building or accessory use, except parking, and any residential district shall be 50 feet.
 - (e) Minimum distance between any access driveway (including ingress or egress points) and any residential district shall be 50 feet.



City of Milford - Zoning Map
 Significant Areas of Undeveloped C-3 Highway Commercial



330 Rehoboth Avenue
Rehoboth Beach, DE 19971
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F 302.227.6349
OASothebysRealty.com

October 20, 2016

Mr. Robert Pierce
City of Milford Planner
121 S. Walnut Street
Milford, DE 19963

Dear Rob:

I was disappointed to watch a determined group of primarily non-residents succeed in convincing the City Of Milford Planning Commissioners that their homes built along the east side of Rt. 1, Coastal Highway, are more important than the many benefits that would be received by the City and its residents from approving the proposed future growth of Milford in the SE corridor that would be made possible by the proposed amendments to the City's 2008 Comprehensive Plan and its 2011 SE Master Plan.

The folks I heard were concerned with the proposed commercial development that could occur in over the next several years along one of the busiest highways in Delaware, with 55,000 cars daily passing the Wilkins Road overpass. They all knowingly built their homes within 200 yards of Rt. 1 in Knollac Acres, Hidden Meadows and Buck Road, fully aware that this major corridor was the primary highway used to access the Delaware coastal resorts. Commercial development is normally planned and located along major highway arteries such as Route 1 for ease of access, convenience and to lessen traffic on other roadways within the City.

When the City of Milford annexed the Isaacs, Mills and McColley farms, the residents of the developments where the protestors reside chose to reject annexation and remain in Sussex County. By doing so, they chose not to participate in the growth of Milford and to reject the payment of City taxes that would have given them a voice in the future development of the City. Now, they want to resist Milford's efforts to expand the City along the major business corridor to the beach.

I believe the Wilkins Road overpass and SE Milford growth areas should be developed with reasonable input from all residents of Milford. Those residents outside the City certainly should have a voice, but should not be permitted to stall Milford's growth and expansion around the new

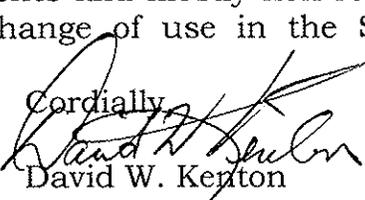
\$300 million hospital complex. The City of Milford has planned the Isaacs farm on Cedar Neck Road for "institutional zoning." That zoning was planned as the location for the hospital that eventually selected the Vreeland farm originally set aside for a major commercial shopping center. The 160 acres changed to medical (employment center) zoning along Wilkins Road and Rt. 30 should be replaced with a similar amount of commercially zoned land along Rt. 1 at the former Thawley and McColley farm sites.

The residents in Knollac Acres have a rural view along Buck Road with backyards that face the highway. The residents along Buck road have easy access to the entire Cedar Neck farming area and the rural countryside they now enjoy.

Please enter my comments into the public record for the October 24th hearing and vote by Milford City Council. I feel it is very important to send a positive growth message to our elected officials. Milford needs new businesses to off-set the past seven years of economic stagnation and to bring to completion the shopping center the City originally approved to be located on the opposite side of Route 1 where the hospital is now being built. We are fortunate to have major developers like County Life Homes and Key Properties who are willing to invest the time, money and infrastructure into the SE Milford growth area that would pay benefits to the City from the payment of City taxes, building permit fees, impact and utility use fees. Milford should not become a bedroom community for non-resident retirees who oppose any change in their area at the expense of the younger generation that relies on growth and the many jobs it will produce to locate and support their families in Milford.

The City already has many safeguards in place to ensure that planned development along Rt. 1 does not ruin the peaceful life of the residents of Milford. This amendment to the Milford Comprehensive Land Use plan is only one small step in the various steps required to change the zoning and land use of the Thawley and Wiggles properties along the Rt. 1 corridor. Future public zoning hearings, site plan reviews, State PLUS committee and DelDOT input will provide more than adequate protections for the few residents and mostly non-residents who strongly objected to the proposed change of use in the SE growth sector of Milford.

Cordially,



David W. Kenton
200 Lakeview Ave.
Milford, DE 19963

DWK/dwk

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

Hudson, Terri

From: Hudson, Terri
Sent: Wednesday, June 22, 2016 12:10 PM
To: 'Christine@extramileamerica.org'
Subject: RE: Extra Mile Day 2016

I will take care of it. Will be proclaimed sometime in October.

Have a great day.

Terri

Teresa K. Hudson, MMC
City Clerk
City of Milford
201 S. Walnut Street
Milford, DE 19963

Telephone 302-424-3712 Ext. 303
Fax 302-424-3558

From: Extra Mile America Foundation [mailto:extramileamerica.foundation@gmail.com]
Sent: Wednesday, June 22, 2016 11:58 AM
To: Hudson, Terri <thudson@milford-de.gov>
Subject: Extra Mile Day 2016

Dear Terri,

Last year, [551](#) inspirational mayors and city leaders stood up and jointly recognized November 1, 2015, as **Extra Mile Day**...*a day to recognize the people and organizations who are creating positive change in our communities through their extra mile efforts in volunteerism and service.*

Proudly, we hold up Milford as a 2015 Extra Mile Day city, and we hope that you will join the mission again by making the proclamation in 2016. (Proclamation language is at the end of this email.)

This year, our mission continues...and builds. Supported by a volunteer staff, Extra Mile America (www.ExtraMileAmerica.org) is unwavering in its commitment to remind individuals and organizations that creating positive change is not just a water cooler topic, but it is unselfishly tied to go-the-extra-mile action. We continue to be an organization that casts a bright light on the "[Extra Mile Heroes](#)" and change-makers who surround us and who continue to give their best.

Started in 2009 by Founder Shawn Anderson and a vision that one person CAN make a difference, *Extra Mile Day* has grown from 23 participating cities in its inaugural year (2009)...to an awesome goal of over 550 cities this year.

Whether it is one elected official or one non-elected government employee, whether it is one citizen or one business with 1,000 amazing people, ONE does make a difference. By declaring November 1, 2016, Extra Mile Day, your city continues to be a part of this nationwide movement.

Will you join us again this year and proclaim November 1 as *Extra Mile Day*?

If the Mayor would like to do something beyond a proclamation, we have two options:

1) **Submit names of local "Extra Mile Heroes."** In addition to a November 1 declaration, submit 1-5 names of amazing extra mile people and/or organizations that are making significant contributions to your city. These people/organizations will be included on our website (www.ExtraMileAmerica.org) with their specific contribution.

2) **Submit a quote from your Mayor.** In addition to a November 1 declaration, your Mayor's quote of what it personally means to "go the extra mile" will be highlighted on our website.

We are looking forward to your city once again leading the way, and if there is anything we can do to help you plan something special, we are happy to jump forward with our best effort on your behalf.

Can we confirm you as a November 1, 2016, Extra Mile Day city?

We look forward to "going the extra mile" with you again!

Christine

Christine Ott
Christine@ExtraMileAmerica.org
[310-619-3205](tel:310-619-3205)

Here is sample wording:

EXTRA MILE DAY

WHEREAS, (city, state), is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and

WHEREAS, (city, state), is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, (city, state), is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and

WHEREAS, (city, state), acknowledges the mission of Extra Mile America to create 550+ Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2016.

NOW THEREFORE, I, Mayor of (city, state), do hereby proclaim November 1, 2016, to be Extra Mile Day. I urge each individual in the community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

* Proclamations can be scanned and emailed to Christine@ExtraMileAmerica.org or mailed to 5034 Runway Drive, Fair Oaks, CA 95628.

City of Milford



PROCLAMATION

2016-08

Extra Mile Day

WHEREAS, the City of Milford, Delaware is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and

WHEREAS, the City of Milford, Delaware is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment and conviction to their individual ambitions, family, friends and community; and

WHEREAS, the City of Milford, Delaware is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Milford, Delaware acknowledges the mission of Extra Mile America to create 550 plus Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2016.

NOW, THEREFORE, I, Bryan W. Shupe, Mayor of the City of Milford, do hereby proclaim November 1, 2016, to be Extra Mile Day and urge each individual in the community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country or world a better place.

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

Mayor Bryan W. Shupe

Attest:

City Clerk



HITCHENS TIRE
MICHELIN
BFGoodrich

Milford

HITCHENS TIRE SERVICE
303-636-4734

City of Milford



PUBLIC NOTICE CITY OF MILFORD BOARD OF ADJUSTMENT HEARING

NOTICE IS HEREBY GIVEN that the Board of Adjustment for the City of Milford will hold a Public Hearing on Thursday, November 10, 2016 at 10:00 a.m., or as soon thereafter as possible, in the Joseph Ronnie Rogers Council Chambers at Milford City Hall, 201 South Walnut Street, Milford, Delaware.

1. Applicant: Milford School District
Owner: Milford School District
Location: 906 Lakeview Avenue
Tax Map: 1-30-3.11-049.01 & -050.00
Area of Petition: 1.07 +/- Ac
Zoning District: R-1 (Single Family Residential District)

Applicant is seeking relief from Part II-General Legislation, Chapter 230-Zoning, Article III-Use and Area Regulations, Section 9B-Permitted Uses of the Code of the City of Milford as described below:

§230-9 B(5)(c): Customary accessory uses, such as private garages, swimming pools and storage sheds, subject to the following special requirements:

(c) Residential storage sheds or related outbuildings shall not exceed 150 square feet.

Applicant is seeking to construct a 336 square foot outbuilding.

All parties of interest are hereby notified to be present and to express their views before a final decision is rendered. If unable to attend, written comments will be accepted up to one week prior to the hearing. Anyone with questions or comments should Rob Pierce in the Planning Department via email at RPierce@milford-de.gov or at 302.424.3712.

By: Christine Crouch
Deputy City Clerk

Advertised: Beacon, 102616



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.

Chapter 57-Planning Commission

§ 57-1. Establishment.

There is hereby established, pursuant to 22 Del. C. § 701 et seq., the Milford Planning Commission.

§ 57-2. Membership; terms of office.

The Commission shall consist of nine members to be appointed by the Council. The term of each member so appointed and confirmed shall be for three years, except that of the members first appointed, three shall be appointed to a term of three years, three shall be appointed to a term of two years and three shall be appointed to a term of one year.

§ 57-3. Removal; vacancies.

Any member of the Planning Commission may be removed for cause, after a public hearing, by the Mayor with the approval of the City Council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as an original appointment.

§ 57-4. Ex officio members.

The Mayor and City Manager shall be ex officio members of the Planning Commission and may exercise all of the powers of the regular members; provided, however, that an ex officio member may not hold an office on the Commission and shall have no right to vote on matters coming before the Commission.

§ 57-5. Salaries and compensation.

All members of the Commission shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

§ 57-6. Officers; staff; custodian of records.

The Commission shall elect annually a Chairman and Secretary from among its own number and may employ experts, clerical help and other assistants. The Commission may appoint a custodian of its Comprehensive Plan and records, who may be the City Manager or other employee of the Council.

§ 57-7. Rules of procedure; meetings; records.

The Commission shall adopt its own rules of procedure and determine the times of its meetings and methods of notice thereof. All meetings of the Commission at which any official action is taken shall be open to the public, and all records of the Commission shall be public records.

§ 57-8. Powers and duties; reports.

The Milford Planning Commission shall have all the powers and authority vested in municipal planning commissions under the provisions of Title 22, Delaware Code, Chapter 7, subject to the same conditions and limitations set forth therein at the effective date of this chapter. The Planning Commission shall report at each monthly meeting of the Council and shall present copies of its minutes of the preceding month.

REAPPOINTMENT:

Planning Commission-Three Year term

Michael Boyle

Raymond Lynch

Board of Adjustment-Three Year Term

Brendon Warfel

ARTICLE VII - Board of Adjustment

§ 230-27. - Powers and duties.

The Board of Adjustment shall have the following powers:

- A. The Board of Adjustment shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made in the administration of this chapter.
- B. The Board of Adjustment shall authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship or exceptional practical difficulties and so that the spirit of the chapter shall be observed and substantial justice done.
- C. The Board of Adjustment shall have original jurisdiction and powers to grant a permit for a special exception use only under the terms and conditions established by this chapter, under the following stipulations and guiding principles:
 - (1) The use for which application is being made is specifically authorized as a special exception use for the zone in which it is located.
 - (2) The design, arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to the:
 - (a) Character of the neighborhood.
 - (b) Conservation of property values.
 - (c) Health and safety of residents and workers on adjacent properties and in the surrounding neighborhood.
 - (d) Potential congestion of vehicle traffic or creation of undue hazard.
 - (e) Stated principles and objectives of this chapter and the Comprehensive Master Plan of the City of Milford.
- D. The Board of Adjustment shall have the responsibility for the interpretation of this chapter.

§ 230-28. - Authority.

In exercising its powers the Board may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made in the administration and enforcement of this chapter. Any order, requirement, decision or determination of the Board which requires or permits a specific act to be undertaken shall, as a condition, prescribe a reasonable time limit within which such act shall be completed, if applicable.

§ 230-29. - Appeals.

Appeals to the Board may be taken by any person aggrieved or by any other officer, department, board or commission of the City of Milford affected by a decision of the Code Official of the City of Milford in the administration of this chapter. Such appeal shall be taken within 30 days of the aggrieved decision by filing with the Code Official a letter of appeal specifying the reason for appeal. The Chairman shall transmit to the Board all the papers constituting the record upon which the action appealed was taken.

§ 230-30. - Filing fee.

A filing fee shall accompany each appeal to help offset the cost of the hearing. Said filing fee is set forth in § 230-57.⁶ [¶](#)

§ 230-31. - Effect of appeal upon proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies, after the notice of appeal is filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record on application on notice to the Code Official for due cause shown.

§ 230-32. - Hearing.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice as well as due notice to the parties of interest and notify by mail the registered owners of all property within 200 feet of the property upon which the appeal centers. The appeal shall be decided within a reasonable time not to exceed 60 days from the date of the filing of such appeal. Failure of the Board to decide within sixty days shall constitute denial. Upon the hearing, any party may appear in person, by agent or by attorney, provided that said agent or attorney produces authorization from his principal for acting in such a capacity.

§ 230-33. - Petition to court.

Any person or persons jointly or severally aggrieved by any decision of the Board or any taxpayer or any officer, department, board or commission of the City of Milford may present to a court of record a petition duly verified setting forth that such decision is illegal, in whole or in part, and specifying the grounds for the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision. The court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe the time within which a return must be made and served upon the petitioner attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, upon application or notice to the Board and on due cause shown, grant a restraining order.

§ 230-34. - Duties in case of writ of certiorari.

The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies of such portions as may be called for such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

§ 230-35. - Composition and terms of office.

The Board of Adjustment shall be established as provided in 22 Del. C. § 322(d).

§ 230-36. - Making and adopting rules.

The Board of Adjustment shall make and adopt rules in accordance with the provisions of this chapter.

§ 230-37. - Meetings.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his/her absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public, and the Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions, all of which shall be immediately filed in the City Hall and shall be a public record.

§ 230-38. - Referrals to Planning Commission.

The Board may refer to the Planning Commission any applications or appeals for the Planning Commission's review and recommendation.

REAPPOINTMENT:

Board of Adjustment-Three Year Term

Brendon Warfel

From: Pierce, Rob
Sent: Tuesday, October 11, 2016 5:29 PM
To: Hudson, Terri <thudson@milford-de.gov>; Crouch, Christine <CCrouch@milford-de.gov>
Cc: Norenberg, Eric <ENorenberg@milford-de.gov>
Subject: FW: Resignation

Terri and Christine,

Mr. Frank Bason has resigned from the Board of Adjustment due to personal reasons.

Christine, can you verify that the other two members of the Board will be in attendance on Thursday. We have three applications on the docket. Thanks.

Rob

From: frank.bason@comcast.net [<mailto:frank.bason@comcast.net>]
Sent: Tuesday, October 11, 2016 3:52 PM
To: Pierce, Rob <rpierce@milford-de.gov>
Subject: Resignation

I have decided to resign from the Board of Adjustment for personal reasons.
Effective today October 11,2016.
Frank Bason

TASER International

Protect Life. Protect Truth.

17800 N 85th St.
Scottsdale, Arizona 85255
United States
Phone: (800) 978-2737
Fax:



Kenneth Brown

1-302-422-8081
kenneth.brown@cj.state.de.us

Quotation

Quote: Q-81921-2
Date: 8/30/2016 3:22 PM
Quote Expiration: 10/31/2016
Contract Start Date*: 8/30/2016
Contract Term: 5 years

AX Account Number:
109646

Bill To:

Milford Police Dept. - DE
400 NE. FRONT ST.
Milford, DE 19963
US

Ship To:

Kenneth Brown
Milford Police Dept. - DE
400 NE. FRONT ST.
Milford, DE 19963
US

SALESPERSON	PHONE	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Tom Recker	(480) 463-2174	trecker@taser.com	Fedex - Ground	Net 30

*Note this will vary based on the shipment date of the product.

Due Net 30

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
10	70112	AXON SIGNAL UNIT	USD 279.00	USD 2,790.00	USD 2,790.00	USD 0.00
25	74001	AXON CAMERA ASSEMBLY, ONLINE, AXON BODY 2, BLK	USD 399.00	USD 9,975.00	USD 4,987.50	USD 4,987.50
1	74001	AXON CAMERA ASSEMBLY, ONLINE, AXON BODY 2, BLK	USD 0.00	USD 0.00	USD 0.00	USD 0.00
30	74021	MAGNET MOUNT, THICK OUTERWEAR, AXON BODY 2	USD 0.00	USD 0.00	USD 0.00	USD 0.00
30	74023	LG POCKET MOUNT, 6", AXON BODY 2	USD 0.00	USD 0.00	USD 0.00	USD 0.00
30	73004	WALL CHARGER, USB SYNC CABLE, FLEX	USD 0.00	USD 0.00	USD 0.00	USD 0.00
2	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	USD 35.00	USD 70.00	USD 70.00	USD 0.00
2	74008	AXON DOCK, 6 BAY + CORE, AXON BODY 2	USD 1,495.00	USD 2,990.00	USD 0.00	USD 2,990.00
2	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 432.00	USD 0.00	USD 432.00

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
1	89101	PROFESSIONAL EVIDENCE.COM LICENSE: YEAR 1 PAYMENT	USD 468.00	USD 468.00	USD 0.00	USD 468.00
30	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
6	88101	STANDARD EVIDENCE.COM LICENSE: YEAR 1 PAYMENT	USD 300.00	USD 1,800.00	USD 0.00	USD 1,800.00
120	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
25	87101	BASIC EVIDENCE.COM LICENSE: YEAR 1 PAYMENT	USD 180.00	USD 4,500.00	USD 0.00	USD 4,500.00
250	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
25	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 180.00	USD 4,500.00	USD 0.00	USD 4,500.00
25	85070	TASER ASSURANCE PLAN ANNUAL PAYMENT, BODYCAM	USD 204.00	USD 5,100.00	USD 0.00	USD 5,100.00
5,000	85035	EVIDENCE.COM STORAGE	USD 0.75	USD 3,750.00	USD 0.00	USD 3,750.00
1	85144	AXON STARTER	USD 2,500.00	USD 2,500.00	USD 0.00	USD 2,500.00
2	85146	AXON 1-DAY SERVICE	USD 2,000.00	USD 4,000.00	USD 0.00	USD 4,000.00
Due Net 30 Total Before Discounts:						USD 42,875.00
Due Net 30 Discount:						USD 7,847.50
Due Net 30 Net Amount Due:						USD 35,027.50

Due Year 2

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
2	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 432.00	USD 0.00	USD 432.00
1	89201	PROFESSIONAL EVIDENCE.COM LICENSE: YEAR 2 PAYMENT	USD 468.00	USD 468.00	USD 0.00	USD 468.00
30	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
6	88201	STANDARD EVIDENCE.COM LICENSE: YEAR 2 PAYMENT	USD 300.00	USD 1,800.00	USD 0.00	USD 1,800.00
120	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
25	87201	BASIC EVIDENCE.COM LICENSE: YEAR 2 PAYMENT	USD 180.00	USD 4,500.00	USD 0.00	USD 4,500.00
250	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
25	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 180.00	USD 4,500.00	USD 0.00	USD 4,500.00
25	85070	TASER ASSURANCE PLAN ANNUAL PAYMENT, BODYCAM	USD 204.00	USD 5,100.00	USD 0.00	USD 5,100.00
5,000	85035	EVIDENCE.COM STORAGE	USD 0.75	USD 3,750.00	USD 0.00	USD 3,750.00
Due Year 2 Total Before Discounts:						USD 20,550.00
Due Year 2 Net Amount Due:						USD 20,550.00

Due Year 3

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
2	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 432.00	USD 0.00	USD 432.00
1	89301	PROFESSIONAL EVIDENCE.COM LICENSE: YEAR 3 PAYMENT	USD 468.00	USD 468.00	USD 0.00	USD 468.00
30	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
6	88301	STANDARD EVIDENCE.COM LICENSE: YEAR 3 PAYMENT	USD 300.00	USD 1,800.00	USD 0.00	USD 1,800.00
120	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
25	87301	BASIC EVIDENCE.COM LICENSE: YEAR 3 PAYMENT	USD 180.00	USD 4,500.00	USD 0.00	USD 4,500.00
250	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
25	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 180.00	USD 4,500.00	USD 0.00	USD 4,500.00
25	85070	TASER ASSURANCE PLAN ANNUAL PAYMENT, BODYCAM	USD 204.00	USD 5,100.00	USD 0.00	USD 5,100.00
5,000	85035	EVIDENCE.COM STORAGE	USD 0.75	USD 3,750.00	USD 0.00	USD 3,750.00
Due Year 3 Total Before Discounts:						USD 20,550.00
Due Year 3 Net Amount Due:						USD 20,550.00

Due Year 4

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
2	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 432.00	USD 0.00	USD 432.00
1	89401	PROFESSIONAL EVIDENCE.COM LICENSE: YEAR 4 PAYMENT	USD 468.00	USD 468.00	USD 0.00	USD 468.00
30	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
6	88401	STANDARD EVIDENCE.COM LICENSE: YEAR 4 PAYMENT	USD 300.00	USD 1,800.00	USD 0.00	USD 1,800.00
120	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
25	87401	BASIC EVIDENCE.COM LICENSE: YEAR 4 PAYMENT	USD 180.00	USD 4,500.00	USD 0.00	USD 4,500.00
250	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
25	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 180.00	USD 4,500.00	USD 0.00	USD 4,500.00
25	85070	TASER ASSURANCE PLAN ANNUAL PAYMENT, BODYCAM	USD 204.00	USD 5,100.00	USD 0.00	USD 5,100.00
5,000	85035	EVIDENCE.COM STORAGE	USD 0.75	USD 3,750.00	USD 0.00	USD 3,750.00
Due Year 4 Total Before Discounts:						USD 20,550.00
Due Year 4 Net Amount Due:						USD 20,550.00

Due Year 5

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
2	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 432.00	USD 0.00	USD 432.00

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
1	89501	PROFESSIONAL EVIDENCE.COM LICENSE: YEAR 5 PAYMENT	USD 468.00	USD 468.00	USD 0.00	USD 468.00
30	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
6	88501	STANDARD EVIDENCE.COM LICENSE: YEAR 5 PAYMENT	USD 300.00	USD 1,800.00	USD 0.00	USD 1,800.00
120	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
25	87501	BASIC EVIDENCE.COM LICENSE: YEAR 5 PAYMENT	USD 180.00	USD 4,500.00	USD 0.00	USD 4,500.00
250	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
25	85100	EVIDENCE.COM INTEGRATION LICENSE: ANNUAL PAYMENT	USD 180.00	USD 4,500.00	USD 0.00	USD 4,500.00
25	85070	TASER ASSURANCE PLAN ANNUAL PAYMENT, BODYCAM	USD 204.00	USD 5,100.00	USD 0.00	USD 5,100.00
5,000	85035	EVIDENCE.COM STORAGE	USD 0.75	USD 3,750.00	USD 0.00	USD 3,750.00

Due Year 5 Total Before Discounts: USD 20,550.00

Due Year 5 Net Amount Due: USD 20,550.00

Subtotal USD 117,227.50

Estimated Shipping & Handling Cost USD 103.71

Grand Total USD 117,331.21

Complimentary Evidence.com Tier Upgrade Through September 2016

This quote contains a purchase of either the Basic or Standard Evidence.com license. You will temporarily receive the features available with the Professional license for the Basic and Standard licenses purchased until September 2016. This is a free upgrade to your account so you can enjoy all the benefits of our most feature rich license tier. In September 2016 you will be prompted to select which users you would like to assign to each tier. This will have no impact on uploaded data.

Axon Pre-order

Thank you for your interest in Axon! This pre-order is a commitment to purchase Axon Body 2 and/or Axon Fleet. Axon Body 2 is available for delivery between 8-10 weeks after purchase date. Axon Fleet is available for delivery between October 1, 2016 and October 14, 2016. You will be notified if there are any delays. TASER reserves the right to make product changes without notice.

**TASER International, Inc.'s Sales Terms and Conditions
for Direct Sales to End User Purchasers**

By signing this Quote, you are entering into a contract and you certify that you have read and agree to the provisions set forth in this Quote and TASER's Master Services and Purchasing Agreement posted at www.taser.com/legal. You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent to TASER that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

Signature: _____ **Date:** _____
Name (Print): _____ **Title:** _____
PO# (if needed): _____

Quote: Q-81921-2

Please sign and email to Tom Recker at trecker@taser.com or fax to

THANK YOU FOR YOUR BUSINESS!

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MILFORD, DE 19963
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October 21, 2016

TO: Mayor and City Council
FROM: Eric Norenberg
SUBJECT: Budget Adjustments

Purpose and Recommendation

The purpose of this memo is to review the several requested adjustments to the 2016-17 annual budget. Staff recommends approval.

Background and Summary of Terms

From time to time during the course of a fiscal year, municipal budgets need to be amended for various reasons. Some adjustments are minor. Small amounts, within a given department, can be approved by the department head and City Manager. Larger adjustments, new appropriations or transfers from one department to another require City Council approval. Rather than bring budget adjustments to City Council one at a time, I prefer to group several at a time, if possible, for simplicity. Here are the second set of adjustments for 2016-17:

1. FY2016-2017 Budget Amendment/Electric Department/IBEW Negotiations Legal Expenses: For outside counsel to support negotiating a collective bargaining agreement with the IBEW local union 126 for the newly approved bargaining unit comprised of members of the Public Works Department (Electric) and Finance Department (Customer Service). *Transfer \$20,000 from Electric Reserves to Electric Legal Service.*
2. FY2016-2017 Budget Amendment/Police Department/Teamsters Local 326 Contract Increase: Following approval of the collective bargaining agreement for police officers and sergeants, the new salary chart went into effect this pay period. *Transfer \$185,500 from General Fund Reserves to Police Salary & Benefits Line Items.*
3. FY2016-2017 Budget Amendment/Transfer/Planning & Zoning to City Administration/Salary & Benefit Line Item: As a result of the transfer of the Deputy City Clerk / Executive Assistant to Administration during the summer, \$7,137 needs to be transferred from Planning & Zoning Salaries & Benefits Line Items to City Administration Salary & Benefits Line Items.
4. FY2016-2017 Budget Amendment/Planning & Zoning/Salary & Benefit Line Item: Related to Item 3, the Office Assistant was promoted to Administrative Assistant / Permit Technician to support the work of the Planning / Building / Code Enforcement team. Accordingly, \$3,588 needs to be transferred from General Fund Reserves to Planning & Zoning Salary & Benefits line items.
5. FY2016-2017 Five-Year Capital Budget Amendment/Police Department/Body Camera Program: As shown on the \$117,331.21 Taser International quotation provided to the Police Department, the first year amount for the body camera program has a cost of \$35,027.50 that will be funded through State grants. *An amendment to the Five-Year Capital Police Budget is needed due to a \$20,550 annual commitment in years two through five of the Taser Contract.*

Please let me know if you have any questions.