

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
May 24, 2021

The City Council of the City of Milford convened in a Workshop Session by way of video conferencing on Monday, May 24, 2021 at 7:08 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and City Clerk Terri Hudson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Mike Boyle

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See May 24, 2021 Council Workshop agenda and packet for additional information.

Southeast TID Discussion

City Planning Rob Pierce reintroduced DelDOT Planner/TID Coordinator Sarah Coakley and Planning Supervisor Bruce Allen in attendance. This will be a continuation of the presentation Ms. Coakley did for Council on April 26th. He again provided a history of the comprehensive plan that was initially adopted in 2008 and the relationship with the transportation improvement plan (TIP) which was a City Council objective beginning in 2011.

He then deferred to Ms. Coakley who will talk about the next steps of the TIP and provided the following information:

The intent is to get to the point where DelDOT can start on the concepts and estimate. This is a geographic area defined for the purpose of securing required improvements to transportation facilities in that area. It is a place where the city and DelDOT coordinated land use and transportation planning in advance. That model allows development that is consistent with that future land use planning and allows payment of a readily determined fee, instead of requiring a traffic impact study (TIS) and making or funding off-site improvements.

A TID is created for more comprehensive infrastructure plans. Normally a TIS is restricted to one development and not the cumulative impact of multiple developments. It is also based on a snapshot in time, whereas the TID looked all the way out to the year 2045 and the possible build out between now and then. It then identifies all the improvements that are needed. The TID requires a developer has to review up to three state-maintain road intersections out from their site.

Projects advance in DelDOT's capital transportation program with extra points for being in a TID. They have a six- year capital transportation program and projects are prioritized based on seven criteria. One is economic development and, within that category if a project is in a TID it receives extra points. That moves the project much faster.

Also, the TID fees from developers stay local and are held in an account that can only be used for the agreed-upon TID improvements and cannot be transferred to another location.

A complaint often received is the varied treatment of developers. Though not intentional, it is a consequence of that process. Having the minimum thresholds that are necessary for requiring a TIS is beneficial for smaller developments that are able to move ahead without doing a TIS. And multiple smaller developments typically move ahead using up the capacity or space on the road. Then when a large development comes in, they end up having to make more improvements, even though some of that some of the improvements might actually have been triggered by the smaller developments.

In a TID everyone pays based on the size of their development. That way it is determined on the number of trips the development is generating.

Doing the TIS, there is no way for developer to know ahead of time what they will be required to contribute to really depends on how far out the three intersections of state-maintained roads go and the number of improvements needed within that area.

The state strategies can determine what is required. With a TID they know ahead of time and is based on a fee per residential or per square foot for nonresidential developments. That can actually be included on their pro forma which is the application that is submitted to banks for loans. That can actually be a way of encouraging economic development or growth with a TID area.

The process for doing a TIS takes a minimum of six to nine months assuming it is done correctly based on DelDOT's mandates. A TID developer simply enters into an agreement to participate with the city and the state.

DelDOT compiles existing conditions and reported on the transportation network. Forecasting traffic on the roads, based on the future land use plan, permits the identification of locations that need improvements to meet the service standards in 2045.

Now, DelDOT wants to compile the latest traffic forecasting and any needed improvements into a Land Use and Transportation Plan (LUTP). DelDOT will then create concept plans and cost estimates for the needed improvements and negotiate an infrastructure fee program.

DelDOT does not expect like developers to pay for all of the costs of the improvements. The developer contributions for the TIDs that are already being implemented, range from 20 to 50%, which is only a portion of the cost with DelDOT paying the balance of the agreed-upon improvements.

There was a question at the last workshop was how are changes in future land use addressed. If the density or use for an individual parcel or development comes in less than the forecast, then they will participate in the TID and pay the fee, though it will be based on their actual development, which is less than what was anticipated but they will also be generating less traffic.

If a density or use for individual parcels or development comes in higher than what was forecast, if it is within or under the 49 peak hour trips or 499 or less daily trips of what was forecast, then they will participate in the TID and pay their fee based on the actual development so they'll be paying more than what was expected, and generating additional traffic.

If they come in a lot higher than what was forecasted, and if they are generating 50 or more peak hour trips or 500 or more daily trips that forecasted, then they would be required to conduct a TIS and make off site contributions, instead of participation in the TID. Their contributions will result in more than the TID fees.

To address changes in land use, DelDOT wants to set up a monitoring program where DelDOT regularly collects updated traffic counts. Ms. Coakley will also be coordinating with the Planning Director on both development applications and building permits.

A complete update of the traffic study should be completed at least every five years, or should there be any major land use changes. That can result in adjustments to the fees as well for anyone that hasn't yet developed or paid their fees.

The transportation improvements for the area were again displayed as were discussed at the last meeting.

Also presented was a rendering done by Bruce Allen of how the roundabouts could look like at South Rehoboth Boulevard and Kirby Road. It will be designed to slow down traffic approaching and going through the roundabout. It will also provide a nice facility for pedestrian and bike crossings.

Milford's plan proposes seven new roundabouts and reviewed the specifics of each. Two new traffic signals are also included. The improvements on Route One will be implemented as part of DelDOT's Corridor Capacity Preservation Program with 100% DelDOT funding. Route One is more of a regional facility that involves a lot more traffic than just those coming and going to the area. It will include a service road in the northbound direction and will remove the crossovers at Johnson and Sharps Roads.

It was noted that a four-way stop was added at the Johnson and Route 30 intersection. Eventually, a signal will be added. At Route One you can currently cross over, but the Corridor Capacity Program will remove those crossovers and add service roads to be used instead.

When asked for a timeline, when DeIDOT installs roundabouts, there is an attempt to keep the road partially open by working on one approach at a time.

The same roundabout plan is proposed for Marshall Street and Elks Lodge Road.

Roundabout construction is presently running between \$2 to \$3 million though that includes design, right-of-way acquisition, construction and inspection.

She also reviewed the revised service standards and how the level of service at intersections are measured.

The next step is to obtain City Council's concurrence with the transportation improvements and the revised service standard in order to move forward with the associated conceptual plans and cost estimates. Once the cost estimates are developed, DeIDOT will work with the city to negotiate the infrastructure fee program. That includes how much DeIDOT is going to pay for improvements, percentage wise, versus future development and the actual per unit or per square foot cost.

Lastly, the Land Use and Transportation Plan, revised service standards, TID-CTP and Infrastructure Fee Program will all be added to the new TID agreement. At that point, the TID begins implementation and collecting fees.

When asked about the costs paid by the city, Ms. Coakley noted that DeIDOT will come up with several options after which the city will select what they feel is most appropriate. The larger developments pay a slightly smaller percentage. Future developments pay approximately 24%; however, West and East Towns are smaller and are paying 30%.

The average TID fees for single family dwelling units currently range from \$3,000 to \$5,000, though most average homes are \$3,000 to \$4,000. The \$5,000 fees are more in the resort/beach areas. Multi-family units would be lower. The TID fee would be part of the building permit process and paid at that time.

The item will be voted on as a regular action item on the Council Meeting agenda later this evening.

Budget Review & Wrap Up

Finance Director Lou Vitola addressed Council stating that the intent this evening is to get input from Council on what has been proposed to this point. He has three important items that need to be discussed.

City Manager Whitfield spoke about the Council decision in 2017 to hire five additional police officers and the current need to use general fund reserves versus the real estate transfer (RTT) funding which is unsustainable funding that will end this fiscal year. The intent of Council at that time was it would be paid from the operating budget starting in 2022. The question is whether it is still Council's desire and plan to extend that unsustainable funding or phase out the RTT slower or prefer smaller bites versus all at once.

It has always been the intent that the RTT fund was a temporary fix to fund police operations. FTT funding was established to aid capital improvement projects.

He stated the following items need to be addressed by City Council:

1. Is the decision made in 2017 to fund the five additional police officers using General Fund Reserves through 2021 still valid? Should this be done in one year, as originally contemplated? Two years? Longer? Keeping in mind, less capital improvements will be completed for a longer time period.
2. What is Council's opinion on phasing out RTT for funding police and using RTT for capital projects?
3. What is Council's opinion on the funding level requests for each department for 2022? Should they be reduced? If so, how much?

Councilman James stated the questions in general are good though one other question needs to be added. He has mentioned several times in the presence of full council.

He said that before we were aware of the level of the tax increase or the percent of the tax increase or six and a half cents to cover these costs. But another question for Council is if they are comfortable with the six and a half cents. There is a need to keep in mind that though not now, the increase is coming next fiscal year (FY23) to pay for the police facility. However, we are still trying to achieve the strategic objectives that we believe are the things desired by the taxpayer and how do we do it with a phased approach of the increase into perpetuity. Or is there a way to have the funding done on a temporary basis and on a payback basis from an enterprise fund and to pay it back within a short period of time. He is only throwing that out for consideration because the emphasis is on the amount of the increase in light of coming tax increase for the new police station that may also be on everybody's mind, but especially on the taxpayers' minds.

When asked if Council is comfortable with the additional, increase, Council said they are not and should be allowed to speak.

Councilmember Culotta said a tax increase this large after the announcement another tax increase is needed for the new police station is not in the best interest of the community. He agrees there is a good argument the city has not had a property tax increase since 2007 which is very valid. A tapered approach as has been discussed could be done while we wean ourselves from depending on the Real Estate Transfer Tax or utility reserves to supplement the police budget.

Councilman Culotta suggests that be done in conjunction with cuts across the board though not necessarily in public safety, but where other departments can tighten their belt. Council needs to figure out what that number is and if it is 10% or so and he feels that is the most logical approach.

Councilman Morrow said he concurs with Councilman Culotta. He thinks we still need to fund the five additional officers and think some more work has to be done to see how many officers are really needed. Though Council funded the five officers, we never got to that numbers so there has to be money that hasn't been spent somewhere.

He has been on Council a long time and he was always told by City Managers that the RTT fund was supposed to be used mainly for safety and thinks it continues to be used to supplement the police budget. He understands it is risky but can be changed as needed each year.

The six and a half cent tax increase a year needs to be implemented over time. About a dozen years ago, a Councilman recommended an incremental one-cent increase for ten to fifteen years, but the other Councilmembers would not approve it. Instead, Council would increase taxes a nickel every ten to fifteen years. He thinks that is really important because of the tax increase that has to be done to pay for the new police station.

Councilman Fulton talked to Chief during the last meeting and he thinks we really need to protect public safety as a sacred cow basically and protect them especially with the increase in violence and drug problem here today. There are new problems occurring that cannot be forecast.

He realizes that the police cost a huge chunk of the pie, but if that pie were to go bad, no one would one to live in Milford.

Councilman Fulton understands the risk of using RTT, but thinks we can continue to use it at this time and go cold turkey with this budget.

After saying that for public safety, he turns around and looks at some of the other departments and thinks their budgets need to be tightened and to look at them for additional reductions. He does not agree there is a specific percentage, such as a 10% budget decrease across the board is a terrible thing to say. Instead, there is a need to go back to the other departments and say we need to trim 3-5% from each budget which will make it more efficient.

Councilman Fulton believes that will not hurt them and they can do it.

Now the tax increase that will cover the cost of the new police station, that the City of Milford approved, they know a new police station is needed and they like public safety and are willing to support it. However, they did not want a large tax increase on top of increased service fees. Therefore, he does not agree with a monumental tax increase every five or six

years and instead need to take a more incremental approach over an extended period of time. That will continue to grow so that never again, a large increase is still needed, should have been part of the referendum.

Because it was not, she would not be comfortable with that and Chief Brown has said he does not want burden on him.

She recalled in 2017 discussing the five officers and the police department never got the extra five because of many other reasons and wants the RTT to continue paying for the officers and the reason it was created. Though it is unpredictable, it is there and it should be used.

Councilwoman Wilson thinks the public works departments always seem to be a little top heavy by way of managers or supervisors. She asked how many supervisors are needed to manage three to five people and she has an issue with that or can the responsibility of two supervisors be merged into one position. Those are the type of things she feels need to be reviewed.

She was one of the Councilmembers that in 2017 said if it gets to the point there is a need to raise taxes to pay for these officers, then we have to. Public safety is one of the top priorities in this City. She hopes we can find another way to pay for the police budget and hopes it is less than the six and a half cents.

Councilman Marabello clarified the six and a half cents is a higher percentage than 6.5%.

He asked the potential increase proposed for the new police station; Finance Director Vitola said we were at seven cents on the low end and nine and a half on the high end.

Councilmember Marabello confirmed that combined is a tax increase of sixteen cents. He also agrees there is a need to be conservative. He agrees we have to retain the five officers and agrees it is of paramount importance.

As far as the RTT, he believes there is a serious need to phase it out. The City has been kicking that can down the road for years and the reason Council is now facing a substantial tax increase. If a small increase has been implemented and put away years ago, that would have allowed the phaseout of the RTT, the City would have had most of the money for the police station and Council would not be facing an additional tax increase. If this continues, the problem is not going away and will continue to grow. But if there is away to phase it out in three years, that is what he recommends.

Based on his analysis of the annual reports, it always seems the income was underestimated and overestimated the expenses, and always spent less than what was budgeted. He believes there is room without cutting out the need of the money to trim down those expenses because the budget is always less than what is anticipated. He believes we can come up with at least \$100,000 per year of that amount.

Councilman Marabello also feels that people moving here from other states expect annual tax increases. He also thinks the police station also could be phased out and instead of six and a half cents, instead of going with another nine and a half, perhaps that can be saved along with the incremental increases into perpetuity, as Councilman James recommended.

Though no one likes a tax increase, there is a need to consider what is needed financially for the entire City.

Councilman Baer feels that the RTT should be phased out but possibly over a five-year period. From reading the law, he believes the RTT was created and designed for capital projects versus funding the operations of a police department.

He clearly wants enough police officers. However, he does not want to raise taxes super quick and scare residents into moving out of the community. It will be a balancing act and there is a need to phase out the RTT and keep that for use in capital projects.

Councilman Baer agrees the funding levels should be looked at and he has no problem requesting every department to review their expense to determine any cuts that can be made. That will help down the road and make any potential tax increase less over the long term. He thinks that is an important part of Milford.

Councilman James recalled Chief Brown's conversation and his rationale that he still needed the extra five officers because they were never at full capacity and on average, were five officers under.

He also believes the needs to be weaned and used for what it was intended for which is capital projects. Right now, it is being used to supplement police operations which is not structurally sound and it is certainly not predictable funds.

Councilman James also recalled Finance Director Vitola showing the up and down swings of that fund, and especially during 2008-2009 when the housing market burst. There is no guarantee and no one knows what is going to happen tomorrow or next year. It is simply unreliable.

When the budget process began, Councilman James said to this council and to our finance officials let's make sure that we look at how efficient we can be. He knows that any additional employees were questioned and verified that a new position was absolutely mandatory. That also includes any projects, including capital expenses.

He also pointed out that the budget is based off real amounts, and not off last year's budget. So, he is looking for efficiency though he also knows that costs never go down and instead only go up. We never have costs only goes up. Over the years, there has never been a revenue model which is some kind of cpi increase or increase over time. It is similar to wages which are always going to up

Councilman James asked how the City is going to pay for these new items without increasing revenues to coincide with the other increases, noting it is impossible. Council needs to consider a path that provides a tax structure that will up with inflation, if nothing else. Then when we ask citizens what their wants are, and then include into a strategic plan.

However, there is a need to explain to our property owners so they understand the need though he does not want it all at once. There is already a debt associated with the new police facility that our residents voted on. There are other things our residents want, including enhancements in parks and beautification, etc.

Right now, there is a need to think about the upcoming budget being the launching pad on how the City is going to move forward and whether that is one cent or two cents each year and into the future.

Councilman James also referenced the \$2.5 million transfer from the electric funds into the general fund. There is a need to consider that amount and is there the opportunity to transfer from other funds to help minimize the impact of the upcoming tax increase.

He is also concerned about the increasing costs to provide services though he does not want to increase them at this point.

Councilman Marabello also pointed out the required reassessment in Sussex County and that he suspects property owners in unincorporated Sussex County are paying way below the fair market value based on the increased market value of their homes. He asked how that will impact Milford's share of the county taxes and suspects it will be reduced on homes in Milford which be helpful to our citizens.

Finance Director Vitola explained the assessed value countywide will increase substantially. Sussex County only levies 50% of the 1973 assessed value, so it says values are somewhere in the 7% range of market value. While assessed values will skyrocket to current market values. the tax rate itself will plummet precipitously to offset it perfectly if they are to remain revenue neutral so that the county revenue is unchanged.

Director Vitola said it should not make a difference to the homes in Sussex County that are also Milford residents.

The only caution to that is there is a lot of time between 1973 and 2021-2022 when this gets done. Individual properties could have a wild swing in assessment and if there was a land-only parcel with a small structure on it in the mid 1970's and nothing else has chanced since then, and development has grown around that parcel, that assessed value could increase substantially more than the county wide average. That person could experience an effective tax increase, while others could experience and effective tax decrease. But the intent in a reassessment is to offset each other. The assessment and the rate should offset each other as far as property taxes.

It was noted that in Milford's reassessment, the offset will be determined by the rate and is the same concept. The only option is that Council exercises its power to increase the tax rate and the only way to enhance revenues is the increase the rate and not rely on the higher overall assessment of properties.

He noted that Sussex County does not have the astronomical general fund budget shortfalls but they need to plug with a windfall of tax revenues by increasing everyone's assessment and then stopping there. It will be revenue neutral give or take.

The previous school tax increase was discussed and how that occurred. Councilman Culotta said that Milford School District took advantage of the approved referendum which created a substantial school tax increase.

Councilman Fulton said that the increase for Sussex Tech was included in that increase noting that it was just not Milford School District.

Finance Director Vitola added the school district voters cover a larger area and not just those within the city. The impact and draw are wider than the city alone. Not everyone voting for the referendum is concerned with taxes in the City of Milford. Even though the Sussex County assessed value is just seven and a half percent of market values, that in no way implies that their tax generating power is small. It is right to think about how the school taxes and the county taxes are a function of the County assessment and putting those taxes thwart the magnitude of Milford property taxes.

Director Vitola said for instance, the six and a half cents, that is needed in the FY22 budget proposal, which represents a tax rate increase of something like 15 and a half or quarter percent. Someone looking at their entire tax bill that comes through their mortgage escrow statement that is paid to the city, county, and the school. This six and a half cent tax increase represents a 3.7% increase for a Kent County resident who also lives in Milford and a 4.3% tax increase for Sussex County residents living in Milford.

Though what is being as a large, double digit 14% tax increase, it is minor in the in the grander scheme of an entire property tax bill, including school, county, and the city.

Without diminishing the value of Milford and everything Milford provides, it comes cheap. When taxes are increased, it is hardly felt by the taxpayer, in most cases. The \$8 is just \$8 out of you know, an average of possibly \$2,200 a year in Sussex and \$2,600 a year in Kent.

Though he does not believe it should be blasé, though he is just trying to quantify the magnitude of the impact of some of the overall tax portfolio based on the average in Kent and Sussex.

Councilmember Fulton said Milford has a lot of residents on fixed and \$8 here or \$100 there, it means a whole lot to them. The median income around this city is a difference between somebody cutting the pills in half or not filling a prescription or pay a tax.

Director Vitola appreciates that perspective and is thankful Council has the foresight to have certain abatements available for those people in those situations. He is speaking of the hardship-based abatement. However, he is the finance guy that needs to count the numbers and his role is to make sure the budget is balanced. But if Council felt better about effectuating a tax increase by coupling some way to reduce the impact for certain populations that would merit, that is part of the policy toolkit to do.

He agrees that bolstering the general fund, that is needed for these increased costs before Council, but also not harm people that may notice an \$8 a month increase.

Mayor Campbell recalled that Council agreed to use the RTT funds to pay for the additional five officers. However, there has never been a full complement of police officers. According to Chief Brown, the department is down seven officers. He is hoping that the additional revenues from the homes that are being built will hopefully pick up some of the costs. He also agrees the amount of RTT needs to be reduced, and recalled a previous number of approximately \$300,000 though today he heard \$100,000.

The Mayor prefers it be a gradual reduction even though the department is down by seven officers so the impact should be much smaller on the police budget.

He referenced the increased shootings and criminal activity that Milford is getting, it will not get any better with the growth that is occurring.

Mayor Campbell also agrees that public safety should be number one because people will not move here if Milford continues to become more dangerous. He thinks that Milford residents now understand that increased population means increased costs. That is the norm when a city grows.

When he moved here fifteen years ago, he does not remember all the shootings and criminal activity Milford is seeing today. It was random but it has changed in the last couple years and the reason he favors phasing the RTT out over a period of time.

He would also like to increase to the six and a half cents to pay for the five officers gradually.

The Mayor also reminded Council that next year, residents are going to start paying for the new police station which has to be a tax increase. He wants to get there before the three years is up when the even larger tax increase will occur and another seven to nine cents over the six and a half cents.

He also spoke with Councilman Boyle who had an emergency and is not in attendance. Though he was very content with the budget that has been reviewed. He agrees but eventually wants to go back and have the Finance Committee reconsider the numbers, along with the Finance Director.

City Manager Whitfield says he very much appreciates the input and they will go back and see what can be done in terms of adjustment. He will bring something back that will be more in line with what has been discussed.

He would like to address the three to five percent reduction in expenses. The City Manager pointed out that anything left over goes into general fund reserves. In essence, that would be cutting what's currently feeding the five police officers in the general fund reserves. The result is almost like a double whammy. Cutting that amount of money being rolled over each year, will need to be made up and that does not go away.

The City Manager and Finance Director will back through and make deductions, where they can.

He added that real estate transfer tax is completely dictated by the State of Delaware. The City has no control over the percentage but is established by the State. Having something is being depended on, that is controlled by a third party is very dangerous and something that keeps he and the Finance Director awake at night.

Mr. Whitfield said the last item and one of the things Council has not talked about is the retainment of employees and the starting wage of employees from police officers to garbage truck drivers to any position in the departments. The City continues to have a very difficult time attracting employees. Does not matter if it is a police officer, an electric lineman or refuse worker though a lot of that applies to wages. There has not been any significant wage increases in this budget.

He reminded Council the City is currently in the process of doing a wage and compensation study and Council should see those results this fall.

City Manager Whitfield thanked Council adding that he really appreciates the input.

He will have something to present to the budget workshop on June 7th.

The Council Workshop concluded at 7:29 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
May 24, 2021

The City Council of the City of Milford convened their regular meeting by way of a video conferencing website on Monday, May 24, 2021. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Andrew Fulton, Todd Culotta, Brian Baer, Douglas Morrow, Jason James Sr. and Katrina Wilson

STAFF: City Manager Mark Whitfield, Police Chief Kenneth Brown and Acting Secretary Carlene Wilson

COUNSEL: Solicitor David Rutt, Esquire

ABSENT: Councilmember Mike Boyle

In an effort to adhere to social distancing protocols and best practices imposed by Governor John Carney's State of Emergency Declaration effective March 13, 2020, the City of Milford has canceled all public gatherings until further notice. See May 24, 2021, Council Meeting Agenda for additional information.

CALLED TO ORDER

Mayor Campbell called the meeting to order at 7:20 p.m.

INVOCATION AND PLEDGE

The Pledge of Allegiance followed the invocation was given by Councilmember Wilson.

RECOGNITION

No guests in attendance.

PUBLIC HEARINGS

ORDINANCE 2021-05

An Ordinance Amending Chapter 230 Article III Use & Regulations

Zoning of the City of Milford by Removing Paragraph C – Prohibited Uses of § 230-18 OC-1 Office Complex District

City Planning Director referenced Ordinance 2021-05, reading the purpose of the ordinance. He then provided the following review:

The packet includes a memo related to the existing code, with highlighted sections and the proposed revisions. Paragraph 230-18(E)(4) states any uses not permitted as previously listed are prohibited under the design standards and requirements of the OC-1 zoning district.

There is a section that lists the prohibited uses, but also a statement under paragraph (E)(4) that protects some of the prohibited uses occurring in the OC-1 category. In addition, Section 230-44 states any uses not permitted by this chapter are prohibited. Again, it states that if the use is not specifically listed, then it's not allowed within that zoning category.

Without the amendment, residences, manufacturing, wholesale storage, and distribution centers, which are the three items listed under paragraph C, would not be permitted unless these activities were affiliated with one of the permitted or conditional uses listed in the OC-1 zoning category.

For example, on the agenda this evening is the Food Bank conditional use application. Approving this ordinance would allow that application to proceed forward with the conditional use review.

The notice was published in the Milford Beacon on April 21, 2021, and the Planning Commission reviewed this amendment request at the May 18, 2021, public hearing after which they recommended approval unanimous vote of four to zero.

Councilman Fulton asked if there are any OC-1 areas with the prohibited uses; Director Pierce confirmed there are not, adding that the prohibited uses will be stricken from the ordinance as indicated.

Mayor Campbell opened the floor to public comment, and no one responded. The floor was then closed.

Councilman Fulton moved to adopt Ordinance 2021-05 as presented, seconded by Councilman Marabello. Motion carried by the following unanimous roll call vote:

Wilson: Votes yes and approves as was recommended by the Planning Commission.

Marabello: Approved based on the findings of the Planning Commission recommending approval.

Baer: Approved based on the position of the Planning Commissioners.

Fulton: Approve based on the staff recommendation.

Morrow: Vote to approve because it makes sense, and he concurs with planning.

James: Votes yes because it removes unnecessary restrictions and concurs with the unanimous recommendation of the Planning Commission.

Culotta: Yes, based on the Planning Commission.

ORDINANCE 2021-06

K&G Associates LLC for a Change of Zone from OB-1 (Office Building) to R-1 (Single Family Residential) on .29 +/- acres of land addressed as 302 Polk Avenue and located between Sussex Avenue and Kings Highway; the Owner/Applicant proposes to convert the former medical office into a single-family detached dwelling. Tax Map & Parcel 1-30-3.08-067.00.

Director Pierce reviewed the information included in the packet. Also included is a copy of the zoning map located at 302 Polk Avenue near the former Milford Memorial Hospital and new Nationwide Milford Wellness Village Campus.

The property contains an existing building that was previously used as a doctor's office. The property owner had rezoned the property from H1 to OB-1 in 2019, with the intent of marketing the property for a professional office building. However, the owner is requesting the zoning be reverted back to R-1 so that potential buyers could use it as a residential home. The change of zone request is consistent with the city's comprehensive plan.

The notice was published in the Milford Beacon on April 21, 2021, and all properties within 200 feet of the subject parcel were mailed a copy of the public notice.

The Planning Commission reviewed the application at their May meeting and recommended approval by a unanimous vote of four to zero.

Deborah R. Kaplan spoke virtually on behalf of her husband, Dr. William M. Kaplan, who is the sole proprietor of K&G Associates. However, he was unable to attend due to illness.

She reiterated the zoning was changed two years ago due to the move of the Bayhealth Milford Campus from this area to their new Route 30 location. They hoped to get a low-density business to purchase the property. Unfortunately, of the 87 showings, 86 were interested in the property as a residential use. The only business that viewed the property was an attorney's office.

Ms. Kaplan's realtor was concerned that if the zoning was not changed back to residential, and a contract was signed at the time, they would not be able to obtain financing because the property is zoned incorrectly to use it as a home. Because 99.9% of interested parties looked at it for a residence, is the reason for the request to change the zoning.

Councilman Culotta pointed out that normally a change of zone involves up-zoning to commercial. He asked why it has to be done this way because it looks like a house and wondered if they can continue to have the office building flexibility and still use the structure as a residence. Director Pierce explained the OB-1 zoning category adopted by Council many years ago does not allow a provision for a residence. If the change is authorized to an R-1 district, the owner could request a conditional use to allow a home occupation. However, there would be strict limitations and it could not be a full-fledged medical office building again.

Solicitor Rutt added that banks or financial institutes are hesitant to finance commercial properties for residential uses. They are assessed under a separate criterion, and he has never seen a commercial property be approved for a residential loan.

Mayor Campbell then opened the floor to public comments. No one responded and the floor was closed.

Councilman Marabello moved to adopt Ordinance 2021-06 as presented at 302 Polk Avenue, seconded by Councilman Culotta. Motion carried by the following unanimous roll call vote:

Culotta: Votes yes based on the Planning Commission, though he hopes there are no issues in the future especially being across the street from Nationwide and in front of another doctor's office. As long as the owners understand, he is ok with it.

Wilson: Yes and thinks that more housing is needed and she understands why so many interested parties wanted it for a residential use versus commercial. She reiterated that more houses are needed in the City of Milford. Also, it is based on the Planning Commission's recommendation, and definitely votes yes.

Marabello: Yes, based on the Planning Commission's unanimous decision and there is no adverse effect with the change to the community.

Baer: Votes yes based on the Planning Commission's recommendation, and it also makes sense in this particular case to make the zone change.

Fulton: Votes yes and will enjoy seeing this home get re-converted back into a home and Planning and Zoning did a great job by passing this by unanimous decision and concurs.

James: Votes yes based on the unanimous vote of Planning and Zoning and to Councilman Marabello's words, there is no adverse effect with the change of zone.

Morrow: Also vote yes, based on Planning and Zoning's recommendation and agrees it makes sense for that area.

ORDINANCE 2021-07

Owners/Applicant Avery Properties, LLC submitted a Conditional Use petition to convert an existing commercial two-story structure at 27 South Walnut Street into four commercial tenant spaces and three residential apartments in a C-2 District (Central Business Zoning). Tax Parcel: 3-30-6.20-002.00

Director Pierce again reviewed the application in the packet adding the comprehensive plan has designated this property as commercial. It is currently zoned C-2, which is the central business district zoning category. The current usage of the building is a single occupancy retail structure, and the applicant is proposing a mixed-use structure with four commercial tenant spaces on the first floor and three residential apartments on the second floor.

He stated that Chapter 230-13(c)(10) states all dwellings, other than single family, with a maximum density of 12 units per acre, in conjunction with a non-residential use may be permitted, subject to receiving a conditional use permit from City Council.

Additionally, Chapter 230-45 states in that in any and all zoning districts, multiple permitted uses or mixed uses of a property shall be deemed a conditional use subject to special requirements. The packet includes a staff report outlining the criteria within the city zoning code to evaluate conditional use applications. A zoning map shows the property at the northwest east corner of South Walnut Street and Southeast Front Street.

The Director referenced a survey showing the existing structure, property lines and a conditional use narrative. Floor plans of the first and second floors showing the four commercial tenant spaces on the first floor and the three residential units on the second floor were also included.

The public notice was published in the Milford Beacon on April 21, 2021, and all properties within 200 feet were mailed a copy of the public notice. The Planning Commission reviewed the application at their May 18, 2021, meeting and recommended approval upon unanimous vote.

He noted that the applicant also sought a variance from the Board of Adjustment for the density limitation in the C-2 criteria which is a max of 12 units per acre for residential density. BOA reviewed the request at their May 13, 2021, hearing and approved an increase in the density from 12 units to 20 units per acre to allow for the three second floor apartment units.

Co-Applicant Dustin Parker of 7660 Hidden Meadow Lane in Greenwood, Delaware, participated virtually stating they are super excited about this building in downtown Milford. They have had a great time working with Fisher Architecture conceptualizing what they hope this will become a reality. The three higher end luxury apartments upstairs will bring some housing to downtown Milford and some retail and possibly an event and/or restaurant space.

On the downstairs portion of the building, they have had some preliminary discussions with the gentleman who owns the Counting House in Georgetown since it will become the DOJ Office. They really hope this building will help revitalize that part of the downtown with other new businesses coming in as well.

Co-Applicant, Rachel Parker, then introduced herself stating she lives at the same address as her husband.

Councilman Marabello asked what type of retail they plan to bring in; Mr. Parker said he is unsure and believes that will depend on the opportunities that present themselves. They do know that two of the units will be occupied as a real estate and mortgage location because they own two businesses that will utilize the two smaller pieces. Their hope is the largest portion of the building will become either a restaurant and/or an event space that that will be contributing to the community downtown.

Mrs. Parker added that as owner occupants, the goal is they are beautiful, upper end store fronts that will make the building a pleasant attraction in the area.

Mayor Campbell opened the floor to public comment.

Director Pierce said one public comment was received via email which was read into the record from David Pickrell, owner of Gallery 37 at 8 South Walnut Street:

Please accept this as my public comment on Ordinance 2021-07, Avery Properties LLC proposed use mixed use commercial. My name is David Pickrell, and my wife and I reside at 8 South Walnut Street. We own and manage Gallery 37 also at this address. We are in the commercial rental property at 10 South Walnut Street and the ice cream shop North Pole creamery located at One South Walnut Street in Milford.

We are in full support of the proposed use change, as requested by Avery Properties LLC. We are very pleased that Avery Properties recognizes Milford as their next destination for investment after Rehoboth and Lewes. Their desire is to create a higher-end complex that will include a restaurant, quality merchants and three apartments suitable for professionals that are moving to southern Delaware.

The city must recognize this and take hold of this opportunity, as it will help kindle interest from other like-minded entrepreneurs. Voting yes to this proposal will have a positive effect on downtown. It will help generate additional foot traffic to our merchants and be a benefit to the city's bottom line.

Heather Morrison of Fisher Architecture of 542 Riverside Drive, Salisbury, Maryland, also participated virtually. She stated as follows:

I didn't want to come and not speak. It has been a great experience working with the Parkers and enjoy their excitement for this neighborhood. I think you guys are going to have a great new resident and business owner. They have done their research and know what is going to help the community as far as the apartments and businesses. I just want to shout my approval and let everyone know I am really excited to see this project in the City of Milford.

There being no further comments, Mayor Campbell closed the floor to any further comments.

Councilman Fulton moved to adopt Ordinance 2021-07 authorizing the conditional use to allow a mixed uses at 27 South Walnut Street, as presented, also noting their approved variance by the Board of Adjustment, seconded by Councilman Baer.

Motion carried by the following unanimous roll call vote:

Wilson: Yes, based on a recommendation of Planning and Zoning and the Board of Adjustment.

Marabello: Yes, he's been very involved in Downtown Milford and the theater, etc., and the way David Pickrell described the endorsement, he concurs with wholeheartedly. It is a win for downtown Milford.

Culotta: Votes yes and looks forward to the businesses this will hopefully bring to Milford and the downtown residences are exciting and he is happy to see that the owner finally sold the building.

Baer: Votes yes stating he is enthusiastically voting yes. This project he believes is great for the downtown, and he also concurs with all the comments that have been made and referenced the four to zero vote by the Planning Commission.

Fulton: Votes yes adding it is a wonderful addition to our downtown neighborhood and the revitalization of the downtown area, so welcome to the neighborhood.

Morrow: Also votes yes in relationship to the Planning Commission voting yes and it is a great addition to downtown and is sorely needed.

James: Votes yes, based on the recommendation of the Planning and Zoning, and it is a great use for that building in that location. He concurs with all the others who have welcomed the Parkers to the City of Milford and wishes them much success.

ORDINANCE 2021-08

Property Owner City of Milford on behalf of Applicant/Equitable Owner Food Bank of Delaware submitted a Conditional Use petition for a new 60,000 square-foot facility, educational outdoor garden space, and 3,000 square foot resource center on an 11.5 +/- acre site on Lot 4 in Independence Commons. Address: 102 Delaware Veterans Boulevard; Kent County Tax Parcel: MD-16-173.00-01-02.08-000

Planning Director Pierce reviewed the related documents in the packet. The property is currently owned by the City of Milford, which will be purchased by the Food Bank of Delaware who is the applicant. The comprehensive plan designation of the property is commercial, and it is currently zoned OC-1 Office Complex and presently vacant. The Food Bank plans to construct a facility on that site which falls under the charitable organization section of the conditional use paragraph.

The buildings would be constructed in three phases, as shown on the on the preliminary site plan. The applicant has provided a written narrative for review, that outlines most of the activities that would occur, hours of operation, numbers of employees, vehicle traffic, etc.

Mr. Pierce shared that the Food Bank had originally proposed the layout shown in the packet with the 60,000 square foot main building, a 3,000-square-foot resource center on the northern side of the campus closer to the Veterans Home and the educational garden space to the south. After discussions with representatives of the Veterans Home, the applicant shifted some of the site components to appease the neighbors to the north as is reflected on sheets CC03 and CC04 in the packet.

As a result, there is no longer three entrances proposed and instead one single entrance that will align with the entrance into the Boys and Girls Club. The garden space and the 3,000 square foot building will swap locations to provide an additional buffer and allow for better collaboration or sharing of that educational garden space with the Veterans Home.

Director Pierce again pointed out Chapter 230(18)(D)(1) addresses charitable and philanthropical organizations are conditional uses subject to special requirements set forth by City Council.

Also included in the packet is the preliminary site plan which is consistent the zoning and area properties. The site plan was reviewed by the Planning Office and the City Engineering staff.

The public notice was published in the Milford Beacon on April 21, 2021, and all properties within 200 feet were mailed a copy of the public notice.

The Planning Commission reviewed the application at their May meeting and recommended approval upon unanimous vote of four to zero, subject to a list of conditions that were self-imposed by the applicant. Solicitor Rutt provided a draft with the hope to finalize them this morning. The Planning Commission made a recommendation to highlight the normal operating hours of 8:00 am to 4:30 pm, Monday through Friday. However, however, the Food Bank staff would be exempted from those restricted hours of access to allow them to come in early and prepare when needed.

The Food Bank also relies heavily on volunteer support and such shifts occur between 8:00 am and 8:00 pm, Monday through Friday, and 9:00 am to 3:00 pm on Saturdays. Receiving hours for delivery of goods and distribution of goods are 8:30 am to 3:00 pm and involves truck traffic.

The Food Bank also agreed to plant a tree line on the northern boundary to separate their facility from the Veterans Home. The garden area would have handicap access and accessible walkways and would be open to the residents of the Home and their guests.

During the site plan review, there was discussion about the parking along the north side of the building being reconfigured if allowed by the State Fire Marshal's Office to avoid headlights facing out toward the pond to the north. If not approved, the Food Bank would provide some sort of screening or low vegetative hedgerow to help alleviate any concerns.

A memorial would be erected within that garden area honoring all veterans, including those that reside in the Delaware Veterans Home.

The facade would be aesthetically conforming to the other buildings in Independence Commons.

Director Pierce then allowed Community Relations Director Chad Robinson of 8 John Andrews Drive, Harrington, to provide their presentation.

Director Robinson introduced Food Bank Chairman of the Board of Directors Andy Larimore, President and CEO Cathy Kanefsky, Chief Operations Officer Trevor Turner and Civil Engineer Ted Williams of Landmark Engineering.

Director Robinson stated that Milford has been an incredible partner for many years and has made sure the Food Bank was able to meet the important mission that all Delawareans have access, especially those in southern Delaware, to the food that they so desperately need.

He shared the Food Bank of Delaware is the only organization in the State that has the logistics, warehouse, and resources to move emergency food throughout the State. Pre-pandemic, about 121,000 Delawareans struggled with food insecurity at any given time. That number is something he feels we should not be proud of living in the greatest nation on the face of this planet and the greatest state in the United States of America. Every day, they go to work making sure that we are fighting back against food insecurity and providing those Delawareans that have those needs the resources they need to live healthy, happy, and productive lives. Our goal is to move individuals to self-sufficiency and they are proud to do that, not just through food distribution, but also, through their workforce development programs, nutrition education, financial coaching, benefit assistance and lots of other resources beyond just what folks might think of as a traditional Food Bank.

The Food Bank has been in Milford for many years at 1040 Matlind Way. That facility has served the community well, but there is now a need to grow. He recalled a construction project in 2013 for an addition that included kitchen space for their culinary school, as well as volunteer room space. At that time, there was not a need for the warehouse to expand, though it later became clear that more space was needed to better serve the residents of Kent and Sussex Counties.

He emphasized this need is not a result of Covid 19. Covid 19 has ripped the band-aid off in a way not seen coming a couple of years ago. They have moved from that 121,000 Delawareans struggling with food insecurity pre-pandemic to levels that have been unprecedented in our State's history. In just the last year and three months or so, they have distributed over 20 million pounds of food throughout Delaware to folks that need it. That has been done through the Food Bank's distributions and facilities, as well as 39 mass distribution throughout the State.

Tonight, the site plan being presented is the vision for Independence Commons. They have spent the better part of the last three or four months thinking through what they wanted at the site, sharing conversations with the Delaware Veterans Home, as well as the Delaware Commission of Veterans Affairs. They want to be good neighbors and want to do everything possible to put together a project they can be proud of, along with their neighbors in Independence Commons, the City of Milford and the State of Delaware.

Director Robinson then described Phase One which is an approximate 3,000 square foot facility that would be built to house the healthy pantry center which is where individuals come to receive assistance. They would enter across from the Boys and Girls Club exit into that space where they would receive service, with adequate space for a short line to form without causing traffic to back up on Veterans Boulevard. They would then exit out the same entrance they came in.

Phase One construction is expected to begin in the relatively near future with the hope of being operational in early 2022.

To the left is a larger 60,000 square foot facility that's outlined in two phases and consist of a 45,000 square foot Phase Two project and a smaller 15,000 square foot Phase Three project.

Director Robinson said that represents the Food Bank's continued planning for the future, by locating all the workforce development programs in the while making sure the plan has everything that is possible.

The 45,000 square foot facility in Phase Two involves the warehouse operations, as well as the volunteer room, and administrative offices. He also referenced the parking plans for the Phase One and Phase Two projects. They anticipate there will be volunteer parking and volunteer room on the end of the building. The parking spaces on the north side of the building would be utilized by staff.

As was noted earlier, they are going to do their best to swap those spaces as was requested by representatives of the Veterans Home, as well as put in some type of vegetative barrier to reduce the amount of light in that direction.

The six loading docks were moved from the end to the center of the building to reduce any noise that may be heard by their neighbors. Because they do not have a problem with truck activity in their new Newark facility, they anticipate that will not be the case in Milford either. Only five tractor trailers serve the facility, with the balance being smaller box trucks on a daily basis.

The community garden space will be shared with the resident of the Veterans Home and the residents of Milford and is a different scenario than the one at the old Armory.

Director Robinson concluded by thanking several individuals associated with the City in helping resolve any issues expressed by the Veterans Home representatives.

Mayor Campbell asked for questions from Council. Councilman Marabello stated that he hopes that all the plants and trees are somewhat mature sizes, so they would have a nice view from the Veterans Home in a relatively short time.

Councilman James commended Director Robinson for the collaboration with the Veterans Home. He understands their space is very sacred to them, especially those families who have residents there.

He asked what the plan is for the current building. Director Robinson said they will continue to have those conversations over the course of the next couple of months. Phase Three is the time frame they will decide whether they will leave components of the existing operation at 1040 Mattlind Way or if everything will be moved to Independence Commons. Though no final decision has been made on that possibility as of this time.

When asked for clarification on the community garden, Director Robinson explained the intent is to open it to their neighbors in the sense of it being an open space, particularly to those that are living in the Veterans Home. They look forward to collaboration, with the Veterans Home, as well as the Boys and Girl Club and the Hospice Center. They want that to be a space where all in the community can learn and the hope is to provide education for folks about where their food comes from, about growing food in small spaces and things of that nature.

He presented a photo of the community garden space in the Newark Facility, adding that though it would not be as large, they anticipate putting in a pergola with various growing boxes and similar plants at this location.

The Director explained the difference in this community garden versus the one at the old Armory in Milford, is that people are having to purchase their personal plots for use and that will not be done here. Instead, this would be an educational and community space that could be used by all.

Councilman Culotta recommends touring the current facility adding it contains a training center for people that want to get into the food industry.

Director Robinson said that in addition to the Culinary School they offer at the Milford site, it is their intention to also bring their logic training program here as well. That involves logistics operations, general warehousing, and inventory control program. The 11-week program teaches students the basic skills they need to get warehousing and logistics jobs. They receive forklift certification and OSHA 10 certification. Nine weeks in the warehouse and classroom. along with two weeks in a paid work experience.

He reemphasized the goal is to get these people jobs and to help them move to self- sufficiency.

When asked the number of employees, Director Robinson said they have about 56 full-time employees statewide. The Milford facility has approximately 20 employees which includes those working remotely from home.

Mayor Campbell then opened the floor to public comment.

Director Pierce asked Charles Baldwin if he wished to speak. Mr. Baldwin introduced himself as the Chairman of the Delaware Commission for Veterans Affairs and he resides in Wilmington. He met with Mayor Campbell and Mr. Pierce and representatives of the Food Bank on several occasions. They have also met with families of the veterans who reside at the Veterans Home along with executives of the facility.

Chairman Baldwin feels they have started off on the right foot and have quickly become partners and supporters. He understands the City of Milford has the right to sell that property and he cannot think of anyone or any business they would rather have at this site other than the Food Bank of Delaware. They have done an excellent job of addressing certain concerns regarding lighting and noise, especially considering those with PTSD. He appreciates their openness to making these many changes.

He is very excited about this and believes they have a good plan, and he no longer expects much of an uproar about this from the veterans' community, and instead believes they are going to be 'kind of' happy about it.

Councilmember Wilson moved to adopt Ordinance 2021-08 as presented, then welcomed and thanked them for this great enhancement in our Independence Commons development. She feels it is a wonderful opportunity and is proud to make the motion, subject to the conditions that were suggested and addressed by the Food Bank. Councilman James seconded the motion.

Motion carried by unanimous roll call vote as follows:

Wilson: Yes, I like to approve this based on Planning and Zoning and added that there are a lot of people that are very excited for this new enhancement within the City of Milford.

Marabello: Votes yes and concurs with Councilwoman Wilson's comments. He recalled this could have been a storage facility who initially requested this site. This is a much, much better enhancement and he looks forward to them finishing all the phases.

Culotta: Votes yes, the Food Bank has been great for Milford and great for Delaware. He is excited to see their growth and being a mostly volunteer organization is a great thing for Milford.

Baer: Also votes yes and is very happy to have the chance to offer them the opportunity to expand their business right here in Milford. It is great for the community, and he also supports it because of the four to zero recommendation from the Planning Commission.

Fulton: Votes yes, based upon the growth for the Food Bank for the business and because of the positive recommendation from the veterans.

Morrow: Vote yes, in accordance with the Planning and Zoning Commission and look forward to the continuing relationship with the Food Bank.

James: Vote yes in full support of this and expressed his happiness to provide the appropriate space for the Food Bank to grow right here without having to look outside of the City to offer these additional services. There is a need and additionally, they are looking to grow their offerings which is a wonderful thing. He also thanked the Planning Department for the work in collaborating with the Veterans Home because they are very important to us also, emphasizing that this partnership is absolutely wonderful.

Communication

Councilman James stated that he is unsure if the Chief is present this evening, and he hopes he doesn't mind, but he wanted to point out there has been a huge increase in crime and drug activity in the City, particularly in the fourth ward area. He wanted to thank Chief for his attention to the many issues and for him keeping a watchful eye on behalf of our citizens.

Mayor Campbell said Chief Brown is really on top of things in the City and most recently oversaw a drug bust. He also appreciates all the effort the Chief puts into the department.

Councilwoman Wilson then announced that Councilman James recently lost his brother though she is unsure everyone was aware of that. Mayor Campbell expressed his condolences on behalf of the City, adding that he was unaware and offered any assistance if needed.

FY22 Budget & Capital Program/Public Comments

City Manager Whitfield reported that the timeline for adopting the budget included a public hearing for feedback to City Council with regard to the proposed budget. There is no action needed at this time, other than to open the floor up for the public to make any comments they may have.

Mayor Campbell then opened for floor and asked if anyone had any comments on the proposed budget before City Council. No one responded and the Mayor closed the floor.

City Manager Whitfield reported the budget is on schedule to be adopted at the next meeting.

UNFINISHED BUSINESS

Authorization/Replacement E-114/ Electric Operating Funds/Vehicle Capital

Public Works Director Mike Svaby presented the request to consider the replacement of the existing 1982 Hudson Reel trailer used by the Electric Division with a 2021 Brooks Brothers three phase reel trailer. The existing trailer is 39 years old, too small, and has been used beyond its life expectancy. The replacement of the unit was identified in the 2021 Capital Improvement Plan.

Pricing for this trailer was obtained through a competitive bidding process. Specifications for the 2021 Brooks Brothers trailer were included in the packet. The Electric Division budgeted \$80,000 for the purchase of this unit, though the final cost is \$52,030.

Councilman Fulton moved to authorize the purchase to Brooks Brothers Trailers, in Troy, MO, in the amount of \$52,030, with funding from the Electric Operating funds and specifically Vehicle Capital, seconded by Councilman Culotta. Motion carried with no one opposed.

SE Milford/Transportation Improvement Plan Concept Renderings & Cost Estimates

City Planner Pierce recalled the discussion on this item during the earlier workshop. This provides the opportunity to answer additional questions Council may have. They are looking for authorization from Council to move forward by allowing allow

DelDOT to prepare cost estimates and renderings for the proposed improvements. Those cost estimates will then come back before Council for a review and to prepare for negotiations.

Councilman Marabello moved to authorize the Planning Department and DelDOT to proceed with developing cost estimates and concept renderings for the indicated TID improvements and authorize changing aspirational level of service standards for intersections from D to E. Motion seconded by Councilman Morrow, then carried with no one opposed.

NEW BUSINESS

Adoption/Resolution 2021-08/Scheduling of Property Tax Appeal Hearings

City Manager Whitfield stated that as required by City of Milford Charter and State law, Council is required to schedule a date for the Board of Revisions and Appeal for any assessment issues. Typically, it is scheduled for the last meeting in July.

Councilwoman Wilson moved to adopt Resolution 2021-08, as presented, seconded by Councilman James:

Resolution 2021-08 Scheduling of Property Tax Appeal Hearing

WHEREAS, the provisions of Article VII, Section 7.05 of the Charter of the City of Milford state that Council shall cause a copy of the General Assessment, as adjusted, to be posted in two public places in the City of Milford and there to remain for the space of ten days for public information; and

WHEREAS, attached to said copies shall be notice of the day, hour, and place that Council will sit as a Board of Revision and Appeal for said General Assessment.

NOW, THEREFORE, BE IT RESOLVED, that on Monday, July 26, 2021, at 7:00 p.m., the City Council of the City of Milford will sit as a Board of Revision and Appeal for the 2021-2022 General Assessment.

Motion carried with no one opposed.

EXECUTIVE SESSION

Councilmember Fulton moved to go into Executive Session reference the below statutes, seconded by Councilmember Wilson:

Property Sale/Lease-

Pursuant to 29 Del. C. §10004(b)(2) Preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property

Motion carried.

Mayor Campbell recessed the Council Meeting at 8:42 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

Councilmember Wilson moved to go back into regular session, seconded by Councilmember Fulton. Motion carried.

Council returned to Open Session at 8:54 p.m.

No action needed as a result of the discussion in Executive Session.

ADJOURNMENT

There being no further business, Councilmember Marabello moved to adjourn the Council Meeting, seconded by Councilmember James. Motion carried.

The Council Meeting adjourned at 8:57 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Transcriber