

CITY OF MILFORD
COUNCIL WORKSHOP MINUTES
June 28, 2021

The City Council of the City of Milford convened in a Workshop Session by way of video conferencing on Monday, June 28, 2021 at 6:48 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, 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

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 June 28, 2021 Council Workshop agenda and packet for additional information.

DMI Funding Request/Ladybug Festival

Mayor Campbell deferred to City Manager Mark Whitfield, who introduced DMI's outgoing President Peggy Reilly.

President Reilly stated this is her final DMI review with City Council. DMI bylaws only permit a two-year term for each President. However, she will be continuing as a member at large for one more year, following a two-year minimum of being off the board.

President Reilly then thanked everyone in the City for their support while she was President. She wanted to introduce Yanelle Powell tonight, who will become the new President though she was not in attendance. James Robb will be the new Vice President. She wanted one of her legacies to be bringing in new young people and a lot more diversity into Downtown Milford. She believes that has been achieved over the past year or two and is anxious to work with this group.

Incoming President Powell will be in attendance for DMI's next update to ensure City Officials have an opportunity to become familiar with her.

President Reilly met last week with the City Manager, Sara Pletcher and IACP Fellow Melody Barger and they asked her to provide a brief overview before discussing the Ladybug Festival.

President Reilly reported the following:

She began her term in July 2019, working on grants and other needed items. She was working with Trish Gerken and then the Covid pandemic hit. The past fifteen months were more focused on Covid and the businesses and not so much the Downtown Milford organization. Many zoom meetings were held as they worked with the State to acquire PPE equipment and assist businesses with online ordering and getting monies to help them survive.

She is pleased to share they did not lose any of the downtown businesses and instead gained two in 2020. Cookie's Paper Petals opened on Southwest Front Street was one. Since then, they have become almost world-renowned. Their owner, Anastasia Jackson, is also on the DMI board.

CBD Supply LLC also opened and is a neighbor of the paper petal business.

They have been fortunate to keep all their businesses during the pandemic. They are now focused on the future of the organization, as well as bringing back events to the community. They also held a well-attended DDD workshop led by Dan Bond.

Third Thursdays have restarted and have been very successful. The Farmer's Market continues as the oldest farmer's market in Delaware. According to Ms. Reilly, it is vibrant and robust again this year.

DMI also received its Main Street accreditation for 2021.

They have a board member, that is very familiar with social media and does marketing for her present employer. She will be taking over all DMI's social media outlets, which is essential because that is one of the duties the executive director handles. She pointed out it is time-consuming, particularly if the person does not have the experience and background. This will help the executive director focus more on grant writing, work with businesses, and concentrate on downtown events.

Again, DMI is searching for a new Executive Director. Unfortunately, they have had a series of directors leave during the past three years. One left to retire, Ms. Gerken accepted a position with the school district, and the last one had a personal situation at home that prevented her from staying.

The Executive Director is typically a three to five-year position, but DMI does not have the money and health benefits to offer someone to stay long-term and grow into something more significant. However, they are hoping to find someone that will stay on for at least three years to help the organization move on and do better things for Downtown Milford.

President Reilly recalled that in 2020, City Council requested the money be returned when the festival was canceled. They are excited to bring it back again in 2021 with twelve different venues. There will be approximately 35 artists, food trucks, and vendors.

At first, it was planned in the park because they were still dealing with Covid. But the State of Delaware will be reopening on July 13, and they intend to bring it back to Walnut Street like was done two years ago. Because they will be using the daylight this year, they recommend the restaurants and taverns have 'a Ladybug After Party'. That means attending and staying out, having dinner, and enjoying the music at the different restaurants and taverns in town. The purpose is to make it an all-day and all-evening event.

Once again, DMI is requesting the \$30,000 though they will continue to look for sponsors. If able to get sponsors this year, that money would go toward the Ladybug Festival next year.

Ms. Reilly recalled asking for the money two years ago, after a very successful Ladybug Festival, at which time Council was highly excited. They want to do that again, encourage people to come back to Milford, be enthusiastic about reopening, and help the downtown businesses. That is the reason they are asking for the \$30,000.

Councilmember Boyle recalled that there was a question of timing last year and asked when the money was needed; Ms. Reilly said by August 1st. They gave Gable a deposit last year and will need to pay them by that time.

Councilmember Wilson commended Ms. Reilly and DMI for their work and especially for trying to make DMI a diverse organization. That will only help and enhance different events for the City of Milford. She noted there has always been difficulty in pulling in other groups, and she commends her on hiring a more diverse staff.

Ms. Reilly reported that these volunteers came in, and DMI asked them to join the board. She added that when she met with City Manager Whitfield, Economic Development Coordinator Sara Pletcher, and Parks and Recreation Director Brad Dennehy, they felt the Bug N Bud Festival had pretty much run its course. They then began to discuss doing an international festival for next year.

In July, she plans to present that to the board and has brought it up to the Promotions Committee and believes it will help diversify Downtown Milford. Ms. Reilly agrees it would bring a lot of different people to a festival and looks forward to working on that.

Councilmember Marabello concurred with Councilmember Wilson's comments. He mentioned his six years working with DMI during its relative infancy and finds it a joy to see what they've done over the years. He again thanked Ms. Reilly for her contributions.

Mayor Campbell emphasized the great job President Reilly has done and the time she had devoted to DMI and looks forward to seeing her with her golf group on Tuesday mornings.

When asked if the money was carried over from last year, Mr. Whitfield explained that \$60,000 is currently budgeted for community festivals.

There being no further questions, the Workshop Session concluded at 7:00 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

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

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder

MILFORD CITY COUNCIL
MINUTES OF MEETING
June 28, 2021

The City Council of the City of Milford convened their regular meeting by way of a video conferencing website on Monday, June 28, 2021. The meeting was available for public view and participation as permitted.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilmembers Daniel Marabello, Mike Boyle, 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

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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.

PUBLIC HEARINGS

City Engineer James Puddicombe was in attendance to present the applications in the absence of the Planning Director.

ORDINANCE 2021-09

Application 2021-19/Milford Plaza SPE, LLC

Located at the northeast corner of Route 113 and Route 14 on 21.4 +/- acres of land

Application Type: Conditional Use – Comprehensive Sign Plan

Comprehensive Plan Designation: Commercial

Zoning District: C-3 (Highway Commercial District)

Present and Proposed Use: Shopping Center

Tax Parcel: MD-16-183.09-01-04.00

Engineer Puddicombe reviewed the application included in the packet. The public notice was published in the Milford Beacon on May 26, 2021 with all property owners within 200 feet of the subject parcel mailed a copy of the public notice for this evening's hearing.

The Planning Commission recommended approval by a vote of five to one at the June 15, 2021, Planning Commission public hearing.

Councilmember Marabello asked the reason for the one objective on the Planning Commission; Solicitor Rutt said the Commissioner felt there were already enough signs at this location.

Councilmember Boyle asked if pad sites are individual stores in the Plaza or those on separate concrete slabs. Engineer James said the slab sites are the individual buildings toward the front, such AT&T, Starbucks, Chick Filet and Applebees.

Councilmember Boyle pointed out there are presently seven signs out there, and this will make eight. And if we are hearing comes to fruition, there will be two significant additions to that strip center. National stores probably want their own sign; he then asked at what point does it become too many.

He emphasized this is only a comment and is throwing it out for discussion. But he would hate to see sign after sign after sign up and down Route 113.

Mr. James Grant stated he is a representative of Tsionas Management, the owners of Milford Plaza LLC. It is necessary to move Sherwin Williams to the old Sears Store. One of the requirements of Sherwin Williams is to have a dedicated sign. His concern relates to the major stores---Aldi and Marshalls would go on the big sign by Hardees. It may also go on the sign pole used by Starbucks.

There would not be a new stand-alone sign and is a request from Sherwin Williams, and if they do not move, Aldi Grocery Store will not come to Milford. Then Marshall's Store will not come either.

The owners are paying to move Sherwin Williams and their fit-out. They are already in the lease process with Aldi, who plans to go into the previous Sav-A-Lot and current Sherwin Williams site. They were told that Marshalls just started expanding and this is taking it one step at a time.

Councilmember Boyle thanked Mr. Grant, adding that he understood the point.

Councilmember Marabello confirmed the monument sign is 10 feet high and 12 feet across. He noted there is no kind of planting in front of that sign. Mr. Grant emphasized this only a stand-alone sign. However, there is a lot of landscaping on site.

When the Starbucks and the Valvoline buildings were constructed, the amount of landscaping far exceeded what was required.

Mayor Campbell asked the question of the Marshalls store and Mr. Grant said it will fill the entire Peebles store or 32,000 square feet.

Councilmember Culotta said he could see the domino effect of the decision. He appreciates Councilman Boyle's concern of being inundated with signs, but that is a commercial area and sits on a highway. Many of your better brands want things like this, and Sherwin Williams, speaking for himself as a contractor in Milford, is a vital store. He thinks Council needs to consider what is necessary for these businesses.

Solicitor Rutt warned that the discussion will take place after the motion is presented. Councilman Culotta asked if that is the case, why does Council speak before the public; Solicitor Rutt said Council should not. Councilman Culotta said so we are not following Robert's Rules of Order and discuss this first.

Solicitor Rutt said that Council needs to listen to the application/applicant and comments. Then Council has free rein to talk and discuss what part of the record was. After the applicant completes their presentation, anyone wishing to speak in favor of the application may speak, followed by anyone in opposition. Then Council can discuss, make a motion and proceed from there. But Council needs to listen to the entire presentation, pro and con, before any opinions are expressed.

Mayor Campbell announced he was having a problem with his computer and turned the meeting over to allow time to set up an additional computer to participate.

Vice Mayor James filled in temporarily until Mayor Campbell could return to the meeting.

The Vice Mayor noted we have heard from the applicant's representative and is now opening the floor to public comment.

Nina Pletcher of 438 South Walnut Street asked where the Sherwin Williams sign presently exists and is it part of the big sign in front of Hardees. City Engineer Puddicombe referenced the drawing in the packet.

Ms. Pletcher noted that because they are not changing their location, why is it being moved from the large sign. She understands the domino benefit of obliging them, but because it is already in place, why is there a need to create a new sign. If she is looking for Sherwin Williams, she will drive up and down the center until she finds it.

Mr. Grant explained that because Sherwin Williams is in a lease and the owner is asking them to move, there is no clause because they did not want a clause in the lease for relocating their stores. He said the guy says he is working on ten stores that must be relocated. They go to the landlord and ask for everything. For instance, the owners usually do not touch the façade or front of a store. But in this case, they require the entire facade is in they asked for everything so, for instance, the front of the sears is not usually touched. In this case, the entire facade and fit-out inside the store must be done. This is a condition in the LOI as part of the move. If the landlord does not give them what they want, the store is able to say they will stay at their current site. If that happens, the new stores will not come in.

He said Marshalls is not guaranteed, but they have received a real positive response because they want to be in a Center with an Aldi, a Planet Fitness, etc. Plus, there is no competition anywhere near Milford for a clothing store. They are requesting the sign be in front of their store so that people know exactly where to find them.

Ms. Pletcher said she is confused about the sign on Route 113 versus on the façade. Mr. Grant explained they want both—a stand-alone sign on Route 113 and in addition, the sign on the building be moved to their new location on a new façade.

When Vice Mayor James asked if there was anyone else that wished to speak, no one responded. Vice Mayor James then closed the floor to public comment.

Councilmember Marabello asked if separate signs will be requested when the other two prospective stores come on board; Mr. Grant confirmed that is correct, and they will be added to the main board because they will be anchor stores.

Mr. Grant said that is another point. The sign is like a chess game. There are certain spots on the side where these stores want to be. More than likely, the Aldi sign will replace the Gorman sign. There is no way to move the signs because those locations are spelled out as part of the LOI and the leases.

There are two big signs (including the Gorman sign) that will be available to be used most likely by the anchor stores.

Councilmember Fulton said that one of the things that people wanted when they lost Sav-A-Lot was another food store. When Milford lost Peebles, and then Gormans, they wanted another clothing store that was accessible. He feels this is important to the citizens of Milford and should focus on what they have previously asked for.

He feels they should be recognized from the street so that people coming into the shopping center know where to shop and the stores can earn money to stay in business. Councilmember Fulton is not saying there is a need for signs everywhere like Rehoboth and Lewes, but this is in a commercial area and an appropriate request.

Councilmember Morrow said he agrees with Councilmember Culotta and Fulton. Milford has been fighting the battle to get some box stores and businesses. It was noted there is no clothing competition and Aldi's is an up-and-coming store and believes this is all good news.

In his opinion, this can work and send a message to other businesses that they might move to Milford.

Councilmember Wilson agrees with Councilmember Fulton and Morrow. She could barely contain herself with the thought of Marshalls and Aldi coming. She is pleased that Sherwin Williams has agreed to move further down. Because of that, she feels there is a need to accommodate them with whatever they need. She is just happy to have had Sherwin Williams all those years. And happy there will be some new stores that fill those vacant spaces.

Councilmember Wilson is excited about that and thanked Mr. Grant for his work.

Councilmember Boyle is like everyone else and is very happy to see these coming. It upgrades the shopping options in Milford. It also upgrades Milford Plaza itself, and he would hate to see it distracted by being overburdened with some signs.

So he is in favor of it but would also like to see the kind of attention given to the face of the Plaza, which will attract people rather than just be a clutter.

He also knows it is an expense upon the owner, but perhaps it needs to be looked at as part of the signage and how your Plaza is displayed to the public. In attracting its stores, we want to attract shoppers, but we also want the place to look nice. His only concern is that it becomes an overwhelming overload on the eyes. He agrees with everyone else and is something we need. He already hears comments from people about the prospect and understands the situation that Mr. Grant explained.

Councilmember Culotta feels there is a need to remember that shopping centers have a finite life and believes the average is ten years for the life of a shopping center. Anchor stores in shopping centers are the lifeblood. Without the anchor, a shopping center dies. We have the Plaza and then years after that, they built Roses across the street where Ace Hardware and those stores are now. Then we built where Walmart was up north. They tend to pull from each other, but when there's anchors, they attract and are the primary reasons that many shoppers go. The smaller businesses could benefit by keeping those shopping centers looking good, up to date, relevant.

He thinks we cannot forget that and say well, we don't want to see a sign, so we're not going to do this. Therefore, Sherwin Williams says we don't have to move according to our lease and will stay right where we are. They're willing to discuss that but they are asking and he thinks it is ok. He said if everybody read the packet, you saw the different signs that are out there. He thinks its okay and we are not inundated yet.

Like Councilman Culotta said before, this is in a C-3 zone. It is not downtown and is not in the middle of a residential area, and instead is in a commercial zone. These discussions can show our desire to be business friendly or not.

Mayor Campbell returned to the meeting. He said Milford needs the Marshalls and Aldi and does not believe we should not be nitpicking about a sign right now. The whole center needs to improve and there are so many people moving in and out, he thinks the Marshals and Aldi will be a huge benefit for the City.

Councilman James said his constituents have been asking when they are going to see more options for shopping there. Whether it is food or clothing, just more retail in general. He thinks it is a welcome to fill those empty stores and give them what they want.

He said to Councilman Boyle's comments, they want places to choose, where to shop for food, and more clothing options and they are having to drive out of town. To sacrifice by allowing an additional sign to create new businesses willing to accommodate movement for growth, he believes is a win-win.

Councilmember Marabella said he can understand Councilman Boyle's opinion. We can have business friendly strip centers and still be beautiful. The fact that they're going with a monument sign minimizes the effect of having unlimited pole signs. He agrees it is a win-win situation to everyone.

Councilmember Baer agrees with all the comments that have been made. He thinks it is great to have Aldi and Marshalls coming to town and believes everyone will really appreciate having those businesses here. He is all for it.

Councilmember Fulton moved to adopt Ordinance 2021-09 to approve the conditional use for a Comprehensive Sign package, seconded by Councilmember Wilson. Motion carried by the following unanimous vote:

Wilson: Vote yes, it is a benefit to our town, to our residents and the signage is trying to satisfy the needs of Sherwin Williams and the inconvenience of having them move. But let's just give them what they require so everything else will fall in place.

Fulton: Votes yes. The sign is something that Sherwin Williams has asked for in order for them to help the shopping center grow and help the citizens of Milford to have more choices. It will also bring more jobs to the area as well for economic growth so yes.

Marabello: Votes yes and the fact that they going with a monument sign will minimize the appearance that could be distracting and it's a win-win and he welcomes those two stores.

James: Vote yes. The sign request from Sherwin Williams is a small sacrifice for the overall growth of the shopping center and to provide the requested shopping avenues for the citizens of Milford.

Boyle: Votes yes, it complies with the comprehensive sign use ordinance it is a way. Everybody agrees it is a win for the City and for the citizens who are looking for options. This will open up a couple of other pad sites and there is still potential for others to come in.

Baer: Votes yes and looks forward to shopping at all three of the mentioned businesses.

Morrow: Vote yes, based on everybody's comments and the fact that Planning and Zoning also approved it.

Culotta: Votes yes, it is a fair ask by Sherwin Williams and I think we should accommodate it. I am excited about what is going to go on with Milford Plaza and what it means to Milford.

ORDINANCE 2021-10

Application of Limitless Development Company, LLC on behalf of Milford Marina Enterprise LLC for the Final Major Subdivision (Phase I Only) of 25.80 +/- acres of land, in an R-3 (Garden Apartment & Townhouse) Zoning District to be known as Knight Crossing. Property is located south of Cedar Beach Road, east of Beaver Dam in Road and west of Route 1, Milford, Delaware. Present Use: Vacant; Proposed Use: Planned Unit Development. Tax Map: 3-30-7.00-035.00, 036.00 & 037.00 (portion)

City Engineer James Puddicombe reviewed the Ordinance 2021-10. He noted this will be for phase one only. Phase one consists of 24 single-family detached dwellings. The remaining phases would be approved at a later date.

The public notice was published in the Milford Beacon on May 26, 2021. All property owners within 200 feet of the subject parcel were mailed a copy of the public notice. The Planning Commission recommended approval upon unanimous vote at the June 15, 2021 meeting Public Hearing.

He noted that the preliminary major subdivision conditional use was approved by City Council on February 24, 2020. There is a planned unit development associated with the application.

Stephen Gorski, PE, of Duffield Associates, Wilmington, Delaware, was present on behalf of Milford Marina Enterprises. He noted that Mr. Puddicombe provided a nice summary of the project and includes the first 24 units on the overall master plan project.

It is zoned R-3 and they 24 units are part of the PUD that consists of the initial phase one single family condo units.

Project Manager Gorski confirmed that they have received approval from DELDOT, Fire Marshal and the Sussex Conservation District for the sediment control plans, and the engineering conditional approval on an agreement being executed for the pump station that this project drains to. They are ready for approval from City Council to proceed forward.

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

City Manager Whitfield said that is currently being addressed by the Planning Commission in the update to the Zoning and Subdivision Codes.

Councilman Fulton asked the groundbreaking date for the 24 units. Project Manager Gorski said that is a question for the owner who is not in attendance tonight, they are working with the Estate of Wayne Knight who passed away to years ago, and has slowed things down somewhat.

He also confirmed that those these units are technically condominiums, they are detached single-family condominiums. The structure will be completely owned by the purchaser. All the land will be common space, some with limited common elements such as the backyard. The remaining land and property will be maintained by the HOA with the roads eventually becoming public roadways.

Councilmember Boyle moved to approve Ordinance 2021-10 and the final major subdivision approval of Phase 1. Councilman Morrow seconded the motion (see packet for complete ordinance):

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

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

Section 1. The Final Major Subdivision Plan is consistent with the objectives, policies, general land uses and programs in the City of Milford Comprehensive Plan, Subdivision and Zoning Codes, in that it establishes obligations and conditions for the implementation of the Knight Crossing Project;

Section 2. The Final Major Subdivision Plan is in conformity with public convenience, general welfare and good land use practice;

Section 3. The Final Major Subdivision Plan will not be detrimental to the public health, safety and general welfare of this community;

Section 4. The Final Major Subdivision Plan will not adversely affect the orderly development of adjacent properties and will maintain the preservation of property values.

Section 5. Dates.

City Council Introduction: June 14, 2021

Planning Commission Review & Public Hearing: June 15, 2021

City Council Public Hearing: June 28, 2021

Effective: Ten Days Following Adoption by City Council

Motion carried by the following unanimous vote:

Wilson: Votes yes to approve based on the Planning Commission as well as the approval by the other agencies.

Fulton: Votes yes for the final subdivision of Phase One only with the 24 single family condo units. It is well within the usage as laid out by the comprehensive plan and it will afford some more housing to hopefully the large economic boom and more personnel coming into Milford to live.

James: Votes yes based on the recommendation of Planning and Zoning.

Boyle: Votes yes. This is a refinement or modification of the plan that was presented about a year and a half ago. He commends the developer for doing that and basically, going back and relooking at the plans to adhere to what was objected to on setbacks. He likes it, the design, the layout and votes yes.

Baer: Votes yes, based on the recommendations from the Planning Commission.

Culotta: Votes yes, based on the recommendations from planning and he also agrees with Councilman Boyle's comments about the developer accommodating the request last time this came in front of us.

Marabello: Yes, based on the planning board decision and also it's a nice addition to the City's housing.

Morrow: Votes yes in accordance with the recommendation of Planning and Zoning and he is glad that the area of the old marina on Route 36 is starting to get developed. It is a beautiful area and is glad the developer took it on for the City of Milford.

ORDINANCE 2021-12

Amend the Code of the City of Milford

Part II General Legislation Chapter 204 Taxation

Adds New Article VI – Monition Fees §204.14 Fees

City Manager Whitfield shared that Ordinance 2021-12 is an amendment to the City Code that will allow the City to collect fees and charges that relate to monitions and was introduced two weeks ago. Since that time, a chart of fees was added at the recommendation of the Solicitor. The chart of fees was removed because they differ from property to property. As a result, the ordinance simply allows the City to collect any fees incurred during the process of carrying out the monitions.

He introduced Customer Service Accountant Suzannah Frederick who asked if Council has any questions. There being no questions from Council, Mayor Campbell opened the floor to public comment on the proposed ordinance. With no response, Mayor Campbell closed the floor to comments.

Councilmember Marabello moved to adopt Ordinance 2021-12, amending the City Code Article VI and allowing for monition service fees, seconded by Councilmember James (see packet for complete ordinance):

A final draft of Ordinance 2021-12, as amended on June 28, 2021, shall read as follows:

§204.14 Fees

Sec. 204.14 Fees - Collection fees for delinquent taxes, sewer service charges or code enforcement fees.

- A. For any monition action commenced by the City Manager or his or her delegee on behalf of the City of Milford for the purpose of collecting delinquent taxes, utility service charges, code enforcement fees, or any other cost, fee or expense authorized by the City of Milford Charter or the Milford City Code to be assessed against real property, the Finance Department shall additionally assess against the delinquent property all reasonable attorneys' fees and costs incurred to collect the delinquent tax or assessment, which additional fees and costs shall be collected as part of any monition sale conducted by a Sheriff, constable or other authorized official of the State of Delaware.*
- B. If delinquent taxes or other assessments permitted by the City of Milford Charter or the Milford City Code are collected prior to a monition sale conducted by an authorized official of the State of Delaware, all reasonable attorney fees and costs incurred for the collection of taxes or assessments to the date of payment, plus such costs as may be necessary to fully satisfy any court filings to date, shall be collected as part of the payment due to the City of Milford. If the Finance Department incurs any costs in the collection of delinquent taxes, utility service charges or code enforcement fees that are not wholly covered by the fees referenced in Subsection 204-14(A), the Finance Department shall levy a charge against the property in the full amount of those costs, plus a fee of \$100.00 (one hundred dollars) to cover direct and indirect costs of administration.*
- C. For any monition action not commenced by the City's Finance in order to collect delinquent taxes, utility service charges or code enforcement fees, the Finance Department may assess against the property reasonable attorney's fees and costs, as determined by the Director of Finance in consultation with the City Manager. In addition to the fees and costs set forth above, all costs or other fees charged by the City Solicitor, Kent or Sussex County Sheriff, the Prothonotary, or by the clerk of any court for the filing, service, satisfaction, or any other activity in a monition action relating to the collection of taxes, utility service charges or code enforcement fees may be assessed against the property.*
- D. When an action to collect delinquent property taxes is filed in a court of appropriate jurisdiction, the fee as provided for in §204.14 shall be added to the amount due.*
- E. The fees established by this section shall be in addition to court costs and service fees assessed by state or county offices, but in no case same fee shall be duplicated.*
- F. Methods of collection. The Finance Department shall have the power to employ, in the collection of the property tax, all rights and remedies granted the City for the collection of real property taxes as set forth in the Charter of the City of Milford, Article VII. Taxation, Assessors and Assessment of Taxes.*

Dates:

City Council Introduction: 06/14/2021

Amended: 06/28/2021

Adoption: 06/28/2021

Effective Ten Days following Adoption

Motion carried by unanimous vote, with no one opposed.

RECOGNITION

New Employee Introduction

City Manager Whitfield introduced Melody Barger, our newest ICMA Fellow. Ms. Barger started in early June and is originally from Columbia, Maryland. She graduated from James Madison University with a Bachelor Degree in Public Policy and Administration and a Master's Degree in Public Administration.

He noted the Fellow position is shared with the City of Lewes, as was done in the past.

Ms. Barger thanked Mayor and Council noting that she is very excited about working with the City of Milford.

Finance Director Lou Vitola then introduced Lucas David and Christina Buckler.

Christina began her employment two weeks earlier as a Billing Clerk with the Customer Service Team. She was an Office Manager for an engineering firm for the past eight years and worked in accounting for an industrial supply company prior to that. She brings an arsenal of skills from accounting and working capital management to inventory/compliance from high tech firms, which will shorten her learning curve with the City's meter to cash process technology.

Lucas David began his employment today. He also joins the Customer Service Team as the second new hire in June. He will be a Customer Service Representative, where he will shine due to his more than seven years in the hospitality industry. Director Vitola congratulated Mr. David for maintaining a 4.0 GPA while achieving an Associate Degree in accounting which he plans to parlay into a Bachelor's Degree. It was his customer-first empathy-driven service style that really got our attention.

Customer Service Accountant Suzannah Frederick added that after the whole Covid pandemic issue, it is really great to have almost a full staff. Christina is already making adjustments on accounts and is learning things very quickly. Today, Mr. David picked up everything very fast and he is already posting payments.

Ms. Buckler said she is pleased to meet everyone and hopes for a great meeting.

Mr. David thanked City Council, the HR Administrator, Finance Director, and Ms. Frederick for giving him this opportunity to work for the City of Milford, stating he is excited to continue his career here. He is also looking forward to working on his Bachelor's Degree at Wilmington University in Dover this fall.

COMMUNICATIONS & CORRESPONDENCE

Insurance Company Update

City Manager Whitfield reported to Council that the City received word from our insurance broker that we will be changing insurance companies beginning July 1, 2021.

Finance Director Vitola stated that this year, the broker was asked to do a full pricing analysis on the insurance coverages of the general liability, auto, property casual, etc. The health insurance is through the State of Delaware, and workman's compensation is with the DFit program with a September 1, 2021 renewal.

One of the reasons for the quote was the signals received from our current carrier, Selective. This was due to the increase in claims over the past couple of years and to expect a much higher renewal or the possibility of not being renewed. That is why we went to the market, and through a long process, we are still not bound yet. We were able to have Selective bid on all lines but also received a quote from Travelers and Trident, run through a brokerage firm called SIP, whose manager oversees the DFit program.

Based on those signals, a 14% increase was budgeted into our premiums over the expiring premium costs in Fiscal 2021. Selective was at a 13.6% increase and Travelers at a 17.2% increase. They put together a great proposal and spent hours with staff going through some of our risks and even some of the City's operations. They had some great things to offer as a result, but the premium quote was high.

The Trident quote was the lowest of all at an 8.2% increase.

He explained it is not always feasible to go with the low bid in insurances. There are nuances, coverages, claims management service, and other items to consider. But in this case, DFit and SIP had the low bid and some positive intangibles and benefits that should benefit the City of Milford.

Most importantly, are the separation of the EPLI (employment practices liability insurance coverage). It is written separately from the public officials' liability and is a combined limit in the current program. This has two separate limits, which are basically double the coverage. Also, the umbrella coverage SIP in the Trident program is on top of each of the individual underlying coverage lines. Usually, the umbrella is an aggregate limit that covers all insurance lines. Once that large amount is consumed, it is no longer available for another line.

For example, if there is a catastrophic auto claim that consumes all the umbrella coverage, it is no longer available for any other line. But that is not true with this program and instead, we have the luxury of a \$5 million umbrella package that sits over top of auto, the public officials liability, and general liability.

Director Vitola explained it is an unusual benefit that he has not seen.

Other obvious benefits include working with our municipal peers in Delaware and getting scale in terms of brokerage fees, etc.

He is working to get the documentation together to get bound on July 1, 2021. He will move forward from there with an attractive insurance package that improves our coverages and premiums and are in line with the budget.

When asked if we carry flood insurance and if any of the policies are multiple years, Director Vitola verified they are all one-year terms. For example, the cyber liability was a two-year renewal at one point, but last year became a one-year renewal. He also believes we have flood insurance as part of the property lines for any areas that are outside of any floodplains but will need to follow up on the applicability of the flood coverage in 100% of the City-owned properties.

Nor is he aware of the specific properties in low-lying areas other than the police station just under the current project.

Councilmember James said this is welcome news, and he is glad to hear of the favorable outcome. He asked when the last time it went to market. Director Vitola is unsure though he recalled a year when the City switched from Travelers having the whole package, to DFit for the worker's comp and Selective for the commercial lines. That may have been the last year it was fully shopped.

Councilman James said a couple of Council have some experience in this industry and they recommend it be done at least every three years to five years.

If the premiums don't improve, the City could end up with better coverage, though it is possible to get both.

Chamber of Commerce Legislators Luncheon

City Manager Whitfield referenced the invitation to a Chamber of Commerce Legislators Economic Development luncheon on Wednesday, July 21, 2021, directing anyone interested to contact City Clerk Hudson.

UNFINISHED BUSINESS

Authorization of Funding/DMI Ladybug Festival

Mayor Campbell referenced the report given earlier by DMI President Peggy Reilly and asked for a motion on the request.

Councilman James confirmed this is only for the \$30,000 for the Lady Bug Festival itself.

City Manager Whitfield verified this only involves the Lady Bug funding.

Councilmember Fulton moved to authorize the use of \$30,000 of the budget amount for community events for the DMI Ladybug Festival, seconded by Councilmember Baer. Motion carried by a unanimous vote.

Council In-Person Retreat

City Manager Whitfield recalled the Council Retreat being rescheduled several times. Due to the pandemic, we continued to hold off on having an in-person retreat. Having things lifted by the middle of July should open this possibility.

The moderators are anxious to present to Council and work with the City to come up with a retreat that will be to Council's liking and update the City's strategic plan. He is currently looking for dates in late August or September on Saturdays and asked the preference of Mayor and Council.

It was agreed that August is not a good time and September would work better later in the month. More information will follow.

NEW BUSINESS

*Davis, Bowen & Friedel, Inc. on Milford Ponds Phase 3
Preliminary Plan Approval One Year Extension Request
Tax Parcel 1-30-3.00-264.00*

City Engineer Puddicombe explained this is a request for an Extension of the Preliminary Major Subdivision approval for Phase Three of Milford Ponds. Milford Ponds, is part of a planned unit development (PUD) and the applicant is on the telephone to present the one-year request extension for the Phase Three portion of the plan. The initial approval occurred on June 22 2020. This phase involves 52 single family detached dwellings.

The City Engineer reported the applicant has been submitting construction plans for review and the most recent set of comments is included in the packet.

When asked who was present to represent the request, no one responded.

Mayor Campbell attended the owner's meeting last week and he is hoping that a lot of the complaints will be addressed with the changes agreed to. Mr. Puddicombe said he does not believe they have necessarily postponed Phase 3. It is only a separate item working through the review process and is based on the amount of construction work/review needed.

Councilmember Fulton stated that he prefers having the matter postponed without a representative of the developer.

Councilmember Fulton then moved to postpone action until a representative can appear before Council to represent the development and answer questions, seconded by Councilmember Baer.

Councilmember Morrow questioned if the first approval will expire if it is delayed; Solicitor Rutt explained that having made the application prevents any deadline problems. Voting at a later date would revert to the original deadline.

Councilmember Culotta expressed concern that because the City Planner is not in attendance. In his opinion, this is a simple one-year extension, and does not feel it is necessary to have anyone from Milford Ponds be present. He thinks it is being made much more complicated than needed.

Councilmember Fulton disagreed, stating it is not complicated for a developer to ask for a one-year extension on a plan and ask for Council's blessing for another year to appear before Council and asks. Councilmember Culotta said that is his point and when it was submitted to the Planning Office is the point the developer asked. After that, it is the duty of the Planning Director to explain the request.

Solicitor Rutt added that PE Tim Metzner was in attendance at the Planning Commission meeting to explain the basis for the extension.

When asked if Mr. Metzner was told there would be a Council meeting in which he had to appear, Councilmember Culotta said no one knows that.

The matter failed by the following vote:

Wilson: Votes no she does not agree with the motion.

James: Votes no and does not think it is a requirement that the applicant be present and if it was, and if it was, Council would need to talk about that and votes no.

Boyle: Votes no, adding that in the past, once the applicant has submitted the application, then the request for the year has been granted. This is not an unusual or outside the norm.

Marabello: Votes no and concurs with Councilmember Boyle and heard it was recommended by the Planning Board.

Culotta: Votes no simply because this is straight forward and they were in front of the Planning Board and Council does not know if the applicant was instructed to be in front of Council or not and he votes no.

Baer: Votes yes and thinks they should be present and should not be a big deal for them.

Morrow: Votes no and concurs with Councilmember Culotta.

Fulton: Votes yes and from his background on the Planning Commission it was always very important to hear from the applicant who is submitting the request and the reasons for the delay. That is needed in order for the Planning and Zoning Board to make a decision based upon what they were doing. He feels as a Councilmember, it is just as important, if not more so, that Council hear the reasons before making a final decision and the reason he still votes yes.

Councilman Boyle made a motion to approve the request, stating this is very common among developers and he does not believe it is outside the norm. They have a reason to request it and this a project that has been ongoing and not like some projects that have been stalling for twelve years. Motion seconded by Councilmember Morrow. Motion carried with two dissenting votes from Councilmember Baer and Councilmember Fulton.

Adoption/Resolution 2021-10/Reimbursement of Expenditures Associated with Police Station Project

City Manager Whitfield explained that whenever a bond project is ongoing, a reimbursement resolution is done that allows the City to reimburse itself once the proceeds from the bond have been approved.

Finance Director Vitola reiterated that the resolution was drafted by City Bond Counsel and is very routine. The need arises out of US Treasury regulations, and he strongly recommends Council consider and approve it so that the City is able to reimburse ourselves with the proceeds of the bonds.

It was noted that previous resolutions make it clear what can be paid and reimbursed, and some of the things include the purchase of the land and similar matters.

Director Vitola said that is correct. The two resolutions adopted by Council and the public's vote determined whether, how much, and what rates and for what purpose we can borrow the funding. This is required because some cash spending will happen first. Then the bonds will be issued and we can reimburse ourselves with the proceeds.

There are specific de minimis amounts and purposes or uses of the funding, such as engineering expenses and planning, preliminary expenses, and legal expenses, that are always reimbursable from debt. Otherwise, Council has to declare its intent to reimburse itself per the US Treasury regulations.

This has nothing to do with the other action already done and is a treasury regulation related to the prevention of arbitrage.

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

Councilmember James moved to adopt Resolution 2021-10 for the Reimbursement of Expenditures Associated with Police Station Project, seconded by Councilmember Boyle:

*RESOLUTION 2021-10
Reimbursement of Expenditures Associated with Police Station Project*

WHEREAS, the City of Milford (the "City") expects to issue a maximum of \$20,000,000.00 principal amount of its general obligation bonds or notes (the "Bonds") to finance the design, construction and equipping of a police station and to complete other necessary infrastructure improvements in connection therewith as well as other miscellaneous capital projects (the "Project");

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

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

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

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

- 1. The City finds and determines that the foregoing recitals are true and correct.*
- 2. In accordance with Treasury Regulation §1.150-2, the City hereby states its official intent that a portion of the proceeds of the Bonds will be used to reimburse itself for Reimbursement Expenditures. This declaration does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project.*
- 3. The City intends to reimburse itself for Reimbursement Expenditures through the incurrence of debt to be evidenced by the Bonds. All expenditures to be reimbursed will be capital expenditures (as defined in Treasury Regulation §1.150-1(b)) or certain other expenditures qualifying pursuant to Treasury Regulation §1.150-2(f).*
- 4. The maximum principal amount of the Bonds expected to be issued for the Project including to reimburse the Reimbursement Expenditures is \$20,000,000.00 including the costs of issuance of the Bonds, but exclusive of original issue discount.*
- 5. Once the Bonds are issued, the City shall allocate, or cause to be allocated, Bond proceeds to reimburse the Reimbursement Expenditures; provided that, except as permitted under Treasury Regulation §1.150-2(f), such costs to be reimbursed were paid not more than 60 days prior to the date hereof. Such allocation shall specifically identify the actual expenditure to be reimbursed and shall occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service, but in no event more than 3 years after the expenditure is paid.*

NOW THEREFORE, BE IT RESOLVED by Milford City Council, that Resolution 2021-10 is hereby approved and adopted this 28th day of June 2021.

Motion carried with no one opposed.

EXECUTIVE SESSION

Councilmember Wilson moved to go into Executive Session reference the below statute, seconded by Councilmember James:

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 8:22 p.m. for the purpose as is permitted by the Delaware Freedom of Information Act.

Return to Open Session

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

Council returned to Open Session at 9:01 p.m.

Potential Land Purchase

No action is needed as a result of the discussion in the 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 9:02 p.m.

Respectfully submitted,

Terri K. Hudson, MMC
City Clerk/Recorder