

CITY OF MILFORD  
COUNCIL WORKSHOP MINUTES  
January 10, 2022

The City Council of the City of Milford met virtually in a Workshop Session on Monday, January 10, 2022 at 6:02 p.m.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Todd Culotta, Brian Baer, Nirmala Samaroo, 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

Per the Declaration of a Public Health Emergency issued by Governor Carney on July 13, 2021 and the virtual meeting provisions as provided in Senate Bill 94, Milford City Council and participants met in a hybrid format.

*2022 Amendment to 2008 Comprehensive Plan*

The 2022 amendment to the 2018 Comprehensive Plan includes three future land use map amendment requests and a transportation chapter text amendment. Amendments 1 & 4 are initiated by the City of Milford. Amendments 2 & 3 are being requested by the property owner. All four amendments will be submitted to the State of Delaware Office of State Planning Coordination (OSPC) for Preliminary Land Use Service (PLUS) review. The below narratives for proposed amendments 2 & 3 are for informational purposes only and public hearings will be scheduled at a later date after PLUS comments are received from the State. Proposed amendments 1 & 4 could be revised based on City Council feedback from tonight's meeting and prior to the PLUS submission.

*Amendment #1 – Deep Branch/Herring Branch Greenway*

The City is seeking a change in the future land use classification for the following parcels from Low Density Residential to Open Space as shown on Exhibit A. The purpose of the amendment is to develop a greenway along Deep Branch and Herring Branch from Marshal's Pond to S. Walnut Street. Only one parcel is currently located within City limits.

The City has acquired Sussex County Tax Parcel 3-30-11.00-039.00 and is working to develop a greenway master plan for this area. The greenway would include passive and active recreation areas, including but not limited to bike trails, walking paths, picnic areas, wildlife viewing areas, ball fields and courts, gazebos which will be determined through the master planning effort and under the advisement of the City's Parks and Recreation Advisory Board, DNREC and City Council.

*Amendment #2 – Mr. Wiggles*

The parcel was the location of a proposed Transfer of Development Rights receiving area which has been relocated as shown on the provided Exhibits 1, 2, 3, 5 & 6. The below table replaces Table 4.2 in its entirety that was amended by the City in 2019 prior to the adoption of the Transfer of Development Rights ordinance, originally found on page 25 of the SE Master Plan. The proposed Receiving Area #1 identified in the 2019 amendment would need to be relocated from parcel 056.00 due to the requested change in land use classification from residential to commercial. Proposed Receiving Area #3 has been increased by the amounts previously held by proposed Receiving Area #1 and the change is reflected in the table found in the packet.

*Amendment #3 – Country Life Homes, Inc.*

The City has received a request from the property owner of Sussex County Tax Parcel 3-30-11.00-070.00 to change the future land use of the property from Proposed Low Density Residential to Proposed Commercial. The property is currently located in the unincorporated area of Sussex County and is improved with a farmhouse and related agricultural uses. Enclosed is a draft plan for the use of the property provided by the owner if the comprehensive plan future land use exhibit

and City zoning map are amended to commercial and C-3 Highway Commercial. See attached SE Neighborhood Master Plan Exhibits 1, 2, 3, 5 & 6.

#### Amendment #4– Text Amendments to Chapter 6 Transportation

According to DelDOT’s datasets, which can be viewed at [www.bikemap.com/de](http://www.bikemap.com/de), the entirety of South Walnut Street/North Old State Road is a state bicycle route, bisecting the City north to south. It also lists the full east to west extent of North and Southeast Front Streets as a regional bicycle route.

Milford has actively planned for improved bicycle and pedestrian connections and facilities. In 2011, it published a Bicycle and Pedestrian Master Plan. In 2021, it adopted an update to the bicycle portion of this master plan. Milford’s full Bicycle Master Plan update can be seen at <https://www.cityofmilford.com/461/Bicycle-Master-Plan>.

#### Amendment #4– Text Amendments to Chapter 6 Transportation

See packet for details.

Staff will share the amendment requests with the Planning Commission at the January 18, 2022 meeting and will submit the amendment requests to the State of Delaware Office of State Planning Coordination (OSPC) for Preliminary Land Use Service (PLUS) review in February. Once PLUS comments are received, staff will coordinate any additional public engagement required for the processing of the amendment requests.

#### *Building Code Update & Residential Sprinklers*

Enclosed is a draft amendment to Chapter 88 – Building Construction that would adopt the 2018 International Residential Code (IRC), the 2018 International Building Code (IBC) and the 2018 International Swimming Pool and Spa Code (ISPSC). The City currently operates under the 2012 version of the IRC and IBC and pools and spas are governed under an appendix to the 2012 IRC.

The enclosed amendment includes additions, insertions and changes to the IRC, IBC and ISPSC. Below is a breakdown of those changes.

#### 2018 IRC

##### Chapter 1, Administration

- Added language to the permitting section authorizing the requirement for State agency approvals as part of the permit review process.
- Defined construction activities that would be exempt from needing a building permit.
- Added “clean hands” language.
- Added the requirement for an as-built survey between the foundation and framing inspections to ensure the building is constructed in the proper location.

##### Chapter 3, Building Planning

- Updated the Climatic and Geographic Design Criteria table.
- Added a requirement for the installation of an egress window in sleeping rooms that are being added or gutted due to renovations.
- Added language requiring a 36” clearance along all edges of a roof and at the ridge pertaining to the placement of solar panels.
- Staff has currently proposed to make automatic fire sprinklers optional for townhouse, one-family and two-family dwellings.

##### Chapter 4, Foundations

- Added language to allow exceptions to the minimum footing sizes for decks, residential accessory structures less than 300 square feet and prefabricated room enclosures.
- Modified the language for concrete or masonry foundations and drainage systems to include both crawlspaces and basements, as opposed to just basements.

##### Chapter 5, Floors

- Added language for deck floor joist and deck girder spans to be constructed in accordance with the American Forest and Paper, Design for Acceptance #6, Prescriptive Residential Wood Deck Construction Guide.

#### Chapter 6, Wall Construction

- Added an exception to the wall bracing language for walls constructed of translucent or transparent plastic not more than 0.125 inches thick.
- Added requirements for post frame buildings.

#### Appendices

- Adopted Appendix C, Exit Terminals of Mechanical Draft and Direct-Venting Systems without changes.
- Adopted Appendix E, Manufactured Housing as Dwellings without changes.
- Adopted Appendix J, Existing Buildings and Structures without changes.
- Adopted Appendix Q, Tiny Houses without changes.

#### 2018 IBC

##### Chapter 1, Administration

- Added language to the permitting section authorizing the requirement for State agency approvals as part of the permit review process.
- Defined construction activities that would be exempt from needing a building permit.
- Added “clean hands” language.
- Added the requirement for an as-built survey between the foundation and framing inspections to ensure the building is constructed in the proper location.

#### 2018 ISPSC

##### Chapter 1, Administration

- Changed the language for permitting procedures, violation procedures and appeal procedures to the IRC or IBC depending on if the application is for a residential or commercial project.

The City Solicitor would provide legal review of the proposed amendment. Upon completion of legal review, the ordinance would be advertised and a public hearing would be scheduled with the City Council in March.

The following presentations were made:

Planner Pierce presented:

Chapter 88

Building Construction

2018 IRC/IBC

Draft Revisions

City Building Official Fred Coppock was in attendance to answer the more technical questions.

Chairman Paul Eichler of the Delaware Fire Sprinkler Coalition then presented:

Delaware Fire Sprinkler

Coalition: An Overview

Chairman Eichler also thanked Chief Ryan Knowles of the Carlisle Fire Company and John Rudd, Chief of Technical Services at Office of the State Fire Marshal.

The Workshop Session concluded at 7:12 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder

CITY OF MILFORD  
COUNCIL MEETING MINUTES  
January 10, 2022

The City Council of the City of Milford met virtually in Regular Session on Monday, January 10, 2022.

PRESIDING: Mayor Archie Campbell

IN ATTENDANCE: Councilpersons Daniel Marabello, Mike Boyle, Andrew Fulton, Andrew Fulton, Todd Culotta, Brian Baer, Nirmala Samaroo, 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

Per the Declaration of a Public Health Emergency issued by Governor Carney on July 13, 2021 and the virtual meeting provisions as provided in Senate Bill 94, Milford City Council and participants met in a hybrid format.

#### CALL TO ORDER

Mayor Campbell called the meeting to order at 7:40 p.m.

#### INVOCATION AND PLEDGE

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

#### APPROVAL OF PREVIOUS MINUTES

Included in the packet were minutes from the December 13, 2021 Council Workshop. With a change in the attendance, a motion to approve the minutes, as amended, was made by Councilmember Fulton, seconded by Councilmember Boyle. Motion carried.

#### RECOGNITION

##### *Introduction/New Employees*

Finance Director Lou Vitola introduced our new Payroll Coordinator Katti L. Murphy.

##### *Proclamation 2022-01/Milford School Choice Week*

NOW, THEREFORE, I, Arthur J. Campbell, by virtue of the authority vested in me as Mayor of the City of Milford, do hereby declare January 23 – 29, 2022, as Milford School Choice Week and call this observance to the attention of all our citizens.

##### *Proclamation 2022-02/Honoring the Life of Dr. Martin Luther King Jr.*

NOW, THEREFORE, I, Arthur J. Campbell, Mayor of the City of Milford, Delaware, proclaim the Martin Luther King Jr. Holiday as a Day of Service in our City and call upon the people of Milford, Delaware to pay tribute to the life and works of Dr. Martin Luther King Jr. through participation in community service projects on Martin Luther King Day and throughout the year.

#### STAFF REPORTS

##### *Monthly Police Report*

Councilman Boyle presented the report for Chief Brown.

Councilman James asked and Chief Brown agreed to add year-to-date statistics for the Behavior Health Unit to his report.

Councilmember Wilson moved to accept the police report as submitted, seconded by Councilmember Boyle. Motion carried.

*Monthly City Manager Report*

City Manager Mark Whitfield presented the City Manager report.

*Public Works Department*

Public Work Director Mike Svaby presented the Public Works report.

*Planning & Zoning Department*

Planning Director Pierce presented the Planning and Code Enforcement report.

*Parks & Recreation Department*

P&R Director Brad Dennehy presented the monthly report for his department.

*Human Resources*

HR Administrator Williams presented her monthly report.

*Economic Development & Community Engagement*

ED & CE Administrator Sara Pletcher was on leave, though the reported was included in the packet. No questions were asked.

*IT Department*

IT Director Dale Matthews presented the report for IT.

Councilmember Fulton moved to accept the City Manager report and Department Head reports, seconded by Councilmember Wilson. Motion carried.

*Finance Department*

Finance Director Lou Vitola presented the report for the Finance Department, which includes Customer Service.

Councilman

MONTHLY FINANCE REPORT

Mr. Whitfield reported that the monthly finance report will be moved to the second meeting of the month in order to provide a more current financial picture of the City.

Finance Director Vitola then provided the November 2021 Finance Report.

WARD REPORTS & COMMUNICATIONS

SCAT meeting information was included in the packet for the February 2, 2022 meeting hosted by Georgetown.

CORRESPONDENCE

Portion of a letter was written into the record by Mayor Campbell from representatives of the Teamsters thanking Council for the upgrades in salaries recently approved and how the take-home vehicle program will attract and ensure long careers of police officers in Milford.

UNFINISHED BUSINESS

*Authorization/Change Order/ NW-NE Front Street Sanitary Sewer Rehabilitation/Pleasants Construction*

City Manager Whitfield reported this is Change Order 2 from Pleasants Construction for the NW-NE Front Street Sanitary Sewer Rehab Project and reduces the cost by approximately \$340,000. Councilmember Fulton moved to approve the change order that resulted in savings of loan and grant funds, as well as over \$340,000 in credit to the City, seconded by Councilmember James. Motion carried.

*Adoption/Ordinance 2021-28/Chapter 19-Economic Development & Redevelopment/Incentives*

The ordinance provides financial relief from City sewer, water and electric impact fees and building permit fees associated with the construction of low-income housing for home-ownership that is overseen by a non-profit or governmental agency.

When the floor was opened for public comment, Russell Huxtable, Vice President and COO of Milford Housing spoke on its benefits and encouraged adoption.

Councilmember Boyle moved to adopt Ordinance 2021-28, seconded by Councilmember James. Motion carried with no one opposed.

*Authorization/Bid Announcement & Package/New Police Station*

Chief Brown deferred to Brendon Frederick of Becker Morgan Group who provided a presentation showing the drawings of the new police facility. As awarded Construction Manager on behalf of the team of the City of Milford, the he was in attendance representing RY Johnson to request permission from Council to move forward with advertising and oversight of a bid process for all of the trade work associated with the new building.

There are a total of 17 bid packs associated with this work. Trades are aggregated as follows:

- 1: Site Work
- 2: Concrete work
- 3: Masonry
- 4: Steel Work
- 5: Carpentry and General Work
- 6: Roofing
- 7: Furnish Hollow Metal/Doors Hardware
- 8: Storefront/Glass
- 9: Drywall/Metal Stud
- 10: Acoustical Work
- 11: Floor Coverings
- 12: Caulking and Painting
- 13: Casework
- 14: Mechanical
- 15: Sprinkler System
- 16: Electrical
- 17: Pre-Engineered Metal Building

Dean Johnson of RY Johnson then followed up with some additional information on the bidding process. He also talked about the three alternate bids for the maintenance building, mobile storage and the third is for additional parking.

He also talked about ways they have reduced the overall costs.

Finance Director Vitola was asked to provide a brief summary of the need to keep the target at \$13 million in order to satisfy the referendum and the future tax increase for the building that was approved last year.

Director Vitola then provided a financial summary of the building, construction, and overall costs since the start of the project.

City Manager Whitfield shared that by law, the bids must be opened publicly and that bidders may attend if they wish.

Councilmember Boyle moved to authorize proceeding with the bid announcements, seconded by Councilmember Fulton. Motion carried with no one opposed.

## NEW BUSINESS

*Authorization/Professional Service Contract/SW Front Street/Two-Way Traffic*

City Engineer James Puddicombe explained the need to improve the flow of traffic in the Downtown District in conjunction with DelDOT. The intersection at SW Front and Walnut is currently a traffic light-controlled intersection with one way traffic heading west on SW Front Street. The Department wishes to engage a third-party engineering firm to evaluate the potential to remove the traffic light at this location and replace it with other traffic control measures as well as convert traffic on SW Front back to two-way. Two-way traffic on SW Front will be necessary with the future replacement of the SW Front Street bridge by DelDOT as previously approved by council. A request for proposals was sent out to three engineering firms and two responded, of which Century engineering was the lower bidder at \$27,500.

Councilmember Fulton moved to approve the award of a contract to Century Engineering to investigate the removal of the traffic light control at Southwest Front and Walnut Street resumption of two-way traffic on Southwest Front with funds to be allocated from Real Estate Transfer Taxes in the amount of \$27,500, seconded by Councilmember Wilson. Motion carried with no one opposed.

Mayor Campbell introduced the following ordinances, followed by a brief synopsis of each by Planner Director Pierce:

*Introduction/Ordinance 2022-01**Helmick Milford – Fast Food*

*1.024 +/- acres of land located at the southwest corner of Warner Road and US Route 113*

*Application Type: Conditional Use*

*Comprehensive Plan Designation: Commercial*

*Zoning District: C-3 (Highway Commercial District)*

*Present Use: Vacant*

*Proposed Use: Fast Food Restaurant & Drive-in Restaurant*

*Tax Parcel: MD-16-174.14-01-03.02*

*Introduction/Ordinance 2022-02**586 MHH, LLC*

*0.166 +/- acres of land located at the northwest corner of N. Walnut Street and NW Front Street*

*Application Type: Conditional Use*

*Comprehensive Plan Designation: Commercial*

*Zoning District: C-2 (Central Business District)*

*Present Use: Single-Occupancy Commercial (former bank)*

*Proposed Use: Two-Unit Commercial (church and office)*

*Tax Parcel: MD-16-183.10-03-82.00*

*Introduction/Ordinance 2022-03*

*Amends the City of Milford Code by Deleting in its Entirety Chapter 100 Car Washes*

*Introduction/Ordinance 2022-04*

*Amends the City of Milford Code by Deleting in its Entirety Chapter 182 Satellite Dishes*

*Introduction/Ordinance 2022-05*

*Amendment to City of Milford Code*

*Chapter 200/Subdivision Code*

*Sections 200-3, 200-4, and 200-8 are hereby amended*

*Introduction/Ordinance 2022-06*

*Amendment to City of Milford Code*

*Chapter 230/Zoning Code*

*Sections 230-3, 230-4, 230-9, 230-10, 230-11, 230-12, 230-13, 230-13.1, 230-14, 230-15, 230-16, 230-17, 230-18, 230-19, 230-19.1, 230-19.2, 230-19.3, 230-19.4, 230-19.5, 230-19.6, 230-19.7, 230-19.8, 230-19.9, 230-20, 230-21, 230-22, 230-24.18, 230-27, 230-29, 230-30, 230-31, 230-32, 230-33, 230-34, 230-35, 230-36, 230-37, 230-38, 230-38.5, 230-39, 230-40, 230-41, 230-42, 230-43, 230-44, 230-45, 230-45.1, 230-45.2, 230-45.3, 230-47, 230-48.1, 230-49, 230-51, 230-52, 230-52.1, 230-52.2, 230-53, 230-54, 230-55, 230-56, 230-58, 230-59, 230-61, 62, and 230-63, are hereby amended and/or renumbered*

The ordinances will be back to Council on January 24, 2022 for a final public hearing and determination.

#### *Council Committee/Workshop Status*

*Over the course of the past two years, I have observed the workings of Council through the Committee structure and workshops. Based on these observations, I am recommending several changes.*

#### *Council Committees*

Council committees have several shortcomings. First, through committees, three or four Council person receive more information on subjects than other members. Second, Council Committees have very irregular meeting schedules. And lastly, all the information covered in a committee meeting, is repeated at the Council meeting for all of Council.

Last year, the Mayor reduced Council Committees to just the Finance Committee and Police Committee. In 2021, the Finance Committee met six times; the Police Committee met just once.

It is my recommendation the Mayor and Council consider the elimination of Council Committees. In lieu of Council committees, I recommend Council Liaisons be considered. Two liaisons would be assigned to a subject area, which would provide City staff the opportunity to cover subjects in detail to obtain feedback from Council, prior to introducing subject matter on a Council agenda. Because no decisions are being made, the liaisons meeting would not require minutes, and not be subject to FOIA requirements. Council liaisons would be appointed by the Mayor.

#### Workshops

Over the past two year, attempting to cover Workshop Agenda items prior to a scheduled Council meeting has been problematic. First, it appears there is inadequate time to fully discuss topics. Second, subject matter is rushed in order to be completed by 7 pm. Third, the workshops combined with the regular Council Meeting often requires up to 4 hours on a Monday to cover everything. More recently, there has been a need to schedule Workshops or Committee meetings as early as 5:30pm, in order to cover all items prior to the 7pm Council meeting. Lastly, the possibility of eliminating Council Committees may necessitate more workshops with all of Council to fully cover pending items.

I recommend Council consider having separate workshop meetings, solely devoted to workshop items. The additional meetings would assist making regular Council meetings more efficient, and less exhausting. Council meetings would start on time at 7pm, which would be a benefit to those people bringing matters before Council, or who wish to provide public comment. A separate workshop meeting would not have time constraints, which would allow Council to fully discuss topics.

Solicitor Rutt suggested doing bare bone minutes and that the City Clerk provide minutes only showing who is in attendance and any action taken. Workshop minutes would include the attendees, the topic and start time and end time.

The consensus of Council was to proceed with action-only minutes.

#### EXECUTIVE SESSION

Councilmember Boyle moved to go into Executive Session reference the below statute, seconded by Councilmember Culotta:

Pursuant to 29 Del. C. §10004(b)(4) Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation

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

Pursuant to 29 Del. C. §10004(b)(9) Personnel matters in which the names, competency and abilities of individual employees or students are discussed

Motion carried.

Mayor Campbell recessed the Council Meeting at 9:00 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 Baer. Motion carried.

Council returned to Open Session at 10:19 p.m.

Potential Vote/Personnel Matter

Councilman Fulton moved to authorize the 90-day payment extension, seconded by Councilmember Culotta. Motion carried.

Legal Matter

Councilman Fulton moved to authorize \$25,000 be transferred from reserves to pay for legal services, seconded by Councilmember James.

Land Issue

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

ADJOURNMENT

There being no further business, Councilmember James moved to adjourn, seconded by Councilmember Baer. Motion carried.

The Council Meeting adjourned at 10:21 p.m.

Respectfully submitted,

Terri K. Hudson, MMC  
City Clerk/Recorder